

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

February 5, 2020, RPBCWD Board of Managers Public Hearing and Monthly Meeting

PRESENT:

Managers: Jill Crafton, Treasurer

Larry Koch

Dorothy Pedersen, Vice President

Dick Ward, President

David Ziegler, Secretary

Staff: Amy Bakkum, MN Greencorps Member, RPBCWD

Claire Bleser, RPBCWD Administrator

Zach Dickhausen, Water Resources Technician II

Terry Jeffery, Watershed Planning Manager

B Lauer, Education and Outreach Assistant

Josh Maxwell, Water Resources Coordinator

Michael Welch, Attorney, Smith Partners

Scott Sobiech, Engineer, Barr Engineering Company

Maya Swope, Education and Outreach Coordinator

Other attendees: Elizabeth Henley, Smith Partners

Marilyn Torkelson, CAC

1. Call to Order

- 1 President Ward called to order the Wednesday, February 5, 2020, Board of Managers Public
- 2 Hearing and Regular Monthly Meeting at 7:00 p.m. at the District Office, 18681 Lake Drive East,
- 3 Chanhassen, MN 55317.

2. Approval of Agenda

- 4 Manager Koch asked to remove item 9c – Approve Resolution 2020-001 Permit Fee Schedule –
- 5 from the Consent Agenda. He asked to move item 10f – Approve Fund Transfers – ahead in the
- 6 agenda, directly after item 10b – Accept December Treasurer’s Report. Manager Koch asked to
- 7 remove from the agenda items 10h – Approve the release of two full-time positions for hire; 10j –
- 8 Personnel/Personnel Consultant; 10k – Accounting Clerk; and 10p – Meet and Greet City
- 9 Officials. President Ward added to the agenda just ahead of adjournment a closed session for a
- 10 personnel matter. President Ward moved to approve the agenda as amended. Manager Pedersen
- 11 seconded the motion. Upon a vote, the motion carried 5-0.

3. Public Hearing: St. Hubert

12 Administrator Bleser displayed a PowerPoint presentation about the St. Hubert opportunity
 13 project. She provided historical information about the District-St. Hubert partnership and talked
 14 about the District’s identification of a campus retrofit as a possible opportunity project. She
 15 summarized the feasibility study findings and proposed project.

16 Administrator Bleser noted the District’s Opportunity Project budget funded the feasibility study.
 17 She reported the estimated project cost is \$277,000 and said the Metropolitan Council will fund
 18 \$75,000 of the project costs, \$15,000 per year for three years. She stated the Carver County Soil
 19 and Water Conservation District has communicated it will provide funds toward project design,
 20 but a specific funding amount has not been specified. Administrator Bleser said St. Hubert school
 21 has plans to contribute \$45,000, and its governing body would need to take action to do so. She
 22 reminded the Board that later in the agenda is an action item on the resolution to order the St.
 23 Hubert Water Quality Project design.

24 President Ward opened the floor for public comment. Manager Koch said if the Board moves
 25 forward to order the project, he will want the approval contingent on St. Hubert providing
 26 funding. He asked about plans for signage for the project. Administrator Bleser responded the
 27 project will include signage and other educational components.

28 President Ward commented that the agreement will need clear language regarding the parcels that
 29 have previously been up for sale. Administrator Bleser said she has discussed this point with the
 30 District’s Legal Counsel, and the cooperative agreement will address the issue.

31 President Ward called for further comments. Upon hearing none, Manager Ziegler moved to close
 32 the public hearing. Manager Koch seconded the motion. Upon a vote, the motion carried 5-0..

4. Wetland Report

33 Mr. Jeffery reported the District is two years into its wetland inventory and assessment program.
 34 He displayed a PowerPoint presentation and talked about historical wetland trends in terms of
 35 acreage throughout the U.S. He pointed out that the District’s 10-Year Plan includes the goal to
 36 preserve and enhance the quantity as well as the functions and values of District wetlands.

37 Mr. Jeffery explained about the methods of wetland determination and emphasized the District is
 38 not doing wetland delineation. He talked about the MNRAM output and how staff ran that output
 39 through Rule D scoring matrices. He reported that staff has assessed 282 District wetlands, with
 40 the following results:

Classification	Number	Percent
Unassigned	17	6%
Exceptional	5	2%
High	44	16%

Medium	152	54%
Low	64	23%

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Mr. Jeffery pointed out that the five exceptional wetlands were located on the property formerly owned by Prince.

Mr. Jeffery talked in detail about assigning value to wetlands and explained the concept of provisioning ecological services.

Mr. Jefferey addressed the District's next steps:

- Complete the inventory in 2021
- Use GIS to identify potential restorations and MnRAMS to identify potential rehabilitations
- Reach out to other organizations, such as Ducks Unlimited, BWSR, MN Land Trust, and cities
- Refine the prioritization process
- Develop a wetland management plan

Mr. Jeffery talked about the process of identifying wetlands. He said no action is required as this is an informational item. Mr. Jeffery responded to questions and comments, and managers and staff had a lengthy discussion about the information Mr. Jeffery presented. Managers requested Mr. Jeffery email the PowerPoint presentation to the Board.

5. Annual Report

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Administrator Bleser presented a preview of the District's draft annual report, highlighting the District's 2019 activities, including, among others:

- 59 monitoring sites; 12 active projects; grants; and partnering with 36 organizations;
- An update to the District's Rules, and one plan amendment;
- AIS work; the Watershed Stewardship Grant Program, with 14 projects and 55,000 square feet restored;
- Data collection;
- Education and outreach; youth outreach; continuing education including conducting 22 trainings;

- 70 •Communications program;
- 71 •Watershed District 50th Anniversary events throughout the year;
- 72 •Community resiliency investigation – City of Bloomington;
- 73 •Permitting program – 52 permits issues;
- 74 •Plant restoration – University of Minnesota;
- 75 •Groundwater conservation program;
- 76 •Mn Green Corps – member Amy Bakkum’s focus on residential stormwater Best
- 77 Management Practices;
- 78 •Improvements in the Silver Lake subwatershed: chloride reduction and steep slope best
- 79 practices campaign;
- 80 •Lake vegetation management: Red Rock Lake and Lotus Lake Curly-leaf pondweed
- 81 treatment;
- 82 •Stormwater pond study by University of Minnesota St. Anthony Falls laboratory; and,
- 83 •Hennepin County chloride initiative.

84 Administrator Bleser went through and highlighted the District’s 2019 projects per subwatershed.
85 She responded to questions and comments, and she said the managers will receive a draft annual
86 report next month.

6. Matters of General Public Interest

87 No matters were raised.

7. Reading and Approval of Minutes

- 88 **a. December 11, 2019, RPBCWD Board of Managers Regular Monthly Meeting and**
- 89 **Public Hearing**
- 90 Manager Ziegler noted an edit on page 7, line 166, to replace the word “at” with the word
- 91 “as.” Attorney Welch noted a spelling correction on page 7, line 158, so the name reads,
- 92 “Melissa Jenny.” Manager Ziegler moved to accept the minutes as amended. Manager
- 93 Crafton seconded the motion. Upon a vote, the motion carried 5-0.
- 94 **b. September 23, 2019, RPBCWD Board of Managers Closed Session Administrator**
- 95 **Review (morning meeting)**
- 96 Attorney Welch noted the time reflected on page 1, line 2 should be “p.m.” Manager Koch
- 97 requested adding “Bleser” after “Administrator” on page 1, line 3. Manager Koch moved
- 98 to accept the minutes as amended. Manager Pedersen seconded the motion. Upon a vote,
- 99 the motion carried 5-0.
- 100 **c. September 23, 2019, RPBCWD Board of Managers Closed Session Administrator**
- 101 **Review (3 p.m. in the afternoon meeting)**

102 Manager Ziegler moved to accept the minutes as amended. Manager Pedersen seconded
103 the motion. Upon a vote, the motion carried 5-0.

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8. CAC

105 Ms. Marilynn Torkelson highlighted the two key motions the CAC is recommending to the
106 District Board. Manger Pedersen asked if the sample rain garden boxes could be displayed at the
107 Silver Lake Garden Fair. There was discussion about the CAC's proposed resolution about soil
108 health. Manager Ziegler raised the topic of the Board developing a resolution to submit to
109 MAWD for its 2020 annual meeting. He suggested the Board direct staff to investigate if there
110 are other parties interested in co-authoring a resolution on the issue of soil health to bring to
111 MAWD. The Board agreed that staff should investigate if other watersheds are interested in co-
112 authoring a resolution on soil health to bring to the 2020 MAWD annual meeting.

9. Consent Agenda

113 Manager Ziegler moved to approve the Consent Agenda as amended. Manager Pedersen
114 seconded the motion. Upon a vote, the motion carried 5-0. Consent Agenda items included: 9a –
115 Accept January Staff Report; 9b – Accept January Engineer's Report (with attached Inspection
116 Report); 9d – Approve Change Order #1 for the Lower Riley Creek Restoration Project to Extend
117 Substantial Completion Date; 9e – Approve Payment Application #1 for the Lower Riley Creek
118 Restoration Project; 9f – Approve Payment Application #3 for the Bluff Creek Tributary
119 Restoration.

10. Action Items

120 a. Pulled Consent Agenda items

121 i. Approve Resolution 2020-001 Permit Fee Schedule

122 Mr. Jeffery talked through the permit fee process, including the steps for
123 submitting the original fee with the application and if needed, fee replenishment.
124 Manager Koch asked staff how the 45-day period for submitting the fee
125 replenishment was derived. Mr. Jeffery said this was not pulled from the District's
126 rules but was set because staff deemed it an appropriate length of time. Manager
127 Koch said the permit application should clarify that the permit fee is due with the
128 application submission. He added that in his view a 30-day period is sufficient for
129 applicants to replenish the fees.

130 Manager Koch remarked he would like to see the District's permit fee schedule
131 call out the details that make it clear the fee structure is for time and materials. He
132 said the schedule should call out the information from the District's resolution.

133 Manager Koch stated he believes the District should be recouping its costs from
134 staff time spent on permit applications pre-submittal. Mr. Jeffery commented that
135 staff doesn't want to discourage applicants from coming in early to discuss

136 projects with the District.

137 President Ward remarked that the 45-day period for fee replenishment is too long

138 and a 30-day period is plenty of time. Manager Koch asked about the process of

139 refunding fees.

140 Attorney Welch stated the refunding of excess funds at permit close out is built

141 into the structure and wouldn't come back to the Board. He said the release of the

142 financial assurance is a different matter. Attorney Welch said the release of the

143 financial assurance happens concurrently with the permit close out and could be

144 delegated from the Board to the Administrator. He added that this resolution is not

145 about financial assurances but about the permit fee schedule.

146 Attorney Welch offered a brief amendment to the resolution in front of the Board,

147 adding to the first resolution language stating "effective for all private project

148 applicants." There was discussion by the managers and staff about the length of

149 time to provide for fee replenishment.

150 Manager Koch moved to direct Attorney Welch and Mr. Jeffery to revise the

151 proposed resolution and fee schedule to reflect Manager Koch's previous

152 comments. Attorney Welch said the structure of the language was purposefully

153 stated broadly. He explained what the language, as written, means and why this

154 language is used. Attorney Welch added that if the Board wants to direct staff to

155 change language, the Board needs to be clear about what it wants changed.

156 Manager Koch said several of the costs and expenses are listed in the resolution

157 and that language as well as the broad language should be inserted into the fee

158 schedule. Manager Pedersen clarified that the motion is to change the fee

159 replenishment time period from 45 days to 30 days and to add onto the last page

160 of the fee schedule the language Manager Koch noted should be copied from the

161 resolution. Manager Koch agreed. Manager Pedersen seconded the motion.

162 President Ward asked if the staff rate information listed in the schedule is correct.

163 Administrator Bleser said it is not and provided the correct information. Manager

164 Koch moved to amend his motion to include the corrected staff rate. Manager

165 Pedersen seconded the motion to amend. The motion to amend the motion carried

166 5-0.

167 President Ward called the question on the amended motion. Upon a roll call vote,

168 the motion carried 5-0.

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<i>Manager</i>	<i>Aye</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Crafton	X			
Koch	X			

Pedersen	X			
Ward	X			
Ziegler	X			

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- b. Accept December Treasurer’s Report**
 Manager Crafton moved to accept the Treasurer’s Report as submitted. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.
- i. Approve Fund Transfers**
 Manager Koch said he think it’s appropriate to allocate enough money to cover the invoices or projected shortfalls. He moved to revise the fund transfer amounts to actuals in order to zero out and avoid deficit. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.
- c. Approve Paying of Bills**
 Manager Crafton moved to pay the bills. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.
- d. Approval to Attend MAWD Legislative Days**
 President Ward, Manager Crafton, Manager Koch, and Manager Ziegler indicated interest in attending MAWD Legislative Days. There was discussion about CAC members attending. Manager Koch moved to authorize any member of the Board and up to two CAC members to attend. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0. The Board agreed that all attending would need to be up to date on the District’s talking points.
- e. Resolution 2020-002 to Order St. Hubert Water Quality Project**
 Manager Ziegler moved to adopt Resolution 2020-002 to Order St. Hubert Water Quality Project Design Phase. Manager Pedersen seconded the motion. Attorney Welch stated staff will correct the date on the resolution to today’s date. Manager Koch moved to amend the motion to make the approval contingent on the firm approval by the authorized party for St. Hubert. Attorney Welch noted that there needed to be a cooperative agreement with St. Hubert, and the agreement would include authorization for work and long-term maintenance of the project, including full reimbursement of the District’s costs per some pro-rated schedule. There was discussion by the managers about the need to secure the District’s interests. Manager Koch’s motion to amend died for lack of a second. President Ward called for a vote on the motion on the table. Upon a roll call vote, the motion carried 5-0.

<i>Manager</i>	<i>Aye</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Crafton	X			
Koch	X			
Pedersen	X			
Ward	X			
Ziegler	X			

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f. PID #25 0360010 (No Physical Address), City of Chanhassen, Highway 101 Right-of-Way, City Request for Parcel Exchange

Mr. Jeffery explained the Highway 101 project needs a portion of property the District owns in order to realign the highway. He stated the agreement between the City of Chanhassen and the District would allow the City to enter this property and allows some assurance of what the City would need to do in the unlikely event the transfer doesn't go through. Manager Koch asked for more details. Attorney Welch provided details. Manager Koch moved to authorize President Ward to sign the right-of-entry agreement with the City of Chanhassen on behalf of the District. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

g. IT/IT Consultant

Manager Koch moved to table until the next Board meeting this item and items 10l – Credit Cards (LK), 10m – Investment of fund (LK), 10n – Journal of votes (LK), 10o – Shoreline and erosion (LK), 10q – Permit variance resolution (LK), 10r – Form of resolutions approving permit application (LK), 10s – Internal calendar (LK), 10t – Multi-year project report (LK), and 10u – Minnesota Data Practices Act requests and seminars (LK). Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

11. Discussion Items

a. Manager Report

i. Personnel Committee

Manager Pedersen reported that the Personnel Committee met.

ii. Other Matters

President Ward reported that a resolution submitted by the District to MAWD for consideration at the annual meeting was not adopted but is being brought forward at a house committee meeting on February 11 in St. Paul. Manager Crafton moved a letter based on the District's proposed resolution be drafted by staff and

232 submitted the committee chair. The Board authorized Manager Crafton to attend
233 the committee hearing on behalf of the District.

234 **b. Other**

235 Attorney Welch reported on information about chloride liability legislation and his
236 follow-up to get up-to-date information. Manager Crafton mentioned she and Gail Sheely
237 of Nine Mile Creek Watershed District met with Brooke Asleson of the MPCA. Manager
238 Crafton said there is a public comment period open until March 11 regarding the
239 MPCA's ability to charge fees for education programs to cover the programs' costs. She
240 said the District could consider submitting comments. President Ward said he hears the
241 Board wants to support this but first the District needs to know who is leading the
242 initiative and to whom to address the letter, and he directed staff to prepare a letter for
243 Board approval

12. Upcoming Board Topics

244 President Ward said he doesn't think a 1.5-hour session before the next monthly meeting
245 is enough time for the Governance Workshop. The Board and staff agreed to hold the
246 Governance Workshop at 9:00 a.m. on Monday, March 2 at the District Office instead of
247 as a workshop prior to the March monthly Board meeting.

13. Upcoming Events

- 248 • Watershed Stewardship Grant Open House, February 19, 2020, 6:00 p.m., District Office, 18681
249 Lake Drive East, Chanhassen
- 250 • Citizen Advisory Committee Meeting, February 24, 2020, 6:00 p.m., District Office, 18681 Lake
251 Drive East, Chanhassen
- 252 • Board of Managers Meeting, March 4, 2020, 7:00 p.m., District Office, 18681 Lake Drive East,
253 Chanhassen

14. Closed Session

254 Manager Pedersen moved to enter into closed session for purposes of performance evaluation of
255 the District Administrator. Manager Koch seconded the motion. Upon a vote, the motion carried
256 5-0. The meeting moved into closed session at 9:15 p.m.

15. Adjournment

257 The managers reconvened in open session at 10:15 p.m. Manager Ziegler moved to adjourn the
258 meeting. Manager Koch seconded the motion. Upon a vote, the motion carried 5-0. The meeting
259 adjourned at 10:15 p.m.

261 Respectfully submitted,

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