

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

July 8, 2020, RPBCWD Board of Managers Monthly Meeting

PRESENT:

Managers: Jill Crafton, Treasurer

Larry Koch

Dorothy Pedersen, Vice President

Dick Ward, President

David Ziegler, Secretary

Staff: Amy Bakkum, MN Green Corps 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

Louis Smith, Attorney, Smith Partners

Scott Sobiech, Engineer, Barr Engineering Company

Other attendees: Martha Capps Fred Rozumalski, Barr Engineering

Elizabeth Henley, Smith Partners Marilynn Torkelson, CAC

David Knaeble Lori Tritz, CAC

Jack McGrath

Note: this meeting was held remotely via meeting platform Zoom in abidance with state mandates in response to Covid-19.

1. Call to Order

- 1 President Ward called to order the Wednesday, July 8, 2020, Board of Managers Regular
- 2 Monthly Meeting at 7:02 p.m. The meeting was held remotely via meeting platform Zoom.
- 3

2. Approval of Agenda

- 4 Manager Ziegler moved to approve the agenda. Manager Pedersen seconded the motion. Manager
- 5 Koch asked to remove Consent Agenda items 7a – Accept June Staff Report, 7b – Accept June
- 6 Engineer’s Report (with attached inspection report), 7c – Authorize Administrator to Enter into
- 7 Cooperative Agreement with the City of Chanhassen for the Silver Lake Water Quality Project;
- 8 7d – Approve Request for Additional Construction Services Administration Budget for Lower
- 9 Riley Creek Restoration Project, 7e – Approve Pay App #8 for Scenic Heights Forest Restoration,

10 7g – Adopt Resolution 2020-09 to Order and Notice Public Hearing for Duck Lake Partnership,
 11 and 7h – Adopt Resolution 2020-10 to Order and Notice Public Hearing for Rice Marsh Lake,
 12 Adopt Resolution 2020-11 COVID Action Plan.

13 President Ward moved those items off the Consent Agenda and to 8a – Pulled Consent Items.
 14 Administrator Bleser noted item 8g – Approve the letter to the City of Chanhassen regarding the
 15 City’s LSWMP – has been added to the agenda. President Ward noted item 9aiii – Ground Water
 16 Conservation – has been added to the agenda as well. Manager Ziegler moved to amend the
 17 motion to include the changes to the agenda as described. Manager Pedersen seconded the
 18 motion.

19 Upon a roll call vote, the motion to amend carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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22 The amended motion carried by unanimous consent.

3. Rice Marsh Lake Water Quality Project Feasibility Study Presentation

23 Engineer Sobiech presented on the Rice Marsh Lake water quality project feasibility study, the
 24 background on the study, and water quality goals for Rice Marsh Lake. He introduced the 11
 25 concepts evaluated and discussed the concept comparison, which compared for each of the 11
 26 concepts data such as the design, estimated annual total phosphorous reduction, tree impacts,
 27 engineer’s opinion of probable cost, anticipated maintenance cost over a 30-year lifecycle, and
 28 annual cost per pound of total phosphorous removed. Engineer Sobiech said the recommended
 29 concept is Conceptual Design 2d – Kraken (or similar) Filter. He described how the Kraken filter
 30 works. Engineer Sobiech introduced Fred Rozumalski to talk about soil health, since the
 31 feasibility study includes soil health recommendations.

32 Mr. Fred Rozumalski of Barr Engineering talked about soil health and soil structure, why to
 33 improve soil health, and how to restore soil health. Mr. Rozumalski provided recommendations,
 34 which included soil structure enhancement and a District-wide study of existing soil health and,
 35 further out, creating a public information how-to guide on improving soil health.

36 Engineer Sobiech said next steps for the Board, if it wants to keep moving ahead with the Rice
 37 Marsh Lake Water Quality Project, include the Board ordering a public hearing for its August 5th
 38 meeting, ordering the project with the recommended Conceptual Design 2d – Kraken (or similar)
 39 Filter, and entering into a Cooperative Agreement with the City of Chanhassen.

40 Manager Koch asked if it is premature to act on the project because the District is still gathering
 41 information on the iron-enhanced filings and spent lime water quality treatment projects. He
 42 shared his reservations about the Kraken filter and proprietary equipment because there isn't a lot
 43 of data on whether it works and would the District be a test case. Manager Koch said it seems
 44 pre-mature to add this project now. He spoke in favor of the District adding soil health as a
 45 component of District projects.

46 Manager Ziegler asked for more information on how the Kraken filter would be cleaned. Mr.
 47 Jeffery and Mr. Sobiech responded.

48 President Ward noted this is a presentation only, and the Board will discuss the project later in the
 49 agenda.

4. Matters of General Public Interest

50 Ms. Marilyn Torkelson thanked Mr. Sobiech and Mr. Rozumalski for their presentations, and
 51 she asked if the Board would craft a soil health resolution to introduce at the MAWD annual
 52 meeting.

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5. Reading and Approval of Minutes

a. June 1, 2020, RPBCWD Board of Managers Special Meeting

54 Manager Ziegler moved to accept the minutes as presented. Manager Crafton seconded
 55 the motion.
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57 Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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b. June 3, 2020, RPBCWD Board of Managers Special Meeting

Manager Ziegler moved to accept the minutes as presented. Manager Crafton seconded the motion. Manager Crafton noted a non-substantive edit on line 35 to remove an extra word. Manager Ziegler accepted Manager Crafton’s friendly amendment to include the edit. Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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c. June 3, 2020, RPBCWD Board of Managers Regular Monthly Meeting

Manager Ziegler moved to accept the minutes of the June 3, 2020, RPBCWD Board of Managers Regular Meeting. Manager Crafton seconded the motion. Manager Ziegler noted that on line 98 the name should be corrected to read, “Rod Fisher.” Manager Koch noted on line 14 his vote should reflect he voted yes. Manager Pedersen noted a typo on line 125. Manager Crafton noted the word “about” should be added on line 165 so the send reads, “...asked about the open CAs.” Manager Ziegler and Manager Crafton accepted the edits as friendly amendments. Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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77 **d. June 26, 2020, RPBCWD Board of Managers Special Meeting**
 78 Manager Ziegler moved to accept the minutes of the June 26, 2020, RPBCWD Board of
 79 Managers Special Meeting. Manager Pedersen seconded the motion. Manager Pedersen
 80 had a non-substantive edit on line 24 and noted a spelling correction on line 123. Upon a
 81 roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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6. CAC

84 Ms. Marilyn Torkelson summarized the two key CAC motions made at the CAC’s most recent
 85 meeting. She highlighted the discussions held at the meeting. Ms. Torkelson raised the topic of
 86 the required yearly reporting by Cost-Share Grant recipients and confusion around what type of
 87 information should be submitted. She suggested the District develop a standard reporting form
 88 and send the form and yearly reminder to the grant recipients.

89 Manager Koch moved to forward the two key motions to District staff and direct the staff to
 90 provide input and report back to the Board at the next monthly meeting. Manager Pedersen
 91 seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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The managers discussed the open seat on the CAC due to one member leaving the Committee. The Board reached consensus that the CAC would complete the year with the current membership instead of opening the application process to fill the vacated position.

7. Consent Agenda

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Manager Koch moved to approve the Consent Agenda. Manager Crafton seconded the motion. The Consent Agenda included item 7F – Approve Pay App #2 for Spent Lime Unit Modification. Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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8. Action Items

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- a. Pulled Consent Agenda items**
 - i. Accept June Staff Report**
 Manager Koch asked for more details about the WOMP program. Mr. Maxwell responded, talking about the WOMP stations and their locations in the watershed. Manager Koch asked for information on how District staff plans to get the word out about the District’s available education and outreach videos. Ms. Lauer described how staff plans to highlight the videos on the District’s social media and website as well as Seesaw, which is a platform many educators use. Manager Koch suggested staff try to get an article about the videos placed in the City of Chanhassen’s quarterly publication.

 Manager Ziegler moved to accept the June staff report as presented. Manager Koch seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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- ii. **Accept June Engineer’s Report (with Attached Inspection Report)**
 Manager Ziegler moved to accept the June Engineer’s Report (with Attached Inspection Report). Manager Crafton seconded the motion. Manager Koch asked what the District is doing about the permit violations. Mr. Jeffery provided an update on the five permit violations.

Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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- iii. **Authorize Administrator to enter into Cooperative Agreement with the City of Chanhassen on the Silver Lake Water Quality Project**
 Manager Pedersen moved to authorize the Administrator to enter into a Cooperative Agreement with the City of Chanhassen for the Silver Lake Water Quality Project. Manager Crafton seconded the motion. Manager Koch noted he didn’t see construction costs addressed in the agreement. Administrator Bleser responded that the City is taking on the maintenance, but the City is not providing project funds. Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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iv. **Approve Request for Additional Construction Administration Services Budget for Lower Riley Creek Restoration Project**

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Manager Ziegler moved to approve the request for additional construction administrative services budget for the Lower Riley Creek Restoration Project.

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Manager Crafton seconded the motion. Manager Koch asked how much work was done on the project during June and how close the project is to completion.

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Engineer Sobiech answered the questions.

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Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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v. **Approve Pay App #8 for Scenic Heights Forest Restoration**

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Manager Ziegler moved to approve pay app #8 in the amount of \$5,000 for the Scenic Heights Reforestation project. Manager Crafton seconded the motion.

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Manager Koch asked questions about the funding source of the \$5,000. He said the amount seems to not have anything to do with time, materials, or labor. He asked for more details. Engineer Sobiech said the bid included plant site visits,

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153 and this contractor included two site visits at a cost of \$2,500 each. Manager
 154 Koch asked the District to be mindful of these types of provisions in agreements
 155 going forward.

156 Upon a roll call vote, the motion carried 5-0 as follows:
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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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 159 vi. **Adopt Resolution 2020-09 to Order and Notice Public Hearing for**
 160 **Duck Lake Partnership**

161 Manager Ziegler moved to adopt Resolution 2020-09 to order and notice the
 162 public hearing for the Duck Lake partnership. Manager Pedersen seconded the
 163 motion. Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

165
 166 vii. **Adopt Resolution 2020-10 to Order and Notice Public Hearing for**
 167 **Rice Marsh Lake**

168 Manager Ziegler moved to adopt resolution 2020-10 to order and notice the public
 169 hearing for Rice Marsh Lake. Manager Pedersen seconded the motion. Manager
 170 Koch commented he thinks the District is putting the cart before the horse. He

171 said the Board should table this item until the Board has more information,
 172 particularly about the timing of the project, such as information on whether the
 173 timing of the proposed project would interfere with cleaning out the pond.

174 Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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177 **viii. Adopt Resolution 2020-11 COVID Action Plan**

178 Attorney Smith explained the purpose of this resolution is to make sure the Board
 179 is aware of the plan and supports it. Manager Ziegler moved to adopt Resolution
 180 2020-11 approving the COVID action plan. Manager Crafton seconded the
 181 motion. Manager Koch commented he doesn't think the content in the plan is
 182 sufficient, so he will be voting against the motion. Upon a roll call vote, the
 183 motion carried 4-1 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	No
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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186 **b. Accept May Treasurer's Report**

187 Treasurer Crafton communicated that the report has been reviewed in accordance with
 188 the District's internal controls and procedures. She moved to accept the May Treasurer's

189 Report as submitted. Manager Pedersen seconded the motion. Manager Koch asked for
 190 an update on the District’s review of bills paid in the previous fiscal year in relation to
 191 any late payments or interest owed on late payments. Manager Crafton said it was
 192 determined that the District did not owe anything. Manger Koch noted the report lists
 193 accrued investment interest, but accrued investment interest is contrary to the process
 194 documented in the report letter. He asked staff to investigate to make sure the letter and
 195 Treasurer’s report are consistent. Manager Koch stated the report lists Visa as a vendor,
 196 but Visa is a lender, so this practice of listing Visa as the vendor isn’t a proper accounting
 197 procedure. He recommended the District get a letter from the accountant and auditors that
 198 this practice complies with generally accepted accounting principles or the District
 199 changes its practice.

200 Upon a roll call vote, the motion carried 4-1 as follows:

201

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	No
Pedersen	Aye
Ward	Aye
Ziegler	Aye

202

203 **c. Approve Paying of the Bills**

204 Manager Crafton moved to approve paying of the bills. Manager Ziegler seconded the
 205 motion. Upon a roll call vote, the motion carried 5-0.

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

207 **d. Approve Permit 2020-029 CorTrust Bank variance request as presented in**
 208 **the proposed board action of the permit review report**

209 Engineer Sobiech noted the applicant’s engineer, Mr. David Knaeble, is present on the
 210 meeting call. Engineer Sobiech summarized the proposed project, which includes
 211 restoring the property’s parking lot to its late-1990s state. He explained the applicant has
 212 two variance requests: one for floodplain management and one for the wetland buffer.

213 Engineer Sobiech went through the District’s criteria, starting with the floodplain
 214 management criteria and the floodplain management variance request. He went through
 215 the Engineer’s review of the floodplain management variance request, addressed the
 216 occurrence of the practical difficulty, noting the parking lot settled over time. Engineer
 217 Sobiech summarized that he is making no determination on whether there is adequate
 218 technical basis for the variance. He opened the floor for questions.

219 Manager Pedersen asked if the engineer and applicant looked at reconfiguring the storm
 220 pond and raised the question of how many parking lot spaces are needed. Engineer
 221 Sobiech responded that if an analysis was done to determine how many parking spots are
 222 needed or to examine redesign of the parking lot, the information wasn’t provided to the
 223 District. Mr. Knaeble commented that the parking lot as constructed wasn’t in the
 224 floodplain and wasn’t in the floodplain until settlement occurred. There was discussion
 225 about floodplain capacity, the idea of reducing the size of the parking lot, and whether the
 226 reconstructed parking lot would settle.

227 Manager Koch moved to approve the floodplain management variance based on the
 228 Engineer’s findings set forth in the Engineer’s report and as the variance complies with
 229 the District’s variance requirements. The motion died due to lack of a second.

230 Engineer Sobiech went through the District’s criteria for wetland buffers and went
 231 through his review of the wetland buffers variance request. He stated the Engineer has
 232 found adequate technical basis to support this variance.

233 Manager Koch moved to grant the variance on the minimum buffer width based on the
 234 Engineer’s findings as set forth in the Engineer’s report. Manager Ziegler seconded the
 235 motion. Upon a roll call vote, the motion carried 3-2 as follows:

236

<i>Manager</i>	<i>Action</i>
Crafton	No
Koch	Aye
Pedersen	No
Ward	Aye
Ziegler	Aye

237 Manager Koch moved to approve Permit 2020-029 with the language as presented in the
 238 Engineer’s report. Manager Ziegler seconded the motion. Upon a roll call vote, the
 239 motion carried 3-2 as follows:

240

<i>Manager</i>	<i>Action</i>
Crafton	No
Koch	Aye
Pedersen	No
Ward	Aye
Ziegler	Aye

241

242 **e. Approve Permit 2020-029 CorTrust Bank permit as presented in the**
 243 **proposed board action of the permit review report**

244 Manager Koch moved to approve Permit 2020-029 based on the language and any
 245 conditions as presented in the Engineer’s report. Manager Ziegler seconded the motion.
 246 Upon a roll call vote, the motion carried 3-2 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	No
Koch	Aye
Pedersen	No
Ward	Aye
Ziegler	Aye

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250 **f. Personnel Update and Request to Approve Temporary to Full Time for B**
 251 **Lauer**

252 Administrator Bleser provided background on this personnel update and stated the
 253 District has funds in its staff budget to transfer B Lauer’s role from temporary to full
 254 time. Manager Pedersen moved to approve the request to transfer B Lauer’s position from

255 temporary to a full-time with the job description as outlined and provided in the meeting
 256 packet. Manager Crafton seconded the motion.

257 Upon a roll call vote, the motion carried 5-0.

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

259 **g. Approve the Letter to Chanhassen in Regard to LSWMP, with Authority to**
 260 **the Administrator to Finalize in Consultation with Counsel and with such**
 261 **Non-substantive Changes as Necessary**

262 Administrator Bleser reminded the Board that in 2018 it conditionally approved the City
 263 of Chanhassen’s Local Surface Water Management Plan (LSWMP). She talked about the
 264 plan’s lack of clarity and said that recently the City has been talking to the District about
 265 regulatory authority. Administrator Bleser said the letter addresses the status of the
 266 District’s conditional approval of the LSWMP and how to be a regulatory body. She
 267 noted the original letter will be appended.

268 Manager Crafton moved to authorize the Administrator to finalize the letter with counsel
 269 and send the letter to the City. Manager Ziegler seconded the motion. Manager Koch
 270 commented he hasn’t had time to review the letter and will abstain from the vote.

271 Upon a roll call vote, the motion carried 4-0.

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Abstain
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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9. Discussion Items

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a. Manager Reports

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Manager Koch talked about a rip rap project installed on a property on the southwest corner of Lotus Lake. He said the project did not have a permit. Mr. Jeffery provided

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information on the technical memorandum the District recently received on the project.

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He said he talked with the property owner to let the owner know the District requires the

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permit application and permit fee for the project. Mr. Jeffery said he will bring this

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project in front of the managers at the next monthly Board meeting. President Ward said

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the District needs a policy in place about handling non-permitted activities.

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b. Administrator Report

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Administrator Bleser provided a brief update on staff work, including data collection.

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c. MAWD Resolutions

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President Ward said the Board could send the resolution on wake boarding and the resolution on pesticides that the Board submitted last year to MAWD again this year.

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Manager Koch announced he would like to draft a resolution regarding groundwater

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conservation to prohibit lawn sprinklers from being used between 7 a.m. and 7 p.m.

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during the months of June, July, and August. He said he would bring the draft resolution

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to the Board next month. The Board indicated consent to sending the wake boarding and

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pesticides resolutions to MAWD and Manager Koch introducing his draft resolution at

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the next monthly Board meeting. Manager Crafton reminded the Board about the CAC's

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draft resolution recommendation regarding soil health. Administrator Bleser summarized

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the topics of the four resolutions and noted she would look into finding partners for the

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resolutions.

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10. Upcoming Board Topics

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President Ward noted upcoming Board topics and events are listed on the meeting agenda

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and mentioned the following upcoming Board meeting topics: the public hearing for

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ordering the Rice Marsh Lake Water Quality project, the public hearing for the Duck

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Lake plan amendment, and the St. Hubert Community cooperative agreement.

11. Upcoming Events

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- Citizen Advisory Committee Meeting, July 20, 2020, 6:00 p.m., Zoom Meeting

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- Board of Managers Budget Workshop, July 27, 1:00 p.m., Zoom Meeting

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- Board of Managers Regular Meeting and Public Hearing, August 5, 2020, 7:00 p.m., Zoom

303

Meeting

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12. Adjournment

305 Manager Pedersen moved to adjourn the meeting. Manager Crafton seconded the motion. Upon a
306 roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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309 The meeting adjourned at 10:14 p.m.

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Respectfully submitted,

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David Ziegler, Secretary