

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

February 6, 2019, Board of Managers Cost-Share Programs Workshop and Monthly Meeting

PRESENT:

Managers: Jill Crafton, Treasurer

Larry Koch

Dorothy Pedersen, Vice President

Dick Ward, President

David Ziegler, Secretary

Staff: Claire Bleser, RPBCWD Administrator

Zach Dickhausen, RPBCWD Water Resources Technician

Amy Herbert, Amy Herbert LLC, Recorder

Terry Jeffery, Project and Permit Manager

Michelle Jordan, RPBCWD Community Outreach Coordinator

Josh Maxwell, RPBCWD Water Resources Coordinator

Scott Sobiech, Engineer (Barr Engineering Company)

Maya Swope, RPBCWD Outreach and Office Assistant*

Louis Smith, Smith Partners

Other attendees: Joan Palmquist, CAC

Marilynn Torkelson, EP CAC

Bill Satterness, Eden Prairie Resident*

Lori Tritz, CAC

Laurie Susla, LLCA

*Indicates meeting only

1. Cost-Share Program Workshop

1 President Ward called to order the Wednesday, February 6, 2019, Board of Managers Cost-Share Program
2 Workshop at 5:30 p.m. at the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

3 Ms. Jordan reported that staff and the CAC have been taking a look at the District's Cost-Share Program as
4 directed by the Board. She summarized the history of the program. She pointed out that in 2018 the District
5 received two grant applications that challenged the program's review process and parameters, which prompted
6 action to take a look at the program. Ms. Jordan reviewed in detail the process the staff and CAC moved through
7 to examine the program. She explained the process included: identifying the need for the program, assessing the
8 current program, including identifying barriers, researching existing programs of other watersheds, and
9 developing and proposing adjustments to the District's program.

10 Ms. Jordan responded to managers' questions and comments. There was discussion on whether the District should
11 continue a cost-share program.

12 Ms. Jordan presented proposed changes to the program:

- 13 • Create mini-grants to award up to \$250 for physical as well as community engagement projects that have
14 quantifiable benefits to water quality, conservation, and habitat and that support the District’s 10-year
15 goals. Manager Koch recommended the District make this program simple for people to understand,
16 provide sample project ideas, publicize the program, and collect and publicize testimonials.
- 17 • Create a sub-committee to review all grants. Ms. Jordan noted that staff and CAC recommend that the sub-
18 committee would include District staff and two CAC members.
- 19 • Use a scoring sheet to assess projects based on project outcomes.
- 20 • Increase the residential grant amount to \$5,000.
- 21 • Delegate authority to Administrator to approve residential and non-profit grants less than \$10,000. Ms.
22 Jordan noted that this change would require a Plan Amendment because the District’s 10-Year Plan states
23 that the Board of Managers will review all Cost-Share applications.
- 24 • Remove groundwater conservation from the residential grant program.
- 25 • Require projects to demonstrate improvement; Or for projects that are the “better alternative” to fund only
26 up to the difference between its cost and the cost of the traditional approach.

27 Ms. Jordan described the next steps in this process of updating the Cost-Share Program. She said that staff would
28 like the managers’ feedback as well as CAC feedback and will review and incorporate the feedback; develop
29 content for the District’s website and dedicated webpage and printed materials; Meet with the CAC in February
30 and bring the proposal back to the Board in March.

31 Administrator Bleser talked about the plan amendment process for the Cost-Share Program.

32 Manager Koch said he would like to see the revisions staff makes after receiving feedback from the managers and
33 CAC. He also said he would like to see information on past Cost-Share Program projects the District funded.
34 Administrator Bleser said the District’s annual communication includes that information for each year’s Cost-
35 Share projects. Manager Pedersen commented on the proposed application requirement that projects have at least
36 two bids for work. She noted it could be difficult for applicants to find two contractors to bid on certain types of
37 work.

38 President Ward stated that the Board’s discussion tonight indicates the managers like the program presented and
39 want to fast-track the process for getting it fully developed.

40 Attorney Smith addressed the actions the Board could take to order the drafting of the plan amendment and public
41 hearing notice publication. The Board decided it would add this topic to tonight’s monthly meeting agenda.

42 Manager Koch moved to adjourn the workshop. Manager Pedersen seconded the motion. President Ward
43 adjourned Upon a vote, the motion carried 5-0. The workshop adjourned at 6:45 p.m.

2. Call to Order

44 President Ward called to order the Wednesday, February 6, 2019, Board of Managers Monthly Meeting at 7:00
45 p.m. at the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

3. Approval of the Agenda

46 Manager Pedersen requested adding an action item to authorize staff to start the plan amendment process.
47 Manager Ziegler seconded the motion. Manager Koch moved to amend the motion to also layover until the
48 Board’s March monthly meeting items 6, 11c, 11d, 11h, 11i, and 11 j, add an action item about permit fees and
49 add an action item about the Frontier Trail property that has an unpermitted project. The motion to amend died
50 due to lack of a second. President Ward called the question for the motion on the table. Upon a vote, the motion
51 carried 5-0.

4. Matters of General Public Interest

52 Mr. Bill Satterness of 8597 Red Oak Drive, Eden Prairie, commented he served on the District’s CAC committee
53 from 2010 to 2014, chaired the Committee in 2013, and is the Director of the Friends of Red Rock Lake. He noted
54 that today he is presenting his own views. Mr. Satterness commented AIS is an issue that taxpayers care deeply
55 about, and the District should do more about AIS. He spoke in support of the AIS group being proposed by
56 Manager Koch. Mr. Satterness noted that the District’s purview is to protect, manage, and restore water resources
57 and he spoke in favor of the District enthusiastically fighting AIS. Mr. Satterness shared some history of the
58 watershed, CAC, and District decisions, particularly about the issue of the District voting on providing funding to
59 cities in the watershed for AIS work.

60 Ms. Laurie Susla of 7008 Dakota Avenue, Chanhassen, commented that she was really surprised that at the
61 Board’s previous monthly meeting the Board turned down creating an Aquatic Invasive Species (AIS) working
62 group. She said she thinks it is a great idea and hopes the Board will reconsider its decision. Ms. Susla stated she
63 is in favor of hiring the HR and IT consultant. She said she thinks having a review process in place is important.
64 Ms. Susla remarked she is curious about the District’s fund balance policy and is curious about the difference
65 between working capital and a contingency or reserve fund. Ms. Susla stated that if the District has committed
66 funds set aside for projects, then it is too much to have contingency funds, too. Ms. Susla commented that she
67 believes the Board should discuss items raised by the public and the Board should have a follow-up process for
68 public comments.

5. Reading and Approval of Minutes

a. Minutes of Board of Managers Meeting, January 9, 2019

69 Manager Ziegler noted spelling correction on page 3, line 87 and page 4, line 118. He requested an edit
70 on page 5, line 159 to add the words “The motion,” so the sentence reads, “...record. The motion...”

71 Manager Ziegler shared a correction to the minutes requested by CAC member Palmquist, so that her
72 comments on page 6, starting on line 176, reads, “Manager Koch asked Ms. Palmquist how many new
73 members could be effectively added to the CAC. She responded that it was her understanding the Board
74 had indicated it wanted 12 members on the CAC, and she felt the CAC could accommodate adding new
75 members to bring it up to that level. She commented also that the CAC tends to have attrition every
76 year.”
77

78 Manager Crafton requested to add the word “noted” to page 3, line 87, so the sentence reads, “Attorney
79 Welch noted...”

80 Attorney Smith had a correction on page 7, line 238, to replace the words “seconded the” with “voted
81 against the...”

82 Manager Ziegler moved to approve the January 9, 2019, meeting minutes as amended. Manager Crafton
83 seconded the motion. Upon a vote, the motion carried 5-0.

84 **b. Minutes of Board of Managers Special Meeting, November 14, 2018**

85 Manager Ziegler moved to accept the November 14, 2018, minutes as presented. Manager Crafton
86 seconded the motion. Upon a vote, the motion carried 5-0.

87 **c. Minutes of the Board of Managers Special Meeting, August 9, 2018**

88 Manager Ziegler moved to accept the August 9, 2018, minutes as written. Manager Crafton seconded the
89 motion. Upon a vote, the motion carried 5-0.

6. Organizational Activities

90 **a. Committees: Personnel; Governance**

91 Manager Koch moved to layover this item to the Board's March monthly meeting. Manager Ziegler
92 seconded the motion. Upon a vote, the motion carried 5-0.

7. 2018 Annual Report

93 Administrator Bleser reviewed with the managers the draft 2018 Annual Report Summary. She went into
94 further detail about the annual report and summarized the District's 2018 work and activities in the
95 following areas: CAC, Education and Outreach, Wetland Management, Groundwater, Stormwater Ponds,
96 and Projects. Mr. Maxwell reported on the District's 2018 data collection and monitoring. Administrator
97 Bleser noted that the Board would get a written copy of the report for the Board's March monthly
98 meeting. Manager Pedersen congratulated the staff on progress made toward data collection and water
99 conservation over the past few years.

8. Duck Lake Subwatershed Update

100 Ms. Jordan reminded the Board that the District's 10-Year Plan identified a goal of reducing phosphorous loading
101 to Duck Lake. She reported that Barr Engineering looked at the feasibility of practices to reduce phosphorous
102 loading in the subwatershed, and the City of Eden Prairie is partnering with the District on this initiative. Ms.
103 Jordan stated that four practices have been identified as projects to work toward the reduction goal and that
104 residents in the subwatershed can sign up to participate in: rain garden, tree planting, rain barrel, or rain-garden-
105 in-a-box. She explained the District's goal is to have 10 rain gardens installed, 50 trees planted, 50 rain barrels,
106 and 5 rain gardens-in-a-box planters installed. Ms. Jordan reported on the District's outreach to publicize the
107 initiative, how residents can sign up online, and how many sign-ups have taken place to-date.

9. Citizen Advisory Committee

108 Ms. Lori Tritz, CAC President, reported that the District's Cost-Share Program has been the topic that has taken
109 the majority of the CAC's time and has been the primary topic of the CAC's discussion. She said the CAC
110 anticipates wrapping up discussions about the Cost-Share Program at the next CAC meeting.

10. Consent Agenda

111 Manager Koch moved to approve the Consent Agenda with the deletion of the drainage easement requirement in
112 condition 7 in the report on permit 2015-036 Saville modification under Consent Item 10d. Manager Pedersen
113 seconded the motion. Upon a vote, the motion carried 5-0. The Consent Agenda items included: 10a – Accept
114 January Staff Report; 10b – Accept January Engineer's Report (with inspection report attached); 10c – Authorize

115 Administrator Bleser to Enter into Grant Agreement with BWSR for the Mitchell Lake and Lake Riley/Rice
116 Marsh Lake Subwatershed Assessments; 10d – Approve Permit 2015-036 Saville Modification with Engineer
117 Recommendations; 10e – Approve Revised Scope of Work for Hennepin County Chloride Initiative.

11. Action Items

118 a. **Accept December Treasurer’s Report**

119 Treasurer Crafton reported that she and the District Administrator reviewed the report in accordance
120 with the District’s practices and procedures. She moved to accept the report as presented. Manager
121 Pedersen seconded the motion. Manager Koch stated he has questions on the report, but he will
122 postpone his questions to next month’s Board meeting if the Board agrees to add an agenda item
123 next month to discuss the 2018 budget items ended the fiscal year over budget and discuss fund
124 allocation and carry-over. The Board and staff indicated consent. Upon a vote, the motion carried 5-
125 0.

127 b. **Approve Paying of the Bills**

128 Manager Crafton moved to pay the bills. Manager Pedersen seconded the motion. Upon a vote, the
129 motion carried 5-0.

131 c. **Approve Fund Balance Policy Update**

132 Manager Koch moved to layover this item until the Board’s March monthly meeting. Manager
133 Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

135 d. **Approve Investment Deposit Policy**

136 Manager Koch moved to layover this item until the Board’s March monthly meeting. Manager
137 Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

139 e. **Permit 2018-073 Preserve Boulevard and Eden Lake Outlet**

140 Engineer Sobiech summarized the project, went through the Engineer’s review of the project, and
141 explained the four variances requested by the applicant. He said the Engineer recommends approval
142 and noted that he believes there is adequate technical information provided by the applicant for the
143 Board to decide on the variances.

144
145 Manager Koch moved to, based on District engineer and staff recommendation, grant the four
146 variance requests as set forth in the staff and engineer report included in this month’s Board packet.
147 Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

148
149 Manager Koch moved to approve Permit 2018-073 with the terms and conditions set forth on pages
150 11 and 12 of the Permit Application Review report prepared by Scott Sobiech for the Board’s
151 February 6, 2019, meeting [included as follows] and the requirement that the project will have
152 continuous monitoring for three years as staff deems appropriate for the project and the City of
153 Minnetonka reimburses the District for the cost of the monitoring devices plus costs for the time and
154 labor for monitoring:

155 *Approval of the permit issuance contingent upon:*
156

- 157 1. *Continued compliance with General Requirements*
158
159 2. *Permit applicant must provide the name and contact information of the general contractor*
160 *responsible for the site. RPBCWD must be notified if the responsible party changes during the permit*
161 *term.*
162
163 3. *Permit applicant must provide a draft maintenance agreement and inspection plan for the*
164 *management of stormwater BMPs and buffer areas, including exhibit clearly identifying buffer area,*
165 *buffer monument locations and all stormwater BMPs. The maintenance agreement must include pump*
166 *station operation parameters consistent with approved plans and modeling.*
167
168 4. *The city of Eden Prairie must enter an agreement with RPBCWD to maintain the project facilities*
169 *and wetland buffers after approval of a draft by RPBCWD.*
170 *By accepting the permit, when issued, the applicant agrees to the following stipulations:*

- 171
172 1. *Per Rule J Subsection 4.5, upon completion of the site work, the permittee must submit as-built*
173 *drawings demonstrating that at the time of final stabilization, stormwater facilities and waterbody*
174 *crossings conform to design specifications as approved by the District.*
175
176 2. *Performance monitoring for the proprietary filter chamber will be required to ensure that the*
177 *project is able to meet the RPBCWD water quality requirements as has been proposed. In accordance*
178 *with Rule J, Subsection 2.6 performance monitoring, and as a stipulation of issuing a permit for this*
179 *project, the Applicant must collaborate with RPBCWD (including, but not limited to, site access and*
180 *system modification to facilitate monitoring) in implementing a monitoring program, as RPBCWD staff*
181 *and engineer deem appropriate, to monitor the proposed proprietary filter chamber to determine the*
182 *ability of the system to achieve the estimated water quality treatment as presented in the design for three*
183 *years. The city of Eden Prairie must reimburse RPBCWD for all expenses associated with RPBCWD*
184 *monitoring of the system for three years (including equipment and staff time).*

185
186 Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.
187
188

189 **f. Scope of Services for Legal Compliance Review of the District**

190 Manager Koch moved to layover this item until the Board's March monthly meeting. Manager
191 Pedersen seconded the motion. Upon a vote, the motion carried 5-0.
192

193 **g. Develop AIS Working Group**

194 Manager Koch said he sees the idea of an Aquatic Invasive Species (AIS) working group is for the
195 District to be the focal group to organize and strategize around what the constituents are wanting – a
196 plan to stop the spread of zebra mussels and other AIS. Manager Koch moved to direct staff to
197 develop an AIS working group. The motion died due to lack of a second.
198

199 Administrator Bleser announced she would like to bring an idea to the Board at its March monthly
200 meeting and would like to get more information from the Bassett Creek Watershed Management
201 Commission about a direction it has taken, which could be something for the District to investigate

202 as it considers an AIS working group.
203

204 There was a lengthy discussion about the idea of an AIS working group and what would need to be
205 considered. The Board directed staff to gather the information needed and to bring a proposal in
206 front of the Board at its March monthly meeting.
207

208 **h. Hire IT Consultant**

209 Manager Koch moved to layover agenda items 11h – Hire IT Consultant, 11i - Create an Audit and
210 Risk Committee, and 11j - Hire an HR Consultant – to the Board’s March monthly meeting.

211 Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.
212

213 **i. Create an Audit and Risk Committee** – [See item 11h.]
214

215 **j. Hire HR Consultant** – [See item 11h.]
216

217 **k. Direct Staff to Prepare Plan Amendment for Cost-Share Program**

218 Manager Koch moved to direct staff to prepare and publish the Plan Amendment regarding item
219 9.7.2 in the District’s 10-Year Plan to amend the language in the Plan to reflect the Board will not
220 review all Cost-Share applications, as discussed by the Board and staff earlier this evening in the
221 Cost-Share Program workshop. Manager Ziegler seconded the motion. Upon a vote, the motion
222 carried 5-0.
223

12. Discussion Items

224 **a. Chanhassen Water Quality Opportunity/Cost-Share Pleasant View Road**

225 Mr. Jeffery highlighted that an opportunity project may be coming up, and he will bring it to the Board
226 when it does.
227

228 **b. Upcoming March Board Meeting**

- 229 i. Cooperative Agreement with the City of Eden Prairie for Lower Riley Creek
230 ii. Stormwater Model Update, Flood Risk, Mapping, Mitigation and Adaptation Task Order
231 iii. Cost-Share and Permitting Database Update
232 iv. Governance Workshop
233 v. Board and Staff Workshop
234 vi. City of Eden Prairie/RPBCWD Board Workshop on March 19, 2019, at 5 p.m.
235 vii. Items held over from this evening’s meeting.
236

13. Upcoming Events

- 237 • First Friday Hike with the Watershed, March 1, Noon-1:00 p.m., Purgatory Creek Park,
238 Minnetonka
239 • RPBCWD Regular Monthly Board Meeting, March 1, 2019, 7:00 p.m., District Office, 18681

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243

- Lake Drive East, Chanhassen
- Citizen Advisory Committee Meeting, March 18, 2019, 6:00 p.m., District Office, 18681 Lake Drive East, Chanhassen

14. Adjourn

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Manager Koch moved to adjourn the meeting. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 10:24 p.m.

Respectfully submitted,

David Ziegler, Secretary