

## MEETING MINUTES

### Riley-Purgatory-Bluff Creek Watershed District

June 6, 2018, Board of Managers Monthly Meeting

PRESENT:

Managers: Richard Chadwick, Secretary  
Jill Crafton, Treasurer  
Dorothy Pedersen, Vice President  
Dick Ward  
Leslie Yetka, President

Staff: Claire Bleser, District Administrator  
Zach Dickhausen, Water Resources Technician  
Michelle Jordan, Community Outreach Coordinator  
Joshua Maxwell, Water Resources Coordinator  
Michael Welch, Attorney (Smith Partners)  
Scott Sobiech, Engineer (Barr Engineering Company)

Other attendees: Greg Hawks, Chanhassen Environmental  
Commission  
Larry Koch, Chanhassen Resident  
David Ziegler, CAC; Eden Prairie Resident

#### 1. Call to Order

President Yetka called to order the Wednesday, June 6, 2018, Board of Managers Meeting at 7:05 p.m. at the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

#### 2. Approval of the Agenda

President Yetka announced the addition of item 8e - Resolution 2018-003 to Adopt a Record of Decision for the Environmental Review of the Lower Riley Creek Stabilization Project: Reach E and Site D3 and Making a Negative Declaration on the Need for an Environmental Impact Statement. Manager Ward requested that Consent Agenda items 6d – Permit 2018-015 – and 6f – Permit 2018-027 – be moved off the Consent and added to Action Items. President Yetka added them as agenda items 8f and 8g. Manager Chadwick requested that items 6a – Accept Staff Report – and 6b – Accept May Engineer’s Report with Attached Inspection Report - be removed from the Consent Agenda and added to Action Items. President Yetka added them as items 8h and 8i. Manager Crafton moved to approve the agenda as amended. Manager Ward seconded the motion. Upon a vote, the motion carried 5-0.

#### 3. Rules Public Hearing: To Be Held on July 11

The Rules Public Hearing is scheduled for July 11, 2018.

#### 4. Matters of General Public Interest

No Matters of General Public Interest were raised.

#### 5. Reading and Approval of Minutes

##### a. May 2, 2018, RPBCWD Board of Managers Monthly Meeting

Manager Pedersen noted that in the meeting attendee record Pete Iverson should be identified as a CAC member. She also requested the correction of the spelling on page 4 of the Toyota RAV and on page 3 the spelling of her last name. Manager Crafton noted that the word “rules” needed to be added after the word “District” in two places under item 8h. She also requested that the minutes clarify under item 8c what work will be undertaken in phase 1 of the storm water pond project with the University of Minnesota. Administrator Bleser noted that the core sampling will take place in Phase 1. Manager Ward requested that the managers receive the draft minutes each month as soon as they are available. Administrator Bleser commented that she could send them to the Board when she sends them to the CAC. Manager Crafton moved to accept the minutes as amended. Manager Ward seconded the motion. Upon a vote, the motion carried 5-0.

#### 6. Consent Agenda

President Yetka read aloud the Consent Agenda: 6c – Approve 60-day Review Period Extension for Permit 2018-005 Hampton Inn in Eden Prairie; 6e – Approve Permit 2018-022 Sunrise Park Athletic Court Improvements in Bloomington with Staff Recommendations; 6g – Approve 60-day Review Period Extension for Permit 2018-028 Oak Point Elementary Parking Lot in Eden Prairie; 6h – Approve Permit 2018-029 98<sup>th</sup> Street Reconstruction in Bloomington with Staff Recommendations; 6i - Approve Permit 2018-030 Dakota Road Reconstruction in Bloomington with Staff Recommendations; 6j – Approve Permit 2018-031 Ridgeview Elementary School Improvements in Bloomington with Staff Recommendations; 6k – Approve Permit 2018-034 Basin 05-11-A Cleanout in Eden Prairie with Staff Recommendations.

Manager Ward moved to approve the Consent Agenda as read. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

#### 7. Citizen Advisory Committee (CAC)

Mr. Ziegler, CAC president, reviewed with the Board the items in the CAC meeting minutes as included in the Board packet. He highlighted that the CAC would like to monitor the storm water ponds selected for the study with the University of Minnesota while the project is ongoing. He said the CAC would like to document if there are negative impacts to the wildlife during the project. Mr. Ziegler reported that the CAC has seen the District’s launch proposal for its website and has a few suggestions about it for staff. He talked about the CAC’s idea for leading a groundwater conservation challenge in the watershed to incentivize homeowners to reduce summer water usage, which tends to be 50% higher than during the rest of the year.

Administrator Bleser addressed the idea of monitoring the storm water ponds included in the iron-filings study. She suggested the CAC investigate undertaking a Compare and Impact Study by studying five ponds that are not

included in the project but are similar to the five in the project and comparing the data to the data the CAC collects about the five ponds included in the project. The Board discussed the idea of the groundwater conservation challenge and offered suggestions on what additional information the Board would like about such a possible project and where the CAC could go for more information.

## 8. Action Items

### a. **Accept April Treasurer's Report**

Manager Crafton noted a few transfers of funds that were made as approved by previous Board action. Manager Crafton moved to accept the April Treasurer's report as submitted. Manager Ward seconded the motion. Upon a vote, the motion carried 5-0. Manager Chadwick commented that he appreciated the letter from Treasurer Crafton that communicated the review she and the Administrator undertook in accordance with the District's internal controls and procedures. He asked a few questions about specific disbursements and Administrator Bleser responded.

### b. **Approve Paying of Bills**

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

### c. **4M Fund Membership**

Administrator Bleser described the Minnesota Municipal Money Market Fund (4M Fund) and explained why she has brought this option of 4M Fund membership to the Board. She said that if the Board is interested in learning more about the Fund, she could bring more information to the Board for the next monthly meeting and could arrange a presentation to the Board. The managers agreed that they would like to receive the information and the presentation.

Attorney Welch recommended that the District Administrator and Counsel cross-reference the District's investments policies with the 4M Fund program and to review the Declaration of Trust.

The managers discussed its KleinBank accounts and agreed that its two accounts could be merged into one.

Manager Ward moved to authorize the Treasurer with the assistance of the Administrator to merge the District's two KleinBank accounts into one account. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

### d. **Shorewood Local Surface Water Management Plan**

Administrator Bleser reported that the District has been granted a review extension to July 13. She described staff's concerns with the Plan. Administrator Bleser said that staff feels the most constructive next step is for staff to meet with the City of Shorewood to discuss the Plan and to bring this item back in front of the Board in July with some of the issues worked through. Administrator Bleser noted that no Board action is required tonight on this item.

### e. **Resolution 2018-003: Riley Purgatory Bluff Creek Watershed District Board of Managers Adopting a Record of Decision for the Environmental Review of the Lower Riley Creek Stabilization Project: Reach E and Site D3 and Making a Negative Declaration on the Need for an Environmental Impact Statement**

Engineer Sobiech reminded the Board that in December 2016 the Board authorized the Lower Riley Creek Stabilization Project. He said that subsequently the Board authorized the Engineer to design the

project, including conducting an environmental assessment. He explained that the Environmental Assessment Worksheet (EAW) is required for this project because it proposes to change the cross section of a public water. Engineer Sobiech noted that the EAW was completed and went out for public comment on April 16 and the comment period closed on May 16.

Engineer Sobiech went on to discuss the Finding of Facts that was handed out at tonight’s meeting. He noted that the handout is a revised version from the copy in the Board meeting packet. He provided background on the project and described the project’s purpose. He stated that the District received comments on the EAW from the Metropolitan Council, the Minnesota Pollution Control Agency (MPCA), the State Historical Preservation Office, and the U.S. Army Corps of Engineers. Engineer Sobiech went through the received comments, which were generally supportive of the project, and talked about how District staff addressed the comments. He stated that the project does not create significant environmental issues and that the long-term effects of the project are beneficial to both the natural and the human environments. He responded to questions.

Attorney Welch explained Resolution 2018-003 and the action that the Board would be taking by adopting the Resolution. He added that in the fourth recital on the first page of the Resolution, the only way the District is triggering this EAW process is that the project would change one acre or more of a public water and so he recommended the Board strike from that paragraph “...or diminish the course, current or...”

President Yetka read aloud the resolving paragraph of the resolution.

Manager Crafton moved Resolution 2018-003 with the change as recommended by Attorney Welch. Manager Pedersen seconded the motion. By call of roll, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Chadwick	X			
Crafton	X			
Pedersen	X			
Ward	X			
Yetka	X			

**f. Approve Permit 2018-015 Starbucks Coffee Store in Shorewood with Staff Recommendations**

Manager Ward said that he requested this item be moved off the Consent Agenda because he believes that commercial development, re-development, in-fill projects, and new residential development should come in front of the Board instead of just going through Administrative review. He stated that an application for a hold on a platted lot could be an administrative review. Manager Ward noted that he thinks that the Board would benefit from Mr. Jeffery providing a short, five-minute review of the more detailed permit applications such as the types he previously listed.

Mr. Jeffery described how staff currently determines which applications are handled administratively, placed on the Consent Agenda, or placed as an action item. There was discussion about the review process. Attorney Welch said he thinks it would be helpful for the Board to set review category guidelines for staff. He noted that staff could discuss and come back to the Board with recommendations.

Manager Chadwick moved that the Board approve Permit 2018-015 with the two conditions recommended by staff and the one-day review extension. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

**g. Approve Permit 2018-027 MAMAC Addition in Chanhassen with Staff Recommendations**

Manager Chadwick moved to approve Permit 2018-027 with the conditions recommended by staff. Manager Ward seconded the motion. Upon a vote, the motion carried 5-0.

**h. Accept Staff Report**

Manager Chadwick noted that he would like a copy of the Performance Review Scale for staff as referenced in the staff report. Administrator Bleser commented that it is the same scale as is used for the Administrator and she can send it to the Board again.

Manager Chadwick commented that he would like the staff report to include the date of the previous TAC meeting and the date of the next TAC meeting at the time of the staff report or for the report to state that no upcoming TAC meeting is set.

Manager Chadwick asked when staff anticipates the launch of the District's updated website. Ms. Jordan responded that the goal is by early July or if that timeframe is not met then by the end of August.

Manager Ward moved to accept the staff report. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

**i. Accept May Engineer's Report (with Attached Inspection Report)**

Manager Chadwick asked a few questions to clarify information in the Engineer's Report. He talked about the MPCA's draft construction storm water permit and the fact that the proposed prohibitions would affect roughly 41% of the land area in this watershed district. Manager Chadwick asked for more details on the land area that would be affected. Engineer Sobiech responded. Attorney Smith explained that the permit presents some new ways of addressing both groundwater and contaminated sites that are viewed as problematic in that it takes some of the discretion away from the cities. He added that Smith Partners independently commented on it. Attorney Smith stated that this issue is something that the District will need to react to in its rules.

Manager Ward moved to accept the Engineer's Report with the attached inspection report. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0

## 9. Discussion Items

No Discussion Items

## 10. Upcoming Events

- Junior Master Water Steward Action Project, Eden Prairie High School, Monday and Tuesday, July 11 and 12

- Citizen Advisory Committee Meeting, Monday, June 18, 6, 6:00 p.m., District Office, 18681 Lake Drive East, Chanhassen.
- RPBCWD Board of Managers Public Hearing and Regular Monthly Meeting, Wednesday, July 11, 7:00 p.m., District Office, 18681 Lake Drive East, Chanhassen

## 11. Adjourn

Manager Ward moved to adjourn the meeting. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 8:54 p.m.

Respectfully submitted,

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Richard Chadwick, Secretary