

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

October 3, 2018, Board of Managers Monthly Meeting

PRESENT:

Managers: Jill Crafton, Treasurer
Larry Koch
Dorothy Pedersen, Vice President
Dick Ward, President
David Ziegler, Secretary

Staff: Claire Bleser, District Administrator
Zach Dickhausen, Water Resources Technician
Elizabeth Henley, Smith Partners
Terry Jeffery, Project and Permit Manager
Louis Smith, Attorney (Smith Partners)
Scott Sobiech, Engineer (Barr Engineering Company)
Maya Swope, RPBCWD Staff

Other attendees: Paul Bulger, CAC
Greg Hawks, Chanhassen Environmental Commission
Pete Iversen, CAC
Dave Wallace, FORRL

1. Call to Order

1 Manager Ward called to order the Wednesday, October 3, 2018, Board of Managers Monthly Meeting at 7:02
2 p.m. at the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

2. Approval of the Agenda

3 President Ward noted that a revised agenda was handed out to the managers this evening. Manager Koch asked to
4 remove 5c – Pay App #1 Chanhassen High School and 5d – Pay App #1 Lake Susan Park Pond - from the
5 Consent Agenda. President Ward said that those items will be considered within Action Items 7f and 7g.
6 Manager Koch said he had some comments on the Staff Report and the Engineer’s Report. President Ward moved
7 5a – Accept August Staff Report and 5b – Accept August Engineer’s Report (with Attached Inspection Report) to
8 Action Items 7h and 7i. Manager Koch also requested to pull items 5h – Accept Purgatory Creek at 101
9 Stabilization Project Close Out Memo – and 5i – Approve Purchase of YSI Sonde for Data Collection – from the
10 Consent Agenda. President Ward said that 5h will become Action Items 7j and 5 I will become 7k.

11 Manager Ziegler moved to approve the agenda as amended. Manager Pederson seconded the motion. Upon a vote,
12 the motion carried 5-0.

3. Matters of General Public Interest

13 No matters of General Public Interest were raised.

4. Reading and Approval of Minutes

14 a. September 5, 2018, RPBCWD Board of Managers Governance Workshop and Monthly 15 Meeting

16 Manager Crafton noted that on page 1 the workshop should be listed as the Governance Workshop and not
17 the Budget Workshop. She noted a correction on page 2, line 42, a correction on page 5, line 161, and a
18 correction on page 6, line 172. President Ward noted that under item 8c, page 5, the minutes need to
19 reflect which manager seconded the motion and record that the vote taken. Manager Ziegler asked that the
20 word “and” be removed on page 2, line 20. He asked that the word “of” be inserted on page 7, line 235,
21 and requested a correction to line 353 to reflect that the public hearing started at 7 p.m.

22 Manager Koch commented on line 330 and the reference to the variance. He asked if it would behoove the
23 Board going forward to make more specific motions regarding variances. Attorney Smith said that the
24 District wants the public record to reflect that findings were made and to reflect that the Board’s action
25 was taken based on findings as presented to the Board.

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

28 b. September 17, 2018, RPBCWD Public Hearing and Special Meeting

29 President Ward requested line numbers be added to these minutes. Manager Ziegler requested that on page
30 2 under item 2, the word “meeting” be added so the phrase reads “monthly meeting.” He said that on page
31 3, third line down, the “\$” should be removed to reflect the year 2018. Manager Ziegler said that the last
32 line of the 3rd paragraph on page 3, the phrase “what the” is removed so the sentence reads “...about the
33 components...”

34 Attorney Smith noted that on page 5, item b, second paragraph states, “Manager Koch moved to approve
35 the Cooperative Agreement with Chanhassen for the Bluff Creek Tributary and authorize the
36 Administrator and Legal Counsel to make non-substantive changes as they deem necessary.” Attorney
37 Smith noted that the Board would have included the following language as part of that motion “...and
38 authorize execution of the agreement by the President,” and Attorney Smith asked that this language be
39 inserted into the minutes.

40 Manager Koch suggested that the resolution 2018-10 be added to the minutes as an exhibit and the
41 minutes state that the resolution is attached as an exhibit. He said that same goes for resolution 2018-09.
42 Attorney Smith said that the resolutions are signed and certified and are part of the meeting record. He
43 said that anyone interested would request the resolutions as part of the meeting file, and they are available
44 as part of the meeting file. Attorney Smith said that another practice followed is to insert the resolving
45 language of the resolution verbatim into the minutes. He said another practice the Board could consider is
46 to have resolutions attached to minutes as exhibits. Attorney Smith said he has not seen this last option
47 practiced in watershed settings as is done in other settings. He said the important thing is to be consistent.

48 Manager Crafton noted a correction on page 4. She said the words “...be filled out...” should be deleted.

49 Manager Crafton moved to accept the minutes as amended. Manager Ziegler seconded the motion. Upon a
50 vote the motion carried 4-1 [Manager Koch voted against the resolution].

51

5. Consent Agenda

52 President Ward read aloud the Consent Agenda items: 6e – Pay App #4 Purgatory Creek at 101 Restoration; 6f –
 53 Pay App #3 Scenic Heights Restoration; 6g – Solicit Bids for Bluff Creek Tributary Project. Manager Ziegler
 54 moved to approve the Consent Agenda as amended. Manager Crafton seconded the motion. Upon a vote, the
 55 motion carried 5-0.

6. Citizen Advisory Committee (CAC)

56 Mr. Paul Bulger, CAC President, reported that the minutes from the CAC’s meeting are in the Board’s meeting
 57 packet. He noted that the CAC has two action items. Mr. Bulger explained that CAC recommended the District’s
 58 cost-share application be updated to include emphasis on using native plants in the cost share projects and
 59 explaining why using native plants is important. Mr. Bulger pointed out that the CAC provided specific language
 60 for the Board’s review and for adding to the application.

61 Mr. Bulger reported that the CAC is encouraged about the permitting database and is looking forward to the
 62 District’s upcoming work to update the website. He announced that the CAC is considering taking a leadership
 63 position to adopt a creek or waterbody to help clean up trash to increase the District’s visibility to the public and
 64 to demonstrate the CAC’s commitment to the District. Mr. Bulger commented that the luncheon about water
 65 conservation cost-shares had a strong attendance, and the CAC is looking forward to partnering with the Board to
 66 further these water conservation efforts.

67 Mr. Bulger stated that the CAC discussed the CAC statement “Opportunity Projects to Promote Sustainability.”
 68 He said that at the District’s previous Board meeting, the managers approved a permit for Oak Point Elementary
 69 that included a parking lot that was proposed to be developed over what is currently a recreation area. Mr. Bulger
 70 reported that the CAC views that project as a valuable opportunity project. He conveyed that the CAC requests
 71 the District to meet with the City to see if the proposed project could be amended to promote better sustainability.
 72 Mr. Bulger noted the proposed project’s location adjacent to the creek and near Staring Lake. Mr. Bulger
 73 highlighted that the City of Eden Prairie has been recognized as a Top 21 Suburb within the Country and one of
 74 the amenities rated was outdoor activities. He noted that the photo accompanying the recognition was of a nice
 75 recreation area and not a parking lot, and the CAC encourages the District to have stewardship for this watershed
 76 district.

77 Mr. Bulger updated the Board on the debate hosted this week for the mayoral candidates for Eden Prairie. He
 78 summarized that both candidates are very favorable to promoting sustainability and continuing the legacy of the
 79 current mayor.

80 Manager Koch asked if Mr. Bulger thought the CAC would be amenable to looking at the Cost-Share Program
 81 policies and language to make them clearer. Mr. Bulger said yes, and it is something the CAC has put on its
 82 agenda. There was a discussion about the current criteria for Cost-Share projects regarding use of native plants.
 83 The Board agreed it would look at the Cost-Share Program as a whole as a future agenda item.

7. Action Items

84 a. Accept August Treasurer’s Report

85 Treasurer Crafton communicated that she and the Administrator have reviewed the report in accordance
 86 with the District’s internal controls and procedures. She moved to accept the Treasurer’s Report. Manager

87 Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

88 **b. Approve Paying of Bills**

89 Manager Pedersen moved to pay the bills as listed. Manager Ziegler seconded the motion. Manager Koch
90 asked for details about the bill from Petersen and Company and how the bill relates to the proposed
91 change order on the agenda. Administrator Bleser said that the bill is related to the change order payouts 1
92 and 2 that had originally been on the Consent Agenda but was moved by the Board to later in the agenda
93 as part of agenda items 7f and 7g.

94 Attorney Smith recommended the Board approve paying the bills except for Peterson and Company and
95 to take up the Peterson and Company bill when the Board handles the change order items. Manager Koch
96 moved to amend the motion on the table by removing the Peterson and Company bill. Manager Crafton
97 seconded the motion. Upon a vote, the motion to amend the motion carried 5-0. President Ward call for a
98 vote on the amended motion to pay the bills. Upon a vote, the motion carried 5-0.

99 **c. Local Surface Water Management Act City of Deephaven**

100 Administrator Bleser updated the Board on the status of adjustments to Deephaven's Local Surface Water
101 Management Plan (LSWMP) and noted that the Board's approval of the plan should be conditional on the
102 adjustments being completed by Deephaven as requested by District staff. Mr. Jeffery went through the
103 conditions as specified by staff in the letter from staff included in the Board packet.

104 Manager Pedersen moved to approve the City of Deephaven's Local Surface Water Management Plan as
105 referred to and with the conditions as listed in the staff's memo dated October 4, 2018. Manager Ziegler
106 seconded the motion. Upon a vote, the motion carried 5-0.

107 **d. Duck Lake Subwatershed Analysis Task Order**

108 Administrator Bleser said District staff has held several meetings with the City of Eden Prairie about the
109 Duck Lake Water Quality Improvement Project. She said that the District has brought to the City the idea
110 of installing a boardwalk instead of a sidewalk adjacent to the road. Administrator Bleser reported that at
111 this point the City sees the project as a road construction project that will put road and sidewalks in place.
112 She said that District staff see this project as an opportunity with the Master Water Stewards to look at the
113 subwatershed and identify opportunities for neighbor-to-neighbor projects that will reduce pollutants
114 draining to Duck Lake.

115 Administrator Bleser went into detail about the Task Order, which will allow the District to look closer at
116 topography, best management practices, and identify what could give the watershed the biggest bang for
117 its buck in terms of projects in this area. Mr. Jeffery described the subwatershed, challenges of finding
118 projects that will add water quality improvements in this area, and the City's inaction toward discussions
119 about the boardwalk idea.

120 Manager Koch asked if this task order is included in the District's 2018 budget. Administrator Bleser
121 responded yes.

122 Manager Koch moved to approved Task Order No. 25 Duck Lake Water Quality Improvement Project as
123 presented to the Board and included in the Board packet for this meeting and that the duly authorized
124 officers of the District are authorized and directed to execute the Task Order on behalf of the District and
125 that a copy of said Task Order be included in the minutes of this meeting. Manager Ziegler seconded the
126 motion. Upon a vote, the motion carried 5-0.

127 **e. Prairie East 5th Association Cost Share**

128 Administrator Bleser reminded the Board that this Cost-Share project application is for a water efficiency

129 project for more efficient use of potable water. She reminded the Board about details of the proposed
130 project and costs. The managers talked about city partnerships that could be developed for these types of
131 projects. Manager Ziegler pointed out that the Board wants to support water conservation and should
132 communicate to this Cost-Share applicant that the District needs to set up a program that addresses water
133 conservation more specifically and that the Board will be working on this program in the coming year.

134 Administrator Bleser announced that staff has a follow up meeting with the District's Technical Advisory
135 Meeting and this topic is on the agenda. She summarized the discussion and take-aways from the recent
136 Lunch and Learn hosted by the District featuring City of Woodbury staff discussing its water
137 conservation program. Paul Bulger shared comments about water conservation through turf management
138 and management of water usage and wellhead protection. He encouraged the District to take a
139 comprehensive, multi-faceted approach including groundwater protection.

140 Manger Koch said his concern is whether the Board has a basis for denying this Cost-Share application.

141 Mr. Jeffery said that the District does not have a policy or program directly tied to water conservation, so
142 the Board should pause now to develop a policy and/ or program.

143 There was a lengthy discussion about the Board's position on this Cost-Share application.

144 President Ward summarized that the Board's previous discussion of this Cost-Share application raised the
145 Board's concerns that this project sets a precedent and about the project cost.

146 Attorney Smith commented that the District's policy sets forth broad goals and lists examples of the kinds
147 of projects it would fund such as conservation practices like irrigation rain sensor systems and rainwater
148 re-use systems. He said that the Cost-Share application's proposed project is in keeping generally with the
149 idea of some kind of conservation on irrigation. Attorney Smith conveyed that he doesn't think that this
150 means that the Board must accept and fully fund every single Cost-Share application that conforms to
151 meet one of the examples in the District's information about the Cost-Share program. He said he thinks it
152 is within the discretion of the Board to look at the application and consider the evaluation criteria.

153 Attorney Smith noted that one of the District's evaluation criteria is that the applicant must provide a
154 reasonable budget and other criteria indicate that the project must contain well-defined, measurable
155 results. He said that implicit in the criteria is that the program's funding is not unlimited, the Board has
156 discretion to evaluate each application, and the Board determines whether proposed projects are within
157 keeping of the program's criteria. Attorney Smith said that the Board's record and discussion of this
158 project reveal that this proposed project is unique due to the cost of the equipment proposed and that the
159 Board has considered there is alternative equipment that is much less expensive, and the Board has
160 concerns about precedent given that there are many homeowner associations. He summarized that these
161 reasons just stated are legitimate reasons to either reject this proposal or approve something less than what
162 is requested. He said he also agrees it is a great exercise to review the District's policy, consider revisions,
163 and get more specific about this topic, which is something the Board should always do as new technology
164 emerges.

165 Manager Ziegler said that one of the things that might be driving the cost up on this project is that the
166 applicant didn't go out for competing bids and that it requires three controllers that need to be powered.
167 He commented that he is not sure this proposal is the only way this project could be done. Manager Koch
168 commented that the Board could figure out the reasonable cost for this project and approve the Cost-Share
169 application at that amount and with all other conditions the Board would have for this project. Manager
170 Pedersen and President Ward shared their concerns.

171 Manager Koch move to lay this agenda item over and for staff to come up with revisions of the District's
172 Cost-Share Program policies and to bring the program and application process to the TAC and CAC for
173 input to be brought back to the Board and for staff to investigate some sort of cooperative arrangements
174 with the cities and in the meantime the Board will table all Cost-Share grants. Manager Ziegler seconded
175 the motion. Manager Crafton noted that the Board needs to provide this applicant with a response.
176 President Ward asked that a timeline be attached to the directions in the motion.

177 Manager Pedersen added that a discussion of the Cost-Share Program will require the District to come up
178 with its idea of what it wants to do regarding ground water. Administrator Bleser pointed out that there
179 are two things being brought up. She said there could be two different programs: The Cost-Share Program
180 and a groundwater conservation program. She said staff could review the Cost-Share program with input
181 from the CAC and TAC, and staff at the same time could investigate a groundwater conservation program
182 with input from the TAC.

183 Manager Ziegler commented that the programs should make sure there is no overlap between them so that
184 applicants can't apply for both.

185 President Ward called for a vote on the motion on the table. Upon a vote, the motion carried 5-0.

186 Manager Pedersen moved that staff work to develop a groundwater conservation program in cooperation
187 with the cities and with input from the TAC and CAC and to be incorporated into the Cost-Share program
188 at a later time. Manager Ziegler seconded the motion. He noted that the ground water conservation
189 program could be a separate program. There was discussion that the groundwater conservation program
190 would be independent of the existing Cost-Share Program. Manager Pedersen made a friendly amendment
191 to her motion to remove the statement that the groundwater conservation program would be incorporated
192 into the District's Cost-Share Program. Manager Ziegler agreed to the friendly amendment. Upon a vote,
193 the motion carried 5-0.

194 Manager Koch moved to direct staff to respond to Prairie 5th that their application is tabled at this time
195 pending the District's further review of its Cost-Share Program and investigation into a ground water
196 program. Manager Pedersen seconded the motion. Manager Ziegler said the District should communicate
197 that the District may put a new program in place that may require a new application. Upon a vote, the
198 motion carried 5-0.

199 **f. Change Order and Pay App #1 - Peterson Companies – Lake Susan Park Pond Water Treatment**
200 **Project**

201 Administrator Bleser reported that Engineer Sobiech, herself, a project manager from Barr Engineering,
202 and Peterson Companies met and discussed the Lake Susan Park Pond project status. She reported that the
203 timeline sets the project to be significantly finished by mid-October.

204 Administrator Bleser went through the items in the change order, including equipment substitutions. She
205 said staff did not push Peterson Companies to do a reduction in change order fees for this project. She
206 noted that the recent rains contributed to project delays. Administrator Bleser added that Peterson
207 Companies will come back in the spring to make sure the project is operating as intended.

208 Engineer Sobiech provided more information about the retainage included in the change order. He
209 explained that the retainage is solely intended to retain dollars so the contractor comes back in spring to
210 make sure the project is fully operational, even though the project will be finalized November 15.
211 President Ward commented that \$2,000 seems like an insignificant amount of money based on the
212 Company's performance in the past.

213 Manager Koch commented on the retainage and moved to approve the change order with non-substantive
214 changes to be made by the District Administrator and Legal Counsel as necessary and that the District
215 retains \$10,000 if permitted by contract and for the payment to be made under the draft the Board was
216 given be appropriately limited and that the statement be amended to reflect the \$12,000 reduction.
217 President Ward and Administrator Bleser pointed out that the reduction is not for this project but for the
218 Chanhassen High School project.

219 Manager Pedersen asked Legal Counsel if the District could act to not pay Peterson Companies \$10,000.
220 Attorney Smith responded that as this pay app is proposed, the project is going to be inspected and
221 determined to be complete in November, and there is not a basis for further retainage once the District has
222 signed off on the project and it is complete. He said what is happening here is that in negotiations with
223 Peterson Companies, there is a negotiated change: the contractor is saying that the District can hold on to
224 \$2,000, even if in fact at that point in November the District owes the contractor payment of everything,
225 and in spring the contractor will come back and make sure everybody is comfortable with the system
226 starting up again and the District can at that time pay the \$2,000.

227 Attorney Smith brought up the Peterson Companies – Chanhassen High School project. He noted that the
228 project is very late in being completed and noted the extra costs. Attorney Smith said that in this project
229 the District has a project partner with the school and that the District is working with the contractor to
230 figure out the best way to cooperate with the contractor to get issues resolved and the project done. He
231 addressed the negotiated result with this project in which instead of \$30,000-plus in liquidated damages,
232 which the District could claim and that Peterson Companies may dispute and may result in legal fees and
233 process, the District will have a negotiated result, the project will get done, and the District will have a
234 \$12,000 concession on liquidated damages. He said that in response to Manager Pedersen’s question
235 about the \$10,000, he does not believe the District has basis for retaining more money if the District is
236 going to sign off and call the project complete in November, unless there is a negotiation with the
237 contractor and the contractor agrees to something more. Attorney Smith, Engineer Sobiech, and
238 Administrator Bleser responded to questions about alternative negotiations, the project “substantially
239 completed” date, the warranty period, the fall inspection, and the spring review of the system.

240 President Ward asked about the District’s costs for the additional work Barr Engineering performed
241 because of the project delays. Engineer Sobiech responded that as of the end of last week, and as listed in
242 the memo included in the Board’s meeting packet, the costs are:

243 Chanhassen High School additional construction/reviews/administration: \$10,275

244 Chan H.S. substitutions and alternative materials review: \$1,555

245 Total Additional District Costs for Chanhassen H.S.: \$11,825

246 Lake Susan Park Pond additional construction/reviews/admin: \$7,710

248 Lake Susan Park Pond substitutions and alternative materials reviews: \$4,550

249 Total Additional District Costs for Lake Susan Park Pond: \$12,260

251 President Ward reflected that the District is being charged for the contract not doing what it was
252 contractually supposed to do so at the very least the contractor should pay those fees. He asked if there
253 will be additional costs for the District’s time on these projects. Engineer Sobiech responded for
254 Chanhassen High School there could be an additional \$2,000-\$3,000 and for Lake Susan Park Pond there

255 could be an additional \$3,000-\$4,000.

256 There was a lengthy discussion about concerns with the projects, deadlines of the grants the District
257 received for these projects, and on actions the Board could take. Administrator Bleser reminded the Board
258 that both projects have grants that need to be used by the end of this year.

259 Manager Koch moved to approve execution of Change Order #1 with changing the completion date to not
260 earlier than May 1 and adding that the District keeps the retainage until completion or May 1st, whichever
261 occurs first. Manager Ziegler seconded the motion. The Board discussed the motion.

262 Manager Ziegler asked what amount of grant money this action could put at risk. Attorney Smith
263 responded that the contractor is going to continue the work to be effectively and practically done in
264 November. He said the contractor will be submitting payment requests to the District, and the District will
265 be reviewing the requests as they are received. Attorney Smith said the District will retain the 5%
266 retainage and will not make the final payment on the retainage until spring 2019. Manager Koch said yes,
267 that the intention of his motion. Attorney Smith said this is a negotiated extension time that considers the
268 project delays. Manager Crafton asked if this negotiation is not acceptable to the contractor, will this item
269 need to come back to the Board at its next monthly meeting. Attorney Smith responded yes.

270 Manager Crafton asked if December 31 is the date by which the District needs to close out its grants.
271 Administrator Bleser said she will get clarification from the Minnesota Board of Water and Soil
272 Resources.

273 Engineer Sobiech asked whether changing the completion date to May 1, 2019, would allow liquidated
274 damages to not be incurred until that date and would that change allow the contractor to decide it won't
275 come back to the project until spring 2019. He asked if the Board would consider keeping the substantial
276 completion date of November 15, 2018. He said that the final completion could be spring 2019. Manager
277 Koch said his motion is not intended to stop the project work in any way. He made the friendly
278 amendment to modify the motion to include that project work continues and the final completion date is
279 May 1. Attorney Smith said assuming the contractor maintains working at its current pace and gets to
280 substantial completion by November 15, then even through the District may have a claim against them for
281 liquidated damages, by virtue of negotiating this extended final completion date in May and holding on to
282 retainage, he understands the Board's intent to be to not making claims for liquidated damages or
283 negotiate that in the outcome; However, he said, the Board will want to preserve that ability if, for
284 example, the contractor does not show up tomorrow. Manager Koch said yes, that was the intent of his
285 motion. Manager Pedersen asked if Manager Koch wants to change the date until May 15, 2019, to
286 account for unseasonably late snow in spring 2019. Manager Koch made the friendly amendment to his
287 motion to change the final completion date to May 15, 2019, and substantial completion date November
288 15.

289 Manager Crafton asked for the motion to be repeated. Manager Koch reiterated his motion to approve
290 Change Order #1 with the revision that the final completion date will not be earlier than May 15, 2019,
291 and the substantial completion date remain the November date as stated in the Change Order and that if
292 the contractor fails to perform to reach satisfactory completion and final completion by the November and
293 May dates, respectively, the District reserves all its rights to claim liquidated and any other damages
294 provided for under the contract. Manager Ziegler agreed to the motion as restated and reaffirmed his
295 second of the motion. Upon a vote, the motion carried 5-0. [See item 7g for Board action on payment
296 application for Lake Susan Park Pond Water Treatment Project].

298 **g. Peterson Companies – Change Order - Chanhassen High School Stormwater Reuse Project**

299 President Ward summarized that for this project the District will get back a portion of the costs for Barr
300 Engineering’s additional work through a \$12,000 reduction. Manager Koch moved to approve the Change
301 Order for the Chanhassen High School Stormwater Reuse Project subject to any non-material changes
302 made by the Administrator or Legal Counsel as appropriate and resulting in a \$12,000 reduction in the
303 final price to the District. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

304 President Ward drew the Board’s attention to the requested cash disbursement from Peterson Companies
305 in the amount of \$136,862.35. Manager Pedersen moved to pay Peterson Companies \$136,862.35.
306 Manager Crafton seconded the motion. Engineer Sobiech suggested the Board act on the pay applications
307 prior to approving payment of the bill He noted that the Board has two pay applications in front of it: one
308 for Lake Susan Park Pond and the second for Chanhassen High School.

309 Manager Koch moved approval of the pay application for the Lake Susan Park Pond Water Treatment as
310 submitted by Peterson Companies with authority to the Administrator to make such changes as are
311 necessary, if any, to reflect the Board’s action with respect to the project’s final completion date. Manager
312 Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

313 Manager Koch moved approval of the pay application for the Chanhassen High School Reuse Project
314 Treatment as submitted by Peterson Companies with authority granted to the Administrator to make such
315 changes as are necessary, if any, to reflect the Board’s action with respect to the project’s final
316 completion date. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

317 Manager Koch moved to approve payment to Peterson Companies in the amount of \$136,862.35.
318 Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

319 **h. Staff Report**

320 Manager Koch said that in light of the hour he can waive any questions he has at this time. Manager
321 Ziegler moved to accept the staff report. Manager Pedersen seconded the staff report. Upon a vote, the
322 motion carried 5-0.

323 **i. Engineer’s Report**

324 Manager Crafton moved to accept the Engineer’s Report. Manager Pedersen seconded the motion. Upon a
325 vote, the motion carried 5-0.

326 **j. Acceptance of Purgatory Creek Highway 101 Stabilization Project Close Out - Pay Application #4**

327 Administrator Bleser explained that this action is to close out this project, and she reported that
328 everything has been completed for this project. Manager Koch asked if the Engineer agrees that
329 everything is complete, and the project should be closed out. Engineer Sobiech indicated yes. Manager
330 Koch asked if there is a warranty on the second planting of trees and if warranties are typical or more an
331 exception to the rule. Administrator Bleser responded they are more an exception to the rule.

332 Manager Ziegler moved to approve Pay Application #4 – Final Payment Purgatory Creek Highway 101
333 Stabilization Project in the amount as listed in the pay app and included in the Board’s meeting packet.
334 Manager Koch seconded the motion. Upon a roll call vote, the motion carried 5-0.

335 **k. Authorize Staff to Purchase of YSI Sonde Monitoring Equipment**

336 Administrator Bleser explained the need for the new piece of equipment and how it would be used to
337 collect additional data. Manager Koch asked the cost and if it is budgeted in the District’s monitoring
338 budget. Administrator Bleser said the cost is \$15,267 and there are funds budgeted for it within the
339 District’s monitoring budget.

340 Manager Ziegler moved to authorize staff to purchase the YSI Sonde for data collection in the amount of
341 \$15,267. Manager Koch seconded the motion. Upon a vote, the motion carried 5-0.

8. Discussion Items

a. Seville West

342 Mr. Jeffery updated the Board that the permit holder did meet the deadlines set by the Board's action last
343 month. He listed the items that the permit holder submitted and noted that staff is in process of reviewing
344 the information to see if the District's rules are met. Mr. Jeffery said that District costs will be incurred
345 due to this extra work and the permit holder will need to compensate the District for these costs.
346

347 Attorney Smith commented that the permit holder did submit the information as requested by the District
348 but what is left to determine is what is going to happen on the site. He said he doesn't know of any way to
349 deal with it outside of a compliance hearing. Attorney Smith pointed out that even if what the permit
350 holder submitted is in order, there are still problems that need to be addressed. Mr. Jeffery said that for the
351 house that was constructed on the property, the homeowner took it upon himself to construct the reuse
352 system on the site. He stated that this would make the property compliant with the previous permit, but it
353 was the homeowner that made it compliant and not Seville West. Mr. Jeffery said that the buffer is not
354 recorded. He said that staff will review the submission Sand will bring back to the Board any permit
355 violations. President Ward asked how much time is needed. Mr. Jeffery suggested the District follow the
356 same 60-day timeline starting from October 2.

b. Upcoming Meetings

357 President Ward announced that the District will hold a workshop at the District Office on the permitting
358 process on Wednesday, November 7 at 5:30 p.m. to be followed by the Regular Monthly Board Meeting
359 at 7 p.m. He noted other upcoming events including Cycle the Creek, CAC and TAC meetings, and the
360 MAWD annual meeting. Administrator Bleser noted that Mr. Jeffery will be leading the District's
361 November 7 workshop and the monthly Board meeting because she will be at the American Water
362 Resources Association conference.
363

9. Upcoming Events

- 364 • Cycle the Creek, September 29, 10 a.m., District Office, 18681 Lake Drive East, Chanhassen
- 365 • Citizen Advisory Committee Monthly Meeting, October 15, 6:00 p.m., District Office, 18681 Lake Drive
366 East, Chanhassen
- 367 • Technical Advisory Committee, October 24, 11 a.m. -1 p.m., District Office, 18681 Lake Drive East,
368 Chanhassen
- 369 • Community Clean-up for Water Quality, October 27, 9:30 a.m.-Noon, multiple areas in Chanhassen,
370 www.ci.chanhassen.mn.us/cleanup
- 371 • Workshop (Permitting Process), November 7, 5:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
- 372 • Regular Board Meeting, November 7, 7:00 p.m., District Office, 18681 Lake Drive East, Chanhassen,
- 373 • Minnesota Association of Watershed Districts Annual Meeting, November 29-December 1, Alexandria, MN
- 374 • RPBCWD Regular Board Meeting, December 5, 2018, 7:00 p.m., District Office, 18681 Lake Drive East,
375 Chanhassen

10. Adjourn

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Manager Ziegler moved to adjourn the meeting. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 9:48 p.m.

Respectfully submitted,

David Ziegler, Secretary