

## MEETING MINUTES

### Riley-Purgatory-Bluff Creek Watershed District

February 1, 2017, Board of Managers Plan Workshop and Monthly Meeting

#### PRESENT:

Managers: Mary Bisek, Secretary

Richard Chadwick

Jill Crafton, Treasurer

Perry Forster, President

Leslie Yetka, Vice President

Staff: Claire Bleser, District Administrator

Zach Dickhausen, District Staff

Michelle Jordan, Water Quality Outreach Coordinator

Josh Maxwell, District Technician II

Louis Smith, Attorney (Smith Partners)

Scott Sobiech, Engineer (Barr Engineering Company)

Other attendees: Paul Bulger, CAC\*

Dave Modrow, City of Eden Prairie\*

Jan Callison, Hennepin County\*

Dr. Raymond Newman, UMN

John Kirk, Eden Prairie Resident\*

Dorothy Pedersen, CAC

Larry Koch, Chanhassen Resident

Laurie Susla, LLCA\*

David Maurer, Deephaven Resident\*

Dennis Yockers, CAC\*\*

Sharon McCotter, CAC\*\*

David Ziegler, CAC

\*Indicates attendance at the monthly board meeting but not the plan workshop

\*\*Indicates attendance only at the plan workshop

## 1. Plan Workshop

President Forster called to order the Wednesday, February 1, 2017, Board of Managers Plan Workshop at 5:40 p.m. in the Heritage Room at Eden Prairie City Hall, 8080 Mitchell Road, Eden Prairie, MN 55344.

Administrator Bleser noted that this workshop is the District's third plan workshop. She summarized the steps the District has already conducted in the 10-year plan development process. She stated the workshop's objectives including presenting an outline of the proposed plan to projects and programs to be implemented in the next 10 years. She stated that post-workshop next steps include drafting the plan to be reviewed by the CAC, TAC, and the Board, receiving comments on the draft and revising as necessary, then going out for the 60-day review, holding the public hearing, and then going out for the 90-day review.

Administrator Bleser reviewed the staff's assumptions about operations and long-term programs including the assumption that operating costs would increase 3% each year. She displayed a PowerPoint slide listing operating costs and long-term programs including monitoring and engineering. Administrator Bleser explained that staff assumed that long-term program costs, except the AIS inspection grant and the University of Minnesota grant, would increase by 3% each year.

Administrator Bleser listed the nine scoring variables, such as the number of plan water resource goals addressed, sustainability, and watershed benefits, used in the project scoring. She described the scoring process. Engineer Sobiech handed out copies of the Management Decision Tree, and Administrator Bleser walked the group through the handout, providing examples of how decisions are made.

Mr. Dennis Yockers commented that in the workshops held this year on the 10-year plan and in meetings with the citizens, wetlands have come to a very high priority in the results. He said that hopefully the District will be looking at how to actually look at and manage the wetlands within the watershed. He noticed that the previous PowerPoint slide listed groundwater. Mr. Yockers said that in his opinion wetlands have been neglected in the management process but yet have a tremendous impact on lakes and creek. He stated that he hopes that as the District moves forward, it adds a strong wetlands aspect over the next 10 years. Mr. Yockers said he thinks this would include research on the wetlands, their quality, and their impacts.

Administrator Bleser remarked that Mr. Yockers is making a good point. She responded to additional questions and comments.

Administrator Bleser continued by describing the eight logistical considerations, such as partnerships, accessibility, and project costs, involved in the scoring process. She handed out copies of the Draft Implementation Table 2018-2028 and discussed the table. Administrator Bleser remarked that based on tonight's discussion about wetlands, the District could consider adding wetlands as one of the programs in this table.

Mr. Larry Koch requested a copy of this PowerPoint slide, the Draft Implementation Table 2018-2028, and everything related to the scoring. He commented that it was his understanding that the criteria weighting previously presented were draft criteria and that no decision about the criteria or weighting had been made. He asked if there was an approval of the criteria that was presented at the previous monthly meeting. He stated that it seems like putting the cart before the horse and commented that it seems that the District needs to first resolve what its criteria will be and firm up its prioritization. Administrator Bleser responded that at the previous workshop the different variables that would be used for the scoring were discussed and the CAC, TAC, and Board members were supportive. She said with that information staff took the assumption that this was a good enough tool to move forward to start the prioritization.

Manager Chadwick commented that he doesn't think the Board voted to confirm this as the standard tool. He said that also the Board previously talked about including the recreational activities as a factor. Administrator Bleser noted that discussions also included different viewpoints on what constitutes recreation. She talked about how recreational elements are taken into account in the scoring variables used. Manager Yetka recalled that the conversation included framing recreation in terms of public access.

Administrator Bleser summarized next steps, including that staff would go back and work to include wetlands into the table and staff would bring this presentation to the CAC and TAC and collect their comments. Manager Bisek asked about the timing of the Hyland Lake Use Attainability Analysis and asked if it would be complete before the prioritization is finalized.

Engineer Sobiech said the UAA will be done this fall and that the District staff could reach out to the Three Rivers Park District, which has been managing the lake for years and likely has project ideas. He said there also is the old UAA that has projects such as a recommended alum treatment that could be used as a placeholder.

Manager Chadwick remarked that he would hate to see recreational activities left out of one of the categories. Administrator Bleser said that staff will clarify and define the public education element because she thinks doing so would get to Manager Chadwick's point of looking at access to resources. She said that habitat restoration,

which enhances the existing resource, also pertains to recreation as does fisheries work. Administrator Bleser said that the District is trying to achieve, through its projects, healthy waterbodies.

President Forster requested staff to identify and list the sub-points of the categories in the handouts. Administrator Bleser replied that staff would have that information ready for the presentations to the CAC and TAC.

There was a brief discussion on how the District stays apprised of cities' planned projects.

President Forster closed the Plan Workshop at 6:48 p.m.

## **2. Call to Order**

President Forster called to order the Wednesday, February 1, 2017, Board of Managers Monthly Meeting at 7:07 p.m. at Eden Prairie City Hall, 8080 Mitchell Road, Eden Prairie, MN 55344. He noted that immediately prior to this meeting, the Board had a workshop starting at 5:30 and ending at approximately 6:50 p.m.

## **3. Approval of the Agenda**

Manager Yetka requested the addition of a discussion item to receive an office update. Administrator Bleser requested the addition, to immediately follow Agenda item 4, of permit 2017-003 for property 1876 Heathcote in Deephaven. Manager Chadwick requested the addition of the consideration of reopening the applications for the Citizens Advisory Committee in order to bring the Committee up to at least 13 members and to give due consideration to the items that were listed in the statute regarding who should be added to the Committee such as certain representatives from the counties, etcetera, and also consider adding someone from deep water lakes because now the Committee does not have representation from deep water lakes. President Forster added these three items to the agenda.

Manager Crafton moved to approve the agenda as amended. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

## **4. Hennepin County Update**

President Forster announced that the Hennepin County Board of Commissioners awarded the RPBCWD \$50,000 for the District's project with Scenic Heights school. He thanked the County Board and introduced Hennepin County Board of Commissioners Chair Jan Callison.

Chair Callison provided updates to the RPBCWD Board, including the news that Randy Johnson retired from the Board in the end of 2016. She said that the new commissioner, Debbie Goettel, serves part of the Riley Purgatory Bluff Creek Watershed. Chair Callison reported that the Ridgedale Library will be closed for a 10-month renovation starting this spring. She gave details on the renovation project.

Chair Callison said the County Board had a Briefing of the Board on the Governor's Water Buffer Law. She talked about two handouts she shared with the District Board including a handout on child protection and a handout on the 2017 State Legislative Priorities and Platform. She provided details about the topics addressed in the handouts. Chair Callison congratulated the District on its award of Watershed District of the Year.

## **5. Permit 2017-003 18761 Heathcote in Deephaven**

Engineer Sobiech explained that the permit is for the remodeling of plus a swimming pool addition to an existing home and property in Deephaven. He noted that permit review summary provided includes the map and plan

sheet.

He reported that the applicant submitted a variance request from the low floor criteria. He reminded the Board of the District's low floor criteria as stated in the District's rules. Engineer Sobiech went into details about the practical difficulty. He stated that the variance would affect only the applicant and would not have any offsite effects. Engineer Sobiech recommended granting the variance with the condition that the applicant must submit known notation in draft form of non-compliant low floor on the property and that a maintenance declaration must be recorded to comply with Rules B and J and to include the approved notation in the declaration.

Engineer Sobiech noted that the permit is also for a groundwater appropriation and there is a well on the site. He talked about the information submitted by the applicant.

Engineer Sobiech responded to questions.

Manager Chadwick moved to approve the variance based on the Engineer's recommendations and with the Engineer's conditions as described. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

Manager Chadwick moved to grant permit 2017-003 as recommended by the Engineer. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

## 6. Matters of General Public Interest

President Forster explained the procedure for bringing forward matters of general public interest, and he opened the floor.

Mr. Paul Bulger of Smithtown Road, Eden Prairie, noted that he is a taxpayer in Eden Prairie and is a member of the District's CAC. He said he has comments on the January 4, 2017, Board meeting minutes. Mr. Bulger said that on page 12 of the minutes, there is a discussion of the CAC appointment process and some managers' comments were captured in a simplistic sense and other comments were not captured. He said he feels that this is missing information from the meeting minutes and he would appreciate if the Board could comment on that when the Board reviews these minutes prior to approving them. Mr. Bulger stated that the way the minutes are written does not capture transparency and doesn't take ownership of comments that individuals made. He continued by saying that if the managers felt genuine that their comments were legitimate comments, he would appreciate if the managers would take ownership of them. Mr. Bulger also commented about Task Order 22. He requested this item be removed from tonight's discussion because of the fact that it is a new initiative for the District. He said that the CAC has put forth in the past a request that when there are new activities for the District, those activities are brought to the CAC prior to being acted on by the Board. Mr. Bulger listed his reasons for why Task Order 22 should not be acted on as part of the Consent Agenda and said he would appreciate if the Board would remove the item from tonight's agenda.

Ms. Laurie Susla of Dakota Lane, Chanhassen, said she thinks that in the future it would be a very good idea for staff to put into Board packets materials being presented at the workshops. She asked if there will be a public hearing or an opportunity for the public to comment on the new project prioritization tool. President Forster said that at the workshop Administrator Bleser laid out the checkpoints, including a public hearing down the road. Administrator Bleser said the public will have an opportunity to comment on the plan. Ms. Susla asked the Board to consider letting the public comment on the tool. Ms. Susla said that now there are no CAC members representing deep water fully recreational lakes. She referenced the CAC member criteria as described in the CAC application, which states that CAC members should represent different bodies of water. She said that representation from deep water fully recreational waterbodies important. Ms. Susla quoted question number 6

from the District's 2016 survey and said that 90% of respondents to that question indicated that lakes are very important to them. She listed other survey results and noted that clearly lakes are very important to the survey respondents. Ms. Susla said that for this reason it is important that lakes be properly represented on the District's CAC. She listed the District lakes that have representation on the 2017 CAC and said that shallow non-recreational lakes have different issues than deep water fully recreational lakes. Ms. Susla urged the Board to re-open, very soon, the CAC applications to allow for members to represent deep water fully recreational lakes. Ms. Susla remarked that the CAC is being split into two groups: those who feel it is important to work on statutorily required duties and those who want to work on education and outreach activities. Ms. Susla said that having two committees would be a great approach and should be encouraged by the Board and was proposed by the CAC at its January meeting. Ms. Susla stated that two criteria should be added to the District's project prioritization tool:

- increased recreational opportunities; and,
- health and safety.

She said there should be an element about how humans enjoy recreating on and in the waters as well as how safe the waters are to be in and on. Ms. Susla said that she would also like to add that this tool is a good idea and the CAC has been asking the District to do this for a number of years.

Mr. Larry Koch of Bighorn Drive, Chanhassen, commented that the financials do not correctly reflect that the CH2 M Hill settlement as income. He said that using those funds to reduce expenditures on the budget was not the proper way to report other income and was not the proper way to adjust the budget. He requested the Board review the budget on that basis. He commented further on the ways in which the method used was not appropriate accounting procedures and how the statements are grossly misleading as to actual expenditures. Mr. Koch commented that it was clear to him, and he thinks to everyone else, that there was not consensus reached as to the tools, prioritization of the criteria, and the list of the criteria. He said that those criteria should be worked out and more concretely defined before determining which projects to do. Mr. Koch talked about the Lotus Lake UAA's 2005 recommendation for an alum treatment. He said that under the current list of projects presented tonight, it will not be until 2025 before that alum treatment occurs. Mr. Koch referenced the more recent Lotus Lake UAA and noted that it did not specify that the Best Management Practices presented be done before the alum treatment, which is the most cost-effective phosphorus-removing project identified. Mr. Koch requested that the District's Governance Manual reference and include copies of implementing resolutions. He said that he thinks the Governance Manual should be explicit as to what to present from the Treasurer's Report and the financial reports at each meeting. Mr. Koch said he also believed that the Governance Manual should cover the certain occasions by the administration, Administrator, and by the Treasurer in which they review the statements, which could be done in writing and would eliminate some questions during the Board meetings. He said that he hopes that once the Governance Manual is approved that everyone follows it because he thinks it has been loosely followed specifically with respect to financial obligations and procedures. Mr. Koch said that with respect to notices of this meeting, he wants to repeat his objection to the way that notices go out for a workshop compared to a meeting because he thinks it is misleading to the public at large because a workshop is in fact a meeting. Mr. Koch said that he was disappointed in the way that the CAC appointments were handled. He said that he is not disappointed that he is not on the 2017 CAC because it allows him to be even more direct. Mr. Koch said that he thinks that the way the Administrator handled it violates the spirit of the process and the terms of the Open Meeting Law and it was badly done and does not reflect that this District was the District of the Year.

President Forster called several times for additional comments on matters of public interest. Upon hearing none, he moved on to the next agenda item.

## 7. University of Minnesota Plant Management Annual Report

Dr. Raymond Newman of the University of Minnesota updated the Board on the work being done and plans for 2017. He talked about District projects to help restore native plant communities and maintain habitat and water clarity. Displaying PowerPoint slides, he talked about District projects including the carp removal and Curlyleaf pondweed treatment in Lake Susan. He reported on the results of the Lake Susan Curlyleaf pondweed treatment, which was a split treatment. Dr. Newman explained that post-treatment there was a slow increase in native plants, a decrease in Curlyleaf pondweed, and a decrease in Eurasian Watermilfoil. He noted that Lake Susan still has an internal loading issue and for 2017 the UMN is proposing again a split endothall treatment.

Dr. Newman spoke about projects on Lake Riley including the 2010 carp removal, the 2013-2016 treatment of Curlyleaf pondweed, and the 2015-2016 Eurasian watermilfoil treatment in Lake Riley. He noted that an alum treatment was conducted last spring on Lake Riley. He went through the data on the Curlyleaf pondweed treatment results, including good water clarity, an increase in native plants, and an increase, incrementally, in native macrophytes. He said that the UMN plans to do a little bit of Curlyleaf pondweed treatment and treat a bigger area of the Eurasian watermilfoil on Lake Riley.

Dr. Newman discussed projects on Staring Lake, including carp control in 2014-2015. He said the lake had a big expansion of plants, native and Curlyleaf pondweed, after that project. He said that Curlyleaf pondweed doubled in frequency from 2014 to 2015 and again from 2015 to 2016 and now the UMN is recommending dealing with the Curlyleaf pondweed on this lake. Dr. Newman pointed out that their data on this lake indicates that seeds are a potential source of Curlyleaf pondweed plants in Staring Lake. He stated that Eurasian watermilfoil is present but seems under control and Brittle naiad showed up late last season, but he doesn't think it is something to be highly concerned about. He recommended a Curlyleaf pondweed split-lake treatment, which would treat one-third of the lake, on Staring Lake for 2017.

About Mitchell Lake, Dr. Newman reported that it has a diverse native plant community, a low abundance of Eurasian watermilfoil, and the UMN recommends Curlyleaf pondweed treatment.

He said that aquatic plant management should follow carp removal and that control strategies for invasive plants should be planned. He responded to questions.

## 8. 2016 Year in Review Presentation

Administrator Bleser said that the purpose of this presentation is to provide a glimpse of what the annual report will be and to provide information on where the District stood at the end of 2016. Using a PowerPoint presentation, she reviewed the District's 2016 Administrative expenditures. She stated that at the Board's previous monthly meeting, the Board authorized staff to move funds from the District's reserve and increased the office budget to \$72,500 and increased permit reviews to \$68,000. Administrator Bleser explained that Legal Services were higher than anticipated in 2016 mostly related to the District's concerns with the noise at its District office and to moving its office from one location to another.

Administrator Bleser displayed a PowerPoint slide about the District's permitting system and costs. She explained what the costs covered. She noted that in 2016 the District reviewed 47 permits, 22 of which were governmental permits. Administrator Bleser reported that due to the permitting process, the District reduced 48,340 pounds of sediment and 130 pounds of phosphorous from entering waterbodies, captured 260,000 cubic feet of water, and had 20 sets of buffers implemented.

Administrator Bleser talked about District-wide projects, noting that the District continues with its 10-year plan, which is a multi-year process and some funds will carry over into 2017. She discussed Aquatic Invasive Species (AIS) and early response, Creek Restoration Action Strategy II (CRAS II), and data collection and monitoring. She pointed out that for the District-wide floodplain analysis, the District has partners such as the cities of Chanhassen, Eden Prairie, Minnetonka, and Shorewood that took part in the floodplain effort and the District billed those partners at the end of 2016 for their portions of the costs. Administrator Bleser explained that although the floodplain line item looks like an over-expenditure, those partner funds are being received by the District toward those costs. She noted that \$10,000 was taken out of the Education and Outreach fund due to the budget supplements of an MPCA grant received as well as partnership funds from the Nine Mile Watershed District. She touched on plant restoration and survey analysis expenditures as well as expenditures related to the MPCA's TMDL looking at the Lower Minnesota River Watershed.

Josh Maxwell presented on the District's 2016 data collection and monitoring. He discussed water quality findings, MPCA standards, AIS monitoring and treatment, creek stabilization, and the Lake Susan Park Pond project. Mr. Maxwell provided a CRAS update, noted the creek reaches walked by staff as part of the District's rotation schedule, and noted changes to reaches B1A and R4D. He presented a summary of data collected on chloride levels in District lakes and ponds. Mr. Maxwell provided information on 2017 plans to monitor, treat with herbicide, and hand-pull as necessary the Eurasian watermilfoil in Staring Lake. He provided specific details on the carp biomass in Lake Lucy, Lake Susan, Lotus Lake, and Staring Lake. He presented the 2017 next steps for monitoring and handling carp.

Ms. Jordan presented on the District's 2016 Education and Outreach activities. She reported that the District conducted and/or participated in 13 workshops and events, which engaged 850 youth and 35 volunteers. She talked further about the District's efforts to engage the public, such as through the District's printed trail map, factsheets, newsletter, and social media accounts as well as through District projects. She talked about using flyers and postcards as tools to engage the communities. Ms. Jordan detailed the District's public outreach regarding the District's 10-year plan refresh. She highlighted the District's 2016 cost-share involvement and noted that this year had the most program involvement in the program's history. Ms. Jordan talked about specific cost-share projects. Ms. Jordan listed 2016 CAC highlights and accomplishments.

Administrator Bleser continued with the 2016 review by talking about the Chanhassen High School water reuse project in the Bluff Creek watershed. She highlighted the spent-lime treatment project in the Riley Creek watershed as well as other projects in that watershed such as the Lake Riley alum treatment. Administrator Bleser talked about the projects in the Purgatory Creek watershed like the herbicide treatment of Red Rock Lake, the Silver Lake paleolimnology, and the Purgatory Creek UAA. She reminded the group of the multi-year funds for the restoration work and the multi-year tracking in the Treasurer's Report.

## 9. Reading and Approval of Minutes

### a. January 4, 2017, RPBCWD Board of Managers Plan Workshop and Monthly Meeting

Manager Crafton requested a correction on page 5 to change the word "has" to "have." Manager Bisek requested the correct identification of the speaker on page 11, paragraph 2, sentence 2. Manager Chadwick requested wording revisions on page 10, item G, paragraphs 1 and 3.

Manager Crafton moved to accept the minutes as amended. Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

## 10. Consent Agenda

President Forster read aloud the Consent Agenda items: a. Accept Engineer's Report (with attached inspection report); b. Accept Staff Report; c. Approve Paying the Bills; d. Accept Treasurer's Report; e. Approve 2016-032 Permit Modification; f. Approve TO 22 Groundwater Assessment; g. Approve Pay Application #2 for Purgatory Restoration at 101. Manager Chadwick requested to remove items c & d & e Approve Paying the Bills and d & e Accept Treasurer's Report - from the Consent Agenda. President Forster said they would be taken off the Consent Agenda and added as Action items.

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

## 11. Citizen Advisory Committee (CAC)

President Forster stated that the Board packet has the minutes of the inaugural meeting of the 2017 CAC. Ms. Pederson noted that the CAC's motion was in favor of the new prioritization tool and reported that she was very happy with the new member orientation.

## 12. Action Items

### a. Governance Manual and Employee Handbook

Manager Crafton asked if the District's office address should be updated in the documents. President Forster said that when the District moves offices, it will update the address. Manager Bisek moved to approve updates to the Governance Manual and the Employee Handbook. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

### b. Bluff Creek Southwest Branch Stabilization and Restoration

Administrator Bleser reminded the Board that in January it approved a task order for work to help identify possible alternative sites to the Bluff Creek fish passage project. She displayed a PowerPoint slide with a map of creek reaches considered. Administrator Bleser talked about reaches BT3A and B5B and provided concept design information and cost estimates for creek and streambank stabilization work.

Administrator Bleser reported that the Minnesota Board of Water and Soil Resources will not extend the District's creek restoration grant because it wanted the creek reach identified by December 31, 2016. She stated that the City of Chanhassen is interested in the project, though. She introduced a possible funding source for this Bluff Creek stabilization and restoration project. She explained that staff proposes that the District reallocates some funds from the \$450,000 allocated to the Lake Lucy iron-enhanced sand filter project toward the Bluff Creek restoration project in partnership with the Carver County Soil and Water Conservation District and the City of Chanhassen.

Manager Bisek asked if the District would need to amend its Watershed Plan in order to do the newly identified Bluff Creek stabilization and restoration project. Administrator Bleser said yes. Administrator Bleser recommended that the Board authorize moving \$200,000 from the Lake Lucy iron-enhanced sand filter project funds to the Bluff Creek South Branch project, authorize the Administrator to release the plan amendment included in the meeting packet in order to start the review process, authorize staff to schedule the public hearing for the Board's March monthly meeting, and to authorize staff to begin project design at a cost not to exceed \$15,000.



Manager Crafton moved to reallocate \$200,000 from the Lake Lucy iron-enhanced sand filter project funds to the Bluff Creek Southwest Branch Stabilization project, to authorize the Administrator to release the plan amendment and to schedule the public hearing for March 1, and to authorize the District Engineer to begin project design at a cost not to exceed \$15,000. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

**c. Scenic Heights**

President Forster pointed out the materials about this agenda item included in the Board meeting packet. Manager Crafton moved to reallocate \$165,000 from the Lake Lucy iron-enhanced sand filter project to the Scenic Heights project. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

Administrator Bleser commented that the Minnetonka School District has reported securing an additional match-in-kind for this project: Minnesota Conservation Corps members coming to the project site to remove buckthorn.

**d. Approve Paying of the Bills/ Accept Treasurer's Report**

Manager Crafton said that in accordance with the District's internal controls and procedures for financial management, the Administrator has reviewed the bills as outlined on page 2 of the Treasurer's Report and recommends payment of the bills. Manager Crafton stated that she has gone through the bills, too, and also recommends paying the bills. Manager Crafton moved to pay the bills. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

Manager Crafton moved to accept the Treasurer's Report. Manager Yetka seconded the motion. Manager Chadwick noted that in his opinion one of the problems with the Treasurer's Report is that the \$50,000 in settlement funds from CH2M Hill never showed up as income in the District's financial report. Manager Crafton said that those funds were considered a reimbursement against costs. There was a brief discussion. Upon a vote, the motion carried 5-0.

## 13. Discussion Items

**a. Upcoming Meetings**

President Forster announced the upcoming meetings including the Board Workshop, Public Hearing, and Monthly Meeting on Wednesday, March 1 at the new address: 18681 Lake Drive East, Chanhassen.

**b. Office Update**

Administrator Bleser reported that the office retrofitting is currently happening. She provided specific details.

**c. 2017 CAC Appointments**

President Forster read aloud from the District's Governance Manual regarding appointments to standing and special committees of the Board and regarding the CAC. He talked about Minnesota state statute regarding appointments by the Board.

Attorney Smith noted that the content in the District's Governance Manual regarding the establishment of the District's CAC does not displace the statutory framework. He stated that there are some criteria established for citizen advisory committees statewide:

- Appoint members from each of the District's counties;
- Appoint someone from each of the soil and water conservation districts;

- Appoint someone from a farm organization; and,
- Appoint a representative of a sporting organization.

Attorney Smith said that Hennepin County does not have a soil and water conservation district and that the District has a Carver County Soil and Water Conservation District representative on its TAC but not, to his knowledge, on its CAC.

Manager Yetka commented that she heard that the CAC meeting in January was a good training and included robust discussion and she did not hear that there was any hindrance due to the fact the committee had 12 members. She said that the Board appointed CAC members in January and will do so again next January and she doesn't see any reason to go through the process again now. Manager Crafton concurred and said that she is happy with what the Board decided.

Manager Chadwick recited his understanding of what occurred in the last several meetings prior to the Board's January Board meeting.

Manager Bisek asked Legal Counsel to comment on whether the Board has met its CAC appointment requirements. Attorney Smith listed again the four statutory criteria, stated that the District doesn't have all four criteria met on its current CAC, and noted that if there are not applicants that meet these criteria, there is not much the Board can do about it. There was discussion about the appointment process that the District has spelled out. Attorney Smith stated that if the majority of the Board wanted to augment the membership of the CAC, it is his view that the Board has the legal authority to do so.

Administrator Bleser clarified that the CAC does have a sporting organization representative on it. She reviewed the timeline of the CAC application process and clarified what steps staff took to facilitate the CAC appointment discussion at the Board's January meeting.

There was additional discussion.

Manager Bisek moved that the CAC remains the same as the Board appointed in January. Manager Yetka seconded the motion. Manager Chadwick said that he would be opposed this motion and asked that the Board consider adding two more members to the CAC in accordance with the suggestions of the state statute. President Forster commented that he is not sure that the District is outside of the state statute with the CAC as appointed. Upon a vote the motion carried 3-2 [Managers Bisek, Crafton, and Yetka voted in favor and Managers Chadwick and Forster opposed the motion.] President Forster said that maybe later this year the Board could revisit the subject of the CAC appointment process for next year.

#### 14. Upcoming Events

- District Board Workshop, Public Hearing, and Monthly Meeting, Wednesday, March 1, 2017, 18681 Lake Drive East, Chanhassen, 5:00pm

#### 15. Adjourn

Manager Crafton moved to adjourn the meeting of the Board of Managers. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 9:43 p.m.

Respectfully submitted,

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Mary Bisek, Secretary