MEETING MINUTES
Riley-Purgatory-Bluff Creek Watershed District
January 9, 2019, Board of Managers 2019 Workplan/Visioning 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
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*
Michael Welch, Smith Partners

Other attendees: John Koch, Chanhassen Resident* Joan Palmquist, CAC*
Denny Kopfmann, Chanhassen Resident* Patrick Sejkora, City of Eden Prairie*
Bryan Maloney, LRIA* Laurie Susla, LLCA

*Indicates meeting only

1. 2019 Workplan Workshop and Visioning Exercise

President Ward called to order the Wednesday, January 9, 2019, Board of Managers 2019 Workplan Workshop and Visioning Exercise at 5:30 p.m. at the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

Administrator Bleser briefly reviewed the District’s 13 goals as identified in the RP3CWD’s 10-year Plan. She noted which category each goal falls under out of eight categories: Administration, Data Collection, Education & Outreach, Planning, Regulation, Water Quality, Groundwater, and Water Quantity.

Administrator Bleser asked the managers, “What does success look like to you over the next year in terms of the District’s stated goals.” She asked the managers to record their thoughts by writing as many responses as they wanted but keeping one response per sticky note. The managers took time recording their thoughts, and then Administrator Bleser asked the managers to share their thoughts.

Some of the ideas shared by the managers included: Visioneering, entrepreneurial thinking, new ideas, working with stakeholders, conducting a customer satisfaction survey for stakeholders, becoming known in the industry as having very strong leadership; hearing from the cities, addressing climate change, managers getting more involved in communicating with the cities and seeking more public and private partnerships; sharing data with stakeholders; completing all scheduled projects on time and on budget, 50% reduction in salt use; execute what is
planned for in the District's 10-Year Plan and measure outcomes, implement BMPs, have transparency in finances and operations, engage and work collaboratively with constituents, following District policies, measure and evaluate what the District does, and increase opportunities to interact with city and county representatives.

Administrator Bleser asked the managers to organize their ideas by categorizing each idea into one of the District's 13 goals or as an idea that does not fit into the 13 goals. After that exercise, Administrator Bleser asked the managers to each write down their thoughts on what, out of the ideas identified, are the top three priorities the District should focus on for success in 2019. Each manager shared her or his thoughts on District priorities for 2019, and Administrator Bleser wrote them down. President Ward noted that the Board needs to talk about next steps in this process.

President Ward adjourned the workshop at 6:51 p.m.

2. Call to Order

President Ward called to order the Wednesday, January 9, 2019, Board of Managers January Monthly Meeting at 7:00 p.m. at the District Office, 16851 Lake Drive East, Chanhassen, MN 55317. He took time to reiterate the District's mission statement: To protect water resources. President Ward said that going forward into the new year, the Board and staff need to remember that this is the focus of the District.

3a. Approval of the Agenda

Manager Koch moved to approve the agenda with the following changes: Add under Organizational Actions an item to appoint Committees and Committee memberships; Remove the Consent Agenda and keep the items in place as numbered but identify them as Initial Action Items; Under item 8 - Citizen Advisory Committee add three sub-items including 8a – Report by CAC; 8b – Motion to Address Issue Raised by CAC in Minutes; 8c – Appoint 2019 CAC members [to replace 9c – Appoint 2019 CAC members]; Layover until the Board’s February monthly meeting item 9d – Approve Fund Balance Policy Update and item 9e – Approve Investment Deposit Policy; Add Action Item 9i – AIS Working Group; Add Action item 9j – IT Consultant; Add Action item 9k – Direct Staff to Coordinate a Meet & Greet; Add Discussion item 10a – Cost-Share Workshop in February.

Manager Ziegler seconded the motion. There was a discussion about when the Board would address the topic of District Committees. The Board agreed to discuss committees at its February monthly meeting and not as part of this meeting's organizational actions. Upon a vote, the motion carried 4-1. [Manager Pedersen voted against the motion].

Manager Pedersen expressed she finds it difficult to organize thoughts toward a good decision on agenda items when items are added, or information is shared, the day of the Board meetings. She asked if the Board would end its recent practice of introducing new items the day of the Board meeting. Manager Koch responded that he will have tonight a point of discussion and a motion for consideration about the District's calendar, which is an item on the meeting agenda. He said he thinks it would be appropriate for the Board to have a discussion.

4. Matters of General Public Interest

Mr. Bryan Maloney, Vice President of the Lake Riley Improvement Association (LRIA), commented that he is speaking on behalf of the LRIA about opportunities for enhancements to the Lake Riley boat ramp inspection program. He thanked Administrator Bleser and the District for putting on the zebra mussel information session in December. Mr. Maloney said the LRIA thinks that the public boat launch on Lake Riley is a way that zebra
mussels enter the lake, and the LRIA would like the inspection program at the public boat launch to be enhanced and improved. He referred many times to the email, and data in it, that the President of the LRIA sent to the RPBCWD Board. Mr. Maloney asked if there is an opportunity for the watershed to engage local government and community organizations to try to get full-time inspections at the boat launch starting this season. He responded to manager comments and questions.

Mr. Patrick Sejkora introduced himself and announced he is the new water resources specialist at the City of Eden Prairie.

Ms. Laurie Susla of 7008 Dakota Avenue, Chanhassen, reiterated the recommendation she brought to the Board at the December monthly meeting: The District should consider establishing a CAC that carries out that statutory responsibilities and a separate citizen volunteer committee. She explained that she reviewed the CAC’s 2018 meeting minutes and found only one motion that was advisory in nature. Ms. Susla said that the CAC’s advisory role is legally necessary and is not happening. She commented that by establishing two committees, the District would avoid the conflict of one CAC dividing focus between advising and volunteering.

5. Reading and Approval of Minutes

a. Minutes of Board of Managers Meeting, December 5, 2018

Manager Crafton noted that on page 3, paragraph 1, line 4, the extra word “move” should be deleted. She said that on page 5, paragraph 6, line 6, identify the attorney in attendance as Attorney Welch not Smith— and to replace throughout the minutes any mentions of Attorney Smith with Attorney Welch. Manager Pedersen asked for a correction in the same line to replace the word great with “greatly.”

Manager Crafton stated that on page 7, line 5, paragraph h, to clarify the sentence so it reads, “...be based in order to be comparable to employers...” Manager Pederson requested a change on page 2, paragraph 6, to add language as the second sentence in line 2 to read, “Manager Pedersen noted that this issue was created years ago when a road was allowed to be built through a wetland and a lake.” She also asked for a correction on page 4, item 9a, sentence 2, remove the word “in” so the sentence would read “...lots 4 and 5 of the development.” Manager Pedersen asked for a comma to be inserted on page 5, paragraph 8, sentence 3, so the sentence reads, “...those items are stipulations, not conditions, on the permit...”

Manager Ziegler asked that the line numbers be corrected so that they are continuous. He noted a correction on page 2, line 5, to put the phrase “...to reach the TSS and TP reductions...” at the end of the sentence. Manager Ziegler asked for a correction in the same paragraph, line 7, to add the words “all of” so the sentence reads, “...it won’t treat all of the road runoff.” Manager Welch requested that the recorder’s name be added to the list of attendees. He noted that on page 2, paragraph 7, to add the word application so that the sentence reads, “...the permit application...” Attorney Welch noted that on page 3, item 4, a sentence should be added at the bottom of that item to read, “The managers thanked the commenters for their comments.”

Attorney Welch pointed out an edit needed on page 4, sentence 3, to add the word “salary” so the sentence reads, “...regard to the staff salary increases...” He also noted a correction on page 4, item 9a, that the words “At Mr. Jeffery’s request should be added to the beginning of the section so the sentence reads, “At Mr. Jeffery’s request, Mr. Perry Ryan...” Attorney Welch noted that in the same section, sentence 6, the words “constructing storm water facilities,” so the sentence reads, “...a large amount of money constructing storm water facilities on lots...” Attorney Welch had a correction in paragraph 1,
sentence 2, to replace the words “permit holder’s” with “applicant’s.” He noted that on page 5, paragraph 3, Mr. Curt Fretham should be identified as being part of Lake West. Attorney Welch stated that on page 5, paragraph 6, sentence 3 should read, “…the District has a variance and exceptions rule…” Attorney Welch requested adding to page 5, paragraph 8, to read, “Attorney Welch explained that the Board can only act on the application that is in front of it at the meeting tonight, though the Board can condition its approval. He added that the statutory timeframe for permit decisions requires that the Board take some action on the application at tonight’s meeting.”

Manager Ziegler moved to approve the December 5, 2018, meeting minutes as amended. Manager Pedersen seconded the motion. **Upon a vote, the motion carried 5-0.**

**b. Minutes of Board of Managers Meeting, December 18, 2018**

Manager Crafton noted that Terry Jeffery should be added to the list of attendees. Manager Crafton noted an edit to be made on page 3, lines 72 and 73 so the sentence would read, “Manager Crafton recommended the District reach out to the Metropolitan Council for additional funding for the project.”

Manager Pedersen commented that a correction should be made on page 1, line 10 to delete the word “the.” Manager Crafton moved to accept the December 18, 2018, minutes as amended. Manager Ziegler seconded the motion. **Upon a vote, the motion carried 5-0.**

**6. Organizational Activities**

**a. Election of Officers**

Manager Crafton moved to re-appoint President Ward as Board President. Manager Pedersen seconded the motion. Manager Crafton moved to appoint Vice President Pedersen as Vice President. Manager Ziegler seconded the motion. The Board discussed electing officers by nominating an entire slate and decided they would proceed by nominating a slate of officers. Managers Pedersen and Ziegler withdrew their seconds of Manager Crafton’s motions. Manager Crafton withdrew her two motions.

Manager Crafton moved to elect the following slate of officers to the Board of Managers: Manager Ward as President, Manager Pedersen as Vice President, Manager Crafton as Treasurer, and Manager Ziegler as Secretary. Manager Ziegler seconded the motion. **Upon a vote, the motion carried 5-0.**

**b. Designation of Official Publications**

Manager Koch moved to designate the District’s official publications as listed in the Board’s meeting packet: Sun Sailor, Sun Current, Chaska Herald, Chanhassen Villager, and Eden Prairie News. Manager Ziegler seconded the motion. **Upon a vote, the motion carried 5-0.**

**c. Appointment of Technical Advisory Committee**

Manager Koch moved to appoint as members of the District’s Technical Advisory Committee the people identified on page 3 of the 2019 Organizational Actions document included in the meeting packet: Matt Clark, Robert Bean Jr., Leslie Stovring, the City of Eden Prairie Water Resources Engineer, The City of Minnetonka’s Water Resources Coordinator, Will Manchester, Steve Segar, the City of Chanhassen’s Water Resources Coordinator, Paul OHOME, Allison Fauske, Karen Galles, Paul Moline, Melissa Jenny, Kate Drewry, Jenny Skancke, Mike Wanous, Steve Christopher, Joe Mulcahy, Linda Loomis, Chris Zadak, and a representative of Minnesota Pollution Control Agency upon Chris Zadak’s departure from the MPCA. Manager Ziegler seconded the motion. **Upon a vote, the motion carried 5-0.**

**d. Designation of Bank**
Manager Koch moved to appoint Klein Bank in Chanhassen and Wells Fargo in Bloomington as the District’s official depositories for District funds. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

e. Designation of Depository for Permit Financial Assurances
Manager Koch moved to designate Smith Partners LLC as the District’s depository for non-cash permit financial assurances and Klein Bank or Wells Fargo as the District’s depository for cash permit financial assurances. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

f. 2019 Calendar of Meetings
Manager Ziegler moved to approve the District’s 2019 meeting calendar as presented in 2019 Organizational Actions document in the Board’s meeting packet and with the understanding that changes to the calendar may be directed by the Board during the year. Manager Crafton seconded the motion. Attorney Welch reminded the Board that agenda items can be added to the Board’s regular monthly meetings, but the Board’s special meetings are required to only address the agenda items as publicly noticed.

Manager Ziegler withdrew his motion and Manager Crafton withdrew her second. Manager Ziegler moved to approve the District’s 2019 meeting calendar as presented in 2019 Organizational Actions document in the Board’s meeting packet and direct the Administrator to file the calendar for record. Manager Crafton seconded the motion. Manager Koch moved to amend the meeting calendar to add to the February 6th meeting a report on the District’s year-end financial statement, add a District finance workshop on April 3, add a fund balance report, data practices review, and property report to July, move the public hearing for the budget to August, have the final approval of the levy on September 4, at the December meeting have the final budget review and levy approval. Administrator Bleser noted she will not be at the April 3 meeting. Manager Koch moved to amend his motion so that the finances workshop would be held April 4. Managers voiced their conflicts with dates in April. President Ward commented that at this time the action in front of the Board is to set the 2019 calendar of meetings and not to set the meeting agendas. Manager Pedersen seconded the motion to amend. Manager Koch suggested he amend his motion to amend. Manager Pedersen called the vote. Upon a vote, the motion to amend failed 1-4 [Manager Koch voted in favor.]

Manager Pedersen called the question on the motion to approve the District’s 2019 meeting calendar as presented in 2019 Organizational Actions document in the Board’s meeting packet and direct the Administrator to file the calendar for record. The motion carried 4-1 [Manager Koch voted against the motion.]

3b. Agenda (Revisited)

Staff and Board discussed whether to handle as the next order of business the items formerly on the Consent Agenda, which were amended to become Initial Action Items, or the Citizen Advisory Committee. Manager Koch moved to amend the meeting agenda to move Citizen Advisory Committee ahead of the Initial Action items. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

7. Citizen Advisory Committee

a. Report from CAC
Ms. Joan Palmquist reported that the CAC requests receiving the minutes from the Board’s monthly meeting sooner so that the CAC members have the opportunity to review the minutes prior to the CAC’s monthly meeting. There was discussion and it was decided that the minutes of Board meetings would be delivered to the Administrator no later than a week plus one day after the meeting.

Ms. Palmquist reported the CAC will be conducting exit interviews with departing CAC members. Ms. Palmquist said the CAC discussed the CAC’s role, topic calendar, and expectations of the CAC. She noted that in 2018 the CAC spent a lot of time on the District’s 10-Year Plan and there was a lot of CAC member turnover, including members who left the CAC to become Board members. Manager Koch asked Ms. Palmquist how many new members could be effectively added to the CAC. She responded that it was her understanding the Board had indicated it wanted 12 members on the CAC and she felt the CAC could accommodate adding new members to bring it up to that level. She commented also that the CAC tends to have attrition every year.

Manager Koch reported on the workshop held prior to tonight’s monthly meeting and asked Ms. Palmquist if the CAC would like to be involved in the discussion about what the District would consider success in 2019. Ms. Palmquist responded the CAC could discuss it. Manager Koch moved to adopt the resolution [Resolution 2019-001] he prepared stating the draft of the minutes of the meeting of the managers of the Riley Purgatory Bluff Creek Watershed District be prepared and disseminated to the District Administrator, Managers, and Citizen Advisory Committee not later than the seventh business day after such meeting. Manager Ziegler seconded the motion. There was discussion about whether this action needed to be a resolution since staff has been directed to the action already. Manager Koch requested adding to the governance meeting in March a discussion of the process the Board and staff want to go through for taking action at its meetings. Upon a vote, the motion carried 5-0.

b. CAC Appointments for 2019

The Board, staff, and Ms. Palmquist discussed the number of applications, the number of members to appoint to the CAC, and who to appoint. Manager Koch moved to appoint to the CAC all the applicants except for the two who don’t reside in the watershed district. He noted that the CAC has the authority to change its bylaw regarding the CAC quorum. Manager Ziegler seconded the motion. Manager Pedersen said that when she was on the CAC, there were four meetings in which the Committee did not have a quorum. She said she thinks it is important to find out the commitment level of the applicants. She said she is in favor of adding a few more CAC members, but not all of the applicants. There was further discussion about the number to appoint. Upon a vote, the motion carried 3-2 [Managers Crafton and Pedersen voted against the motion].

8. Initial Action Items

a. Accept December Staff Report

Manager Koch asked staff to bring him up to speed on the Frontier Trail permit issue. Mr. Jeffery provided the information. Staff responded to Manager Koch’s follow-up questions. Manager Koch asked for information on two grants reported in the staff report. Administrator Bleser provided
details on the two grants. Manager Koch asked if the District's insurance covers the District's
service learners. Administrator Bleser provided details about the service learners and responded yes,
the District's insurance covers volunteers. Manager Ziegler moved to accept the December staff
report. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

b. Accept December Engineer's Report (with Attached Inspection Report)
Manager Koch raised many detailed questions about the report. Staff answered his questions.
Manager Ziegler moved to accept the December Engineer's Report with attached inspection report.
Manager Crafton seconded. Upon a vote, the motion carried 5-0.

c. Authorize Administrator to Execute Contract with Freshwater Society for the
Hennepin County Chloride Initiative
Manager Koch asked if District Legal Counsel has reviewed the contracts. Attorney Welch said he
has only reviewed it to the extent that it was included in the meeting packet. He stated he
recommends the Board does not approve the contract with the Freshwater Society as is because it
lacks a number of items that are required. He said the Board could authorize the Administrator to, on
the advice of Legal Counsel, enter an agreement and staff to work out the scope of work based on
terms and conditions that staff and Legal Counsel work out. Manager Koch moved to authorize the
Administrator and staff to work with District Legal Counsel and proceed with the contract with
Freshwater Society for the Hennepin County Chloride Initiative. Manager Ziegler seconded the
motion. Upon a vote, the motion carried 5-0.

d. Authorize Administrator to Execute Contract with Freshwater Society for the Master
Water Stewards Program
Manager Crafton moved to authorize the Administrator to execute the contract with the Freshwater
Society for the Master Water Stewards program. Manager Pedersen seconded the motion. Manager
Koch asked Attorney Smith if he reviewed the contract. Attorney Welch said it is based on a
template that he helped create originally, but he has not reviewed the contract with a fine-tooth
comb. Manager Koch moved to amend the motion to provide that Administrator execute the contract
with any changes that the District Legal Counsel suggests. Manager Ziegler seconded the motion to
amend. Upon a vote the motion to amend carried 3-2 [Managers Koch, Ward, and Ziegler voted in
favor. Managers Crafton and Pedersen voted against the motion.]

Upon a vote, the amended motion carried 5-0.

e. Release Request for Proposal for Legal Services
Manager Crafton moved to release the Request for Legal Services. Manager Ziegler seconded the
motion. Manager Koch moved to amend the motion to change language in the Request for Legal
Services so the fifth line from the bottom of the Request reads, "...and reserves to itself the right to
reject any and all proposals and otherwise take such action..." Manager Koch commented that this
change would make the Request consistent with the language in the other Requests for Proposals
that the District has prepared. Manager Ziegler noted that the Request doesn’t ask applicants to
include specific information about expertise in watershed districts. Manager Ziegler seconded the
motion. Manager Koch asked how the Requests will be distributed. Administrator Bleser said
through the District’s official publications. Manager Koch commented that the distribution of the
District’s official publications isn’t very wide. Manager Koch amended his motion to include the
language directing respondents to include background profile information and specific expertise in
watershed issues. Manager Ziegler seconded the motion. Upon a vote, the motion to amend carried
5-0.

Upon a vote, the amended motion carried 5-0.

f. Release Request for Proposal for Auditing Services
Manager Ziegler moved to authorize staff to release the Request for Auditing Services. Manager
Koch seconded the motion. Upon a vote, the motion carried 5-0.

9. Action Items

a. Accept November Treasurer’s Report
Treasurer Crafton reported she and the Administrator reviewed the report in accordance to the
District’s controls and procedures and moved to accept the November Treasurer’s Report. Manager
Ziegler seconded the motion. Manager Koch asked about the permit income reflected in the report
and asked if that balance is approximately where staff thinks the permit revenues will end up for
2018. Administrator Bleser responded yes. Manager Koch noted that the expenses for the
Chanhassen High School storm water project is at 102%. He asked staff if it anticipates the project
expenses going higher. Administrator Bleser said no and in addition, the District received $100,000
in partner funds, instead of the budgeted $50,000, so actually the report should reflect that the
project is running under budget. Administrator Bleser said this change will be reflected in the next
month’s report. She noted additional costs to be paid out for the project, such as signage costs.
Manager Koch had a few other questions clarifying his understanding of the information reflected in
the report under the Lake Riley section and a few questions about the outgoing checks for this
month’s bills. Upon a vote, the motion carried 5-0.

b. Approve Paying the Bills
Manager Crafton moved to pay the bills. Manager Koch seconded the motion. President Ward stated
that the checks have not arrived but should arrive by Friday. Administrator Bleser added that if the
checks do not arrive by Friday, the checks will be reissued, so the check numbers will not match the
numbers listed in the November Treasurer’s Report.
c. Engagement of Human Resources Consultant

Manager Koch moved to adopt his drafted resolution, included in his January 3, 2019, memorandum, to engage a human resources consultant to review and revise policies and procedures and direct the Administrator to solicit consultant services from a minimum of three consultants and for the consultant to complete the work within 60 days. Manager Crafton commented that there is a manager on the Board who has 15 years of human resources experience. The motion died for lack of a second.

President Ward moved that the Board authorize the President and Administrator to solicit proposals from at least three human resources consultants to design and implement a professional 360-degree or multi-source performance assessment of the administrator to include feedback from managers, staff, and other stakeholders as well as a self-assessment by the Administrator and present these proposals and a recommendation for the Board’s consideration at the Board’s next regularly scheduled Board meeting. He said he thinks the previous motion stemmed from discussion and concern about the performance evaluation conducted in fall 2018. President Ward said he thinks this would be a good remedy on a go-forward basis. Manager Ziegler seconded the motion. Manager Pedersen said she thinks a third-party would be a much fairer way to do the evaluation of the District Administrator.

Manager Koch said he is not certain a 360-degree review is the right process to utilize in this case. He said he wants to go on record saying that the Board was given opportunities to do this in a nice way, but he wants to say that the review of the Administrator was the worst review process that he has witnessed in 41 years of practicing. Manager Koch said that to his knowledge no official recordings were made of that meeting, which is his understanding is a violation of the Open Meeting Law. He said he was told before that meeting, which was a meeting of the managers, that he should not, could not say anything, which he objected to. Manager Koch said that during the evaluation there was a suggestion to call Attorney Smith, and he agreed to it, and then once he agreed to it, the suggestion was rejected. Manager Koch said that when he asked to go out and discuss the matter, he was refused. Manager Koch said the meeting started out as blatant attacks on the reviewee, who was given no opportunity to respond. He said it appeared to him that the result of the evaluation was a foregone conclusion and there was not even a recess for the managers to discuss the results.

Manager Koch said in his opinion, based on his 41 years of experience of not only reviewing people but being reviewed and counseling people on reviewing, this review of the Administrator was an absolute violation, an abomination of every best practice when it comes to reviews. He said for this reason his motion was to authorize the Board to figure out how to go about the review process and get advice from the District Legal Counsel about how it should all be done. He said it is his understanding that the Board has created a real barrier between the staff and the Board by the Board’s conduct.

Manager Koch said he thinks it will be difficult to repair the relationship between the Board and staff at least with the current members serving on the Board’s Personnel Committee. Manager Koch said his suggestion is that the Board work with a professional to review the Board’s entire process to figure out how to go about it. He said no RPBCWD manager has the experience to make this determination, and in his opinion, human resources experience pre-1990 is no longer relevant.

Manager Koch said his suggestion is to bring in a professional to guide the Board in what to do and
then to help the Board do it. He said he thinks it is clear to see the animosity certain people involved have toward other people involved, and he thinks it is getting in the way with the Board’s relationships between itself and its staff and consultants. Manager Koch moved to amend President Ward’s motion to solicit services from a human resources professional to advise the Board on what evaluation process to undertake, which might be a 360-evaluation, and how to go about it. Manager Ziegler seconded the motion to amend. Upon a vote, the motion failed 2-3 [Managers Koch and Ziegler voted in favor. Managers Crafton, Pedersen, and Ward voted against.]

The motion carried 4-1 [Manager Koch voted against the motion.]

d. Resolution to Adopt Permit Fee Schedule Amendment

Mr. Jeffery pointed out a few edits to be made to the Permit Fee Schedule document included in the meeting packet. Attorney Welch and Mr. Jeffery noted the resolution for this item is Resolution 2019-004 Permit Fee Schedule Amendment. Manager Koch moved adopt Resolution 2019-004 to adopt the Permit Fee Schedule Amendment as presented and to give District Legal Counsel the discretion of numbering the resolutions to ensure they are numbered as appropriate. Manager Ziegler seconded the motion. Mr. Jeffery and Attorney Welch responded to questions about the schedule including the excess cost recovery. Upon a roll call vote, the motion carried 5-0.

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e. Resolution to Adopt Financial Assurance Rate Schedule

Mr. Jeffery explained in detail what has changed. Manager Koch recommended that for the rules with 125% to insert the words “approved/accepted design engineer’s opinion.” Manager Koch moved to adopt the financial assurance schedule with the change he requested. Attorney Welch said Manager Koch makes a good point, but his recommendation as the District’s Legal Counsel was to not have it be subject to the District Engineer’s approval. He said the District Engineer has the ability to work back and forth with an applicant and with the applicant’s engineer on an ongoing basis. Attorney Welch described the process. He stated the mechanism in place is that the Engineer can bring it to the Board instead of putting the Engineer in the position of having to negotiate back and forth. Manager Koch responded. Attorney Welch went into further detail about the District’s financial assurances and said he doesn’t think the District is warranting anything about the applicants’ costs. He said the only approval the Board is giving is that the District’s Engineer reviewed the design and if the project is built as designed, it will achieve compliance with the
District’s rules. Attorney Welch explained the financial assurance is kept by the District for two purposes: To encourage compliance and to provide the District a mechanism to obtain funds to go in and stabilize a site in the event the property owner doesn’t do what it says it is going to do. Engineer Sobiech noted that staff member Terry Jeffery also does a lot of the review work. There was an extensive discussion. Manager Koch’s motion died due to lack of a second.

Manager Crafton moved to adopt the Resolution 2019-005 to adopt the Financial Assurance Rate Schedule, effective for all applications completed after January 10, 2019, as presented including the changes explained by Mr. Jeffery. Manager Ziegler seconded the motion. Upon a roll call vote, the motion carried 4-1.

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f. Resolution to Adopt Third Amendment to the Delegation to the Administrator of Certain Permit-Approval Authority

President Ward introduced this item, explaining it is an amendment to an existing resolution. Manager Crafton moved to adopt Resolution 2019-006 to adopt the Third Amendment to the Delegation to the Administrator of Certain Permit-Approval Authority as presented in the meeting packet. Manager Pedersen seconded the motion. Upon a roll call vote, the motion carried 5-0.

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g. **AIS Working Group**

President Ward noted that the managers have a copy of the proposal provided to the Board late this afternoon by Manager Koch regarding an AIS (Aquatic Invasive Species) Working Group. Manager Koch moved to adopt Resolution 2019-007 regarding an AIS Working Group as detailed in his December 16, 2018, memo. The motion died for lack of a second.

h. **IT Consultant**

President Ward and Manager Pedersen said they have not seen information about this item. Manager Koch said his memo on this item was submitted and is also on the table in front of them. He moved the adoption of Resolution 2019-008 to authorize the Administrator of RPBCWD to inquire of other watershed districts, MAWD, BWSR, and other organizations regarding their IT policies and procedures’ consultants and provide the results of such inquiry to the Board of Managers and for the District Administrator to solicit proposals from that list to create to review the District’s IT systems and processes within 60 days. Manager Koch read aloud his resolution. The resolution died for lack of a second.

i. **Direct Staff to Coordinate Meet & Greet**

Manager Koch moved to adopt Resolution 2019-009 to authorize and direct the District Administrator to arrange for one or more Meet and Greet events with local officials and that the costs would come out of the District’s Education and Outreach budget. Manager Koch read aloud his resolution. Manager Ziegler seconded the motion. The Board and staff discussed the proposed meet and greet. Upon a vote, the motion carried 5-0.

10. Discussion Items

a. **Upcoming Board Meeting – February Monthly Meeting:**

President Ward noted that the District will hold a Cost-Share Workshop prior to its February Regular Monthly Board Meeting.

i. **Delayed - Cooperative Agreement with City of Eden Prairie for Lower Riley Creek**

ii. **Stormwater Model Update, Flood Risk Mapping, Mitigation and Adaptation Task Order**

iii. **Cost-Share Workshop**

iv. **Fund Balance Policy**

v. **Investment Deposit Policy**

vi. **District Committees**

11. Upcoming Events

- Citizen Advisory Committee Monthly Meeting, January 28, 2019, 6:00 p.m., District Office, 18681 Lake Drive East, Chanhassen
- RPBCWD Snowshoeing and Community Mural at Lake Ann February Fest, February 2, 2019, 12-3:00 p.m., Lake Ann Park, Chanhassen
- RPBCWD Board of Managers Workshop, February 6, 2019, 5:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
12. Adjourn

Manager Pedersen moved to adjourn the meeting. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 10:00 p.m.

Respectfully submitted,

David Ziegler, Secretary