

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

March 3, 2021, RPBCWD Board of Managers Regular Meeting

PRESENT:

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

Staff: Amy Bakkum, Administrative Assistant
B. Lauer, Education and Outreach Coordinator
Claire Bleser, RPBCWD Administrator
Terry Jeffery, Watershed Planning Manager
Josh Maxwell, Water Resources Coordinator
Louis Smith, Attorney, Smith Partners
Scott Sobiech, Engineer, Barr Engineering Company

Other attendees: Shanna Braun, Barr Engineering Sharon McCotter
Elizabeth Henley Marilyn Torkelson

Note: this meeting was held remotely via meeting platform Zoom in abidance with state mandates in response to Covid-19.

1. Call to Order

1 President Ward called to order the Wednesday, March 3, 2021, Board of Managers Regular
2 Monthly Meeting at 7:00 p.m. The meeting was held remotely via meeting platform Zoom.

3

2. Approval of Agenda

4 Manager Ziegler moved to approve the agenda. Manager Crafton seconded the motion. Manager
5 Koch requested moving off the Consent Agenda items 9a– Accept March Staff Report , 9e –
6 Authorize Solicitation to go out for bid for Silver Lake Water Quality Project, 9f – Authorize
7 Execution of Silver Lake Water Quality Project, 9g – Approve Silver Lake Land Use Agreement,
8 and 9h – Authorize Solicitation to go out for bid for Saint Hubert Water Quality Project Pending
9 Legal Approval, and he requested amending item 9d to read Approve Payment of Final Pay App
10 and Close Out of the Scenic Heights Elementary School Forest Restoration Project. He requested
11 adding to the agenda Approval of an Interim Administrator, Transfer of Positions to the Interim
12 Administrator, Authorize a Search for a District Administrator, Inform BWSR to that Effect, and

13 Direct Administrator Bleser and the Interim Administrator to take whatever actions needed for
 14 the Interim Administrator to efficiently take over that role. He requested adding an agenda item
 15 about registering for the Minnesota virtual legislative event. President Ward said the discussion
 16 about the interim Administrator and transfer of positions is going to be a long discussion and is
 17 on the agenda for the Board’s March 9th meeting and he doesn’t support adding it to tonight’s
 18 agenda. Manager Koch remarked he thinks it would be a mistake not to add it to tonight’s agenda.

19 Attorney Smith stated Mr. Jeffery would like an agenda item added regarding Recording
 20 Declarations for the Chanhassen Wetland Project.

21 Manager Ziegler accepted the friendly amendment to add the agenda item on recording
 22 declarations for the Chanhassen Wetland Project, to remove from the Consent Agenda and add to
 23 Discussion items 9a, 9e, 9f, 9g, and 9h, and to revise item 9d to become Approve Payment of
 24 Final Pay App and Close Out of the Scenic Heights Elementary School Forest Restoration
 25 Project. Manager Koch reminded the Board of his request to add an agenda item about registering
 26 for the Minnesota virtual legislative event. Manager Ziegler accepted it as a friendly amendment
 27 as well. Manager Crafton agreed to the friendly amendments.

28 Upon a roll call vote, the motion carried 5-0 as follows:

29

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

30

3. Summary of Closed Personnel Meeting

31 Manager Pedersen reported the meeting did not proceed due to an issue Manager Koch brought to
 32 the Board’s attention regarding the public notice process for the meeting. Manager Koch said
 33 there were several meetings held prior to the meeting that did not take place and actions were
 34 taken in those meetings. He said the actions taken at those meetings should be summarized.

35 Manager Pedersen asked Attorney Smith for clarification on what information should be reported
 36 tonight. Attorney Smith responded this is the occasion to report on the closed meetings held in the
 37 interim since the last meeting of the Board, which was February 3. Manager Koch said the Board
 38 took action vis a vis Dr. Bleser, and he thinks it’s the Board’s obligations to report on that action.
 39 Manager Pedersen said her understanding is that regarding an employment matter, the managers
 40 were only to report the individual’s rating and the increase or lack of increase [salary]. Attorney

41 Smith stated the items Manager Pedersen mentioned are items typically included in a summary of
 42 a closed meeting for the purposes of a performance evaluation.

43 Manager Koch suggested Manager Pedersen and himself have a discussion with Attorney Smith
 44 and have him review the recordings to determine if there are other items that need be disclosed
 45 and provide an opinion to the Board. Manager Koch moved to direct Attorney Smith to review
 46 the recordings from the closed meeting and provide an opinion to the Board as to what
 47 information should be included in the Board’s summary of the closed personnel meeting.
 48 Manager Crafton seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

49

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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4. Matters of General Public Interest

51 No matters of general public interest were raised.

5. Reading and Approval of Meeting Minutes

52 a. February 3, 2021, RPBCWD Board of Managers Monthly Meeting

53 Manager Ziegler moved to approve the minutes as presented. Manager Pedersen seconded
 54 the motion. Manager Koch noted an edit on line 65 to delete the extra “and” and an edit
 55 on line 107 to change “aren’t to “are not.” Managers Ziegler and Pedersen agreed by
 56 consent to Manager Koch’s friendly amendment to the motion. Upon a roll call vote, the
 57 motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

6. CAC

58 a. CAC Report

59 Ms. Sharon McCotter reported the CAC unanimously elected Heidi Groven as CAC Chair and
 60 Jim Boettcher as CAC Vice Chair. She said the CAC amended its bylaws stating new CAC
 61 members serve an initial two-year commitment. Ms. McCotter asked if the Board needs to vote
 62 on approving the CAC’s bylaws. There was a discussion about the Board’s role with the CAC’s
 63 bylaws. Attorney Smith said in general the CAC operates in developing its own bylaws, but the
 64 CAC wants to always be operating in terms of communication with the Board of Managers. He
 65 said he understands the spirit of the CAC’s interest in a two-year commitment. However,
 66 Attorney Smith stated, he doesn’t think it’s an appropriate topic for the CAC because it is the
 67 Board of Managers that makes the CAC appointments. Attorney Smith stated he wouldn’t be
 68 comfortable with a bylaw that would constrain the authority of the Board to make appointments.
 69 Attorney Smith said he suggests this point about serving an initial two-year commitment be taken
 70 as a recommendation from the CAC, and the Board would keep this recommendation in mind as
 71 the Board goes through its annual appointments process. Ms. McCotter said it is the CAC’s goal
 72 to have the recommendation that appointees serve an initial two-year commitment be
 73 documented.

74 Ms. McCotter reported on items the CAC discussed, including Google Jam Board, a tool for
 75 brainstorming, and St. Hubert’s School ground water conservation. She noted that the CAC’s
 76 recommendations are in the Board’s meeting packet.

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7. Consent Agenda

78 Manager Koch moved to approve the Consent Agenda [as amended in agenda item 2]. Manager
 79 Crafton seconded the motion. The Consent Agenda included items 9b – Accept March Engineer’s
 80 Report, 9c – Accept March Construction Report, and 9d – Approve Final Pay App and Close Out
 81 of the Scenic Heights School Forest Restoration Project.

82 Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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8. Action Items

a. Items Pulled from Consent Agenda

i. Accept March Staff Report

Manager Koch requested a presentation to the Board on the Riley Purgatory summit and data. He asked if staff knows how much time staff spends on the Wetland Conservation Act annual reporting that the District submits to BWSR. Mr. Jeffery provided details. Manager Koch moved to accept the March staff report. Manager Pedersen seconded the motion.

Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

ii. Authorize Solicitation to Go Out for Bids for Silver Lake Water Quality Project

Manager Koch asked if these bid documents contain limitations on retainage. He said he believes the District’s position should be to only have the retainage limitations required by law. Engineer Sobiech responded the retainage language is similar to the limitation language used in the District’s prior contract documents, and the District’s Legal Counsel has done a thorough review of the contract documents. Engineer Sobiech stated the Engineer is following the recommendation of the District’s Legal Counsel. Attorney Smith said he believes the District contract follows statutory requirements on retainage. He said he can review the bid documents and report back to the Board. Manager Koch said he would like the District’s Legal Counsel and Engineer to review the bid documents and report back.

Manager Koch stated he has read the statute and didn’t see any basis for including in District contracts language limiting retainage to 50%. He said he thinks that limitation should be removed, and he asked for that limitation to be

114 removed. He commented he doesn't like to be asked to approve documents that
 115 aren't provided to him for review.

116 Manager Pedersen moved to authorize solicitation to go out for bids for the
 117 Silver Lake Water Quality Project on the condition that Manager Koch's
 118 question on retainage be resolved before bids are released. Manager Ziegler
 119 seconded the motion.

120 Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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123 **iii. Authorize Board President to Execute Silver Lake Cooperative**
 124 **Agreement**

125 Manager Koch asked if the Cooperative Agreement was included in the Board's
 126 meeting packet. Mr. Jeffery said it likely was not included, and he reminded the
 127 Board it approved the Cooperative Agreement in July 2020. Mr. Jeffery said the
 128 Board had authorized Administrator Bleser to execute the agreement, and the
 129 City-signed document lists President Ward as the signatory instead of Dr.
 130 Bleser. Mr. Jeffrey noted everything else in the agreement is unchanged. Mr.
 131 Jeffery asked the Board to approve President Ward signing the agreement.

132 Manager Koch moved to authorize the Board President to execute the
 133 agreement in the form it was approved at a prior District meeting. Manager
 134 Crafton seconded the motion. Attorney Smith said Resolution 20-02 is in the
 135 meeting packet and he understands the motion is to adopt the resolution.
 136 Managers Koch amended his motion to adopt Resolution 20-02. Manager
 137 Crafton accepted the friendly amendment.

138 Upon a roll call vote, the motion carried 5-0 as follows:

139

<i>Manager</i>	<i>Action</i>
Crafton	Aye

Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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iv. Approve Silver Lake Land Use Agreement

142

Manager Koch asked if the Agreement was included in the Board’s meeting packet. Mr. Jeffery said it should have been included in the meeting packet. He provided background on the project and said staff has provided the agreement to the landowner regarding access to the property. Mr. Jeffery explained the agreement is still in the hands of the landowner for execution.

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Manager Koch moved to table this item until the agreement comes back to the District from the landowner and to direct Attorney Smith that if there is a response from the landowner to review it and bring it to the Board at its next meeting. Manager Crafton seconded the motion.

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Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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v. Authorize Solicitation to go out for Bids for Saint Hubert Water Quality Project Pending Legal Approval

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Manager Koch said he wasn’t impressed with what SRF provided the District, and he asked what provisions are in the bid package regarding retainage. There was a discussion about the project timeline and impacts if the Board tables this item until its March 9th meeting.

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Manager Koch moved to table this item until the Board’s March 9th meeting, direct staff to review contracts and prepare a response to his question regarding retainage and bring the information and this item back to the Board at its March 9th meeting. President Ward seconded the motion. President Ward noted the

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164 District’s March 9th special meeting notice would need to be revised to include
 165 this item. Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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168 **b. Accept January Treasurer’s Report**

169 Manager Crafton stated the report has been reviewed in accordance with internal
 170 controls and procedures. She moved to accept the January Treasurer’s Report. Manager
 171 Pedersen seconded the motion.

172 Manager Koch noted several items in the fund analysis have expended more than
 173 approximately 8%, or one-twelfth, of those items’ budgets for 2021 and asked the
 174 District Administrator to comment and speak to whether the spending indicate those
 175 items will be over budget for the year. There was discussion about specific budget line
 176 items and reasons for their year-to-date totals, such as the purchase of a District vehicle
 177 as reflected in the data collection and monitoring budget. Manager Koch provided his
 178 opinion about accounting practices for acquisition of vehicles and asked staff to follow
 179 up with the accountant or auditor regarding his position.

180 He remarked the Board approved revising the table of multi-year projects, and he isn’t
 181 sure the schedule presented with the January report meets what the Board and staff
 182 discussed. He said he will look into it further and bring it up again at a future meeting.

183 Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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c. Paying of Bills

Manager Crafton moved to pay the bills. Manager Ziegler seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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d. Approve Recording of the Declaration of the Two Properties

Manager Koch moved to approve the recording of the declarations on the properties as described by Mr. Jeffery and authorize District officers to sign any necessary documents to record the declarations. Manager Pedersen seconded the motion. Manager Koch amended his motion to authorize the District Administrator to sign the documents. Manager Pedersen agreed to the friendly amendment. Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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e. Registration for Virtual Legislative Event

Manager Koch moved to authorize registration for the virtual legislative event. Manager Pedersen seconded the motion.

Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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9. Discussion Items

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a. My Water Pledge

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Manager Pedersen explained the City of Shorewood has pledged to try to decrease

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groundwater use. She said the Shorewood mayor has promoted the initiative to residents

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and the city. Manger Pedersen reported she referred this topic to Administrator Bleser

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because it may be something the new District groundwater staff member could piggyback

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on to for the District to help other cities in the watershed plan a similar initiative as well

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as help the City of Shorewood with its initiative.

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b. Hennepin County Climate Action Plan

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Manager Pedersen said she sent this item over to Administrator Bleser last week.

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Manager Pedersen said the plan is a large document and addresses how the county will

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address climate change in a wide scope of areas, and the County was seeking comments

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on the plan by today. She said she reviewed the plan and sent comments from her as an

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individual. Manager Crafton said she sent her individual comments in as well.

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c. Silver Lake Shorewood Street Reconstruction Plan

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Manager Pedersen said the managers have received a map of the storm sewers, and she

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talked about the City of Shorewood’s project to re-do several roads directly around Silver

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Lake. Ms. Pedersen explained she talked to the Shorewood City Engineer, who said the

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City has requested District help to put in a monitor that connects to the holding pond that

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drains into Silver Lake to monitor how sediment and phosphorous are being controlled.

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Manager Pedersen said it seems like a once-in-a-lifetime opportunity because of the road

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reconstruction project. She wondered if the monitoring station has ever been put in and if

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not, whether the District could assist the City with the monitoring station and if the

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District could help the City look at a more adequate filtration system for those two

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locations.

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Mr. Jeffery said if the project the City is proposing is a full reconstruction, the City will

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be required under the District’s regulatory program to treat that water. He said the City

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could apply for a District cost-share grant for a BMP if the project is more of a mill and

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overlay project.

234 The Board directed Mr. Jeffery to contact the City of Shorewood for more information
235 and report back to the Board. Administrator Bleser said regarding the monitoring request
236 Manger Pedersen referenced, at that time the District did not have the equipment.
237 Administrator Bleser explained that since that time, the District has been working with
238 the City of Shorewood on continuing the District’s monitoring of the non-impacted
239 stormwater pond that didn’t get iron filings as part of the University of Minnesota’s
240 research. She said that stormwater pond was monitored this past summer.

241 Manager Pedersen said she has the layout about how the water flows into the lake, and it
242 was provided by one of Shorewood’s previous City Engineers. She said she would like to
243 provide that layout to Mr. Jeffery, and she would like him to ask about the monitoring
244 when he is talking with the City about the street project and filters.

245 **d. 2021 Work Plan**

246 Manager Koch asked the Board to consider how staff resignations will impact the
247 District’s 2021 work plan. He noted he isn’t sure the Board adopted a 2021 work plan
248 and if not, the Board should adopt one. He thinks work plan impact is an important topic
249 to include on the agenda for the Board’s March 9th meeting. Manager Koch commented
250 he wants to know what impact, if any, the resignations of staff will have on the work
251 plan. President Ward said this topic could be discussed at the Board’s March 9th meeting.

252 **e. Administrator Report**

253 Administrator Bleser reported staff is conducting the hiring process for the Groundwater
254 Stewardship Coordinator position and the Education and Outreach Coordinator position.

255 **f. Managers’ Report**

256 The managers recognized and thanked Administrator Bleser and Ms. Lauer for their work
257 and efforts on behalf of the District. President Ward highlighted that before most of the
258 current managers, aside from Manager Crafton, were serving the District, the District was
259 pretty small and had no employees and no administrator. He said the Board at that time
260 brought Dr. Bleser on board as the District Administrator, and she has led this
261 organization for a period of years and has brought it from a small entity to what it is
262 today. President Ward stated the District is well respected and under Dr. Bleser’s
263 administration has completed many projects. He thanked her for all her efforts and
264 wished her well on her next opportunity.

265 Manager Pedersen agreed with his remarks. Manager Crafton stated the District Board
266 hired Dr. Bleser in 2012, and by 2016 the District was recognized by the Department of
267 Natural Resources as outstanding watershed district of the year. Manager Crafton noted
268 Dr. Bleser has taken the District into a whole other level of professionalism, and the staff
269 has been a great team and has really moved the District forward.

270 Manager Koch thanked Dr. Bleser for all her efforts on behalf of the District and its
271 constituents. He said it’s pretty amazing what has been accomplished in this period of
272 time through Dr. Bleser’s leadership. Manager Koch thanked her for the work and for the
273 information she has provided him on projects in the District. He wished Dr. Bleser well

274 in her future endeavors. He said in his experience, things almost always turn out for the
 275 best.

276 Manager Koch congratulated Ms. B Lauer and thanked her for her efforts. He said going
 277 back to school was one of the best things he ever did, and he congratulated B on taking
 278 the initiative to expand her career. Manager Koch wished her the best of luck. Manager
 279 Pedersen said congratulations to Ms. Lauer, and President Ward said it sounds like an
 280 incredible opportunity. Manager Crafton added that the lakeshore webinar Ms. Lauer put
 281 on was amazing.

282 Manager Ziegler thanked Dr. Bleser for her many years of service to the District and the
 283 amazing amount of work she and District staff have accomplished. He congratulated Ms.
 284 Lauer.

285

10. Upcoming Board Topics

286 President Ward listed upcoming Board topics and events. Manager Koch noted the Board
 287 has a special meeting on March 9th.

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11. Upcoming Events

- 289 • CAC Meeting, March 15, 2021, 6:00 p.m., virtual
- 290 • Board of Managers Monthly Work Session, April 7, 2021, 5:00 p.m., virtual
- 291 • Board of Managers Public Hearing and Regular Meeting, April 7, 2021, 7:00 p.m., virtual

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12. Adjournment

293 Manager Crafton moved to adjourn the meeting. Manager Ziegler seconded the motion.
 294 Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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The meeting adjourned at 8:21 p.m.

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Respectfully submitted,

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David Ziegler, Secretary