

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

October 7, 2020, RPBCWD Board of Managers Monthly Meeting and Public Hearings

PRESENT:

Managers: Jill Crafton, Treasurer

Larry Koch

Dorothy Pedersen, Vice President

Dick Ward, President

David Ziegler, Secretary

Staff: Amy Bakkum, Administrative Assistant

Claire Bleser, RPBCWD Administrator

Zach Dickhausen, Water Resources Technician II

Terry Jeffery, Watershed Planning Manager

B Lauer, Groundwater and Stewardship Program Coordinator

Josh Maxwell, Water Resources Coordinator

Louis Smith, Attorney, Smith Partners

Scott Sobiech, Engineer, Barr Engineering Company

Other attendees: Pat Andrican

Mary Krause

David Benedict

Matt Lindon

Joe Bischoff

Tom Lindquist

Jim Boettcher

Jane Paulus

Rod Fisher

Rod Rue

Craig Frick

Leslie Stovring

Paul Granos

Marilynn Torkelson

Elizabeth Henley

Jeff Weiss

Duane Hookum

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, October 7, 2020, 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 Koch requested removing from the Consent Agenda items, 8d – Approve Vehicle
 5 Purchase per Staff Recommendation, 8e – Approve Pay App for Duck Lake Community Project
 6 Outdoor Lab, 8f – Approve Pay App for Duck Lake Community Project Landbridge Ecological
 7 Inc. and adding items 9b – Accept August Treasurer’s Report, 9c – Approve Paying Bills, 9k –
 8 LLCA Follow Up, 9l – Adopt Change in Official Publication for Eden Prairie to Eden Prairie Sun
 9 Current – Resolution 2020-15. Manager Koch requested laying over item 9i – Adopt Governance
 10 Manual – Resolution 2020-14 – until a future meeting and for the District to hold a Board
 11 Workshop or special meeting to discuss the Governance Manual. Manager Crafton requested
 12 pulling off the Consent Agenda item 9a – Accept September Staff Report.

13 Manager Koch moved to approve the agenda as amended. Manager Crafton seconded the motion.
 14 Upon a roll call vote, the motion carried 5-0 as follows:

15

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

16

3. Duck Lake Road Bridge Partnership Plan Amendment Public Hearing Continued

17 President Ward opened the public hearing on the Duck Lake Road Bridge Partnership minor plan
 18 amendment.

19 Administrator Bleser presented a PowerPoint deck, summarized the project, and went through the
 20 anticipated resource benefits of the project. She reported the total estimated project cost is
 21 \$4,700,000 and said the District is proposing to provide \$1,175,000 over five years for the project
 22 due to its water quality and habitat benefits.

23 Administrator Bleser read into the record a comment submitted by email by resident John Berman
 24 of 16920 South Shore Lane, sharing his comments that he is in favor of the project to connect the
 25 sides of the lake and to include a pedestrian walkway.

26 Mr. Rod Fisher confirmed that his comments are included in the meeting packet.

27 Mr. Tom Lindquist, Eden Prairie resident who lives on Duck Lake, commented he is very much
28 in favor of the proposed improvements including the improvement of the lake water level, which
29 should reduce winter fish kill and improve fish habitat in the lake.

30 Manager Pedersen moved to close the public hearing. Manager Crafton seconded the motion.
31 Upon a roll call vote, the motion carried 5-0 as follows:

32

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

33

4. Fairway Woods Watershed Stewardship Grant Public Hearing Continued

34 President Ward continued the public hearing on the Fairway Woods Watershed Stewardship
35 Grant. Ms. B Lauer summarized the stewardship grant proposal, which includes removing the
36 existing tennis court, walking path, fencing, fence post, and invasive species and restoring area to
37 native prairie. Ms. Lauer explained the ways the project supports District goals as identified in the
38 District's 10-year plan. She noted the project has opportunity for signage. Ms. Lauer summarized
39 the condominium association is requesting \$20,000. Ms. Lauer reported the District reviewed the
40 application and determined the project's total eligible costs are \$28,970 of the \$33,210 estimated
41 total project costs.

42 Mr. Ward called for public comments. Ms. Jane Paulus, representing the Homeowners
43 Association/grant applicant, provided comments about the project and the Association's goal to
44 restore native prairie. Manager Crafton requested that the District ensures it has access to the
45 project and uses the project to gather soil organic matter data to benchmark soil information and
46 evaluate if soil health changes over time.

47 Manager Crafton moved to close the public hearing. Manager Ziegler seconded the motion. Upon
48 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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51

5. Matters of General Public Interest

52 Mr. David Benedict of 8600 Appletree Lane, Chanhassen, asked if the District has any recent
53 water quality test results for Lake Susan, including results on the effectiveness of the Lake Susan
54 spent lime treatment project, and if the District has future plans for Lake Susan water quality
55 projects such as an alum treatment and timelines for any such projects. Mr. Jeffery said he will
56 follow up directly with Mr. Benedict to discuss and provide information.
57

6. Reading and Approval of Minutes

58 **a. August 17, 2020, RPBCWD Board of Managers Budget Workshop**
59 Manager Ziegler noted on page 1, line 2, the word “monthly” should be deleted after the
60 word “Special.” Manager Ziegler moved to accept the minutes as amended. Manager
61 Pedersen seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:
62

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

63

64 **b. September 2, 2020, RPBCWD Board of Managers Regular Monthly Meeting**
65 Manager Crafton moved to accept the minutes as presented. Manager Pedersen seconded
66 the motion. Upon a roll call vote, the motion carried 5-0 as follows:

67

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

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69

70 **c. September 9, 2020, RPBCWD Board of Managers Special Meeting and Public**
71 **Hearing**

72 Manager Ziegler requested edits on page 2, line 34 to remove the “absence” and insert
73 “fiscal disparity” and to correct the figure to \$180,000. He noted a change on page 6, line
74 110 to delete “and end the public hearing.” Manager Ziegler requested the word “for” be
75 inserted on page 2, line 24.

76 Manager Ziegler moved to accept the minutes as amended. Manager Pedersen seconded
77 the motion. Upon a roll call vote, the motion carried 5-0 as follows:

78

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

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7. CAC

81 Mr. Matt Lindon provided a summary of the CAC’s most recent meeting. He talked about the
 82 committee members’ expectations and the discussion about the role of the CAC and if it will be
 83 focused on responding to Board matters or focused on subcommittees or a combination of both.
 84 President Ward added that the Board and staff will be proposing a joint workshop between the
 85 Board and CAC at a future date.

8. Consent Agenda

86 Manager Crafton moved to approve the Consent Agenda [as amended in agenda item 2]. Manager
 87 Ziegler seconded the motion. The Consent Agenda included item 8b – Accept September
 88 Engineer’s Report, 8c – Accept September Construction Inspection Report, 8g – Approve Pay
 89 App #3 Bluff Creek Tributary, 8h – Approve Permit 2020-056 Minnetonka High School Ali
 90 Center Parking Lot as Presented in the Proposed Board Action of the Permit Report, 8i – Approve
 91 Permit 2020-045 The Bluffs at Lake Lucy as Presented in the Proposed Board Action of the
 92 Permit Report, 9b – Accept August Treasurer’s Report , 9c – Paying of the Bills, 9k – LLCA
 93 Follow Up, and 9l – Adopt Change in Official Publication for Eden Prairie to Eden Prairie Sun
 94 Current – Resolution 2020-15.

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

96

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

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9. Action Items

98 a. Pulled Consent Agenda items

99 i. Accept September Staff Report

100 Manager Crafton asked about the grant referenced in the September staff report.
 101 Administrator Bleser clarified there isn’t a grant but rather a group working to
 102 determine how to distribute grant funds. She provided information on the
 103 committee and its discussions on projects and targeted partners that would receive

104 grant funds. She added that the group has discussed developing a task force on
 105 rough fish.

106 Manager Koch asked about software that staff recently selected and asked if an IT
 107 consultant recommended it. Administrator Bleser responded the District is
 108 receiving IT consulting through the City of Eden Prairie. Manager Koch said he
 109 would like to see the District move forward to secure IT consulting services. He
 110 commented he would like to see the additions Smith Partners is recommending
 111 regarding the diversity information in the District’s Governance Manual and he
 112 would like to see the information prior to the Board taking action to approve the
 113 manual.

114 Manager Koch remarked about the Local Surface Water Management Plan review
 115 process and said he remains extremely reluctant to turn any part of the District’s
 116 regulatory process to the City of Chanhassen.

117 Manager Koch asked staff which lake the District sampled for zebra mussels as
 118 referenced in the September staff report. Mr. Maxwell responded Lotus Lake, and
 119 he described the sampling process and reported staff did not find any zebra
 120 mussels. Manager Koch stated he would like District staff to research whether
 121 low dose copper could be a successful pre-emptive treatment for veligers.

122 Manager Koch moved to accept the September staff report. Manager Ziegler
 123 seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

124

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

125

126 ii. **Approve Vehicle Purchase per Staff Recommendation**
 127 Manager Koch commented that vehicles and acquisitions such as this request are
 128 typically part of a budget discussion. He said this purchase should have been on
 129 the staff and Board’s radar during the Board and staff’s 2021 budget discussion.
 130 Manager Koch recommended laying this item over for discussion after the first of
 131 the new year. Manager Crafton asked about the urgency of this vehicle purchase
 132 request. Mr. Maxwell explained the reasons behind the vehicle request and the
 133 need for a four-wheel drive vehicle that could handle the terrain staff needs to

134 access for data collection. He added that there are funds remaining in the
 135 District’s 2020 Data Collection budget that could be used for the purchase.

136 Manager Koch remarked he thinks it is important to set up a process for these
 137 types of requests and for that process to be followed and the District should have
 138 a vehicle replacement schedule.

139 Mr. Jeffery and Administrator Bleser provided further insights on the staff’s use
 140 of vehicles and the request for a vehicle purchase. President Ward commented
 141 that items like this vehicle request need to be reflected in the annual budget. He
 142 said \$22,000 is a significant expenditure. Administrator Bleser said that going
 143 forward she will add this type of purchase request into the annual budget
 144 discussion.

145 Manager Ziegler moved to approve the vehicle purchase per staff
 146 recommendations. Manager Pedersen seconded the motion. Manager Koch made
 147 the friendly amendment to identify that funds from the District’s 2020 Data
 148 Collection budget will be used for the vehicle purchase and that in the future, this
 149 type of expenditure will be included in the District’s annual budget. Managers
 150 Ziegler and Pedersen agreed to the friendly amendment. Upon a roll call vote, the
 151 motion carried 5-0 as follows:

152

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

153

154 **iii. Approve Pay App - Duck Lake Community Project - Outdoor Lab and**
 155 **Approve Pay App - Duck Lake Community Project - Landbridge Ecological**
 156 **Inc.**

157 Manager Koch stated his question applies to both pay apps. He said apparently the
 158 foundations that were originally specified were not done for some of the
 159 recipients of the planter boxes. He asked if that is ok with staff and consistent
 160 with the project and was there a price adjustment done or necessary regarding the
 161 amount the District should pay. Engineer Sobiech provided information,
 162 explaining the grading for the foundation wasn’t needed for several of the
 163 locations and how the contractor was responsible for coordinating with the

164 homeowners to install to the homeowners’ satisfaction. Manager Koch expressed
 165 his concern on whether the District should allow the homeowners to change
 166 specifications because in this case it may cause the planter boxes to be in contact
 167 with excess moisture. He said in the future the District should keep in mind the
 168 project specifications. Manager Koch moved to approve both pay apps presented
 169 for the Duck Lake Community Project. Manager Ziegler seconded the motion.
 170 Upon a roll call vote, the motion carried 5-0 as follows:
 171

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

172

173 **b. Liability Coverage**

174 Manager Koch moved to authorize the District to acquire liability coverage at the
 175 \$2,000,000 level at the cost to the District of \$15,476. Attorney Smith commented the
 176 District is acting to waive or not waive the liability coverage limits, and he provided
 177 perspectives of watershed boards that have waived and of those who have acted to not
 178 waive the limits. Manager Pederson seconded the motion and made the friendly
 179 amendment to waive the statutory coverage limit and to authorize the District to acquire
 180 coverage at the \$2,000,000 level at the cost to the District of \$15,476. Manager Koch
 181 agreed to the friendly amendment.

182 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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c. Task Order 33 for Phase I Wetland Assessment

Mr. Jeffery displayed a PowerPoint presentation about the District’s Wetland Inventory and Assessment Program. He talked about District staff undertaking work for MNRAM [Minnesota Rapid Assessment Methodology] and the work is approximately 75% complete. He reminded the Board of the program’s purpose: inventory the wetlands and apply it to the regulatory program. Mr. Jeffery went through the District’s wetland decision tree, which guides the District in evaluating whether there is a wetland that has been drained that can be restored or a wetland that has degraded that can be rehabilitated and to determine if there is someone willing to partner with the District on such projects.

Mr. Jeffery described how the wetland assessment work meets District goals, and he talked about the District’s capital project assessment process.

Mr. Jeffery noted the full scope of work for Task Order 33 is included in the meeting packet. Mr. Jefferey, Engineer Sobiech , and Mr. Bischoff answered manager questions.

Manager Koch moved to approve the Task Order at \$102,000 and authorize work on tasks 1-6 with discretion to stop at task 5 if appropriate. The motion died due to lack of a second.

Manager Ziegler moved to approve Task Order 33 as presented. Manager Crafton seconded the motion. Upon a roll call vote, the motion carried 4-1.

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	No
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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d. Consider Adoption of the Duck Lake Plan Amendment - Resolution 2020-13

Administrator Bleser summarized the feedback the District received about the proposed minor plan amendment from the reviewing agencies, including BWSR, MNDNR, the City of Eden Prairie, and the public, noting all feedback was in favor of the plan amendment.

Manager Ziegler moved to adopt the plan amendment. Manager Crafton seconded the motion. Attorney Smith asked staff to verify the resolution number. He summarized the action the Board is seeking to take, explaining the Board is considering approval of the

212 plan amendment as proposed and ordering the project. He recommended the Board defer
 213 this item until later in the meeting and in the meantime he and staff can find the
 214 information and resolution language and make sure it is in front of the Board at this
 215 meeting. President Ward deferred this agenda item until later in the meeting.

216 **e. Consider Approval of Fairway Woods Condominium Association Watershed**
 217 **Stewardship Grant**

218 Ms. B Lauer noted the Watershed Stewardship Grant application by the Fairway Woods
 219 Condominium Association is in the meeting packet and the project was summarized
 220 during the public hearing. Manager Koch commented he doesn't think the removal of the
 221 tennis court should be part of the District's costs. He said approval of the grant should be
 222 subject to conditions such as signage, maintenance, and District access to the property for
 223 soil testing. Manager Koch remarked he thinks the District should pay based on
 224 percentage of cost and that the Homeowners Association should be required to obtain
 225 multiple bids. Mr. Jeffery pointed out that this project is an opportunity to provide storage
 226 in the flood plain. Ms. Lauer described the maintenance clause, noting 10 years of
 227 maintenance will be required and noted language about providing for District access to
 228 the site for data collection.

229 Manager Pedersen moved to approve the stewardship grant with the addition of language
 230 in the agreement to provide for District access to the property for a soil health study.
 231 Manager Crafton seconded the motion. Manager Koch proposed to amend the motion
 232 that there be an agreement entered into with the applicant that incorporates the terms of
 233 the District grant program and limits the expenditure of the money to the items listed by
 234 B. Lauer. The motion to amend died due to lack of a second.

235 Upon a roll call vote, the motion carried 4-1.

236

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	No
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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238 **f. Consider Approval of Pax Christi Catholic Community Watershed Stewardship**
 239 **Grant**

240 Ms. B Lauer went through a review of the proposed project, which includes removing

241 invasive species and planting native grasses, sedges, and fobs. She went through the staff
 242 review of the grant application. She listed the three District goals supported by the
 243 project. Ms. Lauer stated the total estimated project costs are \$16,523.00 and the eligible
 244 costs are \$14,103.00 and the grant requests 75%, which is \$10,577.25. She added there is
 245 a three-year maintenance agreement.

246 Manager Koch remarked it seems like the District is being asked to pay for someone’s
 247 landscaping. He asked for more information on the project’s benefits to the watershed.
 248 Manager Pedersen noted that the plantings described in the information in the Board
 249 packet are varieties deer like to eat and there are likely better choices. Ms. Lauer said she
 250 will communicate that information to the applicant. Mr. Jeffery described the District’s
 251 grant application review and project scoring matrix. There was manager discussion about
 252 reviewing the recommendation in more detail. Mr. Jeffery suggested staff bring the
 253 project scoring matrix to the Board this winter for input on revisions. Manager Pedersen
 254 stated that the District has a process, and the project needs to be evaluated based on that
 255 process that was in place when the applicant submitted the application. She said this
 256 project provides some education and erosion control benefits. President Ward agreed with
 257 her statements and said he would like the District to review the project score matrix
 258 sometime after January 1, 2021.

259 Manager Pedersen moved to approve the Pax Christie Catholic Community Watershed
 260 Stewardship Grant. Manager Ziegler seconded the motion. Upon a roll call vote, the
 261 motion carried 5-0.

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

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264 **g. Consider Adoption of the Duck Lake Plan Amendment - Resolution 2020-13 -**
 265 **Continued**

266 Administrator Bleser reported the Resolution is number 2020-13 and pointed out the
 267 changes to the whereas statements compared to the document in the meeting packet. She
 268 explained the revisions included language that public hearings on the plan amendment
 269 took place on September 9, 2020, and October 7, 2020. She read aloud the whereas
 270 statements and resolving statements of Resolution 2020-13.

271 Manager Ziegler withdrew his previous motion and made a new motion to adopt
 272 Resolution 2020-13. Manager Crafton seconded the motion.
 273 Manger Koch asked many questions about the project, its water quality benefits, and the
 274 cost to the District to put in a culvert to equalize the water levels. Manager Pedersen
 275 moved to close the debate and call the question. Manager Crafton seconded the motion.
 276 Upon a roll call vote, the motion carried 4-1.
 277

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	No
Pedersen	Aye
Ward	Aye
Ziegler	Aye

278
 279 President Ward called the vote on the motion to adopt Resolution 2020-13. Manager
 280 Koch moved to amend the motion to lay this item over until the information he has
 281 requested on the lake levels and the outlet can be provided. The motion to amend died
 282 due to lack of a second.

283 Upon a roll call vote, the original motion carried 4-1.

284

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	No
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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 286 **h. Permit# 2020-041 Eliassen Shoreline After-the-Fact Permit Consideration**
 287 Mr. Jeffery stated that the District’s erosion intensity scoresheet for the Eliassen’s

288 property determined the shoreline erosion requires a bioengineering or rip rap with
289 vegetation. He said at this point meeting that requirement would mean removing the rip
290 rap that was installed and then installing bioengineered rip rap or rip rap with vegetation.

291 Mr. Jeffery described the site and displayed a PowerPoint with a plan proposed by the
292 property owners. Mr. Jeffery noted that one of the property owners is a Master Water
293 Steward, and the property owners propose to use the project as a demonstration project.
294 Mr. Jeffery walked through the proposed project and said it is for the Board's
295 consideration of the proposal as an exception in the case that what the property owners
296 are proposing to do will provide a better water quality benefit than if they don't do the
297 proposed work and instead remove the installed rip rap and replace it with vegetated rip
298 rap.

299 Mr. Eliassen, one of the property owners, talked about the process he and his wife went
300 through, including asking the City of Chanhassen if any other permits were required, to
301 which the City said there were no other permits the Eliasens needed.

302 There was lengthy discussion of the rip rap, the lack of a watershed permit, and options.

303 Manager Koch remarked that putting in rain gardens isn't addressing the issue of the rip
304 rap. He said the property owner could request a variance from the District's rules or
305 provide the District with a proposal showing the rip rap is appropriate. Engineer Sobiech
306 stated he believes the removal of the rip rap would be detrimental and for that reason the
307 action should be moving forward with a variance, exception, or redesign. Mr. Jeffery
308 talked about the District's Rule K and summarized how the rule discusses variances and
309 exceptions.

310 Mr. Jeffery proposed that he and Mr. Eliassen talk tomorrow about these options in more
311 detail, and Mr. Eliassen agreed.

312 **i. Approval to Hire Outreach Manager and Administrative Assistant to the District.**

313 Manager Pedersen summarized the recent updates made to the District's organization
314 chart. She noted that the staff is down two members and she is hearing it is difficult for
315 the staff to continue covering their own responsibilities and those of the unfilled staff
316 positions.

317 Manager Crafton remarked the Personnel Committee couldn't meet and hasn't had the
318 opportunity to discuss the job descriptions for the open staff positions. Manager Koch
319 commented he needs to be able to review a table showing the District's current and
320 anticipated staff, salary, and benefits, and he has asked for the information previously and
321 still hasn't received it.

322 Manager Koch moved to table this item until the Board's next meeting following the
323 Personnel Committee's October 29th meeting. The Board indicated consent to tabling the
324 item. President Ward said with Board consensus, this item is tabled until the Board's
325 November 4th meeting. He directed staff and the Personnel Committee to have all
326 pertinent information collected for the November 4th discussion and action on the item,
327 including the job descriptions and payroll details for 2020-2021. He noted he doesn't
328 think it's the Board's role to finalize the job descriptions to the minute detail.

329 **j. Permit 2020-062 - 481 Bighorn Rule C After-the-Fact Permit Consideration**

330 Mr. Jeffery provided history on the work done on the property without a watershed
331 permit. He said the work that has been done and is proposed falls under the District's
332 erosion control and sediment rule for a single-family property, which can be handled
333 administratively except when there is a permit violation. He explained that permit
334 violations must be brought to the Board of Managers. Mr. Jeffery displayed the plan and
335 went into detail about the project, and he recommended approval of the plan.

336 Manager Koch commented the District will need to inspect the project to ensure the
337 boulders are placed correctly, meaning not in the 100-year flood plain, and he said the
338 applicant should pay the costs and expenses incurred for Mr. Jeffery's time. Manager
339 Koch noted he thinks the Board and staff should discuss in the future how the District
340 rules should consider soil health.

341 Manager Koch moved to approve granting the permit for the project to be prepared by
342 staff in accordance with the District's rule requirements and for the District to inspect the
343 installation.

344 Mr. Jeffery stated the District can require an as-built survey and he has informed the
345 contractor the District requires an \$800 financial assurance and a \$300 permit application
346 fee. Mr. Jeffery said he has already exhausted his permit review time covered by the \$300
347 permit fee. Manager Koch made the amendment to his motion to require the as-built
348 survey and the \$800 financial assurance, and to direct the applicant to pay all additional
349 permit review expenses.

350 Attorney Smith asked if the applicant was notified about this meeting and agenda item as
351 well as the corrective actions that the Board would be discussing. Mr. Jeffery said yes. He
352 said Craig Frick of Superior Lawn and Landscape was attending the meeting earlier in the
353 evening. Attorney Smith said his concern is how the District can achieve permit
354 compliance with the least amount of staff and legal costs going forward. He said typically
355 the District achieves such compliance by providing advance notice of the proposed action
356 of the Board, providing opportunity for comment, hearing from the property owner, and
357 with that communication, the District knows if there isn't permit compliance, the District
358 has a tight record to go to court, if that is a necessary action and the Board's desire.

359 Attorney Smith asked if staff has enough of a record of communication and clarity with
360 the actions that have been taken in order to be confident that the motion will be an
361 efficient resolution. Mr. Jeffery said yes. Attorney Smith said if Mr. Jeffery is confident
362 the action the Board has proposed will be complied with and there won't be enforcement
363 issues, then the Board can take the risk and move ahead.

364 Manager Koch amended motion to add that the requirements added in his friendly
365 amendment are conditions to the permit. Manager Ziegler agreed to Manager Koch's
366 friendly amendment.

367 Upon a roll call vote, the original motion carried 5-0.

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

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President Ward recommended that due to the length of tonight’s meeting and the late hour, the Board continue this meeting until the Board’s Special Meeting about the District’s Governance Manual. Manager Koch moved continue the meeting and to lay over the remaining items to the Board’s Special Meeting and to direct staff to notice the special meeting and to adjourn this meeting. 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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k. Schedule CAC Board Workshop

Deferred to next Board meeting.

10. Discussion Items

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a. Manager Reports

Deferred to next Board meeting.

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b. Administrator Report

Deferred to next Board meeting.

384 **c. Work without a Permit**
385 Deferred to next Board meeting

386 **d. City of Chanhassen LSWMP (Update)**
387 Deferred to next Board meeting.

388 **e. Other**
389 Deferred to next Board meeting.

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11. Upcoming Board Topics

391 Upcoming Board topics and events were listed on the meeting agenda and included the
392 St. Hubert Community Cooperative Agreement and the public hearing at the Board's
393 November regular meeting for ordering the Rice Marsh Lake Water Quality Project.

394

12. Upcoming Events

- 395 • MPCA Smart Salting Training: Parking Lots and Sidewalks, October 13th, 9am-3pm, virtual
- 396 • Citizen Advisory Committee Meeting, October 18, 2020, 6:00 p.m., virtual meeting
- 397 • Metro MAWD, October 20th, virtual
- 398 • MN Water Resources Conference, October 20 & 21, virtual
- 399 • Board of Managers Public Hearing and Regular Meeting, November 4, 2020, 7:00 p.m., virtual
- 400 meeting

401

13. Adjournment

402 Manager Koch moved to lay over the remaining items to the Board's Special Meeting and to
403 direct staff to notice the special meeting. Manager Pedersen seconded the motion. Upon a roll call
404 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 10:27 p.m.

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Respectfully submitted,

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David Ziegler, Secretary