

**MEETING MINUTES**

**Riley-Purgatory-Bluff Creek Watershed District**

**May 18, 2023, RPBCWD Board of Managers Work Session**

**PRESENT:**

**Managers:** Jill Crafton, Treasurer  
Tom Duevel, Vice President  
Larry Koch  
Dorothy Pedersen, Secretary  
David Ziegler, President

**Staff:** Amy Bakkum, Administrative Assistant  
Terry Jeffery, District Administrator  
Louis Smith, Attorney, Smith Partners  
Scott Sobiech, Engineer, Barr Engineering Company

**Other Attendees:** Caller: 612-74x-xxxx  
Ted Melby  
Standal Family  
Marilyn Torkelson

*Note: the Board work session was held remotely via meeting platform Zoom because it was deemed not prudent to meet in person due to the COVID-19 pandemic.*

**1. Call to Order**

1 President David Ziegler called the Board work session to order at 7:03 p.m. He stated the  
2 Board is conducting this work session via Zoom out of an abundance of caution regarding the  
3 pandemic. Mr. Smith called roll as follows:  
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<i>Manager</i>	<i>Action</i>
Crafton	Present
Duevel	Present
Koch	Present
Pedersen	Present
Ziegler	Present

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## 2. Approval of Agenda

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

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<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes
Koch	Yes
Pedersen	Yes
Ziegler	Yes

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## 3. Presentation: Robert's Rules of Order

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Mr. Louis Smith shared a PowerPoint presentation "Robert's Rules of Order – Riley Purgatory Bluff Creek Watershed District, May 18, 2023." He noted Robert's Rules of Order is a guide for parliamentary procedure and provides the Board with guidance on procedures for running its meetings. He explained his presentation is based on the 12<sup>th</sup> edition of Robert's Rules of Order. Mr. Smith said the Sparks notes shared with the managers by Administrator Terry Jeffery are a useful summary of the rules and are based on the 10<sup>th</sup> edition of Robert's Rules of Order.

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Mr. Smith summarized and highlighted some of the rules, including rules about the duties of the Chair/President in guiding meetings, setting meeting agendas and orders of business, the approval of minutes, obtaining the floor, types of motions, and debate.

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Mr. Smith pointed out a formal motion is not necessary to approve the minutes under Robert's Rules of Order. He said the Chair, during the minutes agenda item, can call for corrections from members and note the corrections and normally the corrections would be embraced by unanimous consent, after which the Chair says "With these corrections the minutes stand approved." Mr. Smith said it is only in circumstances in which there is debate about the minutes that it is necessary to work through the motion process and move to amend the minutes and go through discussion, debate, and vote. Mr. Smith said this might be one way the Board can expedite the processing of minutes.

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Mr. Smith said the District Board's Bylaws provide a process for setting meeting agendas. He explained that per Robert's Rules of Order, once a meeting is in progress, amending the agenda requires at least a two-thirds vote, or in the case of the District Board of Managers, at least a four-fifths vote.

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33 Mr. Smith talked about Robert's Rules of Order regarding obtaining the floor. Mr. Smith said  
34 a member wishing to make a motion or begin debate must be recognized by the Chair. Mr.  
35 Smith said once the floor has been given to the member, the member addresses the presiding  
36 officer by official title and the presiding officer acknowledges the member by name or by  
37 bow and then the member has the floor.

38 Mr. Smith said the Board's Bylaws require any action by the Board must be in writing.

39 Mr. Smith said his observation is that sometimes the Board strays in terms of time  
40 management or tangents when the Board starts a discussion item on an agenda topic without  
41 getting a motion in front of the body. He said he thinks it is effective and important for the  
42 Chair to insist on having a motion made on the agenda item before discussion ensues.

43 Mr. Smith stated he thinks the Board's attendance to Robert's Rules of Order regarding  
44 debate would be very helpful. He said the debate is supposed to be on the immediate and  
45 pending question, meaning if there is a motion made and seconded, the debate focuses on that  
46 motion. Mr. Smith explained each member is limited to ten minutes on a question at a  
47 meeting and can speak twice on the same question on the same day but cannot speak the  
48 second time until every other member who wishes to speak has done so. He said if there is an  
49 appeal of the ruling of the Chair, a member can only speak once. Mr. Smith said the ten  
50 minute time allowance can be limited or extended by motion and that motion is not debatable  
51 and requires a two-thirds vote to pass. He stated all debate on a motion should be directed to  
52 the Chair. Mr. Smith explained that if the member who made the motion has time remaining  
53 in the member's allocation of minutes, the member can close with a speech after the debate is  
54 closed.

55 Mr. Smith said the Board establishes its own standing rules about debate. He said in general  
56 when a member had the floor, the member cannot be interrupted and has ten minutes to speak  
57 to the question in front of the body, unless some other time limit has been set by the body.  
58 Mr. Smith said the member cannot be interrupted by a call for a previous question and the  
59 matter cannot be called to a vote until that member is finished speaking within the time limit.  
60 Mr. Smith said the next member to speak can call the question to bring the matter in front of  
61 the Board to a vote.

62 Mr. Smith clarified Robert's Rules of Order contains a lot of details on decorum, noting  
63 debate is not to discuss personalities or other actions of assembly but should focus on motions  
64 and make a real effort to not make the debate personal. He said the Rules provide a lot of  
65 guidance on how the Chair is to maintain order and on the Secretary's role to identify  
66 disorderly conduct.

67 Mr. Smith said the Chair has the role of sensing how and when to close debate, and the Chair  
68 can say "Are you ready for the question?" or "Are you ready for the vote?" and if there is no  
69 further comment, the Chair restates the motion so all members are clear on the motion and  
70 then calls for the vote.

71 Mr. Smith stated Robert's Rules of Order does not recognize "friendly amendments" but does  
72 recognize the device of unanimous consent. He said when a member identifies an amendment

73 to a motion and the members who made and seconded the motion find the amendment  
74 acceptable, the Chair would identify that the amendment is adopted by unanimous consent.

75 Manager Koch commented he found the Sparks charts on the rules comprehensive and  
76 helpful.

77 Manager Pedersen asked for clarification about establishing the time limit for debate and  
78 asked if the Board needs to vote on a time limit for each agenda item. Mr. Smith  
79 recommended the Board consider appropriate time limits for debates and recommended the  
80 Board develop those time expectations up front instead of during the debate.

81 Manager Duevel commented the Board has in the past attempted to set a meeting end time.  
82 Mr. Smith said Robert's Rules of Order provide for the Board setting per a motion a  
83 permanent time to adjourn the meeting or the Board could in the course of a meeting set a  
84 definite time to adjourn. Manager Duevel said it seems like the Board needs to find a balance  
85 between everyone having a chance to speak and setting some boundaries around the time  
86 spent on individual topic items and the overall meeting time. He said it seems to him the  
87 Board's meetings, on average, take an exceptional amount of time.

88 Manager Crafton commented she thinks it is appropriate to set a meeting time limit as a lot of  
89 people have early morning obligations, so meeting late into the night is a hardship. She said  
90 she likes the idea of the Chair setting times certain for specific topics.

91 Manager Koch said his understanding is the purpose of Robert's Rules is to provide for full-  
92 entry discussion and fairness. He said he has been concerned in the past and he is concerned  
93 that some would try to use some of the rules as swords as opposed to getting to the purpose of  
94 the rules. Manager Koch suggested the Board tread lightly in making exceptions to any of the  
95 rules in case it would be considered as an attempt to thwart full-entry discussion and fair  
96 discussion of items.

#### 4. Update on Interactive Technology

97 Administrator Jeffery reported he is waiting for the updated proposals from two technology  
98 services providers and updated quotes from the two office furniture companies that provided  
99 quotes previously. He said he hopes to have the information by the end of next week.

100 Manager Koch said he provided comments and questions to Administrator Jeffery regarding  
101 technology and hopes the comments and questions will be provided to the designers for their  
102 consideration. Administrator Jeffery said he has received Manager Koch's comments.

103 Manager Duevel asked if anything regarding the pandemic has significantly changed and  
104 would alter the Board's thinking about its meetings and technology. Manager Koch asked Mr.  
105 Smith for his comments.

106 Mr. Smith said while there may be national decisions about the nature of the Covid-19  
107 pandemic, it is still within the authority locally of the Watershed's Board president, Chief  
108 Administrative Officer, and Chief Legal Officer to make a decision about the nature of the  
109 pandemic conditions. Mr. Smith said he thinks the declaration the Board reviewed and

110 embraced that sets up a hybrid meeting situation is still sound and on sound legal footing. Mr.  
111 Smith said he thinks the District can continue to proceed under that arrangement.

112 Manager Koch said he believes the Board directed Administrator Jeffery to provide an update  
113 to the Board about the District office's HVAC system, and if not today, then at the Board's  
114 next meeting. Administrator Jeffery said he is following up with Protech, as the property  
115 manager directed him to talk with Protech about the HVAC system.

116 Manager Koch said at the beginning of the pandemic there were significant OSHA  
117 proclamations about workplace safety. He asked if before the Board's next meeting Mr.  
118 Smith could confirm with Mr. Jeffery to make sure the District is not violating any currently  
119 existing OSHA standards.

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## 5. Update on Capital Projects

121 Administrator Jeffery reported staff will be walking Upper Riley Creek on June 1<sup>st</sup> with the  
122 City to identify trees and look at field design. He said the Davey Group has been out to the  
123 Pioneer Wetland restoration site and has provided the three-year restoration management plan  
124 activities for the year.

125 Mr. Sobiech said the Lower Riley Creek walk through took place yesterday. He reported no  
126 tree replacements need to be done, the vegetation doing well, and only two areas need to be  
127 reseeded, which are areas near the pedestrian bridge. Mr. Sobiech said the south area of the  
128 project has quite a bit of garlic mustard and the recommendation is for hand pulling of the  
129 garlic mustard. He reported the City took part in the walk through and agreed with the  
130 determination that the project is ready to be closed out.

131 Administrator Jeffery said for the Rice Marsh Lake project, most of the plugs in the prairie  
132 restoration area did not take due to the drought conditions in late summer. He said the  
133 contractor will start over from scratch with the plugs in the restoration area and the one  
134 remaining screening shrub will be installed. Administrator Jeffery said staff and the  
135 contractor will be considering buckthorn removal. He said the buckthorn is on public and  
136 private property, so staff will be talking with the property owner regarding the buckthorn.

137 Administrator Jeffery said regarding the St. Hubert project, staff met onsite with the  
138 subcontractor regarding this year's maintenance. He reported the subcontractor will start  
139 regular maintenance on June 1. Administrator Jeffery said there is a couple of areas of slight  
140 erosion adjacent to the rain garden and staff and the subcontractor are considering putting in  
141 turf reinforcement mat for stabilization. He said staff and some members of the CAC will  
142 work with the teachers and students to plant vegetation on June 5<sup>th</sup>.

143 Manager Koch asked if permit applications are up or down so far this year. Administrator  
144 Jeffery said the District has received 32 permit applications to-date, which is a little ahead of  
145 previous years.

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**6. Closed Session to Discuss the Potential for Acquisition of Property Located at 9955 and 9875 Spring Road, Eden Prairie, MN and PID 2811622320005**

147 Manager Koch moved to go into closed session with respect to the three properties 9955 and  
 148 9875 Spring Road, Eden Prairie, MN and PID 2811622320005 for purposes of getting any  
 149 advice from legal counsel and other advice regarding the District’s potential property  
 150 acquisition. Manager Crafton seconded the motion. Upon a roll call vote, the motion carried  
 151 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes
Koch	Yes
Pedersen	Yes
Ziegler	Yes

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154 The Board moved into closed session at 7:57 p.m.

155 At 8:31 p.m. the Board moved out of the closed session in which the Board discussed the  
 156 potential for acquisition of property located at 9955 and 9875 Spring Road, Eden Prairie, MN  
 157 and PID 2811622320005. The Board reconvened the public work session.

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**7. Adjournment**

159 Manager Koch moved to adjourn the work session. Manager Crafton seconded the motion.  
 160 Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes
Koch	Yes
Pedersen	Yes
Ziegler	Yes

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The work session adjourned at 8:33 p.m.

Respectfully submitted,

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Dorothy Pedersen, Secretary