

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

December 13, 2023, RPBCWD Board of Managers Regular Monthly Meeting

PRESENT:

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

Staff: Amy Bakkum, Office Administrator
 Zach Dickhausen, Natural Resources Coordinator
 Liz Forbes, Communications Manager
 Terry Jeffery, District Administrator
 Eleanor Mahon, Community Engagement Coordinator
 Joshua Maxwell, Water Resources & Fisheries Manager
 Mathieu Nicklay, Natural Resources Technician
 Louis Smith, Attorney, Smith Partners
 Scott Sobiech, Barr Engineering Company

Other Attendees: 19529445583 Morgan Jacobs
 19523005977 Terry Jorgenson
 Laura Biermann Thomas Lindquist
 Joe Bischoff, Barr Katherine
 Rod Fisher, EP Duck Lake Assoc. Dylan Monahan
 Andrew Hartmann Owner
 Dave Hawkins Alaina Portoghese
 iPhone XR(2) Paul Reuvers
 Rachel Whittington

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

1. Call to Order of Board of Managers Regular Monthly Meeting

- 1 President Ziegler called to order the Wednesday, December 13, 2023, Board of Managers Regular
- 2 Meeting at 7:00 p.m. He stated the Board is conducting this meeting via Zoom out of an
- 3 abundance of caution regarding COVID.

4 Louis Smith called attendance for the Board of Managers as follows:

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

5

2. Approval of Agenda

6 Manager Pedersen moved to accept the agenda as written. Manager Duevel seconded the motion.

7 Administrator Jeffery requested removing 6F – Approve After-the-Fact Permit 2023-053 for 6575
 8 Pleasant View Way as Presented in the Board Action Section of the Permit Review Report. He
 9 said there are some right-of-way details that need to be resolved first and the permit-review
 10 period has been extended.

11 Mr. Smith stated that during agenda item 7G – Legal Counsel Update, he will request the Board
 12 go into closed session to discuss the Koch vs. Riley Purgatory Bluff Creek Watershed District
 13 lawsuit.

14 Manager Koch requested in addition to Administrator Jeffery’s request to remove item 6F to
 15 remove all Consent Agenda items except 6G – Approve Permit 2023-036 Chipotle-EP as
 16 Presented in the Board Action Section of the Permit Review Report, and he requested the
 17 removed items be added to the Action Items.

18 The managers consented to Administrator Jeffery and Manager Duevel’s amendments.

19 Upon a roll call vote, the motion carried 4-0 as follows:

20

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

21

22

3. Matters of General Public Interest

23 President Ziegler explained the procedures for raising matters of public interest.

24 Rod Fisher of 16820 South Shore Lane and the Eden Prairie Duck Lake Association commented
25 the Association's top priority is a lake management plan to address top issues of lake level and
26 aquatic plants, among other issues. Mr. Fisher said the Association has been asking the District
27 for an improved and updated lake management plan for Duck Lake. He said the Association
28 appreciates the Board has requested a proposal from Barr Engineering for the work. Mr. Fisher
29 said the Association has seen the proposal and noted the group's shock about the estimated cost
30 of doing the plan. He said the Association is worried that due to the cost of the lake management
31 plan, the work will get pushed back. Mr. Fisher said the Association, both the board and the
32 members, asks the District Board to consider carving out the portions of the plan that deal with
33 the lake level and the outlet structure near the railroad tracks, so that part can be in place and in
34 action before another year passes. He said hopefully the rain will start in the next few months and
35 we can build up the level of the lake. Mr. Fisher said the Association specifically requests the
36 District undertake task 3 "Hydrology, Outlet Modification, and Resiliency" in Barr's proposal.

37 Tom Lindquist of Eden Prairie said when he and his wife moved to Duck Lake in 1984 it was a
38 beautiful lake but fishing was missing. He explained he and several neighbors went to the City of
39 Eden Prairie and Department of Natural Resources (DNR) to see if something could be done to
40 improve the fishing, and the DNR said Duck Lake was not a public access lake. Mr. Lindquist
41 said he and neighbors agreed to work with the DNR to put in the public access that now exists on
42 Duck Lake Trail. He said he thinks that was an extremely important improvement. Mr. Lindquist
43 reported that in October 1988 a lake management plan, which was really a fisheries management
44 plan, was pivotal to bringing fishing in Duck Lake to a high degree of success. He said that
45 success was reversed when the outlet was modified in or about 2014, which led to the average
46 lake level dropping by close to a foot. Mr. Fisher said the DNR's concerns were that the lake be
47 kept at the elevation level it had been kept at for so many years. However, Mr. Fisher explained,
48 that lake level does not take into account the lake had lots of fluctuations and average lake level
49 going back to about 1970 was about a foot higher than it has been in recent years. Mr. Fisher said
50 he thinks it is important to review this lake level issue and hopefully get back to something like
51 the lake management plan the DNR had put into effect. He said the DNR's plan included the
52 assumption that winter fish kills occurs once every five to ten years, not each year as has occurred
53 since the lake level has, in effect, been lowered. Mr. Fisher asked about the draft lake
54 management plan and asked if the old elevation number still valid. He said he is concerned if it is
55 still valid or if it time to reset it. Mr. Fisher said there are some outlet options presented on page 3
56 of Barr's proposal. He asked if one of those options is the V weir, which has been discussed in
57 the past, and he hopes it is an option because it seems like a logical approach. Mr. Lindquist
58 asked if in the long-term something like a closed-loop system could be designed – a system where
59 sensing the water level would cause changes in the weir and a system that uses data to control
60 things.

61

4. Reading and Approval of Meeting Minutes

62 a. Approve Minutes of the November 1, 2023, Regular Monthly Meeting of the
63 RPBCWD Board of Managers

64 Manager Crafton moved to accept the minutes of the November 1, 2023, Regular Monthly
65 Meeting as submitted. Manager Pedersen seconded the motion.

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

67

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

68 *Prior to voting Manager Koch stated, “With the caveat that these accurately reflect what occurred
69 at that meeting.”

70

71 b. Approve Minutes of the November 6, 2023, Continuation of the November 1
72 Regular Meeting of the Board of Managers

73 Manager Pedersen moved to accept the minutes of the November 6, 2023, Continuation of
74 the November 1 Regular Monthly Meeting. Manager Crafton seconded the motion.

75 Manager Crafton said as a point of information for the record, on lines 56-57 the minutes
76 reflect that Manager Koch stated four managers voted for the permit. Manager Crafton
77 said she did not vote for the permit.

78 Administrator Jeffery concurred the minutes accurately reflect Manager Koch’s statement
79 and also concurred with Manager Crafton that the permit vote was 3-2.

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

81

<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes
Koch	Yes*

Pedersen	Yes
Ziegler	Yes

82 *Prior to voting Manager Koch stated, “With the same caveat.”

83

84 **c. Approve Minutes of the November 16, 2023, Work Session of the Board of**
 85 **Managers**

86 Manager Pedersen moved to approve the minutes of the November 16, 2023, Work
 87 Session of the Board of Managers. Manager Duevel seconded the motion.

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

89

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

90 *Prior to voting Manager Koch stated, “Without waiving any of the objections he made during that
 91 meeting.”

92

93 **d. Approve Minutes of the December 6, 2023, Special Meeting of the Board of**
 94 **Managers**

95 Mr. Smith recommended delaying action on the December 6th minutes so he can have the
 96 opportunity to review them.

97 Manager Ziegler moved to table the December 6, 2023, minutes of the Special Meeting of
 98 the Board of Managers until he and Legal Counsel have had a chance to review them.

99 President Ziegler seconded the motion.

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

101

<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes

Koch	Yes
Pedersen	Yes
Ziegler	Yes

102

5. Duck Lake Whole Lake Management Plan Overview

103 Administrator Jeffery said Joe Bischoff of Barr Engineering is here to present the proposal
 104 and cost estimate of a Duck Lake whole management plan.

105 Joe Bischoff displayed the presentation “Duck Lake Management Plan.” He said the District
 106 asked Barr to develop a proposal for a holistic lake management plan that puts everything on
 107 the table and ties in emerging issues like emerging contaminants and looks at how to tie
 108 together all the plans happening for Duck Lake.

109 Mr. Bischoff said the 2017 Use Attainability Analysis (UAA) identifies lake contaminants,
 110 such as phosphorous, and sets the District’s management direction for the lake. He said there
 111 has been concerns raised about the lake elevation and the outlet and if the elevation is
 112 affecting lake ecology such as fisheries, shoreline conditions and aquatic vegetation. Mr.
 113 Bischoff said the District had Barr do an environmental impact review in 2021, and now the
 114 whole lake management plan scope of work looks at how to pull everything together,
 115 considering other initiatives going on in the District.

116 Mr. Bischoff said the proposed scope of work starts with looking at the District’s completed
 117 core lake management study, which is the 20217 modeling of the UAA, and put it into an
 118 aquatic vegetation management plan and then roll in the work the District is doing on
 119 shoreline surveys. He said that will give the District a good look at how the lake is
 120 functioning, after which emerging issues like chloride, nitrogen, fisheries, and hydrologic
 121 impacts, or bounce, can be investigated. Mr. Bischoff said the process will try to identify what
 122 a healthy system looks like, based on science. He said the scope of work also includes
 123 building the District’s capital improvement plan based on the tasks he already described as
 124 well as developing the public input process.

125 Mr. Bischoff said the cost for the proposed scope of work including all the tasks he presented
 126 is \$156,000. He said the District also could look at the list as a line item list if there are pieces
 127 that the District wants to pull out to do or not do.

128 President Ziegler asked if the District currently tracks chloride. Administrator Jeffery said yes,
 129 and the amount of chloride in tested waters has been trending has been upward over the past
 130 four or five years.

131 Manager Koch said his rough calculation is that for the amount of money the District plans to
 132 pay for a piece of land that has nothing to do with the District’s water resources, the District
 133 could do a lake management plan like the one presented for five or more District lakes for just
 134 one or two year’s cost of the land acquisition. He said he thinks the Board should reconsider
 135 spending money on a project that only marginally has something to do with water resources.

136 Manager Koch said he thinks the public should weigh in on what is more important– to
137 manage lakes or buy the piece of upland property at Noble Hills.

138 Manager Koch asked if the District has a similar plan for other lakes, similar to what is being
139 proposed. Mr. Bischoff said no, not a holistic plan that looks at all the different pieces.

140 Manager Koch said there are a number of lakes he considers to be major waterbodies in the
141 District that need this type of lake management plan more than Duck Lake needs it. He said he
142 does not think a one-lake approach is the right approach. Manager Koch proposed the Board
143 ask Barr to come back with some type of staged approach that over a series of years the
144 District could have these holistic studies produced for at least all the major lakes in the
145 District. He said before the District moves forward with this lake management plan for Duck
146 Lake he thinks there needs to be analysis on where the District gets the most bang for the
147 buck.

148 Manager Pedersen asked if it is possible, since shallow lakes have many things in common, to
149 come up with a template for a shallow lake and a template for a deep water lake, and the
150 District can fill in those templates for the lakes at the District has time and budget.

151 Mr. Bischoff said he thinks developing templates is a good approach.

152 Administrator Jeffery said templates would be great.

153 Manager Pedersen said she would like the Board to consider directing Administrator Jeffery to
154 come back to the Board with recommendations and to consider adding these templated lake
155 management plans to the District’s 10-Year Plan. Administrator Jeffery said first he would
156 like to talk with Mr. Bischoff and Mr. Sobiech about the possible categorizations of the lakes.

157 Manager Crafton asked if this work would need to be set up as a District capital improvement
158 in order to go out for funding. Administrator Jeffery responded yes. Manager Crafton said she
159 thinks the District needs to figure out how to move forward with this type of holistic planning
160 and how to get it into the District’s plan and to seek funding for it.

161 Administrator Jeffery said the holistic lake management plans dovetail with the EHAP, which
162 is how he foresees the lake management plans integrating into the District’s Plan.

163 Manager Duevel asked Mr. Bischoff if the City of Edina is doing something similar to the
164 proposed lake management plan for all of the city’s lakes. Mr. Bischoff said yes, the City is
165 doing something similar. He said the City developed an overall clean water strategy and lakes
166 are a part of that. He said it is a city stormwater plan and does not go into areas like shoreline
167 conditions or aquatic vegetation as in depth as the District would go.

168 Manager Duevel asked Administrator Jeffery how the District tracks chloride. Administrator
169 Jeffery said staff collects samples from all of the District’s lakes and tracks the data trends.

170 Administrator Jeffery displayed the data table “Chloride Purgatory Chain of Lakes Average
171 Chloride Concentrations” and described how the data trend shows the average chloride
172 concentrations for these lakes is increasing.

173 Manager Duevel said if the District develops a template, chloride should be in it.

174 Manager Crafton commented the Izaak Walton League has been working with the Minnesota
 175 Pollution Control Agency on data collection using test strips for chloride and for nitrates. She
 176 said Connie Fortin is interested in talking with the District about winter roads and looking at
 177 what roads should look at in 2040 or 2050. Manager Crafton noted MnDOT is looking at
 178 resilience and wants to talk with watershed districts. She said there might be opportunities for
 179 the District to influence curtailing the salt.

180 Manager Koch said regarding nitrogen, the problem is figuring out how to control nitrogen
 181 loading into waters. He said if the District is in this borrowing mood, the District could
 182 borrow money to do all of these studies and come up with recommendations on what to do, so
 183 the District can start implementing solutions. He said he is worried the District will do a lot of
 184 monitoring and will spend a lot of money on monitoring, but there are not a lot of solutions
 185 because science has not figured out the solutions yet. Manager Koch said he believes the
 186 single biggest contributor to phosphorous, at least on Lotus Lake, is wake boats. He said until
 187 wake boats are dealt with, there will be a rise in phosphorous, and the District will be
 188 spending money on treatments.

189 President Ziegler commented he would like to see the chloride information in the lake reports.
 190 He said getting the information out to the public is important, especially when the District will
 191 be pushing for legislation to help manage the salt.

192

6. Consent Agenda

g. Approve Permit 2023-036 Chipotle-EP as Presented in the Board Action Section of the Permit Review Report

193

194

195

196

197

Manager Pedersen moved to adopt Resolution 23-078 to Approve Consent Agenda as amended to approve Permit 2023-036 Chipotle-EP as Presented in the Board Action Section of the Permit Review Report. Manager Duevel seconded the motion.

198

199

200

Manager Koch moved to amend the motion to adopt the proposed resolutions set forth in the Engineer’s Report. Manager Pedersen and Manager Duevel accepted Manager Koch’s amendment to motion.

201

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

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

202

203

7. Member Reports

204

b. Receive Citizen Advisory Committee's Report and Minutes

205

Terry Jorgenson reported the CAC has no motions or measures to present to the Board.

206

207

c. Confirm Board Representative for December 18, 2023, CAC Meeting

208

Manager Duevel volunteered to be the Board Representative at the December 18th CAC meeting.

209

210

211

d. Receive Audit and Finance Committee Report

212

Manager Crafton reported on the Committee's October 31st meeting, in which the Committee went through all the steps for the District's internal controls and procedures. She said the Committee has not yet addressed policies that go to the Governance Manual.

213

214

215

216

Manager Koch asked if the District has written policies on all of the District's accounting processes and procedures. Administrator Jeffery said the financial policies are in Governance Manual. Manager Koch said he has provided revisions to them and he has provided proposed procedures for entering claims. He said if all the District has is what is in the Governance Manual, then it is his opinion they are wholly inadequate to have good internal controls. Manager Koch said lacking the policies he does not see how the auditor can even do an audit. He said if they do not change that he has full intention of going to the state auditor.

217

218

219

220

221

222

223

224

225

e. Receive Manager Reports

226

i. Manager Koch

227

Manager Koch reported on the written report he submitted, noting he abbreviated it in light of the manager hourly rate of \$14 plus some cents per hour, and he probably did not make it as readable as he could have. He summarized he expressed concerns about the District's lack of IT [Information Technology] policies. Manager Koch said all the talk at conferences he attends is on how you have to have a policy regarding AI [Artificial Intelligence]. Manager Koch said to his knowledge the District has never had the District's security measures explained to the Board, and he said he thinks that is a failure. He said in his report he continues to bring up the point the District is not following the Open Meeting Law as it should and that he is not getting, in his opinion, adequate responses for Data Practices requests. He said the District

228

229

230

231

232

233

234

235

236

237

238 needs an HR consultant. Manager Koch said there is a significant HR law
239 coming into effect January 1 and he has not heard anything on how that will be
240 implemented. Manager Koch said he has not received any report on how the
241 District will comply with the new pay and leave law. He said he asks that his
242 list of items be reviewed and considered to be required to be addressed.

243

244 **ii. Manager Crafton**

245 Manager Crafton said she has attended a lot of conventions recently, including
246 this week's soil and water conservation districts (SWCD) convention.

247 Manager Koch said he thinks the District should consider getting a lobbyist to
248 help the District get money for its projects. He said if the District moves
249 forward with the property acquisition, it is not fair to the taxpayers to foot the
250 bill for it. Manager Koch said if the District acquires that property, the District
251 should go out and get the money so there is no cost to the District's taxpayers.

252 Manager Crafton said the Minnesota Board of Water and Soil Resources
253 (BWSR) is really committed to dedicating money to reducing capacity. She said
254 the SWCD get tech service money from the ag side.

255

256 **iii. Manager Pedersen**

257 Manager Pedersen said she is cognizant of the time and there are a lot of items
258 remaining on the agenda, so she does not have a report at this time.

259

260 **iv. Manager Duevel**

261 Manager Duevel echoed Manager Pedersen's comment and said he does not
262 have anything pressing at this time.

263

264 **v. President Ziegler**

265 President Ziegler reported he had the opportunity to interview four candidates
266 for the Minnesota Watersheds lobbyist role. He said Mr. Smith may be able to
267 help the District carve out what it would need from a lobbyist. He said he is
268 attending a seminar tomorrow and will see if he can get a recording to share
269 with Administrator Jeffery to share with the Board.

270

271 **f. Receive Administrator Report**

272 Administrator Jeffery noted he reported on the chloride trends earlier in the meeting.

273

274 **g. Receive Legal Counsel Report**

275 Mr. Smith stated he recommends the Board adopt a motion to go into a closed session
 276 for purposes of receiving confidential briefing from Legal Counsel concerning legal
 277 strategy in the matter of Koch vs. Riley Purgatory Bluff Creek Watershed District.

278 President Ziegler moved to go into closed session for the purposes of receiving
 279 confidential briefing in the matter of Koch vs. Riley Purgatory Bluff Creek Watershed
 280 District. Manager Duevel seconded the motion.

281 President Ziegler said he understands that since one of the managers is one the other
 282 side of the aisle [the plaintiff], that manager will not take part in the closed session. Mr.
 283 Smith said President Ziegler is correct.

284 Manager Koch said he is sure there is technically any reason why he would be excluded
 285 but the problem with that is there is no representation of Carver County. He said he
 286 suggests if the Board is going to do this we need to think about a meeting so Carver
 287 County has its representation in this matter.

288 Upon a roll call vote, the motion carried 4-1 as follows:

289

<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes
Koch	No
Pedersen	Yes
Ziegler	Yes

290

291 The Board moved into closed session at 8:31 p.m.

292 The Board reconvened the public meeting at 9:02 p.m.

293

294 **a. Adopt Resolution 23-079 to Receive Member Reports**

295 Manager Pedersen moved to Adopt Resolution 23-079 to Receive Member Reports.
 296 Manager Crafton seconded the motion.

297 Manager Koch said he would like the Governance Committee to review the member
 298 reports process and propose a logical process. He said he has comments on the Audit
 299 and Finance Committee report.

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

301

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

302

8. New Business

303

a. Items Removed from Consent Agenda

304

i. Receive November Staff Report

305

Manager Duevel moved to receive the November staff report. Manager Pedersen seconded the motion.

306

307

Manager Koch said he thinks the Board should hold a workshop about groundwater and discuss whether the District should be doing groundwater conservation. He said his understanding is cities are big groundwater users and he is not sure the District has any control over big users. He said he is not sure the District is in the groundwater business.

308

309

310

311

312

Manager Koch asked staff for more details on some items in the November staff report, such as how Bluff Creek reaches 5 and 6 differ from Upper Bluff Creek. Administrator Jeffery clarified that reaches 5 and 6 are Upper Bluff Creek, or the Galpin Boulevard crossing area. Manager Koch asked if the two reaches are covered in the two upcoming resolutions. Administrator Jeffery said yes.

313

314

315

316

317

Manager Koch said the St. Hubert project is closed out but it seems the District continues to do things on it. He asked if the continuing work fits within the original project scope and if the District is getting its payments. Administrator Jeffery said yes, the District will get payment and he met with St. Hubert and the contractor this week regarding the tree replacement. Manager Koch said he would like to know the status of the curriculum development and if there is an end in sight. He said maybe staff could brief the Board on this topic at an upcoming workshop.

318

319

320

321

322

323

324

325

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

326

<i>Manager</i>	<i>Action</i>
Crafton	Yes

Duevel	Yes
Koch	Yes
Pedersen	Yes
Ziegler	Yes

327

328

ii. Receive November Engineer’s Report

329

Manager Crafton moved to receive the November Engineer’s report. Manager Pedersen seconded the motion.

330

331

Manager Koch asked if staff is tracking their time spent with a permit applicant answering their questions before the application is submitted. He asked if the District can get appropriately compensated if an application comes in or if the District losing a lot of time and effort upfront. Mr. Sobiech said with respect to calls and emails prior to a future permit, they are usually ten or fifteen minutes and are not tracked. He said he thinks it is good public relations to provide that service to developers to answer those questions early on, before submittals come in, and it saves time during the process.

332

333

334

335

336

337

338

339

Manger Koch asked if data management / sampling is something District staff could be doing, as it might be less expensive if District staff does it. Mr. Sobiech said Barr works closely with District staff in coordinating and making sure the data is reviewed and input correctly. He said he thinks the District could consider taking it on and acquire Equis and get familiar with how to operate that database. Manager Koch said he thinks it is something for the Board to consider.

340

341

342

343

344

345

346

Manager Koch expressed his concern about staff doing out of scope tasks to support projects. He said he thinks staff should instead come to the Board to request amending the task. Manager Koch said he does not think it is good practice to do out of scope work.

347

348

349

350

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

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

351
 352
 353
 354
 355
 356
 357
 358
 359
 360
 361
 362
 363
 364
 365
 366
 367
 368
 369
 370
 371
 372
 373
 374
 375
 376
 377
 378

iii. Receive November Regulatory Report

Manager Pedersen moved to receive the November regulatory report. Manager Crafton seconded.

Manager Koch said it would be helpful to him for the inspection report to include the District’s next steps or what were the results. He said he would like the violation summary to identify what was done and next steps.

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

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

iv. Approve After-the Fact Permit 2022-012 for 7300 Laredo Drive as Presented in the Board Action Section of the Permit Review Report

Manager Koch moved to adopt the proposed resolution as set forth in the permit application with a change in the second paragraph, after “Resolved that the application for” to insert “an after-the-fact” before the word “permit.” President Ziegler seconded the motion.

Administrator Jeffery said he does not see any issue with inserting the language suggested by Manager Koch.

Manager Koch asked if the District is collecting for its added time and effort spent on this after-the-fact permit. Administrator Jeffery said that is a good question and staff will need to look at MS4Front. He said he knows the District’s Legal Counsel spent time on this after-the-fact permit.

Manager Koch moved to amend his motion to add language to the effect that the permit would be subject to payment of expenses incurred by the District in connection with this after the fact permit. President Zigler concurred with Manager Koch’s amendment to the motion.

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

379

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

380

381

v. Approve Pay Application #7 for \$4,562.00 to Meyer Contracting for the Rice Marsh Lake Water Quality Improvement Project

382

383

Manager Pedersen moved to approve Pay Application #7 for \$4,562.00 to Meyer Contracting for the Rice Marsh Lake Water Quality Improvement Project. Manager Crafton seconded the motion.

384

385

386

Manager Koch asked if this contract predates the Board’s direction to withhold the maximum extent. Mr. Sobiech responded yes.

387

388

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

389

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

390

391

b. Receive November Treasurer’s Report

392

Manager Crafton moved to accept the Treasurer’s Report. Manager Pedersen seconded the motion.

393

394

Manager Koch said listed under the Visa activity are a lot of Adobe subscriptions. He asked if there is a reason the District is purchasing so many. Mr. Jeffery said each District employee has Adobe.

395

396

397 Manager Koch asked if anything has been done regarding electronic payments.
 398 Administrator Jeffery said he has talked with a few watershed districts that use
 399 electronic payments. He said he plans to loop looking into electronic payments with the
 400 Audit and Finance Committee’s revision of the financial portion of the Governance
 401 Manual.

402 Manager Koch said he would like staff or the Audit and Finance Committee to identify
 403 what money is owed the District from other governments for projects. Manager Koch
 404 said he thought the District decided its financial procedure is to not include money it has
 405 not received but to include bills the District owes. He said he would like the Audit and
 406 Finance Committee to look into this to make sure the District’s balance sheet matches
 407 the District’s policies.

408 Manager Koch asked about the \$120,000 spent on the 10-Year Plan item and what the
 409 expenditures are for. Administrator Jeffery said the bulk of that cost is the EHAP
 410 program.

411 Manager Koch commented the District should make sure the budget line items reflect
 412 the attribution of District employee wages for the employees’ time spent doing work in
 413 the different budget categories. He said that will help the Board get a view on how
 414 much the District is actually spending and the true cost of running the District’s
 415 programs.

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

417

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

418

419 **c. Adopt Resolution 23-080 Approving Payment of the Bills**

420 Manager Crafton moved to adopt Resolution 23-080 Approving Payment of the Bills.
 421 Manager Pedersen seconded the motion.

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

<i>Manager</i>	<i>Action</i>
Crafton	Yes

Duevel	Yes
Koch	Yes
Pedersen	Yes
Ziegler	Yes

423

424

d. Receive Any Public Comments on the District’s Adopted 2024 Budget and if needed, Adopt Resolution 23-081 Setting the Final Budget and Levy and Authorizing Administrator to Submit to County Auditors

425

426

427

President Ziegler called for comments on the District’s adopted 2024 budget and levy.

428

There were no comments made on the District’s adopted 2024 budget. The Board made

429

no changes to the District’s adopted 2024 budget and levy, so there was no need to

430

adopt Resolution 23-081.

431

Manager Koch pointed out a spelling error in the resolution’s heading.

432

433

e. Adopt Resolution 23-082 Ordering the Upper Bluff Creek Restoration and Habitat Enhancement Project

434

435

Manager Pedersen moved to adopt Resolution 23-082 Ordering the Upper Bluff Creek Restoration and Habitat Enhancement Project. Manager Crafton seconded the motion.

436

437

Manager Koch asked for clarification on what this resolution orders. Administrator

438

Jeffery responded this resolution orders the design, the work with landowners to get the

439

necessary land-use agreements, and to prepare all the plan specifications and notices

440

necessary to solicit a contractor. He said those bids would be brought back to the

441

managers.

442

Manager Koch said the resolution is not clear. He said he understands this resolution

443

does not order the project but in the future he thinks the resolution should be more

444

fleshed out and include the task order in the resolution.

445

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

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

446
447
448
449
450
451
452
453

f. Adopt Resolution 23-083 Approving Task Order #36B to Develop Plans for the Upper Bluff Creek Restoration and Habitat Enhancement Project

Manager Pedersen moved to adopt Resolution 23-083 Approving Task Order #36B to Develop Plans for the Upper Bluff Creek Restoration and Habitat Enhancement Project. Manager Duevel seconded the motion.

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

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

454

9. Upcoming Board Topics

455
456
457
458

- EHAP Workshop
- Groundwater Monitoring Program
- Upper Riley Creek

10. Upcoming Events

459
460
461
462
463
464
465
466

- EHAP TAP #4

Manager Koch moved for the District to hold its next regular Board meeting on January 10, 2024, at 7:00 p.m. Manager Pedersen seconded the motion. Manager Koch moved to amend his motion to conduct the meeting in a hybrid manner. Manager Pedersen agreed to the change.

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

<i>Manager</i>	<i>Action</i>
Crafton	Yes

Duevel	Yes
Koch	Yes
Pedersen	Yes
Ziegler	Yes

467
468

11. Adjournment

469 Manager Pedersen moved to adjourn the meeting. Manager Craton seconded the motion.
470 Upon a roll call vote, the motion carried 5-0 as follows:

471

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

472
473
474
475
476
477
478
479
480

The meeting adjourned at 10:03 p.m.

Respectfully submitted,

Dorothy Pedersen, Secretary