

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

July 7, 2021, RPBCWD Board of Managers Workshop and Monthly Meeting

PRESENT:

Managers: Jill Crafton, Treasurer

Larry Koch

Dorothy Pedersen, Vice President

Dick Ward, President

David Ziegler, Secretary

Staff: Amy Bakkum, Administrative Assistant

Zach Dickhausen, Water Resources Technician II

Liz Forbes, Grant Coordinator*

Elizabeth Henley, Attorney, Smith Partners

Terry Jeffery, Interim District Administrator and Watershed Planning Manager

Eleanor Mahon, Education and Outreach Coordinator*

Josh Maxwell, Water Resources Coordinator

Louis Smith, Attorney, Smith Partners

Scott Sobiech, Engineer, Barr Engineering Company

Other attendees: Kevin Cashman, Bearpath Rebecca Prochaska*

Chesney Enquist* Jim Senske, Bearpath*

Robert Erickson* Rod Rue*

Wendy Lotter* Marilyn Torkelson

Greg Hawks*

**Indicates attendance only at the Regular meeting*

*Note: this workshop and meeting were held remotely via meeting platform Zoom in
abidance with the District's procedures in response to state COVID-19 actions, mandates,
and guidance.*

1. Workshop: District Preliminary 2022 Budget

1 President Ward said this will be a high-level discussion of the District's preliminary 2022 budget
2 to guide staff for further refinement. Interim Administrator Jeffery presented an agenda for the
3 workshop, including discussing the 2021 levy, projects and programs coming off the books, 2022
4 projects from the implementation table, and opportunity projects and other initiatives.

5 Interim Administrator Jeffery opened the discussion noting the District set the 2021 levy at
6 \$3,750,000. He asked if the Board wants to maintain the same levy amount for 2022, decrease the

7 levy, or increase it. Manager Koch commented he would like to proceed by examining what the
8 District wants to do, what it costs, and then consider the amount the District wants to levy. There
9 was discussion about the status of property tax collection and tax rates, and President Ward said
10 he will contact Carver and Hennepin counties to get an update.

11 Manager Ziegler said he thinks that because of COVID and resulting decisions to push some
12 projects back, the District is behind where it wants to be in terms of accomplishing the goals set
13 in the 10-Year Plan. Treasurer Crafton reported on levy funds the District has received to-date in
14 2021. Interim Administrator Jeffery said he is hearing the Board's direction to review the
15 District's 10-Year Plan to determine the projected cost of the what the District plans to
16 accomplish, and from there discuss the 2022 levy.

17 Interim Administrator Jeffery informed the Board of District projects that no longer need 2022
18 levy funds, including: West Branch of Bluff Creek, Stormwater Pond Research, Upper Rile Creek
19 Restoration, Lower Riley Creek Restoration, Lake Susan Spent Lime, Riley and RML Alum
20 Treatment – being pushed back, Scenic Heights Forest, Silver Lake, and Pioneer Wetland
21 Restoration.

22 Manager Koch commented about the need to update the implementation table in the District's 10-
23 Year Plan. Interim Administrator Jeffery said it could be done and would likely be a minor plan
24 amendment.

25 Administrator Jeffery shared a PowerPoint slide displaying the District's implementation table,
26 Table 9-1 in the 10-Year Plan. He highlighted the projects that would require 2022 levy funds.
27 There was discussion about how the project costs were derived and what they include.
28 Administrator Jeffery said staff will develop a proposed 2022 budget to distribute to managers
29 prior to the Board's August monthly meeting.

30 Administrator Jeffery brought up opportunity projects and the operations and maintenance
31 budget.

32 The Board and staff agreed its August workshop would be another budget workshop.

33 There was discussion about the University of Minnesota study. Interim Administrator Jeffery
34 recommended he coordinate having Ray Newman of the UMN make a presentation at the Board's
35 August meeting, giving the Board an opportunity to ask questions.

36 Manager Koch requested the Board have a future discussion about its rules regarding the
37 District's regulation of its rules. He noted projects that his neighbors on either side of him are
38 doing, regardless of the District's rules.

39 The workshop concluded at 5:40 p.m.

2. Call to Order of the Regular Meeting of the RPBCWD Board of Managers

40 President Ward called to order the Wednesday, July 7, 2021, Board of Managers Regular Meeting
41 at 7:00 p.m. The meeting was held remotely via meeting platform Zoom.

3. Approval of Agenda

42 Manager Ziegler moved to approve the agenda. Manager Pedersen seconded the motion. Manager
43 Koch requested removing Consent Agenda items 7b, d, e, f, g, h, and i, and he requested adding
44 two discussion items: permitting and rules and Carver County ditch work. Managers Ziegler and
45 Pedersen concurred to Manager Koch's additions as a friendly amendment

46 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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4. Matters of General Public Interest

49 President Ward explained the procedures for speaking during the matters of general public
50 interest and stated comments can also be submitted in writing to District Interim Administrator
51 Jeffery.

52 Ms. Chesney Enquist of 549 41st Avenue South in Minneapolis, Dakota Territory. She thanked
53 the Board for its action last month to extend its permit review period for the proposed
54 development adjacent to the Frederick Miller Spring and Riley Creek. She reminded the Board of
55 comments the public provided last month to the Board regarding concerns about slope stability
56 and about legal jurisdiction. Ms. Enquist reported she understands a slope stability analysis is
57 underway, conducted by an engineer hired by the developer. She asserted her belief that it is
58 necessary to conduct an independent slope stability analysis, and Spring Valley Friends and
59 Friends of Fredrick Miller Spring have reached the first threshold of fundraising to fund the
60 District Court appeal process for Environmental Assessment Worksheet. She said her group is
61 now prepared to initiate fundraising to support the watershed in this vital secondary approach to
62 analyze the slope and other necessary measures for determining impacts to water quality. Ms.
63 Chesney read aloud from the Eden Prairie City Council minutes. She wondered about the legal
64 ramifications of the City Council's vote and holding the watershed accountable for questions

65 around the impacts of water quality for this project. Ms. Chesney reached her three-minute time
66 limit.

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5. Reading and Approval of Meeting Minutes

68 a. June 2, 2021, RPBCWD Board of Managers Regular Meeting

69 Manager Ziegler said on line 257 the word “reaches” should replace “values,” and on line
70 357 to replace the word “in” with “and.” Manager Pedersen noted on line 144 the word
71 “that’s” needs a small t and the period removed. She said on 187 the word contaminate
72 should be contaminated, and on line 230 the word “an” should be “and”. Manager
73 Crafton noted on line 32 the words “he said” should be deleted.

74 Manager Ziegler moved to approve the minutes of the June 2, 2021, Board of Managers
75 Regular Meeting and meeting continuance. Manager Pedersen seconded the motion.

76 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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79 b. June 11, 2021, RPBCWD Board of Managers Special Meeting

80 President Ward read aloud the summary of the Board’s Special Meeting held June 11th
81 and again on June 16th concerning a closed session performance evaluation of the Interim
82 District Administrator. President Ward said the Board specifically reviewed
83 communication between the Interim District Administrator and the Carver County
84 Administrator, and the Board found the communication to be unprofessional,
85 inappropriate, and harmful to the reputation of the District. President Ward said the
86 Board acknowledged Mr. Jeffery’s apology to the Carver County Administrator, directed
87 that a warning be placed in his personnel file, and trusts that no similar conduct will occur
88 in the future.

89 Manager Ziegler moved to approve the minutes of the June 11th Board of Managers
90 Special Meeting and meeting continuance as presented. Manager Pedersen seconded the
91 motion. Manager Koch made the friendly amendment to move that the Board accept the
92 summary of the June 11th Board of Managers Special Meeting and meeting continuance as
93 presented. Managers Ziegler and Pedersen accepted the friendly amendment.

94 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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6. CAC

97 Ms. Marilyn Torkelson reported the CAC approved a motion to conduct a field trip on July 23
98 starting at the Eden Prairie Fire Station 2 in place of the CAC's July 19th meeting. President
99 Ward commented he will attend the CAC's August regular meeting. Ms. Torkelson reported on
100 the CAC's key items of discussion and the presentation given by Professor Emeritus Alexander
101 on springs and seeps.

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7. Consent Agenda

103 Manager Ziegler moved to approve the Consent Agenda as amended in item 2. Manager Pedersen
104 seconded the motion.. The Consent Agenda included the following items: 7a - Accept June Staff
105 Report and 7c – Accept June Construction Report.

106 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

110 a. Items Pulled from Consent Agenda

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112 i. Accept June Engineer's Report

113 Manager Koch asked questions to staff about the costs of developing the
114 wetland rapid floristic quality assessment and why the District would pursue
115 developing it if other watersheds already have developed a similar assessment
116 program. Manager Jeffery explained the reason why the District is using the
117 floristic quality indices and described the additional assessments that the
118 District will be using for its wetland assessment program. Manager Koch
119 moved to accept the June Engineer's report. Manager Crafton seconded the
120 motion.

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122 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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126 ii. Accept 2020 Audit Report and Authorize the Interim Administrator 127 to Distribute the Report

128 Manager Koch reported on changes made to the audit report and commented on
129 changes not yet made. He suggested holding a workshop with the auditor to
130 discuss District policies. Manager Koch moved to accept the 2020 auditor
131 report with two conditions: the auditor fix the typo and add the statement that
132 there are no personal property taxes collected in Minnesota. Manager Crafton
133 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 | Aye |
| Koch | Aye |

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| Pedersen | Aye |
| Ward | Aye |
| Ziegler | Aye |

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iii. Approve Permit #2020-060 Christian Brothers Automotive as Presented in the Proposed Board Action Section of the Permit Review Report

Engineer Sobiech described the proposed project. Manager Koch asked about what will be included in the permit regarding warranties, testing, monitoring, repair, and maintenance of equipment being proposed. Engineer Sobiech reminded Manager Koch that the applicant would be required to record on the property a maintenance declaration, which outlines the maintenance responsibilities for which the property owner is responsible into perpetuity. He talked about assessing the validity of the modeling regarding how the system as a whole will behave. There was discussion about proprietary devices and about the District's authority and actions it could take if equipment fails to meet the requirements specified by the District.

Manager Koch moved to approve Permit 2020-060 Christian Brothers Automotive. 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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iv. Approve Permit 2021-015 Groveland School Road Reconstruction as Presented in the Proposed Board Action Section of the Permit Review Report

Engineer Sobiech described the proposed project by the City of Minnetonka. Manager Koch clarified that the City of Minnetonka will be maintaining the project. Engineer Sobiech confirmed the City of Minnetonka will be responsible for maintaining the project.

161 Manager Koch moved to approve Permit 2021-015 Groveland School Road
162 Reconstruction. Manager Ziegler seconded the motion. Upon a roll call vote,
163 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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166 **v. Approve Permit 2021-038 Burger King EP as Presented in the**
167 **Proposed Board Action Section of the Permit Review Report**

168 Engineer Sobiech summarized the proposed project located in Eden Prairie and
169 went into detail about the low floor criteria. Manager Koch asked questions
170 about the flow of water on and through the property. Engineer Sobiech
171 responded. Manager Koch moved to approve Permit 2021-038 Burger King
172 Eden Prairie as presented. Manager Ziegler seconded the motion.
173 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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177 **vi. Approve 2021-042 Pioneer Wetland Restoration as Presented in the**
178 **Proposed Board Action Section of the Permit Review Report.**

179 Engineer Sobiech described this proposed District-initiated project. He said he
180 recommends a condition of the permit is that the maintenance agreement must
181 be put on file at the District so there is a maintenance agreement for the long-

182 term maintenance of the wetland. Manager Koch asked for more details about
 183 the project task to remove sediment and asked if there are alternatives to
 184 removing the sediment, which is expensive work. Engineer Sobiech and Interim
 185 Administrator Jeffery provided information about the sediment removal.
 186 Manager Koch raised his concerns about the cost of removing the sediment.
 187 Manager Ziegler moved to approve Permit 2021-042 Pioneer Wetland
 188 Restoration as presented. Manager Crafton seconded the motion. Upon a roll
 189 call vote, the motion carried 4-0 as follows:

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

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192 **vii. Approve Grant Agreement in the Amount of \$10,000 with the**
 193 **Preserve Association for the Conversion of Turf Grass to Prairie.**
 194 Interim Administrator Jeffery summarized the project. Manager Koch asked
 195 how this project relates to the District’s water, and Interim Administrator
 196 Jeffery explained the water quality benefit comes from the conversion of
 197 concrete into prairie. Manager Koch commented this project should include
 198 standards or requirements that would facilitate soil health improvement. There
 199 was discussion about the District’s grant program policy regarding using up to
 200 10% of the grant for professional maintenance. Manager Koch raised the topic
 201 of the invoice date for contractors and making sure the District pays invoices
 202 within 60 days of receipt. Manager Koch moved to approve the grant agreement
 203 with 60 days to pay, reporting each year for three years, inspection rights for 10
 204 years, and the District works with the applicant to incorporate soil standards as
 205 possible. Manager Ziegler seconded the motion. Manager Ziegler moved to
 206 amend the motion to remove the stipulations. Manager Pedersen seconded the
 207 motion to amend.

208 Upon a roll call vote, the motion to amend carried 4-1 as follows:

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

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| Koch | No |
| Pedersen | Aye |
| Ward | Aye |
| Ziegler | Aye |

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

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

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viii. Approve Agreement with HDR for Website Redevelopment and Monthly Maintenance in the Amount of \$9,995 and Authorize Interim Administrator Jeffery to Sign

Interim Administrator Jeffery summarized the agreement. He said staff recommends using the District’s agreement, and he asked the Board to approve the agreement and authorize him to sign. Manager Koch moved to authorize Legal Counsel and Interim Administrator Jeffery to negotiate an agreement, using the District’s standard templates, in the amount of \$9,995 for the redevelopment of the District website and provision of monthly website maintenance. Manager Crafton seconded the motion. Manager Pedersen noted that the motion should authorize Interim Administrator Jeffery to sign the agreement. Managers Koch and Crafton accepted the friendly amendment. Manager Koch asked Interim Administrator Jeffery and Attorney Smith to review his comments about the agreement that he provided to them and to address the comments as they draft the agreement, such as his question about website hosting and the cost.

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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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b. Accept May Treasurer's Report

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Manager Crafton stated the report has been reviewed in accordance with the District's internal control procedures. She moved to accept the May Treasurer's Report. Manager Pedersen seconded the motion. Manager Koch said there is an amount invoiced for professional services and there is no money budgeted for it and the District didn't budget for the website work. He objected to tracking credit card expenditures with the credit card as the vendor because it could cause 1099 issues.

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

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

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c. Approve Paying of Bills

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Manager Crafton moved to pay the bills. Manager Pedersen seconded the motion. Upon a roll call vote, the motion carried 4-1 as follows:

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

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| Koch | No |
| Pedersen | Aye |
| Ward | Aye |
| Ziegler | Aye |

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d. Consider Authorizing Three Years of Continued Funding of University of Minnesota’s Research on the Impacts of Water Quality and Invasive Macrophyte Management on Native Macrophyte Communities

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Interim Administrator Jeffery said based on discussions he has had with managers and because he is setting up a presentation by Dr. Newman on this research for next month’s Board meeting, he recommends tabling this item until next month.

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Manager Koch moved to table this item until the Board’s August meeting. Manager Pedersen 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 | Aye |
| Koch | Aye |
| Pedersen | Aye |
| Ward | Aye |
| Ziegler | Aye |

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e. Consider Approval of Request for Variance from Rule D, Subsection 3.2.b minimum and Average Buffer Widths for Permit Application 2021-017 Middle Riley Creek Stabilization Project

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Engineer Sobiech shared a PowerPoint presentation, providing background to the project, which is being pursuing in partnership with the District, and the project components, and discussing the permit review. He went through the resource and site summary, noting the proposed total impervious surface will be a slight reduction from the current total impervious surface area.

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Engineer Sobiech walked through the rule compliance summary, detailing the Engineer’s recommended conditions to the permit approval, and reporting the proposed project doesn’t comply with the District’s Rule D – Wetland and Creek Buffers. He explained the applicant requested two variances for Rule D, one for the minimum buffer width and one for the type of sign proposed on the property.

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272 Engineer Sobiech presented the two variance requests. He explained the first variance is
273 for the District's Rule D, subsection 3.2b – minimum buffer width. Engineer Sobiech
274 said the applicant is requesting a variance to allow a reduction in the minimum buffer
275 width along approximately 27% of the area. He pointed out the applicant proposes to
276 add bioswale to 70% of the buffer width shortfall areas. Engineer Sobiech stated the
277 second variance is for Rule D, subsection 3.4 to allow for flush to the ground markers
278 instead of buffer signs roughly four feet off the ground. He shared a slide displaying the
279 proposed buffer areas.

280 Engineer Sobiech reminded the Board that the District's Rule K outlines the District's
281 variance criteria. He went through his analysis of the variance requests. Engineer
282 Sobiech noted that for variance request 1, the shortfall of the buffer width is significant,
283 ranging between 63% and 80% in five areas. He reported the variance likely will not
284 have material adverse effects to resources or be a detriment to neighboring properties.
285 Engineer Sobiech discussed the practical difficulty. He pointed out the applicant
286 proposes to install a bioswale and provide more buffer than required, as in 100,000
287 square feet of additional buffer, including buffer along Riley Creek and other wetlands.
288 Engineer Sobiech stated the practical difficulty occurred through the applicant restoring
289 and enhancing portions of Riley Creek. He reported the District Engineer finds adequate
290 technical basis for the managers to rely on to grant the requested variance because of the
291 added resource protection of the additional buffer area and the installation of bioswale
292 in 72% of the area that will have shortfalls from the minimum buffer width.

293 Manager Ziegler moved to approve the variance request from Rule D for Permit
294 Application 2021-017. Manager Crafton seconded the motion.

295 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 | No |

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298 **f. Consider Approval of Request for Variance from Rule D, Subsection 3.4**
299 **Buffer Monumentation Requirements**

300 Engineer Sobiech explained the District's Rule D, Subsection 3.4 would require 79
301 buffer signs on the course. He said the variance request proposes to replace 62 of the
302 free-standing signs along the course with flush to the ground monument located by GPS

303 markers. He said the proposal represents a significant shortfall from the requirement.
304 Engineer Sobiech noted the difficulties that grounds crew might have with the flush to
305 the ground markers and the reduction in public education value that would result from
306 the reduction in free standing monuments. He said the applicant proposes to include
307 buffer education materials and maps in the Bearpath clubhouse and on its website. He
308 explained the practical difficulty was created by the District, as the proponent of the
309 project, in its efforts to restore and enhance portions of the Creek. Engineer Sobiech
310 described the applicant's concerns with the District's required number and location of
311 the free-standing buffer signs and compatibility with Jack Nicklaus Signature golf
312 course aesthetics requirements.

313 Engineer Sobiech reported the District Engineer makes no determination as to whether
314 there is adequate technical basis for the managers to rely on to grant the requested
315 variance from the free-standing sign requirement.

316 Manager Koch moved to table this item and direct staff to work with Bearpath to
317 develop a written commitment to be included in the Cooperative Agreement to address
318 the buffer education materials and District name indicated on scorecards and on the map
319 display in the clubhouse and consider above ground granite markers. Manager Pedersen
320 seconded the motion. Manager Crafton and President Ward stated their concerns about
321 delaying action for a month. Manager Koch moved to amend his motion to include
322 authorizing going out for bids and directing the District's legal counsel and Interim
323 Administrator to work on the terms and language of the variance and permit and work
324 on the Cooperative Agreement. Manager Pedersen agreed to the friendly amendment.

325 Mr. Senske of Bearpath provided comments about the proposed project on Bearpath
326 private property, project timing, and buffer signage or markers, noting he is open to the
327 parties working out an agreement about the signage or markers.

328 President Ward suggested the Board table items 8g, 8h, and 8i. Manager Ziegler
329 commented he will vote no because he believes the Board could approve the variance
330 request with the conditions presented in the motion on the table, instead of tabling
331 action on the variance request.

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

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

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Attorney Smith stated the Board’s action effectively adopted item 8j – Resolution 2021-005 Authorizing Solicitation of Bids for Middle Riley Creek Stabilization Project.

Manager Koch moved to table items 8g, 8h, and 8i and direct staff to work to prepare the Cooperative Agreement and license and bring to the Board next month. 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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- g. Consider Approval of Permit 2021-017 Middle Riley Creek Stabilization Project as Presented in the Proposed Board Action Section of the Permit Review Report.**

Item tabled until the Board’s August meeting.

- h. Consider Approval of Cooperative Agreement with Bearpath Golf and Country Club and Authorize President Ward to Sign.**

Item tabled until the Board’s August meeting.

- i. Consider Approval of License with Bearpath Homeowners’ Association and Authorize President Ward to Sign.**

Item tabled until the Board’s August meeting.

- j. Consider Approval of Resolution 2021-005 Authorizing Solicitation of Bids for Middle Riley Creek Stabilization Project**

Action taken under item 8f.

- k. Consider Approval of Cooperative Agreement with City of Chanhassen for the Rice Marsh Lake Water Quality Treatment Project and Authorize President Ward to Sign.**

363 Engineer Sobiech reported that the District’s Legal Counsel drafted the Cooperative
364 Agreement, and it has been reviewed by the City’s legal counsel and approved by the
365 Chanhassen City Council last Monday. Manager Koch commented he has a problem
366 with the Cooperative Agreement due to some internal inconsistencies in it, and he said
367 he has provided a list of issues to be addressed. Manager Koch moved to approve the
368 Cooperative Agreement subject to review by the District’s Legal Counsel and Interim
369 Administrator Jeffery to address any inconsistencies. Manager Ziegler seconded the
370 motion. Manager Pedersen made the friendly amendment to authorize President Ward to
371 sign the Cooperative Agreement. Manager Koch and Manager Ziegler accepted the
372 friendly amendment. 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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375 Attorney Smith stated that after his upcoming discussion of the Cooperative Agreement
376 with Manager Koch, Manager Koch might see there are not inconsistencies in the
377 Agreement, and the two of them will seek to work this through.

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379 **1. Consider Approval of Resolution 2021-006 Authorizing Solicitation of Bids**
380 **for Rice Marsh Lake Water Quality Treatment Project.**

381 Manager Zeigler moved to approve Resolution 2021-006 Authorizing Solicitation of
382 Bids for Rice Marsh Lake Water Quality Treatment Project. Manager Pedersen
383 seconded the motion. Manager Koch made a friendly amendment to have the bid
384 package include that the District has the ability to pay invoices for up to 60 days after
385 submission. 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 |

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| Ward | Aye |
| Ziegler | Aye |

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9. Discussion Items

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a. In-Person Meetings and Meeting Facilities

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Manager Koch commented on the Delta variant of COVID-19 and because certain people may have medical issues as a result, he would be fine if the Board takes the position to hold off on in-person meetings for another 30 or 60 days. President Ward agreed with Manager Koch's position. President Ward asked if Hennepin County has returned to in-person meetings. Attorney Smith said it has not, and he can report at the Board's August meeting on any updates about Hennepin County's plans to return to in-person meetings.

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b. Attorney Report

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Attorney Smith had no items to report.

398

c. Administrator Report

399

i. Online Payment

400

Interim Administrator Jeffery provided a status update on the initiative to enable taking online payments for permit applications.

401

402

ii. UMN Healthy Waters Initiative Update

403

Interim Administrator Jeffery said the District received an update letter from the UMN on its Healthy Waters Initiative, which is its shoreline and wake boat study. He summarized the letter, noting Phase I is complete, and he will contact St. Anthony Falls to find out when the District will receive a report about Phase I.

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407

iii. 2021-012 Noble Hill Slope Stability Study Update

408

Interim Administrator Jeffery reported he and Engineer Sobiech met with the City of Eden Prairie, Pulte Homes, and Braun Intertec. He said Engineer Sobiech, Geotechnical engineers at Barr Engineering, himself, and the City are satisfied with the proposed scope of work. Interim Administrator Jeffery summarized the scope of work, which will be reviewed by Barr, and after which it will be brought to the Board.

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iv. Website Update

415

Interim Administrator Jeffery provided an update on District staff member Forbes and HDR's work on the website update.

416

417

v. Meeting with Chanhassen

418

Interim Administrator Jeffery reported on District staff's meeting with the City of Chanhassen to discuss several items.

419

420 **d. Managers' Report**

421 i. **Partnership with Member Communities on Green Step Communities**
422 **(Manager Crafton)**

423 Manager Crafton said there are five local cities that are Green Step Communities,
424 including the City of Chanhassen as the most recent one. She added that there is a
425 Hennepin County Climate Plan as well. Manager Crafton commented there is a
426 lot of overlap, and she sees a benefit in the District hosting a meeting of the Green
427 Step Communities to see if there is common ground with things the District
428 already has in place to help the Green Step Communities meet their goals. She
429 said she hopes the District can do more with Green Step Communities in the
430 future. Administrator Jeffery suggested the District host a Green Step
431 Communities summit.

432 ii. **Audit and Accounting Workshop and Meeting**

433 Manager Koch requested staff add a workshop or meetings on the District
434 calendar to discuss how the Board wants to move forward in the future regarding
435 the audit and accounting.

436 iii. **District Rules**

437 Manager Koch said he thinks the District should get into its rules and permitting
438 and particularly shoreline and add it to the list of possible changes to District
439 rules.

440 iv. **Carver County Ditch Work**

441 Manager Koch had comments about the ditch work being done along Powers
442 Boulevard by Carver County.

443

10. Upcoming Board Topics

444 President Ward noted upcoming Board topics including the District's preliminary 2022 Budget.

445

11. Upcoming Events

446 President Ward noted upcoming events, including the 5 p.m. Board Workshop on August 4th on
447 the 2022 budget and 7 p.m. regular Board meeting.

448

12. Adjournment

449 Manager Pedersen moved to adjourn the meeting. Manager Ziegler seconded the motion. Upon a
450 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 |

451

452 The meeting adjourned at 9:42 p.m.

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Respectfully submitted,

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460



David Ziegler, Secretary

