

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

RPBCWD Board of Managers 10/14/20 Special Meeting: Continuation of 10/7/20 Meeting

PRESENT:

Managers: Jill Crafton, Treasurer

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

Louis Smith, Attorney, Smith Partners

Scott Sobiech, Engineer, Barr Engineering Company

Other attendees: No other attendees

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 14, 2020, continuation of the Board of
2 Managers October 7, 2020, Regular Monthly Meeting at 4:00 p.m. The meeting was held
3 remotely via meeting platform Zoom.

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2. Approval of Agenda

5 President Ward announced that this special meeting is a continuation of the Board's October 7,
6 2020, meeting and the agenda items include the Managers Report, Administrator's Report, Work
7 without a Permit, Chanhassen Local Surface Water Management Plan Update, and Adopt
8 Governance Manual – Resolution 2020-14. Manager Ziegler moved to approve the agenda as
9 presented. Manager Crafton seconded the motion. Upon a roll call vote, the motion carried 4-0 as
10 follows:

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

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3. Manager Report

13 Manager Pedersen reported about the Netflix documentary “Kiss the Ground,” which focuses on
14 how carbon is sequestered in soil. She explained the documentary is available for groups to host
15 screenings, and the host is required to moderate a discussion after the screening. Manager
16 Pedersen commented she thought this would be a good opportunity for the Board, CAC, and
17 Master Water Stewards, and she would like the District to move forward to organize one or more
18 screenings of “Kiss the Ground.” Managers and staff commented on the idea. Administrator
19 Bleser said it sounded like the Board was in consensus for staff to look into the details and any
20 restrictions for hosting the screening, so staff will look into the process and procedure.

4. Administrator’s Report

21 Administrator Bleser reported about a Minnesota Pollution Control Agency tool available for the
22 public and designed to provide information about the condition of local waters based on data
23 provided to the Environmental Protection Agency. She said the tool, “How’s My Waterway”,
24 looks at water at a community level. She noted it was neat to see the District’s water quality data
25 available through the tool.

5. Work Without a Permit

26 Mr. Jeffery noted this item was added to the agenda per Manager Koch’s request. Mr. Jeffery
27 talked about the District’s Rule N “Enforcement,” explaining it doesn’t provide for a rapid
28 response. Mr. Jeffery summarized each of the four steps in the District’s Rule N:

- 29 •Investigation of non-compliance;
- 30 •Board hearing; Administrative compliance order;
- 31 •District court enforcement; and,
- 32 •Liability for enforcement costs.

33 Mr. Jeffery offered to answer any questions. There were no questions raised.

6. Chanhassen Surface Water Management Plan

34 Mr. Jeffery reminded the Board that in August the City of Chanhassen submitted to the District
35 changes to the City's Local Surface Water Management Plan (LSWMP) for review. He
36 summarized District staff's review, including the meeting he and Engineer Sobiech held with the
37 City to walk through the District's comments on the City's changes to its LSWMP. Mr. Jeffery
38 stated that Manager Koch has commented several times that he is not comfortable with the City
39 assuming local controls. Mr. Jeffery remarked that in the case that the City provides equal or
40 greater restrictions and would provide equal protection to the watershed's resources, he is unsure
41 if the District has the authority to determine the City could not take on those controls. Mr. Jeffery
42 stated the District could include in its memorandum to the City the watershed's understanding of
43 the District's expectations of notification and things of that nature. He pointed out the City has
44 incorporated the District's rules by reference. Mr. Jeffery talked about lot line adjustments in
45 Chanhassen.

46 Mr. Jeffery talked about the memorandum of understanding to the City that the District would
47 draft to clearly communicate how the District should be notified by the City, when the District
48 should be involved, detail that any variance from the rules must come to the District's Board of
49 Managers, and other such information. He said there is no action for the Board to take today, and
50 he anticipates bringing an action item to the Board in December. Administrator Bleser
51 emphasized that the District staff's conversations with the City have been good dialogs.

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7. Adopt Governance Manual – Resolution 2020-14

53 President Ward summarized the process and the work undertaken on the District's Governance
54 Manual over the past year. Attorney Smith stated the policy statements he inserted into the
55 District's Code of Conduct regarding diversity were largely taken from the Capitol Region
56 Watershed District. He said he selected what he considered to be the general guiding principles
57 for inclusion in the District's Governance Manual. He pointed out that the policy is the first step
58 about diversity inclusion, and the significant work is the ongoing implementation and review of
59 progress. He said the Governance Manual puts the policy in place, and the process is to be carried
60 out outside the scope of the Governance Manual.

61 Attorney Smith reviewed the proposed changes incorporated to the Governance Manual regarding
62 the District's the financial process of reviewing bills and invoices and preparation of the
63 Treasurer's Report. He said he received comments from Manager Crafton on four pieces of the
64 financial process, and he said she could review those suggestions with the Board. Attorney Smith
65 stated Manager Koch forwarded recommended suggestions, and Attorney Smith will take the
66 Board's direction on the comments and suggestions. Manager Crafton went through her
67 comments, and Attorney Smith recorded notes about her recommended changes.

68 Manager Ziegler noted that the Governance Manual references the District's Audit and Finance
69 Committee and states the Committee shall consist of two managers appointed by the Board.
70 Attorney Smith said his notes indicate the Board made that change at its August workshop, and it
71 was a change suggested by Manager Koch.

72 Manager Pedersen moved to adopt Resolution 2020-14: Adoption of RPBCWD Governance
73 Manual. Manager Ziegler seconded the motion.

74 Attorney Smith reviewed the District's current bylaws, which are proposed to be amended, and he
75 reported the bylaws may be amended upon approval of 4/5's majority vote of the Board with 30
76 days written notice of the proposed changes, unless such notice is waived by all of the managers.
77 He summarized that the District provided 30 days written notice of all the proposed changes
78 except the ones suggested by Manager Crafton earlier in the discussion. President Ward
79 suggested the Board consider approving the Governance Manual as provided in the 30 days
80 written notice and address Manager Crafton's suggestions in the near future.

81 Manager Pedersen moved to amend her motion to adopt Resolution 2020-14: Adoption of the
82 RPBCWD Governance Manual as presented. Manager Ziegler seconded the motion.

83 Upon a roll call vote, the motion to amend carried 4-0 as follows:

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

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86 Upon a roll call vote, the amended motion to adopt Resolution 2020-14: Adoption of the
87 RPBCWD Governance Manual as presented carried 4-0 as follows:

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

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90 Administrator Bleser noted that the District reviews its Governance Manual yearly, and the Board
91 could incorporate Manager Crafton’s suggestions into that annual review process, which could
92 start as early as January 2021. Manager Crafton agreed to that suggestion.

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8. Adjournment

94 Manager Ziegler moved to adjourn. Manager Crafton seconded the motion. Upon a roll call vote,
95 the motion carried 3-0 as follows:

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

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98 The meeting adjourned at 4:53 p.m.

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Respectfully submitted,

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David Ziegler, Secretary