

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

January 9, 2019, Board of Managers 2019 Workplan/Visioning Workshop and Monthly Meeting

PRESENT:

Managers: Jill Crafton, Treasurer

Larry Koch

Dorothy Pedersen, Vice President

Dick Ward, President

David Ziegler, Secretary

Staff: Claire Bleser, RPBCWD Administrator

Zach Dickhausen, RPBCWD Water Resources Technician

Terry Jeffery, Project and Permit Manager

Michelle Jordan, RPBCWD Community Outreach Coordinator*

Josh Maxwell, RPBCWD Water Resources Coordinator

Scott Sobiech, Engineer (Barr Engineering Company)

Maya Swope, RPBCWD Outreach and Office Assistant*

Michael Welch, Smith Partners

Other attendees: John Koch, Chanhassen Resident*

Joan Palmquist, CAC*

Denny Kopfmann, Chanhassen Resident*

Patrick Sejkora, City of Eden Prairie*

Bryan Maloney, LRIA*

Laurie Susla, LLCA

*Indicates meeting only

1. 2019 Workplan Workshop and Visioning Exercise

- 1 President Ward called to order the Wednesday, January 9, 2019, Board of Managers 2019 Workplan Workshop
2 and Visioning Exercise at 5:30 p.m. at the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.
- 3 Administrator Bleser briefly reviewed the District's 13 goals as identified in the RPBCWD's 10-year Plan. She
4 noted which category each goal falls under out of eight categories: Administration, Data Collection, Education &
5 Outreach, Planning, Regulation, Water Quality, Groundwater, and Water Quantity.
- 6 Administrator Bleser asked the managers, "What does success look like to you over the next year in terms of the
7 District's stated goals." She asked the managers to record their thoughts by writing as many responses as they
8 wanted but keeping one response per sticky note. The managers took time recording their thoughts, and then
9 Administrator Bleser asked the managers to share their thoughts.
- 10 Some of the ideas shared by the managers included: Visioneering, entrepreneurial thinking, new ideas, working
11 with stakeholders, conducting a customer satisfaction survey for stakeholders, becoming known in the industry as
12 having very strong leadership; hearing from the cities, addressing climate change, managers getting more
13 involved in communicating with the cities and seeking more public and private partnerships; sharing data with
14 stakeholders; completing all scheduled projects on time and on budget, 50% reduction in salt use; execute what is

15 planned for in the District's 10-Year Plan and measure outcomes, implement BMPs, have transparency in
16 finances and operations, engage and work collaboratively with constituents, following District policies, measure
17 and evaluate what the District does, and increase opportunities to interact with city and county representatives.

18 Administrator Bleser asked the managers to organize their ideas by categorizing each idea into one of the
19 District's 13 goals or as an idea that does not fit into the 13 goals. After that exercise, Administrator Bleser asked
20 the managers to each write down their thoughts on what, out of the ideas identified, are the top three priorities the
21 District should focus on for success in 2019. Each manager shared her or his thoughts on District priorities for
22 2019, and Administrator Bleser wrote them down. President Ward noted that the Board needs to talk about next
23 steps in this process.

24 President Ward adjourned the workshop at 6:51 p.m.

2. Call to Order

25 President Ward called to order the Wednesday, January 9, 2019, Board of Managers January Monthly Meeting at
26 7:00 p.m. at the District Office, 18681 Lake Drive East, Chanhassen, MN 55317. He took time to reiterate the
27 District's mission statement: To protect water resources. President Ward said that going forward into the new
28 year, the Board and staff need to remember that this is the focus of the District.

3a. Approval of the Agenda

29 Manager Koch moved to approve the agenda with the following changes: Add under Organizational Actions an
30 item to appoint Committees and Committee memberships; Remove the Consent Agenda and keep the items in
31 place as numbered but identify them as Initial Action Items; Under item 8 - Citizen Advisory Committee add
32 three sub-items including 8a – Report by CAC; 8b – Motion to Address Issue Raised by CAC in Minutes; 8c –
33 Appoint 2019 CAC members [to replace 9c – Appoint 2019 CAC members]; Layover until the Board's February
34 monthly meeting item 9d – Approve Fund Balance Policy Update and item 9e – Approve Investment Deposit
35 Policy; Add Action Item 9i – AIS Working Group; Add Action item 9j – IT Consultant; Add Action item 9k –
36 Direct Staff to Coordinate a Meet & Greet; Add Discussion item 10aiii – Cost-Share Workshop in February.

37 Manager Ziegler seconded the motion. There was a discussion about when the Board would address the topic of
38 District Committees. The Board agreed to discuss committees at its February monthly meeting and not as part of
39 this meeting's organizational actions. Upon a vote, the motion carried 4-1. [Manager Pedersen voted against the
40 motion].

41 Manager Pedersen expressed she finds it difficult to organize thoughts toward a good decision on agenda items
42 when items are added, or information is shared, the day of the Board meetings. She asked if the Board would end
43 its recent practice of introducing new items the day of the Board meeting. Manager Koch responded that he will
44 have tonight a point of discussion and a motion for consideration about the District's calendar, which is an item
45 on the meeting agenda. He said he thinks it would be appropriate for the Board to have a discussion.

4. Matters of General Public Interest

46 Mr. Bryan Maloney, Vice President of the Lake Riley Improvement Association (LRIA), commented that he is
47 speaking on behalf of the LRIA about opportunities for enhancements to the Lake Riley boat ramp inspection
48 program. He thanked Administrator Bleser and the District for putting on the zebra mussel information session in
49 December. Mr. Maloney said the LRIA thinks that the public boat launch on Lake Riley is a way that zebra

50 mussels enter the lake, and the LRIA would like the inspection program at the public boat launch to be enhanced
51 and improved. He referred many times to the email, and data in it, that the President of the LRIA sent to the
52 RPBCWD Board. Mr. Maloney asked if there is an opportunity for the watershed to engage local government and
53 community organizations to try to get full-time inspections at the boat launch starting this season. He responded
54 to manager comments and questions.

55 Mr. Patrick Sejkora introduced himself and announced he is the new water resources specialist at the City of
56 Eden Prairie.

57 Ms. Laurie Susla of 7008 Dakota Avenue, Chanhassen, reiterated the recommendation she brought to the Board at
58 the December monthly meeting: The District should consider establishing a CAC that carries out that statutory
59 responsibilities and a separate citizen volunteer committee. She explained that she reviewed the CAC's 2018
60 meeting minutes and found only one motion that was advisory in nature. Ms. Susla said that the CAC's advisory
61 role is legally necessary and is not happening. She commented that by establishing two committees, the District
62 would avoid the conflict of one CAC dividing focus between advising and volunteering.

5. Reading and Approval of Minutes

a. Minutes of Board of Managers Meeting, December 5, 2018

63
64 Manager Crafton noted that on page 3, paragraph 1, line 4, the extra word "move" should be deleted.
65 She said that on page 5, paragraph 6, line 6, identify the attorney in attendance as Attorney Welch not
66 Smith – and to replace throughout the minutes any mentions of Attorney Smith with Attorney Welch.
67 Manager Pedersen asked for a correction in the same line to replace the word great with "greatly."

68
69 Manager Crafton stated that on page 7, line 5, paragraph h, to clarify the sentence so it reads, "...be
70 based in order to be comparable to employers..." Manager Pederson requested a change on page 2,
71 paragraph 6, to add language as the second sentence in line 2 to read, "Manager Pedersen noted that this
72 issue was created years ago when a road was allowed to be built through a wetland and a lake." She also
73 asked for a correction on page 4, item 9a, sentence 2, remove the word "in" so the sentence would read
74 "...lots 4 and 5 of the development." Manager Pedersen asked for a comma to be inserted on page 5,
75 paragraph 8, sentence 3, so the sentence reads, "...those items are stipulations, not conditions, on the
permit..."

76
77 Manager Ziegler asked that the line numbers be corrected so that they are continuous. He noted a
78 correction on page 2, line 5, to put the phrase "...to reach the TSS and TP reductions..." at the end of the
79 sentence. Manager Ziegler asked for a correction in the same paragraph, line 7, to add the words "all of"
80 so the sentence reads, "...it won't treat all of the road runoff." ^{ATTORNEY} Manager Welch requested that the
81 recorder's name be added to the list of attendees. He noted that on page 2, paragraph 7, to add the word
82 application so that the sentence reads, "...the permit application..." Attorney Welch noted that on page
83 3, item 4, a sentence should be added at the bottom of that item to read, "The managers thanked the
commenters for their comments."

84
85 Attorney Welch pointed out an edit needed on page 4, sentence 3, to add the word "salary" so the
86 sentence reads, "...regard to the staff salary increases..." He also noted a correction on page 4, item 9a,
87 that the words "At Mr. Jeffery's request should be added to the beginning of the section so the sentence
88 reads, "At Mr. Jeffery's request, Mr. Perry Ryan..." Attorney Welch noted that in the same section,
89 sentence 6, the words "constructing storm water facilities," so the sentence reads, "...a large amount of
money constructing storm water facilities on lots..." Attorney Welch had a correction in paragraph 1,

90 sentence 2, to replace the words “permit holder’s” with “applicant’s.” He noted that on page 5,
91 paragraph 3, Mr. Curt Fretham should be identified as being part of Lake West. Attorney Welch stated
92 that on page 5, paragraph 6, sentence 3 should read, “...the District has a variance and exceptions
93 rule...” Attorney Welch requested adding to page 5, paragraph 8, to read, “Attorney Welch explained
94 that the Board can only act on the application that is in front of it at the meeting tonight, though the
95 Board can condition its approval. He added that the statutory timeframe for permit decisions requires
96 that the Board take some action on the application at tonight’s meeting.”

97 Manager Ziegler moved to approve the December 5, 2018, meeting minutes as amended. Manager
98 Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

99 **b. Minutes of Board of Managers Meeting, December 18, 2018**

100 Manager Crafton noted that Terry Jeffery should be added to the list of attendees. Manager Crafton
101 noted an edit to be made on page 3, lines 72 and 73 so the sentence would read, “Manager Crafton
102 recommended the District reach out to the Metropolitan Council for additional funding for the project.”
103 Manager Pedersen commented that a correction should be made on page 1, line 10 to delete the word
104 “the.” Manager Crafton moved to accept the December 18, 2018, minutes as amended. Manager Ziegler
105 seconded the motion. Upon a vote, the motion carried 5-0.

6. Organizational Activities

106 **a. Election of Officers**

107 Manager Crafton moved to re-appoint President Ward as Board President. Manager Pedersen seconded
108 the motion. Manager Crafton moved to appoint Vice President Pedersen as Vice President. Manager
109 Ziegler seconded the motion. The Board discussed electing officers by nominating an entire slate and
110 decided they would proceed by nominating a slate of officers. Managers Pedersen and Ziegler withdrew
111 their seconds of Manager Crafton’s motions. Manager Crafton withdrew her two motions.

112 Manager Crafton moved to elect the following slate of officers to the Board of Managers: Manager Ward
113 as President, Manager Pedersen as Vice President, Manager Crafton as Treasurer, and Manager Ziegler as
114 Secretary. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

115 **b. Designation of Official Publications**

116 Manager Koch moved to designate the District’s official publications as listed in the Board’s meeting
117 packet: Sun Sailor, Sun Current, Chaska Herald, Chanhassen Villager, and Eden Prairie News. Manager
118 Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

119 **c. Appointment of Technical Advisory Committee**

120 Manager Koch moved to appoint as members of the District’s Technical Advisory Committee the people
121 identified on page 3 of the 2019 Organizational Actions document included in the meeting packet: Matt
122 Clark, Robert Bean Jr., Leslie Stovring, the City of Eden Prairie Water Resources Engineer, The City of
123 Minnetonka’s Water Resources Coordinator, Will Manchester, Steve Segar, the City of Chanhassen’s
124 Water Resources Coordinator, Paul Oheme, Allison Fauske, Karen Galles, Paul Moline, Mellissa Jenny,
125 Kate Drewry, Jenny Skancke, Mike Wanous, Steve Christopher, Joe Mulcahy, Linda Loomis, Chris
126 Zadak, and a representative of Minnesota Pollution Control Agency upon Chris Zadak’s departure from
127 the MPCA. Manager Zeigler seconded the motion. Upon a vote, the motion carried 5-0.

128 **d. Designation of Bank**

129 Manager Koch moved to appoint Klein Bank in Chanhassen and Wells Fargo in Bloomington as the
130 District's official depositories for District funds. Manager Ziegler seconded the motion. Upon a vote, the
131 motion carried 5-0.

132 **e. Designation of Depository for Permit Financial Assurances**

133 Manager Koch moved to designate Smith Partners LLC as the District's depository for non-cash permit
134 financial assurances and Klein Bank or Wells Fargo as the District's depository for cash permit financial
135 assurances. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

136 **f. 2019 Calendar of Meetings**

137 Manager Ziegler moved to approve the District's 2019 meeting calendar as presented in 2019
138 Organizational Actions document in the Board's meeting packet and with the understanding that changes
139 to the calendar may be directed by the Board during the year. Manager Crafton seconded the motion.
140 Attorney Welch reminded the Board that agenda items can be added to the Board's regular monthly
141 meetings, but the Board's special meetings are required to only address the agenda items as publicly
142 noticed.

143 Manager Ziegler withdrew his motion and Manager Crafton withdrew her second. Manager Ziegler
144 moved to approve the District's 2019 meeting calendar as presented in 2019 Organizational Actions
145 document in the Board's meeting packet and direct the Administrator to file the calendar for record.
146 Manager Crafton seconded the motion. Manager Koch moved to amend the meeting calendar to add to
147 the February 6th meeting a report on the District's year-end financial statement, add a District finance
148 workshop on April 3, add a fund balance report, data practices review, and property report to July, move
149 the public hearing for the budget to August, have the final approval of the levy on September 4, at the
150 December meeting have the final budget review and levy approval. Administrator Bleser noted she will
151 not be at the April 3 meeting. Manager Koch moved to amend his motion so that the finances workshop
152 would be held April 4. Managers voiced their conflicts with dates in April. President Ward commented
153 that at this time the action in front of the Board is to set the 2019 calendar of meetings and not to set the
154 meeting agendas. Manager Pedersen seconded the motion to amend. Manager Koch suggested he amend
155 his motion to amend. Manager Pedersen called the vote. Upon a vote, the motion to amend failed 1-4
156 [Manager Koch voted in favor.]

157 Manager Pedersen called the question on the motion to approve the District's 2019 meeting calendar as
158 presented in 2019 Organizational Actions document in the Board's meeting packet and direct the
159 Administrator to file the calendar for record. The motion carried 4-1 [Manager Koch voted against the
160 motion.]

3b. Agenda (Revisited)

161 Staff and Board discussed whether to handle as the next order of business the items formerly on the
162 Consent Agenda, which were amended to become Initial Action Items, or the Citizen Advisory
163 Committee. Manager Koch moved to amend the meeting agenda to move Citizen Advisory Committee
164 ahead of the Initial Action items. Manager Ziegler seconded the motion. Upon a vote, the motion carried
165 5-0.

7. Citizen Advisory Committee

166 **a. Report from CAC**

167 Ms. Joan Palmquist reported that the CAC requests receiving the minutes from the Board's monthly
168 meeting sooner so that the CAC members have the opportunity to review the minutes prior to the
169 CAC's monthly meeting. There was discussion and it was decided that the minutes of Board
170 meetings would be delivered to the Administrator no later than a week plus one day after the
171 meeting.

172
173 Ms. Palmquist reported the CAC will be conducting exit interviews with departing CAC members.
174 Ms. Palmquist said the CAC discussed the CAC's role, topic calendar, and expectations of the CAC.
175 She noted that in 2018 the CAC spent a lot of time on the District's 10-Year Plan and there was a lot
176 of CAC member turnover, including members who left the CAC to become Board members.
177 Manager Koch asked Ms. Palmquist how many new members could be effectively added to the
178 CAC. She responded that it was her understanding the Board had indicated it wanted 12 members on
179 the CAC and she felt the CAC could accommodate adding new members to bring it up to that level.
180 She commented also that the CAC tends to have attrition every year.

181
182 Manager Koch reported on the workshop held prior to tonight's monthly meeting and asked Ms.
183 Palmquist if the CAC would like to be involved in the discussion about what the District would
184 consider success in 2019. Ms. Palmquist responded the CAC could discuss it. Manager Koch moved
185 to adopt the resolution [Resolution 2019-001] he prepared stating the draft of the minutes of the
186 meeting of the managers of the Riley Purgatory Bluff Creek Watershed District be prepared and
187 disseminated to the District Administrator, Managers, and Citizen Advisory Committee not later
188 than the seventh business day after such meeting. Manager Ziegler seconded the motion. There was
189 discussion about whether this action needed to be a resolution since staff has been directed to the
190 action already. Manager Koch requested adding to the governance meeting in March a discussion of
191 the process the Board and staff want to go through for taking action at its meetings. Upon a vote, the
192 motion carried 5-0.

193
194 **b. CAC Appointments for 2019**

195 The Board, staff, and Ms. Palmquist discussed the number of applications, the number of members
196 to appoint to the CAC, and who to appoint. Manager Koch moved to appoint to the CAC all the
197 applicants except for the two who don't reside in the watershed district. He noted that the CAC has
198 the authority to change its bylaw regarding the CAC quorum. Manager Ziegler seconded the motion.
199 Manager Pedersen said that when she was on the CAC, there were four meetings in which the
200 Committee did not have a quorum. She said she thinks it is important to find out the commitment
201 level of the applicants. She said she is in favor of adding a few more CAC members, but not all of
202 the applicants. There was further discussion about the number to appoint. Upon a vote, the motion
203 carried 3-2 [Managers Crafton and Pedersen voted against the motion].

204
8. Initial Action Items

205 **a. Accept December Staff Report**

206 Manager Koch asked staff to bring him up to speed on the Frontier Trail permit issue. Mr. Jeffery
207 provided the information. Staff responded to Manager Koch's follow-up questions. Manager Koch
208 asked for information on two grants reported in the staff report. Administrator Bleser provided

209 details on the two grants. Manager Koch asked if the District's insurance covers the District's
210 service learners. Administrator Bleser provided details about the service learners and responded yes,
211 the District's insurance covers volunteers. Manager Ziegler moved to accept the December staff
212 report. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

213
214 **b. Accept December Engineer's Report (with Attached Inspection Report)**

215 Manager Koch raised many detailed questions about the report. Staff answered his questions.
216 Manager Ziegler moved to accept the December Engineer's Report with attached inspection report.
217 Manager Crafton seconded. Upon a vote, the motion carried 5-0.

218
219 **c. Authorize Administrator to Execute Contract with Freshwater Society for the**
220 **Hennepin County Chloride Initiative**

221 Manager Koch asked if District Legal Counsel has reviewed the contracts. Attorney Welch said he
222 has only reviewed it to the extent that it was included in the meeting packet. He stated he
223 recommends the Board does not approve the contract with the Freshwater Society as is because it
224 lacks a number of items that are required. He said the Board could authorize the Administrator to, on
225 the advice of Legal Counsel, enter an agreement and staff to work out the scope of work based on
226 terms and conditions that staff and Legal Counsel work out. Manager Koch moved to authorize the
227 Administrator and staff to work with District Legal Counsel and proceed with the contract with
228 Freshwater Society for the Hennepin County Chloride Initiative. Manager Ziegler seconded the
229 motion. Upon a vote, the motion carried 5-0.

230
231 **d. Authorize Administrator to Execute Contract with Freshwater Society for the Master**
232 **Water Stewards Program**

233 Manager Crafton moved to authorize the Administrator to execute the contract with the Freshwater
234 Society for the Master Water Stewards program. Manager Pedersen seconded the motion. Manager
235 Koch asked Attorney Smith if he reviewed the contract. Attorney Welch said it is based on a
236 template that he helped create originally, but he has not reviewed the contract with a fine-tooth
237 comb. Manager Koch moved to amend the motion to provide that Administrator execute the contract
238 with any changes that the District Legal Counsel suggests. Manager Ziegler seconded the motion to
239 amend. Upon a vote the motion to amend carried 3-2 [Managers Koch, Ward, and Ziegler voted in
240 favor. Managers Crafton and Pedersen voted against the motion.]

241
242 Upon a vote, the amended motion carried 5-0.

243
244 **e. Release Request for Proposal for Legal Services**

245 Manager Crafton moved to release the Request for Legal Services. Manager Ziegler seconded the
246 motion. Manager Koch moved to amend the motion to change language in the Request for Legal
247 Services so the fifth line from the bottom of the Request reads, "...and reserves to itself the right to
248 reject any and all proposals and otherwise take such action..." Manager Koch commented that this
249 change would make the Request consistent with the language in the other Requests for Proposals
250 that the District has prepared. Manager Ziegler noted that the Request doesn't ask applicants to
251 include specific information about expertise in watershed districts. Manager Ziegler seconded the
252 motion. Manager Koch asked how the Requests will be distributed. Administrator Bleser said

253 through the District's official publications. Manager Koch commented that the distribution of the
254 District's official publications isn't very wide. Manager Koch amended his motion to include the
255 language directing respondents to include background profile information and specific expertise in
256 watershed issues. Manager Ziegler seconded the motion. Upon a vote, the motion to amend carried
257 5-0.

258
259 Upon a vote, the amended motion carried 5-0.

260
261 **f. Release Request for Proposal for Auditing Services**

262 Manager Ziegler moved to authorize staff to release the Request for Auditing Services. Manager
263 Koch seconded the motion. Upon a vote, the motion carried 5-0.

264
265 **g. Release Request for Proposal for Accounting Services**

266 Manager Koch moved to authorize staff to release the Request for Accounting Services. Manager
267 Crafton seconded the motion. Upon a vote, the motion carried 5-0.

268 **h. Release Request for Proposal for Consulting Services**

269 Manager Ziegler moved to authorize staff to release the Request for Consulting Engineering
270 Services. Manager Koch seconded the motion. Upon a vote, the motion carried 5-0.

271

9. Action Items

272 **a. Accept November Treasurer's Report**

273 Treasurer Crafton reported she and the Administrator reviewed the report in accordance to the
274 District's controls and procedures and moved to accept the November Treasurer's Report. Manager
275 Ziegler seconded the motion. Manager Koch asked about the permit income reflected in the report
276 and asked if that balance is approximately where staff thinks the permit revenues will end up for
277 2018. Administrator Bleser responded yes. Manager Koch noted that the expenses for the
278 Chanhassen High School storm water project is at 102%. He asked staff if it anticipates the project
279 expenses going higher. Administrator Bleser said no and in addition, the District received \$100,000
280 in partner funds, instead of the budgeted \$50,000, so actually the report should reflect that the
281 project is running under budget. Administrator Bleser said this change will be reflected in the next
282 month's report. She noted additional costs to be paid out for the project, such as signage costs.
283 Manager Koch had a few other questions clarifying his understanding of the information reflected in
284 the report under the Lake Riley section and a few questions about the outgoing checks for this
285 month's bills. Upon a vote, the motion carried 5-0.

286
287 **b. Approve Paying the Bills**

288 Manager Crafton moved to pay the bills. Manager Koch seconded the motion. President Ward stated
289 that the checks have not arrived but should arrive by Friday. Administrator Bleser added that if the
290 checks do not arrive by Friday, the checks will be reissued, so the check numbers will not match the
291 numbers listed in the November Treasurer's Report.

292
293

294 **c. Engagement of Human Resources Consultant**

295 Manager Koch moved to adopt his drafted resolution, included in his January 3, 2019,
296 memorandum, to engage a human resources consultant to review and revise policies and procedures
297 and direct the Administrator to solicit consultant services from a minimum of three consultants and
298 for the consultant to complete the work within 60 days. Manager Crafton commented that there is a
299 manager on the Board who has 15 years of human resources experience. The motion died for lack of
300 a second.

301
302 President Ward moved that the Board authorize the President and Administrator to solicit proposals
303 from at least three human resources consultants to design and implement a professional 360-degree
304 or multi-source performance assessment of the administrator to include feedback from managers,
305 staff, and other stakeholders as well as a self-assessment by the Administrator and present these
306 proposals and a recommendation for the Board's consideration at the Board's next regularly
307 scheduled Board meeting. He said he thinks the previous motion stemmed from discussion and
308 concern about the performance evaluation conducted in fall 2018. President Ward said he thinks this
309 would be a good remedy on a go-forward basis. Manager Ziegler seconded the motion. Manager
310 Pedersen said she thinks having a third-party would be a much fairer way to do the evaluation of the
311 District Administrator.

312
313 Manager Koch said he is not certain a 360-degree review is the right process to utilize in this case.
314 He said he wants to go on record saying that the Board was given to opportunities to do this in a nice
315 way, but he wants to say that the review of the Administrator was the worst review process that he
316 has witnessed in 41 years of practicing. Manager Koch said that to his knowledge no official
317 recordings were made of that meeting, which is his understanding is a violation of the Open Meeting
318 Law. He said he was told before that meeting, which was a meeting of the managers, that he should
319 not, could not say anything, which he objected to. Manager Koch said that during the evaluation
320 there was a suggestion to call Attorney Smith, and he agreed to it, and then once he agreed to it, the
321 suggestion was rejected. Manager Koch said that when he asked to go out and discuss the matter, he
322 was refused. Manager Koch said the meeting started out as blatant attacks on the reviewee, who was
323 given no opportunity to respond. He said it appeared to him that the result of the evaluation was a
324 foregone conclusion and there was not even a recess for the managers to discuss the results.
325 Manager Koch said in his opinion, based on his 41 years of experience of not only reviewing people
326 but being reviewed and counseling people on reviewing, this review of the Administrator was an
327 absolute violation, an abomination of every best practice when it comes to reviews. He said for this
328 reason his motion was to authorize the Board to figure out how to go about the review process and
329 get advice from the District Legal Counsel about how it should all be done. He said it is his
330 understanding that the Board has created a real barrier between the staff and the Board by the
331 Board's conduct.

332
333 Manager Koch said he thinks it will be difficult to repair the relationship between the Board and
334 staff at least with the current members serving on the Board's Personnel Committee. Manager Koch
335 said his suggestion is that the Board work with a professional to review the Board's entire process to
336 figure out how to go about it. He said no RPBCWD manager has the experience to make this
337 determination, and in his opinion, human resources experience pre-1990 is no longer relevant.
338 Manager Koch said his suggestion is to bring in a professional to guide the Board in what to do and

339 then to help the Board do it. He said he thinks it is clear to see the animosity certain people involved
340 have toward other people involved, and he thinks it is getting in the way with the Board's
341 relationships between itself and its staff and consultants. Manager Koch moved to amend President
342 Ward's motion to solicit services from a human resources professional to advise the Board on what
343 evaluation process to undertake, which might be a 360-evaluation, and how to go about it. Manager
344 Ziegler seconded the motion to amend. Upon a vote, the motion failed 2-3 [Managers Koch and
345 Ziegler voted in favor. Managers Crafton, Pedersen, and Ward voted against.]
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347 The motion carried 4-1 [Manager Koch voted against the motion.]
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349 **d. Resolution to Adopt Permit Fee Schedule Amendment**

350 Mr. Jeffery pointed out a few edits to be made to the Permit Fee Schedule document included in the
351 meeting packet. Attorney Welch and Mr. Jeffery noted the resolution for this item is Resolution
352 2019-004 Permit Fee Schedule Amendment. Manager Koch moved adopt Resolution 2019-004 to
353 adopt the Permit Fee Schedule Amendment as presented and to give District Legal Counsel the
354 discretion of numbering the resolutions to ensure they are numbered as appropriate. Manager
355 Ziegler seconded the motion. Mr. Jeffery and Attorney Welch responded to questions about the
356 schedule including the excess cost recovery. Upon a roll call vote, the motion carried 5-0.
357

<i>Manager</i>	<i>Aye</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Crafton	X			
Pedersen	X			
Ward	X			
Ziegler	X			
Koch	X			

358 **e. Resolution to Adopt Financial Assurance Rate Schedule**

359 Mr. Jeffery explained in detail what has changed. Manager Koch recommended that for the rules
360 with 125% to insert the words "approved/accepted design engineer's opinion." Manager Koch
361 moved to adopt the financial assurance schedule with the change he requested. Attorney Welch said
362 Manager Koch makes a good point, but his recommendation as the District's Legal Counsel was to
363 not have it be subject to the District Engineer's approval. He said the District Engineer has the
364 ability to work back and forth with an applicant and with the applicant's engineer on an ongoing
365 basis. Attorney Welch described the process. He stated the mechanism in place is that the Engineer
366 can bring it to the Board instead of putting the Engineer in the position of having to negotiate back
367 and forth. Manager Koch responded. Attorney Welch went into further detail about the District's
368 financial assurances and said he doesn't think the District is warranting anything about the
369 applicants' costs. He said the only approval the Board is giving is that the District's Engineer
370 reviewed the design and if the project is built as designed, it will achieve compliance with the
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District's rules. Attorney Welch explained the financial assurance is kept by the District for two purposes: To encourage compliance and to provide the District a mechanism to obtain funds to go in and stabilize a site in the event the property owner doesn't do what it says it is going to do. Engineer Sobiech noted that staff member Terry Jeffery also does a lot of the review work. There was an extensive discussion. Manager Koch's motion died due to lack of a second.

Manager Crafton moved to adopt the Resolution 2019-005 to adopt the Financial Assurance Rate Schedule, effective for all applications completed after January 10, 2019, as presented including the changes explained by Mr. Jeffery. Manager Ziegler seconded the motion. Upon a roll call vote, the motion carried 4-1.

<i>Managers</i>	<i>Aye</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Crafton	X			
Pedersen	X			
Ward	X			
Ziegler	X			
Koch		X		

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f. Resolution to Adopt Third Amendment to the Delegation to the Administrator of Certain Permit-Approval Authority

President Ward introduced this item, explaining it is an amendment to an existing resolution. Manager Crafton moved to adopt Resolution 2019-006 to adopt the Third Amendment to the Delegation to the Administrator of Certain Permit-Approval Authority as presented in the meeting packet. Manager Pedersen seconded the motion. Upon a roll call vote, the motion carried 5-0.

<i>Manager</i>	<i>Aye</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Crafton	X			
Pedersen	X			
Ward	X			
Ziegler	X			
Koch	X			

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g. AIS Working Group

President Ward noted that the managers have a copy of the proposal provided to the Board late this afternoon by Manager Koch regarding an AIS (Aquatic Invasive Species) Working Group. Manager Koch moved to adopt Resolution 2019-007 regarding an AIS Working Group as detailed in his December 16, 2018, memo. The motion died for lack of a second.

h. IT Consultant

President Ward and Manager Pedersen said they have not seen information about this item. Manager Koch said his memo on this item was submitted and is also on the table in front of them. He moved the adoption of Resolution 2019-008 to authorize the Administrator of RPBCWD to inquire of other watershed districts, MAWD, BWSR, and other organizations regarding their IT policies and procedures' consultants and provide the results of such inquiry to the Board of Managers and for the District Administrator to solicit proposals from that list to create to review the District's IT systems and processes within 60 days. Manager Koch read aloud his resolution. The resolution died for lack of a second.

i. Direct Staff to Coordinate Meet & Greet

Manager Koch moved to adopt Resolution 2019-009 to authorize and direct the District Administrator to arrange for one or more Meet and Greet events with local officials and that the costs would come out of the District's Education and Outreach budget. Manager Koch read aloud his resolution. Manager Ziegler seconded the motion. The Board and staff discussed the proposed meet and greet. Upon a vote, the motion carried 5-0.

10. Discussion Items

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a. Upcoming Board Meeting – February Monthly Meeting:

President Ward noted that the District will hold a Cost-Share Workshop prior to its February Regular Monthly Board Meeting.

- i. Delayed - Cooperative Agreement with City of Eden Prairie for Lower Riley Creek**
- ii. Stormwater Model Update, Flood Risk Mapping, Mitigation and Adaptation Task Order**
- iii. Cost-Share Workshop**
- iv. Fund Balance Policy**
- v. Investment Deposit Policy**
- vi. District Committees**

11. Upcoming Events

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- Citizen Advisory Committee Monthly Meeting, January 28, 2019, 6:00 p.m., District Office, 18681 Lake Drive East, Chanhassen
- RPBCWD Snowshoeing and Community Mural at Lake Ann February Fest, February 2, 2019, 12-3:00 p.m., Lake Ann Park, Chanhassen
- RPBCWD Board of Managers Workshop, February 6, 2019, 5:30 p.m., District Office, 18681 Lake Drive East, Chanhassen

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- Meet and Greet the RPBCWD Board of Managers, February 6, 2019, 6:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
 - RPBCWD Regular Monthly Board Meeting, February 6, 2019, 7:00 p.m., District Office, 18681 Lake Drive East, Chanhassen
 - Fresh Water Society's Road Salt Symposium, February 7, 2019, 8:30 a.m. – 2:45 p.m., Plymouth Creek Center, 14800 34th Avenue North, Plymouth, MN 55447

12. Adjourn

438 Manager Pedersen moved to adjourn the meeting. Manager Crafton seconded the motion. Upon a vote, the motion
439 carried 5-0. The meeting adjourned at 10:00 p.m.

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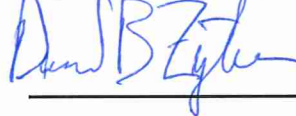
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Respectfully submitted,



David Ziegler, Secretary