

## 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:

47

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

48

**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 41<sup>st</sup> 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.

67

## 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:

77

<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 11<sup>th</sup>  
81 and again on June 16<sup>th</sup> 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 11<sup>th</sup> 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 11<sup>th</sup> 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

111  
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

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:

164

<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:

190

<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

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>
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

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**

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.

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:

<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**

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.

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.

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:

296

<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:

333

<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

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.

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### c. Administrator Report

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#### i. Online Payment

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

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#### ii. UMN Healthy Waters Initiative Update

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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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#### iii. 2021-012 Noble Hill Slope Stability Study Update

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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

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

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#### v. Meeting with Chanhassen

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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 4<sup>th</sup> 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

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

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Respectfully submitted,

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David Ziegler, Secretary

