

12 Manager Koch requested moving item 9A – Larry Koch Memorandum Regarding HR - to be
 13 discussed under item 7g – Adopt Resolution 23-008 Authorizing the District Administrator to
 14 Solicit Proposals for Professional Services.

15 Manager Pedersen moved to accept the agenda as amended. Manager Koch seconded the motion.
 16 Upon a roll call vote, the motion to adopt the agenda carried 5-0 as follows:

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

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3. Matters of General Public Interest

19 President Ziegler presented the procedure for raising Matters of General Public Interest.

20 Mr. Rod Fisher of Eden Prairie introduced himself as the vice president of the newly formed
 21 Eden Prairie Duck Lake Association. He said the Association Board has representatives from all
 22 sides of Duck Lake, and the Association is excited about working with the District and its Board
 23 of Managers on improving the health of Duck Lake and the future of Duck Lake.

24 Ms. Marilyn Torkelson of Eden Prairie said she read an article in the Audubon Society Magazine
 25 on the topic of the conundrum of road salt. She said she wonders where the District stands on
 26 these statements:

- 27 • the U.S. EPA’s chloride concentration threshold is twice as high as Canada; and,
- 28 • a team of scientists has found that more than half of zooplankton populations died when
- 29 chloride concentrations were at or below even the threshold set in Canada.

30 Ms. Torkelson asked if the District has its own chloride threshold and if the District is trying to
 31 keep lakes’ and rivers’ chloride concentrations at levels that will protect the zooplankton and
 32 other wildlife.

33 President Ziegler said those are great questions and the District is very concerned with chloride
 34 levels. Mr. Maxwell said the District monitors salt concentration levels in the watershed’s lakes,
 35 monthly in the summer. He described the District’s three-year rotation schedule for monitoring
 36 lakes, noting the District samples the Riley chain for three years and then the Purgatory chain for
 37 three years. Mr. Maxwell talked about the testing the District does on a set of stormwater ponds
 38 near the Eden Prairie mall. He noted the chloride concentrations of those ponds is very high. He
 39 explained that staff maps its data against the Minnesota Pollution Control Agency’s water quality

40 standard for salt concentrations. Mr. Maxwell said most of the District’s lakes are well below the
 41 MPCA standard, although during large melting events some of the smaller lakes approach the
 42 MPCA threshold. He said staff has seen that some of the District’s shallow lakes, like Idlewild,
 43 have historically consistently not met the MPCA standard but in the past few years they have met
 44 the standard.

45 Ms. Torkelson asked how the MPCA standard compares to the U.S. EPA standard. Mr. Maxwell
 46 said he is not sure off the top of his head. Ms. Torkelson asked if citizen science volunteers could
 47 help with the chloride monitoring, using salt test kits. Administrator Jeffery said staff has
 48 discussed this idea and does not see why the District could not implement something like that.

49 Mr. Maxwell mentioned the District assists the Metropolitan Council with its WOMP (Watershed
 50 Outlet Monitoring Program) stations. He explained there is a monitoring station at each end of
 51 Riley, Purgatory, and Bluff creeks. Mr. Maxwell reported the Metropolitan Council’s long-term
 52 data analysis shows salt concentrations have increased in Riley Creek and Bluff Creek over time.
 53 He said he could share that Metropolitan Council report with the managers.

54 Manager Koch moved to refer this matter to staff to come back to the Board with their comments
 55 on the issue, including pros, cons, and possible solutions, without spending an inordinate amount
 56 of time until the Board directs staff to put in substantial time. President Ziegler seconded the
 57 motion. Manager Crafton said staff is already working on these issues and asked for clarification
 58 on what the motion is directing staff to do. Administrator Jeffery said a first step is staff could
 59 bring a report to the managers about what programs exist within the District and that the District
 60 is working on. Manager Koch amended his motion to include the description of work provided by
 61 Administrator Jeffery. President Ziegler accepted the friendly amendment. Upon a roll call vote,
 62 the motion carried 4-1 as follows:

63

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

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4. Reading and Approval of Meeting Minutes

65 a. Approve Minutes of the December 7, 2022, Work Session and Regular
66 Monthly Meeting of the RPBCWD Board of Managers

67 Manager Koch requested on line 89 after the reference to Zoom, to add “due to the
 68 continuing pandemic.” He said on page 13, line 353, he is concerned that the Board makes

69 friendly amendments to the resolution but then the amended resolution isn't attached to
 70 the minutes. He suggested inserting a parenthetical statement (amended resolution
 71 attached hereto) and then attaching a copy of the amended resolution to the minutes.

72 Mr. Smith said the District wants to make sure there is an accurate record of resolutions as
 73 adopted, and he looks to Administrator Jeffery as to how those are kept and accessible.
 74 Mr. Smith said the key is to have a central place to keep the resolutions as they are
 75 adopted.

76 Manager Koch suggested putting this topic to the District Governance Committee for a
 77 recommendation to bring to the Board.

78 Administrator Jeffery suggested staff add a link to the online agenda, under the minutes
 79 item, and link the amended resolutions.

80 Manager Koch reiterated his suggestion that the Governance Committee discuss this topic
 81 and bring a recommendation to the Board.

82 Manager Koch said the minutes should not use contractions unless in a direct quote and
 83 noted on line 456 to replace "he'd" with "he would".

84 Manager Pedersen moved to accept the minutes of the December 7, 2022, RPBCWD
 85 Board of Managers Work Session and Regular Monthly Meeting as amended. Manager
 86 Koch seconded the motion.

87 Manager Duevel reminded the group of its discussion about having a statement of goals
 88 attached to the agenda items. Administrator Jeffery said staff is developing a cover
 89 memorandum that will go with each agenda item.

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

91

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

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5. Committee Report

93 **a. Acceptance of the Citizens Advisory Committee Report and Minutes**
 94 Ms. Marilyn Torkelson reported the CAC met and unanimously passed one motion, which
 95 was in support of the discussion the Board of Managers had around the purchase of the

96 property on Duck Lake and near Frederick Miller Springs to protect those properties from
 97 development for water quality and wildlife benefits and opportunities to showcase best
 98 management practices and education the public on water quality issues. She said she
 99 thought staff was going to report on staff’s inquiries about the properties.

100 Administrator Jeffery said he has been reaching out about grants and has contacted the
 101 Minnesota Land Trust. He said he is looking for a real estate agent to talk with, and he
 102 would like to bring information to the Board at its February workshop. Manager Pedersen
 103 suggested Administrator Jeffery contact Julie Moore.

104 Manager Koch suggested Administrator Jeffery reach out to the Izaak Walton League and
 105 the National Conservation Alliance (NCA) and Manager Koch will provide Administrator
 106 Jeffery with NCA contact information.

107 Manager Koch moved to accept the Citizens Advisory Committee report and minutes.
 108 President Ziegler seconded the motion. Upon a roll call vote, the motion carried 5-0 as
 109 follows:

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

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 111 **b. Confirm Board Representative for January 16, 2023, CAC Meeting**

112 Manager Pedersen volunteered to be the Board representative at the CAC’s January 16th
 113 meeting.

114 **c. Accept Personnel Committee Report and Minutes [no meeting held]**

115 [No discussion.]

116 **d. Accept Governance Committee Report and Minutes**

117 Manager Koch stated there are some proposed changes to the Governance Manual being
 118 discussed by the Committee and a copy of those proposed changes are in the Board’s
 119 meeting packet. He said he thinks the proposed changes should be discussed at an
 120 upcoming Board workshop. Manager Koch moved to accept the Governance Committee
 121 report and draft minutes. Manager Pedersen seconded the motion. Upon a roll call vote,
 122 the motion carried 5-0 as follows:

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

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6. Consent Agenda

125 President Ziegler listed the items that remain on the Consent Agenda, including 6a – Adopt
 126 Resolution 23-001 to approve consent agenda; 6b – Accept December staff report; 6c –
 127 Accept December engineer’s report; 6d – Accept December construction inspection memo;
 128 6f – Approve Permit #2022-060 Groveland Elementary as presented in the proposed Board
 129 action section of the permit review report; 6h – Adopt Resolution 23-002 adopting the
 130 official publications of the District. Manager Koch moved to adopt Resolution 23-001 to
 131 adopt the Consent Agenda as drafted with the revision to include the items President Ziegler
 132 just listed as being on the Consent Agenda and to accept the reports listed and adopt the
 133 resolutions included on the Consent Agenda. Manager Pedersen seconded the motion. Upon
 134 a roll call vote, the motion carried 5-0 as follows:

135

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

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7. Action Items

- 137 **a. Items Pulled from Consent Agenda**
- 138 **i. Approve Permit 2022-053 Fox Ridge Development as Presented in**
- 139 **the Board Action Section of the Permit Review Report**

140 Manager Koch asked staff to direct him to any diagram showing the changes
 141 proposed for the property and said he would like to better understand if there
 142 are water retention requirements and if the storm sewer drains into Lotus Lake
 143 and information on any treatment or pretreatment that will be required.

144 Mr. Sobiech said rip rap is proposed for the project for the outfall of the
 145 discharge into Lotus Lake and the rip rap detail is shown on sheet 3 in the PDF
 146 file in the meeting packet. He described the proposed project and the BMPs.
 147 Manager Koch asked if the District requires any financial security to make sure
 148 the underground BMPs are maintained or cleaned out. Mr. Sobiech said prior to
 149 a permit being released and before construction can start, the applicant is
 150 required to record on each of these lots an operation and maintenance
 151 declaration that details the maintenance that is required as well as the annual
 152 reporting required. He said there is a required financial assurance for this
 153 project in the amount of \$247,780, which will be held by the District until the
 154 site is fully stabilized and BMPs are shown to be functioning. He said there is
 155 no financial assurance required in the District’s regulatory program for future
 156 maintenance for this project or for any private property.

157 Manager Pedersen moved to approve Permit 2022-053 Fox Ridge
 158 Development. Manager Crafton seconded the motion. Manager Koch amended
 159 the motion to adopt the resolution set forth in the report provided to the
 160 managers. Manager Pedersen and Manager Crafton accepted the friendly
 161 amendment.

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

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

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166 **ii. Adopt Resolution 2023-12 Authorizing Payment on Payment**
 167 **Application #6 for Rice Marsh Lake Water Quality Improvement**
 168 **Project**

169 Manager Koch said he understands the project has a shrub remaining to be
 170 planted and he believes the District should hold payment until the last shrub is

171 planted. Mr. Sobiech detailed the project cost for the total number of shrubs,
 172 which is \$574, and he explained the District Engineer recommends payment of
 173 sixth sevenths of that cost, not payment for all seven. Mr. Sobiech noted
 174 approximately \$10,000 remains in the contract. Manager Koch asked why the
 175 District is not continuing its retainage. Mr. Sobiech explained the project is
 176 substantially complete, so the District is required by law to release the
 177 retainage. He said the District is able to hold the \$500 because paperwork
 178 remains to be provided to the District at final closeout.

179 Manager Crafton moved to approve Resolution 2023-12. Manager Duevel
 180 seconded the motion.

181 Manager Koch commented he would like to see for these type of payment
 182 requests staff document in a memo the project’s payment and for the memo to
 183 flesh out the full extent of the project, including change orders, other work left
 184 to be done, and a reminder of why the District is not withholding funds.

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

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

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188 **iii. Adopt Resolution 23-003 Designating U.S. Bank as the Official**
 189 **Depository of District Funds**

190 Manager Koch moved to adopt resolution 23-003 with the amendments:
 191 “Manager Koch offered in the adoption of the following resolution and moved
 192 toward adoption”, and insert “which motion was” seconded by whoever, and in
 193 the paragraph that starts with “and” to replace the word “affirm” with “direct”
 194 and then “investment services shall be provided by the 4M Fund.” Mr. Smith
 195 said he has no problem with replacing the word “affirm” with “direct.” Manager
 196 Pedersen seconded the motion.

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

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

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iv. Adopt Resolution 23-004 Designating Depository for Permit Assurance Bonds, Letter of Credit, and Cash Escrows

Manager Koch moved to adopt Resolution 23-004 as presented with the change to insert in the first line after the word adoption “which motion was” to have proper grammar. Manager Pedersen seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

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

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v. Adopt Updated Resolution 22-092 Changing Task Order 40 to 42

Manager Koch noted a typo and moved to adopt Resolution 22-092 as presented with the change to the second line of the Now therefore paragraph to reference Task Order 42 instead of Task Order 40. Administrator Jeffery agreed with that change. Manager Pedersen seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

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

Koch	Yes
Pedersen	Yes
Ziegler	Yes

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vi. Adopt Resolution 23-014 Adopting Electronic-Signature Policy

Administrator Jeffery said this resolution was prepared by Smith Partners for the Board to adopt, by Resolution, the District’s electronic signature policy.

Manager Koch raised his concern about the language “digitally authenticated signatures.” He said he does not know what that means and in his experience those are different than an image of a handwritten signature. Manager Koch moved to refer this topic back to staff and legal counsel with the direction to review that requirement for digitally authenticated signatures because he thinks it requires more than the District wants to require.

Mr. Smith said his understanding is the District is operating in a way that the District does not accept contracts that are PDFs of signatures and instead the District requires the authentication system.

Manager Koch said nothing he read in the statute said the District has to adopt a policy, so the District has time to review the document and make sure the District is not eliminating the ability to do something its want regarding electronic documents and electronic signatures.

The motion died due to a lack of a second.

Manager Pedersen moved to adopt Resolution 23-014 as written. Manager Crafton seconded the motion. Manager Koch commented he does not think this resolution is a best management practice and thinks it would be a mistake to approve the resolution as written. Upon a roll call vote, the motion carried 4-1 as follows:

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

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b. Accept November Treasurer’s Report

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

Manager Koch raised his concerns about items notated to have been paid in November 2022 that are 2023 expenses. He asked why the Lake Riley alum treatment budget is at 149%. Administrator Jeffery said he will need to look at that item in more detail and get back to the managers. Manager Koch said on page 4 under the Hennepin County Chloride Initiative, the item has a total lifetime budget of \$120,800 and total costs to date of \$133,000. He asked where the rest of the money comes from. Administrator Jeffery said it will come from partner funds. Manager Koch said the numbers for this item and the Lake Riley alum treatment do not make sense and should be reviewed. Manager Koch asked what funds are due from other governments, reflected on page 5. Administrator Jeffery said that information should be in the internal report and he will verify with the accountant. Manager Koch asked for details about unearned revenue. Manager Crafton did not have those details on hand. Manager Koch asked why his per diem is not listed in the report and asked Administrator Jeffery and Manager Crafton to look into it and report back to him.

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

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

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c. Adopt Resolution 23-005 to Approve Paying of the Bills

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

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

Koch	No
Pedersen	Yes
Ziegler	Yes

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d. Adopt Resolution 23-006 Election of Officers

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Manager Koch moved to adopt the motion by unanimous consent to elect the people currently holding office to the same office for the upcoming year. Manager Crafton said she would like to nominate another person for vice president. The motion died due to lack of a second.

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i. President

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Manager Pedersen moved to elect David Ziegler as president. Manager Crafton seconded the motion. Manager Koch said Roberts Rule of Order call for nominations and after nominations are closed there is a vote. Manager Pedersen amended her statement to nominate David Ziegler for president. Manager Koch moved to elect David Ziegler as president by unanimous acclamation. Manager Crafton 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	Yes
Duevel	Yes
Koch	Yes
Pedersen	Yes
Ziegler	Yes

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ii. Vice President

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Manager Crafton nominated Tom Duevel as vice president. Manager Koch nominated himself.

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Upon a roll call vote, there were four votes for Manager Duevel and one vote for Manager Koch.

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<i>Manager</i>	<i>Action</i>
Crafton	Tom Duevel
Duevel	Tom Duevel
Koch	Myself
Pedersen	Manager Duevel
Ziegler	Manager Duevel

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Manager Koch said he thinks the public would be interested to know that he had a series of communications with Mr. Duevel asking if he was interested in running for any of the positions to which he said no, not at this time. Manager Koch said he finds it intriguing that Mr. Duevel would run and vote for himself.

iii. **Treasurer**

Manager Pedersen nominated Jill Crafton for treasurer. Manager Koch nominated himself.

Manager Koch said his understanding is Robert’s Rule of Order calls for people to make a statement for or against particular nominations, so he would like to make that statement at this time. Manager Koch said his concern about Manager Crafton is several-fold. He said last year it was proposed to adopt fiscal policies, which have never been adopted before, and Manager Crafton was a member of the District’s Accounting and Finance Committee, which he understands never had a meeting, never brought this up, and it was never brought to the attention of the accountants nor to the auditors.

Manager Koch said it is his understanding that Manager Crafton does not exhibit the professional attitude to be the treasurer. He said he believes that as long as Manager Crafton thinks an auditing or accounting practice and procedure is ok in her mind, she will go with it, whether or not it is a best practice or appropriate under accounting rules. Manager Koch referenced the earlier discussion regarding budgets and accounting as an example. Manager Koch said Manager Crafton during a meeting of the Personnel Committee stated, “well we will let Manager Koch talk; we will ignore him and boom.” He said he does not think that is the attitude wanted in any of the officer roles.

Manager Koch said he cannot understand reappointing Manager Crafton. Manager Koch said it is obvious to him that Manager Crafton holds some animus toward him that he believes gets in the way of her making best decisions for the District regardless of the way Manager Koch may be involved. Manager Koch said he thinks Manager Crafton’s motion tonight is just another example

319 of this and he believes Manager Crafton and other managers basically are
320 retaliating against him under the Whistleblower Act for bringing to the attention
321 various issues with the Open Meeting Law and the Minnesota Data Practices
322 Act.

323 Manager Koch said he does not believe Manager Crafton exhibits the character
324 wanted for the treasurer. He said that what particularly troubles him is that there
325 were no meetings of the Audit and Finance Committee. Manager Koch said in
326 fact his understanding is the draft of the last audit was not even circulated to
327 Manager Ziegler to be reviewed before the Board voted on it.

328 Manager Crafton said regarding some of the questions tonight about the
329 treasurer's report, what is needed is a spreadsheet to show multiple projects and
330 when the payments come in, because she would not necessarily know those
331 items off the top of her head and instead the managers can reference the data in
332 the spreadsheet.

333 Manager Crafton said in reference to her comment about ignoring Manager
334 Koch, she said when something comes before the Board, the Board operates by
335 consensus. She said if the Board has had a vote of 4 to 1 but the item keeps
336 coming back or there keep being objections, she believes that is disrespectful to
337 the four people who voted for something as opposed to one person who did not.
338 Manager Crafton said her comment was in that context, in which the Board has
339 already decided how to move forward on something, so why does that item
340 need to keep being brought up over and over again. She said she does not have
341 any angst for Manager Koch and she has voted for things he has suggested in
342 the past and he has come up with some good ideas, and if that is the case, she
343 votes to support those things. Manager Crafton said she does not understand
344 why Manager Koch thinks she has a grudge against him as she just has a
345 different opinion or perspective and she votes accordingly.

346 Manager Pedersen asked Manager Koch why he put Manager Crafton on his
347 nomination slate of officers if he has a problem with Manager Crafton being the
348 treasurer.

349 Manager Koch said he thought keeping people in place for another year would
350 make good sense and efficiency. Manager Koch said he has the recording of the
351 Personnel Committee meeting he mentioned and when Manager Crafton made
352 that statement, also present was Manager Pedersen as well as Administrator
353 Jeffery and neither one objected nor said that is not how we should be doing
354 business. Manager Koch said his expected response by anybody who takes the
355 job seriously is that we will always listen to somebody, we will not ignore him,
356 we will take what that person says and make a decision. Manager Koch said
357 when there are three people that share the same idea, he thinks there is a
358 question of whether they should be serving positions. Manager Koch reiterated
359 about the Minnesota Whistleblowers Act and for "you" to consider that.

360 Upon a roll call vote, there were four votes for Manager Crafton and one vote
 361 for Manager Koch.

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

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 364 iv. **Secretary**

365 Manager Crafton nominated Dorothy Pedersen. Manager Koch nominated
 366 himself.

367 Manager Koch noted it says on the discussion for the proposed resolution that
 368 the job of the secretary is to maintain the records of the District. He said he
 369 finds the records of the District need a lot of work. Manager Koch said he has
 370 not seen the secretary undertake any initiatives to adequately maintain the
 371 records of the District and only now has he learned the District may or may not
 372 have a record book of all the proceedings. He said the secretary has not
 373 produced minutes, which the secretary recommends the Board adopt. Manager
 374 Koch said according to the decision of this Board several years ago it was
 375 agreed that drafts of the minutes would be made available either 14 or 10 days
 376 from the date of the meeting and that all managers would submit their
 377 comments prior to the Board package being put together and that has never
 378 been done or enforced.

379 Manager Koch said he is willing to make sure the District maintains its records
 380 as required by law, make sure the appropriate notices of all meetings are issued,
 381 including the fact that notice of all special meetings of the Board of Managers is
 382 to be mailed eight days prior to the meeting, which to his knowledge has never
 383 been done by the Secretary. Manager Koch said he has extensive experience
 384 maintaining records on behalf of clients for over 40 years, so he believes he is
 385 very well positioned to perform the duties of the secretary as outlined in the
 386 District’s Governance Manual.

387 Upon a roll call vote, there were four votes for Manager Pedersen and one vote
 388 for Manager Koch.

<i>Manager</i>	<i>Action</i>
Crafton	Manger Pedersen
Duevel	Manager Pedersen
Koch	Myself
Pedersen	Myself
Ziegler	Manager Pedersen

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e. Adopt Resolution 23-007 Appointment of Committee Members

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i. Governance

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Manager Koch moved the appointment of President Ziegler and himself to the Governance Committee. The motion died due to lack of a second.

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Manager Crafton moved to nominate Manager Duevel and Manager Ziegler for the Governance Committee. Manager Pedersen seconded the motion.

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Manager Koch said he wants to repeat the fact for the public that he communicated with Mr. Duevel about sitting on any committees, etcetera, and whether he wanted to, and he stated in his emails that he felt it was too soon or something like that. Manager Koch said he does not have the exact responses in front of him. Manager Koch said he is not sure why we would be nominating him in that regard.

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Manager Koch moved to amend the motion and strike Manager Duevel for that reason and insert himself. The motion to amend died due to lack of a second.

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Manager Koch called for a point of order. He said he believes the floor needs to be opened for discussion. Manager Koch said he would like to know why Mr. Duevel has decided to now run or participate contrary to his prior indications to Manager Koch.

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Manager Duevel said he does not have the email in front of him but he thinks at the time he said he was still looking at what was going on and he did not have specific preferences at that point. Manager Duevel said part of his reasoning is he has been involved in a number of meetings now and he is formulizing his opinions at this point. He said he did not feel it was necessary to concur with Manager Koch as to what Manager Duevel's desired future actions might be.

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Manager Koch commented he does not know anyone with the experience and training dealing with government documentation, bylaws, policies, etcetera than he does. He said he has to ask himself why he would not be nominated to sit on that committee if it was not for animus and as retaliation for his whistleblower activities.

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

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

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ii. Personnel

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Manager Koch moved to approve by acclamation himself and Manager Duevel as the members of the Personnel Committee. The motion died due to lack of a second.

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Manager Crafton moved appoint Manager Pedersen and herself for the Personnel Committee. Manager Pedersen seconded the motion.

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Manager Koch moved to amend the motion to appoint Manager Pedersen and Manager Duevel to the Personnel Committee. The motion to amend died due to lack of a second.

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Manager Koch moved to amend the motion to appoint Manager Duevel and Manager Ziegler as members of the Personnel Committee. The motion died due to lack of a second.

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Manager Koch said he would like to know what qualifications Manager Pedersen believes she has to sit on the Personnel Committee.

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President Ziegler said the group has heard Manager Pedersen’s qualifications many times at other meetings and they seem adequate but she is free to go through them again.

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Manager Pedersen summarized her qualifications and more than 30 years of experience in HR, including a holding a college minor in human resources, working professionally in human resources for ten years at an employment agency and working her way up to senior vice president for a subsidiary for U.S. Bank., among other professional experiences.

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Manager Koch said he would like to know the dates of her training and employment. Manager Pedersen provided dates. Manager Koch said to Manager Pedersen, “So you’re saying that you are a professional HR consultant and you provide professional HR consultancy services.” Manager Pedersen said

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449 she did not say she does that now but that she has done that in the past and she
450 did have her own HR consulting business. Manager Koch asked her when her
451 last HR consulting business was. Manager Pedersen said up until 1993.

452 Manager Crafton addressed President Ziegler. Manager Koch said he believes
453 he has the floor. President Ziegler said Manager Koch gave the floor to
454 Manager Pedersen. Manager Koch responded that when Manager Pedersen is
455 done answering a question, the floor reverts to him, under the normal Robert's
456 Rules of Order, until he relinquishes it.

457 Manager Koch said he wants to confirm that Manager Pedersen's last
458 job/business as an HR consultant is 1993. He asked Manager Pedersen if she
459 has any current certifications as an HR consultant. She said if he is asking if she
460 belongs to any national organization that has to do with HR the answer is no.
461 Manager Pedersen said she has never questioned Manager Koch's ability as an
462 attorney and at this point she feels as if Manager Koch is harassing her during a
463 meeting where other people are available to see all of this. She said she does not
464 believe there is much she can offer beyond what she has already given all the
465 rest of the people here at the meeting. Manger Koch said if Manager Pedersen is
466 finished, he will continue because he has the floor.

467 Manager Koch said as you know, as I believe you should know, all these
468 meetings are open to the public and the public is entitled to all this information
469 and with respect I am entitled to ask questions of the people asking to be
470 appointed to the Personnel Committee. Manager Koch said he has a bet on what
471 will happen tonight and "you" have resisted engaging a human resources
472 consultant. He said at MAWD there was a presentation about the advantages of
473 having a professional HR consultant. Manager Koch said we need an HR
474 professional who is in the business and has the appropriate certifications or
475 trainings up to date to properly advise us. He asked Manager Pedersen if she is
476 in favor of the District engaging an HR consultant.

477 President Ziegler said there is a motion and second on the table and he would
478 like to call the vote. Manager Koch said point of order he has the floor.

479 Mr. Smith stated the Chair runs the meeting. Manager Koch said he has the
480 floor. Mr. Smith announced that President Ziegler is the presiding officer of the
481 meeting. President Ziegler said he believes Manager Koch has had enough time
482 to talk about this item. Manager Koch said no time limits were set. President
483 Ziegler said he is setting a time limit and Manager Koch is done and let us
484 please move on. Manager Koch said he is just glad everyone on this learns how
485 President Ziegler is operating as a president.

486 President Ziegler asked for the roll call vote to be called. Upon a roll call vote,
487 the motion carried 4-1 as follows:

488

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

489

490 **iii. Audit and Finance**

491 Manager Crafton moved to appoint Tom Duevel and herself to the Audit and Finance
492 Committee. Manager Pedersen seconded the motion.

493 Manager Koch moved to amend the motion to substitute his name for Manager
494 Crafton’s name. The motion to amend died due to lack of a second.

495 Manager Koch said it is his view that the Accounting and Finance Committee should
496 have someone other than the treasurer serving as that committee should serve as a watch
497 dog for the financial operations of the District. He said the fact that the treasurer being
498 on that committee would significantly either actually or impliedly restrict the exercise of
499 independence and judgement by that committee. Manager Koch further noted that
500 Manager Crafton for that reason should not be on that committee and for the other
501 reasons, including her failure to follow on crafting and ultimately the approval of
502 financial policies for the District, agreeing to an audit that stated policies that were
503 never adopted by this District, and basically her view toward budgets and accounting
504 that “it’s just estimates,” and he believes that her views are in conflict and that we
505 should be having independent individuals other than the treasurer acting as that
506 committee as a safeguard to make sure at least appropriate policies and procedures are
507 in place. Manager Koch said he needs to know what Manager Crafton’s background is
508 in accounting.

509 Manager Crafton said she went through the MBA program at the Carlson School of
510 Management with a concentration in accounting and she worked at a law firm starting
511 out in cash receipting and accounts payable and the like and worked her way up to being
512 a financial analyst helping departments around the country developing budgets, so she
513 has had quite a bit of experience with creating budgets and informing people on how
514 money is being spent.

515 Manager Koch asked Manager Crafton if she is a CPA. Manager Crafton said no, she
516 has her MBA with a concentration in accounting and 22 years of experience working in
517 accounting.

518 Manager Koch asked Manager Crafton if she was ever the treasurer of a law firm.
519 Manager Crafton said no.

520 Manager Koch asked Manager Crafton if she was ever the controller. Manager Crafton
 521 said no, she was an accountant financial analyst.

522 Manager Koch asked when Manager Crafton received her MBA. Manager Crafton said
 523 1990.

524 Manager Koch said based on what he just heard he thinks that the people on the Audit
 525 and Finance Committee should serve basically as oversight over the actions of the
 526 treasurer and having the treasurer on that committee certainly as a voting member
 527 would not be a best practice. He said in light of the fact of the failure to follow through
 528 on the financial policies of the District and failure to have any meetings of the Audit and
 529 Finance at all last year, he does not think it is appropriate to appoint Manager Crafton to
 530 the Audit and Finance Committee.

531 Manager Koch said he has follow-up questions for Mr. Duevel. He said, “So, Mr.
 532 Duevel, what is your background in accounting and finance?” Manager Duevel said he
 533 has bachelor’s degree in business from the Carlson School as an accounting major, he is
 534 a non-practicing CPA, and he has worked in accounting and finance for his entire
 535 career. Manager Koch asked when Manager Duevel was last employed in some type of
 536 accounting function. Manager Duevel said about eight years ago. Manager Koch asked
 537 if Manager Duevel had any experience in governmental accounting standards. Manager
 538 Duevel said not directly. Manager Koch said that is all the questions he has.

539 Manager Koch said he certainly believes that Mr. Duevel probably has more
 540 qualifications to sit on this committee than others and probably slightly more than
 541 himself. Manager Koch described his accounting and finance experience.

542 Manager Koch moved to amend the motion to delete Manager Crafton and substitute
 543 President Ziegler on the Audit and Finance Committee. The motion died due to lack of
 544 a second.

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

546

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

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548 Manager Koch requested a five-minute recess. At 9:35 p.m. President Ziegler declared a
 549 five-minute recess. At 9:40 p.m. President Ziegler reconvened the meeting.

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f. Consideration of the Formation of an IT Committee

Administrator Jeffery shared his screen to show the resolutions that Manager Koch drafted. Manager Koch moved to adopt the resolutions set forth in the document presented on the screen. Manager Koch described his concerns with security control and the District’s lack of a disaster response plan.

Manager Duevel said based on his knowledge of this organization and what he has heard and seen of other organizations, that while IT is important and is changing all the time, the District has consultants that are dealing with cutting edge technology and while he thinks the District should be considering IT, he does not think it rises to the level of requiring a special committee to be evaluating it.

Manager Koch said every company he knows of either has an IT committee or an information technology officer. He said he believes it is a best management practice to have an information technology committee to guide the policy so the Board can decide as to the IT components of its business.

Manager Crafton commented she sees this as micromanaging and she trusts staff to know what they need. Manager Pedersen concurred with Manager Crafton. Manager Koch said to Manager Crafton that she has no idea whether she should trust them or not. He said they either do not know enough or they know a sufficient amount, but we do not know that.

Manager Koch said it takes time and money whether sourcing computers is done in house or out of house because it takes time no matter what. He said it is a red herring to say it costs more money to source computers through an IT consultant. Manager Koch said no one is contradicting him by saying somebody has IT experience, training, Microsoft certifications and based on what he heard, nobody knows nothing about how the system should be working and whether there is a problem, and it is our job to find out.

Manager Koch directed his comment to Manager Pedersen, saying if people have no training they are running around in the dark, trying to search for a light switch and they do not even know where the light switch is. He said if we are not going to have IT then let us get rid of your Personnel Committee, because they do not need micromanaging. Manager Koch said Mr. Jeffery can do IT; Mr. Jeffery can do personnel. He said we could get rid of the Governance Committee and have Mr. Smith be the expert on that. Manager Koch said your logic is faulty to a fault.

Manager Koch said if the Board does not approve this, he hopes the District never has a hack and never has a disaster on its hands. He said as of today, the document management is subpar.

The motion died due to lack of a second.

589 **g. Adopt Resolution 23-008 Authorizing the District Administrator to Solicit**
590 **Proposals for Professional Services**

591 Administrator Jeffery reminded the Board that item 9A – Manager Koch’s memo on HR
592 – was moved to be part of this item.

593 Manager Koch moved the adoption of Resolution 23-008 with the following
594 modifications: in the first line, after the word adoption, insert “which motion was”, and
595 in the Now therefore paragraph, the last sentence after consulting services add
596 bookkeeping, recording services, IT, and HR. The motion died due to lack of a second.

597 Manager Pedersen moved to adopt Resolution 23-008 as written. Manager Crafton
598 seconded the motion. Manager Koch moved to amend the motion to amend the
599 proposed resolution that the Administrator prepare and submit to the Board for its
600 review and approval, and to add after consulting services: bookkeeping, recording
601 services, IT, and HR. The motion to amend died due to lack of a second.

602 Manager Koch moved to amend the motion to amend the resolution to insert “which
603 motion was” after the word “adoption” and before the word “seconded” in the first
604 sentence and to insert in the last line of the Now therefore paragraph the words “to the
605 Board for its review and approval of” and then continue with requests all the way
606 through accounting services, bookkeeping, and recording services. The motion died due
607 to lack of a second.

608 Manager Koch moved to amend the motion to amend the resolution to insert “which
609 motion was” after the word “adoption” and before the word “seconded” on the first line
610 and to insert the words “to the Board for its review and approval” at the beginning of
611 the third line of the Now therefore clause. President Ziegler seconded the motion, noting
612 he understands this motion to be non-substantial changes and instead just clarifying the
613 motion. Administrator Jeffery said one of the proposed changes is substantial because
614 Manager Koch is asking it to be brought back to the Board and the other proposed
615 change is not substantial.

616 Manager Crafton said she does not understand why this needs to be brought back. She
617 said she thinks it is appropriate as it stands. Manager Koch said we do not know exactly
618 what the proposal is and what we are going to be requesting. He said typically the
619 proposal would include a detailed list of what you are requesting a proposal on. He said
620 he does not know what we are looking for and he does not what to vote on something if
621 he does not know exactly what we are looking for.

622 Manager Koch said what the Board has done in the past was totally inadequate. He said
623 in his experience you would never get another Board to approve a blanket like this.
624 Manager Koch said he also wants this coming back because he wants to know what the
625 circulation method is. He said the prior methodology for circulating and asking for
626 proposals for legal was totally inadequate and accounting was not much better and nor
627 was auditing. Manager Koch said the requests can be written up and provided to the
628 Board to decide if they are adequate or not.

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

630

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

631

632

Upon a roll call vote, the motion to adopt Resolution 23-008 as written carried 4-1 as follows:

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634

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

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h. Adopt Resolution 23-009 Appointing Citizen Advisory Committee Members

637

Administrator Jeffery announced the District received an application for a student CAC member late last night, and he forwarded that application to the managers this afternoon and he encourages adding that applicant to the new applicant list, bringing the total new applicants to five. He said there are nine returning members.

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Manager Duevel moved to adopt Resolution 23-009 Appointing Citizen Advisory Committee Members, including the student applicant. Manager Pedersen seconded the motion.

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Manager Koch commented that previously the Board received a map of where in the watershed the applicants reside, so the Board could decide if the applicants adequately represent the District’s various subwatersheds, but he did not receive that. Manager Koch said he has questions as to whether a minor can actually be appointed to a statutory position without some statutory authority to do that. He said he has doubts as to the legalities of appointing a minor and concerns with having two people from the same household as it is overweighting unless they cast one vote. Manager Koch said

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651 allowing two votes from one household is not appropriate and we should not be
 652 appointing two individuals from one household.

653 Manager Koch moved to amend the motion to delete Louise Rudford and strike
 654 Savannah Larson from the appointments. He said the youth member could participate as
 655 an adjunct member. The motion to amend died due to lack of a second.

656 Ms. Torkelson said the CAC considered these points and decided that because the
 657 CAC’s decisions lead to a motion that the Board of Managers would ultimately decide
 658 to act on or not, and if both members of the household attend the meetings and have the
 659 information, then each member could make intelligent, independent decisions.

660 Upon a roll call vote, the motion carried 4-0 with one abstention as follows:

661

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

662

663 **i. Adopt Resolution 23-013 Appointing Technical Advisory Committee**
 664 **Members**

665 Manager Koch moved to adopt Resolution 23-013 with the following changes: after the
 666 word “moved” insert the words “the adoption of the following resolution,” which ~~and~~
 667 Manager ____ seconded to appoint the following individuals to the Technical Advisory
 668 Committee. Manager Ziegler seconded the motion.

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

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

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j. Adopt Resolution 23-010 Extending the Agreement with Abdo through the 2022 Audit Cycle

Administrator Jeffery said the way the agreement was drafted at the appointment, the agreement ended December 31, 2022. He said the resolution and agreement in front of the Board are to extend the contract through this audit cycle with the knowledge that the District is going out for a request for proposals for an auditor for the following two-year cycle. Administrator Jeffery said there is an engagement letter attached to it, which is only intended to show the scope of services they are providing and legal has advised him not to sign the engagement letter but to use the agreement drafted by legal for that purpose.

Manager Koch moved to adopt Resolution 23-010 with the following amendments, in the first line, insert the words, “which motion was” and in the Now therefore clause delete “the attached.” Manager Ziegler seconded the motion.

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

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

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k. Adopt Resolution 23-011 Updating the Permit Deposit and Fee Schedule

Administrator Jeffery explained the proposed updated permit fee deposit and fee schedule comports with the District’s rules as currently drafted. He said it sets forward the same fee schedule already set forward with the exception of places like a parking lot reconstruction where the level of review required was not that great, but it was charged the same deposit and fee as a commercial building or a large development. Administrator Jeffery stated the proposed change is to reduce that fee from \$3,000 to \$1,000.

Manager Koch moved to adopt resolution 23-011 as presented with the modifications to the permit fee schedule deposit and rate schedule that he provided to Administrator Jeffery, which includes changes to clarify and not to change what the fees are.

700 Administrator Jeffery displayed a version of the resolution showing Manager Koch’s
 701 proposed changes.

702 Mr. Smith said legal counsel has had time to review Manager Koch’s proposed changes.
 703 Mr. Smith making changes to the language is within the Board’s discretion and the
 704 proposed changes are generally not substantive and are to clarify. Mr. Smith said he does
 705 not know that in the experience of staff or the engineer administering the fee schedule
 706 that there has been confusion, so he does not know that there were problems that exist
 707 that needed addressing. He pointed out the one proposed change that would be
 708 substantive, regarding about the single-family property and he does not think that change
 709 is what is intended. Mr. Smith said if staff or engineer have examples of confusion where
 710 these changes are solving the problem, that would be instructive.

711 Manager Koch said if his proposed insertion of the word “existing” causes confusion that
 712 he would amend his motion to delete that word. He said whether or not people had
 713 confusion, when he read this it was not clear to him exactly how this would be processed
 714 and he thinks it is important the District can point to the letter if there is a dispute about
 715 how to calculate it. The motion died due to lack of a second.

716 Manager Pedersen moved to adopt Resolution 23-011 Updating Permit Deposit and Fee
 717 Schedule, as written. Manager Crafton seconded the motion. Manager Koch said he
 718 thinks the clarifications are appropriate and a best practice and without the clarifications
 719 the Board should not approve this motion. Upon a roll call vote, the motion carried 4-1 as
 720 follows:

721

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

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723

8. Discussion Items

724 [No items].

725

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9. Manager Reports

727 Manager Koch said it is his position the District needs an HR professional.

728 Manager Koch said regarding old business he has noticed it does not seem the items of old
 729 business are being tracked and being brought back such as: the status of the PRAP, the schedule
 730 for workshops, IT, the review of the minutes, an inquiry regarding the indoor air quality and
 731 HVAC, the CAC and dealing with the steep slope issues and the Minnesota Environmental Rights
 732 Act issues that the Board referred to staff, an agreement that staff was going to come back to the
 733 Board with nomenclature for permitting numbers, ledger of funds due from other governments,
 734 the November credit card charges, posting the MAWD materials online, a work plan for
 735 education and outreach, rules revisions for tree plans and street sweeping, accounting procedures,
 736 holding back fees or amounts for documentation and setting that number, the lack of a policy on
 737 retainage, a follow up on Duck Lake, the weed issues on Lotus Lake and Mitchell Lake, what
 738 could be done at Noble Springs regarding purchasing property or easements, remote versus in-
 739 person District meetings, reviewing the February financials, the plan for arrangements and air
 740 filtration for when the District returns to in-person meetings, the possible job share for an
 741 administrative assistant.

742 Manager Koch said using staff time to try to chase down computer systems and HR has costs.

743 Manager Koch asked if the Board could get an annual evaluation of current and past projects
 744 because he wants to know how the projects with the new technology are working, so the Board
 745 has data to evaluate regarding using that technology again.

746 Manager Koch said he is a strong believer in work plans for everyone.

747 Manager Koch said he does not know why his per diem is not being processed and he wants staff
 748 to check into it and fix it.

749 Manager Koch said he submitted a multitude of comments on the website and to-date he has not
 750 gotten any responses as to his comments with suggested changes.

751 Manager Koch said he assumes when we review the 2022 financials we will be looking at any
 752 impact on the 2023 budget. Administrator Jeffery said yes.

753 Manager Koch said the Minnesota Department of Administration puts on multiple seminars and
 754 webinars on the Minnesota Data Practices Act and the Open Meeting Law. He said he
 755 recommends people attend those, particularly new staff or managers.

756 Manager Duevel said with the new legislative session starting up and all the money rolling round
 757 St. Paul, does it impact anything the District is doing that requires looking at things a little bit
 758 differently than the District may have in the past. Administrator Jeffery said the Day of the
 759 Legislature is coming up in February and he will be attending that. President Ziegler said he plans
 760 to attend as well. Administrator Jeffery reported there has not been a decision on how the grant
 761 dollars will be passed through. Manager Duevel said the Board has raised the topic of land
 762 acquisition and grants and he wonders if that is something the District should be digging into
 763 harder.

764 Manager Crafton said there are some resolutions the District is trying to support like the
765 salt/chloride bill and trying to get the limited liability inserted into law and getting the cap lifted
766 on the watershed districts that are in greater Minnesota areas where the property values are not as
767 high and to apply a certain percentage instead of the cap.

768

10. Administrator Reports

769 Administrator Jeffery said at the February workshop he will have the workshop schedule for
770 review and discussion. He reported he and Manager Crafton met with Barr staff and Barr will be
771 bringing a scope for the Board's consideration. Administrator Jeffery reported staff met with the
772 Lotus Lake Association to talk about treatment this year and take their comments.

773

11. Legal Counsel Reports

774 Mr. Smith said he thinks the Board is up to speed with the state of the Spring Valley Friends
775 litigation. He said it is still sitting with the Board of Appeals and the Eden Prairie trial has been
776 postponed to the spring.

777 Mr. Smith said at a future meeting when there is more time, he will discuss with the Board the
778 continuing interpretation of the Minnesota Supreme Court's decision in the Circle Pines vs.
779 Anoka County case about watershed manager appointments.

780

12. Upcoming Board Topics

781 a. Tentative Workshop Schedule

782

13. Upcoming Events

- 783 • RPBCWD Workshop – January 19, 2023, 7:00 p.m.
- 784 • RPBCWD Volunteer Recognition Event – January 20, 2023
- 785 • Chanhassen Feb Fest – February 4, 2023
- 786 • RPBCWD – Lake Associations Summit – February 21, 2023
- 787 • Riley Purgatory Summit – TBD

788

789 Manager Koch suggested staff notice the RPBCWD Lake Association Summit as a Board
790 meeting.

791

14. Adjournment

792 Manager Pedersen moved to adjourn the meeting. Manager Crafton seconded the motion. Upon a
793 roll call vote, the motion carried 4-0 with one abstention as follows:

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

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The meeting adjourned at 11:00 p.m.

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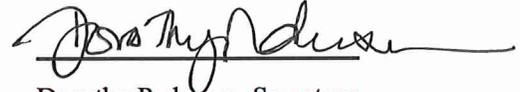
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Respectfully submitted,

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Dorothy Pedersen, Secretary