

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

March 16, 2023, RPBCWD Board of Managers Regular Work Session

PRESENT:

Managers: Jill Crafton, Treasurer
Tom Duevel, Vice President
Larry Koch
Dorothy Pedersen, Secretary
David Ziegler, President

Staff: Amy Bakkum, Administrative Assistant
Zach Dickhausen, Natural Resource Coordinator
Liz Forbes, Communications Manager
Terry Jeffery, District Administrator
Josh Maxwell, Water Resources Coordinator
Louis Smith, Attorney, Smith Partners
Scott Sobiech, Engineer, Barr Engineering Company

Other Attendees: Dr. John Gulliver
Judy
Dr. Poornima Natarajan

Note: the Board meeting was held remotely via meeting platform Zoom because it was deemed not prudent to meet in person due to the COVID-19 pandemic.

1. Call to Order

1 President David Ziegler called the Board work session to order at 7:00 p.m. He said pursuant
2 to Minnesota Statute 13D.021, the RPBCWD Board President has determined that because of
3 the Covid-19 pandemic it is not prudent for the Board of Managers to meet in person, so the
4 RPBCWD is conducting this meeting via Zoom.

2. Approval of Agenda

5 Manager Pedersen moved to approve the agenda as presented. Manager Crafton seconded the
6 motion. Upon a roll call vote, the motion carried 5-0 as follows:

7

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

Duevel	Yes
Koch	Yes
Pedersen	Yes
Ziegler	Yes

8

3. Presentation: Stormwater Pond Maintenance & Wetland Management for Phosphorous Reduction

9 Administrator Terry Jeffery introduced Dr. John Gulliver and Dr. Poornima Natarajan, who have
 10 done a number of research studies on stormwater pond maintenance and their efficacy and cost
 11 benefit in terms of load reduction. Administrator Jeffery said the RPBCWD has sponsored some
 12 of those research studies and he has invited Dr. Gulliver and Dr. Natarajan to present on their
 13 work.

14 Dr. Gulliver said tonight’s presentation is on the study by the University of Minnesota St.
 15 Anthony Falls Laboratory and the RPBCWD that was conducted on five ponds between
 16 November 2018 and March 2022. Dr. Gulliver shared the PowerPoint presentation “Assessment
 17 and Treatment of Internal Phosphorous Loading in Stormwater Ponds: Lessons learned from
 18 ponds in RPBCWD and beyond.” He said this work and additional work conducted since that
 19 time has informed a pond assessment tool. Dr. Gulliver introduced Dr. Natarajan to discuss the
 20 study of the five ponds and briefly introduce the pond assessment tool that should be useful to
 21 Minnesota stormwater pond managers.

22 Dr. Natarajan introduced herself, noting she is a research associate at the University of Minnesota
 23 St. Anthony Falls Laboratory. She said she will present about the assessment and treatment of
 24 internal phosphorous loading in the ponds studied in the District and highlight the other work Dr.
 25 Gulliver mentioned.

26 Dr. Natarajan reminded the group that stormwater ponds are constructed to manage runoff
 27 volume for flood mitigation and for water quality benefits. She said the study team’s assumptions
 28 around pond design is the ponds capture solids and associated phosphorous, are shallow,
 29 generally only a few feet deep, and the water column is well mixed and has high dissolved
 30 oxygen. Dr. Natarajan reviewed the team’s analysis of 2002-2003 RPBCWD data on 98
 31 stormwater ponds. She explained the data showed 32% of the ponds had total phosphorous
 32 concentrations exceeding the inflow concentrations for the Twin Cities Metro area. Dr. Natarajan
 33 said this finding led the team to wonder why the ponds have such high concentrations of
 34 phosphorous and led to the following research questions:

- 35 •Is internal phosphorous release from sediments occurring?
- 36 •What are the controlling factors?
- 37 •What are the implications for pond phosphorus management?

38 Dr. Natarajan said the team’s study of the RPBCWD ponds focused on assessing the internal
39 phosphorus release and the impact of iron filing treatment of sediments to reduce phosphorous
40 release. She listed the five ponds in the study, noting each is located in a primarily residential area
41 and treats stormwater and some are historic wetlands:

- 42 • Aquila pond in Bloomington;
- 43 • BC-P4.10C pond in Chanhassen;
- 44 • Bren pond in Eden Prairie;
- 45 • 849W pond in Minnetonka; and
- 46 • Pond 42 in Shorewood.

47 Dr. Natarajan displayed photographs of the ponds in the peak of growing season, explaining the
48 ponds are green due to free floating vegetation. She pointed out the trees around the ponds can
49 shelter and shade the ponds and impact the water column stratification.

50 Dr. Natarajan described the research process, including in situ sampling, laboratory study, and in
51 three of the ponds iron filings application by the appropriate city. She reported research found
52 thermal stratification and low dissolved oxygen was prevalent during summertime in all five
53 ponds. Dr. Natarajan stated the research revealed that contrary to the research team’s assumption,
54 the ponds are stratified and have more dissolved oxygen than the team originally thought.

55 Dr. Natarajan said the team’s analysis showed a strong correlation between the ponds’ coverage
56 by free-floating plants and the anoxic factor. She said the anoxic factor is the extent of sediments
57 that are anoxic. She reported the finding that pond sediments release phosphate under anoxic
58 conditions and some even under oxic conditions, suggesting there is a good potential for internal
59 loading in these ponds. Dr. Natarajan said the phosphorous composition is key to the potential for
60 sediment phosphorous release.

61 Dr. Natarajan went on to explain that pond stratification means there is a good chance of low
62 dissolved oxygen over the bottom sediments, which impacts the release of phosphorus from the
63 sediments, meaning there is phosphorous input from within the pond, affecting the ponds’
64 phosphorous levels. She said stratified ponds are characteristically the ponds that have dense
65 covers of floating vegetation and trees around the ponds shading them and preventing the water
66 column mixing

67 Dr. Natarajan explained iron has the ability to bind phosphate, so the study included iron filings
68 treatment in three ponds: Pond BC-P4.10C, Pond 849_W, and Bren Pond. She said the study
69 showed iron-amended sediments exhibit much lower phosphorous release, even under anoxic
70 conditions. She summarized that after iron filings treatment, a decrease in surface total
71 phosphorous was observed in some but not all of the ponds and there were visible impacts to
72 duckweed cover but the impacts still need to be quantified. Dr. Natarajan noted the variability in
73 total phosphorous concentration in each of the ponds because of the variability of the annual input
74 and seasonal variation.

75 Dr. Natarajan listed ongoing research the team is conducting including the synthesis, analysis,
76 and interpretation of ponds data from multiple projects, the evaluation of pond remediation
77 techniques, and the development of a pond assessment tool and pond management guide.

78 Dr. Natarajan reported the team's evaluation of pond remediation techniques showed the most
79 cost-effective techniques include:

- 80 •Chemical treatments like alum or iron filings
- 81 •Mechanical aeration
- 82 •For some ponds, reducing watershed inputs of runoff volume and total phosphorous
83 concentration.

84 Dr. Natarajan stated a combination of remediation techniques would offer the greatest impacts for
85 the ponds. She said the team thought about how the ponds that are at risk of poor water quality
86 due to phosphorous concentrations could be identified. She said the team has developed a pond
87 assessment tool, currently in spreadsheet form. Dr. Natarajan explained the assessment is a
88 screening tool and a quantitative assessment of risk for poor phosphorous retention. She stated the
89 tool employs a multi-level assessment method to identify and evaluate ponds at risk of high
90 surface total phosphorus levels, persistent low oxygen in water, and high sediment phosphorous
91 release.

92 Manager Duevel asked if the phosphorous capture by iron is a permanent capture. Dr. Natarajan
93 said no, it is not yet known how long the iron treatment lasts and the team is trying to determine
94 that. She said the capture is not permanent and at some point the phosphorous would be released
95 back into the water column.

96 Manager Duevel asked if the ponds reach a level of phosphorus saturation. Dr. Natarajan said yes,
97 the capacity can be reached and at that point the sediments are no longer keeping the
98 phosphorous.

99 Manager Koch asked if these ponds have upflows into creek or lakes. Dr. Natarajan said yes
100 typically the flow ends up in lakes, although she does not know the specific lakes for the studied
101 ponds. Manager Koch asked if the study measured inflows and outflows of phosphorous. Dr.
102 Natarajan said the study did not measure flow as the study focused on understanding what is
103 happening in the ponds. She said the information from the study could be used to determine
104 possible outputs from the ponds that can have an impact on water quality. Manager Koch asked if
105 the study took into account fluctuating water levels and rain events. Dr. Natarajan responded yes.

106 Dr. Gulliver pointed out the pond assessment tool can help watershed organizations and cities
107 make decisions that can help lakes through information about how much phosphorous is leaving
108 the ponds. He said he thinks the tool will be very powerful and will help pond and lake managers
109 quite a bit. Manager Koch asked if the pond assessment tool is dependent on the District
110 obtaining pond data to input into the tool. Dr. Gulliver said the tool has a lot of levels, and the
111 first level, which Dr. Natarajan presented, does not need any data aside from what the District has
112 on these ponds. Dr. Gulliver said other levels of the tool will require additional data, depending
113 on the level and how far the District wants to go with assessment.

114 Dr. Gulliver said the first thing to do is to look at aerial photographs and see which ponds have
115 duckweed and floating aquatic vegetation because those ponds are the potential trouble ponds. He
116 said the vegetation gives the District an idea the ponds have a sediment release problem and
117 likely high phosphorous concentrations in that pond. Manager Koch asked if the team has a
118 recommended process for the District for moving through the different assessment tool levels or
119 if the recommended process is to identify a lake and then work upstream with the assessment. Dr.
120 Gulliver said that was not part of the project, but the study has produced work to help District
121 work toward that by figuring out what is going on in the ponds.

122 Manager Pedersen asked about the impact of the iron filings in the ponds to the wildlife. Dr.
123 Natarajan said at the onset of the study the team did a literature search about possible impacts
124 from iron and did not find any. She added that iron is naturally occurring in sediments and at the
125 levels applied, the team does not expect the concentration to be a toxic level or have impacts to
126 invertebrates or wildlife. Manager Pedersen said phosphorous is just one element in the pond and
127 studying phosphorous in ponds is a start but a lot more needs to be done. Dr. Gulliver said he
128 does not disagree, and Dr. Natarajan referenced ponds studies being conducted regarding
129 chloride.

130 President Ziegler thanked Dr. Natarajan and Dr. Gulliver for their presentation.

4. Letter to the Court

131 Mr. Smith said this agenda item concerns the Spring Valley Friends case with the City of
132 Eden Prairie. He said in that case there was a pre-trial conference in which there was a
133 representation made that the District's Board of Managers had decided to acquire the property
134 that was subject to the lawsuit. Mr. Smith said he was concerned that it was not a correct
135 impression to be left with the court. Mr. Smith said the Board did vote at its last meeting to
136 go into closed session to consider the matter but that action is all that is a matter of public
137 record. Mr. Smith said he drafted a letter to the court and circulated the letter to the managers.
138 Mr. Smith said he received comments from Manager Koch concerning more precise
139 language. Mr. Smith said he wants to provide all the managers an opportunity to ask him any
140 questions or offer comments before he sends the letter to the judge. Mr. Smith said his view is
141 the Board and counsel does not need to go back and review the discussion of the closed
142 session but if the Board wants to discuss sensitive matters then the meeting would go into
143 closed session.

144 Manager Koch said he does not have any problem with Mr. Smith taking the letter and
145 making any changes he thinks helpful and sending the letter to the court. Manager Pedersen
146 agreed with Manager Koch's comment. President Ziegler and Manager Duevel also agreed.
147 Manager Crafton said she is fine with the letter being sent.

148

5. District Administrator 2023 Work Plan

149 Administrator Jeffery shared his screen and presented his workplan. He explained the table is
150 divided into categories of the types of work he performs in the role and within each category,
151 the plan lists goals, action steps, and anticipated date of completion.

152 Manager Koch said he would like to review the workplan, which will take him some time,
153 and he would like a time set for a discussion about the plan such as at the Board's next work
154 session. He said he is very pleased with the work that went into the plan and he looks forward
155 to reviewing it.

156 Manager Pedersen suggested the Personnel Committee meet with Administrator Jeffery to go
157 through the work plan and talk about potential training.

158 Manager Duevel agreed with Manager Pedersen's suggestion and said he thinks the plan has
159 too much detail. He said he thinks from a Board managerial perspective, the Personnel
160 Committee would review the plan in some level of detail and then a couple of broad-block
161 areas would be discussed by the full Board either at a workshop or Board meeting without
162 getting into minutia detail. Manager Duevel said the District has very intelligent staff and
163 consultants and it seems that wherever possible the Board should be trying to consolidate and
164 roll up instead of getting into more and more detail.

165 President Ziegler said he hopes the work plan is a useful tool for Administrator Jeffery.
166 President Ziegler said he agrees with Manager Duevel about the level of detail. President
167 Ziegler said he does not want to see this level of detail each month.

168 Manager Koch said the managers that do not want this level of detail can ignore the details
169 and the work plan is a good start to a Standard Operating Procedure/ disaster preparedness
170 plan. Manager Koch asked that the Personnel Committee meeting be recorded so he can have
171 the benefit of that discussion.

172 Manager Crafton said she sees the workplan as a tool for the annual Administrator review.

173 Administrator Jeffery said he will work with the Personnel Committee to set up the meeting,
174 notice the meeting, and based on the Committee's recommendation will put the item on an
175 upcoming Board work session or meeting for discussion.

176 Manager Koch commended Administrator Jeffery for putting the effort into the work plan
177 and stated it is a really great start.

6. 2022 Annual Report

178 Administrator Jeffery said staff has put together the District's 2022 annual report. He said he
179 has received Manager Koch's comments on the report and is waiting on the comments from
180 the other managers. Administrator Jeffery asked the Board to direct him to review, respond,
181 and/or incorporate the comments he receives. He suggested the Board act at its April meeting
182 or work session to direct staff to distribute the annual report.

183 Manager Koch said he had a lot of comments on the report and suggested the Board direct
184 staff to review and incorporate the comments, re-draft the annual report, and present the new

185 draft at the April Board workshop. He said he could share his comments with the other
 186 managers through the Dropbox link. Manager Koch asked Administrator Jeffery to make the
 187 link available to the other managers. Administrator Jeffery said it is available through the
 188 SharePoint site.

189 Managers Pedersen and Crafton commented they would provide comments soon to
 190 Administrator Jeffery.

191

7. Project and Program Update

192 **eHealth Action Plan**

193 Administrator Jeffery reported there have been a couple of meetings on the eHealth Action
 194 Plan (eHAP). He said the group identified the Technical Advisory Panel, which includes
 195 Manager Crafton and some of the District's CAC members, among others. Administrator
 196 Jeffery said the eHAP technical panel is scheduling a meeting for mid- to late-April. He said
 197 there is a draft outline of what District staff anticipate the report will contain based on
 198 comments collected and staff will be reviewing this outline.

199

200 **Purgatory Creek Recreational Area Berm**

201 Administrator Jeffery talked about the history of the Purgatory Creek Recreational Area berm
 202 and the District's project, in response to the City of Eden Prairie's petition to the District in
 203 1999 or 2000, to construct the berm. He said the berm was constructed on City of Eden
 204 Prairie land for the purposes of wetland restoration, flood storage, and water quality. He
 205 showed an aerial photo of the berm, noting an area of erosion and disrepair. Administrator
 206 Jeffery said a benefit of the erosion area is the carp pool there and the District is able to
 207 remove the carp. Administrator Jeffery said the District has budget for berm repair in the
 208 District's annual budget. He said repair plans include putting in a plunge pool and weir
 209 structure, so the District can still perform the carp harvest. He said the City plans to and
 210 would be responsible for replacing the pedestrian trail

211 Administrator Jeffery said he and the City discussed a possible arrangement for the project by
 212 which Stantec would be the project engineer and in charge of construction administration,
 213 and that cost would be split 50-50 between the District and the City of Eden Prairie. He said
 214 the surcharge and repair of the berm would be split 50-50 between the City and the District.
 215 He said the plunge pool and carp recruitment area would be the District's responsibility in
 216 total, and any trail repair would be the City's responsibility in total. Administrator Jeffery
 217 said the Engineer's opinion of cost for the project is approximately \$136,500. Administrator
 218 Jeffery said the 50-50 cost split for the berm repair means the City and the District each
 219 would pay \$62,245. He said the carp harvest area, which would be the responsibility of the
 220 District, would cost \$10,450. He said the contract administration-construction administration
 221 is \$41,400 but does not include the District's permit, so with the permit, the cost would be
 222 approximately \$45,000. Administrator Jeffery said the 50-50 split of the construction and
 223 contract administration means the City and the District would each pay \$22,500. He said the

224 District's costs would total approximately \$95,195. Administrator Jeffery said the District has
225 budgeted \$134,000 of operations and maintenance funds for the project and those funds are
226 already levied.

227 Administrator Jeffery said he would like to bring the draft plans to the Board and for the
228 Board to order the project and direct Smith Partners to draft a cooperative agreement that puts
229 forward the details he summarized.

230 Manager Koch commented he is hesitant to pay 50% of the cost for something the District
231 does not own. He asked if there is an existing maintenance agreement on the original berm
232 project. Administrator Jeffery said there was intended to be a maintenance agreement, but the
233 District, the City, and Barr Engineering have not found such an agreement and there is not a
234 maintenance agreement on record. He noted the District is the permittee on record as far as
235 the Minnesota Department of Natural Resources is concerned. Manager Koch suggested a 50-
236 50 split of cost to keep it easy and suggested having Barr do the engineering. Administrator
237 Jeffery said the City has had the design done already, and Barr might not want to take on
238 responsibility for that design.

239 Manager Crafton commented she likes the proposed project as Administrator Jeffery
240 summarized. Manager Pedersen agreed. President Ziegler asked if the spillway is adequate to
241 keep the berm from washing out again. Mr. Sobiech said that berm is designed to overtop in a
242 larger storm event, and a portion of the berm will overtop in the future. He said it is important
243 the City understand this and design the spillway to prevent berm washout from overtop
244 events.

245 Manager Koch said the City will need to take responsibility if there is design failure and the
246 design needs to withstand a ten-year event.

247 Administrator Jeffery said he is hearing from the Board that it directs staff to nail down the
248 50-50 cost split with the City of Eden Prairie to make it as simple as possible and the Board
249 supports having the City of Eden Prairie taking over the long-term maintenance and assume
250 liability for the engineer plans.

251 Mr. Smith said he believes the original project was done without a cooperative agreement, so
252 the responsibilities of the parties was left unclear, although the District held a permit that was
253 responsible for maintenance obligations. Mr. Smith said he believes that for some time the
254 City was wanting the District to pay for repairs. He said it sounds like the discussions have
255 evolved and there is more of a sense of shared responsibility and the District has identified its
256 carp initiative. Mr. Sobiech concurred with Mr. Smith's summary.

257

258 **Bluff Creek Galpin Crossing**

259 Mr. Sobiech shared a PowerPoint presentation "Galpin Boulevard Bluff Creek Culvert
260 Replacement Concepts." He reminded the Board about how during the District's fall tour he
261 had mentioned the possibility of the District cooperating with the City of Chanhassen as part
262 of its street reconstruction project around Galpin Boulevard to potentially replace the existing
263 culvert under Galpin Boulevard at Bluff Creek.

264 Mr. Sobiech described the existing 42-inch circular culvert, its elevation, and the issues with
265 its slope, connectivity to the stream, the high potential for undercutting and scour, as well as
266 erosion in upstream and downstream segments. He said several months ago the Board
267 directed him to investigate what could be done, and since that time, several scenarios have
268 been investigated. Mr. Sobiech said the primary design goal is to reduce velocities through
269 the culvert, and he said design considerations also include goals to encourage aquatic growth
270 and improve ecological function.

271 Mr. Sobiech reviewed the four design alternatives. He recommended Alternative 3, which
272 includes installing a box culvert six-feet high by five-feet wide, embedded into the Bluff
273 Creek bottom by roughly a foot to naturalize the creek bed. Mr. Sobiech noted concrete costs
274 are really expensive right now and the proposed design requires a lot of excavation that the
275 City of Chanhasen is not currently planning.

276 Mr. Sobiech presented the Engineer's Opinion of Probable Cost for Alternative 3 as
277 \$491,000, with the estimate range from the low estimate at \$393,000 to the high estimate at
278 \$737,000.

279 He reviewed the project benefits in terms of hydrology and ecological factors as well as
280 reduction in sediments and phosphorous due to the reduction in velocities. Mr. Sobiech said
281 he is drafting a memo that he will present to the Board after the Administrator reviews it.

282 Manager Koch said he believes the costs will come down in the near term and demand for
283 supplies like concrete will likely come down, so timing of this project is key. He said he is
284 not sure if a box culvert is really needed at this point of the stream and said he would like to
285 discuss at the next Board workshop alternatives to the recommended design. Manager Koch
286 asked if there is county road funding available for the project or other funds or grants. He said
287 this project is a benefit to the City and asked if there could be more funding from the City for
288 this project. Manager Koch said he is not opposed to fixing the culvert but his question is at
289 what cost.

290 Administrator Jeffery recommended the District not spend more time evaluating this project
291 at this time, if the Board does not want to spend the almost \$500,000 on Alternative 3.

292 Mr. Sobiech noted the long lead time in ordering the box culvert. Administrator Jeffery noted
293 the City plans to start the Galpin road reconstruction in late 2023, starting with the north end.
294 Manager Duevel asked if the District has funds budgeted for this project. Administrator
295 Jeffery said the District has funds budgeted for the reach of Bluff Creek from the downstream
296 side of the culvert to Highway 5, but not for the culvert.

297 Manager Duevel said this might be a project to pass over at this time and the District could
298 relook at it in a couple of years and see if prices come down. Mr. Sobiech said an alternative
299 construction is jacking the culvert in place, so that way if the District wants to do this project
300 in the future, less excavation is needed and the new roadway would not be disturbed or closed
301 during construction. Manager Crafton asked if the alternative construction would result in all
302 the same benefits. She also suggested exploring funding sources for wildlife habitat.

303 Mr. Sobiech said he believes the alternative construction would realize most of the same
304 benefits, depending on the size of the pipe that could be jacked in. Manager Crafton said she

305 would like the District to explore funding options. Administrator Jeffery said funding from
 306 the City is a non-starter, and the culvert is not in a deteriorated state, so it does not meet that
 307 qualification for state funding. He recommended the District pump the brakes on this project
 308 and wait for prices to come down. Manager Pedersen agreed the cost is high and there are
 309 other projects for which the District could get more bang for its dollar.

310 Mr. Sobiech said he thinks the project would score at least in the mid to high 20s using the
 311 District’s project scoring methodology. He said there are other projects with higher scores.
 312 Manager Koch said he thinks the project should be scored to help inform the Board.

313 Administrator Jeffery said staff can score it as that work does not take much time. Manager
 314 Crafton commented about ecological benefits of project and said she thinks it would be
 315 valuable to incorporate more ecological benefits into District projects.

316 Administrator Jeffery said staff will score the project and bring the information to the Board
 317 at its April 5th meeting.

318

8. Manager Reports

319 a. Report - Manager Koch

320 Administrator Jeffery said he forwarded to the Board earlier this week Manager
 321 Koch’s bullet list of items in his manager report.

322 Manager Koch said he thinks it is important to share his views and that he thinks
 323 putting together a report was the way to appropriately do so. He said he thinks it is
 324 important to reiterate what he thinks the District should be focusing on.

325 Manager Koch said he thought the Board workshop and presentation on what the
 326 District has done toward its work set out in the 10-Year Plan was a good start, but he
 327 would like a better, more detailed report on where the District stands in relation to its
 328 10-Year Plan. He said he wants to make sure the District does its review of its 10-
 329 Year Plan.

330 Manager Koch said he submitted a lot of comments on the draft annual report, which
 331 is a good start but needs significant work in terms of prose and organization. He
 332 recommended considering hiring a proofreader or hiring a professional writer to read
 333 through it.

334 Manager Koch raised the issue that as far as he knows the District has not adopted
 335 the financial policies recited in the last audit and he hopes that is corrected before the
 336 next audit is issued.

337 Manager Koch said he would like to hear an update on staffing at each meeting until
 338 the District has hired somebody.

339 Manager Koch reiterated his concern about the agreement with the Nine Mile Creek
 340 Watershed District. He said he thinks it is problematic to have District legal counsel
 341 represent both sides of a contact. He said it is not a best practice.

342 Manager Koch said he thinks the District needs an HR professional at the very least
343 to look at the organization, employee handbook, and policies and share professional
344 recommendations. He said none of the managers or staff has the requisite experience.
345 He said he thinks it is important the District's policies and personnel handbook are
346 reviewed and updated.

347 Manager Koch said regarding IT issues, it would be a best practice to have a
348 consultant come in and review the District's systems and advise the District on
349 systems and protocols.

350 Manager Koch said regarding document management he has not seen any reports or
351 developments, and the District needs to come up with a proper system for managing
352 documents.

353 Manager Koch said as he stated previously he thinks the District should have an IT
354 committee to go over IT issues.

355 Manager Koch said as far as he knows, the District has not done any work on a
356 disaster preparedness plan. He said maybe Smith Partners has a template or maybe
357 some of the other districts have one. He said coming up with a template could be a
358 good project for the Minnesota Waters or the Association of Administrators or maybe
359 the League of Minnesota Cities has one.

360 Manager Koch said he has not received any response to the comments he made about
361 the District's website. He said he thinks everything should be improved to be the
362 best, and he does not believe in being the one-eyed giant in the land of the blind, and
363 the website has room for improvement, and he is willing to put in the time and show
364 where things could be better.

365 Manager Koch said he has not heard a response regarding a consultant to advise on
366 interactions between staff and managers, and he thought that was a grant the District
367 should be able to get, and he thinks the Board should be given an update on this item.

368 Manager Koch said he thinks staff should provide workshop materials to the Board in
369 the same amount of time in advance that managers receive the Board meeting
370 materials. He said his understanding of the Open Meeting Law is at least one copy
371 should be available to the public and he thinks the materials should be posted on the
372 website in advance of the meeting.

373 Manager Koch said he thinks there are obvious District rules deficiencies such as
374 regarding steep slopes, shorelines, lake bottom protections, requirements for local
375 ordinances, and fragile habitats, and he thinks the Board needs to move forward with
376 these rules. He said he would like to have the District's rules in place before
377 Chanhassen's local plans is up for District review in 2025.

378 Manager Koch said regarding the street sweeping and tree plans information
379 presented at the MAWD annual meeting he thinks the District should be looking at
380 integrating those into the District's rules.

381 Manager Koch said he thinks the Board should have a process to address the CAC's
382 motions.

383 Manager Koch said he wants to bring to the attention of the Audit and Finance
384 Committee that he thinks the funds due from St. Hubert and due to Eden Prairie are
385 huge amounts that are not reflected in District financial statements but should be per
386 Generally Accepted Accounting Principles (GAAP).

387 Manager Koch said his understanding is the District is still WCA authority for two or
388 three cities. He said he would like to see a year-end report and would like a summary
389 report to be provided to those cities.

390 Manager Koch said the District has a significant amount of money dedicated to
391 Education and Outreach but he has not seen a detailed plan, and he would like to see
392 a plan for the upcoming year and what the costs are.

393 Manager Koch said regarding contract retainage, the motion to adopt a policy was
394 not approved, so now his interpretation is that each time a contact is in front of the
395 Board, the Board will have to decide what the retainage is and approve it separately,
396 which he believes is foolish. He said he thinks the Board should revisit this.

397 Manager Koch said regarding Lotus Lake violations, he believes the items should
398 stay on the agenda as old business or as follow-up business and he has not seen any
399 update on the violations. He said he believes managers should be apprised at each
400 meeting about the status of the violations or at least in the staff report.

401 Manager Koch said regarding Covid planning, he would like to know the District's
402 plan for going back to in person and he wants to know what is being done with the
403 current HVAC system and if it is being upgraded to being compliant. He said the
404 District should require the HVAC system to be compliant and the District should
405 have a sanitation plan.

406 Manager Koch said regarding meetings, he thinks every meeting should be recorded
407 and there should be minutes for every meeting, and minutes should be available on
408 the website. He said to save time at Board meetings he would hope that each manager
409 reviews the draft minutes circulated by Administrator Jeffery in advance of the
410 meetings and provides comments to staff to consolidate.

411 Manager Koch said the District's Governance Manual states the District will have a
412 resolution for every item staff has put on the meeting agendas, with the exception that
413 staff can draft resolutions after the fact and he thinks such resolutions should then be
414 put into the minutes.

415 Manager Koch said he thinks it would behoove staff to use dictation software as a
416 time saver, and he uses it and recommends staff consider using it, especially if one is
417 not a fast or proficient typist.

418 Manager Koch said regarding the topic of the Noble Hills project, he directed
419 everybody to Minnesota Statute Section 13D.05, Subdivision 3, paragraph C3, which
420 has a pretty detailed recitation of the procedures the Board is supposed to go through

421 if it is going to have a closed meeting regarding land. He said he is not sure the Board
 422 exactly followed that required process at the last Board meeting. Manager Koch said
 423 he thinks going forward the Board needs to follow those specific requirements.

424 Manager Koch said regarding the Data Practices Act, he still has a number of
 425 requests outstanding that have not been addressed for several weeks. He said he
 426 thinks it is an ongoing issue that needs to be addressed. He the District Administrator
 427 is the designated authority and data practices compliance official. Manager Koch said
 428 the District needs to make sure to follow those rules and requirements.

429 Manager Koch said his last item on his report he wants to reserve for a closed session
 430 at the April meeting. President Ziegler asked if Manager Koch is assuming the Board
 431 will have a closed session. Manager Koch said the Board does not have to but he
 432 guesses people will prefer to have a closed session at the next meeting. President
 433 Ziegler said for a closed session, the Board needs a reason. Manager Koch said he
 434 would like to discuss Administrator Jeffery's recent activities.

435

9. Adjournment

436 Manager Koch moved to adjourn the workshop. Manager Ziegler seconded the motion. Upon a
 437 roll call vote, the motion carried 5-0 as follows:

438

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

439

440 The workshop adjourned at 9:53 p.m.

441

442

Respectfully submitted,

443

444

445

Dorothy Pedersen, Secretary