

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

April 25, 2023, Continuation of April 12, 2023 RPBCWD Board of Managers Regular Monthly Meeting

PRESENT:

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

Staff: Amy Bakkum, Administrative Assistant
Terry Jeffery, District Administrator
Scott Sobiech, Engineer, Barr Engineering Company
Michael Welch, Attorney, Smith Partners

Other Attendees: Michael Pressman

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 of the Continuation of the Board of Managers April Monthly Meeting

1 At 7:00 p.m. on Tuesday, April 25, 2023, President Ziegler called to order the second
2 continuation of the April 12, 2023, Board of Managers Regular Meeting. He noted the Board
3 meeting is a virtual meeting because he determined it is not prudent to meet in person due to the
4 Covid pandemic.

5 Administrator Jeffery called roll for the Board of Managers as follows:

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

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9. Discussion Items

8 **d. Closed Session to Discuss the Potential for Acquisition of Property Located**
9 **at 9955 and 9875 Spring Road, Eden Prairie, MN and PID 2811622320005**

10 Manager Koch moved to go into closed session for the purposes of discussing the
11 possible acquisition of property located at 9955 and 9875 Spring Road, Eden Prairie,
12 MN and PID 2811622320005. Manager Pedersen seconded the motion. Upon a roll call
13 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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16 The Board moved into closed session at 7:05 p.m. for the purpose of discussing the
17 possible acquisition of property located at 9955 and 9875 Spring Road, Eden Prairie,
18 MN, and PID2811622320005.

19 At 8:02 p.m. the Board moved out of closed session and reconvened the continuation of
20 the April 12, 2023, regular monthly Board meeting.

21 Manager Koch moved for the District to engage with Conservation Solutions, in
22 particular Mr. Pressman, to perform services as outlined in his letter to the Board and
23 District as previously provided to work with staff regarding various delineations of the
24 parcels in question that may provide protection of the creek and the bluff and that Mr.
25 Pressman provide the Board and District with the names and contacts for appraisers for
26 the Board to consider and engage to provide the Board with appraisals for the property
27 and parts there of including portions that would be deemed appropriate for the
28 protection of the creek and the slopes and that the Board authorize the payment of a
29 \$10,000 retainer for those services and time to be billed at the hourly rate as set forth in
30 Mr. Pressman's letter and that upon reaching spending \$5,000 and \$7,500 Mr.
31 Pressman would so inform the Board and District and with the reservation that the
32 Board can terminate the services at any time but the District will be responsible for
33 paying for the services provided up to the point of termination. Manager Pedersen
34 seconded the motion with the amendment of authorizing Barr Engineering to provide an
35 engineering and technical recommendation to the Board and District regarding which
36 sections of the properties located at 9955 and 9875 Spring Road, Eden Prairie, MN, and

37 PID2811622320005 the District would need to protect the creek and bluff. Manager
38 Koch amended his motion to authorize staff to engage with Barr Engineering for
39 purposes of recommending those portions of the parcels discussed that is appropriate for
40 the protection of the creek and the slopes. Manager Pedersen agreed to Manager Koch’s
41 amendment.

42 Administrator Jeffery noted slope is a broad term and said there are high-risk erosion
43 areas, which are areas that could be in danger of sloughing. Manager Koch amended his
44 motion to clarify Barr will identify the portions of the parcels discussed that may be
45 subject to erosion or are considered steep slopes and such other slopes that may result in
46 erosion and adverse effects to Riley Creek. Manager Pedersen agreed to Manager
47 Koch’s amendment.

48 Mr. Michael Welch said he understands the motion is to pay Mr. Pressman the \$10,000
49 retainer for time and expenses with notifying the District at the milestones Manager
50 Koch noted. Mr. Welch asked if the \$10,000 is a not-to-exceed amount. Mr. Pressman
51 said he used the language of “retainer” but clarified he proposes time and expenses not
52 to exceed \$10,000 with check ins at the 50% and 75% marks and Administrator Jeffery
53 giving Mr. Pressman direction as appropriate.

54 Manager Koch said his motion referenced Mr. Pressman’s letter because it notes Mr.
55 Pressman’s hourly rate and the ability to terminate at any time. Manager Koch amended
56 his motion to cap the Board’s approval of costs at \$10,000.

57 Manager Crafton asked if the motion directs Barr to identify only the areas of the slopes
58 that are at risk of erosion or also the areas of compaction. Manager Koch responded his
59 motion directs Barr to identify and recommend to the Board those areas that might be
60 subject to high risk of erosion and steep slopes. He said there was no discussion about
61 compaction but his motion is broad enough that compaction could be taken into
62 consideration by Barr for its recommendation to the Board about the area the Board and
63 District should consider protecting. Administrator Jeffery responded factors Barr will
64 likely take into consideration are rates, volumes, and discharge points or where
65 discharge points should be.

66 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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Manager Koch moved to authorize District Legal Counsel to research and come back to the Board summarizing what rights the current developer has in light of the District’s rules and the permit application the District conditionally approved. Manger Duevel 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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9. Manager Reports

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Manager Koch reported he submitted an outline of a manager report to Administrator Jeffery but given the number of continuations and length of this meeting, Manager Koch will defer his comments to the next regular Board meeting.

Manager Koch reported he had conversations with Rebecca Prochaska and Ted Melby.

10. Administrator Reports

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Administrator Jeffery said he will provide a report at the Board’s next regular meeting.

11. Legal Counsel Reports

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There was no legal counsel report.

12. Upcoming Board Topics

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Manager Koch asked staff going forward to circulate to the managers the list of upcoming Board topics and work session topics. Administrator Jeffery asked the managers to submit topic ideas to him and he will compile them and share the list with the managers.

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13. Upcoming Events

- 90 • Turf Maintenance Workshop – April 13, 2023
- 91 • RPBCWD Board Workshop – April 20, 2023
- 92 • Cedar Ridge Elementary Science Night – April 20, 2023
- 93 • Eden Prairie Eco Expo – April 22, 2023
- 94 • Resilient Shoreline Workshop with NMCWD, Eden Prairie and Blue Thumb – April
95 26, 2023
- 96 • Arbor Day Walk and Green Fair with Eden Prairie, NMCWD, and LMRWD

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14. Adjournment

98 Manager Koch moved to adjourn the meeting. Manager Pedersen seconded the motion. Upon
99 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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The meeting adjourned at 8:28 p.m.

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Respectfully submitted,

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Dorothy Pedersen, Secretary