

**MEETING MINUTES**  
**Riley-Purgatory-Bluff Creek Watershed District**  
**July 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, Office Administrator  
Zach Dickhausen, Natural Resources Coordinator  
Terry Jeffery, District Administrator  
Joshua Maxwell, Water Resources Coordinator  
Mat Nicklay, Natural Resources Technician  
Louis Smith, Attorney, Smith Partners

**Other Attendees:** Andrew Aller                      Michael Pressman  
Kristie Elfering, Life Time              Nathan Terhaar  
Dave Hawkins                                  Gage Thompson

*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 Board of Managers Regular Monthly Meeting**

1            President Ziegler called to order the Wednesday, July 12, 2023, Board of Managers Regular  
2            Meeting at 7:04 p.m. He stated the Board is conducting this meeting via Zoom out of an  
3            abundance of caution due to the Covid pandemic. He noted he would like the District to return to  
4            in-person meetings soon.

5            Mr. Smith called attendance for the Board of Managers.

6

<i>Manager</i>	<i>Action</i>
Crafton	Absent
Duevel	Present
Koch	Present

Pedersen	Present
Ziegler	Present

7

8 *[Manager Crafton joined the meeting at 7:06 p.m.]*

**2. Approval of Agenda**

9 Manager Koch moved to adopt the agenda with the following proposed amendments: Moving to  
 10 the Consent Agenda item 9g – Adopt Resolution 23-049 to Close Out and Release Final  
 11 Retainage for Scenic Heights Restoration Project, and to table items 9d – Adopt Resolution 23-  
 12 046 Authorizing the Administrator, with the advice of Counsel, to Enter into an Agreement with  
 13 Redpath to Provide Accounting Services and item 9e – Adopt Resolution 23-047 Authorizing the  
 14 Administrator, with the Advice of Counsel, to Enter into an Agreement with Abdo to Provide  
 15 Auditing Services. The motion died due to lack of a second.

16 Manager Pedersen moved to adopt the agenda with the modification to move item 9g to the  
 17 Consent Agenda. Manager Duevel seconded the motion.

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

19

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

20

**3. Swearing in of Manager Dorothy Pedersen**

21 Mr. Smith led the swearing in of Dorothy Pedersen’s reappointment to the office of manager of  
 22 the Board of Managers of the Riley Purgatory Bluff Creek Watershed District.

**4. Matters of Public Interest**

23 President Ziegler announced the procedure for raising matters of general public interest. No  
 24 matters of public interest were raised.

25

**5. Reading and Approval of Meeting Minutes**

26 **a. Approve Minutes of the April 25<sup>th</sup> Continuation of the April 12, 2023, Regular**  
 27 **Monthly Meeting of the RPBCWD Board of Managers**

28 Manager Crafton moved to approve the minutes of the April 25<sup>th</sup> Continuation of the April  
 29 12, 2023, Regular Monthly Meeting of the RPBCWD. Manager Pedersen seconded the  
 30 motion. Upon a roll call vote, the motion carried 4-0 with one abstention as follows:

31

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

32

33 **b. Approve Minutes of the June 7, 2023, Regular Meeting of the Board of Managers**

34 Manager Pedersen moved to accept the minutes of the June 7, 2023, Regular Meeting of  
 35 the Board of Managers. Manager Crafton seconded the motion.

36 Manager Koch noted he submitted comments on the draft minutes. He said the Board  
 37 previously agreed to submitting comments in advance and he believes no further changes  
 38 should be allowed at this point. Manager Crafton said she does not believe submitting  
 39 comments in advance precludes managers making comments on the minutes during the  
 40 Board meetings. Manager Koch said if the Board is going to allow comments on the  
 41 minutes during Board meetings then the Board should not complain and try to restrict  
 42 people from asking pertinent questions regarding matters on the Board meeting agenda.

43 President Ziegler pointed out an edit he submitted regarding lines 44 and 45 to remove the  
 44 sentence “No matters of public interest were raised.”

45 Manager Crafton noted a correction on lines 137-138 to change the word “meeting” to  
 46 “meet.” She noted an edit on line 410 to remove either the word “of” or the word “over,”  
 47 whichever Mr. Smith thinks should be removed. Mr. Smith said to delete the word “of.”

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

49

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

Duevel	Yes
Koch	No
Pedersen	Yes
Ziegler	Yes

50

51

**c. Approve Minutes of the June 15, 2023, Board of Managers Work Session**

52

Manager Pedersen moved to approve the minutes of the June 15, 2023, Board of Managers Work Session. Manager Crafton seconded the motion.

53

54

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

55

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

56

**6. Committee Report**

57

**a. Acceptance of the Citizens Advisory Committee Report and Minutes**

58

Andrew Aller reported on the most recent CAC meeting, which included a presentation

59

by Dr. Lee Frelich, the Director of the University of Minnesota Center for Forest

60

Ecology. Mr. Aller said the presentation was recorded and is posted on the RPBCWD’s

61

YouTube channel. Mr. Aller reported the CAC is following the Board of Managers lead

62

regarding meeting format and when to return to in-person meetings. He noted the CAC

63

would like to return to in-person meetings. President Ziegler said he would like the Board

64

to return to in-person meetings as well and would like the Board to discuss this topic.

65

Manager Crafton moved to accept the report and minutes from the CAC. Manager

66

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

67

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

Duevel	Yes
Koch	Yes
Pedersen	Yes
Ziegler	Yes

68

69

**b. Confirm Board Representative for July 17, 2023, CAC Meeting**

70

Manager Crafton volunteered to be the Board representative at the CAC’s July 17, 2023, meeting. Manager Duevel said he plans to attend as well.

71

72

73

**c. Receive Governance Committee Report and Minutes**

74

President Ziegler corrected an error in the minutes on the last page, line 1 to change the word “center” to “cents.”

75

76

Manager Duevel moved to accept the Governance Committee report and minutes.

77

Manager Pedersen seconded the motion. Manager Koch moved to amend the motion to receive the report. He noted he thinks the Citizens Advisory Report should be received as well, instead of accepted. Manager Duevel and Manager Pedersen consented to Manager Koch’s amendment to the motion. Upon a roll call vote, the motion carried 5-0 as follows:

78

79

80

81

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

82

83

**d. Receive Audit and Finance Committee Report**

84

Manager Crafton reported the Committee met yesterday afternoon and met with Donny of Redpath regarding different formats for the District’s financial statements. She said the Committee also had a presentation by Corey Boyer of the 4M Fund regarding the District’s investment options. Manager Crafton stated the Committee discussed per diems and the Committee will draft its meeting minutes and will be presenting a recommendation to the Board to move to using the 1099 for per diems.

85

86

87

88

89

90 Manager Duevel said the Committee’s progress is being held back by not being able to  
 91 meet in person to look at the District’s monthly report and financial statements.

92 Manager Duevel reported on the options provided in the 4M Fund and noted the Fund  
 93 now has 400 members in Minnesota. Manager Duevel reported the banks that recently  
 94 failed on the U.S. West Coast are not part of the 4M portfolio. He talked about the  
 95 increased interest rate the District’s investments are currently earning. He said a topic for  
 96 the Board to consider and discuss is does the District want to fine tune its cash flow  
 97 process to potentially earn additional dollars in interest. Manager Duevel said in light of  
 98 market volatility, the Board should consider the topic sooner rather than later.

99 Manager Crafton moved to receive the Audit and Finance Committee Report. Manager  
 100 Duevel seconded the motion.

101 President Ziegler said it sounds like the Board needs to add a workshop topic to talk about  
 102 the District’s investment strategy. Administrator Jeffery said the Audit and Finance  
 103 Committee can bring recommendations back to the Board at the August Board meeting.

104 Manager Koch said he is concerned about the thought-process of using 1099s for per  
 105 diems because the IRS website seems to indicate to him that payments to managers are  
 106 considered compensation W-2 income. He said with respect to investments, the District’s  
 107 accountants should be able to do a cash flow analysis and 4M should be able to make  
 108 recommendations on length of investments.

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

110

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

111

**7. Consent Agenda**

112 President Ziegler listed the items on the Consent Agenda as revised, including 7a – Adopt  
 113 Resolution 23-051 to Approve Consent Agenda; 7b – Receive June Staff Report; 7c –  
 114 Receive June Engineer’s Report; 7d – Receive June Regulatory Program Report; 7e –  
 115 Approve Permit 2023-020 Bush Lake Vet Clinic as Presented in the Proposed Board Action  
 116 Section of the Permit Review Report; 7f – Approve Permit 2023-034 Lifetime Fitness  
 117 Pickleball Courts as Presented in the Proposed Board Action Section of the Permit Review  
 118 Report, and 9g – Adopt Resolution 23-049 to Close out and Release Final Retainage for  
 119 Scenic Heights Restoration Project.

120 Manager Pedersen moved to accept the Consent Agenda. Manager Duevel seconded the  
 121 motion. Manager Koch moved to amend the motion to adopt resolution 23-051 amended as  
 122 discussed. Manager Duevel seconded the motion to amend. Upon a roll call vote, the motion  
 123 to amend carried 5-0 as follows:

124

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

125

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

127

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

128

**8. Old Business**

129 **a. Adopt Resolution 2023-039 Electing Not to Waive Monetary Limit on**  
 130 **Municipal Tort Liability as Listed in Minn. Stat. 466.04**

131 Manager Koch moved to lay this item over until the Board receives information  
 132 specifically regarding the cost of increasing the insurance limits under the District’s  
 133 insurance. The motion died due to lack of a second.

134 President Ziegler moved to accept Resolution 2023-039 as written. Manager Pedersen  
 135 seconded the motion.

136 Manager Koch said he does not believe it is appropriate to vote on this motion without  
 137 having received the appropriate information directly from the insurance company. He  
 138 said he finds it implausible the insurance company does not have actual premium

139 numbers for any particular increases in the amount of coverage. He said something is  
 140 amiss. Manager Koch said he believes the cap on tort liability is decades old and in light  
 141 of significant interest increases in recent years, he believes it is appropriate for the  
 142 Board to consider what is an appropriate amount of insurance so that people who  
 143 happen to be injured by the actions of the District and staff and managers receive  
 144 adequate compensation. He said the information he received in the memo is inadequate  
 145 to make a decision.

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

147

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

148

149 **b. Adopt Resolution 23-050 Adjusting Delegation of Authority to the**  
 150 **Administrator to Approve Certain Regulatory Application**

151 Manager Koch moved to lay over this item and direct staff and Legal Counsel to bring  
 152 back to the Board a proposed resolution adopting some type of document to be included  
 153 in either the District’s rules or Governance Manual setting forth a consolidation of all  
 154 other prior resolutions having to do with delegation so the Board may review it, debate  
 155 it, and decide if it wants to adopt it. President Ziegler seconded the motion. He agreed it  
 156 seems the District should have a plan in its Governance Manual that explains more  
 157 clearly what the delegation of permit approvals is and that the explanation should be  
 158 easy to find.

159 Manager Crafton spoke against the motion because the Board has previously discussed  
 160 this and laid out clear guidelines and the Board has voted on the guidelines before.  
 161 Manager Pedersen agreed the Board has discussed this previously and has voted on this  
 162 before and believes the information has been thoroughly laid out in the background  
 163 materials on this topic. She said she is opposed to the motion. Manager Duevel said he  
 164 opposes delaying this item.

165 President Ziegler asked Mr. Smith for a verbal summary of the memorandum on this  
 166 topic.

167 Mr. Smith said the main point legal counsel was asked to address is what is the legal  
 168 authority of the Board to delegate permit approval to the administrator. He said the  
 169 memorandum traces the legal principles affirming the Board has that authority and  
 170 states the Board should delegate such authority clearly. Mr. Smith said the

171 memorandum explains the Board is always free to revise that delegation. He said the  
172 memorandum explores different scenarios such as when the Board considers a permit,  
173 the Board can attach a condition of approval requiring any renewal request for that  
174 particular permit comes back to the Board.

175 Mr. Smith said the resolution in front of the Board summarizes the delegations and  
176 identifies the specific situations in which the Administrator has the authority to make  
177 permit decisions.

178 President Ziegler asked if there are any issues with taking the language from the  
179 resolution and putting it in the Governance Manual. Mr. Smith said he thinks that as the  
180 Governance Committee works on the Governance Manual, the spirit of Manager Koch's  
181 suggestion could be incorporated and could be added.

182 Manager Koch said he does not know that all the issues have been resolved. He said he  
183 thinks there needs to be a consolidation of all prior resolutions to lay out the delegation  
184 of authority in a document such as the District's Rules or Governance Manual and this  
185 should be a topic at a Board workshop.

186 Manager Koch said he thinks all assignments, extensions, and renewals should always  
187 come back to the Board with a recommendation from staff. Manager Koch said the  
188 language in the proposed resolution should reflect that assignments, extensions, and  
189 renewals should always come back to the Board. Manager Koch said he thinks all  
190 permits should be issued in the name of the landowner. He said the Board needs a more  
191 involved discussion about all of these issues.

192 Administrator Jeffery said the three bullet points listed are the consolidation of the  
193 Board's regulatory program delegations to the Administrator. He said there is an  
194 efficiency that would be greatly hampered if every renewal or assignment had to come  
195 back to the Board. Administrator Jeffery noted Mr. Welch's recommendation of the  
196 Board considering on a per-permit basis if it wants to add a condition of approval that  
197 the specific permit come back to the Board for assignment or renewal.

198 Manager Koch said permittees know the deadlines and just need to get their acts  
199 together to get the applications and information to the District in sufficient time for the  
200 District to get advice from staff and act on them. He said he has little or no empathy for  
201 people who cannot plan backwards. He said he has been part of lots of land deals and  
202 nothing happens overnight and there are all kinds of closing contingencies. Manager  
203 Koch commented there is an old saying "Do not let others put their monkeys on your  
204 back." He said he thinks all too often permittees or others try to put their monkeys on  
205 the District's back and the District should resist that if it interferes with the District  
206 taking the proper steps and analysis.

207 Manager Koch pointed out that at the time the Board approves it permit, the Board does  
208 not know what will happen after the approval. He said he does not think the District's  
209 rules should allow one permit renewal because if permittees have not gotten going by  
210 the expiration of that permit, then shame on them. Manager Koch said he thinks the  
211 applicant should have to reapply. Manager Koch said he is against adding conditions to  
212 permits on an ad hoc basis because it has a potential to raise some arbitrary and  
213 capriciousness arguments.

214 Manager Duevel asked Mr. Smith to summarize Resolution 23-50 Adjusting Delegation  
 215 of Authority to the Administrator to Approve Certain Regulatory Application.

216 Mr. Smith clarified the action directed by the resolution modifies the authority  
 217 delegated to the administrator to approve assignment or renewal of valid permits or  
 218 approvals by saying the administrator may approve or request for assignment or renewal  
 219 (extension) of a valid permit or approval, so long as the application is timely submitted  
 220 in accordance and compliance with the District’s procedural requirements; there is no  
 221 public comment critical of the permit or underlying project associated with the original  
 222 action by RPBCWD; and there is no litigation or threat of litigation arising from the  
 223 permit or underlying project.

224 Mr. Smith said those were the elements from the discussion two months ago that Legal  
 225 Counsel understood were concerns about the delegation. He said Mr. Welch’s memo  
 226 identifies an additional approach, which is for the Board to, at the time of permit  
 227 approval, add a condition of the permit approval that the permit must come back to the  
 228 Board for any renewal or extension, in spite of the delegation of authority to the  
 229 administrator.

230 Manager Koch wondered if changing the delegation to the degree to which is being  
 231 proposed requires an amendment of the District’s rules, triggering the required notices  
 232 and hearing and such. He reiterated his support of laying this item over.

233 The motion failed 2-2 with one abstention.

234

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

235

236 Manager Koch moved to reconsider the motion and asked Manager Duevel to cast a  
 237 vote other than an abstention. Manager Duevel seconded the motion. Upon a roll call  
 238 vote, the motion to reconsider the vote passed 3-2.

239

<i>Manager</i>	<i>Action</i>
Crafton	No
Duevel	Yes

Koch	Yes
Pedersen	No
Ziegler	Yes

240  
241  
242

Upon a roll call vote, the motion to lay over this agenda item passed 3-2.

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

243  
244  
245  
246  
247

Administrator Jeffery asked what information the Board is requesting. President Ziegler said the Governance Committee meets this week and needs to prepare a recommendation for the Board regarding Governance Manual language about delegation of authority to the administrator.

**9. New Business**

248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263

**a. Items Moved from Consent Agenda**

No items.

**b. Accept May Treasurer’s Report**

Manager Crafton moved to accept the May Treasurer’s Report, which has been reviewed in accordance with the District’s internal controls and procedures. Manager Duevel seconded the motion.

Manager Koch said he requested copies of invoices and further background data from the Administrator about several of the District’s payments and he has not received those copies. Administrator Jeffery said he has copied the managers on the responses he provided to Manager Koch. Administrator Jeffery said regarding Manager Koch’s receipt requests, it will take time to assemble copies of all those receipts. Manager Koch said he would like an explanation from the Audit and Finance Committee regarding negative balances in one of the District’s accounts. Manager Duevel responded the negative account balance at U.S. Bank is due to the way the District does its accounting. He said U.S. Bank and the 4M Fund are the same District account, as U.S. Bank is the District’s service provider for the District’s 4M Fund and is the mechanism for which

264 the District writes checks. He said the reason for the credit negative balance reflected in  
 265 the financial report is based on how the District cuts off its books at month end.  
 266 Manager Duevel said he thinks there are ways to remedy it and explained it is one of the  
 267 issues the Audit and Finance Committee is working on regarding the financial reports.  
 268 Upon a roll call vote, the motion carried 4-1.

269

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

270

271 **c. Adopt Resolution 23-045 to Approve Paying of the Bills**

272 Manager Crafton moved to Adopt Resolution 23-045 to Approve Paying of the Bills.  
 273 Manager Pedersen seconded the motion.

274 Manager Koch commented he opposes paying the bills on the items for which he has  
 275 requested information and has not received it. He said he believes the Board packet  
 276 should include copies of invoices for each of the items if there is no reason not to so the  
 277 managers know what various payments are for. Manager Koch objected to listing a  
 278 credit card company as the vendor because a credit card is a credit transaction and is not  
 279 a purchase or sales transaction. Upon a roll call vote, the motion carried 4-1 as follows:

280

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

281

282 **d. Adopt Resolution 23-046 Authorizing the Administrator, with the Advice of**  
 283 **Counsel, to Enter into an Agreement with Redpath to Provide Accounting**  
 284 **Services**

285 Manager Pedersen moved to Adopt Resolution 23-046 Authorizing the Administrator,  
 286 with the Advice of Counsel, to Enter into an Agreement with Redpath to Provide  
 287 Accounting Services. Manager Crafton seconded the motion.

288 Administrator Jeffery clarified Redpath included payroll services in the proposal but the  
 289 proposed resolution does not include payroll and includes only the monthly accounting  
 290 services and auditing help.

291 Manager Koch asked why the District would enter into a contract now as he thought the  
 292 District was going to calendar-year-basis contracts with vendors. Manager Koch said he  
 293 does not think it is prudent to approve an agreement the managers have not seen.

294 Administrator Jeffery stated this contract would bring the contract for accounting  
 295 services into a December 31, 2025, contract year- end, and the District would go out for  
 296 proposals in the fall of 2025 for the following year. Upon a roll call vote, the motion  
 297 carried 4-1 as follows:

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

298  
 299 **e. Adopt Resolution 23-047 Authorizing the Administrator, with the Advice of**  
 300 **Counsel, to Enter into an Agreement with Abdo to Provide Auditing**  
 301 **Services.**

302 Manager Pedersen moved to Adopt Resolution 23-047 Authorizing the Administrator,  
 303 with the Advice of Legal Counsel, to Enter into an Agreement with Abdo to Provide  
 304 Auditing Services. Manger Crafton seconded the motion.

305 Manager Koch said he thinks the District should go out for additional proposals. He said  
 306 he finds Abdo’s performance of duties inadequate. Manager Koch said he is astonished  
 307 Abdo did not make time to come before the Board to answer questions regarding the  
 308 audit and as a result he does not think Abdo is an appropriate firm to be the District’s  
 309 auditor. He said he has low confidence in their abilities to perform services for the  
 310 District at the level they should be performed.

311 Administrator Jeffery said the District received no responses in its March-April  
 312 solicitation for proposals for accounting services. He said two firms, Abdo and Redpath,  
 313 do most of the metro-area auditing of water management organizations, and he thought  
 314 there would be a conflict of interest with Redpath performing accounting and auditing  
 315 services for the District. Manager Koch said he thinks the District should solicit a

316 proposal from Redpath. He said he assumes the District could always find another  
 317 provider for accounting services.

318 Manager Koch moved to lay this item over and have staff request a proposal from  
 319 Redpath for auditing services for the District’s 2023 audit. Manager Koch’s motion died  
 320 due to lack of a second.

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

322

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

323

324 **f. Adopt Resolution 23-048 Ordering a Public Hearing on the Proposed 2024**  
 325 **Budget and Levy.**

326 Manager Pedersen moved to adopt Resolution 23-048 Ordering a Public Hearing on the  
 327 Proposed 2024 Budget and Levy. Manager Crafton seconded the motion.

328 Manager Koch moved to amend the resolution as follows: on the fourth line of the  
 329 Therefore Be It Resolved paragraph, after the words “September 6, 2023, and…” insert  
 330 “authorizes and directs [that] the District Administrator cause [notice of this hearing]  
 331 including a summary of the proposed budget to [be published in the adopted official  
 332 publications] of the District in Hennepin and Carver Counties [for at least two  
 333 consecutive weeks prior to this meeting], the last publication of which shall be at least  
 334 two days before the hearing.”

335 Manager Crafton asked Administrator Jeffery if any of these amendments are a  
 336 problem. Administrator Jeffery said no, most of Manager Koch’s amendments are  
 337 straight out of the statute.

338 Manager Pedersen and Manager Crafton consented to Manager Koch’s revisions.

339 Manager Koch requested seeing the public notice before it is sent for publication. He  
 340 said he thought the summary published last year was not sufficient. He said he would  
 341 like to see the major budget categories broken out and listed with proposed category  
 342 totals and also list the total proposed budget figure. He said he would like the notice to  
 343 include a URL to an online publication of the District’s proposed budget showing all  
 344 budget line items.

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

346

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

347

348

**h. Conservation Solutions Contract Extension of Scope and Cost**

349

350

351

352

353

354

Administrator Jeffery reminded the Board it directed staff to come back to the Board when the contract reached 75% of budget. He said the contract is at 75% of budget and the work remaining will require additional time, with the amount depending on the Board’s actions. Administrator Jeffery asked the Board to amend the scope and contract to authorize a not-to-exceed amount of \$20,000 and to include time and out-of-pocket expenses for responding to Minnesota Data Practices Act information requests.

355

356

357

358

Manager Koch moved to approve the increase in the maximum cost of the contract to \$20,000 and approve the inclusion of time and expenses for responding to Minnesota Data Practices Act information requests pertaining to that project or that contract. Manager Pedersen seconded the motion.

359

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

360

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

361

**10. Discussion Items**

362

363

364

**a. Potential Funding Partners for Bluff Creek Crossing at Galpin Blvd**

Administrator Jeffery reminded the Board of a previous discussion about an opportunity with the Upper Bluff Creek project to replace the existing reinforced concrete pipe

365 under Galpin Boulevard. He reported he spoke with the City of Chanhassen, who spoke  
 366 with MnDOT and Carver County. Administrator Jeffery explained Galpin Boulevard is  
 367 a State Aid Highway and the proposed project is eligible for some funding. He said a  
 368 proposed funding scenario is state aid would pay 25% of the cost and the City of  
 369 Chanhassen and the District would split costs 50-50.

370 Administrator Jeffery said the District would provide the modeling, which is already  
 371 completed, and preliminary design to WSB to incorporate into the project. He said the  
 372 District would develop a cooperative agreement to spell out how reimbursement would  
 373 happen. He said WSB would be the applicant on the permit. He said he would like to  
 374 proceed with the City of Chanhassen with discussions about this opportunity.

375 Manager Koch moved to authorize staff to continue discussions with appropriate parties  
 376 including Chanhassen and Carver County on joint funding of the crossing at Galpin and  
 377 to bring back to the Board any proposals the parties agree to for the Board's  
 378 consideration. President Ziegler seconded the motion.

379 President Ziegler asked what the District's cost would be. Administrator Jeffery said the  
 380 initial project cost estimate was \$500,000.00. He said the District's cost is that figure  
 381 less 25% funding by state aid, which leaves \$375,000 to be divided 50-50 by  
 382 Chanhassen and the District. He said he would need to evaluate if the project budget has  
 383 enough funds to cover the District's cost but the District would have time to levy for a  
 384 portion of the project next year.

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

386

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

387

388 **b. MN Watersheds Request for Resolutions**

389 Administrator Jeffery asked the managers to consider resolutions it might want the  
 390 Board to submit to Minnesota Watersheds for consideration at the annual meeting. He  
 391 said the deadline is September 1 and the managers can submit ideas to him and/or Mr.  
 392 Smith. Administrator Jeffery said he will send to the managers a copy of previous  
 393 resolutions the District has submitted to Minnesota Watersheds.

394 **c. MN Watershed Board Training Survey**

395 Administrator Jeffery asked the managers to complete the survey.

396

397

**d. Workshop Calendar**

398

Administrator Jeffery reported many managers have submitted topics and there are more topics than open slots. He said he will send out a survey to the managers to prioritize the topics and then he will bring a full schedule of workshop topics to the managers.

399

400

401

402

**e. Bluff Land Development**

403

Administrator Jeffery recommended laying over this item to a future meeting.

404

Manager Koch moved to lay this item over to a future meeting. Manager Pedersen seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

405

406

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

407

408

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

409

410

Manger Pedersen moved to go into closed session for the purpose of developing terms for the potential acquisition of property located at 9955 and 9875 Spring Road, Eden Prairie, Minnesota and Minnesota Property ID (PID) 28116223220005. Manager Crafton seconded the motion.

411

412

413

414

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

415

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

Ziegler	Yes
---------	-----

416  
417  
418  
419  
420  
421  
422

The Board moved into closed session at 9:22 p.m.  
The Board reconvened the public regular monthly Board meeting at 10:36 p.m.  
Manager Koch moved to continue the meeting to 1:00 p.m. on Monday, July 17, 2023, and to continue the July 17 meeting to 5:00 p.m. on Thursday, July 20, 2023. Manager Crafton 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

423  
424  
425  
426

At 10:38 p.m. the Board continued the meeting to Monday, July 17, 2023, at 1:00 p.m.

**12. Member Reports**

427  
428  
429  
430  
431  
432  
433  
434  
435

- a. Manager Reports**  
[Continued to July 17.]
- b. Administrator Reports**  
[Continued to July 17.]
- c. Legal Counsel Reports**  
[Continued to July 17.]

**13. Administrator Reports**

436  
437

[Continued to July 17.]

## 14. Legal Counsel Reports

438 [Continued to July 17.]

439

## 15. Upcoming Board Topics

440 [Continued to July 17.]

441

## 16. Upcoming Events

442 [Continued to July 17.]

443

## 17. Adjournment

444 [Continued to July 17.]

445

446

447

Respectfully submitted,

448

449

450

---

Dorothy Pedersen, Secretary