

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

October 5, 2022, RPBCWD Board of Managers Work Session and Regular Monthly Meeting

PRESENT:

Managers:

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

Staff:

Amy Bakkum, Administrative Assistant*
Zach Dickhausen, Water Resources Technician II
Liz Forbes, Grant Program Coordinator*
Terry Jeffery, District Administrator*
Eleanor Mahon, Education and Outreach Coordinator
Joshua Maxwell, Water Resources Coordinator*
Louis Smith, Attorney, Smith Partners*
Scott Sobiech, Engineer, Barr Engineering Company*

Other Attendees:

Joe Bischoff, Barr Engineering.
Marilyn Torkelson
Jeff Weiss

**Indicates attendance at both the workshop and the monthly meeting*

Note: the Board workshop and meeting were held remotely via meeting platform Zoom in abidance with the District's procedures in response to COVID-19.

1. 5:00 p.m. Work Session

- 1 President Ziegler called the Board work session to order at 5:00 p.m.
2
3 **a. Lake Vegetation Management Plan: Joe Bischoff, Barr**
4 Mr. Joe Bischoff displayed the PowerPoint Presentation "Lotus Lake Aquatic Vegetation
5 Management Plan." He reminded the Board of the following plan objectives:
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 - 7 • Compile aquatic vegetation data and current management activities for Lotus
8 Lake and identify any data gaps.
 - 8 • Describe current conditions and trends in the vegetation community.
 - 9 • Develop goals and ecosystem service assessments for the vegetation community.

- 10 • Development and adaptive management framework for managing aquatic
11 vegetation in Lotus Lake.

12

13 Mr. Bischoff reported the goals for the vegetation community will be around ecosystem
14 services and trying to figure out:

- 15 • What role the plants should be playing in the lake
16 • Are they playing that role to the maximum extent they should be, and
17 • If not, what can we do about it, if anything.

18

19 Mr. Bischoff said in terms of understanding what the plants can do for the lake, he has
20 grouped the benefits into four categories, or four ecosystem services:

- 21 • Water quality – supports maintenance of good water quality
22 • Habitat – directly provides the service
23 • Recreation – directly provides the service
24 • Biodiversity – directly provides the service

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26 Mr. Bischoff reported Lotus Lake is pretty well vegetated at a depth of zero to six feet.
27 He said by nine feet in depth, there isn't really vegetation at all. Mr. Bischoff said in a
28 healthy lake, vegetation would be seen at a depth of 15 and even 18 feet. He reported the
29 Lotus Lake data on number of plant species indicates an impacted community, which
30 isn't surprising for an urban lake. Mr. Bischoff said Coontail is a dominant species in the
31 Lotus Lake vegetation sample areas in the depth up to five feet.

32 Mr. Bischoff said the factors that might be causing the stress and impacting Lotus Lake's
33 aquatic plant community include:

- 34 • Limited water clarity
35 • Aquatic invasive species
36 • Physical impacts from harvesting or clearing or boating
37 • Rough fish

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39 Mr. Bischoff mentioned other stressors on aquatic vegetation include salinity and altered
40 hydrology, He said the Lotus Lake plant survey data from 2018-2020 indicates the
41 approach the District has taken to manage Curlyleaf pondweed has been effective. Mr.
42 Bischoff said recommendations for next steps regarding Lotus Lake vegetation include:

- 43 • Continue AIS control

- 44 • Continue efforts to improve water quality
- 45 • Continue rough fish control
- 46 • Consider naturalization of the shoreline

47

48 Mr. Bischoff commented that increasing the diversity of lake vegetation is difficult. He
49 said techniques used by the Department of Natural Resources and the scientific
50 community to try to increase lake plant diversity include transplanting and emergent
51 planting.

52 Administrator Jeffery said the Board should think about whether it wants to try to
53 undertake efforts to increase the plant diversity in Lotus Lake or focus efforts on
54 continuing its work managing invasive species and water quality. He suggested the Board
55 hold a workshop to discuss what the Board wants to accomplish regarding its
56 management of lakes.

57 Manager Koch suggested conducting interviews of Lotus Lake residents, as many of
58 them have lived along Lotus Lake for decades. He commented he believes the lake
59 changed once Eurasian watermilfoil showed up. Manager Koch said unless Eurasian
60 watermilfoil is being dealt with, it would be very difficult for native plants to populate the
61 lake. He said unless you can get rid of wake boats, your chances of establishing native
62 communities is nearly impossible. Manager Koch said wake boats create tsunami wakes
63 that resuspend solids and rip up native vegetation.

64 Manager Koch said there are uncontrolled sources of water coming into Lotus Lake that
65 are not treated or are minimally treated and are dumping sediments into the lake. He said
66 trying to facilitate native plants would not be economical to do until we deal with the
67 challenge of wake boats in the lake and untreated stormwater coming into the lake.
68 Manager Koch said he is in favor of a Board workshop to discuss and rank the Board's
69 priorities. He said he thinks the priority should be to achieve as clear as water as possible
70 and an ultimate goal of as diverse of plant life as possible. Manager Koch stated he thinks
71 it's important to contact the Lotus Lake Association and talk to them about what the
72 residents are thinking.

73 Manager Pedersen said she met with the president of the Lotus Lake Association late last
74 summer. Manager Pedersen said it seems like it would be a good idea to involve the
75 Association, hear the members' perspective on things and build a relationship with that
76 group and the citizens around that lake. Mr. Bischoff said the next step in the Lotus Lake
77 Vegetation Plan was to meet with the Lotus Lake Association and hear their concerns. He
78 said it makes sense as the next step.

79 Manager Duevel asked Mr. Bischoff if he was familiar with the wake boat studies and
80 commented he thinks focusing on causes is a good idea and asked if the lake level varies
81 a lot between seasons and over years. Manager Duevel said the education piece is a key
82 part of anything the District does regarding Lotus Lake.

83 Mr. Bischoff said the University of Minnesota has been working on its wake boat study.
 84 He said the study hasn't taken the step of relating the energy to any type of shoreline
 85 erosion or damage. He said it's focused more about at identifying what point is the wave
 86 from a wake boat at the same energy level as a wave from a typical ski boat, and would a
 87 wake boat need to be at a different distance out to have the same impact of wave energy
 88 as a ski boat. Mr. Bischoff said the study seems to be ongoing, with the current
 89 investigation focused on sediment resuspension. He said the impacts of wake boats aren't
 90 yet known and it will be a continual discovery process. Mr. Bischoff asked to be sent the
 91 studies out of Quebec and Wisconsin that Manager Koch referenced.

92 Manager Crafton said she could see about finding those studies and getting them to Mr.
 93 Bischoff. Manager Koch said he will forward Mr. Bischoff the contact information for
 94 Mr. Becker for those studies.

95 Manager Crafton asked if temperature change of the lake water is an issue. Mr. Bischoff
 96 said even small changes in salinity can have an impact, so salt runoff is definitely
 97 something to pay attention to. He said the impact of lake water temperature continues to
 98 be studied, such as its effect on algal blooms.

99 Manager Koch commented he thinks input should be gathered from Lotus Lake residents
 100 including but not limited to those in the Lotus Lake conservation group.

101 Administrator Jeffery said staff would like to start a working group involving the
 102 president and alternate of each lake association and conduct a summit with them and
 103 utilize that as an education opportunity to talk about lake management.

104 Manager Koch moved to adjourn until 7:00 p.m. Manager Crafton seconded the motion.
 105 Upon a roll call vote, the motion carried 5-0 as follows:

106

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

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108 The work session adjourned at 6:03 p.m.

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2. Call to Order of Regular Monthly Meeting

110 President Ziegler called to order the Wednesday, October 5, 2022, Board of Managers Regular
 111 Meeting at 7:02 p.m. The meeting was held remotely via meeting platform Zoom.
 112

3. Approval of Agenda

113 Administrator Jeffery noted item 7e – Adopt Resolution 2022-078 authorizing the administrator
 114 to enter an agreement on advice of counsel, with SRF for Sub-watershed Resiliency Plan
 115 development - was premature in coming forward and should be removed from the agenda.

116 Manager Koch said point of order, it’s appropriate under the statutes that the Board note it’s
 117 holding this meeting via Zoom because of the pandemic and the decision of the President that it
 118 would not be prudent to meet in person, as well as note that all managers are in attendance and
 119 there is a quorum of the Board.

120 Manager Pedersen moved to approve the agenda as amended. Manager Crafton seconded the
 121 motion.

122 Attorney Smith stated he will provide a general report under agenda item 13 – Legal Counsel
 123 Reports – on the Spring Valley Friends lawsuit – in the Board’s open meeting. He said if the
 124 managers have questions about his report or the lawsuit, it may be appropriate for the Board to
 125 move into closed session.

126 Manager Koch said he doesn’t have a problem accepting the reports on the Consent Agenda, as
 127 long as he has the ability to ask questions about them when the meeting is at the administrative
 128 part of the agenda. Manager Koch clarified the Board is moving to adopt Resolution 22-077 with
 129 the friendly amendment of the reservation of the opportunity to ask questions later and removing
 130 item 7e from the Consent Agenda.

131 Manager Pedersen and Manager Crafton accepted Manager Koch’s friendly amendment including
 132 his clarification. 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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4. Matters of General Public Interest

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President Ziegler presented the procedure for raising Matters of General Public Interest. No matters were raised.

5. Reading and Approval of Meeting Minutes

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a. Approve Minutes of the September 14, 2022, RPBCWD Board of Managers Regular Monthly Meeting

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Manager Pedersen moved to approve the minutes of the September 14, 2022, RPBCWD Board of Managers Regular Monthly Meeting. Manager Duevel seconded the motion.

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Manager Koch stated he is going to be voting no on the minutes because of the manner in which the minutes on a previous meeting were drafted and prepared, which as he stated in the meeting, he thinks they included interjections of opinion as opposed to fact.

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

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

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b. Approve Minutes of the September 23, 2022, Continuation of the September 14, 2022, RPBCWD Board of Managers Regular Meeting

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Manager Pedersen moved to approve the minutes of the September 23 continuation of the September 14, 2022, RPBCWD Board of Managers Regular Meeting. Manager Duevel seconded the motion.

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Manager Crafton pointed out an edit to line 199 to revise the first word to be “about” and on line 233 the reference to President Koch should be corrected to President Ziegler, and on line 339 to make an edit to the name of the program to update it as “watershed and forest restoration program.”

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Manager Koch stated he has the same objection to this set of minutes as he has to the minutes of September 14, 2022, given the fact of the previous minutes he can’t trust the transcription. He said it has been agreed and adopted previously by this Board that we

160 would getting a draft of the minutes within one week of the meeting, and they would be
 161 circulated to the managers so we could all make comments to them, in plenty of time for
 162 the comments to be consolidated and included in the Board packet. Manager Koch said
 163 we are not doing that and we either need to get the process according to what we agreed to
 164 do or change it. Administrator Jeffery stated he is adding it to his calendar as a reminder
 165 to get the draft minutes sent out.

166 Mr. Smith noted he will send in a corrected statement of the Board regarding holding
 167 remote meetings. He stated on lines 278 and 355 the minutes do not need to state the
 168 Board didn't go into closed session.

169 Managers Crafton and Duevel accepted the changes described as friendly amendments to
 170 the motion. Upon a roll call vote, the motion carried 4-1 as follows:

171

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

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6. Committee Report

a. Report and Accept CAC Minutes

173 Ms. Forbes said the CAC minutes will be sent out after they are finished being drafted.
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175 Mr. Weiss reported on an action item from the CAC's most recent meeting. He said the
 176 CAC approved the CAC-Board communication flow chart and now pass the chart back to
 177 the Board for its adoption. Mr. Weiss said the CAC is reviewing its bylaws and plans to
 178 make some revisions in the coming months to update some things. He mentioned the
 179 District's upcoming Cycle the Creek event. Mr. Weiss said the CAC discussed the work
 180 staff has been doing on the website and the CAC is very happy to see the results of the
 181 new website. Mr. Weiss shared that the next CAC meeting will include part 3 of the
 182 staff's presentation to the Committee about the District's rules and permit review process.

183 Manager Koch recommended staff post the necessary notices about the managers
 184 participating in upcoming events like Cycle the Creek and conferences with the language
 185 recommended by Mr. Smith.

186

187 **b. Confirm Board Representative for October 17th CAC Meeting**

188 Manager Duevel volunteered to be the Board representative at the CAC’s October 17th
 189 meeting.

190 **c. Personnel Committee Report**

191 Manager Crafton moved to accept the Personnel Committee meeting minutes as
 192 presented. Manager Pedersen seconded the motion.

193 Manager Koch asked when the last time was that the Board or the Committee obtained
 194 information from professionals regarding the staff positions, salaries, etcetera that were
 195 referred to in the report. Manager Pedersen said we looked at it in 2018 and again in the
 196 final year Claire was Administrator, both were done through Sarah Noah and Associates.

197 Manager Koch stated he would like to see the Personnel Committee revisit that in light of
 198 changing circumstances He said he thinks it would be appropriate to have a professional
 199 revisit our rankings and salaries, etcetera. Manager Koch said there were notes about
 200 hiring professionals. He said he thinks we should be engaging a professional HR
 201 consultant who is outside the bubble to advise us and also perhaps be the person staff can
 202 go to for an outside-the-bubble read on any issues that they may have. Manager Koch said
 203 he’d like to see a review of our policies and benefits or at least recommendations coming
 204 out of the meeting with the benefits consultant, especially if there are any impacts to our
 205 budget items.

206 Administrator Jeffery said he participated in a benefits survey in August by the
 207 Mississippi Watershed Management Organization and the Capitol Region Watershed
 208 District and the results will be available soon. Manager Pedersen said the Personnel
 209 Committee brings its recommendations to the Board and will continue to do so.

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

211

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

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213 **d. Governance Committee**

214 Manager Koch reported the Governance Committee didn’t hold a meeting last month but
 215 will meet this week.

7. Consent Agenda

216 Manager Koch moved to adopt Resolution 2022-077 as amended. Manager Pedersen seconded
 217 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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220 The Consent Agenda included item 7a – Adopt Resolution 22-077 to approve consent agenda; 7b
 221 – Accept September staff report; 7c – Accept September engineer’s report; 7d – Accept
 222 September construction inspection report.

223

8. Action Items

224 **a. Items Pulled from Consent Agenda**

225 [None].

226

227 **b. Accept August Treasurers’ Report**

228 Treasurer Crafton moved to accept the August Treasurer’s Report, and she said it has
 229 been reviewed in accordance with our internal controls, procedures, and practices.
 230 Manager Pedersen seconded the motion.

231 Manager Koch asked Administrator Jeffery to report on all budget items that are over
 232 67% expended. Administrator Jeffery went through those budget items and provided
 233 context to their percentage of year-to-date budget expended.

234 Manager Koch said regarding the multi-year performance analysis table 2, he’s not sure
 235 all the numbers add up correctly. Administrator Jeffery said he and Ms. Bakkum are
 236 going to meet with the accountant to discuss that table and will have it updated for next
 237 month. Manager Koch asked Administrator Jeffery and Ms. Bakkum to walk through
 238 with the accountant the numbers for the wetlands, Rice Marsh Lake in-lake phosphorous
 239 load, Hyland Lake internal load, and Duck Lake partnership as well.

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Upon a roll call vote, the motion to accept the August Treasurer’s Report 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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c. Adopt Resolution 22-079 to Approve Paying of the Bills

Manager Crafton moved to adopt Resolution 22-079 to approve paying of the bills. 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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d. Adopt Resolution 22-080 – Approving the RPBCWD Organization Chart as Developed by Staff and Reviewed and Recommended by the Personnel Committee

Manager Koch moved to table this item and hold a workshop on the District’s organization. He said he doesn’t understand the organization chart, and the managers aren’t listed on it, and he needs to know which one of these slots we’re planning to fill when, who is going to do what, and he has question about what we can do for efficiency purposes. Manager Koch commented we are stewards of our constituents money, and he

260 thinks we should at least have a discussion on is there anything we can do to be good
 261 stewards of the taxpayers’ money.

262 Administrator Jeffery said the organization chart shows in essence a reshuffling of the
 263 District staff that are in place to title them according to the responsibilities they have
 264 already undertaken and to compensate accordingly. He said the chart indicates three
 265 positions to be filled in 2023.

266 Manager Duevel seconded the motion. Manager Duevel asked to remove his second of
 267 the motion as he thought the motion on the table was to approve the chart. Manager
 268 Koch said point of order, Manager Duevel can’t remove his second. Upon a roll call
 269 vote, the motion failed 2-3 as follows:

270

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

271

272 Manager Pedersen moved to adopt Resolution 22-080. Manager Crafton seconded the
 273 motion. Manager Koch said in his opinion it would be malfeasance not to have a
 274 discussion of the organizational chart, what it means, who’s going to do what and when
 275 given the fact a good chunk of our budget ends up going into salaries. He said to pass
 276 this item without any memorandum or discussion of why we’re doing it and how it
 277 refers to our 10-Year Plan is simply totally contrary to any type of best management
 278 practice or governance and he recommends everyone vote no on this motion.

279 Manager Crafton said we’ve always had an organization chart and there are no surprises
 280 in the one presented. She said the staff report reflects the responsibilities of the staff,
 281 and we are just aligning what staff is doing and the positions they are filling. Manager
 282 Koch said other than people’s word, he has no idea how this compares to another as we
 283 haven’t been given a comparison. He said he thinks it would be malfeasance to agree to
 284 something without that information, but each of you can make your own choices and he
 285 is going to be voting no. Upon a roll call vote, the motion carried 4-1 as follows:

286

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

Duevel	Yes
Koch	No
Pedersen	Yes
Ziegler	Yes

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e. Adopt Resolution 2022-081 Closing the Watershed Steward Grant Until February 1, 2023

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Manager Crafton moved to adopt Resolution 2022-081 Closing the Watershed Steward Grant until February 1, 2023. Manager Pedersen seconded the motion.

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Manager Koch said he doesn't understand why we would close the grant applications instead of just letting people know their applications will go in the hopper for next year. Administrator Jeffery talked about staff's experience this year with the grant application backlog as well as running out of funding so early in the year. Staff Forbes stated we are not precluding people from planning projects for next year and staff is still available for preliminary review of their applications. She noted the application process and the application itself will be reviewed and applications would need to follow any new protocol.

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

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

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9. Discussion Items

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[None]

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10. Manager Reports

306 Manager Koch said he has made several data practices Act and 103D.305 data requests. He
 307 said according to his records the status is he has had no response. Manager Koch said given
 308 the time lag, he considers the failure to respond to be woeful failure to comply with the
 309 Minnesota Data Practices Act.

310 Manager Koch talked about his recommendation to hire a consultant to do styles, formats
 311 for the agenda as a way of efficiency, allowing people to get more substantive stuff done
 312 than administrative things done.

313 Manager Koch said he couldn't get a lot of the website links to work. He said items that
 314 were previously parts of agenda items takes one to the library, which makes it inefficient to
 315 find things. Manager Koch said if the public can't get access to the meeting documents, it is
 316 his view we are violating the Open Meeting Law.

317 Manager Koch brought up the status of the Lotus Lake rules violations and said he thought
 318 that topic was to be brought to the Board at least this month if not earlier.

319 Administrator Jeffery said regarding the violations, the Eliason one has been alleviated, a
 320 letter has gone to Frontier Trail and the contractor has stopped in to provide fee payment
 321 and is uploading plans.

322 Manager Koch asked for a website reviewer tool. He said it seems a lot of his comments
 323 weren't incorporated into the website that went live, and he would like access to his prior
 324 comments and the website reviewer tool. Manager Koch said he believes the website needs
 325 some serious work.

326 Manager Crafton said several months ago the Board passed a motion she made to direct
 327 staff to develop and bring to the Board a draft soil health framework. She said she thinks she
 328 should have been more specific in her motion by stating Barr should lead that process.
 329 Manager Crafton said we need to look at what's working and what's not working, and she
 330 talked about Barr's involvement with developing the District's rules and permit process and
 331 Barr is aware of issues with trying to get developers to be in line with the District's rules.
 332 She said soil health isn't an entity unto itself and the things that are coming out of soil
 333 health science are findings that can help inform us as we are looking at things like
 334 groundwater.

335 Manager Crafton said she would like to ask for a workshop to be led by Engineer
 336 Sobiech/Barr to look at some of those areas and for the workshop to be a joint workshop
 337 with the CAC.

338 Manager Pedersen said she would like the workshop to bring everyone's awareness to the
 339 same level and she is in support of the workshop.

340 Manager Duevel concurred with the comments by Manager Crafton and Manager Pedersen.
 341 Manager Duevel listed professional experiences CAC member Jeff Weiss has with storm
 342 water management and runoff. Manager Duevel asked how Mr. Weiss could participate in

343 the workshop. Administrator Jeffery said Mr. Weiss has extensive knowledge with not only
344 the science of but also the specificity of what the District has done.

345 Manager Koch commented it seems we are dealing with symptoms of climate change, but
346 what are we trying to do to slow down climate change. Manager Koch said he thinks we
347 need to understand what possible application we can have for soil health in an urban setting.
348 He said he is missing way too much to jump in and do soil health and what's a framework
349 for it.

350 President Ziegler supported having a workshop on this topic. He said managing the water
351 cycle is what we do and soil health adds to infiltration and recharging the aquifers. He said
352 he believes there's consensus about directing staff to put together a workshop. Manager
353 Crafton asked if the workshop can be led by Barr. Manager Koch said no disrespect to Barr
354 but he wants someone who is at the forefront and the question is if there's any effective way
355 to apply soil health to the urban setting that's already been settled.

356 Administrator Jeffery said the Anoka Water Conservation District has put together a
357 literature review, which is available to us. He said Barr Engineering has a PhD soil scientist
358 on staff, and Manager Crafton has contacts with Ann Marie Journey and others.

359 Administrator Jeffery said he sees there being experts staff can bring to the table for a
360 brainstorming session.

361 Manager Koch suggested staff and Barr come up with a proposed program. President
362 Ziegler asked Administrator Jeffery if he has enough direction to be able to put together a
363 proposed program. Administrator Jeffery said yes.

364

11. Administrative Reports

365 Administrator Jeffery reported the District has been working with the City of Chanhassen
366 to look at the Lotus Lake watershed. Administrator Jeffery said he hopes to have
367 something more concrete about that topic to bring to the Board before the end of the year.

368 Manager Koch asked about an item in the staff report on page 2 and asked if staff will be
369 responding to the TAC's comments about the District's rules regarding linear projects.

370 Administrator Jeffery said yes, he will get a memorandum to the TAC and will meet
371 again with the TAC.

372 Manager Koch asked for staff to provide a report on the status for getting a timeline and
373 schedule for getting the grants database up and running.

374 Manager Koch said he'd like to have us make a concerted effort that whatever we
375 develop in connection with St. Hubert is made available or advertised as being available
376 to other schools and institutions. Administrator Jeffery said staff has been reaching out to
377 other schools and the lessons developed will be publicly available.

378 There was agreement between the managers and staff about staff preparing some type of
379 Gantt chart regarding projects. Administrator Jeffery said there is a project management
380 app through Teams that isn't that expensive and that he is looking into.

381

12. Legal Counsel Reports

382 Attorney Smith reminded the Board that Spring Valley Friends brought an action in
 383 District Court appealing the District's issuance of a permit to the Noble Hills
 384 Development and also claiming a violation of the Minnesota Environmental Rights Act,
 385 meaning a claim that the Board's action contributed to the impairment of Natural
 386 Resources. Attorney Smith reported the District's counsel moved to dismiss the action.
 387 He said the motion was delayed a number of times but heard on September 7th and on
 388 Monday of this week [October 3, 2022] the District Court issued a decision dismissing
 389 the action on both counts.

390 Attorney Smith said the appeal of the permit was dismissed as untimely and that is with
 391 prejudice, meaning it can't be brought again. Attorney Smith stated the Environmental
 392 Rights Act claim was also dismissed for failing to follow the process to properly bring it
 393 before the court and that was without prejudice for them to bring it again in the future.
 394 Attorney Smith said there is a potential that sometime in the future the Spring Valley
 395 Friends would bring an Environmental Rights Act claim concerning the project. He said
 396 the same organization sued the City of Eden Prairie on an Environmental Rights Act
 397 claim and that is about to go to trial.

398 Manager Koch asked if the Eden Prairie suit was filed in Carver County or Hennepin
 399 County. Attorney Smith said he believes it's in Hennepin County. Attorney Smith said
 400 the claim against the District as previously described was filed in Hennepin County as
 401 well.
 402

13. Upcoming Board Topics

- 403 a. **U of M Pond Study Findings** – November 2022
- 404 b. **Hennepin County – Climate Action Plan** – December 2022
- 405 c. **Contract Retainage** – January 2023
- 406 d. **Rules and Plan Review** – February 2023
- 407

408 Manager Koch said he'd like to see the contract retainage and the rules topics moved ahead
 409 as much as possible.
 410

14. Upcoming Events

- 411 a. Tree and Shrub Give Away, 10/7/22
- 412 b. Cycle the Creek (Bluff), 10/9/22

- 413 c. MN Water Resources Conference, 10/18/22-10/19/22
- 414 d. North American Lake Management Society (NALMS), 11/14-11/17/22
- 415 Manager Koch asked if at the next meeting the Board could look at approving attendance
- 416 so the Board has some representatives to NALMS. President Ziegler said he thinks we
- 417 should get more information about it.
- 418
- 419 e. MAWD Annual Conference 11/30/22 – 12/3/22
- 420

15. Adjournment

421 Manager Pedersen moved to adjourn the meeting. Manager Koch seconded the motion. Upon a
422 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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425 The meeting adjourned at 9:26 p.m.

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Respectfully submitted,

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Dorothy Pedersen, Secretary