

10 – until the meeting continuation. Manager Crafton asked to discuss comments about the District’s
11 annual report at the continuation of this meeting.

12 Manager Ziegler moved to approve the agenda as amended. Manager Crafton seconded the
13 motion. Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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3. Introduction of New Staff

16 Interim Administrator Jeffery introduced new RPBWD staff member Liz Forbes, Grant Program
17 Coordinator, who started in her position Monday, March 30. Ms. Forbes shared about her career
18 and experience. The Board welcomed her.

19

4. Public Hearing for Rule D and Rule F Proposed Amendment

20 President Ward called to order the public hearing on the Amendment of the District’s Rule D and
21 Rule F. Interim Administrator Jeffery provided background about amendment, explaining it
22 wasn’t the intent and doesn’t make sense for the District’s process to make it the process to repair
23 shoreline rip rap more difficult. He said the fast track didn’t work the way it was intended
24 because there was no way to accomplish a shoreline stabilization consistent with the District’s
25 specifications without disturbing the land underneath it. Interim Administrator Jeffery said the
26 proposed rule amendment allows for the replacement of existing stabilization techniques. He
27 emphasized projects will need to go through the District’s review process and will need to
28 demonstrate the work complies with the District’s rules.

29 Interim Administrator Jeffery reported the proposed Amendment went out for public comment.
30 He stated the District received comments from the Metropolitan Council and the Minnesota
31 Board of Water and Soil Resources. He said the comment from both agencies was “no comment.”

32 President Ward opened the floor for public comments and called for comments. He called again
33 for public comments and upon hearing no comments, he opened the floor for manager comments.

34 Manager Koch stated he lives along Lotus Lake. He said the District has had several permit
35 applications come through, and he doesn’t think the Board has been consistent applying and

36 enforcing the District's current rules. Manager Koch said he thinks the District needs to look at
37 ways to encourage lakeshore owners to repair and install rip rap. He commented he is pleased
38 about the District's grant program for shoreline stabilization projects, but he doesn't agree with
39 limiting the stabilization methods to vegetation or limiting access to grant funds to those
40 applicants who are going to put in vegetative rip rap.

41 Manager Koch said the scoresheet the District uses is outdated and doesn't take into adequate
42 consideration the erosion intensity and impacts from the wake from wake boats. He said the
43 District needs to evaluate the scoresheet. Manager Koch suggested that the District stop requiring
44 people to hire an engineer or landscape architect and instead accept documentation from any
45 reasonable person who can measure and do the drawings. He said right now the shoreline erosion
46 is probably the number one cause of excess nutrients loading into Lotus Lake

47 Manager Koch said he thinks the proposed amendment is a good start but needs work. He said
48 he'd like the Board to table the proposed amendment until the Board's next monthly meeting, so
49 he has time to have a discussion with Interim District Administrator Jeffery about language to
50 address the issues he raised about the proposed amendment. President Ward reminded Manger
51 Koch that this is the public hearing and Manager Koch can make a motion when the Board
52 reaches that point in the agenda.

53 Manager Crafton said she is happy with what the District has proposed in the amendment. She
54 commented the information in the webinar presented by Ms. B. Lauer and Ms. Amy Bakkum is
55 contrary to many of Manager Koch's comments, so she is more comfortable with what the
56 District has proposed in the amendment. Manager Pedersen agreed that the District giving money
57 for people putting in rip rap isn't a stance the watershed wants to take because it encourages rip
58 rap rather than looking at bioengineering and doing it right the first time. She said the issue is
59 trying to get the Department of Natural Resources to address wake boats, and the issue is not for
60 the District to pay cost share funding to fix their shoreline. Manager Koch noted waiting for the
61 DNR is not a solution right now because the DNR won't do something unless the legislature does
62 something, and right now the legislature won't do something until a study comes out from the
63 University of Minnesota St. Anthony Falls Research Laboratory. He stated that scientifically
64 there is no other solution aside from rip rap to prevent erosion on lakeshore on Lotus Lake
65 because of the force exceeded by wake boats, which is too excessive for vegetative shoreline
66 stabilization to hold up.

67 Manager Ziegler commented he agrees with Managers Crafton and Pedersen regarding the grant
68 money because it seems like the District's philosophy hasn't even been to support straight rip rap
69 with no vegetation, but the District isn't precluded from creating a buffer above the rip rap. He
70 said he agrees with Manager Koch about the score sheet, which doesn't address boat wakes.

71 President Ward called for additional comments. Upon hearing none, he called for a motion to
72 close the public hearing. Manager Pedersen moved to close the public hearing. Manager Ziegler
73 seconded the motion.

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

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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5. Matters of General Public Interest

77 Ms. Marilyn Torkelson, Eden Prairie Resident, commented on the proposed Noble Hill housing
 78 development near Riley Creek and the Fredrick-Miller Spring. She said she is passionate about
 79 soil health, and healthy soil is a rarity in urban areas. Ms. Torkelson stated there is a fragile area
 80 around a unique resource that thousands of people come from miles around to visit. She said
 81 currently there are healthy soils on the steep slopes at the site. Ms. Torkelson explained the soil
 82 microbes, mycorrhizal fungi, organic matter, and living trees and plants all serve to infiltrate and
 83 cleanse stormwater and replenish the aquifer that provides water to the spring and the creek. She
 84 asked that the Board, to serve the people who use the spring and enjoy the creek, use its powers
 85 as a watershed district to speak for and protect the water when reviewing permits for the Noble
 86 Hill housing development.

87

6. Reading and Approval of Meeting Minutes

a. February 4, 2021, RPBCWD Board of Managers Special Meeting

88 Manager Ziegler moved to approve the minutes as presented. Manager Pedersen seconded
 89 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	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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b. February 18, 2021, RPBCWD Board of Managers Monthly Meeting

Manager Ziegler moved to approve the minutes as presented. Manager Pedersen seconded the motion. Manager Crafton noted on line 1 the reference of “Ms.” needs to be changed to “Mr.” She pointed out an edit on line 7, the word “quested” should be changed to “questioned.” Managers Ziegler and Pedersen agreed by consent to Manager Crafton’s friendly amendment to the motion. Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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c. February 22, 2021, RPBCWD Board of Managers Monthly Meeting

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

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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d. March 3, 2021, RPBCWD Board of Managers Regular Meeting

Manager Ziegler moved to approve the minutes as presented. Manager Pedersen seconded the motion. Manager Pedersen noted a correction on line 208 to delete the extra words, “and the.” Manager Ziegler agreed by consent to Manager Pedersen’s friendly amendment to the motion. Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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e. March 9, 2021, RPBCWD Board of Managers Special Meeting

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Manager Ziegler moved to approve the minutes as presented. Manager Pedersen seconded the motion. Manger Crafton pointed out an edit on line 1 to replace the word “regular” with “special.” Manager Koch commented that at the meeting he read his resolutions into the minutes, so the resolutions should be set forth in the minutes starting on line 42. He said that especially if the Board would adopt Attorney Smith’s version that these minutes are supposed to qualify as a journal of notes, then the minutes should at least recite resolutions that were voted upon. Attorney Smith noted Manager Koch’s resolutions were about District governance and operations matters. Attorney Smith said he can work with the recorder to get the resolutions into the minutes. Managers Ziegler and Pedersen agreed by consensus to Manager Koch’s friendly amendment. Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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f. March 9, 2021, Meeting Continuation on March 15, 2021 - RPBCWD Board of Managers Special Meeting

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Manager Ziegler moved to approve the minutes as presented. Manager Pedersen seconded the motion. Manager Crafton requested an edit on line 57 to add the word “to,” so the phrase reads, “work to improve communication.” Managers Ziegler and Pedersen agreed by consensus to Manager Crafton’s friendly amendment. Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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7. CAC

137 Ms. Sharon McCotter reported the CAC didn't conduct a March meeting but did gather to say
 138 goodbye to Dr. Bleser and Ms. Lauer. Ms. McCotter said the draft minutes from the CAC's April
 139 6th meeting are in the CAC's Google drive for the Board's review. She said one of the CAC's
 140 specific tasks is to advise and assist the managers on topics of interest, especially when issues of
 141 concern are raised by the public. Ms. McCotter said several concerns have been raised about the
 142 Noble Hill property development. She said the proposed project is a 28-acre development for 40
 143 to 50 residential units, and she believes they are single-family homes. Ms. McCotter reported
 144 concerns raised by the public include the development will impact the Fredrick-Miller spring and
 145 potentially Riley Creek.

146 Ms. McCotter talked about the CAC's steps to collect more information about the proposed
 147 project and concerns being raised by the public about the project, such as the City's rezoning of
 148 the project area from rural zoning to urban zoning. She explained she attended a City of Eden
 149 Prairie planning commission public meeting and heard comments regarding concern about the
 150 potential negative impact of the proposed project on the environment, specifically loss of trees
 151 and the addition of impervious surfaces and the potential negative impact on water quality and
 152 function of the spring, wetland, and creek. She mentioned a petition that citizens are circulating
 153 regarding the rezoning and said there are approximately 2,700 signatures on the petition right
 154 now.

155 Ms. McCotter said the Director of Land Planning and Entitlement for Pulte Homes came to the
 156 CAC's meeting and expressed that Pulte Homes wants to collect enough data but wasn't sure if
 157 there is data on the sites that people are expressing concerns about as listed in the petition. She
 158 said Pulte Homes and Alliant Engineering target having the research about possible impacts
 159 complete within the next few weeks, specifically targeting before May 4th or 5th.

160 Ms. McCotter presented the CAC's motion to request the support of the RPBCWD Board of
 161 Managers in the gathering of additional information, so the watershed can be as helpful as
 162 possible to minimize development impacts if the project is approved by the City and to make any
 163 alterations as needed to protect the Fredrick-Miller Spring and Riley Creek from degradation.

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Manager Pedersen noted she read an article in which the City of Eden Prairie stated the spring and water area won't be impacted by the proposed project.

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Interim Administrator Jeffery remarked an EAW was completed and found no recognized environmental condition for impacting the spring through the development of that area. He noted the water is piped under Spring Road from the west. He said the reason the City feels the proposed project is not going to affect the recharge of the spring is because the project is separated by the creek from the actual source of the spring.

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Manager Koch said it seems the District would want to see information from Hennepin and Carver counties and said he'd like District staff to explain to the Board what's being proposed with the project. Manager Koch moved to direct staff to gather information and report findings to the Board as soon as possible in terms of pros and cons, possible environmental impacts, and any issues for the watershed to address. Manager Ziegler seconded the motion and added the friendly amendment to direct the District Engineer to see if the District has rules regarding development around and on bluffs including any rules about any set back from bluffs. Manager Koch accepted Manager Ziegler's friendly amendment.

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President Ward asked staff if they have reviewed anything for this project. Interim Administrator Jeffery said yes, District staff has worked on the first-round review. He said the submission was incomplete, so staff requested and is waiting to receive additional information.

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Managers commented on their concerns about the proposed project's possible disruption to the ground, soil, and landscape at and around the project site.

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

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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Manager Pedersen suggested staff reach out to Carrie at Freshwater Society to see if she has information about this bluff because she has done plotting throughout Hennepin County.

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Manager Crafton noted she will be the Board representative at the CAC's next meeting.

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8. Consent Agenda

192 Manager Koch moved to approve the Consent Agenda [as amended in agenda item 2]. Manager
 193 Crafton seconded the motion. President Ward listed the following Consent Agenda items: 8a –
 194 Accept March Staff Report, 8b – Accept March Engineer’s Report, 8e – Approve permit
 195 application #2021-004, Silver Lake Water Quality Project as presented in the proposed Board
 196 action of the permit report, 8f – Approve Silver Lake Land Use Agreement, and 8g – Approve
 197 RPBCWD 2020 Annual Report for distribution to BWSR and the DNR. Manager Koch clarified
 198 that the Board’s approval of the permits includes the recommendations and conditions set forth in
 199 the staff report. The managers agreed with Manager Koch’s statement.

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

201

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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9. Action Items

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

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205 **i. Accept March Construction Inspection Report**

206 Manager Koch said the report noted a lot of non-compliance items. He asked
 207 for an update on those items and asked how the change in staffing has affected
 208 the District’s inspection program, if at all. Interim Administrator Jeffery
 209 provided an update on inspections by the District’s construction inspection staff
 210 member. He said this is the first month of inspections as road restrictions only
 211 recently lifted. He added that there is a little issue with the reporting, and
 212 ultimately he wants this report to pull directly from the database. Interim
 213 Administrator Jeffery said he is helping with inspections on larger or more
 214 sensitive sites, and staff member Mat Niklay is full-time on construction
 215 inspections. Interim Administrator Jeffery said staff has the capacity to continue
 216 handling all inspections.

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Manager Koch moved to accept the March Construction Inspection Report. Manager Ziegler seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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ii. Approve Permit Application #2021-004, Silver Lake Water Quality project as presented in the proposed board action of the permit report

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Manager Koch asked for background on the proprietary stormwater treatment unit. Engineer Sobiech responded with details. Manager Koch asked if there is an adequate maintenance agreement to make sure the unit operates for the duration. Engineer Sobiech stated the District is requiring a maintenance declaration that will be assigned to the property and travel with the property should it ever change ownership. He added that as part of that declaration, the manufacturer’s operations and maintenance plan for the filter systems will be incorporated into the declaration, which will be adequate for the system to continue to perform as intended.

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Manager Koch moved to approve Permit 2021-004. Manager Ziegler seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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iii. Award Silver Lake Water Quality Project as Presented in the Recommended Board Action Section of the Engineer’s Recommendation Memo

Manager Koch said he didn’t intend to remove this item from the Consent Agenda. Manager Pedersen moved to approve awarding the Silver Lake Water Quality Project as presented in the recommended Board action section of the Engineer’s Recommendation Memo. Manager Ziegler seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

b. Accept February Treasurer’s Report

Manager Crafton stated the report has been reviewed in accordance with internal controls and procedures. She moved to accept the February Treasurer’s Report. Manager Pedersen seconded the motion.

Manager Koch commented he has his continued objection to the cover letter provided by Redpath and Company in two respects. He said he has asked for changes several times, but Redpath says the format is the format requested by the Board. Manager Koch says no one has provided him information to support that the Board acted to direct a format. He added that he had suggested revisions and recommended they be incorporated into and adopted with the District’s Bylaws, but that didn’t happen.

Manager Koch remarked his second issue is the cover letter states revenues are reported on a cash basis, but the balance sheet reports accruals. He said there should be consistency between the cover letter and the report, and the rules should be followed. Manager Koch said the Board should adopt a format, which should be the format set forth in the District’s policies. He said the cover letter should be consistent with the policy, and the balance sheet should be consistent with the District’s policy of reporting on cash or accrual or exceptions.

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

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	No
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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President Ward asked Treasurer Crafton to clarify with the accountant if the District is operating on a cash basis or an accrual basis.

c. Paying of Bills

Manager Crafton moved to pay the bills. Manager Ziegler seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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d. Consider Floodplain Variance Request for Permit Application #2021-005, Lake Place Project; Approve Permit Application #2021-005, Lake Place Project as Presented in the Proposed Board Action of the Permit Report

Engineer Sobiech shared a PowerPoint presentation and walked the Board through the permit application review and variance request. He explained the permit is for the construction of an apartment building in Chanhassen on a 3.7-acre site and will include creating 1.82 acres of impervious surface. Engineer Sobiech said the project proposes underground stormwater retention filtration basins as well as a surface filtration basin on site. He went through the permit review and pointed out the Engineer’s conditions that the applicant provide requested information about the proposed erosion control plan and the maintenance declaration. He noted the permit condition that before the District releases the financial assurance, the permit holder will need to provide a chloride management plan to the District.

292 Engineer Sobiech explained the project as proposed doesn't conform to the District's
293 Rule B, Floodplain Management and Drainage Alterations. He reported the applicant
294 has requested a variance to the compensatory storage location requirements in
295 subsection 3.2 of Rule B. Engineer Sobiech said the applicant worked with the City of
296 Chanhasen regarding the evaluation of the wetland on the site. He said the wetland is
297 an incidental wetland, meaning it exists because of construction activities that caused
298 water to pond in that location. Engineer Sobiech explained the wetland meets the
299 District's definition of a water body, meaning the District needs to consider impacts of
300 potential floodplain fill by the proposed development of this area. He explained the
301 applicant is requesting a variance to the compensatory storage location requirements
302 because the project isn't providing compensatory storage within the same floodplain to
303 the waterbody. Engineer Sobiech said that because the wetland is an incidental wetland,
304 as determined by the City, the City is allowing the wetland to be completely filled by
305 the development, which means the floodplain will no longer exist after the development
306 occurs.

307 Engineer Sobiech went through the District's Rule K variance criteria. He addressed
308 how substantial the variance is from the rule provision, noting the project will provide a
309 net increase of 318 cubic yards of floodplain storage, but the applicant is providing
310 compensatory storage by the construction of a biofiltration and a large underground
311 stormwater treatment facility. Engineer Sobiech pointed out the project will provide
312 approximately two times the amount of compensatory storage in those two facilities
313 compared to what the project will fill in the floodplain. He talked about whether the
314 variance will affect government services or substantially change the character of or
315 cause material adverse effect to water resources, flood levels, drainage, or the general
316 welfare in the District, or be a substantial detriment to neighboring properties. Engineer
317 Sobiech clarified the proposed project isn't reasonably likely to cause off-site adverse
318 impacts or adversely affect offside governmental services, water resources, flood levels,
319 or neighboring properties and the proposed variance only impacts the applicant's
320 property.

321 Engineer Sobiech stated the technical measures the applicant has taken to alleviate the
322 practical difficulty include the proposal of constructing two stormwater facilities onsite
323 to provide a little over twice as much compensatory storage. He explained that the
324 practical difficulty came about because the applicant wanted to fill the floodplain. He
325 added that the applicant did so with the approval of the City of Chanhasen, which is the
326 Local Governmental Unit (LGU) responsible for administering the Wetland
327 Conservation Act.

328 Engineer Sobiech summarized that because the project increases storage below the 100-
329 year flood elevation of the incidental wetland, which the LGU is allowing to be filled,
330 the District Engineer finds there is adequate technical basis for the managers to rely on
331 to grant the requested variance.

332 Engineer Sobiech responded to questions.

333 Manager Ziegler moved to approve the variance for Permit Application 2021-005 based
 334 on the Engineer’s analysis and conditions as reported. Manager Crafton seconded the
 335 motion. Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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338 Manager Ziegler moved to approve the Permit 2021-005 based on the Engineer’s
 339 analysis, recommendations, and conditions as reported. Manager Crafton seconded the
 340 motion. Upon a roll call vote, the motion carried 5-0 as follows:

341

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

342

343 **e. Approve Rule D and Rule F Regulatory Amendment with Staff Suggested**
 344 **Response to Comments**

345 Interim Administrator Jeffery reminded the Board that when the Board adopted taking
 346 on shoreline regulations, the reason it did so was because the Board wanted to consider
 347 the entire resource of the shoreline including habitat, shoreline protection, and
 348 aesthetics. He said if the Board wants to go back to rip rap, the Board could go back to
 349 the DNR and have applicants go through the DNR general permit. He said he doesn’t
 350 believe that is what the District wants to do.

351 Interim Administrator Jeffery said if the District says it will fund rip rap, the
 352 maintenance will need to be revised because it will no longer apply. He explained that
 353 the amendment as written allows for existing rip rap to be repaired, and he said proof of

354 erosive forces aren't required. He said the amendment directs that rip rap can be
355 repaired but the property owner must provide the District documentation that the rip rap
356 repair is being done to standard. Interim

357 Administrator Jeffery said that if the Board is wanting instead to say the District will
358 fund that rip rap repair, then the Board would toss out this proposed amendment and
359 start over. He said the existing scoresheet doesn't account for wake boats, but the
360 scoresheet has data behind it and is defensible. Interim Administrator Jeffery said he
361 isn't debating that wake boats need to be considered and accounted for, but he isn't sure
362 this proposed amendment is the time to try and account for wake boats. He pointed out
363 the purpose of this amendment is to ease the burden right now for the people with rip
364 rap or existing shoreline stabilization techniques that need repair.

365 Manager Koch said the District should make sure the amendment states that the rip rap
366 must meet the DNR requirements. Interim Administrator Jeffery said the amendment's
367 language includes that it is necessary to meet 3-4 but not 3-1, which is the erosion
368 intensity. Manager Koch asked if inspection language can be included in the permit
369 conditions. Manager Jeffery said yes.

370 The managers and staff discussed the upcoming University of Minnesota St. Anthony
371 Falls research report and how the data could be reviewed and applied to the District's
372 erosion intensity scoring process.

373 Manager Ziegler moved to approve Rule D and Rule F as written and for the Board to
374 revisit the erosion intensity score sheet and the District's rules when the District has the
375 additional research data on wake boats. Manager Koch seconded the motion. Attorney
376 Smith clarified that the approval is per adoption of the resolution to adopt the rule
377 amendment. Manager Koch made the friendly amendment to adopt resolution 2021-003
378 to adopt the rule amendment. Manager Ziegler accepted the friendly amendment.

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

380

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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383 **f. Authorize Change to SRF Contract to Provide Construction Administration**
 384 **Services for St. Hubert’s Opportunity Project**

385 Interim Administrator Jeffery said the previous project manager thought the District
 386 would provide the construction administration services in-house, but due to
 387 considerations such as staff capacity and liability for a project the District didn’t design,
 388 he recommends the District have SRF provide construction administration services. He
 389 said he will direct SRF to write the proposal to have a cost not-to-exceed and to itemize
 390 costs, because there are tasks District staff can complete such as grant reporting.

391 Manager Koch asked questions about the District’s contract with SRF, including about
 392 the proposed extra cost. Interim Administrator Jeffery said the not-to-exceed cost is
 393 \$19,850.

394 Manager Koch moved to authorize Attorney Smith and Interim Administrator Jeffery to
 395 prepare a contract amendment including the District’s standard terms and conditions
 396 and including the provision of the construction administration services set forth in
 397 SRF’s letter and those amounts identified in the letter. Manager Pedersen seconded the
 398 motion.

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

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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402 **g. Adopt Resolution 2021-004 Allowing for use of Stewardship Grant for**
 403 **Various Shoreline Stabilization Practices (Permitted)**

404 Interim Administrator Jeffery said this item is in front of the Board because the
 405 District’s cost-share program specifies that any activity that needs to be done to abide
 406 by the District’s regulatory program is ineligible for cost-share funds. He said staff
 407 thinks the public good of shoreline stabilization is self-evident, so staff recommends
 408 shoreline stabilization projects be eligible for the District’s cost share grants. Interim
 409 Administrator Jeffery said the resolution as written only provides for bioengineering
 410 techniques to be eligible for cost share grants. He said the Board can consider what
 411 types of techniques it wants to make eligible for cost-share funds. Manager Pedersen
 412 said she is in favor of the resolution as written and that the Board can reconsider at a

413 future time if the District receives more data about wake boats. Manager Ziegler
 414 seconded the motion.

415 Manager Koch said that with this motion, the District isn't providing money where is it
 416 really needed and is providing money for projects on shoreline that needs less
 417 protection. He said the Board can discuss this at a later date, but he wants to point out
 418 that the District isn't putting money where the most damage is happening.

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

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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422 **h. Selection of Consultants**

423 [Item to be discussed at the meeting continuation.]

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10. Discussion Items

425 **a. Silver Lake Shorewood Street Reconstruction (Pedersen)**

426 Manager Pedersen asked Interim Administrator Jeffery to update the Board on progress
 427 made in the past month. Interim Administrator Jeffery provided an update, adding that
 428 plans, estimated costs, and a cost-share application will be submitted by the City to the
 429 District.

430 **b. 2021 Work Plan (Koch)**

431 Manager Koch asked if the Board and staff need to adjust the District's 2021 workplan.
 432 He said he wants to know sooner rather than later about potential impacts or adjustments
 433 to the workplan. Interim Administrator Jeffery said he will pull together the staff and go
 434 through the workplan and come back to the Board with an assessment and any
 435 recommendations about the 2021 workplan.

436 **c. Strategic Planning**

437 Interim Administrator Jeffery said the Board has talked about doing strategic planning,
 438 and he would like to reach out to Jen Kader of the Freshwater Society about strategic
 439 planning and come back to the Board with more information.

440 President Ward commented strategic planning isn't a two-hour exercise and could take
 441 multiple meetings over a period of time. He said it needs to be done and done right, but
 442 he isn't in favor of embarking on it in the next 90 days. Manager Crafton remarked three
 443 managers have viewed the movie, "Kiss the Ground." She said the movie highlights
 444 important concepts, and those concepts could impact the District's effectiveness.
 445 Manager Crafton said the movie could be made available to people to view on their own
 446 to be able to discuss as part of the strategic planning process. President Ward suggested
 447 Manager Crafton's point be assimilated into the Board's next discussion about strategic
 448 planning.

449 **d. Administrator Report**

450 No items raised.

451 **e. Managers' Report**

452 Manager Koch reported he discussed his concerns about the upcoming audit and audit
 453 response with Interim Administrator Jeffery. Manager Koch said he can't give Interim
 454 Administrator Jeffery direction, but it is important that someone from the auditor is
 455 available to answer questions.

456 Manager Koch suggested implementing tools to make it easier to find stuff on the
 457 District's website. He said he would welcome a proposal from Interim Administrator
 458 Jeffery about this work. Manager Koch noted he recently read information that the
 459 District had discussed doing a report card every year, and he suggested the idea be part of
 460 the strategic planning discussion.

461 President Ward said the Board needs to have an opportunity to ask questions during the
 462 audit report. Treasurer Crafton said she and Interim Administrator Jeffery met today with
 463 the auditor and let the auditor know to expect questions from the managers. Manager
 464 Koch moved to require the auditor to produce someone at the audit presentation who can
 465 answer Board questions about the audit. President Ward seconded the motion.

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

467

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

468

469

11. Upcoming Board Topics

470 President Ward listed upcoming Board topics including the Soil Plan Amendment and a
 471 review of the District’s 10-Year Plan. He asked Interim Administrator Jeffery if the May
 472 workshop should be on the 10-Year Plan or the soil amendment. Interim Administrator
 473 Jeffery suggested the 10-Year Plan and the report cards as well as the 2021 workplan.

474 Manager Crafton stated the District might not need to go as far as a soil plan amendment
 475 but instead could consider adopting a soil policy and ways to encourage behaviors.

476 President Ward directed Interim Administrator Jeffery to handle the details to make the
 477 May 5th workshop happen.

478 Manager Koch reminded the Board it tabled anything to do with the solicitation of
 479 applications for an interim administrator until the Board’s May meeting. He suggested
 480 tabling it indefinitely until the Board takes an affirmative step to go down the path of
 481 soliciting applications. President Ward agreed. Manager Koch moved to table the matter
 482 of soliciting applications for District Administrator indefinitely until the managers vote to
 483 affirmatively solicit applications for that position. Manager Pedersen seconded the
 484 motion. Upon a roll call vote, the motion carried 4-1 as follows:

485

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	No

486

12. Upcoming Events

- 487 • CAC Meeting, April 19, 2021, 6:00 p.m., virtual
- 488 • MPCA Turfgrass Maintenance Training, April 20, 8:30 a.m., virtual
- 489 • MPCA Smart Salting for Parking Lots and Sidewalks, April 27, 9:00 a.m.
- 490 • Board of Managers Monthly Work Session, May 5, 2021, 5:00 p.m., virtual
- 491 • Board of Managers Regular Meeting, May 5, 2021, 7:00 p.m., virtual

492

13. Action to Continue Meeting

493 President Ward said the Board discussed at the beginning of tonight’s meeting holding over
494 discussing comments on the District’s annual report and the agenda item on the selection of
495 consultants until a continuation of this meeting. Manager Koch moved to continue the meeting to
496 April 13th at 9:00 a.m. Manager Pedersen seconded the motion. Upon a roll call vote, the motion
497 carried 5-0 as follows:

498

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

499

500

The meeting was continued at 9:21 p.m.

501

502

503

504


Respectfully submitted,

505

506

507

508


David Ziegler, Secretary