

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

June 5, 2019, RPBCWD Board of Managers Monthly Meeting

PRESENT:

Managers: Jill Crafton, Treasurer

Larry Koch

Dorothy Pedersen, Vice President

Dick Ward, President

David Ziegler, Secretary

Staff: Claire Bleser, RPBCWD Administrator

Terry Jeffery, Watershed Planning Manager

Louis Smith, Attorney, Smith Partners

Scott Sobiech, Engineer, Barr Engineering Company

Other attendees: Greg Hawks, Chan. Env. Comm.

Joann Syverson, Chanhassen Resident; LLCA

Amy Herbert, Recorder

Lori Tritz, Chair, CAC

Laurie Susla, LLCA

1. Call to Order

1 President Ward called to order the Wednesday, June 5, 2019, Board of Managers Monthly Meeting at 7:00 p.m. at
2 the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

2. Approval of the Agenda

3 Manager Ziegler moved to accept the agenda as presented. Manager Pedersen seconded the motion. Upon a vote,
4 the motion carried 4-0 [Manager Koch absent from vote]. Administrator Bleser clarified that the Board will hold
5 a budget workshop at 5:30 p.m. on July 10 at the District Office prior to the regular Board’s regular monthly
6 meeting.

3. Matters of General Public Interest

7 There were no matters of general public interest raised.

4. Approval of Minutes

a. March 19, 2019, RPBCWD Board of Managers Joint Workshop with City of Eden Prairie

8 Manager Crafton noted Manager Pedersen’s name should be removed from the workshop attendee list as
9 she was not present. Manager Crafton requested that on page 2, line 39, the word “fielding” be corrected
10 to “fielded.” Manager Ziegler moved to accept the minutes as revised. Manager Pedersen seconded the
11 motion. Upon a vote, the motion carried 4-0 [Manager Koch absent from vote].
12

13 **b. May 1, 2019, RPBCWD Board of Managers Monthly Meeting**

14 Manager Crafton requested an edit on page 2, line 114 to replace the word “it” with “that.” She noted a
15 correction on page 6, line 172 to replace the word “minutes” with “staff report.” Manager Ziegler a change
16 on page 4, line 96 to add the word “amended.”

17 Manager Pedersen moved to accept the minutes as revised. Manager Ziegler seconded the motion. Upon a
18 vote, the motion carried 4-0 [Manager Koch absent from vote].

19 **c. April 23, 2019, Board of Managers Governance Workshop**

20 Manager Ziegler moved to approve the minutes as presented. Manager Pedersen seconded the motion.
21 Upon a vote, the motion carried 4-0 [Manager Koch absent from vote].
22

5. Citizen Advisory Committee (CAC)

23 Ms. Lori Tritz, CAC Chair, updated the Board about the CAC’s May meeting. President Ward noted that the
24 meeting packet did not include the CAC’s May meeting minutes. Ms. Tritz talked about the AIS presentation
25 given to the CAC at its May meeting and the CAC’s key take-aways, such as: AIS prevention is the most cost-
26 effective measure and AIS rapid response efforts aren’t very effective. She shared that the CAC believes
27 additional attention at high-risk times, such as when lake providers are putting docks in and out of lakes, is an
28 effective use of AIS funds. Ms. Tritz reported that the CAC feels that grassroots and bottom-up ownership of
29 local water resources and local monitoring should be encouraged. She shared a CAC idea of the District
30 developing a grant program to provide AIS grants to associations that are actively working to monitor and prevent
31 AIS. Regarding wake surfing, Ms. Tritz stated the CAC encourages the Board to speak on behalf of the lake.
32 There was discussion about the CAC’s ideas as presented by Ms. Tritz. Ms. Tritz said the AIS grants idea is still
33 under discussion by the CAC. President Ward requested staff provide the CAC May meeting minutes to the
34 Board.

35 *[Manager Koch arrived at 7:15 p.m.]*

6. Consent Agenda

36 Manager Pedersen moved to accept the Consent Agenda as presented. Manager Crafton seconded the motion.
37 Upon a vote, the motion carried 5-0. The items on the Consent Agenda included: 6a – Accept May Staff Report;
38 6b – Accept May Engineer’s Report (with attached inspection report); 6c – Permit 2018-028: Oak Point
39 Elementary Parking Lot; 6d – Permit 2018-043: Control Concepts – Approve Permit Modification as Presented in
40 the Proposed Board Action of the Permit Report; 6e – Permit 2018-062: Lower Riley Creek Stabilization Project
41 – Approve Exception and Permit as Presented in the Proposed Action of the Permit Report; 6f – Permit 2019-019:
42 Sheldon Place – Approve Permit as Presented in the Proposed Board Action of the Permit Report; 6g – Award
43 2019 Duck Lake Watershed Tree Installation Contract.

7. Action Items

44 **a. Pulled Consent Agenda items**

45 There were no items pulled from the Consent Agenda.

46 **b. Accept April Treasurer’s Report**

47 Treasurer Crafton communicated that the report has been reviewed in accordance with the District’s
48 internal controls and procedures. She moved to accept the Treasurer’s Report. Manager Pedersen

seconded the motion. Manager Koch asked a series of questions about the report, including whether the District has invested funds through 4M. Administrator Bleser responded no, the District’s funds are currently invested only at Wells Fargo. She talked about steps staff is taking regarding investigating banking options. Manager Koch asked if the District’s checking accounts are interest bearing. Administrator Bleser responded no. Upon a vote, the motion carried 5-0.

c. Approve Paying of Bills

Manager Crafton moved to pay the bills. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

d. Approve the DNR Flood Mitigation Grant for 750 Pioneer Trail: Resolution 2019-017

Mr. Jeffery reported that the Minnesota Department of Natural Resources (MNDNR) let the District know that the flood mitigation grant funds could be released for both 730 Pioneer Trail, which the Board took action on at a previous meeting, and 750 Pioneer Trail, if the Board passes this resolution for 750 Pioneer Trail. Mr. Jeffery explained the process is streamlined by submitting 730 and 750 together. Manager Ziegler moved to approve Resolution 2019-017 to approve the DNR Flood Mitigation Grant for 750 Pioneer Trail. Manager Crafton seconded the motion.

By call of roll, the motion carried 5-0.

<i>Manager</i>	<i>Aye</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Crafton	X			
Koch	X			
Pedersen	X			
Ward	X			
Ziegler	X			

e. Approve MAWD Summer Tour Attendees

The Board discussed who would attend the MAWD (Minnesota Association of Watershed Districts) summer tour June 26-28. Manager Zielger moved to approve Manger Crafton, Manager Koch, and Administrator Bleser attending the MAWD summer tour. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

f. Approve Professional Services for: District Engineer, Pool of Engineers, Legal, Accounting, and Audit

Administrator Bleser summarized the District’s process to solicit proposals for professional services. She directed the Board’s attention to the June 5, 2019, memo from District staff regarding staff’s recommendation for engineering, legal, and accounting services based upon submitted qualifications. She went through the memo in detail, talking about proposals received and qualifications of submitting firms. Manager Ziegler moved to approve staff’s recommendation for Barr Engineering as District Engineer, the Project-Specific Engineering Pool to include Barr Engineering, HDR, HTPO, Houston, ISG, Limno Tech,

79 SRF, and Wenck & Associates, Redpath and Company White Bear Lake for accounting services, Redpath
80 and Company St. Paul for auditing services, and Smith Partners LLP as the District's legal representative.
81 Manager Crafton seconded the motion.

82 Manager Pedersen stated she believes the District needs to have different providers for its accounting and
83 auditing services. Manager Koch remarked that the District probably didn't receive additional submittals
84 because the District didn't expand its distribution of the Request for Proposals. He described other places
85 the District could post its request for proposals for services. Manager Koch went into detail about his
86 concerns with the District's process and the limited number of proposals received for accounting,
87 auditing, and legal services.

88 Manager Koch moved to amend the motion on the table to table the appointments and reissue request for
89 proposals with respect to audit and legal. The motion failed due to lack of a second. Manager Ziegler
90 moved to amend his motion to remove Redpath and Company St. Paul for auditing services from his
91 original motion and recommend staff seek proposals from an auditor other than Redpath. Manager Koch
92 seconded the motion. The motion to amend the motion carried 5-0. President Ward called the question on
93 the amended motion. Manager Koch moved to divide the vote into legal, accounting, and engineering.
94 The motion failed due to lack of second. President Ward again called a vote on the amended motion.
95 Upon a vote, the motion carried 4-1 [Manager Koch voted against the motion.]

8. Discussion Items

a. Report from Personnel Committee

96 Manager Pedersen shared information about a proposal the Committee received from Baker Tilly, a
97 human resources consulting firm, and the watershed-specific experience of Baker Tilly's Director Sharon
98 Klump. Manager Pedersen explained that regarding work on the District Administrator's job description,
99 the proposal for phase 1 includes talking with the Administrator and staff, doing a complete position
100 analysis, and using that information plus data from other local watershed organizations to provide a draft
101 Administrator job description for the Administrator and managers to review. She reported the proposal
102 estimates three to four hours of work and a cost of \$650-\$1,200. Manager Pedersen said the Committee is
103 looking for approval from the Board to move forward with this proposal from Baker Tilly.
104

105 Manager Crafton moved to accept and approve implementing this proposal from Baker Tilly. Manager
106 Ziegler seconded the motion. Manager Koch asked how Baker Tilly was identified for this proposal.
107 Manager Pedersen responded that she talked with members of local governmental units and the District's
108 Legal Counsel. Manager Koch asked why the District wouldn't use the same process for proposals for HR
109 services that it uses for other professional services. Manager Pedersen said she believes the average HR
110 consultant doesn't have the same expertise with watersheds as does an HR consultant that has worked
111 with local watershed organizations. There was further discussion about the process the Committee used to
112 request proposals for this work. Manager Koch said he would like to be able to review the proposal since
113 it wasn't provided to the Board prior to the meeting. Manager Koch moved to lay this item over. The
114 motion failed due to lack of a second. President Ward called the question on the motion on the table. The
115 motion carried 4-1 [Manager Koch voted against the motion.]

b. Report from Governance Committee

116 President Ward reported the Committee has finished its review of the existing District Governance
117 Manual as directed by the Board. He said the Committee is planning to have another meeting in the next
118 few weeks to take into consideration new items that could be incorporated into the Manual. He said the
119

120 Committee meeting be public noticed soon. Manager Koch requested the Board schedule a half-day
 121 workshop to work through the proposed changes to the Governance Manual and to discuss the District’s
 122 financial and operating provisions. He reiterated his specific concerns about Redpath and Company as
 123 being the District’s auditor, including absence of policies Redpath has referenced. There was discussion
 124 about the way the Board could move forward with the process of updating the Governance Manual, and
 125 Manager Koch asked if the Committee is saying that it doesn’t want any of his comments or suggestions.
 126 Administrator Bleser noted that in the past, the Board would discuss the proposed changes at one meeting
 127 and then have the adoption of changes on the following meeting’s agenda, so that the Board members
 128 have time to review and discuss. President Ward said that when the managers receive the draft, the
 129 managers all have the same chance to comment on suggested additions, corrections, and so on.

130 **c. Update on Flood Mitigation Grant at Pioneer Trail**

131 Mr. Jeffery reported the closing on 730 Pioneer Trail will be July 1 and the owner of 750 verbally
 132 communicated that he would sell after the other two have sold. Mr. Jeffery said that once the three
 133 properties have been purchased, the feasibility phase will begin. He responded to Manager Koch’s
 134 questions about the status of all three properties, 730, 750, and 770 Pioneer Trail.

135 **d. Rules Update**

136 Mr. Jeffery reminded the Board of the April 24th listening session the District held regarding its rules and
 137 rules process. He summarized the feedback received from that meeting and the online survey. Mr. Jeffery
 138 outlined staff’s proposed changes to the District’s rules based on the feedback. He said staff will bring the
 139 proposed changes to the TAC at its June 17th meeting and bring a draft for Board discussion at its July
 140 monthly meeting, then in front of the Board for action at its August meeting and direction to send the
 141 rules revisions out for public comment. Mr. Jeffery said staff hopes the rules revisions would be adopted
 142 in November.

143 President Ward asked staff to call a meeting of the people who attended the April 24th listening session
 144 and provide them with the draft as it stands after the TAC and Board comment at their next meetings.
 145 President Ward said the District should hear from that group about the proposed changes. Manager Koch
 146 suggested ways the District could develop standards as a way for constituents to know what the District
 147 will or won’t accept. Mr. Jeffery said staff could probably develop a flow chart similar to the chart for
 148 MIDs. Manager Pedersen said she would like to know what makes the District’s rules onerous compared
 149 to other watershed districts that the cities are working with. Mr. Jeffery said staff can pull together a
 150 spreadsheet of watershed’s rules.

151 **e. Wakeboarding Surfing Request**

152 Manager Koch said he asked this be added to this month’s agenda as a follow up to the discussion at last
 153 month’s Board meeting. He asked if the District has a means in place by which to measure shoreline
 154 erosion or if not, what it would take to put something in place. Administrator Bleser followed up on a
 155 question last month about the potential effect of waves on an alum treatment. She said there will be some
 156 resuspension of the alum in the shallow areas but since the District’s focus for the treatment is on deep
 157 areas and most of the wave energy would be dissipated by the time it reaches the deep area.

158 Mr. Jeffery commented that the District has the capability in-house to measure deterioration of shoreline
 159 and the force of waves, but the issue is correlating such exclusively to wakeboarding. Administrator
 160 Bleser noted that the District does have a baseline measurement from the DNR, which conducted a
 161 shoreline evaluation for Lotus Lake and Lake Riley in 2016. The Board asked staff to collect information
 162 on plants in the water, shoreline, and land while out collecting data.

f. MN Lakes and River Advocates

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164 Manager Koch said he is a member of MN Lakes and River Advocates, and it is having a 50th anniversary
165 celebration celebrations on June 14th and he would like to attend. He asked if the Board had any
166 objections. Manager Crafton recommended he ask others about their experiences with wake boarding.
167 There was discussion about whether Manager Koch would represent the District while at the event or
168 represent himself and whether he was requesting District funds for the registration and hotel. Manager
169 Koch and the Board agreed that Manager Koch would represent himself at the event and that he wouldn't
170 request District funds for costs. Manager Koch said this type of cost is an item the Board should discuss
171 as part of its Governance discussion.

g. Minnesota Association of Watershed Responsibility

172
173 President Ward noted that this item is information only. Administrator Bleser brought to the Board's
174 attention the existence of the Minnesota Association of Watershed Responsibility and information it is
175 circulating, particularly about the RPBCWD being one of the most onerous watersheds. President Ward
176 said the District needs to touch base with its state representatives and county commissioners about this
177 information. Attorney Smith agreed that conversation is a great way forward. He noted that the District's
178 annual reports document that the most significant environmental outcomes the District has been a part of
179 achieving have been through its regulatory program. Attorney Smith explained that appreciating the value
180 of the regulatory program fundamentally is an important part of the District's overall communication. He
181 added that developers are accustomed to reaching out to the watershed late in their development process.
182 Manager Crafton remarked that the District is a member of MAWD and as such should ask MAWD what
183 its communications and messages are about this issue.

9. Upcoming Board Topics

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185 President Ward noted that the Board's Budget Workshop is July 10th at 5:30 p.m. at the District Office.
186 He highlighted upcoming District events and noted that upcoming Board topics include the selection of
professional services.

10. Upcoming Events

- 187 • Smart Salting for Property Managers, June 5, 9 a.m.-1:30 p.m., District Office, 18681 Lake Drive East,
188 Chanhassen
- 189 • Sustainable Lawns, Flowers and Fescues Workshop, June 5, 6:30 p.m.-8 p.m., Bloomington Public Works
- 190 • Walk with the Watershed, June 7, noon-1:00 p.m., Bluff Creek Trail
- 191 • Community Planting Event, June 8, 9 a.m.-1:00 p.m., Scenic Heights School Forest
- 192 • Wetland Walk, June 11, 6 p.m.-8:00 p.m., District Office, 18681 Lake Drive East, Chanhassen
- 193 • Turfgrass Maintenance Training and Certification, June 18, 8 a.m.-2:30 p.m., Bloomington Public Works
- 194 • Boat Rides on Lake Riley, 50th Anniversary Event, June 22, 2 p.m.-5:00 p.m., Riley Lake Beach
- 195 • Personnel Committee Meeting, June 24, 2019, 4:00 p.m., District Office, 18681 Lake Drive East, Chanhassen
- 196 • Minnesota Association of Watershed Districts (MAWD) Summer Tour, June 26-28, Moorehead, MN
- 197 • Citizen Advisory Committee Meeting, June 17, 6:00 p.m., District Office, 18681 Lake Drive East,
198 Chanhassen
- 199 • Governance Committee Meeting, TBD, District Office, 18681 Lake Drive East, Chanhassen

- RPBCWD Board of Managers Budget Workshop, Wednesday, July 10, 5:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
- RPBCWD Board of Managers Regular Board Meeting, Wednesday, July 10, 7:00 p.m., District Office, 18681 Lake Drive East, Chanhassen

11. Adjourn

Manager Pedersen moved to adjourn the meeting. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 8:50 p.m.

Respectfully submitted,

David Ziegler, Secretary