

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

July 12, 2023, RPBCWD Board of Managers Regular Monthly Meeting

PRESENT:

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

Staff: Amy Bakkum, Office Administrator
Zach Dickhausen, Natural Resources Coordinator
Terry Jeffery, District Administrator
Joshua Maxwell, Water Resources Coordinator
Mat Nicklay, Natural Resources Technician
Louis Smith, Attorney, Smith Partners

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

Note: the Board meeting was held remotely via meeting platform Zoom because it was deemed not prudent to meet in person due to the COVID-19 pandemic.

1. Call to Order of Board of Managers Regular Monthly Meeting

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

5 Mr. Smith called attendance for the Board of Managers.
6

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

Pedersen	Present
Ziegler	Present

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

2. Approval of Agenda

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

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

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

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

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3. Swearing in of Manager Dorothy Pedersen

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

4. Matters of Public Interest

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

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5. Reading and Approval of Meeting Minutes

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

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

31

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

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

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

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

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

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

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

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

Duevel	Yes
Koch	No
Pedersen	Yes
Ziegler	Yes

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

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

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

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

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6. Committee Report

a. Acceptance of the Citizens Advisory Committee Report and Minutes

Andrew Aller reported on the most recent CAC meeting, which included a presentation by Dr. Lee Frelich, the Director of the University of Minnesota Center for Forest Ecology. Mr. Aller said the presentation was recorded and is posted on the RPBCWD’s YouTube channel. Mr. Aller reported the CAC is following the Board of Managers lead regarding meeting format and when to return to in-person meetings. He noted the CAC would like to return to in-person meetings. President Ziegler said he would like the Board to return to in-person meetings as well and would like the Board to discuss this topic.

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

Duevel	Yes
Koch	Yes
Pedersen	Yes
Ziegler	Yes

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

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

c. Receive Governance Committee Report and Minutes

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

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

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

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d. Receive Audit and Finance Committee Report

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

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

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

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

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

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

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

110

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

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7. Consent Agenda

112 President Ziegler listed the items on the Consent Agenda as revised, including 7a – Adopt
 113 Resolution 23-051 to Approve Consent Agenda; 7b – Receive June Staff Report; 7c –
 114 Receive June Engineer’s Report; 7d – Receive June Regulatory Program Report; 7e –
 115 Approve Permit 2023-020 Bush Lake Vet Clinic as Presented in the Proposed Board Action
 116 Section of the Permit Review Report; 7f – Approve Permit 2023-034 Lifetime Fitness
 117 Pickleball Courts as Presented in the Proposed Board Action Section of the Permit Review

118 Report, and 9g – Adopt Resolution 23-049 to Close out and Release Final Retainage for
 119 Scenic Heights Restoration Project.

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

124

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

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126 Upon a roll call vote, the amended 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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8. Old Business

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

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

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

136 Manager Koch said he does not believe it is appropriate to vote on this motion without
 137 having received the appropriate information directly from the insurance company. He
 138 said he finds it implausible the insurance company does not have actual premium
 139 numbers for any particular increases in the amount of coverage. He said something is
 140 amiss. Manager Koch said he believes the cap on tort liability is decades old and in light
 141 of significant interest increases in recent years, he believes it is appropriate for the
 142 Board to consider what is an appropriate amount of insurance so that people who
 143 happen to be injured by the actions of the District and staff and managers receive
 144 adequate compensation. He said the information he received in the memo is inadequate
 145 to make a decision.

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

147

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

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

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

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

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

167 Mr. Smith said the main point legal counsel was asked to address is what is the legal
168 authority of the Board to delegate permit approval to the administrator. He said the
169 memorandum traces the legal principles affirming the Board has that authority and
170 states the Board should delegate such authority clearly. Mr. Smith said the
171 memorandum explains the Board is always free to revise that delegation. He said the
172 memorandum explores different scenarios such as when the Board considers a permit,
173 the Board can attach a condition of approval requiring any renewal request for that
174 particular permit to come back to the Board.

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

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

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

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

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

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

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

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

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

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

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

233 The motion failed 2-2 with one abstention.

234

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

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

239

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

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

242

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

243

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

9. New Business

248 **a. Items Moved from Consent Agenda**

249 No items.

250 **b. Accept May Treasurer’s Report**

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

254 Manager Koch said he requested copies of invoices and further background data from
 255 the Administrator about several of the District’s payments and he has not received those
 256 copies. Administrator Jeffery said he has copied the managers on the responses he
 257 provided to Manager Koch. Administrator Jeffery said regarding Manager Koch’s
 258 receipt requests, it will take time to assemble copies of all those receipts. Manager Koch
 259 said he would like an explanation from the Audit and Finance Committee regarding
 260 negative balances in one of the District’s accounts. Manager Duevel responded the
 261 negative account balance at U.S. Bank is due to the way the District does its accounting.
 262 He said U.S. Bank and the 4M Fund are the same District account, as U.S. Bank is the
 263 District’s service provider for the District’s 4M Fund and is the mechanism for which
 264 the District writes checks. He said the reason for the credit negative balance reflected in
 265 the financial report is based on how the District cuts off its books at month end.
 266 Manager Duevel said he thinks there are ways to remedy it and explained it is one of the
 267 issues the Audit and Finance Committee is working on regarding the financial reports.

268 Upon a roll call vote, the motion carried 4-1.

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

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

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

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

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

Duevel	Yes
Koch	No
Pedersen	Yes
Ziegler	Yes

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

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

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

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Manager Koch asked why the District would enter into a contract now as he thought the District was going to calendar-year-basis contracts with vendors. Manager Koch said he does not think it is prudent to approve an agreement the managers have not seen. Administrator Jeffery stated this contract would bring the contract for accounting services into a December 31, 2025, contract year- end, and the District would go out for proposals in the fall of 2025 for the following year. Upon a roll call vote, the motion carried 4-1 as follows:

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

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

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

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

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

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

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

322

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

323

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

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

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

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

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

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

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

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

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

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

355 Manager Koch moved to approve the increase in the maximum cost of the contract to
 356 \$20,000 and approve the inclusion of time and expenses for responding to Minnesota
 357 Data Practices Act information requests pertaining to that project or that contract.

358 Manager Pedersen seconded the motion.

359 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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10. Discussion Items

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

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Administrator Jeffery reminded the Board of a previous discussion about an opportunity with the Upper Bluff Creek project to replace the existing reinforced concrete pipe under Galpin Boulevard. He reported he spoke with the City of Chanhassen, who spoke with MnDOT and Carver County. Administrator Jeffery explained Galpin Boulevard is a State Aid Highway and the proposed project is eligible for some funding. He said a proposed funding scenario is state aid would pay 25% of the cost and the City of Chanhassen and the District would split costs 50-50.

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

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

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

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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	Yes
Duevel	Yes

Koch	Yes
Pedersen	Yes
Ziegler	Yes

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b. MN Watersheds Request for Resolutions

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

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c. MN Watershed Board Training Survey

Administrator Jeffery asked the managers to complete the survey.

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d. Workshop Calendar

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

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e. Bluff Land Development

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

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

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

407

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

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

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

415

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

416

417 The Board moved into closed session at 9:22 p.m.

418 The Board reconvened the public regular monthly Board meeting at 10:36 p.m.

419 Manager Koch moved to continue the meeting to 1:00 p.m. on Monday, July 17, 2023,
 420 and to continue the July 17 meeting to 5:00 p.m. on Thursday, July 20, 2023. Manager
 421 Crafton seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

422

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

423

424

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

426

12. Member Reports

- 427 **a. Manager Reports**
428 [Continued to July 17.]
429
430 **b. Administrator Reports**
431 [Continued to July 17.]
432
433 **c. Legal Counsel Reports**
434 [Continued to July 17.]
435

13. Administrator Reports

- 436 [Continued to July 17.]
437

14. Legal Counsel Reports

- 438 [Continued to July 17.]
439

15. Upcoming Board Topics

- 440 [Continued to July 17.]
441

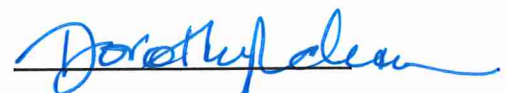
16. Upcoming Events

- 442 [Continued to July 17.]
443

17. Adjournment

- 444 [Continued to July 17.]
445
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Respectfully submitted,



Dorothy Pedersen, Secretary

