

## MEETING MINUTES

### Riley-Purgatory-Bluff Creek Watershed District

#### June 1, 2022, RPBCWD Board of Managers Work Session & Regular Monthly Meeting

PRESENT:

Managers: Jill Crafton, Treasurer\*  
Larry Koch, Vice President\*  
Dorothy Pedersen, Secretary\*  
David Ziegler, President\*

Staff: Amy Bakkum, Administrative Assistant\*  
Liz Forbes, Grant Program Coordinator\*  
Terry Jeffery, Interim District Administrator\*  
Joshua Maxwell, Water Resources Coordinator\*  
Mat Niklay, Natural Resources Technician\*  
Louis Smith, Attorney, Smith Partners\*  
Scott Sobiech, Engineer, Barr Engineering Company\*

Other Attendees: Arne Bjork Michelle Frost  
Louise Bjork Maggie

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

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

#### 1. 5:00 p.m. Work Session

- 1 President Ziegler called the Board work session to order at 5:00 p.m.  
2  
3 **a. Project Prioritization**  
4 Interim Administrator Jeffery said the intent of this work session is to discuss the  
5 District's goals, and strategies to help guide the discussion on project priorities. He said  
6 staff will go through the goals and then strategies for three of those goals to start. Interim  
7 Administrator Jeffery said he'd like this to be a discussion on why we do this, what do we  
8 do to do this, and concerns that the Board and staff have raised over the last year. He  
9 noted 2027 is when the District is due to redo its 10-year Watershed Management Plan  
10 but the District can do a Plan Amendment at any time.  
11 Interim Administrator Jeffery listed the District's mission identified in its 10-year Plan  
12 and went through the eight goals listed in the plan. He went through the Plan's Chapter 3  
13 "Goals and Strategies." President Ziegler commented that part of our regulatory program  
14 helps recharge the aquifer, but the District's plan doesn't state any goals regarding

15 enhancing the recharging of the aquifer. He said there is a lot of infrastructure to get  
16 water out of the way and to the ocean, but pre-development water would have infiltrated  
17 into the aquifers.

18 Engineer Sobiech said he thinks the District is going down the right path talking about  
19 surface water and ground water interaction, and how that connects with base flows in  
20 creeks and surficial groundwater interaction with wetlands. He said he thinks there is a  
21 great nexus there with the District's wetland work. Engineer Sobiech said it ties into the  
22 prioritization scheme we are talking about here. He stated he could see additional projects  
23 come to light out of the wetland study and the base flow analysis, so there is a fair  
24 amount of work to be done. Interim Administrator Jeffery said it goes back to having the  
25 data to make the decision.

26 Manager Koch said there is data on the groundwater and there is data concerning  
27 infiltration possibilities in the various parts of the District. He said we need to start with  
28 the data we have and let that data drive what is feasible for us to do we can do vis a vie  
29 groundwater. He said he thinks there are large portions of the District where infiltration is  
30 extremely limited, so if there is a plan for recharging aquifers, you have to do it in a place  
31 where it will actually work. Manager Koch said the focus for the areas where there isn't  
32 infiltration should be to minimize ground water use in those areas. He suggested starting  
33 with the data we have, determine the data we need in order for us to come up with a  
34 strategy to meet our goal, if our goal is to recharge where we can and minimize the use of  
35 groundwater where we can't. Manager Koch said data drives feasibility of what we can  
36 do. He said we also need to understand what's the order of magnitude of the issue driving  
37 the goal.

38 Manager Crafton stated she thinks we need to change the District's goal that currently is  
39 "limit the impact of stormwater runoff on receiving bodies." She said she thinks the goal  
40 should be to increase ecological capacity to store water and infiltration to limit impact of  
41 stormwater runoff on receiving bodies. Interim Administrator Jeffery noted there can be  
42 more discussion about strategies

43 Interim Administrator Jeffery brought up the District's goal and strategies around  
44 erosion. He said maybe the District wants to consider bringing erosion projects into its  
45 capital program, such as acquiring marginalized lands. Interim Administrator Jeffery said  
46 the District could evaluate if it wants to be more prescriptive about some of the Plan's  
47 concepts that are currently nebulous and if the District wants to set higher standards than  
48 are in place. He brought up the word "habitat," and the idea of encouraging habitat  
49 protection or enhancement into development and redevelopment projects. He said is there  
50 a way to incentivize developers to do habitat protection or enhancement.

51 Interim Administrator Jeffery asked if the District wants to look at other  
52 macroinvertebrate populations, in addition to carp, that might have detrimental effects.  
53 He reported the County is moving away from funding fish barriers, so it that something  
54 the District wants to take more of an initiative on. Manager Koch said he needs more  
55 information on these items Interim Administrator Jeffery is bringing up. Manager Koch

56 said he thinks the District should be talking about invasive species and activities that may  
57 be degrading habitat for water quality, because they go hand in hand.

58 Interim Administrator Jeffery talked about the District's strategy to seek opportunities to  
59 establish and preserve natural corridors for habitat and migration of wildlife. He said he  
60 thinks it will be important to work with other agencies on this strategy and the District  
61 should consider if it wants to take a more deliberate approach to this strategy. Interim  
62 Administrator Jeffery noted the District's Plan says the District will consider  
63 incorporating habitat restoration into District projects. He pointed out if they are District  
64 projects, perhaps the District could go ahead and incorporate habitat restoration.  
65 President Ziegler said the strategy could be revised to become that the District will  
66 incorporate habitat restoration and enhancement into District projects, where possible.

67 The managers and Interim Administrator Jeffery discussed monitoring chloride and ways  
68 it could be done, such as the Izaak Walton League program, adding to the CAMP  
69 program or the Adopt-a-Dock program. They discussed herbicide treatment of aquatic  
70 plants. Interim Administrator Jeffery asked if the District would like a to add a strategy to  
71 work with lake associations to develop lake management plans.

72 Manager Pedersen raised the idea of continuing to support the cities trying to get  
73 homeowners to replace antiquated things like softeners, iron filters, or things that use 20  
74 gallons to get one gallon of usable water. She noted a lot of people empty the water from  
75 the pool onto their property instead of the proper way and is there anything the District  
76 does about that? Interim Administrator Jeffery said if the pool isn't treated for like a  
77 week or 10 days before emptying the pool, it isn't a concern. Manager Pedersen said she  
78 thinks the District needs to educate the lake associations about this and get this education  
79 out to residents.

80 Interim Administrator Jeffery summed up that perhaps there should be a workshop on  
81 what is the data we have and what are the data gaps. The managers and staff discussed  
82 projected rainfall in terms of climate resiliency and if 1.1-inch abstraction will still be the  
83 number in 50 years, or will it be more like 1.3? Manger Koch said he would like the  
84 District to record the data each year, whether it's a wet year or a dry year, as a means to  
85 try to calibrate the District's projections. He said he wants to make sure the District's data  
86 collection plan incorporates this data collection so we can have an opportunity to  
87 incorporate it into the District's floodplain requirements.

88 Manager Crafton suggested getting cities together and talking with them about practices  
89 regarding open space. Interim Administrator Jeffery mentioned a tool AUAR [Alternate  
90 Urban-wide Area Review], which looks at the entire area, and maybe this is something  
91 the District wants to look at. He said he thinks the District needs to talk to community  
92 development directors and planners, because they set their 10-year plans. Manager  
93 Crafton suggested talking with sustainability commissions as well. Manager Pedersen  
94 suggested the District could look into talking developers, when they submit permit  
95 applications to the District, into applying for the County grants around sustainable  
96 development. Interim Administrator Jeffery said he could look into more information and  
97 also see if he could get someone to come speak to the Board at its August meeting.

98 Interim Administrator Jeffery talked about the idea of looking into emerging  
99 technologies.  
100 Interim Administrator Jeffery said the goal of this workshop has been to get ideas voiced  
101 and get the group moving in the same direction, as we haven't talked about the District's  
102 Plan overall in five years. He said he would like to come back to the Board with more  
103 concrete ideas.  
104 Manager Pedersen moved to adjourn the workshop. Manager Crafton seconded the  
105 motion. Upon a roll call vote, the motion carried 4-0 as follows:

106

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

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108 The workshop adjourned at 6:18 p.m.

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## 2. Call to Order of Regular Monthly Meeting

110 President Ziegler called to order the Wednesday, June 1, 2022, Board of Managers Regular  
111 Meeting at 7:01 p.m. The meeting was held remotely via meeting platform Zoom.

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## 3. Approval of Agenda

113 Manager Pedersen moved to approve the agenda as presented. Manager Crafton seconded the  
114 motion. She asked to move off the Consent Agenda item 8i – Adopt Resolution 22-044 Revising  
115 Meeting Schedule Moving the July Regular Meeting of the Board of Managers and the July Work  
116 Session to July 13, 2022.

117 Manager Koch asked Interim Administrator Jeffery to display the proposed revised agenda  
118 Manager Koch developed. Interim Administrator Jeffery displayed the proposed revised agenda  
119 provided by Manager Koch. Manager Koch said he would like time to discuss Consent Agenda  
120 items 8b, 8c, 8d during Agenda item 11. Manager Koch requested pulling items 8e – Approve  
121 Permit 2021-084 Chick-Fil-A Site Improvements as presented in the proposed Board action  
122 section of the permit review report, 8h – Approve Permit 2202-017 Oak Point Elementary Access  
123 Revision as Presented in the Proposed Board Action Section of the Permit Review Report, 8i –  
124 Adopt Resolution 22-044 Revising Meeting Schedule Moving the July Regular Meeting of the

125 Board of Managers and the July Work Session to July 13, 2022, 8j – Adopt Resolution 22-045 to  
 126 include Juneteenth paid federal holidays off, 8k – Adopt Resolution 22-046 to enter into a cost-  
 127 share agreement with the Preserve for a habitat restoration project, 8l – Adopt Resolution 22-047  
 128 to enter into a cost-share agreement with Northmark Homeowners Association for a habitat  
 129 restoration project, 8m – Adopt Resolution 22-048 to approve Water Conservation Cost Share  
 130 with City of Bloomington Public Works, and 8n – Cunningham 2<sup>nd</sup> Addition Request for  
 131 Financial Assurance Reduction. Manager Koch requested that under Agenda item 11 –  
 132 Discussion Items – to get an update on status on MAWD legislative proposals.

133 Manager Pedersen and Manager Crafton accepted Manager Koch’s requests as a friendly  
 134 amendment. Upon a roll call vote, the motion carried 4-0 as follows:

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

136

**4. Public Hearing: Award of \$25,722.56 Water Conservation Grant to Bloomington Public Works**

137 Interim Administrator Jeffery summarized the history of the District’s agreement with the City of  
 138 Bloomington. He stated the purpose of this public hearing is to take comments about the proposed  
 139 Water Conservation Grant to Bloomington Public Works in the amount of \$25,722.50. Staff  
 140 Forbes displayed PowerPoint slides about the District’s Groundwater Conservation Program,  
 141 approved by the Board in January 2020. She said the District entered into Groundwater Grant  
 142 Agreements in 2020 with the cities of Bloomington, Chanhassen, Eden Prairie, Minnetonka, and  
 143 Shorewood. Staff Forbes explained the City of Bloomington submitted in March 2022 its final  
 144 report and reimbursement request for its Smart Irrigation Program. She summarized the Smart  
 145 Irrigation Program and went through the program costs. Staff Forbes noted the amount of the  
 146 City’s contribution, the amount of the Metropolitan Council’s grant, and the District’s portion of  
 147 the cost, which is \$25,722.56.

148 Manager Koch commented this is one big bucket of money to do audits. He said he finds it  
 149 astounding we would be paying this amount money to review 17 properties. Manager Koch said  
 150 he is all for saving groundwater but he doesn’t think we should have agreed to this type of  
 151 participation in the first place. Manager Koch asked for clarification of the amount the Board is  
 152 asked to approve. Interim Administrator Jeffery said \$25,722 and change. Manager Koch said he  
 153 hopes we don’t go through this process again without more detail. He asked where the money is

154 coming from out of the District budget. Interim Administrator Jeffery said the groundwater line  
 155 item.

156 Interim Administrator Jeffery said he and Staff Forbes will put together a protocol for this grant  
 157 program and bring it to the Board for consideration. Manager Pedersen said she knows we will do  
 158 better in the future, but the District made a commitment to the cities with these ground water  
 159 grants.

160 Ms. Louise Bjork introduced Arne Bjork and said they are residents of Aspenwood Trail, on the  
 161 north end of Purgatory Creek Bluff. She said they are located in the eastern end of the District.  
 162 Ms. Bjork commented that what is done in their area of the watershed impacts the areas south.  
 163 She said she and Arne, in acknowledgment of responsibility as residents of Saddlewood Patio  
 164 Homes Association, would like to connect with someone in the RPBCWD and CAC. She said she  
 165 would like someone from the RPBCWD and CAC to come help evaluate what is being done in  
 166 their part of the watershed and educate them, so she and Arne can reach out and educate others in  
 167 their HOA and neighbors beyond. Ms. Bjork said she and Arne are very willing to help out and  
 168 are committee to the environment and clean water. She said they are having a hard time  
 169 connecting with volunteerism. Ms. Bjork described some of the attempts they've made with the  
 170 City of Minnetonka and to step into volunteering and said they are having a hard time finding out  
 171 how to step into volunteering. She said she and Arne would like to learn from the District what  
 172 could be added into HOA documents so residents have a clear understanding of restoration and  
 173 buffer boundaries. Ms. Bjork asked the District to help her and Arne help the District and asked  
 174 for support and connections to help them learn and then share how the HOA can do better.

175 President Ziegler asked Interim Administrator Jeffery to get Ms. Bjork's contact information and  
 176 reach out to them.

177 President Ziegler called for comments on the public hearing topic. No additional comments were  
 178 raised. Manager Pedersen moved to close the public hearing. Manager Crafton seconded the  
 179 motion. Upon a roll call vote, the motion carried 4-0 as follows:

180

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

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**5. Matters of General Public Interest**

182 President Ziegler reviewed the procedure for raising Matters of General Public Interest. Ms.  
 183 Louise Bjork noted the content she commented on earlier overlaps into this portion of the  
 184 meeting.

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

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**a. Minutes of the May 4, 2022, RPBCWD Board of Managers Regular Monthly Meeting**

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Manager Crafton moved to approve the minutes of the May 4, 2022, RPBCWD Board of Managers Regular Monthly Meeting. Manager Pedersen seconded the motion. Manager Crafton noted a correction on line 281 to state Manager Crafton seconded the motion, line 304 to correct spelling of ephemeral, lines 367 and 377 to replace the word “staff” with “permit review” and revise line 540 to state the summer tour is in August, not June. Manager Pedersen accepted Manager Crafton’s friendly amendments.

194

Upon a roll call vote, the motion carried 4-0 as follows:

195

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

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197

**b. Minutes of the May 11, 2022, RPBCWD Board of Managers Special Meeting**

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Manager Pedersen moved to approve the minutes of the Board’s May 11, 2022, Board of Managers Special Meeting. Manager Crafton seconded the motion. She noted the MAWD Summer Tour will be held in August, not June.

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Upon a roll call vote, the motion carried 4-0 as follows:

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

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205 **c. Minutes of the May 12, 2022, Continuation of the May 11 RPBCWD Board of**  
206 **Managers Special Meeting**

207 Manager Pedersen moved to approve the minutes of the Board’s May 12<sup>th</sup> Continuation of  
208 its May 11, 2022, Board of Managers Special Meeting. Manager Crafton seconded the  
209 motion. Upon a roll call vote, the motion carried 4-0 as follows:

210

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

211

**7. CAC**

212 **a. Report and CAC Minutes**

213 Ms. Michelle Frost reported on the CAC’s May 16<sup>th</sup> meeting, noting no motions were  
214 made. She said the Committee discussed status of current District projects and the rules  
215 revision. Ms. Frost noted the July 13<sup>th</sup> joint meeting CAC and Board of Managers  
216 meeting. Manager Koch asked if the CAC has been invited to comment on the District’s  
217 Governance Manual. Interim Administrator Jeffery confirmed the CAC has been invited  
218 to comment and to send any comments to him to send to the Governance Committee.

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220 **b. Confirm Board Representative for June 20th CAC Meeting**

221 President Ziegler volunteered to be the Board representative at the CAC’s June 20<sup>th</sup>  
222 meeting.

223

**8. Consent Agenda**

224 Manager Pedersen moved to adopt Resolution 22-043 as amended to approve the Consent  
225 Agenda as amended, including items 8a, 8b, 8c, 8d, 8f, and 8g. Manager Crafton seconded the  
226 motion. Upon a roll call vote, the motion carried 4-0 as follows:

227

<i>Manager</i>	<i>Action</i>
Crafton	Aye



Koch	Aye
Pedersen	Aye
Ziegler	Aye

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The Consent Agenda included items 8a – Adopt Resolution 22-043 to Approve Consent Agenda, 8b – Accept May Staff Report, 8c -Accept May Engineer’s Report, 8d – Accept May Construction Inspection Memo, 8f – Approve Modification for Permit 2021-085 Park Drive Storage as Presented in the Proposed Board Action Section of the Permit Review Report, and 8g – Approve Permit 2022-007 Lake Lucy Lot Split as Present in the Proposed Board Action Section of the Permit Review Report.

**9. Action Items**

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**a. Items Pulled from Consent Agenda**

**i. Approve Permit 2021-084 Chick-Fil-A Site Improvements as presented in the proposed Board action section of the permit review report**

Manager Koch asked if we are proposing to amend an existing permit or issue a new permit. Engineer Sobiech responded issue a new permit. He stated the old permit closed out. Manager Koch asked if the current BMP is working and is it adequate for the proposed adjustments. Engineer Sobiech said the BMP installed with original permit was sized sufficiently to handle this little bit of additional imperviousness being added with this permit, so yes, it provides adequate capacity. He said he hasn’t seen performance records, but with as-built records to show it was built the way it was designed, that meets the criteria, and no monitoring to assess performance was required.

Manager Koch moved to adopt the proposed Board resolution set forth in the report on Permit 2021-084. Manager Pedersen seconded the motion. Upon a roll call vote, the motion carried 4-0 as follows:

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

253 **ii. Approve Permit 2022-017 Oak Point Elementary Access Revision as**  
254 **Presented in the Proposed Board Action Section of the Permit**  
255 **Review Report**

256 Engineer Sobiech said he asked this item to be pulled. He said he had  
257 communications with District Legal Counsel regarding the definition of the site  
258 for this particular permit. Engineer Sobiech said because the applicant is  
259 proposing work on two separate properties, one being owned by the school  
260 district and the other being owned by the City, separated by Starring Lake  
261 Parkway. Engineer Sobiech said because the properties are not contiguous, they  
262 don't meet the definition of a site as defined in the regulatory program.

263 Engineer Sobiech noted the way the permit was reviewed and the work is being  
264 done on the City property is the removal of a parking lot. He said there is no  
265 stormwater management required for that work. Engineer Sobiech explained the  
266 stormwater management being proposed for the work on the school district  
267 property is meeting the requirements as laid out in the report.

268 Attorney Smith said the main concern he and Engineer Sobiech have is the  
269 precedent, since these are two parcels are different ownership and separated by  
270 a street. Attorney Smith said it works out in this circumstance, but in general he  
271 would envision separate permit applications. Attorney Smith said in this  
272 circumstance as Engineer Sobiech pointed out there is no practical difference as  
273 one site is simply removing a parking lot. Attorney Smith said the minutes will  
274 reflect that's how we approached this definition of site.

275 Manager Koch asked if the District requires a permit for both parcels or at a  
276 minimum one to do the work proposed. Engineer Sobiech responded that is  
277 correct. Manager Koch said if it the two properties had one owner, then one  
278 permit would be required to do the work proposed. Engineer Sobiech said that  
279 is correct. Manager Koch proposed approving the issuance of a permit with all  
280 recommended contingencies plus the contingencies that the other owner must  
281 consent to the permit that we would require in a joint project.

282 Attorney Smith said he doesn't see anything wrong with that proposal but  
283 clarified he and Engineer Sobiech's main goal was that the minutes reflected  
284 their concern about the legal definition of site and legal precedent. Attorney  
285 Smith said he thinks it might also be within the Board's prerogative to approve  
286 the issuance of approval with two separate permit numbers, unless the work is  
287 being done by a single entity. Engineer Sobiech said the work is being done by  
288 a single entity. Attorney Smith said he thinks Manager Koch's proposal would  
289 be workable and is consistent with his and Engineer Sobiech's advice.

290 Manager Koch moved to adopt the proposed resolution with the addition that  
291 the other landowner complete or sign on to the application or execute such other  
292 document as Mr. Smith and the Administrator deem appropriate and that we  
293 issue two separate permit numbers, one for each of these parcels. President

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Ziegler seconded the motion. Upon a roll call vote, the motion carried 4-0 as follows:

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

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Manager Koch asked staff to add this topic to the list of things to address when reviewing the District’s rules.

300

iii. **Adopt Resolution 22-044 Revising Meeting Schedule Moving the July Regular Meeting of the Board of Managers and the July Work Session to July 13, 2022**

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Manager Koch moved to Adopt Resolution 22-044 Revising Meeting Schedule Moving the July Regular Meeting of the Board of Managers and the July Work Session to July 13, 2022. Manager Crafton noted the Board’s September 7<sup>th</sup> meeting should move to September 14<sup>th</sup>. Manager Koch agreed to the friendly amendment. Manager Crafton seconded the motion. Upon a roll call vote, the motion carried 4-0 as follows:

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

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iv. **Adopt Resolution 22-045 to Include Juneteenth Paid Federal Holidays Off**

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Manager Crafton moved to adopt Resolution 22-045 to Include Juneteenth Paid Federal Holidays Off. Manager Pedersen seconded the motion. Manager Koch moved to amend the motion for the District to recognize Juneteenth but delay

317 including it as a paid federal holiday until such time as the state of Minnesota  
318 adopts it as a state holiday with pay. The motion to amend died due to lack of a  
319 second. Upon a roll call vote, the motion carried 3-1 as follows:

320

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

321

322 **v. Adopt Resolution 22-046 to Enter into a Cost-Share Agreement with**  
323 **the Preserve for a Habitat Restoration Project**

324 Manager Koch asked if this project is on private land. Interim Administrator  
325 Jeffery said correct. Manager Koch asked if the kinds of plants listed are the  
326 kinds we want to pay for and meet the District’s goals of water retention and  
327 soil health because he can’t tell because of the lack of detail in the work plan.  
328 Staff Forbes shared slides with more details and walked through the project.

329 Manager Koch recommended working on a template that has boilerplate in the  
330 main part of the agreement and references one or more exhibits. He said those  
331 exhibits should include the calculation of the pricing and setting forth the  
332 amount the District will reimburse and another schedule should have more  
333 detail as to what will be planted and where, so that we can tell if this meets what  
334 we were expecting and payment can be authorized. Manager Koch said he  
335 thinks the maintenance agreement seems to be a little thin. Manager Koch said  
336 he needs to see the complete agreement and we should have a more detailed list  
337 of what they will do.

338 Manager Pedersen said she would like to see a pretty hearty acknowledgement  
339 of who’s going to be doing the maintenance and how frequently. She agrees we  
340 should have stronger maintenance agreements with restoration cost share  
341 agreements. Manager Koch said he’d like to see staff and Counsel work on a  
342 better kind of maintenance template.

343 Interim Administrator Jeffery provided feedback from residents about the cost-  
344 share program being onerous. Manger Pedersen suggested if the project is  
345 above a certain size, the District require more detail from the applicant.

346 Manager Pedersen moved to adopt Resolution 22-046 to Enter into a Cost-  
347 Share Agreement with the Preserve for a Habitat Restoration Project. Manager  
348 Crafton seconded the motion.

349 Manager Koch moved to amend the motion to amend the resolution to provide  
 350 an additional level of detail as to what will be planted and provided by the  
 351 project be provided to staff and approved by staff and that the maintenance  
 352 agreement be revised to more specifically specify the type of maintenance that  
 353 will be done each year. Manager Crafton said there is a plant list and a  
 354 declaration. She said she is in favor of voting to support this and take the voiced  
 355 suggestions and see what to do with those going forward. Manager Koch and  
 356 Interim Administrator Jeffery suggested putting the plant list and details in the  
 357 contract. Managers Pedersen and Crafton agreed to the friendly amendment of  
 358 attaching the plant list and associated details to the contract. Attorney Smith  
 359 said he has taken notes and the resolution directs Legal Counsel to review the  
 360 agreement, and with that review, Legal Counsel will make sure these details are  
 361 in place.

362 Upon a roll call vote, the motion carried 4-0 as follows:

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

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365 vi. **Adopt Resolution 22-047 to Enter into a Cost-Share Agreement with**  
 366 **Northmark Homeowners Association for a Habitat Restoration**  
 367 **Project**

368 Manager Pedersen moved to adopt Resolution 22-047 to Enter into a Cost-  
 369 Share Agreement with Northmark Homeowners Association for a Habitat  
 370 Restoration Project. Manager Crafton seconded the motion. Manager Koch  
 371 asked for more details. Staff Forbes presented slides and provided an overview  
 372 of the project.

373 Manager Koch moved to amend the motion that all be subject to review by  
 374 Legal Counsel for consistency of terms like date. Manager Pedersen and  
 375 Manager Crafton accepted the friendly amendment. Upon a roll call vote, the  
 376 motion carried 4-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye

Koch	Aye
Pedersen	Aye
Ziegler	Aye

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**vii. Adopt Resolution 22-048 to Approve Water Conservation Cost Share with City of Bloomington Public Works**

Manager Pedersen moved to adopt Resolution 22-048 to Approve Water Conservation Cost Share with City of Bloomington Public Works. Manager Crafton seconded the motion. Manager Koch noted the dollar amount listed in the resolution doesn't match the amount requested. Manager Pedersen moved to amend the dollar amount listed in the resolution to \$25,722.50. Manager Crafton accepted this as a friendly amendment. Upon a roll call vote, the motion carried 3-0 as follows:

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

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**viii. Approve Cunningham 2<sup>nd</sup> Addition Request for Financial Assurance Reduction**

Manager Koch asked for more details about the request. Engineer Sobiech said you have a permit that the Board conditionally approved at its last meeting. He said following the meeting the applicant discovered they had an error in the Engineer's opinion of probable cost for the stormwater BMP on the site. Engineer Sobiech said the rip rap unit cost was an order of magnitude larger than what it was corrected to and also for the perforated pipe cost. He said they made that correction and as a result they are asking for a reduction in the financial assurance. Engineer Sobiech said the amount is it being reduced to is still consistent with the financial assurance schedule and would be adequate to complete the project if the Board needed to call upon it. Manager Koch asked more questions to clarify the details and numbers. Engineer Sobiech responded with details.

404 Manager Koch move to adopt the proposed resolution set forth in the report for  
405 Permit 2022-005 as presented to the managers. Manager Pedersen seconded the  
406 motion. Upon a roll call vote, the motion carried 4-0 as follows:

407

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

408

409 **b. Accept April Treasurers' Report**

410 Manager Crafton reported the report has been reviewed in accordance with the District's  
411 internal policies and procedures and she moved to accept the April Treasurer's Report.  
412 Manager Pedersen seconded the motion.

413 Manager Koch said it looks like permit fees are well in excess of the amount budgeted  
414 and asked if that offsets the permit review and inspection costs' pro rate budget. Interim  
415 Administrator Jeffery said yes. Manager Koch asked about the Community Resiliency  
416 line item and how those funds are being spent. Interim Administrator Jeffery responded  
417 the modeling of the flood risk assessment throughout, and the model will be used to  
418 identify mitigating measures.

419 Upon a roll call vote, the motion carried 4-0 as follows:

420

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

421

422 **c. Approve Paying the Bills**

423 Manager Crafton moved to pay the bills. Manager Pedersen seconded the motion. Upon  
424 a roll call vote, the motion carried 4-0 as follows:

425

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

426

427

**d. Consideration of Proposed Resolution Language for Probable Violations**

428

Manager Crafton noted in the last paragraph, first line of the proposed resolution language, the word “has” should be edited to “as.”

429

430

Manager Koch moved the adoption of these resolutions for each one of the properties on Lotus Lake that has failed to comply with the District’s rules regarding a permit.

431

432

Manager Koch said the one property installed a sand blanket and he has photos along with discussion for Legal Counsel and the Administrator to consider.

433

434

President Ziegler asked if the District’s Legal Counsel has reviewed these. Attorney Smith said he saw the language in the packet, but he wasn’t specifically aware of the relationship to the three matters Manager Koch is referring to. Attorney Smith said he thinks it’s helpful for the Board to provide this direction. He suggested Legal Counsel prepare much more detailed documents for the Board to consider in next steps after this.

435

436

437

438

439

Manager Crafton seconded the motion to give this direction and for legal counsel and the Administrator to review. Upon a roll call vote, the motion carried 4-0 as follows:

440

441

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

442

**10. Committee Reports**

443

**a. Personnel Committee Report**

444

No report.

445

**b. Governance Committee Report**



446 President Ziegler noted the meeting minutes were included in the meeting packet.  
447 Manager Koch said he is looking forward to getting anyone’s comments on the  
448 Governance Manual. President Ziegler announced the Committee’s next meeting is  
449 Friday.

450

## 11. Discussion Items

451 Manager Koch asked for an update on the MAWD resolutions with the state legislature.  
452 Manager Crafton said as far as she knows, nothing the District was supporting was on  
453 the omnibus bill or passed.

## 12. Manager Reports

454 President Ziegler asked if there are any updates from the DNR about the Duck Lake  
455 elevation. Interim Administrator Jeffery reported on the meeting he and Engineer Sobiech  
456 had with the DNR. Administrator Jeffery said the DNR noted the District could petition,  
457 but the easier thing would be to submit a permit to change the hydraulics of the outlet so  
458 it functions the way it did prior to the improvements being made to that outlet. He said it  
459 wouldn’t change the run out elevation of the lake but it would change the hydraulics.

460 President Ziegler moved to allow staff to present to the local residents about the  
461 discussions staff has had with the DNR. Manager Crafton seconded the motion. Engineer  
462 Sobiech said the DNR recommended continued coordination and dialog amongst the  
463 entities. Engineer Sobiech said he would like to continue the dialog as he feels like there  
464 are ideas but not defined options at this point. President Ziegler accepted that as friendly  
465 amendment to allow staff to continue the dialog and fine tune before addressing the  
466 residents.

467 Manager Koch moved to make this an action item. President Ziegler seconded the  
468 motion. Upon a roll call vote, the motion to make this item and action item carried 4-0 as  
469 follows:

470

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

471

472 President Zeigler called for a vote on the motion to allow staff to continue the dialog and  
473 fine tune options before addressing the residents. Upon a roll call vote, the motion carried  
474 4-0 as follows:

475

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

476

477

### 13. Administrative Reports

478

#### a. Staff and Engineer Report

479

480 Manager Koch pointed out ditch work Carver County did along Powers Boulevard and  
481 the inadequate erosion prevention process and something should be done. He brought  
482 other items to staff's attention such as about permits for Eurasian watermilfoil treatment  
483 on Lotus Lake and seasonally getting data monitoring started as soon as possible after ice  
out.

484

485 Manager Koch asked if there is any update on the Middle Riley Creek stabilization  
project. Interim Administrator Jeffery provided an update.

486

### 14. Upcoming Board Topics

487

a. Special Board Meeting June 2, 2022 – Administrator Search

488

b. Joint Meeting with CAC/Preliminary Budget Workshop, July 13, 2022

489

### 15. Upcoming Events

490

a. Special Board Meeting June 2, 2022

491

b. TAC Meeting June 16, 2022

492

c. MAWD Summer Tour – August 23, 2022

493

## 16. Adjournment

494 Manager Koch moved to adjourn the meeting. Manager Pedersen seconded the motion.  
495 Upon a roll call vote, the motion carried 4-0 as follows:  
496

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

497  
498 The meeting adjourned at 9:30 p.m.

499  
500  
501  
502  
503  
504

Respectfully submitted,



Dorothy Pedersen, Secretary