

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

January 6, 2021, RPBCWD Board of Managers Monthly Meeting

PRESENT:

Managers: Jill Crafton, Treasurer

Larry Koch

Dorothy Pedersen, Vice President

Dick Ward, President

David Ziegler, Secretary

Staff: Amy Bakkum, Administrative Assistant

Claire Bleser, RPBCWD Administrator

Zach Dickhausen, Water Resources Technician II

Terry Jeffery, Watershed Planning Manager

Josh Maxwell, Water Resources Coordinator

Louis Smith, Attorney, Smith Partners

Scott Sobiech, Engineer, Barr Engineering Company

Other attendees: Kim Behrens

Greg Hawks

Marilyn Torkelson

Note: this meeting was held remotely via meeting platform Zoom in abidance with state mandates in response to Covid-19.

1. Call to Order

- 1 President Ward called to order the Wednesday, January 6, 2021, Board of Managers Regular
2 Monthly Meeting at 7:00 p.m. The meeting was held remotely via meeting platform Zoom.

2. Approval of Agenda

- 3 Manager Koch moved to approve the agenda with the following amendments: moving from the
4 2021 Organizational Actions to the Consent Agenda items 5d – Appointment of the 2021
5 Depository of District Funds; 5h – Appointment of the 2021 Technical Advisory Committee, 5i –
6 Partial Appointment of the 2021 Citizen Advisory Committee, and 5j – Adoption of Calendar,
7 Meetings and Work Sessions; Adding to the Consent Agenda items 9b – Accept November
8 Treasurer’s Report, 9c – Approve Paying of the Bills, 9h – 2021 Meet and Greet, 9i – Staff Credit
9 Card, and 9j – Erosion and Shoreline Erosion; Adding to Upcoming Board Topics: The memos of
10 recommended actions he provided Dr. Bleser, including discussion of memorandums related to
11 former resolutions for variances, accounting clerk, finance and audit, coach, disaster preparedness

12 plan, HR consultant, an internal calendar, IT consultant, a legal review, Minnesota Data Practices
 13 Act, a minute book, and reports on multi-year projects.

14 Administrator Bleser said item 9i – Staff Credit Card – needs discussion at a future meeting.
 15 President Ward stated 9i would be pulled from tonight’s meeting agenda. Manager Koch agreed
 16 to the friendly amendment to his motion. Manager Pedersen stated she wanted item 9h – 2021
 17 Meet and Greet – to remain as an action item. Manager Koch agreed to the friendly amendment to
 18 leave 9h as an action item.

19 President Ward seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

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

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3. Summary of Closed Personnel Meeting

22 Manager Pedersen reported the Board is still working on the Administrator’s review, which
 23 should be completed before the Board’s next monthly meeting.

4. Matters of General Public Interest

24 No matters of general public interest were raised.

5. 2021 Organizational Actions

a. Election of Officers

26 Manager Pedersen nominated the following slate of officers: Dick Ward as president,
 27 Dorothy Pedersen as vice president, Jill Crafton as treasurer, and David Ziegler as
 28 secretary. Manager Crafton seconded the motion. Manager Koch nominated himself as
 29 treasurer and secretary. The motion died due to lack of a second. Manager Koch shared
 30 his opinions that staff and managers need to improve communications and that the
 31 current officers aren’t doing justice to those positions. He cited his specific concerns
 32 about the work conducted by the current treasurer and secretary.

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

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

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b. Governance Committee (Two Officers)

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Manager Crafton moved to elect President Ward and Manager Ziegler to the Governance Committee. Manager Pedersen seconded the motion. Manager Koch nominated himself and Manager Ziegler. The motion died due to lack of a second. Manager Koch shared his observations and concerns about the Governance Committee’s performance and said he doesn’t believe the Board should be reelecting the current two members. He said he listened in on a majority of the Governance Committee meetings and observed that any changes to the Governance Manual stemmed primarily from his comments or those of Attorney Smith. Manager Koch said he asked for all the data pertaining to the Governance Committee, and based on the information he received, he saw little or no input on the part of the Governance Committee members. Manager Koch stated that most disturbing to him is there is no evidence that after Attorney Smith presented a last version around October 4th or 5th, there is no record provided to Manager Koch that the Governance Committee met to discuss the latest version. He said if one is going to be on the Committee, then one needs to do the job right, and one of the job’s responsibilities should be to make a recommendation about whether to accept the latest version. Manager Koch commented he doesn’t see how the Governance Committee could make a recommendation to the Managers if the Committee hasn’t met for discussion. He said there are emails going back to 2020 from Dr. Bleser to the Committee saying the Committee should be reviewing revisions and making a recommendation to the Board about accepting or not accepting the revisions. Manager Koch said there was a push to try to change the Governance Manual rather than allow adequate time for it to be reviewed and discussed. He said a Special Meeting was held on October 14th and he didn’t see that the meeting was properly noticed, so in his opinion, the changes to the Governance Manual are not in effect. Manager Koch said if one doesn’t follow the rules, one shouldn’t be on the Governance Committee. He remarked he doesn’t know what experience the two current members of the Governance Committee have in preparing, reviewing, constructing Governance Manual bylaws, etcetera, but he knows he has over 40 years of legal experience doing that work. He said on the basis of what he said, he

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65 doesn't believe the Board should be re-electing the current Governance Committee
 66 members.

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

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

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70 **c. Personnel Committee (Two Officers)**

71 Manager Ziegler nominated Manager Crafton and Manager Pedersen. Manager Crafton
 72 seconded the motion. Manager Koch nominated himself and Manager Ziegler. The
 73 motion died due to lack of a second. Manager Koch listed his concerns with the
 74 performance of the Personnel Committee and said it is in the best interest of staff morale
 75 to make a change in the committee membership. He stated that in his opinion the
 76 Personnel Committee has overreached the bounds of its authorization pursuant to the
 77 District's Governance Manual. Manager Koch said even if the Governance Manual was
 78 amended on October 14, 2020, prior to that date there was no provision for the Personnel
 79 Committee to do anything other than to address complaints or issues that District staff
 80 members were not comfortable bringing to the attention of the District Administrator and
 81 to comment on additions to staff. He said he has participated in or listened in on a number
 82 of Personnel Committee meetings and has talked with several other people and believes
 83 there is a certain amount of acrimony created between the members of the Personnel
 84 Committee and staff, which is not conducive to good relationships between the managers
 85 and staff. Manager Koch said it comes down to his view that the Personnel Committee
 86 has been trying to micromanage the operation of the District Administrator and District
 87 staff and basically supervise the District Administrator. He said whether considering the
 88 District's 2017 Governance Manual or the purported 2020 Governance Manual, those
 89 actions are not within the purview of the Personnel Committee. He said the process the
 90 Personnel Committee has been involved in regarding the review of the District
 91 Administrator is clearly not consistent with best management practices. Manager Koch
 92 said he has had confirmation from two other people involved in "that" that it is not
 93 believed the Administrator review process is consistent with good management practices.
 94 He said on that basis he believes there should be a change in the Personnel Committee,

95 and if it is not him, it should be somebody other than the current two members. Manager
 96 Koch remarked he is saying this in the best interest of morale of District staff.

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

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

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101 **e. Appointment of 2021 Investment Bank**

102 Manager Koch moved to name Wells Fargo as the District’s Investment Bank for 2021
 103 and direct the District to put out an RFP for 2021 Investment Banking Services for the
 104 Board to review and determine if it will continue to retain Wells Fargo. Administrator
 105 Bleser mentioned the District could consider moving to the 4M Fund as discussed by the
 106 Board in the past. President Ward said the Board needs to make an appointment tonight
 107 and can make a change in the future. Manager Pedersen seconded the motion to retain
 108 Wells Fargo as the 2021 Investment Bank. Upon a roll call vote, the motion carried 5-0 as
 109 follows:

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

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f. Appointment of the 2021 Depository for Permit and Financial Assurance

Manager Crafton moved to name Smith Partners LLC as the 2021 depository for the permit and financial assurances. Manager Pedersen seconded the motion. Manager Koch made the friendly amendment to clarify the motion is for non-currency permit and financial assurances. Manager Crafton and Manager Pedersen accepted the friendly amendment. Upon a roll call vote, the motion carried 5-0 as follows:

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

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g. Appointment of 2021 Official Publications

Manager Pedersen moved to appoint the Sun Sailor, Sun Current, Chaska Herald, and Chanhassen Villager as the District’s 2021 official publications. Manager Crafton seconded the motion. Manager Koch made the friendly amendment that the motion includes directing staff to publish notices as soon as possible. Managers Pedersen and Crafton agreed to the friendly amendment. Upon a roll call vote, the motion carried 5-0 as follows:

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

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6. Reading and Approval of Meeting Minutes

130 a. November 4, 2020, RPBCWD Board of Managers CAC Workshop and Monthly 131 Meeting

132 [Minutes had been accepted as presented by the Board in a 5-0 roll call vote at its
133 December 9, 2020, regular monthly meeting and public hearing.]

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7. CAC

135 Ms. Kim Beherns reported the CAC discussed and passed the motion about the shoreline and
136 streambank stabilization section. She reported the CAC chose Option 3 to allow for
137 reconstruction of existing shoreline stabilization practices including rip rap provided there's no
138 increase in the length of shoreline being treated. Ms. Beherns said the CAC elected its Committee
139 officers for 2021, and Ms. Sharon McCotter will remain the CAC Chair.

140 Administrator Bleser said there were a few questions that arose from the workshop and needed
141 Board input. She said the memo in the Board meeting packet outlines the questions, and she went
142 through the questions and gathered the managers' feedback. The Board indicated it wanted the
143 CAC to review grant applications and make recommendations for funding.

144 Manager Koch said he went through the questions in the memo and his response is yes to each of
145 them. He suggested if any manager doesn't agree with yes on any of the questions, then the
146 discussion can focus on those objections. He said his preference is for written statements and
147 supporting oral statements is fine and he liked both flow charts. The managers all agreed with
148 Manager Koch's input.

149 Administrator Bleser said staff will come back to the Board and CAC with updated flow charts.
150 She reported the District has received new applications for the Citizen Advisory Committee and
151 the Board can review the applications to appoint new CAC members. President Ward thanked the
152 CAC for its help. Manager Koch commented he would like the Board to do something with each
153 recommendation from the CAC. Administrator Bleser said staff will bring back to the Board at its
154 February meeting the CAC's motion Option 3. She noted the Board referred two other items to
155 the CAC and the CAC will discuss them at its January meeting.

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8. Consent Agenda

157 Manager Koch moved to approve the Consent Agenda [as amended in agenda item 2]. Manager
158 Crafton seconded the motion. The Consent Agenda included items 5d – Appointment of the 2021
159 Depository of District Funds; 5h – Appointment of the 2021 Technical Advisory Committee, 5i –
160 Partial Appointment of the 2021 Citizen Advisory Committee, and 5j – Adoption of Calendar,
161 Meetings and Work Sessions, 8a – Accept December Staff Report , 8b – Accept December
162 Engineer's Report, 8c – Accept December Construction Inspection Report, 9b – Accept

163 November Treasurer’s Report, 9c – Approve Paying of the Bills and 9j – Erosion and Shoreline
 164 Erosion; and 11e- Upcoming Board Topics - Other

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

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

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9. Action Items

d. Approve Fund Transfer

168 Manager Koch moved to approve the fund transfers out of the reserve to the accounts
 169 listed in the memo provided by Administrator Bleser with the addition of the transfer of
 170 \$15,000 from the reserve to professional services. Manager Ziegler seconded the motion.
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 172 Manager Crafton asked Administrator Bleser if reserve funds are needed for projects.
 173 Administrator Bleser said she will report on that at the next Board meeting. She said she is
 174 comfortable with Manager Koch’s additional transfer request of \$15,000. Upon a roll call
 175 vote, the motion carried 5-0 as follows:

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

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e. Resolution 2021-001 to order Rice Marsh Lake Water Quality Improvement

Administrator Bleser said this resolution is to order the Rice Marsh Lake Water Quality Project. Manager Ziegler moved to approve Resolution 2021-001. Manager Pedersen seconded the motion. Manager Koch commented about his concerns with the timing of ordering this project. He said he doesn't think the Board and the District have enough information to move forward with this project at this time. Manager Koch moved to amend the motion and table this issue until the District has a firm commitment from the City of Chanhassen to participate in the funding of this project and staff can bring more information to the Board next month. Managers Crafton and Pedersen spoke in support of moving forward to order the project. Manager Koch's motion died due to lack of a second. Upon a roll call vote, the motion carried 3-2 as follows:

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

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f. Approve Task Order 28b: Rice Marsh Lake Subwatershed RM_12a Water Quality Treatment Project

Manager Crafton moved to approve Task Order 28b: Rice Marsh Lake Subwatershed RM_12aWater Quality Treatment Project. Manager Pedersen seconded the motion. Manager Koch reiterated his comments about the District needing additional information before undertaking this project and this task order. He said the task order should be limited to exploring the design feasibility and the commitment with Chanhassen. Upon a roll call vote, the motion carried 3-2 as follows:

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

Ward	No
Ziegler	Aye

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g. Soil Plan Amendment

Administrator Bleser reminded the Board it directed the CAC to provide feedback to the Board about the amendment. She reported the CAC anticipates discussing this proposed amendment at its January meeting, and the Board will have the CAC’s feedback by the Board’s February meeting.

Manager Crafton stated she has some issues with the amendment. She noted she sent her proposed revisions to Administrator Bleser asked her to share them with the Board.

Manager Crafton said her revisions haven’t been shared with the Board. She reported she asked for a meeting with Mr. Jeffery, Engineer Sobiech, and Administrator Bleser to discuss her concerns. Manager Crafton said the discussion happened and the consensus from that discussion was that she should ask the Board to authorize her to meet with Mr. Jeffery to discuss issues with the amendment and her concerns.

Manager Koch moved to table this item, authorize Manager Crafton to discuss her comments and proposed edits with staff, direct Manager Crafton and staff to present the amendment and proposed edits to the amendment to the CAC, and for Manager Crafton and staff to present the amendment to the Board at its February meeting. Manager Pedersen seconded the motion. Manager Crafton requested her research and revised version of the amendment be distributed to the CAC. Managers Koch and Pedersen agreed to the friendly amendment. There was further discussion to clarify the motion on the table, including clarifying the motion doesn’t approve the amendment but sends the amendment and Manager Crafton’s proposed edits to the CAC for feedback to the Board to discuss next month. President Ward reiterated that the Board is asking for the CAC’s input and Board and staff can present information for the CAC’s education, consideration, and discussion. Upon a roll call vote, the motion as presented carried 5-0 as follows:

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

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h. 2021 Meet and Greet

President Ward said he thinks staff and the Board are on board with meet and greets, and he brought up the process of doing meet and greets considering COVID-19 and the process of getting on the City calendars. Manager Koch suggested staff check with the cities to see if they would like to meet in person or remotely. He moved to adopt the resolution put forth in his December 27, 2020, memo to authorize Administrator Bleser to work to arrange the meet and greets and at least get tentative dates scheduled. Manager Pedersen seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

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

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10. Discussion Items

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a. Manager Reports

i. Personnel Committee

Manager Pedersen reported the Personnel Committee met with Administrator Bleser and Smith Partners to go through the personnel manual. She said the group made it through approximately 25% of the manual and will meet again in the end of January to continue progress.

b. Administrator Report

Administrator Bleser stated B. Lauer is going to make a lateral move to become the District’s Education and Outreach Coordinator and will continue working with the CAC. Administrator Bleser said the District will be posting to fill Ms. Lauer’s previous position.

Administrator Bleser said the District’s Stormwater Pond summit is scheduled, and she provided more details about the summit. She noted the University of Minnesota has asked if the District is interested in collaborating on a greater stormwater pond summit that engages the metro area and beyond.

- 253 **c. Other**
- 254 Manager Koch reported the University of Minnesota St. Anthony Falls Research Center
- 255 completed its analysis of effects of wakes on lake bottoms. He said he thinks the District
- 256 should consider the information especially as to what it could mean for alum treatments.
- 257 He commented there is a study out of Idaho regarding wake boat impacts on shores.

11. Upcoming Board Topics

259 President Ward noted upcoming Board topics and events were listed on the meeting
 260 agenda. Administrator Bleser said the Board will receive information from her about the
 261 work session, which is about communication styles.

12. Upcoming Events

- 262 • Citizen Advisory Committee Meeting, January 25, 2021, 6:00 p.m., virtual meeting
- 263 • Board of Managers Monthly Work Session, February 3, 2021, 5:00 p.m., virtual meeting
- 264 • Board of Managers Regular Meeting, February 3, 2021, 7:00 p.m., virtual

13. Adjournment

266 Manager Koch moved to adjourn the meeting. Manager Crafton seconded the motion. Upon a roll
 267 call vote, the motion carried 5-0 as follows:

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

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 270 The meeting adjourned at 8:36 p.m.

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Respectfully submitted,

David Ziegler, Secretary