



John M. Baker
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March 31, 2022

VIA E-MAIL

Board of Managers of the Riley-
Purgatory Bluff Creek Watershed District
c/o Terry Jeffrey
Interim Administrator
18681 Lake Dr E.
Chanhassen, MN 55317
tjeffery@rpbcwd.org

Re: *Request for Board approval of waiver regarding retention of Barr Engineering*

Dear Managers:

Our firm represents the City of Eden Prairie as a defendant in a suit brought by a citizens' organization (Spring Valley Friends LLC). That group has filed two suits (one against the Riley-Purgatory-Bluff Creek Watershed District, one against the City of Eden Prairie) relating to a project considered by the City and by the District's Board last summer (then known as Noble Hill). In both suits, the League of Minnesota Cities Insurance Trust has retained counsel, who have filed motions to dismiss or motions for summary judgment that have not been ruled on yet. Because the suit against the City was filed earlier, the court-imposed deadlines generally fall earlier in that case.

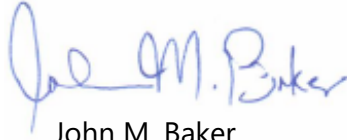
In response to materials filed with the Board last August by project opponents (and now filed by them in our case), our firm would like to submit an expert report reflecting the advice of Barr Engineering. Nearly all of that advice would be in the form that the Board received last August when considering the project, but supplemented to address two issues that were presented to the Board after Barr submitted its final memorandum about the project.

March 31, 2022

Page 2

I have conferred with the District's regular counsel, Michael Welch, who advised of the applicability of the COI clause in Barr's contract with the District. So that Barr Engineering may be retained by the City to play this role, as the City's defense counsel I respectfully request such a waiver.

Very truly yours,

A handwritten signature in blue ink that reads "John M. Baker". The signature is written in a cursive style with a large initial "J" and "B".

John M. Baker

JMB/sdm

c: Michael Welch, Smith Partners
Paul Reuvers, Iverson Reuvers
Katherine M. Swenson, Greene Espel PLLP