1. MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

April 3, 2019, RPBCWD Public Hearings and Board of Managers Monthly Meeting

PRESENT:

Managers:	Jill Crafton, Treasurer	
	Larry Koch	
	Dorothy Pedersen, Vice President	
	Dick Ward, President	
	David Ziegler, Secretary	
Staff:	Zach Dickhausen, RPBCWD Water Resourc	es Technician
	Terry Jeffery, Watershed Planning Manager	
	Michelle Jordan, Communication and Projec	t Manager
	Joshua Maxwell, Water Resources Coordinat	tor
	Louis Smith, Attorney, Smith Partners	
	Scott Sobiech, Engineer, Barr Engineering C	ompany
Other attendees:	Lawrence Bushnell, Eden Prairie Resident	Tim Olson, Bolton & Menk, Inc.
	Andy Brotzler, City of Chanhassen	Rod Rue, City of Eden Prairie
	Rod Fisher, Eden Prairie Resident	Bill Satterness, Eden Prairie Resident
	Sara Flagstad, City of Chanhassen	Diane Spector, Wenck
	Greg Hawks, Chan. Env. Comm.	Laurie Susla, LLCA
	Elizabeth Henley, Smith Partners	Joann Syverson, Chanhassen Resident; LLCA
	Denny Kopfman, CAC	Marc Syverson, Chanhassen Resident; LLCA
	Mary Krause, City of Eden Prairie	Marilynn Torkelson, CAC
	Sarah Lloyd, Bolton & Menk, Inc.	Lori Tritz, Chair, CAC
	Bryan Maloney, LRIA; Chanhassen Res.	Anne Wilkinson, Wenck

1. Call to Order

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Manager Ward called to order the Wednesday, April 3, 2019, Board of Managers Monthly Meeting at 7:00 p.m. at the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

2. Approval of the Agenda

Manager Koch requested removing from the Consent Agenda all items except item 11h – Approve Permit #2019-008 for the Construction of a Pavilion at Staring Lake in Eden Prairie, with Engineer Recommendations. As a matter of order, these items were removed from the Consent Agenda. President Ward added them in the same sequence to the Agenda's Action Items.

- Manager Koch commented that in his review of the minutes he didn't see that the Board ordered any public
 hearing except for the Hyland Lake Alum Project. He moved to remove the other three public hearings from the
 agenda: Agenda items 4, 5, and 6. The motion failed due to lack of a second.
- Manager Koch moved to table Agenda item 12e Organizational Changes and set a Board workshop to handle
 the item or make it part of the Board's next monthly meeting, so the Administrator could take part in the
 discussion. The motion failed due to lack of a second.
- Manager Koch moved to add as Agenda item 12k AIS Funding for Lotus Lake and City of Eden Prairie.
 Manager Ziegler seconded the motion. Managers discussed the motion. Manager Koch made a new motion to add
 to the next monthly meeting agenda a discussion of AIS funding and to include a discussion of AIS funding for
 Lotus Lake and Eden Prairie. Manager Ziegler seconded the motion. <u>Upon a vote, the motion carried 5-0.</u>
 Attorney Smith stated that he understands that Manager Koch's second motion supersedes his first motion and no
 other action by the Board is required on Manager Koch's original motion.
- Manager Ziegler moved to approve the agenda as amended. Manager Koch seconded the motion. <u>Upon a vote, the</u>
 <u>motion carried 5-0.</u>

3. Public Hearing: Hyland Lake Alum Project

President Ward opened the public hearing on the Hyland Lake Alum Project. Ms. Anne Wilkinson of Wenck
presented on the project plan for the Hyland Lake Alum Project, including timeline, cost estimates, and next steps.
She responded to managers' questions including a question about the rising cost of alum. Manager Koch brought
up the subject of the cost of this project per pound of phosphorous removed. President Ward called for public
comments. Upon hearing none, Manager Pederson moved to close the public hearing on the Hyland Lake Alum
Project. Manager Ziegler seconded the motion. <u>Upon a vote, the motion carried 5-0.</u>

4. Public Hearing: Chanhassen Cost-Share Vacuum Truck

27 Ms. Jordan introduced Ms. Sara Flagstad from the City of Chanhassen's Public Works and City Engineering team. Ms. Flagstad explained the reasons the City of Chanhassen would like to purchase a Regenerative Air 28 Sweeper in 2019. She talked about the benefits of this type of sweeper compared to a traditional sweeper in terms 29 of water quality benefits. She noted that this new sweeper is just part of the City's larger effort to improve water 30 quality. She described the City's planned use for the sweeper. Ms. Flagstad stated that the City of Chanhassen is 31 32 requesting a \$30,000 cost-share grant from the District to help fund the purchase of the Regenerative Air Sweeper, which has a total cost of \$237,990. She said that reporting will happen on an annual basis as part of the 33 34 City's public works and engineering annual report and the results and metrics will be shared with the District. Ms. Flagstad added that the City would include an article in the City's communication The Chanhassen Connection 35 36 about the partnership between the City and the District to purchase the new sweeper. She responded to questions.

- 37 Mr. Bill Satterness, Eden Prairie Resident, brought up the Board's decision-making process about participating in
 38 the cost of the Vacuum Truck. He went through a hypothetical scenario as an example of a cost-benefit analysis
 39 and said he would like the Board to think in this manner going forward for making decisions.
- 40 Ms. Jordan talked about the District's Cost-Share Grant program and the process the District, including the CAC,
 41 recently concluded regarding updating its Cost-Share Program.

42 President Ward called for additional public comments. Upon hearing none, Manager Ziegler moved to close the
 43 public hearing on the Chanhassen Cost-Share Vacuum Truck. Manager Pedersen seconded the motion. <u>Upon a</u>
 44 vote, the motion carried 4-0 [Manager Koch abstained from the vote.]

5. Public Hearing: Duck Lake Partnership Project

President Ward opened the public hearing on the Duck Lake Partnership Project. Ms. Jordan presented on the
project. She provided background on the Duck Lake Subwatershed and the identification in the District's 10-Year
Plan of the subwatershed as a candidate for a protection project. Ms. Jordan summarized the District's Task Order
25, which analyzed what kinds of projects could be done in the subwatershed and identified four types of BMPs
that would be effective. She went into detail about the District's process to engage residents to participate in the
identified BMPs. Ms. Jordan listed project cost estimates and projected water quality benefits. She responded to
questions. President Ward called for public comments.

- 52 Mr. Rod Fisher, Eden Prairie Resident, said he lives on the south side of Duck Lake and reported that this project
 53 has generated a lot of energy with residents about water quality around Duck Lake.
- 54Mr. Bill Satterness, Eden Prairie Resident, commented that rain gardens are nice, but his data shows that they55prevent 13.7 pounds of phosphorous from entering the waterbody at a cost of \$200,000. He talked about the kind56of cost-benefit analysis and questions he would like the Board and District to raise and answer.
- 57 Manager Koch raised the topic of the project's cost per pound of phosphorous removed and his concerns on
 58 whether the District is using the public's money for the greatest good and parity. The managers discussed project
 59 benefits.
- 60 President Ward called for additional public comments. Upon hearing none, Manager Ziegler moved to close the
 61 public hearing. Manager Crafton seconded the motion. <u>Upon a vote, the motion carried 5-0.</u>

6. Public Hearing: Purchase Properties for Wetland Restoration at Pioneer Trail

President Ward opened the public hearing. Mr. Jeffery summarized the project and talked about the properties
proposed to be acquired for this project. He displayed a PowerPoint table "Property Acquisition and Site
Preparation Cost Estimate" and went through the estimated project costs, detailed per property. There was brief
discussion about the District's interest in owning property. President Ward called for public comments. Upon
hearing none, Manager Ziegler moved to close the public hearing. Manager Pedersen seconded the motion. <u>Upon</u>
a vote, the motion carried 5-0.

7. Adopt Resolution 2019-009 Adopting Policy on Application of Chloride-Management Plan Requirements to Residential Subdivisions

Mr. Jeffery noted that this item was discussed last month, and staff said it would bring the financial assurance
schedule in front of the Board at this meeting. He said that he did not have the opportunity to review the schedule
with Administrator Bleser and so he did not include it as part of the item in front of the Board tonight. He said the
action in front of the Board tonight is adopting a resolution that, in essence, will exempt single family residential
home properties from the District's chloride management requirements. Manager Ziegler moved to adopt
Resolution 2019-009 Adopting Policy on Application of Chloride-Management Plan Requirements to Residential
Subdivisions. Manager Crafton seconded the motion. Upon a roll call vote, the motion carried 4-1.

Manager	Aye	Nay	Absent	Abstain
Crafton	Х			
Koch		Х		
Pedersen	Х			
Ward	Х			
Ziegler	Х			

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8. Matters of General Public Interest

76 President Ward explained the procedure for raising matters of general public interest and opened the floor.

Ms. JoAann Syverson, Chanhassen Resident, raised her concerns about effects of wake surfing on Lotus Lake, its
shoreline, and the effects, broadly, of wake surfing on lakes in the watershed. She provided examples of
ordinances she believes should be set in place and asked for the District's endorsement of her efforts with the
DNR to encourage the DNR to take action to set wake surfing ordinances.

- 81 Mr. Bill Satterness of 8597 Red Oak Drive, Eden Prairie, introduced himself as a member and Director of Friends
 82 of Red Rock Lake. He handed out a document "Aquatic Invasive Species Recommendations March 2019" and
 83 went through his recommendations and his request for District action.
- 84 Ms. Laurie Susla of 7008 Dakota Avenue, Chanhassen, commented that more AIS funding equals more85 inspections, which equals safer lakes. She spoke in favor of the District increase funding for AIS.
- 86 Manager Koch stated that he responded in an email to express his own views to Mr. Satterness and handed out a
 87 copy of his April 3, 2019, email to become part of the District record.

9. Approval of Minutes

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a. March 1, 2019, RPBCWD Board of Managers Monthly Meeting

Manager Ziegler moved to accept the minutes as presented. Manager Crafton seconded the motion.
 Manager Koch commented that he did not see any action by the Board to direct the public hearings on the Chanhassen Cost-Share Vacuum Truck, Duck Lake Partnership Project, and Purchase Properties for Wetland Restoration at Pioneer Trail. <u>Upon a vote, the motion carried 4-1</u> [Manager Koch voted against the motion.]

10. Citizen Advisory Committee (CAC)

94 Ms. Lori Tritz, CAC Chair, reported on the CAC's most recent meeting and its discussions about Prince's former
 95 property, the District's cost-share program, and the status of the CAC's subcommittees' charters.

11. Consent Agenda

96 President Ward noted there is one item on the Consent Agenda: 11h – Approve Permit 2019-008 for the 97 construction of a pavilion at Staring Lake in Eden Prairie with engineer recommendation.

Manager Koch moved to approve Permit 2019-008 based on staff's review and comments and with the resolution 98 included in the minutes, verbatim: "Resolved that the application for Permit 2019-008 is approved, subject to the 99 conditions and stipulations set forth in the Recommendations section of the attached report; Resolved that on 100 101 determination by the RPBCWD administrator that the conditions of approval have been affirmatively resolved, 102 the RPBCWD president or administrator is authorized and directed to sign and deliver Permit 2019-008 to the applicant on behalf of RPBCWD." Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0. 103

12. Action Items

- 104 a. Accept February Treasurer's Report Treasurer Crafton communicated that the report has been reviewed in accordance with the District's 105 internal controls and procedures. She moved to accept the Treasurer's Report. Manager Ziegler seconded 106 the motion. Manager Koch asked a series of questions about the report. Staff responded. Upon a vote, the 107 108 motion carried 5-0. b. Approve Paying of Bills 109 Manager Ziegler moved to pay the bills. Manager Crafton seconded the motion. Upon a vote, the motion 110 carried 5-0. 111 c. Consider Approval of Variance Requests Associated with Permit Application 2019-004 112 **Duck Lake Road** 113 Engineer Sobiech gave an overview of the project. He continued by giving a detailed review of the six 114 variances requests from the applicant and the Engineer's review of the variance requests. Manager Ziegler 115 asked if the reviews should take into consideration that the MNDNR has not approved the lake changes. 116 117 Attorney Smith stated he agrees with the District Engineer's action to review the application based on current conditions. Attorney Smith noted that if the DNR goes through proceedings and change happens, 118 it would require the application to be revised and submitted. 119 Mr. Tim Olson and Ms. Sarah Lloyd of Bolton & Menk, Inc. were present at the meeting and responded 120 to managers' questions. 121 122 The Board had a lengthy discussion. Manager Koch moved to lay this agenda item and the next agenda item over until the Board's next monthly meeting in order for staff to gather more information on 123 pollution and water quality and wetland impacts. Manager Ziegler seconded the motion. 124 Ms. Lloyd talked about the timing of the permitting process. Ms. Pedersen asked about the District's 125 jurisdiction in terms of permitting for this project. Attorney Smith explained what is within the District's 126 jurisdiction and stated that the Board can grant or deny variances and permits based on the District's 127
 - d. Consider Approval of Permit Application 2019-004 for the Reconstruction of Duck Lake **Road in Eden Prairie with Staff Recommendations**

[Item held over until the District's May Monthly Board meeting. See 11c.]

rules. Upon a vote, the motion carried 5-0.

132 e. Organizational Changes:

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Approve Job Description Changes for Community Outreach Coordinator to Communication and

134 Project Manager and Commensurate Compensation Adjustment; Approve Job Description Change for Office and Outreach Assistant to Education and Outreach Coordinator: Approve Job 135 136 **Description Change for Permit and Project Manager to Watershed Planning Manager** Manager Pedersen summarized the process undertaken to review these jobs and job descriptions. There 137 was discussion about the process and comments about what sources and level of expertise were used in 138 the process. Manager Koch moved to lay this item over until it can be discussed either in a workshop or at 139 the Board's next monthly meeting so Administrator Bleser can be present. He said he did not have enough 140 information. The motion failed due to the lack of a second. 141

142 Manager Pedersen moved to adopt the organizational changes and salary adjustments as laid out in the Thursday, March 21, 2019, memo included in the meeting packet. Manager Crafton seconded the motion. 143 Manager Ziegler asked if the AIS issue could be handled separately from this organizational change. He 144 explained that it seems that District needs someone to help with communications about AIS such as 145 communicating with lake associations and agencies. The Board indicated this topic could be handled 146 separately. Manager Pedersen moved to close the debate. Manager Crafton seconded the motion. Upon a 147 vote, the motion carried 4-1 [Manager Koch voted against the motion.] President Ward called the 148 question on the original motion. Upon a vote, the original motion carried 4-1 [Manager Koch voted 149 against the motion]. 150

> f. Adopt Resolution 2019-010 to Support Application to Host a Member of Minnesota GreenCorps, a Program of the Minnesota Pollution Control Agency, for the 2019-2020 Program Year Ms. Jordan described the Minnesota GreenCorps program, the host application process, and projects within the watershed that could be carried out by Minnesota GreenCorps.

Manager Ziegler moved to adopt Resolution 2019-010 to Support Application to Host a Member of Minnesota GreenCorps, a Program of the Minnesota Pollution Control Agency, for the 2019-2020
Program Year. Manager Pedersen seconded the motion. Manager Koch had questions for Ms. Jordan, and Ms. Jordan responded. Manager Koch moved to amend the motion in order to direct Legal Counsel to review the agreement. Manager Ziegler seconded the motion. <u>Upon a vote, the motion to amend carried 5-0</u>. <u>Upon a roll call vote, the amended motion carried 5-0</u>.

Manager	Aye	Nay	Absent	Abstain
Munuger				
Crafton	Х			
Koch	Х			
Pedersen	Х			
Ward	Х			
Ziegler	Х			

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g. Adopt Resolution 2019-011 Ordering Hyland Lake Alum Treatment Project

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Manager Ziegler moved to adopt Resolution 2019-011 Ordering Hyland Lake Alum Treatment Project. Manager Pedersen seconded the motion. <u>Upon a roll call vote, the motion carried 5-0</u>.

Manager	Aye	Nay	Absent	Abstain
Crafton	Х			
Koch	Х			
Pedersen	Х			
Ward	Х			
Ziegler	Х			

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h. Adopt Resolution 2019-012 Approving Chanhassen Cost-Share Grant for Purchase of Regenerative Air Vacuum Sweeper Truck

Manager Ziegler moved to adopt Resolution 2019-012 Approving Chanhassen Cost-Share Grant for Purchase of Regenerative Air Vacuum Sweeper Truck. Manager Crafton seconded the motion.

Upon a roll call vote, the motion carried 4-0. [Manager Koch abstained from the vote.]

	Aye	Nay	Absent	Abstain
Manager				
Crafton	Х			
Koch				Х
Pedersen	Х			
Ward	Х			
Ziegler	Х			

Manager Koch reiterated his comment that the Board did not order this public hearing. Attorney Smith explained that this public hearing and the others on this meeting's agenda were noticed and such action meets the requirements of state statute.

i. Adopt Resolution 2019-013 Ordering the Duck Lake Partnership Project

Manager Ziegler moved to adopt Resolution 2019-013 Ordering the Duck Lake Partnership Project. Manager Pedersen seconded the motion. Manager Koch reiterated his position that the money could be better spent.

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

Manager	Aye	Nay	Absent	Abstain
Crafton	Х			
Koch		Х		
Pedersen	Х			
Ward	Х			
Ziegler	Х			

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j. Adopt Resolution 2019-014 Ordering the Wetland Restoration and Flood Mitigation Project at 101 and the Acquisition of 730 and 750 Pioneer Trail

Manager Ziegler moved to adopt Resolution 2019-014 Ordering the Wetland Restoration and Flood Mitigation Project at 101 and the Acquisition of 730 and 750 Pioneer Trail. Manager Crafton seconded the motion. Manager Koch asked for clarification on what this resolution authorizes. Attorney Smith and Mr. Jeffery responded to his question and noted that the DNR grant program works in terms of appraised value meaning there is no negotiating with the property owners.

188 Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Crafton	Х			
Koch	Х			
Pedersen	Х			
Ward	Х			
Ziegler	Х			

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k. Accept March Staff Report

Manager Koch moved to accept the staff report. Manager Pedersen seconded the motion. <u>Upon a vote, the motion carried 5-0.</u>

I. Accept March Engineer's Report (with the attached Inspection Report)

Manager Koch asked questions to Engineer Sobiech about the report. Engineer Sobiech responded. Manager Ziegler moved to accept the Engineer's Report. Manager Koch seconded the motion. <u>Upon a vote, the motion carried 5-0.</u>

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m. Authorize Administrator to Sign Off on Quote from Freshwater Scientific Services for Vegetation Surveys

Attorney Smith stated that the services agreement attached to this item in the meeting packet doesn't meet all the District legal requirements and he recommends adding a condition to the agreement "with the advice of Counsel." Manager Koch introduced the idea of a master services agreement and moved to approve the drafting of a contract between the District and Freshwater Scientific Services with substantive terms typically used by the District for a master services agreement for plant management services as set forth in the March 4th letter to the District from Freshwater Scientific Services. Manager Pedersen seconded the motion. <u>Upon a vote, the motion carried 5-0.</u>

n. Approve 2018 Annual Report

Manager Ziegler moved to approve the 2018 Annual Report. Manager Pedersen seconded the motion. Manager Koch offered suggestions for revisions, including making the zebra mussels section more prominent and making sure data is accurately reflected. <u>Upon a vote, the motion carried 5-0.</u>

o. Approve Permit 2018-074 for the Construction of a Ground Storage Reservoir by the City of Eden Prairie with Staff Recommendations

Manager Koch moved to adopt the proposed board action set forth on page one of the permit application review with the exception that instead of March 1, 2019, it read April 3, 2019, and reads as the following

"Resolved that the application for Permit 2018-074 is approved, subject to the conditions and stipulations set forth in the Recommendations section of the attached report; Resolved that on determination by the RPBCWD administrator that the conditions of approval have been affirmatively resolved, the RPBCWD president or administrator is authorized and directed to sign and deliver Permit 2018-074 to the applicant on behalf of RPBCWD."

Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

p. Approve Permit 2019-003 for the Stable Path Single-Family Residential Development in Minnetonka with Engineer Recommendations

Manager Koch voiced his concerns about the nomenclature "permit fee." Attorney Smith spoke to Manager Koch's concerns and state statue. Manager Koch moved to adopt the proposed board action set forth on page 1 of the permit application review 2019-003 and the resolutions be set forth in the minutes verbatim.

"Resolved that the application for Permit 2019-003 is approved, subject to the conditions and stipulations set forth in the Recommendations section of the attached report; Resolved that on determination by the RPBCWD administrator that the conditions of approval have been affirmatively resolved, the RPBCWD president or administrator is authorized and directed to sign and deliver Permit 2019-003 to the applicant on behalf of RPBCWD."

Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

q. Approve Permit 2019-007 for the Beverly Hills Single-Family Residential Development in Eden Prairie with Engineer Recommendations

- Manager Koch moved to adopt the proposed board action set forth on page 1 of the permit application review for permit 2019-007 and the full resolution be set forth verbatim in the minutes.
- 237 "Resolved that the application for Permit 2019-007 is approved, subject to the conditions and
 238 stipulations set forth in the Recommendations section of the attached report;
 239 Resolved that on determination by the RPBCWD administrator that the conditions of approval
- Resolved that on determination by the RPBCWD administrator that the conditions of approval
 have been affirmatively resolved, the RPBCWD president or administrator is authorized and

directed to sign and deliver Permit 2019-007 to the applicant on behalf of RPBCWD."

242 Manager Ziegler seconded the motion. <u>Upon a vote, the motion carried 5-0.</u>

13. Discussion Items

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a. Lennar Development Galpin Boulevard Update

Mr. Jeffery noted that nothing has changed since the District Board's previous meeting.

b. Upcoming Board Meeting

President Ward announced that the Board's next monthly meeting will be held on May 1. He announced that the Board will be holding its Governance Retreat on April 23 from 1 p.m.- 4:30 p.m. at the Minnesota Landscape Arboretum. Manager Koch reminded staff it needs to notice the workshop as a special meeting.

c. Update on St. Hubert's Opportunity Project

Mr. Jeffery reported that Ms. Jordan has been working with St. Hubert Catholic School in Chanhassen. He said the school approached the District asking for input as the church plans to revamp its playground. Mr. Jeffery explained that Ms. Jordan met with St. Hubert staff on March 25 and talked through a project concept, and now the District will score that project to see how it fits within the District's prioritization schedule. Ms. Jordan highlighted the next steps staff will take to review the project.

d. Update on Internal Efforts to Improve Regulatory Program Watershed Development

Mr. Jeffery said staff hears the concerns voiced by stakeholders, and staff understands the need to minimize the possibility of having arbitrary or capricious rulings and also maximizing protection. He described the discussions staff has had and asked if the Board is comfortable with staff proceeding in this direction. President Ward asked staff to bring it in front of the Board at the next monthly meeting.

14. Upcoming Events

261 262	•	First Friday Hike with the Watershed, April 5 th , noon-1:00 p.m., Purgatory Creek Recreation Area, Eden Prairie
263	•	Meet and Greet, April 10, 2019, 4:00 p.m6:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
264 265	•	Smart Salting for Parking Lots and Sidewalks Course, April 11 th , 9:00 a.m2:00 p.m., District Office, 18681 Lake Drive East, Chanhassen
266 267	•	Citizen Advisory Committee Meeting, April 15, 6:00 p.m8:00 p.m., District Office, 18681 Lake Drive East, Chanhassen
268 269	•	Governance Workshop, Tuesday, April 23, 1:00 p.m4:30 p.m., University of Minnesota Landscape Arboretum
270 271	•	RBCWMD Board of Managers Regular Board Meeting, Wednesday, May 1, 2019, 7:00 p.m., District Office, 18681 Lake Drive East, Chanhassen
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	15. Adjourn
274 275	Manager Pedersen moved to adjourn the meeting. Manager Ziegler seconded the motion. <u>Upon a vote, the motion</u> <u>carried 5-0</u> . The meeting adjourned at 10:39 p.m.
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278 279	Respectfully submitted,
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282	David Ziegler, Secretary