



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, March 18, 2020

Carver County Government Center, 602 East 4th Street, Chaska, MN 7:00 p.m.

Approved \_\_\_\_\_, 2019

#### 1. CALL TO ORDER AND ROLL CALL

On Wednesday, March 18, 2020, at 7:00 PM, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD) and asked for roll call to be taken. The meeting was convened on-line due to a declaration of a peacetime emergency by Governor Walz. The following Managers were present: Manager Adam Frey, President Jesse Hartmann and Manager David Raby. In addition, the following were also on-line: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, Technical Consultant; John Kolb, Rinke Noonan, Attorneys at Law, Legal Counsel; and Lisa Frenette joined the meeting at 8:20pm.

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis asked that one item be added to the agenda. She asked that Resolution 20-03 - Adopting Interim Meeting Schedule and Format be added to New Business. Legal Counsel recommended that it be added as the first item under New Business.

**Manager Raby made a motion to approve the Agenda, with the addition of Resolution 20-03 - Adopting Interim Meeting Schedule and Format as New Business Item 5. A. The motion was seconded by Manager Frey. Upon a vote being taken the following voted in favor of: Frey, Hartmann and Raby, the following voted against: none and the motion carried.**

#### 3. CITIZEN FORUM

Administrator Loomis informed the Board that a notice was posted on the LMRWD website and sent to the agenda distribution list that if anyone wished to address the Board they could do so, by submitting comments to the Administrator by email. She informed the Board that no one submitted comments.

#### 4. CONSENT AGENDA

President Hartmann introduced the item.

##### A. Approve Minutes of the February 19, 2020 Regular Meeting

##### B. Receive and file February 2020 Financial reports

##### C. Approval of Invoices for payment

- i. Daniel Hron - for January 2020 office rent
- ii. Scott County SWCD - for Q4 2019 monitoring services
- iii. Frenette Legislative Advisors - for February 2020 lobbying services
- iv. Rinke Noonan Attorneys at Law - January 2020 legal services

- v. **US Bank Equipment Finance - for April 2020 copier lease payment**
- vi. **TimeSaver Off Site Secretarial - for preparation of December 2019 meeting minutes**
- vii. **Dakota County SWCD - for Q4 2019 monitoring services**
- viii. **TimeSaver Off Site Secretarial - for preparation of January 2020 meeting minutes**
- ix. **Young Environmental Consulting Group - for January 2020 technical services**

**D. Eagle Creek WOMP Agreement**

**Manager Raby made a motion to approve the Consent Agenda. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann and Raby, the following voted against: None.**

**5. NEW BUSINESS**

**A. Resolution 20-03 - Adopting Interim Meeting Schedule and Format**

Attorney Kolb explained options under statute for the board to conduct meetings by alternative electronic means. There will be no in person participation per the stay at home order put in place by Governor Walz. All votes will be conducted by roll call. The WebEx meeting will also be recorded. Attorney Kolb noted the schedule of the meetings for the year were adopted and asked the board to adopt the modified scheduled during the period of the stay at home order. President Hartmann asked that 5 p.m. Central Time be added to the resolution.

**President Hartmann made a motion to approve the Consent Agenda. The motion was seconded by Manager Raby. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann and Raby, the following voted against: None.**

**B. Presentation of 2019 monitoring results by Scott County Soil & Water Conservation District**

Administrator Loomis said the presentation has been postponed until the SWCD is able to present in person.

Administrator Loomis stated the monitoring agreement needs to be approved. Manager Raby said the contact in the contract needs to be changed on page 4. President Hartmann clarified the total cost is \$40,450 which includes the education services.

Manager Raby asked if the chloride workshops cited in the SCWEP Annual Report were for Scott County only, or if they were part of the Chloride initiative the District is working on.

Administrator Loomis said those workshops were all held in Scott County.

**President Hartmann made a motion to receive and file the Annual Monitoring Report and the Annual SWCEP Report. The motion was seconded by Manager Raby. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann and Raby, the following voted against: None.**

**C. One Watershed One Plan for Lower Minnesota River**

Administrator Loomis explained the One Watershed One Plan program. She explained that the Board of Water & Soil Resources divided the Lower Minnesota River Watershed into two different planning areas for One Watershed One Plan development. She explained that LeSueur County initiated the process for planning area 56. The LMRWD was invited to a discussion about how to proceed with the 1W1P and which organizations want to partner in the development of the plan.

Manager Raby asked what the commitment would be. Administrator Loomis said there is no funding requested, it would mainly be staff time involved. Manager Raby said that he thought the LMRWD would benefit from involvement, but it would depend on the time commitment.

The Board asked about the time commitment. Administrator Loomis said BWSR indicated that participation would include at least one meeting per month.

Attorney Kolb asked if the SWCDs would be included. Administrator Loomis said that LeSueur and Rice County SWCDs organized the initial meeting and indicated that they intend to use the 1W1P as the water plan for those counties. Attorney Kolb explained what he has observed in other areas that have gone through the 1W1P process. He said the plan development starts with an agreement between all the parties involved with a BWSR template. He said the District needs to be careful about the details of any agreement. Attorney Kolb said the LMRWD should adopt resolution of intent to plan in support of the grant application.

The Board asked if staff thought participation would be a benefit to the LMRWD. Administrator Loomis said that it would benefit the LMRWD to be involved and suggested monitoring what's going on if they are not involved. President Hartmann said the LMRWD should indicate interest in the process, but not appoint a representative yet. He also said the District should not appoint a single representative but work together to cover the meetings. Attorney Kolb suggested the Board adopt a Resolution and what the Resolution would say.

**Manager Raby made a motion to adopt resolution 20-04 Expressing and Intent to Participate in One Watershed Planning and Supporting a Planning Grant Application. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann and Raby, the following voted against: None.**

Administrator Loomis said there are different options for the boundaries of 1W1P planning areas. She shared maps of the suggested options with the board. She noted that the question of boundaries is one of the first questions that the planning group will need to answer.

**D. Metropolitan Area Watershed Based Funding**

Administrator Loomis reminded the Board of how funding was distributed under the pilot program for the Watershed Based Funding. BWSR has decided for the next round of funding to distribute money along major watersheds rather than by counties. The LMRWD is now in Minnesota River North and Minnesota River South. She noted that under the pilot program the money was distributed within the counties based on the population and tax base. BWSR has said that kind of allocation will not be accepted under the new program. Each allocation area will have to look at projects and then prioritize projects that receive funding.

**President Hartmann made a motion to appoint Administrator Loomis as the representative to the Metropolitan Area Watershed Based Funding convene meetings. The motion was seconded by Manager Frey. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann and Raby, the following voted against: None.**

**E. 2020 Cost Share Application**

Administrator Loomis said the District received an application under the LMRWD cost share program from a resident from Bloomington. She noted that the goals of the project fit the program guidelines. She showed the site plans which include several rain gardens. The amount requested is \$1,240.50. Manager Raby noted the plant costs are rough estimates and suggested putting in a maximum amount and require that invoices be submitted for plant materials. Administrator Loomis noted that receipts are always requested before funding is reimbursed.

**Manager Raby made a motion to approve the Cost Share application in an amount not to exceed \$1,240.50. The motion was seconded by Manager Frey. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann and Raby, the following voted against: None.**

**F. Freshwater Ice Out/Loon In**

Freshwater has cancelled all its scheduled events through the end of May. The cancellation includes the Ice Out/Loon In event. President Hartmann tabled the item.

**Manager Raby made a motion to table the Freshwater Ice Out/Loon in. The motion was seconded by Manager Frey. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann and Raby, the following voted against: None.**

**6. OLD BUSINESS**

**A. City of Carver Levee**

Administrator Loomis said the Board was given the analysis of this project reviewed against the goals of the LMRWD Watershed Management Plan. She noted that the LMRWD would have to amend its CIP if the Board wants to provide the total request of the City.

At the February, meeting Carver could not say whether legislation had been introduced. Administrator Loomis said she had looked for legislation and could not find that any bill had been introduced. She noted that given the Stay at Home order; it is not likely that this request from Carver will get introduced in this session. She said the memo will be given to the City and LMRWD staff will set up a meeting with the City.

**B. Proposal from Friends of the Minnesota Valley (FMV)**

**i. RiverWatch**

Administrator Loomis said information for this proposal was in the meeting packet. She suggested to FMV that a curriculum be developed for the RiverWatch program. FMV is looking for \$10,000 from the LMRWD to fund this program. She noted there are two schools signed up from within the district.

The Board said they would like to see more schools from the LMRWD signed up.

**Manager Raby made a motion to support the proposal with the condition that there would be funding to allow the program to continue and include the schools within the district that have expressed interest as participants in the program. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann and Raby, the following voted against: None.**

**ii. County Fair Project**

This proposal from FMV will be modeled after the program conducted in 2017. FMV will work with other groups to cover as many fairs as possible. Administrator Loomis said a lot of county fairs occur on the same weekend. She noted they will be working with additional groups, such as the MN Soil Health Coalition.

**President Hartmann made a motion to authorize partnership to conduct the county fair project not to exceed \$10,000. The motion was seconded by Manager Frey. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann and Raby, the following voted against: None.**

**C. Remote meeting participation**

Administrator Loomis said that the County provided a list of its concerns to the District about configuring its A/V system to allow the LMRWD to include participants from remote locations. Legal Counsel is working on an agreement between the LMRWD and the County. Manager Raby had some questions which Attorney Kolb answered.

**D. Dredge Management**

- i. Vernon Avenue Dredge Material Management site**  
No new information other than what was reported in the Executive Summary.
- ii. Private Dredge Material Placement**  
No new information since last update.

**E. Watershed Management Plan**

Administrator Loomis said the rules will be on the website. Ms. Young said they are hoping to go live within the next week.

**F. 2020 Legislative Action**

Lisa Frenette said gave a brief update of what has been going on at the Capitol in light of the Covid-19 epidemic. Right now, the legislature is only addressing issues related to Covid-19. Ms. Frenette said that the LMRWD is in limbo as to what the Legislature plans to do. She noted that several bills have been introduced that are not friendly to watershed districts. She explained a few of them. She said the goal is to make sure that any unfriendly legislation does not pass, and to get the rider language for the LMRWD included in any bill that is passed.

**G. Education and Outreach Plan**

No information to report since last update.

**H. LMRWD Projects**

*(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)*

- i. East Chaska Creek Restoration**  
No new information since last update.

**I. Project/Plan Reviews**

*(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)*

**J. MPCA Soil Reference Values - no change since last update**

No new information since last update.

**7. COMMUNICATIONS**

**A. Administrator Report:** Administrator Loomis briefly went through the administrator report, which has been posted on-line:

- Elevation of the MN River was reported.
- The 2019 audit is scheduled to start next week.
- Comments were sent to the City of Savage on its watershed plan.
- Comments were sent to the City of Carver on the Timber Creek residential development EAW.
- An EAW for a residential project in Shakopee.

She noted that a report was received today for an inspection of a residential development in the City of Carver citing NPDES violations. Staff will determine if this is something the LMRWD should begin monitoring.

**B. President:** No report

**C. Managers:** No report.

**D. Committees:** No report

- E. **Legal Counsel:** No Report
- F. **Engineer:** No report

**8. ADJOURN**

**President Hartmann adjourned the meeting at 8:33pm. The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, April 15, 2020 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.**

\_\_\_\_\_  
Dave Raby, Secretary

Attest:

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Linda Loomis, Administrator

DRAFT