



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, January 20, 2021

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

Approved February 17, 2021

1. CALL TO ORDER AND ROLL CALL

On Wednesday, January 20, 2020, at 7:04 PM, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD). The meeting was convened on-line due to the health emergency created by the COVID-19 pandemic.

President Hartmann asked for roll call to be taken. The following Managers were present: Manager Adam Frey (Manager Frey appeared unable to un-mute his audio but it was clear from the video that he was present), President Jesse Hartmann, Manager Dave Raby, and Manager Lauren Salvato. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC (YECG), Technical Consultant; John Kolb, Rinke Noonan, Attorneys at Law, Legal Counsel; Lindsey Albright, Dakota County Soil & Water Conservation District; Steve Pany, Manager, Prior Lake Spring Lake Watershed District; Carver County Commissioner Matt Udermann, and Lisa Frenette, Frenette Legislative Advisors, lobbyist, joined the meeting at 7:22 pm.

2. APPROVAL OF THE AGENDA

Administrator Loomis said she had no additions or changes to the agenda.

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

3. CITIZEN FORUM

Administrator Loomis said that she did not receive communication from anyone who wished to address the Board. She noted the newly elected Carver County Commissioner Matt Udermann joined the meeting and introduced the Commissioner. Commissioner Udermann greeted the Board and said that he was the liaison to the Lower Minnesota River Watershed District.

4. CONSENT AGENDA

President Hartmann introduced the item. Manager Salvato asked that the name of the initiative that Mr. Ted Suss spoke about at the last Board meeting be checked against the recording. She thought that the initiative was called the Mississippi River Restoration & Resilience Initiative (MRRRI). Administrator Loomis said she will check the recording. [The record was checked and Mr. Suss clearly stated the name of the initiative was correct in the minutes as presented.]

- A. Approve Minutes December 16, 2020 Regular Meeting**
- B. Receive and December 2020 Financial reports**
- C. Approval of Invoices for payment**
 - i. Frenette Legislative Advisors - November & December Lobbying expense
 - ii. Daniel Hron - November, December 2020 & January 2021 office rent
 - iii. Metro Sales, Inc. - payment on copier lease agreement
 - iv. Rinke Noonan, Attorneys at Law - October & November 2020 legal services
 - v. US Bank Equipment Finance - December 2020 & January 2021 payment on copier lease
 - vi. Dustin Braun - partial payment of 2020 Cost Share project
 - vii. Manager Frey - payment of 1st & 2nd half 2020 per diem & expenses
 - viii. Managers Hartmann, Raby & Salvato - payment of 2nd half 2020 per diem & expenses
 - ix. Young Environmental Consulting Group - October & November 2020 technical, education & outreach services
 - x. TimeSaver Off Site Secretarial - Preparation of November 2020 meeting minutes
 - xi. Carver County Finance Department - Q4 2020 Financial services
- D. Designation of 2021 official newspaper**
- E. Designation of Official Depositories**
- F. Designation of Data Practices Compliance Official**
- G. Order Preparation of 2020 Annual Report**
- H. Order Preparation of 2020 Annual Report**

President Hartmann made a motion to approve the Consent Agenda asking that the record be checked and the minutes adjusted accordingly. The motion was seconded by Manager Frey. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

Manager Raby asked about the payments for the managers. He said he already received payment. Administrator Loomis explained the process. Regularly occurring claims, such as office rent, copier lease payments, etc., are paid as they come in, so that they are paid in a timely manner. So Board approval of claims is often after the invoice has been paid. Payment of non-recurring claims, such as the dredge site construction project is approved by the Board before payment of the claim is requested. She noted it can take anywhere from two to four weeks for a payment to be made after an invoice is received.

5. NEW BUSINESS

A. Receive and file Letter from Len Kremer

Administrator Loomis said the letter is in the packet. She noted a motion was needed to file and receive the letter.

Manager Salvato said she didn't understand what the ask was. Manager Raby said he agreed. The Board discussed what it means to be an urban partner. Administrator Loomis said LMRWD staff has had discussions about how the LMRWD would prioritize funding projects outside the boundaries of the LMRWD, if providing funds to pay for projects outside the LMRWD is what is meant by being an urban partner. The request being made remained unclear.

Manager Raby made a motion to approve to receive and file the letter but not do anything until the board understands better. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

6. OLD BUSINESS

A. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail

Administrator Loomis said she doesn't have anything new to add other than what was in the executive summary.

B. City of Carver Levee

Administrator Loomis said a request was received from the City of Carver to receive a portion of funding that the LMRWD committed to provide. The City received grant funding from the State under the Flood Hazard Mitigation Program of \$150,000. The City must provide matching funds equal to the grant and wants the LMRWD share in the match 50/50. Administrator Loomis said as she was preparing this item for the meeting agenda she realized that the LMRWD usually enters into a cooperative agreement with the City.

Manager Raby commented on the city asking for 75% of the agreed funding.

Manager Salvato agreed with having the cooperative agreement in place first. President Hartmann agreed. Administrator Loomis said she could have the cooperative agreement at the February meeting.

President Hartmann made a motion to table the City of Carver Levee to the February 2021 meeting. The motion was seconded by Manager Raby. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

C. Remote meeting participation

No new information to report since last update.

D. Dredge Management

i. Vernon Avenue Dredge Material Management site

Administrator Loomis said the LMRWD received an amendment to the Grant agreement between the LMRWD and BWSR for the state appropriation. She noted the LMRWD received only one half of the money under the original agreement and this would authorize the second half of the appropriation.

Manager Raby asked about the extension to the expiration date and said to note the fourth recital. He wondered if the expiration needs to be extended to complete the work. Administrator Loomis noted reporting on the construction is being wrapped up. She noted there was other work included in the work plan that has yet to be completed. Staff is evaluating the other work and will prepare a schedule for completion of that work.

He made note of the grant reporting to make sure funding was not lost due to the LMRWD's failure to report.

Manager Raby made a motion to authorize execution of the amendment to the grant agreement P20-7873. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

ii. Private Dredge Material Placement

No new information to report since last update.

E. Watershed Management Plan

Administrator Loomis had nothing to report.

F. 2020 Legislative Action

Lisa Frenette, Frenette Legislative Advisors, reported there are still no in-person meetings at the Capitol. She provided an updated on the activities she has done on behalf of the LMRWD and its legislative priorities.

She reported on discussions held between the LMRWD and BWSR and that the LMRWD has the option to submit one bill or two that changes the language regarding the use of the appropriation the LMRWD receives from the State. The LMRWD is requesting a change that would allow a portion of the money to be used to replace the grant for Seminary Fen that was lost and then an additional change that would allow the money to be used for sediment reduction projects. She noted that LMRWD staff decided two bills are better. The board agreed with the approach being taken.

G. Education and Outreach Plan

Administrator Loomis said she doesn't have anything to add to what was reported in the executive summary. Ms. Young reported that there are three applicants for the Citizen Advisory Committee (CAC). Staff is working to set-up the inaugural meeting of the CAC.

Manager Raby asked about the replacement of the manager from Dakota County and if there has been any response to the direct mailing the LMRWD sent. Administrator Loomis said two people responded directly to her requesting more information. She noted she also invited them to join the meeting tonight.

H. LMRWD Projects

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

i. Eden Prairie Study Area #3

Administrator Loomis reported on the pre-proposal meeting and that there is a lot of interest in the project. She said staff will short list the proposals and determine if interviews are necessary. She noted that if staff determines interviews are necessary, the board can attend if they would like. Manager Raby said he was impressed with the level of bids.

ii. Amazon Fulfillment Center

Administrator Loomis explained stormwater from the Amazon distribution in Shakopee site flowed into a culturally sensitive area within Murphy's Landing. The city planned a project to divert water from the culturally sensitive area and asked the district to participate in the project. The LMRWD determined it would be appropriate for the LMRWD to participate by upgrading the ravine area where stormwater flow will be directed. The LMRWD estimate to stabilize the ravine in order to accept the additional water was \$35,000. The project is complete and the city is asking for reimbursement. She noted staff has inspected the project and that it was completed according to the plans and specification presented. Pictures were included as part of the meeting packet. Administrator Loomis asked for authorization of the payment.

Commissioner Udermann asked if Amazon would ever participate in the cost of an improvement like this. Administrator Loomis said that is a question for the City of Shakopee and that Amazon only leases the property.

President Hartmann made a motion to authorize reimbursement to the City of Shakopee of \$35,000 for costs incurred in ravine stabilization. The motion was

seconded by Manager Raby. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

iii. Schroeder's Acres Park

Administrator Loomis said this project was included in a watershed base funding grant.

Manager Raby asked for an explanation of the matching funds noted in the grant agreement. Administrator Loomis explained this project is being funded by a watershed based funding grant that included three other projects. The watershed based funding grant program requires a 10% match and that match is being paid by the city. Manager Raby asked how much received will be contributed. Administrator Loomis said it \$60,000 for this project. With the 10% match that means the city can spend \$66,000 on this project. Manager Raby asked if the City will receive the money right now. Administrator Loomis said the work will be done first and then the watershed will reimburse them for the work.

President Hartmann made a motion to authorize execution of the agreement for pass-through funding between the City of Savage and the LMRWD. The motion was seconded by Manager Raby. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

I. Project/Plan Reviews

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

No items this month

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

7. COMMUNICATIONS

A. Administrator Report: Administrator Loomis commented on the Peterson wetland timeline.

She pulled up and shared a PDF from BWSR's website that shows the timeline for establishing a wetland bank. She said the City of Eden Prairie has not received the application. Attorney Kolb noted this is the absolute shortest amount of time it would take.

Administrator Loomis commented on the January 19, 2021 Metro MAWD meeting. MAWD has cancelled all of its 2021 meetings; MAWD Day at the Capitol, and the Summer Tour. The board discussed payment.

B. Managers: No Report

C. Committees: No report

D. Legal Counsel: No report

E. Engineer: No report

8. ADJOURN

At 8:01 pm, President Hartmann made a motion to adjourn the meeting. Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato the following voted against: None.

The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, February 17, 2021 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Lauren Salvato, Secretary

LOWER MINNESOTA RIVER WATERSHED DISTRICT
BOARD OF MANAGERS
WEDNESDAY, JANUARY 20, 2021
MEETING MINUTES

Attest:

Linda Loomis, Administrator