



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, April 19, 2023

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

Approved June 21, 2023

1. CALL TO ORDER AND ROLL CALL

On Wednesday, April 19, 2023, at 7:00 PM CST, in the Board Room of the Carver County Government Center, 602 East 4th Street, Chaska, Minnesota, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD).

President Hartmann asked for the roll call to be taken. The following Managers were present: Manager Laura Amundson, President Jesse Hartmann, and Manager Lauren Salvato. In addition, the following attended the meeting in-person: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant; Troy Kuphal, District Director and Shelby Roberts, Public Outreach Specialist, Scott Soil and Water Conservation District; Lindsey Albright, Water Resource Specialist, Dakota County Soil and Water Conservation District; and Patty Thomsen, LMRWD Citizen Advisory Committee member. John Kolb, Rinke Noonan, LMRWD legal counsel; Ben Burnett, Prior Lake Spring Lake Manager; and Scott County Commissioner Jody Brennan; joined the meeting virtually. Hannah LeClaire, Young Environmental Consulting Group joined the meeting at 8:56 pm.

2. APPROVAL OF THE AGENDA

Administrator Loomis asked to add Items 4. C. xii. – TimeSaver Off Site Secretarial, Inc., Preparation of March 15, 2023, meeting minutes invoice.

President Hartmann made a motion to approve the agenda with the addition of Item 4. C. xii. – TimeSaver Off Site Secretarial, Inc., Preparation of March 15, 2023, meeting minutes invoice. Manager Salvato seconded the motion. Upon a vote being taken motion carried unanimously.

3. CITIZEN FORUM

Administrator Loomis said she had not received communication from anyone that wished to address the Board, and no one present at the meeting asked to address the Board.

4. CONSENT AGENDA

President Hartmann introduced the item.

A. Approve Minutes March 15, 2023, Regular Meeting

B. Receive and file March 2023 Financial Report

C. Approval of Invoices for payment

- i. Clifton Larson Allen (CLA) - Financial services through March 2023
- ii. Redpath and Company LLC – assistance with 2021 Audit

- iii. **Inter-Fluve, Inc. – Area #3 services through February 28, 2023**
 - iv. **Rinke Noonan, Attorneys at Law – March 2023 legal services**
 - v. **TimeSaver Off Site Secretarial, Inc. - Preparation of February 15, 2023 meeting minutes**
 - vi. **US Bank Equipment Finance – payment on copier lease**
 - vii. **Young Environmental Consulting Group, LLC – March 2023 technical, and Education and Outreach services**
 - viii. **Naiad Consulting, LLC – March 2023 administrative services, mileage, and expenses**
 - ix. **Dakota County SWCD – Q1 2023 monitoring, and education services**
 - x. **Frenette Legislative Advisors – March and April 2023 legislative services**
 - xi. **Daniel Hron – May 2023 office rent**
 - xii. **TimeSaver Off Site Secretarial, Inc. – Preparation of March 15, 2023, meeting minutes**
- D. Report on Citizen Advisory Committee meeting minutes**
- E. Receive 2022 Annual Report and Authorize Distribution**

President Hartmann made a motion to approve the Consent Agenda as amended under the approval of the agenda. Manager Salvato seconded the motion. Upon a vote being taken motion carried unanimously.

5. NEW BUSINESS/PRESENTATIONS

A. 2022 Scott County Monitoring report

Administrator Loomis introduced and provided background on this item. She stated that Shelby Roberts and Troy Kuphal from Scott Soil & Water Conservation District were in attendance to present their 2022 monitoring conducted on behalf of the LMRWD in Scott County.

Ms. Roberts, Communication Specialist at the Scott SWCD, came forward and reviewed the presentation containing the 2022 monitoring results. She reviewed the areas where the monitoring was done within the District. She reviewed the thermal monitoring that was done in Eagle Creek and the results of the monitoring. She discussed the monitoring results from Dean Lake. She also reviewed the monitoring results at the groundwater wells. She recommended continuing the monitoring they have been doing with minimal changes, at Eagle Creek, Dean Lake, and in the groundwater wells.

Manager Salvato asked if there is anything more that can be done in the Eagle Creek area with the E. coli. Ms. Young stated that they have discussed doing a bacteria source identification study. She stated that this is concerning, but they want to think about a coordinated effort on the time of year that it is seen and if something is changing that is causing this.

Ms. Young stated that the decrease in water levels of the wells is concerning. She asked when this is recognized if they could be made aware of this so that the DNR can be notified and withdrawals in the area can be investigated. Mr. Kuphal explained that there is not anything in place currently in terms of notifying the district. He stated that there could be a monthly or quarterly report to the district on the results. Ms. Young added that she would like it to be more frequent than quarterly so that they can coordinate with the cities or the county.

Ms. Young stated that fluctuations of fen levels is something that is in statute and is of high concern and has the possibility of changing the character of the fens. She stated that they may

want to be more proactive with this and request the data more frequently and work with the DNR to see if they have mitigation measures in place to address the appropriation.

Lindsey Albright, Dakota Soil and Water, asked if there was a way that the district could get added to the DNR's database so that they can view the data. Ms. Young stated that this information is being monitored but the DNR is not as proactive monitoring this data as the LMRWD would like.

Manager Salvato asked about the additional costs. Mr. Kuphal explained that they kept the budget the same this year and may have more expenses. He stated that next year there will be an increase. Administrator Loomis added that there is a maximum, not to exceed number, which is rarely reached.

Administrator Loomis stated that there has been a lot of requests for increase of appropriations that need to be discussed with the DNR.

Manager Amundson asked about the high chloride levels in August and if that was the result of low water levels. Ms. Roberts stated that was likely the cause but stated that there is not much of a concern for chloride in Eagle Creek. Mr. Kuphal added that it is not unlikely to see this increase due to concentration.

Mr. Kuphal explained that in the agreement there is not a line item under Deans Lake for equipment. He stated that there was some vandalism on the ultrasonic sonar that reads the water levels and shared concern that the device was damaged and may cost \$300 to repair or replace this. He asked if part of the budget could be used for equipment replacement. The Board said yes.

Manager Salvato made a motion to approve Agreement between the Lower Minnesota River Watershed District and the Scott Soil and Water Conservation District for Monitoring, Technical, Education and other Conservation Services and 2023 Statement of Work and authorize execution. President Hartmann seconded the motion. Upon a vote being taken motion carried unanimously.

B. Appletree Condominium 2023 Cost Share Project

Administrator Loomis introduced and provided background on this item. She stated that there is a greater number of people interested in this cost share program than previous years. She shared concerns with potentially exceeding the budgeted amount. She stated that if this project and the Bloomington Neighbors Nurturing Nature project is approved that they may not approve them at the full amount.

Manager Salvato recommended making more stringent criteria for projects under this program.

Ms. Young recommended holding the applications from consideration at this meeting and consider all applications after the May 15 deadline and also checking in with the applicants if they would still have a viable project if they received less than their requested amount.

Administrator Loomis agreed with this suggestion. She stated that they are more conservative with their cost share program than other watershed districts. She suggested having different

categories for these cost share projects. She recommended that applicants apply this year for projects that will be done next year.

Manager Amundson made a motion to table the Appletree Condominium cost share application and the Bloomington Neighbors Nurturing Nature cost share application until all after the May 15 deadline to consider all application received at the June Board Meeting. Manager Salvato seconded this motion. Upon a vote being taken motion carried unanimously.

C. Bloomington Neighbors Nurturing Nature Cost Share Application

This item was discussed and voted on in conjunction with item B.

D. 2022 Dakota County Monitoring Report

Administrator Loomis introduced Lindsey Albright, Water Resource Specialist for the Dakota County Soil and Water Conservation District. Ms. Albright presented a report on the results of 2022 monitoring in Dakota County.

Ms. Albright reviewed the results of the fen well monitoring in Quarry Island, Fort Snelling, and Nichols Fens. She discussed the devices used for monitoring. She reviewed the trends at each site. She recommended continuing data sharing and looking at the viability of continuing to monitor all the wells.

Ms. Young shared the importance of Ms. Albright's monitoring. She stated that the LMRWD recently spoke with the DNR and since the MET Council is doing monitoring that the district should look at stopping monitoring. She said that they are not in agreement with this as the data that the LMRWD is looking at is different than what the MET Council is looking at.

Manager Salvato asked if the fen stewardship does any vegetation sampling and how often this is being done. Ms. Young stated that this has happened at Nichols and other locations are being looked at now. She stated that the DNR did not have the capacity to sample vegetation, so the LMRWD has taken it on.

Manager Amundson asked why the water levels fluctuate so much. Ms. Young explained that with Nichols there is some sensitivity with the pumping that is happening through the MET Council. She stated that at some of the other fens they are looking at this with the DNR to determine what might be causing these trends.

6. OLD BUSINESS

A. 2021 Financial Audit

Administrator Loomis introduced and provided an update on the status of the audit. She stated that they have not yet received the audit, but the auditor said that he would have the report to them by April 15th. She noted that it was not received by that date and has not gotten a response back from the auditor. She added that the accountant has spoken to another accounting firm about taking over the 2021 audit to get this done.

Manager Salvato asked how much money has been spent on the audit. Administrator Loomis stated that Global Portfolio Consulting has been paid \$12,000-\$13,000 to get started on the audit.

Attorney Kolb mentioned that he can help come up with a plan of how to handle this.

Manager Salvato made a motion to authorize the Administrator to retain a new auditor for the 2021 Financial Audit if the audit is not forthcoming from Global Portfolio Consulting, LLP. President Hartmann seconded the motion. Upon a vote being taken motion carried unanimously.

B. 2027 World EXPO – “Healthy People, Healthy Planet – Wellness and Well Being for All”

Administrator Loomis introduced and provided background on this item. She stated that the site the World Expo is planning on using is across the street from the Kelly Farm. She added that she met with the city, and they were talking about turning portions of the Kelly property to the US Fish and Wildlife Service. She noted that she had a conversation with Manager Barisonzi who has concerns about the proposal and is concerned with waiting until after the proposal is awarded. He is concerned that promises made have been made that may negatively impact nearby sensitive areas. She noted that Manager Barisonzi has spoken with environmental groups that are very concerned about this and are concerned that nearby areas, like Ike’s Creek and the Minnesota Valley National Wildlife Refuge, may be very sensitive to impacts from this event.

Manager Salvato asked what it means that the city would have no control if the State Department takes over. Administrator Loomis explained that this means that there may be lots of variance requests. She stated that this seems to be very political. She added that there may be a petition started by some of the concerned environmental groups.

Manager Amundson stated that it would be premature to take action on this at this point. Manager Salvato agreed.

C. Twin Cities Metro Watershed Management Organizations Chloride Management report

Administrator Loomis introduced and provided background on this item. She shared that at the last meeting, the Board had asked what other watersheds were doing with respect to regulating chlorides. She stated that Young Environmental did an investigation and the results of their research is presented in a technical memorandum with some recommendations made.

Manager Amundson asked about the timing of the phases. Ms. Young explained that the phased approach was to help get grounded in putting out education material and then coordinating to see what the financial impact would be to incorporate the chloride monitoring. She stated that phase 1 and phase 2 could happen relatively soon and happen in tandem. She added that phase 3 will be the biggest phase and should happen next year. She noted that phase 4 is longer term.

Manager Salvato asked where the phased approach comes from and once this plan is in place what is the reaction of the stakeholders. Ms. Young said that since chloride has become a greater concern a lot of people know that this is coming. She emphasized the importance of education. Manager Salvato suggested that something should be added to the website. She shared concerns with spending \$6,000 on a video and asked what impact the video would have. Ms. Young stated that they have been studying this and have been looking into how people are accessing and looking at the website or social media to get this information.

Manager Salvato made a motion to direct staff to begin implementation of recommendation contained in Technical Memorandum – Twin Cities Metro Watershed Management Organizations Chloride Management Research dated April 13, 2023. President Hartmann seconded the motion. Upon a vote being taken motion carried unanimously.

D. City of Carver Levee

No new information to report since last update.

E. Dredge Management

i. Vernon Avenue Dredge Material Management site

Administrator Loomis introduced and provided background on this item. She stated that there was a kick-off meeting for this project with all the partners. Bolton & Menk has contacted the Union Pacific Railroad because two rail lines cross Vernon Avenue. She noted that the LMRWD has received a quote from RailPro for flagging.

Manager Amundson asked why the LMRWD will be hiring the flaggers and not Bolton & Menk. Ms. Young explained that this is because of how the contract is written.

President Hartmann made a motion to execute quote for flagging from RailPro. Manager Salvato seconded the motion. Upon a vote being taken motion carried unanimously.

ii. Private Dredge Material Placement

No new information to report since last update.

F. Watershed Management Plan

No new information to report since last update.

G. 2022 Legislative Action

Administrator Loomis shared that Manager Barisonzi asked her to speak with Ted Suss at the Friends of the Minnesota Valley about the River Watch program. She stated that Friends of the Minnesota Valley want funding from the State got this Program and it was not put into any of the funding bills. She added that Mr. Suss wanted to coordinate with Lisa Frenette, Legislative Liaison to the LMRWD, to help with approaching the legislature to get funding for both the MN Valley and the Red River Valley programs.

Administrator Loomis also mentioned that Ms. Frenette will not be working with the Red River Basin Board in the future. She noted that Ms. Frenette sat on the drainage work group and wondered if the Board wanted her to sit on this group on behalf of the LMRWD.

She stated that Ms. Frenette also had talked to BWSR about using money from the dredge management grant to do sediment reduction projects. She stated that BWSR had asked for the LMRWD to send a request for that. Such a letter has been sent to BWSR and receipt of the request has been acknowledged by BWSR.

H. Education and Outreach Plan

Administrator Loomis introduced and provided background for this item. She stated that they received a quote for an outreach video on how to manage steep slopes and other informational items. She shared the other outreach opportunities at upcoming events.

Manager Salvato shared concerns about the price. She asked about the protocol of getting more than one quote. Administrator Loomis stated that they can go out and get more quotes.

President Hartmann asked what the budget would look like with this expense. Administrator Loomis stated that if a river tour is not done this year, this cost would replace that.

President Hartmann made a motion to table this item until May meeting to get additional quotes. Manager Salvato seconded the motion. Upon a vote being taken motion carried unanimously.

I. LMRWD Projects

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

i. Area #3

Administrator Loomis shared that Manager Salvato had requested more information on the levy and how to pay for the 50% of any bonding money that would come from the State. She stated that a decision does not have to be made until the preliminary levy is set. She explained how the levying would work. She noted that the average homeowner in the watershed pays \$20 a year for the levy, which will change depending on different things. She stated that if the entire \$2,750,000 was levied in 2024, the average would become about \$85 for the whole year for a homeowner in the district. She explained the additional costs that are related to bonding. She recommended just doing a one-time levy.

The Board discussed the size and funding of the project.

J. Project/Plan Reviews

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

i. Permit Renewals

Administrator Loomis introduced and provided background for this item. She noted that this item will be on the consent agenda at future meetings. She reviewed the permit renewal for MN Mash.

President Hartmann made a motion to extend the permit for MN Mash and the 130th Street Extension. Manager Amundson seconded the motion. Upon a vote being taken motion carried unanimously.

ii. Chaska West Creek Apartments (LMRWD No. 2022-005)

Administrator Loomis introduced this item and shared the recommendation for a conditional approval.

Manager Salvato made a motion to conditionally approve a permit for Chaska West Creek Apartments (LMRWD No. 2022-005) contingent upon receipt of final construction plans signed by a professional engineer; name and contact information for all contractors(s) undertaking land disturbing activities as part of the proposed project; name and contact information for the person(s) responsible for erosion control inspections and maintenance; a signed copy of the final plat filed with Carver County; and a copy of the NPDES construction stormwater permit. Manager Amundson seconded the motion. Upon a vote being taken motion carried unanimously.

iii. MN River Greenway Trail (LMRWD No. 2023-007)

Administrator Loomis introduced this item and shared the recommendation for a conditional approval.

Ms. LeClaire explained what was going on with the bridge permit for this project.

Manager Amundson made a motion to conditionally approve a permit for MN River Greenway Trail (LMRWD No. 2023-007) contingent upon receipt of the name and contact information for all contractors(s) undertaking land disturbing activities as part of the proposed project; name and contact information for the person(s) responsible for erosion control inspections and maintenance; receipt of final construction plans signed by a professional engineer; a copy of permit approval from the Minnesota DNR; and a copy of

the NPDES construction stormwater permit. President Hartmann seconded the motion. Upon a vote being taken motion carried unanimously.

iv. Chaska Tech Center (LMRWD No. 2023-008)

Administrator Loomis introduced and provided background on this item and shared the recommendation for conditional approval.

Manager Salvato made a motion to conditionally approve a permit for Chaska Tech Center (LMRWD No. 2023-008) contingent upon receipt of a copy of the NPDES construction stormwater permit; a copy of executed maintenance agreement recorded with Carver County; copy of applicable Minnesota Department of Natural Resources and US Army Corps of Engineers permits; and a copy of the executed purchase agreement. President Hartmann seconded the motion. Upon a vote being taken motion carried unanimously.

v. Permit Program Summary

Administrator Loomis introduced and provided background on this item. She noted that this item will be on the consent agenda at future meetings.

vi. 535 Lakota Lane, Chanhassen – work without a permit

Administrator Loomis introduced this item and provided updates on communications with the property owner.

6. COMMUNICATIONS

- A. **Administrator Report:** Administrator Loomis reviewed her report. She stated that she attended the River Resource Forum and the Metro Minnesota Watersheds meeting. She asked if the Board would like someone from the Minnesota Watersheds to attend to May meeting to bring forward more information. The Board recommended waiting a year to join to see how things go and get feedback from others who are involved.
- B. **President:** No report
- C. **Managers:** No report
- D. **Committees:** No report
- E. **Legal Counsel:** No report
- F. **Engineer:** No report

7. ADJOURN

At 9:31 PM, President Hartmann made a motion to adjourn the meeting. Manager Salvato seconded the motion. Upon a vote being taken motion carried unanimously.

The next meeting of the LMRWD Board of Managers meeting will be 7:00, Tuesday, May 9, 2023, and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Attest:

Lauren Salvato, Secretary

Linda Loomis, Administrator