



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, November 17, 2021

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

Approved January 19, 2022

1. CALL TO ORDER AND ROLL CALL

On Wednesday, November 17, 2021, 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 roll call to be taken. The following Managers were present: Manager Laura Amundson, President Jesse Hartmann, Manager Patricia Mraz and Manager Lauren Salvato. Manager Dave Raby was absent. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; John Kolb, Rinke Noonan, LMRWD Legal Counsel; and Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant. Steve Pany, Manager from Prior Lake Spring Lake Watershed District; Jennifer Gora, Metropolitan Airport Commission; and Lisa Frenette, Frenette Legislative Advisors, LMRWD Legislative Liaison.

2. APPROVAL OF THE AGENDA

Administrator Loomis stated that she had no revisions or additions to the agenda.

President Hartmann made a motion to approve the agenda as presented. The motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.

3. CITIZEN FORUM

Administrator Loomis reported that she had not received communication from anyone that wished to address the Board.

4. CONSENT AGENDA

President Hartmann introduced the item.

- A. Approve Minutes October 20, 2021, Regular Meeting
- B. Receive and file October 2021 financial reports
- C. Approval of Invoices for payment
 - i. EFH Co. – refund of project review fee
 - ii. Frenette Legislative Advisors – September legislative service
 - iii. Daniel Hron – October office rent
 - iv. Inter-Fluve, Inc. – final invoice for Area #3 evaluation
 - v. Rinke Noonan, Attorneys at Law – August 2021 legal services

- vi. Star Tribune – publication of public hearing notice for 2022 budget in August
- vii. US Bank Equipment Finance – Copier lease payment
- viii. Young Environmental Consulting Group, LLC – July & August 2021 Technical and Education & Outreach services

Manager Amundson made a motion to approve the Consent Agenda. The motion was seconded by President Hartmann. Upon a vote being taken the motion carried unanimously.

5. NEW BUSINESS

A. Election of Officers

This item was tabled at the October 2021 Board meeting. Administrator Loomis explained that according to the bylaws the Board elects a President, a Vice President, a Secretary, a Treasurer, and an Assistant Treasurer. The Board discussed who would be willing to hold each office. President Hartmann was nominated to continue as President. Manager Mraz was nominated to continue as Vice President. Manager Salvato was nominated to continue as Secretary and Manager Amundson was nominated to office of Treasurer. Manager Raby was nominated to the office of Assistant Treasurer.

Manager Mraz made a motion to elect the slate of officers as presented. The motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.

Attorney Kolb indicated that he would communicate with Manager Raby and inform him of his election to the office of Assistant Treasurer.

6. OLD BUSINESS

A. Burnsville Willow Creek Ravine Stabilization

No new information to report.

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

No new information to report since last update.

C. City of Carver Levee

No new information to report since last update.

D. Dredge Management

i. Vernon Avenue Dredge Material Management site

No new information to report other than what was reported in the Executive Summary.

ii. Private Dredge Material Placement

Administrator Loomis advised the Board that all payments for 2020 placement of private dredge material has been received.

President Hartmann asked how water levels in 2021 impacted navigation. Administrator Loomis reported that, because of the heat and the drought in 2021 there were more grounding along the navigation channel, although not in the Minnesota River.

E. Watershed Management Plan

Administrator Loomis stated updates to the rules have been drafted. Updates are currently being reviewed so they can bring the revisions before the Board hopefully next month. Attorney Kolb explained the nature of revisions. The most significant revision to the rules concerns administrative approvals of projects – when can staff issue a permit and when does a permit need to come to the Board for approval. The goal is to make the permit approval process more streamlined and improve customer service.

Manager Salvato asked about the vetting process for the update to the rules. Ms. Young explained the reviews that will need to be completed before the rule updates are implemented.

F. 2022 Legislative Action

Administrator Loomis explained that the Board had talked about inviting Representative Paul Torkelson to a future meeting of the LMRWD. She noted that the Board should discuss the topics they wanted to bring up with Representative Torkelson.

Ms. Frenette recommended that she and Administrator Loomis meet with Representative Hanson and Senator Ingebrigtsen to talk about Area #3 and find out about drafting legislation.

She said we should express concern to Representative Torkelson about flood hazard mitigation and that the State does not need to set new pots of money, just fund the ones that are already set up. She noted that some of the funding set up for upstream water retention was not enough and that a significant amount has already gone to BWSR to establish a new program.

Manager Salvato asked Ms. Frenette how much traction there for her recommendation regarding the funding.

President Hartman stated he thinks that meeting with Rep. Torkelson is a good idea and noted they should invite him to a Board meeting, so they are all part of the conversation.

It was the consensus of the Board to invite Rep. Torkelson to the December Board meeting to discuss, legislation for combination of watershed districts and soil and water conservation district and flood mitigation programs.

She mentioned the Environmental Quality Board wants to make flood hazard mitigation as part of the 2020 state water plan. She asked if the LMRWD wants to be a part of this conversation or just have Lisa report back what is happening.

She noted that the Minnesota House of Representatives is closed down through the legislative session (all meetings will be virtual). Attorney Kolb spoke about the resolution coming before MAWD at its annual conference and that maybe the LMRWD might want to provide support to some of the resolutions, particularly related to the open meeting laws.

G. Education and Outreach Plan

No new 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. Area #3 Eden Prairie

Administrator Loomis stated she had a meeting with the City of Eden Prairie. The City wants to request state funding for the project since a large contributing factor to the problem is the impact of upstream land uses on the flow of the River. She noted that she has spoken to Lisa Frenette, the legislative liaison for the LMRWD, about how to approach the legislature to request funding. She noted staff will be meeting with Inter-Fluve next week to get a cost estimate of the project to protect the slope from failure.

Ms. Young explained the work she anticipated and the need for the LMRWD to work with the City. President Hartmann asked if a motion was needed for staff to proceed. Attorney Kolb said the Board can provide a motion when the proposal for the work comes before the Board.

I. Project/Plan Reviews

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

i. Triple Crown Residences Phase II (LMRWD No. 2021-045)

Administrator Loomis provided a brief overview of this project, noting they recommend approval of the permit request. Ms. Young that this permit does not have any conditions recommended for approval.

President Hartmann made a motion to approve a permit for Triple Crown residences Phase II (LMRWD No. 2021-045). The motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.

ii. 2021 Safety and Security Center Phase I (LMRWD No. 2021-022)

Administrator Loomis noted this project is set to be constructed at Minneapolis/St. Paul International Airport.

President Hartmann made a motion to conditionally approve a permit for 2021 Safety and Security Center Phase I (LMRWD No. 2021-022) subject to receipt of a copy of the NPDES permit, contact information for the contractor and the contact information for the person(s) responsible for inspection and maintenance of all erosion and sediment control features). The motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.

iii. Stump Road Maintenance (LMRWD No.2021-049)

Administrator Loomis stated this project is with the City of Bloomington because the project is in the floodplain and the City didn't assume responsibly for permitting under rules provided by the Board. The Board had some questions about the location of this project. Ms. Young explained the location and intent of the City for the project and whether or not the City plans to pave the road.

Manager Salvato made a motion to approve a permit for Stump Road Maintenance (LMRWD No. 2021-049). The motion was seconded by Manager Amundson. Upon a vote being taken the motion carried unanimously.

iv. Minnesota River Greenway (LMRWD No. 2021-027)

Administrator Loomis stated this project is a trail being proposed by Dakota County will connect the trail between Lone Oak Road and Cedar Avenue between Eagan and Burnsville. She noted there is a second component to the project that consists of a bridge over the railroad tracks. She noted that approval is recommended.

Ms., Young noted that the LMRWD had some concerns about the impact this project may have on the fens and trout streams in the area. She said that in the back and forth with the proponents of the project it felt like things were scaled back intentionally to fall below the thresholds of the LMRWD rules so that mitigations was not required.

President Hartmann made a to conditionally approve a permit for Minnesota River Greenway (LMRWD No. 2021-027) subject to receipt of a copy of the NPDES Permit, contact information for the contractor and contact information for the person(s) responsible for the inspection and maintenance of all erosion control features. The motion was seconded by Manager Mraz. Upon a vote being taken the motion carried unanimously.

v. City of Shakopee Municipal Local Government Unit Permit

Administrator Loomis stated it's recommended to do a partial approval because the City of Shakopee doesn't want to assume authority for the floodplain and drainage alterations.

President Hartmann made a motion to issue a municipal LGU permit to the City of Shakopee to partially administer Rule B—Erosion and Sediment Control and Rule D—Stormwater Management and fully administer Rule F—Steep Slopes. The District will continue to permit activities triggering Rule C—Floodplain and Drainage Alteration. The motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.

vi. Burnsville I 35W Trail

Administrator Loomis reminded the Board that this is the project that the City of Burnsville had asked for the LMRWD to contribute to financially. She noted this is for the Board's information and that the City will need to apply for a LMRWD permit. She noted the City is working with Young Environmental to ensure the project will meet the standards of the LMRWD.

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

7. COMMUNICATIONS

A. Administrator Report: President Hartmann asked about the MN Mash project that he saw reported in the Minneapolis Star Tribune. Administrator Loomis explained that the Savage City Council approved the project, but the LMRWD has not received an application for a permit.

Manager Salvato asked about Manager Raby's last meeting and whether the County has found a replacement. Administrator Loomis explained the process Hennepin County its open appointments. She said that she had reached out to individuals that had expressed interest in the District to notify them of the open position and she had not received any response.

B. President: No report

C. Managers: No report

D. Committees: No report

E. Legal Counsel: No report

F. Engineer: No report

8. ADJOURN

At 8:04 PM, President Hartmann made a motion to adjourn the meeting. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.

The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, December 15, 2021, and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Attest:

Lauren Manager Salvato, Secretary

Linda Administrator Loomis, Administrator