



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, October 21, 2020

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

Approved November 18, 2020

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

On Wednesday, October 21, 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). 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, 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; and Steve Pany, Manager, Prior Lake Spring Lake Watershed District. Lisa Frenette of Frenette legislative advisors joined the meeting at 7:26 PM. In addition, one or two participants phoned in who were not identified. Carver Mayor Courtney Johnson and Carver City Manager Brent Mareck joined the meeting for a time. (Other callers joined the meeting by phone and were not identified.)

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis said she had no additions or changes to the agenda. Manager Raby noted the printed agenda indicated the August meeting minutes and financial reports were to be considered. Administrator Loomis said that was an error, it should be the September meeting minutes and financial reports. President Hartmann noted the items were correct in the on-line.

**Manager Raby made a motion to approve the Agenda with the corrections he noted. 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.

#### 4. CONSENT AGENDA

President Hartmann introduced the item.

- A. Approve Minutes September 16, 2020 Regular Meeting
- B. Receive and file September 2020 Financial reports

**C. Approval of Invoices for payment**

- i. **Frenette Legislative Advisors - August 2020 lobbying services**
- ii. **Metro Sales - payment on copier maintenance agreement**
- iii. **Rinke Noonan Attorneys at Law - July 2020 legal services**
- iv. **US Bank Equipment Finance - September 2020 payment on copier lease**
- v. **Daniel Hron - August 2020 office rent**
- vi. **Metro Conservation District - for 2020 Metro Children's Water Festival**
- vii. **TimeSaver Off Site Secretarial - for preparation of July 2020 meeting minutes**
- viii. **Young Environmental Consulting Group - For July 2020 technical services**

**D. Receive and file response to LMRWD letter regarding passage of a bonding bill from Speaker of the House, Representative Melissa Hortman**

**Manager Raby made a motion to approve the Consent Agenda noting that the motion is approving the September meeting minutes and financial reports. 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.**

**5. NEW BUSINESS**

**A. There was no new business**

**6. OLD BUSINESS**

**A. Braun Cost Share**

Administrator Loomis reminded the Board that this application was from a Master Water Steward, Dustin Braun, to install a cistern to capture storm water that he could then use to irrigate his yard and gardens. Mr. Braun asked for additional time to complete his project. Materials needed to complete the project were back-ordered and he says he will be able to finish the installation, but that the preparation of the video and educational outreach that were part of his application would not be ready by the deadline. He also asked if he could receive a portion of the grant payment to pay for his out of pocket expenses.

The Board discussed the appropriate amount to hold back and asked what the costs provided in his application were. Administrator Loomis told the Managers what was on the application

**Manager Raby made a motion to extend the deadline for the Cost Share Grant to June 30, 2021 and to authorize payment of grant funds withholding \$400 until completion of the project. 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.**

**B. Mueller Cost Share Application**

Administrator Loomis said this application was tabled at the September meeting and the Board asked staff to investigate the possibility of including more properties and making it a larger project. The District reached out to the City of Bloomington, Hennepin County, US Fish & Wildlife Service and the University of Minnesota's Forestry Department to discuss using the site for a demonstration project. She informed the Board that a field inspection of the site was scheduled for October 20th, but had to be cancelled because of the weather. The site visit will be re-scheduled. No one was opposed to trying to create a demonstration project.

Administrator Loomis said she had contacted the applicant, Sandy Mueller, and explained the Board's direction. Ms. Mueller, while disappointed, is willing to help enlist her neighbors in order to address the entire slope.

**C. City of Carver Levee**

Administrator Loomis said a Resolution has been prepared for the Board to consider supporting the City's improvement to its levee. Administrator Loomis went through the conditions called out in the Resolution.

**Manager Salvato made a motion to adopt Resolution 20-10 - Expressing Support for the City of Carver, Minnesota Levee Improvement Project. 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.**

**D. Remote meeting participation**

No new information to report since last update.

**E. Dredge Management**

**i. Vernon Avenue Dredge Material Management site**

Administrator Loomis said there was not anything to add other than what was included in the Executive Summary. Ms. Della Young said that Construction was expected to be complete before the snow fall. She noted that finishing up was delayed because the site was wet.

Manager Raby asked if there would be a change order to the road. Ms. Young said that Manager Raby's understanding is correct; the wet site wouldn't support the loads and required a change to the type of material. The District has not been billed yet for any of the work, so we are not sure whether or not there will be an impact to the cost. Ms. Young noted that LS Marine needed to bring equipment onto the site in order to offload private dredge material and that impacted the contractor's productivity. She said she will be meeting with the construction manager to discuss the changes and verify the actual work done.

More information will be available at the next meeting.

**ii. Private Dredge Material Placement**

LS Marine began dredging private barge slips and placed material in the newly constructed cell. Equipment to remove dredge from the barges to place in the containment cell was brought to the site by way of the river and did temporarily interfere with construction.

**F. Watershed Management Plan**

There was nothing to report on this item.

**G. 2020 Legislative Action**

Lisa Frenette joined the meeting. Ms. Frenette reported that the Senate and the House met and passed a bonding bill. She said the bonding bill was an historic amount for the State of Minnesota. She said she expects to speak to District staff about money dedicated to LGUs for local roads and wetlands that was part of the bill. She said she is still working with others to get money for impoundments in the upper basin. No other environment bills were passed, as the Senate and House could not come to an agreement on any environment appropriations. So the language the LMRWD wanted to use money for Seminary Fen was not included in any bill.

Lisa reported on a conversation she and Administrator Loomis had with Kevin Bigalke of BWSR. They talked about shortfall the State may have next year. Mr. Bigalke urged the District to continue to request the full appropriation that District was given. He also supported use of funds to reduce sediment once dredge site costs have been met. He also indicated that BWSR

would continue to support the LMRWD request to use its appropriation to repay the cost of the Seminary Fen project.

Ms. Young had a question regarding the LMRWD being included in the flood hazard mitigation language in the bonding bill. Ms. Frenette explained that the language is a holdover from previous years flood hazard mitigation requests. She said she has been working with the Office of Management and Budget to clean-up the language to be more reflective of where the bonding funding will be spent.

Manager Salvato asked for clarification of the efforts for impoundments in the upper basin. Ms. Frenette clarified that she was referring to efforts in the Upper Minnesota River not the Mississippi. She explained that she has been working with Representative Torkelson and others to manage water flows in the Minnesota River throughout the Basin.

Manager Raby brought up the issue of sun-setting on MAWDs legislative agenda of the Resolution to create a MN River Basin Board or authority. Attorney Kolb said that the Board may want to just re-submit the 2015 resolution for consideration. Manager Raby agrees with that approach. Manager Salvato wondered if there is political will to create a basin authority. The Board discussed whether or not to resubmit the resolution to MAWD.

**Manager Raby made a motion re-submit the 2015 MAWD Resolution request to MAWD for consideration. 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.**

#### **H. Education and Outreach Plan**

Della Young explained that Managers should have received a notice about interviews for the video celebrating the LMRWD's 60th Anniversary. Shooting will occur outside at Murphy's Landing. Arrangements have been made to access an interior space, if weather does not cooperate. President Hartmann asked what is expected from the video. Ms. Young explained the goals. She said the theme is "the hardest working river in Minnesota". Manager Raby said he is back in Arizona and won't be able to participate. There was a brief discussion of music. Manager Salvato asked about time. Ms. Young said interviews will occur in the daytime and Managers will receive information about time from the director.

President Hartmann asked for an update on the CAC (Citizen Advisory Committee). Ms. Young said they have been working with other watershed district to gather information about how they recruit committee members and invited Manager Salvato to provide input when the CAC page is ready to go live on the website.

#### **I. 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 provided an update to the Board. She said the 2010 study has been reassessed and updated investigation of the site has been completed. Staff recommends moving ahead with the preliminary and final design. Manager Raby noted concerns he has over this area have been going on for quite a long time and that the District is now planning to move ahead with design that may cost over to \$200,000 and construction cost estimated at over \$1,000,000. He questions moving forward to the design phase without going out to request proposals.

Della Young agreed with Manager Raby that the project has been sitting out there for a while. It came back to the forefront because readings from the inclinometers in 2019 showed that something was going on. The readings taken in 2019, showed some anomalies. A group of professionals involved with studying the area came together to discuss what might be going on. She noted some of the stalemate that has occurred with this project came from the back and forth with the City of Eden Prairie as to who is responsible for what. The erosion and the slope instability seem to begin at the River. The LMRWD has been looking for funds to advance the project and that is why we are now looking for this recommendation.

Administrator Loomis explained that the District has received questions from sources of funding about the ability of the LMRWD to follow through with the project if grant funds are provided. Manager Raby said he would feel more comfortable with the District going out for a request for proposal. He feels that the Board should not take the recommendations of these companies who developed this proposal, because it has been so many years and just say okay now you are approved to go ahead with the design. He wants to put it out there to see if there are proposals that may come forward and save the District money in the end.

**Manager Raby made a motion to develop a request for proposal for preliminary design and design for bank stabilization at Study Area #3 in Eden Prairie. 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.**

**J. Project/Plan Reviews**

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

**ii. Memorial Park Pedestrian Bridge and Trail**

Administrator Loomis explained that this project will replace a pedestrian bridge that is part of a trail system in the City of Shakopee. The bridge was damaged and removed after flooding in 2014. The trail is being re-aligned to avoid conflicts with cultural heritage sites in the park.

**President Hartmann made a motion to approve permit #2020-116 for the Memorial Park Pedestrian Bridge and Trail in Shakopee. 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.**

**iii. Ridge Creek Park**

Administrator Loomis explained that this project will re-meander a segment of the Prior Lake Outlet Channel in Shakopee. This project received funding through the Metro-area Watershed Based Funding Pilot Program. The goal of the project is to reduce sediment and phosphorus coming into Deans Lake.

**President Hartmann made a motion to approve a permit 2020-099 for the Ridge Creek Park. 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.**

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

**7. COMMUNICATIONS**

- A. Administrator Report:** Administrator Loomis received a communication from former Manager Len Kremer about the Board decision to not join the petition requesting an EAW for the drainage project in the Yellow Medicine Watershed. She said she had not communicated the decision by the Board to the Izaak Walton League.

She had nothing additional to report other than what was contained in the report posted on line.

- B. Managers:** No Report  
**C. Committees:** No report  
**D. Legal Counsel:** No report  
**E. Engineer:** No report

**8. ADJOURN**

**At 8:14pm, President Hartmann made a motion to adjourn the meeting. Manager Raby seconded the motion. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann and Raby the following voted against: None.**

**The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, November 18, 2020 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.**

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Dave Raby, Secretary

Attest:

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Linda Loomis, Administrator