



Item 4A  
LMRWD 9-21-2022

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, August 17, 2022

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

Approved September 21, 2022

## 1. CALL TO ORDER AND ROLL CALL

On Wednesday, August 17, 2022, 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, Manager David Raby, and Manager Lauren Salvato. In addition, the following attended the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant; Anthony Crosby and Karina Weelborg, interns at Young Environmental Consulting Group and Michael Miller, Burnsville Sanitary Landfill. Hannah LeClaire, Young Environmental Consulting Group LLC; Attorney John Kolb, Rinke Noonan Attorneys at Law, LMRWD legal counsel; Ben Burnett, Manager, Prior Lake/Spring Lake Watershed District; Trevor Poonai, Ivy Brook Parking; Eric Meyer, Larson Engineering, on behalf of Ivy Brook Parking; and Peggy Thomsen, Cost Share Applicant and Bloomington resident; joined the meeting virtually.

## 2. APPROVAL OF THE AGENDA

Administrator Loomis asked to add several items to the agenda. On the Consent Agenda, under 'Approval of invoices for payment', two invoices were added: Item 4.C.vii. - TimeSaver Off Site Secretarial for preparation of the July meeting minutes and Item 4.C. viii. - Naiad Consulting, LLC, for July 2022 Administrative Services, mileage, and expenses. Also on the Consent Agenda, Item 4. J. - 2022-2023 Liability Insurance Quote was added. Under Old Business, Permits and Project Reviews, Item 6. J. ix. – Omry/Canterbury Independent Senior Living Permit Amendment was added to the agenda.

**Manager Mraz made a motion to approve the agenda with the additions of Item 4. C. vii – invoice for TimeSaver Off Site Secretarial, Item 4. C. viii. - Naiad Consulting, LLC, Item 4. J. -2022-2023 Liability Insurance Quote, and Item 6. J. ix. – Omry/Canterbury Independent Senior Living Permit Amendment. Manager Raby seconded the motion. Upon a vote being taken motion carried unanimously.**

### **3. CITIZEN FORUM**

Administrator Loomis reported that she had not received communication from anyone that wished to address the Board. Michael Miller representing the Burnsville Sanitary Landfill and Waste Management was present and addressed the Board. He reported on plans to expand the landfill.

### **4. CONSENT AGENDA**

President Hartmann introduced the item.

#### **A. Approve Minutes July 20, 2022, Regular Meeting**

#### **B. Receive and file July 2022 Financial reports**

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

- i. **CLA (Clifton Larson Allen, LLP) – July 2022 financial services**
- ii. **Scott County SWCD – Q2 2022 monitoring, technical assistance & education services**
- iii. **Dakota County SWCD - Q2 2022 monitoring, technical assistance & education services**
- iv. **Rinke Noonan – July 2022 legal services**
- v. **US Bank Equipment Finance – August payment on copier lease**
- vi. **Young Environmental Consulting Group, LLC – June 2022 technical, and Education & Outreach Services**
- vii. **TimeSaver Off Site Secretarial – preparation of July 2022 meeting minutes**
- viii. **Naiad Consulting, LLC – July 2022 administrative services & expenses**

#### **D. Receive and file June 2022 Citizen Advisory Committee meeting minutes**

#### **E. Accept report from 2021 Cost Share application – Sarazine, 11451 Landing Road, Eden Prairie and authorize reimbursement**

#### **F. Authorize payment to Coalition for a Clean Minnesota River Water Storage Initiative**

#### **G. Grant Agreement Terms & Conditions for Monitoring Ike's Creek between Minnesota Valley Refuge Friends and the LMRWD**

#### **H. Cost Share Application for 11533 Palmer Circle, Bloomington**

#### **I. Cost Share Application for 1033 Sunny Ridge Drive, Carver**

#### **J. 2022-2023 Liability Insurance Quote**

Manager Amundson made a motion to approve the Consent Agenda with the addition of Item 4. C. vii -invoice from TimeSaver Off Site Secretarial. Item 4. C. viii – invoice from Naiad Consulting LLC, and Item 4. J. -2022-2023 Liability Insurance Quote. President Hartmann seconded the motion. Upon a vote being taken the motion carried unanimously.

### **5. PUBLIC HEARING**

#### **A. Presentation of 2023 Proposed Budget and Preliminary Certification of Tax Levies Payable 2023**

Administrator Loomis explained the proposed levies to the Counties and provided a brief overview of the proposed expenses from the proposed 2023 Budget.

President Hartmann opened the public hearing at 7:24 pm.

No one was present who wished to address the Board.

President Hartmann closed the public hearing at 7:25 pm.

**President Hartmann made a motion to adopt Resolutions 22-06 through 22-09 Preliminary Certification of Property Tax Levies Payable 2023 and Approval of the 2023 Proposed Budget. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.**

## **6. NEW BUSINESS/PRESENTATIONS**

### **A. Presentation of LMRWD 2020-2022 Permitted Projects Inspections Report**

Administrator Loomis asked Della Schall Young to introduce the 2022 interns, Karina Weelborg and Anthony Crosby. Ms. Schall Young introduced the 2022 interns and Hannah LeClaire who has overseen the permitting inspection program.

Ms. Weelborg and Mr. Crosby shared the findings of the inspections program with the Board. After the presentation they made some suggestions to improve the inspection program and make it easier for those conducting the inspection.

The Board thanked the interns for their work.

### **B. Close-out of 2020 Lower MN River Dredge Management Grant**

Administrator Loomis explained that she is working with BWSR to close out the 2020 Dredge Management grant. The LMRWD did not use the entire amount of the grant and must return the unused portion of the grant to the State of Minnesota. The amount remaining is \$182,743.77.

She explained that now that the dredge site improvement project is complete, she has asked the Board of Water and Soil Resources if funds could be used to pay for sediment reduction projects. Ms. Schall Young pointed out that now that the LMRWD has completed the gully inventory and condition assessment the highest priority ravine could be stabilized using this money.

The Board asked several questions and staff provided answers.

**Manager Salvato made a motion to authorize refund of Grant P20-7873 to the Board of Water and Soil Resources in the amount of \$182,743.77. Manager Raby seconded the motion. Upon a vote being taken the motion carried unanimously.**

### **C. MAWD (Minnesota Association of Watershed Districts)**

Administrator Loomis explained that MAWD asked for the information included the meeting materials to be provided to the Board. The Board briefly discussed information provided by MAWD. The Board noted the information was reviewed and the LMRWD does not wish to become a member of MAWD.

### **D. Bylaws**

Administrator Loomis noted it has been 5 years since the bylaws were revised or amended. Bylaws call for the Board to review bylaws every five years.

Attorney Kolb noted the bylaws are similar to other watershed districts. He recommended that the Board consider whether it wants to add policies about remote attendance in meetings in compliance with MN open meeting laws. The Board had a brief discussion of what remote attendance would mean.

Administrator Loomis suggested that the Board ask legal counsel to review the bylaws and suggest revision. Managers agreed and asked that other staff look at the bylaws and weigh in, in addition to legal counsel.

**President Hartmann made a motion to direct staff to review the bylaws and suggest revisions to the Board. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.**

## **7. OLD BUSINESS**

### **A. FY 2022-23 Watershed Based Implementation Funding**

Administrator Loomis reported that his item is informational in nature. She told the Board that the convene group decided to direct \$50,000 of the Watershed Based Implementation Funding to the Eagle Creek Project for the City of Savage and the remainder of the \$127,000 available funding to the City of Shakopee for its Lewis Street Stormwater improvements.

### **B. Audit and Financial Accounting Services Proposals**

Administrator Loomis informed the Board that the 2021 Audit has not been received and that is not getting any response from the Auditor. CLA suggested the Board consider issuing another RFP. Manager Raby asked if the LMRWD can terminate the contract with Global Portfolio Consulting. Attorney Kolb said he will review the agreement. The Board said a phone call should be made to the Auditor.

### **C. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail**

No new information to report since last update.

### **D. City of Carver Levee**

No new information to report since last update.

### **E. Dredge Management**

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

No new information to report since last update.

#### **ii. Private Dredge Material Placement**

No new information to report since last update.

### **F. Watershed Management Plan**

#### **i. Revisions to LMRWD Rules**

Administrator Loomis introduced and provided an update to the Board on this item.

#### **ii. Update of LMRWD Comprehensive Watershed Management Plan Section 4 – Implementation**

Administrator Loomis introduced and provided an update to the Board on this item. She informed the Board that a public hearing for both the rules and the Plan Amendment are planned to be held at the October 2022 Board meeting.

### **G. 2022 Legislative Action**

No new information to share since last update.

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

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

### **I. LMRWD Projects**

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

#### **i. Minnesota River Corridor Management Project**

Administrator Loomis invited the Board to participate in the event planned for September 7, 2022. Manager Raby asked if details of the event have been sent to the Board. Della Schall Young said the invitations have been sent out in groups.

This event will serve as the open house for the Corridor Management Plan. So while the river paddle is meant to be fun, attendees will be asked to work and review concerns collected so far and add more.

**ii. Spring Creek**

No new information was reported at the Board meeting other than what had been provided in the Executive Summary.

**J. Project/Plan Reviews**

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

**i. LMRWD Permit Renewals**

Administrator Loomis stated that there were no permit renewals this month.

**ii. Ivy Brook Parking Northeast (LMRWD No.2022-027)**

Administrator Loomis introduced and provided an overview of this item.

**Manager Mraz made a motion to conditionally approve Ivy Brook Parking Northeast (LMRWD No. 2022-027) dated August 10, 2022, contingent on receipt of the contact information for the contractor and the contact information for the person(s) responsible for the inspection and maintenance of all erosion and sediment control features. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.**

**iii. Reliakor (LMRWD No. 2022-029)**

Administrator Loomis introduced and provided an overview of this item. She noted that one of the conditions listed in the Technical Memorandum has been met. The LMRWD received a check for the permit fee.

**Manager Raby made a to conditionally approve a permit for Reliakor (LMRWD No. 2022-029) dated August 10, 2022, contingent on receipt of the contact information for the contractor and the contact information for the person(s) responsible for the inspection and maintenance of all erosion and sediment control features. President Hartmann seconded the motion. Upon a vote being taken the motion carried unanimously.**

**iv. RSI Marine (LMRWD No.2022-031)**

Ms. LeClaire stated it was not their call as to what action to take so they only notified Exel.

No Board action is required at this time.

**v. 10521 Spyglass Drive/Hoekstra (LMRWD No. 2022-026)**

Administrator Loomis introduced and provided an overview on this item. She said no action was required of the Board at this time.

**vi. Permit Program Summary**

Administrator Loomis introduced and provided an overview on this item.

**vii. Burnsville Future Quarry Lake Study**

Administrator Loomis explained the information that was presented by the City of Burnsville for how the Kraemer Quarry site will be redeveloped once mining operations cease.

Manager Raby commented that once Kraemer Mining ceases dewatering, groundwater levels may adversely impact, the Metropolitan Council Environmental services.

No action is required at this time.

**viii. 535 Lakota Lane, Chanhassen – work without a permit**

The City of Chanhassen has revoked the Certificate of Occupancy for this property. The LMRWD will record a notice of non-compliance.

No action is needed on this item.

**ix. Omry/Canterbury Independent Senior Living Permit Amendment (LMRWD No. 2021-040**

Administrator Loomis explained that the reason this permit must be amended is because the project was not constructed in accordance with the plans and specifications. The building was built 2 feet lower than indicated on the plan, so the drainage needed to be modified.

Hannah LeClaire explained the process that Young Environmental Consulting Group conducted to review the modifications to the project.

**Manager Mraz made a motion to approve the amended permit. Manager Raby seconded the motion. Upon a vote being taken the motion carried unanimously.**

**K. MPCA Soil Reference Values**

No new information to provide since the last update.

**9. COMMUNICATIONS**

A. **Administrator Report:** Administrator Loomis said she did not complete an administrator report this month. She reported on the public kick-off meeting for the Lower Minnesota River East 1W1P on July 26, 2022. She noted the Citizen Advisory Committee attended a portion of day one of the 2022 Salt Symposium. She said she attended both days and found day one to be of more interest than day two. She said if presentations are made available, she will see if they can be shared with the Board.

B. **President:** No report

C. **Managers:** No report

D. **Committees:** No report

E. **Legal Counsel:** No report

F. **Engineer:** No report

**10. ADJOURN**

**At 8:50 PM, President Hartmann made a motion to adjourn the meeting. Manager Raby 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, September 21, 2022, and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.**

Attest:

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Lauren Salvato, Secretary

LOWER MINNESOTA RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS  
WEDNESDAY, August 17, 2022  
MEETING MINUTES

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Linda Loomis, Administrator