



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, October 18, 2022

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

Approved _____

1. CALL TO ORDER AND ROLL CALL

On Wednesday, October 19, 2022, at 7:23 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, and Manager Patricia Mraz. Manager David Raby participated virtually, and Manager Lauren Salvato was absent. In addition, the following attended the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Attorney John Kolb, Rinke Noonan Attorneys at Law, LMRWD legal counsel; Peggy Thompson, and Patty Thomsen, Bloomington residents; Ryan Peterson, Public Works Director, and Brad Woznak, SHE, representing the City of Burnsville; and Tom Suel, Valleyfair and Mark Jacobson, Barr Engineering, representing Valleyfair. Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant; Ben Burnett, Manager, Prior Lake/Spring Lake Watershed District; Theresa Kuplic, LMRWD Citizen Advisory Committee and Jim Berkas, Barr Engineering, Co., joined the meeting virtually.

2. APPROVAL OF THE AGENDA

Administrator Loomis asked to add two items to the Consent Agenda. The first under 'Approval of invoices for payment', Item 4. C. vii. – Daniel Hron for November 2022 office rent. The second item was Item 4. F. - Reimburse Renae Larson for 1033 Sunny Ridge Drive, Cost Share project.

Manager Amundson made a motion to approve the agenda with the additions of Item 4. C. xiii – invoice for Daniel Hron and Item 4. F. - Reimburse Renae Larson for 1033 Sunny Ridge Drive Cost Share project. Manager Mraz seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None

3. CITIZEN FORUM

Administrator Loomis reported that she had not received communication from anyone that wished to address the Board. No one was present that wished to address the Board.

4. CONSENT AGENDA

President Hartmann introduced the item.

A. Approve Minutes September 21, 2022, Regular Meeting

- B. Receive and file September 2022 Financial reports**
- C. Approval of Invoices for payment**
 - i. **Barr Engineering Company – September 2022 services related to Area #3**
 - ii. **US Bank Equipment Finance – October 2022 payment on copier lease**
 - iii. **Rinke Noonan, Attorneys at Law – September 2022 legal services**
 - iv. **Young Environmental Consulting Group, LLC – September 2022 technical, and Education & Outreach services**
 - v. **Dakota County Soil & Water Conservation District – Q3 2022 monitoring, education & cost share services**
 - vi. **Naiad Consulting, LLC – September 2022 Administrative services, mileage, and expenses**
 - vii. **Daniel Hron – November 2022 office rent**
- D. Receive and file August 2022 Citizen Advisory Committee meeting minutes**
- E. Reimburse Appletree Condominium for 2021 Cost Share project**
- F. Reimburse Renae Larson for 1033 Sunny Ridge Drive Cost Share project**

Manager Raby made a motion to approve the Consent Agenda with the additions of Item 4. C. xiii – invoice for Daniel Hron and Item 4. F. - Reimburse Renae Larson for 1033 Sunny Ridge Drive Cost Share project. Manager Amundson seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None

5. PUBLIC HEARING

A. Public Hearing for adoption of rules

Administrator Loomis introduced and provided some background on this item. She stated the LMRWD received a letter with from the City of Shakopee in the mail today to be received and filed by the Board. Manager Raby asked if the letter would be included as part of the comments received. Administrator Loomis said it would.

President Hartmann made a motion to receive and file the letter from the City of Shakopee. Manager Mraz seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None

President Hartmann opened the public hearing.

Patti Thompson, 11633 Palmer Road, addressed the Board. She asked how to find out where the Spring Creek sites 1, 2 and 3 are located.

Administrator Loomis explained Ms. Thompson's questions were not related to the rules, and that she would send Ms. Thompson the information she requested.

President Hartmann asked if staff had the same recommendation to adopt the revised rules, after receiving the comments. Ms. Schall Young said that staff recommends approval and that the comments received be tabled and can be addressed in the future after discussions with the respective municipalities.

President Hartmann, seeing and hearing no one else wanting to comment on the LMRWD Rules, closed the public hearing.

Attorney Kolb noted that the record should reflect that the comment letter from the City of Shakopee delves specifically with Rule C, the floodplain and does not touch on the actual amendments as presented and under consideration this evening and that they acknowledge that in the letter.

Manager Amundson made a motion to adopt Resolution 22-10 Adopting revisions to the LMRWD Rules as presented. President Hartmann seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None

B. Public Hearing for adoption of Minor Plan amendment

Administrator Loomis introduced and provided some background on this item.

President Hartmann opened the public hearing.

Seeing and hearing no one wanting to comment on the Plan Amendment, President Hartmann closed the public hearing.

Manager Raby made a motion to adopt Resolution 22-11 Adopting Watershed Management Plan Amendment. Manager Mraz seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None

6. NEW BUSINESS/PRESENTATIONS

A. Cost Share Application for 4562 McColl Drive Savage, MN

Administrator Loomis introduced and provided background on this item. Manager Raby noted the Cost Share Agreement should be revised as this is a study and not a project.

Manager Raby asked what the benefit to water quality would be. Attorney Kolb explained that this project should give the LMRWD insight to the best management practices to improve water quality, if implemented. Managers had additional questions and discussion.

Manager Amundson made a motion to approve Cost Share application for 4562 McColl Drive for 50% of the cost to prepare a stormwater management plan up to a maximum of \$2,500 and authorize execution of the Cost Share Agreement using verbiage suggested by legal counsel. Manager Mraz seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None

OLD BUSINESS

A. LMRWD Bylaws

Administrator Loomis introduced and provided background on this item.

Manager Amundson made a motion to waive the 30-day notice of proposed change to by-laws and adopt revised by-laws as presented. President Hartmann seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None

B. Audit and Financial Accounting Services Proposals

No new information to report since last update.

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

See public hearing items.

G. 2022 Legislative Action

No new information to report since last update.

H. Education and Outreach Plan

No new information to report since last update.

I. LMRWD Projects

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

No new information to report.

J. Project/Plan Reviews

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

i. City of Burnsville Municipal LGU Permit (Surface Water Management Plan and Ordinance Controls Review)

Mr. Peterson, Public Works Director for the City of Burnsville, addressed the Board and reviewed the flood plain regulations and provided some background on this item and explained the reason the city is requesting the LMRWD look at its Floodplain and Drainage Alteration Rule. The City would like the LMRWD to reconsider its no rise position. He said the City would like to see the LMRWD turn floodplain regulation over to the City and that the City continue to regulate according to the MN DNR and FEMA standards.

Manager Hartmann asked if this concern was for only one project or more. Mr. Peterson said that the concern is for all property within the flood fringe. Manager Raby asked LMRWD technical staff for an opinion or if it is something that should be discussed later. Ms. Della Schall Young explained the LMRWD rationale for the rule and that this will need to be discussed later. She reports that the LMRWD has observed that over the years since the development of the model the LMRWD has seen a cumulative rise in the flood elevation in the flood fringe. She reported that she had shared this concern with LMRWD legal counsel who concurs with the LMRWD rule.

Manager Mraz asked for an explanation as to why the LMRWD is more stringent than the FEMA standard. Attorney John Kolb explained how and why this was included in the LMRWD Rules.

Attorney Kolb recommended that the Board authorize the Permit for the City of Burnsville and continue discussions with the City. Manager Amundson asked if FEMA was using the

Atlas 14 precipitation estimates. Ms. Schall Young was not certain if it used Atlas 14 as it was developed in 2004.

President Hartmann made a motion to conditionally approve a Municipal; LGU Permit for the City of Burnsville subject to resolving outstanding items listed in the Technical Memorandum – City of Burnsville Municipal LGU Permit (Surface Water Management Plan and Ordinance Controls Review) dated September 14, 2022. Manager Amundson seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None

ii. LMRWD Permit Renewals

Administrator Loomis introduced and provided background on this item.

President Hartmann made motion to renew permits as recommended in the Technical Memorandum – October 2022 Permit Renewal Requests, dated October 12, 202. Manager MRAZ seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None

iii. Valleyfair Parking Expansion (LMRWD No. 2022-024)

Administrator Loomis introduced and provided background on this item.

Manager Amundson made a motion conditionally approve LMRWD Permit No. 2022-034 subject to receipt of name and contact information for all contractors 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, final construction plans signed by a professional engineer, and documentation that the applicant has received full approval for the project from the City of Shakopee. Manager Mraz seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None

iv. 2022 MBL Nicollet River Crossing (LMRWD No. 2020-105)

Administrator Loomis introduced and provided background on this item.

v. Permit Program Summary

Administrator Loomis introduced and provided background on this item.

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

Mr. Kolb introduced and provided some background on this item and asked if any of the Managers had questions.

Manager Amundson made a motion to move forward with filing the proposed Complaint with the courts. Manager Mraz seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: Non

K. MPCA Soil Reference Values

L. Administrator Loomis introduced and provided background on this item.

President Hartmann made a motion to authorize staff to proceed with recommendations contained in the Technical Memorandum – Revised Soil Reference Values and the Dredge Material Management Plan dated October 12, 2022. Manager Raby seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None

7. COMMUNICATIONS

- A. **Administrator Report:** Administrator Loomis stated her report is included in the Managers packet for their review and noted she and Young Environmental recently met with the DNR to discuss the management plan for Seminary Fen. Discussion with the DNR will continue.
- B. **President:** No report
- C. **Managers:** No report
- D. **Committees:** No report
- E. **Legal Counsel:** No report
- F. **Engineer:** No report

8. ADJOURN

At 8:34 PM, President Hartmann made a motion to adjourn the meeting. Manager Mraz seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None

The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, November 16, 2022, 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