



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, September 21, 2022

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

Approved October 19, 2022

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

On Wednesday, September 21, 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; Ben Burnett, Manager, Prior Lake/Spring Lake Watershed District. Attorney John Kolb, Rinke Noonan Attorneys at Law, LMRWD legal counsel; and Hannah LeClaire joined the meeting virtually.

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis asked to add one item to the Consent Agenda, under 'Approval of invoices for payment', Item 4. C. xiii. – Daniel Hron for October 2022 office rent. She asked to remove Item 6. J. iv. – City of Burnsville Municipal LGU Permit (Surface Water Management Plan and Ordinance Controls Review) at the request of the City.

**Manager Amundson made a motion to approve the agenda with the additions of Item 4. C. xiii – invoice for Daniel Hron and the removal of Item 6. J. iv. - City of Burnsville Municipal LGU Permit (Surface Water Management Plan and Ordinance Controls Review). President Hartmann 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. No one was present that wished to address the Board.

#### 4. CONSENT AGENDA

President Hartmann introduced the item.

##### A. Approve Minutes August 17, 2022, Regular Meeting

##### B. Receive and file August 2022 Financial reports

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

- i. CLA (Clifton Larson Allen, LLP) – August 2022 financial services

- ii. **Metro Sales, Inc. – payment for maintenance agreement for copier**
- iii. **HDR Engineering – website services through August 27, 2022**
- iv. **Barr Engineering – MPCA Soil Reference Value Policy Review**
- v. **Daniel Hron – September 2022 office rent**
- vi. **Frenette Legislative Advisors – Aug & Sep 2022 Legislative Services**
- vii. **TimeSavers Off-Site Secretarial, Inc. – Preparation of August 2022 meeting minutes**
- viii. **Naiad Consulting, LLC – August 2022 administrative services & expenses**
- ix. **Rinke Noonan – August 2022 legal services**
- x. **US Bank Equipment Finance –September 2022 payment on copier lease**
- xi. **Star Tribune – Publication of 2023 levy certification meeting notice**
- xii. **Young Environmental Consulting Group, LLC – August 2022 technical, and Education & Outreach Services**
- xiii. **Daniel Hron – October 2022 office rent**

**D. Authorize reimbursement for Cost Share Project at 4624 Overlook Drive**

**Manager Raby 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. NEW BUSINESS/PRESENTATIONS**

**A. Election of Officers**

Administrator Loomis introduced and provided background on this item. She noted the Executive Summary has the current roles listed for the Board review.

**Manager Mraz made a motion to keep the same slate of current officers. Manager Salvato seconded the motion.**

President Hartmann asked if there was a procedure that needs to be followed. Attorney John Kolb said there is no required formality that must be followed. Manager Amundson noted that with the change over in accounting services and depositories, she and President Hartmann are authorized to manage financial accounts and that if roles changed others would need to be authorized. She noted that it made sense to keep the current slate.

**President Hartmann called the question. Upon a vote being taken the motion carried unanimously.**

**B. Cost Share Application from Sutton Place Two Condo Association**

Administrator Loomis introduced and provided background on this item.

The Board discussed this application and asked questions about the application.

**Manager Mraz made a motion to approve the Cost Share Grant Application for 50% of the actual expenditures up to \$7,500. Manager Salvato seconded the motion. Upon a vote being taken the motion carried. President Hartmann abstained from the vote.**

## **OLD BUSINESS**

### **A. LMRWD Bylaws**

Administrator Loomis introduced this item and asked Attorney Kolb to explain the suggested revisions to the bylaws.

Attorney Kolb provided background and reviewed the proposed changes on this item. The first change suggested is regarding when Managers claims for expenses must be submitted to the LMRWD for reimbursement. The Board discussed alternate language and suggested that if there were extenuating circumstances that prevents any managers from turning in expense claims, the Board could authorize late submission of expenses. Otherwise they agreed that claims for reimbursement of expenses must be submitted in a timely manner.

Attorney Kolb said he would come up with language to reflect the Board's direction.

The second issue is related to officers and how office appointments are managed if there are less than 5 managers, which has been a challenge for the Board in the past. The Board concurred. Attorney Kolb will determine where in the bylaws a mechanism for adding flexibility to the bylaws for Managers to hold multiple offices.

Ms. Schall Young asked about authorizing payment of claims and if officers holding multiple might create internal control conflicts. Attorney Kolb said that is a possibility and something he will need to consider in suggesting revisions.

Manager Mraz asked about the representation of the counties on the Board and why there are 5 Managers. She also asked if it would be possible for there to be two representatives from other counties rather than Hennepin. Attorney Kolb explained that is not up to the Board of Managers, it is stipulated in statute that there must be five managers. The Board of Water and Soil Resources is given the authority to redistribute the managers if petitioned by the counties and all the counties must concur. Manager Mraz explained she wasn't making any suggestion; she was just curious as to how the distribution came to be. Managers discussed whether Hennepin should maintain two seats, since Scott County seems to be surpassing Scott County in tax base.

Attorney Kolb noted that the financial management language must change, because the LMRWD no longer contracts with Carver County for financial services as identified in the bylaws.

He noted that he will make the language about notice of meetings consistent with the MN open meeting laws. He suggested that the bylaws reflect attendance at meetings remotely, as allowed by open meeting laws and allow the Board the ability to waive the notice of eight days notice to managers.

The next change was in Section 7, where it refers to Roberts Rules of Order. Attorney Kolb suggested the language be revised that Robert Rules of Order can be suspended by the Board as long as all managers agree to the procedures being followed.

Attorney Kolb will revise the bylaws as discussed and agreed upon at this meeting.

Manager Raby asked if Administrator Loomis and Ms. Schall Young had reviewed the bylaws and had any suggested revisions. Both said they had reviewed them and concurred with the revisions suggested by Attorney Kolb and didn't have any others.

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

Administrator Loomis introduced and provided background on this item. She alerted the Board that they may want to look at whether the letter of engagement with the auditor can be terminated.

**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**

Administrator Loomis introduced and provided an overview of this item. She noted Young Environmental has inspected the Vernon Avenue dredge sit and summarized their findings. Staff would like the Board to authorize them to move forward with the recommendations in the technical report.

**Manager Raby made a motion to authorize staff to undertake the recommendations in the Technical Memorandum. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.**

Administrator Loomis noted that she has received notice of work in public waters in all barge slips at private terminals for dredging yet this fall

**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.

**President Hartmann made a motion to call a public hearing for the adoption of the proposed revisions to the LMRWD Rules and the proposed amendment to the Watershed Management Plan. Manager Raby seconded the motion. Upon a vote being taken the motion carried unanimously.**

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

**G. 2022 Legislative Action**

Administrator Loomis introduced and provided an overview of this item. She noted that the contract for legislative liaison is an annual agreement and asked if the Board wished to continue to work with Frenette Legislative Advisors. She noted that she has a good relationship with Ms. Frenette.

She noted that she is still waiting for word from BWSR whether state funds for dredge management can be used for sediment reduction projects.

The Board agreed they should continue with Frenette.

**H. Education and Outreach Plan**

Administrator Loomis introduced and provided an overview of this item.

The Board discussed that the list of schools is not complete and that we should reach out to all the schools that serve the LMRWD.

Ms. Schall Young said that some of the schools that do not appear on the list may be served by other watershed districts rather than the LMRWD. She noted that all the schools can be contacted regardless of whether they are being served by another watershed District.

**Manager Amundson made a motion to approve the Educator Mini-Grant Program and authorize distribution to schools serving the LMRWD. Manager Mraz seconded the motion. Upon a vote being taken the 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 introduced and provided an overview on this project. She noted the workplan included in their packets is incorrect, and apologizes for that inconvenience.

Ms. Schall Young explained that when this project began, Barr Engineering did work as a subcontractor to Young Environmental and now it is a direct contract with Barr.

**President Hartmann made a motion to authorize the Administrator to execute the Professional Service Agreement Amendment #1 between Inter-Fluve and the LMRWD and Work Order 2022-02 between Barr Engineering Company and the LMRWD. Manager Raby seconded the motion. Upon a vote being taken the motion carried unanimously.**

**ii. Minnesota River Corridor Management Project**

Administrator Loomis introduced and provided an overview on this item. She noted there isn't a lot of new information on this item at this time but in November they should have a draft for the Board to review.

**iii. Spring Creek**

Administrator Loomis introduced and provided an overview on this item. She noted that letters have been sent to the owners of two properties impacted by erosion did not attend the neighborhood meeting. The LMRWD is awaiting a response from the owner that did attend the meeting.

Manager Raby asked about the city's participation in a restoration project. Administrator Loomis explained that the City remains non-committal.

**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 introduced and provided an overview on this item. Only one renewal is on the agenda this month and that is for traffic improvements at the signal at Lone Oak Road and TH 13.

**Manager Amundson made a motion to renew permits as provided in Table 1. Summary of September 2022 LMRWD Permit Renewal Requests shown in Technical Memorandum – September 2022 Permit Renewal Requests dated September 14, 2022. Manager Raby seconded the motion. Upon a vote being taken the motion carried unanimously**

**ii. Gedney Treatment Pond Decommissioning (LMRWD No. 2022-024)**

Administrator Loomis introduced and provided an overview of this item. She noted the LMRWD has received the permit review fee for this project, so that condition can be removed.

**Manager Raby made a motion to conditionally approve a permit for Gedney Treatment Pond Decommissioning (LMRWD No. 2022-024) subject to receipt of a copy of the NPDES Construction Stormwater Permit. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.**

**iii. Freeway Landfill Expansion (LMRWD No. 2020-105)**

Administrator Loomis introduced and provided an overview of this item. She noted the information was shared with Ms. Schall Young and there is no action needed at this time.

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

This item was removed from the agenda.

**v. City of Eden Prairie Code Amendment Review**

Administrator Loomis introduced and provided an overview on this item.

**vi. Permit Program Summary**

Administrator Loomis stated the summary is included in their packets for their review.

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

Administrator Loomis introduced and provided an overview of this item. She noted there is no action needed at this time

Attorney Kolb provided an overview of the legal action progress and next steps on this item.

**K. MPCA Soil Reference Values**

No new information to provide since the last update.

**6. COMMUNICATIONS**

**A. Administrator Report:** Administrator Loomis stated her report is included in the packet for the Board to review. She asked the Board how in-depth it would like the LMRWD to become in the development of the Lower MN River East 1W1P now that its technical advisory group is planning to meet. Does the Board want to have the LMRWD technical consultant advised? The Board said that the Administrator and Manager Amundson should be able to represent the LMRWD's goals and if the need arises to get more involved in the technical aspect then Young Environmental can be consulted.

**B. President:** No report

**C. Managers:** No report

**D. Committees:** No report

**E. Legal Counsel:** No report

**F. Engineer:** Ms. Schall Young asked that the Board look at the floodplain memo prepared by Young Environmental. She said it is her understanding that the reason the City of Burnsville asked for the Municipal Permit for the City to be removed from the agenda this evening, is because they would like the Board to reconsider its position regarding floodplain and drainage alterations. Ms. Schall Young noted the LMRWD's reasoning behind its rules is laid out in that memo.

**7. ADJOURN**

**At 8:22 PM, President Hartmann made a motion to adjourn the meeting. Manager Mraz seconded the motion. Upon a vote being taken the motion carried unanimously.**

LOWER MINNESOTA RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS  
WEDNESDAY, September 21, 2022  
MEETING MINUTES

**The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, October 19, 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