



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, July 20, 2022

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

Approved August 17, 2022

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

On Wednesday, July 20, 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; and Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant. 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; Theresa Kuplic, LMRWD Citizen Advisory Committee; and Carl Almer, EOR, Inc, representing PLOC bank stabilization project; joined the meeting virtually.

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis asked to add two items. On the Consent Agenda, under 'Approval of invoices for payment', an invoice was added for Spartan Promotional Group (Item 4. C. xiii.) for a table cover with the LMRWD logo. Under Old Business, Permits and Project Reviews, Item 6. I. x. – 10521 Spyglass Drive was added to the agenda.

**Manager Amundson made a motion to approve the agenda with the additions of Item 4. C. xiii – invoice for Spartan Promotional Group and Item 6. I. x. – 10521 Spyglass Drive. 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, and no one was present that wished to address the Board. She introduced Manager Ben Burnett from the Prior Lake/Spring Lake Watershed District and asked if he wanted to say anything to the Board. He did not wish to address the Board beyond his introduction.

#### 4. CONSENT AGENDA

President Hartmann introduced the item.

##### A. Approve Minutes June 15, 2022, Regular Meeting

- B. Receive and file June 2022 Financial reports**
- C. Approval of Invoices for payment**
  - i. **Managers stipend & expenses – First half 2022**
  - ii. **CLA (Clifton Larson Allen, LLP) – June 2022 financial services**
  - iii. **Daniel Hron – July 2022 Rent**
  - iv. **HDR Engineering, Inc. – website maintenance & upkeep April-June 2022**
  - v. **Naiad Consulting, LLC – May 2022 administrative services & expenses**
  - vi. **Naiad Consulting, LLC – June 2022 administrative services & expenses**
  - vii. **TimeSaver Off Site Secretarial – preparation of June 2022 meeting minutes**
  - viii. **Frenette Legislative Advisors – June/July 2022 legislative services**
  - ix. **Rinke Noonan – June 2022 legal services**
  - x. **US Bank Equipment Finance – June & July payment on copier lease**
  - xi. **Daniel Hron – August 2022 office rent**
  - xii. **Young Environmental Consulting Group, LLC – June 2022 technical, and Education & Outreach Services**
  - xiii. **Spartan Promotional Group – for table cover with LMRWD logo**
- D. Reimburse City of Chaska for Seminary Fen C-2 Feasibility Study**
- E. Accept quote for Director’s & Officer’s Insurance and authorize payment**
- F. Approve and authorize execution of Professional Services Agreement between the LMRWD and Young Environmental Consulting Group**
- G. Approve agreement to transfer copyright and authorize payment**

**Manager Raby made a motion to approve the Consent Agenda with the addition of Item 4. C. xiii - invoice for Spartan Promotional Group. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.**

## **5. NEW BUSINESS/PRESENTATIONS**

### **A. 2023 Budget Discussion**

Administrator Loomis provided an overview of this item. She explained she and Ms. Schall Young will work out additional details and get the final numbers to the Board with the August meeting materials.

Manager Raby noted there may be an error in the numbers. Administrator Loomis acknowledged the error and stated she will correct that.

Ms. Schall Young asked if at the August meeting the Board should address the budget and plan amendment at the same time during the public hearing.

Mr. Kolb stated they are separate things so they should be held separately but it is fine to hold them on the same day.

Manager Mraz stated she feels from a customer service standpoint it would make sense to hold all public hearings on the same night.

Administrator Loomis stated doing them on the same night would be convenient for the public, but they may need to wait until September to provide allow for adequate time for the required comment periods.

**Manager Raby made a motion to schedule the budget hearing for August. Manager Mraz seconded the motion. Upon a vote being taken the motion carried unanimously.**

**B. FY 2022-23 Watershed Based Implementation Funding**

Administrator Loomis introduced this item and provided background on the question posed by the Convene group. The voting members of the Convene group want to split the allocation between the two projects that were determined to qualify. The two projects were a stream bank stabilization of Eagle Creek at the 128<sup>th</sup> Street crossing (proposed by the City of Savage) and the Lewis Street stormwater BMP in the City of Shakopee. The Convene group wanted to know if the LMRWD would provide additional funding so that both projects would receive the requested grant.

LMRWD staff recommended that the LMRWD Board request the Shakopee Project receive the funding, because the LMRWD did not receive enough information from the City of Savage to properly evaluate the project they requested funding for.

The Board discussed how to evaluate projects. Ms. Schall Young said that the LMRWD does have criteria to evaluate projects, but when they come in one at a time, projects can not be evaluated against each other to make sure the LMRWD is funding the best projects.

Discussion about the proportion of funding that is appropriate for the LMRWD to make. Attorney Kolb suggested language that could be used in cooperative agreement with cities so that the LMRWD does not end up paying a greater percentage of the cost of a project than the Board intends to.

She noted they are not being asked for any funding right now other than the grant and if the LMRWD would make up the difference between the available grant and the requested amounts.

**Manager Raby made a motion to that the Shakopee project be funded using all of the Watershed Based Implementation Funding available assuming they can come up with the rest of the money needed to complete the project. Funding. Manager Mraz seconded the motion. Upon a vote being taken the motion carried unanimously.**

**6. OLD BUSINESS**

**A. Audit and Financial Accounting Services Proposals**

Administrator Loomis stated the LMRWD hasn't received the 2021 financial audit yet. She noted there is a statutory deadline of June 30<sup>th</sup>, by which the financial audit must be filed with BWSR and the state auditor. She noted she has informed BWSR and asked if the LMRWD needs to be worried about ramifications if this is filed late.

Mr. Kolb stated there are no consequences if it is not turned in on time. He noted however, they do need to stay diligent and make sure the auditor keeps them informed about the status until they receive it.

**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**

Administrator Loomis that MnDOT has continued communication with the LMRWD regarding Vernon Avenue closure.

**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.

**E. Watershed Management Plan**

**i. Revisions to LMRWD Rules**

Administrator Loomis introduced and provided an overview on this item.

**President Hartmann made a motion to approve draft rules revisions and authorize submission of draft revisions to the Board of Water and Soil Resources. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.**

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

Administrator Loomis introduced and provided an overview on this item.

**Manager Raby made a motion to approve draft implementation plan and authorize initiation of the Minor Plan Amendment process. President Hartmann seconded the motion. Upon a vote being taken the motion carried unanimously.**

**F. 2022 Legislative Action**

No new information to report since last update

**G. Education and Outreach Plan**

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

**H. 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 stated the LMRWD held a meeting recently to gather input regarding LMRWD management of the Corridor. The LMRWD plans to hold the next meeting at Fort Snelling State Park and do a guided canoe tour with Wilderness Inquiry. She noted the information and proposed budget is in the Board packets for their review. She stated the Board of Managers is invited to participate and will receive an invite.

**President Hartmann made a motion to authorize expenditure for next meeting of the MN River Corridor Management Project. Manager Raby seconded the motion. Upon a vote being taken the motion carried unanimously.**

**ii. 2021 Gully Inventory and Condition Assessment Volume 2**

Administrator Loomis introduced and provided an overview of this item.

**Manager Mraz made a motion to receive and file the 2021 Gully Inventory and Condition Assessment Report Volume 2. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.**

**I. 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 this item. She stated that information about permits that require renewal was included with the materials in the meeting packet.

**Manager Amundson made a motion to approve extension of permits listed in Table 1 of the Technical Memorandum – June 2022 Permit Renewals dated July 13, 2022. President Hartmann seconded the motion. Upon a vote being taken the motion carried unanimously.**

**ii. Prior Lake Outlet Channel 2022 Bank Stabilization (LMRWD No.2022-017)**

Administrator Loomis introduced and provided an overview of this item.

**Manager Mraz made a motion to grant a variance and approve a permit for Prior Lake Outlet Channel 2022 Bank Stabilization (LMRWD No. 2022-017). Manager Raby seconded the motion. Upon a vote being taken the motion carried unanimously**

**iii. Quarry Lake Park Restroom (LMRWD No. 2022-028)**

Administrator Loomis introduced and provided an overview of this item.

**President Hartmann made a to conditionally approve a permit for Quarry Lake Park Restroom (LMRWD No. 2022-028) contingent upon receipt of the contact information for the contractor and the contact information for the person(s) responsible for inspection and maintenance of erosion and sediment control features. Manager Raby seconded the motion. Upon a vote being taken the motion carried unanimously.**

**iv. TH 494 SP 2785-422 (LMRWD No. 2022-019)**

Manager Raby asked why the condition listed was only to notify Exel Energy. He wondered what Exel was to do if the predicted rise adversely impacts Exel.

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

**Manager Raby made a to conditionally approve a permit for TH 494 SP 2785-422 (LMRWD No. 2022-019) upon MnDOT notifying Excl Energy of the temporary flood-stage increase, and conforming with legal requirements of Excel Energy, receipt of a copy of the NPDES permit, contact information for the contractor and the person(s) responsible for inspection and maintenance of all erosion and sediment control features. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.**

**v. 494 Corridors of Commerce Pre-permit Review (LMRWD No.2022-023)**

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

**vi. Permitted Projects Inspections 2020-2022**

Administrator Loomis introduced and provided an overview on this item. She noted the Interns would be present at the August meeting to present the findings of the inspections.

**vii. Burnsville Sanitary Landfill**

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

**viii. Permit Program Summary**

Administrator Loomis introduced and provided an overview on this item. She noted this report was usually part of the monthly Administrator's Report but she thought it is more appropriate to include it here.

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

Mr. Kolb provided an overview of the status on this item. He noted no action was required of the Board at this time.

**x. 10521 Spyglass Drive**

Administrator Loomis had requested this item be added to the agenda. At the June meeting, the Board was informed of this project and that LMRWD staff had visited the property. Stormwater from the neighbor is flowing to 10521 Spyglass and is causing structural damage to the home. The LMRWD received an application for the project Tuesday, July 12<sup>th</sup>. This didn't give LMRWD staff enough time to properly review the application, so that it could be on the July meeting agenda. Staff recommends that the LMRWD allow the project to proceed and issue an after-the-fact permit at the August meeting of the Board of Managers. LMRWD staff explained that they were not concerned that commencement of work on the project would create any risk for the LMRWD. This would just allow the project to begin so that drainage could be managed sooner.

**Manager Mraz made a motion to allow the project to commence. President Hartmann seconded the motion. Upon a vote being taken the motion carried unanimously.**

**K. MPCA Soil Reference Values**

Administrator Loomis introduced and provided background on this item.

**Manager Raby made a motion to approve Professional Services Agreement between the Lower Minnesota River Watershed District and Barr Engineering Company and Work Order #2022-01 and authorize execution of both. Manager Amundson seconded the motion. Upon a vote being taken the motion carried unanimously**

**9. COMMUNICATIONS**

- A. **Administrator Report:** Administrator Loomis provided an overview of the Administrator Report which is included in the Board packets for their review.
- B. **President:** No report
- C. **Managers:** No report
- D. **Committees:** No report
- E. **Legal Counsel:** No report
- F. **Engineer:** No report

**10. ADJOURN**

**At 8:34 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, August 17, 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

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Linda Loomis, Administrator