



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, June 15, 2022

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

Approved July 20, 2022

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

On Wednesday, June 15, 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. Attorney John Kolb, Rinke Noonan Attorneys at Law, LMRWD legal counsel; and Joe Donkers, ISG, representing Minnesota MASH; joined the meeting virtually. Hannah LeClaire, Young Environmental Consulting Group LLC, joined virtually at 7:24 pm.

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis asked to remove Items 4. C. v., and 4. C. viii. – Approval of Invoices for Payment; Naiad Consulting, LLC and US Bank Equipment Finance.

There was discussion about the process and signatures required for payment of Manager per diem payments and expense reimbursement.

**Manager Amundson made a motion to approve the agenda with the removal of Items 4. C. v., and 4. C. viii. – Approval of Invoices for Payment; Naiad Consulting, LLC and US Bank Equipment Finance. 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.

#### 4. CONSENT AGENDA

President Hartmann introduced the item.

##### A. Approve Minutes April and May 2022 Regular Meetings

##### B. Receive and file April and May 2022 Financial reports

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

##### i. Studio Lola – Final invoice for sign project

- ii. **Scott County Soil & Water Conservation District – Q1 2022 monitoring services**
  - iii. **Metro Sales, Inc. – payment for maintenance agreement for copier**
  - iv. **TimeSavers Off-Site Secretarial, Inc. – Preparation of April and May 2022 meeting minutes**
  - v. ~~**Naiaad Consulting, LLC – May 2022 administrative services & expenses**~~
  - vi. **Clifton Larson Allen, LLP – May 2022 financial services**
  - vii. **Rinke Noonan – May 2021 legal services**
  - viii. ~~**US Bank Equipment Finance – June 2022 payment on copier lease**~~
  - ix. **Inter-Fluve – March 2022 Study Area #3 services**
  - x. **Young Environmental Consulting Group, LLC – May 2022 technical, and Education & Outreach Services**
- D. Receive and file March 2022 Citizens Advisory Committee meeting minutes**
- E. Reimburse City of Shakopee for Targeted BMP Study for Downtown Shakopee**
- F. Reimburse Carver Watershed Management Organization for West Chaska Creek re-meander project**

Manager Salvato questioned why so much more had been budgeted for the Shakopee Targeted BMP Study for Downtown Shakopee. Administrator Loomis explained that no one was sure what the project would cost. The City and the Grant covered the cost of the study.

**Manager Raby made a motion to approve the Consent Agenda with the Minutes April 20, 2022, Regular Meeting removed and the addition of invoices for Frenette Legislative Advisors. President Hartmann seconded the motion. Upon a vote being taken the motion carried unanimously.**

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

### **A. 2023 Budget**

Administrator Loomis introduced this item and stated the levy has the budget increasing by \$25,000, after several years of no changes to the budget. She asked if the Board would like to provide direction to staff. She noted that staff is in the process to amend the implementation program that is in Section 4 of the Watershed Management Plan. She noted that staff met with the Technical Advisory Committee (TAC) this morning and asked TAC members to get projects in to the LMRWD.

Manager Raby asked about projects that may not be in the implementation program and how those programs would be paid for. Administrator Loomis said that is the reason the LMRWD began the Water Resource Restoration Fund, which is a line item in the budget.

Ms. Schall Young stated at the May 2022 meeting the Board was presented with a draft of the implementation schedule and that is where most of the projects will come from to inform the budget process in future years. She is hopeful that projects will be recommended by the TAC to include in the implementation program, so that there are fewer projects that pop-up after the budget has been adopted.

Manager Salvato asked about land acquisitions and how other watershed districts spend more money on projects and the like. Administrator Loomis explained that is the information she is looking for from the Board. Setting the direction of the LMRWD is the role of the Board. And if the Board wants to become more active, she recommends to plan for that gradually through the budget process.

Managers Raby agreed but noted that the LMRWD must identify projects, including land acquisition, that will benefit the District and then adjust the budget accordingly. He noted that the LMRWD has followed its plan when setting budgets. Administrator Loomis agreed and said it is the plan that lays out the policy for the LMRWD. She said she and Ms. Schall Young rely on the Plan when developing budgets and work plans. She noted that a list of unfunded projects is contained in the Plan that have been proposed by LMRWD partners and that projects were budgeted to remain within budget range. She noted that the plan reflects staff's interpretation of Board guidance.

Manager Raby stated that since he has been on the Board, he didn't think had expressed that direction.

Ms. Schall Young stated she was under the impression that the Board wanted the amount of annual levy to remain in the \$700K to \$800K range and that that is how the implementation program was developed. She noted that the LMRWD has recently been focused on studies to find out what is going on within the LMRWD so that projects could be identified using those studies. And that is where the LMRWD is currently.

Ms. Schall Young addressed Manager Salvato's question about land acquisitions. She noted that studies done around the fens and trout streams identified areas that the cities could change zoning to protect those resource. She went on to say they are looking at doing an analysis of land value and at what the cost might be for those. The LMRWD would then work with the DNR and others to determine who would be the best entity to purchase properties to protect high value resources and strategize possible funding of purchases. She noted they would then bring it to the Board for review and approval based on the analysis.

Manager Salvato continued that she noted that Carver and Scott Counties are the fastest growing counties in the state and that even though the LMRWD standards are protective, would strategic land acquisitions take the protections a step further. She just wanted to throw the suggestion out there, because she was thinking of different angles the LMRWD could take toward protection.

Administrator Loomis noted that the LMRWD had been approached about land acquisitions and the offers the LMRWD has received have been for land that is developable and that the LMRWD is not really the best agency to acquire and hold land. Manager Raby agreed that the LMRWD doesn't have staff to effectively manage land and that perhaps the LMRWD should come up with a plan. Manager Salvato noted that land acquisition would require operations and management be included in the budget. She noted the land acquisition might increase education and recreation opportunities and would preserve the land.

Manager Raby noted that the historically the LMRWD has not spent the whole budget. He asked if staff is for the Board authorization to the increase in the levy for 2023 that staff has proposed. Administrator Loomis said yes, staff is looking for that direction. Manager Raby said as long as the projects are worthwhile projects that have been vetted, he believes the LMRWD can increase the levy to pay for projects that benefit the LMRWD.

It was the consensus of the Commission to that increasing the levy is acceptable if it benefits the LMRWD

**B. Seminary Fen Well Sealing**

Administrator Loomis introduced and provided an overview of this item and the process that is involved with sealing the wells. The Board had some questions about the process to actually seal the wells.

**Manager Mraz made a motion to authorize sealing of wells 727740 and 727741 and expenditure of \$1,000. The motion was seconded by Manager Raby. Upon a vote being taken the motion carried unanimously.**

**6. OLD BUSINESS**

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

Administrator Loomis stated the bills that need to be approved are in the meeting materials for the Managers to review. Managers President Hartmann and Manager Amundson have been trained in the approval of invoices.

**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**

MnDOT has had issues with the TH 13 project that have closed Vernon longer than was anticipated. This has not presented a problem to the LMRWD so far.

**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**

Administrator Loomis reported that LMRWD staff met with the Technical Advisory Committee today and has given them until July 1, 2022, to inform the LMRWD with projects to include in the plan amendment.

**F. 2022 Legislative Action**

No new information to report since last update

**G. Education and Outreach Plan**

Administrator Loomis provided an overview of this item. She stated they would like to purchase the artwork to use it in other ways in the future. The Board discussed the pros and cons of the two options for purchase of the artwork.

**Manager Raby made a motion to authorize Option 2 purchase of educational signage artwork. (Purchase of copyright of artwork) The motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.**

**H. LMRWD Projects**

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

**i. East Chaska Creek**

Administrator Loomis introduced this item. She stated when the City and Contractor take care of the items noted in the meeting packets; they will see this on a future agenda to authorize payment. The Board discussed options for maintaining the site.

**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 Renewal**

Administrator Loomis introduced this item. She stated that information about permits that require renewal was included with the materials in the meeting packet. The Board approved permits on three projects with one motion.

**Manager Raby made a motion to approve amendment and extension of permit 2021-020 (Core Crossing); Permits for Minnesota MASH/130<sup>th</sup> Street Extension (LMRWD No. 2021-033), and CenterPoint Energy – Oak Street North (Chaska) (LMRWD No. 2022-021).**

**Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.**

**ii. Minnesota MASH and 130<sup>th</sup> Street Extension (LMRWD No, 2021-033)**

Administrator Loomis introduced this item. She stated there is an overview of this project in the Board packet for their review.

**See Motion under Item 6.I.i. – LMRWD Permit Renewal**

**iii. CenterPoint Energy – Oak Street North (Chaska) (LMRWD No. 2022-021)**

Manager Salvato asked what was going on with this project because it is in her neighborhood.

Administrator Loomis stated she thinks they are most likely doing their line work at the same time the roads are being fixed so they won't have to go back and do that after the new roads are in place

**See Motion under Item 6.I.i. – LMRWD Permit Renewal.**

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

Administrator Loomis provided an overview on this item. She stated she communicated with the property owner and informed him that he need he needs to put in an application by before June 15, 2022. No application was received.

Attorney Kolb stated that since the owner has not taken the action asked by the LMRWD, the LMRWD can take an enforcement action. The LMRWD will ask a court to record an order against the property. The property owner will have to right to appeal any action taken by the LMRWD.

It was the consensus of the Board to have legal counsel move forward ahead with enforcement actions against the property.

**K. MPCA Soil Reference Values**

No new information to report since last update.

**9. COMMUNICATIONS**

**A. Administrator Report:** Administrator Loomis noted the Water Festival is on Monday, September 28<sup>th</sup> and they will have a virtual option and in person attendance (which is closed).

She stated the educational signage is with the Cities of Chaska and Savage to be installed. The sign are two feet high by three feet wide.

She reported the Convene Group for WBIF met on May 18<sup>th</sup> and agreed projects need to be submitted by June 22<sup>nd</sup>. The next meeting of the convene group will be June 29<sup>th</sup>.

Staff met with the City of Savage and MN DNR to discuss the management of Savage Fen.

She and Manager Amundson attended the Lower MN East Watershed1W1P meeting on May 26<sup>th</sup> and learned that they have not yet signed a contract with a consultant. A date was set for

the public kick-off meeting, which will be held 6:00 to 8:00pm July 26, 2022. There will be a virtual option and a survey. She noted that she added LMRWD partners to the invitation list. She and Ms. Schall Young met with a landscaper and property owner at a property in Eden Prairie that is looking to solve drainage issues at the property that is causing damage to the home.

She met with the City of Shakopee regarding federal they received to stabilize the south bank of the MN River from Huber Park to the Landing.

Staff met with all firms included in the Engineering Pool to talk about LMRWD expectations.

She met with a property in the City of Savage about drainage issues, who was referred to Dakota County landscaping for Clean Water and the Scott SWCD. The city was consulted, but no response has been received.

Manager Mraz asked if the LMRWD has been in touch with the property owner in Eden Prairie that is contributing stormwater to the neighboring property. Administrator Loomis said they had not been in touch with them. She said the property owner receiving the water was told they might want to speak to the neighbor. Ms. Young provided additional information about what was observed. She noted that it seemed at first this seemed to be an urgent issue, but no action has been taken since the LMRWD met with the property owner.

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

#### 10. ADJOURN

**At 8:18 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, July 20, 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 Administrator Loomis, Administrator