



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, May 5, 2021

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

Approved May 19, 2021

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

On Wednesday, May 5, 2021, at 7:00 PM, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD). The meeting was convened on-line due to the health emergency created by the COVID-19 pandemic.

President Hartmann asked for roll call to be taken. The following Managers were present: President Jesse Hartmann, Manager Patricia Mraz, and Manager Lauren Salvato. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, and Katy Thompson, Young Environmental Consulting Group, LLC (YECG), Technical Consultant; and Robert Brown, S. M. Hentges. Manager David Raby was absent..

#### 2. APPROVAL OF THE AGENDA

President Hartmann asked if the agenda was just the four items. Administrator Loomis said that was correct.

**President Hartmann made a motion to approve the Agenda. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Salvato; 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.

#### 4. NEW BUSINESS

##### A. Permits and Project Reviews

##### i. 2021-009 Burnsville Industrial Phase IV

Administrator Loomis reminded the Board that this application was conditionally approved at the April Board meeting. The Board required financial assurance from the applicant so construction could begin while the LMRWD completed its review. She then turned the meeting over to the Katy Thompson. Ms. Thompson explained that the review of the capacity of the stormwater pond has been completed and the pond has the capacity to receive stormwater from this project. She said that the project meets the District's rules. Staff is recommending that the financial assurance be discharged.

Manager Salvato asked when Atlas 14 was last updated in Minnesota. Ms. Thompson thought it was perhaps in 2010/2011. Della Young said although we may be using 2010 rainfall information this pond is in far better shape than others [it has more than sufficient capacity]. She noted that this is something that staff will keep in mind when reviewing projects on behalf of the District in the future and will note this information in the technical memos.

**Manager Salvato made a motion to discharge the bond for LMRWD permit No. 2021-009, Burnsville Industrial Phase IV. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz and Salvato; the following voted against: None.**

**ii. 2021-013: Summerland Place**

Administrator Loomis said this application is for a large residential development and was also approved conditionally at the April meeting. Financial assurance was required at the April meeting. She noted that the District did receive financial assurance and it has been deposited with the District's financial services provider.

She then asked Ms. Thompson to update the Board. Ms. Thompson said the applicant actually resubmitted the application with substantial changes from what had been submitted previously. Staff is recommending that the financial assurance not be released while the new application is being reviewed to make sure the changes will manage stormwater according the LMRWD rules, or better. She said this project will come before the board at a future meeting.

Administrator Loomis noted that no action is needed on this item it is for the Board's information only.

Manager Salvato asked for clarification about a statement in the technical memo. She asked if the statement in the paragraph above "Financial Assurance" means that modeling is not required for this project. Ms. Thompson said in this case yes. She explained that because the project is not is a high value resource area, it is not required to show a reduction in Phosphorus and Total Suspended Solids (TSS). She further explained that by constructing ponds per the stormwater manual; the applicant provided evidence of their design and how it meets the standards in the manual, one can reasonably assume that at least 85% of TSS and 50% of total Phosphorus is being treated and removed.

**iii. 2021-015: Stagecoach Road Improvements**

Administrator Loomis explained that this is a project where the City of Shakopee is the applicant. It is related to the S. M. Hentges redevelopment of an industrial area formerly occupied by Cretex. She then asked Ms. Thompson to provide the Board with the details.

Ms Thompson explained that this is a transportation improvement project to facilitate access to the future development of the industrial site. Manager Salvato asked if she was correct to assume that the City is responsible and obligated to maintain the system. Ms. Thompson explained that is correct; the City is responsible for maintenance of its stormwater systems. She further noter the District only requires maintenance agreements when the stormwater management system will be privately owned and maintained.

Manager Mraz asked if there is a time limit to the District's permit. Ms. Thompson explained that the permits expire after one year and that extensions can be given, but it would come back to the Board for approval of the extension.

**Manager Mraz made a motion to approve LMRWD permit No. 2021-015, Stagecoach Road Improvements. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz and Salvato; the following voted against: None.**

**iv. 2021-019: Cretex Site After-the-Fact Permit**

Administrator Loomis explained that this project was granted a permit by the city and construction began. The City then realized that the project needed a permit from the Watershed District. The City then issued a stop work order. Because construction had started, the contractor was allowed to stabilize the site. She noted that all parties have been very cooperative and asked Ms. Thompson if she had more to add.

Ms. Thompson noted a permit was applied for immediately after the contractor was notified. The actual project is a temporary project and not the final development. An area was being used for storage of aggregate that needed to be moved in order to accommodate planned construction of another project. Administrator Loomis noted that some conditions were listed in the technical memo and asked Ms. Thompson what is the status of those conditions. Ms. Thompson noted that the conditions have been met, so the permit can be approved without conditions.

Manager Salvato asked how often after the fact permit requests happen. President Hartmann noted this was the first he has experienced. Administrator Loomis said in her experience this does not happen often, but it does happen on occasion. Manager Mraz said this is the opposite situation that she had questioned earlier in the meeting- what happens when the project is not completed after a permit had been issued. Administrator Loomis said she has seen that happen more often than this situation. Often after permits have been issued things happen and a project cannot be completed; tenants pull out or financing falls through and then the project cannot be completed within the time frame of the permit.

**Manager Salvato made a motion to conditionally approve LMRWD Permit No, 2021-019, Cretex Site After the Fact Permit. The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz and Salvato; the following voted against: None.**

Manager Salvato noted that this is the first additional meeting of the Board of Managers and asked if the additional meetings are necessary, or could these permits have waited for the May 19th meeting. Administrator Loomis said the additional meetings will help staff manage the work flow better and that often applicants are eager to begin construction, because of the limited window for construction in Minnesota.

**5. ADJOURN**

**At 7:31 pm, President Hartmann made a motion to adjourn the meeting. Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz and Salvato the following voted against: None.**

**The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, May 19, 2021 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.**

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Lauren Salvato, Secretary

Attest:

LOWER MINNESOTA RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS  
WEDNESDAY, May 5, 2021  
MEETING MINUTES

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Linda Loomis, Administrator