



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, February 16, 2021

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

Approved March 16, 2022

1. CALL TO ORDER AND ROLL CALL

On Wednesday, February 16, 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: President Jesse Hartmann, Manager Patricia Mraz, and Manager Lauren Salvato. Manager Dave Raby joined virtually from Tucson, Arizona. Manager Laura Amundson was absent. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; John Kolb, Rinke Noonan, LMRWD Legal Counsel; and Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant. Lindsey Albright, Dakota Soil & Water Conservation District; Christopher Knopik, CLA, LMRWD Financial Services provider; Corey Boyer, PMA Financial Network, LLC, representing the 4M Fund; and Steve Pany, Manager for Prior Lake Spring Lake Watershed District joined virtually.

2. APPROVAL OF THE AGENDA

Administrator Loomis asked that the January 19, 2022, meeting minutes be removed from the agenda as she had not received the meeting minutes from the recording secretary.

Manager Raby made a motion to approve the agenda with January 19, 2022, meeting minutes removed. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby, 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. CONSENT AGENDA

President Hartmann introduced the item.

A. Approve Minutes December 15, 2021 and ~~January 19, 2022~~ Regular Meeting

B. Receive and file December 2021 and January 2022 Financial reports

C. Approval of Invoices for payment

i. **Daniel Hron – December 2021 office rent**

- ii. **Metro Sales – payment on copier maintenance agreement**
- iii. **Scott County Soil & Water Conservation District – Q3 2021 monitoring, TACS & Cost Shares service**
- iv. **State of Minnesota Dept. of Administration – publish RFPs for audit & accounting services in State Register**
- v. **US Bank Equipment Finance – December 2021 payment on copier lease**
- vi. **Danial Hron – January 2022 office rent**
- vii. **MCES – Ike’s Creek monitoring**
- viii. **Rinke Noonan Attorneys at Law – November 2021 legal services**
- ix. **Studio Lola – down payment for educational signage**
- x. **US Bank Equipment Finance – January 2022 payment on copier lease**
- xi. **Star Tribune – publication of notice for public hearing on 2022 budget and levy**
- xii. **US Bank Equipment Finance – February 2022 payment on copier lease**
- xiii. **Naiad Consulting – June, July, August & September 2021 Administrative Services, mileage, and expenses**
- xiv. **TimeSaver Off-Site Secretarial Services – preparation of November 2021 meeting minutes**
- xv. **Young Environmental Consulting Services – November 2021 technical, and Education & Outreach services**

D. Receive and file January 2022 Citizens Advisory Committee meeting minutes

E. Receive and file 2021 Fen Well Monitoring Report from Dakota County Soil & Water Conservation District

F. 2022 Salt Symposium Sponsorship

G. Authorize payment to Inter-Fluve for work on Eden Prairie Area #3

President Hartmann made a motion to approve the Consent Agenda. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

5. NEW BUSINESS/PRESENTATIONS

A. Authorize RFP for Engineering Pool

Administrator Loomis reviewed this item and noted this is draft of the RFP seeking engineers who are willing to be a part of a pool of companies that the District could pull from for different services.

Manager Raby stated he knows this is a draft but wants to make sure it’s reviewed carefully before publishing. He noted he found a few edits that need to be made, specifically in item 3 and 4.

Manager Salvato asked if the companies who participate in the RFP need to be locally based to qualify.

Ms. Schall Young noted they would need to be licensed in the state of Minnesota for the services they would be performing. She noted it would be ideal that they are locally based but not necessarily a requirement.

Manager Raby made a motion to authorize soliciting Statements of Qualification for firm interested in being included in a pool. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

6. OLD BUSINESS

A. Audit and Financial Accounting Services Proposals

Administrator Loomis reviewed this item and stated the Managers will be responsible for approving the invoices. She informed the Board that the LMRWD will use Quickbooks on-line and all checks will be issued by the LMRWD. Managers will need to authorize payment of checks. She noted the Managers would be notified when checks are ready for approval and they would only need to go into the system that will be set up and approve payment.

Mr. Christopher Knopik, Clifton Larson Allen, LLP, introduced himself to the Board. He stated bill.com is the service they are recommending which helps automate the process of bill paying so no one will physically need to sign any checks as it is all done online. He noted it is the system his company uses and it works well.

Attorney Kolb asked if it is set up in a way that will minimize any negative impact on LMRWD financial audits related to internal control of funds.

Mr. Knopik stated yes, there are several safeguards, with several approvals being in place prior to the final approval for payment.

President Hartmann asked if it is only web based or if there is an App as well for bill.com.

Mr. Knopik noted it is web based and they will do the training with them and make sure everyone knows how it all works.

Administrator Loomis said she is recommending the LMRWD transfer funds to the 4M (Minnesota Municipal Money Market) Fund, which is a joint powers organization that provides banking services in partnership with US Bank. Using the 4M Fund manages the funds in a manner that meets the requirements for collateralization of funds over and above the amounts covered by FDIC Insurance.

Corey Boyer, PMA Financial Network LLC, addressed the Board. He explained that PMA Financial Network, LLC (PMA) was chosen by the 4M Fund Board of Trustees to serve as the Fund's administrator. He stated the 4M Fund only work with municipal entities in the State of Minnesota, so they are designed to meet needs of public entities. He noted they have worked with over 300 Minnesota public entities and that they know the market well. He reiterated that they work in partnership with US Bank. He stated they appreciate the opportunity to work with the District.

Manager Raby asked if the 4M Fund acts as a brokerage, where money is swept into the bank account when needed. Mr. Boyer explained how the 4M Fund operates.

Administrator Loomis asked the Board to adopt Resolution 22-04 Authorizing Membership in the 4M Fund and Designating 4M Fund and US Bank as Depositories.

President Hartmann made a motion to adopt Resolution 22-04 Authorizing Membership in the 4M Fund and Designating 4M Fund and US Bank as Depositories. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

Administrator Loomis then asked the Board to authorize execution of the Master Services Agreement.

Manager Raby made a motion to authorize execution of the Master Service Agreement, including Appendix A & B. The motion was seconded by Manager Mraz. Upon a vote being

taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

The Board thanked Mr. Knopik and Mr. Boyer for attending the meeting and being available to answer questions.

B. Lower Minnesota River East One Watershed One Plan

Administrator Loomis said there was no action needed on this item. Manager Salvato asked about the name Lower Minnesota River East and questioned if there was a west.

Administrator Loomis explained the 1W1P planning areas. Manager Raby noted that the MOA identifies the LMRWD as Lower Minnesota River East Watershed District. Administrator Loomis said she would ask for the document to be corrected.

C. Burnsville Willow Creek Ravine Stabilization

Administrator Loomis reviewed this item. She noted the project has been completed. She explained that usually cooperative agreements are signed before the project begins, but it took a while to get this one drafted and it is before the board tonight. Legal Counsel has reviewed the document on behalf of the LMRWD.

Administrator Loomis noted that the LMRWD has not received the documentation necessary to reimburse the City. When it does, staff will review the documentation and then ask the Board to authorize reimbursement.

President Hartmann asked if there were any pictures. Administrator Loomis said none had been received. Manager Salvato asked if Administrator Loomis had visited the restoration. She said she has not been out to inspect the project.

Manager Raby made a motion to approve and authorize execution of the Cooperative Agreement between the LMRWD and the City of Burnsville. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

D. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail

No new information to report since last update.

E. City of Carver Levee

No new information to report since last update.

F. Dredge Management

i. Vernon Avenue Dredge Material Management site

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

ii. Private Dredge Material Placement

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

President Hartmann asked if there are historical records of the amount of material that is dredged each year. Administrator Loomis said that the LMRWD has its records, but does not have any records from before material was placed on the Vernon Avenue Dredge site.

G. Watershed Management Plan

Administrator Loomis stated they will be providing the draft next week.

H. 2022 Legislative Action

Administrator Loomis stated Lisa Frenette provided the LMRWD with the reapportionment maps. She has not had time to look at the maps yet.

Manager Salvato asked about the Smart Salting Legislation and if that is the same as the limited liability legislation. Administrator Loomis said that it is.

I. Education and Outreach Plan

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

Manager Raby said he was interested in the list of schools that have been contacted. Administrator Loomis said she has the list of schools and didn't include it in the Executive Summary.

Manager Raby also noted that the name of the LMRWD should be consistent in calling itself the District versus LMRWD – pick one and use it consistently. Manager Salvato noted that floodplain is one word not two.

J. LMRWD Projects

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

No action required on any project this month, so updates appear in the Administrator's Report.

K. Project/Plan Reviews

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

i. TH 13 Savage (LMRWD No. 2021-025)

Administrator Loomis provided an overview of this item. She stated they received the maintenance agreement from MnDOT and the City of Savage. Administrator Loomis asked Ms. Schall Young to confirm if they need to see the executed agreement before a permit is issued.

Ms. Schall Young stated to remain consistent they would need to see the executed maintenance agreement like they did for Hennepin County. She noted it should probably be a condition of the approval as well.

Manager Raby asked if an agreement that ensures that they will still have access through the dredge site during construction will be required.

Ms. Schall Young stated they have been assured that they will be letting them know whenever they will be blocking access to the site. There was discussion about the timing of access to the dredge material management site. The Board wished to add that LMRWD access to the site be included in bid documents released by MnDOT.

Manager Salvato asked an incorrect acronym used in the Memorandum and about reference to fish spawning that was mentioned. Ms. Schall Young noted the acronym came from another memo that was used to prepare the Technical Memorandum prepared for the Board, that is why it is used. She also noted the reference to fish spawning came from the DNR conditions for the project.

President Hartmann made a motion to conditionally approve LMRWD Permit No. 2021-025, TH 13 Savage, subject to MnDOT including in its bid documents that contractor must coordinate closure of Vernon Avenue with the LMRWD, receipt of a copy of the NPDES permit, contact information of the contractor, the name and contact information of the person(s) responsible for inspection and maintenance of erosion and sediment control measures and a copy of the executed maintenance agreement of stormwater management BMPS between MnDOT and the City of Savage. The motion was seconded by Manager

Mraz. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

K. MPCA Soil Reference Values - no change since last update

9. COMMUNICATIONS

- A. **Administrator Report:** Administrator Loomis asked if the Board had any questions about the Administrator's Report. President Hartmann asked for the date of planned construction start for the Merriam Junction Trail. Administrator Loomis said Scott County said they were planning to start construction Spring 2022. Administrator Loomis reported on a notice that she received from BWSR and that she legal counsel to address. Attorney Kolb explained the memo and why this notice came about and what it means to the LMRWD. He said someone questioned the meaning of the word "Board" in statute 103D.605 – does it mean the Watershed District Board or the Board of BWSR? He believes this will be addressed and made clear by the legislature. He advised that the LMRWD does not need to change any of its practices because of the memo.

Attorney Kolb advised that he and Lisa Frenette have come to an agreement regarding a contract between the LMRWD and Frenette Legislative Advisors (FLA). The Board should receive an executed contract from FLA soon.

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

10. ADJOURN

At 8:04 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, March 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 Manager Salvato, Secretary

Linda Administrator Loomis, Administrator