



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, June 16, 2021

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

Approved July 21, 2021

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

On Wednesday, June 16, 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, Manager Lauren Salvato and Manager David Raby. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC (YECG), Technical Consultant; Katie Vculek, Rinke Noonan, Attorneys at Law, Legal Counsel; Lindsey Albright, Dakota County Soil & Water Conservation District; Steve Pany, Manager, Prior Lake Spring Lake Watershed District; Scott Sparlin, Coalition for a Clean Minnesota River and Paul Fritton, LMRWD resident.

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis said she had no additions or changes to the agenda.

**Manager Raby made a motion to approve the Agenda. 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 May 19, 2021 Regular Meeting and June 2, 2021 Meeting

##### B. Receive and file May 2021 Financial reports

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

- i. Blackstone Contractors, LLC – Partial payment for East Chaska Creek
- ii. Daniel Hron - May 2021 office rent
- iii. Riley Purgatory Bluff Creek Watershed District – LMRWD share of match for 2018 Watershed Based Funding grant
- iv. Rinke Noonan Attorneys at Law - March 2021 legal services
- v. DRB Consulting, LLC – Final payment for data management project

- vi. **Frenette Legislative Advisors - May 2021 legislative services**
- vii. **Metro Sales – payment on copier service agreement**
- viii. **Scott Soil & Water Conservation District – Q1 2021 monitoring TACS & education services**
- ix. **US Bank Equipment Finance - June 2021 copier lease payment**
- x. **Dakota County Soil & Water Conservation District – 2018 Watershed Based Funding Grant Administration Services**
- xi. **Dakota County Soil & Water Conservation District – Q1 2021 monitoring, TACS & education services**
- xii. **Fortin Consulting, Inc. – Sponsorship of 2021 Salt Symposium**
- xiii. **Young Environmental Consulting Group - March 2021 technical and Education & Outreach services**
- xiv. **Naiad Consulting, LLC - March 2021 administrator services and expenses**
- D. **Authorize final payment to Blackstone Contractors, LLC for East Chaska Creek**
- E. **Receive and file Citizen Advisory Committee May 2021 meeting minutes**
- F. **Authorize payment of invoice #1 for Area #3 from Inter-Fluve**

**Manager Salvato made a motion to approve the Consent Agenda. 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.**

## **5. NEW BUSINESS**

### **A. Report on Water Storage Initiative**

This item was tabled at the May 19, 2021 Board and Mr. Scott Sparlin was invited to present the project to the Board, since Managers Salvato and Mraz were not familiar with the project when the Board agreed to fund the initiative.

Administrator Loomis introduced Mr. Sparlin, who provided details about the project, the work done and the results to the Board and answered questions from Managers. Administrator Loomis asked the Board to authorize payment to Coalition for a Clean Minnesota River for the second half of the grant for the Water Storage Initiative.

**Manager Raby made a motion to authorize the second half payment for the Water Storage Initiative to Coalition for a Clean Minnesota River. 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.**

### **B. Return to in-person meetings**

Administrator Loomis said Carver County has notified her that the County Board Room is open for LMRWD Board meetings beginning in June. She consulted legal counsel about steps the Board should take to begin meeting in person. Legal Counsel recommended that the Board rescind the resolution calling for alternative means for meeting because of the health emergency created by COVID-19.

Administrator Loomis noted that Manager Salvato is interested in remote attendance while she is on parental leave once she delivers her baby. Legal Counsel Katie Vculek stated there are provisions to allow Managers to participate remotely in a number of circumstances. Special provisions due to the emergency declaration are allowed for 60 days after the end of the emergency. After the 60 days, the requirements of the open meeting law would be in force.

The Board expressed frustration with state's requirements. The Board asked that legal counsel further investigate rules that might allow Managers to attend meeting while on parental leave.

Manager Raby asked if the direction to legal counsel needed a motion. Administrator Loomis said that a motion was not required for that, but that a motion was necessary to adopt Resolution 21-07 rescinding resolution 20-03.

**Manager Raby made a motion to adopt Resolution 21-07 Rescinding Resolution 20-03 Adopting Interim Meeting Schedule and Format. 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.**

**C. Board tour of District**

Administrator Loomis suggested that the Board might want staff to arrange a tour of the District. She noted that in the past the District has hosted tours of the River by boat or barge. This year staff thought it might be a good time to visit some of the projects the District has completed. She wanted to know if the Board wanted staff to arrange a tour before a lot of staff time was spent on it.

Manager Raby thought this was a great idea and that the Citizen Advisory Committee should be invited. Other Managers thought this was a good idea also and thought it should be later in the fall so that Manager Salvato could attend. Manager Raby asked to keep his schedule in mind also. Manager Mraz said the Board could consider a series of yearly tours.

Manager Salvato said barge tours should also be thought about because she has been on tours of the Mississippi and thought they were valuable. Manager Raby said he agreed and that LMRWD tours have been very well attended in the past.

**6. OLD BUSINESS**

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

No new information to report since last update.

**B. City of Carver Levee**

Administrator Loomis noted that the City of Carver is planning a stakeholder meeting regarding this project on June 24th. She asked Managers to let her know if they wanted to attend. Manager Raby said he would like to attend.

**C. Remote meeting participation**

No new information to report since last update.

**D. Dredge Management**

**i. Vernon Avenue Dredge Material Management site**

No new information to report since last update.

**ii. Private Dredge Material Placement**

Administrator Loomis informed the Board that the District has received notice that Savage Riverport has applied for a permit to dredge. She also noted that Savage Riverport, Cargill and CHS have all been billed for placement of material on the LMRWD site in 2020 and to date payment has been received from Savage Riverport. She said she plans to follow up with Cargill and CHS.

**E. Watershed Management Plan**

No new information to report since last update.

**F. 2021 Legislative Action**

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

**G. Education and Outreach Plan**

Administrator Loomis reported some minor revisions had been to the Citizen Advisory Committee (CAC) bylaws since the Board had last reviewed them, most notably that the CAC thought that members who reside outside the boundaries of the LMRWD should be voting members. Ms. Della Young noted that the revisions requested by Manager Raby had also been made.

An orientation packet for CAC members was prepared and in the meeting packet for the Board to approve. Manager Raby thought the orientation packet was very nice, however he noted that he is no longer in the position stated in his bio. Manager Salvato noted that her name is misspelled. Ms Young said she will have Jen Cheever who had prepared this info contact the managers for correct information. The Board thought it would be a good idea to prepare an orientation packet for new Managers.

**Manager Raby made a motion to adopt Citizen Advisory Committee Bylaws and Orientation Packet. 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.**

**H. LMRWD Projects**

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

**i. Eden Prairie Study Area #3**

Administrator Loomis reported that work is continuing on this project and that a bathymetric study had been performed. Staff is working with Inter Fluve to prepare a recommendation for the Board to consider.

Ms. Young added that staff hopes to have specific recommendations ready for the Board to consider at the July meeting.

**ii. East Chaska Creek**

Administrator Loomis noted the project is complete and that the District will not payout the final amount until the warranty period is over for the vegetation.

**I. Project/Plan Reviews**

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

**i. Whispering Pines**

Administrator Loomis turned the explanation of this item over to Ms. Young. Ms. Young outlined the details of the project. Three of the LMRWD rules are triggered by the project; Rule B - Erosion and Sediment Control, Rule C Floodplain and Drainage Alteration and Rule D Stormwater Management. There were some discrepancies in the information provided, but the plans as presented meet the LMRWD requirements. Staff is recommending conditional approval of the project pending resolution of the discrepancies, and receipt of the NPDES permit. She noted the LMRWD receive notice of work in a public waters permit application and provided comments on the application.

Manager Raby thought the area of the current proposal was larger than the original application and he questioned that. Ms. Young explained the process the District follows to ensure that the entire project is considered. Manager Raby is correct, however staff recommendations on made based on the actual plans for what is happening at that time.

**Manager Raby made a motion to approve LMRWD Permit No. 2021-15 - Whispering Waters subject to the resolution of the outstanding comments and receipt of the NPDES permit. 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.**

**J. MPCA Soil Reference Values - no change since last update**

**7. COMMUNICATIONS**

**A. Administrator Report:** Administrator Loomis updated the Board in regards to filling the vacant Hennepin County Manager position. She has received several inquiries and so has the County. The County will keep the posting open for 30 days and then chose from the applications they may receive.

She announced that there is not a need for a Board meeting on July 7th, so the meeting will be cancelled.

Manager Salvato had asked about the letters Administrator Loomis shared in the Administrator's report. Administrator Loomis noted that the LMRWD may not agree with the position help by the letters authors. The Board suggested the LMRWD may want to reach out to other District's that may have similar concerns and send its own letter.

Administrator Loomis brought up the MPCA report on PFAs and noted that several locations within the LMRWD have levels high enough to be of concern.

Manager Salvato said she would be interested in attending the Salt Symposium. Manager Mraz said she would like to attend the first day, because she has a conflict on the second day. The Board agreed the District should reimburse Managers for the cost of attending. The District did receive one free registration with the sponsorship the LMRWD provided.

**B. Managers:** No Report

**C. Committees:** No report

**D. Legal Counsel:** No report

**E. Engineer:** No report

**8. ADJOURN**

**At 8:12 pm, President Hartmann made a motion to adjourn the meeting. Manager Raby seconded the motion. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato the following voted against: None.**

**The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, July 21, 2021 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.**

---

Lauren Salvato, Secretary

Attest:

---

Linda Loomis, Administrator