



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, August 21, 2019

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

Approved September 18, 2019

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

On Wednesday, August 21, 2019, at 7:00 PM 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) and asked for roll call to be taken. The following Managers were present: Manager David Raby, Manager Adam Frey and President Jesse Hartmann. In addition, the following were also present: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, Technical Consultant; and Lindsey Albright, Dakota County SWCD;

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis asked that the minutes of the July 17, 2019 minutes be removed from the agenda.

Administrator Loomis added 2 items to the agenda. The first is the extensions to the Cost Share Project for the Chimney Pines Homeowners Association project because of the weather and the second is for the Cost Share Project submitted by Lori Rathjen. The DNR has not been able to prepare the site because of the wet weather. Administrator Loomis recommended extending the expiration of the grant to June 30<sup>th</sup>.

**Manager Raby made a motion to approve the Agenda, as amended. The motion was seconded by President Hartmann. The motion carried unanimously.**

#### 3. CITIZEN FORUM

There were no citizens who wished to address the board on non-agenda items.

#### 4. CONSENT AGENDA

President Hartmann introduced the item.

**A. Approve Minutes June 19, 2019 and ~~July 17, 2019~~ Regular Meetings**

**B. Receive and file July 2019 Financial reports**

**C. Approval of Invoices for payment**

i. Frenette Legislative Advisors - - June 2019 lobbying services

ii. Manager Frey - 1st half 2019 mileage and expense reimbursement and per diem

iii. Daniel Hron - July 2019 office rent

iv. Manager Frey - 1st half 2019 mileage and expense reimbursement and per diem

v. Rinke Noonan Attorneys at Law - May & June 2019 legal services

- vi. **US Bank Equipment Leasing - August 2019 copier lease payment**
- vii. **Braun Intertech Corp. - for June 2019 inclinometer readings**
- viii. **Manager Hartmann - 1st half 2019 mileage and expense reimbursement and per diem**
- ix. **Naiad Consulting, LLC - May 2019 Administrative Services & Expenses**
- x. **Young Environmental Consulting Group, LLC - June 2019 Technical Services**
- xi. **Carver County Finance Department - Q2 2019 Financial Services**

**D. 2018 Audit report update**

**Manager Raby made a motion to approve the Consent Agenda, with the deletion of the July 2019 minutes. The motion was seconded by President Hartmann. The motion carried unanimously.**

**5. PUBLIC HEARING**

**A. Preliminary approval of proposed 2020 budget and certification of levy payable 2020**

Administrator Loomis explained that at the last meeting the board decided to increase the levy to \$800,000 with the increase credited to the channel fund to pay for construction in 2020.

Manager Raby questioned the date of public notice is wrong on the second page of the executive summary. He clarified the correct dates of the final publication.

President Hartmann opened the public hearing.

Seeing and hearing no one wishing to speak to the 2020 preliminary budget and certification of the levy payable 2020, President Hartmann closed the public hearing.

**President Hartmann made a motion to adopt Resolutions 19-04, 19-05, 19-06 and 19-07 approving preliminary certification of property tax levies for taxes payable 202 and approving of the 2020 proposed budget. The motion was seconded by Manager Raby. The motion carried unanimously.**

**6. NEW BUSINESS**

**A. Request from City of Bloomington - removal of area from steep slope overlay**

Administrator Loomis explained that the city requested an area of the city be removed from the LMRWD steep slope overlay district. She said LMRWD staff concurs with the City of Bloomington's position and recommends removing the area from the Steep slope overlay district.

**Manager Raby made a motion to approve the request. The motion was seconded by President Hartmann. The motion carried unanimously.**

**B. Request from Scott County - support for TH 13 improvements**

Administrator Loomis explained that Scott County is looking to study improvements to the intersection of Dakota Avenue South and TH 13. The County is planning to apply for state and federal funds for the project and asked the LMRWD for a letter of support. She noted this improvement would make the intersection safer for traffic and Cargill indicated that they might be able to expand its hours of operation, if trucks did not have to make a left turn across traffic to get to its terminal.

Manager Raby asked that the letter be edited to correct typos.

**President Hartmann made a motion to authorize execution to the letter of support. The motion was seconded by Manager Frey. The motion carried unanimously.**

**7. OLD BUSINESS**

**A. MAWD Resolution - Minnesota River Congress Request**

Administrator Loomis said at the last meeting the Board agreed to support a request from Scott Sparlin on behalf of the MN River Congress for the State of Minnesota to support increasing upland water storage in the Minnesota River Basin and match up to \$5,000 for the project. The Board directed that a resolution be prepared to support the goals of the project and that the resolution be submitted to MAWD. She noted a resolution was drafted and asked the board to approve the resolution.

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**Manager Raby made a motion to support the resolution 19-08 and submit it to MAWD with the changes. The motion was seconded by President Hartmann. The motion carried unanimously.**

**B. Remote meeting participation**

Administrator Loomis said a quote was received from Tierney Brothers for the work and equipment to be able to have managers participate in board meetings from remote locations.

Manager Raby asked if there is a schedule for the work to be implemented. Administrator Loomis said she did not have that information.

Manager Raby asked that legal counsel look at this proposal to make sure it meets the intent of the state's open meeting law. He noted there were differences between this quote and what Rice Creek spent. Manager Raby wondered why the LMRWD quote was more, when Rice Creek wanted multiple locations wired. Administrator Loomis said they only wired one room at its offices.

Administrator Loomis noted that if a Manager is participating remotely, the person on the other end would need to be located in a public place. Manager Raby wanted to know what the public notice requirements are for participating in meetings this way.

**President Hartmann made a motion to table this item to the September 2019 Board of Managers meeting. The motion was seconded by Manager Frey. The motion carried unanimously**

**C. Dredge Management**

**i. Review Process for funding of maintenance of Navigation Channel**

See discussion below in 6.C.ii.

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

Administrator Loomis said the work plan requested by BWSR is complete. She noted BWSR spoke to her about how the grant would be funded. She noted that BWSR said they wanted to give the money to the LMRWD on a reimbursement basis. Managers asked if BWSR gave any rationale for why they would fund the grant this way. The previous grant was funded once the grant agreement was executed.

Staff said that no rationale was given. Staff could only speculate as to why.

**iii. Private Dredge Material Placement**

Administrator Loomis said no new dredge has been placed by private parties. She noted that all of last year's materials have been removed. Manager Frey asked if it had been sold off. Administrator Loomis said the LMRWD is not responsible for removal of the private material, but that the private parties must find a place to dispose of the material.

She explained that this year, instead of sending the material to a landfill one of Cargill's customers agreed to take the material to reuse it.

**D. Watershed Management Plan**

Administrator Loomis reported on the August 13, 2019 TAC meeting last week. September 4<sup>th</sup> is the deadline for final comments. She provided a timeline for the rules approval.

**E. 2020 Legislative Action**

Administrator Loomis had nothing more to report.

**F. Education and Outreach Plan**

Administrator Loomis said the tour is ready to go and provided details. She asked that the Managers RSVP, if they haven't done so already.

**G. LMRWD Projects**

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

**H. Local Water Management Plan Reviews**

**i. City of Shakopee**

The LMRWD has not received a response from Shakopee to the LMRWD comments.

**I. Project/Plan Reviews**

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

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

No new information since last update.

**7. COMMUNICATIONS**

**A. Administrator Report:** Administrator Loomis reported on communication with BWSR regarding the Grant for Seminary Fen. Manager Raby suggested that the LMRWD go to the legislature. Ms. Young said that the Office of the Legislative Auditor had issued a report on the BWSR operations. She asked if there is a target number the board is looking for. Manager Raby said they should request what they originally planned to give the board. He doesn't feel the LMRWD should negotiate. He asked to send a letter. The Board feels approaching the legislature is worth a try.

Administrator Loomis commented on the pumping to the Prior Lake outlet channel.

Administrator Loomis said she is looking to plan an event for the 60<sup>th</sup> anniversary. She noted there is \$7,500 in the education fund that could be used.

**B. President:** No report

**C. Managers:** No report

**D. Committees:** No report

**E. Legal Counsel:** No Report

**F. Engineer:** No report

**8. ADJOURN**

**President Hartmann made a motion to adjourn. Manager Raby seconded the motion. The meeting was adjourned at 8:08pm. The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, August 21, 2019 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN.**

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Dave Raby, Secretary

Attest:

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Linda Loomis, Administrator

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