



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, October 20, 2021

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

Approved \_\_\_\_\_

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

On Wednesday, October 20, 2021, at 7:00 PM CDT, 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, and Manager Patricia Mraz. Manager David Raby joined the meeting virtually. Manager Laura Amundson joined virtually at 7:30 PM, although Manager Amundson could be seen, she could not be heard. Manager Lauren Salvato was absent. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; and John Kolb, Rinke Noonan, LMRWD Legal Counsel. Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant; Lindsey Albright, Dakota County Soil & Water Conservation District, Wayne Sicora, Principal Engineer, ERM; and Thomas Haider, Jr., CenterPoint Energy, all joined virtually.

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis stated that she had no revisions or additions to the agenda.

**Manager Raby made a motion to approve the agenda as presented. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz and Raby; 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. Administrator Loomis said she had no changes or addition to the consent agenda.

- A. Approve Minutes September 15, 2021, Regular Meeting
- B. Receive and file August and September 2021 Financial reports
- C. Approval of Invoices for payment
  - i. Frenette Legislative Advisors - July 2021 legislative services
  - ii. Manager Hartmann – first half 2021 per diem & expense reimbursement
  - iii. Manager Salvato - first half 2021 per diem & expense reimbursement

- iv. US Bank Equipment Finance – Copier lease payment
- v. Daniel Hron – August 2021 office rent
- vi. Manager Raby – first half 2021 per diem & expense reimbursement
- vii. Rinke Noonan Attorneys at Law - June 2021 legal services
- viii. The Horton Group, Inc. – 2021/2022 Directors & Officers Insurance
- ix. HDR Engineering, Inc. – website maintenance
- x. Young Environmental Consulting Group, LLC - June 2021 technical and Education & Outreach services
- xi. Dakota County Soil & Water Conservation District – Q2 2021 monitoring & education services
- xii. Naiad Consulting, LLC – April 2021 Administrative services & expense reimbursement
- xiii. Young Environmental Consulting Group, LLC – May education & outreach services
- xiv. Metro Sales - payment on copier maintenance agreement
- xv. Rinke Noonan, Attorneys at Law - July general legal services
- xvi. US Bank Equipment Finance - Copier lease payment
- xvii. Frenette Legislative Advisors - August legislative services
- xviii. Daniel Hron - September office rent
- xix. Scott County Soil & Water Conservation District - Q2 2021 monitoring, education & technical service
- xx. Western National Insurance - Annual liability insurance premium
- xxi. Freshwater - Payment for Nonyphenol & Sedimentation History in Riverine Lakes
- xxii. Inter-Fluve, Inc. - second payment for Area #3 evaluation & investigation
- xxiii. Manager Mraz - first half 2021 per diem & expense reimbursement
- xxiv. TimeSaver Off Site Secretarial - Preparation of July 2021 meeting minutes
- xxv. TimeSaver Off Site Secretarial - Preparation of August 2021 meeting minutes
- xxvi. Carver County Finance Department - Q3 2021 financial services expense

Manager Raby noted on the meeting Minutes for September 15, 2021, starts by saying it is the meeting of “August.” He cannot remember if John was present at the September meeting. It was clarified that John Kolb was not present in September but was present in August.

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

## 5. NEW BUSINESS

### A. Election of Officers

The Board discussed postponing the election of officers until the November 2021 meeting when all Members are present.

Attorney Kolb suggested that Managers look at the memo and if there is a position that they would individually be willing to fill, that they let Administrator Loomis know.

**President Hartmann made a motion to table the Election of Officers until the November 17, 2021, meeting of the Board of Managers. The motion was seconded by Manager Raby. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Raby; the following voted against: None.**

## 6. OLD BUSINESS

### A. Burnsville Willow Creek Ravine Stabilization

No new information to report.

**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. Remote meeting participation**

No new information to report since last update.

**E. 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**

Administrator Loomis advised the Board that all payments for 2020 placement of private dredge material has been received.

**F. Watershed Management Plan**

No new information to report since last update.

**G. 2022 Legislative Action**

No new information to report since last update.

**H. Education and Outreach Plan**

**i. Signage**

Administrator Loomis clarified they put out an RFP for developing signage for the district including design and fabrication. In the memo from Young Environmental the request went out to eight firms and they received two proposals. After review, Staff recommends going with Studio Lola.

Ms. Schall Young clarified when they see a difference in price of that magnitude, they want to make sure the bids and quality of work will be comparable. They went out and talked with others who had worked with Studio Lola and did not find any anomalies in their performance. They received very good feedback from the two Watershed Districts that Studio Lola has previously worked with.

**Manager Raby made a motion to accept the bid from Studio Lola. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Raby; the following voted against: None.**

President Hartmann made a side-note that the tour they took on Saturday was awesome.

Administrator Loomis thanked President Hartmann and mentioned the Citizen Advisory Committee went on a boat tour the following Tuesday.

**I. LMRWD Projects**

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

No projects require action this month – See Administrator Report for project updates.

**J. Project/Plan Reviews**

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

**i. CSAH 61 Drainage Improvements (LMRWD Permit 2021-002)**

Administrator Loomis noted this project came from Carver County and the project will change the drainage downstream of the box culvert that goes under Flying Cloud Drive so sediment will not collect there to the same degree as it currently does. The County wants to restore the creek to a more natural and historical meander. Staff reviewed the project and recommends approval of the project. Staff would also like direction from the Board to discuss opportunities to address larger erosion issues upstream with the City of Chanhassen, the City of Eden Prairie, and Carver County.

**President Hartmann made a motion to approve a permit for CSAH 61 Drainage Improvements (LMRWD Permit 2021-002) and direct staff to discuss opportunities to address larger erosion issues upstream. The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Raby; the following voted against: None.**

**ii. TH 13 & Lone Oak Signal Improvements (LMRWD Permit 2021-042)**

Administrator Loomis noted MnDOT is planning improvements to the intersection, to accommodate increased pedestrian traffic expected because of the trailhead on the north side of TH 13. Staff has reviewed the project and recommends approval.

Ms. Young noted the project is below the threshold that would trigger the need for a permit. It is before the Board because the project is within a High Value Resource Area, hence the absence of a requirement for receipt of an NPDES permit

**Manager Raby made a motion approve a permit for TH 13 & Lone Oak Signal Improvements (LMRWD Permit 2021-042) without condition. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Raby; the following voted against: None.**

**iii. Burnsville Cemetery (LMRWD Permit 2021-007)**

Administrator Loomis stated this is for an expansion of a Cemetery located just north of Trunk Highway 101 [sic] (It is TH 13). Staff has worked with the City and recommends approval conditional upon receipt of the NPDES permit, the contact information for the contractor, and the name and contact information for the person responsible for inspection and maintenance of all erosion and sediment control features.

President Hartmann asked where on the property the actual expansion will be located.

Administrator Loomis believes it is somewhat to the north and to the east on the site. Ms. Young stated Administrator Loomis was correct. She noted the area in red was removed from consideration.

**Manager Mraz made a motion to conditionally approve a permit for Burnsville Cemetery (LMRWD No. 2021-007) pending receipt of NPDES permit, contact information for contractor and name and contact information of person(s) responsible for inspection and maintenance of all erosion and sediment control features. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Raby; the following voted against: None.**

**iv. Quarry Lake Outlet (LMRWD Permit 2021-014)**

Administrator Loomis noted this is one of three projects the City of Shakopee is doing at the Quarry Lake Park. Quarry lake is naturally landlocked. Because there is no outlet on the lake, in 2019 there was quite a bit of damage to the lakeshore due to erosion; at the time they received DNR permission to pump water out of the lake. The City is now

proposing to put an outlet to Quarry Lake so during periods of high water they can divert excess water to the Prior Lake Outlet Channel. The City has worked with the LMRWD and the DNR to ensure that adding an outlet to the lake will not introduce invasive species to the lake.

President Hartmann noted this is a dedicated trout lake and asked if the DNR handles stocked trout lakes and naturally occurring trout streams differently.

Ms. Schall Young does not know and noted this lake is a bit of an anomaly as it is not dedicated a public water and does not have protections of public waters under the DNR purview. It is classified trout water and Staff is working to understand the occurrence interval for stocking. Staff recommends approval with conditions as the projects triggers Rules B and C. She noted that if the City should find that additional dewatering needs to be done at this lake in the future that the City share its dewatering plan with the LMRWD.

Mr. Kolb noted the DNR does not manage stocked versus naturally occurring trout waters any differently. President Hartmann mentioned the reason he asks is because with an outlet the trout have the ability to leave Quarry lake and could potentially reach upstream water bodies.

**President Hartmann made a motion to conditionally approve a permit for Quarry Lake Outlet (LMRWD permit No 2021-014) pending receipt of NPDES Permit and contact information for contractor and name and contact information of person(s) responsible for inspection and maintenance of erosion and sediment control features. The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Raby; the following voted against: None.**

**v. Dakota LP (LMRWD Permit 2021-046)**

Administrator Loomis stated this is an improvement for a natural gas pipeline with an open cut. Ms. Schall Young and her staff expedited review of the project because of the weather and natural gas is considered an essential service.

Ms. Schall Young noted the primary reason it is being presented to the Managers for approval is because it is entirely within the high-value resources area and intersects some of the steep slope overlay district. It is triggering Rules B (Erosion and Sediment Control) and F (Steep Slopes Rule). Staff recommends approval without conditions.

President Hartmann asked if the route of the pipeline could be located for him on a map. Mr. Thomas Haider of CenterPoint pointed out the extent of the pipeline.

**Manager Raby made a motion to approve a permit for Dakota LP (LMRWD Permit 2021-046). The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Raby; the following voted against: None.**

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

**7. COMMUNICATIONS**

- A. Administrator Report:** Administrator Loomis sent the report the previous day and does not have anything to add. She noted that she sat in on the Metro MAWD meeting the previous evening. Most discussion was on the Watershed-based funding; Ms. Loomis read the recommendation that the BWSR Board is considering how to allocate the Watershed-based funding money. She reminded the Board that the LMRWD weighed in on this issue earlier this year to ask that certain items in the MAWD recommendation be clarified.

LOWER MINNESOTA RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS  
WEDNESDAY, October 20, 2021  
MEETING MINUTES

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

**8. ADJOURN**

**At 7:39 PM, Central Daylight Time, 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, and Raby; the following voted against: None.**

**The next meeting of the LMRWD Board of Managers meeting will be 7:00 PM, Central Standard Time, Wednesday, November 17, 2021, 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 Manager Salvato, Secretary

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Linda Administrator Loomis, Administrator