



Item 4A  
LMRWD 12-14-2022

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting  
Board of Managers  
Wednesday, November 16, 2022  
Carver County Government Center, 602 East 4th Street, Chaska, MN 7:00 p.m.  
Approved \_\_\_\_\_

## 1. CALL TO ORDER AND ROLL CALL

On Wednesday, November 16, 2022, at 7:23 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).

The first item on the agenda was the Oath of Office for Manager Kuplic. This item was postponed until Manager Kuplic arrived. Manager Kuplic was appointed to the LMRWD Board of Manager by the Dakota County Board of Commissioners on November 15, 2022. When Manager Kuplic arrived, Administrator Loomis administered the Oath of Office to Manager Kuplic and Manager Kuplic executed the Oath of Office and the Manager's Bond.

President Hartmann asked for roll call to be taken. The following Managers were present: President Jesse Hartmann, and Manager David Raby. Manager Laura Amundson participated virtually, and Manager Lauren Salvato was absent. Manager Kuplic arrived at 7:09 pm. In addition, the following attended the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; and Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant. Attorney John Kolb, Rinke Noonan Attorneys at Law, LMRWD legal counsel; Hannah LeClaire, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant; Ben Burnett, Manager, Prior Lake/Spring Lake Watershed District; and Jennifer Gora, Project Manager Airport Development, MAC; joined the meeting virtually.

## 2. APPROVAL OF THE AGENDA

Administrator Loomis asked to add delete Item 4. C. xi. – Daniel Hron; December 2022 office rent from the agenda and to add two invoices, the first as Item 4. C. xiii. - Metro Sales, Inc. – payment on copier maintenance agreement to the Consent Agenda. The second as Item 4. C. xiv. – 4M Fund Bank Service Charge.

**Manager Raby made a motion to approve the agenda with the additions of Item 4. C. xiii – invoice for Metro Sales, Inc., Item 4. C. xiv. – invoice for 4M Fund Bank Service Charge and deleting Item 4. C. xi. Invoice for Daniel Hron. President Hartmann seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, 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. No one was present that wished to address the Board.

### **4. CONSENT AGENDA**

President Hartmann introduced the item.

#### **A. Approve Minutes October 19, 2022, Regular Meeting**

#### **B. Receive and file October 2022 Financial reports**

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

- i. **Barr Engineering Company –October 2022 services related to Area #3**
- ii. **Scott County Soil & Water Conservation District – Q3 2022 Monitoring, education, & technical assistance and cost share**
- iii. **Clifton Larson Allen (CLA) - Financial services through October 31, 2022**
- iv. **US Bank Equipment Finance – November 2022 payment on copier lease**
- v. **Rinke Noonan, Attorneys at Law – October 2022 legal services**
- vi. **Young Environmental Consulting Group, LLC – October 2022 technical, and Education & Outreach services**
- vii. **TimeSaver Off Site Secretarial, Inc. - Preparation of September 2022 meeting minutes**
- viii. **TimeSaver Off Site Secretarial, Inc. – Preparation of October 2022 meeting minutes**
- ix. **Inter-Fluve – October 2022 work on Area #3**
- x. **Star Tribune – publication for public hearing notices for Plan amendment and rules revisions**
- ~~xi. **Daniel Hron – December 2022 office rent**~~
- xii. **Naiad Consulting, LLC – September 2022 Administrative services, mileage, and expenses**
- xiii. **Metro Sales, Inc. – payment on copier maintenance agreement**
- xiv. **4M Fund – bank service charges**

#### **D. Receive and file October 2022 Citizen Advisory Committee meeting minutes**

#### **E. Authorize Addendum to Recording Secretary Agreement**

#### **F. Certify 2023 Budget and tax levies as adopted and authorize transmission to counties**

Manager Raby made a motion to approve the Consent Agenda as amended under the approval of the agenda. President Hartmann seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, and Raby; the following voted against: None

Manager Kuplic arrived and recited the Oath of Office.

### **5. NEW BUSINESS/PRESENTATIONS**

#### **A. Express Appreciation for Manager Mraz's service**

Administrator Loomis introduced and provided background on this item. She looked for a motion to adopt the resolution and to present Manager Mraz with an award.

**Manager Raby made a motion to adopt Resolution 22-12 – A RESOLUTION OF APPRECIATION FOR SERVICE AND CONTRIBUTION OF PATRICIA MRZ TO THE LOWER MINNESOTA RIVER WATERSHED DISTRICT. President Hartmann seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Kuplic, and Raby; the following voted against: None**

## 6. OLD BUSINESS

### A. 2021 Financial Audit

Administrator Loomis introduced this item. She stated she did not have anything to add to what was in the Executive Summary.

### 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. Dredge Management

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

Administrator Loomis introduced and provided an overview of this item. She stated they would recommend there be further investigation and plan on replacing the culvert and updating the access road.

Administrator Loomis introduced and provided an overview of this item. She stated it is recommended that there be further investigation and planning before replacing the culvert and upgrades to the access road.

**Manager Raby made a motion to direct staff to continue work on recommendations of Technical Memorandums dated September 14, 2022, and November 9, 2022. President Hartmann seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Kuplic, and Raby; the following voted against: None**

#### ii. Private Dredge Material Placement

No new information to report since last update.

### E. Watershed Management Plan

Administrator Loomis introduced this item and said she didn't have any more to add other than what had been provided to the Board on the meeting materials.

### F. 2022 Legislative Action

Administrator Loomis introduced and provided an overview of this item. She updated the Board on the changes to the legislative leadership. She noted the LMRWD is looking to get legislation drafted once the session starts. She added they are waiting on the cost estimate for Area #3 since they are seeking State funding on the project. She explained that the State appropriation for dredge management needs to be renewed every two years and they are looking to broaden the language to be used for other projects.

### G. Education and Outreach Plan

Administrator Loomis introduced and provided an overview of this item. She noted the grant applications for these projects were in the packet. She stated she put together a cost share grant agreement for the Board's review. She shared there is still money left in the education budget for 2022.

The Board discussed the list of schools and those that are not in the district.

**President Hartmann made a motion to award mini-grants to Black Hawk Middle School for \$500 and Thomas Jefferson High School for \$300 and authorize execution of grant agreements. Manager Kuplic seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Kuplic, and Raby; the following voted against: None**

Administrator Loomis said she neglected to include any information in the Executive Summary regarding the recommendation from the Creek Crossing and Interpretive Signage Update - Technical Memorandum dated November 7, 2022.

**Manager Raby made a motion to direct staff to move ahead with a creek crossing sign at Riley Creek and to continue to investigate potential interpretive signage locations and report back to the Board for review. Manager Kuplic seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Kuplic, and Raby; 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. Area #3 MN Riverbank Stabilization Project Update

Administrator Loomis introduced and provided an update on this project. She said soil borings require a permit from the Department of Health and that the permit requires permission from the property owner. The LMRWD is waiting on approval from the property owner to perform soil borings on their property.

The Board discussed alternative actions if approval is not given from the property owners. MS. Schall Young said that the project will move forward without the soil borings if permission is not granted by the property owners.

#### I. Project/Plan Reviews

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

##### i. Metropolitan Airports Commission's Municipal Permit Update

Administrator Loomis introduced and provided an overview of this item. She stated that Ms. LeClaire wrote up a report for the Board to review. She noted staff will be meeting with MAC in December and will discuss an LGU permit at that time.

**President Hartmann made a motion to conditionally approve a Municipal; LGU Permit for the City of Burnsville subject to resolving outstanding items listed in the Technical Memorandum – City of Burnsville Municipal LGU Permit (Surface Water Management Plan and Ordinance Controls Review) dated September 14, 2022. Manager Amundson 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**

##### ii. Peterson Wetland Bank Application (LMRWD No. 2022-037)

Administrator Loomis introduced and provided an overview of this item. She noted that this is an update on this project for the Board. She answered questions from the Board.

**President Hartmann made motion to renew permits as recommended in the Technical Memorandum – October 2022 Permit Renewal Requests, dated October 12, 2022. 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**

##### iii. Permit Program Summary

Administrator Loomis introduced and provided background on this item.

##### iv. 535 Lakota Lane, Chanhassen – work without a permit

Administrator Loomis introduced and provided background on this item. Attorney Kolb provided an update of the legal action progress.

**6. COMMUNICATIONS**

- A. **Administrator Report:** Administrator Loomis provided her report and gave updates of on-going projects. She shared that the US Army Corp of Engineers extended the comment period of their dam disposition study to December 18th. She stated she and Ms. LeClaire had talked to CenterPoint Energy concerning a pipeline under the Minnesota River and the release of mud while boring this project. She gave an overview of her recent meetings with cities and noted an update would be provided to the Board.
- B. **President:** No report
- C. **Managers:** No report
- D. **Committees:** No report
- E. **Legal Counsel:** No report
- F. **Engineer:** No report

**7. ADJOURN**

**At 7:43 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: Amundson, Hartmann, Kuplic, and Raby; the following voted against: None**

**The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, December 14, 2022, 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 Salvato, Secretary

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Linda Loomis, Administrator