



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, May 9, 2023

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

Approved June 21, 2023

1. CALL TO ORDER AND ROLL CALL

On Tuesday, May 9, 2023, 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 the roll call to be taken. The following Managers were present: Manager Laura Amundson, Manager Joseph Barisonzi, President Jesse Hartmann, Manager Theresa Kuplic, and Manager Lauren Salvato. In addition, the following attended the meeting in-person: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; and Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant. John Kolb, Rinke Noonan, LMRWD legal counsel, joined the meeting virtually. Hannah LeClaire, Young Environmental Consulting Group joined the meeting virtually at 7:52 pm.

2. APPROVAL OF THE AGENDA

Administrator Loomis asked that the meeting minutes from the April 19, 2023, Board meeting be removed from the agenda.

President Hartmann made a motion to approve the agenda with the April 19, 2023, regular meeting minutes removed from the consent agenda. Manager Salvato seconded the motion. Upon a vote being taken motion carried unanimously.

3. CITIZEN FORUM

Administrator Loomis said she had not received communication from anyone that wished to address the Board, and no one present at the meeting asked to address the Board.

4. CONSENT AGENDA

President Hartmann introduced the item.

~~A. Approve Minutes April 19, 2023, Regular Meeting~~

B. Receive and file April 2023 Financial Report

C. Approval of Invoices for payment

- i. Clifton Larson Allen (CLA) - Financial services through April 2023
- ii. Scott Soil & Water Conservation District - Q1 2023 monitoring, TACS & education services
- iii. Rinke Noonan, Attorneys at Law – April 2023 legal services
- iv. US Bank Equipment Finance – payment on copier lease

- v. **Young Environmental Consulting Group, LLC – April 2023 technical, and Education and Outreach services**
- vi. **Naiad Consulting, LLC – April 2023 administrative services, mileage, and expenses**
- vii. **Sponsor Minnesota River Congress**

D. Report on Citizen Advisory Committee

E. LMRWD Permit Renewals

F. LMRWD Permit Program Summary

G. Financial Assurance Release

H. Quarry Lake Playground – Administrative permit approval

President Hartmann made a motion to approve the Consent Agenda as amended under the approval of the agenda. Manager Salvato seconded the motion. Upon a vote being taken motion carried unanimously.

5. NEW BUSINESS/PRESENTATIONS

A. Discussion of outreach message

Administrator Loomis introduced and provided background on this item. She shared that The LMRWD has been invited to make a presentation at the 15th Minnesota River Congress on June 15th. The Board is invited to help craft the message to be used when the LMRWD engages the public at County Fairs throughout the Minnesota River Basin. LMRWD staff is planning to meet with representatives engaged by Friends of the Minnesota Valley to staff the booths at the County Fairs. She requested the Board make efforts to attend a workshop planned to develop what kind of message the Board would like to have when engaging with the public.

The Board discussed their message and materials to use when attending these events and engaging with the public.

B. Metro Children’s Water Festival

Administrator Loomis introduced and provided feedback on this item. She stated that the Metro Children’s Water Festival will be held the last Wednesday in September. She noted that the LMRWD has always helped fund this event. She shared that they are requested to fund 6 buses for the event. She added that Manager Salvato has been invited to the event to make a presentation.

Manager Barisonzi made a motion to authorize 6 buses for the Festival at \$275 each and to support Manager Salvato planning a presentation to the event. The motion was seconded by President Hartmann. Upon a vote being taken motion carried unanimously. Manager Salvato abstained.

6. OLD BUSINESS

A. 2021 Financial Audit

Administrator Loomis introduced and provided an update on this item. She shared that they are nearly a year and a half behind on getting their audit to the State. She explained that the office of the State auditor has suggested that they have the legal counsel send a letter to the hired auditor asking for a detailed account of what has been spent to date on the audit and refund any money unearned. She added that the auditor was paid over \$17,000. She said Attorney Kolb stated he is willing to send a letter. She added that the representative from the office of the State auditor suggested approaching BWSR to complete the audit. Ms. Frenette is discussing this

option with BWSR. She noted that the accountant is also checking around for other firms that could do this audit.

Attorney Kolb stated that it is appropriate that they send this letter to the auditor and express to the auditor that we disagree with their characterization of what has happened and that the LMRWD considers this a breach of the agreement. He noted that the current accountant and past audit firms would agree with this assessment. He said that he would ask for a detailed account of everything spent.

Administrator Loomis noted that the auditor would not return her emails or phone calls until after Attorney Kolb reached out. She stated that if the legal counsel sends a letter she assumes that they will get some kind of response. She shared that they would also request that any work that has been completed by given to them along with the refund of funds not used. She mentioned that the representative from the office of the State auditor also suggested doing a two-year audit since it is coming time for the 2022 audit to be completed.

The Board asked if this would present a problem for them since the audit is so far behind. Administrator Loomis stated that it shouldn't as the State auditor and BWSR understand that this is not a problem that was caused by any action, or inaction by the Board of Managers; the LMRWD retained and auditor that has not performed. Both agencies agree that this is not a fault of the LMRWD.

B. 2027 World EXPO – “Healthy People, Healthy Planet – Wellness and Well Being for All”

No new information to report since the last update.

C. 2023 Cost Share Applications

This item was tabled at the April meeting until the June 21, 2023, meeting. Administrator Loomis did provide an update to the Board on the cot share applications received.

D. City of Carver Levee

No new information to report since the last update.

E. Dredge Management

i. Vernon Avenue Dredge Material Management site

Administrator Loomis introduced and provided background on this item. She noted a lot is happening on this site, including a communication cable that is being planned to run through this area. She added that the soil borings were taken.

ii. Private Dredge Material Placement

No new information to report since last update.

F. Watershed Management Plan

Administrator Loomis introduced and provided background on this item. She shared that the LMRWD received a question from the city of Chanhassen concerning using permeable pavement and how the LMRWD would view that. She stated that Young Environmental sent a memo to Chanhassen.

The Board discussed this item.

President Hartmann made a motion to approve maintenance and use requirements when reviewing proposed developments within the LMRWD that permeable pavers should be installed in only low-traffic and low-impact areas with interlocking pavers in areas without snowplow traffic, the ratio of drainage area to permeable pavement area should not exceed 2:1, upgradient drainage areas should be vegetated or contain other sediment-control BMPs,

and maintenance to remove sediment should occur at a minimum frequency of twice per year with annual filtration monitoring to assess the product's efficacy. Manager Salvato seconded the motion. Upon a vote being taken motion carried unanimously.

G. 2022 Legislative Action

No new information to report since the last update.

H. Education and Outreach Plan

Administrator Loomis introduced and provided background on this item. She shared the idea of using dues from the Minnesota Watershed to be used for education and outreach. She added that they were approached by someone who does water education videos and marketing. She noted that the price was lower than the quote we had received from the videographer that staff had spoken to, but the videos would be more generic and not specific to the LMRWD. She said staff was planning to reach out to videographers that had responded to the LMRWD request for proposals when the 60th Anniversary video was developed.

Manager Salvato made a motion to direct budget for Minnesota Watershed Dues to Education and Outreach. President Hartmann seconded the motion. Upon a vote being taken motion carried unanimously.

I. LMRWD Projects

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

i. Area #3

Administrator Loomis introduced and provided background on this item. She shared that she heard from several managers on the Area #3 project. She reviewed the project at Area #3, which is in Eden Prairie. It was first identified in 2008/2009. In 2010, the LMRWD prepared a report.

The City has maintained that stabilizing the riverbank is the responsibility of the LMRWD. In 2020, the LMRWD retained a consultant to validate the 2010 report and evaluate the solutions recommended. She stated that the estimates of the costs have increased quite a bit since 2010 and could total approximately \$5.5 million. She noted that they are attempting to get funding from the legislature and Eden Prairie. She added that they are currently working on permitting for this project. She stated that the Board will need to consider how they will raise their share of the cost of the project. She stated that staff will try to bring forward as much information as possible before the Board has to decide how to raise the match. She added that this area is on private property, all owned by one family. She stated that the family has not been very responsive. She added that the LMRWD will likely bid this project in January. She noted that this area contributes significant sediment to the Minnesota River.

ii. LMRWD Chloride Management

Administrator Loomis introduced this item and provided an update on the project.

iii. Minnesota River Floodplain Model Update

Administrator Loomis introduced this item and provided an update on the project.

J. Project/Plan Reviews

(Only projects that require Board action will appear under this item. Informational updates will appear under item 4.G – LMRWD Permit Program Summary)

i. Structures, Inc. (LMRWD No. 2022-036)

Administrator Loomis introduced and provided background on this item. She reviewed the requested amendment to the permit.

President Hartmann made a motion to conditionally approve project amendments contingent upon receipt of final construction plans signed by a professional engineer, name and contact information for all contractors undertaking land-disturbing activities as part of the proposed project, name and contact information for the person(s) responsible for erosion control inspections and maintenance, copy of NPDES construction stormwater permit, and documentation that the applicant has received approval for the project from the City of Chaska. Manager Kuplic seconded the motion. Upon a vote being taken motion carried unanimously.

ii. **Eagle Creek Bridge Slope Stabilization (LMRWD No. 2023-002)**

Administrator Loomis introduced and provided background on this item. She shared that Young Environmental has recommended conditional approval.

Manager Amundson made a motion to conditionally approve a permit for Eagle Creek Bridge Slope Stabilization (LMRWD No. 2023-002) contingent upon receipt of the name and contact information for all contractors undertaking land-disturbing activities as part of the proposed project, name and contact information for the person(s) responsible for erosion control inspections and maintenance, and a copy of the approved MnDNR permit. Manager Salvato seconded the motion. Upon a vote being taken motion carried unanimously.

iii. **535 Lakota Lane, Chanhassen – work without a permit**

Administrator Loomis introduced this item and provided updates on communications with the City and the property owner.

6. COMMUNICATIONS

- A. **Administrator Report:** Administrator Loomis stated that she did not have anything to add to her report.
- B. **President:** No report
- C. **Managers:** No report
- D. **Committees:** No report
- E. **Legal Counsel:** No report
- F. **Engineer:** No report

7. ADJOURN

At 8:26, President Hartmann made a motion to adjourn the meeting. Manager Barisonzi seconded the motion. Upon a vote being taken motion carried unanimously.

The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, June 21, 2023, and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Attest:

Lauren Salvato, Secretary

Linda Loomis, Administrator