



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, May 18, 2022

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

Approved June 15, 2022

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

On Wednesday, May 18, 2022, 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 roll call to be taken. The following Managers were present: President Jesse Hartmann, Manager Patricia Mraz, Manager David Raby and Manager Lauren Salvato. Manager Amundson was absent. In addition, the following attended the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Attorney John Kolb, Rinke Noonan Attorneys at Law, LMRWD legal counsel; and Joe Donkers, ISG, representing Minnesota MASH. Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant; joined the meeting virtually. Lisa Frenette, Frenette Legislative Advisors, LMRWD Legislative Liaison joined virtually at 7:21 pm and Hannah LeClaire, Young Environmental Consulting Group LLC, joined virtually at 7:24 pm.

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis asked to remove Item 4. A. - Minutes for April 20, 2022, Regular Meeting from the meeting agenda. She asked to add an invoice for Frenette Legislative Advisors (for April & May 2022 services) and two invoices from Daniel Hron for May and June 2022 office rent under Agenda Item 4. C. She asked to add an action under Agenda Item 6.I.v. to adopt Resolution 22-05.

**Manager Raby made a motion to approve the agenda with the removal of the Item 4. A. – Minutes for April 20, 2022, Regular Meeting and the addition of invoices from Frenette Legislative Advisors for April and May 2022 services and Daniel Hron for May and June 2022 rent and the addition of Resolution 22-05 to Agenda Item 6. I. v. – 535 Lakota Lane. Manager Salvato seconded the motion. Upon a vote being taken motion carried unanimously.**

#### 3. CITIZEN FORUM

Administrator Loomis reported that she had not received communication from anyone that wished to address the Board and no one was present that wished to address the Board.

#### 4. CONSENT AGENDA

President Hartmann introduced the item.

~~A. Approve Minutes April 20, 2022 Regular Meeting~~

- B. Receive and file April 2022 Financial reports**
- C. Approval of Invoices for payment**
  - i. **Clifton Larson Allen – April 2022 Financial Accounting Services**
  - ii. **Dakota County Soil & Water Conservation District – Q1 2022 monitoring services**
  - iii. **Safeguard – fees to order checks for LMRWD checking account**
  - iv. **HDR Engineering, Inc. – December 2021 to April 2022 website services**
  - v. **Naiad Consulting, LLC – March 2022 Administrative services, mileage & expenses**
  - vi. **Naiad Consulting, LLC – April 2022 Administrative services, mileage & expense**
  - vii. **State of MN – publication of advertisement for interest in inclusion in an engineering pool**
  - viii. **Rinke Noonan – April 2021 legal services**
  - ix. **US Bank Equipment Finance – May payment on copier leases**
  - x. **Young Environmental Consulting Group, LLC – April 2022 technical, and Education & Outreach Services**
  - xi. **Frenette Legislative Advisors – April & May 2022 legislative Services**
  - xii. **Daniel Hron – May & June 2022 office rent**
- D. Receive and file March 2022 Citizens Advisory Committee meeting minutes**

**Manager Raby made a motion to approve the Consent Agenda with the Minutes April 20, 2022, Regular Meeting removed and the addition of invoices for Frenette Legislative Advisors. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.**

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

### **A. Metro Children’s Water Festival Sponsorship**

Administrator Loomis introduced and provided an overview of this item. She noted the date of the event is September 28, 2022. She stated there will be a call for volunteers for the event later. She added they have typically sponsored buses for the event in the past and it was included in the budget they already approved for this year again.

**Manager Raby made a motion to sponsor 6 buses to the 2022 Metro Children’s Water Festival for a total cost of \$1,650. Manager Mraz seconded the motion. Upon a vote being taken the motion carried unanimously.**

### **B. Sponsorship of 14<sup>th</sup> Minnesota River Congress**

Administrator Loomis introduced and provided an overview of this item. She stated the event is June 15<sup>th</sup>, 2022, at the Mankato Ballroom and they are looking for sponsorship from the Board. It was noted this event is the same night as the June LMRWD Board of Managers meeting.

**Manager Raby made a motion to authorize \$100 support for the Minnesota River Congress. The motion was seconded by President Hartmann. Upon a vote being taken the motion carried unanimously.**

## **6. OLD BUSINESS**

### **A. Audit and Financial Accounting Services Proposals**

Administrator Loomis provided an update on this item. She noted they are not set-up with US Bank yet and they will continue to have the President sign the checks until they are.

Administrator Loomis said that the audit should be completed by the June meeting. She noted stated the audit has a statutory due date of June 30<sup>th</sup> and is wondering if the Board wants to have the budget presented by the Auditor at June Board of Managers meeting.

It was the consensus of the Board to not have the Auditor present the budget, unless there is a serious finding that should be brought to the attention of the Board.

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

No new information to report since last update.

**C. City of Carver Levee**

There is no information to discuss other than what staff provided in the Executive Summary included with the meeting materials.

**D. Dredge Management**

Administrator Loomis reported on an issue that the City of Savage brought to her attention the day of the meeting. There has been difficulty accessing the dredge management placement site and the site operator, LS Marine, has been hauling outside approved hours by the Conditional Use Permit the LMRWD has with the City. Della Schall Young noted that the permit conditioned approval on the LMRWD having access to the site. Staff will check with MnDOT.

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

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

**ii. Private Dredge Material Placement**

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

**E. Watershed Management Plan**

Administrator Loomis introduced and provided an overview of this item. She stated they are looking for the Board to provide feedback on the draft CIP prepared by Young Environmental. She stated once the Board has approved the draft CIP, it will be shared with all LMRWD partners for comment, according to statutory requirements.

Ms. Schall Young stated the plan captures all the projects that have been done over the past five years. She noted they still need to add the revenue into the draft plan.

Manager Salvato asked for clarification on how they calculate the budget.

Ms. Schall Young stated they generally try to leave the total levy between \$700k-\$800k a year so the amount levied doesn't swing wildly

The Board discussed managing the expenses across multiple years and designating certain projects in the plan as unfunded.

Manager Mraz asked if projects looking for funding can also use federal money.

Attorney John Kolb stated the projects can come with any type of financial package and ask for extra, but for them to be eligible for watershed funds they need to be listed somewhere in the plan.

Manager Salvato had a question about the difference between managing fens and trout streams. Attorney Kolb noted that the difference is statutory. Fens are protected in MN Statute and cannot be impacted in any way. MN Statute allows certain impacts (specified by statute) to trout streams.

**Manager Mraz made a motion to approve the first draft CIP and share with LMRWD partners. The motion was seconded by Manager Raby. Upon a vote being taken the motion carried unanimously.**

**F. 2022 Legislative Action**

Lisa Frenette, Frenette Legislative Advisor, legislative liaison to the LMRWD, reported on activity at the legislature.

**G. Education and Outreach Plan**

Administrator Loomis introduced this item and stated Jen Dillum, LMRWD Education & Outreach Coordinator, put together the map provided of all the School Districts that students living in the LMRWD might attend. The Board asked if private schools had been identified.

She stated they had planned to table at Eden Prairie's Green Fair and Arbor Day Walk on April 30<sup>th</sup> but the event was cancelled due to weather. In preparing to table at that event, they wanted to purchase some gear as listed in the Board packets to use when tabling in the future. She stated they are looking for the Board to consider approval of the funds to purchase items to use when tabling events.

There was a brief discussion of where equipment would be stored and then of the LMRWD's office space.

**Manager Mraz made a motion to authorize LMRWD staff to spend up to \$500 on equipment to be used when tabling. The motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.**

**H. LMRWD Projects**

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

**i. Trout Streams Gaps Analysis and Management Plan**

Administrator Loomis provided an overview of this project and stated it is recommended the Board consider a motion to accept the plan provided.

**President Hartman made a motion to receive and file the Trout Streams Gaps Analysis and Management Plan. The motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.**

**ii. Lower Minnesota River Floodplain Model Feasibility Study**

Administrator Loomis provided an overview of this project and stated it is recommended the Board consider a motion to accept the study provided.

**President Hartman made a motion to accept the Lower Minnesota River Floodplain Model Feasibility Study. The motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.**

**I. Project/Plan Reviews**

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

**i. LMRWD Permit renewal**

Administrator Loomis introduced this item. She stated that information about permits that require renewal was included with the materials in the meeting packet.

**Manager Raby made a motion to renew permit for CSAH 61 drainage improvements as recommended in the Technical Memorandum dated April 2022 Individual Project Permit Renewal Requests. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.**

**ii. Minnesota MASH and 130<sup>th</sup> Street Extension (LMRWD No, 2021-033)**

Administrator Loomis introduced this item. She stated that information about this application was included with the materials in the meeting packet.

President Hartmann asked about financial assurance. Ms. Schall Young, as only the first phase is being authorized, which is only for grading. The only outstanding information the LMRWD is waiting on is clarification of the 130<sup>th</sup> Street extension drainage, which is coming from the City. Legal Counsel also explained there is not great financial risk to the LMRWD. He noted a representative from the Project Applicant is at the meeting. Mr. Joe Donkers, from ISG, representing Minnesota MASH provided more detail about the project and what the Board is being asked to approve.

**Manager Mraz made a motion to conditionally approve a permit for site preparation and grading. President Hartmann seconded the motion. Upon a vote being taken the motion carried unanimously.**

**iii. Chaska TH 41/CSAH 61 Improvements (LMRWD No. 2022-014)**

Administrator Loomis introduced this item. She stated that information about this application was included with the materials in the meeting packet.

**Manager Salvato made a motion to conditionally approve a permit for Chaska TH41/CSAH 61 Improvements (LMRWD Permit No. 2022-014) contingent upon receipt of a copy of the NPDES permit and contact information for the contractor and the person(s) responsible for inspection and maintenance of all erosion and sediment control features. Manager Raby seconded the motion. Upon a vote being taken the motion carried unanimously.**

**iv. Prior Lake Outlet Channel 2022 Bank Stabilization (LMRWD No. 2022-017)**

Administrator Loomis introduced this item. She stated that information about this application was included with the materials in the meeting packet. She noted that no action by the Board is necessary. The LMRWD has received notification that DNR permits have been applied for.

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

Administrator Loomis introduced this item. She said a report was included with the meeting materials that reported the findings of the LMRWD inspection of the property. Attorney Kolb presented Resolution 22-05 Adopting Findings and an Order Determining a Violation of District Administrative Rules, Authorizing Notice and Initiation Enforcement, for the Board to consider, which calls for a letter from the LMRWD to the property owner. He detailed the actions that the LMRWD would take to bring this property into compliance and answered questions from the Board.

**Manager Raby made a motion to adopt Resolution 22-05 Adopting Findings and an Order Determining a Violation of District Administrative Rules, Authorizing Notice and Initiation Enforcement. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.**

**K. MPCA Soil Reference Values**

Administrator Loomis explained how the LMRWD will proceed now that the MPCA has released pollutant tolerance levels. She noted that this will impact dredge and that samples are taken from materials placed on the LMRWD dredge placement site.

**9. COMMUNICATIONS**

A. **Administrator Report:** Administrator Loomis provided the Administrator’s Report verbally, since it was not posted to the website until late Wednesday afternoon. She reported on the following items:

- **BWSR Grant reporting**
- **2022 Watershed Base Implementation Funding**
- **Savage Fen**
- **Lower Mn River East 1W1P**
- **MAWD**

Administrator Loomis noted the report is posted to the May 18, 2022, meeting page on the website and includes the tabling reporting the status of LMRWD permits.

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

**10. ADJOURN**

**At 8:30 PM, President Hartmann made a motion to adjourn the meeting. Manager Raby seconded the motion. Upon a vote being taken the motion carried unanimously.**

**The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, June 15, 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 Manager Salvato, Secretary

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Linda Administrator Loomis, Administrator