



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, January 18, 2023

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

Approved February 15, 2023

1. CALL TO ORDER AND ROLL CALL

On Wednesday, January 18, 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 roll call to be taken. The following Managers were present: President Jesse Hartmann, Manager Laura Amundson, Manager Theresa Kuplic and Manager Lauren Salvato. Manager David Raby joined virtually. Manager Raby was not able to join from a location accessible to the public as required under Minnesota Open Meeting Laws, due to COVID-19 Quarantine Protocols, so he observed the meeting, but was not part of the quorum. In addition, the following attended the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; John Kolb, Rinke Noonan, LMRWD legal counsel; Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant; and Scott County Commissioner Jody Brennan. Hannah LeClaire, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant; and Ben Burnett, Prior Lake Spring Lake Manager; joined the meeting virtually.

2. APPROVAL OF THE AGENDA

Administrator Loomis asked to add delete Item 4. C. vii. – Rinke Noonan for December 2022 legal services and Item 4.C. x. - Daniel Hron for January 2023 office rent and to add Item 4. C. xiii. – Reimburse Judy Berglund for registration to Best Management Practices for Pollinators Summit.

Manager Amundson made a motion to approve the agenda with the deletion of delete Item 4. C. vii. – Rinke Noonan for December 2022 legal services and Item 4.C. x. - Daniel Hron for January 2023 office rent and to add Item 4. C. xiii. – Reimburse Judy Berglund for registration to Best Management Practices for Pollinators Summit. President Hartmann seconded the motion. Upon a vote being taken motion carried unanimously.

3. CITIZEN FORUM

Scott County Commissioner Jody Brennan introduced herself and informed the Board that she has been appointed as the liaison to the LMRWD from the Scott County Board of Commissioners. She noted that prior to election to the Scott County Board, she served on the Shakopee City Council. She shared that the Scott County water report is available on their website and they are notifying residents in the County to get their water tested.

The Board asked if this was routine testing. Ms. Brennan said yes.

4. CONSENT AGENDA

President Hartmann introduced the item.

- A. Approve Minutes December 14, 2022, Regular Meeting**
- B. Receive and file December 2022 Financial reports**
- C. Approval of Invoices for payment**
 - i. Clifton Larson Allen (CLA) - Financial services through December 31, 2022**
 - ii. TimeSaver Off Site Secretarial – Preparation of November 16, 2022, meeting minutes**
 - iii. TimeSaver Off Site Secretarial, Inc. - Preparation of December 14, 2022, meeting minutes**
 - iv. Managers’ Per diem payments, mileage, and expense reimbursement**
 - v. Inter-Fluve, Inc. – Engineering and design services for Area #3 stabilization**
 - vi. US Bank Equipment Finance – January 2023 payment on copier lease**
 - ~~**vii. Rinke Noonan, Attorneys at Law – December 2022 legal services**~~
 - viii. Young Environmental Consulting Group, LLC – December 2022 technical, and Education & Outreach services**
 - ix. Dakota County SWCD Q4 2022 invoice for monitoring, education and TACS services**
 - ~~**x. Daniel Hron – January 2023 office rent**~~
 - xi. Naiad Consulting, LLC – November 2022 administrative services, mileage & expenses**
 - xii. 4M Fund – November 2022 bank service charges**
- D. Authorize payment of 2019 Watershed Based Funding Grant to City of Savage**
- E. Receive and file December 2022 Citizen Advisory Committee meeting minutes**
- F. Approve Memorandum of Agreement Between Dakota Soil & Water Conservation District and the LMRWD Regarding Water Quality Monitoring**
- G. Designation of 2023 Official newspaper**
- H. Designation of Data Practices Compliance Official**
- I. Designation of Official Depository**
- J. Set 2023 meeting Calendar**
- K. Approve 2023 Cost Share Incentive and Water Quality Restoration Grant Program**
- L. Authorize execution of FY 2022 Lower MN River Dredge Management Grant Amendment**
- M. Order preparation of 2022 Annual Report**

Administrator Loomis asked that Item 4. J. – Set 2023 meeting Calendar be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

President Hartmann made a motion to approve the Consent Agenda as amended under the approval of the agenda and Item 4. J. - Set 2023 meeting Calendar removed. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.

J. Set 2023 meeting Calendar

Administrator Loomis asked that the meeting date for the May Board meeting be re-considered. She will not be in town at the time of the meeting. It was decided to move the date of the meeting to Tuesday, May 9, 2023, at the same time and location as scheduled.

The Board also decided to re-visit the meeting schedule later in March.

Manager Amundson made a motion to schedule the May Board meeting, Tuesday, May 9, 2023, and revisit the meeting schedule in March. President Hartmann seconded the motion. Upon a vote being taken the motion carried unanimously.

5. NEW BUSINESS/PRESENTATIONS

A. 2023 Salt Symposium Sponsorship

Administrator Loomis introduced this item and stated that the LMRWD has sponsored this event in the past at the Bronze level which is \$500 and shared that they have been asked to sponsor again in 2023. She stated the event will still be held virtually.

President Hartmann made a motion to sponsor the 2023 Salt Symposium at the Bronze Level of \$500. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.

6. OLD BUSINESS

A. 2021 Financial Audit

No new information to report since last update.

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 this item and explained that Cargill is planning to do some improvements to their west terminal which would involve some dredging and placing of materials on the dredge site.

The Board asked if this compromises the ability to take additional dredging materials. Administrator Loomis explained that she had the same question for the site operator and has not received a response yet. She stated that this can be made a condition. She stated they will get answers to all of the unknowns before this is allowed.

Manager Amundson made a motion to allow placement of material from the terminal improvements planned by Cargill at its West Terminal, contingent upon said placement of material not interfering with other obligations of the LMRWD for material placement. Manager Kuplic seconded the motion. Upon a vote being taken, the motion carried unanimously.

ii. Private Dredge Material Placement

No new information to report since last update.

E. Watershed Management Plan

Administrator Loomis introduced this item and stated that this is item that was tabled at last month's Board meeting and that was discussed in a work session.

President Hartmann made a motion to approve workplan and authorize implementation and to receive and file the LMRWD Municipal Coordination Updates dated December 8, 2022 and January 11, 2023. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.

F. 2022 Legislative Action

Administrator Loomis introduced this item and shared that she had received the estimated cost for the Area 3 project from Young Environmental. She stated that the bill will be the same as they introduced last year. She shared the revised cost estimate of \$5.2 million. She added that they are putting everything together for legislators when it comes to committees for a hearing and can let them know that they have grants in addition to the State money and they have also done additional work and studies on this area. The revised information was shared with Lisa Frenette, the legislative liaison for the LMRWD.

The Board asked when they expect a decision. Administrator Loomis stated that she was not sure about the legislator schedule. She added that typically the bills need to be submitted sometime in March and hearings follow this. She stated that if the Board would like, Ms. Frenette can attend the next meeting to address questions.

The Board discussed the deadlines for the bills. Attorney Kolb advised the Board of the dates the legislature has set. The Board asked if there is any utility in doing a Minnesota River Watershed District to introduce things given that there are new legislators in the district. Administrator Loomis stated that Ms. Frenette normally does a good job of meeting with all the legislators in the district and educating them about the LMRWD issues. Administrator Loomis said she will discuss this idea with Ms. Frenette.

G. Education and Outreach Plan

The 2023 Workplan for Education & Outreach was considered under Item 6. E. – Watershed Management Plan.

H. LMRWD Projects

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

i. MN River Corridor Management Plan

Administrator Loomis introduced this item and explained that this item had been tabled at the January Board meeting. It was discussed at the work session.

President Hartmann made a motion to receive report and authorize distribution. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.

ii. MAC (Metropolitan Airport Commission) Boundary Change

Administrator Loomis introduced this item and shared that this item has been in the comprehensive plan for a while to adjust the boundaries to match the hydrological zones of the Minneapolis/St. Paul Airport (MAC). She stated that they are working with BWSR and the Minnehaha Creek Watershed District. She added that they have the GIS files from the airport. She stated they are working with BWSR to see what is needed to petition for the change.

The Board asked if there are any other applications for this. Administrator Loomis stated this change would better align the boundaries of the LMRWD with hydrologic boundaries at the airport.

Ms. Young explained that MAC is an area that would be self-regulated once they are approved for an LGU permit.

Administrator Loomis added that this does not have any tax-base implications.

President Hartmann made a motion to approve proposed boundary realignment, conditioned upon coordinating with MAC, and Minnehaha Creek Watershed District. The

motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.

iii. Area #3 Permitting requirements

Administrator Loomis introduced this item and explained that Young Environmental has been doing investigations as to the needed permits.

Ms. Young explained that after the desktop review is complete, if it is determined that a phase 1 investigation or wetland delineation is required it will come back to the Board for authorization to proceed with those investigations.

iv. MN River Floodplain Modeling

Administrator Loomis introduced this item and shared that they had applied for a grant this week. Ms. Young added that they applied for less than \$25,000 as the estimated cost of this project is just over \$85,000.

The Board asked if this would overlap with the work the US Army Corps of Engineers is doing to determine flood risks. Ms. Young said that the Corps will be notified and if there is an opportunity to work together the LMRWD work with them.

I. Project/Plan Reviews

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

i. Former Knox Site (LMRWD No. 2022-039)

Administrator Loomis introduced this item and stated that Ms. LeClaire could answer any other questions.

Manager Amundson made a motion to conditionally approve subject to receipt of the 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 of erosion control measures; a copy of the NPDES permit and Documentation that the Applicant has received full approval for the project from the City of Burnsville. Manager Kuplic seconded the motion. Upon a vote being taken the motion carried unanimously.

ii. City of Shakopee – Draft Minnesota Riverbank Stabilization Study

Administrator Loomis introduced this item and stated that Ms. LeClaire reviewed the study the LMRWD received and laid out recommendations for the Board.

Ms. Young noted that the City of Shakopee will likely come forward for a partnership request.

The Board asked what approach is being used to stabilize the riverbank. Ms. LeClaire explained the stabilization approach varies along the reach depending upon the section of the project. Techniques include rock toe or riprap revetment and rock weirs.

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 this item and turned it over to legal counsel for an update.

Attorney Kolb provided an update concerning the work without a permit and shared that they have affected service for the property owner who now resides in Colorado. He stated

that the owner's attorney reached out to LMRWD legal counsel asking for an extension for an answer. He said that if the LMRWD gives him an extension, it could be revoked on 20 days' notice. He added that an after-the-fact permit was applied for. He explained the proposed course of action moving forward.

The Board discussed the origins of this matter and if they are fully aware of all the work that has been done without a permit. Attorney Kolb explained the history of this matter and stated that there is an opportunity to investigate further if necessary.

Legal Counsel advised that the next step would be to have a coordination meeting with the City to come up with a definitive list and communicate that back to the property owner. Since he is out of state he will likely have to retain a project manager. If that is the case, we want to see the engagement documents and then communicate the dates to inform the LMRWD that we want a contractor and contract in place be and other milestones. That is part of the coordination between the City and the LMRWD.

6. COMMUNICATIONS

- A. **Administrator Report:** Administrator Loomis stated that she sent the link to everyone to her report. She added that Hennepin County received an application to replace Manager Raby. She shared that Managers Hartmann and Salvato's terms are expiring at the end of February. She noted that they met with the City of Eagan and the meeting went well. She also reported that the One Watershed, One Plan for the Lower Minnesota River East had an advisory committee meeting and steering committee meeting today. The next meeting, February 16, 2023, of the One Watershed, One Plan for the Lower Minnesota River East policy committee was discussed. Manager Amundson noted she will not be in town for that meeting and would like to participate virtually if possible. The Board discussed the global concept of the One Watershed One Plan Program.
- B. **President:** No report
- C. **Managers:** No report
- D. **Committees:** No report
- E. **Legal Counsel:** No report
- F. **Engineer:** No report

7. ADJOURN

At 7:55 PM, President Hartmann made a motion to adjourn the meeting. Manager Salvato 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, February 15, 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