



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, March 16, 2022

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

Approved April 20, 2022

1. CALL TO ORDER AND ROLL CALL

On Wednesday, March 16, 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: Manager Laura Amundson, President Jesse Hartmann, Manager Patricia Mraz, Manager David Raby and Manager Lauren Salvato. In addition, the following joined 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 joined the meeting virtually. Trevor Poonai, Ivy Brook Parking, LLC and Eric Meyer, Larson Engineering attended in person. Wayne Sicora, ERM and Thomas Haider, CenterPoint Energy joined virtually.

2. APPROVAL OF THE AGENDA

Administrator Loomis asked that February Financial Reports, Item 4. B. be removed from the agenda as she had not received the financial reports from Carver County.

President Hartmann made a motion to approve the agenda with Item 4. B. – February 2022 Financial reports removed. The motion was seconded by Manager Raby. Upon a vote being taken the motion carried unanimously.

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.

- A. Approve Minutes January 19, 2022, and February 16, 2022 Regular Meeting
- ~~B. Receive and file February 2022 Financial reports~~
- ~~C. Approval of Invoices for payment~~
- D. Receive and file February 2022 Citizens Advisory Committee meeting minutes
- E. Authorize payment to City of Burnsville for Willow Creek Ravine Stabilization
- F. Authorize execution of Affidavit of Trespass

G. Receive and file Annual Report from the Scott County Water Education Partnership

H. Authorize payment to Inter-Fluve for Invoice 21-04-21-02

Manager Raby made a motion to approve the Consent Agenda with Items 4.B and 4. C. removed. The motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.

5. NEW BUSINESS/PRESENTATIONS

A. Presentation by Carver County WMO of 2022 Monitoring Program

Administrator Loomis introduced Andrew Edgcumbe.

Andrew Edgcumbe, Carver County Water Management Organization (CCWMO) addressed the Board and provided a presentation on monitoring results from the 2021 sampling season of LMRWD water resources located in Carver County.

Manager Salvato asked if the drought had an impact on the TP and other levels reported.

Mr. Edgcumbe stated the drought had an impact on the TP and alkaline levels in some resources sampled, but he didn't think the drought had much impact on the lakes sampled.

He reported that the aerator broke in Courthouse Lake and has not been replaced. He noted this is having an impact on the oxygen levels in the lake which is affecting the fish populations.

He reported that an event occurred at a construction site on West Chaska Creek that contributed a significant amount of sediment to the creek. It was estimated, using flux loading concentrations, that 53,000 pounds of sediment flowed into the creek. He noted CCWMO made the contractor take corrective actions. He reported that dredging was required, but other than that he wasn't involved what the contractor was asked to do.

Della Schall Young asked if they followed the creek all the way down to the river to see if they needed to dredge there as well and asked if the Pollution Control Agency was involved or if the City handled it alone.

Mr. Edgcumbe stated as far as he knows they looked at the creek but did not know how far down the creek was investigated. He stated he doesn't know if Pollution Control was involved or not, but he can check and get back to the Board.

Administrator Loomis stated she and Ms. Schall-Young will do some follow-up on this item and get back to the Board. She noted a copy of the Memorandum of Agreement (MOA) between the LMRWD and CCWMO is attached for the Board's information. 2022 is the final year of the MOA.

Manager Salvato asked if East Chaska Creek samples are taken above or below the restoration project the LMRWD constructed. Mr. Edgcumbe stated the sampling occurs below the restoration.

The Board thanked Mr. Edgcumbe for the presentation.

6. OLD BUSINESS

A. Audit and Financial Accounting Services Proposals

Administrator Loomis stated they are close to switching over to the new accounting service and Manager Amundson and President Hartmann will be trained on how to approve invoices. She

stated the LMRWD will be done with Carver County Finance, with the exception of any checks outstanding, by the end of March.

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

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

ii. Private Dredge Material Placement

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

E. Watershed Management Plan

Administrator Loomis reported that the revised rules were provided to the Board and some Managers had questions, which she referred to legal counsel.

Attorney Kolb addressed the Board and stated there is no change in liability to the LMRWD if the Board allows staff to do administrative approvals and noted where there is administrative approval the rules still require the item to go back to the Board for review. He stated the safeguard in place is that the Board reviews administrative approvals afterward and at that point the Board could decide to make changes to the approval, if they felt an approval should not have been given.

He noted that staff will not have the authority to deny a permit. All applications where denial is recommended must come before the Board.

Administrator Loomis noted a memo reviewing the rule revision process is included in their packets for the Board's review. She briefly explained the next steps in the rule revision process.

Manager Raby made a motion to authorize initiation of the rules process and direct staff to proceed. Manager Salvato seconded the motion. Upon a vote being taken, the motion carried unanimously.

F. 2022 Legislative Action

Administrator Loomis stated she and Lisa Frenette met with Senator Cwodzinski about becoming the chief author for legislation requesting bonding for the Area #3 project, since it is located within his District (48) and he agreed. Staff estimates that the total cost of the project will be \$4.6 million.

She reported that she and Ms. Frenette are scheduled to meet with Representative Pryor (48A) tomorrow and will scheduled a meeting with Representative Kotyza-Witthuhn (48B), as the project is located within her district.

Manager Salvato asked about the Chloride handout that was included in the meeting packet from the MCEA (Minnesota Center for Environmental Advocacy) and if the LMRWD is using that hand-out when tabling. Administrator Loomis said that the LMRWD has not used it and would likely use another handout, rather than the one from MCEA.

Administrator Loomis reported that Senator Coleman is carrying a bill for the City of Carver Levee this session.

G. Education and Outreach Plan

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

H. LMRWD Projects

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

No action required on any project this month, so updates appear in the Administrator's Report.

I. Project/Plan Reviews

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

i. 2022 MBL Nicollet River Crossing (LMRWD Permit No. 2022-002)

Administrator Loomis introduced this item. She stated there is an overview of this project in their packets for their review.

Manager Raby made a motion to conditionally approve 2022 MBL Nicollet River Crossing (LMRWD No. 2022-002), subject to receipt of a copy of the NPDES permit, contact information of the contractor, contact information for the person(s) responsible for inspection and maintenance of erosion and sediment control, and a special stipulation in the final permit that prohibits dewatering discharges within the Steep Slope Overlay District and requires notification if groundwater disturbances occur. The motion was seconded by Manager Mraz. Upon a vote being taken the motion carried unanimously.

ii. Ivy Brook Parking East (LMRWD Permit No. 2022-003)

Administrator Loomis introduced this item. She stated there is an overview of this project in their packets for their review.

President Hartmann made a motion to conditionally approve Ivy Brook Parking East (LMRWD No. 2022-003), subject to receipt of a copy of the NPDES permit, contact information of the contractor, contact information for the person(s) responsible for inspection and maintenance of erosion and sediment control features, and a copy of the City's Low Impact Development (LID) Management Practices Agreement for the proposed sand filter. The motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.

iii. Ivy Brook Parking West

Administrator Loomis introduced this item. She stated there is an overview of this project in the Board packet for their review.

Manager Salvato made a motion to conditionally approve Ivy Brook Parking West (LMRWD No. 2022-008), subject to receipt of a copy of the NPDES permit, contact information of the contractor, and contact information for the person(s) responsible for inspection. The motion was seconded by Manager Mraz. Upon a vote being taken the motion carried unanimously

iv. MN Greenway Pedestrian Bridge Temporary Crossing

No action is required for this item, the report is for the Board's information only.

v. Canterbury Park Eastern Development EAW Review

No action is required for this item, the report is for the Board's information only.

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

9. COMMUNICATIONS

- A. **Administrator Report:** Administrator Loomis asked if the Board had any questions about the Administrator's Report. Administrator Loomis noted the LMRWD held the Convene meeting for the clean water funds being distributed. The meeting was held today and was done in about 40 minutes and the next meeting is April 20, 2022. She noted the next task will be to create a list of priorities to use the funds for. She noted the cities Savage and Bloomington were voted to be the voting members representing the municipalities.
- B. **President:** No report
- C. **Managers:** Manager Raby noted he will be remote for the April meeting and back in-person for the May meeting.
- D. **Committees:** No report
- E. **Legal Counsel:** No report
- F. **Engineer:** No report

10. ADJOURN

At 8:00 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, April 20, 2022, and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Attest:

Lauren Manager Salvato, Secretary

Linda Administrator Loomis, Administrator