



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, April 20, 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, April 20, 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, and Manager Lauren Salvato. Manager David Raby joined the meeting virtually. In addition, the following attended the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant; and Attorney John Kolb, Rinke Noonan Attorneys at Law. Also in attendance; Jon Utecht, Water Resource Specialist, Scott Soil & Water Conservation District. Lisa Frenette, Frenette Legislative Advisors, LMRWD Legislative Liaison joined virtually at 8:15 pm and Katy Thompson, Young Environmental Consulting Group LLC, joined virtually at 8:30 pm.

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis asked to add Item 5. C. – 535 Lakota – Chanhassen – Work Without a Permit and an addendum to Item 6. C. – Audit and Financial Accounting Services – approval of invoices for payment.

**Manager Raby made a motion to approve the agenda with the addition of Item 5. C. – 535 Lakota – Chanhassen – Work Without a Permit and an addendum to Item 6. C. – Audit and Financial Accounting Services – approval of invoices for payment. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; 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.

#### 4. CONSENT AGENDA

President Hartmann introduced the item.

**A. Approve Minutes March 16, 2022, Regular Meeting**

**B. Receive and file February and March 2022 Financial reports**

**C. Approval of Invoices for payment**

- i. Daniel Hron – March 2022 office rent
- ii. Rinke Noonan – December 2021 legal services
- iii. Scott County SWCD – Q4 2021 monitoring, TACS & SCWEP
- iv. City of Shakopee – Cost share & grant reimbursement for PLOC
- v. Global Portfolio Consulting, LLC – down payment for 2021 audit services
- vi. Dakota County SWCD – Q4 2021 monitoring, cost share & education
- vii. HDR Engineering, Inc. – Website maintenance expenses
- viii. Naiad Consulting, LLC – October, November & December 2021 Administrative services, mileage & expenses
- ix. Young Environmental Consulting Group, LLC – December 2021 technical, and Education & Outreach Services
- x. Frenette Legislative Advisors – January/February 2022 legislative services
- xi. Inter-Fluve – January 2022 Area #3 services
- xii. Liberty Mutual Insurance Company – 2022 Directors & Officers insurance
- xiii. Metro Sales, Inc – payment on copier service agreement
- xiv. Rinke Noonan – January 2022 legal services
- xv. US Bank Equipment Finance – March 2022 copier lease payment
- xvi. Daniel Hron – April 2022 office rent
- xvii. State of MN – publication of advertisement for engineering pool, legal & technical services
- xviii. City of Burnsville – Cost Share for Willow Creek Ravine stabilization
- xix. Frenette Legislative Advisors – March 2022 legislative services
- xx. Inter-Fluve – February 2022 Area #3 services
- xxi. US Bank Equipment Finance – April payment on copier lease
- xxii. Bolton & Menk, Inc. – Sponsorship of 2022 Salt Symposium
- xxiii. Naiad Consulting, LLC – January 2022 administrative services & expenses
- xxiv. TimeSavers Off Site Secretarial – preparation of December 2021 meeting minutes
- xxv. Young Environmental Consulting Group, LLC, January 2022 Engineering & Technical services
- xxvi. TimeSavers Off Site Secretarial – preparation of January 2022 meeting minutes
- xxvii. Young Environmental Consulting Group – February 2022 Engineering & Technical services

**D. Receive and file March 2022 Citizens Advisory Committee meeting minutes**

**E. Authorize execution of the Cooperative Agreement among the Lower Minnesota River Watershed District, Nine Mile Creek Watershed District. Richfield-Bloomington Watershed Management Organization and Riley-Purgatory-Bluff Creek Watershed District – Lower Minnesota River Chloride Cost-Share Program**

**F. Authorize execution of Grant Agreement between the Metropolitan Council and the Lower Minnesota River Watershed District for the Metropolitan Watershed Outlet Monitoring Program (WOMP1)**

**G. Authorize payment to Inter-Fluve for Area #3 invoice 21-04-21-03**

**President Hartmann made a motion to approve the Consent Agenda. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None.**

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

### **A. Presentation by Scott County Soil & Water Conservation District of 2022 Monitoring Program**

Administrator Loomis introduced Jon Utecht.

Jon Utecht, Scott County Water Resource Specialist, addressed the Board and provided a presentation on the outcomes of the Soil and Water Conservation District of 2022 Monitoring Program.

Ms. Della Schall Young asked if they have any idea what is making the TSS so high in certain months.

Mr. Utecht stated in his opinion it is the animals, or more specifically the ducks. He stated sand may be influencing the numbers a bit but it's hard to know for sure. Since the higher levels are seen in the winter months when the banks are frozen, the most logical source of the sediment is re-suspension of sediment from the bottom from duck activity.

Ms. Young asked if there is a correlation between the E. Coli levels and the atmospheric and water temperature. Mr. Utecht explained that is quite likely. Ms. Young said the LMRWD may want to investigate the correlation between atmospheric temperatures and E.coli further. Mr. Utecht said they observed the same increase in the Vermillion River and did some additional investigation which has not been completed. They discussed how difficult it can be to track down the sources of E. Coli because it can persist in the soils. Manager Salvato asked what it would cost to conduct further investigation. Ms. Young explained what further investigation would entail.

Mr. Utecht provided sampling information from Dean Lake. Manager Raby stated that he thinks that monitoring data at the outlet of Dean Lake would be more beneficial in terms of the Minnesota River.

Mr. Utecht stated there is a monitoring station near Valley Fair and he believes there is data that can be provided to the Board for review. Manager Raby thought that Dean Lake inlet data should be compared with the data collected at the Valley Fair data.

Administrator Loomis provided the Board with the history of Dean Lake's classification. The LMRWD requested that it be reclassified from a shallow water lake to a wetland.

Mr. Utecht continued, providing data on the well monitoring within Savage Fen.

**Manager Raby made a motion to approve the Agreement Between the LMRWD and the Scott Soil and Water Conservation District for Monitoring, Technical, Education and other Conservation Services and authorize execution by President Hartmann. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None**

### **B. Cost Share Application for 4624 Overlook Drive Bloomington**

Administrator Loomis introduced this item. She explained that even though the application lists the applicant is requesting \$4500, the applicant understands and is only requesting the maximum allowed which is \$2500. She noted the applicant intends to create a second rain garden in a year or so as well.

Manager Salvato asked if there is some sort of protocol for allowing someone to apply and create a second rain garden within a certain time frame.

Manager Raby stated that it appears there will be a year between, and it sounds like each rain garden will be completely separate projects, the applicant would follow the same process and have the project next year evaluated on its own merit for the Board to review. He noted they have allowed this in the past and doesn't see why they wouldn't in the future.

**Motion by Manager Raby to approve Cost Share Application for 4624 Overlook Drive. The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None**

**C. 535 Lakota – Chanhassen – work without permit**

Administrator Loomis introduced this item. She stated the City of Chanhassen advised the LMRWD that they had become aware of a property which had done work without pulling the appropriate permits required.

Attorney John Kolb addressed the Board and stated they need to review the property to figure out what work had been done and potential violations that may have occurred to determine what restorations the LMRWD may need to require. He stated once they have had time to review the property and make those determinations then they will serve a notice of potential rule violation. He asked the Board for permission to conduct an inspection and send a notice to the property owner, so that a special meeting would not be needed.

Manager Raby asked about the timing of the notification to the property owner. Attorney Kolb explained that the LMRWD would not send any notice until after an inspection has been conducted. Manager Raby asked about accessing the property for an inspection. Attorney Kolb explained that the LMRWD has the right to enter the property to conduct inspections.

Ms. Schall Young, said that she has staff that are qualified to make the required inspection and that the LMRWD would coordinate all activities with the City.

**Motion by Manager Raby to approve inspecting the property and sending notice of potential code violation. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None**

**6. OLD BUSINESS**

**A. Legal & Technical Services**

Administrator Loomis explained that the LMRWD received one proposal to provide technical and engineering services from Young Environmental Consulting Group and no proposals to provide legal services. She explained that she has spoken with the current legal services provider, Rinke Noonan, about continuing to provide legal services for the LMRWD. She reported that Rinke Noonan said they would be happy to continue with the LMRWD and provided an agreement to provide legal service.

She noted the proposal from Young Environmental Consulting Group was included with the meeting materials.

**Manager Raby made a motion to accept the proposal provided by Young Environmental Consulting Group and to negotiate a contract with the assistance of legal counsel. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of**

**the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None**

**President Hartmann made a motion to approve the agreement between the LMRWD and Rinke Noonan to provide legal services to the LMRWD and authorize execution. The motion was seconded by Manager Amundson. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None**

#### **B. Engineering Pool**

Administrator Loomis introduced this item and provided an overview. She explained that nine proposals had been received. Staff reviewed all the proposals and recommends that all firms that applied be included in a pool.

Ms. Schall Young explained that more information is needed from several firms, but that they are all qualified to provide the services required by the LMRWD.

Manager Raby asked what the duration of the contract will be.

Attorney John Kolb stated there isn't a specific contract or time frame, but more of an annual opportunity to look at the options. Agreements would be drafted when a specific task is required. He noted that the list would be refreshed every two years when the LMRWD solicits for engineering services.

Manager Amundson asked about the number of firms that are being included in the pool. Ms. Schall Young explained that this is not unusual and noted that some watershed districts have more. She further noted that this list does not preclude the LMRWD from using firms outside of the pool.

**Motion by Manager Mraz to accept all firms into the engineering pool for service areas identified in Table 1, pending the receipt of the following:**

- **IMO should provide 2022 billing rates and specify whether it would expect an increase annually; and**
- **All firms should provide a conflict-of-interest statement, including how they would address the occurrence of a real or perceived conflict**

**Motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None.**

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

##### **i. Addendum to Audit and Financial Accounting Service.**

Administrator Loomis provided an overview of this item. Invoices will need to be approved by the Board before they are paid moving forward.

**Motion by Manager Raby to pay the invoices listed in the addendum presented this evening. Motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None.**

President Hartmann and Manager Amundson asked about Bill.com. Administrator Loomis noted that this is a new service that the Managers will use to authorize payment of invoices to the LMRWD.

#### **D. MAWD Membership**

Administrator Loomis provided an overview of this item. She reported that she had attended the most recent Metro MAWD meeting.

The Board did not need to take any action unless they choose to renew membership in the organization.

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

No new information to report since last update.

**F. City of Carver Levee**

Administrator Loomis provided an overview of this item.

**Motion by President Hartmann to authorize reimbursement to the City of Carver. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None.**

**G. Dredge Management**

The Board had requested information about the amount of dredge material that has been placed on the LMRWD dredge site historically. Administrator Loomis reported that she provided that information with the meeting materials.

**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.

**H. Watershed Management Plan**

No new information to report since last update.

**I. 2022 Legislative Action**

Administrator Loomis reported that she had testified before the House of Representatives Capital Investment Committee. Lisa Frenette provided a brief update and stated there is a report in the Executive Summary for the Board's review.

**J. Education and Outreach Plan**

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

Administrator Loomis reported that the LMRWD plans to table at the Eden Prairie Green Fair and Arbor Day Walk, April 30, 2022.

**K. 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 this item. She stated there is an overview of this project in the meeting packet for the Board's information

**President Hartmann made a motion to approve the work plan. Manager Mraz seconded the motion.**

Manager Raby asked to affirm the intent of the proposed scope of work. Ms. Schall Young said Manager Raby was correct, the scope of work now includes all the aspects of the

project and to bring the project to the 90% design. The project would then be shovel ready if the LMRWD is successful getting funding from the legislature. Manager Raby asked for clarification of the cost of specific tasks. Ms. Schall Young provided that information.

**Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None**

**L. 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 there is an overview of this project in the meeting packet for the Board's information.

**Manager Raby made a motion to renew permits as provided in Table 1 [CSAH 11 Reconstruction, Canterbury Crossing, Southwest Logistics Center, and 106<sup>th</sup> Street Improvements] attached to the Technical Memorandum dated April 2022 Individual Project Permit Renewal Requests. The motion was seconded by Manager Amundson. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None.**

**ii. Biff's Inc. (LMRWD Permit No. 2022-011)**

Administrator Loomis introduced this item. She stated there is an overview of this project in the meeting packet for the Board's information.

**Manager Mraz made a motion to conditionally approve Biff's Inc. (LMRWD Permit No. 2022-011) contingent upon the receipt of an NPDES permit and contact information for the contractor and the person(s) responsible for inspection and maintenance of all erosion and sediment control features. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None.**

**iii. Engineered Hillside (LMRWD No. 2022-007)**

Administrator Loomis introduced this item. She stated there is an overview of this project in the meeting packet for the Board's information.

**President Hartmann made a motion to approve a permit for 10800 Azure Skies, Eden Prairie, MN (LMRWD Permit No. 2022-007). The motion was seconded by Manager Raby. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None**

**iv. Quarry Lake Trail and Pedestrian Bridge (LMRWD No. 2022-010)**

Administrator Loomis introduced this item. She stated there is an overview of this project in the meeting packet for the Board's information.

**President Hartman made a Motion to conditionally approve a permit for Quarry Lake Trail and Pedestrian Bridge (LMRWD No. 2022-010) contingent upon receipt of the final signed construction plan. The motion was seconded by Manager Mraz Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None**

**v. Normandale Blvd & 98<sup>th</sup> Street Intersection project (LMRWD No. 2022-013)**

Administrator Loomis introduced this item. She stated there is an overview of this project in the meeting packet for the Board's information.

**Manager Mraz made a motion to conditionally approve Normandale Blvd & 98<sup>th</sup> St Intersection Project (LMRWD No. 2022-013) 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. The motion was seconded by Manager Amundson. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None**

- K. MPCA Soil Reference Values - no change since last update**  
No new information to report since last update.

## 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 reconciliation**
- **Seminary Fen Ravine Stabilization Grant replacement**
- **West Chaska Creek Sediment Release**
- **14<sup>th</sup> MN River Congress**
- **Lower Mn River East 1W1P**
- **USACE River Resource Forum**

Administrator Loomis asked the Board if they would rather see the report on permits in the format provided by Young Environmental Consulting Group or in the narrative format that they have been seeing. The Consensus of the Board was to use the table format provided by Young Environmental.

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

## 10. ADJOURN

**At 8:55 PM, President Hartmann made a motion to adjourn the meeting. Manager Amundson 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, May 18, 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