



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, November 20, 2019

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

Approved January 15, 2020

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

On Wednesday, November 20, 2019, at 7:00 PM 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) and asked for roll call to be taken. The following Managers were present: Managers Adam Frey, David Raby and President Jesse Hartmann. In addition, the following were also present: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, Technical Consultant; Attorney John Kolb, Rinke Noonan Attorneys at Law, LMRWD Legal Counsel; and Curt Coudron, Dakota County SWCD.

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis announced there were no changes or additions to the agenda.

An item was added under old business: i. Chanhassen TH 101 (this item was on the printed agenda but not on the online agenda)

President Hartmann added an item under New Business, a discussion of changes to the boundaries of the LMRWD. Manager Hartmann wanted to discuss if the Carver County appointment could be replaced with a manager from another County. Item 5.d. was added.

**Manager Raby made a motion to approve the Agenda, as amended. The motion was seconded by President Hartmann. The motion carried unanimously.**

#### 3. CITIZEN FORUM

There were no citizens who wished to address the board on non-agenda items.

#### 4. CONSENT AGENDA

President Hartmann introduced the item.

##### A. Approve Minutes - October 18, 2019 Regular Meetings

##### B. Receive and file October 2019 Financial reports

##### C. Approval of Invoices for payment

- i. Carver County Finance Department - Q3 accounting services
- ii. Freshwater Society - for Road Salt Symposium Sponsorship
- iii. Daniel Hron - for October 2019 office rent
- iv. City of Chaska - reimbursement of construction costs for Seminary Fen Ravine stabilization

- v. **Frenette Legislative Advisors - October 2019 lobbying services**
  - vi. **Pace Analytical Services, LLC - for summer Chloride monitoring of Ike's Creek**
  - vii. **Rinke Noonan Attorneys at Law - September 2019 legal services**
  - viii. **Naiad Consulting, LLC - August 2019 administrative services & expenses**
  - ix. **TimeSaver Off Site Secretarial, Inc. - August 2019 meeting minutes preparation**
  - x. **US Geological Survey - for MN River Sediment Monitoring**
- D. **Receive and file informal comment letter from the City of Eden Prairie**
  - E. **Notice of multi-year engagement with Redpath for Financial Audit Services**
  - F. **Authorize execution of Dredge funding agreement**
  - G. **TimeSaver Off Site Secretarial, Inc. - Addendum to Recording Secretary Service Agreement**
  - H. **Receive and File Letter from BWSR dated September 27, 2019**
  - I. **Approval of 2020 Cost Share and Water Quality Restoration Program**

Manager Raby noted that on the meeting minutes under Item 6. B. on page 2 of the October 18, 2019 meeting minutes there was an incomplete sentence.

**Manager Raby made a motion to approve the Consent Agenda noting the correction to the October meeting minutes. The motion was seconded by President Hartmann. The motion carried unanimously.**

## 5. NEW BUSINESS

### A. Set 2020 meeting dates

Manager Raby may be able to participate remotely in February and March.

**President Hartmann made a motion to approve the 2020 meeting schedule. The motion was seconded by Manager Frey. The motion carried unanimously.**

### B. LMRWD Data Management

Administrator Loomis said this is a proposal to begin the process of going through all the LMRWD documents in the office and come up with an online filing system so the documents are retrievable.

Ms. Young clarified the intent is to look at the stakeholders that will need data to come up with the best product for the district to acquire.

President Hartmann asked which fund this would come from. Administrator Loomis said it would come out of the administrative budget and there will be additional costs for future maintenance.

Manager Raby thought this was a good idea and asked about the qualifications. Ms. Young said the owner of D&B Consulting had previously worked for the county with transportation services. Ms. Young explained how the LMRWD made contact with DRB Consulting.

Manager Raby asked if there is a schedule for completion. Administrator Loomis said if they move ahead, they will get a schedule.

**Manager Raby made a motion to approve the data management contingent upon a schedule that is acceptable. The motion was seconded by President Hartmann. The motion carried unanimously.**

### C. 2018 Annual Report

Administrator Loomis said this will be done by the December meeting and requested the item be tabled. She did hand out the executive summary for the Board to review.

Manager Raby said he reviewed the executive summary and offered some comments. He noted the expenses added up to 103%.

Attorney Kolb asked the district think about the next report and how much LMRWD resources are put into the report to simplify it. He noted the statutes are minimal.

**D. Distribution of Managers**

Attorney Kolb read the statute. He noted the statute is silent on whether or not a county can delegate its appointment to a different county. He noted that common principals of joint powers exercise would allow that to happen. He said there are two courses that this could run. The first would be to go to BWSR and ask for an amendment to the establishment order that would expressly allow this. He thinks this could be easily justified because of the nature of the District.

The second way would be to get the counties together and ask if they would be willing to enter into agreement with each other to share appointments so the Board could become more robust. He believes that we could go this route informally. The first route could be contemplated further and maybe check with the Board Conservationist at BWSR to see if this has been done.

Manager Raby asked if we would need to have BWSR approval regardless. Attorney Kolb said he doesn't think so. He said that it seems to be up to the Counties. He said to have the discussion with the Counties to see what they think and ask BWSR if they think the Counties have the authority to do this among themselves.

The board directed staff to begin this process.

**6. OLD BUSINESS**

**A. MAWD Annual Conference**

Administrator Loomis said the annual conference is coming up and the board needs to let MAWD know who the authorized delegate is. Manager Raby said he will be attending.

**President Hartmann made a motion to approve Manager Raby as the MAWD delegate. The motion was seconded by Manager Frey. The motion carried unanimously.**

Attorney Kolb said the Board should direct its delegate how to vote on the resolutions. He provided a brief summary of the resolution that will be considered at the MAWD meeting and the recommendations of the MAWD resolutions committee.

There was discussion on the impacts of the resolutions. There was one resolution that appeared to add a mandate to watershed districts, that should be re-worded or clarified whether it would add a mandate or not. Legal Counsel said the Board should provide consensus of the board or a motion to indicate those that the LMRWD intends to support or oppose as instructions to its delegate.

President Hartmann said he agreed with the staff's assessment and that clarification on resolution number 5 is needed.

**President Hartmann made a motion to support the recommendations of the MAWD committee, asking for clarification on resolution number 5 acceptable to the LMRWD. The motion was seconded by Manager Frey. The motion carried unanimously.**

**B. Remote meeting participation**

Administrator Loomis said she met with the County and Tierney. The County asked the consultant to discuss the proposed changes with the designer of the County's AV system.

Tierney did speak with the County's consultant and additional recommendations were made. Tierney revised the quote which was included in the packet. She noted she is waiting for an agreement with the county. The County said they have no issues with the bandwidth of its WiFi system.

**President Hartmann made a motion to approve the new proposal for the remote meeting participation. The motion was seconded by Manager Frey. The motion carried unanimously.**

**C. Dredge Management**

**i. Review Process for funding of maintenance of Navigation Channel**

No new information other than that reported in the Executive Summary.

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

Administrator Loomis said the documents went out for bid and they have received a number of responses. She informed the Board of the pre-bid meetings and the date of the bid opening. She noted the Board will be asked to award the contract at the December board meeting. It was noted this will be a sealed bid.

**iii. Private Dredge Material Placement**

No new information other than that reported in the Executive Summary.

**D. Watershed Management Plan**

Administrator Loomis said the rules went out October 31 and there is a 45-day review period. The public hearing will be planned for January. She said she checked with BWSR to make sure they received the rules.

Attorney Kolb said the Board should consider waiting on the public hearing until all managers can be present.

**E. 2020 Legislative Action**

Administrator Loomis said she and Lisa Frenette met with Representative Rick Hansen today. Representative Hansen offered several suggestions and asked that the LMRWD meet with BWSR again. Ms. Frenette is planning to schedule a meeting with Senator Ingebrigtsen during the MAWD conference since Alexandria is in his District.

**F. Education and Outreach Plan**

No information to report since last update.

**G. LMRWD Projects**

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

**i. East Chaska Creek Restoration**

Administrator Loomis said the project is out for bid and is on the same schedule as the dredge project. There should be a recommendation at the December meeting.

**ii. Targeted BMP's for Downtown Shakopee Area**

Administrator Loomis said this project is funded by a grant.

Manager Raby asked about the grants. Administrator Loomis said all projects are being funded under one grant. Manager Raby expressed concern that the agreements deal with cost overruns, so that the LMRWD does not end up short as with the Seminary Fen grant.

**iii. Prior Lake Outlet Channel Realignment/Wetland Restoration**

Administrator Loomis said this project is funded by a grant.

**Manager Raby made a motion to authorize the president to execute the cooperative agreements. The motion was seconded by Manager Frey. The motion carried unanimously.**

**H. Local Water Management Plan Reviews**

**i. City of Shakopee**

Administrator Loomis said Shakopee said they would have its plan by the end of the year. Savage was supposed to be completed by the end of October.

**I. Project/Plan Reviews**

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

**i. City of Chanhassen - TH 101 realignment**

Administrator Loomis said this is to realign TH 101 as it comes down the bluff. President Hartmann asked about the alignment. He noted that a lot of trees are being removed. Administrator Loomis noted five homes will be removed by eminent domain. She showed what is being proposed.

Ms. Young added additional comments. Manager Raby asked if we had a schedule. Staff said no schedule has been provided.

**Manager Raby made a motion to approve a permit for the TH 101 realignment subject to the conditions recommended by staff. The motion was seconded by Manager Frey. President Hartmann abstained. The motion carried unanimously.**

**J. MPCA Soil Reference Values - no change since last update**

No new information since last update.

**7. COMMUNICATIONS**

**A. Administrator Report:** Administrator Loomis commented on a new book about the Minnesota River - "For Love of a River: The Minnesota"

**B. President:** No report

**C. Managers:** No report

**D. Committees:** No report

**E. Legal Counsel:** No Report

**F. Engineer:** No report

**8. ADJOURN**

**President Hartmann made a motion to adjourn. Manager Frey seconded the motion. The meeting was adjourned at 8:19pm. The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, December 18, 2019 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN.**

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Dave Raby, Secretary

Attest:

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Linda Loomis, Administrator