



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, December 18, 2019

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

Approved \_\_\_\_\_, 2019

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

On Wednesday, December 18, 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; and Lisa Frenette, Frenette Legislative Advisors, LMRWD lobbyist.

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis asked that the minutes of the November 20, 2019 Regular meeting of the Board be removed from the agenda.

**Manager Raby made a motion to approve the Agenda, with the removal of the November 20, 2019 Regular Meeting minutes. 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 – November 20, 2019 Regular Meetings~~

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

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

- i. Freshwater Society - for 2019 Master Water Steward
- ii. Daniel Hron - for November 2019 office rent
- iii. Braun Intertech Corporation - Area 3 inclinometer readings
- iv. Coalition for a Clean Minnesota - Sponsorship for MN River Congress
- v. Rinke Noonan Attorneys at Law - October 2019 legal services
- vi. Naiad Consulting, LLC - September 2019 administrative services & expenses
- vii. TimeSaver Off Site Secretarial, Inc. - September 2019 meeting minutes preparation
- viii. Young Environmental Consulting Group, LLC - September 2019 technical services

- ix. **Dakota County Soil & Water Conservation District - Q3 monitoring in Dakota County and Cost Share**
  - x. **Redpath and Company Ltd. - Final billing for 2018 financial audit**
  - xi. **Young Environmental Consulting Group, LLC - October 2019 technical services**
- D. Adopting 2020 Budget and Certification of property tax levy for taxes payable 2020**
- E. Approving the transfer of LMRWD funds from General Fund to 9' Channel Fund**

Administrator Loomis commented on the budget. She reminded the Board that an additional \$75,000 was added to the levy in August when the preliminary budget was approved. She noted the bids for construction of the came in significantly lower than expected, so if the Board wished to reduce the levy, the District should still be able to have enough funds to pay for the project.

**Manager Raby made a motion to approve the Consent Agenda removing the Item 4.D. - Adopting 2020 Budget and Certification of the Property Tax Levy for taxes payable 2020. The motion was seconded by Manager Frey. The motion carried unanimously.**

- D. Adopting 2020 Budget and Certification of property tax levy for taxes payable 2020**
- Manager Raby asked that this item be removed from the consent agenda as suggested by Administrator Loomis. The Board determined to reduce the levy by \$75,000 for a total levy of \$725,000, which is the same as the levy certifiec in 2019.

**Manager Raby made a motion to adopt resolution 19-11. The motion was seconded by Manager Frey. The motion carried unanimously.**

**5. NEW BUSINESS - No new Business**

**6. OLD BUSINESS**

**A. 2018 Annual Report**

Administrator Loomis said she is looking for a motion to approve and authorize distribution.

Manager Raby asked that someone just review the report before distribution.

**President Hartmann made a motion to authorize and distribute the annual report upon proofing. The motion was seconded by Manager Raby. The motion carried unanimously.**

**B. Remote meeting participation**

Administrator Loomis said the county is on board with the addition to its A/V system but there needs to be a written agreement between Carver County and the LMRWD. The board talked about the possibly about what would happen if the District would need to relocate its Board meetings. Manager Raby suggested that any agreement address what would happen if the LMRWD should need to permanently change the location of its meetings

Administrator Loomis presented a policy that had been provided by legal counsel for the Board's approval.

**Manager Raby made a motion to approve the remote participation policy. The motion was seconded by President Hartmann. The motion carried unanimously.**

**C. Dredge Management**

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

No new information since last update.

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

Administrator Loomis said since the last Board meeting the LMRWD held a pre-bid meeting for the construction project and that bid opening was held on December 3rd. She noted that a report from staff was provided to the Board in the meeting packet.

President Hartmann asked if all the bidders are aware of the other bids. Administrator Loomis reported that the bid opening was public and bids were posted as they were opened.

President Hartmann asked about the ability of bidders to perform the work adequately. Ms. Young said Barr Engineering has been checking with others that have done work in the past and whether they are qualified. All bidders were also asked to provide references. Ms. Young said that LS Marine will work with the winning bidders once work begins on the site. She noted that construction will be dependent upon the elevation of the River in 2020.

Administrator Loomis said a resolution was prepared for the Board to adopt.

**President Hartmann made a motion to approve resolution 19-12. The motion was seconded by Manager Frey. The motion carried unanimously.**

Administrator Loomis noted that the Grant Agreement with BWSR has been executed and uploaded to elink.

**iii. Private Dredge Material Placement**

Administrator Loomis noted that no dredging occurred on the river in 2019, including in the private barge slips. President Hartmann asked if the high water made it easier to load materials into barges. Administrator Loomis noted that once the elevation of the River reaches 702 feet above sea level that all commercial navigation, including dredging, is halted, so that barges are not loaded. She noted that the River was at or above 702 feet for most of the shipping season. She reminded the Board that the LMRWD will not realize any revenue in 2019 for the placement of dredge material from private barge slips.

She also noted that replacement of the culvert under the site access will be looked, as well as access to the site. Staff may have further recommendation for work in the upcoming year.

**D. Watershed Management Plan**

Administrator Loomis reminded the Board that the proposed draft rules were sent on October 31<sup>st</sup> to Bowser. She said staff has reminded all the LMRWD stakeholders that comments are due by Friday, December 20, 2019. She said she hopes to have the public hearing at the January meeting. She noted the Board can adopt the rules after the public hearing - at the same meeting. There was some discussion of the timing of responses to comments and the public hearing notice.

**E. 2020 Legislative Action**

Administrator Loomis asked that this item be delayed until Lisa Frenette arrived. (Ms. Frenette arrived at 7:39pm.)

Administrator Loomis introduced Lisa Frenette, Frenette Legislative Advisors, and lobbyist for the LMRWD. Administrator Loomis reported that Ms. Frenette set up a meeting with State Senator Bill Ingebrigtsen, chair of the Senator Natural Resource and Environment Finance Committee, and that she, Ms. Frenette and Manager Raby were able to meet with Senator Ingebrigtsen during the MAWD conference in Alexandria. Ms. Frenette reported on the discussion with the Senator and that he was supportive of the LMRWD requesting replacement of the grant funding that was denied by BWSR. She said the Senator suggested sending another to the BWSR board asking for review of the request. Ms. Frenette reported that Senator Ingebrigtsen asked that a letter on behalf of the LMRWD be prepared for his signature. Ms. Frenette has been working on that letter and said that she would be happy to have the Board

review the letter before Senator Ingebrigtsen signs it. The Board indicated that they did not believe that was necessary.

Ms. Frenette reported on a conversation held with Representative Rick Hansen earlier in the month. Representative Hansen provided three options for the LMRWD to pursue to replace the funding. She noted there has been some good feedback and conversations. Manager Raby mentioned that Senator Ingebrigtsen suggested that the LMRWD contact Senator Senjem. Ms. Frenette said that Senator Ingebrigtsen said that he would speak to Senator Senjem.

Administrator Loomis reported that a letter to the BWSR Board has been prepared for President Hartmann's signature. Manager Hartmann suggested sending the letter certified mail to make sure it is received. The Board discussed who should receive the letter and who should be copied.

Ms. Frenette commented on a couple other items going on at the Legislature that may be of interest to the LMRWD. The first one is legislation that is being proposed by a group that has been organized by a land developer aimed at Watershed Districts. There is another bill that she is following that is asking for Watershed District Managers be elected because they have taxing authority.

**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 same process was followed for this project as for the dredge project. She noted that five bids were received. The low bid was from Blackstone Contracting. Staff is asking the Board to adopt Resolution 19-09.

She noted the City asked the LMRWD to prepare information that they can use to provide to resident about the project. She presented the handout to the Board. She noted the City needs to approve the project.

Manager Raby said the low bid is significantly lower than all the other bidders. He asked about the qualifications of the Blackstone and if staff conducted an investigation into the winning bidder similar to what staff did with the dredge site project. Ms. Young said that the winning bidder was checked out. They also noted that Barr Engineering is familiar with the winning bidder and that the principals formerly worked with Ames prior to forming Blackstone.

**Manager Raby made a motion to recommend awarding the contract and have staff negotiate with Blackstone Contracting and authorize Resolution 19-09. The motion was seconded by President Hartmann. The motion carried unanimously.**

**ii. Seminary Fen Restoration Area C-2**

Administrator Loomis said the city is ready to move forward on this project and that the project is in the LMRWD CIP.

Administrator Loomis noted the numbers in the agreement do not add up and that Carver County WMO is providing \$10,000 to the project. The agreement will be revised to reflect that and she recommended that the item be tabled to the January meeting.

Manager Raby said there should be something in the agreement addressing cost over runs because of what happened the last timewith the City of Chaska and the project at Seminary fen.

#### **H. Local Water Management Plan Reviews**

##### **i. City of Shakopee**

Administrator Loomis said the City of Shakopee has adequately addressed all the comments provided by the LMRWD. She asked the board to adopt 19-03 approving the City of Shakopee's service water management plan.

**Manager Raby made a motion to adopt resolution 19-03. The motion was seconded by President Hartmann. 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. Report on Eden Prairie Area #3**

Administrator Loomis provided an update on the potential for slope failure. She reported on a meeting that LMRWD staff had with consultants that have been involved with this area over the years. She said that one of the conclusions from the meeting is that the homes up above this area are not in threat of the slope failure. They can't say for sure that it will never affect the homes but there is no immediate danger. She noted that the City of Eden Prairie was not invited to this meeting, but that LMRWD staff is planning to provide a summary of the discussion with the consultants to the City and meeting with them after they have been able to review the summary. Ms. Young provided additional details of the discussion and the recommendations the LMRWD received from the consultants. A regimen for collection of data from the inclinometers was recommended and it was suggested that a field inspection be done once the snow has melted to observe any areas of active erosion that may be contributing to erosion of the slope. Administrator Loomis said they would have a subsequent conversation. She stated a project should be done to stabilize the base of the slope.

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

No new information since last update.

### **7. COMMUNICATIONS**

**A. Administrator Report:** no additional information to report other than what was in the Administrator's report

**B. President:** No report

**C. Managers:** Manager Raby reported on an item from the MAWD Conference. At the Region 3 meeting there was mention of a report that MAWD wants to prepare to provide Legislators with information about the work of watershed districts. He reported that MAWD is asking each district to prepare a 2-page description on each watershed district and the work that they do. MAWD would provide a template to use. The resulting information would be combined into a book that would given to each legislator. Manager Raby suggested that the LMRWD include its work managing dredge material be highlighted in order to drill home the fact that the LMRWD is different from other districts and that work the LMRWD does to maintain the navigation channel provides benefits to the regional and state economy. Ms. Frenette was doubtful of the benefit of such a book, that it was too much information and legislators are unlikely to look at it. She did think it would be good for the LMRWD to have a one pager to use. The Board agreed that a book is too much information and would get lost.

LOWER MINNESOTA RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS  
WEDNESDAY, DECEMBER 18, 2019  
MEETING MINUTES

Ms. Frenette said that there has been talk about holding a joint meeting of several committees to learn about watershed districts and if that happens she would like to highlight the LMRWD and the work that it does.

- 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 8:15pm. The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, January 15, 2020 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