



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, July 21, 2021

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

Approved September 15, 2021

1. CALL TO ORDER AND ROLL CALL

On Wednesday, July 21, 2021, 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).

President Hartmann asked for roll call to be taken. The following Managers were present: 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; Della Schall Young, Young Environmental Consulting Group, LLC (YECG), Technical Consultant; John Kolb, Rinke Noonan, Attorneys at Law, Legal Counsel; and Lisa Frenette, Frenette Legislative Advisors, Legislative Relations Specialist.

2. APPROVAL OF THE AGENDA

Administrator Loomis said she had no additions or changes to the agenda.

Manager Raby made a motion to approve the Agenda. The motion was seconded by President Hartmann. 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 and there were no citizens present at the meeting who wished to address the board on non-agenda items.

4. CONSENT AGENDA

President Hartmann introduced the item.

A. Approve Minutes June 16, 2021 Regular Meeting

B. Receive and file June 2021 Financial reports

C. Approval of Invoices for payment

i. Daniel Hron - June 2021 office rent

ii. Rinke Noonan Attorneys at Law - April 2021 legal services

iii. Young Environmental Consulting Group - April 2021 technical and Education & Outreach services

D. Receive and file Citizen Advisory Committee April 2021 meeting minutes

Manager Raby made a motion to approve the Consent Agenda. The motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.

5. NEW BUSINESS

A. Presentation of 2022 Preliminary Budget

Administrator Loomis stated the proposed budget pretty much matches the table in Section 4 of the Watershed Management Plan. The Managers have a month to take a look at it, ask questions, and make adjustments. She noted they do not need to approve it tonight, but she asked that they call for a public hearing for the August 18, 2021 meeting for the adoption and preliminary certification of the budget.

President Hartmann noted on Line 77, it says Projected 2021 Dues [to MAWD] and asked if they are keeping that in just in case.

Administrator Loomis replied that would be her recommendation, in case they decide to pay them; it is not a big dollar item at \$7,500 and she felt it was prudent to leave it in.

Manager Salvato noted they have had the same administrative and managerial expenses for nine years and asked about inflation or rising costs.

Administrator Loomis does not know that they have ever spent the entire budget in that line item. Typically, it is Administrator Loomis' fee, and she is not intending to raise that fee; since Manager Salvato brought it up, Administrator Loomis stated she is thinking of retiring sometime in the future as she will be 70 the following year. The Board should begin thinking of whether they want to do an RFP for replacement administrative services. By Statute they are limited to \$250,000 for administrative costs and she tweaked the other lines based on past experience. She noted that the General Engineering costs were increased from \$20,000 to \$35,000 because those expenses have been higher.

Manager Salvato asked on the Actual Dredging Income versus Projected, is that being conservative based on being able to sell the dredge material?

Administrator Loomis replied yes, noting the District has not really sold dredge material since 2014 and the number is based on the actual price for the material which is currently estimated to be about a couple of dollars/cubic yard right now. It is based on what Southport does in St. Paul and what they sell dredge material for; the LMRWD material is not as high-quality [as Southport] because it has more silt.

Manager Raby asked Administrator Loomis to check the columns and totals as it seems like many of them do not match. And that one line item appears incorrect. Administrator Loomis said she noted that and it will be corrected.

Manager Mraz noted a June YTD line item and asked if they typically spent more in the second half of the year.

Administrator Loomis replied not really and the district does not typically do not spend their entire budget. That sometimes, projected items are not always completed and paid for in the year they are levied. Administrator Loomis always noted that she is behind in invoicing the district for administrative services.

President Hartmann made a motion to call for a public hearing to adopt the 2022 Budget and Preliminary Certification of the Levies Payable 2022 on August 18, 2021. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.

6. OLD BUSINESS

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

No new information to report since last update.

B. City of Carver Levee

Administrator Loomis gave the Managers the minutes from the Stakeholder meeting and said there is a second meeting scheduled for August 12.

Manager Raby said he had a couple of comments. He attended the stakeholder meeting and heard some items he thought were of interest to the district. He said the City is talking about pre-design to start this fall, there is a bonding request of \$11,700,000 and will need to phase the project over several years and the next likely phase will be the easement acquisition. He stated there is a Minnesota River Bluff Trail is proposed by Scott County, that includes a proposed bridge over the Minnesota River to connect to that. The proposed bridge will be near the location of the old Carver railroad bridge. Manager Raby noted the proposed bridge is not part of the \$11,000,000 proposal for the levee

C. Remote meeting participation

Administrator Loomis is going to ask the County if there is a way the district can tie into this system to make it easier for Managers to participate remotely or observe.

D. Dredge Management

i. Vernon Avenue Dredge Material Management site

No new information to report since last update.

ii. Private Dredge Material Placement

Administrator Loomis received notice that the payment is on its way from CHS and Cargill was testing the system to make the transfer to the LMRWD.

E. Watershed Management Plan

No new information to report since last update.

F. 2021 Legislative Action

Administrator Loomis introduced Lisa Frenette, the legislative liaison for the LMRWD. Ms. Frenette updated the Board and noted they have had an odd couple of years at the Legislature in not being able to meet in person. She is counting on getting a grip on the pandemic and being able to get back next year for any issues that pop up.

She said her legislative summary is in the meeting packet and would go through some of the highlights. She shared accomplishments from the 2021 session. It has been two years that the district worked on being able to transfer \$111,000 of funds from the Board of Water and Soil Resources (BWSR) for dredge to the Seminary Fen project. In 2020, Senator Ingebrigtsen [Chair of the Senate Natural Resource Committee] was very amendable to that but unfortunately there was no environment bill that year. Ms. Frenette said they were able to get that provision put in again this year and passed. She has contacted BWSR for how the transfer will be managed and is waiting to hear back on the details.

The district also received Dredge Maintenance Funding of \$240,000/year. She noted some issues she pushed back on. One was regarding a Feasibility Study to combine Soil and Water Conservation Districts (SWCD) and Watershed Districts; a bill was proposed to have BWSR lead a study and many people were hesitant to allow that. The concern was that it was not clear that what could come out of such a study may not be beneficial to Watershed Districts or SWCD's. Ms. Frenette thinks any such proposal should be thought through some more.

There was also some soil health policy language that would have allowed for BWSR to look over everyone's shoulder rather than letting local governments figure out how they would work on soil health. She noted money did go into soil health which is always good, cover crops, and different things to keep sediment from flowing downstream.

Ms. Frenette has been watching PFAs as it will become an issue for water quality down the line; she spoke with an environmental attorney about this who explained why it is so important to know more about it. When a water treatment facility has leftover sludge after recycling the water, they go and spread that out over land which could then leach into the Minnesota River, and they do not want that. Ms. Frenette said \$600,000 went into a study on PFAs. PFAs are now prohibited in food packaging and will be completely phased out by 2025.

Lastly, she noted that there are many programs to manage the flow of water off the land, however new legislation was passed regarding water storage. Only \$2,000,000 of funding was provided for the new program, which isn't enough to accomplish much. She worked with Friends of the Minnesota Valley to get funding for a Minnesota River watch program, which provides learning opportunities to get student out on the river.

Ms. Della Young asked if there was any movement asked if there was any movement in using dredge management money for sediment reduction projects. MS. Frenette responded that the House and the Senate were so far apart in agreeing on what to fund that there really wasn't an opportunity to get any work done on policy. She hopes to have that addressed in the upcoming session.

Manager Salvato asked about the movement to merge SWCDs and Watershed Districts. Ms. Frenette felt that it is to reduce costs and improve efficiency. Ms. Frenette said that Representative Torkelson has been the main force behind this and that perhaps the LMRWD might want to have him speak with them. She explained some of the background activities going on at the Legislature. Manager Raby said he thought hearing from Representative Torkelson would be interesting. Ms. Frenette said she will work on inviting him to the November Board of Manager meeting.

G. Education and Outreach Plan

i. Tour of LMRWD Projects

Administrator Loomis noted at the last meeting it was mentioned that the Managers may want to go on a tour; there is a route and a few places mapped out and may take 3-4 hours. They would start at the Government Center, go to the East Chaska Creek project, get lunches and stop at the Landing to visit the Shakopee Ravine project, and go to the Boiling Spring cost-share project in Savage, then end the tour at the dredge site. She asked managers to pick a date for the tour.

Manager Raby noted he will be resigning as he will be moving out of the district and would not be here in October.

After discussion, Friday, September 24 was chosen as a celebration of Manager Raby and tour date.

Manager Mraz made a motion to schedule a project tour on September 24, 2021 at 3:00 p.m. The motion was seconded by President Hartmann. Upon a vote being taken the motion carried unanimously.

ii. LMRWD River and Creek Crossing Signage Plan

Administrator Loomis asked for a motion to approve the plan as presented.

Manager Raby made a motion to approve the LMRWD River and Creek Crossing Signage Plan. The motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.

iii. **City Partnership Update**

Administrator Loomis asked if the Board would like the LMRWD to participate in some of the events.

Manager Raby thinks the more events they can do to educate their constituents the better, as residents are funding the LMRWD and should understand where their funding is going.

iv. **School Partnership Update**

Manager Raby noted there was a lot of focus on Burnsville High School and in the plan, it says they contacted schools within the district; it seems to him that there are other high schools that are not physically within the district but their constituents fund the LMRWD. It seems they should be reaching out to more schools within the cities in the District.

Ms. Schall-Young said they are happy to amend that as there is a school in Eagan that would like to participate.

After discussion, the Managers would like to reach out to public and private schools within the cities in the district.

H. LMRWD Projects

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

i. **Eden Prairie Study Area #3**

Ms. Schall Young shared that this project has been going on for a while. A meeting of stakeholders was held and there was discussion as to what was the responsibility of the City of Eden Prairie and what was the responsibility of the LMRWD. The LMRWD is concerned about the district taking on municipal responsibilities as it would be setting a precedent. The LMRWD retained Inter-Fluve, Inc. to look at previous studies prepared for the district and to validate the findings and recommendations of the studies; then move on to project design.

While validating the findings of the previous studies, Inter-Fluve has found that the City of Eden Prairie's stormwater pond is adversely affecting this location and pushing the river to the north, putting pressure on the steep slope above. The conclusion is that stabilizing the riverbank is not the solution the LMRWD is looking for. The project needs to include the city and look at the total dynamics of this area to come to the best solution.

Ms. Schall Young recommends that Inter-Fluve will finish the analysis and then the contract will be terminated. At that point the district will work with the City of Eden Prairie to develop a Comprehensive Plan for this area. The pond is constantly flooded and the city has spent significant resources to stabilize the banks of the pond. There is little water quality benefit, and it is actually causing more problems than anything else.

President Hartmann asked the physical distance between the area of concern and the pond. Ms. Schall Young replied perhaps 2,000 feet.

Administrator Loomis clarified the pond takes water from the neighborhood and the district must talk to Eden Prairie to see what function this pond is supposed to have as it is obviously not functioning the way it was intended.

Manager Salvato asked if the LMRWD would absorb the costs of moving the pond, because they shouldn't.

Administrator Loomis noted the city has always maintained that this is the LMRWD's responsibility because the river is the cause of the problem. Now the LMRWD is saying it is not the river that is causing the problem, it is the pond. She noted they will set up a meeting with the City of Eden Prairie.

Ms. Schall Young said the action needed from the Board tonight is to provide direction to staff. Ms. Schall Young said this is also a good opportunity for legislative support.

The Managers are all in favor of moving forward with the recommendations in the report.

ii. East Chaska Creek

Administrator Loomis noted the report in the packet and that they will see the project on the tour.

iii. MN River Gully Inventory and Condition Assessment

Administrator Loomis noted the report is in the packet. She advised the Board that the LMRWD was approached by the City of Burnsville regarding a gully stabilization they will be bringing before the Board in August. The gully is not within the district but is contributing sediment to the Minnesota River and the City has requested that they consider participating in the cost of stabilizing the ravine. Staff is reviewing to see what an appropriate contribution would be based on the amount of sediment that would be kept out of the district and the Board will see that the following month.

Ms. Schall Young noted a report on the gully inventory and condition assessment will be presented at the August Board of Manager meeting.

I. Project/Plan Reviews

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

i. Core Crossing Apartments (LMRWD No.2021-020)

Administrator Loomis said this is a 61-unit building being built in the City of Shakopee and Staff recommends approval subject to a copy of their NPDES (National Pollutant Discharge Elimination System) permit and contact information for the contractor.

ii. President Hartmann made a motion to approve a permit for Core Crossing Apartments (LMRWD No.2021-020). The motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.

iii. Fort Snelling Upper Post Permit Extension (LMRWD No. 2020-113)

Administrator Loomis noted this is a housing project that will rehabilitate existing buildings at the upper post of Fort Snelling into low-income housing. The Board approved a permit last August. Permit are good for one year, so it is set to expire August 19, 2021. The proponent has asked for an extension of the permit to August 19, 2022. Ms. Schall Young and her staff reviewed the project to make sure there had not been any substantial changes since approval and they are recommending permit extension for one year.

Manager Raby made a motion to approve a permit extension of the project for one year to August 19, 2022 for Fort Snelling Upper Post (LMRWD No. 2020-113). The motion was seconded by Manager Mraz.

President Hartmann asked if these are historic buildings.

Administrator Loomis replied yes, they are, and they are refurbishing them.

Upon a vote being taken the motion carried unanimously.

iv. Trunk Highway (TH) 13 (LMRWD No. 2021-025)

Administrator Loomis said this is a MnDOT project to improve the intersections at Dakota, Yosemite, and Vernon Avenue on Trunk Highway 13. MnDOT made a complete application to the district but is required to have a maintenance agreement between MnDOT and the City of Savage. The maintenance agreement has not been worked out and it is not likely to be done before the end of the 60-day period allowed by Statute to approve a project. The LMRWD has the option to extend the 60-day review period if needed and is recommending the Board extend that period by 60 days.

President Hartmann made a motion to approve an a 60-day extension for approval of a permit for the TH 13 transportation improvement project until October 13, 2021. The motion was seconded by Manager Raby. Upon a vote being taken the motion carried unanimously.

President Hartmann asked for clarification about this project and what the proposed design alternative is. Administrator Loomis said the preferred alternative for this project would be to bring TH 13 over Dakota Avenue, extend the off ramps for west bound to east of Vernon Avenue. East bound traffic will exit at Dakota Avenue go under TH 13 to a two-way frontage road. This project will improve access to the LMRWD dredge site.

v. Burnsville Sanitary Landfill

Administrator Loomis updated that a supplemental environmental impact statement was done, the LMRWD reviewed it, and submitted comments which included LMRWD permit requirements for the proposed expansion of the Burnsville Sanitary Landfill. The LMRWD has not received an application for this project. She noted that this is a separate project and is not connected to the Freeway Dump and Landfill remediation project.

vi. TH 169 Pedestrian Bridge Wetland Boundary and No-Loss Application

Administrator Loomis said the City of Shakopee plans to construct a pedestrian bridge over TH 169 near Dean Lake and was provided information regarding wetland impacts. The City of Shakopee is seeking federal funding for the project.

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

7. COMMUNICATIONS

A. Administrator Report: Administrator Loomis heard from Hennepin County that there is an applicant they will appoint to the Board for the vacant seat.

Administrator Loomis said she was contacted by the Highway 169 Coalition about scheduling a boat tour of the Minnesota River for August 12, 2021; Administrator Loomis will speak to CHS about getting a barge and assist with the tour planning. She noted she would keep the Board informed at they may want to attend.

The Prior Lake Spring Lake Watershed District is planning a tour of the Prior Lake Outlet Channel and Administrator Loomis suggested inviting the Managers from LMRWD since a good portion of the outlet channel flows through the Watershed District. She will keep the Board posted with more information.

Administrator Loomis reported on the letters from Capitol Region and Ramsey Washington WDs, from her report in June, sent to BWSR asking them to make Watershed-based funding eligible only to Watershed Districts that are not part of a One Watershed, One Plan. LMRWD's

problem is that there is a portion of the district that will be part of a One Watershed, One Plan; when BWSR had a listening session Administrator Loomis pointed that out to them and did not get an answer as to how they would look at that. She thinks the LMRWD should send a letter asking for clarification. She has heard that 7 other Watershed Districts have also sent letters with the same request made by Capitol Region and Ramsey Washington. She reached out the Prior Lake/Spring Lake Watershed District and Scott WMO to gather their views on this recommendation. She noted that both Savage and Shakopee are in the planning area for the Lower Minnesota River East 1W1P.

B. President: No Report

C. Managers: Manager Salvato asked about high chloride levels on Ike's Creek.

Administrator Loomis replied the LMRWD has worked with US Fish & Wildlife Services (USFWS) to monitor Ike's Creek. Initial samples, collected in the winter only, tested showed high Chloride levels. Sampling was not regular, and we wanted to know if summer levels are high. USFWS did not have personnel dedicated to collecting samples and the LMRWD and USFWS wanted to set up a more regular sampling and testing protocol, so the Metropolitan Council was asked if they could monitor Ike's Creek. The District and the Metropolitan Council executed an agreement to begin sampling Ike's Creek, however the agreement was not executed in time to collect samples during the winter season. The Met Council is conducting summer sampling and it is likely the agreement will need to be extended to monitor through the 2021/2022 winter season. The source of the Chlorides is not obvious and more investigation will need to be done to determine if it is connected to the winter salt use or natural. She noted the levels are high enough that it will most likely impact the fish as they are almost up to the acute toxicity level.

The Board discussed how to find a replacement for Manager Raby. Administrator Loomis will talk to her contacts at Hennepin County and reach out to other contacts.

Manager Mraz witnessed a tree fire in June near the river and the fire department could not find a hydrant to use. She suggested looking into the future as parks are added and improvements are made, that they look at adding fire hydrants just in case.

D. Committees: No report

E. Legal Counsel: No report

F. Engineer: No report

8. ADJOURN

At 8:31 pm, President Hartmann made a motion to adjourn the meeting. Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato the following voted against: None.

The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, August 4, 2021 and August 16, 2021 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Lauren Salvato, Secretary

Attest:

Linda Loomis, Administrator