



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, August 18, 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, August 18, 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).

The first item on the agenda was the Oath of Office for Manager Amundson. Manager Amundson was appointed to the LMRWD Board of Manager by the Hennepin County Board of Commissioners on April 5, 2021. Manager Amundson read the Oath of Office into the record and executed the Oath of Office and the Manager's Bond.

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 David Raby. Manager Lauren Salvato was absent. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Anthony Crosby, and Rebecca Even, Interns with Young Environmental Consulting Group, LLC; Della Schall Young, Young Environmental Consulting Group, LLC, Technical Consultant; John Kolb, Rinke Noonan, Attorneys at Law, Legal Counsel; and Steve Pany, Manager at Prior Lake/Spring Lake Watershed District; Jen Desrude, City Engineer, City of Burnsville.

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis asked that the July 21, 2021, meeting minutes be removed from the agenda as they were not ready for approval and had not been included in the meeting packet. There were no other additions or changes.

**Manager Raby made a motion to approve the agenda removing the July 21, 2021, meeting minutes. 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. She noted that Manager Steve Pany from the Prior Lake/Spring Lake Watershed District was in attendance. Manager Pany had been joining the LMRWD meeting virtually and was now joining in person. Manager Pany introduced himself.

#### 4. CONSENT AGENDA

President Hartmann introduced the item.

- ~~A. Approve Minutes July 21, 2021 Regular Meeting~~
- B. Receive and file July 2021 Financial reports
- C. Approval of Invoices for payment
  - i. Blackstone Contractors LLC - final payment for East Chaska Creek project less retainage
  - ii. Daniel Hron - July 2021 office rent
  - iii. Inter-Fluve, Inc. - first payment on alternative review/validation project
  - iv. Rinke Noonan Attorneys at Law - May 2021 legal services
  - v. Coalition for a Clean Minnesota River– 2nd installment of payment for Water Storage Initiative
  - vi. Frenette Legislative Advisors - June 2021 legislative services
  - vii. TimeSaver Off-Site Secretarial – preparation of May 2021 meeting minutes
  - viii. Young Environmental Consulting Group - May 2021 technical and Education & Outreach services
  - ix. Carver County - Q2 2021 financial services
- D. Authorize payment of invoice #2 for Area #3 from Inter-Fluve
- E. Receive and file Citizen Advisory Committee June 2021 meeting minutes
- F. Authorize payment of invoice from Freshwater for LMRWD share of Nonyphenol investigation
- G. Approve and authorize letter to BWSR regarding Watershed Based Funding  
Authorize amendment to Intergovernmental Agreement Between the Metropolitan Council and the Lower Minnesota River Watershed District for water quality monitoring in Ike's Creek

**President Hartmann made a motion to approve the Consent Agenda with the July 2021 meeting minutes removed. The motion was seconded by Manager Mraz. Upon a vote being taken the motion carried unanimously.**

## 5. PUBLIC HEARING

### A. Proposed 2022 Budget and Preliminary Certification of Tax Levy Payable 2022

Administrator Loomis made no changes to the budget that was presented to the Board at the July meeting. The recommended levy for taxes payable 2022 is the same as the previous year at \$725,000. The levy is apportioned as follows: Carver County \$41,762; Dakota County \$72,153; Hennepin County \$306,964; Scott County \$304,120. The total proposed expenses for the 2022 budget are \$1,035,000 and is below the expenses in the 2021 budget. Public notice of the public hearing was published in the Star Tribune on Thursday, August 12, 2021 and Sunday, August 15, 2021.

President Hartmann opened the public hearing.

Administrator Loomis walked the Board through line items in the budget.

Seeing and hearing no one wishing to testify, President Hartmann closed the public hearing.

Manager Raby requested clarification about the posting of the hearing notice. Attorney Kolb clarified that the notices met the requirements of statute.

**Manager Raby made a motion to approve the Resolutions 21-08, 21-09, 21-10 and 20-11. The motion was seconded by Manager Mraz. Upon a vote being taken the motion carried unanimously.**

## 6. NEW BUSINESS

### A. I-35W Frontage Trail Cost Share – Burnsville

Administrator Loomis noted Burnsville requested cost sharing for two projects; the first is a trail along I-35W to connect the trails on the north and south sides of the river. She introduced Jen Desrude, City Engineer for Burnsville.

Engineer Desrude gave some background and history on the I-35W project and showed pictures of the flooding on the trail. She explained the proposed changes to the trail and noted construction costs are estimated to be \$485,000 and they have received a federal grant that will cover 80% of the construction costs. Local funding must cover 20% of the construction and federal funding does not cover any of the associated project costs (engineering design, environmental review, permits, project admin, materials testing, etcetera.) Associated project costs are much higher on this project so local funding is about \$350,000 and the total to raise the trail is about \$735,000. Construction will begin spring/summer of 2022. Pedestrian facilities were constructed as part of the new I-35W bridge. She noted Construction cost are likely to be higher for this project, because of sensitive natural resources nearby.

Ms. Desrude answered questions from the Board and discussed the project details further. Administrator Loomis noted Young Environmental reviewed the documents and they shared the technical comments with Ms. Desrude. The recommendation is that the Board authorize Staff to continue to work with the city to better define what the value is to the Watershed District. At that time, they would put together a memorandum of agreement before committing funding to the project.

Ms. Schall Young gave a high-level overview of the project, explaining the scoring metric that was used to understand the benefits of the project. Her recommendation is to continue having conversations with Ms. Desrude's team and bring a recommendation to the Board in September. There was further discussion about the merits of the project by the Board.

**Manager Mraz made a motion to authorize Staff to continue working with the City of Burnsville to bring a proposal back before the Board in September. The motion was seconded by President Hartmann.**

Manager Raby agrees this is a wonderful project but he struggles a bit to see how it benefits the District and meets any of the District's goals.

**Upon a vote being taken the motion carried.**

**B. Burnsville ravine stabilization cost share**

Administrator Loomis stated this is a request from the City of Burnsville to stabilize a ravine that has been contributing sediment to the Minnesota River. The actual project itself is outside the boundaries of the Watershed District.

Ms. Desrude gave a presentation on the project, noting erosion issues that have been going on for quite some time. The solution is to realign the creek, install a gabion wall along the edge of the creek, and add some fill up to the top of the bank. She noted there are other, smaller areas along the creek that also need spot repair. She thinks it will be a great benefit to the Watershed District to stop the sediment from going downstream. The city is in the process of receiving easements, permits and finalizing plans; the 60% cost estimate was \$400,000 before they started adding in the spot treatments so their consultant is working on updated costs. He estimated reduction in total Phosphorus is 25,000 lbs./yr. and total sediment reduction is around 45,000 lbs./yr. areas; it then discharges into the Lower Minnesota Watershed District and out to the Minnesota River.

President Hartmann asked where the water in the ravine comes from. Ms. Desrude said it is stormwater drainage coming from a pipe. He then asked where the water ends up. Ms. Desrude said it ultimately ends up in the Minnesota River.

Attorney Kolb asked if the city considers this channel part of its municipal storm water system.

Ms. Desrude replied in the affirmative.

Ms. Schall Young commented on scoring factors and said this project reminds her of the Riley Creek project where they partnered on a segment of the creek that was not in the Watershed District. She said the city has set aside \$500,000 and the Board should know where the rest of the money will come from, what the money will be spent on, and how it fits the district's requirements. Staff recommends additional discussion with the city on this project.

**Manager Raby made a motion to authorize Staff to continue working with the City of Burnsville to determine benefits for the LMRWD to contribute funding. The motion was seconded by President Hartmann.**

Manager Raby thinks this project promises much more benefit to the district.

**Upon a vote being taken the motion carried unanimously.**

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

Administrator Loomis stated the Watershed District had a contract with Red Path for audit services that expires this year; the Board needs to go out for proposals for audit services. She noted the agreement with Carver County to provide financial services, bookkeeping, accounting, payroll, etc., also ends this year. Administrator Loomis said she has met with the County Finance Department and they asked that the LMRWD consider soliciting financial services along with the audit services

Manager Raby does not think they should request proposals just to help Carver County figure out what their services are worth and he is also concerned that if they issue an RFP for financial services they need to be considering those proposals. He said that proposals should be made aware that they are competing against a government entity.

Administrator Loomis noted previously they had the same firm doing audits and financials and she sees that as a potential conflict. One reason the County wanted to bring this up to the Board is that they believe they will need to increase their rates because of new requirements of GASB 84 and wanted the Board to be aware of that. She suggested calling some of the other Watershed Districts to find out what they are paying for financial services and do the RFP for the audit services.

**President Hartmann made a motion to authorize Staff to develop an RFP for audit services and financial services. The motion was seconded by Manager Mraz. Upon a vote being taken the motion carried unanimously.**

## **7. OLD BUSINESS**

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

Administrator Loomis updated the Board, reminding them that this was an application for a cost share grant to remove buckthorn and other invasive species that came in in 2020 and is part of a townhome association in Bloomington. The Board did not approve the application and wanted staff to investigate the possibilities of making it a larger project. The concern was if the District did a cost share for this applicant it is possible every other homeowner would come in for a project circumventing the limits of the program guidelines.

Ms. Schall Young suggested talking to Ms. Mueller about improving the slope, speaking with the contractor, and looking at the entire bluff to make some recommendations to stabilize the bluff.

**B. City of Carver Levee**

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

**C. Remote meeting participation**

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

**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**

Administrator Loomis updated the Board that the LMRWD has not received payment from CHS or Cargill for placement of dredge material on the LMRWD site. She has contacted both companies to follow up.

**E. Watershed Management Plan**

Administrator Loomis said as they have been doing permitting it has come to their attention that they must update their rules; they are looking for the Board to authorize updating the rules to bring a red-lined version the Board in October/November.

**President Hartmann made a motion to authorize Staff to update the rules. The motion was seconded by Manager Raby. Upon a vote being taken the motion carried unanimously.**

**F. 2021 Legislative Action**

No new information to report since last update.

**G. Education and Outreach Plan**

**i. Tour of LMRWD Projects**

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)***

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

The Board discussed the possibility of changing the date from September 24<sup>th</sup> to a weekend.

**ii. MN River Gully Inventory and Condition Assessment**

Ms. Schall Young said this summer they have had the pleasure of working with interns Anthony Crosby and Rebecca Even on the second phase of the gully inventory and condition assessment project. Ms. Schall Young gave some background on this project. Interns conducted a desktop analysis to determine locations to check on and then do the inventory and assessment.

Mr. Crosby and Ms. Even gave a presentation on the gully inventory and assessment. In total, they found a total of 257 new gullies which were broken down into low, moderate, and high priority, which corresponds to the erosion potential of each site. They used a numerical scoring system and ended up with 52 low-priority sites, 149 moderate, and 56 high-priority sites. They walked the Board through examples of medium and high priority sites, showing pictures and examples on screen. They also explained difficulties they

encountered while surveying gullies. Recommendations were made as to actions managing the gullies.

The Board thanked the interns for their hard work and the presentation.

**I. Project/Plan Reviews**

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

**i. Caribou Coffee – Savage (LMRWD No. 2021-031)**

Administrator Loomis noted this property is currently vacant and has issues with flood plain and floodways. Staff recommends approval.

Ms. Schall Young said with the review of this project, there is no impact to flood plains so they recommend approval pending completion and submittal of the requirements.

**Manager Raby made a motion to conditionally approve Caribou Coffee – Savage (LMRWD No. 2021-031), pending receipt of the NPDES permit copy and contact information for the contractor(s) and person(s) responsible for the inspection and maintenance of erosion and sediment control features. The motion was seconded by Manager Mraz. Upon a vote being taken the motion carried unanimously.**

**ii. Shakopee Flats/River Bluffs Improvements (LMRWD No. 2021-040)**

Administrator Loomis stated this item is an amendment to the permit previously issued by the district. The reason for this is because the city is planning to construct stormwater facilities for the project. This project has had a new name every time it has come before the Board. Staff has been working with the city and recommends approval.

Ms. Schall Young said the amendment to the permit is to approve regional treatment facility to put in a pond in to manage the stormwater. All of the District's requirements are met in terms of water quality, volume reduction, and rate control. Staff recommends approval subject to conditions.

President Hartmann asked if anything is being done with the streets itself. Ms. Schall Young said the streets will be reconstructed according to the 2021 city plans. He asked about the location of the pond and if the trail will be diverted. Ms. Schall Young responded pointed out the location of the pond and that yes, the trail will need to be re-routed.

**President Hartmann made a motion for conditional approval of the amendment to River Bluffs Improvements (LMRWD No. 2021-040), pending the receipt of the NPDES permit and contractor contact information, and continued coordination with the City on future development projects that may utilize any excess filtration volume provided in the proposed underground BMP. The motion was seconded by Manager Raby. Upon a vote being taken the motion carried unanimously.**

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

**7. COMMUNICATIONS**

- A. Administrator Report:** Administrator Loomis noted the report was completed and posted to the website and she apologized that she may not have notified the Board when it was posted. She updated the Board on two items that were not on the report. She was at the Carver County Fair with the Carver WMO booth for a shift on Saturday morning. The second item is in regards to Study Area #3; she received a call from the property owner's representative that the owner is considering donating that area of the property and wondered if the LMRWD would be

interested in acquiring the property. In discussions with the City there is not an easement to get down to this area to address the issue. Administrator Loomis has been looking at other groups that may be interested in acquiring the property as she does not think the Watershed wants to own property other than the dredge site. Ms. Loomis stated that the property owner does not want to donate the land to the City as there has been some contention between the city and the property owner over plans and permission to subdivide the property.

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

**8. ADJOURN**

**At 9:16 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 September 1, 2021, meeting has been cancelled. The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, September 15, 2021, and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.**

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Lauren Manager Salvato, Secretary

Attest:

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Linda Administrator Loomis, Administrator