



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, December 15, 2021

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

Approved February 16, 2022

1. CALL TO ORDER AND ROLL CALL

On Wednesday, December 15, 2021, 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 Dave Raby joined virtually from Tucson, Arizona. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator. John Kolb, Rinke Noonan, LMRWD Legal Counsel; and Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant joined virtually (due to severe weather advisory). Lisa Frenette, Frenette Legislative Advisors, LMRWD Legislative Liaison joined the meeting virtually at 7:48 PM. Brian Watson, Dakota Soil & Water Conservation District joined virtually, as did Dylan Tarr, Tarr Group, LLC.

2. APPROVAL OF THE AGENDA

Administrator Loomis asked that the November 17, 2021, meeting minutes be removed from the agenda as she had not completed editing. She also noted the November financial report had not been received from the County so there is no financial report for November or invoices for approval.

Manager Amundson made a motion to approve the agenda as presented. 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 November 17, 2021, Regular Meeting~~

~~B. Receive and file November 2021 financial reports – (Financial Reports were not available at the time the meeting packet was prepared.)~~

~~C. Approval of Invoices for payment~~

i. **Financial Reports were not available at the time the meeting packet was prepared.**

D. Receive and file November 2021 Citizens Advisory Committee meeting minutes

E. Set 2022 meeting calendar

F. Approve 2022 Dakota County Monitoring and Technical Assistance Work Plan & Budget

G. Approve 2022 Cost Share and Water Quality Improvement Grant Program

Manager Mraz requested changing the date of the December 2022 meeting from the 21st to the 14th.

President Hartmann made a motion to approve the Consent Agenda with the change noted in the 2022 meeting schedule. 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. SPECIAL AGENDA ITEMS

A. Discussion with Representative Paul Torkelson

Representative Paul Torkelson and Lisa Frenette, Frenette Legislative Advisors, legislative liaison for the LMRWD, were scheduled to join the meeting, however neither one was present at the time this item was taken up by the Board, so the President moved on to the next item on the agenda. [Weather prevented Representative Torkelson from joining and Ms. Frenette joined later]

B. Recognition of Manager Raby

Administrator Loomis reported she believed Manager Raby was going to be present so the Board could present him an award recognizing his service to the LMRWD. She noted a Resolution was drafted to recognize and thank him for his service. Manager Raby noted his current term expires in 2024 and he intends to stay on for at least another year unless the County appoints a replacement.

Administrator Loomis noted that the County has posted the open position.

Manager Salvato stated she appreciates his service, he has been a great role model, and she will be sad to see him go when he is done. The other Managers echoed her sentiments.

President Hartmann made a motion to adopt Resolution 21-13 Appreciation for Service and Contribution of David Raby to the Lower Minnesota River Watershed District. The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Salvato; the following voted against: None. Manager Raby abstained.

6. PUBLIC HEARING

A. Adopt 2022 Budget and Certify Property Tax Levy Payable 2022

Administrator Loomis provided an overview of the budget. She noted that some lines were left blank in the budget when it was presented in August. After those lines were filled in, she noted that the budget increased, however the levy did not change.

Manager Raby noted there is an error in the total amount of the budget presented in the Executive Summary; there was an error in the placement of the comma and an extra couple of zeroes, however the written amount is correct.

President Hartmann asked where the percentages for the apportionment of the levy comes from. Administrator Loomis explained that it is based on the Net Tax Capacity of the taxable properties in each County. The percentages come from the State.

Manager Amundson asked how much the levy varies from year to year. Administrator Loomis explained that it is the policy of the District to keep the levy amount fairly stable, so it hasn't varied much from year to year.

President Hartmann opened the public hearing.

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

President Hartmann made a motion to adopt Resolution 21-12 Adopting 2022 Budget and Certification of Property Tax Levy for Taxes Payable 2022. 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.

7. NEW BUSINESS/PRESENTATIONS

A. Audit and Financial Accounting Services Proposals

Administrator Loomis reported the LMRWD sent out an RFP for audit and accounting services because Carver County can't provide these services any longer due to staffing. She further explained that she was notified by Redpath and Company that they could no longer provide audit services to the LMRWD. They told her they would not respond to the RFP.

She noted the RFP was sent to 15 firms and published for two weeks in the State Register. The District received 2 proposals. One for audit services and one for accounting services. She stated the dollar amounts in the proposals surprised her but after comparing the pricing to other firms and watershed districts it is comparable. She noted they recommend accepting the proposals.

Manager Hartmann asked why 2021 is so much higher than 2022.

Administrator Loomis stated she believes it is costs due to bringing on a new client and setting-up in their systems.

Manager Raby asked if they looked into other cities to find out who they use or if they can provide the services.

Administrator Loomis stated they didn't but she believes they are in the same situation for the most part and they are outsourcing their services as well.

Manager Raby made a motion to select Global Portfolio Consulting LLC as the audit service provider for fiscal years ending 2021 and 2022 and to select CliftonLarsonAllen LLP as the accounting services provider for fiscal years 2021, 2022 and 2023 and direct the District Administrator to enter into a contract with both Global Portfolio Consulting LLC and CLA with review and 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.

B. Scott County LIDAR Funding Request

Administrator Loomis reported the purpose of this item.

Manager Raby asked if Hennepin County is involved in this as well. He stated maybe instead of funding the entire \$5,000 they should maybe consider giving less in the event the other counties ask for help with their funding as well then they won't feel obligated to give them the full amount as well. He asked if someone could find out the value this will bring to the counties.

Ms. Schall Young stated she can work with the counties to see what the value proposition would be for the district.

Administrator Loomis stated she feels it would be appropriate to table this item until the next meeting

Manager Raby made a motion to table this item and directed staff to determine the value of LIDAR to the LMRWD by county. President Hartmann seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby and Salvato; the following voted against: None.

8. OLD BUSINESS

A. Lower Minnesota River East One Watershed One Plan

Administrator Loomis provided an update on this and noted a map of the planning area was included in the meeting packets for review. She reminded the Board that Manager Raby had said that since he was retired, he would take on the position. She then noted that since Manager Raby announced his imminent retirement, he may want to rethink that offer. Manager Raby said since this is long term project he think the Board should consider appointing someone else.

Administrator Loomis stated the next meeting is tomorrow [December 16, 2021] from 2-4pm. Manager Salvato stated she would be interested but her job obligations make it difficult. Manager Mraz said she would be interested, but she has no flexibility with her schedule as a teacher.

Manager Raby stated he will not be available to attend the meeting tomorrow. Manager Amundson said she is available and can attend the meeting and then report back to the Board what is expected at the next Board meeting.

It was agreed that Manager Amundson would attend the meeting.

B. Burnsville Willow Creek Ravine Stabilization

No new information to report.

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

No new information to report since last update.

D. City of Carver Levee

No new information to report since last update.

E. 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

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

F. Watershed Management Plan

Administrator Loomis said she had asked Della Young, Young Environmental Consulting Group, to provide updates to the work plans for all the ongoing projects from the adopted 2018 Watershed Management Plan. She noted that she had informed the Board that no action was recommended on this agenda item, however, she recommends that the Board approve the updates and authorizes implementation. She noted that Ms. Young could answer any questions the Board may have.

President Hartmann made a motion to approve the work plans and authorize implementation. Manager Amundson seconded the motion. 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. 2022 Legislative Action

Administrator Loomis reported that the LMRWD has worked with Frenette Legislative Advisors (FLA) for several years and never had a formalized agreement between the LMRWD and FLA. She stated an agreement for the Board's review is presented this evening for approval.

Manager Raby asked about the one-year term of the agreement and how an extension could be made easier, so that a new agreement would not have to be authorized every year. Attorney Kolb said he believes that it is the intent of FLA to continue with the LMRWD and Ms. Frenette would most likely agree to a clause like that

Manager Raby made a motion to approve agreement between the LMRWD and FLA including a clause allowing for an extension of the agreement. President Hartmann seconded the motion. 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 stated the Motion is approved.

H. Education and Outreach Plan

Administrator Loomis explained a work plan for Education and Outreach was included in the meeting packet and asked the Board to approve the work plan and recommend implementation.

President Hartmann asked what impressions, engagement and other measurements on Twitter mean. Ms. Young said that was one question that she couldn't answer, and she would need to ask Jen Dullum, LMRWD education & outreach director, to respond. Ms. Dullum was not at the meeting, so Ms. Young said she would get the specifics from Jen on that. Ms. Young noted that Twitter is the social media that has been engaging the most people.

Manager Salvato made a motion to approve 2022 Education and Outreach workplan and authorize implementation. President Hartmann seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby and Salvato: the following voted against: None.

I. LMRWD Projects

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

i. Area #3 Eden Prairie

Administrator Loomis reminded the Board of previous work done on this project. She said staff is coming before the Board to approve a new contract with Inter-Fluve. She then referred this item to Ms. Schall Young. Manager Amundson asked what the exact service Inter-Fluve will be asked to perform. Ms. Young said it will take some of the things we learned from the previous work and restate the project to inform legislators of what this project involves. It is more than an illustration, but less than a feasibility study. She stated the numbers they are seeing are high because geotechnical engineers must get involved.

Manager Salvato asked if they will ultimately be required to remove the pond.

Ms. Schall Young stated the hope is to get funding for the entire project from the State, which includes relocating the pond.

Manager Amundson pointed that this type of project would benefit from the LIDAR survey that was discussed earlier in the meeting.

President Hartmann made a motion to approve the Inter-Fluve scope of work and authorize the contract for services as proposed and to approve the Barr Engineering task order and authorize the contract for services. Manager Raby seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby and Salvato; the following voted against: None.

J. Project/Plan Reviews

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

i. Shakopee Dental Office (LMRWD No. 2021-052)

Administrator Loomis reported on this item and noted they are recommending a conditional approval.

President Hartmann made a motion to conditionally approve a permit for Shakopee Dental Office (LMRWD No, 2021-052), subject to receipt of a copy of the NPDES permit, contact information of the contractor and the name and contact information of the person(s) responsible for inspection and maintenance of erosion and sediment control measures. 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.

ii. Kraemer Quarry DNR Permit Application (LMRWD No. 2021-053)

Administrator Loomis reported on this item and noted the memorandum from Young Environmental Consulting Group is included in their packets and has been provided to the DNR.

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

9. COMMUNICATIONS

- A. **Administrator Report:** Administrator Loomis said the Administrators Report was posted on-line. She provided an update on the MAWD Business meeting she attended recently. She noted two other watershed districts did not renew membership in MAWD – Sauk River WD and Prior Lake Spring Lake WD.
- B. **President:** No report
- C. **Managers:** Manager Raby noted he will be participating remotely at least until March and possibly until April or May.

Manager Salvato was pleased to see the report on the Metro Children's Water Festival.

There was discussion about changing the date of the December 2022 Board meeting.

Manager Mraz made a motion to approve changing the December 21, 2022 meeting to December 14, 2022. Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby and Salvato: the following voted against: None.

Manager Salvato noted that she may have a conflict with the November meeting date. Administrator Loomis said the meeting could be changed and that Manager Salvato should advise the Administrator whenever she know for sure.

- D. **Committees:** No report
- E. **Legal Counsel:** No report
- F. **Engineer:** No report

10. ADJOURN

At 8:15 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: Amundson, Hartmann, Mraz, Raby and Salvato; the following voted against: None.

The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, January 19, 2022, and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Attest:

Lauren Manager Salvato, Secretary

Linda Administrator Loomis, Administrator