



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, April 15, 2020

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, April 15, 2020, at 7:12 PM, 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 meeting was convened on-line due to a declaration of a peacetime emergency by Governor Walz. The following Managers were present: Manager Adam Frey, and President Jesse Hartmann. Manager Dave Raby joined the meeting at 7:15pm. In addition, the following were also on-line: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, Technical Consultant; John Kolb, Rinke Noonan, Attorneys at Law, Legal Counsel; Lisa Frenette, Frenette Legislative Advisors, lobbyist for the LMRWD; and Lindsey Albright, Dakota County Soil & Water Conservation District.

2. APPROVAL OF THE AGENDA

Administrator Loomis said she had no additions or corrections to the Agenda.

President Hartmann made a motion to approve the Agenda. The motion was seconded by Manager Frey. Upon a vote being taken the following voted in favor of: Frey, and Hartmann, the following voted against: none and the motion carried.

3. CITIZEN FORUM

Administrator Loomis said she had not received any communications from anyone that wished to address the Board.

4. CONSENT AGENDA

President Hartmann introduced the item.

A. Approve Minutes of the February 19, 2020 Regular Meeting

B. Receive and file February 2020 Financial reports

C. Approval of Invoices for payment

- i. Coalition for A Clean Minnesota River - 2019 payment for water storage initiative
- ii. Daniel Hron - for March & April 2020 office rent
- iii. Metro Sales - payment on copier maintenance agreement
- iv. Frenette Legislative Advisors - for March 2020 lobbying services
- v. Rinke Noonan Attorneys at Law - February 2020 legal services
- vi. US Bank Equipment Finance - for May 2020 copier lease payment
- vii. Scott County - fee charged for verifying levy for 2019 audit
- viii. Young Environmental Consulting Group - for December 2019 technical services

ix. Young Environmental Consulting Group - for February 2020 technical services

President Hartmann made a motion to approve the Consent Agenda. The motion was seconded by Manager Frey. Upon a vote being taken the following voted in favor of the motion: Frey, and Hartmann, the following voted against: None. (Manager Raby joined the meeting at this point)

5. NEW BUSINESS

There was no new business.

6. OLD BUSINESS

A. City of Carver Levee

Administrator Loomis said she had nothing additional to report other than what was included in the Executive Summary. She noted that LMRWD staff is meeting with the City on Friday.

B. Remote meeting participation

No new information to report since last update.

C. Dredge Management

i. Vernon Avenue Dredge Material Management site

Administrator Loomis said she is working to set up a meeting with terminal operators to discuss the construction this fall.

President Hartmann asked what might affect the construction schedule.

Administrator Loomis said the timing of the project has to do with the level of the river. Typically fall is the period of the year when the water levels are the lowest. Ms. Young said the level of the river is the primary concern and that the LMRWD was also concerned with the private dredge material. She noted that ideally private material would be removed from the site prior to construction. By scheduling construction for late fall it gives enough time for private dredge material to dry out for easier removal. She noted that typically it is preferred to carry out this type of construction activity in the late fall to early winter

ii. Private Dredge Material Placement

See above discussion of dredge material management site.

D. Watershed Management Plan

Administrator Loomis said the most of the cities within the LMRWD were waiting for the rules to be adopted before they began the work of amending their official controls. She said that therefore the majority of the cities will not be able to meet the May 1, 2020 deadline set by the LMRWD. Several cities have requested extensions beyond the May 1 deadline. She also noted some cities want to wait until a face to face public hearing can be held. Staff discussed extending the deadline and is recommending extending the deadline to September 1. Administrator Loomis said the rules and permits pages of the website went live today so all permits can be applied for online.

Manager Raby made a motion to approve extending the official control to September 1, 2020. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann and Raby, the following voted against: None.

Administrator Loomis said Board will be asked to approve a fee schedule at the May meeting. She noted the District has not charged fees for project reviews before. President Hartmann asked how the recommended fees compare to other watershed Districts. Ms. Young said the fees presented are in line with other watersheds.

Manager Raby asked if the fees are enough to cover the estimated costs for the completing reviews. Ms. Young said that at the moment they are not sufficient and are aligned with the fees charged by surrounding watershed districts. She noted that reviewing projects in High Value Resource Areas may align better. She noted that the fees do not necessarily correlate with the complexity of a project; that sometimes smaller projects take more time and are charged less.

She said the majority of the reviews that will be conducted by the District will be MNDOT projects and will not be charged a fee. Manager Raby asked if this is a result of the reviews being conducted by the local entity. Ms. Young said that is correct.

Attorney Kolb noted that project reviews should be structured to be revenue neutral. Fees should cover the actual cost realized by the District to permit and inspect projects. He noted that the District has the ability to change the fee schedule as it moves forward and has real day to day experience with the cost of projects reviews and oversight.

E. 2020 Legislative Action

Administrator Loomis said she didn't have anything to report and asked Ms. Frenette to report. Ms. Frenette said the legislature has moved back in to action. She said she has spoken with Senators Ingebrigtsen and Hall about how important it is to the LMRWD request to reallocate money from the dredge site to replace the grant that for the Seminary Fen Ravine stabilization that was lost. Representative Cantrell has had the bill heard in the house Environmental Committee and it was laid over for inclusion in the omnibus bill.

She noted that a Freeway Landfill Bill was being heard in the Judiciary Committee. The Bill deals with the ability of property owner to benefit from clean up of the property by the State.

She noted next year's funding will be tight with the state of the economy. President Hartmann asked how it will be. Ms. Frenette said it looks pretty bad.

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. West Chaska Creek

Administrator Loomis said this project is in the 2018 capital improvement plan. She said a cost share agreement between the Carver County WMO and the LMRWD for this project id before the Board for approval and execution authorization. The agreement has been reviewed by legal counsel who recommended some edits. CCWMO accepted the edits and staff is recommending approval. The term of the agreement will end 10 years after the completion of construction. Contribution by the LMRWD is \$50,000.

Manager Raby asked what the projected total cost is. Administrator Loomis said the total for phase one and two is over \$1.5 million. [Upon review of the project after the meeting Administrator Loomis corrected the cost of the project, which is estimated to cost \$352,230.]

Attorney Kolb noted the amount of contribution by the LMRWD was not apportioned according to a percentage but on the benefits of the project to the District.

Manager Raby made a motion to approve the agreement and authorize execution. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann and Raby the following voted against: None.

H. Project/Plan Reviews

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

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

No new information since last update.

7. COMMUNICATIONS

A. Administrator Report: Administrator Loomis said there is a link to the Jonathan Carver Parkway project that was added to the report after its initial posting to the website.

She noted that after she had posted the report to the website she received an update on the study Freshwater is conducting regarding the contaminant nonyphenol in the river sediments. Freshwater had expected to have the report complete by the end of June, however the St. Croix Research Station was locked down in March. Work on the project must wait until the lock down ends.

Administrator Loomis reported on a meeting with MNDOT regarding Trunk Highway 13, which she and Ms. Young attended today. She explained details of the proposed changes to the roadway.

President Hartmann asked about the amount of per diem that Managers are allowed. Administrator Loomis said that the Board approved increasing the per diem to the higher amount allowed by 2019 legislation. The higher amount takes effect in 2020 and was budgeted for. Manager Raby reminded the Board that they had agreed to wait until 2020 so that increase could be included in the budget.

Administrator Loomis commented on the memo the LMRWD received from Hennepin County that notified the LMRWD that tax settlements may be impacted by COVID-19. She has not received any such messages from other counties, but assumes that they may have similar situations.

B. Managers: No report.

C. Committees: No report

D. Legal Counsel: No Report

E. Engineer: No report

8. ADJOURN

President Hartmann adjourned the meeting at 7:50pm. Manager Frey seconded the motion.

Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann and Raby the following voted against: None.

The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, May 1, 2020 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Dave Raby, Secretary

Attest:

Linda Loomis, Administrator