



Item 4A
LMRWD 2-21-2018

Minutes of Regular Meeting

Board of Managers

Monday January 8, 2018

County Board Room, Carver County Government Center, 7:00 p.m.

Approved February 21, 2018

1. CALL TO ORDER AND ROLL CALL

On Monday, January 8, 2018, at 7:00 PM in the Board Room of the Carver County Government Center, Chaska, Minnesota, President Shirk 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: President Yvonne Shirk, Manager Jesse Hartmann and Manager David Raby. In addition, the following were also present: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Lindsey Albright, Dakota County SWCD; Taylor Luke, LS Marine; Members of the public: Marina Weddington, and Tom Roberts.

2. APPROVAL OF THE AGENDA

Administrator Loomis requested the addition of **Item 5. B. - RFP for Engineering and Legal Services** to New Business on the agenda. Manager Raby pointed out that Old Business **6. I. - Confirm Date of January 2018 Board meeting** was a holdover from the December meeting and should be removed.

Manager Raby made a motion to approve the agenda as amended. The motion was seconded by Manager Hartmann. The motion carried unanimously.

3. CITIZEN FORUM

Tom Roberts, 11015 Bell Oaks Estate Road, Eden Prairie, asked if it was appropriate for him to ask questions about the Watershed Management Plan. Mr. Roberts said he had attended the previous meeting and asked where they are at with the concerns that were addressed. President Shirk said that while the Plan is an item on the agenda, they are not addressing it tonight. She noted staff is making changes to the plan and those changes will be put on the website and there will be community meetings. Mr. Roberts asked if lines are being changed. President Shirk said they are changing how they are looking at what's done within the district boundaries. It was clarified that nothing has been done with the standards and the District is still in the process of making revisions. President Shirk asked for information about the informational meetings. Administrator Loomis said city meetings have been scheduled. The Eden Prairie meeting is scheduled for February 15th from 5 - 7:30 p.m. at Eden Prairie City Hall. She clarified the language for the bluff standards have been revised to be a permissive standard rather than a restrictive standard. The plan will be brought to the TAC meeting that is being scheduled for the end of January.

4. CONSENT AGENDA

The Consent Agenda included the following items:

- A. Approval of Minutes for October 25, 2017 and December 20, 2017 Regular Meeting**
- B. Approval of Financial Reports**
- C. Presentation of Invoices for payment**
 - i. Carver County Finance - for 4th quarter 2017 financial services
 - ii. Naiad Consulting - for October 2017 administrative services & expenses
 - iii. US Bank Equipment Finance - lease payment for copier
 - iv. Greg Zeck - for October & November 2017 webmaster service
 - v. Steinkraus Development LLC - for December office rent
 - vi. Rinke Noonan - for November 2017 legal services
- D. Authorize execution of monitoring services agreement for 2018 with Dakota County SWCD**
- E. Designation of official newspaper**
- F. Designation of Data Practices Compliance Official**
- G. Designation of Official Depository and authorize execution of Financial Services Agreement**
- H. Order preparation of 2017 Annual Report**

Manager Raby asked about the revised appendix to the October 25th meeting minutes. He said he didn't see the revised appendix A to the meeting minutes in his meeting packet. Administrator Loomis clarified that was part of the consent agenda packet and it starts on page 8 of the PDF file. She noted there are some areas highlighted in yellow that she review the recording and edit. Approval would be contingent upon review.

Manager Raby made a motion to approve the consent agenda as amended. The motion was seconded by President Shirk. The motion carried unanimously.

5. NEW BUSINESS/PRESENTATIONS

A. Set and approve 2018 meeting schedule

Administrator Loomis said she wanted to set a meeting calendar at the beginning of the year, so that meeting dates and times aren't being arranged on the fly.

The first conflict with the regularly scheduled meeting date is in June because of the MAWD summer tour. She provided some possible alternative dates. Manager Raby said the 13th would work for him but the other dates would not work for him. The board moved the June meeting to June 13, 2018.

Administrator Loomis said the next conflict is October which falls over MEA. She pointed out that the Board was able to obtain and quorum at the October 2017 meeting and asked if it could present a problem in 2018. Manager Raby said he will not be at the October meeting no matter the date and he has a conflict in September with the regular meeting date. The Board discussed possible dates and Administrator Loomis said the meetings do not have to occur on Wednesdays. The board moved the meetings to Monday, September 17th and Wednesday, October 24th.

The November meeting was moved to Monday, November 19, 2018.

Manager Raby talked about the fact that his term and President Shirk's terms expire March 1st. He was concerned about the timing of the application process and his re-appointment. If the Hennepin County Board wants to interview him, he will be out of town. He is concerned about the re-appointment process because the Board must reconvene the public hearing for the Plan Amendment and it was planned to do that in April. He is not sure Hennepin County appointments will be complete by then.

President Shirk suggested that the public hearing could be re-convened in May.

Manager Hartmann asked if the appointment process is different for each county. The answer is that there is no standardized process and each county manages its own appointments.

B. RFP for Engineering and Legal Services

Administrator Loomis said the District is required by statute to advertise for legal and engineering services every two years. She asked the Board to authorize advertisement of an RFP.

President Shirk made a motion to authorize staff to prepare an RFP for engineering and legal services. The motion was seconded by Manager Raby. The motion carried unanimously.

6. OLD BUSINESS

A. Dredge Management

i. Review Process for funding of maintenance of Navigation Channel

Information Managers had requested was not ready to present to them.

ii. Vernon Avenue Dredge Material Management site

Administrator Loomis said she has spoken with Barr Engineering about the scope of work and cost estimate for the no-rise evaluation.

She reported that she has spoken to the St. Paul Port Authority about how they manage the sale of dredge material. She had asked St. Paul how they advertise material is available for sale. Kathryn Sarnecki from the Port Authority said they use material on Port Authority projects and then what they don't need gets sold by word of mouth. Manager Hartman asked what the protocol is if other parties are interested in purchasing the dredge material.

Mr. Taylor Luke was present and was asked to comment on how the St. Paul port authority disposes of dredge material. Mr. Luke said St. Paul has done it two different ways. In the past they have done an RFP for someone to purchase the stock pile allotment. In the RFP there is a timeframe and dollar value. He said this has not always worked out well for the Port Authority and they can get worked into a corner, if material has not been removed before new material needs to come in.

Mr. Luke said for the past ten years it is a first come first serve basis. They can post on certain websites and publications that material is available - how much, and the type of material. He said this has worked well for the Port Authority and the buyer is then responsible for loading the material and taking it away. He said the MN River site would be a little more difficult to coordinate. He stated he thinks there is a better value when you do a first come first serve basis. He said on the first come first serve that if a job is in the area then the District can open it up to all the bidders on that project.

Manager Hartman asked if this is the sandy material we were talking about. Mr. Luke said it was and that the silty material is the responsibility of the private parties to dispose of. Mr. Luke said it has been most economical for the material to go to a land fill for daily cover. Manager Hartmann asked if disposing of the material has been a problem. Administrator Loomis said she did not think the District has been very diligent about making it known that material was available. Mr. Luke agreed and said he has already been approached about the sale of material and thinks the District can easily get \$1 per yard if not \$2 per yard.

Manager Hartmann asked about vandalism and trespassing on the site. Mr. Luke said at the beginning of last year they had a piece of equipment vandalized and a window broken. He said that short of policing the site around the clock it is difficult to keep

people out. Administrator Loomis said there is also a wire that was put up to keep vehicles out.

Administrator Loomis questioned the maintenance of Vernon Avenue. Since the city has indicated that the District is responsible for maintaining Vernon Avenue would \$1 - \$2 per yard be enough to cover maintenance of the roadway. Mr. Luke commented on the potholes and said they will be back every year. He said they fill the potholes before the private material is hauled out and the potholes are back

Administrator Loomis had concerns about the city's view of material being sold on a first come first serve basis. She wanted to talk to the city before any material would leave the site. Mr. Luke said it is a little more formal than someone just showing up with a truck and taking material. He also said that if you run into problems with anyone you sell material to, then you just don't do business with them.

The Board thanked Mr. Luke and agreed not to work on the RFP right now.

iii. Private Dredge Material Placement

No new information since last report

B. Watershed Management Plan

Administrator Loomis said the comment log will be emailed and posted on the website. She reviewed the schedule of the public information meetings. Meetings have been scheduled with Bloomington, Eden Prairie and Burnsville. Staff will make a presentation to the Carver City Council. Staff will also make one last offer to cities for information meetings.

President Shirk asked about the timeline and getting approval of the board before any information is pushed out to the public. Administrator Loomis said staff doesn't want to go out to the public until staff is sure the Board is comfortable with the plan. President Shirk asked about the cost for a homeowner to get a certification from an engineer as is required by the plan. Administrator Loomis said it will depend on what the proposed project is. Manager Raby said from his perspective anyone who is proposing to do something extensive would want to have the geotechnical done. He also agreed it would be dependent upon what is being proposed.

Administrator Loomis noted legal counsel will be at the city meetings as well as the TAC meeting. Board members are also invited to attend.

C. 2018 Legislative Action

Administrator Loomis said she has the agreement with Lisa Frenette and is working with Legal Counsel to refine the agreement. She asked that the Board approve the agreement conditionally, subject to staff working out the agreement with Ms. Frenette.

Manager Raby agreed and commented on some specific items in the agreement. He said the scope of work needs to be more flexible and the navigation channel is the primary need, but we may have additional needs. He questioned the payment schedule. Administrator Loomis said she was shocked by the cost of lobbying, but both proposals we had were similar. She said that we were getting a good deal from Mr. Harnack

Manager Raby also pointed out the termination clause needs to be reworded and questioned insurance requirements. He also asked about having her registered to lobby for the LMRWD. Administrator Loomis said she has spoken with Ms. Frenette and asked her to register.

Manager Raby made a motion to authorize staff to work with legal counsel to prepare the agreement with the above suggestions. The motion was seconded by President Shirk. The motion carried unanimously.

D. Website Redesign

Administrator Loomis said she has a meeting scheduled for Friday. We should be able to get it up and running sometime in February

E. Education and Outreach Plan

i. Education and Outreach Coordinator

She is working on updating the job position as proposed at the last meeting.

ii. Friends of the MN River Valley/LMRWD cooperative project

There is no new information since last report.

iii. Citizen Advisory Committee

There is no new information since last report.

F. LMRWD Projects

i. Eden Prairie Area #3 Stabilization

No information other what was reported in the Executive Summary.

ii. Riley Creek Cooperative Project/Hennepin County Flying Cloud Drive/CSAH 61 reconstruction project

No information other what was reported in the Executive Summary.

iii. Floodplain Lake Coring Project with Freshwater Society

Administrator Loomis showed a PowerPoint presentation provided by Carrie Jennings. Cores were taken from Colman Lake in Hennepin County and Rice Lake in Scott County to be compared to nearby upland lakes. Both of these lakes (Colman and Rice) are frequently inundated by flood waters and both were flooded when the sediment cores were taken. She showed maps showing transects where cores were taken from each lake. She noted researchers said it is apparent that both lakes are receiving a considerable amount of stormwater. They based that on the observation of the green algae in both lakes. She showed several pictures of the cores at the lab and how the cores are sampled. She had pictures of the equipment used to scan cores. This project was showcased on one of the Dean's tours and visitors were impressed that work of this kind was being used locally. Graphs were shown with information that had been determined from the sampling of the cores taken. The Graphs showed the different kinds of pollens that were taken from the samples. She said one of the things the pollen counts show so far is that the cores did not go back far enough. They will also look at oak pollen to see if that will tell them anything.

The researchers were surprised with the depth of the sediment and are considering going back to take additional, longer cores. Snelling Lake will be added as cores from Snelling Lake are on file. Manager Hartmann asked to be notified when additional cores are taken, as he would like to be there.

iv. Seminary Fen ravine stabilization project

No information other what was reported in the Executive Summary.

v. Analysis of Dakota County Groundwater Project

No information other what was reported in the Executive Summary.

vi. East Chaska Creek/ CSAH 61 & TH 41 Transportation Improvement Project

No information other what was reported in the Executive Summary.

vii. Savage Fen Ravine Project

No information other what was reported in the Executive Summary.

G. Project Reviews

i. City of Bloomington - Hyatt House Hotel - Old Shakopee Road

No information other what was reported in the Executive Summary.

ii. City of Eden Prairie - 10315 Riverview Road

No information other what was reported in the Executive Summary.

iii. Hennepin County Rail Authority - Bluff Creek culvert repair

No information other what was reported in the Executive Summary.

iv. City of Burnsville - Xcel Energy Black Dog Plant

No information other what was reported in the Executive Summary.

v. City of Chanhassen - Comprehensive Plan review

No information other what was reported in the Executive Summary.

vi. MNDOT - I35W Bridge replacement

Representatives from MNDOT will be at the February 21st meeting.

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

No new information since last update.

~~**I. Confirm date of January 2018 Board meeting**~~

7. COMMUNICATIONS

A. Administrator Report: Administrator Loomis reported that she had attended a meeting today where BWSR presented the Metro-area Watershed Based Funding Pilot Program in order to distribute money for implementation of projects. Money will be allocated by county and the counties and LGUs within the counties need to decide how to distribute money in the county. The LMRWD will be part of four counties programs. Managers have been invited to be part of the voting groups. There will be meetings of the LGUs in each county and Administrator Loomis said some of the meetings have been set and she will stay on top of this issue. There will be more to report.

President Shirk asked to be notified of the Dakota County meeting.

Administrator Loomis said the Riley Creek Purgatory will be adopting rules regarding wetlands, because of disagreements over the implementation of WCA (Wetland Conservation Act) rules in the cities.

Manager Raby commented on the education program that Administrator Loomis informed Managers about last month. He said he had a hard time understanding what's being requested and questioned the funding. Administrator Loomis said it is funding, but she is not sure how that would work. Manager Raby said she would seem to be a good fit for the Education & Outreach Coordinator.

B. President: No report

C. Managers: No report.

D. Committees: No report

E. Legal Counsel: No report

F. Engineer: No report

8. ADJOURN

President Shirk made a motion to adjourn. Manager Raby seconded the motion. The meeting was adjourned at 8:23 PM.

Dave Raby, Secretary

Attest:

Linda Loomis, Administrator