



Minutes of Regular Meeting
Board of Managers
Wednesday March 21, 2018
City Council Chambers, Chaska City Hall, 7:00 p.m.
Approved April 18, 2018

1. CALL TO ORDER AND ROLL CALL

On Wednesday, March 21, 2018, at 7:00 PM in the Council Chambers of the Chaska City Hall, 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 and Manager Jesse Hartmann. In addition, the following were also present: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; John Kolb, Rinke Noonan, Legal Counsel; Della Schall Young, Young Environmental Consulting Group, LLC, Technical Consultant; and members of the public; Jennie Sirota.

President Shirk was sworn in by Administrator Loomis upon her reappointment to the Board of Managers by the Dakota County Board of Commissioners.

2. APPROVAL OF THE AGENDA

Administrator Loomis requested that **Item 4. A. - Approval of Minutes for February 21, 2018 Regular Meeting** be removed from the agenda.

President Shirk made a motion to approve the agenda. The motion was seconded by Manager Hartmann. The motion carried unanimously.

3. CITIZEN FORUM

There were no citizens who wished to address the board.

4. CONSENT AGENDA

The Consent Agenda included the following items:

~~A. Approval of Minutes for February 21, 2018 Regular Meeting~~

B. Approval of Financial Reports

C. Presentation of Invoices for payment

- i. Rachel Contracting - repayment for prepayment of dredge material
- ii. Manager Hartmann - payment of 2nd half 2017 per diem, mileage & expenses
- iii. Metro Sales - payment for copier maintenance service
- iv. Rinke Noonan - for December legal services
- v. Scott County SWCD - for 4th quarter 207 monitoring services
- vi. Time Savers Off Site Secretarial - preparation of December Board meeting minutes and transcription of October public hearing

- vii. **US Bank Equipment Finance - February copier rental**
- viii. **Dakota County SWCD - for 4th quarter 2017 monitoring services**
- ix. **Carver County WMO - for 4th quarter 2017 monitoring services**
- x. **Naiad Consulting - for December 2017 admin services, mileage & expenses**

D. Eagle Creek 2018-2019 WOMP Agreement

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

5. NEW BUSINESS/PRESENTATIONS

A. Metro Children's Water Festival

Administrator Loomis said they were requested to sponsor the Metro Children's Water Festival. She noted the cost last year was \$1,650.

President Shirk made a motion to approve the Metro Children's Water Festival in the amount of \$1,650. The motion was seconded by Manager Hartmann. The motion carried unanimously.

B. 2018 Cost Share Application - Chimney Pines Homeowners Association

Administrator Loomis said this is the third year of participation in the cost share program. She explained there is a storm water pond in a townhome development. The request is for \$2,770. Manager Hartmann said he thought the maximum cost share was \$2,500. Administrator Loomis said for townhome projects the maximum is \$7,500. He asked if the District participated in the first two phases of this project. Administrator Loomis said yes they did.

Manager Hartmann made a motion to approve the 2018 Cost Share for Chimney Pines Homeowners association in the amount of \$2,770.74. The motion was seconded by President Shirk. The motion carried unanimously.

C. 2018 Cost Share Application - Bruce Bergo - 727 7th Street, Chaska MN

Administrator Loomis said this is an application received from a landscaper working with the home owners. The home owners would like to put in a rain garden that drains to a small lake with a public trail. She noted signage would also be put in which would be good visibility for the Districts cost share program. Administrator Loomis said the residential cap is \$2,500. President Shirk clarified 50% of the cost of the fence is still within \$2,500.

President Shirk made a motion to approve Bruce Bergo's cost share application with the caveat that staff work with Mr. Bergo on getting a sign. The motion was seconded by Manager Hartmann. The motion carried unanimously.

6. OLD BUSINESS

A. Engineering & Legal proposals

- B. Administrator Loomis said there was one proposal for legal services, from the current legal counsel and there were three engineering proposals.

Administrator Loomis said if the Board approves they can direct staff to come back with an agreement for legal services. The board accepted the proposal from Rinke Noonan and directed staff to prepare an agreement for legal services. The board decided to review the proposals for engineering services and come back with the recommendation at the next meeting.

Manager Hartmann asked for guidance as to how the Board can evaluate proposals. Administrator Loomis said the firms are all qualified and it is up to the Managers comfort levels with the proposals and individuals providing the service. She suggested that Managers may

want to speak to other watershed district managers that may use the services of the proposers to see why they chose the firms they did.

C. Metro-area Watershed Based Funding Pilot Program

Administrator Loomis said she was approached by watershed district administrators from within Ramsey County about the fact that part of the LMRWD is within Ramsey County and is therefore qualified to participate in the Metro-area Watershed Based Funding Pilot Program in Ramsey County. She noted the likelihood of having a project in Ramsey County is very low since Pike Island is the portion of Ramsey County that is in the LMRWD and it is owned by the state. She said the funds would be allocated to others in Ramsey County. Resolution 18-01 would officially decline to participate in the program in Ramsey County.

President Shirk made a motion to adopt 18-01 RESOLUTION APPROVING RE-ALLOCATION OF LMRWD PORTION OF METRO-AREA WATERSHED BASED FUNDING PILOT PROGRAM WITHIN RAMSEY COUNTY, MN. The motion was seconded by Manager Hartmann. The motion carried unanimously.

D. Dredge Management

i. Review Process for funding of maintenance of Navigation Channel

Attorney Kolb said staff is waiting to hear back from BWSR and the DNR of what they want to see to begin the proceedings to make dredge management a permanent capital project of the District.

ii. Vernon Avenue Dredge Material Management site

Administrator Loomis said there is a contractor interested in purchasing the remaining material for \$2 per yard. The sales tax would also be paid. President Shirk asked how many yards are left. Administrator Loomis said about 13,000. She noted she wasn't sure if the contractor wanted all of that, but the sale could be up the amount remaining.

President Shirk made a motion to authorize the sale of the dredge material. The motion was seconded by Manager Hartmann. The motion carried unanimously.

iii. Private Dredge Material Placement

Administrator Loomis said the Riverland Ag is changing the name of its facility. She asked Attorney Kolb to explain as he has drafted the Notice and Acknowledgement of Name change from Riverland Ag to Savage Riverport. Attorney Kolb detailed the information he gathered to draft Notice and conversations he had with the proponent Ceres Global. Manager Hartmann asked if this is recommended. Attorney Kolb said absolutely.

Manager Hartmann made a motion to authorize execution of the Notice and Acknowledgement of Name change from Riverland Ag to Savage Riverport. The motion was seconded by President Shirk. The motion carried unanimously.

E. Watershed Management Plan

Administrator Loomis said there was a workshop prior to the meeting. She noted staff is looking for direction regarding responses to the comments provided since the last update January 29th. She said the comments received and the District's responses to the comment must be published on or before April 8th.

President Shirk asked if this time table would give staff enough time to incorporate the comments received at the Savage public information meeting. Technical Consultant for the District, Della Young said that the public information meetings are to provide a mechanism for resident to meet with District staff to understand the proposed standards. Staff is not tallying

specific questions asked at the meetings, but staff is keeping record of who is attending the meetings and that will become part of the Plan. Ms. Young said that there is enough time.

President Shirk made a motion to publish the comment/response log update, reconvene the public hearing and provide public notice for the hearing to occur on April 18, 2018. The motion was seconded by Manager Hartmann. The motion carried unanimously.

Administrator Loomis said they also need direction on Ike's Creek and whether or not it should be a high value resource. President Shirk said the consensus is the board is in support in including Ike's Creek as a high value resource area.

President Shirk made a motion to include Ike's Creek as a high value resource within the watershed management plan. The motion was seconded by Manager Hartmann. The motion carried unanimously.

Administrator Loomis asked the Board to approve Change Order #4 to the task order with Burns & McDonnell. Ms. Young said there have been more requests for information than anticipated when we first began this project, as well as all the informational meetings, additional TAC meetings and meetings with the cities.

President Shirk made a motion to approve Change Order #4 to the Burns and McDonnell agreement with respect to the Watershed Management Plan. The motion was seconded by Manager Hartmann. The motion carried unanimously.

F. 2018 Legislative Action

Administrator Loomis said this legislative session was expected to be a quiet session since it is the second year of the biennium and a bonding year. She noted that there are numerous bills in play that will impact watershed management. Attorney Kolb provided information about some of the bills. President Shirk asked for updates when staff hears anything on the bills. Staff said they would keep the Board informed.

She noted that she has meetings scheduled with some Legislators and said Managers are invited to attend if they wish.

G. Website Redesign

Administrator Loomis said the website is up and live. She noted that it is still a work in progress and will be updated as we move forward, especially once the plan amendment is approved.

She asked Managers to let her know if they see things they would like changed.

H. Education and Outreach Plan

i. Education and Outreach Coordinator

Administrator Loomis had nothing new to report since last update.

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

Administrator Loomis had nothing new to report since last update.

iii. Citizen Advisory Committee

Administrator Loomis had nothing new to report since last update.

I. LMRWD Projects

i. Eden Prairie Area #3 Stabilization

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

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

The LMRWD is working directly with the contractor Ames Construction on this project. Ms. Young noted that weekly construction meetings are being held regarding this project every Tuesday. She noted that there was an area of pollution that was discovered that the County was not aware of. The County agreed to keep the LMRWD updated about this.

iii. Floodplain Lake Coring Project with Freshwater Society

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

iv. Seminary Fen ravine stabilization project

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

v. Analysis of Dakota County Groundwater Project

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

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

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

vii. Savage Fen Ravine Project

This project has been completed and LMRWD participation was not needed. This item will not appear on future agendas.

Managers asked if staff was aware of what is going on along TH 13 in Savage. Staff was not aware, but said they would investigate and report back to the Board.

J. Project Reviews

i. Hennepin County - Bloomington Road

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

ii. City of Bloomington - Hyatt House; 2343-2373 Old Shakopee Road

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

iii. City of Chaska - Local Surface Water Management Plan Amendment

Administrator Loomis said the City of Chaska didn't make any changes to the plan.

iv. City of Chanhassen - Comprehensive Plan/Local Water Management Plan

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

v. City of Lilydale Local Water Management Plan Amendment

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

vi. City of Burnsville - Xcel Energy Black Dog Plant

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

vii. MNDOT - I35W Bridge replacement

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

She noted that one comment that will be made to all the Local Water Management Plan reviews is to remind the cities that the LMRWD is amending its plan and they will be asked to amend the local plans once the LMRWD plan is approved. The deadline for comments for Lilydale, Chanhassen and Bloomington will pass before the next board meeting

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

No new information since last update.

7. COMMUNICATIONS

- A. Administrator Report:** Administrator Loomis said she received an email from the DNR through Scott County that there was a large fish kill on Gifford Lake. She said that a resident had reported a large amount of dead fish on Gifford Lake. Manager Hartmann said that area is

prone to low oxygen areas. Administrator Loomis said the DNR the fish kill was probably due to low oxygen.

- 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 Hartmann seconded the motion. The meeting was adjourned at 7:46 PM.

Dave Raby, Secretary

Attest:

Linda Loomis, Administrator