



Minutes of Regular Meeting  
Board of Managers  
Wednesday May 17, 2017  
Council Chambers, Chaska City Hall, 7:00 p.m.  
Approved June 14, 2017

**1. CALL TO ORDER AND ROLL CALL**

On Wednesday, May 17, 2017, at 7:09 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: Managers Jesse Hartmann, David Raby and Yvonne Shirk. In addition, the following were also present: Lindsey Albright, Dakota SWCD; Della Schall Young, Young Environmental Consulting Group, LLC, technical Consultant; and Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator.

**2. APPROVAL OF THE AGENDA**

**Manager Raby made a motion to approve the agenda of May 17, 2017. 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 April 26, 2017 Regular Meeting**

**B. Approval of Financial Reports**

**C. Presentation of Invoices for payment**

- i. Burns & McDonnell - for February 2017 engineering services
- ii. City of Chaska - LMRWD portion of feasibility report & expenses not covered by grants
- iii. Indiana Insurance Company - for E & O Insurance & Fidelity Bond
- iv. City of Shakopee - for LMRWD contribution to city's tree sale
- v. Metro Sales - payment for copier maintenance agreement
- vi. Culligan Bottled Water - bottled water for district office
- vii. Patchin Messner Dodd & Brumm - first payment for determination of benefit project
- viii. Rinke Noonan - Legal services for March 2017
- ix. Steinkraus Development - for May 2017 office rent
- x. Greg Zeck - for February & March 2017 webmaster services
- xi. Ron Harnack - for March 2017 lobbying services
- xii. US Bank Equipment Finance - for April 2017 copier lease payment

**D. Receive and file joint letter from BWSR & MPCA**

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

**5. NEW BUSINESS/PRESENTATIONS**

**A. 2017 Cost Share Application - Chimney Pines Homeowners Association**

President Shirk said she is comfortable with this. She felt the application from this HOA last year went well and the District received some good publicity. Administrator Loomis said Chimney Pines Homeowner's have already started clearing this year area of invasive and woody materials.

Manager Raby questioned the amount of the grant. Manager Hartmann asked to be refreshed on last year's project. Administrator Loomis explained this is a development with about 39 homes in Eden Prairie that surround a storm water pond which serves the development and drains to a city storm water pond below the development next to the river. The homeowners were concerned about the smell and algae so they had a specialist come in to advise them about what could be done. The HOA has asked for signs to post to not mow and the LMRWD is will provide signs that say something like clean water starts here - no mowing beyond.

Manager Hartmann asked how the upper pond drains. Administrator Loomis said there is a pipe that goes down the bluff to the city storm water pond.

**President Shirk made a motion to approve the cost share application from Chimney Pines of \$4,628. The motion was seconded by Manager Hartmann. The motion carried unanimously.**

**6. OLD BUSINESS**

**A. MN River Clean Up Event**

Administrator Loomis said the next step is to figure out where the projects will be and figure out the costs. She noted that another possibility to partner for a future event would be Friends of the MN Valley

**B. Dredge Management**

**i. Review Process for funding of maintenance of Navigation Channel**

No new information to report.

**ii. Vernon Avenue Dredge Material Management site**

No new information to report.

**iii. Private Dredge Material Placement**

Administrator Loomis said plans are moving forward for dredging of private slips this season and the private slip owners have received permits from the DNR. Sounding of the slips were taken and with the recent rains will likely need to be taken again before dredging can happen.

She received some estimated amounts. Cargill will be removing 6,000 cubic yards from the west and east slip. CHS will be removing 7,000 cubic yards and Riverland will be removing about 3,000 cubic yards. The amount of material to be dredged is similar to years past.

Manager Hartmann asked when the approximate start date was. Administrator Loomis said they didn't say, but it will be dependent upon the weather and river levels

Manager Hartmann asked about the no trespassing signs. Administrator Loomis said they haven't done anything with that.

**C. Watershed Management Plan**

**i. Plan update/Major Plan Amendment**

Administrator Loomis said this item was covered at the work session prior to the meeting.

At the meeting next month, Managers will be asked to approve the draft amendment and distribute for comment.

Manager Raby reminded Administrator Loomis that there is an item that needed to be approved at this meeting. He said he is not particularly concerned with the increase, he is concerned that staff did not advise the Managers before this point. Manager Raby felt that staff should have been talking to the Managers long before being asked to approve an amendment to the task order.

Manager Hartmann asked how much has been spent and what the likely total expenditure will be. Administrator Loomis explained she did not have that information available, but she will get that information to the Managers.

**President Shirk made a motion to authorize the increase in expenditures for the major plan amendment to the Watershed Management Plan as proposed. The motion was seconded by Manager Raby. The motion carried unanimously.**

Administrator Loomis that she has received an invoice from the city Eden Prairie for placement of the bank pins at Area #3. Manager Hartmann asked whether pins will be re-installed. Administrator Loomis explained that several of the pins place were lost completely.

**D. Legislative Action**

**i. 2017 Legislative Session**

The District is waiting to hear if the District's request for funding will be included in the Budget bill.

**ii. Freshwater Society Altered Hydrology Project**

Administrator Loomis said she had nothing to report.

**E. Website Redesign**

Administrator Loomis said a live website will be ready to look at after Memorial Day. The designer is working on the logo refresh and Administrator Loomis expects to have something for the Managers to look at soon.

President Shirk said she likes the idea of changing the address of the website and asked if there would be a redirect for people that may have the current URL bookmarked. Administrator Loomis said yes.

Managers thought LowerMinnesotaWD.org was the preferred alternative.

**F. Education and Outreach Plan**

**i. Friends of the MN River Valley/LMRWD cooperative project**

Administrator Loomis said she met with Friends of the Minnesota Valley to develop the display and the message that the District want to convey through the project. The intern has accepted the position and wants to be involved in designing the display. She said there are a lot of handouts that can be used and Freshwater is willing to provide handouts. One in particular has been produced by the University of Minnesota. Freshwater has boxes of this report and is willing to provide them to the project.

- ii. **Citizen Advisory Committee**  
No change since last update.

**G. LMRWD Projects**

- i. **Riley Creek Cooperative Project/Hennepin County Flying Cloud Drive/CSAH 61 reconstruction project**

Administrator Loomis said she spoke with the engineer for this project. He is waiting to hear from Hennepin County before he will be able to get an estimate of the cost.

Manager Raby said he thought this project may not be required based upon reading minutes of previous meetings. Administrator Loomis said in speaking with the engineer, the grade can't be reduced enough, in order to make the project unnecessary. However, conversations are still occurring with the county.

Manager Hartmann asked if we know what Riley/Purgatory/Bluff Creek Watershed District (RPBCWD) is planning to do. It was his understanding that the LMRWD was waiting to do the project on the LMRWD reach, so that the sediment coming from upstream would not negatively impact our project. Manager Raby agreed, that was his understanding too. Administrator Loomis said she thought the upstream project will be ordered by the RPBCWD.

Ms. Della Young said in terms of timing it is the best time to do this project while Hennepin County is planning to reconstruct the Flying Cloud Drive crossing of Riley Creek.. Manager Raby wanted to make sure someone is thinking about this (how the upstream project may impact the reach in the LMRWD) to make sure this is a worthwhile project and the money is being spent wisely. He asked about the weir and who would be responsible for maintenance of the weir. Ms. Young said the monitoring equipment, that is currently located on the LMRWD reach of Riley Creek, is going to be moved and the County did not want the equipment tied to the bridge so it is being moved to the weir. Administrator Loomis said she will find out who is maintaining the weir. Manager Hartmann stated that the LMRWD deals with many issues that are generated upstream and he feels that the District needs to take care of projects within its own jurisdiction and under the District's control. Manager Raby agreed and stated once again he just wanted to make sure that money spent on this project would be spent wisely.

Manager Hartmann asked about the three different options that had been presented in the feasibility report. Administrator Loomis said those are all off the table, because of the County's project. Staff will continue to work with the County. This is minor portion of the county's project and the District is under some pressure because the County is planning to begin its project in September. Staff will remain in touch with Riley Purgatory Bluff Creek WD regarding the project on the reach of Riley Creek upstream.

- ii. **Seminary Fen ravine stabilization project**

Administrator Loomis said she added the final documentation from the city of Chaska to elink and sent a message to Steve Christopher, Board Conservationist at BWSR, asking what else is needed to close out this grant.

- iii. **Analysis of Dakota County Project**

Administrator Loomis said a meeting is scheduled with the DNR for a date next week.

- iv. **East Chaska Creek/ CSAH 61 & TH 41 Transportation Improvement Project**

Administrator Loomis had nothing new to report on this project other than what was in the executive summary.

**v. Savage Fen Ravine Project**

Administrator Loomis said she will check to see if the City of Savage lost their funding.

Manager Raby commented on a memo from Young Environmental. He asked if this was done under an agreement with the LMRWD. Ms. Young said it was done under the District's current authorization with Burns and MacDonnell. Burns & MacDonnell felt work that is completed by Ms. Young should not be sent out under their letterhead. Ms. Young said she had consulted Administrator Loomis about whether or not this was acceptable to the District. Administrator Loomis said she consulted legal counsel about this. Attorney Kolb informed her that since Young Environmental is listed as a sub-contractor on the District's agreement with Burns & MacDonnell, it is perfectly acceptable.

Manager Raby was concerned that Burns & MacDonnell was not copied on the memo. He said his question was more from a legal standpoint. He said he is more familiar with contracts that stipulate that all work performed by subcontractors must go through the engineer. Ms. Young pointed out that in this case, Young Environmental is the primary contact for the District and work flows from her to Burns & MacDonnell. Manager Raby said he did remember that and is okay with this now that it has been clarified. Staff will make sure Burns & MacDonnell is copied on all memos from Young Environmental

**H. Project Reviews**

Administrator Loomis said there is nothing new to report other than what was provided in the executive summary in regards to project reviews. She noted once a report is developed the project reviews will only be put on the agenda from now on if action is needed.

**i. City of Carver - The Meadows at Spring Creek**

No change since last update

**ii. City of Eden Prairie - 12300 Riverview Road - Hueler Subdivision**

No change since last update

**iii. City of Chaska - MPPA (Minnesota Municipal Power Agency) Electric Generation Plant**

No change since last update

**iv. Hennepin County - Upper Post Fort Snelling/Bloomington Road Project**

No change since last update.

**v. 2014-03152-RMM - Port Richards**

No change since last update.

**vi. Xcel Energy Black Dog Plant**

Staff has discovered that the pipeline project started and Xcel Energy did not inform the District. Several incidents (mud releases and unexpected groundwater) have occurred during the construction of this project and the District was not informed by Xcel of all of them. Staff intends to contact Xcel Energy to discuss when and how the District should be notified.

**vii. City of Shakopee - Eagle Creek Ridge**

No change since last update.

Administrator Loomis informed the Managers that staff is looking for some other way to keep Managers updated on projects going on in the District without having every project appear on the monthly meeting agenda, even when there is no action that needs to be taken by the Board.

**I. Dean Lake - no change since last update**

No change since last update. The MPCA has not yet sent confirmation that Dean Lake has been re-classified.

**J. MPCA Soil Reference Values**

No change since last update.

**K. Change date of June Board meeting**

There will be a workshop at 5:30

**President Shirk made a motion to move the June Board meeting to June 14. The motion was seconded by Manager Hartmann. The motion carried unanimously.**

**7. COMMUNICATIONS**

**A. Administrator Report:**

Administrator Loomis said she had a meeting about a study to determine the rate of sedimentation in the lakes. A presentation will be made at the June board meeting. This will give an idea on how fast the flood plain is filling in. The estimate is \$36,000.

Administrator Loomis informed Managers that the DNR's annual Paddle the Minnesota River in a Day is June 10th. If Managers are interested Managers should check out the website.

Administrator Loomis said Metropolitan County Environmental Services called the District informing the District about some erosion issues they are having at the Seneca treatment plant

**B. President:**

President Shirk reported on the MAWD tour. She reviewed the information about the Special meeting and consulted former Manager Kremer. Mr. Kremer responded by email and President Shirk shared his response with the other Managers. She asked what the proposed dues are. Administrator Loomis noted the proposed dues are \$7,000. Managers discussed the proposed dues.

President Shirk said MAWD is looking for the District to appoint delegates.

**President Shirk made a motion to appoint Manager Hartmann as the delegate for the MAWD meeting. The motion was seconded by Manager Raby. The motion carried unanimously.**

**President Shirk reminded staff to follow up with Mr. Al Dye about a tour of the airport**

**C. Managers:**

Manager Hartmann said he completed the watershed specialist course through the University of Minnesota Extension. Other Managers congratulated Manager Hartmann.

**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. Motion carried unanimously. President Shirk adjourned the meeting at 8:06 pm.**

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Jesse Hartmann, Vice President

Attest:

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Linda Loomis, Administrator