



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, June 19, 2019

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, June 19, 2019, at 7:06 PM 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) and asked for roll call to be taken. The following Managers were present: Manager David Raby, Manager Adam Frey and President Jesse Hartmann. In addition, the following were also present: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, Technical Consultant; Lindsey Albright, Dakota County SWCD; John Linc Stine and Rob McManus, Freshwater Society; Bruce Loney, Prior Lake/Spring Lake Watershed District; Karen Galles, Hennepin County Environmental Services; and Lori Rathjen, Resident;

2. APPROVAL OF THE AGENDA

Administrator Loomis said she did not have any additions or changes to the agenda.

President Hartmann made a motion to approve the Agenda, as amended. The motion was seconded by Manager Frey. The motion carried unanimously.

3. CITIZEN FORUM

There were no citizens who wished to address the board on non-agenda items.

4. CONSENT AGENDA

President Hartmann introduced the item.

A. Approve Minutes May 15, 2019 Regular Meetings

B. Receive and file May 2019 Financial reports

C. Approval of Invoices for payment

- i. Coalition for a Clean Minnesota River - sponsorship of MN River Congress
- ii. Daniel Hron - June 2019 office rent
- iii. Metro Conservation District - Sponsorship of Metro Children's Water Festival
- iv. MN Association of Watershed Districts - 2019 membership dues
- v. Pace Analytical Services, LLC - April sample testing of Ike's Creek for Chloride
- vi. Scott County Soil & Water Conservation District - Q1 2019 monitoring services in Scott County
- vii. US Bank Equipment Finance July 2019 copier lease payment
- viii. Naiad Consulting, LLC - February and March 2019 Administrative Services & Expenses
- ix. US Geological Survey - MN River flow & sediment monitoring

- x. **Dakota County Soil & Water Conservation District - Q1 2019 monitoring services in Dakota County**
 - xi. **TimeSaver Off Site Secretarial Service, LLC - Preparation of April 2019 meeting minutes**
 - xii. **Young Environmental Consulting Group, LLC - April 2019 Technical Services**
- D. Eden Prairie Area #3 Inclinometer reading**
- E. Letter thanking Riley Purgatory Bluff Creek Watershed District**

Manager Raby noted that item 5.B. page 2, the motion needs to be corrected.

Manager Raby noted the letterhead is out of date.

Manager Raby made a motion to approve the Consent Agenda, with the corrections to the minutes and letterhead. The motion was seconded by President Hartmann. The motion carried unanimously.

5. NEW BUSINESS

A. Freshwater Society Cost Share

John Linc Stine introduced himself and Freshwater intern, Rob McManus. Mr. McManus said the project he will be conducting this summer is to document the contaminants history of nonylphenol and its ethoxylates. He explained what nonylphenols are and what products they are found in. He explained these chemicals are endocrine disruptors and that is why he is studying the history of the chemical. He said the compounds are toxic to wildlife and also humans although to a lesser degree and they are bio-cumulative; they accumulate in the fat tissues of an organism. He said these chemicals were banned in United Kingdom in 1976 and the EPA is now looking at them in the US. In 2010, the EPA included them in their voluntary phase out program. He said that when companies choose to not use these chemicals they use substitutes which are very similar and breakdown in waste water treatment plants and the environment into chemicals that are equally as harmful.

Mr. McManus said he chose this chemical to study because it can be seen easily in sediment cores. He is planning to take sediment cores from 4 lakes. He said that the use of nonylphenol industrially began in 1944. So they will be able to correlate when this chemical begins to appear in the sediments with the time the chemical began to be used. They can then compare different cores around the watershed to see how the chemical is spatially distributed throughout the watershed.

He reviewed the four main goals of his project. The first is to construct the chemical history of nonylphenol and its ethoxylates in the environment. He is looking to see if there is a decrease in nonylphenol levels since 2010, after the voluntary phase out of the chemical began. He is also interested in the spatial distribution of the chemical. He is looking at lakes above and below waste water treatment plants to see if there are differences in the chemical distribution.

The third goal is to assess if further research or regulation would be beneficial to public health. The final goal is to radioactively date previous core samples taken in the LMRWD, as well as new samples taken for chemical analysis, to better establish real sedimentation rates. They intend to sample four lakes: Rice Lake and Snelling Lake in the LMRWD and Pig's Eye Lake and River Lake. They will also use existing cores in addition to fresh samples.

He said they plan to find the deepest basin in the lake and take one representative sample from each lake to save costs. They will work with Lac Core at the University of Minnesota to help with the core analysis. The work will include radioactive dating of all the cores and pollen analysis on the new cores. A chemical analysis will be done on the new cores.

Mr. McManus said the costs estimate from Lac Core came in higher than was anticipated and he hopes to negotiate the cost down to around \$20,000 which breaks down to \$5,000 per lake for the 4 lakes. Since two of the lakes are in the LMRWD, he asked the board to approve \$10,000. Freshwater will be looking for other partners to fund the entire project. Notably, Ramsey/Washington Watershed District and Lower Mississippi WMO.

Manager Raby said he was under the impression that cores that were previously taken on behalf of the LMRWD would be used. Mr. McManus explained that that was the original plan, but in order to do the chemical analysis, fresh cores need to be used. The old cores will be used to help with the dating and the old cores will be dated radioactively to better determine the rates of sedimentation.

Administrator Loomis said there is money left in the cost share 2019 budget. Manager Frey asked what the cost share program was meant to do. Administrator Loomis said it can be used for reports and studies.

Ms. Della Young said this does have a strong public education component, which could be considered. Administrator Loomis said that the board could fund the project from fund balance, if they do not want to take it from the cost share program.

President Hartmann asked why they would use Snelling Lake as opposed to Coleman Lake, which was previously cored. Mr. McManus explained that Coleman Lake has wild rice and that will affect the sediment chemically, so Snelling Lake was chosen, because there is previous core data on it.

Manager Raby asked what happens if the other districts don't participate. Mr. Linc Stine said at the conversations with other partners have been positive and this point they anticipate there will be other matched funds.

President Hartmann asked how much of the cost share budget has been used in past years. Administrator Loomis said the LMRWD has not used the entire budget any year since she began working for the District. Manager Raby said he doesn't think it makes much difference which line item the money comes from; his concern is that the old cores will be used, but the LMRWD if not being given any credit for that. He is also concerned that this project is half the budget for cost share and that it might preclude other project from getting funding.

President Hartmann made a motion to approve the 2019 Cost Share Application from Freshwater. The motion was seconded by Manager Frey. The motion carried unanimously.

B. Savage Fen/Boiling Spring Cost Share

Administrator Loomis introduced Karen Galles, Natural Resource Manager for Hennepin County. Ms. Galles reported that Hennepin County chose to sponsor a cohort of Master Water Stewards (MWS) in 2018 for Watershed Districts that don't have the staff or technical capacity to sponsor MWS directly. She explained that this cost share program is coming from Lori Rathjen, who completed the Master Water Steward curriculum

Ms. Galles explained Hennepin County had a request from the LMRWD to support Lori Rathjen for the Master Water Steward program, even though she lives in Scott County. Ms. Galles supported Ms. Rathjen's participation in the program because the LMRWD was willing to sponsor her for the program and that the Minnesota River a shared water resource.

Ms. Galles explained the Master Water Steward program briefly and that to complete the program and become a Master Water Steward, one must complete a capstone project. She

explained types of capstone projects that are typically done under this program. She then introduced Ms. Rathjen.

Ms. Rathjen gave the Board a brief back ground of herself. She explained that she lives in Savage and recently found that Eagle Creek is a creek with a self-supporting population of brown trout. Eagle Creek is basically in her back yard. She provided information about her proposal and work she has done with the DNR and the City of Savage to get permission and their cooperation to complete the project. She explained her plans to get volunteers to help with the project. She plans to use this project to educate neighbors, especially those that are encroaching on the DNR land with trampolines, sheds and compost piles.

Ms. Galles reported on the current conditions on the site. She said the request is for \$1,657 and most of that go towards seed, planting and equipment.

Manager Raby congratulated Ms. Rathjen for taking this project on and all the work she has done so far. He suggested that this should have maybe been classified as a public entity project but said it is a good project. Administrator Loomis suggested that this could fall under a private/public partnership.

Manager Raby made a motion to approve the cost share request. The motion was seconded by Manager Frey. The motion carried unanimously.

C. 2020 Preliminary budget

Administrator Loomis said she is looking to bring a proposed 2020 budget next month. She is looking for direction from the Board on a couple of questions. First, the legislature increased the amount of per diem that managers can receive when conducting business. The increase was from \$75 per day to \$125. Does the Board want to increase the amount of per diem paid?

Administrator Loomis asked if the Board wished to contribute any funds to pay for improvements to the Dredge site. The Board could impose a levy across the district or special assessment as a match toward the project. Manager Raby asked for a clarification of what the Administrator means by the word "match". She said that perhaps the word "match" was incorrect and that she wanted to know if the Board wanted to contribute local funds to the Dredge site project. The levy has been kept at \$725,000 and if the Board wished to contribute money to the Dredge project the levy should be increased.

Manager Raby said his opinion would be to not levy this next year and to continue to ask for money from the State. He said that the LMRWD should wait until 2021 to see how things go. The rest of the Board concurred.

Manager Raby asked what other watershed districts are doing with the per diem amount. He said they should be consistent. Administrator Loomis said she would find out. She said that she did hear that one watershed was planning to increase the per diem right away. She would recommend that if the Board wanted to increase the per diem that they wait to institute the increase until 2020, since the 2019 budget assumes the per diem is \$75.

6. OLD BUSINESS

A. MN River Congress Request

Administrator Loomis said this item came before the Board in April and the Board tabled the item to the June meeting. She reminded the Board the reason they tabled the item to June was to allow for the MN River Congress meeting in May to see if more definite information about the project became available. She is recommending not moving forward until the board has more specific information. She asked the board to table this request until they get more information.

B. Remote meeting participation

Administrator Loomis said she talked to the Rice Creek Watershed District and they spent a total of \$7,459 to outfit the room to have managers participate remotely. She noted there were questions on how the room the LMRWD uses to meet was wired.

President Hartmann asked if the cost to Rice Creek included equipment for a remote participant. Administrator Loomis said that it did. There was some discussion whether or not more equipment would be needed to if more than one manager wanted to promote remotely.

Administrator Loomis said she did not contact Tierney to get a revised quote and that she would touch base with them to get a quote applicable to the LMRWD, since it appeared the quote was the one provided to Rice Creek WD.

Manager Raby said even though this is being done mostly for him, he feels the watershed district should look in to this. President Hartmann said he is also interested in this since they only have a few members.

President Hartmann made a motion to get a revised quote from Tierney and further investigate the specifics in remote meeting participation. The motion was seconded by Manager Frey. The motion carried unanimously.

C. Dredge Management

i. Review Process for funding of maintenance of Navigation Channel

Administrator Loomis said she looked at the grant agreement for the State funding and it expires 12/31/2020. She said she spoke with the LMRWD's Board Conservationist about an extension. The Board Conservationist said an extension should not be a problem. Manager Raby suggested sending a letter saying they are not asking for an extension at this time but will communicate again this fall.

The board discussed the levy.

ii. Vernon Avenue Dredge Material Management site

Administrator Loomis said she received notice from the City of Savage that the request to amend the conditional use permit will be before the Savage Planning Commission at the July 18th meeting.

She reported that she has been told there is a buyer for the main channel material on the site.

Ms. Young said that the Engineer's estimate for the construction at the Dredge site came in and it was over \$1.5 million. She said that with the estimate coming in that high the District needs to sit down and figure out if the LMRWD has money to pay for the project. The Engineer's estimate is the figure that will go in the bid documents. Manager Raby said that if the project is not done until 2020 shouldn't the District have money to pay for the project? And then be able to levy in 2021 to pay for the construction. Ms. Young said the construction would likely have to be paid in 2020, so the LMRWD needs to make sure funds are available.

iii. Private Dredge Material Placement

Administrator Loomis reported that private material was being removed from the Dredge site this week.

D. Watershed Management Plan

Administrator Loomis said the informal comment period on the draft rules was extended. She said a couple cities said they didn't have enough time to review the rules so staff extended the deadline for comments to the end of June.

E. 2019 Legislative Action

Administrator Loomis said an invitation was extended to Senator Ingebritsen and Representatives Hansen and Fischer to tour the dredge site. She said she and Lisa Frenette, lobbyist for the LMRWD plan to meet with Patrick Phenow, Director of MNDOT Waterways.

F. Education and Outreach Plan

Administrator Loomis said she had a request from Freshwater to be a sponsor for the Road Salt Symposium, which is being moved to October 2019. This means that two symposiums will be held in 2019. The reason for moving the conference from February to October is because attendance was down at the February event due to a snow event. The board talked about how to get salt applicators to change winter maintenance practices and how to get private applicators to come to this event.

Administrator Loomis said the cost is \$500.

Manager Raby made a motion to fund the October seminar. The motion was seconded by Manager Frey. The motion carried unanimously.

G. LMRWD Projects

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

i. Lower Riley Creek Corridor Enhancement Project

Administrator Loomis said the LMRWD received the cooperative agreement from the Riley/Purgatory/Bluff Creek Watershed District for the Lower Riley Creek Corridor Enhancement Project. Manager Raby asked what the total cost of the project is. Administrator Loomis said the project cost is estimated to be either \$1.1 or \$1.5 million she couldn't remember exactly. The LMRWD agreed to contribute \$150,000

Manager Raby asked if LMRWD legal counsel has reviewed the agreement. Administrator Loomis said he has not.

Manager Raby made a motion to authorize the Cooperative Agreement contingent upon review by legal counsel. The motion was seconded by Manager Hartmann. The motion carried unanimously.

Administrator Loomis updated the Board that because the auditor became aware of the BWSR denial of final payment of the grant for Seminary Fen they are not comfortable with issuing the Final Audit Report until this issue is settled.

The Board asked for information about the denial of the grant. Manager Raby said the LMRWD should get the city involved to request BWSR to reconsider the refusal to pay.

Manager Raby asked for clarification of what this means financially to the LMRWD. Administrator Loomis reported that the second portion of the grant was \$110,400.

Administrator Loomis detailed the history of activity for this project.

It was the consensus of the Board to send a letter to the BWSR Board asking for reconsideration of this decision.

H. Local Water Management Plan Reviews

i. City of Shakopee

The LMRWD has not received a response from Shakopee to the LMRWD comments.

I. Project/Plan Reviews

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

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

No new information since last update.

7. COMMUNICATIONS

A. Administrator Report: Administrator Loomis said she had no additional to report.

B. President: No report

C. Managers: Manager Raby noted there was an article in the newspaper about dredging activity in the Mississippi River and he wondered if there was any information about dredging in the Minnesota
There was discussion of the inclinometer readings and actions LMRWD staff has taken to get information to QA/QC the data.

D. Committees: No report

E. Legal Counsel: No Report

F. Engineer: No report

8. ADJOURN

President Hartmann made a motion to adjourn. Manager Raby seconded the motion. The meeting was adjourned at 8:40pm. The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, July 17, 2019 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN.

Dave Raby, Secretary

Attest:

Linda Loomis, Administrator