



Minutes of Regular Meeting  
Board of Managers  
Tuesday, October 14, 2014  
Bluff Conference Room, Chaska City Hall, 7:00 p.m.  
Approved November 19, 2014

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

On Tuesday, October 14, 2014, at 7:01 PM in the Bluff Conference Room of the Chaska City Hall, Chaska, Minnesota, President Kremer 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: Len Kremer, and Yvonne Shirk. Also present was Linda Loomis, LMRWD Administrator.

**2. APPROVAL OF THE AGENDA**

- 3.** President Kremer introduced this item. Administrator Loomis handed out a revised agenda with items 5.B. – Economic impacts of 2014 Spring Floods on River Transportation and 6.F. – Trout Stream Monitoring. Manager Shirk asked about the Seminary fen tour. Administrator Loomis said the date is October 22<sup>nd</sup>. She is working with Bill Monk from the city of Chaska on the logistics.

**Manager Shirk made a motion to approve the agenda of October 14, 2014 as amended. The motion was seconded by President Kremer. The motion carried unanimously.**

**4. CITIZEN FORUM**

No Citizen Input

**5. CONSENT AGENDA**

- A. Approval of Minutes September 17, 2014 Regular Meeting**
- B. Approval of Financial Report**
- C. Approval of Payment of Invoices**
- D. Resolution 14-12 Authorizing early season plant sampling and extending term of agreement**
- E. Resolution 14-13 Amending Cost Share Agreement between LMRWD and Continental Machines, Inc. to extend the project completion date**
- F. Adopt 2015 Cost Share Incentive and Water Quality Restoration Program**
- G. Authorize Terms and Conditions for Professional Services between Burns & McDonnell and the LMRWD**

**A motion was made by Manager Shirk and seconded by Manager Kremer to approve the Consent Agenda. VOTE: Ayes 2; Nays 0, Motion carried.**

Manager Shirk asked if there were any added costs to the early season plant sampling for Dean Lake. Administrator Loomis said the costs are within the agreed budget.

**A motion was made by Manager Shirk and seconded by Manager Kremer to approve the Consent Agenda. VOTE: Ayes 2; Nays 0, Motion carried.**

## 5. NEW BUSINESS

### A. Report from BWSR regarding PRAP

BWSR was not present so the Board moved ahead with the next item on the Agenda.

### B. Economic Impacts of 2014 Spring Floods on River Transportation

Manager Kremer said he asked for this to be added. He noted at the last meeting they talked about summarizing the impacts from the flooding in June. Administrator Loomis reported on her understanding of what is happening along the navigation channels in the Mississippi. She stated that the Corps of Engineers should be able to help. Manager Kremer referred to the barge slips and said they should get the story on the website and also out to the Legislature. Manager Kremer said they may have to hire some consultants. He noted Jodi Rooney is a former economist with the Corp and the District could potentially ask her to help. Manager Shirk asked if the LMRWD should have a policy statement. Manager Kremer said this is a great message to get out. He also said this message could be used to get the Legislature to direct money toward the TMDL implementation plan. He said they will need to authorize some expenditure funds to get some help to prepare a report and there are two months before the legislature meets again.

**A motion was made by Manager Kremer and seconded by Manager Shirk to authorize the Administrator up to \$5,000 on consultants to assist in the development and if more is needed that can be considered at the November meeting. VOTE: Ayes 2; Nays 0, Motion carried.**

## 6. OLD BUSINESS

### A. South Metro Mississippi River TSS TMDL Contested Case Hearing.

Administrator Loomis said there is a draft letter with the reasoning why they are not withdrawing the request. Manager Kremer asked if Norman Senjem has been asked to prepare a separate transmittal letter, as well as the report. Administrator Loomis said she would prepare the transmittal letter stating the District will not withdraw its request for a Contested Case Hearing and reference the letter prepared by Mr. Senjem providing the reasons why. Administrator Loomis said she has spoken with the Friends of the Mississippi and the Lake Pepin Legacy Alliance. Both groups are willing to work with the LMRWD. Lake Pepin Legacy Alliance also declined to withdraw its request for a Contested Case HEaring. Administrator Loomis said the Friends of Mississippi is very excited to work with the LMRWD. She mentioned she spoke with Mr. Senjem about requesting the comment period be re-opened because of the change to the implementation strategy in the TMDL. Managers discussed this and said it is something that should be discussed in future conversations with the MPCA. Different options were discussed. Manager Kremer said the letter should be copied to the legislators, cities and counties.

### B. LMRWD Inclinator readings

Administrator Loomis thanked Manager Kremer for making a call to Bill Holman. Based on the readings it appears that the slope is not moving. She said they will get the readings on an annual basis. Manager Kremer requested that Leslie Stovring at Eden Prairie receive a copy of the report. Manager Kremer asked to inquire if additional scouring is occurring at that location.

**C. Seminary Fen/Chaska Ravine**

- i. Adopt Resolution 14-05**
- ii. Authorize Joint Powers Agreement**

Administrator Loomis said BWSR has decided the modifications to the project do not meet the requirements of the grant. Manager Kremer asked about talking to BWSR to see why the modified project did not fit the grant. Administrator Loomis said she doesn't understand BWSR position, because a plan was never submitted to BWSR with the grant request. BWSR has a process to request amendments to grants and that perhaps we should have followed that process. She said she will begin the process to request an extension to the grant which expires December 31, 2015. She said the project can move forward as originally planned because the DNR is willing to contribute \$175,000, so that BWSR decision will not affect the project.

Administrator Loomis reported the DNR has mitigation money it has received from a frack sand mining operation and it is willing to fund the project as it was originally designed. The DNR has told the City of Chaska it is looking to fund additional projects in the Fen and to begin a feasibility to determine the expanse of the sediment plume at the bottom of the ravine and to locate drain tiles within the fen.

Manager Kremer said he will call Brad Wozney and find out why the revised project was not acceptable to BWSR. Administrator Loomis reported on the status of the Cooperative Agreement with the City of Chaska, that she has spoken with Attorney Kolb who advised the Board not take action on this until the LMRWD finds out more from the DNR about the terms of its commitment of funds to the project. Administrator Loomis said everything should be ready by the next meeting so no action needs to be taken.

**D. Dredge Management**

- i. USACE Right of Entry Agreement**

No activities have occurred on this item in the past month.

- a. Environmental Liability**

Administrator Loomis reported an opinion has been received from Attorney Kolb, who recommends that no additional insurance is needed. She noted the Board needs to receive and file the opinion.

- ii. Rachel Contracting**

Manager Kremer asked if Rachel Contracting is moving ahead with removing the stockpiled material. Administrator Loomis said the Rachel's project is on hold but the material is ready to go. Administrator Loomis reported that she plans to discuss the agreement with Rachel Contracting with Attorney Kolb, because the language in the agreement which references the condition of Vernon Avenue is not acceptable to Rachel Contracting and holding up the signing.

- iii. LS Marine Contract**

- a. Operation Manual for Material Management at LMRWD Dredge Disposal Site R.M.P. 14.2**

Administrator Loomis said she has received the agreement with LS Marine's signatures, along with a report on how much material has been placed on RMP 14.2 from the private barge slips.

**b. Port Development Assistance Program**

Administrator Loomis said she has spoken with Patrick Phenow of MNDOT about the Port Development Assistance Program. In this award cycle they are looking for projects that can begin in 2015. For that reason, the Administrator recommends waiting until the LMRWD has a better idea of what it will need.

**iv. Acceptance of Private Dredge Material**

Administrator Loomis said they are close to being done dredging the private slips. The total for all is 24,266 cubic yards. Once placing material on the site is complete they will finish dressing the site. Manager Kremer asked if the main channel dredging would start this year. Administrator Loomis said they will find out next week.

**v. Secondary Dredge Site Update**

Administrator Loomis said nothing has been done with this. She reported the Corps has been busy with dredging on the Mississippi and once the shipping season settles down, she plans to set up a meeting with the Corps to discuss the Right of Entry and the Second Dredge placement site.

**E. Plan Amendment**

Administrator Loomis said the governance study, the Strategic Resource Evaluation would be added along with all the editorial changes. She said there will be resolutions that address each of the items to be added along with a resolution amending the Plan. Manager Shirk asked for a copy. Administrator Loomis said the Plan amendment is supposed to be approved by the end of the year. BWSR knows we are working on it.

**F. Trout Stream Monitoring**

Administrator Loomis said last month the Board talked about trout streams and how the only stream that the District has enough information on to be listed as a category 2 was Eagle Creek. She asked the agencies conducting monitoring on behalf of the LMRWD for estimates of costs to add monitoring of all the streams listed as trout streams to the monitoring that they conduct. She received a memo from the Dakota County SWCD which noted the streams listed in Dakota County as Trout streams are not suitable to support trout and the SWCD does not believe that monitoring the streams would be cost effective. The SWCD noted there may be efforts that can be taken to improve the streams.

Manager Kremer asked about a stream in Bloomington that is a trout stream, near the US Fish and Wildlife Service building. Administrator Loomis said if there is one it is not listed in the SRE. The Managers directed that the Administrator investigate this and if there is a stream at that location it should be added to the SRE.

Administrator Loomis noted Carver WMO is monitoring Assumption Creek, on behalf of the LMRWD. The WMO has been in contact with the DNR about additional monitoring that made be needed to determine if the Creek conditions exist to support trout. Manager Kremer mentioned that Assumption Creek is an intermittent stream. Administrator Loomis reported that the WMO monitors the downstream portion of the creek which does have flows all year long.

**7. COMMUNICATIONS**

**A. Administrator's Report**

LOWER MINNESOTA RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS  
Tuesday, October 14, 2014  
MEETING MINUTES

Tour of Seminary Fen: Administrator Loomis reminded the Board the tour of the seminary fen is next Wednesday, October 22<sup>nd</sup> at 2:00 p.m. Administrator Shirk asked about the length of the tour. Administrator Loomis said she is planning for two hours.

Hydro-acoustic monitoring: Administrator Loomis reported on a meeting she attended with the USGS about the sediment monitoring they are conducting. She provided information about the hydro-acoustic monitoring. Manager Kremer asked how much more sediment the USGS believes is in the river. Administrator Loomis said according to the USGS the levels of sediment being used by the MPCA under represent the sediment by more than 50%. The USGS has received funding from the LCCMR to set up additional monitoring sites.

News Article from West Central Tribune: Administrator Loomis distributed a news article from the West Central Tribune, which reported a County in the Minnesota River Watershed has penalized several farmers who have removed buffers strips from venerable riparian land.

Report on Permit request for CSAH 61/TH 101: Administrator Loomis said the latest on the permit request for CSAH 61/TH101 project is the amount of fill to be placed in the flood plain have been revised. Administrator Loomis questioned whether or not the LMRWD should weigh in on the decision. Manager Kremer said he thinks they should continue to follow.

Manager Kremer requested a discussion of the MAWD Annual meeting be added to the November agenda.

Managers discussed an email they received from manager Francis late this afternoon regarding a communication he received from Attorney Roger Knutson, in reference to former Administrator Schwalbe. Manager Shirk said she would set up a meeting with Attorney Knutson and asked Administrator Loomis to provide her with the necessary documentation.

- B. **President** - No report
- C. **Commissioners** - No report
- D. **Committees** - No report
- E. **Legal Counsel** - No report
- F. **Engineer** – No report

**8. ADJOURN**

**It was moved and seconded to adjourn at 8:06. Motion carried unanimously.**

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Len Kremer, President

Attest:

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Linda Loomis, Administrator