



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, May 19, 2021

Carver County Government Center, 602 East 4th Street, Chaska, MN 7:00 p.m.

Approved \_\_\_\_\_, 2021

#### 1. CALL TO ORDER AND ROLL CALL

On Wednesday, May 19, 2021, at 7:00 PM, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD). The meeting was convened on-line due to the health emergency created by the COVID-19 pandemic.

President Hartmann asked for roll call to be taken. The following Managers were present: President Jesse Hartmann, Manager Patricia Mraz, and Manager Lauren Salvato. Manager David Raby joined the meeting at 7:33pm. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC (YECG), Technical Consultant; John Kolb, Rinke Noonan, Attorneys at Law, Legal Counsel; Lindsey Albright, Dakota County Soil & Water Conservation District; Andrew Edgcumbe, Carver County WMO; Steve Pany, Manager, Prior Lake Spring Lake Watershed District; Michael Faber, Capstone; Earl Gebauer, Shaw Construction, Inc.; and Nick Adam, Rehder & Associates, Inc.

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis said she had no additions or changes to the agenda.

**President Hartmann made a motion to approve the Agenda. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Salvato; the following voted against: None.**

#### 3. CITIZEN FORUM

Administrator Loomis reported that she had not received communication from anyone that wished to address the Board.

#### 4. CONSENT AGENDA

President Hartmann introduced the item.

Administrator Loomis noted that Manager Salvato had asked some questions about Item 4D Authorize 2nd half payment to Coalition for a Clean Minnesota River for Water Storage Initiative. She suggested tabling the item this evening and putting it on the June agenda.

Manager Salvato noted in 2019 it was decided they would give them w installments of \$5,000; she asked why it was put under Education as it is more of an advocacy/lobbying role and asked if the work has been effective. She noted what they were matching was more than other entities.

Administrator Loomis thinks it may be good for Mr. Sparlin to come and talk to the Board again to clarify. The Board discussed the item and decided to table until the following month.

Manager Salvato asked about the Aaron Sullivan payment.

Administrator Loomis did two site visits, one before and one after, she looked at the plants and there were a lot of plants, downspouts are directed from the property, and the plans were followed through.

**A. Approve Minutes April 21, 2021 Regular Meeting and May5, 2021 Meeting**

**B. Receive and file April 2021 Financial reports**

**C. Approval of Invoices for payment**

- i. **DRB Consulting - Payment on data management project**
- ii. **Frenette Legislative Advisors - Feb/Mar 2021 legislative services**
- iii. **Daniel Hron - April 2021 office rent**
- iv. **Rinke Noonan Attorneys at Law - February 2021 legal services**
- v. **US Bank Equipment Finance - April copier lease payment**
- vi. **Riley Purgatory Bluff Creek Watershed District - Payment of LMRWD contribution to Lower Riley Creek stabilization**
- vii. **Aaron Sullivan - Payment for 2021 cost share project**
- viii. **Frenette Legislative Advisors - April legislative services**
- ix. **US Bank Equipment Finance - May copier lease payment**
- x. **Naiad Consulting, LLC - Jan/Feb 2021 administrator services and expenses**
- xi. **TimeSaver Off Site Secretarial, Inc. - preparation of February and March 2021 meeting minutes**
- xii. **Young Environmental Consulting Group - February 2021 technical and Education & Outreach services**

**D. Authorize 2nd half payment to Coalition for a Clean Minnesota River for Water Storage Initiative**

Manager Salvato made a motion to approve the Consent Agenda and to table item 4D until June. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Salvato; the following voted against: None.

**5. NEW BUSINESS**

**A. Report on 2020 monitoring in Dakota County**

Lindsey Albright from the Dakota County Soil and Water Conservation District presented the findings of the 2020 monitoring. She walked the Board through each of the fens and updated them on the wells and water levels. General conclusions are continued monitoring to increase the data record; a number of the wells had significant trends before the re-measurement in 2016 so many of the wells in the Nichols Fen are right on the edge and another year or two of data would get those significant trends. Quarry Island had no clear trends; Fort Snelling showed stable water levels. Management decisions for the Board include a consideration of data sharing and having access to the Met Council's database as that would help with some of the wells. The Board may also look at whether data from all the wells is necessary or if they are getting enough conclusive information from a smaller set, or if more wells are necessary. Ms. Albright noted they may want to look at discrete monitoring (which is what she does) versus continuous monitoring at these wells.

President Hartmann asked how far apart wells 1LN and 1LS are.

Ms. Albright replied they are right next to each other, within 2 feet.

President Hartmann asked why they are seeing significant changes in one and not the other.

Ms. Albright replied that would be depth of the wells. 1LN is very consistently high and 1LS is always a three-foot drop. It is usually a pretty saturated area so it does not surprise her that 1LN is showing high water levels as it is a very shallow well and the other one is deeper.

Manager Salvato asked if the increasing trend in fall and winter is due to increasing precipitation, decreased seasonal water usage, or what the reason is.

Ms. Albright replied the Met Council plant is right there but the Met Council does not monitor these two wells so they would have to tie it back to the water usage data. Nichols Fen has traditionally shown to be influenced by water levels where heavy rain in 2018 would mean high water levels in 2019 and they are just not seeing that over the past couple of years.

President Hartmann asked why data is missing for 2014.

Administrator Loomis said the Board in 2014 decided they did not need to collect water levels every year, so they did not monitor in 2014. The Board then decided they really should be continue monitoring as there was value to have the continuous data. She said the reason the Met Council monitors these wells is because the Seneca Waste Water Treatment Plant is in the area of these wells; they have underground tanks and must do de-watering to keep the hydro static pressure low enough that it does not force their tanks up out of the ground. As part of the permit to do the de-watering they must monitor the ground water in the area. She has been working with the DNR and Met Council to get a better understanding of who is monitoring which wells and when.

Manager Salvato asked how far back Met Council's data set goes back.

Ms. Albright thinks in the 1990's.

Manager Salvato asked if they can aggregate that data and have a more significant trend.

Ms. Albright replied they should be able to, although Met Council does not monitor all of the same wells as the LMRWD. She believes they monitor F1, F2, F3, and F4.

Administrator Loomis said all of the data gets put into the DNR's system; they found out the DNR collects the data but do not analyze the data. The LMRWD noticed that some wells seemed to have declining water levels and after they found the data being collected was not being analyzed, the LMRWD began its work on the Dakota Fen ground water study.

#### **B. Report on 2020 monitoring in Carver County**

Andrew Edgcumbe, Carver County Water Management Organization (WMO) presented findings of the 2019-2020 monitoring. Monitored lakes are Brickyard, Courthouse, and Fireman's and all are man-made with very good water quality. Lake sites showed for total phosphorous Brickyard and Fireman's met the State standard; for Chlorophyll-a and Transparency, all lakes met the State standard. Stream sites showed for total phosphorous, EC 3 met the State standard; for nitrate and nitrite, all streams met the State standard; Total suspended solids, all streams met the State standard; E. coli, EC 1 met the State standard. Mr. Edgcumbe moved on and shared results of macroinvertebrate sampling. Macroinvertebrates are good indicators of water quality, as they are bio-indicators because certain groups of bugs have a lower tolerance to poor water quality. It can also indicate habitat loss that cannot be detected by normal water quality tests.

Aquatic vegetation surveys are done to measure the richness in the floristic quality index (FQI) and monitor for new invasive species. In 2019, Brickyard met the richness and FQI standards; there is interest from the DNR for the lake's *Charo* community as it could be a rare species called

Bearded Stonewort. In 2020 Courthouse and Fireman's met the richness standard but not the FQI. Mr. Edgcumbe said the purpose of fish surveys is to monitor the health of the fish community, determine rough fish presence and dominance (Common carp, Black bullhead, Goldfish), and determine recreational opportunities. Brickyard sampled 8 species, Bluegill sunfish the most abundant, followed by yellow perch and pumpkinseed sunfish. The largest fish was a Walleye at 26 inches and weighed 6 pounds. No invasive/rough fish were sampled which is great. The other two lakes will be scheduled for surveys

Manager Mraz asked when sampling the fish, is it done on one day and how does it work.

Mr. Edgcumbe replied they use set nets and leave them overnight to collect the fish. They then classify all fish, species level, measure, and count them, and release them back into the water. They try to perform the surveys when the water is around 58 degrees Fahrenheit, but they can be done any time of the year. They will try to do these on a 3-5-year rotation.

Manager Salvato saw an article in the *Chaska Herald* about not dumping goldfish into the lakes and asked if they were behind those outreach pieces.

Mr. Edgcumbe noted his coworker Madeline does the outreach. He stated there is not a huge population of goldfish within Fireman's but there were two very large goldfish. He noted they did a removal on Big Woods Lake the previous fall where they disposed of an estimated 100,000 goldfish and they are seeing numbers decline which is encouraging.

## 6. OLD BUSINESS

The Board began with item 6J Capstone 35 so the participants did not have to stay for the entire meeting.

### A. Authorize Cost Share project 11300 Goodrich Road, Bloomington

The applicant has decided she does not have time to pursue the project any further and is looking to possibly do the project the following year.

### B. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail

Administrator Loomis is trying to organize a site visit for their partners to look at this project as possibly a larger demonstration project. As she and Ms. Schall Young have met with cities in the district, they are finding many of them have concerns about buckthorn removal on steep slopes and a demonstration project may be good to gain some experience and knowledge in how to manage these areas.

### C. City of Carver Levee

No new information to report since last update.

### D. Remote meeting participation

Administrator Loomis will work with Carver County as she has heard they opened the Board Room for meetings within the County and anticipate opening it to the public in June. She will consult with legal counsel on how to conduct meetings in the future.

### E. Dredge Management

#### i. Vernon Avenue Dredge Material Management site

No new information to report since last update.

#### ii. Private Dredge Material Placement

Administrator Loomis noted they received the final volumes of material on the dredge site and the private parties have been billed and invoiced; she said they received payment from Savage River Port and she has heard from CHS and Cargill and are working on those

payments. Sediment numbers were up in 2020 because in 2019 they were unable to dredge due to the high water.

**F. Watershed Management Plan**

No new information to report since last update.

**G. 2021 Legislative Action**

Administrator Loomis noted the legislature adjourned without passing anything; the legislation the Board requested is in the bills. If they come back in a special session and are able to get something passed the legislation will go through.

**H. Education and Outreach Plan**

Administrator Loomis noted a question posed by the Citizen Advisory Committee. In the bylaws passed the previous month it says that *non-resident Citizen Advisory Committee members act in an ex-officio capacity*. They asked if that should be the case or not; Administrator Loomis spoke with legal counsel and noted there is not a provision in statute that requires, and also it is just an advisory capacity so it is somewhat non-consequential.

Manager Raby asked about the bylaws as they discussed some changes that needed to be made at the previous meeting. When he used the link to see the bylaws it does not appear that those changes were made.

Administrator Loomis noted the items have been addressed but the updated bylaws have not been posted to the website.

Manager Raby's personal opinion is that non-residents are volunteering their time and should be allowed to vote.

Salvato and Hartmann agreed that they should be able to vote.

Administrator Loomis will make that change to the bylaws and post those to the website.

**I. LMRWD Projects**

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

**i. Eden Prairie Study Area #3**

**ii. East Chaska Creek**

Administrator Loomis was on-site with Katie and Barr Engineering with the City and the contractor a week ago. The contractor has been out, completed the work, repaired some items noted, and she believes the work is now finished.

**J. Project/Plan Reviews**

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

***(This item was moved to the first item under Old Business)***

**i. Capstone 35**

Ms. Schall Young shared a technical memo for the project. It is within an existing industrial area where they are looking to develop a commercial site. The applicant has provided all information requested. It disturbs about 16 acres and only about 1/4 of an acre of existing impervious surface; the net new impervious is about 10 acres, which will trigger an erosion control requirement and storm water management. Storm water requirements

are being addressed through the regional pond. As presented, Ms. Schall Young recommends conditional approval pending receipt of the MPDF's permit and the contact information for the contractor. There will be a maintenance plan recorded through Dakota County which will also be a condition.

Manager Salvato asked about the term "generally complies" rather than just complies.

Ms. Schall Young replied it is because of the conditions.

**Manager Salvato made a motion to approve LMRWD 2021-17 Capstone 35. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby, and Salvato; the following voted against: None.**

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

**7. COMMUNICATIONS**

**A. Administrator Report:** Administrator Loomis updated the Board on the Hennepin County mailing. She received final proofs today so it should go out this week. On the Hennepin County website, their position is not posted as an open seat but if they get applicants they will repost the vacancy.

Manager Salvato asked if Loomis spoke with the Minnesota Association of Watershed Districts (MAWD).

Administrator Loomis spoke with MAWD President Mary Texter who would like to talk to the Board about rejoining.

The Board discussed the issue and they do not see the need for Mary to address them at a meeting; if she is insistent that she would like to, they are open to it.

**B. Managers:** No Report

**C. Committees:** No report

**D. Legal Counsel:** No report

**E. Engineer:** No report

**8. ADJOURN**

**At 8:24 pm, President Hartmann made a motion to adjourn the meeting. Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Hartmann, Raby and Salvato the following voted against: None.**

**The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, June 2, 2021 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.**

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Lauren Salvato, Secretary

Attest:

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Linda Loomis, Administrator