



Minutes of Regular Meeting  
Board of Managers  
Wednesday December 14, 2016, 2016  
Bluff Conference, Chaska City Hall, 7:00 p.m.  
Approved \_\_\_\_\_, 2016

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

On Wednesday, December 14, 2016, at 7:00 PM in the Bluff Conference Room 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 Young, Young Environmental, LLC; and Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator.

**2. APPROVAL OF THE AGENDA**

Manager Raby made a motion to approve the agenda of December 14, 2016. 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 November 16, 2016 Regular Meeting**

**B. Approval of Financial Reports**

**C. Approval of Payment of Invoices**

- i. Scott County SWCD - for 2nd & 3rd quarter monitoring of Scott County resources
- ii. Burns & McDonnell - for September engineering services and Channel probable costs and dredge operations report
- iii. Chimney Pines Homeowners Association - for 2016 cost share project
- iv. Dakota County SWCD - for 4rd quarter monitoring of Dakota County resources
- v. Coalition for a Clean Minnesota River - for sponsorship of MN River Congress
- vi. MN Dept of Health - permits for monitoring wells
- vii. Rinke Noonan - for October Legal Services
- viii. Barr Engineering - two invoices for services related to Riley Creek feasibility study
- ix. Naiad Consulting - for September Administrative services & expenses
- x. Steinkraus Development - for December 2016 office rent
- xi. Time Savers Off Site Secretarial Service - for preparation of October meeting minutes
- xii. US Bank Equipment Finance - December 2016 copier lease payment

**D. Time Savers 2017 service agreement**

President Shirk and Manager Raby noted a number of typos in the minutes. President Shirk had provided them to Administrator Loomis prior to the meeting and they were corrected. Manager Raby asked if the corrections needed to be noted in the motion to approve the consent agenda. Administrator Loomis said they did not, since they were not changes to the record of the meeting and only correction of typographical errors.

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

**5. NEW BUSINESS/Presentations**

**A. Public Hearing - adoption of 2017 Proposed Budget and Final Certification of Levy**

President Shirk opened the public hearing. Seeing and hearing no one wishing to testify, President Shirk closed the public hearing.

**President Shirk made a motion to approve Resolution 16-10 adopting the 2017 LMRWD budget and certifying property tax levies for Carver County for property taxes payable in 2017 in the amount of \$43,158.53. The motion was seconded by Manager Raby. The motion carried unanimously.**

**President Shirk made a motion to approve Resolution 16-11 adopting the 2017 LMRWD budget and certifying property tax levies for Dakota County for property taxes payable in 2017 in the amount of \$79,570.93. The motion was seconded by Manager Hartmann. The motion carried unanimously.**

**Manager Raby made a motion to approve Resolution 16-12 adopting the 2017 LMRWD budget and certifying property tax levies for Hennepin County for property taxes payable in 2017 in the amount of \$325,266.18. The motion was seconded by President Shirk. The motion carried unanimously.**

**Manager Hartmann made a motion to approve Resolution 16-13 adopting the 2017 LMRWD budget and certifying property tax levies for Scott County for property taxes payable in 2017 in the amount of \$277,004.38. The motion was seconded by Manager Raby. The motion carried unanimously.**

**B. Request from city of Shakopee for participation in tree program**

Administrator Loomis explained Shakopee is doing a tree sale program and asked if the LMRWD would be interested in participating. She said she requested the city provide education to residents purchasing trees regarding the benefit of trees to water quality. The Shakopee utility company is contributing \$5,000 to the program and Administrator Loomis suggested contributing \$1,000 and to do it as a pilot program. Manager Raby suggested tracking how many trees are sold to residents within the boundaries of the LMRWD. President Shirk agreed with limiting the amount to \$1,000 to see how it goes. Manager Hartmann also indicated he was comfortable with the LMRWD contributing \$1,000.

Manager Raby asked where the money would come out of from the budget. Administrator Loomis said from education and public outreach or from the cost share program. Manager Raby said he thinks the money should come from the cost share. Administrator Loomis said she will work with the city of Shakopee on the education.

**Manager Raby made a motion to contribute \$1,000 to the city of Shakopee tree program. The motion was seconded by Manager Hartmann. The motion carried unanimously.**

## 6. OLD BUSINESS

### A. Chippewa River WRAPS and TMDL contested case hearing request

Administrator Loomis said the LMRWD received a response from the MPCA to the District's comments on the Chippewa River WRAPS. She reported that she spoke with Norman Senjem and had him prepare a letter on behalf of the District.

She distributed Mr. Senjem's most recent letter to the Managers prior to the meeting. Managers suggested having Carrie Jennings review the letter before sending to the MPCA. Manager Raby further suggested taking the focus off the request for a contested case hearing and say we would like to meet to discuss concerns. Other Managers agreed that the LMRWD is more interested in reaching a solution than pursuing a contested case hearing.

President Shirk had a concern with a statement in the MPCA response that streambank erosion may contribute to sediment. President Shirk asked if a motion was needed and directed staff to work on the letter with the recommended approach.

### B. Dredge Management

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

Administrator Loomis said she spoke with Clay Dodd and he had been waiting for the District to provide him the okay to go ahead. She and Attorney Kolb will work with Mr. Dodd to begin the project.

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

Administrator Loomis said she has received feedback to the report presented by Mr. Eric Watruba at the November meeting, from the Managers and that she did forward the report to Ron Harnack. Staff has scheduled a conference call with Mr. Harnack. Staff will work to finalize the report after the conference call.

#### iii. Private Dredge Material Placement

Administrator Loomis said the businesses placing private dredge material on the Vernon Avenue site, have all been billed for the materials placed in June.

#### iv. Estimated Cost of Dredge Management Operations

This item is covered under 6.B.ii. above.

### C. Watershed Management Plan

#### i. Plan clarification/review

Administrator Loomis had nothing new to report.

#### ii. Plan update/ Major Amendment

Administrator Loomis said staff does not have much to report on the plan amendment. President Shirk clarified the meeting on January 18<sup>th</sup> is a workshop to discuss the plan. The board talked about doing a lunch. The meeting was set for January 18<sup>th</sup> from 12:00 p.m. to 1:30 p.m.

Staff updated the Managers with progress so far.

#### iii. South Metro Mississippi River Total Suspended Solids TMDL

No change since last update.

#### iv. Meetings with cities

There have been no additional meetings with cities.

**D. Legislative Action**

**i. 2017 Legislative Session**

Administrator Loomis said she sent the draft legislation to the Managers. She said after the discussion scheduled with Mr. Harnack on Monday, staff will have a better handle as far as what they intend to do at the legislature with regard to the dredge operations.

**ii. Freshwater Society**

Administrator Loomis commented on the presentation at the MAWD Annual Meeting. She said they had a full room and they received feedback from many in attendance. She will be meeting with Freshwater to discuss next steps in the project.

**E. Website Redesign**

Administrator Loomis said the wireframe will be filled out so that links work and once that is done it will be sent to the Managers for feedback, most likely sometime in January.

**F. Education and Outreach Plan**

**i. Citizen Advisory Committee**

Administrator Loomis said she sent Managers a brochure which details a project the Friends of the MN River Valley is planning, River Watch. She noted the LMRWD has \$10,000 in the 2017 budget for the program.

Ms. Young talked about the mission of the district and how the LMRWD is really doing a good amount of education - it just needs to be documented. Administrator Loomis and Ms. Young will work on preparing a document of how all the activities of the LMRWD fulfill its education mission.

Administrator Loomis said she had been thinking about what the LMRWD can do to find a Manager from Carver County. Manager Raby remembered that last year the LMRWD discussed sending a letter to all residents in Carver County that explains what the LMRWD does. This could be used to invite participation as a Manager. President Shirk asked if Carver County is taking any actions to fill its seat on the Board.

Ms. Young clarified if the Managers were speaking about the CAC or the Carver County Manager vacancy. Managers responded the discussion was focused on both, but the Carver County Vacancy was the focus of the discussion of sending a letter to residents. Ms. Young noted for the CAC the individuals do not need to live in the district.

Administrator Loomis said they will need to find additional help to manage the District if a CAC is formed.

**G. LMRWD Projects**

**i. Riley Creek Cooperative Project**

Administrator Loomis reported that since the November LMRWD Manager meeting, the Riley/Purgatory/Bluff Creek Watershed District (RPBCWD) Board held a public hearing and the RPBCWD portion of project was ordered. The RPBCWD will spread the cost of the project out over three years. The total project cost was \$1.5 million. She reported that she and Manager Raby attended the hearing and that she testified that the LMRWD is interested in completion of the project and would be willing to participate in the reach of the project outside the LMRWD.

Administrator Loomis informed the Managers that she had been told by Claire Bleser, RPBCWD Administrator, that the Bluff Creek project is no longer viable. RPBCWD was not able to secure the easements necessary for the construction of the project. This frees up \$50,000 the LMRWD had set aside for that project.

Administrator Loomis asked the board if they are interested in participation and if the project should be split into two separate projects or completed as one. Manager Raby asked if they do one project if Riley Creek would need to get approval again. Administrator Loomis said no.

Administrator Loomis said staff is not clear what the LMRWD reach of the project will look like after Hennepin County is finished with its reconstruction of Flying Cloud Drive. The County is planning to eliminate the Riley Creek box culvert and replace it with a bridge; which will be good for Riley Creek as it will broaden the floodplain and may reduce the velocity of the flow. Staff will schedule a meeting with Hennepin County and Jeff Weiss from Barr to get a better understanding of the impact of the Flying Cloud Drive project on what the LMRWD is planning.

Manager Raby said he believes the projects should be combined because our portion is so small. He also feels it is appropriate for the LMRWD to participate in the RPBCWD reach; however he is not sure what the appropriate amount would be. He believes the upstream portion of the project may actually reduce the cost of the LMRWD portion of the project and we should be able to determine the extent.

Ms. Young felt that Mr. Weiss might have some idea how to qualify and justify benefits to the LMRWD in order to determine a fair amount. Staff should be able to provide more information to the Managers after meeting with the County.

**ii. Seminary Fen ravine stabilization project**

Administrator Loomis said she would like to close out the grant by the end of the year. She noted \$100,000 was paid to the city of Chaska for the district's contribution to the project. She explained that a \$220,800 grant was received by the LMRWD from BWSR, half of which was received by the District at the time the grant was awarded. This amount was to be paid to the city when the contract was let. She is planning to release that to the city.

**iii. Analysis of Dakota County Project**

Administrator Loomis said she and Della Young met with the DNR this morning to discuss the fens within the LMRWD. The next scope of work for ground water modeling prepared by Burns & McDonnell was given to the DNR prior to the meeting. The DNR agreed to review the proposal and provide comments to the LMRWD. The work order will be revised based on the comments.

Administrator Loomis said the DNR indicated there may be funds available to help fund the groundwater modeling. She and Ms. Young will put together a request for funding from the DNR for the project.

The DNR will provide a list of the fen names, since it was agreed that we are not calling the fens by the same names and confusion has resulted when communicating with one another.

Administrator Loomis explained that the DNR is planning to assess the Black Dog fens in 2017. Keylor Andrews is planning to perform chemistry and soil sample analysis. He also agreed to look for the wells that appear on maps to see if they are still capable of being used for monitoring. The DNR also said they would send botanists out in June and August to assess the flora in the Black Dog fens.

Lanya Ross, from the Met Council, attended the meeting and said the Met Council would be interested in funding the work being done with the modeling.

The DNR also agreed to help develop a holistic plan for managing fens, what it is the LMRWD should be doing to preserve and protect the fens. Ms. Young said this information will be used to help inform the development of the LMRWD Watershed Management Plan. This will also help to develop a plan to help determine impacts to ground water from water appropriations permits.

Property acquisition was also discussed, as the LMRWD had been interested in securing buffers to Seminary Fen and others.

**iv. Bluff Creek Cooperative Project**

Administrator Loomis said she talked about this above during the discussion of the Riley Creek project. She noted money restricted for this project can be released and used for another project.

**v. East Chaska Creek**

Administrator Loomis said she just received notice that this project was not funded. Manager Raby asked if there is a ranking for projects. Administrator Loomis said yes.

Administrator Loomis said staff will revisit this project to try to incorporate additional treatment that may be possible with CSAH 61/TH 41 Transportation Improvement project. Ms. Young asked for clarification what Administrator Loomis had in mind. Administrator Loomis said staff needs to talk about what they can do.

**vi. Savage Fen Ravine Project - No change since last update.**

**H. Project Reviews**

**i. MPPA (Minnesota Municipal Power Agency) Electric Generation Plant**

Discussed in Executive Summary provide to Managers in meeting packet.

**ii. Fort Snelling Upper Post/Hennepin County Road Project**

Discussed in Executive Summary provide to Managers in meeting packet.

**iii. Hennepin County Flying Cloud Drive/CSAH 61 reconstruction project**

Discussed in Executive Summary provide to Managers in meeting packet.

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

Administrator Loomis said Managers had requested information about this property at the November meeting and that she will assemble that information for the board.

**v. CSAH 61 & TH 41 Transportation Improvement Project**

Discussed in Executive Summary provide to Managers in meeting packet.

**vi. Xcel Energy Black Dog Plant**

Discussed in Executive Summary provide to Managers in meeting packet.

**vii. Eagle Creek Ridge - Shakopee**

Discussed in Executive Summary provide to Managers in meeting packet.

**viii. 12300 Riverview Road - Eden Prairie**

Discussed in Executive Summary provide to Managers in meeting packet.

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

No change since last update.

**J. MPCA Soil Reference Values**

No change since last update.

**7. COMMUNICATIONS**

**A. Administrator Report**

Administrator Loomis reminded Managers that they will soon receive a request from the *Campaign Finance and Disclosure Board* to update the Manager's statement of economic interest.

**B. President** - No report

**C. Managers** - Manager Raby reported that MAWD intends to support legislation to allow Managers to attend meetings electronically.

**D. Committees** - No report

**E. Legal Counsel** - No report

**F. Engineer** – No report

**8. ADJOURN**

**Manager Raby made a motion to adjourn. Manager Hartmann seconded the motion. Hearing no objections President Shirk adjourned the meeting at 9:08pm.**

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Jesse Hartmann, Vice President

Attest:

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Linda Loomis, Administrator