



Minutes of Regular Meeting
Board of Managers
Wednesday July 20, 2016
City Council Chambers, Chaska City Hall, 7:00 p.m.
Approved _____, 2016

1. CALL TO ORDER AND ROLL CALL

On Wednesday, July 20, 2016, at 7:00 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: Len Kremer, Jesse Hartmann, David Raby and Yvonne Shirk. In addition, the following were also present: Andrew Edgcumbe and Charlie Sawdey, Carver County Water Management Organization, Della Schall Young, Burns & McDonnell, consulting Engineers and Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator.

2. APPROVAL OF THE AGENDA

Manager Kremer made a motion to approve the agenda of July 20, 2016. The motion was seconded by Manager Raby. The motion carried unanimously.

3. CITIZEN FORUM

There were no citizens who wished to address the board.

4. CONSENT AGENDA

Manager Raby wished to discuss Item 4. E. and asked that it be removed from the Consent Agenda.

Administrator Loomis asked to remove and table Approval of Minutes for May work session.

A. Approval of Minutes for ~~May work session~~, May 18, 2016 Regular Meeting and June 15, 2016 Regular Meeting

B. Approval of Financial Reports

C. Approval of Payment of Invoices

- i. Naiad Consulting - for April Administrative services & expenses
- ii. Rinke Noonan - for April & May legal services
- iii. Scott County SWCD - for 1st quarter 2016 monitoring services
- iv. Ron Harnack - for April & May lobbying services
- v. Redpath and Company - for 2015 audit services
- vi. Steinkraus Development - for May & June office rent
- vii. Greg Zeck - for April & May webmaster services
- viii. US Bank Equipment Finance - July 2016 copier lease payment

D. Executive Protection and Employment Practices

~~E. Authorize Agreement with HDR for web design services~~

Manager Kremer made a motion to approve the consent agenda with removal of the minutes from the May 2016 work session and Item 4.E.-Authorize Agreement with HDR for web design services. The motion was seconded by Manager Raby. The motion carried unanimously.

4. E. Authorize Agreement with HDR for web redesign services

Manager Raby asked about the time of completion shown in the agreement with HDR for web design services. Manager Raby suggested getting an estimated time of completion. He noted the next paragraph says if the project is delayed there could be higher rates so he said something should be in the contract.

Manager Ray made a motion to approve the approve HDR contract subject to including a date of completion that is consistent with what was originally proposed. Manager Kremer seconded the motion. The motion carried unanimously.

5. NEW BUSINESS

A. Presentation of 2015 Carver County monitoring data, discussion of maintenance of LMRWD wells and permanent easement to access well nest.

Charlie Sawdey, Water Resource Program Specialist with Carver County Water Management Organization (CCWMO), introduced himself and introduced Andrew Edgcumbe, who will present the 2015 collected water quality monitoring data. Mr. Sawdey noted the information presented this evening is in a format that has changed since the last time monitoring information was presented to the Managers. It is more of a mapping format. He requested feedback from the Managers on the new format.

Mr. Edgcumbe stated that CCWMO collected data for East & West Chaska Creek and Fireman's, Brickyard and Courthouse Lakes in 2015 for the LMRWD. In total, CCWMO monitored 16 lakes throughout Carver County, three located in the LMRWD. CCWMO monitors 18 stream sites, four within the LMRWD; one on West Chaska Creek and three on East Creek. He said the county samples April through October alternating streams and lakes every other week. He then reviewed the data obtained.

He noted only two of the three lakes in the LMRWD were sampled in 2015 because of the construction project at Fireman's Lake. Data provided for Fireman's Lake in this presentation is from 2014. He provided Secchi disk data. Courthouse and Brickyard had large average depths, which mean the transparency of the lakes is very good. He noted, based on 2014 data, Fireman's was not as good. Brickyard & Courthouse have the best transparency values in the County. Brickyard and Courthouse transparency falls within the acceptable range for the north central hardwood forest eco-region and Fireman's falls outside the acceptable range.

He then presented chlorophyll-a concentrations. Chlorophyll-a is sampled to determine algae concentrations within a lake. All lakes sampled had low levels of chlorophyll-a concentrations. Brickyard and Courthouse fall within the acceptable eco-region range and Fireman's was slightly outside.

Mr. Edgcumbe reviewed the Total Phosphorus (TP) concentrations. He mentioned that TP is a primary driver of algal growth and correlates with the Chlorophyll-a concentrations. All lakes within the LMRWD have low TP levels, with all lakes falling within the acceptable range for the north central hardwood forest eco-region.

He compared the size of the drainage areas to TP concentrations. Low TP concentrations can be attributed to the relatively small drainage areas of each of the clayhole lakes. He explained how using the three parameters above, a trophic state index can be calculated, by which the lakes can be graded. Courthouse gets a good grade of A, Brickyard is an A- and Fireman's was a B+.

He showed a five year trend for total phosphorus for each lake. The trend for both Brickyard and Courthouse lakes show water quality is improving. The trend for Fireman's Lake is steady.

Mr. Edgcumbe located the four monitoring sites on East and West Chaska Creek. He noted the average TP concentrations at each stream monitoring site. All concentrations fall within or only slightly outside the acceptable range for the eco-region. There is no clear trend for TP concentrations in the creeks.

He presented the data for nitrate and nitrite concentrations (NOx). Heavy downward trends were seen over the last five years at three of the sites, indicating improvement in the NOx concentrations. Manager Kremer asked if the streams to the west that are in agricultural watersheds are being monitored. Mr. Edgcumbe said yes. Manager Kremer asked how they compare. Mr. Sawdey said they are significantly worse for the majority of the parameters that are monitored. The County monitors three parameters on West and East Creeks and on Carver and Bevens they monitor roughly ten parameters and the water quality is typically worse.

Manager Kremer asked if the County is doing anything to improve those streams. Mr. Sawdey noted the WMO annually allocates dollars through its Capital Improvement Program (CIP) to projects within those watershed areas. They received a BWSR grant and have been able to include projects within the West Chaska Creek Watershed, which still has quite a bit of agricultural activity. Improvements in water quality seen in West Chaska Creek has been because land has come out of agriculture and been redeveloped. The new development has had to follow stormwater rules of the WMO, so storm water that was not receiving any treatment before, is now being treated. He noted that agricultural areas are challenging.

Manager Kremer asked if improvements have been noted as a result of projects by the WMO. Mr. Sawdey reported that he does not have any examples of improvements in creek water quality, but Lake Waconia is showing improvements in the concentrations of TP and transparency as a result presumable of the projects completed there.

Mr. Edgcumbe demonstrated the operation of the CCWMO website and the information that can be found there. He showed a map of all the lakes monitored in Carver County. One feature of the new system is that data is uploaded to the website in real time as it is collected in the field. Manager Kremer asked if information could be loaded to the LMRWD website. Mr. Sawdey said they will send Administrator Loomis the link.

Mr. Sawdey provided an update on Seminary Fen. He said there is a work group and managers are encouraged to attend meetings of the group. The work group was organized by the Metropolitan Council and recently held a meeting, though it had not met for several years. The purpose of the work group was to develop an implementation plan to allocate responsibility to various agencies that work in the Fen. He commented on the restoration project recently completed by the LMRWD and the City of Chaska of a ravine north of the fen complex. He noted the DNR has done a lot of restoration work in the fen.

Mr. Sawdey talked about the enhanced monitoring efforts of groundwater levels in the fen with the installation of additional well nests funded by the LMRWD. He showed a map of the well locations and noted continuous logging equipment will be installed. He noted that one well nest can only be accessed from private property and suggested that the LMRWD acquire an easement to access that particular well nest. He noted CCWMO just collects the data and submits it to the State. The State then analyses the data and looks for trends.

He said in addition to the ground water monitoring they will begin monitoring stream flow and temperature on Assumption Creek, which is classified as a trout stream.

Manager Kremer asked how they will get the easement from the private property owner. Mr. Sawdey said he has spoken to the current owner and they are willing.

Manager Kremer asked if the work group spoke about acquiring a buffer area around the fen. Mr. Sawdey said the DNR has some funding and has looked at acquiring parcels around Seminary Fen. Mr. Sawdey identified some parcels that DNR is interested in acquiring.

Manager Kremer asked if DNR staff that work with the Fen attend the meetings of the work group. Mr. Sawdey stated DNR staff does attend the meetings. Manager Kremer and Mr. Sawdey discussed the process the State is required to use to acquire buffers, which is cumbersome and Manager Kremer suggested that perhaps the LMRWD work with the DNR to acquire buffers.

Administrator Loomis said she has spoken with DNR staff and suggested they put together a request of what information needs to be collected in order to put together a plan for the fen.

Manager Raby questioned whether an easement already exists to access the well. Mr. Sawdey said so far they have not found a recorded agreement, but they will look into it some more before taking action.

B. Freshwater Society model snow and ice policy for road authorities and private commercial snow removal contractors

Administrator Loomis said she had an email from Mr. Woods from the Freshwater Society. He said they would like to put together a model snow and ice policy that municipalities could use to address city's liability with respect to snow and ice removal. She noted Freshwater is looking for help from watersheds to cover the cost of developing a policy. The amount requested is \$3,000 per watershed. The total cost to develop the policy is estimated to be \$20,000.

President Shirk asked how many others have committed to participate. Administrator Loomis named some of the other watersheds districts she knows that are participating. Administrator Loomis said there is money in the 2016 LMRWD education and outreach budget to pay for the LMRWD's contribution. President Shirk asked what the deliverable would be. Administrator Loomis said that it would be a model policy that cities could adopt.

President Shirk made a motion to participate in the Freshwater Society model snow and ice policy at a cost not to exceed \$3,000. The motion was seconded by Manager Raby. The motion carried unanimously.

C. Abstract for MAWD Conference

Administrator Loomis mentioned that she had suggested to the Managers that the LMRWD submit an abstract for the MAWD Annual Conference. The suggestion was to ask Carrie Jennings to make a presentation similar to what she presented to the Manager in February regarding the vulnerability of Bluffs along the rivers.

Manager Kremer spoke about this with Steve Woods, who then contacted Administrator Loomis to suggest that the scope of the abstract be modified to discuss altered hydrology and issues that can arise from hydrological alterations, such as slope failures and increased erosion. Manager Hartman asked if there is a cost associated with the scope. Administrator Loomis said the cost would not be significant and this would be viewed as education. Staff was directed to move forward.

D. Redpath & Company proposal for 2016 & 2017 audit services

Administrator Loomis said Managers were provided with a contract for 2016 and 2017 audit services and the cost was reduced if the board signed up for two years.

Manager Kremer made a motion to approve the proposal from Redpath & Company for 2016 & 2017 audit services. The motion was seconded by Manager Raby. The motion carried unanimously.

E. Set date for September Board of Managers meeting

Administrator Loomis said there was a request by one of the Managers to move the September meeting date. Manager Raby said they can look at the date at the August meeting and decide if it should be moved.

6. OLD BUSINESS

A. 2017 Budget

Administrator Loomis asked Managers would like to meet again to discuss the 2017 proposed budget. Managers set a meeting for August 17, if needed, at 5:00 pm at the Shakopee Perkins.

B. Eden Prairie Request for financial participation in river bank monitoring

Leslie Stovring from the City of Eden Prairie was before the Board at the budget workshop prior to the Board meeting. She explained the rationale of the City for wanting to install bank pins. President Shirk said the \$3,000 can come out of the 2016 budget.

Manager Raby made a motion to approve the request from Eden Prairie for financial participation with installation of monitoring pins. The motion was seconded by Manager Kremer. The motion carried unanimously.

C. Watershed Management Plan

i. Plan Clarification/TAC meeting

Administrator Loomis said a Technical Advisory Committee (TAC) meeting is scheduled for next Tuesday, June 26th, at 1:00 pm and the Managers are welcome to attend. She said they will present the plan clarification to the TAC and ask for feedback. They will also discuss review of projects by the LMRWD and plans of the LMRWD to ensure compliance of LMRWD standards.

President Shirk asked about the Xcel Energy Black Dog Plant project. Della Young responded that the LMRWD commented on the plans for the Black Dog Energy Plant. In response to LMRWD comments, a request for clarification was received from the Environmental Quality Board (EQB).

The EQB wanted to know if the LMRWD had previously requested an assessment of the direct and indirect impacts of this proposal on the fens. LMRWD staff responded that this was the first time the LMRWD received notice of this proposal and had not offered any comments previously. Ms. Young detailed discussions she had with Doug Norris of the DNR regarding the fens in the area of the Black Dog project. Administrator Loomis said the second clarification asked for was what was the LMRWD meant by de-watering.

President Shirk provided the other Managers with background to this discussion. She had received a neighborhood flyer about a public hearing, which she attended and requested staff to review the proposal and comment if appropriate. Xcel Energy is planning to decommission the coal generation at the Black Dog plant and plans to use natural gas to generate electricity. She said a natural gas pipeline to the plant is also being planned. President Shirk stated there are going to be construction issues.

Manager Kremer asked if staff has had conversations with the City of Burnsville on the review of these kinds of projects. Administrator Loomis said the city just assumed the MPCA was notifying the watershed.

Ms. Young explained that the LMRWD comment to the Xcel proposal regarding water appropriation is because Excel Energy has an appropriation that was issued in 1961 and many other appropriation permits have been issued since the issuance of the original permit and the LMRWD is concerned with the cumulative impacts of all the permitted uses.

- ii. **South Metro Mississippi River Total Suspended Solids Total Maximum Daily Load Study**
Administrator Loomis said she has spoken with Norman Senjem, who asked if the watershed district would be interested in looking at the implementation plan in the South Metro Mississippi River TSS TMDL and make suggestions as how the MPCA could move forward with implementation. He said he would like to know how the TMDL implementation plan will affect the One Watershed One Plan efforts taking place in the MN River watershed. Administrator Loomis said she believes that was addressed in the Yellow Medicine One Watershed One Plan document. Manager Kremer asked if there are actual plans in the 1W1P document.

Manager Kremer said there is an effort underway to redirect some of the Clean Water Funds to implement more of the 1W1P efforts. He noted MAWD has prepared a white paper on this effort and suggested Administrator Loomis get a copy of the white paper so the LMRWD can react to it and support directing funds to implementation of 1W1P efforts.

Manager Kremer asked for a cost estimate and scope of what Mr. Senjem has in mind.

- iii. **Carver County Groundwater Plan**
Administrator Loomis reported she spoke with Paul Moline of the Carver County Water Management Organization. She mentioned to him that the LMRWD and CCWMO share many impaired water bodies and should work cooperatively to address issues. She is working to set up a meeting with Mr. Moline.

- iv. **Meetings with cities**
Administrator Loomis reported that she has been trying to set up a meeting with the City of Carver with no luck. She outlined efforts taken to date to set up a meeting and has not received any response. She will continue to try to set up a meeting and keep Managers updated.

D. Dredge Management

- i. **Review process for funding of maintenance of Navigation Channel**
Legal Counsel is following the direction of the Managers and there is nothing to report yet. Administrator Loomis said there will be a report at the next meeting.
- ii. **Vernon Avenue Dredge Material Management site**
Administrator Loomis reported that Managers have a report that was distributed this evening regarding possible improvements for the dredge management site. Della Young explained the contents of the report. She reported that Burns & McDonnell has not received any estimates from LS Marine as to what the improvements proposed by Burns & McDonnell would cost to implement.

Manager Kremer commented on the proposed height of the dredge material stockpile recommended in the report and asked if the dredge site is in the flood fringe or the floodplain. Ms. Young said she believes the site is in the flood fringe area, but will follow up with her staff. She noted there is a power line across the site that limits the height of the stockpile.

iii. Second Dredge Site below I 35W

No change since last update

iv. Private Dredge Material Placement

Legal Counsel is reviewing the license agreements.

E. Riley Creek Cooperative Project

Administrator Loomis said she attended a site visit of both the RPBCWD portion of this project and the LMRWD segment with other interested parties. There are significant bluff issues in the RPBCWD portion of the project. She said both segments will be done as one report and one project.

F. Bluff Creek Cooperative Project - update

Administrator Loomis said there was nothing to report

G. Legislative Action

i. 2016 Legislative Session

Administrator Loomis said there was nothing to report other than what was provided to the Managers in the meeting packet.

ii. Freshwater Society

Administrator Loomis said she met with Freshwater Society. Steve Woods and Carrie Jennings have met with Representative Paul Torkelson to discuss how to move forward. She reported they have agreed to limit the number of guests invited to a discussion to a smaller group of 10-15 people with influence within the river basin. She said a list was put together and they will be invited to come to a discussion most likely in August.

H. Requests for Proposals

i. Website Redesign

This was addressed earlier.

I. Eden Prairie Local Water Management Plan

Administrator Loomis said there was nothing new to report.

J. Seminary Fen

Seminary Fen/Chaska Ravine stabilization project

Administrator Loomis said she handed out a rough draft of the report due to BWSR by July 31st. She said she intends to have Stantec review the report, since they designed the project and provided construction oversight. Manager Raby said at the end of the report there looked like something was missing.

Manager Kremer asked about a subsequent project at the end of the ravine. Administrator Loomis said a report was prepared and that she would forward it to the Managers.

K. Analysis of Dakota County Monitoring Data

Administrator Loomis reported she invited Steve Christopher, the LMRWD Board Conservationist with BWSR to visit Nichols Fen with Lindsey Albright from Dakota SWCD and Eric Brenegan from Burns & McDonnell. She discussed the next phase of the Dakota Fens project with Mr. Christopher and whether or not funding would be available for further study.

Della Young explained that Burns & McDonnell is working to detail the scope of the next phase of the Dakota Fen Project and how the information gained from phase one can be used to inform permitting and areas of impact for others.

L. Education and Outreach Plan

i. NEMO Workshop on the Water

Administrator Loomis said there are 11 people signed up for the tour so far. Manager Kremer asked Administrator Loomis to sign the board up.

ii. Citizen Advisory Committee

No change since last update

M. LMRWD CIP Action Items

East Chaska Creek

Staff is working on a grant request for East Chaska Creek

N. Cavallo Ridge, Eden Prairie - no change since last update

O. MAC Hotel Development - no change since last update

P. Fort Snelling Upper Post Development - no change since last update

Q. CSAH 61 & TH 41 Transportation improvements - no change since last update

R. Savage Fen Ravine Project - no change since last update

S. Dean Lake - no change since last update

T. MPCA Soil Reference Values - no change since last meeting

8. COMMUNICATIONS

A. Administrator Report

Manager Kremer asked if Administrator Loomis has seen the proposals released by BWSR regarding implementation of the buffer rules. She explained that she has been in touch with Scott County and Carver County about how they will implement the buffer laws.

B. President - No report

C. Commissioners - No report

D. Committees - No report

E. Legal Counsel - No report

F. Engineer – No report

9. ADJOURN

Manager Raby made a motion to adjourn. Manager Kremer seconded the motion. Hearing no objections President Shirk adjourned the meeting at 8:40 pm.

Len Kremer, Secretary

Attest:

Linda Loomis, Administrator