



Item 4A  
LMRWD 5-18-16

Minutes of Regular Meeting  
Board of Managers  
Wednesday April 13, 2016  
Valley Conference Room, Chaska City Hall, 7:00 p.m.  
Approved \_\_\_\_\_, 2016

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

On Wednesday, April 13, 2016, at 7:00 PM in the Valley 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: Len Kremer, Michael Murphy, David Raby and Yvonne Shirk. In addition, the following were also present: Lindsey Albright, Dakota SWCD; Jonathan Hess, Scott SWCD; Marianne Breitbach, PLSLWD; and Loomis, LMRWD Administrator.

**2. APPROVAL OF THE AGENDA**

**Manager Murphy made a motion to approve the agenda of April 13, 2016. The motion was seconded by Manager Kremer. The motion carried unanimously.**

**3. CITIZEN FORUM**

Marianne Breitbach, Manager with the Prior Lake/Spring Lake Watershed District thanked the Managers for the invitation to the Freshwater Society Ice Out/Loon In event.

**4. CONSENT AGENDA**

Manager Kremer asked about the sponsorship for the 6<sup>th</sup> MN River. Administrator Loomis said it was \$100. Manager Kremer asked about the Board's offer to host a web page for the Congress. Administrator Loomis reported the offer had been made, however, the Congress has yet to take advantage of the offer.

**A. Approval of Minutes Approval February 24, 2016 Regular Meeting**

**B. Approval of Financial Reports**

**C. Approval of Payment of Invoices**

- i. Rinke Noonan, Attorneys at Law - December 2015 & January 2016 Legal Services
- ii. Metro Sales - payment on copier maintenance agreement
- iii. USGS - payment for 2016 sediment load monitoring
- iv. Steinkraus Development - February & March 2016 office rent
- v. MN Department of Health - monitoring well permits
- vi. Culligan Bottled Water - bottled water for Chaska office
- vii. Dakota County SWCD-4th Quarter 2015 monitoring expenses
- viii. MAWD-2016 Annual Dues

- ix. **Scott County-adjustment to 2015 tax settlement**
  - x. **Scott County SWCD-4th Quarter 2015 monitoring expenses**
  - xi. **Time Saver Off Site Secretarial-preparation of January meeting minutes**
  - xii. **US Bank Equipment Leasing-March & April 2016 payment on copier lease**
  - xiii. **Greg Zeck - December & January webmaster services & writing services**
  - xiv. **Coalition for a Clean Minnesota River - sponsorship for 6th MN River Congress**
  - xv. **Freshwater Society - Ice Out/Loon In & 2016 Master Water Steward**
  - xvi. **Naiad Consulting - February District Administration Services**
  - xvii. **Norman Senjem - preparation of comments on One Watershed, One Plan**
- D. Authorize execution of 2016 Metro Children's Water Festival Grant Agreement**

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

## **5. NEW BUSINESS**

### **A. Presentation by Lindsey Albright of Dakota County SWCD - 2014/2015 monitoring data**

Ms. Albright said she is a water resource specialist with Dakota SWCD. She noted she started in October and she did not collect many of the samples in 2015. Ms. Albright said three different fens were monitored and the monitoring begins in March. She said nothing was in the DNR database for 2014. Manager Kremer said the District did not collect data in 2014. Ms. Albright showed the location of the fens. The 2013-2015 annual precipitation has been consistently higher than the 30 year average. She noted that wells respond quickly to precipitation events.

She noted that Nicols fen showed impacts once dewatering began in the area. Manager Kremer asked if the LMRWD was aware of the dewatering. Ms. Albright noted she was not notified of dewatering; however Administrator Loomis said the LMRWD was notified and commented when the dewatering was permitted. Manager Kremer said it is important for the District to be notified when the wells will be impacted by dewatering, so they can watch the wells closer. Administrator Loomis said the Met Council was the applicant and concerns were discussed when the dewatering permit was granted.

Ms. Albright said there wasn't much change in 2015 except two wells had a similar spike in water level at the exact time, which has not happened before.

Ms. Albright reported on the Quarry Island fen which had shown a downward trend in previous years. In 2015, data does not provide any conclusive trend.

Fort Snelling Fen is the last fen that is monitored. From 2007 to 2013 levels have been consistent.

Ms. Albright recommended continuing the monitoring this year.

Manager Kremer asked if the dewatering has stopped. Administrator Loomis said she doesn't think so, however she has noted the DNR keeps renewing other permits. Managers discussed the need for continued dewatering in the area. Managers directed staff to speak with MCES and report back to the Board.

Administrator Loomis related conversations back and forth between the LMRWD, the DNR and Dakota SWCD about additional monitoring of the fens. Ms. Albright noted there are wells in the fen that we do not monitor and she does not get data from those wells.

Ms. Albright reviewed the work plan for 2016. She noted they are still waiting to hear back about the loggers. Manager Kremer said they need to check on how many data loggers they can get.

**B. Presentation by Jonathan Hess of Scott County 2015 monitoring data**

Mr. Hess said last year some thermal monitoring was done at Eagle Creek, stream monitoring at two locations on Eagle Creek was done, and well monitoring at 15 wells within Savage fen.

He explained the reason for thermal monitoring on Eagle Creek is because of the impact of temperature on the life cycle and health of trout and showed the daily maximum temperatures. He has focused on the impact some storm water ponds that are tributary to Eagle Creek have on temperature. He explained the results of the thermal monitoring.

Mr. Hess reviewed the results from the Watershed Outlet Monitoring Program (WOMP) location on Eagle Creek and showed Managers the 2015 hydrograph. He said rain events didn't cause a lot of runoff. There were 12 monthly grab samples. He stated overall Eagle Creek has very good water quality. Mr. Hess noted high TSS levels were observed during the winter. Several E.coli samples that exceeded the acceptable levels occurred in the months between October through April. E.coli levels are highest in the winter in Eagle Creek as the stream is groundwater fed and stays open, attracting a lot of ducks that contribute to the high levels of E. coli and turbidity. Manager Kremer asked if Mr. Hess has checked with the DNR Fisheries and asked to correlate its fish population surveys with water quality monitoring results. He asked that we modify the agreement with Scott County to include correlation of fish surveys with the water quality data in Eagle Creek.

He also asked if Scott SWCD looks for trends in the data. Mr. Hess says he does not see the data from the WOMP station until late in the process. He does see the thermal data, but MCES is the agency that controls and uses the WOMP data.

Mr. Hess talked about monitoring results for Dean Lake and the Prior Lake outlet channel. He said the site was sampled every two weeks. There was not much flow in the channel until July. All the TSS samples were below the standard. He collects Nitrate levels, but there is no standard for Nitrate.

Manager Kremer asked staff to find the average Phosphorus concentration of Prior Lake, to compare with the levels in the outlet channel. Last year Scott SWCD received a grant a grant from the MPCA to sample some different sites and Prior Lake paid to have additional samples taken. Managers discussed working with Prior Lake/Spring Lake WD to share data for outlet channel. Mr. Hess then explained the outlet channel monitoring data. Manager Kremer said the District must look and total Phosphorus coming into the lake to see if it makes sense to work to improve the private septic systems on Dean Lake.

Mr. Hess said there were nine wells monitored at the Savage Fen and another four wells across the street that are nearer to Eagle Creek. He showed a picture of one of the wells. He noted there was not a lot of change over the course of the year. This past year was a good water year and the rain was above average. Two deeper wells are monitored up on the bluff.

Mr. Hess stated this important background data that is reported to the DNR. In 2016, the temperature loggers will be monitored and they take downloads quarterly. MCES has talked about changing the monitoring regime, but nothing is definite yet. Dean Lake monitoring will continue as in the past. Well monitoring will continue too.

Manager Kremer asked when the last vegetation survey for the Savage Fen was made. Mr. Hess said he didn't know. Manager Kremer asked if vegetative surveys have been made on any of the fens and if so, when. No one was sure.

**C. Reset date of August Manager meeting**

Administrator Loomis commented on a workshop by Non-point Pollution Education for Municipal Officials (NEMO), which is planned for August 17, which is the regular date for the Board meeting. Managers discussed the event and asked questions Administrator Loomis answered Managers questions. Manager Kremer said this tour is a great idea. The LMRWD wants local officials to see what an asset this reach of the river is.

**President Shirk made a motion to move the August meeting to August 24. The motion was seconded by Manager Raby. The motion carried unanimously**

**D. Request for comments on One Watershed One Plan transition plan and buffer and soil loss program implementation**

Administrator Loomis said she provided the comments for the 1W1P Transition Plan to Managers. President Shirk said she would like time to review the four page document.

Administrator Loomis said BWSR has released additional documents for comment regarding soil loss and asked if Managers would like the LMRWD to comment on those documents. She has briefly reviewed these additional documents and had one comment regarding enforcement, which is that enforcement will complaint based rather than inspection based. This approach does not offer not a whole lot of accountability. Manager Murphy asked what the reason is for being complaint based. Administrator Loomis said it could be due to the cost. She noted the Transition Plan takes a big river basin approach. The comment period is the end of the month. President Shirk said the Board could approve the letter subject to any revisions offered by Managers. Administrator Loomis said they can incorporate the comments in to the letter. Manager Raby said President Shirk could resolve any conflicts between revisions offered by Managers, should there be any.

**President Shirk made a motion to approve the One Plan Transition Plan comment letter subject to any revisions suggested by Managers and authorize President Shirk to resolve conflicts in suggested revisions from the Board. The motion was seconded by Manager Kremer. The motion carried unanimously.**

**E. Sponsorship of Paddle the MN River in a day event**

Administrator Loomis said she sent a link to the website and there are two legs of paddling that will go through the watershed district. There is a stop between the two legs at the Izaak Walton Chapter House near Bloomington Ferry Road. She noted this event offers a good opportunity for the LMRWD to get visibility and they could sponsor lunch or think of some other way to participate. The date is Saturday, June 11. Administrator Loomis said they could also check to see if assistance is needed shuttling participants back and forth. President Shirk suggested providing water and snacks.

## 6. OLD BUSINESS

### A. Biennial Budget Request (BBR)

Administrator Loomis said the biennial budget review is due Friday, April 15. A list was provided to the Managers of projects she pulled out of the Strategic Resource Evaluation and Management Plan. She explained projects in the BBR are eligible for grant funding as long as they are in the BBR. Manager Kremer clarified this commits the watershed to nothing. He said the costs of projects should be increased by at least 50%. Manager Murphy suggested also having a contingency cost associated with all the projects. Manager Raby said to make all cost projections thousands instead of five hundreds. Manager Kremer said wetland assessments should include all fens. He also asked about the Met Council's phosphorus removal plan and suggested that should also be included, because it would improve the dissolved oxygen levels in the Minnesota River.

**Manager Raby made a motion to approve the list for the biennial budget by increasing budgets by 50% due to the old numbers and adding the MCES phosphorus removal project, as well as including all fens in the wetland assessment. The motion was seconded by Manager Kremer. The motion carried unanimously.**

### B. Requests for Proposal

#### i. Legal Services

Administrator Loomis said there was only one proposal received, which is from the current provider. Manager Raby said he has noticed the legal counsel also provides services for the Upper Minnesota Watershed District and asked about potential for conflict of interest. Administrator Loomis said there are other attorneys doing work but John handles most of the watershed work. Manager Kremer pointed out there are probably only four legal firms in the State qualified to work for the watershed districts. Manager Kremer provided some history on the attorneys in the past.

**Manager Raby made a motion to approve renewing the contract for legal services with Rinke Noonan. The motion was seconded by Manager Murphy. The motion carried unanimously.**

#### ii. Engineering Services

Administrator Loomis said they received two proposals for engineering, one from the current provider, Burns & McDonnell and one from Barr Engineering. Managers discussed the relationship of Manager Kremer to Barr and the impact that may have on future decisions of the Board. Manager Kremer said there were times in the past that he felt the District could have used the expertise of Barr Engineering. Manager Kremer suggested the LMRWD continue with the current engineer but should the District need more specialized expertise that it go out to other firms. Manager Raby pointed out that expertise could come from any firm. Marianne Breitbach explained Prior Lake Spring Lake WD uses a pool of engineering firms. Managers agreed that was an option, however, the LMRWD does not have that much work. Managers agreed that the LMRWD remain flexible and if the need arises for specialized expertise, the District will look for providers at that time. Manager Raby said his opinion is that Barr is the most experienced company in MN but the current service provider has institutional experience with the LMRWD. Manager Murphy clarified the contract is not exclusive.

**President Shirk made a motion to approve Burns & MacDonnell as the primary engineering service and utilize Barr Engineering as needed to fill in any gaps. The motion was seconded by Manager Raby. The motion carried unanimously.**

Manager Raby asked if something comes up and Barr Engineering isn't the best choice for a particular task the District may wish to use another firm, so he suggested not specifically naming Barr.

President Shirk accepted the amendment to her motion as follows:

**President Shirk made a motion to approve Burns & MacDonnell as the primary engineering service and utilize other firms when expertise is needed to fill in any gaps. The motion was seconded by Manager Raby. The motion carried. Manager Kremer abstained.**

**iii. Website Redesign**

Administrator Loomis commented on the proposals. She said some proposals did not follow the specifications detailed in the RFP. Managers determined those that did follow the proposals should be eliminated. Administrator Loomis provided Managers with a matrix to compare proposals against each other. Manager Kremer asked who was the most qualified. Administrator Loomis said she liked the proposal from Tall Grass. Manager Raby asked if the other districts used any of the listed. Administrator sai, HDR, has done two other watershed websites, Bassett Creek and Vadnais Lake. She noted one concern with HDR is they didn't use WordPress. Administrator Loomis said there are examples of sites designed by each of the proposals. Manager Murphy said he was concerned that they didn't have the same information from each of the vendors. Manager Raby said he would prefer someone who is local. The Board discussed the options and narrowed it down to four proposals; HDR, Tall Grass, Windmill and Woolly Mammoth. She will get more information from each of the four. Manager Murphy said the Board needs to consider the cost for hosting and maintain the website.

Manager Kremer asked if one of the cities or counties would be a suitable host for the LMRWD website. President Shirk recommended that based on her experience with Carver County, she didn't think that would be a workable solution.

**C. Legislative Action**

**i. 2016 Legislative session**

Administrator Loomis reported on activities at the Legislature.

She said at the February meeting the Managers talked about becoming the local sponsor for the Minnesota River Basin Interagency Study. She noted she is trying to get the Corps to come and make a presentation to the Board.

Administrator Loomis asked Managers about funding maintenance of the navigation channel and approaching the State for funding. She asked Managers what they think the appropriate level of funding should be. After discussion, the Board agreed the District should seek 100% funding from the State.

**ii. Freshwater Society Agreement**

Administrator Loomis said Managers need to authorize agreement with the Freshwater Society. She noted the cost is \$50,000 and an additional stakeholder meeting was added to the proposal, so two stakeholder meetings would be organized, one for outstate and one within the Metro Area.

**Manager Murphy made a motion to approve the agreement. The motion was seconded by Manager Kremer. The motion carried unanimously.**

**D. Dredge Management**

**i. Review process for assessing benefitting properties**

The Auditors will note the deficit in the Channel Fund on the Audit Report. Manager Kremer said the Managers need to determine how to pay for costs incurred by the LMRWD for maintaining the Channel. Managers discussed several options for apportionment of recovery of costs.

Managers directed staff to be ready to have a plan ready in May for Managers to look at.

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

Administrator Loomis said staff is preparing a draft plan for improvements at the Vernon Avenue dredge material site to introduce best management practices and reconfigure the site to allow for two years of storage for the private dredge material to give the material extra time to dry out.

She said she heard from the City of Savage that the city plans to review the Conditional Use Permit (CUP). A condition of the CUP requires an annual review of the CUP; this will be the first time the permit is reviewed, because no material was moved off the site in 2014. The review is scheduled for the Savage Planning Commission meeting at 7:00 pm on Thursday, April 21st.

**iii. Secondary Dredge Site**

The Corps will let the LMRWD know if dredging is needed below I35W once it has completed surveys of the River. The Corps will know then how much material and what the cost will be to transport it to the Vernon Avenue dredge site.

**iv. Private Dredge Material Placement**

No report.

**E. Watershed Management Plan**

**i. Plan clarification**

Administrator Loomis provided a brief history of the plan clarification. She said staff would like to schedule a work session to walk through the plan clarification with the Managers and suggested a work session be scheduled prior to the next regular meeting of the Board. Administrator Loomis said they could start at 5:00 and get boxed lunches.

Managers agreed to a work session May 18th at 5:00 pm

**ii. Carver County Groundwater Plan**

Administrator Loomis reported on the Carver County Groundwater Plan. She said the watershed district has two years to bring the plan in compliance with the Carver County plan. She has spoken with other watersheds affected by the county's groundwater plan. Administrator Loomis recommended tabling this until she has had a chance to speak to the county.

**iii. Meetings with cities**

Managers were informed of these meetings with the discussion of the above two items.

**F. Eden Prairie Local Water Management Plan (LWMP)**

Administrator Loomis reported that the city received comments and has now responded and revised its draft plan. The LMRWD is in receipt of the new draft LMWP. Staff has discussed what the LMRWD should look for in local plans as they are updated. While the LMRWD is charged with reviewing municipal plans under state law, the LMRWD is more concerned with the official controls adopted by the cities. Manager Kremer asked if staff has discussed what it is going to take to have cities adopt ordinances. Administrator Loomis said that is one reason why staff will recommend to the cities the concept of an overlay district.

She also mentioned that the State has released its rules for the Mississippi River Critical Corridor Area (MRCCA). These rules will impact the LMRWD cities of Lilydale, Mendota and Mendota Heights, particularly the areas of those cities within the LMRWD. The biggest change with impact to LMRWD cities is the change in slopes of bluffs from 30% to 18% Manager Kremer commented that this is a pretty drastic change and asked what the reasoning was for this change.

**G. Annual Report**

Administrator Loomis said the Annual Report is not ready. She will try to meet the deadline of April 30th and will provide Managers with a copy of the report before it is submitted.

**H. Seminary Fen/Chaska Ravine Stabilization Project**

Administrator Loomis said a construction schedule was provided. She noted the plan is to have the project completed in May.

Managers asked for a tour of the project and asked about using a drone to inspect the project using a video camera.

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

**J. LMRWD CIP Action Items**

i. East Chaska Creek - no change since last update

**K. Cavallo Ridge, Eden Prairie - No change since last update**

**L. MAC Hotel Development - No change since last update**

**M. Fort Snelling Upper Post Development - No change since last update**

**N. Analysis of Dakota County Monitoring Data - No change since last update**

**O. Education and Outreach Plan**

i. 2015 River Tour - No change since last update

ii. Citizen Advisory Committee - no change since last update

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

**Q. Riley Creek Cooperative Project - No change since last update**

**R. Dean Lake - No change since last update**

**S. Bluff Creek Cooperative Project**

**T. MPCA Soil Reference Values - No change since last update**



**8. COMMUNICATIONS**

**A. Administrator Report**

Administrator Loomis said were provided with the Administrators report by email. She did hand out information about the Minnesota Valley State Trail, which will run from the Bloomington Ferry Bridge in Bloomington to the old Cedar Avenue Bridge, also in Bloomington.

**B. President** - No report

**C. Commissioners** - No report

**D. Committees** - No report

**E. Legal Counsel** - No report

**F. Engineer** – No report

**9. ADJOURN**

**President Shirk adjourned the meeting at 9:50 pm.**

\_\_\_\_\_  
Len Kremer, Secretary

Attest:

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Linda Loomis, Administrator