



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday May 16, 2018

County Board Room, Carver County Government Center, Chaska MN, 7:00 p.m.

Approved August 15, 2018

1. CALL TO ORDER AND ROLL CALL

On Wednesday, May 16, 2018, at 7:00 PM in the Board Room of the Carver County Government Center, 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: President Yvonne Shirk, Manager David Raby and Manager Jesse Hartmann. In addition, the following were also present: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, Technical Consultant; Lindsey Albright, Dakota SWCD; Troy Kuphal & Jon Utecht, Scott SWCD; Kim Musser & Tyler Grupa, Water Resource Center, Minnesota State University - Mankato; Ted Suss, Friends of the Minnesota Valley

2. APPROVAL OF THE AGENDA

Administrator Loomis noted that one Cost Share Application was included in the Packet, but not on the agenda. She recommended adding Item 5. F. v. - Glassen Cost Share application.

President Shirk made a motion to approve the agenda with the addition. 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

President Shirk Introduced the item.

A. Approval of Minutes for April 18, 2018 Regular Meeting

B. Receive and file Financial Report

C. Presentation of Invoices for payment

- i. Burns & McDonnell - for February 2018 engineering services
- ii. Frenette Legislative Advisors - for January, February & March lobbying services
- iii. Pace Analytical Services - for Chloride monitoring of Ike's Creek
- iv. US Bank Equipment Finance - for April & May copier rental
- v. Coalition for a Clean Minnesota River - for sponsorship of MN River Congress
- vi. Metro Conservation District - for Children's Water Festival
- vii. Metro Sales - for copier maintenance agreement
- viii. Rinke Noonan - for March 2018 legal services
- ix. Steinkraus Development LLC - for April & May office rent
- x. Naiad Consulting, LLC - for February 2018 admin services & expenses

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

5. NEW BUSINESS/PRESENTATIONS

A. Presentation by Kim Musser from Minnesota River Data Center

Administrator Loomis introduced Kimberly Musser of the Water Resource Center at Minnesota State University - Mankato, which is home to the Minnesota River Data Center. Ms. Musser provided some handouts about the Water Resource Center and explained what the Minnesota River Data Center is.

She spoke about education programs that the Water Resource Center is working on and about some opportunities for the LMRWD to work with the Center, such as producing videos and story maps to demonstrate the history and importance of the river.

President Shirk asked about the current funding situation. Ms. Musser said that the Center has received two LCCMR Grants that are being used to push information out about what is working to address water management throughout the state

Manager Raby asked what this is all about and thought that the Center had requested that the LMRWD include funding for the Center in its request at the legislature. Administrator Loomis explained that the Center did not make that request, that Administrator Loomis thought it is an important resource that the District should support. Manager Raby asked about whether or not this should be adopted by MAWD. Administrator Loomis said the LMRWD could request that MAWD consider this too, but that lobbying resources at MAWD are limited it is likely that MAWD would not be able to actively lobby for this.

President Shirk asked if the LMRWD website has any links to the Data Center. Administrator Loomis said there are currently no links, but she will add some.

President Shirk thanked Ms. Musser

B. Presentation by Ted Suss from Friends of the Minnesota Valley

Ted Suss began by asking that the LMRWD support the work of the Water Resource Center and the Minnesota River Data Center. He said that is no other repository of information about the Minnesota River like the Data Center.

Mr. Suss explained that he serves as the Director of the Friends of the Minnesota Valley on a volunteer basis. He told the Board about the project the LMRWD and Friends did in 2017, where a booth was staffed at County Fairs throughout the MN River Basin to present to the public information about a variety of issues. Mr. Suss detailed the project and identified the County Fairs that were attended. He noted the difficulty in getting to Fairs because many of them fell on the same weekend. He said a booth was staffed at 9 County Fairs; Hennepin, Redwood, Watonwan, Scott, Blue Earth, Sibley, Carver, Brown and LeSueur. He said that former Congressman David Minge and Tim Lies a former Mayor of Belle Plaine was handing out information at the LMRWD booth in Scott County.

He reported on his experiences working with the intern that was hired for this project, Karl Schmidtke and told of some personal experiences he had over the course of the summer.

He spoke about the hand out Field to Stream by Dr. Les Everett of the U of M. and how he felt if we could get every farmer in the Basin to read that hand out, a lot of progress could be made in managing the flow of water. He noted that he is sensing a change in the attitudes of farmers and the public.

President Shirk asked if Friends was planning to replicate the project again this summer and Mr. Suss said no, he thinks there are other activities he thought would be more effective.

C. MN River Congress request

Mr. Suss reported that the 10th Minnesota River Congress is May 17th in Mankato. He invited the Managers to attend and gave a brief history of the MN River Congress and its goals. One of the goals is to increase the usage of cover crops. He said that he feels if more farmers were able to hear information about how successful cover crops are that more acreage would be planted with cover crops. He said there is a growing list of farmers who have adopted conservation farming practices and he would like to have those using cover crops share their success with other farmers.

He would like to set a goal to hold one educational meeting in each county in the Minnesota River Basin and invite farmers to come and listen to other farmers about the value of cover crops.

Mr. Suss asked the Board if it would be willing to fund a project such as this. He is looking for \$5,000 to \$10,000 over the next year to two years. He is also looking for other partners and would not ask the LMRWD to pay until he has found enough funding from other organizations.

He is planning to reach out to agricultural associations like the Corn Growers and Soybean Growers as well as CHS and others to become co-sponsors of this project.

Manager Hartmann asked specific questions about how cover crops are used., which were answered by Mr. Suss. Manager Raby asked Mr. Suss how he plans to entice farmers to attend. Mr. Suss said he is open to suggestions. He thought that he would try to think of incentives to get farmers to come to learn. He would like to get 100 farmers from each county to come to a meeting. He is hopeful that the Corn Growers Association might consider this as part of its sustainable farming efforts. He also plans to reach out to all the watershed districts in the Basin.

President Shirk asked about his time frame. Mr. Suss said he would like to schedule meetings after fall harvest, so he would like to have his funding in place by August first.

President Shirk asked if the Board was being asked to take action this evening. Administrator Loomis said that staff had no recommendation and that if the Board would like to take time think about Mr. Suss' proposal she would place the item on the Board's June agenda.

D. 2017 monitoring presentation by Scott County SWCD

Jon Utecht, Water Resource Technician, from the Scott Soil & Water Conservation District (SWCD) was in attendance to present the results of the monitoring they conducted in 2017. Mr. Utecht explained that the SWCD conducts thermal monitoring and the Watershed Outlet Monitoring Program (WOMP) on Eagle Creek, monitoring of the Dean Lake inlet and well monitoring near Eagle Creek and Savage fen on behalf of the LMRWD.

He started with the monitoring of Eagle Creek and thermal monitoring, which is done to support the trout population in Eagle Creek. The SWCD takes the temperature of Eagle Creek in 3 locations. Originally only two locations were monitored, upstream and downstream of TH 101. A third location was added mid-stream to determine the effect water coming from a nearby stormwater pond has on the temperature of the water. He showed a graph the showed several temperature spikes and he correlated the temperature spikes to precipitation.

He explained the water quality parameters observed in Eagle Creek and said that the WOMP station is supported by the Metropolitan Council. The results of the monitoring do not show anything to be concerned with. He noted there were some high levels of TSS and E. coli and

exceeded the standard for the geometric mean several times - enough to consider the Creek impaired for TSS and E. coli.

Mr. Utecht explained that Dean Lake is no longer considered a lake; it is now a wetland and the standard have changed accordingly. He said there is a logger in place to monitor water level and flows. TSS in 2016 seemed to be really high and in 2017 seemed to correspond to rain events.

Savage fen wells show little change throughout the year and when you look back across the past ten years the water levels seem to be on an upward trend. The Eagle Creek wells and the bluff wells show the same trend.

He explained 2018 monitoring plans and that it is good to have a long term historical data of thermal monitoring, as well as other monitoring data. He then asked the Managers if they had any questions. President Shirk asked if Mr. Utecht has noticed any trout downstream past the logger on Eagle Creek. Mr. Utecht said he couldn't say where the trout are found in the Creek.

President Shirk asked if the Board needed to approve an agreement for 2018 monitoring. Administrator Loomis said that an agreement was presented to the Managers for approval and that we are a little behind in getting this approved, as monitoring for 2018 has already begun. She said the agreement include some additional monitoring, such as Chloride levels. She also noted that staff is preparing a monitoring plan for the LMRWD that will be ready at a future meeting.

Manager Raby asked about the increase in the total amount requested in the agreement compared to the costs incurred in past years. Troy Kuphal, District Director for Scott SWCD. Mr. Kuphal stated that the contract amount for continuing current monitoring is based on historical experience. The cost for additional monitoring is based on an educated guess.

Administrator Loomis noted that she had asked the SWCD to include additional monitoring. She also noted that although the agreement has a not to exceed amount, the SWCD bills the LMRWD based on actual time and expenses and has never reached the not to exceed amount. Manager Raby asked if that is still what they are proposing to do. Administrator Loomis said yes. Manager Raby further asked if the Met Council reimburses the LMRWD for the cost of monitoring the WOMP station and asked if that amount is a set \$5,000. She stated yes the amount is set at \$5,000 and reminded the Managers that they had approved that agreement at a meeting earlier this year.

Mr. Kuphal stated that the SWCD appreciates the relationship the SWCD has with the LMRWD and that they are happy to be able to provide services to the District. HE then commented on the presentation made by Ted Suss and informed the Managers that Scout County is investing \$100,000 toward cover crops this year. He also said the County is looking to change agricultural use of chemical because of the residual effect of chemicals in the soil. He said the SWCD would be willing to help get farmers to attend a meeting like Mr. Suss had described and would also help with the message.

Manager Raby move approval of the agreement between the Scott SWCD and the LMRWD for 2018 monitoring services. Manager Hartmann seconded the motion, which was unanimously approved.

E. Corp of Engineers - Lower Minnesota River Watershed District Storage Assessment

Administrator Loomis explained the background and how this issue came before them. She reminded the Managers of the Corp's Minnesota River Integrated Basin Study. She said that this study is wrapping up and the Corp is able to get funding (50%) for spin-off studies, if they can find local partners. She said the Corp provided brief description of the scope of possible spin-off

studies and that they are looking for the District to provide a letter indicating interest in participating. The letter would not commit the District to anything and the studies would not move forward unless a state agency would sign on as a partner. She said she is asking the Managers if they are interested.

Manager Raby said he thinks that both studies could benefit the District in the future and he thinks the District should be interested. He is not sure what the financial commitment would be, but he would lean toward approving participation. Administrator Loomis said she did tell the Corp that the LMRWD would not be able to provide 50% of the funding but could participate at a lesser level.

Staff was directed to prepare a letter.

F. 2018 Cost Share Program

Administrator Loomis said the District has received a number of Cost Share Applications:

i. City of Carver

Administrator Loomis said this project is for improvements to the city's stormwater system. Her concern is that the city did not work with the District when planning this project. She noted staff would discuss this concern with the city. She said staff is recommending approval

Manager Raby said he agrees this project appears to be a good project and should help reduce the sediment reaching the river assuming the city maintain the system.

President Shirk made a motion to approve the Cost Share Project application for the City of Carver subject to a maintenance agreement. Manager Raby seconded the motion. The motion carried unanimously.

ii. 10831 Quebec Avenue South - Bloomington (Larson)

Administrator Loomis explained this project. Manager Raby said he was unclear about the amount being requested. Administrator Loomis said the request is for \$1,374.00. The resident plans to install rain barrels and plant evergreen.

Manager Raby said he wasn't sure this location is in the watershed. Administrator Loomis said that it is. Manager Raby questioned the value of this project to the watershed. He believes the project will remove some water, but he is not sure the project is the type envisioned by the District's program.

After further discussion the Board decided this project did not qualify for the program and the applicant should be invited to come speak to the board.

iii. Burnsville (Schwartz)

This project and the next two projects are all located in the city of Burnsville and came through a program of the Dakota SWCD. The amounts of grant detailed in the meeting are incorrect and all three are looking for \$250 each. The Dakota SWCD conducted a rain garden workshop and three LMRWD residents attended and wanted to construct rain gardens.

Administrator Loomis noted that the LMRWD does not have an agreement with the Dakota SWCD and the District and the SWCD is working to put together an agreement by which the SWCD would provide technical assistance to resident of Dakota County that reside in the LMRWD.

This property (Schwartz) falls entirely within the District's Steep Slope Overlay Zone and Administrator Loomis said she spoke with the SWCD that the District is not comfortable with a rain garden being constructed in the Steep Slope Zone. This project will change from a rain garden to a native planting.

Lindsey Albright, from the Dakota SWCD spoke and relayed her conversation with the resident. Administrator Loomis explained LMRWD staff is planning to put together information for residents regarding management of steep slopes and that maybe the SWCD would be interested in conducting workshops on steep slope management.

Della Young suggested that the agreement should address the overlay districts and what the LMRWD will allow to happen in that space. She said it would be helpful for the SWCD if Dakota GIS could have the Steep Slope Overlay Zone as a layer.

Manager Raby asked if the layer had been made available to all the stakeholders

President Shirk made a motion to approve all three Cost Share Applications, with the changes to the property in the Steep Slope Overlay Zone located in Burnsville. Manager Raby seconded the motion. The motion carried unanimously

- iv. **Burnsville (Zepeda)**
See discussion under 5.F.iii. above.
- v. **Burnsville (Glassen)**
See discussion under 5.F.iii. above.

6. OLD BUSINESS

A. Hennepin County Landslide Inventory

Administrator Loomis said that she had nothing to add to what was in the meeting packet. Freshwater Society is still looking for partners to fund the project. No action needs to be taken at this meeting.

B. Metro-area Watershed Based Funding Pilot Program

Administrator Loomis said Hennepin County held its meeting today. The County is planning to use 10% of the total allocation to fund a county-wide Chloride project. The remaining funds would be allocated to the watershed organizations based 50/50 on property market values and area of the watershed. In the Minnesota River Basin, the four watershed management organizations, Riley Purgatory Bluff Creek WD, Nine Mile Creek WD, Richfield Bloomington WMO and the LMRWD have agreed to pool the allocation to fund a cost share program to upgrade equipment to address chloride. Managers will see the proposal as it is developed.

She explained that back-up projects have been submitted in each county except Dakota. She detailed the projects that have been submitted. She said staff is looking for Managers okay to go ahead to submit proposed projects to the counties for submission to BWSR.

Manager Hartmann asked how the projects would be financed and if there is a cost right now to the LMRWD. Administrator Loomis said BWSR is requiring a 10% match and it would be up to the District how much match it contributed to a project. No funds are due at this time and would not be expended until the project was implemented.

President Shirk made a motion to approval the submission of the recommended projects under the Metro-area Watershed Based Funding Program to the counties and BWSR. Manager Hartmann seconded the motion. The motion carried unanimously.

C. MAWD Summer Tour

Administrator Loomis explained that MAWD's Summer Tour will be held in the Metro Area in June and that the LMRWD will take the lead for arranging the MN River Tour. MAWD will be a co-sponsor. Manager Hartmann asked how registration will be handled. Administrator Loomis explained that MAWD participants will register through MAWD and that those invited by the LMRWD and RPBCWD will register through a site created by RPBCWD.

The Board discussed the Minnesota gift ban and to make sure that those accepting the invitation from the LMRWD and RPBCWD does not run afoul of the gift ban.

Administrator Loomis said she will not know the cost until she is able to determine whether we can get a barge or if we will have to book a boat through the Padelford Packet Boat Company.

D. Dredge Management

i. Review Process for funding of maintenance of Navigation Channel

There is nothing to report other than what was in the meeting packet.

ii. Vernon Avenue Dredge Material Management site

iii. Private Dredge Material Placement

Old material has not yet been removed from the site and new material has not been brought in because of high water on the river. Manager Hartmann asked if end uses had been found for the private material. Administrator Loomis explained that the material has to be taken off site, because of the permits. Manager Hartmann offered some suggested contacts.

E. Watershed Management Plan

Staff had planned to walk the Managers through the implementation plan in Section 4. Administrator Loomis turned the presentation over to Della Young. Manager did not receive the implementation in time to review it for the meeting, so action will be deferred to the June meeting.

Ms. Young said staff's priority was to get Appendix K out to the Stakeholders for final feedback. She said legal counsel is still looking at Appendix K to make sure the section that addressed the taking issue is still appropriate, since everything around it has changed. The Implementation Plan is all of the projects and grant funding. Staff has made sure that all projects anticipated under the Watershed Based Funding are in the implementation plan. The studies have not changed, it is only capital projects.

Ms. Young said that the Plan would not be sent to BWSR until the Board has had an opportunity to look at the complete plan. She explained how the projects were allocated across the years. She pointed out where the projects are explained and told the Managers that they can adjust the plan annually when they approve the budget.

She noted that there is a project that we are waiting for information about. It is a project in the Carver WMO on West Chaska Creek. The WMO asked if the LMRWD would be interested in participating in this project, so it has been included in the plan.

F. 2018 Legislative Action

Administrator Loomis said she sent the Managers a legislative update provided by MAWD that sums up the session well. She told Managers about meetings she had with legislators.

G. Education and Outreach Plan

Administrator Loomis had nothing to report on this item.

H. LMRWD Projects

i. Eden Prairie Area #3 Stabilization

No information other than what was reported in the Executive Summary.

ii. Riley Creek Cooperative Project/Hennepin County Flying Cloud Drive/CSAH 61 reconstruction project

Managers had asked about the availability of funds for this project. She provided Managers the information. She reminded the Managers that they had committed \$150,000 to RPBCWD for Lower Riley Creek. She said she is working with RPBCWD to get a cooperative agreement. This project (the cooperative project with RPBVWD) has been included in the implementation plan.

iii. Floodplain Lake Coring Project with Freshwater Society

No information other than what was reported in the Executive Summary.

iv. Seminary Fen ravine stabilization project

No information other than what was reported in the Executive Summary.

v. Analysis of Dakota County Groundwater Project

No information other than what was reported in the Executive Summary.

vi. East Chaska Creek/ CSAH 61 & TH 41 Transportation Improvement Project

No information other than what was reported in the Executive Summary.

I. Project Reviews

i. City of Burnsville - Dodge of Burnsville

Administrator Loomis said she received the review of this project from technical staff today and will be notifying the city with our comments.

ii. City of Chaska - MCES L-71 lift station project

The review of this project by technical staff was received today and the proponent will be notified. The proponent is Met Council.

iii. City of Burnsville - Xcel Energy Black Dog Plant

No information other than what was reported in the Executive Summary.

vi. MNDOT - I35W Bridge replacement

No information other than what was reported in the Executive Summary.

vii. City of Bloomington - MN Valley State Trail

Ms. Young mentioned that staff is looking at the floodplain impacts for this project.

J. Boundary Change - RPBCWD, NMCWD, MCWD and LMRWD

Administrator Loomis said BWSR approved the boundaries changes and this is in the packet for Managers information

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

No new information since last update.

7. COMMUNICATIONS

A. Administrator Report: Administrator Loomis said she did not send out an Administrator report, but she wanted to inform the Board, that she made a presentation to the annual meeting of the Friends of Pool 2. She has also spoken to Diane Lynch, the Administrator of the Prior Lake/ Spring Lake Watershed District. They are renegotiating the Joint Powers Agreement

between the cooperators for the Prior Lake Outlet Channel. She said she has discussed whether or not the LMRWD should become a party to the agreement. She said that although the outlet channel is not considered a public water it is on the 2018 303d list of impaired waters. Administrator Loomis said the LMRWD may want to be a party to the agreement if an implementation plan is developed to address the impairment and waste load allocations are assigned. She informed Managers that she has had discussion with Carver County Water Management Organization around the city of Chaska's approach toward stormwater management.

Manager Hartmann asked if the Administrator has had any news about filling the vacancies on the Board. Administrator Loomis said she has been contacted by a resident of Bloomington that expressed interest in the open position for Hennepin County. She is hopeful that that position will be filled soon.

- B. President:** No report
- C. Managers:** No report
- D. Committees:** No report
- E. Legal Counsel:** No report
- F. Engineer:** No report

8. ADJOURN

President Shirk made a motion to adjourn. Manager Hartmann seconded the motion. The meeting was adjourned at 8:57 PM.

Dave Raby, Secretary

Attest:

Linda Loomis, Administrator