



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday July 18, 2018

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

Approved \_\_\_\_\_, 2018

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

On Wednesday, July 18, 2018, at 7:00 PM in the Board Room of the Carver County Government Center, Chaska, Minnesota, Vice President Hartmann 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: Manager David Raby and Manager Jesse Hartmann. In addition, the following were also present: James Fallon and Joel Groten, USGS, Benjamin Larson, resident, Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, Technical Consultant; and Lindsey Albright, Dakota SWCD

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis requested the removal of the May 16, 2018 and June 13, 2018 Regular Meeting minutes.

**Manager Hartmann made a motion to approve the agenda with meeting minutes removed. The motion was seconded by Manager Raby. The motion carried unanimously.**

#### 3. CITIZEN FORUM

Mr. Benjamin Larson, 10831 Quebec Avenue South, Bloomington, addressed the Board.

Administrator Loomis explained that Mr. Larson applied for a cost share grant to install rain barrels and arborvitae trees at his home. She noted the Board approved part of his application, the rain barrels but not the trees.

Mr. Larson provided some background on the project. He said the area he is proposing to plant arborvitae in his backyard is on a hillside that slants toward the street. The arborvitae would help slow the flow of rainwater along the edge of the property. He showed where the plants would be going.

Manager Raby clarified there would be 40 arborvitae.

Administrator Loomis said there should be a decision in August and plantings could happen in September.

Mr. Larson explained his logic behind his request and asked if it is possible to get bigger trees. Manager Raby said they don't give guidance but they do have a maximum on projects. Administrator Loomis said the 50% match is \$2,500.

#### 4. CONSENT AGENDA

Vice President Hartmann introduced the item.

**~~A. Approve of Minutes for May 16, 2018 and June 13, 2018 Regular Meeting~~**

**B. Receive and file Financial Report**

**C. Presentation of Invoices for payment**

- i. Barr Engineering - No-rise evaluation and model
- ii. Burns & McDonnell - April 2018 engineering services
- iii. US Bank Equipment Finance - July 2018 copier rental
- iv. Frenette Legislative Advisors - April, May and June 2018 Legislative Retainer
- v. Steinkraus Development LLC - for July office rent
- vi. Naiad Consulting, LLC - for April 2018 admin services & expenses

Manager Raby made a motion to approve the consent agenda with Item 4.A. - Approval of Minutes removed. The motion was seconded by Manager Hartmann. The motion carried unanimously.

**5. NEW BUSINESS/PRESENTATIONS**

**A. USGS**

Administrator Loomis introduced Mr. James Fallon and Mr. Joel Groten, of the USGS. Mr. Fallon explained that the USGS (US Geological Survey) has two programs on the Minnesota River - Stream Flow gauge and Sediment monitoring project. They were present to discuss the continuation of the of two project and the LMRWD participation in financing the projects.

Mr. Fallon reviewed a power point presentation and commented on how stream flow is computed. He said they measure the discharge over 6 to 12 times a year. Mr. Fallon explained the velocity measuring tool and the history of the project. The project was originally established by the Met Council. When the Met council discontinued its participation the LMRWD took over. The proposal is for another 5-year agreement. On page 2 has the history agreement of the funding engagements along with some of the costs.

Manager Raby asked where the gauge is located. Mr. Fallon showed that it is in Fort Snelling State Park. Administrator Loomis noted this is by the airport. Manager Raby noted that it is downstream of the Seneca waste water treatment plan.

Mr. Fallon explained the fee structure that the USGS charges for operating the stream gauge.

Manager Hartmann asked about the electrical contractor and the cable and who paid for that. Mr. Fallon said USGS paid for it.

Manager Hartmann asked if the location was ideal. Mr. Fallon explained that it is probably in the best place they could be in this stretch of the river.

Mr. Groten thanked the board for the work on the study. He said that he thinks the work they have been doing on sediment is groundbreaking. He noted that no other agency in the state is monitoring sediment as USGS is and the data collected by USGS shows that other agencies are under-representing the amount of sediment in the Minnesota River. Most of the other agencies do not actually monitor sediment but calculate sediment based on models. He commented that the goal of the monitoring is to be able to reduce the total load out of the lower Minnesota River and figure out the most efficient needs and timing for dredging.

Mr. Groten showed some graphs with data that has been collected through this project. He noted that the more years of data that they have the better it is to inform decisions that are made with regard to dredging. The work funded by the LMRWD has enabled the USGS to secure a grant from the LCCMR (Legislative Citizen Committee on Minnesota Resources)

Mr. Groten said the agreement before the Board this evening proposed a 5-year agreement with a 2% inflation.

Mr. Fallon explained the current agreement between the LMRWD and USGS. He said that the rate is the same across the state. He said that they were able to save some cost on this because the two projects share resources so rather than have each project operated separately they are able to share staff between the two projects. He also explained that the USGS has been re-organized and now will have to compete with two other state centers to compete for funds. Mr. Fallon said the longer term agreement will reserve funds, to ensure funding.

Manager Raby asked about the number of agencies that use the data collected from these two projects. He questioned how other agencies will be willing to fund this project if they can use the data for free. Mr. Fallon said they could run a banner saying this gauge will be closing to see what response they get. He is not as concerned about the public agencies using the data without charge, but he is concerned with the number of for profit companies that use this data at no cost.

Manager Raby asked about the original funding split when the project began. Mr. Fallon said that split was one third to each party. Funding from the USGS has been flat since the projects began, so inflation has made its percentage of the cost share fall. The most the USGS matches any stream gauge is 47% and the network average is 40%. They are probably around the 40% level for the Fort Snelling gauge. This is for stream flow only. Sediment monitoring is done through a separate agreement.

The US Corp of Engineers funds the sediment monitoring by contributing \$15,000 to the Sediment project.

Administrator Loomis noted there are two separate agreements and the current agreement goes until September 8, 2018. She said if the board agrees a proposal will be put together and brought back to the next meeting. It was noted that the Corp's contribution is not reflected in any of the material distributed at the meeting.

Manager Raby said he still has concerns about the splits. He said that it seems that when this originated the cost was split three ways and when the third party dropped out, it appears the LMRWD picked up the total split of that third party. Ms. Della Young said this data is critical. She said when LMRWD staff met with the Corp and USGS; they talked about engaging other partners to help with the funding. Manager Raby if the data has to be shared. Mr. Fallon said they if they have the data, they have to make it public.

Mr. Fallon said that if there is hesitation they could do a one-year agreement. Manager Raby questioned if this could be funded for one year and then starts withholding data in order to bring other parties to the table. He said he thinks the conversations are a good idea. Manager Raby said he would be willing to go two years. There was discussion about how to structure the new agreement so that there was leverage to bring other that use the data to the table. Ms. Young clarified something from the district in terms of commitment would need to be received by USGS by October 1.

Ms. Young recommended the LMRWD go for the 5 years but they can get out of it at any time.

Manager Raby stated he wanted to go on record saying that they are evaluating this at the beginning of every fiscal year and they will consider pulling the funding if they can't get additional people to help fund.

**Manager Raby made a motion to fund the USGS for five years at the levels presented, with the note that the Board evaluate funding this project every year. The motion was seconded by Manager Hartmann. The motion carried unanimously.**

Discussion centered on the value the other are getting from the data the LMRWD is paying for and how to bring others in as partners. Staff agreed to work with the USGS approach others to participate in the funding of both projects. Mr. Fallon said the more partners the more stable the project becomes and that they appreciate the support from the LMRWD. Manager Raby said he agrees with what's being done.

**B. 2019 Preliminary Budget**

Administrator Loomis said the numbers in the budget is pretty straight forward and was taken out of the plan the Board just approved. The Budget does not show any funds going towards the Riley Creek Project, as funds had been collected in previous years that should cover the cost of the LMRWD participation in that project.

She noted that in Table 4 of the Plan, there is no money shown for the USGS project, or for municipal plan reviews, since all cities are required to have their local plans updated by the end of 2018. She also noted that the Plan did not include funding for project reviews or for review of projects in High Value Resource Areas. Money to address the deficit in the channel fund also does not appear in the Table 4.

Manager Raby said that he noted that some anticipated costs are expected to exceed the budgeted amount. Administrator Loomis said line 34 would be one of those items. That item is a grant from BWSR that the District has not yet received and once it is received a check will be sent to Chaska. She explained that some of these items are cross overs from other years. The money has been allocated in a previous year so it is in the fund balance as a restricted amount.

Manager Hartmann asked about line 55 and why it is blue. Administrator Loomis said that is blue because it is going down. Anything in red is an increase or a new project.

Administrator Loomis said the levy will stay the same as 2018. Manager Raby asked about line 75 the nine foot channel. Administrator Loomis said that is what is being proposed for 2019 and the anticipated amount is what will be paid in 2018.

Manager Hartmann asked what the current deficit in the 9-foot channel is. Administrator Loomis said about \$230,000. She noted that could be paid off from the fund balance. Manager Hartmann asked what year would be the break-even. Administrator Loomis said she will put that together.

Administrator Loomis said the Board does not to take any action on the budget at this meeting. The budget will come back next month for approval and certification of the levy. She noted she received the levy distribution from the State today in the mail.

**C. 2018 Financial Audit**

Administrator Loomis said she received a phone call from Redpath and Company about an engagement letter for the 2018 audit. The last agreement was for 2-years and Redpath asked if the Board would like a 2- or 3-year agreement. She said a number of watershed districts have been looking for less expensive audit services. She asked if the Board wants to look for less expensive audit companies. She noted Carver County does the bookkeeping for the District and that they use the State Auditor.

Manager Hartmann asked how long the District had been with Redpath. Administrator Loomis said they have been with Red Path since as long as she has been with the watershed district.

She noted that at one time Redpath (or its predecessor HLB Tautges) did the bookkeeping for the District, including employee withholding, etc.

Manager Raby asked that staff get a list from other watershed districts on which firms they are using and what they are paying.

## **6. OLD BUSINESS**

### **A. Engineering Services Update**

Ms. Young provided an update on where she is with the contract. She noted that she has found a new engineer, Gary Gilbert, to bring on staff. She noted the Freeway Landfill project is an upcoming concern of the LMRWD and that this is an area that Mr. Gilbert's experience will be useful to the District.

She has also brought on an engineer who specializes in transportation issues, Deb Brisk. Ms. Young wants to assure the Board that Young Environmental will be able to take care of the LMRWD's needs adequately.

Manager Raby asked if they could get a resumes.

Administrator Loomis said the agreement with Burns and McDonald expires this month. She noted that some projects currently under way with Burns & McDonnell will extend beyond the expiration date of the current agreement with Burns & McDonnell. Ms. Young said the contract that she has been working with LMRWD legal Counsel will begin August 1. She said the Watershed Plan is complete and there will just be some final tasks to wrap up that project. The task that will continue will be the dredge site work. Administrator Loomis said she just wanted the Board to be aware that there will be some overlap.

Manager Raby asked about the task order before them to continue the dredge site work and whether or not the Board needs to do anything with it. Ms. Young said since we have not been able to discuss this with legal counsel we can do the work under the general on call technical services and then bring it back to the next meeting for the Managers to discuss.

The proposal from Burns & McDonnell is on the agenda under Dredge Management.

### **B. Dredge Management**

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

Administrator Loomis said they received comments back from the DNR but are waiting for comments from BWSR.

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

Administrator Loomis said Staff has met with LS Marine. The District just received a new site plan. The containment area would remain as one cell where it is currently located. The private dredge material may be able to dry out more if it was stacked in smaller piles for a second year to dry out. Stacks would be placed to the south of the containment cell. Drying out the material more would make it more usable for reuse of some kind.

Administrator Loomis showed the new plan. She said the site needed to be re-graded after Rachel finished removing material. Rachel thought they could remove material down to the natural grade, however, the soil under the dredge material is so soft it will not accommodate truck traffic. There needs to be about four feet of material on top of the natural grade of the site.

Administrator Loomis said the model for the no rise evaluation will be redone because of the new plan to reconfigure the private dredge material. She noted that there have been several inquiries about re-use-use of material but nothing definite has happened.

Manager Raby said he felt to keep the project moving forward that it was appropriate to continue work under on-call technical services.

Manager Raby then referred to the budget. He said he doesn't understand why the preliminary design is half of the design budget. Ms. Young said the proposal ties into the work plan and that is where the figures came from. She said the cost for amending conditional use permit is one of the outliers. Manager Raby said the biggest concern is the way the scope asked for half the full design money for the preliminary design. Ms. Young said the overall engineering cost in the work plan was supposed to be \$110,000 total and that the individual tasks were not clearly articulated. Staff can clarify that in the future.

**Manager Raby made a motion to authorize moving forward with the concept design and the H & H work while waiting for clarification on the contract terms for the September meeting. The motion was seconded by Manager Hartmann. The motion carried unanimously.**

**iii. Private Dredge Material Placement**

No new information was provided.

**C. Watershed Management Plan**

Administrator Loomis said the plan has been sent to BWSR for final approval and staff is waiting to hear from BWSR about when the plan will be presented to the Central Region Committee. BWSR said the plan should come before the BWSR Board at its September meeting. The LMRWD Board should expect to approve the plan at the October meeting.

**D. 2018 Legislative Action**

Administrator Loomis updated the Board about issues regarding the Freeway Landfill. Manager Raby asked what the LMRWD concern would be with the Landfill and legislation. Staff said they feel the District should support State plans to clean up the site, because of the potential of pollution plume to enter the Minnesota River.

Ms. Young gave the Board some information she had regarding the cost and plans to clean up the site. She also noted that there are fens close to the area that could be impacted by the pollution. Manager Raby thought this should be a concern of the landowner. Ms Young said that part of the problem the State has is which pot of money to use for the cleanup.

Manager Hartmann commented on the future plan to use the Burnsville Landfill site for recreation purposes.

**E. Education and Outreach Plan**

Administrator Loomis said she has sent an invoice to MAWD \$35/person for the MN River Boat Tour. She said she had received feedback from Emily Javens, MAWD executive director, that some people had concerns about what speakers said. She said she would provide more information at a later time.

Manager Raby said he thought all the speakers did a good job.

**F. 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**

Administrator Loomis said Riley Creek is done. We are still waiting for the more information from the RPDC WD on the project upstream from the LMRWD.

Manager Raby said it would be nice to get some photos of the completed work.

Manager Hartmann asked when the road will be reopened. Administrator Loomis said not for a while.

**iii. Floodplain Lake Coring Project with Freshwater Society**

Administrator Loomis said this project is also done.

Manager Raby asked if there could be an overview in the future.

**iv. Seminary Fen ravine stabilization project**

Administrator Loomis said all the final reporting has been requested.

**v. Analysis of Dakota County Groundwater Project**

Administrator Loomis said they will be meeting with BWSR to talk about the Dakota Country groundwater project.

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

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

**G. Project/Plan Reviews**

**i. I494 Drainage**

No Information other than what was contained in the Executive Summary

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

No Information other than what was contained in the Executive Summary

**iii. City of Eden Prairie - Abra Auto Body**

Staff has checked on the location of this project and it does appear that it is outside the boundaries of the LMRWD. It was part of the realignment of the boundaries between the RPBCWD and the LMRWD.

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

No new information since last update.

**7. COMMUNICATIONS**

**A. Administrator Report:**

Administrator Loomis said that she and Dell Young met with the MPCA regarding the MN TSS TMDL, at the Scott County SWCD offices. The LMRWD hopes the report gets done so that work can begin on implementation.

She also reported on a field visit she was at in Bloomington where utility replacement will be planned. There is a concern by the DNR and nearby homeowners about the spring and seeps and underground water flow. Homeowners have been inundated with upwelling groundwater after work was completed by CenterPoint Energy last fall. The City has retained Barr Engineering to evaluate the underground water flow to remediate the problem.

**B. President:** No report

**C. Managers:** No report

**D. Committees:** No report

**E. Legal Counsel:** No report

**F. Engineer:** No report

**8. ADJOURN**

LOWER MINNESOTA RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS  
Wednesday, July 18, 2018  
MEETING MINUTES

**Manager Hartmann made a motion to adjourn. Manager Raby seconded the motion. The meeting was adjourned at 9:16pm.**

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Dave Raby, Secretary

Attest:

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Linda Loomis, Administrator

DRAFT