



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, February 20, 2019

Carver County Government Center, 602 East 4th Street, Chaska, MN 7:00 p.m.

Approved \_\_\_\_\_, 2019

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

On Wednesday, February 20, 2019, at 7:00 PM in the Board Room of the Carver County Government Center, 602 East 4th Street, Chaska, Minnesota, 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: Managers Adam Frey, and President 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; and Greg Genz, UMWA (Upper Mississippi Waterway Association).

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis requested the addition of Item 5. A. New Business - Authorize staff to investigate remote participation at Board meetings.

**President Hartmann made a motion to approve the Agenda, as amended. The motion was seconded by Manager Frey. The motion carried unanimously.**

#### 3. CITIZEN FORUM

There were no citizens who wished to address the board on non-agenda items.

#### 4. CONSENT AGENDA

President Hartmann introduced the item.

##### A. Approve Minutes of the January 7, 2019 Board of Managers meeting

##### B. Receive and file December 2018 and January 2019 Financial Reports

##### C. Presentation of Invoices for payment

- i. Payment of 2nd half per diem & expenses for Managers Frey, Hartmann & Raby
- ii. Rinke Noonan - November 2018 legal services
- iii. US Bank Equipment Finance - January 2019 copier lease payment
- iv. Pace Analytical Services, LLC - Ike's Creek sample Chloride testing
- v. Patchin Messner Dodd & Brumm - assistance with special benefit determination
- vi. Naiad Consulting, LLC - November 2018 Admin Services & expenses
- vii. Time Savers Offsite Secretarial - preparation of November & December 2018 meeting minutes
- viii. Young Environmental Consulting Group, LLC - November 2018 Technical Services

##### D. 2019 Technical Services Task Order

**President Hartmann made a motion to approve the Consent Agenda, as amended. The motion was seconded by Manager Frey. The motion carried unanimously.**

**5. NEW BUSINESS**

**A. Authorize staff to investigate remote participation in Board meetings by Managers**

Administrator Loomis said Manager Raby had requested the District look into allowing Managers to participate in meetings from a remote location. She said that she consulted legal counsel as to what action the Board should take. Attorney Kolb advised that the Board should direct staff and provided the name of a consultant that has worked with the Rice Creek Watershed District. She also noted that she had discovered that Pelican Rapids Watershed District has developed a policy and has Managers that participate remotely. The LMRWD can reach out to Pelican Rapids too.

**President Hartmann made a motion to have staff hire a consultant to investigate remote participation. The motion was seconded by Manager Frey. The motion carried unanimously.**

**6. OLD BUSINESS**

**A. MAWD Dues**

President Hartmann said he has some thoughts on this. He has looked at the way MAWD calculates dues. He noted that he got some numbers from Emily, MAWD Executive Director. He said that the way the dues are calculated is logical. He said the way it is done is not the worst way to approach.

Administrator Loomis agreed and said that she thinks the cap is the questions. .said the board could table paying the dues. President Hartmann agreed and question is the minimum the right minimum and is the maximum the right maximum. He also questioned what the addition of WMO will look like for the organization. He asked what action the Board needs to take.

Administrator Loomis said action is up to the Board. President Hartmann asked when dues are due. Administrator Loomis said the information she received did not specify a date as no invoice was included. She does not know if there is a consequence for paying late. She noted that WMOs have always been allowed to participate in MAWD events even though they were not members. Managers questioned how MAWD can say that that is something of value to Districts when attendance is not restricted to members or even offered at a reduced cost to members.

Manager Frey asked if there is anything staff can put its finger on that MAWD has done for the LMRWD. Administrator Loomis said Ray Bohn has supported the District in its lobbying efforts in the past and has been very good coordinating lobbying efforts with the LMRWD. They also offer new manager training and other training opportunities at the Annual Conference.

Ms. Young noted Manager Raby might have a strong opinion.

Manager Frey asked what the dues are. Administrator Loomis said she believed the dues were \$2500 when she started with the LMRWD in 2014. Dues then went up to \$3,500. Then \$ 4, 000 and then \$7,500 in 2016

**The Board tabled the MAWD dues decision to the April meeting.**

**B. Dredge Management**

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

No information to report other than what was included in the Executive Summary.

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

Administrator Loomis said staff met yesterday with Taylor Luke, LS Marine, site operator. They reviewed the Threatened & Endangered Species evaluation, the Wetland Delineation and the design plan to make sure everyone was on the same track.

At the meeting Administrator Loomis was informed that some material has been sold and he will provide information about the amount sold so the LMRWD can invoice the buyer.

Administrator Loomis noted that an agreement for site operation was included in the packet. Mr. Luke informed her that he felt the calculation for compensation was a little contorted and asked if payment could just be billed hourly. Administrator Loomis let him know that would be acceptable. She will work with Mr. Luke and legal counsel to amend the site operations agreement accordingly.

**iii. Private Dredge Material Placement**

No information to report other than what was included in the Executive Summary.

**C. Watershed Management Plan**

Administrator Loomis said staff had planned to have draft rules ready for the Board at this meeting, but they were unable to complete them. The timeline provided at the Last meeting have been moved out a month. Rules will be available to the Board in March for approval at the April meeting.

**D. 2019 Legislative Action**

Administrator Loomis said she believed that Managers may have received a letter from Jake Hamlin at CHS about accessing money from the Port Development Assistance Program. She said she would speak to Mr. Hamlin to make sure that CHS supports the LMRWD asking for a general appropriation from the state. She said Lisa Frenette and she would speak to Representative Hansen about whether he thinks it is best for the LMRWD to use PDAP or a direct appropriation. She said a bill has not been drafted as Legislative Revisor's office is backed up.

**E. Education and Outreach Plan**

No new information since last update

**F. LMRWD Projects**

**i. Eden Prairie Area #3 Stabilization**

No information to report other than what was included in the Executive Summary.

**ii. Riley Creek Cooperative Project with Riley/Purgatory/Bluff Creek WD**

No information to report other than what was included in the Executive Summary.

**iii. Seminary Fen ravine stabilization project**

No information to report other than what was included in the Executive Summary.

**iv. East Chaska Creek (Carver County Watershed Based Funding)**

Administrator Loomis said they are working on getting cooperative agreements.

**v. Schroeder Acres Park (Scott County Watershed Based Funding)**

Administrator Loomis said they are working on getting cooperative agreements.

**vi. Shakopee Downtown BMP Retrofit (Scott County Watershed Based Funding)**

Administrator Loomis said they are working on getting cooperative agreements.

**vii. PLOC ( Prior Lake Outlet Channel) Restoration (Scott County Watershed Based Funding)**

Administrator Loomis said they are working on getting cooperative agreements.

**viii. Dakota County Fen Gap Analysis and Conceptual Model (Dakota County Watershed Based Funding)**

Administrator Loomis said they are working on getting cooperative agreements.

**ix. Hennepin County Chloride Project (Hennepin County Watershed Based Funding)**

Administrator Loomis said they are working on getting cooperative agreements.

**x. Vegetation Management Plan**

No information to report other than what was included in the Executive Summary.

**xi. Sustainable Lake Management Plan - Trout Lakes**

No information to report other than what was included in the Executive Summary.

**xii. Geomorphic Assessment of Trout Streams**

No information to report other than what was included in the Executive Summary.

**xiii. Spring Creek Cost Share**

Administrator Loomis said she talked to the City of Carver and she wants to have a meeting with the city. She said Spring Creek is part of the city of Carver's stormwater conveyance system and she hopes by involving the city, the city will look at the entire Spring Creek Watershed.

**xiv. West Chaska Creek Re-meander**

Administrator Loomis this project is outside the district. She noted that the Board will be asked to approve this project in the future, once a cooperative agreement has been developed.

**G. Project/Plan Reviews**

**i. City of Burnsville - Kraemer Mining**

No information to report other than what was included in the Executive Summary.

**ii. Dakota County - MN River Greenway**

No information to report other than what was included in the Executive Summary.

**iii. City of Shakopee - Jackson Township AUAR**

No information to report other than what was included in the Executive Summary.

**iv. City of Burnsville - CenterPoint Energy Lyndale Valve Replacement Project**

No information to report other than what was included in the Executive Summary.

**v. City of Eden Prairie - C. H. Robinson**

No information to report other than what was included in the Executive Summary.

**vi. City of Burnsville - Burnsville Sanitary Landfill**

No information to report other than what was included in the Executive Summary.

**vii. City of Carver - Local Surface Water Management Plan**

Staff reviewed the Carver Local Water Management Plan. Ms. Young said the city should be commended for adopting the LMRWD Plan. She noted the City's plan referred to memorandums of understanding from 2005-06. She said the LMRWD review made note that the LMRWD process will now require a general permit. LMRWD staff will be working with the cities to make sure they all get the general permit.

**President Hartmann made a motion to adopt resolution 19-02. The motion was seconded by Manager Frey. The motion carried unanimously.**

- viii. **City of Eden Prairie - Peterson Wetland Bank**  
No information to report other than what was included in the Executive Summary.
- ix. **City of Chanhassen - TH 101 Improvements**  
No information to report other than what was included in the Executive Summary.
- x. **City of Savage - 12113 Lynn Avenue**  
No information to report other than what was included in the Executive Summary.
- xi. **Cities of Richfield/Bloomington - TH 77 & 77th Street underpass**  
No information to report other than what was included in the Executive Summary.
- xii. **MNDOT - I494 Brush removal**  
No information to report other than what was included in the Executive Summary.
- xiii. **MNDOT - TH 5 Signage projects**  
No information to report other than what was included in the Executive Summary.
- xiv. **MPCA - MN River TSS TMDL**  
No information to report other than what was included in the Executive Summary.
- xv. **MN Valley State Trail - EAW (Environmental Assessment Worksheet)**  
No information to report other than what was included in the Executive Summary.
- xvi. **Hennepin County - CSAH 61 - Flying Cloud Drive**  
No information to report other than what was included in the Executive Summary.
- xvii. **MNDOT - I494/TH 5/TH 55 Mill & Overlay project**  
No information to report other than what was included in the Executive Summary.
- xviii. **MNDOT - I35W Bridge Replacement**  
No information to report other than what was included in the Executive Summary.
- xix. **MNDOT - I494 from TH169 to Minnesota River**  
No information to report other than what was included in the Executive Summary.
- xx. **City of Shakopee - Amazon Fulfillment Center drainage**  
Administrator Loomis said that Staff had a meeting with the city this afternoon. She Option 3 is the preferred option identified in the feasibility report provided in the packet. Option 3 conveys the water across Highway 101 to channel the water to a ditch through a ravine. She said the city is looking for funding.  
  
She said staff feels the cost estimate is low and the contingency is not sufficient. She also said this project is fixing a problem that should have been addressed at the time the project was approved. Therefore, LMRWD staff does not feel the LMRWD should contribute any dollars to this project. Administrator Loomis said if the Board should decide to participate in the program, the District would need to prepare a minor plan amendment.
- xxi. **MAC/LMRWD/MCWD boundary realignment**  
No information to report other than what was included in the Executive Summary.
- xxii. **Fort Snelling - Dominion Housing**  
No information to report other than what was included in the Executive Summary.
- xxiii. **USACOE/USFWS - Bass Ponds, Marsh & Wetland**  
No information to report other than what was included in the Executive Summary.

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

No new information since last update.

**7. COMMUNICATIONS**

**A. Administrator Report:** Administrator Loomis added the next metro MAWD meeting will be Tuesday, April 9<sup>th</sup> at 7 pm, at the Cap Region Watershed District. She informed the Managers who the MAWD Region 3 representatives are on the MAWD Board: Mary Texer, Cap Region WD, Sherry Davis-White, Minnehaha Creek WD & Jackie Anderson, Comfort Lake/Forest Lake WD.

Manager Hartmann asked about the Freshwater Gala and what time it started.

Administrator Loomis said she thought it started at 6:00pm. The Board authorized a table for 8.

Administrator Loomis informed the Board that the LMRWD will work with an LLC formed by the Professors at the U of M rather than the University directly on the Geomorphic stream assessment

Administrator Loomis commented on an article in the Star Tribune about the TMDL (Total Maximum Daily Load) study for E. coli in the Minnesota River. She noted there were a number of WRAPS (Watershed Restoration and Protection Strategies) and TMDL studies expected in the near future. She said that Managers should think about whether or not they want to comment on any of these reports. She noted the LMRWD has already been working with the MPCA on the MN River TSS TMDL and the Sediment Reduction Strategy, so they will comment on that when it is released. President Hartmann asked where that falls in the Budget. Administrator Loomis noted that is has come from the Administrative Budget and Professional Services.

The LMRWD has been invited to make a presentation to the Scott County Watershed Planning commission. The LMRWD has been invited to either the March 25th or April 22nd. President Hartmann said he is available for either date. Administrator Loomis said she would inform Scott County.

**B. President:** No report

**C. Managers:** No report

**D. Committees:** No report

**E. Legal Counsel:** No Report

**F. Engineer:** No report

**8. ADJOURN**

**President Hartmann made a motion to adjourn. Manager Frey seconded the motion. The meeting was adjourned at 7:43pm. The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, March 20, 2019 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN.**

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Dave Raby, Secretary

Attest:

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Linda Loomis, Administrator