



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, April 17, 2019

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

Approved May 15, 2019

1. CALL TO ORDER AND ROLL CALL

On Wednesday, April 17, 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, President Jesse Hartmann and Manager David Raby. In addition, the following were also present: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, Technical Consultant; John Kolb, Rinke Noonan Attorneys at Law, Legal Counsel for the LMRWD; Lindsey Albright, Dakota County SWCD; Andrew Edgcombe, Carver County SWCD, Allen Dye, TKDA and Jennifer Gora, Metropolitan Airport Commission; Bruce Loney, Manager, Prior Lake/Spring Lake Watershed District; and Scott County Commissioner Michael Beard.

2. APPROVAL OF THE AGENDA

Administrator Loomis said she did not have any additions or changes to the agenda.

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

3. CITIZEN FORUM

Bruce Loney, Manager, Prior Lake/Spring Lake Watershed District introduced himself and said he is the new liaison for the Prior Lake/Spring Lake Watershed District to the LMRWD.

Michael Beard, Scott County Commissioner, addressed the Board. He commented on the flooding and road closures. He spoke about the vacancy on the Board of Managers and said he would try to help fill the Board.

4. CONSENT AGENDA

President Hartmann introduced the item.

- A. **Approve Minutes of the February 20, 2019 Regular meeting** (there was no quorum at the March 2019 meeting so there are no minutes to approve)
- B. **Receive and file February 2019 and March 2019 Financial Reports**
- C. **Approval of Invoices for payment**
 - i. **Minnesota Department of Revenue**
 - ii. **Daniel Hron - February 2019 office rent**
 - iii. **Rinke Noonan - December 2018 legal services**

- iv. **US Bank Equipment Finance February & March 2019 copier lease payment**
 - v. **Liberty Mutual Insurance - Annual Surety Bond payment**
 - vi. **Pace Analytical Services, LLC - Sample testing of Ike's Creek for Chloride**
 - vii. **Scott County SWCD - Q4 2018 monitoring services**
 - viii. **Dakota County SWCD - Q4 2018 monitoring services**
 - ix. **HDR Engineering - website maintenance**
 - x. **Young Environmental Consulting Group, LLC - November 2018 Technical Services for geomorphic assessment of Trout streams**
 - xi. **Frenette Legislative Advisors - January & February 2019 lobbying expense**
 - xii. **Pace Analytical Services, LLC - Sample testing of Ike's Creek for Chloride**
 - xiii. **Rinke Noonan - January 2019 legal services**
 - xiv. **US Bank Equipment Finance - April 2019 copier lease**
 - xv. **Daniel Hron - March 2019 office rent**
 - xvi. **Metro Sales, Inc. - copier service agreement payment**
 - xvii. **Frenette Legislative Advisors - March 2019 lobbying expense**
 - xviii. **US Bank Equipment Finance - May 2019 copier lease payment**
 - xix. **Young Environmental Consulting Group, LLC - January 2019 technical services**
 - xx. **US Geological survey - payment for Fort Snelling stream gauge**
 - xxi. **Naiad Consulting, LLC - December 2018 & January 2019 Administrative services**
 - xxii. **TimeSaver Off Site Secretarial - Preparation of February 2019 meeting minutes**
 - xxiii. **Carver County WMO - 2019 service for monitoring in Carver County**
 - xxiv. **Carver County Finance - Q1 2019 financial services**
- D. Authorize Agreement between the LMRWD and the Dakota County SWCD for Metro-area Watershed Based Funding**
- E. Authorize Agreement between the LMRWD and the Dakota County SWCD for 2019 monitoring**
- F. Authorize Agreement between the Lower Minnesota River Watershed District and the Scott Soil and Water Conservation District for Monitoring, Technical, Education and Other Conservation Services**
- G. Receive and File 2018 Annual Monitoring Report from Scott SWCD**

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

5. NEW BUSINESS

A. Metropolitan Airport Commission Report

Allen Dye, TKDA and Jennifer Gora, Metropolitan Airport Commission presented to the board. He said a handout was provided with all the major projects the airport has planned for 2019. He noted the projects inside the terminal were not included. He said most of the projects are maintenance projects. He talked about planned storm sewer rehab. They will finish the 2018 project, which consisted of lining pipes and then begin work on the 2019Mr. Dye talked about the runway lights that are being added in the pavement. He said a new taxi-way is being added to help planes get out of terminal 2. This will add impervious surface. The storm water ponds were designed to handle this additional amount of impervious surface. Some passenger boarding bridges will be replaced

He said sediment was discovered in a water main on the north end of the airport. The water main was shut down when the sediment was discovered and they intend to clean out the sediment and turn the water back on. He also said they will be adding snow melters to the parking ramps. They seal pavement joints every year and they are adding more fiber cable. There are also several small projects

President Hartmann asked if any of the projects, other than the water main was out of the ordinary. Mr. Dye said all the other projects are routine. He said the water main was a funny one. They can't determine where the sediment came from. They are going to clean it out and do another televising to see if they can see where the sediment is coming from.

Manager Raby asked about the storm sewer rehab. Mr. Dye said some are linings and some are crack sealing but there will be no major excavation.

Mr. Dye offered to take the board on a tour of the airport.

Administrator Loomis asked if MAC would be open to discussion with MNDOT regarding the I-494 project and using airport for infiltration. Mr. Dye said they would be willing to look at it, but the FAA has rules about such uses because of contaminants. Administrator Loomis said they will direct the MNDOT engineers for the project to contact Ms. Gora

B. Presentation of 2019 Dakota County Monitoring Report

Lindsey Albright, Dakota County SWCD, talked about the background of monitoring. She said there are three different fens. The monitoring begins each year in March and goes through December. Ms. Albright showed the different well locations. She stated annual precipitation is a key item they look at during the monitoring. This will inform them about the influence of precipitation to the precipitation.

She explained how the wells are monitored. She mentioned that the DNR was out and re-calibrated the wells. The recalibration will explain the apparent changes in the data. She said if the well is flowing over the top she doesn't take levels. Well variability seems to correlate with the precipitation. She noted which wells have decreasing water levels. She went through the monitoring report.

She said the conclusions of the report are that monitoring should continue, as we have a good data set. She noted how this data will be valuable to the Dakota County Fen study the LMRWD is planning.

President Hartmann asked how they chose the location of each well. Ms. Albright said that would be up to the board. Ms. Young said the current location were determined long ago. Some of the well placements are based on what is happening and if they need wells to determine if there are trends. There was discussion about MCES monitoring that occurs in the same area and staff explained that in talking with MCES it is not possible to reduce the duplication of monitoring, because MCES is required by permit to monitor in the area.

Manager Raby asked if the data can be shared. Administrator Loomis said all the data is entered into a statewide system.

Manager Raby made a motion to receive and file the monitoring report. The motion was seconded by Manager Frey. The motion carried unanimously.

C. Presentation of 2019 Carver County Monitoring Report

Andrew Edgcumbe, Carver County WMO, talked about the stream monitoring that was done on behalf of the LMRWD. Only one site monitored for the LMRWD met the standard for Total Phosphorus.

Mr. Edgcumbe noted that when you look at the 10 year Total Phosphorus trend, CH 1 (Chaska Creek) EC 2 and EC1 (East Chaska Creek) all showed no trend. EC3 showed a downward trend in Total Phosphorus. Last year all sites were below the state standard. Manager Raby asked what caused the concentrations to go up this year compared to last year. Mr. Edgcumbe said the difference in precipitation and they fluctuate year to year. He then went on the show the levels

of inorganic Nitrogen. All sites exceed the range they use to gauge water quality. He noted that even though the sites exceed the level they would like to see, they are all less than the levels found at other sites monitored throughout the County. He noted that EC 2 and EC 1 show a downward trend in inorganic Nitrogen load and no trend at the other two sites.

He explained the results of monitoring for Total Suspended Solids Concentrations. All sites met the state standard of 30 mg per liter. Again loads in the sites monitored in the LMRWD are relatively low compared to other sites in Carver County. The trend over the last 10 years is decreasing at EC3; however CH1 and EC1 demonstrate an increasing trend.

E. coli all sites are relatively high this year. He attributes the increase to more precipitation and annual fluctuations. No trends at CH 1 and EC 3 and an upward trend at EC 2 and EC 1.

Ms. Della Young asked about reporting this information to the LMRWD and what the plan is for getting the LMRWD reports. Mr. Edgumbe said they will have to work with the LMRWD to get reports to the District.

Mr. Edgumbe reported on the lakes, Fireman's Clayhole, Brickyard Clayhole and Courthouse. He said all three lakes meet the state standards for all measured parameters. 10 trends for each lake show no trend or decreasing trends, except for Fireman's Clayhole which shows a decreasing trend for transparency. He attributes the decreasing clarity to the increased activity at a beach on the lake, although he has no documentation affirming that.

D. 2019 Metro Children's Water Festival

Administrator Loomis said this is an event that is annually in September. She noted the board's sponsorship was requested again this year. She said this is in the budget.

Manager Raby asked if this is for 4th and 5th graders. Mr. Edgumbe said this is just for 4th graders. He clarified this is for both public and private schools.

Manager Raby made a motion to support the funding at the same level as last year for the 2019 Metro Children's Water Festival. The motion was seconded by President Hartmann at \$1,650. The motion carried unanimously.

E. Request from Freshwater Society for sponsorship

Administrator Loomis said a request was received to sponsor the 2019 Water Summit in May. She noted there is money in the budget.

Manager Raby commented on the target audience. He clarified that the LMRWD is entitled to have one person can attend with the \$1,000 sponsorship.

President Hartmann made a motion to authorize sponsorship for the 2019 water summit in the amount of \$1,000. The motion was seconded by Manager Raby. The motion carried unanimously.

F. Chimney Pines 2019 Cost Share

Administrator Loomis said this is the final year for the project.

Manager Raby said the costs don't seem to be consistent. Administrator Loomis said she based the request on the actual estimates of materials. She noted amount of funding would be \$2,100.

Manager Raby commented on having native plants. Administrator Loomis assured the Board that they are proposing to use native plants.

Manager Raby made a motion to approve the cost share application in the amount of \$2,100. The motion was seconded by Manager Frey. The motion carried unanimously.

G. Request from Minnesota River Congress

Administrator Loomis said there is an effort being made to increase the amount of water storage on the land. She noted the Mr. Scott Sparlin said the Regional divisions of the MN Association of Soil & Water Conservation Districts are planning to adopt resolutions prioritizing water storage on the landscape.

Administrator Loomis said there is \$7,600 in the budget for a project proposed by the Friends of the Minnesota River Valley could be redirected to this project.

Administrator Loomis noted there are no partners and said there will be discussion of this project at the upcoming Minnesota River Congress.

The board said they should table this until after the meeting of the River Congress. Manager Raby clarified this request is for about \$5,000 a year for 2 years.

Manager Raby made a motion to postpone action on this item until the June meeting. The motion was seconded by President Hartmann. The motion carried unanimously.

6. OLD BUSINESS

A. MAWD Dues

President Hartmann said MAWD does not have a plan yet, but that he understands why the dues are calculated the way they are. He said the way dues are calculated makes sense and it would be difficult to find a formula that would work better. Manager Raby said it's hard to understand how the dues have tripled.

Administrator Loomis said right now the big push is to get WMO's to join.

Ms. Young suggested the LMRWD put a plan together on what the LMRWD would like to see MAWD do. Manager Raby said he thought that would be a good way to proceed, but that if the LMRWD expects to be taken seriously that it should probably be a member of the organization.

Attorney Kolb endorsed what Manager Raby proposed. He said a number of other watershed districts have had similar discussions. He echoed the recommendation by Ms. Young and give information to the MAWD Board ahead of the MAWD Annual Meeting and then be very vocal at the Annual Meeting.

Manager Raby proposed that staff identify some things to help us and then set aside time for a workshop before the Annual Meeting to discuss and finalize a list of service that would benefit the District. He also committed to attend a Metro MAWD meeting.

President Hartmann noted he attended the Metro MAWD meeting this week.

Manager Raby made a motion pay the MAWD dues this year and reevaluate again next year. The motion was seconded by President Hartmann. The motion carried unanimously.

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 there was a meeting with the City of Savage on Friday. Ms. Young said the 90% plans are just about complete. She said there will need to be a

conditional use amendment from the City of Savage. She detailed the work that has been completed by the District to date. This work has all been shared with the city.

Ms. Young said originally staff had planned to construct the project this fall, but with the amount of water on the site, it most likely will not happen in the fall. Staff will continue work to get all the necessary permits so that the project can move ahead when conditions are favorable.

iii. Private Dredge Material Placement

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

C. Watershed Management Plan

Administrator Loomis reported there was a board workshop prior to the meeting. She said they are looking for a motion to release the rules and organize a TAC meeting.

Manager Raby made a motion to direct staff to release the draft rules and to organize a TAC meeting to discuss the rules. The motion was seconded by President Hartmann. The motion carried unanimously.

D. 2019 Legislative Action

Administrator Loomis explained that staff was surprised to find that the \$480,000 over the next biennium is indentified in the base funding to BWSR. Staff then pulled the request for \$250,000 and will work to see that the \$480,000 stays in both bills. She said the Senate reduced the amount of appropriation in the Senate to \$230,000. Staff is working with the Senate to reinstate the \$480,000.

E. Education and Outreach Plan

Administrator Loomis said reminded the Board that there are two events coming up: the Eden Prairie Arbor Day Walk & Green Fair and the Bloomington Public Works Open House. She noted that if for some reason she is not able to be at either event, Riley/Purgatory/Bluff Creek Watershed District and Nine Mile Creek Watershed District have offered have LMRWD materials at its table.

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 staff is requesting the Board authorize the task order that was in the February meeting packet. She noted that she had forgotten to request action on the item at the meeting, so it was on the March agenda. The task order includes permitting, design and construction administration totals \$51,850.

Manager Raby clarified Young Environmental will be administering. Ms. Young explained that Burns & McDonnell did the initial assessment. Young Environmental & Barr Engineering came back and checked it to make sure it was still in line. The Board asked for a more detailed scope of work and this is what is being presented and tonight.

President Hartmann made a motion to authorize the task order for East Chaska Creek. The motion was seconded by Manager Frey. The motion carried unanimously.

- v. **Schroeder Acres Park (Scott County Watershed Based Funding)**
No information to report other than what was included in the Executive Summary.
- vi. **Shakopee Downtown BMP Retrofit (Scott County Watershed Based Funding)**
No information to report other than what was included in the Executive Summary.
- vii. **PLOC (Prior Lake Outlet Channel) Restoration (Scott County Watershed Based Funding)**
No information to report other than what was included in the Executive Summary.
- viii. **Dakota County Fen Gap Analysis and Conceptual Model (Dakota County Watershed Based Funding)**
No information to report other than what was included in the Executive Summary.
- ix. **Hennepin County Chloride Project (Hennepin County Watershed Based Funding)**
No information to report other than what was included in the Executive Summary.
- 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 staff is requesting the Board authorize the task order in the packet.
President Hartmann made a motion to authorize the Spring Creek task order for \$7,550. The motion was seconded by Manager Raby. The motion carried unanimously.
- xiv. **West Chaska Creek Re-meander**
No information to report other than what was included in the Executive Summary.

G. Local Water Management Plan Reviews

- i. **City of Shakopee**
Administrator Loomis said the comments were sent to Shakopee.
- ii. **City of Savage**
No information to report other than what was included in the Executive Summary.

H. Project/Plan Reviews

- i. **City of Burnsville - Industrial Equities - 250 River Ridge Circle North**
No information to report other than what was included in the Executive Summary.
- ii. **City of Burnsville - United Properties - 12400 Dupont Avenue North**
No information to report other than what was included in the Executive Summary.
- iii. **City of Burnsville - Kraemer Mining**
No information to report other than what was included in the Executive Summary.
- iv. **Dakota County - MN River Greenway**
No information to report other than what was included in the Executive Summary.

- v. **City of Shakopee - Jackson Township AUAR**
No information to report other than what was included in the Executive Summary.
- vi. **City of Eden Prairie - C. H. Robinson**
No information to report other than what was included in the Executive Summary.
- vii. **City of Burnsville - Burnsville Sanitary Landfill**
No information to report other than what was included in the Executive Summary.
- 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. **MPCA - MN River TSS TMDL**
No information to report other than what was included in the Executive Summary.
- xiii. **City of Bloomington - MN Valley State Trail**
No information to report other than what was included in the Executive Summary.
- xiv. **Hennepin County - CSAH 61 - Flying Cloud Drive**
No information to report other than what was included in the Executive Summary.
- xv. **MNDOT - I494/TH 5/TH 55 Mill & Overlay project**
No information to report other than what was included in the Executive Summary.
- xvi. **MNDOT - I35W Bridge Replacement**
No information to report other than what was included in the Executive Summary.
- xvii. **MNDOT - I494 from TH169 to Minnesota River**
Administrator Loomis explained that the LMRWD Board adopted a resolution in 2007 in regards to this project. Staff has discussed how to move forward with the new proposal, given the fact that the Board took a previous position. Staff has determined that the Board should rescind the previous resolution. Staff is recommending, however, that a new resolution be adopted that will rescind the previous resolution and address concerns the LMRWD may have with the current proposal. The LMRWD staff does not have the information from MNDOT yet, so we do not know what concerns or issues we may have. She noted they need about 12 acre feet of storage. A resolution will come to the Board at a future meeting, once MNDOT direction is clear.

Ms. Young said MNDOT is hoping to get a contractor by the fall. Administrator Loomis provided the Board with details of MNDOT's preferred option.
- xviii. **City of Shakopee - Amazon Fulfillment Center drainage**
Administrator Loomis commented on the proposal prepared for the city of Shakopee by its consultant WSB. The preferred alternative for this project directs water to a ravine to the east of the Amazon Fulfillment Center that would take water to the Minnesota River.

Ms. Young said staff would like to do an assessment of the ravine in the current state. in order to evaluate the impact the City's alternative would have in the ravine. The LMRWD could then evaluate whether or not LMRWD cost share in the project could be justified.

President Hartmann made a motion to authorize the TH101 task order for \$9,950. The motion was seconded by Manager Raby. The motion carried unanimously.

xix. MAC/LMRWD/MCWD boundary realignment

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

xx. Fort Snelling - Dominion Housing

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

xxi. USACOE/USFWS - Bass Ponds, Marsh & Wetland

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

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

No new information since last update.

7. COMMUNICATIONS

A. Administrator Report: No additional information other than what was reported.

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 Raby seconded the motion. The meeting was adjourned at 8:38pm. The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, May 15, 2019 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN.

Dave Raby, Secretary

Attest:

Linda Loomis, Administrator