



Minutes of Regular Meeting
Board of Managers
Wednesday July 19, 2017
Council Chambers, Chaska City Hall, 7:00 p.m.
Approved August 16, 2017

1. CALL TO ORDER AND ROLL CALL

On Wednesday, July 19, 2017, at 7:00 PM in the Council Chambers 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: Managers David Raby and Yvonne Shirk. In addition, the following were also present: Jeff Richards, Marianne Breitbach, Prior Lake/Spring Lake Watershed District; Eric Watrube, Burns & McDonnell, Engineering Consultant; and Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator.

2. APPROVAL OF THE AGENDA

Manager Raby asked about the revised cost share request from the June meeting for 10217 Tenth Avenue Circle. Administrator Loomis said that is not done yet.

Manager Raby made a motion to approve the agenda of July 19, 2017, as amended. The motion was seconded by President Shirk. The motion carried unanimously.

3. CITIZEN FORUM

There were no citizens who wished to address the board.

4. CONSENT AGENDA

The Consent Agenda included the following items:

- A. Approval of Minutes for June 14, 2017 Regular Meeting**
- B. Approval of Financial Reports**
- C. Presentation of Invoices for payment**
 - i. Burns & McDonnell - for March 2017 engineering services**
 - ii. Time Saver Off Site Secretarial- for preparation of April meeting minutes**
 - iii. Carver County- for 2nd quarter 2017 accounting services**
 - iv. Ron Harnack - for April & May lobbying services**
 - v. Steinkraus Development - July 2017 office rent**
 - vi. Greg Zeck - for April & May 2017 webmaster services**
 - vii. Steinkraus Development LLC - for June office rent**
 - viii. Ron Harnack - for March 2017 lobbying services**
 - ix. US Bank Equipment Finance - June & July 2017 copier lease payment**
- D. Lake Coring project agreement with Freshwater Society**

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

5. NEW BUSINESS/PRESENTATIONS

A. 2018 Preliminary Budget

Administrator Loomis said there will be a public hearing at the August meeting, when Managers will be asked to approve the preliminary budget and certify the levy payable 2018. The 2018 budget was developed using the Implementation Plan under consideration with the Plan Amendment that is out for comment. She pointed out that no dollar amounts are in the plan for Local Water Management Plan Review or for Project Review. These items do not appear in the Implementation Plan. Staff preparing the Implementation Plan thought costs for these items were included in the Administrative budget of \$250,000. Administrator Loomis these costs are costs associated with the Plan, as all the reviews are for compliance with the LMRWD's Plan.

She said this year the levy is \$697,000. Last year the levy was \$725,000. She reminded Managers that at the work session before the June 2017 meeting Managers felt they would like to keep the levy stable and not have it bounce around from year to year.

Manager Raby commented on the money they will be getting from the legislature. He commented that the money the District will be receiving from the State should offset money the District would have levied for. President Shirk noted that the District has not traditionally levied for costs related to the nine foot channel.

Administrator Loomis said these projects anticipated to be completed with the grant money wouldn't be done without the grant. Manager Raby said he doesn't think they will come near spending the budgeted dollar amount this year. He said it seems like they are building more reserves. Manager Raby said he is ok with this but just had a concern about getting more money and not spending it. President Shirk commented on the dredge management site. She noted she is comfortable with reserves but there could be a criticism if they are too high. Administrator Loomis reported that the Channel Fund does have a negative balance. She also reported that former Manager Kremer suggested the District could use money to fund projects that will reduce the amount of sediment flowing into the District.

Administrator Loomis suggested that the District could reduce the levy and use fund balance to balance the budget. President Shirk said she is worried about not having a reserve in case there was a catastrophic event for which the District would be required to expend money, such as being required to remove dredge material in the event of a flood. Administrator Loomis point out that is a condition of the CUP from the city of Savage.

Manager Raby asked about the revenue of the dredge material sale. Administrator Loomis said no 2017 revenue has been received yet. He asked about the revenue from the sale of dredge material in 2016. Administrator Loomis said \$5,000 was budgeted in 2016, the number that appears in that spot is not correct, that number is the actual amount received.

Manager Raby asked about the Riley Creek cooperative project and if another \$150,000 is needed. Administrator Loomis said the district pledged \$150,000 to the Riley/Purgatory/Bluff Creek Watershed District for project.

Manager Raby questioned if they will need more money for public education. He said that the District has already spent more than the budget this year. Administrator Loomis said that is because of the Altered Hydrology project with the Freshwater Society.

Manager Raby asked about the 9-foot channel expenses. The budget shows zero dollars in the budget in 2018. He noted there is \$80,000 in the budget for 2017 and then none in 2018.

Administrator Loomis said the budget is set up by having 25% of all administrator costs being charged to the channel fund. Costs that can be directly charged to the Channel Fund are, such as engineering and legal fees. The cost of the work being done by Patchin Messner Dodd & Brumm for determination of benefits is charged to the channel fund. Managers directed that \$50,000 be allocated to the Channel. There was a brief discussion as to whether or not the money from the State can be used to reduce the deficit in the Channel fund.

The Managers directed that the levy remain at \$725,000 and fund the Local Plan Reviews and Project reviews to levels of 2017.

B. Carver County Watershed Management Organization Cost Share Application

Administrator Loomis said a cost share application from Carver County was received to restore some areas of maintained lawn to prairie.

Administrator Loomis said a rain garden was done on the front side of the Government Center under the District's Cost Share program. The native plantings are well established, but need some maintenance to remove weeds.

President Shirk said she is in favor of approving it and funding only contracted labor as set forth in the proposal.

Manager Raby said he would like follow up with the other districts to see how labor costs for cost share projects are considered.

President Shirk made a motion to approve the Carver County Watershed Management Organization Cost Share Application funding only labor contracted from outside the County. The motion was seconded by Manager Raby. The motion carried unanimously.

C. Ike's Creek

Administrator Loomis said the DNR solicited comments regarding designation of Ike's Creek as a Trout Stream. She said the watershed was not notified. The DNR did not notify the District about the final decision. Notification was received when the US Fish & Wildlife Service sent the LMRWD a copy of the letter they had received about the decision. She suggested sending a letter to the DNR. President Shirk said the letter should also state they are not happy with the process or the final decision.

6. OLD BUSINESS

A. Report from MAWD Special Meeting

Administrator Loomis briefly reported on the MAWD Special meeting which she and Manager Hartmann attended. She noted MAWD is looking for an executive director.

B. MN River Clean Up Event

Administrator Loomis said the staff person in Shakopee that she had been working with has left the city. She will figure out who the new staff person is. President Shirk suggested giving Burnsville another call.

C. Dredge Management

i. Review Process for funding of maintenance of Navigation Channel

Administrator Loomis said assessment of properties has begun. She said noted that businesses and others have called the District and legal counsel about what is going on.

ii. Vernon Avenue Dredge Material Management site

Administrator Loomis said the managers need to approve the work plan and authorize submittal to Bowser. She noted there has not been a response from Savage.

Manager Raby said the request is \$240,000 for 2017 and 2018 but the work plan is only \$170,000. He suggested having a work plan that matches the request.

President Shirk noted Vernon Avenue could be an easy project to add.

Manager Raby made a motion to changes to the work plan discussed and approve the plan. The motion was seconded by President Shirk. The motion carried unanimously.

iii. Private Dredge Material Placement

Administrator Loomis said she has not been to the dredge site in the last couple weeks to see if new material has been placed on the site, but she will check and get invoices out.

D. Watershed Management Plan

i. Plan update/Major Plan Amendment

Administrator Loomis said the counties and municipalities were notified this week. The deadline is September 1st for comments.

Manager Raby said after looking online at the existing plan and trying to locate appendix L he finally found it in a 1,600-page document. He suggested including hot links in the table of contents to just click on to take to that page.

E. Legislative Action

i. 2017 Legislative Session

Administrator Loomis asked Managers to think about what they might want to do for the upcoming legislative session.

Manager Raby commented on not losing any momentum gained during the last year or two. The District has funding for through 2018 but not for funding for 2019 and beyond. He thinks we need to keep in front of the legislators with our issues. President Shirk suggest that we look for opportunities to co-sponsor legislation.

ii. Freshwater Society Altered Hydrology Project

Administrative Loomis said the final report was received.

The managers received and filed the report.

F. Website Redesign

Administrator Loomis wanted to pull up the new site for the board to see, however her link must have expired. President Shirk asked what the target date is. Administrator Loomis said she does not have a date set; but the site will go live and continue to transition everything over.

G. Education and Outreach Plan

i. Friends of the MN River Valley/LMRWD cooperative project

Administrator Loomis reported on the Waseca County Fair. She noted there were a lot of visits at the Hennepin County Fair. She said she will invite Karl, who has been manning the booth at the fairs to speak to the Managers.

ii. Citizen Advisory Committee

Administrator Loomis said she talked to Carver County about a mailing list. She is working to develop a mailing to go out to residents in Carver County. Manager Raby asked if the District has considered doing the same in Hennepin County. He also suggested that Administrator Loomis touch base with the Chimney Pines Home Owners Association.

H. LMRWD Projects

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

Administrator Loomis said scope of work was sent to Barr Engineering and the county hasn't started work on the project.

ii. Seminary Fen ravine stabilization project

Administrator Loomis said she is working on getting the final documents in to BWSR.

iii. Analysis of Dakota County Groundwater Project

Administrator Loomis said they are waiting on the DNR to get us the data the LMRWD requested.

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

Administrator Loomis had nothing to report.

v. Savage Fen Ravine Project

Administrator Loomis said she has not received a call back from the City of Savage.

She reported she received a call from the Scott SWCD about some erosion occurring in Savage at a Town Home development, which was mentioned in the July Administrator Report. Administrator Loomis said the Scott SWCD would be able to prepare a report on what is happening and offer some solutions. President Shirk suggested Administrator Loomis take a look at it to see if it would make sense for the LMRWD to get involved. and to report back to the Board.

I. Project Reviews

i. City of Carver - The Meadows at Spring Creek

No change since last update

ii. City of Eden Prairie - 12300 Riverview Road - Hueler Subdivision

No change since last update

iii. City of Chaska - MMPA (Minnesota Municipal Power Agency) Electric Generation Plant

No change since last update

iv. Hennepin County - Upper Post Fort Snelling/Bloomington Road Project

No change since last update.

v. Xcel Energy Black Dog Plant

President Shirk asked if there are any updates to report. She noted Xcel must close to being finished. Administrator Loomis that Xcel reported that temporary dewatering was needed in laying the pipeline. The LMRWD was not notified by the DNR of the issuance of the permit.

vi. City of Shakopee - Eagle Creek Ridge

No change since last update.

vii. City of Burnsville Cargill/Mosaic levy project

Administrator Loomis said a comment letter was sent to Burnsville.

viii. Fort Snelling - Boy Scouts of America

ix. US Salt

x. Burnsville Water Management Plan

I. Dean Lake - no change since last update

No change since last update. The MPCA has not yet sent confirmation that Dean Lake has been re-classified.

J. MPCA Soil Reference Values

No change since last update.

7. COMMUNICATIONS

A. Administrator Report:

Administrator Loomis had nothing to report. Administrator Loomis said she talked to the WMO about the open position.

B. President:

President Shirk had nothing to report.

C. Managers - Manager Raby questioned item D. on the consent agenda that the US Fish and Wildlife Service wanted to participate and asked what that means. Administrator Loomis said she doesn't think it will be funds. It will more likely be supporting the project and providing access to the lakes. One of the concerns Freshwater Society had was permission to access the Lakes, so working with USFWS will be helpful. Administrator Loomis also reported USFWS is concerned with a ravine that drains into Ike's Creek and that there is not good baseline data for Ike's Creek. The LMRWD and USFWS will discuss monitoring gaps. The DNR will be invited to be part of this discussion.

D. Committees - No report

E. Legal Counsel - No report

F. Engineer - No report

President Shirk noted that there was a gentleman in the audience who wished to speak. Jeff Richards introduced himself and addressed the Board. He said he has 15 acres along the river and isn't currently used and it is doubtful it can be used. He wanted to plant the seed as this being a spot to dump and fill with dredge. He said it could be given or rented. He said the property is not being. He asked what the next steps would be to convey the property to the LMRWD. He said he has spoken with the Corps and there are delineated wetlands that would need to be mitigated. President Shirk thanked him for his comments.

President Shirk asked if the LMRWD had looked into this property. Administrator Loomis said they did not and gave a brief history of the recent activity with this parcel. Mr. Richards then explained the concern expressed to him by the Corps when he had submitted plans to develop the parcel into a deep water terminal. He commented on the flood plain concern.

Managers discussed whether or not the LMRWD needed an additional site and what the cost would be to develop the site for dredge storage.

8. ADJOURN

President Shirk made a motion to adjourn. Manager Raby seconded the motion. Motion carried unanimously. President Shirk adjourned the meeting at 8:10 pm.

Jesse Hartmann, Vice President

Attest:

Linda Loomis, Administrator