



Minutes of Regular Meeting

Board of Managers

Wednesday April 26, 2017

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

Approved May 17, 2017

1. CALL TO ORDER AND ROLL CALL

On Wednesday, April 26, 2017, at 7:09 PM in the County 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: Managers Jesse Hartmann, and Yvonne Shirk. In addition, the following were also present: Lindsey Albright, Dakota SWCD; Taylor Luke, LS Marine; Jake Hamlin, CHS; Al Dye, Metropolitan Airport Commission; Troy Kuphal, Scott SWCD; Peggy Moeller, Redpath & Company; Marianne Breitbart, Prior Lake/Spring Lake Watershed District; and Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator.

2. APPROVAL OF THE AGENDA

President Shirk made a motion to approve the agenda of April 26, 2017. The motion was seconded by Manager Hartmann. The motion carried unanimously.

3. CITIZEN FORUM

Marianne Brietbach addressed the Board. She thanked the board for the invitation to join the Ice Out/Loon In fundraising event. She also wanted to notify the LMRWD that the DNR authorized the opening of the Prior Lake outlet gate in anticipation of forecasted rain.

4. CONSENT AGENDA

The Consent Agenda included the following items:

A. Approval of Minutes for March 15, 2017 Regular Meeting

B. Approval of Financial Reports

C. Approval of Payment of Invoices

- i. City of Chaska - payment of 2013 1st half of Clean Water Fund Grant
- ii. Minnesota Association of Watershed Districts - Annual Dues
- iii. Scott County - fee for responding to Auditor's inquiry
- iv. Rinke Noonan - Legal services for February 2017
- v. Norman Senjem - Professional services writing response the MPCA relating to Chippewa River WRAPS and comments on soil loss limits
- vi. Ron Harnack - Lobbying services for January & February 2017
- vii. Naiad Consulting, LLC - for January and February 2017 Administrative Services and expenses

- viii. **Steinkraus Development for March & April office rent**
- ix. **Burns & McDonnell - for January engineering services**
- x. **USGS - for stream flow monitoring gauge**
- xi. **Barr Engineering - Engineering expense for Riley Creek**
- xii. **Culligan - bottled water for Chaska office**
- xiii. **Metropolitan Conservation District - For sponsorship of 2017 Metro Children's Water Festival**
- xiv. **Time Savers Off Site Secretarial Service - for preparation of February meeting minutes**

D. Scott County Monitoring Agreement

Administrator Loomis informed the Managers that if they had any questions regarding the monitoring agreement with Scott County Soil & Water Conservation District (SSWCD), Mr. Troy Kuphal from the SSWCD was present.

President Shirk asked if the agreement is the same as last year's. Mr. Kuphal said the not to exceed amount is the same. He identified changes to the scope of work, such as refinements to the monitoring of Dean Lake. Other items were reformatted to be more consistent with their agreements with other District.

Administrator Loomis pointed out that services are billed on the basis of time and materials and the not to exceed amount has not been a concern in past years.

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. Report from Auditors

Ms. Peggy Moeller, Redpath and Company, provided a handout of her remarks. She noted there are four separate reports and that three are bound together, the annual financial report, the internal control report and the legal compliance report. There is a separate unbound report, which is the Communication with Those Charged with Governance.

Ms. Moeller explained the responsibility of the auditor's. She said the District received an unmodified or clean opinion, which is the opinion that you want to receive. She pointed out financial highlights. The general fund balance increased \$39,799. Even though the District budgeted for a decrease in the general fund, of over \$273,000, revenue came in over budget by over \$240,000 primarily due to grants. Grant revenue was unbudgeted and came in at \$223,000. Expenditures were under budget by \$73,000.

The Nine Foot Channel caused a decrease in the fund balance of \$5,557, to a deficit balance \$204,261. Revenue in the Channel Fund declined in 2016 by almost \$13,000 due to less dredge site income.

Ms. Moeller reported on the internal controls report. She noted the internal controls are not audited, but are considered when conducting the audit. Any deficiencies in internal controls would be noted in this report. There were no internal control findings so a clean report has been issued.

Ms. Moeller reviewed the legal compliance report. She said there are six categories of testing required by the office of the State Auditor. Tests were performed in all areas except contracts and bidding, and tax increment financing as these two categories do not apply to the District. The result was another clean report.

Ms. Moeller commented on the Communication with Those Charged with Governance, the unbound report. There was one matter that was included and that is to find a funding source to make up for the deficit in the nine-foot channel fund which has been reported in the past years.

Manager Hartmann how long does the deficit on the nine-foot channel remain on the list. Ms. Moeller said that the District should plan to address the deficit, but that the District has sufficient cash flow and enough cash in the general fund to cover the deficit so it is not critical.

B. Report from MAC

Mr. Al Dye, Metropolitan Airport Commission, said he comes once a year to provide an update on what's happening at the airport. He showed the overall diagram of the airport detailing planned activities.

Mr. Dye explained all the planned improvements. He pointed out that the most visible improvements would be the new parking ramp, changes to the exit plaza and the internal roadway.

President Shirk commented that when she started with the District she was given a tour of the airport and wondered if new managers could have an opportunity to be given a tour. Mr. Dye said absolutely. Administrator Loomis will arrange some dates for Managers to consider.

C. Report from Dakota SWCD

Ms. Lindsey Albright, Dakota County Soil & Water Conservation District, presented the results from the 2016 monitoring. Ms. Albright showed example of the equipment used to monitor wells and what the wells look like out in the field.

She explained the uniqueness of the calcareous fens and pointed out the well locations and explained the monitoring regimen. There are three general well fields, Quarry Island, Nichols and Fort Snelling, with over thirty wells in total being monitored.

The thirty year average for rainfall is just over 30 inches per year. The rainfall for 2016 was over 40 inches. She then explained the monitoring that had been collected in 2016. Nichols fen wells show significant influence from rainfall. In general water levels in Nichols fen are rising with seasonal variability. Quarry Island fen is showing a downward trend over time. Water levels in the Fort Snelling fen are stable, showing seasonal fluctuations.

Ms. Albright said the recommendations from the SWCD are to continue monitoring in 2017 to help identify trends. Another recommendation is to continue to work with the DNR. She supported the recommendations provided to the LMRWD in the Burns & McDonnell report commissioned by the LMRWD.

President Shirk asked about Black Dog fen. Administrator Loomis said they are working with the DNR to assess Black Dog fen and conduct a vegetative survey to see if the fen is still able to support calcareous plants. Soil chemistry work will also be done. President Shirk asked if it is found to still meet the standards for a calcareous fen would monitoring of Black Dog fen be added to the monitoring being done by Dakota SWCD. The answer is yes it would be included.

6. OLD BUSINESS

A. MN River Clean Up Event

Administrator Loomis reminded Managers that they had asked to meet with Great River Greening. She has received some dates they are available to meet and she will provide the dates to the managers to decide what date works best.

B. Dredge Management

i. Review Process for funding of maintenance of Navigation Channel

Administrator Loomis said there was not much more to report other than what what included in the executive summary. She had met with CHS, Cargill, Riverland and LS Marine and reported on the meeting.

ii. Vernon Avenue Dredge Material Management site

Staff has spoken about setting up a meeting between the district engineer, the District and the site operator, LS Marine, to discuss the recommendations of the report prepared by Burns & McDonnell and a plan for implementation. Staff will proceed in this direction.

President Shirk asked about addressing the deficit in the channel fund. Administrator Loomis reported that she has been in touch with Clay Dodd and work is progressing to determine benefits, which is something the Managers wanted in order to determine how to address the deficit.

There was general discussion about maintenance of the dredge site, vandalism that has occurred recently and options to prevent further vandalism and trespassing.

iii. Private Dredge Material Placement

Nothing more to report other than what was in the executive summary provided in the packet.

C. Watershed Management Plan

i. Plan update/Major Plan Amendment

Administrator Loomis asked Managers to set a work session to walk through the proposed changes to the plan at a work session before the May meeting.

Administrator Loomis wanted to make Managers aware of comments received from the cities as staff has met with them on existing non-conforming properties and how the district will look at those properties. Another item cities asked Managers to think about is a permitting program for the steep slopes and bluffs.

Administrator Loomis talked about the bank stabilization project in Eden Prairie and said the city told the District they will not be taking the lead on it. President Shirk noted there are still access issues. Administrator Loomis said the District would recommend that the city acquire access to the project through the approval of any subdivision of the property.

D. Legislative Action

i. 2017 Legislative Session

Administrator Loomis had nothing more to report. She noted the District is waiting to receive the letter from the MPCA and BWSR that had been discussed with both agencies.

ii. Freshwater Society Altered Hydrology Project

Administrator Loomis said the Freshwater Society is interested in working with the District to develop an educational display to be used throughout the MN River Basin.

E. Website Redesign

Administrator Loomis provided the quotes. One quote was received for \$1,055 and one for \$2,800. She recommended going with the \$2,800 quote because they would get a lot more.

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

F. Education and Outreach Plan

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

Administrator Loomis said this item is going before the board of the Friends of the MN River Valley this evening. Ted Suss, Friends of the MN Valley, has published an ad looking for an intern that will carry the display around and staff it when it is up for display.

ii. Citizen Advisory Committee

No change since last update.

G. LMRWD Projects

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

Administrator Loomis said the engineers got together to discuss the velocity of Riley Creek and if that can be reduced by changes to the design of the Hennepin County project, there might not need to be a project.

Administrator Loomis reported to Managers that she has been in touch with Riley/Purgatory/Bluff Creek Watershed District and they are still deciding what to do with the project on the reach within their District. Staff is recommending that the LMRWD participate in the RPBCWD project. She explained the RPBCWD project. There has been significant erosion and the project will try to reconnect the channel with the creek's flood plain. LMRWD staff is recommending the LMRWD contribute \$75,000 in each of the next 2 years for a total of \$150,000 to the RPBCWD project.

President Shirk made a motion to authorize participation in the Riley Creek project in the amount of \$75,000 this year and \$75,000 next year. The motion was seconded by Manager Hartmann. The motion carried unanimously.

Administrator Loomis identified where the LMRWD has money in its budget to make this contribution. She noted there was \$50,000 for a project on Bluff Creek that will not be constructed, because easements necessary for the project could not be obtained, that can be used on this project.

ii. Seminary Fen ravine stabilization project

Administrator Loomis said all the money has been paid to the City of Chaska with the exception of the second half of the grant.

iii. Analysis of Dakota County Project

Administrator Loomis said staff put together a draft fen stewardship plan which was sent out to the DNR for comments. Staff is planning to meet with the DNR in May.

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

Administrator Loomis said she just received the storm water plans for this project, which will be reviewed.

v. Savage Fen Ravine Project

Administrator Loomis had nothing to report.

H. Project Reviews

i. City of Carver Comprehensive Plan Amendment

Administrator Loomis said a preliminary plat and plans was just received for this development. Staff is reviewing the plans because of concerns with steep slopes and the fact the storm water is conveyed to Spring Creek and a home owner downstream has complained about active erosion on her property caused by Spring Creek.

- ii. **12300 Riverview Road - Eden Prairie - Hueler Subdivision**
Administrator Loomis said they talked about getting access to this property
 - iii. **MMPA (Minnesota Municipal Power Agency) Electric Generation Plant EAW**
No change since last update
 - iv. **Fort Snelling Upper Post/Hennepin County Road Project**
No change since last update.
 - v. **2014-03152-RMM - Port Richards**
No change since last update.
 - vi. **Xcel Energy Black Dog Plant**
No change since last update. President Shirk noted that
 - vii. **Eagle Creek Ridge - Shakopee**
No change since last update.
- 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 said the managers may want to consider changing the date of the June meeting since that is the date of the MAWD summer tour. MAWD is has called a special meeting and is considering amending its bylaws and dues structure, so Managers may want to make sure the LMRWD is represented at the meeting, thus the need for a change in the date of the June meeting. President Shirk said she is not available on June 28 and we should check with Manager Raby before setting a new date for the June meeting.

Administrator Loomis informed the Managers that the LMRWD display for the kiosk along the Burnsville segment of the MN River Greenway would not be ready in time for the grand opening of the trail on June 3rd.

She explained she had attended a meeting in a series of meetings hosted by the Board of Water and Soil Resources (BWSR) to determine how Clean Water Funding should be dispersed with the implementation of the One Watershed One Plan. This meeting was more of an information gathering exercise for BWSR

Administrator Loomis said she had attended a meeting of Technical Advisory Group for the MN River Greenway Cultural Interpretive Plan. She said public meetings have been held to present the plan to the public and get feedback. The County needs to approve the plan and secure funding in order to construct the trail and interpretive features along the trail. She asked if the Managers would like to see a presentation of the plan. Managers indicated that would be a good idea.

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

LOWER MINNESOTA RIVER WATERSHED DISTRICT

BOARD OF MANAGERS

Wednesday April 26, 2017

MEETING MINUTES

8. ADJOURN

President Shirk made a motion to adjourn. Manager Hartmann seconded the motion. Motion carried unanimously. President Shirk adjourned the meeting at 8:15pm.

Jesse Hartmann, Vice President

Attest:

Linda Loomis, Administrator