



Minutes of Regular Meeting  
Board of Managers  
Wednesday August 16, 2017  
Council Chambers, Chaska City Hall, 7:00 p.m.  
Approved September 20, 2017

**1. CALL TO ORDER AND ROLL CALL**

On Wednesday, August 16, 2017, at 7:00 PM in the Council Chambers of the Chaska City Hall, Chaska, Minnesota, In the absence of President Shirk, 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: Managers Jesse Hartmann and David Raby. In addition, the following were also present: Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Advisor; and Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator.

**2. APPROVAL OF THE AGENDA**

There were no additions or changes to the agenda.

**Manager Raby made a motion to approve the consent agenda as amended. The motion was seconded by Manager Hartmann. 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 July 16, 2017 Regular Meeting**

**B. Approval of Financial Reports**

**C. Presentation of Invoices for payment**

- i. City of Eden Prairie- for LMRWD cost share of Bank Pins study of Area #3
- ii. HDR Engineering, Inc. - for Website redesign services
- iii. Kaul Design Group - for LMRWD logo refresh
- iv. Rinke Noonan - for May 2017 legal services
- v. Time Saver Off Site Secretarial- for preparation of May & June meeting minutes
- vi. Burns & McDonnell - for May 2017 engineering services
- vii. Norman Senjem - for comments on Hawk Creek WRAPS/TMDL
- viii. Steinkraus Development LLC - for August 2017 office rent
- ix. US Bank Equipment Finance - August 2017 copier lease payment
- x. Naiad Consulting - for April 2017 Administrative services
- xi. Yvonne Shirk - for 1st half per diem payment & expense reimbursement

**D. Authorize 2017 CCWMO Cost Share Agreement**

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

**5. PUBLIC HEARING**

**A. Public Hearing for Preliminary Budget and Certification of Levy payable 2018**

Manager Hartmann opened the public hearing. Seeing and hearing no one wishing to speak, Manager Hartmann closed the public hearing.

Administrator Loomis explained the resolutions need to be approved to adopt the budget and certify the preliminary levy for taxes payable 2018. She noted there is one resolution for each county.

**Manager Raby made a motion to approve resolutions 17-01, 17-02, 17-03 and 17-04 for each county. The motion was seconded by Manager Hartmann. The motion carried unanimously**

Administrator Loomis noted schedule A will be attached and given to each of the counties.

**6. NEW BUSINESS/PRESENTATIONS**

**A. Boundary Change between RPBCWD and LMRWD**

Administrator Loomis said Riley/Purgatory/Bluff Creek Watershed District (RPBCWD) did an evaluation of the hydrology of the RPBCWD and found some areas where water was flowing in/out from/to another district so changes to the boundaries were proposed. The proposed boundaries changes were redrawn based on that information. This information is included in the maps in the meeting packet.

Administrator Loomis said she has reviewed the proposed changes and discussed them with RPBCWD and what is before the Managers tonight is the final proposal. The next step would be to adopt the resolution and Riley Purgatory will petition BWSR for the boundary changes.

Manager Hartmann asked if this is because of the slope. Administrator Loomis said it is based on slopes, but also storm sewers and which ways the water flows. Manager Hartmann asked about the number of parcels that would be exchanged. Administrator Loomis said the evaluation didn't look at the number of parcels as much as the market value. Manager Raby said the change in the market value is rather small and he understood the decisions were based on hydrology and then keeping neighborhoods together, where water flowed to both watersheds.

Administrator Loomis pointed out to the Managers that the LMRWD included funds in the 2018 budget to conduct a similar exercise.

**Manager Raby made a motion to approve the resolution 17-05 for a boundary change. The motion was seconded by Manager Hartmann. The motion carried unanimously.**

Manager Hartmann asked if this would have a financial impact to the LMRWD (in addition to the change in the market value of property within the District) and whether or not it would help to attract Managers for the District. Administrator Loomis said it should not have a financial impact for the LMRWD as this was done as a project of the RPBCWD. Manager Raby said it might help with finding an additional Manager for Hennepin County.

**7. OLD BUSINESS**

**A. Cost Share for 10217 Tenth Avenue Circle - Janezich**

Administrator Loomis said this item first came before the Managers at the June meeting. She said a cost share agreement has been prepared and sent to the home owner. She said she has

not yet received all the documentation she had requested, but she has met with the home owner who has shown her all the documentation. She said Managers could make receipt of the documentation a condition of approval.

Manager Raby asked if this was the project that had originally wanted each rain garden to be counted as a separate project. She informed the home owner that the Managers would count all three rain gardens as one project.

She has inspected the property and said the home owner has done a lot of work and that in addition to the three rain gardens a gabion wall was part of the project that allows stormwater to be captured by the gabion and infiltrate into the ground as well as hold the slope in place.

**Manager Raby made a motion to approve up to \$2,500 for the cost share upon receipt for the appropriate documentation from the grantee. The motion was seconded by Manager Hartmann. The motion carried unanimously.**

**B. MAWD**

Administrator Loomis told the Managers she had spoken with the Board of Prior Lake/Spring Lake Watershed District (PLSLWD) at a carp management tour they had invited her to attend. They asked if the LMRWD Managers were intending to address the increase in the MAWD dues. The PLSLWD indicated they were planning to adopt a resolution requesting MAWD revisit the increase in the dues and also include watershed district staff eligible to serve on the Board of MAWD. The resolution would request that MAWD consider making the representation on the board match the funding. MAWD is split into three regions and the majority of funding comes from region 3, which is the Metro Area. PLSLWD feels that Region three should have greater representation on the Board. The last bylaw change being suggested is term limits for the MAWD board members and to stagger the terms of the board members.

Manager Raby suggested waiting to see the final proposal and also give President Shirk an opportunity to provide her opinions.

This item was tabled to the next meeting.

**C. MN River Clean Up Event**

Administrator Loomis said she will not be able to get a project put together this year. She will work to get a project put together for next year.

**D. Dredge Management**

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

Administrator Loomis said there is nothing new to report.

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

Administrator Loomis said she has not heard from the City of Savage regarding the District's proposal for the dredge placement site. The site plan has been sent to BWSR for approval.

**iii. Private Dredge Material Placement**

Administrator Loomis commented the license agreements with the private parties have expired. New license agreements are being drafted by legal counsel for the LMRWD. Changes have been requested by the private parties that would allow a performance bond to be an acceptable form of financial assurance, rather than a Letter of Credit.

**E. Watershed Management Plan**

**i. Plan update/Major Plan Amendment**

Administrator Loomis said there was a request to extend the date for the comment period, since the meeting packet was prepared and sent to the Managers. If an extension is granted the public hearing would be in October instead of September. Staff cannot see any reason why the District should not grant an extension.

Della Young explained that staff has received many questions from the cities in the District regarding the Plan Amendment and that an extension will help District staff get a better idea of what concerns the cities may have. She explained that the cities do not understand that the Plan Amendment allows cities flexibility for them to evaluate properties that are in the bluff overlay district and identify, in its local water management plan, those that the cities feel are appropriate for development.

Manager Raby asked why the city would approve an application for a subdivision near an area that has existing problems. [Referring to a recent subdivision approved near an area of active erosion that is threatening homes] Ms. Young said that those are some of the questions the LMRWD staff has. She said if structures already exist in the overlay zone, it will be grandfathered in. In the case of recent subdivision approvals, it may be that developers are trying to get subdivisions approved before the new rules take effect; so that they can take advantage of the grandfather provisions. The District's main concern that prompted the change to the bluff definition is that as new subdivisions are developed the District wants cities to be cognizant of the hazards posed by the bluffs.

Ms. Young said that if a city strongly believes that development should occur in areas that the LMRWD deems are in the bluff overlay district, the city can conduct a technical evaluation and justify why development should be allowed and put in the city's local water plan. This way, the LMRWD is not taking authority from the city, we just want to make sure the city thinks about the resource the LMRWD is trying to protect.

Manager Raby said his concern is with the liability to the District, if the District allows the city to make this kind of determination and the determination is not consistent with what the District has told them to do.

Managers discussed the impact of granting an extension. Staff responded that it is reasonable; it will just push the timeline out another month.

**Manager Raby made a motion to extend the comment period to September 20. The motion was seconded by Manager Hartmann. The motion carried unanimously.**

**F. Legislative Action**

**i. 2018 Legislative Session**

Administrator Loomis said she has been in touch with Ron Harnack and is waiting to hear back from him with his recommendations as to how the District should proceed.

**ii. Freshwater Society Lake Coring Project**

Administrator Loomis said Manager Raby had suggested that a presentation would be something of interest at the MAWD Annual conference. She said she has touched base with Carrie Jennings who said next year would make a better presentation.

Due to the severe weather alerts, the board decided to not cover the rest of the agenda. Those present quickly went through additional items that Managers might want to consider at this meeting.

Administrator Loomis said there is nothing further on the agenda that requires board action, other than if the Board wanted to provide direction to staff regarding Mr. Richards request from the July meeting. Mr. Richards had asked the District to consider acquisition of property he owns on the river in Savage for dredge placement. Manager's consensus was that there was not much value to the District to spend time to investigate acquisition of the property. Staff was directed to not pursue this any further.

**G. Website Redesign**

**H. Education and Outreach Plan**

- i. Friends of the MN River Valley/LMRWD cooperative project**
  
- ii. Citizen Advisory Committee**

**I. LMRWD Projects**

- i. Riley Creek Cooperative Project/Hennepin County Flying Cloud Drive/CSAH 61 reconstruction project**
  
- ii. Seminary Fen ravine stabilization project**
  
- iii. Analysis of Dakota County Groundwater Project**
  
- iv. East Chaska Creek/ CSAH 61 & TH 41 Transportation Improvement Project**
  
- v. Savage Fen Ravine Project**
  
- vi. Bluff Erosion 0 8150 132nd St. West, Savage**

**J. 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**
- 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**
- 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. **Boy Scouts of America (BSA) - Fort Snelling Upper Post**

ix. **City of Burnsville - US Salt**

x. **Burnsville Water Management Plan**

K. **Port Richards/Acell LLC**

L. **Dean Lake - no change since last update**

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

## 7. COMMUNICATIONS

**A. Administrator Report:** Administrator Loomis said she had received notice Corridor Study for Jonathan Parkway in the city of Carver and had attended the meeting requesting She also informed Managers that she was planning to attend the meeting of the action board and that the next meeting of the River Congress. She asked about the new format for the financial report. Managers stated it was an improvement. She said it is her intention to include a CIP page with revenues and expenses, so Managers can track project expenses.

**B. President:**

**C. Managers:** Manager Hartmann asked about the time and place of the MSP tour. Administrator Loomis said she had sent a notice with directions and she will resend it to all the Managers. The scheduled date is August 24th at 1:30pm and Managers are to meet at the MAC offices; 6040 28th Avenue South.

**D. Committees -** No report

**E. Legal Counsel -** No report

**F. Engineer –** No report

## 8. ADJOURN

**As there was no further business, Vice President Hartmann adjourned the meeting at 8:07.**

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Dave Raby, Secretary

Attest:

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Linda Loomis, Administrator