



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, September 15, 2021

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

Approved October 20, 2021

1. CALL TO ORDER AND ROLL CALL

On Wednesday, September 15, 2021, 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).

President Hartmann asked for roll call to be taken. The following Managers were present: Manager Laura Amundson, President Jesse Hartmann, Manager Patricia Mraz, and Manager David Raby. Manager Lauren Salvato was absent. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, Technical Consultant. Carrie Jennings, Freshwater; Scott Sparlin, Coalition for a Clean Minnesota River and Lindsey Albright, Dakota County Soil & Water Conservation District all joined virtually.

2. APPROVAL OF THE AGENDA

Administrator Loomis stated that she had no revisions or additions to the agenda.

Manager Raby made a motion to approve the agenda as presented. The motion was seconded by President Hartmann. Upon a vote being taken the motion carried unanimously.

3. CITIZEN FORUM

Administrator Loomis reported that she had not received communication from anyone that wished to address the Board.

4. CONSENT AGENDA

President Hartmann introduced the item.

- A. Approve Minutes July 21, 2021 and August 18, 2021 Regular Meeting
- B. Receive and file August 2021 Financial reports (There was no August financial report because of the early date of the meeting this month.
- C. Approval of Invoices for payment
 - i. No invoices were approved this month. Because of the early date of the meeting no financial reports were received from Carver County
- D. Receive and file Citizen Advisory Committee August 2021 meeting minutes
- E. Authorize Final payment to Inter-Fluve for Area #3

President Hartmann made a motion to approve the Consent Agenda. The motion was seconded by Manager Mraz. Upon a vote being taken the motion carried unanimously.

5. NEW BUSINESS

A. Nonyphenol & Sedimentation History in Riverine Lakes

Administrator Loomis introduced Carrie Jennings of Freshwater. Ms. Jennings presented the report on contaminant history of nonylphenol and its ethoxylates in the Twin Cities' Urban Watershed. These contaminants are alkylphenols which are frequently used in laundry detergents, pesticides, and personal care products, because they are surfactants. They are created during the wastewater treatment process. The issue with this class of chemicals is that they bio-accumulate and disrupt the endocrine systems of animals and potentially people. They are toxic to aquatic organisms, are environmentally persistent, and have been banned in the UK, however the EPA has not taken that step yet but has introduced a voluntary phase out and suggested safer choices. One goal of sampling the sediment is to see if the voluntary regulations from the EPA were having an effect.

Ms. Jennings explained the goal of this investigation, conducted by Ron McManus, an intern with Freshwater, was to see if a chemical history could be documented by coring lake sediments. Mr. McManus had worked with Dr. Judy Krane of the MPCA to determine what contaminants he should look for. Dr. Krane has documented Nonyphenols in different locations around the state. Sediment cores were taken from lakes along the river and sent to the University of Minnesota's LacCore facility for processing and pollen analysis. (Pollen is used to assist in dating the sediment layers)

Ms. Jennings walked the Managers through the record history. She explained magnetic susceptibility, and organic vs. inorganic carbon. She explained some of the questions that may surround using riverine lakes to build a steady record; do these lakes store sediment overtime or do flood events erode the record.

She noted COVID disrupted their work. There were not issues collecting the sediment samples, however, once the sample were ready to be looked at the U of M campus was shut down so there was not access to the cores. When they were allowed back into the facility it was after the recommended storage time for this chemical; not because the chemical degrades but because it mobilizes. This time lag, between collecting the sample and testing for the chemical, is casting some doubts on the results. They were able to salvage something from this project by updating the sedimentation rates in the lakes along the flood plains. She noted that the work done with this project actually verified data record of previous work Freshwater did on behalf of the LMRWD.

She said that this project did provide good information about the validity of using riverine lakes to study the historical record. Ms. Jennings stated it could be possible in the future to do these tests again and noted the generous donations of the LMRWD and other Watersheds, as well as volunteer and pro bono work from many people. She said that if a project looking at these chemicals is done in the future, she would consult with the MPCA.

Manager Raby asked if these are really created during the waste treatment phase or whether they are concentrated; if they are actually created, how are they created?

Ms. Jennings replied they are created during the wastewater treatment process which introduces microorganisms into the water that can degrade some of the alkylphenol ethoxylates into multiple products including the nonylphenol. It is a product that results from the degradation of something that enters the wastewater treatment plant.

B. Request from Coalition for a Clean Minnesota River

Administrator Loomis reminded the Board that Scott Sparlin requested \$10,000 over the course of two years to help get legislation passed at the State level for funding of water storage projects in the Upper Minnesota River Basin. Mr. Sparlin was successful this legislative session, but the legislature diluted it as it is not just specific to the Minnesota River and the amount of funding allocated was not what had been hoped for. Now Mr. Sparlin would like to ask the federal government for assistance with the same task because much of the sediment and nutrients from the erosion in the Minnesota River are contributing to the anoxic zone in the Gulf of Mexico.

Manager Raby would like to know what the overall effort over the next two years will be and the funding effort for that.

Mr. Sparlin clarified they got the program established, it is for the Minnesota River basin and the Upper Mississippi River. The legislature did not include the kinds of funds needed to bring this to scale which is what they will be working on over the next couple of years. The money he is asking the LMRWD for is to continue down the path of seeking a federal partnership. The overall budget is dependent upon the work that other organizations are doing so he cannot give a good answer to the question at this time. They are looking at a \$30,000 per year (total of \$60,000) overall budget and will seek a match for the funds.

President Hartmann made a motion to approve the fund request as a match per the previous time. The motion was seconded by Manager Mraz. Upon a vote being taken the motion carried unanimously.

C. Appletree Condominium Cost Share Application

Administrator Loomis stated this is a condominium building in Bloomington; they are in a steep slope overlay zone and have been having issues with erosion behind the building. They have done quite a bit of work to put in drain tile and drain water away from the building to the City storm water system and are looking at landscaping to further ameliorate the erosion issues. They sent in an application for a cost-share project and Young Environmental reviewed the application and made some recommendations.

Ms. Schall-Young noted it is a good application and they are recommending approval. The Board should keep in mind that the project will need a permit so perhaps a portion of the money should go towards that permit application to ensure that they come back and do due diligence.

Administrator Loomis noted \$7,500 is the maximum amount for a condominium-type of request.

Manager Raby made a motion to approve the cost-share application subject to the applicant applying for and obtaining a permit from the LMRWD. The motion was seconded by Manager Mraz. Upon a vote being taken the motion carried unanimously.

D. Modification to LMRWD Board of Managers meeting schedule

Administrator Loomis noted in April, Staff asked that the Board consider adding a second meeting every month to the schedule to make it a regular meeting and eliminate emergency meeting notices, and now that Ms. Schall-Young's team has a better handle on applications they no longer feel they need the second meeting. They are asking to modify that meeting schedule and eliminate the first Wednesday meeting.

Manager Mraz asked if staff feels an additional meeting would be needed again next summer. Ms. Schall-Young noted that one of the reasons the LMRWD has seen so many permit reviews is that several cities do not yet have the municipal approval the LMRWD grants to cities. The LMRWD is looking to approve all the cities before next summer, so the workload will be reduced.

Manager Mraz made a motion to adjust the meeting schedule. The motion was seconded by President Hartmann. Upon a vote being taken the motion carried unanimously.

6. OLD BUSINESS

A. I-35W Frontage Trail Cost Share – Burnsville

Administrator Loomis noted at the previous meeting the Jen Desrude, Public Works Director for Burnsville, requested funding on two projects: the I-35W Trail project and the Willow Creek stabilization. Young Environmental scored the projects and the trail project did not score very high and the ravine stabilization project scored quite a bit higher. Staff continued to work with the City to find a number appropriate for the District's participation. Staff recommends the District does not participate in the I-35W Trail project. Staff recommends \$75,000 from the District to the Willow Creek stabilization project seems appropriate if the Board decides to participate.

Manager Raby thinks if they fund the project, they should fund it in phases.

Ms. Schall-Young suggested when the construction is substantially complete, the District would give them 90% and when it is fully restored they would get the remaining 10%.

Manager Raby made a motion to approve the \$75,000 contribution with 90% paid upon substantial completion and 10% after total completion. The motion was seconded by President Hartmann. Upon a vote being taken the motion carried unanimously.

B. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail

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

C. City of Carver Levee

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

D. Remote meeting participation

Administrator Loomis met with facilities and IT people at the County to discuss the District's needs for meetings and tying into their system. They now have the capacity to bring people into meetings remotely. She noted the County will be upgrading their system and there will be discussions on what is appropriate for the LMRWD to contribute to the cost of upgrades.

Manager Raby asked if he should use his own computer to join a Board meeting from a remote location? Administrator Loomis noted that is a decision that is up to the Board. Manager Raby said he is fine using his own equipment unless some special equipment is required. He would prefer not to take a LMRWD owned computer away for the months he is gone.

President Hartmann asked about the bandwidth when participating from a remote location. Administrator Loomis agreed that could be an issue. She noted that you can plug a laptop directly into the internet router using an ethernet cable to improve connectivity. Manager Raby asked if he would need to meet in a public location when in a remote location. Administrator Loomis said that is a requirement of the open meeting laws.

Manager Raby noted the Board approved funding for equipment necessary to allow Managers to participate from a remote location. Managers Raby and Amundson said they both plan to attend the October Board meeting from a remote location.

E. Dredge Management

- i. **Vernon Avenue Dredge Material Management site**
No new information to report other than what was reported in the Executive Summary.
- ii. **Private Dredge Material Placement**
Administrator Loomis advised the Board that all payments for 2020 placement of private dredge material has been received.

F. Watershed Management Plan

No new information to report since last update.

G. 2022 Legislative Action

No new information to report since last update.

H. Education and Outreach Plan

- i. **Tour of LMRWD Projects**
Administrator Loomis noted they have a date set for October 2, 2021 for a tour. She asked about preference for transportation that day.

The Board decided to drive individually.

I. LMRWD Projects

(Only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)

No projects require action this month – See Administrator Report for project updates.

J. Project/Plan Reviews

(Only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)

- i. **Excel Energy Line 0832 (LMRWD No. 2021-041)**
Administrator Loomis noted this is a project to repair a structure in Black Dog Lake that supports the electric lines. Excel Energy plans to replace the structure and there will be some temporary work in public waters. Ms. Schall-Young and Staff have reviewed it and received the payment. She noted that there will be temporary fill in the lake that will be removed once the project is completed, however it still required compensatory storage (although temporarily).

Manager Raby made a motion to approve Xcel Energy Line #0832 (LMRWD No. 2021-041). The motion was seconded by President Hartmann. Upon a vote being taken the motion carried unanimously.
- ii. **Canterbury Senior Living (LMRWD No. 2021-040)**
Administrator Loomis noted this a for a senior residential facility in the Canterbury Park development in the city of Shakopee. She stated this is a recommendation for conditional approval subject to the NPDES permit and contact information for those responsible for inspection.

Della Schall-Young noted that this project is part of a regional stormwater management system and that is why the information the documentation shows how the project will apply for credits to manage stormwater.

President Hartmann made a motion approve Canterbury Senior Living (LMRWD Permit No. 2021-040) pending receipt of a copy of the NPDES permit and contact information for the contractor(s) and/or the person(s) responsible for inspection and maintenance of

all erosion and sediment control features. The motion was seconded by Manager Amundson. Upon a vote being taken the motion carried unanimously.

iii. Circle K/Holiday Station (LMRWD No. 2021-034)

Administrator Loomis noted this is for construction of a Holiday Station store at 7800 126th Street in Savage.

Ms. Schall-Young shared that the project falls under Rules B and D, one for erosion control and the other for stormwater management. Erosion control looks good and Ms. Schall-Young's team has been working with the reps for Circle K/Holiday on the stormwater management component. The applicant would like to get out and start construction, so while the team works through the Rule D requirements, they have asked the applicant to provide performance bonds for assurances to correct things if needed. Ms. Schall-Young is also requesting a copy of the dewatering analysis from the DNR. She noted they recommend approval with conditions.

Manager Raby made a motion to conditionally approve Circle K/Holiday Station Stores (LMRWD Permit No. 2021-034) pending receipt of A commercially issued performance bond for \$24,500; a copy of the NPDES permit and the contact information for the contractor(s) and/or the person(s) responsible for inspection and maintenance of all erosion and sediment control features; and a copy of the DNR-requested dewatering analysis report. The motion was seconded by President Hartmann. Upon a vote being taken the motion carried unanimously.

iv. Burnsville Park Jeep (LMRWD No. 2021-030)

Administrator Loomis noted the dealership is looking at some improvements including adding a new building and the parking lots. Staff recommends approval.

Manager Raby made a motion to approve Burnsville Park Chrysler Jeep (LMRWD Permit No. 2021-030) pending receipt of a copy of the NPDES permit and contact information for the contractor(s) and/or the person(s) responsible for inspection and maintenance of all erosion and sediment control features. The motion was seconded by President Hartmann. Upon a vote being taken the motion carried unanimously.

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

7. COMMUNICATIONS

- A. Administrator Report:** Administrator Loomis noted that the Administrator report was not distributed prior to the meeting. She reported that the 1 Watershed 1 Plan, Minnesota River East grant for developing the plan was approved and the planning committee will set up a meeting schedule.

The District has been invited to be part of the Technical Advisory Group for the Lower MN River West 1 Watershed 1 Plan.

The US Army Corps of Engineers held its River Resource Forum virtually August 24th. Administrator Loomis reported that the USACOE said the Bass Ponds project in Scott County is scheduled for completion in October. She noted that this project is a habitat restoration project that will change some outlet structures between the lakes to allow more natural fluctuation of the water levels. She noted there is a trail there that has been closed and Administrator Loomis has been receiving inquiries from the public as to when it will open. The Corps of Engineers is will be doing a virtual ribbon-cutting when it is complete.

She noted that she reported to the Board in August that Carver County was planning to renew its agreement with the LMRWD to perform accounting services. She has since spoken with the County and discovered that she did not understand that the County is no longer willing to perform accounting services for the LMRWD. She will prepare an RFP for accounting services as well as for Audit services.

Manager Raby asked that Administrator Loomis give the Board sufficient time to fill the Administrator position when she decides to retire.

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

8. ADJOURN

At 8:43pm, President Hartmann made a motion to adjourn the meeting. Manager Raby seconded the motion. Upon a vote being taken the motion carried unanimously.

The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, October 20, 2021, and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Lauren Manager Salvato, Secretary

Attest:

Linda Administrator Loomis, Administrator