



Minutes of Regular Meeting  
Board of Managers  
Wednesday, November 19, 2014  
City Council Chambers, Chaska City Hall, 7:00 p.m.  
Approved December 17, 2014

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

On Wednesday, November 19, 2014, at 7:00 PM in the City Council Chambers of the Chaska City Hall, Chaska, Minnesota, President Kremer 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: Kent Francis, Len Kremer, and Yvonne Shirk. Linda Loomis, LMRWD Administrator, Della Young, Burns & McDonnell, Donald Buckhout and Steve Christopher, BWSR and Curt Hennes, PLSLWD were also present.

**2. APPROVAL OF THE AGENDA**

President Kremer introduced this item. Manager Shirk added under old business item 6. I. - Receive and file letter from Roger Guennigsman.

**Manager Francis made a motion to approve the agenda of November 19, 2014 as amended. The motion was seconded by Manager Shirk. The motion carried unanimously.**

**3. CITIZEN FORUM**

No Citizen Input

**4. CONSENT AGENDA**

- A. Approval of Minutes October 14, 2014 Regular Meeting**
- B. Approval of Financial Report**
- C. Approval of Payment of Invoices**
- D. Resolution 14-07 - Adopting Watershed Management Plan**
- E. Resolution 14-15 - Adopting Strategic Resource Evaluation**
- F. Resolution 14-17 - Adopting Governance Study**
- G. Resolution 14-18 - Adopting Dredge Material Management Plan**
- H. Authorize Joint Powers Agreement with Carver County to provide Accounting Services**

**A motion was made by Manager Shirk and seconded by Manager Francis to approve the Consent Agenda. VOTE: Ayes 3; Nays 0, Motion carried.**

Manager Shirk clarified the adoption of the watershed management plan, with Resolution 14-07, is the original plan.

**A motion was made by Manager Shirk and seconded by Manager Francis to approve the Consent Agenda. VOTE: Ayes 3; Nays 0, Motion carried.**

President Kremer said items will be taken out of order to accommodate those present to make presentation to the Board, the minutes however reflect the order of the agenda.

## **5. NEW BUSINESS**

### **A. Resolution 14-16 - Appreciation and presentation of Commemorative Plaque for Manager Francis**

President Kremer read the Resolution 14-16 for Manager Francis and presented the Plaque to Manager Francis. Manager Francis served from 2005 to present. President Kremer talked about the improved efficiencies and effectiveness under Manager Francis's leadership. He said the board appreciates what Manager Francis has done. Manager Francis said this has been a "we" thing. He stated he was very honored and privileged to have served.

**A motion was made by President Kremer and seconded by Manager Shirk to approve the resolution. VOTE: Ayes 3; Nays 0, Motion carried.**

### **B. Participation in Bluff Creek Project with Riley Purgatory Watershed District**

Administrator Loomis said she got a call from Claire Bleser at Riley Purgatory Bluff Creek Watershed District saying they received a grant from BWSR. Upon further review they realized that half the project is in the LMRWD. She said the cost to partner would be \$50,000. The reason this happened is that Ms. Bleser used the county web sites to identify which watershed the affected property is located within when she submitted the grant. After the grant was awarded she checked the RPBCWD legal description and discovered half the project is within the LMRWD. The Hennepin County Regional Trail tunnel is the boundary. Administrator Loomis explained the project proposes two alternatives. One was stabilizing the channel and then putting in an alternate route for the fish. The other alternative would include the fish channel in the stabilization. The cost for the recommended alternative was about \$200,000. She stated she didn't see enough benefit with the more expensive alternative to justify the added expense. Administrator Loomis said she thinks it's a good project and recommended taking \$50,000 from the Carver City river bank stabilization project since they aren't sure when that project will occur. President Kremer said it was about 10 years ago that the LMRWD wrote a letter to Riley Purgatory asking them to deal with the erosion of the creek. Administrator Loomis noted in the strategic resources the project, Bluff Creek received a high priority ranking. She said that Riley already paid for all the engineering work and the City of Chanhassen will contribute \$18,750 to the project. The estimated cost was about \$280,000.

**A motion was made by Manager Francis and seconded by Manager Shirk to approve the participation in the Bluff Creek Project with Riley Purgatory Watershed District at an amount not to exceed \$50,000. VOTE: Ayes 3; Nays 0, Motion carried**

Administrator Loomis asked if Managers would like to have someone from RPBCWD come to present the project and answer any questions the Managers may have. Managers felt it would be nice to have someone come.

### **C. MAWD Annual Meeting**

Administrator Loomis said if someone is planning on going to the MAWD annual meeting the managers need to designate delegates. President Kremer said he is planning to attend.

**A motion was made by Manager Francis and seconded by Manager Shirk to designate President Kremer as the delegate from the LMRWD at the MAWD Annual Meeting. VOTE: Ayes 3; Nays 0, Motion carried.**

Administrator Loomis asked if she should attend the meeting. The Board discussed attendance and concluded next year would be better. President Kremer suggested the Administrator attend Metro MAWD meetings.

**D. Relationship with Water Education organizations**

This item was not discussed.

**6. OLD BUSINESS**

**A. PRAP (Performance Review and Assessment Program) report from BWSR**

Donald Buckhout said he will be presenting in summary form. He showed a map of the State of Minnesota and the performance review and assistance program. He said the program provides a systematic way for review BWSR to assess the effectiveness of the watersheds. All the watershed organizations have a long-range plan and those plans have to be approved by the agency. Mr. Buckhout explained the PRAPs are required by statute on a once every ten year cycle.

Mr. Buckhout noted that one of the areas of concern is the inability of the LMRWD to fulfill the Board. President Kremer responded and said it is up to the counties to fill those vacancies. Mr. Buckhout explained that BWSR feels that an active Citizens Advisory Committee (CAC) is the way to interest people in becoming involved in Watershed activities, which then would lead to a group of people to draw upon when there is a Board vacancy. President Kremer said finding Managers to fill out the Board is a more immediate problem and it seemed if time were to be spent seeking individual to serve on a committee, it would be better to find Managers rather than spend time developing a CAC. He asked about getting citizens and advisory group outside the boundaries. found to be successful and try to learn from one another. Manager Francis said the old traditional way is not working to get citizens. He said they need to start thinking outside the box. Manger Francis said, he believes that the LMRWD should look for quality over quantity.

Mr. Buckhout said the report recommends increasing the district capacity, by increasing staff hours to accomplish district goals. They felt the Strategic Resource Evaluation was a good basis to use manage resource within the District..

Mr. Buckhout said another recommendation is to revisit the port authority issue for the dredge material site. President Kremer said the board suggested to the City of Savage to establish a port authority. He asked if the assistance program could help them. Mr. Buckhout said the District would need to come up with a process for building consensus that the district would coordinate and sponsor it. He stated grants are available to help implement recommendations of the Report.

Mr. Buckhout said another recommendation is to get reports in on time. He noted these are action items. Manager Francis said the focus should be on 2014. Mr. Christopher said 2014 should be submitted on time and then go back. Manager Francis stated based on changes they can't find appropriate data but have hired a better Administrator.

Mr. Buckhout noted they did not receive very strong response when surveys were sent to LMRWD partners. Out of 55 people asked to take the survey, only 21 responded.

Mr. Buckhout said the District has until December 12 to comment on the findings of the report. Once comments are received from the District a final report will be prepared., which will be reported to the Legislature and be available for public comment.

Mr. Buckhout commented on the annual MAWD conference and encouraged the managers to go.

Manager Shirk asked how they stacked up against other districts. Mr. Buckhout said it is difficult to compare one District to another as no two are alike.

**B. Finalize 2015 Budget and Certify Levy for Taxes payable 2015**

Manager Francis asked if this was for discussion or just a formality. Manager Shirk stated it was just a formality.

**A motion was made by Manager Shirk and seconded by Manager Francis to adopt and finalize the 2015 budget. VOTE: Ayes 3; Nays 0, Motion carried.**

**C. Economic Impacts of 2014 Spring Floods on River Transportation (verbal update)**

Administrator Loomis said she is still working on the economic impacts. She has spoken with Russ Snyder about getting information from the Corps of Engineers. She has also contacted the Minnesota Chamber of Commerce. President Kremer said the LMRWD wanted it before the beginning of the Legislative session. Manager Francis suggested talking to Clint Gergen. Administrator Loomis said she will try and have a draft for the December meeting.

**D. South Metro Mississippi River TSS TMDL Contested Case Hearing (verbal update)**

Administrator Loomis said the letter was sent to the MPCA and LMRWD partners. Administrator Loomis reported on some positive comments she has received in response to the District's letter. Manager Kremer asked Administrator Loomis to contact the MPCA to see where they are.

**E. Seminary Fen/Chaska Ravine**

**i. Adopt Resolution 14-05**

**ii. Authorize Joint Powers**

Administrator Loomis said the \$175,000 coming from the DNR is going to the City of Chaska so there is no need to have the agreement between the LMRWD and the City of Chaska include the DNR. President Kremer said the only problem he sees with the agreement is that the LMRWD would be responsible for cost that exceed what is in the agreement and the city of Chaska is responsible for managing the project and they could move ahead without our concurrence. Manager Francis said there should be a not to exceed number. Manager Shirk pointed out that the agreement provides that the LMRWD approve the award of the construction contract and the LMRWD must approve any change orders or supplemental agreements. Administrator Loomis pointed out that the agreement provides that the city and the LMRWD will equally share costs over the agreement amounts.

**A motion was made by Manager Shirk and seconded by Manager Francis to approve the agreement and adopt resolution for the cost share program with the City of Chaska.**

**VOTE: Ayes 3; Nays 0, Motion carried.**

**F. Plan Amendment**

Ms. Della Young, from Burns & McDonnell said the plan amendment process began a couple months ago. The plan has been amended to incorporate the Governance Study, the Strategic Resource Inventory as well as the Dredge Material Management Plan. The draft amended plan

includes the updates highlighted and underlined. She pointed out the amount of money to have in the general fund reserve was \$250,000 in the past years and assumed that was the policy moving forward. He questioned the total costs of the projects. President Kremer commented on the costs of some of the projects being very detailed and others are not. Manager Shirk pointed out some edits. Ms. Young said she will update the plan to include those edits.

President Kremer asked if the 2015 implementation plan is consistent with the 2015 budget. Ms. Young said it is.

President Kremer said he thinks the amount of money for Deans Lake is low.

President Kremer asked whether the cost for projects identified in the plan are total project costs or just the LMRWD's portion of the costs. There was discussion as to how costs were to be reflected in the plan. President Kremer asked if the LMRWD were going to implement projects if there was no local participation. Administrator Loomis and Ms. Young reminded the Managers that part of the discussion held at the workshop in September questioned whether the LMRWD would implement projects without local participation. President Kremer asked what the consensus was of the TAC regarding implementation of projects without local participation. Ms. Young reviewed discussion that were held with TAC members when the plan was initially prepared.

He said the Managers need to determine what is going to be included in the tables. He doesn't want to have the project cost be so low that when the project gets done a plan amendment needs to be done for the cost. President Kremer stated he wanted this plan to reflect the policies of LMRWD as they have been traditionally. Manager Shirk asked if there was a general policy statement in the plan regarding local participation. Ms. Young said there was not such a statement. Manager Francis suggested that such a statement identify contingencies if a partner would drop out of participation in a project, etc. Manager Shirk suggested that a policy is a guide and that Managers can always deal with such situations as they arise on a case by case basis. Managers asked that the Tables be footnoted to make clear what cost are identified.

**A motion was made by President Kremer and seconded by Manager Francis to approve the Plan Amendment with the edits suggested by Manager Shirk and modifications explaining which costs are total project costs and which are only LMRWD costs. VOTE: Ayes 3; Nays 0, Motion carried.**

Ms. Young clarified the dollar amounts will stay the same but a footnote will be added.

Ms. Young and Administrator Loomis asked the Board if they had a preference as to who should manage the dissemination of the Plan Amendment. Mr. Christopher suggested reaching out to each of the agencies and ask if they want a hard copy or electronic copy. The Managers asked Ms. Young and Administrator Loomis to work it out between themselves.

#### **G. Dredge Management**

##### **i. USACE Right of Entry Agreement**

No activities have occurred on this item in the past month. Administrator Loomis must set up a meeting with the Corps.

##### **a. Environmental Liability**

This issue has been resolved and will no longer appear on future agendas.

Administrator Loomis advised the Managers that the MPCA is looking to revise the

Soil Reference Values and reported on her conversation with Emily Schnick from the MPCA regarding impacts such revisions would have on the LMRWD. One of the main issues with the proposed SRVs is that the level for arsenic is lower than naturally occurring background levels.

**ii. Rachel Contracting**

Administrator Loomis reported that has sent the final agreement to Rachel. The issue Rachel has with the agreement is the cost to repair Vernon Avenue is not limited. She has asked Rachel what they had estimated their costs to be when determining its offer for the dredge material, so that a limitation could be placed in the agreement with Rachel in order to get the agreement signed.

She reported on a conversation with Attorney Kolb who said the LMRWD may wish to have a geotechnical survey completed on Vernon Avenue, rather than just rely on pictures of Vernon Avenue taken by the city. President Kremer asked the Administrator to select a firm to prepare such survey that would not have a conflict with the city Savage.

**A motion was made by Manager Shirk and seconded by Manager Francis to authorize up to \$5,000 for a geotechnical study. VOTE: Ayes 3; Nays 0, Motion carried.**

**iii. LS Marine Contract**

**a. Operation Manual for Material Management at LMRWD Dredge Disposal Site**

**R.M.P. 14.2**

No report

**iv. Acceptance of Private Dredge Material**

No report and this item will no longer appear on future agendas

**v. Secondary Dredge Site Update**

No report

**H. Trout Stream report from USFWS about trout stream in Bloomington**

Administrator Loomis said according to the USFWS there is a trout stream below its headquarters building, however it is not an officially designated trout stream. That is why it does not appear in the Strategic Resource Inventory or on any DNR. list The stream is called Ike's Creek as it is located on land donated by the Izaak Walton League. Administrator Loomis said the stream is being monitored and information is being submitted to the DNR.

**I. Receive and file letter from Roger Guennigsmann**

Administrator Loomis said the recommendation is to receive and file the letter and direct the attorney to respond. Manager Shirk said if they want to talk about the letter further she would recommend doing so in a closed meeting with counsel present.

**Manager Shirk made a motion to receive and file the letter from Roger Guennigsmann and direct Attorney Knutson to write a response to Mr. Guennigsmann on behalf of the LMRWD. There was no second and no vote was taken.**

**7. COMMUNICATIONS**

- A. **Administrator's Report** - written report provided to the Managers (copy attached)
- B. **President** - No report
- C. **Commissioners** - No report

LOWER MINNESOTA RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS  
Wednesday, November 19, 2014  
MEETING MINUTES

- D. **Committees** - No report
- E. **Legal Counsel** - No report
- F. **Engineer** – No report

**8. ADJOURN**

**It was moved and seconded to adjourn at 9:01 PM. Motion carried unanimously.**

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Len Kremer, President

Attest:

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Linda Loomis, Administrator