



Minutes of Regular Meeting
Board of Managers
Wednesday November 16, 2016, 2016
City Council Chambers, Chaska City Hall, 7:00 p.m.
Approved _____, 2016

1. CALL TO ORDER AND ROLL CALL

On Wednesday, November 16, 2016, 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 Jesse Hartmann, David Raby, and Yvonne Shirk. In addition, the following were also present: Jeff Thuma and Eric Watruba, Burns & McDonnell, District Engineers, Della Young, Young Environmental, LLC, Jeff Weiss, Barr Engineering, Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator, and Len Kremer.

2. APPROVAL OF THE AGENDA

Manager Raby made a motion to approve the agenda of November 16, 2016. The motion was seconded by Manager Hartmann. The motion carried unanimously.

3. CITIZEN FORUM

Former Manager Len Kremer addressed the Board. He talked about the past philosophy of the board and said they didn't want anything to do with the stakeholders. In recent years, the Board has accomplished a lot. He spoke about the recent accomplishments of the District. He said there needs to be an example for other watersheds in the Minnesota River Basin. He said that changes in the staff have led to better relationships with LMRWD stakeholders. Mr. Kremer said one of the accomplishments was to take care of the dredge material. He mentioned how hard the Board has worked to make changes and achieve the accomplishments. He said he has lots of confidence in the Board and the future of the District. He thanked the board and wished them well.

President Shirk proposed resolution 16.09 a Resolution of Appreciation to Len Kremer for serving on the LMRWD from 2003 to present. Manager Raby read the resolution. President Shirk presented a commemorative plaque to former Manager Kremer. **Hearing no objections the Resolution was approved.**

4. CONSENT AGENDA

The Consent Agenda included the following items:

- A. Approval of Minutes for October 19, 2016 Regular Meeting**
- B. Approval of Financial Reports**
- C. Approval of Payment of Invoices**

- i. **Western National Insurance - for 2016/2017 casualty & liability insurance**
- ii. **Burns & McDonnell - for August engineering services**
- iii. **Freshwater Society - First installment for services related to MN River Basin project**
- iv. **Metro Sales - payment for service agreement on copier**
- v. **Rinke Noonan - for September Legal Services**
- vi. **Barr Engineering - for September services related to Riley Creek feasibility study**
- vii. **Greg Zeck - for August & September webmaster services**
- viii. **Naiad Consulting - for August Administrative services & expenses**
- ix. **Steinkraus Development - for November 2016 office rent**
- x. **Time Savers Off Site Secretarial Service - for preparation of September meeting minutes**
- xi. **US Bank Equipment Finance - November 2016 copier lease payment**

Manager Raby noted a correction to the October minutes. An incomplete sentence occurs in Item **5.-New Business, C. Upper Post Hennepin County Road Project** which reads "Manager Hartman asked". Administrator Loomis President Shirk had caught that also before the meeting and the minutes have been revised. The sentence now reads "Manager Hartmann asked what else the District may have as leverage to sway the County. President Shirk said a letter certainly wouldn't hurt."

Manager Hartman made a motion to approve the consent agenda with correction of the meeting minutes. The motion was seconded by Manager Raby. The motion carried unanimously.

5. NEW BUSINESS

A. Riley Creek Feasibility Report

Administrator Loomis introduced Mr. Jeff Weiss, Barr Engineering, who provided a presentation on the Lower Riley Creek project. Mr. Weiss handed out hard copies of the feasibility report.

Mr. Weiss talked identified the project which he noted is a joint project with Riley/Purgatory/ Bluff Creek Watershed District (RPBCWD) to achieve some economy of scale. The reach in the RPBCWD is a little over 4,000 feet long and the reach, below Flying Cloud Drive, in the LMRWD is about 2200 feet long. He spoke about the scope of the overall project and said thereport looked at erosion in each reach, identify causes and how try to quantify how much sediment loading was coming off each reach. . He said did preliminary modeling to get an idea of how much flow and velocities in each reach to inform concept designs. A few different options for concept designs were looked for each reach and determined preliminary cost estimates. He said there are a number of techniques or combinations of techniques that can be used to reach goals of the project.

In the reach in the LMRWD, the impacts for the Flying Cloud Drive culvert/bridge replacement were looked at. He went into greater detail for the reach of Riley Creek in the LMRWD. He showed some photos of the creek and explained characteristics of Riley Creek in the LMRWD reach. He noted that the lower end of the LMRWD reach, where there is an alluvial fan, is in pretty good shape. Woody debris that has not been removed provides lots of habitat and does not appear to have any negative impact on the creek. He noted that there is not much to do with the downstream reaches until the erosion coming from upstream is managed. Any restoration would likely just fill up with sediment and begin the degradation all over again. The report quantifies the amount of sediment loading coming from each reach. The LMRWD reach contributes 92 tons per year of sediment per year from the first 500 feet of the LMRWD reach. The sediment coming from the RPBCWD reach is almost 10 times as much as the LMRWD reach.

He explained some of the possible options to restore/stabilize the LMRWD reach; adding root wads to redirect flow and regrading the bank to a more stable angle. They looked at raising the

stream bed to reconnect the creek with its floodplain, however this option would be likely to flood Flying Cloud Drive. The report also looked at placing vortex tubes in the bed of the stream to direct sediment to an area that could be cleaned out and the sediment removed.

President Shirk asked if there are models that show this option is effective. She was skeptical that putting a pipe in would direct enough sediment from the flow that it would be effective. Mr. Weiss said a lot of the sediment that is being washed down is very sandy sediment which stays in the flow. Manager Hartmann asked for more detail about the vortex tube and where it would be placed. Mr. Weiss explained that it conceptually it would work better in the upper reach because it needs steeper grades so that water can flow out of the detention area. He noted they were originally excited that this option might work but as they looked at it more depth, this idea has been ruled out because there are too many unknowns.

Mr. Weiss then showed other concept designs and explained the different alternatives. He said stabilizing the banks in place seemed to be the most cost effective option, which is alternative A.

Ms. Della Young asked how this project ties into the bridge that is going in on Flying Cloud. Mr. Weiss said they considered the impact of the project and there will be a wider opening at the crossing. What they are doing will be better for the creek long term. The report included a cross vein just downstream of Flying Cloud Drive to reduce any head-cutting. The Creek takes a turn as it comes through the Flying Cloud crossing and the concept has bank protection there. Ms. Young followed up as to whether or not Hennepin County gave Mr. Weiss any indication that they would help with portions of this project when the Flying Cloud Drive is reconstructed. Mr. Weiss was not able to provide a definitive answer.

Manager Hartmann asked about an in stream pond. Mr. Weiss explained how this would work with Alternative B. Manager Raby thought the maintenance cost involved with ponds would be significant. Mr. Weiss agreed.

Manager Raby said when you look at the cost for the removal of both TSS and phosphorus the cost for the districts portion is twice what it is in the other portion of the project and they are removing less than 10%. He feels that the cost of removal needs to be considered at some point. He asked if there is a limit to the benefits versus the costs associated with this project. He also asked if this is a draft or final report, because he noted some inconsistency between the executive summary and the actual report. Mr. Weiss said the report has not been presented to the RPBCWD and they anticipate some comments but if not this would be final. He said they will look at the inconsistencies pointed out by Manager Raby.

President Shirk asked what the next steps are. Administrator Loomis said the Managers should provide direction to staff. President Shirk said they should look at the cost sharing. Manager Raby suggested they are not ready to recommend moving forward until they hear what Riley Purgatory is going to do. Administrator Loomis said the LMRWD should provide this report to the County and discuss how the Flying Cloud Drive project will impact Riley Creek.

6. OLD BUSINESS

A. Approve modified Engineering Services Agreement

Administrator Loomis said the engineering services agreement was revised to reflect Ms. Young's status as a sub-contractor. She noted one section was changed and staff is confident that it is cost neutral to the District

Manager Raby said the agreement addressed his concerns but the only comment is the termination date had already passed. Administrator Loomis said that error has been fixed to reflect 2018 as the termination date.

President Shirk made a motion to approve the modified Engineering Services Agreement. The motion was seconded by Manager Raby. The motion carried unanimously.

B. MAWD 2016 Annual Conference

Administrator Loomis noted the information provided was for information for any Managers that would be attending the MAWD Conference.

C. Dredge Management

i. Review Process for funding of maintenance of Navigation Channel

Administrator Loomis said she met with Clay Dodd and provided him with information that the LMRWD had. She received an email from Mr. Dodd, which said the cost to perform the scope of work provided to the Managers at the last meeting would not exceed \$49,500. President Shirk said she thinks they need to move forward.

Administrator Loomis clarified this would determine the benefiting properties along the channel. Manager Hartman asked about the time of completion. Administrator Loomis referred to the October meeting minutes and noted the project is expected to be complete in spring 2017.

President Shirk made a motion to go forward with the review process at an amount not to exceed \$49,500. The motion was seconded by Manager Hartman. The motion carried unanimously.

ii. Vernon Avenue Dredge Material Management site

Administrator Loomis introduced Eric Watruba from Burns & McDonnell and explained Mr. Watruba would be giving a presentation of the report Managers ordered. President Shirk noted the costs given in the report average out to about \$400,000+ a year.

Mr. Watruba said the overall purpose of the project was to provide operation and management costs over a ten year and a twenty-five year cycle. Focus was on the bigger ticket items for operating the site; the capital improvement projects, site operations and maintenance items, onsite management of the site, sale of sand, routine maintenance of the site, maintenance of Vernon Avenue, erosion control, maintenance of the culvert and lastly offsite disposal of sand material in case the District does not have the capacity to accept Corps material.

Mr. Watruba identified the capital projects included in the report; reconfiguration of the site which was presented to the Managers earlier in 2016 to allow material from private dredge slips to dry out more by remaining on the site longer and to keep the materials separate; replacement of the culvert at the site entrance (projected in year 10); and upgrades to Vernon Avenue based on the evaluation by AET. The report also considered possible regulatory changes to rules for floodplains, wetlands threatened and endangered species and water quality.

Cost estimates were separated into those related to private dredge material and shared costs between the private dredge and the District. Mr. Watruba said the estimated cost is based on the two-cell design that was previously presented. The report incorporated MPCA dredge site design requirements for a permanent site such as 3:1 exterior side slope of berms to contain the fine grained material.

President Shirk asked for some insight into why the cost is so high to just move dirt around. Mr. Watruba explained the cost is so high to build 15-foot-high berms with water control structures and then reconfigure the site to include two containment cells. The berms need to be compacted and are fairly large berms. The cost analysis assumes that

25% of the material to construct berms would have to be imported to the site and that is a significant portion of the presumed cost. Mr. Watruba noted there is also a 30% contingency.

The culvert replacement and upgrades to Vernon Avenue were considered of shared costs. The report considered the cost of hauling material off the site is capacity was needed and assumed a worst case scenario that material would need to be taken to a land fill. This was based on the capacity of the site and the average amount of material brought in by the Corps.

Ms. Young talked about the regulatory changes. She looked at the probably of regulations changing moving forward. She said it is important to take into consideration the reconfiguration change, from one cell to two, is really not necessary but is only because the private dredge material needs more time to dry out. One of the things looked at in preparing the report, is what the probability of regulatory change. As we reconfigure the site what are some of the thing the District is going to do to make sure no wetlands are impacted or anything else like that. She noted when the District did the dredge management project with the Corps of Engineers; a fairly comprehensive study of this site and a few other sites was done. It looked at the whole regulatory arena, such as cultural resource and found none. So she knew this type of investigation would not be necessary.

Ms. Young also noted a delineation of the site was done and that is how the District knew when the culvert was constructed that wetlands would be impacted. She explained that when expanding the use of the site the District will need to look at doing an additional wetland delineation.

Threatened and endangered species is one area of regulation that continues to change all the time and the cost analysis includes a threatened and endangered survey.

Ms. Young explained future compliance with soil reference values, which was a concner of the Managers, is difficult to account for. The Corps indicated that if they cannot meet the SRVs, then they will need to cease dredging operations and the District will not have material to manage.

One other thing to be noted is the site is in the flood plain and therefore requires a conditional use permit (CUP) from the city of Savage. Ms. Young noted that the original CUP included a condition that required that the District move dredge material in the event of a flood. The CUP was amended in 2014 and that condition was removed. Ms. Young said it was important for the Managers to keep in mind what that condition means to the District.

MS. Young noted they have spoken to MNDOT regarding Highway 13. MNDOT recognizes there are traffic issues on Highway 13 and will become a cost to the District. She said that in the regulatory change environment the most significant risk to the District was if the city of Savage were to require removal of dredge material in the event of a flood.

Mr. Watruba reviewed the costs over the 10 year and the 25 year cycle. Manager Raby asked about disposal costs and the CUP; is the \$1-4 million per event? Ms. Young said yes it was. Manager Hartmann asked who would be responsible for monitoring water level and potential for flooding. Ms. Young responded that that would likely be a cost to the District. She noted that with the berms there the District should have any concerns about re-deposition of dredge material.

President Shirk asked about the impact of a flood on the berms. Mr. Watruba noted that a geotechnical analysis was also put in the cost. Manager Hartmann asked what material the berms are made of. Mr. Watruba responded that they are constructed of dredge material and should be compacted. The exteriors is then covered in topsoil and vegetated.

Ms. Young said this is a draft report and if the Managers have any comments or questions, there is time for those to be considered and a final report issued in time for the Legislative session. President Shirk asked if Mr. Harnack has seen the report. Administrator Loomis said he has not.

Administrator Loomis noted once the report is accepted it will be finalized.

President Shirk made a motion to accept the report as drafted. The motion was seconded by Manager Raby. The motion carried unanimously.

iii. Private Dredge Material Placement

Administrator Loomis said she has nothing to report. She reported that she has not received totals for the private dredge material placed on site in June 2016

iv. Estimated Cost of Dredge Management Operations

This topic was included in the discussion under item 6. C. ii above

D. Watershed Management Plan

i. Plan clarification/review

No report was provided on this item.

ii. Plan update/ Major Amendment

Administrator Loomis said staff put together the scope of work and a timeline, which she explained. A final document should be ready in April. Ms. Young said that BWSR requested to District put together a really robust plan for stakeholder input. President Shirk clarified this plan will give the district ten years.

iii. South Metro Mississippi River Total Suspended Solids TMDL

Administrator Loomis said she has nothing to report.

iv. Meetings with cities

Administrator Loomis had nothing to report.

E. Legislative Action

i. 2017 Legislative Session

Administrator Loomis said she and Mr. Harnack need to set up a meeting.

ii. Freshwater Society

Administrator Loomis said Freshwater Society will have Steve Woods make the presentation on altered hydrology in the MN River Basin at the MAWD Conference. She has been providing information to Freshwater for them to use. She is also working on the dredging management part of the presentation.

She noted that the agreement with Freshwater Society agreed to hold two stakeholder meetings. The first one was the one at the Happy Gnome and current plans are to hold the second meeting in Mankato.

F. Website Redesign

Administrator Loomis said a wireframe was put together and she will provide some feedback.

G. Education and Outreach Plan

i. NEMO Report

Administrator Loomis said Managers were provided with the hand-out from the NEMO Tour and a report with feedback from participants. She also reported that she has had communication with Carver County Extension to plan a tour for 2017 and target farmers.

ii. LMRWD 2016 Cost Share Program Application

Administrator Loomis said the agreement was signed and the project is complete. She noted they were very excited and will probably have a project next year. They will also have the project featured in the Eden Prairie City News.

iii. Citizen Advisory Committee

Administrator Loomis had nothing to report.

H. LMRWD Projects

i. Seminary Fen ravine stabilization project

Administrator Loomis said she has received information from the city of Chaska and asked Managers to approve payment to the city for the LMRWD contribution on this project. She informed Managers that she is working with BWSR to close out the grant.

President Shirk made a motion to move authorization of payment for the districts portion of the seminary fen ravine project and the grant funds. The motion was seconded by Manager Raby. The motion carried unanimously.

ii. Analysis of Dakota County Project

Administrator Loomis said a meeting is set up for December 14th with the DNR to talk about the management of the fens within the watershed district. She recommended this item be postponed until after that meeting.

iii. Bluff Creek Cooperative Project

Administrator Loomis said the LMRWD is waiting for a cooperative agreement from Riley/Purgatory/Bluff Creek Watershed District.

iv. East Chaska Creek - No change since last update. The LMRWD is waiting to hear from BWSR about the grant submitted by the LMRWD.

v. Savage Fen Ravine Project - No change since last update.

I. Project Reviews

i. MMPA (Minnesota Municipal Power Agency) Electric Generation Plant

Administrator Loomis said the comment letter that was sent was provided to the Managers.

ii. Fort Snelling Upper Post/Hennepin County Road Project

Administrator Loomis said staff has met with Larry Peterson, Project Manager of this project for the DNR. The DNR is not opposed to working with the district on regional treatment of the storm water.

iii. Hennepin County Flying Cloud Drive/CSAH 61 reconstruction project

Administrator Loomis said they have all the documents and District standards have been met. President Shirk asked what the timeline of this project will be. Ms. Della Young responded that the County will put the project out for bid this week.

President Shirk then asked how the County's project would impact the Riley Creek proposal. Ms. Young also reported that the District needs more information to answer that question. Administrator Loomis said the District will have to meet with the County to discuss this. Manager Hartmann mentioned it might be more cost effective if the lower Riley Creek

project was done at the same time as County's project. Manager Raby thought it would require close coordination with the County and it would be difficult to have the County to include the Riley Creek project unless it was part of its project. Discussion concluded because of the timing this would be difficult to do.

Managers discussed the next steps for the Riley project, which would be to speak with RPBCWD.

iv. 2014-03152-RMM - Port Richards

Administrator Loomis said she spoke with Mr. Jeff Richards who owns this property. Mr. Richards said he doesn't think he will be able to make his proposed project work. He then suggested the LMRWD use the site for dredge disposal. He thought the District could either purchase the property from him or just pay the property taxes.

Managers discussed the possibilities. Since this parcel is not adjacent to the Vernon Avenue dredge disposal site, the Managers felt it did not have much value to the District. Managers suggested that perhaps the private dredge could be placed there and other industry might be interested in the parcel. Manager Raby said it did not look like the site would be large enough to manage dredge material.

President Shirk asked for more information to come to the December meeting/

v. CSAH 61 & TH 41 Transportation Improvement Project

Administrator Loomis said another meeting is scheduled for November 23rd to discuss this project and possible storm water treatment options.

vi. Xcel Energy Black Dog Plant

Administrator Loomis said the District filed comments on Monday. Managers were provided with comments that were made. She noted that she heard from Xcel that comments made by the DNR expressed concern for Black Dog Fen.

vii. Eagle Creek Ridge - Shakopee

Administrator Loomis explained this project to Managers. The project, as proposed, will require a variance from the bluff setbacks required by the city ordinance and the District's standards. She informed Managers that she had told the city and the developer that the LMRWD is not likely to grant a variance.

viii. 12300 Riverview Road - Eden Prairie

Administrator Loomis showed the parcel that they received notice of wetland delineation from the city of Eden Prairie for a project that will likely include subdivision and the property has areas that meet the District's definition of bluff.

Manager Raby asked if this was the parcel that Leslie Stovring came to talk to the District about. Administrator Loomis said that it was. Administrator Loomis informed the Board that she had suggested the city acquire an easement to access its storm water pond and for the Area #3 Bank Stabilization.

J. Dean Lake - no change since last update

President Shirk asked what more we expect to get from the MPCA. Administrator Loomis said she was told the District will receive written notification of the decision to reclassify Dean Lake to a wetland.

K. MPCA Soil Reference Values

Administrator Loomis said she has spoken to Jennifer Brekken, Barr Engineering about the values that were recently released for comment. They (Barr) will comment on behalf of

Hennepin County. She spoke with the Corps and the individuals she spoke with were not aware comments had been requested. She recommended the District not comment as its comments would not be to different from others.

8. COMMUNICATIONS

A. Administrator Report

B. President - No report

C. Managers - Manager Hartman said he is attending the watershed specialist training through the U of M, based upon President Shirk's recommendation. He asked about river clean up days. Administrator Loomis said she is not aware of clean up days. Manager Hartman said he would like to see river clean up event. President Shirk suggested perhaps the Friends of the Minnesota River Valley might be willing to organize such as event.

D. Committees - No report

E. Legal Counsel - No report

F. Engineer – No report

9. ADJOURN

Manager Raby made a motion to adjourn. Manager Hartmann seconded the motion. Hearing no objections President Shirk adjourned the meeting at 9:08pm.

Jesse Hartmann, Vice President

Attest:

Linda Loomis, Administrator