



Minutes of Regular Meeting
Board of Managers
Wednesday September 21, 2016, 2016
City Council Chambers, Chaska City Hall, 7:00 p.m.
Approved _____, 2016

1. CALL TO ORDER AND ROLL CALL

On Wednesday, September 21, 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, Len Kremer, Dave Raby and Yvonne Shirk. In addition, the following were also present: Dave Modrow, Water Resources Engineer, City of Eden Prairie and Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator.

2. APPROVAL OF THE AGENDA

Administrator Loomis said she forgot to put the election of officers and bylaws to the agenda, which is called for in the bylaws of the District. She suggested these items be added to the agenda as item 5.B. and the 5.C bylaws. Further if the Managers wish, bylaws could be tabled to the October meeting, to allow Managers time to review them.

Manager Raby made a motion to approve the agenda of September 21, 2016 with the additions. 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 August 24, 2016 Regular Meeting

B. Approval of Financial Reports

C. Approval of Payment of Invoices

- i. Braun Intertec Corporation - for 2015 inclinometer readings
- ii. Dakota County Soil and Water Conservation District - for 2nd quarter 2016 monitoring
- iii. Metro Sales - copier maintenance agreement
- iv. Rachel Contracting - for maintenance of culvert at dredge management site
- v. Rinke Noonan - for July legal services
- vi. US Geological Survey - for 2016 sediment monitoring
- vii. Waypoint Insurance Advisors - for Officer's and Director's Insurance
- viii. Naiad Consulting - for June Administrative services & expenses
- ix. Time Savers Off Site Secretarial - for preparation of July meeting minutes

- x. **Steinkraus Development - for August 2016 office rent**
- xi. **Time Savers Off Site Secretarial Service - for preparation of June meeting minute**
- xii. **US Bank Equipment Finance - September 2016 copier lease payment**
- xiii. **Greg Zeck - for June & July web master services**

D. Chippewa River WRAPS/TMDL comments

E. Eden Prairie Local Water Plan Approval

Manager Kremer removed item 4.F. - Letter from Burns & McDonnell regarding Della Young's Employment Status Change from the consent agenda.

Manager Kremer made a motion to approve the consent agenda with the removal of 4.F. The motion was seconded by Manager Hartmann. The motion carried unanimously.

F. Letter from Burns & McDonnell regarding Della Young's Employment Status Change

President Shirk explained that Della Young is reevaluating her career. She noted that Ms. Young has arranged with Burns & McDonnell to continue with the LMRWD and will be a resource going forward. Manager Kremer said he is concerned and said it is important for the District to have consistency. Manager Raby clarified that Ms. Young is going to part time. The Board discussed different options that may occur and how the LMRWD would respond. The board requested that Burns & McDonnell have a discussion with the Board and how it plans to serve the LMRWD. Administrator Loomis said she would arrange for that at the October meeting.

5. NEW BUSINESS

A. Port Richard review

Administrator Loomis said the District was notified by the Corps of Engineers of an application from Jeff Richards for a project he is planning in Savage. The application is for a project to improve an existing barge slip to allow for shipment of heavy cargo and oversized loads. She explained the District reviewed the proposal and provided comments to the Corps.

Administrator Loomis told Managers she has had a conversation with Mr. Richards, who asked about the possibility of using dredge material for fill needed for his project. Manager Kremer, felt it was premature to discuss whether or not the LMRWD would provide dredge material for fill and addressed the permit. He noted the District raised a lot of issues. There are lots of river and wetland impacts. Manager Hartmann asked how long permits of this type take to reach approval. Administrator Loomis pointed out they are a long way from getting the permit and it could take two to three years. She noted the letter was already sent in order to meet the deadline for comments. Managers indicated the letter was appropriate.

B. Election of Officers

Manager Kremer made a motion to nominate the current president (President Shirk). The motion was seconded by Manager Raby. Manager Kremer withdrew his motion and made a new motion to nominate the current list of officers. Manager Raby seconded this motion. The motion carried unanimously.

C. Bylaws

Manager Raby made a motion to table the bylaws to the October meeting. The motion was seconded by Manager Hartmann. The motion carried unanimously.

6. OLD BUSINESS

A. Watershed Management Plan

i. Plan Clarification/TAC meeting

Administrator Loomis said a project review process is being worked on by staff and is planned to come before the Managers at the October meeting. The plan clarification is ready to be approved tonight. She noted two cities commented on the plan clarification;

Eden Prairie and Bloomington. The biggest concern for both cities is the bluff definition. Dave Modrow, Water Resources Engineer for the City of Eden Prairie, was present at the meeting and commented on the four qualifiers to determine whether or not an area is a bluff. He said the qualifiers were verbatim from the state statute and his concern is how the District uses the qualifiers. The way the clarification is currently written, if a parcel meets any one of the characteristics it is considered a bluff by the District. He provided some examples of how this may define areas as bluffs that really are not.

Manager Kremer asked Mr. Modrow if the city has done an analysis on which areas that would be affected by this interpretation. Mr. Modrow said he does not know how many areas would be affected by the interpretation of the bluff standard as written, but he knows there are areas where a 2% slope maybe considered a bluff given this interpretation and he is sure that is not the intent of the Board.

Manager Kremer said he thinks the District standards should be tougher. Manager Raby said he would like this question to go back to staff for reconsideration. He said one of the questions of the board is on variance requests and what the process is going to be. Administrator Loomis said staff is talking about the variance process and a variance process will be included in the review process. Mr. Modrow suggested pulling out the shoreland district piece.

Administrator Loomis recommended the Board table the plan clarification to the October meeting so staff can evaluate the bluff definition and bring it back to the Managers.

Manager Hartmann made a motion to table the Plan Clarification until October. The motion was seconded by Manager Kremer. The motion carried unanimously.

ii. South Metro Mississippi River Total Suspended Solids Total Maximum Daily Load Study

Administrator Loomis said she has spoken with Norm Senjem about developing a recommendation to the MPCA to implement the South Metro Mississippi TSS TMDL. She had brought this idea to the Managers at the August meeting and the Managers requested more detail about the proposal. She requested Mr. Senjem provide more detail about what he had in mind and she received that proposal today and it is before the Managers this evening.

Manager Kremer had asked the Administrator to get the "white paper" that had been mentioned at the Metro MAWD meeting in July. She spoke today with Mr. Ray Bohn of MAWD, who said the "white paper" will be available shortly. President Shirk asked if MAWD is doing a "white paper" if the board needed to as well. The board asked staff to review the "white paper" and if staff agrees with the recommendations in the "white paper," a letter of support should be sent.

Manager Kremer made a motion to authorize Administrator Loomis to use her discretion to direct preparation of the proposal by Mr. Senjem. The motion was seconded by Manager Raby. The motion carried unanimously.

iii. Carver County Groundwater Plan

Administrator Loomis said the groundwater plan will be taken off future agendas, because the District is planning to update or amend the Watershed Management Plan and the Carver County groundwater plan will be considered during the update/amendment process.

iv. Meetings with cities

Administrator Loomis said staff has met with the City of Carver and the Carver County WMO both were informed the LMRWD needs a Manager to represent Carver County. She asked the Mayor of Carver to consider asking to be appointed to the Board of Managers.

She noted she still needs to meet with Savage and Egan.

At this point in the meeting Administrator Loomis reminded the Managers that a proposal from Burns & McDonnell was in the packet regarding the Watershed Management Plan update and that Managers should provide direction to staff. Manager Raby said in lieu of the previous discussion about the change in staffing at Burns & McDonnell, they should wait to hear from Burns & McDonnell.

Manager Kremer asked for an update of the status of updates of adjacent watershed district's plans. Administrator Loomis said the plans of adjacent watershed districts are complete or being worked on, and those in progress will likely be done before the LMRWD is done.

Administrator Loomis reminded the Managers that all the cities are currently updating local water management plans, because of the recent changes to the 8410 rules by BWSR. At the TAC meeting the cities were under the impression that once their plans are updated they will not need to update them for 10 years. Manager Kremer asked how BWSR views the requirement that cities update plans when watersheds update plans. Administrator Loomis reported the LMRWD has been told by the LMRWD's Board Conservationist at BWSR, Steve Christopher that the watershed districts can require cities to update local plans when the watershed feels it is necessary.

Manager Kremer suggested the District look at a major plan revision rather than a plan update. President Shirk asked for a revised proposal.

B. Dredge Management

i. Review process for funding of maintenance of Navigation Channel

Administrator Loomis reported she spoke with Attorney Kolb today about where staff is in this process. Attorney Kolb said he and Clay Dodd are planning to attend the October meeting to speak to the Managers about the process for determining the benefits of the channel.

ii. Vernon Avenue Dredge Material Management site

There was not discussion of this item.

iii. Private Dredge Material Placement

There was no discussion of this item.

iv. Estimated cost of dredge management operations

President Shirk asked if there was room in the budget for this task. Administrator Loomis said \$80,000 was put in the 2017 budget for the channel. Manager Raby noted this relates back to the previous discussion under the management plan update about the staffing changes at Burns & McDonnell. He said this one is more urgent and asked what the timing is for the upcoming legislative session. Administrator Loomis responded that plans for the legislative session should be determined before the end of the year.

Manager Kremer said when you look at an estimate of long term probable cost you have to project what might happen. He stated the cost of dredge material has changed

dramatically. He didn't feel the proposal addressed some of what the Managers had talked about at the last meeting. He explained some of the changes that have occurred in the way the LMRWD manages dredge material over the life of the District. He would like to see consideration of this in the proposal.

President Shirk suggested authorizing staff to go ahead with part of it to get the ball rolling and get it done by the end of the year. The authorization would include proceeding with the preliminary data request, workshop with the district and initial preparation. Tasks 1-4 would be authorized.

Manager Kremer made a motion to authorize tasks 1 through 4 and update the proposal to include the effect of potential changes in regulation, and changes in economic conditions on probable cost. The motion was seconded by Manager Raby. The motion carried unanimously.

President Shirk noted the task order presented can be amended and suggested that money for this proposal could be taken for the public education out reach line of the budget.

Manager Raby noted the minutes of the August meeting discussed the Corps plans for dredging and asked if this information is available. Administrator Loomis said she hasn't been informed. She said part of the problem is the water has been so high.

C. Riley Creek Cooperative Project

Administrator Loomis said she has not received any updates.

D. Bluff Creek Cooperative Project - no change since last update

E. Legislative Action

i. 2016 Legislative Session

Administrator Loomis said President Shirk suggested the LMRWD draft a resolution requesting creation of watershed districts in the MN River Basin to be submitted to the MN River Congress.

Administrator Loomis said she spoke with Ron Harnack about this, who said it couldn't hurt. She noted she has recently received the call for resolutions from MAWD for consideration at its annual meeting. She also reported that Representative Hansen proposed this in legislation during the last legislative session, but it went nowhere.

President Shirk noted that she is on the action board of the MN River Congress and they are looking for resolutions to be considered at the MN River Congress in November. She said if the LMRWD adopts a resolution that could be used at both the MN River Congress and MAWD would be great. Direction was provided to staff.

President Shirk said she has an action board meeting on October 17. She noted that everyone can come to the MN River Congress meeting in November. She feels it is important to push the district's voice at every opportunity.

ii. Freshwater Society

This item was not discussed.

F. Website Redesign

Administrator Loomis said she has no update. She said she is hoping the managers were able to do the survey. She will send the link to the Managers again.

G. Seminary Fen/Chaska Ravine stabilization project

Administrator Loomis said she is still waiting for the financials from the City of Chaska.

H. Analysis of Dakota County Monitoring Data

Administrator Loomis reported she has contacted the DNR and is waiting for a response.

I. Education and Outreach Plan

i. NEMO Workshop on the Water

Administrator Loomis said they had a great tour on the river. The City of Shakopee would like the district to come talk to them. The topic of the evening was sediment and several people spoke about what can be done at the local level to address sediment.

ii. Citizen Advisory Committee

No change since last update

J. East Chaska Creek - no change since last update

K. Cavallo Ridge, Eden Prairie - no change since last update

L. MAC Hotel Development - no change since last update

M. Fort Snelling Upper Post Development - no change since last update

N. CSAH 61 & TH 41 Transportation improvements - no change since last update

O. Savage Fen Ravine Project - no change since last update

P. Dean Lake - no change since last update

Q. MPCA Soil Reference Values - no change since last meeting

8. COMMUNICATIONS

A. Administrator Report - Administrator Loomis reported she received a response to the comments the LMRWD made on the Yellow Medicine One Watershed One Plan and will share it with Norm Senjem and Managers.

Manager Kremer asked if we had received any word from MAWD about the abstract we submitted with Freshwater Society.

B. President - No report

C. Commissioners - No report

D. Committees - No report

E. Legal Counsel - No report

F. Engineer - No report

9. ADJOURN

Manager Hartmann made a motion to adjourn. Manager Kremer seconded the motion. Hearing no objections President Shirk adjourned the meeting at 8:06 pm.

Len Kremer, Secretary

Attest:

Linda Loomis, Administrator