



Minutes of Regular Meeting

Board of Managers

Wednesday August 24, 2016

City Council Chambers, Chaska City Hall, 7:00 p.m.

Approved \_\_\_\_\_, 2016

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

On Wednesday, August 24, 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: Len Kremer, Jesse Hartmann, and Yvonne Shirk. In addition, the following were also present: Della Schall Young, Burns & McDonnell, consulting Engineers and Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator.

**2. APPROVAL OF THE AGENDA**

Manager Kremer requested addition of preparation of an estimate for the cost of dredge management operations under Dredge Management adding item 7. C. v.

**Manager Hartmann made a motion to approve the agenda of August 24, 2016 with the addition. The motion was seconded by Manager Kremer. 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 20, 2016 Regular Meeting**

**B. Approval of Financial Reports**

**C. Approval of Payment of Invoices**

- i. Waypoint Insurance Advisors - 60 extension of D & O insurance policy
- ii. Managers first half 2016 per diem and expense reimbursement
- iii. Naiad Consulting - for May Administrative Services and expenses
- iv. Norman Senjem - two invoices for preparation of Yellow Medicine 1W1P and TMDL/WRAPS comment letters
- v. Time Saver Off Site Secretarial - for preparation of May meeting minutes
- vi. Culligan Bottled Water - water for Chaska office
- vii. Ron Harnack - for June lobbying services
- viii. Steinkraus Development - for August 2016 office rent
- ix. Time Savers Off Site Secretarial Service for preparation of June meeting minutes
- x. US Bank Equipment Finance - August 2016 copier lease payment

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

## **5. PUBLIC HEARING**

### **A. Resolution Adopting 2017 Proposed Budget and Certifying Tax Levies Payable 2017**

President Shirk opened the public hearing. She reviewed the proposed levy.

President Shirk seeing and hearing no one who wished to address the Board, the public hearing was closed. Managers noted that there was no one present.

**Manager Hartmann made a motion to approve the resolutions 16-03, 16-04, 16-05 and 16-06 adopting the levies for 2017. The motion was seconded by Manager Kremer. The motion carried unanimously.**

Manager Kremer asked if the budget would be sent to the county. He questioned if staff was planning to send a letter to the counties explaining the increase in the Budget. Administrator Loomis said typically the county boards are not sent the budget and she doubted if the County Commissioner took the time to review our levy. She explained that the county tax departments are notified of the adopted levy and the resolutions. Manager Kremer suggested sending a letter to each county board explaining the increase in the levy in 2017.

Manager Kremer said line 18 should be changed to operations rather than administration. President Shirk suggested saying operations and administration.

Administrator Loomis explained that the dollar amounts for some individual line items may change. The total dollar amount levied will not change, however, some lines, such as engineering will be increased and the Operations/Administration line will be reduced by a corresponding amount.

Manager Kremer said he does not like the format of the budget.

## **6. NEW BUSINESS**

There was no New Business

## **7. OLD BUSINESS**

### **A. Set date for September Manager meeting**

This item was carried over from the August meeting. Manager Raby had requested the Board consider changing the date of the September meeting, but was unsure if this was necessary any longer. The Board determined the date of the September meeting would remain on the 21st.

### **B. Watershed Management Plan**

#### **i. Plan Clarification/TAC meeting**

Administrator Loomis explained that the plan clarification was presented to the TAC at a meeting in July. Comments were received from two of the TAC members and Managers were provided with a chart providing those comments. She noted this is for information only and no action is needed at this time. Staff will revise the plan clarification based on the comments received and will then bring it to the Managers at a future meeting for approval.

Comments were received that suggested the LMRWD consider beginning to update its plan to coincide with other watershed districts. President Shirk referred to the comment made about the timing of the plan update and said that makes sense. Administrator Loomis explained that LMRWD staff believes the cities are misinterpreting the rules about updating their local plans in relation to the LMRWD plan and that staff will get a clarification from BWSR.

Managers discussed LMRWD standards for bluffs. Ms. Young commented on the TACs concern with the definition of the bluff and reported the position of the LMRWD legal counsel with respect to this plan clarification and bluff standards, which is that the LMRWD should be able to define a bluff however the District determines. Some cities may have concerns, however, staff pointed out that neighboring watershed districts have standards that are stricter than the LMRWD standards.

Managers questioned whether or not the cities were concerned with the definition. Staff explained that the concerns expressed were regarding the qualifiers used. Some cities read the language in the LMRWD plan to mean that a bluff must meet all the qualifiers to be considered a bluff, rather than only one of the qualifiers, which staff believes is the intent of the plan.

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

Administrator Loomis reminded Managers that this item had come before them at the August meeting and was tabled by the Managers. Managers had requested information about the scope of what was being proposed. Mr. Norman Senjem has prepared a scope and associated costs which was handed out at the meeting this evening. Managers would like to take more time to consider the proposal. The proposal from Mr. Senjem included comments on Chippewa River WRAPS/TMDL and the BWSR formal rule for Soil Loss Limits.

Administrator Loomis also reported on follow up with MAWD regarding a "White Paper" it was preparing. MAWD reported that the paper was not ready and the LMRWD would receive it when it was ready.

**iii. Carver County Groundwater Plan**

No change since last update.

**iv. Meetings with cities**

Administrator Loomis said they are meeting with the City of Chaska and the City of Carver next week. She also reported that the Mayor from Carver is registered for the NEMO tour next week.

**C. Dredge Management**

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

Administrator Loomis reported on a meeting between Managers Kremer and Hartmann, Attorney Kolb, Administrator Loomis and Clay Dodd of Patchin, Messner, Dodd & Brumm that occurred this morning. Action is needed from the Board this evening is to direct Mr. Dodd to put together a scope with intent to bring back to the Board for approval next month. Manager Kremer clarified the values will be determined for benefits of the channel.

**President Shirk made a motion to approve development an appraisal of the Nine Foot Channel and its value. The motion was seconded by Manager Kremer. The motion carried unanimously.**

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

Administrator Loomis noted the dredging would be started five days after a survey of the channel has been completed by the Corps of Engineers. The Corps expects that surveys will be done in early September. President Shirk asked if dredging would be upstream or downstream [of I35W]. Administrator Loomis said that is unknown until the survey has been completed.

She said there will also be additional placement of private material this year, as Mosaic is planning to make some changes to their portion of the Cargill East slip.

She informed the Managers that she has received a notification from the Corps of Engineers regarding an application for improvements to Port Richards. This application is currently being reviewed by the District Engineer, as plans include fill in the flood plain.

Administrator Loomis noted that Rachel has been removing material from the dredge site.

**iii. Second Dredge Site below I 35W**

Since the Corps of Engineers has agreed to an alternative procedure for management of dredge material below I35W, this item will be dropped from future agendas.

**iv. Private Dredge Material Placement**

This was reported under **7.C.ii. - Vernon Avenue Dredge Material Management site**

**v. Estimated cost of dredge management operations**

Manager Kremer said the District needs an estimated cost for the management of dredge material and the operation of the Vernon Avenue dredge site. He asked that the estimate be done before the next legislative session. He said he thinks the District needs to consider the cost of disposal of the material, if the District is not able to find a beneficial reuse for material. He also believes there is a high probability the rules regarding handling dredge material are going to change in the future and that will affect the cost of disposal. Manager Kremer said a proposal next month would be good and a draft two months after.

**D. Riley Creek Cooperative Project**

Administrator Loomis said she does not have the report yet. She spoke with Jeff Weiss of Barr Engineering who said the estimated cost is \$291,000 to repair Riley Creek within the boundaries of the LMRWD. The restoration cost for the portion of Riley Creek Purgatory within the boundaries of the Riley/Purgatory/ Bluff Creek Watershed District is \$1.2 million. Administrator Loomis noted they need to make sure the work that Hennepin County is planning for Flying Cloud Drive/CSAH 61 where it crosses Riley Creek is considered.

She reported that the Riley Purgatory Bluff Creek Watershed District has asked if the LMRWD would consider participating financially in the project they are contemplating on Riley Creek.

**E. Bluff Creek Cooperative Project - update**

Administrator Loomis said there was nothing new to report

**F. Legislative Action**

**i. 2016 Legislative Session**

Administrator Loomis said there was nothing new to report

**ii. Freshwater Society**

Nothing to report

**G. Requests for Proposals**

**i. Website Redesign**

Administrator Loomis said the survey that was sent to the Managers is for the Board to complete.

**H. Eden Prairie Local Water Management Plan**

Administrator Loomis said Eden Prairie has issued its final report and staff is currently reviewing the plan.

She informed the Managers that she has received plans for development of another lot in the Cavallo Ridge project. This parcel has been purchased by a neighboring property owner with the intention of using it to enhance the driveway and parking for the home that already exists. Staff

is reviewing the proposal and will work with the landscape architect to ensure LMRWD standards are met.

**I. Seminary Fen/Chaska Ravine stabilization project**

Administrator Loomis said the final report for the project was submitted to BWSR on time; however, financial information was not part of the report, as the LMRWD has not received the financial information from the city of Chaska.

**J. Analysis of Dakota County Monitoring Data**

Administrator Loomis informed Managers that the District has generated a lot of discussion at the Department of Natural Resources, because of comments made by the LMRWD regarding the Xcel Energy Black Dog Plant conversion.

The DNR has been considering delisting some of the fens. The DNR suggested that perhaps monitoring wells should be considered in Black Dog Fen to gather more data. President Shirk asked what the DNR wants the LMRWD to do. Staff said no direct requests have been made of the LMRWD. Managers said that a survey of the fen needs to be conducted to determine what is left of Black Dog fen and if there are areas that need to be protected. Manager felt this would be more appropriate than installing monitoring wells.

**K. Education and Outreach Plan**

**i. NEMO Workshop on the Water**

Administrator Loomis reminded the Managers of the NEMO tour next week on the Minnesota River.

**ii. Citizen Advisory Committee**

No change since last update

**L. East Chaska Creek**

Administrator Loomis noted a grant request was submitted by the District.

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

**N. MAC Hotel Development - no change since last update**

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

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

**Q. Savage Fen Ravine Project - no change since last update**

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

**S. MPCA Soil Reference Values - no change since last meeting**

Manager Hartmann asked if the LMRWD has a voice in the rules regulating disposal of dredge material. Administrator Loomis noted the disposal of the dredge material is regulated by the MPCA and that we are able to comment on proposed rules. She noted that the Corps of Engineers, St. Paul Port Authority and the Upper Mississippi River Waterway Association are also following this rule making process.

**8. COMMUNICATIONS**

**A. Administrator Report** - No report

**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 7:46 pm.**

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Len Kremer, Secretary

Attest:

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Linda Loomis, Administrator

DRAFT