



Minutes of Regular Meeting

Board of Managers

Wednesday June 15, 2016

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

Approved _____, 2016

1. CALL TO ORDER AND ROLL CALL

On Wednesday, June 15, 2016, at 7:00 PM in the Council Chambers of the Chaska City Hall, Chaska, Minnesota, Vice President Hartmann 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 David Raby. President Yvonne Shirk arrived at 7:03. In addition, the following were also present: Michael Murphy, Lindsey Albright, Dakota SWCD; Paul Nelson, Scott WMO, Nathan Campbell and Rebecca Soileau, US Army Corps of Engineers, Ron Harnack and Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator.

2. APPROVAL OF THE AGENDA

Manager Kremer asked to add an item to the agenda as Item 6. J. ii - Seminary Fen Buffers.

Manager Kremer made a motion to approve the agenda of June 15, 2016, as amended. The motion was seconded by Manager Raby. The motion carried unanimously.

The Managers wished to express appreciation to former Scott County Manager Michael Murphy for his service and contributions to the Lower Minnesota River Watershed District. President Shirk read aloud Resolution 16-02, A Resolution of Appreciation for Service and Contribution of Michael Murphy to the Lower Minnesota River Watershed District and presented former Manager Murphy with a plaque.

Manager Kremer made a motion to approve Resolution 16-02. The motion was seconded by Manager Raby. The motion carried unanimously.

Former Manager Murphy thanked the Board

3. CITIZEN FORUM

There were no citizens who wished to address the board.

4. CONSENT AGENDA

Administrator Loomis asked to remove and table Item 4. A. - Approval of Minutes for May work session and May Regular Meeting from the Consent Agenda.

Manager Raby noted Item 4. D. - Authorize Professional Services Agreement between LMRWD and Burns & McDonnell contained a clause, 2.9, that no longer seems necessary, as it addressed the transition from the former engineering consultant. That clause will be struck from the agreement.

- ~~A. Approval of Minutes for May work session and May Regular Meeting~~
- B. Approval of Financial Reports**
- C. Approval of Payment of Invoices**
 - i. Burns & McDonnell - November 2015 Engineering Services**
 - ii. Dakota SWCD - 1st Quarter monitoring services**
 - iii. Norman Senjem - Preparation of comment letter for 1W1P & Soil Loss Program**
 - iv. Upper River Services - 2015 MN River Barge Tour**
 - v. Time Savers Off Site Secretarial Service - Preparation of April 2016 meeting minutes**
 - vi. US Bank Equipment Finance - June 2016 copier lease payment**
- D. Authorize Professional Services Agreement between LMRWD and Burns & McDonnell**
- E. Authorize Joint Funding Agreement between LMRWD and USGS for sediment monitoring**
- F. Yellow Medicine TMDL and WRAPS comment letters**

Manager Kremer made a motion to approve the consent agenda with removal of Item 4.A. and modifications to the Agreement with Burns & McDonnell. The motion was seconded by Manager Raby. The motion carried unanimously.

5. NEW BUSINESS

A. Corps of Engineers report on MN River Basin Integrated Watershed Study

Administrator Loomis introduced Nathan Campbell and Rebecca Seal-Soileau. Mr. Campbell said he is the project manager for the MN River Basin Integrated Watershed Study. Ms. Seal-Soileau said she has been with the Corps for over twenty years. She has a physics and geology background and also works in communications for the Corps. (soo swallow)

Mr. Campbell explained the broad purpose is local, State and federal entities together to address water resource problems in the MN river basin. He said a specific purpose of the study was to create a framework that the state could build upon over time. The framework would provide a basis for policy makers to make decisions regarding water management. There is a specific budget for this project and that the Environmental Quality Board (EQB) is the main local sponsor.

One product that they hope to develop from the study is an integrated watershed analysis, with detailed modeling on the watershed as a whole and a decision support system that will act as an interface for the study. This interface will be used by watersheds such as the LMRWD to make informed water management decisions. State partners will also benefit from all the data sets produced.

Mr. Campbell stated the main components of the study are technical modeling. It became apparent early on that the state really wanted was detailed modeling on the watershed that would inform broader watershed analyses. The integrated water resource management framework would aggregate all the agencies' efforts in one place.

This is a multi-tier approach. Models will be developed in three tiers based on sub-watersheds. He then explained the different types of models that are being developed. He said GSSHA (Gridded Surface/Subsurface Hydrologic Analysis) models are being produced. The Corps and the DNR are preparing separate GSSHA models.

Manager Kremer asked what boundaries the Corps is using when they refer to the lower MN River. Ms. Seal- Soileau pointed out Fort Snelling to Mankato. Manager Kremer then asked what is meant when they refer to pilot basins. She noted that 7 Mile Creek and Shakopee Creek are the focus basins and explained the plan for the study. Mr. Campbell explained how those two basins were chosen. He showed what the state is doing to further the study.

Mr. Campbell said there has been discussion by the study group of where all the information from the study will be housed. He said the funding to date has been a 50/50 cost share. The cost so far has been 4.5 million for the state and 4.5 million for the Corps. He said there is an \$800,000 budgeted in FY 2017 to complete the study. The State will contribute a similar amount.

Mr. Campbell reviewed the next steps, which are to complete hydrologic modeling, BMP valuations in the pilot basins, develop ACPF (agricultural planning framework) toolset, running different land use scenarios/alternatives through all the models and construction of the DSS framework. He said the team is pretty far in the study and a sponsorship change would not be feasible. He suggested that the LMRWD work with the Corps to produce an economical beneficial project to use the dredge material. He said this study is to better inform water management in the basin to reduce the amount of sediment generated. He suggested the LMRWD could become involved in one of the subgroups working on this study. As the study near completion there is a potential for spinoff studies.

Manager Kremer asked what state agencies were contributing the \$840,000 and when was that work going to be done. Mr. Campbell said over the next couple years. Mr. Campbell explained how they have worked with the state agencies and how the EQB became the lead partner.

Manager Kremer said another problem is the LMRWD asked the MPCA about 18 months ago or so to fund a project similar to what is being done and they were completely unaware of this project. Ms. Seal-Soileau said representatives from each of the state agencies have been working on this project; however, the breakdown in communication may be within the agencies. Manager Kremer said there is no overall coordination of what is going on in the watershed and no prioritization. He stated the LMRWD has asked for a basin commission to be formed in order to coordinate and prioritize the activities within the basin. Manager Kremer expressed the concerns and frustrations of the LMRWD.

Ron Harnack said one of the big shortcomings of this project and been the lack of local involvement, especially since the Minnesota River Board dissolved. He is concerned that this study is a top down approach and the locals will not accept a study done in that manner. Ms. Seal-Soileau noted the local involvement has occurred in the two pilot watersheds. She is glad the LMRWD has taken the initiative to get involved and this is a great next step. She said there is a step of 12 different criteria for the basins to choose sub-basin to work in. LMRWD desire to get involved would be a logical spin-off study, especially with the data that the LMRWD has been working with the USGS to collect. Mr. Harnack commented that there is not agreement between the state agencies on which models to use and what should be done and locals will not just follow state agencies down the road.

Mr. Campbell said that local involvement has been focused on the pilot watersheds. Ms. Seal-Soileau disagreed that local involvement is lacking. She said they have been focusing on landscape practices and judging effectiveness of the different practices, so that the project will be able to give SWCD people tools to implement practices that will actually make an impact. She agreed that without local involvement the study is likely to just sit on the shelf. She welcomed the participation of the LMRWD.

Mr. Campbell reiterated the LMRWD should reach out to the Corps to investigate the potential for a CAP204 project. to lessen the impact of sediment management on the district. He mentioned the Lake Pepin project as an example of what can be done under the CAP204 program.

Administrator Loomis talked about the Lake Pepin project and said because of the amount of sediment they will probably have to do the project again in ten to twelve years.

Mr. Harnack asked about communication and if there is a way to get the LMRWD on the email list to be notified of all the meetings. Ms. Seal-Soileau explained the LMRWD could be included. She indicated that many groups have asked to be involved in the project, particularly NGOs and they have had to limited the participation in order to make the project workable.

B. A Different Experience; What's working in Scott

Mr. Paul Nelson, Environmental Program Services Manager for Scott County, commented that he disagreed with one of the comment letters the LMRWD sent to the MPCA. It was after he read the comments letter that he asked for the opportunity to come before the Board and give a different perspective. He feels that part of the problem in the MN River Basin is that rather than focusing on doing something, there is continued focus on the modeling and trying to determine which model will work the best.

He said most of the land is privately owned. With that in mind, one thing that has to be figured out is how to get the owners of private land to change what they are doing on the land that will actually make a difference. He suggested viewing the MN River Basin as a complex problem that is similar to raising a child; you can treat each child the same, but outcome may be completely different. There is not a single right answer. He feels this is where the efforts in the MN River have failed - we keep hoping we will find the single right answer.

Mr. Nelson then explained the approach Scott County has taken. People need to believe that what they are investing in will make a difference. He stated they are trying to build trust and momentum. There needs to be increased adoption of practices, which requires changed attitudes. He showed a map of Sand Creek Watershed that shows where practices have been adopted by land owners and Scott County through 2013. He said Scott County has been practicing adaptive management and using a rigorous system of measurements.

Mr. Nelson referred to some surveys that were done to determine if the County has been successful in changing attitudes. He said the County has found a connection between people working in community and their willingness to adopt. He said the county strategically plans lots of stuff to get people out and together. They track phone calls they get at the county and the SWCD and the types of questions that are asked and what kind of assistance is asked for. They then track project and costs, so they can see what practices are the most cost effective and get the greatest result. He shared results of surveys the County has taken and practices that have been implemented. He said it is important to remember that the model is not the product.

Mr. Nelson listed some of the things he thinks will help foster changes that need to be made, like state funding of SWCDs, so the SWCDs have the capacity to help land owners with implementation of practices. Another approach is to try out alternative practices, such as inter-seeding. Scott County has bought a \$35,000 piece of equipment that it will let farmers use to interplant cereal rye between rows of corn. It would be too expensive for individual farmers to own this piece of equipment, so the County felt it was important to try inter-planting rows crops with perennial cover crops to see if positive change can occur.

Manager Kremer said the LMRWD has been working to get plans in place in the MN River Basin. Mr. Nelson thought the kinds of plans that are being worked on are unnecessary. He feels too much time and resources have been spent on WRAPS and such, with little to show for it.

Manager Hartmann noted the survey was taken when the crop prices were at a very high level. He asked Mr. Nelson if he thinks the results of the survey will change when the cost of grain is lower. Mr. Nelson said he has not seen any results yet. Manger Hartmann than asked if Scott County has a program similar to the DNR's program about leaving land for hunting. Mr. Nelson said he is not aware of any.

Manager Kremer commended Mr. Nelson for success Scott County has had.

C. Presentation of 2015 Carver County monitoring data

Administrator Loomis said Carver County will attend the July Board meeting.

D. 2017 LMRWD Budget

Administrator Loomis asked if the Managers would like to have a workshop to discuss the budget. The budget should be adopted at the August meeting. President Shirk suggested having a special meeting before the July 20th Board Meeting. The meeting will be at 5:30 p.m.

6. OLD BUSINESS

A. Eden Prairie Request for financial participation in river bank monitoring

Administrator Loomis referred to the request from the city of Eden Prairie and the response to Managers questions from the last meeting. Manager Raby said in the response there were only two that were installed at the top of the bluff. Manager Kremer said the concern was whether or not the homes at the top of the bluff were threatened. Managers asked about reading of the inclinometers. Administrator Loomis reported that she has requested a reading of the monitors, but has not received any response. Manager Raby commented on the scope and that there does not seem to be an overall plan for this area.

Manager Kremer provided some history of the planning for this area between the city and the LMRWD. He said the city was to acquire access to the site so the bank could be stabilized.

Administrator Loomis said the city has told LMRWD staff that they are waiting for the Watershed District to come to them and say the district is ready to move forward with the stabilization project. Manager Kremer asked how the LMRWD plan is addresses this project. Administrator Loomis said it is in the plan but she is not sure what year the project is scheduled for.

Manager Raby questioned why the city is coming to the LMRWD with this request, since it is already planned. Manager Kremer said the city has an issue with a stormwater pond that is threatened. He thought the city was fined by the MPCA, because the storm water pond was damaged and was not functioning as it should. He thinks the city wants to install bank pins to monitor erosion that may impact the storm water pond. He said the reason this project did not move forward previously was because the city did not have access to the site. Manager Hartman asked if the city has access to the storm water pond and he wonders why that access is not sufficient.

Manager Raby stated there seems to be confusion as to who is leading what and suggested having a meeting with Eden Prairie to figure out how they can get on the same page

President Shirk asked for some clarification on the timing. She recommended tabling this until the next meeting

Manager Kremer suggested finding the minutes from the City of Eden Prairie about the right-of-way.

B. Watershed Management Plan

i. Plan Clarification

Staff is organizing a TAC meeting to present the clarification.

ii. Carver County Groundwater Plan

Nothing additional to report other than what was reported in the meeting packet

iii. Meetings with cities

Nothing additional to report other than what was reported in the meeting packet

C. Dredge Management

i. Review process for funding of maintenance of Navigation Channel

Administration Loomis has not been in contact with Attorney Kolb since the last meeting.

ii. Vernon Avenue Dredge Material Management site

Administrator Loomis reported that Managers Raby, Shirk and Hartmann had been out to visit the site and see how it is being managed. She also said she is working with the City of Savage. The Planning Commission meeting to review the LMRWD's Conditional Use Permit was scheduled for June 23.

iii. Second Dredge Site below I 35W

Nothing to report

iv. Private Dredge Material Placement

Nothing to report

D. Riley Creek Cooperative Project

Administrator Loomis said the agreement with Barr Engineering was reviewed by legal counsel. Legal Counsel suggested some language changes but it is one paragraph that was changed. She said Barr Engineering had no problems with the suggested changes. She walked the segment of Riley Creek and reported the project will consist mostly of bank stabilization, since the tunnel under Flying Cloud Drive will be replaced as part of the Hennepin County project and shortly downstream of Flying Cloud Drive flattens out and the channel shifts regularly and is subject to periodic flooding. She reported there is one area that has been used for dumping and a phase 1 environmental report may be desired. She requested Managers authorize the agreement for the preparation of a feasibility report.

President Shirk made a motion to authorize the agreement for the Riley Creek Cooperative Project. Manager Hartmann seconded the motion. Manager Kremer abstained. The motion carried with one abstention.

E. Bluff Creek Cooperative Project - update

Administrator Loomis said the city of Chanhassen is working to acquire the easements necessary for this project. Once the easements have been acquired the project will move forward.

F. Legislative Action

i. 2016 Legislative Session

Administrator Loomis said the initiative the LMRWD was supporting did not survive the legislative process. Mr. Ron Harnack said there was strong push on behalf of the LMRWD, but there was no interest in the House of Representatives in putting money towards anything.

Mr. Harnack noted there might be an opportunity to seek dollars to offset costs for channel maintenance in the next session. He thinks establishing an organizational structure for the MN River Basin will be tougher to unless the majority in the house

changes. Then there may be willingness to establish an organization or even watershed districts.

Mr. Harnack suggested proactive involvement in the Corps' study. An outgrowth of that would be a question of sustainability and who is going to provide leadership for the implementation of the plan. President Shirk asked about the initiative the LMRWD is pursuing with the Freshwater Society and if it makes sense to keep moving ahead with that. Administrator Loomis said she thinks what is planned with Freshwater will fit along the lines of what Mr. Nelson spoke about. She doesn't think the work being done with Freshwater is at all out line.

ii. Freshwater Society

This was discussed under the previous item

G. Requests for Proposals

i. Website Redesign

Administrator Loomis said she has looked at the proposals again and narrowed it down to two, HDR and Windmill Design. She noted that her inclination is to go with HDR, as they have more experience with development of watershed district website design.

Manager Kremer said he thinks the Board can make the decision.

Manager Raby made a motion to authorize HDR to do the Website Redesign. The motion was seconded by Manager Hartmann. The motion carried unanimously.

H. Eden Prairie Local Water Management Plan

Administrator Loomis said there is a letter being drafted.

I. 2015 Annual Report

Manager Raby pointed out some grammatical errors and suggested that the Administrator have the report proof read. Administrator Loomis suggested that the webmaster for the LMRWD has offered to edit the annual report as well.

President Shirk made a motion to approve the 2015 Annual Report with the grammar changes. The motion was seconded by Manager Raby. The motion carried unanimously

J. Seminary Fen

i. Seminary Fen/Chaska Ravine stabilization project

Administrator Loomis stated the project is done and seemed to hold up during the heavy rains. A tour of the site was scheduled for June 9th and has been rescheduled to June 29th at 1:00 p.m.

Manager Kremer made a motion to direct staff to prepare a final report to be submitted to BWSR. The motion was seconded by Manager Raby. The motion carried unanimously.

Manager Kremer said he checked with Barr Engineering about having a drone fly the project and take video. He said he was told it could be done for \$2,500. Manager discussed doing this at a time to foliage is down.

ii. Seminary Fen buffers

Manager Kremer asked to add this item to the agenda. He said this was a project that was started about five to six years ago with the DNR. He said the DNR had money available to acquire buffers around Seminary Fen. He said the LMRWD was working to help them

acquire buffers around the fen. The DNR process was somewhat cumbersome, but the LMRWD would not have to go through the same process.

Manager Kremer said the LMRWD should work on an arrangement where the district would take on the project and should be considered for part of the 2017 budget.

President Shirk asked about plans to remove the sediment plume from the fen. Administrator Loomis responded that there Seminary work group had discussed this, but there was some concern about what the excavating will do to the fen. She noted if there are buffers involved the City of Chanhassen might be interested in working together.

K. Analysis of Dakota County Monitoring Data

Administrator Loomis said in March 2015 an analysis was done. She said they are looking for authorization for a grant application to move ahead and do an assessment of the fen. Manager Kremer asked what the estimated cost was. Administrator Loomis said she was not able to find a cost estimate, but this project is in the CIP to do some vegetative analysis. President Shirk said the grant should cover the cost. Administrator Loomis said she spoke with Steve Christopher about this project and he recommended submitting a grant. Administrator will provide more information.

L. Education and Outreach Plan

i. NEMO Workshop on the Water

Administrator Loomis said she is working with NEMO for a tour this summer on the MN River. She noted the planning group planned to use a barge, but that is will not be possible because Upper River Services is so busy. The date of the tour is August 17th.

ii. Citizen Advisory Committee

No change since last update

M. LMRWD CIP Action Items

i. East Chaska Creek

Administrator Loomis reminded the Managers that when they last discussed this project, they felt there wasn't enough benefit for the cost. She reported that she and Steve Christopher, BWSR Board Conservationist, visited the site and discussed the possibilities for additional storm water treatment for the area and that the LMRWD hoped the project would be included as part of the transportation improvement project that is planned for CSAH 61 in Chaska.

Mr. Christopher suggested that the LMRWD put together a grant request to further study the area in order to make the case for why this project should be included as part of the transportation improvement project. The original proposal presented to the Managers estimated the cost of the project around \$163,000.

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

O. MAC Hotel Development - no change since last update

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

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

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

S. Dean Lake - no change since last update

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

8. COMMUNICATIONS

- A. Administrator 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 Raby made a motion to adjourn. Manager Kremer seconded the motion. Hearing no objections President Shirk adjourned the meeting at 9:26 pm.

Len Kremer, Secretary

Attest:

Linda Loomis, Administrator