



Minutes of Regular Meeting

Board of Managers

Wednesday May 18, 2016

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

Approved _____, 2016

1. OATH OF OFFICE

Attorney John Kolb administered the Oath of Office to Jesse Hartmann. President Shirk appointed Manager Hartmann as Vice President.

2. CALL TO ORDER AND ROLL CALL

On Wednesday, May 18, 2016, at 7:07 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, David Raby and Yvonne Shirk. In addition, the following were also present: Lindsey Albright, Dakota SWCD; Della Schall Young, Burns & McDonnell, Consulting Engineer, John Kolb, Rinke Noonan, Legal Counsel and Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator.

3. APPROVAL OF THE AGENDA

Administrator Loomis asked to add Item 7. U. - Comments on Yellow Medicine One Watershed, One Plan, TMDL (Total Maximum Daily Load) and WRAPS (Watershed Restoration and Protection Strategy) to the agenda.

Manager Kremer made a motion to approve the agenda of May 18, 2016, as amended. The motion was seconded by Manager Raby. The motion carried unanimously.

4. CITIZEN FORUM

There were no citizens who wished to address the board.

5. CONSENT AGENDA

Administrator Loomis asked to remove and table Items 5. F. - Authorize Professional Services Agreement between LMRWD and Burns & McDonnell and 5. G. - Authorize Funding Agreement between LMRWD and USGS for sediment monitoring, from the Consent Agenda.

Manager Raby pointed out an error in the April 13th minutes under Item 6. B. ii. - the minutes as presented state, "The motion was amended before it was voted on and then it passed unanimously." The original motion not voted on, it was amended and then the amended motion was voted on. "Administrator Loomis will make the correction.

A. Approval of Minutes for April 13, 2016 Regular Meeting, as corrected

- B. Approval of Financial Reports**
- C. Approval of Payment of Invoices**
 - i. Burns & McDonnell - November 2015 Engineering Services
 - ii. Ron Harnack - January, February & March 2016 lobbying services
 - iii. Metro Conservation District - Support for 2016 Metro Children's Water Festival
 - iv. Naiad Consulting - February & March 2016 Administrative Services
 - v. Rinke Noonan, Attorneys at Law-February & March 2016 Legal Services
 - vi. Time Savers Off Site Secretarial Service - Preparation of February 2016 meeting minutes
 - vii. Indiana Insurance Company - Fidelity Bond 2016 Premium
 - viii. Scott County - Fee to respond to 2015 Audit request
 - ix. State of MN Department of Administration fee to publish Request for Proposals for Legal and Engineering Services
 - x. Steinkraus, Development LLC - April rent for office space
 - xi. US Bank Equipment Finance - May 2016 copier lease payment
 - xii. Culligan Bottled Water - bottled water for Chaska office
 - xiii. Campbell Knuston - fee to respond to 2015 Audit request
 - xiv. Metro Sales - Copier Service Contract payment
 - xv. Greg Zeck - February & March 2016 web services & domain name registration
- D. Authorize Legal Services Agreement between LMRWD and Rinke Noonan**
- E. Authorize Service Agreement between LMRWD and Carver SWCD**

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

6. NEW BUSINESS

A. Presentation of 2015 Audit Report by Redpath and Company

Administrator Loomis said Peggy Moeller, Redpath and Company, will be presenting the audit report. Peggy Moeller prefaced her review of the audit with the responsibilities of the auditors. She then reviewed the fund balance increases. She noted the Nine Foot Channel Fund had an increase even though the fund balance is negative. She then explained they did not audit the District's internal controls, however internal controls are considered in the course of performing the audit and the District received a clean report. The legal compliance report tests the District compliance with MN state statutes. This report has six categories of testing. The auditors tested the LMRWD for compliance in all areas except for Tax Increment Finance and the result was a clean report. The final report is the communication to those charged with governance. Ms. Moeller said there is a recommendation and that is to continue to search for ways to fund the deficit in the channel fund. Managers had no questions and received and filed the report.

B. Presentation by Joel Groten of USGS of Sediment monitoring data

Mr. Groten, a hydrologist with the USGS, noted that since the report hasn't been written and peer reviewed, all the data is provisional. He showed a picture of the Lower Minnesota River where it joins the Mississippi River, where the sediment from the Minnesota can be determined by the difference in water color. He noted that 80-90% of the sediment filling in Lake Pepin comes from the Minnesota River. He located the five sampling sites; three along the Minnesota River and two along tributaries, the Le Sueur River and High Island Creek. The MPCA concluded that 20-30 % of the sediment is coming from the LeSueur River and its only 7% in size.

Mr. Groten explained the geomorphology of the river basin causes the large production of sediment. He pointed out changes in elevation are steeper and as the river approaches the Lower Minnesota River Valley the slopes lessen and the river slows down and loses energy,

which cause sediment to settle out in the Lower River. Sediment is suspended in the water higher in the watershed where the slope is steeper and the river is narrower. When it gets to the Lower Minnesota, the river widens, the slope lessens and the water slows down and sediment drops out. Sediment can be re-suspended during heavy flow of water in the river and transported downstream, settling out further downstream in areas like Lake Pepin.

He said physical samples are taken and there are two different methods. He explained the two different types of sampling; suspended sediment and bedload. They measure both. Mr. Groten said they usually sample sediment ten times a year; spring through fall. He showed where samples were taken and correlated the samples with the stream flows.

Often time stream flow is used to predict sediment because the stream flow is related to the energy. He referred to a study to demonstrate that streamflow is not necessarily the best predictor of suspended sediment. He explained why this is so and how the work they have done has accounted for this. Mr. Groten talked about the composition of the sediment and its impact on loads. Based on the data collected by this project, he said there seems to be correlation between flows in the previous year and the sediment the following year.

The data was collected between 2011 to 2014. He showed flow data from 2010 and its impact on sediment loads in 2011. Between Jordan and Fort Snelling the Minnesota River annually drops on average from 2.5 million tons to less than a million.

Mr. Groten summarized the information and showed how much each monitored watershed yields within the Basin. He said if you look at the MN River between Mankato and Jordan, there is an 8% increase in the contributing watershed area, but there is a 136% increase in the sediment load. Between Jordan and Fort Snelling there is only a 4% increase in drainage area, but the sediment load actually decreases 62%. All that material is going into storage between Jordan and Fort Snelling.

Mr. Groten explained how productive the watersheds are. Some of the most productive watersheds are High Island Creek, which produces 44% of the load of the Le Sueur, and the Le Sueur River. Mr. Groten explained how acoustic devices measure sediment to get real time sediment data, rather than rely on predictions based on streamflow. He explained how the data from the acoustic monitors differed from the predictions that were generated based on streamflow. He said the USGS was granted funding by the LCCMR to install additional acoustic devices and identified where the acoustic monitors have been installed and the information they hope to gather from the additional monitoring.

President Shirk asked if the presentation could be presented up river. Mr. Groten said he could. Manager Hartmann asked if the USGS had recommendations how to reduce the sediment going into the Minnesota River. Mr. Groten said it is difficult to stop the erosive potential of the river, but it would come down to water management. He said USGS just collects data for policy makers and it is up to the policy makers to decide how to manage the water.

Manager Kremer asked if there is a water management organization in the High Island Creek Watershed. Administrator Loomis explained there is a watershed district and then detailed how the LMRWD has been in touch with the High Island Creek Watershed District. Manager Kremer asked what the USGS plan is for the future. Mr. Groten said the hydro acoustics data will be used by the Corps of Engineers to predict when and where dredging may be necessary in real time. He noted this data could be used by the MPCA, who has an aggressive target for reducing suspended solids in the Minnesota River. Manager Kremer noted the MPCA has no mechanisms ready to achieve the goals.

Manager Kremer asked if the LMRWD has a copy of the High Island Creek Watershed Plan. Administrator Loomis said she does not have a copy of that plan. Manager Kremer asked if the High Island Creek WD has staff. Administrator Loomis explained that staff is also staff for the SCWCD and is also the ditch inspector.

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

Administrator Loomis said this request from the city of Eden Prairie is for area #3. Several reports have been prepared making recommendation for this area. The city would like the LMRWD to participate financially in placing bank pins to monitor bank movement.

The city informed the LMRWD in 2015 that they have moved this project to years 2022/23 in its Capitol Improvement Plan. She noted when staff recently met with the city; the city now said they are waiting for the LMWD to initiate a project.

Managers do not understand what the city hopes to accomplish by installation of bank pins, since the LMRWD installed inclinometers to monitor movement of the bank and that data is being shared with the city.

Manager Kremer said one of the reasons the city and the LMRWD did not go ahead with the project at the time the study was prepared, was there was no access to the site. Manager Kremer suggested going back through the minutes to see where this project was left. He recalled the city was going to acquire right of way and then come back to the District. In order for this project to move ahead, a number things need to occur. The first thing that needs to happen is the city needs to acquire right of way, the second thing is a plan needs to be developed and then we need to go to the legislature to get help to pay for the project.

Administrator Loomis will touch base with the city to clarify why they propose to install bank pins when we already have the inclinometers.

7. OLD BUSINESS

A. Watershed Management Plan

i. Plan Clarification

The Board discussed the plan clarification in the work session.

ii. Carver County Groundwater Plan

Administrator Loomis requested this be tabled to the June meeting.

iii. Meetings with cities

Administrator Loomis said staff has continued to meet with cities and she is working on setting up more.

B. Dredge Management

There is nothing to report other than what was reported in the Executive Summary

i. Review process for funding of maintenance of Navigation Channel

ii. Vernon Avenue Dredge Material Management site

iii. Second Dredge Site below I 25W

iv. Private Dredge Material Placement

C. Riley Creek Cooperative Project

Administrator Loomis provided Managers with the background for this project. She said Barr Engineering provided a cost estimate to develop a feasibility study for this project. The estimate was provided to the Managers in the packet. She also noted an excerpt from the LMRWD Strategic Resource Evaluation was in the packet, identifying conditions in Riley Creek. She noted

there is \$45,000 to do the study this year in the 2016 budget. The construction would most likely begin in 2017.

Manager Raby commented on the document saying this is the starting point and asked if we have spoken to Barr Engineering about the scope of the study. Administrator Loomis said she has not spoken to anyone yet. Riley/Purgatory/Bluff Creek Watershed District is in the process of completing a study for Riley Creek, so it makes sense to do the project as one project.

Manager Kremer asked if this is all in one city. Administrator Loomis said yes it is all in Eden Prairie. President Shirk asked about getting funding from Eden Prairie. Administrator Loomis said once the feasibility study is done they can approach the city. The LMRWD will work with RPBCWD to seek funding jointly. Manager Raby asked if two separate reports would be generated, or if it would be included as a single report. She will check with the engineers to see if there is any efficiency to making this one report.

Manager Raby made a motion to authorize Administrator Loomis to meet with Barr Engineering to discuss the cost estimate, share the Manager's discussion and authorize expenditures up to \$63,000 to prepare a feasibility report for the LMRWD portion of Riley Creek. The motion was seconded by President Shirk. Manager Kremer abstained. The motion carried with one abstention.

D. Legislative Action

i. 2016 Legislative Session

Administrator Loomis said there is \$250,000 included in a MN Senate bill to fund BWSR to set goals for and focus work on water management in the Minnesota River Basin.

ii. Freshwater Society

Administrator Loomis informed the Managers that Carrie Jennings is now with the Freshwater Society and will be working on the project with the district. Manager Kremer suggested the Freshwater Society contact Karen Gran about her work in the MN River Basin.

Administrator Loomis noted Ms Jennings participated in the work Ms. Gran was doing in the Basin and that Patrick Belmont sent an updated presentation crediting Ms. Jennings with the work she did on the project. Manager Kremer asked for a copy of the presentation.

iii. Minnesota River Basin Integrated Watershed Study

Administrator Loomis noted a presentation will be made at the June meeting by Nathan Campbell of the Corps of Engineers. There was some discussion about the value of the Corps study. Concern was expressed that the state has seemed to have lost interest in the study.

iv. Minnesota River Basin Joint Powers Organization

Manager Kremer had asked that this item be placed on the agenda. He commented on the progress toward forming a basin commission. Administrator Loomis said if the \$250,000 survives the legislative process work can begin on establishing goals for the MN River Basin.

President Shirk said there was some push back at the MN River Congress Action Board meeting for this legislation. The Action Board was asked to support this legislation. Some of the concern was the process used to ask for support from the Congress. Another

concern seemed to come from a lack of understanding of what is being asked for with the legislation

Manager Kremer asked if metro area watersheds within the MN River Basin support formation of an organization. President Shirk felt opposition is coming from upstream and that there is a disconnect; upstream residents do not realize that the MN River is not the same in the Metro area as it is upstream.

Administrator Loomis provided a history of the Minnesota River Board and the MN River Congress for the benefit of Manager Hartmann. Manager Kremer asked if staff was abandoning the idea of getting a bill. Administrator Loomis said no, but staff is trying to get goals set and plans done and then proceed from there.

E. Requests for Proposals

i. Website Redesign

Administrator Loomis said she has been in touch with the four firms but recommended tabling this to item June.

F. Eden Prairie Local Water Management Plan

Administrator Loomis said she wants to send a letter saying the plan has been reviewed, but the LMRWD is concerned with the lack of local controls to enforce the LMRWD standards. Mr. John Kolb, attorney for the LMRWD, provided some suggestions and said he will help draft language.

G. 2015 Annual Report

Administrator Loomis said the annual report is close to being done.

H. *Paddle the Minnesota River in a Day*

Administrator Loomis said she spoke with Ted Suss, from Friends of the MN Valley. He said there is not a lot of expense involved in this event and he would rather have managers participate more than money. She explained the plan is to leave Shakopee in the morning, paddle to the Bloomington Ferry Bridge and the leave the Bloomington Ferry Bridge after lunch and paddle to the I-35W Bridge. President Shirk asked if registration is required. Administrator said she did not know and would inquire and then inform the Managers.

I. Seminary Fen/Chaska Ravine stabilization project

Administrator Loomis said some pictures of the project were provided in the packet. The project is scheduled to be done by the end of May, which will meet the grant deadline, which is June 30th. Administrator Loomis reported that she was quoted a price of \$6,800 by Burns & McDonnell to have a drone inspect and take video of the project. She also has a call in to Houston Engineering, since they made a presentation for a drainage conference and featured ditch inspections by drone.

J. Analysis of Dakota County Monitoring Data

Administrator Loomis said she provided the Metropolitan Council Environmental Services (MCES) with the LMRWD monitoring data report and suggested getting together to coordinate monitoring efforts to reduce duplication. Managers had asked about dewatering done by MCES for work on the Nichols Road Lift Station. The dewatering has stopped.

K. Education and Outreach Plan

i. 2015 River Tour

Administrator Loomis said she got the bill from Upper River Services. She has spoken with Upper River about this year's tour with NEMO (Non-point source Education for Elected Officials)

ii. Citizen Advisory Committee

Administrator Loomis said there is nothing new to report; however she is collecting names when residents call the LMRWD thinking they might be interested in participating in a future Citizen Advisory Committee.

L. LMRWD CIP Action Items

i. East Chaska Creek - no change since last update

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

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

Administrator Loomis said she spoke with Emily Schnick at the MPCA who said the soil reference values should be out this fall.

U. Comments on Yellow Medicine One Watershed, One Plan, TMDL and WRAPS

Administrator Loomis said one of the goals of the Yellow Medicine plan is to manage altered hydrology. She received a call from a representative from LYON County who was concerned that the plan may not sufficiently address efforts to manage the altered hydrology. She informed Managers that she has contacted Norman Senjem she would like him to review the Yellow Medicine WRAPS and TMDL and alert him the Yellow Medicine One Watershed One Plan. When she spoke with Mr. Senjem he alerted her to two other plans BWSR has out for comment and wondered whether or not the Managers wanted comments on those plans.

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

President Shirk adjourned the meeting at 8:55 pm.

Len Kremer, Secretary

Attest:

Linda Loomis, Administrator