



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday June 13, 2018

County Board Room, Carver County Government Center, Chaska MN, 7:00 p.m.

Approved \_\_\_\_\_, 2018

#### 1. CALL TO ORDER AND ROLL CALL

On Wednesday, June 13, 2018, at 7:00 PM in the Board Room of the Carver County Government Center, 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: President Yvonne Shirk, Manager David Raby and Manager Jesse Hartmann. In addition, the following were also present: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, Technical Consultant; Lindsey Albright, Dakota SWCD

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis requested the removal of the May 16, 2018 Regular Meeting minutes and the addition of Item 6. J. - Request from Friends of the MN Valley.

**President Shirk made a motion to approve the agenda with the addition. The motion was seconded by Manager Raby. The motion carried unanimously.**

Manager Loomis administered the oath of office to Manager Raby.

#### 3. CITIZEN FORUM

There were no citizens who wished to address the board.

#### 4. CONSENT AGENDA

President Shirk Introduced the item.

##### ~~A. Approval of Minutes for May 16, 2018 Regular Meeting~~

##### B. Receive and file Financial Report

##### C. Presentation of Invoices for payment

- i. Barr Engineering - No-rise evaluation and model
- ii. Burns & McDonnell - March 2018 engineering services
- iii. Culligan Bottled Water - Bottled Water for Chaska office
- iv. Time Saver Offsite Secretarial - Preparation of March & April Board meeting minutes
- v. US Bank Equipment Finance - June 2018 copier rental
- vi. Friends of the Minnesota Valley - 2017 Education & Outreach at County Fairs in Minnesota River Basin
- vii. Pace Analytical Services, LLC - Chloride testing of Ike's Creek water samples
- viii. Rinke Noonan - for April 2018 legal services
- ix. Scott County SWCD - 1st quarter 2018 monitoring services

- x. **Star Tribune - Publication of public hearing legal notice**
  - xi. **Steinkraus Development LLC - for June office rent**
  - xii. **Dakota County SWCD - 1st quarter 2018 monitoring services**
  - xiii. **Naiad Consulting, LLC - for March 2018 admin services & expenses**
- D. LMRWD/Dakota County Agreement addendum for Technical Assistance Services**

Manager Raby commented that there is a correction to the Financial report. There were expenses for plan reviews that are not reflected in the YTD number.

**Manager Raby made a motion to approve the consent agenda with Item 4.A. - Approval of Minutes for April 18, 2018 regular Meeting removed and the correction to the financial report. The motion was seconded by President Shirk. The motion carried unanimously.**

## **5. NEW BUSINESS/PRESENTATIONS**

### **A. Presentation of 2017 Audit report**

Ms. Peggy Moeller presented the audit report. She referred to page 3 of the annual financial report and said for 2017 the board has received an unmodified or clean opinion. She walked the Board through the report.

Manager Hartmann asked why there is a deficit in the channel fund. Administrator Loomis said there is a deficit in the 9 foot channel because it was the policy of the board to not levy for expenses incurred by the 9 foot channel. The managers previously felt the benefit of the channel extend far beyond the district so it was a matter of principal. Administrator Loomis said all of the expenses for the channel this year will be reimbursed from the state funding. Manager Raby asked why the transfer wasn't budgeted. Administrator Loomis said it was. Ms. Moeller said it was not in the budget that they received. Administrator Loomis said that it may be how the item appeared in the budget.

## **6. OLD BUSINESS**

### **A. Hennepin County Landslide Inventory**

Administrator Loomis said she has not additional information to report other than what was reported in the executive summary. Manager Raby asked if Minnehaha Creek has decided to participate. Administrator Loomis said Minnehaha has not yet decided. However, she did hear from Freshwater Society yesterday and there is enough funding to move forward with the project.

### **B. MAWD Summer Tour**

Administrator Loomis said she made reservations for 175 box lunches. She noted that there is a good representation of local leaders, legislators and other that are planning to attend. She noted that one of the speakers will be from Chart Industries in New Prague. Chart is the business that ships cryo-tanks out of the CHS terminal.

Manager Shirk asked if there is anything in particular that she should say. If there is she asked to have the comments written out for her. Administrator Loomis said there will be a map of the river with highlights.

### **C. Dredge Management**

#### **i. Review Process for funding of maintenance of Navigation Channel**

Administrator Loomis said staff sent the proposal for the Capitol Project to the DNR and BWSR and they are still waiting for responses. Manager Raby asked when it was sent to the agencies.

Della Young, technical consultant for the District responded that the project was sent to both agencies in May. She detailed the conversations that have occurred with DNR staff.

She has checked in with legal counsel to ask if there is a time limitation for responses from the agencies. The things that the DNR is asking for are things that will come after the project is approved, like the no-rise evaluation, which will happen once the project is approved. John Kolb, attorney for the District has spoken with DNR staff to clarify the project for them. LMRWD staff will contact the DNR and BWSR and tell them that if they have comments or questions, just to put them all in a letter, so that the District can move forward with the project.

- ii. **Vernon Avenue Dredge Material Management site**  
No information other than what was reported in the Executive Summary.
- iii. **Private Dredge Material Placement**  
No information other than what was reported in the Executive Summary.

#### **D. Watershed Management Plan**

Administrator Loomis said the final draft has been provided to the Board for review. Staff is looking for the Board to accept the final draft and authorize submittal of the draft plan to BWSR for the 90-day final review. She noted section 4 will be updated to reflect the implementation plan that was provided to the Board at the May meeting.

President Shirk asked about the implementation plan and the amount of \$250,000 a year for General Administration for 10 years with no adjustment for inflation. Administrator Loomis said that amount is statutory and would only be changed if state statute changes it.

Manager Raby thought the SONAR (Statement of Need and Reasonableness) fairly detailed and made a lot of sense to him. Administrator Loomis said the SONAR was sent to all LMRWD stakeholders and TAC (Technical Advisory Committee) and the District has not received any comments.

**President Shirk made a motion to approve the draft plan amendment and authorize staff to submit the plan to BWSR. The motion was seconded by Manager Hartmann. The motion carried unanimously.**

Manager Raby asked when the plan would be submitted for the 90 day period. Ms. Young said they are prepared to submit the plan at the end of the month. She said that she is having an intern go through the comments to make sure that all comments have been addressed.

Manager Hartmann asked what the next steps are. Ms. Young explained that it will be submitted to BWSR and other review agencies. Comments can be made by review agencies, cities and others can comment on the final draft. The Plan would then come before the Board of BWSR for a hearing and approval. After the District receives BWSR approval a resolution will be prepared for the Board to officially adopt the plan.

#### **E. 2018 Legislative Action**

Administrator Loomis explained that the last time she was at the Capitol, she and the Lisa Frenette, the District's lobbyist were calling legislators that had expressed interest in the District's plan process off the floor to explain what the District has done to address their constituents concerns with the LMRWD Plan and invited them to the River Tour.

She said she is planning to meet with Ms. Frenette this month to work on a legislative agenda for the Board's approval for the next legislative session.

#### **F. Education and Outreach Plan**

Administrator Loomis said she has nothing to report.

**G. LMRWD Projects**

**i. Eden Prairie Area #3 Stabilization**

No information other than what was reported in the Executive Summary.

**ii. Riley Creek Cooperative Project/Hennepin County Flying Cloud Drive/CSAH 61 reconstruction project**

Administrator Loomis said the City of Eden Prairie asked about permits required for this project. She said the DNR told the contractor the LMRWD project would fall under the permitted issued to the county for the CSAH 61/Flying Cloud Drive Project. She said the City wanted to discuss the long term maintenance of the project.

Manager Hartmann asked what kind of maintenance would be needed. Administrator Loomis said the culvert is being taken out and a bridge is being put in its place so there will not be a culvert to maintain. She said it is more about the plunge pool filling with sediment and needing to be cleaned out to remain effective at reducing the velocity and then making sure any bank stabilization stays intact. She said she would speak to the city about maintenance.

Manager Hartmann asked about the date of completion. Administrator Loomis found she had given the Board an incorrect date for the start of the project. The project start date is June 18th.

**iii. Floodplain Lake Coring Project with Freshwater Society**

Administrator Loomis said she has spoken with Carrie Jennings and that she is working on the final report for this project. The Board should have the report in the next couple of months.

**iv. Seminary Fen ravine stabilization project**

No information other than what was reported in the Executive Summary.

**v. Analysis of Dakota County Groundwater Project**

No information other than what was reported in the Executive Summary.

**vi. East Chaska Creek/ CSAH 61 & TH 41 Transportation Improvement Project**

No information other than what was reported in the Executive Summary.

**H. Project/Plan Reviews**

Administrator Loomis said she didn't have any additional information to add. The comment letters staff intends to send were provided to the Board in the meeting packet.

**i. City of Bloomington - MN Valley State Trail**

Administrator Loomis said this is one item that the Board needs to take action on. The DNR has indicated that there will be a slight rise in the flood plain, which the Board should discuss and determine if it will allow the rise.

Ms. Young said she spoke with the DNR and the Board would not just approve it, but that the DNR needed to show justification for the rise, which they did stating that if they reduced the rise it would increase velocities. President Shirk asked if the DNR could formalize that. Ms. Young said it was documented in the response from the DNR to the District. President Shirk asked staff if the request was reasonable. Ms. Young stated that she felt that it was.

Manager Raby commented on the information provided by the DNR which stated they could reduce the rise to the floodplain, however that would cause more damage.

**President Shirk made a motion to approve the plan as proposed. The motion was seconded by Manager Raby.**

Manager Hartmann asked Manager Raby to elaborate. Manager Raby said that the DNR stated that to reduce the rise in the floodplain they would need to lower the trail, which would increase the velocity thereby potentially causing more damage.

Manager Hartmann asked if the trail is going to be asphalt. Administrator Loomis said she didn't think that has been decided, however the District has received several comments about the paving of the trail. MS Young said that this is just an interim step by the DNR to make sure the plans meet the LMRWD standards. The District will see more plans in the future.

Manager Raby noted the concept is just being approved. Ms. Young agreed. It was explained that paving the trail will not impact the rise. The Board discussed the imperviousness of the trail surface. Staff explained that the trail surface is not connected with the calculations for the rise cause by the trail.

**The motion carried unanimously.**

- ii. **Scott County WMO - 2019–2026 Comprehensive Water Resources Management Plan Review**  
Comment letter has been sent
- iii. **Draft Dakota County Comprehensive Plan Review**  
Comment letter has been sent
- iv. **Burnsville Comprehensive Plan Review**  
Comment letter has been sent
- v. **City of Burnsville - Dodge of Burnsville**  
Comment letter has been sent
- vi. **City of Chaska - MCES L-71 lift station project**  
Comment letter has been sent
- vii. **City of Eden Prairie - Abra Auto Body**  
Manager Raby asked where the location of this Abra Auto Body is. He said he thought it would be in Riley Creek Purgatory. Staff will check on this.
- I. **MPCA Soil Reference Values - no change since last update**  
No new information since last update.
- J. **MN River Congress Request/Friends of the MN Valley**  
Administrator Loomis said a funding request for his project was made. The question asked is if the board would be interested in participating in the education. Administrator Loomis reminded the Board that Mr. Suss wanted to hold seminars in each county in the Minnesota River Basin, where farmers that are farming with cover crops and working to improve soil health could share their success stories with others. Mr. Suss is looking for other partners and feels he could complete this project for \$50,000.  
  
Manager Raby asked if Mr. Suss has been successful in finding other partners to fund this initiative. He wondered how this proposal has been received by others.  
  
President Shirk said a similar presentation was made at a Minnesota River Conference she attended and she said she thinks he is on the right track. She recommended approving \$5,000 subject to him raising the rest of the funds and a better budget of how it is going to be spent. Manager Hartmann asked if \$5,000 would be enough. The board agreed they could raise the amount if needed.

Administrator Loomis said a motion will be requested once a budget is received and the District is at the point of releasing funds.

**7. COMMUNICATIONS**

- A. Administrator Report:** Administrator Loomis did not have anything to report.
- B. President:** No report
- C. Managers:** No report
- D. Committees:** No report
- E. Legal Counsel:** No report
- F. Engineer:** No report

**8. ADJOURN**

President Shirk made a motion to adjourn. Manager Hartmann seconded the motion. The motion carried unanimously. The meeting was adjourned at 7:53 pm.

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Dave Raby, Secretary

Attest:

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Linda Loomis, Administrator