

**LOWER MINNESOTA RIVER WATERSHED DISTRICT  
MINUTES**

**Wednesday, April 16, 2008 7:00 PM**

**1. CALL TO ORDER**

President Kremer called the regular meeting of the Board of Managers of the Lower Minnesota River Watershed District to order at 7:01 PM on Wednesday, April 16, 2008 in the Council Chambers at the City of Chaska, Chaska, Minnesota

**2. ROLL CALL**

Managers Present: Len Kremer, Ed Schlampp, Larry Samstad, Ron Kraemer, Kent Francis  
Also Present: Jerry Hennen, Scott County Commissioner, Clint Gergen, CENEX Harvest States, Shale Nyberg, Wells Fargo, Greg Genz, UMWA, Laura Jester, Dakota SWCD, Jerry Hennen, Scott County Commissioner, District's Attorney, Bruce Malkerson, staff members Terry Schwalbe and Joan Ellis

**3. OATH OF OFFICE**

Managers Kent Francis representing Carver County and Larry Samstad representing Scott County were re-appointed to the board for a three-year term by their respective county commissions. They were both sworn in by the District's attorney, Bruce Malkerson, who served as notary public.

**4. APPROVAL OF MEETING AGENDA**

President Kremer requested that Metropolitan Council Data Analysis be added to the agenda under Old Business, 11.c. **It was moved and seconded to approve the meeting agenda as amended.**

**VOTE: Ayes 5; Nays 0.**

**5. CONSENT AGENDA**

**It was moved and seconded to approve the March 19, 2008 Minutes, Treasurer's Report and payment of Bills. VOTE: Ayes 5; Nays 0.**

**6. OPEN FORUM**

No one spoke.

**7. APPROVAL OF MARCH 19, 2008 BOARD MINUTES, TREASURER'S REPORT AND PAYMENT OF BILLS**

The March 19, 2008 Minutes, Treasurer's Report and Payment of bills were approved under the Consent Agenda.

**8. PRESENTATIONS**

**a. Carver County Environmental Services Monitoring Report for 2007, Amanda Liesinger/Greg Aamodt**

Ms. Liesinger gave a power point printout presentation to the board. After the Fireman's, Brickyard and Courthouse lakes presentation President Kremer indicated the DNR had discussed doing alum treatment of bottom sediments at Courthouse Lake to minimize phosphorus load. Carver County did perform some bottom sampling and the internal loading is high. Daryl Ellison of the DNR is currently looking at

Courthouse Lake for aeration. Manager Samstad suggested that the results of the DNR's work be included in the next report

West Chaska Creek was presented to the board. This stream is impaired for total suspended solids and Manager Francis questioned the reason why numbers are high. A TMDL study is planned in the near future. Documented and inspected events of Highway 312 (County Road 110) has skewed the data numbers due to sediment runoff and stockpiling from construction.

President Kremer confirmed with Carver County that they will be working with the Metropolitan Council to model West and East Chaska Creeks.

East Chaska Creek was also presented and discussed. President Kremer said that this creek, as well as West Chaska Creek, is listed as impaired for total suspended solids.

Then streams CH1\_0, EC1, EC2, and finally EC\_3 were presented to the board.

Mr. Schwalbe told the board that Chaska High School students have been bio-monitoring at Assumption Creek and also spoke at the Seminary Fen legislative committee hearing April 15, 2008. They found stone fly present in the creek which apparently is quite a find.

President Kremer requested that a historical summary from the beginning to the present be included in future annual reports to compare trends to observe what has been happening at these monitoring sites.

President Kremer requested a presentation of the modeling efforts and BMP implementation plans for these watersheds be presented to the board Mr. Aamodt indicated a June or July board meeting may be possible.

The hard copy presentation materials are hereby incorporated into and made a part of the minutes.

**b. 2007 MAC Report, Toni Howell and Allen Dye, MAC Environmental**

Ms. Howell conducted a hard copy power point presentation to the board a copy of which is hereby incorporated into and made a part of the minutes.

Manager Francis inquired about the COD numbers. Ms. Howell replied that they will test for and report back to the board in the near future.

The NPDES permit has expired and MAC is negotiating with the MPCA.

Mr. Dye spoke about the 2009 projects. North Parallel Runway reconstruction, North Side storm sewer, Taxiway C-D complex-Phase V, Airside Bituminous Rehab and joint sealing, Concourse G extension will have site preparation, Runway 12L/30R Segment 2 re-construction and sanitary sewer/manhole repair for Runway 12L.

Manager Samstad inquired about the velocity on the North Side storm sewer to make sure the work there will not increase the velocity of flow into the MN River. Mr. Dye will check on the velocity rate and report back. President Kremer requested a copy of the plan from Mr. Dye. He will comply.

Staff inquired whether or not Carver County should be hired to inspect the Taxiway P reconstruction currently being completed. President Kremer placed this item under 10. New Business.

President Kremer suggested to the MAC personnel that they should get involved in the Lake Pepin TMDL work as the Minnesota River is being named a huge contributor to loading.

## **9. PRESENTATIONS FOR BOARD ACTION**

### **a. City of Eden Prairie's Gully Inventory Final Plan, Leslie Stovring, City of Eden Prairie**

Ms. Stovring presented the final plans for Purgatory Creek erosion stabilization, to the board. The planned work will improve the quality and quantity of downstream water. Plans will go to the council in May with contracts released in June or July, weather permitting. **It was moved and seconded to approve the 60% completed concept plans subject to final approval when a final bid is presented to the board on an estimated project cost of \$161,000. VOTE: Ayes 5; Nays 0.**

President Kremer also suggested to Ms. Stovring that the City of Eden Prairie should get involved in the Lake Pepin TMDL work as the Minnesota River is being named a huge contributor to loading.

### **b. City of Burnsville Water Resource Plan**

A letter from the Metropolitan Council has been received dated April 4, 2008 and a memorandum from Bonestroo addressing their review of the plan.

Mr. Schwalbe directed the board's attention to Item four on the Bonestroo memorandum. The item reads as follows: "*The WMP requires that the WRMP must show LMRWD existing and future dredge spoil site.*" Bonestroo's response: "*The WRMP states that the City has approved an interim use permit for dredge disposal sites, but these spoil sites are not shown on a map.*" President Kremer said there are no dredge spoil sites in Burnsville. Mr. Schwalbe indicated that technically the Black Dog site is still on the dredge site map, but it can't be used without wetland mitigation. Mr. Schwalbe said he was also going to suggest they show the Kraemer site as a private dredge site. He will talk to Terry Schultz about this item. President Kremer inquired about page three of four on the checklist: "*Must work with the LMRWD and others to protect trout streams*". Bonestroo's response: "*Page 252 states that a cooperative effort is needed between MnDOT, Eagan, the LMRWD and the city to implement appropriate BMPs to minimize the downstream impacts to trout streams*". President Kremer said the language isn't strong enough. He said there are much stronger rules to minimize impacts to trout streams than indicated by Bonestroo's response and we need to reference those rules.

If the City of Burnsville does not think DNR designated are not trout streams and is not going to restore them, then they should talk to the DNR about eliminating them and we will go through the process with them. **It was moved and seconded to send a letter to the City of Burnsville indicating our approval of their plan with the changes on Item 4 in the Bonestroo memorandum and the stronger rules language needed in regards to trout streams on page three of four. VOTE: Ayes 5; Nays 0.**

## **10. NEW BUSINESS**

### **a. Engineering RFP for services to the District**

This is an item to be renewed every two years. An amendment is that firms are to limit their response to "not to exceed 20 pages", including resumes. **It was moved and seconded to approve the RFP as amended. VOTE: Ayes 5; Nays 0.** President Kremer said the process is to be through the State Register.

**b. Legal RFP for legal services to the district**

President Kremer indicated an amendment that the response should be limited to five pages, including resumes. **It was moved and seconded to approve the RFP as amended. VOTE: Ayes 5; Nays 0.** President Kremer said the process is to be through the State Register.

**c. J. Ellis annual review**

A copy of Joan Ellis' performance review was in the board packet for review. Mr. Schwalbe is recommending a 4% raise. Commissioner Jerry Hennen was asked by President Kremer about significant limitations on their increases in salaries for county and city employees and what was his experience. Commissioner Hennen said the last few years their raises have been performance based up to 5% but they are playing catch up to the other six counties. If you become too conservative on salaries it can haunt you because with turnover they would try and hire someone at the same salary of the person that left because of salary limitations and no one would apply so they would have to hire a new person with the job experience at a higher salary and it became very expensive. Mr. Hennen said they are at 3-4%. **It was moved and seconded to approve a 4% raise as recommended by Mr. Schwalbe. VOTE: Ayes 5; Nays 0.**

**d. Carver County Inspections at MAC**

The board decided there is no need to hire Carver County to inspect the Taxiway P reconstruction. Mr. Schwalbe said we should look at the 2009 budget for monies to have Carver County inspect MAC projects.

**11. OLD BUSINESS**

**a. Engineering RFP for 2009 Fifth Generation Water Resource Plan update**

President Kremer said we have a draft RFP to review. Mrs. Ellis mentioned to the board that she sent the original draft out to President Kremer for his review and his comments were incorporated into the draft before the board. The RFP is based on a combination of other draft RFPs by watershed districts and water management organizations. President Kremer suggested we limit the response size to 20 pages. In addition he recommended the firms submit a copy of a completed water resource plan that best exemplifies their expertise that we are asking for in the RFP.

**It was moved and seconded to approve the draft RFP as amended to include the response size limit is to be 20 pages, including resumes and the firms submit a copy of a completed water resource plan that best exemplifies their expertise that we are asking for in the RFP. VOTE: Ayes 5; Nays 0.**

**It was moved and seconded to have the following time line:**

**Engineering and legal services: In office June 9, 2008 and Special work session June 18, 2008, 5:00 PM**

**Engineering services for 2009 Fifth Generation Water Resource Plan Update: In office June 26, 2008 and Special work session July 16, 2008, 5:00 PM**

**b. Annual River Tour/Annual City Visit**

Mr. Schwalbe has started annual city visits. He has visited with Savage and Chanhassen so far. He requested city staff to designate citizen and technical members for the stakeholder advisory committee. Also, getting some requests for assistance with projects for 2009.

In regards to the annual river tour, Mr. Schwalbe has been talking to the Legislative Auditor's office and isn't getting any definitive answer. The fact that our tours are educational is good. We are waiting for

him to return a call to us. Greg Genz has a 10 person barge and a thought they talked about was getting the staff, a section of the District at a time, onto the barge and educate them about the issues facing the Minnesota River and the opportunities those cities have to help improve the quality of the river as well as seeing the recreational opportunities.

President Kremer said there is discussion about a meeting later this fall on the status, water quality, etc. of the MN River sponsored by a variety of organizations. The title of the meeting he thought was another Minnesota River Summit meeting. President Kremer feels we should be a major sponsor in that meeting and making some presentations. He believes the Alliance and the University of Mankato are involved. This would be instead of the boat tour. Mr. Schwalbe said the first summit was very valuable. Bring back to next meeting.

Commissioner Hennen advertised the first annual free Minnesota River Family Bicycle Tour on Saturday, May 17, 2008.

President Kremer indicated he still would like to have a LMRWD watershed map showing the unique and recreational features of the District.

c. **Metropolitan Council Data Analysis**

President Kremer said that due to the meeting time he would like to place this item on the May agenda.

## **12. ADMINISTRATOR REPORT**

### **a. Seminary Fen/Assumption Creek Update**

Mr. Schwalbe brought the board up to date on his testimony at the legislative committee hearing about T.H. 41 asked for by the mobile home court. In regards to property owner easements, Mr. Schwalbe suggests mailing out a letter to the homeowners requesting one meeting with them all during the month of May 2008. Mr. Schwalbe has been in touch with the Hess family and the head of the family has been talking to Chanhassen about development and Peggy Booth of the DNR has indicated there is no map available to us.

### **b. Minnesota River Basin Commission Bill**

Mr. Schwalbe stated Representative Mike Beard will sponsor the bill for the house and Senator Dahl has shown interested in sponsoring the bill for the Senate. Mr. Harnack has not commented on the bill as yet. Mr. Davidman can get the bill introduced next week.

### **c. State Bonding Bill**

Mr. Schwalbe indicated that a senator had said he was pleased he was able to vote for an increase in allowable indebtedness from \$200,000 to \$600,000 for watershed districts ability to borrow money

### **d. Dredge Sites – on hold**

### **e. Gully inventory south side of MN River GIS software program presentation**

The GIS is not complete to Mr. Schwalbe's satisfaction. He will have ready for May board meeting.

### **f. Gully inventory update on north side projects**

Mr. Schwalbe said there a two or three other Eden Prairie sites that will be in to us in the next week or two. President Kremer said to make sure Mr. Schwalbe is talking about gully projects on his city visits and that a priority list from affected cities is presented to the board by the next board meeting.

**g. Bluff Creek**

Mr. Schwalbe said Barr Engineering has been hired to complete the field work by the City of Chanhassen. He will meet with the new head of USFWS, Charlie Blair, in May to talk about the MnDOT erosion and cleaning issue in Chanhassen.

**13. DISTRICT'S ATTORNEY REPORT**

There is nothing to report.

**14. TREASURER'S REPORT AND PAYMENT OF BILLS**

These items were approved under the Consent Agenda.

**15. UPCOMING MEETINGS/TOURS/EVENTS**

There are nothing to report.

President Kremer brought the board's attention to the handed out Management Analysis and Development Proposal by Dakota and Scott Counties Watershed Organization Initial Assessment of March 2008. He indicated that the LMRWD will be a subject of this study.

**16. ADJOURN**

**It was moved and seconded to adjourn the meeting at 9:15 PM. VOTE: Ayes 5; Nays 0.**