



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, October 9, 2024

Carver County Government Center, 602 East 4th Street, Chaska, MN 7:00 p.m.

Approved December 11, 2024

1. CALL TO ORDER

A. ROLL CALL

On Wednesday, October 9, 2024, at 7:00 PM CST, in the Board Room of the Carver County Government Center, 602 East 4th Street, Chaska, Minnesota, President Barisonzi called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD). [The meeting date was a departure from the usual third Wednesday of the month, because more than one manager had a conflict with the regular meeting date]

President Barisonzi asked for the roll call to be taken. The following Managers were present: President Joseph Barisonzi, Manager Theresa Kuplic, Manager Apollo Lammers, and Manager Lauren Salvato. Manager Vinatha Viswanathan was absent.

In addition, the following attended the meeting in-person: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant; Scott Sparlin, Coalition for a Clean Minnesota River; and Morgan Jacobs, Cost Share Applicant. Hannah LeClaire, Water Resource Engineer, Young Environmental Consulting Group, LLC; John Kolb, Rinke Noonan Attorneys at Law, LMRWD Legal Counsel; Scott County Commissioner Jody Brennan; and Manager Ben Burnett, Prior Lake Spring Lake Watershed District; attended the meeting virtually.

2. CITIZEN FORUM

No one was present to address the Board of Managers.

3. APPROVAL OF THE AGENDA

A. Additions, Corrections and Deletions to the Agenda

Administrator Loomis requested that the invoice for November 2024 office rent removed and that Item 9. B. – Study Area #3 move to Action Items, as Item 7. C. – Study Area #3, because two items were received that required action to move the Area #3 project along.

Manager Lammers made a motion to approve the agenda with Item 5. C. iv. - invoice for November 2024 office rent removed and Item 9. B. - Study Area #3 moved to Action Items as Item 7. C. – Study Area #3. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

4. PUBLIC HEARINGS & PRESENTATION

A. Report from Scott Sparlin on Water Storage Initiative

Scott Sparlin with the Coalition for a Clean Minnesota River came forward and gave a presentation on the water storage initiative.

Manager Lammers asked what the biggest obstacle with this initiative has been. Mr. Sparlin said funding is their number one obstacle. He added that there could also be potential issues with the use of the funding for drainage improvement projects.

Manager Salvato asked if they will be following up with the farmers they have talked to, to see if they will be moving forward with any water storage projects. Mr. Sparlin said yes and noted that the State of Minnesota has been granted \$25,000,000 from the Federal government for a soil health initiative. He said there has been a lot of interest in this as well from farmers.

Manager Salvato asked why he sees a need for funding when there is already so much federal funding available from Federal programs. Mr. Sparlin explained that many of the programs are not specific to water storage. He noted that Minnesota representatives advocated to the USDA to let them know that this is something much of the agricultural community recognizes and wants. He added that there are a lot of people who also applied for the Inflation Reduction Act money.

Manager Salvato shared that she understands BWSR is using their storage funding as a match; however, they are not choosing to apply for more RSPP funding. She noted that there is a disconnect as the State is not fighting for more money for this.

Manager Kuplic asked what percentage of the money they expect will be used to fix drainage issues. Mr. Sparlin said it has not yet been applied for. He noted this would be a part of their decision-making process.

Manager Salvato asked how the drainage projects are allowable under this program. Mr. Sparlin explained that the project must result in the reduction of flow rates or volumes, and they must show how the project improves flooding concerns, water quality issues, or address vulnerabilities to climate change. He added that a feasibility study is also required as a part of this project as well as having a plan for maintenance.

Administrator Loomis asked Mr. Sparlin to provide the Board with proof of funds, as well as resolutions or letters of support from other entities for their records.

President Barisonzi shared that he has a copy of the contract and what is missing from it is measurable outcomes. He said he would like to know this year's and next year's targets. He said this would be funded by taxpayer dollars, so the benefits need to be clear to the taxpayers in the represented counties.

Manager Kuplic made a motion to receive and file the reports and to authorize payment as requested, subject to the execution of a contract. Manager Lammers seconded the motion. Upon a vote being taken, the motion carried unanimously.

B. LMRWD Work Plan Update (Q3 2024)

Ms. Della Schall Young introduced this item and gave an update on the 2024 Work Plan for the third quarter.

President Barisonzi asked about the difference in volume of public versus private permits this quarter. Ms. LeClaire said around 75% were public permits and the other 25% were private permits.

Ms. Schall Young continued to report on the work done by the LMRWD in the third quarter of 2024.

Ms. Schall Young shared the request to have a date for the river tour be scheduled at the January meeting, so they have time to prepare accordingly.

Manager Kuplic said it would be nice to get a breakdown of the people who came to the last river tour. Administrator Loomis said she shared a list with President Barisonzi and can share it with the rest of the Board.

President Barisonzi asked if the CAC's action plan will be brought forward to the Board for review and approval. Administrator Loomis shared that the CAC has been treated as an independent body; however, they have always kept the Board advised of their action plans.

President Barisonzi stated he thinks it is important that the Board have buy-in to the CAC's action plan as they are asking the CAC to be their advisory committee. He said he would like to affirm their action plan.

Manager Kuplic added that it is important that the Board figure out what they want to see from the CAC. President Barisonzi said he will get an item on an upcoming agenda to discuss this.

President Barisonzi shared that the quarterly updates have just contained updates on the work done by Young Environmental. He asked if there is work done outside of the work Young Environmental is doing that should be included in these updates. Administrator Loomis explained that much of the work that she does every month is routine. Outside of that work is in support of the Watershed Plan and that is what is presented in the work being done by Young Environmental. She added that there may be other goals outside of the implementation program; however, the implementation project is what drives the work plans, and all of that information is being captured with these updates.

President Barisonzi asked what aspects of the watershed plan they are choosing to do and not to do when looking at a work plan for the year. Ms. Schall Young explained that when Section 4 - Implementation, of the watershed management plan was originally approved, it was comprehensive in terms of what they were going to do over the ten years of the plan. She noted that what is now in Section 4 is the second half of the ten years of the plan. Section 4 was updated in 2018 to address the second half of the ten year cycle, as the first five years of the plan has been completed.

Manager Lammers made a motion to receive and file quarterly update report. Manager Salvato seconded the motion. Upon a vote being taken, the motion carried unanimously.

C. 2025 Work Plans

President Barisonzi introduced this item and asked who would be presenting.

Manager Lammers moved that the Board table this item to the November Board meeting. President Barisonzi asked that the Board discuss how the Board will deal with the 2025 workplan. The Board agreed to allow questions from the Board and consider approval of the workplan at the November meeting.

Manager Salvato asked about the evolution of the municipal permit program and what the budget will look like when the LGUs have the permitting authority. Ms. Schall Young shared that there is periodic auditing of permits that happens every few years, as well as a municipal coordination meeting to see how everything is going.

Administrator Loomis pointed out that the LGU permits have an expiration on them. Ms. Schall Young said they are five-year permits. She noted that this gives them time to look at the effectiveness of the rules.

Manager Salvato asked about the development of the formal education resources (from Objective 4. Facilitate Schools Engagement in the workplan) and where this came from. Ms. Schall Young explained that this is something that has been in the works for a while. The LMRWD has worked with the City of Burnsville and others to develop educational materials for school aged children. She added that the education and outreach work plan will need the Board's attention.

Manager Salvato that the Board needs to better identify its goals for Education and Outreach.

President Barisonzi shared that he was not able to do as thorough of a review of the work plan as he would have liked; however, he does like the idea of beginning the renewal review process for the watershed management plan next year. He noted that he is looking at the work plan out of the context of the leadership transition at the executive level as well as the challenge of earning the support of the counties as they will need to increase their budget next year.

Manager Kuplic shared that the Managers used to make presentations to their counties about what the LMRWD was doing in order to get them on board. Administrator Loomis added that they have done this with cities and counties.

President Barisonzi shared that he sees this as education and outreach. He noted that he wants to see in next year's work plan that they have prioritized doing these types of education and outreach items. He added that he would also like to send out a quarterly newsletter to a growing list of recipients.

President Barisonzi stated this item will be carried over to the next meeting to be considered as actionable business.

5. CONSENT AGENDA

President Barisonzi introduced the item. Item 5. G. – Approve Cost Share for 402 Broadway Street North, Carver, MN was removed from the Consent Agenda as the applicant was in attendance.

A. Approve Minutes September 18, 2024, Regular Meeting

B. Receive and file September 2024 Financial Report

C. Approval of Invoices for payment

- i. Clifton Larson Allen (CLA) - Financial services through September 2024
- ii. TimeSavers Off Site Secretarial – Preparation of August 21, 2024, meeting minutes
- iii. Rinke Noonan, Attorneys at Law - August 2024 legal services for permit fee development, Area #3 and general services
- ~~iv. Daniel Hron – November 2024 office rent~~
- v. US Bank Equipment Finance – October 2024 copier lease payment
- vi. Young Environmental Consulting Group, LLC – September 2024 technical, and Education and Outreach services
- vii. Naiad Consulting, LLC – September 2024 administrative services, mileage, and expenses
- viii. 106 Group - Archeological survey work for Area #3 (#3193-3036-1)
- ix. 106 Group - Archeological Field work for Area #3 (#3193-2883-12)
- x. Bolton & Menk – Engineering Services, related to Vernon Avenue

- xi. MN Department of Administration – invoice for publication of Request for Qualifications for Government Relations Consultant**
- xii. Star Tribune – Invoice for Publication of Budget Hearing Notice**
- xiii. 4M Fund – August 2024 fund service charges**

D. Report from the Citizen Advisory Committee

E. LMRWD Committee meeting minutes

F. Receive and authorize distribution of September 2024 ‘Geomorphic and Habitat Assessments of Trout Streams’ report

G. Approve Cost Share for 402 Broadway Street N., Carver, MN

Manager Kuplic made a motion to approve the Consent Agenda with Item 5. G. – Approve Cost Share for 402 Broadway Street North, Carver, MN removed. Manager Salvato seconded the motion. Upon a vote being taken, the motion carried unanimously.

Morgan Jacobs, 402 Broadway Street N, Carver, MN, came forward and shared about his project to install a rainwater capture system at this location.

Manager Salvato made a motion to approve the Cost Share application for 402 Broadway Street North, Carver, MN in an amount not to exceed \$2,500. The motion was seconded by Manager Kuplic. Upon a vote being taken, the motion carried unanimously.

6. PERMITS & REPORTS ON STANDING BUSINESS ITEMS

A. Metropolitan Airport Commission (MAC) Municipal Local Government Unit (LGU) Permit (Surface Water Management Plan and Ordinance Controls Review)

President Barisonzi introduced this item.

Manager Lammers made a motion to conditionally approve a Municipal LGU permit for the Metropolitan Airport Commission subject to the adoption of the draft MAC Standard Specifications: Section 01 89 30, Sediment and Erosion Control Inspection Form (Terracon), and Recommended Approach for LMRWD Rule D Compliance with MAC as LGU. The permit will include special stipulation related to auditing. Manager Kuplic seconded the motion. Upon a vote being taken the motion was carried unanimously.

B. Minnesota River Greenway Bridge (LMRWD No. 2023-010)

President Barisonzi introduced this item.

Manager Kuplic made a motion to conditionally approve a permit for the Minnesota River Greenway Bridge (LMRWD No. 2023-010) contingent upon receipt of the following:

- **Copy of the NPDES construction stormwater permit**
- **Name, address, and phone number for the person(s) responsible for erosion control inspections and maintenance**
- **Name, address, and phone number(s) of all contractors undertaking land-disturbing activities as part of the project**
- **Executed agreement with the UPRR**
- **Final construction plans signed by a professional engineer**

Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.

- C. CenterPoint Energy (CPE) Xenwood Avenue and West 125th Street (LMRWD No. 2024-018)**
President Barisonzi introduced this item.

Manager Lammers made a motion to conditionally approve a permit for CenterPoint Energy (CPE) Xenwood Avenue and West 125th Street (LMRWD No. 2024-018) contingent upon the receipt of contact information for the person(s) responsible for construction and maintenance of erosion and sediment control measures, and documentation of approval of the project from the City of Savage for work in the road right-of-way. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

7. ACTIONS ITEMS

- A. Award bid for Spring Creek**

President Barisonzi introduced this item.

Manager Salvato made a motion to award bid to the low bidder, Sunram Construction, Inc.; adopt Resolution 2024-22; and direct staff to prepare contract documents with Sunram Construction, Inc. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.

- B. Update to LMRWD By-laws**

This item was tabled August 21, 2024, to September 18, 2024, Board of Managers meeting. It was tabled again on September 18, 2024, to the October 9, 2024 meeting. The Board had requested that the conflict-of-interest section of the bylaws be removed and reference MN Statute.

President Barisonzi noted that he had not seen the non-red line version of the by-laws. Administrator Loomis explained that the red line version had changes that needed to be deleted.

President Barisonzi shared that he thinks they need to clarify the conflict-of-interest section so that it covers not only managers, but also Staff and contractors. He stated he, as well as Manager Lammers, have resigned from the Board of the Friends of the Minnesota River. He shared his concern with the specificity of the ambiguity that is in Section 8(c). He noted that 15 minutes is a very tight time window, and this seems to be case-by-case subjective.

Manager Salvato said she had a conversation with Administrator Loomis about this where she shared that this is not unusual language. She asked for more information on this. Administrator Loomis explained that watershed districts have added this language as they have had managers who will often call the consultants directly about issues or work that is within the watershed that has not been authorized by the Board. She said this language is an attempt to mitigate this. She added that Attorney Kolb has written this into the language of by-laws for other watershed districts.

Attorney Kolb reiterated that it is not uncommon for Boards to write this kind of language into their by-laws that references the Board's use of Staff and consultants as this can become a distraction for Staff. He added that this could also be costly for the Board.

President Barisonzi suggested changing the time limit, having it include all contracted services, and having it specifically call out things not directly related to the work being done by the Board. Manager Salvato agreed.

President Barisonzi suggested tabling this item to be considered on the Consent Agenda at the next meeting with updated language as discussed for Section 8(c).

Manager Kuplic asked for further clarification on the conflict-of-interest section. President Barisonzi explained that this is standard language and if someone has a conflict-of-interest, then they should not participate in the item as a Board member.

Manager Lammers made a motion to table this item to the November Board meeting and directing Staff to update the language to Section 8(c) as discussed by the Board. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

C. Study Area #3

Administrator Loomis introduced this item and gave a brief background.

Manager Kuplic made a motion to direct Staff to execute a professional services agreement with Bolton and Menk for the boundary and tree survey on behalf of the City and County for the purpose of the subdivision of the property. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

8. BOARD DISCUSSION ITEMS

A. Standing Committee meetings

President Barisonzi introduced this item.

Administrator Loomis suggested setting these meetings up on a regular schedule and putting them on the meeting schedule so people can prepare. She shared the idea of providing a summary from each committee after they meet at the Board meetings, so it is included in the record. She noted that this would take away some of the concern that the Board is not getting feedback from the committees in a timely fashion.

B. 2025 Legislative Agenda

President Barisonzi introduced this item.

Administrator Loomis asked what day they would like to set up the interviews for the Government Relations Consulting firms. President Barisonzi said he would like it to be scheduled as soon as possible when Manager Salvato's schedule would allow.

Administrator Loomis shared that it is looking like there will not be a lot of money available at the State level this year and they are anticipating a structural deficit.

9. FOR INFORMATION ONLY

A. Dredge Management

President Barisonzi introduced this item.

Administrator Loomis asked if they are planning on having a pre-bid meeting for this project. Ms. LeClaire said no.

B. State of the Minnesota River Listening Session

President Barisonzi introduced this item.

Manager Salvato asked about the distribution list for the Listening Session. President Barisonzi said they have an extensive distribution list and it will also be able to be forwarded and distributed.

Administrator Loomis shared that she has many people interested in assisting with this Listening Session who are well versed in the flooding issues and can provide some professional guidance. She added that they may be able to hold the event at the US Fish and Wildlife Headquarters.

C. LMRWD Permit Program Summary

President Barisonzi introduced this item.

10. COMMUNICATIONS

- A. **Administrator Report:** Administrator Loomis shared that the Corp of Engineers has asked if they are interested in joining a group to discuss the long term impact of the Rapidan Dam and she told them she would attend these meetings on behalf of the Board. She added that she spoke to the Administrator for the Yellow Medicine Watershed District who was in the pilot program for the One Watershed One Plan. She noted they are in the second generation of gathering data for the One Watershed One Plan update and they are in the pilot program for BWSR's water storage tool. She said the DNR is proving to be an issue because of their restrictions with using wetlands.
- B. **President:** President Barisonzi shared that a Constitutional Amendment is on the ballot which is the dedication of the lottery money to the environment, and he would like to see this dedication continue. He noted that the amendment is not well written and encouraged everyone to consider how important this money is to the environment.
- C. **Managers:**
- D. **Committees:**
- E. **Legal Counsel:** No report.
- F. **Engineer:**

11. ADJOURN

Hearing no further business, President Barisonzi adjourned the meeting at 8:57 pm.

The next regular meeting of the LMRWD Board of Managers will be at 7:00, Wednesday, November 6, 2024. The location for the meeting will be announced. Please note that this is a departure from the usual meeting date on the third Wednesday of the month. Electronic access will also be available.

Lauren Salvato, Secretary

Attest:

Linda Loomis, Administrator