



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, August 21, 2024

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

Approved September 18, 2024

1. CALL TO ORDER

A. OATH OF OFFICE

On April 30, 2024, Vinantha Viswanathan was appointed to the Board of Managers of the Lower Minnesota River Watershed District by the Hennepin County Board of Commissioners. She read the oath of office as the first item on the agenda.

B. ROLL CALL

On Wednesday, August 21, 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).

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

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; Kati Johngrass, LMRWD Citizens Advisory Committee appointee; and Scott County Commissioner Jody Brennan. Hannah LeClaire, Water Resource Engineer, Young Environmental Consulting Group, LLC; John Kolb, Rinke Noonan Attorneys at Law, LMRWD Legal Counsel; 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

President Barisonzi introduced this item and asked to add Item 7C. – Review of Board seat Allocation.

Manager Salvato made a motion to approve the agenda with addition of Item 7.C. – Review of Board Seat Allocation. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.

4. PUBLIC HEARINGS & PRESENTATION

A. Report on LMRWD permit inspection

Ms. Schall-Young introduced this item and shared that the Young Environmental interns will not be able to attend the meeting to present their report which was included in the packet. Ms. Schall-Young asked if Managers had any questions. No Managers had questions.

5. CONSENT AGENDA

President Barisonzi introduced the item.

A. Approve Minutes June 20, 2024, and July 17, 2024, Regular Meetings and July 17, 2024, Board Workshop

B. Receive and file July 2024 Financial Report

C. Approval of Invoices for payment

- i. Clifton Larson Allen (CLA) - Financial services through July 2024
- ii. TimeSavers Off Site Secretarial – Preparation of June 20, 2024, meeting minutes
- iii. Rinke Noonan, Attorneys at Law – legal services related to Area #3 through June 2024
- iv. Rinke Noonan, Attorneys at Law - general legal services through June 2024
- v. Daniel Hron - September 2024 office rent
- vi. US Bank Equipment Finance – August 2024 copier lease payment
- vii. Young Environmental Consulting Group, LLC – July 2024 technical, and Education and Outreach services
- viii. Naiad Consulting, LLC – July 2024 administrative services, mileage, and expenses
- ix. 106 Group - Area #3 – July 2024 services related to Area #3
- x. Bolton & Menk – Engineering Services through July 23, 2024, related to Vernon Avenue
- xi. Barr Engineering – June 2024 Design Development related to Area #3
- xii. I & S Group, Inc. (ISG) - invoice for services related to flood damage assessment
- xiii. I & S Group, Inc. (ISG) – invoice for services through July 2024 for Spring Creek
- xiv. Western National Insurance – annual commercial liability insurance premium 2024/2025
- xv. Scott County SWCD – Q2 2024 monitoring, TACS and Education & Outreach
- xvi. 4M Fund - June 2024 fund service charges

D. Report from the Citizen Advisory Committee

E. Support to extend the dedication of lottery-derived revenue to Environment and Natural Resources Fund for 25 years

F. LMRWD Data Practices Policy

G. Authorize execution of Professional Services Agreement with Young Environmental Consulting Group

Manager Lammers made a motion to approve the Consent Agenda. Manager Kuplic seconded the motion. Upon a vote being taken the motion was carried unanimously.

6. PERMITS & REPORTS ON STANDING BUSINESS ITEMS

A. LMRWD Permit Renewals

President Barisonzi introduced this item.

Manager Lammers made a motion to approve renewal requests listed in Table 1. Summary of August 2024 permit renewal requests detailed in Technical Memorandum – August 2024 Permit Renewal Requests dated August 14, 2024. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

B. 2024 T2 North Expansion Project – Rule D Amendment (LMRWD No.2024-006)

President Barisonzi introduced this item.

Manager Kuplic made a motion to conditionally amend LMRWD Permit No. 2024-006 to authorize construction of impervious surfaces in compliance with Rule D contingent upon the receipt of an executed maintenance agreement. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

C. Flying Cloud Airport Project (LMRWD No. 2024-016)

President Barisonzi introduced this item.

Manager Salvato noted that recommendation actions do not typically include field verification. She asked why it is required in this situation. Ms. Schall-Young explained that this situation is different as it is in an infiltration basin, and they are concerned with whether it will be infiltrating at the rate that was prescribed in the model.

Administrator Loomis added that the LMRWD has received the maintenance agreement.

Manager Salvato made a motion to conditionally approve a permit for Flying Cloud Airport Project (LMRWD No. 2024-006) contingent upon the receipt of an executed maintenance agreement and documentation that the project has been approved by the City of Eden Prairie. The approved permit will have the following stipulation:

- **Field verification of infiltration rates of the existing infiltration basins. If minimum infiltration rates that are used within the Hydro CAD model provided with the application cannot be achieved on-site, replacement or soil amendment will be required.**

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

D. Permit review fee schedule

President Barisonzi introduced this item. He shared that he asked that some options be considered for different kinds of pricing that could be considered for projects that go above and beyond normal permit reviews

Ms. Schall-Young shared that she looked at the suggestions provided by President Barisonzi. She noted that several of the options to be considered are interesting. She noted she did not have time to dig into the options and that these would have to be discussed with legal counsel.

She noted that a fee to expedite permit review was an interesting concept.

Administrator Loomis explained that part of the reason that they denote the completeness of an application is due to Minnesota law that states when an application is submitted for a permit,

the LMRWD has 60 days to respond to an application, otherwise, it will automatically be considered approved.

Attorney Kolb stated this fee schedule was put together very well and the suggestions made are absolutely achievable within the Watershed's authority. He explained that under Minnesota law, they have 15 days to review an application and determine whether it is complete. He noted how state law informs the permit approval program. He added that permits should be self-sufficient and should not be subsidized by the rest of the district.

Ms. Schall-Young shared that they are receiving quite a few public permit applications, which they do not charge a fee for, per State statute.

Manager Salvato said she would like to hear more about what legal counsel thinks about this.

President Barisonzi said he would like to move ahead with the recommended fees set in Resolution 24-13 and directed Staff to come back within a reasonable time, sometime this quarter with an investigation of the available options and considerations for what is feasible with Staff time and resources for permitting.

Attorney Kolb cited the statute which disallows charging application fees or field inspection fees to federal & state government or political subdivisions.

Manager Kuplic asked what percentage of applications are public versus private. Ms. Schall-Young shared that she could get this information and bring it back to the Board.

Manager Kuplic made a motion to adopt Resolution 24-13 Setting Fees for Lower Minnesota River Watershed District Permitting. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

7. ACTIONS ITEMS

A. LMRWD Bylaws update – please note changes are recommended

President Barisonzi introduced this item.

Administrator Loomis shared that the Board can table this item and put together a sub-committee to come back with recommendations.

President Barisonzi shared that he would like to table this item as some of the language that they added for conflicts of interest clause created some ambiguities and internal conflicts with conflicts of interest. He explained that they would like to come up with terminology that references a conflict-of-interest policy in the bylaws, but not state an entire conflict of interest policy.

Manager Kuplic asked for the reasoning why President Barisonzi does not want a whole conflict of interest clause. President Barisonzi shared that this would go beyond the scope of the statute which extends the understanding of conflict of interest beyond financial interests to personal or relationship interests.

Manager Salvato made a motion to table this item pending a Staff rewrite of the bylaws to the next meeting. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.

B. Biennial Solicitation for legal services

President Barisonzi introduced this item. President Barisonzi said he is in favor of extending the Professional Service Agreement with Rinke Noonan for one year.

Manager Kuplic made a motion to extend the contract with Rinke Noonan for one year from August 21, 2024. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.

C. Adding an Additional Seat to the Board for Scott County

Manager Lammers introduced this item. He shared his request for an additional seat added to the Board for Scott County as it is the largest tax base and largest population within the watershed district.

Attorney Kolb shared that adding a manager and making this a six-manager Board would only be authorized by law if more than five counties are affected by the district. He noted that if they can pursue this then it will have to be reviewed by BWSR. He explained that a petition for redistribution of seats would also have to go through BWSR from one of the affected counties.

President Barisonzi stated he would not like to limit the request to just add an additional Board member, but to ask for recommendations of how the makeup of the Board could better reflect the changes in population within the district. He added that he would like to ensure that the Board is a fair representative of the district as a whole.

Manager Lammers made a motion to direct Staff and legal counsel to return a memo of education and advisement on how the Board can better address the proportional Board seats based on the population in the district. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

D. 2025 Legislative Agenda and authorize solicitation for lobbying services

President Barisonzi introduced this item.

Manager Salvato said she would like to see applications for all of these individuals so they can compare them all apples-to-apples.

Manager Salvato made a motion to approve the draft Request for Qualifications for Government Relations Consultant and authorize publication. Manager Kuplic seconded the motion. Upon a vote being taken the motion was carried unanimously.

E. Education and Outreach

○ **Appointments to Citizen Advisory Committee**

President Barisonzi introduced this item and shared his excitement for five qualified candidates.

President Barisonzi, asked Kati Johngrass, one of the applicants for the Citizen Advisory Committee (CAC) to step forward and introduce herself and explain her interest in being appointed to the CAC.

Manager Salvato made a motion to adopt Resolution 24-12 2024 Citizen Advisory Committee Appointments. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.

F. 2025 LMRWD Budget

President Barisonzi introduced this item. He explained that they must adopt a preliminary budget to send the counties; however, they will be able to reduce the budget from the preliminary budget, but they cannot increase it.

Attorney Kolb explained that the statute requires that they adopt the budget for the following year by September 15. He added that they are required to hold a budget hearing before they adopt the budget. He shared that the budget and hearing has to be advertised for two weeks prior to the hearing.

President Barisonzi asked what flexibility the Board would have to hear feedback from the public and make corresponding changes to the budget based on this feedback. Attorney Kolb explained that they will be able to use whatever time they have between the hearing and September 15 to make changes to the budget. He explained that most watershed districts have already internally vetted their budgets and they will have to hear something that is quite important to make changes from the budget.

President Barisonzi asked if the hearing would require a Board action of approval that evening. Attorney Kolb said it would be wise to follow the public hearing with necessary deliberation and approve the preliminary budget.

President Barisonzi shared his appreciation for the work that was put into the budget and the levy. He added that he is very attentive to the taxpayer's experience, and he is looking forward to being able to answer some questions for the residents. He said he does not know how to answer the question of what the increase in the levy is paying for. He shared that he would like to create a Finance Committee that could work with Staff to pull the numbers together so that the Board can communicate to residents what the increase is paying for.

Manager Kuplic noted that it would be helpful for them to be able to share with residents how the LMRWD budget compares to other watersheds. She stated that the LMRWD is on the lower end of watershed district budgets so having the comparison may help put things into perspective for residents.

Attorney Kolb added that they could consider looking at the impact based on the market values for homes in the district. He noted these calculations can be relatively easy to make; however, it is different based on different tax classifications.

Manager Kuplic shared that it would be nice to be able to share the impact the projects that are being done have on the river, so it is easier for people to be supportive of different projects. She asked if it would be possible for them to get the calculations on average impacts on different properties to be published with the notice for the public hearing. President Barisonzi reiterated that he would like to create a temporary Finance Committee to work with Staff to get the numbers that they can communicate to the residents as soon as possible.

Manager Salvato made a motion to adopt Resolution 24-21 Calling for a public hearing on the 2025 Budget and Levy during a Special Board Meeting on September 11 at 7:00 p.m. Manager Kuplic seconded the motion. Upon a vote being taken the motion was carried unanimously.

G. Spring Creek

President Barisonzi introduced this item. He noted that this is amazing programming that they are doing, and they need to articulate this when they are discussing the budget on how they are able to expand their impact into the community.

Manager Lammers made a motion to adopt Resolution 24-19 Ordering Spring Creek Improvements. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

H. Dredge Management

- **Vernon Avenue Improvement Project**
President Barisonzi introduced this item.

Manager Kuplic made a motion to accept Engineering Services for Vernon Avenue Improvement Projects, Amendment 1 – Construction Staking Services and authorize execution. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

I. Study Area #3 riverbank stabilization project

President Barisonzi introduced this item.

Attorney Kolb shared an update on working through the subdivision process of this land. He shared that the City of Eden Prairie is being a little challenging as they are now wanting them to go through a re-platting. He said they are continuing to work with the City on this.

Manager Kuplic made a motion to approve PSA with 106 Group to conduct additional archeological investigation as required by the US Army Corps of Engineers and authorize execution by LMRWD President. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

8. BOARD DISCUSSION ITEMS

A. Board Committee Structure

President Barisonzi introduced this item. He shared that he would like to create two standing committees, a Personnel Committee and an Audit & Finance Committee.

Manager Kuplic made a motion to approve the creation of a Personnel Committee and an Audit & Finance Committee to meet on a monthly basis and direct Staff to coordinate the scheduling and communication in accordance with open meeting laws. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

B. Review Meeting Schedule for the Remainder of 2024

President Barisonzi introduced this item. He shared that he has a conflict with the October meeting and Manager Salvato has a conflict with the November meeting.

Manager Kuplic made a motion to reschedule the October meeting to October 9 and the November meeting to November 6. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.

9. FOR INFORMATION ONLY

A. Minnesota River Boat Tour

President Barisonzi introduced this item.

Administrator Loomis asked how the Board wants to fit into this program. Manager Salvato said she would love to speak at the event if she is able to attend. President Barisonzi shared that he would like to be the MC for the event.

B. State of the Minnesota River Listening Session

President Barisonzi introduced this item.

Ms. Young explained that they were looking for a subcommittee to work with Young Environmental on the planning of the listening session.

President Barisonzi and Manager Kuplic volunteered to serve on the subcommittee for planning.

C. LMRWD/Minnehaha Creek Boundary Change

Administrator Loomis introduced this item. She shared that BWSR approved this change and sent it to the Secretary of State and once it is filed there, it will go back to the counties to make the final adjustments.

D. LMRWD Permit Program Summary

President Barisonzi introduced this item.

No action required.

10. COMMUNICATIONS

A. Administrator Report: Administrator Loomis shared that they are reviewing the LMRWD website accessibility. She stated the final report on the trout stream will be brought to the in September. She added that the US Fish and Wildlife Service is moving forward with a project that will impact the floodplain in Bloomington. She noted that she attended the Salt Symposium and shared that Bloomington is taking a hard look at salt usage. She shared that the Corp of Engineers held their River Resource Forum where there was some discussion around invasive park species and sediment in the Mississippi River.

President Barisonzi asked if there was a discussion for the beneficial use of the sediment. Administrator Loomis shared that the beneficial use work group has not met recently.

Administrator Loomis continued her report and shared that the financial audit for 2022 has been scheduled and should be done before the end of the year. She also noted that Shakopee is in the middle of a stormwater treatment project and invited the LMRWD to come view

A. President: No report.

B. Managers: No report

C. Committees: No report

D. Legal Counsel: Attorney Kolb shared that they did receive a check from the Lakota Lane matter. He said the next steps will be to set the date requirement for the after-the-fact permit.

E. Engineer: No report.

11. ADJOURN

Hearing no further business, President Barisonzi adjourned the meeting at 8:27 pm.

A special meeting of the LMRWD Board of Manager will be held September 11, 2024, for the purpose of allowing the public to comment on the 2025 proposed budget and preliminary certification of levy of taxes payable 2025. The next regular meeting of the LMRWD Board of Managers meeting will be at 7:00, Wednesday, September 18, 2024. Both meetings will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Attest:

Lauren Salvato, Secretary

LOWER MINNESOTA RIVER WATERSHED DISTRICT
BOARD OF MANAGERS
WEDNESDAY August 21, 2024
MEETING MINUTES

Linda Loomis, Administrator