



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, July 19, 2023

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

Approved August 16, 2023

1. CALL TO ORDER AND ROLL CALL

On Wednesday, July 19, 2023, at 7:00 PM CST, in the Board Room of the Carver County Government Center, 602 East 4th Street, Chaska, Minnesota, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD).

President Hartmann asked for the roll call to be taken. The following Managers were present: Manager Joseph Barisonzi, President Jesse Hartmann, Manager Theresa Kuplic, and Manager Lauren Salvato. Manager Laura Amundson 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; Al Friedges, Shakopee Mdewakanton Sioux Community (SMSC); and Jake Hendel, Water Resources Design Engineer, Bolton & Menk on behalf of SMSC; Tim Gillitzer, KTI Fencing; Stefanie Gronlund, Faith Breeden and Leila Khalid, Young Environmental Consulting Group, LLC; and Hannah Barisonzi, Alec Holbeck, and Daniel Linder, Izaak Walton Green Crew Member. Ben Burnett, Prior Lake Spring Lake Watershed District Manager, Scot County Commissioner Jody Brennan and Hannah LeClaire, Young Environmental Consulting Group, LLC attended the meeting virtually.

Manager Ben Burnett, Prior Lake/Spring Lake Watershed District; Scott County Commissioner Jody Brennan; and Hannah LeClaire, Young Environmental Consulting Group joined the meeting virtually.

2. APPROVAL OF THE AGENDA

Administrator Loomis asked that Item 4.C.xiii – I & S Group – June 2023 services related to Vernon Avenue Project, Item 4.J. – Accept Quote and authorize payment of premium for Director’s & Officer’s Insurance, and Item 5.C. – Report from Friends of the MN Valley on County Fair Project be added to the Agenda. She asked to remove Item 4. A. – June 21, 2023, meeting minutes and Item 4.C. vii – Naiad Consulting, LLC – June 2023 administrative services, mileage & expenses invoice be removed from the Agenda.

Manager Barisonzi made a motion to approve the agenda with two amendments, the first to move Item 6. I. to be the first item reviewed under Old Business and the addition of Item 4.C.xiii – I & S Group – June 2023 services related to Vernon Avenue Project, Item 4.J. – Accept Quote and authorize payment of premium for Director’s & Officer’s Insurance, and Item 5.C. – Report from Friends of the MN Valley on County Fair Project to the consent agenda and removal of Item 4.A.– June 21, 2023, meeting minutes and Item 4.C. vii – Naiad Consulting, LLC – June 2023 administrative services, mileage & expenses invoice. Manager Salvato seconded the motion.

President Hartmann offered a friendly amendment to move Item 6. I. iii. ahead one position to then follow Item 6. I. i. - Shakopee Mdewakanton Sioux Community Organic Recycling Facility (LMRWD No. 2022-016), on the agenda. Manager Barisonzi and Salvato accepted the friendly amendment. Upon a vote being taken motion carried unanimously.

3. CITIZEN FORUM

Administrator Loomis said she had not received communication from anyone that wished to address the Board, and no one present at the meeting asked to address the Board.

4. CONSENT AGENDA

President Hartmann introduced the item.

~~A. Approve Minutes June 21, 2023 Regular Meeting~~

B. Receive and file May 2023 and June 2023 Financial Reports

C. Approval of Invoices for payment

- i. Clifton Larson Allen (CLA) - Financial services through June 2023
- ii. Rinke Noonan, Attorneys at Law – June 2023 Legal Services
- iii. Daniel Hron – August 2023 office rent
- iv. Frenette Legislative Advisors – May, June & July 2023 legislative services
- v. US Bank Equipment Finance – July 2023 payment on copier lease
- vi. Young Environmental Consulting Group, LLC – June 2023 technical, and Education and Outreach services
- ~~vii. Naiaad Consulting, LLC – June 2023 administrative services, mileage, and expenses~~
- viii. Barr Engineering – June 2023 services related to Area #3 (wetland delineation & Threatened and Endangered Species Review)
- ix. 106 Group – June 2023 services related to Area #3
- x. 106 Group – June 2023 services related to Vernon Avenue
- xi. Inter-Fluve – June 2023 Area #3 Design Services
- xii. Dakota County Soil & Water Conservation District - Q2 2023 monitoring, cost share and education services
- xiii. I & S Group, Inc. – June 2023 services related to wetland delineation at Vernon Avenue
- xiv. 4M Fund – May Bank service charges

D. Report on Citizen Advisory Committee

E. LMRWD Permit Renewals

F. LMRWD Permit Program Summary

G. Authorize replacement of copier at Chaska Office and entering into a new lease agreement

H. Reimburse Coalition for a Clean MN River for second half of Water Storage Initiative

I. Reimburse Peggy Thomsen for Cost Share project at 11533 Palmer Circle

J. Accept Quote and authorize payment of premium for D & O Insurance

President Hartmann made a motion to approve the Consent Agenda as amended under the approval of the agenda. Manager Salvato seconded the motion. Upon a vote being taken motion carried unanimously.

5. NEW BUSINESS/PRESENTATIONS

A. LMRWD Gully Assessments

Administrator Loomis introduced this item and turned the meeting over to interns from Young Environmental Consulting Group to present the findings of the gully and ravine assessment and evaluation.

Stefanie Gronlund, Faith Breeden and Leila Khalid, introduced themselves and presented the results of the work they completed this summer assessing the very high and high gullies throughout the Lower Minnesota River. They reviewed their findings from all 315 gullies and shared their recommendations for restorations moving forward.

Manager Barisonzi asked if the map of the gullies would be available. Ms. Young explained that once this report has run through QC the information will be made available. She added that the Board would need to decide if they wanted this information on the gullies to be made available to the public.

Manager Barisonzi asked if the gullies that are inaccessible by foot are accessible by water. The interns stated that it would be dependent on which gully they were trying to access. Ms. Young discussed the use of drones for these gullies.

President Hartmann asked about accessing private land and if property owners turned them away. The interns stated that most property owners were very friendly and agreeable to letting them on the property. Manager Salvato asked if the information they received from the residents would be included in the report. The interns said that that information is in their notes.

Manager Barisonzi asked if any of the critical gullies were in the wildlife refuge. The interns stated that none of the top four were in the wildlife refuge; however, they did visit some sites in the refuge.

Manager Barisonzi asked if the River Bottoms bike trail was considered a trail for the purpose of safety. The interns stated that if it was a marked trail they counted it as a safety concern.

Manager Salvato asked when they will be pulling the trigger on these restorations after years of assessments. Ms. Young stated that they would be looking to the Board for direction on this. She stated that the ones that are considered high priority, they need to coordinate with the municipality to make sure that they have a partnership before bringing the recommendation to the Board. She noted that many projects will be coming out of this assessment.

Manager Salvato asked for more information on what other watershed districts do for these types of projects.

Manager Kuplic asked about the sites that are hazardous and if they are ranked. The interns explained that they gave all hazardous sites the same value and did not rank them. They explained that these areas have contamination potential.

Ms. Young explained that the interns will be at the next meeting and will be able to continue to discuss this and how they will be moving forward with these gullies.

The Board thanked the interns for their work and presentation.

B. 2024 LMRWD Budget Discussion

Administrator Loomis recommended tabling this item.

President Hartmann made a motion to table the 2024 LMRWD Budget Discussion to the August 16, 2023, meeting. Manager Barisonzi seconded. Upon a vote being taken motion carried unanimously.

C. Report by Izaak Walton Green Crew on Friends of the Minnesota Valley County Fair Outreach Project

Daniel Linder and Alex Holcomb from the Green Crew reviewed their report on the outreach project at the County Fairs so far this summer. They shared the successes and findings. They highlighted the remaining County Fairs.

Manager Kuplic asked about the primary age range of the individuals that they engaged with at the Fairs. Mr. Linder stated that the average age was around 65 years old. Manager Kuplic asked if these individuals seemed receptive to what was being shared. Mr. Linder stated that some of them were and others were not.

The Board thanked Mr. Linder for his report and shared that they look forward to his next report.

6. OLD BUSINESS

A. 2021/2022 Financial Audit

Administrator Loomis introduced and provided an update on this item. The LMRWD entered a letter of engagement with Redpath and Company. She shared that the audit will be getting started and will be underway by the next meeting. She reviewed a copy of the letter that was sent to Global Portfolio Consulting.

Manager Barisonzi requested that Mr. Kolb come prepared to the next meeting with the plan for the next legal action step forward.

B. Lower Minnesota River East One Watershed One Plan Governance

Administrator Loomis introduced and provided background on this item. She shared that she met with BWSR and they discussed the future watershed based implementation funding. And according to BWSR becoming a party to an organization to implement a 1W1P will not impact future allocation of Watershed-based Implementation Funding. She stated that the Board needs to determine if they want to be assessed dues to be a part of an organization.

Manager Salvato shared that she will be attending the policy meeting on behalf of the Board.

Manager Barisonzi asked how disruptive politically would it be for the LMRWD to go in and say that they want an MOU rather than participating in this. Administrator Loomis stated that she does not think it is a big deal either way. She noted that the reason an MOU makes sense is that this 1W1P has specifically excluded features in the LMRWD that are part of the planning area.

Manager Kuplic asked if the 1W1P wouldn't be better off if the LMRWD was not part of a JPO. Administrator Loomis is not sure. When applying for grants, if the LMRWD was not part of the JPO, but was a partner in a project applying for grant funds, grant requests may rank higher.

C. City of Carver Levee

No new information to report since the last update.

D. Dredge Management

Administrator Loomis shared that dredging at Peterson's Bar will begin on July 24 and 25. She noted that there was a breach of continental marsh by the Minnesota River. She shared that the USACE has requested to store the materials needed to restore the breach on the LMRWD dredge site.

Manager Barisonzi asked when breaches like this happen if anyone does have environmental assessment to look at this. Administrator Loomis explained that since this was a part of a project that did go through a review ahead of time, it will just be viewed as a restoration or a repair of a project recently completed. There was discussion of oversight of repair projects conducted by others within the LMRWD.

i. Vernon Avenue Dredge Material Management site

Administrator Loomis introduced this item and provided an update on the project.

ii. Private Dredge Material Placement

No new information to report since last update.

E. Watershed Management Plan

No new information to report since the last update.

F. 2023 Legislative Action

Administrator Loomis introduced this item. She shared that she spoke with Lisa on figuring out a way to have the State auditor have small governmental units like the LMRWD be able to find auditors that are reasonably priced. She added that they will need to continue to request money for the dredge funding if they want to continue with this. She stated that she attended the Metro Minnesota Watersheds meeting and Mr. Hanson from BWSR reported that they will be taking the \$17 million that the State allocated for water storage and leverage it to get some federal funding to increase what is available to use in the Minnesota River Basin. She asked if there were any other items that they would like to add to the legislative agenda.

Manager Salvato said she is interested in limited liability for winter maintenance.

Manager Barisonzi asked if there is a deadline for having a legislative agenda put together. Administrator Loomis said just before the legislative session starts. She stated that this year is a bonding year. Manager Barisonzi asked if something comes to mind that fit within the mission of the LMRWD should those topics be forwarded to the Administrator? Administrator Loomis said that is correct.

The Board discussed potential legislative action items. The Board asked to learn what lobbying efforts have been made in the past.

G. Education and Outreach Plan

Administrator Loomis introduced and provided background on this item. She reviewed the request for approval of a sign for the Lower Minnesota River at the Riley Creek Crossing.

Manager Salvato stated that the LMRWD logo on the signs is very small and asked if it could be made bigger. Administrator Loomis stated that they will work on this part of it.

Manager Barisonzi made a motion to approve signage at the Riley Creek Crossing of Flying Cloud Drive, with or without Riley Purgatory Bluff Creek Watershed District as a partner and to maximize the visuals for the LMRWD. Manager Salvato seconded the motion. Upon a vote being taken motion carried unanimously.

Administrator Loomis shared that Staff has been looking at doing some updates to the website, including featuring the managers on the website and social media.

The Board was in consensus to move forward with this.

Administrator Loomis shared that an individual from the city of Carver who has applied to be on the CAC.

Manager Salvato made a motion to adopt Resolution 23-07. President Hartmann seconded the motion. Upon a vote being taken motion carried unanimously.

H. LMRWD Projects

(Only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)

i. Area #3

Administrator Loomis introduced and provided an update on this project. She noted that they received the wetland delineation report today. She noted that the LMRWD has prepared a grant application for A Hennepin County Opportunity grant, that should be approved by the Board and submittal of the application should be authorized by the Board.

She noted she has received communication from the property owner who has asked what the extent of the project is exactly and how much the LMRWD is willing to pay for a permanent interest in the property, either an easement or outright fee ownership of the property. She recommended that the LMRWD retain right-of-way services professional to guide this activity.

Manager Barisonzi made a motion to approve the Hennepin County Opportunity Grant Application and authorize submittal of the grant application. President Hartmann seconded the motion. Upon a vote being taken, the motion carried unanimously.

Manager Barisonzi made a motion to authorize staff to survey property needed to complete Area #3 Minnesota Riverbank Stabilization Project and Appraised. He would like an appraisal not only of the land to be purchased, but also the total of the primary parcel with and without the portion needed for the project. Manager Salvato seconded the motion. Upon a vote being taken, the motion carried unanimously.

I. Permits and Project Reviews

i. Shakopee Mdewakanton Sioux Community Organic Recycling Facility (LMRWD No. 2022-016)

Administrator Loomis introduced and provided background on this item. She shared the recommendation to conditionally approve a permit for the facility. She stated that representatives from the facility are present to answer any questions.

Manager Barisonzi made a motion to conditionally approve a permit for LMRWD Rule B for Shakopee Mdewakanton Sioux Community Organic Recycling Facility Relocation (LMRWD No. 2022-016) contingent upon receipt of a copy of the NPDES permit. Manager Salvato seconded the motion. Upon a vote being taken, the motion was carried unanimously.

a. Maintenance Agreement between the LMRWD and Shakopee Mdewakanton Sioux Community

Administrator Loomis introduced and provided background on this item. She shared the recommendation to authorize the maintenance agreement.

President Hartmann made a motion to authorize execution of the Maintenance Agreement between the Lower Minnesota River Watershed District and the Shakopee Mdewakanton Sioux Community. The motion was seconded by Manager Salvato. Upon a vote being taken, the motion was carried unanimously.

ii. Peterson Wetland Bank (LMRWD No.2022-037)

Administrator Loomis introduced and provided background on this item. She shared the recommendation for conditional approval.

Manager Barisonzi asked how this related historically to other wetland banks and if they were similar in size or scope. Ms. Young shared that she has not seen another wetland restoration like this one during her time on the Board. Administrator Loomis added that she also does not think they have ever done a restoration project like this in the past. Ms. Young stated that she can get back to the Board with more information on this.

Manager Barisonzi stated that he was surprised by the scope of this project. He asked if there was any conversation concerning the long term plans of this site. Ms. LeClaire noted that it appears as though they would be looking to keep this property in their family and they have a long term maintenance plan for the wetland.

Manager Barisonzi asked if there is relevant grant money that could be requested. Administrator Loomis stated that there was never any mention of financial participation.

President Hartmann made a motion to conditionally approve Peterson Wetland Bank permit (LMRWD No. 2022-037) contingent upon the receipt of final construction plans signed by a professional engineer, a copy of the NPDES Construction Stormwater Permit, the name and contact information for all contractors undertaking land disturbing activities, the name and contact information for the person(s) responsible for erosion and sediment control inspections and maintenance, and documentation of approval or applicable permits from the cities of Eden Prairie, Chanhassen and Shakopee. Manager Salvato seconded the motion. Upon a vote being taken motion carried.

iii. KTI Fencing Property (LMRWD No. 2023-014)

Administrator Loomis introduced and provided background on this item. She shared the recommendation for conditional approval. She noted that a representative from KTI Fencing is present to answer any questions.

Manager Barisonzi made a motion to conditionally approve KTI Fencing Property (LMRWD No. 2023-014) contingent upon the receipt of a copy of the NPDES Construction Stormwater Permit, contact information for the contractor(s), contact information for the person(s) responsible for erosion and sediment control measures and documentation that the applicant has received full approval for the project from the City of Savage. Manager Kuplic seconded the motion. Upon a vote being taken, the motion was carried unanimously.

iv. Bloomington Storm Sewer Maintenance (LMRWD No. 2023-015)

Administrator Loomis introduced and provided background on this item. She shared the recommendation for the conditional approval of the permit.

President Hartmann made a motion to conditionally approve Bloomington Storm Sewer Maintenance (LMRWD No. 2023-015) permit contingent upon receipt of the following: final construction plans signed by a professional engineer, name and contact information for all contractors undertaking land disturbing activities, name and contact information the

person(s) responsible for erosion control inspections and maintenance, a copy of the contractor's water management plan with erosion and sediment control measures, and a copy of the approved MnDNR permit. Manager Salvato seconded the motion. Upon a vote being taken, the motion was carried unanimously.

v. Chaska Tech Center – Amendment (LMRWD No. 2023-008)

Administrator Loomis introduced and provided background on this item. She shared that this item was given approval at a previous meeting but there have now been some changes made to the plans. She shared the recommendation of approval for the amendment to the permit with a special stipulation.

Manager Barisonzi asked if the amendment to the permit is the addition of the language about the infiltration rates. Ms. LeClaire stated that this is retained from the original permit and the amendment is because Chaska Tech Center changed their stormwater management to be gutter flow rather than a storm sewer.

Manager Barisonzi made a motion to approve a permit amendment for the Chaska Tech Center (LMRWD No. 2023-008). If minimum infiltration rates cannot be achieved on site, removal of the clay layer and replacement with appropriate soils will be required. Manager Salvato seconded the motion. Upon a vote being taken, the motion was carried unanimously.

vi. Chaska Local Surface Water Management Plan

Administrator Loomis introduced and provided background on this item.

President Hartmann made a motion to adopt Resolution 23-08 Approving the Surface Water Management Plan for the City of Chaska with the recommendations found in Technical Memorandum – City of Chaska Stormwater Requirement Updates Review dated July 12, 2023. Manager Salvato seconded the motion. Upon a vote being taken, the motion was carried unanimously.

vii. 535 Lakota Lane, Chanhassen – work without a permit

Administrator Loomis introduced and provided an update on this item.

Manager Barisonzi made a motion to authorize legal counsel to undertake the appropriate steps to resolve the situation if the legal letter is not responded to within the given timeframe. Manager Salvato seconded the motion. Upon a vote being taken, the motion was carried unanimously.

6. COMMUNICATIONS

- A. Administrator Report:** Administrator Loomis reviewed her Administrator's report, including information on the One Watershed One Plan meetings. She shared that there was a property owner in Shakopee who was doing work without a permit on Deans Lake. The property owner had placed fill in the wetland. The City has inspected the property and found violations of the wetland conservation act. The property owner has been ordered to remove the fill. She stated that the CAC had an outreach event at the Eagan farmer's market. She noted that she and Ms. LeClaire met with representatives of the U.S. Army Corp of engineers to discuss the floodplain model, there may be an opportunity to get assistance from the USACE on this project. She stated that the U.S. Fish and Wildlife Service has sent out a request for proposals using a scope of work that the LMRWD developed. She noted that she met with consultants on site to walk this area and answer questions. She stated that the U.S. Fish and Wildlife is working with Kelly Farms owners and the possibility that USFWS acquiring an easement or outright ownership. She added that the Scott WMO had a technical advisory committee meeting in June to kick-off its

groundwater management plan and its Comprehensive Watershed Management Plan. And the Scott County Association for Leadership and Efficiency formed a water committee which met for the first time in July and shared that they are looking at water issues in Scott County. She stated that there was a kickoff meeting on-site for the Spring Creek project. She has a meeting scheduled with the City of Chaska to discuss proposed project in Seminary Fen.

- B. **President:** No report
- C. **Managers:** No report
- D. **Committees:** No report
- E. **Legal Counsel:** No report
- F. **Engineer:** No report

7. ADJOURN

At 9:06, President Hartmann made a motion to adjourn the meeting. Manager Salvato seconded the motion. Upon a vote being taken, the motion was carried unanimously.

The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, August 16, 2023, and 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

Linda Loomis, Administrator