



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, December 20, 2023

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

Approved February 21, 2024

#### 1. CALL TO ORDER

##### A. ROLL CALL

On Wednesday, December 20, 2023, 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 Jesse Hartmann, and Manager Theresa Kuplic. Manager Laura Amundson and Manager Lauren Salvato joined the meeting virtually from remote locations. 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; John Kolb, Rinke Noonan Attorneys at Law, LMRWD Legal Counsel; Scott County Commissioner Jody Brennan; Carver Mayor Courtney Johnson; Aaron Schmidt and Todd Hubmer, Bolton & Menk, Inc., representing the City of Carver; and Apollo Lammers, resident.

Manager Ben Burnett, Prior Lake Spring Lake Watershed District, and Lindsey Albright, Dakota County Soil & Water Conservation District attended the meeting virtually.

#### 2. 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.

#### 3. APPROVAL OF THE AGENDA

##### A. Additions, Corrections and Deletions to the Agenda

President Barisonzi introduced this item. Administrator Loomis noted an invoice for the preparation of the November 15, 2023, meeting minutes that was on the agenda but not in the meeting materials had been received. A copy of the invoice was placed at each Manager's seat.

President Barisonzi noted that the agenda has been rearranged so that those in attendance to make presentation would be at the beginning of the agenda. He asked that Managers provide any feedback that they may have to the revisions to the agenda.

**Manager Kuplic made a motion to approve the agenda. Manager Hartmann seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Hartmann, Kuplic and Salvato; the following voted against: None.**

#### 4. PUBLIC HEARINGS & PRESENTATION

##### A. Final Certification of Tax Levies Payable 2024 and Final Adoption of 2024 Budget

President Barisonzi introduced this item and shared that the tax levy and budget has been posted.

President Barisonzi opened the Public Hearing. Seeing and hearing no one wishing to speak, President Barisonzi closed the Public Hearing.

**Manager Hartmann made a motion to adopt Resolution 23-17 Final Certification of Property Tax Levies for Taxes Payable 2024 and Final Approval of 2024 Budget and authorize certification to Counties. Manager Kuplic seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Hartmann, Kuplic and Salvato; the following voted against: None.**

##### B. Presentation by City of Carver – Levee improvement project

President Barisonzi invited Mayor Courtney Johnson to the podium. Courtney Johnson, Mayor of Carver, came forward and spoke to the City of Carver levee improvement project. She introduced Aaron Schmidt and Todd Hubmer, engineers with Bolton & Menk, representing the City of Carver.

Mr. Hubmer and Mr. Schmidt continued the presentation on the Carver levee improvements. He gave updates to funding of the project. They discussed the environmental review process that is required through the federal grant program. They reviewed the design of this improvement project, including around 25 properties that are along the levee that will need to be engaged. They shared the hopes that they would have the bid package ready to go for this project in the spring of 2025. Mr. Schmidt spoke about phasing the project in case full funding was not in hand at the time the project is ready for construction. They discussed the importance of public engagement throughout the course of this project.

Mr. Schmidt explained how the levee project will coordinate with the Merriam Junction Trial project planned by Scott County.

Manager Salvato asked if they are just needing easements in order to build the levee and there will be no land acquisition as a part of this. Mr. Schmidt explained that the need is for the City to have rights to operate and maintain the levee system which can be done in the form of a permanent easement.

Manager Salvato asked about the considerations and the process of the FEMA certification. Mr. Schmidt explained there is a process of getting a conditional letter of map revisions which will show that if the project is constructed in such a manner, meeting certain specifications, it would show what the new floodplain boundary would be. He stated that upon certification, this would remove the area behind the levee from being within the floodplain, which is why it needs to be FEMA certified.

President Barisonzi asked if the final letter of map revision would address the flood stage of the river and the potential changes to the flood stage. Mr. Hubmer explained that they have been working on the hydraulics in the river. He shared that there will be fill placed in the floodplain, and that they will work with stakeholders to provide a no-rise certification.

Manager Salvato shared it is great to see the progress on this project.

Mayor Johnson shared that the LMRWD had given Carver \$100,000 a few years ago with the stipulation that \$75,000 would be given at the time, and \$25,000 once the project was

completed. She asked the Board for the remaining \$25,000 as it would be more beneficial now rather than waiting until the end of the project.

President Barisonzi asked about the status of the \$25,000 in the budget. Administrator Loomis explained this money is being set aside for this project as it has already been committed to them.

President Barisonzi asked if there were any concerns if they were to release the \$25,000 to Carver. Administrator Loomis said she does not see any issues with this as long as they would be provided with receipts of the match and what the funds would reimburse.

President Barisonzi shared he is very impressed with the amount of work that has been done on this project.

**Manager Kuplic made a motion to release the remaining \$25,000 of Cost Share to the City of Carver contingent upon the LMRWD receiving an invoice and documentation of costs incurred for the project. Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Kuplic and Salvato; the following voted against: None. Manager Hartmann abstained.**

**C. Public Engagement Project**

Administrator Loomis introduced this item. She recommended receiving and filing the PR pitch campaign for discussion at a later date since the final report was just sent to the Managers yesterday.

**President Barisonzi made a motion to Receive and File PR Pitch Campaign and to lay discussion over to Communication and Messaging Workshop. Manager Hartmann seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Kuplic and Salvato; the following voted against: None.**

**D. Recognition of Contribution to LMRWD by Manager Jesse Hartmann**

President Barisonzi introduced this item to recognize the work of Manager Hartmann over the years he served on the LMRWD Board of Managers. President Barisonzi read Board Resolution 23-16 into the record.

Jody Brennan, Scott County Commissioner, came forward on behalf of Scott County to thank Manager Hartmann for the work he has done, the policies he has set, and his work improving the quality of the Minnesota River and supporting the recreation and commercial use of the river. She presented Manager Hartmann with a certificate for his work.

Manager Salvato shared her appreciation for Manager Hartmann's work and his humor, which will be missed by the Board.

Administrator Loomis shared that Manager Hartmann will be missed by the Board. She thanked him for his time and work.

President Barisonzi presented Manager Hartmann with a certificate of recognition.

**Manager Kuplic made a motion to adopt Resolution 23-16 Recognizing Appreciation for Service and Contributions of Manager's Hartmann to the Lower Minnesota River Watershed District. Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Kuplic and Salvato; the following voted against: None. Manager Hartmann abstained**

## **5. CONSENT AGENDA**

President Barisonzi introduced the item.

- A. Approve Minutes November 15, 2023, Regular Meeting minutes**
- B. Receive and file November 2023 Financial Report**
- C. Approval of Invoices for payment**
  - i. Clifton Larson Allen (CLA) - Financial services through November 2023**
  - ii. TimeSaver Off Site Secretarial – Preparation of October 2023 meeting minutes**
  - iii. Rinke Noonan, Attorneys at Law – November 2023 Legal Services**
  - iv. Daniel Hron – January 2023 office rent**
  - v. US Bank Equipment Finance – December 2023 payment on copier lease**
  - vi. Young Environmental Consulting Group, LLC – November 2023 technical, and Education and Outreach services**
  - vii. Naiad Consulting, LLC – November 2023 administrative services, mileage, and expenses**
  - viii. I & S Group – October 2023 services related to Spring Creek**
  - ix. Studio Lola – design, illustration & fabrication of signage for Quarry & Courthouse Lakes**
  - x. 106 Group – November 2023 services related to Area #3**
  - xi. 106 Group – November 2023 services related to Vernon Avenue**
  - xii. Bolton & Menk – November 2023 services related to Vernon Avenue**
  - xiii. Frenette Legislative Advisors – November & December 2023 legislative services**
  - xiv. Redpath and Company – Preparation of 2021 Financial Audit**
  - xv. TimeSavers Off Site Secretarial - Preparation of November 2023 meeting minutes**
  - xvi. 4M Fund – September 2023 financial service charges**
- D. Report from Citizen Advisory Committee**
- E. Authorize removal of Manager Hartmann and addition of President Barisonzi as signatory to LMRWD financial accounts**
- F. Receive update to Legal Services Agreement**
- G. Authorize preparation of 2023 Annual Report**
- H. Accept final report from Scarborough Townhouse Association Cost Share and authorize reimbursement**
- I. Receive and file FY 2021 Financial Audit and authorize distribution**
- J. Receive and file correspondence from Len Kremer**
- K. Approve Dakota County SWCD monitoring & education services workplan and budget**

Manager Hartmann made a motion to approve the Consent Agenda. Manager Kuplic seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Hartmann, Kuplic and Salvato; the following voted against: None.

## **6. PERMITS**

- A. Carmeuse Savage Marine Improvements (LMRWD No. 2023-024)**

Administrator Loomis introduced and provided background on this item.

Manager Hartmann made a motion to conditionally approve a permit for Carmeuse Savage Marine Improvements (LMRWD No. 2023-024) contingent upon receipt of the following: the name and contact information for all contractors undertaking land-disturbing activities, name and contact information for the person(s) responsible for erosion control inspections and

**maintenance, final construction plans signed by a professional engineer, documentation of full approval of the project by the City of Savage and documentation of the Minnesota Department of Natural Resources Permit decision and supporting information. Manager Kuplic seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Hartmann, Kuplic and Salvato; the following voted against: None.**

**B. Tarnhill Pond (LMRWD No. 2023-029)**

President Barisonzi introduced this item.

**Manager Kuplic made a motion to conditionally approve a permit for Tarnhill Pond (LMRWD No. 2023-029) contingent upon receipt of the following: a copy of the Minnesota Department of Natural Resources public waters work permit, name and contact information for all contractors undertaking land-disturbing activities, and the name and contact information for the person(s) responsible for the inspection and maintenance of all erosion and sediment control features. Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Hartmann, Kuplic and Salvato; the following voted against: None.**

President Barisonzi asked if the Board could get a list of all agreements that they are providing ongoing oversight on, such as the oversight listed in the above motion. Administrator Loomis explained that LMRWD staff in the process to identify maintenance agreements the LMRWD is responsible for monitoring and they are planning on putting together a program to make sure these are being maintained appropriately. She added they will also be doing inspections on these as well.

**C. Authorize execution of Maintenance Agreement between the LMRWD and the Metropolitan Airport Commission**

President Barisonzi introduced this item.

**Manager Salvato made a motion to approve the Maintenance Agreement – Stormwater Management Facilities Between the Lower Minnesota River Watershed District and the Metropolitan Airport Commission and authorize execution. Manager Kuplic seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Kuplic and Salvato; the following voted against: None.**

**D. 535 Lakota Lane, Chanhassen – work without a permit**

Attorney Kolb provided an update on this item. He shared they now have a court file number assigned to them; however, they do not have a judicial assignment in Carver County. He added they have prepared initial disclosures and are working with the attorney of Eco Real Estate Holdings to develop a discovery plan and tentative schedule. He added that they have also received some explanation as to why they do not have the engineer's certification of the information that was provided related to the application. He shared he will keep the Board up to date as this process moves along.

President Barisonzi asked if there was discussion on whether or not they would have to present an alternative plan. Attorney Kolb stated that if the landowner is having difficulty putting

together a plan that would meet the Board's requirements, they would continue to assist the land owner in the development of this plan.

**E. LMRWD Permit Program Summary**

President Barisonzi shared that the permit program summary was provided in the packet. He explained that he has requested that this report be provided to the Board in a format that allows for sorting the permits. Where Managers could highlight and filter active and expired cases.

**6. ACTIONS ITEMS**

**A. Area #3**

President Barisonzi introduced this item.

**Manager Kuplic made a motion to accept the grant and authorize execution of the Grant Agreement by the Administrator after the fact. Manager Hartmann seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Kuplic and Salvato; the following voted against: None.**

The Board went to closed session to discuss acquisition of property necessary for the construction of the Area #3 project.

Closed session ended at 8:28 and the meeting resumed in its regular order.

**7. REPORTS ON STANDING BUSINESS ITEMS**

**A. Dredge Management**

President Barisonzi introduced this item.

**B. Watershed Management Plan**

President Barisonzi introduced this item.

Manager Amundson shared she reviewed all the reports from the municipal coordination meetings and asked if the LMRWD staff felt the process went well with the cities. Administrator Loomis said yes and shared that the cities have all been very cooperative and responsive.

**C. Lower Minnesota River East One Watershed One Plan**

President Barisonzi introduce this item and asked Administrator Loomis if there were updates to share with the Board. Administrator Loomis shared that the Steering Committee and Advisory Committee met today to review all the comments received during the informal review of the plan. She shared that they expect that the 60-day review will be authorized at the January Policy Committee Meeting and recommended that the LMRWD hold off on its review of the plan until the official 60-day comment period.

**8. OLD BUSINESS**

**A. 2022 Financial Audit**

President Barisonzi shared that the 2021 audit is complete and asked about the 2022 audit. Administrator Loomis shared that work has begun on the 2022 audit.

**B. 2024 Legislative Action**

President Barisonzi introduced this item.

Manager Kuplic noted there was not a lot of information on the invasive species and she would like to see this more elevated. Administrator Loomis stated they can tailor this to their issues.

Administrator Loomis asked if it would be helpful to have a document drafted similar to what was in the packet. Manager Kuplic said yes.

Manager Salvato stated that she would like more help from Staff on this information at the next meeting to determine what is and is not applicable for the Board to support. She shared she is in favor of limited liability but wondered if they need to be spearheading meetings.

President Barisonzi asked if any of the watersheds in the Lower Minnesota River had lobbying efforts. Administrator Loomis shared that Prior Lake/Spring Lake does have lobbying efforts which are related to the water level management in Prior Lake and the Prior Lake outlet channel.

President Barisonzi shared he likes the layout of the document and a one-page document should be sufficient for them. He added he would not like them to waste time on stating a position on every potential item but rather the priorities they will be focusing on. He noted that he would like this to be additionally informed by the legislative initiatives that are related to the Lower Minnesota River that are being taken by jurisdictions that fall within their footprint. He noted that they could use some of their time and energy to help projects like the levee project for the city of Carver. He added that he hopes they listen to their partners on what kind of work is being done to reduce flows, sediments, and contamination upriver and what strategies they should consider supporting that are not currently supported by Minnesota Watersheds due to a difference in interest.

Manager Kuplic noted she would like to get some Federal funding to help farmers retain water on their properties. Administrator Loomis shared there are a lot of Federal grants available. She noted this is being discussed as part of the One Watershed One Plan.

Manager Salvato shared that there is so much Federal funding for farmers and it is in the farmers hands on whether they want to take these incentives or not. She noted that asking for more Federal funding would not be a good investment of their time. She further asked about how the funding that is out there gets projects on the ground. President Barisonzi noted that perhaps someone can come to inform the LMRWD Board on that.

### **C. Education & Outreach**

President Barisonzi introduced this item.

**Manager Salvato made a motion to authorize staff to implement recommendations in Technical Memorandum – Public Relations Recommendation for Manager Jesse Hartmann’s Service Recognition and Departure dated December 15, 2023. Manager Amundson seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Kuplic and Salvato; the following voted against: None. Manager Hartmann abstained**

President Barisonzi noted that the LMRWD should look at its roles and what should be communicated so that outreach like this do not need to come to the Board for approval. Administrator Loomis noted that this particular request from one or two individual Managers was not in the vein of other communications and the Plan, so LMRWD staff felt it was appropriate to seek Board approval.

## **9. BOARD DISCUSSION ITEMS**

### **A. Biennial Solicitation for Letters of Interest for Legal Professional and Technical Consultant services**

President Barisonzi introduced this item.

Manager Amundson stated that they should have underlying civil engineering expertise be a part of these requirements. Ms. Young agreed that this could be added and be a standalone item.

President Barisonzi noted that he would love Staff to do a one over on the education and outreach coordinator position before it moves forward and that it is not as explicit as he would like it to be. Ms. Young shared the way that this role is set up is connected to the LMRWD Comprehensive Watershed Management Plan and work plans derived from the LMRWD Plan. She said they will need to discuss this at their next meeting.

President Barisonzi asked when they are targeting to have these posted. Administrator Loomis shared it depends on when the Board authorizes publication. If the solicitation for letters of interest is authorized in January, proposals will be requested to be back by the end of February. The Board would then see the proposals in March.

Ms. Young pointed out that if roles are expanded beyond current activities of the LMRWD this will have a budget impact and may be able to be implemented until 2025.

**B. MPCA Lower Minnesota River Watershed Surface Water Monitoring Request Guidance**

President Barisonzi introduced this item.

Administrator Loomis noted that President Barisonzi requested LMRWD staff consider putting in to be part of the monitoring program for the MPCA assessment. President Barisonzi asked if this fits into the work plan. Administrator Loomis said yes and noted that grants are provided by the MPCA to pay for the additional cost of monitoring. She noted that more information can be provided at the January meeting. Manager Salvato noted that she is interested in seeing where there are gaps.

**10. COMMUNICATIONS**

- A. **Administrator Report:** Administrator Loomis shared she received a newsletter from Minnesota Watersheds today and was requested to share it with the Board. She asked that Managers let Administrator Loomis know if they wish to see the MN Watershed newsletter.

She suggested that the Board schedule a meeting to go over watershed district statutory requirements and other topics that impact public bodies. She noted that Scott County has appointed a new Manager to represent Scott County.

She added that she is contracted to work 150 hours a month; however, she has been surpassing the contracted monthly hours and will be requesting an authorization to be reimbursed for her extra hours in January, as well as increasing her fees.

- B. **President:** No report
- C. **Managers:** Manager Hartmann shared it has been a pleasure serving on this Board and his departure is bittersweet.
- D. **Committees:** No report
- E. **Legal Counsel:** No report.
- F. **Engineer:** No report

**11. ADJOURN**

**At 8:56 pm, Manager Hartmann made a motion to adjourn the meeting. Manager Kuplic seconded the motion. Upon a vote being taken, the motion carried unanimously.**



LOWER MINNESOTA RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS  
WEDNESDAY DECEMBER 20, 2023  
MEETING MINUTES

**The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, January 17, 2024, and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.**

Attest:

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Lauren Salvato, Secretary

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Linda Loomis, Administrator