



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, May 15, 2024

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

Approved June 20, 2024

#### 1. CALL TO ORDER

##### A. OATH OF OFFICE

Manager Theresa Kuplic recited the Oath of Office for her reappointment to the Board.

##### B. ROLL CALL

On Wednesday, May 15, 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 is 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; and Lindsey Albright, Dakota County Soil and Water Conservation District.

John Kolb, Rinke Noonan, Attorney at Law, LMRWD legal counsel; Hannah LeClaire, Water Resource Engineer and Jess Norby, Senior Water Resources Scientist, both from Young Environmental Consulting Group; Jen Dullum, Board Conservationist, MN Board of Water and Soil Resources; 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.

Administrator Loomis said they need to remove the invoice from Timesavers Off Site Secretarial and add Items 5. C. xiv. June Office Rent and 5. F. Reimbursement for Minnesota Valley Refuge Friends Educator Mini-grant.

**Manager Kuplic made a motion to approve the agenda with changes. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.**

**4. PUBLIC HEARINGS & PRESENTATION**

**A. Presentation of report from Dakota County Soil & Water Conservation District on 2023 monitoring, technical, education and other conservation services**

Administrator Loomis introduced Lindsay Albright, Water Resource Specialist from the Dakota Soil & Water Conservation District.

Ms. Albright presented a report on the 2023 monitoring, technical, educational, and other conservation services that were provided to the LMRWD from the Dakota County Soil and Water Conservation District.

President Barisonzi asked about the need for more consistent monitoring of the fens and how these plays into the work being done here. Ms. Young explained that Ms. Albright is going out monthly for monitoring and they are logging the data on a continuous basis.

President Barisonzi asked if the data being presented has already been put into the LMRWD overall data analysis of the fens. Ms. Young explained that their information has everything up to the middle of 2023.

President Barisonzi asked where the downward trend line shows up in impacts and priorities for. Ms. Young said she can look into that.

President Barisonzi asked if the fen area is on both sides of Nichols Road or if it is only considered to be on the northwest side. Ms. Albright said she has no monitoring wells to the northeast side of Nichols Road; however, the Met Council does have a lift station in this area.

President Barisonzi asked where else in Dakota County are people working on the fens within the County. Ms. Albright said she is the only one working on the fens under the direction of the LMRWD. She shared that last year the City of Burnsville identified fen in the city so this is another organization who is now looking at fens.

The Board thanked Ms. Albright for her presentation and the work done by the Dakota County Soil and Water Conservation District.

**B. Recognition of Contribution to LMRWD by Manager Laura Amundson**

Administrator Loomis introduced this item. She stated they can schedule a recognition event for Manager Amundson in July or August.

President Barisonzi directed Staff to invite manager Amundson to a meeting of her choosing for a recognition ceremony and to direct communication Staff to send her a thank you for her contribution to the Board.

**Manager Kuplic made a motion to adopt Resolution 24-07 a resolution of appreciation for service and contribution of Laura Amundson to the Lower Minnesota River Watershed District. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.**

**5. CONSENT AGENDA**

President Barisonzi introduced the item.

**A. Approve Minutes April 17,2024, Regular Meeting**

**B. Receive and file April 2024 Financial Report**

**C. Approval of Invoices for payment**

**i. Clifton Larson Allen (CLA) - Financial services through April 2024**

- ~~ii. TimeSavers Off Site Secretarial – Preparation of March 2024 meeting minutes~~
  - iii. Rinke Noonan, Attorneys at Law – March 2024 Legal Services
  - iv. Daniel Hron - May 2024 office rent
  - v. US Bank Equipment Finance – May 2024 copier lease payment
  - vi. Young Environmental Consulting Group, LLC – March 2024 technical, and Education and Outreach services
  - vii. Naiad Consulting, LLC – March 2024 administrative services, mileage, and expenses
  - viii. 106 Group - Area #3 – April 2024 Administrative services, milage, and expenses
  - ix. Bolton & Menk – Engineering Services through April 19, 2024, related to Vernon Avenue
  - x. Barr Engineering - March 2024 design services related to Area #3
  - xi. WSB – Area #3 land acquisition services
  - xii. 4M Fund – February 2024 financial service charges
  - xiii. 4M Fund - March 2024 fund service charges
  - xiv. Daniel Hron - June 2024 office rent
- D. Report from the Citizen Advisory Committee
- E. Reimburse to Prior Lake High School Educator Mini-grant
- F. Reimbursement for Minnesota Valley Refuge Friends Educator Mini-grant
- Manager Kuplic made a motion to approve the Consent Agenda. Manager Lammers 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 Kuplic made a motion to renew permits as recommended in Table 1 of Technical Memorandum – May 2024 Permit Renewal Requests dated May 8, 2024. Manager Lammers seconded the motion. Upon a vote being taken the motion carried unanimously.

### B. Minnesota River Greenway Trail - Amendment (LMRWD No. 2023-007)

President Barisonzi introduced this item.

President Barisonzi asked how their understanding of the fens and their priority impact what they are approving as it related to this amendment. Ms. Young explained that the way they look at most of their applications is within the purview of the LMRWD rules. Ms. LeClaire added that this project goes through the Gun Club Lake fen high value resource area and Nicholds Meadow fen high value resource area. She explained that when they originally reviewed this project a few years ago, they took this into account during their review. She added that their strict restrictions for these areas are a part of this project.

President Barisonzi asked if any of the causes of the invasive species are a part of this conversation and if there is room within the rules to enter this into the conversation. Ms. Young explained that they can include requirements in their rules in terms of construction and where the construction materials are coming from, so they are not moving invasives from one place to another during construction. Attorney Kolb added that the causes of invasive species are not specifically addressed in the rules and may be beyond the purview of the District.

President Barisonzi shared that he would like to make some kind of signage in partnership with Dakota County.

**Manager Kuplic made a motion to amend permit 2023-007 for changes to the two boardwalks (R0894 and R095) with the stipulation that the approved permit does not include temporary construction crossing over Kennaley's Creek. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.**

**C. Minnesota Department of Transportation (MnDOT) Stormwater Pond Maintenance Group A Project (LMRWD No. 2024-002)**

President Barisonzi introduced this item.

**Manager Kuplic made a motion to conditionally approve a permit for MnDOT Stormwater Pond Maintenance Group A Project (LMRWD No. 2024- 002) subject to receipt of a copy of the NPDES construction stormwater permit, Contact information for the contractor(s) undertaking land-disturbing activities, contact information for the person(s) responsible for erosion control inspections and maintenance, and designation of an individual liable to the LMRWD for performance under Rule B. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.**

**D. Safety and Security Center Phase 2 Project - Rule D Amendment (LMRWD No. 2023-002)**

President Barisonzi introduced this item.

**Manager Kuplic made a motion to conditionally approve an amendment to the SSC Phase 2 Project permit to authorize construction of impervious surfaces and stormwater management facilities in compliance with LMRWD Rule D, contingent on the receipt of an executed maintenance agreement. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.**

**7. ACTIONS ITEMS**

**A. Reset date for June 19, 2024 Regular Meeting of the LMRWD Board of Manager**

President Barisonzi introduced this item and shared the request to reschedule the June Board Meeting due to the Juneteenth holiday.

**Manager Amundson made a motion to reset the date of June 19, 2024 Board meeting of Managers. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.**

**B. Officer Appointments, Authorize removal of Manager Laura Amundson and addition of new Treasurer as a signatory to LMRWD financial Accounts**

President Barisonzi introduced this item. He appointed Manager Lammers Treasurer of the Board.

**Manager Kuplic made a motion to adopt Resolution 24-08 Modifying Authorized Signers on Depositories for the Lower Minnesota River Watershed District and authorize preparation and execution of documentation required by 4M Fund and US Bank to update signatories. Manager Lammers seconded the motion. Upon a vote being taken, the motion carried unanimously.**

**C. Education and Outreach**

● **Set date for LMRWD Education workshop**

President Barisonzi introduced this item.

President Barisonzi shared that Manager Salvato has expressed interest in being a part of this; however, they do not know when she will be back. He asked if they can postpone this meeting until she returns. Ms. Young said they can review the items that they would like to move forward with at the June meeting and can wait to hold the workshop until Manager Salvato returns.

**President Barisonzi made a motion to table this item for discussion at the next Board Meeting. Manager Lammers seconded the motion. Upon a vote being taken, the motion carried unanimously.**

**D. Administrator Agreement Amendment #4**

President Barisonzi introduced this item.

President Barisonzi added that they would like to receive a cumulative report on a quarterly basis and when the quarterly carry over is more than 10% of the annual compensation it will require approval by the Board.

**President Barisonzi made a motion to approve Amendment #4 to the Administrator Agreement with the provided language as an addendum to the definition of billable hours. Manager Kuplic seconded the motion. Upon a vote being taken, the motion carried unanimously.**

**E. Biennial Solicitation for letters of interest for legal, technical, and professional services**

● **Legal Counsel**

President Barisonzi introduced this item.

President Barisonzi thinks they a decision should wait until there is a full Board; when Manager Salvato returns, and the new Hennepin County manager is sworn in. The Board has asked that the two firms being considered attend a Board meeting once there is a full Board.

Manager Kuplic suggested that they should have the new Managers review the interviews before they take a vote on this. She added that they would also like the legal counsels to be able to provide their information on billable hours.

Administrator Loomis said anyone can let her know if they had questions that they would like the legal counsels to answer during their presentations. President Barisonzi asked that all the Managers be solicited for questions.

**President Barisonzi made a motion to table this item until the full Board is present for consideration. Manager Lammers seconded the motion. Upon a vote being taken, the motion carried unanimously.**

**F. Study Area #3**

President Barisonzi introduced this item.

Attorney Kolb shared that they closed on the purchase of the property and there is a deed being held in an escrow situation by their acquisition consultant. He added that the offer that was taken was the \$50,000 that was authorized by the Board.

**Manager Kuplic made a motion to approve Cost Share and Maintenance Agreement between the Lower Minnesota River Watershed District and the City of Eden Prairie and authorize execution. Manager Lammers seconded the motion. Upon a vote being taken, the motion carried unanimously.**

**8. BOARD DISCUSSION ITEMS**

**A. Minnesota River Boat Tour**

President Barisonzi introduced this item.

President Barisonzi recommended adding their grant recipients to the invite list for this boat tour. He added that they should also expand their list of County Commissioners and Soil & Water Conservation Districts that they invite. Adding music was discussed. The Board had no additional suggestions to the suggested speakers.

**Informational only. The Board directed Staff to move forward with their presented recommendations.**

**9. FOR INFORMATION ONLY**

**A. Lower MN River east One Watershed One Plan**

President Barisonzi introduced this item.

President Barisonzi asked if a representative from the Board will be going to the Public Hearing for this. Administrator Loomis stated that Manager Amundson formerly served as the representative for the LMRWD. She shared there is a Policy Committee Meeting tomorrow evening if anyone would be able to attend. She said she is planning on attending the Public Hearing on May 30.

President Barisonzi asked about the time commitment for someone to take over as representative. Administrator Loomis explained the upcoming meetings that the representative should attend. She noted that the work is almost done and there should not be much of a time commitment passed these meetings once the plan has been accepted.

President Barisonzi asked when they would need to replace Manager Amundson as the representative. Administrator Loomis said they can find a replacement at any point; however, it would be best to find a replacement tonight.

The Board directed Administrator Loomis to continue to attend these meetings in lieu of a new representative.

This item was for information only.

**B. 2024 Legislative Activities**

President Barisonzi introduced this item.

A written update was provided to the Board with the meeting materials.

**C. LMRWD Permit Program Summary**

President Barisonzi introduced this item.

This item was for information only.

**10. COMMUNICATIONS**

- A. Administrator Report:** Administrator Loomis shared that her Administrator's report was in the packet for the Board to review. She noted that there was a project that Hennepin County had

done that they did not get a permit on. She added that upon further review, they discovered that they did not need a permit for this work.

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

**11. ADJOURN**

**Hearing no further business, President Barisonzi adjourned the meeting at 8:19pm.**

**The next meeting of the LMRWD Board of Managers meeting will be 7:00, Thursday, June 20, 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