



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, July 17, 2024

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

Approved August 21, 2024

1. CALL TO ORDER

A. OATH OF OFFICE

Vinantha Viswanathan was unable to attend the Board meeting so her swearing in was postponed until she is able to attend.

B. ROLL CALL

On Wednesday, July 17, 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 and Manager Lauren Salvato.

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 Ashley Weihs and Josie Kahn, interns; Young Environmental Consulting Group, LLC. Hannah LeClaire, Water Resource Engineer, Young Environmental Consulting Group, LLC; Hannah Schacherl, 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. Lisa Frenette, Frenette Legislative Advisors, legislative liaison for the LMRWD joined the meeting at 8:00 pm.

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 asked to remove the June Board Meeting minutes from the agenda.

President Barisonzi introduced this item.

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

4. PUBLIC HEARINGS & PRESENTATION

A. Presentation of 2024 geomorphic assessment of trout streams

Young Environmental Interns Ashley Weihs and Josie Kahn reviewed their work on the 2024 geomorphic assessment of trout streams.

Manager Salvato asked if there are ways to make it more natural to get the trout to go through Eagle Creek under TH 13. Ms. Weihs stated that the DNR said this outlet could just be a drop outlet which could pose an issue. She said this is still a mystery. She added that they are not sure how quickly trout are moving from the Minnesota River to Eagle Creek.

President Barisonzi asked if there is any evidence of trout population in Eagle Creek or Ike's Creek. Administrator Loomis shared that the DNR did a fish count last year and both creeks had trout present. She said they can get these numbers.

President Barisonzi asked if there were people fishing for trout. Administrator Loomis said Ike's Creek is a catch and release creek; however, there may be people fishing at Eagle Creek. She noted that she believes that they are posted for no fishing from US Fish and Wildlife.

The Board thanked Ms. Weihs and Ms. Khan for their work on this project and their excellent presentation.

B. LMRWD Q2 2024 Work Plan Quarterly Report

Ms. Young reviewed the 2024 Work Plan quarterly report for the second quarter of 2024. She discussed the permitting process and shared that they are concerned with the quality of information being provided by applicants for permits. She noted that they would like to revisit the current permit fees.

Manager Salvato asked if they would be able to update the permit fee before the Board finalizes the budget. Administrator Loomis said they do not necessarily need to update the fees before the budget is approved as the permit fees do not offset the budget. She noted that there are so many public agency projects that they do not charge fees on.

President Barisonzi asked if Staff needs the Board to act to direct Staff to come up with solutions for how they can recover permit fees. Ms. Young said yes. Administrator Loomis suggested that they direct Staff to research a new permit fee schedule.

Manager Lammers made a motion to direct Staff to research a new permit fee schedule and come up with solutions for revisions on permitting and authorizing Attorney Kolb to explore how they can revise this with LGUs and other agencies. Manager Salvato seconded. Upon a vote being taken the motion was carried unanimously.

President Barisonzi asked about auditing projects reviewed by cities with the municipal LGU permits. Ms. Young said they will be doing this in the fourth quarter. She shared that they did the first round of audits.

Ms. Young gave a quarterly update on their outreach and engagement.

Manager Kuplic shared that she attended a few of the tabling events and thought they were well attended, and they had many people who wanted information. She suggested having more flyers for information to hand out.

Ms. Young discussed the fen stewardship plans.

President Barisonzi asked if they have scheduled walking tours of each of the fens. Ms. Young said no and explained that they have focus group discussions on these. She said they could consider walking tours if the Board is interested. She noted it is a delicate balance between loving the resource and killing it.

President Barisonzi shared that there is an art gallery that will be hosting an educational exhibit on fens, and he knows artists that would like to have walking tours of the fens so that they can see them. He asked if there was a way that they could partner with these photographers. Ms. Young said they could look into this and noted that the DNR would likely be interested in having biologists participate in this.

Manager Kuplic asked if they would also be able to get drone footage rather than having a walking tour. Administrator Loomis said it would not be the same. She shared that they have used drone footage to look at dredge sights. Ms. Young shared the investigation Young Environmental has done, on behalf of the LMRWD, to evaluate the fens using drones.

Ms. Young shared where each project in the work plan is with respect to the budget. She reviewed the capital projects and gave updates on each project. She also reviewed the gully inventory. She presented the work done for Spring Creek, Trout Streams and Vernon Avenue.

President Barisonzi thanked Ms. Young for her report and said this has been the best one yet.

5. CONSENT AGENDA

President Barisonzi introduced the item.

Administrator Loomis asked that the May 2024 invoice from Rinke Noonan for general legal services be removed.

~~A. Approve Minutes June 20, 2024, Regular Meeting~~

B. Receive and file June 2024 Financial Report

C. Approval of Invoices for payment

- i. Clifton Larson Allen (CLA) - Financial services through June 2024
- ii. TimeSavers Off Site Secretarial – Preparation of May 15, 2024, meeting minutes
- ~~iii. Rinke Noonan, Attorneys at Law – May 2024 general legal services & services related to Area #3~~
- iv. Daniel Hron - August 2024 office rent
- v. US Bank Equipment Finance – July 2024 copier lease payment
- vi. Young Environmental Consulting Group, LLC – June 2024 technical, and Education and Outreach services
- vii. Naiad Consulting, LLC – June 2024 administrative services, mileage, and expenses
- viii. 106 Group - Area #3 – June 2024 services related to Area #3
- ix. WSB – Area #3 land acquisition services
- x. Dakota County Soil & Water Conservation District – Q2 2024 monitoring, TACS and education services
- xi. ISG (I & S Group, Inc.) Services related to Spring Creek through June 2024
- xii. 4M Fund - May 2024 fund service charges

- D. Report from the Citizen Advisory Committee**
- E. Authorize reimbursement for Cost Share Grant for 1880 Christy Drive, Carver**
- F. Authorize reimbursement for Educator Mini-grant for Redtail Ridge Elementary School**

Manager Salvato 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. Fred Wells Tennis Education Center (FWTEC) Parking lot Improvements (LMRWD No. 2024-009)**

President Barisonzi introduced this item.

Manager Lammers made a motion to conditionally approve a permit for Fred Wells Tennis Education Center Parking Lot Improvements contingent upon receipt of a copy of the MPDES construction stormwater permit, final construction plans signed by a professional engineer and a copy of the Sidewalk Permit from the City of Minneapolis. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

7. ACTIONS ITEMS

- A. Public Hearing regarding the state of the Minnesota River**

President Barisonzi introduced this item. He shared that he got overwhelming positive feedback on this subject and timeliness from people from the area that he spoke with about this project. He said the negative feedback he received was around calling this a Public Hearing. He noted that while the counties he spoke to would like to participate, the Commissioners do not want to go through the process of partnering or sponsoring this as it could create issues with MOU timelines and approval which would get in the way of being able to do this. He hopes that they can engage in conversation around the reason for the flooding.

Manager Salvato asked how the Board will be able to utilize their resources for this. President Barisonzi shared that he envisions the Board identifying a location and a date for three or four planning meetings with key stakeholders to craft messaging of how this will be communicated, sending out invites to stakeholders that they have pre-existing relationships with, listen to testimony and feedback, and direct Staff to do an aggregate analysis of what they heard.

Manager Salvato noted that this may be putting the cart before the horse on this matter. She added that in the Upper Mississippi River Basin it is very sensitive to talk about where the volume of the river is coming from.

President Barisonzi shared that he does not want to put themselves in a position to answer this question but would rather position themselves to listen to other people's perspective of the answer.

Manager Salvato mentioned the environmental justice impacts of this would also be nice to hear. She said she would be interested in how this compliments the education and outreach Young Environmental has been doing.

President Barisonzi asked where this fits in with the existing education and outreach plan. Administrator Loomis said it would likely not affect anything already in the plan and they also increased the education and outreach budget. She added that they did not use the entire fund that was designated for the water restoration, and this would fit until that category. She said they can take a look at what this will cost. She noted that this may be an opportunity to use another firm for education and outreach like the Board had been interested in.

Ms. Young shared that they do have the boat tour coming up. She asked where this would fit into the schedule. Administrator Loomis explained that she and President Barisonzi discussed having the boat tour set the stage for this.

President Barisonzi said they were thinking about an October date.

Manager Kuplic stated she thinks this is a great idea; however, she is wondering if they could ask the people who come to give testimony and feedback to also come with solutions as well.

Ms. Young asked if this would be in person or virtual. President Barisonzi deferred to Staff on the management of this. He added that he would like to create a committee to help give feedback to Staff.

Ms. Young noted that she is not sure how this connects with the education and outreach program. She said if they could have some conversations with whomever would be at the head of this they could try to work it out. She added that the boat tour is the priority right now. She shared that the Water Resources Conference is also held in October. She said she and Administrator Loomis can chat about some ideas surrounding this.

Manager Kuplic asked Staff to let the Board know if this is trying to accomplish too much in a short amount of time.

Manager Salvato shared that her organization calls these sort of meetings "Open Citizen Sessions" and recommended using this language and meeting style.

Manager Salvato made a motion to approve holding a Public Hearing on the State of the MN River and authorize staff to schedule and plan for Public Hearing. Manager Kuplic seconded the motion.

President Barisonzi asked for a friendly amendment to change the motion to direct Staff to review and recommend a plan to the Board.

Manager Salvato made a motion to approve holding a Public Hearing on the State of the MN River and direct Staff to review and recommend a plan to the Board for Public Hearing. Manager Kuplic seconded the motion. Upon a vote being taken the motion was carried unanimously.

B. Education and Outreach

- **Appointments to CAC**

President Barisonzi introduced this item.

Manager Salvato made a motion to adopt Resolution 24-09 2024 Citizen Advisory Committee Appointments. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.

- **Signage at Ike's Creek**

President Barisonzi introduced this item. He added that he could help facilitate a partnership with the Isaac Walton League for this.

Manager Kuplic made a motion to authorize expenditure for fabrication and installation of up to 15 signs for Ike's Creek. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

- **Discussion of Education & Outreach goals**

President Barisonzi introduced this item. He asked Ms. Young if she has any specific requests for the direction the Board should be giving Staff. Ms. Young said she does not need any

further direction at this time. She noted that they have a clear path forward; however, if there is anything else the Board would like to see, then they are willing to integrate this into the plan.

Manager Salvato said she would like to see how effective the public engagement is before they determine what they want to hone in on.

President Barisonzi added that the Board did not do a great job at providing clear direction. He said there seems to be a larger strategic issue. He shared that they have a reasonable amount of time to request and receive recommendations to be considered in their plan.

President Barisonzi shared a proposed motion to revise the Education and Outreach Plan of the LMRWD to prioritize targeted engagement with a broad range of stakeholders, including County Commissioners, Staff, Soil and Water Conservation staff, City and County Planning Departments, and other decision makers.

Manager Kuplic suggested that they table making this revision as she believes they are on a good trajectory at this time, and they are targeting the decision makers with the boat tour. She said she feels like they are already doing this.

President Barisonzi disagreed and explained that they had a meeting in January that had mixed messages and they have a draft work plan that they have deferred decision on since January. He said they have just been continuing to push this off and wants to make their strategic direction clear. He added that he does not think the current work plan reflects this kind of prioritization.

Manager Kuplic asked President Barasonzi how he thinks they are currently prioritizing things. President Barisonzi said it seems like they are doing a lot of different small things. He explained that he would like some of these things to be dropped so they can focus on others. He shared that he would love to see some creative ideas from Staff.

Manager Salvato stated the teacher mini grant is a great idea. She noted that they should still be getting more focused.

Manager Kuplic said this seems very vague and she does not know how they would motion this forward. She suggested having a timeframe for each item to see if it is producing the results they hope it does, and if it is not performing then they let it go. She added that some of the things seem premature to get rid of.

Manager Lammers shared that he sees education and outreach as focusing on citizens at farmers markets or schools rather than targeting decision makers. He noted that he was not at the original meeting that discussed education and outreach so he is not sure what all was discussed.

Manager Salvato made a motion to revise the Education and Outreach Plan of the LMRWD to prioritize targeted engagement with a broad range of stakeholders, including County Commissioners, Staff, Soil and Water Conservation staff, City and County Planning Departments, and other decision makers. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.

C. Dredge Management

- **Vernon Avenue Improvement Project**

President Barisonzi introduced this item.

Administrator Loomis explained that the Board approved going out for bids on this project back in April once they had an idea of how this would be financed.

Manager Lammers asked if they have to wait until the 2022 audit is received to move forward with the bond sale. Administrator Loomis said no, they should be able to move forward with the sale without the completed audit. She noted that the interest rate may be higher since the LMRWD does not have the audit.

Manager Lammers made a motion to adopt Resolution 24-10 - Declaring the Official Intent of the LMRWD to Reimburse Certain Expenditures from the Proceeds of Bonds to be Issued by the Watershed District. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

○ **Flood Damage Assessment**

President Barisonzi introduced this item.

No action required.

D. Study Area #3 riverbank stabilization project

President Barisonzi introduced this item.

No action required. An update was provided in the work plan. The LMRWD is working to get City approvals.

8. BOARD DISCUSSION ITEMS

A. 2025 LMRWD Board Budget

President Barisonzi introduces this item. He asked the Managers to forward any comments and feedback on the next version of the budget to Staff.

Administrator Loomis shared that she will have another budget related document out next week.

B. Minnesota River Boat Tour

President Barisonzi introduced this item. He shared that when he reached out and met with the Hennepin County Commissioners, the date chosen happens to be the same day as the Minnesota Association of Counties Conference so no County Commissioners will be able to attend this date. He noted that this is their targeted population and not having the Commissioner's present may not be the best idea. He asked Staff to look into an alternative date.

C. 535 Lakota Lane - recovery of legal fees

President Barisonzi introduced this item.

No action required.

D. LMRWD bylaws review

President Barisonzi introduced this item. He suggested some amendments to the conflict of interest section of the bylaws as it is rather broad. He added that the conflict of interest statement would include the Board, Staff, and contractors. He noted that the bylaws should also include that the Board has the ability to hire, terminate, and set the terms of employment for Staff and contractors necessary for the operations of the organization.

No action required.

9. FOR INFORMATION ONLY

A. LMRWD Permit Program Summary

President Barisonzi introduced this item.

No action required.

10. COMMUNICATIONS

- A. **Administrator Report:** Administrator Loomis shared that she has met with several property owners who are interested in the cost share program. She added that she has a meeting with Rylee Hince with the Lake Pepin Legacy Alliance, as well as people from the MPCA and BWSR. She explained that the Lake Pepin Legacy Alliance is looking to do an education program to get more people to adopt conservation practices in their land management. She noted that they are looking to the Board as a partner or stakeholder in this.
- 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 8:56 pm.

The next meeting of the LMRWD Board of Managers meeting will be at 7:00, Wednesday, August 21, 2024, 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