



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, September 18, 2024

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

Approved October 9, 2024

1. CALL TO ORDER

A. ROLL CALL

On Wednesday, September 18, 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 Vinatha Viswanathan.

In addition, the following attended the meeting in-person: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; and Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant. Hannah LeClaire, Water Resource Engineer, Young Environmental Consulting Group, LLC; John Kolb, Rinke Noonan Attorneys at Law, LMRWD Legal Counsel; and Scott County Commissioner Jody Brennan 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 asked to add Item 7.B. – LMRWD Bylaws Revision to the meeting agenda.

Manager Lammers made a motion to approve the agenda with the addition of Item 7.B. – LMRWD Bylaws Revision. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

4. PUBLIC HEARINGS & PRESENTATION

A. There were no hearings or presentations scheduled.

5. CONSENT AGENDA

President Barisonzi introduced the item.

A. Approve Minutes August 21, 2024, Regular Meeting and September 11, 2024, Special Meeting

B. Receive and file August 2024 Financial Report

C. Approval of Invoices for payment

- i. **Clifton Larson Allen (CLA) - Financial services through August 2024**
- ii. **TimeSavers Off Site Secretarial – Preparation of July 17, 2024, meeting minutes & Board Workshop minutes**
- iii. **Rinke Noonan, Attorneys at Law – legal services related to Area #3 through July 2024**
- iv. **Rinke Noonan, Attorneys at Law - general legal services, Vernon Avenue project and Lakota Lane through July 2024**
- v. **Daniel Hron - October 2024 office rent**
- vi. **US Bank Equipment Finance – September 2024 copier lease payment**
- vii. **Young Environmental Consulting Group, LLC – August 2024 technical, and Education and Outreach services**
- viii. **Naiad Consulting, LLC – August 2024 administrative services, mileage, and expenses**
- ix. **Bolton & Menk – Engineering Services, related to Vernon Avenue**
- x. **Barr Engineering – July 2024 Design Development related to Area #3**
- xi. **Barr Engineering – August 2024 Design Development related to Area #3**
- xii. **Frenette Legislative Advisors – July, August & September 2024 services**
- xiii. **4M Fund - July 2024 fund service charges**

D. Report from the Citizen Advisory Committee

President Barisonzi asked that the August 21, 2024, meeting minutes be removed from the Consent Agenda and considered in its normal sequence on the agenda.

Manager Kuplic made a motion to approve the Consent Agenda with the August 21, 2024, meeting minutes removed. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

President Barisonzi introduced the August 21, 2024, meeting minutes and noted that the recording of the meetings did not reflect a second to the motion approving agenda item **7.C. – Adding and Additional Seat to the Board for Scott County**. The Board directed that the minutes reflect Manager Salvato as making the second. The meeting recording did not reflect who made the motion for agenda item **8.B. – Review Meeting Schedule for the Remainder of 2023**, or who seconded the motion. The Board directed that the minutes be amended to reflect that Manager Kuplic made the motion and that Manager Lammers seconded the motion.

Manager Lammers made a motion to approve the August 21, 2024, meeting minutes as amended to reflect the above changes. Manager Salvato 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 September 2024 permit renewal requests detailed in Technical Memorandum – September 2024 Permit Renewal Requests dated September 11, 2024. Manager Kuplic seconded the motion. Upon a vote being taken the motion was carried unanimously.

B. 2024 Minneapolis-St. Paul (MSP) International Airport Terminal 1 Concourse G Infill Pods 2-3 (LMRWD No.2024-012)

President Barisonzi introduced this item.

Manager Kuplic made a motion to conditionally approve a permit for 2024 Minneapolis-St. Paul (MSP) International Airport Terminal 1 Concourse G Infill Pods 2-3 (LMRWD No.2024-012) subject to receipt of contact information for the contractor(s) undertaking land-disturbing activities, contact information for the person(s) responsible for erosion control inspections and maintenance, designation of an individual liable to the LMRWD for performance under Rule B and final construction plans signed by a professional engineer. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.

President Barisonzi asked what percentage of the airport is in the LMRWD. He also asked how involved they could be in discussions surrounding the environmental impacts of the airport as a whole. Administrator Loomis shared that most of the airport is in the LMRWD. Attorney Kolb explained that they would be limited by the content and objectives in the Watershed Management Plan, including having the authority to adopt rules that are specifically related to land use and other water-impacting activities. He noted they would likely need to have a plan amendment or review to see the scope of environmental issues they can engage in.

President Barisonzi asked if the dumping of fuel or antifreeze into tanks falls within their authority. Attorney Kolb said it does not fall into the authority of the LMRWD; however, this could be addressed as these materials need to be properly handled and disposed of without discharge to the environment.

President Barisonzi shared that he took his daughter to the airport to watch planes landing and while he was parked in the observation area, fuel was being dumped and it landed on his car. Administrator Loomis noted that this is likely Federally regulated by the FAA and the EPA.

President Barisonzi stated he would like to add looking at the scope of the LMRWD's role on this matter to their next planning review process.

Administrator Loomis shared that at one time the airport had run deicing agents into the river and the LMRWD Board was able to work with MSP and to have them develop a process and practices to confine areas where planes are treated with de-icing agents and the collect the materials used for de-icing.

Ms. Young explained that at a previous consulting firm, she had to do a lot of work with airports to ensure they were complying with these types of activities.

7. ACTIONS ITEMS

A. Election of LMRWD Officers

President Barisonzi introduced this item and suggested adding Manager Viswanathan as the Assistant Treasurer.

Manager Kuplic suggested leaving all appointments as is.

Manager Salvato made a motion to reappoint all of the existing officers and appoint Manager Viswanathan as Assistant Treasurer. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.

B. LMRWD Bylaws Update

This item was added to the agenda at the request of Administrator Loomis. She noted that at the August 21, 2024, the Board tabled this item to the September 18, 2024, Board of Managers meeting. The revision requested by the Board were not ready to present at this meeting, so staff requested the item be tabled again.

Manager Lammers made a motion to table this item until a time when the requested revisions to the LMRWD bylaws are ready for Board review and approval. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

8. BOARD DISCUSSION ITEMS

A. There were no items on the agenda for Board discussion.

9. FOR INFORMATION ONLY

A. 2025 Legislative Agenda and solicitation for lobbying services

President Barisonzi introduced this item.

Manager Kuplic asked if they have had any interest from their post. Administrator Loomis shared that she did hear from one firm, and she believes they will be sending a proposal soon. She added that this will be posted in the State Register next week.

President Barisonzi shared that he spoke with the lobbyist for the Freshwater Society who was recommended to him. Administrator Loomis noted that there may be a conflict of interest between the LMRWD and another one of their clients.

President Barisonzi stated they will discuss this in more detail at the Personnel Committee. He shared that he hopes to have someone on board in time to help with legislative planning.

Ms. Young shared that President Barisonzi wanted to have the government relations consultant position decided to assist with planning the MN River flood listening session. She asked if this process can be expedited so that they can have the lobbyist on board by the end of October at the latest. President Barisonzi said he is pushing this as hard as he can, and it has been posted with the legal advisement that the role can be filled as soon as they find someone.

B. Spring Creek

President Barisonzi introduced this item.

Ms. LeClaire shared that they advertised the request for construction bids in the Star Tribune once this week and will advertise again next week. She stated they plan to have a pre-bid meeting on September 23 to open bids on October 1. She added that they hope to have a recommended contractor to bring forward at the October 9 Board Meeting.

C. Dredge Management

President Barisonzi introduced this item.

Ms. LeClaire shared that their plan is to start advertising for this project on October 3, at the latest, and open bids on October 24 to bring a recommendation to the Board at the November Board Meeting.

D. Study Area #3

President Barisonzi introduced this item.

Administrator Loomis noted that the City of Eden Prairie is insisting that the LMRWD go through the normal process for re-platting and rezoning, rather than do it administratively. She shared that the City asked for the LMRWD to get signatures from the property seller requesting the re-plat. She advised legal counsel to get signatures requested by the City to move this project

along. She stated 106 Group was going to start their field investigation. She added that the LMRWD will hold an on-site neighborhood meeting on October 2. She said postcards will go out to addresses in this area that were provided by the City.

Manager Salvato asked if Administrator Loomis will be leading this neighborhood meeting or Young Environmental. Ms. Young stated it is generally led by Young Environmental; however, Administrator Loomis will be in attendance.

Manager Salvato asked if they anticipate anyone being in opposition of this project. Administrator Loomis said they have not gotten an indication that anyone will be opposed to this. She explained that some of the actions by the property owners have caused the neighbors to start gossiping about what is going on. She shared the City thought it would be beneficial to hold a neighborhood meeting so they can clear up any confusion. She noted that the last time they went out to explain the work to residents in the area, they were all very supportive.

President Barisonzi said he would like the two representatives from Hennepin County to be invited to this meeting as well, so they are aware of the meeting taking place.

E. Minnesota River Boat Tour

No update for this item.

F. State of the Minnesota River Listening Session

President Barisonzi introduced this item. He shared that he would like to hold this as a planning committee and have as many people involved as possible. He said they can coordinate this as quickly as possible.

G. LMRWD Permit Program Summary

President Barisonzi introduced this item.

Ms. Young shared that they are looking at including more information in this summary moving forward.

President Barisonzi asked if there is a way to designate which permits are coming from municipalities and which are coming from private entities. Ms. Young said they can add this information.

No action required.

10. COMMUNICATIONS

- A. **Administrator Report:** Administrator Loomis shared that they are currently making changes to the website to meet the accessibility standards that are in place for government agencies.

Manager Salvato asked if they can have accessibility toggles on the website. Administrator Loomis said she did not know but can look into it. She noted that they do need to change some of the documents to meet the accessibility requirements.

Administrator Loomis shared that they have a Personnel Committee meeting coming up on October 3 and legal counsel has advised on Open Meeting Laws for this meeting so they will be meeting in a public place and allow outside attendance.

President Barisonzi asked if they had scheduled an Open Meeting Law training. Administrator Loomis said it is not yet scheduled but she will look to get it on the calendar.

- A. **President:** No report.

- B. **Managers:** Manager Kuplic asked what percentage of the dredge material is being sold. Administrator Loomis said the last sale they made was for 55,000 cubic yards. She added that she did just speak with a representative from the company that purchased the dredge material, and they have only removed around 11,000 cubic yards off of the site so far. She shared that there was some flooding of this area over the spring and summer. She said she can have an update on this at the next meeting.

Manager Kuplic said the River Boat Tour was amazing and thanked everyone who was involved in the event.

President Barisonzi stated there is an opportunity for them to think through some partners for this event in the future who will have a vested interest in the river.

Manager Salvato shared that she will be attending the University of Minnesota's Water Resource Conference in October, and she will report back anything of interest.

- C. **Committees:** No report
- D. **Legal Counsel:** No report.
- E. **Engineer:** Ms. Young shared that she will be bringing draft work plans for 2025, as well as their quarterly update to the next Board Meeting.

11. ADJOURN

Hearing no further business, President Barisonzi adjourned the meeting at 7:50 pm.

The next regular meeting of the LMRWD Board of Managers meeting will be at 7:00, Wednesday, October 9, 2024. The meeting will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Lauren Salvato, Secretary

Attest:

Linda Loomis, Administrator