



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, February 21, 2024

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

Approved March 20, 2024

1. CALL TO ORDER

A. ROLL CALL

On Wednesday, February 21, 2024, at 7:01 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 Nathan Dull, and Manager Lauren Salvato. Manager Laura Amundson joined the meeting virtually from the Apache Junction Library, 1177 North Idaho Road, Apache Junction, AZ 85119. Manager Theresa Kuplic joined the meeting virtually. She was not at a public location nor had notice been posted prior to the meeting. She was not under the advice of a health care professional to avoid being in a public place. Therefore, she was not counted as a member of the quorum. She was marked as present during the roll call and any of the votes taken at the meeting.

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; Scott Sparlin, Coalition for a Clean Minnesota River; Eric Evenson, Carver resident; Courtney Johnson, Mayor, City of Carver; and Apollo Lammers, Savage resident.

John Kolb, Rinke Noonan Attorneys at Law, LMRWD Legal Counsel; Lisa Frenette, Frenette Legislative Advisors, LMRWD legislative liaison; Lan Tornes, Jim Berg and Hannah LeClaire, Young Environmental Consulting Group, LLC, LMRWD Technical Consultants; Len Kremer, representing the Minnesota River Collaborative; TJ Haider, CenterPoint Energy; Olivia Richter, ERM, representing CenterPoint Energy; Manager Ben Burnett, Prior Lake Spring Lake Watershed District; and Scott County Commissioner Jody Brennan attended the meeting virtually.

2. CITIZEN FORUM

Administrator Loomis said Eric Evenson requested to address the Board on an item on the agenda. The Board decided to allow Mr. Evenson to speak when the Board reached that item on the agenda.

3. APPROVAL OF THE AGENDA

A. Additions, Corrections and Deletions to the Agenda

President Barisonzi introduced this item. Administrator Loomis asked that approval of the invoice for March office rent be removed from the agenda.

Manager Salvato made a motion to approve the agenda with the invoice for March office rent removed. Manager Dull seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Dull, and Salvato; the following voted against: None. Manager Kuplic was marked as present.

4. PUBLIC HEARINGS & PRESENTATION

A. Request from Coalition for a Clean Minnesota River

Scott Sparlin, Executive Director of the Coalition for a Clean Minnesota River (Coalition), came forward and shared a request for \$10,000 of funding over the next two years, as the Coalition lobbies for federal support and funding for water storage. He discussed the success of this program and initiative in the past. He explained some of the work that had already been done. He mentioned that providing funds as a matching grant has made the project more attractive to receive funding. He added they will also be doing their own marketing to get people interested in participating in the concept of water storage.

Manager Salvato shared that she believed a few legislative cycles ago, there was \$1,000,000 available for water storage. She asked about the following legislative cycle. Mr. Sparlin explained there were two \$1,000,000 appropriations over the course of one session. He noted the appropriation for 2024- 2025 is for \$17,000,000.

Manager Salvato noted that due to the federal climate there does not seem to be a desire for new money to be appropriated. She asked what kind of strategies the Coalition is planning on using to get more federal dollars. Mr. Sparlin explained that they are trying to get a piece of the existing federal dollars, not new dollars.

President Barisonzi thanked Mr. Sparlin for his presentation. He asked what strategy they will use to demonstrate the capacity to effectively utilize this money. Mr. Sparlin said the existing funding has already been applied for; however, it was not received the last time it was applied for. He added that this is due to them not putting on enough pressure to make this a priority, so they are applying the pressure this time around. He said they will be working with representatives from both the US House and the Senate to get this proposal brought forward. He shared that federal dollars should be easier to obtain now that the State program has been established.

President Barisonzi asked how they will be able to measure the performance of this if they are to contribute the requested funds. Mr. Sparlin said it would be when they have received the federal funding. He added that another measurable result could be the public's awareness of the issue and participation in the program.

President Barisonzi stated this funding would come from the education and outreach budget and they would be using the allocation that was being used to try to communicate solutions through County fairs, which they found to not be the best use for these dollars.

Manager Salvato made a motion to authorize a matching contribution of \$10,000 (\$5,000/year) for 2024 and 2025 to the Coalition for a Clean Minnesota River to fund efforts to secure funding for water storage projects in the Minnesota River Basin and to request periodic progress reports to the LMRWD Board of Managers. Manager Dull seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Dull, and Salvato; the following voted against: None. The following were present: Manager Kuplic.

B. Presentation of Fen Stewardship Plans

Ms. Young introduced this item and Lan Tornes and Jim Berg reviewed the Fen Stewardship Plan.

Mr. Tornes and Mr. Berg reviewed their assessment of the calcareous fens of the Lower Minnesota Watershed District.

Manager Amundson asked how the fen are protected right now. Mr. Berg explained that most of the fens are located within some kind of scientific natural area and high value resource designations, which go beyond the boundaries of the scientific natural area.

Manager Amundson asked if the hydrology at Black Dog Lake has changed over time with the upwelling of the water. Ms. Young shared they have been working with the DNR on this as they have not officially declassified this as a non-fen lake yet. She added that they are not seeing the necessary vegetation.

Manager Dull asked if there is a method that could be used to manage buckthorn specifically with minimal damage to the fen. Ms. Young shared there is a segregation of tests given to whomever is best equipped to do these tests. She explained the DNR will be doing relevés and which will help them determine what needs to be done for vegetation management.

Manager Salvato said she would be interested in brainstorming what they can be doing more in the District in terms of education and outreach around fen stewardship.

5. CONSENT AGENDA

President Barisonzi introduced the item.

A. Approve Minutes December 20, 2023, and January 17, 2024, Regular Meeting minutes

B. Receive and file January 2024 Financial Report

C. Approval of Invoices for payment

- i. Clifton Larson Allen (CLA) - Financial services through January 2024
- ii. TimeSavers Off Site Secretarial – Preparation of December 2023 meeting minutes
- iii. Rinke Noonan, Attorneys at Law – January 2024 Legal Services
- ~~iv. Daniel Hron – January 2023 office rent~~
- v. US Bank Equipment Finance – February 2024 payment on copier lease
- vi. Young Environmental Consulting Group, LLC – January 2024 technical, and Education and Outreach services
- vii. Naiad Consulting, LLC – January 2024 administrative services, mileage, and expenses
- viii. Scott County Soil & Water Conservation District - Q4 2023 monitoring, technical assistance & education
- ix. 106 Group – January 2024 services related to Area #3
- x. 106 Group – January 2024 services related to Vernon Avenue
- xi. Bolton & Menk – Engineering Services through Jan 17, 2024, related to Vernon Avenue
- xii. WSB – Area #3 land acquisition services
- xiii. Frenette Legislative Advisors – January & February 2024 legislative services
- xiv. Redpath & Company – partial payment on FY 2022 Financial Audit
- xv. State Department of Administration – publish advertisement for biennial solicitation for legal, engineering and professional services
- xvi. SafeGuard – Endorsement stamp & deposit tickets
- xvii. 4M Fund – September 2023 financial service charges

D. Report from the Citizen Advisory Committee

- E. Letter of support from the LMRWD for Carver Levee Improvement Project**
- F. Letter of Support for the Minnesota River Crossing and Flood Resiliency Study in the Southwestern Minneapolis-St. Paul Metropolitan Area**
- G. Authorize reimbursement for Educator High School for Chaska High School**
- H. Approve Joint Powers Agreement Between the Dakota County SWCD and the Lower Minnesota River Watershed District for 2024 Technical Assistance Services and authorize execution**

Manager Salvato made a motion to approve the Consent Agenda with the invoice for March office rent removed. Manager Dull seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Dull, and Salvato; the following voted against: None. The following were present: Manager Kuplic.

6. PERMITS & REPORTS ON STANDING BUSINESS ITEMS

A. LMRWD Permit Renewals

President Barisonzi introduced this item.

Manager Salvato made a motion to renew permits as recommended in Table 1 of Technical Memorandum – February 2024 Permit Renewal Requests dated February 14, 2024. Manager Dull seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Dull and Salvato; the following voted against: None. The following were present: Manager Kuplic.

B. RSI Marine Storage (LMRWD No. 2022-031)

Administrator Loomis introduced and provided background information on this project. She shared the recommendation of conditional approval.

President Barisonzi noted there were a lot of contingencies on this permit and asked why this is. Ms. LeClaire shared that more of the contingencies that are listed are pretty normal for a project like this.

Manager Dull made a motion to conditionally approve a permit for RSI Marine Storage (LMRWD No. 2022-031) subject to receipt of a copy of the NPDES construction stormwater permit, a statement designating an individual who will remain liable to the LMRWD for performance from the time permitted activities commence until 70% vegetation cover is established and the LMRWD has certified satisfaction with erosion and sediment control requirements, the name and contact information for all contractors undertaking land-disturbing activities as part of the proposed project, the name and contact information for the person(s) responsible for erosion and sediment control inspections and maintenance, documentation of approval from Carver County allowing the project to discharge to the County ditch, documentation of approval for the project from the City of Chanhassen, an executed maintenance agreement for the stormwater facilities with the City of Chanhassen and final construction plans signed by a professional engineer. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Dull and Salvato; the following voted against: None. The following were present: Manager Kuplic.

C. Tramore Heights Addition – Rule F Amendment (LMRWD No. 2023-020)

President Barisonzi introduced this item.

Manager Salvation made a motion to conditionally approve a permit for Tramore Heights Addition – Rule F Amendment (LMRWD No. 2023-020) subject to Documentation of approval from the City of Savage, name and contact information for the individual responsible for inspection and maintenance of erosion and sediment control measures, name and contact information for all contractors undertaking land-disturbing activities as part of the proposed project, executed maintenance agreement for stormwater management facilities with the City of Savage, and statement designating an individual who will remain liable to the LMRWD for performance from the time permitted activities commence until 70% vegetation cover is established and the LMRWD has certified satisfaction with erosion and sediment control requirements. Manager Dull seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Dull and Salvato; the following voted against: None. The following were present: Manager Kuplic. Manager Salvato seconded the motion.

D. CenterPoint Pipeline Abandonment (LMRWD No. 2023-026)

President Barisonzi introduced this item.

Manager Salvato asked if this is more costly to remove than just to cap. Ms. LeClaire said there would likely be a lot more disturbance to this area if they removed the pipe so filing and capping the pipe is the best alternative.

Manager Dull made a motion to conditionally approve a permit for CenterPoint Pipeline Abandonment (LMRWD No. 2023-026) subject to the name and contact information for all contractors undertaking land-disturbing activities, documentation of approval from the City of Burnsville, including WCA Exemption, Right-of-Way Permit, and the Conditional Use Permit, documentation of right-of-way permit from the City of Bloomington, documentation of approval from the USFWS, and documentation of approval from the Minnesota Department of Natural Resources (MnDNR), including the Water Appropriations Permit and Utility License Abandonment Authorization Request. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Dull and Salvato; the following voted against: None. The following were present: Manager Kuplic.

E. City of Chaska Municipal LGU Permit Review

President Barisonzi introduced this item.

Manager Salvato made a motion to approve the City of Chaska for an LMRWD Municipal LGU permits to implement Rules B and D. The motion was seconded by Manager Dull. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Dull and Salvato; the following voted against: None. The following were present: Manager Kuplic.

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

President Barisonzi asked if it was typical for situations like this to take so long. Attorney Kolb explained that no, this is not typical, but the LMRWD was hoping the property owner would take care of this on his own, so that the LMRWD would not have to take further actions to gain compliance.

G. LMRWD Permit Program Summary

There was no new information to report since the last update.

H. Dredge Management

Administrator Loomis introduced and provided background on this item. She shared they have all permits and design in hand and they are ready to go out to bid on the project; however, the estimated project cost is higher than they expected so they will be working on some financing strategies to bring back forward at the March meeting.

I. LMRWD Watershed Management Plan

There was no new information to report since the last update.

J. Lower MN River East one Watershed One Plan

Eric Evenson, a Carver resident and President of the Friends of the Minnesota River Valley, came forward and shared that he believes that the plan fails to meet the legislation, fails to provide meaningful direction to address the health of the Minnesota River, and fails to build off of decades of studies and research that has been done on the Minnesota River. He said this is one of the worst plans he has seen put together in the whole State. He noted that without significant changes to the plan, it is a waste of public money and will perpetuate failed government infrastructures. He said all of the money they are spending on dredging and protecting the river is not included in this. He discussed six of the 14 goals that he sees are the reason that this plan is ineffective.

President Barisonzi thanked Mr. Evenson for sharing his opinions on the plan. He said the correlation between the goals and the money being spent is shameful. He explained that they had charged Staff to do a technical review of this plan through the lens of the implication of the District.

Ms. Young shared that this plan did not address the LMRWD and did not take this area into consideration, nor did it provide any strategies outside of the fact that it mentioned Eagle Creek. She noted there were significant deficiencies at it related to the District.

Administrator Loomis shared that the LMRWD was represented on the Advisory and Steering Committees and Manager Amundson represented the LMRWD on the Policy Committee. She noted their whole District does not fall into this planning area and is only the Scott County portion. She shared they opted to stay in on this plan for the Scott County portion as they believed it would be better to have a seat at the table than to not. Manager Amundson agreed.

Ms. Young shared that as they were reviewing this plan they were looking for protections of water resources that were not there.

President Barisonzi stated he would like to see the Board go further with this and be much stronger. He noted their comments can do more to contribute to protecting the river. He asked if they would have time to direct Staff to provide comments to the One Watershed One Plan boards as to what they see as deficiencies of the plan, specifically around the inclusion of the LMRWD's plans and goals, as well as Scott County's plans and goals. Ms. Young said this is possible and recommended that they appoint a subcommittee that her team can run ideas through so they make sure they are hitting all of these important items.

7. ACTIONS ITEMS

A. LMRWD Communication Policy

President Barisonzi introduced this item. He explained what was presented in the meeting packet.

Manager Amundson asked that this item be tabled to the March meeting.

B. 2024 Legislative Action

Ms. Frenette shared that this will be a very abbreviated legislative session. She noted there has been a bill that was introduced regarding watershed district interests which is a technical housekeeping bill. She added that watershed districts are now responsible for all meeting notices rather than BWSR regarding One Watershed One Plan. She noted they are in a deficit so there will not be money going out.

President Barisonzi noted that one of the items on the LMWRD's agenda is the request for support funding for the State-wide river watch program, the Carver levee improvement project, and the water storage initiatives, including the Minnesota River hydrology study.

Ms. Frenette shared that it is her understanding that there is no funding available for the river watch program.

Manager Salvato made a motion to adopt legislative priorities as listed. Manager Dull seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Dull and Salvato; the following voted against: None. The following were present: Manager Kuplic.

C. Sponsorship of 2024 Salt Symposium

President Barisonzi introduced this item.

Manager Salvato made a motion to authorize sponsorship of the 2024 Salt Symposium at the Bronze Sponsor level. Manager Dull seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Dull and Salvato; the following voted against: None. The following were present: Manager Kuplic.

D. Sponsorship of 2024 Metro Children's Water Festival

President Barisonzi introduced this item.

Manager Salvato made a motion to authorize sponsorship of 2024 Metro Children's Water Festival. Manager Dull seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Dull and Salvato; the following voted against: None. The following were present: Manager Kuplic.

E. Study Area #3

No new updates or information since last meeting.

8. OLD BUSINESS

A. 2022 Financial Audit

No new updates or information since last meeting.

B. Education & Outreach

Manager Dull made a motion was made to table this item to the March meeting. Managers Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Dull and Salvato; the following voted against: None. The following were present: Manager Kuplic.

C. Biennial Solicitation of Letters of Interest for legal, technical & professional services

No new updates or information since last meeting.

9. BOARD DISCUSSION ITEMS

A. Evaluation of Administrative Services

President Barisonzi introduced this item. He explained what he intended to achieve with this item is. He wanted the LMRWD to look at the what is needed to administer the LMRWD and not so much an evaluation to the current services.

President Barisonzi appointed himself and Manager Salvato to the personnel committee.

B. Letter to the Editor in response to AP article re: EPA Mississippi River report

President Barisonzi introduced this item.

Some Managers offered that it was a good article.

Manager Amundson left at this point in the meeting, as her remote location was closing.

C. Proposed Partnering with the MN River Collaborative on the Water Storage Study

President Barisonzi introduced this item. He asked the Administrator if staff had an update on the proposed partnership.

Mr. Kremer said they need to two grant applications, one submitted to BWSR for the phase 2 of the USACE study, and one submitted to LCCMR to get funding for phase one of this study. He shared that after this BWSR will be asking for funds from the legislature to continue the water storage program. He said that what the LMRWD needs to do is authorize requests for funding from LCCMR and BWSR. President Barisonzi asked what the deadlines. Mr. Kremer said he thought the deadlines are March 25th and the second deadline was April 8th.

President Barisonzi said the Collaborative would do the work of writing grants and that the LMRWD will need an agreement with the Collaborative. Attorney Kolb asked what the role for the Collaborative is in this process. President Barisonzi said the LMRWD would be the fiscal agent for this study. Attorney Kolb asked about the scope of work and who will be responsible for what. President Barisonzi asked Mr. Kremer to answer.

Mr. Kremer said they have several people in the Collaborative that have done extensive work with the USACE and they [the Collaborative] would represent the LMRWD in managing the relationship between the LMRWD and the USACE. He added that USACE projects require that 50% of the funds come from the federal government, and 50% comes from the local sponsor, which is the LMRWD. Mr. Kremer added that the Collaborative and BWSR are proposing that the state supply all the funds for the local match. Attorney Kolb asked if the USACE would be doing the technical work. Mr. Kremer said they will be the grant writers for both grants and that they [the Collaborative] have volunteered to represent the LMRWD in the completion of the study.

President Barisonzi said the LMRWD needs a more specific proposals to be able to approve prior to the submittal of the grant requests.

Mr. Kremer said the USACE has indicated to the Collaborative and BWSR that they will have the money to do it. If grants are applied for the Collaborative will do the work without any cost. Attorney Kolb asked for confirmation that the USACE has funding for this.

President Barisonzi reiterated that LMRWD staff work with Collaborative to bring back grants to be submitted, memorandum of understanding between the LMRWD and the Collaborative, and verification that there will be the capacity to do the project financially and operationally.

Manager Salvato made a motion to conditionally approve execution of the grant agreements subject to clarification of the role of the District, the Corp. of Engineers, and the Collaborative and to direct Staff to work with the Collaborative on these grants and responsibilities of each party. Manager Dull seconded the motion. Upon a vote being taken the following voted in favor of the motion: Barisonzi, Dull and Salvato; the following voted against: None. The following were present: Manager Kuplic.

D. MPCA Lower Minnesota River Watershed Surface Water Monitoring Request Guidance

Manager Salvato made a motion to table this item to the March meeting. Manager Dull seconded the motion. Hearing no objection the motion carried.

E. Request from Hennepin County Commissioner Debbie Goettel

Manager Dull made a motion to table this item to the March meeting. Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Barisonzi, Dull and Salvato; the following voted against: None. The following were present: Manager Kuplic

F. Education and Outreach (E&O) Program Recommendations Summary Report

This item was tabled to the March meeting.

10. COMMUNICATIONS

A. Administrator Report: Administrator Loomis shared that she attended the Scott County Water Education Partnership and shared the Scott Soil & Water Conservation District will be coming to the March meeting to present the 2023 monitoring activities. She asked the Board to consider dates they may want to plan events such as a River Tour. She said the educator mini grant application deadline has been extended. She added that the One Watershed One Plan Steering Committee met earlier today and were discussing work plans and cost share projects once the plan is in place.

B. President: No report

C. Managers: Manager Dull shared that he will be stepping down from his position effective March 1st as he will not legally be able to hold the seat as he is moving to Dakota County. He thanked Scott County for allowing him to serve in this position.

D. Committees: No report

E. Legal Counsel: Informed the Board that the Legislation that referenced by Ms. Frenette is housekeeping, but it does deal with water law and it may be worth a read.

F. Engineer: No report.

11. ADJOURN

At 9:14 pm, President Barisonzi adjourned the meeting.

The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, April 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:

Lauren Salvato, Secretary

LOWER MINNESOTA RIVER WATERSHED DISTRICT
BOARD OF MANAGERS
WEDNESDAY February 21, 2024
MEETING MINUTES

Linda Loomis, Administrator