



Item 4A  
LMRWD 10-18-2023

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting  
Board of Managers  
Wednesday, September 20, 2023  
Carver County Government Center, 602 East 4th Street, Chaska, MN 7:00 p.m.  
Approved \_\_\_\_\_

**1. CALL TO ORDER**

**A. ROLL CALL AND ELECTION OF OFFICERS**

On Wednesday, September 20, 2023, at 7:00 PM CST, in the Board Room of the Carver County Government Center, 602 East 4th Street, Chaska, Minnesota, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD).

President Hartmann asked for the roll call to be taken. The following Managers were present: Manager Laura Amundson, Manager Joseph Barisonzi, President Jesse Hartmann, and Manager Theresa Kuplic. Manager Lauren Salvato was 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 Ted Suss, Friends of the MN Valley.

John Kolb, Rinke Noonan, LMRWD Legal Counsel; Manager Ben Burnett, Prior Lake Spring Lake Watershed District, Scott County Commissioner Jody Brennan and Hannah LeClaire, Young Environmental Consulting Group, LLC attended the meeting virtually.

**President Hartmann made a motion to table the election of officers to the October 18, 2023, meeting. Manager Barisonzi seconded the motion. Upon a vote being taken, the motion carried unanimously.**

**2. APPROVAL OF THE AGENDA**

Administrator Loomis asked that the August 16, 2023, meeting minutes be removed from the agenda, as she had not had time to edit them and provide them to the Board prior to the meeting. And the invoice from Inter-Fluve must be removed, as no invoice was received. She noted that the Invoice from Rinke Noonan, Attorneys at Law was not in the meeting materials, but had been received and was sent to the Board by email.

**Manager Barisonzi made a motion to approve the agenda with the removal of the August 16, 2023, meeting minutes from the agenda. President Hartmann seconded the motion. Upon a vote being taken, the motion carried unanimously.**

**3. 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.

**4. CONSENT AGENDA**

President Hartmann introduced the item.

~~A. Approve Minutes August 16, 2023 Regular Meeting~~

**B. Receive and file August 2023 Financial Report**

**C. Approval of Invoices for payment**

- i. Clifton Larson Allen (CLA) - Financial services through August 2023
- ii. TimeSavers Off Site Secretarial – Preparation of July 2023 meeting minutes
- iii. Rinke Noonan, Attorneys at Law – August 2023 Legal Services
- iv. Daniel Hron – October 2023 office rent
- v. US Bank Equipment Finance – September 2023 payment on copier lease
- vi. Young Environmental Consulting Group, LLC – August 2023 technical, and Education and Outreach services
- vii. Naiad Consulting, LLC – June and August 2023 administrative services, mileage, and expenses
- viii. Metro Sales, Inc. – final payment on copier maintenance agreement for old copier
- ix. Barr Engineering – August 2023 services related to Area #3 (wetland delineation & geotechnical investigation)
- x. 106 Group – August 2023 services related to Area #3
- xi. 106 Group – August 2023 services related to Vernon Avenue
- xii. Bolton & Menk – May 2023 services related to Vernon Avenue
- xiii. Bolton & Menk – July & August services related to Vernon Avenue
- xiv. Studio Lola – Sign design services
- ~~xv. Inter-Fluve – August 2023 Area #3 Design Services~~
- xvi. I & S Group, Inc. – July 2023 services related to Vernon Avenue Project
- xvii. I & S Group, Inc. – July 2023 services related to Spring Creek Project
- xviii. I & S Group, Inc. – August 2023 services related to Spring Creek Project
- xix. Scott County SWCD – Q2 2023 monitoring, TACS & Education Services
- xx. 4M Fund – May Bank service charges

**D. Report on Citizen Advisory Committee**

**E. LMRWD Permit Renewals**

**F. LMRWD Permit Program Summary**

**G. Authorize reimbursement for Sutton Place Condominium Cost Share**

Manager Amundson made a motion to approve the Consent Agenda. Manager Kuplic seconded the motion. Upon a vote being taken, the motion carried unanimously.

**5. PUBLIC HEARING**

**A. Public Hearing to take comment on the preliminary certification of tax levies for taxes payable 2024 and proposed 2024 budget**

Administrator Loomis introduced this item and reviewed the changes that were made to the budget since the last meeting.

Manager Barisonzi asked about the gully inventory in 2024. Ms. Young stated that this gully inventory is to look at the priority projects and do feasibility studies on these high priority projects, which were found and prioritized as a part of this year's gully inventory. She noted that they have municipal meetings coming up that they will discuss these projects with the appropriate municipalities.

Manager Barisonzi stated that seems to be the highest priority item from the perspective of the percentage of the 2024 budget directed to this item. Ms. Della Schall Young pointed out that Area #3 is the largest project planned for 2024, but a significant portion of the cost of that project is coming from other sources.

President Hartmann opened the public hearing at 7:12 PM.

No one came forward to address the Board.

President Hartmann closed the public hearing at 7:12 PM.

Administrator Loomis pointed out that in addition to the other changes to the budget since the August meeting was an amount for \$300,000 that would be used as an initial payment on a bond issue for the Area #3 project. She added that there was a resident who saw the notice of the public hearing published in the newspaper and requested information on the budget.

**President Hartmann made a motion to adopt Resolutions 23-10 through 23-13 – Preliminary Certification of Property Tax levies Payable 2024 and Approval of 2024 proposed Budget. Manager Kuplic seconded the motion. Upon a vote being taken, the motion carried unanimously.**

## **6. NEW BUSINESS/PRESENTATIONS**

### **A. Friends of the MN Valley report on County Fair project and 2024 budget request**

Administrator Loomis introduced this item and introduced Ted Suss from the Friends of the MN Valley (FMV).

Mr. Suss presented his report of the County Fair project. He thanked the Board for the grant that helped fund this project and for the Managers who worked at any of the County Fairs. He discussed the total cost of this program as well as the staffing of the booths at the fairs. He reviewed all of the County Fairs and the total number of people that they made contact with at these fairs. He noted that the Izaak Walton League received a grant with which 12 AmeriCorps workers were hired and were used to staff some time at the County Fair booths.

President Hartmann asked which of the fairs was the best fair. Mr. Suss stated that the Redwood County Fair was great as he used to live in the county and he knew a lot of the attendants at the fair and was able to interact with those people who came by the booth. He noted that the most positive comments that they received were from the Nicollet County Fair. He added that the least satisfying fair was the LeSueur County Fair as there were very few people that came through the area where the booth was.

Mr. Suss stated that they had attempted to use QR codes for people to scan on their phone for information; however, they were not very successful.

Manager Kuplic shared that she worked the LeSueur County Fair booth and acknowledged that the booth was slow, likely due to the booth location. She agreed that the QR codes were not successful. She noted that it would have been nice to have handouts with this information.

Mr. Suss agreed that he wished they would have had more handouts or maps to give to people who came by these booths. He stated that he was hoping to be able to pass out paddlers maps but they were not able to get any.

Mr. Suss discussed the request of \$10,000 for 2024. He shared that there are changes that he would like to make, including starting the planning process earlier, having prizes at the booths, having more interactive booths, and forming partnerships with other similar groups, such as the MPCA, the Forever Green Institute at the University of Minnesota, and SWDs. Mr. Suss showed some examples of displays that might be available to borrow. He has had some initial conversations with the MPCA and Forever Green about borrowing displays.

Manager Amundson asked what they will be doing with the email addresses that were collected at the fairs. Mr. Suss stated that the intent was to put these email addresses on a list that the Friends of the Minnesota Valley maintains and occasionally send out information on the river and hearings. He stated that they could also send out information about the LMRWD Board Meetings.

Manager Kuplic asked if there were many handouts at any of the fairs. Mr. Suss stated that they had run out of handouts by the LeSueur County Fair. He noted that there was also no room in the budget for more printed materials.

Ms. Della Schall Young noted that Manager Salvato has reached out to a Professor at Texas A & M, to work on the development of messaging and modes of communication with her class. The Board will hear more about this project at future Board meetings.

Mr. Suss stated that he would like to come back to the next Board Meeting to discuss the River Watch Program.

**President Hartmann made a motion to receive and file the report and post on the website. Manager Amundson seconded the motion. Upon a vote being taken, the motion carried unanimously.**

**President Hartmann made a motion to authorize payment of invoice 2023-01 from Friends of the Minnesota Valley in the amount of \$10,000. Manager Amundson seconded the motion. Upon a vote being taken, the motion carried. Manager Barisonzi abstained.**

Administrator Loomis stated that they do not need to make a decision this evening on whether or not they would like to approve the funding for Friends of the Minnesota Valley for 2024. She gave suggestions of focusing future outreach efforts to other joint powers agreements or partnerships with other watersheds that have developed One Watershed, One Plans and do County Fairs in these areas as well with the SWCDs. She noted that they will also need something that will help with engagement at these fairs.

Manager Amundson stated that if they move forward with this agreement with the Friends of the Minnesota Valley then there needs to be a lot of conditions in the agreement. Manager Kuplic agreed.

Administrator Loomis reiterated that a partnership would also help with the staffing of the booths. She asked if there is another way to reach out to people that would use these funds in a different way.

Manager Kuplic noted that the LMRWD struggles to get education out to the public. She stated that there is an attraction to the Friends of the Minnesota Valley as they already have school engaged and kids that will volunteer.

Administrator Loomis shared that she definitely thinks they should move forward with the River Watch Program.

Manager Kuplic stated that she does believe that County Fairs are a good way to reach people, it just needs to have a better directed message. Consensus of the Board was to give the County Fair project another try, but to start planning earlier, be more involved in the planning process, target fairs where the LMRWD may already have relationships and to make sure the LMRWD has more control of the message.

**Manager Kuplic made a motion to table the request made by Friends of the Minnesota Valley for funding of its River Watch program and to fund a 2024 County Fair project. Manager Amundson seconded the motion. Upon a vote being taken, the motion carried. Manager Barisonzi abstained.**

## **7. OLD BUSINESS**

### **A. 2021/2022 Financial Audit**

Administrator Loomis introduced and provided background on this item. She stated that she is completing the rest of the information that the auditor has requested and she is hoping that they will have the audit complete by the end of October or sooner.

Manager Amundson asked if this would make them compliant. Administrator Loomis said yes.

Administrator Loomis shared that she has posted requests for proposals for 2023 and 2024 audits but they have not received any proposals back.

Manager Amundson asked if Redpath would do the audits for them in the coming years. Administrator Loomis stated that they did not commit to doing any future audits.

### **B. Lower Minnesota River East One Watershed One Plan Governance**

No new information to report since the last update.

### **C. City of Carver Levee**

Administrator Loomis introduced and provided background on this item. She stated that they had a meeting with Carver to discuss three projects happening in the city.

### **D. Dredge Management**

#### **i. Dredging at mouth of MN River**

Administrator Loomis introduced and provided background on this item. She shared that she had received an update from the USACE regarding the need for dredging at the mouth of the Minnesota River. She reviewed the dredging history and shared that this area only needs to be dredged every 25-30 years. She noted that the LMRWD investigated the cost of securing a placement site closer to the mouth of the river and it was determined that it was more cost effective to pay for the cost to transport material from the mouth to the LMRWD

placement site in Savage than to develop a second placement site closer to where the dredging takes place.

The USACE said the agreement between the LMRWD and the USACE agreeing to transport material from the mouth of the river up to the LMRWD placement site in Savage must be amended. The Agreement is currently with USACE Division for approval.

**President Hartmann made a motion to authorize payment to the USACE for transport of material dredged at the mouth of the Minnesota River to the LMRWD placement site at RMP 14.2 and to execute an amendment to the Memorandum of Agreement between the USACE and the LMRWD, subject to review and approval of said amendment by LMRWD legal counsel. Manager Amundson seconded the motion. Upon a vote being taken, the motion carried unanimously.**

**ii. Sale of Dredge Material**

Administrator Loomis introduced this item and shared that LS Marine has someone interested in purchasing the stockpile of dredge material on the dredge site. She noted that she is waiting for a purchase agreement for this.

**Manager Kuplic made a motion to authorize the sale of dredge material subject to the receipt of a purchase agreement subject to review and approval of said agreement by LMRWD legal counsel.**

**iii. Private Dredge Material Placement**

Administrator Loomis introduced and provided an update on this item. She stated that she heard from the Savage Riverport and received a check from them. She noted that she also heard from CHS who ordered a check and which should be received by the end of the week. She added that both Savage Riverport and CHS have provided certificates of insurance, as well as renewed performance bonds. She said she had not heard from Cargill.

**iv. Vernon Avenue reconstruction and culvert replacement project**

Manager Amundson noted that a different cross section for the roadway was being requested by the City of Savage. Manager Amundson wondered if the request was sufficient for the purpose of hauling material off the site. Ms. Young said yes. Ms. LeClaire explained that this was discussed with Bolton & Menk and it was determined that the roadway could be reduced to allow for a shoulder and that that is the width of the current roadway. She stated that they also reached out to LS Marine to confirm this.

**E. Watershed Management Plan**

No new information to report since the last update.

**F. 2023 Legislative Action**

No new information to report since the last update.

**G. Education and Outreach Plan**

Administrator Loomis introduced and provided background on this item. She shared that they are looking to purchase the Copyright agreement for the illustrations that were developed for the sign for Courthouse Lake. She added that they are also looking to authorize design, fabrication and install of this sign as well as the ten resource protection signs at Ike's Creek.

**President Hartmann made a motion to authorize execution of the Transfer of Copyright Agreement and authorize payment of the invoice for the Transfer of Copyright, authorize design, fabrication and installation of the Courthouse Lake interpretive sign, and authorize**

**design, fabrication and installation of ten resource protection signs for Ike's Creek. Manager Amundson seconded the motion. Upon a vote being taken, the motion carried unanimously.**

#### **H. LMRWD Projects**

***(Only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)***

##### **i. Area #3**

Administrator Loomis introduced this item. She stated that WSB met with the property owner yesterday to talk about purchasing an easement across this property for the construction and maintenance of this project. She noted that they responded that they would like a right-of-way or easement agreement and they are working with legal counsel.

##### **i. Spring Creek**

Administrator Loomis introduced this item. She shared that there have been preliminary discussions with the Corp of Engineers, and they are thinking that they will want to do a wetland delineation. She added that they received a proposal for this from I & S Group.

**President Hartmann made a motion to accept Professional Services Proposal from I & S Group for Spring Creek Wetland delineation services and authorize execution of Work Order 2023-03. Manager Kuplic seconded the motion. Upon a vote being taken, the motion carried unanimously.**

#### **I. Permits and Project Reviews**

##### **i. 5250 Eagle Creek Boulevard, Shakopee (LMRWD No. 2023-019) After-the -Fact Dean Lake Floodplain fill**

Administrator Loomis introduced and provided background on this item. She shared that this permit is an after-the-fact permit for fill being placed in the wetland around Dean Lake.

President Hartmann asked what the property owners thought were in doing this work. Administrator Loomis stated that the man wanted to have more yard space and was planning to sod the whole area.

**President Hartmann made a motion to conditionally approve a permit for 5250 Eagle Creek Boulevard, Shakopee (LMRWD No. 2023-019) After-the -Fact Dean Lake Floodplain fill, contingent upon receipt of a \$50 permit review fee and a special stipulation that native wetland seed will be planted in the wetland areas that were delineated and identified by the City of Shakopee. Manager Amundson seconded the motion. Upon a vote being taken, the motion was carried unanimously.**

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

Administrator Loomis introduced this item. Attorney John Kolb, legal counsel for the LMRWD, provided an update on the legal action. He will contact the attorney for the property owner to inform the attorney, that the LMRWD has not received any communication from the property owner since the response from the property was received. Attorney Kolb will inform the property owner's attorney that the LMRWD will continue legal action.

#### **7. COMMUNICATIONS**

- A. **Administrator Report:** Administrator Loomis' report was posted on the LMRWD website on the September meeting page. She shared that there were a few updates since her report had been published. She stated that the website has been updated and went live on Monday. She noted that there are a few glitches that are being worked through. She stated that the Lower

Minnesota River East One Watershed One Plan Advisory Committee met today and walked through the implementation plan and measurable goals for the plan. She noted that the first draft of the full plan will be going to the advisory committee for review and comments. She added that this will tentatively come to the policy committee for approval in January. She shared that Freshwater is having a Confluence of Stewards event on October 9th which is a free event and Managers are invited.

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

**8. ADJOURN**

**At 8:53, President Hartmann made a motion to adjourn the meeting. Manager Kuplic seconded the motion. Upon a vote being taken, the motion was carried unanimously.**

**The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, October 18, 2023, 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