



Item 4A  
LMRWD 11-15-2023

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting  
Board of Managers  
Wednesday, October 18, 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, October 18, 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 Joseph Barisonzi, President Jesse Hartmann, Manager Theresa Kuplic and Manager Lauren Salvato. Manager Laura Amundson participated remotely. 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; Ted Suss, Eric Evenson, and Tom Crawford, Friends of the MN Valley; Lisa Frenette, Frenette Legislative Advisors; and Lori Cox, Carver WMO advisory board and BWSR Board.

John Kolb, Rinke Noonan, LMRWD Legal Counsel; and Manager Ben Burnett, Prior Lake Spring Lake Watershed District, attended the meeting virtually.

Election of Officers – This item was tabled at the September Board of Managers meeting, because of the absence of Manager Salvato. President Hartmann introduced this item. President Hartmann asked to step down from his role as President, as he has been President since 2018 and he would like to give others an opportunity.

Manager Salvato nominated Manager Barisonzi for President and Manager Hartmann for Assistant Treasurer. She then suggested that all other officers keep the office they currently hold: Manager Kuplic, Vice President; Manager Amundson, Treasurer and Manager Salvato, Secretary.

**Manager Barisonzi made a motion to nominate for President - Manager Barisonzi; Vice President - Manager Kuplic; Treasurer - Manager Amundson; Secretary - Manager Salvato; and Assistant Treasurer – Manager Hartmann. Manager Kuplic seconded the nominations. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Hartmann, Kuplic and Salvato; the following voted against: None.**

## 2. APPROVAL OF THE AGENDA

Administrator Loomis noted that the invoice from Rinke Noonan, included on the agenda, was not in the meeting materials, but is at their seats. She requested that an invoice for preparation of the

September 20, 2023, meeting minutes from TimerSaver Off Site Secretarial be added to the agenda under Item 4. C. Approval of Invoices for Payment.

**President Barisonzi made a motion to approve the agenda with the addition of the invoice for preparation of the September 20, 2023, meeting minutes from TimerSaver Off Site Secretarial of the August 16, 2023, meeting minutes from the agenda. Manager Hartmann seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Hartmann, Kuplic and Salvato; the following voted against: None.**

**3. CITIZEN FORUM**

Tom Crawford from River Watch, Eric Evenson from Friends of the Minnesota River Valley, Lori Cox from Carver County WMO Advisory Board and BWSR Citizen Rep board member, and Ted Suss from Friends of the Minnesota River Valley all came forward and introduced themselves to the Board.

**4. CONSENT AGENDA**

President Hartmann introduced the item.

**A. Approve Minutes August 16, 2023, and September 20, 2023 Regular Meeting**

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

**C. Approval of Invoices for payment**

- i. Clifton Larson Allen (CLA) - Financial services through September 2023
- ii. TimeSavers Off Site Secretarial – Preparation of August 2023 meeting minutes
- iii. Rinke Noonan, Attorneys at Law – September 2023 Legal Services
- iv. Daniel Hron – November 2023 office rent
- v. Frenette Legislative Advisors – August, September and October 2023 legislative services
- vi. US Bank Equipment Finance – October 2023 payment on copier lease
- vii. Young Environmental Consulting Group, LLC – September 2023 technical, and Education and Outreach services
- viii. Naiad Consulting, LLC – September 2023 administrative services, mileage, and expenses
- ix. Barr Engineering – September 2023 services related to Area #3 (wetland delineation & geotechnical investigation)
- x. 106 Group – September 2023 services related to Area #3
- xi. 106 Group – September 2023 services related to Vernon Avenue
- xii. Bolton & Menk – September 2023 services related to Vernon Avenue
- xiii. WSB – Property acquisition services for Area #3
- xiv. I & S Group, Inc. – August 2023 services related to Vernon Avenue Project
- xv. Star Tribune – publication of notice of public hearing
- xvi. State of Minnesota – publication of request for audit proposals
- ~~xvii. City of Burnsville – Willow Creek stabilization final payment request~~
- xviii. Dakota County SWCD – Q2 2023 monitoring, TACS & Education Services
- xix. 4M Fund – September 2023 financial service charges

**D. Report on Citizen Advisory Committee**

**E. LMRWD Permit Renewals**

**F. LMRWD Permit Program Summary**

**Manager Hartmann made a motion to approve the Consent Agenda. Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Hartmann, Kuplic and Salvato; the following voted against: None.**

## **5. NEW BUSINESS/PRESENTATIONS**

### **A. 2024 LMRWD Work Plans**

Administrator Loomis introduced and provided background on the 2024 work plans which were outlined in the 2024 budget that was approved at the September meeting.

Manager Hartmann asked if they will be taking action and approving these work plans this evening. Administrator Loomis stated that they do not necessarily have to approve the work plans but can discuss changes if necessary.

Manager Salvato suggested that the social media messaging that they are sharing needs to be more unique to the district's voice.

Ms. Young explained that there has been a lot of talk around social media and that it has been one of the most challenging items as they are starting from nothing with this. She shared that they are starting this out by covering all the bases that would normally be covered as a watershed district and then intertwining the specifics of the LMRWD. She added that they will share the quarterly social media posts with the managers and if there are changes the managers would like to make, they can let them know.

Manager Salvato added that it would be nice to highlight some of the cool things happening in the district on the social media pages.

Manager Amundson shared that it would be nice to see these projects scheduled out over the year to see where the focus is on a quarterly basis. She stated that these work plans are great. She thanked the team for putting these together. Ms. Young noted that they can create a timeline for these projects on a quarterly or bi-monthly basis to provide an update on the projects. She explained that they are currently submitting these projects at the end of the year or as the projects finish for the Board to see the final reports.

President Barisonzi added that this will help visualize the heavier time periods for these different projects. He agreed that he would like to see a quarterly or bi-monthly review of these projects. Ms. Young stated that they can definitely do this moving forward.

Ms. Young asked how frequently the Board would like to receive these reports. The Board stated that they would like a quarterly report with the continuation of the current practice that when there is a timeliness issue it will still be brought forward.

President Barisonzi shared that the depth of the work plans is very much appreciated and added that he learned a lot from reading them. He noted that he is excited to hear about the progress of these projects as it will help him increase his ability to share with others what the LMRWD does.

### **B. Discussion of Friends of the MN Valley funding request**

Mr. Suss came forward and withdrew his request for funding for next year's County Fair project. He shared that they have reached out to the directors of SWCDs in the river basin and asked if

they would be interested in sharing a booth at the County Fairs with the Friends of the Minnesota River Valley, which has received some support. He shared the request for funding for the River Watch program.

Mr. Crawford reviewed the River Watch program with the Board. He stated that they have reached their capacity with their current funding and are requesting funding from the Board to work with more schools on the River Watch program.

Manager Salvato asked if the program is in the category of a volunteer monitor. Mr. Crawford explained that they have their own project number so the students are able to go enter the project number on the PCA database and see all of the River Watch data that has been collected since the program started. He noted that they have around 150 students who go out to the river in one day. He added that Prior Lake alone has generated a large amount of data.

Manager Salvato asked if this program is looking to get more lower income children into STEM. Mr. Crawford stated that this is definitely a priority for them. He added that they are now working with the All Nations Program to expand the diversity of the program.

President Barisonzi asked about the volume of the program. Mr. Crawford shared that during the 2022-2023 school year they worked with around 2500 kids and are around 700 kids so far this school year. He noted that they have different curriculums for elementary, middle, and high school students.

Mr. Suss reviewed the request for \$20,000 and how they would be able to expand the program with these funds.

Manager Hartmann noted that it is a priority of the district to collect chloride and asked if the students will be collecting this. Mr. Crawford stated that they have signed up for chloride tests from Salt Watch and they bring them out into the field with them. He noted that he does also send in this data. Mr. Suss added that they will be an official partner with Salt Watch soon.

The Board agreed that it would be important to them that chloride is added to this conversation and reporting structure.

Mr. Evenson shared that this funding is not only going to help the students, but also their parents, teachers, and friends. He noted that this will reach the whole sphere of the kids that are in these classes. He added that this will also help create a basis for future education of these kids and provide opportunities for them in the area of natural resources. He stated that this will also help give these students an understanding of natural resources.

Manager Kuplic shared that they are amazed that the high school students are helping teach this information to the younger students.

**Manager Kuplic made a motion to support the proposal and authorize funding of \$20,000 for the 2023-2024 River Watch Program. Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Kuplic and Salvato; the following voted against: None; President Barisonzi abstained.**

Suss thanked the Board for their funding and support.

## 7. OLD BUSINESS

### A. 2021/2022 Financial Audit

Administrator Loomis introduced this item and shared that the audit is still ongoing. She noted that they are hoping to have most of the audit wrapped up this week.

President Barisonzi asked if there had been any action taken against the previous auditor. Administrator Loomis stated that they have filed a formal complaint with the accountancy board regarding this auditor.

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

An update was provided in the October Administrator Report.

Administrator Loomis shared that the first draft of the plan was released today for comments to the.. Advisory Committee. She noted that the Policy Committee will likely receive it tomorrow. She added that she can share a copy of the plan with anyone interested

### C. City of Carver Levee

Administrator Loomis introduced this item and shared that she and Ms. Young had run into the project manager for the city of Carver on this project at the Minnesota Water Resource Conference and he shared that he would like to come to the December Board Meeting to give an update to the Board on this.

### D. Dredge Management

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

Administrator Loomis introduced and provided background on this item. She shared that the dredging was supposed to take place on October 2<sup>nd</sup>.

#### ii. Sale of Dredge Material

No update on this item.

#### iii. Private Dredge Material Placement

Administrator Loomis noted that she has not gotten a notice from the DNR that Cargill has requested a permit to do any additional dredging at Cargill east or west.

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

Administrator Loomis shared that she did receive a notice this week from the Corp. of Engineers that they will not require a permit from them on this project. She noted that they are just waiting for the LMRWD to permit the project as well as the DNR.

### E. Watershed Management Plan

No new information to report since the last update.

### F. 2023 Legislative Action

Administrator Loomis introduced this item. She shared that Lisa Frenette, the Board's legislative liaison, is in attendance.

Ms. Frenette shared that they have had a lot of success with dredge management and the things that they have needed to do with BWSR allowing the Board to use some extra funds for other issues. She shared that there may not be any money available next year as so much was spent this year. She discussed the issue that has been holding back chloride legislation is the trial attorneys. She noted that this is a good year to reach out and start working with some groups that they have not worked with in the past. She suggested working with AgriGrowth, who works a lot with farming associations and has a lot of power at the capitol. She noted that AgriGrowth

is also interested in water management. She shared concerns with MCEA or other similar groups as they do not like watershed districts, and they tend to be sue-happy. She added that these groups are also attempting to pass legislation that requires watershed districts to report any sort of drainage that they have, which will essentially give them an easier way to sue watershed districts to keep them from doing projects.

Manager Salvato stated that this past year seemed like the year to have something passed for chloride. Ms. Frenette noted that this has been going on for four or five sessions.

Manager Salvato shared that she is very supportive of chloride legislative passing and asked if they should be spending their energy towards this. She stated that not asking for new money may also be strategic. She noted that they were also discussing supporting the lock and dam fish passage. Administrator Loomis explained that an issue with this is that a lot of people felt that this is not a State issue as much as it is a Federal issue. Ms. Frenette added that she would like to discuss this with Administrator Loomis further before supporting this.

President Barisonzi stated that they need to look strategically for partners that share the goal of reducing sediment upstream and not those who are looking to minimize the barriers to the sediment coming downstream. He asked what process will be followed by the Board for identifying the issues that they would like to look at putting legislative time and energy behind. Ms. Frenette stated that this has always been decided by the Board and she moves forward with their direction.

President Barisonzi asked about the process of coming up with a legislative agenda. Administrator Loomis explained that there has never really been a process for setting an agenda for legislative priorities and has looked mostly at requests for funding to manage dredge material.

Ms. Frenette shared that as things have gotten introduced in legislation that she thinks the Board would be interested in, she sends these items to Administrator Loomis to present to the Board. She suggested coming up with three or four topics to ensure that they are honing in on the most important items. She added that she has heard that the focal point of the environment committees for this year will revolve around waste energy, landfills, recycling, etc. She suggested figuring out the three topics that are most important to the Board.

Manager Amundson asked if they have all of the funding for the projects that are on the horizon. Administrator Loomis stated that they do not have any large projects other than the Area #3 project. She added that the Board had talked about doing some larger projects on the ravines; however, they do not have an idea of what these would cost. She stated that the next step in the gully issue is to prioritize the gullies and do feasibility studies on the ones that have been identified as the greatest threats. She noted that they are not far enough down the road on any of these projects to know what funding would be. She added that the Area #3 project seems to be covered and they will issue bonds for whatever difference there is once they get the bids back.

Ms. Young added that at this moment they have all funding that is needed for the things that are within the plan. She noted that one of the things that are on the docket for Administrator Loomis and Ms. Frenette to look at was amending the language so that dredge dollars can be used for other projects. She added that in 2027 they should have their next watershed management plan.

Ms. Frenette asked if they had already amended the language. Administrator Loomis said not yet as they have not heard anything back. Ms. Frenette noted that this would be a good year to talk to BWSR about tweaking this language.

Manager Salvato asked Ms. Frenette to please report back to the Board what will pertain to the district based on the focus of the environmental committee.

President Barisonzi shared that the managers should be forwarding any issues that they would like to be considered as part of the legislative agenda to Administrator Loomis so that Ms. Frenette can come back and report on her perspective of these matters.

Manager Kuplic asked how they would go about getting Federal funding. Ms. Frenette suggested meeting with Congressman Dean Phillips, or Tina Smith or Amy Klobuchar.

Administrator Loomis shared that she spoke with legal counsel on the chloride issue with the Riley Purgatory Bluff Creek Watershed District and they are also interested in getting legislation for this.

Manager Salvato added that the water storage funding is important and should be leaned into. She shared that she would like to learn more information about potential partners.

#### **G. Education and Outreach Plan**

Administrator Loomis introduced and provided background on this item. She shared that there is an applicant to the CAC from the city of Carver.

**Manager Salvato made a motion to adopt Resolution 23-15 – Appointment of Lee Peterson to LMRWD Advisory Committee. Manager Hartmann seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Hartmann, Kuplic and Salvato; the following voted against: None.**

Administrator Loomis shared that there was a request from the city of Burnsville to work on some educational signs. She stated that the request would total around the same amount as the LMRWD's sign budget for a whole year. She noted that if they do fund this she would suggest that the Board design them and not just give Burnsville the money. She added that she can back with more information on this. She shared that they are requesting \$15,000 for several signs.

President Barisonzi asked if this request was to fund all signage or if this would be a percentage of the total cost. Ms. Young stated that they need to get more information on this to know. She noted that they can come back with a better breakdown of the numbers so that it is clear who is doing what for the dollars that are being requested.

President Barisonzi stated that he would be interested to know the impact on the project if they contributed a smaller amount.

Manager Salvato noted that with the funds for the County Fair project freed up these funds could be used here.

#### **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 and shared that the city gave a notice on the decision of the wetland and they still do not have permits for this.

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

Ms. Young shared that the wetland delineation was submitted for this today.

**I. Permits and Project Reviews**

Administrator Loomis gave an update on the Peterson wetland bank project.

**i. Tramore Heights Addition Rule B (LMRWD No. 2023-020)**

Administrator Loomis introduced this item and reviewed the project. She shared the recommendation of condition approval.

**Manager Hartmann made a motion to conditionally approve a permit for Rule B only for Tramore Heights Addition Rule B (LMRWD No. 2023-020), which includes initial site preparation and grading only and require staff to ensure that the project complies with Rule F before a permit can be issued for construction of any impervious surface and filtration basin. Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Hartmann, Kuplic and Salvato; the following voted against: None.**

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

Administrator Loomis gave an update on this item.

Attorney Kolb shared that they are waiting on the court to acknowledge the filing and schedule an initial conference with the parties to set a schedule for the litigation.

**6. COMMUNICATIONS**

- A. **Administrator Report:** Administrator Loomis shared that her report was posted to the website today. She reviewed the updates on the One Watershed One Plan. She gave an update on projects and meetings. She added that the MPCA will be doing an assessment of the Minnesota River watershed again and have scheduled a meeting on October 31 to talk about their preliminary findings.
- B. **President:** No report
- C. **Managers:** Manager Salvato shared that the Board normally sponsors the Metro Children’s Water Festival; however, this year they sponsored an educational booth which went well.
- D. **Committees:** No report
- E. **Legal Counsel:** No report
- F. **Engineer:** No report

**7. ADJOURN**

**At 8:39 pm, Manager Salvato made a motion to adjourn the meeting. Manager Kuplic seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Hartmann, Kuplic and Salvato; the following voted against: None.**

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