



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, November 6, 2024

White Oak Room, Chaska Community Center, 1661 Park Ridge Drive, Chaska, MN 7:00 p.m.

Approved \_\_\_\_\_, 2024

#### 1. CALL TO ORDER

##### A. ROLL CALL

On Wednesday, November 6, 2024, at 7:00 PM CST, in the White Oak Room of the Chaska Community Center, 1661 Park Ridge Drive, Chaska, Minnesota, Vice President Kuplic called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD). [The meeting date was a departure from the usual third Wednesday of the month, because more than one manager had a conflict with the regular meeting date]

Vice President Kuplic asked for the roll call to be taken. The following Managers were present: Vice Theresa Kuplic, Manager Apollo Lammers, Manager Lauren Salvato and Manager Vinatha Viswanathan. President Barisonzi was absent.

In addition, the following attended the meeting in-person: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; and John Kolb, Rinke Noonan Attorneys at Law, LMRWD Legal Counsel. Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant; Hannah LeClaire, Water Resource Engineer, Young Environmental Consulting Group, LLC; 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

Administrator Loomis requested that the October 9, 2024, meeting minutes be removed from the agenda and requested the addition of two (2) invoices from 106 Group for work performed for the Area #3 project. She also noted that the invoice from US Bank Equipment Finance, which was on the agenda, but was not included in the meeting materials was received and passed out to the Managers at the Board meeting.

**Manager Lammers made a motion to approve the agenda with the October 9, 2024, meeting minutes removed from the agenda and two invoices from 106 Group for Area #3 added to the consent agenda. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.**

#### 4. PUBLIC HEARINGS & PRESENTATION

A. There were no public hearings or presentations scheduled.

**5. CONSENT AGENDA**

Vice President Kuplic introduced this item.

Administrator Loomis said that President Barisonzi suggested tabling the Cooperative agreement with Coalition for a Clean Minnesota River until there is more time to discuss the terms with the Coalition.

Manager Salvato asked if there is still some back and forth on this with the Coalition. Administrator Loomis said yes.

~~A. Approve Minutes October 9, 2024, Regular Meeting~~

**B. Receive and file October 2024 Financial Report**

**C. Approval of Invoices for payment**

- Clifton Larson Allen (CLA) - Financial services through October 2024
- TimeSavers Off Site Secretarial – Preparation of September 18, 2024, meeting minutes
- Rinke Noonan, Attorneys at Law - September 2024 legal services for permit fee development, Area #3 and general services
- Daniel Hron - November 2024 office rent
- US Bank Equipment Finance – November 2024 copier lease payment
- Young Environmental Consulting Group, LLC – October 2024 technical, and Education and Outreach services
- ~~○ Naiaad Consulting, LLC – October 2024 administrative services, mileage, and expenses~~
- 106 Group - Archeological survey work for Area #3 (#3193-3036-1)
- 106 Group - Archeological Field work for Area #3 (#3193-2883-12)
- Barr Engineering, Company – design development for Area #3 through September 30, 2024
- Bolton & Menk – Engineering Services, related to Vernon Avenue
- HDR – website maintenance and updates through September 28, 2024
- Dakota County SWCD – Q3 2024 monitoring, TACS and education services
- Scott County SWCD – Q3 2024 monitoring, TACS and SCWEP services
- ~~○ 4M Fund – September 2024 fund service charges~~

**D. Report from the Citizen Advisory Committee**

**E. LMRWD Personnel Committee agenda and minutes**

- Personnel Committee – October 3, 2024
- Personnel Committee – October 31, 2024

**F. Waiver of thirty (30) days written notice of proposed change to LMRWD By-laws**

**G. Update to LMRWD By-laws**

**H. Authorize execution of Addendum to Recording Secretary Agreement**

**I. Authorize execution of Richard T. Anderson Cost Share Agreement**

**J. Authorize execution of Cooperative agreement with Coalition for a Clean Minnesota River**

**K. Final Reimbursement for Willow Creek Cost Share Project with City of Burnsville**

**L. Authorize execution of Spring Creek Construction Documents**

**Manager Lammers made a motion to approve the Consent Agenda with the addition of two invoices from 106 Group, removal of the October 9, 2024, meeting minutes, the invoice from Naiad Consulting and the November rent invoice, and to table the Cooperative Agreement with the Coalition for the Clean Minnesota River. Manager Salvato seconded the motion. Upon a vote being taken, the motion carried unanimously.**

## **6. PERMITS & REPORTS ON STANDING BUSINESS ITEMS**

### **A. LMRWD Permit Renewals**

Administrator Loomis introduced and gave a brief background of this item. She shared Young Environmental's recommendation to approve the permit renewals

**Manager Lammers made a motion to approve renewals of the permits listed in Table 1. of the Technical Memorandum – November 2024 Permit Renewal Requests, dated October 30, 2024. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.**

### **B. Minnesota River Greenway Trail – Kennaley's Creek Permit Amendment**

Administrator Loomis introduced this item.

Ms. LeClaire shared the reason for this amendment and explained that during construction, the contractor decided to build a bridge across Kennaley's Creek, which was not authorized under the permit. She said this temporary bridge was an additional fill in the floodplain. She added that the Minnesota DNR brought this to their attention. She said the contractor had to get a permit from the DNR and amending the permit from LMRWD.

**Manager Lammers made a motion to approve Kennaley's Creek permit amendment for the addition of a temporary construction crossing at Kennaley's Creek. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.**

### **C. Permit Fee Schedule update**

Administrator Loomis introduced and gave a brief background on this item. She shared that Staff met and discussed these fees.

Attorney Kolb reviewed the permitting fees, and the changes made by Staff. He shared that President Barisonzi had reached out with inquiries and recommendations related to permitting fees and the recapturing of costs related to the permits. He noted this framework is better than what they previously had and responded to President Barisonzi's inquiries.

Manager Salvato shared that she likes what Staff put together.

Administrator Loomis added that she is not sure what kind of time this will take to manage administratively.

Manager Salvato said she would like to revisit this periodically. Administrator Loomis said she will let the Board know if it gets to be too much.

**Manager Lammers made a motion to adopt recommendations made in Technical Memorandum – Request for Permit Fee Revision Amendment dated October 30, 2024.**

**Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.**

## 7. ACTIONS ITEMS

### A. 2025 LMRWD Work Plans

Administrator Loomis introduced and gave a brief background of this item. She shared that she had a discussion with President Barisonzi and he shared one of his concerns is that these are just Ms. Young's work plans. She explained that while Ms. Young puts the plans together, they are not just hear work plans. She noted that Ms. Young does a lot of work on them as they are based on the LMRWD plan and projects in the implementation program; however, what is in these plans is worked on by everyone on Staff. She explained there is a lot of work she does for these work plans.

**Manager Salvato made a motion to approve 2025 LMRWD Work Plans. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.**

### B. Award bid for Vernon Avenue

Administrator Loomis introduced this item. She shared that they opened bids during the last week in October and they received 14 total bids, the lowest one coming from GMH Asphalt Corporation. She added that Bolton & Menk has worked with them in the past and they are reputable and responsible and recommended they accept this proposal.

Ms. LeClaire said they do not anticipate this project to start until 2025.

**Manager Lammers made a motion to adopt Resolution 24-24 awarding a contract to GMH Asphalt Corporation in the amount of \$680,229.85 and retaining the services of Braun Intertec for construction materials testing. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.**

### C. 2025 Legislative Agenda

Vice President Kuplic introduced this item.

Manager Salvato shared that the personnel committee interviewed consultants for consideration as the Government Relations Consultant for the LMRWD and all three consultants could work well for the district. She stated their recommendation is to move forward with Park Street Public for their government relations services.

Manager Lammers asked why they recommend this consultant over the others. Manager Salvato explained that Henry Erdam is a one-man shop and while he seemed competent, he did not interview in the way she would expect a Government Relations Consultant would. She noted that Flaherty Hood, P.A. was also competent, but they were more interested in Park Street Public as they seem like they would have more creative flair to their work and are very connected with the legislature. Vice President Kuplic added that Park Street Public was also very communicative, and they seemed like they would be the best fit for working and communicating with the legislature.

Attorney Kolb asked if Park Street Public was the best fit for communicating scientific principles. Manager Salvato stated they did not specifically ask about this; however, the representative they interviewed did government relations for the Nature Conservancy.

**Manager Salvato made a motion to retain preferred Government Relations Consultant services from Park Street Public and to authorize the Administrator to execute a Government**

**Relations Services Agreement with Park Street Public. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.**

**D. Set 2025 meeting calendar**

Administrator Loomis introduced this item and reviewed the proposed dates for the 2025 meetings.

Manager Lammers asked about the CAC meeting schedule for 2025. Administrator Loomis explained the CAC meetings are always the first Tuesday of the month, with the exception of November of this year due to the election.

Manager Salvato shared that there are a lot of meetings between the Board meetings, Personnel Committee meetings, and Finance Committee meetings. She suggested making the Personnel Committee meetings every other month.

Administrator Loomis said they can make the schedule whatever they want. She noted that once they approve a schedule for 2025 it will be posted on the website. She added that they can table this item and bring it back for more discussion at the December meeting. She noted they could just set the schedule of the Board meetings this evening then set the schedule for the Personnel Committee and Finance Committee meetings at the December meeting.

Vice President Kuplic agreed that this is a lot of meetings.

Manager Salvato shared that she is not sure if she will have conflicts with any of the meetings at this time.

**Manager Lammers made a motion to set the 2025 meeting schedule for the Regular Board Meetings and table the discussion of the schedules for the Personnel Committee and the Finance Committee to the December meeting. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.**

**E. Sponsorship of Soil Health Event**

Administrator Loomis introduced this item. She shared that she got a request from the Minnesota Soil Health Coalition to sponsor their annual conference. She added that they had a table at the River Boat Tour event.

Manager Salvato shared that she does not have an issue with this sponsorship; however, she asked if there is a way that they would be able to look at all sponsorship opportunities at one point in the year. Administrator Loomis said they could do this. She noted that most sponsorship opportunities show up in the budget.

Vice President Kuplic shared that this is a connection to farmers and that is something that they are currently lacking. Administrator Loomis added that they would likely have a greater reach with this over something like the County Fair project.

Manager Lammers asked if the CAC already does these kinds of sponsorships or events. Administrator Loomis said they do not do these kinds of things; however, there is no reason that they couldn't be involved.

Manager Lammers asked about the size of the membership for the Minnesota Soil Health Coalition. Administrator Loomis said she can find out.

Vice President Kuplic shared that she would be supportive of increasing the sponsorship amount to the next tier. Manager Salvato suggested staying at the \$500 for this year and see how the event goes for the first year.

**Manager Salvato made a motion to sponsor the annual conference of the Minnesota Soil Health Coalition at the \$500 level. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.**

## **8. BOARD DISCUSSION ITEMS**

### **A. MN Watersheds Membership**

Administrator Loomis introduced this item and gave a brief background.

Manager Salvato asked if there is a fee to going to MN Watersheds meetings. Administrator Loomis said no; however, some of their events do have a fee.

Manager Salvato shared that she was on the Board when they decided to stop paying dues and one year she was listening to the annual meeting, and they completely ditched the resolutions that were relative to the LMRWD. She said the LMRWD issues are so unique that she does not see they would benefit much from a membership with the MN Watersheds.

No action required.

## **9. FOR INFORMATION ONLY**

### **A. Update on addition of a Manager to the Board**

Administrator Loomis introduced this item and shared that the update is in the executive summary.

Attorney Kolb explained that there is a statutory process for enlarging a Board of Managers or redistributing the managers.

Administrator Loomis shared that President Barisonzi had asked her to call BWSR who told her they are not going to take a position on this; however, they would be able to help them through the process if they decide to make a change. She noted they would have to be able to make a good case for why they need either a redistribution of managers or a new manager entirely.

Attorney Kolb stated if they do want to petition a case for this, they would want to look at decision criteria to see if they would be able to justify their reasoning for needing an additional manager. He noted that BWSR could decide to increase their managers, or they could redistribute.

No action required.

### **B. Study Area #3**

Administrator Loomis introduced this item.

Attorney Kolb shared that they are still trying to get the city to approve an administrator subdivision so they can get the parcel acquisition recorded.

No action required.

### **C. State of the Minnesota River Listening Session**

Administrator Loomis introduced this item. She shared that they will be having an informational meeting on November 13 for those who have questions. She added that they are extending the deadline to turn in written testimony to November 27.

Manager Salvato asked how many written testimonies they have received. Administrator Loomis said they have received two and she knows they have more coming.

No action required.

**D. LMRWD Permit Program Summary**

Vice President Kuplic introduced this item.

No action required.

**10. COMMUNICATIONS**

- A. **Administrator Report:** Administrator Loomis shared that the amendment dedicating lottery funds to the Environment and Natural Resource Trust Fund was passed. She noted that Republicans have taken over the Minnesota House of Representatives so Rick Hansen will not likely be the chair of the Environment and Natural Resource Committee.
- 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, Vice President Kuplic adjourned the meeting at 8:07 pm.

The next regular meeting of the LMRWD Board of Managers will be at 7:00, Wednesday, December 11, 2024. In the County Board Room of the Carver County Government Center. Please note that this is a departure from the usual meeting date on the third Wednesday of the month. Electronic access will also be available.

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Lauren Salvato, Secretary

Attest:

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Linda Loomis, Administrator