



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, March 15, 2023

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

Approved April 19, 2023

1. CALL TO ORDER AND ROLL CALL

On Wednesday, March 15, 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).

The first item on the agenda was the Oath of Office for Managers Hartmann and Salvato. Manager Hartmann was re-appointed to the LMRWD Board of Managers by the Scott County Board of Commissioners. Manager Salvato was re-appointed to the LMRWD Board of Managers by the Carver County Board of Commissioners. Managers Hartmann and Salvato read the Oath of Office and executed the Oath of Office and the Manager's Bond.

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. 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, Friends of the Minnesota Valley; Michael Miller, Waste Management, Senior District Manager/Special Projects; Roger Clay, Ulteig Engineering, Senior Engineer; Patty Thomsen, Citizen Advisory Committee; Camille Morton, student and Izaak Walton League Green Crew member; John Harkness, Bloomington resident. Manager Laura Amundson joined the meeting virtually from the Apache Junction, Arizona public library. John Kolb, Rinke Noonan, LMRWD legal counsel; Lisa Frenette, Frenette Legislative Advisors, LMRWD legislative liaison; Ben Burnett, Prior Lake Spring Lake Manager; and Isaac Fuhr, Senior Engineer, Carlson McCain, representing Burnsville Sanitary Landfill; joined the meeting virtually.

2. APPROVAL OF THE AGENDA

Administrator Loomis asked to add Items 4. C. ix. – Rinke Noonan, February 2023 legal services invoice; Item 4. C. x. - Liberty Mutual, Invoice for Errors & Omissions coverage; and Item 4. C. xi. – Daniel Hron, April 2023 office rent invoice.

President Hartmann made a motion to approve the agenda with the addition of Item 4. C. ix. – Rinke Noonan, February 2023 legal services invoice; Item 4. C. x. - Liberty Mutual, Invoice for Errors & Omissions coverage; and Item 4. C. xi. – Daniel Hron, April 2023 office rent invoice. 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.

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 February 15, 2023, Regular Meeting

B. Receive and file February 2023 Financial Report

C. Approval of Invoices for payment

- i. **Clifton Larson Allen (CLA) - Financial services through February 2023**
- ii. **Inter-Fluve, Inc. – Area #3 services through January 31, 2023**
- iii. **Rinke Noonan, Attorneys at Law – January 2023 legal services**
- iv. **HDR Engineering, Inc. – Website services through Jan 29 through Feb 25, 2023**
- v. **TimeSaver Off Site Secretarial, Inc. - Preparation of January 18, 2023, meeting minutes**
- vi. **US Bank Equipment Finance – payment on copier lease**
- vii. **Young Environmental Consulting Group, LLC – February 2023 technical, and Education & Outreach services**
- viii. **Naiad Consulting, LLC – February 2023 administrative services, mileage & expenses**
- ix. **Rinke Noonan – February 2023 Legal Services**
- x. **Liberty Mutual – 2023/2024 Errors & Omissions coverage**
- xi. **Daniel Hron – April 2023 office rent**
- xii. **4M Fund – January 2023 bank service charges**

D. Report on Citizen Advisory Committee meeting minutes

President Hartmann made a motion to approve the Consent Agenda as amended under the approval of the 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. Friends of the Minnesota Valley community outreach proposal

Administrator Loomis introduced this item and introduced Mr. Ted Suss, Executive Director of Friends of the Minnesota Valley.

Mr. Suss came forward and shared the request for \$15,000 in funding for an outreach program that the Friends of the Minnesota Valley would like to do on the Board's behalf. He gave background information on the proposal. He shared that they would be renting booths at 10 county fairs in the Minnesota River Basin and conducting a public education effort. He discussed the staffing of this project and the county fair booths. He explained how the funds will be used.

Manager Kuplic shared her concerns with engaging the public. Mr. Suss explained who the target audience is, stating that the target would be landowners and elected officials. Manager Kuplic shared her concern about the age of the staffers at the booths when engaging farmers. Mr. Suss explained that the staffers will just share educational resources.

Manager Salvato shared concerns about the amount of the request. She stated that she would like to see a measurable outcome and the number of people engaged. Mr. Suss explained that they make efforts to document the number of people reached and the types of information requested. He will put together a final report for the Board.

Manager Kuplic agreed that she would like to see a measurable outcome. She recommended having a booth in a high traffic area where adults attending the fairs will be passing through. Mr. Suss explained that the earlier they submit a request the better the location they can secure.

Ms. Young suggested creating targeted materials to maximize the touch point. She asked when the fairs start and end so that the Board can start thinking of materials up front. Mr. Suss stated that the first fair is in June, but the ones that they will want to attend start somewhere around the 10th of July.

Manager Amundson stated that she supports this.

Mr. Suss pointed out that the water increase in the river is not all from farm fields but also from the urban areas. He noted that he would like to pass something out regarding urban stormwater.

Manager Barisonzi informed the Board that he is a Board member of the Friends of the Minnesota Valley and that he would abstain from the vote on this item. He said that he is very encouraged by the discussion and encouraged the Managers to also attend to represent the Board.

President Hartmann asked if there were any stipulations on fund matching. Administrator Loomis said no but it is up to the Board. President Hartmann asked if the Friends of the Minnesota Valley could solicit more funds. Mr. Suss said that he is not sure.

Manager Salvato asked where this money will be pulled from as the outreach programs budget has already been allocated for. Administrator Loomis explained where the funds could come from stating it could be a combination of things.

Manager Salvato asked if the Board will be asked for this much money in future years. Mr. Suss said that he would love to ask for a contribution in future years, but the funding this year would not be seen as an obligation for future years. Administrator Loomis noted that this could be budgeted for in future years. She noted that the budget is set in August but can be changed if needed from September to December.

President Hartmann asked if Mr. Suss could provide the Board with a report by the end of the third quarter of 2023. Mr. Suss said that he can have the final report within 30 days of the last fair, which would be near the end of September.

Manager Salvato asked to have a presentation to the Board after completion of the project.

Manager Kuplic asked that resources are provided for people to get additional information if they want to pursue the conversation.

Manager Salvato made a motion to authorize \$15,000 from Education and Outreach to fund the community outreach proposed by Friends of the Minnesota Valley, contingent upon

completion of the project and receipt of a final report. Manager Kuplic 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. Manager Barisonzi abstained.

B. 2027 World EXPO – “Healthy People, Healthy Planet – Wellness and Well Being for All”

Administrator Loomis introduced and provided background on this item. She stated that there is a meeting scheduled with Bloomington on March 31.

Manager Barisonzi appreciated this being brought forward and shared that he was a part of the 2023 EXPO request. He has heard from community members that are concerned with the environmental impacts an Expo may have to the area. He noted that it would be good to hear from the EXPO bid committee on what the plans are.

C. Minnesota River Basin Partnerships

Administrator Loomis introduced and provided background on this item including the history of past involvement with other water management authorities. She shared that all of the reports discussed are all available online. (Link to [PowerPoint Presentation](#))

Manager Salvato asked if there is an appetite for a Minnesota River Board. Administrator Loomis said no.

Administrator Loomis noted that she is not sure that the Watershed District has the capacity to form these kinds of partnerships, but they can at least start discussions. She recommended looking at what efforts are already out there and coming back to the Board with a proposal on how to do this outreach. Manager Salvato agreed and said there is not much capacity, but there is funding available.

Manager Kuplic asked what programs have worked for farmers to help keep water on their land. Administrator Loomis explained that there are many examples out there for farmers and lots of resources.

The Board agreed to do more research on the groups that are already out there and look strategically at next steps. Administrator Loomis stated she will do research and bring something back to the April Board Meeting. The Board noted that they would be okay if the research took longer than a few months.

6. OLD BUSINESS

A. 2021 Financial Audit

No new information to report since last update.

B. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail

No new information to report since last update.

C. City of Carver Levee

No new information to report since last update.

D. Dredge Management

i. Vernon Avenue Dredge Material Management site

Administrator Loomis introduced this item and noted that there are contracts in the packet that will be voted on.

Ms. Young stated she would be happy to answer any questions.

Manager Salvato noted that there did not seem to be many bids. Administrator Loomis stated that it was only sent out to four firms.

Manager Salvato asked if the funds are available for this project. Ms. Young explained that they do have the funds and that funds will come from the grant from the State of Minnesota for dredge management. She noted that the LMRWD planned to make these improvements several years ago and the LMRWD has the capacity now to manage this project.

Ms. Young discussed the proposals from all four firms, including the strengths and weaknesses of each proposal.

Mr. Kolb stated that he has reviewed the proposal and has found no issues.

President Hartmann made a motion to approve Bolton & Menk as the firm to design the Vernon Avenue Improvements and Access Road Culvert Replacement Project and approve Braun Intertec as the firm to perform services associated with geotechnical investigation of Vernon Avenue and to approve ISG as the firm to perform services associated with wetland delineation and environmental permitting, excluding LMRWD requirements. The motion was seconded by Manager Barisonzi. 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. Private Dredge Material Placement

No new information to report since last update.

E. Watershed Management Plan

No new information to report since last update.

F. 2022 Legislative Action

Administrator Loomis stated that they are in the bonding bill that the House sent to the Senate for \$2,750,000. Administrator Loomis stated that there was nothing new to report.

Ms. Frenette noted that the House passed their Phase 1 bonding bill last week and the Senate bill will be up tomorrow. The bonding bill requires a 3/5 majority vote to pass and there is not a clear majority in the Senate by either party and several Senators are out. If a capital bill is passed using cash, that requires only a majority vote.

G. Education and Outreach Plan

No new information to report since last update.

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 and provided background on this item. She stated that the Board will need to decide how to raise a match to the State funds.

She said that Ms. Frenette was checking to see if State funds could be used on private land as the land up to the riverbank is privately owned, but it is not buildable. She shared that they could also approach the property owner to give them an easement or sell the property to the LMRWD or another entity. She explained the different ways that the project could be funded, whether by a one-time levy or selling bonds.

Mr. Kolb noted that there are more restrictions if any kind of bond is used.

Administrator Loomis recommended enlisting the help of a bond council. Mr. Kolb said that his firm does not have that expertise, but there are plenty of others that do.

Administrator Loomis stated that she will call the Counties and ask what the one-time levy would do to property taxes.

Ms. Young added that Eden Prairie has \$500,000 in their budget to contribute to this project.

Manager Salvato asked if this project will be something that does not need to be done again for a long time. Ms. Young stated that this is the biggest project that the watershed has taken on and should last for many years. She noted that the Richard T. Anderson site is the only other location that might yield a project as expensive as this.

Administrator Loomis reviewed the contracts that need to be voted on.

Manager Barisonzi stated that it would be helpful to see the history of the Board doing bonding and levying. Ms. Frenette clarified how the bonding will work from the State bond sales.

President Hartmann made a motion to approve 106 Group to complete cultural resources survey and authorize execution of an agreement for services subject to review and approval of agreement by LMRWD legal counsel and to approve Barr Engineering Co. to complete wetland delineation and T & E species review and authorize execution of Work Order 2023-01 between the LMRWD and Barr Engineering Co. 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.

I. Project/Plan Reviews

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

i. Permit Renewals

Administrator Loomis introduced this item concerning permit extensions and stated that Ms. LeClaire could answer any other questions.

Manager Salvato made a motion to extend all permits listed in Table 1 of Technical Memorandum – March 2023 Permit Renewal Requests dated March 8, 2023. 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.

ii. Burnsville Sanitary Landfill (LMRWD No. 2022-040)

Administrator Loomis introduced this item and shared the recommendation for conditional approval.

Manager Barisonzi made a motion to conditionally approve a permit for Burnsville Sanitary Landfill (LMRWD No. 2022-040), contingent upon receipt of a copy of the NPDES construction stormwater permit; name and contact information for the contractor(s); documentation of approval from the City of Burnsville, including Wetland Conservation Act Permit Amendment; Copy of approved permit from the US Army Corps of Engineers; Copy of approved MPCA Solid Waste Facility permit; Copy of approved MnDNR permit; and final construction plans signed by a professional engineer. 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.

iii. Permit Program Summary

Administrator Loomis introduced and provided background on this item.

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

Administrator Loomis introduced this item and provided updates on meeting with the property owner.

6. COMMUNICATIONS

- A. **Administrator Report:** Administrator Loomis stated that her report is online and has been sent to the Board. She mentioned that one of the people on the Policy Committee for the One Watershed, One Plan had expressed concerns about the way the process is being managed, stating that all the committee is being asked to do is rubber stamp the recommendations. Manager Amundson discussed the role of the Policy Committee. Mr. Kolb offered clarification on this.
- B. **President:** No report
- C. **Managers:** Manager Salvato stated that she will not have any conflicts with meeting in the fall of 2023 as she had anticipated.
- D. **Committees:** No report
- E. **Legal Counsel:** No report
- F. **Engineer:** No report

7. ADJOURN

At 9:08 PM, President Hartmann made a motion to adjourn the meeting. Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Hartmann, and Salvato; the following voted against: None.

The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, April 19, 2023, 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

Linda Loomis, Administrator