



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, January 17, 2024

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

Approved February 21, 2024

1. CALL TO ORDER

A. ROLL CALL

On Wednesday, January 17, 2024, at 7:00 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).

The first item on the agenda was the Oath of Office for Nathan Dull. Nathan Dull was appointed to the LMRWD Board of Manager by the Scott County Board of Commissioners on December 7, 2023. Mr. Dull was sworn in and executed the Oath of Office and the Manager's Bond, which were signed by Board President, Joseph Barisonzi.

President Barisonzi asked for the roll call to be taken. The following Managers were present: President Joseph Barisonzi, and Manager Nathan Dull. Manager Laura Amundson joined the meeting virtually from the Arvada Library, (a branch of the Jefferson County Library) Study Room 1, 7525 West 57th Avenue, Arvada, CO 80002. Manager Kuplic joined virtually from her home, following CDC recommendations against being in a public place for personal or family medical reasons. Manager 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; John Kolb, Rinke Noonan Attorneys at Law, LMRWD Legal Counsel; Suzanne Jiwani, Len Kremer and Lori Cox, representing the Minnesota River Collaborative; Patti Thomsen, LMRWD Citizen Advisory Committee; Ted Suss, Friends of the MN Valley, and Michael Hennen, Izaak Walton League.

Manager Ben Burnett, Prior Lake Spring Lake Watershed District; and Scott County Commissioner Jody Brennan attended the meeting virtually. There was an additional party that joined virtually, whose identity was unknown.

2. 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.

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 December 20, 2023, meeting minutes be removed from the agenda.

Manager Dull made a motion to approve the agenda. Manager Kuplic seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Dull, and Kuplic; the following voted against: None.

4. PUBLIC HEARINGS & PRESENTATION

A. Presentation by Minnesota River Collaborative

Suzanne Jiwani, Len Kremer and Lori Cox with the Minnesota River Collaborative came forward and presented the Board with information on the Minnesota River Collaborative and on some of the issues that the Collaborative is working on for the Minnesota River, including drainage issues and economic impacts of hydrologic change. They also requested a partnership with the LMRWD for a water storage project.

President Barisonzi asked about the BWSR consensus that there needed to be a Minnesota River Watershed basin model. He asked where they think the development of this model is. Ms. Cox shared that she knows that BWSR is looking at having a small group get together of technical people to discuss how to do a model that would look especially at the base flows as it seems like the impact is greater on the base flows. She noted they are still trying to get this group together.

Mr. Kremer added that they also need a storage model of the watershed. He suggested that the Collaborative work with the LMRWD Board and the Corp. of Engineers to get a storage study done for the Blue Earth River Basin.

President Barisonzi asked if there is a federal matching program available to do a water storage study through the Corp. of Engineers that needs a unit of government to be a partner in it. Mr. Kremer said yes. President Barisonzi asked if the Collaborative would be able to raise the local match in order to be a part of managing this study. Mr. Kremer said yes and explained they would likely apply through the Clean Water Council or BWSR to provide the local match. He added that they would also get credit for the work that they do as part of the management of the relationship with Corp. of Engineers.

President Barisonzi asked if the Collaborative has a list of targeted regions, other than the Greater Blue Earth River Basin, that have a disproportionate impact. Mr. Kremer said they can get this information.

President Barisonzi stated the Board will be deferring any decisions and conversations surrounding this until the whole Board is present.

The Board thanked Ms. Jiwani, Mr. Kremer, and Ms. Cox for their presentation.

5. CONSENT AGENDA

President Barisonzi introduced the item.

~~A. Approve Minutes December 20, 2023, Regular Meeting minutes~~

B. Receive and file December 2023 Financial Report

C. Approval of Invoices for payment

i. Clifton Larson Allen (CLA) - Financial services through December 2023

ii. Rinke Noonan, Attorneys at Law – December 2023 Legal Services

- iii. Daniel Hron – January 2023 office rent
- iv. US Bank Equipment Finance – February 2024 payment on copier lease
- v. Young Environmental Consulting Group, LLC – December 2023 technical, and Education and Outreach services
- vi. Naiad Consulting, LLC – December 2023 administrative services, mileage, and expenses
- vii. Carver County WMO – 2023 sample season monitoring and education services
- viii. Star Tribune – publish notice of public hearing to certify tax levies and adopt final budget
- ix. Dakota County Soil & Water Conservation District – Q4 2023 monitoring, technical assistance & education
- x. City of Carver – request for reimbursement for Carver Levee Cost Share
- xi. Bolton & Menk – November 2023 services related to Vernon Avenue
- xii. WSB – November 2023 services related to property acquisition for Area #3
- xiii. 4M Fund – September 2023 financial service charges

D. Designation of 2024 Official newspaper

E. Designation of Official Depository

F. Designation of Data Practices Compliance Official

G. Receive update to Administrative Services rates and authorize approval of additional hours from 2023

H. Accept final report from Cost Share Project at 11115 Normandale Boulevard, Bloomington and authorize reimbursement

I. Authorize reimbursement to Carver County for Chaska Creek Re-meander Project

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

6. PERMITS

A. LMRWD Permit Renewals

President Barisonzi introduced this item and shared the request to extend the permit for the Quarry Lake Trail and Pedestrian Bridge.

Manager Dull made a motion to renew permits as recommended in Table 1 of Technical Memorandum – January 2024 Permit Renewal Requests dated January 10, 2024. Manager Amundson seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Dull and Kuplic; the following voted against: None.

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

This item was informational only and no action was recommended.

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

No new updates or information since last meeting.

D. LMRWD Permit Program Summary

President Barisonzi asked if they are in communication with anyone for permit #2021-022 which expires in March of this year. Ms. Young stated that it is the policy to be in touch with the applicant six months in advance of a permit expiration and from then on, they continue to check

in on this matter. She shared that it is her understanding that her team has been in touch with them; however, she can get specific information on this permit.

6. ACTIONS ITEMS

A. Biennial Solicitation of Interest Proposals for Legal, Technical consultant services and Education & Outreach services

Administrator Loomis introduced this idea and explained this is something that they have to do every two years. She shared some examples of advertisements that watershed districts use to seek the letters of interest.

Manager Amundson shared that she would like to see demonstrations of civil engineering and construction as requirements for the pool of solicitations.

Manager Dull asked if there are budget constraints for this. Administrator Loomis explained they post this in the State register for two consecutive additions, as well as the sending notification to the consultants that they are currently working with. She shared there is a deadline to submit proposals.

Manager Amundson asked if they are able to solicit interest for legislative support.

Administrator Loomis explained they have never done this; however, they could. She said they have chosen not to in the past. She noted there are other consultants out there for this. She added the current lobbyist has been with them for a while and is very aware of the LMRWD issues.

President Barisonzi shared he had the same thoughts as Manager Amundson; however, he does not believe this is the time in the calendar to do something like this and would be good to look at after a legislative session.

President Barisonzi asked for an estimated date that these would be posted and when the deadlines for response would be. Administrator Loomis shared she hopes to have them posted by the end of the month. She added the deadline would likely be set for some time near March 1, 2024.

Manager Kuplic made a motion to authorize solicitation of interest proposals for legal, professional and technical consultant services. Manager Dull seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Barisonzi, Dull and Kuplic; the following voted against: None.

B. Area #3

No new updates or information since last meeting.

7. REPORTS ON STANDING BUSINESS ITEMS

A. Dredge Management

No new updates or information since last meeting.

B. Watershed Management Plan

No new updates or information since last meeting.

C. Vernon Avenue Rehabilitation and Culvert Replacement Project

No new updates or information since last meeting.

8. OLD BUSINESS

A. 2022 Financial Audit

No new updates or information since last meeting.

B. 2024 Legislative Action

President Barisonzi shared that this item has been moved to the February Board of Managers Meeting.

C. Education & Outreach

President Barisonzi introduced this item and asked for an update. Ms. Young shared an update from the Education and Outreach meeting. She shared that they realized during this meeting that there are a few items that they need to provide additional information surrounding the presentation of Young Environmental's scope of work and Education and Outreach work plan, versus the overall look at education and outreach as a whole. She noted they are putting together a document that looks at the comprehensive picture and includes information around the things the district is doing, and others are doing which are in alignment with the district's overall goal of not having duplication in the things that are being offered and presented. She added they will have this together by the February meeting.

9. BOARD DISCUSSION ITEMS

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

No new updates or information since last meeting.

10. COMMUNICATIONS

- A. Administrator Report:** Administrator Loomis introduced this item. She shared that she attended the Metro Watersheds meeting last night and there was an interesting presentation concerning salt pollution and incorporating low salt design being engineered into projects. She added that they are having low salt pilot cities and Nine Mile Creek is working on a cost share project with Eden Prairie and Bloomington.

Manager Amundson asked if there is more information available for the low salt pilot cities. Administrator Loomis said she can reach out to the administrator at Nine Mile Creek to gather some more information for the Board.

- B. President:** President Barisonzi shared that he has requested a process for reviewing the Administrator position in regard to performance, scope of service, and the Board's responsibility of overseeing this agreement. He shared it is his expectation that they will have a proposed process at the February meeting. He added that he will appoint a personnel committee to perform this review. He added that he has also requested a process for which the Board can take a stance on specific issues as a Board. He said he will be forwarding a proposed process to Administrator Loomis for review and revisions with an intent to have this presented at the February meeting.
- C. Managers:** No report.
- D. Committees:** No report
- E. Legal Counsel:** Attorney Kolb wanted to make sure that the record reflect that Manager Kuplic's participation is not at a public location; however, it is consistent with MN Statutes 13D.02 which allows her to participate from a non-public location when advised by health officials that she should not interact with the public. He noted this is compliant with the open meeting law.

F. **Engineer:** No report.

11. ADJOURN

At 8:16 pm, President Barisonzi adjourned the meeting.

The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, February 21, 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

Linda Loomis, Administrator