



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, December 11, 2024

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

Approved _____, 2025

1. CALL TO ORDER

A. ROLL CALL

On Wednesday, November 6, 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 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]

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

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; Tom Crawford, Friends of the MN Valley; Carver County Commissioner Gayle Degler, Scott County Commissioner Jodi Brennan; Nick Koltavy, Assistant Carver County Administrator; and Vanessa Strong, Water resource Supervisor, Scott County Water Management Organization. John Kolb, Rinke Noonan Attorneys at Law, LMRWD Legal Counsel; and Lindsey Albright, monitoring and outreach coordinator, Dakota County Soil & Water Conservation District; attended the meeting virtually.

2. CITIZEN FORUM

No one present wished to address the Board of Managers.

3. APPROVAL OF THE AGENDA

A. Additions, Corrections and Deletions to the Agenda

Administrator Loomis asked to move item 9. C. - State of the Minnesota River Listening Session to 8.A. for discussion. She also asked to add an invoice received 12-11-2024 from Bolton & Menk and one from the Minnesota Star Tribune to the consent agenda for approval.

President Barisonzi asked to move Item 7.C. - Administrative Services Update to Item 4.C. on the agenda.

Manager Lammers made a motion to approve the agenda with the revisions to the order of items and the addition of the invoices. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

4. PUBLIC HEARINGS & PRESENTATION

A. Public Hearing - 2025 Budget final adoption and Certification of Levy

President Barisonzi introduced this item and opened the public hearing at 7: 04 p.m.

No one present wished to address the Board of Managers.

President Barisonzi closed the public hearing at 7:05 p.m.

Manager Lammers made a motion to adopt Resolution 24-25 Final Certification of Property Tax Levies for Taxes Payable 2025 and Final Approval of 2025 Budget and Authorize Certification to Counties. Manager Salvato seconded the motion. Upon a vote being taken, the motion was carried unanimously.

B. Report from River Watch

Tom Crawford, River Watch Program Coordinator with the Friends of the Minnesota Valley, came forward and gave the Board a report on the River Watch Program in which the Board financially supports. He shared how the River Watch Program has been able to use the funding received from the LMRWD, including being able to increase the number of student samplings by 15% and provide support for the quality of equipment.

Manager Salvato stated the report was wonderful and it was great to see the impact that was made due to this additional funding.

President Barisonzi asked how the data they gather is currently being used. Mr. Crawford explained that all of the data collected by River Watch students is submitted to the MPCA to be housed in their surface water database. He added that they also use this data for the 10-year assessments. He noted that the Izaak Walton League has a public database called the Clean Water Hub that specifically tracks chloride pollution.

President Barisonzi shared that he is no longer on the Board for the Friends of the Minnesota Valley so there is no conflict of interest with his involvement. He shared his appreciation for the work done in the River Watch Program and how much time is spent making sure they are targeting the schools in the Lower Minnesota River area.

Mr. Crawford added that as they expand their winter programs, they are looking at targeting elementary schools and present on how soil and water interact.

Manager Kuplic made a motion to receive and file the annual report from River Watch and to authorize final payment to Friends of the MN Valley. Manager Salvato seconded the motion. Upon a vote being taken, the motion was carried unanimously.

C. Administrative Services Update

President Barisonzi introduced this item and shared that the Personnel Committee met to discuss filling the Administrative Services position.

Jodi Brennan, Scott County Commissioner, came forward and requested that the Board put a pause on this agenda item to allow more time to assess options before beginning the search and hiring for a new Administrator. She explained that Scott County is interested in exploring options to streamline the administration of water management. She added that Scott County plans to sit down with leadership from Savage and Shakopee to explore these options. She noted that Scott and Carver County leadership has expressed interest in exploring the option of

terminating the LMRWD and transferring watershed management jurisdiction to adjacent watershed districts or WMOs. She stated that time is very limited due to the succession timeline present in the agenda packet. She said they are committed to bringing the appropriate stakeholders together in a timely manner to see if there is any consensus on the boundary changes or termination options.

Gayle Degler, Carver County Commissioner, came forward and reiterated the request of Ms. Brennan to put a pause on the recruitment process for a new administrator. He shared that they would like to explore a district boundary change and transfer some of the watershed management jurisdiction to the Carver County WMO. He added that they would also like to have conversations with the other counties in the district to explore the potential for a governance change. He shared that Attorney Kolb is a wonderful attorney and a great asset to the LMRWD.

Manager Lammers asked about the timeline Ms. Brennan and Mr. Degler had in mind for their conversations they are hoping to have. Ms. Brennan acknowledged that it will need to be done as quickly as possible; however, there are other jurisdictions that have to weigh in on this. She said they are trying to get these conversations organized right now.

Nick Koltavy, Assistant Carver County Administrator, shared that they do not have a defined timeline as they are still early in these conversations. He noted that he understands that the LMRWD needs to determine a path forward and they are trying to move as quickly as possible.

Manager Lammers asked if any steps are being taken with BSWR. Ms. Brennan said there currently is not; however, they realize that this is a process that they will have to go through.

Manager Salvato asked if they are anticipating having any dialogue with the Board or if there is any insight that the Board has that the Counties may not be seeing in the current governance structure. Mr. Degler said they would have to have dialogue and conversation with the Board as they are the Board that is currently governing the operation. He explained that although his term is ending in January, he is confident that the Board will still be heavily involved in these discussions moving forward.

Manager Kuplic said this feels out of left field and is wondering the reasoning behind this. Mr. Koltavy explained that this has been on the Carver County radar for quite some time to review the boundaries. He noted that with the pending retirement of Administrator Loomis it seemed like a good time to explore this. Ms. Brennan added that any opportunity to lessen government is always a good opportunity to take. She noted that there are other WMOs that are doing the same work, and it makes sense to expand the WMO.

Vanessa Strong, Water Resource Supervisor, Scott County Water Management Organization, shared that the County previously did a similar watershed management study with Prior Lake Spring Lake Watershed District after their administrator announced retirement and it is generally the perspective of the County that if they can align watershed management to make it more efficient, they will do so. She explained that they do not want to reduce the effectiveness of their entities; however, they want to make sure that they are applying the best governance structure possible.

President Barisonzi shared his appreciation for the feedback and ideas presented to the Board. He stated it would be fiduciarily irresponsible of the Board to put a pause on this process as they have a responsibility to the taxpayers for the projects that are in the process of being implemented and they cannot just leave the administrator position open. He said they can still

have conversations about the governance structure while the hiring process moves forward. He added that they designed the posting of the position to be flexible about what type of hire they get, whether it be an individual, or a County unit that applies for the position. He explained that this body is unique in that it is the only watershed district on the Minnesota River that has the river as its footprint while the Counties have the river as their boundary. He noted that they have partnered with the Cities and the Counties to minimize a layer of government and make it easy for everyone to work together. He explained that the process of dismantling or changing the governance of the Board would take State action and this would not happen in any kind of timely way.

Manager Lammers asked if the Prior Lake Spring Lake Watershed District Administrator retired prior to the end of the review process. Ms. Strong said yes and explained that the retirement started the watershed management plan governance study, and the Watershed District did hire a new administrator during the process of completing the study.

Manager Lammers asked how long this timeline was. Ms. Strong said it took around three years.

President Barisonzi shared that the Personnel Committee met and created a timeline for hiring of a new Administrator that is in line with Administrator Loomis' retirement plans.

Manager Lammers shared that considering how long the similar process took with Prior Lake Spring Lake Watershed Management District, he thinks the LMRWD needs to continue with the process of hiring a new administrator.

Manager Kuplic asked if all the Counties in the LMRWD are on board with this. Ms. Brennan shared that they have been in conversation with all the Counties in the district.

Manager Salvato made a motion to authorize release of advertisements for recruitment and to authorize the personnel committee to oversee recruitment process, including assembling recruitment team, scheduling a Q & A forum during recruitment period, screen candidates, conduct interviews and assessments of candidates, and select a suitable candidate and extend a formal offer. Manager Kuplic seconded. Upon a vote being taken, the motion was carried unanimously.

D. Spring Creek Update

Administrator Loomis introduced and gave a brief background of this item. She shared that the bank stabilization project on Spring Creek in Carver has been completed. She reviewed photos of the completed project with the Board.

Manager Salvato said they have been talking about this project for a long time and it is great to see this completed.

President Barisonzi asked what kind of press they could do to tell this story in the context of the essential role of the LMRWD. Administrator Loomis shared that they a press release can be prepared and shared on Facebook with the photos of the project.

Manager Salvato suggested getting quotes or interviews from residents who are pleased with the outcome of this project.

Ms. Young shared that this spring, the bank will be vegetated so they will be able to have a progression of coverage from the before, to now, to the future.

President Barisonzi shared that he would like the LMRWD to own the writing and presentation of the narrative themselves. He suggested they reach out to a local environmental reporter to tell this story. He thanked all of those who were involved in the project.

Manager Kuplic added that they can convey in their story how the increase in water in the watershed district has impacted this site and how the LMRWD is needed to protect these kinds of things from potential environmental consequences.

President Barisonzi shared that it will be critical for them to understand how many projects like this will become necessary based on the current projections around climate change. He noted that the LMRWD is essential for things like this as there is someone who is looking out for the watershed and not just the boundary of the river.

Administrator Loomis added that this also speaks to the significance of the gully assessment and inventory that they have been doing. She noted that the LMRWD also has a steep slope overlay in their rules which none of the other cities or watershed districts have.

Informational only, no action required.

5. CONSENT AGENDA

President Barisonzi introduced this item.

- A. Approve Minutes October 9, 2024, and November 6, 2024, Regular Meetings and November 6, 2024, Workshop**
- B. Receive and file November 2024 Financial Report**
- C. Approval of Invoices for payment**
 - i. Clifton Larson Allen (CLA) - Financial services through November 2024**
 - ii. TimeSavers Off Site Secretarial – Preparation of October 2024, meeting minutes**
 - iii. TimeSavers Off Site Secretarial – Preparation of November 2024 meeting minutes**
 - iv. Rinke Noonan, Attorneys at Law - October 2024 legal services for permit fee development, Area #3, Lakota Lane and general services**
 - v. Daniel Hron - December 2024 office rent**
 - vi. US Bank Equipment Finance – December 2024 copier lease payment**
 - vii. Young Environmental Consulting Group, LLC –November 2024 technical, and Education and Outreach services**
 - viii. Naiad Consulting, LLC – October 2024 administrative services, mileage, and expenses**
 - ix. 106 Group - Archeological survey work for Area #3 (#3193-3036-3)**
 - x. 106 Group - Archeological Field work for Area #3 (#3193-2883-14)**
 - xi. Bolton & Menk – Engineering Services, related to Vernon Avenue**
 - xii. Frenette Legislative Advisors – October November & December government relations services**
 - xiii. Minnesota Star Tribune – Vernon Avenue bid advertisement**
 - xiv. 4M Fund – October 2024 fund service charges**
- D. Report from the Citizen Advisory Committee**
- E. Minutes of Board Committees**
 - Personnel Committee – November 13, 2024
- F. Approve Government Relations Service Agreement with Park Street Public**
- G. Letter to MPCA regarding MS4 designation**
- H. Authorize scope of work from Dakota County SWCD for 2025 monitoring, TACS and Education services**
- I. Authorize preparation of the 2024 Annual Report**

Manager Salvato made a motion to approve the Consent Agenda with the addition of two invoices one from Bolton & Menk Inc. and one from the Minnesota Star Tribune. Manager Lammers seconded the motion. Upon a vote being taken, the motion carried unanimously.

6. PERMITS

A. LMRWD Permit Renewals

President Barisonzi introduced this item.

Manager Lammers made a motion to approve renewals of the permits listed in Table 1. of the Technical Memorandum – December 2024 Permit Renewal Requests, dated December 4, 2024. Manager Kuplic seconded the motion. Upon a vote being taken the motion was carried unanimously.

B. LTS MSP Lateral 2 (LMRWD No. 2024-014)

President Barisonzi introduced this item and provided a brief background.

Manager Salvato stated this is not the first time a permit of this type has come up. She shared that she had an individual conversation with Administrator Loomis, and it made her think about what they are doing to protect the groundwater resources and if there is any kind of district-level rule about protecting groundwater resources.

Administrator Loomis shared that groundwater protection has long been a concern of the LMRWD. There has been a concern about appropriation permits that the Minnesota DNR approves in the watershed district as well as the impact of underground activities that could potentially adversely impact groundwater. She said this is certainly an area that they can look at in more depth during the development of the next generation of the watershed plan.

Ms. Young explained that in the past the main concern looked at was pumping in the recharge areas and the specific impacts on the fens. She noted that what was discussed was more related to the potential impacts to quantity. She said quality was not something that has been looked into, but they can definitely start looking into this in partnership with the DNR and others. She noted counties typically deal more with groundwater.

Administrator Loomis added that Scott and Hennepin Counties do not currently have groundwater plans.

President Barisonzi shared that when this was originally brought to him, he was concerned with the proliferation to the integrity of the river itself. He noted that these projects (pipelines under the river) in the past were being approved on a one-off basis based on whether there was proper remediation of the immediate potential concerns without any kind of look at the realistic, aggregated impact of multiple projects and what the ramifications are for these projects.

Administrator Loomis shared that this project will not run under the river but will run parallel to Trunk Highway 13.

Ms. Young noted that the LMRWD has the ability to implement any kind of requirement with a permit like this. She explained that they may need to look through their rules to see what requirements are needed.

President Barisonzi stated he would like direction from Ms. Young on how this work plan can be adjusted to add initial analysis before they ask legal counsel what rules need to be changed.

Manager Kuplic made a motion to approve a permit for LTS MSP Lateral 2 (LMRWD No. 2024-014) with the special stipulation that the contractor contact the LMRWD immediately upon the discovery of disturbed ground water or the release of lubricant fluid. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.

7. ACTIONS ITEMS

A. 2025 Legislative Agenda

President Barisonzi introduced this item and shared the request to move this item to the January meeting.

The Board suggested laying this item over to the January 15, 2025 Board of Managers meeting. Hearing no objections, the item was laid over.

B. Education & Outreach

o Approve Educator mini-grants

President Barisonzi introduced this item. He explained that the last time they approved mini-grants, he identified an issue that they were approving of the purchase of things that had been paid for elsewhere. He asked to what degree all the organizations that they invest in are communicating with each other for sharing resources.

Administrator Loomis shared that they do not necessarily know what River Watch is using their funding for. She also noted that once a school has the equipment it can be re-used year after year. She questioned whether it was reasonable to expect schools to borrow equipment from River Watch. She some of the schools have chosen to connect with River Watch in the past to share resources and they the LMRWD will continue to try make the connection.

President Barisonzi stated he is uncomfortable with the mini-grant; however, he will not be voting against it as it is a relatively small amount and he does not want to undermine the CAC process.

Manager Lammers made a motion to approve Educator Mini-Grants as recommended by the Citizen Advisory Committee: Shakopee High School for \$449.95; Chaska High School for \$500; Minnesota Valley refuge Friends for \$500; and Pilot Knob STEM Magnet School for \$479.84. Manager Kuplic seconded the motion. Upon a vote being taken the motion was carried unanimously.

C. Administrative Services Update

This item was moved to 4. C. on the agenda.

D. Authorize payment to US Army Corps of Engineers for dredging at mouth

President Barisonzi introduced this item.

Administrator Loomis shared that Manager Salvato asked her why they are paying for this and asked if they had paid for other dredging in the past. She said they have never paid for dredging in the past and the explanation is that dredging in the mouth of the river occurs once every 25

years and the Corp of Engineers was concerned about the distance between the dredge placement site they have. She shared that when she first started with the Board, the Corp had asked them to provide a placement site closer to the mouth of the river. She added that they identified a parcel that they could lease from the airport to use for placing dredge material. She shared that they did some initial studies of this area and the cost to develop it came to over \$1,000,000. She explained that they took this plan to the Corp of Engineers who were worried that they would not approve this site because of all of the utilities that were under the property. She then asked them if it would be cheaper for them to just pay the difference in the transportation costs, which is why they are now paying for this.

President Barisonzi noted that one of the misunderstandings about the LMRWD is that the cost of dredging is largely incurred by State dollars rather than what they levy. He asked what percentage of dredging costs are covered by State dollars. Administrator Loomis said it is covered 100% by State dollars. President Barisonzi noted that the taxpayers are not paying for this dredging through the levy.

Administrator Loomis shared that they went to the State to request this funding as they did not think it was appropriate for the taxpayers in an 80-square-mile area to have to pay for the maintenance of this navigation channel and it should be done across a broader base.

President Barisonzi asked if these dredge costs will not be covered by the State. Administrator Loomis said it will be covered by the State.

President Barisonzi asked if they have a forecast or projects based on the climate modeling for the period in which this dredging will be required. Administrator Loomis shared that the Corp of Engineers just held their River Resource Forum and she missed the discussion around channel maintenance; however, she did see in their presentation that there was a closure in the channel in September and that they are still assessing the impacts of this. She added that they also shared the 20- and 35-year averages in the dredging for the St. Paul district. She said there is an upward trend in the amount of sediment that they are removing from navigation channels everywhere.

Manager Lammers made a motion to authorize payment to the US Army Corps of Engineers not to exceed \$152,019.63. Manager Kuplic seconded the motion. Upon a vote being taken, the motion was carried unanimously.

E. Funding Request from Dakota County SWCD for Winter Salt Week

President Barisonzi introduced this item.

Lindsey Albright, Monitoring and Outreach Coordinator, Dakota County Soil & Water Conservation District, shared that this is a project that the Dakota County SWCD put together rather quickly and it is a great initiative that has a series of webinars throughout the week in regard to winter salt. She noted that they are looking at the Thursday of this Winter Salt Week as doing a local focus day. She said she is working with Dakota County on this Dakota County-focused event in partnership with the Dakota County Library. She shared that they will have resources available at the library throughout the week.

President Barisonzi shared that the River Watch Program is a local partner with the Izaak Walton League. He suggested that they reach out to Mr. Crawford as they have a lot of kits and printed materials that could be utilized for this. He added that they also have a youth program that could be tapped into.

Manager Salvato shared that her organization is doing work for Winter Salt Week and she thinks this is a great opportunity.

Manager Kuplic made a motion to authorize a contribution to the Dakota County Soil & Water Conservation District to support its Winter Salt Week program. Manager Salvato seconded the motion. Upon a vote being taken, the motion was carried unanimously.

F. 2025 Personnel and Finance Committee meeting schedule

President Barisonzi introduced this item.

Manager Lammers made a motion to set the meeting schedule for the personal and finance committee meetings holding Personnel Committee meetings on the first Wednesday of the month and Finance Committee meetings on the second Wednesday of the month at 7:00 PM. Manager Kuplic seconded the motion. Upon a vote being taken, the motion was carried unanimously.

8. BOARD DISCUSSION ITEMS

A. State of the Minnesota River Listening Session

President Barisonzi introduced this item.

Administrator Loomis shared that they have been trying to figure out how to best manage this Listening Session. She stated they approached Steve Woods, who has agreed to facilitate this meeting. She added that they have also been looking at audio and visual components for the meeting. She asked for feedback on the agenda that was set.

President Barisonzi asked about the possibility of doing some direct testimony from speakers. Ms. Young shared that the speakers are people that they have heard from before and they would like their presentation materials submitted before the event so they can present at the event.

President Barisonzi noted that this is the Board's next big event and the Managers' personal outreach is essential.

Manager Salvato suggested having some organization between the Board for how they will all dress for the event and how the event will flow overall. Ms. Young said they discussed today what the expectation of the Board would be for this event.

Manager Salvato asked if the Managers can have access to the invitation list so she can see who they have invited and she can follow up with those who they have not gotten a response from. Ms. Young said they can make this information available.

Manager Salvato made a motion to authorize Staff to expend resources as necessary for audio and visual equipment and other needs for the event. Manager Kuplic seconded the motion. Upon a vote being taken, the motion was carried unanimously.

9. FOR INFORMATION ONLY

A. Study Area #3

Administrator Loomis introduced this item. She shared that they are currently hung up on waiting for to get all the items requested by the City to get the property purchased by the LMRWD re-platted and rezoned. She said they are hopeful to get the survey to the City soon.

For information only – no action required.

B. Seminary Fen Ravine Stabilization update

Administrator Loomis introduced this item. She shared that funding from the LMRWD is no longer needed for this project and that resolution for reallocation of the funding within the LMRWD budget will be brought to the Board later in the year.

For information only – no action required.

C. LMRWD Permit Program Summary

No action required.

10. COMMUNICATIONS

- A. **Administrator Report:** Administrator Loomis shared that US Fish and Wildlife is proposing to add the Monarch Butterfly to the list for endangered species protection. She added that MnDOT is proposing to replace the culvert on Truck Highway 13 that goes over Credit River. She shared that she received a request from the Scott County SWCD that the City of Shakopee has requested some additional monitoring of Eagle Creek with the amount of development going on in this area. She added that the City of Savage has also asked for additional monitoring of chloride in Credit River.

President Barisonzi shared that US Fish and Wildlife released a period of comment on protected land for the rusty patched bumble bee. He noted that this area covers the LMRWD area. He stated that when he looks at the map it appears as though they took advantage of any property under the US Fish and Wildlife and put this into the area. He will personally be writing some comments on this.

Administrator Loomis continued her report and shared that MPCA surface water monitoring will be taking place and Carver County was planning on applying for a surface water assessment grant. She said they were able to work out how this funding will be applied. She added that at the November meeting, Manager Salvato asked her how many members there are in the Soil Health Coalition. The Coalition reported there are currently around 100 members, but they are always looking for more. She noted that Winter Salt Awareness Week will be January 27-31.

- 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, President Barisonzi adjourned the meeting at 8:43 PM.

The next regular meeting of the LMRWD Board of Managers will be at 7:00, Wednesday, January 15, 2025, in the Board Room at the Carver County Government Center.

Lauren Salvato, Secretary

Attest:

Linda Loomis, Administrator

UNAPPROVED