

Please note the meeting will be held at the Carver County Government Center on the Wednesday, June 19, 2019



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

Lower Minnesota River Watershed District

7:00 PM

Wednesday June 19, 2019

Carver County Government Center

602 East Fourth Street, Chaska, MN 55318

Agenda Item	Discussion
1. Call to order	A. Roll Call
2. Approval of agenda	
3. Citizen Forum	<p><i>Citizens may address the Board of Managers about any item not contained on the regular agenda. A maximum of 15 minutes is allowed for the Forum. If the full 15 minutes are not needed for the Forum, the Board will continue with the agenda. The Board will take no official action on items discussed at the Forum, with the exception of referral to staff or a Board Committee for a recommendation to be brought back to the Board for discussion or action at a future meeting.</i></p>
4. Consent Agenda	<p><i>All items listed under the consent agenda are considered to be routine by the Board of Managers and will be enacted by one motion and an affirmative vote of a majority of the members present. There will be no separate discussion of these items unless a Board Member or citizen request, in which event, the items will be removed from the consent agenda and considered as a separate item in its normal sequence on the agenda.</i></p> <p>A. Approve Minutes May 15, 2019 Regular Meetings</p> <p>B. Receive and file May 2019 Financial reports</p> <p>C. Approval of Invoices for payment</p> <ul style="list-style-type: none"> <li>i. Coalition for a Clean Minnesota River - sponsorship of MN River Congress</li> <li>ii. Daniel Hron - June 2019 office rent</li> <li>iii. Metro Conservation District - Sponsorship of Metro Children's Water Festival</li> <li>iv. MN Association of Watershed Districts - 2019 membership dues</li> <li>v. Pace Analytical Services, LLC - April sample testing of Ike's Creek for Chloride</li> <li>vi. Scott County Soil &amp; Water Conservation District - Q1 2019 monitoring services in Scott County</li> <li>vii. US Bank Equipment Finance July 2019 copier lease payment</li> <li>viii. Naiad Consulting, LLC - February and March 2019 Administrative Services &amp; Expenses</li> <li>ix. US Geological Survey - MN River flow &amp; sediment monitoring</li> <li>x. Dakota County Soil &amp; Water Conservation District - Q1 2019 monitoring</li> </ul>

	<p>services in Dakota County</p> <p>xi. TimeSaver Off Site Secretarial Service, LLC - Preparation of April 2019 meeting minutes</p> <p>xii. Young Environmental Consulting Group, LLC - April 2019 Technical Services</p> <p>D. Eden Prairie Area #3 Inclinator reading</p> <p>E. Letter thanking Riley Purgatory Bluff Creek Watershed District</p>
5. New Business/ Presentations	<p>A. Freshwater Society Cost Share</p> <p>B. Savage Fen/Boiling Spring Cost Share</p> <p>C. 2020 Preliminary budget</p>
6. Old Business	<p>A. MN River Congress Request</p> <p>B. Remote meeting participation</p> <p>C. Dredge Management</p> <p>i. Funding for dredge material management</p> <p>ii. Vernon Avenue Dredge Material Management site</p> <p>iii. Private Dredge Material Placement</p> <p>D. Watershed Management Plan</p> <p>E. 2019 Legislative Action</p> <p>F. Education &amp; Outreach</p> <p>G. LMRWD Projects - See Administrator Report for project updates <b><i>(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)</i></b></p> <p>i. Lower Riley Creek Corridor Enhancement Project</p> <p>H. Local Water Management Plan Reviews</p> <p>i. City of Shakopee -</p> <p>I. Project Reviews - See Administrator Report for project updates <b><i>(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)</i></b></p> <p>J. MPCA Soil Reference Values - No new information since last update</p>
7. Communications	<p>A. Administrator Report</p> <p>B. President</p> <p>C. Managers</p> <p>D. Committees</p> <p>E. Legal Counsel</p> <p>F. Engineer</p>
9. Adjourn	<p>Next meeting of the LMRWD Board of Managers is 7:00pm Wednesday, July 17, 2019</p>

Upcoming meetings/Events

- Upper Mississippi River Waterway Association - Thursday, June 20th, 2019, 11:30am Frank Marko Home, Newport
- MAWD Summer Tour - June 26 through June 28 - Red River Valley
- Metro MAWD - Tuesday, July, 16, 7:00pm Cap Region Watershed District, 595 Aldine Street, St. Paul

## For Information Only

- WCA Notices
  - City of Chanhassen -Notice of Decision - TH 101, Paws & Claws site
- DNR Public Waters Work permits
  - None
- DNR Water Appropriation permits
  - City of Bloomington - Temporary Water Appropriation - Minger Construction for MCES, temporary dewatering for construction of manhole and sewer connection for MOA transit station
  - City of Shakopee - Temporary Water Appropriation application - SM Hentges & Sons, Inc. for City of Shakopee, temporary construction dewatering to allow reconstruction/expansion of stormwater pond and removal of water from new street subgrade.

## Future Manager Agenda Items list

- Report on I494 - TH 169 to Minnesota River
- Report on TH 101 realignment
- Report on MN State Trail
- Report on Freeway Landfill
- Report on Burnsville Landfill
- Report of water quality testing of Minnesota River from MPCA
- Report on Flying Cloud Landfill
- Record retention policy
- AIS Policy
- Riverbank stabilization policy

## Future TAC Agenda Items List

- LMRWD Vegetation Management Plan
- LMRWD monitoring plan



Item 4A  
LMRWD 6-19-2019

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, May 15, 2019

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

Approved \_\_\_\_\_, 2019

#### 1. CALL TO ORDER AND ROLL CALL

On Wednesday, May 15, 2019, at 7:00 PM 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) and asked for roll call to be taken. The following Managers were present: Manager David Raby and President Jesse Hartmann. In addition, the following were also present: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, Technical Consultant; Jeff Weiss, Barr Engineering, Engineering Consultant; Joe Magner, Watershed Recovery LLC and University of Minnesota Professor ; Lindsey Albright, Dakota County SWCD; and Krista Spreiter, Mendota Heights;

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis said she did not have any additions or changes to the agenda. President Hartmann asked to add the proposal from Tierney, regarding remote participation in meetings by Managers to the agenda as Item 6. I., under Old Business.

**President Hartmann made a motion to approve the Agenda, as amended. The motion was seconded by Manager Raby. The motion carried unanimously.**

#### 3. CITIZEN FORUM

There were no citizens who wished to address the board on non-agenda items.

#### 4. CONSENT AGENDA

President Hartmann introduced the item.

##### A. Approve Minutes April 17, 2019 Regular Meetings

##### B. Receive and file April 2019 Financial reports

##### C. Approval of Invoices for payment

- i. Daniel Hron - April & May 2019 office rent
- ii. Pace Analytical Services, LLC - March sample testing of Ike's Creek for Chloride
- iii. Frenette Legislative Advisors - April 2019 lobbying service
- iv. Rinke Noonan - February & March 2019 legal services
- v. US Bank Equipment Finance June 2019 copier lease payment
- vi. Young Environmental Consulting Group, LLC - February 2019 Technical Services

- vii. **Scott County - Report for 2018 Audit**
- viii. **Young Environmental Consulting Group, LLC - March 2019 Technical Services**

**Manager Raby made a motion to approve the Consent Agenda, as amended. The motion was seconded by President Hartmann. The motion carried unanimously.**

## **5. NEW BUSINESS**

### **A. Presentation of geomorphic assessment of trout streams project**

Ms. Della Young introduced, Mr. Jeff Weiss, Barr Engineering and Mr. Joe Magner, Watershed Recovery, LLC and a professor at the University of Minnesota. Della provided an overview of the project. The recent changes to the LMRWD Watershed Management Plan addressed High Value Resources. As the LMRWD went through the Plan amendment process, we realized that the LMRWD did not have much baseline information to develop management strategies for the trout waters within the District. This project will look at trout streams and fill in the data gaps.

Jeff Weiss spoke about the desktop assessment to characterize the watershed and streams. The desktop assessment delineated the watershed for each stream, but also looked at sub-watersheds that contribute to each of the tributaries. They looked at watershed slopes, the latest histories and changes over time. He explained the different parameters that were looked at, sinuosity, topography, vegetation longitudinal profiles and more. This work will help to prepare for going out into the field to perform the actual surveys.

Professor Joe Magner spoke about the actual assessment work. Interns will be used to conduct the field work and manage the data. They will focus on critical areas for trout habitat. They will look at hydrology, geology and hydrogeology to determine the best way to manage for the future in terms of trout resources. Work is aligned with requirements of the Minnesota DNR, so that future work will meet state permit requirements. Increasing precipitation will be considered and at risk reaches will be identified for protection and stabilization.

Manager Raby asked if we were considering assessing all of the tributaries in the LMRWD. Ms. Young explained that all of the trout streams will be assessed. Ms. Young then went on to explain the timeline for the project and tasks and training that will be conducted with the interns.

### **B. Cost Share application 1437 Valley Drive - Burnsville**

Administrator Loomis explained that this applicant received a grant last year from the LMRWD for a rain garden in the front of the home. This application is for a rain garden in the back of the home. She asked the applicant if pictures were available of the project completed last year. Administrator Loomis shared pictures of the previous project with the Board.

Administrator Loomis noted the applicant has been working with Dakota SWCD for technical assistance. The applicant is asking for \$785 in cost share. Lindsey Albright, Dakota SWCD told the Board the estimate of cost if comparable with what other project they assist with.

Administrator Loomis noted the request does not include any labor and is only for 50% of plants and materials.

**Manager Raby made a motion to receive and file the monitoring report. The motion was seconded by Manager Frey. The motion carried unanimously.**

## **6. OLD BUSINESS**

### **A. Dredge Management**

- i. **Review Process for funding of maintenance of Navigation Channel**

No information to report other than what was included in the Executive Summary.

**ii. Vernon Avenue Dredge Material Management site**

Administrator Loomis visited the dredge site and noted Vernon Avenue is in pretty rough shape due to flood water. She recommended that the District document the condition of Vernon Avenue now that flood waters have receded.

She noted that the improvements to the dredge site that were planned for this fall will be difficult to get done. The site has been extremely wet and if wet weather continues, the site will not be dry enough to begin construction. Manager Raby asked about the expiration of the grant. Administrator Loomis said she will get in touch with BWSR to tell them that we may not be able to get the grant funds spent before the expiration of the grant.

Ms. Young noted that the application to amend the Conditional Use Permit has been submitted to the City of Savage.

**iii. Private Dredge Material Placement**

No information to report other than what was included in the Executive Summary.

**B. Watershed Management Plan**

Administrator Loomis reported that a Technical Advisory Committee (TAC) meeting was held yesterday (May 14, 2019). MS. Della Young and Mr. John Kolb were there to walk TAC members through the draft rules, explain the general permit process the LMRWD will implement and give the TAC the timeline for rules approval and general permit application.

The meeting was well attended. The TAC was asked to provide comments to the LMRWD by the end of the month. The city of Chanhassen has requested a meeting with LMRWD staff. Staff will schedule a meeting with Chanhassen and with any other city that may request a meeting.

**C. 2019 Legislative Action**

Administrator Loomis reported that she was at the legislature last week and spoke to Senator Ingebrigtsen, who is chair of the Senate Environment and Natural Resources Finance Committee. She reminded him that the LMRWD did pull the bill we had drafted this year, once we found that we were included in the base funding for BWSR. He said that he would support the base funding at the full amount and he said he would be interested to come see the dredge site.

She also spoke with Representative Peter Fischer, who had asked questions at the hearing of the LMRWD request when the bill come before the House Environment and Natural Resource and thanked him for his support. He is also interested in visiting the dredge site.

Administrator Loomis asked the Board if they received the MAWD Legislative updates. The Board indicated that they did get them.

**D. Education and Outreach Plan**

Administrator Loomis reported that she had attended the Eden Prairie Arbor Day Walk & Green Fair. She reported that some people stopped by from the Chimney Pines Neighborhood and wanted to be sure that she let the Board know how much they appreciated the cost share program that has allowed them to improve the pond in the middle of the neighborhood. Manager Raby reported that he and his wife attended.

She reminded the Board that the LMRWD will be at the Bloomington Public Works Open House.

She noted that she is working to arrange a tour for the Savage Chamber of Commerce. She has contacted Upper River Services to see if it would be possible to get a barge and has not heard back from them. She noted that she would contact the Padelford Packet Boat Company or the Magnolia Blossom.

**E. LMRWD Projects**

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

The Board briefly discussed the denial by BWSR of the grant payment for Seminary Fen.

**F. Local Water Management Plan Reviews**

**i. City of Shakopee**

The LMRWD has not received a response from Shakopee to the comments.

**G. Project/Plan Reviews**

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

**H. MPCA Soil Reference Values - no change since last update**

No new information since last update.

**I. Quote from Tierney Brothers**

The LMRWD received a quote from Tierney Brothers to put together a plan for the LMRWD in order to allow Managers to participate in Board meetings from a remote location. The Board thought the quote was confusing and asked Administrator Loomis to find out if Rice Creek Watershed District implemented a system and what the system cost.

The Board discussed whether a system needed to be hard wired. Manager Raby noted that if the LMRWD goes ahead with the design the District would get a credit toward the implementation of the design.

**7. COMMUNICATIONS**

**A. Administrator Report:** Administrator Loomis asked if the Board received notice of the MAWD Summer Tour. Managers said they received notice. Manager Raby thought the Summer Tour looked interesting. Manager Raby asked how well attended Summer Tours usually are. Ms. Young said she has been at a Summer Tour in the Red River Basin and it was well attended. Manager Loomis noted that people that need to see what has been done in the Red River Basin are not part of Watershed District's, such as the Greater Blue Earth River Basin Association, the Le Sueur River Watershed Alliance, Area II, and Watonwan River group. These groups do not receive invitations to come on tours such as this.

The Board discussed how late information for the Summer Tour was available. It was noted that the date was not readily apparent at the MAWD website, if it was there at all.

**B. President:** No report

**C. Managers:** No report

**D. Committees:** No report

**E. Legal Counsel:** No Report

**F. Engineer:** No report

**8. ADJOURN**

**President Hartmann made a motion to adjourn. Manager Raby seconded the motion. The meeting was adjourned at 7:53pm. The next meeting of the LMRWD Board of Managers will be**

**7:00, Wednesday, June 19, 2019 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN.**

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Dave Raby, Secretary

Attest:

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Linda Loomis, Administrator

DRAFT



**Item 4.B.**  
**LMRWD 6-19-19**

<b>BEGINNING BALANCE *</b>	<b>30-Apr-19</b>	<b>\$ 1,789,484.43</b>
<b>ADD:</b>		
<b>General Fund Revenue:</b>		
Watershed Based Funding Grant		<u>\$ 91,021.00</u>
<b>Total Revenue and Transfers In</b>		<b>\$ 91,021.00</b>
<b>DEDUCT:</b>		
<b>Warrants:</b>		
415296 Coalition for a Clean MN River	Sponsorship of MN River Congress	\$ 100.00
415616 Daniel Hron	June 2019 office rent	\$ 650.00
415634 Metro Conservation District	2019 Metro Children's Water Fest.	\$ 1,650.00
415636 MN Assoc. of Watershed Districts	MAWD Annual Dues	\$ 7,500.00
415641 Pace Analytical Services LLC	Chloride testing of Ike's Creek	\$ 80.00
415651 Scott County SWCD	Q1 2019 monitoring services	\$ 8,650.63
415664 US Bank Equipment Finance	July 2019 copier lease payment	\$ 168.10
100009046 Naiad Consulting	Feb & March 2019 Admin Servicees	\$ 23,921.26
100009056 US Geological Survey	MN River Flow & Sediment monitoring	\$ 4,947.00
100009179 Dakota County SWCD	Q1 2019 monitoring services	\$ 1,960.00
100009208 TimeSaver Off Site Secretarial	Preparation of April meeting minutes	\$ 215.00
100009212 Young Environmental Consulting	April 2019 Technical Services	\$ 24,977.88
<b>Total Warrants/Reductions</b>		<u><b>\$ 74,819.87</b></u>
<b>ENDING BALANCE</b>	<b>31-May-19</b>	<u><b>\$ 1,805,685.56</b></u>

EXPENDITURES	2019 Budget	May Actual	YTD 2019	Over (Under) Budget
<b>Administrative expenses</b>	\$ 250,000.00	\$ 36,386.14	\$ 69,318.04	\$ (180,681.96)
<b>Cooperative Projects</b>				
Eden Prairie Bank Stabilization Area #3	\$ -	\$ -	\$ -	\$ -
Gully Erosion Contingency Fund	\$ -	\$ -	\$ -	\$ -
USGS Sediment & Flow Monitoring	\$ 19,700.00	\$ 4,947.00	\$ 9,894.00	\$ (9,806.00)
Ravine Stabilization at Seminary Fen in Chaska	\$ -	\$ -	\$ -	\$ -
<b>509 Plan Budget</b>				
<i>Resource Plan Implementation</i>				
Assumption Creek Hydrology Restoration	\$ 30,000.00	\$ -	\$ -	\$ (30,000.00)
Carver Creek Restoration	\$ 80,000.00	\$ -	\$ -	\$ (80,000.00)
Groundwater Screening Tool Model	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Eagle Creek (East Branch) Project	\$ 10,000.00	\$ -	\$ -	\$ (10,000.00)
Minnesota River Floodplain Model Feasibility Study	\$ 30,000.00	\$ -	\$ -	\$ (30,000.00)
Schroeder Acres Park Stormwater Mgmt Project	\$ 39,555.00	\$ -	\$ -	\$ (39,555.00)
PLOC Realignment/Wetland Restoration	\$ 71,727.00	\$ -	\$ -	\$ (71,727.00)
Spring Creek Project	\$ 45,000.00	\$ -	\$ -	\$ (45,000.00)
West Chaska Creek	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Sustainable Lakes Management Plan (Trout Lakes)	\$ -	\$ -	\$ -	\$ -
Geomorphic Assessments (Trout Streams)	\$ -	\$ 3,558.37	\$ 6,924.81	\$ 6,924.81
Paleolimnology Study (Floodplain Lakes)	\$ -	\$ -	\$ -	\$ -
Fen Stewardship Program	\$ 25,000.00	\$ -	\$ -	\$ (25,000.00)
District Boundary Modification	\$ -	\$ -	\$ -	\$ -
East Chaska Creek Bank Stabilization Project	\$ 50,000.00	\$ 6,016.86	\$ 7,878.21	\$ (42,121.79)
East Chaska Creek Treatment Wetland Project	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Minnesota River Sediment Reduction Strategy	\$ 25,000.00	\$ -	\$ -	\$ (25,000.00)
Seminary Fen - gap analysis	\$ -	\$ -	\$ -	\$ -
Data Assessments and Program Review	\$ -	\$ -	\$ -	\$ -
Dakota County groundwater modelling	\$ -	\$ -	\$ -	\$ -
Riley Creek Cooperative Project	\$ -	\$ -	\$ -	\$ -
Local Water Management Plan reviews	\$ 12,000.00	\$ 343.75	\$ 6,198.65	\$ (5,801.35)
Project Reviews	\$ 20,000.00	\$ 2,603.75	\$ 15,741.60	\$ (4,258.40)
<i>Monitoring</i>	\$ 65,000.00	\$ 10,690.63	\$ 10,950.63	\$ (54,049.37)
<i>Monitoring Data Analysis</i>				
<i>Technical Assistance</i>				
<i>Watershed Management Plan</i>				
Rule Drafting	\$ 25,000.00	\$ 1,075.00	\$ 16,660.82	\$ (8,339.18)
Plan Amendment	\$ -	\$ -	\$ -	\$ -
Vegetation Management Standard/Plan	\$ 50,000.00	\$ -	\$ 6,212.35	\$ (43,787.65)
<i>Public Education/CAC/Outreach Program</i>	\$ 30,000.00	\$ 2,550.00	\$ 2,806.75	\$ (27,193.25)
<i>Cost Share Program</i>	\$ 20,000.00	\$ -	\$ -	\$ (20,000.00)
				\$ -
<b>Nine Foot Channel</b>				\$ -
Transfer from General Fund	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Dredge Site Improvements	\$ 240,000.00	\$ 6,648.37	\$ 137,619.37	\$ (102,380.63)
<b>Total:</b>	<b>\$ 1,337,982.00</b>	<b>\$ 74,819.87</b>	<b>\$ 290,205.23</b>	<b>\$ (1,047,776.77)</b>



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday June 19, 2019

### Agenda Item

#### Item 4. D. - Eden Prairie Area #3 Inclinometer Readings

#### Prepared By

Linda Loomis, Administrator

#### Summary

There is a reach of the Minnesota River (RMP 19) that the city of Eden Prairie asked the LMRWD to assess. A residential neighborhood sits atop a bluff that appears to have had significant slope failures in the past. In fact, you can see the river has a bend that is moving down the river valley (see Wenck 2010 report). In 2010, the LMRWD requested Wenck Environmental Consulting & Engineering to study the area and propose options to stabilize the slope. A report [Minnesota River Bank and Bluff Stabilization, Eden Prairie, Minnesota](#), was prepared. In order to monitor movement of the bluff, the LMRWD placed inclinometers in the slope. Braun Intertech has been taking readings from the Inclinometers annually since they were installed.

Readings were attempted in February 2019. However, one of the inclinometers had an ice plug in it preventing measurements from being taken. Braun Intertech went out again in April and they were able to take readings in both inclinometers. Movement was noticed in both inclinometers. Braun has recommended that reading be taken again in a couple of weeks. The LMRWD authorized additional readings. The readings have been shared with the city of Eden Prairie.

Staff met with Phil Solseng and Len Kremer of Barr Engineering to discuss the significance of the movement. Staff will check the data for Quality Assurance/Quality Control (QA/QC). Staff also expects to conduct a field inspection of the toe of the slope once the water level of the river recedes enough to make an inspection safe. Staff will bring its findings to the Board for consideration of possible actions.

#### Attachments

Inclinometer readings

#### Recommended Action

No action recommended



Linda Loomis <naiadconsulting@gmail.com>

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## Inclinometers in Eden Prairie

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**Ripp, Bryan** <BRipp@braunintertec.com>  
To: Linda Loomis <naiadconsulting@gmail.com>

Fri, Mar 22, 2019 at 7:01 PM

Linda

We went out about a month ago and one of the inclinometers had an ice plug in it such that we could not lower the probe. Hopefully the ground will thaw sufficiently over the next few weeks such that we can get readings. Of the one we could read, little or no movement was measured.



Employee Ownership  
working for you

**Bryan J. Ripp, PE, PG, CFM**

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hidden]

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## MN River Inclinometers

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**Ripp, Bryan** <BRipp@braunintertec.com>  
To: Linda Loomis <naiadconsulting@gmail.com>

Wed, May 29, 2019 at 11:27 AM

Linda

Attached are the most recent plots. We are starting to see more movement in both inclinometers. As I wrote to you earlier there was ice in ST-4 inclinometer for the reading on February 14. However, as you can see, the readings for ST-3 on February 14 and April 22 are essentially identical. I recommend that we take another set of readings soon, say within the next couple of weeks to see if the movement has calmed down.



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working for you





**Bryan J. Ripp, PE, PG, CFM**

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[BRipp@braunintertec.com](mailto:BRipp@braunintertec.com)

[braunintertec.com](http://braunintertec.com) | [Twitter: Braun Intertec](#) | [LinkedIn: Braun Intertec](#)

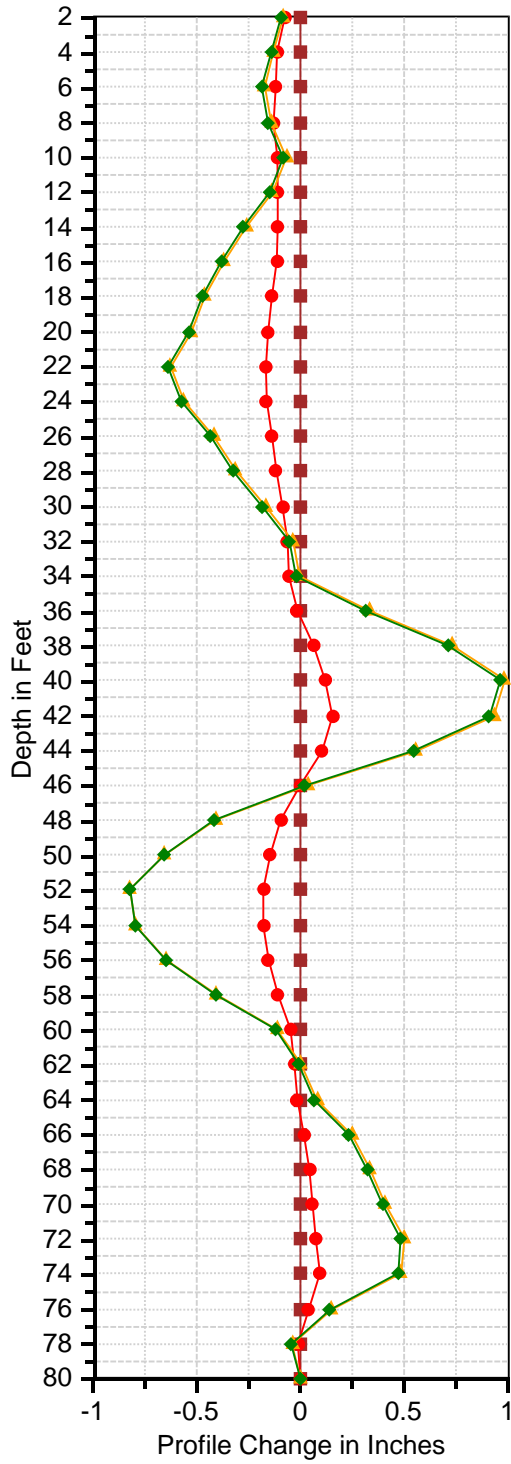
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### 4 attachments

-  **ST-4 CD 5\_3\_2019.pdf**  
230K
-  **ST-4 ID 5\_3\_2019.pdf**  
226K
-  **ST-3 CD 5\_3\_2019.pdf**  
230K
-  **ST-3 ID 5\_3\_2019.pdf**  
228K

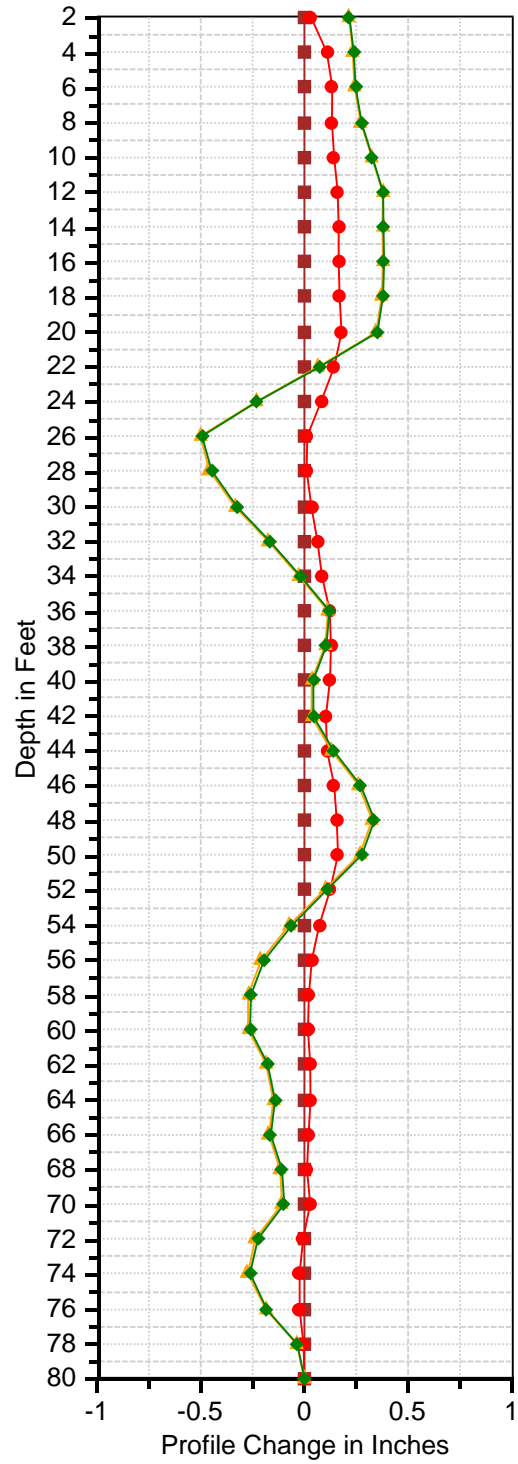
MNRIV ST\_3 A

10/22/2010 11/21/2017  
2/14/2019 4/22/2019



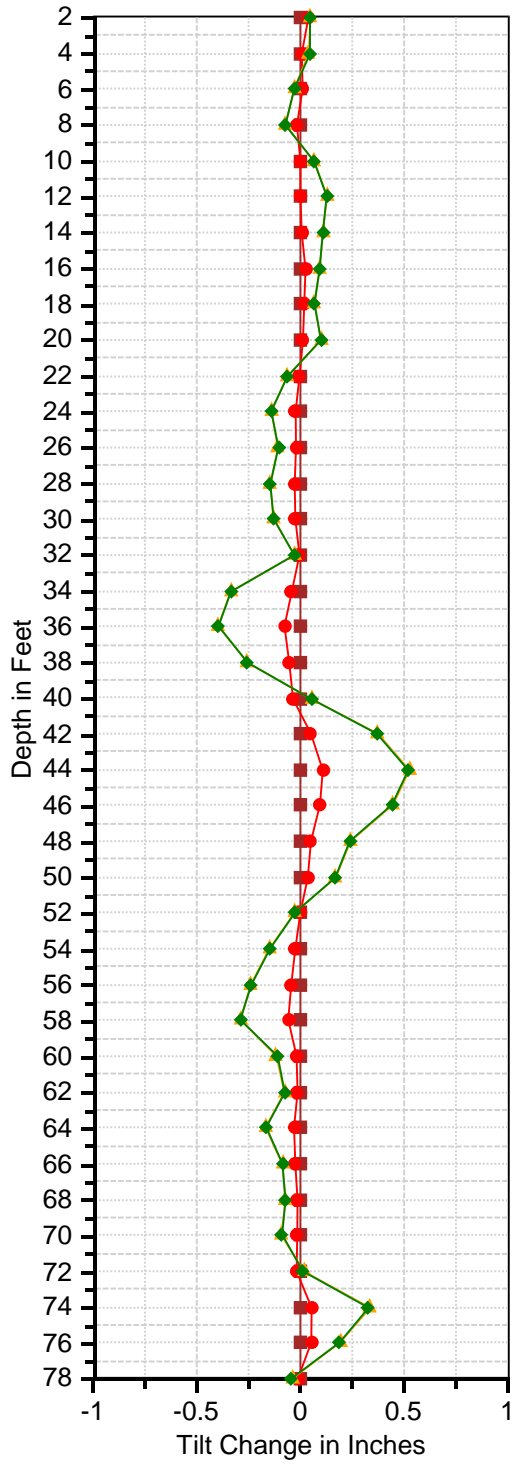
MNRIV ST\_3 B

10/22/2010 11/21/2017  
2/14/2019 4/22/2019



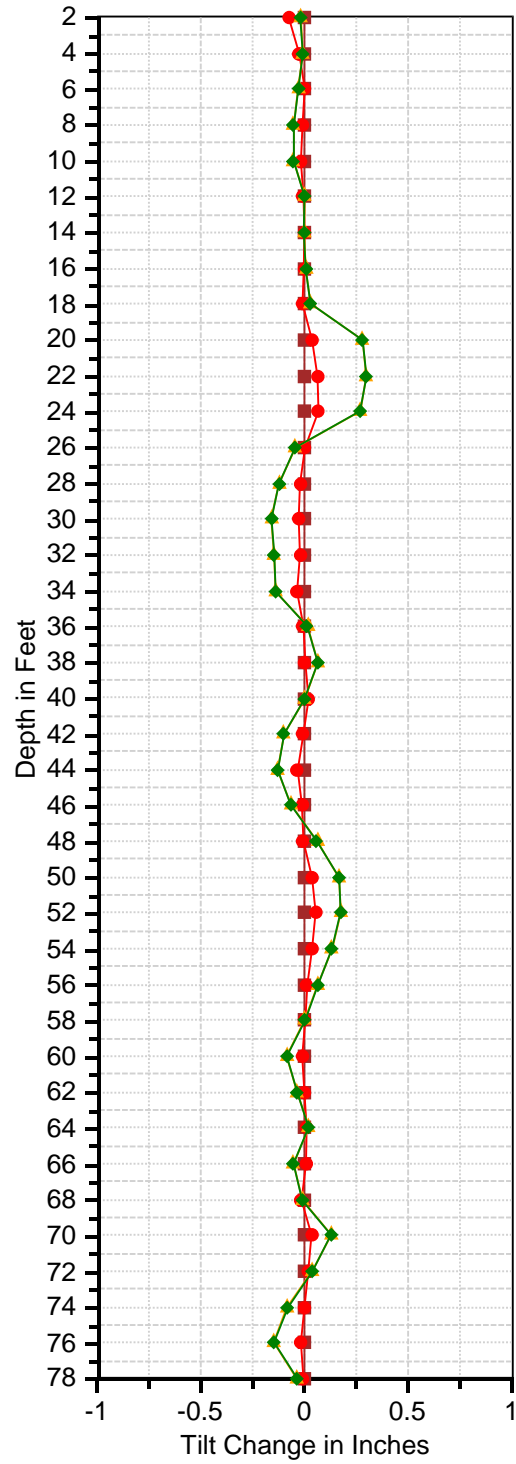
MNRIV ST\_3 A

10/22/2010 11/21/2017  
2/14/2019 4/22/2019



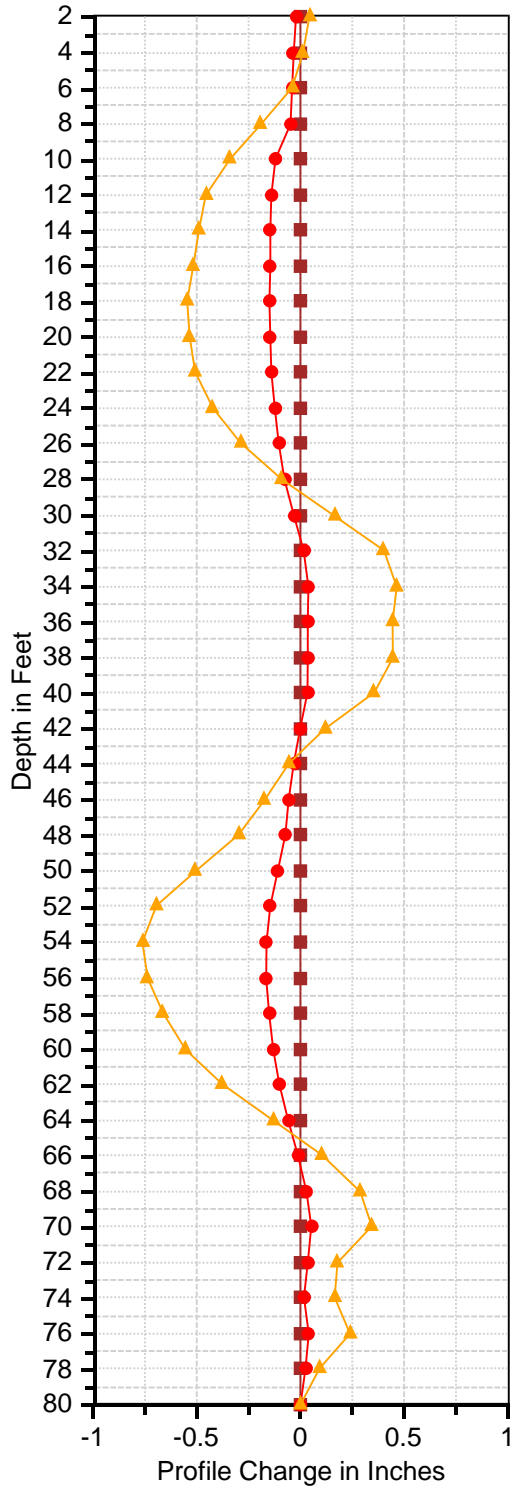
MNRIV ST\_3 B

10/22/2010 11/21/2017  
2/14/2019 4/22/2019



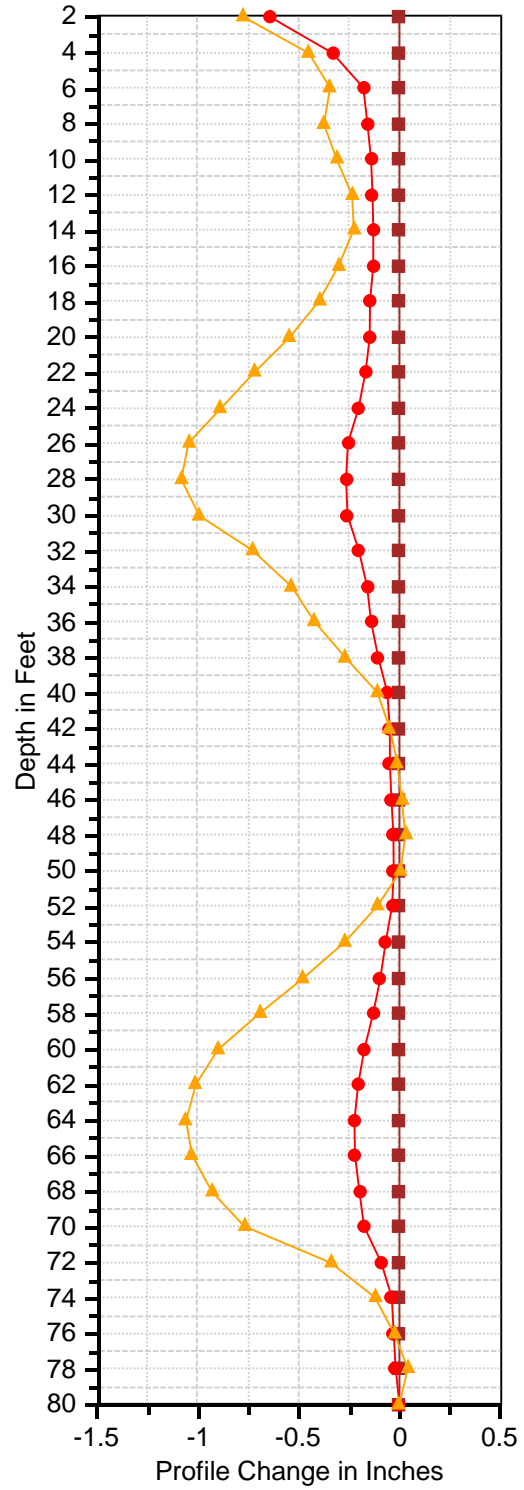
MNRIV ST\_4 A

10/22/2010 11/21/2017 4/22/2019



MNRIV ST\_4 B

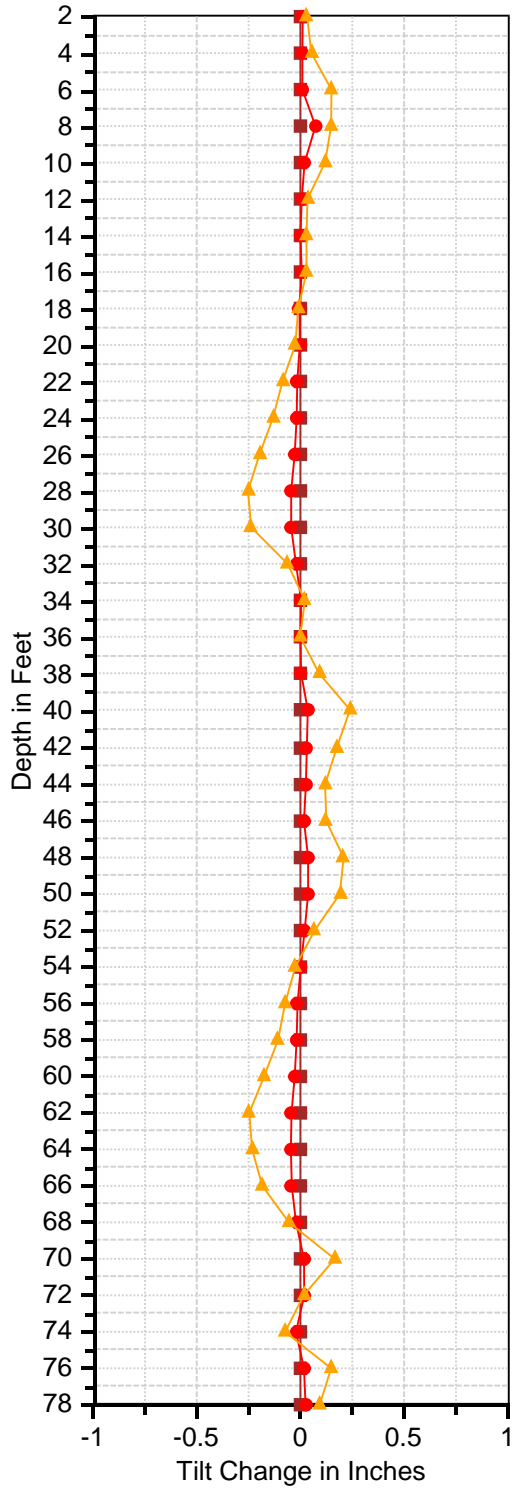
10/22/2010 11/21/2017 4/22/2019





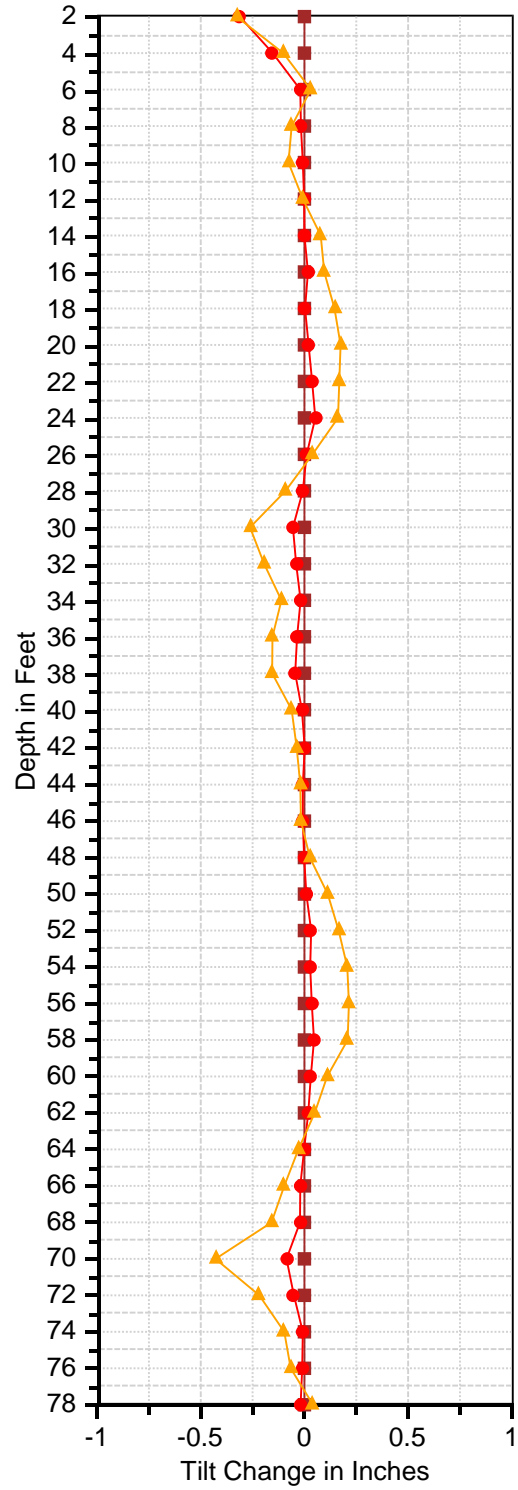
MNRIV ST\_4 A

10/22/2010 11/21/2017 4/22/2019



MNRIV ST\_4 B

10/22/2010 11/21/2017 4/22/2019





# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday June 19, 2019

### **Agenda Item**

**Item 4. E. - Letter thanking Riley Purgatory Bluff Creek Watershed District**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

On May 29, 2019, the Riley Purgatory Bluff Creek Watershed District (RPBCWD) held field safety training for its staff and summer interns. The LMRWD was invited to participate in the training and all of the interns working on the LMRWD geomorphic assessment of trout streams attended.

LMRWD staff thought it would be appropriate for the LMRWD Board to send a letter to the RPBCWD Board thanking them for sharing the training with the LMRWD. A draft letter is attached for Board approval and execution.

### **Attachments**

Draft letter tanking RPBCWD

### **Recommended Action**

Motion to approve letter and authorize execution



LOWER MINNESOTA RIVER  
WATERSHED DISTRICT

Carver

Vacant

Dakota

Vacant

Hennepin

David Raby  
Secretary/Treasurer

Adam Frey

Scott

Jesse Hartmann  
Vice President

Linda Loomis, Administrator  
Home/Office: (763) 545-4659  
Cell: (763) 568-9522

112 East 5th Street  
Suite 102  
Chaska, MN 55318

E-mail: [lowermnriverwd.org](mailto:lowermnriverwd.org)

June 20, 2019

Board of Manager

Riley, Purgatory, Bluff Creek Watershed District  
18681 Lake Drive East,  
Chanhausen, MN 55317

Dear Board of Managers,

The Lower Minnesota River Watershed District (LMRWD) would like to thank the Riley/Purgatory/Bluff Creek Watershed District (RPBCWD) Board of Managers and its staff. The LMRWD recently kicked-off a project with a group of interns that will be working this summer to conduct a geomorphic assessment of the trout streams located within the LMRWD. The interns needed to partake in safety training in order to be safe in the field while conducting the assessments.

The LMRWD asked Dr. Claire Bleser what process the RPBCWD uses to train staff and interns for field work. We were very excited when Dr. Bleser suggested that the LMRWD and RPBCWD hold a joint training session at the RPBCWD offices. Field safety training was held May 29th and conducted by RPBCWD staff. LMRWD administrative and technical consultants observed the training, in addition to Professor Joe Magner of Watershed Recovery, LLC and the University of Minnesota. Josh Maxwell and Zach Dickhausen did a very thorough job.

This was a great opportunity for our watersheds to work together to conserve resource: it provided a real life work setting for the LMRWD interns and it helped Josh and Zach with skill development in providing training to a larger group.

The LMRWD greatly appreciates the relationship it has with its partner RPBCWD.

Sincerely

Jesse Hartmann

President

Lower Minnesota River Watershed District

||



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday June 19, 2019

### **Agenda Item**

#### **Item 5. A. - Freshwater Society Cost Share**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

Dr. Carrie Jennings of Freshwater has submitted a cost share application to the LMRWD. The cost share would fund a project that will look at sediment from an emerging contaminant perspective. The proposal would sample nonylphenol and its ethoxylates in addition to triclosan in the sediment cores that were collected in the LMRWD. Triclosan has a known date of appearance and would provide another age marker in the cores.

Nonylphenol is used in detergents, clothing, food wrap, etc. and has known toxicity in aquatic environments. It does not easily biodegrade, which bodes well for sediment testing.

Triclosan concentration should be declining after the FDA ban effective September 2017. It is a highly toxic chemical which does easily biodegrade in anaerobic conditions.

The majority of the work on the project would be done by Robert McManus, an intern working at Freshwater and supervised by Dr. Jennings. Mr. McManus will be present at the meeting to present the project and answer any question the Board may have.

In addition to testing samples from Rice Lake and Coleman Lake, new samples will be taken at the confluence of the Mississippi and Minnesota Rivers, at the outfall from the Pigs Eye Wastewater Treatment Plant and from River lake, downstream of Pigs Eye. Freshwater intends to approach the Ramsey/Washington Watershed District and the Lower Mississippi River Water Management Organization for additional funds.

The application for Cost Share is attached.

### **Attachments**

Completed 2019 Cost Share application

### **Recommended Action**

Motion to approve 2019 Cost Share application from Freshwater



**Application type (check one)** \_\_\_ Homeowner  Non-profit - 501(c)(3) \_\_\_ School  
\_\_\_ Business or corporation \_\_\_ Public agency or local government unit

**Project type (check all that apply)** \_\_\_ Raingarden \_\_\_ Vegetated Swale \_\_\_ Infiltration Basin  
\_\_\_ Wetland restoration \_\_\_ Lake/creek/wetland buffer \_\_\_ Conservation practice  
\_\_\_ Shoreline/bank stabilization \_\_\_ Pervious hard surface  
 Other Quantification of Nonylphenol in Lake Sediment

### Applicant Information

Name of Organization or Individual Applying for Grant (to be named as Grantee):

Freshwater

Address (street, city and ZIP code):

2424 Territorial Road, Suite B. St. Paul, MN 55114.

Phone: 651-313-5800 Email address: freshwater@freshwater.org

### Primary Contact (if different from above)

Name of Organization or Individual Applying for Grant (to be named as Grantee):

Dr. Carrie Jennings

Address (street, city and ZIP code):

2424 Territorial Road, Suite B. St. Paul, MN 55114

Phone: 612-718-1415 Email address: cjennings@freshwater.org

### Project location

Address (street, city and ZIP code):

Pre-existing cores taken in the Lower Minnesota River Watershed from Rice Lake (Lat. 44°48'50.76"N Long.93°30'55.80"W), and Colman Lake (Lat. 44°47'28.32"N Long.93°20'21.48"W ) will be sampled. Samples will be compared with those from new cores taken downstream of the confluence with the Mississippi and the wastewater treatment plant in Pig's Eye lake (Lat. 44°55'5.04"N Long. 93° 1'38.47"W) and River Lake (Lat. 44°48'21.96"N Long. 93° 1'5.16"W).

Property Identification Number (PID)

-

Property Owners:

-

## Project Summary

Title Quantifying Nonylphenol, its Ethoxylates' Chemical History in the Twin Cities' Urban Watershed using Lake Sediment Cores.

Total Project Cost ~\$21,000 Grant amount requested \$10,000

Estimated start date June 17<sup>th</sup>, 2019 Estimated completion date June, 2020

Is project tributary to a water body?  No, water remains on site  Yes, indirectly  Yes, directly adjacent

### Project description:

Nonylphenol and its ethoxylates are part of a broader chemical family of alkylphenols which are implemented in a large diversity of applications ranging from industrial surfactants to “down the drain” products such as laundry detergents and dish soap. There is growing concern about these chemicals due to their slow rate of anaerobic environmental degradation, potential for high levels of bioaccumulation, and endocrine disrupting properties which pose potential threats to Minnesota’s at-risk populations and aquatic ecosystems. In this study, we aim to collect and analyze lake cores from the lakes alongside the Mississippi river, within the Twin Cities’ urban watershed, in order to quantify the history of these contaminant concentrations. We plan to sample cores from Pig’s Eye Lake and analyze pre-existing ones for River Lake, which are both located downstream of St. Paul’s Metro Plant wastewater treatment plant. We will then compare their chemical compositions to pre-existing cores located upstream of the Metro Plant in Snelling and Rice Lake.

Is this work required as part of a permit?  No  Yes

(If yes; describe how the project provides water quality treatment beyond permit requirement on a separate page.)

## Project Details

**Checklist** To be considered complete the following must be included with the application.

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> location map           | <input checked="" type="checkbox"/> project timeline                             |
| <input type="checkbox"/> site plan & design schematic      | <input type="checkbox"/> proof of property ownership                             |
| <input type="checkbox"/> itemized budget or contractor bid | <input type="checkbox"/> plant list & planting plan (if project includes plants) |

## Description

Describe the current site conditions, as well as site history, and past management

Pig’s Eye Lake is currently a mostly undeveloped fluvial lake adjacent to the Mississippi river on the south side of St. Paul. The only real development directly on the shoreline include a grain/fertilizer facility, junk yard, and a cement company all located on the south end of the lake. The northern end of the lake is crossed by a railroad and the northwest side of the lake has the Metro Plant wastewater treatment plant (WWTP): it is not directly on the lake. Pig’s Eye lake is separated from the Mississippi by a thin strip of land, but the river and lake are connected at two points which allows some water exchange. The effluent from the WWTP is discharged into the Mississippi, just north of the lake, and when the river is up, water flows over the strip of land which further connects the lake and the river. This unique dynamic allows some of the effluent from the WWTP to enter into this lake and be captured in the sediment but still allows for continuous sedimentation. There are no preexisting cores of this lake to the best of our knowledge. Existing cores upstream of this lake will be used for comparison. The lakes are similar in their setting and are undeveloped fluvial lakes that are subject to annual flooding.

What are the project objectives and expected outcomes? Give any additional project details.

The goal of this study is to understand how the contaminants are spatially distributed throughout the watershed in relation to the wastewater treatment plant, assess if chemical concentrations are declining after the EPA initiated the voluntary phase out of the contaminant’s use beginning in 2010, and determine if stricter regulation would be beneficial to the Minnesotan ecosystem. We will only be extracting cores from Pig’s Eye Lake and we will just be sampling from the other cores that are stored by the National Lacustrine Core Facility (LacCore). The hope is for this to help reduce costs for coring while allowing us to analyze a broader range of lakes.

List other key participants and their roles (provide contact information for each partner and his/her expected contribution to the project)

Rob McManus – Co-project designer / Freshwater summer intern, 763-486-2642 [rmcmanus001@csbsju.edu](mailto:rmcmanus001@csbsju.edu)

Dr. Vania Stefanova, Lac Core stef014@umn.edu

Field assistants

Which cost share goals does the project support? (check all that apply)

improve watershed resources  Foster water resource stewardship

increase awareness of the vulnerability of watershed resources

increase familiarity with and acceptance of solutions to improve waters

How does the project support the goals you checked?

This project will quantify the levels of nonylphenol and its ethoxylates within the Twin Cities urban watershed. By publishing this information in the Freshwater newsletter, and potentially an academic journal, we will be able to communicate our findings to academic and public communities. We aim for this research to raise awareness to the amount of endocrine disrupting compounds, and other contaminants, being polluted into our waterways through the use of down the drain products and industrial applications. We hope this will empower communities to alter their purchasing habits to more sustainable products and support policies which seek to further reduce toxic, waterway contamination. Additionally, we want to spark further interest in continuing this research within academia to further quantify and understand current environmental concentrations as well as creating environmentally friendly chemical alternatives.

### Project Details (continued)

**Benefits** Estimate the project benefits in terms of restoration and/or **annual** pollution reduction. If you are working with a designer or contractor, they can provide these numbers. If you need help contact the district Administrator.

Benefit	Amount
Water captures	NA gal/year
Water infiltrated	NA gal/year
Phosphorus removed	NA lbs/year
Sediment removed	NA lbs/year
Land restored	NA sq. ft.

How will you share the project results with your community?

We will publish it in our Freshwater Newsletter, *Facets of Freshwater*, which we be accessible for all members and posted on the Freshwater website. We will reach out to the Star Tribune to ask if they would like to do a story. We will also deliver a public presentation of our results either at the MN Water Resources Conference or the MN Association of Watershed Districts' annual meeting. Finally, we also plan on writing a research article and publishing our results. This process will take longer than just this summer and would most likely spill into the fall and potentially spring of 2020.

Are there other projects that could be initiated as a result of this one?

Yes, the core we extract would be available for other studies of other contaminants of emerging concern. Additionally, we hope that this study initiates more research done within the scientific community on toxic contaminants within the Twin Cities watershed area.

## Evaluation

How will the project be monitored and evaluated?

The project will be evaluated by the statistical confidence in our chemical analysis and the level of accuracy we can obtain from dating the core to correlate dates with chemical concentrations. We will also assess the statistical significance of the spatial differences between the cores to determine how/if the WWTP impacts the deposition of nonylphenol and its ethoxylates in fluvial lake sediments.

## Maintenance agreement

I acknowledge that receipt of a grant is contingent upon agreeing to maintain the project for the number of years outlined in the cost share guidelines.  Yes

## Authorization

Name of landowner or responsible party \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Type or handwrite your answers on this form. Attached additional pages as needed

(For questions, contact Linda Loomis at [NaiadConsulting@gmail.com](mailto:NaiadConsulting@gmail.com) or call 763-545-4659.)

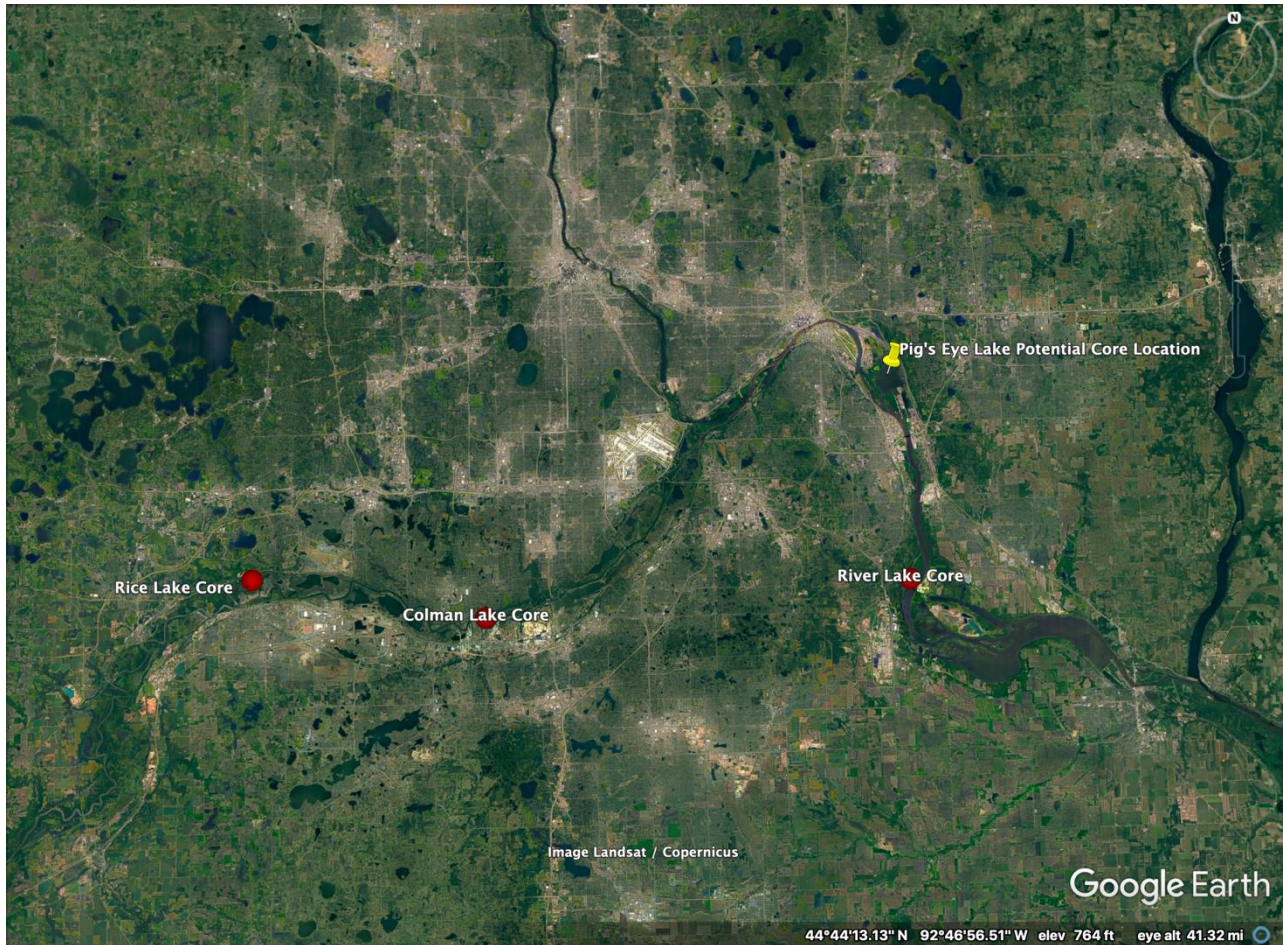
Mail the completed application to:

or Email to:

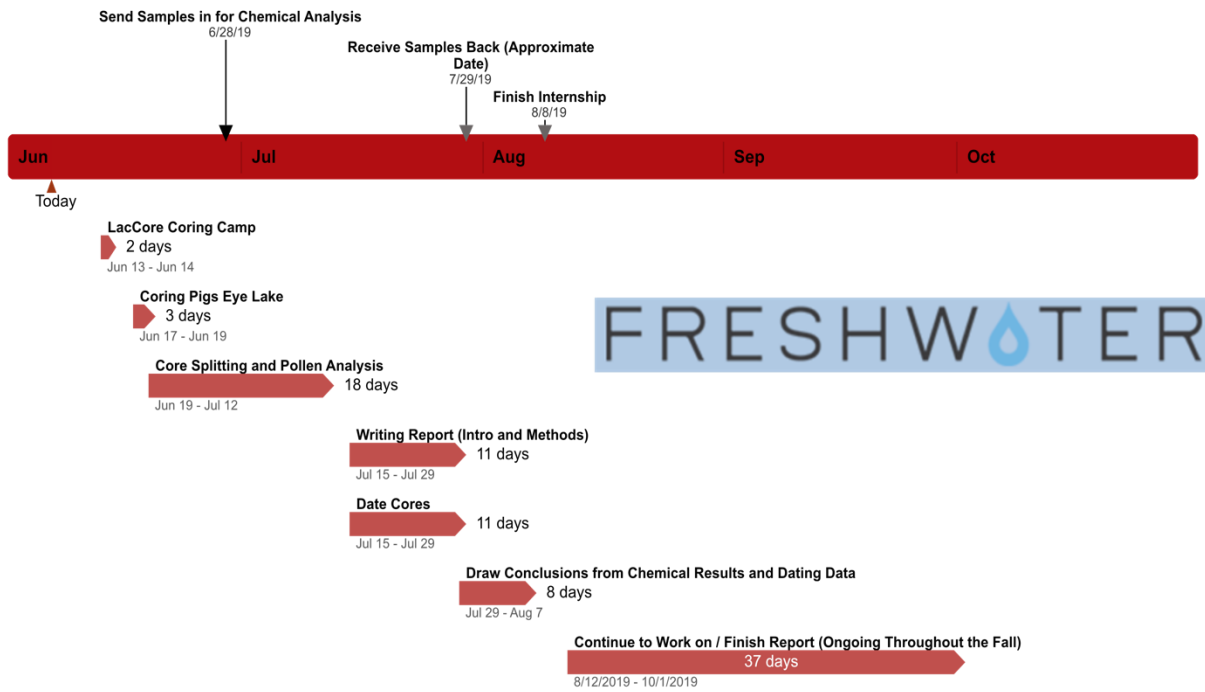
**Lower Minnesota River Watershed District**  
**c/o Linda Loomis, Administrator**  
**112 E. Fifth St., Suite 102**  
**Chaska, MN 55318**

**Linda Loomis, Administrator**  
**[naiadconsulting@gmail.com](mailto:naiadconsulting@gmail.com)**





## Quantification of Nonylphenol and its Ethoxylates in Lake Sediment





# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday June 19, 2019

### Agenda Item

#### Item 5. B. - Savage Fen/Boiling Spring Cost Share

#### Prepared By

Linda Loomis, Administrator

#### Summary

Lori Rathjen, is a resident of the LMRWD who lives in Savage. She completed the Master Water Steward program that began last summer. As part of the Master Water Steward Program, Stewards are expected to undertake a capstone project. Ms. Rathjen has chosen to restore a .75 acre of DNR land near Boiling Spring in Savage Fen. As you will see in the application Ms. Rathjen has contacted the DNR and the city of Savage in order to prepare for this project. She has enlisted the DNR's assistance in establishing and maintaining the project area.

Karen Galles of Hennepin County worked with Freshwater to train Master Water Stewards and Karen graciously accepted a resident of Scott County into the program and has worked with her by providing technical assistance and assisting her to find funding for the project.

The LMRWD has \$20,000 in the 2019 budget for the Cost Share Program. So far this year, the LMRWD has received four cost share applications as follow:

• Chimney Pines	\$2,100.00
• Glassen	\$785.00
• Freshwater	\$10,000.00
• Rathjen	<u>\$1,657.40</u>
<b>TOTAL</b>	<b>\$14,542.40</b>

This leaves \$5,457.60 remaining in the 2019 budget for cost share projects.

#### Attachments

2019 Cost Share application and 2019 Cost Share worksheet completed by Lori Rathjen

#### Recommended Action

Motion to approve 2019 Cost Share application from Lori Rathjen



**Application type (check one)**  Homeowner  Non-profit - 501(c)(3)  School  
 Business or corporation  Public agency or local government unit

**Project type (check all that apply)**  Raingarden  Vegetated Swale  Infiltration Basin  
 Wetland restoration  Lake/creek/wetland buffer  Conservation practice  
 Shoreline/bank stabilization  Pervious hard surface  
 Other Restoration

### Applicant Information

Name of Organization or Individual Applying for Grant (to be named as Grantee):

Lori Rathjen (Master Water Steward candidate)

Address (street, city and ZIP code): 7326 132<sup>nd</sup> Circle Savage, MN

Phone: 763.273.1090 Email address: northgal@gmail.com

### Primary Contact (if different from above)

Name of Organization or Individual Applying for Grant (to be named as Grantee):

Address (street, city and ZIP code):

Phone: Email address:

### Project location

Address (street, city and ZIP code): Eagle Creek, near Independence Ave. and Creek Way, Savage, MN

Property Identification Number (PID)

Property Owners:

Minnesota DNR

### Project Summary

Title Eagle Creek Oak Savanna Restoration Project

Total Project Cost \$4,563.40 Grant amount requested \$1,627.40

Estimated start date 6/24/19 Estimated completion date 2/2020

Is project tributary to a water body?  No, water remains on site  Yes, indirectly  Yes, directly adjacent

Project description:

See Capstone project application

Is this work required as part of a permit?  No  Yes

(If yes; describe how the project provides water quality treatment beyond permit requirement on a separate page.)

### Project Details

**Checklist** To be considered complete the following must be included with the application.

location map

project timeline

site plan & design schematic

proof of property ownership

itemized budget or contractor bid

plant list & planting plan (if project includes plants)

### Description

Describe the current site conditions, as well as site history, and past management

See Capstone project application

What are the project objectives and expected outcomes? Give any additional project details.

See Capstone project application

List other key participants and their roles (provide contact information for each partner and his/her expected contribution to the project)

See Capstone project application

Which cost share goals does the project support? (check all that apply)

improve watershed resources

Foster water resource stewardship

increase awareness of the vulnerability of watershed resources

increase familiarity with and acceptance of solutions to improve waters

How does the project support the goals you checked?

See Capstone project application

## Project Details (continued)

**Benefits** Estimate the project benefits in terms of restoration and/or **annual** pollution reduction. If you are working with a designer or contractor, they can provide these numbers. If you need help contact the district Administrator.

Benefit	Amount
Water captures	gal/year
Water infiltrated	gal/year
Phosphorus removed	lbs/year
Sediment removed	lbs/year
Land restored	30,000 sq. ft.

How will you share the project results with your community?

See Capstone project application

Are there other projects that could be initiated as a result of this one?

This project could spur additional habitat restoration along other stretches of the Creek.

## Evaluation

How will the project be monitored and evaluated?

- Volunteer engagement and hours will be tracked and reported.
- Project sponsor (Lori) and volunteers will visit site to water new plantings as needed and will report back on success of the seeding/planting

## Maintenance agreement

I acknowledge that receipt of a grant is contingent upon agreeing to maintain the project for the number of years outlined in the cost share guidelines.  X Yes

## Authorization

Name of landowner or responsible party \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Type or handwrite your answers on this form. Attached additional pages as needed

(For questions, contact Linda Loomis at [NaiadConsulting@gmail.com](mailto:NaiadConsulting@gmail.com) or call 763-545-4659.)

Mail the completed application to:

or Email to:

**Lower Minnesota River Watershed District  
c/o Linda Loomis, Administrator  
112 E. Fifth St., Suite 102  
Chaska, MN 55318**

**Linda Loomis, Administrator  
[naiadconsulting@gmail.com](mailto:naiadconsulting@gmail.com)**

# 2019 Master Water Steward capstone application form

Submit the first draft of the application by April 15, 2019 to Christina Schmitt: [christina.schmitt@hennepin.us](mailto:christina.schmitt@hennepin.us). Final application is due May 22, 2019. Application approval is required prior to receiving capstone funds.

## Contact information

<b>Master Water Steward candidate name:</b>	Lori Rathjen
<b>Project Name:</b>	Eagle Creek Oak Savannah Restoration Project
<b>Project Location (address):</b>	Restoration along Eagle Creek Aquatic Management Area in Savage, MN

## Best Management Practices (BMP) installation project description

- **Project summary:** Briefly summarize the water quality problem you intend to address and your proposed project. Restore .75/1 full acre of land to an Oak Savannah. This parcel of land has been identified as a priority by the AMA/MNDNR owners of the property. It's adjacent to homes and a walking path borders the Eagle Creek. There are 2 types of homeowners here. One wants the area cleaned up and the other encroaches on the DNR property by depositing piles of grass clippings and yard waste. These homeowner's could benefit conservation education. The area has Buckthorn, Sumac and weeds that will be mowed, loped, & sprayed per protocol. The area would then be seeded with a prairie seed mix and 288 Native Plugs will be planted. The plants will include pollinator-friendly plants in hopes of attracting and supporting all pollinators as well as the endangered Rusty-Patched Bumblebee; which has been spotted in Scott County. This parcel of restored land will help protect the water quality of Eagle Creek by education and assisting in the implementation of the project by raking and planting primarily by the neighbors and community. Watering of the plugs will be done on a as needed basis by myself. In the Fall, approximately a dozen Scotch Pines will be removed by the DNR. The wood will be burned on site in the late Fall early Winter when 3 inches or more snow has accumulated. The DNR will maintain the area, including a prescribed burn in approximately 3 years.
- **Please provide contact information of the firm that assisted you with project scoping and design:**

City of Savage: Jesse Carlson, Water Resources Manager, Jon Allen, City of Savage, Parks Dept., Mario Travaline Specialist/Fishing in the Neighborhood DNR, Taralee Latozke, DNR, as well as correspondence with Matthew Petersen, MNDN, Mark Memeth, DNR, Hannah Swenson, DNR, John Hiebert DNR, CO James Fogarty, DNR Legal Dept

- **Project selection:** Describe how and why you chose to complete a project in the location you are proposing. Why is this the right project for this location? What alternatives did you and your designer consider? Reference Watershed Management Plans and/or correspondence with county staff of watershed representatives.

Mr. Allen explained that Eagle Creek is one of the few naturally occurring Brown Trout creeks in our state. Much of the general area is densely covered in Honeysuckle, Buck Thorn, and other invasive plants. Our project area is less densely covered and appropriate for volunteers with primarily hand tools and an Oak Savanna restoration. The DNR has put forth a great deal of improvements already this Spring in this general area by clearing trees and trail restoration. The funding and assistance from our project outside the DNR would really benefit so many neighbors as well as the protection of Eagle Creek and the future of the Brown Trout. Taralee noted that the endangered Rusty-Patched Bumble Bee has seen in Scott County and she will choose the seeding and planting. This bee has also been chosen as our State bee.

A short distance from the restoration area is Boiling Springs; please see the attached pages for some history of the area. We also considered a shoreline restoration project at Warren Butler Park and installing a rain garden at one of the following locations: Savage City Library, Hollywood Park, or Camp Savage.

- **Detailed project description:** Describe the proposed project and your implementation timeline. What will be the end result? Include time-specific major milestones between project initiation and project completion.

**This is the project plan as outlined from Mario Travaline, DNR dated 5-1-19**

1. Raking can occur ASAP after I mow. I am going to try to get in there next week to mow and as we are still waiting on the permit to finalize that should be ok.
2. Spraying will/can occur (1st spray) after all material has been raked and removed from the area
3. 10 days between Spray 1 and Spray 2
4. 7-10 days between Spray 2 and seeding
5. Plugs can be planted any time after seeding
6. Lopping of sumac should be to ground level
7. I will not mow again before the burn.

The Following is a timeline with some additional information, from Lori

Mowing Mid May, DNR-when their mower is available

Raking/Lopping Sumac & Buck Thorn Neighborhood, MN Rovers

Grass/debris pile disposal- City of Savage, 1-2 days after raking

Stump Treatment Garland 4 or 3A, DNR, after raking

Spray area w Rodeo, DNR

Re-treat area w Rodeo, DNR

Seeding Bought by Lori, MN Native Landscapes, Otsego, MN sown by DNR mid June

Planting Plugs Bought Lori planted by Lori & Neighborhood Celebration-sandwiches & cookies, Gatorade

Cutting down approx 12 Scotch Pines in the Fall DNR

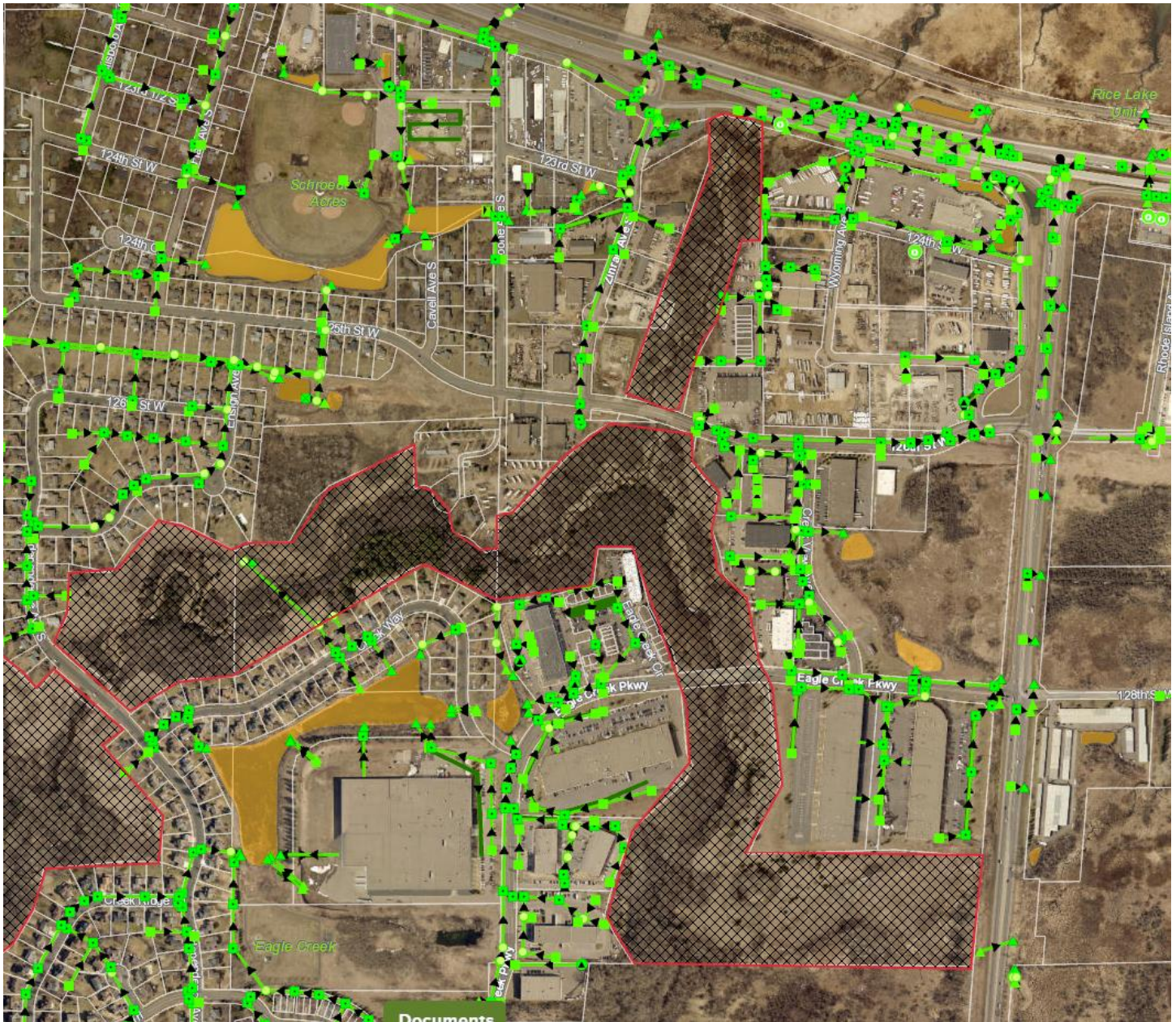
Burning Pine Wood Late Fall Early Winter, when 3 inches of snow is attained, DNR

The end product would be protecting the Brown Trout population by: planting Native plants that percolate rain water and snow melt where it lands and into the ground instead of becoming storm water run-off. This will help keep the Creek cool (49-60 degrees) and clean (especially from homeowners use of fertilizer on lawns/depositing grass clippings & yard waste), slowing the rate of storm-water and reducing soil/water erosion, reducing sedimentation, killing invasive and noxious weeds/shrubs, and replenishing the aquifer. We will be providing a habitat for all pollinators and particularly the endangered Rusty Patched Bumble Bee, which has been spotted in Scott County. The area will become beautiful. Since homeowners will be vested in the project they'll be less likely to illegally dispose of grass clippings & yard waste.

## BMP project design detail

Please attach drawings of your intended project.

- Include detail on drainage area calculations that were used to appropriately size any water retention or infiltration features included in plan.
- Please review the [Hennepin County Sustainable Landscaping guidelines](#) for preferred plant lists. Note that plants on the “Plants to Avoid” list may not be included in your project. If you are proposing to plant species on the “Exception” list note that these species require regular maintenance and watering.
- If applicable, detail your plans and commitments for plant maintenance and water in this space.



This is a larger map of Eagle Creek, which runs to the North. It is a short Creek at 2.1 miles. The project area is on the West Bank 8 houses North of the bridge on Independence Ave. lower left hand corner.

**Location:** North of Independence Bridge and North of Creek Way on the South bank of Eagle Creek along City of Savage trail. 0.75 acre oak savannah.





Project area in red. .75 acres. Park on Independence Ave. near Creek Way. Walk approximately 300 yards North along a walking path. There's a clearing on the right where the project is planned. Be advised there are many Wood Ticks in the area





## Community outreach plan description

- **Topics:** Which topics will you cover in your outreach and education efforts (select all that apply):
  - Erosion or sediment
  - Road salt
  - General water quality
  - Groundwater
  - Critical habitat
  - Other (please list):

**The primary education piece for my project is to educate the neighbors of the project. By educating, inviting, involving them in the restoration, they become invested in protecting the area. I'll go door to door inviting the neighbors to rake & plant; this truly is a community project.**

**Secondarily, I'm inviting them to join the program, Adopt A Drain as outlined on [adoptadrain.org](http://adoptadrain.org) organized by Hamlin University & Clean Water MN. A nonprofit organization offering education on reducing sediment, road salt & improving water quality in our lakes, streams, & watersheds by individuals committing to sweep up a storm drain twice a month. The volunteers commit by signing up online eliminating the concern of sharing personal information with me. I would also be willing to promote Adopt-A-Drain at another site or two within Hennepin County or at the State Fair.**

- **Outreach goals:** What are your goals for your outreach and education efforts/what changes are you hoping to affect in your community? 60 percent participation in the restoration project.  
Promote Adopt-a-drain program 50 percent of the people who attend the event sign up.
- **Describe your audience:** Include a description of the audience you intend to reach.
- **Larger Single family home owners, primarily middle class families most with school aged children.**
- **Project activities:** Describe the activities you plan to do to engage your audience in learning about and/or taking action to protect water. Include a timeline of activities. Tell us about the educational resources you plan to use.

Speak/educate, use poster, invite neighborhood to rake and plant during the implementation of my project. Sweep a drain at the information night.

From: **Travaline, Mario (DNR)** <[mario.travaline@state.mn.us](mailto:mario.travaline@state.mn.us)>  
Date: Fri, May 10, 2019 at 8:32 AM  
Subject: Special Use Permit for City of Savage Capstone Project Eagle Creek AMA  
To: Hiebert, John F (DNR) <[john.hiebert@state.mn.us](mailto:john.hiebert@state.mn.us)>, Jesse Carlson <[JCarlson@ci.savage.mn.us](mailto:JCarlson@ci.savage.mn.us)>, Lori Rathjen <[northgal@gmail.com](mailto:northgal@gmail.com)>  
Cc: Ellison, Daryl G (DNR) <[daryl.ellison@state.mn.us](mailto:daryl.ellison@state.mn.us)>, Petersen, Matthew (DNR) <[matthew.petersen@state.mn.us](mailto:matthew.petersen@state.mn.us)>, Latozke, Taralee (DNR) <[taralee.latozke@state.mn.us](mailto:taralee.latozke@state.mn.us)>, Swenson, Hannah (DNR) <[hannah.swenson@state.mn.us](mailto:hannah.swenson@state.mn.us)>

Attached you will find the Special Use Permit for a Capstone Project with Lori Rathjen in conjunction with the City of Savage (Jesse Carlson) reviewed, signed, and approved by West Metro Fisheries Area Office. I have the original signed copy. The work is to take place from April 1, 2019 to December 31, 2019 but the majority of the project work will take place in June, 2019.

Jesse & Lori – Please have a copy of this permit ON HAND while conducting work on Eagle Creek. C.O. James Fogarty has been informed about this project as it is taking place in his area. He recommends neon yellow construction vests for workers and volunteers when raking and planting occurs so that the group can be easily identified should Officer Fogarty patrol that area while work is commencing. Please adhere to the permit guidelines at all times.

Any questions can be directed to me and thanks.

**Mario Travaline**

Specialist | Fishing in the Neighborhood

**Minnesota Department of Natural Resources**

7050 County Road 101, Suite 100

Shakopee, MN 55379

Phone: 952-496-4141 ext. 225

Email: [Mario.Travaline@state.mn.us](mailto:Mario.Travaline@state.mn.us)



**Aquatic Management Area  
Special Use Permit**

<b>Date</b> April 22 <sup>nd</sup> 2019
<b>Permit Number</b> 2019-0023
<b>Aquatic Management Area</b> Eagle Creek AMA
<b>From:</b> April 1, 2019 <b>To:</b> December 31, 2019

**Name** Jesse Carlson  
**Address:**  
 Water Resources Manager  
 City of Savage  
 6000 McColl Drive  
 Savage, MN 55378  
 952.882.2686

**Activity:**  
 This permit serves as written approval to grant permission to:  
 Jesse Carlson – Water Resource Manager – City of Savage and designated agents - 6000 McColl Drive - Savage, MN 55378 jcarlson@ci.savage.mn.us  
 To enter upon the above Aquatic Management Areas (AMAs) to perform invasive species control. The project will remove invasive trees, brush and vegetation to improve conditions for native plant communities on the AMA. It is understood that the above named person, field crew, and volunteers have a clear understanding of the purpose and long-term goal of State AMAs. In keeping with this purpose, they shall always conduct their activities in a manner that is least disruptive to the on-going natural processes of these areas. All activities carried out must be in accordance with the attached proposal submitted. Permission must be received from the AMA Program, Area And Regional Fisheries offices if the permittee desires or anticipates deviating from this permit. In addition, the following conditions are placed on the proposal submitted:

Lori:  
The City of Savage will provide assistance on this project, which will include removing the piles from the roadway as we have done in the past. If I can get a trailer I will do that as well.

We will plan to be on-site during the volunteer event assuming we will be able to coordinate schedules, etc.

Thank You,

**Jesse Carlson**, CESSWI, CPESC, CPSWQ  
Water Resources Manager  
6000 McColl Drive, Savage, MN 55378

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Hi Lori-

Our MNL Mesic Prairie Mix is \$660/acre. That is at our recommended rate of 15 PLS lbs/acre. We could deliver the seed and plugs to you in Savage for a delivery fee of \$150, or you could pick up in either Otsego or Foley with advanced notice (give us a week lead time if possible).

**Wes Olmschenk**  
Phone: 763-295-0010  
Email: [Wes@MNLcorp.com](mailto:Wes@MNLcorp.com)

[MnNativeLandscapes.com](http://MnNativeLandscapes.com)

---

Lori  
The pricing for plugs as discussed on the phone is \$1.10/plant for full flats of the same species (36 plants to a flat) and \$1.25/plant for mixed flats of up to 6 species.

Thank You!!

Cassandra Bush  
Minnesota Native Landscapes

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Here's the proposed plant list, 1/2 flat= 18 plug plants of the following.

- Sneezeweed
- Mountain Mint
- Purple Prairie Clove
- Lead Plant
- Rough Blazing Star
- Prairie Blazing Star
- Giant Blue/Anise Hyssop
- New England Aster

Full Tray, 36 plug plants of the following.

- Butterfly Milkweed
- Big Blue Stem 2 trays
- Rough Dropseed or Little Blue Stem

To complete project in this area, it would be a tragedy to not include a brief history of the area surrounding our project. The following is a compilation of facts from newspaper clippings found at the Savage Library. This area is several hundred feet from the project area, but the creek does flow through the project area. Eagle Creek is a small creek measuring 2.1 miles in length in several branches.

The Hattenberger-Hirsch family bought many acreage surrounding Eagle Creek in the 1850's thru the 1990's. The original family was from France and farmed land, built a grist mill, and grew grapes. Eagle Creek is fed by many springs along its course as well as a unique area named Boiling Springs. It's a geological phenomenon due to a crack in the aquifer. Every few minutes this area still visibly bubbles up. Although the name is "Boiling" the water is a constant 49 degrees, so it doesn't freeze over in the winter, it makes the perfect temperature for brown trout, & sand is carried up with the bubbling action and dispersed along the creek bed for spawning. In the 1800's Springs would rumble so loud they could be heard 200 feet away, and would bubble up 4-6 feet above the normal water level. In 1858, the Dakota & Ojibewa Indians fought over this sacred area. One Indian story tells the Springs being the center of the world, the home of God of Waters and the Underworld. One tradition tells that Eagle Creek got its name after an Eagle flew out of the Springs and turned into Buffalo Calf Woman. She gave a sacred pipe to guide the Dakota. Indians would come to this area to meditate and seek guidance here; they still do. From the 1890's through the 1940's the Hattenberger family installed some bridges and fencing around an area of quick sand, turning the area around the Springs into a park like setting. They would charge 10 cents a car load of people and sell wine made from their grapes. During the Prohibition they would make and sell ice cream and candy. He advertised the Springs as "A Natural Wonder of World" on postcards and pamphlets. They were prosperous for many years as they bought three more farms in the area. As the owners aged the farmland was leased, the park closed, and the Bloomington Ferry Bridge was built over the Minnesota River. The population of the city of Savage doubled in a few years and kept growing. The owner became elderly and a developer wanted to buy the land and build a large subdivision This plan set off a fierce debate among the many stakeholders all the way to the Capital. When all was done, Minnesota got its first Aquatic Management Area designation of the MNDNR. The subdivision was built and many best management practices were put in place to protect Eagle Creek. Boiling Springs was listed on the Register of Historic Places. The Shakopee Mdewankaton Sioux people are very active in conservation efforts on their land and do many prescribed burns for the City of Savage. Trout Unlimited also contributes a great deal by conservation work days on the East Branch of Eagle Creek.

I hope this information has been an enriching. I truly enjoyed the journey that lead me to discover this rich history in my community; all due to this class and the wonderful people in our community and government overseeing, protecting, and managing it.

Thank-you. for this wonderful opportunity.

2019 Cost Share Worksheet

Labor Costs (Contractors, Consultants, In-Kind Labor)

Service Provider	Task	# Hours	Rate/Hour	Requested Funds from LMRWD	Matching/In-Kind Funds	Total
DNR	Mowing, Stump Treatment, Site preparation (2x spray with Rodeo), Seeding, Tree removal (12 scotch pines), Burning wood pile	40	\$30		\$ 1,200.00	\$ 1,200.00
City of Savage	Grass/debris pile disposal, participation in volunteer event	8	\$67		\$ 536.00	\$ 536.00
Volunteers (neighborhood, MN Rovers)	Raking/lopping - sumac and buckthorn, planting plugs	100	\$12		\$ 1,200.00	\$ 1,200.00
				<b>Total:</b>	\$ -	\$ 2,936.00

Project Materials

Material description	Unit Cost	Total # of Units	Requested funds from LMRWD	Matching/In-Kind Funds	Total
Seed (from Minnesota Native Landscapes)	\$660	1	\$ 660.00		\$ 660.00
Plugs (from Minnesota Native Landscapes) - full flats	\$1.10	144	\$ 158.40		\$ 158.40
Plugs (from Minnesota Native Landscapes) - half flats	\$1.25	144	\$ 180.00		\$ 180.00
MNL Delivery Charge & Tax	\$234.00	1	\$234.00		\$ 234.00
Volunteer Event supplies (rakes, gloves, trowels, bug spray, vests)	\$340	1	\$340		\$ 340.00
Volunteer Event appreciation supplies (cookies, sandwiches, gatorade)	\$85	1	\$85		\$ 85.00
Chemical (Garland, Rodeo) - DNR					
			<b>Total:</b>	\$ 1,657.40	\$ -

Total Requested Funds from LMRWD*:	<u>\$ 1,657.40 (A)</u>
Total Matchin/In-Kind Funds:	<u>\$ 2,936.00 (B)</u>
Project Total:	<u>\$ 4,593.40 (C)</u>

\*Please note: total requested funds (A) cannot be more than 50% of the Project Total (C)





# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday June 19, 2019

### **Agenda Item**

#### **Item 5. C. - Preliminary 2020 budget**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

It is time to begin the 2020 Budget process. Staff is looking for Board guidance to begin preparation of the 2020 Budget. Managers should consider the following and provide guidance to staff:

- Recently adopted legislation increased the amount of per diem Watershed Districts can pay Managers for time conducting business on behalf of the District. The Board should determine what the LMRWD will pay Managers.
- The LMRWD has not traditionally levied for costs related to the management of dredge material. Now that the State has committed to fund the improvements at the dredge site, the Board should decide whether or not the LMRWD will levy for this project and what should be the amount of the levy.
- The Board should determine what the total amount of the LMRWD payable 2020 levy will be.

The actual 2020 budget will be presented at the July meeting after the Board has provided direction on the above. Projects in the levy are based on the 2018 LMRWD Plan. The adopted 2019 budget is attached for the Board's information.

### **Attachments**

2019 adopted budget

### **Recommended Action**

Provide direction to staff

2019 proposed LMRWD Budget for Administration Operations  
2017/2018 Adopted Budget - 2018 Actuals/Projected - 2019 Adopted

Account	Adopted 2017	Adopted 2018	YTD 2018	Projected 2018	Adopted 2019
<b>Revenues:</b>					
General Property Tax	\$ 614,755.78	\$ 725,000.00	\$ 154,086.71	\$ 610,620.46	\$ 725,000.01
Interest Revenue	\$ 26,684.00				
License Revenue from placement of dredge					\$ 25,000.00
Revenue from sale of dredge material	\$ 32,128.00	\$ 30,000.00		\$ -	\$ 5,000.00
Grant income		\$ 5,500.00	\$ 4,500.00	\$ 5,500.00	\$ 5,500.00
State of MN Grant for Dredge Material Mgmt.				\$ 240,000.00	\$ 240,000.00
Metro-area Watershed Based Funding Grant					\$ 182,042.00
Miscellaneous Income	\$ 1,210.00				
<b>Total Revenues</b>	<b>\$ 674,777.78</b>	<b>\$ 760,500.00</b>	<b>\$ 158,586.71</b>	<b>\$ 856,120.46</b>	<b>\$ 1,182,542.01</b>
<b>Expenses:</b>					
10 Wages-General	\$ -	\$ -	\$ -	\$ -	\$ -
11 Severance Allowance	\$ -				
12 Benefits	\$ -	\$ -	\$ -	\$ -	\$ -
13 PERA Expense	\$ -	\$ -			
14 Payroll Tax (FICA/Medicare)	\$ -	\$ -	\$ -	\$ -	\$ -
15 Unemployment compensation	\$ -	\$ -			
16 Manager Per Diem	\$ 9,000.00	\$ 9,000.00	\$ 2,625.00	\$ 2,625.00	\$ 9,000.00
17 Manager Expense (mileage/food/registrations)	\$ 3,500.00	\$ 4,000.00	\$ 410.00	\$ 410.00	\$ 4,000.00
18 Telecommunications-Cell-Internet/Phone	\$ -	\$ -	\$ -	\$ -	\$ -
19 Postage	\$ 1,000.00	\$ 500.00	\$ 56.00	\$ 56.00	\$ 500.00
20 Photocopying	\$ 1,000.00	\$ 2,000.00	\$ 1,210.00	\$ 1,210.00	\$ 2,000.00
21 Newsletter Expense(Web Articles)	\$ -	\$ -		\$ -	\$ -
22 Legal Notices-General	\$ 1,500.00	\$ 1,500.00	\$ 6,997.00	\$ 6,997.00	\$ 1,500.00
23 Dues	\$ 4,000.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
24 Publications	\$ -		\$ -	\$ -	\$ -
25 Professional Services-General	\$ 132,400.00	\$ 126,100.00	\$ 106,191.00	\$ 106,191.00	\$ 120,100.00
26 Legal Fees-General	\$ 11,000.00	\$ 11,000.00	\$ 2,559.00	\$ 2,559.00	\$ 11,000.00
27 Accounting/Payroll Fees	\$ 4,700.00	\$ 5,000.00	\$ 4,872.00	\$ 4,872.00	\$ 5,000.00
28 Engineering-General	\$ 20,000.00	\$ 20,000.00	\$ 43,560.00	\$ 43,560.00	\$ 20,000.00
29 Audit Fees	\$ 13,500.00	\$ 14,000.00	\$ 13,710.00	\$ 13,710.00	\$ 14,500.00
30 Equipment-Maintenance	\$ 500.00	\$ 500.00	\$ 284.00	\$ 284.00	\$ 500.00
31 Taxable meal reimbursement	\$ 500.00	\$ 500.00	\$ 239.00	\$ 239.00	\$ 500.00
32 Mileage	\$ 6,000.00	\$ 6,000.00	\$ 3,154.00	\$ 3,154.00	\$ 6,000.00
33 Training & Education	\$ 1,500.00	\$ 1,500.00	\$ 373.00	\$ 373.00	\$ 1,500.00
34 Lodging/ Staff Travel	\$ 1,500.00	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00
35 Rent	\$ 8,000.00	\$ 8,000.00	\$ 8,451.00	\$ 8,451.00	\$ 8,000.00
36 Web Expense-Design & Hosting (Moved to E & O)	\$ -		\$ -	\$ -	
37 Equipment-Lease	\$ 3,000.00	\$ 3,000.00	\$ 2,849.00	\$ 2,849.00	\$ 3,000.00
38 Insurance & Bonds	\$ 9,000.00	\$ 10,000.00	\$ 14,946.00	\$ 14,946.00	\$ 10,500.00
39 Bank Charges		\$ -		\$ -	\$ -
40 Cleaning Service	\$ -	\$ -	\$ -	\$ -	\$ -
41 Meeting Supplies/Expense	\$ 100.00	\$ 100.00	\$ 59.00	\$ 59.00	\$ 100.00
42 Office Supplies	\$ 300.00	\$ 300.00	\$ 466.00	\$ 466.00	\$ 300.00
43 Equipment-General	\$ -		\$ -	\$ -	
44 Miscellaneous-General	\$ 3,000.00	\$ 3,000.00	\$ 1,869.00	\$ 1,869.00	\$ 3,000.00
45 Lobbying	\$ 15,000.00	\$ 15,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
<b>Total Expense for Administration:</b>	<b>\$ 250,000.00</b>	<b>\$ 250,000.00</b>	<b>\$ 242,380.00</b>	<b>\$ 242,380.00</b>	<b>\$ 250,000.00</b>

2019 Proposed Budget  
2018 Adopted Budget - 2018 Actuals/Projected - 2019 Adopted

Account	2018 Adopted	YTD 2018	Projected 2018	Adopted 2019
<b>Revenues:</b>				
5 General Property Tax				
6 Carver County	\$ 42,113.07	\$ 41,958.66	\$ 41,958.66	\$ 48,442.33
7 Dakota County	\$ 73,373.63	\$ 70,706.49	\$ 70,706.49	\$ 76,001.75
8 Hennepin County	\$ 316,479.90	\$ 209,140.95	\$ 209,140.95	\$ 276,570.10
9 Scott County	\$ 293,033.40	\$ 288,814.36	\$ 288,814.36	\$ 323,985.83
10 <b>Total Levy:</b>	<b>\$ 725,000.00</b>	<b>\$ 610,620.46</b>	<b>\$ 610,620.46</b>	<b>\$ 725,000.01</b>
11 Interest Revenue	\$ 26,000.00			
12 Met Council Grant-(WOMP Station Monitoring)	\$ 5,500.00	\$ 4,500.00	\$ 5,500.00	\$ 5,500.00
State of MN Grant for Dredge Material Management	\$ 240,000.00	\$ 480,000.00	\$ 240,000.00	\$ 240,000.00
Metro-Area Watershed Based funding grants				\$ 182,042.00
13 Revenue for use of Vernon Avenue dredge for dewatering private material	\$ 25,000.00	\$ 29,652.00	\$ 29,652.00	\$ 25,000.00
14 Revenues from sale of dredge material	\$ 5,000.00	\$ -	\$ -	\$ 5,000.00
<b>16 Total Revenues:</b>	<b>\$ 1,026,500.00</b>	<b>\$1,124,772.46</b>	<b>\$ 885,772.46</b>	<b>\$ 1,182,542.01</b>
<b>Expenses:</b>				
18 <b>Administration</b>	\$ 250,000.00	\$ 212,487.60	\$ 250,000.00	\$ 250,000.00
20 <b>Cooperative Projects</b>				
21 Eden Prairie Bank Stabilization -#3			\$ -	\$ -
25 Eagle Creek			\$ -	\$ -
30 Gully Erosion Contingency			\$ -	\$ -
31 USGS	\$ 18,500.00	\$ 19,400.00	\$ 18,500.00	\$ 19,700.00
34 Ravine Stabilization at Seminary Fen in Chaska			\$ 110,400.00	\$ -
35 Riley Creek Cooperative Project with RPBCWD	\$ 50,000.00		\$ 75,000.00	
40 <b>509 Plan Budget</b>				
41 Resource Plan Implementation				
42 Assumption Creek Hydrology Restoration Project				\$ 30,000.00
43 Carver Creek restoration Project				\$ 80,000.00
44 Groundwater Screening Tool Modal				\$ 50,000.00
45 Eagle Creek (East Branch) Project				\$ 10,000.00
46 East Creek Bank Stabilization Project				\$ 50,000.00
47 East Creek Water Quality Treatment Project				\$ 50,000.00
48 Minnesota River Floodplain Model Feasibility Study				\$ 30,000.00
49 Schroeder's Acres Park/Savage Fen Stormwater Management Project				\$ 39,555.00
Prior Lake Outlet Channel				\$ 71,727.00
50 Spring Creek Project				\$ 45,000.00
51 West Chaska Creek Project				\$ 50,000.00
52 Sustainable Lakes Management Plan (Trout Lakes)	\$ 50,000.00	\$ -	\$ 50,000.00	
53 Geomorphpic Assessments (Trout Streams)	\$ 50,000.00	\$ 2,729.75	\$ 50,000.00	
54 Paleolimnology Study (Floodplain Lakes)	\$ 50,000.00	\$ 37,200.00	\$ 50,000.00	
55 Fen Stewardship Program	\$ 75,000.00	\$ 383.26	\$ 75,000.00	\$ 25,000.00
56 District Boundary Modification Project	\$ 10,000.00	\$ -	\$ 10,000.00	
57 East Chaska Creek Treatment Wetland Project	\$ 10,000.00		\$ 10,000.00	
58 Minnesota River Sediment Reduction Strategy	\$ 25,000.00		\$ 25,000.00	\$ 25,000.00
62 Riley Creek Cooperative Project	\$ 50,000.00	\$ 75,075.49	\$ 150,000.00	
63 Local Water Management Plan reviews	\$ 12,000.00	\$ 16,601.43	\$ 12,000.00	\$ 12,000.00
64 Project Reviews	\$ 16,000.00	\$ 26,524.71	\$ 16,000.00	\$ 20,000.00
65 Monitoring	\$ 65,000.00	\$ 11,579.92	\$ 65,000.00	\$ 65,000.00
66 Monitoring Data Analysis	\$ -			
67 Technical Assistance	\$ -			
68 Watershed Management Plan				
69 Next Generation Watershed Management Plan	\$ -			
70 Plan Clarification and proposed rules		\$ -	\$ -	\$ 25,000.00
71 Plan Amendment	\$ 50,000.00	\$ 67,228.55	\$ 67,228.55	
72 Vegetation Management Standard/Plan		\$ 3,304.75		\$ 50,000.00
73 Public Education/Citizen Advisory Committee/Outreach Program	\$ 30,000.00	\$ 20,409.24	\$ 30,000.00	\$ 30,000.00
Scott County WEP (flyer for tree sale)		\$ 767.00	\$ 767.00	
Project with Friends of the MN River Valley	\$ 10,000.00		\$ 10,000.00	\$ 7,600.00
Model Snow & Ice Policy				
Master Water Steward	\$ 2,500.00	\$ -	\$ 2,500.00	\$ 2,500.00
MN River Congress	\$ 300.00	\$ -	\$ 300.00	\$ 300.00
Freshwater Society Ice In/Loon Out	\$ 800.00	\$ 760.00	\$ 760.00	\$ 800.00
Freshwater Society Altered Hydrology Project		\$ 37,500.00	\$ 37,500.00	
Metro Children's Water Festival	\$ 1,500.00	\$ -	\$ 1,650.00	\$ 1,650.00
Scott County Outdoor Education Days	\$ 1,500.00		\$ 1,500.00	\$ 1,650.00
LMRWD Website redesign		\$ 8,345.50	\$ 8,345.00	
LMRWD Website maintenance and updates	\$ 8,000.00	\$ 1,500.00	\$ 8,000.00	\$ 8,000.00
Minnesota River Tour	\$ 7,500.00	\$ -	\$ 7,500.00	\$ 7,500.00
74 Cost Share Program	\$ 20,000.00	\$ 16,380.30	\$ 20,000.00	\$ 20,000.00
75 <b>Nine Foot Channel</b>				
Transfer from General Fund	\$ 50,000.00	\$ -	\$ 50,000.00	\$ 80,000.00
76 Dredge Site Restoration	\$ 240,000.00	\$ 28,888.78	\$ 240,000.00	\$ 240,000.00
<b>91 Total Non-administrative Expenses:</b>	<b>\$ 771,500.00</b>	<b>\$ 325,706.18</b>	<b>\$ 1,092,519.55</b>	<b>\$ 1,117,982.00</b>
93 Revenue less Expenses	\$ 5,000.00	\$ 586,578.68	\$ (456,747.09)	\$ (185,439.99)
95 Beginning Fund Balance - January 1	\$ 1,053,759.83			\$ 1,058,759.83
96 Total Revenue	\$ 1,026,500.00			\$ 1,182,542.01
97 Total Expenses	\$ (1,021,500.00)			\$ (1,367,982.00)
98 Ending Fund Balance - December 31 (projected)	\$ 1,058,759.83			\$ 873,319.84



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday June 19, 2019

### **Agenda Item**

#### **Item 6. A. - Minnesota River Congress Request**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

The Minnesota River Congress brought a request for funding to the Board at the April Board meeting. The Board tabled the request to the June meeting. The Minnesota River Congress held its semi-annual meeting May 16th in St. Peter. It was very well attended. Scott Sparlin's plan is to have legislators introduce legislation during the next legislative session that would include money to restore wetland in the upper Minnesota River Basin. He has two legislators that have agreed to author the legislation, however, they are both DFL legislators.

After attending the MN River Congress, I would recommend that the LMRWD not commit to funding at this time. The Board should wait until a work plan is put together and other partners are found. I would recommend that the Board authorize the Administrator to continue working with the MN River Congress. I would also add that upland water storage is not the answer to issues in the Minnesota River. There will need to be a variety of approaches to address the issues; upland storage, improve soil health and manage drain tile systems.

### **Attachments**

No attachments

### **Recommended Action**

No Action recommended



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday June 19, 2019

### **Agenda Item**

#### **Item 6. B. - Remote meeting participation**

#### **Prepared By**

Linda Loomis, Administrator

#### **Summary**

At the May meeting the Board reviewed a quote from Tierney Brothers to design a system to enable managers to participate in meetings from remote locations. The Board asked that staff check to see what the total cost of a system might be. I checked with the Rice Creek Watershed and the estimate they received to outfit their conference room with a camera, microphones, speakers and related equipment (to use with the existing computer and large screen television they already have) was \$7,163.57. They added a webcam and speaker phone for the remote person to use for an additional \$295.97, for a total cost of \$7,459.54.

The quote received was \$1,610.63 and would be credited to final project if the Board decided to go ahead with the project.

#### **Attachments**

Quote 154740 - Tierney Brothers

#### **Recommended Action**

Provide Direction to staff



# Quote

#154740

1771 Energy Park Drive, Suite 100, St. Paul, MN 55108  
 (612) 331-5500 | (800) 933-7337 | Fax (612) 331-3424  
 www.tierneybrothers.com

5/6/2019

**Bill To**

Linda Loomis  
 Lower Minnesota River Watershed District  
 6677 Olson Memorial Highway  
 Golden Valley MN 55427

**Ship To**

Linda Loomis  
 Lower Minnesota River Watershed District - Carver County  
 Government Center  
 600 E 4th St  
 Chaska MN 55318

Memo:  
 Multi Room Design Fee

Expires	Sales Rep	Contract	Terms
9/2/2019	209 Heidi Harvey		NEW

Qty	Item	MFG	Price	Ext. Price
1	<p><b>Multi Room Design Fee</b>            AV Design to include scope and bill of materials for multi room design (up to three different configurations)</p> <p>When Tierney Brothers, Inc. is awarded the project, the full amount of this design fee will be credited towards the job and will appear as a deduct towards the overall project amount.</p> <p>SEE OPP 21379 for the Rice Creek Watershed Web Conferencing Design</p> <p>Quote includes:</p> <ul style="list-style-type: none"> <li>a. Site visits to the 2 sites (or RCWD and perhaps for Shoreview)</li> <li>b. Provide initial design for 3 sites (RCWD, Shoreview and remote manager system) with itemized cost estimate for materials and labor for each initial site design.</li> <li>c. Attend 1/28 RCWD Board meeting (1pm) for discussion with the Board of Managers on initial design options</li> <li>d. Revise initial designs per board discussion/ direction and provide recommended site design option with itemized cost estimate for materials and labor for each site design.</li> </ul> <p>Also any other "out the door" costs should be included in the recommendation for each site including (but not limited to) service plans, software costs and annual fees, etc?</p> <p>Not to exceed \$1500 total cost for all service listed</p>		\$1,500.00	\$1,500.00





# Quote

#154740

1771 Energy Park Drive, Suite 100, St. Paul, MN 55108  
(612) 331-5500 | (800) 933-7337 | Fax (612) 331-3424  
www.tierneybrothers.com

5/6/2019

<b>Subtotal</b>	\$1,500.00
<b>Tax (7.375%)</b>	\$110.63
<b>Shipping Cost</b>	\$0.00
<b>Total</b>	\$1,610.63

To accept this quotation, sign here : \_\_\_\_\_

If accepting this quote via purchase order please reference this quote number on your PO. To order via credit card please contact customer service at 612-331-5500.

This document is subject to the terms and conditions found here: [www.tierneybrothers.com/SOTC](http://www.tierneybrothers.com/SOTC)

Please inspect product upon delivery. All claims for defective merchandise or errors in shipping must be made within five days after receipt of goods. Clients using their own carriers will be responsible for filing their own freight claims if product is damaged in transit. Returns require an authorization number and must be made within 30 days. Custom orders and "Consumables", such as projector lamps, may not be returned. Returns are subject to restocking fees with the exception of out of box failures and replacements under warranty. Restocking fees varying depending on the product line, expect a minimum charge of 25%.



154740



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday June 19, 2019

### Agenda Item

#### Item 6. C. - Dredge Management

#### Prepared By

Linda Loomis, Administrator

#### Summary

##### i. Funding for dredge material management

The Legislature approved funding to the LMRWD in the amount of \$480,000 for the next biennium - \$240,000 each year. Staff will be putting together a work plan for the funds to submit to the Board of Water and Soil Resource and getting the grant agreement executed.

##### ii. Vernon Avenue Dredge Material Management site

The level of the Minnesota River finally dropped below flood stage on Wednesday, June 12 at 8:00pm. Staff will continue to evaluate the situation at the dredge site to determine whether or not the improvements to the site can be constructed this.

An Engineers Estimate of Probable Cost for improvements to the dredge site (bringing the containment berm up to industry standards) is attached. Included in the estimate are estimated costs for replacement of the culvert under the access road and upgrades to Vernon Avenue. Cost estimates are:

• Dredge Site Berms	\$1,552,430.00
• Culvert Replacement	\$59,840.00
• Vernon Avenue Upgrade	77,990.00

The CUP amendment was scheduled to come before the Savage Planning Commission on June 20th. However, there will not be a quorum at the meeting, so the item will be moved to the next meeting, which is July 18 (because of the 4th of July Holiday). The Amendment will then go on to the City Council.

A recent [newsletter from the Upper Mississippi River Waterway Association](#) has several good articles about the impact of flooding of the Mississippi River system.

##### iii. Private Dredge Material Placement

Material was being removed from the site as high water allowed. Stacking of material to dry is being tested. Early results indicate that stacking will decrease the drying time significantly.

#### Attachments

Engineer's Estimate of Probable Cost

#### Recommended Action

No recommended Action







# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday June 19, 2019

### **Agenda Item**

#### **Item 6. D. - Watershed Management Plan**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

The LMRWD released the draft rules to the Technical Advisory Committee on April 20, 2019 and at the same time invited the TAC to a meeting on May 14th. At the TAC meeting, staff went through the draft rules and timeline for approval of the rules. Staff also explained the process the LMRWD intends to use to issue general permits to LGUs. The timeline gave the TAC until the end of May to provide comments to the LMRWD. A reminder was sent to the TAC on May 30th, extending the date for comments to June 7th. Several cities requested more time to review the plan and provide comments. Staff extended the deadline for comments to the end of June and also gave a clarification that the rules were a new document and not a replacement for Appendix K of the LMRWD Plan (some cities asked for a red-lined version of the rules).

The Board of Water and Soil Resources was informed of the LMRWD decision to extend the time for the LGUs to provide comments.

Staff expects to be able to revise the draft rules as appropriate and have a clean draft for Board approval at the July meeting.

### **Attachments**

No attachments

### **Recommended Action**

No action recommended



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday June 19, 2019

### **Agenda Item**

#### **Item 6. E. 2019 Legislative Session**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

The LMRWD was successful in keeping the LMRWD appropriation in the final state budget. Lisa Frenette has put together a session wrap-up for the Board, which is attached. As you may have noted in the legislative update from MAWD Lisa helped out MAWD in addition to the work she did for the Red River Board and the LMRWD.

Now that the legislative session has wrapped up, Lisa and I will continue to work on other issues for the LMRWD. We are working to schedule a meeting with MNDOT to discuss the possibility of the District using Port Development Assistance Program funds. Lisa is also planning to meet with the government affairs person from the Minnesota Landscape Association to see what can be done to get the limited liability provisions passed for those who provide winter maintenance for businesses.

We have not heard anymore from CHS or Cargill regarding the way Congress funds the Minnesota River Navigation Channel. It may not be a high priority because river navigation has been effectively shut down.

### **Attachments**

LMRWD End of Session Report

### **Recommended Action**

No action recommended

The legislature wrapped up the 2019 Legislative Session during a one Legislative Special Session on Saturday, May 25th. Negotiations were tense during the final days of session with each body refusing to concede provisions in their respective Omnibus bills. This led to the Governor, the Senate Majority Leader and the House Speaker initiating a new process for decision making nicknamed the Triumvirate. In a new twist, this small group of people had final decision making when it came to policy that each body was unable to reach agreement on.

Being a budget year, the joint targets became problematic between the House and the Senate but were finally negotiated in the waning days of regular session with House targets coming down substantially and the Governor receiving approximately \$1.5 billion less than his original Operating Budget request - \$49.9 billion - in spending for the biennium. Conceding one of his crowing requests was the .20 cent gas tax increase that would have been spread out at nickel over the next four years and raised about \$700 million each year to fund road projects. What remained intact was the provider tax for Minnesota Care although the rate was reduced from 2% to 1.8%. This provision assists low income people with paying for healthcare and keeps Minnesota healthcare costs low.

Although a bonding bill was negotiated, the required number of votes of a super majority could not be gained by the House in the waning hours. The Triumvirate had originally agreed on a \$500 million bonding bill with \$440 million in miscellaneous bonding and \$60 million to assist in building residential housing throughout the state.

The number one priority on the Lower Minnesota River Watershed District (LMRWD) legislative agenda was to continue have the State share in the cost of managing dredge material. The funding to assist in dredging is now a base appropriation of \$480,000 to defray the annual cost of operating and maintaining sites.

The Freeway Landfill is still an issue that hasn't found any resolution. The legislature extended an appropriation of \$1.622 million for the PCA to continue to find resolution and determine what needs to be done to clean the landfill and the dump up.

Legislation allowing a watershed district to increase manager compensation for watershed districts has increased from \$75 to \$125 will go into effect on July1, 2019.

The Limited Liability Salt Applicator legislation also known as the chloride pollution reduction bill never passed out of the House Environment Finance committee. It fell short due to a lack of support for both the policy and additional funding. The strongest opposition was the Civil Justice Coalition (Trial Attorneys) who opposed limiting liability for salt applicators who went through a program to learn how to reduce how much salt was used on ice.

The LMRWD also worked with MAWD on the [Project Levy](#) legislation that was amended into the final tax bill.. This legislation allows a watershed district to compete for funding for projects through entities like the Clean Water Council to fund projects that need additional funding for natural resource enhancements.

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The Coordinated Watershed language was also signed into law this year. The language eliminates duplicative efforts between the state's Total Maximum Daily Loads (TMDL), Watershed Restoration and Protection Strategy (WRAP) and the One Watershed, One Plan.

Over the course of the past two years the Drainage Workgroup (DWG) developed the Drainage System Repair Cost Apportionment Option (DSRCA) and the Drainage System Acquisition and Compensation of Buffer Strips (Buffer Strip) The legislation was passed and signed into law in the waning hours of the session. The specific legislation may not directly impact the LMRWD but it may allow for better tools for the Upper Minnesota to alleviate run off and sediment. The legislation is optional and will assist drainage authorities (counties or watershed districts) IF the drainage authority chooses to take the new path.

The DSRCA option enables a voluntary, alternative method for repair cost apportionment to better utilize technology to apportion drainage system repair costs based on relative runoff and sediment. If a drainage authority decides to use this provision it may provide property owners with a more consistent, equitable, timely, and cost-effective repair cost

The new law:

- 1) Can only be used for 103E drainage system repair cost apportionment.
- 2) Will not change or replace the "viewing" provisions in Chapter 103E for "drainage projects" or redetermination of benefits and damages.
- 3) Will give a drainage authority to utilize current and future technology (such as GIS) and digital data to evaluate runoff and sediment contributions to a drainage system, together with appropriate on-site verification if the drainage authority chooses to adopt this method.

The Buffer Strip option allows benefited landowners and their county or watershed district drainage authority to finance and implement ditch buffer strips through low interest loans. It will allow public drainage systems to acquire, compensate and maintain ditch buffer strips.

Through a coordinated effort the LWMRD was able to hold back the Developer's Bill of Rights. Among other things this legislation would required a watershed district to go through the Statement of Need and Reasonableness (SONAR) each time it promulgated rules which could lead to a watershed district having to go before an Administrative Law Judge which can be very costly or drop rulemaking. It would have also required the following:

- \* County Commissioners must try to find a someone with real estate experience to be on the watershed board.
- \* Require annual public reporting of all engineering fees.
- \* Dictated that board managers could not adopt or enforce certain rules including but not limited to creating a wetland buffer, together with any side slop, grade or other required setback, impose requirements or manage the watershed to mimic resettlement or predevelopment hydrologic conditions.

The text of the bill can be found here - [Developer's Bill of Rights](#)

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# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday June 19, 2019

### **Agenda Item**

#### **Item 6. F. - Education & Outreach**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

Freshwater has moved the date of its annual road salt symposium from February to October. The change was made after one of the many February snowstorms reduced attendance at the 2019 Symposium. Many of the attendants are city staff responsible for clearing snow from municipal roadways.

More information about the event can be found at this link - [2019 Road Symposium](#). Freshwater is looking to hold the symposium in Vadnais Heights this year.

Freshwater has asked if the LMRWD would be willing to sponsor the symposium. The LMRWD participated at the \$500 level in 2018 and 2019.

### **Attachments**

No attachments

### **Recommended Action**

Motion to approve sponsoring the Freshwater 2019 Road Salt Symposium



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday June 19, 2019

### Agenda Item

#### Item 6. G. - LMRWD Projects

#### Prepared By

Linda Loomis, Administrator

#### Summary

##### i. Lower Riley Creek Corridor Enhancement Project

The LMRWD has received the Cooperative Agreement between the City of Eden Prairie, LMRWD and Riley/Purgatory/Bluff Creek Watershed District for the Lower Riley Creek Corridor Enhancement Project. This project was identified by RPBCWD in 2016. The LMRWD and RPBCWD requested a feasibility to be prepared. The LMRWD project identified in the Engineer's report was completed in 2016 (the report is attached for Board reference). RPBCWD is now ready to move forward with construction of project upstream of the LMRWD reach. The City of Eden Prairie is party to the agreement as the project is on land owned by the City. This project has been in the LMRWD Watershed Management Plan since 2016 and the LMRWD agreed to contribute \$150,000 to the cost of the project. The agreement is attached for Board review.

#### Attachments

- [Engineer's Report for Lower Riley Creek Stabilization Project](#)
- Cooperative Agreement among City of Eden Prairie, LMRWD and Riley/Purgatory/Bluff Creek Watershed District for the Lower Riley Creek Corridor Enhancement Project

#### Recommended Action

Motion to approve Cooperative Agreement and authorize execution

COOPERATIVE AGREEMENT  
AMONG CITY OF EDEN PRAIRIE,  
LOWER MINNESOTA RIVER WATERSHED DISTRICT AND  
RILEY-PURGATORY-BLUFF CREEK WATERSHED DISTRICT

**LOWER RILEY CREEK CORRIDOR ENHANCEMENT PROJECT**

This cooperative agreement is made by and among the City of Eden Prairie, a Minnesota municipal corporation (Eden Prairie); the Lower Minnesota River Watershed District, a watershed district created pursuant to Minnesota Statutes chapters 103B and 103D (LMRWD); and the Riley-Purgatory-Bluff Creek Watershed District, a watershed district created pursuant to Minnesota Statutes chapters 103B and 103D (RPBCWD), to implement the Lower Riley Creek Corridor Enhancement Plan in Eden Prairie, Hennepin County, Minnesota, to stabilize reach E and reach D3 of lower Riley Creek to provide an ecologically diverse stream with significantly reduced streambank erosion, diverse habitat layers and enhanced public access and understanding of why stable stream systems are important. (Eden Prairie, LMRWD and RPBCWD are referred to collectively herein as the Partners.)

**Recitals**

WHEREAS RPBCWD has an approved water resources management plan pursuant to Minnesota Statutes section 103B.231 (the Plan) that has as a primary goal addressing all impairments in water resources in RPBCWD's jurisdiction and removing all RPBCWD waterbodies from the State of Minnesota impaired waters list;

WHEREAS RPBCWD completed the Lake Riley Outlet Improvements and Riley Creek Lower Valley Stabilization Feasibility Study in 2007, which determined that the lower valley of Riley Creek requires stabilization to limit erosion of the stream channel and steep valley bluffs;

WHEREAS Riley Creek is listed on the Minnesota Pollution Control Agency's 303(d) list of impaired waters for excessive turbidity, aquatic macroinvertebrate bioassessments, fishes bioassessments and *E. coli*, and the Minnesota River, into which Riley Creek flows, is impaired for nutrients/eutrophication and turbidity;

WHEREAS a 2015 Creek Restoration Assessment Strategy report produced by RPBCWD evaluated segments of all creeks in the Riley, Purgatory and Bluff Creek watersheds and prioritized reach E in the lower valley of Riley Creek for restoration;



WHEREAS the RPBCWD Board of Managers has determined that reaches E and D3 are the highest-priority locations for stabilization in the lower valley of Riley Creek and that restoration should begin at those sites;

WHEREAS the capital improvements program in the Plan includes the lower Riley Creek Restoration and Stabilization (Reach D3 and E) project (the Project), which was the subject of the duly noticed public hearing on December 7, 2016, after which the RPBCWD Board of Managers ordered the Project (which at the time was referred to as the Riley Creek Water Quality Improvement Project);

WHEREAS in June 2018 the RPBCWD engineer produced the Lower Riley Creek Corridor Enhancement Plan (the Enhancement Plan), attached to and incorporated herein as Exhibit A, which articulates background on and a plan for implementation of the Project that was collaboratively developed by the Partners and will provide greater stream depth variability, more channel bed substructure types and varied channel velocities in lower Riley Creek to reduce erosion and improve water quality while also improving natural stream habitat for aquatic organisms;

WHEREAS the Enhancement Plan states a key expected outcome of the Project as reduction from Riley Creek and, consequently, the Minnesota River, of 2,173,930 pounds of total suspended solids and 1,250 pounds of total phosphorus;

WHEREAS the Partners find that implementing the Enhancement Plan will provide better floodplain connectivity for lower Riley Creek, which will enhance surrounding riparian habitat and, by establishing a stable creek corridor, will also address the identified turbidity impairment within reach E and reach D3 of Riley Creek;

WHEREAS the Project will be constructed entirely on property owned by Eden Prairie in the Riley Creek Conservation Area as depicted in Enhancement Plan (the RCCA), and at Eden Prairie's request in conjunction with and as part of construction of the Project, a new pedestrian bridge will be constructed in the RCCA;

WHEREAS Eden Prairie operates its stormwater-management system under the state Municipal Separate Storm Sewer System general permit, and construction and maintenance of the Project is intended to accrue to the benefit of Eden Prairie's fulfillment of its obligations under the permit; and

WHEREAS Eden Prairie, LMRWD and RPBCWD are authorized by Minnesota Statutes section 471.59 to enter into this cooperative agreement for the Project.

### **Agreement**

NOW, THEREFORE, THE PARTNERS enter into this agreement to document their understanding as to the scope of the Project, reaffirm their commitments as to the general responsibilities for and tasks to be undertaken by the Partners, dedicate the

necessary rights to the use of the RCCA, and facilitate communication and cooperation to successfully complete the Project.

**1** Project. The Project elements are described in detail in and supported by the Enhancement Plan, which serves as the basis for and provides technical data and analysis supporting the Partners' agreement.

1.1 DESIGN. Design and preparation of all necessary construction documents (plan sheets, drawings, technical specifications) for the Project. The design of the Project will incorporate elements described in section 7.1 of the Enhancement Plan, and will be accompanied by plan sheets, drawings and technical specifications for a new pedestrian bridge in the RCCA (the Bridge), which will be included in the bidding documents for the Project as a bid alternate.

1.2 CONSTRUCTION. The Project and, if selected, the Bridge will be constructed by a contractor under contract to RPBCWD and with construction oversight and management by the RPBCWD engineer. Construction will include advance determination and procurement of permits and other regulatory approvals necessary for the Project. Construction documents will provide for a three-year warranty on vegetation. Construction also will include completion of as-built surveys of outfalls and, if selected by Eden Prairie pursuant to paragraph 4.3 below, the Bridge. Construction will include restoration of portions of the RCCA utilized for the Project, including trails used for access and staging of construction, to a condition materially suitable for the usual public uses thereof, except to the extent the RCCA is improved through construction of the Project and, if selected, the Bridge.

1.3 MAINTENANCE. RPBCWD and Eden Prairie will implement inspection, monitoring and maintenance of the Project as described in section 7.2 of the Enhancement Plan.

## **2** Costs

2.1 RPBCWD will be responsible for:

- a. The costs of design, construction and implementation, as well as construction oversight and management, of the Project, except as will be reimbursed by Eden Prairie and LMRWD in accordance with the agreement;
- b. The costs and fees associated with complying with regulatory requirements applicable to the Project, except that Eden Prairie will assess no fee to RPBCWD for city permits required for the Project, if any;
- b. The in-kind costs of its participation in post-construction monitoring and inspection of the Project as described in the Enhancement Plan.

2.2 Eden Prairie will:

- a. Contribute the land-use rights necessary for implementation of the Project and construction of the Bridge in the RCCA at no out-of-pocket cost to any party;
- b. Contribute designs, plans and specifications for the Bridge for integration into the bidding and, if selected, construction documents for the Project;
- c. Reimburse RPBCWD \$150,000 of documented Project costs;
- d. Reimburse RPBCWD 50 percent of documented costs of storm sewer outfalls installed as part of the Project, not to exceed a contribution of \$50,000;
- e. Reimburse RPBCWD the entirety of the documented construction cost of the Bridge, if selected;
- f. Conduct, after the three-year warranty period provided in accordance with subsection 1.2, at its sole discretion and expense, routine post-construction inspection and Routine Maintenance of the Project as defined in section 7.2.2 of the Enhancement Plan.

2.3 LMRWD will:

- a. Reimburse RPBCWD \$150,000 of documented Project costs.

2.4 Each of the Partners will bear the internal, administrative and incidental costs of fulfilling its responsibilities and obligations under this agreement, as well as the costs incurred in providing and conducting public education, outreach and meetings for the Project. In the event of cancellation in accordance with subsection 3.5 herein, each party will bear its costs incurred prior to RPBCWD's issuance of notice of cancellation.

### 3 RPBCWD's Specific Rights and Duties

3.1 RPBCWD has contracted with the RPBCWD engineer for the development of the design and plans for the Project, along with the specifications and all other necessary bidding and construction documentation. Notwithstanding the foregoing, RPBCWD makes no warranty to Eden Prairie or LMRWD regarding the RPBCWD engineer's or another third party's performance in design, construction or construction management for the Project or the Bridge, if selected. RPBCWD has submitted to Eden Prairie and LMRWD the 90 percent complete design and plans for the Project (attached hereto and incorporated herein as Exhibit B). Under contract with RPBCWD, the RPBCWD engineer will prepare contract documents for the Project, accompanied by plans, designs and technical specifications for the Bridge provided by Eden Prairie in accordance with paragraph 4.2 below, for solicitation of a contractor in accordance with state procurement

law. The RPBCWD engineer will integrate the plans, designs and technical specifications for the Bridge into the bidding documents for the Project as a bid alternate.

3.2 In its sole discretion and based on bids for construction of the Project without regard to bid price of the Bridge, RPBCWD will select a contractor and contract for the construction of the Project and, if selected, the Bridge in accordance with applicable public-procurement law, as analyzed by RPBCWD, and will ensure that the Project, when constructed, is consistent with the RCCA and this agreement. RPBCWD will award and enter a contract for the construction of the Project that will:

a. Require the contractor to indemnify, defend and hold harmless Eden Prairie and LMRWD, their officers, governing-board members, employees and agents from any and all actions, costs, damages and liabilities of any nature, including reasonable attorney's fees, arising from the contractor's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty, or a subcontractor's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty owed by the contractor to RPBCWD. The contract will require that for any claim subject to indemnification by an employee of selected contractor or a subcontractor, the indemnification obligation is not limited by a limitation on the amount or type of damages, compensation or benefits payable by or for the contractor or a subcontractor under workers' compensation acts, disability acts or other employee benefit acts.

b. Require that the contractor procure general liability insurance and name Eden Prairie and LMRWD as additional insureds with primary coverage for general liability on a noncontributory basis for both ongoing work and completed operations to the extent of RPBCWD's statutory liability limit.

c. Extend all product warranties and workmanship guaranties to Eden Prairie.

3.3 As between the Partners and with the assistance and cooperation of Eden Prairie, RPBCWD will obtain all permits, licenses and other necessary approvals for itself and Eden Prairie from entities with regulatory authority.

3.4 RPBCWD will contract for construction of and will ensure that the Project and, if selected, the Bridge are completed in accordance with applicable law and regulatory standards and criteria.

3.5 RPBCWD or the RPBCWD engineer on RPBCWD's behalf will oversee the construction of the Project, and if selected, the Bridge. RPBCWD may adjust the plans, design and specifications for the Project during construction in consultation with Eden Prairie, as long as the revised plans do not require RPBCWD to exceed the scope of the rights granted under this agreement or create maintenance obligations not anticipated

hereunder. Until completion of construction, if RPBCWD, in its judgment, should decide that the Project is infeasible, RPBCWD, at its option, may declare this agreement rescinded and annulled. If RPBCWD so declares, all obligations herein, performed or not, will be voided; RPBCWD will return the RCCA as nearly as reasonably feasible to its preexisting condition or to a condition agreed on by Eden Prairie and RPBCWD to the extent the RCCA has been physically disturbed by RPBCWD, its contractor, agents or assigns. On completion of construction of the Project, the RPBCWD engineer will certify construction of the Project as substantially complete for the purposes intended.

3.6 RPBCWD will notify Eden Prairie on completion of construction, and thereafter RPBCWD will participate in monitoring the effectiveness of and inspecting the Project and will, in collaboration with Eden Prairie, produce an annual report on the status of the Project, consistent with the Enhancement Plan. At the request of Eden Prairie, RPBCWD will duly consider levying and dedicating funds for maintenance and/or repair of the Project.

#### **4 Eden Prairie's Specific Rights and Duties, and Grant of Access, Construction and Maintenance Rights**

4.1 Eden Prairie has reviewed and approves, by its signature hereunder, the 90 percent complete design and plans for the Project provided in Exhibit B.

4.2 Eden Prairie, for itself or by a contractor on its behalf, will submit a design, plans and bidding specifications for the Bridge in a form and format specified by the RPBCWD engineer for inclusion in the solicitation of a contractor for the Project as a bid alternate. In the event Eden Prairie does not submit a design, plans and bidding specifications for the Bridge to the RPBCWD engineer, the Bridge will not be included in the solicitation and RPBCWD will solicit contractors for construction of the Project only. Under any circumstances, solicitation of and selection of a contractor for construction of the Project will be made on the basis of cost of the construction of the Project alone (i.e., the base bid).

4.3 After receipt of responses to the solicitation of contractors for construction, Eden Prairie in its sole discretion will determine whether to direct RPBCWD to include construction of the Bridge in the contract between RPBCWD and the selected contractor for construction of the Project. In the event Eden Prairie elects not to direct RPBCWD to include construction of the Bridge in the contract for construction of the Project, Eden Prairie may separately contract for construction of the Bridge and will be solely responsible for coordination of construction of the Bridge with construction of the Project.

4.4 Eden Prairie will cooperate with RPBCWD's efforts to obtain permits and approvals needed for the Project and act to facilitate proper and efficient processing of applications for city approvals.

4.5 LAND-USE RIGHTS.

a. Eden Prairie hereby grants to RPBCWD, its contractors, agents and assigns a temporary and nonexclusive license through the three-year warranty period provided in accordance with subsection 1.2 herein to access and use the portions of the RCCA shown in the Enhancement Plan and occupying parcels designated in the Hennepin County property records by property identification numbers

29-116-22-32-0004	29-116-22-31-0009
29-116-22-31-0018	29-116-22-24-0015
29-116-22-24-0048	29-116-22-24-0019
29-116-22-21-0030	29-116-22-21-0051

for purposes of construction of the Project and, if selected, the Bridge. RPBCWD, on reasonable notice to Eden Prairie, may temporarily restrict or preclude public access to a portion or portions of the RCCA to ensure safety while construction activities are under way.

b. Eden Prairie will forbear from any activity that unreasonably interferes with the RPBCWD's ability to exercise its rights or meet its obligations under this agreement. Subject to its interest in preserving public safety, Eden Prairie will cooperate with RPBCWD's reasonable exercise of its rights under this agreement with regard to access to and use of the RCCA. Eden Prairie will not take any action within or adjacent to the RCCA that could reasonably be expected to diminish the effectiveness or function of the Project for the purposes intended, and after notice of completion of construction of the Project from RPBCWD, Eden Prairie will continue to maintain the RCCA in a manner that avoids inhibiting the effectiveness of the Project. If Eden Prairie transfers ownership of a fee interest in the RCCA or any portion of the RCCA improved by the Project during the term of this agreement, it will require as a condition of sale and enforce a requirement that the transferee assume in writing Eden Prairie's responsibilities and obligations under this agreement.

c. On completion of construction of the Project, Eden Prairie will retain ownership of the RCCA, and, if selected for construction, the Bridge, provided that if Eden Prairie transfers ownership of a fee interest in the RCCA or any portion of the RCCA improved by the Project or the Bridge during the term of this agreement, it will require as a condition of sale and enforce a requirement that the transferee assume in writing Eden Prairie's responsibilities and obligations under this agreement.

4.6 Eden Prairie may, at its sole discretion and expense, adjust the plans, design and specifications for the Bridge during construction, as long as the revised plans do not require Eden Prairie to exceed the scope of the rights granted under this agreement and, to the degree the changes affect design or construction of the Project, with concurrence of the RPBCWD engineer.

4.7 On notification from RPBCWD of completion of construction in accordance with paragraph 3.6, Eden Prairie will on its own, or by contract with an engineer licensed in the State of Minnesota, certify construction of the Bridge as substantially complete for the intended purposes, if selected by Eden Prairie for construction in conjunction with the Project in accordance with paragraph 4.3.

4.8 After certification of construction of the Project as substantially complete for the intended purposes, Eden Prairie will participate for the duration of this agreement in inspecting the Project and will, in collaboration with RPBCWD, produce an annual report on the status of the Project, consistent with the Enhancement Plan. Eden Prairie will complete or contract for the completion of, in its sole discretion and at its sole expense, Routine Maintenance as defined in the Enhancement Plan of the Project for 20 years from the date the Project is substantially complete for the intended purposes.

4.9 On receipt of documentation of costs incurred and paid, Eden Prairie will reimburse RPBCWD as described in section 2 of this agreement.

4.10 After completion of construction of the Project, Eden Prairie may solicit contributions from RPBCWD and/or LMRWD for non-routine maintenance and/or repairs of the Project.

4.11 Eden Prairie may conduct data-collection and analysis on the performance of the Project in reducing loading of sediment and other pollutants to Riley Creek, or request and utilize RPBCWD data and analysis for the purpose, and may utilize all credit generated by the Project toward compliance with goals and requirements imposed by state and federal regulatory programs, such as the National Pollutant Discharge Elimination System as applicable to Eden Prairie.

## **5 LMRWD's Specific Rights and Duties**

5.1 LMRWD has reviewed and approves, by its signature hereunder, the 90 percent complete design and plans for the Project provided in Exhibit B.

5.2 On receipt of documentation of costs incurred and paid, LMRWD will reimburse RPBCWD as described in section 2 of this agreement.

## 6 General Terms

6.1 INDEPENDENT RELATIONSHIP; LIABILITY. This agreement does not create a joint powers board or organization within the meaning of Minnesota Statutes section 471.59, and no party agrees to be responsible for the acts or omissions of another pursuant to subdivision 1(a) of the statute. Only contractual remedies are available for the failure of a party to fulfill the terms of this agreement. Eden Prairie, LMRWD and RPBCWD enter this agreement solely for the purposes of improving the ecological health and condition of lower Riley Creek in Eden Prairie and downstream receiving waters. Accordingly, with respect to any and all activity undertaken pursuant to this agreement, Eden Prairie, LMRWD and RPBCWD (each party as an Indemnitor Party) agree to hold each other harmless, and defend and indemnify the other parties, their officers, employees and agents (individually, an Indemnified Party) from and against any and all liability, loss, claim, damage or expense (including reasonable attorney fees, costs and disbursements) that an Indemnified Party may incur as a result of the Project due to any negligent or willful act or omission by the Indemnitor Party or the Indemnitor Party's breach of any specific contractual duty. Notwithstanding the foregoing or any other provision of this agreement, Eden Prairie's, LMRWD's and RPBCWD's obligations under this paragraph will survive the termination of the agreement.

This agreement creates no right in and waives no immunity, defense or liability limitation with respect to any third party. As between the parties, only contract remedies are available for a breach of this agreement. Notwithstanding the foregoing, RPBCWD will not be deemed to have acquired by entry into or performance under this agreement, any form of interest or ownership in or to any portion of the land that is the site of the construction of the Project or adjacent property. RPBCWD will not by entry into or performance under this agreement be deemed to have exercised any form of control over the use, operation or management of any portion of the property that is the site of the Project or adjacent property so as to render RPBCWD a potentially responsible party for any contamination under state and/or federal law, however this will not relieve the RPBCWD from liability as a potentially responsible party on the basis of categories other than ownership and operation as provided for under state and federal law.

6.2 PUBLICITY AND ENDORSEMENT. Any publicity regarding the Project must identify Eden Prairie, LMRWD and RPBCWD as the sponsoring entities. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for Eden Prairie, LMRWD or RPBCWD individually or jointly with others, or any subcontractors, with respect to the Project. RPBCWD, LMRWD and Eden Prairie will collaborate on the development of educational and informational signage and materials pertinent to the Project, and each



party, at its cost, may develop, produce and, after approval of the other parties, distribute educational, outreach and publicity materials related to the Project.

6.3 DATA MANAGEMENT. All designs, written materials, technical data, research or any other work-in-progress will be shared between the parties to this agreement on request, except as prohibited by law. As soon as is practicable, the party preparing plans, specifications, contractual documents, materials for public communication or education will provide them to the other party for recordkeeping and other necessary purposes.

6.4 DATA PRACTICES. All data created, collected, received, maintained or disseminated for any purpose in the course of this agreement is governed by the Data Practices Act, Minnesota Statutes chapter 13, any other applicable state statute, or any state rules adopted to implement the act, as well as federal regulations on data privacy

6.5 ENTIRE AGREEMENT. This agreement contains the complete and entire agreement among the parties relating to the subject matter hereof, and supersedes all prior negotiations, agreements, representations and understandings, if any, between the parties respecting such matters. The recitals stated at the outset are incorporated into and a part of the agreement.

6.6 COMPLETE AGREEMENT. This agreement, as it may be amended in writing, constitutes the entire agreement between the Partners. Any amendment to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement or their successors in office.

6.7 WAIVERS. The waiver by Eden Prairie, LMRWD or RPBCWD of any breach or failure to comply with any provision of this agreement by the other party will not be construed as nor will it constitute a continuing waiver of such provision or a waiver of any other breach of or failure to comply with any other provision of this agreement.

6.8 NOTICES, COORDINATION. The Partners designate the following authorized representatives, each to serve as the liaison to the other parties for purposes of coordinating inspection, construction oversight and maintenance of the Project as provided in this agreement. Any written communication required under this agreement will be addressed to the other parties as follows, except that any party may change its address for notice by so notifying the other parties in writing:

Eden Prairie

Patrick Sejkora  
Water Resources Engineer  
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LMRWD

Linda Loomis,  
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6.9 TERM; TERMINATION. This agreement is effective on execution by all three parties and will terminate 20 years from the date of execution or on the written agreement of the Partners. Any responsibility or obligation that has come into being before expiration, specifically including obligations under section 2 and paragraphs 5.2, 6.1 and 6.2 herein, will survive expiration. Further, if Eden Prairie transfers ownership of a fee interest in the RCCA or in any portion of the RCCA improved by the Project subsequent to the term of this agreement, Eden Prairie will require as a condition of sale and enforce that the purchaser agree in writing to refrain from taking any action that could reasonably be expected to diminish the effectiveness or function of the Project for the purposes intended.

**IN WITNESS WHEREOF**, the parties have caused the agreement to be duly executed intending to be bounded thereby.

*(Signature page follows.)*

CITY OF EDEN PRAIRIE

[Signature]  
By: Ronald K. Case, Mayor  
Date: 4/16/2019

[Signature]  
By: Rick Wetschow, City Manager  
Date: 4/16/2019

Approved as to form & execution:  
[Signature]  
City attorney

LOWER MINNESOTA RIVER  
WATERSHED DISTRICT

\_\_\_\_\_  
By: \_\_\_\_\_, President  
Date: \_\_\_\_\_

Approved as to form & execution:  
\_\_\_\_\_  
District counsel

RILEY-PURGATORY-BLUFF CREEK  
WATERSHED DISTRICT

By: Richard Ward  
By: RICHARD WARD, President  
Date: MAY 1, 2019

Approved as to form & execution:  
[Signature]  
District counsel

**EXHIBIT A**  
**Lower Riley Creek Corridor (Reach E and D3) Enhancement Plan**

**EXHIBIT B**  
**90 percent Complete Design and Plans for the Project**



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday June 19, 2019

### Agenda Item

#### Item 6. H. - Local Surface Water Management Plan Reviews

### Prepared By

Linda Loomis, Administrator

### Summary

#### i. City of Shakopee

The LMRWD reviewed the Shakopee Local Surface Water Management Plan (LSWMP) and provided comments to the City on April 12, 2019. Staff was waiting for a response from the city before adopting a resolution approving the LSWMP. However, the LMRWD has not received a response from the city.

### Attachments

No attachment

### Recommended Action

No action recommended