

Please note the meeting will be held at the Carver County Government Center on the Wednesday, September 18, 2019



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

Lower Minnesota River Watershed District

7:00 PM

Wednesday, September 18, 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 July 17, 2019 and August 21, 2019 Regular Meetings</p> <p>B. Receive and file August 2019 Financial reports</p> <p>C. Approval of Invoices for payment</p> <ul style="list-style-type: none"> <li>i. Frenette Legislative Advisors - - July 2019 lobbying services</li> <li>ii. Daniel Hron - August 2019 office rent</li> <li>iii. Padelford Packet Boat Company - Boat Rental for MN River Tour</li> <li>iv. US Bank Equipment Leasing - September 2019 copier lease payment</li> <li>v. Daniel Hron - September 2019 office rent</li> <li>vi. Rinke Noonan Attorneys at Law - July 2019 legal services</li> <li>vii. US Bank Equipment Leasing - October 2019 copier lease payment</li> <li>viii. WayPoint Insurance Advisors - D &amp; O Insurance Annual Premium</li> <li>ix. Western National Insurance - Casualty Insurance Annual Premium</li> <li>x. Naiad Consulting - June 2019 administrative services &amp; expenses</li> <li>xi. Tierney Brothers, Inc. - Fee for remote meeting system design</li> <li>xii. TimeSaver Off Site Secretarial - June 2019 meeting minutes preparation</li> <li>xiii. US Geological Survey - MN River sediment monitoring</li> <li>xiv. Dakota County Soil &amp; Water Conservation District - Q2 Dakota County</li> </ul>

	<p>monitoring</p> <p>xv. HDR Engineering, Inc. - 1st half 2019 website maintenance</p> <p>xvi. Young Environmental Consulting Group, LLC - July 2019 Technical Services</p>
5. New Business/ Presentations	A. Election of LMRWD Officers
6. Old Business	<p>A. MAWD</p> <p>B. 2018 Audit report update</p> <p>C. 2019 Cost Share Grants extension requests</p> <p>D. Bloomington Request re: Ike's Creek</p> <p>E. Remote meeting participation</p> <p>F. Dredge Management</p> <p style="padding-left: 20px;">i. Funding for dredge material management</p> <p style="padding-left: 20px;">ii. Vernon Avenue Dredge Material Management site</p> <p style="padding-left: 20px;">iii. Private Dredge Material Placement</p> <p>G. Watershed Management Plan</p> <p>H. 2020 Legislative Action</p> <p>I. Education &amp; Outreach</p> <p>J. 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 style="padding-left: 20px;">i. East Chaska Creek</p> <p>K. Local Water Management Plan Reviews</p> <p style="padding-left: 20px;">i. City of Shakopee</p> <p>L. 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 style="padding-left: 20px;">i. City of Chanhassen - TH 101 realignment</p> <p>M. 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>
8. Adjourn	Next meeting of the LMRWD Board of Managers is Wednesday, October 16, 2019

Upcoming meetings/Events

- Upper Mississippi River Waterway Association - Annual Meeting, Thursday, September 19, 2019, 5:30pm, Southview Country Club, 239 East Mendota Road, West St. Paul, MN
- Metro MAWD - Tuesday, October, 15, 7:00pm Cap Region Watershed District, 595 Aldine Street, St. Paul

## For Information Only

- WCA Notices
  - Notice of Decision - City of Chanhassen TH 101 Reconstruction (CSAH 14 to CSAH 61) - replacement plan
- DNR Public Waters Work permits
  - General Permit Authorization - - MNDOT applicant, TH 5 Drainage rehabilitation at TH 62 Interchange - for culvert Construction/Modification/Replacement
- DNR Water Appropriation permits
  - City of Shakopee - Quarry Lake drawdown; application to drawdown excess water level in Quarry lake, discharge will be to PLOC

## 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



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, August 21, 2019

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

Approved September 18, 2019

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

On Wednesday, August 21, 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, Manager Adam Frey 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; and Lindsey Albright, Dakota County SWCD;

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis asked that the minutes of the July 17, 2019 minutes be removed from the agenda.

Administrator Loomis added 2 items to the agenda. The first is the extensions to the Cost Share Project for the Chimney Pines Homeowners Association project because of the weather and the second is for the Cost Share Project submitted by Lori Rathjen. The DNR has not been able to prepare the site because of the wet weather. Administrator Loomis recommended extending the expiration of the grant to June 30<sup>th</sup>.

**Manager Raby made a motion to approve the Agenda, as amended. The motion was seconded by President Hartmann. 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 June 19, 2019 and ~~July 17, 2019~~ Regular Meetings**

**B. Receive and file July 2019 Financial reports**

**C. Approval of Invoices for payment**

i. **Frenette Legislative Advisors - - June 2019 lobbying services**

ii. **Manager Frey - 1st half 2019 mileage and expense reimbursement and per diem**

iii. **Daniel Hron - July 2019 office rent**

iv. **Manager Frey - 1st half 2019 mileage and expense reimbursement and per diem**

v. **Rinke Noonan Attorneys at Law - May & June 2019 legal services**



- vi. **US Bank Equipment Leasing - August 2019 copier lease payment**
- vii. **Braun Intertech Corp. - for June 2019 inclinometer readings**
- viii. **Manager Hartmann - 1st half 2019 mileage and expense reimbursement and per diem**
- ix. **Naiad Consulting, LLC - May 2019 Administrative Services & Expenses**
- x. **Young Environmental Consulting Group, LLC - June 2019 Technical Services**
- xi. **Carver County Finance Department - Q2 2019 Financial Services**

**D. 2018 Audit report update**

**Manager Raby made a motion to approve the Consent Agenda, with the deletion of the July 2019 minutes. The motion was seconded by President Hartmann. The motion carried unanimously.**

**5. PUBLIC HEARING**

**A. Preliminary approval of proposed 2020 budget and certification of levy payable 2020**

Administrator Loomis explained that at the last meeting the board decided to increase the levy to \$800,000 with the increase credited to the channel fund to pay for construction in 2020.

Manager Raby questioned the date of public notice is wrong on the second page of the executive summary. He clarified the correct dates of the final publication.

President Hartmann opened the public hearing.

Seeing and hearing no one wishing to speak to the 2020 preliminary budget and certification of the levy payable 2020, President Hartmann closed the public hearing.

**President Hartmann made a motion to adopt Resolutions 19-04, 19-05, 19-06 and 19-07 approving preliminary certification of property tax levies for taxes payable 202 and approving of the 2020 proposed budget. The motion was seconded by Manager Raby. The motion carried unanimously.**

**6. NEW BUSINESS**

**A. Request from City of Bloomington - removal of area from steep slope overlay**

Administrator Loomis explained that the city requested an area of the city be removed from the LMRWD steep slope overlay district. She said LMRWD staff concurs with the City of Bloomington's position and recommends removing the area from the Steep slope overlay district.

**Manager Raby made a motion to approve the request. The motion was seconded by President Hartmann. The motion carried unanimously.**

**B. Request from Scott County - support for TH 13 improvements**

Administrator Loomis explained that Scott County is looking to study improvements to the intersection of Dakota Avenue South and TH 13. The County is planning to apply for state and federal funds for the project and asked the LMRWD for a letter of support. She noted this improvement would make the intersection safer for traffic and Cargill indicated that they might be able to expand its hours of operation, if trucks did not have to make a left turn across traffic to get to its terminal.

Manager Raby asked that the letter be edited to correct typos.

**President Hartmann made a motion to authorize execution to the letter of support. The motion was seconded by Manager Frey. The motion carried unanimously.**

**7. OLD BUSINESS**

**A. MAWD Resolution - Minnesota River Congress Request**

Administrator Loomis said at the last meeting the Board agreed to support a request from Scott Sparlin on behalf of the MN River Congress for the State of Minnesota to support increasing upland water storage in the Minnesota River Basin and match up to \$5,000 for the project. The Board directed that a resolution be prepared to support the goals of the project and that the resolution be submitted to MAWD. She noted a resolution was drafted and asked the board to approve the resolution.

Manager Raby said in the first whereas can it be stopped at "been eliminated".

Manager Raby said on the third whereas there are different tenses. Manager Raby said on the third whereas there are different tenses.

**Manager Raby made a motion to support the resolution 19-08 and submit it to MAWD with the changes. The motion was seconded by President Hartmann. The motion carried unanimously.**

#### **B. Remote meeting participation**

Administrator Loomis said a quote was received from Tierney Brothers for the work and equipment to be able to have managers participate in board meetings from remote locations.

Manager Raby asked if there is a schedule for the work to be implemented. Administrator Loomis said she did not have that information.

Manager Raby asked that legal counsel look at this proposal to make sure it meets the intent of the state's open meeting law. He noted there were differences between this quote and what Rice Creek spent. Manager Raby wondered why the LMRWD quote was more, when Rice Creek wanted multiple locations wired. Administrator Loomis said they only wired one room at its offices.

Administrator Loomis noted that if a Manager is participating remotely, the person on the other end would need to be located in a public place. Manager Raby wanted to know what the public notice requirements are for participating in meetings this way.

**President Hartmann made a motion to table this item to the September 2019 Board of Managers meeting. The motion was seconded by Manager Frey. The motion carried unanimously**

#### **C. Dredge Management**

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

See discussion below in 6.C.ii.

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

Administrator Loomis said the work plan requested by BWSR is complete. She noted BWSR spoke to her about how the grant would be funded. She noted that BWSR said they wanted to give the money to the LMRWD on a reimbursement basis. Managers asked if BWSR gave any rationale for why they would fund the grant this way. The previous grant was funded once the grant agreement was executed.

Staff said that no rationale was given. Staff could only speculate as to why.

##### **iii. Private Dredge Material Placement**

Administrator Loomis said no new dredge has been placed by private parties. She noted that all of last year's materials have been removed. Manager Frey asked if it had been sold off. Administrator Loomis said the LMRWD is not responsible for removal of the private material, but that the private parties must find a place to dispose of the material.

She explained that this year, instead of sending the material to a landfill one of Cargill's customers agreed to take the material to reuse it.

**D. Watershed Management Plan**

Administrator Loomis reported on the August 13, 2019 TAC meeting last week. September 4<sup>th</sup> is the deadline for final comments. She provided a timeline for the rules approval.

**E. 2020 Legislative Action**

Administrator Loomis had nothing more to report.

**F. Education and Outreach Plan**

Administrator Loomis said the tour is ready to go and provided details. She asked that the Managers RSVP, if they haven't done so already.

**G. LMRWD Projects**

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

**H. Local Water Management Plan Reviews**

**i. City of Shakopee**

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

**I. Project/Plan Reviews**

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

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

No new information since last update.

**7. COMMUNICATIONS**

**A. Administrator Report:** Administrator Loomis reported on communication with BWSR regarding the Grant for Seminary Fen. Manager Raby suggested that the LMRWD go to the legislature. Ms. Young said that the Office of the Legislative Auditor had issued a report on the BWSR operations. She asked if there is a target number the board is looking for. Manager Raby said they should request what they originally planned to give the board. He doesn't feel the LMRWD should negotiate. He asked to send a letter. The Board feels approaching the legislature is worth a try.

Administrator Loomis commented on the pumping to the Prior Lake outlet channel.

Administrator Loomis said she is looking to plan an event for the 60<sup>th</sup> anniversary. She noted there is \$7,500 in the education fund that could be used.

**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 8:08pm. The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, August 21, 2019 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN.**

LOWER MINNESOTA RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS  
WEDNESDAY, August 21, 2019  
MEETING MINUTES

---

Dave Raby, Secretary

Attest:

---

Linda Loomis, Administrator



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, July 17, 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, July 17, 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, Manager Adam Frey 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; Lindsey Albright, Dakota County SWCD; Bruce Loney, Prior Lake/Spring Lake Watershed District; and Scott Sparlin, Coalition for a Clean Minnesota River and MN River Congress;

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis asked to remove the minutes of the June 19, 2019 meeting from the agenda.

Manager Raby had a question on the audit report. Manager Raby asked if staff has any idea how long it will take to resolve the issue with the audit. Administrator Loomis suggested removing the report from the consent agenda and there could be a discussion of this item in its normal sequence on the agenda.

**President Raby made a motion to approve the Agenda, as amended. The motion was seconded by Manager Hartmann. 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 June 19, 2019 Regular Meetings~~

B. Receive and file June 2019 Financial reports

C. Approval of Invoices for payment

- i. Frenette Legislative Advisors - - May 2019 lobbying services
- ii. Metro Sales, Inc. - payment for copier maintenance
- iii. Rinke Noonan Attorneys at Law - April 2019 legal services
- iv. Braun Intertech Corp. - for February & April 2019 inclinometer readings

- v. **Freshwater Society - Sponsorship of February Road Salt Symposium & 2019 Water Summit**
  - vi. **Naiad Consulting, LLC - February and April 2019 Administrative Services & Expenses**
  - vii. **Young Environmental Consulting Group, LLC - May 2019 Technical Services**
- D. 2018 Audit report update**
- E. Receive and File letter from the City of Eagan regarding Draft Rules**

**President Hartmann made a motion to approve the Consent Agenda, with the deletion of the June 2019 minutes and the removal of Item 4. D. - 2018 Audit report update. The motion was seconded by Manager Frey. The motion carried unanimously.**

**4.D. 2018 Audit Report Update**

Administrator Loomis said she has spoken with the Auditor, who suggested the LMRWD ask for another extension. (The LMRWD received an extension to August 15, 2019 for filing its 2018 audit)

If the LMRWD does not receive the second half of the grant funds from BWSR for the Seminary Fen Ravine Stabilization, then the District will have to write off the receivable. Additionally, she said that LMRWD legal counsel recommends that the board pay forward the money owed to the City of Chaska. The Auditor said writing off the grant and paying the City will reflect poorly on the 2018 Audit Report.

The Administrator informed the Board of the terms in the cooperative agreement between the City and the LMRWD, that states cost overruns for the project would be split 50/50. She is not sure that this would qualify as a cost overrun. Manager Raby asked if the City has written a letter to BWSR. Administrator Loomis said they have not. She asked if they would like to sign on to the letter to BWSR and the City declined, because the Grant Agreement is between the LMRWD and BWSR.

Manager Raby asked what is involved in filing for an extension. Administrator Loomis said it is fairly simple - the LMRWD contacts them and requests an extension. She noted they also have to get an extension from BWSR. Manager Raby suggested we should file for an extension. He asked what happens if an extension is not granted? And if we can't get the extension before the 15th the LMRWD will then have to write it off.

Staff will request and additional extension.

**5. NEW BUSINESS**

**A. Burnsville Landfill**

Administrator Loomis said a Supplemental Environmental Impact Statement is being prepared for the Burnsville Landfill. She reminded the Board that Lisa Frenette was asked to follow this issue at the Legislature on behalf of the LMRWD. Ms. Frenette suggested that the LMRWD have legal counsel draft a letter to the MPCA asking why they have not taken any action to clean up the Freeway Landfill.

The City of Burnsville claims the request to increase capacity at the Burnsville Landfill is being driven by the Freeway Landfill. The City has implied that Burnsville Landfill must be expanded in order to get Freeway Landfill cleaned up. President Hartmann clarified Freeway is closed. Administrator Loomis said it is closed and under the VIC (Voluntary Investigation and Clean-up) Program.

Manager Raby questioned why the MPCA has not proceeded. He said the letter is a good idea and to write it from the standpoint of why clean up is so important.

The board provided direction to staff.

## **6. OLD BUSINESS**

### **A. 2020 Proposed Budget**

Administrator Loomis said she provided hard copies of the budget for the Board.

Manager Raby asked about Scott County. He noted they were surprised that the market value in Scott County was more than Hennepin County. Administrator Loomis said it has flip-flopped this year. She said a mistake was made in 2018 when the LMRWD certified the levy to Scott County. The levy for the entire district was certified to Scott County. Administrator Loomis talked about how this will be taken care of.

Administrator Loomis said the board agreed to keep the levy at \$725,000. She said she is concerned about the dredge project and making sure the LMRWD has enough money available to pay for the construction costs. She said paying for the dredge project will be tight. She said she would feel more comfortable putting additional money in the budget for the nine-foot channel.

Administrator Loomis explained the overhead costs of the district are allocated across the different funds by percentages. She recommended the percentage for the channel fund be changed to 15%. The additional percentage should be charged to the 509 plan. She said this is more reflective of the amount of time spent on the two responsibilities of the District.

Manager Raby asked for staff to clarify the funding of the dredge site project. The estimated cost provided by the engineers is about \$1.5M. Staff said they are trying to get a more accurate number and have reached out to LS Marine. Staff said they would have more information available in August. The Board said that by increasing the levy to \$800,000 that it should cover the project.

Bruce Loney asked about the Prior Lake Outlet Channel project shown in the LMRWD budget. Administrator Loomis said there is a proposal to do a project with the City of Shakopee to slow the flow of water down in a segment of the Prior Lake Outlet Channel, in order to reduce nutrients and sediment to Dean Lake. The LMRWD and the City received a grant under the Metro area Watershed Based Funding for this project and it will likely be constructed in 2020.

### **B. MN River Congress Request**

Scott Sparlin provided an overview of his proposal to achieve an increase in water storage in the MN River Basin. He said there has been action on this proposal already. He has spoken to Representatives Jeff Brand and Paul Torkelson and they support both this project. There is a sponsor in the State Senate. He is now seeking letters of support for this initiative to create more storage in the MN River Basin.

President Hartmann asked what feedback Mr. Sparlin has received from the farming community. Mr. Sparlin listed some of the organizations he has contacted and responses he has received. He said there will have to be a significant amount of payments get more storage and that payments will have to reflect the land values. The flexibility of the initiative will be the strongpoint. Mr. Sparlin explained the three tiers to this proposal for perpetual water storage. He pointed out that the program would be voluntary and he is hoping to be able to get federal funding once the State puts a program in place.

Manager Raby clarified the funding request and said it looks like the total is \$6,500.

Administrator Loomis said the work plans goes from this year to 2021. Mr. Sparlin said the total is \$10,000 and it is cumulative.

Manager Raby asked if other money has been raised. Mr. Sparlin said they have raised about \$3,000 for this effort and they will continue to seek additional funding.

Administrator Loomis asked if it would be easier for Mr. Sparlin to raise money if there were a match. The board discussed contributing funds as matching funds. Manager Raby said he would be comfortable matching up to \$5,000 each year. Manager Raby asked if this was in the LMRWD budget. Administrator Loomis said that funding was in the budget for a different project in the MN River Basin that could be redirected to this project. Mr. Sparlin said a match would help and he mentioned some of the groups that he is speaking to about supporting this initiative.

Mr. Sparlin asked for an endorsement letter saying the LMRWD board is in support of seeking funding from the state of MN to create a significant water storage program.

**Manager Raby made a motion to agree to match up to \$5,000 in 2019 and 2020 based upon a 1 to 1 match and write a letter of endorsement. The motion was seconded by President Hartmann. The motion carried unanimously.**

Manager Hartmann asked where the water comes from for irrigation. Mr. Sparlin said groundwater wells, but there are a few permits that do come from tributaries.

Manager Frey asked if Mr. Sparlin has spoken to Ducks Unlimited. Mr. Sparlin said that is in progress. Manager Frey said he thinks there would a lot of support for this proposal from the hunting community if the proposal will increase habitat.

Manager Raby asked that the LMRWD submit a resolution to MAWD.

#### **C. Remote meeting participation**

Administrator Loomis said this is for the Board's information. Manager Raby asked if there was schedule to complete. Administrator Loomis said there was not a schedule. She said she will ask for a timeframe.

#### **D. Dredge Management**

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

Administrator Loomis said she received communication from MNDOT that attorneys for MNDOT do not believe the LMRWD qualifies for funding under the Port Development Assistance Program. She and Lisa Frenette are arranging a meeting with Patrick Phenow, Navigation Director for MNDOT.

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

Administrator Loomis said the hearing for the amendment to the Conditional Use Permit (CUP) is tomorrow night. Manager Raby said it looks like the condition for removing material when there is a flood was not being removed from the permit. Ms. Della Young stated that the site is being designed so that there will be no rise in the flood elevation. The city has received a no rise certification from LMRWD engineers and the CUP will be worded so that removal of material from the site will not be necessary.

The condition that a three day notice be given to the City when material is being removed from the dredge site will be removed from the CUP.

##### **iii. Private Dredge Material Placement**

Private slips have not yet been dredged. Last year's material is in the process of being removed.

#### **E. Watershed Management Plan**



Administrator Loomis said there is going to be another Technical Advisory Committee (TAC) meeting to discuss all the comments and explain the intent of the LMRWD in adopting rules. The TAC meeting is scheduled at 1:00pm on August 13th at the Shakopee Library.

Ms. Young talked about the general permit and explained the feedback that the LMRWD has received from the city. She said that staff will revise the rules to make them more understandable and then walk the TAC through the changes. She said the confusion of the cities is the reason that the city of Eagan sent the letter asking for more time to review the rules that was received and filed by the Board at this meeting.

Manager Raby asked how long the LMRWD will be delaying receipt of comments. Administrator Loomis said that the LMRWD should be able to work with the Cities and revise the rules and then be able to bring the rules to the Board at the August or September meeting for authorization to submit the rules for agency review. Manager Raby thought a response should be drafted to the City of Eagan.

**F. 2019 Legislative Action**

No new information to report.

**G. Education and Outreach Plan**

No new information to report.

**H. LMRWD Projects**

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

**I. Local Water Management Plan Reviews**

**i. City of Shakopee**

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

**J. Project/Plan Reviews**

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

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

No new information since last update.

**7. COMMUNICATIONS**

**A. Administrator Report:** Administrator Loomis commented on the Mississippi River dam disposition study. She said that the reason she is bringing this to the attention of the Board is because the LMRWD previously commented on the proposal; asking if there is any information about the impact to the mouth of the MN River.

She reported that the MPCA currently has released four TMDL/WRAPS studies for comment. The comment period begins July 22nd and ends September 20th. She reported that the LMRWD has already seen the Minnesota River/Greater Blue Earth TSS TMDL and met with the MPCA to give them feedback. She said the MPCA asked to partner on the MN River Tour the LMRWD is holding with the Savage Chamber of Commerce on the 28th of August.

She reported the US Army Corps of Engineers has completed the MN River Minnesota River Basin Integrated Watershed Study. Administrator Loomis has not been able to see it yet although it has been released to its partners. She reminded the Board that the Corps asked about spin-off studies from this study. She said that given the water levels this year that there may be a case to have a spin-off study to look at flood risks and what impact the sediment loading to the lower MN River valley having on the flood elevations.

At the June meeting the Board had mentioned that they were not sure Carver County was reporting the correct amount of per diem paid to Managers at year end. She said she had provided a report from Carver County that showed what had been reported. He said the report is confusing because the amounts are broken down in the report differently than per meeting. Manager Raby reported that he thinks the mileage and expenses have been included in the amount reported.

Invasive Carp has been found by the DNR in the Mississippi and Minnesota Rivers. A link to the report from the DNR was forwarded to the Managers.

A link was included to the latest newsletter from the Upper Mississippi Waterway Association.

She reported that legal counsel reviewed the cooperative agreement for the Riley Creek Project and did not see anything that concerned him. Legal counsel asked that the LMRWD technical consultant review the project to make sure the project meets LMRWD goals. Young Environmental is conducting the review

The 60% design for East Chaska Creek is complete and staff will be setting up a meeting with the city to allow them to review the design and comment.

The GAP analysis is just about complete for the Dakota County fen project and work will begin shortly on the relevés.

The City of Carver asked the LMRWD to meet to discuss improving the city's levee so that it can be certified by the Corps of Engineers and FEMA

The report for the Geomorphic Assessment is being written. The interns were not able to access all the streams because of the high water.

The LMRWD received an EAW from MAC for an infill project on Concourse G and a MNDOT project has been submitted to the LMRWD for TH 5 near the airport.

Staff met with MNDOT on the I-494 project from TH 169 to the MN River and the latest design from MNDOT for the project will not require any additional storage in the floodplain.

Managers were provided an estimate of the cost to stabilize a ravine that the City of Shakopee intends to use to fix the drainage problem from the Amazon Fulfillment Center. Manager Raby asked why the engineering costs are so high. There was discussion about how the estimate was put together to determine how much the LMRWD could justify providing to the City of Shakopee for the project.

**B. President:** No report

**C. Managers:** Manager Raby asked if there was any information about what is going on at CH Robinson. Administrator Loomis said no, the city has not provided any information to the District.

Manager Raby reported on the Metro MAWD meeting. He noted the dues structure will be staying the same and that items on the MAWD legislative agenda (establishment of a Minnesota River Basin Commission) that concern the LMRWD have been placed in what they call a "parking lot", meaning that MAWD will not actively lobby for this.

**D. Committees:** No report

**E. Legal Counsel:** No Report

**F. Engineer:** No report

**8. ADJOURN**

**President Hartmann made a motion to adjourn. Manager Frey seconded the motion. The meeting was adjourned at 8:42pm. The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, August 21, 2019 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN.**

\_\_\_\_\_  
Dave Raby, Secretary

Attest:

\_\_\_\_\_  
Linda Loomis, Administrator

DRAFT

**Item 4.B.**  
**LMRWD 9-18-19**

<b>BEGINNING BALANCE</b>	<b>31-Jul-19</b>	<b>\$ 2,261,400.90</b>
<b>ADD:</b>		
<b>General Fund Revenue:</b>		<u>\$ -</u>
<b>Total Revenue and Transfers In</b>		<b>\$ -</b>
<b>DEDUCT:</b>		
<b>Warrants:</b>		
417264 Frenette Legislative Advisors July 2019 lobbying services	\$ 1,666.67	
417269 Daniel Hron August 2019 office rent	\$ 650.00	
417287 Padelford Packet Boat Company Payment for Boat Rental	\$ 1,840.44	
417304 US Bank Equipment Finance September copier lease payment	\$ 168.10	
417912 Daniel Hron September 2019 office rent	\$ 650.00	
417941 Rinke Noonan Attorneys at Law July 2019 legal fees	\$ 1,966.50	
417953 US Bank Equipment Finance October 2019 copier lease payment	\$ 168.10	
417957 Waypoint Insurance Advisors 2019/2020 D & O Insurance	\$ 1,008.00	
417958 Western National Insurance 2019/2020 Casualty Insurance	\$ 8,105.00	
100009923 Naiad Consulting June 2019 admin service & expenses	\$ 11,584.32	
100009932 Tierney Brothers fee for A/V Design for remote access	\$ 1,610.63	
100009933 TimeSaver Off Site Secretarial, Inc. July 2019 meeting minutes prep	\$ 215.00	
100009936 US Geological Survey MN River Sediment monitoring	\$ 4,947.00	
100010130 Dakota County Soil & Water CD Q2 monitoring in Dakota County	\$ 3,130.00	
100010135 HDR Engineering 1st half 2019 website maintenance	\$ 357.14	
100010253 Young Environmental Consulting June 2019 technical services	\$ 54,736.10	
<b>Total Warrants/Reductions</b>		<u><b>\$ 92,803.00</b></u>
<b>ENDING BALANCE</b>	<b>31-Aug-19</b>	<u><b>\$ 2,168,597.90</b></u>

EXPENDITURES	2019 Budget	August Actual	YTD 2019	Over (Under) Budget
<b>Administrative expenses</b>	\$ 250,000.00	\$ 27,843.31	\$ 132,518.58	\$ (117,481.42)
<b>Cooperative Projects</b>				
Eden Prairie Bank Stabilization Area #3	\$ -	\$ -	\$ 3,554.80	\$ 3,554.80
Gully Erosion Contingency Fund	\$ -	\$ -	\$ -	\$ -
USGS Sediment & Flow Monitoring	\$ 19,700.00	\$ 4,947.00	\$ 14,841.00	\$ (4,859.00)
Ravine Stabilization at Seminary Fen in Chaska	\$ -	\$ -	\$ -	\$ -
<b>509 Plan Budget</b>				
<i>Resource Plan Implementation</i>				
TH 101 Shakopee Ravine	\$ -	\$ 165.25	\$ 402.97	\$ 402.97
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	\$ 847.55	\$ 1,845.93	\$ (43,154.07)
West Chaska Creek	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Sustainable Lakes Management Plan (Trout Lakes)	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Geomorphic Assessments (Trout Streams)	\$ -	\$ 16,524.05	\$ 67,362.26	\$ 67,362.26
Paleolimnology Study (Floodplain Lakes)	\$ -	\$ -	\$ -	\$ -
Fen Stewardship Program	\$ 25,000.00	\$ 14,900.50	\$ 32,580.10	\$ 7,580.10
District Boundary Modification	\$ -	\$ -	\$ -	\$ -
East Chaska Creek Bank Stabilization Project	\$ 50,000.00	\$ 1,543.30	\$ 19,763.88	\$ (30,236.12)
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	\$ -	\$ -	\$ 23,175.35	\$ 23,175.35
Local Water Management Plan reviews	\$ 12,000.00	\$ -	\$ 2,410.70	\$ (9,589.30)
Project Reviews	\$ 20,000.00	\$ 7,392.40	\$ 23,175.35	\$ 3,175.35
<i>Monitoring</i>	\$ 65,000.00	\$ 3,130.00	\$ 13,820.63	\$ (51,179.37)
<i>Monitoring Data Analysis</i>			\$ -	
<i>Technical Assistance</i>			\$ -	
<i>Watershed Management Plan</i>			\$ -	
Rule Drafting	\$ 25,000.00	\$ 10,638.20	\$ 23,622.62	\$ (1,377.38)
Plan Amendment	\$ -	\$ -	\$ -	\$ -
Vegetation Management Standard/Plan	\$ 50,000.00	\$ 1,395.80	\$ 6,456.10	\$ (43,543.90)
<i>Public Education/CAC/Outreach Program</i>	\$ 30,000.00	\$ 2,197.58	\$ 4,533.55	\$ (25,466.45)
<i>Cost Share Program</i>	\$ 20,000.00	\$ -	\$ -	\$ (20,000.00)
				\$ -
<b>Nine Foot Channel</b>				\$ -
Transfer from General Fund	\$ 80,000.00	\$ -	\$ -	\$ (80,000.00)
Dredge Site Improvements	\$ 240,000.00	\$ 1,278.06	\$ 144,348.74	\$ (95,651.26)
<b>Total:</b>	<b>\$ 1,417,982.00</b>	<b>\$ 92,803.00</b>	<b>\$ 514,412.56</b>	<b>\$ (903,569.44)</b>



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Monday, September 18, 2019

### **Agenda Item**

#### **Item 5. A. - Election of Officers**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

According to the bylaws for the Lower Minnesota River Watershed District election of officers is to be held in September. Currently, Jesse Hartmann is President (since 2018 election), Adam Frey is Vice President (since 2018 election), and Dave Raby is Secretary/Treasurer (Secretary since 2017 and Treasurer since 2015).

Bylaws call for the election of a President, Vice President, Secretary, Treasurer and Assistant Treasurer. Since there is only three managers staff recommends combining the offices of Secretary and Treasurer and electing the three offices.

### **Attachments**

LMRWD Bylaws

### **Recommended Action**

Hold election of officers for the Board of Managers, in accordance with the Bylaws

**BY-LAWS OF  
LOWER MINNESOTA RIVER WATERSHED DISTRICT**

(By-Laws adopted by Lower Minnesota River Watershed District under Minn. Stat. § 103D.315: Subd. 11. "Administration By-Laws: *"The managers shall adopt bylaws for the administration of the business and affairs of the watershed district."*)

**ARTICLE I.**

**NAME**

**Section 1.**     **NAME:** Lower Minnesota River Watershed District.

**Section 2.**     **ABBREVIATIONS:** Throughout these By-Laws whenever it is desirable to abbreviate the name of the Lower Minnesota River Watershed District, the initials "LMRWD" or the word "District" shall be used.

**ARTICLE II.**

**PURPOSE**

Pursuant to Minn. Stat. § 103D.201, the District's General Purpose is as follows:

1.     Protect, preserve, and use natural surface and groundwater storage and retention systems.
2.     Minimize public capital expenditures needed to correct flooding and water quality problems.
3.     Identify and plan for means to effectively protect and improve surface and groundwater quality.
4.     Establish more uniform local policies and official controls for surface and groundwater management.
5.     Prevent erosion of soil into surface water systems.
6.     Promote groundwater recharge.
7.     Protect and enhance fish and wildlife habitat and water recreational facilities.
8.     Secure the other benefits associated with the proper management of surface and groundwater.
9.     Cooperate with, aid and assist the state and/or federal government to provide for commercial river transportation.



## ARTICLE III

### LMRWD OFFICE and WATERSHED DISTRICT'S BOUNDARIES

**Section 1. DISTRICT OFFICE:** LMRWD office is located at 112 East 5th Street, Suite 102, Chaska, MN 55318.

**Section 2. BOUNDARIES of LMRWD:** The LMRWD covers an area of 64 square miles of Carver, Hennepin, Dakota, Scott and Ramsey counties. It also includes the Minnesota River Valley from Fort Snelling at the confluence of the Minnesota and Mississippi rivers, upstream to Carver Minnesota. The width of the District includes the bluffs on both sides of the Minnesota River within this reach of the river. In addition, included in its boundaries are fourteen (14) cities or townships, partially or in their entirety.

## ARTICLE IV

### BOARD OF MANAGERS

**Section 1. DISTRIBUTION of MANAGERS and APPOINTMENT THEREOF:** Pursuant to Minn. Stat. § 103D.301, Distribution of Manager Positions, Subd. 1: More than one affected county. *"If more than one county is affected by a watershed district, the board must provide that managers are distributed by residence among the counties affected by the watershed district."* Minn. Stat. § 103D.301 Subd. 3: *"...The county board of commissioners of a county affected by the watershed district..."* appoints the manager.

**Section 2. COMPOSITION OF LMRWD BOARD OF MANAGERS:** The LMRWD is composed of five managers appointed by the four counties in the District: Hennepin County, two (2) managers; Dakota County, one (1) manager; Carver County, one (1) manager; and Scott County, one (1) manager. Ramsey County is no longer represented because there is no population from Ramsey County in the District.

**Section 3. TERMS OF OFFICE:** Appointments made by the respective counties' Board of Commissioners to the LMRWD Board of Managers are for three-year terms. Terms of office begin in March of the year they are appointed unless a county delays in the appointment of a manager. Per Minn. Stat. § 103D.315, Subd. 6., a manager's term continues until a successor is appointed and qualified.

**Section 4. BONDING:** Before assuming the duties of the Board, each Board member, at District expense, will obtain and file a bond in accordance with Minn. Stat. §103D.315, Subd. 2. The Board, at District expense, will provide for insurance for its members to provide liability protection on such terms and in such amounts as the Board decides.

**Section 5. VACANCIES:** Any manager who is unable to fulfill his/her three-year term of office on LMRWD Board of Managers shall notify his/her respective county commissioner of the fact he/she will leaving his/her position as manager on the LMRWD so the county he/she



represents can appoint another manager as soon as possible to complete the departing manager's term in office.

**Section 6. COMPENSATION:** Minn. Stat. § 103D.315 Subd. 8: *“The compensation of managers for meetings and for performance of other necessary duties may not exceed the amount specified by law. Managers are entitled to reimbursement for traveling and other necessary expenses incurred in the performance of official duties.”*

Managers shall be compensated the statutory maximum per diem for meetings and the performance of other necessary duties authorized by the Board. Managers are entitled to reimbursement for mileage, travel expenses, and lodging in accordance with the LMRWD travel policy. Managers cannot be reimbursed for alcoholic beverages.

**Section 7. SUBMISSION OF MANAGER'S EXPENSES:** A claim form shall be filled out by each Manager and submitted to the LMRWD office to be processed and approved in the same manner as other claims in June and December.

**Section 8. DUTIES OF MANAGERS IN STATUTE:** Minn. Stat. § 103D.315 “Managers” defines additional duties of the District's Managers.

In addition to statutory duties, Managers shall abide by the following principles:

- (a) The Board of Managers acts as the unified voice of LMRWD and the president serves as the spokesperson for the Board of Managers.
- (b) No individual Manager may provide direction, instructions or authorization to the Administrator or a District consultant unless specifically authorized to do so by the Board of Managers.
- (c) A Manager's request for information that would require a significant amount of the Administrator's time must be approved by the Board of Managers.
- (d) A Manager must notify the Administrator when a request for information is made from consultants to the District.
- (e) A Manager may not request or authorize on behalf of the District performance of services by the Administrator or consultant unless authorized by action of the Board of Managers.
- (f) Individual managers cannot bind the District to agreements or expenditures.

## **ARTICLE V OFFICERS**

**Section 1. ELECTION OF OFFICERS:** The following officers shall be elected each calendar year on or before the first regularly scheduled meeting in September: President, Vice-

President, Secretary and Treasurer and Assistant Treasurer. Terms are for one-year unless re-elected.

**Section 2. OFFICER VACANCIES:** Minn. Stat. § 103D.315 Subd. 3: *“The managers must fill vacancies occurring in the officers’ positions.”*

**Section 3. TEMPORARY APPOINTMENTS OF OFFICERS:** The Board may appoint a Board member as officer pro tem if an officer is absent or disabled and action by that officer is required.

**Section 4. DUTIES OF OFFICERS:**

- (a) President: The President shall preside at all meetings of the Board of Managers. The President shall serve under the supervision and direction of the Board and shall see that all orders and resolutions of the Board are carried into effect. The President shall execute all contracts or instruments requiring an officer’s signature, unless otherwise directed by the Board, and shall have the general powers and duties usually vested in the office of President of the Board and shall have such other powers and perform such other duties as the Board may from time to time prescribe.
- (b) Vice-President: In the absence of the President at a regularly held LMRWD meeting, the Vice-President shall preside at the meeting. The Vice-President shall exercise and perform the authorities and duties of the President in the event of the latter’s absence, death, disqualification, or incapacity until the LMRWD Board of Managers elects a new President. The Vice-President shall exercise and perform such other authorities and duties as may be prescribed or limited from time to time by the Board of Managers.
- (c) Secretary: The Secretary shall cause to be recorded all votes and the minutes of all proceedings of the Board of Managers in a book to be kept for that purpose. The Secretary shall give, or cause to be given, notice of all meetings of the Board, and shall perform such other duties as may from time to time be prescribed by the Board or by the President. These duties may be delegated to the Administrator as directed by the Board of Managers.
- (d) Treasurer: The Treasurer shall have the care and custody of the funds and securities and shall disburse the funds of the LMRWD as may be ordered from time to time by the Board. The Treasurer shall keep or cause to be kept full and accurate accounts of receipts and disbursements in books belonging to the LMRWD, and shall deposit all monies, securities and other valuable effects of the LMRWD in the name and to the credit of the LMRWD in such depositories as may be designated from time to time by the Board. Except to the extent that some other person or persons may be specifically authorized by the Board to do so, the Treasurer shall make, execute, and endorse all checks and other commercial paper on behalf of the LMRWD when requested by the Board and shall perform such other duties as may be prescribed by the Board.



- (e) Assistant Treasurer: In the absence of the Treasurer, the Assistant Treasurer shall perform the duties of the Treasurer. The Assistant Treasurer shall exercise and perform the authorities and duties of the Treasurer in the event of the latter's absence, death, disqualification, or incapacity until the LMRWD Board of Managers elects a new Treasurer. The Assistant Treasurer shall exercise and perform such other authorities and duties as may be prescribed or limited from time to time by the Board of Managers.

**Section 5. AUTHORIZED SIGNATORIES BY MANAGERS:** LMRWD has a fiscal agency agreement with Carver County. Payments made by Carver County on behalf of LMRWD must comply with the processes and internal controls contained in the fiscal agency agreement. All other checks, drafts, or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the LMRWD shall be signed by two members of the LMRWD Board of Managers. Checks may be endorsed through electronic signature.

**Section 6. COMMUNICATIONS:** Unless it is a personnel issue, when communicating with the LMRWD consultants Board members should inform the Administrator about the communication to keep her/ him updated about ongoing issues and business of the LMRWD.

**Section 7. HARRASSMENT AND DISCRIMINATION:** Board members and those with whom they work have the right and responsibility to work in an environment free from harassing or discriminating behavior. It is the responsibility of each Board member to refrain from creating a discriminatory or harassing environment. Each Board member is also responsible for treating others with dignity and respect and to report all incidents of harassment immediately so that they can be quickly and fairly resolved.

**Section 7. REMOVAL FROM OFFICE:** Any officer may be removed at any time, with or without cause, upon the affirmative vote of two-thirds (2/3) of the Board of Managers.

## ARTICLE VI. MEETINGS OF LMRWD BOARD OF MANAGERS

**Section 1. REGULAR SET MEETINGS:** The Managers shall have regular meetings to conduct the business of the LMRWD on the third Wednesday of each month and if such day shall fall on a holiday, an alternative date shall be set and noticed. The meetings may be cancelled and rescheduled at any time that the Managers deem necessary.

**Section 2. SPECIAL MEETINGS:** Special meetings to conduct the business of the LMRWD may be held and shall be legally noticed at any other time that the Managers may deem necessary.

**Section 3. PUBLIC HEARINGS:** Public hearings shall be conducted as required by law or, in addition, as directed by the Board of Managers.

**Section 4. MEETING CALLED BY MANAGER:** Minn. Stat. § 103D.315 Subd. 10, states: "*A meeting may be called at any time at the request of any manger. When a manager*

*requests a meeting, the secretary of the watershed district must mail a notice of the meeting to each member at least eight (8) days before the meeting.*" The District's administrator shall notify the Managers as soon as possible of the time and place of the pending meeting and shall provide other notice as required by law.

**Section 5. QUORUM and ADJOURNED MEETING:** At all meetings of the Managers, a majority of the Managers appointed shall constitute a quorum to do business but a smaller number may adjourn from time to time. Unless otherwise required by law, all decisions must be approved by the affirmative vote of a majority of the Managers present at a meeting where there is a quorum.

**Section 6. CHAIR of MEETINGS:** The President shall preside as chairperson at all meetings of the Managers. In the absence of the President, the Vice-President shall preside. In the absence of both, the Secretary shall serve as temporary President. The President and temporary President shall have the same privileges.

**Section 7. MEETING FORMAT:**

- (a) At the hour appointed for a meeting of the Board of Managers of the LMRWD, upon reaching a quorum, the Managers shall be called to order by the President or in his/her absence, by the acting President. The Managers shall proceed to do business following a set agenda.
- (b) The President shall preserve order. The President may make motions, second motions or speak on any question, provided, however, that in order to do any of these things, upon demand of any Manager, the President shall vacate the chair and designate a temporary President. The President, or acting President, shall be entitled to vote like other Managers.
- (c) Every Manager, prior to his/her speaking, shall address the President and shall not proceed until he/she has been recognized by the Chair.
- (d) If a Manager has a personal interest in a matter that comes before the LMRWD Board of Managers, to the extent that it creates a conflict of interest as a matter of law, the Manager shall not vote on said issue.
- (e) No person other than a Manager shall address the Board except with the consent of the President or by a vote of the majority of the Managers present.
- (f) The President has the authority to set a time limit that a Manager or a person addressing the Board may speak, except upon vote of the majority of the Board of Managers present.
- (g) All committees shall be appointed by the President unless expressly ordered by the Board. It shall be the duty of committees to act promptly and faithfully in all matters referred to them, to comply with the Open Meeting Law, if applicable, and to make reports at a future set time/date established by the Board.



- (h) Minutes of all meetings of the LMRWD Board of Managers shall be recorded, reviewed by the Board, adopted and kept at the District's office. They shall be signed by the Secretary and shall constitute an official record of the procedure.
- (i) Any Manager may request that the yeas and nays be recorded on any motion voted on by the Board and such request will be granted by the President.

**Section 8. CONFLICTS OF INTEREST:** LMRWD seeks to assure public confidence in the integrity of its proceedings by holding itself to high ethical standards. Ensuring that conflicts of interest do not affect the efforts of LMRWD is an essential element of maintaining high ethical standards. If a Manager has a conflict of interest in a matter, he or she shall state that such an interest exists, which will be noted in the minutes. The Manager must abstain from participating in any discussion, offering any motion, or voting on any matter in which the conflict of interest exists. "Conflict of interest" means a material financial interest of the Board Manager, a family member or a close associate; a relationship that limits the Manager's ability to be objective; or that creates the appearance of impropriety. At the request of the President or by any Board Manager, in a matter in which a Manager has a conflict of interest a roll call vote shall be taken and recorded in the minutes, as well as the abstention of the Manager with the conflict of interest.

**Section 9. APPEAL OF A CHAIR RULING:** A Board Manager may appeal to the Board from a ruling of the President. If the appeal is seconded, the Board Manager may speak once solely on the question involved and the President may explain his or her ruling, but no other Board Manager will participate in the discussion. The appeal will be sustained if it is approved by a majority of the Board Managers present exclusive of the President.

#### **ARTICLE VII. PARLIMENTARY AUTHORITY**

**Section 1. PARLIMENTARY AUTHORITY:** The most current version of Robert's Rules of Order Newly Revised shall govern the LMRWD's meetings in all cases to which they are applicable and in which they are not inconsistent with state law, these By-Laws and, or any special rules of order the LMRWD may adopt.

**Section 2. SUSPENSION:** Robert's Rules of Order may be temporally suspended by consent of the majority of the Board Managers present.

#### **ARTICLE VIII. ANNUAL REPORT**

**Section 1. ANNUAL REPORT:** Minn. Stat. § 103D.351: "(a) *The managers must prepare a yearly report of the financial conditions of the watershed district, the status of all projects, the business transacted by the watershed district, other matters affecting the interests of the watershed district, and a discussion of the managers plans for the succeeding year.*"

**Section 2. COPIES DISTRIBUTED:** Minn. Stat. § 103D.351: “(b) *Copies of the report must be transmitted to the Board of Water and Soil Resources, the commissioner, and the director within a reasonable time.*”

**ARTICLE IX.  
ANNUAL AUDIT**

**ANNUAL AUDIT:** Minn. Stat. § 103D.355, Subd 1. Requirement: “*The managers must have an annual audit completed of the books and accounts of the watershed district. The annual audit may be made by a public accountant or by the state auditor.*”

**ARTICLE X.  
WATERSHED MANAGEMENT PLAN**

**WATERSHED MANAGEMENT PLAN.** Minn. Stat. § 103D.401, Subd. 1. Contents:

- (a) “*The managers must adopt a watershed management plan for any and all of the purposes for which a watershed district may be established. The watershed management plan must give a narrative description of existing water and water-related problems within the watershed district, possible solutions to the problems, and the general objectives of the watershed district. The watershed management plan must also conform closely with watershed management plan guidelines as adopted and amended from time to time by the Board of Water and Soil Resources.*”
- (b) “*The watershed management plan may include a separate section on proposed projects. If the watershed district is within the metropolitan area, the separate section of proposed projects or petitions for projects to be undertaken according to the watershed management plan is a comprehensive plan of the watershed district for purposes of review by the Metropolitan Council under section 473.165.*”

**ARTICLE XI.  
AMENDMENT TO BY-LAWS**

**Section 1. AMENDMENT TO BY-LAWS.** LMRWD BY-LAWS MAY BE AMENDED, repealed, or adopted by a majority of the LMRWD Board of Managers upon thirty (30) days written notice of the proposed change in its entirety during a meeting of the LMRWD Board of Managers unless said notice is waived by all of the Managers. Notice of such alteration or amendment is to be contained in the notice of such meeting. The alteration/s or amendment/s must pass by a majority vote of the LMRWD Board of Managers.

**Section 2. INTERPRETATION** of the By-Laws and any amendment or additions thereto shall rest with the LMRWD Board of Managers.

**Section 3. TEMPORARY SUSPENSION OF BYLAWS:** These rules may be temporarily suspended by consent of a majority of the Managers present.

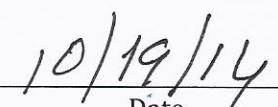


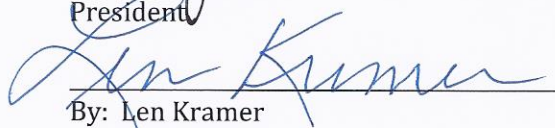
**ARTICLE XII.  
REVIEW OF BY-LAWS**

**THESE BY-LAWS** shall be reviewed at least every five years and revised if needed. These bylaws govern internal LMRWD matters and do not create rights in any third parties.

Duly adopted on the 21st day of October, 2015 by the Lower Minnesota River Watershed District Board of Managers and signed by the President and Secretary of the organization.

  
\_\_\_\_\_  
By: Yvonne Shirk  
President

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
By: Len Kramer  
Secretary

  
\_\_\_\_\_  
Date



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday September 18, 2019

### Agenda Item

#### Item 6. A. - MAWD

#### Prepared By

Linda Loomis, Administrator

#### Summary

The resolution 19-08 Support for water storage in the MN River basin was submitted to (and received by) MAWD for consideration. It has also been shared with Scott Sparlin and the MN River Congress.

At the April Board meeting Managers asked staff to begin a list of services that MAWD could provide that would benefit the LMRWD at a level commensurate with the MAWS dues. The Board suggested setting aside time for a Board workshop prior to the MAWD Annual Meeting to discuss this item. Staff has been working on a list and the Annual Meeting is scheduled for December 5th through December 7th. The Board should discuss when they would like to schedule a workshop.

Staff submitted an abstract to MAWD to present the *Geomorphic and Habitat Assessments of Trout Streams in the Lower Minnesota River Watershed District* at the Annual Meeting and Conference. The abstract was accepted. The description of the project that was presented to MAWD follows:

"Rosgen level I geomorphic reconnaissance was utilized to conduct exploratory assessment of the streams as a whole and to identify key areas for further investigation. This was followed with level II data collection in representative reaches. Habitat assessments conducted on each stream incorporated the modified MSHA worksheet to assess current habitat conditions on cold water streams. Temperature and dissolved oxygen (DO) concentrations were measured using a field sonde placed at the bottom of the stream channel. Results suggest cold ground water with DO is present to support trout fisheries. However, some streams showed channels filling with sand limiting pool habitat and other channels where degraded by increased runoff. This information will help prioritize district restoration actions and explore protective watershed measures."

A list of all the abstracts that were approved is attached.

#### Attachments

List of Abstracts

#### Recommended Action

Set date for workshop



<b>Time</b>	<b>Location</b>	<b>Topic</b>	<b>Description</b>	<b>Presenters</b>
8am - 8:40am	Lake Miltona A + B	Demonstrating Quantifiable Progress Toward Water Goals	Is your organization's path to reaching its goals a 'clear road map' or a 'black box'? Public agencies are accountable to the local citizens that they serve, which is why it is crucial to demonstrate effective use of public funds and quantify progress toward goals. With limited time and funding, cost-benefit analysis becomes increasingly important. CLFLWD aims to utilize BWSR's Prioritized, Targeted, Measurable (PTM) method to demonstrably reach water quality goals at a fraction of the originally-anticipated cost. For example, to reach the Lower St. Croix Watershed's phosphorus load reduction goal, the difference between implementing highly cost-effective projects (<\$500/lb phosphorus removed) and less cost-effective projects (>\$1,500/lb phosphorus) could be up to \$1.1 billion. PTM discussions at the regional and statewide scale are necessary to implement this philosophy in a more impactful way. This presentation aims to continue these discussions in order to improve public agency effectiveness on a broad scale.	Mike Kinney, Comfort Lake Forest Lake WD; Meghan Funke, Emmons & Olivier Resources
8am - 8:40am	Lake Osakis	Banking Groundwater	<p>Managing groundwater recharge may be needed for communities with competing aquifer uses or depleted natural systems. Changes in groundwater dependence, seasonality and intensity of precipitation, evapotranspiration and hydrology impact recharge. Evaluating economic, policy, engineering and geologic considerations now will allow us to deploy aquifer recharge when, where and if needed.</p> <p>A team led by the Water Resources Center convenes experts across disciplines to evaluate the need for and barriers to implementing managed aquifer recharge. Specific geologic conditions in four study areas control the physical realities: Fargo-Moorehead, the Straight River, S. Washington Co. and Rochester. Water sources like treated surface water or wastewater must be evaluated along with energy use and infrastructure costs that affect the economics. The Groundwater Protection Act of 1989 appears to prohibit recharge; these and other policy barriers will be evaluated. The 18-month project culminates in a report to the legislature.</p>	Carrie Ellen Jennings, Freshwater Society; John Bilotta, Water Resources Center; Peter Kang, Department of Earth and Environmental Sciences; Anthony Runkel, Minnesota Geological Survey; Bill Arnold, University of MN
8am - 8:40am	Lake Minnewaska	Building a Basin Wide Educational Program	Most citizens are largely unaware of their local river's origins and where it travels downstream. The River of Dreams (ROD) program seeks to increase watershed understanding and sense of place among elementary students, making the next generation more aware of connections within their watershed to	Danielle Graham; Asher Kingery and Taylor Lemieux; International Water Institute

			<p>other rivers, lakes, oceans, and the people who utilize them. ROD is a fun and impactful education experience that gives participants a better understanding of their local rivers geography. Students are exposed to watershed concepts multiple times in ways that leave a lasting impression through writing activities, virtual tours, and a canoe launch event at a local river. IWI has grown this program from five schools to thirty-five schools in the last five years. Learn what it takes to develop and implement a basin wide education program.</p>	
9am - 9:40am	Lake Miltona A + B	Comparing ACPF, PTMApp and HSPF-SAM	<p>Identification of targeted locations at field scales for implementing conservation practices in an agricultural watershed has become a prerequisite to sustainable land use management. Understanding how to relate multiple fields and riparian zones at the small watershed scale is critical to managing water quality goals. We compared the outcomes of three models/decision support tools in the Plum Creek watershed near Redwood Falls, Minnesota. Prioritize, Target and Measure Application (PTMApp) and Agricultural Conservation Planning Framework (ACPF) were applied to a HUC 12 sub-watershed scale using high-resolution LiDAR-based hydro-conditioned digital elevation model (DEM) to achieve following objectives: 1) develop comparative assessment of these tools in identifying critical areas and conservation practices at field scales; and 2) develop a scenario based field-scale decision support framework to achieve nutrient reduction goals, build soil health for enhancing crop production within and below the fields and riparian management in a cost-effective manner. Further Hydrological Simulation Program FORTTRAN-Scenario Application Manager (HSPF-SAM) model has been used to develop cost-effective scenarios for optimal placement of best management practices (BMPs). Results suggest that ingesting ACPF outcomes into PTMApp coupled with HSPF-SAM analysis would provide an emphatic decision support framework to the local watershed practitioners for identifying a mix of economic management practices at targeted sites to reach sustainability goals.</p>	R. Srinivas, University of MN; Matt Drewitz, BWSR; Joe Magner, University of MN,
9am - 9:40am	Lake Osakis	Implementation and Assessment of a Targeting Street Sweeping Program	<p>The City of Forest Lake drains to five significant lakes: Forest, Shields, Keewahntin, Comfort and Clear Lake. Two of the five are listed as impaired for nutrient/eutrophication, with the others at risk for impairment. These lakes are high-value recreational resources with a combined 5 public launches among them.</p>	Mike Kinney, Comfort Lake Forest Lake WD; Paula Kalinosky, Emmons and Olivier Resources;

			CLFLWD worked with the City and Rice Creek WD to implement an enhanced street sweeping program, using the CLFLWD's 2018 comprehensive street sweeping plan, which will result in a cumulative estimated phosphorus load reduction of 167 lb/yr. Samples of swept material were lab-tested to quantify actual load reductions. Results will be available later this year and discussed in this proposed presentation. Lab results will be used to measure progress toward load reduction goals and to modify the sweeper route, if needed. The combined cost of the sweeping plan and implementation is \$320,000. CLFLWD and the City received CWF grants for each, respectively.	
9am - 9:40am	Lake Minnewaska	Multi-benefit Storage and Water Quality Solutions in the South Heron Lake Watershed	This presentation will outline how the Heron Lake Watershed District is achieving multi-benefit solutions that address drainage system improvements, while also increasing flood resiliency and improving water quality through the leveraging of drainage dollars with state and federal grant funds.	Jan Voit, Heron Lake WD; Jacob Rischmiller and Staci Williams, ISG
10am-10:40am	Lake Miliona A + B	Geomorphic and Habitat Assessments of Trout Streams in the Lower Minnesota River Watershed District	Rosgen level I geomorphic reconnaissance was utilized to conduct exploratory assessment of the streams as a whole and to identify key areas for further investigation. This was followed with level II data collection in representative reaches. Habitat assessments conducted on each stream incorporated the modified MSHA worksheet to assess current habitat conditions on cold water streams. Temperature and dissolved oxygen (DO) concentrations were measured using a field sonde placed at the bottom of the stream channel. Results suggest cold ground water with DO is present to support trout fisheries. However, some streams showed channels filling with sand limiting pool habitat and other channels were degraded by increased runoff. This information will help prioritize district restoration actions and explore protective watershed measures.	Linda Loomis, LMRWD; Joe Magner and Brenda DeZiel, University of MN; Jeff Weiss, Barr Engineering; Della Young, Young Environmental
10am-10:40am	Lake Osakis	A Partnership Model for Predicting, Measuring, Managing, & Communicating Water Level Impacts	Between 2013-2018 the Twin Cities metro experienced the wettest period six-year period on record. During those six years an extra year's worth of precipitation fell (~30 inches), meaning the area received seven years' worth of rain in a six-year period. 2019 has continue this exceptionally wet trend and currently ranks as the second wettest year to date. How can water managers successfully predict how much rain is coming, track how much rain has fallen, monitor the effects to water bodies, and communicate the impacts to their communities? To manage the impacts of this record precipitation, MCWD has formed a multi-disciplinary partnership with the National Weather Service, the U.S. Geological Survey, and Hennepin County Emergency	Tiffany Schaufler, MCWD; Craig Schmidt, National Weather Service; James Fallon, U.S. Geological Survey; Eric Waage, Hennepin County Emergency Management

			Management. Using the expertise of this multi-agency partnership, MCWD has been able to predict, observe, and manage the impacts from wet weather and limit the duration of high water in spite of the record precipitation.	
10am-10:40am	Lake Minnewaska	Small Town Flood Protection: The Ada Levees	Surrounded by the Wild Rice and Marsh Rivers to the south and Judicial Ditch 51 on the north, the city of Ada has been plagued by flooding over the years. After the catastrophic flood of 1997 and subsequent flooding, this small community came together to take necessary actions that identified the problems and found feasible solutions to protect their residents. Ada's story illustrates the importance of partnerships and the use of sound science and engineering, while navigating funding constraints and regulatory approvals. From devastating floods to certified flood protection, the city of Ada is a story about success.	Alexa Ducioame, Moore Engineering, Inc., Kurt Lysne, Moore Engineering, Inc;
11am-11:40am	Lake Miltona A + B	Targeting Channel Restoration Projects to Inform Implementation Efforts	Within the Buffalo-Red River Watershed, stream bank erosion contributes to sediment impairments and serves as a stressor to aquatic life. As such, the Buffalo-Red River Watershed District sought to prioritize its efforts to restore and stabilize rivers and streams. This presentation will show a new approach for rapidly targeting implementation within riparian corridors relative to measurable goals in a One Watershed, One Plan. The results will demonstrate how targeting information can be used to develop and investment guide for weighing upstream versus in channel management actions.	Drew Kessler and Eric Jones, Houston Engineering;
11am-11:40am	Lake Osakis	The Role of Aquatic Plants in Shallow Lake Reclamation	It is increasingly clear that aquatic plants play a central role in the restoration of shallow lakes. Still, effects on shallow lake nutrient balances is not well known. In fact, aquatic plants are often not included in TMDLs. This presentation includes what we have learned by conducting thorough lake-wide aquatic plant biomass evaluations and nutrient analyses of aquatic plant tissue and by building a custom lake model to tease out the effect of aquatic plants on nutrient balances. The study lakes are Kohlman Lake (Ramsey Washington-Metro Watershed District) and Normadale Lake and Smetana Lake (Nine Mile Creek Watershed Districts). Even though the public very often has a negative view of aquatic plants, the issue of aquatic plants and shallow lakes is emerging and is not going to go away and it will be important for us to better understand the role of aquatic plants in shallow lake restoration.	Keith Pilgrim and Janna Kieffer, Barr Engineering
11am-11:40am	Lake Minnewaska	Regionalization - Escape the Site	While keeping stormwater onsite in a manner that mimics natural conditions remains a worthy and productive goal of watershed district regulatory frameworks, challenges presented	Michael Welch, Smith Partners PLLP; Karen Kill, Brown's Creek WD; Randy

			by some properties demand regional solutions. Cost-effective and politically savvy public-private partnerships can support more than just water-resource protection: better site design and more efficient use of land, integration of diverse land-uses, etc. The session will explore legal and technical frameworks for successful regional stormwater management, giving attendees tools and inspiration they can put to work in their own watersheds.	Anhorn, Nine Mile WD; James Wisker, Minnehaha Creek WD
2pm-2:40pm	Lake Miltona A	Managing Risks and Forging Watershed Partnerships	Our watersheds are facing unprecedented challenges from climate change, impaired water quality, and loss of habitat, and governance. This presentation will explore key principles of risk management to embrace from start to finish in every watershed undertaking, and pursue the success that comes from creating effective partnerships. We will examine how the Minnehaha Creek Watershed District has developed Balanced Urban Ecology, an integrated approach to land use and water resource planning that has forged collaboration with local communities and private partners. In the Minnehaha Creek corridor, the District has partnered with two cities, a hospital, a major printing company, and Target to restore the creek, create new trails, access to green space, and treat polluted stormwater. We will also trace a similar undertaking in the Midtown Greenway of Minneapolis that transformed a neglected railroad trench into a multimodal greenway that stimulated 4,000 new units of adjacent housing.	James Wisker, Minnehaha Creek WD; Louis Smith, Smith Partners PLLP
2pm-2:40pm	Lake Miltona B	Helping Mother Nature...Buffalo River Restoration Challenges and Outcomes	This presentation tells the story of a stream restoration project along a 2-mile stretch of the Buffalo River, near Hawley, Minnesota. The stream was straightened in the 1950s which resulted in an unstable stream that lacked quality habitat and had bank erosion issues. The Buffalo-Red River Watershed District along with MN DNR and the City of Hawley worked together to achieve mutual benefits. We will highlight the design process, hurdles to implementation, permitting requirements and ultimately how the constructed restoration has evolved since being built and after the 2019 flood. Additionally, project partnerships and funding opportunities for stream restoration projects will be discussed.	Amanda Hillman, MNDNR; Erik Jones, Buffalo-Red WD
2pm-2:40pm	Lake Osakis	Inclusivity		Jason Weirnerman, BWSR
2pm-2:40pm	Lake Minnewaska	Developing a Targeted Watershed Management	Through a Clean Water Fund grant, the Upper Minnesota River Watershed District developed a Targeted Watershed Management Implementation Plan for the entirety of its 505	Kris Guentzel, Houston Engineering; Amber Doschadis, Upper

		<p>Implementation Plan Using Innovative Technologies in the Minnesota River Headwaters</p>	<p>square mile area within the Upper Minnesota River Headwaters Watershed. This plan (1) identified sediment and nutrient sources on the landscape from within the District and from upstream sources in the Dakotas, (2) identified opportunities for field-scale landscape conservation to address those sources, (3) utilized the Prioritize, Target, and Measure Application, along with other geospatial analysis, to assess both cost and benefit of field-scale practices relative to others in each subwatershed, and (4) developed a comprehensive plan that considered conservation practice benefit to achieve water quality goals across dozens of subwatersheds. This plan will provide the District with the information it needs to address its critical water quality needs while better informing District residents and leaders what investment is necessary to sustain healthy aquatic systems.</p>	<p>Minnesota River WD; Mark Deutschman, International Water</p>
--	--	--	--	---



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday September 18, 2019

### **Agenda Item**

#### **Item 6. B. - 2018 Audit report update**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

Peggy Moeller, Redpath and Company, has suggested that the Board writes off the grant from Seminary Fen. Preparations have begun for the 2019 audit and it will be a good idea to get the 2018 wrapped up.

At the August Board meeting staff was directed to write a letter to BWSR and the Legislature. I have spoken to Lisa Frenette about this and she has spoken to Angie Backer Kudelka, BWSR Assistant Director for Strategy & Operations and John Jaschke BWSR Executive Director. BWSR is not able to fund the grant because the contract for 2013 grant has expired. Mr. Jaschke has indicated that BWSR will work with the LMRWD to find another source of funds. Ms. Frenette suggested that if BWSR is not able to find funds that the LMRWD can ask for funding from the Legislature. We plan to speak to Representative Hansen about the need to fund this project.

### **Attachments**

None

### **Recommended Action**

Motion to write off the Seminary Fen Grant



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday September 18, 2019

### **Agenda Item**

**Item 6. C. - 2019 Cost Share Grants extension requests**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

At the August meeting requests for extensions from the Chimney Pines Homeowners Association Cost Share and Lori Rathjen were added to the agenda. No action was taken on the requests.

The project planned by the Chimney Pines Homeowners Association has not been completed because of the weather. All the rain has increased the level of the pond and made it difficult to get the preparation work done. Because it is now so late in the season they are not able to the plants they need for the project. They have requested an extension to July 31, 2020.

Lori Rathjen has been working with the DNR and the wet weather has put the DNR behind in getting the prep work done. Ms. Rathjen has said she needs and extension to June 30, 2020. I would recommend extending both projects to July 31, 2020.

### **Attachments**

None

### **Recommended Action**

Motion to extend expiration of Chimney Pines Homeowners Association and Lori Rathjen's project to July 31, 2020





# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday September 18, 2019

### **Agenda Item**

**Item 6. D. Bloomington Request re: Ike's Creek**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

At the August meeting a communication from Bloomington was part of the packet. Bloomington requested an area of the City be removed from the Steep Slope Overlay zone. They had also requested the LMRWD look at Ike's Creek, because the maps they have for Ike's Creek and the maps the LMRWD have do not match. Staff was looking into this and will have information to report at the meeting.

### **Attachments**

Communication from the City of Bloomington

### **Recommended Action**

No action recommend at this time

---

**LMRWD Steep Slope Area - Heritage Hills, Bloomington**

---

**Gruidl, Bryan** <bgruidl@bloomingtonmn.gov>  
To: "Linda Loomis (naiadconsulting@gmail.com)" <naiadconsulting@gmail.com>  
Cc: Della Schall Young <della@youngceg.com>

Thu, Jul 25, 2019 at 12:46 PM

Hello Linda:

I am writing to request the LMRWD consider removing the Heritage Hills Area in Bloomington from Districts steep slope standard.

The Districts steep slope standard results in this isolated area of the city being subject to the District's standard. In our work to amend our official controls related to the steep slope standard this area continues to be problematic with how to regulate the isolated area, transparency of land use regulations and simply seems out of place. We did map the District's steep slope standard across the city in an effort to tie this area with other steep slope areas, but results indicated that was not a reasonable approach.

The water bodies within the Heritage Hills Area include Ancel Glen Pond and Heritage Hills Pond. Both of these water bodies are part of the city's storm sewer system with storm sewer inlets and controlled outlets. These ponds outflow to Southglen Pond which has a pumped outlet through nearly 1.5 miles of storm pipe to Overlook Lake. From Overlook Lake water is discharge through an outlet control structure into 700 feet of welded HDPE storm pipe that was replaced in 2014 to the bottom of the bluff and into Coleman Lake resulting in little risk of bluff erosion. See attached Pictures from when the outlet was reconstructed in 2014.

Based on the updated watershed management plan it is clear the Districts overarching goal of the of the steep slopes standard is to protect the Minnesota River Bluff and through the comment process we ended up with the steep slope standard. The steep slope areas within the Heritage Hills Area are well away from the MN River Bluff, were developed in the mid to late 1960's, and have existed for more than 50 years without known erosion issues. Further should a slope failure occur in this area impacts of the sediment would not pose significant threat to the MN River due to the city's storm sewer network of pipes and ponds and could be recovered from the pond.

In working through the areas the City has determined that it would be much more beneficial to include the portion of the Nine Mile Creek Watershed District that is adjacent to the MN River valley up to 106<sup>th</sup> Street into the standards. This area is not required to be included by the LMRWD, but by adding the standards to this area the city is more than offsetting the area potentially lost at Heritage Hills. I have attached a map that shows both the Heritage Hills area the city is requesting be removed from the LMRWD steep slope standards and the Nine Mile Creek Watershed District area proposed to be included in the steep slope standard.

Should you have additional questions or wish to discuss in more detail please do not hesitate to contact me. Thank you for your consideration.

## Bryan Gruidl

### Water Resources Manager | Engineering

City of Bloomington, Public Works  
1700 West 98<sup>th</sup> Street | Bloomington, MN 55431  
Direct 952-563-4557  
[bgruidl@bloomingtonMN.gov](mailto:bgruidl@bloomingtonMN.gov)

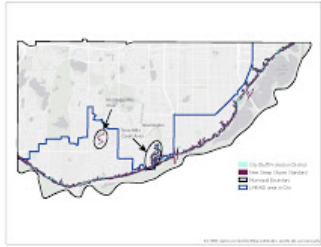
---

### 3 attachments



**IMG\_1261.JPG**  
4000K

**IMG\_1262.JPG**  
3841K



Layout.jpg  
171K



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday August 21, 2019

### **Agenda Item**

#### **Item 6. E. Remote meeting participation**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

This item was tabled at the August meeting. The Board wanted to speak with legal counsel about the design proposal to make sure the proposal met the requirements of the state. The Board also asked for a timeline.

Heidi Harvey, Tierney Brothers, said it will take about 6-8 weeks from the date of purchase. Tierney is not able to send anyone to speak with the Board. However, John Kolb, will be at the September meeting to answer whatever questions he can that the Board may have.

### **Attachments**

Design proposal from Tierney Brothers

### **Recommended Action**

Provide direction to staff



1771 Energy Park Dr. Suite 100  
St. Paul, MN 55108  
800.933.7337  
info@tierneybrothers.com  
www.tierneybrothers.com



# PROPOSAL

**Design & Integration for Tierney**

---



THANK YOU  
FOR CONSIDERING US!

Tierney has been in the business of helping our partners improve their communication and tell their unique stories for over forty years. The only way to accomplish this is to listen to our customers needs, provide consultation based on our experience, and deliver on our promise. We strive to be a valued and trusted partner to your organization, not simply a supplier.

On behalf of our entire team at Tierney, we truly appreciate the opportunity to work with you on delivering your vision and supporting you each step of the way. Our success is dependent on your success.

Robert T. Gag  
CEO





Thursday, August 01, 2019

Linda Loomis  
Lower Minnesota River Watershed District

**Proposal for Audio-Visual Service**

**RE:** Web Conferencing Addition to the Carver County Boardroom

**Opportunity Number:** 22611

### Scope of Integration Services

Summary of Work to be completed by Tierney Brothers, Inc. at **600 E 4th St, Chaska, MN 55318**.  
(Please initial if address is correct or provide correct address. \_\_\_\_\_ )

Tierney has provide two different quotes for the addition of web conferencing to meet the needs of the Lower Minnesota River Watershed District to allow for remote participation during meetings.

The quotes have been tailored to provide the ability for the remote participants to see and hear the people that may be speaking in the boardroom and for the people in the boardroom to see and hear the remote participants.

The quotes have been designed to make the system as easy to use as possible, to minimize set-up time and to work on the owner's software based video conferencing platform. The solutions have also been designed to work with multiple software based platforms (such as Skype for Business, WebEx, Zoom, Go to Meeting, etc.) so the owner does not need to change out equipment should the District change the preferred platform in the future.

#### **Quote 161270: A - Web Conferencing Addition to the Carver County Boardroom**

On behalf of the Lower Minnesota River Watershed District, in the Carver County Boardroom, Tierney will provide a web conferencing solution that will integrate the existing presentation audio, microphone audio, and video sources (camera and/or presentation) into the lectern for connectivity into an owner provided laptop for owner configured software based web conferencing applications such as WebEx, Skype for Business, Go to Meeting, Zoom, etc.

The Program Output from the existing Blackmagic production video switcher that is currently going to the Blackmagic UltraStudio will be DA'd with a new HD-SDI feed being run to the rack that is in the nook adjacent to the dais. A new Blackmagic WebPresenter will be installed in that rack. The WebPresenter will be outfitted with the faceplate that has an integrated video display so the owner can see what is being sent to the laptop at the lectern without having to access the control room. The WebPresenter will also get an audio feed from the existing Biamp audio processor that is in the control room. Tierney will configure the Biamp unit for the new output which will mimic what is being sent to the recorder in the control room.

The system will utilize the existing audio and projection system in the boardroom so the person standing at the lectern can show their laptop on the projection screen in the room. This would allow them to show a remote participant to people in the room. The person at the Lectern would use the existing HDMI (or VGA) cable that is already at the lectern.



1771 Energy Park Dr. #100, St. Paul, MN 55108  
800.933.7337 | info@tierneybros.com

A site walk has been done in an attempt to confirm cable pathways in the room. It has been assumed that there is the capability to pull cables to the needed locations. If it is found that is not the case, Tierney shall coordinate with the owner to create a solution which may require a billable change order.

As this upgrade will not be controlled by the existing control system in the room, Carver County will not need to provide the existing program for the control system. The control of the camera selection and what image is to be shown in the web conferencing will be done using the touch screen in the room, preferably with a preset that the owner has worked out with the County prior to the start of any meetings.

This quote does not include any integrated audio conferencing through the County's phone system. All communication with remote participants would be through the Web Conferencing application.

### **Quote 161573 B – Remote Locations**

This quote is for Tierney to provide a single HD Webcam and personal Speakerphone for the remote person to use during an owner provided laptop and conference platform such as Skype for Business, WebEx, Zoom, Go to Meeting, etc.

The webcam has been chosen as it has an enhanced processor to work great in low light or bright sunshine conditions.

The remote person simply places the webcam on top of their laptop or PC display and places the speaker phone on top of their desk surface. Both devices are connected into the owner's computer/laptop via USB. After the computer/laptop recognizes the devices, the owner then can use them for the conference call.

Please note that the quality of the call for the remote locations will be determined by the network conditions at each of the locations. The quotes cannot mitigate any call quality issues that may be affected by the remote location's bandwidth, the client's laptop issues and/or network speed.

Both of the above quotes utilize the State Contract pricing for equipment and labor rates.

#### **Customer Expectations:**

If multiple rooms were quoted, installation pricing for this proposal assumes that all quotes will be signed off on and installed at the same time. If one or more of the quotes in this proposal are not approved, existing quotes will need to be revised to reflect those changes and additional charges may apply.

Equipment locations such as closets, or cabinetry may require additional venting, or in some cases dedicated cooling units to keep equipment operating at standard temperatures.

We appreciate the opportunity to present this proposal. If you have any questions, please do not hesitate to contact us at your convenience at 612-331-5500. Our fax number is 612-331-3424.

Proposal Prepared By:  
Sales Representative - Heidi Harvey  
Systems Engineer - Gary Mansfeldt

Please initial to acknowledge and authorize the Scope of Integration Services presented here. \_\_\_\_\_





# Quote

#161270

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

8/1/2019

**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:  
 A-Web Conferencing Addition

Expires	Sales Rep	Contract	Terms
10/30/2019	209 Heidi Harvey		Net 30

Qty	Item	MFG	Price	Ext. Price	Cost	Ext Cost	Markup %	Category
	A - Web Conferencing Addition to the Carver County Boardroom							
	-----Video Equipment-----							
1	<b>BMD-BDLKWEBPTR</b> Blackmagic Design Web Presenter	Black Magic	\$520.33	\$520.33	\$460.47	\$460.47	13%	Broadcast Video and Production
1	<b>BMD-CONVNTRM/YA/SMTPN</b> Blackmagic BMD-CONVNTRM/YA/SMTPN Teranex Mini - Smart Panel	Black Magic	\$89.35	\$89.35	\$79.07	\$79.07	13%	Broadcast Video and Production
1	<b>BMD-CONVNTRM/YA/RSH</b> Blackmagic BMD-CONVNTRM/YA/RSH Teranex Mini - Rack Shelf	Black Magic	\$89.35	\$89.35	\$79.07	\$79.07	13%	Mounting Hardware
1	<b>CONVMSDIDA</b> SDI Distribution Amplifier Mini Converter	Black Magic	\$204.98	\$204.98	\$181.40	\$181.40	13%	Broadcast Video and Production
1	<b>60-1471-12</b> USB Extender Plus T - Transmitter	Extron	\$389.85	\$389.85	\$345.00	\$345.00	13%	Video Conferencing
1	<b>60-1471-13</b> USB Extender Plus Series	Extron	\$389.85	\$389.85	\$345.00	\$345.00	13%	Video Conferencing
1	<b>60-1491-12</b> DTP T HD2 4K 230 DTP Transmitter for HDMI with Input Loop-Through	Extron	\$446.35	\$446.35	\$395.00	\$395.00	13%	Video Conferencing
1	<b>60-1271-13</b> HDMI Twisted Pair Extender - Rx	Extron	\$265.55	\$265.55	\$235.00	\$235.00	13%	Broadcast Video and Production
	-----Other Equipment and Services-----							





# Quote

#161270

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

8/1/2019

Qty	Item	MFG	Price	Ext. Price	Cost	Ext Cost	Markup %	Category
150	<b>RG59-CCTV-PL-BLK</b> Liberty Brand CCTV Coaxial Cables	Liberty	\$0.39	\$58.50	\$0.349	\$52.35	12%	Cabling
150	<b>24-4P-PL6-EN-BLK</b> Plenum CAT6 1000ft reel	Liberty	\$0.30	\$45.45	\$0.269	\$40.35	13%	Cabling
1	<b>USB2-AB-6ST</b> USB 2.0 A Male To B Male Cable 6ft.	Comprehensive	\$2.44	\$2.44	\$2.16	\$2.16	13%	Cabling
1	<b>USB2-AB-3ST</b> USB 2.0 A Male To B Male Cable 3ft.	Comprehensive	\$2.19	\$2.19	\$1.94	\$1.94	13%	Cabling
1	<b>BBD1694-3B</b> Premium Belden 1694A Digital Video BNC Cable 3 ft.	Belden	\$15.79	\$15.79	\$13.97	\$13.97	13%	Cabling
150	<b>24-4P-L6SH-BLK</b> Black Category 6 F/UTP EN series 23 AWG 4 pair shielded cable	Liberty	\$0.30	\$45.00	\$0.27	\$40.50	11%	Cabling
2	<b>MHD18G-3PROBLK</b> MicroFlex Pro AV/IT Certified 4K60 18G High Speed HDMI Cable with ProGrip Jet Black 3ft	Comprehensive	\$13.62	\$27.24	\$12.06	\$24.12	13%	Cabling
1	<b>Minnesota State Contract - Associated Hardware</b>		\$500.00	\$500.00				
4	<b>Minnesota State Contract - Design / Engineering</b> Professional/Technical Design Service; Engineering and Design *Pricing includes \$1,500 Design Fee		\$120.00	\$480.00				
10	<b>Minnesota State Contract - Project Management</b>		\$90.00	\$900.00				
2	<b>Minnesota State Contract - In-House Installation</b>		\$90.00	\$180.00				
18	<b>Minnesota State Contract - On-Site Installation</b>		\$95.00	\$1,710.00				
6	<b>Minnesota State Contract - Programming and Configuration</b> Professional/Technical Design Service; Programming and Configuration		\$120.00	\$720.00				
1	<b>Minnesota State Contract - Maintenance / Service (Std 1 yr)</b> Maintenance / Service; Standard One Year Installation Warranty		\$599.00	\$599.00				



161270



# Quote

#161270

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

8/1/2019

<b>Subtotal</b>	\$7,681.22
<b>Tax (7.375%)</b>	\$572.19
<b>Shipping Cost</b>	\$77.23
<b>Total</b>	<b>\$8,330.64</b>

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

Please reference this quote number on your purchase order.

Please inspect product upon delivery. State of Minnesota Contract Return Policy will apply.

Standard Times for Delivery from Receipt of PO\*:

- Stocked Product Equipment Only Sales - Three to Five Business Days
- Non-Stocked Product Equipment Only Sales - Ten to 14 Business Days
- Integration Projects - Two to Eight Weeks

\*All days include time in transit and assume product is not on back order with the manufacturer.



161270



1771 Energy Park Dr. #100, St. Paul, MN 55108  
800.933.7337 | info@tierneybros.com

***Tierney Brothers One Year On-site Warranty Coverage Program  
Designed for:  
Lower Minnesota River Watershed District***

**Terms and Conditions**

Tierney Brothers, Inc. warrants the installation you have purchased from Tierney Brothers, Inc. from defects in materials and workmanship, under normal use, during the One Year Warranty period. Normal use is defined as operating the system within its designed specifications. The warranty period commences on the date of customer signoff, at the completion of the install by Tierney Brothers, Inc.

During the warranty period, Tierney Brothers, Inc. will first work to resolve any problems by troubleshooting over the phone. If Tierney Brothers, Inc. Support Specialists determine that the issue cannot be resolved over the phone, a Technician will be dispatched to your location(s) within 24 - 48 hours of the original call (Monday through Friday 8:00am – 5:00pm, excluding national holidays). If service is required after the One Year Warranty period has expired, the customer will be billed at Tierney Brothers, Inc. current labor rates. If the customer has purchased a Tierney Brothers, Inc. Extended Maintenance Agreement, that will commence at the end of the One Year Warranty. If you would like additional information regarding Tierney Brothers, Inc. Extended Maintenance Agreements, please contact your Tierney Brothers, Inc. Sales Representative at 612-331-5500.

**Obtaining Warranty Service**

To obtain warranty service, you must contact a Tierney Brothers, Inc. Support Specialist at 612-331-5500 or by email at support@tierneybrothers.com. The model and serial number on failed equipment may be required when requesting warranty service (if applicable). The customer will be required to describe the nature of the failure, and may be required to perform other failure identification or isolation activities while working with the Support Specialist over the phone. An on-site visit will be performed only if it is deemed by Tierney Brothers, Inc. Support Specialists that the issue can't be resolved over the phone.

**Limitations of coverage**

The following items are excluded from coverage under the warranty:

- a. Equipment that has been removed or reinstalled in a different location
- b. Damage or other equipment failure due to causes beyond our control including, but not limited to, operator negligence, the failure to maintain the equipment according to the owner's manual instructions, abuse, vandalism, theft, fire, flood, wind, freezing, power failure, inadequate power supply, acts of war or acts of God.
- c. Any utilization of equipment that is inconsistent with either the design of the equipment or the way the manufacturer intended the equipment to be used.
- d. One Year Onsite Warranty covers all hardware related failures, network or software related failures are not covered under Tierney Brothers, Inc. One Year Onsite Warranty.
- e. Operational or mechanical failure which is not reported prior to expiration of this contract.
- f. Equipment where the serial plate attached to the equipment is removed, defaced or made illegible.
- g. Damage resulting from unauthorized repair, software virus, improper electrical wiring and connections.
- h. Existing Owner Furnished equipment.
- i. Lift and Scaffolding rental is not included.

This maintenance contract refers to:  
**Web Conferencing Addition to the Carver County Boardroom  
22611**

I have read, understand and agree to the above terms and conditions per the plan elected.

Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Plan Type: \_\_\_\_\_



1771 Energy Park Dr. #100, St. Paul, MN 55108  
800.933.7337 | info@tierneybros.com

Lower Minnesota River Watershed District  
Web Conferencing Addition to the Carver County Boardroom  
22611

### Proposal Summary

*Please Check the Quotes Intended for Purchase Order*

#### A - Web Conferencing Addition to the Boardroom

State Contract Total:	\$	8,330.64	
Non Contract Total:	\$	-	
<b>Proposal Total:</b>	<b>\$</b>	<b>8,330.64</b>	<input type="checkbox"/>

#### B - Remote Locations

State Contract Total:	\$	366.61	
Non Contract Total:	\$	-	
<b>Proposal Total:</b>	<b>\$</b>	<b>366.61</b>	<input type="checkbox"/>

Design Fee \$ 1,500.00 *\*Previously approved*

Design Fee Credit \$ (1,500.00)

**Project Total:** \$ **8,697.25**



# Quote

#161573

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

8/1/2019

**Bill To**

Accounts Payable  
 Lower Minnesota River Watershed District  
 112 East 5th Street  
 Suite 102  
 Chaska MN 55318

**Ship To**

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

**Memo:**

B - Remote Locations

Expires	Sales Rep	Contract	Terms
10/30/2019	209 Heidi Harvey		Net 30

Qty	Item	MFG	Price	Ext. Price	Cost	Ext Cost	Markup %	Category
	B - Remote Locations							
	-----Video Equipment-----							
1	<b>960-001105</b> Logitech BRIO Webcam - 90 fps - USB 3.0 4096 x 2160 Video - Auto-focus - 5x Digital Zoom - Microphone - Notebook	Logitech	\$217.10	\$217.10	\$192.13	\$192.13	13%	Video Conferencing
	-----Audio Equipment-----							
1	<b>Integration Item</b> 910159001 CHAT 50 Personal USB speakerphone: Includes CHAT 50 USB 20. Cable Quick-Start Guide	ClearOne	\$105.93	\$105.93	\$93.74	\$93.74	13%	Video Conferencing

**Subtotal** \$323.03

**Tax (7.375%)** \$25.18

**Shipping Cost** \$18.40

**Total** \$366.61

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

Please reference this quote number on your purchase order.

Please inspect product upon delivery. State of Minnesota Contract Return Policy will apply.

Standard Times for Delivery from Receipt of PO\*:

- Stocked Product Equipment Only Sales – Three to Five Business Days
- Non-Stocked Product Equipment Only Sales – Ten to 14 Business Days
- Integration Projects – Two to Eight Weeks

\*All days include time in transit and assume product is not on back order with the manufacturer.



# PROJECT PROPOSAL

# CONTENTS

**SECTION 1** | **BECOMING YOUR PARTNER**

---

**SECTION 2** | **WE DESIGN YOUR WORLD**

---

**SECTION 3** | **SIMPLE FACTS ABOUT US**

---

**SECTION 4** | **STEP BY STEP**

---

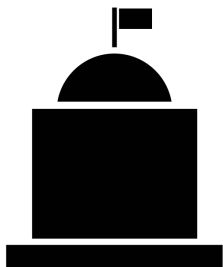
**SECTION 5** | **HELLO WE WOULD LOVE TO MEET**

---

**SECTION 6** | **PROJECTS**

---

**SECTION 7** | **TERMS & CONDITIONS**



**OUR**

# MISSION

Provide our customers with the most suitable, reliable and advanced interactive solutions to inspire collaboration and improve performance.



# 1 | BECOMING YOUR PARTNER

## IT'S WHAT WE ARE HERE FOR

Our years of experience across all vertical markets has developed our insights into trends, best practices, and best in class solutions for your technology initiatives.



**Earn  
Your Trust**



**Provide  
Solutions**



**Ongoing  
Support**

Our goal is to be a trust partner, viewed as an experienced and valuable member of your team.

# WHY WORK WITH AN INTEGRATOR

## STRATEGY

- Consultation with your team to determine vision
- Establish your organizations design standards
- Create a solution that is scalable and forward thinking

## DESIGN

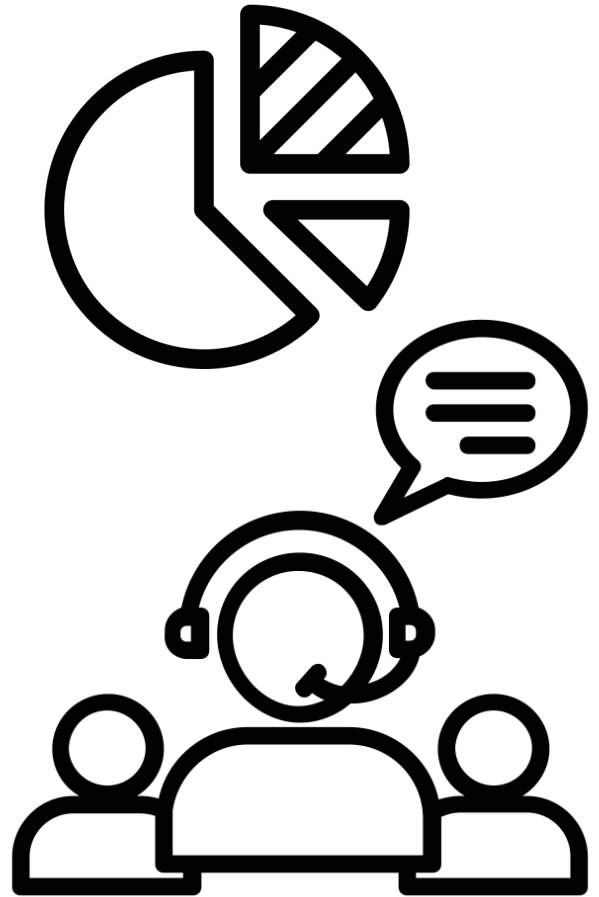
- We employ industry certified design engineers
- The design engineer is part of your team, working with your Account Executive
- A solution based on your desired scope will be created using industry leading manufacturers and practices

## INTEGRATION

- Our teams of industry and state certified installers will ensure a professional installation
- A dedicated project manager will be assigned to your project to oversee the implementation from start to finish
- Upon completion of the project you will receive a full set of schematic drawings and any programming source code that was used

## TECH SUPPORT

- Tierney provides unrivaled support with our easy to access helpdesk
- We utilize industry leading software to manage our service and support
- Our dedicated service team is the largest in the market and maintains their industry certifications to enable quick resolution to any service needs



---

We are driven by creating experiences that deliver results for your business, your employees, or your students.

2

# WE DESIGN YOUR WORLD

... WITH BEST PRACTICES IN MIND

## INTEGRATION IS OUR PLAYGROUND

---

Tierney's vast years of experience designing technology solutions for every market has shaped our award winning design philosophy. We use industry leading manufacturers and design with the future in mind. We listen to your current needs and design a system that allows for growth to the next logical step in your users technology growth. We also design to keep the user experience consistent from room to room and location to location.

# SHORT PRESENTATION OF OUR SERVICES

And we can do more!

As a true collaborative partner to you and your organization, we not only work hard to understand your needs but also to change with you and develop services that can help fill gaps with in your organization.



## STRATEGY

We are committed to developing and maintaining long-term partnerships with our customers and suppliers leading to solutions that are responsive to our customers' needs



## MANUFACTURERS

Tierney is committed to actively pursuing new products or services to best serve our customers.



## SYSTEMS

Tierney offers full systems installation and integration of all the products we offer. We have made it our goal to be the most qualified, full service integration team in the Midwest.



## TECH SUPPORT

Service is a core value at Tierney. That's why we do repairs in our service center rather than shipping them to the manufacturer.



## AV SOLUTIONS

Tierney offers full system design, installation and integration.



## PROFESSIONAL DEVELOPMENT

Ongoing professional development is key to successful tech integration. Our PD team has the resources and experience to support your schools.



We are driven by creating experiences that deliver results for your business, your employees, or your students.

3

# SIMPLE FACTS ABOUT US

## WE ARE FULLY CAPABLE OF HANDLING YOUR NEEDS



Whether we are designing a small huddle space in your local office, a classroom or learning environment, or designing your new corporate headquarters somewhere around the country, we have you covered. From sales and design to implementation and ongoing support, our team of 150+ professionals value your partnership and work diligently to maintain your trust.

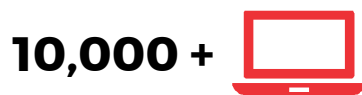
## OUR COMPANY IN NUMBERS



150 +  
wonderful people  
working as a team



41  
beautiful years of  
achievements



10,000 +  
successful projects  
completed

## RECENT AWARDS



**AVIXA Certification**  
AV Provider of Excellence

**WINNER / 2017 & 2016**  
**BEST A/V Company**  
TCB Magazine

**WINNER / 2018**  
**FAST 50 AWARD**  
Twin Cities Business Journal

# 4 | STEP BY STEP

**FROM START TO FINISH, WE TAKE YOUR IDEAS AND TURN THEM INTO REALITY**

## OUR APPROACH

Nobody knows your business better than you. You have goals and a vision, and our role is to listen, consult, and make that vision come to life.

.....

Tierney has over forty years experience to draw from in the technology space. We pride ourselves on our comprehensive approach to make sure that we have taken all of the "unknowns" into account.

## WHAT IS IMPORTANT

- Budget
- Timeline
- How do you currently work vs. how you would like to work
- Reliability and ease of use



# NECESSARY STEPS TO PERFECTION

This walk we will do together!

## PROJECT DEFINITION



We will sit down with your stakeholders to consult and develop your strategic goals for your investment.

## STRATEGY & STRUCTURE



We will listen and develop an appropriate technology plan to meet current needs while allowing for future growth.

## DESIGN



Tierney industry certified design engineers will research and build a solution to reliably achieve your project goals.

## ONSITE DEVELOPMENT



Tierney project managers will work with you or your contractors to ensure the site is ready for installation and can support your newly integrated technology.

## TESTING



Our installation professionals will build and test your system (many times this can be done in our production facility) to ensure a reliable performance.

## LAUNCH



When the time is right to launch your new technology to your organization, Tierney will assist in training and providing materials to ease your staff into a more productive workplace.

5

HELLO!

WE WOULD LOVE TO MEET



For those of you that we have had the opportunity of working with in the past, THANK YOU for your partnership and trust in us. Our entire organization is grateful.

For those of you that are new to Tierney and considering us as a technology partner moving forward, we appreciate the opportunity and invite you to come and meet our wonderful team. Our new offices are a working showroom of some of the latest technologies being installed today, from conferencing to digital communications, interactive to collaborative, and much more.

The following page is a snapshot of “your team”, some of the folks that have been engaged on your project thus far.

# THE BEST IN THEIR BRANCH

You will be amazed

## HEIDI HARVEY



### SALES REP

Industry certified with 15+ years experience in technology consultation to help you navigate your technology initiative.

## DARRICK KNUTSON



### ENGINEER

Industry certified with 13 years of audio visual design experience. Providing highly reliable system designs with thoughtful functionality in mind.

\*A dedicated engineer will be assigned to your specific project

## TRENT FETTIG



### PROJECT MANAGER

Industry certified with 13 years of experience in site preparation, scheduling, communication, and change management.

\*A dedicated project manager will be assigned to your specific project

## ALYSSA MEIERBACHTOL



### SALES COORDINATOR

Experienced SC providing a single point of contact for client communication in regards to purchase orders, invoices, deliveries, and project schedules.

## SEVILLA ANDERSON



### TECH SUPPORT

Industry certified with three years of providing our clients ongoing support of any service, warranty, or preventative maintenance support they may need.

## KYLEEN DONAHUE



### DIGITAL SIGNAGE

Industry certified with 17 years of technology experience relating to hardware, software, content creation, deployment, and consultation as needed for your digital communication.

6

# PROJECTS

## SOME OF OUR INSPIRED PROJECTS



### Factory Motor Parts

#### WHAT WE DID:

- ✓ Research & Consultation
- ✓ Design
- ✓ Project Management
- ✓ Installation

### FMP

The FMP Partners Network is the independent service centers' connection to all the parts, tools and technology you need to take your shop to the next level. This program is designed exclusively for independent shops.

#### COMMISSIONED 2018

Research | Design | Programming





# SOME OF OUR INSPIRED PROJECTS

Take a look at our recent work



## McNamara Alumni Center COMPANY INSTALLATION

In continued efforts to maintain its level of bold and beautiful standards the McNamara center partnered with Tierney to install and upgrade the center's digital needs.

**LINK:** [www.first-project.com](http://www.first-project.com)



## Rihm Kenworth COMPANY INSTALLATION

Tierney partnered with the company to design and implement their Audio Visual systems, as well as a portion of their internal and external signs and graphics for both of their new buildings.

**LINK:** [www.first-project.com](http://www.first-project.com)



## Mall Of America COMPANY INSTALLATION

Tierney helped Mall of America accomplish this goal by providing two NanoLumens NanoWrap hanging "Halo" signage displays in two separate atrium areas within the most recent addition to the space.

**LINK:** [www.first-project.com](http://www.first-project.com)



## Magnet 360 COMPANY INSTALLATION

Working alongside Salesforce for 14 years, magnet360 has gained deep expertise across all Salesforce products, and uses the knowledge to ensure our customers extract the full potential out of the platform

**LINK:** [www.first-project.com](http://www.first-project.com)

# MAINTENANCE & SERVICES OPTIONS

In case you want more.

## 01 Support Contracts

- Customized Support Options
- Access to Support Portal
- Preventative Maintenance Check(s)
- Dedicated Support Specialist
- Next Day Onsite Support
- Manufacturer Repair Assistance
- Meeting Support

## 02 Onsite Support

- Six Trained Technicians available for onsite support
- Ten Trained Installers
- Standard and Emergency support available
- Meeting Support
- Preventative Maintenance Check(s)
- Loaner Equipment

## 03 Lifeline and Repair Service

- Unlimited Phone and Email Support
- Six Trained Support Specialists
- In House Warranty Evaluations
- In House Repair Services
- Product Provisioning
- Programming Assistance

Contact your rep for a quote on added maintenance and service options.



PRODUCT  
PROVISIONING



SUPPORT  
PORTAL



PHONE/EMAIL  
SUPPORT



REPAIR  
SERVICES



SUPPORT  
CONTRACTS



CUSTOMER  
SATISFACTION  
(NPS)



# TERMS & CONDITIONS



## BECAUSE TIME IS MONEY

---

- 1. Entire Agreement.** These Terms and Conditions apply to the Sales Order (the "Order") and shall constitute the entire agreement (the "Agreement" or "Terms and Conditions") of Tierney Brothers, Inc. ("Seller") and Buyer with respect to the subject matter hereof. These Terms and Conditions are controlling and shall supersede any prior or contemporaneous agreements, understandings or representations, oral or written, relating to the subject matter hereof. These Terms and Conditions shall govern in the event of any conflict between these Terms and Conditions and any provision contained in any subsequent Sales Order or Purchase Order or otherwise, the terms of which, whether conflicting, supplemental or otherwise, are expressly rejected.
- 2. Shipment, Title and Risk of Loss.** Unless otherwise agreed in writing, or pursuant to a Buy and Hold transaction, title and risk of loss pass from Seller to Buyer upon receipt of shipment from Seller. Seller is responsible for damage that occurs during shipment to the customer (FOB Destination), unless the customer has arranged the shipping contract with their own provider. If the buyer has arranged their own shipping method, the buyer would assume responsibility and ownership of the goods once the shipment is picked up at the Seller's location (FOB Origin). Unless otherwise agreed in writing, the method of shipment will be at Seller's discretion. Any delivery or shipment date is an estimate only.
- 3. Payment.** For accounts where credit has been established, terms are net 30 days following the date of invoice. Amounts not paid in full within 30 days of date of invoice will be subject to a service charge of 1% per month on the unpaid balance to be included on each month's statement until paid in full. Payment options are EFT or check.
- 4. Taxes and Other Charges.** In addition to any price provided in this Agreement, Buyer shall be liable for any tax, fee or other charge imposed on Seller at any time upon the sale and/or shipment of the products sold hereunder, now imposed by federal, state, municipal or any other governmental authorities or hereafter becoming effective for or during the period hereof.
- 5. Cancellation or Default by Buyer.** This Order may not be cancelled in whole or in part by Buyer except with Seller's written consent. If at any time, in Seller's opinion, Buyer's credit is impaired, or if Buyer shall fail to pay to Seller any amount when due, under this or any other agreement, or if at any time Buyer shall indicate an intention to refuse to perform its obligation hereunder, Seller may at its option terminate this Agreement with respect to further shipments and all obligations of Buyer with respect to shipments previously made shall become immediately due and payable. In the event of such termination, Buyer shall remain liable to Seller for any and all loss or damage sustained due to Buyer's default. The Buyer's Liability, at the time of cancellation would be greater than or equal to 10% of the total of the order.
- 6. Customized Goods.** In the event that the Order is for customized products or specially manufactured goods, or for products that Buyer customizes after receipt of the products, the Tierney Brothers, Inc. Customized Product Sales Form shall be completed, attached hereto, and incorporated into these Terms and Conditions.
- 7. Bill and Hold Transaction.** In the event Buyer has requested that Seller bill and hold the products pursuant to the Order, the Tierney Brothers, Inc. Bill and Hold Agreement shall be completed, attached hereto, and incorporated into these Terms and Conditions.
- 8. Force Majeure.** Seller shall not be liable for any loss, damage, delays, changes in shipment schedules or failure to deliver caused by any event beyond its reasonable control, including, without limitation, accident, fire, actual or threatened strike or riot, explosion, mechanical breakdown (including technological or information systems), plant shutdown, unavailability of or interference with necessary transportation, any raw material or power shortage, compliance with any law, regulation or order, acts of God or public enemy, prior orders from others, or limitations on Seller's or its suppliers' products or marketing activities or any other cause or contingency beyond Seller's control.

9. **Limitation on Warranty and Remedies.** Seller warrants those products manufactured by it against defects caused solely by faulty assembly for 30 days after delivery. All other products, and the components and materials utilized in any assembled or customized products, are covered by, and subject to, the terms, conditions and limitations of the manufacturer's standard warranty, which warranty is expressly in lieu of any other warranty, express or implied, of or by Tierney Brothers or the manufacturer. Buyer's exclusive remedy, if any, under these warranties is limited, at Tierney Brothers' election, to any one of (a) refund of Buyer's purchase price or (b) replacement of any such product. Buyer acknowledges that except as specifically set forth or referenced in this paragraph, THERE ARE NO REPRESENTATIONS OR WARRANTIES OF ANY KIND (INCLUDING, WITHOUT LIMITATION, IN ADVERTISING MATERIALS, BROCHURES, OR OTHER DESCRIPTIVE LITERATURE) BY SELLER OR ANY OTHER PERSON, EXPRESS OR IMPLIED, AS TO THE CONDITION OR PERFORMANCE OF ANY PRODUCTS, THEIR MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE, OR OTHERWISE. SELLER ASSUMES NO RESPONSIBILITY OR LIABILITY WHATSOEVER FOR MANUFACTURER'S PRODUCT SPECIFICATIONS OR THE PERFORMANCE OR ADEQUACY OF ANY DESIGN OR SPECIFICATION PROVIDED TO SELLER BY OR ON BEHALF OF BUYER. NO WAIVER, ALTERATION, ADDITION OR MODIFICATION OF THE FOREGOING CONDITIONS SHALL BE VALID UNLESS MADE IN WRITING AND SIGNED BY AN OFFICER OF SELLER. SELLER SHALL UNDER NO CIRCUMSTANCES, WHETHER FOR A FAILURE OF ITS LIMITED REMEDY OR OTHERWISE, BE LIABLE TO BUYER OR OTHERWISE FOR SPECIAL, INCIDENTAL, DIRECT, PUNITIVE, OR CONSEQUENTIAL DAMAGES.

10. **Software License.** Title to any software installed with the products sold to Buyer remains with the applicable licensor(s). All software is subject to the applicable license agreement that is included with the products. Buyer agrees to be bound by the license agreement once the software is opened, the package is opened or its seal is broken. Warranty for any software shall be in accordance with the license agreement. Seller does not warrant any software under this Agreement.

11. **Limitation of Actions.** Products are deemed accepted by Buyer unless Buyer notifies Seller in writing within 10 days after receipt of products, if for quantity, or within 30 days after receipt of products, if for quality, loss of or damage to products, and the products must be held available at Buyer's place of business for Seller's inspection. Any action for breach of this Agreement, other than for non-payment, must be commenced within one year of the date of shipment, or due date of delivery in the event of non-delivery, of the particular shipment upon which such claim is based. No claim may in any event be made after products have in any way been used or processed by the Buyer. Buyer's remedies set forth herein are exclusive and the total liability of Seller for damages with respect to this Agreement, or anything done in connection therewith, shall be limited to the purchase price of the particular shipment with respect to which such damages are claimed.

12. **Returns.** No products may be returned to Seller without Seller's written consent. Products returned without Seller's prior written consent will be refused.

13. **Indemnification.** Buyer shall indemnify and hold Seller harmless from and against any and all claims, actions, suits, proceedings, costs, demands, damages and liabilities of any nature, relating to or in any way arising out of the delivery, rejection, installation, possession, use, operation, control or disposition of the products purchased by Buyer.

14. **Governing Law.** This Agreement shall be exclusively governed by and construed in accordance with the internal laws of the state of Minnesota.

15. **Amendment.** This Agreement shall not be amended except by a writing signed by an officer of the Seller and specifically stating that it is an amendment.

16. **Venue.** Any suit, action or proceeding with respect to this Agreement must be brought exclusively in the courts of the State of Minnesota or in United States courts located in the State of Minnesota, as either party may elect, and Buyer hereby submits to the jurisdiction of such courts for the purpose of any suit, action or proceeding. Buyer irrevocably waives any objections which it may now or hereinafter have to the venue of any suit, action or proceeding arising out of or relating to this Agreement in the courts located in the State of Minnesota and irrevocably waives any claim that any suit, action or proceeding brought in any such court has been brought in an inconvenient forum.

17. **Timeframe for Delivery of Professional Development Services (Training).** Tierney shall deliver any professional development services to the buyer within 12 months after placement of sales order. Tierney shall no longer be liable to provide professional development services after 12 months. Tierney will consider any contract to deliver professional development services fulfilled on the date 12 months after placement of sales order.



**THANK YOU**  
**FOR YOUR BUSINESS**



1771 Energy Park Dr., Suite 100  
St. Paul, MN 55108  
800.933.7337  
[info@tierneybrothers.com](mailto:info@tierneybrothers.com)  
[www.tierneybrothers.com](http://www.tierneybrothers.com)



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday September 18, 2019

### Agenda Item

#### Item 6. F. - Dredge Management

#### Prepared By

Linda Loomis, Administrator

#### Summary

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

LMRWD staff provided a workplan to BWSR for the funds granted by the legislature in 2019. The LMRWD received notice from BWSR that they have approved the grant. The LMRWD has not yet received the grant agreement.

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

Permit applications have been submitted to the US Army Corps of Engineers and the City for the dredge project. The Corps of Engineers has reported that 27,000 CY was being dredged and placed on the Vernon Avenue site beginning September 6th.

##### iii. Private Dredge Material Placement

Last year's material has been completely removed from the dredge site. I have not heard if new material has been placed.

#### 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 September 18, 2019

### **Agenda Item**

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

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

Staff held a meeting of the Technical Advisory Committee August 13th. The LMRWD allowed additional comments from the cities up until September 6th. Comments were received from Mendota Heights, Shakopee and Scott County WMO.

The final draft of the proposed rules is attached and ready to be submitted to the Board of Water & Soil Resources. Staff is still working on some minor revisions adding some clarifying modifications to the floodplain and drainage alteration rule.

The Board should authorize staff to submit the rules to BWSR.

### **Attachments**

Final draft of proposed rules dated September 2019

### **Recommended Action**

Motion to authorize staff to submit rules to BWSR subject to minor revisions

1  
2  
3  
4  
5  
6  
7  
8  
9

# Lower Minnesota River Watershed District

## Draft Rules

September 2019



1	<b>1</b>	<b>Rule A: Administrative and Procedural Requirements.....</b>	<b>1-1</b>
2	1.1	Municipal (LGU) Permit .....	1-1
3	1.2	Individual Permit .....	1-3
4	<b>2</b>	<b>Rule B: Erosion and Sediment Control Rule .....</b>	<b>2-1</b>
5	2.1	Policy .....	2-1
6	2.2	Regulation.....	2-1
7	2.3	Exceptions.....	2-1
8	2.4	Criteria.....	2-1
9	2.5	Required Information and Exhibits .....	2-4
10	<b>3</b>	<b>Rule C: Floodplain and Drainage Alteration Rule.....</b>	<b>3-1</b>
11	3.1	Policy .....	3-1
12	3.2	Regulation.....	3-1
13	3.3	Exceptions.....	3-1
14	3.4	Criteria.....	3-1
15	3.5	Required Information and Exhibits .....	3-2
16	<b>4</b>	<b>Rule D: Stormwater Management Rule.....</b>	<b>4-1</b>
17	4.1	Policy .....	4-1
18	4.2	Regulation.....	4-1
19	4.3	Exceptions.....	4-1
20	4.4	Criteria.....	4-2
21	4.5	Required Information and Exhibits .....	4-5
22	<b>5</b>	<b>Rule E: Shoreline and Streambank Alternation Rule (Reserved).....</b>	<b>5-1</b>
23	<b>6</b>	<b>Rule F: Steep Slopes Rule.....</b>	<b>6-2</b>
24	6.1	Policy .....	6-2
25	6.2	Regulation.....	6-2
26	6.3	Exceptions.....	6-2
27	6.4	Criteria.....	6-3
28	6.5	Required Information and Exhibits .....	6-3
29	<b>7</b>	<b>Rule G: Water Appropriations Rule (Reserved) .....</b>	<b>7-5</b>
30	<b>9</b>	<b>Rule H: Water Crossing Rule (Reserved) .....</b>	<b>9-6</b>
31			
32		<b>Table of Figures</b>	
33		Figure 1 Lower Minnesota River Watershed District—High Value Resources Area Overlay District Map.....	9-1
34		Figure 2 Lower Minnesota River Watershed District—Steep Slopes Overlay District Map.....	9-2

1 **Definitions**

2 Regarding these Rules, unless the context otherwise requires, the following terms are defined below.  
3 References in these Rules to specific sections of the Minnesota Statutes or Minnesota Rules include  
4 amendments, revisions, or recodifications of such sections. The words “shall” and “must” indicate a  
5 mandatory rule, and the word “may” indicates a permissive rule. The following definitions and  
6 acronyms apply to the District rules and accompanying guidance materials.

7 **Abstractions:** Removal of stormwater from runoff by such methods as infiltration; evaporation;  
8 transpiration by vegetation; and capture and reuse, such as capturing runoff for use as irrigation water.

9 **Agricultural Activity:** The use of land for the growing and/or production of agronomic, horticultural, or  
10 silvicultural crops, including nursery stock, sod, fruits, vegetables, flowers, cover crops, grains,  
11 Christmas trees, and grazing.

12 **Alteration or Alter:** When used in connection with public waters or wetlands, is any activity that will  
13 change or diminish the supply, course, current, or cross section of public waters or wetlands.

14 **Atlas 14:** Precipitation frequency estimates released by the National Oceanic and Atmospheric  
15 Administration’s National Weather Service Hydrometeorological Design Studies Center. The  
16 information supersedes precipitation frequency estimates in Technical Paper No. 40 (1961), National  
17 Weather Service HYDRO-35 (1977), and Technical Paper No. 49 (1964).

18 **Base Flood Elevation:** The computed elevation to which floodwater is anticipated to rise during the  
19 base flood. Base flood elevations are shown on flood insurance rate maps (FIRMs) and on the flood  
20 profiles.

21 **Best Management Practices, or BMPs:** Structural or nonstructural methods used to treat runoff,  
22 including such diverse measures as ponding, street sweeping, filtration through a rain garden, and  
23 infiltration to a gravel trench.

24 **Bioengineering:** Various shoreline and stream bank stabilization techniques using aquatic vegetation  
25 and native upland plants along with techniques such as willow wattling, brush layering, and willow  
26 posts.

27 **Buffer Zone:** An area consisting of perennial vegetation, excluding invasive plants and noxious weeds,  
28 adjacent to a waterbody that protects water resources from runoff pollution; stabilizes soils, shores, and  
29 banks; and protects or provides riparian corridors.

30 **Compensatory Storage:** Excavated volume of material below the floodplain elevation required to offset  
31 floodplain fill.

32 **Construction Activity:** Disturbance to the land that results in a change in the topography, existing soil  
33 cover (both vegetative and nonvegetative), or existing soil topography that may result in accelerated  
34 stormwater runoff, leading to soil erosion and the movement of sediment into surface waters or drainage  
35 systems.

36 **Development:** The construction of any public or private improvement project, infrastructure, structure,  
37 street, or road or the subdivision of land.

38 **Dewatering:** The removal of water for construction activity.

- 1 **Drain or Drainage:** Any method for removing or diverting water from waterbodies, including  
2 excavation of an open ditch and installation of subsurface drainage tile, filling, diking, or pumping.
- 3 **Easement:** The right to use another owner’s land for a specified use, which may be granted for the  
4 purpose of constructing and maintaining walkways, roadways, subsurface sewage treatment systems,  
5 utilities, drainage, driveways, and other uses.
- 6 **Erosion:** The wearing away of the ground surface as a result of wind, flowing water, ice movement, or  
7 land-disturbing activities.
- 8 **Erosion and Sediment Control Plan:** A plan of BMPs or equivalent measures designed to control  
9 runoff and erosion and to retain or control sediment on land during the period of land-disturbing  
10 activities in accordance with the applicable Rule.
- 11 **Excavation:** The intentional removal of soil or other earth material.
- 12 **Existing Conditions:** Site conditions at the time of application consideration by the LGU or District  
13 before any of the work has commenced, except that, when impervious surfaces have been fully or  
14 partially removed from a previously developed parcel but no intervening use has been legally or  
15 practically established, “existing conditions” denotes the parcel’s previously established developed use  
16 and condition.
- 17 **FEMA:** Federal Emergency Management Agency.
- 18 **Fens:** Rare and distinctive wetlands characterized by a substrate of nonacidic peat and dependent on a  
19 constant supply of cold, oxygen-poor groundwater rich in calcium and magnesium bicarbonates.
- 20 **Fill:** Any rock, soil, gravel, sand, debris, plant cuttings, or other material placed onto land or into water.
- 21 **Floodplain:** The area adjacent to a waterbody that is inundated during a 100-year flood.
- 22 **Floodway:** The channel of the river or stream and the adjacent land that must remain free from  
23 obstruction so that the 100-year flood can be conveyed downstream.
- 24 **Fully Reconstructed:** The reconstruction of an existing impervious surface that involves site grading  
25 and subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing activities are  
26 not considered fully reconstructed.
- 27 **Groundwater Recharge:** The replenishment of groundwater storage through infiltration of surface  
28 runoff into subsurface aquifers.
- 29 **High Value Resources Area, or HVRA:** Portion of land (or a watershed) that contributes runoff to a  
30 trout water and/or fen within the Lower Minnesota River Watershed District.
- 31 **H:V:** horizontal:vertical.
- 32 **Impervious Surface:** A constructed hard surface that either prevents or retards the entry of water into  
33 the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than  
34 before development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage  
35 areas, concrete, asphalt, and gravel roads or other areas of compacted gravel.
- 36 **Infiltration:** A passage of water into the ground through the soils.

1 **Infrastructure:** The system of public works for a county, state, or municipality, including but not  
2 limited to structures, roads, bridges, culverts, and sidewalks; stormwater management facilities,  
3 conveyance systems, and pipes; pump stations, sanitary sewers, and interceptors; hydraulic structures,  
4 permanent erosion control, and stream bank protection measures; water lines, gas lines, electrical lines,  
5 and associated facilities; and phone lines and supporting facilities.

6 **Land-Disturbing Activity:** Any change of the land surface to include removing vegetative cover,  
7 excavating, fill, grading, stockpiling soil, and constructing any structure that may cause or contribute to  
8 eroding or moving sediment into water bodies. Land use for new and continuing agricultural activities  
9 shall not constitute a land-disturbing activity under these Rules.

10 **Landlocked Basin:** A localized depression that does not have a natural outlet at or below the 100-year  
11 flood elevation.

12 **Linear Project:** Construction or reconstruction of a public road, sidewalk, or trail or construction,  
13 repair, or reconstruction of a utility or utilities that is not a component of a larger contemporaneous  
14 development or redevelopment project.

15 **Local Government Unit (LGU):** Entity such as a city or county.

16 **Local Water Plan (LWP):** A plan adopted by each municipality pursuant to Minnesota Statutes  
17 103B.235.

18 **MNDOT:** Minnesota Department of Transportation.

19 **MPCA:** Minnesota Pollution Control Agency.

20 **MPCA General Construction Permit:** General Permit Authorization to Discharge Storm Water  
21 Associated with Construction Activity under the National Pollutant Discharge Elimination System/State  
22 Disposal System Permit Program, Permit MN R100001 (NPDES General Construction Permit), issued  
23 by the Minnesota Pollution Control Agency, August 1, 2018, and as amended.

24 **Municipality:** Any city or township wholly or partly within the Lower Minnesota River Watershed  
25 District.

26 **Natural Vegetation:** Any combination of ground cover, understory, and tree canopy that, although  
27 human activity may have altered it, continues to stabilize soils, retain and filter runoff, provide habitat,  
28 and recharge groundwater.

29 **NAVD:** North American Vertical Datum.

30 **Nested:** A hypothetical precipitation distribution whereby the precipitation depths for various durations  
31 within a storm have the same exceedance probabilities. This distribution maximizes the rainfall  
32 intensities by incorporating selected short-duration intensities within those needed for longer durations  
33 at the same probability level. As a result, the various storm durations are “nested” within a single  
34 hypothetical distribution. Nested-storm distribution (or frequency-based hyetograph) development must  
35 be completed using the most recent applicable National Weather Service reference data (e.g., Atlas 14),  
36 in accordance with

- 1 a. the alternating block methodology, as outlined in Chapter 4 of the *HEC-HMS (Hydrologic*
- 2 *Engineering Center-Hydrologic Modeling System) Technical Reference Manual* (USACE,
- 3 2000);
- 4 b. methods in HydroCAD;
- 5 c. methods established by the Natural Resources Conservation Service; or
- 6 d. otherwise as approved by the District.

7 Reference: US Army Corps of Engineers. 2000. *Hydrologic Modeling System: HEC-HMS Technical*

8 *Reference Manual*.

9 **Nondegradation:** For purposes of these rules, nondegradation refers to the regulatory policy stated in

10 Minnesota Administrative Rules 7050.0185, and as amended.

11 **NOT:** Notice of Termination.

12 **NPDES:** National Pollutant Discharge Elimination System.

13 **Ordinary High Water Level (OHWL):** Ordinary high water level, as defined by the Minnesota

14 Department of Natural Resources, means the boundary of water basins, watercourses, public waters, and

15 public waters wetlands, and

- 16 a. the OHWL is an elevation delineating the highest water level maintained for a sufficient period
- 17 of time to leave evidence upon the landscape, commonly the point where the natural vegetation
- 18 changes from predominantly aquatic to predominantly terrestrial;
- 19 b. for watercourses, the OHWL is the elevation of the top of the channel bank; and
- 20 c. for reservoirs and flowages, the OHWL is the operating elevation of the normal summer pool.

21 **Overlay District:** A district established by Lower Minnesota River Watershed District rules/regulations

22 that may be more or less restrictive than the primary District's rules/regulations. Where a property is

23 located within an overlay district, it is subject to the provisions of both the primary rules/regulations and

24 those of the overlay district.

25 **Owner:** Any individual, firm, association, partnership, corporation, trust, or other legal entity having

26 proprietary interest in the land.

27 **Person:** Any individual, trustee, partnership, unincorporated association, limited liability company, or

28 corporation.

29 **Practical Difficulties:** As defined in Minnesota Statutes section 462.357, subdivision 6.

30 **Public Drainage System:** Any drainage system as defined in Minnesota Statutes 103E.005, subdivision

31 12.

32 **Public Project:** Land development or redevelopment or other land-disturbing activity conducted or

33 sponsored by a federal, state, or local governmental entity, for which a permit from the Lower

34 Minnesota River Watershed District, or its designee is required.

35 **Public Waters:** Waters as defined in Minnesota Statutes 103G.005, subdivision 15, and included in the

36 public waters inventory.

- 1 **Qualified Professional:** A person, compensated for her/his service, possessing the education, training,  
2 experience, or credential to competently perform or deliver the service provided.
- 3 **Redevelopment:** Any construction or improvement performed on sites where the existing land use is  
4 commercial, industrial, institutional, or residential.
- 5 **Runoff:** Rainfall, snowmelt, or irrigation water flowing over the ground surface.
- 6 **Sediment:** The solid mineral or organic material that is in suspension, is being transported, or has been  
7 moved from its original location by erosion and deposited at another location.
- 8 **Sedimentation:** The process or action of depositing sediment.
- 9 **Shoreland District:** Shoreland areas regulated by a local municipal or county shoreland ordinance or by  
10 Minnesota Statutes 103F. Generally, a shoreland district consists of land located within a floodplain,  
11 within 1,000 feet of the ordinary high-water level of a public water or public waters wetland, or within  
12 300 feet of a stream or river.
- 13 **Shoreline:** The lateral measurement along the contour of the ordinary high water level of waterbodies  
14 other than watercourses, the top of the bank of the channel of watercourses, and the area waterward  
15 thereof.
- 16 **Site:** A contiguous area of land under common ownership, designated and described in official public  
17 records and separated from other lands.
- 18 **Standard:** A preferred or desired level of quantity, quality, or value.
- 19 **Steep Slope:** A natural topographic feature having average slopes of 18 percent or greater measured  
20 over a horizontal distance of 25 feet or more.
- 21 **Steep Slopes Overlay District:** A district containing steep slope areas established by Lower Minnesota  
22 River Watershed District rules/regulations that is subject to the provisions of both the primary rules/  
23 regulations and those of the overlay district.
- 24 **Stormwater:** Water discharged to natural and artificial conveyance or holding systems resulting from  
25 precipitation, including rainfall and snowmelt.
- 26 **Structure:** Anything manufactured, constructed, or erected that is normally attached to or positioned on  
27 land, including portable structures, earthen structures, water and storage systems, drainage facilities, and  
28 parking lots.
- 29 **Subsurface Sewage Treatment System, or SSTS:** A sewage treatment system or part thereof serving a  
30 dwelling, other establishment, or group thereof and using sewage tanks followed by soil treatment and  
31 disposal or using advanced treatment devices that discharge below final grade. A subsurface sewage  
32 treatment system includes holding tanks and privies.
- 33 **Subwatershed:** A portion of land (or a watershed) contributing runoff to a particular point of discharge.
- 34 **Surface Water:** All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage  
35 systems, waterways, watercourses, and irrigation systems regardless of whether natural or artificial,  
36 public or private.
- 37 **Thalweg:** A line following the lowest points of a valley, river, stream, or creek bed.



- 1 **TP:** Total phosphorus.
- 2 **Trout Waters:** Lakes or streams that support a population of stocked or naturally produced trout.
- 3 **TSS:** Total suspended solids.
- 4 **Waterbody:** All surface waters, watercourses, and wetlands as defined in these Policies.
- 5 **Watershed:** A region draining to a specific watercourse or water basin.
- 6 **Wellhead Protection Plan:** A document that provides for the protection of a public water supply,  
7 submitted to the Minnesota Department of Health, that is implemented by the public water supplier and  
8 complies with (a) the wellhead protection elements specified in the 1986 amendments to the Federal  
9 Safe Drinking Water Act, United States Code, title 42, chapter 6A, subchapter XII, part C, section 300h-  
10 7 (1986 and as subsequently amended) and (b) Minnesota Rules parts 4720.5200 to 4720.5290.
- 11 **Wetland:** Any land as defined in Minnesota Statutes 103G.005, subdivision 19.

DRAFT

1 **1 Rule A: Administrative and Procedural Requirements**

2 Minnesota Statutes 103D.341 requires the Lower Minnesota River Watershed District (District) to adopt  
3 rules. Pursuant to Minnesota Statutes chapter 103D, on October 24, 2018, the District adopted its Board  
4 of Water and Soil Resources–approved watershed management plan (Plan). The Plan establishes  
5 management standards that form the foundation of these rules.

6 These rules are primarily applied by a local governmental unit (LGU) under a Municipal (LGU) Permit  
7 (Section 1.1) or by the District through an Individual Permit (Section 1.2)

8 Implementation by municipalities or local government units (LGUs) of these rules is required on all  
9 projects within their jurisdiction and by the District on projects within unincorporated and ungoverned  
10 areas of the Fort Snelling Historic District and on Minnesota Department of Transportation (MnDOT)  
11 right-of-way.

12 **1.1 Municipal (LGU) Permit**

13 The municipal (LGU) permit allows local municipalities to issue permits and manage actions as the  
14 primary permitting authority and allows the District to act in the event the LGUs are unable to permit.

15 1.1.1 Policy

16 It is the policy of the District to

- 17 a. recognize that control and determination of appropriate land use is the responsibility of LGUs;
- 18 b. hold LGUs to the requirement of Minnesota Statutes section 103G.235, subdivision 1, that each  
19 adopt the official controls necessary to bring local water management into conformance with the  
20 Plan;
- 21 c. present minimum threshold requirements and allow LGUs to adopt more restrictive  
22 requirements;
- 23 d. recognize that the authorities and procedures that LGUs use in implementing these rules will not  
24 be identical and that, therefore, some LGUs may occasionally need language and procedures that  
25 vary from the language and procedures outlined herein; and
- 26 e. coordinate with and provide a municipal permit to all LGUs with compliant local controls.

27 1.1.2 Regulation

28 All LGUs must obtain a municipal permit highlighting how they intend to implement and enforce these  
29 rules through official controls, in accordance with Minnesota Statutes 103B.235, on or before May 1,  
30 2020.

31 1.1.3 Application

32 An LGU must submit an application packet to the District to obtain a municipal permit under these rules  
33 on or before February 7, 2020. The submitted permit application must address how the LGU’s official  
34 controls adhere to these rules. LGUs are encouraged to contact the District on or before January 1, 2020,  
35 to begin this process; this allows for nonbinding, informal review to conformity with the District’s rules  
36 before the May 1, 2020, implementation deadline.

- a. The municipal permit application packets are due on or before February 7, 2020. The District has up to 60 business days to take action on a submitted permit application that is considered complete.
- b. The municipal permit application forms can be obtained from the District office or downloaded on the District website at [www.lowermnriverwd.org/](http://www.lowermnriverwd.org/).
- c. The municipal permit applications must be signed by the City Administrator, Water Resources Engineer, or designated City staff upon authorizing action of the LGU's governing board or council.
- d. All municipal permit application packets must include a completed application form and all required exhibits. These documents must be electronically submitted to the District in .pdf format. Compliance with these specifications will be used to determine whether the municipal permit application is complete. The District will not act on an incomplete municipal permit application and will notify LGUs within 15 business days of receiving the application if it is not complete.

#### 1.1.4 Municipal Permit Renewal and Assignment

Municipal permit approval is valid for five calendar years from the approval date, with or without conditions, unless otherwise specified. This does not include suspended or revoked municipal permits. Substantive changes, such as updates to official controls that affect the specific standards identified in the Plan, require a new municipal permit application. To renew or assign a municipal permit, the original permittee must notify and provide an explanation to the District, in writing, before the expiration date.

When approved by the District, the permittee may assign a municipal permit to another LGU. Approval may be granted if

- a. the proposed assignee agrees in writing to assume responsibility for compliance of all terms and conditions of the municipal permit as issued; and
- b. at the time of the request, there are no pending violations of the municipal permit or conditions of approval.

If the District finds that the proposed assignee has not demonstrated the ability to fulfill the municipal permit terms, it may impose new or additional conditions or deny the permit renewal or assignment. The assignment of a permit does not extend the term.

#### 1.1.5 Audit Process

The District reserves the right to conduct periodic audits and/or inspections of LGU programs, project approvals, issued municipal permits, and other processes to assess conformance with the municipal permit, the standards identified in the Plan, and these Rules.

#### 1.1.6 Enforcement

LGUs are responsible for implementing and enforcing local water plans (LWPs) covering their jurisdictions. To avoid unnecessary duplication of permitted programs, the District anticipates providing oversight to confirm that LWPs, including these Rules and local controls, are properly implemented and

1 enforced. Oversight will include spot checks of municipal projects and program audits. If the LGU is  
2 found noncompliant, the District will work with the LGU to correct the issue. However, if problems  
3 persist, the District may revoke or suspend the municipal permit and require individual permits, issued  
4 by the District, for all activities covered by these Rules. The District may also pursue remedies as  
5 provided by law to ensure compliance with these Rules.

6 The District will not be responsible for liabilities, costs, and damages caused by the LGU's lack of  
7 proper implementation.

#### 8 1.1.7 Suspension or Revocation

9 The District may revoke or suspend an issued municipal permit if it was issued based upon inaccurate  
10 information provided by the permittee, the permittee has not demonstrated the ability to fulfill the terms,  
11 or the permittee fails an audit.

#### 12 1.1.8 Variance

13 It is the District's policy to allow LGUs to grant variances and issue conditional use permits according  
14 to processes for such actions contained in existing local controls, except for the professional certification  
15 requirement for steep slopes. At least thirty days before municipal consideration of a variance or  
16 conditional use permit request, the District shall be notified of the requested action and be allowed to  
17 provide comment on the requested action. Variances that would circumvent the intent and purposes of  
18 these rules shall not be granted.

#### 19 1.1.9 Permits Subject to Rule F: Steep Slope Rule

20 Upon showing, to the satisfaction of the District, that the LGU has enacted and is following official  
21 controls necessary to meet the intent of these rules, the District may issue an exception to the rule for  
22 projects with land-disturbing activities that require a municipal grading, building, parking lot, or  
23 foundation permit that impact less than 50 cubic yards or less than 5,000 square feet of surface area or  
24 vegetation. The exception, if issued, will be documented the municipal permit, wherein the LGU must  
25 agree (1) that it will enforce its official controls; (2) that the exception will terminate if the LGU amends  
26 its official controls such that they no longer meet the intent of these rules; and (3) that the LGU will  
27 provide notice to the District of all permits issued under the exception.

### 28 **1.2 Individual Permit**

29 The Individual Permit allows the District to act as regulatory body in those areas not regulated by a  
30 municipality. These include unincorporated and ungoverned areas of the Fort Snelling Historic District  
31 and on Minnesota Department of Transportation (MnDOT) right-of-way.

#### 32 1.2.1 Policy

33 An individual permit is required for projects proposed by the MNDOT and all projects occurring in the  
34 Fort Snelling Historic District unincorporated area of the District (i.e., where there is no LGU exercising  
35 official controls).

36 Except where a municipal permit has been issued and remains in effect (i.e., has not been revoked or  
37 suspended), a person undertaking an activity for which these rules require a permit must obtain the  
38 required permit from the District before commencing the regulated activity.

1 1.2.2 Application

2 An application must be submitted to the District to obtain a permit for all projects subject to these rules.  
3 Applicants are strongly advised to contact the District early in the project development process. This  
4 will allow for a nonbinding, informal review to assess conformity with District rules.

5 Permit applications are due 20 business days before the monthly board meeting to be considered at that  
6 board meeting. The District will act on permit applications in a manner consistent with Minnesota  
7 Statutes section 15.99.

- 8 a. Application forms can be obtained from the District office or downloaded on the District website  
9 at [www.lowermnriverwd.org/](http://www.lowermnriverwd.org/).
- 10 b. The project/property owner must sign all permit applications.
- 11 c. All permit application packets must include a completed application form, all required exhibits,  
12 and a check (if applicable). These documents can be electronically submitted to the District in  
13 .pdf format. Applicable fees should be mailed to the District office. See the District website for  
14 the most current fee schedule. Compliance with these specifications will be used to determine  
15 whether an application is complete. The District will not act on an incomplete permit application.  
16 If the application is not complete, the District will notify applicants within 15 business days of  
17 receiving it.
- 18 d. Any entity undertaking emergency activity immediately necessary to protect life or prevent  
19 substantial physical harm to persons or property must submit an application within 30 days of  
20 commencing the work. The emergency activity must be brought into compliance with District  
21 rules in a timely manner.

22 1.2.3 Conditional Approval

23 The District may conditionally approve an application; however, it will not issue the permit until the  
24 applicant has met all approval conditions. The applicant must demonstrate clear intent to comply with  
25 these Rules and all conditional approval requirements that the District has outlined. All conditions must  
26 be met 12 months from the date conditional approval was granted. After this timeframe, the conditional  
27 approval will expire.

28 1.2.4 Reconsideration

29 An applicant aggrieved by the District's decision regarding a permit application may file a notice of  
30 reconsideration.

- 31 a. A notice of reconsideration must be filed with the District within 10 business days of the board  
32 meeting at which the original decision was made. The notice must include a statement  
33 identifying the specific conditions and findings to be reconsidered.
- 34 b. The District will schedule a reconsideration of the matter by the Board of Managers. The  
35 applicant will receive a notice of the reconsideration date at least 20 business days in advance.
- 36 c. The applicant may supplement existing permit exhibits with additional documentation and  
37 submit all additional exhibits to the District no later than 10 business days before the date of the  
38 reconsideration.

- d. In accordance with Minnesota Statutes section 103D.345, subdivision 2, an applicant will assume the analytical costs incurred by the District while conducting a reconsideration. Costs will not be recovered when the applicant is a local, state, or federal governmental body.
- e. Once an applicant has filed a notice for reconsideration, the underlying permit decision will be suspended until the Board of Managers issues a final decision on the reconsideration.
- f. The District's decision on the reconsideration constitutes the final decision on the application.

#### 1.2.5 Appeal

Pursuant to Minnesota Statutes section 103D.537, an applicant may appeal a permit decision or order made by the managers by a declaratory judgment action brought under Minnesota Statutes chapter 555. An applicant must file an appeal of a permit decision or order within 30 days of the managers' decision. An applicant may request a meeting with the dispute resolution committee of the Board of Water and Soil Resources to informally resolve a dispute before initiating a declaratory judgment action.

#### 1.2.6 Permit Renewal and Assignment

Permit approval is valid for one calendar year from the date the permit was approved, with or without conditions, unless otherwise specified. This does not include suspended or revoked permits. To renew or assign permit approval, the original permittee must notify and provide an explanation to the District, in writing, before the permit expiration date. The District may impose different or additional conditions on the permit renewal or deny the renewal if there is a significant change in the work proposed. The first renewal request will not be subject to new or additional requirements solely because of a change in the District's rules where substantial progress has been made toward the completion of the permitted project. Applicants wishing to continue projects for which permit approval has expired must reapply for a permit and pay associated fees. All District rules in effect at the time of the reapplication will apply.

When approved by the District, the permittee may assign a permit to another party. Approval may be granted if

- a. the proposed assignee agrees in writing to assume responsibility for compliance with all terms and conditions of the permit as issued; and
- b. at the time of the request, there are no pending violations of the permit or conditions of approval; and
- c. the proposed assignee has provided any required financial assurance necessary to complete the permitted project.

If the District finds that the proposed assignee has not demonstrated the ability to fulfill the permit terms, it may impose new or additional conditions or deny the permit assignment. The assignment of a permit does not extend the term of the permit.

#### 1.2.7 Suspension or Revocation

The District may revoke or suspend an issued permit if the permit was issued based upon inaccurate information provided by the permittee, or the permittee has failed to meet the requirements of a conditional approval.



1 1.2.8 Variance

2 The Board of Managers may consider a request for a variance from compliance with these rules. To  
3 grant a variance, the applicant must demonstrate the following:

4 a. Practical Difficulties

5 “Practical difficulties” is a legal standard set forth in law that regulatory authorities must apply when  
6 considering applications for variances. It is a three-factor test and applies to all requests for variances.  
7 To constitute practical difficulties, all three factors of the test must be satisfied.

8 i. The applicant proposes to use the property in a reasonable manner. This factor means that  
9 the applicant would like to use the property in a particular reasonable way but cannot do  
10 so under the regulatory rule. It does not mean that the land cannot be put to any  
11 reasonable use whatsoever without the variance. Activities causing environmental  
12 degradation, creating increased risk of damage to property or public or private  
13 infrastructure, or unable to be certified as suitable for site conditions may not be  
14 considered reasonable.

15 ii. The applicant’s problem is caused by circumstances unique to the property and are not  
16 caused by the applicant. The uniqueness generally relates to the physical characteristics  
17 of the particular piece of property, that is, to the land and not to personal characteristics  
18 or preferences of the landowner.

19 iii. The variance, if granted, will not alter the locality’s essential character. Under this factor,  
20 consider whether the resulting structure or land modification will be out of scale, out of  
21 place, or otherwise inconsistent with the surrounding area.

22 b. Additional Considerations

23 i. The activity for which the variance is sought will not adversely affect water resources,  
24 flood levels, or drainage in the District.

25 ii. A better natural resource protection or enhancement can be achieved by the proposed  
26 project if a variance is approved.

27 c. Term and Revocation

28 A variance granted by the District remains valid as long as the activity for which the variance was  
29 granted remains consistent with the conditions of the underlying permit. A variance may be revoked  
30 if the activity for which the variance was granted is abandoned.

31 1.2.9 After-the-Fact Permits

32 Any work requiring a permit that is performed without a permit is subject to enforcement and restoration  
33 under Minnesota Statutes 103D. The District may grant an after-the-fact permit in certain situations. The  
34 work sought to be permitted by an after-the-fact permit must have been capable of receiving a permit  
35 before the work was performed or must be capable of correction to meet the intent or performance  
36 standards of these Rules. Because an after-the-fact permit will require increased investigation of the  
37 conditions of the unauthorized work, an increased inspection fee may be required before processing the

1 after-the-fact permit. After-the-fact inspection fees are found District website at  
2 [www.lowermnrivewd.org/](http://www.lowermnrivewd.org/).

3 If the work does not qualify for a permit, no after-the-fact permit shall be issued, and corrective actions  
4 may be sought pursuant to Minnesota Statutes 103D.545 and 103D.551. Before considering an after-the-  
5 fact permit application, the District may require that the property be returned to the condition that  
6 existed before the unpermitted work was performed.

7 a. Completed Work

8 If, after inspection, the unauthorized work is found to comply with these Rules or the performance  
9 standards herein, the after-the-fact permit shall be issued to the applicant without further cost. If,  
10 after inspection, the unauthorized work is found not to comply with these Rules or the performance  
11 standards herein, further inspection and permit processing may be required, including additional  
12 inspection fees. An after-the-fact permit may require correction work and be subject to additional  
13 conditions.

14 b. Incomplete Work

15 For work in progress, work must cease and the work site must be stabilized until a permit is issued.  
16 Standard administrative procedures shall apply to the application, except for increased inspection  
17 fees as described above. For any portion of work completed that does not meet performance  
18 standards herein, deficiencies must be corrected as a condition of permit issuance.

19 c. Emergency Work

20 An after-the-fact permit may be required after emergency work. If the work is deemed an emergency  
21 and otherwise performed in compliance with these Rules or the performance standards herein, the  
22 after-the-fact permit shall be issued to the applicant without cost. If the work is deemed an  
23 emergency but is not otherwise performed in compliance with these Rules or the performance  
24 standards herein, the after-the-fact permit shall be issued to the applicant without any increased cost,  
25 rather than that required for a before-the-fact permit. If the work is not deemed an emergency, the  
26 standard after-the-fact permit requirements will apply. In all cases, an after-the-fact permit may  
27 include conditions to correct any damage caused by the emergency work.

28 d. Enforcement

29 The District may pursue remedies as provided by law to ensure compliance with an issued permit,  
30 variance, or permit condition.

31 1.2.10 Permit and Inspection Fees

32 1.2.10.1 Policy

33 It is the determination of the Board of Managers that

- 34 a. charging a minimal permit application fee will increase public awareness of and compliance with  
35 District permitting requirements and will reduce enforcement and inspection costs;
- 36 b. the public interest will benefit from inspection by District staff of certain large-scale projects in  
37 locations presenting particular risk to water resources to provide the Board of Managers with  
38 sufficient information to evaluate compliance with District rules and applicable law; and

- 1 c. from time to time, persons perform work requiring a permit from the District without a permit,  
2 and persons perform work in violation of an issued District permit. The Board of Managers  
3 determines that its costs of inspection and analysis in such cases will exceed costs incurred  
4 where an applicant has complied with District requirements.

#### 5 1.2.10.2 Requirement

6 The District will charge applicants permit and inspection fees in accordance with a schedule that will be  
7 maintained and revised from time to time by resolution of the Board of Managers to ensure that permit  
8 fees cover the District's actual costs of administrating and enforcing permits and the actual costs related  
9 to field inspections of permitted projects, such as investigation of the area affected by the proposed  
10 activity, analysis of the proposed activity, services of a consultant, and any required subsequent  
11 monitoring of the proposed activity. Costs of monitoring an activity authorized by permit may be  
12 charged and collected as necessary after permit issuance. The fee schedule may be obtained from the  
13 District office or the District's website at <http://lowermnrivewd.org/>. A permit applicant must submit  
14 the required permit fee to the District at the time it submits the relevant permit application. The fee  
15 provided by this rule will not be charged to any agency of the United States or any governmental unit or  
16 political subdivision of the State of Minnesota.

#### 17 1.2.11 Financial Assurances

##### 18 1.2.11.1 Policy

19 It is the District's policy to protect and preserve the water resources within the District by requiring  
20 financial performance assurances with a permit application. Such assurances will ensure adequate  
21 adherence to District rules when performing authorized activities.

##### 22 1.2.11.2 Requirement

23 The District may require a performance bond, letter of credit, or other financial assurance in a form  
24 approved by the District for an activity permitted under these rules. A financial assurance will not be  
25 required of any agency of the United States or any governmental unit of the State of Minnesota.

##### 26 1.2.11.3 Criteria

27 Financial assurances required pursuant to this rule must be issued in compliance with the following  
28 District criteria:

- 29 a. The financial assurance must be a performance bond, letter of credit, cash deposit, or other form  
30 acceptable to the District. Commercial financial assurances must be from an issuer licensed and  
31 doing business in the State of Minnesota.
- 32 b. Any bond issued under this section shall be executed by such sureties as are named in the list of  
33 "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as  
34 Acceptable Reinsuring Companies," as published in Circular 570 (amended) by the Financial  
35 Management Service, Surety Bond Branch, US Department of the Treasury. All bonds signed by  
36 an agent or attorney-in-fact must be accompanied by a certified copy of that individual's  
37 authority to bind the surety. The evidence of authority shall show that it is effective on the date  
38 the agent or attorney-in-fact signed each bond.

- c. Financial assurances must be issued in favor of the District and are contingent upon the applicant's compliance with the issued permit and payment of District fees. The financial assurance must state that, in the event of financial assurance conditions not being met, the District may make a claim against it. If the District makes a claim against a financial assurance, the full amount of the financial assurance required must be restored within 20 business days.
- d. The financial assurance must be effective for a minimum of three years from the date it was issued. The District may require the financial assurance to remain in place until all project components are stabilized and verified to be functioning to permitted specifications. The financial assurance must contain a provision that it may not be released without the District's consent.
- e. The permit applicant must submit the financial assurance. The financial assurance principal may be the landowner or the individual or entity undertaking the proposed activity.
- f. Financial assurance will be released only under the terms of section 1.4.4.
- g. No interest will be paid on financial assurances held by the District.
- h. The District Board of Managers will set the amount of financial assurances by resolution. Financial assurance amounts are set to cover potential liabilities to the District, including but not limited to the following:
  - i. Field inspections and monitoring
  - ii. Maintaining and implementing erosion and sediment control and other protections as the permit requires
  - iii. Planting and establishing buffer area
  - iv. Remediation of damages resulting from noncompliance with the permit or for which the permittee is otherwise responsible

#### 1.2.11.4 Financial Assurance Release

Once the District has received written notification of project completion, it will promptly inspect the project to determine whether the project was constructed in accordance with the issued permit and District rules. If the project is found in compliance, all practices and project components are stabilized, all practices and project components are verified to be functioning to permitted specifications, all required documentation has been submitted and approved by the District, and all permit fees have been paid, the District will release the financial assurance.

Further, upon written notice, a portion of the assurance may be released if the District finds that the entire amount is not needed to ensure compliance. After inspection, the District will determine what portion, if any, of the financial assurance can be released. If a portion of the financial assurance is not released, the District will notify the permittee of the outstanding compliance matters to address.

#### 1.2.11.5 Financial Assurances by Rule

Financial assurance required for a particular permit will include a 10 percent contingency and a 30 percent administrative costs amount in addition to the amounts calculated according to the criteria found in section 1.4.3.h and the financial assurance schedule (reference). No financial assurance is required for

1 a project undertaken by or for a resident owner on a single-family home site requiring only a permit  
2 under Erosion and Sediment Control, unless the Board of Managers determines that the project presents  
3 a significant risk of damage to water resources from erosion. See the fee schedule policy on the  
4 District’s website for additional information.

5 1.2.12 Enforcement

6 1.2.12.1 Investigation of Noncompliance

7 District staff, agents, and contractors may enter and inspect a property within the watershed to determine  
8 if a violation of permit conditions or District rules has occurred.

9 1.2.12.2 Informal Resolution of Noncompliance

10 Before initiating formal proceedings (see below), the District and its staff shall attempt to informally  
11 resolve incidences of noncompliance (i.e., by voluntary corrective actions or after-the-fact permitting).

12 1.2.12.3 Board Hearing; Administrative Compliance Order

13 The District will provide the permittee or landowner with reasonable notice when a compliance hearing  
14 will take place. An opportunity to be heard by the Board of Managers will be allotted at the compliance  
15 hearing, during which the permittee or landowner can address the finding of probable violation. At the  
16 hearing’s conclusion, the District may issue a compliance order.

17 1.2.12.4 District Court Enforcement

18 The District Board of Managers may seek judicial enforcement of an order and recovery of associated  
19 legal costs and fees, as provided by Minnesota Statutes chapter 103D.

20 1.2.12.5 Liability for Enforcement Costs

21 The permittee or owner of a property subject to the District’s enforcement action will be liable for  
22 associated costs incurred by the District. Such costs include but are not limited to inspection and  
23 monitoring, engineering, technical analysis, and legal and administrative expenses.

24

1 **2 Rule B: Erosion and Sediment Control Rule**

2 **2.1 Policy**

3 It is the District’s policy to

- 4 a. minimize erosion and sediment transport to lakes, streams, fens, and the Minnesota River;
- 5 b. retain or control sediment on land and during land-disturbing activities;
- 6 c. prevent resource degradation and loss or damage to property from erosion and sedimentation;
- 7 d. protect receiving water bodies, wetlands, and storm sewer inlets; and
- 8 e. require the preparation and implementation of erosion and sediment control plans to control
- 9 runoff and erosion.

10 **2.2 Regulation**

11 A municipal or District erosion and sediment control permit must be obtained for any land-disturbing  
12 work in overlay districts or other areas within the watershed as defined below:

- 13 a. General: Land-disturbing activities of one (1) acre or more
- 14 b. HVRA: Land-disturbing activities that involve the displacement or removal of 5,000 square feet  
15 or more of surface area or vegetation or the excavation of 50 cubic yards or more of earth within  
16 the HVRA Overlay District, as shown on the Lower Minnesota River Watershed District—High  
17 Value Resources Area Overlay District Map (Figure 1)

18 **2.3 Exceptions**

19 An erosion and sediment control permit is not required for the following land-disturbing activities:

- 20 a. Minor land-disturbing activities, such as home gardens contained within a residential lot,  
21 landscape repairs, and maintenance work
- 22 b. Installation of any fence, sign, telephone or electric poles, or other kinds of posts or poles
- 23 c. Emergency activity necessary to protect life or prevent substantial harm to persons or property
- 24 d. All maintenance, repair, resurfacing, and reconditioning activities of existing road, bridge, and  
25 highway systems that do not involve land-disturbing activities outside of the existing surfaced  
26 roadway
- 27 e. Agricultural activity

28 **2.4 Criteria**

29 Permit approval for activities that meet the general threshold must demonstrate that the implementation  
30 of their erosion and sediment control will meet the following criteria:

31 2.4.1 Erosion and sediment control plan that provides the following:

- 32 a. Protection of natural topography and soil conditions

- 1 b. Temporary erosion and sediment control practices consistent with the Minnesota Pollution
- 2 Control Agency’s “Protecting Water Quality in Urban Areas,” as amended or updated, and the
- 3 “Minnesota Stormwater Manual,” as amended or updated
- 4 c. Minimization of the disturbance’s intensity and duration
- 5 d. Provide adequate stabilization measures on slopes of 3:1 (H:V) or steeper
- 6 e. Protection of all stormwater conveyance systems during construction activities
- 7 f. Final site stabilization measures

8 2.4.2 All waste generated by project activities will be properly managed and disposed of to avoid  
9 adverse impacts on water quality.

10 2.4.3 Site Stabilization

- 11 a. Establish sediment control BMPs on all downgradient perimeters of the site and downgradient
- 12 areas of the site that drain to any surface water, including curb and gutter systems, locate
- 13 sediment control practices upgradient of any buffer zones, install sediment control practices
- 14 before any upgradient land-disturbing activities begin and must keep the sediment control
- 15 practices in place until permanent vegetative cover is established.
- 16 b. All soil surfaces that are compacted during construction and remain compacted upon
- 17 construction completion must be decompacted. Decompaction can be achieved through soil
- 18 amendment and/or ripping to a depth of 18 inches. All decompaction measures should be
- 19 completed before final stabilization.
- 20 c. All temporary erosion and sediment control BMPs must be maintained until construction is
- 21 completed and permanent vegetative cover is established, where appropriate, to a consistent,
- 22 uniform density of 70 percent of its expected final growth..
- 23 d. When final stabilization is achieved, all temporary erosion and sediment control BMPs must be
- 24 removed from the project site.
- 25 e. All disturbed areas must be finally stabilized within 14 days of completing land-altering
- 26 activities.

27 2.4.4 Inspection and Maintenance

28 The permit holder is responsible for inspecting and maintaining the project site until final stabilization is  
29 complete, including ensuring that all erosion and sediment control measures are effective.

30 a. Inspection

31 Routine inspections shall be conducted at least once every seven (7) days during active construction  
32 and within 24 hours after a rainfall event greater than 0.5 inch in 24 hours by the owner or the  
33 owner’s representative. Following a rainfall inspection, the next inspection shall be conducted within  
34 seven (7) days. The inspection schedule will be modified for the following conditions:

- 35 i. Where parts of the construction site have permanent cover, but work remains on other
- 36 parts of the site, inspections shall be reduced to once per month.



- 1        ii.        Where construction sites have permanent cover on all exposed soil areas and no  
2                    construction activity is occurring anywhere on the site, monthly inspections shall be  
3                    performed for 12 months (except during frozen ground conditions). After the 12th month  
4                    of permanent cover and no construction activity, inspections may cease until construction  
5                    activity resumes or sooner if notified by the District or the LGU.
- 6        iii.        Where frozen ground conditions have resulted in suspension of work, the inspection and  
7                    maintenance schedule shall resume within 24 hours after runoff occurs at the site or upon  
8                    resuming construction, whichever comes first.
- 9        iv.        Routine inspections shall include the following:
- 10                    1.        All areas disturbed by construction activity and areas used for storage of materials  
11                                    exposed to precipitation
- 12                    2.        Discharge locations, inaccessible locations, and nearby downstream locations  
13                                    where inspections are practicable
- 14                    3.        Locations where vehicles enter or exit the site for evidence of off-site sediment  
15                                    tracking
- 16        v.        Records for each inspection and maintenance activity shall be kept on file with the owner  
17                    and shall contain the following information:
- 18                    1.        Date and time of inspection
- 19                    2.        Name, title, and qualifications of person(s) conducting inspection
- 20                    3.        Date, duration, and amount of all rainfall events that produce more than 0.5 inch  
21                                    of rain in a 24-hour period and whether any discharges occurred
- 22                    4.        Inspection findings, including corrective action recommendations and  
23                                    implementation dates
- 24                    5.        Locations of the following:
- 25                                    a.        Sediment discharges or other pollutants from the site
- 26                                    b.        BMPs that need to be maintained
- 27                                    c.        BMPs that have failed to operate as designed or have proven inadequate for  
28    a particular location
- 29                                    d.        Needed BMPs that did not exist at the time of inspection
- 30                    6.        Documented changes to the erosion and sediment control plan
- 31                    7.        Inspector's signature

32        The owner shall keep an inspection log with the erosion and sediment control plan for a period of  
33        three (3) years following the completion of the project and filing of the Notice of Termination  
34        (NOT).

1 b. Maintenance

2 All maintenance conducted during construction must be recorded in writing, and these records must  
3 be kept. All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs  
4 within 24 hours after discovery or as soon as field conditions allow access, unless another period is  
5 specified below. Maintenance will include the following:

- 6 i. Excess sediment behind silt fences and biorolls shall be removed and properly disposed  
7 of when sediments reach one third the height of the structure. Such sedimentation shall be  
8 corrected by the next business day following discovery.
- 9 ii. Construction site vehicle exit locations shall be inspected for evidence of off-site  
10 sediment tracking onto paved surfaces. Tracked sediment will be removed from all paved  
11 surfaces within 24 hours of discovery or, if applicable, within a shorter time.
- 12 iii. Surface waters, including drainage ditches and conveyance systems, shall be inspected  
13 for evidence of erosion and sediment deposition. Evidence of erosion and/or sediment  
14 deposition will be addressed within seven (7) calendar days.
- 15 iv. Infiltration areas shall be maintained to ensure that no compaction or sedimentation  
16 occurs.
- 17 v. Construction entrances shall be maintained daily.
- 18 vi. Turf shall be maintained until final stabilization is established.

19 The maintenance of temporary erosion and sediment controls and implementation of additional  
20 controls shall be performed as soon as possible and before the next storm event, whenever  
21 practicable. All remaining temporary erosion and sediment controls and accumulated sediments from  
22 silt fences will be removed within 30 days of achieving final stabilization at the site.

23 **2.5 Required Information and Exhibits**

24 The following exhibits must accompany the permit application (one hardcopy set of plans [11 inches by  
25 17 inches] and one set as electronic files in a format acceptable to the District):

26 2.5.1 A narrative that includes the following:

- 27 a. The name, address, and telephone number(s) of all property owners
- 28 b. The name, address, and telephone number(s) for all contractors undertaking land-disturbing  
29 activities as part of the proposed project
- 30 c. The property owner's signature
- 31 d. A statement granting the District and its authorized representatives' access to the site for  
32 inspection purposes
- 33 e. Designation of an individual who will remain liable to the District for performance under this  
34 Rule from the time the permitted activities commence until vegetative cover is established and  
35 the District has certified satisfaction with erosion and sediment control requirements

36 2.5.2 An erosion and sediment control plan that includes the following:

- 1 a. Topographic maps of existing and proposed conditions that clearly indicate all hydrologic  
2 features and areas where grading will expose soils to erosive conditions as well as the flow  
3 direction of all runoff (single-family home construction or reconstruction projects may comply  
4 with this provision by providing satellite imagery or an oblique map acceptable to the District)
- 5 b. Tabulation of the construction implementation schedule for all projects except construction or  
6 reconstruction of a single-family home
- 7 c. Name, address, and phone number of the individual responsible for inspection and maintenance  
8 of all erosion and sediment control measures
- 9 d. Temporary erosion and sediment control measures that will remain in place until vegetation is  
10 established
- 11 e. All final erosion control measures and their locations
- 12 f. Staging areas, as applicable
- 13 g. Delineation of any floodplain and/or wetland area changes
- 14 h. Documentation of the project's NPDES Construction Stormwater Permit status, if applicable

DRAFT

1 **3 Rule C: Floodplain and Drainage Alteration Rule**

2 **3.1 Policy**

3 It is the District’s policy to

- 4 a. regulate alterations within the floodplain and drainageways within the watershed to provide flood
- 5 protection to natural resources, permanent structures, and private lands, in accordance with
- 6 Minnesota Statutes 103F;
- 7 b. preserve existing water storage capacity below the 100-year high-water elevation of all public
- 8 waters, wetlands subject to the Wetland Conservation Act, and public drainage systems subject
- 9 to Minnesota’s buffer law in the watershed to minimize the frequency and severity of high water;
- 10 and
- 11 c. minimize development below the FEMA base flood elevation that will unduly restrict flood
- 12 flows or aggravate known high water problems.

13 **3.2 Regulation**

14 A municipal or District permit is required for any alteration to or filling of land below the 100-year flood  
15 elevation of any wetland, public water, or landlocked subwatershed (as identified by municipalities)  
16 shall be subject to the following regulations and shall be completed in accordance with a state-approved  
17 floodplain management and shoreland ordinance:

- 18 a. No filling is allowed within the 100-year floodplain that causes a rise in the 100-year flood
- 19 elevation without providing compensatory floodplain storage equal to or greater than the volume
- 20 of fill. A no-rise certification by a professional engineer satisfies this requirement.
- 21 b. No grading or filling is allowed within the 100-year floodplain that reduces the flood-carrying
- 22 capacity of the watercourse.
- 23 c. The lowest floor of the lowest enclosed area of proposed structures must be a minimum of two
- 24 (2) feet above the 100-year high-water level of nearby surface waters or one (1) foot above the
- 25 emergency overflow elevation, whichever is greater, unless they have protection through
- 26 floodproofing or by another approved construction technique.
- 27 d. No permanent structure, with the exception of drainage conveyance structures and monitoring
- 28 equipment, may be constructed in the floodway as it is shown on FEMA flood maps.

29 **3.3 Exceptions**

30 No floodplain and drainage alternation permit from the District is required if all of the following  
31 conditions exist:

- 32 a. The 100-year flood elevation of a waterbody is entirely within a municipality.
- 33 b. The water basin is landlocked.
- 34 c. The municipality has adopted a floodplain ordinance regulating floodplain encroachment.
- 35 d. The proposed project is entirely within the water basin drainage area.

36 **3.4 Criteria**

1 All permitted projects under this rule shall be subject to the following regulations and shall be completed  
2 in accordance with a state-approved floodplain management and shoreland ordinance:

- 3 a. Fill shall not cause a net decrease in storage capacity below the projected 100-year high water  
4 elevation nor an increase in the 100-year elevation of a waterbody.
- 5 b. A professional engineer registered in the state of Minnesota shall calculate the allowable fill  
6 area. Creation of floodplain storage capacity to offset fill shall occur before any fill is placed in  
7 the floodplain, unless it has been demonstrated to the District and the municipality that doing so  
8 is impractical and that placement of fill and creation of storage capacity can be achieved  
9 concurrently. Any placement of fill before creation of floodplain storage capacity will be allowed  
10 only by a registered professional engineer to ensure that such work will not aggravate high water  
11 conditions.
- 12 c. Fill or grading shall not cause a decrease in the conveyance capacity of a waterbody below the  
13 projected 100-year high water elevation.
- 14 d. A professional engineer registered in the state of Minnesota shall calculate the conveyance  
15 capacity. The analysis must demonstrate no decrease in conveyance upstream and downstream of  
16 the proposed fill or grading.
- 17 e. All new residential, commercial, industrial, and institutional structures shall be constructed such  
18 that the lowest floor of the lowest enclosed area (including basement or crawl space) is at a  
19 minimum of two (2) feet above the 100-year high water elevation, unless they have protection  
20 through floodproofing or by another approved construction technique..
- 21 f. No person shall install or remove a culvert or other artificial means to remove or drain surface  
22 water, create artificial pond areas, or obstruct the natural flow of waters without demonstrating  
23 that the activity has no adverse impact on upstream or downstream landowners or water quality,  
24 habitat, or fisheries.
- 25 g. Temporary placement of fill within the floodway for staging or processing of river dredge or fill  
26 material, including facilities for such activities, shall be allowed when it is conducted, in whole  
27 or part, pursuant to a cooperative or local sponsorship agreement with the United States under  
28 the Rivers and Harbors Act and it meets requirements of the LGU.

### 29 **3.5 Required Information and Exhibits**

30 The following exhibits must accompany the permit application (one hardcopy set of plans [11 inches by  
31 17 inches] and one set as electronic files in a format acceptable to the District):

32 3.5.1 A site plan showing the following:

- 33 a. Property lines
- 34 b. Delineation of the work area
- 35 c. Existing elevation contours of the work area
- 36 d. OHWL or normal water elevation and 100-year flood elevations (all elevations must be reduced  
37 to NAVD [1988 datum])

38 3.5.2 Grading plan showing proposed elevation changes

- 1 3.5.3 Preliminary plat of proposed land development
- 2 3.5.4 Determination by a licensed professional engineer or registered qualified hydrologist of the 100-  
3 year flood elevations for the parcel before and after the project
- 4 3.5.5 Computation by a professional engineer of cut, fill, and change in water storage capacity  
5 resulting from proposed grading
- 6 3.5.6 Erosion control plan
- 7 3.5.7 Soil boring information, if requested by the District engineer
- 8 3.5.8 Documentation that drainage and flowage easements over all land and facilities below the 100-  
9 year flood elevation, if required by the municipality with jurisdiction, have been conveyed and  
10 recorded. For public entities, this requirement may be satisfied by a written agreement executed  
11 with the District in lieu of a recorded document. The agreement must state that, if the land within  
12 the 100-year floodplain is conveyed, the public body will require the buyer to comply with this  
13 subsection.

DRAFT

1 **4 Rule D: Stormwater Management Rule**

2 **4.1 Policy**

3 It is the District’s policy to

- 4 a. manage new development, redevelopment, and drainage alternations by requiring each
- 5 development or land-disturbing activity to manage its stormwater effectively, either on- or off-
- 6 site;
- 7 b. promote and encourage a reduction in runoff rates to encourage infiltration and to promote
- 8 groundwater recharge;
- 9 c. encourage infiltration and stormwater storage in the District’s upland areas;
- 10 d. maximize groundwater recharge as a means of maintaining drinking water supplies, preserving
- 11 base flows in streams and water levels in fens, and limiting discharges of stormwater to
- 12 downstream receiving waters;
- 13 e. protect and maintain existing groundwater flow, promote groundwater recharge, and improve
- 14 groundwater quality and aquifer protection;
- 15 f. require that property owners control the rate and volume of stormwater runoff originating from
- 16 their property so that surface water and groundwater quantity and quality is protected or
- 17 improved, soil erosion is minimized, and flooding potential is reduced; and
- 18 g. protect and improve natural resources within the watershed to prevent further degradation.

19 **4.2 Regulation**

20 A municipal or District permit that incorporates an approved stormwater management plan is required  
21 under this rule prior to the commencement of any activities to which this rule applies. The District may  
22 review a stormwater management plan at any point in the development of a regulated project and  
23 encourages project proposers to seek the District’s early review of plans.

24 The requirements of this rule apply to any land-disturbing activity that will involve the following:

- 25 a. General: Development, redevelopment, and drainage alterations (including roads) creating new
- 26 impervious areas greater than one (1) acre
- 27 b. HVRA: Development, redevelopment, and drainage alternations (including roads) creating new
- 28 impervious areas greater than 10,000 square feet in an HVRA Overlay District, as shown on the
- 29 Lower Minnesota River Watershed District—High Value Resources Area Overlay District Map
- 30 (Figure 1)

31 **4.3 Exceptions**

32 The requirements of this rule do not apply to the following:

- 33 a. Construction or remodeling on a single-family homesite consistent with a subdivision,
- 34 development, or redevelopment plan implemented in accordance with a District permit issued
- 35 after February 1, 2015, and an approved erosion control prevention and sediment control plan
- 36 b. Rehabilitation of paved surfaces



- c. Trails, sidewalks, and retaining walls that do not exceed 10 feet in width and are bordered down gradient by a pervious area extending at least half the trail width
- d. Land-disturbing activities that do not involve creation of new impervious surface, reconstruction of existing impervious surface, or grading that materially alter stormwater flow at a site boundary

#### 4.4 Criteria

Permit approval for activities that meet the general threshold must demonstrate that the implementation of their stormwater management plan will meet the following criteria:

##### 4.4.1 Rate Control

Stormwater runoff rate from development, redevelopment, and drainage alterations shall not exceed the existing runoff rates for the 1 or 2-year, 10-year, and 100-year 24-hour events using Atlas 14 nested distribution.

##### 4.4.2 Volume

- a. General: For projects that create one (1) acre or more of new impervious surface on sites without restrictions (such as factors that prevent attainment of the performance goal, like shallow depth to bedrock, presence of contaminated soils, and lack of access because utilities are present [*Minnesota Stormwater Manual*, 2019]), the post-construction stormwater runoff volume retained on-site shall be equivalent to one (1) inch of runoff from impervious surfaces or the MPCA’s Construction General Permit abstraction requirements (as amended), whichever is greater.
- b. HVRA: Projects that create new impervious areas greater than 10,000 square feet in an HVRA Overlay District have the following volume requirements:
  - i. New development: For new, nonlinear developments that create 10,000 square feet or more of new impervious surface on sites without restrictions, the post-construction stormwater runoff volume retained on-site shall be equivalent to 1.0 inch of runoff from impervious surfaces.
  - ii. Redevelopment: Nonlinear redevelopment projects on sites without restrictions that create 10,000 square feet or more of new and/or fully reconstructed impervious surfaces shall capture and retain on-site 1.1 inches of runoff from the new and/or fully reconstructed impervious surfaces.
  - iii. Linear projects: Linear projects on sites without restrictions that create 10,000 square feet or greater of new and/or fully reconstructed impervious surfaces shall capture and retain the larger of the following:
    - 1. 0.55 inch of runoff from the new and fully reconstructed impervious surfaces
    - 2. 1.1 inches of runoff from the net increase in impervious area

To the maximum extent practicable, volume control shall be fully met on-site. Site conditions may make infiltration undesirable or impossible. The owner must make soil corrections and/or investigate other

1 locations on the site for feasible infiltration locations. Infiltration of stormwater should avoid areas of  
2 contaminated soil.

3 c. Infiltration practices are not allowed in the following areas:

- 4 i. Areas that receive discharges from vehicle fueling and maintenance facilities
- 5 ii. Areas with less than three (3) feet of separation distance from the bottom of the  
6 infiltration system to the elevation of the seasonally saturated soils or the top of bedrock
- 7 iii. Areas that receive discharges from industrial facilities that are not authorized to infiltrate  
8 industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the  
9 MPCA
- 10 iv. Areas where infiltrating stormwater will mobilize high levels of contaminants in soil or  
11 groundwater
- 12 v. Areas of predominately Hydrologic Soil Group D (clay) soils, unless allowed by an LGU  
13 with a current NPDES/SDS Municipal Separate Storm Sewer Systems (MS4) permit
- 14 vi. Areas within 1,000 feet up gradient or 100 feet down gradient of active karst features,  
15 unless allowed by an LGU with a current MS4 permit
- 16 vii. Areas within a Drinking Water Supply Management Area (DWSMA), as defined in  
17 Minnesota Administrative Rules 4720.5100, subpart 13., unless allowed by an LGU with  
18 a current MS4 permit
- 19 viii. Areas where soil infiltration rates are more than 8.3 inches per hour, unless soils are  
20 amended to slow the infiltration rate below 8.3 inches per hour or as allowed by an LGU  
21 with a current MS4 permit
- 22 ix. Areas within the LMRWD Steep Slopes Overlay District (See Rule F)

23 If the permittee claims that infiltration is not feasible or allowed on-site, sufficient supporting  
24 documentation must be provided with the permit application. Filtration technologies are an acceptable  
25 alternative for types C and D soils and other sites where infiltration is infeasible given the criteria above.

#### 26 4.4.3 Water Quality

- 27 a. General: Projects that create one (1) acre or more of new impervious surface shall have no net  
28 increase from existing conditions in total phosphorus (TP) and total suspended solids (TSS) to  
29 receiving waterbodies.
- 30 b. HVRA: Projects that create new impervious areas greater than 10,000 square feet in an HVRA  
31 Overlay District have the following water quality requirements:
  - 32 i. Total phosphorus and total suspended solids: All projects shall have a net decrease TP  
33 and TSS to receiving waterbodies from existing conditions. For new development  
34 projects, the decrease in TP and TSS shall be 60 percent and 80 percent, respectively,  
35 from existing conditions.
  - 36 ii. Buffer zone: An undisturbed buffer zone of 100 linear feet from trout waters shall be  
37 maintained at all times, both during construction and as a permanent feature after

1 construction, except where a water crossing, or other encroachment is necessary to  
2 complete the project.

- 3 1. Exceptions: The replacement of existing impervious surfaces within the buffer zone is  
4 allowed provided that the use of additional or redundant BMPs minimizes all potential  
5 water quality, scenic, and other environmental impacts of the activity. Buffer  
6 encroachments (circumstance and reason) and minimization activities must be  
7 documented.

8 iii. Temperature controls: Permanent stormwater management facilities shall be designed to  
9 minimize any increase in the temperature of trout waters receiving waters resulting from  
10 the 1 and 2-year 24-hour precipitation events. This includes all tributaries of designated  
11 trout streams within the Public Land Survey System (PLSS) section where a trout water  
12 is located. Projects that discharge to trout waters must minimize the impact using one or  
13 more of the following measures, in order of preference:

- 14 1. Minimize new impervious surfaces
- 15 2. Minimize the discharge from connected impervious surfaces by discharging to  
16 vegetated areas or grass swales and using other nonstructural controls
- 17 3. Use infiltration or other volume reduction practices to reduce stormwater runoff in  
18 excess of pre-project conditions (up to the 2-year, 24-hour precipitation event)
- 19 4. Design an appropriate combination of measures, such as shading, filtered bottom  
20 withdrawal, vegetated swale discharges, or constructed wetland treatment cells, that  
21 will limit temperature increases when incorporating ponding. Also, design the pond to  
22 be drawn down in 24 hours or less.
- 23 5. Use other methods that will minimize any increase in trout water temperature

#### 24 4.4.4 Maintenance and Easement

25 The permittee is responsible for developing and adhering to a maintenance plan for the permitted  
26 project, including the acquisition of all necessary easements.

- 27 a. All stormwater management structures and facilities must be designed for maintenance access  
28 and properly maintained in perpetuity so that they continue to function as designed.
- 29 b. A maintenance plan shall identify and protect the design, capacity, and functionality of on-site  
30 and off-site stormwater management facilities; specify the methods; and schedule responsible  
31 parties for maintenance for every stormwater management facility.
- 32 c. The maintenance agreement shall be recorded with the applicable county (Carver, Dakota,  
33 Hennepin, Scott, or Ramsey) as part of the LGU or other development approval process. The  
34 District may require that stormwater management structures and facilities be publicly dedicated  
35 or placed in a conservation easement, giving rights of enforcement to an LGU, the District, or  
36 other appropriate public authority.
- 37 d. A public entity assuming a maintenance obligation may submit a written executed agreement in  
38 lieu of the recorded maintenance agreement.

1 4.4.5 Alternative Measures

2 At sites where infiltration is infeasible, an applicant must comply with the NPDES General Construction  
3 Permit, issued by the MPCA, August 1, 2018, as amended.

4 **4.5 Required Information and Exhibits**

5 The following exhibits must accompany the permit application (one hardcopy set of plans [11 inches by  
6 17 inches] and one set as electronic files in a format acceptable to the District):

7 4.5.1 A narrative explaining the existing and proposed conditions

8 4.5.2 Stormwater management system modeling in a form acceptable to the District that utilizes the  
9 most recent applicable precipitation reference data (e.g., Atlas 14), for example, HydroCAD,  
10 SWMM, MIDS calculator, or P8

11 4.5.3 A site plan showing the following:

12 a. Property lines and delineation of lands under ownership of the applicant

13 b. Existing and proposed elevation contours

14 c. Identification of existing and proposed normal and ordinary high- and 100-year water elevations  
15 on-site.

16 4.5.4 A stormwater management plan that includes, at a minimum, the following:

17 a. Proposed and existing stormwater facility locations, alignment, and elevation

18 b. Delineation of existing wetlands, marshes, shoreland, and/or floodplain areas on-site or to which  
19 any portion of the project parcel drains; except where a project will not alter or change the  
20 hydrology of a wetland, the plan need only identify the wetland.

21 c. Geotechnical analysis, including soil borings, at all proposed stormwater management facility  
22 locations

23 d. If infiltration of runoff is proposed, data must be submitted showing the following:

24 i. No evidence of groundwater or redoximorphic soil conditions within three (3) feet of the  
25 bottom of the facility, practice, or system

26 ii. Soil conditions within five (5) feet of the bottom of any stormwater treatment facility,  
27 practice, or system

28 iii. If requested by the engineer, site-specific infiltration capacity of soils at the bottom of the  
29 facility, practice, or system. In addition, the District engineer may require submission of a  
30 phase I environmental site assessment and/or other documentation to facilitate analysis  
31 by the District of the suitability of the site for infiltration.

32 e. Construction plans and specifications for all proposed stormwater management facilities,  
33 including design details for outlet control structures

34 f. Stormwater runoff volume and rate analyses for the 2-, 10-, and 100-year 24-hour critical events,  
35 existing and proposed conditions, using Atlas 14 nested distribution

- 1 g. All hydrologic, water quality, and hydraulic computations completed to design the proposed  
2 stormwater management facilities
- 3 h. Narrative addressing incorporation of retention BMPs
- 4 i. Platting or easement documents showing sufficient drainage and ponding/flowage easements  
5 over hydrologic features, such as floodplains, storm sewers, ponds, ditches, swales, wetlands,  
6 and waterways, if required by the municipality with jurisdiction
- 7 j. Documentation of the project's NPDES Construction Stormwater Permit status, if applicable
- 8 k. If a stormwater harvest and reuse practice is proposed to meet applicable requirements, the  
9 following materials must be submitted:
- 10 i. An analysis using a stormwater reuse calculator or equivalent methodology approved by  
11 the District engineer
- 12 ii. Documentation of the adequacy of soils, storage capacity, and delivery systems
- 13 iii. Delineation of green space area to be irrigated, if applicable
- 14 iv. A detailed irrigation or usage plan showing compliance with the District's volume-  
15 retention requirements.
- 16 4.5.5 Documentation demonstrating that the applicant holds the legal rights necessary to discharge to  
17 any off-site stormwater facility/facilities used for compliance and that the facility/facilities are  
18 subject to a maintenance document satisfying the requirements of this rule
- 19 4.5.6 An erosion and sediment control plan complying with the District's Erosion and Sediment  
20 Control Rule
- 21 4.5.7 A maintenance plan and applicable maintenance agreements

**1 5 Rule E: Shoreline and Streambank Alternation Rule (Reserved)**

1 **6 Rule F: Steep Slopes Rule**

2 **6.1 Policy**

3 It is the District’s policy to

- 4 a. protect water quality down gradient of steep slopes from sediment, nutrients, bacteria, and other  
5 contaminant pollutant loadings;
- 6 b. maintain stability of steep slopes, shorelines, and other areas prone to erosion;
- 7 c. sustain and enhance the biological and ecological functions of noninvasive vegetation on steep  
8 slopes as outlined in the Lower Minnesota River Watershed District Vegetation Management  
9 Plan;
- 10 d. minimize impacts to and preserve the natural character and topography of steep slopes;
- 11 e. protect properties and waterbodies adjacent to steep slopes from erosion, sedimentation,  
12 flooding, and other damage; and
- 13 f. promote public safety by requiring certification from qualified individuals before land-disturbing  
14 activities and other changes to land on steep slopes.

15 **6.2 Regulation**

16 A municipal or District permit must be obtained for the following activities:

- 17 a. Land-disturbing activities that involve the excavation of 50 cubic yards or more of earth or  
18 displacement or removal of 5,000 square feet or more of surface area or vegetation within the  
19 Steep Slopes Overlay District, as shown on the Lower Minnesota River Watershed District—  
20 Steep Slopes Overlay District Map (Figure 2)
- 21 b. Activities requiring municipal/LGU grading, building, parking lot, and foundations permits that  
22 result in a net increase in impervious surface or stormwater runoff within the Steep Slopes  
23 Overlay District, as illustrated on Figure 2

24 **6.3 Exceptions**

25 A steep slopes permit is not required for the following activities:

- 26 a. New impervious areas associated with driveway widenings that drain to the street where a  
27 municipal storm sewer system manages runoff water
- 28 b. Maintenance, repair, or in-kind replacement of existing structures, public roads, utilities, and  
29 drainage systems within the Steep Slopes Overlay District
- 30 c. Disturbances that are part of an approved LWP to repair, grade, or reslope existing steep slopes  
31 that are eroding or unstable to establish stable slopes and vegetation
- 32 d. Native plantings that enhance natural vegetation of steep slopes
- 33 e. Selective removal of noxious, exotic, or invasive vegetation, using locally recognized methods to  
34 control and/or minimize their spread
- 35 f. Pruning of trees or vegetation that are dead or diseased or pose a public hazard and removal of  
36 vegetation in emergency situations from steep slopes



- 1 g. Maintenance of existing lawns, landscaping, and gardens
- 2 h. Agricultural and forestry activities

3 **6.4 Criteria**

4 All permitted projects under the Steep Slopes Rule must comply with the following regulations:

5 6.4.1 Land-disturbing activities as regulated in this section may occur within the Steep Slopes Overlay  
6 District provided that a qualified professional/professional engineer registered in the state of  
7 Minnesota certifies the area’s suitability for the proposed activities, structures, or uses resulting  
8 from the activities and that the following requirements are addressed:

- 9 a. Minimum erosion and sediment control BMPs include site stabilization and slope restoration  
10 measures to ensure the proposed activity will not result in
  - 11 i. adverse impacts to adjacent and/or downstream properties or water bodies;
  - 12 ii. unstable slope conditions; and
  - 13 iii. degradation of water quality from erosion, sedimentation, flooding, and other damage.
- 14 b. Preservation of existing hydrology and drainage patterns. Land-disturbing activities may not  
15 result in any new water discharge points on steep slopes or along the bluff.

16 6.4.2 Stormwater ponds, swales, infiltration basins, or other soil saturation–type features shall not be  
17 constructed within a Steep Slopes Overlay District.

18 **6.5 Required Information and Exhibits**

19 The following exhibits must accompany the permit application (one hardcopy set of plans [11 inches by  
20 17 inches] and one set as electronic files in a format acceptable to the District):

21 6.5.1 A narrative that includes the following:

- 22 a. The name, address, and telephone number(s) of all property owners
- 23 b. The name, address, and telephone number(s) for all contractors undertaking land-disturbing  
24 activities as part of the proposed project
- 25 c. The signature of the property owner
- 26 d. A statement granting the District and its authorized representatives’ access to the site for  
27 inspection purposes
- 28 e. Designation of an individual who will remain liable to the District for performance under this  
29 rule from the time the permitted activities commence until vegetative cover is established and the  
30 District has certified its satisfaction with erosion and sediment control requirements
- 31 f. An explanation of existing and proposed conditions

32 6.5.2 An erosion and sediment control plan including the following:

- 33 a. Topographic maps of existing and proposed conditions that clearly indicate all hydrologic  
34 features and areas where grading will expose soils to erosive conditions as well as the flow

- 1 direction of all runoff (single-family home construction or reconstruction projects may comply  
2 with this provision by providing satellite imagery or an oblique map acceptable to the District)
- 3 b. Tabulation of the construction implementation schedule for all projects, except construction or  
4 reconstruction of a single-family home
- 5 c. Name, address, and phone number of the individual responsible for inspection and maintenance  
6 of all erosion and sediment control measures
- 7 d. Temporary erosion and sediment control measures that will remain in place until vegetation is  
8 established
- 9 e. All final erosion control measures and their locations
- 10 f. Staging areas, as applicable
- 11 g. Delineation of any floodplain and/or wetland area changes
- 12 h. Documentation of the project's NPDES Construction Stormwater Permit status, if applicable
- 13 6.5.3 Stormwater management system modeling in a form acceptable to the District and that uses the  
14 most recent applicable precipitation reference data (e.g., Atlas 14), for example, HydroCAD,  
15 SWMM, MIDS calculator, or P8
- 16 6.5.4 A site plan showing the following:
- 17 a. Property lines and delineation of lands under ownership of the applicant
- 18 b. Existing and proposed elevation contours
- 19 c. Identification of existing and proposed normal and ordinary 100-year and high water elevations  
20 on-site
- 21 6.5.5 A stormwater management plan, including, at a minimum:
- 22 a. Proposed and existing stormwater facilities location, alignment, and elevation
- 23 b. Delineation of existing wetlands, marshes, shoreland, and/or floodplain areas on-site or to which  
24 any portion of the project parcel drains; except that where a project will not alter or change the  
25 hydrology of a wetland, the wetland need only be identified on the plan.
- 26 c. Geotechnical analysis, including soil borings, at all proposed stormwater management facility  
27 locations
- 28 d. If infiltration of runoff is proposed, data must be submitted showing the following:
- 29 i. No evidence of groundwater or redoximorphic soil conditions within three (3) feet of the  
30 bottom of the facility, practice, or system
- 31 ii. Soil conditions within five (5) feet of the bottom of any stormwater treatment facility,  
32 practice, or system
- 33 iii. If requested by the engineer, site-specific infiltration capacity of soils at the bottom of the  
34 facility, practice, or system. In addition, the District engineer may require submission of a  
35 phase I environmental site assessment and/or other documentation to facilitate analysis  
36 by the District of the suitability of the site for infiltration.

- 1 e. Construction plans and specifications for all proposed stormwater management facilities,  
2 including design details for outlet control structures
- 3 f. Stormwater runoff volume and rate analyses for the 2-, 10-, and 100-year 24-hour critical events,  
4 existing and proposed conditions, using Atlas 14 nested distribution
- 5 g. All hydrologic, water quality, and hydraulic computations completed to design the proposed  
6 stormwater management facilities
- 7 h. Narrative addressing incorporation of retention BMPs
- 8 i. Platting or easement documents showing sufficient drainage and ponding/flowage easements  
9 over hydrologic features, such as floodplains, storm sewers, ponds, ditches, swales, wetlands,  
10 and waterways, if required by the municipality with jurisdiction
- 11 j. Documentation of the project's NPDES Construction Stormwater Permit status, if applicable
- 12 k. If a stormwater harvest and reuse practice is proposed to meet applicable requirements,  
13 submission of
- 14 iv. an analysis using a stormwater reuse calculator or equivalent methodology approved by  
15 the District engineer;
- 16 v. documentation of the adequacy of soils, storage capacity, and delivery systems;
- 17 vi. delineation of green space area to be irrigated, if applicable; and
- 18 vii. a detailed irrigation or usage plan showing compliance with the District volume-retention  
19 requirements.
- 20 6.5.6 Documentation that the applicant holds the legal rights necessary to discharge to any off-site  
21 stormwater facility/facilities used for compliance and that the facility/facilities are subject to a  
22 maintenance document satisfying the requirements of this rule
- 23 6.5.7 A maintenance plan and applicable maintenance agreements
- 24 6.5.8 Construction plans and specifications certifying construction on the steep slope by a registered  
25 professional engineer. The certification must indicate that the slope is suitable to withstand  
26 proposed construction.

27 **7 Rule G: Water Appropriations Rule (Reserved)**

28

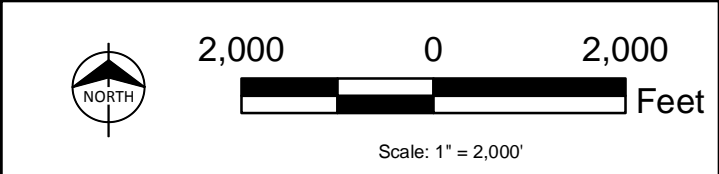
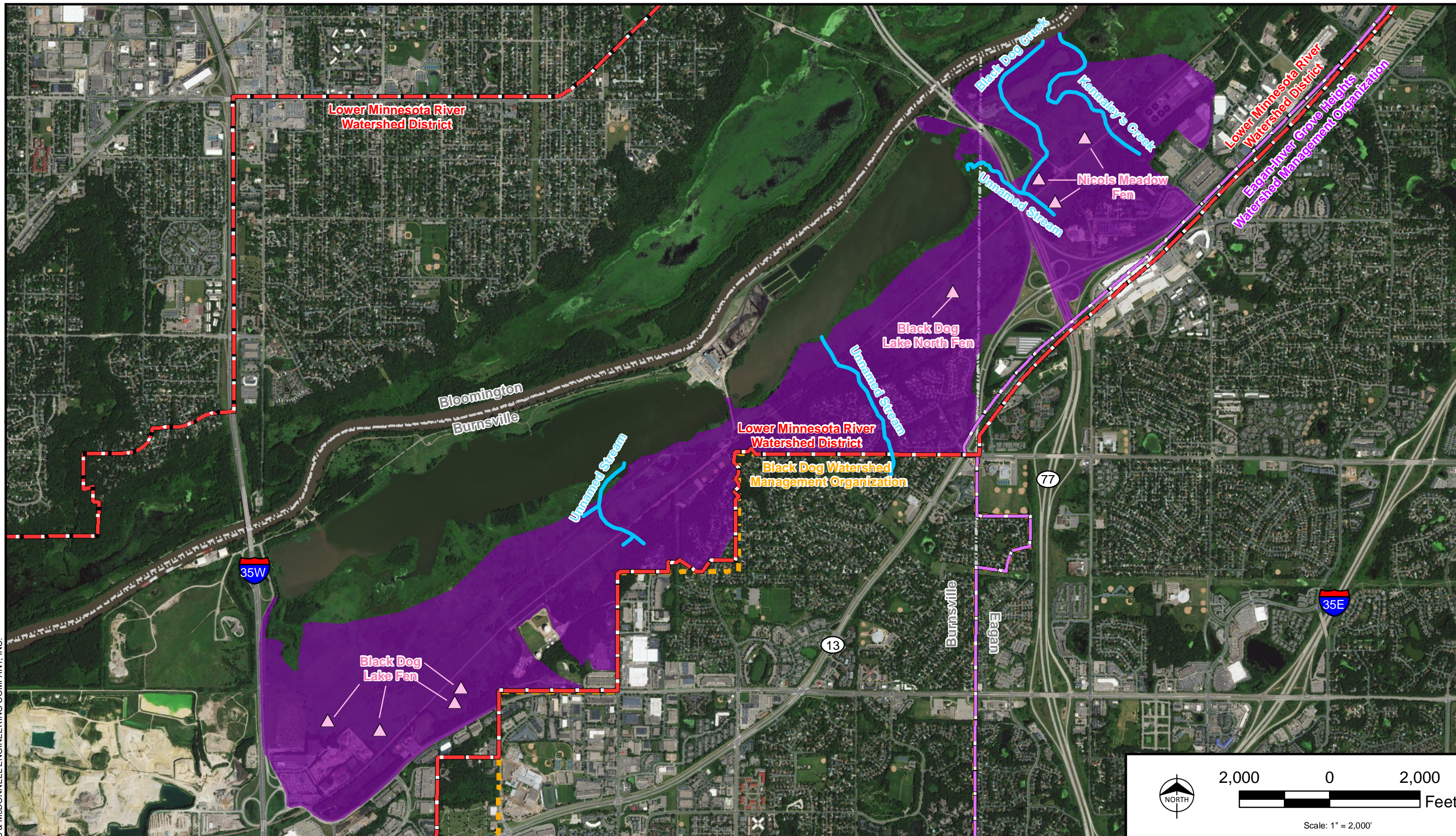
1 **9 Rule H: Water Crossing Rule (Reserved)**

2

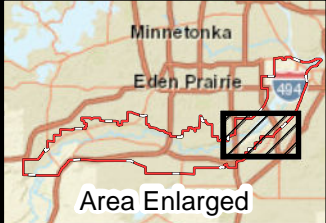
DRAFT

1 *Figure 1 Lower Minnesota River Watershed District—High Value Resources Area Overlay District Map*





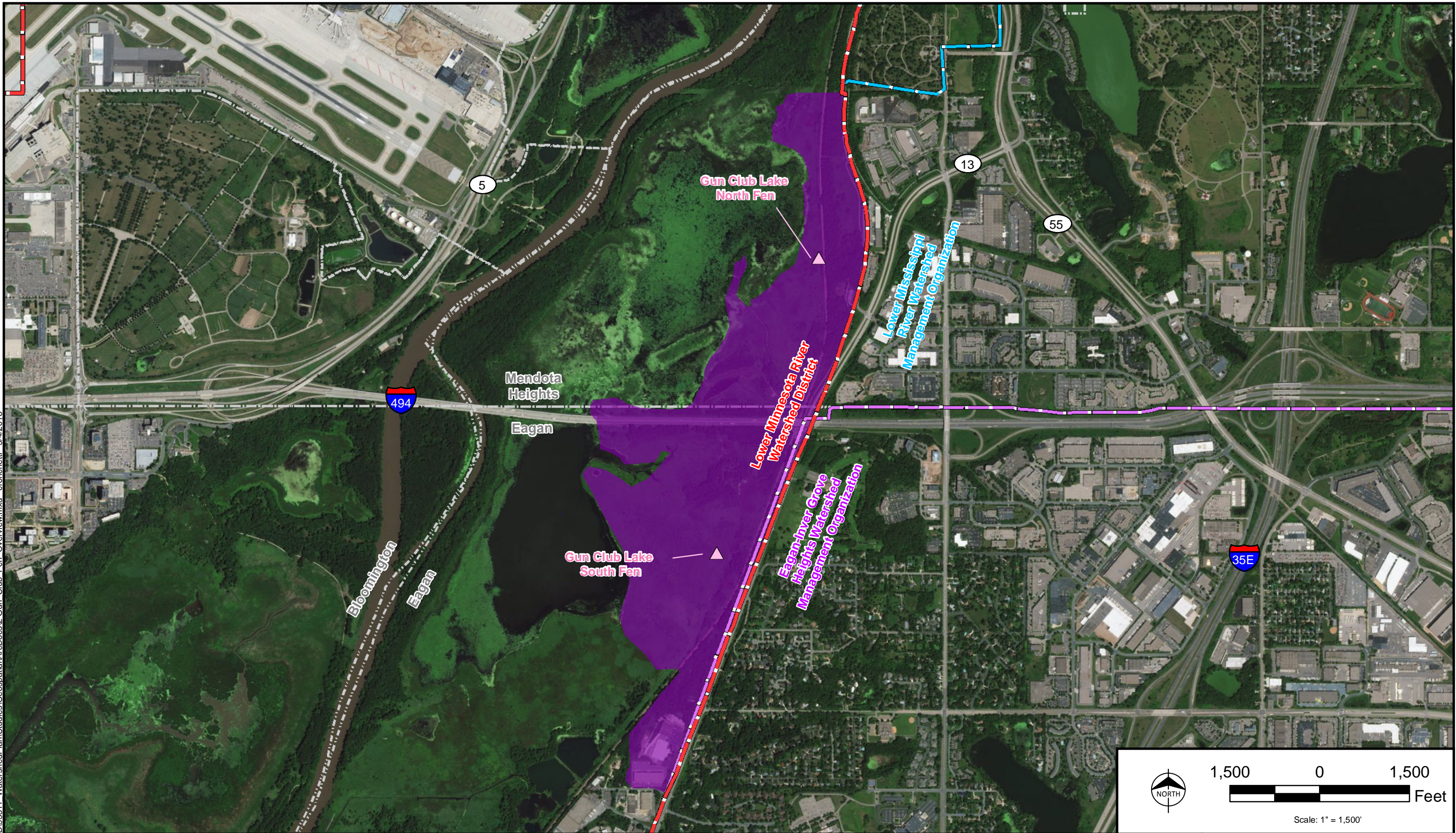
High Value Resource Area (HVRA)	MNDNR Publicly Available Data	Jurisdictional Boundaries
HVRA Overlay District	Calcareous Fen Point	Municipal Boundary
	Trout Stream	Lower Minnesota River Watershed District
	Trout Pond/Lake	Riley-Purgatory-Bluff Creek Watershed District
		Black Dog Watershed Management Organization



Lower Minnesota River Watershed District  
 High Value Resources Area  
 Overlay District Map  
 1 of 5



COPYRIGHT © 2018 BURNS & McDONNELL ENGINEERING COMPANY, INC.  
 Path: Z:\Clients\ENSL\MRW\195511\_Watershed\PlanStudies\Geospatial\ArcDocs\2 Gun Club Fen Overview.mxd cronchetti 5/4/2018



**High Value Resource Area (HVRA)**

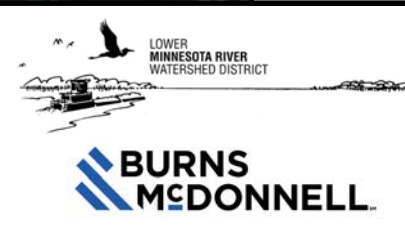
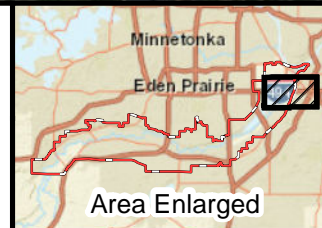
HVRA Overlay District

**MNDNR Publicly Available Data**

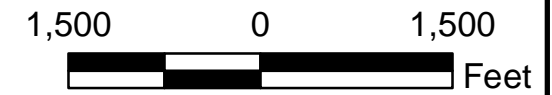
- Calcareous Fen Point
- Trout Stream
- Trout Pond/Lake

**Jurisdictional Boundaries**

- Municipal Boundary
- Lower Minnesota River Watershed District
- Riley-Purgatory-Bluff Creek Watershed District
- Lower Mississippi River Watershed Management Organization



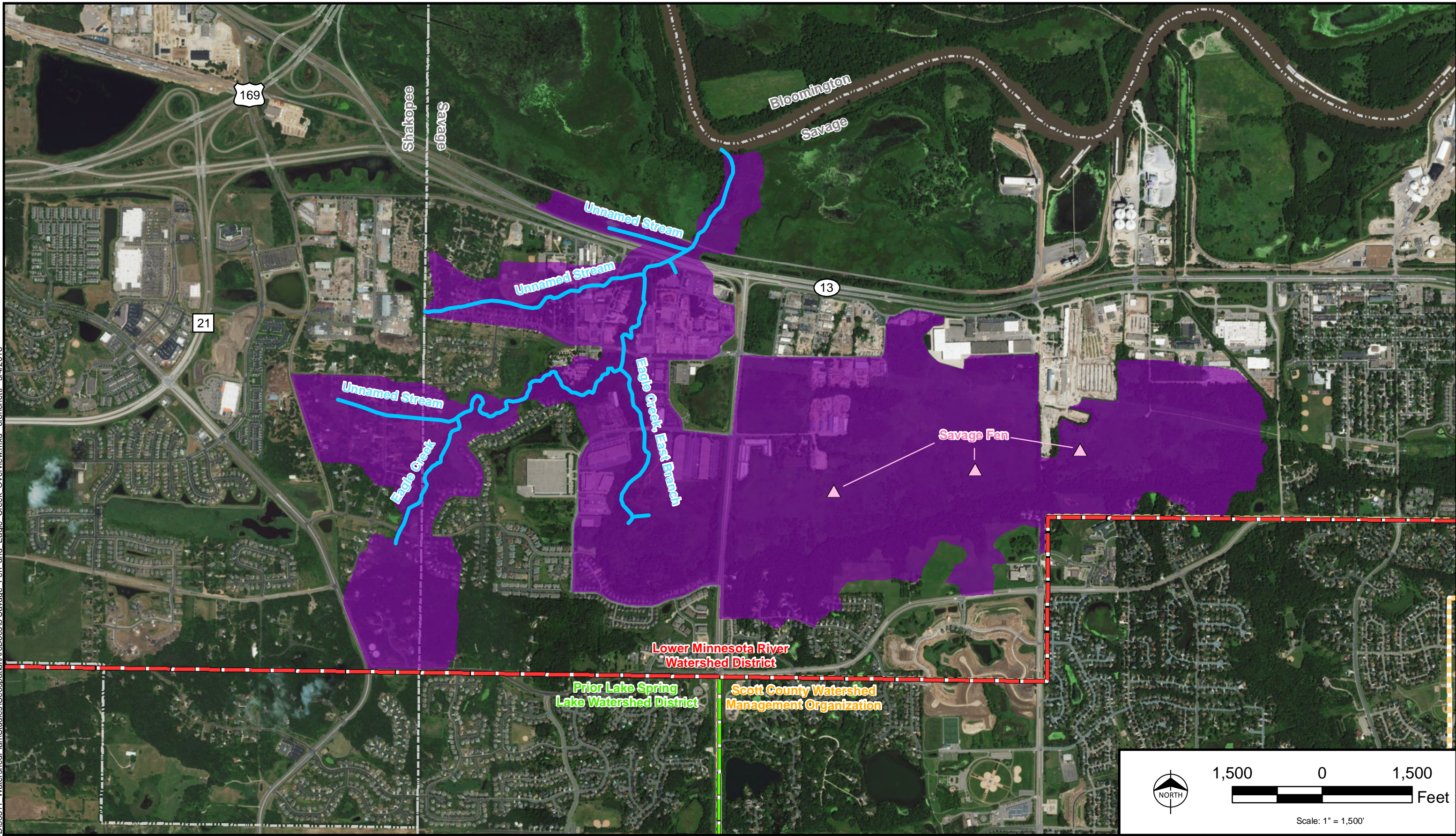
Lower Minnesota River Watershed District  
 High Value Resources Area  
 Overlay District Map  
 2 of 5



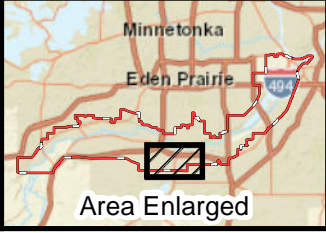
Scale: 1" = 1,500'



Path: Z:\Clients\ENSL\MRW\195511\_WatershedPlan\Studies\Geospatial\ArcDocs\3 Savage\_Fen\_and\_Eagle\_Creek\_Overview.mxd cronchetti 5/4/2018  
 Path: Z:\Clients\ENSL\MRW\195511\_WatershedPlan\Studies\Geospatial\ArcDocs\3 Savage\_Fen\_and\_Eagle\_Creek\_Overview.mxd cronchetti 5/4/2018



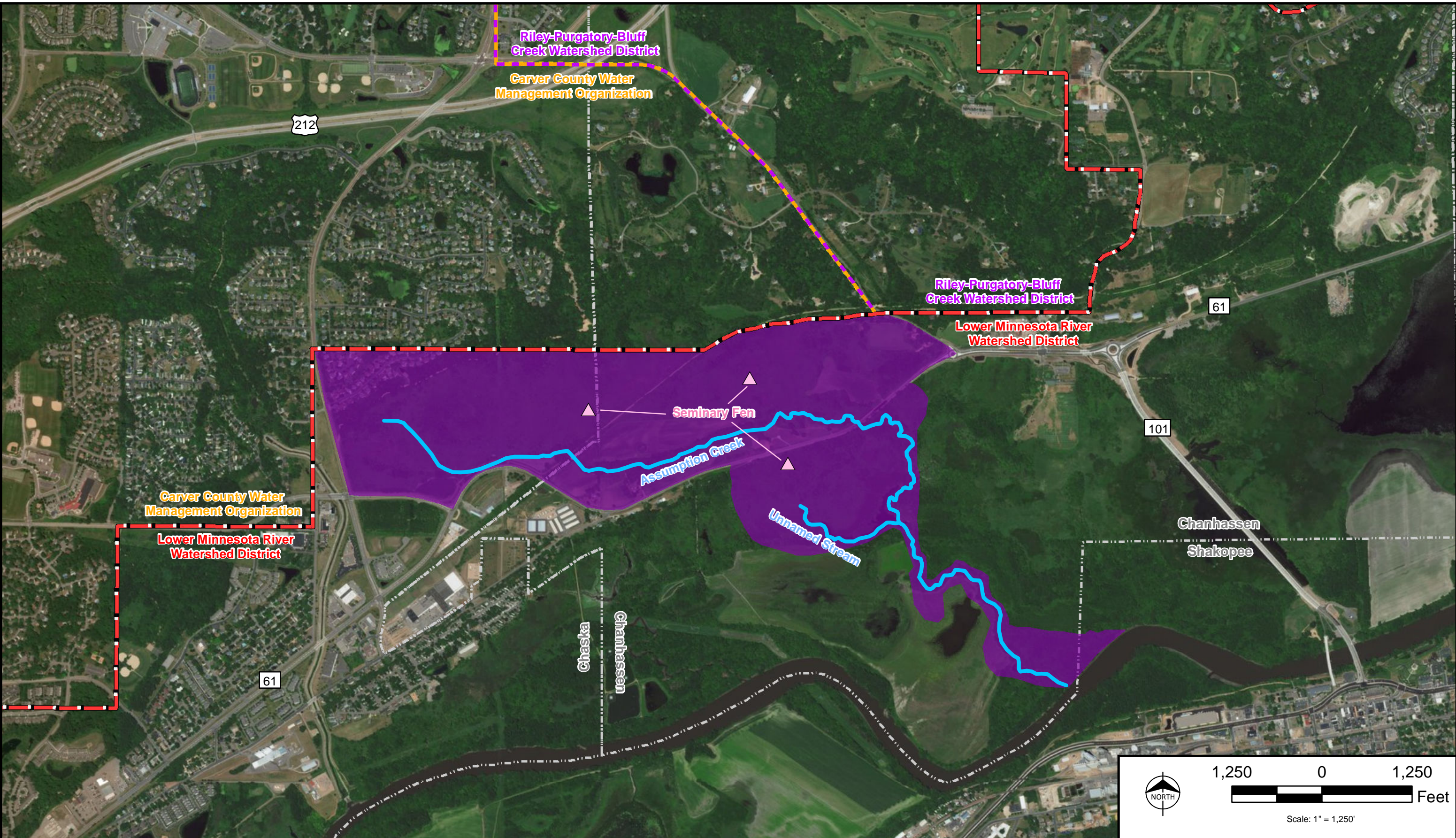
High Value Resource Area (HVRA)	MNDNR Publicly Available Data	Jurisdictional Boundaries
HVRA Overlay District	Calcareous Fen Point	Municipal Boundary
	Trout Stream	Lower Minnesota River Watershed District
	Trout Pond/Lake	Prior Lake Spring Lake Watershed District
		Scott County Watershed Management Organization



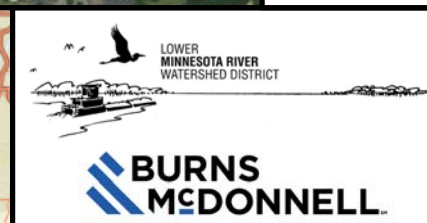
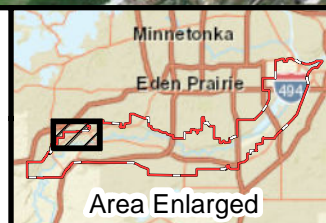
Lower Minnesota River Watershed District  
 High Value Resources Area  
 Overlay District Map  
 3 of 5



Path: Z:\Clients\ENSL\LRWD\95511\_WatershedPlan\Studies\Geospatial\ArcDocs\4\_Seminary\_Fen\_and\_Assumption\_Creek\_Overview.mxd cronchetti 5/4/2018  
 COPYRIGHT © 2018 BURNS & McDONNELL ENGINEERING COMPANY, INC.



High Value Resource Area (HVRA)	MNDNR Publicly Available Data	Jurisdictional Boundaries
HVRA Overlay District	Calcareous Fen Point	Municipal Boundary
	Trout Stream	Lower Minnesota River Watershed District
	Trout Pond/Lake	Riley-Purgatory-Bluff Creek Watershed District



Lower Minnesota River Watershed District  
 High Value Resources Area  
 Overlay District Map  
 4 of 5



COPYRIGHT © 2018 BURNS & MCDONNELL ENGINEERING COMPANY, INC.  
Path: Z:\Clients\ENSL\MRW\195511\_WatershedPlan\Studies\Geospatial\ArcDocs\5\_Ikes\_Creek\_Overview.mxd cronchetti 5/4/2018



**High Value Resource Area (HVRA)**

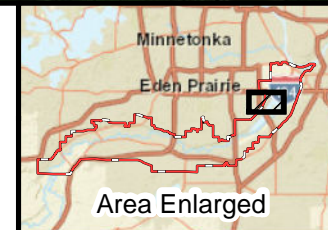
- HVRA Overlay District

**MNDNR Publicly Available Data**

- Calcareous Fen Point
- Trout Stream
- Trout Pond/Lake

**Jurisdictional Boundaries**

- Municipal Boundary
- Lower Minnesota River Watershed District



Lower Minnesota River Watershed District  
High Value Resources Area  
Overlay District Map  
5 of 5

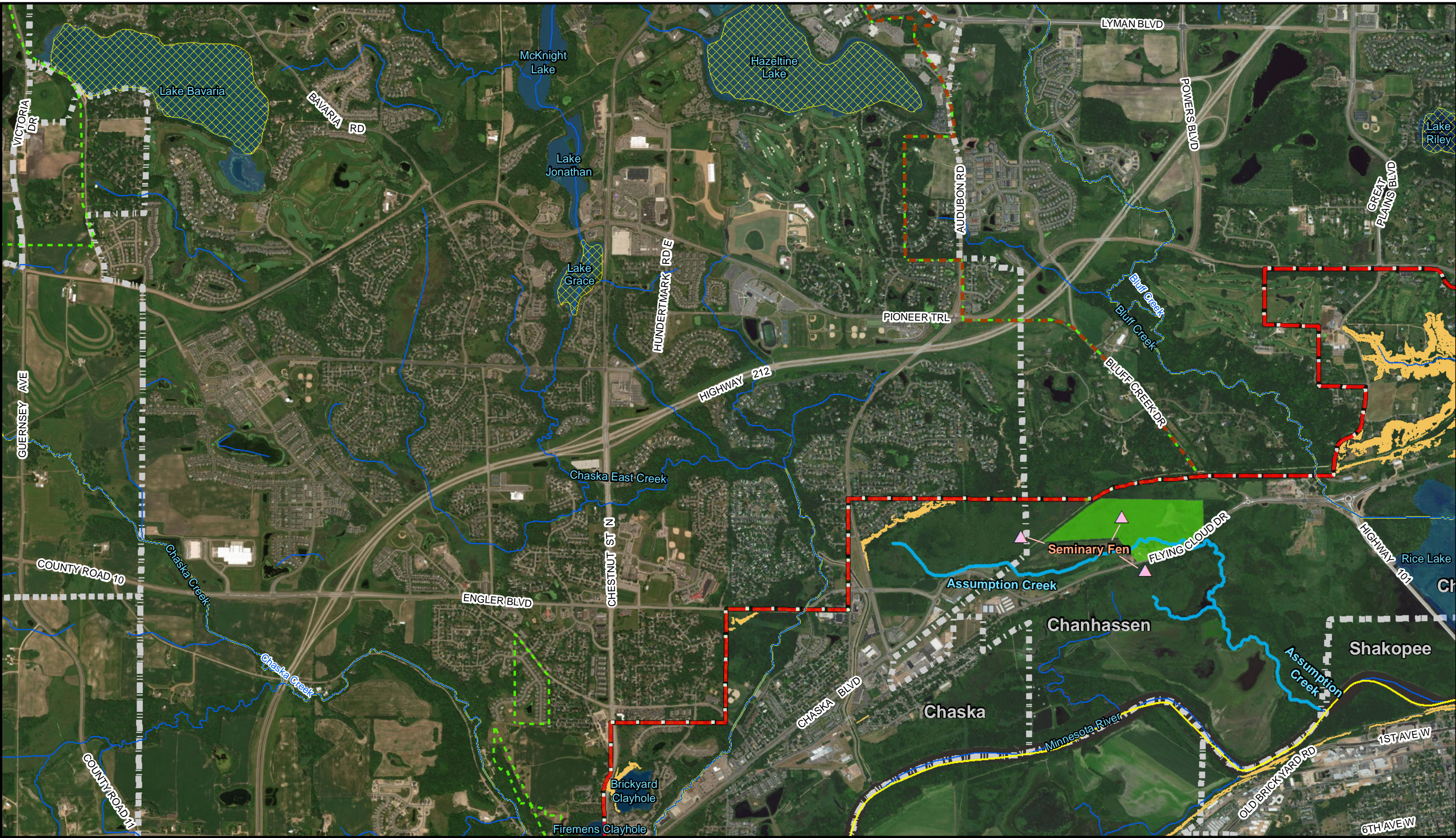


1 *Figure 2 Lower Minnesota River Watershed District—Steep Slopes Overlay District Map*

DRAFT



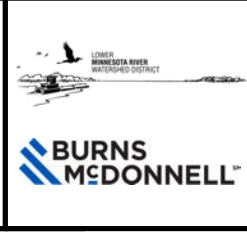
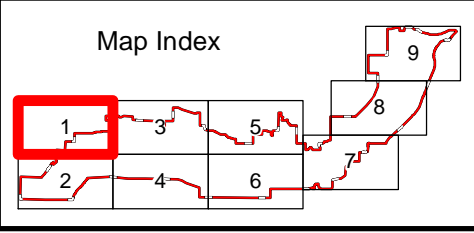
Path: Z:\Clients\ENR\LRWD\95511\_WatershedPlan\Studies\Geospatial\ArcDocs\FINAL Steep Slopes Overlay District.mxd crondhetti 5/8/2018  
 COPYRIGHT © 2018 BURNS & McDONNELL ENGINEERING COMPANY, INC.  
 Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Steep Slope	<b>Watershed District Boundary</b>	<b>MNDNR Publicly Available Data</b>	SNA - Fens
Carver County	Stream/River	Impaired River or Stream	PWI Water
Riley-Purgatory-Bluff Creek	Trout Stream	Impaired Lake	Calcareous Fen Point
Scott	Municipal Boundary		
Lower MN River			

2,000 1,000 0 2,000  
 Feet

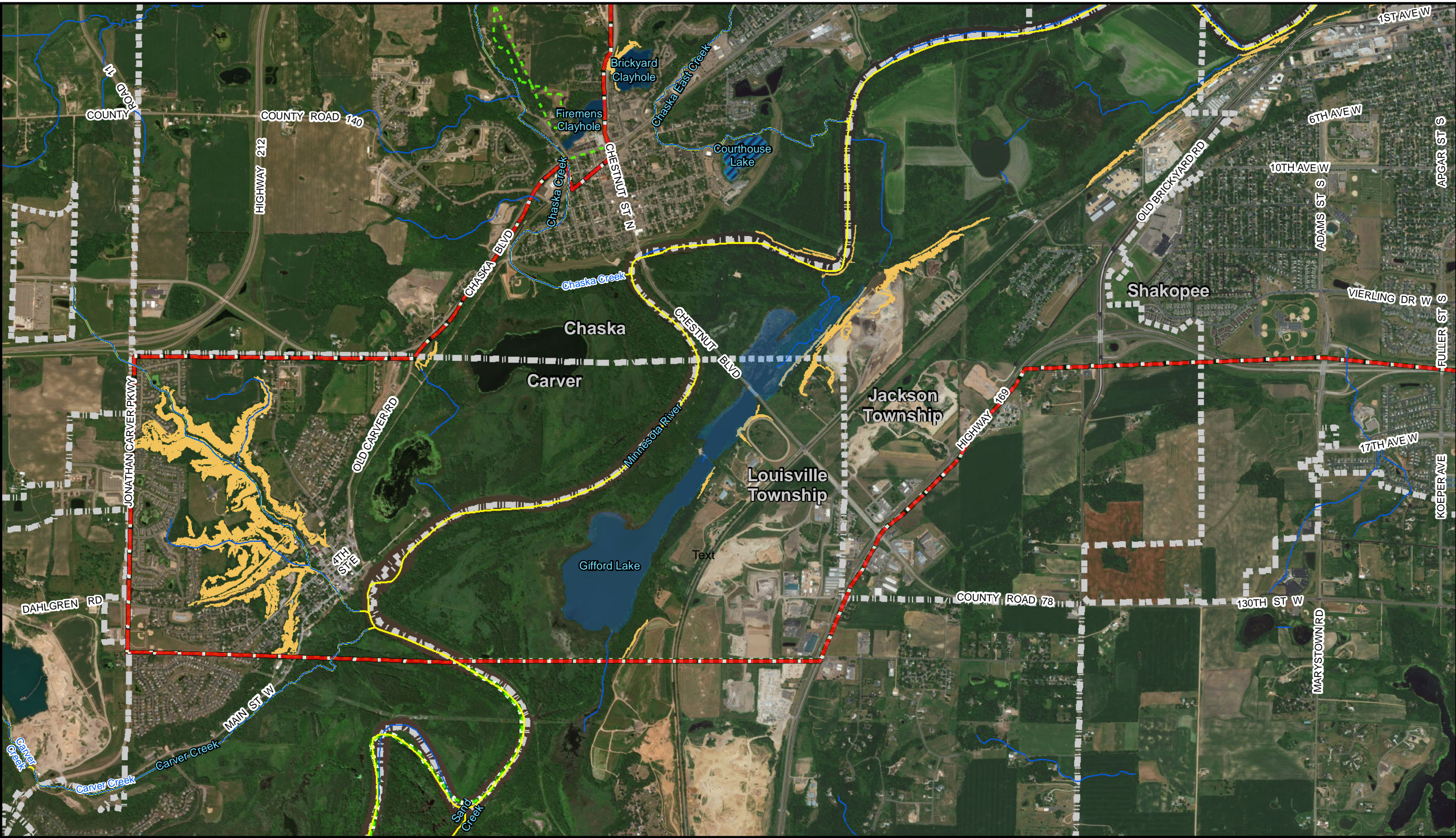
NORTH



Lower Minnesota River Watershed District  
 Steep Slopes Overlay District  
 1 of 9



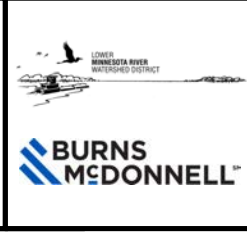
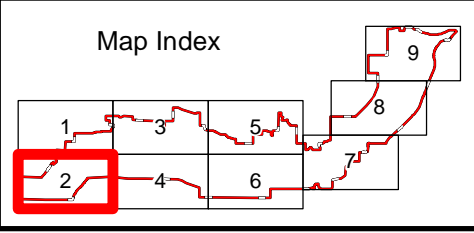
Path: Z:\Clients\ENR\LRWD\195511\_WatershedPlan\Studies\Geospatial\ArcDocs\FINAL Steep Slopes Overlay District.mxd crondhetti 5/8/2018  
 COPYRIGHT © 2018 BURNS & McDONNELL ENGINEERING COMPANY, INC.  
 Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Steep Slope	Watershed District Boundary	MNDNR Publicly Available Data	SNA - Fens
Carver County	Stream/River	Trout Pond/Lake	PWI Water
Scott	Impaired River or Stream	Calcareous Fen Point	Municipal Boundary
Lower MN River	Impaired Lake		

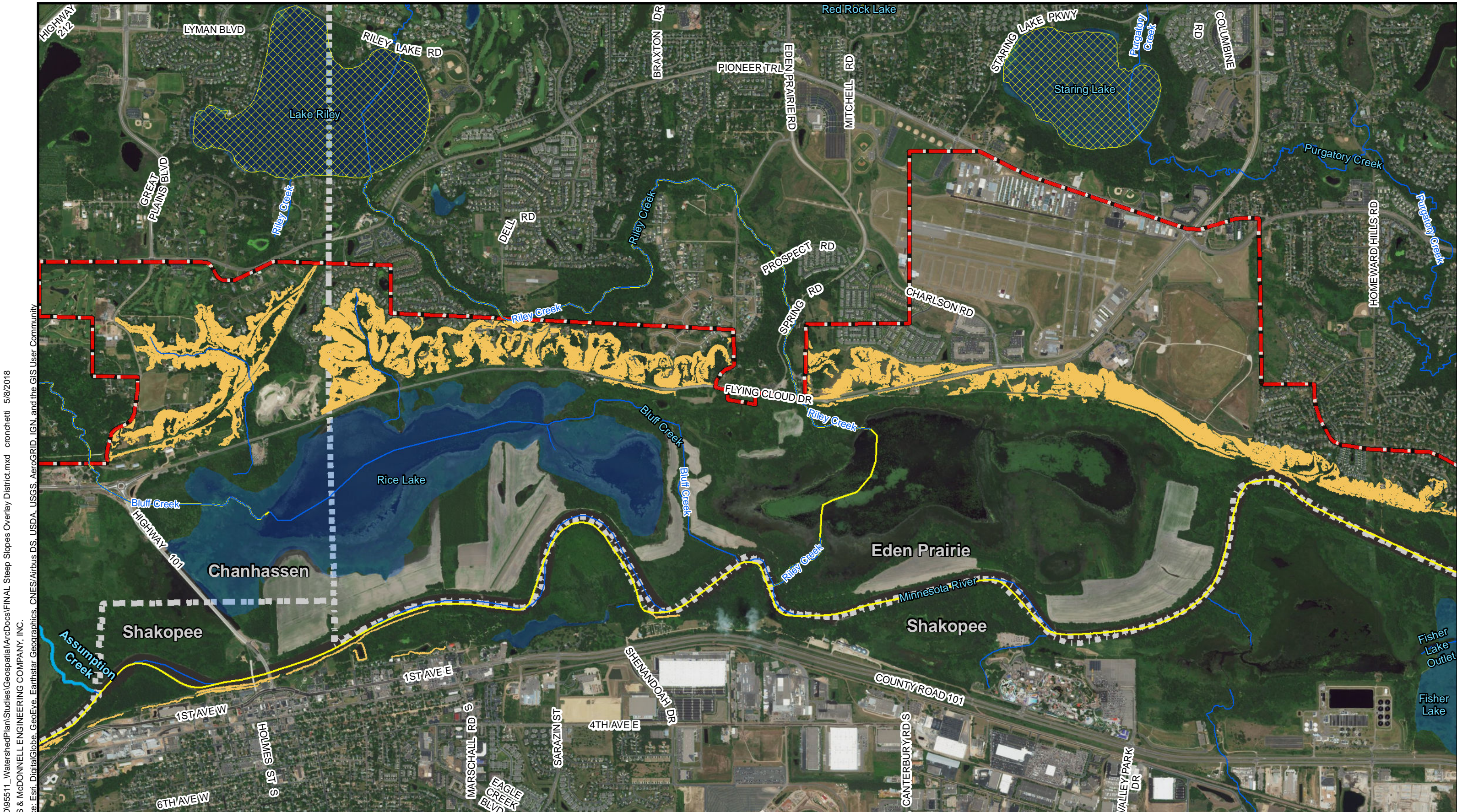
2,000 1,000 0 2,000  
Feet

NORTH



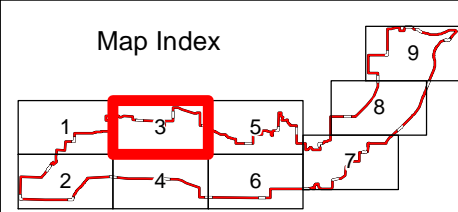
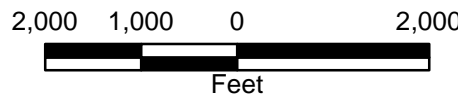
Lower Minnesota River Watershed District  
 Steep Slopes Overlay District  
 2 of 9





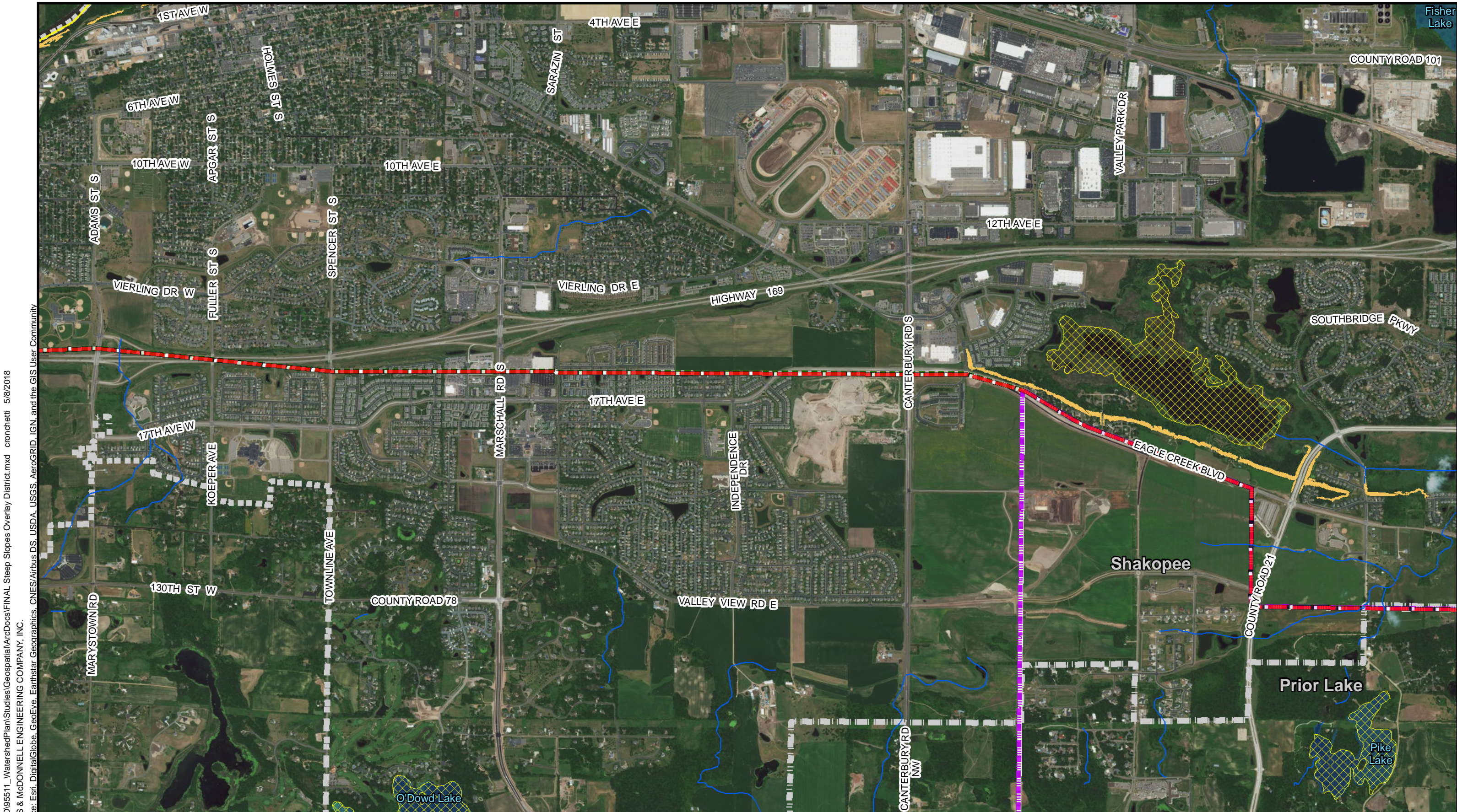
Path: Z:\Clients\ENR\LRWD\195511\_WatershedPlan\Studies\Geospatial\ArcDocs\FINAL\_Steep Slopes Overlay District.mxd crondhetti 5/8/2018  
 COPYRIGHT © 2018 BURNS & MCDONNELL ENGINEERING COMPANY, INC.  
 Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Steep Slope	Watershed District Boundary	<b>MNDNR Publicly Available Data</b>	SNA - Fens
Riley-Purgatory-Bluff Creek	Stream/River	PWI Water	Trout Stream
Scott	Impaired River or Stream	Calcareous Fen Point	Impaired Lake
Lower MN River	Municipal Boundary		



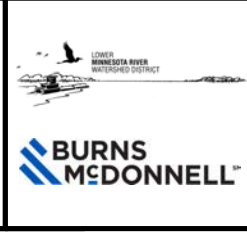
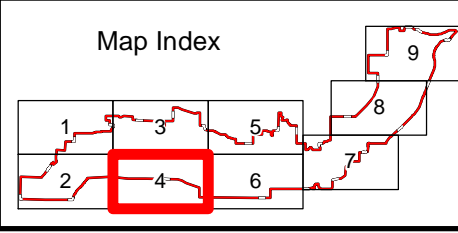
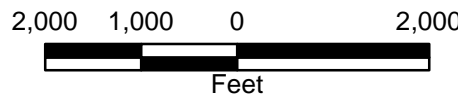
Lower Minnesota River Watershed District  
 Steep Slopes Overlay District  
 3 of 9





Path: Z:\Clients\ENR\LRWD\195511\_WatershedPlan\Studies\Geospatial\ArcDocs\FINAL Steep Slopes Overlay District.mxd crondhetti 5/8/2018  
 COPYRIGHT © 2018 BURNS & MCDONNELL ENGINEERING COMPANY, INC.  
 Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

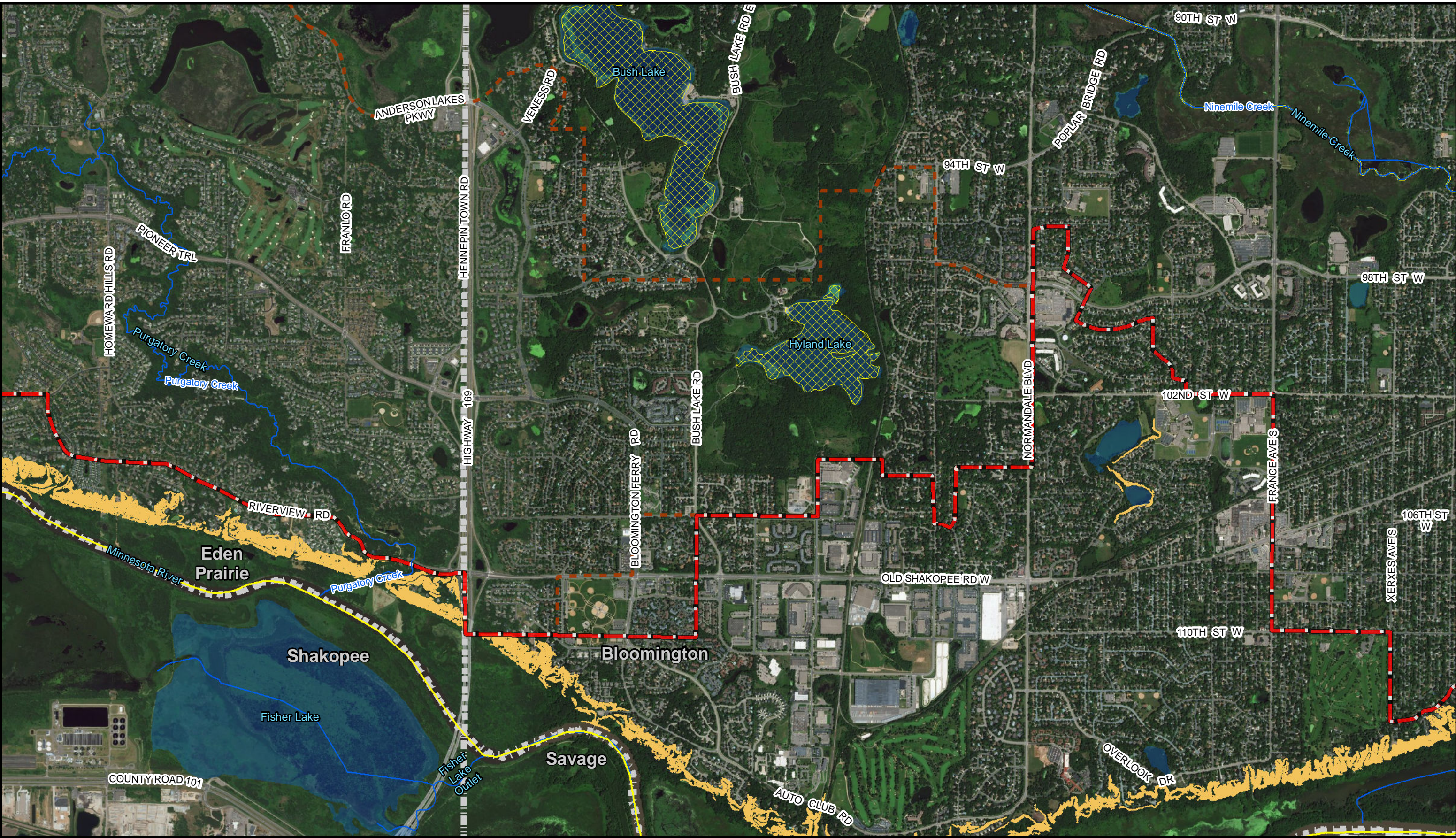
Steep Slope	Watershed District Boundary	MNDNR Publicly Available Data	SNA - Fens
Prior Lake-Spring Lake	Stream/River	PWI Water	Calcareous Fen Point
Scott	Impaired River or Stream	Calcareous Fen Point	Municipal Boundary
Lower MN River	Impaired Lake		



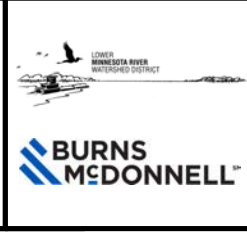
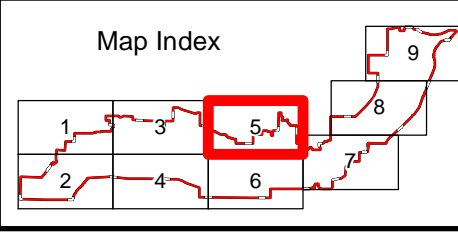
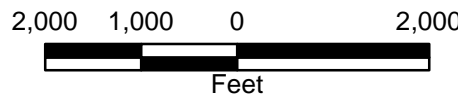
Lower Minnesota River Watershed District  
 Steep Slopes Overlay District  
 4 of 9



Path: Z:\Clients\ENR\LRWD\95511\_WatershedPlan\Studies\Geospatial\ArcDocs\FINAL Steep Slopes Overlay District.mxd crondhetti 5/8/2018  
 COPYRIGHT © 2018 BURNS & MCDONNELL ENGINEERING COMPANY, INC.  
 Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



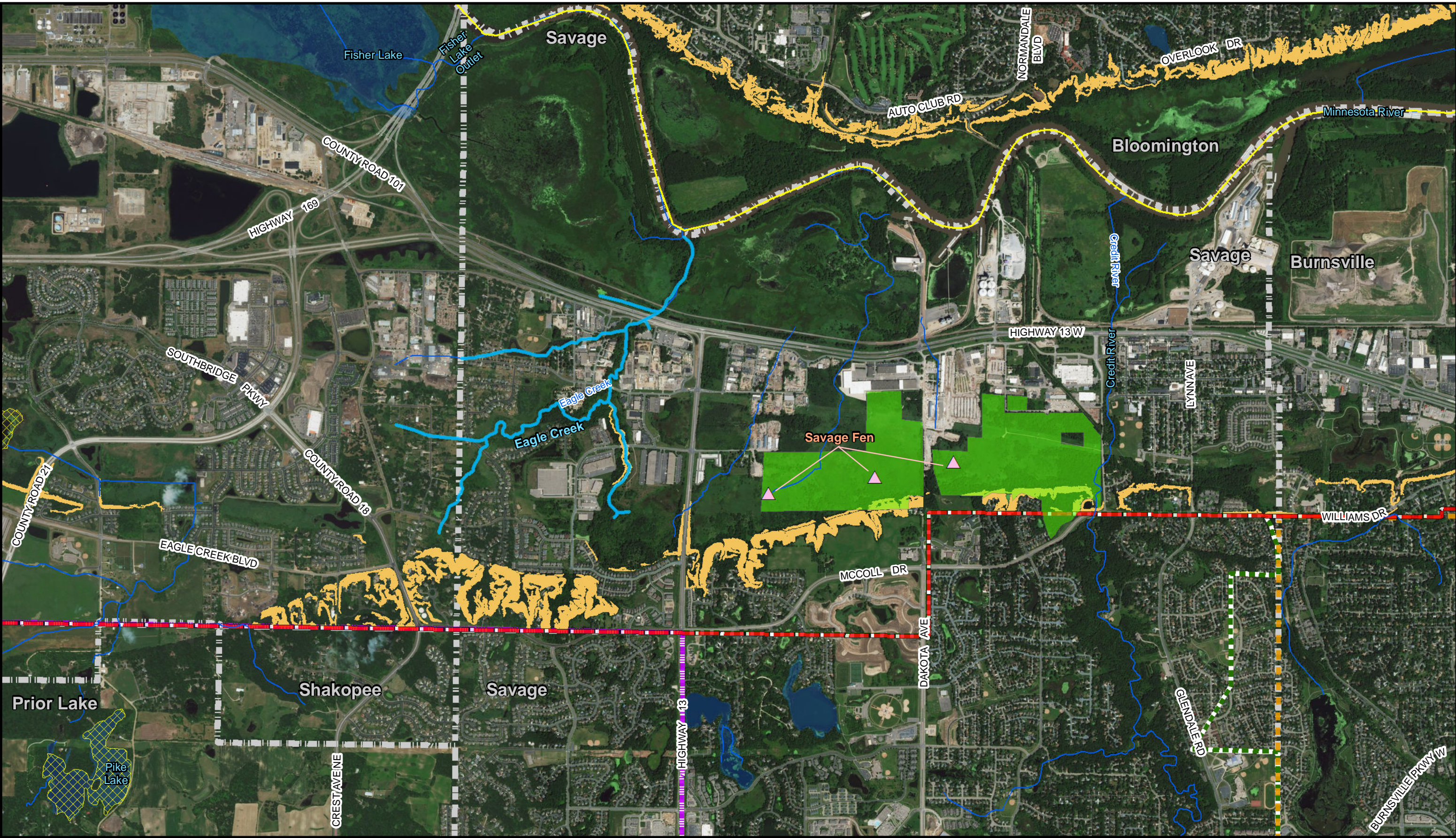
Steep Slope	Watershed District Boundary	<b>MNDNR Publicly Available Data</b>	SNA - Fens
Riley-Purgatory-Bluff Creek	Stream/River	PWI Water	Calcareous Fen Point
Scott	Impaired River or Stream	Impaired Lake	Municipal Boundary
Lower MN River			



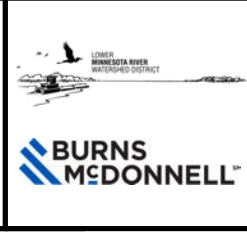
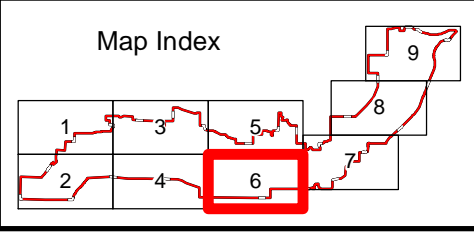
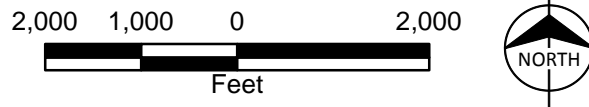
Lower Minnesota River Watershed District  
 Steep Slopes Overlay District  
 5 of 9



Path: Z:\Clients\ENR\LRWD\95511\_WatershedPlan\Studies\Geospatial\ArcDocs\FINAL\_Steep Slopes Overlay District.mxd crondhetti 5/8/2018  
 COPYRIGHT © 2018 BURNS & McDONNELL ENGINEERING COMPANY, INC.  
 Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

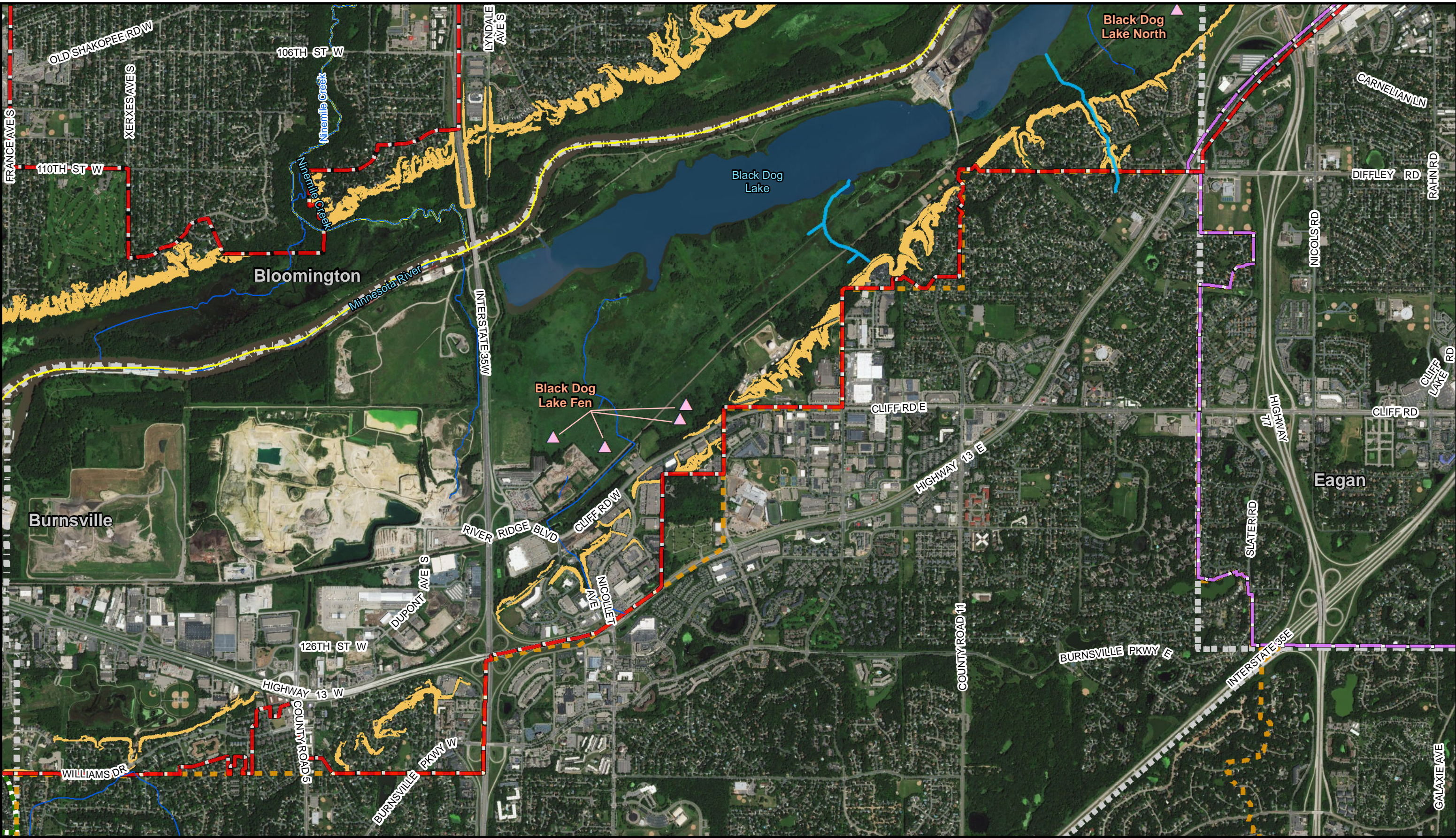


Steep Slope	Watershed District Boundary	MNDNR Publicly Available Data	SNA - Fens
Black Dog	Stream/River	PWI Water	Trout Stream
Prior Lake-Spring Lake	Impaired River or Stream	Calcareous Fen Point	Municipal Boundary
Scott	Impaired Lake		
Lower MN River			

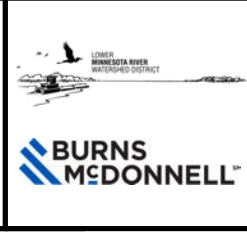
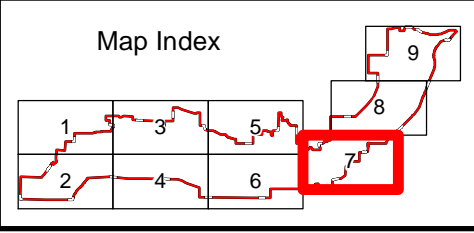
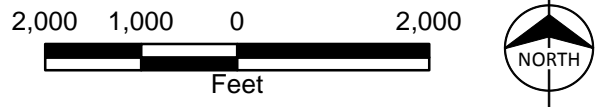


Lower Minnesota River Watershed District  
 Steep Slopes Overlay District  
 6 of 9





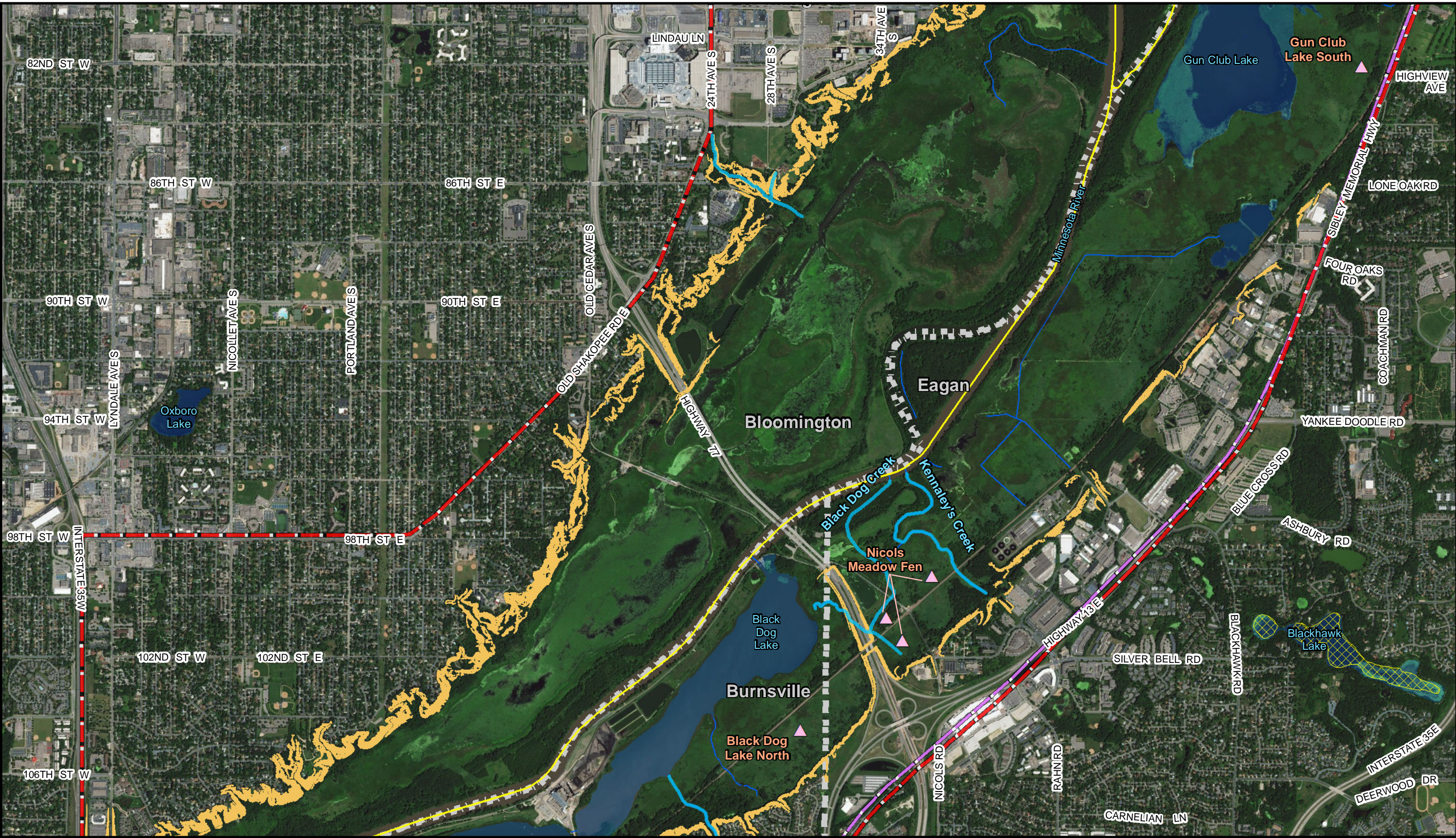
Steep Slope	Watershed District Boundary	<b>MNDNR Publicly Available Data</b>	SNA - Fens
Black Dog	Stream/River	PWI Water	Trout Stream
Eagan-Inver Grove	Impaired River or Stream	Calcareous Fen Point	Municipal Boundary
Scott	Impaired Lake		
Lower MN River			



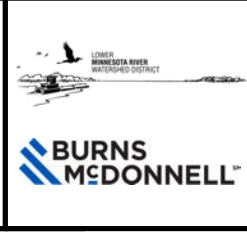
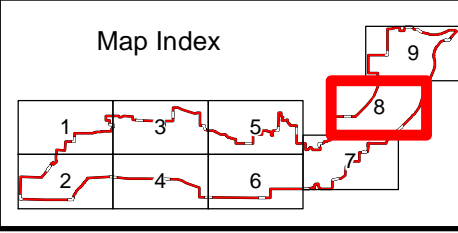
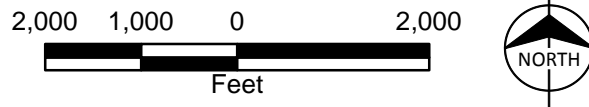
Lower Minnesota River Watershed District  
 Steep Slopes Overlay District  
 7 of 9



Path: Z:\Clients\ENR\LRWD\95511\_WatershedPlan\Studies\Geospatial\ArcDocs\FINAL\_Steep Slopes Overlay District.mxd crondhetti 5/8/2018  
 COPYRIGHT © 2018 BURNS & MCDONNELL ENGINEERING COMPANY, INC.  
 Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



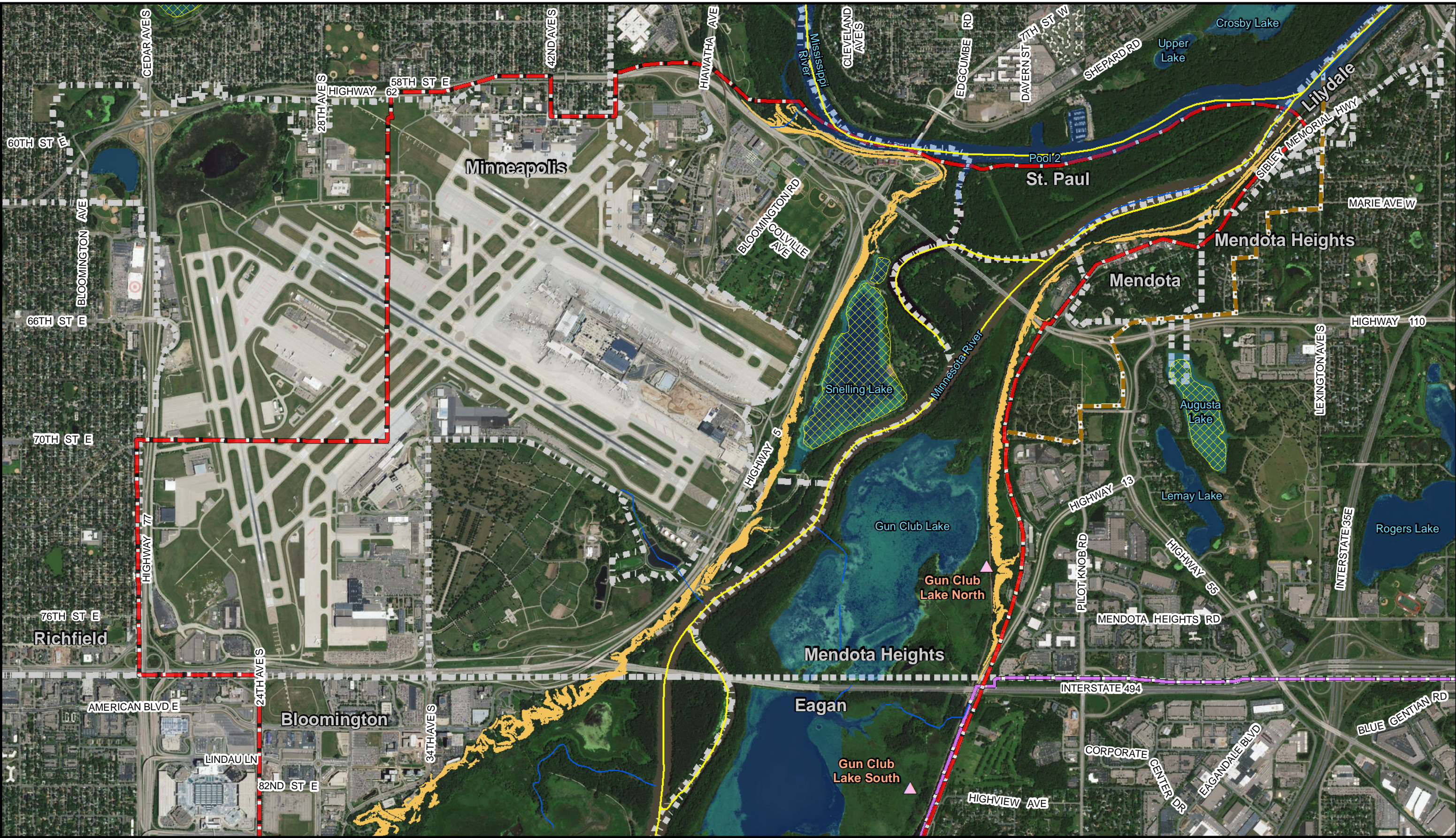
Steep Slope	<b>Watershed District Boundary</b>	<b>MNDNR Publicly Available Data</b>	SNA - Fens
Eagan-Inver Grove	Stream/River	Impaired River or Stream	PWI Water
Scott	Impaired Lake	Trout Stream	Calcareous Fen Point
Lower MN River	Municipal Boundary		



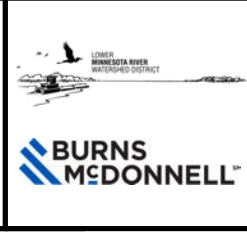
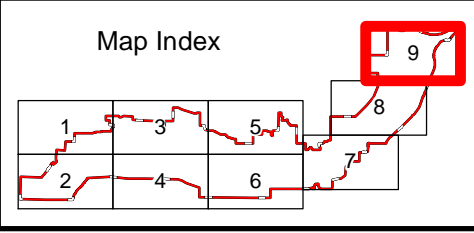
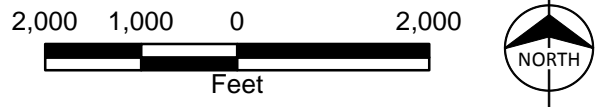
Lower Minnesota River Watershed District  
 Steep Slopes Overlay District  
 8 of 9



Path: Z:\Clients\ENR\LRWD\95511\_WatershedPlan\Studies\Geospatial\ArcDocs\FINAL\_Steep Slopes Overlay District.mxd crondhetti 5/8/2018  
 COPYRIGHT © 2018 BURNS & MCDONNELL ENGINEERING COMPANY, INC.  
 Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Steep Slope	Watershed District Boundary	<b>MNDNR Publicly Available Data</b>	SNA - Fens
Eagan-Inver Grove	Stream/River	PWI Water	Calcareous Fen Point
Lower MS River	Impaired River or Stream	Municipal Boundary	
Scott	Impaired Lake		
Lower MN River			



Lower Minnesota River Watershed District  
 Steep Slopes Overlay District  
 9 of 9





# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday September 18, 2019

### **Agenda Item**

#### **Item 6. H. - 2020 Legislative Agenda**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

The Legislative session will begin February 11, 2020. One item that will be a priority for the LMRWD is to get funding to replace the grant for Seminary Fen. Another priority is the cleanup of the Freeway Landfill. At the July meeting the Board authorized staff to prepare a letter to be sent to the MPCA asking for an explanation as to why the MPCA has not taken definitive action to clean up the Landfill.

Support for the work that Scott Sparlin is doing is also on the list. The Board adopted resolution 19-08 to support additional water storage in the MN River Basin.

If there are other items the Board would like to make a priority they should let staff know. Lisa Frenette is planning to attend the Board meeting.

### **Attachments**

No attachments

### **Recommended Action**

Inform staff of legislative priorities for 2020 session