



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Please note the Carver County Government is closed therefore the meeting will be held online.

PLEASE CONTACT DISTRICT ADMINISTRATOR, LINDA LOOMIS FOR DIRECTIONS ON HOW TO PARTICIPATE.

Lower Minnesota River Watershed District

7:00 PM

Wednesday, December 16, 2020

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 November 18, 2020 Regular Meeting</p> <p>B. Receive and file November 2020 Financial reports</p> <p>C. Approval of Invoices for payment</p> <ul style="list-style-type: none"> i. Frenette Legislative Advisors - October Lobbying expense ii. Rinke Noonan, Attorneys at Law - September 2020 legal services iii. Scott County Soil & Water Conservation District - Q2 2020 monitoring, cost share and technical services iv. US Bank Equipment Finance - November 2020 payment on copier lease v. TimeSaver Off Site Secretarial - Preparation of September 2020 meeting minutes vi. Young Environmental Consulting Group - September 2020 technical, education & outreach services <p>D. Motion to authorize execution of Addendum to Recording Secretary Service Agreement with TimeSaver Off Site Secretarial, Inc. dated October 22, 2020</p> <p>E. Set 2021 Meeting Calendar</p> <p>F. Approve 2021 Cost Share Restoration and Water Quality Improvement Grant Program</p> <p>G. Adopting 2021 Budget & Certification of property tax levy payable 2021</p>

5. New Business/ Presentations	A. Presentation by Friends of the Minnesota Valley
6. Old Business	A. Update from MAWD B. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail C. City of Carver Levee D. Remote meeting participation - no new information to report E. Dredge Management <ul style="list-style-type: none"> i. Vernon Avenue Dredge Material Management site ii. Private Dredge Material Placement F. Watershed Management Plan - no new information to report since last update G. 2021 Legislative Action - no new information to report since last update H. Education & Outreach I. LMRWD Projects - See Administrator Report for project updates <i>(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)</i> <ul style="list-style-type: none"> i. Eden Prairie Study Area #3 - update J. Permits and Project Reviews - See Administrator Report for project updates <i>(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)</i> <ul style="list-style-type: none"> i. 77th Street Underpass ii. Canterbury Crossing iii. Carver County State Aid Highway 11 (CSAH 11)/Jonathan Carver Parkway K. MPCA Soil Reference Values - No new information since last update
7. Communications	A. Administrator Report B. President C. Managers D. Committees E. Legal Counsel F. Engineer
8. Adjourn	Next meeting of the LMRWD Board of Managers is 7:00pm Wednesday, January 20, 2021

Upcoming meetings/Events

- UMWA Annual meeting - Thursday, December 17, 2020, 5:30pm, yearend celebration at 6:30pm, contact District Administrator to join
- 2020 USACE River Resource Forums - April, August & December 2021, the April meeting is planned to be virtual
- Metro MAWD - Tuesday, January 19, 2020 7:00pm to 9:00pm

For Information Only

- **WCA Notices**
 - Notice of Application - City of Eden Prairie, Peterson Farm Wetland Bank
 - Notice of Decision - City of Shakopee, 6100 CR 101
- **DNR Public Waters Work permits**
 - City of Burnsville - Xcel Energy, Black Dog Plant Intake Screen House - Sediment removal - 700 CY at intake area
- **DNR Water Appropriation permits**
 - City of Burnsville - CenterPoint Energy - Dakota Station - extension of permit to December 31, 2021



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, November 18, 2020

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

Approved _____, 2020

1. CALL TO ORDER AND ROLL CALL

On Wednesday, November 18, 2020, at 7:00 PM, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD). The meeting was convened on-line due to the health emergency created by the COVID-19 pandemic.

President Hartmann asked for roll call to be taken. The following Managers were present: Manager Adam Frey, President Jesse Hartmann, Manager Dave Raby, and Manager Lauren Salvato. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, and Katy Thompson, Young Environmental Consulting Group, LLC (YECG), Technical Consultant; John Kolb, Rinke Noonan, Attorneys at Law, Legal Counsel; Lindsey Albright, Dakota County Soil & Water Conservation District; Steve Pany, Manager, Prior Lake Spring Lake Watershed District; Earth Evans and Nic Hentges, WSB; Kristin Asher, Public Works Director, City of Richfield; Brandon Goldberg, GreenbergFarrow; and Steven Soltau, Southbridge Crossings.

2. APPROVAL OF THE AGENDA

Administrator Loomis said she had no additions or changes to the agenda. She recommended that Item 6. I. be moved forward on the agenda, before New Business as several people have joined the meeting specifically for those Items.

Manager Raby made a motion to approve the Agenda with the corrections he noted. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

3. CITIZEN FORUM

Administrator Loomis said that she did not receive communication from anyone who wished to address the Board.

4. CONSENT AGENDA

President Hartmann introduced the item.

A. Approve Minutes October 21, 2020 Regular Meeting

B. Receive and file October 2020 Financial reports

C. Approval of Invoices for payment

- i. Daniel Hron - September & October 2020 office rent
- ii. Rinke Noonan, Attorneys at Law - August 2020 legal services

- iii. **Star Tribune - Publication public hearing notice for levy certification**
 - iv. **US Bank Equipment Finance - October 2020 payment on copier lease**
 - v. **Friends of the MN River Valley - Support of River Watch program**
 - vi. **Western National Insurance Company - Annual casualty insurance premium**
 - vii. **HDR Engineering, Inc. - website maintenance**
 - viii. **TimeSaver Off Site Secretarial - Preparation of August 2020 meeting minutes**
 - ix. **Young Environmental Consulting Group - For August 2020 technical services**
- D. Receive and File letter from Friends of the Minnesota Valley**
- E. Agreement for**

President Hartmann made a motion to approve the Consent Agenda noting that the motion is approving the September meeting minutes and financial reports. The motion was seconded by Manager Frey. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

5. NEW BUSINESS

A. MAWD Annual Conference

Administrator Loomis said this conference will be virtual this year. She said the business meeting is scheduled for Friday morning. She asked that the Board designate delegates to the Conference. President clarified that the delegates need to be on the Board. Manager Salvato asked about the time commitment since it occurs during the work day. Administrator Loomis clarified that delegates need to register for the Conference in order to attend the business meeting. She noted that all sessions will be archived for those registered to view afterwards.

Administrator Loomis reported on the resolution the LMRWD had submitted. She noted that she had heard from Lisa Frenette that some MAWD Board members support the LMRWD. She noted that the LMRWD should have someone attend the meeting to support the resolution.

The board said they will check their schedules. Manager Salvato said she could possibly attend the meeting. Manager Raby said he could attend.

President Hartmann made a motion to have Manager Salvato represent both delegate votes and/or Manager Raby represent both delegate votes to the MAWD Annual Conference. If they both attend, they each have one of the delegate votes and will only pay for one.

Attorney Kolb suggested that the Board appoint delegates and that they give each the proxy of the other, in case only one delegate can attend. That way the District would have its authorized number of votes.

The motion was so amended. The amended motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

Manager Raby made a motion to support the resolutions consistent with the recommendations of the MAWD Resolutions Committee. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

B. City of Burnsville - Trail Improvement Project

Administrator Loomis said a message was sent to cities on the south side of the MN River asking them to provide recommendations of projects that might qualify for Watershed Based funding. She said she received a response from the City of Burnsville which identified a project to raise a

section of trail that connects to the river crossing at I35E, out of the floodplain. She noted the city indicated they will receive federal funds for the project.

President Hartmann asked about the timing of the project. Administrator Loomis said the feasibility study has been completed. The construction is planned for 2024 but could be moved forward if funding becomes available.

Manager Salvato asked if this project could be used a good outreach opportunity. She thought this would be a good project for education and awareness. Administrator Loomis said they could put up signage. If they partner on this project they could look for other ways to bring attention to the District.

Manager Raby asked about the funding. Administrator Loomis said she had not discussed that with the city.

The board agreed they are interested in the project and would like to see the costs and directed staff to start discussing.

The board took a short recess.

6. OLD BUSINESS

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

No new information to report since last update.

B. City of Carver Levee

No new information to report since last update.

C. Remote meeting participation

No new information to report since last update.

D. Dredge Management

i. Vernon Avenue Dredge Material Management site

Administrator Loomis said she has a slideshow of the improvements to the dredge site and showed the pictures. She explained that they have not received an invoice from the contractor and would like the Board to authorize payment subject to review of the invoice by staff.

Manager Raby made a motion to approve the dredge site subject to staff review of the invoice. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

ii. Private Dredge Material Placement

No new information to report since last update.

E. Watershed Management Plan

Administrator Loomis said they are working with the cities to get Municipal permits approved.

F. 2020 Legislative Action

Administrator Loomis said there is no action. She noted that she had been contacted by the lobbyist for Scott County, Claire Robling, about looking at how to keep a full board. Managers Raby asked if the Board should bring a petition. Administrator Loomis said it is her understanding that petitions are generated by the Counties. She reminded the Board that she had reached out to Scott County Commissioner Michael Beard about convening a meeting of County Commissioners to look at how to keep a full complement of Managers on the Board. The board talked about how to keep the board full and discussed Dakota County specifically.

Manager Raby asked about sending a mailing to Dakota County residents. Administrator Loomis said a mailing had been prepared and addresses had been obtained. Manager Raby said the mailing should be sent. Other Managers agreed.

G. Education and Outreach Plan

Administrator Loomis said the video looks good and will be premiered at the MAWD Conference. The District will send out a press release right after the video premieres.

H. LMRWD Projects

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

i. Eden Prairie Study Area #3

Administrator Loomis said an RFP is being worked on. Della Young, technical consultant for the District, asked for clarification on a couple items. Ms. Thompson provided an overview of what has been done so far. She noted it has been a long time since the original studies were done and the initial recommendations are 10 years old and new data and technologies are available. She noted the goal is to have the draft complete so the Board can consider approval at the December Board meeting. She asked, what is the intent of the RFQ? IS the Board looking to obtain the best design at the lowest cost or do they want to have the proposed alternatives evaluated? How involved does the Board want to be?

The proposal is laid out in phases, so there is opportunity for the Board to participate in several ways. Board members can be involved if they choose on a selection panel and meetings. She opened for discussion.

Manager Raby said he is less concerned with the design approach; he is more concerned with the cost and capabilities. Will this be a two step process with an RFQ (Request for Qualifications) and an RFP (Request for Proposals). Ms. Thompson noted that depends on the feedback from the board. She envisions technical proposals will come in where the teams technical qualifications are presented with a cost proposal in a separate document for the costs. Manager Raby affirmed that it is really a one step process request for proposals where the qualifications are within the proposal.

Manager Salvato asked Ms. Thompson thoughts about the design; are the technologies that much better that a new design would save the District money on the actual construction? Ms. Thompson said that was a question she had for the Board about their goals for the RFP. As an engineer, taking someone else's design there is always a level of review that you want to do, to make sure that it's valid and that you are comfortable signing and stamping those plans. So she would recommend that they at least review the conceptual design. But there may be other options that a fresh set of eyes may consider. She doesn't think that there needs to be a full blown analysis. Manager Raby said they have studied this a lot don't need to go down that road of alternatives analysis.

Ms. Young said she believes they have the information they were looking for. In December the Board will get a schedule and can decide how much they want to be involved.

I. Project/Plan Reviews

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

i. 77th Street Underpass

Katy Thompson, Young Environmental Consulting Group presented this project to the Board. She noted the project has received funding and is moving to construction. The design of the project has changed since the LMRWD approved the project in 2018. The main changes to the design were the removal of two storage ponds. The ponds were removed due to increased right-of-way costs. The project, as currently designed, does not meet LMRWD standards for rule D. She recommended that the Board consult legal counsel regarding the options for Board action.

President Hartmann asked what a storage vault is. Ms. Thompson explained a storage vault would hold water during a rain event, but it does not treat the stormwater.

Manager Salvato asked about the difference in the design between the original design and the current design. Ms. Thompson explained the original design include dry ponds that would receive stormwater for treatment before being released to the storm sewer system. Those ponds have been removed from the current design.

Manager Raby asked why staff is asking to seek legal counsel instead of denying the permit if it is different from what was proposed and doesn't meet the District's requirements. Ms. Thompson said the applicant is requesting a variance from the LMRWD standards.

Earth Evans, WSB, a consultant for the project explained that the ponds in the original design did not provide treatment they were only in the design for storage. The original design did not provide treatment either. Ms. Evans noted there are nine (9) bridges in the project area and limited right-of-way which limit the area to place treatment. She said ground water proximity to the surface makes additional limitations for treatment options. So a number of constraints exist which is the reason for the variance request. Manager Raby asked if cost was a constraint. Ms. Evans said that cost is a constraint and that it is a major factor.

Kristin Asher, Public Works Director, City of Richfield, said they have been working on this project together since the 1990's. She said this is the final project in a string of projects along I-494. She said that they was an informal agreement with the Metropolitan Airport Commission (MAC) to acquire that land for the ponds. She said that the land can no longer be acquired at a cost that makes sense for the project. She noted that this project is a MNDOT project and is part of the larger I-494 project and that storm water treatment/management will be taken into consideration under that project.

Manager Raby asked if he is right to understand that MNDOT will treat this water? He asked if the District has been able to review whatever studies/plans MNDOT has that would confirm this.

Ms. Young said it is important to note that when the LMRWD originally learned of this project, the District was told it was in a Drinking Water Sensitivity Management Area (DWSMA). She noted the District allows different requirements in DWSMAs and that was why the original design was approved. No evidence was provided confirming the project was in the DWSMA and the LMRWD subsequently discovered the project area is no in a DWSMA.

Ms. Young said MNDOT has not given the LMRWD any indication that treatment of stormwater from this project would be incorporated into the I-494 Corridor of Commerce project. She stated the LMRWD needs MNDOT to provide something in writing saying they will incorporate this into its project. Manager Salvato asked if MNDOT did include treatment of stormwater from this project into the Corridor of Commerce project would it still need a variance?

Attorney Kolb responded. He first asked questions of the applicant. Was the MAC property in question acquired with federal funds? If so that would make it federally obligated property. This would determine the cost of acquisition of the property where the ponds would be sited. If not, the FAA would not have any jurisdiction over the sale of the property.

He asked Ms. Thompson if the LMRWD Rule D has a water quality standard; yes. Does Rule D have a rate and volume standard; yes. Does the project meet the rate requirement and not the volume requirement; correct. He asked the applicant if there is nothing they can do to meet the water quality and volume requirement. Ms. Asher said that they are treating water but not in the LMRWD portion of the District. Ms. Evans said that is accurate, there is nothing of substance they can do. Attorney Kolb asked if there are opportunities outside the boundaries of this project but elsewhere in the LMRWD watershed to provide treatment. Ms. Evans said they did not look outside the project area.

Attorney Kolb stated that because the applicant cannot meet the rules the District would need to grant a variance to permit the project. He walked the Board through variance standards of rule A. He is happy to coach the Board through the variance process and support whatever decision the Board wants to make, but he feels there are some critical items of information the Board should know before making a decision.

President Hartmann asked about the question about federally purchased land. Attorney Kolb explained.

Ms. Evans asked if a variance would still be required if MNDOT were to provide documentation that stormwater from this project area would be addressed with its project.

Attorney Kolb said it would depend on what the commitment was, how binding it was and the timing within which it would occur. It might be that the timing to meet the requirement of the rule would be out of sequence and the LMRWD could make that a condition of the permit. Manager Raby asked if that meant there would be no need for a variance. Attorney Kolb said that is correct, it would be a permit condition. He followed up that the documentation would need to be clear agreement and commitment by MNDOT.

Attorney Kolb asked about the timeline. Ms. Asher said they intend to advertise the project in February or March.

Manager Raby said he doesn't know how they can move forward without getting the information from MNDOT. The Board agreed.

The board asked what action should to be taken. Attorney Kolb suggested the item be tabled until the information provided. The applicant asked for clarification about what MNDOT would need to commit to. There was discussion on the volume and the

infiltration. Ms. Thompson said she has the standards that need to be met and can provide that information to the applicant. She also reminded the applicant that the standard required to be met with the original design assumed the project was located in a DWSMA and the standards now acknowledge that the project is not within a DWSMA.

There was some discussion about the value of the MAC property.

Everyone clarified their understanding of what to do next.

Manager Raby made a motion to table the discussion on further information is received from the permittee. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

Attorney Kolb noted that the Board is required to take action within 60 days of the receipt of a complete permit. The completed application was received on October 21st. Attorney Kolb suggested sending a letter to the applicant extending the District's period to 120 days.

Manager Salvato asked about previous variances. Attorney Kolb explained that the LMRWD has never gone through a permitting process until the adoption of its most recent plan. When the LMRWD adopted rules, it was hoped that the municipalities would adopt official controls consistent the LMRWD's performance standards and would manage the variance process. That has not happened as quickly as the District had hoped, so there is no precedent or example of how a variance has been done before, which is one of the reasons your engineering consultants suggested that your legal counsel be on hand to talk to the Board about it.

President Hartmann thanked Earth and Kristin for their time.

ii. Amend LMRWD Permit 2020-123

Administrator Loomis explained that this project came before the Board in September for a permit to demolish structures on the site. The applicant is now looking to prepare the site and begin construction of the footings and foundation. Staff determined it is appropriate to amend the existing permit. Ms. Thompson said they have reviewed the project and are recommending approval. She noted that this project is in the City of Shakopee and the City has plans for a stormwater treatment project that will benefit this property. The City's project is slightly behind the private development. The applicant should continue to work with the City on the regional stormwater treatment. They need to have a permit from the District before the City will allow work to begin.

Manager Raby made a motion to amend the permit subject to stormwater BMPs meeting the LMRWD requirements. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

iii. Texas Roadhouse

Administrator Loomis said this request is for a sit-down restaurant in the City of Shakopee. She noted staff has reviewed the project and is recommending approval. Ms. Thompson walked the Board through the project.

Manager Raby made a motion to approve a permit for the Texas Roadhouse. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted

in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

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

7. COMMUNICATIONS

A. Administrator Report: Administrator Loomis asked the Board about their intent to participate with the One Watershed One Plan for planning area 56. Holly Kalbus who is heading up that initiative asked if the LMRWD wanted to be involved on the policy committee if the Planning area does not include any of the LMRWD. She informed Ms. Kalbus that she believed the Board wanted to be included regardless of the final determination of the boundaries of the planning area. The Board said that is correct.

She had nothing additional to report other than what was contained in the report posted on line.

B. Managers: No Report

C. Committees: No report

D. Legal Counsel: No report

E. Engineer: No report

8. ADJOURN

At 8:52pm, President Hartmann made a motion to adjourn the meeting. Manager Raby seconded the motion. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann and Raby the following voted against: None.

The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, December 16, 2020 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Lauren Salvato, Secretary

Attest:

Linda Loomis, Administrator

Item 4.B.
LMRWD 12-16-20

BEGINNING BALANCE	31-Oct-20	\$ 2,211,465.79
ADD:		
General Fund Revenue:		
Insurance Premium refund		\$ 5.00
		5.00
Total Revenue and Transfers In		\$ 5.00
DEDUCT:		
Warrants:		
426978 Frenette Legislative Advisors	October 2020 Lobbying expense	\$ 1,666.67
426995 Rinke Noonan Attorneys at Law	September 2020 legal services	\$ 1,105.00
426998 Scott County SWCD	Q2 2020 Monitoring expense	\$ 4,890.83
427005 US Bank Equipment Finance	November 2020 copier lease payment	\$ 168.10
100014314 TimeSaver Off Site Secretarial	Prep pf September meeting minutes	\$ 219.00
100014318 Young Environmental Consulting	September 2020 technical services	\$ 55,684.29
		63,733.89
Total Warrants/Reductions		\$ 63,733.89
ENDING BALANCE	30-Nov-20	<u>\$ 2,147,736.90</u>

EXPENDITURES	2020 Budget	November Actual	YTD 2020	Over (Under) Budget
Administrative expenses	\$ 250,000.00	\$ 6,690.77	\$ 167,033.87	\$ (82,966.13)
Cooperative Projects				
Eden Prairie Bank Stabilization Area #3	\$ 35,000.00	\$ 4,414.77	\$ 14,321.67	\$ (20,678.33)
Gully Erosion Contingency Fund		\$ -	\$ 66,315.94	\$ 66,315.94
USGS Sediment & Flow Monitoring	\$ 19,700.00	\$ -	\$ 10,091.50	\$ (9,608.50)
Ravine Stabilization at Seminary Fen in Chaska	\$ 55,200.00	\$ -	\$ -	\$ (55,200.00)
Riley Creek Cooperative Project with RPBCWD	\$ 74,565.67	\$ -	\$ -	\$ (74,565.67)
Seminary Fen Ravine C-2	\$ -	\$ -	\$ 97.50	\$ -
509 Plan Budget				
<i>Resource Plan Implementation</i>				
Gully Inventory	\$ -	\$ -	\$ 51,714.34	\$ 51,714.34
TH 101 Shakopee Ravine	\$ 35,000.00	\$ -	\$ -	\$ (35,000.00)
Assumption Creek Hydrology Restoration		\$ -	\$ -	\$ -
Carver Creek Restoration	\$ 15,000.00	\$ -	\$ -	\$ (15,000.00)
Groundwater Screening Tool Model	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
MN River Floodplain Model Feasibility Study	\$ -	\$ -	\$ -	\$ -
Schroeder Acres Park SW Mgmt Project	\$ 181,055.00	\$ -	\$ -	\$ (181,055.00)
PLOC Realignment/Wetland Restoration	\$ -	\$ -	\$ -	\$ -
Spring Creek Project	\$ -	\$ -	\$ -	\$ -
West Chaska Creek	\$ -	\$ -	\$ 162.50	\$ 162.50
Sustainable Lakes Mgmt. Plan (Trout Lakes)	\$ 50,000.00	\$ -	\$ 1,223.62	\$ (48,776.38)
Geomorphic Assessments (Trout Streams)	\$ 50,000.00	\$ 6,394.75	\$ 16,328.96	\$ (33,671.04)
Fen Stewardship Program	\$ -	\$ 1,586.75	\$ 78,724.21	\$ 78,724.21
District Boundary Modification	\$ -	\$ -	\$ -	\$ -
E. Chaska Creek Bank Stabilization Project	\$ -	\$ -	\$ 38,711.75	\$ 38,711.75
E. Chaska Creek Treatment Wetland Project	\$ -	\$ -	\$ -	\$ -
MN River Sediment Reduction Strategy	\$ -	\$ -	\$ -	\$ -
MN River Fens - gap analysis	\$ -	\$ -	\$ 762.20	\$ 762.20
Dakota County Fen Management Study	\$ 25,000.00	\$ -	\$ -	\$ (25,000.00)
Local Water Management Plan reviews	\$ 8,000.00	\$ 9,985.36	\$ 16,289.96	\$ 8,289.96
Project Reviews	\$ 20,000.00	\$ 15,315.65	\$ 90,078.78	\$ 70,078.78
<i>Monitoring</i>	\$ 65,000.00	\$ 3,795.44	\$ 16,279.80	\$ (48,720.20)
<i>Watershed Management Plan</i>	\$ 56,000.00	\$ 455.00	\$ 24,935.89	\$ (31,064.11)
<i>Public Education/CAC/Outreach Program</i>	\$ 30,000.00	\$ 3,027.25	\$ 25,295.00	\$ (4,705.00)
<i>Cost Share Program</i>	\$ 20,000.00	\$ 1,033.39	\$ 7,025.64	\$ (12,974.36)
Nine Foot Channel				
Transfer from General Fund	\$ 80,000.00	\$ -	\$ -	\$ (80,000.00)
Dredge Site Improvements	\$ 315,000.00	\$ 11,034.76	\$ 20,366.96	\$ (294,633.04)
Total:	\$ 1,184,520.67	\$ 63,733.89	\$ 645,760.09	\$ (705,891.95)



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, December 16, 2020

Agenda Item

Item 4. D. - Motion to authorize execution of Addendum to Recording Secretary Service Agreement with TimeSaver Off Site Secretarial, Inc. dated October 22, 2020.

Prepared By

Linda Loomis, Administrator

Summary

The LMRWD contracts with TimeSavers Off Site Secretarial, Inc. to prepare meeting minutes from the monthly Board meetings. The contract is year by year and requires extension annually. The addendum for 2021 services is attached for the Board to review and authorize execution.

Attachments

Addendum to Recording Secretary Service Agreement with TimeSaver Off Site Secretarial, Inc. dated October 22, 2020

Recommended Action

Motion to authorize execution of Addendum to Recording Secretary Service Agreement with TimeSaver Off Site Secretarial, Inc. dated October 22, 2020

TimeSaver Off Site Secretarial, Inc.

October 22, 2020

Ms. Linda Loomis, Administrator
Lower Minnesota River Watershed District
112 East Fifth Street
Chaska, MN 55318

Dear Linda,

Enclosed is an Addendum to the Recording Secretary Service Agreement that extends the expiration date to December 31, 2021. The unit rates reflect an increase of 50 cents per hour and 25 cents per page and a base rate increase of less than 2.5%.

We appreciate the confidence you have placed in TimeSaver to handle your meeting minute needs and look forward to continuing that relationship in 2021.

If you need further information or have questions, please feel free to contact me at 612-251-8999.

Best regards,



Carla Wirth
Owner

Enclosure: Recording Secretary Service Agreement
Return envelope

**ADDENDUM TO
RECORDING SECRETARY SERVICE AGREEMENT**

Dated: December 31, 2020

By and between TimeSaver Off Site Secretarial, Inc. and the Lower Minnesota River Watershed District, 112 East Fifth Street, Chaska, MN 55318.

1. EXTENSION OF RECORDING SECRETARIAL SERVICE AGREEMENT: The term of the existing Recording Secretary Service Agreement dated December 31, 2019, shall be extended under the same terms and conditions to December 31, 2021.

2. TOSS CHARGES: TOSS shall be paid for its services as recording secretary for each meeting with a one (1) hour minimum, the highest rate prevailing, as follows:
 - a. Base Rate: One Hundred Fifty-One and 00/100 dollars (\$151.00) for any meeting up to one (1) hour (billable time) plus Thirty-Six and 00/100 dollars (\$36.00) for each thirty (30) minutes following the first one (1) hour; or

 - b. Unit Rate: Forty-Eight and 00/100 dollars (\$48.00) for the first hour of meeting time and Thirty-Two and 00/100 dollars (\$32.00) for every hour after the first hour plus Fourteen and 50/100 dollars (\$14.50) for each page of draft minutes for submission to the Lower Minnesota River Watershed District for their preparation of final minutes.

At the end of the term of this Addendum or any extension of it, the parties may make a new Agreement or extend or modify the terms of this Agreement.

IN WITNESS WHEREOF, the undersigned have executed this Addendum to the Recording Secretary Service Agreement as of the day and year indicated.

January __, 2021

LOWER MINNESOTA RIVER WATERSHED DISTRICT

By _____
Linda Loomis

Its Administrator

November 1, 2020

TIMESAVER OFF SITE SECRETARIAL, INC.

By Carla Wirth
Carla Wirth

Its President & CEO



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, December 16, 2020

Agenda Item

Item 4. E. - Set 2021 Meeting Schedule

Prepared By

Linda Loomis, Administrator

Summary

Every year the Board of Managers sets its meeting schedule for the following year. In the past couple of years, the date of the January Board of Managers has been rescheduled to earlier in the month before Manager Raby heads south. COVID has changed the ability of the Board to meet in person so Manager Raby will be able to participate from a remote location. It is also likely that virtual meetings will continue well into 2021. Once the LMRWD's regular meeting location is available for in-person Board meetings to resume, the District should anticipate that remote participation in meetings should be made available to the public as well as Managers.

Dates for regular meetings in 2021 are:

- Wednesday, January 20, 2021
- Wednesday, February 17, 2021
- Wednesday, March 17, 2021
- Wednesday, April 21, 2021
- Wednesday, May 19, 2021
- Wednesday, June 16, 2020
- Wednesday, July 21, 2021
- Wednesday, August 18, 2021
- Wednesday, September 15, 2021
- Wednesday, October 20, 2021
- Wednesday, November 17, 2021
- Wednesday December 15, 2021

Managers should their schedules to see if there are any known conflicts that preclude them from being able to meetin either in-person or remotely.

Attachments

LMRWD 2021 Schedule of Regular Meetings

Recommended Action

Motion to set 2021 meeting schedule.

Lower Minnesota River Watershed District 2021 Schedule of Regular Meetings

<i>January 2021</i>	<i>February 2021</i>	<i>March 2021</i>	<i>April 2021</i>
Meeting January 20 <ul style="list-style-type: none"> • Designate official newspaper • Authorize preparation of Annual Report • Designate official Depository • Annual Conflict of Interest reporting • Report of Outstanding Indebtedness to Counties 	Meeting – February 17 <ul style="list-style-type: none"> • February 1 - Update CWF Grant in e-link deadline • Begin annual audit of LMRWD finances 	Meeting – March 17 <ul style="list-style-type: none"> • Beginning of term of office for Managers 	Meeting – April 21 <ul style="list-style-type: none"> • April 30 - Annual report due to BWSR and DNR
<i>May 2021</i>	<i>June 2021</i>	<i>July 2021</i>	<i>August 2021</i>
Meeting – May 19 <ul style="list-style-type: none"> • May 15 - Cost Share Program application deadline • Audit Report Presentation 	Meeting - June 16 <ul style="list-style-type: none"> • Financial Audit due to BWSR and OSA • Announce Cost Share Program Grants • Begin 2021 Budget process • Manager Per Diem reimbursement due (first half 2021) 	Meeting – July 21 <ul style="list-style-type: none"> • Receive first half of ad valorem tax • 2021 Budget review • Update written data access policy MS 13.025 (August 1 due date) 	Meeting – August 18 <ul style="list-style-type: none"> • Public hearing for budget adoption and preliminary certification of levy • Certification of Preliminary Levy (due to Counties September 15) • Adopt Budget before September 15 (MN Statute 103D.911)
<i>September 2021</i>	<i>October 2021</i>	<i>November 2021</i>	<i>December 2021</i>
Meeting – September 15 <ul style="list-style-type: none"> • Election of Watershed Officers • Review By-Laws • Notify Counties of Expiring terms for Managers 	Meeting – October 20 <ul style="list-style-type: none"> • Update Cost Share Incentive and Water Quality Restoration Program • Authorize agreement for Annual Financial Audit 	Meeting – November 17 <ul style="list-style-type: none"> • Public hearing (if necessary) for budget adoption and final certification of levy 	Meeting – December 15 <ul style="list-style-type: none"> • Receive second half of ad valorem tax for taxes payable 2021 • Certification of final Levy • Manager Per Diem reimbursement due(second half) • Prepare dredge site activity report for city of Savage • December 31 – End of Fiscal Year • December 31 - Annual WOMP report due to MCES



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, December 16, 2020

Agenda Item

Item 4. F. - Approve 2021 Cost Share Incentive and Water Quality Restoration Program

Prepared By

Linda Loomis, Administrator

Summary

Guidelines for the 2021 Cost Share Incentive and Water Quality Restoration Program are attached. The program is basically the same as the 2020 program. Programs offered by adjacent Watershed Districts are similar to the LMRWD program.

One recommendation would be to increase the amount of credit for sweat equity. In checking the US Department of Labor Standards, volunteer labor is valued at over \$20/hour. In 2020, the LMRWD used \$12/hour for credit. The Board should consider raising the value allowed for sweat equity. Nine Mile Creek Watershed District uses a flat rate of \$20/hour, while Riley Purgatory Bluff Creek Watershed District uses \$14.25/hour for unskilled tasks and \$25/hour for skilled tasks. Other watershed districts are beginning to call cost share programs stewardship programs.

Once the District has a Citizen Advisory Committee up and running, a good task for them would be to review this program and recommend changes to the Board.

The tables below give the status of all Cost Share projects. Three projects from 2019 were extended to 2020 and are shown in Table 1 and projects approved in 2020 are shown in Table 2.

TABLE 1 - 2019 projects extended to 2020

Cost Share Applicant	Amount requested	Total Funded	Project description	Status of Cost Share Project
Chimney Pines HOA Spyglass Drive, Eden Prairie	\$2,770.74	\$2,129.17	This was a 2019 project that was extended to 2020 because of weather conditions	Complete
Lori Rathjen	\$1,627.40	\$1,327.08	This was a 2019 project that was extended to 2020 because of weather conditions	Complete
Freshwater	\$10,000	\$0	Project was to look at Nonylphenol and it Ethoxylates in sediment (Rob McManus presented the information at the Water	This project was expected to be complete in 2020, COVID caused closure of the labs and delayed the project

			Resource Conference in October 2020	completion
TOTAL:	\$14,408.14	\$3,456.25		

TABLE 2 - 2020 projects				
Dustin Braun	\$2,418.00	\$2,018	Install cistern to capture rain water for irrigation	Cistern has been installed. Report and educational component of project will be completed in 2021
Aaron Sullivan	\$1,240.50	\$0	Install several rain garden at home	Project is complete; Mr. Sullivan never requested reimbursement
Rena Larson	\$2,500	\$2,500	Rain garden	Complete
Sandy Mueller	\$2,419	\$0	Applicant proposed to remove buckthorn and other invasive from a steep slope in the backyard	Board asked staff to investigate expending the project to include the entire slope
Jennifer Zepeda		250	Rain garden through Dakota County's Landscaping for Clean Water Program	Complete
TOTAL:	\$8,827.50	\$4,678.00		

Table 3 shows Cost Share applications received since 2013

TABLE 3				
Year	Number of applications	Amount of funds requested	Amount Approved	Amount funded
2013	2	\$21,237.76	\$1,237.76	\$1,237.76
2014	4	\$5,992.25	\$5,992.25	\$4,838.76
2015	1	\$5,000.00	\$5,000.00	\$0
2016	1	\$2,373.39	\$2,373.39	\$2773.39
2017	6	\$15,650.30	\$15,650.30	\$12,119.49
2018	7	\$12,322.47	\$9,802.47	\$9,680.30*
2019	6	\$15,148.14	\$15,148.14	\$750*
2020	5	\$8,827.50	\$8,827.50	\$8,134.25
TOTAL:	21	\$62,576.17	\$40,056.17	\$30,649.70

Attachments

2021 Cost Share and Water Quality Improvement Grant Program Guidelines

Recommended Action

Motion to adopt 2021

Lower Minnesota River Watershed District

2021 Cost Share Incentive and Water Quality Restoration Program

Overview

The Lower Minnesota River Watershed District ("LMRWD") values and supports efforts made by residents to help achieve the goals of the LMRWD. Through the Cost Share Incentive and Water Quality Restoration Program (the "Program"), the LMRWD hopes to engage citizens in community actions that protect local lakes, rivers, streams, wetlands and fens.

This Program implements Policy 2.2 of the LMRWD's 2018-2027 Comprehensive Watershed Management Plan (the "Plan"), which is to prevent further degradation of water quality and Strategy 2.2.3 which is to provide educational, technical and financial assistance to landowners; to implement projects that have water quality, water quantity, channel maintenance, trout stream, fen or wetland restoration or aquatic habitat benefit within the LMRWD; and to help achieve the goals of the Plan.

Purpose

Cost Share provides funding assistance to public or private landowners within the LMRWD to carry out projects that support one or more of the following goals:

1. Improve, protect or restore water quality of lakes, rivers, streams, wetlands or fens.
2. Increase the capacity of the watershed to store water.
3. Reduce bluff, streambank, or main stem erosion.
4. Protect or restore groundwater resources.
5. Enhance navigation on the Minnesota River, excluding dredging projects.
6. Reduce the impact of invasive species on lakes, streams, rivers, wetlands or fens.
7. Preserve, protect or restore native plant and wildlife habitats with emphasis on lakes, streams, rivers, wetlands and fens.
8. Provide public education benefits and engage the public in stewardship.

Available Funds

The LMRWD has allocated \$20,000 for the Program in 2021. The minimum grant amount is \$500. The maximum levels of cost share funding will provide up to %50 of the cost of a project up to a maximum of: \$2,500 per single family residential project; \$7,500 per neighborhood, townhome, condominium or lake association project; or \$20,000 per commercial/industrial or municipal project. The Board of Managers reserves the right to consider and award funding exceeding the stated maximums on a case by case basis. Cost share dollars are reimbursed upon submittal of a project report and paid receipts. Grant recipients are eligible to apply for one cost share grant per year.

Eligibility within LMRWD

- Residents
- Non-profit and religious organizations
- Local government units
- Public and private schools
- Businesses and corporations

Additional Eligibility Requirements

- Project must be located within the LMRWD.
- Funding will not be awarded for work required as part of a permit requirement.
- Funding may be awarded toward the incremental cost of Best Management Practices (BMPs) that will provide water-quality treatment beyond permit requirements.

Eligible Expenses

Applications must be submitted to and approved by the Board of Managers of the LMRWD before the project begins. Projects that are completed, or in progress, prior to application, are not eligible for funding. If the final project costs are less than the amount approved for funding, the LMRWD's contribution will be limited to the 50% of actual cost incurred. It is the primary intent of the program to reimburse for the design and implementation of the project. Aesthetic elements and other costs not directly related to the construction or implementation of the project will not be reimbursed. Labor and other in-kind contributions can be used for the required 50% match. Labor may be credited at \$12.00 per hour. In-kind labor costs cannot exceed the cost of material of the project. Eligible BMPs could include:

- Buffer strips
- Rain gardens
- Shoreline, streambank, or riverbank restoration
- Pervious pavers and porous concrete or asphalt
- Unique solutions for soil erosion and sediment control practices
- Native habitat restoration with priority given to waterways, lakes, buffers and ponds
- Volume reduction and runoff treatment practices (Infiltration basins & trenches, cisterns, green roofs & bio-filtration systems)
- Other innovative stormwater runoff treatment or volume reduction management practices

Eligible studies/investigations could include:

- Water quality management and restoration
- Water quantity management and restoration
- Groundwater management and restoration
- Unique resource (fen, trout stream) management and restoration
- BMP feasibility and restoration

Application Submittal and Approval

The LMRWD will accept new applications until May 15, 2021. If funds remain, applications will continue to be accepted until all funds are used. Applications can be downloaded from the LMRWD website. Completed applications can be submitted via e-mail or US mail and must include all information requested.

Applications will be reviewed by a selection committee consisting of the Administrator and one or more Managers of the LMRWD, which will make funding recommendations to the full Board of Managers.

Once available funding has been consumed, applications will no longer be reviewed and applicants will be informed of the situation. Applicants are required to submit a grant application that includes the following:

1. Signed and dated application form
2. Narrative of proposed project
3. Location map
4. Record of property ownership
5. Construction/installation site plan, designs and specifications
6. Estimate of water captured and pollution removed (if applicable)
7. Itemized budget
8. Contractor bid (if using)
9. Plant list (if applicable)
10. Accounting of in-kind contribution of labor and materials, if any

Applications can be sent via e-mail to: naiadconsulting@gmail.com

Applications can be sent via US Mail to: Linda Loomis
Lower Minnesota River Watershed District
112 E. 5th Street #102
Chaska, MN 55318

Funding Agreement

Each applicant selected is required to enter into a Cost Share Grant and Maintenance Agreement with the LMRWD defining the obligations of the applicant and the LMRWD. The amendment of any terms of the agreement will be by mutual written agreement signed by all parties to the original agreement.

The agreement includes, but is not limited to, such items as promoting and acknowledging LMRWD sponsorship, reporting, payment schedule, terms of the agreement and use of funds, cost overruns and cancellation. The agreement also allows the LMRWD access to the project area for evaluation and promotion of the project. The applicant is responsible for securing all permits necessary for the work.

For projects receiving \$10,000 or more, the LMRWD may require an agreement for maintenance of the project up to ten (10) years.

Conformance to Plans

The LMRWD will not reimburse costs expended for construction of a project that does not substantially conform to the approved plans, designs and/or specifications. The LMRWD will not reimburse costs expended for partial completion of a BMP. However, LMRWD staff will work in earnest with applicants to address unexpected conditions, changes in conditions or other eventualities that affect the construction or implementation of a BMP. If necessary a modification of the cost-share agreement will be presented to the Board of Managers for approval. The applicant must provide documentation to support the modification. Early communication with LMRWD staff is advised.

Submitted Information

All information, including, but not limited to applications, conceptual designs, contractor bids, cost estimates, final designs and specifications, copies of permits and proof of expenditures is subject to disclosure to the public when submitted to the LMRWD, except where specifically protected as non-public by state law.

Reporting Requirements

Within 30 days of completion of the project, the grant recipient must complete and submit a project summary report to the LMRWD using the work plan, timeline and budget submitted as part of the application. Grantees will be required to include original receipts of the expenses, digital or hard copy photos of events, and electronic copies of all education materials produced.

Maintenance Requirements

Maintenance of the project is the responsibility of the grant recipient. Cost share recipients must commit to maintain their project for the duration of its "expected effective life" (see table below). The LMRWD encourages landowners to maintain projects in perpetuity; but the effective life period listed below is the minimum number of years that the LMRWD requires the grant recipient to maintain a project. The LMRWD will not provide cost share funding for restoration of a project, the loss of functionality of which, in the opinion of the LMRWD, was caused by the recipient or present landowner.

BMP	Effective life (years)
Wetland restoration	10
Filter strip/buffer (vegetative)¹	5
Rain garden	5
Shoreline/streambank stabilization (vegetative)	5
Pervious hard surfaces (pavers, concrete, asphalt)	10
Infiltration basins (above and below ground)	10

¹Only the minimum required upland buffer width is eligible for funding

For More information

You can contact the Lower Minnesota River Watershed District with questions by e-mail to the LMRWD Administrator Linda Loomis at naiadconsulting@gmail.com or by telephone at 763-545-4659.

Evaluation Criteria

The selection committee will determine the eligibility of an application based upon an established set of criteria using a scaled point system. Criteria considered include: Project Type, Project Location, Water Quality Improvement, Erosion Control, Commercial and Recreational Navigation, Public Outreach. An application must score at least 30 points to be considered eligible for the Cost Share Program.

Please keep the following in mind when developing your project and filling out your application:

Project Type

What type of project?	BMP (10 pts.):	Study/investigation	(5 pts.)
-----------------------	-----------------------	----------------------------	-----------------

Project Location

1. Is the project tributary to an MPCA-listed impaired water (excluding mercury), trout stream or fen?
YES, direct connection (10 pts.): **YES, within subwatershed (5 pts.):** **NO (0 pts.)**
2. If NO, is the project tributary to a lake, stream, ditch, fen, or DNR-Protected Water Wetland?
YES, direct connection (10 pts.): **YES, within subwatershed (5 pts.):** **NO (0 pts.)**

Water Quality Improvement

Improves and protects water quality through BMP implementation or potentially improves and protects water quality through investigation. **Score 0 – 10**

Unique Resources Protection and Improvement

Implements controls intended for protection of and/or improvements to fish and wildlife habitat and/or outdoor recreational opportunities of the LMRWD's Unique Resources, or for studies thereof. **Score 0 – 10**

Surface Water Rate and Volume Control

Implements controls intended for reduction and/or minimization of the rate and volume of water that drains off the property/study area; or studies thereof. **Score 0 – 10**

Erosion Control

Implements controls intended for minimization of erosion and/or sedimentation to downstream waters; or studies thereof. **Score 0 – 10**

Commercial and Recreational Navigation

Project or study enhances navigation on the Minnesota River. **Score 0 – 10**

Public Outreach

Based upon willingness of applicant to allow signage, tours and public site visits; public visibility of the site; diversity of practices; potential educational opportunities. **Score 0 – 10**



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday December 16, 2020

Agenda Item

Item 4. G. Adopting 2021 Budget and certification of Property Tax Levy for taxes payable 2021.

Prepared By

Linda Loomis, Administrator

Summary

At the August 2020 Board meeting, the Board approved a proposed budget and preliminary certification of levy for taxes payable 2021. No changes have been made to the budget since the Board approved the 2021 Budget and certified the preliminary levy.

The total budget approved in August was One Million Sixty Five Thousand Dollars (\$1,065,000) with a levy for taxes payable in 2021 of Seven Hundred Twenty Five Thousand Dollars (\$725,000).

Managers should reaffirm the 2021 budget and certify the final levy. Resolution 19-11 Adopting 2021 Budget and Certification of Property Tax Levy for Taxes Payable 2021 is attached, as well as the 2021 budget.

Attachments

2021 Budget

Resolution 20-11 Adopting 2021 Budget and Certification of Property Tax Levy for Taxes Payable 2021

Final 2021 Budget

Recommended Action

Motion to adopt Resolution 20-11

Manager _____ introduced the following resolution and moved its adoption:

LOWER MINNESOTA RIVER WATERSHED DISTRICT

RESOLUTION 20-11

ADOPTING 2021 BUDGET AND CERTIFICATION OF
PROPERTY TAX LEVY FOR TAXES PAYABLE 2021

WHEREAS, in August 2020, the Board of Managers of the Lower Minnesota River Watershed District ("LMRWD") adopted a proposed preliminary total budget of One Million Sixty Five Thousand and 00/100 Dollars (\$1,065,000.00) for the fiscal year commencing January 1, 2021; and

WHEREAS, the 2021 budget requires Seven Hundred Twenty Five Thousand Dollars and 00/100 (\$725,000) to be raised from an ad valorem tax levy on taxable property in the LMRWD, for the purpose of paying administrative expenses (Minnesota Statutes § 103D.905 Subd. 3) of Two Hundred Fifty Thousand Dollars (\$250,000) and providing for a planning and implementation fund (Minnesota Statutes § 103B.241) of Four Hundred Seventy Five Thousand Dollars (\$475,000).

NOW, THEREFORE, BE IT RESOLVED, that the Secretary, in accordance with Minnesota Statutes, shall certify an ad valorem tax of Seven Hundred Twenty Five Thousand Dollars and 00/100 (\$725,000) to the Auditors of the following Counties: Carver, Dakota, Hennepin and Scott apportioned according to the attached Schedule A, which sum to be raised by a levy on all taxable property in the Lower Minnesota River Watershed District payable in the year 2021 and for the purposes noted above as provided in Minnesota Statutes, Sections 103D.911 and 103D.915;

BE IT FURTHER RESOLVED by the Board of Managers of the LMRWD that the proposed 2021 Budget is hereby approved and adopted as the final budget for 2021.

Adopted by the Board of Managers of the Lower Minnesota River Watershed District this 16th day of December, 2020.

Jesse Hartmann, President

ATTEST:

Lauren Salvato, Secretary

The motion for the adoption of the foregoing resolution was seconded by Manager _____ and upon a vote being taken thereon, the following voted in favor thereof: Frey, Hartmann, Raby and Salvato; and the following voted against the same: None. Whereupon said resolution was declared passed and adopted, this 16th day of December, 2020, signed by the President and his signature attested by the Secretary.

SCHEDULE A

District 060 - Lower MN River Watershed

The following table was presented for the Managers' consideration with regard to the proposed amounts to be levied in each separate county, based upon the net tax capacities available:

Preliminary Certification of Apportioned Levies

Payable 2021

1)	General Fund (M.S. 103D.905, Subd.3)		\$250,000.00	
2)	Planning and Implementation Fund (M.S. 103B.241)		\$475,000.00	
3)	Payable 2021 Property Tax Levy		\$725,000.00	
	<u>County</u>	(4) Payable 2020 Taxable Net Tax Capacity	(5) Net Tax Capacity Percent Distribution	(6) Apportioned Payable 2020 Levy \$725,000 x column (5)
	Carver	\$7,176,843	5.9133%	\$42,871.43
	Dakota	\$12,213,736	10.0634%	\$72,959.65
	Hennepin	\$53,283,230	43.9025%	\$318,293.13
	Scott	\$48,693,595	40.1208%	\$290,875.80
	TOTAL	\$121.367,404	100.00%	\$725,000.01

Proposed Levy 2021

General Fund	250,000.00
Planning and Implementation Fund	475,000.00
One time levy to balance channel fund	-
	-
Apportioned Payable 2020 Levy	725,000.00

<u>County</u>	<u>Net Tax Capacity % Distribution</u>	<u>Apportioned Payable 2021 Levy</u>
Carver	5.9133%	42,871.43
Dakota	10.0634%	72,959.65
Hennepin	43.9025%	318,293.13
Scott	40.1208%	290,875.80
Watershed Total	100.0000%	725,000.00

2021 Proposed Total Budget
2019 Adopted Budget/Actuals - 2020 Adopted Budget/YTD/Projected - 2021 adopted

	Account	2019 Adopted	2019 Actual	2020 Adopted	2020 YTD	Projected 2020	Adopted 2021
	Revenues:						
	General Property Tax						
1	Carver County	\$ 48,442.33	\$ 49,664.89	\$ 42,833.00	\$ 25,448.53	\$ 42,833.00	\$ 42,871.43
2	Dakota County	\$ 76,001.75	\$ 74,820.97	\$ 70,735.35	\$ 66,210.46	\$ 70,735.35	\$ 72,959.65
3	Hennepin County	\$ 276,570.10	\$ 274,817.86	\$ 321,491.83	\$ 159,459.85	\$ 321,491.83	\$ 318,293.13
4	Scott County	\$ 323,985.83	\$ 620,708.63	\$ 289,939.83	\$ 38,636.05	\$ 289,939.83	\$ 290,875.80
	Total Levy:	\$ 725,000.01	\$ 1,020,012.35	\$ 725,000.01	\$ 289,754.89	\$ 725,000.01	\$ 725,000.00
5	Interest Income	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6	MCES WOMP Grant	\$ 5,500.00	\$ 4,500.00	\$ 5,500.00	\$ 7,000.00	\$ 5,500.00	\$ 5,000.00
7	State of MN Grant for Dredge Material Management	\$ 240,000.00	\$ -	\$ 240,000.00	\$ 240,000.00	\$ 240,000.00	\$ 240,000.00
8	Metro-Area Watershed Based funding grants	\$ 182,042.00	\$ 91,021.00	\$ 91,021.00	\$ -	\$ 91,021.00	\$ -
9	License Revenue from placement of dredge	\$ 25,000.00	\$ -	\$ 25,000.00	\$ -	\$ 25,000.00	\$ 25,000.00
10	Revenues from sale of dredge material	\$ 5,000.00	\$ -	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00
11	Permit Fees	\$ -	\$ -	\$ -	\$ 4,000.00	\$ 1,000.00	\$ -
12	Miscellaneous Income	\$ -	\$ 4,585.49	\$ -	\$ 5.00	\$ -	\$ -
	Total Revenues:	\$ 1,182,542.01	\$1,120,118.84	\$1,091,521.01	\$540,759.89	\$ 1,092,521.01	\$ 1,000,000.00
	Expenses:						
13	Administration (from Administrative Budget Page)	\$ 250,000.00	\$ 243,541.53	\$ 250,000.00	\$ 161,759.87	\$ 250,000.00	\$ 250,000.00
	Cooperative Projects						
14	Eden Prairie Bank Stabilization -Area #3	\$ -	\$ 4,026.80	\$ 35,000.00	\$ 14,321.67	\$ 35,000.00	\$ 100,000.00
15	Eagle Creek	\$ -	\$ -	\$ -	\$ 66,315.94	\$ -	\$ -
16	Gully Erosion Contingency	\$ -	\$ -	\$ -	\$ 51,714.34	\$ 120,000.00	\$ -
17	USGS	\$ 19,700.00	\$ 19,788.00	\$ 19,700.00	\$ 10,091.50	\$ 19,700.00	\$ -
18	Ravine Stabilization at Seminary Fen in Chaska	\$ -	\$ 110,400.00	\$ 55,200.00	\$ -	\$ -	\$ -
19	Riley Creek Cooperative Project with RPBCWD	\$ -	\$ -	\$ 74,565.67	\$ -	\$ 150,000.00	\$ -
	Seminary Fen Ravine Restoration site A	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,000.00
20	Seminary Fen Ravine C-2	\$ -	\$ 313.50	\$ 20,000.00	\$ 97.50	\$ 20,000.00	\$ -
	509 Plan Budget						
	Resource Plan Implementation						
21	Gully Inventory	\$ -	\$ -	\$ 80,000.00	\$ -	\$ 80,000.00	\$ -
22	Minnesota River Corridor Management Project	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,000.00
23	TH 101 Ravine/Shakopee	\$ -	\$ 402.97	\$ 35,000.00	\$ -	\$ 350.00	\$ -
24	Assumption Creek Hydrology Restoration Project	\$ 30,000.00	\$ -	\$ -	\$ -	\$ 30,000.00	\$ -
25	Carver Creek restoration Project	\$ 80,000.00	\$ -	\$ 15,000.00	\$ -	\$ -	\$ -
26	Groundwater Screening Tool Model	\$ 50,000.00	\$ -	\$ 50,000.00	\$ -	\$ 50,000.00	\$ -
27	Eagle Creek (East Branch) Project	\$ 10,000.00	\$ -	\$ -	\$ -	\$ -	\$ -
28	Minnesota River Floodplain Model Feasibility Study	\$ 30,000.00	\$ -	\$ -	\$ -	\$ 30,000.00	\$ -
29	Schroeder's Acres Park/Savage Fen Stormwater Management P	\$ 39,555.00	\$ -	\$ 181,055.00	\$ -	\$ 181,055.00	\$ -
30	PLOC Realignment/Wetland Restoration	\$ 71,727.00	\$ -	\$ -	\$ -	\$ -	\$ 70,000.00
31	Spring Creek Project	\$ 45,000.00	\$ 4,543.78	\$ -	\$ -	\$ 45,000.00	\$ 75,000.00
32	West Chaska Creek Project	\$ 50,000.00	\$ -	\$ -	\$ 162.50	\$ 50,000.00	\$ -
33	Sustainable Lakes Management Plan (Trout Lakes)	\$ -	\$ 33,599.90	\$ 50,000.00	\$ 1,223.62	\$ 50,000.00	\$ -
34	Geomorphc Assessments (Trout Streams)	\$ -	\$ 88,771.08	\$ 50,000.00	\$ 16,228.96	\$ 50,000.00	\$ -
35	Fen Stewardship Program	\$ 25,000.00	\$ 68,183.20	\$ 25,000.00	\$ 78,714.21	\$ -	\$ 25,000.00
36	District Boundary Modification Project	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
37	East Chaska Creek Bank Stabilization Project	\$ 50,000.00	\$ 34,809.45	\$ -	\$ 38,711.75	\$ 50,000.00	\$ -
38	East Chaska Creek Water Quality Treatment Project	\$ 50,000.00	\$ -	\$ -	\$ -	\$ -	\$ -
39	Minnesota River Sediment Reduction Strategy	\$ 25,000.00	\$ -	\$ -	\$ -	\$ -	\$ -
40	Riley Creek Bank Stabilization below CSAH 61	\$ -	\$ 74,724.49	\$ -	\$ -	\$ -	\$ -
41	Local Water Management Plan reviews	\$ 12,000.00	\$ 2,410.70	\$ 8,000.00	\$ 16,289.96	\$ 8,000.00	\$ 15,000.00
42	Project Reviews	\$ 20,000.00	\$ 55,889.43	\$ 20,000.00	\$ 90,078.78	\$ 60,000.00	\$ 50,000.00
43	Monitoring	\$ 65,000.00	\$ 50,030.70	\$ 65,000.00	\$ 16,279.80	\$ 65,000.00	\$ 75,000.00
44	Watershed Management Plan						
45	Next Generation Watershed Management Plan	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
46	Plan Clarification and proposed rules/Rule implementation	\$ 25,000.00	\$ 23,622.62	\$ 56,000.00	\$ 24,935.89	\$ 25,000.00	\$ -
47	Plan Amendment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000.00
48	Vegetation Management Standard/Plan	\$ 50,000.00	\$ 6,456.10	\$ -	\$ -	\$ 50,000.00	\$ -
49	Public Education/Citizen Advisory Committee/Outreach Program	\$ 30,000.00	\$ 4,533.55	\$ 30,000.00	\$ 25,295.00	\$ 30,000.00	\$ 30,000.00
50	Cost Share Program	\$ 20,000.00	\$ -	\$ 20,000.00	\$ 7,025.64	\$ 20,000.00	\$ 50,000.00
	Nine Foot Channel						
51	Transfer from General Fund	\$ 80,000.00	\$ 80,000.00	\$ -	\$ -	\$ -	\$ -
52	Dredge Site Restoration	\$ 240,000.00	\$ 60,794.39	\$ 315,000.00	\$ 20,366.96	\$ 315,000.00	\$ 240,000.00
53	Total Non-administrative Expenses:	\$ 1,117,982.00	\$ 723,300.66	\$ 1,204,520.67	\$ 477,854.02	\$ 1,534,105.00	\$ 890,000.00
54	Total Administrative Expenses (from line 13)	\$ 250,000.00	\$ 243,541.53	\$ 250,000.00	\$ 161,759.87	\$ 250,000.00	\$ 250,000.00
55	Total Expenses	\$ 1,367,982.00	\$ 966,842.19	\$ 1,454,520.67	\$ 639,613.89	\$ 1,784,105.00	\$ 1,140,000.00
56	Revenue less Expenses	\$ (185,439.99)	\$ 153,276.65	\$ (362,999.66)	\$ (98,854.00)	\$ (691,583.99)	\$ (140,000.00)
57	Beginning Fund Balance - January 1		\$ 1,968,596.14	\$ 2,121,872.79	\$ 2,121,872.79		\$ 1,758,873.13
58	Total Revenue		\$ 1,120,118.84	\$ 1,091,521.01	\$ 540,759.89		\$ 1,000,000.00
59	Total Expenses		\$ (966,842.19)	\$ (1,454,520.67)	\$ (639,613.89)		\$ (1,140,000.00)
60	Ending Fund Balance - December 31 (bold figures are projected)		\$ 2,121,872.79	\$ 1,758,873.13	\$ 2,023,018.79		\$ 1,618,873.13

2021 proposed LMRWD Budget for Administration Operations
 2019 Adopted Budget/Actuals - 2020 Adopted Budget/YTD/Projected - 2021 Adopted

Account	Adopted 2019	2019 Actual	Adopted 2020	YTD 2020 (Through 11/30/20)	Projected 2020	Adopted 2021
Expenses:						
61	Wages-General	\$ -	\$ -	\$ -	\$ -	\$ -
62	Severance Allowance	\$ -	\$ -	\$ -	\$ -	\$ -
63	Benefits	\$ -	\$ -	\$ -	\$ -	\$ -
64	PERA Expense	\$ -	\$ -	\$ -	\$ -	\$ -
65	Payroll Tax (FICA/Medicare)	\$ -	\$ -	\$ -	\$ -	\$ -
66	Unemployment compensation	\$ -	\$ -	\$ -	\$ -	\$ -
67	Manager Per Diem	\$ 9,000.00	\$ 3,075.00	\$ 11,250.00	\$ 750.00	\$ 11,250.00
68	Manager Expense (mileage/food/registrations)	\$ 4,000.00	\$ 1,089.78	\$ 3,000.00	\$ 12.65	\$ 3,000.00
69	Telecommunications-Cell-Internet/Phone	\$ -	\$ -	\$ 1,000.00	\$ -	\$ 1,000.00
70	Office Supplies	\$ 300.00	\$ 150.42	\$ 300.00	\$ 76.54	\$ 300.00
71	Meeting Supplies/Expense	\$ 100.00	\$ 136.57	\$ 100.00	\$ -	\$ 100.00
72	Rent	\$ 8,000.00	\$ 7,800.00	\$ 7,800.00	\$ 6,500.00	\$ 7,800.00
73	Dues	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
74	Miscellaneous-General	\$ 3,000.00	\$ 1,585.00	\$ 3,000.00	\$ 1,651.50	\$ 3,000.00
75	Training & Education	\$ 1,500.00	\$ 455.56	\$ 1,500.00	\$ -	\$ 1,500.00
76	Insurance & Bonds	\$ 10,000.00	\$ 9,293.00	\$ 10,000.00	\$ 9,399.00	\$ 10,000.00
77	Postage	\$ 500.00	\$ -	\$ 500.00	\$ 60.95	\$ 500.00
78	Photocopying	\$ 2,000.00	\$ 29.26	\$ 1,000.00	\$ 23.11	\$ 1,000.00
79	Legal Notices-General	\$ 1,500.00	\$ 660.80	\$ 1,500.00	\$ 2,707.20	\$ 1,500.00
80	Subscriptions & License Fees	\$ -	\$ -	\$ -	\$ 282.00	\$ 222.00
81	Mileage	\$ 6,000.00	\$ 4,017.57	\$ 5,000.00	\$ 1,160.49	\$ 4,778.00
82	Taxable meal reimbursement	\$ 500.00	\$ 233.43	\$ 500.00	\$ 52.86	\$ 500.00
83	Lodging/ Staff Travel	\$ 1,500.00	\$ 344.67	\$ 1,500.00	\$ -	\$ 1,500.00
84	Accounting/Payroll Fees	\$ 5,000.00	\$ 5,034.32	\$ 5,500.00	\$ 3,917.90	\$ 5,500.00
85	Audit Fees	\$ 14,000.00	\$ 14,110.00	\$ 15,000.00	\$ 14,525.00	\$ 15,000.00
86	Professional Services-General	\$ 121,100.00	\$ 131,118.75	\$ 121,050.00	\$ 53,343.75	\$ 121,050.00
87	Legal Fees-General	\$ 11,000.00	\$ 5,771.50	\$ 10,000.00	\$ 5,265.50	\$ 10,000.00
88	Engineering-General	\$ 20,000.00	\$ 27,227.73	\$ 20,000.00	\$ 36,743.30	\$ 20,000.00
89	Equipment-General	\$ -	\$ 1,610.63	\$ -	\$ 79.50	\$ -
90	Equipment-Maintenance	\$ 500.00	\$ 414.79	\$ 500.00	\$ 187.09	\$ 500.00
91	Equipment-Lease	\$ 3,000.00	\$ 1,882.72	\$ 2,500.00	\$ 2,521.50	\$ 2,500.00
92	Newsletter Expense(Web Articles)	\$ -	\$ -	\$ -	\$ -	\$ -
93	Lobbying	\$ 20,000.00	\$ 20,000.03	\$ 20,000.00	\$ 15,000.03	\$ 20,000.00
94	Total Expense for Administration:	\$ 250,000.00	\$ 243,541.53	\$ 250,000.00	\$ 161,759.87	\$ 250,000.00



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, December 16, 2020

Agenda Item

Item 5. A. - New Business

Prepared By

Linda Loomis, Administrator

Summary

Len Kremer, David Minge, Ted Suss and Don Arnosti asked for time on the December meeting agenda. They will be speaking on behalf of the Friends of the Minnesota Valley and the Izaak Walton League.

They want to request the Board consider joining them in efforts to manage drainage in the Minnesota River Basin. The Board discussed this at the October Board of Managers meeting after a request was made that the LMRWD join a petition to request an EAW be prepared for a drainage project in Yellow Medicine County. At that time, the Board asked staff to look at the issue and make a recommendation. Staff has discussed this but does not have a recommendation yet. Lisa Frenette and I have been working with Representative Paul Torkelson to determine what the State can do.

The most recent controversy is surrounding a project in Renville County which will impact Limbo Creek. There are questions about the status of LIMBO Creek, in that it currently is not listed as a public water on the DNR's public water inventory. The DNR is in the process of listing as such, however, the Renville County Board of Commissioners has approved the drainage project.

The Limbo Creek project was on the agenda at the December 7th meeting of the Legislative Subcommittee on Water Policy. There have also been quite a few articles in the West Central Tribune. The most recent article is attached.

Attachments

West Central Tribune "Limbo Creek Controversy in Renville County going to court, state Capitol" by Tom Cherveney dated December 11, 2020.

Recommended Action

No recommendations

Limbo Creek controversy in Renville County going to court, state Capitol

A joint House and Senate subcommittee on Minnesota Water Policy dove into the Limbo Creek controversy in Renville County. Three of the lawmakers indicated they want to bring debate over the state's Public Waters Inventory to the Legislature this coming session. Those who testified called for protecting the last free flowing waterway in the county.

Written By: Tom Cherveney | Dec 11th 2020 - 6am.



Tom Kalahar, retired from a career with the Renville County Soil and Water Conservation District, stands along Limbo Creek just upstream of its outlet to the Minnesota River in this photo from last summer. Kalahar was among those who testified Monday about Limbo Creek and the Public Waters Inventory to a joint state House and Senate subcommittee on Minnesota Water Policy. Tom Cherveney / West Central Tribune file photo

ST. PAUL — Debate over the fate of Limbo Creek in Renville County is headed not only to the courts, but to the state Capitol as well.

The legislative [Subcommittee on Minnesota Water Policy](#), which includes members from both the state House and Senate, took a look at how a project that aims to open a channel into the creek in western Renville County has charged a debate on how the state manages its public waters.

“I think we revealed how controversial and complicated this issue is,” said Rep. Paul Torkelson, R-Hanska, a subcommittee member, as its members during a meeting Monday heard testimony on Limbo Creek and the state’s [Public Waters Inventory](#).



Rep. Paul Torkelson

for reestablishing Rep. Torkelson urged the DNR to “put the brakes” on a process to return some 640 miles of waterways in 70 counties to the Public Waters Inventory. He wants the Legislature to review the process now underway in the upcoming legislative session.

The Public Waters Inventory provides maps so that riparian landowners know whether their property is adjacent to public waters or drainage systems. Different restrictions can apply for activities in public waters versus public drainage systems.

The lawmaker said he wants to take a “deep dive into how this Public Waters Inventory was established originally and why there are so many errors on it and what is the proper process the inventory properly.”

The Minnesota Department of Natural Resources is proposing to [return Limbo Creek](#) and three other small watercourses in Renville County and one in Pope County to the Public Waters Inventory. They are the first in a pilot project to return waters that were removed from the Public Waters Inventory in 2017 by an order of the DNR commissioner, according to Steven Colvin, the DNR’s division director for ecology and water resources.

As part of the process to develop maps for the new buffer requirements, the DNR realized that these waterways had been mistakenly identified as being part of public drainage systems in the early 1980s when the Public Waters Inventory was developed, Colvin told the subcommittee. As a result of the mistaken identification, landowners were never properly notified that they were public waters.

The 2015 buffer legislation requires a 50-foot buffer along public waterways and a 16.5-foot buffer along public drainage systems.

State statute gives the DNR commissioner the authority to correct errors in the Public Waters Inventory, and this pilot project is a step toward doing so, according to Colvin.

“The DNR is committed to a thoughtful and transparent process to return water course segments to the Public Waters Inventory if they meet the state definition of public waters,” he said during his testimony.

Torkelson was joined by two subcommittee members, Sen. Michael Goggin, R-Red Wing, and Rep. Josh Heintzeman, R-Nisswa, in voicing their concerns about the process and their desire for its review in the Legislature.

Committee Co-Chair Sen. Bill Weber, R-Luverne, said from the onset that the subcommittee would make no decisions, pointing out that the matter is now in litigation. The Renville County Drainage Authority recently approved a project by landowners on County Ditch 77 to open a channel into Limbo Creek to improve the outlet of the system.

The [Minnesota Center For Environmental Advocacy](#) and the DNR are challenging the project. The DNR maintains that the channel project needs its approval for work conducted in a public waterway.

“Public waters in Minnesota are held in trust for the people for the ordinary purposes of life,” Elise Larson, senior staff attorney and water program director for the Minnesota Center For Environmental Advocacy, told the subcommittee. She told committee members they need to remember “what is at stake if public water protections are undermined.”

Larson said the DNR is providing “an unprecedented level of due process” in offering landowners in the affected watershed 109 days to comment on its intentions to correct an error and return Limbo Creek to the Public Waters Inventory.

She pointed out that Renville County’s water plan adopted in 2013 specifically called for protecting Limbo Creek.

Larson told the legislators that a state statute provides the DNR the authority to correct the Public Waters Inventory. “The public has never gone to the Legislature to correct errors in the inventory,” she said.

[Read more stories about Limbo Creek](#)

It’s also clear that Limbo Creek meets all the definitions of a public water, including the one pertinent to the legal challenge here: “Limbo Creek has never been part of Renville County’s public drainage system,” she said.

The Minnesota Center For Environmental Advocacy attorney was joined by representatives from environmental organizations and others who testified in support of returning Limbo Creek to the Public Waters Inventory.

Thomas Kalahar, retired from the Renville County Soil and Water Conservation District, told committee members that Limbo Creek was mistakenly listed as County Ditch 145 when the inventory was developed. Landowners in the watershed never approved the creation of County Ditch 145, and it never was part of the county’s drainage system. Limbo Creek is now the only free-flowing waterway remaining in the county, he and others told the subcommittee.

Former Congressman [David Minge](#), representing the Izaak Walton League in Minnesota, told the subcommittee that the DNR is faced with the difficult task of representing downstream residents affected by drainage. He said that the League is among the organizations supporting its decision to return this waterway to the Public Waters Inventory.



Renville County has approved a petition by County Ditch 77 landowners to extend this open channel in Limbo Creek for the Ditch 77 outlet, which is covered by sediment. Tom Cherveny / West Central Tribune file photo



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, December 16, 2020

Agenda Item

Item 6. A. - Report from MAWD

Prepared By

Linda Loomis, Administrator

Summary

The MAWD Conference and Annual meeting were held the first week in December. Manager Salvato and I both registered. The platform that was used for the meeting worked very well. Those registered could attend all the breakout sessions. The business meeting was held Friday morning and only delegates could participate in the Zoom meeting. Others could listen in through the meeting platform Pheed Loop. Neither Manager nor I could stay through the entire meeting as they went longer than was scheduled.

On December 2nd, MAWD Board Chair Mary Texer informed everyone that resolutions that were not submitted by the September 1st deadline could not be considered. It was determined that the bylaws required all resolutions be submitted at least 2 months before the annual meeting. So the request to not sunset the 2015 LMRWD resolution submitted and adopted by the MAWD was not considered.

In addition, it was determined that the MAWD bylaws did not allow for proxy voting.

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, December 16, 2020

Agenda Item

Item 6. B. - Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail

Prepared By

Linda Loomis, Administrator

Summary

Since there is no snow on the ground, a site visit will be organized.

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, December 16, 2020

Agenda Item

6. C. - City of Carver Levee

Prepared By

Linda Loomis, Administrator

Summary

The resolution adopted by the LMRWD Board of Managers has been signed and the City of Carver has been provided with a copy. Lisa Frenette said she has spoken with the DNR, who manages the Flood Hazard Mitigation program for the State of MN. Carver had submitted an application for funding under the program. According to Ms. Frenette, Carver is expected to receive \$150,000.

The request submitted by the City estimates the cost of the project at \$10,000,000. They have requested \$7,400,000 from the State and will match \$2,600,000 with local government sources.

The LMRWD has not spoken with the City since it was informed of the grant.

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, December 16, 2020

Agenda Item

Item 6. E. - Dredge Management

Prepared By

Linda Loomis, Administrator

Summary

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

The LMRWD received the payment application from Meyer Contracting, Inc. Staff has reviewed the documentation and approved payment as authorized by the Board at the November meeting.

The final amount was more than the bid that was received, because the 3" minus aggregate that was needed to stabilize the roadways on the site added to the cost of the project. The bid amount was \$384,418.50. The amount of payment that was requested is \$412,527.15. This is a difference of \$28,108.65. All changes are reflected in Change Order 1.

The Application for Payment No. 1i is attached and a link to Change Order 1 is provided for the Board's information.

ii. **Private Dredge Material Placement**

Staff is waiting for LS Marine to give the District the final quantities of material placed on the site. Once received terminal operators will be invoiced.

Attachments

Application for Payment No. 1

[Change Order 1, dated November 25, 2020](#)

Recommended Action

No action recommended

Application for Payment No. 1

**Lower Minnesota River Watershed District - Dredge Site Project
Young Environmental Consulting Group, LLC**

Prime: Young Environmental Consulting Group, LLC

Contractor: Meyer Contracting, Inc.

Consultant: Barr Engineering, Co.

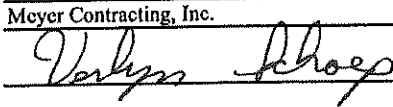
For work accomplished through the date of October 29, 2020

1.0	Completed to Date:	<u>\$412,527.15</u>
2.0	Less Previously Billed:	<u>\$0.00</u>
3.0	Amount Completed This Period:	<u>\$412,527.15</u>
4.0	Amount Previously Retained:	<u>\$0.00</u>
5.0	Amount Retained This Period (See Note 1):	<u>\$0.00</u>
6.0	Total Amount Retained:	<u>\$0.00</u>
7.0	Retainage Released Through This Period:	<u>\$0.00</u>
8.0	Less Total Retainage Remaining:	<u>\$0.00</u>
9.0	Less Amounts Previously Paid:	<u>\$0.00</u>
10.0	Amount Due This Estimate:	<u>\$412,527.15</u>

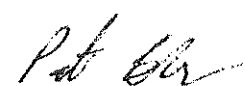
CONTRACTOR'S Certification

The undersigned CONTRACTOR certifies that: (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with Work covered by prior Applications for Payment numbered 1 through N/A inclusive; (2) title to all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all liens, claims, security interest and encumbrances (except such as are covered by Bond acceptable to OWNER indemnifying OWNER against any such lien, claim, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective as that term is defined in the Contract Documents.

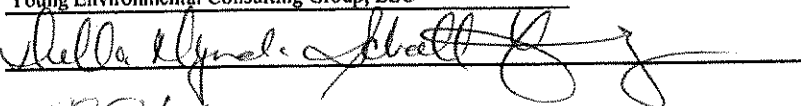
SUBMITTED BY:

Name: Verlyn Schoep Date: 11-25-2020
 Title: President/COO
 Contractor: Meyer Contracting, Inc.
 Signature: 

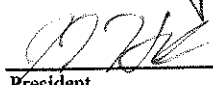
RECOMMENDED BY:

Name: Patrick Brockamp Date: 11/25/2020
 Title: Project Engineer
 Consultant: Barr Engineering Co.
 Signature: 

RECOMMENDED BY:

Name: Della Nyondi Schall Young Date: ~~11/25/2020~~ 11/25/2020
 Title: Owner/Principal
 Prime: Young Environmental Consulting Group, LLC
 Signature: 

APPROVED BY:

Name:  Date: _____
 Title: President
 Prime: Lower Minnesota River Watershed District
 Signature: _____

Lower Minnesota River Watershed District - Dredge Site Project
 Young Environmental Consulting Group, LLC
 Summary of Work Completed Through October 29, 2020 for Final Payment

Item	ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	Meyer Contracting, Inc.		(1) Total Completed This Period		(2) Total Completed Previous Periods		(3) Total Completed To Date	
				UNIT COST	EXTENSION	Quantity		Quantity		Quantity	
A	MOBILIZATION	LS	1	\$ 9,850.00	\$ 9,850.00	1	\$9,850.00	0	\$0.00	1	\$9,850.00
B	ROCK CONSTRUCTION ENTRANCE	EACH	1	\$ 2,455.00	\$ 2,455.00	1	\$2,455.00	0	\$0.00	1	\$2,455.00
C	SILT FENCE, TYPE MS	LF	4390	\$ 1.40	\$ 6,146.00	4390	\$6,146.00	0	\$0.00	4390	\$6,146.00
D	EXCAVATION	CY	84000	\$ 3.20	\$ 268,800.00	84000	\$268,800.00	0	\$0.00	84000	\$268,800.00
E	BERM CONSTRUCTION WITH COMPACTION	CY	46000	\$ 0.15	\$ 6,900.00	46000	\$6,900.00	0	\$0.00	46000	\$6,900.00
F	IMPORT TOPSOIL	CY	900	\$ 39.75	\$ 35,775.00	1020	\$40,545.00	0	\$0.00	1020	\$40,545.00
G	AGGREGATE	TON	1560	\$ 26.25	\$ 40,950.00	1560	\$40,950.00	0	\$0.00	1560	\$40,950.00
H	SEED AREA	SY	5120	\$ 0.25	\$ 1,280.00	5120	\$1,280.00	0	\$0.00	5120	\$1,280.00
I	SEED - COVER CROP	LB	30	\$ 0.75	\$ 22.50	30	\$22.50	0	\$0.00	30	\$22.50
I	SEED - UPLAND CONSTRUCTION MIX	LB	18	\$ 45.00	\$ 810.00	18	\$810.00	0	\$0.00	18	\$810.00
J	EROSION CONTROL BLANKET	SY	5120	\$ 1.50	\$ 7,680.00	5120	\$7,680.00	0	\$0.00	5120	\$7,680.00
K	ONE-YEAR VEGETATION WARRANTY	LS	1	\$ 2,500.00	\$ 2,500.00		\$0.00	0	\$0.00	0	\$0.00
L	TEMPORARY STABILIZATION	LS	1	\$ 1,250.00	\$ 1,250.00		\$0.00	0	\$0.00	0	\$0.00
BASE BID TOTAL					\$ 384,418.50		\$385,438.50		\$0.00		\$385,438.50
CHANGE ORDER - ADDITIONAL ITEMS											
CO1-1	ROADWAY 3" MINUS AGGREGATE	LS	1	\$ 27,088.65	\$ 27,088.65	1	\$27,088.65	0	\$0.00	1	\$27,088.65
CO1-2	BALANCE CONTRACT PRICE	LS	1	\$ 1,020.00	\$ 1,020.00	0	\$0.00	0	\$0.00	0	\$0.00
SUBTOTAL CHANGE ORDERS					\$ 28,108.65		\$27,088.65		\$0.00		\$27,088.65
TOTAL BASE BID PLUS CHANGE ORDERS					\$ 412,527.15		\$412,527.15		\$0.00		\$412,527.15
RETAINAGE (5% Retainage, up to 50% of Work Completion)							\$0.00		\$0.00		\$0.00
TOTAL AMOUNT DUE							\$412,527.15		\$0.00		\$412,527.15



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, December 16, 2020

Agenda Item

Item 6. H. - Education and Outreach

Prepared By

Linda Loomis, Administrator

Summary

The video was premiered at MAWD's night at the movies. The District sent out a press release the following morning to over 500 email addresses. We received a fair amount of feedback. The City of Savage asked if they could use it on its local television/streaming service and a link was provided to them. The US Army Corps of Engineers asked if the video was linked to a Facebook page for the District. The Corps was informed that the District does not have a Facebook page, but they were also provided a link they could use.

In addition to the video, the press release announced the formation of a Citizen Advisory Committee (CAC). We did receive an inquiry about that. Staff is working to form early next year.

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, December 16, 2020

Agenda Item

Item 6. I. - LMRWD Projects

Prepared By

Linda Loomis, Administrator

Summary

i. Eden Prairie Study Area #3

LMRWD staff has prepared a request for proposals for design services for the river bank stabilization at Study Area #3.

Staff has met with Eden Prairie City Staff to get input into the draft RFP.

The Board should review the RFP and make a motion to accept the draft document and authorize publication in the State Register and on the LMRWD website.

Attachments

Technical Memorandum from Young Environmental dated December 11, 2020 (draft RFP is attached)

Recommended Action

Motion to approve RFP and authorize publication

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Della Schall Young, CPESC, PMP

Date: December 11, 2020

Re: Area 3 Minnesota Riverbank Stabilization Project

As discussed at the November 16, 2020, board meeting, attached is the draft Request for Proposal (RFP) for the Area 3 Slope Stability Project. At that meeting the board discussed the project and recommended proceeding with the proposed alternative from 2010. After the meeting on December 1, 2020, Young Environmental and the District administrator presented the draft RFP to the City of Eden Prairie for comments and recommendations.

The city recommended including a conceptual design phase (30 percent plan development) out of concern that engineering firms may not want to bid on the project without vetting the previously recommended design, which could create an uneven playing field. We understand the Board does not want to pursue another feasibility study; rather, we are recommending an abbreviated period during which the selected consultant would review the previous studies and proposed alternatives and then recommend a path forward for approval by the District and stakeholders.

If the managers do not want to modify the RFP, we request that the Board approve the attached RFP and direct staff to release it to the public.

Attachment

Draft RFP for Design Services for the Area 3 Minnesota Riverbank Stabilization Project



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

REQUEST FOR PROPOSAL

Design Services

Area 3 Minnesota Riverbank Stabilization Project Eden Prairie, Minnesota

Release Date:	December 17, 2020
Mandatory Pre-Proposal Meeting:	January 6, 2021
Questions Due:	January 8, 2021, at 4 p.m.
Final Addenda Issued:	January 13, 2021
Qualifications Due:	January 22, 2021, at 2 p.m.
Shortlisted Teams Notified:	January 29, 2021
Tentative Interview Date:	February 4, 2021
Contract Award:	February 17, 2020

Submit to: **Linda Loomis, District Administrator**
Lower Minnesota River Watershed District
admin@lowermnriverwd.org

1 GENERAL INFORMATION

1.1 Request

This request for proposal (RFP) is intended to solicit responses from qualified consultants or teams (Consultant) for services related to the stabilization of approximately 1,500 feet of riverbank along the Minnesota River in Eden Prairie, Minnesota (Attachment 1). The selected consultant will enter into a professional services agreement with the Lower Minnesota River Watershed District (LMRWD or District) for the preparation of design and construction documents for the Area 3 Minnesota Riverbank Stabilization Project.

1.2 Project Background

Area 3 is located along the north bank of the Minnesota River, south of the Riverview Road cul-de-sac and intersection with Mooer Lane in Eden Prairie, Minnesota (City). In 2008, the City and the District commissioned a study to determine the causes of the instability and identify alternatives for permanent stabilization of the slopes (Attachment 2). The City and District conducted a second study in 2010 to collect additional information to evaluate the proposed and potential new ideas or designs (Attachment 3). The probable cause of the slope instability and erosion were determined to be natural processes from groundwater seepage and the river meander that have been accelerated by changes in climate and hydrology. The consensus was

that, if left unchecked, the bluff erosion would likely continue because of the river meander. The 2010 study also evaluated the slope stability of the bluff as there are residents and municipal structure at the top of the bluff. It was determined that there was an acceptable factor of safety.

Three alternatives were proposed because of the 2010 study. The final recommended option (Alternative 3) was construction of rock vanes within the river to deflect flows from the eroded banks, grading and shaping of the eroded slope, and live stake plantings.

Concurrent with the development of the 2010 study, and because of the perceived slope stability concerns, the District installed inclinometers to monitor bluff movement in 2010. To date, the inclinometers have not shown any indication of movement of the hillside (Attachment 4).

In 2019, the District convened a group of professionals involved in the 2010 study, including the District engineer, to reevaluate the 2010 proposed designs and inclinometer data. Although there has not been documented movement of the slope, the natural erosion processes coupled with historic water levels on the Minnesota River are threatening the City's stormwater pond at the downstream end of the study reach. Over the course of 2020, additional data have been collected, including a field reconnaissance visit, bathymetric survey, updated hydrology, and installation of a vibrating wire to record water levels in the embankment (Attachments 5 and 6).

2 SCOPE OF SERVICES

The selected consultant will be responsible for providing comprehensive professional services and state of Minnesota licensed and registered professionals in disciplines warranted by the project. The selected consultant will lead the scope of services, outlined in the following, in close collaboration with the District's oversight team.

Task 1. Project Management

The selected consultant will manage the project scope, submittals, schedule, and budget and will provide periodic communications with the District via email and phone.

Project coordination meetings will be necessary to update the District and partners. This is a collaborative project and providing regular updates to the District and partners will be necessary. The following meetings are assumed:

- **Kickoff meeting:** LMRWD and selected consultant will meet virtually to discuss project scope and schedule.
- **Stakeholders kickoff meeting:** LMRWD will lead a kickoff meeting with the selected consultant and identified stakeholders.
- **Design review meetings:** The selected consultant will present the project design and provide an update at the end of the 60 percent and 90 percent tasks to LMRWD staff and project partners before the comment period for each task begins.

Deliverables: For consultant-led meetings, the selected consultant will be responsible for providing District and stakeholders with an agenda at least one week in advance, and the selected

consultant will provide summaries following all meetings to all participants. Unless otherwise specified, assume all meetings will be held virtually.

Task 2. Alternatives Review and Validation

The selected consultant will be responsible for facilitating a meeting or workshop that presents the alternatives considered, criteria used, additional alternatives considered, and provide LMRWD with a recommended path forward.

Deliverables: The selected consultant will be responsible for providing District and stakeholders with an agenda at least one week in advance of the value engineering workshop and workshop summary documentation.

Task 3. Preliminary Design (60 percent)

Using the feedback from the District and stakeholders, the selected consultant will develop a 60 percent submittal package for District and partner review. The selected consultant will present the refined design to the District and stakeholders at the 60 percent design review meeting. The selected consultant shall assume two weeks for the District and stakeholder review period.

Deliverables will include the following:

- Project design memorandum, including design calculations (in native model files and PDF)
- Identification of necessary permits/approvals/reviews in a permit matrix and required application submittal needs and timeline (MS Excel and PDF)
- Identification of any potential utility conflicts (PDF)
- Construction plan set, including at a minimum the following: a title sheet, general layout (including existing utilities and proposed removals), grading plan with existing and proposed contours, tabulations, staging plans, stormwater pollution prevention plan, erosion and sediment control plan, cross-sections, and typical details (GIS, CAD, and PDF)
- Comment tracking log (PDF)

Task 4. Final Design (90 percent)

Using the feedback from the District and stakeholders, the selected consultant will revise the 60 percent design package and develop a 90 percent submittal package for District and partner review. The selected consultant will present the final designs to the District and stakeholders at the 90 percent design review meeting. Assume two weeks for the review period.

Deliverables will include the following:

- Revised design calculations (if applicable)
- Final permit matrix and estimated timeline for approvals (MS Excel and PDF)
- Revised construction plan set (GIS, CAD, and PDF)
- Draft specifications (PDF)

- Draft engineers estimate (PDF)
- Updated comment log tracking the revisions made since the 60 percent review (electronic)

Task 5. Bid Documents (100 percent)

Using the feedback from the District and stakeholders in Task 4, the selected consultant will revise the 90 percent design package and develop the final 100 percent submittal package for bid.

Deliverables will include the following:

- Final construction drawings (GIS, CAD, and PDF)
- Final specifications (PDF)
- Final engineers estimate (PDF)
- Closed comment log (electronic)

3 PROPOSED PROJECT SCHEDULE

The LMRWD will pursue the following schedule related to this RFP and the engagement of a Consultant.

Release RFP	December 17, 2020
Pre-Bid Meeting—Mandatory	January 6, 2021, at 1 p.m.
Last Day for Questions	January 8, 2021, at 4 p.m.
Responses to Questions Posted	January 13, 2021
Consultant Qualifications Due	January 22, 2021, at 2 p.m.
Consultant Team Interviews (if needed)	February 4, 2021 (tentative)
LMRWD Board Approval of Consultant Contract	February 17, 2021
Final Submittals	August 31, 2021
Construction	TBD

3.1 Pre-Proposal Meeting

A mandatory pre-proposal meeting will be held virtually on January 6, 2021, at 1 p.m. Attendance at the pre-proposal meeting is MANDATORY. LMRWD staff will be available to provide an overview of the project and answer questions. A summary will be provided to all attendees within five business days of the meeting.

4 PROPOSAL GUIDELINES

To be considered fully responsive and therefore eligible for award, proposals must contain the following (proposals must not exceed fourteen total pages, excluding appendices):

1. Cover letter (2 pages)
 - a. The responder shall provide and agree to the following statement, executed by an individual with authority to represent fully the activities and interests of the responder:

I hereby certify that I am a duly authorized representative of the company and that the information contained within this response to the Lower Minnesota River Watershed District's Request for Proposal is current, true, and correct to the best of my knowledge. I hereby authorize and request any person, agency, or firm to furnish any pertinent information requested by LMRWD deemed necessary to verify the statements made in this submittal.

(Signature) (Title) (Date)

2. Project understanding and approach (2 pages)
 - a. Describe the consultant's understanding of the need and intent of this project.
 - b. Identify challenges or opportunities that should be considered.
3. Project management plan (2 pages)
 - a. Identify quality management processes to be incorporated into the project that will ensure the quality and completeness of deliverables.
 - b. Provide the proposed project schedule with estimated timelines for deliverables.
 - c. Describe how unanticipated changes will be handled and methods for resolving issues; identify which risks might be encountered in this process and how the consultant will mitigate those risks.
 - d. Include an organization chart of key personnel involved in the project.
4. Proposed project team (2 pages)
 - a. Identify the day-to-day project manager for the project team and explain how they were chosen and why this individual is best suited for the project; the project manager must be registered as a professional civil engineer in Minnesota.
 - b. Identify the key personnel and task leaders/service areas of expertise needed for a successful project. Explain why the key personnel have been selected for the team and what their role will be, and confirm they have sufficient capacity to perform this role.
 - c. Two-page résumés for key personnel may be provided in an optional appendix that will not count toward the page limits.
 - d. Clearly identify any sub-consultants proposed as part of the team.
 - e. Please note that the consultant assumes responsibilities related to onboarding, gaps of information, delays of the project, or other similar issues resulting from any changes in the proposed project personnel.
5. Constructed project examples similar in scope to the project, including references and year built (3 pages)
 - a. Provide a brief narrative of each project, including references and contact information.
 - b. The day-to-day project manager must have worked on the identified projects; identify their role on each project and how their performance contributed to the project's success.
 - c. Identify any lessons learned from each project and how those lessons will inform the future work on this project.
6. Statement of acceptance of standard contract form and insurance requirements (1 page)

7. Cost proposal (2 pages)
 - a. Send as a separate email and attachment with the subject line “Proposal for Area 3 Minnesota Riverbank Stabilization Project—COST PROPOSAL.”
 - b. Provide the hourly rates for all personnel identified in the project approach as well as any reimbursable expenses and assumptions used in determining the overall project cost.
 - c. If desired, the consultant may provide an optional separate cover(s) for the technical and cost proposals that will not count toward the page limit.

5 PROPOSAL SUBMISSION

This RFP is open to all qualified firms and individuals. Any communications related to this request shall be directed VIA EMAIL ONLY to:

admin@lowermnriverwd.org

Any communications and/or inquiries by a bidder during this RFP process must be submitted by 4 p.m. on January 8, 2021. No other staff is authorized to respond to questions or requests for clarification of this Request for Qualifications. Failure to follow this instruction may be cause for disqualification. Questions or requests for clarification must be received by the date indicated in the Preliminary Project Schedule. Responses will be provided to all known proposers via email by the date indicated in the Preliminary Project Schedule and will be posted to the LMRWD website.

Proposals must be received by **January 22, 2021, at 2 p.m.** Consultants are to submit their proposals to Linda Loomis, district administrator, at admin@lowermnriverwd.org.

Submit **one electronic copy** of each of the technical proposal and cost proposal in PDF format in separate emails, per the preceding. The email submittals must clearly state in the subject line that the communication contains: “Proposal for Area 3 Minnesota Riverbank Stabilization Project—TECHNICAL PROPOSAL” and “Proposal for Area 3 Minnesota Riverbank Stabilization Project—COST PROPOSAL.”

Proposals shall have a maximum page count of fourteen, as indicated in the proposal guidelines. No text shall be smaller than eleven-point font. Proposals may become public data upon submission.

It is not the LMRWD’s responsibility to acknowledge receipt of any qualifications as a result of the RFP process. It is the Proposer’s responsibility to assure that the proposals are received in a timely manner and are responsive to any RFP Addenda provided.

6 PROPOSAL EVALUATION

Responses to this RFP will be reviewed by a combination of the following representatives from the LMRWD:

- LMRWD (administrator and possible manager[s])

- Young Environmental Consulting Group, LLC
- City of Eden Prairie
- Hennepin County

Responses shall be reviewed using the following criteria:

Adherence to the requested format	No consideration will be given to submittals failing to follow the format.
Written quality, clarity, and directness of the response	15 percent
Qualifications and experience of the day-to-day project manager	15 percent
Qualifications and past performance of other key personnel	15 percent
Demonstrated project understanding including risks	20 percent
Demonstration of thoughtfulness, creativity, innovation, and expertise in professional practice	20 percent
Project cost	15 percent

Any determination relative to the selection of a consultant made by LMRWD shall be considered final. Responses will be reviewed and evaluated by the evaluation panel using the criteria specified in this section. The LMRWD, after reviewing all responses, may determine the need to interview one or more responders to assess the abilities and capacity of the consultant.

7 INTERVIEWS (IF NEEDED)

Should it be determined after a detailed review of responses that interviews are necessary to determine the best qualified consultant, the LMRWD will organize interviews as follows:

- The consultants selected for an interview will be notified no fewer than five calendar days prior to the date scheduled for the interview.
- The consultant’s participation in the interview will be limited to the project manager and three other members of the project team.
- The interview format will be provided to those selected for interviews at the time of notification.

The consultant selected for an interview shall consider information contained in the proposal received responding to this RFP to be read and understood, with no need to repeat or review that information during an interview. Additional information regarding interviews may be provided to the prospective consultant or consultant teams at any time until the start of the interview.

8 ATTACHMENTS

- Attachment 1—Area 3 Project Location
- Attachment 2—*Erosion Stabilization Study: Study Area 3 Final Report*, October 2008
- Attachment 3—*Minnesota River Bank and Bluff Stabilization, Eden Prairie, Minnesota*, February 2010

- Attachment 4—Inclinometer Readings (2011 to 2020)
- Attachment 5—2016 Minnesota River Erosion Monitoring
- Attachment 6—January 2020 City Meeting Summary Memorandum to LMRWD Board
- Attachment 7—May 2020 Site Visit Summary Memorandum for LMRWD Board
- Attachment 8—October 2020 Project Update Memorandum to LMRWD Board
- Attachment 9—2020 Bathymetric Survey Data
- Attachment 10—U.S. Army Corps of Engineers’ Lower Minnesota River HEC-RAS model
- Attachment 11—Professional Services Agreement

9 ADDITIONAL INFORMATION

9.1 About LMRWD

The LMRWD was principally established as a legal entity for providing local participation to the USACE in constructing a navigation channel within the Minnesota River. With this purpose in mind, a nine-foot channel was developed in cooperation with the USACE. Today, the LMRWD remains actively involved in the maintenance of the channel. The statutes and rules affecting watershed districts and watershed management organizations have changed since the inception of the LMRWD. These changes have broadened the role that watershed districts play in water resource management.

The LMRWD’s general goals fall under the categories of water quality, flood control, erosion and sediment control, stream restoration, wetland management, groundwater, public ditches, and public involvement and information. The LMRWD works with our communities to protect, improve, and educate about our valuable water resources that are important habitats for our native plant and fish species as well as providing recreational opportunities and commercial barge navigation. The Area 3 Minnesota Riverbank Stabilization Project meets the general goals and mission by collaborating with the City and Hennepin County to improve the water quality of the Minnesota River, protect the nine-foot navigation channel, and restore the riverbank.

9.2 LMRWD Rights

The LMRWD may reject any or all proposals or parts of proposals, accept part or all of proposals, or create a project of lesser or greater scope than described in this RFP or the respondent’s reply based on the financial components submitted. The LMRWD also reserves the right to cancel the contract without penalty if circumstances arise that prevent the Board from completing the project.

9.3 Restricted Communications

From the date of issuance of the RFP until the LMRWD takes final action, the responder must not discuss the proposal or any part thereof with any employee, agent, or representative of the LMRWD except as expressly requested by the District Administrator in writing and as stipulated in this RFP. Violation of this restriction will result in rejection of the Responder’s proposal.

9.4 Data Practices

The LMRWD data practices policy may be accessed here:

http://lowermnriverwd.org/download_file/1710/0

DRAFT



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, December 16, 2020

Agenda Item

Item 6. J. - Permits and Project Reviews

Prepared By

Linda Loomis, Administrator

Summary

i. **77th Street Underpass - LMRWD Permit No. 2020-132**

This project came before the Board at the November 18, 2020 meeting. The project did not meet LMRWD standards at that time. The Board did not take any action.

The proponent has revised the proposal, which now meets the LMRWD standards. Staff is recommending conditional approval pending receipt of the NPDES permit.

Attachments

Technical Memorandum re: 77th Street Underpass from Young Environmental dated December 10, 2020

Recommended Action

Motion to issue permit 2020-132 conditional upon receipt of NPDES Permit

ii. **Canterbury Crossing - LMRWD Permit No. 2020-135**

Canterbury Crossing is one component of a regional development plan in the City of Shakopee. This project is a senior living development. Staff has reviewed the project and is recommending conditional approval upon receipt of the following:

- A copy of the NPDES permit and the final SWPPP (Surface Water Pollution Prevention Plan)
- The final revised stormwater management plan incorporating the City of Shakopee's editorial comments
- A copy of the draft Utility Facility Agreement with the City of Shakopee

Attachments

Technical Memorandum re: Canterbury Crossing from Young Environmental dated December 11, 2020

Recommended Action

Motion to issue permit 2020-135 conditional upon receipt of the following:

- Copy of the NPDES permit and the final SWPPP (Surface Water Pollution Prevention Plan)
- The final revised stormwater management plan incorporating the City of Shakopee's editorial comments
- A copy of the draft Utility Facility Agreement with the City of Shakopee

iii. Carver County State Aid Highway 11 (CSAH 11)/Jonathan Carver Parkway - LMRWD Permit No. 2020-110

Carver County plans to improve County State Aid Highway 11 (CSAH 11) in the City of Carver. The LMRWD delegated its authority for portions of this project to the Carver County WMO, as its standards are stricter than the LMRWD. The LMRWD retained its authority regarding the steep slopes. LMRWD has reviewed the project and provided comments in July and November 2020. Staff is recommending conditional approval upon receipt of the following:

- A copy of the NPDES permit
- Documentation project approval from the Carver County WMO and compliance with rate control, water quality and volume control requirements

Attachments

Technical Memorandum re: CSAH 11 from Young Environmental dated December 10, 2020

Recommended Action

Motion to issue permit no. 2020-110 conditional upon receipt of the following:

- A copy of the NPDES permit
- Documentation project approval from the Carver County WMO and compliance with rate control, water quality and volume control requirements

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Della Schall Young, CPESC, PMP

Date: December 10, 2020

Re: 77th Street Underpass Permit Review (LMRWD No. 2020-132)

The City of Richfield (City) is proposing construction of the 77th Street Underpass connecting 77th Street underneath Cedar Avenue (TH 77) to Fort Snelling. The portion of the project east of Cedar Avenue falls within the Lower Minnesota River Watershed District (LMRWD or District), while the west segment falls within the Richfield–Bloomington Watershed Management Organization (RBWMO; [Figure 1](#)). The project was approved by LMRWD at the January 2019 board meeting but was put on hold because of a lack of funding.

The project was presented to the LMRWD managers at the November 18, 2020, board meeting because of changes to the original design, which included the removal of proposed stormwater BMPs. The City and its engineer, WSB & Associates, attended the meeting and stated their rationale for not meeting the District's stormwater rule:

1. Cost was the primary constraint because the cost to acquire the land from the Metropolitan Airport Commission was much more expensive than the \$1 handshake agreement assumed for the previous design.
2. The Minnesota Department of Transportation (MnDOT) does not allow stormwater features too close to bridge footings.
3. Groundwater is too high to allow for infiltration.
4. The MnDOT will provide additional storage to treat the excess runoff from the 77th Street Underpass project as part of its future Corridors of Commerce plans.

At the November board meeting, the managers tabled their decision to allow the applicant additional time to either get a commitment from MnDOT that their future Corridors of Commerce project will also provide treatment for the 77th Street Underpass project to provide justification for an out-of-sequence variance or reevaluate the stormwater management design.

On November 24, 2020, WSB submitted a new design, which includes a small infiltration BMP located in the northeast quadrant of the TH 77 and I-494 interchange (**Figure 1**). This new BMP provides stormwater treatment for an area of TH 77 roadway that does not receive any stormwater treatment. This area of roadway currently flows to the same outlet as the new impervious from the proposed 77th Street Underpass. The BMP has an unconventional design that will require the contractor to “punch through” the restrictive clay layer by excavating three 4- by 8-foot funnels, backfilled with coarse aggregate, which will allow stormwater to infiltrate into the underlying sand layer.

The project proposes an increase of 1.1 acres of impervious surface, triggering District Rules B—Erosion and Sediment Control, and D—Stormwater Management. The project is not located in any of the District’s special overlay districts (High Value Resources Area, Floodplain, or Steep Slopes Overlay District).

Additionally, the project will change the watershed boundaries by redirecting surface area from RBWMO to LMRWD (**Figure 1**).

Project Summary

<u>Project Name:</u>	77th Street Underpass
<u>Purpose:</u>	To connect 77th Street east and west of Cedar Avenue and improve traffic and transit problems along I-494
<u>Project Size:</u>	16.00-acre project area; 14.95 acres disturbed, 5.85 acres of existing impervious surface, and 7.12 acres of new impervious surface; net increase 1.1 acres of new impervious surface
<u>Location:</u>	Northeast quadrant of the TH 77 and I-494 quadrant in Bloomington, MN
<u>Applicable LMRWD Rules:</u>	Rule B—Erosion and Sediment Control Rule D—Stormwater Management
<u>Recommended Board Action:</u>	Conditional approval, see recommendations

Permit Application Review

The District has received the following documents for review:

Document Name	Author	Document Date	Date Received; Revised
LMRWD Individual Project Permit Application	WSB	10/21/2020	10/21/2020
77th Street Underpass Memorandum	WSB	10/21/2020	10/21/2020
77th Street Underpass Drainage Plans	WSB	10/19/2020	10/21/2020
Existing Conditions – LMRWD – 77th Street Underpass HydroCAD Model	WSB	10/20/2020	10/21/2020
77th Street Underpass – Drainage Overview Map – LMRWD Permit	WSB	10/20/2020; revised 11/11/2020 and 11/24/2020	10/21/2020; 11/11/2020; 11/24/2020
Proposed Conditions – LMRWD – 77th Street Underpass Richfield Underground System – 24” orifice outlet discharge HydroCAD Model	WSB	10/20/2020; revised 11/11/2020	10/21/2020; 11/11/2020
Stormwater Pollution Prevention Plan and Erosion Control Plan	WSB	10/19/2020	10/21/2020
77th Street Underpass DWSMA Overview Map	WSB	11/27/2018	10/21/2020
77th Street Underpass; Response to LMRWD Comments	WSB	11/10/2020	11/9/2020
77th Street Underpass Memorandum	WSB	11/24/2020	11/24/2020

Rule B—Erosion and Sediment Control

Under Rule B, the District regulates land-disturbing activities affecting one acre or more. The proposed project disturbs 14.95 acres, only a portion of which lies within the LMRWD. While the total new impervious surface within the LMRWD has not been provided, an estimate of the area confirms the proposed impervious surface will exceed one acre. The County has provided an erosion and sediment control plan and Stormwater Pollution Prevention Plan.

An NPDES permit will be required for a District permit.

Rule D—Stormwater Management

The District requires stormwater management for projects that would create one acre or more of new impervious surface. This project proposes a net increase of 1.1 acres, which, under Rule D, would require reducing the volume by 3,993 cubic feet, meeting existing discharge rates, and demonstrating no net increase in total phosphorus or total suspended solids would result from the project.

An underground storage chamber on the west side of TH 77 (currently within RBWMO

but proposed to be redirected to LMWRD) will provide flood storage and rate control. Runoff from the project will discharge into the existing NE Loop stormwater pond in the northeast quadrant of the TH 77–I-494 interchange, which overflows into the I-494 storm sewer (**Figure 1**). An underground infiltration system in Washington Park will reduce volume and improve water quality for the proposed impervious surface. However, stormwater treated by this system flows west, within the RBWMO boundary, and, thus, would not benefit the LMRWD. With the November 24, 2020, design revision, WSB has included a new infiltration BMP within the LMRWD boundary, which will provide volume reduction and water quality treatment.

The proposed underground storage vault would reduce discharge rates into the existing MnDOT stormwater pond (**Table 1**), and the new infiltration BMP will further reduce rates into the MnDOT stormwater pond, as shown in **Table 2**.

Table 1. 77th Street Underpass Peak Stormwater Discharge from HydroCAD Modeling

EVENT	EXISTING (CFS)	PROPOSED (CFS)	CHANGE (CFS)
2-YR / 24-HR	4.46	2.47	-1.99
10-YR / 24-HR	9.77	6.02	-3.75
100-YR / 24-HR	22.14	16.75	-5.39

Table 2. Peak Stormwater Discharge Rates—New Infiltration BMP

EVENT	EXISTING (CFS)	PROPOSED (CFS)	CHANGE (CFS)
2-YR / 24-HR	4.29	1.63	-2.66
10-YR / 24-HR	8.94	5.75	-3.19
100-YR / 24-HR	17.92	14.22	-3.70

Section 4.4.2 of Rule D requires reducing post-construction stormwater runoff volume for projects that create one acre or more of impervious surface to provide volume reduction equal to 1-inch of rainfall runoff from the new impervious surface. The project proposes 1.1 acres of new impervious surface, requiring 3,993 cubic feet of volume reduction.

The addition of the new infiltration BMP will provide volume reduction for 1.66 acres of existing impervious surface. WSB provided modeling for 1.1 inches of rainfall, demonstrating that the proposed BMP will infiltrate a total of 6,621 cubic feet, meeting the District’s requirement.

Section 4.4.3 of Rule D requires projects creating one acre or more of impervious surface to provide evidence that no net increase would result in total phosphorus or total suspended solids in the receiving waters. On November 24, 2020, WSB provided revised plans that included water quality modeling of the proposed infiltration BMP using

MIDS, which shows a 94% reduction in both total phosphorus and total suspended solids (**Table 3**).

Table 3. 77th Street Underpass Annual TP and TSS Reductions from MIDS.

	EXISTING (lb/yr)	PROPOSED (lb/yr)	% REDUCTION
TP (lb/yr)	2.014	1.896	94%
TSS (lb/yr)	365.98	344.44	94%

The District also requires applicants develop and adhere to a stormwater maintenance plan for the project, including acquisition of any necessary easements. In this case, while the City is the project proponent, the proposed BMPs are within MnDOT right-of-way, and the City will be transferring operations and maintenance responsibility to MnDOT as part of its MS4 program. An executed stormwater maintenance agreement is not required in this case, but this transfer of BMP responsibility will be a stipulation of the final LMRWD permit.

Recommendations

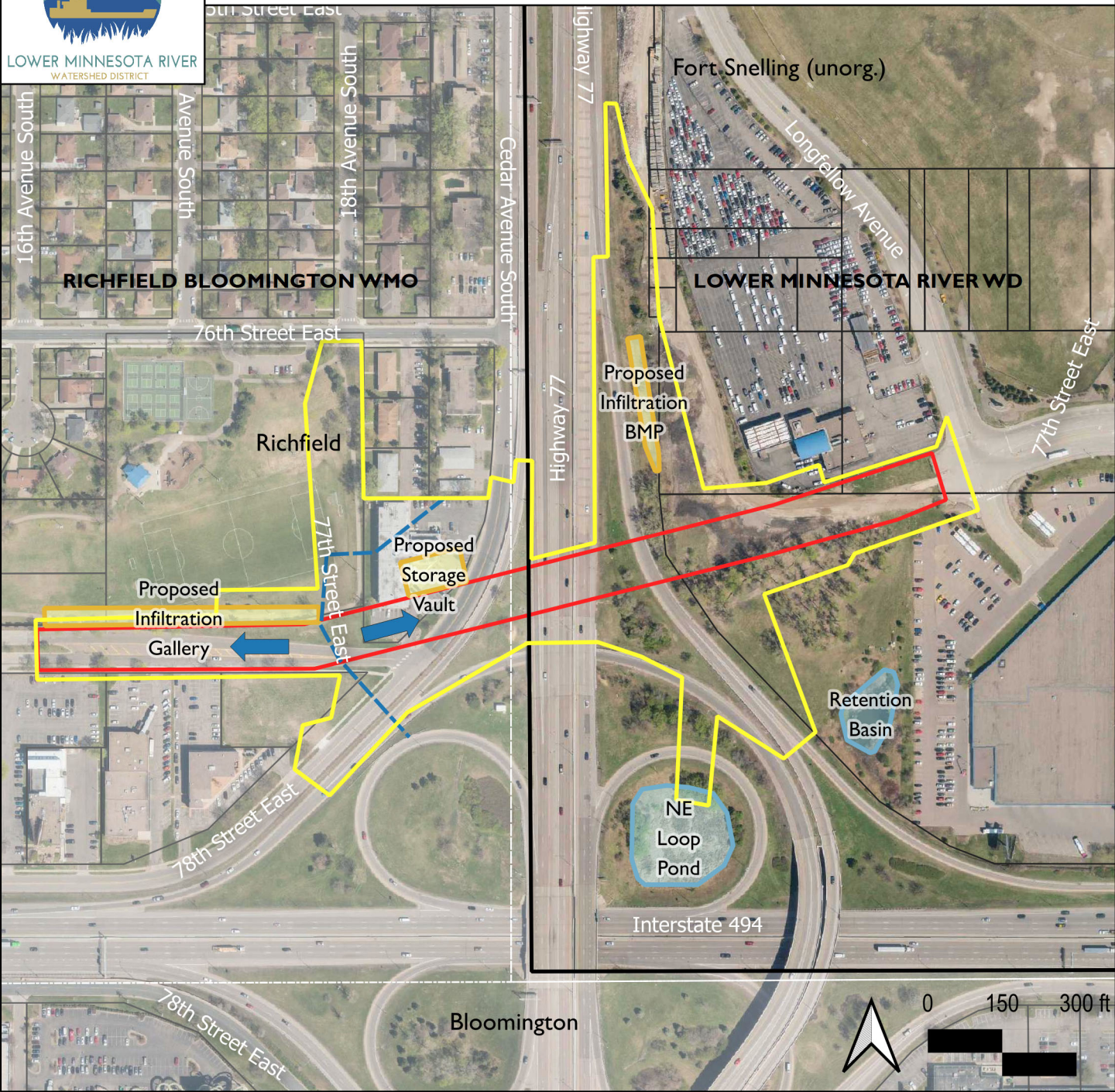
As presented, with the addition of the new infiltration BMP within the LMRWD boundary, the proposed 77th Street Underpass now meets the District rules. We recommend conditional approval, pending receipt of the final NDPEs permit.

Attachments:

- Figure 1. Proposed 77th Street Underpass Project Location Map



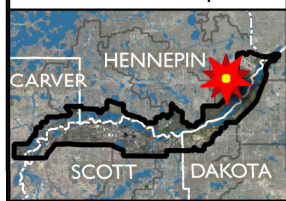
Figure 1: 77th Underpass Project Location



LEGEND

- Approximate Construction Limits
- 77th Street Underpass
- Existing Stormwater Pond
- 2019 Dry Ponds
- 2020 Proposed BMPs
- Watershed Management Districts & Organizations
- LMRWD Boundary
- Hennepin Co. Parcel Data
- Proposed Watershed Divide
- Flow Direction

LMRWD Watershed Location Map



Young Environmental Consulting Group, LLC

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Della Schall Young, CPESC, PMP

Date: December 11, 2020

Re: Canterbury Crossings Permit Review (LMRWD No. 2020-135)

Alliant Engineering has applied for an Individual Project Permit from the Lower Minnesota River Watershed District (LMRWD or District). Alliant is proposing to construct a townhome and senior living development in Shakopee, Minnesota (**Figure 1**). The City of Shakopee does not have its LMRWD municipal LGU permit, so this project is subject to the District's rules and must obtain an individual project permit. As presented, the project triggers the following District rules: Rule B–Erosion and Sediment Control, and Rule D–Stormwater Management. The project is not located within the LRMWD special overlay districts or the FEMA floodplain.

This project is part of the regionally planned Canterbury Crossings development, which has previously been reviewed by the District. The project is required by the City to conform to the design standards of the regional stormwater management plan, which has been confirmed to meet District rules.

Project Summary

<u>Project Name:</u>	Canterbury Crossings
<u>Purpose:</u>	Residential townhomes and senior living, part of the regional development plan for Canterbury Park
<u>Project Size:</u>	14 acres, 13.4 acres disturbed, 0.2 acres of existing impervious, 7.3 acres of proposed impervious

<u>Location:</u>	Shenandoah Drive, Shakopee
<u>Applicable LMRWD Rules:</u>	Rule B–Erosion and Sediment Control Rule D–Stormwater Management
<u>Recommended Board Action:</u>	Conditional approval, see recommendations

Discussion

The District has received the following documents for review:

- LMRWD Individual Permit Application by Alliant Engineering, dated November 19, 2020
- LMRWD Individual Permit Fee of \$1,500, received December 3, 2020
- Canterbury Crossings Preliminary Plat, dated October 13, 2020
- Canterbury Crossings Final Plat–Phase 1, dated November 13, 2020
- Canterbury Crossings Stormwater Management Study by Alliant Engineering, dated October 26, 2020
- Revised Preliminary Plat, dated November 13, 2020

The documents provided include the information necessary for review.

Rule B–Erosion and Sediment Control

The District regulates land-disturbing activities that affect one or more acres under Rule B. The proposed project would disturb 13.4 acres within the LMRWD boundary, including the creation of over seven acres of new impervious surfaces. The applicant has provided an erosion and sediment control plan and Stormwater Pollution Prevention Plan (SWPPP).

An NPDES permit and a copy of the draft City of Shakopee’s Utility Facilities Agreement, or a separate maintenance agreement with the District, are required for a District permit.

Rule D–Stormwater Management

The District requires stormwater management for projects that propose to create one or more acres of new impervious area. The provided information demonstrates the project will create 7.3 acres of impervious surfaces.

Similar to other developments in this area, the regional Canterbury Park and Shenandoah Drive stormwater management plans provide design criteria for future developments. The City provided details about the development of these plans on

August 27, 2020, including describing how the regional plans were developed for the fully built conditions based on a maximum allowed percent impervious by subcatchment. Using the maximum allowable percent imperviousness, the plans were designed to meet the District’s peak discharge rate, water quality, and volume control requirements for the entire region. As each parcel or part is designed and constructed, the applicant simply has to provide the percent impervious and state whether the project is within the maximum allowable percent impervious for the area. If it meets the requirements, it is approved by the City. If the project exceeds the maximum allowable percent impervious, the applicant is then required to provide additional stormwater best management practices to meet the City and District’s requirements. The analysis and process administered by the City comply with the District’s requirements.

The Canterbury Crossings site was included in both plans, which assume the site’s north will be treated by the Shenandoah Drive regional pond while the southern half of the site will be treated on-site.

The Shenandoah Drive regional NURP pond provides rate control and water quality treatment for 6.4 acres for the site’s north half. The Shenandoah Drive stormwater management plan assumed a maximum impervious area of 65 percent, and 4.2 acres of total impervious area will be treated by the regional NURP pond. The Canterbury Crossings project proposes 2.9 acres of new impervious area will be treated by the regional pond, less than the original design criteria.

The south half of the site (also 6.4 acres) is proposed to be treated on-site, as the regional stormwater plans assumed. It is limited to the City’s 1/3 cfs per acre peak discharge limit because it is in the constrained Dean Lake subwatershed. Soil borings provided indicate bedrock is within 2 to 11 feet of the existing ground surface and will not allow for adequate separation from any infiltration practices. Because of the shallow bedrock and its proximity to the City of Shakopee’s well and Drinking Water Source Management Area, the Canterbury Crossings project proposes using two NURP ponds to provide rate control and water quality treatment. The applicant has provided calculations that demonstrate a reduction in total phosphorus and total suspended solids, per the requirement of Rule D, Section 4.4.3 (**Tables 1 and 2**).

Table 1. Existing and Proposed On-Site Rate Control Summary

EVENT	EXISTING (cfs)	PROPOSED (cfs)	CHANGE (cfs)
2-YR/24-HR	18.5	2.0	-16.5
10-YR/24-HR	30.2	2.6	-27.6
100-YR/24-HR	57.1	10.0	-47.1

Table 2. Canterbury Crossings On-Site Water Quality Treatment Summary

	Total Area (ac)	Impervious Area (ac)	TP Annual Load (lbs.)	TSS Annual Load (lbs.)
Existing	9.4	0.2	3.8	694
Proposed	8.6	4.5	3.6	159
		Change	-0.2	-535

In consultation with the City of Shakopee on December 10, 2020, the City was able to confirm that the proposed Canterbury Crossings design conforms with the Shenandoah regional stormwater management plan for the assumed impervious percentages and the discharge rates to the city storm sewer. The City will be requesting minor editorial revisions to the Canterbury Crossings stormwater management plan to provide a clear accounting of the regional treatment. As presented and after discussion with the City, the project meets the District’s Rule D.

Recommendations

After consultation with the City of Shakopee regarding the regional stormwater management design, the project as proposed meets the requirements laid out in the District rules, and we recommend conditional approval of the project by the Board. The following are required to satisfy the conditions:

- Copy of the NPDES permit and final SWPPP
- The final revised stormwater management plan that incorporates the City of Shakopee’s editorial comments
- A copy of the draft Utility Facility Agreement with the City of Shakopee

Attachments:

- Figure 1. Proposed Canterbury Crossings Project Location Map



Figure I: Canterbury Crossings Project Location



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- Project Location
- LMRWD Boundary
- Watershed Management Districts & Organizations
- Scott Co. Parcel Data

LMRWD Watershed
Location Map

CARVER HENNEPIN
SCOTT DAKOTA

Young Environmental Consulting
Group, LLC

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Della Schall Young, CPESC, PMP

Date: December 10, 2020

Re: CSAH 11 Reconstruction Permit Review (LMRWD No. 2020-110)

Carver County (the County) is proposing roadway improvements along County State Aid Highway (CSAH) 11, also known as Jonathan Carver Parkway, from 4th Street to the Trunk Highway 212 ramps in Carver County, Minnesota. The County is proposing to build a new four-lane divided roadway to provide additional traffic capacity for growth and to address safety concerns along the corridor. Stormwater management requirements area proposed to be met through a new stormwater pond located in the northwest corner of the project and a second pond in the south end of the project.

This County first applied for a Lower Minnesota River Watershed District (LMRWD or District) permit on September 28, 2020, but has been working with the Carver County Watershed Management Organization (CCWMO) and the District since June 2020. Most of the proposed work is located within the CCWMO boundaries, but the project proposes several new connections to the existing storm sewer that enters District as well as an alteration to a stormwater outfall within the Steep Slopes Overlay District (SSOD) that is proposed to discharge to the Spring Creek gully complex (**Figure 1**, Discharge Point 10 and **Figure 2**). Staff has reviewed the project and provided comments to the applicant in July and November 2020. In our previous reviews we recommended deferring authority to the CCWMO for Rules B—Erosion and Sediment Control, and D—Stormwater Management because the CCWMO is more stringent than the LMRWD, with the District retaining permit authority under Rule F—Steep Slopes.

The proposed project is located in the City of Carver (the City) and would normally be

subject to municipal review, but the City does not have an approved municipal permit with the District; as a result, the County must receive a District permit for Rule F—Steep Slopes prior to construction. The County must also receive a CCWMO permit for erosion and sediment control as well as for stormwater management.

Project Summary

<u>Project Name:</u>	CSAH 11 Reconstruction
<u>Purpose:</u>	Lane expansion and safety improvements for CSAH 11
<u>Project Size:</u>	34.30 acres disturbed; 15.31 acres of existing impervious and 4.15 acres of new impervious
<u>Location:</u>	CSAH 11 from Levi Griffin Road to CSAH 40 in Carver County
<u>Applicable LMRWD Rules:</u>	Rule E—Steep Slopes
<u>Recommended Board Action:</u>	Conditional approval, see recommendations

Response to District Comments

The County's engineer, WSB & Associates (WSB), has provided responses to the District's comments from September 28, 2020, and November 13, 2020. The following summarize the remaining outstanding comments. The original comments are provided below in **black**; WSB's responses are in **red**; and the District's responses are in **blue**.

Comment 2: Provide a copy of the NPDES permit.

Response: The permit will be provided to the LMRWD once finalized.

Comment: Noted—a permit will be issued when the District has received the final NPDES permit.

Comment 3: Provide documentation clarifying the use of existing BMPs in the Spring Creek subdivision. Provide documentation proving the applicant holds the legal rights necessary to discharge to any off-site stormwater facility used for compliance and showing that those facilities are subject to an executed maintenance agreement.

Response: The City currently has an easement over existing BMPs that allows for future maintenance activities to be performed.

Comment: Please provide documentation for our records of the easement or an email

from the City stating that the BMP is part of its MS4 system.

December 10, 2020 Response: Closed—WSB provided the Spring Creek Second Addition plat showing the existing BMPs are located within the area of Outlot A.

Comment 6: Provide additional information on how Discharge Point 10 would address existing erosion issues or prevent further gully erosion.

Response: See previous comment and attached figure.

Comment: While the provided figure (Figure 2) helps clarify the proposed design, and we recognize the project is reducing flows at Discharge Point 10 (Table 1), supporting data such as exit velocities, scour calculations, and/or riprap design calculations are needed to determine how the project will address existing erosion issues or prevent further gully erosion. Provide the revised plans for Discharge Point 10 as well as the supporting design calculations that confirm the proposed outlet design will be stable and will not adversely affect the gully or steep slopes.

December 10, 2020 Response: Closed—WSB provided additional information, including the full-flow design velocity of 9.81 feet per second (fps) supporting proposed outfall protection design.

Comment 7: Address comments from the attached plan sheets.

Response: Plan sheets comments were not included. Please resubmit as necessary based on updated plans. We apologize if we missed something on this.

Comment: The error was corrected when the redlined plan sheets were sent directly to WSB on October 5, 2020.

December 10, 2020 Response: Closed—WSB updated the proposed plan sheets.

Comment 8: Provide documentation of project approval from the Carver County Watershed Management Organization and of compliance with water quality and volume control requirements.

Response: This will be included once approval is granted. Resubmittal to the CCWMO was completed on September 25, 2020, and the LMRWD was included in the resubmittal.

Comment: The District received the September 25, 2020, resubmittal and the subsequent November 3, 2020, CCWMO response. The project has not yet been approved by CCWMO; please continue to keep LRMWD informed on the permit progress. LMRWD comments are provided directly on the attached September 25, 2020, plan sheets.

December 10, 2020 Response: The District received CCWMO comments on November 3, 2020. The CCWMO is continuing to work with WSB to permit the project for stormwater management and erosion and sediment control.

Recommendations

We recommend conditional approval because the applicant has demonstrated compliance with the requirements of District Rule F—Steep Slopes but is continuing to work with the CCWMO.

Below is a summary of what the District requires before a project permit can be issued:

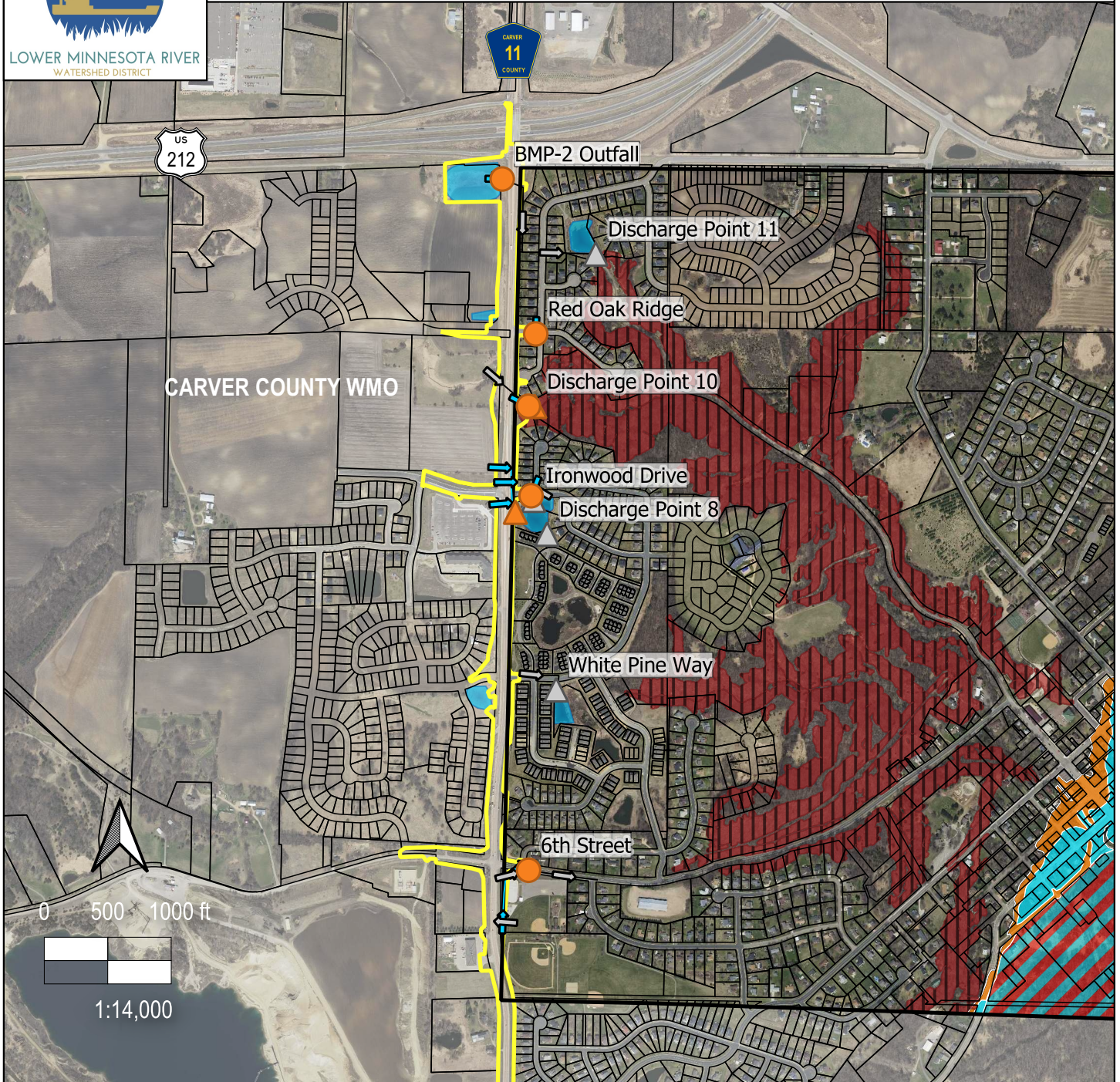
- A copy of the final NPDES permit
- Documentation of project approval from the CCWMO and compliance with rate control, water quality, and volume control requirements

Attachments:

- Figure 1. Proposed CSAH 11 Reconstruction Project Location Map



Figure 1: CSAH 11 Reconstruction Project Location



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- | | | |
|--------------------|--|-------------------------------|
| Project Area | Existing Storm Sewer Outfall | Steep Slopes Overlay District |
| Stormwater BMPs | New Outfall | Carver Co. Floodplain |
| LMRWD Boundary | New Connection to Existing Storm Sewer | 100-year Floodplain |
| Carver Co. Parcels | Existing Storm Sewer | Floodway |
| | New Storm Sewer | 500-year Floodplain |

