



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Please note due to the COVID 19 health emergency the Carver County Government is closed to the public; 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 May 19, 2021

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 April 21, 2021 Regular Meeting and May5, 2021 Meeting</p> <p>B. Receive and file April 2021 Financial reports</p> <p>C. Approval of Invoices for payment</p> <ul style="list-style-type: none"> i. DRB Consulting - Payment on data management project ii. Frenette Legislative Advisors - Feb/Mar 2021 legislative services iii. Daniel Hron - April 2021 office rent iv. Rinke Noonan Attorneys at Law - February 2021 legal services v. US Bank Equipment Finance - April copier lease payment vi. Riley Purgatory Bluff Creek Watershed District - Payment of LMRWD contribution to Lower Riley Creek stabilization project vii. Aaron Sullivan - Payment for 2021 cost share project viii. Frenette Legislative Advisors - April legislative services ix. US Bank Equipment Finance - May copier lease payment x. Naiad Consulting, LLC - Jan/Feb 2021 administrator services and expenses xi. TimeSaver Off Site Secretarial, Inc. - preparation of February and March 2021 meeting minutes xii. Young Environmental Consulting Group - February 2021 technical and Education & Outreach services <p>D. Authorize 2nd half payment to Coalition for a Clean Minnesota River for Water</p>

	Storage Initiative
5. New Business/ Presentations	A. Report on 2020 monitoring in Dakota County B. Report on 2020 monitoring in Carver County
6. Old Business	A. Authorize Cost Share project 11300 Goodrich Road, Bloomington B. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail C. City of Carver Levee - no new information to report D. Remote meeting participation 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 G. 2021 Legislative Action 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 ii. East Chaska Creek 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. Capstone 35 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, June 16, 2021

Upcoming meetings/Events

- 2021 USACE River Resource Forums -August & December 2021
- Metro MAWD, Tuesday, July 20, 2021 and October 19, 2021
- UMWA monthly meeting- Thursday, May 20, 2021, 12:30 pm; contact District Administrator to join

For Information Only

- **WCA Notices**
 - City of Shakopee - Notice of Application - Quarry Lake Outlet
 - City of Shakopee - Notice of Application - Southbridge Crossing
- **DNR Public Waters Work permits**
 - City of Shakopee - Quarry Lake Outlet application for work in public waters - Prior Lake Outlet Channel (PLOC)
 - City of Shakopee - Whispering Waters application for work in public waters- PLOC
- **DNR Water Appropriation permits**
 - None



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, April 21, 2021

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

Approved _____, 2021

1. CALL TO ORDER AND ROLL CALL

On Wednesday, April 21, 2021, 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.

The first item on the agenda was the Oath of Office for Manager Mraz. Manager Mraz was appointed to the LMRWD Board of Manager by the Dakota County Board of Commissioners on April 5, 2021. Manager Mraz acknowledged that she had executed the Oath of Office and the Manager's Bond.

Attorney Kolb advised that by executing the Oath of Office Manager Mraz is a fully fledged and qualified member of the Board of Managers.

The Board congratulated and welcomed Manager Mraz.

President Hartmann asked for roll call to be taken. The following Managers were present: President Jesse Hartmann, Manager Patricia Mraz, 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; Craig Diederichs and Greg Genz, LMRWD Citizen Advisory Committee; Steve Pany, Manager, Prior Lake Spring Lake Watershed District; Casey Wollschlager, Summergate Companies; Clark Wicklund, Alliant Engineering, Inc.; and Lisa Frenette, Frenette Legislative Advisors, legislative liaison for the LMRWD.

2. APPROVAL OF THE AGENDA

Administrator Loomis said she had no additions or changes to the agenda.

Manager Raby said it appeared the Financial Report was for February not March. He noted that some invoices were for January. Administrator Loomis explained that the report was for March. Invoices appear in particular months depending on when invoices are received and when they are sent to the financial service provider for payment. She said that sometimes there is a lag that can be confusing.

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

3. CITIZEN FORUM

Administrator Loomis reported that she had not received communication from anyone that wished to address the Board.

4. CONSENT AGENDA

President Hartmann introduced the item.

Manager Salvato asked about the amount remaining on the East Chaska Creek Project after this payment. It was noted that the amount remaining can be found on the Pay App that was included in the packet.

- A. Approve Minutes February 17, 2021 and March 17, 2021 Regular Meetings**
- B. Receive and file March 2021 Financial reports**
- C. Approval of Invoices for payment**
 - i. Liberty Mutual Insurance Company - 2021 Surety Bond**
 - ii. Rinke Noonan Attorneys at Law - January 2021 Legal Services**
 - iii. US Bank Equipment Finance - Copier lease payment**
 - iv. Daniel Hron - March 2021 office rent**
 - v. Metro Sales - Payment on copier service agreement**
 - vi. Dakota County Soil & Water Conservation District - Q2, Q3 & Q4 2020 Dakota County monitoring services**
 - vii. Young Environmental Consulting Group - January 2021 technical and Education & Outreach services**
 - viii. TimeSaver Off Site Secretarial, Inc. - preparation of January 2021 meeting minutes**
 - ix. Carver County Finance Department - Q1 2021 financial services**
- D. Authorize partial payment to Blackstone for East Chaska Creek**
- E. Authorize payment to RPBCWD for Hennepin County Chloride Project**

Manager Raby made a motion to approve the Consent Agenda. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

5. NEW BUSINESS

A. Lower Minnesota River One Watershed One Plan

Administrator Loomis reported that she has been attending the planning committee meetings for the One Watershed One Plan for Planning Area 56. She said the grant application for funding of the planning process will be submitted to the Board of Water & Soil Resources (BWSR) in June. She said that one of the items required for the application is to identify parties that will be included on the various committees required. Manager Raby asked if it would be appropriate for the Administrator to be appointed, since she has already been following the process.

Administrator Loomis said that Attorney Kolb answer that question. Attorney Kolb replied that policy committee members are usually elected or appointed officials. The Board thought it is important for the LMRWD to be part of the process. Manager Raby volunteered to be on the policy committee. Manager Salvato noted that she doesn't have time to take on something more. Since this is was Manager Mraz's first meeting she didn't feel comfortable volunteering at this time. Administrator Loomis said all meetings are open to the public so all Managers are able to attend the meetings whether or not they are members of the committee.

Attorney Kolb said that Manager Mraz might be willing to be the alternate, as it is the responsibilities of the alternate would not be direct and immediate. That way she could attend and be compensated according to the Board compensation policies and it is a good opportunity to learn about watershed planning processes. It would be a great benefit if she were so willing. Manager Mraz said she might be willing to be the alternate, but just can't commit right now to attending additional meetings as she is still working full time. President Hartmann he also has an issue of finding time.

President Hartmann made a motion to appoint Manager Raby as the LMRWD representative to the Lower Minnesota One Watershed One Plan policy committee and to name an alternate at a later date. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Salvato; the following voted against: None. Manager Raby abstained

Manager Mraz asked if it would be possible to appoint an alternate in a month or two. Administrator Loomis said that the Board can appoint someone at any time. She reported that the planning grant is due in June and she was not sure how long it takes for a grant to be approved. The process will not move forward until a grant is received, so it could take a while for any meetings to be scheduled.

B. Authorize 2021 Cost Share project for 11451 Landing Road, Eden Prairie

Administrator Loomis reported that this is an application for the District's Cost Share Program by a homeowner in Eden Prairie that plans to remove invasive species from a steep slope on her property and to address erosion that has been created by roof drains from the home.

Manager Raby said there were some inconsistencies in the application. The Board discussed the inconsistencies. Administrator Loomis noted the applicant has sent a corrected application and that she [Administrator Loomis] has spoken with the contractor. Manager Salvato asked about a previous application to remove buckthorn that the Board tabled. Administrator Loomis noted the District is still working with the other applicant and that some of the concern was that that property was within a home owners association. Manager Raby believed the previous application was only for removal of the buckthorn there were no plans for replacement with species to help mitigate the flow of water. Manager Salvato said she is okay with approving the application, but just wanted to note the application that was received last year.

Manager Raby made a motion to approve the 2021 Cost Share application for 11452 Landing Road. The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

C. Hennepin County Mailing

Administrator Loomis said that the Board directed that a mailing be sent to LMRWD residents living in Hennepin County. She was able to get a list of addresses from Hennepin County and there are more than 7500 individual addresses. She wanted to bring the costs back to the Board for approval, since this mailing will be more costly than the Dakota County mailing.

Manager Raby said he didn't understand why the sizes of the postcard were different in the two proposals. Administrator Loomis said the difference in sizes was just included as options and the one from MPX was based on the Dakota County mailing. Manager Raby said that he supports moving forward with the mailing since the District has money for it in the budget. Manager Salvato agreed. Manager Mraz thought it was good advertising for the District and made people aware of the existence of the District.

Manager Raby made a motion to approve the mailing to Hennepin County residents soliciting interest in becoming a LMRWD Manager with MPX Group. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

President Hartmann said this was not discussed earlier and wondered what office Manager Mraz would hold. He asked when the Board holds elections. Administrator Loomis said elections are held according to the bylaws in September. Manager Salvato noted the website still shows Manager Raby as the Secretary/Treasurer. Manager Raby said the Board can appoint an officer to fill a vacancy. Attorney Kolb that President Hartmann can make an appointment. President Hartmann appointed Manager Mraz as Vice President.

6. OLD BUSINESS

A. Authorize Cost Share project 11300 Goodrich Road, Bloomington

Administrator Loomis reported that she had been in touch with the applicant. She inspected the property and discussed the project with the applicant. The applicant did attend a class offered by the Dakota SWCD and was planning to attend the next level of classes that would help her design the project. Administrator Loomis said she had not been in touch with the applicant since the site visit. She had reached out to applicant, but has not received a response.

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

No new information to report since last update.

C. City of Carver Levee

Administrator Loomis said the cooperative agreement was revised and approved by the City at its April 5th meeting. Administrator Loomis said she had planned to include the agreement in the packet, but appears to not have done so. Manager Raby agreed that it was not in the packet. Manager Raby said he wanted to understand the revisions to the agreement and were they the ones the Board had asked for. Administrator Loomis said she will ask Attorney Kolb to review the agreement before it is executed on our end.

D. Remote meeting participation

No new information to report since last update.

E. Dredge Management

i. Vernon Avenue Dredge Material Management site

No new information to report since last update.

ii. Private Dredge Material Placement

No new information to report since last update.

F. Watershed Management Plan

No new information to report since last update.

G. 2020 Legislative Action

Administrator Loomis said she had asked Lisa Frenette to follow up on bills regarding the Freeway Landfill because the District has been notified that work will begin on this project. Ms. Frenette joined the meeting and proceeded to update the Board on what has been happening at the Legislature. Both bills the LMRWD introduced were included in the omnibus Environmental bill.

With regard to the Freeway Landfill is not specifically called out but is addressed in the legislation under qualified landfills. It is in the house bill, but not in the Senate bill. The legislation tweaks the language regarding eminent domain. She doesn't think the Senate will

make any moves on this. She said everyone she has spoken with is perplexed that the State is not using any of its authority at the moment to get onto the property and begin doing inspections. The statute was altered three years ago so that the State could get onto the property.

Ms. Frenette then explained the water storage bills under consideration. She is concerned with the wording of the bill; there is no definition of water storage and there is not enough funding. Funding was originally \$3 million but has been reduced to around \$500,000. She says it is set up to fail and it creates another level of bureaucracy. She said that no one has spoken with the watershed districts about this. She noted that the LMRWD consulted Mr. Ron Harnack, the legislative liaison for the LMRWD before Ms. Frenette, on this and he agreed that what is being considered is problematic. Manager Salvato asked if MAWD was involved. Ms. Frenette said that MAWD was not involved in the drafting of the legislation. She said there is money in both omnibus bills (House and Senate) and will likely go through. She noted it was originally specific to the Minnesota River, but was broadened during the session. She thought the funding should have been more like \$25 million.

Manager Raby said the Board should finalize the agreement with Ms. Frenette.

(Ms. Frenette left the meeting)

H. Education and Outreach Plan

i. Citizen Advisory Committee (CAC) Bylaws

Administrator Loomis said the CAC bylaws must be approved by the Board.

Manager Salvato asked if CAC bylaws from other district were looked at when these were drafted. Della Young said that they were. The LMRWD looked at other watershed districts bylaws and then prepared its own, which were reviewed by the CAC.

Manager Raby noted he had some concerns; membership said five members were to be residents of the district and there are only four that are residents of the LMRWD. He also noted that the conflict of interest language; should address conflicts other than financial. Ms. Young said that we can remove the financial conflict so that other conflicts are covered. Manager Raby noted that the list of Managers should be updated. President Hartmann noted the list of officers should also be updated.

President Hartmann made a motion to approve the CAC bylaws subject to the edits discussed. The motion was seconded by Manager Raby. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

ii. Schools and Nongovernmental Organizations Partnership Assessment

Manager Raby said he was surprised to see Jefferson is within the LMRWD. He thought perhaps Kennedy would be, but not Jefferson. Administrator Loomis said Jefferson is and Kennedy is not. No action was required on this item.

iii. LMRWD Signage Review and Recommendations

Manager Raby thinks the proposal is good. Manager Salvato is happy to see this proposal.

Manager Raby made a motion to approve staff moving forward on the signage plan. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

I. 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

No new information to report since last update.

J. Project/Plan Reviews

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

i. Burnsville Industrial Phase IV

Administrator Loomis explained this is a commercial/industrial development in the City of Burnsville. The applicant is relying on the capacity of a city owned stormwater pond for stormwater management. The LMRWD has not been able to determine that the pond has the capacity to receive stormwater from this development. The applicant was not aware that a permit from the LMRWD was needed and is under some pressure to begin construction and would like to begin construction while the LMRWD completes its review and investigation. Katy Thompson provided the board with details of the project and the LMRWD review.

The LMRWD worked with its legal counsel for recommendations as to how the District can allow construction to proceed. That is the reason financial surety is being recommended. Manager Raby asked if financial surety impacts other application on the agenda. Attorney Kolb said that is correct. Manager Salvato asked if the Board should adopt a policy for situations such as this, or if this is a temporary situation. Attorney Kolb said District already has a policy for this in its rules.

Manager Raby made a motion to conditionally approve LMRWD permit No. 2021-009, Burnsville Industrial Phase IV subject to receipt of financial assurance from the applicant. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

ii. Canterbury Park parking lot

This project is for the reconstruction and rehabilitation of parking lots at Canterbury Park. Ms. Thompson explained the work that is being permitted.

Manager Raby made a motion approve LMRWD permit No. 2021-012, Canterbury Park Parking Lot 0 Phase 2. The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

iii. City of Shakopee 2021 Street and Utility Reconstruction

The applicant for this project is the City of Shakopee. Ms. Thompson provided details of the project and the LMRWD review to the Board. She noted that this project will provide stormwater treatment to an area of the city that does not currently receive treatment. It is right next to a project that the District previously issued a permit for; Shakopee Flats.

President Hartmann made a motion conditionally approve LMRWD permit No. 2021-011, City of Shakopee 2021 Street and Utility Reconstruction upon receipt of the NPDES permit and contact information for the person responsible for compliance with the

District's inspection and maintenance requirements. The motion was seconded by Manager Raby.

Manager Salvato questioned whether or not a steep slope will be impacted by the project and was there a site visit to confirm. Ms. Thompson said she was concerned with the proximity of the project to the steep slope and consulted the City to compare maps. The construction limit is just outside the District's steep slope overlay district. She said the permit will stipulate that no work is authorized within the steep slope overlay zone.

Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

iv. Summerland Place

Administrator Loomis said this is a residential development in the City of Shakopee. She noted the applicant would like to start construction before the District's review is complete. She asked Ms. Thompson to provide the Board with more information. Ms. Thompson explained that this applicant has asked to begin construction before the Board's May meeting. This is a 117 acre development of single family residential homes. The applicant was not aware they needed to get a LMRWD permit. Attorney Kolb asked if the applicant will need to get an NPDES Permit. Ms. Thompson confirmed that is correct. Attorney Kolb point out that the NPDES permit requirement affords the District with a certain level of security the LMRWD rules will be followed should the Board decide to allow construction to move forward before the LMRWD review is complete.

Manager Raby made a motion for conditional approval subject to receipt of financial assurance in accordance with the District's rules. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

Administrator Loomis said that she and Della Young have talked about the need for an additional monthly meeting. Because Burnsville and Shakopee are seeing a lot of development and neither city has an LGU municipal permit issued by the LMRWD. Both cities are working toward getting a permit, but that is not likely to happen until later this year. In the meantime, LMRWD staff is seeing a lot of permit applications and believes an additional meeting solely for the purpose of the approving permits would help with the work flow.

Manager Salvato asked if this would reduce the time spent on the third Wednesday. Administrator Loomis said it should, but she cannot guarantee that it would. Manager Raby thinks it would have to reduce the meetings on the third Wednesday. Manager Mraz asked how long the need for these meetings would exist and if it was necessary for the full board to attend. Administrator Loomis felt the need for the meetings is temporary. She said it is better to say the Board has decided to hold regular meetings rather than call for special meetings when needed, because of the meeting notice rules in Minnesota Statute.

Manager Mraz asked if the Board could adopt a schedule of Managers to attend. Manager Raby asked if a motion was needed. Attorney Kolb said it was.

Manager Raby made a motion that the LMRWD Board of Managers meet on the first Wednesday of the month from May until September at 7:00pm for the purpose of considering permits application.

Manager Mraz said she might have a problem with making the second meetings. President Hartmann asked about the format of the additional meeting; is it the same as regular meeting? Attorney Kolb said it would follow the same format. He also asked if the meeting would be open to discussion of other topics. Attorney Kolb said the motion, which has not been seconded, is specifically for permit consideration and for no other reason. Managers discussed who would be available for a meeting May 5th. Attorney Kolb pointed out that if there is no business to be considered the meeting could be cancelled.

Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

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

7. COMMUNICATIONS

- A. Administrator Report:** The Administrator had nothing more to report than what was in the written report.
- B. Managers:** Manager Raby wanted to thank Manager Mraz for her willingness to join the Board.
- C. Committees:** No report
- D. Legal Counsel:** No report
- E. Engineer:** No report

8. ADJOURN

At 8:31 pm, President Hartmann made a motion to adjourn the meeting. Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Hartmann, Raby and Salvato the following voted against: None.

The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, May 5, 2021 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Attest:

Lauren Salvato, Secretary

Linda Loomis, Administrator



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, 5, 2021

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

Approved _____, 2021

1. CALL TO ORDER AND ROLL CALL

On Wednesday, May 5, 2021, 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: President Jesse Hartmann, Manager Patricia Mraz, 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; and Robert Brown, S. M. Hentges. Manager David Raby was absent..

2. APPROVAL OF THE AGENDA

President Hartmann asked if the agenda was just the four items. Administrator Loomis said that was correct.

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

3. CITIZEN FORUM

Administrator Loomis reported that she had not received communication from anyone that wished to address the Board.

4. NEW BUSINESS

A. Permits and Project Reviews

i. 2021-009 Burnsville Industrial Phase IV

Administrator Loomis reminded the Board that this application was conditionally approved at the April Board meeting. The Board required financial assurance from the applicant so construction could begin while the LMRWD completed its review. She then turned the meeting over to the Katy Thompson. Ms. Thompson explained that the review of the capacity of the stormwater pond has been completed and the pond has the capacity to receive stormwater from this project. She said that the project meets the District's rules. Staff is recommending that the financial assurance be discharged.

Manager Salvato asked when Atlas 14 was last updated in Minnesota. Ms. Thompson thought it was perhaps in 2010/2011. Della Young said although we may be using 2010 rainfall information this pond is in far better shape than others [it has more than sufficient capacity]. She noted that this is something that staff will keep in mind when reviewing projects on behalf of the District in the future and will note this information in the technical memos.

Manager Salvato made a motion to discharge the bond for LMRWD permit No. 2021-009, Burnsville Industrial Phase IV. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz and Salvato; the following voted against: None.

ii. 2021-013: Summerland Place

Administrator Loomis said this application is for a large residential development and was also approved conditionally at the April meeting. Financial assurance was required at the April meeting. She noted that the District did receive financial assurance and it has been deposited with the District's financial services provider.

She then asked Ms. Thompson to update the Board. Ms. Thompson said the applicant actually resubmitted the application with substantial changes from what had been submitted previously. Staff is recommending that the financial assurance not be released while the new application is being reviewed to make sure the changes will manage stormwater according the LMRWD rules, or better. She said this project will come before the board at a future meeting.

Administrator Loomis noted that no action is needed on this item it is for the Board's information only.

Manager Salvato asked for clarification about a statement in the technical memo. She asked if the statement in the paragraph above "Financial Assurance" means that modeling is not required for this project. Ms. Thompson said in this case yes. She explained that because the project is not is a high value resource area, it is not required to show a reduction in Phosphorus and Total Suspended Solids (TSS). She further explained that by constructing ponds per the stormwater manual; the applicant provided evidence of their design and how it meets the standards in the manual, one can reasonably assume that at least 85% of TSS and 50% of total Phosphorus is being treated and removed.

iii. 2021-015: Stagecoach Road Improvements

Administrator Loomis explained that this is a project where the City of Shakopee is the applicant. It is related to the S. M. Hentges redevelopment of an industrial area formerly occupied by Cretex. She then asked Ms. Thompson to provide the Board with the details.

Ms Thompson explained that this is a transportation improvement project to facilitate access to the future development of the industrial site. Manager Salvato asked if she was correct to assume that the City is responsible and obligated to maintain the system. Ms. Thompson explained that is correct; the City is responsible for maintenance of its stormwater systems. She further noter the District only requires maintenance agreements when the stormwater management system will be privately owned and maintained.

Manager Mraz asked if there is a time limit to the District's permit. Ms. Thompson explained that the permits expire after one year and that extensions can be given, but it would come back to the Board for approval of the extension.

Manager Mraz made a motion to approve LMRWD permit No. 2021-015, Stagecoach Road Improvements. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz and Salvato; the following voted against: None.

iv. 2021-019: Cretex Site After-the-Fact Permit

Administrator Loomis explained that this project was granted a permit by the city and construction began. The City then realized that the project needed a permit from the Watershed District. The City then issued a stop work order. Because construction had started, the contractor was allowed to stabilize the site. She noted that all parties have been very cooperative and asked Ms. Thompson if she had more to add.

Ms. Thompson noted a permit was applied for immediately after the contractor was notified. The actual project is a temporary project and not the final development. An area was being used for storage of aggregate that needed to be moved in order to accommodate planned construction of another project. Administrator Loomis noted that some conditions were listed in the technical memo and asked Ms. Thompson what is the status of those conditions. Ms. Thompson noted that the conditions have been met, so the permit can be approved without conditions.

Manager Salvato asked how often after the fact permit requests happen. President Hartmann noted this was the first he has experienced. Administrator Loomis said in her experience this does not happen often, but it does happen on occasion. Manager Mraz said this is the opposite situation that she had questioned earlier in the meeting- what happens when the project is not completed after a permit had been issued. Administrator Loomis said she has seen that happen more often than this situation. Often after permits have been issued things happen and a project cannot be completed; tenants pull out or financing falls through and then the project cannot be completed within the time frame of the permit.

Manager Salvato made a motion to conditionally approve LMRWD Permit No, 2021-019, Cretex Site After the Fact Permit. The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz and Salvato; the following voted against: None.

Manager Salvato noted that this is the first additional meeting of the Board of Managers and asked if the additional meetings are necessary, or could these permits have waited for the May 19th meeting. Administrator Loomis said the additional meetings will help staff manage the work flow better and that often applicants are eager to begin construction, because of the limited window for construction in Minnesota.

5. ADJOURN

At 7:31 pm, President Hartmann made a motion to adjourn the meeting. Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz and Salvato the following voted against: None.

The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, May 19, 2021 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

DRAFT

Item 4.B.
LMRWD 5-19-21

BEGINNING BALANCE	31-Mar-20	\$ 1,616,287.80
ADD:		
General Fund Revenue:		
Grant from Met Council for Eagle Creek WOMP station		\$ 4,500.00
Watershed Based Funding Grant for Area #3-Eden Prairie		\$ 63,866.00
Project Review Fees		\$ 5,500.00
Revenue from placement of Private Dredge Material		\$ 11,406.00
Financial Assurance for Summerland Place (restricted)		\$ 155,120.00
		\$ 240,392.00
	Total Revenue and Transfers In	\$ 240,392.00
DEDUCT:		
Warrants:		
429399 DRB Consulting Data Mgmnt Project Invoice #3		\$ 3,691.00
429404 Frenette Legislative Advisors Feb/March 2021 Legislative services		\$ 3,333.34
429407 Daniel Hron April 2021 Office rent		\$ 650.00
429420 Rinke Noonan Attorneys at Law February 2021 Legal services		\$ 985.50
429425 US Bank Equipment Finance April 2021 payment for copier lease		\$ 168.10
429613 Riley Purgatory Bluff Creek WD Contribution to Lower Riley Project		\$ 150,000.00
429617 Aaron Sullivan Payment for 2020 cost share project		\$ 1,240.50
429818 Frenette Legislative Advisors April 2021 Legislative services		\$ 1,666.67
429841 US Bank Equipment Finance May 2021 payment for copier lease		\$ 168.10
100015926 Naiad Consulting, LLC Jan/Feb 2021 Admin services & expenses		\$ 22,800.17
100015937 TimeSaver Off Site Secretarial Preparation of Feb 2021 meeting minutes		\$ 187.00
100015942 Young Environmental Consulting Feb 2021 Technical & Education services		\$ 35,566.57
100016243 TimeSaver Off Site Secretarial Preparation of Mar 2021 meeting minutes		\$ 223.00
		\$ 220,679.95
	Total Warrants/Reductions	\$ 220,679.95
ENDING BALANCE	30-Apr-21	\$ 1,635,999.85

EXPENDITURES	2021 Budget	April Actual	YTD 2021	Over (Under) Budget
Administrative expenses	\$ 250,000.00	\$ 40,198.22	\$ 53,242.37	\$ (196,757.63)
Cooperative Projects				
Eden Prairie Bank Stabilization Area #3	\$ 100,000.00	\$ 3,310.83	\$ 19,442.69	\$ (80,557.31)
Gully Erosion Contingency Fund	\$ -	\$ -	\$ -	\$ -
USGS Sediment & Flow Monitoring	\$ -	\$ -	\$ -	\$ -
Ravine Stabilization at Seminary Fen in Chaska	\$ -	\$ -	\$ -	\$ -
Riley Creek Cooperative Project with RPB/CWD	\$ -	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00
Seminary Fen Ravine Restoration site A	\$ 75,000.00	\$ -	\$ -	\$ (75,000.00)
Seminary Fen Ravine Restoration site C-2	\$ -	\$ -	\$ -	\$ -
509 Plan Budget				
<i>Resource Plan Implementation</i>				
Gully Inventory	\$ -	\$ -	\$ -	\$ -
MN River Corridor Management Project	\$ 75,000.00	\$ 11,447.50	\$ -	\$ (75,000.00)
TH 101 Shakopee Ravine	\$ -	\$ -	\$ -	\$ -
Assumption Creek Hydrology Restoration	\$ -	\$ -	\$ 2,125.50	\$ 2,125.50
Carver Creek Restoration	\$ -	\$ -	\$ -	\$ -
Groundwater Screening Tool Model	\$ -	\$ -	\$ -	\$ -
MN River Floodplain Model Feasibility Study	\$ -	\$ -	\$ -	\$ -
Schroeder Acres Park SW Mgmt Project	\$ -	\$ -	\$ -	\$ -
PLOC Realignment/Wetland Restoration	\$ 70,000.00	\$ -	\$ -	\$ (70,000.00)
Spring Creek Project	\$ 75,000.00	\$ -	\$ -	\$ (75,000.00)
West Chaska Creek	\$ -	\$ -	\$ -	\$ -
Sustainable Lakes Mgmt. Plan (Trout Lakes)	\$ -	\$ -	\$ -	\$ -
Geomorphic Assessments (Trout Streams)	\$ -	\$ -	\$ -	\$ -
Fen Stewardship Program	\$ 25,000.00	\$ -	\$ -	\$ (25,000.00)
District Boundary Modification	\$ -	\$ -	\$ -	\$ -
E. Chaska Creek Bank Stabilization Project	\$ -	\$ 2,185.20	\$ 7,426.84	\$ 7,426.84
E. Chaska Creek Treatment Wetland Project	\$ -	\$ -	\$ -	\$ -
MN River Sediment Reduction Strategy	\$ -	\$ -	\$ -	\$ -
Local Water Management Plan reviews	\$ 15,000.00	\$ -	\$ -	\$ (15,000.00)
Project Reviews	\$ 50,000.00	\$ 7,247.02	\$ 11,333.21	\$ (38,666.79)
<i>Monitoring</i>	\$ 75,000.00	\$ -	\$ 3,800.00	\$ (71,200.00)
<i>Watershed Management Plan</i>	\$ 10,000.00	\$ 68.00	\$ 1,037.54	\$ (8,962.46)
<i>Public Education/CAC/Outreach Program</i>	\$ 30,000.00	\$ 4,982.68	\$ 9,491.98	\$ (20,508.02)
<i>Cost Share Program</i>	\$ 50,000.00	\$ 1,240.50	\$ 1,990.50	\$ (48,009.50)
Nine Foot Channel				
Transfer from General Fund	\$ -	\$ -	\$ -	\$ -
Dredge Site Improvements	\$ 240,000.00	\$ -	\$ -	\$ (240,000.00)
Total:	\$ 1,140,000.00	\$ 220,679.95	\$ 259,890.63	\$ (880,109.37)



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, May 19, 2021

Agenda Item

Item 4. D. - Authorize 2nd half payment to Coalition for a Clean Minnesota River for Water Storage Initiative

Prepared By

Linda Loomis, Administrator

Summary

In July 2019, Mr. Scott Sparlin from the Coalition for a Clean Minnesota River (CCMR) made a presentation to the Board of Managers regarding his plans to introduce legislation that would encourage water storage in the Minnesota River Basin and provide funding for such efforts. The Board of Managers agreed to provide funding for this initiative by providing matching funds.

The Board agreed to provide a one to one match up to \$5,000 in 2019 and 2020. The first \$5,000 was requested and paid in February 2020. The second year match is now being requested. Mr. Sparlin has provided information regarding the hours spent on the initiative and the financial support raised. He has also provided a report of the work that was done.

Funds for the project are in the LMRWD budget under Education.

Mr. Sparlin is planning to seek federal support for water storage initiatives and has provided a letter sent to Minnesota's US Senators and copied to the Congressional delegation.

Attachments

excerpt of July 2019 meeting minutes

Match statement

CCMR Work Plan - Timeline

Letter to Senators Smith and Klobuchar

Recommended Action

Motion to authorize payment of second half of match to Coalition for a Clean Minnesota River

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

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

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

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

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

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

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

C. Remote meeting participation

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

D. Dredge Management

i. Review Process for funding of maintenance of Navigation Channel

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

ii. Vernon Avenue Dredge Material Management site

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

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

iii. Private Dredge Material Placement

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

E. Watershed Management Plan

Statement for Match Funding to The Lower Minnesota River Watershed District
 From The Coalition for a Clean Minnesota River (CCMR)

By Scott Sparlin Coordinator/Facilitator Minnesota River Congress/ Ex. Dir. CCMR

Hours specific to **Water Storage Initiative** for Minnesota River Congress @ \$40 hr.

2020

January	35 hrs.
February	40 hrs.
March	46 hrs.
April	40 hrs.
May	30 hrs.
June	4 hrs.
July	0 hrs.
August	0 hrs.
September	0 hrs.
October	0 hrs.
November	10 hrs.
December	0 hrs.

2021

January	50 hrs.
February	45 hrs.
March	40 hrs.
April	20 hrs.

Total Hrs. 360 = \$14,400

In person meetings

Mileage @ .52 per mile

St. Paul (2) 440, Mankato (2) 140, Henderson (1) 90, St. Peter (3) 180

Nicollet 70,

Total 920 miles = \$478,40

Total WSI expenses from January 2020 thru April 18, 2021 \$14,878.40

Money secured and designated for **Water Storage Initiative** to date

Nicollet Conservation Club	\$1500
New Ulm Area Sport Fishermen	1000
Fundraiser American Legion	970
CCMR	1500
CURE	100
Mn Ag Water Resource Center	100
Crystal Waters Project	100
Minnesota Wastewater Operators Assn.	100
Friends of Pool 2	100
Southern Minnesota Beet Sugar Coop.	100
Mankato Paddling and Outing Club	100
Doug Thomas	100
Darby and Geri Nelson	500
Total	\$6,270.00

Minnesota River Congress/CCMR Water Storage Legislative Initiative
Work Plan-Timeline 7-1-19 to 7-1-21

Final Report
accomplishments are highlighted in yellow.

July 1, 2019 to December 31, 2019

Continue to solicit, collect, compile and adapt input to be used to develop the various components of the bill. This requires face to face meetings and communicating with the potential implementers of the legislation including SWCD's, Watershed Districts, BWSR, State Agencies and numerous others. This will also be an on-going communication task given the nature of bill creation and perpetual negotiations with legislators. I will also meet with bill authors to share the compiled input in order to create first version of the bill in this time frame. This also requires face to face consultations. The bill is projected to be introduced this upcoming session of the legislature as previously indicated to me and other members of the Minnesota River Congress by the authors in both the State House and Senate.

I will continue to work with Minnesota State University Mankato Water Resources Center staff to compile and create a packet of existing data and associated documentation from various compelling studies. This will be made to distribute to legislators and partners for use in proving the need for water storage and securing support for the legislation from all parties and the public.

Do comprehensive targeted outreach, meet, as well as communicate with key water related, conservation, natural resource and agricultural entities to secure all levels of backing such as partnerships, resolutions and letters of support. This task is a focus of this time frame but will continue to be a task for the entire time as well.

I have met and will be meeting in person with Governor's past federal staff. I am confident I will ultimately obtain a meeting with Governor through those contacts and my past relationship with the Governor during his time in the U.S. House of Representatives. I will attempt to persuade the Governor to champion the water storage legislation and the river system in general going forward. He has close ties to Mankato and served as the House of Representatives chair of the "Sportsman's Caucus"

In consultation with authors we will also explore the potential for working within existing legislation to modify content which will likely take the same route of activity and actions by myself and others as laid out here.

Total \$3500 Includes on-going full 2-year period tasks from above

December 1, 2019 to May 15, 2020

Meet in person and continue distribution of created information packets to legislators from both political parties in both houses of the legislature to obtain sponsorship and sign on to the bill.

Continue meetings with SWCD's for advancement of basin resolutions in support of a water storage bill to be taken to the state level for confirmation vote.

Work with bill authors to introduce the bill and obtain first hearings in both house and senate and foster progress.

When hearings are scheduled, we will arrange for testimony from important key affected individuals and entities such as agricultural producers, farming organization representatives, The Lower Minnesota River Watershed District, conservation organizations, city, county and state entities that deal with infrastructure maintenance.

We will develop an infrastructure protection awareness document and identify and secure point communication persons able to articulate the potential for infrastructure damages if something is not done on a larger scale such as we propose.

We will work with key partners to develop regular press releases and other means of media communications to increase public awareness about the nature and status of the bill.

We will participate in and work with organizers of "Water Action Day" at the State Capitol to include it as a priority talking point with all state legislators and see that information about it is included in the packet handout for the day by participants.

We will solicit and request statements in support from the Governor. To accomplish this task, I will set up a meeting with staff, provide information and consultation as to what we want to convey to the greater public.

Time frame total \$2000

May 15, 2020 to December 31, 2020

I will work with the bills authors and sponsors to obtain committee hearings and consult with them to make any critical changes to ensure progress.

I will continue to foster the progress of the bill and advocate for its enactment. I will also seek out additional member support. This task requires trips to St. Paul and face to face meetings with legislators.

I will meet in person with federal elected house and senate members to explore options for federal partner funding if the state were to sign a water storage bill. The bill will be under more serious consideration at this time and federal funding opportunities can become a critical incentive for the state to enact a water storage bill if significant dollars are accessible at the federal level. Given that circumstance we will work to communicate these opportunities to the public and work in consultation with federal legislators and staff to develop the communication strategy and plea for public support at the state level to access the federal funding.

I will explore the potential for private foundation funding by meeting face to face with officers to discuss the feasible possibilities if the state were to enact the water storage bill.

I will explore the potential for Legacy Amendment funding through the LSOHF and Clean Water Fund by meeting with officers and discussing face to face the feasible possibilities if the state were to enact the water storage bill.

I will explore and compile other forms of funding to partner with by meeting with organizations and businesses who may want to play a part in creating and or enhancing water storage.

Time frame total \$2500

January 1, 2021 to July 1, 2021

I and the authors of the bill will continue to shepherd and monitor the bill through the next critical final phases. This task involves trips to the capitol for hearings and meetings to strategize with various legislators, staff and other key partners and people. I will set up and help coordinate testimony people in consultation with legislative staff as needed.

Working with bill authors and sponsors we will secure committee hearings and get a vote on a final water storage bill passage.

I will work with federal partners to strategize on process for accessing federal dollars available after the legislation is passed and enacted.

I will provide a final report on the initiative **Time frame total \$2000**

4/6/21

Senator Tina Smith
60 Plato Blvd Suite # 220
St. Paul, MN 55107

Senator Amy Klobuchar
1200 South Washington Ave #250
Minneapolis, MN 55415

Dear Honorable Senators Tina Smith, Amy Klobuchar,

We have reached a water management crisis in Minnesota, certainly not limited to anywhere in the state, but especially evident in the Minnesota River Watershed. Due to land use practices both urban and rural we have now reached the point that if we do not begin to both temporarily and permanently store more water, we will continue to experience increased collective, infrastructural, health and societal, as well as business losses at an unacceptable rate putting many Minnesotans at risk. Exacerbating this condition is the climatic trend and future prediction of increased rainfalls in short periods of time. The combination of all these factors leads first to small and medium streambank erosion. The dislodged sediments combined with increased flows enable sediment and nutrient delivery to our lakes, major tributaries, and main stems where they then flow downstream all the way to the Mississippi, Lake Pepin and ultimately the Gulf of Mexico.

We are a water blessed state and the time to invest in a major water storage initiative is upon us. The compelling data concerning the need, especially in the Minnesota River Basin, has been thoroughly studied and is well documented. The fact is, most of society has observed and intuitively known this for a long time. We have engineered ourselves into this condition and we also have the technical knowhow to mitigate it. We now need the commitment, and the significant financial resources, to accomplish the goal. In many cases our government (all of us) paid to create the challenges we are faced with. The time is now for all of us to come together for the greater good of future generations of Minnesotans. This is not an investment we can ignore, or we will pay much higher prices in short years to come.

It is our belief that we need specifically targeted temporary and permanent water storage funds to be directed to the implementers such as Soil and Water Conservation Districts, Watershed Districts, local units of government including native first nations and participating willing landowners.

Scientific Background

Extensive scientific data collected over decades shows clearly that we need to put more water storage on the landscape. Additional water storage can protect infrastructure and improve water quality. Diverse water storage practices, such as replacing historically drained lakes and wetlands and increasing soil health, will all help to achieve this goal. The climatic trend and future prediction of increased rainfalls in short periods of time will only exacerbate the issue.

The Minnesota River Congress is using the Collaborative for Sediment Source Reduction (CSSR see attached) and Management Options Simulation Model (MOSM) study recommendations in conjunction with the rich datasets available through state agency monitoring, assessment and conservation targeting (WRAPS, TMDLS, 1W1P) to support the case for the need for more water storage.

Currently we have enlisted the help of several Minnesota State Legislators on both sides of the aisle to introduce and advance legislation that would create a program which would incentivize landowners to store water on the landscape. The incentives would also include the adoption of best management practices for landowners to increase the ability of topsoil to retain water. A by-product of that practice is the recharge of our ground water supplies. With that said it is not going to be enough for Minnesota to try to do this on its own. We simply do not have the resources to implement this program on the scale it needs to be done to be completely effective. That is why we are asking you to help us begin to secure the resources at the national level. Minnesota will do its part, but with a federal partnership this could provide an inspiration across the country that when we work together nothing is insurmountable.

After over 3 years and 25 basin-wide meetings attended by a diverse cross section of the population, it has become very apparent that any way water storage in any form can be accomplished is of the utmost priority. Over and over from every part of the basin we heard water storage has to be addressed if we are going to be serious about protecting our infrastructure and improving our surface water. The good news is it can be achieved without adversely affecting agri-business or community development. We simply need it to be realistically funded to the degree it needs to be effective. It already has been prioritized by the implementers.

In closing, Senator Klobuchar, and Senator Smith, as members of the Senate Agriculture Committee you can formulate policies as well as develop funding through new or current USDA programs that can help to deal with these issues.

We (a small group of coalition members) would like to meet as soon as possible to discuss next steps to work with you to address these matters.

Most Sincerely, on behalf of the Minnesota River Congress supporters and cooperators
Scott Sparlin, Coordinator/Facilitator
PO Box 488, New Ulm, MN 56073
sesparlin@gmail.com

Mayor Robert Beussman
City Hall, 11 North Minnesota St.
New Ulm MN 56073

Mayor Dave Smiglewski
641 Prentice St.
Granite Falls, MN 56241

The following entities have provided written support for our Water Storage Initiative:

City of Henderson (signed endorsement and resolution)
City of Granite Falls (signed endorsement and resolution)
City of Eden Prairie (signed resolution)
City of Arlington (signed endorsement)
City of Amboy (signed endorsement)
City of New Ulm (passed resolution)
City of Mankato (signed resolution)
City of St. Peter (signed endorsement)
City of Olivia (signed endorsement)
City of Nicollet (signed endorsement and resolution)

City of Redwood Falls (signed resolution)
City of Springfield (signed endorsement and resolution)
City of Winthrop (signed resolution and endorsement)
Minnesota Association of Watershed Districts (resolution passed and signed)
Lower Minnesota River Watershed District (resolution passed and signed)
Blue Earth County SWCD (signed endorsement)
Brown County SWCD (signed endorsement)
Martin County SWCD (signed endorsement)
Faribault County SWCD (signed resolution)
Cottonwood County SWCD (signed endorsement)
McCloud County SWCD (verbal will endorse)
Nicollet Conservation Club (signed endorsement)
MASWCD (relative resolution)
Area 6 SWCD (11 Counties) (in principle)
Area 5 SWCD (10 Counties) (in principle)
Lake Pepin Legacy Alliance (signed endorsement and resolution)
Izaak Walton League MN State Chapter (resolution passed)
Friends of Pool 2 (signed endorsement)
Crystal Waters Project (signed endorsement)
Minnesota River Congress (signed endorsement)
New Ulm Area Sport Fishermen (signed endorsement)
Rural Advantage (signed endorsement)
Clean Up the River Environment-CURE (signed endorsement)
The Coalition for a Clean Minnesota River (signed endorsement and resolution)
Redwood Country Farmers Union (resolution passed and signed) (State Pending)
Friends of the Minnesota Valley (signed endorsement)
Izaak Walton League MN Valley Chapter (signed resolution)
Minnesota Center for Environmental Advocacy (signed endorsement)
Anglers for Habitat (signed endorsement)
Minnesota Conservation Federation (signed endorsement)
Fish and Wildlife Legislative Alliance (signed endorsement)
Blue Earth Project (signed endorsement)

cc: Governor Tim Walz
Rep. Jim Hagedorn
Rep. Angie Craig
Rep. Dean Phillips
Rep. Betty McCollum
Rep. Ilhan Omar
Rep. Tom Emmer
Rep. Michelle Fischbach
Rep. Pete Stauber
Rep. Paul Torkelson
Senator Gary Dahms
John Jaschke BWSR
Sarah Strommen MNDNR
Thom Petersen MDA



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, May 19, 2021

Agenda Item

Item 5. A. - Report on 2020 monitoring result from Dakota County

Prepared By

Linda Loomis, Administrator

Summary

Lindsey Albright will join the meeting to update the Board with the results of the 2020 monitoring conducted in Dakota County.

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, May 19, 2021

Agenda Item

Item 5. B.

Prepared By

Linda Loomis, Administrator

Summary

Andrew Edgcumbe will join the meeting to update the Board with the results of the 2020 monitoring conducted in Carver County.

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, May 19, 2021

Agenda Item

Item 6. A. - Authorize Cost Share project 11300 Goodrich Road, Bloomington

Prepared By

Linda Loomis, Administrator

Summary

The applicant has informed the LMRWD that she is not planning to move forward with the project at this time. The school where she teaches has gone back to in-person learning and she doesn't feel she has time right now to attend the classes and work on the project.

Attachments

No attachments

Recommended Action

No recommended action



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, May 19, 2021

Agenda Item

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

Prepared By

Linda Loomis, Administrator

Summary

LMRWD staff is working to organize a site visit by the partners in order to be able to decide how to proceed with this project. I have been in touch with the applicant and she will approach owners of neighboring properties to determine whether or not any of them would be interested in participating in a demonstration project.

This location may be a good site for a demonstration project because the lower portion of the slope is US Fish & Wildlife property and Minnesota River State Trail runs through the area.

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, May 19, 2021

Agenda Item

Item 6. D. - Remote meeting participation

Prepared By

Linda Loomis, Administrator

Summary

Since the LMRWD Board of Managers has been meeting virtually for over a year, this item may seem like it is not necessary. However, once the health emergency is over, the Board will return to meeting in person and will be required to follow open meeting laws. The Board of Managers may want to be able to allow virtual participation in the meetings by individuals concerned with attending public meetings.

I have been in touch with Carver County and starting later in May County Board meetings will be convened in person. The Plans are to open the Government Center to the public in June. The County will continue to hold most of their meetings virtually - planning commission, library board, park board, board of adjustment, etc. The County has some portable Cisco WebEx units in the boardroom for the virtual meetings. They plan on implementing a more permanent solution in the board room at some point and will keep in mind the needs of the watershed for such a solution.

The LMRWD will work with legal counsel as it gets closer to being able to meet in person. It is likely that Board of Manager meetings will be some kind of hybrid; where not all of the Board needs to be present in person.

Attachments

No attachments

Recommended Action

No recommended action



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, May 19, 2021

Agenda Item

Item 6. E. - Dredge Management - no new information to report - no new information to report

Prepared By

Linda Loomis, Administrator

Summary

i. Vernon Avenue Dredge Material Management site

No new information to report

ii. Private Dredge Material Placement

LS Marine provided the total volume of material from private terminals placed on the site in 2020. Cargill, CHS, and Savage Riverport were billed \$1/cubic yard according to the license agreement as follows:

- Cargill West Terminal 25,663 cubic yards
- Cargill East Terminal 17,375 cubic yards
- CHS Savage Terminal 9,927 cubic yards
- Savage Riverport Terminal 11,406 cubic yards

Cargill requested as built specifications for the containment area that will be used when material is removed. Drawings were provided to Cargill and LS Marine, as well.

Attachments

No attachments

Recommended Action

No recommended action



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, May 19, 2021

Agenda Item

Item 6. G. - 2021 Legislative Action

Prepared By

Linda Loomis, Administrator

Summary

The Legislature is scheduled to adjourn this week. There is a flurry of last minute activity. One item to note is the Governor is still holding on to his emergency powers, which needs to be revisited every 30 days.

Lisa Frenette will be at the meeting to update the Board and answer questions from the Board.

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, May 19, 2021

Agenda Item

Item 6. H. - Education & Outreach

Prepared By

Linda Loomis, Administrator

Summary

The Citizen Advisory Committee (CAC) met on May 4th. A question came up during a discussion of the bylaws and that was whether or not CAC members that live outside the boundaries of the District are voting members. We are checking with legal counsel about requirement of the state. The bylaws that were presented to the Board state "...persons who are residents...serve in an ex-officio capacity." The CAC asked if that was the intent of the Board.

In addition, the CAC was tasked with reviewing the LMRWD website and to make recommendations for additional information that could be added or changes to make the site more user-friendly.

A survey was generated for the CAC to complete to enhance information about the CAC on the LMRWD website.

The next meeting of the CAC will be June 1, 2021 at 9:00am.

Attachments

[CAC Bylaws](#)

Recommended Action

Affirm voting status of non-resident CAC members



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, May 19, 2021

Agenda Item

Item 6. I. - LMRWD Projects

Prepared By

Linda Loomis, Administrator

Summary

i. **Eden Prairie Study Area #3**

LMRWD staff met with Inter-Fluve on May 6, 2021. A report of the meeting is attached for the Board's information. One of the decisions to come out of the meeting was the determination that bathymetry data needs to be collected to better inform the design alternatives. Bathymetry was not included in the work plan that was submitted to the Board of Water & Soil Resources (BWSR). BWSR has been notified and the work plan is being updated.

ii. **East Chaska Creek Restoration**

On May 6, 2021, LMRWD staff met Chaska officials and the contractor, Blackstone, on-site to inspect the work that remains on the project. A report of the site inspection is attached for the Board's information.

Attachments

Area 3 Minnesota Riverbank Stabilization Project Update
East Chaska Creek Restoration - Construction Update

Recommended Action

No action recommended

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

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

Date: May 13, 2021

Re: Area 3 Minnesota Riverbank Stabilization Project Update

As discussed at the February 17, 2021, board meeting, the Lower Minnesota River Watershed District (LMRWD) approved awarding the Area 3 Minnesota Riverbank Stabilization Project contract to Inter-Fluve as the most qualified and responsive bid. Since the approval, Young Environmental staff have been working with Inter-Fluve as they reviewed the previous studies, completed a site investigation and drone survey, and completed an alternatives review analysis.

On May 6, 2021, Young Environmental and the LMRWD administrator met with Inter-Fluve to review its draft findings and alternative review memorandum. In its evaluation of the site, Inter-Fluve suggested that the riverbank erosion at Area 3 is likely being caused by several factors:

- Natural progression of the river meander is contributing to erosion.
- Several groundwater seeps are present at the base of the slope and have the potential to saturate the soils and weaken the integrity of the bluff, causing erosion.
- Land development on top of the bluff can cause increased runoff from rooftops and sump pump discharges in addition to creating infiltration opportunities from features such as pools and stormwater basins. Inter-Fluve has posited that the increased infiltration on top of the bluff could have increased groundwater pressure and increased the flow at the existing seeps, further destabilizing the riverbank.
- Previous bank stabilization attempts by the City of Eden Prairie to protect the stormwater pond in the floodplain are exacerbating the erosion at Area 3 by

preventing the river from migrating downstream. This armoring of the riverbank at the stormwater pond is pushing the river's forces north and into the Area 3 toe.

Inter-Fluve has not yet recommended a design solution because its findings have been inconclusive as to the primary cause of the erosion. The team has recommended moving up its detailed bathymetric survey from the 100-percent plan development phase to the week of May 17 in an effort to develop an appropriate solution to arrest the river's migration north. Following the collection of the bathymetric survey data, Inter-Fluve will present its findings and recommendations to the LMRWD administrator and Young Environmental on May 24.

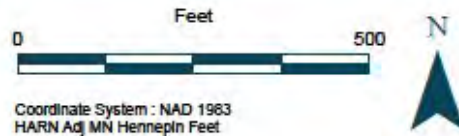
Additionally, the LMRWD administrator and Young Environmental discussed the project with the City of Eden Prairie on April 13, 2021. The City indicated that the proposed Area 3 designs may encroach on private property and could require a temporary easement for construction. When Inter-Fluve makes its design recommendation on May 24, we will then know the extent of the construction and whether a temporary easement will be necessary.

Attachment

Inter-Fluve Site Photos, April 2 and 6, 2021



DRAFT



- NOTES:**
1. Aerial imagery from 2020.
 2. Lidar derived slope data collected in 2011.
 3. Parcel and road data downloaded from Hennepin County GIS, April 2021

**Area 3 Minnesota River
Bank Stabilization Project**



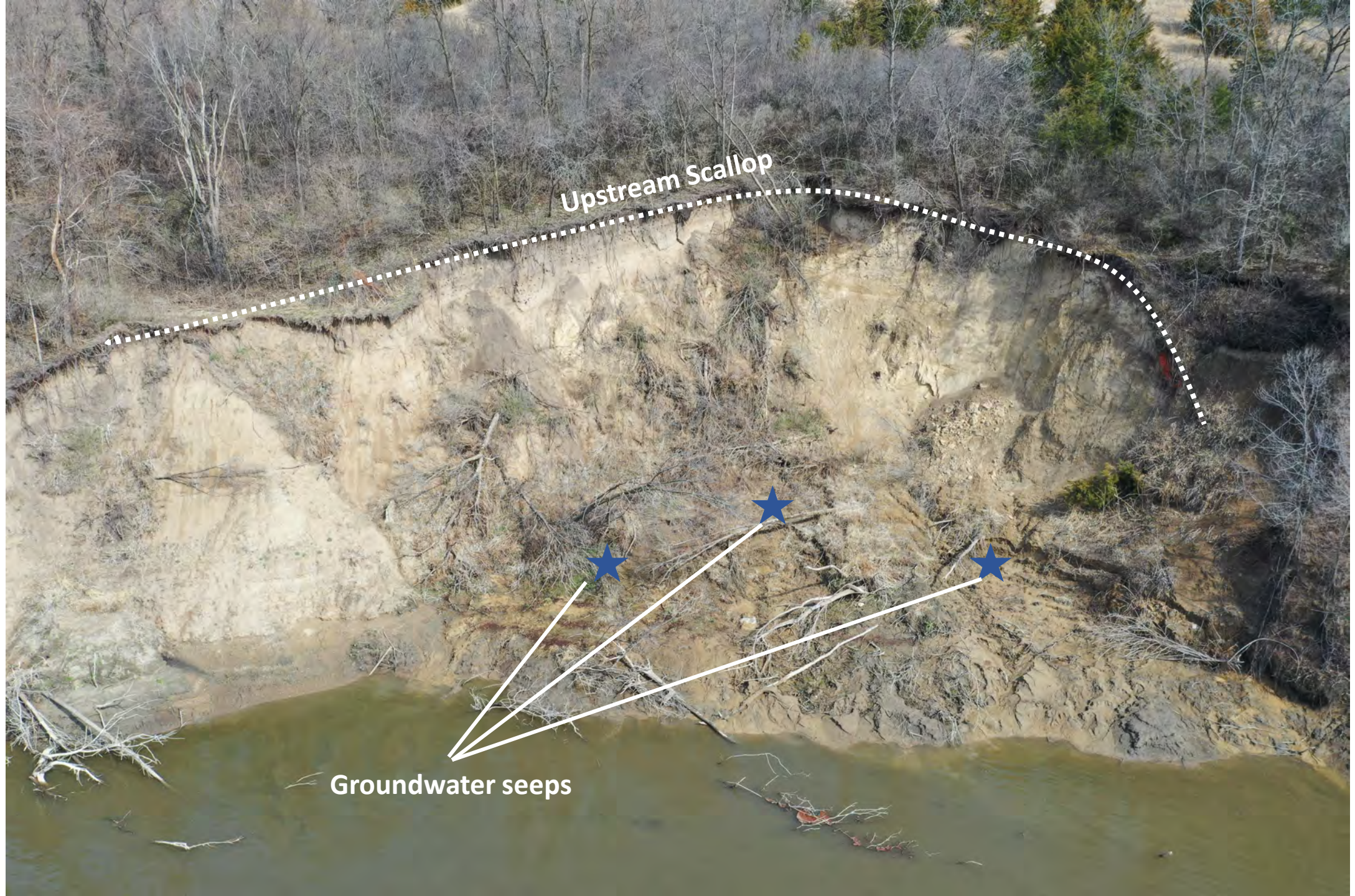
UPPER BLUFF

BLUFF

BLUFF-TOE
(EXTENDS TO CHANNEL BOTTOM)

Upstream Scallop





Upstream Scallop

Groundwater seeps





Incised Channel

Stormwater
Outfall



Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

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

Date: May 13, 2021

Re: East Chaska Creek Restoration—Construction Update

At the December 13, 2019, board meeting, the Lower Minnesota River Watershed District (LMRWD) approved awarding the East Chaska Creek Restoration Project contract to Blackstone as the validated low bidder. Since contract award, Young Environmental and Barr Engineering Co. (Barr) staff have been working with the City of Chaska and Blackstone through final project permitting in 2020 and construction beginning in January 2021.

Blackstone was issued a Notice to Proceed on January 18, 2021, and construction began on January 26, 2021. Because of the extreme cold weather in February, the project was delayed for two weeks but was substantially completed by March 5, 2021. The cold weather conditions during construction meant that Blackstone was unable to properly compact the excavated material on the slopes. In addition, the stream restoration work at Crosstown Boulevard was put on hold until the ground thawed in the spring because a gas main in the construction area was determined to be in the frost layer.

Site Visit

On May 6, 2021, Young Environmental and the LMRWD administrator met with the City of Chaska, Barr, and Blackstone on site to identify locations for plantings and additional restoration and to review the work to be completed at Crosstown Boulevard.

During the site walk, it was apparent that the dormant seed placed in March to stabilize the disturbed areas had a poor germination rate and that the frozen material placed on the banks gave a bumpy and rather messy appearance (Attachment 1, Photos 1 and 3).

After discussion with the City and Blackstone, Barr directed Blackstone to return to the site to compact the lumpy areas and reseed if necessary. The City has provided stakes indicating where plants (red twig dogwood and swamp white oak) will be placed. Several banks were noted to be too steep, especially near the City stormwater outfall, and Blackstone said its crew would return and flatten the slope to prevent further erosion.

Several of the in-channel rock structures appeared to have caused bank erosion as a result of improper elevations of the header rocks and/or footer logs. These locations were noted by Barr and will be reviewed by the design engineer to determine what actions need to be taken (Attachment 1, Photos 2, 4, and 5).

At Crosstown Boulevard, the previous utility locate flag showing the location of the high-pressure gas main downstream from the bridge was still present (Attachment 1, Photo 6). Given the location of the main directly underneath the proposed plunge pool, it was agreed that the plunge pool would be shifted downstream, past the gas main, so that no excavation would occur immediately on top of the main. Sand, filter fabric, and salvaged riprap would be placed on top of the gas main location to extend the bridge apron elevation beyond the gas main, at which point the plunge pool and final boulder weir could be constructed.

Fiber-Optic Line

Following the site walk, Blackstone called in a new utility location survey and returned to the site on Friday May 7, 2021, to complete the majority of the finish grading, confirmed by the City of Chaska. The utility locate showed the presence of a fiber-optic line approximately five to ten feet downstream from the gas main. The City discussed adjusting the design further by shifting the plunge pool another ten feet, beyond the fiber-optic line. This alternative would increase the amount of riprap needed, but the additional amount needed will have to be determined based on the proposed solution.

Young Environmental met with Barr on May 12, 2021 to discuss the proposed field fit and whether altering the design would present any issues with the permits. Barr has developed a solution that continues to meet the permit obligations while also protecting the existing utilities (Attachment 2). Further coordination is expected to continue this week, and staff will be prepared to provide an update to the managers as needed.

Attachments

Attachment 1—May 6, 2021, Site Photos and Locations











Attachment 2—Crosstown Boulevard Design Adjustments



Figure 1: East Creek Restoration May 6, 2021 Photo Locations



LEGEND

- | | |
|---|---|
|  Construction Limits |  City Trails |
| In-Stream Features |  MnDNR 2-ft Contours |
|  Rip Rap |  City Parcels |
|  Rock Vane |  Public Waters |
|  Rock Weir |  LMRWD Boundary |
|  Rootwad | |

LMRWD Watershed Map



Photo Location #1: Right bank spoils pile and poor vegetation establishment before final grading.



Photo Location #2: Right bank rootwad and vertical bank before final grading.



Photo Location #3: Left bank spoil pile and poor vegetation establishment before final grading.



Photo Location #4: Example of right bank erosion at cross vane.



Photo Location #5: Bank erosion at cross vane.

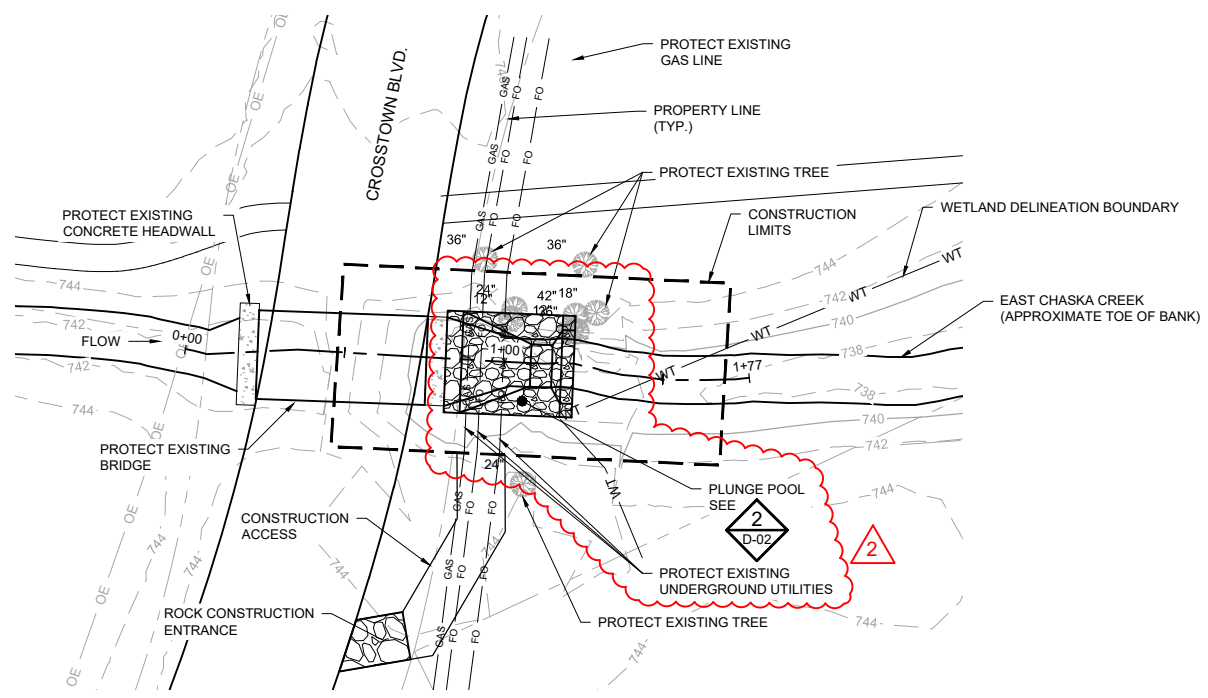


Photo Location #6: View downstream from Crosstown Boulevard bridge and approximate locations of the gas and fiber-optic utilities.

Approximate location of fiber-optic line

Approximate location of gas line

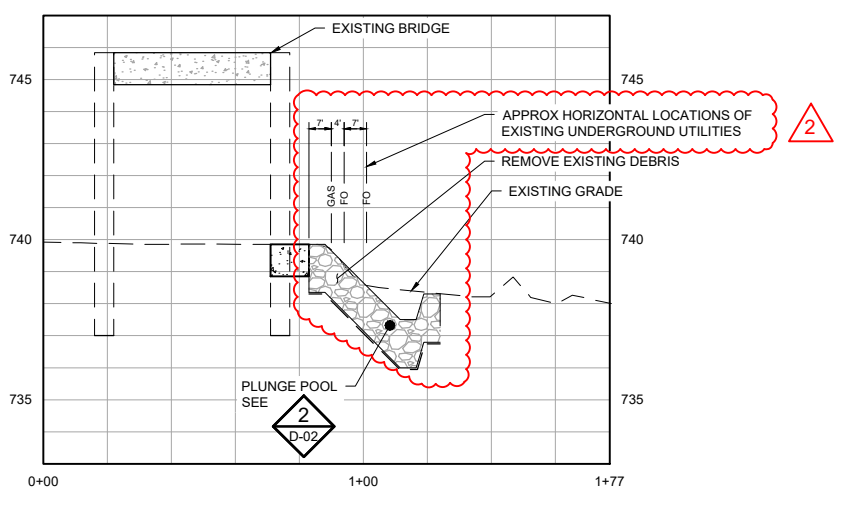




SYMBOL AND PATTERN LEGEND

---	EXISTING 10' CONTOUR
- - - -	EXISTING 2' CONTOUR
---	CONSTRUCTION LIMITS
---	EXISTING PROPERTY LINE
OE	EXISTING OVERHEAD ELECTRIC
SS	EXISTING STORM SEWER
GAS	EXISTING GAS LINE
WT	WETLAND DELINEATION BOUNDARY
[Pattern]	RIPRAP

1 PLAN: STREAM RESTORATION (AREA 1)
 SCALE IN FEET



2 PROFILE: STREAM RESTORATION (AREA 1)
 HORIZONTAL SCALE IN FEET VERTICAL SCALE IN FEET

- NOTES:**
- CONTRACTOR IS RESPONSIBLE TO LOCATE AND FIELD VERIFY ALL EXISTING UTILITIES PRIOR TO WORK.
 - ALL EXISTING ROADS, PARKING LOTS, TRAILS, FENCES, SIGNS, OR SIMILAR SHALL BE PROTECTED DURING CONSTRUCTION. CONTRACTOR RESPONSIBLE TO COORDINATE SURVEYS WITH THE CITY AND/OR OWNER TO DOCUMENT PRE-CONSTRUCTION EXISTING CONDITION ISSUES.
 - CONTRACTOR SHALL INSTALL AND MAINTAIN ALL EROSION CONTROL BMPs PRIOR TO COMMENCEMENT OF GRADING FOR EACH LOCATION DURING CONSTRUCTION. EROSION CONTROL PLANS ARE PROVIDED INSIDE THE PROJECT STORMWATER POLLUTION PREVENTION PLAN (SWPPP).
 - ALL GROUND DISTURBANCE GENERATED FROM GRADING ACTIVITIES SHALL BE STABILIZED AND RESTORED WITH A MINIMUM OF 6 INCHES OF TOPSOIL, SEED W/COVER CROP AND EROSION CONTROL BLANKET OR STRAW MULCH. THE TOPSOIL USED FOR RESTORATION MAY BE STOCKPILED FROM GRADING AREAS.
 - CONSTRUCTION LIMITS AS SHOWN ARE APPROXIMATE. CONSTRUCTION LIMITS SHALL BE WITHIN THE CHANNEL BANKS. CONTRACTOR TO COORDINATE WITH ENGINEER AND CITY OF CHASKA TO STAKE CONSTRUCTION LIMITS.
 - CLEARING AND GRUBBING TO BE PERFORMED ONLY WITHIN GRADING LIMITS AND ACCESS ROUTES UNLESS DIRECTED BY ENGINEER.
 - COMPACTED SOIL MUST BE DECOMPACTED TO A SOIL COMPACTION TESTING PRESSURE OF LESS THAN 1,400 KILOPASCALS OR 200 POUNDS PER SQUARE INCH IN THE UPPER 12 INCHES OF SOIL.
 - STREAM STABILIZATION FEATURES WILL BE PLACED SUCH THAT THE CONVEYANCE CAPACITY OF THE CHANNEL IS MAINTAINED, AS DIRECTED BY THE ENGINEER.

ISSUED FOR CONSTRUCTION

CADD USER: Patrick E. Brockamp FILE: M:\DESIGN\2310\028\028_C-02.DWG PLOT SCALE: 1:2 PLOT DATE: 5/11/2021 6:02 PM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.		CLIENT BID CONSTRUCTION		07/08/19 10/23/19 03/02/20 05/11/21		Project Office: BARR ENGINEERING CO. 4300 MARKETPOINTE DRIVE Suite 200 MINNEAPOLIS, MN 55435 Corporate Headquarters: Minneapolis, Minnesota Ph: 1-800-632-2277 Fax: (952) 832-2601 www.barr.com	Scale AS SHOWN Date 05/11/2021 Drawn PEB Checked JJW2 Designed BARR Approved JOH		EAST CHASKA CREEK RESTORATION CHASKA, MINNESOTA PLAN AND PROFILE, REMOVALS AREA 1		BARR PROJECT No. 23/10-1028.02 CLIENT PROJECT No. - DWG. No. C-02 REV. No. 2	
2	PEB	JW2	JOH	05/11/2021	PLUNGE POOL REVISIONS		RELEASED TO/FOR A B C 0 1 2 3 DATE RELEASED		LOWER MINNESOTA RIVER WATERSHED DISTRICT CHASKA, MINNESOTA			
1	EPF	JW2	JOH	03/02/2020	ISSUED FOR CONSTRUCTION	PRINTED NAME JOHN P. HANSON SIGNATURE DATE 05/11/2021 LICENSE # 24678						
0	EPF	AKH	JDW	10/23/2019	ISSUED FOR BID							
NO.	BY	CHK.	APP.	DATE	REVISION DESCRIPTION							



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, May 19, 2021

Agenda Item

Item 6. J. - Permits and Project Reviews

Prepared By

Linda Loomis, Administrator

Summary

i. Capstone 35 - LMRWD permit no. 2021-017

The LMRWD received an application for a permit for the construction of two office/warehouse buildings at 12501 DuPont Avenue South, in the City of Burnsville. Staff has reviewed the plans and specifications for compliance with the LMRWD rules and its report is attached.

Staff is recommending conditional approval of permit no. 2021-017 subject to receipt of the NPDES (National Pollutant Discharge Elimination System) permit, contact information for the individual/s responsible for compliance and a copy of the executed maintenance agreement once it has been recorded with Dakota County.

Attachments

Technical Memorandum: Capstone 35 (LMRWD Permit No. 2021-017)

Recommended Action

Motion to conditionally approve LMRWD Permit No. 2021-017 subject to receipt of the NPDES permit, the contact information of the individual/s responsible for compliance and a copy of the executed maintenance agreement once it has been recorded with Dakota County.

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Kaci Fisher, Environmental Specialist
Katy Thompson, PE, CFM

Date: May 14, 2021

Re: Capstone 35 (LMRWD No. 2021-017)

Shaw Construction, Inc. (applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to develop a commercial site within an existing industrial park in the City of Burnsville (City), as shown in Figure 1. The applicant's engineer, Rehder & Associates, Inc., has provided site plans for the Capstone 35 project (Project) with the permit application.

The proposed project consists of constructing two 115,888-square-foot (approximately 5.32-acre total) office/warehouse buildings on an undeveloped parcel. The project would disturb approximately 16.62 acres and create 10.53 acres of new impervious surfaces. The project is not located within the High Value Resource Area, Steep Slopes Overlay District, or Minnesota River floodplain, and the applicant proposes to commence construction on May 24, 2021.

Because the City does not have its LMRWD municipal LGU permit, this project requires an LMRWD individual permit and is subject to an LMRWD permitting review.

Summary

Project Name: Capstone 35

Purpose: Commercial facility located within Burnsville Industrial Park

Project Size: 16.62 acres disturbed; 0.24 acres existing impervious;
10.77 acres proposed impervious; net increase of 10.53
acres new impervious

Location: 12501 Dupont Avenue, Burnsville, MN 55337 (Parcel 037-028600101020)

LMRWD Rules: Rule B—Erosion and Sediment Control
Rule D—Stormwater Management

Recommended Board Action: Conditional approval

Discussion

The District received the following documents for review:

- LMRWD online permit application, received April 20, 2021
- Project Map, dated October 21, 2020, received April 20, 2021
- Grading, Drainage, Erosion Control, & SWPPP Plan by Rehder & Associates, dated April 9, 2021, received April 20, 2021, revised May 4, 2021
- Storm Water Management Report by Rehder & Associates, dated April 5, 2021, revised April 9, 2021, received April 20, 2021
- Lady Bird Pond Water Quality Memo by SEH, dated June 28, 2016, received April 20, 2021
- Response Action Plan and Construction Contingency Plan by Braun Intertec, dated February 26, 2021, received April 20, 2021
- LMRWD permit fee of \$1,500, received May 1, 2021
- Stormwater Narrative by Rehder & Associates, received May 4, 2021
- Draft Low Impact Development (LID) Management Practices Agreement, received May 4, 2021
- Property owner contact information via email dated May 4, 2021
- Landscape Plan by Rehder & Associates, dated May 5, 2021, received May 5, 2021
- LMRWD authorization of agent form, received May 12, 2021

The application was deemed complete on May 12, 2021, and the documents received provide the minimum information necessary for permit review.

Background

This development is part of a larger regional development called the Minnesota River Quadrant (MRQ), which is generally bounded by the Minnesota River to the north, I-35W to the east, and Lynn Avenue to the west. The City identified the MRQ for future development and redevelopment in 2011 and created an overall master plan for stormwater management that would meet its standards for stormwater rate control and water quality. The MRQ is immediately upstream of the City's drinking water intake and within the Minnesota Department of Health's Drinking Water Supply Management Area (DWSMA), precluding on-site infiltration. Overall, the initial 2011 plan proposed to meet the City's stormwater standards by using lined wet ponds that would maintain existing

discharge rates for the 2-, 10-, and 100-year storm events while removing 90 percent of the total suspended solids (TSS) and 60 percent of the total phosphorus (TP) from the new development and redevelopment areas contributing to these ponds. This plan is more stringent than the LMRWD rules, which require only no net increase in TSS or TP.

In 2016, the Lady Bird regional pond was constructed to provide treatment on the east side of the MRQ. According to the SEH Lady Bird Pond Water Quality memo dated June 28, 2016, the pond was designed to meet the requirements of the Minnesota Pollution Control Agency’s Construction Stormwater Permit. It is a two-cell wet pond with an established water quality volume of 63,200 cubic feet and the capacity to provide water quality treatment volume for 17.4 acres of new impervious surface within the MRQ. The memo also states that the City of Burnsville’s requirements of 70 percent TSS and 30 percent TP removal will be met for all new developments within the pond’s drainage area. Per a review of recent aerial photos, Capstone 35 is the first major development to utilize the Lady Bird regional pond for water quality treatment.

Rule B—Erosion and Sediment Control

The District regulates land-disturbing activities that affect one acre or more under Rule B. The proposed project would disturb approximately 16.62 acres within the LMRWD boundary. The applicant has provided a grading, drainage, and erosion control plan and a stormwater pollution prevention plan. The following items should be provided to the District as soon as they are available:

- A copy of the NPDES permit
- Names of and contact information for the contractor and the person responsible for compliance with the District’s inspection and maintenance requirements

The project generally complies with Rule B.

Rule D—Stormwater Management

The District requires stormwater management for projects that propose to create one acre or more of new impervious area. The Project proposes a total of 10.77 acres of impervious surfaces, triggering Rule D.

The applicant is proposing to construct a rate control basin to meet the District’s rate control requirements under Section 4.4.1 (Table 1).

Table 1. Capstone 35 Rate Control Summary

Design Event	Existing Rates (cfs)	Proposed Rates (cfs)	Change (cfs)
2-year/24-hour	13.5	7.9	-5.6
10-year/24-hour	31.6	15.5	-16.1
100-year/24-hour	81.8	37.0	-44.8

Section 4.4.2 of Rule D requires stormwater runoff volume retention on-site to be equivalent to 1-inch of runoff from impervious surfaces, however, infiltration is not allowed under the LMRWD Rules because the Project is located within the very high vulnerability DWSMA.

Section 4.4.3 of Rule D requires no net increase in TP or TSS from the project to receiving waterbodies. Water quality goals are being met through the Lady Bird regional pond, which has a water quality treatment volume of 63,200 cubic feet. The Project would utilize 39,095 cubic feet of the existing treatment volume, leaving an excess of 24,105 cubic feet for future development, or approximately 6.6 acres of new impervious surface.

While the Lady Bird regional pond is maintained as part of the City's MS4 system, the proposed rate control basin is private and will require a maintenance agreement under Rule D and as required by the City. The applicant has provided a draft LID Management Practices Agreement between itself and the City for the rate control pond. In discussions with the City, this maintenance agreement will be recorded with Dakota County and will be transferrable to all future owners. The City's draft LID Management Practices Agreement meets the requirements for LMRWD and a separate maintenance agreement between the applicant and the LMRWD is not required.

The project generally complies with the requirements in Rule D.

Recommendations

The project meets the requirements outlined in the District rules. We recommend conditional approval by the Board, pending its receipt of the following items:

- A copy of the NPDES permit
- Names of and contact information for the contractor and the person responsible for compliance with the District's inspection and maintenance requirements

While the final maintenance agreement is outstanding, we understand the City will require its LID Management Practices Agreement as a condition of approval and request that the City or applicant provide the LMRWD with a copy of the executed agreement after it has been recorded with Dakota County.

Attachments














- Figure 1–Capstone 35 Project Location Map



Figure I: Capstone 35 Project Location



LEGEND

-  Project Location
-  Capstone 35
-  Lady Bird Regional Pond
-  Proposed Rate Control Basin
-  Proposed Buildings
-  Proposed Impervious Surfaces
-  Proposed Green Space
-  Public Waterways
-  Public Waters
-  Steep Slopes Overlay District [SSOD]
-  Dakota Co. Parcels
-  Railroads
-  LMRWD Boundary

LMRWD Watershed Location Map

