



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, April 20, 2022

### **Agenda Item**

#### **Item 6. A. – Legal & Technical Services**

### **Prepared By**

Linda Loomis, Administrator

### **Summary.**

In accordance with MN Statute 103B.227 Subd. 5. “a watershed management organization shall at least every two years solicit interest proposals for legal, professional, or technical consultant services before retaining the services of an attorney or consultant or extending an annual services agreement”. The LMRWD published notice that it was accepting proposals for legal and technical services in the State Register on February 14, 2022 and again on February 22, 2022. It was also posted on the LMRWD website. The deadline to submit proposals was close of business, Wednesday, March 16, 2022.

The LMRWD received one proposal to provide Technical Services from Young Environmental Consulting Group, LLC.

No proposals were received to provide legal services. Since no proposals were received the LMRWD can extend its agreement with Rinke Noonan. I consulted current legal counsel, John Kolb of Rinke Noonan, and asked if Rinke Noonan is willing to continue as legal counsel. He indicated that they are willing to continue as legal counsel for the LMRWD and has provided a new agreement for legal services.

The proposal from Young Environmental Consulting Group, LLC is attached for the Board’s information and an agreement for legal services 2023-2024 is also attached.

### **Attachments**

Proposal from Young Environmental Consulting Group, LLC  
Legal Services Agreement from Rinke Noonan for 2023-2024

### **Recommended Action**

Motion to authorize drafting of agreement for technical and engineering services with Young Environmental Consulting Group, in consultation with legal counsel

Motion to approve agreement for legal services commencing January 1, 2023, and ending December 31, 2024 with Rinke Noonan and authorize execution of agreement by President Hartmann



# PROPOSAL FOR DISTRICT ENGINEER AND TECHNICAL SERVICES 2022—2024

March 16, 2022

**PREPARED FOR:**

Lower Minnesota River Watershed District  
112 E. 5th Street, #102  
Chaska, MN 55318

**PREPARED BY:**

Young Environmental Consulting Group, LLC  
6040 Earle Brown Drive, Suite 306  
Brooklyn Center, MN 55430



LOWER MINNESOTA RIVER  
WATERSHED DISTRICT



Young Environmental Consulting  
Group, LLC



March 16, 2022

Ms. Linda Loomis  
Lower Minnesota River Watershed District  
112 East Fifth Street, Suite 102  
Chaska, Minnesota 55318

**RE: Proposal for District Engineer and Engineering and Technical Services for 2022–2024**

Dear Ms. Loomis:

Thank you for the opportunity to submit our proposal and qualifications to provide district engineer and engineering and technical services to the Lower Minnesota River Watershed District (District) between 2022 and 2024.

In 2018 the District took bold steps through its watershed management plan (WMP) to focus its funds on protecting groundwater-fed resources, preserving beautiful Minnesota River bluffs from development and erosion and restoring confidence in the District that was lost by years of focus primarily on the dredge site. Today, the benefits of those steps you took are being seen through partnership with the Minnesota Department of Natural Resources on calcareous fen and trout streams management and in the cities of Burnsville, Chaska, and Eden Prairie on streambank and bluff erosion stabilization. The Young Environmental Consulting Group, LLC (Young Environmental), team has enjoyed collaborating with the District on WMP- and mission-driven projects and programs over the past several years. It has been extremely gratifying to have an organization like yours trust us so completely; we ask for your continued confidence for the next two-year cycle. We have assembled an experienced team of professionals with not only a historical perspective but also the technical knowledge and capability to continue providing the full-service engineering, technical, and planning services you have grown accustomed to receiving. A presentation of our team's qualifications, experience, and rate schedule is attached.

Our team provides the following key benefits:

1. **Experienced District Engineer:** Our team has an experienced district engineer in Kathleen “Katy” Thompson. Since joining Young Environmental, Katy, a State of Minnesota-registered professional engineer and certified floodplain manager, has coordinated the online permitting application process, managed project reviews, and coordinated capital projects for the District, including conducting the gully inventory assessments with interns, Spring Creek and Area 3 modeling, and making recommendations for the 2022 Rule update.
2. **Proven Approach:** Our approach emphasizes proactive project management and early coordination with agencies to identify concerns and weekly coordination meetings with the District's administrator to provide status updates on projects and address new requests. These methods will lead to the early identification of any surprises and provide ample time to resolve them without serious schedule or financial implications.
3. **Quality:** Before any draft memos, reports, permits, or construction documents leave our offices, they undergo both technical and editorial reviews. Excellence through providing high-quality products is a core company value and the reason for our quality process.

Thank you again for the opportunity to submit our proposal to continue the work we started with the District. If you have any questions regarding our composition or qualifications, please contact me at (651) 249-6974 or [della@youngecg.com](mailto:della@youngecg.com).

Sincerely,



Della Nyondi Schall Young, PMP, CPESC  
Principal/Owner

## Company Profile and Contract Administration

Young Environmental is a State of Minnesota Unified Certification Program-certified, Central CERT Certification Program-certified, woman- and minority-owned, disadvantaged small-business enterprise and State of Minnesota-certified targeted group business consulting firm headquartered in Brooklyn Center, Minnesota. Founded in 2016, the firm specializes in program management, water and natural resources management and planning, water resources engineering, stormwater and environmental compliance and permitting, and stakeholder engagement. Our passionate, highly skilled team of professionals will work with you to develop strategies and create products through our values, collective knowledge, and practical experience.



**Young Environmental Consulting  
Group, LLC**

### ***Our Values: Integrity + Excellence + Collaboration + Grace***

We show our *integrity* by respecting and honoring our commitments. Young Environmental is steadfast and unwavering concerning project guidelines and outcomes. We explore options and work with our clients and partners to achieve the best results possible through our passion for environmental stewardship. Our scientific experience and expertise position us for *excellence* in every project we complete. We are directly involved in every step of the project development process, and we demonstrate *collaboration* through thoughtful facilitation, straightforward communication, and attention to detail. We are dedicated to stewardship and respect everyone's resources. Our focus is more than the task at hand—our team shows *grace* with one another and with each client, partner, and community as we explore natural, financial, and personnel resources.

Young Environmental brings many benefits to the District, including the following:

- Strong track record of service to the District since 2016
- Knowledge of the District's unique resources; rich history; and complex local, state, and regional water and natural resources regulatory environment
- Proven approach to administering and servicing the engineering and technical services contract, as outlined below

## Contract Administration

Critical elements for successful management and execution of the District's engineering contract are experienced project management, technical excellence, and quick response to District requests. In her role as principal consultant, Della Schall Young will be responsible for working with the District's administrator and board of managers to set contract terms, task orders, and other administrative activities. After a contract has been executed, Della and the Young Environmental team will work with the District's administrator to develop a work plan for every project requested. The work plan will highlight project tasks and their respective objectives, deliverables, timeline, and budget. This structure provides the District with a single responsible and accountable point of contact.

## Quality Assurance/Quality Control (QA/QC)

Young Environmental maintains a comprehensive QA/QC process to ensure we deliver high-quality work products. As part of the work plan development process, Della and Katy Thompson, the latter in her role as district engineer, will identify reviewers and coordinate the completion of QA/QC reviews. An internal technical professional completes the first review to confirm the clarity, completion, and technical accuracy of the content. Our third-party proofreaders complete the second review to ensure the final deliverable is free of grammatical errors, typos, and other inconsistencies. We take all reports and deliverables through this multistep QA/QC process to maintain the District's knowledgeable and credible reputation.

## Conflict of Interest Policy Statement

We understand that real and perceived conflicts of interest may arise during projects for cities within the District or with its partners. Young Environmental will proactively review opportunities. Upon discovery of anything that may affect our performance on a project, we will immediately notify the District's administrator and take steps to resolve the conflict.

## Key Personnel and Qualifications



### **Della Schall Young, PMP, CPESC, CTF**

#### **Role: Principal Consultant**

Della is a practicing hydrologist and stakeholder engagement professional with 25 years of stormwater management, watershed planning, and water quality modeling project experience. She is a certified professional in erosion and sediment control (CPESC) and a professional project manager (PMP) who uses her expertise to manage and coordinate efforts for Municipal Separate Storm Sewer System (MS4) stormwater management programs; construction erosion, sediment, and stormwater management compliance and inspections; U.S. Army Corps of Engineers feasibility studies; and watershed districts and watershed management organizations. She is a skilled and certified facilitator who generates consensus in both agreeable and disagreeable settings, including facilitating the District's stakeholder processes for the watershed management plan (WMP), developing rules, and conducting numerous other interactions with District partners.

Education: BS, MS, Water Resources Science and Water Quality

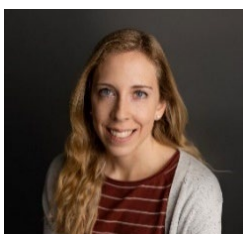


### **Katy Thompson, PE, CFM**

#### **Role: District Engineer**

Katy is a Minnesota-registered professional engineer (PE) and a certified floodplain manager (CFM) with 19 years of experience in water resources design with municipal, watershed, state, and federal clients. She has served as the Lower Minnesota River Watershed District (LMRWD) district engineer since joining Young Environmental in 2020. She has worked closely with the administrator and Della to manage capital improvements projects, such as East Chaska Creek; completed numerous studies, including the Spring Creek Hydrologic Study; and managed the District's permit program. Having worked in the public sector at both state and federal levels before joining the private sector, she has experience navigating the regulatory requirements for construction and developing creative solutions to complex water resource challenges. Her background includes extensive hydrologic and hydraulic modeling of urban and rural storm drainage systems to support infrastructure and regional watershed planning projects. She recognizes the need for close coordination between watershed districts and local municipalities, having worked closely with the Rice Creek Watershed District on behalf of the Tier II Cities of Hugo and Circle Pines.

Education: BS, Civil Engineering, and BA, Environmental Engineering

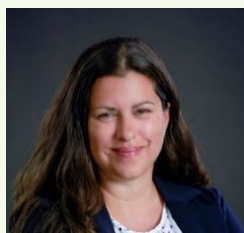


### **Hannah LeClaire, PE**

#### **Role: Project Engineer**

Hannah is a Minnesota-registered PE with six years of experience in water resources site design and modeling. She has worked with complex hydrologic and hydraulic models to support watershed management, drainage improvement, and stormwater management. She brings a wealth of knowledge in civil design and plan preparation, specializing in ecological, habitat, and stream restoration. Hannah is an enthusiastic, dependable collaborator who eagerly contributes to the team's efforts to deliver high-quality products. She believes in building strong partnerships with all project stakeholders to bring innovative solutions to life.

Education: BS, Bioproducts and Biosystems Engineering, emphasis in ecological and environmental engineering



### Jen Dullum

#### Role: Education and Outreach Coordinator and Natural Resources Scientist

Jen brings over 20 years of experience in public and private works to the District. She has spent much of her career coordinating natural resource programs. Jen is experienced in stormwater management, including MS4 permitting, inspection, and public education. She developed and implemented the City of Farmington's NPDES Phase II permit for over 14 years and adapted programs and permitting through iterations of the General Permit for Small MS4. Since early 2021, Jen has managed the education and outreach program for the District. She has led the development of the Citizen Advisory Committee (CAC) and social media campaigns as well as managed the creation of interpretive signage and educational handouts. She continues to engage with local schools and governmental and nongovernmental organizations to develop long-term programs and partnerships while updating the District's cost share program and website.

Education: BS, Natural Resources and Environmental Studies



### Lan Tornes

#### Role: Natural Resources and Water Resources Scientist

Lan has over 30 years of experience in the physical and natural sciences. As a natural resources scientist, he has strong leadership and technical field skills from years of leading complex studies at the US Geological Survey. Using his experience, Lan has compiled years of data on the trout streams and calcareous fens within the District to produce comprehensive documents that outline the history of these high-value resources and provide recommendations for future actions to meet District and state natural resource agencies' management goals.

Education: BS, Biology and Chemistry

## Internship Program

Young Environmental annually hires college students as summer interns to train the next generation of employees, stay true to our foundational value of stewardship, and supplement our staff. We strive to provide students with meaningful internships in environmental engineering and water resources sciences, so they gain technical and applied experience through mentoring. We empower our interns to confront challenges and present new ideas by fully using their skills, and we give them the responsibility and freedom to own their internships and present their work approach to our clients. At the end of each season, our interns are expected to provide an update to our team and clients on their completed work and lessons learned.



### Interns at Work: Geomorphic Assessment, Gully Inventory and Condition Assessment:

Young Environmental has worked with summer interns from the University of Minnesota to help the District achieve project goals on a lean budget and provide mentorship opportunities to the next generation of natural resources professionals. In 2019, our interns led the development of the District's Geomorphic Assessment of Trout Streams study. They conducted field visits to the District's trout streams, documented the geomorphology, and wrote a draft report summarizing their findings and conclusions. In 2020 and 2021, our interns surveyed and assessed the condition of more than 500 gully locations using iPads equipped with Survey123. They highlighted hot spots within the watershed with the most severe erosion and used the collected data to prioritize the gullies for future restoration opportunities.



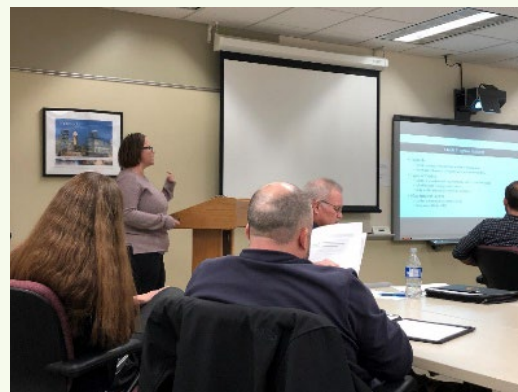
## Summary of Qualifications

**Watershed, Subwatershed, and Water Resources Management and Planning:** Our team includes professionals with a rich history and experience in planning and managing water and natural resources, policies, strategies, and enforcement activities on behalf of water management organizations (WMOs). Young Environmental guided the District through the development and amendment of its Third Generation Watershed Management Plan (WMP) and two subsequent amendments as well as through the development of the District's first set of governing rules and complementary permitting program. Young Environmental has also worked with the cities of Minneapolis and St. Louis Park to implement WMO requirements. We have worked with WMOs and cities and understand the strengths, weaknesses, opportunities, threats, and challenges facing them. The following projects and plans highlight some of our recent work:

- Illicit Discharge Potential Mapping Project, Capitol Region Watershed District (CRWD)
- Stormwater Ordinance and Utility Credits Program Update, City of Minneapolis
- Board Retreat and WMP Kickoff, Mississippi Watershed Management Organization
- Surface Water Management Plan, City of St. Louis Park
- MS4 Stormwater Pollution Prevention Program, City of St. Louis Park
- 10-Year WMP, Richfield-Bloomington Watershed Management Organization
- Third-Generation WMP Amendment, LMRWD

### City of Minneapolis Stormwater Ordinance Stakeholder Presentation and Discussion Session:

Following its surface water management plan, governing watershed management organizations required Minneapolis to update its official controls, specifically City Code Chapter 54 (Storm Water Management). To do so, Minneapolis retained Young Environmental to assist in managing the Chapter 54 update project and companion stormwater utility credits program and in providing stakeholder engagement services. Young Environmental's project management services included helping review and select a consultant to complete a national benchmarking study. We also developed the draft ordinance language and the technical findings report that summarized the entire project as well as documented the science-based decisions made during the project. Young Environmental developed an adaptive stakeholder engagement plan as well as facilitated interdepartmental partner meetings and community and technical advisory partner meetings, during which stakeholders discussed proposed changes to Chapter 54. We solicited and incorporated input and then presented the final products to stakeholders and Minneapolis leadership. Minneapolis's council approved and implemented the ordinance in January 2022.



**Lake, Wetland, and Streambank Restoration and Management:** Young Environmental has implemented a variety of techniques in rural and urban riparian environments to stabilize, restore, and protect lakes, fens, wetlands, streams, and rivers. Services provided have included ecosystem restoration, flood control, erosion repair, and property protection. Examples of our work are listed below:

- Calcareous Fens Sustainability Gaps Analysis for Carver, Dakota, and Scott Counties, LMRWD
- East Chaska Creek Restoration Project, LMRWD
- Sustainable Lake Management Plans, LMRWD
- Trout Streams Geomorphic Assessment, LMRWD



### Calcareous Fens Sustainability Gaps Analysis for Carver, Dakota, and Scott Counties:

Calcareous fens are rare wetlands designated as high-value resources within the District. To understand, preserve, protect, and restore these unique natural resources, Young Environmental reviewed and analyzed past projects; monitored data and observations in partnership with the Minnesota Department of Natural Resources and the Metropolitan Council to identify gaps in existing information; suggested needs for enhanced data collection

and information; and outlined a long-term, comprehensive plan for monitoring Gun Club Lake North Fen, Gun Club Lake South Fen, Nichols Meadow Fen, Black Dog Lake Fen Complex, Savage Fen Complex, and Seminary Fen. Our findings and recommendations included adding, relocating, and decommissioning monitoring wells; incorporating geochemical samplings; purchasing private land with redevelopment potential; and completing vegetation surveys, recharge area analyses, and management plans for each fen as data collection was completed.



Black Dog Fen Complex, 2020

### Hydrologic, Hydraulic, and Water Quality Modeling and Analysis:

Hydrologic, hydraulic, and water quality modeling and analysis are critical components of many of our projects that aim to understand the potential effects of proposed land-use changes on downstream and adjacent water resources and sensitive environmental resources. We have been involved with hydrologic, hydraulic, and water quality analyses as well as floodplain management efforts for many WMOs, municipalities, and state and federal agencies. Project sizes have ranged from small watershed streams to large, complex urban systems. Consequently, we have experience with various water quality, hydrologic, and hydraulic modeling programs, including XPSWMM, HECRAS, HECHMS, PCSWMM, HydroCAD, ArcSWAT, and P8. We work with our clients to evaluate and select the model(s) that best meets a project's specific needs. The following endeavors highlight our project experience:

- CSAH 78 Letter of Map Revision, Dakota County
- Pond Assessment and Climate Action Plan, Hennepin County
- Surface Water Management Plan, City of St. Louis Park
- Spring Creek Hydrologic Review, LMRWD



Minnesota River Area 3, 2020

**Area 3 Minnesota Riverbank Stabilization Project:** The District has been monitoring an area of severe erosion on the Minnesota River in Eden Prairie since 2008. Recently, the District asked Young Environmental to collate field data collection, monitor slope movement, and identify surface water runoff sources that may exacerbate the erosion and bluff stability in the failure area. In close coordination with the City of Eden Prairie, Young Environmental completed a feasibility study to collect additional bathymetric and field data, evaluate design options to stabilize the slope, reduce sediment entering the Minnesota River, and protect the private residents atop the river bluff. The study included a hydrologic analysis of the bluff area using HEC-HMS to quantify the surface runoff contributions, a review of previous proposed designs, a 2020 condition assessment of the failed slope, and grant writing. As the project moves to the Minnesota legislature for bonding, Young Environmental is providing project management, stakeholder coordination, revised hydraulic analysis, and permitting to develop the final design plans so that the project will be ready for construction when the District receives funding.



**Urban Stormwater BMP Design and Construction Management:** Our team’s experience with stormwater management services encompasses stormwater drainage studies, master plans, and the planning and design of stormwater control facilities. Our staff has assisted government- and private-sector clients by developing management and funding plans that result in coordinated, prioritized responses to complex demands for managing urban stormwater systems. We draw upon our previous experiences, company-wide résumés, and industry resources to generate site-specific designs for innovative infrastructure improvements, BMP design, and construction management. We believe having this breadth and depth of experience on large, complex projects is rare and sets us apart. Project examples include the following:

- Vernon Avenue Dredge Site Improvements and Construction, LMRWD
- East Chaska Creek Restoration, LMRWD
- Hennepin County Stormwater Pond Assessment and Climate Action Plan, Hennepin County

**Underground Stormwater Management Systems Research Project for City of Saint Paul:** Following completion of the Central Corridor Green Line Light Rail Transit Project and other projects, the City of Saint Paul discovered that over a two-year period, 84 percent of the redevelopment sites along the Central Corridor required stormwater management BMPs to be placed belowground. The city also identified multiple challenges associated with determining the up-front financing, cost allocation, and stormwater fund recovery for these underground stormwater management systems (USMS). Acknowledging the challenges, Saint Paul applied for and received a grant from Living Cities and the Citi Foundation to explore financing models for shared, stacked green infrastructure systems. As a result, Saint Paul retained Young Environmental to provide research assistance for answering one question: “What were the USMS furnish-and-install costs per treated area or volume for constructed BMPs in St. Paul between 2012 and 2015?” To answer this question, Young Environmental staff reviewed project narratives, permit packets, and construction plans from a list of 436 projects Saint Paul had furnished. Young Environmental requested information from the CRWD and solicited USMS costs from civil design firms and construction contractors to determine the average cost for USMS was \$3.02 per sq. ft. and \$2.23 per sq. ft. for rate-control projects that disturbed areas less than or greater than one acre, respectively, and the average cost for the USMS was \$19.31 per cu. ft. for water-quality treatment.

**Water Resources Permitting:** We have extensive experience assisting the District and other watershed management organizations with developing and administering their water resource permit-review programs. As the district engineer and technical consultant to the District, Young Environmental reviews and approves state transportation projects, municipal permit applications, and individual projects in unincorporated areas. The District adopted rules for the first time in 2020, and Young Environmental worked in tandem with District staff to develop the rule language and roll out the new permitting program to the District’s municipal partners. We implemented the online permit application service for the District, and maintain the project database to track and coordinate the more than 120 permit applications and project reviews received since May 2020. Young Environmental staff attend District board meetings to update managers on permit reviews and applications, provide recommendations and advice consistent with sound engineering and natural resources management standards and practices, and coordinate with applicants to facilitate a timely review-and-approval process. Our staff members also help St. Louis Park comply with its MS4 permit by inspecting ponds, BMPs, and active construction sites for erosion-control compliance by recently permitted development projects. Below are a few project examples:

- LMRWD 2022 Rules Update and Permit Program Management
- Permit Review of Metropolitan Council Excelsior Interceptor Project, Minnehaha Creek Watershed District
- Gold Line Bus Rapid Transit, Metropolitan Transit
- Hiawatha Golf Course (HGC) Pump Assessment and Permitting Assistance, Minneapolis Park and Recreation Board (MPRB)
- Illicit Discharge Detection and Elimination Plan, CRWD
- MS4 Construction Site Runoff Control Program Review, City of Minneapolis
- Port Facility Stormwater Audit, St. Paul Port Authority

**East Chaska Creek Restoration:** The District initiated the East Chaska Creek Channel Stabilization Project to reduce the transport of sediment and bacteria to the Minnesota River. The project is being executed in three phases—feasibility, design, and construction. Young Environmental completed and validated the feasibility study to authenticate the needs outlined in the WMP and to identify specific stream segments that required full restoration and others that required only general maintenance. For the stream segments in need of restoration, design alternatives and cost estimates were developed under the direction of Young Environmental to provide the District board of managers with the best recommendations while considering both the District’s financial resources and the water quality benefits. Young Environmental managed the design consultant, permitting, construction bid document development, and the bidding process. The restoration project was completed in May 2021.



East Chaska Creek, 2021

## Additional Services

**Erosion Control and Construction Stormwater Inspections:** Stormwater management design, permitting, and compliance are cornerstone offerings of Young Environmental. Our experienced professionals work with clients and partners to evaluate physical site conditions and regulatory requirements to design temporary construction erosion and sediment control practices as well as permanent stormwater devices that meet applicable water quality, rate control, and volume standards.



Dredge Site at Minnesota River, 2021

**Dredge Site Restoration Project:** As a local sponsor of the U.S. Army Corps of Engineers, the District completed the redesign of the Cargill East River (MN-14.2 RMP), located on the Minnesota River in Savage, Minnesota. Young Environmental managed the project and completed all the associated permitting tasks. Recognizing the need to meet the state’s NPDES requirements and the City of Savage’s grading, we coordinated meetings with the regulatory entities and developed erosion, sediment control, and stormwater management pollution plans that met all requirements. The permits were issued before the client released the bid for construction.

**Project Management:** The Young Environmental team includes a credentialed PMP and experienced project managers who have successfully managed numerous projects of varying scale, including supplementing project management needs for public agencies. Our proven project management approach includes the use of project control and QC measures, which allows for real-time clarity of expectations, continuous review of upcoming activities, proactive identification, and mitigation of potential problems.

**HGC Project Management for the MPRB:** Young Environmental worked as an extension of the MPRB staff to direct and coordinate the project team’s efforts. The team included MPRB and City of Minneapolis staff and a consulting team to characterize stormwater and groundwater interactions at the HGC. These efforts were relative to the effect stormwater and groundwater had on the natural and built environments (e.g., Lake Hiawatha, shallow and deep aquifers, stormwater infrastructure, golf course management, neighboring homes) and to the generation of environmentally sustainable future solutions. Young Environmental led the effort and developed a request for proposal through the MPRB’s target market program and regular solicitation process to install devices to measure groundwater appropriations for the Minnesota Department of Natural Resources Groundwater Appropriations permit. We also helped write an operations and maintenance plan for the installed pumps.



**Stakeholder Engagement:** Young Environmental understands that the successful development and implementation of an integrated, user-friendly engagement and outreach plan must be an intentional focus of authentic stakeholder engagement. One critical emerging issue many organizations face is stakeholder fatigue, or feelings of being used as a formality along the way to a predetermined solution. Recognizing this dilemma, especially during the COVID-19 pandemic, we have adjusted and augmented our stakeholder engagement and outreach strategies to the virtual world by incorporating the Technology of Participation's participatory process. For example, Young Environmental hosted technical and community advisory partner meetings virtually for the City of Minneapolis's ordinance update. We developed the engagement plan and modified it to function during the pandemic by integrating an interactive survey component and redesigning how the city planned to reach out to its stakeholders. Our adaptability allows for the inclusion of stakeholder expertise, concerns, and recommendations—even during a pandemic. Our engagement process is a two-way street that is necessary for the development of planning documents that fully integrate stakeholder input to build authenticity and support District initiatives. Young Environmental helped the District establish its CAC, and we host monthly meetings and training sessions with CAC members. We led the Value-Engineering Workshop, where we convened a group of experts to determine the most effective way to monitor the District's groundwater-dependent resources. In addition, we have been leading the development of the Minnesota River Corridor Management Plan.

**Grant Research, Writing, and Acquisition:** Leveraging resources is paramount to the success of partner-driven solutions. Our team includes grant writers and is well versed in researching, targeting, and completing applications; obtaining grants; and administering grants for our clients. Because of our intentional approach, our win rate is high.



## Current Fee Schedule

Young Environmental’s fee schedule summarizes the range of billing rates for each staffing category. In many cases, these billing rates represent a wide range based on varying levels of staff experience and expertise within these categories. When building a team, we select appropriate staff and consider both applicable experience and staff billing rates to ensure the District receives high-value services for a reasonable cost.

Young Environmental establishes billing rates at the end of the previous year. Although we do not anticipate significant changes to these rates, we are happy to provide billing rates near the beginning of each respective year.

<b><u>Staff Classification</u></b>	<b><u>2022 Hourly Rate<sup>+</sup> (U.S. dollars)</u></b>
Principal .....	\$125–\$200
Advisor/ Associates/Senior Engineer .....	\$125–\$200
Engineer/Scientist/Specialist III .....	\$125–\$150
Engineer/Scientist/Specialist II* .....	\$95–\$120
Engineer/Scientist/Specialist I* .....	\$65–\$90
Technician III* .....	\$125–\$150
Technician II* .....	\$95–\$120
Technician I* .....	\$50–\$90
Support Personnel II* .....	\$95–\$125
Support Personnel I* .....	\$50–\$90

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<sup>+</sup>Rates do not include sales tax on services that may be required in some jurisdictions.

### Notes

1. Rates for litigation support services or other support requiring corporate officers include a 30 percent surcharge.
2. For any nonexempt personnel in positions marked with an asterisk (\*), overtime is billed at 1.5 times the hourly labor billing rates.
3. A 10 percent markup is added to subcontracts for professional support and construction services to cover overhead and insurance surcharge expenses.
4. Invoices are payable within 30 days from the date of the invoice. Any amount not paid within 30 days shall bear interest from the date 10 days after the date of the invoice at a rate equal to the lesser of 18 percent per annum or the highest rate allowed by applicable law.
5. Reimbursable expenses including (but not limited to) the actual and reasonable costs of transportation, meals, lodging, parking, postage, and shipping are billed at actual cost.
6. Materials, supplies, printing, and equipment rental charges are billed in accordance with a standard rate schedule.
7. Mileage is billed at the IRS-allowable rate.





March 28, 2022

Direct Dial: 320-656-3503  
Jkolb@RinkeNoonan.com

Lower Minnesota River Watershed District  
c/o Ms. Linda Loomis, District Administrator  
6677 Olson Memorial Highway  
Golden Valley, MN 55427

**SENT VIA U.S. MAIL & EMAIL TO: NAIADCONSULTING@GMAIL.COM**

**Re: Legal Services Agreement  
Our File No. 25226-0001**

Dear Linda:

Thank you and the Board for placing your confidence in Rinke Noonan, Ltd., to provide legal counsel to the Lower Minnesota River Watershed District ("District") since 2014. We are writing to provide the terms of our proposed representation commencing January 1, 2023, and ending December 31, 2024.

Should the District renew its agreement with Rinke Noonan, Ltd., our representation will be limited to the matters described herein. To the extent the District desires to engage our firm to represent it regarding other matters, the District will be required to sign a separate engagement agreement describing the scope of that representation prior to our initiation of services.

**Identification of Parties:** This Legal Services Agreement ("Agreement") is made between Rinke Noonan, Ltd. (hereinafter "Rinke Noonan", "We/we", "Our/our," or "Us/us") and Lower Minnesota River Watershed District (hereinafter referred to also as "District").

**Scope of Representation:** We have been engaged to represent the District for the purpose of advising it on matters related to its governance duties, authorities, and responsibilities as a Watershed District and unit of local government pursuant to Minnesota Statutes Chapter 103D.

**Legal Fees and Billing Statements:** Our services to the District are offered on an hourly basis and billed in .1 hour increments. We will submit a billing statement to you every thirty days as work is completed. Expenses will be separately stated on the billing statement and our fees will be charged as indicated below. Our billing statements are due and payable upon presentation, and are overdue if not paid by the due date set forth on the statement. Because you are a unit of government that meets only once a month, our expectation is that bills will be paid within 60 days of receipt. Unless notified otherwise, all billing statements will be addressed as follows:

Suite 300 US Bank Plaza  
1015 W. St. Germain St.  
P.O. Box 1497  
St. Cloud, MN 56302  
320.251.6700

[www.rinkenoonan.com](http://www.rinkenoonan.com)

Lower Minnesota River Watershed District  
c/o Ms. Linda Loomis, District Administrator  
6677 Olson Memorial Highway  
Golden Valley, MN 55427

The District is responsible for payment of all legal fees, expenses, and disbursements. Please see the "Expenses" provision and "Late Payment and Failure to Pay" provisions of this Agreement for further information.

1. **HOURLY SERVICES:** All work performed for the District as described in the Scope of Representation above will be billed according to the discounted hourly rates for government clients described below. Under this proposal, we may also open a general inquiries file for simple inquiries and verbal and written opinions general in nature for the Board and its staff which are not related directly to a specific matter or proceeding.
2. **Hourly Rate:** In order to meet the unique needs of our public-sector, government clients, Rinke Noonan provides a reasonable discount in billing rates when compared to representation of our private clients. Our normal hourly rates for attorneys range from \$225 to \$440 per hour for private clients. Our current, 2022, rates for our governmental clients are as follows:

Senior Attorneys (7+ Years Experience):	\$365/hour
Associate Attorneys (4-7 Years Experience):	\$255/hour
Associate Attorneys (0-3 Years Experience):	\$200/hour
Paralegals & Legal Technicians:	\$80-180/hour
Clerical Staff:	No Charge

Annually, we evaluate whether it is necessary to adjust our hourly rates to compensate for increased experience factors or for inflationary cost increases in our economy. We will notify the District of any changes to our municipal rates every November.

Though the term of services under this agreement runs through 2024, we consider our engagement to be at the will of the District. Our representation of the District will be ongoing unless terminated by the District.

I will serve as the primary attorney for the District. The District may also, from time to time, work with other attorneys as needed and experience requires.

In the event of an emergency, the District and its staff should not hesitate to contact me or one of my paralegals, Julie Fincher or Kathleen Bundy, at 320-251-6700. If you have any questions or concerns regarding delegation of responsibilities and work between attorneys, please contact me to discuss these issues.

It is our billing policy to describe services performed in a detailed manner so that the District and its staff may be able to understand fully our services and charges. If there are any questions relating to the services or the charges, we will be pleased to discuss them with the District or its staff at the earliest



possible time after receipt of the billing statement, since the matters will be freshest in our memory at that time. Accordingly, the District agrees to notify us in writing or by email within 30 days of receiving our billing statement if it disputes any entry for legal services or charges on any billing statement. In the absence of any written or emailed objections thereto within 30 days of the District's receipt of a billing statement, the District will be deemed to have accepted and acknowledged the billing statement as correct through the period covered by the billing statement.

**Expenses:** In the course of rendering legal services to the District, it may be necessary for us to incur expenses and administrative fees for items such as filing and recording fees, deposition transcripts, computerized legal research, overnight or special delivery service, and travel. The actual expenses incurred will vary depending on the services that we provide. We do not, however, charge for photocopying or mileage. Expense items incurred on the District's behalf will be itemized separately and listed on our billing statements.

**Late Payment and Failure to Pay:** If the District fails to pay our statements in full on or before the due date set forth on the statement, we reserve the right to assess a monthly service charge equal to 8% per annum, or at the highest rate allowed by law, whichever is lower, of all legal fees, expenses, and disbursements that are past due. This monthly service charge will be billed to the District at the end of each month in which a late payment occurs. (See the enclosed disclosures). Again, because you are a unit of government that meets only once a month, our expectation is that bills will be paid within 60 days of receipt.

**Conflict of Interest Waiver:** Rinke Noonan has over 28 attorneys in the firm and represents numerous business and individual clients having interactions with various governmental entities. We will notify the District of any matter that might create the appearance of conflict with the District and will avoid undertaking any matter that is in direct conflict with our duties and obligations to the District.

**Termination:** The District may terminate this representation at any time with or without cause by notifying us in writing of the District's desire to do so. Upon receipt of the notice to terminate representation, we will cease all legal work on the District's behalf immediately. The District will be responsible for paying all legal fees, expenses, and disbursements incurred on its behalf until written notice of termination is received.

If you have any questions or concerns about the terms of this Agreement, please contact us immediately. On behalf of Rinke Noonan Law Firm, we appreciate the opportunity to represent the District and to work with it and its staff.

Sincerely,

/s/ John C. Kolb

John C. Kolb  
JCK/sjb

Enclosure

Lower Minnesota River Watershed District  
March 28, 2022  
Page 4

**By signing this Agreement, the Lower Minnesota River Watershed District Board confirms that they have read this Agreement, understand its provisions, and agree to abide by it.**

**Lower Minnesota River Watershed District hereby approves the terms of engagement described above as the Agreement for legal services between the District and Rinke Noonan, Ltd. The Lower Minnesota River Watershed District agrees to pay Rinke Noonan, Ltd., on demand any sum which may become due to Rinke Noonan, Ltd., according to the above-described terms.**

LOWER MINNESOTA RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS

Dated: \_\_\_\_\_, 2022.

By \_\_\_\_\_  
President

**This Initial Disclosure Statement is being provided to you in accordance with  
Regulation Z - Truth in Lending (12 CFR Section 226).**

You will be billed monthly for charges for services we have performed for you and expenses we have paid or incurred on your behalf. FINANCE CHARGES will begin to accrue one month after the Closing Date if the statement is not paid in full prior to such time. The Closing Date is the last day of the month and the end of our billing cycle. FINANCE CHARGES will be calculated at a periodic rate equal to .666 percent which corresponds to an ANNUAL PERCENTAGE RATE equal to eight percent (8%). If you pay all charges which appear on your monthly statement within one month of the Closing Date, no FINANCE CHARGE will be made to your account.

**EXPLANATION OF METHOD USED TO DETERMINE THE BALANCE  
ON WHICH THE FINANCE CHARGE MAY BE COMPUTED**

We figure the FINANCE CHARGE on your account by applying the periodic rate to the amount you owe at the end of each cycle (including charges for new services and deducting payments and credits made during the billing cycle). If you fail to pay your bill, we may also be able to place an attorney's lien upon real or personal property that you may own or acquire an interest in pursuant to Minnesota Statutes Section 481.13.

**YOUR BILLING RIGHTS - KEEP THIS NOTICE FOR FUTURE USE**

This notice contains important information about your rights and our responsibilities under the Fair Credit Billing Act.

**NOTIFY US IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR BILL.**

**If you think your bill is wrong, or if you need more information about a transaction on your bill, write us on a separate sheet at the address listed on your bill. Write to us as soon as possible. We must hear from you no later than sixty (60) days after we sent you the first bill on which the error or problem appeared.** You can telephone us, but doing so will not preserve your rights.

In your letter, give us the following information:

Your name and file number.

The dollar amount of the suspected error.

Describe the error and explain, if you can, why you believe there is an error. If you need more information, describe the item you are not sure about.

If you have authorized us to pay your bill automatically from your savings or checking account, you can stop the payment on any amount you think is wrong. To stop the payment, your letter must reach us three (3) business days before the automatic payment is scheduled to occur.

**YOUR RIGHTS AND OUR RESPONSIBILITIES AFTER WE RECEIVE YOUR WRITTEN NOTICE**

We must acknowledge your letter within thirty (30) days unless we have corrected the error by then. Within ninety (90) days, we must either correct the error or explain why we believe the bill was correct.

After we receive your letter, we cannot try to collect any amount you question, or report you as delinquent. We can continue to bill you for the amount you question, including finance charges, and we can apply any unpaid amount against your credit limit. You do not have to pay any questioned amount while we are investigating, but you are still obligated to pay the parts of your bill that are not in question.

If we find that we have made a mistake on your bill, you will not have to pay any finance charges related to any questioned amount. If we did not make a mistake, you may have to pay finance charges and you will have to make up any missed payments on the questioned amount. In either case, we will send you a statement of the amount you owe and the date that it is due.

If you fail to pay the amount that we think you owe, we may report you as delinquent. However, if our explanation does not satisfy you and you write to us within ten (10) days telling us that you still refuse to pay, we must tell anyone we report you to that you have a question about your bill. And, we must tell you the name of anyone we reported you to. We must tell anyone we report you to that the matter has been settled between us when it finally is.

If we do not follow these rules, we can't collect the first \$50.00 of the questioned amount, even if your bill was correct.