



Please note the meeting will be held in person at the Carver County Government Center on the Wednesday, July 20, 2022. The meeting will also be available virtually using this [link](#).

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

Lower Minnesota River Watershed District

7:00 PM

Wednesday, July 20, 2022

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 So 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 June 15, 2022, Regular Meetings</p> <p>B. Receive and file June 2022 Financial reports</p> <p>C. Approval of Invoices for payment</p> <ul style="list-style-type: none"> <li>i. Managers stipend &amp; expenses – First half 2022</li> <li>ii. CLA (Clifton Larson Allen, LLP) – June 2022 Financial Services</li> <li>iii. Daniel Hron – July 2022 Rent</li> <li>iv. HDR Engineering, Inc. – website maintenance &amp; upkeep April-June 2022</li> <li>v. Naiad Consulting, LLC – May 2022 administrative services &amp; expenses</li> <li>vi. Naiad Consulting, LLC – June 2022 administrative services &amp; expenses</li> <li>vii. TimeSaver Off Site Secretarial – preparation of June 2022 meeting minutes</li> <li>viii. Frenette Legislative Advisors – June/July 2022 legislative services</li> <li>ix. Rinke Noonan – June 2022 legal services</li> <li>x. US Bank Equipment Finance – June &amp; July payment on copier lease</li> <li>xi. Daniel Hron – August 2022 office rent</li> <li>xii. Young Environmental Consulting Group, LLC – June 2022 technical, and Education &amp; Outreach services</li> </ul> <p>D. Reimburse City of Chaska for Seminary Fen C-2 Feasibility Study</p> <p>E. Accept quote for Director’s &amp; Officer’s Insurance and authorize payment</p> <p>F. Approve and authorize execution of Professional Services Agreement between</p>

	<p>the LMRWD and Young Environmental Consulting Group</p> <p>G. Approve agreement to transfer copyright and authorize payment</p>
5. New Business/ Presentations	<p>A. 2023 Budget Discussion</p> <p>B. FY 2022-23 Watershed Based Implementation Funding</p>
6. Old Business	<p>A. Audit and Financial Accounting Services</p> <p>B. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail - no new information to report</p> <p>C. City of Carver Levee – no new information to report since last update</p> <p>D. Dredge Management – no new information to report since last update</p> <p>E. Watershed Management Plan</p> <p style="padding-left: 20px;">i. Revisions to LMRWD Rules</p> <p style="padding-left: 20px;">ii. Update of LMRWD Comprehensive Watershed Management Plan Section 4 - Implementation Plan</p> <p>F. 2022 Legislative Action - no new information to report since last update</p> <p>G. Education &amp; Outreach</p> <p>H. LMRWD Projects</p> <p><i>(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)</i></p> <p style="padding-left: 20px;">i. MN River Corridor Management Project</p> <p style="padding-left: 20px;">ii. 2021 Gully Inventory and Condition Assessment Volume 2</p> <p>I. Permits and Project Reviews - See Administrator Report for project updates</p> <p><i>(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)</i></p> <p style="padding-left: 20px;">i. LMRWD Permit renewals</p> <p style="padding-left: 20px;">ii. Prior Lake Outlet Channel 2022 Bank Stabilization (LMRWD No.2022-017)</p> <p style="padding-left: 20px;">iii. Quarry Lake Park Restroom (LMRWD No. 2022-028)</p> <p style="padding-left: 20px;">iv. TH 494 SP 2785-422 (LMRWD No. 2022-019)</p> <p style="padding-left: 20px;">v. 494 Corridors of Commerce Pre-permit Review (LMRWD No.2022-023)</p> <p style="padding-left: 20px;">vi. Permitted Projects Inspections 2020-2022</p> <p style="padding-left: 20px;">vii. Burnsville Sanitary Landfill</p> <p style="padding-left: 20px;">viii. Permit Program Summary</p> <p style="padding-left: 20px;">ix. 535 Lakota Lane, Chanhassen – work without a permit</p> <p>J. MPCA Soil Reference Values</p>
7. <i>Communications</i>	<p>A. Administrator Report</p> <p>B. President</p> <p>C. Managers</p> <p>D. Committees</p> <p>E. Legal Counsel</p> <p>F. Engineer</p>
8. Adjourn	Next meeting of the LMRWD Board of Managers is 7:00 pm Wednesday, July 20, 2022.

Upcoming meetings/Events

*Managers are invited to attend any of these meetings. Most are free of charge and if not the LMRWD will reimburse registration fees.*

- UMWA monthly meeting – Thursday, July 21, 2022, Lilydale Pool & Yacht Club

- Lower MN River East One Watershed One Plan Public kick-off meeting – Tuesday July 26, 2022, 6:00 to 8:00 pm, Cedar Lake Farm Regional Park Pavilion
- Lower MN River Watershed Planning Area, Watershed Based Funding Convene meeting #4, Wednesday, July 27, 2022, 10:00 am to 12:00 noon, virtual
- Spring Creek Public information meeting – Wednesday, July 27, 2022, 6:00 to 7:00 pm, on 5<sup>th</sup> Street W, near number 112
- LMRWD Citizen Advisory Committee meeting – Tuesday, August 2, 2022, 9:00 am
- [Salt Symposium](#) – Tuesday & Wednesday, August 2 & 3, 2022, 8:30 am to 3:30 pm (early bird pricing ends June 30<sup>th</sup>) on-line
- Lower MN River East 1W1P Steering Committee – Thursday, August 4, 2022, 10:00 am to 1:00 pm, Scott SWCD office & virtual
- USACE River Resource Forum – Tuesday & Wednesday, August 23 & 24, 2022, 8:30am to 3:00pm,
- MAWD Summer Tour – August 23 – 25m Grand Forks

### For Information Only

- **WCA Notices**
  - City of Shakopee – Notice of Decision (No Loss) – Prior Lake Outlet Channel Segment 5
  - City of Shakopee – Notice of Decision – 8600 Hansen Avenue; revision to wetland boundaries
- **DNR Public Waters Work permits**
  - Scott County – Prior Lake – Spring Lake Watershed District – PLOC Segment 4a Realignment
  - Carver County – City of Chaska – TH 41/CSAH 61 Improvements – East Chaska Creek
- **DNR Water Appropriation permits**
  - Hennepin County – 2022 MBL Nicollet River Crossing (Segment 1 of 2) – temporary dewatering for construction purposes
  - Dakota County - 2022 MBL Nicollet River Crossing (Segment 2 of 2) – temporary dewatering for construction purposes
  - Carver County – TH 41/CSAH 61 Improvement – request for comments – temporary dewatering to install natural gas pipeline



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, June 15, 2022

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

Approved \_\_\_\_\_

## 1. CALL TO ORDER AND ROLL CALL

On Wednesday, June 15, 2022, at 7:00 PM CST, in the Board Room of the Carver County Government Center, 602 East 4th Street, Chaska, Minnesota, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD).

President Hartmann asked for roll call to be taken. The following Managers were present: Manager Laura Amundson, President Jesse Hartmann, Manager Patricia Mraz, Manager David Raby and Manager Lauren Salvato. In addition, the following attended the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; and Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant. Attorney John Kolb, Rinke Noonan Attorneys at Law, LMRWD legal counsel; and Joe Donkers, ISG, representing Minnesota MASH; joined the meeting virtually. Hannah LeClaire, Young Environmental Consulting Group LLC, joined virtually at 7:24 pm.

## 2. APPROVAL OF THE AGENDA

Administrator Loomis asked to remove Items 4. C. v., and 4. C. viii. – Approval of Invoices for Payment; Naiad Consulting, LLC and US Bank Equipment Finance.

There was discussion about the process and signatures required for payment of Manager per diem payments and expense reimbursement.

**Manager Amundson made a motion to approve the agenda with the removal of Items 4. C. v., and 4. C. viii. – Approval of Invoices for Payment; Naiad Consulting, LLC and US Bank Equipment Finance. Manager Raby seconded the motion. Upon a vote being taken motion carried unanimously.**

## 3. CITIZEN FORUM

Administrator Loomis reported that she had not received communication from anyone that wished to address the Board, and no one was present that wished to address the Board.

## 4. CONSENT AGENDA

President Hartmann introduced the item.

**A. Approve Minutes April and May 2022 Regular Meetings**

**B. Receive and file April and May 2022 Financial reports**

**C. Approval of Invoices for payment**

**i. Studio Lola – Final invoice for sign project**

- ii. **Scott County Soil & Water Conservation District – Q1 2022 monitoring services**
  - iii. **Metro Sales, Inc. – payment for maintenance agreement for copier**
  - iv. **TimeSavers Off-Site Secretarial, Inc. – Preparation of April and May 2022 meeting minutes**
  - v. ~~**Naiaad Consulting, LLC – May 2022 administrative services & expenses**~~
  - vi. **Clifton Larson Allen, LLP – May 2022 financial services**
  - vii. **Rinke Noonan – May 2021 legal services**
  - viii. ~~**US Bank Equipment Finance – June 2022 payment on copier lease**~~
  - ix. **Inter-Fluve – March 2022 Study Area #3 services**
  - x. **Young Environmental Consulting Group, LLC – May 2022 technical, and Education & Outreach Services**
- D. Receive and file March 2022 Citizens Advisory Committee meeting minutes**
- E. Reimburse City of Shakopee for Targeted BMP Study for Downtown Shakopee**
- F. Reimburse Carver Watershed Management Organization for West Chaska Creek re-meander project**

Manager Salvato questioned why so much more had been budgeted for the Shakopee Targeted BMP Study for Downtown Shakopee. Administrator Loomis explained that no one was sure what the project would cost. The City and the Grant covered the cost of the study.

**Manager Raby made a motion to approve the Consent Agenda with the Minutes April 20, 2022, Regular Meeting removed and the addition of invoices for Frenette Legislative Advisors. President Hartmann seconded the motion. Upon a vote being taken the motion carried unanimously.**

## **5. NEW BUSINESS/PRESENTATIONS**

### **A. 2023 Budget**

Administrator Loomis introduced this item and stated the levy has the budget increasing by \$25,000, after several years of no changes to the budget. She asked if the Board would like to provide direction to staff. She noted that staff is in the process to amend the implementation program that is in Section 4 of the Watershed Management Plan. She noted that staff met with the Technical Advisory Committee (TAC) this morning and asked TAC members to get projects in to the LMRWD.

Manager Raby asked about projects that may not be in the implementation program and how those programs would be paid for. Administrator Loomis said that is the reason the LMRWD began the Water Resource Restoration Fund, which is a line item in the budget.

Ms. Schall Young stated at the May 2022 meeting the Board was presented with a draft of the implementation schedule and that is where most of the projects will come from to inform the budget process in future years. She is hopeful that projects will be recommended by the TAC to include in the implementation program, so that there are fewer projects that pop-up after the budget has been adopted.

Manager Salvato asked about land acquisitions and how other watershed districts spend more money on projects and the like. Administrator Loomis explained that is the information she is looking for from the Board. Setting the direction of the LMRWD is the role of the Board. And if the Board wants to become more active, she would recommend to plan for that gradually through the budget process.

Managers Raby agreed but noted that the LMRWD must identify projects, including land acquisition, that will benefit the District and then adjust the budget accordingly. He noted that the LMRWD has followed its plan when setting budgets. Administrator Loomis agreed and said it is the plan that lays out the policy for the LMRWD. She said she and Ms. Schall Young rely on the Plan when developing budgets and work plans. She noted that a list of unfunded projects is contained in the Plan that have been proposed by LMRWD partners and that projects were budgeted to remain within budget range. She noted that the plan reflects staff's interpretation of Board guidance.

Manager Raby stated that since he has been on the Board, he didn't think had expressed that direction.

Ms. Schall Young stated she was under the impression that the Board wanted the amount of annual levy to remain in the \$700K to \$800K range and that that is how the implementation program was developed. She noted that the LMRWD has recently been focused on studies to find out what is going on within the LMRWD so that projects could be identified using those studies. And that is where the LMRWD is currently.

Ms. Schall Young addressed Manager Salvato's question about land acquisitions. She noted that studies done around the fens and trout streams identified areas that the cities could change zoning to protect those resource. She went on to say they are looking at doing an analysis of land value and at what the cost might be for those. The LMRWD would then work with the DNR and others to determine who would be the best entity to purchase properties to protect high value resources and strategize possible funding of purchases. She noted they would then bring it to the Board for review and approval based on the analysis.

Manager Salvato continued that she noted that Carver and Scott Counties are the fastest growing counties in the state and that even though the LMRWD standards are protective, would strategic land acquisitions take the protections a step further. She just wanted to throw the suggestion out there, because she was thinking of different angles the LMRWD could take toward protection.

Administrator Loomis noted that the LMRWD had been approached about land acquisitions and the offers the LMRWD has received have been for land that is developable and that the LMRWD is not really the best agency to acquire and hold land. Manager Raby agreed that the LMRWD doesn't have staff to effectively manage land and that perhaps the LMRWD should come up with a plan. Manager Salvato noted that land acquisition would require operations and management be included in the budget. She noted the land acquisition might increase education and recreation opportunities and would preserve the land.

Manager Raby noted that the historically the LMRWD has not spent the whole budget. He asked if staff is for the Board authorization to the increase in the levy for 2023 that staff has proposed. Administrator Loomis said yes, staff is looking for that direction. Manager Raby said as long as the projects are worthwhile projects that have been vetted, he believes the LMRWD can increase the levy to pay for projects that benefit the LMRWD.

It was the consensus of the Commission to that increasing the levy is acceptable if it benefits the LMRWD

**B. Seminary Fen Well Sealing**

Administrator Loomis introduced and provided an overview of this item and the process that is involved with sealing the wells, The Board had some questions about the process to actually seal the wells.

**Manager Mraz made a motion to authorize sealing of wells 727740 and 727741 and expenditure of \$1,000. The motion was seconded by Manager Raby. Upon a vote being taken the motion carried unanimously.**

**6. OLD BUSINESS**

**A. Audit and Financial Accounting Services Proposals**

Administrator Loomis stated the bills that need to be approved are in the meeting materials for the Managers to review. Managers President Hartmann and Manager Amundson have been trained in the approval of invoices.

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

No new information to report since last update.

**C. City of Carver Levee**

No new information to report since last update.

**D. Dredge Management**

MnDOT has had issues with the TH 13 project that have closed Vernon longer than was anticipated. This has not presented a problem to the LMRWD so far.

**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.

**E. Watershed Management Plan**

Administrator Loomis reported that LMRWD staff met with the Technical Advisory Committee today and has given them until July 1, 2022, to inform the LMRWD with projects to include in the plan amendment.

**F. 2022 Legislative Action**

No new information to report since last update

**G. Education and Outreach Plan**

Administrator Loomis provided an overview of this item. She stated they would like to purchase the artwork to use it in other ways in the future. The Board discussed the pros and cons of the two options for purchase of the artwork.

**Manager Raby made a motion to authorize Option 2 purchase of educational signage artwork. (Purchase of copyright of artwork) The motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.**

**H. LMRWD Projects**

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

**i. East Chaska Creek**

Administrator Loomis introduced this item. She stated when the City and Contractor take care of the items noted in the meeting packets; they will see this on a future agenda to authorize payment. The Board discussed options for maintaining the site.

**I. Project/Plan Reviews**

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

**i. LMRWD Permit Renewal**

Administrator Loomis introduced this item. She stated that information about permits that require renewal was included with the materials in the meeting packet. The Board approved permits on three projects with one motion.

**Manager Raby made a motion to approve amendment and extension of permit 2021-020 (Core Crossing); Permits for Minnesota MASH/130<sup>th</sup> Street Extension (LMRWD No. 2021-033), and CenterPoint Energy – Oak Street North (Chaska) (LMRWD No. 2022-021).**

**Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.**

**ii. Minnesota MASH and 130<sup>th</sup> Street Extension (LMRWD No, 2021-033)**

Administrator Loomis introduced this item. She stated there is an overview of this project in the Board packet for their review.

**See Motion under Item 6.I.i. – LMRWD Permit Renewal**

**iii. CenterPoint Energy – Oak Street North (Chaska) (LMRWD No. 2022-021)**

Manager Salvato asked what was going on with this project because it is in her neighborhood.

Administrator Loomis stated she thinks they are most likely doing their line work at the same time the roads are being fixed so they won't have to go back and do that after the new roads are in place

**See Motion under Item 6.I.i. – LMRWD Permit Renewal.**

**iv. 535 Lakota Lane, Chanhassen – work without a permit**

Administrator Loomis provided an overview on this item. She stated she communicated with the property owner and informed him that he need he needs to put in an application by before June 15, 2022. No application was received.

Attorney Kolb stated that since the owner has not taken the action asked by the LMRWD, the LMRWD can take an enforcement action. The LMRWD will ask a court to record an order against the property. The property owner will have to right to appeal any action taken by the LMRWD.

It was the consensus of the Board to have legal counsel move forward ahead with enforcement actions against the property.

**K. MPCA Soil Reference Values**

No new information to report since last update.

**9. COMMUNICATIONS**

**A. Administrator Report:** Administrator Loomis noted the Water Festival is on Monday, September 28<sup>th</sup> and they will have a virtual option and in person attendance (which is closed).

She stated the educational signage is with the Cities of Chaska and Savage to be installed. The sign are two feet high by three feet wide.

She reported the Convene Group for WBIF met on May 18<sup>th</sup> and agreed projects need to be submitted by June 22<sup>nd</sup>. The next meeting of the convene group will be June 29<sup>th</sup>.

Staff met with the City of Savage and MN DNR to discuss the management of Savage Fen.

She and Manager Amundson attended the Lower MN East Watershed1W1P meeting on May 26<sup>th</sup> and learned that they have not yet signed a contract with a consultant. A date was set for

the public kick-off meeting, which will be held 6:00 to 8:00pm July 26, 2022. There will be a virtual option and a survey. She noted that she added LMRWD partners to the invitation list. She and Ms. Schall Young met with a landscaper and property owner at a property in Eden Prairie that is looking to solve drainage issues at the property that is causing damage to the home.

She met with the City of Shakopee regarding federal they received to stabilize the south bank of the MN River from Huber Park to the Landing.

Staff met with all firms included in the Engineering Pool to talk about LMRWD expectations.

She met with a property in the City of Savage about drainage issues, who was referred to Dakota County landscaping for Clean Water and the Scott SWCD. The city was consulted, but no response has been received.

Manager Mraz asked if the LMRWD has been in touch with the property owner in Eden Prairie that is contributing stormwater to the neighboring property. Administrator Loomis said they had not been in touch with them. She said the property owner receiving the water was told they might want to speak to the neighbor. Ms. Young provided additional information about what was observed. She noted that it seemed at first they this was an urgent issue, but no action has been taken since the LMRWD met with the property owner.

- B. **President:** No report
- C. **Managers:** No report
- D. **Committees:** No report
- E. **Legal Counsel:** No report
- F. **Engineer:** No report

#### 10. ADJOURN

**At 8:18 PM, President Hartmann made a motion to adjourn the meeting. Manager Raby seconded the motion. Upon a vote being taken the motion carried unanimously.**

**The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, July 20, 2022, and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.**

Attest:

\_\_\_\_\_  
Lauren Manager Salvato, Secretary

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

**Item 4.B.**  
**LMRWD 7-20-2022**

<b>BEGINNING BALANCE</b>	<b>31-May-22</b>	<b>\$ 1,373,867.22</b>
<b>ADD:</b>		
<b>General Fund Revenue:</b>		
June Dividend	\$ 1,180.01	
Permit Review Fee - Ace Car Rental	\$ 750.00	
Grant - State of MN for Dredge Management	\$ 240,000.00	
Tax Distribution - Scott County	\$ 160,347.34	
	<b>Total Revenue and Transfers In</b>	<b>\$ 402,277.35</b>
<b>DEDUCT:</b>		
<b>Debits/Reductions</b>		
CliftonLarsonAllen LLP	Jan/Feb 2022 financial services	\$ 383.00
Rinke Noonan	March 2022 legal services	\$ 1,970.50
TimeSaver Secretarial	Preparation March mtg. minutes	\$ 154.00
Young Environmental	March 2022 technical, E & O Services	\$ 54,381.99
Young Environmental	April 2022 technical, E & O Services	\$ 77,671.38
CliftonLarsonAllen LLP	March 2022 financial services	\$ 1,431.50
Dakota County SWCD	Q1 2022 Monitoring, TACS & Cost Share	\$ 1,317.50
Frenette Legislative Advisors	April & May 2022 legislative services	\$ 3,333.34
HDR Engineering, Inc.	website maintenance & upkeep	\$ 239.43
Daniel Hron	May & June 2022 office rent	\$ 1,300.00
Metro Conservation Districts	Metro Children's Water Festival	\$ 1,650.00
Naiad Consulting, LLC	March 2022 Administrative services & expenses	\$ 10,911.07
Naiad Consulting, LLC	April 2022 Administrative services & expenses	\$ 11,535.50
Rinke Noonan	April 2022 legal services	\$ 1,642.50
US Bank Equipment Finance	payment on copier lease	\$ 168.10
Metro Sales, Inc.	payment on copier maintenance agreement	\$ 116.59
Carver County WMO	payment on West Chaska Creek CS	\$ 27,441.00
City of Shakopee	Payment of Grant for Downtown BMP study	\$ 25,000.00
CliftonLarsonAllen LLP	April 2022 financial services	\$ 1,570.63
Inter-Fluve, Inc.	Engineering services for Area #3	\$ 503.00
Scott SWCD	Q1 2022 Monitoring, TACS & Cost Share	\$ 9,239.00
Studio LOLA	Shipping expense for sign delivery	\$ 260.00
TimeSaver Secretarial	Preparation of April meeting minutes	\$ 417.50
Rinke Noonan	May 2022 legal services	\$ 3,654.48
	<b>Total Debits/Reductions</b>	<b>\$ 236,292.01</b>
<b>ENDING BALANCE</b>	<b>30-Jun-22</b>	<b>\$ 1,539,852.56</b>

EXPENDITURES	2022 Budget	June Actual	YTD 2022	Over (Under) Budget
<b>Administrative expenses</b>	\$ 250,000.00	\$ 55,694.96	\$ 126,822.33	\$ (123,177.67)
<b>Cooperative Projects</b>				
Eden Prairie Bank Stabilization Area #3	\$ 100,000.00	\$ 2,682.50	\$ 23,747.05	\$ (76,252.95)
Gully Erosion Contingency Fund	\$ -	\$ -	\$ -	\$ -
USGS Sediment & Flow Monitoring	\$ -	\$ -	\$ -	\$ -
Ravine Stabilization at Seminary Fen in Chaska	\$ -	\$ -	\$ -	\$ -
Seminary Fen Ravine Restoration site A	\$ -	\$ -	\$ -	\$ -
Seminary Fen Ravine Restoration site C-2	\$ -	\$ -	\$ -	\$ -
<b>509 Plan Budget</b>				
<i>Resource Plan Implementation</i>				
Watershed Resource Restoration Fund	\$ 120,000.00	\$ -	\$ 67,500.00	\$ (52,500.00)
Gully Inventory	\$ -	\$ 690.00	\$ 690.00	\$ 690.00
MN River Corridor Management Project	\$ -	\$ 2,974.01	\$ 7,621.97	\$ 7,621.97
TH 101 Shakopee Ravine	\$ -	\$ -	\$ -	\$ -
Assumption Creek Hydrology Restoration	\$ -	\$ 14,686.38	\$ 15,933.13	\$ 15,933.13
Carver Creek Restoration	\$ -	\$ -	\$ -	\$ -
Groundwater Screening Tool Model	\$ -	\$ -	\$ -	\$ -
MN River Floodplain Model Feasibility Study	\$ -	\$ 7,930.50	\$ 11,041.50	\$ 11,041.50
Schroeder Acres Park SW Mgmt Project	\$ -	\$ -	\$ -	\$ -
Downtown Shakopee Stormwater BMPs	\$ 50,000.00	\$ 25,000.00	\$ -	\$ (50,000.00)
PLOC Realignment/Wetland Restoration	\$ 30,000.00	\$ -	\$ -	\$ (30,000.00)
Spring Creek Project	\$ -	\$ 1,779.50	\$ 8,313.26	\$ 8,313.26
West Chaska Creek	\$ -	\$ 27,441.00	\$ 27,441.00	\$ 27,441.00
Sustainable Lakes Mgmt. Plan (Trout Lakes)	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Geomorphic Assessments (Trout Streams)	\$ -	\$ 2,361.30	\$ 5,113.85	\$ 5,113.85
Fen Stewardship Program	\$ 25,000.00	\$ 23,848.90	\$ 34,498.22	\$ 9,498.22
District Boundary Modification	\$ -	\$ -	\$ -	\$ -
E. Chaska Creek Bank Stabilization Project	\$ -	\$ -	\$ -	\$ -
E. Chaska Creek Treatment Wetland Project	\$ -	\$ -	\$ -	\$ -
MN River Sediment Reduction Strategy	\$ -	\$ -	\$ -	\$ -
Local Water Management Plan reviews	\$ 5,000.00	\$ 639.00	\$ 1,014.00	\$ (3,986.00)
Project Reviews	\$ 75,000.00	\$ 42,309.25	\$ 70,682.00	\$ (4,318.00)
<i>Monitoring</i>	\$ 75,000.00	\$ 10,556.50	\$ 10,556.50	\$ (64,443.50)
<i>Watershed Management Plan</i>	\$ -	\$ 5,524.98	\$ 10,099.07	\$ 10,099.07
<i>Public Education/CAC/Outreach Program</i>	\$ 75,000.00	\$ 12,173.23	\$ 24,800.96	\$ (50,199.04)
<i>Cost Share Program</i>	\$ 20,000.00	\$ -	\$ -	\$ (20,000.00)
<b>Nine Foot Channel</b>				
Transfer from General Fund	\$ -	\$ -	\$ -	\$ -
Dredge Site Improvements	\$ 240,000.00	\$ -	\$ -	\$ (240,000.00)
<b>Total:</b>	<b>\$ 1,115,000.00</b>	<b>\$ 236,292.01</b>	<b>\$ 445,874.84</b>	<b>\$ (669,125.16)</b>



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers

Meeting Wednesday, July 20, 2022

### **Agenda Item**

**Item 4. D. – Request for reimbursement – City of Chaska Seminary Fen C-2 Feasibility Study**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

The City of Chaska is studying various ravines that contribute sediment to Seminary Fen. The first ravine, C-1, was stabilized through a joint project between the City, the MN Department of Natural Resources, the Board of Water & Soil Resources, Carver County Water Management Organization and the LMRWD. In January 2020, the City kicked off its study of Ravine C-2 and approached the LMRWD to participate. The LMRWD Board of Managers authorized execution of a Cooperative Agreement between the City and the LMRWD. The feasibility study is complete and the City has requested payment.

The City has been asked for supporting documentation of its costs.

### **Attachments**

Invoice from the City of Chaska

Excerpt of January 15, 2020 LMRWD Board of Managers meeting minutes

Cooperative Agreement between the City of Chaska and the LMRWD

C-2 Seminary Fen Ravine Feasibility Report

### **Recommended Action**

Motion to authorize payment of the invoice #3804 from the City of Chaska



City of Chaska  
 Accounts Receivable  
 One City Hall Plaza  
 Chaska, MN 55318

PHONE  
 (952) 448-9200  
 FAX  
 (952) 448-9300

**INVOICE**

CUSTOMER	INVOICE DATE	INVOICE NUMBER	DUE DATE	INVOICE TOTAL DUE
LOWER MN RIVER WATERSHED DISTRICT	06/20/2022	3804	07/20/2022	\$20,000.00

DESCRIPTION	QUANTITY	PRICE	UOM	ORIGINAL INVOICE	ADJUSTED	PAID	AMOUNT DUE
GRANT - FEN RAVINE STUDY	1.00	\$20,000.00	EACH	\$20,000.00	\$0.00	\$0.00	\$20,000.00
<b>Invoice Total:</b>							<b>\$20,000.00</b>

Grant Reimbursement for Seminary Fen Ravine C-2 Stabilization Feasibility Study

✂ DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT ✂

Promptly Send Payment To:



City of Chaska  
 Accounts Receivable  
 One City Hall Plaza  
 Chaska, MN 55318

**INVOICE**

Remit Portion

Invoice Date	06/20/2022
Invoice Number	3804
Customer Number	30562
Amount Paid	\$0.00
<b>Due Date</b>	<b>07/20/2022</b>
<b>Invoice Total Due</b>	<b>\$20,000.00</b>

LOWER MN RIVER WATERSHED DISTRICT  
 LINDA LOOMIS  
 6677 Olson Memorial Highway  
 Golden Valley, MN 55427

Please write your Invoice Number on your check and enclose this portion of the invoice with your payment.  
 Make checks payable to: City of Chaska

Rules. She said she is planning to attend those meetings, so she should be able to get a feel for the public sentiment regarding the rules.

**President Hartmann made a motion to revise the rules, prepare and distribute comments and call for a public hearing on February 19, 2020. The motion was seconded by Manager Frey. The motion carried unanimously.**

**D. 2020 Legislative Action**

Administrator Loomis reported on a meeting she and Lisa Frenette had with BWSR. She said that BWSR suggested that the LMRWD request legislation to allow the LMRWD to use money it had received for managing dredge material to replace the grant payment that was denied. The Board discussed the pros and cons of such action.

President Hartmann asked if this jeopardizes anything they ask for in the future. Administrator Loomis said she doesn't think it will, but that she would discuss it with Ms. Frenette. She said the legislators that they have spoken to about this issue might view it favorably that the LMRWD and BWSR were able to work out this situation without asking for an additional appropriation.

She noted once the dredge site work is complete the LMRWD would no longer need the entire appropriation that it has been receiving from the state. She noted that BWSR asked what the LMRWD intended in the future. She and Ms. Frenette told BWSR that the Board would likely recommend to the Board that the appropriation end or be reduced. BWSR suggested that they the LMRWD consider continuing to receive the current state appropriation and use the money to address sediment reduction within the Minnesota River Basin. She said BWSR indicated they would support this. She said that she and Ms. Frenette asked BWSR how it envisioned such a program would work .

The board discussed the dollars and possible sediment reducing projects. They also talked about erosion at the dredge site that the City of Savage has expressed concern over.

**E. Education and Outreach Plan**

No information to report since last update.

**F. LMRWD Projects**

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

**i. East Chaska Creek Restoration**

Administrator Loomis said they are hoping to get this project done this spring. Staff has been working with the contractor to get the contracts in order.

**ii. Seminary Fen Restoration Area C-2**

Administrator Loomis said the cooperative agreement was reviewed by legal counsel. She addressed the concern expressed by Manager Raby at the December meeting. She stated the only obligation of the LMRWD in this agreement is to contribute \$20,000. So if there are costs over runs or other funding becomes unavailable, there is no additional responsibility to the LMRWD.

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

**G. Project/Plan Reviews**

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

COOPERATIVE AGREEMENT  
BETWEEN THE CITY OF CHASKA AND  
THE LOWER MINNESOTA RIVER WATERSHED DISTRICT

**SEMINARY FEN C-2 RAVINE STUDY**

This cooperative agreement is made by and between the City of Chaska, a Minnesota municipal corporation (the City), and the Lower Minnesota River Watershed District, a watershed district pursuant to Minnesota Statutes chapters 103B and 103D (LMRWD), to implement the Seminary Fen C-2 Ravine Study (the Study) in Chaska, Carver County, Minnesota. The purpose of the Study is to determine the causes of erosion, estimate the sediment contributions from the ravine, develop stabilization options, and provide a cost range for the alternatives and a cost estimate for the chosen option.

**Recitals**

**WHEREAS**, LMRWD has an approved water resources management plan pursuant to Minnesota Statutes section 103B.231 (the Plan) that has a goals to protect, improve and restore surface water quality through the use of High Value Resources Areas and to protect and manage unique natural resources and wetlands;

**WHEREAS**, the Seminary Fen Wetland Complex is a 600 acre complex in Carver County that is one of only 500 calcareous fens in the world and is one of the highest quality calcareous fens in southern Minnesota;

**WHEREAS**, Seminary Fen is both a unique natural resource and a wetland whose unique hydrology, soils plants and habitats are highly sensitive to water quality and sediment stress;

**WHEREAS**, the bluffs located north of Seminary Fen are highly prone to erosion due to sandy soils, groundwater discharges, naturally steep slopes and surface water flows. As a result several ravines have eroded and caused sediment plumes to enter the fringe of the wetland;

**WHEREAS**, the LMRWD and the City completed a project that stabilized the longest ravine, labeled C1, which was estimated to contribute 1,680 tons per year of sediment to the Seminary Fen complex;

**WHEREAS**, the LMRWD and the City would like to stabilize the next largest ravine, labeled C-2

**WHEREAS**, the capital improvement program in the Plan includes the Seminary Fen Ravine Site C-2 and C-3 studies, which will conduct a study to estimate the sediment contribution to Seminary Fen and provide approaches and cost estimates for correcting the erosion problems;

**WHEREAS**, in September 2019 Stantec Consulting Services, Inc. provided the City with a scope of services (the Scope) for the Study, attached hereto and incorporated herein as Exhibit A, which details the scope of services which includes: data collection and investigation tasks, survey and analysis,

hydrologic modeling, concept design for grade control and erosion protection, and meeting, reporting and project management tasks; and

**WHEREAS**, the LMRWD and the City are authorized by Minnesota Statutes section 471.59 to enter into this cooperative agreement for the Study

### **Agreement**

NOW, THEREFORE, THE LMRWD AND THE CITY enter into this agreement to document their understanding as to the scope of the Study, reaffirm both parties commitment as to the general responsibilities for and tasks to be undertaken by the parties and facilitate communication and cooperation to successfully complete the Study.

1. **Study.** The Study elements are described in detail in and supported by the Scope (Exhibit A), which serves as the basis for the partner's agreement.
2. **Costs.** The Scope estimates the total cost for the study will be \$50,890, which includes reimbursable expenses, such as mileage, copying charges, etc.
  - 2.1 The City will be responsible for oversight and management of the Study.
  - 2.2 The LMRWD will be responsible for \$20,000 of the Study costs (to be paid to the City) and technical assistance and information to the city's consultant as requested.
  - 2.3 Upon completion and final acceptance of the Study and receipt of the accompanying documents, the LMRWD will reimburse the City within thirty (30) days.
  - 2.4 Each party will be bear the internal, administrative and incidental costs of fulfilling its responsibilities and obligations under this agreement, as well as the costs incurred in providing and conducting public education, outreach and meetings for the Study.
3. **The City's Specific Rights and Duties**
  - 3.1 The City has contracted with Stantec Consulting Services (Stantec), Inc. provide the services detailed in Exhibit A. Notwithstanding the foregoing, the City makes no warranty to the LMRWD regarding Stantec's or a third party's performance.
  - 3.2 The City will contract for Stantec's services and oversee the Study. The City may adjust the scope of service in consultation with the LMRWD, as long as the adjustments do not exceed the scope of rights granted under this agreement or create obligations not anticipated hereunder. If the City, in its judgment, should decide that the Study is infeasible prior to the obligations of any funds for the Study, the City may at its option declare this agreement rescinded and annulled. If the City so declares, all obligations herein, performed or not, will be voided.

4. **LMRWD Specific Rights and Duties.** On receipt of documentation of costs incurred and paid, LMRWD will reimburse the City as described in Section 2 of this agreement.

5. **General Terms**

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

This agreement creates no right in and waives no immunity, defense or liability limitation with respect to any third party. As between the parties, only contract remedies are available for a breach of this agreement.

5.2 **PUBLICITY AND ENDORSEMENT.** Any publicity regarding the Study must identify the City and LMRWD as the sponsoring entities. For purposes of this provision, publicity includes notices, information pamphlets, press releases, research, reports, signs and similar public notices prepared by or for the City or LMRWD individually or jointly with others. Each party at its own cost, may develop, produce and after approval of the other party, distribute educational, outreach and publicity materials related to the Study.

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

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

- 5.5 ENTIRE AGREEMENT. This agreement contains the complete and entire agreement between the parties relating to the subject matter hereof and supersedes all prior negotiations, agreements, representations and understandings, if any, between the parties respecting such matters. The recitals stated at the outset are incorporated into and a part of the agreement.
- 5.6 AMENDMENT. This agreement, as it may be amended in writing, constitutes the entire agreement between the City and LMRWD. Any amendment to this agreement will not be effective until it has been executed and approved by the same parties executing and approving the original agreement or their successors in office.
- 5.7 WAIVERS. The Waiver by the City and LMRWD of any breach or failure to comply with any provision of this agreement by the other party will not be construed as nor will it constitute a continuing waiver of such provision or a waiver of any other breach of or failure to comply with any other provision of this agreement.
- 5.8 NOTICES, COORDINATION. The City and LMRWD designate the following authorized representatives, each to serve as liaison to the other party for purposes of communication regarding the Study as provided in this agreement. Any written communication required under this agreement will be addressed to the other party as follows, except that any party may change its address for notice by so notifying the other party in writing:

**City of Chaska**

Matt Clark  
City Engineer  
One City Hall Plaza  
Chaska, MN 55318  
Phone: (952)448-9200  
Email: MClark@chaskamn.com

**Lower Minnesota River Watershed District**

Linda Loomis  
Administrator  
112 East 5th Street, Suite 102  
Chaska, MN 55318

- 5.9 TERM; TERMINATION. This agreement is effective on execution by both parties and will terminate once the final report is received or on the written agreement of the City and LMRWD.

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

*(Signature page follows)*

CITY OF CHASKA

\_\_\_\_\_

By: \_\_\_\_\_

Its \_\_\_\_\_

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

\_\_\_\_\_

By: \_\_\_\_\_

Its \_\_\_\_\_

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

*Approved as to form & execution:*

\_\_\_\_\_

City Attorney

LOWER MINNESOTA RIVER  
WATERSHED DISTRICT

  
\_\_\_\_\_

By: Jesse Hartmann

Its President

Date: 1-15-2020

*Approved as to form & execution:*

\_\_\_\_\_

District Attorney

## C2 Seminary Fen Ravine Feasibility Report

Chaska, MN



Prepared for:

City of Chaska

Prepared by:

Kellie Schlegel, P.E., Project Engineer  
John Smyth, Project Manager

February 2022

## C2 Seminary Fen Ravine Feasibility Report

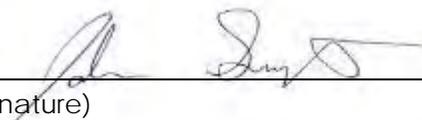
February 10, 2022

Prepared for:  
City of Chaska  
Prepared By:

Stantec Consulting Services Inc.  
733 Marquette Avenue  
Suite 1000  
Minneapolis, MN 55402  
Project Number: 193805279

This document entitled C2 Seminary Fen Ravine Feasibility Report was prepared by Stantec Inc. for the account of City of Chaska. The material in it reflects Stantec's best judgment in light of the information available to it at the time of preparation. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the responsibilities of such third parties. Stantec Inc. accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report.

Prepared by Kellie M. Schlegel  
(signature)

Prepared by   
(signature)

**John Smyth, Project Manager**

Reviewed by   
(signature)

**Dan Edgerton, P.E., Senior Associate**



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4.0	EXISTING CONDITIONS .....	4.3
5.0	DESIGN ALTERNATIVES.....	5.7
6.0	COST ESTIMATE.....	6.9
7.0	CONCLUSION.....	7.10

## LIST OF FIGURES

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- Figure 2: Ravines at Seminary Fen
- Figure 3: NRCS Soil Survey Data
- Figure 4: Sediment Plume Field Data

## APPENDICES

- Appendix A – Historical Imagery
- Appendix B – Design Alternatives
- Appendix C – Cost Estimates

## C2 SEMINARY FEN RAVINE FEASIBILITY REPORT

Project Summary and Cost Estimate  
February 11, 2022

### 1.0 PROJECT SUMMARY AND COST ESTIMATE

The proposed project involves stabilizing and providing protection to approximately 1,100 linear feet of the C2 Seminary Fen Ravine. The project location is shown in Figure 1. The proposed improvements will reduce the sediment discharge to the Seminary Fen wetland complex by an estimated 322 tons per year. Seminary Fen supports dozens of rare, threatened, and special concern animal and plant species that are sensitive to sedimentation stress, so a reduction of sediment is critical to maintaining the unique characteristics of this wetland.

Several grants and funding from organizations have been used to provide financial support to similar projects in the past, including:

- Clean Water Fund Grant (BWSR)
- MN Department of Natural Resources
- Lower MN Watershed District
- Carver County

The estimated funding required for this project is provided in the table below.

Alternative	Project Length	Estimated Sediment Removal	Estimated Project Cost
1 – Rock-Lined Channel with no Upstream Detention	1,140 LF	Not estimated (option not feasible)	
2 – Rock-Lined Channel	1,140 LF	322 tons/year	\$815,000
3 – Storm Sewer Pipe with Vegetated Channel	1,140 LF	322 tons/year	\$780,000

Detailed cost estimates for each alternative option are included in Appendix C.

## C2 SEMINARY FEN RAVINE FEASIBILITY REPORT

Introduction  
February 11, 2022

### 2.0 INTRODUCTION

Seminary Fen, a 600-acre complex in Carver County, supports one of only 500 calcareous fens in the world and is one of the highest quality calcareous fens in southern Minnesota. Given this fact, and the fact that it supports dozens of rare, threatened, and special concern plant and animal species, it has been characterized as one of the most significant natural areas in the Twin Cities Metropolitan Area and is part of the Minnesota Department of Natural Resources Scientific and Natural Areas program. The fen feeds Assumption Creek, one of the metro area's last known trout streams that supports naturally-reproducing native brook trout. Assumption Creek discharges to the nearby Minnesota River. The fen's unique hydrology, soils, plants, and habitats are highly sensitive to water quality and sedimentation stress.

The City of Chaska completed the C-1 Ravine Stabilization Project in 2016 with funding partners including the Board of Water and Soil Resources, Carver County Watershed Management Organization, Department of Natural Resources, and Lower Minnesota Watershed District (Figure 2). The C-1 Ravine project was estimated to reduce yearly sediment loads by 1,680 tons per year to Seminary Fen. The C-2 Ravine is the 2<sup>nd</sup> most severely eroded ravine along Seminary Fen, and the proposed improvements to C-2 are estimated to reduce sediment loads by 322 tons per year. The sediment plume from C-2 is estimated to have expanded into 2.0 acres of Seminary Fen at the end of the ravine with depths between 2 feet and 5 feet.

### 3.0 STUDY METHODS

The first step in this project involved a ravine analysis. The ravine analysis consisted of a site visit, in which we walked the ravine and documented the erosion locations and causes of erosion, and a hydraulic analysis.

A HydroCAD hydraulic analysis was completed for existing conditions on the entire ravine section below the upstream outlet (Station 10+00). To perform the analysis, existing conditions cross-sections (XSs) based on survey data were imported from AutoCAD, and hydraulic data was entered for each XS. Based on modeled flow velocities and XS analysis, a suite of recommended improvements was developed to address the varying levels and types of degradation found along the ravine. The 100-year storm event (NOAA Atlas 14) flows were determined using a HydroCAD model based on existing ponding conditions at the upstream end of the ravine and its contributing watershed. In the model, the ravine was split into two representative sections with unique slope and cross-section. The watershed's contributing flows to each section were modeled conservatively to enter at the upstream end of their respective reaches. The cumulative 100-year flow to the downstream end of the ravine (Station 0+00) that was used for the analysis was 60.4 cfs.

The sediment plume investigation was conducted to determine approximately how much sediment had encroached into the historical wetland, as well as to estimate the depth of sediment. A delineation done in 2015 for the C-1 and C-2 ravines is shown on Figure 2. Hand soil borings were taken to the depth of the original soil. Borings extended from the upland towards the wetlands until there was no sediment observed, indicating the limits of sediment. The soil boring locations are shown on Figure 4.

### 4.0 EXISTING CONDITIONS

The overall area draining to the C-2 ravine is 12.4 acres and is comprised of a mixture of residential, park, and heavily-wooded land covers. Soils draining to the ravine are generally hydrologic soil groups (HSG) B and C, which are silty loams and produce moderate amounts of runoff following rainfall. Drainage to the upstream end of the ravine first flows to a small depressional area along the east edge of Hazeltine Bluff Park, where it enters an existing catch basin with a 15" outlet pipe before discharging to the ravine (see photo, next page). Existing conditions HydroCAD modeling indicated that this catch basin is overwhelmed by stormwater runoff in 10-year and larger storm events, resulting in overland flows to the ravine without the benefit of the 15-inch pipe outlet that would provide some rate control.

## C2 SEMINARY FEN RAVINE FEASIBILITY REPORT

### EXISTING CONDITIONS

February 11, 2022



**Catch basin upstream of ravine can only handle the 10-year storm event before it discharges overland to the ravine**

The catch basin has an invert of 912.24 and drops the flows 30 feet in a pipe that discharges in the ravine with a 15-inch pipe at an invert of 882.49. The ravine's soils in the bluff areas, including C-2, are mapped by the NRCS soil survey as Lester Kilkenny (Figure 3). The soil survey describes this soil as having 20 inches of loam over 38 inches of clay loam over loam with 18% slopes. The erosion found in this ravine is a common symptom of concentrated flow, loss of herbaceous vegetation due to shading, and increased impervious surfaces in the watershed. This increased amount of runoff routed through the ravine overcomes the natural resistance of the soils and vegetation to erosion. There is no floodplain, so flow concentrates along the steep slope and causes toe erosion. Eroding of the toe of slope has resulted in massive slope failure along steep bluff slopes. In most areas, the slope failure has resulted in near-vertical slopes over 24 feet high (see photo, next page).

## C2 SEMINARY FEN RAVINE FEASIBILITY REPORT

### EXISTING CONDITIONS

February 11, 2022



**Toe of slope erosion causing slope failure along ravine**

In several locations, concentrated flows from adjacent runoff discharge down steep bluff slopes to the ravine bottom. These steep slopes of the ravine cannot handle these concentrated discharges, and therefore cause slope erosion. Two such locations occur near station 7+00 from flows east of the ravine and near station 4+50 from the discharge at an existing 15-inch CMP under an existing gravel trail. Refer to Figures 1 and 3 in Appendix B for station locations.

## C2 SEMINARY FEN RAVINE FEASIBILITY REPORT

### EXISTING CONDITIONS

February 11, 2022



**Concentrated discharges at top of slope causing slope erosion (STA 7+00)**

### **Sediment Plume**

The C-2 channel has dropped out sediment where it flattens near the downstream end and enters the Seminary Fen Wetland Complex. The sediments have been depositing in the wetland for over 85 years. There is evidence of discharge of sediments to the wetland even in the oldest aerial photographs dated 1937 and 1940 (Appendix A). In 1966, the sediment areas were vegetated, but sediment continues to be deposited further into the wetland today. Currently, ground cover is minimal due to the sandy soils and frequent sediment deposits. The site is predominantly trees and shrubs. The sediment plume continues to expand due to erosion from the ravine.

The sediment plume is approximately 2.0 acres in size. The fill soil is predominantly 24 inches thick but was observed to be as much as 70 inches thick. The estimated sediment plume boundary based on the 2015 wetland delineation and hand soil borings is provided on Figure 4.

### 5.0 DESIGN ALTERNATIVES

There were three design alternatives initially reviewed, but only two of the design alternatives were found to be practical and were taken to the point of a cost estimate. The three design alternatives include:

Alternative 1. Channel and slope stabilization with no upstream detention improvements

Alternative 2. Rock-lined channel and slope stabilization with upstream detention improvements

Alternative 3. Storm sewer pipe and slope stabilization with upstream detention improvements

#### ALTERNATIVE 1. CHANNEL AND SLOPE STABILIZATION WITH NO UPSTREAM DETENTION IMPROVEMENTS

Alternative 1 is the reestablishment of a stable channel bottom and slopes with no additional upstream improvements. With this option, the upstream catch basin would convey the 10-year storm event, but larger storm events would continue to flow overland, which results in the highest flows of any of the options for the channel. The channel flows under this option are 40.66 cfs with flows depths of 0.90 feet. With a safety factor of 1.5, these flows would require a rock-lined channel using Class V sized riprap. This is the largest rock sized by MNDOT and includes rock over 24 inches. Due to the large sized rock, this approach is considered cost-prohibitive and not practical, and was not analyzed further as part of this report.

#### UPSTREAM DETENTION IMPROVEMENTS

Upstream detention improvements are necessary for the both the piping and rock channel options. It provides the needed rate control to reduce the pipe size for the storm pipe option (Alternative 3), and to reduce the rock size for the rock-lined channel option (Alternative 2). Without the upstream detention improvements, the upstream catch basin in Hazeltine Bluff Park is overwhelmed by stormwater runoff in 10-year and larger storm events. In these events, flows are routed overland down to the ravine, resulting in high flows within the ravine (40.66 cfs) discussed in the previous section.

The detention improvements involve construction of a dry detention basin and new outlet replacing the existing catch basin upstream of the ravine. The improvements include excavation of the detention area west into the hillside along the existing park trail with a bottom elevation of 909.5 and a 15-inch pipe outlet at 909.5 that will tie into the existing pipe that discharges to the ravine. An embankment will be built on the downstream end to ensure flow discharges into the pipe rather than bypassing to the ravine. As proposed, the 100-year storm would be conveyed in the 15-inch pipe. A comparison of existing and proposed 100-year flows at the upstream end of the ravine is shown in the table below.

## C2 SEMINARY FEN RAVINE FEASIBILITY REPORT

design alternatives

February 11, 2022

	<b>Berm Elevation</b>	<b>HWL</b>	<b>Overtopping flow</b>	<b>Peak Outflow to Ravine</b>
<b>Scenario</b>	<b>(ft)</b>	<b>(ft)</b>	<b>(cfs)</b>	<b>(cfs)</b>
Existing	913.09	913.47	12.3	19.4
Recommended (Upstream Detention)	914.00	913.84	0.0	11.5

The proposed detention area grading and the 100-year HWL is contained almost entirely on the City's park property and the adjacent drainage and utility easements.

### ALTERNATIVE 2. ROCK-LINED CHANNEL AND SLOPE IMPROVEMENTS

The improvements for this option are provided on Figures 1 and 2 in Appendix B. The goal is to create a stable channel bottom and reestablish stable vegetated slopes. This will be accomplished by creating a rock-lined channel with rock weirs and select pool locations. The rock weirs and pools help to dissipate the flows, and the rock-lined channel will stabilize the channel bottom and protect the toe of slope from erosion (Figure 2). The new channel bottom will be raised approximately 3-4 feet to reestablish a channel bottom closer to the historical elevation and reduce the height of the vertical cut faces that currently exist. Given the steep ravine slopes and its history of erosion, it is recommended that the ravine be lined with angular rock with MNDOT Class IV gradation. Rock was sized using 100-year flows calculated in HydroCAD and the USDA NRCS Trapezoidal Riprap-Lined Waterway Design spreadsheet tool. Minimum riprap size was determined for each of the representative HydroCAD ravine sections. Based on 100-year storm flow depth (0.9 ft), the proposed channel is sized appropriately to convey the 100-year storm event without overtopping the rock. The proposed rock channel cross-sections will have a 6' channel bottom width and a 2' depth. The concept and details for this alternative are provided in Appendix B (Figures 1 and 2)

### ALTERNATIVE 3. STORM SEWER PIPE WITH VEGETATED CHANNEL AND SLOPE IMPROVEMENTS

An alternative to the channel improvements proposed above is to run storm sewer piping along the bottom of the existing ravine that would convey upstream detention flows and pick up intermediate ravine flows at storm structures placed at ravine bends. The pipe conveyance system will route direct discharges from offsite through a pipe to the bottom of the ravine. Over the pipe, a vegetated channel will be established to route localized flows. With this option, the velocities of flows are low enough so the channel bottom does not require rock throughout its length. A 6-foot-wide channel will be developed and stabilized with deep-rooted native vegetation and Turf Reinforcement Mat. Buried rock checks will be located along the ravine bottom to reduce the potential for head cutting. The concept and details for this alternative are provided in Appendix B (Figures 3 and 4).

The typical side slope improvements proposed for both Alternatives 2 and 3 are provided on Figure 5. The side slopes of the ravine will be graded to create a 2:1 or flatter slope in locations

## C2 SEMINARY FEN RAVINE FEASIBILITY REPORT

COST ESTIMATE  
February 11, 2022

where the 2:1 slope is exceeded. Trees will be removed in the graded area, and select tree removal will occur along the slopes and near the top of slope to open the canopy. The long slope length requires that 6-inch fiber biologs be placed parallel to the slope with approximately 8-foot spacing to break up the slope length and control erosion. Topsoil has eroded away along most of the slope. The slopes will be seeded with partial shade native state seed mix 36-211, which will provide a deep root structure to protect the ravine slopes. The seed will be covered with Earth Guard Fusion Extreme or a similar bonded fiber matrix product that provides nutrients and soil protection as the seeds develop.

### Side Channels

In several locations, concentrated flows carry surface runoff down steep bluff slopes to the ravine bottom. These steep slopes of the ravine cannot handle concentrated discharges, causing slope erosion in areas such as at station 7+00 from flows east of the ravine and near station 4+50 from the discharge at the existing 15-inch CMP under the trail. On the westerly side channel of the ravine, we propose to extend the 15-inch pipe down the ravine slope to the channel bottom to reduce slope discharge and erosion. The eastern location will have overland flow captured at the top of the slope in a catch basin and then routed down to the channel bottom in a pipe. The location of the discharges will need to be verified in the field prior to construction plans being completed. The concept and details for these proposed improvements are shown in Figures 1 and 3 in Appendix B.

## 6.0 COST ESTIMATE

Cost estimates have been prepared for both the channel and pipe alternatives. Cost estimates include a 15% construction contingency, as well as estimated indirect costs for engineering, legal, administrative, and other costs. The detailed cost estimates can be found in Appendix C. The estimated project costs are as follows:

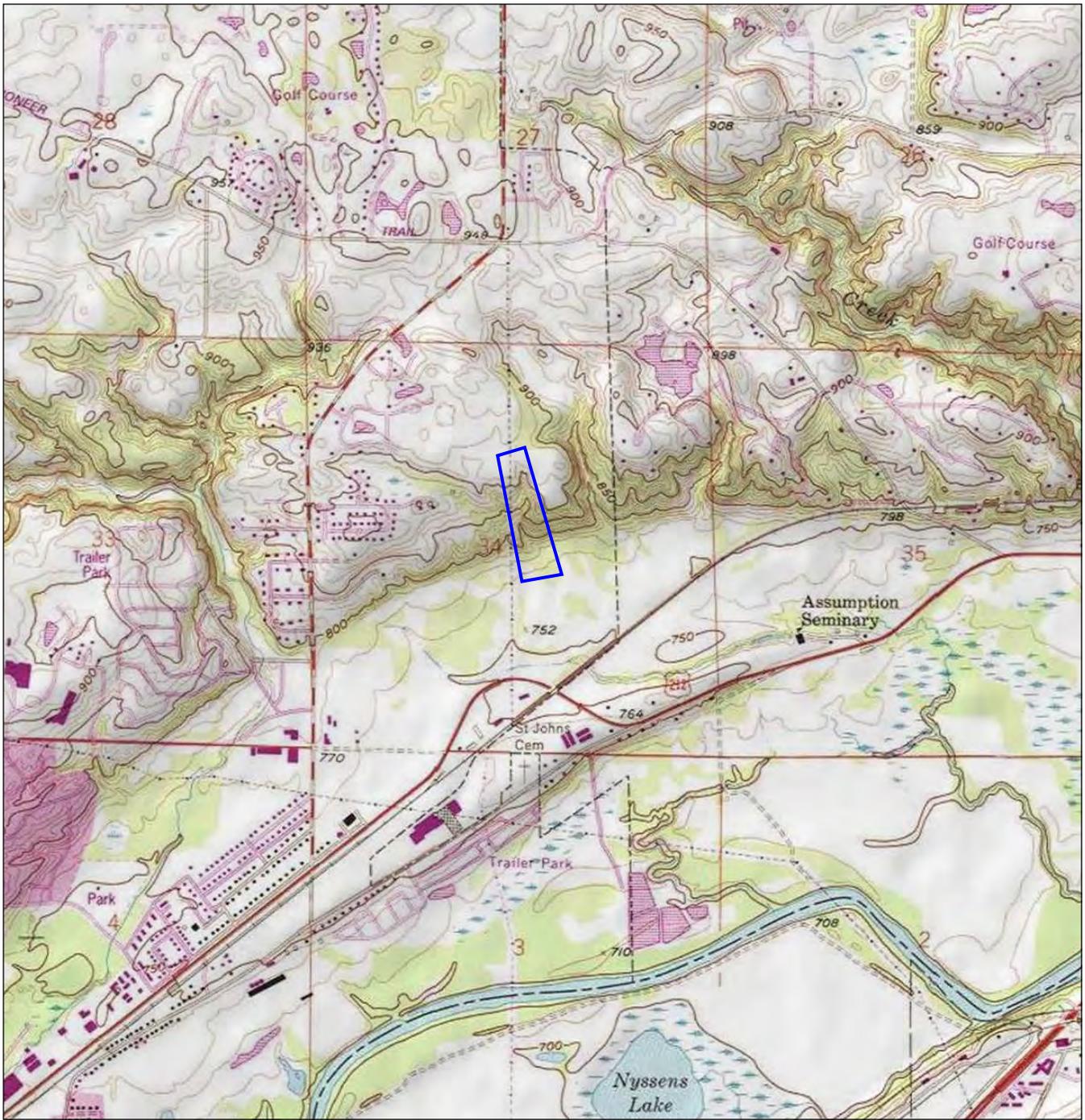
	Alternative 2 (Rock-Lined Channel)	Alternative 3 (Storm Sewer Pipe with Vegetated Swale)
Estimated Construction Cost (Incl. 15% Contingencies)	\$615,000	\$580,00
Estimated Indirect Costs	\$200,000	\$200,000
Total Estimated Project Cost	\$815,000	\$780,000

Conclusion  
February 11, 2022

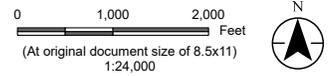
### 7.0 CONCLUSION

If completed, this project will reduce the sediment discharge to the Seminary Fen wetland complex by an estimated 322 tons per year. Seminary Fen supports dozens of rare, threatened, and special concern animal and plant species that are sensitive to sedimentation stress, so a reduction of sediment is critical to maintaining the unique characteristics of this wetland. This unique wetland community is valued by the State, County, local watershed, and City, so funding support from a variety of agencies is likely; however, the proposed storm sewer pipe alternative likely would not be funded by agencies such as the Board of Water and Soil Resources. Based on cost and funding support potential, we recommend the City move forward with the rock-lined channel option with upstream detention improvements (Alternative 2).

## FIGURES



**Legend**  
 Project Site C2 Ravine

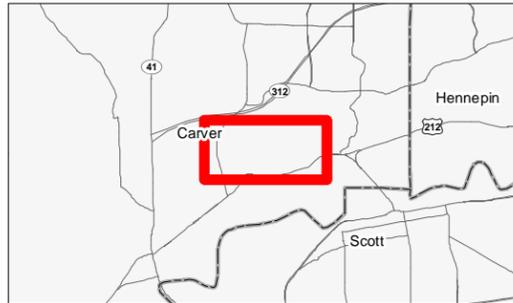
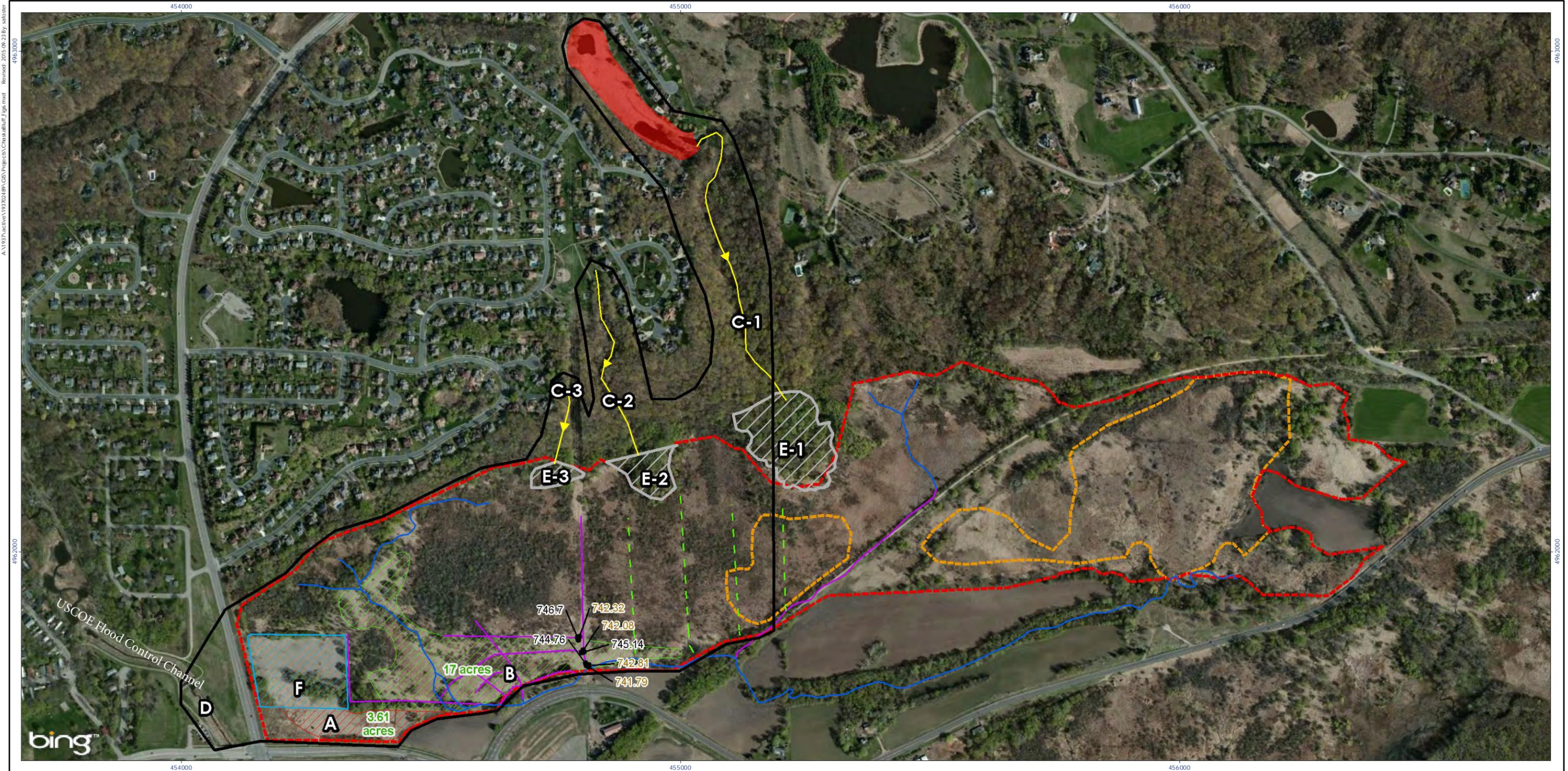


**Project Location** T116N, R23W, S34  
 C. of Chaska, Carver Co., MN  
**Client/Project** City of Chaska  
 Seminary Fen C2 Ravine

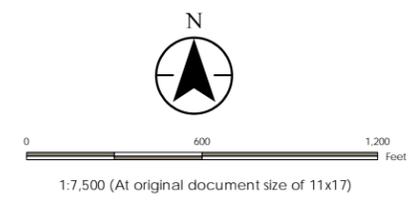
Prepared by SF on 2021-05-14  
 TR by MZ on 2022-01-26  
 IR by JS on 2022-01-26  
 193805279

**Figure No.**  
 1  
**Title**  
 Project Location and Topography

- Notes**
1. Coordinate System: NAD 1983 UTM Zone 15N
  2. Data Sources: Stantec and USGS
  3. Background: USGS 7.5' Topographic Quadrangle



- Legend**
- Project Site
  - Seminary Fen Wetland Complex (B)
  - Calcareous Fen (Southeastern)
  - Sedimentation Plumes (E-1, E-2, E-3)
  - Barr Restoration and Management Data
  - Natural Drainageway
  - Potential Tile (No tile observed)
  - Surface Ditch
  - 745.14 Ditch Top Elevations
  - 742.32 Ditch Bottom Elevations
  - 2011 Wetland Restored (F)
  - Potential Purchase and Wetland Restoration Area (A)
  - Proposed Wetland Restoration Area (B)
  - Hazeltine Bluff Wetland
  - Ravines (C-1, C-2, C-3)

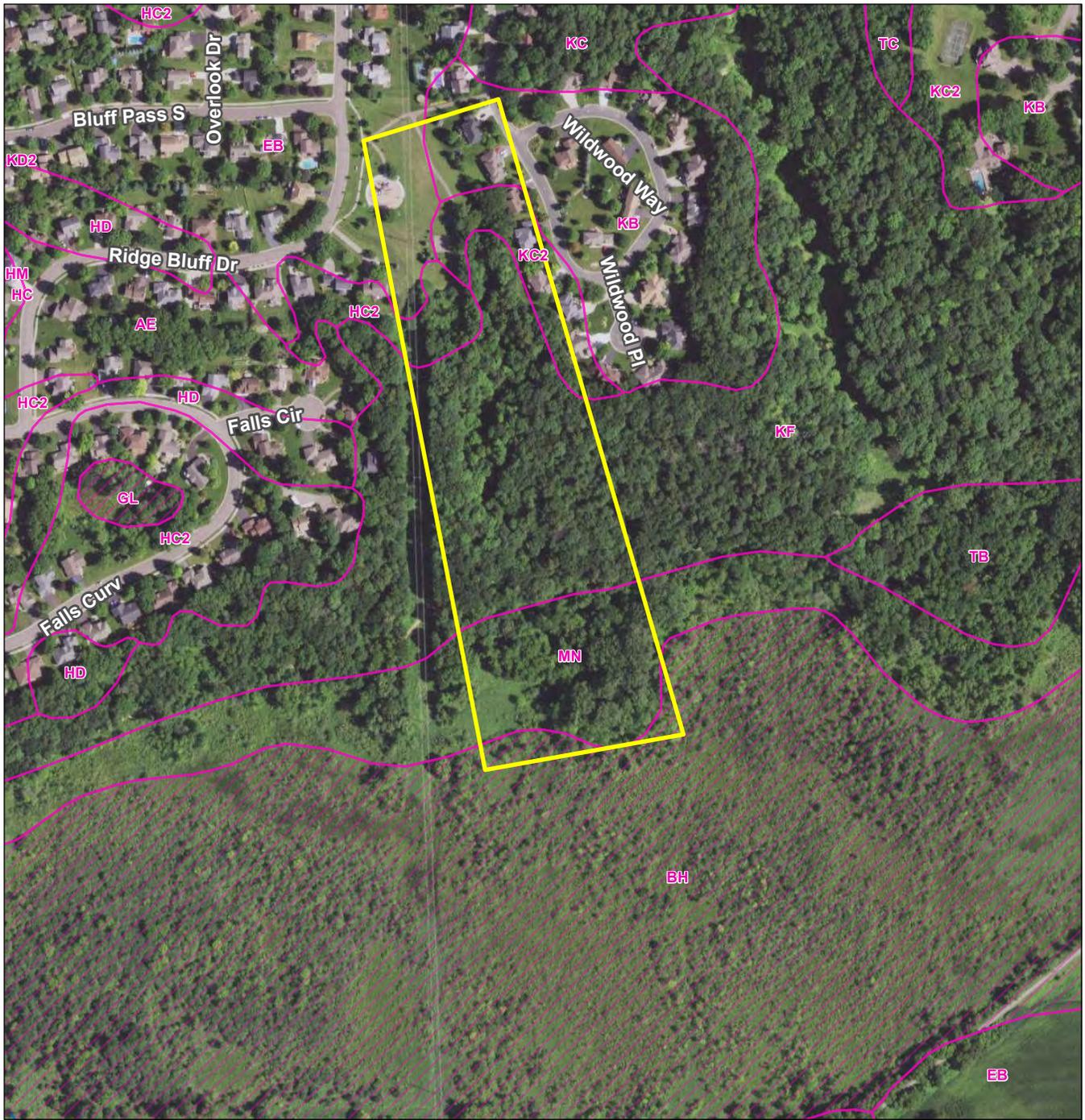


**Notes**  
 1. Coordinate System: NAD 1983 UTM Zone 15N  
 2. Data Sources Include: Stantec, USGS, and ESRI  
 3. Orthophotography: Microsoft Corporation, with permission

Figure No. **2**  
 Title **Ravines at Seminary Fen**  
 Client/Project **City of Chaska**  
 Project Location **1116, R23, S34, C. of Chaska, Carver Co., MN**  
 193702489  
 Prepared by CS on 2015-03-05  
 Technical Review by JS on 2015-09-18



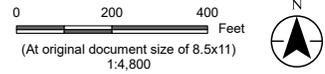
Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.



**Notes**  
 1. Coordinate System: NAD 1983 UTM Zone 15N  
 2. Data Sources: Stantec, USGS, NADS, NRCS  
 3. Background: 2019 NAIP

- Legend**
- Project Site C2 Ravine
  - NRCS Soil Survey Data**
  - Hydric Rating**
  - Predominantly Hydric Soil
  - Partially Hydric Soil
  - Non-Hydric Soil
  - National Hydrography Dataset**
  - Perennial Stream\*
  - Intermittent Stream
  - Waterbody\*

\*No Features Within Data Frame



**Project Location**  
 T116N, R23W, S34  
 C. of Chaska, Carver Co., MN

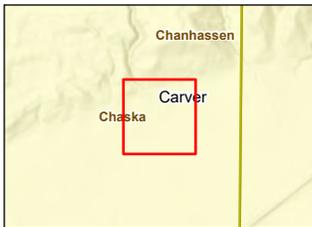
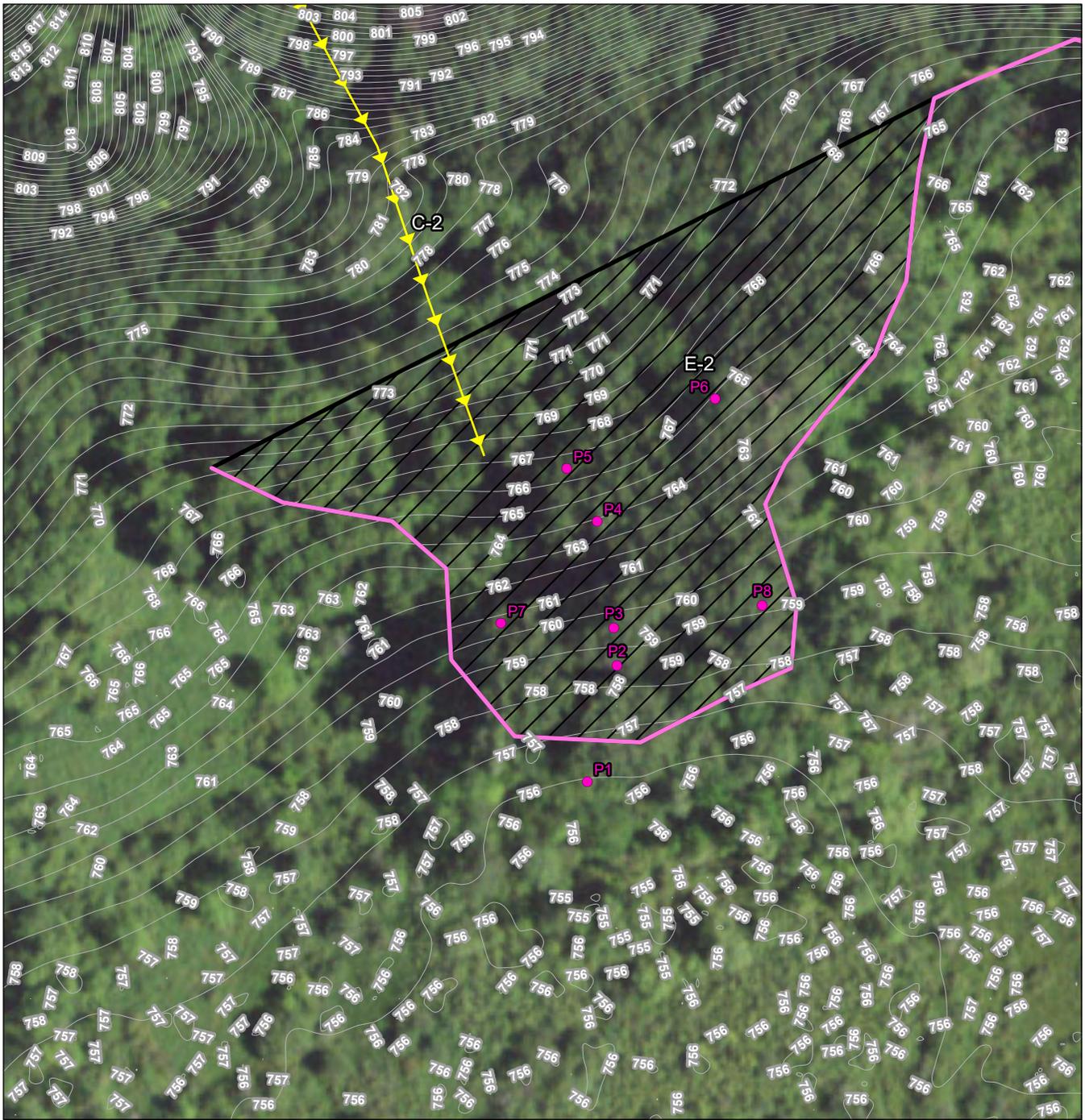
**Prepared by SF on 2021-05-14**  
**TR by MZ on 2022-01-26**  
**IR by JS on 2022-01-26**

**Client/Project**  
 City of Chaska  
 Seminary Fen C2 Ravine

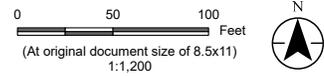
193805279

**Figure No.**  
**3**

**Title**  
**NRCS Soil Survey Data**



- Legend**
- Delineated Wetland Boundary
  - Sample Point
  - C2 Ravine
  - 1ft Lidar Elevation Contour
  - Approximate Sediment Plume Boundary 2.02 Ac.



*Project Location*  
 T116N, R23W, S34  
 C. of Chaska, Carver Co., MN

*Prepared by SF on 2021-05-14*  
*TR by MZ on 2022-01-26*  
*IR by JS on 2022-01-26*

*Client/Project*  
 City of Chaska  
 Seminary Fen C2 Ravine

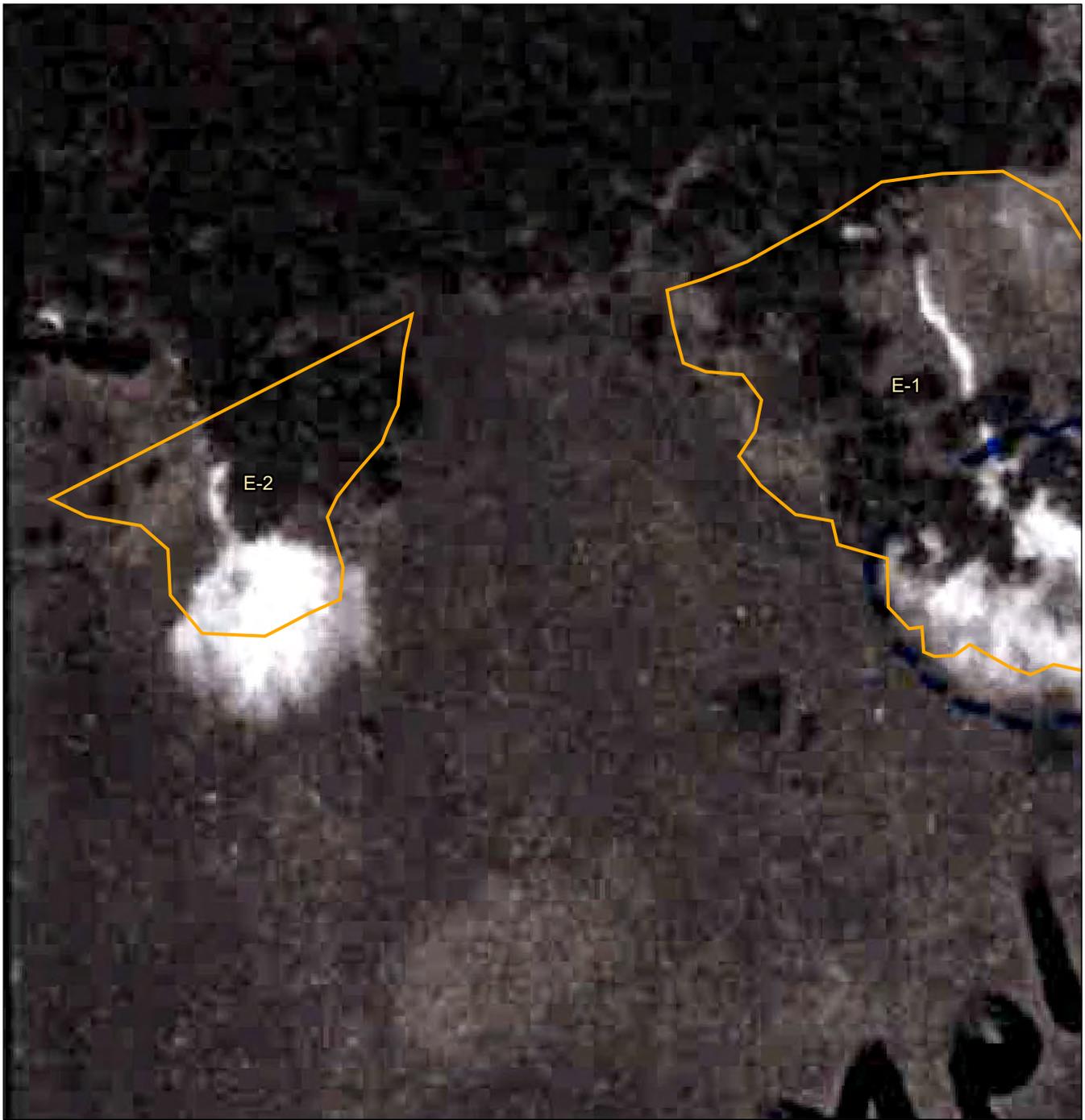
193805279

*Figure No.*  
**4**

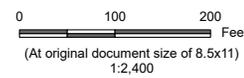
*Title*  
**Sediment Plume Field Data**

- Notes**
1. Coordinate System: NAD 1983 UTM Zone 15N
  2. Data Sources: Stantec, USGS, NADS, MNGeo
  3. Background: 2019 NAIP

**APPENDIX A  
HISTORICAL IMAGERY**



**Legend**  
 Approximate Sediment Plume Boundary

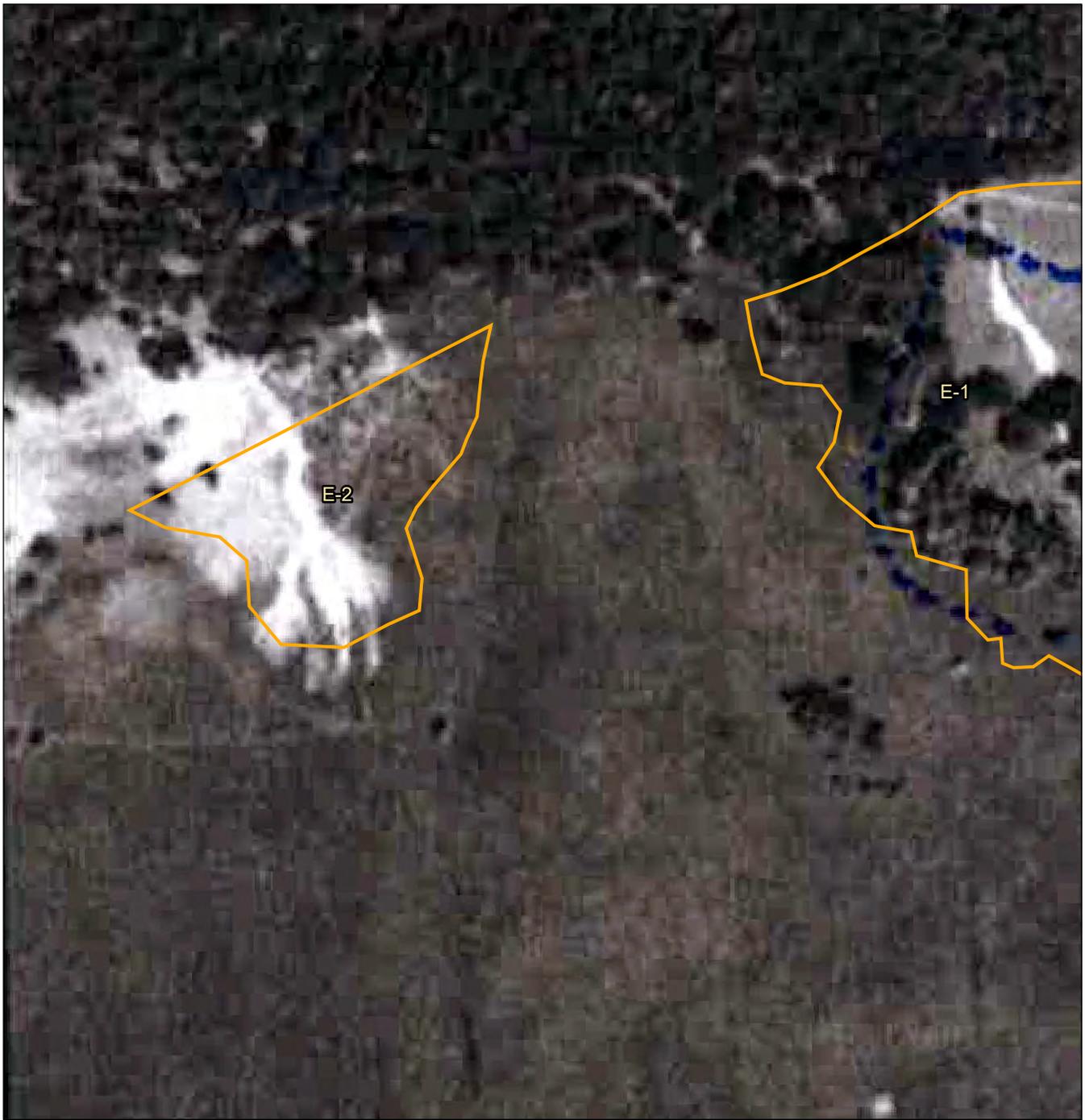


*Project Location* T116N, R23W, S34  
C. of Chaska, Carver Co., MN  
*Prepared by SF on 2021-05-14*  
*TR by MZ on 2022-01-26*  
*IR by JS on 2022-01-26*

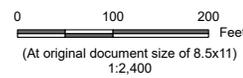
*Client/Project*  
City of Chaska  
Seminary Fen C2 Ravine  
193805279

*Figure No.*  
**Appendix A**

*Title*  
**Historic Imagery (1937)**  
**Approximate Sediment Plume**



**Legend**  
 Approximate Sediment Plume Boundary

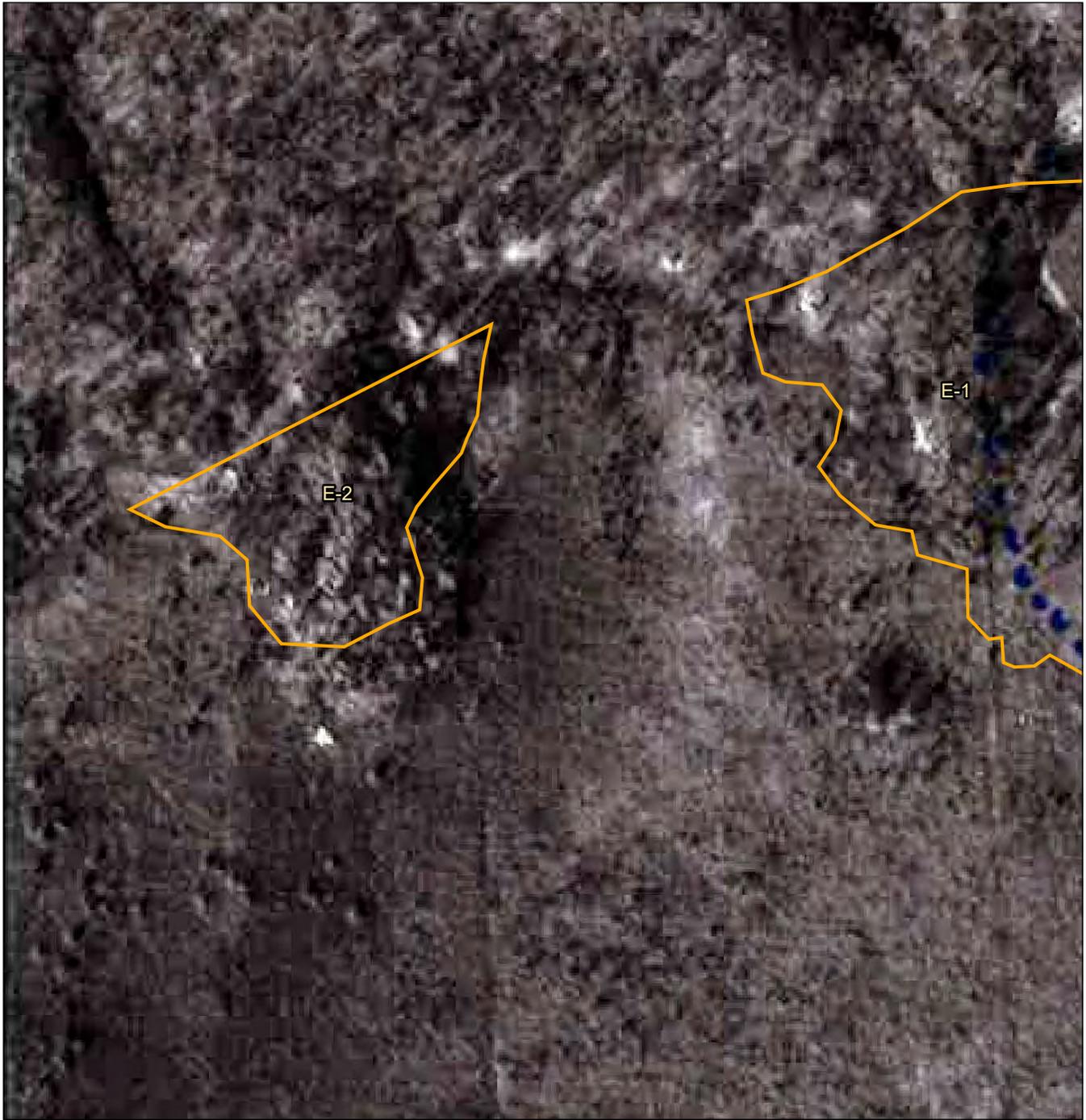


*Project Location* T116N, R23W, S34  
 C. of Chaska, Carver Co., MN  
*Prepared by SF on 2021-05-14*  
*TR by MZ on 2022-01-26*  
*IR by JS on 2022-01-26*

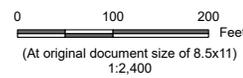
*Client/Project* City of Chaska  
 Seminary Fen C2 Ravine  
 193805279

*Figure No.*  
**Appendix A**

*Title*  
**Historic Imagery (1940)  
 Approximate Sediment Plume**



**Legend**  
 Approximate Sediment Plume Boundary



*Project Location* T116N, R23W, S34  
C. of Chaska, Carver Co., MN  
*Prepared by SF on 2021-05-14*  
*TR by MZ on 2022-01-26*  
*IR by JS on 2022-01-26*

*Client/Project* City of Chaska  
Seminary Fen C2 Ravine  
193805279

*Figure No.* Appendix A

*Title*  
**Historic Imagery (1966)  
Approximate Sediment Plume**

**APPENDIX B  
DESIGN ALTERNATIVES**











**APPENDIX C  
COST ESTIMATES**

C2 Ravine Stabilization  
 Cost Estimate - Alternative 2: Rock-Lined Channel  
 2/9/2022

Ravine Stabilization Improvements - Rock-Lined Channel	Unit	Quantity	Unit Price	Total Price
Mobilization	LS	1	\$ 25,000.00	\$ 25,000.00
Traffic Control	LS	1	\$ 3,000.00	\$ 3,000.00
Storm Sewer Bypass	LS	1	\$ 5,000.00	\$ 5,000.00
Temporary Rock Construction Entrance	EA	1	\$ 1,500.00	\$ 1,500.00
Culvert Protection	EA	4	\$ 300.00	\$ 1,200.00
Street Sweeper with Pick-up Broom & Operator	HR	12	\$ 150.00	\$ 1,800.00
Clearing and Grubbing	LS	1	\$ 40,000.00	\$ 40,000.00
Grading Eroded Vertical Faces	LS	1	\$ 40,000.00	\$ 40,000.00
Granular Filter Material	CY	300	\$ 70.00	\$ 21,000.00
Geotextile Fabric	SY	1800	\$ 4.00	\$ 7,200.00
Class 2 Random Riprap	CY	262	\$ 110.00	\$ 28,824.89
Class 3 Random Riprap	CY	22	\$ 120.00	\$ 2,640.00
Class 4 Random Riprap	CY	1310	\$ 150.00	\$ 196,533.33
Class 5 Random Riprap	CY	73	\$ 170.00	\$ 12,466.67
12" RCP Storm Sewer	LF	140	\$ 80.00	\$ 11,200.00
15" RCP Storm Sewer	LF	200	\$ 90.00	\$ 18,000.00
27" Beehive Catch Basin	EA	1	\$ 2,000.00	\$ 2,000.00
4' Dia. Storm Sewer CBMH	EA	2	\$ 4,000.00	\$ 8,000.00
12" Flared End Section	EA	1	\$ 1,500.00	\$ 1,500.00
15" Flared End Section	EA	3	\$ 1,800.00	\$ 5,400.00
Connect to Existing Storm Sewer	EA	1	\$ 1,500.00	\$ 1,500.00
Restore Gravel Trail	SY	225	\$ 20.00	\$ 4,500.00
Restore Bituminous Trail	SY	120	\$ 35.00	\$ 4,200.00
Silt Fence, Machine Sliced	LF	1000	\$ 3.00	\$ 3,000.00
Fiber Biolog	LF	10000	\$ 3.00	\$ 30,000.00
Seeding Mix 34-261 & Erosion Control Blanket	SY	1700	\$ 4.00	\$ 6,800.00
Seeding Mix 36-211 & Bonded Fiber Matrix	SY	15000	\$ 3.50	\$ 52,500.00
Subtotal Construction				\$ 534,764.89
Construction Contingency (15%)				\$ 80,214.73
Estimated Construction Cost				\$ 614,979.62
Indirect Costs (Engineering, Legal, Admin.)				\$ 200,000.00
Estimated Project Cost				\$ 814,979.62

C2 Ravine Stabilization  
 Cost Estimate - Alternative 3: Storm Sewer Pipe with Vegetated Channel  
 2/9/2022

Ravine Stabilization Improvements - Storm Sewer Pipe	Unit	Quantity	Unit Price	Total Price
Mobilization	LS	1	\$ 25,000.00	\$ 25,000.00
Traffic Control	LS	1	\$ 3,000.00	\$ 3,000.00
Storm Sewer Bypass	LS	1	\$ 5,000.00	\$ 5,000.00
Temporary Rock Construction Entrance	EA	1	\$ 1,500.00	\$ 1,500.00
Culvert Protection	EA	4	\$ 300.00	\$ 1,200.00
Street Sweeper with Pick-up Broom & Operator	HR	12	\$ 150.00	\$ 1,800.00
Remove Storm Sewer Pipe	LF	12	\$ 150.00	\$ 1,800.00
Clearing and Grubbing	LS	1	\$ 40,000.00	\$ 40,000.00
Grading Eroded Vertical Faces	LS	1	\$ 40,000.00	\$ 40,000.00
Granular Filter Material	CY	100	\$ 70.00	\$ 7,000.00
Geotextile Fabric	SY	150	\$ 4.00	\$ 600.00
Class 3 Random Riprap	CY	110	\$ 120.00	\$ 13,200.00
12" RCP Storm Sewer	LF	140	\$ 80.00	\$ 11,200.00
15" RCP Storm Sewer	LF	356	\$ 90.00	\$ 32,040.00
24" RCP Storm Sewer	LF	280	\$ 120.00	\$ 33,600.00
30" RCP Storm Sewer	LF	342	\$ 130.00	\$ 44,460.00
36" RCP Storm Sewer	LF	189	\$ 140.00	\$ 26,460.00
48" RCP Storm Sewer	LF	180	\$ 150.00	\$ 27,000.00
27" Beehive Catch Basin	EA	1	\$ 2,000.00	\$ 2,000.00
4' Dia. Storm Sewer CBMH	EA	3	\$ 4,000.00	\$ 12,000.00
5' Dia. Storm Sewer CBMH	EA	4	\$ 5,000.00	\$ 20,000.00
6' Dia. Storm Sewer CBMH	EA	2	\$ 6,000.00	\$ 12,000.00
7' Dia. Storm Sewer CBMH	EA	3	\$ 8,000.00	\$ 24,000.00
12" Flared End Section	EA	1	\$ 1,500.00	\$ 1,500.00
15" Flared End Section	EA	2	\$ 1,800.00	\$ 3,600.00
48" Flared End Section	EA	1	\$ 5,000.00	\$ 5,000.00
Restore Gravel Trail	SY	225	\$ 20.00	\$ 4,500.00
Restore Bituminous Trail	SY	120	\$ 35.00	\$ 4,200.00
Silt Fence, Machine Sliced	LF	1000	\$ 3.00	\$ 3,000.00
Fiber Biolog	LF	10000	\$ 3.00	\$ 30,000.00
Seeding Mix 34-261 & Turf Reinforcement Mat	SY	3000	\$ 5.00	\$ 15,000.00
Seeding Mix 36-211 & Bonded Fiber Matrix	SY	15000	\$ 3.50	\$ 52,500.00
Subtotal Construction				\$ 504,160.00
Construction Contingency (15%)				\$ 75,624.00
Estimated Construction Cost				\$ 579,784.00
Indirect Costs (Engineering, Legal, Admin.)				\$ 200,000.00
Estimated Project Cost				\$ 779,784.00



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers

Meeting Wednesday, July 20, 2022

### **Agenda Item**

**Item 4. E. – Accept quote for Director’s & Officer’s Insurance and authorize payment**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

The Horton Group, insurance agent for the LMRWD, provided the attached quote for Director’s & Officer’s Insurance (D & O). Legal Counsel reviewed the quote and noted that it seemed in line with the insurance required by MN Statutes.

Horton Group has been contacted for the actual policy, so that coverage can be reviewed.

### **Attachments**

Quote from CRC Group provided by Horton Group, Inc. for NP D & O offered by the Great American Insurance Company

### **Recommended Action**

Motion to accept quote from CRC Group provided by Horton Group, Inc. for NP D & O offered by the Great American Insurance Company and authorize payment



Daniel Adorno  
Horton Group, Inc. - Orland Park  
10320 Orland Parkway  
Orland Park, IL 60467

Jun 01, 2022

Re: Lower Minnesota River Watershed District, Ref# 10441005-A  
Proposed Effective 8/1/2022 to 8/1/2023

Dear Daniel:

We are pleased to confirm the attached quotation for **NP D&O** being offered with **Great American Insurance Company**. This carrier is **Admitted** in the state of **MN**. Please note that this quotation is based on the coverage, terms and conditions as stated in the attached quotation, which may be different from those requested in your original submission. As you are the representative of the Insured, it is incumbent upon you to review the terms of this quotation carefully with your Insured, and reconcile any differences from the terms requested in the original submission. CRC Insurance Services, Inc. disclaims any responsibility for your failure to reconcile with the Insured any differences between the terms quoted as per the attached and those terms originally requested. The attached quotation may not be bound without a fully executed CRC brokerage agreement.

**NOTE: The Insurance Carrier indicated in this quotation reserves the right, at its sole discretion, to amend or withdraw this quotation if it becomes aware of any new, corrected or updated information that is believed to be a material change and consequently would change the original underwriting decision.**

Should coverage be elected as quoted per the attached, Premium and Commission are as follows:

<b>Premium:</b>	<b>\$1,015.00</b>
Broker Fee	\$50.00

**Grand Total: \$1,065.00**

**Broker Fees & Policy Fees are Fully Earned at Binding**

**NOTE: If insured is located outside your resident state, you must hold appropriate non-resident license prior to binding.**

**If Non Admitted the following applies:**

**Minnesota Tax Filings are the responsibility of: ( ) Your Agency ( ) CRC**

SURPLUS LINES LICENSEE: Philip S Hagan License# 20582200

THIS INSURANCE IS ISSUED PURSUANT TO THE MINNESOTA SURPLUS LINES INSURANCE ACT. THE INSURER IS AN ELIGIBLE SURPLUS LINES INSURER BUT IS NOT OTHERWISE LICENSED BY THE STATE OF MINNESOTA. IN CASE OF INSOLVENCY, PAYMENT OF CLAIMS IS NOT GUARANTEED.

Upon requesting quotes and/or placement for the coverage listed herein, the producing retail broker hereby confirms that he/she has performed any and all diligent searches, as may be required by statute, for coverage through licensed carriers or other means of placement, and as necessary maintain proof of declination. Where allowed by governing statutes, "diligent effort" may not require an actual physical search and declination on each risk, but may be based on the retail producing broker's own experience, opinion and overall knowledge of acceptability in the admitted marketplace.

---

CRC is compensated in a variety of ways, including commissions and fees paid by insurance companies and fees paid by clients. Some insurance companies pay brokers supplemental commissions (sometimes referred to as "contingent commissions" or "incentive commissions"), which is compensation that is based on a broker's performance with that carrier. These supplemental commissions may be based on volume, profitability, retention, growth or other measures. Even if a contingent commission agreement exists with a carrier, we recognize that our responsibility is to promote the best interests of the policyholder in the selection of an insurance company. For more information on CRC's compensation, please contact your CRC broker.

---

**Financing Insurance Premiums**

Premium financing budgets insurance payments and improves liquidity for other business objectives: working capital, business growth, business expansion.

If your clients choose to pay their insurance in monthly installments, it's fast and easy with AFCO Credit Corporation, which is an affiliate of CRC, providing premium financing solutions for companies across the United States.

You can learn more about how premium financing works and how it can expand your relationship with your clients by emailing [afcodirect@afco.com](mailto:afcodirect@afco.com); or call toll-free **877-317-6437**, option 1. Additional information is available at <https://www.afco.com/partners/crc.html>.

---

Sincerely,

Ashley Schmidt

aschmidt@crcgroup.com

10441005



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers

Meeting Wednesday, July 20, 2022

### Agenda Item

#### **Item 4. F. - Approve and authorize execution of Professional Services Agreement between the LMRWD and Young Environmental Consulting Group**

#### **Prepared By**

Linda Loomis, Administrator

#### **Summary**

At the April 2022 meeting of the LMRWD Board of Managers, the Board accepted the proposal for technical and engineering services from Young Environmental Consulting Group, LLC (YECG). A professional services agreement between YECG and the LMRWD is attached for approval by the Board of Managers and authorization to execute on behalf of the LMRWD.

YECG will continue to provide education and outreach services to the LMRWD as a separate service.

#### **Attachments**

Excerpt from April 20, 2022 meeting minutes

Agreement Between LMRWD and Young Environmental Consulting Group, LLC for Professional Services for the Lower Minnesota River Watershed District.

#### **Recommended Action**

Motion to approve agreement and authorize execution

Manager Salvato asked if there is some sort of protocol for allowing someone to apply and create a second rain garden within a certain time frame.

Manager Raby stated that it appears there will be a year between, and it sounds like each rain garden will be completely separate projects, the applicant would follow the same process and have the project next year evaluated on its own merit for the Board to review. He noted they have allowed this in the past and doesn't see why they wouldn't in the future.

**Motion by Manager Raby to approve Cost Share Application for 4624 Overlook Drive. The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None**

**C. 535 Lakota – Chanhassen – work without permit**

Administrator Loomis introduced this item. She stated the City of Chanhassen advised the LMRWD that they had become aware of a property which had done work without pulling the appropriate permits required.

Attorney John Kolb addressed the Board and stated they need to review the property to figure out what work had been done and potential violations that may have occurred to determine what restorations the LMRWD may need to require. He stated once they have had time to review the property and make those determinations then they will serve a notice of potential rule violation. He asked the Board for permission to conduct an inspection and send a notice to the property owner, so that a special meeting would not be needed.

Manager Raby asked about the timing of the notification to the property owner. Attorney Kolb explained that the LMRWD would not send any notice until after an inspection has been conducted. Manager Raby asked about accessing the property for an inspection. Attorney Kolb explained that the LMRWD has the right to enter the property to conduct inspections.

Ms. Schall Young, said that she has staff that are qualified to make the required inspection and that the LMRWD would coordinate all activities with the City.

**Motion by Manager Raby to approve inspecting the property and sending notice of potential code violation. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None**

**6. OLD BUSINESS**

**A. Legal & Technical Services**

Administrator Loomis explained that the LMRWD received one proposal to provide technical and engineering services from Young Environmental Consulting Group and no proposals to provide legal services. She explained that she has spoken with the current legal services provider, Rinke Noonan, about continuing to provide legal services for the LMRWD. She reported that Rinke Noonan said they would be happy to continue with the LMRWD and provided an agreement to provide legal service.

She noted the proposal from Young Environmental Consulting Group was included with the meeting materials.

**Manager Raby made a motion to accept the proposal provided by Young Environmental Consulting Group and to negotiate a contract with the assistance of legal counsel. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of**

**the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against:**

**None**

**President Hartmann made a motion to approve the agreement between the LMRWD and Rinke Noonan to provide legal services to the LMRWD and authorize execution. The motion was seconded by Manager Amundson. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None**

#### **B. Engineering Pool**

Administrator Loomis introduced this item and provided an overview. She explained that nine proposals had been received. Staff reviewed all the proposals and recommends that all firms that applied be included in a pool.

Ms. Schall Young explained that more information is needed from several firms, but that they are all qualified to provide the services required by the LMRWD.

Manager Raby asked what the duration of the contract will be.

Attorney John Kolb stated there isn't a specific contract or time frame, but more of an annual opportunity to look at the options. Agreements would be drafted when a specific task is required. He noted that the list would be refreshed every two years when the LMRWD solicits for engineering services.

Manager Amundson asked about the number of firms that are being included in the pool. Ms. Schall Young explained that this is not unusual and noted that some watershed districts have more. She further noted that this list does not preclude the LMRWD from using firms outside of the pool.

**Motion by Manager Mraz to accept all firms into the engineering pool for service areas identified in Table 1, pending the receipt of the following:**

- **IMO should provide 2022 billing rates and specify whether it would expect an increase annually; and**
- **All firms should provide a conflict-of-interest statement, including how they would address the occurrence of a real or perceived conflict**

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

#### **C. Audit and Financial Accounting Services Proposals**

##### **i. Addendum to Audit and Financial Accounting Service.**

Administrator Loomis provided an overview of this item. Invoices will need to be approved by the Board before they are paid moving forward.

**Motion by Manager Raby to pay the invoices listed in the addendum presented this evening. Motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, Raby, and Salvato; the following voted against: None.**

President Hartmann and Manager Amundson asked about Bill.com. Administrator Loomis noted that this is a new service that the Managers will use to authorize payment of invoices to the LMRWD.

#### **D. MAWD Membership**

**AGREEMENT**

**Between**

**LOWER MINNESOTA RIVER WATERSHED DISTRICT**

**and**

**YOUNG ENVIRONMENTAL CONSULTING GROUP, LLC**

**for**

**PROFESSIONAL SERVICES FOR**

**THE LOWER MINNESOTA RIVER WATERSHED DISTRICT**

This is an Agreement between the Lower Minnesota River Watershed District, a public body with powers set forth in chapters 103B and 103D and a drainage authority pursuant to chapter 103E of the laws of the State of Minnesota, and its successors, hereinafter referred to as “DISTRICT,” through its Board of Managers,

**AND**

Young Environmental Consulting Group, LLC, a Minnesota Limited Liability Company, with offices in Brooklyn Center, Minnesota, hereinafter referred to as “DISTRICT ENGINEER” or “CONSULTANT.”

WITNESSETH, in consideration of the mutual terms and conditions, promises, covenants, and payments hereinafter set forth, the sufficiency of which is hereby acknowledged, DISTRICT and CONSULTANT agree as follows:

**ARTICLE 1**

The DISTRICT selected the CONSULTANT to act as the DISTRICT ENGINEER by vote of the Board of Managers (“Board”) on April 20, 2022, for a two year term commencing August 1, 2022. CONSULTANT has, in its employ, Kathleen ‘Katy’ Thompson, P.E. (MN License # 52136). Ms. Thompson or her successor shall be the designated DISTRICT ENGINEER during the term of this Agreement.

- 1.1 DISTRICT has budgeted funds for the services to be provided by the CONSULTANT described herein.

## ARTICLE 2

### SCOPE OF SERVICES

#### 2.1 DISTRICT ENGINEER SERVICES

The CONSULTANT shall provide the following professional services on a routine basis:

- (a) Represent the DISTRICT as the DISTRICT ENGINEER and attend Board and Committee meetings, and Board workshops.
- (b) Review or investigate specific issues identified by the Board or the District Administrator (“Administrator”).
- (c) Review permit applications and/or plans submitted to the DISTRICT by developers, utility companies, municipalities, and others for conformance to the DISTRICT'S rules and prepare an engineer's report which summarizes the review and makes recommendations to the Board. In cooperation with the DISTRICT'S staff, keep necessary technical records to provide technical advice and assist in administration of DISTRICT'S permit program.
- (d) Prepare written or verbal reports to the Board or Administrator including monthly project status and cash flow reports, as requested by the Board or Administrator.
- (e) Conduct engineering studies, scientific investigations and feasibility studies and recommend action to the Board or the Administrator.
- (f) Assist the Administrator in the preparation and review of appropriate portions of the DISTRICT Budget.
- (g) Assist other government agencies, municipalities and citizens with technical issues involving the DISTRICT, as requested by the Board or Administrator.
- (h) Perform any other requested assignments for which CONSULTANT is qualified.
- (i) Meet with officials of federal, state and county agencies, and cities on DISTRICT business.
- (j) Prepare major reports and feasibility studies on proposed projects.
- (k) Perform hydrologic, hydrogeologic and water quality monitoring and analysis.
- (l) Perform hydrologic monitoring and data collection when directed, and coordinate the monitoring activities of other entities in partnership with the DISTRICT.
- (m) Generally assist the Board of Managers and DISTRICT staff in developing efficient practices and procedures for the DISTRICT.

- (n) Perform technical reviews of DISTRICT activities, computer model development and the promulgation of regulatory requirements.

## 2.2 DESIGN ENGINEERING SERVICES

Design Engineering Services shall be provided for construction projects and capital improvements, if requested by the Board or Administrator, including:

- (a) Preparation of detailed survey reports, construction plans and specifications in accordance with law and generally accepted engineering practice, including all contract documents necessary for receiving competitive construction bids.
- (b) Preparation of the estimated total cost of completing the project or improvement, including construction, operation, implementation, supervision, and administrative costs.
- (c) Assistance in obtaining bids, issuing bid document addenda, opening bids and analyzing bids received.
- (d) Assistance in awarding construction contracts.
- (e) The preparation of permit applications and efforts necessary to acquire permits and regulatory approvals for DISTRICT projects.
- (f) The DISTRICT ENGINEER will complete Computer Aided Design (CAD) using commercially available software and make these work products available to the District as allowable under licensing requirements or using readily available freeware or shareware viewers.

## 2.3 SUPPORT SERVICES DURING CONSTRUCTION

Support Services During Construction shall be provided if requested by the Board or Administrator, including:

- (a) Review of shop and working drawings of fabricated and manufactured equipment submitted by the contractor for substantial conformity with the intent of the contract plans and specifications.
- (b) Consultation during construction and interpretation of the plans and specifications.
- (c) Review of construction progress estimates and recommendations for progress and final payments to contractors.
- (d) Assistance in final inspection and materials testing.
- (e) Preparation of as-built design plans to show record conditions, and preparation of operations and maintenance manuals.

- (f) Processing and reviewing change orders.
- (g) Visits to the site of the work to observe general quality and progress of work and its conformity to the contract documents.
- (h) Field surveys to locate property boundaries and existing physical features, and to develop detailed topography and profile data required for design of the proposed facilities.
- (i) Construction staking and construction documentation.

## 2.4 OVERSIGHT OF CONSTRUCTION CONTRACTS ON BEHALF OF THE DISTRICT

The following services shall be included to oversee Construction Contracts if requested by the Board or Administrator:

- (a) The engineer shall inspect, supervise, and require the work as it is being completed to be done in accordance with the plans, specifications, and contract for construction.
- (b) Meetings and negotiations with the contractors involving changes in the scope or cost of the contracts, or change in the approved designs.
- (c) Additional work resulting from the delinquency or insolvency of the contractors or as a result of damage to the construction project caused by fire, flood, earthquake or other acts of God.
- (d) Additional work resulting from strikes, walkouts, or other acts of trade or labor unions.
- (e) Submittal of necessary contractor and construction data to funding or review agencies.

## 2.5 OVERSIGHT OF OTHER CONSULTANTS

The DISTRICT may contract specific services with other engineering or technical companies. The DISTRICT ENGINEER may oversee the work on behalf of the DISTRICT, at the request of the Board or Administrator, to monitor and report in a timely fashion on adherence with schedules, design, construction specifications, and contractual requirements, and the scope of work and/or budget, and may perform independent review of technical work products of others in order to provide third party review pursuant to generally accepted industry practice.

## 2.6 FIELD ENGINEERING SERVICES

The following Field Engineering Services shall be provided if requested by the Board or Administrator:

- (a) Mill and shop inspection of manufactured and fabricated items procured by the DISTRICT.
- (b) Field inspection during construction activity, as necessary to supervise, monitor, evaluate, and report to the Administrator in a timely manner on contractor compliance with construction drawings and specifications when full-time resident inspection is unwarranted or unauthorized.
- (c) Inspection reports to other agencies as required on projects receiving financial aid from outside sources.
- (d) Visits to the site of a project in addition to those described in paragraph 2.3(g) as requested by the Board or Administrator.

## 2.7 SUBCONTRACTED SERVICES

The following subcontracted services shall be provided on an as-needed basis only with prior approval of the Board or Administrator and in accordance with section 6.4 of this Agreement:

- (a) Soils investigations, soil borings, piezometer installation/abandonment and monitoring well installation/abandonment.
- (b) Physical and chemical testing of soil and water samples.
- (c) Aerial photography or other specialized remote sensing surveys.
- (d) Other specialized technical services, including other engineering services as detailed herein.

## 2.8 ADDITIONAL SERVICES

The following Additional Services would be provided if requested by the Board or Administrator:

- (a) Preparation of applications and supporting documents for governmental grants or loans for public projects.
- (b) Design and otherwise administer, following completion of due diligence review, completion of portions of projects that are not otherwise included under sections 2.2 through 2.6 of this Agreement.
- (c) Work resulting from changes in plans or specifications made at the direction of the DISTRICT after acceptance of the preliminary design.
- (d) Preparation of operation and maintenance manuals.
- (e) Testify in litigation or dispute resolution proceedings upon the request and in representation of the DISTRICT.

- (f) Resident daily field inspection to assure contractor compliance with construction drawings and specifications.
- (g) Hydrologic and hydraulic investigations and the use of appropriate computer simulation models.
- (h) Geological and hydrogeological investigations.
- (i) CONSULTANT shall perform all other professional engineering or consulting services the CONSULTANT is qualified to provide and which the DISTRICT authorizes the CONSULTANT to undertake. These services may include, but are not limited to, the planning and design of capital improvement projects or studies, engineering and economic analyses related to project financing and implementation, wetland delineation, preparation of databases and various CAD, GIS and computer/network/webpage services.

### **ARTICLE 3**

#### **AUTHORIZATION OF SERVICES**

- 3.1 Each specific task or project, beyond those activities which constitute the on-going District Engineer services, shall be identified and described by the DISTRICT within the minutes of a meeting of the Board and/or identified and described by a scope of work prepared by the Administrator. The CONSULTANT agrees to develop a task order for such task or project, including an opinion of cost and budget, and to perform such specific tasks to completion, regardless of whether the project schedule extends beyond the terms of this Agreement.
- 3.2 Notwithstanding any other provision of this Agreement, the DISTRICT shall be authorized to solicit proposals for professional engineering services on a project- by- project basis for program implementation and capital improvement projects that it may undertake. The DISTRICT ENGINEER shall have an opportunity to submit a proposal and be given equal consideration on such projects. However, CONSULTANT shall receive no special consideration from the DISTRICT in regard to the awarding of engineering contracts for such projects.

## **ARTICLE 4**

### **RENEWAL/TERMINATION**

- 4.1 This Agreement shall remain in force from the date of execution by designated officer of the DISTRICT and the CONSULTANT, and shall terminate on July 31, 2024. Either party may terminate this Agreement prior to that date for any reason upon providing thirty (30) days written notice to the other party.
- 4.2 The DISTRICT may terminate this Agreement at its convenience, by a written termination notice stating specifically what prior authorized or additional services CONSULTANT is to complete. CONSULTANT will receive full compensation for all authorized work performed, except that CONSULTANT will not be compensated for any part performance of a specified task if termination is due to CONSULTANT'S breach of this Agreement. The CONSULTANT will turn over all working and archived files to the DISTRICT, and agrees to cooperate with the DISTRICT in any transition.
- 4.3 In the event of cancellation of this Agreement by the DISTRICT, the CONSULTANT shall receive full compensation for all services and work performed to the date of cancellation (and all costs in connection therewith). The CONSULTANT shall perform specific tasks ordered by the DISTRICT under Paragraph 3.1 of this Agreement to completion unless specifically instructed otherwise by the DISTRICT. The DISTRICT agrees to pay compensation for all services and work performed, commensurate with work completed including all costs incurred in connection therewith, for the completion of these specific tasks.
- 4.4 In no event shall the amount of money to be paid for partial performance of services authorized under this Agreement exceed the amount which would have been paid CONSULTANT under the applicable provisions of this Agreement for the full performance of such services.

## **ARTICLE 5**

### **INSURANCE, INDEMNIFICATION**

- 5.1 At all times during the term of this Agreement, CONSULTANT will have and keep in force the following insurance coverages:
- (a) General liability and professional liability: \$1 million each occurrence and aggregate for the general liability and \$1 million each claim and aggregate for the professional liability, covering completed operations.
  - (b) Automobile liability: combined single limit each accident coverage for bodily injury and property damage covering all vehicles, \$1 million.
  - (c) Workers' compensation: in accordance with legal requirements applicable to CONSULTANT.

CONSULTANT will not commence work under this Agreement until it has filed with the DISTRICT a certificate of insurance clearly evidencing the required coverages. The certificate will list the DISTRICT as a holder, and state that the DISTRICT will receive 30 days' prior written notice before cancellation or non-renewal, for any described policy. CONSULTANT will not commence work until it has provided the DISTRICT with an endorsement listing the DISTRICT as an additional insured with primary coverage for general and automobile liability.

- 5.2 CONSULTANT asserts that it is skilled in the professional calling necessary to provide the services and duties proposed to be performed, and that it shall perform such services and duties in conformance to and consistent with the standards generally recognized nationally as being employed by professionals of CONSULTANT'S caliber, and to that end CONSULTANT agrees to indemnify and hold harmless DISTRICT, its officers, and employees from and against any and all liability claims, suits, loss, damages, costs, and expenses, including attorney's fees, and shall defend DISTRICT in an action arising out of or resulting from any negligent acts, errors, or omissions of CONSULTANT, its officers, employees, agents or consultants in the performance of its services and duties under this Agreement.
- 5.3 DISTRICT will indemnify, defend and hold harmless CONSULTANT, its officers, employees and agents, from any and all actions, costs, damages and liabilities of any nature to the degree they are the result of any action or inaction by the DISTRICT that is the basis for the DISTRICT'S liability in law or equity.
- 5.4 CONSULTANT and all subcontractors retained under the Agreement shall maintain and provide DISTRICT with proof of professional liability insurance to protect DISTRICT from negligent acts, errors, or omissions on the part of CONSULTANT and all subcontractors, their employees or agents in carrying out their duties under this Agreement in accordance with section 5.1 above.
- 5.5 The DISTRICT acknowledges that the CONSULTANT'S plans and specifications and other work products are instruments of professional services. Nevertheless, in the event of termination of this Agreement or expiration of the CONSULTANT'S appointment, the plans and specifications and other documents such as permit files, engineering reports and other materials connected with CONSULTANT'S past services to the DISTRICT shall become the property of the DISTRICT. The DISTRICT agrees to hold harmless, indemnify and defend the CONSULTANT against all damages, claims, expenses and losses arising out of any reuse of work products without the CONSULTANT'S written authorization.

## **ARTICLE 6**

### **STAFFING**

- 6.1 CONSULTANT shall provide a Primary Contact and Engineer for the duration of this Agreement. The primary contact and engineer shall have immediate responsibility for the performance of the work and for all matters relating to performance under this

Agreement. CONSULTANT shall provide adequate staffing to fully conduct the activities assigned. CONSULTANT shall identify in its monthly invoices all staff involved in performing services to the DISTRICT.

- 6.2 The CONSULTANT shall be responsible for taking, and shall take, all reasonable precautions and measures to ensure industrial safety and to avoid injury or damage to any party while performing the Services hereunder in conformance with current industry and community standards.
- 6.3 The CONSULTANT shall not assign, subcontract or transfer any interest in this Agreement, or any of the Services or duties it is obligated to perform hereunder without the prior written consent of the Board or Administrator. Consent to any subcontracting will not relieve CONSULTANT from its responsibility to perform the Services or any part thereof, not in any respect its responsibility to provide services in accordance with the generally accepted professional standards in the industry in the location services are provided, insurance, indemnification, duty to defend or agreement to hold harmless with respect to the Services. CONSULTANT will incorporate this Agreement in any assignment, subcontract or transfer agreement. All costs for subcontracted services must be itemized and tracked separately in invoices by the CONSULTANT to the DISTRICT.

## **ARTICLE 7**

### **AMENDMENTS**

- 7.1 This Agreement may only be amended as agreed to by both the DISTRICT and the CONSULTANT in the form of a written Agreement Amendment executed by both parties. The DISTRICT may amend this Agreement only by action of the Board acting as a body.

## **ARTICLE 8**

### **COMPENSATION AND METHOD OF PAYMENT**

- 8.1 During the term of this Agreement, the DISTRICT agrees to pay the CONSULTANT as compensation for services performed under and in accordance with this Agreement and the provisions below if and only if those services are requested by the Board. Authorized services provided by the CONSULTANT under this Agreement will be compensated by the DISTRICT pursuant to the hourly rates and charges in the Fee Schedule attached to CONSULTANT'S March 1, 2018, proposal (**Exhibit 1**), which shall be effective from August 1, 2022, to July 31, 2024. The parties will adjust the hourly rates and charges for the periods of January 1 to December, 2023, and January 1 to July 31, 2024, by mutual agreement.
- 8.2 **PAYMENT**

Payment shall be due 30 days after the date of monthly invoice describing the work performed during the preceding month.

### 8.3 WATER QUALITY ANALYSIS

With prior written authorization, the DISTRICT agrees to pay the CONSULTANT for collection of samples, managing equipment, data management, laboratory coordination and quality assurance/quality control on an hourly rate basis in accordance with Exhibit 1.

### 8.4 NON-SALARY EXPENSES

Non-salary expenses directly attributable to hourly professional services such as: (1) living and traveling expenses of employees traveling on business required in connection with an authorized project, (2) identifiable communication expenses, (3) identifiable drafting and stenographic supplies and expenses, (4) identifiable reproduction costs applicable to the work, (5) in-house reproduction of originals up to 11" X 17" in size, (6) mileage for local business related travel, and (7) other indirect costs as identified in Exhibit 1 shall be reimbursed as shown in Exhibit 1. The cost of any items not identified in Exhibit 1 shall only be incurred with the prior authorization of the Administrator and shall be at the cost to the CONSULTANT. All services must be authorized and identified with a specific approved DISTRICT project.

## **ARTICLE 9**

### **RECORDS**

- 9.1 All materials obtained or generated by CONSULTANT and its subcontractors in performing the Services, including documents in hard and electronic copy, software, and all other forms in which work as part of the Services is contained, documented or memorialized, will be the property of the DISTRICT. The DISTRICT will have the right to use any or all materials for any public purpose in accordance with applicable laws. The DISTRICT may inspect, copy or take possession of any materials on written request to CONSULTANT. All materials will be delivered to the DISTRICT by CONSULTANT within 30 days of termination of this Agreement. At such time, CONSULTANT may maintain a copy of some or all of the materials except for any material designated by the DISTRICT as confidential or non-public under applicable law, a copy of which may be maintained by CONSULTANT or a subcontractor only pursuant to written agreement with the DISTRICT specifying terms.
- 9.2 CONSULTANT considers certain information developed during the execution of services as "not public" and "protected" from public disclosure under the various local, state and federal Data Practices Act requests. The CONSULTANT will be fully compensated for any and all costs by DISTRICT associated with any type of Data Practices Act request.

## **ARTICLE 10**

## **CONFIDENTIAL INFORMATION**

- 10.1 CONSULTANT will not disclose and will hold in confidence any and all proprietary material owned or possessed by the DISTRICT and so denominated by the DISTRICT. CONSULTANT will not use any such material for any purpose other than performance of the Services without DISTRICT written consent. This restriction does not apply to material already possessed by CONSULTANT or that CONSULTANT received on a non-confidential basis from the DISTRICT or another party. Consistent with the terms of this Agreement regarding use and protection of confidential and proprietary information, CONSULTANT may publish or use the materials in its professional activities. Any such use will properly acknowledge the DISTRICT. In addition, CONSULTANT will comply with the Minnesota Data Practices Act, Minnesota Statutes Chapter 13.

## **ARTICLE 11**

### **RELATIONSHIP OF THE PARTIES**

- 11.1 The CONSULTANT is engaged only for the purposes and to the extent provided in this Agreement, and the relationship of the CONSULTANT to the DISTRICT during the term of this Agreement shall be that of an independent contractor and consultant. The CONSULTANT shall perform the services as an independent contractor and consultant in accordance with its own methods, the terms of this Agreement, and applicable laws and regulations.

#### 11.2 CONTINUATION OF OBLIGATIONS

It is understood and agreed that insurance and surety obligations; warranties and obligations to defend, indemnify and hold harmless; and document retention requirements will survive completion of the Services and the term of this Agreement as provided by law in the state where services were performed, and by the DISTRICT'S Document Retention Schedule.

#### 11.3 PROPERTY OF THE DISTRICT

All property furnished to or for the use of CONSULTANT or a subcontractor by the DISTRICT and not fully used in the performance of the Services, including but not limited to equipment, supplies, materials, files, designs, project design documents or other work in progress, research, survey data, models and model input data, and technical data, both hard copy and electronic, remains the property of the DISTRICT and will be returned to the DISTRICT at the conclusion of the performance of the Services, or sooner if requested by the DISTRICT. CONSULTANT further agrees that any proprietary materials of the DISTRICT are the exclusive property of the DISTRICT and will assert no right, title or interest in the materials. CONSULTANT will not disseminate, transfer or dispose of any proprietary data to any other person or entity unless specifically authorized in writing by the DISTRICT. Any property supplied to CONSULTANT by the DISTRICT or deriving from the DISTRICT is supplied to and accepted by CONSULTANT as without representation or warranty including but not limited to a warranty of fitness, merchantability, accuracy or completeness. The DISTRICT assumes

all liability and responsibility for reuse of files, designs, project design documents or other work in progress, research, survey data, models and model input data, technical data should the reuse occur without consultation of the CONSULTANT prior to reuse.

## **ARTICLE 12**

### **DISCLOSURES**

#### **12.1 POTENTIAL CONFLICT**

The CONSULTANT serves private and public clients. Therefore, the potential exists for an occasional contractual conflict if one of the CONSULTANT'S clients submits an application for permit to the DISTRICT. The CONSULTANT will disclose to the Administrator the existence of contractual arrangements that could appear to conflict with services provided to the DISTRICT under this Agreement as they occur.

## **ARTICLE 13**

### **GENERAL PROVISIONS**

13.1 CONSULTANT will comply with the laws and requirements of all federal, state, local and other governmental units in connection with performing the Services, and will procure all licenses, permits and other rights necessary to perform the Services. In performing the Services, CONSULTANT will ensure that no person is excluded from full employment rights or participation in or the benefits of any program, service or activity on the ground of race, color, creed, religion, age, sex, disability, marital status, sexual orientation, public assistance status or national origin; and no person who is protected by applicable federal or state laws, rules or regulations against discrimination otherwise will be subjected to discrimination.

13.2 The failure of either party to insist upon the strict compliance by the other party of the covenants, conditions, or respective obligations and duties set forth in this Agreement, or to exercise any option, remedy or right herein, shall not operate as a waiver of relinquishment of such parties' rights in the future to insist upon the strict compliance with any covenant term or condition of this Agreement or to exercise or act upon any right, remedy or option granted hereunder or otherwise, all of which shall remain in full force and effect. A waiver by either party on any one or more occasion of any covenant, term or condition of this Agreement shall not be construed as a waiver of any subsequent breach of the same or any other covenant, term or condition and the consent to or approval of by either party any act by the other requiring consent or approval shall not be deemed to render unnecessary such party's consent to or approval of any subsequent similar act by the other.

No covenant term or condition of this Agreement shall be deemed to have been waived by either party unless such waiver is in writing and signed by the waiving party.

13.3 The entire agreement between the two parties is contained herein and this Agreement supersedes all oral agreements and negotiations relating to the subject matter hereof. Any

modification of this Agreement is valid only when reduced to writing as an amendment to this Agreement and signed by the parties hereto as provided herein. The DISTRICT may amend this Agreement only by action of the Board acting as a body.

13.4 Choice of Law, Venue and Jurisdiction

This Agreement will be construed under and governed by the laws of the State of Minnesota. Venue and jurisdiction for any action under this Agreement will lie in Carver County.

13.5 Time is of the essence in this Agreement.

13.6 This Agreement shall be binding upon and shall inure to the benefit of the parties' respective heirs, executors, administrators, successors and permitted assigns.

IN WITNESS WHEREOF, the parties below have caused this Agreement to be duly executed this \_\_\_\_ day of \_\_\_\_\_, 2022.

**DISTRICT:**

By \_\_\_\_\_  
Title \_\_\_\_\_

APPROVED AS TO FORM and EXECUTION

By \_\_\_\_\_  
Its Attorney

**CONSULTANT:**

By   
Title Owner and Principal



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers

Meeting Wednesday, July 20, 2022

### **Agenda Item**

#### **Item 4. G. \_ Approve agreement to transfer copyright and authorize payment**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

At the June 2022 LMRWD Board of Managers meeting, the Board opted to purchase the copyright to the images designed for educational signage.

An agreement to transfer the copyright, which has been reviewed by legal counsel, is attached. There is a question about the LMRWD's ability to alter the images and staff is working to clarify that question. Staff recommends approval of the agreement and authorizing payment to the artist, subject to the clarification of the right to alter the images.

### **Attachments**

Excerpt from June 15, 2022 meeting minutes

Transfer of Copyright Agreement

Invoice from artist Maggie Wiebe

### **Recommended Action**

Motion approve Transfer of Copyright Agreement and authorize payment subject to clarification of ability to alter images

**Manager Mraz made a motion to authorize sealing of wells 727740 and 727741 and expenditure of \$1,000. The motion was seconded by Manager Raby. Upon a vote being taken the motion carried unanimously.**

## 6. OLD BUSINESS

### A. Audit and Financial Accounting Services Proposals

Administrator Loomis stated the bills that need to be approved are in the meeting materials for the Managers to review. Managers President Hartmann and Manager Amundson have been trained in the approval of invoices.

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

No new information to report since last update.

### C. City of Carver Levee

No new information to report since last update.

### D. Dredge Management

MnDOT has had issues with the TH 13 project that have closed Vernon longer than was anticipated. This has not presented a problem to the LMRWD so far.

#### 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.

### E. Watershed Management Plan

Administrator Loomis reported that LMRWD staff met with the Technical Advisory Committee today and has given them until July 1, 2022, to inform the LMRWD with projects to include in the plan amendment.

### F. 2022 Legislative Action

No new information to report since last update

### G. Education and Outreach Plan

Administrator Loomis provided an overview of this item. She stated they would like to purchase the artwork to use it in other ways in the future. The Board discussed the pros and cons of the two options for purchase of the artwork.

**Manager Raby made a motion to authorize Option 2 purchase of educational signage artwork. (Purchase of copyright of artwork) The motion was seconded by Manager Salvato. Upon a vote being taken the motion carried unanimously.**

### H. LMRWD Projects

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

#### i. East Chaska Creek

Administrator Loomis introduced this item. She stated when the City and Contractor take care of the items noted in the meeting packets; they will see this on a future agenda to authorize payment. The Board discussed options for maintaining the site.

### I. Project/Plan Reviews

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

# Transfer of Copyright Agreement

This document pertains to the transfer of rights for the artwork listed below:

East Chaska Creek Stabilization Illustration  
Savage Fen at Eagle Creek Illustration  
Supplementary plant and fish illustrations

**The agreed upon cost of the rights is \$2875. Transfer of rights does not go into effect until the Artist receives payment.**

## Scope of Copyright Transfer

- By signing this Copyright Transfer Form, the Artist will be relinquishing all personal, professional, and ownership rights, to all designs detailed above (hereinafter, “the Work”).
- This signed agreement also includes the Transfer of Ownership to any variations of the Work previously agreed and supplied as part of the initial contract. Examples of these variations could include: multiple color versions; size and dimensional variations; landscape and portrait orientations; font variations; social media profile images; etc.
- Unless otherwise arranged and agreed, the Artist reserves the right to showcase the finished Work and associated variations in their portfolio, and in any number of online galleries or social media, as well as in printed literature including, but not limited to: books, brochures and magazines.
- It is important to note that Copyright is not the same as Trademark or Registered Trademark. This form does not provide Trademark Ownership or Protection.

## Restrictions and Caveats

- The Copyright Transfer Form does not give the Client permission to: use, modify, alter, replicate or borrow, any of the previous and unused: preliminary ideas, concepts, sketches, or drafts of the Work previously shown and presented during the course of the project without expressed written permission from the Artist.
- All original preparation materials, sketches, visuals and unused ideas previously shown, and considered, will remain the property of Maggie Wiebe.
- The Artist is free to use these unused ideas for future conceptual and client work. Where a previously unused idea/design retains a similar look and style to the finished Work, the Artist shall repurpose and style as to be sufficiently different so as not to cause conflict.
- The Client is free to change, modify and adapt the finished Work as they see fit, but they do so at their own risk, and at the risk of diluting, or causing confusion, over their existing brand identity.

The Artist confirms that the Work is their own, that they have full right to make this assignment, that the Work is factually accurate and lawful, and that the Work does not violate any Copyright, proprietary or personal rights of others, and that they have obtained all necessary permissions from others.

I, \_\_\_\_\_ hereby agree to abide by the Terms and Conditions as set forth above.

Artist Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I, \_\_\_\_\_ hereby agree to abide by the Terms and Conditions as set forth above.

Client Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(PDF COPIES OF THE FINALIZED SIGNED DOCUMENT WILL BE PROVIDED TO BOTH THE ARTIST AND THE CLIENT)

Maggie Wiebe  
mwiebe@umich.edu  
www.maggiewiebe.com

## **Invoice**

### **Transfer of Copyright Agreement**

This document pertains to the transfer of rights for the artwork listed below:

East Chaska Creek Stabilization Illustration  
Savage Fen at Eagle Creek Illustration  
Supplementary plant and fish illustrations

**Amount:** \$2875

#### **Address:**

Maggie Wiebe  
1055 Van Slyke Avenue  
Saint Paul, MN, 55103

#### **Terms**

##### **1. Time for Payment**

Payment is due within 30 days of receipt of invoice. A 1 1/2% monthly service charge will be billed for late payment.

##### **2. Default in Payment**

The Client shall assume responsibility for all collection of legal fees necessitated by default in payment.

##### **3. Expenses**

The Client shall reimburse the Illustrator for all expenses arising from the assignment.

##### **4. Sales Tax**

The Client shall be responsible for the payment of sales tax, if any such tax is due.

##### **5. Grant of Rights**

The grant of rights is conditioned on receipt of payment.

##### **6. Credit Lines**

On any contribution for magazine, book use, or signage use the Illustrator shall receive name credit in print.

##### **7. Warranty of Originality**

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# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, July 20, 2022

### **Agenda Item**

#### **Item 5. A. – 2023 Budget Discussion**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

Staff has been working on the FY 2023 Budget for the Board of Managers to consider. A proposed Budget is attached, and several other documents are included. The Board should review the budget and provide direction to staff with any changes the Board would like to make.

The Levy has increased by \$25,000 and the total budget increased by \$35,000. An explanation of budget lines is included as an attachment.

If the draft Proposed Budget is acceptable, the Board should call a public hearing for the August 17, 2022, Board of Managers meeting.

### **Attachments**

Certificate of apportioned levies from the State of Minnesota

FY 2023 Budget apportioned levy detail

FY 2023 Budget

FY 2023 Administrative Budget

[CIP Spreadsheet](#)

### **Recommended Action**

Motion to approve preliminary draft of FY 2023 proposed budget and call for public hearing for August 17, 2022

**District 060 - Lower Minnesota River Watershed District**  
**CERTIFICATION OF APPORTIONED LEVIES**  
**PAYABLE 2023**

**(1) Payable 2023 Property Tax Levy:**      \$ \_\_\_\_\_

<b>County</b>	<b>(2) Payable 2022 Taxable Net Tax Capacity</b>	<b>(3) Net Tax Capacity Percent Distribution</b>	<b>(4) Apportioned Payable 2023 Levy (1X3)</b>
Carver	7,830,629	5.9623%	
Dakota	12,951,845	9.8616%	
Hennepin	53,221,471	40.5231%	
Scott	57,332,053	43.6530%	
Watershed Total	131,335,998	100.0000%	-- N/A --

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*Signature of Budget Officer*

*Title*

*Date*

**Proposed Levy 2022**

General Fund	250,000.00
Planning and Implementation Fund	525,000.00
One time levy to balance channel fund	<u>-</u>
<b>Apportioned Payable 2022 Levy</b>	<b>775,000.00</b>

<u>County</u>	<u>Net Tax Capacity % Distribution</u>	<u>Apportioned Payable 2022 Levy</u>
Carver	5.9623%	46,207.83
Dakota	9.8616%	76,427.40
Hennepin	40.5231%	314,054.03
Scott	43.6530%	338,310.75
<b>Watershed Total</b>	<b>100.0000%</b>	<b>775,000.00</b>

2023 Proposed Total Budget  
2021 Adopted Budget/Actuals - 2022 Adopted Budget/YTD/Projected - 2023 Proposed

Account	2021 Adopted	2021 Actual	2022 Adopted	2022 YTD	Projected 2022	Proposed 2023
<b>Revenues:</b>						
General Property Tax						
1 Carver County	\$ 42,871.42	\$ 43,099.02	\$ 41,762.17	\$ 23,064.12	\$ 41,762.17	\$ 46,207.83
2 Dakota County	\$ 72,959.65	\$ 71,141.02	\$ 72,153.45	\$ 37,957.79	\$ 72,153.45	\$ 76,427.40
3 Hennepin County	\$ 318,293.13	\$ 313,086.32	\$ 306,964.28	\$ 158,373.12	\$ 306,964.28	\$ 314,054.03
4 Scott County	\$ 290,875.80	\$ 207,976.91	\$ 304,120.10	\$ 160,347.34	\$ 304,120.10	\$ 338,310.75
<b>Total Levy:</b>	<b>\$ 725,000.00</b>	<b>\$ 635,303.27</b>	<b>\$ 725,000.00</b>	<b>\$ 379,742.37</b>	<b>\$ 725,000.00</b>	<b>\$ 775,000.00</b>
5 Interest Income	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6 MCES WOMP Grant	\$ 5,000.00	\$ 4,500.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
7 State of MN Grant for Dredge Material Management	\$ 240,000.00	\$ 240,000.00	\$ 240,000.00	\$ 240,000.00	\$ 240,000.00	\$ 240,000.00
8 Metro-Area Watershed Based funding grants	\$ -	\$ 63,866.00	\$ -	\$ -	\$ -	\$ -
9 License Revenue from placement of dredge	\$ 25,000.00	\$ -	\$ 25,000.00	\$ 11,406.00	\$ 29,036.00	\$ 25,000.00
10 Revenues from sale of dredge material	\$ 5,000.00	\$ -	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00
11 Permit Fees	\$ -	\$ 5,500.00	\$ -	\$ 19,094.25	\$ 1,000.00	\$ -
12 Miscellaneous Income	\$ -	\$ 252.15	\$ -	\$ -	\$ -	\$ -
<b>Total Revenues:</b>	<b>\$ 1,000,000.00</b>	<b>\$949,421.42</b>	<b>\$1,000,000.00</b>	<b>\$655,242.62</b>	<b>\$ 1,005,036.00</b>	<b>\$ 1,050,000.00</b>
<b>Expenses:</b>						
13 <b>Administration</b> (from Administrative Budget Page)	\$ 250,000.00	\$ 289,956.37	\$ 250,000.00	\$ 332,328.05	\$ 250,000.00	\$ 250,000.00
<b>Cooperative Projects</b>						
14 Eden Prairie Bank Stabilization -Area #3	\$ 100,000.00	\$ 57,996.40	\$ 100,000.00	\$ 57,996.40	\$ 100,000.00	\$ 250,000.00
16 Gully Erosion Contingency	\$ -	\$ 4,395.65	\$ -	\$ 4,395.65	\$ 4,395.65	\$ -
17 USGS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
18 Ravine Stabilization at Seminary Fen in Chaska	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
19 Riley Creek Cooperative Project with RPBCWD	\$ -	\$ 150,000.00	\$ -	\$ 150,000.00	\$ 150,000.00	\$ -
20 Seminary Fen Ravine Restoration site A	\$ 75,000.00	\$ -	\$ -	\$ -	\$ 75,000.00	\$ -
21 Seminary Fen Ravine C-2	\$ -	\$ -	\$ -	\$ -	\$ 20,000.00	\$ -
<b>509 Plan Budget</b>						
Resource Plan Implementation						
22 Watershed Resource Restoration Fund	\$ -	\$ -	\$ 120,000.00	\$ -	\$ -	\$ 125,000.00
23 Gully Inventory	\$ -	\$ 48,977.93	\$ -	\$ -	\$ -	\$ -
24 Minnesota River Corridor Management Project	\$ 75,000.00	\$ 52,786.97	\$ -	\$ 26,423.00	\$ 75,000.00	\$ -
25 TH 101 Ravine/Shakopee	\$ -	\$ 297.50	\$ -	\$ -	\$ 350.00	\$ -
26 Assumption Creek Hydrology Restoration Project	\$ -	\$ 2,125.50	\$ -	\$ 2,125.50	\$ 2,125.50	\$ -
27 Carver Creek restoration Project	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28 Groundwater Screening Tool Model	\$ -	\$ 952.00	\$ -	\$ 408.00	\$ 408.00	\$ -
30 Minnesota River Floodplain Model Feasibility Study	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
31 Schroeder's Acres Park/Savage Fen Stormwater Management	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
32 Downtown Shakopee Stormwater BMPs	\$ -	\$ -	\$ 50,000.00	\$ -	\$ -	\$ -
33 PLOC Realignment/Wetland Restoration	\$ 70,000.00	\$ 171,570.00	\$ 30,000.00	\$ -	\$ 70,000.00	\$ -
34 Spring Creek Project	\$ 75,000.00	\$ 8,742.36	\$ -	\$ 432.00	\$ 75,000.00	\$ -
35 West Chaska Creek Project	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
36 Sustainable Lakes Management Plan (Trout Lakes)	\$ -	\$ -	\$ 50,000.00	\$ -	\$ -	\$ -
37 Geomorphc Assessments (Trout Streams)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
38 Fen Stewardship Program	\$ 25,000.00	\$ 41,305.24	\$ 25,000.00	\$ 6,876.29	\$ 25,000.00	\$ 25,000.00
39 District Boundary Modification Project	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
40 East Chaska Creek Bank Stabilization Project	\$ -	\$ -	\$ -	\$ 77,176.21	\$ 60,000.00	\$ -
41 East Chaska Creek Water Quality Treatment Project	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
42 Minnesota River Sediment Reduction Strategy	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
44 Local Water Management Plan reviews	\$ 15,000.00	\$ 1,285.50	\$ 5,000.00	\$ 1,285.50	\$ 15,000.00	\$ 5,000.00
45 Project Reviews	\$ 50,000.00	\$ 141,798.08	\$ 75,000.00	\$ 42,813.36	\$ 50,000.00	\$ 75,000.00
46 Monitoring	\$ 75,000.00	\$ 43,826.92	\$ 75,000.00	\$ 12,838.00	\$ 75,000.00	\$ 75,000.00
47 Watershed Management Plan						
48 Next Generation Watershed Management Plan	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
49 Plan Clarification and proposed rules/Rule implementation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
50 Plan Amendment	\$ 10,000.00	\$ 8,457.39	\$ -	\$ 1,526.54	\$ 10,000.00	\$ -
51 Vegetation Management Standard/Plan	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
52 Public Education/Citizen Advisory Committee/Outreach Program	\$ 30,000.00	\$ 62,895.19	\$ 75,000.00	\$ 27,272.70	\$ 75,000.00	\$ 85,000.00
53 Cost Share Program	\$ 50,000.00	\$ 7,149.00	\$ 20,000.00	\$ 5,543.50	\$ 50,000.00	\$ 20,000.00
<b>Nine Foot Channel</b>						
54 Transfer from General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
55 Dredge site operations	\$ -	\$ -	\$ -	\$ 102.00	\$ 102.00	\$ 240,000.00
56 Dredge Site Restoration	\$ 240,000.00	\$ 459,845.30	\$ 240,000.00	\$ -	\$ 240,000.00	\$ -
57 <b>Total Non-administrative Expenses:</b>	<b>\$ 890,000.00</b>	<b>\$ 1,264,406.93</b>	<b>\$ 865,000.00</b>	<b>\$ 417,214.65</b>	<b>\$ 1,172,381.15</b>	<b>\$ 900,000.00</b>
58 <b>Total Administrative Expenses (from line 13)</b>	<b>\$ 250,000.00</b>	<b>\$ 289,956.37</b>	<b>\$ 250,000.00</b>	<b>\$ 332,328.05</b>	<b>\$ 250,000.00</b>	<b>\$ 250,000.00</b>
59 <b>Total Expenses</b>	<b>\$ 1,140,000.00</b>	<b>\$ 1,554,363.30</b>	<b>\$ 1,115,000.00</b>	<b>\$ 749,542.70</b>	<b>\$ 1,422,381.15</b>	<b>\$ 1,150,000.00</b>
60 <b>Revenue less Expenses</b>	<b>\$ (140,000.00)</b>	<b>\$ (604,941.88)</b>	<b>\$ (115,000.00)</b>	<b>\$ (94,300.08)</b>	<b>\$ (417,345.15)</b>	<b>\$ (100,000.00)</b>
61 <b>Beginning Fund Balance - January 1</b>			<b>\$ (1,554,363.30)</b>	<b>\$ (1,554,363.30)</b>		<b>\$ (1,669,363.30)</b>
62 <b>Total Revenue</b>			<b>\$ 1,000,000.00</b>	<b>\$ 655,242.62</b>		<b>\$ 1,050,000.00</b>
63 <b>Total Expenses</b>			<b>\$ (1,554,363.30)</b>	<b>\$ (1,115,000.00)</b>		<b>\$ (1,150,000.00)</b>
64 <b>Ending Fund Balance - December 31 (bold figures are projected)</b>			<b>\$ (1,554,363.30)</b>	<b>\$ (1,669,363.30)</b>		<b>\$ (1,769,363.30)</b>

2023 proposed LMRWD Budget for Administration Operations  
2021 Adopted Budget/Actuals - 2022 Adopted Budget/YTD/Projected - 2023 Proposed

Account	Adopted 2021	2021 Actual	Adopted 2022	YTD 2022 (Through 6/30/22)	Projected 2022	Proposed 2023
Expenses:						
65 Wages-General	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
66 Severance Allowance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
67 Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
68 PERA Expense	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
69 Payroll Tax (FICA/Medicare)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
70 Unemployment compensation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
71 Manager Per Diem	\$ 11,250.00	\$ 7,375.00	\$ 11,250.00	\$ -	\$ 11,250.00	\$ 11,250.00
72 Manager Expense (mileage/food/registrations)	\$ 3,000.00	\$ 434.56	\$ 3,000.00	\$ -	\$ 3,000.00	\$ 3,000.00
Data Management project (DRB Consulting)	\$ -	\$ 5,274.00	\$ -	\$ -	\$ -	\$ -
73 Telecommunications-Cell-Internet/Phone	\$ 1,000.00	\$ -	\$ 1,000.00	\$ -	\$ 1,000.00	\$ 1,000.00
74 Office Supplies	\$ 300.00	\$ 352.38	\$ 300.00	\$ 86.75	\$ 300.00	\$ 3,000.00
75 Meeting Supplies/Expense	\$ 100.00	\$ 842.12	\$ 100.00	\$ -	\$ 100.00	\$ 100.00
76 Rent	\$ 7,800.00	\$ 8,450.00	\$ 7,800.00	\$ 3,900.00	\$ 7,800.00	\$ 7,800.00
77 Dues	\$ 7,500.00	\$ -	\$ 7,500.00	\$ -	\$ 7,500.00	\$ 7,500.00
78 Miscellaneous-General	\$ 3,000.00	\$ 1,683.00	\$ 3,000.00	\$ 748.00	\$ 3,000.00	\$ 3,000.00
79 Training & Education	\$ 1,500.00	\$ 376.85	\$ 1,500.00	\$ -	\$ 1,500.00	\$ 1,500.00
80 Insurance & Bonds	\$ 11,000.00	\$ 9,762.00	\$ 11,000.00	\$ 180.00	\$ 11,000.00	\$ 11,000.00
81 Postage	\$ 375.00	\$ 2,171.00	\$ 375.00	\$ 18.00	\$ 375.00	\$ 375.00
82 Photocopying	\$ 875.00	\$ 1,564.38	\$ 875.00	\$ 2.43	\$ 875.00	\$ 875.00
83 Legal Notices-General	\$ 1,500.00	\$ 1,934.00	\$ 1,500.00	\$ 42.00	\$ 1,500.00	\$ 1,500.00
84 Subscriptions & License Fees	\$ 250.00	\$ 1,593.31	\$ 250.00	\$ 368.99	\$ 250.00	\$ 250.00
85 Mileage	\$ 5,000.00	\$ 516.48	\$ 5,000.00	\$ 162.00	\$ 5,000.00	\$ 5,000.00
86 Taxable meal reimbursement	\$ 500.00	\$ 20.00	\$ 500.00	\$ -	\$ 500.00	\$ 500.00
87 Lodging/ Staff Travel	\$ 1,500.00	\$ -	\$ 1,500.00	\$ -	\$ 1,500.00	\$ 1,500.00
88 Accounting/Financial Services	\$ 5,382.00	\$ 5,410.00	\$ 5,580.00	\$ 2,719.00	\$ 5,382.00	\$ 25,438.00
89 Audit Fees	\$ 15,000.00	\$ 15,265.00	\$ 15,000.00	\$ -	\$ 15,000.00	\$ 27,548.00
90 Professional Services-General	\$ 120,168.00	\$ 133,275.00	\$ 104,970.00	\$ 33,750.00	\$ 120,168.00	\$ 59,864.00
91 Legal Fees-General	\$ 10,000.00	\$ 11,710.00	\$ 10,000.00	\$ 3,796.00	\$ 10,000.00	\$ 10,000.00
92 Engineering-General	\$ 20,000.00	\$ 101,969.42	\$ 35,000.00	\$ 41,511.16	\$ 20,000.00	\$ 45,000.00
94 Equipment-Maintenance	\$ 500.00	\$ 332.31	\$ 500.00	\$ 157.24	\$ 500.00	\$ 500.00
95 Equipment-Lease	\$ 2,500.00	\$ 2,017.20	\$ 2,500.00	\$ 840.50	\$ 2,500.00	\$ 2,500.00
97 Lobbying	\$ 20,000.00	\$ 20,000.04	\$ 20,000.00	\$ 10,000.02	\$ 20,000.00	\$ 20,000.00
98 Total Expense for Administration:	\$ 250,000.00	\$ 332,328.05	\$ 250,000.00	\$ 98,282.09	\$ 250,000.00	\$ 250,000.00

2023 Budget Explanation of line items

Project funding proposed in the 2022 Budget is taken from Table 4-1 Implementation Program Budget found in Section 4 of the LMRWD Watershed Management Plan. Explanations for certain lines follow.	
<b>Line #</b>	<b>Cooperative Projects</b>
	<i>Cooperative Projects are those projects that are intended to be completed by the LMRWD with other partners</i>
14	<b>Eden Prairie Bank Stabilization - Area #3</b> The LMRWD received a Clean Water grant (\$127, for this project under BWSR's Watershed Based Funding Program. The LMRWD allocated \$100,000 in 2022 for this project and \$250,000 in 2023 according to the implementation program in Section 4 of the LMRWD Watershed Management Plan (Plan)
	<b>509 Plan Budget</b>
22	<b>Watershed Resource Restoration Fund</b> This fund implements Goals 2 and 3, which are to protect, improve and restore surface water and ground water quality within the District. This program will fund projects sponsored by LGUs and were not identified at the time the Plan was adopted. Since the preliminary approval of the 2022 budget in August, the Board accepted a request from the City of Burnsville to partner on the stabilization of a ravine along Willow Creek. \$75,000 of this line will be set aside for that project. A request has been received from Scott County to partner in the collaborative LIDAR collection project. In the end, the Board declined to participate in this project as other Metro-area counties are participating in the LIDAR project and did not ask for funds from the LMRWD to pay for the project. The LMRWD will be able to use the information that will result from the project. In 2023, the Plan has allocated \$125,000 to this fund.
38	<b>Fen Stewardship Program</b> This project is a partnership between the LMRWD, the MN DNR and the Metropolitan Council. The effort will develop a management plan to protect, preserve and possibly restore calcareous fens within the LMRWD.
44	<b>Local Water Management Plan Reviews</b> The LMRWD has not yet approved the Local Water Management Plans for Savage and Mendota. Mendota Heights is working on an update to its Plan. Some Cities' Burnsville and Savage Plans are in the process of being updated due to LMRWD rules, which required cities to amend their official controls to conform to the rules.
45	<b>Project Reviews</b> This item includes costs incurred by the LMRWD to review non-LMRWD projects in cities that have either opted to have the LMRWD review projects or have not yet received a Municipal permit.  Eden Prairie and Chaska have opted to have the LMRWD review projects within the boundaries of the LMRWD. The LMRWD is also responsible for reviewing MNDOT, and MAC (Metropolitan Airport Commission) projects and for the unincorporated areas of the District. Burnsville and Savage intend to apply for a municipal permit, but permits have not been approved for these cities yet. In Shakopee and Bloomington, the LMRWD will continue to review project in the floodplain and High Value Resource areas. The LMRWD collects permit fees on private projects, but fees do not entirely offset the cost of reviews.
46	<b>Monitoring</b> The LMRWD continues to review of its monitoring program to evaluate whether monitoring is providing the information needed to manage resources within the District. The LMRWD will look at how data collected is being utilized. The MN DNR informed the LMRWD that it really is not assessing the data.
47-51	<b>Watershed Management Plan Amendment</b> Staff is planning an update to the Watershed Management Plan; primarily to update Table 4-1 Implementation Program Budget for 2018 – 2027 and the LMRWD rules. \$10,000 was

2023 Budget Explanation of line items

	included in the budget 2021 for amending the Plan. This amount should be enough to cover any Plan Amendment and rules revision. This amount will be enough to cover cost related to the Plan in 2022. The plan process and rules revision should be completed in 2022
52	<p><b>Public Education/CAC/Outreach Program</b></p> <p>The 2023 projected costs the LMRWD plans to spend on public education include</p> <ul style="list-style-type: none"> <li>• Citizen Advisory Committee (CAC).....\$13,248.00</li> <li>• Master Water Steward Program.....\$2,500.00</li> <li>• Continue School &amp; NGO Engagement.....\$13,248.00</li> <li>• Community Outreach &amp; Engagement.....\$15,456.00</li> <li>• Cost Share Program and Training.....\$4,896.00</li> <li>• LMRWD website update/maintenance.....\$15,812.00</li> <li>• Freshwater Society "Ice Out/Loon In".....\$800.00</li> <li>• MN River Boat Tour/engagement activity.....\$7,500.00</li> <li>• Sponsorship of Salt Symposium and Water Summit.....\$500.00</li> <li>• Social Media.....\$11,040.00</li> </ul> <p><b>TOTAL:.....\$85,000.00</b></p>
...	<b>Nine Foot Channel</b>
54-56	<p><b>Transfer from General Fund</b></p> <p>The deficit that had built up in the Channel Fund was eliminated in 2019. All expenses incurred for managing dredge and maintenance of the dredge site are covered by the grant from the state of Minnesota. The transfer that was budgeted in 2020 was not necessary and a mid-year budget adjustment was done in August 2020 to reassign the money allocated to a transfer to the Channel Fund. \$80,000 was reassigned to the Gully Inventory. 15% of LMRWD Administrative costs such as rent, copier lease, lobbying, etc. are charged to the Channel Fund.</p>
<b>Line #</b>	<b>Administrative Budget</b>
71	<p><b>Manager Per Diem</b></p> <p>This amount is calculated for 5 Managers, using a per diem of \$125/meeting and 1.5 meetings per month per manager.</p>
77	<p><b>Dues</b></p> <p>MAWD dues were included at \$7,500. Staff is recommending that the MAWD dues be included in the budget.</p>
88	<p><b>Accounting /Financial Services</b></p> <p>The agreement for financial services with Carver County will expired at the end of 2021. Carver County no longer had the capability to provide financial services to the LMRWD. In 2022, the LMRWD retained the services of CLA (Clifton Larson Allen LLP). The amount in this line item reflects the amount in the Professional Services Agreement between the LMRWD and CLA.</p>
89	<p><b>Audit Fees</b></p> <p>In 2021, Redpath and Company informed the LMRWD that it could not longer provide audit services for the LMRWD. The LMRWD retained the services of Global Portfolio Consulting to provide audit services. The amount shown in this line reflect the amount contained in the Engagement Letter</p>
92	<p><b>Engineering</b></p> <p>This line has been increased to better reflect the actual cost of general engineering expenses. Costs incurred by the District that are charged to this line include preparation for monthly board meeting, Board meeting attendance by technical and engineering staff. To offset the increase to this line, line 86 was reduced. Line 86 is the line that administrative services (Naiad Consulting) are charged to. More administrative service fees can be charged to directly to project budgets than has been done in the past.</p>



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, July 20, 2022

### Agenda Item

#### Item 5. B. – FY 2022-23 Watershed Based Implementation Funding (WBIF)

#### Prepared By

Linda Loomis, Administrator

#### Summary

In October 2021, The Board of Water and Soil Resources Board approved the FY 2022-23 WBIF Program. This round of WBIF was allocated along Watershed Planning Areas (WPAs). The Lower Minnesota River WPA coincides with the boundaries of the LMRWD. The LMRWD therefore convened the group of stakeholders. In accordance with WBIF guidelines, each watershed management organization, each county with an approved groundwater plan, and Soil and Water Conservation Districts are entitled to representation on the convene group. Additionally, municipalities are entitled to representation and elect two city representatives. The municipalities that fall within the Lower MN River WPA elected Bloomington and Savage as representatives.

The first convene meeting was held March 15, 2022. At this meeting the group determined who would represent the municipalities and that voting would be by consensus of the group. They looked at the priorities for ranking projects to be funded that were used during the last round of WBIF. At the second meeting, held May 18, 2022, it was determined to use the priorities for ranking projects that were developed by the group that was convened to allocate funds within the FY 2021-22 Lower Minnesota River South WBIF area. The priorities were tweaked and a spreadsheet that was used to submit projects for funding was revised.

Projects were to be submitted using the shared spreadsheet by June 22, 2022, so the BWSR could determine eligibility under the program. The convene group then met on June 29, 2022 to review and rank projects.

Four projects were submitted: one from the City of Shakopee and three from the City of Savage. All the project submitted were identified in feasibility studies that were undertaken with a grant to the LMRWD under the 2019 WBIF Program. The Shakopee projects was one identified in the Targeted BMP Study for Shakopee Downtown Sub-watershed. The Savage projects were identified in the Eagle Creek Sub-watershed Assessment.

It was decided that two of the Savage projects would not be done within the time frame for the grant, so those two were dropped from consideration. That left two projects: 1) Shakopee Stormwater BMP at Lewis Street West/2nd Avenue West Parking Lot and 2) Eagle Creek Bank Stabilization.

The Shakopee Stormwater BMP has a total estimated cost of \$2,000,000. The City requested \$127,000 of grant funding. (The total amount of grant funding available is \$127,068.) The Eagle Creek Bank Stabilization has an estimated cost of \$106,000. The City of Savage requested \$95,400 and proposed a 10% match of \$10,600 (which is required under WBIF guidelines established by BWSR).

Item 5. B. – FY 2022-23 Watershed Based Implementation Funding (WBIF)

Executive Summary

July 20, 2022

Page 2

The Convene group felt that both projects were worthwhile. Both scored well using the agreed upon criteria, however the Eagle Creek project scored higher because it, “provides protection for unimpaired waters close to the water quality standard (e.g. lakes/streams), drinking water, or unique resources (e.g. fens, trout streams)”.

The Convene group asked that the Board of Managers determine the merits of the projects and if the LMRWD would be interested in contributing funds to either project.

Staff has reviewed both projects and makes the following observations.

**Eagle Creek Bank Stabilization:** The LMRWD has an Eagle Creek project identified in its implementation plan at this location. It has been in the plan since 2017 and the LMRWD has included the project in its budget in 2017 (\$12,000) and 20219 (\$10,000). The Board of Managers could assist with funding of this project.

**Shakopee Stormwater BMP:** This project is not currently in the LMRWD implementation plan. It will be included in the plan amendment that is underway. The LMRWD included \$50,000 in its 2022 budget for the Downtown Targeted BMP Study. The City did not request funds from the LMRWD above the amount of the WBIF grant it received for this project, so the LMRWD has \$50,000 to contribute to this project.

If the Board determined to contribute money from the LMRWD fund balance toward each of these projects, there will still be a funding gap. In addition, Shakopee will likely ask the LMRWD for an additional contribution. The same should be assumed with the Savage project. LMRWD staff makes the following recommendation for the Board to consider:

**Recommendations:**

Allocate all the WBIF to the Shakopee Stormwater BMP project. The Board should consider assisting the City of Shakopee with the project, by using the \$50,000 already in the budget and an additional \$50,000 in the 2023 budget, for a total contribution of \$100,000. This would be consistent with funding the LMRWD has contributed to other partner’s projects

The Eagle Creek Project could then be funded using LMRWD funds already set aside for Eagle Creek and approach the MN Department of Natural Resources and Trout Unlimited for additional money. The City of Savage has indicated it will contribute up to \$10,600 (as the 10% match). The City could be asked to match the LMRWD contribution of \$22,000.

**Attachments**

No attachments

**Recommended Action**

Motion to approve staff recommendations provided above



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, June 15, 2022

### **Agenda Item**

#### **Item 6. A. – Audit and Accounting Services**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

The financial services have been set-up and are functioning well. Accountants have established a chart of accounts for the LMRWD in Quickbooks on-line and have access to view LMRWD accounts at both US Bank and the 4M Fund. Of few things are still being tweaked, but the transition is complete.

The LMRWD has not yet received the completed audit. There was difficulty with the information that Carver County provided to the auditor and once that was solved the auditor had several questions that only the 2020 LMRWD auditor could answer. The new auditor, Global Portfolio Consulting (GPC) has reached out to Redpath and Company. Hopefully, the audit will be complete by the end of July. MN Statutes require that audit be complete by June 20<sup>th</sup>.

### **Attachments**

No attachments

### **Recommended Action**

No action necessary



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, June 15, 2022

### Agenda Item

#### Item 6. E. – Watershed Management Plan

#### Prepared By

Linda Loomis, Administrator

#### Summary

##### i. Revisions to LMRWD Rules

The Board authorized initiation of the Rules revision process at the March 2022 meeting of the LMRWD Board of Managers. Since that time the LMRWD distributed the proposed rule revisions and have met with the LMRWD Technical Advisory Committee (TAC) on June 15, 2022. Draft rules revisions were shared with the TAC and the TAC was asked to comment on the revisions on or before July 1, 2022.

Comments were received and documented. Responses were prepared by Young Environmental on behalf of the LMRWD and entered into a table for dissemination. A Technical Memorandum was prepared by Young Environmental and is attached. The Memorandum includes the comment/response table. The Board should authorize distribution of the comment/response table to partners.

#### Attachments

Technical Memorandum dated July 15, 2022 – Lower Minnesota River Watershed District (LMRWD) rule revision process

#### Recommended Action

Motion to approve draft rule revision and authorize submission of draft rules to the Board of Water and Soil Resources

##### ii. Update to LMRWD Comprehensive Watershed Management Plan

At the May 2022 meeting of the LMRWD Board of Managers, the Board authorized staff to proceed with a minor plan amendment to the LMRWD Comprehensive Watershed Management Plan. Staff has put together a draft implementation program for the Board to review. The draft plan includes a gradual increase in the amount of the budget that comes from a general levy and is using some of the fund balance to project projects in the first few years of the program.

Young Environmental Consulting Group has provided a summary of the process so far and outlined the process moving forward. Also attached is a draft implementation program.

#### Attachments

Technical Memorandum Dated July 15, 2022 – Lower Minnesota River Watershed District (LMRWD) Watershed Management Plan Implementation Plan Update

#### Recommended Action

Motion to approve (or modify) draft Implementation plan and authorize staff to initiate amendment process

# Technical Memorandum

**To:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

**From:** Meghan Litsey, CPESC  
Della Schall Young, CPESC, PMP

**Date:** July 15, 2022

**Re:** Lower Minnesota River Watershed District (LMRWD) Watershed  
Management Plan Implementation Plan Update

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In 2018, the Implementation Program section of the Watershed Management Plan (Plan) was updated with an emphasis on the activities associated with the first five years (2018–2022). In addition, it was acknowledged that the remaining years in the plan (2023–2027) would require an update in 2022 to effectively plan the second half of the Implementation Program. The Implementation Program section now requires a minor plan amendment to emphasize activities for the years 2023–2027.

Young Environmental Consulting Group (Young Environmental) consulted the LMRWD’s Technical Advisory Committee (TAC) on June 15, 2022, to review the draft Implementation Program amendment and seek recommendations from the TAC on additional programs, projects, and studies. Young Environmental received project submissions from the following TAC members: Carver Watershed Management Organization, the City of Shakopee, and the City of Savage. Their projects have been incorporated into the draft Implementation Program Tables 4-1 and 4-3 attached.

Below are the suggested amendments, the Plan amendment process, and Young Environmental’s recommended next steps.

## **Suggested Modifications**

Attached is the draft Implementation Program Tables 4-1 and 4-3 summarizing the proposed modifications.

## **Plan Amendment Process**

The process to amend the Watershed Management Plan is outlined in MS 103B.231 and summarized below:

- The Plan amendment must be submitted in writing to the LMRWD Board of Managers and Board of Water and Soil Resources for review and comment. Allow a minimum of 30 days for review.
- The comments received during the 30-day review period will be collected and summarized.
- The Plan amendment will be finalized and must be adopted by a majority vote of the LMRWD managers.
- The final Plan amendment will be shared with stakeholders and posted on the LMRWD's website.

### **Recommendations**

With the Managers' approval, Linda Loomis, administrator; Young Environmental, technical consultant; and Rinke Noonan, legal counsel will initiate the Plan amendment process with the Minnesota Board of Water and Soil Resources. Barring any unforeseen issues, we hope to have the final Plan amendment to the Managers for final approval in September 2022.

Attachments: Draft Implementation Program Tables 4-1 and 4-3

Table 4-1: Lower Minnesota River Watershed District—Implementation Program Budget for 2023–2027

ACTION	Year				
	2023	2024	2025	2026	2027
<b>EXPENDITURE</b>					
<b>Administrative and Managerial</b>					
General administrative services, conferences, coordination with LGUs, stakeholders, and other project partners, LGU program reviews, 9-Foot Channel, and advisory committees (Technical and Citizen)	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
<b>Administrative/Managerial Budget Total</b>	<b>\$250,000</b>	<b>\$250,000</b>	<b>\$250,000</b>	<b>\$250,000</b>	<b>\$250,000</b>
<b>Studies and Programs</b>					
Cost-Share Incentive and Water Quality Restoration Program	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Dredge management	\$240,000	\$240,000	\$240,000	\$126,000	\$240,000
Eagle Creek Bank Restoration at Town & Country RV Park Feasibility Study		\$30,000			
Education and Outreach Program	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000
Fen Private Land Acquisition Study		\$50,000	\$25,000		
Fen Stewardship and Management Program	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000
Gully Inventory and Assessment Program	\$90,500	\$150,000	\$150,000	\$150,000	\$150,000
Implementation of the Sustainable Lake Management Plans		\$50,000	\$50,000		\$50,000
Monitoring Program and detailed data assessments	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000
Project and permit reviews	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Seminary Fen Restoration Site C-2 Study	\$20,000	\$40,000			
Spring Creek Site 3 Design Feasibility Study	\$50,000				
Trout streams geomorphic assessments		\$100,000			\$100,000
Watershed Management Plan				\$50,000	\$100,000
Water Resources Restoration Fund	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
<b>Studies and Programs Budget Total</b>	<b>\$795,500</b>	<b>\$1,055,000</b>	<b>\$860,000</b>	<b>\$721,000</b>	<b>\$1,035,000</b>
<b>Capital Improvements</b>					
Dredge site culvert replacement				\$51,500	
Eagle Creek Bank Restoration at Town & Country RV Park Project			\$69,800	\$90,200	
Eagle Creek Brown Trout Habitat Improvements Project					\$70,000
Minnesota River floodplain modeling	\$75,000				
Minnesota River Study Area 3—Bluff Stabilization Project		\$100,000	\$100,000		
Seminary Fen Restoration Site B		\$50,000	\$25,000		
Seminary Fen Restoration Site C-2 and C-3 design and construction			\$55,000	\$50,000	\$65,000
Shakopee Riverbank Stabilization Project		\$50,000	\$50,000		
Spring Creek Sites 1 and 2 Design and Construction Stabilization Project		\$100,000	\$100,000	\$70,000	
Spring Creek Vegetation Management Project	\$40,000				
Stormwater BMP at parking lot near Lewis Street West and Second Avenue West Project	\$50,000	\$50,000			
Vernon Avenue upgrade at the dredge site				\$62,500	
<b>Capital Improvements Budget Total</b>	<b>\$165,000</b>	<b>\$350,000</b>	<b>\$399,800</b>	<b>\$324,200</b>	<b>\$135,000</b>
<b>TOTAL EXPENDITURES</b>	<b>\$1,210,500</b>	<b>\$1,655,000</b>	<b>\$1,509,800</b>	<b>\$1,295,200</b>	<b>\$1,420,000</b>

REVENUE					
General Levy	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
Planning and Implementation Levy	\$525,000	\$625,000	\$650,000	\$675,000	\$700,000
Metropolitan Council Grant	\$5,500	\$5,500	\$5,500	\$5,500	\$5,500
Dredge Material Management Grant	\$240,000	\$240,000	\$240,000	\$240,000	\$240,000
Grants	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Fund balance and closed or unrealized projects	\$90,000	\$434,500	\$264,300	\$24,700	\$124,500
<b>TOTAL REVENUE</b>	<b>\$1,210,500</b>	<b>\$1,655,000</b>	<b>\$1,509,800</b>	<b>\$1,295,200</b>	<b>\$1,420,000</b>

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**Table 4-3: Lower Minnesota River Watershed District—Capital Improvement Projects**

Project Name	Project Descriptions	Project Partner	Estimated Cost	Estimated Timeline
<i>Capital Improvement Projects</i>				
Dredge Site Culvert Replacement	A culvert near the site entrance needs to be removed and replaced. The District will work with the Army Corps of Engineers to perform the culvert replacement.	Army Corps of Engineers	\$51,500	2026
Eagle Creek Bank Restoration at Town & Country RV Park Project	The District will develop a design and stabilize the hillslope failure near the campground on Main Branch of Eagle Creek to reduce sedimentation to the creek.	MNDNR, City of Savage	\$160,000	2025–2026
Eagle Creek Brown Trout Habitat Improvements Project	Background research indicates the East Branch historically has been able to support a more reliable brown trout population despite having some of the worst habitat conditions in the watershed. The District will complete habitat improvements in the East Branch to support brown trout populations.	MNDNR, USFWS	\$70,000	2027
Minnesota River Floodplain Modeling	The Lower Minnesota River Floodplain Model Feasibility Study determined that the hydrologic and hydraulic modeling commonly used to regulate development in the floodplain and evaluate Rule C permits are out of date. The hydrologic statistical analysis, based on the USGS streamgage at Jordan, has not been updated in 20 years, missed four of the top ten recorded floods on the Minnesota River, and must be reevaluated to determine the flood flows within the LMRWD reach. Following the hydrologic update, the hydraulic model of the Lower Minnesota River should be comprehensively updated to incorporate recent developments in the floodplain, the revised flow data, and better data where available to evaluate the flood risk within the Lower Minnesota River floodplain. The initial capital investment of updating the hydrology and hydraulic model will be followed by annual updates to maintain the hydraulic model and incorporate the most recent data from municipalities and LMRWD permits.	Army Corps of Engineers	\$75,000	2023
Minnesota River Study Area 3—Bluff Stabilization Project	Located on the north bank of the Minnesota River, this area has been prone to erosion for some time. The District, in partnership with the City of Eden Prairie, has evaluated options to stabilize the slope, protect public and private infrastructure, and prevent future degradation of the Minnesota River water quality resulting from the Area 3 bank erosion. The District will set aside 5 percent of construction costs to support the project.	Army Corps of Engineers, City of Eden Prairie	\$200,000	2024–2025
Seminary Fen Restoration Site B	A partially drained 17-acre wetland from Falls Curve Road to Old Highway 12, which is predominantly growing reed canary grass, will be restored. The restoration involves disabling the drainage system and restoring vegetation.	City of Chaska, MNDNR	\$75,000	2024–2025

Project Name	Project Descriptions	Project Partner	Estimated Cost	Estimated Timeline
Seminary Fen Restoration Sites C-2 and C-3 Design and Construction	The final design and construction will be done for the Ravine Sites C2 and C-3, which are discharging sediment into the Seminary Fen Wetland Complex.	City of Chaska, MNDNR	\$170,000	2025–2027
Shakopee Riverbank Stabilization Project	This project will include stabilizing sections of the Minnesota River riverbank that are eroding along the City of Shakopee’s parallel trunk sanitary sewer line that flows to L-16 and other storm sewer outlets.	City of Shakopee	\$5,280,000 (District’s contribution: \$100,000)	2024–2025
Spring Creek Vegetation Management Project	The creek will be prone to further erosion without the added protection of adequate vegetation. Vegetation management (e.g., removal of invasives, native plantings, etc.), particularly in the floodplain and channel banks, will be explored with the property owners.	Carver SWCD	\$40,000	2023
Spring Creek Sites 1 and 2 Stabilization Project	After the vegetation management project is complete, Site 1 and Site 2 along Spring Creek will be stabilized using the Carver SWCD’s designs (increased riprap size and standard gradation recommended).	Carver SWCD	\$270,000	2024–2026
Stormwater BMP at Parking Lot near Lewis Street West and Second Avenue West Project	This stormwater best management practice project will be coordinated with the parking lot rehabilitation near Lewis Street West and Second Avenue West near Pablo’s restaurant in Shakopee. The project focuses on providing water quality treatment to untreated stormwater runoff that is routed directly to the Minnesota River.	City of Shakopee	\$750,000 (District’s contribution: \$50,000)	2023–2024
Vernon Avenue Upgrade at the Dredge Site	Approximately two-thirds of a mile of Vernon Avenue (from Hwy 13 to the site entrance) requires upgrading to allow for increased truck traffic. The District will coordinate with the Army Corps of Engineers to upgrade Vernon Avenue.	Army Corps of Engineers	\$62,500	2026
<b>Potential Projects - Unfunded</b>				
Minnesota River Assessment of Ecological and Economic Impacts of Sedimentation	<p>This project will examine sedimentation in the Lower Minnesota River Watershed by monitoring, modeling, and analyzing sediment sources, sinks, and pathways in the watershed; summarizing how sources, sinks, and pathways may have changed; and estimating the economic and ecological effects of sedimentation. The project team will look at how sedimentation (1) changes the stage-discharge relationships that may cause flooding, (2) generates costs to maintain a commercial navigation channel on the Minnesota River, and (3) affects the ecological conditions of the watershed. Through these analyses, a new baseline could be established and an understanding created of how changes in land use alter the watershed baseline and create a new condition.</p> <p>In addition, the District will pursue upstream flow management that is consistent with recommendations of the NCED group using the Management Option Simulation Tool (MOSM) in the Le Sueur watershed and similar approaches in other watersheds to mitigate this issue.</p>	Army Corps of Engineers	\$162,500	2024–2027

Project Name	Project Descriptions	Project Partner	Estimated Cost	Estimated Timeline
Minnesota River Assessment of Water Storage Benefits and Opportunities	Using the Agricultural Conservation Planning Framework (ACPF) and the Prioritize, Target, and Measure Application (PTM app), we will determine whether a flow reduction would benefit from the placement of storage measures in key locations throughout the basin. This analysis will help us understand whether the threshold for meaningful change can be realized to recommend specific levels of storage in the basin. The analysis is needed to accomplish the desired outcomes: (1) hydrocorrect DEMs for the lower watershed where storage impacts are desired, (2) run ACPF on priority subbasins to determine where storage opportunities exist, (3) develop a detailed hydrologic model if one does not exist, (4) run existing and storage scenarios to determine whether the amount of the discharges could be lowered for hypothetical rainfall events ranging from 10-year to 100-year events, and (5) summarize the saturation of storage and the maximum change anticipated in the specific agro-ecoregion.	Army Corps of Engineers	\$150,000	2024–2027
Lower Minnesota River Sediment Analysis	Previous analysis of how sedimentation has changed in the floodplain of the Lower Minnesota River has involved using pollen assemblages to date horizons. However, further analysis is required to confirm that the interpreted horizons are correct. The District will use dating of the stored core material to date the sediment to provide a more accurate understanding of sedimentation in the floodplain.	Freshwater Society, U of M	\$12,500	2024
East Chaska Creek Chain of Lakes SWA Implementation	Carver County Watershed Management Organization (CCWMO) seeks to collaborate with the City of Chaska and the District to implement strategies identified in the East Chaska Creek Chain of Lakes Subwatershed Analysis Feasibility Study. Projects would reduce impervious surfaces and add stormwater treatment for currently untreated areas and improve the quality of stormwater runoff reaching the East Chaska Creek Chain of Lakes. Projects will be completed as time and funding allow.	City of Chaska, CCWMO	\$200,000	2024–2027
Carver Creek Gully Stabilization	CCWMO plans to will stabilize a large gully on Carver Creek in Dahlgren Township (Section 26).	Carver SWCD, NRCS, CCWMO	\$40,000	2025
Dahlgren Road Stormwater Retrofit	CCWMO will address stormwater issues along Dahlgren Road west of County Road 11. Stormwater from the road surface currently drains untreated to Timber Creek, a tributary of Carver Creek.	Dahlgren Township, City of Carver, CCWMO	\$40,000	2025
East Chaska Creek Chain of Lakes Reclamation—Phase 2	CCWMO will implement methods to control carp populations and improve water quality in the East Creek Chain of Lakes as identified in the Drawdown Feasibility Study. This phase would focus on Big Woods, McKnight, Jonathan, and Grace Lakes.	City of Chaska, CCWMO	\$225,000	2027
Grace Lake Ravine Stabilizations	Ravines on the northwest side of Lake Grace are contributing both sediment and phosphorus to the lake. These projects will stabilize and reduce the amount of sediment reaching Lake Grace.	City of Chaska, CCWMO	\$300,000	2025–2027
Courthouse Lake Native Restoration	Multiple projects are underway around Courthouse Lake to restore both the shoreline and turfed areas to a native setting.	Carver SWCD, CCWMO	\$75,000	2023–2027
Big Woods and Hazeltine Lake Goldfish Management Program	A feasibility study is currently underway to produce a management plan for goldfish control in Big Woods and Hazeltine Lakes. Depending on the outcomes of the study, long-term management will follow the outline provided in this study.	MNDNR, CCWMO	\$100,000	2023–2027

Project Name	Project Descriptions	Project Partner	Estimated Cost	Estimated Timeline
Chaska Creek Bank Stabilization	Streambank erosion is present along Chaska Creek between Hwy 212 and Creek Road in Chaska contributing TSS and TP to Chaska Creek, especially during periods of high flow. Potential project areas will be identified and implemented in coordination with City of Chaska's Creek Rd redevelopment projects.	City of Chaska, CCWMO	\$332,000	2023–2027
Stormwater Pollutant Reduction in Untreated and Undertreated Urban Areas—East Chaska Creek Chain of Lakes	CCWMO will work with the City of Chaska to identify areas where additional stormwater treatment will provide additional nutrient removal within the East Chaska Creek Chain of Lakes Watershed. Priority will be given to projects that provide TP reductions to help meet TMDL goals for impaired waters of Hazeltine, Jonathon, and McKnight Lakes.	City of Chaska, CCWMO	\$100,000	2023–2027
East Chaska Creek Chain of Lakes Ravine Stabilizations	Ravines draining to the Chain of Lakes are contributing both sediment and phosphorus to the lake. These projects will stabilize slopes and manage stormwater discharge to reduce the amount of sediment reaching adjacent lakes.	City of Chaska, CCWMO	\$150,000	2023–2027
SW Chaska Ravine Stabilizations	Ravines ultimately draining to the Minnesota River are contributing both sediment and phosphorus to the river. These projects will stabilize slopes and manage stormwater discharge to reduce the amount of sediment discharging downstream.	City of Chaska, CCWMO	\$200,000	2023–2027
SW Chaska Wetland Preservation and Enhancements	Future development of this area of Chaska may provide opportunities for wetland preservation or enhancements. Priority for project locations will be based upon the Wetland Restoration Assessment of the 2020 Water Plan.	City of Chaska, CCWMO	\$100,000	2023–2027
Big Woods Lake Gully Restoration	One ravine has been identified as a potential project site to restore. Restoration will reduce the amount of sediment and phosphorus that will reach Big Woods Lake.	City of Chaska, CCWMO	\$150,000	2023–2027
Schroeder's Acre Park Water Reuse	This project consists of providing irrigation to three baseball diamonds and soccer fields with water supplied by the stormwater pond in the park.	City of Savage	\$370,000	2024–2027
Schroeder's Acres Park Alum Treatment	The City of Savage proposes to conduct alum treatment at Schroeder's Acres. This would prevent 12 to 24 pounds of total phosphorus (TP) from entering Eagle Creek each year.	City of Savage	\$35,600	2024–2027
BF Nelson Pond Alum Treatment	The City of Savage proposes to conduct alum treatment at the BF Nelson Pond. This would prevent 22 to 44 pounds of TP from entering Eagle Creek each year. Each dose is expected to cost \$39,900. Doses need to be applied every five years. Alum treatment here has a total cost of \$199,500 over 25 years.	City of Savage	\$39,900	2024–2027
Wyoming Avenue Stormwater Structure	The Wyoming Avenue Stormwater Structure includes the installation of a water quality treatment structure in an untreated industrial land use that discharges directly to Eagle Creek at TH 101.	City of Savage	\$668,600	2024–2027
TH 13 Stormwater Structure	This proposed project consists of installing an underground stormwater treatment structure in the right-of-way south of Trunk Highway 13. The structure would work in conjunction with the previously mentioned structure along Wyoming Avenue South to provide treatment to over 13 acres of industrial runoff currently flowing directly into Eagle Creek.	City of Savage	\$240,100	2024–2027
Zinram Avenue Stormwater Structure	This proposed project would consist of installing an underground stormwater treatment structure along Zinran Ave. The structure would provide treatment to over 18 acres of commercial runoff currently not being treated by the City of Savage.	City of Savage	\$168,800	2024–2027

Project Name	Project Descriptions	Project Partner	Estimated Cost	Estimated Timeline
Eagle Creek Parkway Bank Stabilization	This proposed project would stabilize banks underneath the Eagle Creek Parkway bridge crossing the East Branch of Eagle Creek. The creek is currently estimated to be eroding an average of 2 inches per year, which could deposit approximately 8,600 lbs. of sediment into the creek annually.	City of Savage	\$106,00	2024–2027
Covington Pond Filtration Bench	This proposed project consists of an intensive pond restoration plan for the basins on the City-owned parcel at Ensign Ave and 125th St W. A filtration bench would be placed between the existing ponds to provide additional treatment to a large portion of residential and upstream drainage areas.	City of Savage	\$315,200	2024–2027
Preserve Trail Stormwater Structure	This proposed project would install an underground stormwater treatment structure on the western portion of a parcel owned by the Savage Economic Development Authority. The structure would provide treatment to over 17 acres of residential runoff prior to it entering the large storm basin in the business park.	City of Savage	\$558,300	2024–2027

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# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, June 15, 2022

### Agenda Item

#### Item 6. G. – Education & Outreach

#### Prepared By

Linda Loomis, Administrator

#### Summary

The Citizen Advisory Committee did not meet in July, as the meeting date was July 5<sup>th</sup>. They plan to meet on August 2<sup>nd</sup> and plan to join the Salt Symposium.

The social media calendar for Q3 2022 is attached for the Board information.

Profiles of [Bluff Creek](#), [Eagle Creek](#), [Fisher Lake Outlet](#), [Black Dog Creek](#), [Assumption Creek](#), [Kennaley's Creek](#), [East Chaska Creek](#), [Purgatory Creek](#), [Riley Creek](#), [Nine Mile Creek](#) and [Credit River](#) have been added to the LMRWD website

#### Attachments

Q3 2022 Social Media calendar

#### Recommended Action

No action recommended.

Week	Date	Topic	Platform	Post
27	6-Jul	Construction—permit	Facebook Twitter Instagram	Starting a #construction project? Visit the @LowerMinn website to see whether you need a permit: <a href="https://lowermnriverwd.org/rules/individual-permit">https://lowermnriverwd.org/rules/individual-permit</a>
	8-Jul	Story map	Facebook Twitter Instagram	Looking for a new outdoor space to explore? The @LMRWD created an interactive map of places we love in the district. Check out the few that we have highlighted, and visit our website for even more places to enjoy this summer! #LouisvilleSwampUnit <a href="https://storymaps.arcgis.com/stories/149390dfb9e44b7d911dc6173be14461">https://storymaps.arcgis.com/stories/149390dfb9e44b7d911dc6173be14461</a> <a href="https://www.google.com/maps/d/u/0/viewer?mid=1kxhl0Cwod9iau7o8Z-nyw8SAqRk&amp;ll=44.8131130668377%2C-93.51754524873193&amp;z=14">https://www.google.com/maps/d/u/0/viewer?mid=1kxhl0Cwod9iau7o8Z-nyw8SAqRk&amp;ll=44.8131130668377%2C-93.51754524873193&amp;z=14</a>
28	11-Jul	Spring Creek	Facebook Twitter Instagram	Join us for a neighborhood meeting about Spring Creek!  The @LowerMinn is hosting a neighborhood meeting about stabilizing Spring Creek between 6th Street West and 4th Street West. The district has studied Spring Creek over the past few years, and we plan to share our findings and recommendations with residents along the creek.  Please join us!  When: 6 p.m. to 7 p.m. on July 27, 2022 Where: 5th Street West (near 112)  Bring a lawn chair and questions!  If you are unable to attend or would like information about the Spring Creek Project, please email District Administrator Linda Loomis at <a href="mailto:admin@lowermnriverwd.org">admin@lowermnriverwd.org</a>
	13-Jul	Board meeting	Facebook	Please join the @LowerMinn at its upcoming board meeting. Unless otherwise noted, board meetings are held at the Carver County Government Center on the third Wednesday of the month at 7:00 p.m. <a href="http://lowermnriverwd.org/meetings">http://lowermnriverwd.org/meetings</a>
	15-Jul	Trout stream report	Facebook Twitter Instagram	#DYK the @LowerMinn is home to several trout streams, including the only remaining identified trout stream in Hennepin County? The @LowerMinn recently completed a comprehensive trout stream report using historic data to document the changes in the landscape, identify the different trout species' needs and management requirements, and review the data collected to date for each trout stream. The report also analyzes the gaps in data needed to effectively manage the resource in the future and includes recommendations for the long-term management of each stream! <a href="https://lowermnriverwd.org/resources/rivers-streams">https://lowermnriverwd.org/resources/rivers-streams</a>

29	18-Jul	Savage interpretive sign	Facebook Twitter Instagram	The @LowerMinn and the @CityofSavage recently installed a new interpretive sign in #EagleCreekPark. The sign highlights the unique resources of Savage, such as calcareous fens and trout streams. Stop by, see the sign, and learn more about your local environment.
	20-Jul	CAC	Facebook Twitter Instagram	Do you care about the #MinnesotaRiver, lakes, streams, wetlands, and groundwater in your #community? Do you wonder how you can help protect and restore them? The LMRWD is seeking interested residents, just like you, to join its citizen advisory committee. <a href="http://lowermnrriverwd.org/news/interested-joining-citizen-advisory-committee">http://lowermnrriverwd.org/news/interested-joining-citizen-advisory-committee</a>
	22-Jul	Blue-green algae	Facebook Twitter Instagram	If in doubt, stay out! Blue-green algae can produce harmful toxins that make people and animals sick. Find out more about how to stay safe this summer: <a href="https://www.pca.state.mn.us/water/blue-green-algae-and-harmful-algal-blooms">https://www.pca.state.mn.us/water/blue-green-algae-and-harmful-algal-blooms</a>
30	25-Jul	Our lakeshore connection	Facebook Twitter Instagram	Our friends from the north metro created a great video about our Minnesota Lakes and how to protect them. It's worth the watch! <a href="https://www.youtube.com/watch?v=dwjAoRwLrmM">https://www.youtube.com/watch?v=dwjAoRwLrmM</a> @AnokaSWCD
	26-Jul	Steep slopes	Facebook Twitter Instagram	Does your property have steep slopes? The @LowerMinn has information to help you manage your vegetation to keep your property safe and beautiful. <a href="http://lowermnrriverwd.org/resources/links">http://lowermnrriverwd.org/resources/links</a> <a href="https://lowermnrriverwd.org/application/files/5816/4925/6958/Steep_Slopes.pdf">https://lowermnrriverwd.org/application/files/5816/4925/6958/Steep_Slopes.pdf</a>
	28-Jul	Lawn mowing	Facebook Twitter Instagram	#DYK setting your #LawnMower at 2.5 to 3.5 inches allows #grass to grow a little taller and helps #roots develop a deeper base? This means your lawn will need #LessWater and #fertilizer, and it will resist more weed growth!
31	1-Aug	National Water Quality Month	Facebook Twitter Instagram	It is hard to imagine life without easy access to #CleanWater. During National Water Quality Month, learn the simple actions you can take at home to #protect our valuable #water: <a href="https://nationalwaterqualitymonth.org/">https://nationalwaterqualitymonth.org/</a>
	3-Aug	MN River Corridor Mgmt Plan	Facebook Twitter Instagram	- placeholder for open house -
	4-Aug	Outdoor water use	Facebook Twitter Instagram	#DYK the average U.S. household uses more water outdoors than for showering and washing clothes combined? Follow these simple steps for a beautiful, water-smart landscape: <a href="https://www.epa.gov/watersense/outdoors">https://www.epa.gov/watersense/outdoors</a>

32	9-Aug	Interns	Facebook Twitter Instagram	The @LowerMinn, in partnership with Young Environmental, just finished another successful #FieldSeason with interns from @UofM. They will be presenting on the project inspections they completed this year at the next board meeting. We believe in training the next generation of engineers and scientists. Special thanks to Anthony and Karina for all your hard work! You have been instrumental in your review and inspections this year.
	10-Aug	Board meeting	Facebook	Please join the @LowerMinn at its upcoming board meeting. Unless otherwise noted, board meetings are held at the Carver County Government Center on the third Wednesday of the month at 7:00 p.m. <a href="http://lowermnrriverwd.org/meetings">http://lowermnrriverwd.org/meetings</a>
	12-Aug	Sweep up grass clippings	Facebook Twitter Instagram	When you're out #mowing the grass, make sure to keep the #clippings on the lawn. #GrassClippings left on hard surfaces can enter storm drains and end up in local lakes and ponds, turning them green with #algae: <a href="http://www.cleanwatermn.org/wp-content/uploads/Clean-Water-Lawn-Care-v2.pdf">http://www.cleanwatermn.org/wp-content/uploads/Clean-Water-Lawn-Care-v2.pdf</a>
33	15-Aug	Bingo	Facebook Twitter Instagram	Looking for new places to go and things to see? Use the @LowerMinn bingo card to plan your next adventure!
	17-Aug	Irrigation systems	Facebook Twitter Instagram	It's always a good time to spruce up your sprinkler system! <a href="https://www.epa.gov/watersense/sprinkler-spruce-up">@EPA @EPAGOV</a>
34	23-Aug	AIS	Facebook Twitter Instagram	Wherever your #adventure takes you, make sure you don't take #invasive species along when you leave. Find out more at <a href="http://playcleango.org">playcleango.org</a> @NAISMAorg @play.clean.go #AIS
	25-Aug	Fens gaps analysis	Facebook Twitter Instagram	Calcareous #fens are among the rarest types of #wetlands in the U.S. Their #ecosystem supports a unique plant community that sustains many #rare and #endangered plant species not found in other environments. In the @LowerMinn, six calcareous fen systems require special protection. You can #learn more about these local treasures in the fens report. <a href="http://lowermnrriverwd.org/projects/dakota-county-fen-study-management-plan">http://lowermnrriverwd.org/projects/dakota-county-fen-study-management-plan</a>
35	29-Aug	District grants	Facebook Twitter Instagram	Interested in adding #NativePlants to your property or restoring your shoreline? The @LMRWD has a #CostShare program available for projects on public, private, residential, or business properties. Learn more at <a href="https://lowermnrriverwd.org/resources/grants-cost-sharing">https://lowermnrriverwd.org/resources/grants-cost-sharing</a>
	31-Aug	East Chaska Creek - final project	Facebook Twitter Instagram	- need to draft text on complete project - and get site photo of sign
	1-Sep	Irrigation	Facebook Twitter Instagram	Please don't water the sidewalk: <a href="https://eastmetrowater.wordpress.com/2018/05/16/smartsprinkling/">https://eastmetrowater.wordpress.com/2018/05/16/smartsprinkling/</a>

36	7-Sep	Intro to the Lower Minnesota River WD	Facebook Twitter Instagram	Interested in learning more about the @LowerMinn? Look no further! <a href="https://lowermnriverwd.org/application/files/5016/4925/6959/Intro_to_the_LMRWD.pdf">https://lowermnriverwd.org/application/files/5016/4925/6959/Intro_to_the_LMRWD.pdf</a> <a href="http://lowermnriverwd.org/resources/links">http://lowermnriverwd.org/resources/links</a>
	9-Sep	Native plants	Facebook Twitter Instagram	Are you using native plants in your #landscaping? #NativePlants need to be watered less than other plants, which saves you #time and #money. <a href="https://extension.umn.edu/find-plants/native-plants">https://extension.umn.edu/find-plants/native-plants</a> <a href="http://lowermnriverwd.org/resources/links">http://lowermnriverwd.org/resources/links</a> <a href="https://lowermnriverwd.org/application/files/4716/4925/6956/Rain_Native_Gardens.pdf">https://lowermnriverwd.org/application/files/4716/4925/6956/Rain_Native_Gardens.pdf</a> #SaveWater #conserve
37	13-Sep	Resource-specific webpages	Facebook Twitter Instagram	Interested in learning more about local water? The @LowerMinn has been compiling data on our #lakes and #streams. Current information is now on our website. #BluffCreek <a href="https://lowermnriverwd.org/resources/lakes">https://lowermnriverwd.org/resources/lakes</a> <a href="https://lowermnriverwd.org/resources/rivers-streams">https://lowermnriverwd.org/resources/rivers-streams</a>
	14-Sep	Board meeting	Facebook	Please join the @LowerMinn at its upcoming board meeting. Unless otherwise noted, board meetings are held at the Carver County Government Center on the third Wednesday of the month at 7:00 p.m. <a href="http://lowermnriverwd.org/meetings">http://lowermnriverwd.org/meetings</a>
	16-Sep	Fertilizing	Facebook Twitter Instagram	#DYK #fertilizing lawns in the fall is better than springtime applications? Find out more at <a href="https://extension.umn.edu/planting-and-growing-guides/lawn-care-calendar">https://extension.umn.edu/planting-and-growing-guides/lawn-care-calendar</a> #GreenTip #WaterQuality
38	19-Sep	Leaf raking	Facebook Twitter Instagram	#Fall officially arrives this week. Are you ready to rake? Rake and bag leaves and debris that have collected against the curb, in the street, and in front of your home, as well as any debris covering the nearest storm drain. Leaves, grass, and dirt feed algae and turn lakes and rivers green—yuck!
	23-Sep	First day of fall	Facebook Twitter Instagram	It's the #FirstDayOfFall! Get #outside and enjoy the fall weather. No idea where to go? Check out our #Watershed map to plan your next adventure! <a href="http://bit.ly/LMRWDMap">http://bit.ly/LMRWDMap</a>
39	24-Sep	National Public Lands Day	Facebook Twitter Instagram	#DYK the @LowerMinn encompasses more than 80,000 acres of US National Wildlife Refuge and Fort Snelling? Entrance to #NationalParks is free today! It's a great day to #visit and #explore! #NPLD #FindYourPark @nationalparkservice @NatlParkService <a href="https://www.nps.gov/subjects/npscelebrates/public-lands-day.htm">https://www.nps.gov/subjects/npscelebrates/public-lands-day.htm</a>
	25-Sep	World Rivers Day	Facebook Twitter Instagram	Happy World Rivers Day! How will you celebrate? <a href="https://bit.ly/rakeupMN">https://bit.ly/rakeupMN</a> #RakeUp #SweepUp #PickUp #CleanStreets #CleanWater
	29-Sep	Car washing	Facebook Twitter Instagram	Out washing your vehicle this week? Using a #CarWash facility is better than washing in the driveway. When we wash the car on the driveway or street, soap and dirty water flow into the #StormDrain and into our local waterways. When you use the car wash, the water will be treated before entering the water we use for #swimming and #boating. <a href="https://mn.adopt-a-drain.org/">https://mn.adopt-a-drain.org/</a>



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, June 15, 2022

### Agenda Item

#### Item 6. H. – LMRWD Projects

#### Prepared By

Linda Loomis, Administrator

#### Summary

##### i. MN River Corridor Management Project

The LMRWD held a meeting with its partners on July 13<sup>th</sup> to talk about the Minnesota River. There has been good engagement. LMRWD staff would like to plan an open house and an activity on the water. Young Environmental is leading the process and has prepared a Technical Memorandum outlining what is planned. Staff would like the Board to authorize spending up to \$5,000 for this event.

#### Attachments

Technical Memorandum dated July 13, 2022 – Lower Minnesota River Corridor Management Plan Project – Open House

#### Recommended Action

Motion to authorize up to \$5,000 on an open house for the MN River Corridor Project

##### ii. 2021 Gully Inventory and Condition Assessment Volume 2

The final Gully Inventory and Condition Assessment, Volume 2 is complete. It has been uploaded to the LMRWD website and can be viewed using the link below.

#### Attachments

[Gully Inventory and Condition Assessment, Volume 2](#)

#### Recommended Action

Motion to receive and file Gully Inventory and Condition Assessment, Volume 2

# Technical Memorandum

**To:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

**From:** Madeline Seveland  
Della Schall Young, PMP, CPESC

**Date:** July 13, 2022

**Re:** **Lower Minnesota River Corridor Management Plan Project—Open House**

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Young Environmental Consulting Group is proposing an open house as the final activity in the Lower Minnesota River Corridor Management Plan (the Plan) development process. The open house will consist of presentations on the information generated for the Plan and a recreational activity to provide stakeholders with an on-the-water experience on the Minnesota River. The purpose of the open house is to bring stakeholders together, build community, and allow them to react to the information generated throughout the process.

## Proposal

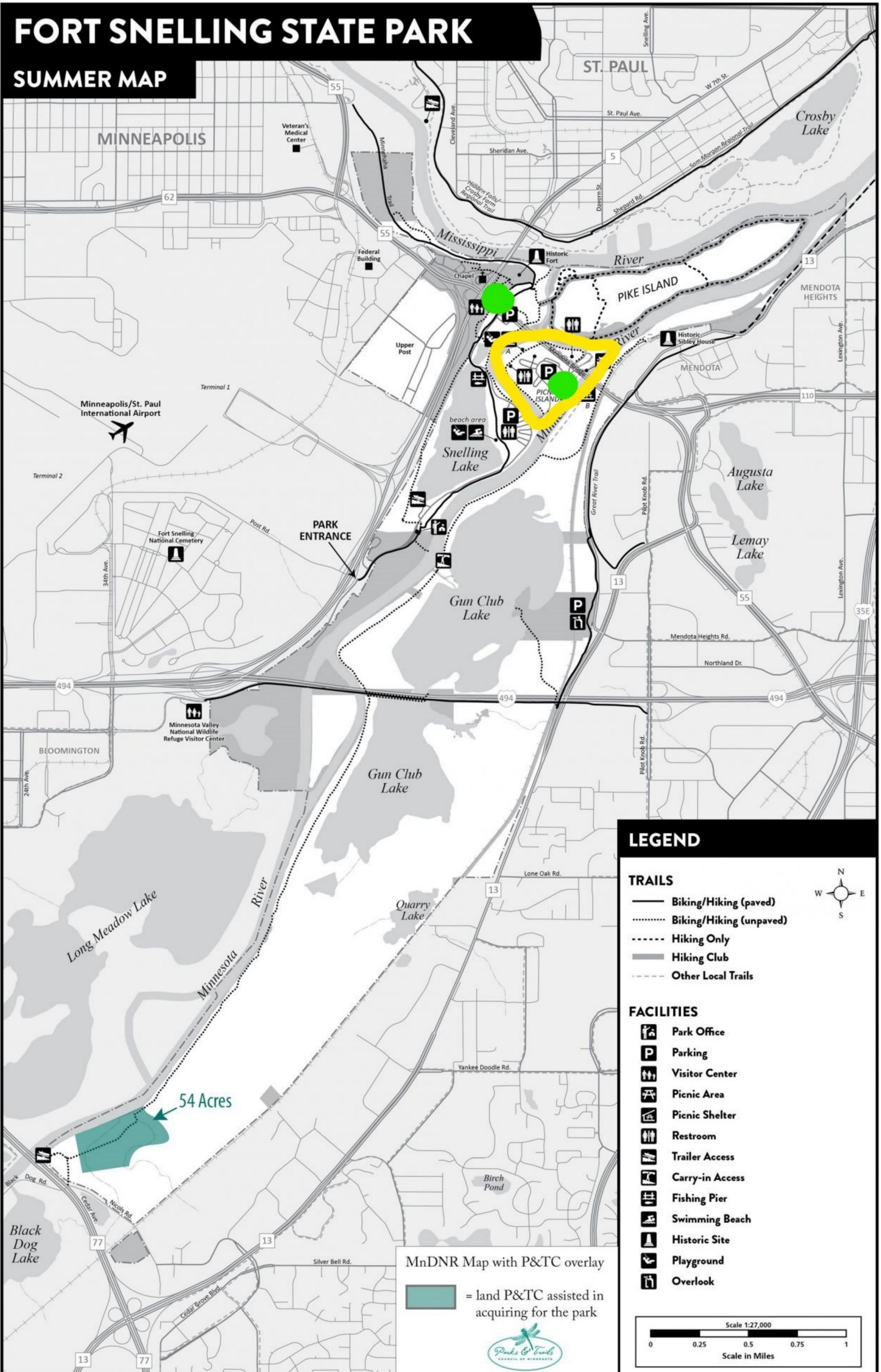
We are proposing hosting an open house and recreational activity at Fort Snelling State Park. The open house would take place at the outdoor picnic shelter on Picnic Island. We would present information and gather feedback at this location. Wilderness Inquiry would provide a canoeing activity that would take participants around Picnic Island on the Minnesota River (see the attached map).

## Request

The staff is asking the Board to consider approving up to \$5,000 to cover the costs of the open house, which would include facility rental, food, and the canoe outfitter.

# FORT SNELLING STATE PARK

## SUMMER MAP



### LEGEND

#### TRAILS

- Biking/Hiking (paved)
- Biking/Hiking (unpaved)
- Hiking Only
- Hiking Club
- Other Local Trails

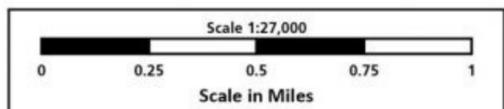
#### FACILITIES

- Park Office
- Parking
- Visitor Center
- Picnic Area
- Picnic Shelter
- Restroom
- Trailer Access
- Carry-in Access
- Fishing Pier
- Swimming Beach
- Historic Site
- Playground
- Overlook



MnDNR Map with P&TC overlay

= land P&TC assisted in acquiring for the park





# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, July 20, 2022

### Agenda Item

#### Item 6. I. – LMRWD Permits and Project Reviews

#### Prepared By

Linda Loomis, Administrator

#### Summary

##### i. LMRWD Permit renewals

There are several projects that need permit renewals this month. The Technical Memorandum prepared by Young Environmental details the project that have requested renewals.

#### Attachments

Technical Memorandum – June 2022 Permit Renewals dated July 13, 2022

#### Recommended Action

Motion to approve extension of permits listed in Table 1 of the above Technical Memorandum

##### ii. Prior Lake Outlet Channel 2022 Bank Stabilization (LMRWD No.2022-017)

This project is located in the City Shakopee. It will stabilize the banks of a portion of the Prior Lake Outlet Channel (PLOC). It requires a LMRWD permit because it is located within the 100-year floodplain of the PLOC. A variance is required to issue a permit. Young Environmental reviewed the application on behalf of the LMRWD. Their review is attached.

#### Attachments

Technical Memorandum - Prior Lake Outlet Channel 2022 Bank Stabilization (LMRWD No. 2022-017) dated July 13, 2022

#### Recommended Action

Motion to grant a variance and approve a permit for Prior Lake Outlet Channel 2022 Bank Stabilization (LMRWD No. 2022-017)

##### iii. Quarry Lake Park Restroom (LMRWD No. 2022-028)

This project is located in the City of Shakopee and requires a LMRWD permit because it is located in a High Value Resource Area. Young Environmental has reviewed the project on behalf of the LMRWD and recommends conditional approval contingent upon receipt of the contact information for the contractor and the contact information for the person(s) responsible for inspection and maintenance of erosion and sediment control features.

#### Attachments

Technical Memorandum - Quarry Lake Park Restroom (LMRWD No. 2022-028) dated July 13, 2022

**Recommended Action**

Motion to conditionally approve a permit for Quarry Lake Park Restroom (LMRWD No. 2022-028) contingent upon receipt of the contact information for the contractor and the contact information for the person(s) responsible for inspection and maintenance of erosion and sediment control features.

**iv. TH 494 SP 2785-422 (LMRWD No. 2022-019)**

This project is the City of Eagan and is part of an on-going project to rehabilitate Interstate Highway 494. Young Environmental has reviewed the project on behalf of the LMRWD. There will be temporary impacts to the flood stage of the MN River. Conditional approval of the permit is recommended, contingent upon notification of Excel Energy of the temporary flood-stage increase, a copy of the NPDES permit, contact information for the contractor and the person(s) responsible for inspection and maintenance of all erosion and sediment control features.

**Attachments**

Technical Memorandum - TH 494 SP 2785-422 (LMRWD No. 2022-019) dated July 13, 2022

**Recommended Action**

Motion to conditionally approve a permit for TH 494 SP 2785-422 (LMRWD No. 2022-019) upon notification of Excel Energy of the temporary flood-stage increase, a copy of the NPDES permit, contact information for the contractor and the person(s) responsible for inspection and maintenance of all erosion and sediment control features.

**v. 494 Corridors of Commerce Pre-permit Review (LMRWD No.2022-023)**

The LMRWD met with MnDOT and other parties to discuss the Corridors of Commerce project. Young Environmental attended the meeting on behalf of the LMRWD and prepared the attached summary. MnDOT has not applied for a LMRWD permit yet. The summary will be shared with MnDOT.

**Attachments**

Technical Memorandum - 494 Corridors of Commerce Pre-permit Review (LMRWD No.2022-023) dated July 13, 2022

**Recommended Action**

No action is required by the Board at this time

**vi. Permitted Projects Inspections 2020-2022**

The LMRWD has begun inspections of projects for which permits have been issued. Young Environmental has undertaken the inspections on behalf of the LMRWD. A summary of the work so far is attached.

**Attachments**

Projects Summary #1 - Lower Minnesota River Watershed District (LMRWD) 2020–2022 Permitted Projects Inspections

**Recommended Action**

No action recommended – for information only

**vii. Burnsville Sanitary Landfill**

On July 7, 2022, the LMRWD received notice from the City of Burnsville that the Burnsville Sanitary Landfill submitted response to comment it received regarding tis application for a Planned Unit Development from the City. Staff reviewed the comments and has submitted the LMRWD response that is attached. Young Environmental has reviewed the documentation on behalf of the LMRWD

**Attachments**

Technical Memorandum - Burnsville Sanitary Landfill Planned Unit Development, Conditional Use Permit & Comprehensive Plan Amendment (DEV-12-15) Comment Responses, dated July 15, 2022

**Recommended Action**

No action is required by the Board at this time

**viii. Permit Program Summary**

Young Environmental has provided a table with the status of all permit applications received by the LMRWD. It has been attached to the Administrator’s report, but it seems more appropriate to include it here.

**Attachments**

July 13, 2022, LMRWD Permit Program Summary

**Recommended Action**

No action recommended – for information only

**ix. 535 Lakota Lane, Chanhassen – work without a permit**

The LMRWD has maintained contact with the City of Chanhassen and this property owner has not communicated with the City or the LMRWD. Staff will proceed with the appropriate enforcement action.

**Attachments**

No attachments

**Recommended Action**

No action recommended

# Technical Memorandum

**To:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

**From:** Hannah LeClaire, PE  
Katy Thompson, PE, CFM

**Date:** July 13, 2022

**Re:** June 2022 Permit Renewal Requests

Per Lower Minnesota River Watershed District (LMRWD) Rule A, it is the permittee's responsibility to request permit renewals when necessary. However, LMRWD staff has taken a proactive approach by sending out monthly reminders to current permit holders with upcoming permit expirations.

Table 1 summarizes the permittees who have responded to the permit expiration reminder, confirmed that no significant changes to the proposed project have occurred since the original permit was issued, and requested a permit extension to complete their projects.

*Table 1. Summary of July 2022 LMRWD permit renewal request.*

LMRWD No.	Project Name	City	Previous Expiration Date	Recommended Expiration Date
2020-132	77th Street Underpass	Richfield/Bloomington	7/27/22	7/27/23
	<u>Reason for Extension:</u> The construction was delayed due to inclement weather in the winter and spring 2022; the applicant is requesting a one-year extension.			
2020-113	Fort Snelling Redevelopment	Fort Snelling	8/19/22	8/19/23
	<u>Reason for Extension:</u> The construction was delayed; the applicant is requesting a one-year extension.			

2021-016	Whispering Waters	Shakopee	7/13/22	7/13/23
	<u>Reason for Extension:</u> The last box culvert installation in the 2 <sup>nd</sup> addition has not been completed yet; the applicant is requesting a one-year extension.			
2021-017	Capstone 35	Burnsville	8/17/22	8/17/23
	<u>Reason for Extension:</u> The construction was delayed due to significant soil corrections that were required and material lead times have been stretched out; the applicant is requesting a one-year extension			
2021-018	Jefferson Court	Shakopee	6/2/22	6/2/23
	<u>Reason for Extension:</u> Vegetation is not fully established yet. Additionally, the final tar layer on the cul-de-sac is required and will most likely be completed fall 2022; the applicant is requesting a one-year extension			

**Recommendation**

Staff recommends renewing the permits provided in Table 1.

# Technical Memorandum

**To:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

**From:** Hannah LeClaire, PE  
Katy Thompson, PE, CFM

**Date:** July 13, 2022

**Re:** Prior Lake Outlet Channel 2022 Bank Stabilization (LMRWD No. 2022-017)

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The Prior Lake Spring Lake Watershed District (the applicant or PLSLWD) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to implement boulder toe, rock cross vanes, and bank grading to address bank erosion issues along the Prior Lake Outlet Channel (PLOC) in the city of Shakopee. The applicant proposes to stabilize three locations along the PLOC; however, only two locations are within the LMRWD's boundary: Segments 4—RB58 and 5A, as shown in Figure 1. Figure 2 shows the proposed boulder toe at Segment 4—RB58, and Figure 3 shows the proposed rock cross vanes at Segment 5A. The applicant proposes to commence construction on July 21, 2022. The applicant's engineer, Emmons & Oliver Resources, Inc. (EOR), has provided site plans for the project along with the permit application.

The LMRWD staff previously reviewed the PLOC 2022 Bank Stabilization project (Project) as part of the comment period for the Minnesota Department of Natural Resources (MnDNR) Public Waters Work Permit in May 2022 (Attachment 1). At this time, the LMRWD staff requested that the PLSLWD submit an official permit application because the Project appeared to trigger Rule C.

The Project is located within the City of Shakopee. The City of Shakopee has obtained a Municipal Permit from the LMRWD and therefore is considered the primary permitting authority for projects outside the LMRWD's High Value Resource Areas (HVRA), SSOD, and 100-year floodplain. The project is not located within the LMRWD's HVRA or SSOD; however, it is located within the floodplain of the PLOC, which is public water

and therefore triggers Rule C. Because the LMRWD is the permitting authority for Rule C—Floodplain and Drainage Alteration within the City of Shakopee, this Project is subject to a permit review by the LMRWD.

## Summary

<u>Project Name:</u>	Prior Lake Outlet Channel 2022 Bank Stabilization
<u>Purpose:</u>	Implement boulder toe, rock cross vanes, and bank grading to address bank erosion issues
<u>Project Size:</u>	0.68 acres disturbed
<u>Location:</u>	2133 Pike Lake Rd Shakopee, MN 55379 (PID 271390070) and 7700 Oak Ridge Trail Shakopee, MN 55379 (PID 274160400)
<u>Applicable LMRWD Rules:</u>	Rule C—Floodplain and Drainage Alteration
<u>Recommended Board Action:</u>	Approval

## Discussion

The LMRWD received the following documents for review:

- LMRWD online permit application; received June 30, 2022
- Project Location Map by EOR; dated May 10, 2022; received June 30, 2022
- MnDNR Public Waters permit by MnDNR; dated June 24, 2022; received June 24, 2022
- Minnesota Wetland Conservation Act Notice of Decision; dated May 16, 2022; received June 30, 2022
- PLOC 2022 Bank Stabilization Construction Plans by EOR; dated May 10, 2022; received June 30, 2022
- Request for Variance Technical Memo by EOR; dated June 30, 2022; received June 30, 2022

The application was deemed complete on July 5, 2022, and the documents received provide the minimum information necessary for permit review.

### Rule C—Floodplain and Drainage Alteration

The Project proposes work below the 100-year floodplain elevation of the PLOC at both locations. The existing 100-year floodplain elevation at Segment 4—RB58 is El. 792.7. The proposed stabilization work at this site includes tree removal, a boulder toe

installation, and regrading of channel banks to a flatter (3H:1V) slope. The proposed work will result in a net cut of 100 cubic yards that will be hauled off-site. EOR provided hydraulic modeling results and a no-rise certificate signed by a professional engineer for this segment.

Work at Segment 5A is proposed to address chronic bank stabilization issues associated with the berms that separate the PLOC from adjacent wetlands (Figure 3). The wetlands were constructed as part of a mitigation strategy associated with the surrounding Riverside Bluffs residential development. The berms have been prone to erosion and degradation from muskrat burrowing, which has led to the draining of the west wetland. The PLOC has also experienced channel incision and erosion over the years, resulting in a normal water level (NWL) of the wetlands of El. 756.9, which is approximately 1.1 feet lower than the intended design (El. 757.0).

In Segment 5A, the Project proposes a series of rock cross vanes that will function as weirs just upstream of the Oakridge Trail culvert crossing, resulting in 110 cubic yards of cut and 260 cubic yards of fill below the existing 100-year floodplain elevations. The intent of this design is to eliminate the need for ongoing bank stabilization and maintenance. The Project will restore the NWL of the wetlands to 757.0. The proposed changes in the 100-year water surface elevations of the PLOC are bound by Eagle Creek Boulevard on the south and Oakridge Trail on the north (Figure 4). The predicted changes in the 100-year water surface elevations are given in Table 1.

*Table 1. 100-Year Floodplain Elevations on the PLOC*

Station	100-year 24-hour HWL (ft)		
	Existing	Proposed	Change
0+00	764.7	764.7	0.00
3+76	761.7	761.9	+0.20
6+75	760.8	761.3	+0.50
7+65	759.4	759.4	0.00
Existing Stormwater Pond	761.6	761.9	+0.30

Additionally, the City of Shakopee, the local government unit for the Wetland Conservation Act, has determined that the fill associated with the project qualifies for No Loss per Mn Rule 8420.0415 Subpart D.

The applicant has submitted a no-rise certification for Segment 4—RB58, complying with Rule C. However, the project causes a rise in the 100-year water surface elevation on Segment 5A, which does not comply with Rule C.

**Variance Request**

The applicant is requesting a variance from Rule C—Floodplain and Drainage Alterations for Segment 5A of the PLOC. For a variance to be approved, the applicant

must demonstrate practical difficulties, as defined in LMRWD Rule A, Section 1.2.8. The variance request for this project satisfies the three factors of practical difficulties, as stated below:

1. **Reasonable use:** The applicant proposes to use the property in a reasonable manner. The applicant is not changing the land use with the proposed design.
2. **Unique circumstances:** The applicant's problem is caused by circumstances unique to the property. The PLOC's physical characteristics and channel conditions have degraded over time, causing issues with bank stabilization and wetland hydrology.
3. **Essential character:** The variance will not alter the locality's essential character. The Project proposes to sustainably restore and stabilize the PLOC and adjacent wetlands. Disturbed land will be restored to existing conditions, and the cross vanes will reduce further channel degradation.

Additionally, the applicant must demonstrate that by granting the variance, the Project will not adversely affect water resources, flood levels, or drainage in the LMRWD (Rule A, Section 1.2.8.b). The following supports this statement:

- The purpose of the Project along this segment is to enhance the site's natural resources by stabilizing the banks of the PLOC to prevent further degradation of the PLOC and downstream water resources.
- The Project will reduce maintenance needs and improve the hydrology of the surrounding wetlands by restoring the NWL.
- The surrounding homes are approximately 4 feet above the proposed 100-year water surface elevations along the PLOC between Eagle Creek Boulevard and Oakridge Trail, and therefore no adverse impacts to private property are expected.
- The proposed 100-year water level changes are contained within the PLSLWD Drainage and Utility Easements, City Outlot, and drainage and utility easements dedicated to the City of Shakopee.
- Impacts to the PLOC 100-year floodplain elevation do not extend upstream of Eagle Creek Boulevard nor downstream of Oak Ridge Trail.

Despite the increase in flood elevation at the three locations in the PLOC, we do not expect granting a variance to adversely affect water resources, flood levels, or drainage elsewhere in the LMRWD, meeting the LMRWD variance requirements.

## Recommendations

Based on our review of the project, we believe the project meets the practical difficulties requirements under Rule A for a variance and recommend the Board grant a variance from Rule C requirements for Segment 5A of the Prior Lake Outlet Channel and approve a permit for the overall Project.

## Attachments

- Figure 1—Project Location Map
- Figure 2—PLOC Segment 4—RB58 Site Map
- Figure 3—PLOC Segment 5A Site Map
- Figure 4—PLOC 100-Year Floodplain Elevations
- Attachment 1—Prior Lake Outlet Channel 2022 Bank Stabilization MPARS Technical Memo



Figure I: PLOC 2022 Bank Stabilization Project Location



- ★ Project Location
- PLOC Bank Stabilization Sites
- Other LMRWD Permits
- Steep Slopes Overlay District
- Public Waterbodies
- Public Watercourses
- LMRWD Boundary
- Scott Co. Parcels
- County Boundaries

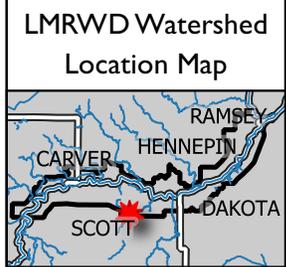
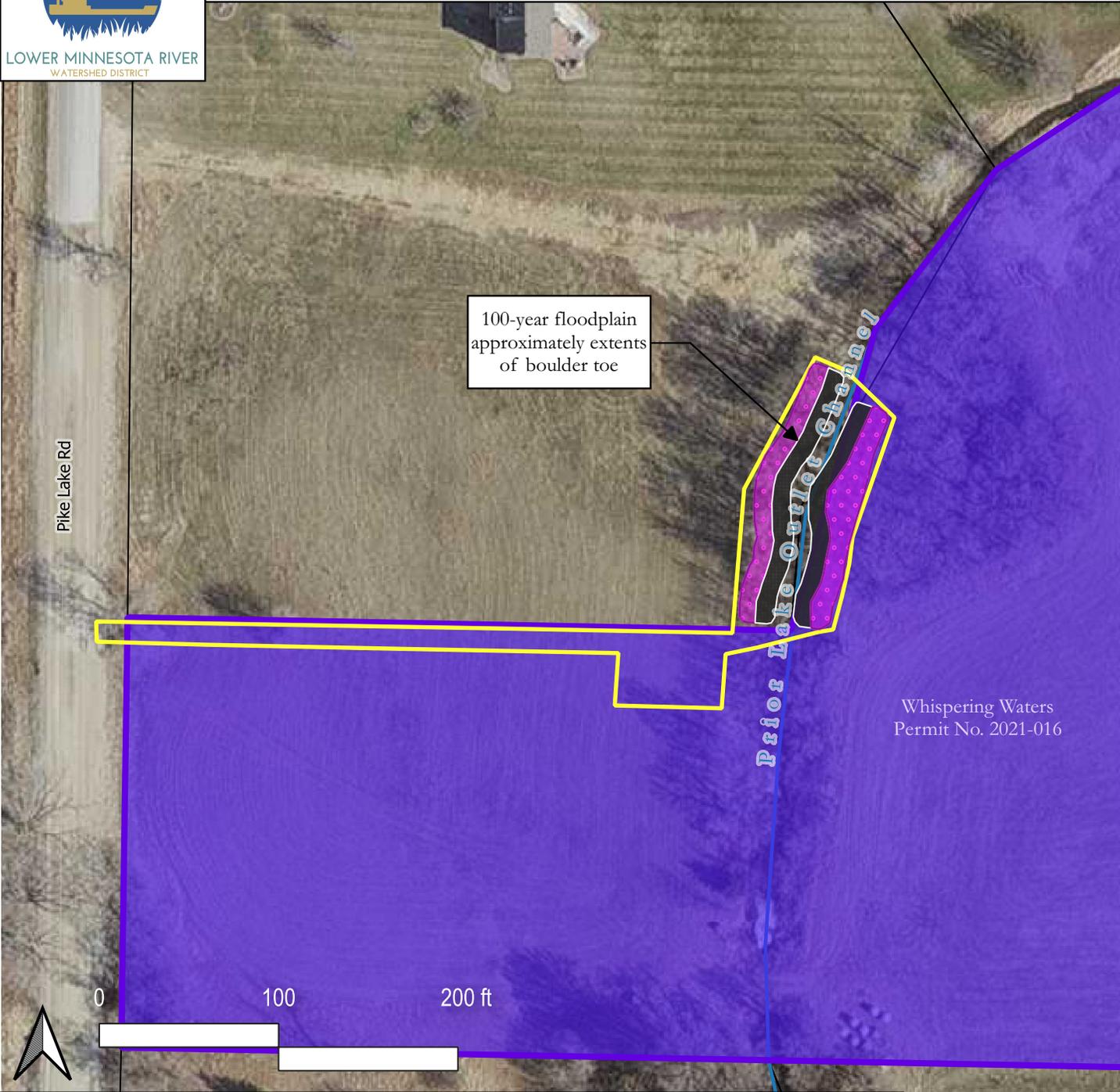




Figure 2: PLOC Segment 4 -RB58



**Legend**

-  Project Location
-  PLOC Bank Stabilization Sites
-  Other LMRWD Permits
-  Bank Shaping
-  Boulder Toe
-  Scott Co. Parcels
-  LMRWD Boundary
-  County Boundaries
-  Public Watercourses

**LMRWD Watershed Location Map**





Figure 3: PLOC Segment 5A



**Legend**

- Project Location
- PLOC Bank Stabilization Sites
- Riprap Chute
- Existing Wetland
- Rock Cross Vanes
- Scott Co. Parcels
- LMRWD Boundary
- County Boundaries
- Public Waters

**LMRWD Watershed Location Map**

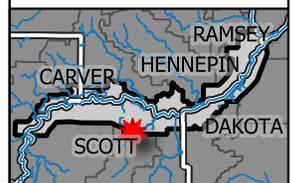
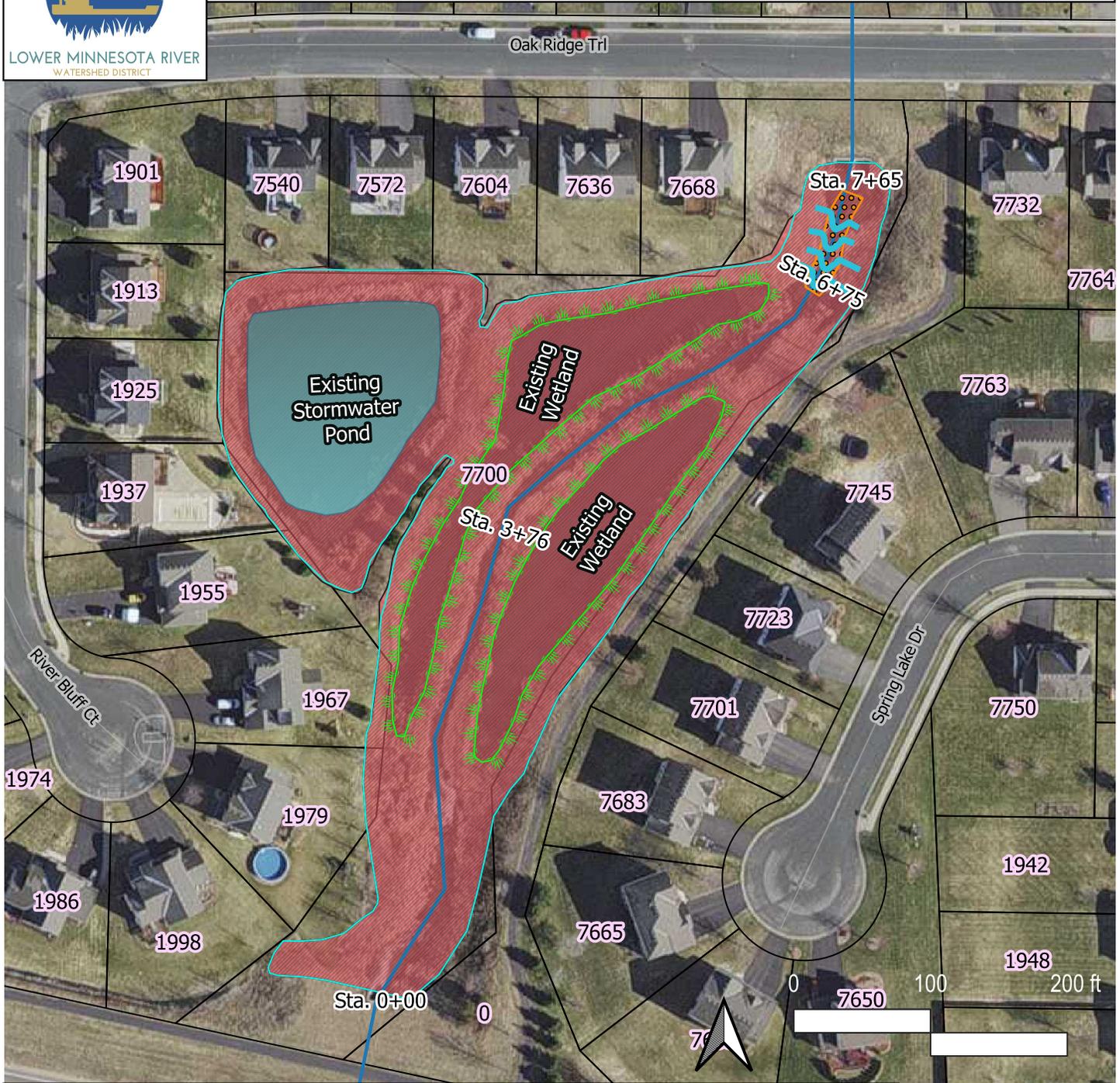




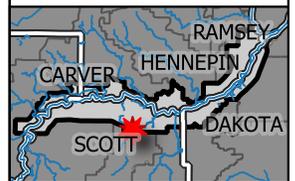
Figure 4: 100-Year Floodplain Impacts



**Legend**

- Project Location
- Riprap Chute
- Existing Stormwater Pond
- Existing Wetland
- Rock Cross Vanes
- Public Waters
- Scott Co. Parcels
- Approximate Existing 100-year Floodplain
- Approximate Proposed 100-year Floodplain
- County Boundaries
- LMRWD Boundary

**LMRWD Watershed Location Map**



# Technical Memorandum

**To:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

**From:** Hannah LeClaire, PE  
Della Schall Young, CPESC, PMP

**CC:** Taylor Huinker  
Minnesota Department of Natural Resources

**Date:** May 10, 2022

**Re:** Prior Lake Outlet Channel 2022 Bank Stabilization (LMRWD No. 2022-0017)

---

Prior Lake Spring Lake Watershed District (the applicant or PLSLWD) has applied for a Public Waters Work Permit from the Minnesota Department of Natural Resources (MnDNR) through the MnDNR Permitting and Reporting System (MPARS) to stabilize banks and address erosion issues in the Prior Lake Outlet Channel (PLOC). The Prior Lake Outlet Channel 2022 Bank Stabilization project (Project) is located within the City of Shakopee, and the MnDNR has requested comments on the Project through MPARS.

The applicant proposes to stabilize three locations along the PLOC; however, only two locations are within the Lower Minnesota River Watershed District's (LMRWD's) boundary, as shown in Figure 1. To the locations within the LMRWD, the applicant proposes bank shaping with a boulder toe at Segment 4 – RB 58 (Figure 2) and rock cross vanes at Segment 5A (Figure 3).

The City of Shakopee has obtained a Municipal Permit from the LMRWD and therefore is considered the primary permitting authority for this project. The Project is not located within the LMRWD's High Value Resource Area or the Steep Slopes Overlay District; however, it is located within the floodplain of the PLOC. Because the LMRWD is the permitting authority for impacts to the floodplain within the City of Shakopee, this Project would be subject to a permit review by the LMRWD.

Young Environmental, a LMRWD staff member, has reviewed the MPARS Public Waters Work Permit application. A project summary and comments on the permit application are provided below.

## Summary

<u>Project Name:</u>	Prior Lake Outlet Channel 2022 Bank Stabilization
<u>Purpose:</u>	Stabilize the banks of the PLOC
<u>Project Size:</u>	<1 acre of disturbance; floodplain fill not provided at this time
<u>Location:</u>	PLOC Segment 4 – RB 58 south of Eagle Creek Blvd and east of Pike Lake Rd PLOC Segment 5A between Oak Ridge Trail and Eagle Creek Blvd
<u>LMRWD Rules:</u>	Rule C—Floodplain and Drainage Alteration
<u>Recommended Board Action:</u>	Informational only

## Discussion

The LMRWD received the following documents for review:

- Public Waters Work Permit Application, dated November 24, 2014; received April 19, 2022
- Prior Lake Outlet Channel 2022 Bank Stabilization Draft Construction Plans by Emmons & Oliver Resources, Inc., dated April 12, 2022; received April 19, 2022

### Rule C—Floodplain and Drainage Alteration

As discussed, the Project is located within the floodplain of the PLOC. The Project proposes to fill within the floodplain to stabilize the channel with a boulder toe and rock cross vanes. The quantity of fill has not been provided by the applicant. However, a profile view at Segment 5A shows an increase in the 100-year water surface elevation due to the construction of the rock cross vanes. The maximum rise is approximately 0.3 feet between Eagle Creek Blvd and Oak Ridge Trail. Typically, rock cross vanes are most effective for lower discharges and have little effect on the 100-year water surface elevation because they are submerged. The applicant will be required to submit the following to comply with Rule C:

- The normal and high water levels for the adjacent stormwater ponds and wetlands

- The proposed quantity of cut and fill within the PLOC floodplain for all bank stabilization sites within the LMRWD as well as the change in water storage capacity resulting from the proposed activity
- A no-rise certificate signed by a professional engineer to ensure that the proposed fill within the PLOC floodplain will not affect the 100-year water surface elevations at either location
- Hydraulic modeling that supports the required no-rise certificate

### Additional Considerations

The LMRWD staff has the following additional concerns and questions regarding the proposed project:

1. An existing seepage area is identified in the plans at Segment 5A. How is this seepage area being addressed, and how will the applicant ensure that the seepage will not undermine the proposed rock cross vanes?
2. Plan sheet *Segment 5A – Site Plan* shows riprap Class III is proposed for the base of the rock cross vane; however, the *Details – 1* sheet shows riprap Class II. Which riprap class is being proposed, and what hydraulic and riprap sizing calculations were used to determine the appropriate riprap size?
3. What is the purpose of regrading the Wetland outlet near Segment 5A, and how will this affect the proposed project?
4. Water at the outlet of the rock cross vanes appears to be directed toward the east bank of the PLOC. Will this cause unintended bank erosion?
5. The proposed 100-year water surface elevation is approximately 761 feet at the rock cross vanes; however, the riprap does not extend beyond this elevation. How will the applicant ensure that the water does not cut around the riprap and destabilize the structure during high flows?
6. The applicant proposes to use excess channel material to fill the voids in the rock cross vanes and riprap chute. If the voids are not completely filled, water will flow through the rocks instead of over them and potentially destabilize the structure. Ideally, the voids in the structure would be filled with a gradation of rock that will not wash away with the flow of the stream. Additional material should be considered to fill the voids in the field if the channel material is not sufficient.
7. Consider extending the boulder toe through the toe of the slope and into the channel bottom to prevent erosion from undermining the toe of the riprap.

### **Recommendations**

We appreciate the opportunity to comment on the proposed Project. Although no Board action is required at this time, we offer the following summarized comments to the applicant, which will be uploaded to MPARS as part of the Public Waters Work Permit commend period:

- The applicant should apply for and receive a LMRWD Individual Project Permit before construction begins. As presented, the Project appears to trigger Rule C.
- The Project is located within the 100-year floodplain; the applicant should provide documentation that no loss of floodplain storage or increases to the 100-year water surface elevation would result from the Project.
- The applicant should apply for and receive a Municipal Permit from the City of Shakopee before construction begins.

### **Attachments**

- Figure 1: Project Location Map
- Figure 2: PLOC Segment 4 – RB 58 Site Map
- Figure 3: PLOC Segment 5A – Site Map

# Technical Memorandum

**To:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

**From:** Hannah LeClaire, PE  
Katy Thompson, PE, CFM

**Date:** July 13, 2022

**Re:** Quarry Lake Park Restroom (LMRWD No. 2022-028)

---

The City of Shakopee (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to construct a new restroom at Quarry Lake Park as shown in Figure 1. The applicant has provided site plans for the Quarry Lake Park Restroom project (Project) along with the permit application.

The proposed project consists of constructing a 520-square-foot restroom and associated access sidewalks as well as water and sewer service connections. The project would disturb 7,708 square feet (0.18 acres) and create 2,180 square feet (0.05 acres) of new impervious surfaces. The applicant proposes to commence construction on August 8, 2022.

The City of Shakopee has obtained a Municipal Permit from the LMRWD and therefore is considered the primary permitting authority for projects outside the LMRWD's High Value Resource Areas (HVRA), Steep Slopes District (SSOD), and 100-year floodplain. The Project is not located within the LMRWD's SSOD or 100-year floodplain; however, it is located within the Quarry Lake HVRA and is therefore subject to a permit review by the LMRWD.

## Summary

Project Name: Quarry Lake Park Restroom

Purpose: Restroom Construction

<u>Project Size:</u>	0.18 acres disturbed; 0.05 acres existing impervious; 0.1 acres proposed impervious; net increase of 0.05 acres new impervious
<u>Location:</u>	Quarry Lake Park, Shakopee, MN 55379
<u>Applicable LMRWD Rules:</u>	Rule B—Erosion and Sediment Control
<u>Recommended Board Action:</u>	Conditional approval

## Discussion

The District received the following documents for review:

- LMRWD online permit application; received July 6, 2022
- Quarry Lake Park Restroom Construction Plans by the City of Shakopee; dated July 6, 2022; received July 6, 2022; revised July 11, 2022

The application was deemed complete on July 8, 2022, and the documents received provide the minimum information necessary for permit review.

### Rule B—Erosion and Sediment Control

The LMRWD regulates land-disturbing activities that involve the displacement or removal of 5,000 square feet or more of surface area or the excavation of 50 cubic yards or more of earth within a HVRA under Rule B. The proposed project would disturb 7,708 square feet within the Quarry Lake HVRA. The applicant has provided an erosion and sediment control plan compliant with Rule B. Contact information for the contractor and person(s) responsible for the inspection and maintenance of the erosion and sediment control features is needed before the LMRWD can issue a permit.

## Recommendations

Based on our review of the Project, we recommend conditional approval contingent on receipt of the following:

- Contact information for the contractor(s)
- Contact information for the person(s) responsible for inspection and maintenance of all erosion and sediment control features

## Attachment

- Figure 1—Quarry Lake Park Restroom Location Map



Figure 1: Quarry Lake Park Restroom Project Location

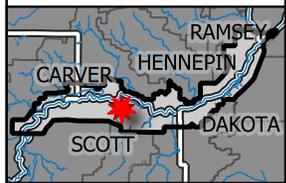


Quarry Lake

**Legend**

- Project Location
- 2022-028 Project Site
- Proposed Impervious
- Proposed Restroom
- Proposed Plant Bed
- Scott Co. Parcels
- County Boundaries
- LMRWD Boundary
- Public Watercourses
- Public Waterbodies

**LMRWD Watershed Location Map**



# Technical Memorandum

**To:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

**From:** Hannah LeClaire, PE  
Katy Thompson, PE, CFM

**Date:** July 13, 2022

**Re:** TH 494 SP 2785-433 (LMRWD No. 2022-019)

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The Minnesota Department of Transportation (MnDOT) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) for a road and bridge construction project on Trunk Highway (TH) 494 between Pilot Knob Road in Eagan and 24th Avenue in Bloomington, as shown in Figure 1. MnDOT has provided site plans for the TH 494 SP 2785-433 project (Project) along with the permit application.

The proposed project scope includes rehabbing five bridges, repairing sections of pavement, replacing lighting, reconstructing a pedestrian trail, and improving drainage. The Project will disturb approximately 10.66 acres and create 0.05 acres of new impervious surfaces. The Project intersects the Steep Slopes Overlay District and the High Value Resource Area (HVRA) associated with the Gun Club Lake Fen complex in Dakota County. To avoid traffic interruptions, construction work is proposed to be conducted from under the bridges located within the Minnesota River floodplain. The applicant proposes to commence construction in April 2023.

Because the Project is located within MnDOT right-of-way, it requires an LMRWD individual permit and, as such, is subject to an LMRWD permitting review.

## Summary

Project Name: TH 494 SP 2785-433

Purpose: Road reconstruction and bridge rehabilitation

<u>Project Size:</u>	10.66 acres disturbed; 0.99 acres existing impervious; 1.04 acres proposed impervious; net increase of 0.05 acres new impervious
<u>Location:</u>	TH 494 between Pilot Knob Road in Eagan and 24th Avenue in Bloomington
<u>Applicable LMRWD Rules:</u>	Rule B—Erosion and Sediment Control Rule C—Floodplain and Drainage Alteration
<u>Recommended Board Action:</u>	Conditional approval

## Discussion

The LMRWD received the following documents for review:

- LMRWD email permit application by MnDOT; received April 21, 2022
- Br 9217E and 9217W 60 percent Bridge Plans by MnDOT; dated March 3, 2022; received April 21, 2022
- Br 19825, 27765, and 27767 95 percent Bridge Plans by MnDOT; dated April 5, 2022; received April 21, 2022
- 95% Construction Plan Set by MnDOT, June 1, 2022; received June 8, 2022
- TH 494 Floodplain Impacts by MnDOT; dated January 18, 2022; received April 21, 2022
- Hydraulic Memo for Temporary Construction Impacts by MnDOT; dated December 2, 2021; received April 21, 2022
- Permit Cover Letter by MnDOT; dated April 21, 2022; received April 21, 2022
- HECRAS model for Temporary Construction Impacts by MnDOT; dated October 12, 2020; received April 21, 2022

The application was deemed complete on June 24, 2022, and the documents received provide the minimum information necessary for permit review.

### Rule B—Erosion and Sediment Control

The LMRWD regulates land-disturbing activities that affect one acre or more under Rule B as well as land-disturbing activities that involve the displacement or removal of 5,000 square feet or more of surface area or vegetation or the excavation of 50 cubic yards or more of earth within an HVRA. The proposed Project would disturb approximately 10.66 acres, of which approximately 1.8 acres lie within the HVRA. Although a portion of this disturbance lies outside the LMRWD boundary, the entire project area drains to the LMRWD and therefore was reviewed as part of this permit. The applicant has provided an erosion and sediment control plan and a Stormwater Pollution Prevention Plan. The

Project generally complies with Rule B, but a copy of the NPDES permit and contact information for the contractor and person(s) responsible for the inspection and maintenance of the erosion and sediment control features are needed before the LMRWD can issue a permit.

Rule C—Floodplain and Drainage Alteration

The Project is located in the Minnesota River floodplain, shown on the Dakota County Flood Insurance Rate Map (FIRM) Panels 27037C0081E and 27037C0080E (effective March 16, 2016). The effective FIRM from 2016 shows the Project in a FEMA Zone AE (or 100-year floodplain) with a 100-year elevation of 714.1 NAVD88.

To effectively construct repairs to the Minnesota River Bridge, Numbers 9217E and 9217W, construction work will need to be conducted from under the bridges. Approximately 55,529 cubic yards of temporary fill (a combination of class 2 aggregate, clay core, coarse aggregate, and common borrow) will be brought on-site within the Minnesota River floodplain to level the ground surface around bridge piers to create stable areas for the equipment needed to build shoring towers. Temporary berms will also be constructed around the piers to reduce the risk of flooding the construction site. The temporary fill will need to be in place for the duration of the construction project, which is expected to last about three years. BMPs will be used around fill areas to contain fill and prevent erosion and washout. All temporary fill will be removed from the Project at the end of construction, and the site will be restored to its pre-project condition and grades.

Some permanent grading is required under Bridges 9217E and 9217W to reestablish the ground elevations that were in place when the bridge was originally constructed in 1981. MnDOT has stated that gullies have formed from years of scour and erosion, and it would like to protect the pier footings from further degradation. The grading activities are required to repair and prevent pier scour, protect public infrastructure, and restore the original pier design. Fill associated with this work is not considered floodplain fill that would affect the 100-year flood elevation.

The applicant revised the effective HEC-RAS model, and submitted the results to demonstrate the hydraulic impacts on the 100-year flood elevation due to the temporary fill. The results showed a maximum 0.29-foot increase in the 100-year flood elevation immediately upstream of the 494 bridge and would propagate upstream until reaching 0.01 feet in Carver, at the limits of the model. The Minnesota Department of Natural Resources floodplain unit determined that the proposed temporary impacts were acceptable because of the nature of the river valley in this area and the lack of impacts on floodplain properties. The only property affected by this proposed temporary stage increase is the Black Dog Power Plant. The Black Dog Power Plant will be notified of the 0.26-foot increase in water surface elevation prior to construction. The Project meets the minimum requirements of Rule C.

Rule F—Steep Slopes Rule

Although the Project intersects the Steep Slopes Overlay District, it is exempt from Rule F because the work being done within the Steep Slopes Overlay District consists of reconstructing and repairing the existing approach panels and will not affect native soils.

**Recommendations**

Based on our review of the Project, we recommend conditional approval, given the special stipulation that MnDOT is required to notify the Black Dog Power Plant of the temporary stage increase and contingent on the receipt of the following:

- A copy of the NPDES permit
- Contact information for the contractor(s) and/or the person(s) responsible for inspection and maintenance of all erosion and sediment control features

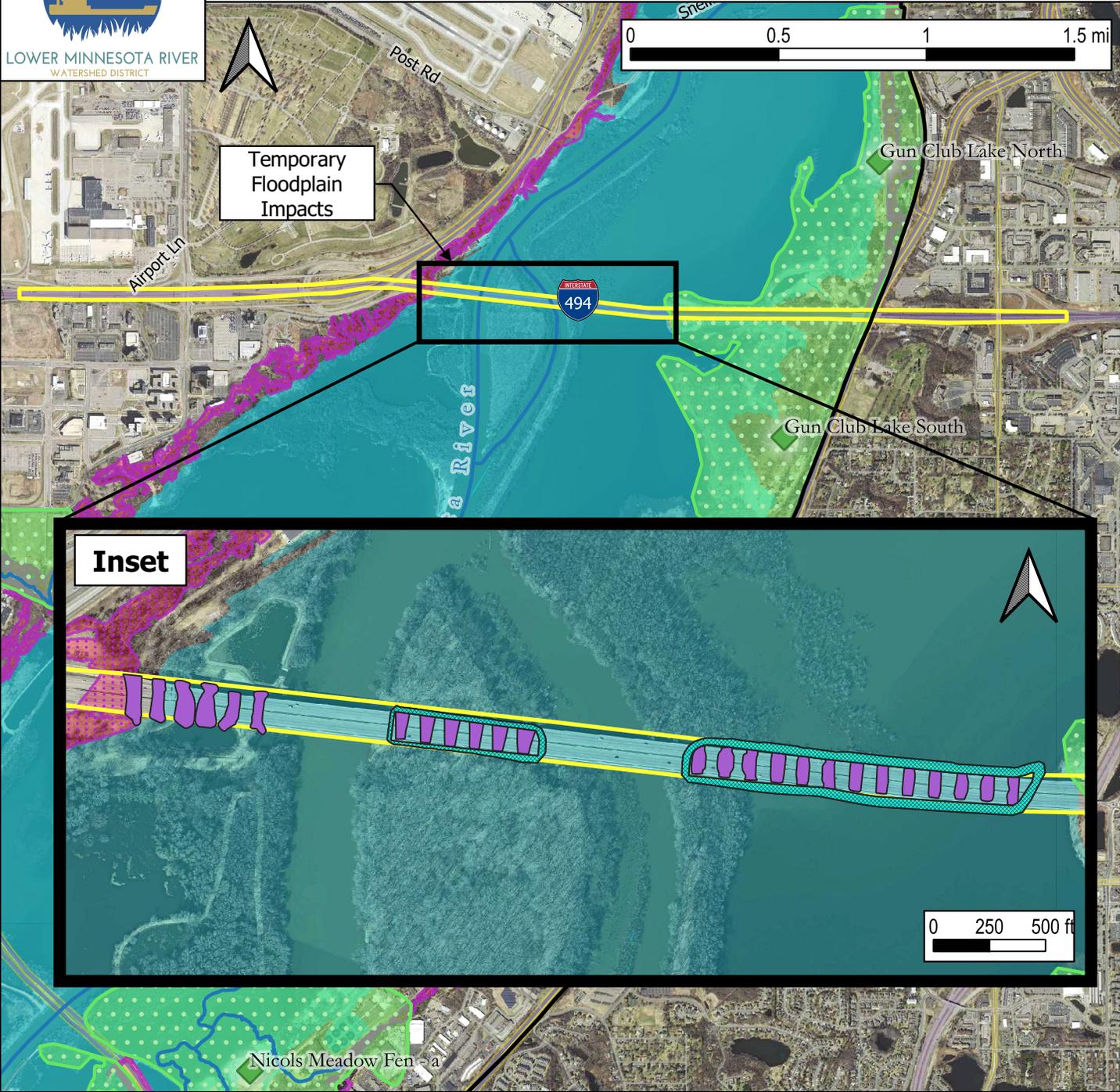
Further, we recommend continued coordination with MnDOT to ensure that the conditional approval does not lapse before the Project begins construction.

**Attachment**

- Figure 1—TH 494 SP 2785-433 Project Location Map



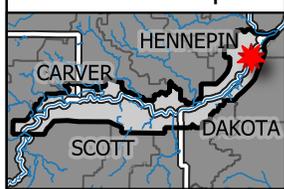
Figure I:TH 494 SP 2785-433 Project Location



**Legend**

- Project Location
- LMRWD Calcareous Fens
- TH494 Project Site
- Temporary Berm
- Temporary Pier Leveling Extents
- 100-yr Floodplain
- High Value Resource Area
- Steep Slopes Overlay District
- LMRWD Boundary
- County Boundaries
- Public Watercourses

**LMRWD Watershed Location Map**



# Technical Memorandum

**To:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

**From:** Hannah LeClaire, PE  
Katy Thompson, PE, CFM

**Date:** July 13, 2022

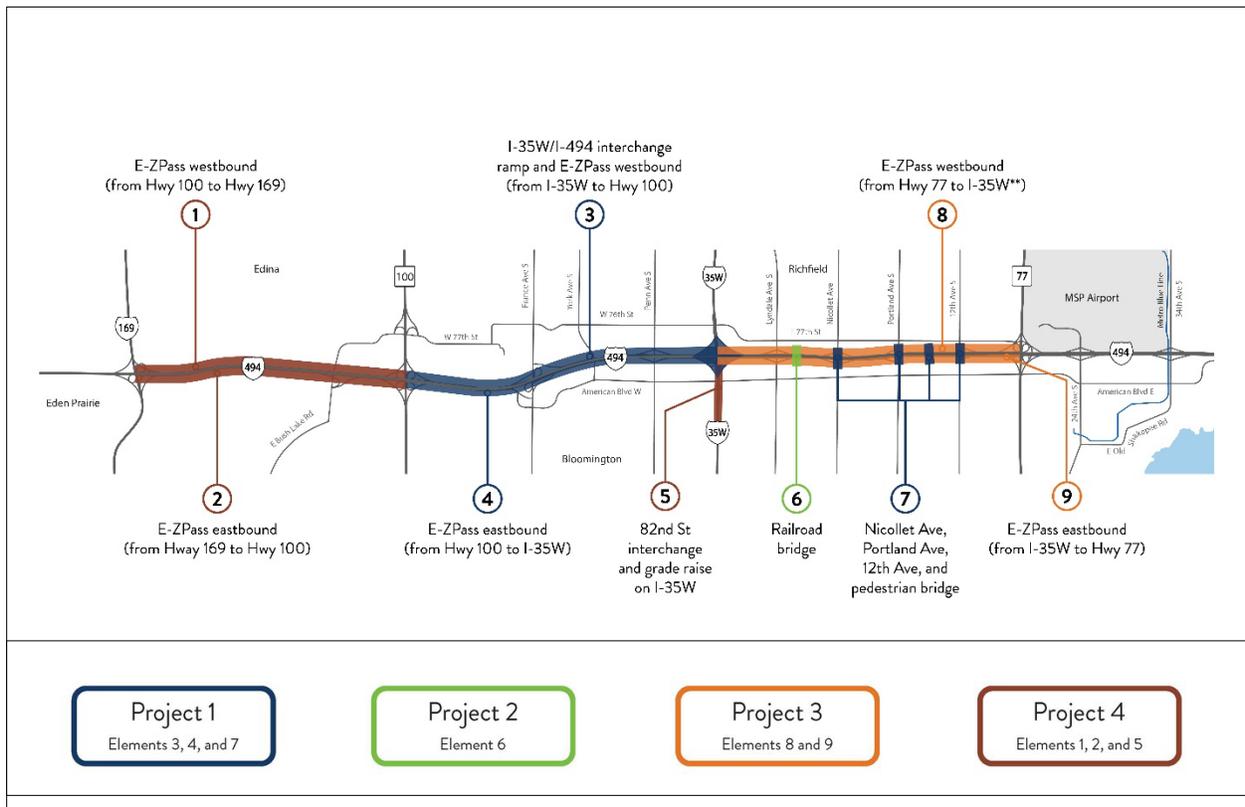
**Re:** 494 Corridors of Commerce Pre-Permit Review (LMRWD No. 2022-023)

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The Minnesota Department of Transportation (MnDOT) is proposing to develop the Interstate 494 (I-494) corridor from US Highway 169 (HWY 169) to Trunk Highway 77 (TH 77), with only the portion of the overall project, from TH 77 to 24th Avenue South, within the LMRWD (Figure 1). The full build-out of the 494 Corridors of Commerce project is referred to as the Corridor Footprint Recommended Alternative (CFRA). Because of its significant scope and funding limitations, the CFRA will be completed in four separate phases, which will minimize construction impacts.

On May 3, 2022, Young Environmental staff met with MnDOT and other agencies to preview the proposed improvements. MnDOT indicated that the First Construction Project (the first of the four phases) is funded to start early in 2023. The other three phases of construction do not have a time frame or funding at this time. Figure 2 shows the four construction phases and their approximate boundaries as presented on the MnDOT project webpage.

Figure 2. Four Construction Phases of 494 Corridors of Commerce (map created by MnDOT)



The First Construction Project is only a portion of the full scope of work that will be completed as part of the CFRA and is not within the LMRWD. However, the First Construction Project ultimately discharges to the Minnesota River, and infrastructure built as part of it will tie into future CFRA improvements within the LMRWD. For this reason, MnDOT is requesting initial concurrence from the LMRWD for future work that will occur as part of the CFRA. The following elements that are located within the LMRWD and are currently part of Phase 3:

- Addition of a passing lane from TH 77 to 24th Avenue South on I-494 westbound
- Construction of Gwen Filtration Basin at the northeast quadrant of TH 77 and I-494 interchange
- Construction of Anunkasan Infiltration Basin just east of the northeast TH 77 and I-494 interchange
- Storm sewer connection from Gwen Filtration Basin to the southeast quadrant of I-494 and TH 77
- Utility modifications

The CFRA is not located within the High Value Resource Areas, Steep Slopes Overlay

Districts, or 100-year floodplain.

## Project Summary

<u>Project Name:</u>	494 Corridors of Commerce
<u>Purpose:</u>	Linear Redevelopment
<u>Project Size:</u>	12.77 acres disturbed area, 7.5 acres of existing impervious, 7.95 acres of proposed impervious, 0.45 acres of net new impervious, 3.56 acres of reconstructed impervious
<u>Location:</u>	I-494 Corridor from HWY 169 to TH 77
<u>Applicable LMRWD Rules:</u>	Rule B—Erosion and Sediment Control Rule D—Stormwater Management
<u>Recommended Board Action:</u>	None, information only

## Discussion

The LMRWD received the following documents for review:

- I494 Corridors of Commerce Project Application Review Report by HZ United LLC; dated May 19, 2022; received May 19, 2022
- Draft Stormwater Pollution Prevention Plan (SWPPP) Narrative by HZ United LLC; dated March 22, 2022; received May 19, 2022
- Appendix A I494 LMRWD Exhibit by HZ United LLC; dated May 19, 2022; received May 19, 2022
- Appendix A Full Vision Exhibit by HZ United LLC; dated May 19, 2022; received May 19, 2022
- Appendix A East Drainage Overview Map Corridor by HZ United LLC; dated March 16, 2022; received May 19, 2022

### Rule B—Erosion and Sediment Control

The LMRWD regulates land-disturbing activities that affect one acre or more under Rule B. The proposed project would disturb approximately 12.77 acres within the LMRWD boundary. MnDOT provided a draft overall SWPPP that is in compliance with Rule B. An erosion and sediment control plan in accordance with Rule B, a copy of the NPDES permit, and contact information for the contractor and person(s) responsible for the inspection and maintenance of erosion and sediment control features are required with the permit application.

Rule D—Stormwater Management

The LMRWD requires stormwater management for projects that create one acre or more of new impervious surface. In fall 2022, the LMRWD will be revising its rules to require stormwater treatment for the reconstructed impervious surface as well. This revision will change how the LMRWD regulates the CFRA for compliance with Rule D. The MnDOT water resources group has had the opportunity to review the proposed LMRWD rule revisions and provided comments on June 10, 2022. The following discussion highlights the impacts of the proposed rules on the Project.

MnDOT has not yet finalized the quantity of the reconstructed impervious surface, which could range from 0 to 3.56 acres; however, the CFRA proposes 0.45 acres of new impervious surface. A conservative review of the CFRA would assume that the Project will create and/or reconstruct a total of 4.01 acres, therefore triggering the revised LMRWD Rule D.

Section 4.4.1 of Rule D requires applicants to demonstrate no increase in proposed runoff rates compared with existing conditions. The 494 Corridors of Commerce Project Application Review Report includes a summary table of the proposed peak discharge rates, shown in Table 1. The proposed stormwater BMPs (Gwen Filtration Basin and Anunkasan Infiltration Basin) constructed as part of the future CFRA will provide rate control for the entire I-494 trunkline, including the First Phase Construction Project, that ultimately drains to the Minnesota River.

*Table 1. Peak discharge rates in cubic feet per second at 54" RCP to Minnesota River (2022 HZ United, LLC)*

Condition	2-Year	10-Year	100-Year
Existing Condition	237.8	256.9	279.8
First Construction Project	220.6	250.4	273.7
CFRA	182.0	230.5	270.0
Total Change	-55.8	-26.4	-9.8

Table 1 shows a reduction in discharges to the Minnesota River for the First Construction Project and the CFRA, indicating that the project will result in an overall decrease in discharge rates to the Minnesota River. MnDOT will be required to submit the hydraulic modeling results and computations with its permit application to confirm rate control.

After the LMRWD rules are revised in fall 2022, Rule D will require applicants to retain runoff volume on-site equivalent to one inch of runoff from new and/or reconstructed impervious surfaces. The CFRA proposes 4.01 acres of new/reconstructed impervious surface, requiring 0.33 acre-feet of volume retention on site. The proposed Anunkasan Infiltration Basin, located in the northeast quadrant of the I-494 and TH 77 interchange, will provide 0.33 acre-feet of volume reduction, meeting the requirements of Rule D. Runoff routed to the Anunkasan Infiltration Basin will be pretreated by a structural pollution control device. MnDOT will be required to submit hydraulic modeling results and computations with its permit application to confirm volume retention. It should be noted that when the LMRWD approved a permit for the 77th Street Underpass (LMRWD No. 2020-132) in July 2021, the permit review indicated that there may be constrictive soils in the area that prevent adequate infiltration. Given this information, the LMRWD may require soil borings at the infiltration basin location to confirm infiltration is feasible.

Section 4.4.3 of Rule D requires projects to provide evidence that no net increase in total phosphorus (TP) and total suspended solids (TSS) to receiving waters will result from the project. No water quality calculations have been provided yet; however, MnDOT anticipates that stormwater management BMPs will remove 80 percent TP and 95 percent TSS. MnDOT must submit water quality modeling results and computations with its permit application to confirm the proposed water quality treatment.

Section 4.4.4 of Rule D requires the applicant to develop and adhere to a maintenance plan for the permitted stormwater management structures. MnDOT must submit a written executed maintenance agreement with its permit application.

## Recommendations

We appreciate the opportunity to comment on the proposed project. Although no Board action is required at this time, we offer the following summarized comments to MnDOT, which will be forwarded to MnDOT as part of the comment period:

- MnDOT must obtain an LMRWD Individual Project Permit before the start of construction activities. As presented, the CFRA appears to trigger Rules B and D.
- In accordance with Rule B, MnDOT must provide an erosion and sediment control plan, a copy of the NPDES permit, and contact information for the contractor and person(s) responsible for the inspection and maintenance of erosion and sediment control features with the final permit application.
- In accordance with Rule D, MnDOT must provide the following:
  - Construction site plans compliant with LMRWD Rule D
  - Soil borings at proposed stormwater management facilities
  - Hydrologic, water quality, and hydraulic computations and modeling completed to design the proposed stormwater management facilities

- Applicable maintenance agreements for the stormwater management facilities

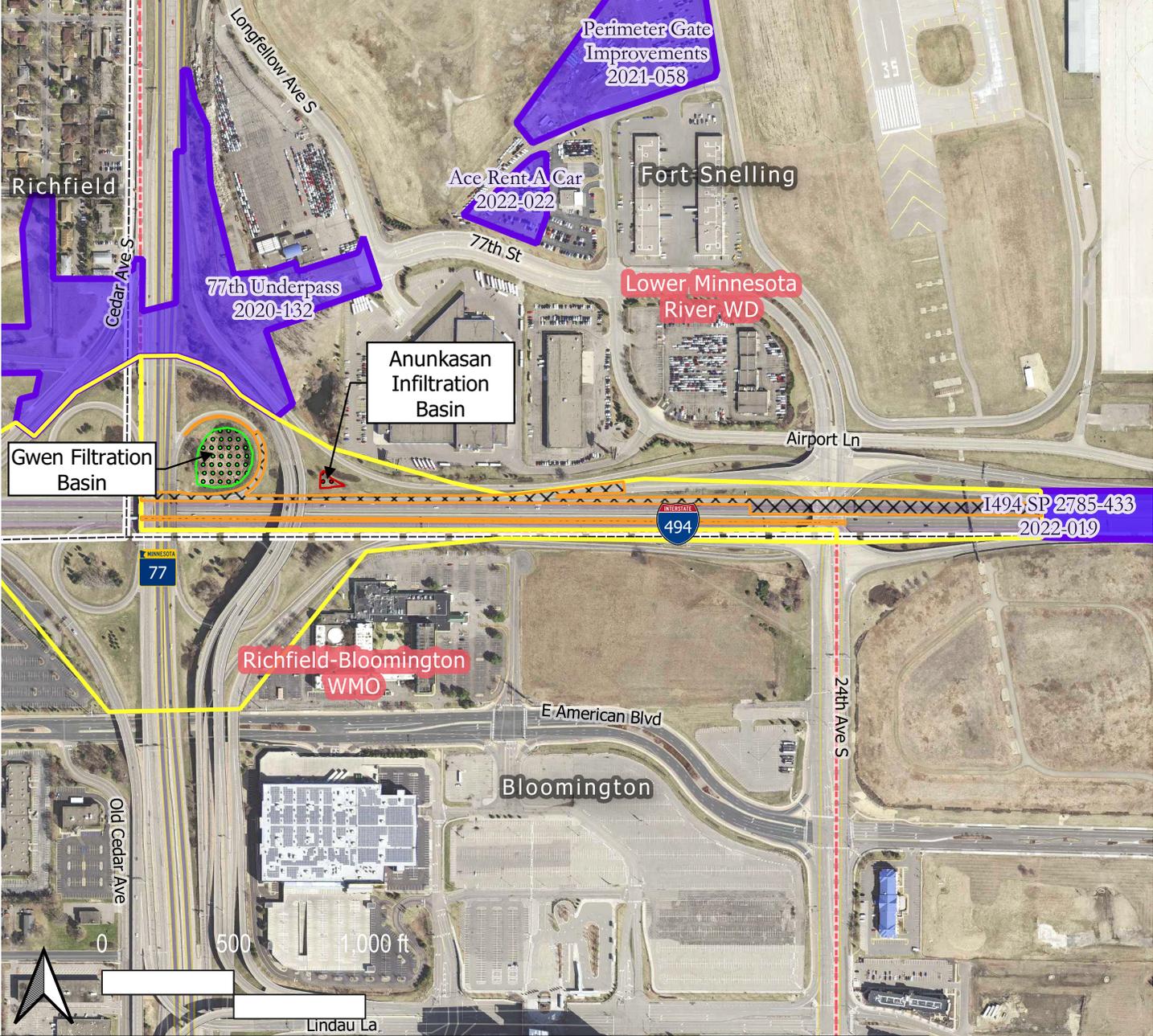
MnDOT shall refer to the LMRWD rules for a comprehensive list of required documents for a permit application. As mentioned, the LMRWD rules will be revised and updated in fall 2022.

Attachment

- Figure 1. 494 Corridors of Commerce Project Location



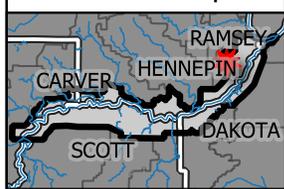
Figure 1: I-494 Corridors of Commerce Project Location



**Legend**

-  Project Location
-  2022-023 Project Site
-  Other LMRWD Permits
-  Filtration Basin
-  Infiltration Basin
-  Proposed Impervious
-  Public Waters
-  Public Waterbodies
-  LMRWD Boundary
-  County Boundaries
-  Watershed Boundaries
-  City Boundaries

**LMRWD Watershed Location Map**





Young Environmental Consulting  
Group, LLC

# Project Summary #1

**To:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

**From:** Anthony Crosby, Water Resources Science Intern  
Karina Weelborg, Water Resources Science Intern  
Hannah LeClaire, PE  
Della Schall Young, PMP, CPESC

**Date:** June 30, 2022

**Re:** Lower Minnesota River Watershed District (LMRWD) 2020–2022  
Permitted Projects Inspections

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In February 2020 the LMRWD adopted rules to govern soil erosion and sediment control, floodplain and drainage alteration, stormwater management, and development on steep slopes within the boundaries of the LMRWD. Since May 1, 2020, the LMRWD, through its technical consultant and district engineering team at Young Environmental Consulting Group LLC (Young Environmental), has been reviewing construction projects and issuing permits to ensure compliance with its rules.

As the LMRWD enters its third year of permit reviews, Young Environmental has hired two interns (Karina Weelborg and Anthony Crosby) to conduct permitted project inspections. These inspections are in accordance with the LMRWD's Administrative and Procedural Requirements Rule (Rule A) under which it reserves the right to conduct periodic audits, inspections, or both. The project review and permit approval process is thorough; however, in-field inspections will confirm compliance with the LMRWD's rules during and after the construction of permitted projects.

The project inspection workplan includes the following three primary tasks:

Task	Deliverables
1. In-Office Inspection	Project spreadsheet; inspection notice, as-built request, or inspection and maintenance records request email; inspection forms in word documents; inspection forms in Survey 123; project inspection folder with all necessary documents and notes from in-office inspection for each project; GIS map of project locations; and preliminary schedule of field inspections.
2. Field Inspection	Survey 123 and word document forms completed; list of special attention items for each project, if applicable; list of triggered rules for each project; pictures and videos of field inspection; list of identified issues categorized as <i>major</i> or <i>minor</i> .
3. After Inspection	Spreadsheet for each project identifying and categorizing issues and providing resolution of issues; brief memo sent to applicant summarizing inspection outcomes; technical memorandums to the LMRWD board summarizing findings of each project.

The work began at the end of May and included most of Task 1. The purpose of this memorandum is to summarize the work that has been completed.

### Summary (May 24, 2022, to June 30, 2022)

To ensure that interns were well-equipped and prepared to safely conduct their inspections, interns completed the 10-hour Occupational Safety and Health Administration (OSHA) General Industry Outreach training. The OSHA training provided interns with insight into what safe fieldwork looks like. In addition to the OSHA training, interns performed background research on construction best-management practices. This included in-depth reviews of the LMRWD Rules and the Minnesota Stormwater Manual sections on construction.

Once comfortable with the safety requirements of fieldwork, the interns began reviewing permitted projects from 2020 to 2022. Throughout the permit review process, Young Environmental saved all relevant information for each project into the respective folders. Interns collected important information from each project to develop a master spreadsheet that separated the projects by approval years—2020, 2021, and 2022. The important information consisted of the permit number, project name, contact information of both the agent and owner, permit status (active or closed), applicable rules for each project, and contact information for the site compliance person. Interns placed information in the spreadsheet and reviewed projects for general comprehension as well as flagged projects with any issues, concerns, or anomalies for review by Young Environmental supervisors Hannah LeClaire and Della Young. By the end of the

process, 85 projects had been reviewed. However, only 46 of those projects resulted in an LMRWD permit.

Young Environmental developed Field Inspection forms with questions that capture whether a project was built in compliance with the LMRWD Rules B (Erosion and Sediment Control), C (Floodplain and Drainage Alteration), D (Stormwater Management), and F (Steep Slopes). The forms include general project information such as the permit number, project location, and inspection date, along with questions that can be answered during a site's field inspection. The questions had been developed by reviewing the LMRWD Rules criteria. These forms will ensure that all projects are inspected thoroughly and consistently and that a record of each inspection is documented.

Following the review of important project information, interns entered the inspection form questions into a program called Survey 123 that is easily accessible through iPads in the field. Multiple survey drafts were created to ensure that the surveys used for inspections were as concise and relevant as possible. The first draft was a single survey containing short-answer, free-response questions. Upon receiving feedback, interns decided the survey would be split into four sub-surveys: in-office active sites, field inspection active sites, in-office closed sites, and field inspection closed sites. The in-office surveys included a mix of free-response questions based on erosion- and sediment-control plans, site plans, and other relevant documents. The in-office surveys were aimed at preparing interns with the background information needed to conduct field inspections. The survey also includes questions regarding the grading limits, discharge locations, and BMPs. Field inspection surveys are made up of multiple-choice toggle questions that are easily answered in the field. The questions focus on ensuring that items identified in the in-office survey are compliant. The field survey also includes questions regarding any uploaded images relevant to toggle questions. Once the rough drafts were finished, they were reviewed by Young Environmental supervisors and finalized for field use. The survey is a working document that is subject to change throughout the summer.

After creating surveys and reviewing project information, interns drafted an email requesting additional information needed to complete the field inspections. Emails were sent to the owner and agent for each of the 46 projects. Permittees were informed that, under LMRWD Rule A, the LMRWD has the right to conduct periodic audits, inspections, or both. The requested information for active sites included applicable sediment and erosion control inspection and maintenance records, stormwater management plan updates, construction plan updates, and a conformation of or request for the contact information for on-site compliance personnel with whom an inspection could be scheduled. For closed sites, the requested information included applicable sediment- and erosion-control inspection and maintenance records and as-builts or record drawings. Rough drafts of the email were created and finalized during intern meetings. On June 23 interns began sending emails to applicants, requesting the

relevant information by Friday, July 1, at 4:30 p.m. Although permittees have been responsive, we have not yet received responses to many of the emails. Additional reminders may need to be sent.

To become more familiar with the inspection process, Anthony and Karina completed a trial field inspection with Hannah on June 20, 2022. Hannah, Anthony, and Karina visited Summerland Place first. According to information available, the permit was closed. However, upon arrival it was clear the site was active. This trial field inspection still provided valuable experience as the interns had not yet been to an active site and were required to adapt their inspection plan. Hannah provided critical insight on what to look for, such as erosion under the control blankets, unknown filtration systems, and stockpiles that were well-maintained. After returning to the office it was clear that the second phase of the Summerland Place project had begun as it was covered by a municipal permit from the City of Shakopee.

The second site visited that day included a group of related projects: the Gaughan Removal Plan, Shakopee Mix Use, Shakopee Flats, Shakopee Streets and Utility Reconstruction, and Shakopee River Bluffs Improvements. The site was chosen for the trial day because of the complexity of the connected sites. Although, in general, the site was found to be in compliance, some of the catch basins did not have inlet protection, and various stockpiles should not have been on the site.

Once the first inspections were complete, Anthony and Karina developed a post-inspection spreadsheet that has the following sections for each District Rule: issue description, whether the issue is *major* or *minor*, potential solutions, when the permittee was notified, and how the problem was resolved. There are two other sheets within the spreadsheet: one for photos related to each issue and one for related projects and relevant comments. The project spreadsheets will be shared with Hannah, who will work alongside the interns to develop solutions and determine how to communicate issues with permittees. Anthony and Karina will notify permittees via email, summarizing the issues found on-site with the recommended resolutions and follow-up actions. If no issues are found, permittees will be notified that their project complies with LMRWD rules and that no further action is needed. Table 1 summarizes the findings of the trial field inspection.

Project Name (LMRWD Permit No.)	Date Field Inspection Completed	Post-Inspection Comments
Summerland Place	6/20/2022	<ul style="list-style-type: none"> <li>• Active construction on Phase 2 of the residential development</li> <li>• Rills forming under the erosion control blanket within the stormwater BMPs</li> <li>• Less than 70% vegetation establishment</li> <li>• Some silt fence maintenance needed</li> </ul>
Gaughan Removal Plan & Shakopee Flats (2020-123)	6/20/2022	<ul style="list-style-type: none"> <li>• Construction completed</li> <li>• No issues found</li> </ul>
Shakopee Streets and Utility Reconstruction (2021-011)	6/20/2022	<ul style="list-style-type: none"> <li>• Construction completed</li> <li>• No issues found</li> </ul>
Shakopee River Bluffs Improvements (2021-039)	6/20/2022	<ul style="list-style-type: none"> <li>• Active construction</li> <li>• Missing sections of sediment control logs</li> <li>• Missing vehicle tracking BMPs on Atwood and Scott Street</li> <li>• Stockpiles without perimeter control BMPs</li> <li>• Sediment tracking on internal streets</li> <li>• Sedimentation at bottom of steep slope on the west side of Scott Street</li> </ul>

Several permittees have responded to the initial request for information. Karina and Anthony have corresponded with permittees to clarify the required information and schedule tentative inspection dates. Anthony and Karina have also developed a schedule for when each site visit will take place, subject to change based on communication with permittees (Attachment 1). Anthony and Karina completed in-office inspections for four closed projects that will be visited on July 1: 2021-015 Stagecoach Road Improvements, 2020-019 Cretex Site, 2020-126 Texas Roadhouse, and 2021-003 Southwest Logistics Center. For each project, Anthony and Karina reviewed the stormwater management plan, erosion and sediment control plans, and construction site plans. These reviews allowed the interns to become familiar with the site, know

where the erosion, sediment, or stormwater BMPs should be, and learn what to look for during the inspection. In addition to the in-office reviews, Anthony and Karina created maps with important areas at the site to look for during the inspection.

### **Attachment**

- Attachment 1 – LMRWD Field Inspection Schedule Summer 2022

Attachment I. LMRWD Field Inspection Schedule - Summer 2022

Permit #	Project Name	Address	Status	Area Disturbed (ac)	Inspection Date	Record Drawings	SWMP Updates	Inspection/Maintenance Records	Construction Plan Updates
2021-015	Stagecoach Road Improvements	7632 County Rd 101, Shakopee, MN 55379	Closed	7.99	Friday July 1, 2022	Yes	N/A	No	N/A
2020-019	Crete Site	Stagecoach Rd and County Rd 101, Shakopee, MN 55379	Closed	9.65	Friday July 1, 2022	No	N/A	No	N/A
2020-126	Texas Roadhouse	8160 Old Carriage Court North, Shakopee, MN, 55739	Closed	1.47	Friday July 1, 2022	Yes	N/A	No	N/A
2021-003	Southwest Logistic Center	SW Corner of 70th and Old Crete Ave, Shakopee, MN, 55379	Closed	38.6	Friday July 1, 2022	Yes	N/A	No	N/A
2019-085	MN Bluffs Landslide Repair	-	Closed	7.22	Wednesday, July 6, 2022	Yes	Yes	Yes	N/A
2020-103	Prairie Heights	12701 Pioneer Tr, Eden Prairie, MN 55347	Closed	10.71	Wednesday, July 6, 2022	No	N/A	No	No
2016-065	TH 101 Improvements	-	Closed	32	Wednesday, July 6, 2022	No	No	No	No
2020-100	Peterson Farms Road Maintenance	Co. Rd 61, Chanhassan, MN	Closed	0.25	July 18 to 22	No	No	No	No
2020-123	Shakopee Flats and Related projects	339 1st Ave W, Shakopee, MN, 55379	Closed	>3.35	Wednesday, July 6, 2022	No	No	No	No
2021-018	Jefferson Court	1053 Jefferson St. S., Shakopee, MN 55379	Active	2.5	Wednesday, July 6, 2022	N/A	No	No	No
2020-116	Memorial Park Pedestrian Bridge	Memorial Park, Shakopee, MN, 55379	Closed	1.04	Wednesday, July 6, 2022	Yes	No	No	No
2021-013	Summerland Place	1600 Phillips Drive, Shakopee, MN 55379	Closed	125	Wednesday, July 6, 2022	No	No	No	No
2021-016	Whispering Waters	7556 Eagle Creek Blvd, Shakopee, MN 55379	Active	52.3	Wednesday, July 13, 2022	N/A	Yes	Yes	N/A
2021-052	Shakopee Dental	8350 Hansen Avenue	Active	1.2	Wednesday, July 13, 2022	N/A	No	No	No
2021-034	Circle K/Holiday	7800 126th Street	Active	6.87	Wednesday, July 13, 2022	N/A	Yes	No	Yes
2021-025	TH 13 Dakota Ave Improvments	TH13 in Savage between Louisiana Ave and Quentin Ave	Active	46	Wednesday, July 13, 2022	N/A	No	No	No
2021-031	Caribou Coffee	4905 Highway 13 W, Savage, MN 55378	Active	0.57	Wednesday, July 13, 2022	N/A	No	No	No
2021-017	Capstone 35	12501 Dupont Ave., Burnsville, MN 55337	Active	16.62	Wednesday, July 13, 2022	N/A	Yes	Yes	N/A
2021-057	Cliff Road Ramps	I-35W and Cliff Road	Active	7	Wednesday, July 13, 2022	N/A	Yes	Yes	Yes
2021-009	Burnsville Industrial Phase IV	12400 Dupont Ave South, Burnsville, MN 55337	Closed	7.48	July 18 to 22	No	No	No	No
2021-022	2021 Safety and Security Center Phase 1	6320 34th Ave, Minneapolis, MN 55450	Active	13.3	July 18 to 22	N/A	No	No	No
2020-132	77th underpass	Northeast quadrant of the TH 77 and I-494 quadrant in Bloomington, MN	Active	4.89	July 18 to 22	N/A	No	No	Yes
2021-058	perimeter gate security improvments	SW quadrant of Minneapolis/St. Paul Airport	Active	16	July 18 to 22	N/A	No	No	No
2020-113	Fort Snelling Redevelopment	6409 Taylor Avenue, St. Paul, MN 55111	Active	23.4	July 18 to 22	N/A	No	No	No
2021-042	Hihgway 13 and Lone Oak Signal	-	Active	0.12	July 18 to 22	N/A	No	No	No
2022-002	CenterPoint MBL	From E 107th Street Circle, Bloomington to 1400 Black Dog Road, Burnsville	Active	12.91	July 18 to 22	N/A	No	No	No
2021-046	CenterPoint Dakota	11500 12th Ave S, Burnsville, MN 55337	Closed	0.06	July 18 to 22	No	No	No	N/A
2021-041	Xcel Energy Line 0832	1400 Black Dog Road East, Burnsville, MN 55337	Active	0.04	July 18 to 22	N/A	N/A	N/A	N/A
2021-012	Canterbury Parking Lot	1100 Canterbury Road S., Shakopee, MN 55379	Closed	26.1	July 25 to 29	No	No	No	No
2021-045	Triple Crown Residences PHase II	850 Shenandoah Drive	Active	10.1	July 25 to 29	N/A	No	No	No
2020-135	Canterbury Crossing	Shenandoah Drive, Shakopee, MN, 55379	Active	14	July 25 to 29	N/A	No	No	Yes
2021-040	Omry Independent Living	2900 Winners Circle Drive	Active	3.3	July 25 to 29	N/A	No	Yes	No
2020-117	Greystone HQ	1100 Canterbury Road, Shakopee, MN 55379	Closed	1.5	July 25 to 29	N/A	No	No	No
2020-100	Peterson Farms Road Maintenance	Co. Rd 61, Chanhassan, MN	Closed	0.25	July 25 to 29	No	No	No	No
2020-115	Quarry Lake Mountain Bike Area	201 Innovation Blvd, Shakopee, MN 55379	Active	1.6	July 25 to 29	N/A	N/A	No	N/A
2021-020	Core Crossing Apartments	1360 Stagecoach Road, Shakopee MN	Active	1886 sq ft	July 25 to 29	N/A	No	No	No
2020-112	Vierling Industrial	Parcel ID 274730040	Active	15.5	July 25 to 29	N/A	No	No	N/A
2022-008	Ivy Brook West	2100 Frontage Rd N, Burnsville, MN 55337	Active	3.63	July 25 to 29	N/A	No	No	No
2022-003	Ivy Brook East	3509 Highway 13 West, Burnsville, MN	Active	3.55	July 25 to 29	N/A	No	No	No
2021-049	Stump road maintenance	11200 Humboldt Ave S	Active	0.75	July 25 to 29	N/A	No	No	No
2021-007	Burnsville cemetery expansion	400 State Highway 13 East	Closed	9, 3.2 disturbed	July 25 to 29	using original plans	N/A	No	N/A
2021-023	106th St Improvement Project	W. 106th Street and I-35W, Bloomington, MN 55431	Active	2.45	July 25 to 29	N/A	No	No	No
2021-030	Park Jeep Renovation	1408 Hihgway 13 W, Burnsville, MN 55337	Active	5.59	July 25 to 29	N/A	N/A	No	No
2021-002A	CoHwy 61 Ditch Improvements	10398 Erie Lane, Chaska, MN	Active	0.3	Once construction schedule is received	N/A	No	No	No
2022-007	Engineered Hillside	10080 Azure Skies, Eden Prairie, MN 55347	Active	3500 sq ft	July 25 to 29	N/A	No	No	No
2020-110	CSAH 11 Reconstruction Project	CSAH 11 from 4th St. to CSAH 61, Carver, MN, 55315	Active	34.3	July 25 to 29	N/A	No	No	No

# Technical Memorandum

**To:** Michael Miller, Senior District Manager  
Waste Management, Inc.

**From:** Hannah LeClaire, PE

**Date:** July 15, 2022

**Re:** Burnsville Sanitary Landfill Planned Unit Development, Conditional Use Permit & Comprehensive Plan Amendment (DEV-12-15) Comment Responses

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Young Environmental Consulting Group LLC (Young Environmental) on behalf of the Lower Minnesota River Watershed District, submits the following comment on the Burnsville Sanitary Landfill Planned Unit Development, Conditional Use Permit and Comprehensive Plan Amendment:

The project information provided on May 23, 2022, from the City of Burnsville has not changed from what Young Environmental commented on in July 2021 as part of the Supplemental Environmental Impact Statement (SEIS) process with the MPCA. Because the SEIS captured Young Environmental's and LMRWD's comments, additional or duplicate comments are not warranted. The applicant must comply with LMRWD Rules and submit a permit application along with updated computations for approval from the LMRWD.

**CC:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

Permit No.	Project Name	City	Status	Pre-Permit Meeting	Date Received	Date Application Considered Complete	Board Actions			On Hold / Cancelled	Permit Issued	Permit Expiration Date	Renewed	Inspection Date	Date Permit Closed
							Information Only	Conditional Approval	Approval						
2019-085	Minnesota Bluffs LRT Regional Trail Repair	Chanhassen	Active Permit	-	12/12/2019		-			-	5/20/2020	June 2023	-	7/6/2022	-
2020-100	Peterson Farms Road Maintenance	Chanhassen	Expired	-	5/6/2020	5/6/2020	-	-	5/20/2020	-	5/21/2020	5/21/2021	-	-	-
2020-102	Structures, Inc.	Chaska	Cancelled by Applicant	-	5/4/2020	-	5/20/2020	6/17/2020	-	6/30/2020	-	-	-	-	-
2020-103	Prairie Heights Development	Eden Prairie	Expired	-	5/27/2020	6/5/2020	-	6/17/2020	-	-	10/23/2020	10/23/2021	-	7/6/2022	-
2020-108	Hawthorne Ridge (2019-066)	Carver	Incomplete	-	6/23/2020	-	7/15/2020	-	-	-	-	-	-	-	-
2020-110	CSAH 11 Reconstruction	Carver	Active Permit	-	9/28/2020	11/3/2020	-	12/16/2020	-	-	4/13/2021	4/13/2022	4/20/2022	-	-
2020-112	Vierling Industrial Project	Shakopee	Expired	-	6/25/2020	6/29/2020	-	7/15/2020	-	-	7/17/2020	7/15/2021	-	-	-
2020-113	Fort Snelling Redevelopment (2019-057)	Fort Snelling	Active Permit	-	7/20/2020	8/12/2020	-	8/19/2020	-	-	9/11/2020	8/19/2022	7/20/2022*	-	-
2020-115	Quarry Lake Park Improvements and Mountain Bike Trail	Shakopee	Closed	-	7/23/2020	9/8/2020	-	9/16/2020	-	-	Not issued	-	-	-	3/17/2022
2020-116	Shakopee Memorial Park Pedestrian Bridge	Shakopee	Closed	-	8/24/2020	10/5/2020	-	10/21/2020	-	-	10/23/2020	10/23/2021	-	-	10/5/2021
2020-117	Greystone Headquarters	Shakopee	Expired	-	7/24/2020	9/10/2020	-	-	9/16/2020	-	9/16/2020	9/16/2021	-	-	-
2020-118	10117 1st Ave Demolition	Bloomington	No Permit Required	-	8/18/2020	-	-	-	-	-	-	-	-	-	-
2020-122	Cargo Van-Go	Shakopee	No Permit Required	-	8/20/2020	-	-	-	-	-	-	-	-	-	-
2020-123	Gaughan Companies Demolition	Shakopee	Closed	-	8/27/2020	8/27/2020	-	-	9/16/2020	-	9/17/2020	9/17/2021	-	7/6/2022	10/15/2021
2020-124	Southbridge Crossings 6th Addition	Shakopee	Cancelled by Applicant	-	8/24/2020	-	-	-	-	3/5/2021	-	-	-	-	-
2020-126	Texas Roadhouse	Shakopee	Closed	-	9/17/2020	11/5/2020	-	-	11/18/2020	-	11/19/2020	11/18/2021	-	7/1/2022	10/14/2021
2020-131	Watermark at Savage	Savage	Cancelled by Applicant	10/7/2020	9/25/2020	-	-	-	-	-	-	-	-	-	-
2020-132	77th Street Underpass	Bloomington	Active Permit	10/18/2020	10/21/2020	11/12/2020	11/18/2020	12/16/2020	-	-	7/27/2021	7/27/2022	7/20/2022*	-	-
2020-133	Shakopee Mix Use	Shakopee	Active Permit	10/29/2020	11/2/2020	11/2/2020	-	-	11/18/2020	-	11/19/2020	11/18/2022	10/15/2021	7/6/2022	-
2020-135	Canterbury Crossings	Shakopee	Active Permit	-	11/19/2020	12/3/2020	-	12/16/2020	-	-	5/11/2021	5/11/2022	4/20/2022	-	-
2020-137	5501 Warehouse South Improvements	Bloomington	No Permit Required	-	12/9/2020	-	-	-	-	-	-	-	-	-	-
2020-140	10029 Trails End Rd	Chanhassen	No Permit Required	-	12/29/2020	-	-	-	-	-	-	-	-	-	-

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2021-001	Mallard Farms	Eden Prairie	No Permit Required	-	1/30/2021	-	-	-	-	-	-	-	-	-	-
2021-002	CSAH 61 Drainage Ditch	Chanhassen	Active Permit	-	2/1/2021	10/11/2021	-	-	10/20/2021	-	10/21/2021	5/31/2022	5/18/2022	-	-
2021-003	Southwest Logistics Center	Shakopee	Active Permit	-	2/11/2021	3/12/2021	-	3/17/2021	-	-	4/21/2021	4/21/2022	4/20/2022	7/1/2022	-
2021-005	Jefferson Chiller Project	Bloomington	No Permit Required	-	3/2/2021	-	-	-	-	-	-	-	-	-	-
2021-007	Burnsville Cemetery Expansion	Burnsville	Active Permit	3/5/2021	9/2/2021	9/17/2021	-	10/20/2021	-	-	11/17/2021	10/20/2022	-	-	-
2021-009	Burnsville Industrial IV	Burnsville	Closed	4/2/2021	3/22/2021	3/31/2021	-	4/21/2021	-	-	4/23/2021	4/21/2022	-	-	3/9/2022
2021-011	2021 Street & Utility Reconstruction	Shakopee	Closed	3/30/2021	3/30/2021	4/16/2021	-	4/21/2021	-	-	4/28/2021	4/28/2022	-	-	3/28/2022
2021-012	Canterbury Park Parking Lots Phase 2	Shakopee	Closed	4/1/2021	4/2/2021	4/10/2021	-	4/21/2021	-	-	5/11/2021	5/11/2022	-	-	5/11/2022
2021-013	Summerland Place	Shakopee	Closed	-	4/8/2021	5/27/2021	-	4/21/2021	-	-	4/26/2021	4/22/2022	-	7/6/2022	3/22/2022
2021-014	Quarry Lake Outlet	Shakopee	Cancelled by Applicant	6/7/2021	4/9/2021	9/29/2021	-	10/22/2021	-	11/19/2021	-	-	-	-	-
2021-015	Stagecoach Rd Improvements	Shakopee	Closed	4/16/2021	4/12/2021	4/30/2021	-	5/5/2021	-	-	5/7/2021	5/5/2022	-	7/1/2022	3/23/2022
2021-016	Whispering Waters	Shakopee	Active Permit	-	4/14/2021	6/4/2021	-	6/16/2021	-	-	7/13/2021	7/13/2022	7/20/2022*	-	-
2021-017	Capstone 35	Burnsville	Active Permit	-	4/20/2021	5/12/2021	-	5/19/2021	-	-	8/19/2021	8/17/2022	7/20/2022*	7/13/2022	-
2021-018	Jefferson Court	Shakopee	Expired	-	4/22/2021	5/17/2021	-	6/2/2021	-	-	6/3/2021	6/2/2022	7/20/2022*	7/6/2022	-
2021-019	Cretex Site	Shakopee	Expired	4/23/2021	4/26/2021	4/30/2021	-	5/5/2021	-	-	5/7/2021	5/5/2022	-	7/1/2022	5/5/2022
2021-020	Core Crossings Apartments (Prev. Southbridge)	Shakopee	Active Permit	-	6/14/2021	7/13/2021	-	7/21/2021	-	-	8/5/2021	6/15/2023	6/17/2022	-	-
2021-021	Spirit of Truth Church	Burnsville	Cancelled by Applicant	5/13/2021	6/16/2021	-	-	-	-	7/16/2021	-	-	-	-	-
2021-022	2021 Safety and Security Center	Fort Snelling	Active Permit	-	5/18/2021	10/29/2021	-	11/17/2021	-	-	3/18/2022	3/18/2023	-	-	-
2021-023	106th St Improvements	Bloomington	Active Permit	-	5/25/2021	5/28/2021	-	6/2/2021	-	-	6/17/2022	6/17/2022	4/20/2022	-	-
2021-025	TH 13	Savage	Active Permit	-	6/11/2021	6/15/2021	-	2/16/2022	-	-	5/20/2022	5/20/2023	-	7/13/2022	-
2021-026	TH 55	Ft Snelling, Mendota, Mendota Heights	No Permit Required	-	6/30/2021	-	-	-	-	-	-	-	-	-	-
2021-027	Minnesota River Greenway Trail	Eagan	Conditional Approval	-	8/17/2021	11/2/2021	-	11/17/2021	-	-	-	-	-	-	-

Permit No.	Project Name	City	Status	Pre-Permit Meeting	Date Received	Date Application Considered Complete	Board Actions			On Hold / Cancelled	Permit Issued	Permit Expiration Date	Renewed	Inspection Date	Date Permit Closed
							Information Only	Conditional Approval	Approval						
2021-029	Northland Paving	Burnsville	No Permit Required	6/29/2021	7/6/2021	-	-	-	-	-	-	-	-	-	-
2021-030	Building Renovation Park Jeep	Burnsville	Active Permit	-	7/9/2021	7/16/2021	-	9/15/2021	-	-	6/21/2022	6/21/2023	-	-	-
2021-031	Caribou Coffee	Savage	Closed	6/1/2021	7/9/2021	8/10/2021	-	8/18/2021	-	-	8/19/2021	-	-	7/13/2022	6/11/2022
2021-032	I-35W Auxiliary Lane	Bloomington	Pre-Permit	5/24/2021; 8/31/21	-	-	-	-	-	-	-	-	-	-	-
2021-033	Minnesota MASH & 130th St Extension	Savage	Active Permit	6/23/2021	9/17/2021	-	-	-	6/15/2022	-	6/17/2022	-	-	-	-
2021-034	Circle K Holiday Station Stores	Savage	Closed	8/25/2021	7/26/2021	9/10/2021	-	9/15/2021	-	-	10/19/2021	9/15/2022	-	7/13/2022	7/12/2022
2021-035	I35W Frontage Trail	Burnsville	Conditional Approval	-	12/15/2021	12/22/2021	-	1/19/2022	-	-	-	-	-	-	-
2021-039	River Bluffs Improvements	Shakopee	Active Permit	-	7/23/2021	8/12/2021	-	8/18/2021	-	-	10/1/2021	8/18/2022	-	7/6/2022	-
2021-040	Canterbury Independent Senior Living	Shakopee	Active Permit	-	8/11/2021	8/19/2021	-	9/15/2021	-	-	1/7/2022	1/7/2023	-	-	-
2021-041	Line 0832	Burnsville	Closed	-	9/7/2021	9/7/2021	-	9/15/2021	-	-	9/17/2021	9/15/2022	-	-	6/27/2022
2021-042	Hwy 13 & Lone Oak	Eagan	Active Permit	-	8/27/2021	9/16/2021	-	10/20/2021	-	-	10/22/2021	10/20/2022	-	-	-
2021-043	Junction 35W & 13, LLC	Burnsville	No Permit Required	-	9/2/2021	-	-	-	-	-	-	-	-	-	-
2021-044	Storage Mart Phase 4 (1900 Stoughton Ave)	Chanhassen	No Permit Required	-	9/7/2021	-	-	-	-	-	-	-	-	-	-
2021-045	Triple Crown Residences Phase II	Shakopee	Active Permit	-	9/22/2021	10/27/2021	-	11/17/2021	-	-	11/19/2021	11/17/2022	-	-	-
2021-046	CenterPoint Dakota Station Facility	Burnsville	Closed	-	9/21/2021	10/15/2021	-	10/20/2021	-	-	10/22/2021	10/22/2022	-	-	6/24/2022
2021-047	River Valley Industrial Center	Chanhassen	On Hold	-	9/21/2021	-	-	-	-	10/1/2021	-	-	-	-	-
2021-048	Minnesota River Greenway Railroad Bridge	Eagan	Pre-Permit	9/28/2021	-	-	-	-	-	-	-	-	-	-	-
2021-049	Stump Road Maintenance	Bloomington	Active Permit	10/20/2021	10/22/2021	10/29/2021	-	11/17/2021	-	-	11/19/2021	11/17/2022	-	-	-
2021-050	Spring Valley Cir & Wentworth Ave S	Bloomington	No Permit Required	10/27/2021	-	-	-	-	-	-	-	-	-	-	-
2021-051	Blue Lake Siphon Landscape Restoration	Eden Prairie	No Permit Required	10/5/2021	10/28/2021	-	-	-	-	-	-	-	-	-	-
2021-052	Shakopee Dental Office	Shakopee	Active Permit	-	11/3/2021	12/14/2021	-	12/15/2021	-	-	12/17/2021	12/15/2022	-	7/13/2022	-
2021-056	Twin Overlook	Bloomington	No Permit Required	-	12/7/2021	-	-	-	-	-	-	-	-	-	-

Permit No.	Project Name	City	Status	Pre-Permit Meeting	Date Received	Date Application Considered Complete	Board Actions			On Hold / Cancelled	Permit Issued	Permit Expiration Date	Renewed	Inspection Date	Date Permit Closed
							Information Only	Conditional Approval	Approval						
2021-057	Cliff Road Ramp	Burnsville	Active Permit	-	12/14/2021	1/4/2022	-	1/19/2022	-	-	6/8/2022	6/8/2023	-	7/13/2022	-
2021-058	MAC Gate Security Improvements	Fort Snelling	Active Permit	-	12/15/2021	12/16/2021	-	1/19/2022	-	-	4/27/2022	4/27/2023	-	-	-
2021-061	Merriam Junction Trail	Burnsville	Pre-Permit	1/31/2022	-	-	-	-	-	-	-	-	-	-	-
2022-001	Centerpoint Shakopee Pigging	Shakopee	No Permit Required	-	1/12/2022	-	-	-	-	-	-	-	-	-	-
2022-002	2022 MBL Nicollet River Crossing	Bloomington, Burnsville	Active Permit	-	1/18/2022	-	-	3/16/2022	-	-	4/25/2022	4/25/2023	-	-	-
2022-003	Ivy Brook Parking East	Burnsville	Active Permit	-	1/19/2022	2/25/2022	-	3/16/2022	-	-	5/16/2022	5/16/2023	-	-	-
2022-004	CHS Savage Terminal	Savage	Incomplete	-	1/27/2022	-	-	-	-	-	-	-	-	-	-
2022-005	Chaska West Creek Apartments	Chaska	Incomplete	-	2/8/2022	-	-	-	-	-	-	-	-	-	-
2022-006	Quality Forklift	Shakopee	No Permit Required	-	2/10/2022	-	-	-	-	-	-	-	-	-	-
2022-007	Engineered Hillside	Eden Prairie	Approved	-	2/15/2022	3/14/2022	-	-	4/20/2022	-	-	-	-	-	-
2022-008	Ivy Brook Parking West	Burnsville	Active Permit	-	2/16/2022	2/25/2022	-	3/16/2022	-	-	5/31/2022	5/31/2023	-	-	-
2022-010	Quarry Lake Pedestrian Bridge and Trail	Shakopee	Conditional Approval	-	2/24/2022	-	-	4/20/2022	-	-	-	-	-	-	-
2022-011	Biffs Inc.	Burnsville	Conditional Approval	-	2/28/2022	3/29/2022	-	4/20/2022	-	-	-	-	-	-	-
2022-012	Quarry Lake Park Improvements - Roadway and Boat Launch	Shakopee	Cancelled by Applicant	-	3/17/2022	-	-	-	-	5/24/2022	-	-	-	-	-
2022-013	Normandale & 98th Intersection Improvements	Bloomington	Active Permit	-	3/22/2022	4/1/2022	-	4/20/2022	-	-	4/22/2022	4/22/2023	-	-	-
2022-014	TH 41/CSAH 61 Improvements	Chaska	Conditional Approval	2/16/2021; 1/6/2022	3/23/2022	5/11/2022	-	5/18/2022	-	-	-	-	-	-	-
2022-015	Xcel Driveway	Shakopee	Incomplete	-	4/20/2022	-	-	-	-	-	-	-	-	-	-
2022-016	Organice Recycling Facility Relocation	Louisville Township	Incomplete	-	4/20/2022	-	-	-	-	-	-	-	-	-	-
2022-017	PLOC Channel Stabilization	Shakopee	Conditional Approval*	-	6/30/2022	7/5/2022	-	7/20/2022*	-	-	-	-	-	-	-
2022-018	Lakota Lane	Chanhassen	Under Review	-	4/19/2022	-	5/18/2022	-	-	-	-	-	-	-	-
2022-019	TH 494 SP 2785-433	Eagan and Bloomington	Conditional Approval*	-	4/21/2022	6/24/2022	-	7/20/2022*	-	-	-	-	-	-	-
2022-020	New Century School	Bloomington	No Permit Required	-	4/28/2022	-	-	-	-	-	-	-	-	-	-

Permit No.	Project Name	City	Status	Pre-Permit Meeting	Date Received	Date Application Considered Complete	Board Actions			On Hold / Cancelled	Permit Issued	Permit Expiration Date	Renewed	Inspection Date	Date Permit Closed
							Information Only	Conditional Approval	Approval						
2022-021	Oak St N (CenterPoint Energy)	Chaska	Active Permit		4/29/2022	-	-	-	6/15/2022	-	6/17/2022	-	-	-	-
2022-022	Ace Rent A Car	Fort Snelling	Incomplete		5/10/2022	-	-	-	-	-	-	-	-	-	-
2022-023	494 Corridors of Commerce	Fort Snelling	Pre-Permit*	5/3/2022	5/19/2022		7/20/2022*			-	-	-	-	-	-
2022-024	Gedney Pickles Holding Pond Restoration	Chanhassen	Pre-Permit	6/16/2022	-					-	-	-	-	-	-
2022-025	10561 E Riverview Drive	Eden Prairie	No Permit Required		6/22/2022					-	-	-	-	-	-
2022-026	10521 Spyglass Drive	Eden Prairie	Pre-Permit	5/31/2022	-					-	-	-	-	-	-
2022-027	Ivy Brook Parking Northeast	Burnsville	Under Review		7/5/2022					-	-	-	-	-	-
2022-028	Quarry Lake Park Restroom	Fort Snelling	Conditional Approval*		7/6/2022	7/8/2022	-	7/20/2022*	-	-	-	-	-	-	-

**STATUS DEFINITIONS:**

- Active Permit:** Applicant has a valid permit issued by LMRWD
- Cancelled by Applicant:** Applicant withdrew their application for a LMRWD permit
- Closed:** Applicant has indicated the project has completed construction and that the permit file may be closed
- Conditional Approval:** LMRWD managers conditionally approved the permit application, pending receipt of additional information from applicant
- Expired:** Applicant either obtained conditional approval, approval, and/or was issued a permit and the expiration date has passed
- Incomplete:** Applicant applied for a permit, but the application is incomplete
- No Permit Required:** Applicant applied for a permit, but during the completeness review, it was determined that the project did not trigger the regulatory thresholds
- On Hold:** Applicant requested their application be placed on hold
- Pre-Permit:** Applicant has requested pre-permit application reviews or meetings, but has not yet applied for a permit from LMRWD
- Under Review:** Permit application is complete and under review by LMRWD staff

\* Staff recommendation only, has not yet been presented to the Board for action



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, July 20, 2022

### Agenda Item

#### Item 6. J. – MPCA Soil Reference Values

#### Prepared By

Linda Loomis, Administrator

#### Summary

At the May 2022, meeting of the LMRWD Board of Managers, the Board was informed that the MPCA finally issued Soil Reference Values. SRVs are a screening tool that may be used to evaluate potential human health risks from exposure to contaminated soils. They are derived based on the U. S. Environmental Protection Agency's Superfund methodology using exposure assumptions based on specific land use categories depicting a specific land use scenario and set of receptors (people).

This is important to the LMRWD in its role managing dredge material from the U. S. Army Corps of Engineers' maintenance on the Nine-foot Navigation Channel. The LMRWD also has assumed a level of risk allowing the private terminal operators placement of dredge material on the site as the material dewaterers.

Young Environmental Consulting Group has recommended that the LMRWD consult with Barr Engineering Co. (Barr) to determine how the SRVs impact the LMRWD and its operations managing dredge materials. Barr Engineering has offered a Professional Services Agreement (PSA) and Work Order 2022-01, which details the services Barr will perform. Both documents are attached for the Board's review.

#### Attachments

Professional Services Agreement Between Lower Minnesota River Watershed District and Barr Engineering Company  
Work Order Form for Consultant Agreement Work Order 2022-01

#### Recommended Action

Motion to approve PSA and Work Order 2022-01 and authorize execution

## **PROFESSIONAL SERVICES AGREEMENT BETWEEN LOWER MINNESOTA RIVER WATERSHED DISTRICT AND BARR ENGINEERING COMPANY**

This Agreement is entered into between the Lower Minnesota River Watershed District, a public body with powers set forth at Minnesota Statutes chapters 103B and 103D (“LMRWD”), and BARR Engineering Company (“CONSULTANT”). In consideration of the mutual terms and conditions set forth herein, including the obligations of mutual consideration, the sufficiency of which is hereby acknowledged, LMRWD and CONSULTANT agree as follows:

### **1. Services**

CONSULTANT will perform work described in Work Orders that may be authorized by the LMRWD from time to time during the term of this Agreement (hereinafter, “the Services”). A Work Order will specify tasks to be performed and, when applicable, the location of the work to be performed. A Work Order issued by the LMRWD under the terms of this Agreement will be incorporated into this Agreement and binding on CONSULTANT as a term hereof. The LMRWD, at its discretion, in writing, may suspend work immediately or amend the Services to delete any task or portion thereof. Authorized work by CONSULTANT on a task deleted or modified by the LMRWD will be compensated in accordance with Paragraph 6.

### **2. Independent Contractor**

CONSULTANT is an independent contractor under this Agreement. CONSULTANT will select the means, method and manner of performing the Services. Nothing herein contained is intended or should be construed to constitute CONSULTANT as the agent, representative or employee of the LMRWD in any manner. Personnel performing the Services on behalf of the CONSULTANT, or a subcontractor will not be considered employees of the LMRWD and are not entitled to any compensation, rights or benefits of any kind from the LMRWD.

### **3. Subcontract and Assignment**

CONSULTANT will not assign, subcontract or transfer any obligation or interest in this Agreement or any of the Services without the written consent of the LMRWD and pursuant to any conditions included in that consent. Written consent to any subcontracting will not relieve CONSULTANT from its responsibility to perform the Services or any part thereof, nor in any respect its warranty, insurance, indemnification, duty to defend or agreement to hold harmless with respect to the Services. CONSULTANT will incorporate this Agreement in any assignment, subcontract or transfer agreement.

### **4. Duty of Care and Indemnification**

CONSULTANT will perform the Services in accordance with due professional care. CONSULTANT will indemnify, defend and hold harmless the LMRWD, its officers, board members, employees and agents from any and all actions, costs, damages and liabilities of any nature to the degree they are the result of CONSULTANT's or a subcontractor's professional negligence or other action or inaction by CONSULTANT or a subcontractor that is the basis for CONSULTANT's or the subcontractor's liability in law or equity.

The LMRWD will indemnify, defend and hold harmless CONSULTANT, its officers, employees and agents, from any and all actions, costs, damages and liabilities of any nature to the degree they are the result of any action or inaction by the LMRWD that is the basis for the LMRWD's liability in law or equity.

## **5. Compensation**

The LMRWD will compensate CONSULTANT for the Services on an hourly basis in accordance with the fee schedule attached to and incorporated into this Agreement as Exhibit A. Invoices are to be submitted monthly for work performed under a Work Order during the preceding month. Payment for undisputed work is due within 30 days of receipt of invoice. Direct costs not specified in Exhibit A will not be reimbursed except with prior written approval of the LMRWD Administrator. Subcontractor fees and subcontractor direct costs incurred by CONSULTANT will be reimbursed by the LMRWD at the rate specified in the LMRWD's written approval of the subcontract arrangement.

The Services will be performed at the rates specified in Exhibit A. The total payment for the Services specified under a Work Order will not exceed the total payment specified in the Work Order in accordance with Exhibit A. In each case, total payment includes all sums paid whatsoever, including but not limited to fees, reimbursement of direct costs and reimbursement for subcontract costs.

The LMRWD will not make final payment until CONSULTANT has provided proof of compliance with state income tax withholding requirements pursuant to Minnesota Statutes § 270C.66.

CONSULTANT will maintain all records pertaining to the Services for six years from the date of completion of the Services. CONSULTANT agrees that any authorized representative of the LMRWD or the State Auditor may examine, audit, and copy any such records during normal business hours.

## **6. Term and Termination**

This Agreement is effective when fully executed by the parties and remains in force until June 30, 2024, unless earlier terminated as set forth herein.

The LMRWD may terminate this Agreement, at its convenience, by a written termination notice stating specifically what prior authorized or additional services CONSULTANT is to complete. CONSULTANT will receive full compensation for all authorized work performed, except that CONSULTANT will not be compensated for any part performance of a specified task if termination is due to CONSULTANT's breach of this Agreement. Upon termination, the CONSULTANT will turn over all working and archived files to the LMRWD and agrees to cooperate with the LMRWD in any transition.

## **7. Waiver**

The failure of either party to insist on the strict performance by the other party of any provision or obligation under this Agreement, or to exercise any option, remedy or right herein, does not waive or relinquish the party's rights in the future to insist on strict performance of any provision, condition or obligation, all of which will remain in full force and affect. The waiver of either party on one or more occasion of any provision or obligation of this Agreement will not be construed as a waiver of any subsequent breach of the same provision or obligation, and the consent or approval by either party to or of any act by the other requiring consent or approval will not render unnecessary the party's consent or approval to any subsequent similar act by the other.

Notwithstanding any other term of this Agreement, the LMRWD waives no immunities in tort. This Agreement creates no rights in and waives no immunities, defenses or limitations on liability with respect to CONSULTANT or any third party.

## **8. Insurance**

At all times during the term of this Agreement, CONSULTANT will have and keep in force the following insurance coverages:

- A. General: \$1.5 million each occurrence and aggregate, covering both CONSULTANT's work and completed operations on an occurrence basis and including contractual liability.
- B. Professional liability: \$1.5 million each claim and aggregate; coverage may be on a claims-made basis, in which case CONSULTANT must maintain the policy for, or obtain extended reporting period coverage extending, at least three (3) years from completion of the Services.
- C. Automobile liability: \$1.5 million combined single limit each occurrence coverage for bodily injury and property damage covering all vehicles on an occurrence basis.
- D. Workers' compensation: in accordance with legal requirements applicable to CONSULTANT.

The liability insurance coverage required of CONSULTANT shall name LMRWD as an additional insured with primary coverage on a noncontributory basis for the task orders covered by this agreement. As an alternative to the minimum coverage listed above for professional, general and automobile liability, CONSULTANT may place an umbrella or excess liability policy in an amount of at least \$2,000,000 that follows the underlying professional, general and automobile liability policies.

The liability insurance coverage required of CONSULTANT shall include coverage, on a project basis, for damage to property of others from pollution or contamination.

CONSULTANT will not commence work until it has filed with LMRWD a certificate of insurance clearly evidencing the required coverages and naming LMRWD as an additional insured for general liability, along with a copy of the additional insured endorsement establishing coverage for CONSULTANT's work and completed operations as primary coverage on a noncontributory basis. The certificate will name LMRWD as a holder and will state that LMRWD will receive written notice before cancellation, nonrenewal or a change in the limit of any described policy under the same terms as CONSULTANT.

## **9. Compliance with Laws**

CONSULTANT will comply with the laws and requirements of all federal, state, local and other governmental units in connection with performing the Services, and will procure all licenses, permits and other rights necessary to perform the Services.

In performing the Services, CONSULTANT will ensure that no person is excluded from full employment rights or participation in or the benefits of any program, service or activity on the ground of race, color, creed, religion, age, sex, disability, marital status, sexual orientation, public assistance status or national origin; and no person who is protected by applicable federal or state laws, rules or regulations against discrimination otherwise will be subjected to discrimination.

## **10. Materials**

All materials obtained or generated by CONSULTANT in performing the Services, including documents in hard and electronic copy, software, and all other forms in which the materials are contained, documented or memorialized, are the property of the LMRWD where specified as “works for hire” in the Task Order. If specified as works for hire, CONSULTANT hereby assigns and transfers to the LMRWD all right, title and interest in: (a) its copyright, if any, in the materials; any registrations and copyright applications relating to the materials; and any copyright renewals and extensions; (b) all works based on, derived from or incorporating the materials; and (c) all income, royalties, damages, claims and payments now or hereafter due or payable with respect thereto, and all causes of action in law or equity for past, present or future infringement based on the copyrights. CONSULTANT agrees to execute all papers and to perform such other proper acts as the LMRWD may deem necessary to secure for the LMRWD or its assignee the rights herein assigned. LMRWD makes no claim upon instruments of service obtained, produced or generated by CONSULTANT except as described below.

The LMRWD may immediately inspect, copy or take possession of any materials on written request to CONSULTANT. On termination of the agreement, CONSULTANT may maintain a copy of some or all of the materials, except for any materials designated by the LMRWD as confidential or non-public under applicable law, a copy of which may be maintained by CONSULTANT only pursuant to written agreement with the LMRWD specifying terms.

The LMRWD acknowledges that the CONSULTANT's plans and specifications and other work products are instruments of professional services. Nevertheless, in the event of termination of this Agreement, plans and specifications and other documents such as permit files, engineering reports and other materials connected with CONSULTANT's services to the LMRWD shall become the property of the LMRWD. The LMRWD agrees to hold harmless, indemnify and defend the CONSULTANT against all damages, claims; expenses and losses arising out of its reuse of work products without CONSULTANT's written authorization.

## **11. Data Practices; Confidentiality**

If CONSULTANT receives a request for data pursuant to the Data Practices Act, Minnesota Statutes chapter 13 (DPA), that may encompass data (as that term is defined in the DPA) CONSULTANT possesses or has created as a result of this agreement, it will inform the LMRWD immediately and transmit a copy of the request. If the request is addressed to the LMRWD, CONSULTANT will not provide any information or documents, but will direct the inquiry to the LMRWD. If the request is addressed to CONSULTANT, CONSULTANT will be responsible to determine whether it is legally required to respond to the request and otherwise what its legal obligations are, but will notify and consult with the LMRWD and its legal counsel before replying. Nothing in the preceding sentence supersedes CONSULTANT's obligations under this agreement with respect to protection of LMRWD data, property rights in data or confidentiality. Nothing in this section constitutes a determination that CONSULTANT is performing a governmental function within the meaning of Minnesota Statutes section 13.05, subdivision 11, or otherwise expands the applicability of the DPA beyond its scope under governing law.

CONSULTANT agrees that it will not disclose and will hold in confidence any and all proprietary materials owned or possessed by the LMRWD and so denominated by the LMRWD. CONSULTANT will not use any such materials for any purpose other than performance of the Services without LMRWD's written consent. This restriction does not apply to materials already possessed by CONSULTANT or that CONSULTANT received on a non-confidential basis from the LMRWD or another party. Consistent with the terms of this section 11 regarding use and protection

of confidential and proprietary information, CONSULTANT retains a nonexclusive license to use the materials and may publish or use the materials in its professional activities. Any CONSULTANT warranty under this agreement does not extend to any party other than the LMRWD or to any use of the materials by the LMRWD other than for the purpose(s) for which CONSULTANT is compensated under this agreement.

**12. Property of LMRWD**

All property furnished to or for the use of CONSULTANT or a subcontractor by the LMRWD and not fully used in the performance of the Services, including but not limited to, equipment, supplies and materials, both hard copy and electronic, remains the property of the LMRWD and will be returned to the LMRWD at the conclusion of the performance of the Services, or sooner if requested by the LMRWD. CONSULTANT further agrees that any proprietary materials of the LMRWD are the exclusive property of the LMRWD and will assert no right, title or interest in the materials. CONSULTANT will not disseminate, transfer or dispose of any proprietary data to any other person or entity unless specifically authorized in writing by the LMRWD. Any property supplied to CONSULTANT by the LMRWD or deriving from the LMRWD is supplied to and accepted by CONSULTANT as without LMRWD representation or warranty, including, but not limited to, a warranty of fitness, merchantability, accuracy or completeness. However, CONSULTANT's duty of professional care under paragraph 4, above, does not extend to materials provided to CONSULTANT by the LMRWD or any portion of the Services that is inaccurate or incomplete as the result of CONSULTANT's reliance on those materials.

**13. Continuation of Obligation**

It is understood and agreed that insurance obligations; duties of care and obligations to defend, indemnify and hold harmless; and document retention requirements will survive completion of the Services and the term of this Agreement.

**14. Notices**

Any written communication required under this Agreement to be provided in writing will be directed to the other party as follows:

To LMRWD:

Linda Loomis, Administrator  
Lower Minnesota River Watershed District  
Naiad Consulting, LLC  
6677 Olson Memorial Highway  
Golden Valley, MN 55427  
Email: [naiadconsulting@gmail.com](mailto:naiadconsulting@gmail.com)

Della Young, PMP, CPESC  
Young Environmental Consulting Group, LLC  
6040 Earle Brown Drive  
Suite 306  
Brooklyn Center, MN 55430  
Email: [della@youngecg.com](mailto:della@youngecg.com)

To Barr Engineering Company:

Karen Chandler, PE  
Vice President  
4300 MarketPointe Drive  
Suite 200  
Minneapolis, MN 55435  
Email: [KChandler@barr.com](mailto:KChandler@barr.com)

Either of the above individuals may in writing designate another individual to receive communications under this Agreement.

**15. Choice of Law, Venue and Jurisdiction**

This Agreement will be construed under and governed by the laws of the State of Minnesota. Venue and jurisdiction for any action under this Agreement will lie in Carver County.

**16. Whole Agreement**

The entire agreement between the two parties is contained herein and this Agreement supersedes all oral agreements and negotiations relating to the subject matter hereof. Any modification of this Agreement is valid only when reduced to writing as an amendment to the Agreement and signed by the parties hereto. The LMRWD may amend this Agreement only by action of the Board of Managers acting as a body.

**17. Time is of the Essence**

Time is of the essence in the fulfillment of the terms of this Agreement.

**IN WITNESS WHEREOF**, intending to be legally bound, the parties hereto execute and deliver this Agreement.

BARR ENGINEERING COMPANY

LOWER MINNESOTA RIVERWATERSHED DISTRICT

By \_\_\_\_\_

By Karen L. Chandler

Its \_\_\_\_\_

Its Vice President

Date \_\_\_\_\_

Date July 13, 2022

# **WORK ORDER FORM FOR CONSULTANT AGREEMENT WORK ORDER 2022-01**

This Work Order is entered into and authorized this 20<sup>th</sup> day of July 2022, by and between **Lower Minnesota River Watershed District** (hereinafter called LMRWD) and **Barr Engineering Co.** (hereinafter called Barr).

The parties agree that the Barr shall perform the following Services in accordance with the terms of the Agreement dated July 20, 2022:

## **1. Scope of Services for the MPCA Soil Reference Value Policy Review:**

Work Order 2022-01 is for technical services related to:

- Minnesota Pollution Control Agency (MPCA) Soil Reference Value (SRV) Policy Review: Barr will provide a review of the MPCA's 2022 SRV changes and potential implications to LMRWD management or disposal of soil or sediment, including management of USACE dredged material from the Minnesota River stored at the site in Savage, as well as occasional dredging of stormwater ponds. In addition, Barr will review and summarize the MPCA's March 2022 PFAS Monitoring Plan and potential applicable monitoring requirements for dredged materials. We will provide an opinion as to whether the revised SRVs numbers or PFAS monitoring requirements are likely to impact how LMRWD manages dredged sediments, based on available current MPCA published policy documents.

Deliverables: A memo that 1) describes the MPCA's SRVs and how they are used to assess dredged materials; 2) describes the MPCA's PFAS monitoring plan and whether sediment dredging projects may have PFAS monitoring requirements; and 3) includes a table comparing the previous SRVs with the 2022 SRVs.

Schedule: The review and memo will be provided within 3 weeks of notice to proceed.

Total estimated hours to complete: 26.

Total Cost estimate: \$4,255 (see attached table for staff hours, billing rates and costs for each task; actual hours and staff may vary slightly)

Total average billing rate: \$170/hour

## **Assumptions**

- 1) Young Environmental will provide Barr with a map identifying potential dredge sites and their Savage dredge material management site.
- 2) A final memo will be provided to Young Environmental and one virtual one-hour meeting to review the memo will be held. No revisions or additions are included.

## **2. Compensation:**

The basis of compensation for the above Services shall be the hourly rate per the Barr's rate sheet, subject to a not-to-exceed cap of \$4,255 without further authorization.

## **3. Other Terms:**

No additional terms.

IN WITNESS WHEREOF, the parties have made and executed this Task Order as of the day and year first above written.

**Owner: Lower Minnesota River Watershed District**

**CONSULTANT: Barr Engineering Co.**

By: \_\_\_\_\_

By: *Karen L. Chandler*

Name: Linda Loomis

Name: Karen Chandler

Title: Administrator

Title: Vice President



Project Name: MPCA Soil Criteria Review  
 Client Name: Lower Minnesota River Watershed District  
 Date: July 12, 2022  
 Approved by: JLB3

Name (Last, First)	Chandler, Karen	Brekken, Jennifer	Turpin-Nagel, Katelyn	Fath, Casy	Sands, Mary	95 Support II			
Initials	KLC	JLB3	KJN2	CRF	MKS	SPT2_95			
Billing Rate	\$ 190.00	\$ 175.00	\$ 130.00	\$ 150.00	\$ 225.00	\$ 95.00	Subtotal	Project	Percentage
Project Role	Vice President	or Environmental Eng	ter Resources Specia	Geologist	Vice President	95 Support II	Hours	Total	of Total
MPCA Policy Review									
Project Coordination	2.0	2.5				1.5	6.0	\$ 960.00	23%
MPCA SRV Review	1.0	9.0	1.0		1.0		12.0	\$ 2,120.00	50%
PFAS Review		2.0		4.0	1.0		7.0	\$ 1,175.00	28%
<b>Subtotal</b>	3.0	13.5	1.0	4.0	2.0	1.5	25.0	\$ 4,255.00	100%
<b>Project Total</b>	3.0	13.5	1.0	4.0	2.0	1.5	25.0	\$ 4,255.00	

<b>Assumptions:</b>	Project Coordination - Assumes project management for up to 2 months, communication with client and one meeting to review the memo.
	MPCA SRV Review - Includes review of current Soil Reference Values and how new values may affect assessment and disposal of dredge materials. A memo will be prepared summarizing the review and will include a table comparing the current SRVs to previous SRVs.
	PFAS Review - Includes a review and summary of MPCA's PFAS Monitoring Plan and potential requirements for LMRWD for PFAS monitoring in sediments.