



Please note the meeting will be held in person at the Carver County Government Center on the Wednesday, June 15, 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, September 21, 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 August 2022 Regular Meetings</p> <p>B. Receive and file August 2022 Financial reports</p> <p>C. Approval of Invoices for payment</p> <ul style="list-style-type: none"> i. Clifton Larson Allen, LLP – August 2022 accounting services ii. Metro Sales, Inc. – payment for maintenance agreement for copier iii. HDR Engineering – website services through August 27, 2022 iv. Barr Engineering – MPCA Soil Reference Value Policy Review v. Daniel Hron – September 2022 office rent vi. Frenette Legislative Advisors – Aug & Sep 2022 Legislative Services vii. TimeSavers Off-Site Secretarial, Inc. – Preparation of August 2022 meeting minutes viii. Naiad Consulting, LLC – August 2022 administrative services & expenses ix. Rinke Noonan – August 2022 legal services x. US Bank Equipment Finance – 2022 payment on copier lease xi. Star Tribune – Publication of 2023 levy certification meeting notice xii. Young Environmental Consulting Group, LLC – August 2022 technical, and Education & Outreach services xiii. Daniel Hron – October 2022 office rent

	D. Authorize reimbursement for Cost Share Project at 4624 Overlook Drive
5. New Business/ Presentations	A. Election of Officers B. Cost Share Application from Sutton Place Two Condo Association
6. Old Business	A. LMRWD Bylaws B. Audit and Financial Accounting Services C. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail - no new information to report since last update D. City of Carver Levee – no new information to report since last update E. Dredge Management F. Watershed Management Plan G. 2023 Legislative Action H. Education & Outreach I. LMRWD Projects <i>(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)</i> i. Area #3 ii. MN River Corridor Project iii. Spring Creek J. Permits and Project Reviews - See Administrator Report for project updates <i>(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)</i> i. LMRWD Permit Renewals ii. Gedney Treatment Pond Decommissioning (LMRWD No. 2022-024) iii. Freeway Landfill Expansion (LMRWD No. 2020-105) iv. City of Burnsville Municipal LGU Permit (Surface Water Management Plan and Ordinance Controls Review) v. City of Eden Prairie Code Amendment Review vi. Permit Program Summary vii. 535 Lakota Lane, Chanhassen – work without a permit K. MPCA Soil Reference Values
7. Communications	A. Administrator Report B. President C. Managers D. Committees E. Legal Counsel F. Engineer
8. Adjourn	Next meeting of the LMRWD Board of Managers is 7:00 pm Wednesday, October 19, 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, September 15, 2022, Lilydale Pool & Yacht Club
- Lower MN River East 1W1P – Technical Advisory Committee meeting 1:00 to 4:00pm, Wednesday September 28, 2022, Scott SWCD offices; Steering Committee meeting – 10:00 am to 1:30 pm, Thursday, October 6, 2022; Policy Committee meeting 3:00 to 5:00 pm, Thursday, October 20, 2022;

- LMRWD Citizen Advisory Committee meeting – Tuesday, October 4, 2022, 9:00 am
- [2022 MN Water Resources Conference](#) – October 18 & 19, St. Paul River Centre
- Metro MAWD – Tuesday, October 18, 2022, 7:00pm

For Information Only

- **WCA Notices**
 - None
- **DNR Public Waters Work permits**
 - Carver County – City of Chaska – Permit issued for Chaska Downtown Reconstruction, intake/outfall structure, culvert/bridge removal (no replacement)
- **DNR Water Appropriation permits**
 - Hennepin County – City of Bloomington – Permit issued for temporary water appropriation for construction – Sanitary Sewer Capacity Improvement project – American Boulevard



Item 4A
LMRWD 9-21-2022

LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, August 17, 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, August 17, 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; Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant; Anthony Crosby and Karina Weelborg, interns at Young Environmental Consulting Group and Michael Miller, Burnsville Sanitary Landfill. Hannah LeClaire, Young Environmental Consulting Group LLC; Attorney John Kolb, Rinke Noonan Attorneys at Law, LMRWD legal counsel; Ben Burnett, Manager, Prior Lake/Spring Lake Watershed District; Trevor Poonai, Ivy Brook Parking; Eric Meyer, Larson Engineering, on behalf of Ivy Brook Parking; and Peggy Thomsen, Cost Share Applicant and Bloomington resident; joined the meeting virtually.

2. APPROVAL OF THE AGENDA

Administrator Loomis asked to add several items to the agenda. On the Consent Agenda, under 'Approval of invoices for payment', two invoices were added: Item 4.C.vii. - TimeSaver Off Site Secretarial for preparation of the July meeting minutes and Item 4.C. viii. - Naiad Consulting, LLC, for July 2022 Administrative Services, mileage, and expenses. Also on the Consent Agenda, Item 4. J. - 2022-2023 Liability Insurance Quote was added. Under Old Business, Permits and Project Reviews, Item 6. J. ix. – Omry/Canterbury Independent Senior Living Permit Amendment was added to the agenda.

Manager Mraz made a motion to approve the agenda with the additions of Item 4. C. vii – invoice for TimeSaver Off Site Secretarial, Item 4. C. viii. - Naiad Consulting, LLC, Item 4. J. -2022-2023 Liability Insurance Quote, and Item 6. J. ix. – Omry/Canterbury Independent Senior Living Permit Amendment. 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. Michael Miller representing the Burnsville Sanitary Landfill and Waste Management was present and addressed the Board. He reported on plans to expand the landfill.

4. CONSENT AGENDA

President Hartmann introduced the item.

- A. Approve Minutes July 20, 2022, Regular Meeting**
- B. Receive and file July 2022 Financial reports**
- C. Approval of Invoices for payment**
 - i. **CLA (Clifton Larson Allen, LLP) – July 2022 financial services**
 - ii. **Scott County SWCD – Q2 2022 monitoring, technical assistance & education services**
 - iii. **Dakota County SWCD - Q2 2022 monitoring, technical assistance & education services**
 - iv. **Rinke Noonan – July 2022 legal services**
 - v. **US Bank Equipment Finance – August payment on copier lease**
 - vi. **Young Environmental Consulting Group, LLC – June 2022 technical, and Education & Outreach Services**
 - vii. **TimeSaver Off Site Secretarial – preparation of July 2022 meeting minutes**
 - viii. **Naiad Consulting, LLC – July 2022 administrative services & expenses**
- D. Receive and file June 2022 Citizen Advisory Committee meeting minutes**
- E. Accept report from 2021 Cost Share application – Sarazine, 11451 Landing Road, Eden Prairie and authorize reimbursement**
- F. Authorize payment to Coalition for a Clean Minnesota River Water Storage Initiative**
- G. Grant Agreement Terms & Conditions for Monitoring Ike’s Creek between Minnesota Valley Refuge Friends and the LMRWD**
- H. Cost Share Application for 11533 Palmer Circle, Bloomington**
- I. Cost Share Application for 1033 Sunny Ridge Drive, Carver**
- J. 2022-2023 Liability Insurance Quote**

Manager Amundson made a motion to approve the Consent Agenda with the addition of Item 4. C. vii -invoice from TimeSaver Off Site Secretarial. Item 4. C. viii – invoice from Naiad Consulting LLC, and Item 4. J. -2022-2023 Liability Insurance Quote. President Hartmann seconded the motion. Upon a vote being taken the motion carried unanimously.

5. PUBLIC HEARING

- A. Presentation of 2023 Proposed Budget and Preliminary Certification of Tax Levies Payable 2023**

Administrator Loomis explained the proposed levies to the Counties and provided a brief overview of the proposed expenses from the proposed 2023 Budget.

President Hartmann opened the public hearing at 7:24 pm.

No one was present who wished to address the Board.

President Hartmann closed the public hearing at 7:25 pm.

President Hartmann made a motion to adopt Resolutions 22-06 through 22-09 Preliminary Certification of Property Tax Levies Payable 2023 and Approval of the 2023 Proposed Budget.

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

6. NEW BUSINESS/PRESENTATIONS

A. Presentation of LMRWD 2020-2022 Permitted Projects Inspections Report

Administrator Loomis asked Della Schall Young to introduce the 2022 interns, Karina Weelborg and Anthony Crosby. Ms. Schall Young introduced the 2022 interns and Hannah LeClaire who has overseen the permitting inspection program.

Ms. Weelborg and Mr. Crosby shared the findings of the inspections program with the Board. After the presentation they made some suggestions to improve the inspection program and make it easier for those conducting the inspection.

The Board thanked the interns for their work.

B. Close-out of 2020 Lower MN River Dredge Management Grant

Administrator Loomis explained that she is working with BWSR to close out the 2020 Dredge Management grant. The LMRWD did not use the entire amount of the grant and must return the unused portion of the grant to the State of Minnesota. The amount remaining is \$182,743.77.

She explained that now that the dredge site improvement project is complete, she has asked the Board of Water and Soil Resources if funds could be used to pay for sediment reduction projects. Ms. Schall Young pointed out that now that the LMRWD has completed the gully inventory and condition assessment the highest priority ravine could be stabilized using this money.

The Board asked several questions and staff provided answers.

Manager Salvato made a motion to authorize refund of Grant P20-7873 to the Board of Water and Soil Resources in the amount of \$182,743.77. Manager Raby seconded the motion. Upon a vote being taken the motion carried unanimously.

C. MAWD (Minnesota Association of Watershed Districts)

Administrator Loomis explained that MAWD asked for the information included the meeting materials to be provided to the Board. The Board briefly discussed information provided by MAWD. The Board noted the information was reviewed and the LMRWD does not wish to become a member of MAWD>

D. Bylaws

Administrator Loomis noted it has been 5 years since the bylaws were revised or amended. Bylaws call for the Board to review bylaws every five years.

Attorney Kolb noted the bylaws are similar to other watershed districts. He recommended that the Board consider whether it wants to add policies about remote attendance in meetings in compliance with MN open meeting laws. The Board had a brief discussion of what remote attendance would mean.

Administrator Loomis suggested that the Board ask legal counsel to review the bylaws and suggest revision. Managers agreed and asked that other staff look at the bylaws and weigh in, in addition to legal counsel.

President Hartmann made a motion to direct staff to review the bylaws and suggest revisions to the Board. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.

7. OLD BUSINESS

A. FY 2022-23 Watershed Based Implementation Funding

Administrator Loomis reported that his item is informational in nature. She told the Board that the convene group decided to direct \$50,000 of the Watershed Based Implementation Funding to the Eagle Creek Project for the City of Savage and the remainder of the \$127,000 available funding to the City of Shakopee for its Lewis Street Stormwater improvements.

B. Audit and Financial Accounting Services Proposals

Administrator Loomis informed the Board that the 2021 Audit has not been received and that is not getting any response from the Auditor. CLA suggested the Board consider issuing another RFP. Manager Raby asked if the LMRWD can terminate the contract with Global Portfolio Consulting. Attorney Kolb said he will review the agreement. The Board said a phone call should be made to the Auditor.

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

No new information to report since last update.

D. City of Carver Levee

No new information to report since last update.

E. Dredge Management

i. Vernon Avenue Dredge Material Management site

No new information to report since last update.

ii. Private Dredge Material Placement

No new information to report since last update.

F. Watershed Management Plan

i. Revisions to LMRWD Rules

Administrator Loomis introduced and provided an update to the Board on this item.

ii. Update of LMRWD Comprehensive Watershed Management Plan Section 4 – Implementation

Administrator Loomis introduced and provided an update to the Board on this item. She informed the Board that a public hearing for both the rules and the Plan Amendment are planned to be held at the October 2022 Board meeting.

G. 2022 Legislative Action

No new information to share since last update.

H. Education and Outreach Plan

No information other than what was reported in the Executive Summary.

I. LMRWD Projects

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

i. Minnesota River Corridor Management Project

Administrator Loomis invited the Board to participate in the event planned for September 7, 2022. Manager Raby asked if details of the event have been sent to the Board. Della Schall Young said the invitations have been sent out in groups.

This event will serve as the open house for the Corridor Management Plan. So while the river paddle is meant to be fun, attendees will be asked to work and review concerns collected so far and add more.

ii. Spring Creek

No new information was reported at the Board meeting other than what had been provided in the Executive Summary.

J. 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 Renewals

Administrator Loomis stated that there were no permit renewals this month.

ii. Ivy Brook Parking Northeast (LMRWD No.2022-027)

Administrator Loomis introduced and provided an overview of this item.

Manager Mraz made a motion to conditionally approve Ivy Brook Parking Northeast (LMRWD No. 2022-027) dated August 10, 2022, contingent on receipt of the contact information for the contractor and the contact information for the person(s) responsible for the inspection and maintenance of all erosion and sediment control features. Manager Salvato seconded the motion. Upon a vote being taken the motion carried unanimously.

iii. Reliakor (LMRWD No. 2022-029)

Administrator Loomis introduced and provided an overview of this item. She noted that one of the conditions listed in the Technical Memorandum has been met. The LMRWD received a check for the permit fee.

Manager Raby made a to conditionally approve a permit for Reliakor (LMRWD No. 2022-029) dated August 10, 2022, contingent on receipt of the contact information for the contractor and the contact information for the person(s) responsible for the inspection and maintenance of all erosion and sediment control features. President Hartmann seconded the motion. Upon a vote being taken the motion carried unanimously.

iv. RSI Marine (LMRWD No.2022-031)

Ms. LeClaire stated it was not their call as to what action to take so they only notified Exel.

No Board action is required at this time.

v. 10521 Spyglass Drive/Hoekstra (LMRWD No. 2022-026)

Administrator Loomis introduced and provided an overview on this item. She said no action was required of the Board at this time.

vi. Permit Program Summary

Administrator Loomis introduced and provided an overview on this item.

vii. Burnsville Future Quarry Lake Study

Administrator Loomis explained the information that was presented by the City of Burnsville for how the Kraemer Quarry site will be redeveloped once mining operations cease. Manager Raby commented that once Kraemer Mining ceases dewatering, groundwater levels may adversely impact, the Metropolitan Council Environmental services.

No action is required at this time.

viii. 535 Lakota Lane, Chanhassen – work without a permit

The City of Chanhassen has revoked the Certificate of Occupancy for this property. The LMRWD will record a notice of non-compliance.

No action is needed on this item.

ix. Omry/Canterbury Independent Senior Living Permit Amendment (LMRWD No. 2021-040

Administrator Loomis explained that the reason this permit must be amended is because the project was not constructed in accordance with the plans and specifications. The building was built 2 feet lower than indicated on the plan, so the drainage needed to be modified.

Hannah LeClaire explained the process that Young Environmental Consulting Group conducted to review the modifications to the project.

Manager Mraz made a motion to approve the amended permit. Manager Raby seconded the motion. Upon a vote being taken the motion carried unanimously.

K. MPCA Soil Reference Values

No new information to provide since the last update.

9. COMMUNICATIONS

- A. **Administrator Report:** Administrator Loomis said she did not complete an administrator report this month. She reported on the public kick-off meeting for the Lower Minnesota River East 1W1P on July 26, 2022. She noted the Citizen Advisory Committee attended a portion of day one of the 2022 Salt Symposium. She said she attended both days and found day one to be of more interest than day two. She said if presentations are made available, she will see if they can be shared with the Board.
- B. **President:** No report
- C. **Managers:** No report
- D. **Committees:** No report
- E. **Legal Counsel:** No report
- F. **Engineer:** No report

10. ADJOURN

At 8:50 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, September 21, 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 Salvato, Secretary

LOWER MINNESOTA RIVER WATERSHED DISTRICT
BOARD OF MANAGERS
WEDNESDAY, August 17, 2022
MEETING MINUTES

Linda Loomis, Administrator

DRAFT

Item 4.B.
 LMRWD 9-21-2022

BEGINNING BALANCE	31-Jul-22	\$ 1,570,772.47
ADD:		
General Fund Revenue:		
August Dividend		\$ 2,510.28
Permit Review Fee - Ivy Brook Parking		\$ 5,250.00
Permit Review Fee - Hoekstra; 10521 Spyglass, Eden Prairie		
Payment in Lieu - Scott County		
		\$ 7,760.28
Total Revenue and Transfers In		\$ 7,760.28
DEDUCT:		
Debits/Reductions		
Safeguard Business Systems	Check printing expense	\$ 71.33
The Horton Group	Directors & Officers Insurance 2022/2023	\$ 1,065.00
Daniel Hron	August 2022 office rent	\$ 650.00
Rinke Noonan	June 2022 Legal Services	\$ 693.50
Young Environmental	June 2022 Engineering, Technical & Education	\$ 65,505.50
Spartan Promotional Group	Purchase of table cover for E & O events	\$ 287.04
Frenette Legislative Advisors	June & July Legislative Services	\$ 3,333.34
Delina Sarazine	Reimbursement for 2021 Cost Share project	\$ 2,500.00
Coalition for a Clean MN River	First half of Water Storage Initiative grant	\$ 5,000.00
CliftonLarsonAllen LLP	July 2022 Accounting services	\$ 7,292.25
Dakota County SWCD	Q2 2022 monitoring services	\$ 1,232.50
Rinke Noonan	July 2022 Legal services	\$ 584.00
US Bank Equipment Finance	payment on copier lease	\$ 168.10
Young Environmental	July 2022 Engineering, Technical & Education	\$ 32,317.60
TimeSaver Secretarial	Preparation of July 2022 meeting minutes	\$ 190.50
Naiad Consulting, LLC	July 2022 Administrative services & expenses	\$ 11,687.69
Western National Insurance	2022/23 Commercial Liability Insurance	\$ 9,464.00
		\$ 142,042.35
Total Debits/Reductions		\$ 142,042.35
ENDING BALANCE	31-Aug-22	\$ 1,436,490.40

EXPENDITURES	2022 Budget	August Actuals	YTD 2022	Over (Under) Budget
Administrative expenses	\$ 250,000.00	\$ 41,171.94	\$ 214,631.29	\$ (35,368.71)
Cooperative Projects				
Eden Prairie Bank Stabilization Area #3	\$ 100,000.00	\$ 412.50	\$ 24,159.55	\$ (75,840.45)
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	\$ -	\$ -	\$ 20,000.00	\$ 20,000.00
509 Plan Budget				
<i>Resource Plan Implementation</i>				
Watershed Resource Restoration Fund	\$ 120,000.00	\$ -	\$ 142,500.00	\$ 22,500.00
Gully Inventory	\$ -	\$ 5,140.50	\$ 5,830.50	\$ 5,830.50
MN River Corridor Management Project	\$ -	\$ 6,143.00	\$ 17,584.97	\$ 17,584.97
Gun Club Fen Intrusion investigation	\$ -	\$ 3,496.85	\$ 3,496.85	\$ 3,496.85
Assumption Creek Hydrology Restoration	\$ -	\$ 7,476.85	\$ 29,230.18	\$ 29,230.18
Carver Creek Restoration	\$ -	\$ -	\$ -	\$ -
Groundwater Screening Tool Model	\$ -	\$ -	\$ -	\$ -
MN River Floodplain Model Feasibility Study	\$ -	\$ 610.82	\$ 13,301.32	\$ 13,301.32
Schroeder Acres Park SW Mgmt Project	\$ -	\$ -	\$ -	\$ -
Downtown Shakopee Stormwater BMPs	\$ 50,000.00	\$ -	\$ 25,000.00	\$ (25,000.00)
PLOC Realignment/Wetland Restoration	\$ 30,000.00	\$ -	\$ -	\$ (30,000.00)
Spring Creek Project	\$ -	\$ 3,161.40	\$ 11,607.96	\$ 11,607.96
West Chaska Creek	\$ -	\$ -	\$ 27,441.00	\$ 27,441.00
Sustainable Lakes Mgmt. Plan (Trout Lakes)	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Geomorphic Assessments (Trout Streams)	\$ -	\$ 1,828.50	\$ 8,046.35	\$ 8,046.35
Fen Stewardship Program	\$ 25,000.00	\$ 1,098.31	\$ 38,786.53	\$ 13,786.53
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	\$ -	\$ 1,014.00	\$ (3,986.00)
Project Reviews	\$ 75,000.00	\$ 54,454.95	\$ 151,692.00	\$ 76,692.00
<i>Monitoring</i>	\$ 75,000.00	\$ 1,232.50	\$ 11,789.00	\$ (63,211.00)
<i>Watershed Management Plan</i>	\$ -	\$ 2,505.50	\$ 15,910.00	\$ 15,910.00
<i>Public Education/CAC/Outreach Program</i>	\$ 75,000.00	\$ 5,733.73	\$ 38,061.72	\$ (36,938.28)
<i>Cost Share Program</i>	\$ 20,000.00	\$ 7,500.00	\$ 7,500.00	\$ (12,500.00)
Nine Foot Channel				
Transfer from General Fund	\$ -	\$ -	\$ -	\$ -
Dredge Site Improvements	\$ 240,000.00	\$ 75.00	\$ 75.00	\$ (239,925.00)
Total:	\$ 1,115,000.00	\$ 142,042.35	\$ 807,658.22	\$ (307,341.78)



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, September 21, 2022

Agenda Item

Item 4. D. – Authorize reimbursement for Cost Share Project at 4624 Overlook Drive

Prepared By

Linda Loomis, Administrator

Summary

In April 2022, the Board of Managers approved an application for a rain garden at 4624 Overlook Drive, Bloomington. The project is complete, and the homeowner is requesting reimbursement. The homeowners have been very good at spreading the word about the LMRWD and its grant program. The homeowner at 11533 Palmer Circle applied for a grant after learning about the program from the DaGiau's (homeowners at 4624 Overlook Drive).

The applicant has provided a final report and necessary documentation. Staff has reviewed the documentation provided and recommends approval.

Attachments

[Original Cost Share Application](#) – from April 2022 LMRWD Board Manager meeting materials

Cost Share Agreement

Excerpt from April 2022 LMRWD Board of Managers meeting minutes

Final report from applicant

Cost Share worksheet

Receipts for project

Informational brochure developed by applicant to hand out to neighbors

Recommended Action

Motion to authorize reimbursement for 4624 Overlook Drive

LOWER MINNESOTA RIVER WATERSHED DISTRICT
2016 COST SHARE INCENTIVE AND WATER QUALITY RESTORATION PROGRAM
Cost Share Grant Agreement

The parties to this Agreement, made this 20th day of April 2022, are the Lower Minnesota River Watershed District, a Minnesota Watershed District ("LMRWD") a public body with purposes and powers set forth in Minnesota Statutes Chapters 103B and 103D and Gianna DaGiau ("APPLICANT"). The purpose of this Agreement is to provide for the installation and maintenance of a project designed to protect and improve natural resources within the District. by managing storm water and said project to be located at: 4624 Overlook Drive, Bloomington, MN 55437.

1. Scope of Work. APPLICANT will install the Project in accordance with the Application submitted to the LMRWD, attached as Exhibit A. A final report must be presented to the LMRWD at the time a request is made for reimbursement of expenses as specified in Section 2 of this Agreement.
2. Reimbursement. When the installation of the project is complete in accordance with Exhibit A, the LMRWD, on receipt of adequate documentation, will reimburse the APPLICANT up to 50% of the APPLICANT's cost to install the Project, including materials, equipment rental, delivery of materials and labor, in an amount not to exceed \$2,500.00. APPLICANT will document with receipts all direct expenditures. At the time reimbursement is requested, APPLICANT will provide the LMRWD copies of all documents concerning the work.
3. Public Access. LMRWD may enter APPLICANT's property at reasonable times to inspect the work to ensure compliance with this Agreement and monitor or take samples for the purpose of assessing the performance of the Project. APPLICANT will permit the LMRWD, at its cost and discretion, to place reasonable signage on APPLICANT's property informing the general public about the Project and the LMRWD's Cost Share Incentive and Water Quality Restoration Program. The LMRWD may request APPLICANT's permission to allow members of the public periodically to enter APPLICANT's property to view the Project in the company of a LMRWD representative. This paragraph does not create any right of public entry onto APPLICANT's property except as coordinated with APPLICANT and accompanied by a LMRWD representative.
4. Maintenance. APPLICANT will maintain the Project for at least ten (5) years from the date installation is complete. If APPLICANT does not do so, the LMRWD will have a right to reimbursement of all amounts paid to APPLICANT, unless:
 - a. The LMRWD determines that the failure to maintain the Project was caused by reasons beyond the APPLICANT's control; or
 - b. APPLICANT has conveyed the underlying property, provided APPLICANT notifies the LMRWD at least 30 days before the property is conveyed and facilitates communication between the LMRWD and the prospective owner regarding continued maintenance of the project.
5. Agreement Void. This Agreement is void if the project installation is not complete by November 30, 2022. This Agreement may not be modified in any way except in writing and signed by both parties.

- 6. Indemnification. The LMRWD will be held harmless against any and all liability and loss in connection with the installation of the Project.
- 7. Compliance with Laws. APPLICANT is responsible to comply with any permits or other legal requirements applicable to the work.
- 8. Notices. Any notice or demand, authorized or required under this Agreement shall be in writing and shall be addressed to the other party as follows:

To LMRWD:

Administrator
Lower Minnesota River Watershed District
112 East Fifth Street, Suite 102 Chaska, MN
55318

To APPLICANT:

Gianna DaGiau
4624 Overlook Drive
Bloomington, MN 55437

The parties being in agreement to be signed as follows:

APPLICANT:

LOWER MINNESOTA RIVER WATERSHED DISTRICT:

By: Gianna DaGiau

By: [Signature]

Its: President

Date: 6/3/2022

Date: 6/6/22

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

5. NEW BUSINESS/PRESENTATIONS

A. Presentation by Scott County Soil & Water Conservation District of 2022 Monitoring Program
Administrator Loomis introduced Jon Utecht.

Jon Utecht, Scott County Water Resource Specialist, addressed the Board and provided a presentation on the outcomes of the Soil and Water Conservation District of 2022 Monitoring Program.

Ms. Della Schall Young asked if they have any idea what is making the TSS so high in certain months.

Mr. Utecht stated in his opinion it is the animals, or more specifically the ducks. He stated sand may be influencing the numbers a bit but it's hard to know for sure. Since the higher levels are seen in the winter months when the banks are frozen, the most logical source of the sediment is re-suspension of sediment from the bottom from duck activity.

Ms. Young asked if there is a correlation between the E. Coli levels and the atmospheric and water temperature. Mr. Utecht explained that is quite likely. Ms. Young said the LMRWD may want to investigate the correlation between atmospheric temperatures and E.coli further. Mr. Utecht said they observed the same increase in the Vermillion River and did some additional investigation which has not been completed. They discussed how difficult it can be to track down the sources of E. Coli because it can persist in the soils. Manager Salvato asked what it would cost to conduct further investigation. Ms. Young explained what further investigation would entail.

Mr. Utecht provided sampling information from Dean Lake. Manager Raby stated that he thinks that monitoring data at the outlet of Dean Lake would be more beneficial in terms of the Minnesota River.

Mr. Utecht stated there is a monitoring station near Valley Fair and he believes there is data that can be provided to the Board for review. Manager Raby thought that Dean Lake inlet data should be compared with the data collected at the Valley Fair data.

Administrator Loomis provided the Board with the history of Dean Lake's classification. The LMRWD requested that it be reclassified from a shallow water lake to a wetland.

Mr. Utecht continued, providing data on the well monitoring within Savage Fen.

Manager Raby made a motion to approve the Agreement Between the LMRWD and the Scott Soil and Water Conservation District for Monitoring, Technical, Education and other Conservation Services and authorize execution by President Hartmann. 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

B. Cost Share Application for 4624 Overlook Drive Bloomington

Administrator Loomis introduced this item. She explained that even though the application lists the applicant is requesting \$4500, the applicant understands and is only requesting the maximum allowed which is \$2500. She noted the applicant intends to create a second rain garden in a year or so as well.

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



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Lower Minnesota River Watershed District

112 East Fifth Street, Suite #102

Chaska, MN 55318

(763) 545-4659

lowermnriverwd.org

Cost Share Final Report

Overview

The Final Report documents the entire grant period and must be within 30 days of project completion. The report should be no longer than six pages. Upon staff approval of the report, you will receive the final reimbursement for your grant. Please note, checks are only issued once per month by the District.

Email your report to Linda Loomis, District Administrator, at naiadconsulting@gmail.com. Contact Linda with questions at 763-545-4659 or by email.

Cost Share Grant Final Report

Project title:

Year grant was awarded:

Project location:

Project manager's name:

Project manager's contact information:

Time period addressed in the final report:

How much is the reimbursement request?

Who should the reimbursement check be made out to?

Where should reimbursement check be mailed?

1. Summary of Major Activities

Provide a short overview of Cost Share activities. Include dates and time periods during which activities were completed and who was involved.

2. Project Goals

Describe how the project addressed one or more of the goals of the Cost Share Program:

- Improve water quality or increase the capacity of the watershed to store water
- Preserve, protect, and restore native plant and wildlife habitats
- Protect and preserve groundwater quality and quantity

3. Educational Value

Describe how the project provided education value regarding the project's environmental benefits. What education and outreach was done about the project and what were the impacts? How were the results of the project shared and with whom?

4. Project Outcomes

- Describe the outcomes of the project.
- Describe what makes you most proud about the project.

5. Project Challenges

- Describe any changes that had to be made to original plans due to site conditions, regulatory processes, etc. and any challenges with implementing the project.
- Indicate any ways in which Nine Mile Creek staff could have better assisted you in addressing the challenges.

6. Project Longevity

- What will the long-term impact of the project be?
- Describe any follow-up projects that will occur because of the Cost Share grant.

7. Photos

- Provide at least three high resolution photos of the project. If you include the pictures in the document file, **also** email the photos as separate jpg files.
- Include a photo of each phase of the project, if applicable (before, during, after).

8. Reimbursement

- How much is the reimbursement request?

- What is the total amount of match?

Submit receipts and/or paid invoices for the reimbursement request and match documentation. Project expenditures without receipts will not be eligible for reimbursement. Copies of paid checks may be asked for with reimbursement requests.





Labor Costs - Actual						
Service provider	Task	# hours	Rate/ hour	Requested funds from LMRWD	Matching /in kind funds	Total cost
Homeowner	Pick up sod cutter, remove sod, and decompact soil if necessary. Haul sod away; see gas below.	16	\$18.00		\$288.00	\$288.00
Homeowner	Removed an additional 3 inches with precision shoveling by hand 133*9*0.25 = 11.08 cubic yards of dirt = 15 tons. (internet 4 hours per cubic meter = 44 hours). Shoveled onto our own trailer, hauled away, and shoveled off our trailer. This work allowed us to not have to apply herbicides - yea! and prevents mulch from falling into street (boulevard over 60 years had mounded high above sidewalk and curb). Haul away -See gas below	60	\$18.00		\$1,080.00	\$1,080.00
Homeowner	Dig raingarden	16	\$18.00		\$288.00	\$288.00
Homeowner	Source and pick up plants from nurseries. Just the Sourcing was: Source plants 4 hours (Worked with 6 different nurseries to determine availability, best price, and minimize number of sources/travel distance while getting lowest overall price)	4	\$18.00		\$72.00	\$72.00
Homeowner	Pick up plants from Glacial Ridge Gardens - St Paul 1 ; MNL, Benton County (was Otsego) 4; Prairie Restorations, Princeton 2; Natural Shore Technologies, Independence 1.5 - See gas below.	8.5	\$18.00		\$153.00	\$153.00

Homeowner	Shop for oak trees and plant oak trees - Nathalie made initial placements - but we are holding off for an updated design. So did not shop/plant.	5	\$18.00		\$0.00	\$0.00
Organic Bob	Spray organic herbicide to kill weeds that come up from seed bank after sod removal and before planting if needed - Not needed because dug down 3 inches.	6	\$50.00		\$0.00	\$0.00
Homeowner	Picked up compost, mulch, sediment logs, fencing - See gas below	6	\$18.00		\$108.00	\$108.00
Homeowner	Install plants, erosion control blanket, compost, mulch, fence (We planted 100 plugs a day, max, so this understates our hours)	30	\$18.00		\$540.00	\$540.00
Homeowner	Researched, designed, wrote, gathered inputs, redesigned, and rewrote brochure. Tweaking continues to this day.	10	\$18.00		\$180.00	\$180.00
Homeowner	mistakes made by homeowner (wrong equipment rented; car interior detailing- straw wattles leaked in car; sold at discount too much mycorrhizae bought)				\$510.00	\$510.00
Pasque Ecological Design	Original quote - Design raingarden and boulevard	4	\$90.00			
Pasque Ecological Design	Original quote - Assist with brochure, educational materials.	2	\$90.00			
Pasque Ecological Design	Original quote - Lay out plants, spray paint location of raingarden, assist with sourcing plants and materials (erosion control blanket, mycorrhizae, etc)	4	\$90.00			
Pasque Ecological Design	8-Apr - 12-Apr <u>Grant</u> 2 h 12-Apr Grant 3.75 h 13-Apr Phone call, budget (for Grant) 3.75 h	9.5	\$90.00	\$855.00		\$855.00

Pasque Ecological Design	26-May <u>Plan</u> 0.75 h \$90.00 \$67.50 1-Jun Raingarden excavation plan 1.75 h 6/4/2022 Excavation plan other side of driveway 0.5 h 7-Jun raingarden plants 1.5 h	4.5	\$90.00	\$405.00		\$405.00
Pasque Ecological Design	27-Jun Raingarden response 0.5 h - <u>excavation consult</u> 30-Jun Site visit, correspondence -- excavation check 1.25 h	1.75	\$90.00	\$157.50		\$157.50
Pasque Ecological Design	1-Jul Correspondence re: plants and <u>log</u> 0.5 h \$90.00 \$45.00	0.5	\$90.00	\$45.00		\$45.00
Pasque Ecological Design	7/7/2022 Plant quantities, update plan, respond to questions 0.5 h 7/8/2022 Plant quantities, update plan, respond to questions 0.25 h 21-Jul Respond to email 0.25 h - <u>Raingarden alternative plants; plant digging equipment</u>	1	\$90.00	\$90.00		\$90.00
Pasque Ecological Design	7/28/2022 - 7/29 Mark plant locations, correspondence 1.75 <u>Lay out</u> plants 1 h	2.75	\$90.00	\$247.50		\$247.50
Total				\$1,800.00	\$3,219.00	\$5,019.00

Material Costs

Project Materials	Unit cost	Units	Total # units	Requested Funds	Matching Funds	Total cost
Rent sod cutter - Crown	120	day	1	\$76.76		\$76.76
Mycorrhizae	100		1	\$122.48		\$122.48
Soaker hoses - moved around already owned sprinklers instead	20		4			\$0.00
Plugs	1.5	each	900	\$1,611.08		\$1,611.08
2 GAL Oak Trees - money went to extra cost of plugs	25	each	4			\$0.00

5 GAL 2 to 4 inch diameter field stone at the inlet and outlet of the raingarden	1	lump sum	50	\$50.73		\$50.73
(Erosion Control Blanket) 2 straw wattles and wood stakes - Brock White fasteners	1	lump sum	1	\$75.27		\$75.27
2" Double Shredded Hardwood Mulch for boulevard and oak trees	30	cy	6	\$203.53		\$203.53
1" Compost	25	cy	2.5	\$66.95		\$66.95
Compost and mulch delivery - Gas instead of delivery - Homeowner pickup sod cutter, haul away dirt, pickup wattles, compost, mulch, plants from 4 different locations	150	lump sum	1	\$144.15		\$144.15
Drill bit and planting trowel				\$25.08		\$25.08
Liquid Fence (Temporary Plant Protection Fence around boulevard and oak trees)	40	per 50 lf	6	\$28.25		\$28.25
Temporary Plant Protection Fence Stakes and rope	2	each	60	\$24.88		\$24.88
Pollinator safe lightbulbs 1800 Kelvin	1	each	21.49	\$21.49		\$21.49
Organic Herbicide to kill weeds that come up from seed bank after turf removal and before planting if needed	100	lump sum	3			\$0.00
Plant identification signs and moisture meter, Brochure box and pole	10	each	3	\$126.91		\$126.91
Total				\$2,577.56	\$0.00	\$2,577.56
			TOTAL	\$4,377.56	\$3,219.00	\$7,596.56

Pasque Ecological Design

8516 Irwin Rd.
 Bloomington MN 55437
 Phone 612 868-8033
 Email pasquedesign@gmail.com

INVOICE

Invoice #292
 Date: 08/12/2022

To:
Gianna DaGiau and Kevin Batko
 4624 Overlook Drive
 Bloomington, MN 55437

For: Garden consulting

Date	Description	Qty	Unit	Unit Price	Line Total
Services					
8-Apr	Grant	2	h	\$90.00	\$180.00
12-Apr	Grant	3.75	h	\$90.00	\$337.50
13-Apr	Phone call, budget	3.75	h	\$90.00	\$337.50
26-May	Plan	0.75	h	\$90.00	\$67.50
1-Jun	Raingarden excavation plan	1.75	h	\$90.00	\$157.50
4-Jun	Excavation plan other side of driveway	0.5	h	\$90.00	\$45.00
7-Jun	raingarden plants	1.5	h	\$90.00	\$135.00
27-Jun	Raingarden response	0.5	h	\$90.00	\$45.00
30-Jun	Site visit, correspondence	1.25	h	\$90.00	\$112.50
1-Jul	Correspondence re: plants and log	0.5	h	\$90.00	\$45.00
7-Jul	Plant quantities, update plan, respond to questions	0.5	h	\$90.00	\$45.00
8-Jul	Plant quantities, update plan, respond to questions	0.25	h	\$90.00	\$22.50
21-Jul	Respond to email	0.25	h	\$90.00	\$22.50
28-Jul	Mark plant locations, correspondence	1.75	h	\$90.00	\$157.50
29-Jul	Lay out plants	1	h	\$90.00	\$90.00
				Total	\$1,800.00

Make all checks payable to Pasque Ecological Design
 Total due in 30 days. Overdue accounts subject to a service charge of 1% per month.

Thank you!

COMPLETED



8/31/2022



Check #5857

\$1,800.00

Completed 8/31/2022

Transaction info

Description	Transaction date	Transaction time	Type
Check #5857	8/31/2022	3:56 p.m.	Check

Merchant Info

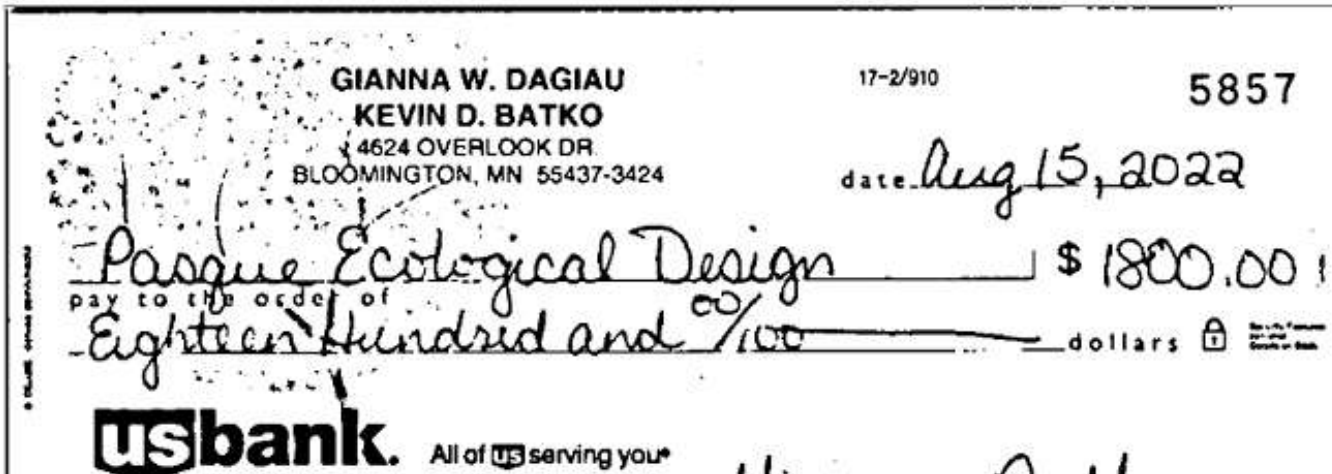
Merchant Category

Check

<https://www.usbank.com/index.html>

View back

Print





1580 Cliff Rd. E
Burnsville, MN 55337
952-894-7368

15211 Canada Ave.
Rosemount, MN 55068
651-423-7368

7661 146th St. W
Apple Valley, MN 55124
952-432-6343

www.crownrent.com

DAGIAU, GIANNA WYNNE 4624 OVERLOOK DR BLOOMINGTON, MN 55437-3424	Customer #: 106737 Phone 612-803-6551	Invoice #: 368250-1 Status: Completed
--	--	--

Operator: DAVIS, FORREST
Invoice Date: Mon 6/ 6/2022
Date Out: Mon 6/ 6/2022 2:20PM

Ordered By: Enter Ordered By:

Qty	Key	Items	Part#	Status	Returned Date	Price
1	CUTS18P#16	Sod Cutter 18" Power #16	#16	Returned	Mon 6/ 6/2022 5:03PM	\$65.54
		2Hrs \$55.00 1day \$167.00 1week \$504.00 4weeks \$1,509.00				



Please leave us a review on Google and/or Facebook! Thank you for your Business!

Payments made on this contract:

Rental/Sale Paid	\$96.63	Mon 6/ 6/2022 2:21PM Credit Card Visa 4*****3038 Auth:416012
Rental/Sale Refund	(\$19.87)	Mon 6/ 6/2022 5:03PM Credit Card Visa 4*****3038 Auth:716030
Total	\$76.76	

Rental Contract

This is a contract. The back of this contract contains important terms and conditions including lessor's disclaimer from all liability for injury or damage and details of customer's obligations. These terms and conditions are a part of this contract - PLEASE READ THEM!

If equipment does not function properly notify lessor within 30 minutes of occurrence or no refund or allowance will be made.

DEPOSITS ON RESERVATIONS ARE NON-REFUNDABLE.

I certify that I have read and agree to all terms of this contract.

Signature:

DAGIAU, GIANNA WYNNE

Rental:	\$65.54
Damage Waiver:	\$6.55
Subtotal:	\$72.09
MN Sales Tax 7.125%:	\$4.67
Total:	\$76.76
Paid:	\$76.76
Amount Due:	\$0.00



8740 77th St NE
Otsego, MN 55362

INVOICE

HEAL THE EARTH!

BILLING DATE	INVOICE #
7/29/2022	34940

TERMS	DUE DATE
Due on receipt	7/29/2022

CUSTOMER NAME
Gianna DaGiau

PROJECT NAME

P.O. NO.

QTY	UNITS	ITEM	DESCRIPTION	UNIT PRICE	EXTENTION
960	Each	Herbaceous Plants	Assorted MNL XL Native Plant Plugs	1.40	1,344.00T
1	Each	Herbaceous Plants	Discount, Extra drive due to plants not being available at pick up location MN/Benton County	-50.00	-50.00T
				7.375%	95.43

Thank you for your business. Please place the invoice number on your check.	Total	\$1,389.43
Any amount unpaid beyond 30 days, will incur a 1.5% per month finance charge.	Payments/Credits	\$0.00
Phone: (763) 295-0010 ● www.MNLcorp.com ● AP@MNLcorp.com	Balance Due	\$1,389.43

10 Million Acres Impacted by 2030!

Payment confirmation: Invoice #34940 (MINNESOTA NATIVE LANDSCAPES, INC.)

QuickBooks Payments <quickbooks@notification.intuit.com>
To: gianna.dagiau@gmail.com

Mon, Aug 15, 2022 at 1:41 PM

[Manage payment](#)**You paid \$1389.43**to **MINNESOTA NATIVE LANDSCAPES, INC.** on 08/15/2022

Payment details

Invoice no.	34940
Invoice amount	\$1389.43
Total amount	\$1389.43

No additional transfer fees or taxes apply.

Status	Paid
Payment method	VISA ****3038
Authorization ID	MU0104154317

Please don't reply to this email, if you need any help regarding this message, please contact the business directly.

Thank you,

MINNESOTA NATIVE LANDSCAPES, INC.

Mandy.Savchenko@MNLcorp.com

Payment services brought by:

Intuit Payments Inc.

[2700 Coast Avenue, Mountain View, CA 94043](#)

Phone number 1-888-536-4801

NMLS #1098819

For more information about Intuit Payments' money transmission licenses, please visit [Payment Licenses page](#).

[Security](#) | [Privacy statement](#) | [Terms of Service](#)

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2800 E. Commerce Center Place, Tucson, AZ 85706

intuit powering
prosperity



Natural Shoe ~~Ad~~ Technologies, Inc.

771077

Prairie Restorations, Inc.

Receipt

31646 128th Street
Princeton MN 55371
United States

#21444
7/16/2022

10:10 am

- ~~1st~~ search ~~by~~ homework

Payment Method

Visa

CUSTOMER'S ORDER NO.	DEPARTMENT	DATE 7/15/22
NAME Gianna Dagian		
ADDRESS Bloomington		
CITY, STATE, ZIP		

Qty	Item	Rate	Amnt
5	LICY 4in-416	\$6.25	\$31.25
3	CSP D43-100/401	\$11.50	\$34.50

SOLD BY Smh	CASH	C.O.D.	CHARGE	ONL ACCT	MDSE RETD	PAID OUT
----------------	------	--------	--------	----------	-----------	----------

Subtotal \$65.75
Tax \$4.85
Shipping \$0.00
Amount Due \$70.60

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1	7 3" pots	2.50	17.50
2	(4 shooting stars		
3			
4			
5		cc.	
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			

Signature



21444

Visit our website at www.prairieresto.com

RECEIVED BY

adams RDC6805

KEEP THIS SLIP FOR REFERENCE

01-11





Order Date: 7/19/2022
Ship Date: 7/21/2022

Order # 7138
Customer # 2625

25132 250th Ave, Glenwood, MN 56334-236
Phone: (320) 634-0136

Bill To:

Gianna DaGiau

, MN
Phone: (952) 888-6186
Cell:
Fax:

Ship To:

Gianna DaGiau
Mississippi Market Parking Lot
1500 W 7th St
St. Paul, MN 55102-4208
P.O. #:
Comments:

Item	Quantity	Price	Item Total
A3-NATIVE WILDFLOWERS - SUNNY (18-Count)			
Aster oblongifolius, Aromatic Aster (18-Count)	2	\$42.50	\$85.00
NATIVE-18 COUNT POT (Pot)			
Anemone Patens woldgangiana, Pasque Flower-pot (1-Count)	6	\$2.40	\$14.40
Lupinus perennis, Wild Lupine-pot (1-Count)	6	\$2.40	\$14.40
DELIVERY CHARGE (Delivery Charge) <i>To St. Paul</i>			
Delivery Charge (0-Count)	1	\$10.00	\$10.00

Please Pay from this Invoice - No Statement Following

Payments Received

Order Subtotal	\$123.80
Early Order Discount	\$0.00
Other Discount	\$0.00
MN Sales Tax	\$8.51
Local Sales Tax	\$1.24
Delivery Charge	\$0.00
Fuel Surcharge	\$0.00
Other Charge	\$0.00
Order Total	\$133.55
Balance Due	\$133.55

MN Dept of Ag Approved Plant Production/Bee and Butterfly Friendly

GLACIAL RIDGE GROWERS
25132 250TH AVE
GLENWOOD, MN 56334
320-634-0136

SALE

MID: 0450 Store: 5440 Term: 2222
REF#: 00000001
Batch #: 522 RRN: 220117000028
07/20/22 12:03:15
CVC: W
Trans ID: 382201613952074
PO#: 7138
APPR CODE: 210230
VISA Manual CNP
*****3038 **/**

AMOUNT \$133.55

APPROVED

CUSTOMER COPY



You paid **\$122.48 USD**

to MycoBloom LLC

[Details ^](#)

1x 20 lb MycoBloom Mycorrhizal Blend: 20 lb	\$122.48 USD
Subtotal	\$122.48 USD
Tax	\$0.00 USD
Shipping	\$0.00 USD
Insurance	\$0.00 USD
Handling	\$0.00 USD
Total	\$122.48 USD

Paid with

Visa-3038 **\$122.48 USD**

This transaction will appear on your statement as PAYPAL *MYCOBLOOM

Shipped to

Ben, Kevin and Gianna Batko
4624 Overlook Drive, Bloomington, MN 55437

Purchase details

PATIO TOWN BURNSVILLE
2801 Highway 13 West
BURNSVILLE, MN 55337
952 894 -4400

PATIO TOWN BURNSVILLE
2801 Highway 13 West
BURNSVILLE, MN 55337
952 894 -4400

Ticket# 5-1074732
Station: 52
7/26/202205:15 PM
User: MICHAEL

Ticket# 5-1074716
Station: 52
7/26/202212:23 PM
User: MICHAEL

Item #	Qty	Price	Total
RK10-0030-00	3.0	7.99	23.97
5 GAL PAIL LARGE TRAP			
Subtotal			23.97
Tax			1.71
Total			25.68
Tende : Visa			25.68
# ****3038			

Item #	Qty	Price	Total
RK10-0030-00	1.0	8.99	8.99
CUBIC FOOT BAG LARGE TRAP			
Subtotal			8.99
Tax			0.65
Total			9.64
Tende : Visa			9.64
# ****3038			

Items purchased: 3.00
9528886186
GIANNA DAGIAU

Items purchased: 1.00
9528886186
GIANNA DAGIAU



PATIO TOWN BURNSVILLE
2801 Highway 13 West
BURNSVILLE, MN 55337
952 894 -4400

Ticket# 5-1075567
Station: 51
8/15/202203:19 PM
User: MARK

Item #	Qty	Price	Total
RK10-0030-00	2.007	7.19	14.38
5 GAL PAIL LARGE TRAP			
*** Compare at \$7.99 Discount 10%			

Subtotal			14.38
Tax			1.03
Total			15.41
Tende : Visa			15.41
# ****3038			

Items purchased: 2.00
9528886186
GIANNA DAGIAU



BROCKWHITE

CONSTRUCTION MATERIALS

CSG A CONSTRUCTION SUPPLY GROUP COMPANY
 Brock White Company, LLC
 2575 KASOTA AVE
 SAINT PAUL, MN 55108-1504

Phone: (651) 647-0950
 Toll Free: (800) 880-3210

PACKING SLIP

TAKEN BY	ORDER #
jlor	15535267-00

ORDER DATE	CUSTOMER PO #	PAGE
07/01/22	straw wattle	1

CUST #: 1001

*** Customer Copy ***

*** WILL CALL ***

BILL TO: CONTRACTOR CASH SALE ST PAUL
 ST PAUL, MN 55108



Order #: 15535267-00

SHIP TO: CONTRACTOR CASH SALE ST PAUL
 ST PAUL, MN 55108



Cust PO #: straw wattle

SHIP POINT		INSTRUCTIONS	
Brock White St. Paul - 180			
SHIP VIA	REQUEST DATE	PICKED	TERMS
WC-STAGING	07/01/22	07/01/22	CASH SALE

20% Restock Fee Applies. ** No Returns After 30 Days **

PRINTED AT: 07/01/22 12:34

LINE NO.	H M	PRODUCT AND DESCRIPTION	BIN LOCATION	QUANTITY ORDERED	QUANTITY B.O	QUANTITY SHIPPED	QTY. U/M	RECEIVED	WEIGHT (NET)	AMOUNT (NET)
----------	-----	-------------------------	--------------	------------------	--------------	------------------	----------	----------	--------------	--------------

*****NO RETURNS WITHOUT ORIGINAL INVOICE*****
 *****NO RETURNS ON ANY MATERIAL AFTER 30 DAYS*****

1		0228479 STRAW WATTLE 9" X 25' 12/PLT SILT SOCK SS-W-9X25		3.00	0.00	3.00	ROLL		105.00	\$78.06
---	--	---	--	------	------	------	------	--	--------	---------



Total	78.06
Taxes	6.15
Downpayment	84.21
INVOICE TOTAL:	0.00

Last Page

1	LINES TOTAL	# OF LINES NOT PRINTED	0	QTY SHIPPED TOTAL	3.00	FILLED BY: _____
	PICKED BY	PACKED BY	CHECKED BY	CUBE	WEIGHT	FREIGHT CHARGES
				31104.00000	105.00000	

For 24 HOUR CHEMICAL EMERGENCY SPILL, LEAK, EXPOSURE, OR ACCIDENT CALL CHEMTREC 1-800-424-9300

CUSTOMER ACKNOWLEDGES RECEIPT OF THE TERMS AND CONDITIONS OF SALES LOCATED AT www.constructionsupplygroup.com AND THAT THESE TERMS FORM PART OF THE AGREEMENT BETWEEN THE CUSTOMER AND CSG RELATING TO THE SALE OF ITEMS LISTED ON THIS PACKING SLIP. THE TERMS AND CONDITIONS OF SALE INCLUDE LIMITATIONS OF LIABILITY, WARRANTY DISCLAIMERS, AND DISPUTE RESOLUTION PROVISIONS, AMONG OTHER IMPORTANT TERMS INCLUDING:
 DELIVERY: FOB CSG, PRE-PAY AND BILL, UNLESS OTHERWISE NOTED.
 RETURNS: 20% RESTOCKING FEE FOR STOCK ITEMS. NON-STOCK/SPECIAL ORDER ITEMS ARE NOT RETURNABLE.
 CUSTOMER ACKNOWLEDGES RECEIPT OF THE ABOVE MERCHANDISE IN GOOD CONDITION AND AVAILABILITY AND RECEIPT OF SAFETY DATA SHEETS(SDS) AT www.constructionsupplygroup.com.

THE ABOVE MERCHANDISE RECEIVED IN GOOD CONDITION WITH SAFETY DATA SHEETS(SDS) WERE APPLICABLE

DATE _____

Use Your 2%
BIG CARD REBATE



MENARDS - ELK RIVER
19521 Evans Street NW
Elk River, MN 55330

KEEP YOUR RECEIPT
RETURN POLICY VARIES BY PRODUCT TYPE

Unless noted below allowable returns for items on this receipt will be in the form of an in store credit voucher if the return is done after 10/01/22

If you have questions regarding the charges on your receipt, please email us at:
ELRVfrontend@menards.com



Sale Transaction

1X2-24" WOOD STAKES	
1023141	14.89
TOTAL	14.89
TAX ELK RIVER-MN 7.875%	1.17
TOTAL SALE	16.06
VISA CREDIT 3038	16.06
Auth Code:513024	
Chip Inserted	
a0000000031010	
TC - bc0019f5a47c4f5a	

TOTAL NUMBER OF ITEMS = 1

THE FOLLOWING REBATE RECEIPTS WERE PRINTED FOR THIS TRANSACTION:
1914

GUEST COPY

The Cardholder acknowledges receipt of goods/services in the total amount shown hereon and agrees to pay the card issuer according to its current terms.

THIS IS YOUR CREDIT CARD SALES SLIP
PLEASE RETAIN FOR YOUR RECORDS.

Sign up for our email program at
Menards.com/Emails to receive our weekly
flyer and exclusive online offers!

THANK YOU, YOUR CASHIER, Jay

The MULCH STORE

Specialized Environmental Technologies, Inc.
Burnsville Location
2013 West 122nd Street
Burnsville, MN 55337
952-890-9375
www.SETMN.com

Bill To: Public

Item Description	Qty	Price
Origin: Sale	25	\$25.00
Destination: Sale		
Compost		
Subtotal:		\$62.50
Burnsville Site Only	7.125 % Tax	+ \$4.45
RECEIPT TOTAL:		\$66.95
Credit Card: \$66.95 XXXX3038		
VISA CREDIT	Expiry Date: XX/XX	
Reference # 1000050221	Auth=319273	
Entry: Chip	Merchant # ***76046	

Signature
I agree to pay above amount according to card issuer agreement (merchant agreement if credit voucher).

AID: A0000000031010

PLEASE RETAIN FOR YOUR RECORDS



The MULCH STORE

Specialized Environmental Technologies, Inc.
Burnsville Location
2013 West 122nd Street
Burnsville, MN 55337
952-890-9375
www.SETMN.com

Bill To: Public

Item Description	Qty	Price
Origin: Sale	3	\$30.00
Destination: Sale		
Hardwood Mulch		
Subtotal:		\$90.00
Burnsville Site Only	7.125 % Tax	+ \$6.41
RECEIPT TOTAL:		\$96.41
Credit Card: \$96.41 XXXX3038		
VISA CREDIT	Expiry Date: XX/XX	
Reference # 1000050303	Auth=410332	
Entry: Chip	Merchant # ***76046	

Signature
I agree to pay above amount according to card issuer agreement (merchant agreement if credit voucher).

AID: A0000000031010

PLEASE RETAIN FOR YOUR RECORDS



The MULCH STORE

Specialized Environmental Technologies, Inc.
Burnsville Location
2013 West 122nd Street
Burnsville, MN 55337
952-890-9375
www.SETMN.com

Bill To: Contractor

Item Description	Qty	Price
Origin: Sale	3	\$25.00
Destination: Sale		
Hardwood Mulch		
Subtotal:		\$75.00
Burnsville Site Only	7.125 % Tax	+ \$5.34
RECEIPT TOTAL:		\$80.34
Credit Card: \$80.34 XXXX3038		
VISA CREDIT	Expiry Date: XX/XX	
Reference # 1000050339	Auth=901045	
Entry: Chip	Merchant # ***76046	

Signature
I agree to pay above amount according to card issuer agreement (merchant agreement if credit voucher).

AID: A0000000031010

PLEASE RETAIN FOR YOUR RECORDS



7/19/2022 10:33 AM Burnsville Site 109
Sales Receipt #101139134
Merchant Copy

The MULCH STORE

Specialized Environmental Technologies, Inc.
Burnsville Location
2013 West 122nd Street
Burnsville, MN 55337
952-890-9375
www.SETMN.com

Bill To: Contractor

Item Description	Qty	Price
Origin: Sale	1	\$25.00
Destination: Sale		
Hardwood Mulch		
Subtotal:		\$25.00
Burnsville Site Only	7.125 % Tax	+ \$1.78
RECEIPT TOTAL:		\$26.78
Credit Card: \$26.78 XXXX3038		
VISA CREDIT	Expiry Date: XX/XX	
Reference # 1000051219	Auth=019133	
Entry: Chip	Merchant # ***76046	

Signature
I agree to pay above amount according to card issuer agreement (merchant agreement if credit voucher).

AID: A0000000031010

PLEASE RETAIN FOR YOUR RECORDS



RICHFIELD MINNOCO
6744 PENN AVE S
RICHFIELD, MN 55423
612-869-1244
651-633-0611

DATE 7/25/22 9:36
TRAN# 9043603
PUMP# 04
SERVICE LEVEL: SELF
PRODUCT: UNLEAD
GALLONS: 8.341
PRICE/G: \$4.799
FUEL SALE \$40.03
CREDIT \$40.03

VISA
*****3038
Entry: Swiped
Auth #: 905243
Resp Code: 000
Stan: 09641522180
Invoice #: 850534
Store # *****

THANK YOU
HAVE A NICE DAY

SPEEDWAY 0004535
Zimmerman MN 55398
TRAN#: 2117879
7/21/2022 6:47 PM

Pump 10
Regular Unleaded
23.142 @ \$4.499/GAL
GAS TOTAL \$104.12
TAX \$0.00
TOTAL \$104.12

Visa
Card Num :
XXXXXXXXXXXX3038
TERM: 0050004535001
TRANS TYPE: CAPTURE
APPR#: 811244
ENTRY METHOD: chip
Card

USDS 104.12

VISA CREDIT
AL 40000000031010

07/21/2022 18:44:21

Cardholder agrees to
pay to issuer total
charges per the
agreement between
cardholder & issuer.
Now Hiring!
Apply at
Speedway.com/careers
or text Speedway
to 25000
www.speedway.com



Final Details for Order #113-2995265-5599450

Print this page for your records.

Order Placed: July 23, 2022

Amazon.com order number: 113-2995265-5599450

Order Total: \$11.82

Shipped on July 23, 2022

Items Ordered

	Price
1 of: <i>TCBWFY Auger Spiral Drill Bit for Planting 3x12inch Upgraded Drill Bit for Fast Digging Garden Auger Drill Bit for Planting Bulbs Flowers Planting Auger for Drill Post Hole Digger for 3/8"Hex Drill</i>	\$10.99

Sold by: TCBWFY ([seller profile](#)) | Product question? [Ask Seller](#)

Condition: New

Shipping Address:

Gianna W DaGiau
4624 Overlook Drive
Bloomington, MN 55437
United States

Shipping Speed:

FREE Prime Delivery

Payment information

Payment Method:

Visa | Last digits: 3038

Item(s) Subtotal: \$10.99

Shipping & Handling: \$0.00

Billing address

Kevin Batko
4624 OVERLOOK DR
BLOOMINGTON, MN 55437-3424
United States

Total before tax: \$10.99

Estimated tax to be collected: \$0.83

Grand Total: \$11.82

Credit Card transactions

Visa ending in 3038: July 23, 2022: \$11.82

To view the status of your order, return to [Order Summary](#).

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Final Details for Order #113-0081265-3171438

[Print this page for your records.](#)

Order Placed: July 24, 2022

Amazon.com order number: 113-0081265-3171438

Order Total: \$0.00

Shipped on July 25, 2022

Items Ordered

1 of: *Radius Garden 15202 DIG Multipurpose Tool, Green*

Sold by: Great States ([seller profile](#))

Condition: New

Price

\$12.99

Shipping Address:

Gianna DaGiau
4624 Overlook Dr
Bloomington, MN 55437
United States

Shipping Speed:

Standard Shipping

Payment information

Payment Method:

Amazon.com Visa Signature | Last digits: 3624
Rewards Points

Item(s) Subtotal: \$12.99
Shipping & Handling: \$0.00
Amazon Discount: -\$0.71

Billing address

Gianna DaGiau
4624 Overlook Dr
Bloomington, MN 55437
United States

Total before tax: \$12.28
Estimated tax to be collected: \$0.98
Rewards Points: -\$13.26

Grand Total: \$0.00

To view the status of your order, return to [Order Summary](#).

Use Your  2%
BIG CARD REBATE

MENARDS®

MENARDS - BURNSVILLE
2700 Hwy 13 West
Burnsville, MN 55337

KEEP YOUR RECEIPT
RETURN POLICY VARIES BY PRODUCT TYPE

Unless noted below allowable returns for items on this receipt will be in the form of an in store credit voucher if the return is done after 10/12/22

If you have questions regarding the charges on your receipt, please email us at:
BURNfrontend@menards.com

MENARDS®

BURNSVILLE
2700 HIGHWAY 13 W
BURNSVILLE, MN 55337



Not valid for rebate submissions

Allowable returns for items on this receipt will be in the form of an in store credit voucher if the return is done after 10/5/2022

1X2-24" WOOD STAKES 24 PC/BUNDLE		
1023141 1@14.89	14.89	←
M&M MINT ICE CREAM SNWCHSINGLE 4OZ		
5746749 1@1.99	1.99	
Subtotal	16.88	
Taxes and Fees	1.06	
Total	17.94	
Payment Method(s) Used:		
Visa - 3038	17.94	

26460 5 7461 07/06/22 07:13 PM 3021



Sale Transaction

SCREW COVER 5/16 GREEN		
2019837 2 @0.64	1.28	
CASTER 4" RUBBER RIGID		
2176071 2 @5.99	11.98	
CLOTHESLIN COTTN 7/32X20		
2351167	9.99	←
TOTAL	23.25	
TAX DAKOTA-MN 7.125%	1.66	
TOTAL SALE	24.91	
VISA CREDIT 3038	24.91	
Auth Code:714111		
Chip Inserted		
a0000000031010		
TC - 3201686049a24c5b		

TOTAL NUMBER OF ITEMS = 5

THE FOLLOWING REBATE RECEIPTS WERE PRINTED FOR THIS TRANSACTION:
1917

GUEST COPY

The Cardholder acknowledges receipt of goods/services in the total amount shown hereon and agrees to pay the card issuer according to its current terms.

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PLEASE RETAIN FOR YOUR RECORDS.

Sign up for our email program at
Menards.com/Emails to receive our weekly
flyer and exclusive online offers!



How doers
get more done.

400 W AMERICAN BLVD
BLOOMINGTON, MN 55420 952-881-7020

2805 00052 69931 07/21/22 06:34 PM
SALE SELF CHECKOUT

651124701092 1 GAL LIQ.FE <A> 26.27
LIQUID FENCE DEER/RBT REPEL 1GAL RTU

SUBTOTAL 26.27
SALES TAX 1.98
TOTAL \$28.25

XXXXXXXXXXXX3038 VISA USD\$ 28.25

AUTH CODE 811243/5522721 TA
Chip Read
AID A0000000031010 VISA CREDIT

2805 07/21/22 06:34 PM



2805 52 69931 07/21/2022 0503

RETURN POLICY DEFINITIONS
POLICY ID DAYS POLICY EXPIRES ON
A 1 90 10/19/2022

DID WE NAIL IT?

Take a short survey for a chance TO WIN
A \$5,000 HOME DEPOT GIFT CARD

Opine en español

www.homedepot.com/survey

User ID: H89 142956 140203
PASSWORD: 22371 140151

Entries must be completed within 14 days
of purchase. Entrants must be 18 or
older to enter. See complete rules on
website. No purchase necessary.

Final Details for Order #111-7514416-6877850

[Print this page for your records.](#)

Order Placed: August 4, 2022

Amazon.com order number: 111-7514416-6877850

Order Total: \$0.00

Shipped on August 5, 2022

Items Ordered

1 of: *Sleep Light Bulb, Candleabra Size E12, 5 Pack, Blue Light Blocking Amber 1600K Warm Color, Emits Only 0.06% Blue Light for Healthy Sleep. for Sleep, Baby Nursery. 3W LED, Equal to 30W Incandescent.*

Sold by: Hooga Health ([seller profile](#)) | Product question? [Ask Seller](#)

Condition: New

Price

\$19.99

Shipping Address:

Gianna DaGiau
4624 Overlook Dr
Bloomington, MN 55437
United States

Shipping Speed:

FREE Prime Delivery

Payment information

Payment Method:

Amazon.com Visa Signature | Last digits: 3624
Rewards Points

Item(s) Subtotal: \$19.99
Shipping & Handling: \$0.00

Billing address

Gianna DaGiau
4624 Overlook Dr
Bloomington, MN 55437
United States

Total before tax: \$19.99
Estimated tax to be collected: \$1.50
Rewards Points: -\$21.49

Grand Total: \$0.00

To view the status of your order, return to [Order Summary](#).



Final Details for Order #111-6378947-1946635

[Print this page for your records.](#)

Order Placed: August 31, 2022

Amazon.com order number: 111-6378947-1946635

Order Total: \$68.76

Shipped on August 31, 2022

Items Ordered

1 of: *Canon PG-275 XL Black (4981C001) and CL-276 XL Color High Capacity Ink Cartridges (4987C001) - Retail Packaging*

Sold by: True Modern Electronics ([seller profile](#))

Condition: New

Price

\$63.95

Shipping Address:

Gianna W DaGiau
4624 Overlook Drive
Bloomington, MN 55437
United States

Shipping Speed:

Rush Shipping

Payment information

Payment Method:

Visa | Last digits: 3038

Item(s) Subtotal: \$63.95

Shipping & Handling: \$2.99

Free Shipping: -\$2.99

Billing address

Kevin Batko
4624 OVERLOOK DR
BLOOMINGTON, MN 55437-3424
United States

Total before tax: \$63.95

Estimated tax to be collected: \$4.81

Grand Total: \$68.76

Credit Card transactions

Visa ending in 3038: August 31, 2022: \$68.76

To view the status of your order, return to [Order Summary](#).

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Final Details for Order #111-8699824-5070646

[Print this page for your records.](#)

Order Placed: August 1, 2022

Amazon.com order number: 111-8699824-5070646

Order Total: \$0.33

Shipped on August 2, 2022

Items Ordered

1 of: *XLUX Long Probe Deep Use Soil Moisture Meter, Water Monitor Indicator Sensor, Hygrometer for Outdoor Indoor Large Pot Plants, Flower, Gardening, Farming* **Price** \$14.99
Sold by: Fangtan ([seller profile](#))

Condition: New

1 of: *Metal Plant Labels Weatherproof 25 Pack, Outdoor Garden Markers Tags Rose Gold for Plants Vegetables Herb Seedlings Flowers with a Pen, Height 10.75 Inch, Label Area 3.74" x 1.39"* \$26.99
Sold by: WideGx ([seller profile](#))

Condition: New

Shipping Address:

Gianna DaGiau
4624 Overlook Dr
Bloomington, MN 55437
United States

Shipping Speed:

FREE Prime Delivery

Payment information

Payment Method:

Amazon.com Visa Signature | Last digits: 3624
Rewards Points

Item(s) Subtotal: \$41.98
Shipping & Handling: \$0.00

Billing address

Gianna DaGiau
4624 Overlook Dr
Bloomington, MN 55437
United States

Total before tax: \$41.98
Estimated tax to be collected: \$3.16
Rewards Points: -\$44.81

Grand Total: \$0.33

Credit Card transactions

Visa ending in 3624: August 2, 2022: \$0.33

To view the status of your order, return to [Order Summary](#).

Michaels will be moving from a 180 day return policy to a 60 day return policy from the date of purchase. Please see a store associate for more information.
8/05/22 18:21

Michaels

Made by you™

MICHAELS STORE #3739 (952)893-0141
4240 W 78TH ST.
BLOOMINGTON, MN 55435

8-9641-4795-5359-9671-1108-5010-1443-6863



94090805	SALE	7455 3739 001	8/05/22	18:23
ASH LANTERN MTL B		191518271713	21.99	
		1 @ 13.19		13.19
21	DISCOUNT	8.80-		
	YOU SAVED \$	8.80		
	SUBTOTAL		13.19	
	Sales Tax 7.525%		.99	
	TOTAL		14.18	

ACCOUNT NUMBER *****3038
21 Visa 14.18
APPROVAL: 815032 CHIP ONLINE
Application Label: VISA CREDIT
AID: A0000000031010
TVR: 8080008000
TSI: 6800

This receipt expires at 60 days on 10/03/22

Click. Buy. Create. Shop michaels.com today!
Get Savings & Inspiration! Text* SIGNUP to 273283
To Sign Up for Email & Text Messages.
*Msg & Data Rates May Apply
You will receive 1 autodialed message
with a link to join Michaels alerts.

Aaron Brothers
Custom Framing
New! Now in Over 1,200 Michaels Stores & Online

Now Hiring! Apply at michaels.com/jobs

THANK YOU FOR SHOPPING AT MICHAELS

Dear Valued Customer:
Michaels return and coupon policies are available
at michaels.com and in store at registers.
*** Please be advised, effective April 15th, 2021
Michaels will be moving from a 180 day return policy



TWIN CITIES

INVOICE

Date: July 25, 2022

#20220015

Attention: Gianna DaGiau

gianna.dagiau@gmail.com

4624 Overlook Dr

Bloomington, MN 55437

Native Plant Sign Order	Quantity	Unit Price	Cost
Native plant signs	15	\$3.00	\$45.00
— see attached species list			
		TOTAL	\$45.00

Thank you for your supporting Wild Ones Twin Cities with your purchase!

Make Check Payable to: Wild Ones Twin Cities *

Questions? Please email wotcsigns@gmail.com

* Wild Ones Twin Cities is a 501(c)3 not for profit organization.

wildonestwincities.org

Completed 8/04/2022

Transaction info

Description	Transaction date	Transaction time	Type
Check #5850	8/04/2022	5:56 p.m.	Check

Merchant Info


Merchant Category

Check 

 <https://www.usbank.com/index.html>

[View back](#)

[Print](#)

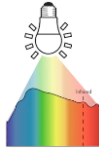
GIANNA W. DAGIAU		17-2/510	5856
KEVIN D. BATKO			
4824 OVERLOOK DR.		date <i>July 26, 2022</i>	
BLOOMINGTON, MN 55437-3424			
<i>Wild Ones Twin Cities</i>			\$ 45.00
pay to the order of			
<i>Forty Five and 00/100</i>			dollars 
usbank. All of us serving you®		<i>Gianna Daghian</i>	

Rain Gardens

On each side of our driveway are rain gardens. They capture rainwater runoff that would otherwise carry fertilizer, grass clippings, leaves, roofing and driveway pollutants and unwanted sediment into Overlook and Coleman Lakes and the Minnesota River.

Minnesota natives in the basins tolerate drought and floods and have deep roots that decompact the soil and allow greater rainwater penetration, cleaning the water as it recharges the ground water supply below.

Artificial Lighting



Monarchs roosting at night near artificial lights such as a porch or streetlight find their molecular processes responsible for the butterfly's navigational ability impeded. The lighting is also more directly contributing to nocturnal pollinators' decline.

Turning off lights at night, motion sensor lights and Amber LED bulbs help. The lower the Color Temperature (measured in Kelvin), the less blue light, the better. Helpful options:

- 25 (our lamp post) or 45 watt incandescent equivalent; Color temp 1600K-1700K: Hooga Blue Blocking light bulbs.
- 100 watt equivalent; Color temp 2000K: Miracle LED Yellow Bug Light MAX
- For more options and brighter lights, see us, or google "Certified Wildlife Lighting".



Special thanks to

All of our neighbors for their support and encouragement!

and to

Pasque Ecological Design and Consulting
Nathalie Shanstrom
Registered Landscape Architect,
certified Naturalist, LEED certified
for the design and consulting.

For more information:

Prairie Nursery Native Plants website
Prairie Moon Nursery website



The info here is largely copied from the National Wildlife Federation, Minnesota DNR, UMN extension, and other university and horticulture society websites, etc.. To see a sentence's source, just google the sentence, or stop by and chat.

- Gianna and Kevin

Minnesota Native Pollinator & Rain Gardens

The Lower Minnesota River Watershed District grant for these gardens requires us to share what we have learned.

Our goal was to reduce our lawn watering bill. We learned we also would be saving in other ways – we had no idea how important Minnesota native plants are!



Dollars

- Maintaining natives is about 5 times cheaper than maintaining conventional lawn
- Native plants cut watering, fertilizing, aerating and mowing costs

Pollinators

- Minnesota native plants better support Minnesota pollinators with nectar and pollen
- Nighttime amber light bulbs or no lighting better supports pollinators
- Pollinators support human's food supply

Clean Water

- Natives help prevent pond algae
- Prevents soil erosion and sediment runoff
- Helps clean up the Minnesota River

Blue Grama native grass mowed to a lawn

The boulevard is planted with short natives to maintain driveway sight lines. The primary native throughout our gardens is Blue Grama. Blue Grama, with its funny golden sails at the tip of its stems (“Eyelash grass”), is a popular short tough perennial native grass.

- Is easily grown from sowing seed.
- Can be mowed to be a manicured lawn. It grows so slowly, it doesn’t need to be mowed often.
- Withstands moderate foot traffic. Its deep roots make it good for erosion control.
- Drought tolerant; needs only 8 inches of rain annually (We receive close to 30 inches annually).
- In extended drought, browns, but greens up quickly soon after. Its grassy leaves are bluish-green and turns “gorgeous shades of gold, brown and orange in the fall.”
- Salt tolerant. U of M recommends Blue Grama for roadsides.
- Loves sandy well-drained soil. No fertilizing, no aerating needed.
- Is a host plant for a 6 butterfly species and supports others with food.



Pollinator Garden: Native plants vs. Nativars/Cultivars

More than 150 food crops in the U.S. depend on pollinators, including almost all fruit and grain crops. Our pollinators are declining, many becoming endangered species.

Minnesota native plants have higher a quality and quantity of pollen and nectar that better support Minnesota’s pollinators. Our area’s pollinators evolved to live off of our area’s native plants. Non-native plants have less food value for pollinators.

Traditional garden centers “natives” may be nativars or cultivars. By definition, a straight native plant occurs naturally in a given region. A nativar is sometimes a natural variant that has been found in the wild and brought into cultivation, but often it has been developed by a plant breeder and would never be found in nature.

The natives in our pollinator garden provide food for Monarchs, the endangered Karner Blue Butterfly, the endangered Rusty Patched Bumblebee (which is our Minnesota state bee), and many other pollinators. Blooms are staggered from early spring to fall.

Our boulevard plants are straight natives and were sourced from Minnesota Native Landscapes; Prairie Restorations; Glacial Ridge Growers; and Natural Shore Technologies. They don’t use neonicotinoids, and just as critically, vouch that their suppliers/seeds do not contain any residuals from neonicotinoids, which are harmful to pollinators . There are many other quality native plant growers in our region as well. The hardwood mulch and compost came from The Mulch Store, whose composting practices help avoid invasive jumping worms.



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, September 21, 2022

Agenda Item

Item 5. A. – Election of officers

Prepared By

Linda Loomis, Administrator

Summary

In accordance with the bylaws for the Lower Minnesota River Watershed District, election of officers is held annually in September.

Currently, Manager Jesse Hartmann is President (since 2018 election), Manager Patricia Mraz is Vice President (since April 2021), Manager Laura Amundson is Treasurer (since 2021) Lauren Salvato is Secretary (since 2020) and Manager David Raby is Assistant Treasurer (since 2021).

Bylaws call for the election of a President, Vice President, Secretary, Treasurer and Assistant Treasurer. The duties for each office are defined in the bylaws.

Attachments

[Bylaws dated 2016](#)

Recommended Action

Hold Elections of officers in accordance with LMRWD bylaws



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, September 21, 2022

Agenda Item

Item 5. B. - Cost Share Application from Sutton Place Two Condo Association

Prepared By

Linda Loomis, Administrator

Summary

The LMRWD received a cost share application from a homeowner's association at Sutton Place Condos in Bloomington. The Sutton Place II Condominium Association (SPCA) was interviewed about its winter landscape maintenance practices as part of the Hennepin County Chloride Initiative. Every winter residents have issues with ice on sidewalk. Garages for the Condos are all detached, so residents must walk from their condo units to garages to access vehicles. They have difficulty keeping sidewalks between the living units and garages ice free and they use a lot of salt. The SPCA engaged Barr Engineering Co to design a plan to landscape the exterior spaces to redirect drainage away from the sidewalks to raingardens and replace impervious surfaces with pervious pavers. They have bid the project and have applied for a grant from the LMRWD. They checked with Hennepin County to see if the project would qualify for a one of the County's grants, but Hennepin County is not awarding any grants in 2022.

The SPCA decided to remove the permeable pavers from the driveway areas from the proposal because of the cost.

The SPCA has plans to do similar projects at other building in the condominium development in the future if this project is successful. Because of the cost of the improvements, they will look for grants for future projects. The SPCA is asking for \$7,500, the maximum grant allowed under the LMRWD Cost Share Program.

On Wednesday, September 7, 2022, I visited the site. I did not take pictures, but it is obvious that the area would be prone to wintertime icing. Because of the alignment and orientation of the building relative to the sun, the low angle of sunshine in the winter months, the slope of lawn toward the sidewalk, and location of rooftop drainage, it is easy to envision what this area looks like in the winter.

Attachments

Sutton Place II Condominium Association 2022 Cost Share Application

[Sutton Place II Drainage Improvements](#)

Invoice from Barr Engineering Company

Bid Form from G Urban Companies, Inc.

Agreement between Sutton Place II Condominium Association and G Urban Companies

Hennepin County location map

Recommended Action

Motion to approve 50% matching funds for Sutton Place II Condominium Association 2022 Cost Share Grant application in an amount not to exceed \$7,500



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Cost Share Grant Application 2022

Application type (check one) Homeowner Non-profit - 501(c)(3) School
 Business or corporation Public agency or local government unit

Project type (check all that apply) Raingarden Vegetated Swale Infiltration Basin
 Wetland restoration Buffer/shoreline restoration Conservation practice Habitat restoration
 Pervious hard surface Other _____
remove

Applicant Information

Name of organization or individual applying for grant (to be named as grantee):
Sutton Place II / c/o Sharper Management

Address (street, city and ZIP code):
10340 Viking Drive, Eden Prairie, MN 55344

Phone: 952-224-4777 Email address: mcushing@sharpermanagement.com

Primary Contact (if different from above)

Name of organization or individual applying for grant (to be named as grantee):
Patricia Larson, Director, Sutton Place II

Address (street, city and ZIP code):
11073 Oregon Circle, Bloomington, MN 55438

Phone: 612-702-8408 Email address: pat.larson@mac.com

Project location

Address (street, city and ZIP code):
11073 Oregon Circle, Bloomington, MN 55438

Property Identification Number (PID)
05-115-21-22-0149

Property owners:
Patricia Larson et al (Building 6 homeowners)

Project Summary

Title Sutton Place II Drainage Improvements (Building 6)

Total project cost \$266,208 Grant amount requested \$7500⁰⁰

Estimated start date 9/30/22 Estimated completion date 11/15/22

Is project tributary to a water body? No, water remains on site Yes, indirectly Yes, directly adjacent
stormwater pond

Is this work required as part of a permit? No Yes

(If yes; describe how the project provides water quality treatment beyond permit requirement on a separate page.)

Project Details

Checklist To be considered complete the following must be included with the application.

- | | |
|--|---|
| <input checked="" type="checkbox"/> location map | <input checked="" type="checkbox"/> project timeline <i>contract w/ Urban Compa</i> |
| <input checked="" type="checkbox"/> site plan & design schematic | <input checked="" type="checkbox"/> proof of property ownership |
| <input checked="" type="checkbox"/> contracted items | <input checked="" type="checkbox"/> plant list & planting plan (if project includes plants) |

Project description Describe the project, current site conditions, as well as site history, and past management. Note any potential impacts to neighboring properties.

Improve drainage/decrease run off of sidewalks,
parking pad areas

Decrease falls due to icy condition

Decrease use of salt on sidewalks,
garage areas

Improve water quality of adjacent pond
and ground water

What are the project objectives and expected outcomes? Give any additional project details.

Remove existing landscaping

Install 5 rain gardens

Reroute downspouts to rain gardens

Add permeable paver sidewalks

Add drainage piping under sidewalks

Less salt usage!

Which cost share goals does the project support? (check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> improve watershed resources | <input checked="" type="checkbox"/> foster water resource stewardship |
| <input type="checkbox"/> increase awareness of the vulnerability of watershed resources | |
| <input checked="" type="checkbox"/> increase familiarity with and acceptance of solutions to improve waters | |

How does the project support the goals you checked?

Protect groundwater/pond from
excessive salt use

Educate home owners regarding current
best practices re: rain gardens and
use of permeable pavers, native plants

Project Details (continued)

Project benefits Estimate the project benefits in terms of restoration and/or annual pollution reduction. If you are working with a designer or contractor, they can provide these numbers. If you need help contact the district administrator. Computations should be attached.

Benefit	Amount
Water captures	gal/year
Water infiltrated	gal/year
Phosphorus removed	lbs/year
Sediment removed	lbs/year
Land restored	sq. ft.

see
attached

How will you share the project results with your community and work to inform others about your projects environmental benefit?

Emails to homeowners updating project
Social media
Annual meeting with homeowners to educate on importance of water conservation and protection.

Please note that by obtaining cost share funding from the Lower Minnesota River Watershed District, your project may be shared with the community through our website, social media, or other media. Your project may also be highlighted on a tour or training event, with prior notice and agreement.

Maintenance Describe the anticipated maintenance and maintenance schedule for your project.

Board will add rain garden maintenance to our current grounds maintenance contract in consultation with our homeowners' gardening committee.

I acknowledge that receipt of a grant is contingent upon agreeing to maintain the project for the number of years outlined in the cost share guidelines. Yes

Authorization

Name of landowner or responsible party

Patricia Larson, Director, Sutton Place II

Signature Patricia A. Larson Date 9/14/22

Type or handwrite your answers on this form. Attached additional pages as needed.

For questions, contact Linda Loomis at NaiadConsulting@gmail.com or call 763-545-4659.

Mail the completed application to

or email to:

Lower Minnesota River Watershed District
c/o Linda Loomis, Administrator
112 E. Fifth St., Suite 102
Chaska, MN 55318

Linda Loomis, Administrator
naiadconsulting@gmail.com

2022 Cost Share Worksheet

Labor Costs (contractors, consultants, in-kind labor)

see attached contract

Service Provider	Task	# Hours	Rate/Hour	Requested Funds from LMRWD	Matching/In-Kind Funds	Total Cost
Total:				\$	\$	\$

Project Materials

Material Description	Unit Cost	Total # of Units	Requested Funds from LMRWD	Matching/In-Kind Funds	Total Cost
Total:			\$	\$	\$

Total Requested Funds from LMRWD*:	\$	(A)
Total Matching/In-Kind Funds:	\$	(B)
Project Total:	\$	(C)

*Please note: total requested funds (A) cannot be more than 50% of the Project Total (C)

Sutton Place II Drainage Improvements - Building 6
 Owner: Sutton Place II Condominium Association
 07/14/2022 05:00 PM CDT (Extended to 08/05/2022 05:00 PM CDT)

Selected Contractor

Item	Description	Unit	Estimated Quantity	Engineer Estimate		Urban Companies - 07/14		Outdoor Images - 08/03		Parkway Building Services - 08/05	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
A	Mobilization/Demobilization	Lump Sum	1	\$ 16,863.75	\$ 16,863.75	\$ 16,607.50	\$ 16,607.50	\$ 5,000.00	\$ 5,000.00	\$ 97,500.00	\$ 97,500.00
B	Demolition	Lump Sum	1	\$ 7,500.00	\$ 7,500.00	\$ 2,500.00	\$ 2,500.00	\$ 12,200.00	\$ 12,200.00	\$ 9,750.00	\$ 9,750.00
C	Erosion Control	Lump Sum	1	\$ 3,000.00	\$ 3,000.00	\$ 5,000.00	\$ 5,000.00	\$ 1,500.00	\$ 1,500.00	\$ 6,300.00	\$ 6,300.00
D	Clearing and Grubbing	Lump Sum	1	\$ 11,000.00	\$ 11,000.00	\$ 3,000.00	\$ 3,000.00	\$ 6,000.00	\$ 6,000.00	\$ 12,450.00	\$ 12,450.00
E	Site Grading and Disposal of Material Off-Site	Lump Sum	1	\$ 12,000.00	\$ 12,000.00	\$ 40,000.00	\$ 40,000.00	\$ 3,000.00	\$ 3,000.00	\$ 38,000.00	\$ 38,000.00
F	Corrugated Polyethylene Pipe (Smooth Interior) and Fittings	Lineal Foot	275	\$ 70.00	\$ 19,250.00	\$ 50.00	\$ 13,750.00	\$ -	\$ -	\$ 123.00	\$ 33,825.00
G	Manhole / Catch Basin with Cover	Each	6	\$ 3,500.00	\$ 21,000.00	\$ 5,000.00	\$ 30,000.00	\$ 1,800.00	\$ 8,880.00	\$ 7,443.83	\$ 44,663.00
H	Riprap Outlet	Lump Sum	1	\$ 5,000.00	\$ 5,000.00	\$ 3,500.00	\$ 3,500.00	\$ 1,800.00	\$ 1,800.00	\$ 3,600.00	\$ 3,600.00
I	Driveway - Permeable Paver	Square Foot	6,350	\$ 25.00	\$ 158,750.00	\$ 20.00	\$ 127,000.00	\$ 27.00	\$ 171,450.00	\$ 40.00	\$ 254,000.00
J	Sidewalk - Permeable Paver	Square Foot	1,950	\$ 23.50	\$ 45,825.00	\$ 20.00	\$ 39,000.00	\$ 27.00	\$ 52,650.00	\$ 66.03	\$ 128,750.00
K	Filtration Soil Mixture	Square Yard	325	\$ 25.00	\$ 8,125.00	\$ 20.00	\$ 6,500.00	\$ 100.00	\$ 3,000.00	\$ 85.00	\$ 27,625.00
L	#1 Container Perennial	Each	1,155	\$ 25.00	\$ 28,875.00	\$ 30.00	\$ 34,650.00	\$ 26.00	\$ 30,030.00	\$ 22.60	\$ 26,103.00
M	Shredded Hardwood Mulch	Square Yard	325	\$ 6.00	\$ 1,950.00	\$ 10.00	\$ 3,250.00	\$ 100.00	\$ 3,000.00	\$ 15.60	\$ 5,070.00
N	Landscape Edging	Lineal Foot	250	\$ 12.00	\$ 3,000.00	\$ 14.00	\$ 3,500.00	\$ 25.00	\$ 6,250.00	\$ 17.00	\$ 4,250.00
O	Maintenance Strip	Lump Sum	1	\$ 5,000.00	\$ 5,000.00	\$ 3,000.00	\$ 3,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,725.00	\$ 2,725.00
P	Topsoil and Sod	Lump Sum	1	\$ 6,000.00	\$ 6,000.00	\$ 17,500.00	\$ 17,500.00	\$ 1,200.00	\$ 1,200.00	\$ 14,175.00	\$ 14,175.00
Q	Miscellaneous Improvements	Lump Sum	1	\$ 1,000.00	\$ 1,000.00	\$ 1.00	\$ 1.00	\$ -	\$ -	\$ 35,000.00	\$ 35,000.00
Total Base Bid:					\$ 354,138.75		\$ 348,758.50		Did Not Submit Base Bid		\$ 743,786.00
Z-1	Outdoor Images - 12" PVC Piping	Lineal Foot	300	\$ -	\$ -	\$ -	\$ -	\$ 150.00	\$ 45,000.00	\$ -	\$ -
Z-2	Outdoor Images - 8" PVC Piping	Lineal Foot	200	\$ -	\$ -	\$ -	\$ -	\$ 110.00	\$ 22,000.00	\$ -	\$ -
Z-3	Outdoor Images - 4" PVC Piping - Optional	Lineal Foot	300	\$ -	\$ -	\$ -	\$ -	\$ 70.00	\$ 21,000.00	\$ -	\$ -
Z-4	Outdoor Images - Gutters	Each	6	\$ -	\$ -	\$ -	\$ -	\$ 500.00	\$ 3,000.00	\$ -	\$ -
Z-5	Outdoor Images - Irrigation Repairs (Labor)	Hours + Parts	30	\$ -	\$ -	\$ -	\$ -	\$ 105.00	\$ 3,150.00	\$ -	\$ -
Total Bid with Contractor Alterations:					\$ 354,138.75		\$ 348,758.50		\$ 402,110.00		\$ 743,786.00
Alt-A	Driveway - Bituminous Pavement	Square Foot	6350	\$ 8.00	\$ 50,800.00	\$ 7.00	\$ 44,450.00	\$ 6.50	\$ 41,275.00	\$ 7.96	\$ 50,572.61
Alt-B	Sidewalk - Concrete Pavement	Square Foot	1950	\$ 15.00	\$ 29,250.00	\$ 17.50	\$ 34,125.00	\$ 14.00	\$ 27,300.00	\$ 33.91	\$ 66,116.97

- Outdoor Images Notes:**
- 1.) Did not bid base bid - Proposes Alternate piping
 - 2.) Bid Estimated Quantity/Unit Price/Extension for Line Items K and M do not match bid form (needs clarification if apparent preferred bidder)
 - 3.) Line Z-3 (4" PVC Piping) is optional
 - 4.) Bid does not include irrigation parts (just labor)
 - 5.) Sales Tax not included

\$ 348,758 total
 - 127,000 - driveway pavers

 44,450 + bituminous driveway
 \$ 266,208 revised total



INVOICE

Barr Engineering Co.
 4300 MarketPointe Drive, Suite 200
 Minneapolis, MN 55435
 Phone: 952-832-2600; Fax: 952-832-2601
 FEIN #: 41-0905995 Inc: 1966

Remittance address:
 Lockbox 446104
 PO Box 64825
 St Paul, MN 55164-0825

Melissa Cushing
 Sharper Management
 Suite 105
 10340 Viking Drive
 Eden Prairie, MN 55344

August 17, 2022
 Invoice No: 23271815.01 - 1

Total this Invoice	\$27,600.00
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Regarding: Sutton Place II Homeowner's Association's Drainage Improvement - Phase 1 - Building 6

This invoice is for professional services, which include the following:

- Site Kickoff Meeting, Project Management and Preliminary Tasks including site survey
- Engineering, Design, Plans, Specifications and Construction Documents
- Engineer's opinion of construction cost
- Coordination and meetings with Sharper Management and Homeowners Association

Task	Budget	Current Invoice	Previously Invoiced	Total Billed	Remaining Budget
Tasks A-C (Lump Sum)	\$37,600.00	\$37,600.00	\$0.00	\$37,600.00	\$0.00
Task D-F (Time and Materials)	\$20,000.00	\$0.00	\$0.00	\$0.00	\$20,000.00
Total	\$57,600.00	\$37,600.00	\$0.00	\$37,600.00	\$20,000.00

Professional Services for Period Ending August 05, 2022

Job:	001	Project Kickoff and Project Management		
Fee				16,000.00
			Job Subtotal	\$16,000.00
Job:	002	Engineering and Design		
Fee				19,600.00
			Job Subtotal	\$19,600.00
Job:	003	Opinion of Cost		
Fee				2,000.00
			Job Subtotal	\$2,000.00
			Project Total	\$37,600.00
			Retainer	(\$10,000.00)
			Total this Invoice	\$27,600.00

Invoiced to Date	Current	Prior	Total	Received	A/R Balance
	27,600.00	0.00	27,600.00	10,000.00	27,600.00

Thank you in advance for the prompt processing of this invoice. If you have any questions, please contact Bryan Pitterle, your Barr project manager, at 952.842.3645 or email at BPitterle@barr.com.

Terms: Due upon receipt. 1 1/2% per month after 30 days. Please refer to the contract if other terms apply.

BID FORM

ARTICLE 1 – BID RECIPIENT

- 1.01 This Bid is submitted to:
- Sutton Place II Condominium Association
C/O Melissa Cushing
Community Manager
Sharper Management, LLC
10340 Viking Drive
Eden Prairie, Minnesota 55344
- 1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER’S ACKNOWLEDGEMENTS

- 2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 60 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER’S REPRESENTATIONS

- 3.01 In submitting this Bid, Bidder represents that:
- A. Bidder has examined and carefully studied the Bidding Documents, and any data and reference items identified in the Bidding Documents, and hereby acknowledges receipt of the following Addenda:

<u>Addendum No.</u>	<u>Addendum, Date</u>

- B. Bidder has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and satisfied itself as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and has satisfied itself as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site (except Underground Facilities) that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions,

if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.

- E. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and any Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, including applying the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents; and (3) Bidder's safety precautions and programs.
- F. Bidder agrees, based on the information and observations referred to in the preceding paragraph, that no further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and confirms that the written resolution thereof by Engineer is acceptable to Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance and furnishing of the Work.
- J. The submission of this Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article, and that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.

ARTICLE 4 – BIDDER'S CERTIFICATION

4.01 Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:
 - 1. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process;
 - 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at

artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;

3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ARTICLE 5 – BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

Base Bid

Item	Description	Unit	Estimated Quantity	Unit Price	Extension
A	Mobilization/Demobilization	Lump Sum	1	16,607.50	\$ 16,607.50
B	Demolition	Lump Sum	1	2500	\$ 2,500.00
C	Erosion Control	Lump Sum	1	5000	\$ 5,000.00
D	Clearing and Grubbing	Lump Sum	1	3000	\$ 3,000.00
E	Site Grading and Disposal of Material Off-Site	Lump Sum	1	40000	\$ 40,000.00
F	Corrugated Polyethylene Pipe (Smooth Interior) and Fittings	Lineal Foot	275	50	\$ 13,750.00
G	Manhole / Catch Basin with Cover	Each	6	5000	\$ 30,000.00
H	Riprap Outlet	Lump Sum	1	3500	\$ 3,500.00
I	Driveway – Permeable Paver	Square Foot	6,350	20	\$ 127,000.00
J	Sidewalk – Permeable Paver	Square Foot	1,950	20	\$ 39,000.00
K	Filtration Soil Mixture	Square Yard	325	20	\$ 6,500.00
L	#1 Container Perennial	Each	1,155	30	\$ 34,650.00
M	Shredded Hardwood Mulch	Square Yard	325	10	\$ 3,250.00
N	Landscape Edging	Lineal Foot	250	14	\$ 3,500.00
O	Maintenance Strip	Lump Sum	1	3000	\$ 3,000.00
P	Topsoil and Sod	Lump Sum	1	17500	\$ 17,500.00
Q	Miscellaneous Improvements	Lump Sum	1	1	\$ 1.00
Base Bid (Sum of Items A – Q)					\$ 348,758.50

Alternate Bid

Item	Description	Unit	Estimated Quantity	Unit Price	Extension
Alt-A	Driveway – Bituminous Pavement	Square Foot	6,350	7	\$ 44,450.00
Alt-B	Sidewalk – Concrete Pavement	Square Foot	1,950		\$ 34,125.00

ARTICLE 6 – TIME OF COMPLETION

- 6.01 Bidder agrees that the Work will be substantially complete and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.
- 6.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 7 – ATTACHMENTS TO THIS BID

- 7.01 The following documents are submitted with and made a condition of this Bid:
 - A. List of Subcontractors as described in the Instructions to Bidders.

ARTICLE 8 – DEFINED TERMS

- 8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 9 – BID SUBMITTAL

BIDDER: *[Indicate correct name of bidding entity]*

G Urban Companies Inc.

By: *Greg Urban*
[Signature]

Greg Urban
[Printed name]

(If Bidder is a corporation, a limited liability company, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest: *Greg Urban*
[Signature]

Greg Urban
[Printed name]

Title: Owner

Submittal Date: 7-14-22

Address for giving notices:

3781 LaWare Rd St. Paul MN 55110

Telephone Number:

651-248-9830

Fax Number:

Contact Name and e-mail address:

Greg Urban GUrban@UrbanCompaniesUSA.com

Bidder's License No.:

1R703393

(where applicable)

FORM OF AGREEMENT

THIS AGREEMENT is by and between Sutton Place II Condominium Association ("Owner") and G Urban Companies, Inc. ("Contractor").

Owner and Contractor hereby agree as follows:

ARTICLE 1 – WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described in Division 01 of the Technical Specifications.

ARTICLE 2 – THE PROJECT

2.01 The Project, of which the Work under the Contract Documents may be the whole or only a part, is generally described in Specification Section 01 11 00, Part 1.04.

ARTICLE 3 – ENGINEER

- 3.01 The Project has been designed by Barr Engineering Co.
- 3.02 Owner has retained Barr Engineering Co. ("Engineer") to act as Owner's representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents. The duties and responsibilities and rights and authority of Engineer cannot be extended without written consent of Owner and Engineer.

ARTICLE 4 – CONTRACT TIMES

- 4.01 *Time of the Essence*
 - A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.
- 4.02 *Contract Times: Dates*
 - A. The Work will be substantially completed on or before October 31, 2022, and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before November 18, 2022.

ARTICLE 5 – CONTRACT PRICE

- 5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents the amounts that follow, subject to adjustment under the Contract:
 - A. Contract Price: \$266,208.50.

All specific cash allowances are included in the above price in accordance with Paragraph 13.02 of the General Conditions.

- B. The Bid prices for Unit Price Work set forth as of the Effective Date of the Contract are based on estimated quantities. As provided in Paragraph 13.03 of the General Conditions,

estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by Engineer as provided in Paragraph 10.06 of the General Conditions.

ARTICLE 6 – PAYMENT PROCEDURES

6.01 *Submittal and Processing of Payments*

- A. Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions, as may be modified by the Supplemental Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 *Progress Payments; Retainage*

- A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the End of each month during performance of the Work as provided in Paragraph 6.02.A.1 below, provided that such Applications for Payment meet the requirements of the Contract. All such payments will be measured by the Schedule of Values established as provided in the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no Schedule of Values, as provided elsewhere in the Contract.
 - 1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Engineer may determine or Owner may withhold, including but not limited to liquidated damages, in accordance with the Contract
 - a. 95 percent of Work completed (with the balance being retainage). If the Work has been 50 percent completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to Owner and Engineer, then as long as the character and progress of the Work remain satisfactory to Owner and Engineer, there will be no additional retainage; and
 - b. 95 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).
- B. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 100 percent of the Work completed, less such amounts as Engineer shall determine in accordance with Paragraph 15.01.E of the General Conditions, and less 200 percent of Engineer's estimate of the value of Work to be completed or corrected as shown on the tentative list of items to be completed or corrected attached to the certificate of Substantial Completion.

6.03 *Final Payment*

- A. Upon final completion and acceptance of the Work in accordance with Paragraph 15.06 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 15.06.

ARTICLE 7 – INTEREST

- 7.01 All amounts not paid when due as provided in Article 13 of the General Conditions shall bear interest at the rate of 2 percent per annum.

ARTICLE 8 – CONTRACTOR’S REPRESENTATIONS

8.01 In order to induce Owner to enter into this Contract, Contractor makes the following representations:

- A. Contractor has examined and carefully studied the Contract Documents and the other related data and reference items identified in the Bidding Documents.
- B. Contractor has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Contractor is familiar with and is satisfied as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site (except Underground Facilities), if any, that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.
- E. Contractor has considered the information known to Contractor itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Site-related reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor; and (3) Contractor’s safety precautions and programs.
- F. Based on the information and observations referred to in the preceding paragraph, Contractor agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.
- G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
- I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.
- J. Contractor’s entry into this Contract constitutes an incontrovertible representation by Contractor that without exception all prices in the Agreement are premised upon performing and furnishing the Work required by the Contract Documents.

ARTICLE 9 – CONTRACT DOCUMENTS

9.01 *Contents*

- A. The Contract Documents consist of the following:
 - 1. This executed Agreement.
 - 2. Performance bond (if used)
 - 3. Payment bond (if used).
 - 4. General Conditions.
 - 5. Supplementary Conditions.
 - 6. Specifications.
 - 7. Drawings consisting of the sheets listed on the index on Drawing G-01, with each sheet prepared by Engineer or Landscape Architect.
 - 8. Exhibits to this Agreement (enumerated as follows):
 - a. Contractor's Bid (pages 1 to 6, inclusive).
 - 9. The following which may be delivered or issued on or after the Effective Date of the Contract and are not attached hereto:
 - a. Notice to Proceed.
 - b. Work Change Directives.
 - c. Change Orders.
 - d. Field Orders.
- B. The documents listed in Paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in the General Conditions.

ARTICLE 10 – MISCELLANEOUS

10.01 *Terms*

- A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

10.02 *Assignment of Contract*

- A. Unless expressly agreed to elsewhere in the Contract, no assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, money that may become due and money that is due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no

assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 *Successors and Assigns*

- A. Owner and Contractor each binds itself, its successors, assigns, and legal representatives to the other party hereto, its successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 *Severability*

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

10.05 *Contractor's Certifications*

- A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 10.05:
1. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process or in the Contract execution;
 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and
 4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

10.06 *Other Provisions*

- A. Owner stipulates that if the General Conditions that are made a part of this Contract are based on EJCDC® C-700, Standard General Conditions for the Construction Contract, published by the Engineers Joint Contract Documents Committee®, and if Owner is the party that has furnished said General Conditions, then Owner has plainly shown all modifications to the standard wording of such published document to the Contractor, through a process such as highlighting or "track changes" (redline/strikeout), or in the Supplementary Conditions.
- ~~B. This Agreement shall be governed by the laws of the State of Minnesota.~~
- C. There are no other provisions.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement.

This Agreement will be effective on _____ (which is the Effective Date of the Contract).

OWNER:

CONTRACTOR:

Sutton Place II Condominium Association

G Urban Companies, Inc.

By: Margaret Brown

By: [Signature]

Title: Board President

Title: Owner

(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest: Patricia A Larson

Attest: [Signature]

Title: Director

Title: Office Manager

Address for giving notices:

Address for giving notices:

7029 W. 110th St. Circle
Bloomington, MN 55438

3781 LeBore rd
St Paul MN 55116

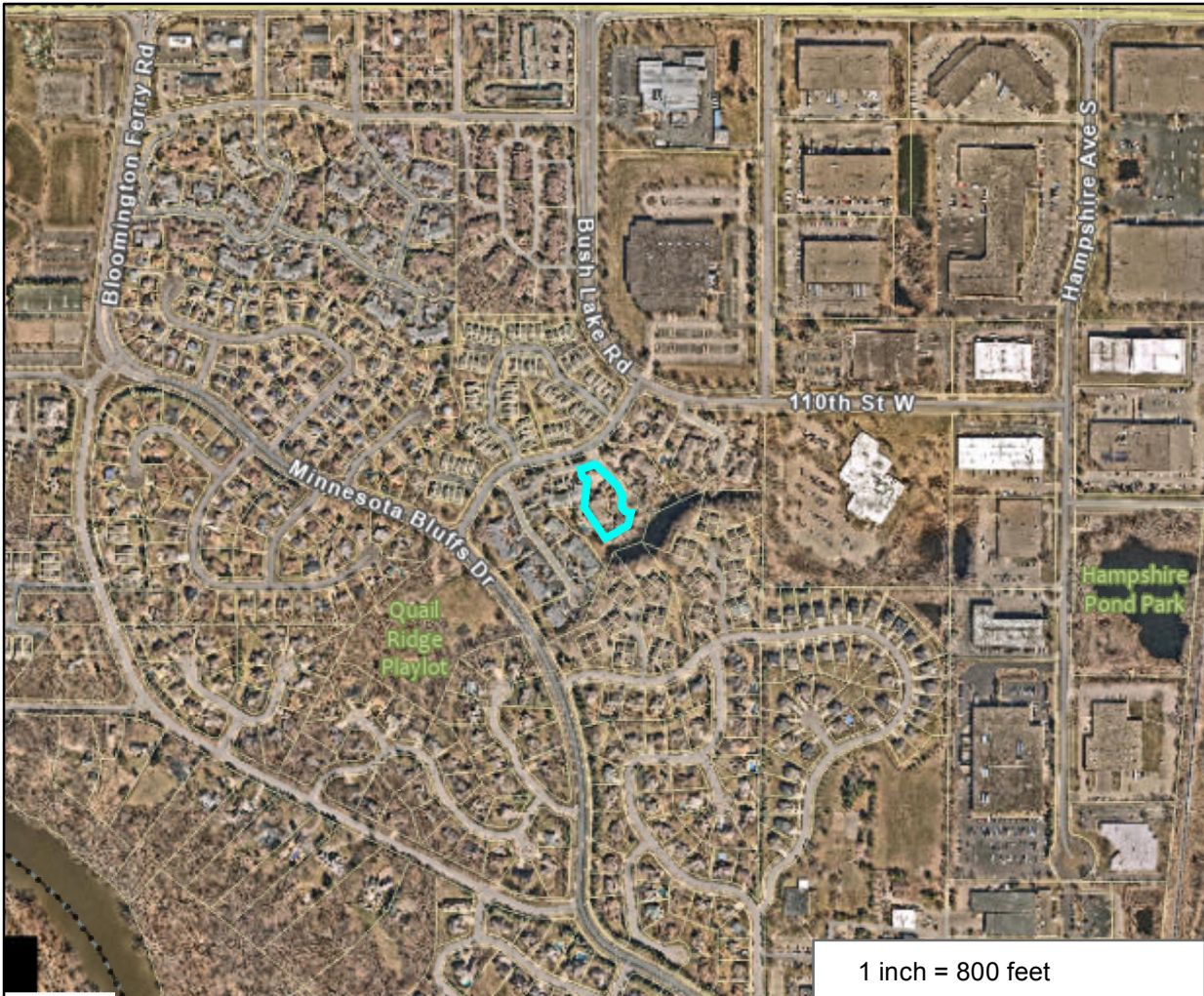
License No.: _____
(where applicable)

(If Owner is a corporation, attach evidence of authority to sign. If Owner is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of this Agreement.)



Hennepin County Property Map

Date: 9/15/2022



PARCEL ID: 0511521220149

OWNER NAME: Patricia A Larson

PARCEL ADDRESS: 11073 Oregon Cir,
Bloomington MN 55438 Unit: 69

PARCEL AREA: 0.89 acres, 38,559 sq ft

A-T-B: Torrens

SALE PRICE: \$156,000

SALE DATE: 10/2021

SALE CODE: Warranty Deed

ASSESSED 2021, PAYABLE 2022
PROPERTY TYPE: Condominium
HOMESTEAD: Homestead
MARKET VALUE: \$126,600
TAX TOTAL: \$1,335.48

ASSESSED 2022, PAYABLE 2023
PROPERTY TYPE: Condominium
HOMESTEAD: Homestead
MARKET VALUE: \$134,500

Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, September 21, 2022

Agenda Item

Item 6. A. – LMRWD Bylaws

Prepared By

Linda Loomis, Administrator

Summary

At the August 21, 2022, meeting of the LMRWD Board of Managers, attorney John Kolb was asked to review the LMRWD bylaws and suggest updates. Attorney Kolb has reviewed the bylaws and has some suggested edits. He also posed some questions that the Board should consider and provide direction to staff.

A redlined version of the bylaws is attached.

Attachments

Redlined bylaws dated 9-15-2022

Recommended Action

Provide direction to staff and give notice of intent to amend bylaws

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

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

ARTICLE I.

NAME

Section 1. NAME: Lower Minnesota River Watershed District.

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

ARTICLE II.

PURPOSE

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

1. Protect, preserve, and use natural surface and groundwater storage and retention systems.
2. Minimize public capital expenditures needed to correct flooding and water quality problems.
3. Identify and plan for means to effectively protect and improve surface and groundwater quality.
4. Establish more uniform local policies and official controls for surface and groundwater management.
- 4.5. Establish, adopt and enforce standards to promote responsible and sustainable land use and development.
- ~~5-6.~~ Prevent erosion of soil into surface water systems.
- ~~6-7.~~ Promote groundwater recharge.
- ~~7-8.~~ Protect and enhance fish and wildlife habitat and water recreational facilities.
- ~~8-9.~~ Secure the other benefits associated with the proper management of surface and groundwater.
- ~~9-10.~~ Cooperate with, aid and assist the state and/or federal government to provide for commercial river transportation.

ARTICLE III

LMRWD OFFICE and WATERSHED DISTRICT'S BOUNDARIES

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

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

ARTICLE IV

BOARD OF MANAGERS

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

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

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

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

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

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

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

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

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

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

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

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

Commented [JK1]: Should the Board consider a statement regarding the submission of claims after the close of the fiscal year? The statement could read as follows: “Claims for reimbursement of expenses of for per diem payment must be made prior to the close of the fiscal year in which the claim accrues.”

ARTICLE V OFFICERS

Section 1. ELECTION OF OFFICERS: The following officers shall be elected each calendar year on or before the first regularly scheduled meeting in September: President, Vice-President, Secretary and Treasurer and Assistant Treasurer. Terms are for one-year unless re-elected.

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

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

Section 4. DUTIES OF OFFICERS:

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

Commented [JK2]: Should the Board consider a provision of concurrent office appointments. This was necessary in the past when the composition of the Board was less than 4 managers.

other person or persons may be specifically authorized by the Board to do so, the Treasurer shall make, execute, and endorse all checks and other commercial paper on behalf of the LMRWD when requested by the Board and shall perform such other duties as may be prescribed by the Board.

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

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

Commented [JK3]: We need the detail of the new accounting and payment processing format. I understand we no longer affiliate with Carver County as our fiscal agent.

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

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

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

ARTICLE VI. MEETINGS OF LMRWD BOARD OF MANAGERS

Section 1. MEETINGS OPEN TO THE PUBLIC: All meetings of the District, whether regular, special or emergency, shall be noticed and held in accordance with the State's Open Meeting Law, Statutes Chapter 13D.

Section 2. REGULAR SET-MEETINGS: The Managers shall hold regular meetings at least once a month according to a schedule adopted by the Board and filed with the District. The regular meeting schedule shall be made available to the public by posting on the District's websit. The Managers shall have regular meetings to conduct the business of the LMRWD on the third Wednesday of each month and if such day shall fall on a holiday, an alternative date shall

Commented [JK4]: Do the managers wish to revisit this as part of the bylaws. The open meeting law requirement for regular meetings is as follows: A schedule of the regular meetings of a public body shall be kept on file at its primary offices. If a public body decides to hold a regular meeting at a time or place different from the time or place stated in its schedule of regular meetings, it shall give the same notice of the meeting that is provided in this section for a special meeting.

be set and noticed. The meetings may be cancelled and rescheduled at any time that the Managers deem necessary.

Section 23. SPECIAL MEETINGS: Special meetings to conduct the business of the LMRWD may be called by the President independently or upon the request of a member of the Board. Special meetings shall be noticed as required by the Open Meeting Law. ~~held and shall be legally noticed at any other time that the Managers may deem necessary.~~

Section 34. PUBLIC HEARINGS: Public hearings shall be conducted as required by law or, in addition, as directed by the Board of Managers.

Section 45. MEETING CALLED BY MANAGER: Minn. Stat. § 103D.315 Subd. 10, states: *“A meeting may be called at any time at the request of any manger. When a manager requests a meeting, the secretary of the watershed district must mail a notice of the meeting to each member at least eight (8) days before the meeting.”* The District’s office administrator shall notify the Managers as soon as possible of the time and place of the pending meeting and shall provide other notice as required by law. Statutory notice may be waived with the consent of all Managers.

Section 56. QUORUM and ADJOURNED MEETING: At all meetings of the Managers, a majority of the appointed Managers ~~appointed~~ shall constitute a quorum to do business but a smaller number may adjourn from time to time. Unless otherwise required by law, all decisions must be approved by the affirmative vote of a majority of the Managers present at a meeting where there is a quorum.

Section 67. CHAIR of MEETINGS: The President shall preside as chairperson at all meetings of the Managers. In the absence of the President, the Vice-President shall preside. In the absence of both, the Secretary shall serve as temporary President. The President and temporary President shall have the same privileges.

Section 8. MEETINGS HELD BY REMOTE MEANS: When necessary, the Board may allow remote participation in meetings by interactive video teleconference or comparable technology. When any member of the Board is participating in a meeting by remote means, the requirements of Statutes Section 13D.02 must be met.

Section 79. MEETING FORMAT:

- (a) At the hour appointed for a meeting of the Board of Managers of the LMRWD, upon reaching a quorum, the Managers shall be called to order by the President or in his/her absence, by the acting President. The Managers shall proceed to do business following a set agenda.
- (b) The President shall preserve order. The President may make motions, second motions or speak on any question, provided, however, that in order to do any of these things, upon demand of any Manager, the President shall vacate the chair

and designate a temporary President. The President, or acting President, shall be entitled to vote like other Managers.

- (c) Every Manager, prior to his/her speaking, shall address the President and shall not proceed until he/she has been recognized by the ~~Chair~~President.
- (d) If a Manager has a personal interest in a matter that comes before the LMRWD Board of Managers, to the extent that it creates a conflict of interest as a matter of law, the Manager shall not vote on said issue.
- (e) No person other than a Manager shall address the Board except with the consent of the President or by a vote of the majority of the Managers present.
- (f) The President has the authority to set a time limit that a Manager or a person addressing the Board may speak, except upon vote of the majority of the Board of Managers present.
- (g) All committees shall be appointed by the President unless expressly ordered by the Board. It shall be the duty of committees to act promptly and faithfully in all matters referred to them, to comply with the Open Meeting Law, if applicable, and to make reports at a future set time/date established by the Board.
- (h) Minutes of all meetings of the LMRWD Board of Managers shall be recorded, reviewed by the Board, adopted and kept at the District's office. They shall be signed by the Secretary and shall constitute an official record of the procedure.
- (i) Any Manager may request that the yeas and nays be recorded on any motion voted on by the Board and such request will be granted by the President.

Section 810. CONFLICTS OF INTEREST: LMRWD seeks to assure public confidence in the integrity of its proceedings by holding itself to high ethical standards. Ensuring that conflicts of interest do not affect the efforts of LMRWD is an essential element of maintaining high ethical standards. If a Manager has a conflict of interest in a matter, he or she shall state that such an interest exists, which will be noted in the minutes. The Manager must abstain from participating in any discussion, offering any motion, or voting on any matter in which the conflict of interest exists. "Conflict of interest" means a material financial interest of the Board Manager, a family member or a close associate; a relationship that limits the Manager's ability to be objective; or that creates the appearance of impropriety. At the request of the President or by any Board Manager, in a matter in which a Manager has a conflict of interest a roll call vote shall be taken and recorded in the minutes, as well as the abstention of the Manager with the conflict of interest.

Section 911. APPEAL OF A CHAIR RULING: A Board Manager may appeal to the Board from a ruling of the President. If the appeal is seconded, the Board Manager may speak once solely on the question involved and the President may explain his or her ruling, but no other Board Manager will participate in the discussion. The appeal will be sustained if it is approved by a majority of the Board Managers present exclusive of the President.

**ARTICLE VII.
PARLIMENTARY AUTHORITY**

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

Section 2. SUSPENSION: Robert’s Rules of Order may be temporally suspended by consent of the majority of the Board Managers present. [Proceeding in a manner contrary to Robert’s Rules of Order without objection shall be deemed suspension by consent of the Managers.](#)

**ARTICLE VIII.
ANNUAL REPORT**

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

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

**ARTICLE IX.
ANNUAL AUDIT**

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

**ARTICLE X.
WATERSHED MANAGEMENT PLAN**

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

- (a) “*The managers must adopt a watershed management plan for any and all of the purposes for which a watershed district may be established. The watershed management plan must give a narrative description of existing water and water-related problems within the watershed district, possible solutions to the problems, and the general objectives of the watershed district. The watershed management plan must also conform closely with watershed management plan guidelines as adopted and amended from time to time by the Board of Water and Soil Resources.*”

- (b) *“The watershed management plan may include a separate section on proposed projects. If the watershed district is within the metropolitan area, the separate section of proposed projects or petitions for projects to be undertaken according to the watershed management plan is a comprehensive plan of the watershed district for purposes of review by the Metropolitan Council under section 473.165.”*

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

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

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

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

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

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

Duly adopted on the ____ day of _____, ~~2015-2022~~ by the Lower Minnesota River Watershed District Board of Managers and signed by the President and Secretary of the organization.

By: ~~Jesse Hartmann~~ ~~Yvonne Shirk~~

Date

President

By: ~~Lauren Salvato~~ ~~Len Kramer~~

Date

Secretary



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, September 21, 2022

Agenda Item

Item 6. B. – Audit and Financial Accounting Services

Prepared By

Linda Loomis, Administrator

Summary

I was able to reach the LMRWD auditor. He has not completed the 2021. One of the requirements for governmental units financial audits is to compare the 2021 financial position with the previous year's financial position. He has been able to complete that part of the audit because he has questions about how the 2020 financial position was presented. Mr. Avemo has asked to set up a meeting with Carver County, however, a meeting with Redpath and Company may be the appropriate party. I am working to determine who Mr. Avemo needs to meet with and then set up a meeting.

Attachments

No attachments

Recommended Action

No action recommended



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, September 21, 2022

Agenda Item

Item 6. E. – Dredge Management

Prepared By

Linda Loomis, Administrator

Summary

At the August 17, 2022, Board of Managers meeting, the Board authorized return of unused 2020 grant funds to the State of Minnesota. Young Environmental Consulting Group has evaluated the LMRWD dredge management operations and has provided a summary of its findings with a list of next steps.

The US Army Corps of Engineers (USACOE) has issued a [notice of Minnesota River Dredging](#) at Peterson's Bar. At the September 2022 Upper Mississippi River Waterway Association, the USACOE stated that Minnesota River dredging has begun and they expect to continue for two weeks.

Attachments

Young Environmental Consulting Group Technical Memorandum dated September 14, 2022: Lower Minnesota River Watershed District Dredge Site Visit Summary

Recommended Action

Motion to direct staff to proceed with next steps identified in the Technical Memorandum

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

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

Date: September 14, 2022

Re: Lower Minnesota River Watershed District Dredge Site Visit Summary

As outlined in the Lower Minnesota River Watershed District's (LMRWD's) workplan to the Board of Water and Soil Resources, the LMRWD will implement capital improvement projects and continue the operation and management (O&M) of the Cargill East River (MN – 14.2 RMP) Dredge Material Site (Site) located on the Minnesota River in Savage, Minnesota (Figure 1). O&M activities include maintenance of Vernon Avenue and regular culvert cleaning. On August 22, 2022, Young Environmental staff visited the dredge site and documented the current site conditions in preparation for completing the specified O&M activities (Figure 2). The following documents the site conditions at the time and as provides an abbreviated background on the dredge site history.

Background

The U.S. Army Corps of Engineers (USACE) is required to maintain a nine-foot deep by 100-foot wide channel within the Minnesota River for barge navigation from its confluence with the Mississippi River to 14.7 miles upstream. While the USACE provides the needed channel dredging for navigation, the LMRWD serves as the local sponsor and is responsible for providing placement sites and the disposal of the dredged material. In 2007, the LMRWD acquired the land from Cargill, and in 2014 entered into an agreement with LS Marine, who also provides dredging services for the private slips at the nearby Ports of Savage, to operate the Site and find end users for the USACE dredged material on the LMRWD's behalf.

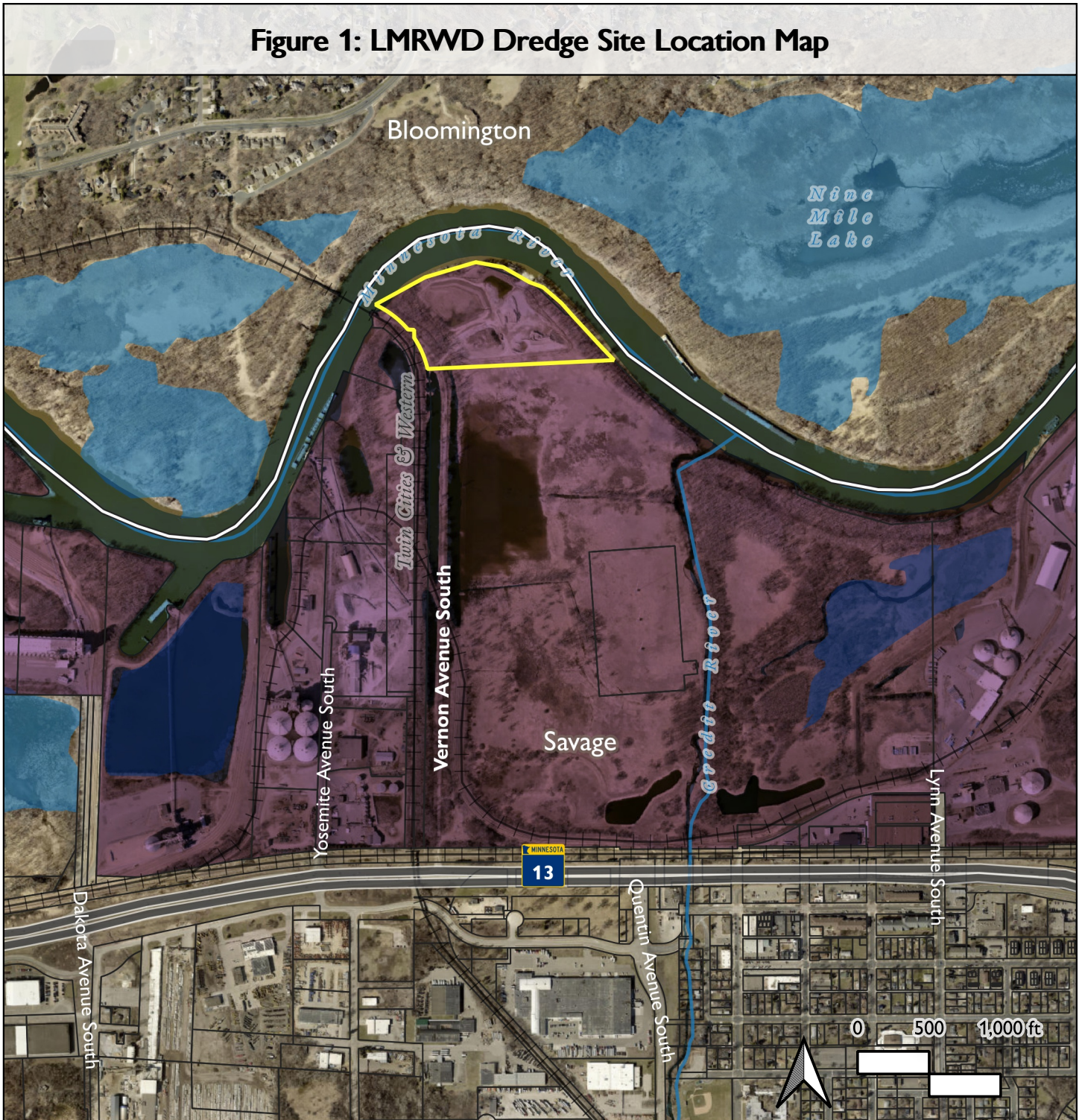
The LMRWD administrator provided the 2010 construction bid package for the Site access road developed by Bonestroo as well as a 2015 pavement evaluation report for Vernon Avenue completed by American Engineering Testing (AET). The Site access road was constructed over an existing drainage way to the Minnesota River and included a 48-inch reinforced concrete pipe culvert under the new roadway. The information provided does not show the pipe inverts; however, it appears that the pipe was placed on the existing grade and is flat, making it susceptible to sediment buildup at the entrance.

AET completed a pavement condition analysis of Vernon Avenue in June 2015 to determine if the roadway was adequate for haul trucks to remove the existing USACE dredged material stockpile on the Site. Four soil borings were collected along Vernon Avenue between Trunk Highway 13 and the Twin Cities & Western Railroad (TCWR). These borings established the roadway surface ranged from zero to 2.5 inches of deteriorated bituminous asphalt pavement. AET concluded the roadway was “in very poor condition,” the road was approaching its end of service life, and the pavement strength was not adequate for heavy truck loading (Figure 3).










As part of the planning and design efforts for the 2020 Site improvements, in 2017 Burns & McDonnell developed an Estimate of Probable Cost that estimated the cost to reconstruct Vernon Avenue to current design and strength standards was approximately \$125,000. The Estimate of Probable Cost, in addition to upgrading Vernon Avenue, recommended that the 48-inch access road culvert be cleaned out and be maintained on an annual basis, likely due to its flat slope. It was further recommended that the access road culvert be removed and replaced by 2026, with an estimated cost of \$103,000. It should be noted that Estimate of Probable Cost values are based on 2016 US dollars and an assumed 2.5 percent inflation rate. The estimates should be updated to reflect current construction costs if these capital improvements are pursued.

In 2020, the Site was improved to reconfigure the containment berms to segregate the sandy USACE dredged material and the more fine-grained and clayey private dredged material, which requires longer drying times. Since construction was completed, LS Marine has coordinated the placement and removal of approximately 24,000 cubic yards (CY) of USACE dredged material and 93,000 CY of private dredged materials.

Figure 1: LMRWD Dredge Site Location Map



LEGEND

- | | |
|--|---|
|  LMRWD Dredge Site |  Railroads |
|  LMRWD Boundary |  Scott Co. Parcels |
|  Public Waterbodies |  Ports of Savage Industrial District |
|  Public Waterways |  County Boundaries |
|  Major Highways | |

LMRWD Location

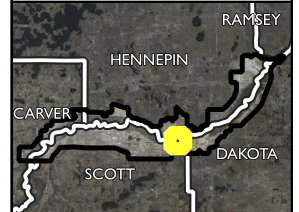
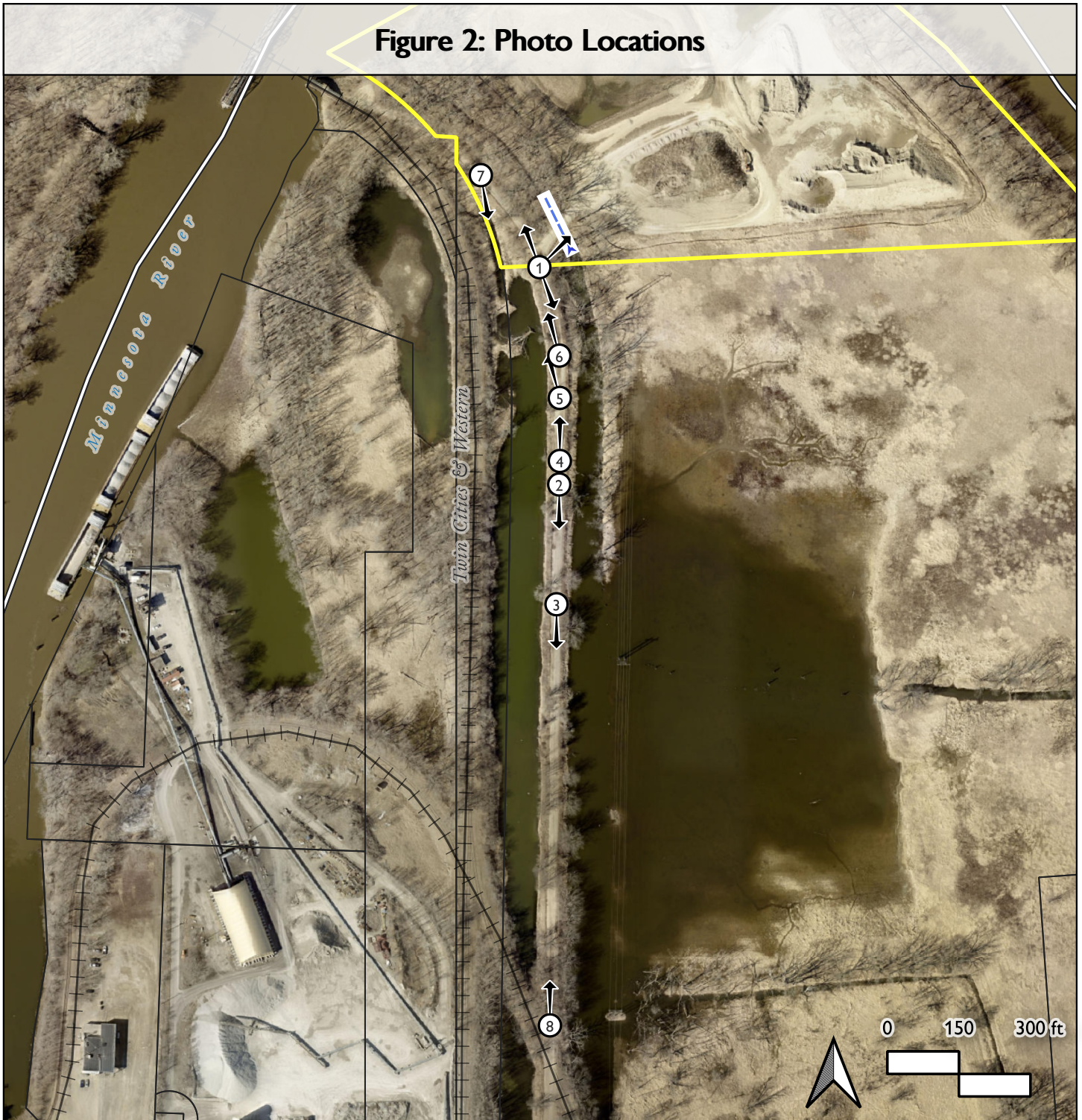











Figure 2: Photo Locations



LEGEND

-  August 2022 Site Visit Photo Locations (arrow indicates view direction)
-  Access Road Culvert
-  LMRWD Dredge Site
-  LMRWD Boundary
-  Public Waterbodies
-  Major Highways
-  Railroads
-  Scott Co. Parcels
-  County Boundaries

LMRWD Location

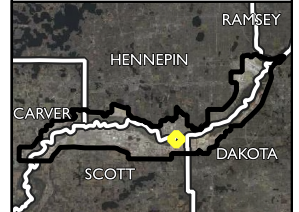




Figure 3. 2015 Vernon Avenue pavement condition (AET, 2015)

August 22, 2022, Field Visit

On August 22, 2022, staff from Young Environmental visited the LMRWD Site and reviewed the current conditions (Attachment 1). Unfortunately, heavy vegetation entirely obscured the access road culvert and most of the roadway embankment along Vernon Avenue (Photo 1A, Attachment 1).

Consistent with the background information reviewed, Vernon Avenue was in poor condition, with many deep ruts and a deteriorating road surface (Photo 4A, Attachment 1). Much of the roadway appeared to be sandy material overlaying a decomposed bituminous pavement (Photos 1B, 2B, 3B, and 4B, Attachment 1), but large sections of the roadway appeared to be entirely sand (Photo 3, Attachment 1). Due to the road's location within the Minnesota River floodplain, it is possible that the sandy material observed is may also be sediment deposition from past flood events, which may need further soil borings or review to confirm. When compared to Figure 3 and the 2015 AET report, the 2022 field conditions appear to indicate that Vernon Avenue has continued to deterioration.

Also consistent with LS Marine's maintenance concerns, there was evidence of road widening due to displaced aggregate (Photos 1C, 2A, 4A, and 5, Attachment 1). The road widening may be intentional turnouts from the 2015–2016 stockpile removal, which would have allowed the trucks hauling sediment offsite to bypass each other on the narrow road. It is also possible that because the road surface is in such poor condition, the aggregate placed by LS Marine is not properly secured in place and gets displaced from heavy truck traffic and rainfall. If this is the case, continuing to place aggregate to fill the ruts and depressions in the roadway does not appear to be a sustainable solution and could adversely affect the neighboring wetlands over time. LS Marine should be consulted to determine if the road widening was intentional or the result of further roadway degradation.

Next Steps

Following the review of the materials provided by the LMRWD administrator and completion of the site visit, we plan to move forward as follows:

- Conduct a follow-up site visit in mid to late October 2022 when vegetation has died back to properly assess the condition of the access road culvert and its maintenance needs.
- Following the October 2022 site visit, coordinate with LS Marine and City of Savage to discuss upgrades to Vernon Avenue and gauge interest in upgrading the road as recommended by AET in 2015.
- Use the LMRWD engineering pool to update the construction cost estimates and develop a pavement design to upgrade Vernon Avenue and the access road to current design standards, which will help prevent the amount of sediment and aggregate from entering the neighboring wetlands and the access road culvert.
- Work with the selected pool engineer to collect any needed field data (e.g., soil borings) in November and December 2022.
- Develop construction bid package over the winter–spring 2023 with possible construction summer 2023.

Finally, the Minnesota Pollution Control Agency recently provided the LMRWD with an updated assessment of sediment chemical concentrations for dredged material. The updated soil reference values were provided on August 25, 2022, and will be reviewed for potential impacts to the LMRWD's dredge operations. Results of the review will be shared at the next board meeting.

Attachments

Attachment 1—August 22, 2022, Field Visit Photographs

Attachment 1: Vernon Avenue Field Visit Photos

August 22, 2022

Photo 1A. LMRWD Dredge Site access road culvert (upstream, not visible due to dense vegetation)



LMRWD Dredge Site

LMRWD Access Road

Approx. location of 48-inch culvert

Photo 1B. Vernon Avenue looking north, from LMRWD Dredge Site access road. This portion of Vernon Avenue provides access to the Twin Cities and Western Railroad bridge and did not appear to be heavily trafficked. In 2015, the AET soil boring B-4 indicated the bituminous pavement was 1.5-inches thick but deteriorated.

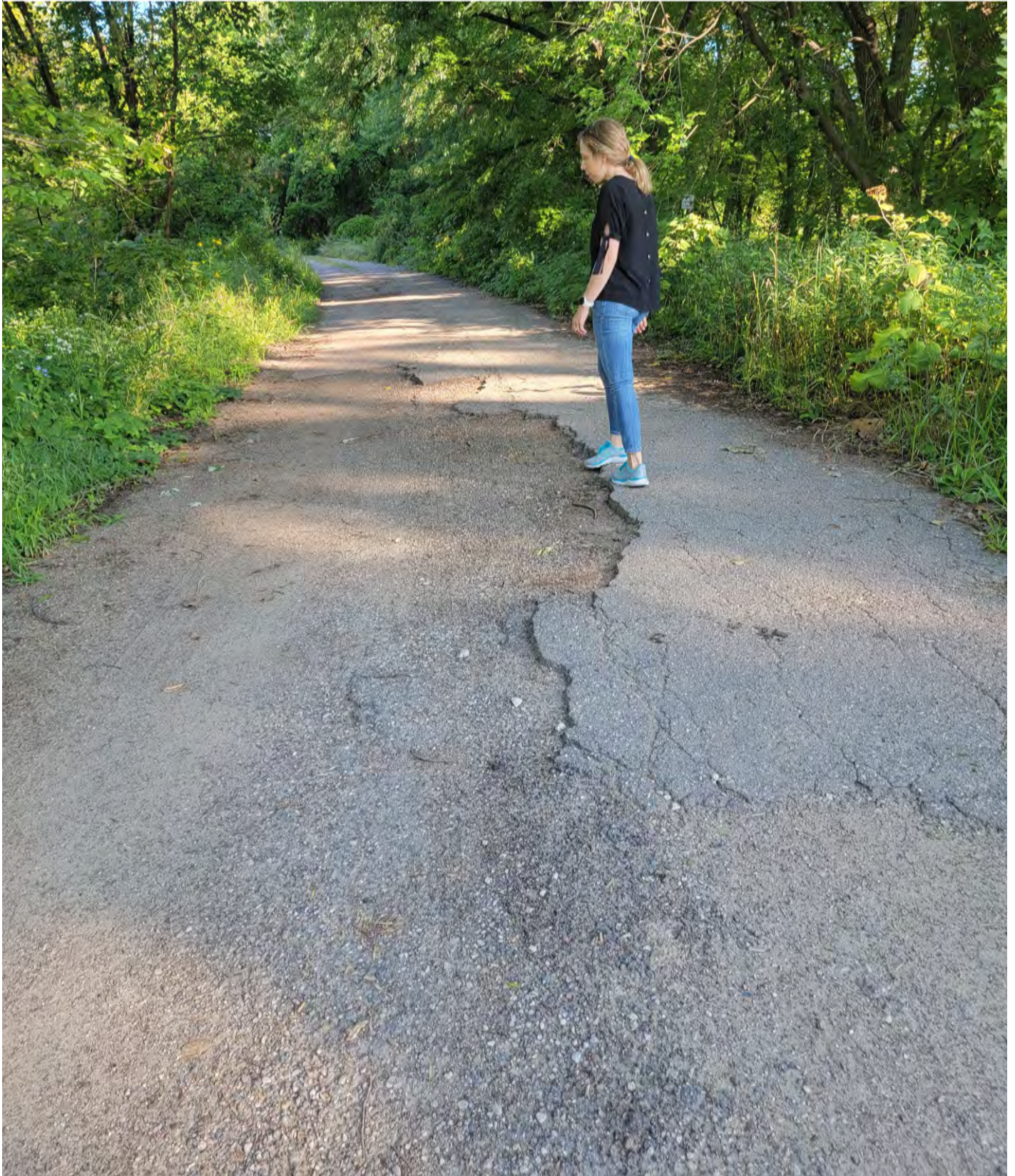


Photo 1C. Vernon Avenue looking south from dredge site access road



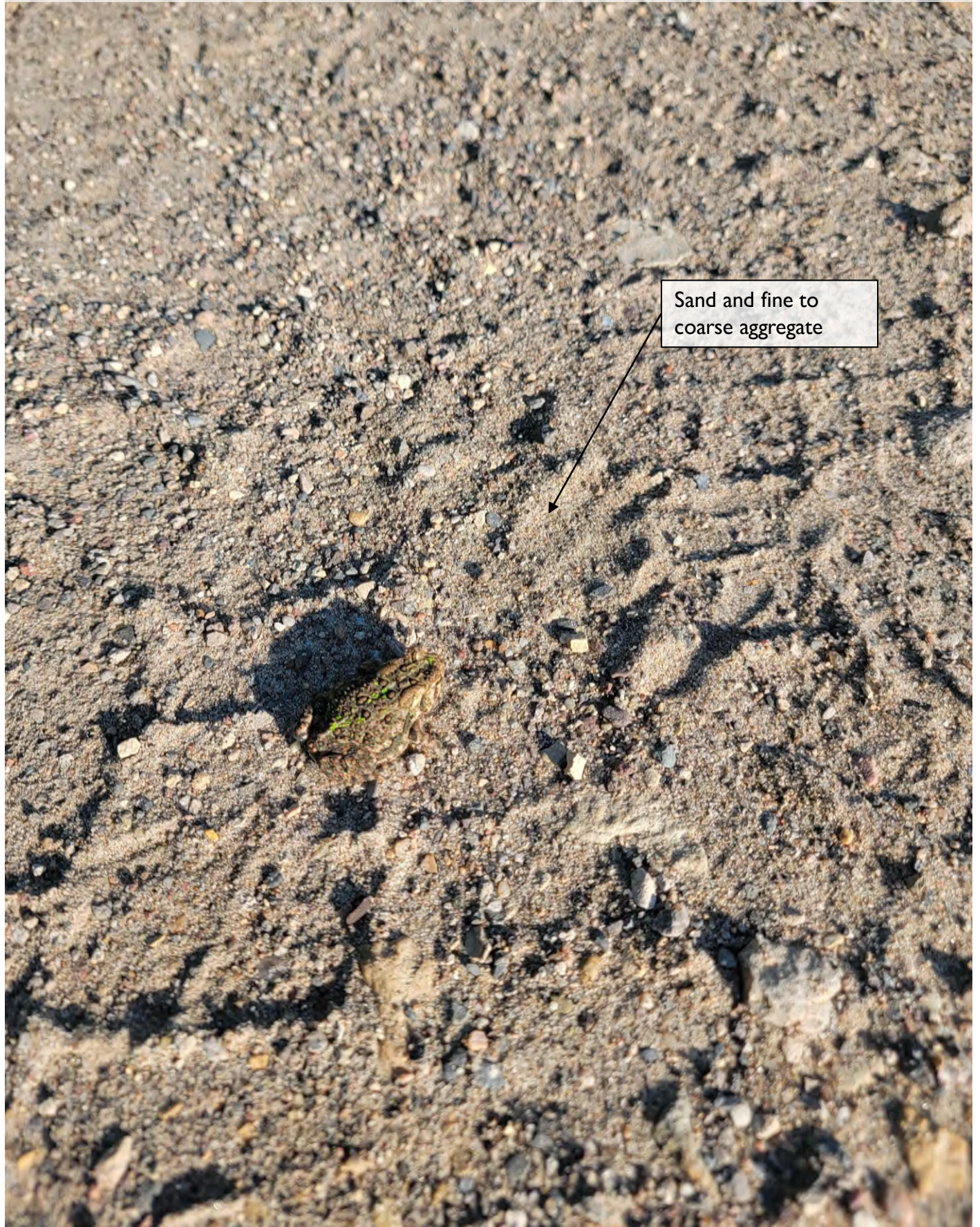
Photo 2A. Vernon Avenue looking south



Significant road settlement

Road widening likely due to displaced aggregate

Photo 2B. Frog and typical Vernon Avenue road surface near Photo 2 location

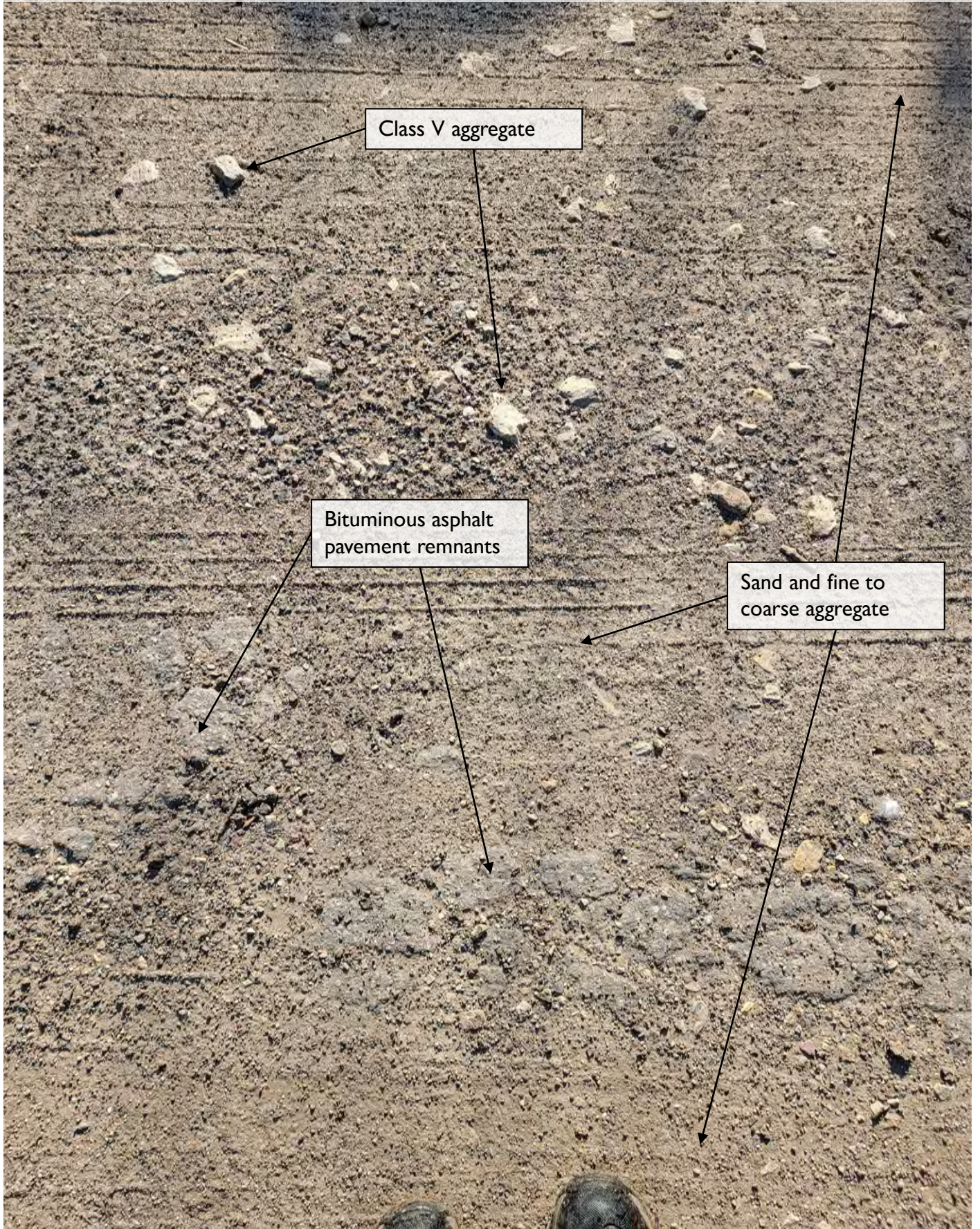


Sand and fine to coarse aggregate

Photo 3A. Vernon Avenue looking south. In 2015, the AET soil boring B-3 indicated the roadway was reduced to 0.25-inch chip seal layer atop 11.5-inches of sandy fill.



Photo 3B. Typical Vernon Avenue road surface near Photo 3 location



Class V aggregate

Bituminous asphalt pavement remnants

Sand and fine to coarse aggregate

Photo 4A. Vernon Avenue settlement and rutting, looking north



Significant road settlement

Road widening and displaced aggregate

Photo 4B. Close up of rutting and pavement condition, looking north



Photo 5. Vernon Avenue road widening and settlement, looking north



Significant road settlement

Road widening and displaced aggregate

Photo 6. Vernon Avenue widening and settlement, looking north



Photo 7. Vernon Avenue looking south at west wetland and heavy vegetation

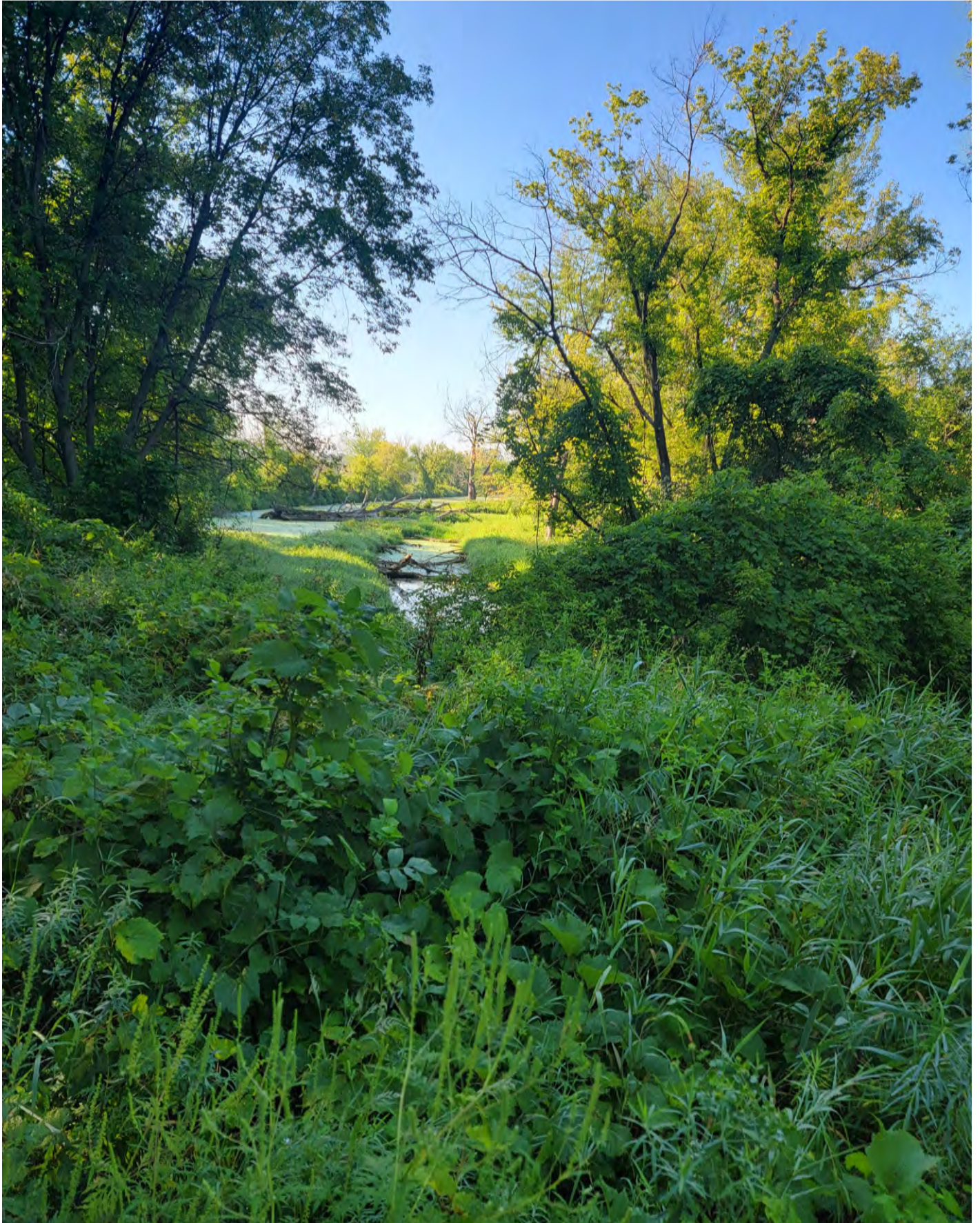


Photo 8. Vernon Avenue looking north from railroad crossing. In 2015, AET soil boring B-2 indicated the roadway had a 2.5-inch deteriorated bituminous pavement surface.





LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, September 21, 2022

Agenda Item

Item 6. F. – Watershed Management Plan

Prepared By

Linda Loomis, Administrator

Summary

The LMRWD has engaged in a process to update its Rules adopted in 2020. Notice of the Rules revision was sent in accordance with MN Statutes, August 11, 2022. The deadline to receive comments on the LMRWD rules revisions is September 26, 2022. The City of Burnsville notified the LMRWD that they take issue with the LMRWD Rule C: Floodplain and Drainage Alterations. They believe that the LMRWD should not go beyond the requirements of the MN Department of Natural Resources or the Federal Emergency Management Agency in regulating floodplains within the boundaries of the LMRWD. This will be addressed further on the September agenda under the Burnsville Municipal Permit.

In addition, the LMRWD wishes to update its Comprehensive Watershed Management Plan's Implementation Program, which is contained in Section 4 of the Plan. Notice of the LMRWD Minor Plan Amendment was sent in accordance with MN Statutes, September 9, 2022. The deadline for comments for the Plan Amendment is October 10, 2022.

The Board should call for public hearings for both the revised rules adoption and the Minor Plan Amendment.

Attachments

[LMRWD Sect 4 DraftImplementation Program 2022 Redlined](#)

[LMRWD Rule Revisions Revised 20220715](#)

Recommended Action

Motion to call public hearing for October 19, 2022, to allow public comment on revised Rules and Implementation Program Section of the LMRWD Watershed Management before adoption



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, September 21, 2022

Agenda Item

Item 6. G. – 2023 Legislative Action

Prepared By

Linda Loomis, Administrator

Summary

Frenette Legislative Advisors is preparing for the next legislative session. Two issues have been identified for the LMRWD to push for; 1) funding for Area #3 stabilization and 2) allowing State funds received for dredge management to be used for gully and ravine stabilization projects.

The LMRWD has not received word from the Board of Water and Soil Resources as to whether using funds for sediment reduction is allowed. Steve Christopher, BWSR Board Conservationist for the LMRWD, said BWSR is waiting until a new Assistant Director of Field Operations (replacing Kevin Bigalke) was in place. Justin Hanson, from Mower County SWCD, was recently appointed to fill the position. Lisa Frenette and I have a meeting scheduled October 4th, to discuss drafting legislation.

Attachments

No attachments

Recommended Action

No action recommended



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, September 21, 2022

Agenda Item

Item 6. H. – Education & Outreach

Prepared By

Linda Loomis, Administrator

Summary

LMRWD staff has developed a mini-grant program for educators. Jen Dullum, the LMRWD director of Education & Outreach, said educators expressed a desire for a funding program that would provide money to assist with natural resources education.

A mini-grant program has been developed, that if approved by the LMRWD Board of Managers, will provide that funding.

Attachments

Proposed LMRWD Educator Mini-Grant Program

Recommended Action

Motion to approve Educator Mini-Grant Program and authorize distribution to schools serving the LMRWD

Technical Memorandum

To: Linda Loomis, administrator
Lower Minnesota River Watershed District

From: Jen Dullum, education and outreach coordinator
Della Schall Young, PMP, CPESC

Date: September 9, 2022

Re: Establishment of the LMRWD Educator Mini-Grant Program

As part of the Lower Minnesota River Watershed District (LMRWD) 2022 Public Education and Outreach Plan, Young Environmental Consulting Group (Young Environmental) continues outreach to local schools and nonprofit organizations investigating opportunities for collaboration and outreach programming opportunities. In response to the feedback received from the schools and nonprofits listed below and subsequent discussions with you, Young Environmental has developed a mini-grant program for individuals and groups providing educational services for consideration. A full list of contacted schools is attached for your reference (see Attachment 1). Schools with existing educational programming offered by other entities were not contacted.

- Northview Elementary School, Eagan
- Pilot Knob STEM Elementary School, Eagan
- Thomas Lake Elementary School, Eagan
- Black Hawk Middle School, Eagan
- Thomas Jefferson High School, Bloomington
- Two Rivers High School, Mendota Heights
- Dodge Nature Center, West St. Paul
- Izaak Walton League, Minnesota Valley Chapter
- Minnesota Dragonfly Society, regional
- Minnesota Valley National Wildlife Refuge and Wetland Management Area, Bloomington
- Nature Enthusiations, Bloomington

The LMRWD Educator Mini-Grant Program (Program) is designed to assist local educators and to further the LMRWD's mission and goals of water quality restoration,

groundwater conservation, and wildlife connectivity while increasing public awareness of the Minnesota River and its unique natural resources. The Program is designed to streamline outreach to, and evaluation of, funding requests from schools and nonprofits. The program directly aligns with LMRWD watershed management plan Goal 9, Policy 9.1, Strategy 9.1.2, which specify the development of an educational outreach program to familiarize the public with LMRWD activities. The Program supports this goal by providing schools, nonprofits, educators, and students with funding opportunities for equipment, supplies, teacher training, field trip transportation, and more. The Program materials consist of an informational handout, the application, evaluation materials, and the back-end reimbursement and reporting request form.

Informational Handout: The informational handout (Attachment 2) introduces the program, which provides 10 grants annually, each up to \$500, to offset the cost of materials and programming that focus on water resources. Eligibility to receive funding will be determined by the following:

- The projects, programming, or activities must take place within the watershed district or at a location within the boundaries of a member city.
- The projects, programming, or activities must have a water resources or wildlife habitat component.
- Recipients are eligible for only one grant per academic year.

Application: The application (Attachment 3) will be reviewed twice a year and will be awarded on a competitive basis while funds last.

Evaluation Materials: Attachment 4 is the material LMRWD would use to objectively evaluate funding applications. Grants will be awarded in the form of a refund for eligible purchases which may include, but are not limited to, equipment, supplies and in-class materials, field trips and transportation, guest speakers, teacher training, and program sponsorship funding. Examples of activities not eligible for funding include marketing materials for self-promotion, staff payroll, and funding for unspecified future activities or projects.

Reimbursement and Reporting Request Form: Recipients must complete the reimbursement and reporting request form (Attachment 5) to receive payment.

Summary Request

Young Environmental respectfully asks you to review the information provided for consideration. If approved by the managers, Young Environmental will address

comments, if any, and release the application to commence on or before September 30, 2022, with evaluation and award recommendations provided to the managers at the November board meeting.

Attachments:

1. Schools contacted
2. Informational handout
3. Application
4. Evaluation materials
5. Reimbursement and reporting request form

<u>Schools Contacted</u>	
Bloomington	Mendota Heights
Indian Mounds Elementary	Friendly Hills Middle School
Kennedy High School	Mendota Elementary School
Oak Grove Elementary	Somerset Elementary School
Oak Grove Middle School	Two Rivers High School
Olson Elementary	
Olson Middle School	Shakopee
Thomas Jefferson High School	Eagle Creek Elementary
Westwood Elementary	East Middle School
	Red Oak Elementary
Burnsville	Shakopee High School
Burnsville High School	Sweeney Elementary
	Tokata Learning Center
Carver	West Middle School
Carver Elementary	
Chaska	
St. John's Lutheran	
Eagan	
Black Hawk Middle School	
Dakota Hills Middle School	
Deerwood Elementary School	
Eagan High School	
Glacier Hills Elementary School	
Northview Elementary School	
Oak Ridge Elementary School	
Pilot Knob STEM Magnet	
Pinewood Elementary School	
Rahn Elementary School	
Red Pine Elementary School	
Thomas Lake Elementary School	
Woodland Elementary School	



Lower Minnesota River Watershed District Educator Mini-Grant Program

As part of the Lower Minnesota River Watershed District's (LMRWD) 2022 Public Education and Outreach Plan, this Educator Mini-Grant Program (the "Program") is designed to assist local educators and further the LMRWD's mission and goals of water quality restoration, groundwater conservation, and wildlife connectivity, while increasing public awareness of the Minnesota River and its unique natural resources. The Program, as designed, streamlines outreach and evaluation of funding requests from schools and nonprofits. The Program directly aligns with LMRWD watershed management plan Goal 9, Policy 9.1, Strategy 9.1.2, which specifies the development of an educational outreach program to familiarize the public with LMRWD activities.

The Program provides grants annually up to \$500 to help offset the cost of materials and programming that focuses on water resource themes. Grants are awarded as a refund for purchases made. Receipts and a project report must be provided for refund. Eligibility to receive funding will be based on the following:

- The applicant must be located within the LMRWD or a member city
- Activities and projects must have a water resources or wildlife habitat component
- Recipients are eligible for only one grant per academic year
- Receipts and a project report must be provided for refund

Grant examples include, but are not limited to, equipment, supplies and in-class materials, field trips and transportation, guest speakers, teacher training, and program sponsorship funding. Examples of activities **not** eligible for funding include marketing materials for self-promotion, staff payroll, and funding for future undetermined activities and projects.

Deadlines to Apply for a Grant

Grant funds are available for the 2022–2023 academic year. The application will be released twice during the academic year with deadlines on October 21, 2022, and February 3, 2023, by 4 p.m. Applications are awarded on a competitive basis while funds last.

How it works

1. Develop your activity or project idea, complete the Program application, and submit it to the LMRWD per the instructions on or before the specified deadlines.
2. The application materials will be reviewed and evaluated. Applicants will be called or emailed with questions. A timely response to inquiries is required for consideration.
3. Applicants will be contacted via email; preliminary board recommendations will be shared with them, and they will be extended an invitation to attend the board meeting where their application will be considered by the LMRWD board.

4. Following consideration by the LMRWD board, the applicant will be emailed the decision of the LMRWD board.
5. If successful, complete the proposed activity or project, remembering to take lots of photos and save receipts.
6. Complete and submit the reimbursement and reporting request form.
7. Following a review of the project report and reimbursement request material, the applicant will be contacted if information is missing. Once all requirements are satisfied, payment will be transmitted.

For questions or more information, contact info@lowermnrivewd.org.



Educator Mini-Grant Program Application

Name of School/Organization:

First Name:

Last Name:

Email:

Phone:

Describe your current role?

If you are a student, please provide the name and email of your supervising educator.

Address of School/Organization

Street Address:

Address line 2:

City:

State:

Zip Code:

Name and Address Where Activity Will Take Place (if Different from Above)

Street Address:

Address line 2:

City:

State:

Zip Code:

What age(s) are the participants?

K–5th grade

6–12th grade

18+ years

Senior

Estimated number of participants:

Describe your proposed activity or project and how it relates to water resources and wildlife habitat education. Include project goals and learning objectives for participants.

When is this activity/project scheduled to take place?

Total requested amount (maximum \$500):

\$

Specify how funds will be allocated (e.g. supplies, materials, and transportation):

I understand that if my funding request is approved, I must complete and submit the Program Project Reporting and Reimbursement form to receive payment. Any photos submitted may be used by the LMRWD in future communications.

Signature:

Date:



Educator Mini-Grant Program Application Evaluation Form

Purpose

This document provides information on the funding decision process for the educator mini-grant program application.

Screening

All applications received on or before the deadline will be prescreened. Staff and members of the Citizen Advisory Committee will then review applications based on the project quality metrics below. Each application will be given a numerical score by each reviewing member. While funds last, funding recommendations will be presented to the Board of Managers using the assigned scores.

Incomplete or late applications will not be considered for funding.

Scoring

Applicants who do not meet the required prescreening criteria will not be considered for funding (i.e., if there is a “no” response to any of the questions). Applications who meet prescreening eligibility are then scored numerically based on project quality. Project quality will be ranked as follows:

Five or more points..... Forward to managers for funding approval

Under five points..... Will not be considered for funding

Note: Instructions on this form are for grant reviewers. No action is required by grant applicants.

Eligibility Prescreening

Is the applicant located within the LMRWD or a member city?Yes/No

Is this the first mini-grant for this recipient for the current academic year?.....Yes/No

Are all application questions complete?Yes/No

Project Quality

Instructions for reviewer: Rate all questions on a 0–2 scale and calculate the total score.

How satisfactory is the level of detail in the project application?

very unsatisfactory (0) (1) (2) very satisfactory

How well does this project address the LMRWD goals around education and awareness relating to water quality, water conservation, and wildlife habitat?

very unsatisfactory (0) (1) (2) very satisfactory

How well does the activity or project enhance participant learning and engagement?

not well (0) (1) (2) very well

Does the proposed activity or project seem like a sensible use of funds to further LMRWD goals?

very unreasonable (0) (1) (2) very reasonable

Total Score	_____
--------------------	-------



Educator Mini-Grant Program Reimbursement and Reporting Request Form

Name of School/Organization:

First Name:

Last Name:

Email:

Phone:

Address of School/Organization

Street Address:

Address line 2:

City:

State:

Zip Code:

When and where did the activity/project take place?

Describe how your activity or project engaged participants?

Total number of participants:

List your relevant expenses:

Refund amount (cannot be more than the original award amount):

\$

Please provide information for the check recipient:

First Name:

Last Name:

Street Address:

Address line 2:

City:

State:

Zip Code:

Please submit photos of your activity or project in action. Include the photographer's name in the photo file name and email to admin@lowermnriverwd.org.



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, September 21, 2022

Agenda Item

Item 6. I. LMRWD Projects

Prepared By

Linda Loomis, Administrator

Summary

i. Area #3

The LMRWD plans to move forward with design for stabilization of Area #3. The LMRWD will be working with Inter-Fluve and Barr Engineering on the next phase of this project. On August 19, 2022, the LMRWD held a meeting with Young Environmental Consulting Group, Barr Engineering, and Inter-Fluve. A summary of that meeting is attached for the Board's information. The group discussed what additional information is needed to begin work on the design and set a schedule for completion of tasks. Inter-Fluve has provided an amendment to the previous contract with the LMRWD. Barr Engineering has provided a Work Order for the work to be performed.

Attachments

Eden Prairie kick-off meeting draft summary

Professional Services Agreement Amendment #1 between LMRWD and Inter-Fluve

Work Order Form for Consultant Agreement Work Order 2022-02

Recommended Action

Motion to authorize execution of Professional Services Agreement #1 and Work Order 2022-02

ii. MN River Corridor Project

On September 7, 2022, the LMRWD hosted an open house to collect final input into the MN River Corridor Management Project and a river paddle. About 20 LMRWD partners attended. The next step will be to develop a strategy using the input received through the partner engagement process that the LMRWD used. I have attached the Work Plan developed for this project. We are at Objective 4.

Attachments

Minnesota River Corridor Plan Work Plan dated August 3, 2020

Recommended Action

No action recommended

iii. Spring Creek

On August 22, 2022, letters were sent to listed owners of the properties with erosion issues attributed to Spring Creek. We have not received any response yet. We are also waiting for the Hartleys (property owner that attended the neighborhood meeting) to let the LMRWD know how much they would be willing to contribute to stabilizing their property.

Item 7. I. – LMRWD Projects

Executive Summary

September 21, 2022

Page 2

Attachments

Sample letter sent to property owners

Recommended Action

No action recommende



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Draft Summary

PROJECT NAME: Eden Prairie Area 3 Kickoff Meeting

DATE: August 19, 2022

TIME: Noon–12:36 p.m.

ATTENDEES

- Barr Engineering (Barr): Karen Chandler, Brent Theroux
- Inter-Fluve: Maren Hancock, Jonathon Kusa
- Lower Minnesota River Watershed District (LMRWD): Linda Loomis
- Young Environmental: Katy Thompson, Della Schall Young

SUMMARY

- ~~1. Introductions~~
2. Brief project background and components

Katy provided a brief overview of the recent project history:

- Barr recommended soil borings on the bluff to confirm assumptions and validate the results from the January 31, 2022, *Preliminary Stability Analysis Results* memo.
- Inter-Fluve developed conceptual toe designs, but its recommendation was to remove the City of Eden Prairie stormwater pond and armoring to allow the river meander to migrate away from Area 3 before the sediment delta washes out. A hold was put on the project design while the LMRWD worked with its legislative liaison to obtain funding from the Minnesota Legislature based on the rough construction costs Inter-Fluve provided in February 2022.
- The LMRWD board approved an updated work plan for Area 3, inclusive of the project scopes from Barr and Inter-Fluve, on April 15, 2022.
- Young Environmental will provide project management and permitting support.
- Since the work plan was approved, the City of Eden Prairie received approval from the MPCA in July 2022 to decommission the stormwater pond.
- The LMRWD is now ready to move ahead with collecting field data and developing the 90 percent plans!

3. Schedule

Katy asked if there was anything within Barr's or Inter-Fluve's workplans that is time-sensitive or dependent on others to complete? Also, is there an ideal time to complete the field activities?

- Contracts
 - Barr will need to create a task order from the February 11, 2022, estimate to execute through the LMRWD's engineering pool.

Draft Summary



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

- Inter-Fluve will provide a draft amendment to its previous contract with the LMRWD.
- Supply chain disruptions
 - Brent noted the soil borings may be affected by supply chain issues for the instrumentation and drilling equipment, but because the borings are validating Barr's assessment, the delays should not affect Inter-Fluve's design.
 - Brent will schedule the borings as soon as possible but expects a minimum four-week lead time for the drillers. Frozen ground is acceptable, but snow and ice on the slope could delay the borings further.
 - Brent will put potential soil borings on a map and give it to Katy, who will coordinate with the city and residences to get access.
- Staff schedules
 - Maren will be on maternity leave starting January 2023 (congrats!); Jonathon will take over during that time but is expecting a six-month effort to get through 90 percent design.
 - The survey would ideally be completed after leaf off (or in the first half of October).
 - Della and Linda will coordinate with the legislative liaison to determine what the hard deadline is for the 90 percent package; however, for now, Della wants to target March 2023 for the final 90 percent package. Della and Linda will provide more guidance in the next couple weeks.
 - Bathymetry work can be collected anytime, provided river conditions are adequate.
 - Inter-Fluve will need property access; Katy and Maren will coordinate.
- Overall project schedule
 - Katy will provide a draft schedule for comment based on the provided scopes.

ACTION ITEMS

No.	Item	Responsible Party	Status
1	Provide LMRWD with updated task order or amended contracts	Barr and Inter-Fluve	In progress
2	Soil boring map	Barr	
3	Deadline for 90 percent package	Della and Linda	
4	Draft schedule	Katy	Complete—see attached



Area 3 Comprehensive Design Development - Draft Schedule
August 31, 2022

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Start Date	End Date	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23
Obj. 1 Project Management											
1-1	Project Coordination Meetings										
1-1.1	Kickoff mtg	8/19/22	8/19/22	X							
1-1.2	Monthly coordination mtg	9/1/22	5/1/23		X		X		X		X
1-2	Board Updates	10/1/22	5/31/23			X		X		X	
Obj. 2 Data Collection, Conceptual Design, and Coordination											
2-1	Piezometers and soil borings	9/30/22	12/29/22			X	X	X	X	X	X
2-2	Topographic survey	10/1/22	10/30/22			X	X	X	X	X	
2-3	On-site stormwater pond conceptual design mtg	10/1/22	10/15/22			X	X				
2-4	Conceptual design	10/16/22	10/30/22			X	X	X			
2-5	Field data results meeting	10/31/22	11/14/22			X	X	X			
Obj. 3 Prelim Design (60%)											
3-1	60% design development (bank design)	10/31/22	11/30/22			X	X	X	X	X	X
3-2	HEC-RAS 1D model for no-rise permit	12/1/22	12/22/22				X	X	X	X	X
3-3	Outfall design	10/31/22	11/30/22			X	X	X	X	X	X
3-4	60% design review	12/23/22	1/13/23				X	X	X	X	X
3-5	60% design review mtg	1/14/23	1/28/23				X	X	X		
Obj. 4 Permitting											
4-1	Pre-permit regulatory agency meetings	1/14/23	2/13/23					X	X	X	X
4-2	Speciality permitting (Phase 1)	2/14/23	3/16/23					X	X	X	X
4-3	Permit applications	3/17/23	5/16/23						X	X	X
Obj. 5 Final Design (90%)											
5-1	90% design development	2/21/23	4/22/23					X	X	X	X
5-2	90% design review	3/21/23	4/4/23						X	X	X
5-3	90% design review meeting	4/5/23	4/19/23							X	X

X	Ideal dates
X	Tentative or float



Professional Services Agreement Amendment #1

Effective Date of Amendment: Upon the date of the last signature below

Original Agreement made as of: December 16, 2021

Between Client: The Lower Minnesota River Watershed District
112 E. 5th St. #102
Chaska, Minnesota 55318

And IFI: Inter-Fluve, Inc.
501 Portway Avenue, Suite 101
Hood River, Oregon 97031

For the following Project: Area 3 Bluff Concept Design and Rendering.

Purpose of Amendment: To cap services and compensation under the Area 3 Bluff Concept Design and Rendering project at what has been completed, add additional services as detailed in Attachment A, Area 3 Project Design for Launchable Toe and Stormwater Pond Removal with related compensation and extend the term of the Professional Services Agreement.

Changes to Scope of Services Procedure: Consultant is limited to services already completed for the Area 3 Bluff Concept Design and Rendering and will perform the services in Attachment A, Area 3 Project Design for Launchable Toe and Stormwater Pond Removal.

Billing and Payment: Compensation for the Area 3 Bluff Concept Design and Rendering is limited to what was already paid, (\$7,082.25). The remaining \$22,418.75 will be supplemented with additional compensation of \$79,953.25 for new services provided detailed in Attachment A, Area 3 Project Design for Launchable Toe and Stormwater Pond Removal. The compensation for this work will equal \$102,372.00.

Term: The term of this Professional Services Agreement is updated to Attachment A, Area 3 Project Design for Launchable Toe and Stormwater Pond Removal.

The Parties hereto agree to this Professional Services Agreement Amendment and except as expressly modified above, all other terms and conditions of the Professional Services Agreement shall remain in full force and effect.

Linda Loomis

9/6/2022

Client – The Lower Minnesota River Watershed District

Date

IFI - Inter-Fluve, Inc.

Date

Attachment A

Area 3 Project

Design for Launchable Toe and Stormwater Pond Removal

This document serves as a project work plan detailing Inter-Fluve's scope of services, assumptions, deliverables, and schedule for 90% design for the Area 3 Minnesota Riverbank Stabilization Project involving Stormwater Pond Removal and Launchable Toe.

Project Scope of Services

Task 1: Project Management

This task includes monthly project invoicing, monthly 30-minute project update phone calls with the LMRWD Project Manager, and the following virtual meetings:

- Kickoff meeting with LMRWD and Young Environmental
- Stormwater Pond Removal Conceptual Design Review Meeting
- Design Review Meeting following 60% Design
- Design Review Meeting following 90% Design

Deliverables:

- Meeting agenda (provided one week in advance) and meeting minutes
- Monthly invoices

Assumptions:

- All meetings will be held virtually
- Geotechnical review of the slopes is being completed by Barr Engineering. It is assumed that Barr's findings will not change their current recommendations that no action is necessary relative to geotechnical slope stability. Should Barr's recommendations change, the scope for this project will need to be updated and coordinated with any necessary slope stability design.

Task 2: Data Collection, Conceptual Design for Stormwater Pond Removal, and Stormwater Outlet Coordination

This task includes collection of onsite data, conceptual design for the stormwater pond removal, and coordination with Young Environmental regarding the design of the stormwater outlet. Topographic survey data in the vicinity of the City stormwater pond and downstream area will be collected to support design development and updates to the hydraulic model. Limited outfall structure information will be collected (e.g., invert elevation, pipe diameter, location, etc.) Bathymetric data will be collected in front of the City Stormwater pond and throughout the area surveyed in 2021 to support design and to evaluate changing subsurface conditions since the previous survey. Additionally, new drone imagery will be collected of the project site.

This task includes an onsite meeting with Young Environmental to discuss the concept design for stormwater pond removal and stormwater outlet design. Following the onsite meeting, a draft conceptual sketch (planimetric rendering) for stormwater pond removal design will be prepared and discussed at the Stormwater Pond Removal Conceptual

Design Review Meeting. Following the meeting, a final conceptual design sketch will be developed for use in 60% design. Inter-Fluve will coordinate with Young Environmental regarding the stormwater outlet design throughout this task.

Deliverables:

- Survey data (csv format)
- Aerial imagery
- Conceptual design sketch for stormwater pond removal (DRAFT and FINAL)

Assumptions:

- Topographic survey will be conducted during leaf off in ice- and snow-free conditions. Bathymetric survey will be conducted during low-flow ice-free conditions.
- The survey will consist of a topographic and bathymetric survey within the limits of the proposed project area using an RTK GPS and drone-mounted RTK GPS.
- The LMRWD will coordinate and arrange access to all properties required for completion of the survey.
- This task does not include redesign work.
- Young Environmental will complete the design for the new stormwater pond outlet.

Task 3: Preliminary Design (60%)

This task includes design and analysis to support the development of the 60% design deliverables, and will be based on the final conceptual design sketch for the stormwater pond removal and the launchable rock toe (from the previous conceptual design efforts.) Young Environmental will complete the design for the new stormwater pond outlet structure.

This task includes updating of the previously developed 2-D HEC-RAS hydraulic modeling of existing conditions with new topographic and bathymetric data, and development of a 2-D proposed conditions hydraulic model. It also includes development of design plans (estimated at approximately 12 sheets), a technical design memorandum, EOPCC (Engineer's Opinion of Probable Construction Costs) and an updated permit matrix with estimated timelines and submittal needs. The team will develop a comment log to track comments on the 60% design plans.

Deliverables:

- 60% design plans
 - Estimated at 12 sheets including: title sheet, general layout (existing utilities and removals), grading plan, tabulations, staging plans, stormwater pollution prevention plan, erosion and sediment control plan, proposed conditions plan sheets, proposed conditions cross-sections, and typical details.
- Technical Design Memorandum
 - The technical design memorandum will reference previous conceptual design and data collection efforts, and will summarize newly collected onsite data, hydraulic model setup and analysis, proposed design elements, and design calculations and assumptions. This document will serve as a record of engineering due diligence for the project.

- Hydraulic Modeling
 - The 2-D HEC-RAS model of existing conditions will be updated with newly collected data and a proposed conditions model will be built. Model results will inform proposed bank stabilization design and configuration as well as material sizing.
- Engineer's Opinion of Probable Construction Cost (EOPCC)
 - Approximate opinion of construction costs for mobilization, access, site preparation and cleanup, and construction time and materials will be provided. This EOPCC will be developed using recent bid prices from recent Inter-Fluve projects within the region as well as publicly available bids for similar projects within the region.
- Permit Matrix document
 - Inter-Fluve will update the previously developed matrix document to identify the necessary permits, approvals, reviews, submittal needs, and timeline.
- Comment log
 - Comment log will be developed to track stakeholder comments received on the 60% deliverable for revisions at the 90% design stage.

Assumptions:

- LMRWD team will consolidate comments from staff and stakeholders to submit to Inter-Fluve
- Inter-Fluve will develop supporting documentation and calculations necessary for permitting applications, which will be developed and submitted by LMRWD.
- This scope does not include development of a 1-D hydraulic model for supporting permit applications.
- Young Environmental will be developing and stamping the stormwater outlet design plan sheets to be integrated via PDF into the Inter-Fluve plans.

Task 4: Final Design (90%)

This task includes the development of a 90% construction document set (estimated at approximately 20 sheets), an updated EOPCC, specifications, and an updated technical memorandum to capture the final design decisions and analysis.

Deliverables:

- 90% design plans
- Updated EOPCC
- Specifications (Division 1 and Division 2+ Technical Specification Sections)
- Updated technical design memorandum
- Updates to the comment log (to be addressed in a future design phase)
- Updated permit submittal matrix with estimated approval timelines based on feedback from LMRWD's conversations with permitting staff.

Assumptions:

- Specifications will be developed in CSI format. LMRWD will provide information to support development of Division 0 and Division 1 specification sections, as appropriate. .
- Young Environmental will be developing the stormwater outlet design plans.
- Young Environmental will be responsible for communication with permitting staff within each agency.

Project Schedule

We propose a 6 month schedule for this work with Tasks 2, 3, and 4 each taking approximately 2 months. The final project schedule will be agreed upon prior to finalizing the contract and will consider review time necessary for the LMRWD.

Project Budget

Task	Fee
1: Project Management	\$13,508
2: Data Collection, Conceptual Design, and Coordination	\$14,468
3: Preliminary Design (60%)	\$38, 444
4: Final Design (90%)	\$35,952
Total:	\$102, 372

WORK ORDER FORM FOR CONSULTANT AGREEMENT WORK ORDER 2022-02

This Work Order is entered into and authorized this 13th day of September 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 Area 3 Design Development Project:

Work Order 2022-02 is for technical services related to LMRWD's Minnesota River Area 3: 2022 Comprehensive Design Development Project (hereinafter called Area 3 Design Development Project) in Eden Prairie. The tasks below are based on the LMRWD's April 15, 2022 workplan for the Area 3 Design Development Project. The tasks include close coordination and collaboration with LMRWD, Young Environmental, and Inter-Fluve staff.

Objective 1. Project Management

This objective consists of assisting LMRWD staff in managing the project scope, submittals, schedule, and budget by providing periodic communications to LMRWD staff via email and phone and attending project coordination meetings.

Task 1-1: Project Coordination Meetings: Barr will attend the following planned project coordination meetings, except as indicated below, to maintain communication with stakeholders:

- Kickoff meeting with LMRWD, Inter-Fluve, and Barr Engineering
- Field Data Results meeting with LMRWD, Inter-Fluve, and Barr Engineering
- Stormwater Pond Removal Conceptual Design Review meeting (Barr will not attend)
- Design Review meeting, following 60 percent design
- Regulatory Agencies Review meeting, following 60 percent design (Barr will not attend)
- Design Review Meeting, following 90 percent design
- Monthly coordination meetings

We assume all meetings will be virtual.

Task 1-2: Board updates: This task will be performed by LMRWD staff; we assume no Barr assistance is needed for this task.

Schedule: through duration of project (September 2022 – May 2023)

Deliverables: attendance at four (4) one-hour milestone meetings, plus up to eight (8) 30-minute monthly coordination meetings.

Cost estimate: \$4,170 (see attached table for staff hours, billing rates and costs for each task; actual hours and staff may vary slightly)

Objective 2. Field Data Collection

This objective consists of collecting new data to investigate soil conditions and groundwater levels in the upper slope to confirm or update previous stability calculations.

Task 2-1: Piezometers and Soil Borings: As part of the 2021 slope stability analysis, Barr recommended confirming the soil types and groundwater elevations at Area 3. The analysis relied on one soil boring that was nearby the failure site. If the actual conditions at Area 3 are different than assumed, this could

significantly change Barr's slope recommendations. Barr will conduct two soil borings along the slope upslope of the existing borings. One boring location is proposed to be at or near the south property boundary at 12613 Riverview Road and the other boring location is proposed approximately halfway between the first boring the edge of the bluff. A vibrating wire piezometer will be installed in each boring. Data from the soil borings and piezometers will be used to confirm or update the 2021 slope stability analysis assumptions. Barr will contract with a drilling company to perform the soil borings. Barr will purchase and install the piezometers and data-logging equipment. Barr will contract with a soil testing laboratory to perform lab testing on collected soil samples. Barr will prepare final boring logs of the two borings.

We will attend a site visit with LMRWD staff, drilling contractor, client, and property owners to coordinate drilling access and restoration. Prior to the site visit, Barr will identify proposed boring locations on a location diagram and will indicate potential access routes to the boring locations. We assume LMRWD staff will coordinate with the property owners to set up meeting and obtain permission for the driller, Barr staff, and LMRWD staff to enter their properties for the site visit. We assume LMRWD staff will manage and coordinate obtaining all right-of-entry permissions necessary to facilitate safe access to proposed soil boring locations for driller and Barr staff.

We assume restoration of the drilling sites will consist of the driller placing drilling spoils back into the borehole (up to the amount allowed by the MN Department of Health) and spreading the remaining spoils onsite. If special or specific treatment is required by a property owner for the spoils, or if additional restoration is required due to rutting, etc., that could add to the driller's cost. Such additional costs are not included in our cost estimate for the subcontractor.

Task 2-2: Topographic Survey (Inter-Fluve task only, no Barr involvement): This task will be performed by Inter-Fluve; we assume no Barr assistance is needed for this task.

Schedule: Task 2-1: September 2022 – January 2023, assuming driller's schedule and access conditions allow for completing the soil borings before freezing conditions prevail.

Deliverables: Task 2-1 (Barr task): Site visit with LMRWD staff, drilling contractor, client, and property owners to coordinate drilling access; perform soil borings, install piezometers, and prepare soil borings logs and report.

Cost estimate: \$28,745 (see attached table for staff hours, billing rates and costs for each task; actual hours and staff may vary slightly)

Objective 3. Sixty Percent Design

Task 3-1: 60 percent design development (Inter-Fluve and Young Environmental task only, no Barr involvement): This task will be performed by Inter-Fluve and Young Environmental; we assume no Barr assistance is needed for this task.

Task 3-2: Hydraulic Modeling (Inter-Fluve and Young Environmental task only, no Barr involvement): This task will be performed by Inter-Fluve and Young Environmental; we assume no Barr assistance is needed for this task.

Task 3-2: 60 percent design package review: Barr will review Inter-Fluve's 60 percent design package (as submitted to LMRWD staff), including construction plans, the design memorandum, and the permitting matrix. Barr will provide written review comments to assess whether the design package is consistent with Barr's slope stability analysis. LMRWD staff will review the package and compile comments in the comment resolution log for Inter-Fluve.

Schedule: Task 3-2: December 2022 – January 2023)

Deliverables: Written comments on 60 percent design package transmitted via email.

Cost estimate: \$5,510 (see attached table for staff hours, billing rates and costs for each task; actual hours and staff may vary slightly)

Objective 4. Permitting

Task 4-1: Pre-permit meetings (LMRWD staff task only, no Barr involvement): This task will be performed by LMRWD staff; we assume no Barr assistance is needed for this task.

Task 4-2: Specialty permitting LMRWD staff task only, no Barr involvement): This task will be performed by LMRWD staff; we assume no Barr assistance is needed for this task.

Task 4-3: Permit applications LMRWD and Inter-Fluve staff task only, no Barr involvement): This task will be performed by LMRWD and Inter-Fluve staff; we assume no Barr assistance is needed for this task.

Schedule: January – May 2023 (no Barr involvement)

Deliverables: Not applicable

Cost estimate: \$0

Objective 5. 90 Percent Design Review

Task 5-1: 90 percent design development (Inter-Fluve task only, no Barr involvement): This task will be performed by Inter-Fluve; we assume no Barr assistance is needed for this task.

Task 5-2: 90 percent design package review: Barr will review Inter-Fluve’s 90 percent design package (as submitted to LMRWD staff), including revisions to construction plans, and the design memorandum. Barr will provide written review comments to assess whether the design package is consistent with Barr’s slope stability analysis. LMRWD staff will conduct a complete review of the draft technical specifications and preliminary engineer’s estimate and will finish the comment resolution log for Inter-Fluve.

Schedule: Task 5-2: March – April 2023

Deliverables: Written comments on 90 percent design package transmitted via email.

Cost estimate: \$5,320 (see attached table for staff hours, billing rates and costs for each task; actual hours and staff may vary slightly)

2. Compensation:

The basis of compensation for the above Services shall be the hourly rate per the Barr’s rate sheet, plus expenses and subcontractor costs, subject to a not-to-exceed cap of \$43,745 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: Area 3 Design Development
 Client Name: Lower Minnesota River Watershed District
 Date: 9/6/2022
 Approved by: KLC

Name (Last, First)	Chandler, Karen	Theroux, Brent	Grosser, Aaron	Hill, Erica						
Billing Rate	\$ 190.00	\$ 185.00	\$ 215.00	\$ 100.00	Subtotal Hours	Subtotal Costs	Expenses	Sub Contractors	Project Total	
Project Role	Vice President	Project Manager	Vice President	Geotechnical Engineer						
1. Project Management										
Task 1-1: Project coordination meetings (4 one-hr meetings + monthly coordination meetings (assume 8 half-hour meetings))	8.0	10.0	0.0	8.0	26.0	\$ 4,170.00	\$ -	\$ -	\$ 4,170.00	
Task 1-2: Board updates (performed by LMRWD staff)		0.0	0.0	0.0	0.0	\$ -			\$ -	
Subtotal	8.0	10.0	0.0	8.0	26.0	\$ 4,170.00	\$ -	\$ -	\$ 4,170.00	
2. Field Data Collection										
Task 2-1: Piezometer and soil boring installation	1.0	24.0	1.0	40.0	66.0	\$ 8,845.00	\$ 1,700.00	\$ 18,200.00	\$ 28,745.00	
Task 2-2: Topographic survey (performed by Inter-Fluve)		0.0		0.0	0.0	\$ -			\$ -	
Subtotal	1.0	24.0	1.0	40.0	66.0	\$ 8,845.00	\$ 1,700.00	\$ 18,200.00	\$ 28,745.00	
3. Sixty Percent Design										
Task 3-1: 60 percent design development (Inter-Fluve & Young Environmental)	0.0	0.0			0.0	\$ -			\$ -	
Task 3-2: Hydraulic modeling (Inter-Fluve & Young Environmental)	0.0	0.0			0.0	\$ -			\$ -	
Task 3-3: 60 percent design package review	5.0	18.0	2.0	8.0	33.0	\$ 5,510.00			\$ 5,510.00	
Subtotal	5.0	18.0	2.0	8.0	33.0	\$ 5,510.00	\$ -	\$ -	\$ 5,510.00	
4. Permitting										
Tasks 4-1, 4-2, 4-3 (Young Environmental)	0.0	0.0			0.0	\$ -			\$ -	
Subtotal	0.0	0.0	0.0	0.0	0.0	\$ -	\$ -	\$ -	\$ -	
5. 90 Percent Design Review										
Task 5-1: 90 percent design development (Inter-Fluve)	0.0	0.0			0.0	\$ -			\$ -	
Task 5-2: 90 percent design package review	4.0	18.0	2.0	8.0	32.0	\$ 5,320.00			\$ 5,320.00	
Subtotal	4.0	18.0	2.0	8.0	32.0	\$ 5,320.00	\$ -	\$ -	\$ 5,320.00	
Project Total	18.0	70.0	5.0	64.0	157.0	\$ 23,845.00	\$ 1,700.00	\$ 18,200.00	\$ 43,745.00	

Assumptions:	Task 1-1: all meetings assumed virtual
	Task 2-1 expenses include \$1,700 for piezometers and associated materials; subcontractors: \$16,500 for soil boring/piezometer contractor, \$1,700 for soil testing laboratory; task includes 32 hrs of drilling observation and documentation

LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minnesota River Corridor (MRC) Plan

WORK PLAN—August 3, 2020

Using the Minnesota River as a focal point, this project will examine issues that face the river's complex natural system, which is a shared resource and a place where varied interests converge. The result of this project will be a multipurpose corridor plan that will serve as a guiding document for all the political jurisdictions and agencies. It will seek to create a new foundation for cooperation and strategic financial investment that can provide multiple benefits.

The plan will examine the pressures on the river from inside the watershed and will expand to consider areas upland of the watershed, given that the river is itself a complex natural system and a shared resource where varied interests such as recreation and commerce converge. The outcome will be the development of a shared vision for maximizing public benefits, including the following: (1) creating greater understanding of the Lower Minnesota River Corridor and its landscape, (2) describing a desired future for the river and discussing how change in the surrounding landscape can help attain this future, (3) suggesting a structure or framework by which the vision can be implemented, and (4) identifying shared public values that form the basis of the project.

Potential management strategies will also be identified as part of the process to improve water quality, integrate wildlife habitat and outdoor recreation, and create a framework for more sustainable economic development within the watershed. The plan will also recognize the role of private land ownership in the development of the watershed and will provide landowners with the tools and opportunities to become more involved and implement best practices.

Summary

<i>Outcome:</i>	Minnesota River Corridor (MRC) Plan
<i>Project partners:</i>	Residents and business owners of LMRWD, Minnesota Board of Water and Soil Resources (BWSR), Minnesota Department of Natural Resources (DNR), US Army Corps of Engineers (USACE), US Coast Guard, US Fish and Wildlife Service (USFWS), Friends of the Mississippi, Minnesota Valley Refuge Friends, stakeholder organizations, and other partner agencies
<i>Timeline for completion:</i>	September 2020 through July 2021
<i>Total project budget:</i>	\$86,100–\$100,000

Objective 1. Project Management

Task 1-1: Project plan development and project management. Finalize the workplan; assign project tasks; determine if additional resources are needed; set dates for deliverables; generate and maintain the project schedule and Gantt chart.

Timeline for completion: September 2020 through July 2021

Deliverables: Invoices and project updates

Estimated budget: \$8,200–\$9,800

Objective 2. Collect and Review Data

Task 2-1: Review and build on past efforts. Gather previous plans and studies from partners' websites, past LMRWD studies and projects, and available online data sources. Review to develop a comprehensive list of

resources that exist within or near the District that address water quality, habitat and natural resources, land use and community plans, recreational opportunities, and infrastructure or other intersecting systems.

Task 2-2: Preliminary issue identification and qualitative analysis. Using the information collected in Task 2-1, review the data to identify key concerns, shared values or goals, and projected growth within the watershed. Develop a list of the priority sites and issues as a starting point for public engagement activities.

Task 2-3: GIS mapping. Develop watershed mapping to characterize the Lower Minnesota River Corridor by water quality, habitat and natural resources, land use and community plans, recreational opportunities, and infrastructure or other intersecting systems. Maps will be developed to document the current conditions across the corridor as well as to map the needs related to the Corridor Plan goals.

Timeline for completion: September through November 2020

Deliverables: Development of data matrix and identification of key issues within the watershed from previous studies, preliminary mapping of existing watershed conditions

Estimated budget: \$14,400–\$17,300

Objective 3. Partnering and Public Engagement

Task 3-1: Contact potential project partners and outreach. Reach out to project partners, including municipal partners, county partners, DNR, USFWS, BWSR, landowners (business, agricultural, and residential), recreation and stewardship agencies, and other partner agencies with an introductory email and request a point of contact for those interested in participating in the MRC and technical advisory group process. These points of contact will be asked to participate in future discussions with the District to help identify major issues.

Task 3-2: Focus groups. Three information gathering sessions will be held with randomly selected residential, business, and agricultural landowners located within the watershed and with stewardship and recreation organizations. Participants will be asked to provide their insights into how they value the river, how the river has changed over time, what regulatory issues they have encountered, and what they hope the plan will accomplish. These meetings will be held virtually. Another information gathering session will be held with local watershed organizations that may also be contacted for advice about advertising for public workshops and identifying problems, particularly any lessons-learned from the COVID19 pandemic. Such organizations may include Friends of the Mississippi River and the Vermillion River Watershed District.

Task 3-3: Partner workshops. Review the proposed process and objectives with partners for their endorsement; solicit feedback and learn how their expertise and knowledge of the resource can lend itself to the project. Facilitate a virtual open house to characterize the partners' perspectives of the watershed and the key issues identified in Objective 2. Three workshops will be held virtually and are generally discussed below:

Workshop 1: A River Worth Protecting

The goal of the first workshop is to introduce attendees to the MRC Plan and identify priorities for water quality, habitat, appropriate recreation, and future growth opportunities. The workshop will be broken into regional sessions, by county.

Workshop 2: Working Together

The second workshop will offer participants the opportunity to review and refine the draft concepts for the full corridor plan.

Workshop 3: Putting the Plan into Action

The third workshop will allow the participants to refine the corridor concepts that constitute the Corridor Plan vision. Input will be sought into how the plan will be coordinated and implemented.

Task 3-4: Open house. The draft Minnesota River Corridor Plan will be released for public review and presented at an open house during the public review and comment period. The session will be unstructured to allow project

team members to answer questions and engage participants in discussion about the draft plan. A summary of the received comments will be provided and incorporated into the final document.

Task 3-5: Surveys. Develop an online survey to be incorporated to the LMRWD website to solicit feedback from residents, businesses, and those with an interest in the LMRWD. This survey will be used to determine what the public believes are the key issues facing the District.

Task 3-6: Regulation review. With the adoption of the District Rules in February 2020, we propose to set aside some time in the MRC to check in with partners on the permitting process. While the substance of the rules is not new, the regulatory process is, and there may be room to improve the implementation of the rules and permits as well as reduce costs for the District. Part of this task will include a review of the LMRWD processes compared to other metro watershed districts and state-level water regulation.

Task 3-7: Issue identification and qualitative analysis update. We will update the preliminary issue identification and qualitative analysis based on the feedback from our public outreach activities.

Timeline for completion: October 2020–June 2021

Deliverables: Agendas, facilitation, and summaries for all meetings, workshops, and open houses specified above

Estimated budget: \$18,400–\$25,800

Objective 4. Corridor Plan

Task 4-1: Generate draft outline. Generate a draft of an annotated outline for the MRC Plan, with the following goals cited from the LMRWD’s 2018 Watershed Management Plan:

- *G1. Create greater understanding of the Lower Minnesota River Corridor and its landscape*
- *G2. Describe the desired future of the river and discuss how change in the surrounding landscape can help attain this future*
- *G3. Suggest a structure or framework by which the vision can be implemented*
- *G4. Identify shared public values that form the basis of the project.*

Task 4-3: Draft the Lower Minnesota River Corridor Plan. Utilize information gathered from local resources, partners, previous LMRWD projects, goals, and objectives or strategies to draft the plan. Circulate the draft among project partners for written feedback and allow for a two-week review period. A single page handout will that summarizes the draft report will also be completed for the project partner review.

Task 4-3: Draft plan for public comment and review. Incorporate project partner feedback, finalize the draft plan, and make it available for a 30-day public comment period.

Task 4-4: Final plan. After incorporating comments received during the public comment period, the final report will be updated, finalized, and presented to the board for acceptance.

Timeline for completion: December 2020–July 2021

Deliverables: A draft report for internal review, a public draft report for public comment, and a final report

Estimated budget: \$45,100–\$47,100



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Carver

Lauren Salvato
Secretary

Dakota

Patricia Mraz
Vice President

Hennepin

David Raby
Assistant Treasurer

Laura Amundson
Treasurer

Scott

Jesse Hartmann
President

Linda Loomis, Administrator
Home/Office: (763) 545-4659
Cell: (763) 568-9522

112 East 5th Street
Suite 102
Chaska, MN 55318

E-mail:
info@lowermnriverwd.org

August 19, 2022

[REDACTED]

Re: Spring Creek Streambank Stabilization Project

Dear Ms. Thomas:

The Lower Minnesota River Watershed District (District) is interested in meeting with landowners to discuss concerns about Spring Creek shifting and washing away soil on their properties. The District met with neighbors along Spring Creek on July 27, 2022, to discuss opportunities to stabilize the creek. Unfortunately, we missed you at the neighborhood meeting. Your property has been identified as an at-risk site. We would like to find an alternate time to connect with you to discuss the status of the creek and your interest in moving forward. Please find a summary of the project's background and next steps below.

Background and Issue

In 2018, a resident along Spring Creek raised concerns to the Carver Soil and Water Conservation District (SWCD) about the creek shifting and washing away soil from their property. A site visit by the SWCD revealed that Spring Creek had moved close to a garage and driveway. If Spring Creek continues to change positions, significant damage to affected properties may occur. In response, the SWCD worked with residents to develop repairs on each property. After the SWCD finalized the solution, the resident who raised the initial concern contacted the District for cost-share funding and a review of the proposed concept plans. During the District's review of the concept plans, we performed a separate assessment of the creek's hydrology and hydraulics to better understand historical changes, anticipate future conditions, and assess whether the SWCD's proposed practices are adequate. The assessment validates a few items recommended by the SWCD and suggests a few others, including continued monitoring, a comprehensive approach to the restoration, and prioritization of restoration at the most at-risk sites, such as 404 Broadway Street and 116 4th Street West.

For more background information about the Spring Creek Project, please visit the District's website at www.lowermnriverwd.org/projects/spring-creek. A copy of the Spring Creek Hydrology Review Report is also attached for your review.

Next Steps

The Spring Creek system has been changing quickly, and there is an urgency to take stabilization measures. The District would like to meet with you to discuss the status of the creek and your interest in moving forward on a streambank stabilization project to address this risk.

Thank you for considering the Spring Creek Project. If you have questions or would like to schedule an informational meeting, please contact me at (763) 545-4659 or naiadconsulting@gmail.com or Della Schall Young at (651) 249-6974 or della@youngecg.com.

Sincerely,

Linda Loomis, Administrator

Enclosure Attachment (1)
Spring Creek Hydrology Review Report

cc: Della Schall Young, Young Environmental Consulting Group



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, September 21, 2022

Agenda Item

Item 6. J. – Permits and Project Reviews

Prepared By

Linda Loomis, Administrator

Summary

i. LMRWD Permit Renewals

There is only one permit renewal this month. The traffic improvements at Lone Oka Road and TH 13 will expire 10/22//2022. Young Environmental Consulting Group reviewed the permit renewal request on behalf of the LMRWD and recommends renewal of the permit.

Attachments

Technical memorandum dated September 14, 2022, September 2022 Permit Renewal Requests

Recommended Action

Motion to renew permits as provided in Table 1. Summary of July 2022 LMRWD permit Renewal Requests

ii. Gedney Treatment Pond Decommissioning (LMRWD No. 2022-024)

M.A. Gedney Company once operated in the City of Chaska, The company has ceased operations at the Chaska plant and the property is being redeveloped. As part of the redevelopment the treatment ponds will be decommissioned. Young Environmental Consulting Group has reviewed the permit application on behalf of the LMRWD. Comments on the application are attached as Technical Memorandum - Gedney Treatment Pond Decommissioning (LMRWD No. 2022-024).

Attachments

Technical memorandum dated September 14, 2022, Gedney Treatment Pond Decommissioning (LMRWD No. 2022-024)

Recommended Action

Motion to conditionally approve Gedney Treatment Pond Decommissioning (LMRWD No. 2022-024) subject to receipt of Project permit fee of \$1,500 and a copy of the NPDES Construction Stormwater Permit.

iii. Freeway Landfill Expansion

The LMRWD was notified that the City of Burnsville received an application for a Conditional Use Permit to allow the Landfill to recommence accepting trash. He City of Burnsville asked for comments on the application. Young Environmental Consulting Group reviewed the application on behalf of the LMRWD. Comments are attached in the Technical Memorandum – Freeway Landfill Expansion (LMRWD No. 2020-105) dated August 31, 2022. In addition, LMRWD received comments provided by the MPCA to the City and the consultant for the applicant, Stantec Consulting Services, Inc. Those comments are attached.

Attachments

Technical Memorandum – Freeway Landfill Expansion (LMRWD No. 2020-105) dated August 31, 2022

Letter from Kirk Koudelka, MPCA Assistant Commissioner, to Stantec Consulting Services, Inc. dated February 16, 2022

Letter from Kirk Koudelka to Daniel S. Schleck, Messerli Kramer dated August 31, 2022

Recommended Action

No action is required by the Board at this time

iv. City of Burnsville Municipal LGU Permit (Surface Water Management Plan and Ordinance Controls Review)

The LMRWD received an application from the City of Burnsville for a Municipal LGU Permit. A Municipal LGU would allow the City of Burnsville to permit projects in the City on behalf of the LMRWD. As part of the Municipal LGU Permit application process Young Environmental Consulting Group reviews City Codes to make sure official controls conform to the LMRWD rules.

Technical Memorandum – City of Burnsville Municipal LGU Permit (Surface Water Management Plan and Ordinance Controls Review) dated September 14, 2022, is attached and provides comments and recommendations regarding the approval of the Municipal LGU Permit. As noted in the Technical Memorandum, the City’s ordinances for Floodplain Management differs from LMRWD Rule C – Floodplain and Drainage Alteration. As such the LMRWD would retain permitting authority for projects located in the floodplain.

The Public Works Director for the City, Ryan Peterson, informed the LMRWD that the City believes the LMRWD rules should not exceed the requirements of the MN Department of Natural Resources (MnDNR) and the Federal Emergency Management Agency (FEMA). Staff will be available at the Board meeting to discuss where the LMRWD differs from the MnDNR and FEMA.

There were several outstanding items noted in the Technical Memorandum. Along with the Floodplain question, the Board may wish to delay approval of the Municipal LGU Permit for the City of Burnsville outstanding items are resolved.

Attachments

Technical Memorandum – City of Burnsville Municipal LGU Permit (Surface Water Management Plan and Ordinance Controls Review) dated September 14, 2022

Recommended Action

Motion to conditionally approve a Municipal; LGU Permit for the City of Burnsville subject to resolving outstanding items listed in the Technical Memorandum – City of Burnsville Municipal LGU Permit (Surface Water Management Plan and Ordinance Controls Review) dated September 14, 2022

v. City of Eden Prairie Code Amendment Review

The City of Eden Prairie informed the LMRWD that the City is revising its City Code as part of the new MS4 permit. Young Environmental Consulting Group reviewed the proposed changes on behalf of the LMRWD. Comments and recommendation are documented in Technical Memorandum – City of Eden Prairie Code Amendment Review dated September 14, 2022.

Attachments

Technical Memorandum – City of Eden Prairie Code Amendment Review dated September 14, 2022

Recommended Action

No action is required by the Board of Managers at this time.

vi. Permit Program Summary

A summary of all open permits is attached for the Board’s information.

Item 7. J. – Permits and Projects Reviews

Executive Summary

September 21, 2022

Page 3

Attachments

LMRWD Permit Program Summary – September 14, 2022

Recommended Action

No action is required – for information only

vii. 535 Lakota Lane, Chanhassen – work without a permit

There has been no communication from the property owner. Staff will update the Board at the meeting.



Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Karina Weelborg
Hannah LeClaire, PE

Date: September 14, 2022

Re: September 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
2021-042	Highway 13 and Lone Oak Signal	Eagan	10/20/22	06/20/23
	<u>Reason for Extension:</u> The construction was delayed due to scheduling and material procurement needs.			

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: September 14, 2022

Re: Gedney Treatment Pond Decommissioning (LMRWD No. 2022-024)

M.A. Gedney Company (“Gedney” or “the applicant”) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to decommission the Gedney treatment ponds, located south of the intersection of Stoughton Avenue and Flying Cloud Drive in Chanhassen, Minnesota. Pond decommissioning involves excavating and hauling away all pond sediments, and leveling and reseeding the entire pond site as shown in Figure 1. The applicant’s engineering firm, Sathre-Bergquist, Inc. (Sathre-Bergquist), has provided site plans for the Gedney Treatment Pond Decommissioning project (Project), along with the permit application.

The proposed Project involves temporarily improving parts of the existing 12- to 16-foot-wide pond access road (i.e., the deteriorated gravel) with turf reinforcement mats and creating two gravel bypass points to allow dump trucks to safely pass one another. After the road is improved, the contractor plans to excavate and haul sediment from the ponds to an offsite permitted landfill and then deconstruct the pond berms and regrade the pond area to return it to its original elevations. The Project would disturb approximately 13.8 acres of land and create approximately 0.14 acres of temporary impervious surfaces. The proposed Project site is not located in the High Value Resource Area or Steep Slopes Overlay District; however, it is located within the Minnesota River floodplain, triggering LMRWD Rule C—Floodplain and Drainage Alteration. The applicant proposes commencing construction in October 2022 and expects the project to be completed by February 2022. All turf reinforcement mat and gravel bypass materials will be removed at the completion of the project.

Because the City of Chanhassen does not have an LMRWD municipal LGU permit, the Project requires an LMRWD individual permit and is subject to an LMRWD permitting review.

Summary

Project Name: Gedney Treatment Pond Decommissioning

Purpose: Decommission the treatment ponds; level and reseed the entire site

Project Size:

Disturbed Area	Existing Impervious Area	Proposed Temporary Impervious Area	Net Change in Temporary Impervious Area
13.8 acres	0.7 acres	0.14 acres	+0.14 acres

Location: South of the intersection of Stoughton Avenue and Flying Cloud Drive (Parcel Nos. 250030210, 30032500, and 250030300)

LMRWD Rules: Rule B – Erosion and Sediment Control, Rule C – Floodplain and Drainage Alteration

Recommended Board Action: Conditional Approval

Discussion

The LMRWD has received the following documents for review:

- LMRWD online permit application received August 10, 2022
- Grading Plans by Sathre-Bergquist; dated August 1, 2022; received August 10, 2022; revised September 2, 2022
- Stormwater Pollution Prevention Plan by Sathre-Bergquist, Inc.; dated August 1, 2022; received August 10, 2022
- Access Easement between Private Landowner and Gedney; dated August 19, 1963; received September 2, 2022
- Access Easement between Carver County and Gedney; dated July 12, 1971; received September 2, 2022
- Access Easement between Private Landowner and Gedney; dated July 16, 1971; received September 2, 2022
- Access Easement between Carver County and Gedney; dated July 19, 1971;

received September 2, 2022

- Easement and Deed between American Crystal Sugar and Gedney dated December 17, 1957; received September 2, 2022
- Watershed Comment Response by Sathre-Bergquist; dated September 2, 2022; received September 2, 2022
- No-Rise Certificate by AE2S; dated September 9, 2022; received September 9, 2022
- Hydraulic model by AE2S; dated September 9, 2022; received September 9, 2022

The application was deemed complete on September 9, 2022. 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 or more acres of land under Rule B—Erosion and Sediment Control. The proposed Project would disturb approximately 13.8 acres within the LMRWD boundary. The applicant has provided an erosion and sediment control plan, stormwater pollution prevention plan, and contact information for the contractor and person(s) responsible for the inspection and maintenance of the erosion and sediment control features. The Project generally complies with Rule B; however, a copy of the NPDES permit is needed before the LMRWD can issue a permit.

Rule C—Floodplain and Drainage Alteration

The LMRWD regulates the placement of fill and alterations within drainageways below the 100-year flood elevation. The proposed Project site is located in the Minnesota River floodplain, shown on the FEMA Flood Insurance Rate Map (FIRM) for Carver County (Panel 27019C0237D; effective December 21, 2018). The effective FIRM shows the Project in the FEMA Zone AE (or 100-year floodplain) as well as the floodway with a 100-year elevation of 721.5 NAVD88 at cross section G.

To decommission the ponds, the applicant proposes removing settled sediment from the ponds, and then using the existing pond berm material (approximately 34,600 cubic yards) to fill the ponds and provide a consistent 1% grade toward the Minnesota River. There will be no permanent or temporary fill outside the existing pond berms.

AE2S provided updated hydraulic modeling based on the FEMA effective model as well as a Minnesota No-Rise Certificate signed by a professional engineer. AE2S received FEMA's effective model from the Minnesota Department of Natural Resources to use for its analysis of the proposed pond decommissioning impacts. AE2S modified cross section 67 in the provided model (equivalent to cross section G on the FIRM) to represent the proposed grading (Figure 2). No other changes were made to the

proposed conditions geometry. With the grading modification shown in Figure 2, AE2S confirmed that the proposed modifications within the floodplain are not expected to raise the 100-year flood elevation or impact the conveyance capacity of the of the Minnesota River floodway. The project complies with LMRWD Rule C.

Recommendations

On September 2, 2022, Sathre-Bergquist indicated that Gedney would be submitting the permit fee for \$1,500; however, this fee was not received. Young Environmental called Sathre-Bergquist to verify that the payment had been sent. Sathre-Bergquist informed us that there was a miscommunication and the permit fee was sent via mail on September 13, 2022. Young Environmental informed the applicant that the LMRWD will not issue a permit until the fee is in hand. Based on our review of the Project, we recommend conditional approval contingent on receipt of the following:

- Project permit fee (\$1,500.00)
- Copy of the NPDES Construction Stormwater Permit

Attachments

- Figure 1—Gedney Treatment Ponds Project Location Map
- Figure 2—HEC-RAS Cross Section Modifications



Figure I: Gedney Treatment Pond Decommissioning Project Location



Legend

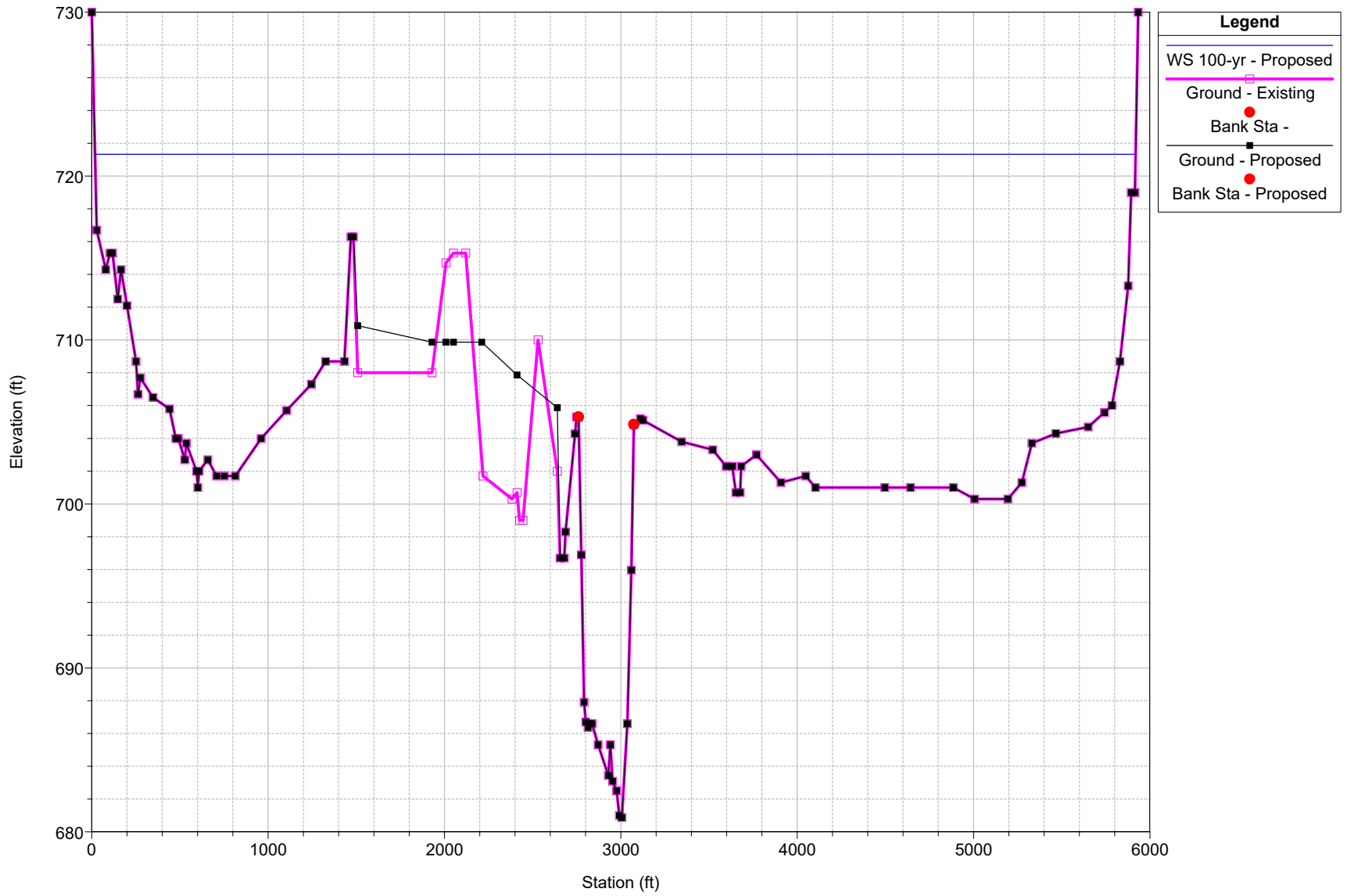
- Gedney Pickles Project Location
- Temporary Gravel Bypass
- Existing Pond
- Temporary Turf Reinforcement Mat
- High Value Resource Area
- Past LMRWD Permits
- Parcels
- Floodway
- Public Waterbodies
- Public Waters
- FEMA Cross Section G

LMRWD Watershed Location Map



Projects\LMRWD\Project Reviews\02 In Process\Gedney Pickles\04 GIS

LowerMinnesotaRiver_GedneyPond_NoRise Plan: 1) Proposed



Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

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

Cc: Daniel S. Schleck

Date: August 31, 2022

Re: Freeway Landfill Expansion (LMRWD No. 2020-105)

On August 19, 2022, the City of Burnsville (City) submitted an Agency Review Request to the Lower Minnesota River Watershed District (LMRWD) and requested comments concerning the Freeway Landfill Expansion Concept Stage Planned Unit Development (PUD) application submitted by R. B. McGowan Company Inc. (applicant). The applicant proposes to expand the Freeway Landfill by constructing an overlay liner system on top of the existing unlined Freeway Landfill.

The Freeway Landfill was opened in 1969 and accepted waste until 1990, when it was closed with a soil capping system. The landfill is located west of Interstate 35W (I-35W) and south of the Minnesota River, as shown in Figure 1. A portion of the site is currently being used as the Freeway Transfer Inc. (FTI) station, which opened in 1991 and intends to continue its waste transfer operations after the project is completed. It should be noted this expansion project does not include the Freeway Dump, which is south and east of the Freeway Landfill on the east side of I-35W.

In June 2020, the Minnesota Pollution Control Agency (MPCA) began soliciting feedback for two design options to remediate the waste currently stored in the Freeway Landfill because the disposal occurred without the protections required by modern landfills to manage landfill leachate and landfill gasses. At the time, the design options were as follows: Dig and Line (Option 1), where a new, modern landfill would be constructed on the property, and Dig and Haul (Option 2), in which the MPCA proposed

removing the waste from the landfill and dumping it off-site. In June 2020, the LMRWD submitted comments to the MPCA as part of the project's stakeholder engagement process regarding the two proposed options for waste management (Attachment 1). As part of that process, on June 18, 2020, the LMRWD Administrator and Young Environmental Consulting Group LLC (Young Environmental) met with Barr Engineering (the MPCA's engineer) to discuss the LMRWD rules and their applicability to the project. Since that time, Stantec Consulting Services Inc. (Stantec) has assumed the engineering role for the project and has developed preliminary plans for the current Concept Stage PUD application.

The applicant proposes to recommence municipal solid waste (MSW) disposal at the Freeway Landfill facility (Facility) by constructing a new lined disposal facility over the top of the existing waste. The proposed Facility spans several parcels totaling approximately 189.2 acres, including the FTI. According to Stantec, the existing impervious area is 19.7 acres, and the proposed impervious area is 19.2 acres, resulting in a net decrease of 0.5 acres. The proposed overlay liner footprint is approximately 80 acres, and the remaining 90 acres will be pervious area, including wooded areas, open grass, and green landscaping. The proposed lined disposal facility would provide the metro area with approximately 6.4 million cubic yards of additional MSW disposal capacity. The estimated life of the expanded Facility is 20 to 40 years, and the planned top elevation of the Facility is approximately 824 feet above mean sea level or approximately 74 feet above the current top layer. The Facility is not located within the High Value Resource Area or the Steep Slopes Overlay District. However, portions of the disturbance (not including the overlay liner) occur within the Minnesota River Floodplain.

Young Environmental has completed a preliminary review of the concept stage PUD application and believes the project would likely require an LMRWD Individual Project permit under Rules B—Erosion and Sediment Control, C—Floodplain and Drainage Alteration, and D—Stormwater Management.

Summary

<u>Project Name:</u>	Freeway Landfill Expansion		
<u>Purpose:</u>	Recommence and expand MSW disposal operations at Freeway Landfill		
<u>Project Size:</u>	Disturbed <u>Area</u>	Existing <u>Impervious Area</u>	Total New <u>Impervious Area</u>
	Unknown	19.7 acres	19.2 acres
<u>Location:</u>	1020 W Black Dog Road, Burnsville, MN 55337 (Parcel 037-021560002010)		

LMRWD Rules: Rule B—Erosion and Sediment Control
 Rule C—Floodplain and Drainage Alteration
 Rule D—Stormwater Management

Recommended Board Action: Information Only

Discussion

The LMRWD received the following documents for review:

- Freeway Landfill (SW-57)—Conceptual PUD Application for Freeway Landfill Expansion Overlay Liner Construction Feasibility Memo by Stantec; addressed to Deb Garross; dated March 31, 2022; received August 19, 2022
- Minnesota Interagency Water Resource Application Form (Wetland Impacts) by Stantec; dated July 28, 2022; received August 19, 2022
- Freeway Landfill Wetland Delineation Report by Barr Engineering; dated October 2019, received August 19, 2022
- Appendix A—Conceptual Civil Plans by Stantec; dated December 3, 2021; received August 19, 2022
- Appendix B—Natural Resource Documents by Stantec; dated November 2021; received August 19, 2022
- Plat by McCombs Frank Roos Associates Inc.; dated November 1, 1990; received August 19, 2022
- Project Narrative by Stantec; dated January 5, 2022; received August 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 a minimum of 80 acres and a maximum of 189.2 acres, triggering Rule B. Stantec provided a preliminary erosion control plan. However, it does not appear to meet the minimum requirements of Rule B and will need to be revised per Rule B, Section 2.4.

Rule C—Floodplain and Drainage Alteration

The LMRWD regulates the placement of fill and alterations within drainageways below the 100-year flood elevation. The Facility is located near the Minnesota River Floodplain, shown on the FEMA Flood Insurance Rate Map (FIRM) for Dakota County, Panel 27037C0070E (effective March 16, 2016). The project appears to disturb areas within FEMA Zone AE (or the 100-year floodplain) as well as within the floodway. The effective FIRM shows the project at cross-section Z and has a regulatory 100-year elevation of 716.0 NAVD88.

To comply with Rule C, the applicant must meet the following general requirements:

- Computations by a professional engineer of all grading (cut and fill) and drainage alterations occurring below the 100-year flood elevation are needed.
- No-rise certification and supporting hydraulic modeling by a professional engineer demonstrating the proposed grading below the 100-year flood elevation will not cause a rise in the 100-year flood elevation of the Minnesota River, nor will it result in a loss of flood conveyance capacity.
- The low floor of any occupied structures must be constructed at least two feet above the 100-year flood elevation or be protected with a floodproofing system.

We recommend the applicant review LMRWD Rule C, Sections 3.4 and 3.5 for further information regarding compliance.

Rule D—Stormwater Management

The LMRWD regulates projects that create more than one acre of new impervious area. The project proposes to reduce the total impervious area from 19.7 acres to 19.2 acres. In previous reviews (Attachment 1 and 2), the LMRWD provided guidance for calculating the total amount of impervious areas, and it considers the overlay liner to be a semi-impervious surface, subject to Rule D. The LMRWD provided the MPCA with guidance for calculating the stormwater runoff (Attachment 2).

The proposed overlay liner is consistent with the design reviewed in 2020 and is a geosynthetic cap. A two-foot-thick impermeable clay liner will be placed over the existing waste, which will prevent rainfall from percolating into and through the waste below. The geosynthetic cap will be covered with 12 inches of granular drainage material with a minimum permeability of 1.42 inches per hour, which is equivalent to soils within Hydrologic Soil Group A. That will allow for some infiltration of rainfall through that material. The rainfall that infiltrates that layer will then be collected by an underdrain system and directed downslope to retaining ponds on site (Figure 1).

The project narrative indicates 65.6 acres of the overlay liner drain to the existing Marina Pond to the north of the Facility, which can retain a 100-year, 24-hour storm event. The remaining 14.4 acres drain to one of two smaller ponds or a rain garden, all designed for a 25-year, 24-hour storm event. Although the project provides some level of stormwater management, as presented, it does not comply with Rule D. Please refer to the LMRWD Rules and Attachment 2 for additional information. We recommend the applicant review LMRWD Rule D for further information regarding compliance.

Recommendations

No board action is required at this time. As presented, the applicant must obtain an LMRWD Individual Project Permit before the start of construction activities for the

applicable LMRWD rules. We recommend the following summarized comments to the applicant to help facilitate the future permit review process:

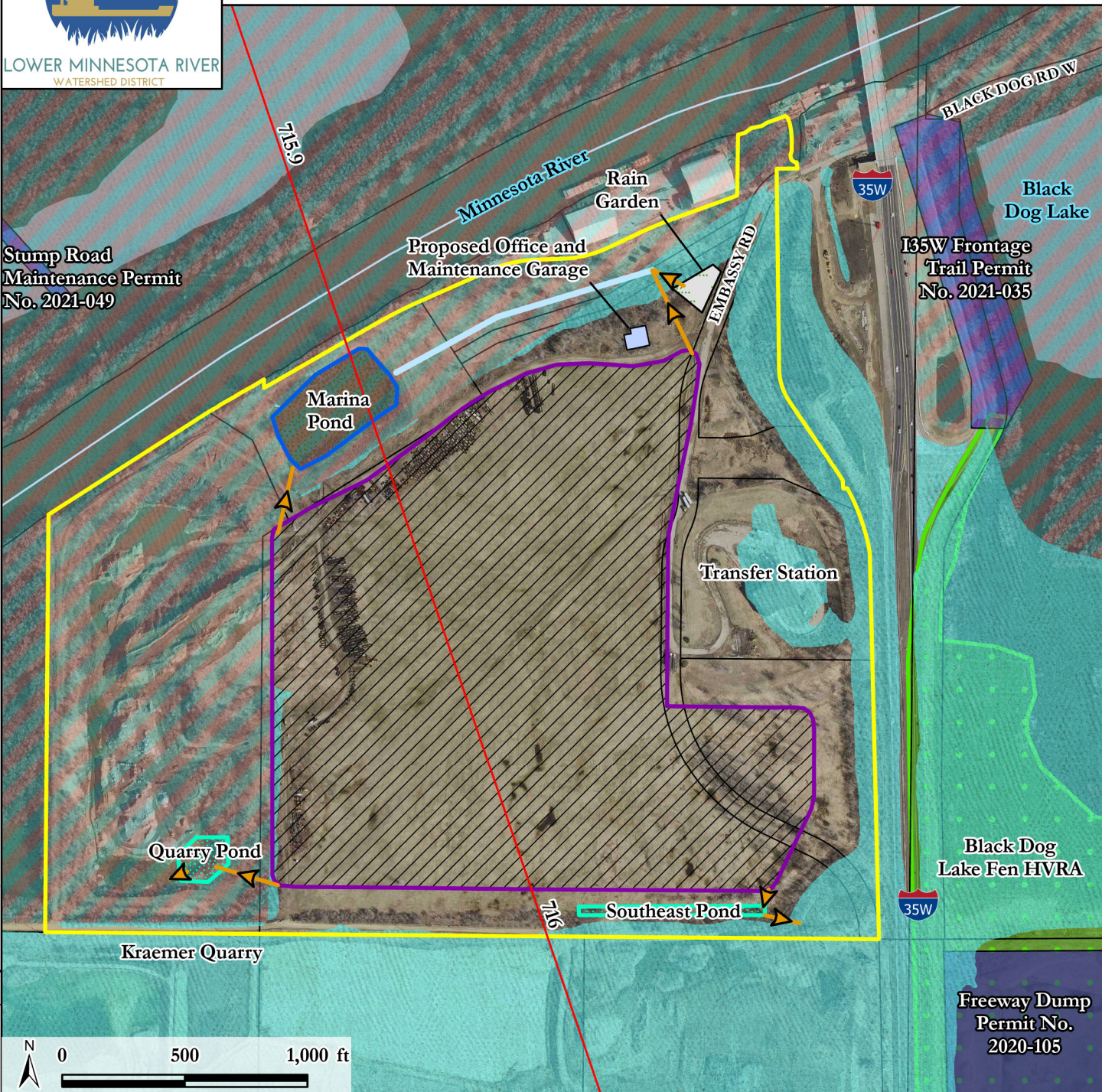
- It is our understanding the MPCA chose the [Dig and Line Option Variation C](#) to move forward for project bidding to remediate the Freeway Landfill site. How does the proposed project align with the MPCA's intent?
- If the existing waste remains in place, how will groundwater-dependent resources neighboring the landfill be protected from contamination? For example, the Black Dog Fen Complex on the east side of I-35W.
- Review the [LMRWD Rules](#), especially the *Criteria and Required Information and Exhibits* sections, to determine the design requirements necessary to comply with LMRWD rules.
- The LMRWD encourages early coordination for complex development projects, such as the Freeway Landfill Expansion. The LMRWD recommends continued coordination and suggests scheduling a pre-application meeting to discuss the LMRWD permitting process and requirements.

Attachments

- Figure 1—Freeway Landfill Expansion Project Location Map
- Attachment 1—Freeway Landfill and Dump Remediation Preliminary Project Review Memo, dated June 10, 2020
- Attachment 2—Freeway Landfill Dump and Remediation Project Update Memo, dated June 27, 2020



Figure I: Freeway Landfill Project Location

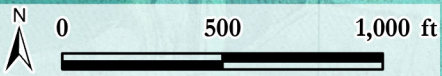


Stump Road
Maintenance Permit
No. 2021-049

I35W Frontage
Trail Permit
No. 2021-035

Black Dog
Lake Fen HVRA

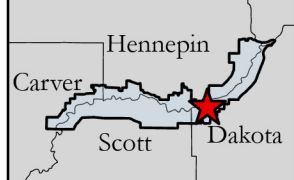
Freeway Dump
Permit No.
2020-105



Legend

- | | | |
|--|--------------------------|----------------------------|
| Freeway Landfill Project Location | Existing Pond | Public Waterbodies |
| 100-yr Floodplain | Proposed Rain Garden | Public Waters |
| Floodway | Proposed Liner | Proposed Culvert |
| Proposed Office and Maintenance Garage | Parcels | Proposed Stone Lined Swale |
| Proposed Pond | Past LMRWD Permits | Cross Section Z |
| | High Value Resource Area | |

LMRWD Watershed Location Map



Projects \LMRWD\Project Reviews\02 In Process\Freeway Landfill and Freeway Dump Construction\OGIS

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

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

Date: June 10, 2020

Re: Freeway Landfill and Dump Remediation Preliminary Project Review
(Permit No. 2020_105)

The Minnesota Pollution Control Agency (MPCA) is in the process of soliciting stakeholder design input on the proposed remediation options for the Freeway Landfill and Dump site in the City of Burnsville. In 2019, Barr Engineering Co. (Barr) completed a focused feasibility study to evaluate potential remediation options, and at the time, the Lower Minnesota River Watershed District (District) requested that Young Environmental conduct a review to determine which District standards the proposed options would trigger. The MPCA and Barr have since developed two design options that the MPCA intends to release for bidding in early 2021. The following is a more detailed review of the two options and the District requirements for the MPCA public comment period ending June 12, 2020.

Summary

Project Name: Freeway Landfill and Dump Remediation

Purpose: Remediation of two closed, but unlined, solid waste facilities

Project Size: Approximately 175 acres of disturbance,

Location: 11937 Interstate 35W and 1020 W. Black Dog Rd, Burnsville, MN

Applicable LMRWD Rules: Rule A – Administrative and Procedural Requirements
Rule B – Erosion and Sediment Control
Rule C – Floodplain and Drainage Alteration
Rule D – Stormwater Management

Recommended Board Action: Information only, no Board action at this time

Discussion

The MPCA is proposing to remediate the waste currently stored at the Freeway Landfill and Dump because the waste disposal occurred without the needed protections required by modern landfills to manage landfill leachate and landfill gas. The MPCA has proposed two options:

1. **Dig and Line:** Build a new modern landfill on the property (three variations of this option have been provided).
2. **Dig and Haul:** Move the waste from the landfill and dump off the property to another modern landfill.

As part of the MPCA's stakeholder outreach, the District was provided with the following documents for review:

- Freeway Remediation Presentation by Barr, dated May 6, 2020
- Freeway Remediation Preliminary Drainage Figures by Barr, dated May 6, 2020
- Focused Feasibility Study Report for the Freeway Landfill and Freeway Dump by Barr, dated October 2019

Rule A – Administrative and Procedural Requirements

The proposed project is located within the City of Burnsville and would normally be subject to municipal review; however, the City of Burnsville does not have an approved Municipal Permit with the District, and as such, the MPCA must receive a District Individual Project Permit prior to construction.

Rule B – Erosion and Sediment Control

The District regulates land-disturbing activities that affect one acre or more outside the High Value Resource Area (HVRA) Overlay District under Rule B. The proposed project disturbs 174 acres and will trigger the requirements under Rule B.

In addition, Option 1 should also address long-term erosion control concerns due to the long and steep flow paths from the top of the proposed landfill down to the stormwater management ponds to prevent damage to the underlying landfill cap and reduce erosion

at the toe of the slope and future sedimentation in the stormwater ponds and downstream waterbodies.

Based on the preliminary information provided, the proposed grading at the Freeway Dump site appears acceptable. However, it should be noted that the proposed grading will discharge into the Black Dog Lake Fen complex (**Figure 1**), and care should be taken during final design to ensure no adverse impacts would result to the fen from any concentrated stormwater runoff or outfalls.

Rule C – Floodplain and Drainage Alteration

The portions of the proposed project are located in the 100-year FEMA floodplain, and a District permit is required for land alteration or placement of fill below the floodplain. The City of Burnsville will be requiring a No Rise Certificate indicating that the proposed remediation will not cause an increase in water surface elevations of more than 0.00 ft. The District requests a copy of the No Rise documentation as well as calculations that demonstrate no net loss of flood conveyance capacity.

Rule D – Stormwater Management

The District requires stormwater management for projects that propose to create more than one acre of new impervious surface and more than 10,000 square feet in the HVRA. While neither remediation option currently includes the creation of traditional impervious surfaces (such as concrete or asphalt) as part of the design, we recommend considering the impermeable landfill cap an impervious surface because it may contribute to increased runoff rates from the final landfill when compared to existing conditions.

The District Rules define an impervious surface as “a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to runoff the surface in greater quantities and at an increased rate of flow than before development.” The inherent purpose of a landfill final cover is to be impervious to surface and groundwater intrusions and to separate waste and byproducts from rain and groundwater infiltration, and the proposed remediation plans for Option 1 includes 60 to 80 acres of impervious liner and cover.

Further discussion of Rule D is broken below into three categories: rate control, volume reduction, and water quality.

Rate Control

The District clearly states one of the underlying policies in Rule D is to “require property owners control the rate and volume of stormwater runoff originating from their property so that surface water and groundwater quantity and quality is

protected or improved, soil erosion is minimized, and flooding potential is reduced.” The current Freeway Landfill and Dump sites, for better or worse, are unlined and do allow for some rainfall infiltration, which affects the overall stormwater runoff from the site.

Under Option 1 (Dig and Line), the project proposes to line and cover the landfill waste with an impervious liner under the waste and an impervious cap on top of the waste (Figure 1). Installing an impervious cover, even with roughly two feet of pervious cover vegetation and topsoil on top, may increase the amount of stormwater runoff generated from the landfill site, particularly with the proposed height and slopes of the final landfill. If Option 1 is selected as the final design, the District will require hydrologic calculations to demonstrate that the proposed stormwater runoff rates from the site do not exceed the existing rates.

As presented, Option 2 (Dig and Haul) does not propose any new impervious surface, either traditional hard surfaces or an impenetrable cover layer, and would not trigger the rate control requirements of Rule D. However, as noted in Rule B, runoff from the Freeway Dump will be entering the Black Dog Lake Fen HVRA, and care must be taken during final design to ensure no adverse impacts would result due to concentrated stormwater discharges into the fen.

Volume Reduction

Section 4.4.2 of Rule D requires volume reduction for post-construction stormwater runoff volume for projects that create more than one acre of impervious surface or redevelopment of more than 10,000 square feet in the HVRA. The District does not allow infiltration practices in areas that may mobilize high levels of contaminants in soil or groundwater; however, filtration technologies are an acceptable method in lieu of infiltration.

Water Quality

Section 4.4.3 of Rule D requires projects that create more than one acre of new impervious surface to provide evidence that no net increase in total phosphorus (TP) or total suspended solids (TSS) in the receiving waters will result from the project.

Stormwater ponds are currently proposed as part of the design; the District will require the applicant to develop and adhere to a stormwater maintenance plan for the project, including the acquisition of any necessary easements.

Recommendations

We applaud the MPCA for tackling this project and recognize the need to segregate the landfill waste from surface and groundwater. The following summarizes the comments from the District to the MPCA:

- The MPCA should apply for and receive a District Individual Project Permit prior to construction.
- The proposed project will trigger *Rule B – Erosion and Sediment Control* and require an Erosion and Sediment Control Plan, SWPPP, and NPDES Construction Stormwater Permit.
- The Freeway Dump portion of the project is located within the High Value Resource Area for Black Dog Lake Fen, and care should be taken during design to avoid concentrated stormwater discharges into the fen during and after construction.
- Portions of the project are located within the 100-year FEMA floodplain and floodway and *Rule C – Floodplain and Drainage Alteration*. The District will require a no-rise certification by a professional engineer and calculations demonstrating no loss of floodplain storage would result from the project.
- The District considers the landfill cap an impervious surface, and *Rule D – Stormwater Management* will apply to the project.
- The District does not allow infiltration practices in areas that may mobilize high levels of contaminants in soil or groundwater; however, filtration technologies are an acceptable method in lieu of infiltration.
- All stormwater BMPs will require a maintenance agreement with the District.

Attachments:

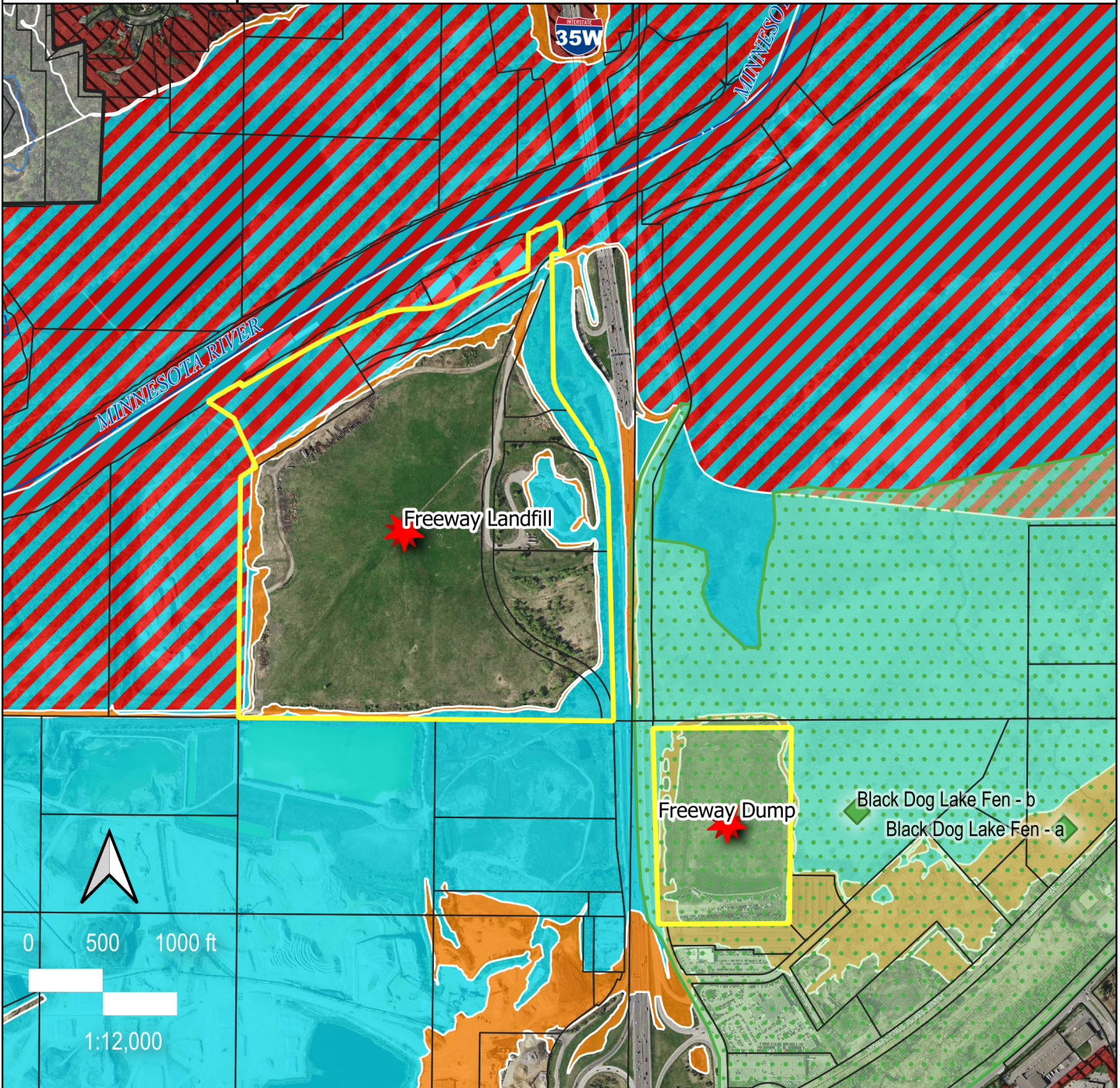
Figure 1—Proposed Freeway Landfill and Dump Location Map

LMRWD Permit Review Checklist



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Figure 1: Freeway Landfill and Dump Preliminary Review, City of Burnsville, MN 09-June-2020



LEGEND

- | | | |
|-----------------------|-----------------------|-------------------------------|
| LMRWD Boundary | Dakota Co. Floodplain | Steep Slopes Overlay District |
| Proposed Project Area | 100-yr Floodplain | Calcareous Fen Locations |
| Dakota Co. Parcels | Floodway | HVRA Overlay District |
| | 500-yr Floodplain | |



Young Environmental Consulting
Group, LLC



LOWER MINNESOTA RIVER WATERSHED DISTRICT PROJECT REVIEW

Project ID	<input type="text" value="2020_0105"/>	Authorization Agent	<input type="text"/>
Project Name	<input type="text" value="Freeway Landfill and Freeway Dump"/>	Email Address	<input type="text"/>
Organization	<input type="text" value="Minnesota Pollution Control Agency"/>	Phone Number	<input type="text" value="5555555555"/>
Notes	<input type="text" value="1/21/2020 - Review of preliminary plan documents and feedback"/>		

Project Summary

Anticipated start date	<input type="text" value="1/1/2021"/>	Date received	<input type="text"/>
Project location	<input type="text" value="Burnsville, MN"/>	Project map included?	<input checked="" type="checkbox"/>
Project acres	<input type="text" value="174"/>	Is the project in an unincorporated area?	<input type="checkbox"/>
Total disturbed acres	<input type="text" value="174"/>	Is it located in a High Value Resource Area	<input checked="" type="checkbox"/>
New impervious acres	<input type="text" value="0"/>	Is it located in a Steep Slope Overlay District	<input type="checkbox"/>
Local Partners	<input type="text" value="City of Burnsville"/>	Other Sensitive Area	<input type="text" value="Black Dog Lake Fen Complex"/>

Project Description

The MPCA has determined additional waste management efforts are needed for the closed Freeway Landfill and Freeway Dump sites to prevent pollutants from further release of landfill gases and leachate into groundwater and the Minnesota River, particularly with the cessation of quarry pumping operations at nearby Kramer Quarry. The project proposed two options:

1. Dig & Line - excavate the waste from both sites and construct a modern landfill within the Landfill footprint
2. Dig & Haul - excavate the waste from both sites and haul to an existing landfill.

The MPCA is currently soliciting stakeholder feedback on the preliminary design through a public comment period that ends on June 12, 2020.

Additional Notes

Review Status

Is this a preliminary review?

Is this a permit review?

Does this project require a technical review?

Project Status

Project is pending

Project is active

Project has been archived

Erosion and Sediment Control

This project triggers one or more thresholds for this rule.

<u>Triggers</u>		<u>Criteria</u>	
Disturbs one acre plus	<input checked="" type="checkbox"/>	Erosion and Sediment Control Plan	<input type="checkbox"/>
Located within the HVRA Overlay District	<input checked="" type="checkbox"/>	Inspection and maintenance addressed	<input type="checkbox"/>
Meets the HVRA threshold	<input checked="" type="checkbox"/>	NPDES/SDS General Construction Permit documentation	<input type="checkbox"/>

The documentation requirements for this rule have not been met. A review cannot be completed until all required documentation has been submitted.

Additional Notes

6/7/2020 - Based on the feasibility study and 5/6/2020 LMRWD presentation, the proposed project will disturb approximately 174 acres, including portions within the HVRA near Black Dog Lake Fen Complex. The District will require and erosion & sediment control plan, SWPPP, and a maintenance agreement for any permanent stormwater BMPs.

Floodplain Drainage Alteration

This project triggers one or more thresholds for this rule.

<u>Triggers</u>			
Changes in water surface elevation of floodplain	<input checked="" type="checkbox"/>	Calculations by a professional engineer demonstrating no decrease to conveyance	<input type="checkbox"/>
<i>If yes,</i> Compensatory storage equal or greater than volume of fill	<input type="checkbox"/>	Conveyance capacity decrease below 100yr high water elevation	<input type="checkbox"/>
<i>If no,</i> No-rise certification by a professional engineer	<input type="checkbox"/>	Temporary placement of fill	<input type="checkbox"/>
<u>Criteria</u>		Adverse impacts to water quality, habitat, or fisheries	<input type="checkbox"/>
Net decrease of storage capacity OR increase in 100yr elevation	<input type="checkbox"/>	New structures have 2ft+ between lowest enclosed area's floor and 100yr high water elevation	<input type="checkbox"/>
Will floodplain storage be created	<input type="checkbox"/>		

The documentation requirements for this rule have not been met. A review cannot be completed until all required documentation has been submitted.

Additional Notes

6/5/2020 - The proposed project is located within the 1% Special Flood Hazard Area for the Minnesota River. At this time it is not known if the project will reduce the flood storage capacity of the floodplain or not, but the potential impact should be con

Stormwater Managment

This project triggers one or more thresholds for this rule.

Type of project Development

Triggers

One acre or more of impervious surface



Are trout streams protected



HVRA Overlay District

Located within the HVRA Overlay District



Rate control exceeded for 1, 2, 10, and 100yr 24-hour event



If yes,

Meets the HVRA threshold



Projects with 1+ acres of new impervious: are MPCA's Construction General Permit



Criteria

Post-construction runoff rates exceed existing rates for 1, 2, 10, and 100yr 24-hour events?



Net increase of TP



Net increase of TSS



Is maintenance adequately addresse



New Development: the post-construction runoff volume retained onsite equal 1.1 inches of runoff from impervious surfaces



Project will result in a net decrease of TP and TSS



Redevelopment: the project will capture and retain onsite 1.1 inches from new/fully reconstructed impervious surface



Volume control requirements sufficiently addressed



Linear: the site will capture and retain (a) 0.55 inches of runoff from new/fully reconstructed impervious, or (b) 1.1 inches of runoff from the net increase in impervious area



The documentation requirements for this rule have not been met. A review cannot be completed until all required documentation has been submitted.

Alternative Infiltration Measures

Additional Notes

6/5/2020 - Option 1 (Dig & Line) proposes to dig up the existing landfill waste and construct an

impermeable liner under the waste, replace the waste, then cap with an impermeable cover over the waste per current regulatory standards. The purpose of a landfill liner and cap are to provide a permanent separation between the landfill waste and surface and groundwater, as such, the cap and liner should be considered impervious surface and would trigger the District's Rule D - Stormwater Management.

Option 2 (Dig & Haul) would remove the waste from both sites and presumably replace the waste with clean fill and pervious surface. In which case, Rule D would not be triggered.

Steep Slopes

This rule does not apply.

Triggers

Is the project in the Steep Slopes Overlay District

Excavation of 50 cubic yards+ of earth

Displacement of 5,000 sq. ft+ of earth

Vegetation removal or displacement

Activities that require LGU permits

Criteria

Has the project been certified by a professional engineer

Adverse impact to waterbodies

Unstable slope conditions

Degradation of water quality

Preservation of existing hydrology

New discharge points along slope

Additional Notes

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

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

Date: July 27, 2020

Re: Freeway Landfill and Dump Remediation – Project Update (Permit No. 2020-105)

The Minnesota Pollution Control Agency (MPCA) recently concluded the public comment period on the proposed remediation options for the Freeway Landfill and Dump site in the City of Burnsville. In 2019, Barr Engineering Co. (Barr) completed a focused feasibility study to evaluate potential remediation options and, at the time, the Lower Minnesota River Watershed District (District) requested that Young Environmental conduct a review to determine which District standards would be triggered by the proposed options. The MPCA and Barr have since developed two design options that the MPCA intends to release for bidding in early 2021. Young Environmental provided the District with a preliminary review of the proposed designs and permit requirements on June 10, 2020 (attached), which was then submitted to the MPCA as part of the public comment period.

On June 18, 2020, the District Administrator, Young Environmental, and Barr met online to discuss the project and the District's preliminary review (meeting notes attached). As part of the discussion, the project team and District staff walked through each of the District rules to determine applicability.

June 18, 2020: Meeting Summary

Rule A – Administrative and Procedural Requirements

The District confirmed that because the City of Burnsville does not have an approved municipal permit, an Individual Project Permit will be required for the project.

Rule B – Erosion and Sediment Control

The project team concurred with LMRWD that Rule B applies to the project and acknowledged the District's concern that concentrated discharges could enter the surrounding fen complex, causing scour and erosion.

Rule C – Floodplain and Drainage Alteration

The project team concurred with LRMWD that Rule C applies to the project and confirmed that it is working with Suzanne Jiwani at the Minnesota Department of Natural Resources (MnDNR) to obtain a no-rise certificate. The team also confirmed that the City of Burnsville has required a no-rise certificate for its floodplain records but no additional approval or permits.

Young Environmental contacted the MnDNR to confirm floodplain permitting requirements. A meeting was held on July 21, 2020 to discuss the floodplain review process for the MnDNR and District. During the meeting, it was decided that the District will take the review lead of the no-rise application because the District rules are more stringent than the MnDNR and FEMA requirements for the flood fringe impacts. The MnDNR will review short-term temporary impacts of the temporary construction berm in the floodway.

Rule D – Stormwater Management

The final stormwater management for the site remains a point of disagreement between the project team and the District. Our initial review was based on the determination that the proposed landfill liner and cap should be treated as a constructed impervious surface and be subject to District rules and definitions. The rules define an impervious surface as “a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to runoff the surface in greater quantities and at an increased rate of flow than before development.” The inherent purpose of the landfill final cover is to prevent surface and groundwater intrusions into the waste layers.

Barr's position is that the proposed landfill liner and cap should be considered pervious because the landfill design proposes a two-foot vegetated soil cover on top of the liner.

During the meeting, we discussed the District's willingness to consider a variance from the stormwater management requirement, specifically the peak rate control, given the MPCA's robust operation and maintenance requirement for capped landfills.

Additional Stormwater Considerations

Following the June 18 meeting, the District Administrator directed Young Environmental to research landfill permitting requirements, specifically stormwater regulations. The

proposed landfill remediation project would change the landscape of the area, and that change would alter the area's hydrology. Of the two options, the Dig and Line option is the most concerning for stormwater management due to the height of the proposed landfill and the proposed liner and cover system. For this option the MPCA is proposing stormwater detention ponds. However, the ponds were not sized with the assumption that the entire cap is impervious. Instead, they appear to have been sized to retain the additional runoff caused by the increased slopes and internal landfill stormwater mitigation system.

Given the disagreement over whether the cap is pervious or impervious, we contacted other metro watershed districts to determine if they have permitted similar projects. We found that there is wide latitude in the definition of "impervious surface" but general agreement that, while the proposed landfill cap is not a traditional impervious surface, neither is it a traditional pervious surface. One recommendation we received was to consider applying the methodology for permitting artificial turf because artificial turf systems also typically have a liner and underdrain system, similar to the proposed landfill.

Artificial Turf Hydrology Options

The proposed landfill cap and liner system is somewhat similar to an artificial turf system. Both systems provide an upper media layer that can filter or infiltrate stormwater, but both are limited by a lower impervious layer. In addition, water that filters through the upper media is collected in a drainage system and discharged elsewhere to prevent its infiltrating the underlying aquifer.

Rather than considering the proposed landfill cap and liner entirely impervious or entirely pervious, we propose three alternative methods for determining the final hydrology for the site:

1. Using a modified SCS curve number that accounts for the maximum water retention available within the final cover system (if the cover soil's moisture-storage capacity and other necessary soil properties are known) as well as the final landfill slopes.
2. Modeling the final cover system and drainage layer in a method consistent with artificial turf methodology.¹
3. Utilizing the Hydrologic Evaluation of Landfill Performance (HELP) program² to evaluate the evapotranspiration, infiltration, and filtration of the final cover

¹ <https://www.hydrocad.net/curvenumber.htm>

² <https://www.epa.gov/land-research/hydrologic-evaluation-landfill-performance-help-model>

system.

Recommendations

We applaud the MCPA for tackling this project, and we recognize the need to segregate the landfill waste from surface water and groundwater. We also want to protect the downstream resources from increased runoff or erosion due to the proposed project.

We recommend that the MPCA more closely examine the hydrology of the proposed Dig and Line options to ensure that no adverse impacts would result. In an effort to work with the MPCA on this complicated project, we also recommend considering the final landfill cover system as a quasi-impervious layer that may have the same effects as an impervious layer, unless the MPCA can prove otherwise.

Finally, due to the various definitions of an impervious surface that we encountered in the metro area, we recommend that the District consider revising the definition and clarify the overall intent of the stormwater rule for future projects.

Attachments:

June 10, 2020 – Freeway Landfill and Dump Preliminary Project Review

June 18, 2020 – Barr Meeting Notes

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

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

Date: June 10, 2020

Re: Freeway Landfill and Dump Remediation Preliminary Project Review
(Permit No. 2020_105)

The Minnesota Pollution Control Agency (MPCA) is in the process of soliciting stakeholder design input on the proposed remediation options for the Freeway Landfill and Dump site in the City of Burnsville. In 2019, Barr Engineering Co. (Barr) completed a focused feasibility study to evaluate potential remediation options, and at the time, the Lower Minnesota River Watershed District (District) requested that Young Environmental conduct a review to determine which District standards the proposed options would trigger. The MPCA and Barr have since developed two design options that the MPCA intends to release for bidding in early 2021. The following is a more detailed review of the two options and the District requirements for the MPCA public comment period ending June 12, 2020.

Summary

Project Name: Freeway Landfill and Dump Remediation

Purpose: Remediation of two closed, but unlined, solid waste facilities

Project Size: Approximately 175 acres of disturbance,

Location: 11937 Interstate 35W and 1020 W. Black Dog Rd, Burnsville, MN

Applicable LMRWD Rules: Rule A – Administrative and Procedural Requirements
Rule B – Erosion and Sediment Control
Rule C – Floodplain and Drainage Alteration
Rule D – Stormwater Management

Recommended Board Action: Information only, no Board action at this time

Discussion

The MPCA is proposing to remediate the waste currently stored at the Freeway Landfill and Dump because the waste disposal occurred without the needed protections required by modern landfills to manage landfill leachate and landfill gas. The MPCA has proposed two options:

1. **Dig and Line:** Build a new modern landfill on the property (three variations of this option have been provided).
2. **Dig and Haul:** Move the waste from the landfill and dump off the property to another modern landfill.

As part of the MPCA's stakeholder outreach, the District was provided with the following documents for review:

- Freeway Remediation Presentation by Barr, dated May 6, 2020
- Freeway Remediation Preliminary Drainage Figures by Barr, dated May 6, 2020
- Focused Feasibility Study Report for the Freeway Landfill and Freeway Dump by Barr, dated October 2019

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The proposed project is located within the City of Burnsville and would normally be subject to municipal review; however, the City of Burnsville does not have an approved Municipal Permit with the District, and as such, the MPCA must receive a District Individual Project Permit prior to construction.

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In addition, Option 1 should also address long-term erosion control concerns due to the long and steep flow paths from the top of the proposed landfill down to the stormwater management ponds to prevent damage to the underlying landfill cap and reduce erosion

at the toe of the slope and future sedimentation in the stormwater ponds and downstream waterbodies.

Based on the preliminary information provided, the proposed grading at the Freeway Dump site appears acceptable. However, it should be noted that the proposed grading will discharge into the Black Dog Lake Fen complex (**Figure 1**), and care should be taken during final design to ensure no adverse impacts would result to the fen from any concentrated stormwater runoff or outfalls.

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The portions of the proposed project are located in the 100-year FEMA floodplain, and a District permit is required for land alteration or placement of fill below the floodplain. The City of Burnsville will be requiring a No Rise Certificate indicating that the proposed remediation will not cause an increase in water surface elevations of more than 0.00 ft. The District requests a copy of the No Rise documentation as well as calculations that demonstrate no net loss of flood conveyance capacity.

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The District Rules define an impervious surface as “a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to runoff the surface in greater quantities and at an increased rate of flow than before development.” The inherent purpose of a landfill final cover is to be impervious to surface and groundwater intrusions and to separate waste and byproducts from rain and groundwater infiltration, and the proposed remediation plans for Option 1 includes 60 to 80 acres of impervious liner and cover.

Further discussion of Rule D is broken below into three categories: rate control, volume reduction, and water quality.

Rate Control

The District clearly states one of the underlying policies in Rule D is to “require property owners control the rate and volume of stormwater runoff originating from their property so that surface water and groundwater quantity and quality is

protected or improved, soil erosion is minimized, and flooding potential is reduced.” The current Freeway Landfill and Dump sites, for better or worse, are unlined and do allow for some rainfall infiltration, which affects the overall stormwater runoff from the site.

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As presented, Option 2 (Dig and Haul) does not propose any new impervious surface, either traditional hard surfaces or an impenetrable cover layer, and would not trigger the rate control requirements of Rule D. However, as noted in Rule B, runoff from the Freeway Dump will be entering the Black Dog Lake Fen HVRA, and care must be taken during final design to ensure no adverse impacts would result due to concentrated stormwater discharges into the fen.

Volume Reduction

Section 4.4.2 of Rule D requires volume reduction for post-construction stormwater runoff volume for projects that create more than one acre of impervious surface or redevelopment of more than 10,000 square feet in the HVRA. The District does not allow infiltration practices in areas that may mobilize high levels of contaminants in soil or groundwater; however, filtration technologies are an acceptable method in lieu of infiltration.

Water Quality

Section 4.4.3 of Rule D requires projects that create more than one acre of new impervious surface to provide evidence that no net increase in total phosphorus (TP) or total suspended solids (TSS) in the receiving waters will result from the project.

Stormwater ponds are currently proposed as part of the design; the District will require the applicant to develop and adhere to a stormwater maintenance plan for the project, including the acquisition of any necessary easements.

Recommendations

We applaud the MPCA for tackling this project and recognize the need to segregate the landfill waste from surface and groundwater. The following summarizes the comments from the District to the MPCA:

- The MPCA should apply for and receive a District Individual Project Permit prior to construction.
- The proposed project will trigger *Rule B – Erosion and Sediment Control* and require an Erosion and Sediment Control Plan, SWPPP, and NPDES Construction Stormwater Permit.
- The Freeway Dump portion of the project is located within the High Value Resource Area for Black Dog Lake Fen, and care should be taken during design to avoid concentrated stormwater discharges into the fen during and after construction.
- Portions of the project are located within the 100-year FEMA floodplain and floodway and *Rule C – Floodplain and Drainage Alteration*. The District will require a no-rise certification by a professional engineer and calculations demonstrating no loss of floodplain storage would result from the project.
- The District considers the landfill cap an impervious surface, and *Rule D – Stormwater Management* will apply to the project.
- The District does not allow infiltration practices in areas that may mobilize high levels of contaminants in soil or groundwater; however, filtration technologies are an acceptable method in lieu of infiltration.
- All stormwater BMPs will require a maintenance agreement with the District.

Attachments:

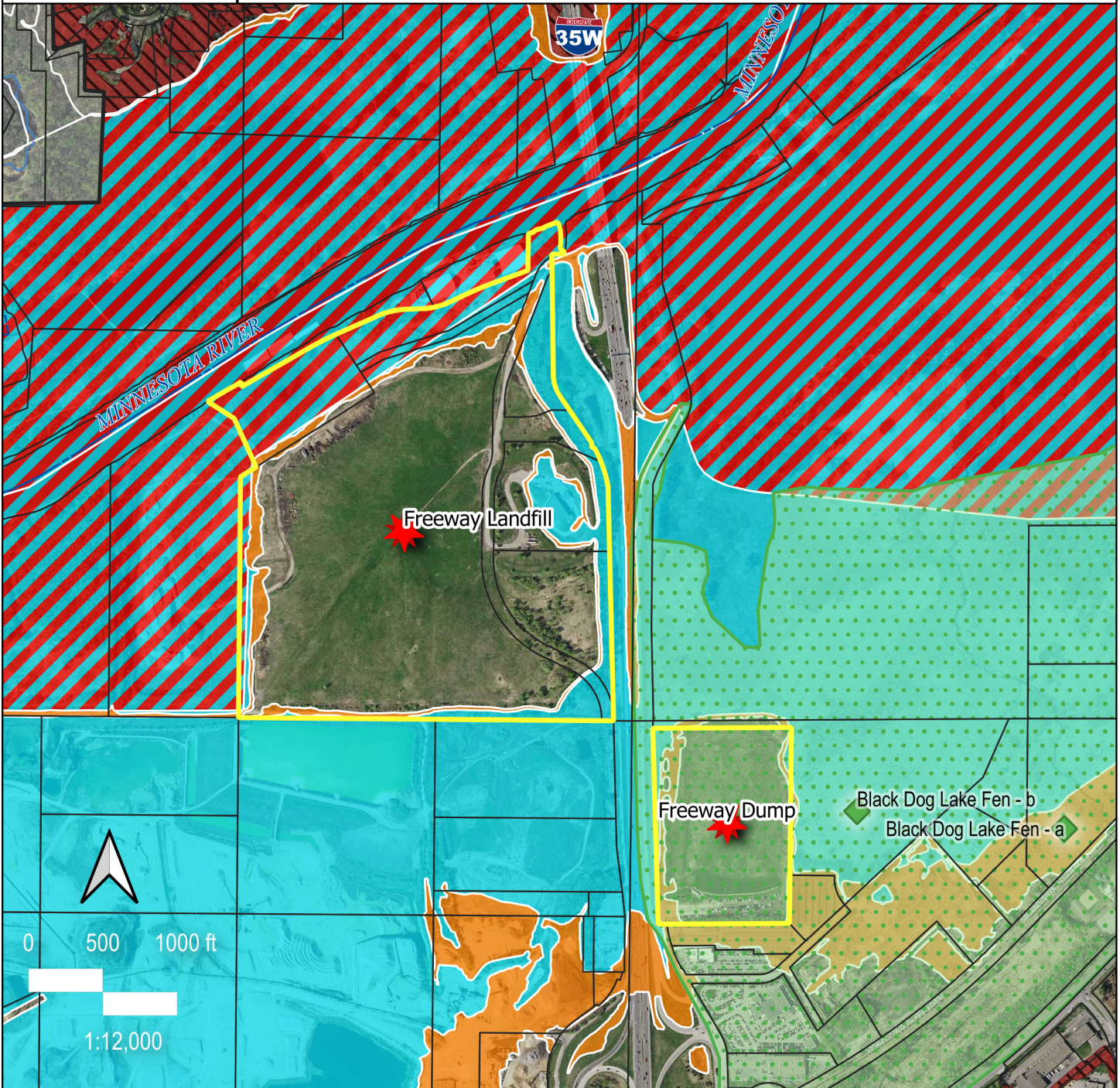
Figure 1—Proposed Freeway Landfill and Dump Location Map

LMRWD Permit Review Checklist



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Figure 1: Freeway Landfill and Dump Preliminary Review, City of Burnsville, MN 09-June-2020



LEGEND

- | | | |
|-----------------------|-----------------------|-------------------------------|
| LMRWD Boundary | Dakota Co. Floodplain | Steep Slopes Overlay District |
| Proposed Project Area | 100-yr Floodplain | Calcareous Fen Locations |
| Dakota Co. Parcels | Floodway | HVRA Overlay District |
| | 500-yr Floodplain | |



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LOWER MINNESOTA RIVER WATERSHED DISTRICT PROJECT REVIEW

Project ID	<input type="text" value="2020_0105"/>	Authorization Agent	<input type="text"/>
Project Name	<input type="text" value="Freeway Landfill and Freeway Dump"/>	Email Address	<input type="text"/>
Organization	<input type="text" value="Minnesota Pollution Control Agency"/>	Phone Number	<input type="text" value="5555555555"/>
Notes	<input type="text" value="1/21/2020 - Review of preliminary plan documents and feedback"/>		

Project Summary

Anticipated start date	<input type="text" value="1/1/2021"/>	Date received	<input type="text"/>
Project location	<input type="text" value="Burnsville, MN"/>	Project map included?	<input checked="" type="checkbox"/>
Project acres	<input type="text" value="174"/>	Is the project in an unincorporated area?	<input type="checkbox"/>
Total disturbed acres	<input type="text" value="174"/>	Is it located in a High Value Resource Area	<input checked="" type="checkbox"/>
New impervious acres	<input type="text" value="0"/>	Is it located in a Steep Slope Overlay District	<input type="checkbox"/>
Local Partners	<input type="text" value="City of Burnsville"/>	Other Sensitive Area	<input type="text" value="Black Dog Lake Fen Complex"/>

Project Description

The MPCA has determined additional waste management efforts are needed for the closed Freeway Landfill and Freeway Dump sites to prevent pollutants from further release of landfill gases and leachate into groundwater and the Minnesota River, particularly with the cessation of quarry pumping operations at nearby Kramer Quarry. The project proposed two options:

1. Dig & Line - excavate the waste from both sites and construct a modern landfill within the Landfill footprint
2. Dig & Haul - excavate the waste from both sites and haul to an existing landfill.

The MPCA is currently soliciting stakeholder feedback on the preliminary design through a public comment period that ends on June 12, 2020.

Additional Notes

Review Status

Is this a preliminary review?	<input checked="" type="checkbox"/>
Is this a permit review?	<input type="checkbox"/>
Does this project require a technical review?	<input type="checkbox"/>

Project Status

Project is pending	<input checked="" type="checkbox"/>
Project is active	<input type="checkbox"/>
Project has been archived	<input type="checkbox"/>

Erosion and Sediment Control

This project triggers one or more thresholds for this rule.

<u>Triggers</u>		<u>Criteria</u>	
Disturbs one acre plus	<input checked="" type="checkbox"/>	Erosion and Sediment Control Plan	<input type="checkbox"/>
Located within the HVRA Overlay District	<input checked="" type="checkbox"/>	Inspection and maintenance addressed	<input type="checkbox"/>
Meets the HVRA threshold	<input checked="" type="checkbox"/>	NPDES/SDS General Construction Permit documentation	<input type="checkbox"/>

The documentation requirements for this rule have not been met. A review cannot be completed until all required documentation has been submitted.

Additional Notes

6/7/2020 - Based on the feasibility study and 5/6/2020 LMRWD presentation, the proposed project will disturb approximately 174 acres, including portions within the HVRA near Black Dog Lake Fen Complex. The District will require an erosion & sediment control plan, SWPPP, and a maintenance agreement for any permanent stormwater BMPs.

Floodplain Drainage Alteration

This project triggers one or more thresholds for this rule.

<u>Triggers</u>			
Changes in water surface elevation of floodplain	<input checked="" type="checkbox"/>	Calculations by a professional engineer demonstrating no decrease to conveyance	<input type="checkbox"/>
<i>If yes,</i> Compensatory storage equal or greater than volume of fill	<input type="checkbox"/>	Conveyance capacity decrease below 100yr high water elevation	<input type="checkbox"/>
<i>If no,</i> No-rise certification by a professional engineer	<input type="checkbox"/>	Temporary placement of fill	<input type="checkbox"/>
<u>Criteria</u>		Adverse impacts to water quality, habitat, or fisheries	<input type="checkbox"/>
Net decrease of storage capacity OR increase in 100yr elevation	<input type="checkbox"/>	New structures have 2ft+ between lowest enclosed area's floor and 100yr high water elevation	<input type="checkbox"/>
Will floodplain storage be created	<input type="checkbox"/>		

The documentation requirements for this rule have not been met. A review cannot be completed until all required documentation has been submitted.

Additional Notes

6/5/2020 - The proposed project is located within the 1% Special Flood Hazard Area for the Minnesota River. At this time it is not known if the project will reduce the flood storage capacity of the floodplain or not, but the potential impact should be con

Stormwater Managment

This project triggers one or more thresholds for this rule.

Type of project Development

Triggers

One acre or more of impervious surface



Are trout streams protected



HVRA Overlay District

Located within the HVRA Overlay District



Rate control exceeded for 1, 2, 10, and 100yr 24-hour event



If yes,

Meets the HVRA threshold



Projects with 1+ acres of new impervious: are MPCA's Construction General Permit



Criteria

Post-construction runoff rates exceed existing rates for 1, 2, 10, and 100yr 24-hour events?



Net increase of TP



Net increase of TSS



Is maintenance adequately addresse



New Development: the post-construction runoff volume retained onsite equal 1.1 inches of runoff from impervious surfaces



Project will result in a net decrease of TP and TSS



Redevelopment: the project will capture and retain onsite 1.1 inches from new/fully reconstructed impervious surface



Volume control requirements sufficiently addressed



Linear: the site will capture and retain (a) 0.55 inches of runoff from new/fully reconstructed impervious, or (b) 1.1 inches of runoff from the net increase in impervious area



The documentation requirements for this rule have not been met. A review cannot be completed until all required documentation has been submitted.

Alternative Infiltration Measures

Additional Notes

6/5/2020 - Option 1 (Dig & Line) proposes to dig up the existing landfill waste and construct an

impermeable liner under the waste, replace the waste, then cap with an impermeable cover over the waste per current regulatory standards. The purpose of a landfill liner and cap are to provide a permanent separation between the landfill waste and surface and groundwater, as such, the cap and liner should be considered impervious surface and would trigger the District's Rule D - Stormwater Management.

Option 2 (Dig & Haul) would remove the waste from both sites and presumably replace the waste with clean fill and pervious surface. In which case, Rule D would not be triggered.

Steep Slopes

This rule does not apply.

Triggers

Is the project in the Steep Slopes Overlay District

Excavation of 50 cubic yards+ of earth

Displacement of 5,000 sq. ft+ of earth

Vegetation removal or displacement

Activities that require LGU permits

Criteria

Has the project been certified by a professional engineer

Adverse impact to waterbodies

Unstable slope conditions

Degradation of water quality

Preservation of existing hydrology

New discharge points along slope

Additional Notes

Meeting Notes

Freeway Landfill and Dump Closure – LMRWD

June 18, 2020

3:00pm – 4:00pm

Attendees: LMRWD: Linda Loomis, Della Schall Young, Katy Thompson
Barr: Jim Herbert, Eric Lund, Bryan Pitterle

1. Introductions and Meeting Objectives

- Jim Herbert kicked off the meeting, thanked everyone for joining, and provided a brief overview of the agenda and meeting objectives

2. LMRWD Rules

- Rule A: Administrative and Procedural Requirements
 - Burnsville does not have an approved Municipal Permit with LMRWD
 - LMRWD confirmed an Individual Project Permit is requested
- Rule B: Erosion and Sediment Control
 - LMRWD and Barr confirmed applicability of rule
 - Bryan clarified that the side slopes of the landfill will be at 5H:1V and have downslope drainage collection berms/ditches at 200' maximum spacing. Water that is collected off the landfill top or within the downslope drainage collection berms/ditches is routed to downslope inlets and then pipes that flow to energy dissipators at the toe of slope.
 - Katy Thompson requested considerations be made for runoff or outfalls to the fen complex surrounding the dump site, especially if any concentrated stormwater becomes a part of the project.
- Rule C: Floodplain and Drainage Alteration
 - LMRWD and Barr confirmed applicability of rule
 - Della Schall Young inquired about who MPCA and Barr were working with from the city and MN DNR regarding the floodplain. Eric Lund indicated the primary DNR contact has been Suzanne Jiwani and the city contacts are Ryan Peterson and Jenni Faulkner. Eric stated the city has requested a no-rise certificate but has confirmed no approval or permit is required from the city.
- Rule D: Stormwater Management
 - Barr's position is that the proposed landfill cover should be defined as pervious because the liner is two feet deep and the surface soils do not impede entry of water into the soils.
 - LMRWD considers the proposed landfill cover as impervious due to the liner system and to ensure consistency with its review of future projects.
 - LMRWD indicated a willingness to work with the MPCA for a variance to its Rate Control requirement given that the MPCA will have an O & M plan and the cover soil materials will provide some filtration.
 - LMRWD and Barr concurred that if the proposed cap is considered as an impervious surface then the existing cap should also be considered as an impervious surface (to the extent documentation supports an existing clay cap).

- Operations & Maintenance (O & M)
 - LMRWD emphasized the importance of continued O & M at the site. Barr indicated the MPCA has a program for maintaining its sites that will be described in the final application.

3. Schedule

- Eric Lund described that the currently assumed schedule is as follows
 - July 2020 - selected variation of dig-and-line option
 - November 2020 – bid both dig-and-line and dig-and-haul options
 - Early 2021 – legislature selects which option receives funding
 - Summer 2021 – construction begins

4. Action Items

- Eric Lund to reach out to Ryan Peterson (City) and Jenni Faulkner (City) to see if it is OK to forward an email regarding city coordination and permitting. [Post meeting note – task completed and email forwarded]
- Della Schall Young to reach out to Suzanne Jiwani with the MN DNR to coordinate floodplain and flood conveyance alterations.
- Barr to begin preparing documentation that would support request for variance for rate control requirements as part of Rule D. Additional correspondence with LMRWD prior to submittal may be requested.

February 16, 2022

Mark D. Olson
Stantec Consulting Services Inc.
1800 Pioneer Creek Center
Maple Plain, MN 55359

Re: Expansion and Reopening of Freeway Landfill

Dear Mark Olson:

Thank you for your letter dated September 10, 2021, regarding your potential proposed expansion and reopening of Freeway Landfill. While Stantec identifies what it contends are benefits for reopening Freeway Landfill, Stantec fails to address the numerous regulatory constraints related to expanding and reopening a closed landfill. The MPCA encourages Stantec and its client to review all applicable federal regulations, Minnesota Rules and Statutes, including but not limited to those below, as it develops its proposal into a formal submission.

As you know, the Metropolitan Landfill Abatement Act prohibits the permitting of landfill disposal capacity without the issuance of a certificate of need (CON) by the Minnesota Pollution Control Agency (MPCA). The Metropolitan Landfill Abatement Act directs MPCA to establish standards and procedures for certifying CON in Metropolitan Solid Waste Management Policy Plan (Policy Plan). The MPCA did so and the Policy Plan requires that all applications for CON within the metropolitan area must be submitted within a period of 180 days after MPCA's CON notification. MPCA issued its notice in July 2020. The MPCA's records do not indicate that Freeway Landfill submitted an application.

In addition, Freeway Landfill is listed on both the National Priority List (NPL) overseen by the United States Environmental Protection Agency and the Permanent List of Priorities (PLP) overseen by the MPCA and is also a facility in the Closed Landfill Program (CLP). The purpose of the Closed Landfill Program is to manage eligible closed landfills to prevent threats to public health and the environment posed by mixed municipal solid wastes, including at NPL and PLP sites. Moreover, the failure of a CLP priority qualified facility to enter into a binding agreement to appropriately manage its facility is prima facie evidence that an owner is unfit to operate a solid waste landfill. Additionally, failure of a CLP qualified facility to undertake closure or post closure care in compliance with section 115B.40 subdivision 4 is also prima facie evidence that an owner is unfit to operate a solid waste landfill. The MPCA's records do not indicate that Freeway Landfill has entered into a binding agreement.

Mark D. Olson
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February 16, 2022

These are a sampling of the state and federal regulations that your client and you should consider if you develop any potential proposal. The MPCA sees these as significant hurdles. Any final application submitted to the MPCA will have to address all solid waste and remediation regulations.

Sincerely,



Kirk Koudelka
Assistant Commissioner

cc: Mayor Elizabeth Kautz, City of Burnsville
Dan Schleck

August 31, 2022

VIA EMAIL

Daniel S. Schleck
Messerli Kramer
100 South Fifth Street, Suite 1400
Minneapolis, MN 55402

Re: R.B. McGowan Company, Inc. (DEV-22-1) New Application

Dear Daniel S. Schleck:

Thank you for the opportunity to provide public comment. The City of Burnsville directed the Minnesota Pollution Control Agency (MPCA) to address comments to you about the application for a Concept Stage Planned Unit Development to reopen and expand Freeway Landfill submitted by R.B. McGowan Company, Inc. Please note that no application has been submitted to the MPCA; therefore, these public comments do not represent any final determination by the MPCA. These public comments are based on the information provided and the limited timeframe allowed for public comments. The MPCA has consolidated comments from various departments for ease of reference and because there is overlap related to the issues discussed.

Remediation Programs

A. Freeway's Application Does Not Appear To Address Threats To Groundwater, Drinking Water Supply, And The Minnesota River.

When Freeway Landfill and Freeway Dump (Freeway) accepted waste prior to closure in 1993, few design and operational standards to manage landfill liquid waste and landfill gas were available compared to modern landfill programs. The site is a threat to groundwater, the drinking water supply of the cities of Burnsville and Savage, and to the Minnesota River. Data from monitoring wells at Freeway show contamination is widespread within the waste area, and that contamination has migrated beyond the area of waste. Although drinking water supply wells in the area are tested regularly, and the water currently meets drinking water standards, expected future changes in the groundwater movement will increase the threat to the drinking water supply. The movement of landfill gas underground is also a potential threat to adjacent buildings. Freeway's application does not appear to identify how its proposed project would address these concerns.

B. Freeway Is Subject To Stringent Federal And State Regulations Because It Is An NPL Site And Closed Landfill In The Closed Landfill Program.

On February 16, 2022, the MPCA sent a letter to Stantec Consulting Services, Inc., which provides environmental consulting to Freeway Landfill, identifying some of these issues in response to a potential proposal to expand and reopen Freeway (see attached).

As the MPCA stated in that letter, Freeway is a facility in the Closed Landfill Program and is also listed on both the National Priority List (NPL) overseen by the United States Environmental Protection Agency (EPA) and the Permanent List of Priorities (PLP) overseen by the MPCA. Freeway entered the Closed Landfill Program without entering into a binding agreement. Under Minn. Stat. § 115B.406 subd. 5, failure of a Closed Landfill Program priority-qualified facility to enter into a binding agreement to appropriately manage its facility is prima facie evidence that an owner is unfit to operate a solid waste landfill.

Further, facilities like Freeway cannot be in the Closed Landfill Program and accept waste for disposal except under the limited circumstances provided under Minn. Stat. § 115B.403. Additionally, Minn. Stat. § 115B.412 subd. 8b outlines the limited circumstances for removing a landfill from the Closed Landfill Program. The criteria are that no solid waste remains at the facility and the MPCA has determined that no further response actions are required to protect human health and the environment. Freeway's proposal suggests that it intends to leave solid waste remaining at the facility.

Solid Waste and Environmental Review Programs

Even if Freeway were somehow able to exit the Closed Landfill Program, the MPCA permits, and approvals identified by the applicant in Section 6 of the 'Project Narrative and Information' document in the application would be managed under the Solid Waste and Environmental Review programs. The staff from those programs have performed a cursory review of Freeway's application to the City of Burnsville and have identified the following hurdles for issuance of a Solid Waste Permit.

A. Freeway's Application Does Not Appear To Address That Freeway Has Not Applied for a Certificate Of Need

The letter the MPCA sent on February 16, 2022, also noted that the Metropolitan Landfill Abatement Act prohibits the permitting of landfill disposal capacity without the issuance of a certificate of need (CON) by the MPCA. The Metropolitan Landfill Abatement Act directs the MPCA to establish standards and procedures for certifying a CON in the Metropolitan Solid Waste Management Policy Plan (Policy Plan). The MPCA has done that, and the Policy Plan required that all applications for a CON within the metropolitan area must be submitted within a period of 180 days after the MPCA's CON notification. The MPCA issued its CON notice in July of 2020 and issued its preliminary determination in October of 2021 to allocate the estimated waste disposal capacity for the next seven years to four solid waste facilities. The MPCA's records do not indicate that Freeway submitted an application for a CON, and Freeway's application does not appear to address that the need for the project must first be identified through the CON process before a solid waste application can be taken up by the MPCA for review.

B. Freeway Has Not Submitted An Application To The MPCA For a Permit or Environmental Review

Freeway has not submitted a complete application for a permit or environmental review to the MPCA for evaluation. As part of an environmental review process for a proposed project, the MPCA would require a final description of the proposed project, submission of a CON application, a Municipal Solid Waste (MSW) permit application, and a scoping Environmental Assessment Worksheet (EAW). The MPCA, however, notes that Freeway states the proposed project is to "add 6.87 million cubic yards of municipal solid waste over the top of the existing closed landfill." As proposed, such a quantity would exceed the mandatory threshold for an Environmental Impact Statement (EIS) in Minn. Rules 4410.4400, subp. 13. A. ("For construction of a mixed municipal solid waste land disposal facility for 100,000 cubic

yards or more of waste fill per year, the Pollution Control Agency is the Responsible Governmental Unit.”) An EIS is typically a multiyear process.

In Section 3.6 of the ‘Project Narrative and Information’ document in the MSW permit application, the applicant indicates that the proposed project would not require additional environmental review due to an EIS completed in 1991 and subsequent environmental investigations at Freeway. A previous environmental review would be evaluated by the MPCA as part of the EIS process and only after all documentation had been supplied to the Agency. At this juncture, the MPCA certainly cannot predetermine the relevancy of the previous environmental review prior to engaging in the EIS process and understanding any differences between a past project and the current proposed project. The MPCA review of the previous EIS would include a determination of whether or not the proposed project was covered under the previous EIS as required by Minn. Rules 4410.4600, subp. 2.E. Since the proposed project appears to be new and novel, the previous EIS may not provide a basis for an exemption from environmental review.

Further, the applicant suggests that EISs conducted for neighboring projects (e.g., the expansion of the Burnsville Sanitary Landfill and the reconstruction of the I-35W bridge) could potentially stand in for additional environmental review at Freeway. The existence of a neighboring environmental review is not a basis for an exemption from environmental review. The information from a previous environmental review for a different proposed project or information from neighboring environmental reviews can certainly inform a required EIS if that information is still accurate and related to the potential for significant environmental effects of the current proposed project.

Because Freeway has not submitted an application and related documentation to the MPCA, the MPCA has not made any final determination related to environmental review at this time.

C. Freeway’s Application Does Not Appear To Address Location Standards Or Siting Requirements For Solid Waste Facilities

Solid waste facilities are subject to the location restrictions described in Minn. R. 7035.2555, and, if applicable, the additional siting requirements for landfills described in Minn. R. 7001.3111. As detailed above, the MPCA’s position is that Freeway would first need to remove all existing waste and be delisted from the Closed Landfill Program before accepting new waste as a permitted solid waste landfill. If Freeway were to pursue that path, then Freeway would be considered a new solid waste facility and thus evaluated against the requirements of both Minn. R. 7035.2555 and Minn. R. 7001.3111. In particular, the siting standards described in Minn. R. 7001.3111 Subparts 3A and 3B appear difficult for Freeway to satisfy given the current site conditions, the existing site constraints, and the evidence gathered during remedial investigations performed by the Closed Landfill Program.

D. Freeway’s Application Does Not Appear To Address A Compliance Boundary to Meet Solid Waste Rules

One of the siting requirements described above includes reference to a “compliance boundary” for groundwater monitoring and corrective actions. The compliance boundary is further described in Minn. R. 7035.2815 Subpart 4 and requires, among other considerations, that the feasibility of groundwater monitoring and corrective actions shall be considered when establishing the compliance boundary. Given the groundwater data collected by the Closed Landfill Program and the site constraints (particularly to the south), the MPCA questions whether an acceptable compliance boundary could be established for the proposed site design of Freeway.

Daniel S. Schleck

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August 31, 2022

E. Freeway Makes An Incongruous Comparison For The Use Of Overlay Liners In The MPCA Solid Waste Program

A memo regarding the feasibility to utilize an overlay liner for landfill expansions was included in the application materials submitted to the City of Burnsville by Freeway. The memo provides examples of “permitted and/or active” MSW landfills in Minnesota that have utilized overlay liners. The memo fails to acknowledge, however, that the facilities provided as examples had a current solid waste permit and were in compliance with Solid Waste rules at the time the overlay liner was approved for construction.

Conversely, Freeway submitted its ‘Closure Report for Freeway Landfill’ in 1993 and has since entered the Closed Landfill Program. Further, since closure, Freeway Landfill has been issued multiple Notices of Violation (NOVs) culminating in administrative orders being issued in 2012 and 2014 that included specified actions to return the facility to compliance. Freeway’s application does not appear to address these issues and distinctions.

In conclusion, Freeway’s proposed project would need to meet all solid waste and remediation regulations, which include addressing the environmental and human health concerns currently present at the facility. The issues the MPCA raised above are examples of the areas that the project proposal does not address. Any future applications submitted to the MPCA may bring up additional issues, and further review is necessary to make a final determination.

Sincerely,

Kirk Koudelka

This document has been electronically signed.

Kirk Koudelka
Assistant Commissioner
Commissioners Office

Attachment: MPCA’s Response to Stantec Letter

cc: Kevin Trushenski, City of Burnsville (w/attachment) (electronic)
Deb Garross, City of Burnsville (w/attachment) (electronic)
BJ Jungmann, City of Burnsville (w/attachment) (electronic)

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

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

Date: September 14, 2022

Re: LMRWD—City of Burnsville Municipal LGU Permit (Surface Water Management Plan and Ordinance Controls Review)

On August 4, Jen Desrude, with the City of Burnsville (City), applied for the Lower Minnesota River Watershed District (LMRWD) general municipal local government unit (LGU) permit. The documents offered as an exhibit were City Code Chapter 10-8 Environmental Overlay Districts, City Code Chapter 10-10 Flood Plain Regulations, Appendix C—Development Standards from the Water Resources Management Plan (Appendix C), and a document noting LMRWD rules and the City response. The documents present City evidence of compliance with policy, regulation, exceptions, and criteria associated with rules B—Erosion and Sediment Control, C—Floodplain and Drainage Alteration, D—Stormwater Management, and F—Steep Slopes.

Below is a summary of Young Environmental Consulting Group's (Young Environmental) review of the information provided by the City and our recommendations.

Erosion and Sediment Control

Compliance with the LMRWD's Rule B—Erosion and Sediment Control is captured in City Code Chapter 10-8-8 Controlling Erosion and Sediment from Land Disturbing Activities and Appendix C Sections IV.2 Standards—Erosion and Sediment Control, V Design Criteria, and VI.2 Submittals—Grading and Erosion Control Plan. It should also be noted that the City contains high value resource areas (HVRAs) associated with Black Dog Lake Fen and Nicols Meadow Fen.

The City has requested to include trail maintenance in its list of exceptions for City Code Chapter 10-8-8. All maintenance activities of existing roads (which includes trails) is

listed as an exception in LMRWD Rule B Section 2.3. We therefore recommend this exception be accepted. As presented, the City's general regulatory standards and requirements for the erosion and sediment control match or exceed the LMRWD's requirements. Therefore, the City complies with Rule B, and no additional information is required.

Floodplain Management

The City of Burnsville's ordinances adhere to the state-approved floodplain management and shoreland ordinances but differ from LMRWD Rule C—Floodplain and Drainage Alteration. As such, the City has requested the municipal permit be granted except for projects located in the floodplain.

Stormwater Management

Compliance with the LMRWD's Rule D—Stormwater Management is captured in City Code Chapter 10-8-11 Stormwater Management and Overlay District Standards and Appendix C Sections IV.1 Standards—Stormwater Management, V. Design Criteria, and VI.1 Submittals—Stormwater Management Plan. Approval of an LGU Permit for stormwater management is recommended contingent on addressing the following concerns:

- LMRWD Rule D Section 4.4.2c.iii lists areas that receive discharges from industrial facilities that are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA as unfit for infiltration practices. The City addresses this in Appendix C Section IV.1.A.iii.8, stating that "areas that receive industrial stormwater runoff regulated under the NPDES ISW program" are unfit for infiltration practices. As presented, this contradicts the intent of the LMRWD rule. Please provide clarification of the areas described here that are unfit for infiltration.
- LMRWD Rule D Section 4.4.3.b.iii addresses temperature controls for trout waters. The section lists specific measures in order of preference. The City addresses this in Appendix C Section IV.1.B.iii.2 but does not state specific temperature control measures. It is recommended that the City include these specific measures in its criteria before final approval of an LGU permit. Alternatively, the City may request a municipal permit, except for projects located within HVRAs.
- The LMRWD defines semi-pervious surfaces as land cover or surfaces that include both pervious and impervious features that allow for some infiltration but are directed to a conveyance system, such as synthetic turf and capped or lined systems at landfills. With the upcoming Burnsville Freeway landfill project, the LMRWD would like to know how the City will address stormwater management

for semi-pervious surfaces.

Steep Slopes

Compliance with the LMRWD's Rule F—Steep Slopes is captured in City Code 10-8-8 Controlling Erosion and Sediment from Land Disturbing Activities and Appendix C Sections IV.2 Standards—Erosion and Sediment Control, V. Design Standards, and VI.2 Submittals—Grading and Erosion Control Plan. Approval of an LGU Permit for steep slopes is recommended contingent on addressing the following concerns:

- LMRWD Rule F Section 6.2.b requires a permit for any net increase in impervious surfaces or stormwater runoff within the Steep Slopes Overlay District. This is not addressed in the City application documents. It is recommended this requirement be added before final approval of an LGU Permit.
- The City has requested an additional exception to section 6.3 of Rule F. The exception is as follows, "any activity requiring a city permit that includes less than 5,000 square feet or 50 cubic yards of land disturbance and drains to the street where a municipal storm sewer system manages runoff water." Please provide justification for this exception.

Recommendation

The City's application for an LGU Permit generally meets the requirements outlined within the LMRWD rules. We recommend conditional approval of the permit, conditioned on reconciliation of the outstanding items noted below for Rule D—Stormwater Management and Rule F—Steep Slopes. City staff are encouraged to coordinate any updates with the LMRWD's technical consultant.

- Provide clarification of the areas unfit for infiltration listed in Appendix C Section IV.A.iii.8.
- Update Appendix C Section IV.1.B.iii.2 on temperature control for trout streams to include the specific temperature control measures listed in LMRWD Section 4.4.3.b.iii.
- Provide information on how the City plans to address semi-pervious surfaces such as turf and capped or lined systems at landfills.
- Add a permit requirement for any impervious surfaces constructed in the LMRWD's Steep Slopes Overlay District.
- Provide justification for the City's requested exception for Rule F, "any activity requiring a city permit that includes less than 5,000 square feet or 50 cubic yards of land disturbance and drains to the street where a municipal storm sewer system manages runoff water."

Technical Memorandum

To: Linda Loomis, Administrator

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

cc: Lori Haak, City of Eden Prairie

Date: September 14, 2022

Re: LMRWD—City of Eden Prairie Code Amendment Review

The City of Eden Prairie (City) is updating City Code Section 11.55—Land Alteration, Tree Preservation and Stormwater Management Regulations as part of the requirements for the new MS4 permit. These changes are documented in *An Ordinance of the City of Eden Prairie, Minnesota Amending City Code Chapter 11, Section 11.55 Relating to Stormwater Management; and Adopting by Reference City Code Chapter 1 and Section 11.99, Which among Other Things Contains Penalty Provisions*.

Young Environmental Consulting Group (Young Environmental) reviewed City Code Chapter 11, Section 11.55 and proposed changes on behalf of the Lower Minnesota Watershed District (LMRWD) and compared the proposed changes with LMRWD Rules to better understand how the LMRWD and the City can work together to protect, preserve, and manage surface water resources and groundwater within the LMRWD.

City Code Chapter 11, Section 11.55 Subdivisions 1, 3, 5, 6, 7, 8, 14, and their proposed changes are relevant to this review. Below is a summary of Young Environmental's review of these subdivisions and our recommendations.

Erosion and Sediment Control

City Code Chapter 11, Section 11.55, contains information relevant to the LMRWD's Rule B—Erosion and Sediment Control. Many of the LMRWD's regulatory standards and requirements are covered under the amended Section 11.55, Subdivision 14 that also adopts and incorporates the Minnesota's Construction Stormwater General Permit by reference. We recommend adoption of all land alteration codes after addressing the

following concerns:

- Amendment Section 1 to City Code Section 11.55, Subdivision 2 adds a definition for impervious surfaces. While the City and LMRWD definitions are similar, the City does not address compacted surfaces in its definition. We recommend that compacted hard surfaces be added to the City’s definition of impervious surfaces.
- Land alteration requirements in Section 11.55 provide no mention of high value resource areas (HVRAs) for which the LMRWD regulatory standards and requirements are stricter than for general areas. It is recommended that the City provide additional amendments to Section 11.55 to include the LMRWD’s requirements for HRVAs listed in Rule B—Erosion and Sediment Control 2.2b.
- Amendment Section 9 to City Code Section 11.55, Subdivision 7, Subsection E, states that inspection of stormwater facilities and erosion control systems should be conducted “biweekly.” We recommend that the City clarify whether biweekly means twice a week or every two weeks.
- Amendment Section 9 to City Code Section 11.55, Subdivision 7, Subsection E also states that erosion or breaches in erosion control systems should be corrected within 48 hours. The LMRWD Rule B section 2.4.5.a requires such issues to be resolved by the next business day following discovery. We recommend that the City adjust its requirement to “within one business day during the work week.”

Stormwater Management

City Code Chapter 11 Section 11.55 contains information relevant to the LMRWD’s Rule D—Stormwater Management. The City provides coverage of the LMRWD’s stormwater regulatory standards and requirements in Section 11.55, Subdivision 8, Subsection G, which states that projects within the LMRWD must create a Runoff Management Plan in accordance with LMRWD requirements. The LMRWD encourages the City to adopt these regulatory standards and requirements throughout the entirety of the City because they provide greater protection to water resources. Recommended additional amendments include the following:

- Adoption of greater protection for HVRAs such as those in Rule D, Sections 4.2.b, 4.4.2.b, and 4.4.3.b
- Adoption of runoff rate control as listed in Rule D, Section 4.4.1
- Increasing runoff volume retention requirements for linear projects to 1 inch of runoff instead of the 0.5 inch listed in Amendment Section 3 to City Code Section 11.55, Subdivision 6, Subsection C.

Section 5.78 Salt Storage

The City proposes to amend City Code Chapter 5 by adopting a new section, Section 5.78 Salt Storage, with the purpose of establishing practices for the storage of chloride-based deicing materials to control their entry into the municipal storm sewer system. In general, the LMRWD concurs with the City's addition to Chapter 5, but we recommend the following:

- The draft ordinance Subd. 4.B.6 states, "Salt may not be stored within designated floodplains, on top of stormwater facilities, or down-gradient from snow storage areas." Using the MPCA's Chloride Reduction Model Ordinance as a guide, the LMRWD recommends that the City add either "in close proximity to surface waters" or "within a specific distance (e.g., 100 feet) of surface waters." The City can decide which distance requirement to add based on its goals and priorities as they relate to chloride management.
- Clarify the definition of "stormwater facilities" so it is clear whether a stormwater facility is a pond, structural stormwater BMP, catch basin, or something else.

Recommendations

We greatly appreciate the opportunity to review the amendments to the City's code. The City is to be commended for its efforts to protect our water resources. In general, the LMRWD supports the adoption of the amendments to City Code Chapter 11, Section 11.55; however, the LMRWD recommends the following clarifications and amendments to the City Code before adoption:

- Address compacted surfaces within the City's definition of "impervious surfaces" in Section 11.55, Subdivision 2.
- Provide stricter erosion control and stormwater management regulatory standards and requirements for HVRAs.
- Clarify the definition of "biweekly" in Section 11.55, Subdivision 7, Subsection E.
- Require erosion and erosion control system breaches to be fixed by the next business day during the work week.
- Provide runoff rate control requirements.
- Increase linear project volume retention requirements to 1 inch of runoff.
- Add a distance requirement for chloride storage areas near surface water.
- Clarify the definition of "stormwater facilities" related to Chapter 5.



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	Closed	-	12/12/2019		-			-	5/20/2020	June 2023	-	7/6/2022	-
2019-065	Trunk Highway 101 Improvements	Chanhassen	Active Permit		11/8/2019				11/20/2019		11/20/2019			7/6/2022	
2020-100	Peterson Farms Road Maintenance	Chanhassen	Closed	-	5/6/2020	5/6/2020	-	-	5/20/2020	-	5/21/2020	5/21/2021	-	7/19/2022	-
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	-
2020-105	Freeway Landfill Expansion	Burnsville	Pre-Permit	-	8/19/2022		9/21/2022								
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	7/26/2022	-
2020-112	Vierling Industrial Project	Shakopee	Expired	-	6/25/2020	6/29/2020	-	7/15/2020	-	-	Not Issued		-	7/19/2022	-
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	7/20/2022	-
2020-115	Quarry Lake Park Improvements and Mountain Bike Trail	Shakopee	Closed	-	7/23/2020	9/8/2020	-	9/16/2020	-	-	9/16/2020	9/16/2021	-	7/26/2022	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	-	7/6/2022	10/5/2021
2020-117	Greystone Headquarters	Shakopee	Closed	-	7/24/2020	9/10/2020	-	-	9/16/2020	-	9/16/2020	9/16/2021	-	7/19/2022	-
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
2020-123 (amended)	Shakopee Flats	Shakopee	Closed								2/17/2021	9/17/2021		7/6/2022	
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	7/28/2022	-
2020-133	Shakopee Mix Use	Shakopee	Closed	10/29/2020	11/2/2020	11/2/2020	-	-	11/18/2020	-	Not Issued				-



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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	7/26/2022	-
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	-	-	-	-	-	-	-	-	-	-
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	-	7/28/2022	-
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	-	7/28/2022	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	-	7/6/2022	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	-	7/19/2022	5/11/2022
2021-013	Summerland Place	Shakopee	Closed	-	4/8/2021	5/27/2021	-	4/21/2021	-	-	4/26/2021	4/22/2022	-	6/20/2022	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	7/13/2022	-
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	Active Permit	-	4/22/2021	5/17/2021	-	6/2/2021	-	-	6/3/2021	6/2/2023	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	7/26/2022	-
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	-	7/20/2022	-
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	7/28/2022	-



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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	-	-	-	-	-	-	-
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	6/17/2023	-	-	-
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	-	7/26/2022	-
2021-041	Line 0832	Burnsville	Closed	-	9/7/2021	9/7/2021	-	9/15/2021	-	-	9/17/2021	9/15/2022	-	7/28/2022	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	-	7/26/2022	-
2021-046	CenterPoint Dakota Station Facility	Burnsville	Closed	-	9/21/2021	10/15/2021	-	10/20/2021	-	-	10/22/2021	10/22/2022	-	7/28/2022	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	Closed	10/20/2021	10/22/2021	10/29/2021	-	11/17/2021	-	-	11/19/2021	11/17/2022	-	7/28/2022	-
2021-050	Spring Valley Cir & Wentworth Ave S	Bloomington	No Permit Required	10/27/2021	-	-	-	-	-	-	-	-	-	-	-





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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	-	-	-	-	-	-	-	-	-	-
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	-	7/28/2022	-
2021-061	Merriam Junction Trail	Burnsville	Pre-Permit	1/31/2022	-	-	-	-	-	-	-	-	-	-	-
2022-001	Centerpoint Shakopee Piggery	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	Active Permit	-	2/15/2022	3/14/2022	-	-	4/20/2022	-	4/21/2022	4/21/2023	-	-	-
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	Active Permit	-	2/28/2022	3/29/2022	-	4/20/2022	-	-	8/16/2022	8/16/2023	-	-	-
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	Organics Recycling Facility Relocation	Louisville Township	Incomplete	-	4/20/2022	-	-	-	-	-	-	-	-	-	-
2022-017	PLOC Channel Stabilization	Shakopee	Active Permit	-	6/30/2022	7/5/2022	-	-	7/20/2022	-	7/21/2022	7/21/2023	-	-	-



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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	-	-	-	-	-	-	-	-	-	-
2022-021	Oak St N (CenterPoint Energy)	Chaska	Active Permit		4/29/2022	-	-	-	6/15/2022	-	6/17/2022	6/17/2023	-	-	-
2022-022	Ace Rent A Car	Fort Snelling	Under Review		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	8/10/2022			9/21/2022*		-	-	-	-	-	-
2022-025	10561 E Riverview Drive	Eden Prairie	No Permit Required		6/22/2022					-	-	-	-	-	-
2022-026	10521 Spyglass Drive	Eden Prairie	Active Permit	5/31/2022	7/13/2022	8/8/2022			7/20/2022	-	8/8/2022	8/8/2023	-	-	-
2022-027	Ivy Brook Parking Northeast	Burnsville	Active Permit		7/5/2022			8/17/2022		-	8/31/2022	8/31/2023	-	-	-
2022-028	Quarry Lake Park Restroom	Fort Snelling	Active Permit		7/6/2022	7/8/2022	-	7/20/2022	-	-	7/22/2022	7/22/2023	-	-	-
2022-029	Reliakor	Shakopee	Conditional Approval					8/17/2022		-	-	-	-	-	-
2022-030	Frenchies Metals	Chaska	Incomplete		7/22/2022					-	-	-	-	-	-
2022-031	RSI Marine (Great Plains Blvd)	Chanhassen	Pre-Permit		7/18/2022		8/17/2022			-	-	-	-	-	-
2022-032	PMP Street Maintenance	Bloomington	No Permit Required		8/31/2022					-	-	-	-	-	-
2022-033	Dred Scott Fields Area	Bloomington	Under Review		8/31/2022					-	-	-	-	-	-

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



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
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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, September 21, 2022

Agenda Item

Item 6. K. – MPCA Soil Reference Values

Prepared By

Linda Loomis, Administrator

Summary

At the LMRWD Board of Managers meeting, the Board authorized Barr Engineering to prepare a report for the Board about the impacts of the recently released MPCA Soil Reference Values. Barr has completed its report and it is attached for the Board's review. Staff will use the recommendations from the report to update the District's Dredge Material Management Plan

Attachments

Technical Memorandum – MPCA Soil Criteria Review for LMRWD

Recommended Action

No action is required at this time

Technical Memorandum

To: Della Young, Young Environmental Consulting Group
From: Jenni Brekken
Subject: MPCA Soil Criteria Review for LMRWD
Date: August 25, 2022
Project: Lower Minnesota River Watershed District Soil Criteria Review
c: Karen Chandler

The Lower Minnesota River Watershed District (LMRWD) manages dredged sediments from the Minnesota River and from other ponds or surface waters. As part of this activity, an evaluation of the material is needed to determine the appropriate disposal or reuse of the materials based on Minnesota Best Management Practices (BMP) documents and other federal, state or local regulations. Assessment of chemical contamination in dredged sediments is part of the BMPs and impacts whether the material may be reused as fill, may have a restricted reuse, or requires landfill disposal. For this assessment, sediment chemical concentrations are compared to current Minnesota Pollution Control Agency (MPCA) Soil Reference Values (SRVs). The MPCA recently provided a substantive update to their methods for developing SRVs in 2021 and in May 2022 followed with an annual update to their SRVs (MPCA, 2021 and 2022a/b).

The MPCA also recently issued a per- and polyfluoroalkyl substances (PFAS) Monitoring Plan, outlining specific programs and facilities that will incorporate analysis for PFAS as part of the regulatory program. The MPCA's PFAS monitoring programs may also impact decisions regarding reuse of dredged sediments.

This memo describes how the SRVs are typically used in evaluating dredge materials, summarizes the recent SRV updates (in 2021 and 2022), and provides an assessment of how these changes may impact LMRWD activities or operations. In addition, Barr is providing a review of the MPCA PFAS Monitoring Plan including a discussion of whether PFAS analysis of sediments may be required and the potential impacts to LMRWD.

1 Soil Reference Values Overview

The SRVs are a screening tool used to evaluate potential human health risks from exposure to contaminated soils by comparing chemical concentrations in soil to the SRVs. They are derived using USEPA methodology for assessing human health risk and are based on conservative assumptions designed to be protective of the most vulnerable receptors and cover multiple soil exposure pathways, including inhalation of dust, ingestion, dermal contact and inhalation of vapors for both cancer and non-cancer risks. SRVs are developed using exposure assumptions based on different land use categories (e.g., the assumed duration and quantity of exposure to the soil is different for a residential use property versus

an industrial use property). Currently, the MPCA has published SRVs for two different land use categories: 1) residential/recreational (e.g., single family homes; multi-family housing; long-term care facilities, hospitals, churches, schools, sports fields, etc.) and 2) commercial/industrial (warehouses, offices, manufacturing facility, restaurants, hotels, etc.)

The MPCA has several programs where SRVs are applied, including brownfields, petroleum leak sites, closed landfills, superfund, management of dredged sediments, management of stormwater pond sediments, and for evaluating offsite reuse of excess fill from a development or construction project. For evaluating whether dredged sediments or soils are suitable for reuse on other sites, the residential/recreations SRVs (formerly referred to as "Tier 1" SRVs), are applied, which are lower and more conservative than commercial/industrial SRVs.

The SRVs are provided by the MPCA in an excel spreadsheet format (<https://www.pca.state.mn.us/document/c-r1-06xlsx>), which includes detailed background information on how each SRV is calculated and the final SRVs for each chemical. This spreadsheet is updated periodically by the MPCA and the revision year for each chemical is noted within the spreadsheet.

2 Applications of SRVs to LMRWD Projects

The following types of projects or activities undertaken by LMRWD may warrant evaluation of chemical concentrations in soils or sediments using MPCA SRVs:

- Stormwater management or flood mitigation projects involving excavation in areas with contaminated soils or sediments.
- Creek or riverbank erosion control or bank stabilization projects in areas with contaminated soils.
- Management of dredge material from the Minnesota River.

2.1 Soil Excavation Projects

For projects involving excavation of soils, if there is no known or suspected source of contamination, sampling and analysis of this excess soil is generally not needed. During the planning stages of an excavation project, an initial assessment can be considered to help determine whether an investigation and chemical analysis of the soils may be warranted. Depending on the site specifics, the initial assessment could involve a desktop review of the site history and uses such as review of MPCA's website What's in My Neighborhood (MPCA, 2022f) and any available historical aerial imagery. If a property transfer is occurring as part of the project, or if there are potential concerns for environmental releases, then more detailed study could be completed that would involve completion of a Phase I Environmental Site Assessment (ASTM, 2021) that includes broader records review, interviews, a site visit, and a preparation of a report.

If there is documented contamination or recognized environmental conditions indicating contamination is likely present in the soils, soil sampling and chemical analysis can be performed, and the results compared to SRVs. The list of chemical contaminants is selected based on the land use history and suspected type of hazardous substance or petroleum release. In the case where contamination is identified at concentrations above MPCA SRVs for a particular land use, plans for appropriately managing and/or disposing of soils

are needed. These projects may be performed under the MPCA's voluntary remediation (Brownfield) program oversight to obtain various MPCA liability assurances or technical review of reports and cleanup plans (MPCA, 2022c).

Offsite reuse of soil is guided by MPCA's Best Management Practices (BMP) for the Off-Site Reuse of Unregulated Fill (MPCA, 2012a) and the BMP for Off-Site Reuse of Regulated Fill (MPCA, 2012b). The classification of Unregulated Fill includes soils that meet MPCA Soil Leaching Values (SLVs; protective of contaminant leaching to groundwater), MPCA Residential SRVs, and are free of debris and other observations of contamination (MPCA, 2012a). Regulated Fill is defined as soil that has chemical concentrations above MPCA residential SRVs but below Industrial SRVs (among other characteristics). However, the BMP for Offsite Reuse of Regulated Fill (MPCA, 2012b) requires identification of a project site to receive the Regulated Fill and approval by local government and MPCA. Because of these restrictions, reuse of Regulated Fill under MPCA's BMP is rare. In most cases, excess soils with chemical concentrations above MPCA residential SRVs are typically disposed of at a landfill.

2.2 Stormwater Pond Dredging Projects

For management of sediments removed from stormwater ponds, work is guided by MPCA's BMP for Managing Stormwater Sediments (MPCA, 2017), typically independent of voluntary brownfield cleanup program review.

Similar to excavated soils, offsite reuse of sediments dredged from stormwater ponds (MPCA, 2017) is based on whether the sediment chemical concentrations meet MPCA's BMP for Unregulated Fill (MPCA, 2012a), which includes residential SRVs and SLVs. The stormwater pond sediment chemical parameter list for laboratory analysis includes analysis of polycyclic aromatic hydrocarbons (PAHs), arsenic and copper, and any other chemicals that would be expected to be present in the sediments based on a known release or site use (e.g., from industrial operations on the site). The same site assessment tools outlined in Section 2.1 could be used to evaluate historical site uses and potential for contamination. Stormwater pond sediments that do not meet Unregulated Fill guidelines are typically drained of free-liquids and disposed at a solid waste landfill.

2.3 River Dredge Material Management

The LMRWD manages Minnesota River sediments dredged by the US Army Corps of Engineers (USACE) to maintain the Minnesota River 9-foot navigation channel from the confluence of the Mississippi River to river mile 14.7 in Savage, Minnesota (LMRWD, 2013). The dredged sediments are stored at the Cargill East River site, located at river mile 14.2 in Shakopee, Minnesota (LMRWD Dredge Facility). The LMRWD Dredge Facility is estimated to potentially store about 190,000 CY of dredged material at one time. An estimated 25,000 CY of sandy material is dredged annually by the USACE and managed at the LMRWD Dredge Facility. The USACE dredged material is dewatered prior to being taken offsite for beneficial reuse. Approximately 18,000 CY of mainly fine grained silty and clay sediments dredged from private terminals in this stretch of the river are also dewatered and managed at the LMRWD Dredge Facility for a fee prior to being taken offsite within the year (Burns & McDonnell and Young Environmental, 2017).

As one of the LMRWD's main activities is to manage dredge materials from the Minnesota River, the remainder of this memo focuses on dredge material management.

3 Minnesota Dredge Material Management BMPs

The MPCA has two relevant guidance documents for managing dredge materials: 1) BMPs for the Management of Dredged Material (MPCA, 2014a) and 2) Managing Dredge_Materials in Minnesota (MPCA, 2014b). The guidance indicates the following steps for determining the appropriate management method for dredged materials: perform grain size analysis, evaluate past industrial activities and sources of pollutants, and collect samples for analysis of pollutants likely to be present. If the grain size analysis indicates the material is predominantly sand (only 7 percent is finer than sand and passes the #200 sieve), the material is deemed by the guidance to be unlikely to contain contaminants and does not need chemical analysis. USACE dredge materials from the Minnesota River were previously reported to be predominantly sand (7 percent or less fines) with an average of 1 to 4% silt and clays (USACE, 2007), indicating the material and does not warrant chemical analysis based on the Minnesota BMP (MPCA, 2014a/b). The USACE also reported that materials from private dredging typically tested as having 30% silts and clays, which would warrant chemical analysis (USACE, 2007). Barr did not evaluate grain size data sets from the Minnesota River for this assessment, so we assume for the purposes of this memo that dredge materials are tested for chemical analyses as part of the LMRWD dredge material management plans.

Management of dredge materials originating from the Minnesota River downstream of River Mile 27 (which is approximately two miles upstream of the CSAH 101 crossing at Shakopee) requires a permit under the State Disposal System for disposal or reuse of dredged materials (MPCA, 2014b) if the quantity of dredged material is 3,000 cubic yards or more (MPCA, 2014b).

The Dredge Material BMP defines the following management categories for sediment based on chemical concentrations (MPCA, 2014b):

- Level 1 Dredged Material is suitable for reuse on residential or recreational properties and is characterized as being at or below analyte concentrations for all of the Tier 1 SRVs (a.k.a. Residential/Recreational SRVs).
- Level 2 Dredged Material is suitable for use or reuse on properties with an industrial use category and is characterized as being at or below analyte concentrations for Tier 2 SRVs (a.k.a. commercial/industrial SRVs).
- Level 3 Dredged Material is not suitable for use or reuse and is classified as having one or more analyte concentrations being greater than Tier 2 (commercial/industrial) SRVs.

Dredged material, if not excluded from additional analysis as determined using the grain size analysis described above, is to be analyzed for a baseline list of sediment parameters as well as other pollutants with a reasonable likelihood to be present in the dredged material based on an evaluation of past

industrial activities. The lists of baseline sediment parameters and additional sediment parameters for which the MPCA has established SRVs is shown on Table 1.

4 SRV Updates

The SRVs established in 2009 were applied for many years, with only minor updates or additions as information developed regarding toxicity for select, limited chemicals. In 2014, MPCA published draft revised methodology and SRVs for public comment. Several iterations of draft SRVs were provided and new SRVs and technical guidance were finalized and published in January 2021. Updates to the MPCA SRVs and associated technical guidance occurred in 2022

The changes in the SRVs, comparing 2009, 2021 and 2022 values are shown in Table 1 (residential/recreational SRVs) and Table 2 (commercial/industrial SRVs) for those chemicals on the sediment parameter lists for dredge materials (MPCA, 2014b). PFAS, while not on the sediment list, are also included, and discussed further below. In general, most of the residential SRVs decreased from 2009 to 2021 due to changes in toxicity information, assumptions and default values used for the risk-based calculations of these screening levels. Fewer SRVs decreased for the industrial/commercial land use, and some, including naphthalene, benzo(a)pyrene equivalents and copper increased significantly from 2009 to 2022. Between 2021 and 2022, fewer SRVs changed, but those that did decreased.

Notable changes to the SRVs and technical guidance in 2021 and 2022 include the following:

- Prior to 2021, individual SRVs were published for these four land use scenarios: residential, recreational, industrial, and short-term worker. In 2020, the categories were reduced to two: residential/recreational and commercial/industrial. The MPCA updated their SRVs and technical guidance again in 2022 and has indicated they plan to provide annual updates to the SRVs.
- Calculation of some SRVs based on the risk-based equations resulted in very low values, below either naturally-occurring levels (e.g. arsenic) or typical urban anthropogenic background levels (e.g. benzo(a)pyrene) in soil. For these chemicals, the SRVs were set at the background levels, as MPCA has recognized that cleaning up soil to levels below background concentrations is not feasible or practicable. It should be noted that some background concentrations in soil are also higher than SLVs (especially for metals); use of SLVs to assess contaminant levels should also consider background concentrations in decision-making.
- Previous SRVs accounted for both acute (short term) and chronic (long term) exposures. The 2021 revision separated acute from chronic SRVs for the residential exposure scenario for chemicals with acute toxicity risk. For the sediment parameter list, these include arsenic, barium, cadmium, copper, cyanide and nickel. It should be noted that the acute SRVs for barium and copper are more than an order of magnitude lower than the chronic SRVs.
- The technical guidance for assessing risk from carcinogenic PAHs (cPAHs) is assessed by calculating a toxic equivalency to benzo(a)pyrene. There are different cPAH parameter lists published for sediments than there are for soils, but after the 2021 update, both the MPCA soil and sediment guidance documents indicate the benzo(a)pyrene equivalents are to be calculated

using Kaplan Meier statistical methods. When analyzing for PAHs, the correct parameter list, and an understanding of the methods for calculating the cPAH equivalents are required.

5 Impact of Changes in SRVs to Management of Dredge Material

To assist in predicting how changes in the SRVs may impact LMRWD management of dredge material, data from the Minnesota River sediments collected between 1978 and 2007 as reported in the Dredge Material Site Management Plan (LMRWD, 2013) was compared to 2022 MPCA Residential/Recreational SRVs and SLVs to assess whether it meets MPCA Unregulated Fill guidelines (MPCA, 2012) and Level 1 category for dredged material management (MPCA, 2014b). The results are shown on Table 3.

The only parameter above SLVs or the Residential/Recreational SRV was manganese. The manganese Residential SRV decreased from 3,600 mg/kg in 2009 to 730 mg/kg in 2022. Nearly all manganese results were also above the SLV of 130 mg/kg. The manganese concentrations in the Minnesota River sediments are consistent with naturally-occurring background levels in soil (USGS, 2013), and may be partially attributed to the geochemical composition of the sediments or a result of inputs to the river through runoff from soils. While The MPCA recognizes that some naturally-occurring levels of metals in soils are above SRVs or SLVs, the presence of chemical concentrations above these Unregulated Fill screening levels may limit the ability to sell the dredged materials in the private market for beneficial reuse.

A comparison of more recent USACE sediment data, if available, would be useful for assessing the potential for cost impacts to LMWRD for managing dredge material and evaluating if it is suitable for beneficial reuse.

The MPCA has indicated they intend to update the SRVs on an annual basis, so LMRWD should consider potential changes to SRVs in the long term management plan for dredged materials. If sediments are sampled and analyzed for chemical analysis, the data should be compared to the most recent SRVs in determining beneficial reuse. If the material is stored on the site for more than a year, re-evaluation of the sediment data using updated SRVs may be warranted prior to removing the material from the site for offsite reuse. It should be anticipated that projects receiving the dredged soil for reuse will be making comparisons to current SRVs.

Barr is not aware of MPCA revisiting past soil management and reuse decisions at off-site locations based on then-current SRVs/SLVs, but as MPCA continues to adjust their values, there is some risk that past reuse of sediments at off-site locations may come under new scrutiny in the future if testing is conducted as part of a construction or remediation project.

6 PFAS Monitoring Plan

On March 22, 2022, the MPCA published the final version of its PFAS Monitoring Plan (MPCA, 2022). The plan addresses issues identified in Minnesota's PFAS Blueprint (MPCA, 2021), released in February 2021, and responds to public comments submitted to the MPCA. Given the wide-spread use of PFAS over the past 70 years and their persistence, they are considered ubiquitous in the environment. Therefore, to

address PFAS broadly and consistently the MPCA is taking a statewide and coordinated approach across their permitting and cleanup programs as document in their PFAS Monitoring Plan.

In general, the MPCA's approach has been to initiate sampling across select industries and sites, and then develop future efforts based on the results. Looking ahead, MPCA's approach is expected to expand PFAS sampling over time and will result in an evolving regulatory approach as more information is developed.

The plan addresses monitoring requirements under five different MPCA programs:

- Air Program. Selected permitted facilities via emissions inventory reporting and stack testing;
- Wastewater Program. Subset of municipal wastewater treatment plants and industrial facilities via influent monitoring;
- Solid Waste/Hazardous Waste Program. Selected facilities via leachate or groundwater sampling;
- Industrial Stormwater Program. Selected airports, chrome plating facilities, and automotive shredding facilities via stormwater sampling; and
- Remediation Program: Phased program with additional specific guidance forthcoming.

The MPCA relied on a set of North American Industry Classification System (NAICS) codes to identify facilities that are likely to have used, emitted or discharged PFAS. The monitoring plan ultimately listed over 400 specific facilities in the "initial" phase of monitoring, including 169 manufacturing/industrial facilities, 8 regional airports, 145 landfills/solid waste management facilities, and 91 municipal wastewater treatment plants. The plan notes a differentiation between facilities that may be a source of PFAS (e.g. industrial facilities that used PFAS) and facilities that are likely "conduits" for PFAS into the environment (e.g., waste management, recycling, etc.)

The MPCA's stated intention is to have the monitoring plan "avoid duplication" for a specific facility (e.g., sampling under multiple MPCA programs or for multiple media). However, the plan clearly states that sampling of other media, under additional programs may be required after the initial phase (e.g., results of stack testing may lead to a request for industrial stormwater sampling). The identified facilities began receiving MPCA letters requesting sampling in mid-2022. While dredge material or sediment sampling for PFAS is not explicitly mentioned in the PFAS Monitoring Plan, such activities may potentially follow findings of PFAS impacts in stormwater or wastewater discharges to the Minnesota River.

The MPCA's PFAS Monitoring Plan leverages existing program and permit structures to require PFAS sampling at facilities. Although there does not appear to be an immediate requirement for LMRWD facilities to sample or address PFAS in the MPCA PFAS Monitoring Plan, this may be a future requirement if, for example, PFAS sources are found to be located near USACE or private dredge sites in the LMRWD. Although Barr has not completed an exhaustive review, the following facilities within the watershed are types of facilities that are likely to have used, discharged, emitted, and/or 'served as conduits' for PFAS: Blue Lake Wastewater Treatment Plant, Seneca Wastewater Treatment Plant, Flying Cloud Airport, Minneapolis/St. Paul International Airport, and numerous dumps and landfills (operating or historical).

Note as precedent, that the MPCA has investigated, and found, PFAS impacts in sediments in the Mississippi River (MPCA, 2013). Additionally, MPCA has listed 25 bodies of water in the state on its impaired waters list due to impacts from PFAS (MPCA, 2022e). While there is currently no statewide value for PFAS chemicals in surface water, MPCA has developed a site-specific water quality criteria (SSWQC) for perfluorooctane sulfonic acid (PFOS) protective of fish consumption in an area around Lake Elmo, Bde Maka Ska, and Pool 2 of the Mississippi River. Specifically, the SSWQC is 0.05 parts per trillion (ppt) PFOS, which is below current laboratory quantitative limits. (<https://www.pca.state.mn.us/waste/water-quality-criteria-development-pfas>). MPCA has acknowledged that such low values (derived from risk-based calculations and modeling) may be challenging to measure and attain in practice, but MPCA has also indicated that permit conditions for facilities that directly discharge to these impaired waterbodies are being evaluated for additional requirements where necessary.

Current SRVs for PFAS are shown on Tables 1 and 2, but future SRV updates are expected to result in lower SRVs for PFAS given evolving understanding of PFAS toxicity and other regulatory trends in other PFAS screening levels.

Another recent development for monitoring PFAS is the emerging concept of world-wide background concentrations of PFAS which is being monitored in rainfall and surface soils across widely distributed areas and land uses. As this concept advances, it may be another factor in distinguishing PFAS sources from specific industries verses baseline or background concentrations that are more ubiquitous. We are not aware that MPCA has developed a current position on this concept, but Barr believes it will emerge as a topic of interest as more PFAS data is collected across the state and beyond.

Given the airports, wastewater treatment plants and solid waste disposal and recycling facilities in the watershed, there is potential for PFAS to have been discharged to the Minnesota River through overland stormwater flow or direct discharges. The PFAS identified in the Mississippi River sediments is also indicative of potential PFAS presence upstream in the Minnesota River sediments. Given the general decreasing trends in PFAS regulatory criteria and screening levels, and the increase in monitoring across various Minnesota programs, it is likely that sampling of Minnesota River sediments for PFAS analysis may follow other monitoring programs. Due to the ubiquitous nature of PFAS and the persistence of these compounds in the environment, sampling of Minnesota River sediments may identify PFAS, and given the general decreasing trend in PFAS criteria, options for beneficial reuse of dredged materials may become more limited due to difficulty in meeting the increasingly lower PFAS SRVs. Presence of PFAS in dredged materials stored at the LMWRD Dredge Facility may also require controls to address runoff from stockpiles and leachate to the surrounding soil and groundwater and river.

Attachments:

Table 1 – Summary of MPCA Residential/Recreational Soil Reference Value Changes, 2009 – 2022, Sediment Parameter List and PFAS

Table 2 – Summary of MPCA Commercial/Industrial Soil Reference Value Changes, 2009 – 2022, Sediment Parameter List and PFAS

Table 3 – Minnesota River Sediment Chemical Data

7 References

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To: Della Young, Young Environmental Consulting Group
From: Jenni Brekken
Subject: MPCA Soil Criteria Review for LMRWD
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Table 1
 Summary of MPCA Residential/Recreational Soil Reference Value Revisions, 2009 - 2022
 Sediment Parameter List and PFAS

Chemical	Baseline Sediment Parameter List	Additional Sediment Parameter List	CAS No.	Most Recent SRV Revision Year	2021 Res/Rec Acute SRV* (mg/kg)	2022 Res/Rec Acute SRV (mg/kg)	Comparison Acute SRVs: 2022 to 2021 (% change)	2009 Residential SRV (mg/kg)	2021 Res/Rec Chronic SRV (mg/kg)	2022 Res/Rec Chronic SRV (mg/kg)	Comparison: Chronic SRVs 2022 to 2009 (% change)	Comparison: Chronic SRVs 2022 to 2021 (% change)
Inorganics												
Arsenic	X		7440-38-2	2016	9	9	0%	9	9	9	0%	0%
Barium		X	7440-39-3	2022	250	260	4%	1100	3000	3100	182%	3%
Cadmium	X		7440-43-9	2016	8.8	9.1	3%	25	1.6	1.6	-94%	0%
Chromium III	X		16065-83-1	2016				44000	23000	23000	-48%	0%
Chromium VI	X		18540-29-9	2022				87	11	2.3	-97%	-79%
Copper	X		7440-50-8	2016	110	120	9%	100	2200	2200	2100%	0%
Cyanide		X	57-12-5	2016	7.1	7.3	3%	60	13	13	-78%	0%
Lead	X		7439-92-1	2022				300	300	200	-33%	-33%
Manganese		X	7439-96-5	2022				3600	2100	730	-80%	-65%
Mercury (inorganic)	X		7439-97-6	2022				0.5	3.1	2.7	440%	-13%
Nickel	X		various	2016	250	260	4%	560	170	170	-70%	0%
Selenium	X		7782-49-2	2022				160	77	78	-51%	1%
Zinc (except zinc phosphide)	X		7440-66-6	2022				8700	4600	4700	-46%	2%
Per- and Polyfluoroalkyl Substances												
Perfluorobutanesulfonic acid (PFBS)			375-73-5	2022						1.1		
Perfluorobutanoic acid (PFBA)			375-22-4	2022				77		49	-36%	
Perfluorooctanesulfonic acid (PFOS)			1763-23-1	2019				2.1	0.041	0.041	-98%	0%
Perfluorooctanoic acid (PFOA)			335-67-1	2019				2.1	0.24	0.24	-89%	0%
Perfluorohexanesulfonic acid (PFHxS)			355-46-4	2019					0.13	0.13		0%
Perfluorohexanoic acid (PFHxA)			307-24-4	2022						1.9		
Polycyclic Aromatic Hydrocarbons												
Acenaphthene		X	83-32-9	2022				1200	450	460	-62%	2%
Anthracene		X	120-12-7	2021				7880	2800	2800	-64%	0%
Benzo[a]pyrene (BaP equivalents)		X	50-32-8	2019				2	2	2	0%	0%
Fluorene		X	86-73-7	2021				850	390	390	-54%	0%
Naphthalene		X	91-20-3	2016				81	81	710%	0%	
Pyrene		X	129-00-0	2021				890	220	220	-75%	0%
Quinoline		X	91-22-5	2016				4	1.4	1.4	-65%	0%
Polychlorinated Biphenyls												
PCBs (Polychlorinated Biphenyls)	X		1336-36-3	2022				1.2	0.81	0.82	-32%	1%
Pesticides												
Aldrin		X	309-00-2	2016				1	0.45	0.45	-55%	0%
Chlordane		X	12789-03-6	2022				13	9.5	9.6	-26%	1%
4,4-DDD (Dichlorodiphenyldichloroethane)		X	72-54-8	2016				56	19	19	-66%	0%
4,4-DDE		X	72-55-9	2022				40	22	23	-43%	5%
4,4-DDT		X	50-29-3	2022				15	7.3	7.4	-51%	1%
Dieldrin		X	60-57-1	2016				0.8	0.11	0.11	-86%	0%
Endrin		X	72-20-8	2016				8	4	4	-50%	0%
Heptachlor		X	76-44-8	2016				2	1.6	1.6	-20%	0%
gamma-Hexachlorocyclohexane (gamma-BHC, Lindane)		X	58-89-9	2022				9	4.3	0.15	-98%	-97%
Toxaphene		X	8001-35-2	2022				13	4.1	1.2	-91%	-71%
Dioxins and Furans												
TCDD (2,3,7,8-) (2,3,7,8 TCDD equivalents, 2,3,7,8-Tetrachlorodibenzo-p-dioxin)		X	1746-01-6	2021				0.00002	0.000007	0.000007	-65%	0%

* Acute SRV = Acute SRVs are published for select parameters. No Acute SRVs were established in 2009.

X = Baseline and Additional Sediment Parameter Lists from Managing Dredge Materials in the State of Minnesota. wq-gen2-01. April, 2014. <https://www.pca.state.mn.us/sites/default/files/wq-gen2-01.pdf>

See the MPCA SRV spreadsheet for a complete list of SRVs and detailed footnotes. <https://www.pca.state.mn.us/sites/default/files/c-r1-06.xlsx>

Table 2
Summary of MPCA Commercial/Industrial Soil Reference Value Revisions, 2009 - 2022
Sediment Parameter List and PFAS

Chemical	CAS No.	SRV Revision Year	Baseline Sediment Parameter List	Additional Sediment Parameter List	2009 Industrial SRV (mg/kg)	2021 Com/Ind Chronic SRV (mg/kg)	2022 Com/Ind Chronic SRV (mg/kg)	Comparison of 2022 SRV to 2009 SRV (% change)	Comparison of 2022 SRV to 2021 SRV (% change)
Inorganics									
Arsenic	7440-38-2	2016	X		20	9	9	-55%	0%
Barium	7440-39-3	2021		X	18000	41000	41000	128%	0%
Cadmium	7440-43-9	2016	X		200	23	23	-89%	0%
Chromium III	16065-83-1	2016	X		100000	100000	100000	0%	0%
Chromium VI	18540-29-9	2021	X		650	62	62	-90%	0%
Copper	7440-50-8	2016	X		9000	33000	33000	267%	0%
Cyanide	57-12-5	2016		X	5000	190	190	-96%	0%
Lead	7439-92-1	2022	X		700	700	460	-34%	-34%
Manganese	7439-96-5	2022		X	8100	26000	10000	23%	-62%
Mercury (inorganic)	7439-97-6	2016	X		1.5	3.1	3.1	107%	0%
Nickel	various	2016	X		2500	2600	2600	4%	0%
Selenium	7782-49-2	2016	X		1300	1200	1200	-8%	0%
Zinc (except zinc phosphide)	7440-66-6	2016	X		75000	70000	70000	-7%	0%
Per- and Polyfluoroalkyl Substances									
Perfluorobutanesulfonic acid (PFBS)	375-73-5	2022				77	15		-81%
Perfluorobutanoic acid (PFBA)	375-22-4	2022			500	280	250	-50%	-11%
Perfluorooctanesulfonic acid (PFOS)	1763-23-1	2022			14	0.56	0.54	-96%	-4%
Perfluorooctanoic acid (PFOA)	335-67-1	2022			13	3.2	3	-77%	-6%
Perfluorohexanesulfonic acid (PFHxS)	355-46-4	2022				1.7	1.6		-6%
Perfluorohexanoic acid (PFHxA)	307-24-4	2022					24		
Polycyclic Aromatic Hydrocarbons									
Acenaphthene	83-32-9	2021		X	5260	6800	6800	29%	0%
Anthracene	120-12-7	2021		X	45400	42000	42000	-7%	0%
Benzo[a]pyrene (BaP equivalents)	50-32-8	2019		X	3	23	23	667%	0%
Fluorene	86-73-7	2021		X	4120	5800	5800	41%	0%
Naphthalene	91-20-3	2021		X	28	280	280	900%	0%
Pyrene	129-00-0	2021		X	5800	3200	3200	-45%	0%
Quinoline	91-22-5	2016		X	7	7.8	7.8	11%	0%
PCBs (Polychlorinated Biphenyls)	1336-36-3	2016	X		8	10	10	25%	0%
Pesticides									
Aldrin	309-00-2	2021		X	2	2.6	2.6	30%	0%
Carbazole	86-74-8	2016		X	1310	1300	1300	-1%	0%
4,4-DDD (Dichlorodiphenyldichloroethane)	72-54-8	2016		X	125	100	100	-20%	0%
4,4-DDE	72-55-9	2021		X	80	130	130	63%	0%
4,4-DDT	50-29-3	2021		X	88	87	87	-1%	0%
Dieldrin	60-57-1	2016		X	2	1.5	1.5	-25%	0%
Endrin	72-20-8	2016		X	56	54	54	-4%	0%
Heptachlor	76-44-8	2021		X	3.5	8.9	8.9	154%	0%
gamma-Hexachlorocyclohexane (gamma-BHC, Lindane)	58-89-9	2022		X	15	25	2.1	-86%	-92%
Toxaphene	8001-35-2	2022		X		23	16		-30%
Dioxins and Furans									
TCDD (2,3,7,8-) (2,3,7,8 TCDD equivalents, 2,3,7,8-Tetrachlorodibenzo-p-dioxin)	1746-01-6	2021		X	0.000035	0.000028	0.000028	-20%	0%

X = Baseline and Additional Sediment Parameter Lists from Managing Dredge Materials in the State of Minnesota. wq-gen2-01. April, 2014. <https://www.pca.state.mn.us/sites/default/files/wq-gen2-01.pdf>
See the MPCA SRV spreadsheet for a complete list of SRVs and detailed footnotes. <https://www.pca.state.mn.us/sites/default/files/c-r1-06.xlsx>

Table 2
Minnesota River Sediment Chemical Data*
Lower Minnesota River Watershed District

Record #		78507		402	301	302	303	78506	401	404				
River Mile		14.7		14.6	14.52	14.51	14.5	14.5	14.4	13.4				
Location		Above Savage RR Bridge		Above Savage RR Bridge	Above Savage RR Bridge	Above Savage RR Bridge	Above Savage RR Bridge	Above Savage RR Bridge	Above Savage RR Bridge	AB & BLW CARGILL				
Year		1999		1989	1982	1982	1978	1999	1989	1989				
		MN Soil Leaching Values (June 2013)	MN Acute Residential/Recreational SRVs (April 2022)	MN Chronic Residential SRVs (April 2022)										
Criteria Exceedance Key		Bold	No Exceedances	Shaded										
CHC's	ug/kg	a-BHC		700	< 0.08	< 0.01			< 0.08	< 0.08	< 0.07			
	ug/kg	b-BHC		2500	< 0.08	< 0.2			< 0.08	< 0.16	< 0.15			
	ug/kg	BHC			< 0.08	< 0.3			< 0.08	< 0.24	< 0.22			
	ug/kg	2,4'-DDD												
	ug/kg	2,4'-DDE												
	ug/kg	2,4'-DDT												
	ug/kg	γ-BHC (lindane)		150	< 0.08	< 0.13			< 0.08	< 0.11	< 0.1			
	ug/kg	Heptachlor		1600	< 0.10	< 0.1			< 0.10	< 0.08	< 0.07			
	ug/kg	Anthracene	1300000		2800000									
	ug/kg	Aldrin		450		< 0.13				< 0.11	< 0.1			
	ug/kg	Acenaphthene	81000		460000									
	ug/kg	Acenaphthylene												
	ug/kg	Benz(a)anthracene												
	ug/kg	Benzo(a)pyrene	1400		2000									
	ug/kg	Heptachlorepoxide			280	< 0.12	< 0.17			< 0.12	< 0.13	< 0.12		
	ug/kg	Benzo(g,h,i)perylene												
	ug/kg	Benzo(b)fluoranthene												
	ug/kg	Benzo(k)fluoranthene												
	ug/kg	Endosulfan I					< 0.17			< 0.13	< 0.12			
	ug/kg	Dieldrin			110	< 0.04	< 0.17	< 0.1	< 0.1	< 1	< 0.04	< 0.13	< 0.12	
	ug/kg	4,4'-DDE			23000	< 0.04	< 0.13	< 0.1	< 0.1	< 0.04	< 0.11	< 0.1		
	ug/kg	Endrin			4000	< 0.06	< 0.3	< 0.1	< 0.1	< 1	< 0.06	< 0.24	< 0.22	
ug/kg	Endosulfan II					< 0.33				< 0.26	< 0.25			
ug/kg	4,4'-DDD			19000	< 0.06	< 0.36	< 0.1	< 0.1	< 0.06	< 0.29	< 0.27			
ug/kg	Endrinoldehyde					< 0.36				< 0.29	< 0.27			
ug/kg	Endosulfan sulfate					< 0.36				< 0.29	< 0.27			
ug/kg	4,4'-DDT			7400	< 0.18	< 0.43	< 0.1	< 0.1	< 4	< 0.18	< 0.34	< 0.32		
ug/kg	Methoxychlor					< 0.73				< 0.58	< 0.55			
ug/kg	Endrin ketone					< 0.36				< 0.29	< 0.27			
ug/kg	α-Chlordane			9600										
ug/kg	Chlorodane			9600	< 0.20	< 1.98	< 1	< 1	< 0.20	< 1.58	< 1.49			
ug/kg	γ-Chlordane			9600										
ug/kg	Oxychlordane				< 0.20				< 0.20					
ug/kg	Fluoranthene	670000		210000										
ug/kg	Toxaphene			1200		< 1.98				< 1.58	< 1.49			
ug/kg	Hexachlorobenzene			220										
ug/kg	Pyrene	440000		220000										
METALS	mg/kg	Ag (silver)	7.9	78										
	mg/kg	Al (aluminum)		19000										
	mg/kg	As (arsenic)	5.8	9	9	1.30	< 1.2	1.6	2.2	2.54	1.81	< 1.2	1.6	
	mg/kg	B (boron)	62		3100									
	mg/kg	Ba (barium)	1700	260	3100									
	mg/kg	Be (beryllium)	2.7		31									
	mg/kg	Cd (cadmium)	8.8	9.1	1.6	< 0.03	< 1.3	< 0.2	< 0.19	1.18	< 0.03	< 1.3	< 1.3	
	mg/kg	Cr (chromium)	36		23000	3.25	3.8	3.9	4.2	28.7	3.82	4.3	5	
	mg/kg	Cu (copper)	700	120	2200	1.72	8.7	2.9	3.3	12	2.04	13.3	4.8	
	mg/kg	Fe (iron)			29000			4300	5500	10700				
	mg/kg	Hg (mercury)	3.3		2.7	0.0065	< 0.01	0.015	0.0165	0.031	0.0069	< 0.01	< 0.01	
	mg/kg	Mg (magnesium)												
	mg/kg	Mn (manganese)	130		730	143	254			419	931	263	232	
	mg/kg	Mo (molybdenum)	16		78									
	mg/kg	Ni (nickel)	180	260	170	6.14	7.5	7	7	16.7	8.27	< 6.4	7	
	mg/kg	Pb (lead)	2700		200	5.0	4.4	4	4.4	44	6.3	4.6	3.6	
	mg/kg	Sb (antimony)	5.4		6.3									
	mg/kg	Se (selenium)	2.6		78		< 0.92					< 0.93	< 0.93	
	mg/kg	Sn (tin)	20000		4700									
	mg/kg	Sr (strontium)	2800		6700									
	mg/kg	Ti (titanium)			40000									
	mg/kg	Zn (zinc)	3000		4700	9.47				12.3				
	mg/kg	V (vanadium)	4		62									
mg/kg	Chromium, Hexavalent	36		2.3										
PCB's	ug/kg	Aroclor-1016			< 0.24	< 1.98				< 0.24	< 1.58	< 1.49		
	ug/kg	Aroclor-1221			< 0.28	< 1.98				< 0.28	< 1.58	< 1.49		
	ug/kg	Aroclor-1232			< 0.26	< 1.98				< 0.26	< 1.58	< 1.49		
	ug/kg	Aroclor-1242			< 0.32	< 1.98				< 0.32	< 1.58	< 1.49		
	ug/kg	Aroclor-1248			< 0.22	< 1.98				< 0.22	< 1.58	< 1.49		
	ug/kg	Aroclor-1254			< 0.34	< 4.13				< 0.34	< 3.3	< 3.1		
	ug/kg	Aroclor-1260			< 0.32	< 4.13				< 0.32	< 3.3	< 3.1		
	ug/kg	Total PCB's	130		820									
PARTICLE SIZE %FINER	SAND	coarse	3 in							100				
			1 1/2					100	100	100				
			3/4					100	100	100				
		medium	3/8					100	100	100				
			4			100.0	100	100	100	100	100	99.9456	100	
			8					100	100					
			10				99.8					98	99.7595	99.9211
			16				99.5	100	100			94	99.3005	99.3583
			20											
	fine	30			100	98.5	100	100			88	93.9681	92.8675	
		40				98		100	99					
		50					98.5	98	96			93.9681	92.8675	
		60				80					48			
		70						87	79					
		80					84.8					83.0929	68.9342	
		100			16	13.5	58	50		10		10.3533	14.5539	
		140			7	8.5				50		6.36015858	9.9257696	
		200			2	4.8	31	36	34	2		4.39382985	7.1811026	
SILT	clay	270			1	4.5	25	32	1		2.93210559	5.17041208		
		0.20 mm					3.5	11	19			2.14905649	3.62252512	
		0.05 mm					2.1	5	8	21			2.09050416	
MISC	mg/kg	Total Organic Carbon												
	%	Total Organic Carb			0.04	0.4				0.03	0.91	1.13		
	mg/kg	Chem Oxy Demand					10000	10580	19700					
	mg/kg	Kiedahl Nitrogen					440	520	740					
	mg/kg	Phosphorus (as P)					290	230	561					
	mg/kg	Oil and Grease												
	mg/kg	Cyanide, Total	20	7.3	13	< 0.20				< 0.20				
	mg/kg	Ammonia												
	mg/l	Ammonia Elutriate												
	%	Moisture				0.2				0.2				
	%	Total Solids				99.8				99.8				
	gVS/gTS	Total Volatile Solids												
	%	Volatile Solids				0.41				0.54				
mg/kg	Phenolics, Total													

* Data table reproduced from Cargill East River (MN - 14.2 RMP) Dredge Material Site Management Plan, Lower Minnesota River Watershed District, Appendix A: Chemical Analyses Data for the Minnesota River.

Table 3
Minnesota River Sediment Chemical Data*
Lower Minnesota River Watershed District

		Record #	304	305	403	78505	306	405	78504				
		River Mile	13.21	13.2	13.2	12.9	12.5&12.6	12.4	12.3				
		Location	AB & BLW CARGILL	AB & BLW CARGILL	AB & BLW CARGILL	Cargill	Cargill Slip	AB&BW PETERSON BAR	AB&BW PETERSON BAR	Peterson's Bar			
		Year	1979	1979	1989	10/17/2007	1999	1980	1989	1999			
		MN Soil Leaching Values (June 2013)	MN Acute Residential/Recreational SRVs (April 2022)	MN Chronic Residential SRVs (April 2022)									
Criteria Exceedance Key			Bold	No Exceedances	Shaded								
CHC's	ug/kg	a-BHC				< 0.11	< 0.08	< 0.07	< 0.08				
	ug/kg	b-BHC				< 0.21	< 0.08	< 0.14	< 0.08				
	ug/kg	BHC				< 0.32	< 0.08	< 0.22	< 0.08				
	ug/kg	2,4'-DDD					< 4						
	ug/kg	2,4'-DDE					< 4						
	ug/kg	2,4'-DDT					< 4						
	ug/kg	g-BHC (lindane)				< 0.14	< 0.08	< 0.1	< 0.08				
	ug/kg	Heptachlor				< 0.11	< 0.10	< 0.07	< 0.10				
	ug/kg	Anthracene	1300000	2800000		< 0.79							
	ug/kg	Aldrin		450		< 0.14		< 0.1					
	ug/kg	Acenaphthene	81000	460000		< 0.71							
	ug/kg	Acenaphthylene				< 1.0							
	ug/kg	Benz(a)anthracene				1.8							
	ug/kg	Benzo(a)pyrene	1400	2000		1.7							
	ug/kg	Heptachlorepoxide		280		< 0.18	< 0.12	< 0.12	< 0.12				
	ug/kg	Benzo(g,h,i)perylene				1.6							
	ug/kg	Benzo(b)fluoranthene				3.1							
	ug/kg	Benzo(k)fluoranthene				0.94							
	ug/kg	Endosulfan I				< 0.18		< 0.12					
	ug/kg	Dieldrin		110	0	< 0.18	< 3.2	< 0.04	0	< 0.12	< 0.04		
	ug/kg	4,4'-DDE		23000	0	< 0.14	< 3.5	< 0.04	0	< 0.1	< 0.04		
	ug/kg	Endrin		4000	0	< 0.32		< 0.06	0	< 0.22	< 0.06		
	ug/kg	Endosulfan II				< 0.35				< 0.24			
	ug/kg	4,4'-DDD		19000	0	< 0.39	< 3.7	< 0.06	0	< 0.26	< 0.06		
	ug/kg	Endrinoldehyde				< 0.39				< 0.26			
	ug/kg	Endosulfan sulfate				< 0.39				< 0.26			
	ug/kg	4,4'-DDT		7400	0	< 0.46	< 4.2	< 0.18	0	< 4.8	< 0.18		
	ug/kg	Methoxychlor				< 0.77				< 0.53			
	ug/kg	Endrin ketone				< 0.39				< 0.26			
	ug/kg	alpha-Chlordane		9600			< 1.7						
	ug/kg	Chlordane		9600	0	< 2.11		< 0.20	0	< 1.44	< 0.20		
	ug/kg	gamma-Chlordane		9600			< 1.6						
	ug/kg	Oxychlordane						< 0.20			< 0.20		
ug/kg	Fluoranthene	670000	210000			5							
ug/kg	Toxaphene		1200		< 2.11				< 1.44				
ug/kg	Hexachlorobenzene		220			< 2							
ug/kg	Pyrene	440000	220000			4.3							
METALS	mg/kg	Ag (silver)	7.9										
	mg/kg	Al (aluminum)											
	mg/kg	As (arsenic)	5.8	9	9	0	0	2.7	0.97	1.89	0	1.8	1.16
	mg/kg	B (boron)	62		3100								
	mg/kg	Ba (barium)	1700	260	3100	40	80				40		
	mg/kg	Be (beryllium)	2.7		31								
	mg/kg	Cd (cadmium)	8.8	9.1	1.6	< 10	< 10	< 1.6	< 1.0	< 0.03	< 10	< 1.2	< 0.03
	mg/kg	Cr (chromium)	36		23000	< 10	< 10	8.1	4.7	3.81	20	3.4	2.96
	mg/kg	Cu (copper)	700	120	2200	< 10	< 10	15	1.9	2.18	< 10	3.9	1.24
	mg/kg	Fe (iron)			29000	3800	9700				2600		
	mg/kg	Hg (mercury)	3.3		2.7	0	0	< 0.02	< 0.10	0.0052	0	< 0.01	< 0.0048
	mg/kg	Mg (magnesium)											
	mg/kg	Mn (manganese)	130		730	160	720	56.8	218	242	170	163	154
	mg/kg	Mo (molybdenum)	16		78								
	mg/kg	Ni (nickel)	180	260	170	< 10	20	9.4	< 0.10	7.92	< 10	< 6.2	6.12
	mg/kg	Pb (lead)	2700		200	< 10	20	5.8	2.5	6.3	< 10	3	4.7
	mg/kg	Sb (antimony)	5.4		6.3								
	mg/kg	Se (selenium)	2.6		78			< 1.2				< 0.89	
	mg/kg	Sn (tin)	20000		4700								
mg/kg	Sr (strontium)	2800		6700									
mg/kg	Ti (titanium)			40000									
mg/kg	Zn (zinc)	3000		4700				12.1	11.1			8.12	
mg/kg	V (vanadium)	4		62									
mg/kg	Chromium, Hexavalent	36		2.3				< 5.9					
PCB's	ug/kg	Aroclor-1016				< 2.11	< 50	< 0.24		< 1.44	< 0.24		
	ug/kg	Aroclor-1221				< 2.11	< 50	< 0.28		< 1.44	< 0.28		
	ug/kg	Aroclor-1232				< 2.11	< 50	< 0.26		< 1.44	< 0.26		
	ug/kg	Aroclor-1242				< 2.11	< 50	< 0.32		< 1.44	< 0.32		
	ug/kg	Aroclor-1248				< 2.11	< 40	< 0.22		< 1.44	< 0.22		
	ug/kg	Aroclor-1254				< 4.4	< 50	< 0.34		< 3	< 0.34		
	ug/kg	Aroclor-1260				< 4.4	< 40	< 0.32		< 3	< 0.32		
	ug/kg	Total PCB's	130	820									
PARTICLE SIZE % FINER	SAND	coarse	3 in			100	100				100		
			1 1/2			100	100					100	
			3/4			100	100					100	
			3/8			100	100					100	
			4			100	100	99.4659	99.14	99	100	99.3761	
			8								100		
			10			100	100	99.339	64.29	97	100	98.6943	
			16					98.8504		93	100	96.2073	
			20			100	100		84.45				
			30					96.6491		95		83.8046	
	SILT	fine	40			100	100		66.31	71	99		
			50					96.6491				83.8046	
			60						33.37	37		39	
			70										
			80			92	80	92.6698	6.97				41.9038
			100					42.5172	5.26	6	42		17.4719
			140					26.39172056		3			10.74500323
clay	200		12	46	17.37520712	2.87	1	20			6.81403086		
	270				11.90172384						4.65926604		
	0.20 mm		5	35	8.54970672			7			3.29043663		
	0.05 mm		2	19	4.54007512			2			2.30048832		
	Phenolics, Total					1.5							
MISC	mg/kg	Total Organic Carbon					< 85						
	%	Total Organic Carb				1.02		0.03			1.11	0.02	
	mg/kg	Chem Oxy Demand		8700	29000				5300				
	mg/kg	Kiedahl Nitrogen		1300	4100		170		1600				
	mg/kg	Phosphorus (as P)		400	510		280						
	mg/kg	Oil and Grease											
	mg/kg	Cyanide, Total	20	7.3	13		< 0.20	< 0.20			< 0.20		
	mg/kg	Ammonia					6.5						
	mg/l	Ammonia Elutriate											
	%	Moisture					25.57	0.2				0.2	
	%	Total Solids					74.43	99.8				99.8	
	gVS/gTS	Total Volatile Solids					0.013						
%	Volatile Solids						0.35				0.25		
mg/kg	Phenolics, Total												

* Data table reproduced from Cargill East River (MN – 14.2 RMP) Dredge Material Site Management Plan, Lower Minnesota River Watershed District, Appendix A: Chemical Analyses Data for the Minnesota River.

Table 3
Minnesota River Sediment Chemical Data*
Lower Minnesota River Watershed District

			Record #	307	78503	406	78502	308	78501				
			River Mile	12	12.0	11.7	11.5	11.4	11.0				
			Location	AB&BW PETERSON BAR	Peterson's Bar	AB&BW PETERSON BAR	Blw Peterson's Bar	AB&BW PETERSON BAR	Blw Peterson's Bar				
			Year	1975	1999	1989	1999	1980	10/17/2007				
			MN Soil Leaching Values (June 2013)										
			MN Acute Residential/Recreational SRVs (April 2022)										
			MN Chronic Residential SRVs (April 2022)										
Criteria Exceedance Key			Bold	No Exceedances	Shaded								
CHC's	ug/kg	a-BHC				700				< 0.08			
	ug/kg	b-BHC				2500				< 0.08			
	ug/kg	BHC								< 0.08			
	ug/kg	2,4'-DDD								< 4			
	ug/kg	2,4'-DDE								< 4			
	ug/kg	2,4'-DDT								< 4			
	ug/kg	g-BHC (lindane)				150				< 0.08			
	ug/kg	Heptachlor				1600				< 0.10			
	ug/kg	Anthracene	1300000			2800000				1.4			
	ug/kg	Aldrin				450				< 0.12			
	ug/kg	Acenaphthene	81000			460000				< 0.71			
	ug/kg	Acenaphthylene								< 1.0			
	ug/kg	Benz(a)anthracene								8.4			
	ug/kg	Benzo(a)pyrene	1400			2000				9.8			
	ug/kg	Heptachlorepoxyde				280				< 0.12			
	ug/kg	Benzo(g,h,i)perylene								6.2			
	ug/kg	Benzo(b)fluoranthene								19			
	ug/kg	Benzo(k)fluoranthene								5.6			
	ug/kg	Endosulfan I								< 0.15			
	ug/kg	Dieldrin				110				< 0.04			
	ug/kg	4,4'-DDE				23000				< 0.04			
	ug/kg	Endrin				4000				< 0.06			
	ug/kg	Endosulfan II								< 0.3			
ug/kg	4,4'-DDD				19000				< 0.06				
ug/kg	Endrinoldehyde								< 0.33				
ug/kg	Endosulfan sulfate								< 0.33				
ug/kg	4,4'-DDT				7400				< 0.18				
ug/kg	Methoxychlor								< 0.67				
ug/kg	Endrinolone								< 0.33				
ug/kg	alpha-Chlordane				9600				< 1.7				
ug/kg	Chlordane				9600				< 0.20				
ug/kg	gamma-Chlordane				9600				1				
ug/kg	Oxychlordane								< 0.20				
ug/kg	Fluoranthene	670000			210000				26				
ug/kg	Toxaphene				1200				< 1.82				
ug/kg	Hexachlorobenzene				220				< 2				
ug/kg	Pyrene	440000			220000				21				
METALS	mg/kg	Ag (silver)	7.9			78							
	mg/kg	Al (aluminum)				19000							
	mg/kg	As (arsenic)	5.8	9	9	0.83	1.43	3.2	1.13	0	1.2	3.44	
	mg/kg	B (boron)	62			3100							
	mg/kg	Ba (barium)	1700	260	3100					60			
	mg/kg	Be (beryllium)	2.7			31							
	mg/kg	Cd (cadmium)	8.8	9.1	1.6	< 0.1	< 0.03	< 1.6	< 0.03	< 10	< 1.0	0.17	
	mg/kg	Cr (chromium)	36			23000	7	3.30	7.1	3.07	10	5.3	5.60
	mg/kg	Cu (copper)	700	120	2200	2.8	1.67	12.1	2.17	< 10	2.5	3.97	
	mg/kg	Fe (iron)				29000				5200			
	mg/kg	Hg (mercury)	3.3			2.7	0.13	< 0.0048	< 0.02	< 0.0048	0	< 0.10	0.0058
	mg/kg	Mg (magnesium)											
	mg/kg	Mn (manganese)	130			730		235	59.3	160	660	203	357
	mg/kg	Mo (molybdenum)	16			78							
	mg/kg	Ni (nickel)	180	260	170			7.32	11.5	6.54	10	4.7	12.3
	mg/kg	Pb (lead)	2700			200	< 0.1	5.8	11.6	6.4	10	2.5	9.2
	mg/kg	Sb (antimony)	5.4			6.3							
	mg/kg	Se (selenium)	2.6			78			2.2				
	mg/kg	Sn (tin)	20000			4700							
	mg/kg	Sr (strontium)	2800			6700							
	mg/kg	Ti (titanium)				40000							
	mg/kg	Zn (zinc)	3000			4700		9.29		8.53		13.6	19.3
mg/kg	V (vanadium)	4			62								
mg/kg	Chromium, Hexavalent	36			2.3						< 5.8		
PCB's	ug/kg	Aroclor-1016									< 0.24	< 0.24	
	ug/kg	Aroclor-1221									< 0.28	< 0.28	
	ug/kg	Aroclor-1232									< 0.26	< 0.26	
	ug/kg	Aroclor-1242									< 0.32	< 0.32	
	ug/kg	Aroclor-1248									< 0.22	< 0.22	
	ug/kg	Aroclor-1254									< 0.34	< 0.34	
	ug/kg	Aroclor-1260									< 0.32	< 0.32	
	ug/kg	Total PCB's	130			820							
	PARTICLE SIZE %FINER	SAND	coarse	3 in			100				100		
1 1/2						100				100			
3/4						100					100		
3/8						100					100		
4						99	100	100			100	100	
medium			8			95					100		
			10				97	99.9173	100			99.89	100
			16			84	92	99.6276	99	100			97
			20									99.04	
			30				84	98.5519	98				84
		40			41	76		94	98		95.1		
		50					98.5519						
fine		60				37		38			64.79	54	
		70											
		80						81.6715				27.25	
		100			6		52.1307			83		21.89	
		140				4	40.47394665	2				31	
	200			2		26.9826311	1	70		13.16	13		
	270					17.59732573					7		
SILT	clay	0.20 mm							33				
		0.05 mm							18				
MISC	mg/kg	Total Organic Carbon									< 84		
	%	Total Organic Carb					0.01	1.2	0.02			0.18	
	mg/kg	Chem Oxy Demand			1950					31000			
	mg/kg	Kiedahl Nitrogen								3700	300		
	mg/kg	Phosphorus (as P)									270		
	mg/kg	Oil and Grease											
	mg/kg	Cyanide, Total	20	7.3	13	< 0.20		< 0.20		< 0.20	< 0.20	< 0.20	
	mg/kg	Ammonia									16		
	mg/l	Ammonia Elutriate											
	%	Moisture					0.2		0.1		24.88	0.7	
	%	Total Solids					99.8		99.9		75.12	99.3	
	gVS/gTS	Total Volatile Solids									0.013		
	%	Volatile Solids					0.49		0.29			0.95	
mg/kg	Phenolics, Total										6.2		

* Data table reproduced from Cargill East River (MN - 14.2 RMP) Dredge Material Site Management Plan, Lower Minnesota River Watershed District, Appendix A: Chemical Analyses Data for the Minnesota River.