



Please note the meeting will be held in person at the Carver County Government Center on the Wednesday, August 21, 2024. The meeting will also be available virtually using this [link](#).

LOWER MINNESOTA RIVER WATERSHED DISTRICT

Lower Minnesota River Watershed District

7:00 PM - Wednesday, August 21, 2024, 2024

Carver County Government Center

602 East Fourth Street, Chaska, MN 55318

Agenda Item	Discussion
1. Call to order	A. Oath of Office Vinatha Viswanathan, term of office expires, 2/28/2027 B. Roll Call
2. Citizen Forum	<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>
3. Approval of Agenda	A. Additions, Corrections, and Deletions to Agenda
4. Public Hearings & Presentations	A. Report on LMRWD permit inspection
5. Consent Agenda	<i>All items listed under the consent agenda are 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> A. Approve Minutes June 20, 2024, and July 17, 2024, Regular Meetings and July 17, 2024 Board Workshop B. Receive and file July 2024 Financial report C. Presentation of Invoices for payment <ul style="list-style-type: none"> i. Clifton Larson Allen (CLA) – Financial services through July 2024 ii. TimeSavers Off Site Secretarial – Preparation of June 20, 2024, meeting minutes

	<ul style="list-style-type: none"> iii. Rinke Noonan, Attorneys at Law – legal services related to Area #3 through July 2024 iv. Rinke Noonan, Attorneys at Law – general legal services through June 2024 v. Daniel Hron – August 2024 office rent vi. US Bank Equipment Finance – August 2024 copier lease payment vii. Young Environmental Consulting Group, LLC – June 2024 technical, and Education & Outreach services viii. Naiad Consulting, LLC – July 2024 administrative services, mileage & expenses ix. 106 Group – July 2024 services related to Area #3 x. Bolton & Menk – Engineering Services through July 23, 2024, related to Vernon Avenue xi. Barr Engineering – June 2024 Design Development related to Area #3 xii. I & S Group, Inc. (ISG) – invoice for services related to flood damage assessment xiii. I & S Group, Inc. (ISG) – invoice for services through July 2024 for Spring Creek xiv. Western National Insurance – annual commercial liability insurance premium 2024/2025 xv. Scott County SWCD – Q2 2024 monitoring, TACS and Education & Outreach xvi. 4M Fund – April 2024 fund service charges D. Report from the Citizen Advisory Committee E. Support to extend the dedication of lottery-derived revenue to Environment and Natural Resources Fund for 25 years F. LMRWD Data Practices Policy G. Authorize execution of Professional Services Agreement with Young Environmental Consulting Group
<p>6. Permits</p>	<ul style="list-style-type: none"> A. LMRWD Permit Renewals B. 2024 T2 North Expansion Project – Rule D Amendment (LMRWD No.2024-006) C. Flying Cloud Airport Project (LMRWD No. 2024-016) D. Permit review fee schedule
<p>7. Action Items</p>	<ul style="list-style-type: none"> A. LMRWD Bylaws update – please note changes are recommended B. Biennial Solicitation for legal services C. 2025 Legislative Agenda and authorize solicitation for lobbying services D. Education and Outreach <ul style="list-style-type: none"> o Appointments to Citizen Advisory Committee E. 2025 LMRWD Budget F. Spring Creek <ul style="list-style-type: none"> o Authorize final design and order construction of project G. Dredge Management <ul style="list-style-type: none"> o Vernon Avenue H. Study Area #3 <ul style="list-style-type: none"> o Authorize execution of Professional Services Agreement with 106 Group

8. Board Discussion Items	A. Board Committee Structure B. Review Meeting Schedule for the Remainder of 2024
9. Information Only	A. Minnesota River Boat Tour B. State of the Minnesota River Listening Session C. LMRWD/Minnehaha Boundary Change D. LMRWD Permit Program Summary
10. Communications	C. Administrator Report D. President E. Managers F. Committees G. Legal Counsel F. Engineer
11. Adjourn	Next meeting of the LMRWD Board of Managers is Wednesday, September 18, 2024.

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.

- ~~LMRWD Citizen Advisory Committee meeting – Tuesday, September 3, 2024, 4:30 pm - cancelled~~
- [Minnesota Stormwater Seminar Series](#) – Tuesday, September 10, 2024, 9:30 to 11:30 am, St. Anthony Falls Laboratory, 2 SE 3rd Ave, Minneapolis, MN 55414 and [virtual on Zoom](#)
- LMRWD Riverboat Cruise – loading begins at 2:30 pm, departure 3:00 pm, CHS terminal, 6200 State Highway 13, Savage, MN. Buses will return guests to CHS after arrival in St. Paul
- [Water Connects Us - Freshwater](#) – September 12, 2024. 5:00 pm, Forgotten Star Brewing, 38 Northern Stacks Drive, Fridley, MN
- UMWA (Upper Mississippi Waterway Association) monthly meeting – Thursday, September 19, 2024, 12:00 noon to 1:30 pm virtual
- Scott County Outdoor Education Day – Monday September 23, 2024, through Thursday September 26, 2024, 9:00 am to 1:00 pm, Cedar Lake Regional Park, 25875 Juniper Avenue, New Prague, MN
- [Metro Children’s Water Festival](#), September 25, 2024, 8:00 am to 3:00 pm, MN State Fair Grounds
- [MAISRC Showcase](#) (Minnesota Aquatic Invasive Species Research Center) – Wednesday, September 25, 2024, 8:30 am to 5:30 pm, St. Paul Student Center, University of Minnesota. St. Paul Campus
- [Water Resource Conference](#) – October 15 & 16, 2024, 8:00 am to 5:00 pm, St. Paul River Centre, 175 West Kellogg Boulevard, St. Paul, MN
- [BWSR Academy](#) – October 29 through October 31, 2024, Cragun’s Conference Center, 11000 Craguns Drive, Brainerd, MN
- [MN Watershed Annual Conference](#) – December 4 through December 6, 2024, Grandview Lodge, 23521 Nokomis Avenue, Nisswa, MN

For Information Only

- **WCA Notices**
 - Dakota County, City of Eagan – MN River Greenway – Greenway Bridge Segment, Notice of Decision, replacement plan & no-loss
 - Dakota County, City of Eagan – MN River Greenway – Greenway Bridge Segment, resubmission to request to change the wetland bank identified in the approved replacement plan
 - Carver County, City of Carver – LMRWD Spring Creek stabilization project, Notice of Decision, Exemption
- **DNR Public Waters Work permits**

- Scott/Carver Counties – Merriam Junction Trail permit issued
- Hennepin County, City of Bloomington – After-the-fact permit issued for replacement of water control structure at Opus Marsh
- Hennepin County, City of Eden Prairie – Area #3 permit issued
- **DNR Water Appropriation permits**
 - Dakota County, City of Eagan – Temporary Water Appropriation Permit for construction dewatering at Seneca Wastewater Treatment Plant
- **Well Head Protection Plans**
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LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, August 21, 2024

Agenda Item

Item 4. A. – Report on LMRWD Permit Inspections

Prepared By

Linda Loomis, Administrator

Summary

We had planned to have the interns present the findings of their inspections of LMRWD permits. Both interns have conflicts that prevent their attendance at the Board meeting. Since the interns were the inspectors, the team at Young Environmental Consulting Group didn't think they should step up and make the presentation in their stead.

The report is attached for the Board's information and members of the Young Environmental Consulting Group team will be present to answer any questions the Board may have.

Attachments

Technical Memorandum – Lower Minnesota River Watershed District (LMRWD) 2024 Permitted Project Inspections dated August 14, 2024

Recommended Action

Motion to receive and file inspection report

Technical Memorandum



To: Linda Loomis, Administrator
Lower Minnesota River Watershed District (LMRWD)

From: Josephine Khan, Water Resources Intern
Ashley Weihs, Water Resources Intern
Erica Bock, Water Resources Scientist
Rachel Kapsch, Water Resources Scientist

Date: August 14, 2024

Re: Lower Minnesota River Watershed District (LMRWD) 2024 Permitted Project
Inspections

In February 2020, the LMRWD adopted rules to govern soil erosion and sediment control (Rule B), floodplain and drainage alteration (Rule C), stormwater management (Rule D), and development on steep slopes (Rule F) within the boundaries of the LMRWD. Since May 1, 2020, the LMRWD, through its technical consultant and district engineering team at Young Environmental Consulting Group, LLC (Young Environmental), has been reviewing construction projects and issuing permits to ensure compliance with LMRWD rules. The first year of LMRWD on-site project inspections occurred in the summer of 2022. In 2024, Young Environmental continued project inspections to ensure project compliance with LMRWD rules. Inspections are conducted in accordance with the LMRWD's Administrative and Procedural Requirements (Rule A), under which LMRWD reserves the right to conduct periodic audits, inspections, or both. The project review and permit approval processes are thorough; however, on-site inspections confirm compliance with the LMRWD's rules during and after the construction of a permitted project.

Team members involved in this project include the following:

- Inspection Team: Josephine Khan and Ashley Weihs
- Project Manager: Hannah LeClaire
- Deputy Project Managers: Erica Bock and Rachel Kapsch
- Senior GIS Analyst: Chris Ross

PREPARATION

To ensure the project team was well equipped and prepared to safely conduct their site inspections, they completed the 10-hour Occupational Safety and Health Administration (OSHA) General Industry Outreach training. This training provided the project team with insight to safely conduct fieldwork, specifically within construction sites. In addition to the OSHA training, the project team had previous Stormwater Pollution Prevention Plan (SWPPP) inspection training from the University of Minnesota and underwent an erosion and sediment control training with Young Environmental.

The project was initiated by creating a project schedule (Attachment A) using the LMRWD permits database. The permits database is a geodatabase that Young Environmental created in 2022 to reduce inefficiencies within the permitting program. Prior to the creation of the permits database, several spreadsheets and other documents were required to maintain permitting program activities. The permits database houses information such as permittee contact information, project size and status, rules triggered, permit issue and renewal dates, inspection data, and associated geographic location for each project.

After creating a schedule and route for inspections, the inspection team reviewed each site's permit, applicable rules, project SWPPP, and previous inspections. The inspection team compiled their review notes into an outline of important inspection points to verify at each site.

SUMMARY OF RESULTS

During the 2024 inspection season, the inspection team inspected a total of 19 project sites between July 23 and August 8 to confirm compliance with LMRWD Rules.

Project Status Summary

Of the 19 project sites inspected, 17 sites were construction-complete and 2 were active construction sites. Construction-complete sites are sites that no longer have active construction. These sites have the potential for permit closure post-inspection, assuming the project meets all closeout requirements outlined in Attachment B. Active sites have ongoing construction and will be reinspected the following year to confirm continued compliance. If the site is under construction, not fully stabilized, or if violations are found on-site, follow-up from the LMRWD will be required. Attachment C shows the locations and violation status of all 2024 inspection sites.

Post-Inspection Notification Summary

The inspection team sent emails describing the violations observed when a construction-complete project did not meet the requirements for permit closeout. Table 1 describes all sites that required follow-up emails as well as the description of the violation or missing closeout task. It is important to note that the LMRWD does not consider less than 70% vegetation establishment to be a violation. However, for consistency, it is denoted as a violation throughout this technical memorandum. Figure 1 shows a quantitative summary of violations. The most common violation or closeout task logged for project sites was a less than 70% vegetation establishment. If initial violation notices go unanswered, Young Environmental will send a follow up email.

Table 1: Violation Notices Sent to Permittees

Permit Number	Project Name	Violation(s)	Permittee Response
2023-002	Eagle Creek Bridge	<ul style="list-style-type: none"> • <70% vegetation establishment¹ • Erosion observed on construction access road 	<ul style="list-style-type: none"> • No response.
2023-029	Tarnhill Pond	<ul style="list-style-type: none"> • <70% vegetation establishment 	<ul style="list-style-type: none"> • Permittee was aware that less than 70% vegetation was established. • Permittee will email photos when vegetation is established.
2021-033	MN MASH	<ul style="list-style-type: none"> • Need to remove all temporary best management practices (BMPs)² 	<ul style="list-style-type: none"> • Permittee has responded about removing BMPs and will send photo confirmation upon completion.
2022-010	Quarry Lake Trail and Pedestrian Bridge	<ul style="list-style-type: none"> • < 70% vegetation establishment • Sediment in stormwater conveyances 	<ul style="list-style-type: none"> • No response.
2021-035	I35W Frontage Trail	<ul style="list-style-type: none"> • <70% vegetation establishment 	<ul style="list-style-type: none"> • Permittee asked to close out permit and work with city on vegetation establishment. • Inspection team did not grant closeout request.
2022-015	Xcel Driveway	<ul style="list-style-type: none"> • <70% vegetation establishment • Sediment present in outlet of southwest basin • Removal of staging area with stockpiles • Sediment deposited on road crossings from bike trail 	<ul style="list-style-type: none"> • Permittee is sending a representative out to overseed and clean sediment from basin outlet. • Stockpiles belong to city to help maintain bike trail and do not belong to the permittee. • Permittee will send photo confirmation of vegetation and outlet upon completion.

¹ <70% vegetation establishment is not a violation, but an inspection item to follow-up with the permittee about and needs to be completed prior to permit close out.

² Remaining temporary BMPs is not a violation, but needed prior to permit close out.

Permit Number	Project Name	Violation(s)	Permittee Response
2023-015	City of Bloomington Storm Sewer Maintenance – Site D	<ul style="list-style-type: none"> • <70% vegetation establishment 	<ul style="list-style-type: none"> • No response.
2023-015	City of Bloomington Storm Sewer Maintenance – Site F	<ul style="list-style-type: none"> • <70% vegetation establishment • Asphalt chunk left on site 	<ul style="list-style-type: none"> • No response.
2022-005	Chaska West Creek Apt	<ul style="list-style-type: none"> • Sediment tracking in parking lot and road • Infiltration basin not functioning • <70% vegetation establishment • Silt fence needs replacing • Large sticks/trash in basin outlet 	<ul style="list-style-type: none"> • No response.
2022-014	TH41 & CSAH61 Improvements	<ul style="list-style-type: none"> • <70% vegetation establishment 	<ul style="list-style-type: none"> • Permittee stated that areas of <70% vegetation establishment are related to their irrigation contract with the City of Chaska

Permit Number	Project Name	Violation(s)	Permittee Response
2022-016	ORF Relocation	<ul style="list-style-type: none"> • Noted sediment tracking in paved areas and requested sweeping • Photo of holding basins after liner is installed • Energy dissipation installation is required at infiltration basin • Perimeter control is required around stockpiles that are not in use/near floodplain • Silt fence repair • Trash pickup required 	<ul style="list-style-type: none"> • Permittee's response said that they will get items corrected in a timely manner.
2023-008	Chaska Tech Center	<ul style="list-style-type: none"> • Washout occurring in swale slope • Infiltration basin not functioning 	<ul style="list-style-type: none"> • Follow-up in progress.
2021-025	TH13/Dakota Ave Improvement	<ul style="list-style-type: none"> • Need to remove all temporary BMPs 	<ul style="list-style-type: none"> • Follow-up in progress.

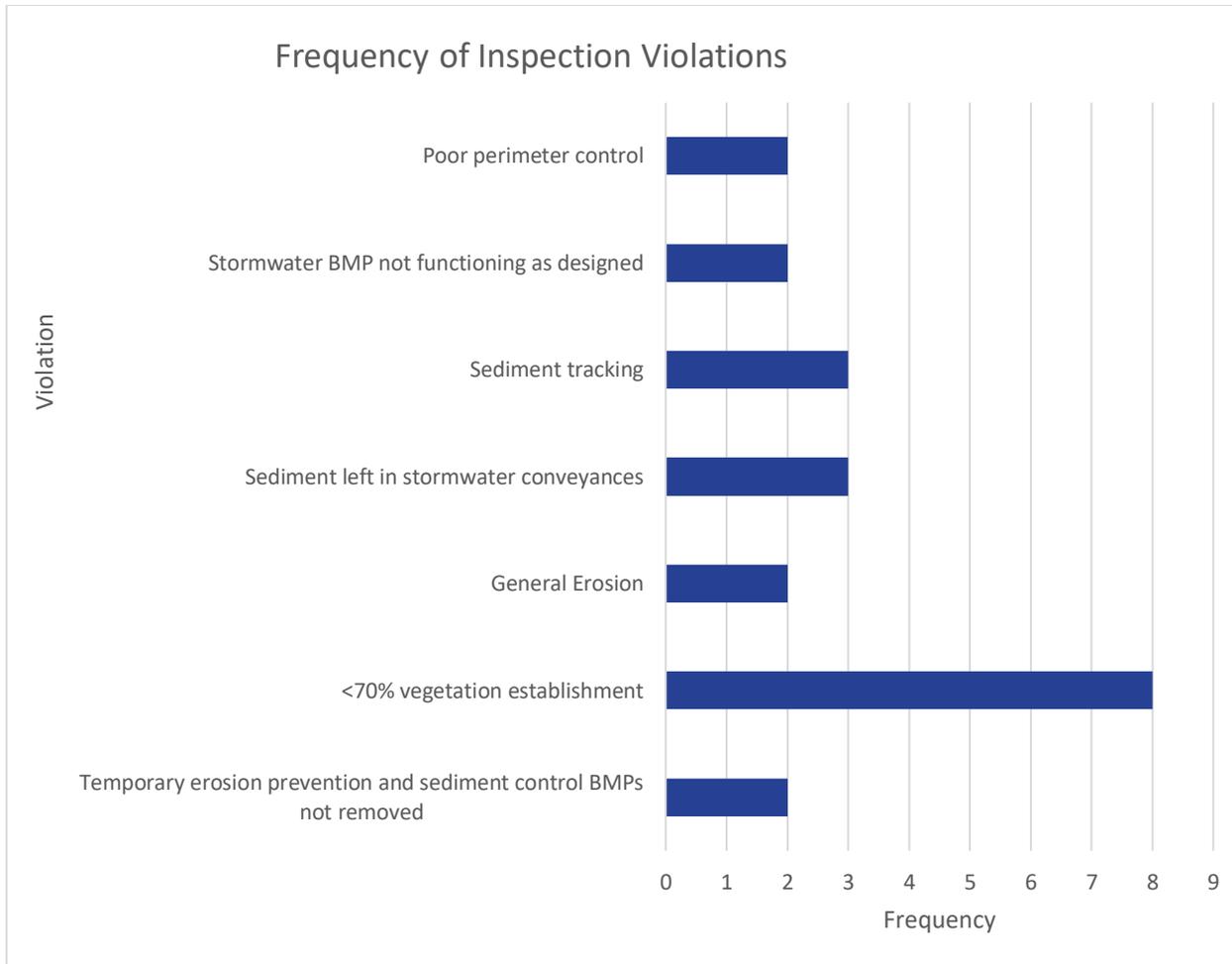


Figure 1: Frequency of Inspection Violation Notices Sent to Permittees



Figure 3: Eroding Slope at Eagle Creek Bridge



Figure 2: <70% Vegetation Establishment at I35W Frontage Trail



Figure 4: Sediment in Stormwater Outlet at Xcel Driveway

2024 INSPECTION SEASON SUCCESSES

Despite encountering project violations throughout the inspection season, numerous successes, or wins were observed. Project successes are noted below and in the accompanying photos (Attachment D):

- Ivy Brook Northeast (2022-027) – Permittee regraded pavement toward curb cuts to promote drainage, riprap at each curb cut removed debris and sediment and added additional riprap.
- Former Knox Site (2022-039) – Permittee applied erosion control blanket along the exterior of the pond in areas lacking vegetation establishment.
- Ace Rent-A-Car (2022-022) – Permittee hydroseeded in areas lacking vegetation
- Building Renovation Park Jeep (2021-030) – Permittee installed rock drainage (dry creek) leading to catch basin in grassy area along Dupont Avenue and applied grass seed in washout areas.

NEXT STEPS

The following steps will be completed to close out the 2024 inspection season:

1. Young Environmental will continue inspections through the summer and fall to complete inspections for the remaining six projects.
2. If initial violation notices go unanswered, Young Environmental will send a follow up email.
3. If the additional email goes unanswered, Young Environmental will send a follow-up email or complete re-inspections two to three weeks after the initial inspection.
4. If permittees remain unresponsive to violation notices, Young Environmental will notify the appropriate city to determine whether the city is aware of the violation. After coordination with the city, the LMRWD can consider a stop work order for permittees that fail to correct violations.
5. For project sites with completed construction, final vegetative stabilization, and no violations found (or corrected), the permit closeout process can continue. Young Environmental will request as-built drawings and complete an as-built review. Of the 19 projects inspected to date, 6 have been recommended for permit close-out procedures and are listed in Table 2.
6. Young Environmental will develop a list of projects from the 2024 inspection season that will require another inspection in 2025. Of the 19 projects inspected thus far, 13 will require

an inspection in 2025 and are listed in Table 3.

Table 2: Projects Recommended for Permit Close-out

Permit Number	Project Name
2021-040	Omry Independent Living
2021-045	Triple Crown Residences Phase II
2021-057	Cliff Road Ramps
2023-014	KTI Fencing
2022-041	35W SP 2782-352
2022-007	Engineered Hillside

Table 3: Projects Requiring Additional Follow-ups/Inspections

Permit Number	Project Name	Permit Status
2023-020	Tramore Heights Addition	Active
2022-016	ORF Relocation	Active
2023-029	Tarnhill Pond	Construction Complete
2023-002	Eagle Creek Bridge	Construction Complete
2021-033	MN MASH	Construction Complete
2022-015	Xcel Driveway	Construction Complete
2022-010	Quarry Lake Trail and Pedestrian Bridge	Construction Complete
2021-035	I35W Frontage Trail	Construction Complete
2023-015	City of Bloomington Storm Sewer Maintenance	Construction Complete
2022-005	Chaska's West Creek Apartments	Construction Complete
2022-014	TH141 & CSAH61 Improvements	Construction Complete
2023-008	Chaska Tech Center Amendment	Construction Complete
2021-025	TH13/Dakota Ave Improvement	Construction Complete

CONCLUSION

Young Environmental will continue to keep an open line of communication with each permittee, informing them of inspection dates and violations in a timely manner and maintaining organized records of each site's status and documentation. The Young Environmental team is working to continuously improve the permitting program and inspection process to make the process more efficient and effective and continue to protect the LMRWD water and natural resources.

Attachments

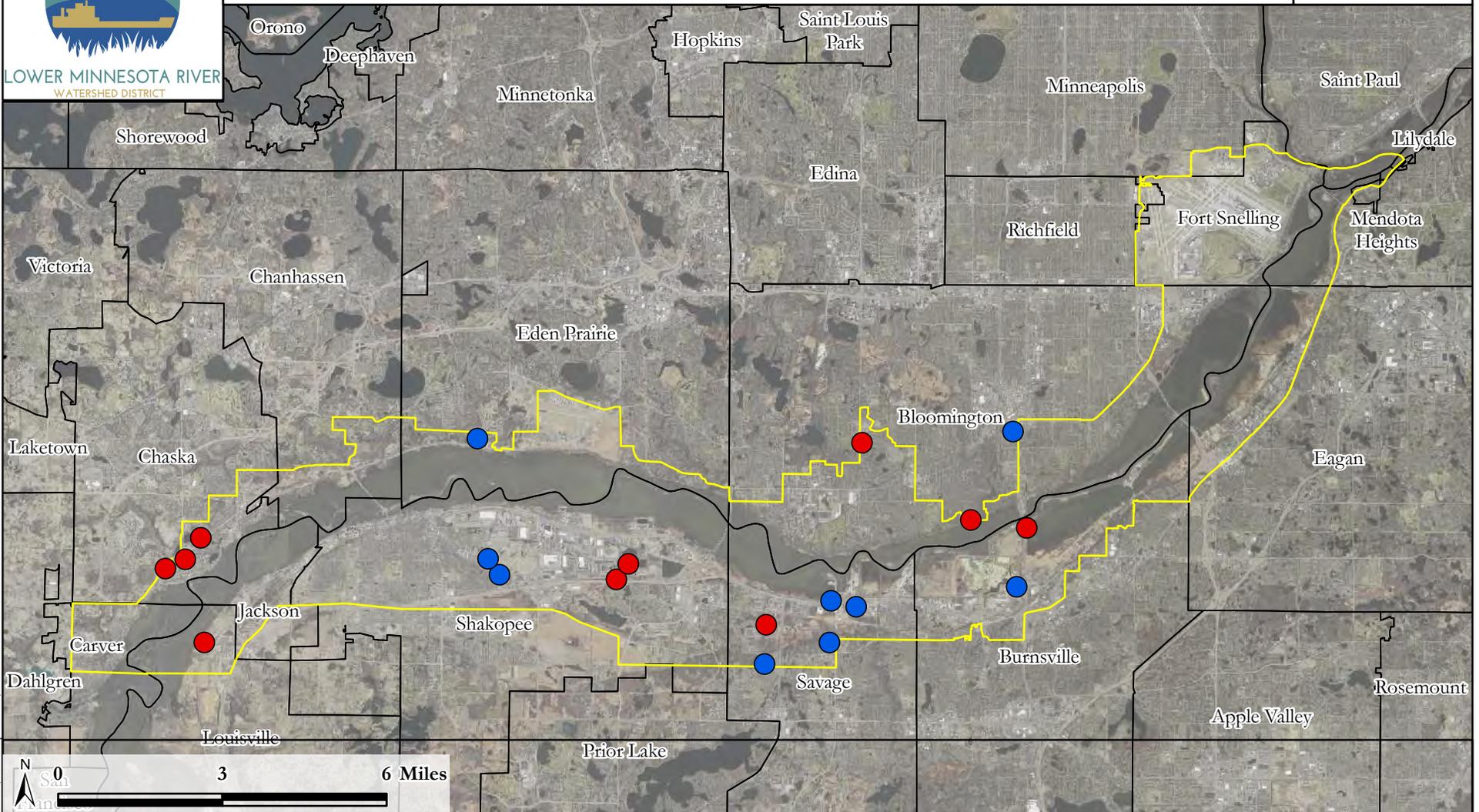
- Attachment A – Project Inspection Schedule
- Attachment B – Project Inspection Map
- Attachment C – LMRWD Permitting Program Inspection Process
- Attachment D – Inspection Season Successes Photo Log

2024 PROJECT INSPECTION SCHEDULE

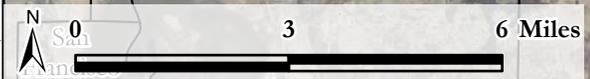
Date Inspected	Permit Number	Project Name
July 23, 2024	2023-002	Eagle Creek Bridge
July 23, 2024	2023-020	Tramore Heights Addition
July 23, 2024	2021-033	MN MASH
July 23, 2024	2023-014	KTI Fencing Property
July 23, 2024	2023-029	Tarnhill Pond
July 30, 2024	2021-045	Triple Crown Residences Phase II
July 30, 2024	2021-040	Omry Independent Living
July 30, 2024	2022-015	Xcel Driveway
July 30, 2024	2022-010	Quarry Lake Trail and Pedestrian Bridge
July 30, 2024	2021-057	Cliff Road Ramps
July 30, 2024	2021-035	I35W Frontage Trail
July 30, 2024	2023-015	City of Bloomington Storm Sewer Maintenance – Site D and F
August 8, 2024	2022-005	Chaska's West Creek Apartments
August 8, 2024	2022-014	TH141 & CSAH61 Improvements
August 8, 2024	2023-008	Chaska Tech Center Amendment
August 8, 2024	2022-016	ORF Relocation
August 8, 2024	2022-007	Engineered Hillside
August 8, 2024	2021-025	TH13/Dakota Ave Improvement
August 8, 2024	2022-041	35W SP 278-352
August 13, 2024	2023-022	Safety and Security Center Phase II
August 13, 2024	2022-019	1494 SP 2785-433
August 13, 2024	2022-040	Burnsville Sanitary Landfill
August 13, 2024	2021-016	Whispering Waters
August 13, 2024	2020-015	Canterbury Crossings
August 13, 2024	2023-009	AT&T Bloomington to Eureka Fiber



Summary of 2024 Project Inspections



Projects\LMRWD\Project_Reviews\06_Inspections\2024_Inspections\GIS



Legend

-  LMRWD Boundary
-  No violations found
-  Violations found

Location Map



Note: Map depicts inspections conducted from July 23, 2024, through August 8, 2024.

ATTACHMENT C: LMRWD PERMITTING PROGRAM – INSPECTION PROCESS

Task 1: In-Office Preparation

Young Environmental Consulting Group LLC (Young Environmental) staff began the Lower Minnesota River Watershed District's (LMRWD) project inspections with in-office preparation. This preparation included using the Permits Database to locate projects to develop an inspection route. It also included reviewing a project's permit application, rules review, permit, storm water pollution prevention plan (SWPPP), construction plans, and previous inspections conducted at the site.

Prior to field inspections, Young Environmental staff notified permittees of upcoming inspections. If a project is in active construction, staff request any relevant updates to the construction or stormwater management plans. Alternatively, if the construction is complete, staff request record drawings for a comprehensive review.

Task 2: Field Inspections

To ensure safety, Young Environmental staff are accompanied by the contractor or erosion and sediment control inspector during inspections of active sites. Inspections of completed construction sites may be done with or without the contractor or erosion and sediment control inspector.

Field inspections are completed in the Survey123 program in a survey format. Two distinct surveys are used for inspections of construction complete and active projects. These surveys consist of multiple-choice toggle questions that can be easily answered in the field. The questions focus on confirming compliance with items identified during pre-inspection preparation. In addition to the multiple-choice questions, the survey allows the inspector to insert images and notes from the site.

Task 3: Post Inspection

Following field inspections, staff download results from Survey123 for review. Projects with and without violations are notified of inspection outcomes via email indicating one of the following:

- No LMRWD rule violations were found on-site, and no further action is required at this time.
- Violations were found on-site (all violations are listed). Permittee is referred to the NPDES permit compliance requirements to determine the time frame for correcting the violations.

Projects with on-site violations are required to send erosion and sediment control inspection and maintenance records if not previously requested and received. Permittees are allowed to correct violations and provide photo confirmation of a correction. If Young Environmental staff do not receive photo confirmation, a follow-up inspection will be conducted within two to three weeks of the initial inspection to confirm compliance. If violations persist, Young Environmental staff will coordinate with the appropriate city authorities to address ongoing violations and potential enforcement actions.

Staff thoroughly record information developed and acquired during the inspection in the permits database. Subsequently, the database generates automated technical memorandums for each inspected project. These technical memorandums are shared with the LMRWD board and contain information on inspection results and recommendations. Project sites with active construction, without final site stabilization, and/or with violations are recommended for inspection the following year. Project sites with final site stabilization are recommended for permit close-out procedures, including the review of project as-built drawings. As-built drawings allow for inspection of grading and structure elevations that cannot be easily confirmed in the field.

**Ivy Brook Northeast (LMRWD Permit No.
2022-027)**



Photo 1 Violation - Rip rap at northeast curb cut clogged with sediment and debris, preventing drainage



Photo 2 Violation - Rip rap at northwest curb cut clogged with sediment and debris



Photo 3 Violation - Rip rap at southwest curb cut clogged with sediment and debris



Photo 4 Correction - Rip rap cleaned, additional rip rap installed, and regrading at northeast curb cut



Photo 5 Correction - Rip rap cleaned, additional rip rap installed, and regrading at northwest curb cut



Photo 6 Correction - Rip rap cleaned, additional rip rap installed, and regrading at southwest curb cut

**Former Knox Site (LMRWD Permit No. 2022-
039)**



Photo 1 Violation - Lack of vegetation establishment throughout pond exterior



Photo 2 Violation - Erosion and gulying adjacent to rip rap channel leading to pond



Photo 3 Violation - Erosion and lack of vegetation establishment leading from southwest corner of site to pond



Photo 4 Correction - Rip rap channel widened and erosion control blanket applied



Photo 5 Correction - Erosion control blanket applied to southwest corner of pond



Photo 6 Correction - Erosion control blanket applied

Ace Rent A Car (LMRWD Permit No. 2022-022)



Photo 1 Violation - Exposed soils on west side of project site



Photo 2 Violation - Exposed soils on west side of project site



Photo 3 Correction - Hydroseeding on west side of project



Photo 4 Correction - Hydroseeding on west side of project

**Building Renovation Park Jeep (LMRWD
Permit No. 2021-030)**



Photo 1 Violation - Erosion and exposed soils from curb cut to catch basin.



Photo 2 Violation - Gully observed downslope from catch basin



Photo 3 Violation - Temporary BMPs and hillslope erosion



Photo 4 Violation - Undermining of erosion control blanket and subsequent hillslope erosion



Photo 5 Correction - Rock drainage (dry creek) installed



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, June 20, 2024

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

Approved _____, 2024

1. CALL TO ORDER

A. ROLL CALL

On Thursday, June 20, 2024, at 7:00 PM CST, in the Board Room of the Carver County Government Center, 602 East 4th Street, Chaska, Minnesota, President Barisonzi called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD).

President Barisonzi asked for the roll call to be taken. The following Managers were present: President Joseph Barisonzi, Manager Theresa Kuplic, and Manager Apollo Lammers. Manager Lauren Salvato was absent.

In addition, the following attended the meeting in-person: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Steve Albrecht, Shakopee Mdewakanton Sioux Community, Tribal Operations Administrator; Lani Leichty, Water Resource Engineer, Bolton & Menk; Casey Black, Senior Project Manager, and Sam Westlund, Water Resources Project Manager, SRF; and Craig Jenson, Transportation Planning Manager, Megan Tasca, Water Resources Engineer, and Kyle Sammons, Project Manager, Scott County;

Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant; Hannah LeClaire, Water Resource Engineer and Jess Norby, Senior Water Resources Scientist, both from Young Environmental Consulting Group, LLC; John Kolb, Rinke Noonan Attorneys at Law, LMRWD Legal Counsel; Scott County Commissioner Jody Brennan; and Manager Ben Burnett, Prior Lake Spring Lake Watershed District attended the meeting virtually. Lisa Frenette, Frenette Legislative Advisors, legislative liaison for the LMRWD joined the meeting at 8:00 pm.

2. CITIZEN FORUM

No one was present to address the Board of Managers.

3. APPROVAL OF THE AGENDA

A. Additions, Corrections and Deletions to the Agenda

President Barisonzi introduced this item.

Manager Kuplic made a motion to approve the agenda with changes. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.

4. PUBLIC HEARINGS & PRESENTATION

A. There were no public hearings or presentations

5. CONSENT AGENDA

President Barisonzi introduced the item.

Administrator Loomis asked that the May 2024 invoice from Rinke Noonan for general legal services be removed.

A. Approve Minutes May 15, 2024, Regular Meeting

B. Receive and file May 2024 Financial Report

C. Approval of Invoices for payment

- i. Clifton Larson Allen (CLA) - Financial services through April 2024
- ii. TimeSavers Off Site Secretarial – Preparation of March 26, 2024, personnel committee meeting minutes and April 17, 2024, meeting minutes
- iii. Rinke Noonan, Attorneys at Law – April 2024 Legal Services related to Area #3
- ~~iv. Rinke Noonan, Attorneys at Law – May 2024 legal services~~
- v. Daniel Hron - May 2024 office rent
- vi. US Bank Equipment Finance – May 2024 copier lease payment
- vii. Young Environmental Consulting Group, LLC – April 2024 technical, and Education and Outreach services
- viii. Naiad Consulting, LLC – April 2024 administrative services, mileage, and expenses
- ix. 106 Group - Area #3 – May 2024 services related to Area #3
- x. Barr Engineering - April 2024 Geotechnical services related to Area #3
- xi. Barr Engineering – May 2024 Geotechnical Services related to Area #3
- xii. WSB – Area #3 land acquisition services
- xiii. Frenette Legislative Services – May-June 2024 legislative liaison services
- xiv. HDR – Website services from 10-1-2023 to 6-1-2024
- xv. Great American Insurance Company – 8/1/24 to 8/1/25 Director & Officer Insurance
- xvi. MN DNR Ecological and Water Resources – application fee for work in public waters permit
- xvii. 4M Fund - April 2024 fund service charges
- xviii. Daniel Hron - June 2024 office rent

D. Report from the Citizen Advisory Committee

E. Authorize reimbursement for Cost Share Grant for 1880 Christy Drive, Carver

F. Authorize reimbursement for Educator Mini-grant for Redtail Ridge Elementary School

Manager Lammers made a motion to approve the Consent Agenda. Manager Kuplic seconded the motion. Upon a vote being taken the motion was carried unanimously.

6. PERMITS

A. LMRWD Permit Renewals

President Barisonzi introduced this item.

Manager Lammers made a motion to renew permits as recommended in Table 1 of Technical Memorandum – June 2024 Permit Renewal Requests dated June 12, 2024. Manager Kuplic seconded the motion. Upon a vote being taken the motion carried unanimously.

B. TH 41 ORF (Organic Recycling Facility) Relocation (LMRWD No. 2023-027)

President Barisonzi introduced this item.

Steve Albrecht, from the Shakopee Mdewakanton Sioux Community, came forward and shared that the facility is under construction, and they are hopeful to be able to start taking food waste in September. He noted that the project will likely not be fully complete until June of 2025. He added that they are also going to be adding a new crossing signal at the railroad tracks, as well as right and left turn lines in this area on Highway 41 to help with traffic flow. He shared that MnDOT will also be making improvements to the railroad tracks as a part of this project.

President Barisonzi asked how close they are to the water level. Mr. Albrecht said they are not close to it as this project will be well above it.

Manager made a motion conditionally approve a permit for TH 41 Organic Recycling Facility (ORF) Intersection Reconstruction (LMRWD No. 2023-027) contingent upon receipt of the following: the name and contact information of the individual(s) liable to the LMRWD for performance under the LMRWD rules from the time permitted activities commence until the LMRWD has certified satisfaction with erosion and sediment control requirements, contact information for the contractor(s), and contact information for the person(s) responsible for inspection and maintenance of erosion and sediment control. Manager seconded the motion. Upon a vote being taken the motion was carried unanimously.

C. Merriam Junction Trail (LMRWD No. 2023-013)

President Barisonzi introduced this item.

Craig Jenson, Scott County Transportation Planning Manager, came forward and shared that this trail is a 2.2-mile trail that goes from Scott County to Carver County. He noted this project has been in the works since the trail was abandoned in the late 2000s. He shared that this is Scott County's highest priority project.

President Barisonzi asked what the primary challenges were with this project. Mr. Jenson said that finding funding for the project was one of their original challenges. He added that they also had issues with archaeology and ensuring that they are not affecting any endangered species with this project. He shared that a lot of investigation has gone into the design process.

President Barisonzi noted that there are a lot of contingencies. He asked why approval from the Board is important for the project at its current stage. Mr. Jenson explained that they are looking to have this project out for bid at the beginning of July and would aim to start construction in September.

President Barisonzi asked where they are with the Wetland Conservation Act approval. Mr. Jenson said this is in progress. He noted that they believe they have contingent approval coming for this. He added that they have had conversations with the LGUs and most of them have been interested in what is proposed.

President Barisonzi asked where they are with the Army Corp. of Engineers. Mr. Jenson shared that this is also in review, and they hope to have the permit in place, with conditions after MPCA approval. He noted the MPCA review is in progress currently.

Mr. Jenson shared that the start of construction date for some aspects of this project is quickly approaching as some of the work can only be done in the winter months. He said if they missed construction this winter, it would push the timeline for construction back an entire year.

President Barisonzi asked where they are with the DNR. Mr. Jenson shared that they are also in progress with the DNR.

Manager Lammers asked how the City of Carver feels about this project. Mr. Jenson explained that they have been having monthly meetings with Carver to coordinate their levee project along with this project. He said they have been a part of this project for the last year and a half. He shared that they are creating a flood response plan with the City of Carver. He noted that Carver is in support of this project, and they have a joint powers agreement for this.

President Barisonzi shared that he is very excited about this trail. He said he has a vision of recreational access along the Minnesota River. He said he does not have many concerns with this; however, he is concerned with the long-term impacts on fragile wildlife areas and use of trails that are not receiving ongoing management.

President Barisonzi asked how they are acknowledging long term impacts to wildlife. Mr. Jenson shared that the first step of this was doing an investigation to make sure that they knew all of what was present. He added that they are continuing to work with different agencies, including the DNR to make sure that they have a buffer from any wildlife that that may be in the area. He shared that there are some mitigation measures that are being recommended along with some of their permits. He noted that they are also looking at doing some restoration work within the waterways after they remove the temporary structures for the project. He said there may be more long-term goals that they have in partnership with the DNR. He explained that they do not see it as a challenge to maintain the use of the trail long term.

President Barisonzi asked who would be responsible for the ongoing maintenance of the trail. Mr. Jenson said it would be Scott County and Three Rivers Park District.

Manager Kuplic asked if they will have signage on the trail that identifies different kinds of wildlife. Mr. Jenson said yes.

President Barisonzi noted that he does not believe it is within the Board's permitting authority to request ongoing mitigation strategies; however, he hopes that Mr. Jenson will take back the Board's concerns with ongoing impacts that this project may have. He added that Three Rivers has experience in managing the human side of maintaining sustainability in trails. He noted that they may be able to utilize community partnerships for signage.

Manager Kuplic made a motion to conditionally approve a permit for the Merriam Junction Trail project for temporary and permanent impacts contingent upon the receipt of the following:

- **A Copy of the NPDES construction stormwater permit**
- **Contact information for contractor(s) undertaking any land disturbing activities**
- **Contact information for the person(s) responsible for inspection and maintenance of erosion and sediment control**
- **Documentation of approval under the Wetland Conservation Act (WCA)**
- **Documentation of approval from the US Army Corps of Engineers (USACE)**
- **Documentation of approval from the Minnesota Pollution Control Agency (MPCA), including Section 401 Individual Water Quality Certification**
- **Documentation of approval from Minnesota Department of Natural Resources (MN DNR) including final signed cooperative agreement**

- **Documentation of approval from Scott County Water Management Organization (Scott WMO)**
- **Documentation of approval from the City of Carver**
- **Final plans signed by a profession engineer**
- **Documentation that properties impacted by temporary increases greater than 0.1 foot to the 100-year floodplain have been notified**

The final approved project permit will have the following stipulation:

- **The project engineer will review the contractor's hydraulic models and provide a memorandum of findings demonstrating that construction impacts are within the proposed 0.22-foot temporary stage increase of the Minnesota River 100-year floodplain. The memorandum must be received before temporary impacts are constructed to avoid a lapse in permit coverage. 2024 T2 North Expansion (LMRWD No. 2024-006)**

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

D. 2024 T2 North Expansion (LMRWD No. 2024-006)

President Barisonzi introduced this item.

Manager Lammers made a motion to conditionally approve a LMRWD Rule B permit for 2024 T2 North Expansion (LMRWD No. 2024-006) contingent upon the receipt of the following: final construction plans signed by a professional engineer and an executed maintenance agreement. Manager Kuplic seconded the motion. Upon a vote being taken the motion was carried unanimously

E. Lower Lyndale Avenue Road Project (LMRWD No. 2024-010)

President Barisonzi introduced this item.

Manager Kuplic made a motion to conditionally approve a LMRWD Rule C for the Lower Lyndale Avenue Road Project contingent upon receipt of a copy of the NPDES construction stormwater permit, contact information for the contractor(s) and contact information for the person(s) responsible for the inspection and maintenance of erosion and sediment control with the stipulation that work may not begin within the USFWS parking lot until the final construction plans and final MOU have been submitted and the LMRWD has determined that are in accordance with the proposed cut and fill exhibits in the permit application. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.

F. 535 Lakota Lane after-the-fact Project Review (LMRWD No. 2023-001)

President Barisonzi introduced this item.

Attorney Kolb shared that they are not requiring the removal of the retaining wall, nor are they requiring any further investigation on it as it would be riskier to remove the retaining wall than it would be to leave it in place. He explained that if the permit fees are collected then they can discharge the enforcement action in the district court as the violation would be cleared up with the issuance of the permit.

Ms. LeClaire reviewed how they came to the permit amount of \$4,875 owed by the applicant.

President Barisonzi asked if this amount was derived by calculating the hourly cost to the LMRWD and for Young Environmental's staff time. Ms. LeClaire said yes.

President Barisonzi asked if this included Attorney Kolb's time. Attorney Kolb said no. President Barisonzi asked why his time was not included. Attorney Kolb explained that they do not have a basis for this in Watershed Law and there is no provision that would allow them to collect any legal fees.

President Barisonzi asked why it is in the Board's interest to settle with this non-compliant person outside of court. Attorney Kolb explained that they were following the direction of the Board at the time to try to resolve this matter. He added that they started the enforcement act as additional pressure on the applicant. He noted that this only resolves the applicant's issue with the LMRWD and the applicant still lacks a certificate of occupancy with the City and has to come into compliance with those zoning ordinances.

President Barisonzi asked what kind of precedent this will set with other contractors who do not apply for permits before starting their work.

Manager Kuplic asked what they will be able to do in the future if an after-the-fact permit like this comes forward in the future. Attorney Kolb shared that they could adopt a different process for after-the-fact permitting that would be more punitive in regard to the fees.

Manager Lammers asked how much in legal fees were spent on this matter. Attorney Kolb said he does not have the exact numbers; however, he does not think the costs were tremendous.

President Barisonzi asked how many after-the-fact permits they have done. Attorney Kolb said this is the only one.

President Barisonzi asked if other WMOs have different policies for dealing with after-the-fact permits. Attorney Kolb explained that every organization that he works with has rules or provisions related to after-the-fact permitting. He shared that the City of Chanhassen is still enforcing their own zoning ordinances on this matter. He recommended adopting a fee schedule for after-the-fact permits; however, it is not a common occurrence.

President Barisonzi asked if this is a consequence of allowing the City of Chanhassen to be the front line for this project. Attorney Kolb said he is not sure if that is exactly how it works. He shared that these kinds of situations slip through the cracks more often than they realize. He noted that the matter in which Chanhassen caught this non-compliance is because the property was listed for sale and an inspection was triggered

Manager Lammers made a motion to conditionally to approve an after-the-fact permit for the following property improvements at 535 Lakota Lane:

- **Reestablishment of permanent vegetation on the bluff**
- **Drain tile installation with energy dissipation, and**

- **Installation of riprap of fill the gaps in the existing riprap located on the bluff side of the retaining wall**

Contingent upon receipt of \$4,875 for the investigation and inspection of the unauthorized work, and the notation that the retaining wall on the property was not constructed with a permit from the LMRWD and is not certified by a professional engineer. Though constructed in a manner not in compliance with LMRWD Rules, the LMRWD deems removal of the existing retaining wall to be of equal risk to the integrity of the adjoining slope as allowing it to remain. The LMRWD assumes no responsibility for the wall's structural integrity or future performance. The current homeowner/permittee is advised to notify any future purchaser of the property of the compliance status of the retaining wall. Manager Kuplic seconded the motion. Upon a vote being taken the motion was carried. President Barisonzi abstained.

7. ACTIONS ITEMS

~~A. Administrative Services Agreement Amendment #4~~

This item was removed from the agenda as it was addressed at the May 2024 meeting.

B. Cost Share Application from Cambridge Condominium

President Barisonzi introduced this item.

Manager Kuplic said they do not have enough documentation to make an informed decision on this. She added that the plan that was provided to the Board is not complete.

Manager Barisonzi said he does not support this cost share project. He directed Staff to let the applicant know that the Board had mixed feelings on whether or not they would like to see this again.

C. Study Area #3

Administrator Loomis introduced and gave a brief background of this item.

Attorney Kolb shared that the applications are in review and are waiting on Staff recommendations to move forward.

President Barisonzi asked when they were expecting a finance proposal. Administrator Loomis shared that they will be bringing a letter forward to the July meeting from Shannon Sweeney from David Drown. She noted that because they have not completed the audits they may end up with a higher interest rate. She added that they should expect to spend the same on bonds that they put in this year.

8. BOARD DISCUSSION ITEMS

A. Minnesota River Boat Tour

President Barisonzi introduced this item.

Administrator Loomis shared that they are still working on revising the invite list.

President Barisonzi asked who a good partner for this would be. Administrator Loomis noted that there are a number of groups that would make good partners, including the Chambers of Commerce, the MPCA, the 169 Coalition, the Sensible Land Use Coalition, and others.

President Barisonzi shared that he knows of a number of organizations that he would be interested in partnering with for this boat tour. He said there is a Young Professional Engineers Association or young engineers just starting their careers. He noted he would love to get these

people involved. He asked if there is a way that they can leverage their contracts with vendors and have them showcase at this event. Administrator Loomis said they can run this by the vendors and see if they are interested.

President Barisonzi asked if there are any projects being done in this area that the Board is not involved in that they could give awards to so they can encourage groups to come and receive recognition from the Board.

Manager Kuplic asked what this event will look like. Administrator Loomis said it can be whatever the Board wants it to be. She noted that in the past she has just arranged speakers to come forward and address the attendants.

President Barisonzi added that it would be nice to highlight the projects that they are doing

Manager Kuplic suggested having different groups set up tables with information at this event.

The Board suggested having light snacks and music at this event.

The Board discussed dates for the river boat tour, expressing interest in September 3 or 5.

9. FOR INFORMATION ONLY

A. BWSR Notice of LMRWD Petition for Boundary Change

President Barisonzi introduced this item.

This item was for information only.

B. Lower MN River East One Watershed One Plan

President Barisonzi introduced this item.

Administrator Loomis shared that there was a Policy Committee meeting this afternoon and they approved sending the plan to the State agencies for the 90 day review. She added that BWSR's Central Region Committee is having a meeting on August 1 where they are planning to do a presentation in front of this committee on the plan and expect to get approval from BWSR at their August 29 Board Meeting.

President Barisonzi asked how long Administrator Loomis expects to be involved at the current level she is involved. He asked if there is an appropriate scale back plan since they do not plan on joining this JPA. Administrator Loomis noted that once that plan is approved and the Board adopts it, she will no longer need to be involved.

Attorney Kolb explained that they will be adopting this plan to the extent that it is supportive of the LMRWD's existing goals and objectives in their watershed management plan.

President Barisonzi asked about the consequences of them not adopting this plan. Attorney Kolb said they would not be able to utilize any form of financial assistance from this collaborative.

This item was for information only.

C. 2024 Legislative Activities

President Barisonzi introduced this item.

This item was for information only.

D. LMRWD Permit Program Summary

President Barisonzi introduced this item.

This item was for information only.

10. COMMUNICATIONS

- A. **Administrator Report:** Administrator Loomis shared that they will be reviewing the education when more of the Board is present. She noted that they will be sending out postcards to areas that have been under-represented on the CAC inviting people to join the CAC.
- B. **President:** President Barisonzi asked that they schedule a new manager training for all the Board members once Manager Salvato returns and the new manager is appointed. He shared that when they approved the Minnesota Congress contract, part of the communication was the need for KPIs associated with this agreement and he requested to view this contract to give feedback on it prior to its execution.
- C. **Managers:** No report
- D. **Committees:** No report
- E. **Legal Counsel:** Attorney Kolb shared that he found the numbers associated with his work on the 535 Lakota Lane after-the-fact permit and it totals \$6,928 since May of 2022.
- F. **Engineer:** No report.

11. ADJOURN

Hearing no further business, President Barisonzi adjourned the meeting at 8:25pm.

The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, July 17, 2024, and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Attest:

Lauren Salvato, Secretary

Linda Loomis, Administrator



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, July 17, 2024

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

Approved _____, 2024

1. CALL TO ORDER

A. OATH OF OFFICE

Vinantha Viswanathan was unable to attend the Board meeting so her swearing in was postponed until she is able to attend.

B. ROLL CALL

On Wednesday, July 17, 2024, at 7:00 PM CST, in the Board Room of the Carver County Government Center, 602 East 4th Street, Chaska, Minnesota, President Barisonzi called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD).

President Barisonzi asked for the roll call to be taken. The following Managers were present: President Joseph Barisonzi, Manager Theresa Kuplic, Manager Apollo Lammers and Manager Lauren Salvato.

In addition, the following attended the meeting in-person: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant; and Ashley Weihs and Josie Kahn, interns; Young Environmental Consulting Group, LLC. Hannah LeClaire, Water Resource Engineer, Young Environmental Consulting Group, LLC; Hannah Schacherl, Rinke Noonan Attorneys at Law, LMRWD Legal Counsel; Scott County Commissioner Jody Brennan; and Manager Ben Burnett, Prior Lake Spring Lake Watershed District attended the meeting virtually. Lisa Frenette, Frenette Legislative Advisors, legislative liaison for the LMRWD joined the meeting at 8:00 pm.

2. CITIZEN FORUM

No one was present to address the Board of Managers.

3. APPROVAL OF THE AGENDA

A. Additions, Corrections and Deletions to the Agenda

Administrator Loomis asked to remove the June Board Meeting minutes from the agenda.

President Barisonzi introduced this item.

Manager Kuplic made a motion to approve the agenda with changes. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

4. PUBLIC HEARINGS & PRESENTATION

A. Presentation of 2024 geomorphic assessment of trout streams

Young Environmental Interns Ashley Weihs and Josie Kahn reviewed their work on the 2024 geomorphic assessment of trout streams.

Manager Salvato asked if there are ways to make it more natural to get the trout to go through Eagle Creek under TH 13. Ms. Weihs stated that the DNR said this outlet could just be a drop outlet which could pose an issue. She said this is still a mystery. She added that they are not sure how quickly trout are moving from the Minnesota River to Eagle Creek.

President Barisonzi asked if there is any evidence of trout population in Eagle Creek or Ike's Creek. Administrator Loomis shared that the DNR did a fish count last year and both creeks had trout present. She said they can get these numbers.

President Barisonzi asked if there were people fishing for trout. Administrator Loomis said Ike's Creek is a catch and release creek; however, there may be people fishing at Eagle Creek. She noted that she believes that they are posted for no fishing from US Fish and Wildlife.

The Board thanked Ms. Weihs and Ms. Khan for their work on this project and their excellent presentation.

B. LMRWD Q2 2024 Work Plan Quarterly Report

Ms. Young reviewed the 2024 Work Plan quarterly report for the second quarter of 2024. She discussed the permitting process and shared that they are concerned with the quality of information being provided by applicants for permits. She noted that they would like to revisit the current permit fees.

Manager Salvato asked if they would be able to update the permit fee before the Board finalizes the budget. Administrator Loomis said they do not necessarily need to update the fees before the budget is approved as the permit fees do not offset the budget. She noted that there are so many public agency projects that they do not charge fees on.

President Barisonzi asked if Staff needs the Board to act to direct Staff to come up with solutions for how they can recover permit fees. Ms. Young said yes. Administrator Loomis suggested that they direct Staff to research a new permit fee schedule.

Manager Lammers made a motion to direct Staff to research a new permit fee schedule and come up with solutions for revisions on permitting and authorizing Attorney Kolb to explore how they can revise this with LGUs and other agencies. Manager Salvato seconded. Upon a vote being taken the motion was carried unanimously.

President Barisonzi asked about auditing projects reviewed by cities with the municipal LGU permits. Ms. Young said they will be doing this in the fourth quarter. She shared that they did the first round of audits.

Ms. Young gave a quarterly update on their outreach and engagement.

Manager Kuplic shared that she attended a few of the tabling events and thought they were well attended, and they had many people who wanted information. She suggested having more flyers for information to hand out.

Ms. Young discussed the fen stewardship plans.

President Barisonzi asked if they have scheduled walking tours of each of the fens. Ms. Young said no and explained that they have focus group discussions on these. She said they could consider walking tours if the Board is interested. She noted it is a delicate balance between loving the resource and killing it.

President Barisonzi shared that there is an art gallery that will be hosting an educational exhibit on fens, and he knows artists that would like to have walking tours of the fens so that they can see them. He asked if there was a way that they could partner with these photographers. Ms. Young said they could look into this and noted that the DNR would likely be interested in having biologists participate in this.

Manager Kuplic asked if they would also be able to get drone footage rather than having a walking tour. Administrator Loomis said it would not be the same. She shared that they have used drone footage to look at dredge sights. Ms. Young shared the investigation Young Environmental has done, on behalf of the LMRWD, to evaluate the fens using drones.

Ms. Young shared where each project in the work plan is with respect to the budget. She reviewed the capital projects and gave updates on each project. She also reviewed the gully inventory. She presented the work done for Spring Creek, Trout Streams and Vernon Avenue.

President Barisonzi thanked Ms. Young for her report and said this has been the best one yet.

5. CONSENT AGENDA

President Barisonzi introduced the item.

Administrator Loomis asked that the May 2024 invoice from Rinke Noonan for general legal services be removed.

~~A. Approve Minutes June 20, 2024, Regular Meeting~~

B. Receive and file June 2024 Financial Report

C. Approval of Invoices for payment

- i. Clifton Larson Allen (CLA) - Financial services through June 2024
- ii. TimeSavers Off Site Secretarial – Preparation of May 15, 2024, meeting minutes
- ~~iii. Rinke Noonan, Attorneys at Law – May 2024 general legal services & services related to Area #3~~
- iv. Daniel Hron - August 2024 office rent
- v. US Bank Equipment Finance – July 2024 copier lease payment
- vi. Young Environmental Consulting Group, LLC – June 2024 technical, and Education and Outreach services
- vii. Naiad Consulting, LLC – June 2024 administrative services, mileage, and expenses
- viii. 106 Group - Area #3 – June 2024 services related to Area #3
- ix. WSB – Area #3 land acquisition services
- x. Dakota County Soil & Water Conservation District – Q2 2024 monitoring, TACS and education services
- xi. ISG (I & S Group, Inc.) Services related to Spring Creek through June 2024
- xii. 4M Fund - May 2024 fund service charges

- D. Report from the Citizen Advisory Committee**
- E. Authorize reimbursement for Cost Share Grant for 1880 Christy Drive, Carver**
- F. Authorize reimbursement for Educator Mini-grant for Redtail Ridge Elementary School**

Manager Salvato made a motion to approve the Consent Agenda. Manager Kuplic seconded the motion. Upon a vote being taken the motion was carried unanimously.

6. PERMITS & REPORTS ON STANDING BUSINESS ITEMS

- A. Fred Wells Tennis Education Center (FWTEC) Parking lot Improvements (LMRWD No. 2024-009)**

President Barisonzi introduced this item.

Manager Lammers made a motion to conditionally approve a permit for Fred Wells Tennis Education Center Parking Lot Improvements contingent upon receipt of a copy of the MPDES construction stormwater permit, final construction plans signed by a professional engineer and a copy of the Sidewalk Permit from the City of Minneapolis. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

7. ACTIONS ITEMS

- A. Public Hearing regarding the state of the Minnesota River**

President Barisonzi introduced this item. He shared that he got overwhelming positive feedback on this subject and timeliness from people from the area that he spoke with about this project. He said the negative feedback he received was around calling this a Public Hearing. He noted that while the counties he spoke to would like to participate, the Commissioners do not want to go through the process of partnering or sponsoring this as it could create issues with MOU timelines and approval which would get in the way of being able to do this. He hopes that they can engage in conversation around the reason for the flooding.

Manager Salvato asked how the Board will be able to utilize their resources for this. President Barisonzi shared that he envisions the Board identifying a location and a date for three or four planning meetings with key stakeholders to craft messaging of how this will be communicated, sending out invites to stakeholders that they have pre-existing relationships with, listen to testimony and feedback, and direct Staff to do an aggregate analysis of what they heard.

Manager Salvato noted that this may be putting the cart before the horse on this matter. She added that in the Upper Mississippi River Basin it is very sensitive to talk about where the volume of the river is coming from.

President Barisonzi shared that he does not want to put themselves in a position to answer this question but would rather position themselves to listen to other people's perspective of the answer.

Manager Salvato mentioned the environmental justice impacts of this would also be nice to hear. She said she would be interested in how this compliments the education and outreach Young Environmental has been doing.

President Barisonzi asked where this fits in with the existing education and outreach plan. Administrator Loomis said it would likely not affect anything already in the plan and they also increased the education and outreach budget. She added that they did not use the entire fund that was designated for the water restoration, and this would fit until that category. She said they can take a look at what this will cost. She noted that this may be an opportunity to use another firm for education and outreach like the Board had been interested in.

Ms. Young shared that they do have the boat tour coming up. She asked where this would fit into the schedule. Administrator Loomis explained that she and President Barisonzi discussed having the boat tour set the stage for this.

President Barisonzi said they were thinking about an October date.

Manager Kuplic stated she thinks this is a great idea; however, she is wondering if they could ask the people who come to give testimony and feedback to also come with solutions as well.

Ms. Young asked if this would be in person or virtual. President Barisonzi deferred to Staff on the management of this. He added that he would like to create a committee to help give feedback to Staff.

Ms. Young noted that she is not sure how this connects with the education and outreach program. She said if they could have some conversations with whomever would be at the head of this they could try to work it out. She added that the boat tour is the priority right now. She shared that the Water Resources Conference is also held in October. She said she and Administrator Loomis can chat about some ideas surrounding this.

Manager Kuplic asked Staff to let the Board know if this is trying to accomplish too much in a short amount of time.

Manager Salvato shared that her organization calls these sort of meetings "Open Citizen Sessions" and recommended using this language and meeting style.

Manager Salvato made a motion to approve holding a Public Hearing on the State of the MN River and authorize staff to schedule and plan for Public Hearing. Manager Kuplic seconded the motion.

President Barisonzi asked for a friendly amendment to change the motion to direct Staff to review and recommend a plan to the Board.

Manager Salvato made a motion to approve holding a Public Hearing on the State of the MN River and direct Staff to review and recommend a plan to the Board for Public Hearing. Manager Kuplic seconded the motion. Upon a vote being taken the motion was carried unanimously.

B. Education and Outreach

○ **Appointments to CAC**

President Barisonzi introduced this item.

Manager Salvato made a motion to adopt Resolution 24-09 2024 Citizen Advisory Committee Appointments. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.

○ **Signage at Ike's Creek**

President Barisonzi introduced this item. He added that he could help facilitate a partnership with the Isaac Walton League for this.

Manager Kuplic made a motion to authorize expenditure for fabrication and installation of up to 15 signs for Ike's Creek. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

○ **Discussion of Education & Outreach goals**

President Barisonzi introduced this item. He asked Ms. Young if she has any specific requests for the direction the Board should be giving Staff. Ms. Young said she does not need any

further direction at this time. She noted that they have a clear path forward; however, if there is anything else the Board would like to see, then they are willing to integrate this into the plan.

Manager Salvato said she would like to see how effective the public engagement is before they determine what they want to hone in on.

President Barisonzi added that the Board did not do a great job at providing clear direction. He said there seems to be a larger strategic issue. He shared that they have a reasonable amount of time to request and receive recommendations to be considered in their plan.

President Barisonzi shared a proposed motion to revise the Education and Outreach Plan of the LMRWD to prioritize targeted engagement with a broad range of stakeholders, including County Commissioners, Staff, Soil and Water Conservation staff, City and County Planning Departments, and other decision makers.

Manager Kuplic suggested that they table making this revision as she believes they are on a good trajectory at this time, and they are targeting the decision makers with the boat tour. She said she feels like they are already doing this.

President Barisonzi disagreed and explained that they had a meeting in January that had mixed messages and they have a draft work plan that they have deferred decision on since January. He said they have just been continuing to push this off and wants to make their strategic direction clear. He added that he does not think the current work plan reflects this kind of prioritization.

Manager Kuplic asked President Barasonzi how he thinks they are currently prioritizing things. President Barisonzi said it seems like they are doing a lot of different small things. He explained that he would like some of these things to be dropped so they can focus on others. He shared that he would love to see some creative ideas from Staff.

Manager Salvato stated the teacher mini grant is a great idea. She noted that they should still be getting more focused.

Manager Kuplic said this seems very vague and she does not know how they would motion this forward. She suggested having a timeframe for each item to see if it is producing the results they hope it does, and if it is not performing then they let it go. She added that some of the things seem premature to get rid of.

Manager Lammers shared that he sees education and outreach as focusing on citizens at farmers markets or schools rather than targeting decision makers. He noted that he was not at the original meeting that discussed education and outreach so he is not sure what all was discussed.

Manager Salvato made a motion to revise the Education and Outreach Plan of the LMRWD to prioritize targeted engagement with a broad range of stakeholders, including County Commissioners, Staff, Soil and Water Conservation staff, City and County Planning Departments, and other decision makers. Manager Lammers seconded the motion. Upon a vote being taken the motion was carried unanimously.

C. Dredge Management

- **Vernon Avenue Improvement Project**
President Barisonzi introduced this item.

Administrator Loomis explained that the Board approved going out for bids on this project back in April once they had an idea of how this would be financed.

Manager Lammers asked if they have to wait until the 2022 audit is received to move forward with the bond sale. Administrator Loomis said no, they should be able to move forward with the sale without the completed audit. She noted that the interest rate may be higher since the LMRWD does not have the audit.

Manager Lammers made a motion to adopt Resolution 24-10 - Declaring the Official Intent of the LMRWD to Reimburse Certain Expenditures from the Proceeds of Bonds to be Issued by the Watershed District. Manager Salvato seconded the motion. Upon a vote being taken the motion was carried unanimously.

○ **Flood Damage Assessment**

President Barisonzi introduced this item.

No action required.

D. Study Area #3 riverbank stabilization project

President Barisonzi introduced this item.

No action required. An update was provided in the work plan. The LMRWD is working to get City approvals.

8. BOARD DISCUSSION ITEMS

A. 2025 LMRWD Board Budget

President Barisonzi introduces this item. He asked the Managers to forward any comments and feedback on the next version of the budget to Staff.

Administrator Loomis shared that she will have another budget related document out next week.

B. Minnesota River Boat Tour

President Barisonzi introduced this item. He shared that when he reached out and met with the Hennepin County Commissioners, the date chosen happens to be the same day as the Minnesota Association of Counties Conference so no County Commissioners will be able to attend this date. He noted that this is their targeted population and not having the Commissioner's present may not be the best idea. He asked Staff to look into an alternative date.

C. 535 Lakota Lane - recovery of legal fees

President Barisonzi introduced this item.

No action required.

D. LMRWD bylaws review

President Barisonzi introduced this item. He suggested some amendments to the conflict of interest section of the bylaws as it is rather broad. He added that the conflict of interest statement would include the Board, Staff, and contractors. He noted that the bylaws should also include that the Board has the ability to hire, terminate, and set the terms of employment for Staff and contractors necessary for the operations of the organization.

No action required.

9. FOR INFORMATION ONLY

A. LMRWD Permit Program Summary

President Barisonzi introduced this item.

No action required.

10. COMMUNICATIONS

- A. **Administrator Report:** Administrator Loomis shared that she has met with several property owners who are interested in the cost share program. She added that she has a meeting with Rylee Hince with the Lake Pepin Legacy Alliance, as well as people from the MPCA and BWSR. She explained that the Lake Pepin Legacy Alliance is looking to do an education program to get more people to adopt conservation practices in their land management. She noted that they are looking to the Board as a partner or stakeholder in this.
- B. **President:** No report.
- C. **Managers:** No report
- D. **Committees:** No report
- E. **Legal Counsel:** No report
- F. **Engineer:** No report.

11. ADJOURN

Hearing no further business, President Barisonzi adjourned the meeting at 8:56 pm.

The next meeting of the LMRWD Board of Managers meeting will be at 7:00, Wednesday, August 21, 2024, and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Attest:

Lauren Salvato, Secretary

Linda Loomis, Administrator



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Lower Minnesota River Watershed District

5:00 PM, Wednesday, July 17, 2024

Carver County Government Center, 602 East Fourth Street, Chaska, MN 55318

Approved _____, 2024

1. CALL TO ORDER

A. ROLL CALL

On Wednesday, July 17, 2024 at 5:00 p.m. CST, in the Board Room of the Carver County Government Center, 602 East 4th Street, Chaska, Minnesota, President Barisonzi called to order the workshop meeting of the Lower Minnesota River Watershed District (LMRWD).

President Barisonzi asked for the roll call to be taken. The following Managers were present: President Joseph Barisonzi, Manager Theresa Kuplic, and Manager Apollo Lammers. Manager Lauren Salvato joined the meeting virtually. In addition, the following attended the meeting in-person: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant; Hannah Schacherl, Rinke Noonan, Attorney at Law, LMRWD legal Counsel; Barb Peichel, Clean Water Specialist, BWSR; and Steve Woods, Consultant for Young Environmental Consulting Group.

2. INTRODUCTIONS

Mr. Steve Woods introduced himself and shared the purpose for this workshop. He asked each manager why they are on the Board and what they hope to accomplish.

Manager Kuplic shared that she wants to help clear up the river.

President Barisonzi shared that he wants to help clean up the environment in the context of global climate change. He said he is neighbors with the Minnesota River, and he wants to help ensure that it stays clean and moving.

Manager Salvato shared that her background is in water quality and resource management which she is passionate about. She added that she loves to walk to the Minnesota River, and she wants to make sure that her kids will be able to play in the water.

3. HOW THE LMRWD FITS IN

Mr. Woods explained that the LMRWD was created as there was a need for someone to address the river. He shared that watershed districts fit in with and work alongside local, State, and Federal agencies and government, as well as other associations and organizations. He explained that all of these groups can help partner with the LMRWD to achieve its goals. He noted these groups all want to do what they can to help. He shared that watershed districts have levy and assessments authorities and are able to remain very stable. He added that they are also able to focus on very specific things in a watershed district.

4. WD POWERS AND PURPOSE UNDER 103D and 103B

Barb Peichel introduced herself to the Board and gave a background of her experience. She thanked the Managers for their service to the Board. She shared the goal of MN Board of Water and Soil Resources (BWSR) is to help the watershed districts be successful and discussed their other goals and practices.

President Barisonzi asked if BWSR is a partner with the fens. Ms. Young explained that the calcareous fens are under the DNR which is why they primarily work with the DNR for this due to State statue.

Manager Kuplic asked how the differences were established with different watershed districts. Mr. Woods explained that the Act that allowed the creation of watershed districts came out in 1955 and about a third of the State is in a watershed district, including about 40% of the metro area. He explained that different areas handle watershed management in different ways, whether it is done at the city or county level, in a joint power's agreement, or a watershed district board.

Ms. Peichel discussed BWSR's role in watershed management plans, including reviewing and approving the plans, as well as evaluating the performance of the plan, providing assistance with the plan, and providing grant funding.

Mr. Woods explained that BWSR helps the Board document their visions and act more in a coaching role.

Ms. Young shared that it would be helpful if they could get some more information on what will help the Board be successful when they apply for grants. She noted that they want to make sure that the work they are putting in is getting rewarded. Ms. Peichel said they can set up a meeting with BWSR to discuss what successful proposals have in them. She stated they are happy to help with this. She added that they also allow watersheds to get funding for projects upstream.

President Barisonzi asked about the conditions in which the watershed to spend watershed resources outside of its boundaries. Administrator Loomis explained that if they can justify that the project would meet the goals of the watershed district, then they can contribute to projects outside of the boundaries of the watershed district. She added that they can also help with some of the One Watershed One Plan goals.

Ms. Young noted that spending money outside of the district when necessary is a part of their plan and it has been vetted.

President Barisonzi shared that when they work on the 2028-2038 plan, he would like them to increase their prioritization in influencing the water quality and ecosystem stability of their region by directly partnering with projects upstream. He noted that the more they address the sediment and reduce it the better.

Administrator Loomis shared that it was the position of the Board before she started that they would never fund dredging through the levy.

President Barisonzi asked if this was a policy of the Board. Administrator Loomis said it was a practice; however, now they have State money to fund dredging. She noted that if they were no longer receiving State funding for dredging the Board would be able to levy for it or figure out how to fund it.

5. YOUR ROLE AS LEADERS

Mr. Woods noted that all of the Managers were appointed to this Board as their counties saw them as a good fit. He explained that BWSR has already approved the plan put together by the Board's

predecessors and it is the current Board's responsibility to carry this out or make amendments when able. He noted that the Board needs to push Staff in the right direction.

President Barisonzi stated that they are not just representing their watershed district, but everywhere that the water flows.

Mr. Woods emphasized how important Staff is to a watershed district. He explained that the Managers are navigating and directing Staff on how to carry out the plan.

Ms. Young recognized that the current plan was not created by this board. She asked what it is in the purview of the Managers to start working on the 2028-2038 plan or making amendments to the current 2017-2028 plan. Mr. Woods explained that these are 10 year plans that make a lot of sense when they are first created, and over time they can make less sense with how quickly things can change. He shared that most watersheds make an amendment or two over the course of their 10 year plans.

Mr. Woods noted that the job of each Manager is important. He said there will inevitably be split votes when it comes to making decisions as a Board. He added that they should be able to rely on Staff to bring relevant information and statutes to the Board to aid in decision making of the Managers.

6. MAKING DECISIONS AND THE OPEN MEETING LAW

Due to time constraints, this item was not discussed and will be discussed at a later date.

Mr. Woods noted that this is too important of a topic to rush through and would be better to discuss when they have enough time to delve into the subject. He gave a brief introduction to Open Meeting Law and conflicts of interest.

7. WRAP UP

Ms. Peichel asked if there were any questions.

The Managers did not have any additional questions.

8. ADJOURN

President Barisonzi adjourned the workshop meeting at 6:30 p.m.

Attest:

Lauren Salvato, Secretary

Linda Loomis, Administrator

Item 5.B.
LMRWD 8-21-2024

BEGINNING BALANCE	30-Jun-24	\$ 970,248.52
ADD:		
General Fund Revenue:		
July 2024 Interest	\$ 5,050.44	
Carver County 1st half 2024 tax settlement	\$ 39,308.18	
Dakota County 1st half 2024 tax settlement	\$ 60,076.06	
Hennepin County 1st half 2024 tax settlement	\$ 246,823.60	
Total Revenue and Transfers In		\$ 351,258.28
DEDUCT:		
Debits/Reductions		
106 Group	May 2024 Architectural Investigation at Area #3	\$ 908.00
Barr Engineering Company	April 2024 Design development services related to Area #3	\$ 1,141.50
Barr Engineering Company	May 2024 Design development services related to Area #3	\$ 25,099.90
Clifton Larson Allen LLP	May 2024 Accounting & financial services	\$ 2,022.75
Daniel Hron	July 2024 office rent payment	\$ 650.00
Frenette Legislative Advisors	May/June 2024 Legislative services	\$ 3,333.34
HDR Engineering, Inc.	Website maintenance services 10/1/23 through 6/1/24	\$ 237.50
Naiad Consulting, LLC	May 2024 Administrative services, mileage & expenses	\$ 14,636.30
Rinke Noonan	April 2024 legal services related to Area #3	\$ 2,649.00
The Horton Group	2024-2025 D & O insurance	\$ 1,126.00
TimeSaver Off Site Secretarial	April 2024 meeting minutes preparation	\$ 452.50
WSB	May 2024 property acquisition services	\$ 2,671.25
Young Environmental Consulting Group	May 2024 engineering, technical & E & O services	\$ 73,674.85
Angela Boykin	2023 Cost Share project	\$ 1,392.00
Caren Hudak	2023 Educator mini-grant for Redtail Ridge Elementary	\$ 500.00
Metro Conservation Districts	Sponsorship of Metro Children's Water Festival	\$ 1,650.00
106 Group	June 2024 Architectural Investigation at Area #3	\$ 74.00
Bloomington Neighbors Nurturing Nature	2023 Cost Share Project - partial reimbursement	\$ 3,137.97
Clifton Larson Allen LLP	June 2024 Accounting & financial services	\$ 2,084.25
I & S Group, Inc.	June 2024 design services related to Spring Creek	\$ 6,123.60
Naiad Consulting, LLC	June 2024 Administrative, mileage & expenses	\$ 15,582.29
Rinke Noonan, Attorneys at Law	May 2024 legal services	\$ 4,016.50
TimeSaver Off Site Secretarial	May 2024 meeting minute preparation	\$ 206.50
US Bank Equipment Finance	July 2024 copier lease payment	\$ 206.75
WSB	June 2024 property acquisition services	\$ 658.75
Young Environmental Consulting Group	June 2024 engineering, technical & E & O services	\$ 73,650.20
Board of Managers	First 1/2 2024 Manager per diem & expense payments	\$ 5,815.99
4M Fund	June 2024 bank service fee	\$ 40.00
Total Debits/Reductions		\$ 243,741.69
ENDING BALANCE	31-Jul-24	\$ 1,077,765.11

	2024 Budget	June Actuals	YTD 2024	Over (Under) Budget
Administrative expenses	\$ 377,838.00	\$ 61,340.91	\$ 207,373.55	\$ (170,464.45)
Cooperative Projects				
Eden Prairie Bank Stabilization Area #3	\$ 100,000.00	\$ 37,083.65	\$ 115,365.73	\$ 15,365.73
Gully Erosion Contingency Fund	\$ -	\$ -	\$ -	\$ -
Seminary Fen Ravine Restoration site A	\$ -	\$ -	\$ -	\$ -
Seminary Fen Ravine Restoration site C-2	\$ 90,000.00	\$ -	\$ -	\$ (90,000.00)
Eagle Creek Bank Restoration: Town & Country R	\$ 30,000.00	\$ -	\$ -	\$ (30,000.00)
Shakopee River Bank Stabilization	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
509 Plan Budget				
<i>Resource Plan Implementation</i>				
Watershed Resource Restoration Fund	\$ 82,500.00	\$ -	\$ -	\$ (82,500.00)
Fen Private Land acquisition study	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Gully Inventory	\$ 150,000.00	\$ 5,154.25	\$ 21,483.25	\$ (128,516.75)
MN River Floodplain Model Feasibility Study	\$ -	\$ 2,312.50	\$ 5,385.50	\$ 5,385.50
Downtown Shakopee Stormwater BMPs	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Spring Creek stabilization project	\$ 100,000.00	\$ 9,253.60	\$ 9,909.85	\$ (90,090.15)
Sustainable Lakes Mgmt. Plan (Trout Lakes)	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Geomorphic Assessments (Trout Streams)	\$ 100,000.00	\$ 47,907.24	\$ 61,565.24	\$ (38,434.76)
Fen Stewardship Program	\$ 75,000.00	\$ 22,275.60	\$ 56,033.07	\$ (18,966.93)
District Boundary Modification	\$ -	\$ -	\$ -	\$ -
Local Water Management Plan reviews	\$ 5,000.00	\$ -	\$ -	\$ (5,000.00)
Project Reviews	\$ 50,000.00	\$ 26,458.75	\$ -	\$ (50,000.00)
Project inspections	\$ -	\$ -	\$ -	\$ -
<i>Monitoring</i>	\$ 75,000.00	\$ -	\$ 7,793.50	\$ (67,206.50)
<i>Watershed Management Plan</i>	\$ -	\$ 7,089.16	\$ 11,999.41	\$ 11,999.41
<i>Public Education/CAC/Outreach Program</i>	\$ 115,000.00	\$ 20,336.06	\$ 45,457.95	\$ (69,542.05)
<i>Cost Share Program</i>	\$ 20,000.00	\$ 4,529.97	\$ 5,469.97	\$ (14,530.03)
Nine Foot Channel				
Return of unused state funds	\$ -	\$ -	\$ -	\$ -
Dredge Site Improvements	\$ 240,000.00	\$ -	\$ 17,920.98	\$ (222,079.02)
Bonded Debt Levy				
Scheduled Area #3 Bond payments	\$ 300,000.00	\$ -	\$ -	\$ (300,000.00)
Total:	\$ 2,110,338.00	\$ 243,741.69	\$ 565,758.00	\$ (1,544,580.00)



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, August 21, 2024

Agenda Item

Item 5. E. - Support to extend the dedication of lottery-derived revenue to Environment and Natural Resources Fund for 25 years

Prepared By

Linda Loomis, Administrator

Summary

Conservation Minnesota has requested that the LMRWD consider supporting extension of the dedication of lottery derived revenue to the [Environment and Natural Resources Trust Fund \(ENRTF\)](#). These funds are what is distributed by the [Legislative-Citizen Commission on Minnesota Resources \(LCCMR\)](#). The Board should determine if it wants to publicly support this ballot initiative.

If the Board determines to support the extension of the dedication of lottery derived revenues its name will be added to the long list of organizations that can be found on the '[Minnesotans for our Great Outdoors](#)' website.

More information about this ballot question and a list of groups supporting extension, can be found on Ballotpedia using this [link](#).

Attachments

Resolution 24-11 Endorsing the Constitutional Amendment to Reauthorize the Dedication of State Lottery Proceeds to the Environmental and Natural Resources Trust Fund

Recommended Action

Motion to adopt Resolution 24-11 Endorsing the Constitutional Amendment to Reauthorize the Dedication of State Lottery Proceeds to the Environmental and Natural Resources Trust Fund and authorize distribution

LOWER MINNESOTA RIVER WATERSHED DISTRICT, MINNESOTA

RESOLUTION NO. 24-11

A RESOLUTION OF THE BOARD OF MANAGERS OF THE LOWER MINNESOTA RIVER WATERSHED DISTRICT ENDORSING THE CONSTITUTIONAL AMENDMENT TO REAUTHORIZE THE DEDICATION OF STATE LOTTERY PROCEEDS TO THE ENVIRONMENTAL AND NATURAL RESOURCES TRUST FUND

Manager _____ offered the following Resolution and moved its adoption:

WHEREAS, in 2023, the Minnesota State Legislature voted to include the following question on the November 5th, 2024 primary election ballot, “Shall the Minnesota Constitution be amended to protect drinking water sources and the water quality of lakes, rivers, and streams; conserve wildlife habitat and natural areas; improve air quality; and expand access to parks and trails by extending the transfer of proceeds from the state-operated lottery to the environment and natural resources trust fund, and to dedicate the proceeds for these purposes?”; and

WHEREAS, Minnesota has benefited greatly from the Environment and Natural Resources Trust Fund, which, since being approved by voters in 1991, has provided over \$800 million to more than 1,700 projects around the state “for the public purpose of protection, conservation, preservation, and enhancement of the state’s air, water, land, fish, wildlife, and other natural resources.”; and

WHEREAS, the Lower Minnesota River Watershed District acknowledges that the Environment and Natural Resources Trust Fund has been a crucial investment that has protected ecosystems, aided local communities, promoted outdoor recreation, improved health outcomes, pursued environmental equity, bolstered agricultural resiliency, and supported strong businesses and good-paying jobs across the state.

NOW, THEREFORE, BE IT RESOLVED by the Board of Manager of the Lower Minnesota River Watershed District, as follows: that this body supports the constitutional amendment to reauthorize the dedication of state lottery proceeds to the Environment and Natural Resources Trust Fund and urges Minnesotans to vote “YES” on election day - Tuesday, November 5th, 2024.

The question was on the adoption of the Resolution was seconded by Manager _____ and upon a vote being taken there were ___ yeas and ___ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
BARISONZI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KUPLIC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAMMERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALVATO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VISWANATHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The President declared Resolution 24-11 adopted by the Board of Managers of the Lower Minnesota River Watershed District this 21st day of August 2024.

LOWER MINNESOTA RIVER
WATERSHED DISTRICT, MINNESOTA

Attest:

Joseph Barisonzi, President

Lauren Salvato, Secretary



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, August 21, 2024

Agenda Item

Item 5. D. _ Report from Citizen Advisory Committee

Prepared By

Linda Loomis, Administrator

Summary

The Citizen Advisory Committee (CAC) met on August 6, 2024, at the Minnesota Valley National Wildlife Refuge to tour Ike's Creek. Vicki Sherry, a wildlife biologist for the US Fish and Wildlife Service was on-hand to guide the group. Vicki also spoke about the planned restoration of Ike's Creek, to stabilize areas contributing sediment to the creek.

The CAC has been invited to the MN River Cruise on September 10th and may table at the event.

Attachments

No attachments

Recommended Action

No action recommended – for information only



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, August 21, 2024

Agenda Item

Item 5. F. – Update Lower Minnesota River Watershed District Data Practices Policy

Prepared By

Linda Loomis, Administrator

Summary

The Minnesota's Government Data Practices Act requires that all government entities in Minnesota adopt policies regarding access to government data. The policies explain how members of the public can access government data and provide contact information for the LMRWD staff members responsible for receiving and processing data practices requests. The LMRWD must update these policies by August 1 each year. Also, Minnesota Statutes require government entities to appoint an employee as the Data Practices Compliance Officer and Responsible Authority.*

Staff recommends replacing the current LMRWD Data Practices policy and data inventory spreadsheet with the following documents which were drafted using the model policies provided by the Minnesota Data Practice Office:

- LMRWD Data Practices Policy for Members of the Public. This policy explains the rights of the public to receive data.
- LMRWD Data Practices Policy for Data Subjects. This policy explains the rights of data subjects to receive information about themselves.
- 2024 Data Inventory Spreadsheet. This document identifies and describes all private and confidential data maintained by the LMRWD.

Attachments

Draft LMRWD Data Practices Policy for members of the Public

Draft LMRWD Data Practices Policy for Data Subjects

Draft LMRWD 2024 Inventory of Not-Public Data in Individuals

Resolution 24-20 Adopting Policies for the Minnesota Government Data Practices Act for the LMRWD

Recommended Action

Motion to adopt Resolution 24-20 Adopting updated Data Practices Policies for the Minnesota Government Data Practices Act for the LMRWD

* Compliance Officer/Responsible Authority was designated in January 2024

Lower Minnesota River Watershed District

Draft Data Practice Policy For Members Of The Public

Right to Access Public Data

This policy explains your rights as a member of the public to access and request copies of government data under the [Minnesota Data Practices Act, Minnesota Statutes, Chapter 13](#) (the “Data Practices Act”). Government data is a term that means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc. The Data Practices Act presumes that all government data are public unless a state or federal law says the data are not public.

The Government Data Practice Act provides the Lower Minnesota River Watershed District must keep all government data in a way that makes it easy for you to access public data. You have the right to look at (inspect), free of charge, all public data we keep. You also have the right to get copies of public data. The Government Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

If you would like private data about you, your minor child, or someone for whom you are the legal guardian, consult the LMRWD’s “Data Practices Policy For Requests For Data About You, And Your Rights As A Data Subject.”

How To Make A Data Request

You can request to look at data or obtain copies of data the Lower Minnesota River Watershed District keeps by making a written request. Make your written request for data to the Data Practices Compliance Officer – Exhibit 1. You may make your written request for data by mail, or email using the Data Request Form.

If you choose not use to use the data request form, your written request should include:

- a statement that you are making a request for public data under the [Government Data Practices Act, Minnesota Statutes, Chapter 13](#)
- a clear description of the data you would like to inspect or have copied
- Instructions for delivering the data to you, stating whether you would like to look at the data, receive copies of the data, or both

You are not required to identify yourself or explain the reason for your data request. However, we may need some information about you to respond to your request (for example, if you request emailed copies, we will need your email address). If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. If we do not understand your request and have no way to contact you, we will not be able to process your request.

How We Respond To A Data Request

Upon receiving your request, we will process it as follows.

- If we do not have the data, we will notify you in writing as soon as reasonably possible.
- If we have the data but are not allowed to give it to you, we will notify you as soon as reasonably possible and state which specific law says we are not allowed to give it to you.
- If we have the data and the data are public, we will respond to your request within a reasonable amount of time by doing one of the following:
 - arrange a date, time, and place for you to inspect data, for free, if your request is to look at the data
 - provide you with copies of the data as soon as reasonably possible. You may choose to pick up your copies or we will mail, email, or fax them to you. If you want us to send you the copies, you will need to provide us with an address, email address, or fax number. We will provide electronic copies (such CD-ROM) upon request if we keep the data in electronic format.

If you request copies, we may charge you a fee and require you to pre-pay for your copies. Information about copy charges is below.

If you do not understand the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation if you ask.

The Government Data Practices Act does not require us to create or collect new data in response to a data request, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request. If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, we are not required under the Data Practices Act to respond to questions that are not specific requests for data.

Requests For Summary Data

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a means to gain access to private or confidential data. We will prepare summary data if you make your request in writing. We may require you to pre-pay for copies and for the cost of creating the summary data. Upon receiving your written request (you may use the Data Request Form – Exhibit 2), we will respond within 10 business days with the data or details of when the data will be ready and how much we will charge.

Copy Costs

The Lower Minnesota River Watershed District charges members of the public for copies of government data. These charges are authorized under [Minnesota Statutes, section 13.03, subdivision 3\(c\)](#).

We may require you to pay for your copies before we will give them to you. The charges below may vary when a charge is set by statute or rule.

- **100 or fewer paper copies**
If you request 100 or fewer pages of black and white, letter, or legal size paper copies, the charge is 25¢ for a one-sided copy or 50¢ for a two-sided copy.
- **Most other types of copies**
The charge for most other types of copies is the actual cost of searching for and retrieving the data and making the copies or electronically sending the data (eg, sending the data by email).

In determining the actual cost of making copies, we include employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc), and mailing costs (if any). If your request is for copies of data we cannot copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

If, based on your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate search and retrieval charges at the higher salary/wage.

If possible, and upon request, we will provide you with an estimation of the total cost of supplying copies.

This document is available in alternate formats upon a 72-hour request. Please call 763-545-4659 to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.

EXHIBIT 1
Lower Minnesota River Data Practices Contacts
RESPONSIBLE AUTHORITY AND DATA PRACTICES OFFICIAL AND DESIGNEES

Responsible Authority and Compliance Official

Records

Name: Linda Loomis, Administrator

All records

Lower Minnesota River Watershed District

112 East 5th Street

Suite 102

Chaska, MN 55318

Telephone: (763) 545-4659



Data Request Form

A. Completed by Requester (if you wish your name to be withheld, please send alternate contact info)

REQUESTER NAME (Last, First, M.):	DATE OF REQUEST:
STREET ADDRESS:	PHONE NUMBER:
CITY, STATE, ZIP:	SIGNATURE:
You do not have to provide any of the above contact information. However, if you want us to mail/email you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us.	
DESCRIPTION OF INFORMATION REQUESTED:	

I am requesting access to data in the following way: choose one

Inspection
 Copies
 Both inspection and copies

B. Completed by Department

DEPARTMENT NAME:	HANDLED BY:
INFORMATION CLASSIFIED AS: <input type="checkbox"/> PUBLIC <input type="checkbox"/> NON-PUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> PROTECTED NON-PUBLIC <input type="checkbox"/> CONFIDENTIAL	ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED IN PART (Explain below) <input type="checkbox"/> DENIED (Explain below)
REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION:	
COPYING CHARGES: <input type="checkbox"/> NONE <input type="checkbox"/> _____ Pages x \$0.25 = <input type="checkbox"/> Special Rate: _____ (explain)	IDENTITY VERIFIED FOR PRIVATE INFORMATION <input type="checkbox"/> IDENTIFICATION: Driver's License, State ID, etc. <input type="checkbox"/> COMPARISON WITH SIGNATURE ON FILE <input type="checkbox"/> PERSONAL KNOWLEDGE <input type="checkbox"/> OTHER: _____
AUTHORIZED SIGNATURE:	

Lower Minnesota River Watershed District Draft Data Practice Policy for Requests for Data about You and Your Rights as a Data Subject

This policy explains your rights as a data subject, and tells you how to request data about you, your minor child, or someone for whom you are the legal guardian. The Government Data Practices Act, Minnesota Statutes, Chapter 13 (the "Data Practices Act") says that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. You are the subject of data when you can be identified from the data. Government data is a term that means all recorded information a government entity has, including paper, email, DVDs, photographs, etc.

Classification of Data about You

The Government Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. Data about you are classified by state law as follows:

- **Public data:** Some data about you is classified under the Data Practices Act as public data. For example, your name on an application for a license from the City is public data. The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. We must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data.
- **Private data:** Some data about you is classified as private data. For example, an employee's Social Security number is private data. We cannot give private data to the public. We can share your private data with you, with someone who has your permission, with our government entity staff whose job requires or permits them to see the data, and with others as permitted by law or court order. The following are examples of private data about you that we might have.
- **Confidential data:** Some data about you is classified as confidential data. For example, your identity as mandated reporter of child abuse or neglect is confidential data. Confidential data have the most protection. Neither the public nor you can access confidential data even when the confidential data are about you. We can share confidential data about you with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order.

Your Rights under the Government Data Practices Act

The Lower Minnesota River Watershed District must keep all government data in a way that makes it easy for you to access data about you. We can collect and keep only those data about you that we need for administering and managing programs that are permitted by law. As a data subject, you have the following rights:

- **Access to Your Data**
You have the right to look at (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Government Data Practices Act sets the amount we may charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

If you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

As a parent, you have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask the Lower Minnesota River Watershed District not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We may ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on the factors listed in Minnesota Administrative Rule 12.05.0500, subpart 3(B). Minors do not have this right if the data in question are educational data maintained by an educational agency or institution.

- **When We Collect Data from You**

When we ask you to provide data about yourself that are not public, we must give you a notice. The notice is sometimes called a Data Practices or Tennessee Warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent. If you want us to release data to another person, you may use the consent form we provide.

- **Protecting your Data**

The Government Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

- **When your Data are Inaccurate or Incomplete**

You have the right to challenge the accuracy and completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

How to Make a Request for Your Data

You may request to look at (inspect) data or obtain copies of data that we keep about you, your minor children, or an individual for whom you have been appointed legal guardian. You must make this request in writing. Make your request for data to the appropriate individual listed in the Data Practices Contacts on Page 5. You may make your request by mail, fax, or email, using the Data Request Form on Page 7.

We recommend using the data request form included with this policy. If you choose not to use the data request form, your request should include:

- A statement that you are making a request for public data under the Government Data Practices Act, Minnesota Statutes, Chapter 13.
- A clear description of the data you like to inspect or have copied
- Instructions for delivering the data to you. You must state whether you would like to look at the data, receive copies of the data, or both.
- Identifying information that proves you are the data subject, or data subject's parent/guardian.

The Lower Minnesota River Watershed District may require proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity included in this policy. If you do not provide proof that you are the data subject, we cannot respond to your request.

How We Respond to a Data Request

Once you make your written request, we will process it as follows:

- If it is not clear what data you are requesting, we will ask you for clarification.
- If we do not have the data, we will notify you in writing within 10 business days.
- If we have the data, but the data are confidential or private data that are not about you, we will notify you within 10 business days and state which specific law says you cannot access the data.
- If we have the data and the data are public or private data about you, we will respond to your request within 10 business days, by doing one of the following:
 - o arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
 - o provide you with copies of the data within 10 business days. You may choose to pick up your copies, or we will mail, email or fax them to you. We will provide electronic copies (such as CD-ROM) upon request if we keep the data in electronic format.

Information about copy charges is on Page 4. We may require you to prepay for the copies.

After we have provided you with access to data about you, we do not have to show you the data again for 6 months unless there is a dispute or we collect or create new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

The Government Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, we are not required under the Government Data Practices Act to respond to questions that are not specific requests for data.

Copy Costs - Data Subjects

The Lower Minnesota River Watershed District may charge you the actual cost for copies of government data about you. These charges are authorized under Minnesota Statutes, section 13.04, subdivision 3. You may be required to pay for the copies before we will give them to you.

Actual Cost of Making the Copies

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

Lower Minnesota River Watershed District Data Practices Contacts

RESPONSIBLE AUTHORITY AND DATA PRACTICES OFFICIAL AND DESIGNEES

Responsible Authority and Compliance Official

Records

Name: Linda Loomis, Administrator

All records

Lower Minnesota River Watershed District

112 East 5th Street

Suite 102

Chaska, MN 55318

Telephone: (763) 545-4659

Data Request Form - Data Subjects

Date of request: _____

To request data as a data subject, you may be required to show a valid state ID, such as a driver's license, military ID, or passport as proof of identity.

I am requesting access to data in the following way:

Inspection Copies Both inspection and copies

Note: inspection is free. You may be required to pay for copies before we will give them to you.

These are the data I am requesting:

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

Contact Information

Data subject name _____

Parent/Guardian name (if applicable) _____

Address.....

Phone number..... Email address.....

Staff Verification

Identification provided _____

We will respond to your request within 10 business days.

Standards for Verifying Identity

The following constitute proof of identity.

- An **adult individual** must provide a valid photo ID, such as
 - o a state driver's license
 - o a military ID
 - o a passport
 - o a Minnesota ID
 - o a Minnesota tribal ID

- A **minor individual** must provide a valid photo ID, such as
 - o a state driver's license
 - o a military ID
 - o a passport
 - o a Minnesota ID
 - o a Minnesota Tribal ID
 - o a Minnesota school ID

- The **parent or guardian of a minor** must provide a valid photo ID *and either*
 - o a certified copy of the minor's birth certificate *or*
 - o a certified copy of documents that establish the parent or guardian's relationship to the child, such as
 - a court order relating to divorce, separation, custody, foster care
 - a foster care contract
 - an affidavit of parentage

- The **legal guardian for an individual** must provide a valid photo ID *and* a certified copy of appropriate documentation of formal or informal appointment as guardian, such as
 - o court order(s)
 - o valid power of attorney

Note: Individuals who do not exercise their data practices rights in person must provide *either* notarized or certified copies of the required documents *or* an affidavit of ID.

Lower Minnesota River Watershed District
Inventory of Not-Public Data on Individuals
August 2024

This document describes private or confidential data on individuals maintained by the Lower Minnesota River Watershed District (*see* Minn. Stat. 13.05 and Minn. Rules 1205.1200).

This document is also part of the LMRWD's procedures for ensuring that not-public data are only accessible to individuals whose work assignment reasonably requires access (see Minn. Stat. 13.05, subd. 5). In addition to the employees listed, the LMRWD managers and LMRWD legal counsel also will have access to not-public data as needed as part of specific assignments or under certain circumstances.

Please direct all questions about this inventory to the District Data Practices Compliance Official:

Linda Loomis

naiadconsulting@gmail.com

763-545-4659

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee/Manager Access
Appeal data	Data maintained as a result of processing appeals of determinations about the accuracy and/or completeness of public and private data on individuals	Public Private	MS 13.03, subd. 4	Administrator.
Applicant records	Completed assessments and results, related documentation, and application forms.	Public Private	MS 13.43	Administrator.
Attorney Data	Data related to attorney work product or data protected attorney-client privilege	Private	MS 13.393	Staff on as needed basis as part of specific work assignments.
Citizen Advisory Council member data	Data pertaining to advisory council applicants and appointees.	Public Private Confidential	MS 13.601	Administrator; other staff as needed.
Civil investigative data	Data that are collected in order to start or defend a pending civil legal action, or because a civil legal action is expected	Confidential Public	MS 13.39	Administrator; other staff as needed.

Personnel data	Data about employees, applicants, volunteers and independent contractors; data disclosed for the purpose of administration of the workers' compensation program as provided in chapter labor relations information	Public/Private/ Confidential	MS 13.43 179A.03, subd. 4	Administrator.
Response to data requests	Data collected by the District Data Practices Compliance Official in responding to requests for data maintained by the District.	Public Private	Various	Administrator; staff as necessary.
Security information	Data that would substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury, if the data were released to the public	Private	MS 13.37	Administrator.
Social Security numbers	Social Security numbers assigned to individuals	Private	MS 13.355	Administrator.
Unemployment compensation billings	Records of billings for employee unemployment compensation	Private	MS 13.43	Administrator.

Continuity of Operations	Personal home contact information used to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of operation of a government entity.	Private	MS 13.43, subd. 17	Administrator.
Employee expense reports	Expense reimbursement requests	Public Private	MS 13.43	Administrator.
Employee personnel records	Record of prior and current employment history. Data relating to hiring, assessments, payroll, pension and retirement, promotion, medical, family leave, grievances and discipline and related administrative personnel actions; drug-and-alcohol-testing and background-check results.	Public Private	MS 13.43	Administrator.
Motor vehicle data	Information on license plate numbers, owners, and registration status of vehicles.	Private	MS 168.346	Administrator.
Personal contact and online account information	Telephone number, email address and usernames and passwords collected, maintained, or received by the District for notification purposes or as part of a subscription list for an entity's electronic periodic publications as requested by the individual.	Private	MS 13.356	Administrator; consultants as needed for specific projects and programs.

Workers compensation billings	Records of billings for employees who receive workers compensation benefits	Private	MS 13.43	Administrator.
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RESOLUTION 24-20

RESOLUTION OF THE LOWER MINNESOTA RIVER WATERSHED DISTRICT BOARD OF MANAGERS

ADOPTING UPDATED DATA PRACTICES POLICIES FOR THE MINNESOTA GOVERNMENT DATA PRACTICES ACT FOR THE LOWER MINNESOTA RIVER WATERSHED DISTRICT

Manager _____ made a motion to adopt Resolution 24-20. The motion was seconded by Manager _____:

WHEREAS, the Board of Managers of the Lower Minnesota River Watershed District (LMRWD) is the official governing body for the Lower Minnesota River Watershed District; and

WHEREAS, Minnesota Statutes, Section 13.052 subd. 2 and 3 require that the LMRWD prepare policies related to access to government data and related to the right of data subjects and their access to government data; and

WHEREAS, the Board of Managers has reviewed updated policies and find that policies set forth in Exhibit A comply with these statutory requirements; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Managers of the Lower Minnesota River Watershed District Board of Managers that the Policies for the Minnesota Government Data Practices Act for the Lower Minnesota River Watershed District are approved.

The question was on the adoption of the Resolution and there were ___ yeas and ___ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
BARISONZI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KUPLIC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAMMERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALVATO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VISWANATHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon a vote being taken, the President declared Resolution 24-20 adopted by the Board of Managers of the Lower Minnesota River Watershed District this 21st day of August 2024.

(signatures on following page)

Joseph Barisonzi, President

ATTEST:

Lauren Salvato, Secretary

Lower Minnesota River Watershed District

EXHIBIT A

Draft Data Practice Policy For Members Of The Public**Right to Access Public Data**

This policy explains your rights as a member of the public to access and request copies of government data under the [Minnesota Data Practices Act, Minnesota Statutes, Chapter 13](#) (the “Data Practices Act”). Government data is a term that means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc. The Data Practices Act presumes that all government data are public unless a state or federal law says the data are not public.

The Government Data Practice Act provides the Lower Minnesota River Watershed District must keep all government data in a way that makes it easy for you to access public data. You have the right to look at (inspect), free of charge, all public data we keep. You also have the right to get copies of public data. The Government Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

If you would like private data about you, your minor child, or someone for whom you are the legal guardian, consult the LMRWD’s “Data Practices Policy For Requests For Data About You, And Your Rights As A Data Subject.”

How To Make A Data Request

You can request to look at data or obtain copies of data the Lower Minnesota River Watershed District keeps by making a written request. Make your written request for data to the Data Practices Compliance Officer – Exhibit 1. You may make your written request for data by mail, or email using the Data Request Form.

If you choose not use to use the data request form, your written request should include:

- a statement that you are making a request for public data under the [Government Data Practices Act, Minnesota Statutes, Chapter 13](#)
- a clear description of the data you would like to inspect or have copied
- Instructions for delivering the data to you, stating whether you would like to look at the data, receive copies of the data, or both

You are not required to identify yourself or explain the reason for your data request. However, we may need some information about you to respond to your request (for example, if you request emailed copies, we will need your email address). If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. If we do not understand your request and have no way to contact you, we will not be able to process your request.

How We Respond To A Data Request

Upon receiving your request, we will process it as follows.

- If we do not have the data, we will notify you in writing as soon as reasonably possible.
- If we have the data but are not allowed to give it to you, we will notify you as soon as reasonably possible and state which specific law says we are not allowed to give it to you.
- If we have the data and the data are public, we will respond to your request within a reasonable amount of time by doing one of the following:
 - arrange a date, time, and place for you to inspect data, for free, if your request is to look at the data
 - provide you with copies of the data as soon as reasonably possible. You may choose to pick up your copies or we will mail, email, or fax them to you. If you want us to send you the copies, you will need to provide us with an address, email address, or fax number. We will provide electronic copies (such CD-ROM) upon request if we keep the data in electronic format.

If you request copies, we may charge you a fee and require you to pre-pay for your copies. Information about copy charges is below.

If you do not understand the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation if you ask.

The Government Data Practices Act does not require us to create or collect new data in response to a data request, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request. If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, we are not required under the Data Practices Act to respond to questions that are not specific requests for data.

Requests For Summary Data

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a means to gain access to private or confidential data. We will prepare summary data if you make your request in writing. We may require you to pre-pay for copies and for the cost of creating the summary data. Upon receiving your written request (you may use the Data Request Form – Exhibit 2), we will respond within 10 business days with the data or details of when the data will be ready and how much we will charge.

Copy Costs

The Lower Minnesota River Watershed District charges members of the public for copies of government data. These charges are authorized under [Minnesota Statutes, section 13.03, subdivision 3\(c\)](#).

We may require you to pay for your copies before we will give them to you. The charges below may vary when a charge is set by statute or rule.

- **100 or fewer paper copies**
If you request 100 or fewer pages of black and white, letter, or legal size paper copies, the charge is 25¢ for a one-sided copy or 50¢ for a two-sided copy.
- **Most other types of copies**
The charge for most other types of copies is the actual cost of searching for and retrieving the data and making the copies or electronically sending the data (eg, sending the data by email).

In determining the actual cost of making copies, we include employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc), and mailing costs (if any). If your request is for copies of data we cannot copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

If, based on your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate search and retrieval charges at the higher salary/wage.

If possible, and upon request, we will provide you with an estimation of the total cost of supplying copies.

This document is available in alternate formats upon a 72-hour request. Please call 763-545-4659 to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.

EXHIBIT 1

Lower Minnesota River Watershed District Data Practices Contacts

RESPONSIBLE AUTHORITY AND DATA PRACTICES OFFICIAL AND DESIGNEES

Responsible Authority and Compliance Official

Records

Name: Linda Loomis, Administrator

All records

Lower Minnesota River Watershed District

112 East 5th Street

Suite 102

Chaska, MN 55318

Telephone: (763) 545-4659



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Data Request Form

112 East 5th Street, #102
Chaska, MN 55318
763-545-4659

A. Completed by Requester (if you wish your name to be withheld, please send alternate contact info)

REQUESTER NAME (Last, First, M.):	DATE OF REQUEST:
STREET ADDRESS:	PHONE NUMBER:
CITY, STATE, ZIP:	SIGNATURE:
<p>You do not have to provide any of the above contact information. However, if you want us to mail/email you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us.</p>	
DESCRIPTION OF INFORMATION REQUESTED:	

<p>I am requesting access to data in the following way: choose one</p> <p> <input type="checkbox"/> Inspection <input type="checkbox"/> Copies <input type="checkbox"/> Both inspection and copies </p>

B. Completed by Department

DEPARTMENT NAME:	HANDLED BY:
INFORMATION CLASSIFIED AS: <input type="checkbox"/> PUBLIC <input type="checkbox"/> NON-PUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> PROTECTED NON-PUBLIC <input type="checkbox"/> CONFIDENTIAL	ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED IN PART (Explain below) <input type="checkbox"/> DENIED (Explain below)
REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION:	
COPYING CHARGES: <input type="checkbox"/> NONE <input type="checkbox"/> _____ Pages x \$0.25 = <input type="checkbox"/> Special Rate: _____ (explain)	IDENTITY VERIFIED FOR PRIVATE INFORMATION <input type="checkbox"/> IDENTIFICATION: Driver's License, State ID, etc. <input type="checkbox"/> COMPARISON WITH SIGNATURE ON FILE <input type="checkbox"/> PERSONAL KNOWLEDGE <input type="checkbox"/> OTHER: _____
AUTHORIZED SIGNATURE:	

Lower Minnesota River Watershed District Draft Data Practice Policy for Requests for Data about You and Your Rights as a Data Subject

This policy explains your rights as a data subject, and tells you how to request data about you, your minor child, or someone for whom you are the legal guardian. The Government Data Practices Act, Minnesota Statutes, Chapter 13 (the "Data Practices Act") says that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. You are the subject of data when you can be identified from the data. Government data is a term that means all recorded information a government entity has, including paper, email, DVDs, photographs, etc.

Classification of Data about You

The Government Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. Data about you are classified by state law as follows:

- **Public data:** Some data about you is classified under the Data Practices Act as public data. For example, your name on an application for a license from the City is public data. The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. We must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data.
- **Private data:** Some data about you is classified as private data. For example, an employee's Social Security number is private data. We cannot give private data to the public. We can share your private data with you, with someone who has your permission, with our government entity staff whose job requires or permits them to see the data, and with others as permitted by law or court order. The following are examples of private data about you that we might have.
- **Confidential data:** Some data about you is classified as confidential data. For example, your identity as mandated reporter of child abuse or neglect is confidential data. Confidential data have the most protection. Neither the public nor you can access confidential data even when the confidential data are about you. We can share confidential data about you with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order.

Your Rights under the Government Data Practices Act

The Lower Minnesota River Watershed District must keep all government data in a way that makes it easy for you to access data about you. We can collect and keep only those data about you that we need for administering and managing programs that are permitted by law. As a data subject, you have the following rights:

- **Access to Your Data**
You have the right to look at (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Government Data Practices Act sets the amount we may charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

If you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

As a parent, you have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask the Lower Minnesota River Watershed District not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We may ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on the factors listed in Minnesota Administrative Rule 12.05.0500, subpart 3(B). Minors do not have this right if the data in question are educational data maintained by an educational agency or institution.

- **When We Collect Data from You**

When we ask you to provide data about yourself that are not public, we must give you a notice. The notice is sometimes called a Data Practices or Tennessee Warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent. If you want us to release data to another person, you may use the consent form we provide.

- **Protecting your Data**

The Government Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

- **When your Data are Inaccurate or Incomplete**

You have the right to challenge the accuracy and completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

How to Make a Request for Your Data

You may request to look at (inspect) data or obtain copies of data that we keep about you, your minor children, or an individual for whom you have been appointed legal guardian. You must make this request in writing. Make your request for data to the appropriate individual listed in the Data Practices Contacts on Page 5. You may make your request by mail, fax, or email, using the Data Request Form on Page 7.

We recommend using the data request form included with this policy. If you choose not to use the data request form, your request should include:

- A statement that you are making a request for public data under the Government Data Practices Act, Minnesota Statutes, Chapter 13.
- A clear description of the data you like to inspect or have copied
- Instructions for delivering the data to you. You must state whether you would like to look at the data, receive copies of the data, or both.
- Identifying information that proves you are the data subject, or data subject's parent/guardian.

The Lower Minnesota River Watershed District may require proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity included in this policy. If you do not provide proof that you are the data subject, we cannot respond to your request.

How We Respond to a Data Request

Once you make your written request, we will process it as follows:

- If it is not clear what data you are requesting, we will ask you for clarification.
- If we do not have the data, we will notify you in writing within 10 business days.
- If we have the data, but the data are confidential or private data that are not about you, we will notify you within 10 business days and state which specific law says you cannot access the data.
- If we have the data and the data are public or private data about you, we will respond to your request within 10 business days, by doing one of the following:
 - o arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
 - o provide you with copies of the data within 10 business days. You may choose to pick up your copies, or we will mail, email or fax them to you. We will provide electronic copies (such as CD-ROM) upon request if we keep the data in electronic format.

Information about copy charges is on Page 4. We may require you to prepay for the copies.

After we have provided you with access to data about you, we do not have to show you the data again for 6 months unless there is a dispute or we collect or create new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

The Government Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, we are not required under the Government Data Practices Act to respond to questions that are not specific requests for data.

Copy Costs - Data Subjects

The Lower Minnesota River Watershed District may charge you the actual cost for copies of government data about you. These charges are authorized under Minnesota Statutes, section 13.04, subdivision 3. You may be required to pay for the copies before we will give them to you.

Actual Cost of Making the Copies

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

Lower Minnesota River Watershed District Data Practices Contacts

RESPONSIBLE AUTHORITY AND DATA PRACTICES OFFICIAL AND DESIGNEES

Responsible Authority and Compliance Official

Records

Name: Linda Loomis, Administrator

All records

Lower Minnesota River Watershed District

112 East 5th Street

Suite 102

Chaska, MN 55318

Telephone: (763) 545-4659

Data Request Form - Data Subjects

Date of request: _____

To request data as a data subject, you may be required to show a valid state ID, such as a driver's license, military ID, or passport as proof of identity.

I am requesting access to data in the following way:

- Inspection
- Copies
- Both inspection and copies

Note: inspection is free. You may be required to pay for copies before we will give them to you.

These are the data I am requesting:

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

Contact Information

Data subject name _____

Parent/Guardian name (if applicable) _____

Address _____

Phone number _____ Email address _____

Staff Verification

Identification provided _____

We will respond to your request within 10 business days.

Standards for Verifying Identity

The following constitute proof of identity.

- An **adult individual** must provide a valid photo ID, such as
 - o a state driver's license
 - o a military ID
 - o a passport
 - o a Minnesota ID
 - o a Minnesota tribal ID

- A **minor individual** must provide a valid photo ID, such as
 - o a state driver's license
 - o a military ID
 - o a passport
 - o a Minnesota ID
 - o a Minnesota Tribal ID
 - o a Minnesota school ID

- The **parent or guardian of a minor** must provide a valid photo ID *and either*
 - o a certified copy of the minor's birth certificate *or*
 - o a certified copy of documents that establish the parent or guardian's relationship to the child, such as
 - a court order relating to divorce, separation, custody, foster care
 - a foster care contract
 - an affidavit of parentage

- The **legal guardian for an individual** must provide a valid photo ID *and* a certified copy of appropriate documentation of formal or informal appointment as guardian, such as
 - o court order(s)
 - o valid power of attorney

Note: Individuals who do not exercise their data practices rights in person must provide *either* notarized or certified copies of the required documents *or* an affidavit of ID.

**Lower Minnesota River Watershed District
Inventory of Not-Public Data on Individuals
August 2024**

This document describes private or confidential data on individuals maintained by the Lower Minnesota River Watershed District (*see* Minn. Stat. 13.05 and Minn. Rules 1205.1200).

This document is also part of the LMRWD's procedures for ensuring that not-public data are only accessible to individuals whose work assignment reasonably requires access (see Minn. Stat. 13.05, subd. 5). In addition to the employees listed, the LMRWD managers and LMRWD legal counsel also will have access to not-public data as needed as part of specific assignments or under certain circumstances.

Please direct all questions about this inventory to the District Data Practices Compliance Official:

Linda Loomis

naiadconsulting@gmail.com

763-545-4659

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee/Manager Access
Appeal data	Data maintained as a result of processing appeals of determinations about the accuracy and/or completeness of public and private data on individuals	Public Private	MS 13.03, subd. 4	Administrator.
Applicant records	Completed assessments and results, related documentation, and application forms.	Public Private	MS 13.43	Administrator.
Attorney Data	Data related to attorney work product or data protected attorney-client privilege	Private	MS 13.393	Staff on as needed basis as part of specific work assignments.
Citizen Advisory Council member data	Data pertaining to advisory council applicants and appointees.	Public Private Confidential	MS 13.601	Administrator; other staff as needed.
Civil investigative data	Data that are collected in order to start or defend a pending civil legal action, or because a civil legal action is expected	Confidential Public	MS 13.39	Administrator; other staff as needed.

Personnel data	Data about employees, applicants, volunteers and independent contractors; data disclosed for the purpose of administration of the workers' compensation program as provided in chapter labor relations information	Public/Private/ Confidential	MS 13.43 179A.03, subd. 4	Administrator.
Response to data requests	Data collected by the District Data Practices Compliance Official in responding to requests for data maintained by the District.	Public Private	Various	Administrator; staff as necessary.
Security information	Data that would substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury, if the data were released to the public	Private	MS 13.37	Administrator.
Social Security numbers	Social Security numbers assigned to individuals	Private	MS 13.355	Administrator.
Unemployment compensation billings	Records of billings for employee unemployment compensation	Private	MS 13.43	Administrator.

Continuity of Operations	Personal home contact information used to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of operation of a government entity.	Private	MS 13.43, subd. 17	Administrator.
Employee expense reports	Expense reimbursement requests	Public Private	MS 13.43	Administrator.
Employee personnel records	Record of prior and current employment history. Data relating to hiring, assessments, payroll, pension and retirement, promotion, medical, family leave, grievances and discipline and related administrative personnel actions; drug-and-alcohol-testing and background-check results.	Public Private	MS 13.43	Administrator.
Motor vehicle data	Information on license plate numbers, owners, and registration status of vehicles.	Private	MS 168.346	Administrator.
Personal contact and online account information	Telephone number, email address and usernames and passwords collected, maintained, or received by the District for notification purposes or as part of a subscription list for an entity's electronic periodic publications as requested by the individual.	Private	MS 13.356	Administrator; consultants as needed for specific projects and programs.

Workers compensation billings	Records of billings for employees who receive workers compensation benefits	Private	MS 13.43	Administrator.
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LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, August 21, 2024

Agenda Item

Item 6. A. – LMRWD Permit Renewals

Prepared By

Linda Loomis, Administrator

Summary

There are two permits that require renewing this month. Table 1 of the Technical Memorandum – August 2024 Permit Renewal Requests, dated August 14, 2024, is attached listing the Permit that has requested renewal.

Attachments

Technical Memorandum – August 2024 Permit Renewal Requests dated August 14, 2024

Recommended Action

Motion to approve renewal requests listed in Table 1. Summary of August 2024 permit renewal requests detailed in Technical Memorandum – August 2024 Permit Renewal Requests dated August 14, 2024

Technical Memorandum



To: Linda Loomis, Administrator
Lower Minnesota River Watershed District (LMRWD)

From: Hannah LeClaire, PE, Project Manager
Rachel Kapsch, Water Resources Scientist

Date: August 14, 2024

Re: August 2024 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 a reminder two months prior to permit expiration to current permit holders with upcoming permit expirations.

Table 1 summarizes the permittees who have received permit expiration reminder emails. If a project is not complete, the LMRWD will renew the permit to maintain permitting authority throughout all close out procedures. Requests for information regarding changes to project scope since the original permit issuance and project close out materials are also included on permit expiration reminder emails.

SUMMARY

Table 1. Summary of August 2024 LMRWD Permit Renewal Requests

LMRWD No.	Project Name	City	Previous Expiration Date	Recommended Expiration Date
2023-015	City of Bloomington Storm Sewer Maintenance	Bloomington	August 23, 2024	August 23, 2025
	Reason for Extension: Needs final vegetation establishment			
2021-030	Building Renovation Park Jeep	Savage	August 15, 2024	August 15, 2025
	Reason for Extension: Needs final vegetation establishment			

Recommendations

Based on review of the permit expirations, we recommend approval of permit renewals.



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, August 21, 2024

Agenda Item

Item 5. G. - Authorize Professional Services Agreement with Young Environmental Consulting Group

Prepared By

Linda Loomis, Administrator

Summary

At the April 17, 2024, Lower Minnesota River Board of Managers meeting, the Board accepted the proposal submitted by Young Environmental Consulting Group for technical and education and outreach services. The motion directed that a Professional Services Agreement (PSA) be developed. A PSA is attached.

A motion should be made to authorize President Barisonzi to execute the PSA between the LMRWD and Young Environmental Consulting Group.

Attachments

Agreement between Lower Minnesota River Watershed District and Young Environmental Consulting Group for Professional Services

Recommended Action

Motion to authorize President Barisonzi to execute the Agreement between Lower Minnesota River Watershed District and Young Environmental Consulting Group for Professional Services

AGREEMENT

Between

LOWER MINNESOTA RIVER WATERSHED DISTRICT

and

YOUNG ENVIRONMENTAL CONSULTING GROUP, LLC

for

PROFESSIONAL SERVICES FOR

THE LOWER MINNESOTA RIVER WATERSHED DISTRICT

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

AND

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

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

ARTICLE 1

The DISTRICT selected the CONSULTANT to act as the DISTRICT ENGINEER by vote of the Board of Managers (“Board”) on April 17, 2024, for a two year term commencing August 1, 2024. CONSULTANT has, in its employ, Hannah LeClaire, P.E. (MN License # **XXXXXX**). Ms. LeClaire or her successor shall be the designated DISTRICT ENGINEER during the term of this Agreement.

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

ARTICLE 2

SCOPE OF SERVICES

2.1 DISTRICT ENGINEER SERVICES

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

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

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

2.2 DESIGN ENGINEERING SERVICES

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

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

2.3 SUPPORT SERVICES DURING CONSTRUCTION

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

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

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

2.4 OVERSIGHT OF CONSTRUCTION CONTRACTS ON BEHALF OF THE DISTRICT

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

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

2.5 OVERSIGHT OF OTHER CONSULTANTS

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

2.6 FIELD ENGINEERING SERVICES

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

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

2.7 SUBCONTRACTED SERVICES

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

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

2.8 ADDITIONAL SERVICES

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

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

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

ARTICLE 3

AUTHORIZATION OF SERVICES

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

ARTICLE 4

RENEWAL/TERMINATION

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

ARTICLE 5

INSURANCE, INDEMNIFICATION

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

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

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

ARTICLE 6

STAFFING

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

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

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

ARTICLE 7

AMENDMENTS

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

ARTICLE 8

COMPENSATION AND METHOD OF PAYMENT

- 8.1 During the term of this Agreement, the DISTRICT agrees to pay the CONSULTANT as compensation for services performed under and in accordance with this Agreement and the provisions below if and only if those services are requested by the Board. Authorized services provided by the CONSULTANT under this Agreement will be compensated by the DISTRICT pursuant to the hourly rates and charges in the Fee Schedule attached to CONSULTANT'S **March 6, 2024**, proposal (**Exhibit 1**), which shall be effective from August 1, 2024, to July 31, 2026. The parties will adjust the hourly rates and charges for the periods of January 1 to December, 2025, and January 1 to July 31, 2026, by mutual agreement.
- 8.2 PAYMENT

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

8.3 WATER QUALITY ANALYSIS

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

8.4 NON-SALARY EXPENSES

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

ARTICLE 9

RECORDS

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

ARTICLE 10

CONFIDENTIAL INFORMATION

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

ARTICLE 11

RELATIONSHIP OF THE PARTIES

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

11.2 CONTINUATION OF OBLIGATIONS

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

11.3 PROPERTY OF THE DISTRICT

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

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

ARTICLE 12

DISCLOSURES

12.1 POTENTIAL CONFLICT

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

ARTICLE 13

GENERAL PROVISIONS

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

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

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

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

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

13.4 Choice of Law, Venue and Jurisdiction

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

13.5 Time is of the essence in this Agreement.

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

IN WITNESS WHEREOF, the parties below have caused this Agreement to be duly executed this _____ day of _____, 2024.

DISTRICT:

By _____

Title _____

APPROVED AS TO FORM and EXECUTION

By _____

Its Attorney

CONSULTANT:

By _____

Title _____

Section 3. Fee Schedule

Our fee schedule summarizes the range of billing rates for each staffing category. When building a team, appropriate staff members are selected with consideration for both applicable experience and staff billing rates to ensure the LMRWD receives high-value services for a reasonable cost. Specific team member billing rates will be established at the end of each year for the next year. Young Environmental rates will not go outside the ranges presented in our 2024 fee schedule below.

Description/Classification	2024 Hourly Rate
Principal, Senior Engineer/Scientist	\$130–\$190
Managing Engineer/Scientist/Specialist III	\$120–\$175
Staff Engineer/Scientist/Specialist II*	\$90–\$130
Assistant Engineer/Scientist/Specialist I*	\$65–\$100
Technician (I, II, and III) *	\$50–\$115
Support Personnel (I, II, III) *	\$50–\$130
Communications/Facilitation/Outreach Manager	\$110–\$175
Communications/Facilitation/Outreach Strategist	\$85–\$150
Communications/Facilitation/Outreach Analyst	\$75–\$110

Notes:

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



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, August 21, 2024

Agenda Item

Item 6. B. – 2024 T2 North Expansion Project – Rule D Amendment (LMRWD No.2024-006)

Prepared By

Linda Loomis, Administrator

Summary

This project has previously been given to the Board for approval. Previous approvals granted by the Board excluded construction of impervious surfaces. The LMRWD has received additional information regarding the planned construction of impervious surfaces and reviewed the plans. Conditional approval, contingent upon the receipt of an executed maintenance agreement is recommended

Attachments

Technical Memorandum - 2024 T2 North Expansion Project – Rule D Amendment (LMRWD No. 2024-006) dated August 14, 2024

Recommended Action

Motion to conditionally amend LMRWD Permit No. 2024-006 to authorize construction of impervious surfaces in compliance with Rule D contingent upon the receipt of an executed maintenance agreement

Technical Memorandum



To: Linda Loomis, Administrator
Lower Minnesota River Watershed District (LMRWD)

From: Erica Bock, Water Resources Scientist
Hannah LeClaire, PE, Water Resources Engineer

Date: August 14, 2024

Re: 2024 T2 North Expansion Project – Rule D Amendment (LMRWD No. 2024-006)

The Metropolitan Airports Commission (MAC) is seeking an amendment to the individual project permit (Permit) for the Terminal 2 (T2) North Expansion Project, approved by the LMRWD Board of Managers at the June 20, 2024, Board meeting. The approval allowed for site preparation and mass grading activities under Rule B – Erosion and Sediment Control. The applicant’s engineers, Kimley-Horn and Associates, Inc. and TKDA, submitted the original permit application, associated application exhibits, and construction plans for the project. TKDA submitted additional stormwater management information to allow a review of the project under Rule D – Stormwater Management. The project amendment will authorize impervious surface construction.

The 2024 T2 North Expansion Project (T2 North) is located on the west-southwest side of the Minneapolis–Saint Paul (MSP) International Airport (Figure 1). The T2 North project is a multi-year project that will result in the overall expansion of Terminal 2 at the MSP International Airport. This project proposes construction of terminal expansion; concrete apron pavement work; pavement replacement; utility and parking lot replacement; and landscaping. The project proposes 9.3 acres of disturbance. There are currently 15.7 acres of impervious surfaces. The project proposes new, reconstruction, and removal of impervious surfaces. The final total impervious area for the project will be 15.4 acres. The project proposes construction between June 2024 and December 2026. The project is not located within a High Value Resource Area, Steep Slopes Overlay District, or 100-year floodplain of the Minnesota River. Because MAC does not have their municipal permit, the project requires an LMRWD individual project permit.

SUMMARY

Project Name: 2024 T2 North Expansion Project
Purpose: Building, pavement installation and replacement, and landscaping.

Project Size:

Area Disturbed	Existing Impervious Area	Proposed Impervious Area	Net Change in Impervious Area
9.3 acres	15.7 acres	15.4 acres	-0.3 acres

Location: Terminal 2, Minneapolis-Saint Paul (MSP) International Airport, Minneapolis, MN 55450

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

Recommended Board Action: Conditional Approval of Amendment for Rule D

DISCUSSION

The LMRWD received the following documents for review:

- LMRWD online permit application; received February 28, 2024.
- T2 North Project Bid Sets (dated February 12, 2024), MSP Drainage Areas (dated June 2021), and LMRWD Construction Permit Application Narrative (dated February 28, 2024) by Kimley-Horn; received February 28, 2024.
- The following exhibits were submitted by Kimley-Horn on March 19, 2024:
 - Revised LMRWD Construction Permit Application Narrative, dated March 20, 2024.
 - MSP Property Inventory Map, dated December 9, 2015.
 - MSP International Airport T2 North Expansion Pond 1, dated March 19, 2024.
 - MSP International Airport T2 North Expansion Drainage Areas, dated March 12, 2024.
 - National Pollutant Discharge Elimination System (NPDES) Permit MN0065404, issued May 29, 2024; expired April 30, 2019.
 - Section 32 92 19 Native Grasses and Forbs Planting, dated February 12, 2024.
 - Geotechnical Report, dated February 12, 2024.
 - T2 North Existing Conditions MIDS Model, dated March 19, 2024.
 - T2 North Proposed Conditions MIDS Model, dated March 19, 2024.
 - Draft Maintenance Agreement.
- The following exhibits were submitted by Kimley-Horn on April 10, 2024:
 - MSP Terminal 2 North Expansion Stormwater Management Summary, dated April 10, 2024.
 - XPSWMM model.
 - P8 model.
 - CAD files.
- The following exhibits were submitted by Kimley-Horn on May 6, 2024:
 - Updated T2 North Narrative, dated May 6, 2024.
 - NPDES Permit MN0002101, issued April 5, 2013; expired March 31, 2018.

- MSP International Airport 2001 Runway 17-35 Trunk Storm Sewer, PH3 Grading Final - MAC Pond #1, dated December 28, 2000.
- 2001 Runway 17-35 Trunk Storm Sewer Phase III - Water Quality Ponds, dated April 2, 2001.
- Pond 1 Piping Detail, dated September 2021.
- MSP International Airport 2001 Runway 17-35 Trunk Storm Sewer, PH3 - MAC Pond #1 Intake Structure, dated April 2, 2001.
- Pond Sediment Inspection Results and Notes.
- NPDES Stormwater Pond Maintenance Factsheet, dated January 2022.
- MSP International Airport Hydrologic/Hydraulic/Water Quality Models-2024 Status Update, dated May 2, 2024.
- MSP International Airport Terminal 2 North Expansion Drainage Area Map – Proposed Conditions.
- MSP International Airport Terminal 2 North Expansion Drainage Area Map – Existing Conditions.
- Revised Permit Application by Kimley-Horn; received May 13, 2024.
- Revised Stormwater Pollution Prevention Plan (SWPPP) by Kimley-Horn; received June 5, 2024.
- The following exhibits were submitted by TKDA on June 24, 2024:
 - MSP Hydrologic/Hydraulic/Water Quality Model Report, dated June 21, 2024.
 - LRMWD comment response letter, dated June 21, 2024.
 - Revised existing and proposed XPSWMM models, no date.
 - Revised P8 Model, no date.
 - Drainage calculations, dated June 24, 2024.
 - Drainage area maps, no date.
 - Flow routing maps, no date.
 - Drainage plans, no date.
- Rule D Compliance Narrative, dated July 11, 2024, by TKDA; received July 11, 2024.
- MIDS Design Sequence Flow Chart, by TKDA; received July 30, 2024.

The application was deemed complete on July 30, 2024, and the documents received provide the minimum information necessary for a Rule D permit review.

Rule D – Stormwater Management

The project proposes a total of 5.86 acres of new and reconstructed impervious area. The overall impervious surfaces will be reduced by 0.3 acres. An existing stormwater pond (MSP Pond 1) will be used for stormwater management of the project. Stormwater for the project site drains to storm sewer that discharges to MSP Pond 1, and ultimately discharges to the Minnesota River. The applicant submitted an XPSWMM Model of the existing and proposed site conditions.

Section 5.4.1 of Rule D requires applicants to demonstrate no increase in a project’s proposed runoff rates compared to existing conditions. The applicant proposes to meet the rate control requirement by routing stormwater from the site through the existing MSP Pond 1. The existing and proposed discharge rates are provided in Table 1.

Table 1. Terminal 2 North Project MSP Pond 1 Discharge Rates Summary

Rainfall Event (24-hour depth)	Existing (Cubic Feet per Second [CFS])	Proposed (CFS)	Difference (CFS)
2-year – 2.83”	159	159	0
10-year – 4.24”	186	186	0
100-year – 7.50”	214	214	0

The modeled runoff rates show no change from existing conditions for the 2-, 10-, and 100-year rainfall events, meeting the rate control requirements of Rule D. There was no change in the runoff rates from the pond because the project changed a negligible amount of impervious surface draining to the pond (-0.3 acres).

Section 5.4.2 of Rule D requires projects to retain 1 inch of runoff from the new and fully reconstructed impervious areas. The project proposes 5.86 acres of new and fully reconstructed impervious area. Therefore, the project must provide 21,272 cubic feet of volume retention to meet Rule D requirements. Additionally, section 5.4.3 of Rule D requires no net increase in total phosphorus (TP) or total suspended solids (TSS) to receiving waterbodies when compared to existing conditions.

The project will provide on-site stormwater management for 6,684 cubic feet of runoff by constructing a 50,000-gallon underground storage tank to be installed below the building to capture and store rainwater for use in non-potable building internal plumbing, such as flushing toilets. The gray-water reuse practice is a form of volume reduction because the water is routed to sanitary sewer and removed entirely from the storm sewer network.

The applicant is proposing to treat the remaining volume of runoff using existing MSP Pond 1. The applicant provided as-built grading information, pond maintenance and sediment removal information, and LiDAR data showing the existing conditions of MSP Pond 1. Currently, MSP is authorized to discharge stormwater under the airport’s NPDES Permit MN0002101. This permit requires monitoring and effluent limits for TSS and TP, which includes monitoring discharge from the MSP stormwater ponds to the Minnesota River. The effluent limits for TSS and TP are stricter than LMRWD rules. The charts in Attachment 1 show that the airport has remained under the effluent limits for both TSS and TP since their permit was issued in 2013.

As presented, MSP Pond 1 has been properly maintained throughout the years and reduces pollutant loading for both TSS and TP, meeting the requirements of Rule D.

Recommendations

Based on review of the Project, we recommend conditional approval of an amendment to the Terminal 2 North Project to authorize construction of impervious surfaces in compliance with Rule D, contingent on receipt of the following:

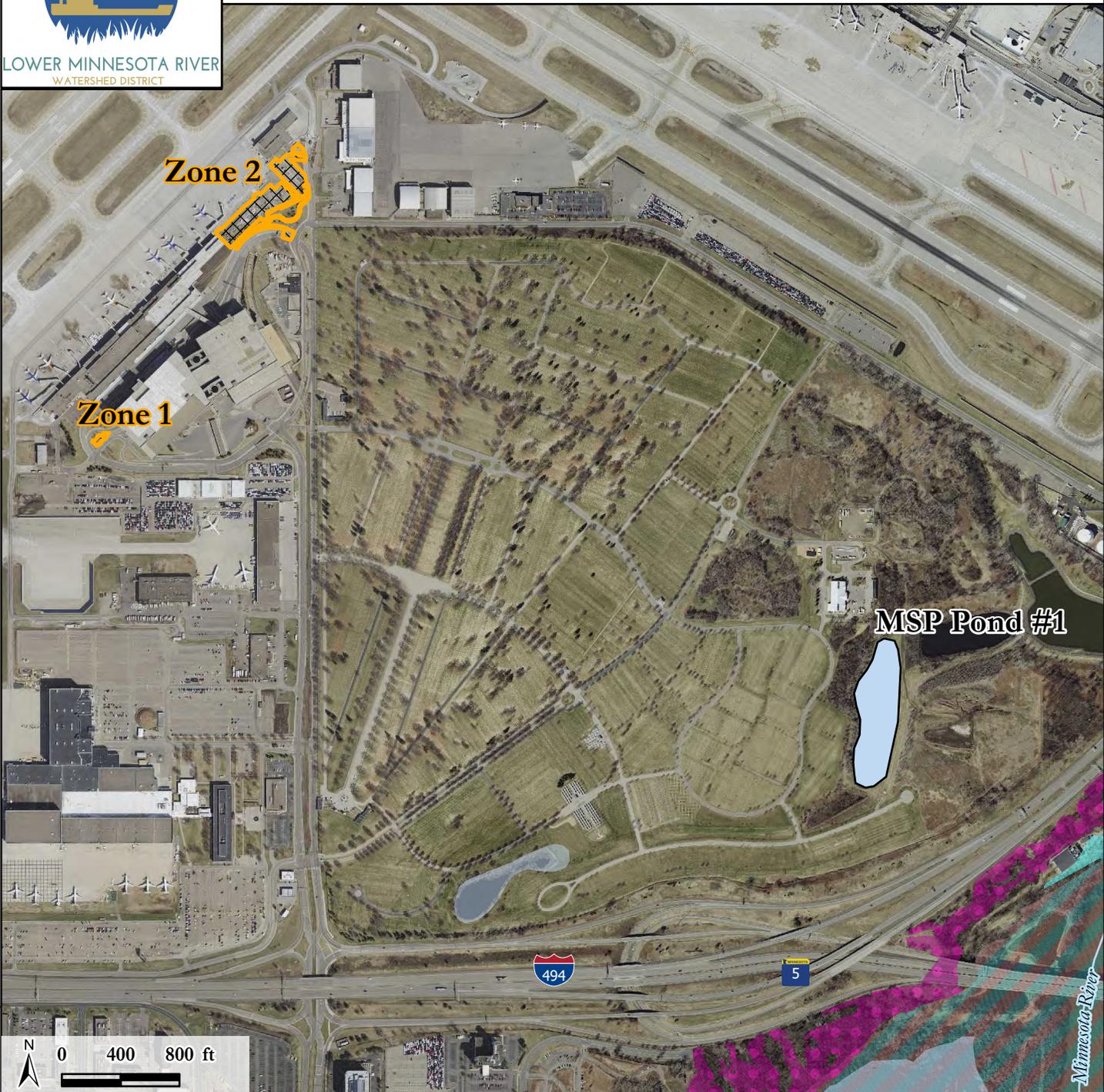
- Executed maintenance agreement.

Attachments

- Figure 1—2024 T2 North Expansion Project Location (LMRWD 2024-006)
- Figure 2—2024 T2 North Expansion Zone #1
- Figure 3—2024 T2 North Expansion Zone #2
- Attachment 1—TSS and TP Effluent Limits Charts



Figure I: 2024 T2 North Expansion Project Location
LMRWD No. 2024-006



Projects\LMRWD\Project Reviews\02 In Process\2024-06-20\24T2 North Expansion\04 GIS

Legend

-  Proposed Expansion Zones
-  MSP Pond #1
-  Public Waterbodies
-  Steep Slope Overlay District
-  100-yr Floodplain
-  Floodway
-  Public Waters

LMRWD Watershed Location Map

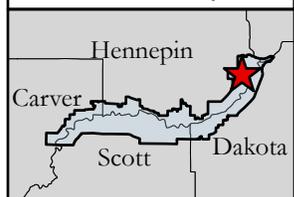




Figure 2: 2024 T2 North Expansion Zone #1
LMRWD No. 2024-006



Legend

 Proposed Impervious

LMRWD Watershed Location Map





Figure 3: 2024 T2 North Expansion Zone #2
LMRWD No. 2024-006



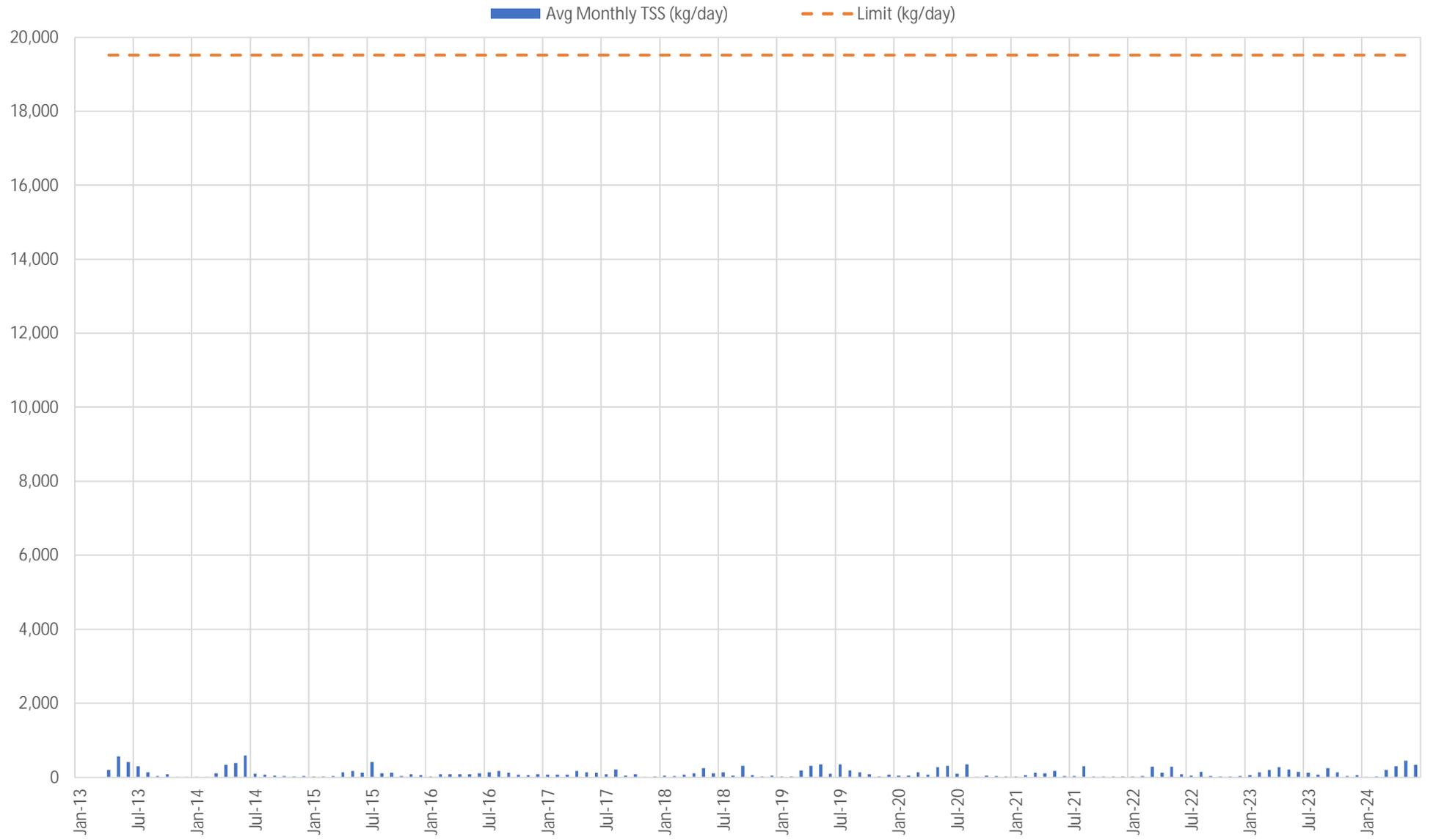
Legend

 Proposed Impervious

LMRWD Watershed Location Map



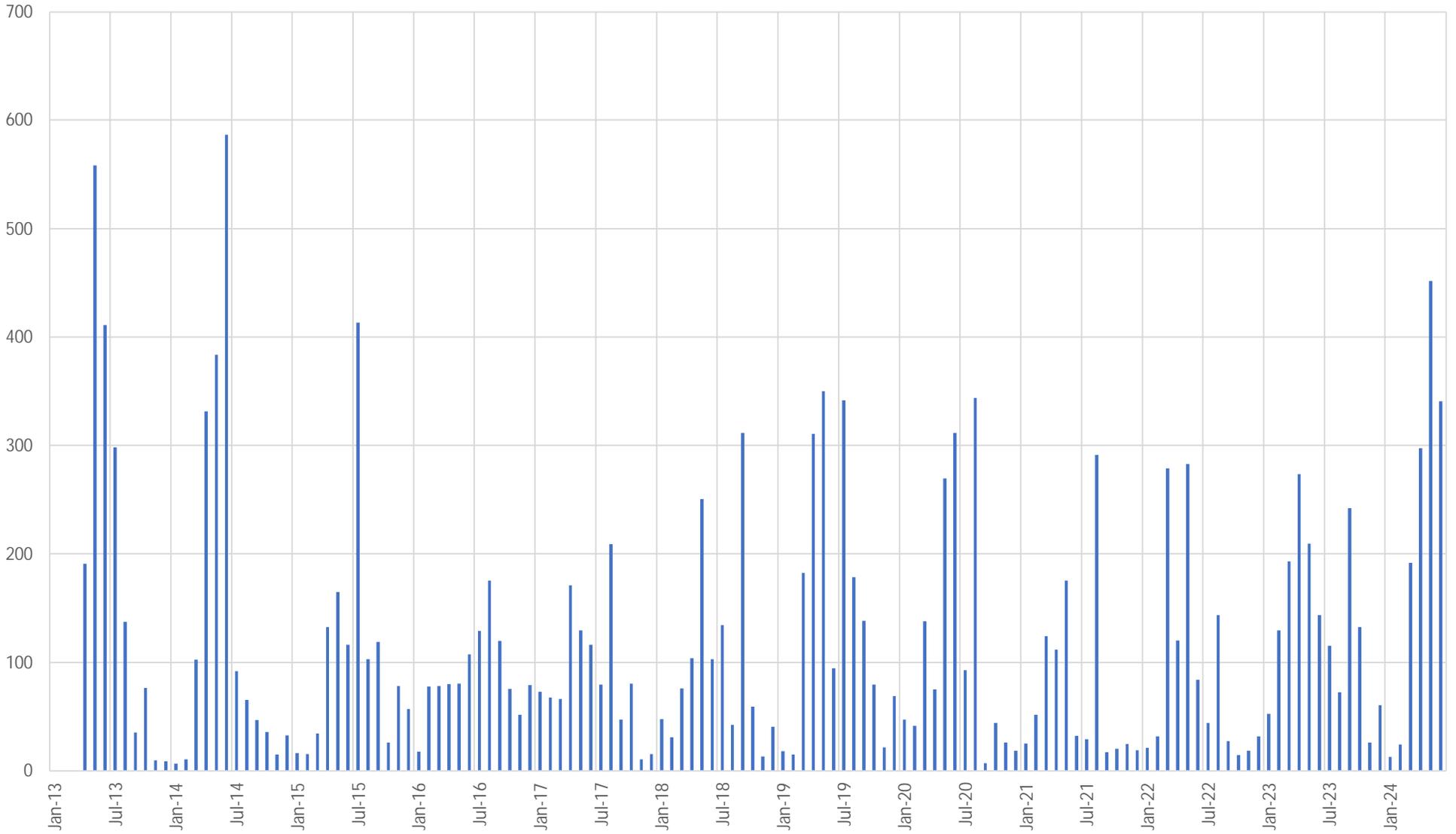
MSP - TSS Compliance Summary (19,520 kg/day calendar month average limit)



MSP - TSS Compliance Summary

(19,520 kg/day calendar month average limit)

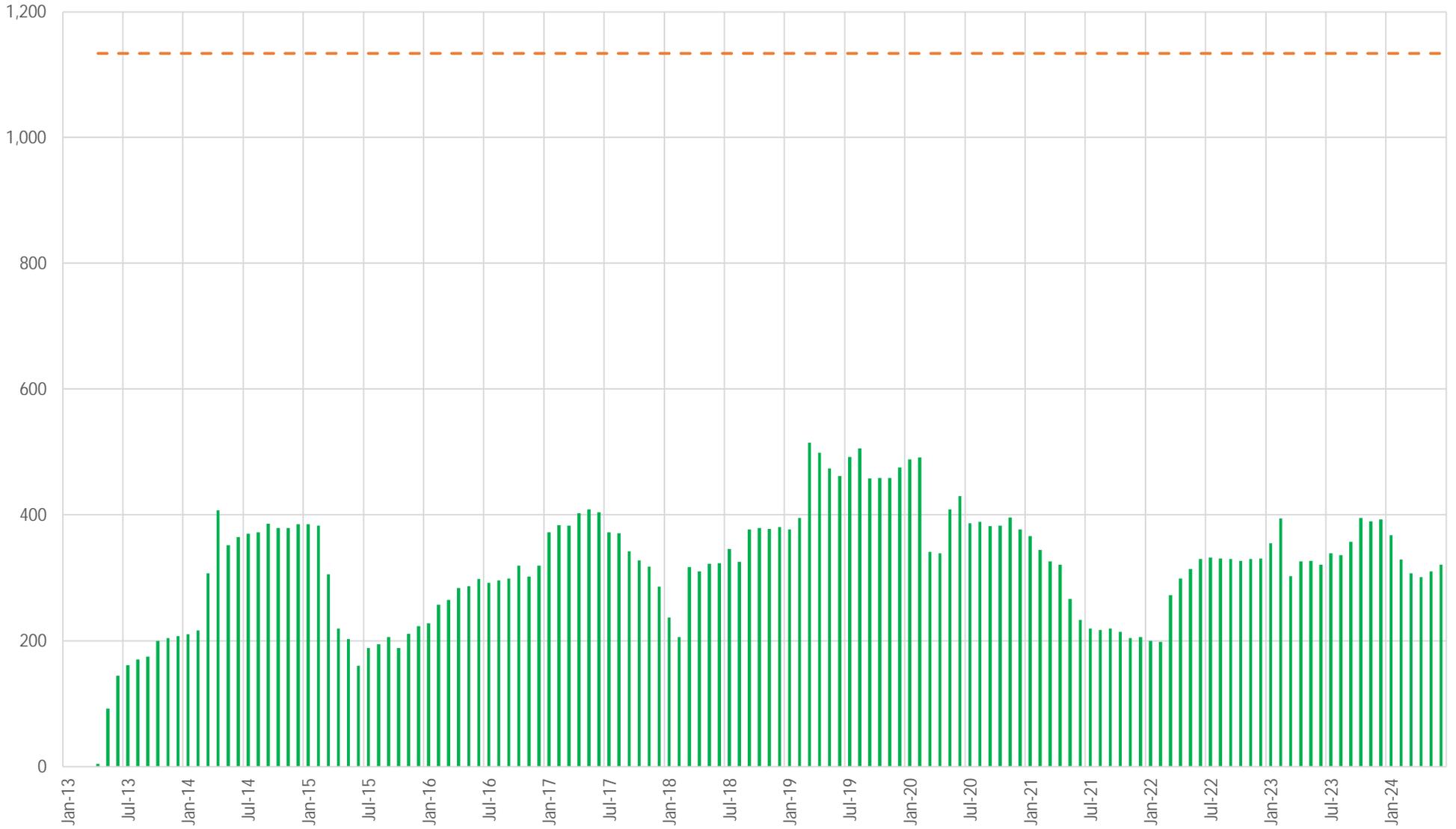
■ Avg Monthly TSS (kg/day)



MSP - Total Phosphorus Compliance Summary

(1,134 kg/yr 12-month rolling sum limit)

12- Month Rolling Total Phosphorus (kg/yr) Limit (kg/yr)





LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, August 21, 2024

Agenda Item

Item 6. D. – Permit Review Fee Schedule

Prepared By

Linda Loomis, Administrator

Summary

Previously the Board was advised that review of permits applications have not included all the documentation required for review and issuance of a permit. This has required a lot more staff time to properly review applications. The LMRWD has reached out to other permitting agencies and found that other watershed districts and municipalities have seen the same decline in the quality of the applications submitted.

In response to this, Young Environmental Consulting Group, on behalf of the LMRWD, has researched fees charged for permit reviews. A recommendation for the Board can be found in Technical Memorandum – Request for Permit Fee Revision dated August 14, 2024.

Resolution 24-13 Setting Fees for Lower Minnesota River Watershed District Permitting is attached.

Attachments

Technical Memorandum – Request for Permit Fee Revision dated August 14, 2024

Resolution 24-13 Setting Fees for Lower Minnesota River Watershed District Permitting

Recommended Action

Motion to adopt Resolution 24-13 Setting Fees for Lower Minnesota River Watershed District Permitting

Technical Memorandum



To: Linda Loomis, Administrator
Lower Minnesota River Watershed District (LMRWD)

From: Rachel Kapsch, Water Resources Scientist
Hannah LeClaire, PE, Project Manager

Date: August 14, 2024

Re: Request for Permit Fee Revision

INTRODUCTION

The Lower Minnesota River Watershed District (LMRWD) established a permit application fee schedule (Attachment 1) in 2020 when the district rules were adopted by the LMRWD Board of Managers. Permit application fees encourage responsible management of our water and natural resources and compliance with LMRWD rules. Young Environmental Consulting Group, LLC (Young Environmental), the District Engineer, has reviewed permit applications for the LMRWD since the adoption of the rules. Although exact fees for each separate permit review are not tabulated by the District Engineer, the annual cost to execute the LMRWD permit program has consistently been greater than the fees collected from applicants throughout the year. At the July 17, 2024, LMRWD Board Meeting, the LMRWD Board of Managers asked Young Environmental to research other water management organizations fee schedules and put together a recommendation for updating the LMRWD permit application fee schedule to better align with the costs truly incurred by the review process.

SUMMARY

To better understand the necessary adjustments to LMRWD's permit fees required, Young Environmental began researching permit fees in the greater context of the Twin Cities Metro Area. For this reason, Young Environmental selected five local water management organizations (WMOs) and researched each WMOs permit fee schedule. We compiled this information into a table (Attachment 2). Erosion and sediment control (ESC) permit fees (LMRWD Rule B) were analyzed separately from stormwater management permit fees (LMRWD Rule D) because stormwater management permit applications require considerably greater time and effort to review. LMRWD Rule C (Floodplain and Drainage Alteration) and LMRWD Rule F (Steep Slopes) permit

applications also require extensive reviews and would more closely reflect the fee schedule for a Rule D permit review. We compared the range of fees from other WMOs with the current permit fees of LMRWD to help guide potential adjustments to the current fee schedule.

DISCUSSION

As presented in Attachment 1, LMRWD currently delineates permit fees by project disturbance area rather than by rule (unless the project is occurring on a single-family residential property).

Delineation of permit fees varied across organizations, with some following a similar structure to LMRWD and some assigning specific costs to each rule. Additionally, permit fees varied across organizations with ESC permits ranging from \$250-\$2,000 (average \$800-\$950, dependent upon disturbance size) and \$750-\$5,400 (average \$1,870-\$2,500, dependent upon disturbance size).

LMRWD's permit fees fell amongst these ranges, as seen in Attachment 1. These fees will not be recovered from any local, state, or federal governmental body (Sec. 103D.345 MN Statutes) as stated in LMRWD Rule A, Section 2.2.5D. Single-family residential property permit fees are less expensive due to their small project size and single-family homeowners typically have fewer financial resources available to cover permit fees.

With the rapid rate of development throughout the Twin Cities Metro Area coupled with the unique resources of LMRWD, projects require extensive review to protect water and natural resources.

Young Environmental has established the following process when executing a permit review:

- **Preliminary Tasks:** Receive permit application, acknowledge receipt of application to permit applicant, download all materials, set up internal folder with materials, enter project into project management software and into geospatial permit database.
- **Completeness Review:** Application and all associated materials are reviewed for completeness and an internal meeting is held to discuss the application. Young Environmental responds to the applicant within 15 days, but generally sooner to keep the process moving.
- **Follow-Up:** Young Environmental informs applicant of information missing from their permit application. Applicant submits additional materials for review. Until all necessary exhibits and information are received, this process repeats. From start to finish, a permit can take a few weeks to months to review depending on the adequacy of the initial permit application and the haste at which the applicant responds.
- **In-Depth Review:** Once all required exhibits and information are received, an in-depth review is performed. An internal meeting is held to discuss the final adequacy of the

application and steps to proceed. If the project is found to comply with LMRWD rules, the permit review team moves onto the next step. If the project is not compliant, Young Environmental notifies applicants of project deficiencies. This process repeats until the project complies with LMRWD rules.

- **Technical Memorandum:** A technical memorandum on the project is written, peer reviewed, sent to an editor, and prepared as part of the Board meeting materials.
- **Board Approval:** Young Environmental presents the recommendation for approval or conditional approval to the Board of Managers, who have the authority to accept or deny the recommended action.
- **Permit Distribution:** Permit is sent to applicant. If conditional approval items are required, Young Environmental informs the applicant of the required information and continually follows up (monthly) until the information is received.

While the LMRWD prioritizes timely internal reviews, incomplete applications or those that don't meet regulations can cause delays. These delays not only impact timelines but also take additional staff time to work through the process with the applicant. Young Environmental staff currently use one timesheet code for tracking permit efforts. To fully associate the level of effort to individual permits, individual timesheet codes should be created per application. Overall, the amount of time spent reviewing individual permits will vary depending on complexity. Target review times are established for different permit complexities:

- **Simple Permits (20 Hours):** These involve solely reviewing Rule B (Erosion and Sediment Control).
- **Moderate Permits (50 Hours):** These require reviewing Rule B along with one additional rule, such as Rule C, D, or F.
- **Complex Permits (60 Hours):** These involve a comprehensive review of Rule B and two additional rules, such as C, D, or F.

Recommendations

Based on review of the fee schedule for external watershed organizations (Attachment 2), Young Environmental recommends that the Board of Managers approve the following changes to the LMRWD permitting fees:

- For Single-Family Residential projects, adopt the following fee schedule:
 - \$150 for all LMRWD Rules

- For Rule B (Erosion and Sediment Control), adopt the following fee schedule:
 - \$1,000 for projects totaling less than 5 acres of land disturbance
 - \$1,500 for projects totaling 5 acres or more of land disturbance
- For Rule C (Floodplain and Drainage Alteration), Rule D (Stormwater Management), and Rule F (Steep Slopes), adopt the following fee schedule:
 - \$2,000 for projects totaling less than 5 acres of land disturbance
 - \$2,500 for projects totaling 5 acres or more of land disturbance
- For After-the-Fact Permits, adopt the following fee schedule:
 - Incurred on an hourly rate based on the service fees of the District Engineer (Young Environmental)
- Add clause to permit fees requiring permit applicant to reimburse LMRWD if cost to conduct permit review reaches or exceeds \$5,000. See Bassett Creek Watershed Management Commission Fee Schedule (August 2022) for guidance.

The recommended fee structure reflects the Board's commitment to:

- **Promote Public Awareness:** Application fees encourage public familiarity with permit requirements, ultimately fostering greater compliance and reducing the need for extensive enforcement actions.
- **Protect Water Resources:** The LMRWD Watershed Management Plan prioritizes review and inspection of development projects with potential risk to water resources. The cost of these reviews and inspections goes beyond what can be reasonably funded through the annual tax levy. The proposed fee schedule supports this crucial element of water resource protection within the district.
- **Shift Costs to Responsible Parties:** Unfortunately, instances occur where work is undertaken without the required permits, or in violation of issued permits. The LMRWD incurs inspection and analysis costs in such cases. The enforcement portion of this fee schedule for after-the-fact permits shifts these costs to the responsible parties instead of the LMRWD general tax levy.

Attachments

- Attachment 1—LMRWD Permit Fee Schedule
- Attachment 2—Comparative Table on Varying Permit Fees



LMRWD FEE SCHEDULE

Lower Minnesota River Watershed District Project Review Fee Schedule (Effective May 1, 2020)

Land Disturbing Activities on Single-Family Residential Property

LMRWD RULE	FEE
Rule B – Erosion and Sediment Control	\$50
Rule D – Stormwater Management	\$250

All Other Projects and Rules

AMOUNT OF LAND DISTURBANCE	FEE
< 5 ACRES	\$750
5 TO <10 ACRES	\$1,000
10 ACRES OR LARGER	\$1,500

The fee provided by this rule will not be charged to any agency of the United States or any governmental unit or political subdivision of the State of Minnesota.

	General Info	Surety	Non-Stormwater Fees	Stormwater Management Fees
<p style="text-align: center;">Rice Creek Watershed District</p>	<p>Effective Jan 1, 2022, through 2025</p>	<p>Land Disturbance:</p> <ul style="list-style-type: none"> • < 1 acre of disturbance (\$1,000) • 1 – 10 acres of disturbance (\$1,000 + \$500 per acre over 1) • > 10 acres of disturbance (\$5,500 + \$250 per acre over 10) • All acreage amounts shall be rounded to the nearest whole acre <p>Stormwater Management Features:</p> <ul style="list-style-type: none"> • \$0.50 per cubic foot of treatment required by Rule C.6(c) • Calculated surety amount shall be rounded to the nearest \$100 <p>Floodplain Mitigation:</p> <ul style="list-style-type: none"> • \$7.50 per cubic yard of required mitigation • Calculated surety amount shall be rounded to the nearest \$50 • Wetland Mitigation: <ul style="list-style-type: none"> ○ \$25,000 per acre of replacement required by Rule F ○ Calculated surety amount shall be rounded to the nearest \$1,000 	<p>\$300</p>	<p>\$3,000 (if less than 5 acres new and/or reconstructed impervious)</p> <p>\$5,400 (if 5 acres or more of new and/or reconstructed impervious)</p>

	General Info	Surety	Non-Stormwater Fees	Stormwater Management Fees
<p align="center">Capitol Region Watershed District (CRWD)</p>	<p>Adopted April 6, 2022</p>	<ol style="list-style-type: none"> 1. Grading associated with Development (Rule F) \$2,800/acre+ 2. Stormwater Management Facilities (Rule C) \$7,000/acre+ 3. Manufactured Treatment Device Maintenance \$10,000 +\$3,000/acre <p>Deductions from Performance Sureties will be made at the rate of \$120 for each Inspection Report receiving a Grade of C or lower based on the CRWD Inspection Report Grading Metrics Table.</p>	<p>\$700</p>	<p>\$2,100</p>
<p align="center">Nine Mile Creek Watershed District</p>	<p>Rule 2.0 is Floodplain Management</p> <p>Rule 3.0 is Wetlands Management</p> <p>Rule 4.0 is Stormwater Management</p> <p>Rule 5.0 Erosion and Sediment Control</p> <p>Rule 6.0 is Waterbody Crossings and Structures</p> <p>Rule 7.0 Shoreline and Streambank Improvements</p> <p>Rule 8.0 is Sediment Removal</p> <p>Rule 9.0 is Appropriation of Public Surface Waters.</p>	<ul style="list-style-type: none"> • Single-family residential property: \$1,000 • All other properties, 0 - 4.99 acres: \$2,500 • All other properties, 5 - 9.99 acres: \$3,500 • All other properties, 10 acres or larger: \$5,000 	<p>Single family home</p> <ul style="list-style-type: none"> • \$100 (Rule 2.0) • \$50 (Rule 5.0) <p>For subdivision of land, and all other projects (Rule 2.0 and 5.0)</p> <ul style="list-style-type: none"> • \$750 (Site size 0-4.99 acres) • \$1,000 (Site size 5-9.99 acres) • \$1,500 (Site Size over 10 acres) <p>All project types (Rules 6.0, 7.0, and 8.0)</p> <ul style="list-style-type: none"> • \$700 	<p>Single family home (Rule 4.0)</p> <ul style="list-style-type: none"> • \$250 <p>For subdivision of land, and all other projects (Rule 4.0)</p> <ul style="list-style-type: none"> • \$750 (Site size 0-4.99 acres) • \$1,000 (Site size 5-9.99 acres) • \$1,500 (Site Size over 10 acres)

	General Info	Surety	Non-Stormwater Fees	Stormwater Management Fees
<p>Carver County Watershed Management Organization</p>	<p>Carver County Water Resource Management Ordinance adopted by the County Board on June 28th, 2022</p>	<p>Erosion and Sediment Control Security: Security in the amount of \$1,000 per acre disturbed shall be provided. The minimum security required is \$1,000.</p> <p>Stormwater Security: Security in the amount of \$5,000 per acre disturbed shall be provided. The minimum security required is \$5,000.</p> <p>Maximum Amount: For projects disturbing up to 40 acres, the maximum security required of an individual responsible party is \$25,000. For projects disturbing 40 or more acres, the maximum security required of an individual responsible party is \$50,000.</p>	<ul style="list-style-type: none"> • \$250 (Erosion and Sediment Control (ESC) Permit) • \$250 (Combined ESC and Administrative Permit) 	<ul style="list-style-type: none"> • \$1,500 (when disturbed area is less than 20 acres) • \$2,000 (when disturbed area is 20 acres or more)
<p>Bassett Creek Watershed Management Commission</p>	<p>Effective August 1, 2022</p>		<ul style="list-style-type: none"> • \$500 (Single family lot) • \$2,000 (Projects requiring only erosion and sediment control review) • \$1,500 (Municipal projects) • \$2,000 (All other projects) • \$1,000 (Projects involving filling and compensating storage within or below 100-year floodplain) • \$2,000 (Projects involving work along Bassett Creek trunk system or inundation areas) 	<ul style="list-style-type: none"> • \$2,000 (Projects requiring rate control or treatment to MIDS performance goal) • \$1,000 (projects involving review of alternative BMPs)

General Info		Surety	Non-Stormwater Fees	Stormwater Management Fees
			<ul style="list-style-type: none"> • \$1,000 (Work involving creek crossings) • \$1,000 (Projects involving review of alternative best management practices [BMPs]) • \$1,000 (Projects involving variance requests) 	
Lower Minnesota River Watershed District	Effective May 1, 2020		<ul style="list-style-type: none"> • \$50 (Rule B for single family residential property) • \$750 (All rules for land disturbance under 5 acres) • \$1,000 (All rules for land disturbance from 5 acres to less than 10 acres) • \$1,500 (All rules for land disturbance 10 acres or more) 	<ul style="list-style-type: none"> • \$250 (Rule D for single family residential property) • \$750 (All rules for land disturbance under 5 acres) • \$1,000 (All rules for land disturbance from 5 acres to less than 10 acres) • \$1,500 (All rules for land disturbance 10 acres or more)

RESOLUTION 24-13

RESOLUTION OF THE LOWER MINNESOTA RIVER WATERSHED DISTRICT BOARD OF MANAGERS

Setting Fees for Lower Minnesota River Watershed District Permitting

Manager _____ offered the following Resolution and moved its adoption, seconded by Manager _____:

WHEREAS, the Lower Minnesota River Watershed District originally adopted watershed district rules on February 19, 2020 and adopted revised rules on October 17, 2022; and

WHEREAS, the LMRWD implements a permitting program to ensure compliance with LMRWD rules; and

WHEREAS, MN Statute 103D.345 authorizes the LMRWD to charge a permit application fee and field inspection fee to cover actual costs related to the investigation of the area affected by the proposed activity, analysis of the proposed activity, services of a consultant and any required subsequent monitoring of the proposed activity; and

WHEREAS, consultant billing and staff time is reviewed periodically to determine proposed fees; and

WHEREAS, non-compliance with LMRWD rules threatens water resources and represents inadequate performance by an applicant.

NOW, THEREFORE, BE IT RESOLVED that the Lower Minnesota River Watershed District Board of Managers adopts the attached fee schedule; and

BE IT FURTHER RESOLVED that the Lower Minnesota River Watershed District periodically review, and the Board adopt the Application/Inspection Fee schedule based on review of actual field costs and cost of analysis of the proposed activity.

The question was on the adoption of the Resolution and there were ___ yeas and ___ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
BARISONZI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KUPLIC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAMMERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SALVATO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VISWANATHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon a vote being taken, the President declared Resolution 24-13 adopted by the Board of Managers of the Lower Minnesota River Watershed District this 21st day of August 2024.

Joseph Barisonzi, President

ATTEST:

Lauren Salvato, Secretary

LMRWD permitting fees:

- For Single-Family Residential projects, adopt the following fee schedule:
 - \$150 for all LMRWD Rules
- For Rule B (Erosion and Sediment Control), adopt the following fee schedule:
 - \$1,000 for projects totaling less than 5 acres of land disturbance
 - \$1,500 for projects totaling 5 acres or more of land disturbance
- For Rule C (Floodplain and Drainage Alteration), Rule D (Stormwater Management), and Rule F (Steep Slopes), adopt the following fee schedule:
 - \$2,000 for projects totaling less than 5 acres of land disturbance
 - \$2,500 for projects totaling 5 acres or more of land disturbance
- For After-the-Fact Permits, adopt the following fee schedule:
 - Incurred on an hourly rate based on the service fees of the District Engineer (Young Environmental)
- Add clause to permit fees requiring permit applicant to reimburse LMRWD if cost to conduct permit review reaches or exceeds \$5,000. See Bassett Creek Watershed Management Commission Fee Schedule (August 2022) for guidance.



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, August 21, 2024

Agenda Item

Item 6. C. – Flying Cloud Airport Project (LMRWD No. 2024-016)

Prepared By

Linda Loomis, Administrator

Summary

Flying Cloud Airport has applied for a permit to make improvements that will increase the impervious surface at the airport. Young Environmental Consulting Group has reviewed the application and accompanying documentation on behalf of the LMRWD. Findings of the review and a recommendation can be found in Technical Memorandum – Flying Cloud Airport Project (LMRWD No. 2024-006) dated August 14, 2024.

Attachments

Technical Memorandum – Flying Cloud Airport Project (LMRWD No. 2024-006) dated August 14, 2024

Recommended Action

Motion to conditionally approve a permit for Flying Cloud Airport Project (LMRWD No. 2024-006) contingent upon the receipt of an executed maintenance agreement and documentation that the project has been approved by the City of Eden Prairie. The approved permit will have the following stipulation:

- Field verification of infiltration rates of the existing infiltration basins. If minimum infiltration rates that are used within the Hydro CAD model provided with the application cannot be achieved on-site, replacement or soil amendment will be required.

Technical Memorandum



To: Linda Loomis, Administrator
Lower Minnesota River Watershed District (LMRWD)

From: Erica Bock, Water Resources Scientist
Hannah LeClaire, PE, Water Resources Engineer

Date: August 14, 2024

Re: Flying Cloud Airport Project (LMRWD No. 2024-016)

The Flying Cloud Airport, managed by Metropolitan Airports Commission (MAC), has applied for an individual project permit from the LMRWD to complete reconstruction of roads, maintenance of aprons, parking lot, and access driveways. The project is located at 9960 Flying Cloud Drive, in Eden Prairie, MN (Figure 1). The applicant's engineer, SEH, submitted the permit application, associated application exhibits, and construction plans for the Flying Cloud Airport Project.

The project proposes new and reconstructed impervious surfaces, which consists of removing existing pavement and base material and replacing it with geotextile fabric, aggregate base, bituminous pavement, concrete, and turf establishment. The project will disturb 2.07 acres and proposes 1.78 acres of new and reconstructed impervious surfaces.

The project is not located within the High Value Resource Area, Steep Slopes Overlay District, or the 100-year floodplain. The applicant proposes to begin construction in August 2024, following permit approval. The project proposes to use existing infiltration best management practices (BMPs) (Figure 2 and Figure 3) for stormwater management. The applicant has submitted the necessary materials and hydrologic and hydraulic analyses to show existing rate, volume, and water quality benefits of the existing infiltration basins. Because the City of Eden Prairie does not have their municipal permit, the project requires an LMRWD Individual Project Permit. The project triggers LMRWD Rule B—Erosion and Sediment Control and Rule D—Stormwater Management.

SUMMARY

Project Name:

Flying Cloud Airport

Purpose:

Road widening, road and pavement reconstruction

Project Size:

Area Disturbed	Existing Impervious	Proposed and Reconstructed Impervious
2.07 acres	1.77 acres	1.78 acres

Location:

9960 Flying Cloud Drive, Eden Prairie, MN 55347

LMRWD Rules:

Rule B – Erosion and Sediment Control
Rule D – Stormwater Management

Recommended Board Action:

Conditional approval

DISCUSSION

The LMRWD received the following documents for review:

- LMRWD permit application; received July 23, 2024.
- Authorization of Agent Form, dated August 2, 2024; received August 2, 2024.
- Flying Cloud Airport Cover Letter, by SEH, dated July 23, 2024; received July 23, 2024.
- Stormwater Management Figure, by SEH, dated July 18, 2024; received July 23, 2024.
- South Basin Figure, by SEH, dated July 19, 2024; received July 23, 2024.
- North Basin Figure, SEH, dated July 19, 2024; received July 23, 2024.
- Flying Cloud Airport Web Soils Survey, dated July 15, 2024; received July 23, 2024.
- Geotechnical Report by Element, dated November 15, 2018; received July 23, 2024.
- Revised HydroCAD Model and Report; received August 2, 2024.
- MIDS Model and Report; received July 23, 2024.
- Draft Maintenance Agreement; received July 23, 2024.
- National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit, dated July 2, 2024; received July 23, 2024.
- Project construction plans, by SEH, dated March 18, 2024; received July 23, 2024.
- Revised Erosion and Sediment Control Plan, by SEH; received August 2, 2024.

The application was deemed complete on August 2, 2024, and the documents received provide the minimum information necessary for permit review.

Rule B – Erosion and Sediment Control

The LMRWD regulates land-disturbing activities that affect one or more acres under Rule B. The proposed project would disturb approximately 2.07 acres within the LMRWD boundary. The applicant has provided an erosion and sediment control plan and a Stormwater Pollution Prevention

Plan (SWPPP). Temporary erosion and sediment control measures include storm drain inlet protection, silt fence, and sediment control logs. The pervious areas will be restored with turf grass. The contractor is responsible and liable for inspection and maintenance of erosion and sediment control (ESC) features and their contact information is below.

Contractor and ESC Contact:

- Northwest Asphalt, Lance Guentzel, 952-292-8380, lguentzel@northwest-totalsite.com.

The applicant provided a copy of the NPDES construction stormwater permit. The project complies with Rule B.

Rule D – Stormwater Management

The project proposes a total of 1.78 acres of new and reconstructed impervious surfaces. To treat the new and reconstructed impervious surfaces, Flying Cloud Airport proposes to use existing stormwater management systems on-site, consisting of two previously constructed infiltration basins. To evaluate the ability of the basins to meet the LRMWD requirements, the applicant submitted a HydroCAD model and a MIDS model. The LMRWD reviewed the basins’ ability to treat all impervious surfaces draining to these two basins.

Section 5.4.1 of Rule D requires applicants to demonstrate no increase in the proposed runoff rates compared to existing conditions. Stormwater leaves the airport property from three catchments; two to the existing infiltration basins and one to storm sewer.

Table 1. Flying Cloud Airport Runoff Rate Summary

Rainfall Event (24-hour depth)	South Basin Existing	South Basin Proposed	North Basin Existing	North Basin Proposed	Romeo Lane Existing	Romeo Lane Proposed
2-year (2.86")	0 cfs	0 cfs	0 cfs	0 cfs	8.04 cfs	8.04 cfs
10-year (4.26")	0 cfs	0 cfs	0 cfs	0 cfs	52.76 cfs	52.76 cfs
100-year (7.43")	0 cfs	0 cfs	0 cfs	0 cfs	212.03 cfs	212.03 cfs

The reported runoff rates show no change from existing to proposed conditions, which was anticipated because there was no change in land use and a total increase of 0.1 new impervious acres.

Section 5.4.2 of Rule D requires projects to retain 1 inch of runoff from the new and fully

reconstructed impervious areas. There are 1.78 acres of proposed new and reconstructed impervious area. Therefore, the project must provide 0.15 acre-feet of volume retention to meet Rule D requirements for the project. However, because the infiltration basins have not been evaluated by the LMRWD yet, the basins are required to have capacity to treat the entirety of the impervious area draining to them. This was evaluated with a HydroCAD model, and the storage modeled within the basins. Geotechnical reports and soil borings were submitted to validate the infiltration rates used by the HydroCAD model; however, field verification of infiltration rates during construction will be required as a final permit stipulation.

Table 2. Flying Cloud Airport Volume Control Summary

BMP	Impervious Acres in Drainage Area	Required Storage (1" times impervious)	Storage Provided ¹	Storage Up to 48-hour drawdown time ²
South Basin	11.98 acres	1.00 acre-feet	27.25 acre-feet	1.52 acre-feet
North Basin	49.51 acres	4.13 acre-feet	48.32 acre-feet	6.54 acre-feet

The project’s volume control has been achieved through storage in the existing infiltration basins, and the project complies with Rule D volume requirements.

Section 5.4.3 of Rule D requires a no net increase in total phosphorus (TP) or total suspended solids (TSS) to receiving waterbodies when compared to existing conditions. The applicant proposes to meet the water quality requirements using the two existing infiltration basins. Because there was minimal change (+0.1 next increase) in impervious surfaces and no change in land use, there was no change in water quality; however, the basins were evaluated to determine their current pollutant removal efficiency. Water quality calculations were completed using a MIDS model and the supporting documentation was submitted. The MIDS model evaluates the TSS and TP loading the infiltration basin, and results are reported as a whole. The LMRWD does not have a 48-hour drawdown requirement, but the basins were modeled to only show TSS and TP removal requirements for treatment depths up to a 48-hour drawdown time and the basins treat more water.

¹ This is the storage provided before the pond would begin to discharge from the infiltration basins. According to the applicant, there has been no issues with flooding on-site. According to the HydroCAD model, no stormwater discharges from the infiltration basins for the 100-year storm event.

² The 48-hour draw-down time is a requirement by the MPCA, not the LMRWD; however, it shows the existing infiltration basins, meet the current requirements of the MPCA as well.

Table 3. Flying Cloud Airport Water Quality Summary

	TP (lb/yr)	TSS (lb/yr)
Pollutant Loading	143	26,052
Pollutant Removed by BMPs	137	24,868
% Reduction	96%	95%

As presented, the pollutant load is reduced for both TP and TSS for the Flying Cloud Airport, meaning the project meets the water quality requirements established under Rule D.

Recommendations

Based on review of the project, we recommend conditional approval of construction at Flying Cloud Airport with field verification of infiltration rates, contingent on the receipt of the following:

- Executed maintenance agreement.
- Documentation of approval from the City of Eden Prairie.

The approved project permit will have the following stipulation:

- **Verification of infiltration rates:** The LMRWD will require field verification of infiltration rates of the existing infiltration basins. If minimum infiltration rates that are used within the HydroCAD model cannot be achieved on-site, replacement or soil amendment will be required.

Attachments

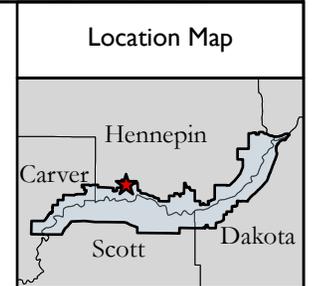
- Figure 1—Flying Cloud Airport Project Location Map
- Figure 2—Flying Cloud Airport South Infiltration Basin
- Figure 3— Flying Cloud Airport North Infiltration Basin



Figure I: Flying Cloud Airport Project Location LMRWD No. 2024-016



- ### Legend
- Stormwater BMP
 - New & Reconstructed Impervious
 - Public Waters
 - Public Waterbodies
 - Steep Slope Overlay District
 - 100-yr Floodplain



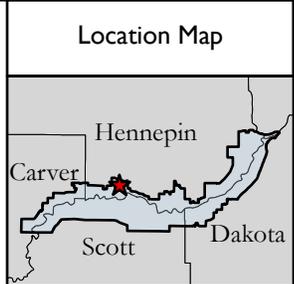
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Figure 2: Flying Cloud Airport Tango Pavement Reconstruction LMRWD No. 2024-016



- ### Legend
- Stormwater BMP
 - New & Reconstructed Impervious



Projects\LMRWD\Project Reviews\02 In Process\2024-016 Flying Cloud Airport\04 GIS



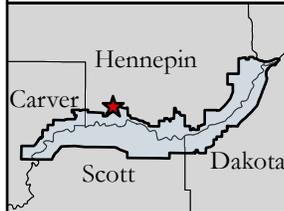
Figure 3: Flying Cloud Airport Access Road
LMRWD No. 2024-016



0 140 280 Feet

- Legend**
- Stormwater BMP
 - New & Reconstructed Impervious

Location Map



Projects\LMRWD\Project Reviews\02 In Process\2024-016 Flying Cloud Airport\04 GIS



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, August 21, 2024

Agenda Item

Item 7. A. – LMRWD Bylaws Update

Prepared By

Linda Loomis, Administrator

Summary

At the July 17, 2024, meeting, LMRWD bylaws were presented to the Board of Managers with some suggested changes. The Board asked that some of the suggested changes be revised and presented to the Board at the August 21, 2024, meeting.

Revisions have been made and typos corrected. One revision that was requested was in regard to the “Conflict of Interest”. It was suggested that language be added to include staff and consultants in the Conflict-of-Interest section. This was not done, as it could be argued that bylaws do not cover staff and consultants. There are MN Statutes that deal with conflicts of interest for consultants. Conflicts of Interest for staff and consultants are more properly addressed in employee rules which would be covered in an employee handbook or in contracts between the LMRWD and consultants.

A section regarding Board Committees was added.

To amend the by-laws the Board of Managers must provide thirty (30) days written notice of the proposed changes or waive the notice by unanimous consent of the Managers.

Attachments

- MN Statute 10A.07 – Conflicts of Interest
- LMRWD Bylaws-redlined
- LMRWD bylaws-clean copy

Recommended Action

- Motion to waive notice and adopt LMRWD Bylaws revised August 21, 2024; or
- Motion to provide thirty (30) days written notice

10A.07 CONFLICTS OF INTEREST.

Subdivision 1. **Disclosure of potential conflicts.** (a) A public official or a local official elected to or appointed by a metropolitan governmental unit who in the discharge of official duties would be required to take an action or make a decision that would substantially affect the official's financial interests or those of an associated business, unless the effect on the official is no greater than on other members of the official's business classification, profession, or occupation, must take the following actions:

(1) prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest;

(2) deliver copies of the statement to the official's immediate superior, if any; and

(3) if a member of the legislature or of the governing body of a metropolitan governmental unit, deliver a copy of the statement to the presiding officer of the body of service.

If a potential conflict of interest presents itself and there is insufficient time to comply with clauses (1) to (3), the public or local official must orally inform the superior or the official body of service or committee of the body of the potential conflict.

(b) For purposes of this section, "financial interest" means any ownership or control in an asset that has the potential to produce a monetary return.

Subd. 2. **Required actions.** (a) If the official is not a member of the legislature or of the governing body of a metropolitan governmental unit, the superior must assign the matter, if possible, to another employee who does not have a potential conflict of interest.

(b) If there is no immediate superior, the official must abstain, if possible, by assigning the matter to a subordinate for disposition or requesting the appointing authority to designate another to determine the matter. The official shall not chair a meeting, participate in any vote, or offer any motion or discussion on the matter giving rise to the potential conflict of interest.

(c) If the official is a member of the legislature, the house of service may, at the member's request, excuse the member from taking part in the action or decision in question.

(d) If an official is not permitted or is otherwise unable to abstain from action in connection with the matter, the official must file a statement describing the potential conflict and the action taken. A public official must file the statement with the board and a local official must file the statement with the governing body of the official's political subdivision. The statement must be filed within a week of the action taken.

Subd. 3. **Interest in contract; local officials.** This section does not apply to a local official with respect to a matter governed by sections 471.87 and 471.88.

Subd. 4. **Exception; judges.** Notwithstanding subdivisions 1 and 2, a public official who is a district court judge, an appeals court judge, or a supreme court justice is not required to comply with the provisions of this section.

History: 1974 c 470 s 7; 1975 c 271 s 6; 1978 c 463 s 33; 1986 c 444; 1990 c 608 art 2 s 1; 1999 c 220 s 50; 2013 c 138 art 2 s 2; 2018 c 119 s 11,12

**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."*)

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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~~ LMRWD'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.
5. Establish, adopt and enforce standards to promote responsible and sustainable land use and development.
6. Prevent erosion of soil into surface water systems.
7. Promote groundwater recharge.
8. Protect and enhance fish and wildlife habitat and water recreational facilities.
9. Secure the other benefits associated with the proper management of surface and groundwater.
10. ~~Cooperate with, aid and assist the state and/or federal government to provide for commercial river transportation~~ Assist and facilitate the efforts of state and federal agencies to maintain the Minnesota River 9-foot Navigation Channel.

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~~80 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 the City of 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 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, in accordance with Minnesota Statutes section 103D.315, subdivision 2.

Section 5. VACANCIES: Any manager who is unable to fulfill ~~his/her~~the individual's three-year term of office on LMRWD Board of Managers shall notify ~~his/her~~the respective

county Board of Commissioners of the fact ~~he/she~~the individual will ~~be~~ leaving ~~his/her~~ the position as manager on the LMRWD so the county ~~he/she represents~~ represented 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 in accordance with the LMRWD travel policy. Managers cannot be reimbursed for alcoholic beverages.

Commented [LL1]: Does the Board want to limit the number of extra meetings per month?

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. In order to facilitate proper audit and closure of the fiscal year, all claims for expenses or per diem incurred in a preceding fiscal year, shall be submitted within 60 days of the close of the fiscal year.

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~~ more than 15 minutes 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.

~~(g)~~ The Board of Managers shall have the authority to hire, terminate and set the terms of employment for all staff and contractors necessary for the operation of the LMRWD. The Board shall approve and periodically review employment

policies and procedures to ensure compliance with applicable laws and alignment with the mission and values of the organization.

**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 AND CONCURRENT 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. When the composition of the Board is less than five members, a member may hold concurrent offices or the office of Assistant Treasurer may remain vacant.

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 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: All 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.

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

Section 3. 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.

Section 4. PUBLIC HEARINGS: Public hearings shall be conducted as required by law or, in addition, as directed by the Board of Managers.

Section 5. 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 6. QUORUM and ADJOURNED MEETING: At all meetings of the Managers, a majority of the appointed Managers 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 7. 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 9. 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 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 10. COMMITTEES OF THE BOARD: The Board of Managers may create such committees as necessary to meet the needs of the organization. There may be "Standing Committees" which are established for multiple years or terms as designated by the President and agreed to by the Board of Managers. There may also be temporary or "ad hoc" committees established by the President to meet the immediate needs or expectations of the Board of Managers.

Section 11.10. CONFLICTS OF INTEREST: ~~LMRWD seeks to assure public confidence in the integrity of its proceedings by holding itself to high ethical standards and operate with the highest ethical standards. To avoid Conflicts of Interest, (or appearance thereof) 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, a manager with a personal financial interest, or any other private interest or relationship, in a matter scheduled to come before the board must inform the board. Such managers, must abstain from chairing any meeting, participating as a Manager (including sitting with the other Managers) or engaging in any discussion, motion, or vote matters that substantially affect their financial interest, that of a family member, an associated business. This abstention is required unless the impact on the Manager's interest is no greater than it would be on any other member of their profession, occupation or business classification.~~

Managers must also abstain from chairing any meeting, participating in any discussion, offering any motion, or voting on any matter in which a private interest or relationship of the manager is involved. A Manager who abstains may, however, exercise the same rights as other private citizens from the audience and provide information when and to the extent authorized by the President. The manager's nonparticipation in the matter will be recorded in the minutes.

Section 124. 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. These by-laws may be amended, repealed, or adopted by a majority of the LMRWD Board of Managers during any meeting of the LMRWD Board of Managers upon thirty (30) days written notice of the proposed change in its entirety. Notice may be waived by unanimous consent of the Managers. Notice of such alteration or amendment shall be indicated on the agenda 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 ~~19th~~ day of ~~October~~, 202~~24~~ by the Lower Minnesota River Watershed District Board of Managers and signed by the President and Secretary of the organization.

By: ~~Jesse Hartmann~~ Joseph Barisonzi _____ Date
President

By: Lauren Salvato _____ Date
Secretary

**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 LMRWD'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.
5. Establish, adopt and enforce standards to promote responsible and sustainable land use and development.
6. Prevent erosion of soil into surface water systems.
7. Promote groundwater recharge.
8. Protect and enhance fish and wildlife habitat and water recreational facilities.
9. Secure the other benefits associated with the proper management of surface and groundwater.
10. Assist and facilitate the efforts of state and federal agencies to maintain the Minnesota River 9-foot Navigation Channel.

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 80 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 the City of 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 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 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, in accordance with Minnesota Statutes section 103D.315, subdivision 2.

Section 5. VACANCIES: Any manager who is unable to fulfill the individual's three-year term of office on LMRWD Board of Managers shall notify the respective county Board of Commissioners of the fact the individual will be leaving the position as manager on the

LMRWD so the county the individual 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 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. In order to facilitate proper audit and closure of the fiscal year, all claims for expenses or per diem incurred in a preceding fiscal year, shall be submitted within 60 days of the close of the fiscal year.

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 more than 15 minutes 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.
- (g) The Board of Managers shall have the authority to hire, terminate and set the terms of employment for all staff and contractors necessary for the operation of the LMRWD. The Board shall approve and periodically review employment policies and procedures to ensure compliance with applicable laws and alignment with the mission and values of the organization.

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 AND CONCURRENT 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. When the composition of the Board is less than five members, a member may hold concurrent offices or the office of Assistant Treasurer may remain vacant.

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 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.

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

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Section 8. 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 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 website. The meetings may be cancelled and rescheduled at any time that the Managers deem necessary.

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Section 4. PUBLIC HEARINGS: Public hearings shall be conducted as required by law or, in addition, as directed by the Board of Managers.

Section 5. 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 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 6. QUORUM and ADJOURNED MEETING: At all meetings of the Managers, a majority of the appointed Managers 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 7. 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.

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Section 9. 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 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 10. COMMITTEES OF THE BOARD: The Board of Managers may create such committees as necessary to meet the needs of the organization. There may be “Standing Committees” which are established for multiple years or terms as designated by the President and agreed to by the Board of Managers. There may also be temporary or “ad hoc” committees established by the President to meet the immediate needs or expectations of the Board of Managers.

Section 11. CONFLICTS OF INTEREST: LMRWD seeks to assure public confidence and operate with the highest ethical standards. To avoid Conflicts of Interest, (or appearance thereof) a manager with a personal financial interest, or any other private interest or relationship, in a matter scheduled to come before the board must inform the board. Such managers, must abstain from chairing any meeting, participating as a Manager (including sitting with the other Managers) or engaging in any discussion, motion, or vote matters that substantially affect their financial interest, that of a family member, an associated business. This abstention is required unless the impact on the Manager’s interest is no greater than it would be on any other member of their profession, occupation or business classification.

Managers must also abstain from chairing any meeting, participating in any discussion, offering any motion, or voting on any matter in which a private interest or relationship of the manager is involved. A Manager who abstains may, however, exercise the same rights as other private citizens from the audience and provide information when and to the extent authorized by the President. The manager’s nonparticipation in the matter will be recorded in the minutes.

Section 12. 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. These by-laws may be amended, repealed, or adopted by a majority of the LMRWD Board of Managers during any meeting of the LMRWD Board of Managers upon thirty (30) days written notice of the proposed change in its entirety. Notice may be waived by unanimous consent of the Managers. Notice of such alteration or amendment shall be indicated on the agenda 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 21st day of August, 2024 by the Lower Minnesota River Watershed District Board of Managers and signed by the President and Secretary of the organization.

By: Joseph Barisonzi
President

Date

By: Lauren Salvato
Secretary

Date



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, August 21, 2024

Agenda Item

Item 7. B. – Biennial Solicitation for Legal Services

Prepared By

Linda Loomis, Administrator

Summary

In February 2024, the LMRWD solicited letters of interest from firms interested in providing legal services for the LMRWD. The LMRWD received proposals from 4 interested firms: current legal services providers, Rinke Noonan, Attorneys at Law, Flaherty Hood, Smith Partners and Ojanen Law Office. After conducting interviews with representatives from each candidate in April, the Board of Managers narrowed the field to two candidates: Rinke Noonan and Flaherty Hood. The Board was unable to select a proposal and tabled a decision to a future date.

At a subsequent meeting the Board continued the decision until the new appointment from Hennepin County was sworn in. It is anticipated that the new appointment from Hennepin County will be sworn in at the August Board of Managers meeting. The Board should set a date certain for Rinke Noonan and Flaherty Hood to present to the Board and make note of any specific information that they would like to have presented.

Attachments

[Proposal submitted to LMRWD by Flaherty | Hood P. A.](#)

[Proposal submitted to LMRWD by Rinke Noonan, Attorneys at Law](#)

Recommended Action

Set date to receive presentations by candidates to provide legal services.



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, August 21, 2024

Agenda Item

Item 7. C.- 2025 Legislative agenda and authorize solicitation for lobbying services

Prepared By

Linda Loomis, Administrator

Summary

It is time for the LMRWD to set its legislative agenda for the 2025 session. Lisa Frenette, legislative liaison for the LMRWD, has given the LMRWD notice that she is retiring.

Legal Counsel has advised that it is up to the Board of Managers how to proceed finding a new legislative liaison. A draft Request for Proposals is attached for the Board's Review. The Board should advise the Administrator of any revisions to the draft Request for Proposals and then determine how to proceed in finding a replacement. Typically, when professional services are solicited, requests for proposals are published in the State Register and 30 days is allowed for receipt of proposals. Since it is so close to the beginning of the next legislative session, it may be better to follow a different process, so that the LMRWD's new lobbyist can assist the Board in developing legislative priorities.

The last time the LMRWD looked for a lobbyist, in 2027, individuals were recommended to the LMRWD by its retiring lobbyist. The Board asked the Administrator to interview the individuals and make a recommendation to the Board, since the lobbyist works most closely with the Administrator. Three candidates were interviewed, and Lisa Frenette was recommended to the Board.

The Board can ask the Personnel Committee to interview potential lobbyists and bring a recommendation to the Board at the September meeting.

In addition, the Board should think about priorities for the 2025 legislative session.

Attachments

Draft Request for Qualifications for Government Relations Consultant

Recommended Action

Approve draft Request for Qualifications for Government Relations Consultant and authorize publication.

August 21, 2024

Request for Qualifications

Government Relations Consultant

The Lower Minnesota River Watershed District is a watershed district established and operating pursuant to Minnesota Statutes chapters 103B and 103D (“LMRWD”); whose purpose is to protect, preserve and use natural surface and groundwater storage and retention systems; minimize public capital expenditures needed to correct flooding and water quality problems; identify and plan for means to effectively protect and improve surface and groundwater quality; establish more uniform local policies and official controls for surface and groundwater management; Prevent soil erosion into surface water systems; promote groundwater recharge; protect and enhance fish and wildlife habitat and water recreational facilities; and secure the other benefits associated with proper surface and groundwater management. The LMRWD serves as the local sponsor for the US Army Corps of Engineers maintenance of the Minnesota River 9-foot Navigation Channel.

LMRWD seeks a Government Relations Consultant to provide an ongoing process of advancing the interests of the LMRWD by assisting in the development and promotion of the LMRWD legislative agenda and by:

- Identifying the legislative consequences of choices;
- Discussing alternatives
- Educating the LMRWD Board and staff about the issues involved; and
- Informing the LMRWD Administrator of potential legislation that might affect LMRWD governance, programs or operations.

In this function the LMRWD Government Relations Consultant shall possess an understanding of current LMRWD programs and priorities; establish and maintain a professional relationship with key legislators and other elected or appointed officials and agency representatives; and seek to advance LMRWD priorities in formal and informal settings.

The LMRWD Government Relations Consultant shall possess considerable experience in; 1) legislative processes, 2) watershed/natural resource governance, and 3) agency and local government, as related to water and natural resource management. In addition, the LMRWD Government Relations Consultant will have a working knowledge of the statutes and rules under which watersheds operate.

Scope of Services

General Lobbyist Services on Retainer

- A. The LMRWD Government Relations Consultant shall provide lobbyist services, during regular legislative sessions and advocacy services on behalf of the client for the remaining months of the agreement.
- B. Retainage shall also provide for:
 1. Meet annually with LMRWD Board Members and staff to develop a legislative policy agenda that supports the LMRWD's strategic priorities.
 2. Provide legislative research and updates on legislative proposals that may affect the LMRWD and its operations.
 3. Conduct weekly verbal briefings with LMRWD staff during the legislative session.
 4. Provide monthly written reports to LMRWD staff during the legislative session on proposals that may affect LMRWD and its operations.
 5. Meet with LMRWD Board Members and staff to debrief and adjust the policy agenda, after each legislative session.
 6. Provide legislative representation for the LMRWD by coordinating with others interested in legislation, meeting with legislators, attending appropriate committee hearings, developing written lobbying materials and providing or arranging testimony before legislative committees as needed.

Understanding of State, Regional and Local Government and Watershed Management

The LMRWD Government Relations Consultant will:

- A. Demonstrate a current understanding of issues relative to LMRWD governance, projects, or programs.
- B. Maintain a current understanding of LMRWD programs and activities.
- C. Be aware of state and regional plans and priorities related to watershed and natural resource management.
- D. Possess a high professional regard among his/her peers.

District Policy Relating to Member Communities and Other Governmental Jurisdictions

It is the policy of the LMRWD that District Consultants may not simultaneously represent governmental jurisdictions fully or partially located within the LMRWD without prior written approval from the LMRWD Board of Managers.

District Policy Related to Non-Discrimination

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

Submittal Requirements (please limit your response to 5 pages or less):

Proposals shall be submitted electronically to info@lowermnriverwd.org by 4:00 p.m. on, October 3, 2024. Proposals shall include the following:

- A. A summary of your firm's experience and expertise to meet the requirements outlined in the Scope of Services.
- B. The names and qualifications of consultants working for LMRWD.
- C. A list of other staff, their qualifications, and a description of the type of activities they will do on behalf of the LMRWD.
- D. A list of sub-consultants, their qualifications, and a description of the type of activities they will do on behalf of the LMRWD.
- E. The proposed fee and payment structure including those charged by sub-consultants.

The District reserves the right to accept or reject any or all responses, in part or in whole, and to waive any minor informalities, as deemed in the District's best interests. In determining the most advantageous proposal, the District reserves the right to consider matters such as, but not limited to, consistency with the District's watershed management plan goals, and the quality and completeness of the consultant's completed projects similar to the proposed project



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, August 21, 2024

Agenda Item

Item 7. D. – Education & Outreach

Prepared By

Linda Loomis, Administrator

Summary

The LMRWD sent postcards to reach out to residents that may be interested in joining the Citizen Advisory Committee (CAC). An area of the LMRWD that was not already represented on the CAC was targeted. Several individuals responded and Young Environmental Consulting Group, on behalf of the LMRWD, had conversations with them and is recommending those individuals be appointed to the CAC.

A summary of the conversations along with recommendations is attached, along with a resolution appointing new members to the CAC.

Attachments

Technical Memorandum - New Applicants for the LMRWD Citizen Advisory Committee dated August 14, 2024

Resolution 24-12 2024 Citizen Advisory Committee Appointments

Recommended Action

Motion to adopt Resolution 24-12 2024 Citizen Advisory Committee Appointments

Technical Memorandum



To: Linda Loomis, Administrator
Lower Minnesota River Watershed District (LMRWD)

From: Suzy Lindberg, Communications Manager

Date: August 14, 2024

Re: New Applicants for the LMRWD Citizen Advisory Committee

Following a summer 2024 recruitment push that included community events and a direct-mail postcard campaign, the LMRWD received applications from five community members interested in joining the growing Citizen Advisory Committee (CAC). Many applicants are from the Shakopee, Minnesota, region, which was a targeted area for the postcard.

Meet the Applicants

Karl Disney is a certified public accountant who lives near Dean's Lake. Karl is interested in serving on the CAC because he believes water management is important in addressing the impacts of climate change. He is a first-time volunteer and is interested in contributing to the conservation of water and natural resources within his community.

Kati Johngrass lives in Savage, Minnesota, and has a lifelong passion for volunteering and community service. She has a perpetual curiosity for nature and has been seeking new ways to give back to her community and improve the environment. She stated that the CAC seems like a perfect fit to align with her desire to help conserve local natural resources. She wants to help educate the community and bring a sense of ownership on how the public can support improving and maintaining waterways. Although not formally trained as an educator, Kati has 14 years of experience directly managing and coaching through her roles as customer service manager at Burley Foods and executive team leader at Target. She lives near the Savage Fen and the Rudy Kramer Nature Preserve and believes it is critical to protect these areas for future generations.

Meah Vogel is earning a degree in ecology at Normandale Community College. She is interested in the local environment and how she can protect it as a young person. She applied to the CAC to learn more while implementing her own ideas. She brings project experience with the Metropolitan Council, where she used community outreach to bring proposals forward. She is interested in

environmental topics that include gardening and native plants to bring biodiversity to her neighborhood. In addition to her college career, Meah is a store associate at Target.

John Williams is a teacher who lives near Dean's Lake. He is passionate about improving and preserving the environment for future generations. As a teacher with South Washington County Schools, he identified the CAC opportunity as a way to model involvement in watershed management to his students. He is interested in learning to implement conservation practice and include these topics in his curriculum. His family has adopted a section of highway in Minnesota to care for, and he volunteers as a water quality monitor for a lake in northern Minnesota. John noted his schedule would allow him to be involved in various capacities to support the LMRWD's mission and goals.

Kathryn Zebrev is a self-employed real estate agent who lives near Dean's Lake. Kathryn grew up near the Minnesota River and has a bachelor's degree in science with a wildlife management specialization. She believes water and preservation are key to sustainability, and she is an avid recreational user of the cross-country running trails within the LMRWD. Through her work in real estate, she is dedicated to all members of the community and works to improve access to local water and natural resources.

Recommendations

All applicants have received communication with a thank-you letter and next steps for approval. We have invited them to attend the August Board meeting, where their applications will be discussed and approved. Following review, we recommend approving all five applicants to join our CAC, bringing our total number to 11 active participants. Based on the success of the direct-mail campaign, we will continue future targeted mailings to drive CAC recruitment. If members are approved, the LMRWD Education and Outreach team will devote an upcoming CAC meeting to onboarding the new members and resetting expectations for how the CAC functions. Young Environmental will lead discussions with the CAC about identifying meaningful work CAC members can complete using their skills and setting direction for continued success in 2025.

RESOLUTION 24-12

RESOLUTION OF THE LOWER MINNESOTA RIVER WATERSHED DISTRICT BOARD OF MANAGERS

2024 Citizen Advisory Committee Appointments

Manager _____ offered the following Resolution and moved its adoption, seconded by Manager _____:

WHEREAS, pursuant to Minnesota Statute 103D.331, the Lower Minnesota River Watershed District (LMRWD) Board of Managers must annually appoint a Citizen Advisory Committee (CAC), organized to assist the LMRWD Board of Managers on matters affecting the interests of the watershed district; and

WHEREAS, the CAC is organized to assist the LMRWD Board of Managers on matters affecting the interests of the watershed district; and

WHEREAS, statute requires the committee consist of at least five (5) members; and

WHEREAS, in 2024 the LMRWD received two applications for the CAC; and

WHEREAS, LMRWD staff has reviewed the applicant's background, experience, community service and geographic representation within the watershed and recommends the appointment.

NOW, THEREFORE, BE IT RESOLVED that the Lower Minnesota River Watershed District Board of Managers hereby appoint the following individuals to the 2024 Citizen Advisory Committee:

- | | |
|----------------|----------------|
| Karl Disney | John Williams |
| Kati Johngress | Kathryn Zebrev |
| Meah Vogel | |

The question was on the adoption of the Resolution and there were ___ yeas and ___ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
BARISONZI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KUPLIC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAMMERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALVATO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VISWANATHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(signatures on following page)

Upon a vote being taken, the President declared Resolution 24-12 adopted by the Board of Managers of the Lower Minnesota River Watershed District this 21st day of August 2024.

Joseph Barisonzi, President

ATTEST:

Lauren Salvato, Secretary



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, August 21, 2024

Agenda Item

Item 7. E. – 2025 LMRWD Budget

Prepared By

Linda Loomis, Administrator

Summary

The proposed budget submitted to the Board with the July meeting materials has been updated to include the July 2024 expenses incurred by the LMRWD. In addition, the budget explanation of the line items is attached.

Attachments

- 2025 Draft Budget – Total
- 2025 Draft Administrative Budget
- 2025 Levy Allocation table
- Line-item explanation of 2025 draft budget
- Notice from MN Board of Water & Soil Resources RE: 2024 Estimated Market Values for Watershed Districts dated July 24, 2024
- Taxes Payable 2024 – Estimated & Taxable Market Values (EMV) for Watershed District in Minnesota
- Table 4.1 Lower Minnesota River Watershed District – Implementation Program Budget 2023-2027
- Certification of Apportioned Levies Payable 2025
- Resolution 24-21 To Call for a Public Hearing on the 2025 Budget and Levy
- Resolution 24-15 Preliminary Certification of Property Tax Levies for Carver County for Taxes Payable 2025 and Preliminary Approval of 2025 Proposed Budget
- Resolution 24-16 Preliminary Certification of Property Tax Levies for Dakota County for Taxes Payable 2025 and Preliminary Approval of 2025 Proposed Budget
- Resolution 24-17 Preliminary Certification of Property Tax Levies for Hennepin County for Taxes Payable 2025 and Preliminary Approval of 2025 Proposed Budget
- Resolution 24-18 Preliminary Certification of Property Tax Levies for Scott County for Taxes Payable 2025 and Preliminary Approval of 2025 Proposed Budget
- Schedule A Payable 2025

Item 7. E. – 2025 LMRWD Budget

Executive Summary

August 21, 2024

Page 2

Recommended Action

Motion to adopt Resolution 24-21 Calling for a public hearing on the 2025 Budget and Levy

2025 LMRWD Budget for Administration Operations
2023 Adopted Budget/2023 Actuals/2024 Adopted/ 2024 YTD/2024 Projected/2025 Proposed

Account	Adopted 2023	2023 Actuals	2024 Adopted	2024 Actual YTD (Through 6/30/24)	Projected 2024	Proposed 2025
Revenues:						
General Property Tax						
1 Carver County	\$ 42,871.43	\$ 46,558.34	\$ 76,691.08	\$ 39,745.95	\$ 76,691.08	\$ 112,273.20
2 Dakota County	\$ 72,959.65	\$ 76,518.99	\$ 112,757.70	\$ 61,635.39	\$ 112,757.70	\$ 171,268.20
3 Hennepin County	\$ 318,293.13	\$ 286,572.54	\$ 473,452.15	\$ 253,134.66	\$ 473,452.15	\$ 697,615.20
4 Scott County	\$ 290,875.80	\$ 332,061.92	\$ 512,099.08	\$ 263,729.67	\$ 512,099.08	\$ 818,843.40
Total Levy:	\$ 725,000.01	\$ 741,711.79	\$ 1,175,000.01	\$ 618,245.67	\$ 1,175,000.01	\$ 1,800,000.00
5 Interest Income	\$ -	\$ 61,326.62	\$ -	\$ 28,919.62	\$ -	\$ -
6 MCES WOMP Grant	\$ 5,000.00	\$ 4,500.00	\$ 5,000.00	\$ 5,500.00	\$ 5,500.00	\$ 4,500.00
7 State of MN Grant for Dredge Material Management	\$ 240,000.00	\$ 240,000.00	\$ 240,000.00	\$ -	\$ 240,000.00	\$ 240,000.00
8 Metro-Area Watershed Based funding grants	\$ -	\$ 91,021.00	\$ -	\$ 96,866.00	\$ 96,866.00	\$ -
9 License Revenue from placement of dredge	\$ 25,000.00	\$ 20,513.00	\$ 25,000.00	\$ 11,979.00	\$ 25,000.00	\$ 25,000.00
10 Revenues from sale of dredge material	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 109,778.00	\$ -	\$ 5,000.00
11 Permit Fees	\$ -	\$ 7,400.00	\$ -	\$ 1,500.00	\$ 5,000.00	\$ -
12 Miscellaneous Income	\$ -	\$ 11,279.44	\$ -	\$ -	\$ -	\$ -
Total Revenues:	\$1,000,000.01	\$ 1,177,751.85	\$1,450,000.01	\$872,788.29	\$ 1,547,366.01	\$ 2,074,500.00
Expenses:						
13 Administration (from Administrative Budget Page)	\$ 250,000.00	\$ 297,304.50	\$ 377,838.00	\$ 207,373.55	\$ 377,838.00	\$ 450,950.00
Cooperative Projects						
14 Eden Prairie Bank Stabilization -Area #3	\$ -	\$ 154,736.24	\$ 100,000.00	\$ 115,365.73	\$ 100,000.00	\$ 100,000.00
15 Gully Erosion Contingency	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
16 Seminary Fen Ravine C-2	\$ 20,000.00	\$ -	\$ 90,000.00	\$ -	\$ 90,000.00	\$ 80,000.00
17 Eagle Creek Bank Restoration Town & Country RV Park Study	\$ -	\$ -	\$ 30,000.00	\$ -	\$ 30,000.00	\$ 69,800.00
18 Shakopee River bank Stabilization Project	\$ -	\$ -	\$ 50,000.00	\$ -	\$ 50,000.00	\$ 50,000.00
509 Plan Budget						
Resource Plan Implementation						
19 Watershed Resource Restoration Fund	\$ 100,000.00	\$ -	\$ 82,500.00	\$ -	\$ 82,500.00	\$ 100,000.00
20 Fen Private Land Acquisition Study	\$ -	\$ -	\$ 50,000.00	\$ -	\$ 50,000.00	\$ 25,000.00
21 Gully Inventory	\$ 90,500.00	\$ 81,264.54	\$ 150,000.00	\$ 21,483.25	\$ 150,000.00	\$ 150,000.00
22 Minnesota River Corridor Management Project	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
23 Gun Clun Fen Intrusion Investigation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
24 Assumption Creek Hydrology Restoration Project	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
25 Groundwater Screening Tool Model	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
26 Minnesota River Floodplain Model Feasibility Study	\$ 75,000.00	\$ 9,547.85	\$ -	\$ 5,385.50	\$ -	\$ -
27 Schroeder's Acres Park/Savage Fen Stormwater Management	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28 Downtown Shakopee Stormwater BMPs	\$ 50,000.00	\$ -	\$ 50,000.00	\$ -	\$ 50,000.00	\$ -
29 PLOC Realignment/Wetland Restoration	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
30 Spring Creek Project	\$ 90,000.00	\$ 54,396.52	\$ 100,000.00	\$ 9,909.85	\$ 100,000.00	\$ 100,000.00
31 West Chaska Creek Project	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
32 Sustainable Lakes Management Plan (Trout Lakes)	\$ -	\$ -	\$ 50,000.00	\$ -	\$ 50,000.00	\$ 50,000.00
33 Geomorphic Assessments (Trout Streams)	\$ -	\$ -	\$ 100,000.00	\$ 61,565.24	\$ 100,000.00	\$ -
34 Fen Stewardship Program	\$ 75,000.00	\$ 51,540.00	\$ 75,000.00	\$ 56,033.07	\$ 75,000.00	\$ 75,000.00
35 District Boundary Modification Project	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
36 East Chaska Creek Bank Stabilization Project	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
37 Minnesota River Sediment Reduction Strategy	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
38 Local Water Management Plan reviews	\$ 5,000.00	\$ 31.25	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00
39 Project Reviews	\$ 50,000.00	\$ 108,379.50	\$ 50,000.00	\$ 74,194.60	\$ 50,000.00	\$ 100,000.00
40 Monitoring	\$ 75,000.00	\$ 48,750.94	\$ 75,000.00	\$ 6,020.75	\$ 75,000.00	\$ 75,000.00
41 Watershed Management Plan						
42 Legal expense related to rule enforcement & implementation	\$ -	\$ -	\$ -	\$ 1,869.00	\$ 1,869.00	\$ -
43 Technical expense related to plan & rule development	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
44 Municipal Coordination	\$ -	\$ -	\$ -	\$ 4,305.75	\$ 3,041.25	\$ -
45 Rule Enforcement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
46 Public Education/Citizen Advisory Committee/Outreach Program	\$ 85,000.00	\$ 78,753.95	\$ 115,000.00	\$ 48,457.95	\$ 115,000.00	\$ 150,000.00
47 Cost Share Program	\$ 20,000.00	\$ 20,586.50	\$ 20,000.00	\$ 5,469.97	\$ 20,000.00	\$ 20,000.00
Nine Foot Channel						
48 Dredge site operations	\$ 240,000.00	\$ 305,473.35	\$ 240,000.00	\$ 17,920.98	\$ 240,000.00	\$ 240,000.00
49 Dredge Site Restoration	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Bonded Debt Levy						
50 Area #3 Bonds	\$ -	\$ -	\$ 300,000.00	\$ -	\$ 300,000.00	\$ 300,000.00
Total Non-administrative Expenses:	\$ 975,500.00	\$ 913,460.64	\$ 1,432,500.00	\$ 427,981.64	\$ 1,437,410.25	\$ 1,689,800.00
52 Total Administrative Expenses (from line 13)	\$ 250,000.00	\$ 297,304.50	\$ 377,838.00	\$ 207,373.55	\$ 377,838.00	\$ 450,950.00
53 Total Expenses	\$ 1,225,500.00	\$ 1,210,765.14	\$ 1,810,338.00	\$ 635,355.19	\$ 1,815,248.25	\$ 2,140,750.00
54 Revenue less Expenses	\$ (225,499.99)	\$ (33,013.29)	\$ (360,337.99)	\$ 237,433.10	\$ (267,882.24)	\$ (66,250.00)
55 Beginning Fund Balance - January 1		\$ 1,953,659.65		\$ 1,376,420.36		\$ 1,613,853.46
56 Total Revenue		\$1,177,751.85		\$872,788.29		\$ 2,074,500.00
57 Total Expenses		\$ (1,210,765.14)		\$ (635,355.19)		\$ (2,140,750.00)
58 Ending Fund Balance - December 31 (bold figures are projected)		\$ 1,953,659.65	\$ 1,920,646.36	\$ 1,376,420.36	\$ 1,613,853.46	\$ 1,547,603.46

2024 proposed LMRWD Budget for Administration Operations
2023 Adopted Budget/2023 Actuals/2024 Adopted/ 2024 YTD/2024Projected/2025 Proposed

Account	Adopted 2023	2023 Actual (unaudited)	Adopted 2024	YTD 2024 (Through 7/31/24)	Projected 2024	Adopted 2025
Expenses:						
59 Wages-General	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
60 Severance Allowance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
61 Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
62 PERA Expense	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
63 Payroll Tax (FICA/Medicare)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
64 Unemployment compensation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
65 Manager Per Diem	\$ 11,250.00	\$ 4,500.00	\$ 15,000.00	\$ 5,750.00	\$ 15,000.00	\$ 15,000.00
66 Manager Expense (mileage/food/registrations)	\$ 3,000.00	\$ 549.20	\$ 4,500.00	\$ 539.87	\$ 4,500.00	\$ 4,500.00
67 Telecommunications-Cell-Internet/Phone	\$ 1,000.00	\$ -	\$ 1,000.00	\$ -	\$ 1,000.00	\$ 1,000.00
68 Office Supplies	\$ 300.00	\$ 181.68	\$ 300.00	\$ 239.52	\$ 300.00	\$ 300.00
69 Meeting Supplies/Expense	\$ 100.00	\$ 94.25	\$ 100.00	\$ 71.00	\$ 100.00	\$ 300.00
70 Rent	\$ 7,800.00	\$ 6,500.00	\$ 7,800.00	\$ 3,900.00	\$ 7,800.00	\$ 7,800.00
71 Dues	\$ 7,500.00	\$ 1,300.00	\$ -	\$ -	\$ -	\$ 12,500.00
72 Miscellaneous-General	\$ 3,000.00	\$ 2,086.00	\$ 3,000.00	\$ 1,353.50	\$ 3,000.00	\$ 3,000.00
73 Training & Education	\$ 1,500.00	\$ 330.00	\$ 1,500.00	\$ -	\$ 1,500.00	\$ 1,500.00
74 Insurance & Bonds	\$ 11,000.00	\$ 10,318.00	\$ 12,000.00	\$ 1,306.00	\$ 12,000.00	\$ 12,000.00
75 Postage	\$ 375.00	\$ 21.63	\$ 300.00	\$ -	\$ 300.00	\$ 300.00
76 Photocopying	\$ 875.00	\$ 171.34	\$ 750.00	\$ 2.21	\$ 750.00	\$ 500.00
77 Legal Notices-General	\$ 1,500.00	\$ 800.40	\$ 2,000.00	\$ 67.50	\$ 2,000.00	\$ 2,000.00
78 Subscriptions & License Fees	\$ 250.00	\$ 580.99	\$ 400.00	\$ 162.00	\$ 400.00	\$ 500.00
79 Mileage	\$ 5,000.00	\$ 2,433.80	\$ 5,000.00	\$ 1,167.88	\$ 5,000.00	\$ 4,000.00
80 Taxable meal reimbursement	\$ 500.00	\$ 59.99	\$ 500.00	\$ 7.03	\$ 500.00	\$ 500.00
81 Lodging/ Staff Travel	\$ 1,500.00	\$ -	\$ 1,500.00	\$ -	\$ 1,500.00	\$ 1,500.00
82 Accounting/Financial Services	\$ 5,580.00	\$ 26,436.71	\$ 25,438.00	\$ 16,327.43	\$ 25,438.00	\$ 30,000.00
83 Audit Fees	\$ 15,000.00	\$ 3,279.81	\$ 30,000.00	\$ 3,000.00	\$ 30,000.00	\$ 30,000.00
84 Professional Services-General	\$ 104,970.00	\$ 98,718.75	\$ 153,000.00	\$ 85,500.00	\$ 153,000.00	\$ 175,000.00
85 Legal Fees-General	\$ 10,000.00	\$ 21,634.00	\$ 15,000.00	\$ 6,036.50	\$ 15,000.00	\$ 15,000.00
86 Engineering-General	\$ 35,000.00	\$ 100,290.05	\$ 75,000.00	\$ 70,209.11	\$ 75,000.00	\$ 100,000.00
87 Equipment-Maintenance	\$ 500.00	\$ 3,405.34	\$ 500.00	\$ -	\$ 500.00	\$ 500.00
88 Equipment-Lease	\$ 2,500.00	\$ 1,739.12	\$ 2,500.00	\$ 1,533.98	\$ 2,500.00	\$ 2,500.00
89 Lobbying	\$ 20,000.00	\$ 11,873.44	\$ 20,000.00	\$ 10,000.02	\$ 20,000.00	\$ 30,000.00
90 Bank fees and charges	\$ -	\$ 5,080.01	\$ 750.00	\$ 200.00	\$ 750.00	\$ 750.00
91 Total Expense for Administration:	\$ 250,000.00	\$ 297,304.50	\$ 377,838.00	\$ 207,373.55	\$ 377,838.00	\$ 450,950.00

Proposed Levy 2025

General Fund	428,450.00
Planning and Implementation Fund	1,071,550.00
Debt Service on Bond repayment	<u>300,000.00</u>
Apportioned Payable 2025 Levy	1,800,000.00

<u>County</u>	<u>Net Tax Capacity % Distribution</u>	<u>Apportioned Payable 2025 Levy</u>
Carver	6.2374%	112,273.20
Dakota	9.5149%	171,268.20
Hennepin	38.7564%	697,615.20
Scott	45.4913%	818,843.40
Watershed Total	100.0000%	1,800,000.00

2025 Budget Explanation of line items

5 Project funding proposed in the 2025 Budget is taken from Table 4-1 Implementation Program Budget found in Section 4 of the LMRWD Watershed Management Plan (as revised in 2022).
 Explanations for certain lines follow.

Line #	Cooperative Projects
	<i>Cooperative Projects are those projects that are intended to be completed by the LMRWD with other partners</i>
14	<p>Eden Prairie Bank Stabilization - Area #3</p> <p>The timeline for this project has been extended and hopefully this project will be ready to go for bid in late 2024. The LMRWD received state funds to construct this project and will need to match state funds in an amount equal to the state’s contribution. The City of Eden Prairie has indicated it will contribute \$400,000 to the project. The LMRWD applied for and received a \$50,000 grant from Hennepin County. At the August 2023 Board of Manager meeting, it was decided to issue bonds to raise the LMRWD share of the estimated project costs. The LMRWD will wait until bids for construction of the project have been received before a bond sale, however, it was recommended that the 2024 budget include an estimated first payment on the bonds. \$300,000 was included in the 2024 budget as bonded debt levy. \$300,000 is included in the 2025 budget for the same. If the money collected for repayment of debt is not used for that purpose it will be used to pay for direct costs of this project.</p>
16	<p>Seminary Fen Ravine B and Ravine C-2</p> <p>The City of Chaska provided plans to address several ravines that are actively discharging sediment into the Seminary Fen Wetland Complex. The ravines were labeled A, B and C-2. The costs and schedule to stabilize the ravines shown in Table 4.1 of the LMRWD Watershed Management Plan are based on information provided to the LMRWD by the City. The City developed a feasibility study to stabilize C-2 in 2022 and is now ready to implement the recommendations found in the study.</p> <p>The City of Chaska is ready to move ahead with construction of the project and has applied for and received a \$615,000 Clean Water Fund grant for the project. The estimated total cost of the project is \$1,007,532. The City is looking for additional funds for the project. The City received Watershed Based Implementation Funding of; \$87,742 from the Lower MN River WPA and \$201,325 from the Carver County WPA.</p> <p>The City is asking the LMRWD to redirect funds in the LMRWD implementation plan to this project rather than the projects identified in LMRWD Plan implementation table. Funds for site B will be redirected to site C-2</p>
17	<p>Eagle Creek Bank Restoration Town & Country RV Park Feasibility Study</p> <p>This project is a result of the municipal coordination meeting between the LMRWD and the City of Savage. Signs of hillslope failure have been observed near the campground on the Main Branch of Eagle Creek which is an added environmental stressor on Eagle Creek a designated trout stream. Funding to assess this area was included in the 2024 LMRWD budget. Funds in the 2025 budget are for stabilization of the area. The project will reduce sedimentation to the main branch of Eagle Creek.</p>
18	<p>Shakopee Riverbank Stabilization Project</p> <p>This project proposes stabilizing sections of the Minnesota River riverbank that are eroding along the City of Shakopee’s parallel trunk sanitary sewer line that flows to L-16 and other storm sewer outlets. Funds may be used to complete recommendations from the Shakopee Downtown BMP Study that are part of the MN River Stabilization project. The MN Riverbank stabilization project plans to stabilize the MN Riverbank from Huber Park downstream to The Landing. The City has received funds from the Federal Government and the State of Minnesota. There is a second project planned by the City of Shakopee that was identified in its Downtown BMP study. The City has received Watershed Based Implementation funding for this project from the Scott County WPA (Watershed Planning Area) (\$150,000) and the LMRWD WPA (\$87,743). The project will divert low flows from an</p>

2025 Budget Explanation of line items

	<p>existing storm sewer to provide treatment in a pond to allow for settling of sediment to remove TSS and TP. The project would be constructed in 2026 coordinated with the Riverbank Stabilization project. The contributing watershed is 257.3 acres (approximately 2/3 of the watershed currently has no treatment). Project includes diversion structure, grit chamber, pond area, outlet structure, etc. The estimated total cost of this project is \$500,000. The LMRWD may use funds from this line to fund that project.</p>
	<p>509 Plan Budget</p>
19	<p>Watershed Resource Restoration Fund This fund implements Goals 2 and 3, which are to protect, improve and restore surface water and ground water quality within the District. This program will fund projects sponsored by LGUs and were not identified at the time the Plan was adopted and/or updated. In 2022, the LMRWD Board of Managers accepted a request from the City of Burnsville to partner on the stabilization of a ravine along Willow Creek. \$67,500 of this line was used for that project. This fund was also used to contribute \$75,000 to the City of Carver to develop plans for the City’s levee improvement project, needed to apply for funding from the State of Minnesota. The Board recently approved a request from the City of Eagan to share in the cost to address a ravine that concentrated flows of stormwater have created. Table 4-1 in the revised Plan has allocated \$100,000 to this fund. At the August 2023 Board of Managers meeting, the amount of this line item was reduced to \$82,500. \$17,500 was re-directed to Education and Outreach, to allow the Board flexibility to provide funding for River Watch. In 2024, the LMRWD notified cities of the availability of this fund and solicited projects from cities. One project (although several other cities expressed interest) was submitted by the City of Eden Prairie which was evaluated and approved for \$45,154 funding from this fund dependent on the final cost of the project.</p>
20	<p>Fen Private Land Acquisition Study To preserve and protect fens in the District in perpetuity, the District will map and assess the values of adjacent private properties to each fen and work with corresponding municipalities, to consider opportunities to purchase private fen land for conservation. If land acquisition is not feasible, the District will consider opportunities to develop agreements with private property owners to ensure management of each fen is consistent and comprehensive.</p>
21	<p>Gully Inventory The gully inventory and condition assessment is an ongoing project. In 2023, the LMRWD prioritized gullies based on several factors. In 2025, funds will be used to develop feasibility studies for high priority gullies so that they can be stabilized.</p>
30	<p>Spring Creek Project Site 1 and Site 2 along Spring Creek will be stabilized using the Carver SWCD’s designs (increased riprap size and standard gradation recommended). The LMRWD is preparing to bid this project in 2024. These funds will be used to pay for the construction of the project.</p>
32	<p>Sustainable Lakes Management Plan (Trout Lakes) Implementation In 2019, the District developed Sustainable Lake Management Plans (SLMPs) for trout lakes within its boundary. In 2025, the LMRWD will reassess the Trout Lakes.</p>
34	<p>Fen Stewardship Program The District, in partnership with the DNR and Metropolitan Council, have developed a fen stewardship program for the District’s fens. This work will continue in 2025 to map recharge areas and begin implementation of the stewardship plans.</p>
38	<p>Local Water Management Plan Reviews The LMRWD is responsible for reviewing and approving local surface water management plans for all cities within the boundaries of the LMRWD. The LMRWD also reviews the plans to assure they are in conformance with the LMRWD standards.</p>

39	<p>Project Reviews</p> <p>This item includes costs incurred by the LMRWD to review non-LMRWD projects. Cities have been encouraged to apply for Municipal LGU permits.</p> <p>Eden Prairie has opted to have the LMRWD review projects within the boundaries of the LMRWD. The Cities of Chanhassen and Savage are working toward but have not yet received LGU permits. The LMRWD reviews projects in some cities that are within the 100-year floodplain or high value resource areas because they do not have official controls that reflect the standards of the LMRWD rules, even though they have Municipal LGU permits.</p> <p>The LMRWD is also responsible for reviewing MNDOT, and MAC (Metropolitan Airport Commission) projects and for the unincorporated areas of the District. The LMRWD collects permit fees on private projects, but fees do not entirely offset the cost of reviews. An increase in the permit review fees is on the August 2024 Board Agenda.</p>
40	<p>Monitoring</p> <p>The District will continue to perform water quantity and quality monitoring of resources within the boundaries of the District. The District's Monitoring Plan will be updated to include the geochemistry recommendations from the Fens Sustainability Gaps Analysis report and the monitoring parameter recommendations from the Quarry Lake Sustainable Lake Management Plan report.</p> <p>Over the past few years, the District has collected a large quantity of water quality data. The Plan includes a preliminary assessment of lake water quality data. However, the last comprehensive data evaluation was completed in 2000. Periodic data evaluations are necessary to convert data into information that decision makers can use. Data collected for each water resource will be evaluated on a 3-year or 5-year cycle. As part of Strategy 1.3.1, all water resources within the watershed will be evaluated. An outcome of Strategy 1.3.1 will be groupings of water resources into High, Medium, and Low categories for detailed data assessments and timetables formulated for each category.</p>
46	<p>Public Education/CAC/Outreach Program</p> <p>The 2025 projected costs the LMRWD plans to spend on public education include:</p> <ul style="list-style-type: none"> • Citizen Advisory Committee (CAC).....\$26,750.00 • District Signage.....\$10,000.00 • School Engagement/Mini-grant Program\$15,000.00 • Community Outreach & Engagement..... \$15,000.00 • Scott County Water Education Program.....\$7,500.00 • Project Management & Coordination w/Board.....5,000.00 • LMRWD website update/maintenance.....\$17,700.00 • Sponsor Minnesota River Congress.....\$400.00 • MN River Boat Tour/engagement activity.....\$10,500.00 • Sponsorship of Salt Symposium and Water Summit.....\$500.00 • Sponsor Metro Children’s Water Festival..... \$1,650.00 • Social Media.....\$10,000.00 • Friends of the MN Valley RiverWatch.....\$20,000.00 • Printing Postage, and other expenses.....\$5,000.00 • Coalition for a clean MN River.....<u>\$5,000.00</u> <p>TOTAL:.....\$150,000.00</p>
47	<p>Cost Share and Water Quality Restoration Program</p> <p>Table 4-1 of the LMRWD Watershed Plan Implementation Program show \$20,000 for this program.</p>
	<p>Nine Foot Channel</p>
48/49	<p>Dredge Operations/Restoration</p> <p>The District will continue its role as the local sponsor responsible for providing placement sites for the Army Corps of Engineers. The purpose is to place dredge material from the</p>

2025 Budget Explanation of line items

	<p>Minnesota River and maintain a 9-foot-deep river channel. This program includes the identification of locations to temporarily store dredge material from the river, private dredge spoil disposal and transfer, and other beneficial uses of the dredge material. The LMRWD is planning to a project for maintenance and repair of Vernon Avenue in 2024 and a culvert under the access road. This project will cost more than the LMRWD can cover using state funds. The Board has authorized the sale of bonds to finance the project and anticipates using state funds to repay the debt. Once the project has been bid, the LMRWD will know how much money is needed to fund the project.</p> <p>There will need to be some repairs made to the dredge material placement site. A section of the containment area blew out and several sink holes developed in the internal road system. Scott County is not eligible for Disaster relief funds.</p>
Line #	Administrative Budget
Note	<p>The 2023 Legislature increased the amount that can be levied to cover administrative expenses. The new formula is calculated as follows:</p> <ul style="list-style-type: none"> • Multiply the estimated market value listed in the enclosed table for the watershed district by 0.096 percent (0.00096) • Compare that calculated value to the maximum general fund levy limit of \$500,000. • Use whichever value is less. <p>See the attached memo and Estimated & Taxable Market Values (EMV) table Payable 2024</p>
65	<p>Manager Per Diem</p> <p>This amount is calculated for 5 Managers, using a per diem of \$125/meeting and 2 meetings per month per manager. If the Board intends to hold more meetings with standing committees this number may need to be increased.</p>
71	<p>Dues</p> <p>In 2023, MN Watershed dues, \$12,500, was re-directed to the Education and Outreach budget, as directed by the Board at the August 16, 2023, Board of Managers meeting. Dues are included in the 2025 Budget, allowing the Board the option to re-join the organization.</p>
72	<p>Miscellaneous-General</p> <p>This line includes fees paid to the recording secretary for preparation of minutes of Board of Manager meetings.</p>
82	<p>Accounting /Financial Services</p> <p>In 2022, Clifton Larson Allen began providing financial/accounting services to the LMRWD. The amount in this line item reflects the amount in the Professional Services Agreement between the LMRWD and CLA. Services with CLA were recently renewed.</p>
83	<p>Audit Fees</p> <p>In 2022, the LMRWD retained the services of Global Portfolio Consulting to provide audit services. Global Portfolio Consulting withdrew from the engagement in 2023, without completing the 2021 or 2022 financial audits. Redpath and Company has agreed to perform a two-year audit covering FY 2021 and 2022 at a price of \$25,000 per year. Redpath has said that is the going rate for audits currently. Redpath informed the LMRWD that its fees have increased since receiving the quote of \$25,000 for the 2022 audit. The LMRWD issued a Request for Proposal for audit services to conduct the 2023 audit but received no responses. CLA said that was likely because the 2022 audit was not complete.</p>
84	<p>Professional Services General</p> <p>This line is for administrative services provided to the LMRWD by Naiad Consulting LLC and occasionally other consultants retained by the LMRWD. Naiad Consulting is contracted for 150 hours per month. Naiad’s hourly rate is \$95/hour. The Board should consider what it will do to replace Naiad Consulting. I plan to retire some time in 2025. It is doubtful that the LMRWD will find a replacement this rate. If the Board plans to hold more committee meetings there will be more staff support necessary. The LMRWD will either have to hire staff, which will engender more expense, because of payroll tax, FICA/Medicare, PERA, Unemployment compensation, health care and other required benefits, like safe and sick</p>

2025 Budget Explanation of line items

	time and PTO. The LMRWD has not had to pay any of these expenses since it contracted with Naiad Consulting. Some firms in the area contract for administrative services, but it will be more expensive than \$95/hour.
86	Engineering This line has been increased to better reflect the actual cost of general engineering expenses. Costs incurred by the District that are charged to this line include preparation for monthly board meeting, Board meeting attendance by technical and engineering staff and just general technical services.
89	Lobbying The line has increased to reflect the fact that the LMRWD is looking for a new lobbyist. This number may be too low, depending on who the LMRWD retains.
92	Bank Fees and Charges This line was added to the Budget in 2024 to better reflect the fees charged by US Bank and the 4M Fund for banking services.

Memo

Date: July 24, 2024

To: Watershed District Administrators and Managers

From: Melissa King, Tribal Liaison

Cc: Jan Voit, Minnesota Watersheds
Rob Sip, Red River Watershed Management Board
BWSR: John Jaschke, Andrea Fish, Justin Hanson, Dave Weirens, Amie Wunderlich, Regional Operations Staff

RE: 2024 Estimated Taxable Market Values for Watershed Districts

Please find attached a table containing the recently released total estimate market values for 2024 from the Minnesota Department of Revenue.

Session law changes enacted during the 2023 regular session effected the calculation of and increased the annual maximum general fund tax levy for a watershed district ([Minn. Stat. § 103D.905, Subd. 3](#)). The session law changes are effective beginning with the 2024 assessment year and thereafter. To calculate the annual maximum general fund tax levy for a particular watershed district:

- Multiply the estimated market value listed in the enclosed table for the watershed district by 0.096 percent (0.00096)
- Compare that calculated value to the maximum general fund levy limit of \$500,000
- Use whichever value is less

Please contact me at melissa.king@state.mn.us or 651.350.8845 with any questions.

Attachment: Taxes Payable 2024 Estimated & Taxable Market Values for Watershed Districts in Minnesota

TAXES PAYABLE 2024

ESTIMATED & TAXABLE MARKET VALUES (EMV) FOR WATERSHEDS DISTRICTS IN MINNESOTA

Watershed Code	Watershed Name	Total EMV
001	Bear Valley Watershed District	\$ 311,473,200
002	Cedar River Watershed District	\$ 4,728,314,400
003	Belle Creek Watershed District	\$ 542,064,100
005	Buffalo Creek Watershed District	\$ 3,677,321,700
007	Buffalo-Red River Watershed District	\$ 12,253,917,100
008	North Fork Crow River Watershed District	\$ 2,187,673,000
009	Clearwater River Watershed District	\$ 2,684,990,500
010	Carnelian-Marine-St. Croix Watershed District	\$ 2,584,685,300
013	Coon Creek Watershed District	\$ 24,424,365,800
014	South Washington Watershed District	\$ 21,029,559,100
015	Cormorant Lakes Watershed District	\$ 987,758,700
016	Crooked Creek Watershed District	\$ 515,086,800
018	High Island Watershed District	\$ 1,863,578,300
020	Joe River Watershed District	\$ 282,902,600
021	Kanaranzi-Little Rock Watershed District	\$ 2,697,762,200
022	Lac qui Parle-Yellow Bank Watershed District	\$ 4,193,572,200
024	Heron Lake Watershed District	\$ 3,817,492,200
026	Middle-Snake-Tamarac Rivers Watershed District	\$ 3,886,126,100
028	Okabena-Ocheda Watershed District	\$ 1,476,416,800
030	Pelican River Watershed District	\$ 3,411,723,800
031	Bois De Sioux Watershed District	\$ 5,741,851,600
032	Prior Lake-Spring Lake Watershed District	\$ 6,345,112,700
034	Ramsey-Washington Metropolitan Watershed District	\$ 23,891,815,500
036	Red Lake Watershed District	\$ 11,749,264,400
038	Rice Creek Watershed District	\$ 34,854,778,600
040	Roseau River Watershed District	\$ 1,186,753,200
042	Sand Hill Watershed District	\$ 1,613,634,300
043	Sauk River Watershed District	\$ 12,683,604,400
044	Stockton-Rollingstone-Minnesota City Watershed District	\$ 719,615,200
048	Turtle Creek Watershed District	\$ 1,785,764,200
050	The Two Rivers Watershed District	\$ 2,135,949,900
052	Upper Minnesota River Watershed District	\$ 1,889,315,500
054	Valley Branch Watershed District	\$ 8,158,601,700
056	Warroad Watershed District	\$ 616,404,100
058	Nine Mile Creek Watershed District	\$ 27,882,559,300
060	Lower Minnesota River Watershed District	\$ 15,305,048,900
062	Minnehaha Creek Watershed District	\$ 76,039,742,300
064	Riley-Purgatory-Bluff Creek Watershed District	\$ 20,710,259,500
066	Wild Rice Watershed District	\$ 5,656,472,500
068	Yellow Medicine River Watershed District	\$ 3,978,668,000
069	Browns Creek Watershed District	\$ 3,004,131,300
070	Capitol Region Watershed District	\$ 30,814,875,600
071	Comfort Lake-Forest Lake Watershed District	\$ 3,214,087,500
073	Shell Rock River Watershed District	\$ 2,941,346,200
074	Middle Fork-Crow River Watershed District	\$ 2,681,271,500

SOURCE: Minnesota Department of Revenue 2024 PRISM SUBMISSION #3 - FINAL ASSESSMENT AND TAXATION

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

ACTION	Year				
	2023	2024	2025	2026	2027
EXPENDITURE					
Administrative and Managerial					
General Administrative Services, Conferences, Coordination with LGUs, Stakeholders and other Project Partners, LGU Program Reviews, 9-Foot Channel, and Advisory Committees (Technical and Citizen)	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
Administrative/Managerial Budget Total	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
Studies and Programs					
Cost Share Incentive and Water Quality Restoration Program	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Dredge Management	\$240,000	\$240,000	\$240,000	\$126,000	\$240,000
Eagle Creek Bank Restoration at Town & Country RV Park Feasibility Study		\$30,000			
Education and Outreach Program	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000
Fen Private Land Acquisition Study		\$50,000	\$25,000		
Fen Stewardship and Management Program	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000
Gully Inventory and Assessment Program	\$90,500	\$150,000	\$150,000	\$150,000	\$150,000
Trout Streams Geomorphic Assessments		\$100,000			\$100,000
Monitoring Program and Detailed Data Assessments	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000
Project and Permit Reviews	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Implementation of the Sustainable Lake Management Plans		\$50,000	\$50,000		\$50,000
Seminary Fen Ravines Site C-2 Feasibility Study	\$20,000	\$40,000			
Spring Creek Site 3 Design Feasibility Study	\$50,000				
Watershed Management Plan				\$50,000	\$100,000
Water Resources Restoration Fund	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Studies and Programs Budget Total	\$795,500	\$1,055,000	\$860,000	\$721,000	\$1,035,000
Capital Improvements					
Minnesota River Study Area 3 – Bluff Stabilization Project		\$100,000	\$100,000		
Seminary Fen Restoration Site B		\$50,000	\$25,000		
Seminary Fen Ravines Site C-2 and C-3 Design and Construction			\$55,000	\$50,000	\$65,000
Dredge Site Culvert Replacement				\$51,500	
Eagle Creek Bank Restoration at Town & Country RV Park Project			\$69,800	\$90,200	
Eagle Creek Brown Trout Habitat Improvements Project					\$70,000
Minnesota River Floodplain Modeling	\$75,000				
Shakopee Riverbank Stabilization Project		\$50,000	\$50,000		
Spring Creek Sites 1 and 2 Design and Construction Stabilization Project	47,100	\$100,000	\$100,000	\$70,000	
Spring Creek Vegetation Management Project	\$40,000				
Stormwater BMP at Parking Lot near Lewis Street West and Second Avenue West Project	\$50,000	\$50,000			
Vernon Avenue Upgrade at the Dredge Site				\$62,500	
Capital Improvements Budget Total	\$212,100	\$350,000	\$399,800	\$324,200	\$135,000
TOTAL EXPENDITURES	\$1,257,600	\$1,655,000	\$1,509,800	\$1,295,200	\$1,420,000
General Levy	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
Planning and Implementation Levy	\$525,000	\$625,000	\$650,000	\$675,000	\$700,000
Metropolitan Council Grant	\$5,500	\$5,500	\$5,500	\$5,500	\$5,500
Dredge Material Management Grant	\$240,000	\$240,000	\$240,000	\$240,000	\$240,000
Grants	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Closed or Unrealized Projects	\$137,100	\$434,500	\$264,300	\$24,700	\$124,500
TOTAL REVENUE	\$1,257,600	\$1,655,000	\$1,509,800	\$1,295,200	\$1,420,000

District 060 - Lower Minnesota River Watershed District
CERTIFICATION OF APPORTIONED LEVIES
PAYABLE 2025

(1) Payable 2025 Property Tax Levy: \$ _____

County	(2) Payable 2024 Taxable Net Tax Capacity	(3) Net Tax Capacity Percent Distribution	(4) Apportioned Payable 2025 Levy (1X3)
Carver	10,530,555	6.2374%	
Dakota	16,063,915	9.5149%	
Hennepin	65,431,738	38.7564%	
Scott	76,802,401	45.4913%	
Watershed Total	168,828,609	100.0000%	-- N/A --

Signature of Budget Officer

Title

Date

RESOLUTION 24-21

RESOLUTION OF THE LOWER MINNESOTA RIVER WATERSHED DISTRICT BOARD OF MANAGERS

TO CALL FOR A PUBLIC HEARING ON THE 2025 BUDGET AND LEVY

Manager _____ made a motion to adopt Resolution 24-21. The motion was seconded by Manager _____:

WHEREAS, Minnesota Statutes Sections 103D.911 and 103D.915 require that before September 15 of each year the Board of Managers of the Lower Minnesota River Watershed District adopt a budget for the next year and determine the total amount necessary to be raised from ad valorem tax levies to meet the watershed district’s budget; and

WHEREAS, in accordance with Minnesota Statutes Section 103D.911, the Board of Managers must hold a public hearing on the proposed 2025 LMRWD budget and tax levy, where all interested members of the public were afforded the opportunity to address the Board concerning the proposed budget and levy; and

WHEREAS, Minnesota Statutes Section 103D.91 I, states that a notice of public hearing shall be published in one or more newspapers of general circulation in each county consisting of part of the watershed district. The notice and summary shall be published once each week for two successive weeks before the hearing. The last publication shall be at least two days before the hearing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Managers of the Lower Minnesota River Watershed District Board of Managers that pursuant to Minnesota Statutes Section 103D.91 I, hereby calls for a public hearing to be held at the regular meeting of the Board of Managers on September 17, 2024, and authorize and direct the district administrator cause notice of this hearing, including a summaiy of the proposed budget, to be published in the adopted official publication of the LMRWD at least two consecutive weeks prior to this meeting the last publication of which shall be at least two days prior to the hearing that the Policies for the Minnesota Government Data Practices Act for the Lower Minnesota River Watershed District are approved.

The question was on the adoption of the Resolution and there were ___ yeas and ___ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
BARISONZI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KUPLIC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LAMMERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALVATO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VISWANATHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon a vote being taken, the President declared Resolution 24-21 adopted by the Board of Managers of the Lower Minnesota River Watershed District this 21st day of August 2024.

Joseph Barisonzi, President

ATTEST:

I, Lauren Salvato, Secretary of the Lower Minnesota River Watershed District Board of Managers, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 21st day of August 2024.

Lauren Salvato, Secretary

Manager _____ introduced the following resolution and moved its adoption:

RESOLUTION 24-15

LOWER MINNESOTA RIVER WATERSHED DISTRICT

PRELIMINARY CERTIFICATION OF PROPERTY TAX LEVIES FOR CARVER COUNTY
FOR TAXES PAYABLE 2025 AND PRELIMINARY APPROVAL OF 2025 PROPOSED BUDGET

WHEREAS State Law requires the certification of a proposed budget and proposed tax levies no later than September 30, 2024; and

WHEREAS, the Board of Managers has met and discussed the proposed budget and tax levy; and

WHEREAS, the Board of Managers of the Lower Minnesota River Watershed District ("LMRWD") has proposed a total budget of Two Million One Hundred Forty Thousand Seven Hundred Fifty and 00/100 Dollars (\$2,140,750.00) for the fiscal year commencing January 1, 2025; and

WHEREAS the proposed budget requires One Million Eight Hundred Thousand and 00/100 Dollars (\$1,800,000) to be raised from an ad valorem tax levy on all taxable property in the LMRWD, apportioned according to the attached Schedule A, the following amounts:

Administrative Tax Levy	\$428,450 (Minnesota Statutes § 103D.905 Subd. 3)
Planning & Implementation Levy	\$1,071,550 (Minnesota Statutes § 103B.241)
Bonded Debt Levy:	
Area #3 Bonds	<u>\$300,000</u> (Minnesota Statutes § 103D.905 Subd. 4)
TOTAL Tax Levy	<u>\$1,800,000</u>

NOW, THEREFORE, BE IT RESOLVED, by the Board of Managers of the LMRWD, that the Secretary, in accordance with Minnesota Statutes, shall certify to the Auditor of Carver County, the following sum to be raised by levy on all taxable property within Carver County, located in the Lower Minnesota River Watershed District payable in the year 2025 for the purposes noted above: One Hundred Twelve Thousand Two Hundred Seventy Three and 20/100 Dollars (\$112,273.20), as provided in Minnesota Statutes, Sections 103D.911 and 103D.915; and

BE IT FURTHER RESOLVED, the Administrator shall certify to the Carver County Auditor a copy of this Resolution approving the property tax levies for collection in 2025 for the Lower Minnesota River Watershed District

BE IT FURTHER RESOLVED that the 2025 expenses as proposed are \$2,140,750.00 and the proposed 2025 budget is approved in concept only.

The question on the adoption of the Resolution was seconded by Manager _____.
Upon a vote being taken there were ___ yeas and ____ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
AMUNDSON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARISONZI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HARTMANN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KUPLIC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALVATO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Managers of the Lower Minnesota River Watershed District this 17th day of September 2024.

Joseph Barisonzi, President

ATTEST:

I, Lauren Salvato, Secretary of the Lower Minnesota River Watershed District, do hereby certify that I have compared the above Resolution with the original thereof as the same appears of record and on file with the LMRWD and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 17th day of September 2024.

Lauren Salvato, Secretary

Manager _____ introduced the following resolution and moved its adoption:

RESOLUTION 24-16

LOWER MINNESOTA RIVER WATERSHED DISTRICT

PRELIMINARY CERTIFICATION OF PROPERTY TAX LEVIES FOR DAKOTA COUNTY

FOR TAXES PAYABLE 2025 AND PRELIMINARY APPROVAL OF 2025 PROPOSED BUDGET

WHEREAS State Law requires the certification of a proposed budget and proposed tax levies no later than September 30, 2024; and

WHEREAS, the Board of Managers has met and discussed the proposed budget and tax levy; and

WHEREAS, the Board of Managers of the Lower Minnesota River Watershed District ("LMRWD") has proposed a total budget of Two Million One Hundred Forty Thousand Seven Hundred Fifty and 00/100 Dollars (\$2,140,750.00) for the fiscal year commencing January 1, 2025; and

WHEREAS the proposed budget requires One Million Eight Hundred Thousand and 00/100 Dollars (\$1,800,000) to be raised from an ad valorem tax levy on all taxable property in the LMRWD, apportioned according to the attached Schedule A, the following amounts:

Administrative Tax Levy	\$428,450 (Minnesota Statutes § 103D.905 Subd. 3)
Planning & Implementation Levy	\$1,071,550 (Minnesota Statutes § 103B.241)
Bonded Debt Levy:	
Area #3 Bonds	<u>\$300,000</u> (Minnesota Statutes § 103D.905 Subd. 4)
TOTAL Tax Levy	<u>\$1,800,000</u>

NOW, THEREFORE, BE IT RESOLVED, by the Board of Managers of the LMRWD, that the Secretary, in accordance with Minnesota Statutes, shall certify to the Auditor of Dakota County, the following sum to be raised by levy on all taxable property within Dakota County, located in the Lower Minnesota River Watershed District payable in the year 2025 for the purposes noted above: One Hundred Seventy One Thousand Two Hundred Sixty Eight and 20/100 Dollars (\$171,268.20), as provided in Minnesota Statutes, Sections 103D.911 and 103D.915; and

BE IT FURTHER RESOLVED, the Administrator shall certify to the Dakota County Auditor a copy of this Resolution approving the property tax levies for collection in 2025 for the Lower Minnesota River Watershed District

BE IT FURTHER RESOLVED that the 2025 expenses as proposed are \$2,140,750.00 and the proposed 2025 budget is approved in concept only.

The question on the adoption of the Resolution was seconded by Manager _____.
Upon a vote being taken there were ___ yeas and ____ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
BARISONZI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KUPLIC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAMMERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALVATO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VISWANATHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon a vote being taken, the President declared Resolution 24-21 adopted by the Board of Managers of the Lower Minnesota River Watershed District this 21st day of August 2024.

Joseph Barisonzi, President

ATTEST:

I, Lauren Salvato, Secretary of the Lower Minnesota River Watershed District Board of Managers, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 21st day of August 2024.

Lauren Salvato, Secretary

Manager _____ introduced the following resolution and moved its adoption:

RESOLUTION 24-17

LOWER MINNESOTA RIVER WATERSHED DISTRICT

PRELIMINARY CERTIFICATION OF PROPERTY TAX LEVIES FOR HENNEPIN COUNTY
FOR TAXES PAYABLE 2025 AND APPROVAL OF 2025 PROPOSED BUDGET

WHEREAS State Law requires the certification of a proposed budget and proposed tax levies no later than September 30, 2024; and

WHEREAS, the Board of Managers has met and discussed the proposed budget and tax levy; and

WHEREAS, the Board of Managers of the Lower Minnesota River Watershed District ("LMRWD") has proposed a total budget of Two Million One Hundred Forty Thousand Seven Hundred Fifty and 00/100 Dollars (\$2,140,750.00) for the fiscal year commencing January 1, 2025; and

WHEREAS the proposed budget requires One Million Eight Hundred Thousand and 00/100 Dollars (\$1,800,000) to be raised from an ad valorem tax levy on all taxable property in the LMRWD, apportioned according to the attached Schedule A, the following amounts:

Administrative Tax Levy	\$428,450 (Minnesota Statutes § 103D.905 Subd. 3)
Planning & Implementation Levy	\$1,071,550 (Minnesota Statutes § 103B.241)
Bonded Deby Levy:	
Area #3 Bonds	<u>\$300,000</u> (Minnesota Statutes § 103D.905 Subd. 4)
TOTAL Tax Levy	<u>\$1,800,000</u>

NOW, THEREFORE, BE IT RESOLVED, by the Board of Managers of the LMRWD, that the Secretary, in accordance with Minnesota Statutes, shall certify to the Auditor of Hennepin County, the following sum to be raised by levy on all taxable property within Hennepin County, located in the Lower Minnesota River Watershed District payable in the year 2025 for the purposes noted above: Six Hundred Ninety Seven Thousand Six Hundred Fifteen and 20/100 Dollars (\$697,615.20), as provided in Minnesota Statutes, Sections 103D.911 and 103D.915; and

BE IT FURTHER RESOLVED, the Administrator shall certify to the Hennepin County Auditor a copy of this Resolution approving the property tax levies for collection in 2025 for the Lower Minnesota River Watershed District

BE IT FURTHER RESOLVED that the 2025 expenses as proposed are \$2,140,750.00 and the proposed 2025 budget is approved in concept only.

The question on the adoption of the Resolution was seconded by Manager _____.
Upon a vote being taken there were ___ yeas and ____ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
BARISONZI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KUPLIC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAMMERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALVATO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VISWANATHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Managers of the Lower Minnesota River Watershed District this 17th day of September 2024.

Joseph Barisonzi, President

ATTEST:

I, Lauren Salvato, Secretary of the Lower Minnesota River Watershed District, do hereby certify that I have compared the above Resolution with the original thereof as the same appears of record and on file with the LMRWD and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 17th day of September 2024.

Lauren Salvato, Secretary

Manager _____ introduced the following resolution and moved its adoption:

RESOLUTION 24-18

LOWER MINNESOTA RIVER WATERSHED DISTRICT

PRELIMINARY CERTIFICATION OF PROPERTY TAX LEVIES FOR SCOTT COUNTY
FOR TAXES PAYABLE 2025 AND APPROVAL OF 2025 PROPOSED BUDGET

WHEREAS State Law requires the certification of a proposed budget and proposed tax levies no later than September 30, 2024; and

WHEREAS, the Board of Managers has met and discussed the proposed budget and tax levy; and

WHEREAS, the Board of Managers of the Lower Minnesota River Watershed District ("LMRWD") has proposed a total budget of Two Million One Hundred Forty Thousand Seven Hundred Fifty and 00/100 Dollars (\$2,140,750.00) for the fiscal year commencing January 1, 2025; and

WHEREAS the proposed budget requires One Million Eight Hundred Thousand and 00/100 Dollars (\$1,800,000) to be raised from an ad valorem tax levy on all taxable property in the LMRWD, apportioned according to the attached Schedule A, the following amounts:

Administrative Tax Levy	\$428,450 (Minnesota Statutes § 103D.905 Subd. 3)
Planning & Implementation Levy	\$1,071,550 (Minnesota Statutes § 103B.241)
Bonded Debt Levy:	
Area #3 Bonds	<u>\$300,000</u> (Minnesota Statutes § 103D.905 Subd. 4)
TOTAL Tax Levy	<u>\$1,800,000</u>

NOW, THEREFORE, BE IT RESOLVED, by the Board of Managers of the LMRWD, that the Secretary, in accordance with Minnesota Statutes, shall certify to the Auditor of Scott County, the following sum to be raised by levy on all taxable property within Scott County, located in the Lower Minnesota River Watershed District payable in the year 2025 for the purposes noted above: Eight Hundred Eighteen Thousand Eight Hundred Forty Three and 40/100 Dollars (\$818,843.40), as provided in Minnesota Statutes, Sections 103D.911 and 103D.915; and

BE IT FURTHER RESOLVED, the Administrator shall certify to the Scott County Auditor a copy of this Resolution approving the property tax levies for collection in 2025 for the Lower Minnesota River Watershed District

BE IT FURTHER RESOLVED that the 2025 expenses as proposed are \$2,140,750.00 and the proposed 2025 budget is approved in concept only.

The question on the adoption of the Resolution was seconded by Manager _____.
Upon a vote being taken there were ___ yeas and ____ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
BARISONZI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KUPLIC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAMMERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALVATO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VISWANATHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Managers of the Lower Minnesota River Watershed District this 17th day of September 2024.

Joseph Barisonzi, President

ATTEST:

I, Lauren Salvato, Secretary of the Lower Minnesota River Watershed District, do hereby certify that I have compared the above Resolution with the original thereof as the same appears of record and on file with the LMRWD and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 17th day of September 2024.

Lauren Salvato, Secretary



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, August 21, 2024

Agenda Item

Item 7. F. – Spring Creek

Prepared By

Linda Loomis, Administrator

Summary

The LMRWD has been working for several years to stabilize two reaches of Spring Creek that are threatening private property. Spring Creek is not on the public waters inventory and is known as unnamed creek #07020012-527. It is on the 303(d) list as impaired for fecal coliform. Carver County did not list the creek as a public water during the process to identify public waters to determine if buffer zones are required. The County claimed that the watershed to the creek was too small to warrant it being designated as a public water. The creek receives a significant amount of stormwater through the city of Carvers storm sewer system. This has caused the creek to become extremely flashy. The stormwater has caused erosion that has proven problematic for two residential properties.

The LMRWD retained the services of ISG to design a project that will stabilize the creek bank at the two properties. This project is in the LMRWD implementation plan. The LMRWD is at the 90% design phase and is ready to bid construction of the project. All permits that are necessary for the project are in place and the LMRWD has levied funds for the construction of the project.

Budget Year	Revenues	Expenses
2019	\$45,000.00	\$4,543.78
2020	\$0.00	\$0.00
2021	\$75,000.00	\$8,742.36
2022	\$0.00	\$12,336.30
2023	\$90,000.00	\$56,927.92
2024	\$100,000.00	\$9,909.85
TOTAL	\$310,000.00	\$93,460.21

Item 7. F. – Spring Creek

Executive Summary

August 21, 2024

Page 2

\$217,539.79 is remaining for construction of the project, which has been estimated to cost \$123,288.00 by ISG.

Staff are working to obtain rights of entry to the project area to construct the project. The Board should authorize the project by adopting Resolution 24-19. More information on this project can be found on the [LMRWD website](#).

Attachments

- [Spring Creek Hydrology Review dated January 15, 2022](#)
- Cost Estimate 90% submittal dated 7-18-2023
- Resolution 24-19 Ordering Spring Creek Improvements

Recommended Action

Motion to adopt Resolution 24-19 Ordering Spring Creek Improvements

Lower Minnesota Watershed District
 Spring Creek - Site 1 and 2 Stream Stabilization
 Carver, MN
 90% Submittal 7-18-2024



Cost Estimate

SITE 1 STREAM STABILIZATION

Item No.	Item	Unit	Quantity	Unit Price	Amount
101	MOBILIZATION	LS	1	\$ 6,310.00	\$ 6,310
102	PUSSY WILLOW (<i>Salix discolor</i>)	EA	2	\$ 224.00	\$ 448
103	PAGODA DOGWOOD (<i>Cornus alternifolia</i>)	EA	4	\$ 280.00	\$ 1,120
104	CHOKECHERRY (<i>Prunus virginiana</i>)	EA	3	\$ 98.00	\$ 294
105	NANNYBERRY (<i>Viburnum lentago</i>)	EA	6	\$ 119.00	\$ 714
106	DOWNY ARROWWOOD (<i>Viburnum rafinesquianum</i>)	EA	2	\$ 207.00	\$ 414
107	BLACK RASPBERRY (<i>Rubus occidentalis</i>)	EA	11	\$ 55.00	\$ 605
108	SPOTTED JOE PYE WEED (<i>Eutrochium maculatum</i>)	EA	21	\$ 35.00	\$ 735
109	SPOTTED GERANIUM (<i>Geranium maculatum</i>)	EA	53	\$ 45.00	\$ 2,385
110	VIRGINA CREEPER (<i>Parthenocissus quinquefolia</i>)	EA	38	\$ 53.00	\$ 2,014
111	OBEDIENT PLANT (<i>Physostegia virginiana</i>)	EA	21	\$ 35.00	\$ 735
112	SOLOMON'S SEAL (<i>Polygonatum biflorum</i>)	EA	8	\$ 53.00	\$ 424
113	GOLDENROD (<i>Solidago canadensis</i>)	EA	27	\$ 35.00	\$ 945
114	SPRENGEL'S SEDGE (<i>Carex Sprengelii</i>)	EA	43	\$ 35.00	\$ 1,505
115	HEAVY VEGETATIVE CLEARING WITH TREE REMOVAL	AC	0.10	\$ 30,000.00	\$ 3,000
116	INSTALL SILT FENCE	LF	72	\$ 6.50	\$ 468
117	INSTALL BIO-ROLL	LF	102	\$ 6.50	\$ 663
118	16-INCH COIR LOG	LF	220	\$ 27.00	\$ 5,940
119	RIPARIAN SOUTH AND WEST MNDOT SEED MIX 34-261 WITH CATEGORY 20 EROSION CONTROL BLANKET	SF	2092	\$ 4.50	\$ 9,414
120	TURF SEED - MNDOT SEED MIX 25-131 WITH CATEGORY 20 EROSION CONTROL BLANKET	SF	1871	\$ 3.25	\$ 6,081
121	LIVE STAKES	SY	173	\$ 30.00	\$ 5,190
122	REMOVE TREE OBSTRUCTIONS	EA	7	\$ 500.00	\$ 3,500
123	CLASS III RIPRAP WITH GEOTEXTILE FABRIC	CY	110	\$ 120.00	\$ 13,200
124	COMMON EXCAVATION	CY	40	\$ 20.00	\$ 800
125	MISC. GRADING & REMOVE LANDSCAPING FABRIC	LS	1	\$ 2,500.00	\$ 2,500
SUBTOTAL CONSTRUCTION COST					\$ 69,404
10% UNFORSEEN					\$ 6,940
TOTAL CONSTRUCTION COST					\$ 76,344

Lower Minnesota Watershed District
 Spring Creek - Site 1 and 2 Stream Stabilization
 Carver, MN
 90% Submittal 7-18-2024



Cost Estimate
SITE 2 STREAM STABILIZATION

Item No.	Item	Unit	Quantity	Unit Price	Amount
101	MOBILIZATION	LS	1	\$ 3,880.00	\$ 3,880
102	PAGODA DOGWOOD (Cornus alternifolia)	EA	2	\$ 280.00	\$ 560
103	CHOKECHERRY (Prunus virginiana)	EA	3	\$ 98.00	\$ 294
104	DOWNY ARROWWOOD (Viburnum rafinesquianum)	EA	3	\$ 207.00	\$ 621
105	NINEBARK (Physocarpus opulifolius)	EA	5	\$ 152.00	\$ 760
106	BLACK RASPBERRY (Rubus occidentalis)	EA	7	\$ 55.00	\$ 385
107	SPOTTED JOE PYE WEED (Eutrochium maculatum)	EA	3	\$ 35.00	\$ 105
108	SPOTTED GERANIUM (Geranium maculatum)	EA	11	\$ 45.00	\$ 495
109	VIRGINA CREEPER (Parthenocissus quinquefolia)	EA	37	\$ 53.00	\$ 1,961
110	OBEDIENT PLANT (Physostegia virginiana)	EA	16	\$ 35.00	\$ 560
111	SOLOMON'S SEAL (Polygonatum biflorum)	EA	7	\$ 53.00	\$ 371
112	GOLDENROD (Solidago canadensis)	EA	30	\$ 35.00	\$ 1,050
113	SPRENGEL'S SEDGE (Carex Sprengelii)	EA	33	\$ 35.00	\$ 1,155
114	HEAVY VEGETATIVE CLEARING WITH TREE REMOVAL	AC	0.05	\$ 30,000.00	\$ 1,500
115	INSTALL SILT FENCE	LF	68	\$ 6.50	\$ 442
116	INSTALL BIO-ROLL	LF	104	\$ 6.50	\$ 676
117	12-INCH COIR LOG	LF	46	\$ 20.00	\$ 920
118	16-INCH COIR LOG	LF	105	\$ 27.00	\$ 2,835
119	RIPARIAN SOUTH AND WEST MNDOT SEED MIX 34-261 WITH CATEGORY 20 EROSION CONTROL BLANKET	SF	764	\$ 4.50	\$ 3,438
120	TURF SEED - MNDOT SEED MIX 25-131 WITH CATEGORY 20 EROSION CONTROL BLANKET	SF	1178	\$ 3.25	\$ 3,829
121	LIVE STAKES	SY	73	\$ 30.00	\$ 2,190
122	REMOVE & DISPOSE BROKEN HEADWALL	EA	2	\$ 2,000.00	\$ 4,000
123	REMOVE TREE OBSTRUCTIONS	EA	6	\$ 500.00	\$ 3,000
124	CLASS III RIPRAP WITH GEOTEXTILE FABRIC	CY	45	\$ 120.00	\$ 5,400
125	COMMON BORROW	CY	45	\$ 50.00	\$ 2,250
SUBTOTAL CONSTRUCTION COST					\$ 42,677
10% UNFORSEEN					\$ 4,268
TOTAL CONSTRUCTION COST					\$ 46,944

TOTAL REPAIR COST

SITE 1 STREAM STABILIZATION	\$ 76,344
SITE 2 STREAM STABILIZATION	\$ 46,944
COMPLETE REPAIR COST	\$ 123,288

RESOLUTION 24-19

RESOLUTION OF THE LOWER MINNESOTA RIVER WATERSHED DISTRICT BOARD OF MANAGERS

ORDERING SPRING CREEK IMPROVEMENTS

Manager _____ made a motion to adopt Resolution 24-19. The motion was seconded by Manager _____:

WHEREAS, on October 24, 2018, the Lower Minnesota River Watershed District (LMRWD) adopted the Lower Minnesota River Watershed District Watershed Management Plan (Plan) and on October 19, 2022, adopted an amendment to the Plan; and

WHEREAS, the Plan includes an Implementation Program listing capital projects in Table 4-1 of the Plan; and

WHEREAS, in 2017, the LMRWD first identified erosion of Spring Creek as a problem and has completed several assessments of the hydrology of the creek the recent in January 2022, that call for stabilization and remedial measures to improve the corridors resilience, protect the creek bank and decrease further erosion (Project); and

WHEREAS, in consideration of the above record in the matter, the LMRWD Board of Managers finds that the Project will be conducive to public health, will promote the general welfare, and complies with Minnesota Statutes chapters 103B and 103D and the Plan, and that the Project will fulfill the purposes and goals of the LMRWD.

NOW, THEREFORE, BE IT RESOLVED that the Lower Minnesota River Watershed District Board of Managers hereby orders the Project and directs that the project be funded using funds already collected through a district-wide levy; and

BE IT FURTHER RESOLVED that the Board of Managers directs the preparation of final designs, plans and specifications for the Project; and

BE IT FINALLY RESOLVED that the Board of Managers directs the utilization of final designs, plans and specifications to solicit a contractor or contractors for the construction and implementation of the Project in accordance with applicable public procurement law, and to timely present a contract or contracts for the work necessary to complete the Project to the managers for approval.

The question was on the adoption of the Resolution and there were ___ yeas and ___ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
BARISONZI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KUPLIC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAMMERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALVATO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VISWANATHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon a vote being taken, the President declared Resolution 24-19 adopted by the Board of Managers of the Lower Minnesota River Watershed District this 21st day of August 2024.

Joseph Barisonzi, President

ATTEST:

Lauren Salvato, Secretary



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, August 21, 2024

Agenda Item

Item 7. G. – Dredge Management

Prepared By

Linda Loomis, Administrator

Summary

The LMRWD is ready to bid this project. The schedule (which is out of date) follows:

- August 16, 2024 – Submit Ad for Bid to Star Tribune for publication on Thursday 08/22/2024 (does LMRWD want republication a week later or anything like that? Or just the one publication?)
- August 16, 2024 – Upload Plans/Specs to QuestCDN for bidding
- September 12, 2024 – Bid Opening
- September 18, 2024 – Board to Consider Contract Award
- End September 2024 – Contracts
- October 2024 (contractor dependent) – Preconstruction Meeting
 - The railroad has a 45 day notice from the Contractor. I doubt they will actually hold us to that much advanced notice for this work, but it is possible... Something to keep in mind.
 - The LMRWD will be copied on an email to the railroad as it looks like our permit technically expires this November so we will want to clarify that.
- 06/28/2024 – Substantial Completion
 - Also have an Interim Milestone Requiring substantial completion within 42 calendar days of earth disturbing activities.
 - Final Completion 14 days later.

One item that has delayed the schedule is the question of financing. The LMRWD is exploring whether an amendment to the LMRWD Watershed Management will be required. The reason for uncertainty is that the amount included in the Implementation Program for this project is far less than the estimated

cost of the project. Initial response from legal counsel is that an amendment is not necessary, but the LMRWD is checking for sure.

If the project requires a plan amendment, it will be a minor amendment, but this will add at least 45 days to the schedule.

Once the project is bid, the LMRWD will know how much is needed to pay for the project and can seek financing.

An amendment to the agreement for professional services between LMRWD and Bolton & Menk, Inc. adding construction staking to the services is attached for the Board's information.

Attachments

Engineering Services for Vernon Avenue Improvement Projects, Amendment 1 – Construction Staking Services

Recommended Action

Motion to accept Engineering Services for Vernon Avenue Improvement Projects, Amendment 1 – Construction Staking Services and authorize execution



**BOLTON
& MENK**

Real People. Real Solutions.

12224 Nicollet Avenue
Burnsville, MN 55337-1649

Ph: (952) 890-0509
Fax: (952) 890-8065
Bolton-Menk.com

August 16, 2024

Linda Loomis
District Administrator
Lower Minnesota River Watershed District
admin@lowermnriverwd.org

RE: Engineering Services for Vernon Avenue Improvements Project
Amendment 1 - Construction Staking Services

Dear Linda:

As the Vernon Avenue Improvements Project design has been completed and the project is moving towards the bidding phase, we are looking forward to the construction phase of the project. Our original proposal indicated that fees for construction field staking were not included in the proposal and that those fees would be added via amendment after construction plans are finalized so that the scope for staking is more clearly defined. With finalized construction plans available, our survey team has reviewed the plans to develop the scope of construction staking and the associated fees. Below is a summary of these additional construction services necessary to construct the project as designed for the anticipated late 2024 or 2025 construction season:

TASK 7: CONSTRUCTION SERVICES

Construction Staking

Construction field staking will be necessary to construct the project and will include staking of the construction limits, the storm sewer culvert, and the roadway centerline, including bluetops if necessary. Survey crews will provide construction stakes with alignment and grade, as necessary, and documentation of all survey points installed. Survey crews could also be utilized to complete a post-construction as-built survey of the final storm sewer facilities for the purposes of record drawings, if desired.

The original proposal for the project was in the total amount of \$134,954, with the construction services task being \$33,446. project scope additions described above would result in an increase to the overall fees that encompasses the scope of work approved for on these tasks. We are requesting an amendment for \$15,000. This would bring the total project fee to \$149,954 with the final design tasks totaling \$48,446.

TOTAL ESTIMATED AMENDMENT FEE = \$15,000

We appreciate your trust in us to bring this project through the design phase and continue the work necessary to see the project completed through construction. Please let me know of any questions you may have with the proposed amendment.

Sincerely,

BOLTON & MENK, INC.



Brad Fisher, P.E.
Principal Engineer

This document shall serve as an amendment to the Agreement for Professional Services between the parties, dated March 15, 2023 (the “Contract”), pursuant to the applicable sections thereof. All other provisions of the Contract shall remain in full force and effect except as herein modified.

Accepted: _____

Lower Minnesota River Watershed District

cc: Tim Olson, PE, CFM, Principal Water Resources Engineer



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, August 21, 2024

Agenda Item

Item 7. H. _ Study Area #3

Prepared By

Linda Loomis, Administrator

Summary

The LMRWD is working with the City of Eden Prairie to subdivide and rezone the property the LMRWD purchased to construct the project. The City has requested that the LMRWD organize a meeting with the neighborhood and provided the LMRWD with a mailing list. The LMRWD previously held a meeting with the neighborhood in October 2022, so this will be an update.

The US Army Corps of Engineers (USACE) has requested that the LMRWD conduct archeology field work. 106 Group has provided us with a scope of work required by the USACE, which was approved by the administrator. 106 Group has provided the LMRWD with a Professional Services Agreement to be executed to begin the work.

The LMRWD has received the permits required by the MN Department of Natural Resources that are necessary for the project.

Attachments

Professional Services Agreement between Lower Minnesota River Watershed District and 106 Group LTD. (PSA)

Recommended Action

Motion to approve PSA and authorize execution by LMRWD President

**PROFESSIONAL SERVICES AGREEMENT BETWEEN LOWER MINNESOTA RIVER WATERSHED DISTRICT
AND 106 GROUP LTD**

This Agreement is entered into between the Lower Minnesota River Watershed District, a public body with powers set forth at Minnesota Statutes chapters 103B and 103D (“LMRWD”), and 106 Group LTD (“CONSULTANT”). In consideration of the mutual terms and conditions set forth herein, including the obligations of mutual consideration, the sufficiency of which is hereby acknowledged, LMRWD and CONSULTANT agree as follows:

SERVICES

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

INDEPENDENT CONTRACTOR

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

SUBCONTRACT AND ASSIGNMENT

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

DUTY OF CARE AND INDEMNIFICATION

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

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

COMPENSATION

The LMRWD will compensate CONSULTANT for the Services on an hourly basis in accordance with the fee schedule attached to and incorporated into this Agreement as Exhibit A with a rate escalation of no greater than 3% each calendar year. Invoices are to be submitted monthly for work performed under a Work Order during the preceding month. Payment for undisputed work is due within 30 days of receipt of invoice. Direct costs not specified in Exhibit A will not be reimbursed except with prior written approval of the LMRWD Administrator. Subcontractor fees and subcontractor direct costs incurred by CONSULTANT will be reimbursed by the LMRWD at the rate specified in the LMRWD's written approval of the subcontract arrangement.

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

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

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

TERM AND TERMINATION

This Agreement is effective when fully executed by the parties and remains in force until June 30, 2026, unless earlier terminated as set forth herein.

The LMRWD or CONSULTANT may terminate this Agreement, at its convenience, by a written termination notice stating specifically what prior authorized or additional services CONSULTANT is to complete. CONSULTANT will receive full compensation for all authorized work performed, except that CONSULTANT

will not be compensated for any part performance of a specified task if termination is due to CONSULTANT's breach of this Agreement. Upon termination, the CONSULTANT will turn over all working and archived files to the LMRWD, and agrees to cooperate with the LMRWD in any transition.

WAIVER

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

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

INSURANCE

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

General: \$1.5 million each occurrence and aggregate, covering both CONSULTANT's work and completed operations on an occurrence basis and including contractual liability.

Professional liability: \$1.5 million each claim and aggregate; coverage may be on a claims-made basis, in which case CONSULTANT must maintain the policy for, or obtain extended reporting period coverage extending, at least three (3) years from completion of the Services.

Automobile liability: \$1.5 million combined single limit each occurrence coverage for bodily injury and property damage covering all vehicles on an occurrence basis.

Workers' compensation: in accordance with legal requirements applicable to CONSULTANT.

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

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

COMPLIANCE WITH LAWS

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

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

MATERIALS

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

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

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

DATA PRACTICES; CONFIDENTIALITY

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

CONSULTANT agrees that it will not disclose and will hold in confidence any and all proprietary materials owned or possessed by the LMRWD and so denominated by the LMRWD. CONSULTANT will not use any such materials for any purpose other than performance of the Services without LMRWD's written consent. This restriction does not apply to materials already possessed by CONSULTANT or that CONSULTANT received on a non-confidential basis from the LMRWD or another party. Consistent with the terms of this section 11 regarding use and protection of confidential and proprietary information, CONSULTANT retains a nonexclusive license to use the materials and may publish or use the materials in its professional activities. Any CONSULTANT warranty under this agreement does not extend to any party other than the LMRWD or to any use of the materials by the LMRWD other than for the purpose(s) for which CONSULTANT is compensated under this agreement.

PROPERTY OF LMRWD

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

CONTINUATION OF OBLIGATION

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

NOTICES

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

To LMRWD:

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

Della Young, PMP, CPESC
Young Environmental Consulting Group, LLC
6040 Earle Brown Drive, Suite 306
Brooklyn Center, Minnesota 55430
Email: della@youngecg.com

To 106 Group LTD:

K. Anne Ketz, CEO & Services Director
106 Group LTD
550 Vandalia Street, Suite 102
St. Paul, MN 55114
anneketz@106Group.com

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

CHOICE OF LAW, VENUE AND JURISDICTION

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

WHOLE AGREEMENT

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

TIME IS OF THE ESSENCE

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

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

106 GROUP LTD

LOWER MINNESOTA RIVER

WATERSHED DISTRICT

By _____

By _____

Its _____

Its _____

Date _____

Date _____



106 Group-2024

Hourly Rate Schedule

Category	Full Rate
Professional 8	\$217.00
Professional 7	\$210.00
Professional 6	\$177.00
Professional 5	\$154.00
Professional 4	\$141.00
Professional 3	\$112.00
Professional 2	\$91.00
Professional 1	\$75.00
Tech 4	\$80.00
Tech 3	\$68.00
Tech 2	\$60.00
Tech 1	\$51.00



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, August 21, 2024

Agenda Item

Item 8. A. – Board Committee Structure

Prepared By

Linda Loomis, Administrator

Summary

President Barisonzi suggested that the Board discuss setting up standing committees, with regular meeting schedules.

In researching other watershed districts, most form ad-hoc committees when needed. All watershed districts have Technical Advisory Committees, whose membership consists of representatives from state and federal agencies, municipalities, and tribal communities, and Citizen Advisory Committees, made up of members of the public.

Riley Purgatory Bluff Creek Watershed District seems to be the only district that has standing committees – Governance, Personnel and Finance & Audit.

All three committees are standing committees of the Board. The make-up and charge of each of these committees are:

Governance Committee - consists of two managers with support from the district administrator and legal counsel. The committee reviews the Governance Manual and makes recommendations to the Board of Managers. All meetings of the committee are noticed and open to the public as required by the Open Meeting Law. The committee meets every third Friday of the month at the RPBCWD office.

Personnel Committee - consists of two managers with support from the district administrator and legal counsel. The committee reviews personnel policies and makes recommendations to the Board of Managers. All meetings of the committee are noticed and open to the public as required by the Open Meeting Law.

Audit & Finance Committee - consists of two managers with support from the district administrator and office administrator. The committee reviews finances and accounting practices for the District and makes recommendations to the Board of Managers. All meetings of the committee are noticed and open to the public as required by the Open Meeting Law

Item 8. A. - Board Committee Structure

Executive Summary

August 21, 2024

Page 2

Attachments

No attachments

Recommended Action

Board should discuss and provide direction to staff



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, August 21, 2024

Agenda Item

Item 8. B. - Review Meeting Schedule for the Remainder of 2024

Prepared By

Linda Loomis, Administrator

Summary

President Barisonzi and Manager Salvato have indicated they have conflicts with the October and November meetings respectively. It seemed an appropriate time to check with the Board about the remaining meeting schedule.

Meetings for the remainder of the year follow:

- September 18, 2024
- October 16, 2024
- November 13, 2024
- December 11, 2024

The Board should review their calendars and determine if meeting dates should be adjusted.

Attachments

- 2024 LMRWD administrative Calendar dated August 21, 2024
- Resolution 24-14 Amending the meeting schedule for the Lower Minnesota River Watershed District's Board of Managers regular meetings

Alternatives

1. Leave meeting schedule as is
2. Adopt Resolution 24-14 amending the 2024 meeting schedule

Recommended Action

No recommended action

Lower Minnesota River Watershed District 2024 Schedule of Regular Meetings

<p><i>January 2024</i></p>	<p><i>February 2024</i></p>	<p><i>March 2024</i></p>	<p><i>April 2024</i></p>
<p>Meeting - January 17</p> <ul style="list-style-type: none"> • Designate official newspaper • Designate official Depository • Annual Conflict of Interest reporting • Report of Outstanding Indebtedness to Counties • Solicit Biennial letters of interest • Update on workplan progress 	<p>Meeting – February 21</p> <ul style="list-style-type: none"> • February 1 - Update CWF Grant in e-link deadline • Begin annual audit of LMRWD finances • Report from MAC 	<p>Meeting – March 20</p> <ul style="list-style-type: none"> • March 1 - Beginning of terms of office for Managers • Reappoint Citizen Advisory Committee 	<p>Meeting – April 17</p> <ul style="list-style-type: none"> • April 15 - Cost Share Program application deadline • April 30 - Annual report due to BWSR and DNR • Update on workplan progress
<p><i>May 2024</i></p>	<p><i>June 2024</i></p>	<p><i>July 2024</i></p>	<p><i>August 2024</i></p>
<p>Meeting – May 15</p> <ul style="list-style-type: none"> • Audit Report Presentation • Announce Cost Share Program Grants 	<p>Meeting - June 20</p> <ul style="list-style-type: none"> • June 30 - Financial Audit due to BWSR and OSA • Begin 2025 Budget process • Manager Per Diem reimbursement due (first half 2024) 	<p>Meeting – July 17</p> <ul style="list-style-type: none"> • Receipt of first half distribution of ad valorem tax payable 2024 • 2024 Budget review • Update written data access policy MS 13.025 (August 1 due date) • Update on workplan progress 	<p>Meeting – August 21</p> <ul style="list-style-type: none"> • Update data practices policy • 30-day notice of Bylaw revisions
<p><i>September 2024</i></p>	<p><i>October 2024</i></p>	<p><i>November 2024</i></p>	<p><i>December 2024</i></p>
<p>Meeting – September 18</p> <ul style="list-style-type: none"> • Election of Watershed Officers • Public hearing for budget adoption and preliminary certification of levy • Certification of Preliminary Levy (due to Counties September 30) • Adopt Budget before September 30 (MN Statute 103D.911) • Review By-Laws • Notify Counties of Expiring terms for Managers 	<p>Meeting – October 16</p> <ul style="list-style-type: none"> • Update Cost Share Incentive and Water Quality Restoration Program • Authorize agreement for Annual Financial Audit • Update on workplan progress 	<p>Meeting – November 13</p> <ul style="list-style-type: none"> • Public hearing for budget adoption and final certification of levy • Receipt of second half of ad valorem tax for tax payable 2024 	<p>Meeting – December 11</p> <ul style="list-style-type: none"> • Certification of final Levy due to counties • Manager Per Diem reimbursement due (second half 2024) • December 31 - Annual WOMP report due to MCES • December 31 – End of Fiscal Year

RESOLUTION 24-14

RESOLUTION OF THE LOWER MINNESOTA RIVER WATERSHED DISTRICT BOARD OF MANAGERS

Amending the meeting schedule for the Lower Minnesota River Watershed District’s Board of Managers regular meetings

Manager _____ offered the following Resolution and moved its adoption, seconded by Manager _____:

WHEREAS, the Lower Minnesota River Watershed District (LMRWD) Board of Managers historically holds its meetings at 7:00PM on the third Wednesday of the month; and

WHEREAS, the LMRWD Board of Managers has found that in most instances, this date and time are conducive to hold a meeting; and

WHEREAS, from time to time the LMRWD Board of Managers may wish to adjust the meeting schedule to accommodate conflicts that managers may have.

NOW, THEREFORE, BE IT RESOLVED that the Lower Minnesota River Watershed District Board of Managers adopts following schedule for its regular meetings of the Board of Managers for the remainder of 2024; and

2024	Meeting Date
September	
October	
November	
December	

The question was on the adoption of the Resolution and there were ___ yeas and ___ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
BARISONZI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KUPLIC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAMMERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALVATO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VISWANATHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(signatures on following page)

Upon a vote being taken, the President declared Resolution 24-14 adopted by the Board of Managers of the Lower Minnesota River Watershed District this 21st day of August 2024.

Joseph Barisonzi, President

ATTEST:

Lauren Salvato, Secretary



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, August 21, 2024

Agenda Item

Item 9. A. – Minnesota River Boat Tour

Prepared By

Linda Loomis, Administrator

Summary

Staff has been working to plan for the Minnesota River Tour, September 10, 2024. Suzy Lindberg and the team from Young Environmental Consulting Group have been working with Administrator Loomis to confirm the details of the program.

We are waiting for confirmation from the rest of the speakers and from two groups that have been invited to table.

RSVP are being received. Food has been ordered. Music has been confirmed. There may be further updates to report at the Board of Managers meeting.

Attachments

Technical Memorandum – Minnesota River Barge Tour September 10, 2024 – Event Planning Update dated August 14, 2024

Recommended Action

No action recommended – for information only

Technical Memorandum



To: Linda Loomis, Administrator
Lower Minnesota River Watershed District (LMRWD)

From: Suzy Lindberg, Communications Manager

Date: August 14, 2024

Re: Minnesota River Barge Tour September 10, 2024 —Event Planning Update

As part of the January workshop with the Board of Managers and Citizen Advisory Committee (CAC), an experiential river tour was identified as a priority project to connect with key partners throughout local government (both within the LMRWD and upstream), state agencies, nonprofit organizations, and members of legislation. Board Managers, CAC members, and LMRWD consulting staff will play key roles in hosting the event and building awareness, partnership, and outreach through the barge tour event. Below is a summary of activities completed and planned for the barge tour.

Board of Managers Survey

To begin the planning process, Young Environmental had the Board of Managers complete a survey to solicit input for the vision of the event. This survey helped to prioritize themes, speakers, additional entertainment, and tabling groups. Many common topics and themes emerged, including the following:

- Nutrients, contaminants, and total maximum daily loads (TMDLs)
- Sedimentation in the Minnesota River at various downstream points
- Examples of water storage projects for various land uses
- Geological history of the Minnesota River
- Effects of climate change on the natural river system
- Increase in the occurrence and severity of flooding and strategies to reduce river flows
- Infrastructure damage due to erosion
- Impacts of land development on natural systems and associated costs related to management
- Changing landscapes and climate resiliency

Using the results of the survey, Young Environmental staff worked with Linda Loomis, LMRWD administrator, to design a program complete with speakers and activities that address the vision of the Board of Managers. To implement the vision of the Board, the tour will include educational and experiential components, with subject-matter experts, live music, highlights of LMRWD points of interest, and networking opportunities. The next section highlights how themes were developed to meet survey feedback and guest speakers were aligned with key topics of interest.

Board of Managers Survey Integration in Program Planning



In discussing the themes and topics for the barge tour, the LMRWD consulting staff organized the messaging to share the basinwide approach needed to successfully manage the LMRWD. Linda reached out to her network to secure speakers on relevant topics who bring credibility and different perspectives to the barge tour. The program was designed to open with a welcome and history of the Minnesota River, move into a big-picture discussion of climate and how the changes are affecting systems we manage, and delve deeper into key topics of water quantity (both urban and agricultural) and water quality. As the funnel goes from a high level to local impacts, the tour will end with representatives from the

LMRWD detailing key work to date with projects, day-to-day management activities (e.g. dredge site), and our vision for future work to be done. The program is intended to communicate the LMRWD's position at the bottom of the funnel and build partnership around shared management and accountability.

The program is also designed to set the stage for the next Watershed Management Plan update. We discussed drafting a follow-up email for participants to reiterate the messaging from the barge tour, keeping key topics and opportunities top of mind beyond a one-day experience. This follow-up message will be crafted as planning continues as we identify key messaging and calls to action to impart during the barge tour. Based on the Board of Managers' survey, it is also of strong importance to not only educate and inform but also maintain a theme of celebration and partnership.

The program of speakers includes:



The Lower Minnesota River Watershed District (LMRWD) is hosting a Minnesota River barge tour on Tuesday, September 10, 2024! Join us to view the current conditions on the Minnesota River, learn about important projects, and hear from guest speakers on flood impacts, river sediment, and climate resiliency. Enjoy live music, appetizers, beautiful views of the Minnesota River Valley, and resource booths from local organizations.

**MINNESOTA RIVER
BARGE TOUR**

**TOUR
the
RIVER**

**09.10.2024
2:30PM-7PM**

Hosted by
**LOWER MINNESOTA RIVER
WATERSHED DISTRICT**

**special guest
SPEAKERS**

- Welcome and Watershed News
Speaker to Be Announced**
Lower Minnesota River Watershed District
- History of the Minnesota River
Michelle Stockness, Executive Director**
Freshwater Society
- Climatology
Ken Blumenfeld**
Senior Climatologist
Minnesota State Climate Office
- Urban Flooding and Drainage
Andy Erickson, PhD, PE**
Research Manager
St. Anthony Falls Laboratory
- Agricultural Flooding and Drainage
Speaker To Be Announced**
- Water Quality
Rita Weaver**
Chief Engineer and State Drainage Engineer
Minnesota Board of Water and Soil Resources

**free event
SCAN TO REGISTER**
Register by August 30, 2024



Tabling Groups

Based on the Board of Managers' input, it was key to invite groups to table and provide additional relevant resources to accompany speakers. The LMRWD consulting staff determined that with the space available on the boat, tabling will be limited to 4-5 partner organizations, focusing on the groups with a high impact and relevance to the selected topics. Groups were invited based on recommendations from the Board of Managers and their relevance to the program. We have currently confirmed three tabling organizations: (1) Friends of the Minnesota Valley, (2) Lake Pepin Legacy Alliance, and (3) Minnesota Soil Health Coalition. Our team will also reach out to the LMRWD CAC to gauge the group's interest in tabling versus attending the event as guests.

The goal for the tabling groups is to create meaningful interaction and share resources that align with LMRWD's mission and partnerships, creating a more robust experience. The LMRWD planning committee has furthered this request by contacting groups and coordinating their participation.

Attendees

Because of the nature of the tour, the event will be invite-only and not open to the public. LMRWD consulting staff compiled a comprehensive list of local and regional partners from the watershed district, municipalities, counties, partner organizations and more. Research was compiled to create a list of ~350 participants to receive an electronic invitation. A full list of recipients is available upon request.

Communication with Attendees

A **save-the-date email** was circulated to the list of attendees on Wednesday, July 17, with an open rate of 50 percent. A follow-up email was sent on Tuesday, July 23 to advertise the date change required to coordinate with county commissioner guests.

A **full invitation email** was drafted and circulated to the attendee list on Wednesday August 14 with a deadline to RSVP by August 30. Our team will continuously monitor registrations and meet weekly to discuss final logistics. The mailing list will receive a reminder email in advance of the deadline.

We established an Eventbrite landing page to capture registrations, which can be viewed here:

[Minnesota River Barge Tour Tickets, Tue, Sep 10, 2024 at 2:30 PM | Eventbrite](#)

Next Steps

As we monitor attendance through the Eventbrite site, the planning team will continue to refine a detailed agenda as well as roles and responsibilities to manage the tour on the day of the event. We will define roles and expectations for members of the LMRWD staff, Board of Managers, and CAC members. We will continue to communicate with the groups regarding tabling and communicate with speakers to ensure their talking points align with desired messaging. The LMRWD consultant staff can establish talking points as needed to ensure the shared information aligns with the LMRWD's goals and vision.

We ask the Board of Managers to mark their calendars for this event, promote attendance with partner organizations in your network, and reach out to the LMRWD consultant staff if you have a specific area of interest to participate in during the barge tour program. We would like our guests to be visibly hosted by our representative Board of Managers to share an important message about the Minnesota River's health and the ongoing work of the LMRWD to address issues such as flooding, climate resilience, and water quality.



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, August 21, 2024

Agenda Item

Item 9. B. – State of the Minnesota River Listening Session

Prepared By

Linda Loomis, Administrator

Summary

LMRWD staff are still trying to find a catchy more descriptive title for this event. The team at Young Environmental Consulting Group has been working with the Administrator to plan this event. We met with President Barisonzi on Tuesday, August 15, 2024, to confirm we were on the right track.

An update of planning efforts so far is attached. The biggest obstacle so far is determining a date to hold the event.

Attachments

Technical Memorandum – Flood Listening Session – Event Planning dated August 15, 2024

Recommended Action

No action recommended – for information only

Technical Memorandum



To: Linda Loomis, Administrator
Lower Minnesota River Watershed District (LMRWD)

From: Suzy Lindberg, Communications Manager
Della Schall Young, PMP, CPESC, CTF, Principal Scientist

Date: August 15, 2024

Re: Flood Listening Session—Event Planning

At the July Board of Managers meeting, Manager Barisonzi introduced a proposal for a public hearing on flooding in the Lower Minnesota River Watershed District. The Board of Managers requested Young Environmental respond to the proposal by summarizing a vision to host the event in October 2024. On August 13, 2024, the Young Environmental team met with Manager Barisonzi and Linda Loomis, administrator, to clarify the vision for the event and discuss logistics.

Event Goals

Based on the proposal and discussion, three goals were identified:

1. Reach targeted audience (county boards, soil and water conservation districts, and other relevant policy-makers) to gain traction on legislative progress following a high-impact flood;
2. Receive sufficient information from participants to create a report that summarizes recommendations based on science-based information; and
3. Convert the hearing to a legislative agenda while building partnership across overlapping management strategies.

Legislative Direction

Through our discussion, we determined that a legislative liaison would be a critical contributor in this process. The LMRWD plans to advertise for the position and can prioritize hiring in conjunction with the planning of this event. Based on the need for this collaborator, the barge tour scheduled for September, industry conferences in October, and the November election, it was determined that targeting January 2025 may be the best time to activate participation from the desired audience and build momentum around a shared legislative agenda for the next session.

Manager Barisonzi highlighted the need for a replicable process for this type of event that can be activated quickly to respond to future needs and issues.

Format of Event and Audience Definition

The event would follow the format of a legislative-style public hearing, where targeted participants are invited to attend and present findings to the Board of Managers through a brief presentation, followed by a round of Q&A. Participants identified include relevant researchers, legislators, subject-matter experts, and local government partners. Participants could also provide written testimony to be included in the meeting records. Young Environmental's role would include defining a list of participants to submit information for the LMRWD legislative agenda; coordinating communication with participants and compiling received data; setting an agenda for the event; releasing event information to media contacts; collaborating with the defined team (including legislative advisor); and moderating and documenting the event.

We will explore the best timeframe to hold the session given the intended audience, considering whether a morning or an afternoon session would be preferable to an evening session to ensure attendance. The new legislative liaison would be a sounding board for and key driver in the design and execution of the event and follow-up activities.

Considerations and Next Steps

Young Environmental is available for and dedicated to supporting the LMRWD's vision to plan and execute this January 2025 event as it relates to our role as technical consultant and education and outreach coordinator. We understand the critical need to guide messaging related to flood impacts and resilience. We look forward to the opportunity to build a narrative arc, weaving input from the listening session into a collaborative and compelling story to be presented to gain legislative support of flood resilience strategies.



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, August 21, 2024

Agenda Item

Item 9. C. – LMRWD/Minnehaha Boundary Change

Prepared By

Linda Loomis, Administrator

Summary

The LMRWD was notified that the boundary change request has been approved by the State of Minnesota. This change was requested by the Minneapolis/St. Paul Airport to better align the boundary between the two watershed districts with the actual hydrological boundaries at the MSP airport.

The approved request has been forwarded to the MN Secretary of State.

Attachments

- July 29, 2024, Letter informing LMRWD/Minnehaha WD of approval
- Signed BWSR Board Order dated July 29, 2024, including map and property identification table
- 2024 Memo to Office of the Secretary of State dated July 31, 2024

Recommended Action

No action recommended – for information only

July 29, 2024

Board of Managers
Lower Minnesota River Watershed District
112 E 5th St #102
Chaska, MN 55318

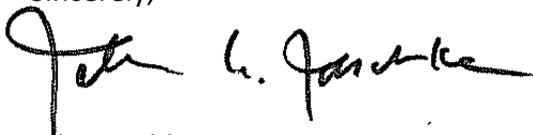
Board of Managers
Minnehaha Creek Watershed District
15320 Minnetonka Blvd
Minnetonka, MN 55345

Dear Boards of Managers,

The Minnesota Board of Water and Soil Resources (Board) is pleased to inform you that the petition to change the boundaries of the Lower Minnesota River Watershed District (LMRWD) and the Minnehaha Creek Watershed District (MCWD), to correct the common boundaries of the watershed districts encompassing 6 parcels totaling approximately 579 acres of land within the jurisdictional borders of the Metropolitan Airports Commission (MAC) due to storm sewer updates which changed the drainage boundaries between the two districts was approved by the Board. This boundary change will advance the purpose of M.S. 103B.215 and is for the public welfare and public interest.

The enclosed Board Order documents the Board's decision. Please note the boundary change is effective the day the certified Board Order is filed with the Secretary of State. Please contact Board Conservationist Jen Dullum at 651-308-6956 or jennifer.dullum@state.mn.us, with any questions regarding this matter.

Sincerely,



John Jaschke
Executive Director
Minnesota Board of Water and Soil Resources

Enclosed: Board Order

CC: Linda Loomis, Lower MN River WD Administrator (via email)
James Whisker, MCWD Administrator (via email)
Jen Dullum, BWSR (via email)
Marcey Westrick, BWSR (via email)

Equal Opportunity Employer

Bemidji Brainerd Detroit Lakes Duluth Mankato Marshall Rochester St. Cloud St. Paul

Bemidji Office 403 Fourth Street NW Suite 200 Bemidji, MN 56601 Phone: (218) 755-2600

www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer

BOARD ORDER

Boundary change for the Lower Minnesota River Watershed District and Minnehaha Creek Watershed District

PURPOSE

Approve a boundary change between the Lower Minnesota River Watershed District and the Minnehaha Creek Watershed District.

RECITALS /FINDINGS OF FACT

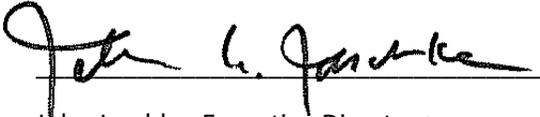
1. A joint petition (Petition) for boundary change, dated April 23, 2024, from the Lower Minnesota River Watershed District (LMRWD) and the Minnehaha Creek Watershed District (MCWD), was received by the Board of Water and Soil Resources on April 24, 2024.
2. The boundary change described in the Petition would correct the common boundaries of the watershed districts. The proposed boundary change encompasses 6 parcels totaling approximately 579 acres of land within the jurisdictional borders of the Metropolitan Airports Commission (MAC) due to storm sewer updates which changed the drainage boundaries between the Lower Minnesota River Watershed District and Minnehaha Creek Watershed District (MCWD).
3. The Board has reviewed the Petition for conformance with state law and rule and has determined that the Petition is valid in accordance with Minn. Stat. § 103D.251.
4. Legal notice of filing on the Petition, pursuant to Minn. Stat. § 103D.251, was published in the Star Tribune on June 12, 2024 and June 19, 2024. Further, a copy of the notice of filing was sent to each affected city, county, and watershed district.
5. The legal notice of filing required within 30 days of the last date of publication of the notice, that at least one written request for hearing be received by the Board before a hearing will be held. The Board did not receive any written requests for a hearing therefore no hearing was held. The Board did not receive any comments on the Petition.
6. The Board assisted the LMRWD and MCWD through the boundary change petition process, providing guidance, comments, and recommendations. All relevant, substantive, and procedural requirements of law and rule have been fulfilled. All relevant, substantive, and procedural requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a watershed district boundary change pursuant to Minn. Stat. § 103B.215. The requested boundary change is consistent with the purpose and the requirements of Minn. Stat. § 103B.215. The boundary change, as proposed in the petition, would be for the public welfare and public interest and would advance the purpose of Minnesota Statutes Chapter 103B. The proposed LMRWD boundary change should be approved per the petition. Therefore, Board staff recommends approval of the LMRWD boundary change as petitioned.
7. On August 26, 2021, the Board amended and adopted, by Board Order, the revised Delegation of Routine Administrative Water Management Decision Policy (Board Decision #21-31), which allows the Executive Director to make a decision on the petition if no written requests for a hearing are received.

ORDER

The Board hereby orders that the boundaries of the Lower Minnesota River Watershed District and the Minnehaha Creek Watershed District are changed per the Petition as depicted on the maps, attached to this Order.

Dated at St. Paul, Minnesota, this July 29, 2024.

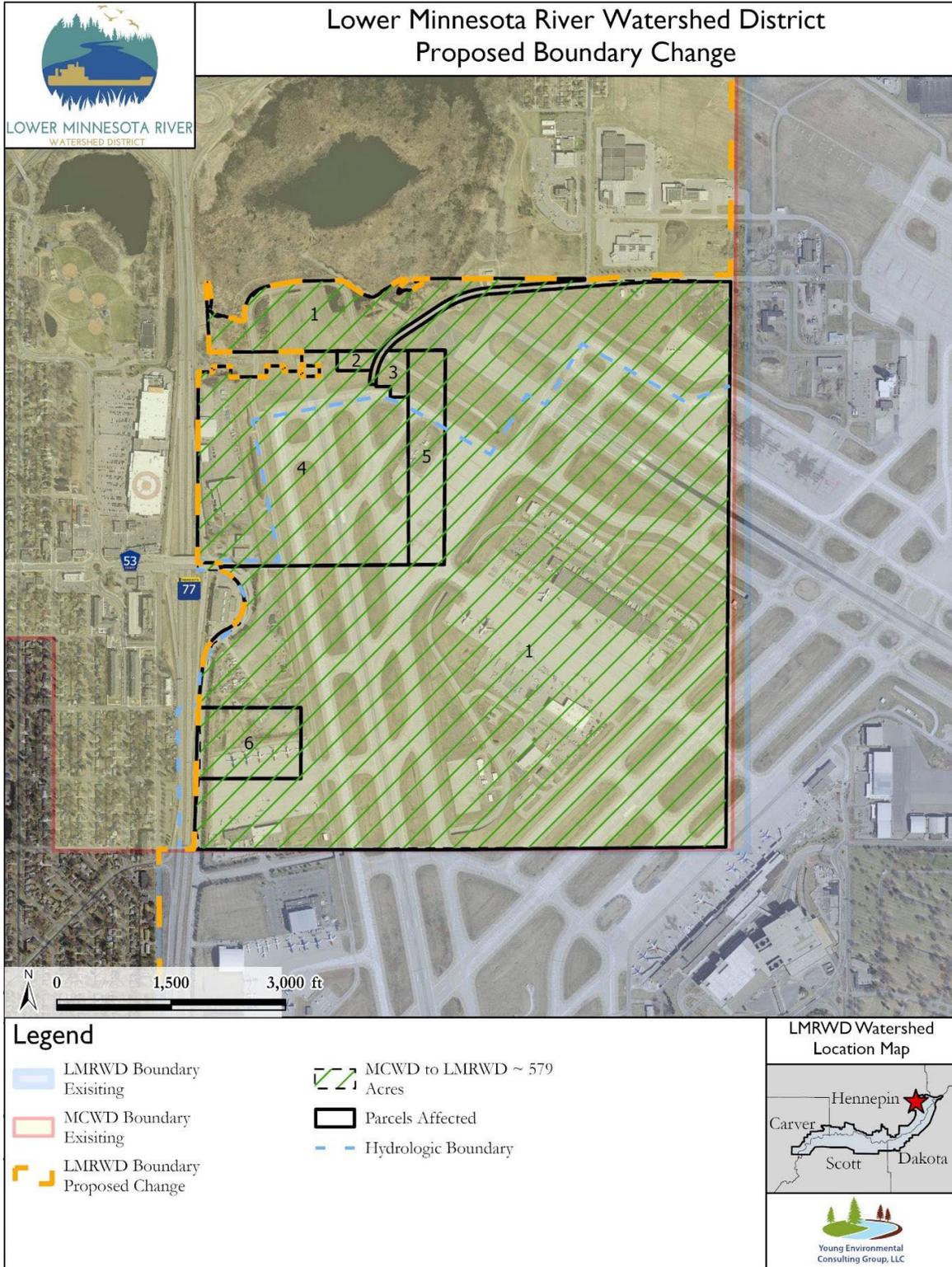
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

A handwritten signature in black ink, appearing to read "John H. Jaschke", written over a horizontal line.

John Jaschke, Executive Director
Board of Water and Soil Resources

Date: July 29, 2024

Attachment 1:



Portions of parcels reassigned from MCWD to LMRWD

<i>Map ID</i>	<i>Property Identification Number</i>	<i>Property Owner</i>	<i>Area (acres)</i>
1	2502824110002	Metropolitan Airports Commission	464.3
2	2502824210015	Metropolitan Airports Commission	1.5
3	2502824210030	Metropolitan Airports Commission	2.4
4	2502824230153	Metropolitan Airports Commission	80.6
5	2502824240057	Metropolitan Airports Commission	15.5
6	2502824330070	Metropolitan Airports Commission	14.6
		Total Acres	578.9



Date: July 31, 2024

To: Steve Simon, Secretary of State

From: Marcey Westrick, Central Region Manager

RE: Order, Lower Minnesota River Watershed District Boundary Change

Pursuant to Minn. Stat. § 103B.205 to 103B.255, hereby enclosed for filing is a certified copy of the Minnesota Board of Water and Soil Resources Findings of Fact, Conclusions, and Order dated 7/29/2024, including attachment of map incorporated in the Order, and property identification table, 4 pages total, changing the boundary of the Lower Minnesota River Watershed District.

Please contact me at 612-284-4153 if you have any questions.

Enclosures (to all listed)

c: Jennifer Dillum, Board of Water and Soil Resources
Linda Loomis, Lower Minnesota River Watershed District Administrator
James Whisker, Minnehaha Creek Watershed District Administrator
Brian Ryks, Metropolitan Airports Commission
Daniel Rogan, Hennepin County Auditor
David Hough, Hennepin County Administrator

LMRWD Permit Program Summary



Permit Number	Project Name	Status	Pre-Permit Meeting	Date Received	Date Considered Complete	Board Actions			Permit Issued	Permit Expiration Date
						Information Only	Conditional Approval	Approval		
2020-132	77th Underpass	Expired	10/18/2020	10/21/2020	11/12/2020	11/18/2020	12/16/2020		7/27/2021	7/27/2023
2020-135	Canterbury Crossings	Active		11/19/2020	12/3/2020		12/16/2020		5/11/2021	4/20/2025
2021-016	Whispering Waters	Active		4/14/2021	6/4/2021		6/16/2021		7/13/2021	7/14/2025
2021-025	TH13/Dakota Ave Improvement	Construction Complete		6/11/2021	6/15/2021		2/16/2022		5/20/2022	5/20/2025
2021-030	Building Renovation Park Jeep	Construction Complete		7/9/2021	7/16/2021		9/15/2021		6/21/2022	8/15/2024
2021-033	MN MASH	Construction Complete	6/23/2021	9/17/2021	5/31/2022			6/15/2022	6/17/2022	11/30/2024
2021-035	I35W Frontage Trail	Construction Complete		12/15/2021	12/22/2021		1/19/2022		11/3/2022	11/3/2024
2022-005	Chaska West Creek Apt	Active		2/8/2022	3/29/2023		4/19/2023		6/6/2023	6/6/2025
2022-010	Quarry Lake Trail and Ped Bridge	Construction Complete		2/24/2022	3/18/2022		4/20/2022		3/1/2023	3/1/2025
2022-014	TH41 & CSAH61 Improvements	Active	1/6/2022	3/23/2022	5/11/2022		5/18/2022		12/13/2022	12/13/2024
2022-015	Xcel Driveway	Active	5/25/2023	6/21/2023	7/31/2023		8/16/2023		9/21/2023	9/21/2024
2022-016	ORF Relocation	Active		4/20/2022	6/30/2023		7/19/2023		7/20/2023	7/20/2025
2022-019	I494 SP 2785-433	Active		4/21/2022	6/24/2022		7/20/2022		4/10/2023	4/10/2025
2022-022	Ace Rent A Car	Construction Complete		5/10/2022	11/3/2023			11/15/2023	11/16/2023	11/16/2024
2022-027	Ivy Brook Northeast	Construction Complete		7/5/2022	7/22/2022		8/17/2022		8/31/2022	10/18/2024
2022-031	RSI Marine	Conditional Approval		9/20/2023	1/24/2024	8/17/2022	2/21/2024			
2022-037	Peterson Wetland Bank	Construction Complete		5/23/2023	6/30/2023	11/16/2022	7/19/2023		1/9/2024	1/9/2025
2022-039	Former Knox Site	Construction Complete		11/3/2022	12/19/2022		1/18/2023		6/6/2023	6/6/2025
2022-040	Burnsville Sanitary Landfill	Active		11/21/2022	2/15/2023		3/15/2023	8/16/2023	8/17/2023	8/17/2025
2022-041	35W SP 2782-352	Active		12/15/2022	2/10/2023		2/15/2023		4/10/2023	4/10/2025
2022-042	3rd Street Bridge Replacement	Active		12/16/2022	2/2/2023		2/15/2023			5/22/2025
2023-001	Lakota Lane After-the-Fact	Active		1/10/2023	5/30/2024			6/20/2024		
2023-002	Eagle Creek Bridge	Construction Complete		1/13/2023	4/19/2023		5/9/2023		7/14/2023	7/14/2025
2023-007	MN River Greenway Trail	Active		3/1/2023	3/15/2023		4/19/2023		11/6/2023	5/15/2025

Permit Number	Project Name	Status	Pre-Permit Meeting	Date Received	Date Considered Complete	Board Actions			Permit Issued	Permit Expiration Date
						Information Only	Conditional Approval	Approval		
2023-008	Chaska Tech Center Amendment	Active		3/4/2023	4/11/2023		4/19/2023	7/19/2023	5/15/2023	5/15/2025
2023-009	AT&T Bloomington to Eureka Fiber	Active		3/31/2023	5/19/2023		6/21/2023		6/26/2023	6/26/2025
2023-010	MN River Greenway RR Bridge	Under Review	4/5/2023	5/17/2024						
2023-013	Merriam Junction Trail	Conditional Approval	4/5/2023	5/8/2023	5/31/2024		6/20/2024			
2023-015	City of Bloomington Storm Sewer Maintenance	Construction Complete		5/24/2023	6/15/2023		7/19/2023		8/23/2023	8/23/2024
2023-016	MAC Pond Maintenance Activities	Upcoming	6/15/2023	6/9/2023						
2023-017	MN Bluffs Regional Trail	Conditional Approval	6/14/2023	12/28/2023	2/26/2024		3/20/2024			
2023-018	Sibley Memorial Hwy (1901-195-TH13A)	Upcoming	7/17/2023	6/6/2023						
2023-019	Dean Lake Wetland Fill	Active		8/27/2023	9/10/2023		9/20/2023		10/4/2023	10/4/2024
2023-020	Tramore Heights Addition	Active	9/1/2023	8/21/2023	1/24/2024		2/21/2024	10/18/2023	10/20/2023	5/2/2025
2023-022	Safety and Security Center Phase II	Active		10/2/2023	4/3/2024			5/15/2024	5/28/2024	5/25/2025
2023-023	Vernon Avenue Road Improvements	Conditional Approval		10/6/2023			11/15/2023			
2023-024	Carmeuse Savage Marine Improvements	Active		10/11/2023	12/1/2023		12/20/2023		7/8/2024	7/8/2025
2023-026	CenterPoint Pipeline Abandonment	Active		1/5/2024	1/24/2024	1/20/2024	2/21/2024		5/29/2024	5/29/2025
2023-027	TH 41 ORF Intersection Reconstruction	Active	11/6/2023	12/12/2023	5/13/2024	1/17/2024	6/20/2024		6/20/2024	6/20/2025
2023-029	Tarnhill Pond	Active		11/15/2023	11/22/2023		12/20/2023		12/27/2023	12/27/2024
2024-002	MnDOT Pond Maintenance	Conditional Approval		3/20/2024	4/26/2024		5/15/2024			
2024-003	Port Cargill Savage	Upcoming	2/18/2024							
2024-004	35W Early Release	Conditional Approval		2/20/2024	4/3/2024		4/17/2024			
2024-005	Fort Snelling Cemetary	Upcoming	2/27/2024							
2024-006*	T2 North Expansion	Conditional Approval		2/28/2024	6/4/2024		8/21/2024			
2024-008	CD Terminal Storage Pad	Upcoming	3/26/2024	3/22/2024						
2024-009	FWTEC	Active		3/28/2024	6/21/2024		7/17/2024		7/25/2024	7/24/2025
2024-010	Lyndale Road	Conditional Approval		3/29/2024	5/28/2024		6/20/2024			
2024-012	Concourse G Infill Pods Phase 2	Under Review		5/29/2024						
2024-013	MnDNR Trail 1B	Upcoming								

Permit Number	Project Name	Status	Pre-Permit Meeting	Date Received	Date Considered Complete	Board Actions			Permit Issued	Permit Expiration Date
						Information Only	Conditional Approval	Approval		
2024-014	LTS MSP Lateral 2	Under Review		6/3/2024						
2024-015	Boiling Springs Drainage Improvements	Under Review		6/21/2024						
2024-016*	Flying Cloud Airport	Conditional Approval	7/11/2024	7/23/2024	8/2/2024		8/21/2024			

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

STATUS DEFINITIONS:

Active Permit: Applicant has a valid permit issued by LMRWD

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

Under Review: Permit application is complete and under review by LMRWD staff

Construction Complete: project construction is complete but permit is not closed

Upcoming: Applicant has requested pre-permit application reviews or meetings, but has not yet applied for a permit from LMRWD

