



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

Please note the Carver County Government is closed therefore the meeting will be held online.

PLEASE CONTACT DISTRICT ADMINISTRATOR, LINDA LOOMIS FOR DIRECTIONS ON HOW TO PARTICIPATE.

## Lower Minnesota River Watershed District

7:00 PM

Wednesday, January 20, 2021

Carver County Government Center

602 East Fourth Street, Chaska, MN 55318

Agenda Item	Discussion
1. Call to order	A. Roll Call
2. Approval of agenda	
3. Citizen Forum	<p><i>Citizens may address the Board of Managers about any item not contained on the regular agenda. A maximum of 15 minutes is allowed for the Forum. If the full 15 minutes are not needed for the Forum, the Board will continue with the agenda. The Board will take no official action on items discussed at the Forum, with the exception of referral to staff or a Board Committee for a recommendation to be brought back to the Board for discussion or action at a future meeting.</i></p>
4. Consent Agenda	<p><i>All items listed under the consent agenda are considered to be routine by the Board of Managers and will be enacted by one motion and an affirmative vote of a majority of the members present. There will be no separate discussion of these items unless a Board Member or citizen request, in which event, the items will be removed from the consent agenda and considered as a separate item in its normal sequence on the agenda.</i></p> <p>A. Approve Minutes December 16, 2020 Regular Meeting</p> <p>B. Receive and file December 2020 Financial reports</p> <p>C. Approval of Invoices for payment</p> <ul style="list-style-type: none"> <li>i. Frenette Legislative Advisors - November &amp; December 2020 Lobbying expense</li> <li>ii. Daniel Hron - November, December 2020 &amp; January 2021 office rent</li> <li>iii. Metro Sales, Inc. - payment on copier service agreement</li> <li>iv. Rinke Noonan, Attorneys at Law - October &amp; November 2020 legal services</li> <li>v. US Bank Equipment Finance - December 2020 &amp; January 2021 payment on copier lease</li> <li>vi. Dustin Braun - partial payment of Cost Share</li> <li>vii. Manager Frey - payment of 1st &amp; 2nd half 2020 per diem &amp; expenses</li> <li>viii. Managers Hartmann, Raby &amp; Salvato - payment of 2nd half 2020 per diem &amp; expenses</li> <li>ix. Young Environmental Consulting Group - October &amp; November 2020 technical and education &amp; outreach services</li> <li>x. Naiad Consulting, LLC - June, July, August &amp; September 2020 Administrative services, mileage &amp; expenses</li> </ul>

	<ul style="list-style-type: none"> <li>xi. Meyer Contracting, Inc. - payment for construction of dredge site improvements</li> <li>xii. TimeSaver Off Site Secretarial - Preparation of November 2020 meeting minutes</li> <li>xiii. Carver County Finance Department - Q4 2020 Financial services</li> <li>D. Designation of 2021 official newspaper</li> <li>E. Designation of Official Depositories</li> <li>F. Designation of Data Practices Compliance Official</li> <li>G. Order Preparation of 2020 Annual Report</li> <li>H. Adopt Resolution 21-04 Planning Area 56</li> </ul>
5. New Business/ Presentations	A. Receive and file Letter from Len Kremer
6. Old Business	<ul style="list-style-type: none"> <li>A. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail</li> <li>B. City of Carver Levee</li> <li>C. Remote meeting participation - no new information to report</li> <li>D. Dredge Management <ul style="list-style-type: none"> <li>i. Vernon Avenue Dredge Material Management site</li> <li>ii. Private Dredge Material Placement</li> </ul> </li> <li>E. Watershed Management Plan</li> <li>F. 2021 Legislative Action - no new information to report since last update</li> <li>G. Education &amp; Outreach</li> <li>H. LMRWD Projects - See Administrator Report for project updates <b><i>(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)</i></b> <ul style="list-style-type: none"> <li>i. Eden Prairie Study Area #3</li> <li>ii. Amazon Fulfillment Center stormwater</li> <li>iii. Schroeder's Acres Park</li> </ul> </li> <li>I. Permits and Project Reviews - See Administrator Report for project updates <b><i>(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)</i></b></li> <li>J. MPCA Soil Reference Values - No new information since last update</li> </ul>
7. Communications	<ul style="list-style-type: none"> <li>A. Administrator Report</li> <li>B. President</li> <li>C. Managers</li> <li>D. Committees</li> <li>E. Legal Counsel</li> <li>F. Engineer</li> </ul>
8. Adjourn	Next meeting of the LMRWD Board of Managers is 7:00pm Wednesday, February 17, 2021

Upcoming meetings/Events

- UMWA Annual meeting- Thursday, January 21, 2021, 12:30 pm; contact District Administrator to join
- Metro MAWD, Tuesday, January 19, 2021, 7:00 pm.
- 2020 USACE River Resource Forums - April, August & December 2021, the April meeting is planned to be virtual

## For Information Only

- **WCA Notices**
  - Notice of Decision - City of Shakopee, Quarry Lake Park Mountain Bike Trail
  - Amended Notice of Decision - City of Shakopee, Ridge Creek Park
  - Notice of Decision - City of Eden Prairie, Peterson Wetland Bank
  - Notice of Application - City of Eden Prairie - Bell Oakes Estate 7th Addition, Outlot A
- **DNR Public Waters Work permits**
  - None
- **DNR Water Appropriation permits**
  - None



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, December 16, 2020

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

Approved \_\_\_\_\_, 2021

#### 1. CALL TO ORDER AND ROLL CALL

On Wednesday, December 16, 2020, at 7:07 PM, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD). The meeting was convened on-line due to the health emergency created by the COVID-19 pandemic.

President Hartmann asked for roll call to be taken. The following Managers were present: Manager Adam Frey, President Jesse Hartmann, and Manager Dave Raby. Manager Lauren Salvato joined the meeting at 7:10. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, and Katy Thompson, Young Environmental Consulting Group, LLC (YECG), Technical Consultant; John Kolb, Rinke Noonan, Attorneys at Law, Legal Counsel; Lindsey Albright, Dakota County Soil & Water Conservation District; Steve Pany, Manager, Prior Lake Spring Lake Watershed District; and Len Kremer, David Minge and Ted Suss, Izaak Walton League. Lisa Frenette, Frenette Legislative Advisors, LMRWD lobbyist, joined the meeting at 7:34 pm.

#### 2. APPROVAL OF THE AGENDA

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

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

#### 3. CITIZEN FORUM

Administrator Loomis said that she did not receive communication from anyone who wished to address the Board.

#### 4. CONSENT AGENDA

President Hartmann introduced the item. Manager Raby noted two revisions to the November 18, 2020 meeting minutes. Under the Consent Agenda, under Item 4. E.; the sentence is incomplete. He asked for a correction to the minutes under Item 5. A. MAWD. He said that it should say that he said he would attend the MAWD Annual meeting if Manager Salvato was unable to attend.

- A. Approve Minutes November 18, 2020 Regular Meeting
- B. Receive and November 2020 Financial reports
- C. Approval of Invoices for payment

- i. **Frenette Legislative Advisors - October Lobbying expense**
  - ii. **Rinke Noonan, Attorneys at Law - September 2020 legal services**
  - iii. **Scott County Soil & Water Conservation District - Q2 2020 monitoring, cost share and technical services**
  - iv. **US Bank Equipment Finance - November 2020 payment on copier lease**
  - v. **TimeSaver Off Site Secretarial - Preparation of September 2020 meeting minutes**
  - vi. **Young Environmental Consulting Group - September 2020 technical, education & outreach services**
- D. Authorize execution of Addendum to Recording Secretary Service Agreement with TimeSaver Off Site Secretarial, Inc. dated October 22, 2020**
- E. Set 2021 Meeting Calendar**
- F. Approve 2021 Cost Share Restoration and Water Quality Improvement Grant Program**
- G. Adopting 2021 Budget & Certification of property tax levy payable 2021**

**Manager Raby made a motion to approve the Consent Agenda amending the November 18, 2020 meeting minutes as noted. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.**

## **5. NEW BUSINESS**

### **A. Presentation by Friends of the Minnesota Valley and Izaak Walton League**

Administrator Loomis said Former Congressman, Judge David Minge, Former Manager Len Kremer, Ted Suss, Executive Director of Friends of the Minnesota Valley and President of the Minnesota Valley Chapter of the Izaak Walton League, and Don Arnosti asked to address the Board of Managers.

Before beginning their presentation, Mr. Ted Suss, Executive Director of Friends of the Minnesota Valley, thanked the Board for its support of the River Watch Program.

Mr. Suss said that Mr. Kremer was going to make the presentation. Mr. Kremer was having some issues with his connection to the meeting, so Mr. Suss continued. He said that he was joining the meeting in his capacity as a member of the Minnesota Izaak Walton League. He explained that the Izaak Walton League has an initiative that was funded through the McKnight Foundation called the Upper Mississippi Initiative. Internally within that project is the Minnesota River component. From this point forward he will refer to that component as the Minnesota River Initiative.

For starters, a spreadsheet was put together of every drainage system within the 34 counties of the MN River basin. Within that list, they, primarily David Minge and some interns from the Minnesota State University Mankato, identified systems that they thought had the most potential to increase water flow and dump sediment into the Minnesota River. They have identified several of these drainage projects which could be improved. One in Lyon County, County Ditch 14, one in Yellow Medicine, County Ditch 9, one on Limbo Creek, which is Renville County Ditch 77 and another one in Cottonwood County, Ditch 24. He noted the Izaak Walton League objected to the Lyon County project primarily because the outlet flow would be many times greater than the current system. He noted that farm land is being flooded and can't be farmed. Portions of the City of Springfield flood every time there is a heavy rain in the Cottonwood River watershed. This is the reason projects are being petitioned. Rather than continue to object to the project they looked for ways to improve it.

Mr. Suss said that Mr. Kremer and another engineer from Barr Engineering Company developed a water storage plan for Lyon County Ditch 14 that would significantly reduce the outlet flow

into the Cottonwood River. The plan includes water storage; however, the petitioners are not interested in paying for water storage. Mr. Kremer has approached BWSR about the possibility of funding a demonstration project. Mr. Suss identified the location of the storage project and said they have spoken to the petitioner about the improvement project.

Mr. Suss said the reason they asked to be on the LMRWD Board agenda is to let the Board know what they have been doing and to ask for the Board's support of their actions on a case by case basis. They are not asking the LMRWD to become a party to the objections they have filed or the lawsuit on Limbo Creek, which Mr. Suss explained. They feel that the LMRWD experiences the most negative impact from the dramatic increases in flow from agricultural drainage.

Mr. David Minge said his purpose in asking to be on the agenda tonight was to inform the Board of Managers of what the Izaak Walton project is all about. The most dramatic impact to water quality is downstream from Belle Plaine or Jordan. He noted the expense being incurred to remove sediment from both the Minnesota River and the Mississippi. He commented on the tour where the slip and dredging needs were pointed out. Most of the sediment is not coming from farm fields but coming from the bluffs and banks of the river. He talked about the environmental review process and the role of the DNR in approving drainage projects. He spoke about the Limbo Creek project in Renville County and the lawsuits that have been filed.

Mr. Minge states that he wanted to bring the Board up-to-date with what they have been doing and that the LMRWD interest in the Minnesota River is affected more directly than any other watershed district in the entire Minnesota River Basin and that therefore they would be interested in the Izaak Walton League activities.

Manager Raby wanted to clarify that this was a presentation of information and no action was being requested. Mr. Minge stated that was correct. Mr. Minge noted that an amicus brief to the Limbo Creek lawsuit is being prepared by a coalition of several other groups and the Board of Managers could certainly decide to become a party to the brief. Mr. Suss affirmed that no action is being requested at this time. He noted the goal of the actions being taken by the Izaak Walton League is to prevent a problem from becoming worse and to spare the district expense. He reiterated that water needs to be kept on the land where it falls

President Hartmann noted that they are talking about a lot of small projects that add up to a lot. President Hartmann asked that they keep the LMRWD Board of Managers updated on their progress and activities.

Ms. Lisa Frenette, lobbyist for the LMRWD, provided information regarding what is happening at the State level on managing drainage. She noted the biggest problem is that landowners do not necessarily want to pay to store water on the land. She also added that the agricultural community feels they are bearing the brunt of the blame for the increased flow of water; that cities are not assuming a share of the blame.

## **6. OLD BUSINESS**

### **A. Update from MAWD**

Administrator Loomis commented on the resolutions presented to the MAWD membership and said the request by the LMRWD Board to not sunset the creation of a MN River Basin Board was not considered. She reported that when MAWD was asked how to request MAWD not sunset a resolution adopted by the membership, she was told the LMRWD should submit resolution. The LMRWD submitted the resolution and was told the resolution would get a hearing at the annual meeting. Then after the conference began, everyone was told that only resolutions that were

received by the resolutions committee by the resolution deadline would be heard. The reasoning was that the MAWD by-laws did not allow for consideration of any other resolutions.

Administrator Loomis also informed the Board that MAWD bylaws did not allow for proxy voting. Administrator Loomis reminded the MAWD Executive Director that proxy voting was allowed at a special meeting of the membership that was called in Bemidji a couple of years ago. The Executive Director remembered that, but was not sure why that was allowed at that time.

The board talked about reasons not to belong to MAWD. Manager Raby said MAWD is not doing anything to support the LMRWD. He said that he feels that there is no reason for the District to remain a member. President Hartmann asked about the next payment of dues. Administrator Loomis said dues are usually paid in March.

Manager Salvato asked about the resolution. Administrator Loomis said it was submitted after the required date, but it was not a new resolution, it was to request that a resolution already adopted by MAWD not sunset. The Board held discussion about benefits of membership.

Administrator Loomis said MAWD has been working to provide more benefit to membership. President Hartmann asked if the District should send a statement to MAWD and give them one last chance. Manager Raby noted that WMOs are allowed membership at a fraction of the membership the LMRWD pays. He feels that the District is paying money from LMRWD constituents and get nothing in return.

**Manager Raby made a motion to not renew membership in MAWD. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Frey, Raby and Salvato; the following voted against: None. President Hartmann abstained.**

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

No new information to report since last update.

**C. City of Carver Levee**

Administrator Loomis said she was informed the City of Carver was awarded \$150,000 by the State of Minnesota under the Flood Hazard Mitigation Program. She said the City will need to match the funding they received.

**D. Remote meeting participation**

No new information to report since last update.

**E. Dredge Management**

**i. Vernon Avenue Dredge Material Management site**

Administrator Loomis said the District received the change order and the request for payment both of which were included in the packet. She noted the cost was higher than the original bid because additional aggregate, less than 3-inch, needed to be placed under the roadways because of precipitation at the site. Even though the cost was higher than the bid accepted, the end cost was below other bids received. Staff has reviewed all the documentation and has ordered payment to Meyer Contracting.

**ii. Private Dredge Material Placement**

No new information to report since last update.

**F. Watershed Management Plan**

Administrator Loomis had nothing to report.

**G. 2020 Legislative Action**

Lisa Frenette said the LMRWD needs to defend the dredge management funding. This year the focus of the legislative session will be on the budget. She has made contact with the chairs of the House and Senate Environment Committees. She noted that agencies were told to expect a 10% reduction in funding.

She asked if the Board wanted to pursue the resolution the LMRWD requested that MAWD not allow to sunset. She suggested getting language drafted along these lines in order to familiarize legislators with it and then work on getting it passed next session which will focus more on policy. (at this point Ms. Frenette left the meeting)

#### **H. Education and Outreach Plan**

Administrator Loomis said Ms. Della Young suggested that the press release the LMRWD sent at the time the video was released be sent to all the individuals that attended public hearings during the plan amendment process. The press release was sent to them and the District received communication from several people interested in the Citizen Advisory Committee. The board talked about the video.

Administrator Loomis said that she has received requests from several cities about putting the video on local cable television. Manager Raby said he would like to see the video on local TV stations. He is very happy with the result of the video and thanked the Board members that appeared in the video. He went on that he thinks the response to the video is the kind of visibility the District has been looking for.

#### **I. LMRWD Projects**

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

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

Administrator Loomis said the RFP was in the meeting packet and staff is looking for approval by the Board before publication. She noted that rather than print the whole RFP the notice published will include a link to the LMRWD website.

Ms. Della Young talked about the RFP. She noted that the RFP was discussed with the City of Eden Prairie, since they have more experience with this kind of activity - issuing RFPs.

Manager Raby commented on page 3 under task 2 - Deliverables it mentions a value engineering workshop. He said he didn't see that in the scope. Ms. Young said that task 2 has been changed 3 or 4 times during the drafting of the RFP. Task 2 started off being named Value Engineering Workshop, but staff recognized that terminology has a very specific meaning in the engineering space. That is why it was changed to Alternatives Review and Validation. That will be modified - the deliverables will be modified in that section.

Manager Raby asked that references to the LMRWD be consistent. He said some places it is the 'LMRWD' and in other places it is the 'District'.

Manager Raby referred to the cost sections and the hourly rates. Manager Raby wondered about the total cost. He said the document asks for rates, but not the cost. He thinks the LMRWD wants both and that it should be clearly stated.

Ms. Young clarified that Manager Raby is okay with the discussed modification to Task 2. Manager Raby said that he was.

**President Hartmann made a motion to approve the Request for Proposals subject to the modifications requested by Manager Raby. The motion was seconded by Manager**



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

**J. Project/Plan Reviews**

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

**i. 77th Street Underpass**

Administrator Loomis said this project was tabled at the October meeting. Revisions were made to the project and it now meets the LMRWD standards. LMRWD staff has reviewed the revisions and are recommending approval.

Ms. Young clarified that an infiltration system was included and features that were missing in the previous proposal have now been included so all the district's requirements are being met.

**President Hartmann made a motion to approve permit 2020-132 for the 77th Street Underpass project subject to the conditions noted in the technical memorandum dated December 10, 2020. The motion was seconded by Manager Raby. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.**

**ii. Canterbury Crossing**

Administrator Loomis said this is a housing development being proposed at Canterbury Park in the City of Shakopee and staff has reviewed all the documentation and is recommending approval with the conditions listed in the meeting packet.

**Manager Raby made a motion to approve permit 2020-135 for Canterbury Crossings subject to conditions noted in the technical memorandum dated December 11, 2020. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.**

**iii. County State Aid Highway 11/Jonathan Carver Parkway**

Administrator Loomis said this project is a transportation improvement project proposed by Carver County. She noted this project lies within both the LMRWD and Carver County WMO. The LMRWD gave its authority for compliance with stormwater rules to the WMO since its standards are stricter. The LMRWD retained the authority for rule F steep slopes, because the WMO does not have standards for steep slopes and the project has some drainage directed to Spring Creek. Staff has reviewed the plans and is recommending approval subject to conditions stated in the technical memorandum.

Ms. Young stated the project has been designed to not cause any adverse issues to the current situation.

The board talked about how fast this area is growing.

**Manager Raby made a motion to approve a permit 2020-110 for the CSAH 11 subject to the conditions noted in the technical memorandum dated December 10, 2020. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.**

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

**7. COMMUNICATIONS**

**A. Administrator Report:** Administrator Loomis asked if the Board had been able to review the report, since she posted it to the website and didn't inform the Board that it had been posted. Managers indicated that had been able to read it. Manager Raby questioned an attachment to the report for the Peterson Wetland Bank. He didn't see where in the report this was discussed. It was on page 4 of the report; however it did not reference the attachment. She said this will be turned from farmland into wetland to get wetland credits. The credits will go into a wetland bank. President Hartmann asked how wetland banking works. Attorney Kolb talked about the restrictions and wetland banking. The Petersons will continue to own the land with restrictions

President Hartmann asked about the timing. Administrator Loomis said she will let the board know.

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

**8. ADJOURN**

**At 8:37pm, President Hartmann made a motion to adjourn the meeting. Manager Raby seconded the motion. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann and Raby the following voted against: None.**

**The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, January 20, 2021 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.**

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

Attest:

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

**Item 4.B.**  
**LMRWD 1-20-21**

<b>BEGINNING BALANCE</b>	<b>30-Nov-20</b>	<b>\$ 2,147,736.90</b>
<b>ADD:</b>		
<b>General Fund Revenue:</b>		
Tax Settlement Scott County		\$ 34,089.69
Tax Settlement Dakota County		\$ 1,405.89
Tax Settlement Hennepin County		\$ 156,255.27
Project review fee (Canterbury Crossing)		\$ 1,500.00
Mobile Home Tax Settlement		\$ 21,680.28
Market Value Credit		\$ 18.70
		<b>\$ 214,949.83</b>
	<b>Total Revenue and Transfers In</b>	<b>\$ 214,949.83</b>
<b>DEDUCT:</b>		
<b>Warrants:</b>		
427604 Frenette Legislative Advisors	November 2020 Lobbying expense	\$ 1,666.67
427607 Daniel Hron	Nov & Dec 2020 office rent	\$ 1,300.00
427609 Metro Sales	Payment on copier service agreement	\$ 67.78
427613 Rinke Noonan Attorneys at Law	October 2020 legal services	\$ 1,560.00
427005 US Bank Equipment Finance	December 2020 copier lease payment	\$ 168.10
427688 Dustin Braun	payment for 2020 Cost Share App.	\$ 2,018.00
427703 Manager Adam Frey	1st & 2nd half 2020 per diem & exp.	\$ 1,541.40
427705 Manager Jesse Hartmann	2nd half 2020 per diem & expenses	\$ 750.00
427731 Manager Lauren Salvato	2nd half 2020 per diem & expenses	\$ 1,327.78
427955 Frenette Legislative Advisors	December 2020 Lobbying expense	\$ 1,666.67
427960 Daniel Hron	January 2021 office rent	\$ 650.00
427986 Manager David Raby	2nd half 2020 per diem & expenses	\$ 750.00
427988 Rinke Noonan Attorneys at Law	November 2020 legal services	\$ 1,450.50
427998 US Bank Equipment Finance	January 2021 copier lease payment	\$ 168.10
100014664 Young Environmental Consulting	October 2020 technical services	\$ 80,492.38
100014729 Naiad Consulting, LLC	June, July, Aug & Sept 2020 admin srvs	\$ 45,648.76
100014746 Young Environmental Consulting	November 2020 technical services	\$ 53,703.24
100014843 Meyer Contracting Inc.	Dredge project Construction	\$ 412,527.15
100014916 Time Saver Off Site Secretarial	Prepare Nov 202 meeting minutes	\$ 219.00
JE Carver County Finance Dept.	Q4 202 financial services	\$ 1,297.80
		<b>\$ 608,973.33</b>
	<b>Total Warrants/Reductions</b>	<b>\$ 608,973.33</b>
<b>ENDING BALANCE</b>	<b>31-Dec-20</b>	<b>\$ 1,753,713.40</b>

EXPENDITURES	2020 Budget	December Actual	YTD 2020	Over (Under) Budget
<b>Administrative expenses</b>	\$ 250,000.00	\$ 72,021.86	\$ 239,055.73	\$ (10,944.27)
<b>Cooperative Projects</b>				
Eden Prairie Bank Stabilization Area #3	\$ 35,000.00	\$ 12,723.98	\$ 27,045.65	\$ (7,954.35)
Gully Erosion Contingency Fund		\$ 12,341.44	\$ 78,657.38	\$ 78,657.38
USGS Sediment & Flow Monitoring	\$ 19,700.00	\$ -	\$ 10,091.50	\$ (9,608.50)
Ravine Stabilization at Seminary Fen in Chaska	\$ 55,200.00	\$ -	\$ -	\$ (55,200.00)
Riley Creek Cooperative Project with RPBCWD	\$ 74,565.67	\$ -	\$ -	\$ (74,565.67)
Seminary Fen Ravine C-2	\$ -	\$ -	\$ 97.50	\$ -
<b>509 Plan Budget</b>				
<i>Resource Plan Implementation</i>				
Gully Inventory	\$ -	\$ -	\$ 51,714.34	\$ 51,714.34
TH 101 Shakopee Ravine	\$ 35,000.00	\$ -	\$ -	\$ (35,000.00)
Assumption Creek Hydrology Restoration		\$ -	\$ -	\$ -
Carver Creek Restoration	\$ 15,000.00	\$ -	\$ -	\$ (15,000.00)
Groundwater Screening Tool Model	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
MN River Floodplain Model Feasibility Study	\$ -	\$ -	\$ -	\$ -
Schroeder Acres Park SW Mgmt Project	\$ 181,055.00	\$ 260.00	\$ 260.00	\$ (180,795.00)
PLOC Realignment/Wetland Restoration	\$ -	\$ -	\$ -	\$ -
Spring Creek Project	\$ -	\$ -	\$ -	\$ -
West Chaska Creek	\$ -	\$ -	\$ 162.50	\$ 162.50
Sustainable Lakes Mgmt. Plan (Trout Lakes)	\$ 50,000.00	\$ -	\$ 1,223.62	\$ (48,776.38)
Geomorphic Assessments (Trout Streams)	\$ 50,000.00	\$ 18,262.00	\$ 34,590.96	\$ (15,409.04)
Fen Stewardship Program	\$ -	\$ -	\$ 78,724.21	\$ 78,724.21
District Boundary Modification	\$ -	\$ -	\$ -	\$ -
E. Chaska Creek Bank Stabilization Project	\$ -	\$ 2,249.15	\$ 40,960.90	\$ 40,960.90
E. Chaska Creek Treatment Wetland Project	\$ -	\$ -	\$ -	\$ -
MN River Sediment Reduction Strategy	\$ -	\$ -	\$ -	\$ -
MN River Fens - gap analysis	\$ -	\$ -	\$ 762.20	\$ 762.20
Dakota County Fen Management Study	\$ 25,000.00	\$ -	\$ -	\$ (25,000.00)
Local Water Management Plan reviews	\$ 8,000.00	\$ -	\$ 16,289.96	\$ 8,289.96
Project Reviews	\$ 20,000.00	\$ 28,502.90	\$ 118,581.68	\$ 98,581.68
<i>Monitoring</i>	\$ 65,000.00	\$ -	\$ 16,279.80	\$ (48,720.20)
<i>Watershed Management Plan</i>	\$ 56,000.00	\$ 2,894.90	\$ 27,830.79	\$ (28,169.21)
<i>Public Education/CAC/Outreach Program</i>	\$ 30,000.00	\$ 24,892.10	\$ 50,187.10	\$ 20,187.10
<i>Cost Share Program</i>	\$ 20,000.00	\$ 2,018.00	\$ 9,043.64	\$ (10,956.36)
<b>Nine Foot Channel</b>				
Transfer from General Fund	\$ -	\$ -	\$ -	\$ -
Dredge Site Improvements	\$ 315,000.00	\$ 432,807.00	\$ 453,173.96	\$ 138,173.96
<b>Total:</b>	<b>\$ 1,104,520.67</b>	<b>\$ 608,973.33</b>	<b>\$ 1,254,733.42</b>	<b>\$ (88,940.48)</b>



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, January 20, 2021

### **Agenda Item**

#### **Item 4. D. - Designation of Official Newspaper**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

Minnesota Statutes 103B and D require publication of various official notices, such as public hearing notices, advertising for bids, etc., in a newspaper of general circulation in each county of the District. The LMRWD typically makes this designation at the first meeting of the calendar year.

The only newspaper of general circulation throughout the entire District is the Minneapolis Star Tribune. While there are several local newspapers, such as the Bloomington Sun Current, the Chaska Herald, Chanhassen Villager, the South-West Review, Savage Pacer, Shakopee Valley News, etc. these have local or limited circulation (and several have ceased publication) throughout the District. The LMRWD may use local newspapers and other forms of communication for various notices and news articles, but to meet statutory requirement, the official notices will be published in the Minneapolis Star Tribune.

### **Attachments**

Resolution 21-01 - Designation of the 2021 Official District Newspaper

### **Recommended Action**

**Motion to adopt Resolution 21-01 Designation of the 2021 Official District Newspaper**

RESOLUTION 21-01

**RESOLUTION OF THE LOWER MINNESOTA RIVER WATERSHED DISTRICT BOARD OF MANAGERS**

**DESIGNATION OF THE 2021 OFFICIAL DISTRICT NEWSPAPER**

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

WHEREAS, Minnesota Statutes 103B and 103D require the publication of various official notices in a newspaper of general circulation within the District; and

WHEREAS, there are several local newspapers with circulation within the Lower Minnesota River Watershed District (LMRWD), these have local or limited circulation throughout the LMRWD; and

WHEREAS, the only newspaper of general circulation throughout the entire District is the Minneapolis Star Tribune.

NOW, THEREFORE, BE IT RESOLVED that the Lower Minnesota River Watershed District Board of Managers hereby names the Minneapolis Star Tribune as the official newspaper of the District for 2021.

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>
FREY	<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"/>
RABY	<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"/>

Upon vote, the President declared the Resolution adopted.

\_\_\_\_\_  
Jesse Hartmann, President

ATTEST:

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

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 District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

---

Lauren Salvato, Secretary



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, January 20, 2021

### Agenda Item

#### Item 4. E. - Designation of Official Depositories

#### Prepared By

Linda Loomis, Administrator

#### Summary

Minnesota Statute § 118A.02 requires that the governing body of each government entity shall designate, as a depository of its funds, one or more financial institutions. The LMRWD uses Carver County to provide financial services for the District. Funds of the LMRWD are co-mingled and invested with the County's funds. The LMRWD does not maintain bank accounts of its own.

Carver County is governed by the same statute and has designated depositories and adopted an investment policy, which is can be accessed using the link below. LMRWD funds held by the County are deposited in the County's official depositories as outlined by the investment policy, with the provision that the County maintain enough liquidity to pay the claims of the LMRWD as necessary. Therefore, the LMRWD does not need to adopt a resolution designating an official depository.

The Financial Services Agreement with Carver County runs through December 31, 2021 and can be accessed using the link below for Managers' reference. Carver County currently uses Old National Bank for its checking account and US Bank and the MAGIC (Minnesota Association of Governments Investing for Counties) fund for investments.

#### Attachments

Resolution 21-02 - Designation of 2021 Official Depositories

[Carver County Investment Policy](#)

[LMRWD Independent Contractor/Profession Service Agreement](#)

#### Recommended Action

Motion to adopt Resolution 21-02 Designation of 2021 Official Depositories



RESOLUTION 21-02

**RESOLUTION OF THE LOWER MINNESOTA RIVER WATERSHED DISTRICT BOARD OF MANAGERS**

**DESIGNATION OF 2021 OFFICIAL DEPOSITORIES**

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

WHEREAS, Minnesota Statutes set procedures and require the Board of Managers to account for, manage and safeguard Lower Minnesota River Watershed District (the "LMRWD") funds; and

WHEREAS, Minnesota Statutes, Section 471.59 provides that two or more governmental units may by agreement jointly exercise any power common to the governmental units; and

WHEREAS, the LMRWD has entered in to a Joint Powers Agreement with Carver County, Minnesota (the "County"), to provide accounting and fund management services; and

WHEREAS, LMRWD funds are in custody of the County and are managed according to the County's Investment Policy.

NOW, THEREFORE, BE IT RESOLVED that the Lower Minnesota River Watershed District Board of Managers, in lieu of designating a depository institution, shall, consistent with its Joint Powers Agreement, authorize the County to deposit and manage the funds of the LMRWD as provided in the Laws of the State of Minnesota, including the furnishing of collateral for funds on deposit.

BE IT FURTHER RESOLVED that the County shall be authorized to make investments of LMRWD funds and shall be authorized to deposit the principal of said investments as necessary and beneficial to the Lower Minnesota River Watershed District.

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>
FREY	<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"/>
RABY	<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"/>

Upon vote, the President declared the Resolution adopted.

\_\_\_\_\_  
Jesse Hartmann, President

ATTEST:

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Lauren Salvato, Secretary

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 District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_ 2021.

---

Lauren Salvato, Secretary



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, January 20, 2021

### Agenda Item

#### Item 4. F. - Designation of Data Practices Compliance Official

#### Prepared By

Linda Loomis, Administrator

#### Summary

The Minnesota Government Data Practices Act (Minnesota Statutes Chapter 13)(the "Act") requires the LMRWD to prepare a written data access policy. The LMRWD prepared and adopted its Data Practices Procedures September 17, 2014. The Act and the LMRWD Data Practices Procedures call for the Board of Managers to name a Responsible Authority annually at its organizational meeting. A link to the LMRWD Data Practices Procedures is provided below.

The Board should name District Administrator, Linda Loomis as the person who is the Responsible Authority and data practices compliance official for compliance with the Government Data Practices Act.

#### Attachments

Resolution 21-03 Appointing 2021 Data Practices Responsible Authority

[Lower Minnesota River Watershed District Data Practices Procedures dated September 17, 2014](#)

#### Recommended Action

Motion to adopt Resolution 21-03 Appointing 2021 Data Practices Responsible Authority

RESOLUTION 21-03

**RESOLUTION OF THE LOWER MINNESOTA RIVER WATERSHED DISTRICT BOARD OF MANAGERS**

**APPOINTING 2021 DATA PRACTICES RESPONSIBLE AUTHORITY**

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

WHEREAS, the Minnesota Government Data Practices Act (the "Act"), requires that the Lower Minnesota River Watershed District (the "LMRWD") prepare a written data access policy; and

WHEREAS, the Act and the LMRWD Data Practices Procedures adopted September 17, 2014 require that the LMRWD Board of Managers appoint a Responsible Authority, that is the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law; and

WHEREAS, the LMRWD Board of Managers shares this concern regarding the responsible use of all LMRWD data and wishes to satisfy this concern by immediately appointing an administratively qualified Responsible Authority as required under statute.

NOW, THEREFORE, BE IT RESOLVED that the Lower Minnesota River Watershed District Board of Managers, appoints District Administrator, Linda Loomis, as the Responsible Authority for the purposes of meeting all requirements of Minnesota Statutes, chapter 13 as amended, and with rules as lawfully promulgated by the commissioner of Administration.

BE IT FURTHER RESOLVED, the Responsible Authority shall require the requesting party to pay the actual cost of making, certifying, and compiling copies and of preparing summary data, as allowed by Minnesota Statutes, chapter 13 and by Minnesota Rules, chapter 1205, as amended.

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>
FREY	<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"/>
RABY	<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"/>

Upon vote, the President declared the Resolution adopted.

\_\_\_\_\_  
Jesse Hartmann, President

ATTEST:

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

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 District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_ 2021.

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



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, January 20, 2021

### **Agenda Item**

**Item 4. G. - Order preparation of the 2020 Annual Report**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

Minnesota Statute 103D.351 and rule 8410.0150 requires the preparation of a yearly report, transmitted to the Board of Water and Soil Resources within 120 days of the end of the District's fiscal year. Managers should direct the Administrator to prepare the Annual report.

### **Attachments**

None

### **Recommended Action**

Motion to authorize preparation of the 2020 Annual Report



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, January 20, 2021

### Agenda Item

#### Item 4. H. - Adopt Resolution 21-04 Planning Area 56

#### Prepared By

Linda Loomis, Administrator

#### Summary

Boundaries for the One Watershed One Plan for planning area 56 have been settled. Boundaries were determined by the water management organizations that were interested in participating in the planning process. While the LMRWD indicated its willingness to participate, only portions of the LMRWD are included in the final planning area. A map is attached showing the final area.

BWSR has asked that those organizations that are planning to participate in the policy committee affirm their participation by the adoption of a resolution of the governing board, even if they have previously provided a resolution.

LMRWD Resolution 20-04 has been updated to reflect a 2021 date. Assuming the Board wants to continue to be involved in this planning effort, the Board should adopt Resolution 21-04 Expressing Intent to Participate in One Watershed Planning and Supporting a Planning Grant Application.

#### Attachments

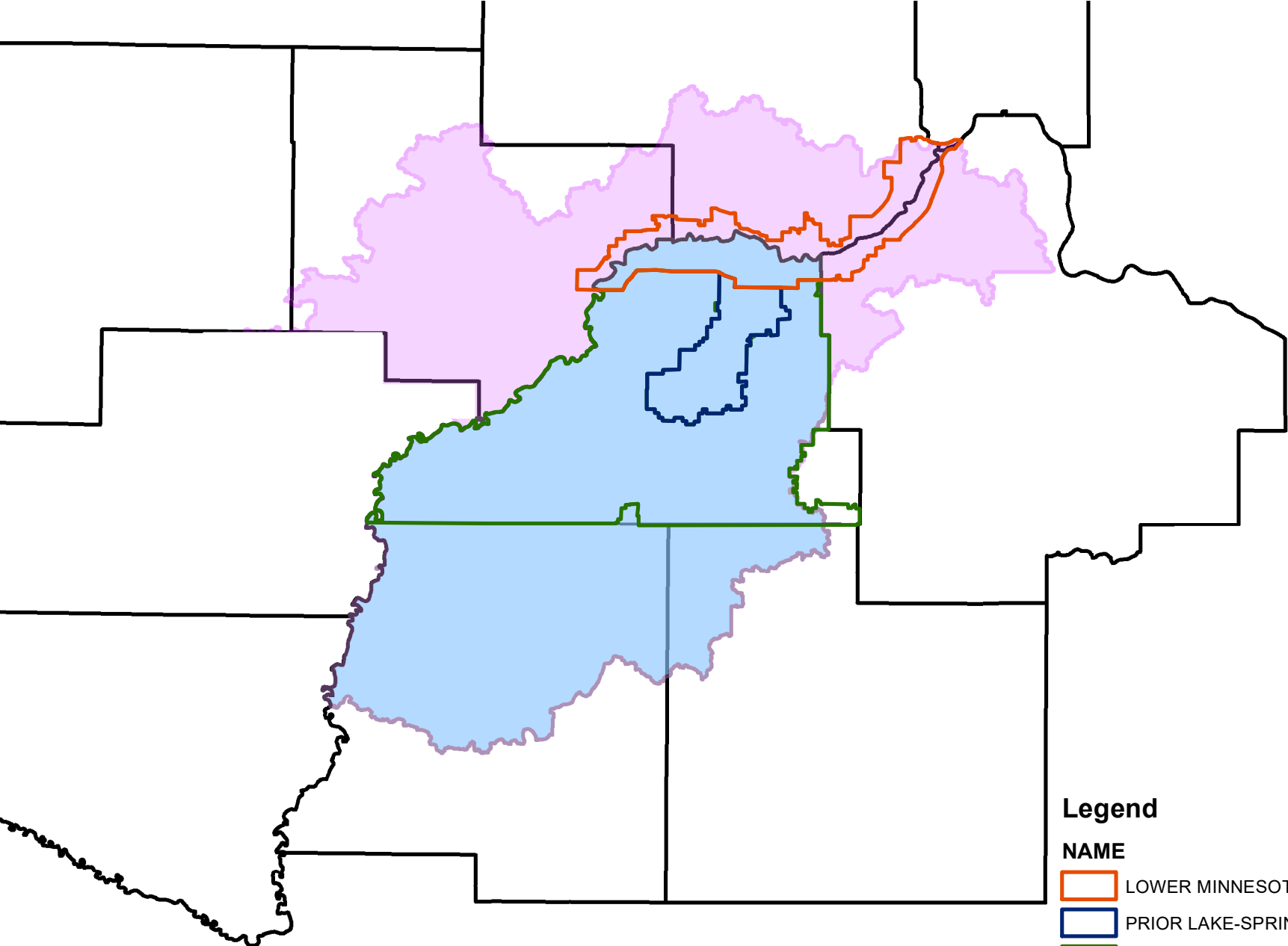
Map of Final Planning Area for Planning Area 56 1W1P

Resolution 21-04 Expressing Intent to Participate in One Watershed Planning and Supporting a Planning Grant Application

#### Recommended Action





Motion to adopt Resolution 21-04 Expressing Intent to Participate in One Watershed Planning and Supporting a Planning Grant Application

# Lower Minnesota River Watershed 1W1P Boundary



### Legend

#### NAME

-  LOWER MINNESOTA RIVER WD
-  PRIOR LAKE-SPRING LAKE WD
-  SCOTT WMO
-  Lower Minnesota River Watershed 1W1P Boundary

#### ID

-  56



**RESOLUTION # 21-04**

**RESOLUTION OF THE LOWER MINNESOTA RIVER WATERSHED DISTRICT BOARD OF MANAGERS**

**Expressing Intent to Participate in One Watershed Planning and Supporting a Planning Grant Application**

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

**WHEREAS**, the Lower Minnesota River Watershed District (LMRWD) exists in a portion of One Watershed Planning Area 56 as established by the Board of Water and Soil Resources (BWSR); and

**WHEREAS**, other watershed districts, watershed management organizations, counties and county soil and water conservations districts in Planning Area 56 have expressed an interest in initiating One Watershed Planning and in applying for a Planning Grant from the BWSR; and

**WHEREAS**, all of the interested entities, including the LMRWD, are required by statutes chapters 103B, 103C or 103D to prepare an adopt a water management plan for their organization or entity; and

**WHEREAS**, One Watershed Planning facilitates coordination of water management priorities, goals and actions across the Planning Area and between entities; and

**WHEREAS**, One Watershed Planning results in a One Watershed One Plan (watershed management plan) that may be adopted by the participating entities to replace their individually required plans under statutes chapters 103B, 103C and 103D; and

**WHEREAS**, notwithstanding the recent adoption of the LMRWD's Comprehensive Watershed Management Plan (2018) and the significant time and resources involved in developing that plan, the Board of Managers finds merit in coordinating with its neighboring entities in a One Watershed Planning effort and in seeking a Planning Grant to facilitate coordination and development of a One Watershed One Plan for Planning Area 56.

**THEREFORE, BE IT RESOLVED**, that the LMRWD Board of Managers intends to participate in One Watershed Planning for Planning Area 56 should the process move forward; and

**FURTHER**, the Board supports the efforts of other entities within Planning Area 56 to seek a Planning Grant from the BWSR for the planning effort; and

**FURTHER**, given the recent adoption of the LMRWD Comprehensive Watershed Management Plan, the Board reserves any decision on whether to adopt a subsequent One Watershed One Plan to replace its current plan. Rather, the Board, by intending to participate fully the planning process, seeks to coordinate its existing priority, goals and actions with any subsequent One Watershed One Plan.

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>
FREY	<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"/>
RABY	<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"/>

Upon vote, the President declared the Resolution adopted.

---

Jesse Hartmann, President

ATTEST:

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Lauren Salvato, Secretary

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 District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this \_\_\_ day of \_\_\_\_\_ 2021.

---

Lauren Salvato, Secretary



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, January 20, 2021

### **Agenda Item**

**Item 5. A. - Receive and File letter from Len Kremer**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

The Board of Managers received a letter from former LMRWD Manager Len Kremer. The Board should make a motion to receive and file the letter. If the Board wishes to take any action in response to the letter, the Board should provide direction to staff.

### **Attachments**

Letter from Len Kremer

### **Recommended Action**

Motion to receive and file letter from Len Kremer

Jesse Hartman  
201 Appleblossm Lane  
Shakopee, MN 55379

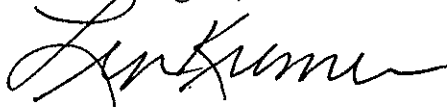
Re Lower Minnesota River Watershed District Meeting

Dear President Hartman

Thank you for the opportunity to discuss the recent activities of the Izaak Walton League and the Friends of the Minnesota Valley with the LMRWD board, on proposed drainage improvement projects in the upstream Minnesota River Watershed. And, sorry about my technical issues with Web Ex.

As Ted Suss explained we have identified several potential storage sites in the watershed of Lyon County Ditch 14 which would mitigate the effects of the proposed improvement project. The storage sites could reduce frequent discharges (2- year events) by up to 50 percent and infrequent events (100-year events) by about 20 percent. If Lyon County can get the support of affected landowners to construct the storage areas, BWSR representatives have indicated that they will try to identify funding sources to complete the storage features. If the storage project proceeds would the LMRWD consider a role as an urban partner as part of the project?

Thanks again,



Len Kremer

Cc: Linda Loomis



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, January 20, 2021

**Agenda Item**

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

**Prepared By**

Linda Loomis, Administrator

**Summary**

LMRWD staff is still trying to arrange a time for all partners to observe the site, before coming together to discuss options.

**Attachments**

No attachments

**Recommended Action**

No recommendations



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, January 20, 2021

### **Agenda Item**

#### **Item 6. B. \_ City of Carver Levee**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

In October of 2020, the LMRWD Board of Managers adopted Resolution 20-10 Expressing Support for the City of Carver, Minnesota Levee Improvement Project. The City applied for a Flood Hazard Mitigation Grant from the State of Minnesota. The City grant application was approved for a grant of \$150,000. The grant requires the City to provide matching funds of \$150,000. The City of Carver has requested a portion of the funds the LMRWD agreed to contribute to the levee project be used to provide 50% of the match required by the Flood Hazard Mitigation Grant, i.e. \$75,000.

A letter from the City is attached, as is a copy of the LMRWD Resolution 20-10 approving participation in the project. The Board should authorize payment of the funds. Staff will work with the City to draft a cooperative agreement before any funds are released.

### **Attachments**

LMRWD Resolution 20-10 Expressing Support for the City of Carver, Minnesota Levee Improvement Project  
Letter from City of Carver requesting funds

### **Recommended Action**

Motion to authorize payment of funds to City of Carver, subject to drafting and executing a cooperative agreement.

**RESOLUTION 20-10**

**RESOLUTION OF THE LOWER MINNESOTA RIVER WATERSHED DISTRICT BOARD OF MANAGERS**

**Expressing Support for the City of Carver, Minnesota Levee Improvement Project**

President Hartmann offered the following Resolution and moved its adoption, seconded by Manager Salvato:

**WHEREAS**, a portion of the City of Carver, Minnesota (City) lies within the boundaries of the Lower Minnesota River Watershed District (LMRWD); and

**WHEREAS**, the City's downtown is protected by an earthen levee constructed following the 1965 flood of record; and

**WHEREAS**, the City has experienced repeated flooding (22 events in the past 10 years) and it is expected that flood events will continue to increase; and

**WHEREAS**, in 2016, the levee was removed from the US Army Corps of Engineers (USACE) Safety Program, and is currently non-accredited on the current Federal Emergency Management Agency (FEMA) flood Insurance maps; and

**WHEREAS**, in 2019, the City informed the LMRWD of its plans to bring the City's levee up to USACE and FEMA standards and has developed several studies to identify alternatives to protect historic structures in downtown Carver and asked the LMRWD for assistance to fund the improvements; and

**WHEREAS**, the City estimates the cost to improve the Levee at \$11,180,000; and

**WHEREAS**, the City has agreed to amend its Local Water Management Plan, Capital Improvement Plan, Comprehensive Plan and other planning documents to reflect the Project and will prepare a no-rise study of the Project impacts; and

**WHEREAS**, the LMRWD Board of Managers (Board) has determined that the Levee Improvement Project (Project) benefits the District and is consistent with the goals and objectives articulated in the Board's Watershed Management Plan (WMP).

**NOW, THEREFORE, BE IT RESOLVED**, the Board intends to provide financial support to the Project in the amount of \$100,000 for the benefit of the Project; and

**FURTHER**, the Board supports efforts of the City to seek additional grants for the Project; and

**FURTHER**, the Board shall update its WMP and Capital Improvement Program to include the Project.

The question was on the adoption of the Resolution and there were 4 yeas and 0 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
FREY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

HARTMANN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RABY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALVATO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the President declared the Resolution adopted. Adopted by the Board of Managers of the Lower Minnesota River Watershed District this 21st day of October, 2020.




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Jesse Hartmann, President

ATTEST:




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Lauren Salvato, Secretary

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 District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 21<sup>st</sup> day of October 2020.




---

Lauren Salvato, Secretary





January 4, 2021

Linda Loomis  
Administrator  
Lower Minnesota River Watershed District

Via E-mail: [naiadconsulting@gmail.com](mailto:naiadconsulting@gmail.com)

Dear Ms. Loomis:

Early in 2020 the City of Carver submitted an application to the Minnesota Department of Natural Resources for their Flood Hazard Mitigation Program. The application was connected to a concept plan to certify the City's flood levee. This past November, the City was notified that it received funding (via the State Bonding Bill) of \$150,000 to advance the levee project. The City of Carver is required to provide a matching funds contribution of \$150,000 for a total project scope of \$300,000. The grant funds will be used to conduct survey work, soil borings, and additional engineering work needed to move forward with the certified levee project.

This past October, the Lower Minnesota River Watershed District Board of Managers graciously agreed to provide \$100,000 in financial support to assist the City of Carver in its efforts to certify its flood levee system. With this in mind, the City of Carver respectfully requests \$75,000 from the Lower Minnesota River Watershed District to be used toward the required matching funds for the Flood Hazard Mitigation Program. The City of Carver will be contributing the balance (\$75,000) of the \$150,000 in matching funds needed to participate in the grant program.

If you have any questions, feel free to contact me at (952) 448-8737.

Thank you for your consideration.

Sincerely,

*Brent Mareck*

Brent Mareck  
City Manager



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, January 20, 2021

### Agenda Item

#### Item 6. D. - Dredge Management

#### Prepared By

Linda Loomis, Administrator

#### Summary

##### i. **Vernon Avenue Dredge Material Management site**

In 2019, BWSR provided a pass through of the money appropriated to the LMRWD and asked the LMRWD to execute a grant agreement. At that time, only half of the money appropriated was given to the District. Rather than execute a new grant agreement BWSR would like to amend the previous agreement. The amended agreement is attached. The Board should make a motion to authorize execution of the amended agreement. The expiration date of the amendment has been extended from 12/31/21 to 12/31/22.

Meyer Construction has been paid for the work completed at the dredge placement site. Remaining restoration of the site will be completed by LS Marine.

##### ii. **Private Dredge Material Placement**

We are waiting for dredge material amounts from LS Marine in order to bill the terminal operators for placement of private dredge material placement.

#### Attachments

Grant Amendment - Grant ID #P20-7873

#### Recommended Action

Motion to authorize execution of Grant Amendment

**FY 2020 STATE OF MINNESOTA**  
**BOARD OF WATER and SOIL RESOURCES**  
**2020 Lower MN River Dredge Management - Lower Minnesota River WD**  
**GRANT AMENDMENT**

<b>Grant Agreement Start Date:</b>	1/24/2020
<b>Original Grant Agreement Expiration Date:</b>	12/31/2021
<b>Original Agreement Amount:</b>	\$240,000.00

This amendment is by and between the State of Minnesota, through its Board of Water and Soil Resources (“Board”) and Lower Minnesota River WD, 112 E 5th Street, Suite 102, Chaska, MN 55318 (“Grantee”).

**Recitals**

1. The Board has a Grant Agreement with the Grantee identified as the 2020 Lower MN River Dredge Management - Lower Minnesota River WD, PO # 3000011273, for the following grants:

Grant ID	Grant Title	Previous Expiration Date	Amended Expiration Date	Previous Award Amount	Amended Award Amount
P20-7873	2020 - Lower MN River Dredge Management (Lower Minnesota River WD)	12/31/2021	12/31/2022	\$240,000.00	\$480,000.00

2. The Lower Minnesota River WD requests Fiscal Year 2021 funds consistent with the legislative appropriation in Minnesota 2019, 1<sup>st</sup> Special Session, Chapter 4, article 1, section 4(j).
3. The Lower Minnesota River WD requests an extension for 2020 - Lower MN River Dredge Management (Lower Minnesota River WD) to December 31, 2022 to implement all items in the approved workplan including those for the additional grant funds issued for Fiscal Year 2021 as identified in #2 above.
4. Grant reporting must be completed by February 1, 2023 or within 30 days of work completion, whichever comes first.
5. The Board and Watershed District are willing to amend the Original Contract as stated below.

**Contract Amendment**

**REVISION 1. 1. Terms of Grant Agreement.**

1.2 **Expiration date:** is amended as follows:

~~December 31, 2021~~ December 31, 2022, or until all obligations have been satisfactorily fulfilled, whichever comes first.

Except as amended herein, the terms and conditions of the Original Grant Agreement remain in full force and effect.

**APPROVED:**

**Lower Minnesota River WD**

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

**Title:** \_\_\_\_\_

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

**Board of Water and Soil Resources**

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

**Title:** \_\_\_\_\_

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



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, January 20, 2021

**Agenda Item**

**Item 6. E. - Watershed Management Plan**

**Prepared By**

Linda Loomis, Administrator

**Summary**

Staff is continuing to work with the cities that have not yet been approved for municipal permits.

**Attachments**

No attachments

**Recommended Action**

No action recommended



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, January 20, 2021

### **Agenda Item**

#### **Item 6. F. - 2021 Legislative Action**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

On January 5, 2021, Lisa Frenette and I joined a virtual meeting with Kevin Bigalke of BWSR. It was the first day of the current legislative session and Lisa provided Kevin and me with an update on the complexity of this year's session, especially getting bills jacketed, introduced and heard. We discussed options for the LMRWD to pursue and what might be the best chance for success.

Last session, the LMRWD worked get a bill passed to revise the language in the appropriation of state funds to the District for dredge management. The language revision did not succeed because the Senate and the House could not come to agreement on an Environmental bill. Lisa, Kevin and I discussed revising the language to broaden the LMRWD's use of the funds to include funding of projects to reduce the sediment reaching the navigation channel. We discussed whether or not the LMRWD should submit two bills one to allow the District to use a portion of the funds to fill the gap created by the loss of the Clean Water Fund Grant for the Seminary Fen Ravine and a second to broaden the language to allow other uses of the funds (e.g. for sediment reduction projects). Lisa believes that two bills might be more problematic to introduce and get a hearing as there are already a lot of bills that are being introduced and getting a hearing may be difficult.

We discussed to potential impact COVID will have on revenues to the State moving forward and what affect that might have on the LMRWD appropriation. So far, there has been no impact; however, no one is able to say that there will not be an impact to the LMRWD appropriation. The Board should think about how it wants to proceed. Lisa will join the meeting to provide an update for the Board and discuss possible options for legislative action.

### **Attachments**

No attachments

### **Recommended Action**

No recommended action



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, January 20, 2021

### **Agenda Item**

#### **Item 6. G. - Education & Outreach**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

The LMRWD contacted 7 individuals who had expressed interest in joining a Citizen Advisory Committee (CAC). An application to apply to join the CAC is available on the LMRWD website that can be accessed from the new [Citizen Advisory Committee page](#). The LMRWD reached out to Cost Share Applicants and to the list of people that attended public hearings during the plan amendment process. People from both lists have responded to the outreach. Staff expects to have recommendations for the Board to appoint to the CAC at the February 2021 Board of Managers meeting.

The LMRWD has been contacted by the Earth Corps from Jefferson High School. The Earth Corps is a group of students that would like to create a rain garden on the grounds of Jefferson High School. They are looking for funding for the project and have reached out to the LMRWD, and the City of Bloomington's Sustainability Commission. The next step will be for them to develop an application for the LMRWD Cost Share Program. One of the difficulties that has been identified by the Students is on-going maintenance. Since several of the Earth Corps members are seniors, they are not able to commit to future maintenance. The School is not willing to take on the maintenance, so several other options were discussed when we met with the group.

### **Attachments**

No attachments

### **Recommended Action**

No action recommended.



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, January 20, 2021

### Agenda Item

#### Item 6. H. - LMRWD Projects

#### Prepared By

Linda Loomis, Administrator

#### Summary

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

Publication of the Request for Proposals was published in the State Register December 28, 2020 and January 4, 2021 Editions. It was also posted to the [LMRWD website](#) and in December 28, 2020 weekly newsletter of the American Council of Engineering Companies of Minnesota.

A pre-proposal meeting was held Wednesday, January 6, 2021. Manager Raby was able to join the meeting. An addendum to the RFP was issued Monday, January 11, 2021. A second addendum was not needed. The deadline to receive proposals is 2:00 pm, Friday, January 22, 2021.

Staff intends to review the proposal and narrow the list down. If staff determines that interviews of the proposal applicants are necessary, applicants will be notified January 29, 2021 and interviews will begin February 4, 2021. Staff will bring its recommendation to the Board at the February 17, 2021 Board of Managers meeting and ask for a contract to be awarded.

#### Attachments

No attachments

#### Recommended Action

No recommended action

##### ii. Amazon Fulfillment Center

This project was completed to redirect stormwater from the Amazon Fulfillment Center in Shakopee away from a culturally sensitive area at Murphy's Landing. The stormwater was redirected to a ravine leading to the Minnesota River east of the Visitor's Center at The Landing. The LMRWD assessed the ravine for its capacity to accept additional water and determined that the banks of the ravine would need to be stabilized. The LMRWD agreed to contribute \$35,000 to the project to account for the cost of the stabilization of the ravine. Staff has reviewed the documentation provided by the City along with the request for payment. Staff inspected the site after completion of the ravine stabilization and pictures of the site are attached. Staff has determined that the City of Shakopee has fulfilled the recommended obligations as suggested by Young Environmental in August 2019 to receive funds for the project and recommends approving the reimbursement request.



**Attachments**

Young Environmental August 2018 technical memo

Pictures of the project site

**Recommended Action**

Motion to reimbursement the City of Shakopee for costs incurred to stabilize ravine

iii. Schroeder's Acres Park

This project was identified by the City of Savage for funding under the 2018 Metro Area Watershed Based Funding Pilot Program and is in the LMRWD Watershed Plan as a capital improvement. This funding is basically pass-through funding. BWSR granted money to the LMRWD to pass through to the Cities that are responsible for implementing the projects.

This project is in the Eagle Creek sub-watershed and will look at the impact of stormwater from ponds in the Schroeder's Acres Park has on the temperature of Eagle Creek, which is a trout stream, and if improvements can be made to ponds that will reduce the temperature of stormwater flowing into Eagle Creek.

Savage has retained the services of WSB to prepare a feasibility report for the project. The Scope of Work from WSB is attached. A Cooperative Agreement has been prepared between the City and the LMRWD. This agreement has been approved by the Savage City Council and is similar to the agreement between the LMRWD and the City of Shakopee, which had two project approved for funding under the BWSR Watershed Based Funding Program. The Board should authorize execution of the cooperative agreement for this project.

**Attachments**

Scope of Work provided by WSB

Agreement for Passthrough Funding for Schroeder's Acres Park/Eagle Creek Cub-watershed stormwater study

**Recommended Action**

Motion to authorize execution of Agreement for Passthrough Funding for Schroeder's Acres Park/Eagle Creek Cub-watershed stormwater study

# Technical Memorandum

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

**From:** Shane Soukup, Water Resources Scientist  
Della Schall Young, CPESC, PMP

**Date:** August 1, 2019

**Re:** Amazon Stormwater Reroute Project—City of Shakopee Funding Review Request

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The City of Shakopee (“City”) has requested funding from the Lower Minnesota River Watershed District (“District”) for the Amazon Stormwater Reroute Project (“Project”). The proposed project information is presented in the WSB & Associates Feasibility Study—Reroute Stormwater to Protect Historic Sites, dated February 14, 2019. Below is a summary of the Project and Young Environmental Consulting Group’s (Young Environmental) recommendations.

The City is seeking to improve stormwater management near the Amazon Distribution Center by rerouting stormwater discharge away from historic sites. It has assessed three options. The preferred option involves rerouting stormwater through the ravine located on the east end of the Three Rivers Park District property adjacent to Murphy’s Landing off Hwy 101 in Shakopee, MN. This option routes the stormwater through a combination of existing and new drainage networks. WSB & Associates Feasibility study suggests that because of the long flow route and attenuation of stormwater, the ravine may not need to be stabilized or improved.

To determine how much to contribute to the Project, Barr Engineering Company (“Barr”) assessed the work required today by the District to restore and/or stabilize the ravine. Staff from the City, Barr, and Young Environmental, and the District’s administrator walked the ravine on May 23, 2019. During the field walk on May 23, the ravine was observed and assessed for any current erosion issues. A headcut and spring were noted approximately 100 feet upstream of the banks of the Minnesota River. Increased flow to the ravine is likely to accelerate the migration of the headcut upstream. These additional flows may exacerbate the erosion of the ravine and increase sediment load

into the Minnesota River. Barr proposes stabilizing the current erosion issues within the ravine. This can be accomplished by installing a grade control at or just downstream of the headcut. The grade control may be in the form of a constructed riffle, which will be contoured to keep flows in the center of the channel while also allowing spring water to exit the spring unimpeded.

The total cost estimate to stabilize the ravine is \$34,437—\$10,000 for engineering design costs and \$24,437.40 for construction costs. Stabilizing the ravine addresses the following water resources issues and goals highlighted in the District Watershed Management Plan (“Plan”):

- Issue 3: Water Quality
- Issue 5: Erosion and Sediment Control
- Goal 2: Surface Water Management—to protect, improve, and restore surface water quality
- Goal 4: Unique Natural Resources Management—to protect and manage unique natural resources (reducing sediment loading into the Minnesota River is beneficial for aquatic habitat)
- Goal 7: Erosion and Sediment Control—to manage erosion and control sediment discharge

### Conclusion and Recommendations

The Project embodies the District’s strategy to partner with the local government to leverage resources to protect, preserve, and manage water and natural resources within the District. Although it is low on the list of 2019 funding priorities, the Project aligns well with the priority to remedy erosion issues in the District and addresses the Plan’s goals. Young Environmental recommends contributing \$35,000 to the City’s Project. As a condition for accepting the District’s contribution, the City should be asked to share the following information with the District:

- Final option selected, designed, and constructed
- Funding contributors
- Final plans



Looking South toward TH 101



Looking South toward TH 101 - midway



Looking South toward TH 101 - near end



Looking North toward MN River



Looking North toward MN River



Looking North toward MN River - from beginning



February 28, 2020

Mr. Jesse Carlson  
Water Resources Manager  
City of Savage  
6000 McColl Drive  
Savage, MN 55378

Re: Proposal to Provide Professional Services  
Eagle Creek Sub-Watershed Stormwater Study

Dear Jesse:

Attached for your review and approval is our proposed scope of services, fee, and schedule for providing professional engineering services to identify and evaluate water quality improvement strategies for Eagle Creek and its tributary in Schroeders Acres Park.

It is our understanding that the City of Savage is seeking services of WSB to study, identify, and evaluate opportunities for water quality improvements to Eagle Creek and its tributary in Schroeders Acres Park. As a part of this effort, an XPSWMM model will be created for the Eagle Creek Subwatershed. Once a preferred alternative from the feasibility study is identified, WSB will prepare and submit a separate proposal for final design and construction services.

We are proposing to complete the work as detailed in the attached scope for an estimated fee of **\$38,336**

We are excited to work with you on this project. If you are in agreement with this proposal, please sign where indicated and return one copy to me. Please do not hesitate to contact me at 651-286-8474 with any questions.

Sincerely,

WSB

Jeff Sandberg, PE  
Senior Project Manager

Attachments



**SCOPE OF ENGINEERING SERVICES  
FOR  
SUB-WATERSHED STUDY FOR EAGLE CREEK**

**CITY OF SAVAGE, MN**

Eagle Creek is a protected trout stream located in northwest Savage. The City would like to identify and evaluate water quality improvement strategies for Eagle Creek and its tributary in Schroeders Acres Park. The following tasks are included with this evaluation:

**Task 1 – Project Management** (*Estimated Fee \$3,590*)

Project management will be performed throughout the course of the project. The following subtasks are included as part of Project Management:

- 1.1 Attend 2 project meetings with City staff at project kickoff and draft submittal. This will include developing agendas, preparing handouts/graphics, and completing minutes as necessary.
- 1.2 Regular communication with the City and management of the staff and budget.

**Deliverables:** *Two (2) meetings with City staff*

**Task 2 – Feasibility Study** (*Estimated Fee \$34,746*)

WSB will prepare a feasibility study that identifies alternatives for improving water quality parameters in Eagle Creek. The following subtasks are part of the Feasibility Study:

- 2.1 Existing Water Quality Data Review – The City has indicated that they have historical water quality data for Eagle Creek, to include temperature data. We will review that data as well as other historical data sources to chart trends in water quality issues and temperature increases in Eagle Creek.
- 2.2 Hydrologic Model Review – The City has indicated that they have a HydroCAD model for some of the affected drainage areas. We will review and create a XPSMM model for the Eagle Creek Subwatershed to match current existing conditions. The city will provide the HydroCAD model for our use.

**Deliverables:** *XPSWMM model for the Eagle Creek Subwatershed.*

- 2.3 Review and Develop Water Quality Improvement Strategies – We will evaluate the Schroeder's Acres pond as well as other features within the watershed for opportunities to improve water quality. We will review the stormwater management of the Eagle Creek Business Park to determine if improvements or changes to routing of flows may benefit Eagle Creek.

**Deliverables:** *Water quality improvement recommendations.*

- 2.4 Develop Concept Level Exhibits – This subtask will include development of concept level exhibits for recommended water quality improvements to Eagle Creek.

**Deliverables:** *Concept level exhibits showing proposed improvements.*

2.5 Cost Estimates and Project Schedules – this subtask will include a concept level cost estimate for each improvement identified in Task 2. Additionally, an estimated schedule for design, permitting, and construction will be included.

**Deliverables:** *Cost Estimate and Project Schedule.*

The above-mentioned tasks do not include stakeholder or agency coordination or permitting. WSB can provide an estimate for those services upon completion of the feasibility study. We will indicate the pertinent permitting agencies with jurisdiction over the project as part of our alternatives analysis. Survey, water quality testing, and geotechnical services, if requested, can be provided at an additional fee.

**Proposed Project Schedule**

Award Contract.....	March 5, 2020
Professional Services Agreement Executed .....	March 9, 2020
Kick off Meeting with City Staff.....	March 11, 2020
Complete Feasibility and Modeling .....	May 4, 2020
Meeting with City on Initial Draft.....	May 11, 2020
Final Draft Complete.....	May 15, 2020

**Proposed Fees**

The cost to provide the scope of services outlined in this proposal will be billed hourly, based on our current hourly rates. We are proposing to complete the Sub-Watershed Study for Eagle Creek for an estimated fee of \$38,336

**ACCEPTED BY:**

**City of Savage**

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

Title: \_\_\_\_\_

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

City of Savage  
 Work Plan for  
 Eagle Creek Subwatershed Study  
 February 28, 2020

Task Description		WSB Staff	WSB Staff	WSB Staff	Costs
		Jeff Sandberg Sr. Project Manager	Project Engineer	Joe Feuerstein Graduate Engineer	
<b>1</b>	<b>Project Management</b>				
1.1	Meetings	5	5		\$1,590
1.2	Regular Communication and Coordination	8	4		\$2,000
<b>2</b>	<b>Feasibility Study</b>				
2.1	Existing Water Quality Data Review	4	10	30	\$5,058
2.2	Hydrologic Modeling	14	26	80	\$14,004
2.3	Review and Develop Water Quality Improvement Strategies	8	15	32	\$6,664
2.4	Develop Concept Level Exhibits	6	12	26	\$5,298
2.5	Engineer's Estimate of Costs for Each Alternative	4	6	22	\$3,722
<b>Total Hours</b>		<b>49</b>	<b>78</b>	<b>190</b>	<b>317</b>
Average Hourly Fees (include overhead and profit)		\$182	\$136	\$99	
<b>TOTAL DESIGN SERVICES COSTS</b>		<b>\$8,918</b>	<b>\$10,608</b>	<b>\$18,810</b>	<b>\$38,336</b>

1. The above hourly rates include all costs associated with word processing, cell phones, reproductions, mailings, and mileage.

**Additional services:**

Permitting, Survey, Geotechnical, and Design Plan Preparation can all be provided services at additional cost



**AGREEMENT FOR PASSTHROUGH FUNDING FOR SCHROEDER ACRES PARK/EAGLE CREEK  
SUB-WATERSHED STORMWATER STUDY**

This agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2020, by and between the Lower Minnesota River Watershed District a public body with purposes and powers set forth in Minnesota Statutes Chapters 103B and 103D, hereafter referred to as the "LMRWD" and the City of Savage, a body politic and corporate of the state of Minnesota, hereinafter referred to as the "City".

**RECITALS:**

WHEREAS, the City and the LMRWD desire to improve storm water quality; and

WHEREAS, the LMRWD and the City worked together to include funding for an activity titled "Schroeder Acres Park/Eagle Creek sub-watershed stormwater study" to be led by the City as part of the 2019 - Watershed Based Funding Metro (Lower Minnesota River WD) Grant hereinafter referred to as the "Activity"; and

WHEREAS, the 2019 - Watershed Based Funding Metro (Lower Minnesota River WD) Grant work plan has been approved by the MN Board of Water and Soil Resources (BWSR) and the grant agreement for associated state grant funding is with the LMRWD; and

WHEREAS the Activity work plan and grant award includes up to Sixty Thousand and 00/100 Dollars (\$60,000.00) for the Activity being led by the City; and

WHEREAS, the Activity Work Plan includes a 10% match requirement from the City not to exceed Six Thousand and 00/100 Dollars (\$6,000.00); and

WHEREAS, the LMRWD Board of Managers included funding in its 2021 and 2022 budgets for the City to complete this Activity using revenue from the grant.

NOW, THEREFORE, IT IS HEREBY AGREED:

1. The recitals set forth in the whereas clauses above are incorporated by reference as if fully set forth herein; and
2. This Activity as described in the approved work plan consists of preparation of a feasibility study to determine potential water quality benefits to Eagle Creek and subsequently to the Minnesota River downstream; and
3. A sum not to exceed \$6,000.00 will be provided by the City; and
4. Work Plan activities are set forth in Exhibit A. Milestones include: 1) execution of a grant agreement between the LMRWD and the City for completion of the Activity; 2) starting the Activity in 2020; and 3) completing the Activity in either 2020 or early 2021. It is anticipated that the Activity will include modeling to estimate water quality benefits, life cycle cost estimates, cost benefit analysis and may include development of preliminary concept designs if funds allow; and
5. The Activity will be completed by a consulting firm from the direction of the City's Water Resources Manager, or his/her designee; and

6. The City will comply with all of the terms and conditions of the grant agreement between the LMRWD and the granting agency as set forth in the grant agreement included as Exhibit B. This includes the responsibility for timely completion of the reporting as required in BWSR's e-link system for this Activity; and
7. The LMRWD shall reimburse the City actual allowed costs related to the Activity, not to exceed Sixty Thousand and 00/100 Dollars (\$60,000.00). Reimbursements shall be made within thirty (30) days after receipt of invoices documenting incurred expenses and the required proportional City match. Final payment will be made following confirmation that the City has completed all required reporting for the Activity in BWSR's e-link system; and
8. Neither party, its officers, agents or employees, either in their individual or official capacity, shall be responsible or liable in any manner to the other party for any claim, demand, action or cause of action of any kind or character arising out of, allegedly arising out of or by reason of the performance, negligent performance or nonperformance of the described work by the other party, or arising out of the negligence of any contractor under any contract let by the other party for the performance of said work; and each party agrees to defend, save, keep and hold harmless the other, its officers, agents and employees from all claims, demands, actions or causes of actions arising out of the negligent performance by its officers agents or employees; and
9. It is further agreed that neither party to this Agreement shall be responsible or liable to the other or to any other person or entity for any claims, damages, actions, or causes of actions of any kind or character arising out of, allegedly arising out of or by reason of the performance, negligent performance or nonperformance of any work or part hereof by the other as provided herein; and each party further agrees to defend at its sole cost and expense and indemnify the other party for any action or proceeding commenced for the purpose of asserting any claim of whatsoever character arising in connection with or by virtue of performance of its own work as provided herein. Each party's obligation to indemnify the other under this clause shall be limited in accordance with the statutory tort liability limitation as set forth in Minnesota Statutes Chapter 466 to limit each party's total liability for all claims arising from a single occurrence, include the other party's claim for indemnification, to the limits prescribed under section 466.04. It is further understood and agreed that the Parties' total liability shall be limited by Minnesota Statutes Chapter 471.59, Subdivision 1a, as a single governmental unit; and
10. It is further agreed that any and all employees of each party and all other person engaged by a party in the performance of any work or service required or provided herein to be performed by the party shall not be considered employees, agents or independent contractors of the other party, and that any and all claims that may or might arise under the Worker's Compensation Act or the Unemployment Compensations Act of the State of Minnesota on behalf of said employees while so engaged and any and all claims made by any third parties as a consequence of any act or omission on the part of said employees while so engaged shall be the sole responsibility of the employing party and shall not be the obligation or responsibility of the other party; and
11. The provisions of Minnesota Statute Chapter 181.59 and of any applicable local ordinance relating to Civil Rights and discrimination shall be considered a part of this Agreement as though fully set forth herein, including Exhibit B, which is attached and hereby incorporated; and

12. Pursuant to Minnesota Statutes Chapter 16C.05, Subdivision 5, the books, records, documents and accounting procedures and practices of the LMRWD and the City pursuant to the Agreement shall be subject to examination by the LMRWD, the City and the State Auditor. Complete and accurate records of the work performed pursuant to this Agreement shall be kept by the LMRWD and the City for a minimum of six (6) years following termination of this Agreement for such auditing purposes. The retention period shall be automatically extended during the course of any administrative or judicial action involving the LMRWD or the City regarding matters to which the records are relevant. The retention period shall be automatically extended until the administrative or judicial action is finally completed or until the authorized agent of the LMRWD or the City notifies each party in writing that the records no longer need to be kept; and
13. The laws of the State of Minnesota shall govern all questions and interpretations concerning the validity and construction of this Agreement and the legal relations between the parties and performance under it. The appropriate venue and jurisdiction for any litigation hereunder shall be those courts located within the County of Scott, State of Minnesota. Litigation, however, in the federal courts involving the parties shall be in the appropriate federal court within the State of Minnesota; and
14. In the event any provision of this Agreement shall be held invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties unless such invalidity or non-enforceability would cause the Agreement to fail its purpose. One or more waivers by either party of any provision, term, condition or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same by the other party; and
15. Any notice or demand, authorized or required under this Agreement shall be in writing and shall be sent by certified mail to the other party as follows:

To the LMRWD:      Lower Minnesota River Watershed District  
                              Linda Loomis, Administrator, her designees, successors or assigns  
                              112 East Fifth Street, Suite #102  
                              Chaska, MN 55318

To the City:            City of Savage  
                              Water Resources Manager  
                              6000 McColl Drive  
                              Savage, MN 55378

IN TESTIMONY WHEREOF, The parties hereto have caused this Agreement to be executed by their respective authorized officers as of this day and year first above written.

**LOWER MINNESOTA RIVER WATERSHED DISTRICT:      CITY OF SAVAGE:**

\_\_\_\_\_

\_\_\_\_\_

By: Jesse Hartmann, President

By: \_\_\_\_\_, Mayor

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

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

*Approved as to form & execution:*

\_\_\_\_\_

\_\_\_\_\_ District counsel

By: \_\_\_\_\_, City Administrator

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

*Approved as to form & execution:*

\_\_\_\_\_ City attorney