

Riley-Purgatory-Bluff Creek Watershed District

Board of Managers Regular Meeting

Wednesday, November 7, 2018

7:00pm Regular Board Meeting

DISTRICT OFFICE

18681 Lake Drive East

Chanhasen

Agenda

1. **Call to Order**
2. **7:00 pm Approval of the Agenda (Additions/Corrections/Deletion)** **Action**
3. **Matters of general public interest** **Information**

Welcome to the Board Meeting. Anyone may address the Board on any matter of interest in the watershed. Speakers will be acknowledged by the President; please come to the podium, state your name and address for the record. Please limit your comments to no more than three minutes. Additional comments may be submitted in writing. Generally, the Board of Managers will not take official action on items discussed at this time, but may refer the matter to staff for a future report or direct that the matter be scheduled on a future agenda.

4. **Reading and approval of minutes** **Action**
Board of Manager Meeting, October 3, 2018
5. **Consent Agenda**
(The consent agenda is considered as one item of business. It consists of routine administrative items or items not requiring discussion. Any manager may remove an item from the consent agenda for action.)
 - a. Accept October Staff Report
 - b. Accept October Engineer's Report (with attached Inspection Report)
 - c. Pay App #2 Lake Susan Park Pond
 - d. Approve Permit 2017-047 Fawn Hill Modification with Staff Recommendation
6. **Citizen Advisory Committee** **Information**
7. **Action Items** **Action**
 - a. Accept September Treasurer's Report
 - b. Approve Paying of the Bills
 - c. Release call for application to 2019 Citizens Advisory Committee
 - d. Approve 2018 Annual Communication

- e. Approve Permit 2018- 056 Bluff Creek SW Tributary Restoration with Exception and Staff Recommendation
- f. LSWMP City of Minnetonka
- g. Approve Cooperative Agreement with the City of Eden Prairie for Lower Riley Creek
- h. Award bid for Bluff Creek Tributary Project
- i. MAWD Annual Meeting
 - i. Select delegates
- j. Personnel Committee: Salary Adjustments

8. Discussion Items

Information

- a. Bylaws modification and additions
- b. Upcoming December Board Meeting:
 - i. Hydraulics and Hydrology Update
 - ii. Water Conservation Update
 - iii. Lake Riley Zebra Mussel Update
- c. Upcoming 2019 Board of Managers Regular Meeting Schedule

9. Upcoming Events

Information

- Citizen Advisory Committee monthly meeting, November 19, 6:00 pm, 18681 Lake Drive East, Chanhassen.
- District is closed on November 23, 2018
- Minnesota Association of Watershed District Annual Meeting, November 29 - December 1, Alexandria, MN
- Regular Board Meeting, December 5, 2018, 7:00pm, 18681 Lake Drive East, Chanhassen

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

October 3, 2018, Board of Managers Monthly Meeting

PRESENT:

Managers: Jill Crafton, Treasurer

Larry Koch

Dorothy Pedersen, Vice President

Dick Ward, President

David Ziegler, Secretary

Staff: Claire Bleser, District Administrator

Zach Dickhausen, Water Resources Technician

Elizabeth Henley, Smith Partners

Terry Jeffery, Project and Permit Manager

Louis Smith, Attorney (Smith Partners)

Scott Sobiech, Engineer (Barr Engineering Company)

Maya Swope, RPBCWD Staff

Other attendees: Paul Bulger, CAC

Greg Hawks, Chanhassen Environmental
Commission

Pete Iversen, CAC

Dave Wallace, FORRL

1. Call to Order

1 Manager Ward called to order the Wednesday, October 3, 2018, Board of Managers Monthly Meeting at 7:02
2 p.m. at the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

2. Approval of the Agenda

3 President Ward noted that a revised agenda was handed out to the managers this evening. Manager Koch asked to
4 remove 5c – Pay App #1 Chanhassen High School and 5d – Pay App #1 Lake Susan Park Pond - from the
5 Consent Agenda. President Ward said that those items will be considered within Action Items 7f and 7g.
6 Manager Koch said he had some comments on the Staff Report and the Engineer’s Report. President Ward moved
7 5a – Accept August Staff Report and 5b – Accept August Engineer’s Report (with Attached Inspection Report) to
8 Action Items 7h and 7i. Manager Koch also requested to pull items 5h – Accept Purgatory Creek at 101
9 Stabilization Project Close Out Memo – and 5i – Approve Purchase of YSI Sonde for Data Collection – from the
10 Consent Agenda. President Ward said that 5h will become Action Items 7j and 5 I will become 7k.

11 Manager Ziegler moved to approve the agenda as amended. Manager Pederson seconded the motion. Upon a vote,
12 the motion carried 5-0.

3. Matters of General Public Interest

13 No matters of General Public Interest were raised.

4. Reading and Approval of Minutes

14 a. September 5, 2018, RPBCWD Board of Managers Governance Workshop and Monthly 15 Meeting

16 Manager Crafton noted that on page 1 the workshop should be listed as the Governance Workshop and not
17 the Budget Workshop. She noted a correction on page 2, line 42, a correction on page 5, line 161, and a
18 correction on page 6, line 172. President Ward noted that under item 8c, page 5, the minutes need to
19 reflect which manager seconded the motion and record that the vote taken. Manager Ziegler asked that the
20 word “and” be removed on page 2, line 20. He asked that the word “of” be inserted on page 7, line 235,
21 and requested a correction to line 353 to reflect that the public hearing started at 7 p.m.

22 Manager Koch commented on line 330 and the reference to the variance. He asked if it would behoove the
23 Board going forward to make more specific motions regarding variances. Attorney Smith said that the
24 District wants the public record to reflect that findings were made and to reflect that the Board’s action
25 was taken based on findings as presented to the Board.

26 Manager Ziegler moved to accept the minutes as amended. Manager Pedersen seconded the motion. Upon
27 a vote, the motion carried 5-0.

28 b. September 17, 2018, RPBCWD Public Hearing and Special Meeting

29 President Ward requested line numbers be added to these minutes. Manager Ziegler requested that on page
30 2 under item 2, the word “meeting” be added so the phrase reads “monthly meeting.” He said that on page
31 3, third line down, the “\$” should be removed to reflect the year 2018. Manager Ziegler said that the last
32 line of the 3rd paragraph on page 3, the phrase “what the” is removed so the sentence reads “...about the
33 components...”

34 Attorney Smith noted that on page 5, item b, second paragraph states, “Manager Koch moved to approve
35 the Cooperative Agreement with Chanhassen for the Bluff Creek Tributary and authorize the
36 Administrator and Legal Counsel to make non-substantive changes as they deem necessary.” Attorney
37 Smith noted that the Board would have included the following language as part of that motion “...and
38 authorize execution of the agreement by the President,” and Attorney Smith asked that this language be
39 inserted into the minutes.

40 Manager Koch suggested that the resolution 2018-10 be added to the minutes as an exhibit and the
41 minutes state that the resolution is attached as an exhibit. He said that same goes for resolution 2018-09.
42 Attorney Smith said that the resolutions are signed and certified and are part of the meeting record. He
43 said that anyone interested would request the resolutions as part of the meeting file, and they are available
44 as part of the meeting file. Attorney Smith said that another practice followed is to insert the resolving
45 language of the resolution verbatim into the minutes. He said another practice the Board could consider is
46 to have resolutions attached to minutes as exhibits. Attorney Smith said he has not seen this last option
47 practiced in watershed settings as is done in other settings. He said the important thing is to be consistent.

48 Manager Crafton noted a correction on page 4. She said the words “...be filled out...” should be deleted.

49 Manager Crafton moved to accept the minutes as amended. Manager Ziegler seconded the motion. Upon a
50 vote the motion carried 4-1 [Manager Koch voted against the resolution].

51

5. Consent Agenda

52 President Ward read aloud the Consent Agenda items: 6e – Pay App #4 Purgatory Creek at 101 Restoration; 6f –
 53 Pay App #3 Scenic Heights Restoration; 6g – Solicit Bids for Bluff Creek Tributary Project. Manager Ziegler
 54 moved to approve the Consent Agenda as amended. Manager Crafton seconded the motion. Upon a vote, the
 55 motion carried 5-0.

6. Citizen Advisory Committee (CAC)

56 Mr. Paul Bulger, CAC President, reported that the minutes from the CAC’s meeting are in the Board’s meeting
 57 packet. He noted that the CAC has two action items. Mr. Bulger explained that CAC recommended the District’s
 58 cost-share application be updated to include emphasis on using native plants in the cost share projects and
 59 explaining why using native plants is important. Mr. Bulger pointed out that the CAC provided specific language
 60 for the Board’s review and for adding to the application.

61 Mr. Bulger reported that the CAC is encouraged about the permitting database and is looking forward to the
 62 District’s upcoming work to update the website. He announced that the CAC is considering taking a leadership
 63 position to adopt a creek or waterbody to help clean up trash to increase the District’s visibility to the public and
 64 to demonstrate the CAC’s commitment to the District. Mr. Bulger commented that the luncheon about water
 65 conservation cost-shares had a strong attendance, and the CAC is looking forward to partnering with the Board to
 66 further these water conservation efforts.

67 Mr. Bulger stated that the CAC discussed the CAC statement “Opportunity Projects to Promote Sustainability.”
 68 He said that at the District’s previous Board meeting, the managers approved a permit for Oak Point Elementary
 69 that included a parking lot that was proposed to be developed over what is currently a recreation area. Mr. Bulger
 70 reported that the CAC views that project as a valuable opportunity project. He conveyed that the CAC requests
 71 the District to meet with the City to see if the proposed project could be amended to promote better sustainability.
 72 Mr. Bulger noted the proposed project’s location adjacent to the creek and near Staring Lake. Mr. Bulger
 73 highlighted that the City of Eden Prairie has been recognized as a Top 21 Suburb within the Country and one of
 74 the amenities rated was outdoor activities. He noted that the photo accompanying the recognition was of a nice
 75 recreation area and not a parking lot, and the CAC encourages the District to have stewardship for this watershed
 76 district.

77 Mr. Bulger updated the Board on the debate hosted this week for the mayoral candidates for Eden Prairie. He
 78 summarized that both candidates are very favorable to promoting sustainability and continuing the legacy of the
 79 current mayor.

80 Manager Koch asked if Mr. Bulger thought the CAC would be amenable to looking at the Cost-Share Program
 81 policies and language to make them clearer. Mr. Bulger said yes, and it is something the CAC has put on its
 82 agenda. There was a discussion about the current criteria for Cost-Share projects regarding use of native plants.
 83 The Board agreed it would look at the Cost-Share Program as a whole as a future agenda item.

7. Action Items

84 a. Accept August Treasurer’s Report

85 Treasurer Crafton communicated that she and the Administrator have reviewed the report in accordance
 86 with the District’s internal controls and procedures. She moved to accept the Treasurer’s Report. Manager

87 Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

88 **b. Approve Paying of Bills**

89 Manager Pedersen moved to pay the bills as listed. Manager Ziegler seconded the motion. Manager Koch
90 asked for details about the bill from Petersen and Company and how the bill relates to the proposed
91 change order on the agenda. Administrator Bleser said that the bill is related to the change order payouts 1
92 and 2 that had originally been on the Consent Agenda but was moved by the Board to later in the agenda
93 as part of agenda items 7f and 7g.

94 Attorney Smith recommended the Board approve paying the bills except for Peterson and Company and
95 to take up the Peterson and Company bill when the Board handles the change order items. Manager Koch
96 moved to amend the motion on the table by removing the Peterson and Company bill. Manager Crafton
97 seconded the motion. Upon a vote, the motion to amend the motion carried 5-0. President Ward call for a
98 vote on the amended motion to pay the bills. Upon a vote, the motion carried 5-0.

99 **c. Local Surface Water Management Act City of Deephaven**

100 Administrator Bleser updated the Board on the status of adjustments to Deephaven's Local Surface Water
101 Management Plan (LSWMP) and noted that the Board's approval of the plan should be conditional on the
102 adjustments being completed by Deephaven as requested by District staff. Mr. Jeffery went through the
103 conditions as specified by staff in the letter from staff included in the Board packet.

104 Manager Pedersen moved to approve the City of Deephaven's Local Surface Water Management Plan as
105 referred to and with the conditions as listed in the staff's memo dated October 4, 2018. Manager Ziegler
106 seconded the motion. Upon a vote, the motion carried 5-0.

107 **d. Duck Lake Subwatershed Analysis Task Order**

108 Administrator Bleser said District staff has held several meetings with the City of Eden Prairie about the
109 Duck Lake Water Quality Improvement Project. She said that the District has brought to the City the idea
110 of installing a boardwalk instead of a sidewalk adjacent to the road. Administrator Bleser reported that at
111 this point the City sees the project as a road construction project that will put road and sidewalks in place.
112 She said that District staff see this project as an opportunity with the Master Water Stewards to look at the
113 subwatershed and identify opportunities for neighbor-to-neighbor projects that will reduce pollutants
114 draining to Duck Lake.

115 Administrator Bleser went into detail about the Task Order, which will allow the District to look closer at
116 topography, best management practices, and identify what could give the watershed the biggest bang for
117 its buck in terms of projects in this area. Mr. Jeffery described the subwatershed, challenges of finding
118 projects that will add water quality improvements in this area, and the City's inaction toward discussions
119 about the boardwalk idea.

120 Manager Koch asked if this task order is included in the District's 2018 budget. Administrator Bleser
121 responded yes.

122 Manager Koch moved to approved Task Order No. 25 Duck Lake Water Quality Improvement Project as
123 presented to the Board and included in the Board packet for this meeting and that the duly authorized
124 officers of the District are authorized and directed to execute the Task Order on behalf of the District and
125 that a copy of said Task Order be included in the minutes of this meeting. Manager Ziegler seconded the
126 motion. Upon a vote, the motion carried 5-0.

127 **e. Prairie East 5th Association Cost Share**

128 Administrator Bleser reminded the Board that this Cost-Share project application is for a water efficiency

129 project for more efficient use of potable water. She reminded the Board about details of the proposed
130 project and costs. The managers talked about city partnerships that could be developed for these types of
131 projects. Manager Ziegler pointed out that the Board wants to support water conservation and should
132 communicate to this Cost-Share applicant that the District needs to set up a program that addresses water
133 conservation more specifically and that the Board will be working on this program in the coming year.

134 Administrator Bleser announced that staff has a follow up meeting with the District's Technical Advisory
135 Meeting and this topic is on the agenda. She summarized the discussion and take-aways from the recent
136 Lunch and Learn hosted by the District featuring City of Woodbury staff discussing its water
137 conservation program. Paul Bulger shared comments about water conservation through turf management
138 and management of water usage and wellhead protection. He encouraged the District to take a
139 comprehensive, multi-faceted approach including groundwater protection.

140 Manger Koch said his concern is whether the Board has a basis for denying this Cost-Share application.

141 Mr. Jeffery said that the District does not have a policy or program directly tied to water conservation, so
142 the Board should pause now to develop a policy and/ or program.

143 There was a lengthy discussion about the Board's position on this Cost-Share application.

144 President Ward summarized that the Board's previous discussion of this Cost-Share application raised the
145 Board's concerns that this project sets a precedent and about the project cost.

146 Attorney Smith commented that the District's policy sets forth broad goals and lists examples of the kinds
147 of projects it would fund such as conservation practices like irrigation rain sensor systems and rainwater
148 re-use systems. He said that the Cost-Share application's proposed project is in keeping generally with the
149 idea of some kind of conservation on irrigation. Attorney Smith conveyed that he doesn't think that this
150 means that the Board must accept and fully fund every single Cost-Share application that conforms to
151 meet one of the examples in the District's information about the Cost-Share program. He said he thinks it
152 is within the discretion of the Board to look at the application and consider the evaluation criteria.

153 Attorney Smith noted that one of the District's evaluation criteria is that the applicant must provide a
154 reasonable budget and other criteria indicate that the project must contain well-defined, measurable
155 results. He said that implicit in the criteria is that the program's funding is not unlimited, the Board has
156 discretion to evaluate each application, and the Board determines whether proposed projects are within
157 keeping of the program's criteria. Attorney Smith said that the Board's record and discussion of this
158 project reveal that this proposed project is unique due to the cost of the equipment proposed and that the
159 Board has considered there is alternative equipment that is much less expensive, and the Board has
160 concerns about precedent given that there are many homeowner associations. He summarized that these
161 reasons just stated are legitimate reasons to either reject this proposal or approve something less than what
162 is requested. He said he also agrees it is a great exercise to review the District's policy, consider revisions,
163 and get more specific about this topic, which is something the Board should always do as new technology
164 emerges.

165 Manager Ziegler said that one of the things that might be driving the cost up on this project is that the
166 applicant didn't go out for competing bids and that it requires three controllers that need to be powered.
167 He commented that he is not sure this proposal is the only way this project could be done. Manager Koch
168 commented that the Board could figure out the reasonable cost for this project and approve the Cost-Share
169 application at that amount and with all other conditions the Board would have for this project. Manager
170 Pedersen and President Ward shared their concerns.

171 Manager Koch move to lay this agenda item over and for staff to come up with revisions of the District's
172 Cost-Share Program policies and to bring the program and application process to the TAC and CAC for
173 input to be brought back to the Board and for staff to investigate some sort of cooperative arrangements
174 with the cities and in the meantime the Board will table all Cost-Share grants. Manager Ziegler seconded
175 the motion. Manager Crafton noted that the Board needs to provide this applicant with a response.
176 President Ward asked that a timeline be attached to the directions in the motion.

177 Manager Pedersen added that a discussion of the Cost-Share Program will require the District to come up
178 with its idea of what it wants to do regarding ground water. Administrator Bleser pointed out that there
179 are two things being brought up. She said there could be two different programs: The Cost-Share Program
180 and a groundwater conservation program. She said staff could review the Cost-Share program with input
181 from the CAC and TAC, and staff at the same time could investigate a groundwater conservation program
182 with input from the TAC.

183 Manager Ziegler commented that the programs should make sure there is no overlap between them so that
184 applicants can't apply for both.

185 President Ward called for a vote on the motion on the table. Upon a vote, the motion carried 5-0.

186 Manager Pedersen moved that staff work to develop a groundwater conservation program in cooperation
187 with the cities and with input from the TAC and CAC and to be incorporated into the Cost-Share program
188 at a later time. Manager Ziegler seconded the motion. He noted that the ground water conservation
189 program could be a separate program. There was discussion that the groundwater conservation program
190 would be independent of the existing Cost-Share Program. Manager Pedersen made a friendly amendment
191 to her motion to remove the statement that the groundwater conservation program would be incorporated
192 into the District's Cost-Share Program. Manager Ziegler agreed to the friendly amendment. Upon a vote,
193 the motion carried 5-0.

194 Manager Koch moved to direct staff to respond to Prairie 5th that their application is tabled at this time
195 pending the District's further review of its Cost-Share Program and investigation into a ground water
196 program. Manager Pedersen seconded the motion. Manager Ziegler said the District should communicate
197 that the District may put a new program in place that may require a new application. Upon a vote, the
198 motion carried 5-0.

199 **f. Change Order and Pay App #1 - Peterson Companies – Lake Susan Park Pond Water Treatment**
200 **Project**

201 Administrator Bleser reported that Engineer Sobiech, herself, a project manager from Barr Engineering,
202 and Peterson Companies met and discussed the Lake Susan Park Pond project status. She reported that the
203 timeline sets the project to be significantly finished by mid-October.

204 Administrator Bleser went through the items in the change order, including equipment substitutions. She
205 said staff did not push Peterson Companies to do a reduction in change order fees for this project. She
206 noted that the recent rains contributed to project delays. Administrator Bleser added that Peterson
207 Companies will come back in the spring to make sure the project is operating as intended.

208 Engineer Sobiech provided more information about the retainage included in the change order. He
209 explained that the retainage is solely intended to retain dollars so the contractor comes back in spring to
210 make sure the project is fully operational, even though the project will be finalized November 15.
211 President Ward commented that \$2,000 seems like an insignificant amount of money based on the
212 Company's performance in the past.

213 Manager Koch commented on the retainage and moved to approve the change order with non-substantive
214 changes to be made by the District Administrator and Legal Counsel as necessary and that the District
215 retains \$10,000 if permitted by contract and for the payment to be made under the draft the Board was
216 given be appropriately limited and that the statement be amended to reflect the \$12,000 reduction.
217 President Ward and Administrator Bleser pointed out that the reduction is not for this project but for the
218 Chanhassen High School project.

219 Manager Pedersen asked Legal Counsel if the District could act to not pay Peterson Companies \$10,000.
220 Attorney Smith responded that as this pay app is proposed, the project is going to be inspected and
221 determined to be complete in November, and there is not a basis for further retainage once the District has
222 signed off on the project and it is complete. He said what is happening here is that in negotiations with
223 Peterson Companies, there is a negotiated change: the contractor is saying that the District can hold on to
224 \$2,000, even if in fact at that point in November the District owes the contractor payment of everything,
225 and in spring the contractor will come back and make sure everybody is comfortable with the system
226 starting up again and the District can at that time pay the \$2,000.

227 Attorney Smith brought up the Peterson Companies – Chanhassen High School project. He noted that the
228 project is very late in being completed and noted the extra costs. Attorney Smith said that in this project
229 the District has a project partner with the school and that the District is working with the contractor to
230 figure out the best way to cooperate with the contractor to get issues resolved and the project done. He
231 addressed the negotiated result with this project in which instead of \$30,000-plus in liquidated damages,
232 which the District could claim and that Peterson Companies may dispute and may result in legal fees and
233 process, the District will have a negotiated result, the project will get done, and the District will have a
234 \$12,000 concession on liquidated damages. He said that in response to Manager Pedersen’s question
235 about the \$10,000, he does not believe the District has basis for retaining more money if the District is
236 going to sign off and call the project complete in November, unless there is a negotiation with the
237 contractor and the contractor agrees to something more. Attorney Smith, Engineer Sobiech, and
238 Administrator Bleser responded to questions about alternative negotiations, the project “substantially
239 completed” date, the warranty period, the fall inspection, and the spring review of the system.

240 President Ward asked about the District’s costs for the additional work Barr Engineering performed
241 because of the project delays. Engineer Sobiech responded that as of the end of last week, and as listed in
242 the memo included in the Board’s meeting packet, the costs are:

243 Chanhassen High School additional construction/reviews/administration: \$10,275

244 Chan H.S. substitutions and alternative materials review: \$1,555

245 Total Additional District Costs for Chanhassen H.S.: \$11,825

246 Lake Susan Park Pond additional construction/reviews/admin: \$7,710

248 Lake Susan Park Pond substitutions and alternative materials reviews: \$4,550

249 Total Additional District Costs for Lake Susan Park Pond: \$12,260

251 President Ward reflected that the District is being charged for the contract not doing what it was
252 contractually supposed to do so at the very least the contractor should pay those fees. He asked if there
253 will be additional costs for the District’s time on these projects. Engineer Sobiech responded for
254 Chanhassen High School there could be an additional \$2,000-\$3,000 and for Lake Susan Park Pond there

255 could be an additional \$3,000-\$4,000.

256 There was a lengthy discussion about concerns with the projects, deadlines of the grants the District
257 received for these projects, and on actions the Board could take. Administrator Bleser reminded the Board
258 that both projects have grants that need to be used by the end of this year.

259 Manager Koch moved to approve execution of Change Order #1 with changing the completion date to not
260 earlier than May 1 and adding that the District keeps the retainage until completion or May 1st, whichever
261 occurs first. Manager Ziegler seconded the motion. The Board discussed the motion.

262 Manager Ziegler asked what amount of grant money this action could put at risk. Attorney Smith
263 responded that the contractor is going to continue the work to be effectively and practically done in
264 November. He said the contractor will be submitting payment requests to the District, and the District will
265 be reviewing the requests as they are received. Attorney Smith said the District will retain the 5%
266 retainage and will not make the final payment on the retainage until spring 2019. Manager Koch said yes,
267 that the intention of his motion. Attorney Smith said this is a negotiated extension time that considers the
268 project delays. Manager Crafton asked if this negotiation is not acceptable to the contractor, will this item
269 need to come back to the Board at its next monthly meeting. Attorney Smith responded yes.

270 Manager Crafton asked if December 31 is the date by which the District needs to close out its grants.
271 Administrator Bleser said she will get clarification from the Minnesota Board of Water and Soil
272 Resources.

273 Engineer Sobiech asked whether changing the completion date to May 1, 2019, would allow liquidated
274 damages to not be incurred until that date and would that change allow the contractor to decide it won't
275 come back to the project until spring 2019. He asked if the Board would consider keeping the substantial
276 completion date of November 15, 2018. He said that the final completion could be spring 2019. Manager
277 Koch said his motion is not intended to stop the project work in any way. He made the friendly
278 amendment to modify the motion to include that project work continues and the final completion date is
279 May 1. Attorney Smith said assuming the contractor maintains working at its current pace and gets to
280 substantial completion by November 15, then even through the District may have a claim against them for
281 liquidated damages, by virtue of negotiating this extended final completion date in May and holding on to
282 retainage, he understands the Board's intent to be to not making claims for liquidated damages or
283 negotiate that in the outcome; However, he said, the Board will want to preserve that ability if, for
284 example, the contractor does not show up tomorrow. Manager Koch said yes, that was the intent of his
285 motion. Manager Pedersen asked if Manager Koch wants to change the date until May 15, 2019, to
286 account for unseasonably late snow in spring 2019. Manager Koch made the friendly amendment to his
287 motion to change the final completion date to May 15, 2019, and substantial completion date November
288 15.

289 Manager Crafton asked for the motion to be repeated. Manager Koch reiterated his motion to approve
290 Change Order #1 with the revision that the final completion date will not be earlier than May 15, 2019,
291 and the substantial completion date remain the November date as stated in the Change Order and that if
292 the contractor fails to perform to reach satisfactory completion and final completion by the November and
293 May dates, respectively, the District reserves all its rights to claim liquidated and any other damages
294 provided for under the contract. Manager Ziegler agreed to the motion as restated and reaffirmed his
295 second of the motion. Upon a vote, the motion carried 5-0. [See item 7g for Board action on payment
296 application for Lake Susan Park Pond Water Treatment Project].

298 **g. Peterson Companies – Change Order - Chanhassen High School Stormwater Reuse Project**

299 President Ward summarized that for this project the District will get back a portion of the costs for Barr
300 Engineering’s additional work through a \$12,000 reduction. Manager Koch moved to approve the Change
301 Order for the Chanhassen High School Stormwater Reuse Project subject to any non-material changes
302 made by the Administrator or Legal Counsel as appropriate and resulting in a \$12,000 reduction in the
303 final price to the District. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

304 President Ward drew the Board’s attention to the requested cash disbursement from Peterson Companies
305 in the amount of \$136,862.35. Manager Pedersen moved to pay Peterson Companies \$136,862.35.
306 Manager Crafton seconded the motion. Engineer Sobiech suggested the Board act on the pay applications
307 prior to approving payment of the bill He noted that the Board has two pay applications in front of it: one
308 for Lake Susan Park Pond and the second for Chanhassen High School.

309 Manager Koch moved approval of the pay application for the Lake Susan Park Pond Water Treatment as
310 submitted by Peterson Companies with authority to the Administrator to make such changes as are
311 necessary, if any, to reflect the Board’s action with respect to the project’s final completion date. Manager
312 Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

313 Manager Koch moved approval of the pay application for the Chanhassen High School Reuse Project
314 Treatment as submitted by Peterson Companies with authority granted to the Administrator to make such
315 changes as are necessary, if any, to reflect the Board’s action with respect to the project’s final
316 completion date. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

317 Manager Koch moved to approve payment to Peterson Companies in the amount of \$136,862.35.
318 Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

319 **h. Staff Report**

320 Manager Koch said that in light of the hour he can waive any questions he has at this time. Manager
321 Ziegler moved to accept the staff report. Manager Pedersen seconded the staff report. Upon a vote, the
322 motion carried 5-0.

323 **i. Engineer’s Report**

324 Manager Crafton moved to accept the Engineer’s Report. Manager Pedersen seconded the motion. Upon a
325 vote, the motion carried 5-0.

326 **j. Acceptance of Purgatory Creek Highway 101 Stabilization Project Close Out - Pay Application #4**

327 Administrator Bleser explained that this action is to close out this project, and she reported that
328 everything has been completed for this project. Manager Koch asked if the Engineer agrees that
329 everything is complete, and the project should be closed out. Engineer Sobiech indicated yes. Manager
330 Koch asked if there is a warranty on the second planting of trees and if warranties are typical or more an
331 exception to the rule. Administrator Bleser responded they are more an exception to the rule.

332 Manager Ziegler moved to approve Pay Application #4 – Final Payment Purgatory Creek Highway 101
333 Stabilization Project in the amount as listed in the pay app and included in the Board’s meeting packet.
334 Manager Koch seconded the motion. Upon a roll call vote, the motion carried 5-0.

335 **k. Authorize Staff to Purchase of YSI Sonde Monitoring Equipment**

336 Administrator Bleser explained the need for the new piece of equipment and how it would be used to
337 collect additional data. Manager Koch asked the cost and if it is budgeted in the District’s monitoring
338 budget. Administrator Bleser said the cost is \$15,267 and there are funds budgeted for it within the
339 District’s monitoring budget.

340 Manager Ziegler moved to authorize staff to purchase the YSI Sonde for data collection in the amount of
341 \$15,267. Manager Koch seconded the motion. Upon a vote, the motion carried 5-0.

8. Discussion Items

a. Seville West

342 Mr. Jeffery updated the Board that the permit holder did meet the deadlines set by the Board's action last
343 month. He listed the items that the permit holder submitted and noted that staff is in process of reviewing
344 the information to see if the District's rules are met. Mr. Jeffery said that District costs will be incurred
345 due to this extra work and the permit holder will need to compensate the District for these costs.
346

347 Attorney Smith commented that the permit holder did submit the information as requested by the District
348 but what is left to determine is what is going to happen on the site. He said he doesn't know of any way to
349 deal with it outside of a compliance hearing. Attorney Smith pointed out that even if what the permit
350 holder submitted is in order, there are still problems that need to be addressed. Mr. Jeffery said that for the
351 house that was constructed on the property, the homeowner took it upon himself to construct the reuse
352 system on the site. He stated that this would make the property compliant with the previous permit, but it
353 was the homeowner that made it compliant and not Seville West. Mr. Jeffery said that the buffer is not
354 recorded. He said that staff will review the submission Sand will bring back to the Board any permit
355 violations. President Ward asked how much time is needed. Mr. Jeffery suggested the District follow the
356 same 60-day timeline starting from October 2.

b. Upcoming Meetings

357 President Ward announced that the District will hold a workshop at the District Office on the permitting
358 process on Wednesday, November 7 at 5:30 p.m. to be followed by the Regular Monthly Board Meeting
359 at 7 p.m. He noted other upcoming events including Cycle the Creek, CAC and TAC meetings, and the
360 MAWD annual meeting. Administrator Bleser noted that Mr. Jeffery will be leading the District's
361 November 7 workshop and the monthly Board meeting because she will be at the American Water
362 Resources Association conference.
363

9. Upcoming Events

- 364 • Cycle the Creek, September 29, 10 a.m., District Office, 18681 Lake Drive East, Chanhassen
- 365 • Citizen Advisory Committee Monthly Meeting, October 15, 6:00 p.m., District Office, 18681 Lake Drive
366 East, Chanhassen
- 367 • Technical Advisory Committee, October 24, 11 a.m. -1 p.m., District Office, 18681 Lake Drive East,
368 Chanhassen
- 369 • Community Clean-up for Water Quality, October 27, 9:30 a.m.-Noon, multiple areas in Chanhassen,
370 www.ci.chanhassen.mn.us/cleanup
- 371 • Workshop (Permitting Process), November 7, 5:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
- 372 • Regular Board Meeting, November 7, 7:00 p.m., District Office, 18681 Lake Drive East, Chanhassen,
- 373 • Minnesota Association of Watershed Districts Annual Meeting, November 29-December 1, Alexandria, MN
- 374 • RPBCWD Regular Board Meeting, December 5, 2018, 7:00 p.m., District Office, 18681 Lake Drive East,
375 Chanhassen

10. Adjourn

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Manager Ziegler moved to adjourn the meeting. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 9:48 p.m.

Respectfully submitted,

David Ziegler, Secretary

RPBCWD Staff Report

November 7, 2018

Administrative

50th Anniversary Celebration: Come explore with us!

Winter: Lake Ann Winter Festival, Snow shoeing family event

Spring: Monthly lunch walks with district staff, [NEW] Accessible boat rides with “Let’s Go Fishing”

Summer: Celebrating our community, Lake Riley Jacques Barn

Fall: Half Century Bike Ride

December: Discover our community through your lens (Annual communication will include photos from photo contest engaging our community to capture the beauty of our natural resources). This will wrap up our 50th anniversary.



The photo contest is up and going and we already have had one submission!

Aquatic Invasive Species

On October 22, the District was notified by the MN DNR of a possible sighting of zebra mussels on Lake Riley. District staff investigated and found 91 mussels in 5 different areas around the lake. Rapid response is not an option as the invasion is widespread and pretty well established. We have notified all of our lake associations. Staff is working on setting up an informational session in December to discuss District next steps. The District has invited the DNR, the City of Eden Prairie and the City of Chanhassen to this meeting. The meeting date is pending until we hear back from our guests. Staff is also in the process of sending a mailer to residents on an near Lake Riley notifying of the infestation, how to inspect for zebras and inviting them to the informational session. Staff is planning to mail a similar mailer to lakeshore owners from other lakes.



Annual Report

No Updates

Budget

Finalizing budget and levy will be at our December meeting.

Data Requests and Research Extension

No requests.

Grants

Metropolitan Council approve our final grant reporting for Fire Station #2.

BWSR - Lake Susan Park Pond. We will be completing the grant this year and will be reporting for final payment.

Metropolitan Council - Chanhassen High School. We will be closing out this grant at completion of the project.

Citizens Advisory Committee

October meeting

The CAC met for their monthly meeting Monday, October 15th. Manager Ziegler was present as the board representative. Staff Jordan facilitated a discussion about the cost-share program revamp (see cost-share section below). CAC meeting minutes are included in the board packet.

2019 CAC appointments

It is the time of year when the CAC applications are typically opened for the following year, and staff are seeking board direction for the appointment process.

Please see item 8c on the agenda for more information.

2018 Chanhassen Community Clean-up for Water Quality (Oct 27)

Staff want to extend a hearty congratulations and thank you to CAC member (and Master Water Steward) Sharon McCotter on a successful event. This is the second year that Sharon has coordinated this event with the city of Chanhassen and the watershed district. Both years, she has done an excellent job, making the district's work to support the event simple and easy. And thank you to all of the volunteers who attended!

Please see below for photos and a summary of the event from Sharon:

“There were 15 volunteers. We collected 103 bags of leaves in under two hours. Participants included a wide range of people including numerous Chanhassen Environmental Commissioners, a city employee, Master Water Stewards, neighbors, a budding Master Naturalist, family members and even a mayoral candidate. We tackled two sites – Carver Beach Road (9 people; 70 bags) and Lake Riley Blvd. (6 people; 33 bags). We met at the sites and the work was completed in about two hours. The city supplied the leaf bags and maps. Jill Sinclair was the primary city contact ensuring we had timely communication and lead times especially with office staff around the collateral materials, the public works group who would be picking up the leaves and the Environmental Commission. Her commitment to the effort, willingness to work through details, flexibility, offer of options as the planning evolved and collaboration were significant factors in making the event a success. The Riley, Purgatory, Bluff Creek Watershed supplied safety vests,

brochures (to give to curious onlookers), rubberized gloves and Spotify giveaways. Maya Swope and Michelle Jordan handled email announcements to numerous groups i.e. Lake Associations, Master Water Stewards, etc. and provided support for the activity.

One of the neatest things this year was watching the volunteers make connections. Many of these people were interested in learning more about the watershed, volunteer opportunities, and even where they could get help to make water quality improvements on their property (cost share). Two fairly new neighbors worked together, even after the cleanup was done, to clean even deeper around a problematic area. While they previously knew each other somewhat, they collaborated on how they could help on an ongoing basis to care for this area. The focus was more long term versus just for the event.”



Technical Advisory Committee

TAC members gathered on October 24th. Included at the end of this report is a copy of the presentation provided to the TAC and minutes.

Programs and Projects

District-Wide

Cost-share program

As directed by the board of managers, staff have begun working with the CAC, and soliciting input from the TAC on revising the cost-share program, including the application review process. The steps that have been taken to date as well as proposed next steps.

Note: The process below is aggressive, with the goal of opening cost-share applications in February as in previous years. It is possible that the timeline and workflow will need to be adjusted. Opening applications as late as April would likely still result in an effective program for the year, as we have usually received the majority of homeowner applications at the mid-June deadline.

“Cost-share update” process outline

Component	Actions	Completed/anticipated
Identify the need that the cost-share program addresses	<ol style="list-style-type: none"> 1. Facilitate a discussion with the CAC 2. Send a survey to the TAC 3. Look for overlap between needs identified in 1 & 2, and the 10 Year Plan Goals/Strategies 	<ol style="list-style-type: none"> 1. Oct 15, 2018. 2. Oct 29, 2018 (currently collecting responses) 3. Ongoing
Assess how the current cost-share program meets/fails to meet the identified needs	<ol style="list-style-type: none"> 4. Host CAC discussion/work session 	<ol style="list-style-type: none"> 4. Nov CAC meeting
Identify barriers to participation	<ol style="list-style-type: none"> 4. Host CAC discussion/work session 5. Send a survey to past homeowners who received cost-share grants or technical assistance 	<ol style="list-style-type: none"> 4. Nov CAC meeting 5. November
Identify existing structures that can be adapted	<ol style="list-style-type: none"> 6. Reach out to other watersheds to learn how their programs are working well/lessons learned 	<ol style="list-style-type: none"> 6. Ongoing
Adjust the existing program to reflect the data gathered including scoring	<ol style="list-style-type: none"> 7. Draft a program summary 8. Bring draft to CAC for review/workshopping 9. Bring draft to Board of Managers 10. Adjust draft per board comment. 11. 2nd draft to board 	<ol style="list-style-type: none"> 7. December 8. Dec CAC meeting 9. Jan board meeting 10. Jan, and Jan CAC meeting 11. Feb board meeting

Open updated program applications		February 2019
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So far, staff have facilitated a discussion with the CAC, sent a survey to the TAC, and begun reaching out to other watersheds with grant programs.

CAC discussion: Members were asked three questions about the cost-share program: 1. What is the need?, 2. If this program lived up to its fullest potential, what would that look like?, What are the most important projects you could imagine being supported by the program? 114 different comments were generated for the three questions. As a part of the process, staff had members identify themes in the comments. For question 1 (what is the need?), the most common theme that came up was related to “education and awareness”, followed by “changing mindsets”, “demonstrating best practices”, and finally “improving water quality”. For question 2 (if this program lived up to its fullest potential, what would it look like?) the common themes were “easy/user friendly”, “normalize best practices”, “measurable impact/outcomes,” and “community”, for question 3 (what are the most important projects...?), turf reduction, neighborhood/community-scale actions, habitat improvement, maintenance, and stormwater bmps all came up.

TAC survey: awaiting responses

Research other programs: staff have connected with four watersheds so far.

Regulatory Program (T. Jeffery)

Permitting

Six (6) applications were submitted to the District’s online permitting system since the October 3, 2018 Board Meeting. Two are for construction of a new home on an existing single family lot of record. Two permit applications are for District projects - Bluff Creek Tributary Stabilization Project and Lower Riley Creek Stabilization Project. One other government agency has applied for a District Permit. Hennepin County Library System applied for improvements at their Eden Prairie Library. This is currently under review. The last application was from Presbyterian Homes. Administratively approved permits are listed in the table below.

PERMIT #	ADDRESS	PROJECT DESCRIPTION
2018-060	17785 Cascade Dr., Eden Prairie	The construction of a new single-family home and filtration trenches on an existing lot of record.
2018-064	18336 82nd Street, Eden Prairie	Construction of a new single family home within Kopesky 2nd Addition. As Kopesky has an active permit with the District, the new home may rely on the approved stormwater management system for the

		development .
2018-065	3611 Rainbow Dr., Minnetonka	The construction of a new single-family home and a biofiltration BMP on an existing lot of record.

Staff Jeffery and Engineer Sobiech are meeting with Eden Prairie on November 2 to discuss Preserve Boulevard. Eden Prairie is concerned that the cost-benefit of getting volume reduction to the maximum extent practicable does not warrant putting the practices in place. The District has always held that the rules are clear on sequencing for restricted sites and that is what is followed in review of submittals.

Discussions with SEH, and Three Rivers Park District regarding Three River Parks planned parking and drive aisle improvements in Hyland Park have continued. The project is, since the reconfiguration of district boundaries, entirely within Riley Purgatory Bluff Creek Watershed District.



Engineer Sobiech continues to work with the consulting engineer for Eden Prairie on modeling of Duck Lake as it pertains to the Duck Lake Road Reconstruction Project.

There has been no change in the proposed stormwater treatment, as the project still would rely on school property to treat runoff from Prairie View Elementary School and a small portion of the road. A significant portion would only be treated for large solids with the use of sump manholes or similar practice. These would not address smaller sediment particles, phosphorus removal, or abstraction. The project also proposes trails on both sides of the road, resulting in significant floodplain fill and some wetland impacts. The

project, as proposed, would result in variance requests from Rule B - Floodplain Management and Rule J - Stormwater Management. It is unclear if it could fully meet all other applicable rules such as Rule D - Wetland and Creek Buffers and Rule G - Waterbody Crossings and Structures.

Staff still recommends the use of a boardwalk, similar to the one near Chanhassen High School and crossing Nine Mile Creek and floodplain wetlands near Edina High School as well as other areas, to minimize wetland impacts and eliminate fill within the floodplain. Eden Prairie is hesitant as they contend it cannot be maintained in the winter. Staff is also requesting that the site be evaluated for additional opportunities to provide stormwater management and minimize impacts.

Rules Update

The revised rules went into effect on October 1, 2018. All applications submitted from that point forward will be reviewed under the revised rules.

Wetland Conservation Act Administration

Since assuming WCA responsibility for Shorewood in October, RPBCWD has not had any WCA application.

Since assuming WCA responsibility for Deephaven in March, RPBCWD has not had any WCA application. There have been four instances of consulting with land owners about various aspects of WCA.

Minnesota Rules allow for RPBCWD to collect a reasonable fee. Staff will discuss likely costs incurred as a result of these responsibilities and bring suggestions to the managers for consideration at a work session prior to the November meeting with action on the items at the December meeting. Staff will also bring forward proposed changes to the fee schedule and financial assurance schedule on the same schedule.

Stormwater Research (Gulliver)

Agreement has been executed. Cities have been updated and notified of timeline changes. The timeline for implementing treatment will be moved to winter 2019-2020 pending result of the first phase of the research.

Data Collection (J. Maxwell)

Rice Marsh Aeration

Staff will pulse the unit once a month and remove the aeration stones for cleaning this fall to ensure the lines are clear. Staff submitted information required for the aeration permit for the winter of 2018-2019. Due to the fisheries benefit and carp management plan, staff were able to waive the \$200 aeration fee. The public notifications in the Chanhassen and Eden Prairie newspapers are scheduled for early November with the assumption that the unit will be started in December.

Summer Field Season

Staff has finalized all physical and chemical data collected in 2018 and submitted it to Barr Engineering for an additional quality control check. Work on summarizing the data for the annual report will begin shortly. All macroinvertebrate samples were sent to Dean Hansen of the University of Minnesota for identification. Staff will start training on programming the Enviro DIY monitoring stations in November by Limnotech.

Common Carp Management

Common carp surveys across the District were completed in early October, results should be available shortly and will be included in the annual report. The barrier was opened for a week in early October due to the high amount of rainfall. The barrier was installed after water levels returned to acceptable levels.



Staff received 14 radio tags for tracking common carp this winter and have implanted four tags in fish in the upper purgatory creek recreational area and ten in Staring Lake. Two of the tags are experimental in that they are easier to find but have a shorter battery life.

District staff summarized the Lake Cornelia and Lake Normandale fisheries located in Nine-mile Creek Watershed District and submitted the invoice.

Creek Restoration Action Strategy

Joshua Maxwell submitted the fifth revised CRAS to the Center for Watershed Protection for publication. Final suggested corrections were sent back from the editor in chief and final approval for publishing was given after minor corrections were made. High resolution figures and images were sent which was the final step for publishing the CRAS!

Staff began walking parts of Purgatory Creek this fall, including the Lotus Lake Branch and the north tributary feeding the Silver Lake Branch. Staff will continue to walk sections of Purgatory Creek to update scores this fall.

CRAS updates and potential additional monitoring for 2019:

- Additional bank pins installed now and in 2019 at sites that align with upcoming projects (e.g., upper riley)
- Walking 1st order tributaries that haven't been assessed
- Doing the LRAS
- Assessing additional ravine erosion areas
- Using the stream power index (SPI) to identify and assess potential areas of erosions upstream of wetland, creeks, and lakes
- Installing DIY stations
- Use CRAS2 to advance creek stability assessments. TAC suggested District assess potential areas for extended detention to address creek stability concerns rather than require public project to do channel protection as part of the contemplated potential regulatory revisions. Similar to Upper Riley Creek work. Additionally, combine CRAS2 and H&H effort could allow for a larger area assessment.

WOMP Station - Metropolitan Council

Staff visited the WOMP stations twice this month for baseline sample collection.

Education and Outreach (M. Jordan and M. Swope)

Volunteer program

Service Learners

Fall service learners continue to volunteer with the District. A total of 6 service learners will be working with the District this semester.

Adopt a Dock Program

Most volunteers have returned their plates. No siting of zebra mussels or brittle naiad were recorded. Volunteers were notified of the detection of mussels on Lake Riley, and asked to check over their docks if they had not already removed them.

Master Water Stewards Program

This year's cohort of Master Water Stewards began classes in October. On October 13th, stewards and RPBCWD staff partnered with Nine Mile Creek Watershed District staff and stewards for a tour of project highlights from both districts. Last year's cohort of stewards were officially welcomed into the steward community at a graduation ceremony on October 16th.

Citizen Advisory Committee

See CAC section above.

Communication Program

Annual Communication

A draft of the annual communication is included in your packet.

Speakers Bureau

Staff Jordan and CAC member Palmquist are working to schedule a training for volunteers in January of 2019.

Tabling & Meetings

Staff Jordan attended the Minnetonka City and Fire Open House October 9th. The district, along with Nine Mile Creek Watershed District co-hosted the watershed sandbox, and educated on keeping leaf litter out of the streets.

Administrator Bleser attended the Mitchell Lake Association, and Lotus Lake Conservation Alliance annual meetings. She gave updates on the watershed district's work, and answered questions from community members.

Water Resources Report

No new updates.

Website & Newsletter

The new website has been launched, and staff are continuing to update content and design on the site.

Youth Outreach

Earth Day Mini-Grants

No new updates. Applications for 2019 will open late winter of next year.

Staring Outdoor Center

On October 9th and 10th, Staff Swope participated in a two-day program at Staring Outdoor Center, leading water quality testing activities for about 120 fourth-grade students from Eden Prairie.



Prairie View Elementary Kindergarteners

Staff Jordan and Staff Swope visited a Prairie View Elementary classroom for a lesson on aquatic macroinvertebrates. Staff brought macroinvertebrates collected from Bluff Creek, and also collected some with students at Duck Lake. Children learned about the adaptations these animals need to survive, and had time to search through tubs of critters.

Scenic Heights School Forest Restoration

On October 6th, a group of 38 volunteers, including Master Water Stewards, Boy Scouts, Cub Scouts, and other volunteers, planted nearly 130 bareroot trees and shrubs in a buffer area surrounding the pond. Water Steward volunteers arrived early to remove the young trees from a gravel bed in the school courtyard. All volunteers also participated in a tour of the school forest with Barr Engineering staff and RPBCWD Staff Swope.



Continuing Education Program

Interfaith winter maintenance outreach.

Staff Jordan and Swope will partner with Nine Mile Creek Watershed District, Bassett Creek Watershed Management Organization, Minnehaha Creek Watershed District, and the City of Minnetonka to lead workshops on November 14th and 20th. These workshops are designed to

train those who buy or use deicing salt at places of worship, on proper materials and application techniques.

Businesses and Professionals Program

Professional luncheon series

No new updates.

Wetland Management

Wetland Inventory

The growing season has ended. Currently more than 60 wetlands have been assessed. Staff Jeffery is working on a way to import into Microsoft Access version of MNRAM. The Board of Soil and Water Resources no longer supports MNRAM and MNRAM v3.0 is not compatible with Microsoft Access 2016.

Wetland Conservation Act Administration

RPBCWD is now the LGU responsible for administration of the Wetland Conservation Act in Deephaven and that portion of Shorewood within the District Boundaries. Thus far, one no-loss determination was made for Deephaven. In addition, four resident contacts have been made in Deephaven. No WCA activities have occurred within Shorewood.

Staff Jeffery has submitted his continuing education reporting form to the Wetland Delineators Certification program. His certification will be valid through 11/1/2020.

Bluff Creek One Water

Chanhassen High School

Chanhassen High School final walk through was held October 31, 2018. Grant completion materials are being pulled together to close out the grant.

Bluff Creek Tributary Restoration

Please view board packet for update on bids.

Riley Creek One Water

Lake Susan Park Pond

Lake Susan Park Pond

Riley Creek

The City of Eden Prairie is working with Wheeler (Bridge Contractor) to get construction specs. This is taking a little bit longer than anticipated and thus are delaying us in the agreement and bidding timeline. Staff is recommending that we delay approval of the agreement and bidding until we have the specs for the bridge. At this point, the start of this project will most likely be delayed to start in Fall 2019 and going out for bids start of the year.

Rice Marsh Lake Alum

The alum treatment on Rice Marsh Lake was completed on September 26th. The treatment began on the 24th. Over 80 fact sheets were taken on the trail and 15 were in attendance at the demonstration on the 26th.

Purgatory Creek One Water

Duck Lake Subwatershed

Administrator Bleser and District Engineer have been working on a Task Order for the project and have included it in the board packet this month as an action item.

Fire Station 2

Grant and cost-share have been finalized. Project will be closed at the end of the year.

Lotus Lake Alum

Application is done. Administrator Bleser briefly gave an update to the Lotus Lake Association Annual Meeting.

Purgatory Creek at 101

Project is closed.

Scenic Heights School Forest

See updates in Youth Outreach section above.

Professional Workgroups and Continuing Education

Upper Midwest Invasive Species Conference - Rochester, MN

Joshua Maxwell attended the UMISC on Monday October 15th through Wednesday. Attendees included local/state/federal and educators from across the United States and Canada that work with both terrestrial and aquatic invasive species. Staff from MN, WI, IA, Canada were the most well represented. The following relevant topics are summarized below:

- Citizen Science - Highlighted the value of citizen science and the work that has been completed including monitoring herbicide effectiveness on Japanese stilt grass in plots, temporal and spatial distribution of marsh thistle and Japanese knotweed, and motivating others to change their attitudes and behaviors. All talks emphasized the importance of training volunteers proper training to volunteers to achieve best results and emphasized online data verification by professionals. Citizen science online platforms are already available including EDDmaps Midwest, INaturalist, Sci starter, MN Master Naturalist, Zooniverse, Citizencience.gov, and Smithsonian Plate Watch. The talks also highlighted efforts made by the WI DNR on targeted invasive species messaging for waterfowl hunters, non-motorized boaters, and trappers.
- Manual Removal of AIS Workshop - This workshop highlighted the importance of utilizing manual removal of AIS in certain situations including sensitive areas and early

infestations. Species talked about included, EWM, phragmites, yellow floating heart, water hyacinth, flowering rush, Japanese knotweed, buckthorn and purple loosestrife.

- Zebra Mussels Research and Management - Distance sampling vs Quadrat sampling for estimating density. Distance sampling involves samplers swimming along a centerline and counting zebra mussels along the line which is much more precise at low densities. High density populations are best estimated measuring all mussels found in 1m by 1m quadrats. Ideal conditions for zebra mussels include greater than 30 mg/l calcium concentrations for shell formation, CHLA concentrations between 2.5-8ug/l, significant amount of hard substrate, and oxygen levels greater than 8 mg/l. Eradication efforts have ranged in cost from 16,100 to 32,000 not including staff time. Michael McCartney discussed the U of MN genome mapping of zebra mussels and how they have used it to study invasion pathways and how it can open up other tools and research avenues. On MN 9 large walleye lakes impacts of spiny water fleas and zebra mussels have been analyzed from beach seines and annual degree days. Zebra mussels and spiny water fleas caused yoy walleyes to have somewhat smaller starting size and slower overall growth rates and shifted walleye yoy to more reliance on inshore benthic community.
- Watergarden Invasive Plant Control - In WI and MI water garden plants have popped up at alarming rates including parrot feather, yellow floating heart, european frogbit, hydrilla, water hyacinth, water soldier, water lettuce. These talks talked about life history of these plants and many successful approaches to eradication. Most involved hand removal and some incorporated herbicide application and bio control options.
- Common Carp Control and Barriers - U of MN working on corn based toxic bait with antimycin-A. The product has been proven to not leach into the environment or extremely low levels. Starting field trials which have yielded positive results on kill rates with safe tissue samples and water samples. Lots of work occurring on acoustic barriers to repel common carp. Need to use frequencies above background and within hearing frequencies of carp. Invasive carp have been known to habituate to sounds after multiple exposures and/or forced sound trials for extended periods of time. Sound/bubble barriers have the highest repel rates. Next step field trials. Koi herpesvirus is now across 14 lakes in MN. Is spread by contact to contact and can kill a large number of carp and could be combined with other management strategies to control common carp. Long way to go before approval of use.
- Starry Stonewort - Reproduces by bulbels and fragmentation. July and August the plant is at its highest density and dies back in October and December. Viability varies from 4 hours dry time for bulbils, fragments 1-2 hours, to clumps 48-72 hours. Longer survival if moisture is present up to five days. Mechanical removal and copper treatments reduce biomass but do not eradicate.
- Eurasian Watermilfoil - Keagan Lund MN DNR and Coon Creek Watershed District gave a report on results of a lakewide granular herbicide treatment to control EWM. They conducted a lakewide treatment by utilizing a very small amount of herbicide directly applied to stands of EWM. Concentrations were kept just above 2ppb and had to be applied across 3 dates to achieve. The treatment was a success with huge decline in EWM. Coontail also negatively responded, but now they have the highest species richness of aquatic plants recorded. All other species had limited response or increased

after treatment. Other native plants were brought in and caged to increase abundance and species richness. They have had 30-35 percent survival.

Board of Water and Soil Resources (BWSR) Academy-- Breezy Point, Crow Wing County

Staff Swope and Dickhausen attended the BWSR Academy, October 29th- 31st. Attendees included employees from watershed districts, soil and water conservation districts, and counties around the state. Staff each attended nine sessions/workshops, taught by BWSR staff, WD/SWCD staff, and other experts. Highlights included sessions on:

- Project management, helping staff understand individual project implementation and how to plan for it.
- Soils, including identifying hydric soils and how to use the hydric soils indicator manual.
- Public engagement, including different strategies for working with and inspiring stewardship in a variety of stakeholders
- Community Outreach options and strategies for communicating via social media and news media sites
- Plants, including basics on plant anatomy, identification of common wetland and upland plants, and looking at plant communities as a whole in order to identify species during wetland delineation.
- Wetland Conservation Act (WCA), including an update on WCA rule making efforts, and an overview on WCA administrative requirements.
- Groundwater movement, understanding groundwater hydrology.

Minnesota Association of Volunteer Administration (MAVA) Workshop, Rochester, MN

Staff Swope attended a Volunteer Impact Leadership training October 22nd- 23rd. The 16-hour workshop included sessions on designing and developing volunteer programs and positions, recruiting and supervising volunteers, thanking volunteers for their service, managing risk, and evaluating the impact of volunteer programs. The course also provided an opportunity for staff to work with other professionals in the field of volunteer management to give and receive input on specific volunteer programs and events.

Staff Dickhausen, Jeffery and Bleser attended the Water Resources Conference. Some highlights from the conference included:

- The wetland special session which included several excellent talks:
 - Identifying and setting performance standards for wetlands based on optimal conditions. This included setting standards for both wetland hydrology and vegetation and practices to continuously monitoring both of these factors to ensure they are being met.
 - Assessing wetland vegetation restoration performance using the Minnesota Floristic Quality Assessment (FQA) method. This session spoke on using the FQA method in addition to using MnRAMs in wetland assessment. It also touched on using Minnesota Biological Survey Site Biodiversity Significance Ranks.
 - The improved National Wetlands Inventory (NWI).
 - Discussion of a wetland restoration prioritization tool.

TAC Presentation

10/24/18

- Cost Share Revamping
 - Groundwater Conservation
 - Stream Protection
 - Hydrologic & Hydraulic Model Enhancements
- 

Cost Share Revamping

- Board directed staff to re-assess cost-share program, including how applications are evaluated
- Three broad questions:
 - How can our local government grants best help you?
 - What needs do you see for businesses in your community?
 - How can our homeowner grants best compliment your existing programs?

Groundwater Conservation

- Who has a water conservation program?
 - What is it?
 - How is it doing?
 - Do you have plans to expand or build on it
 - How can the District help you

Groundwater Continue

- Other
 - Look for a survey in the next couple of weeks

Stormwater Management to Protect Streams & Ravines



Observed Problems

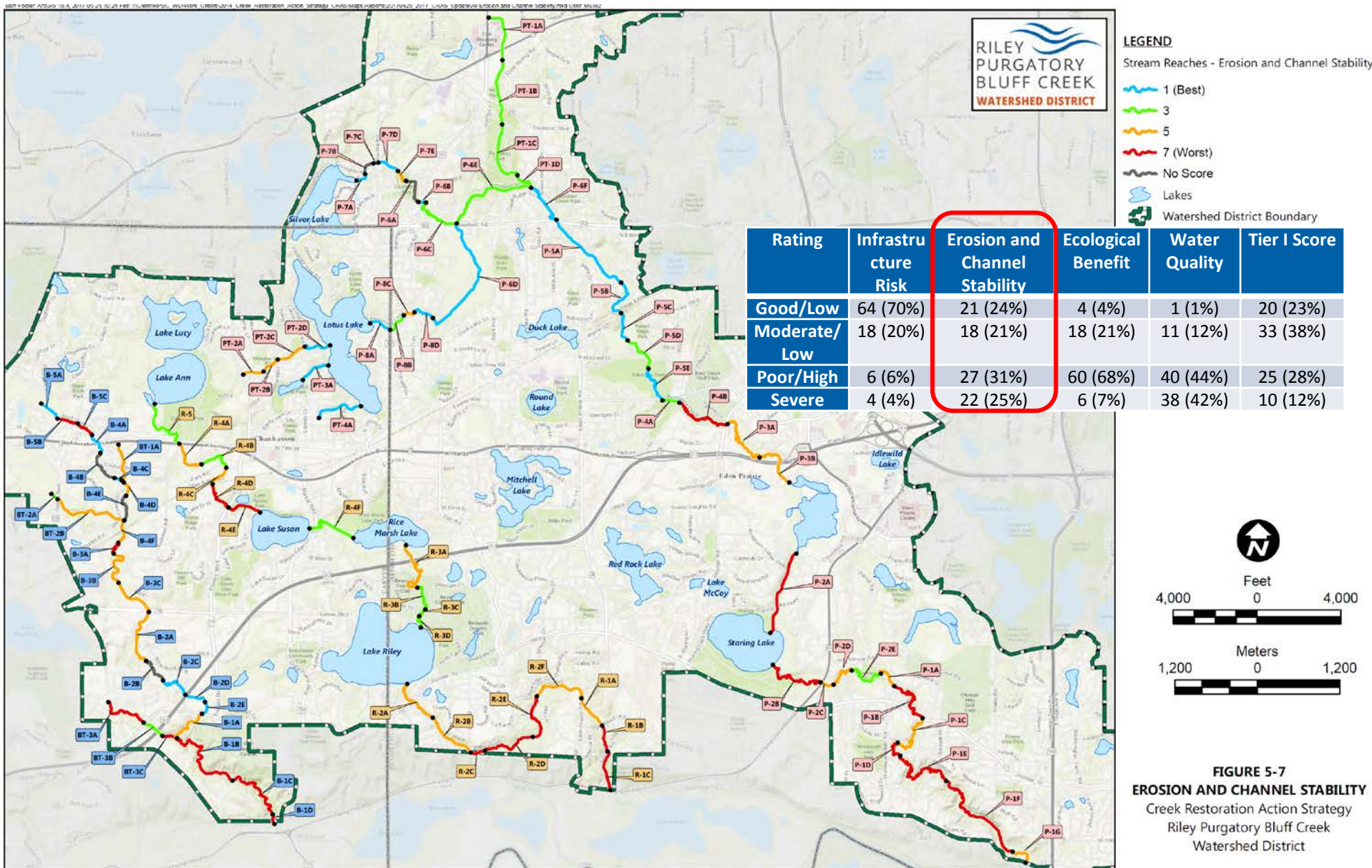


Stakeholder identified streambank issues

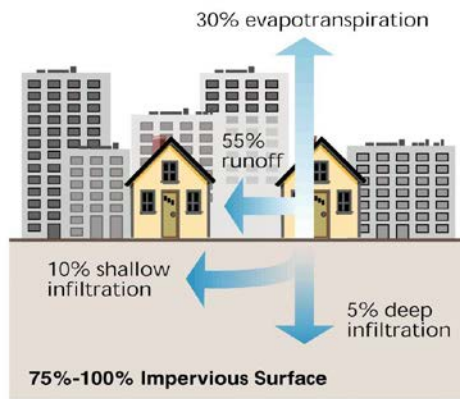
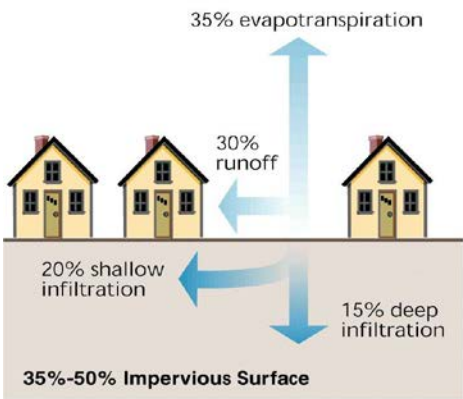
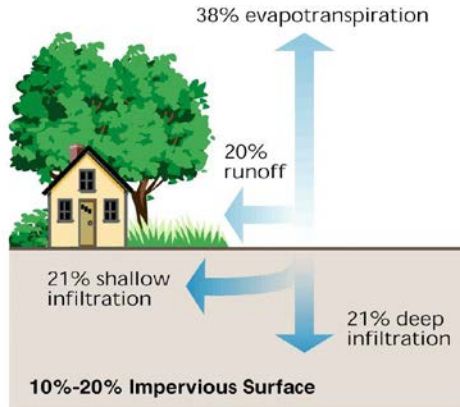
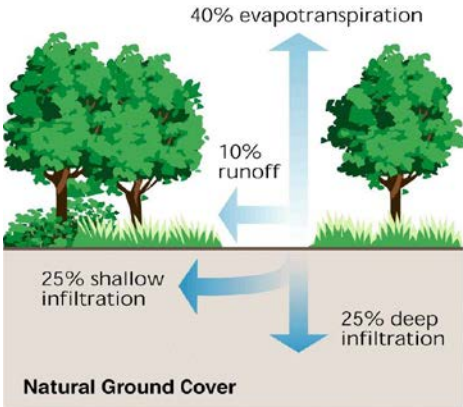
Creek	Water Resource Category	Issue	Specific Issues
Riley Creek	Water Quality (Erosion)		Creek erosion from development and human activity
	Water Quantity		Impacts of land development and land use on creek hydrology
Purgatory Creek	Water Quality (Erosion)		Areas of severe streambank erosion on Purgatory Creek
	Water Quantity		Allowable land uses adjacent to creek
Bluff Creek	Water Quality (Erosion)		Areas of severe streambank erosion
	Water Quantity		Impact of development on streamflow in Bluff Creek



Observed Problems

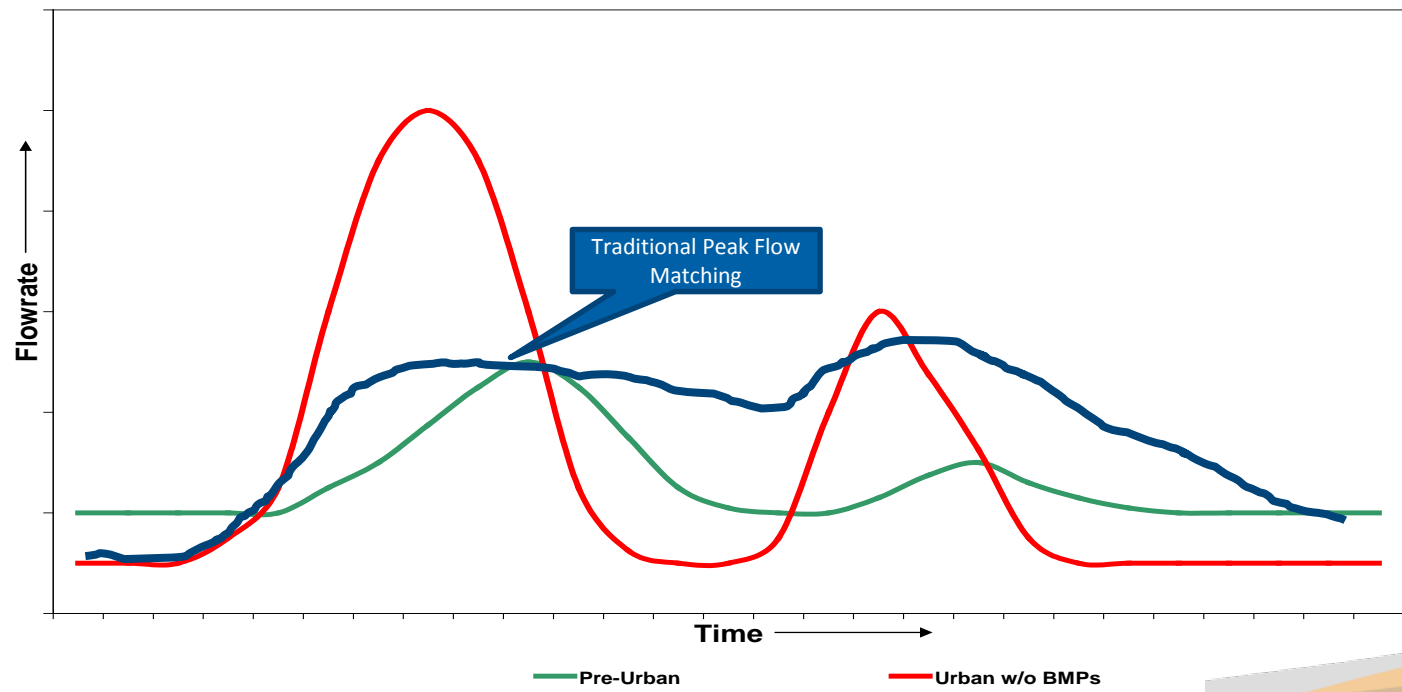


Main Driver



Impacts to Hydrology	Impacts to Stream Morphology and Habitat
Increased volumetric flow rates of runoff	Stream widening and bank erosion
Increased volume of runoff	Higher flow velocities
Decreased time for runoff to reach a natural receiving water	Stream downcutting
Reduced ground water recharge	Loss of riparian canopy
Increased frequency and duration of discharge and wetlands inundation during wet periods	Changes in the channel bed due to sedimentation
Increased frequency of bankfull and near-bank events	Increase in the floodplain elevation
Reduced stream flows and wetlands water levels during the dry season	Degradation of habitat structure
Greater runoff and stream velocities	Loss of pool-riffle structure
Increased pollutant loadings	Reduced baseflow
Increased temperature of runoff	Increase stream temperature
	Decline in abundance and biodiversity

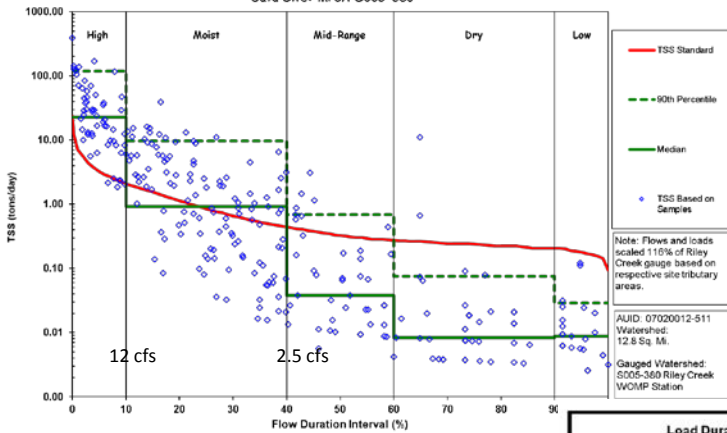
Development Impacts Flow



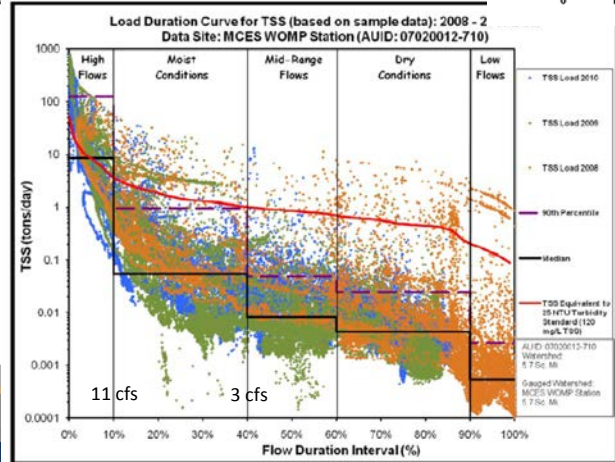
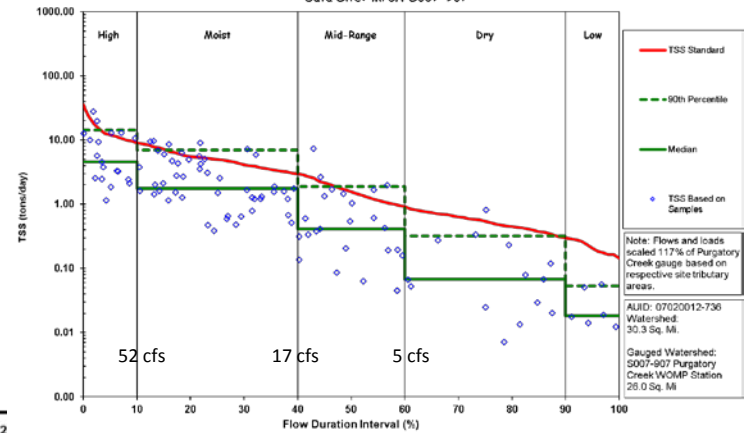
Erosion Leads to Impaired Waters

Waterbody	Pollutant or Stressor	Erosion Source
Bluff Creek	Turbidity	Watershed, Streambank and Ravines
Riley Creek	Turbidity	Watershed, Streambank and Ravines
Lotus Lake	Nutrients/Eutrophication	Watershed, Steep Slopes and Ravines
Silver Lake	Nutrients/Eutrophication	Watershed and Western Steep Slopes
Lake Susan	Nutrients/Eutrophication	Watershed and Streambank
Staring Lake	Nutrients/Eutrophication	Watershed and Streambank

Riley Creek: Riley Lake to Minnesota River (AUID: 07020012-511)
Load Duration Curve for TSS (based on sample data): 1999 - 2015 Data
Data Site: MPCA S005-380



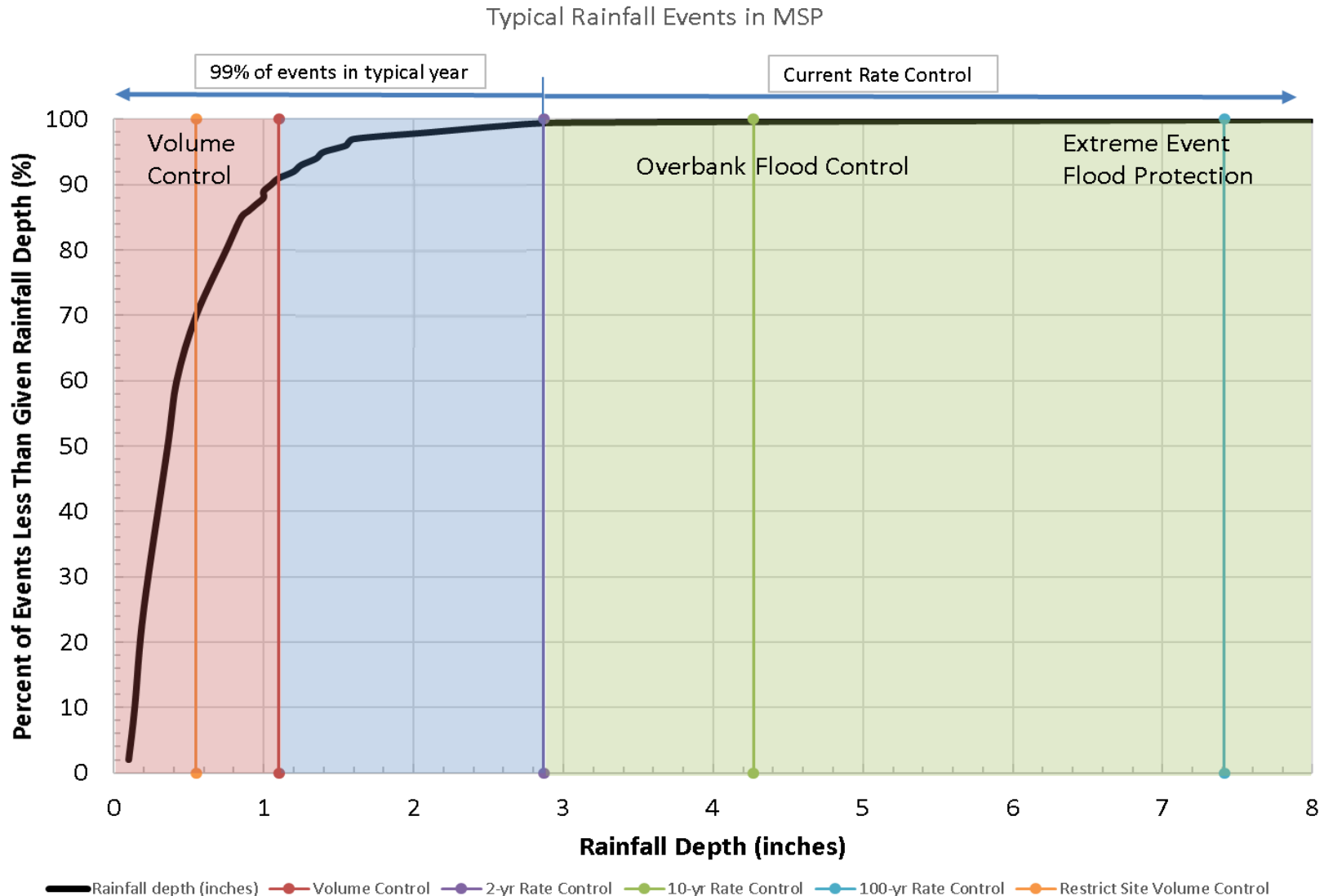
Purgatory Creek: Headwaters to Minnesota River (AUID: 07020012-736)
Load Duration Curve for TSS (based on sample data): 2004 - 2006, 2014 - 2015 Data
Data Site: MPCA S007-907



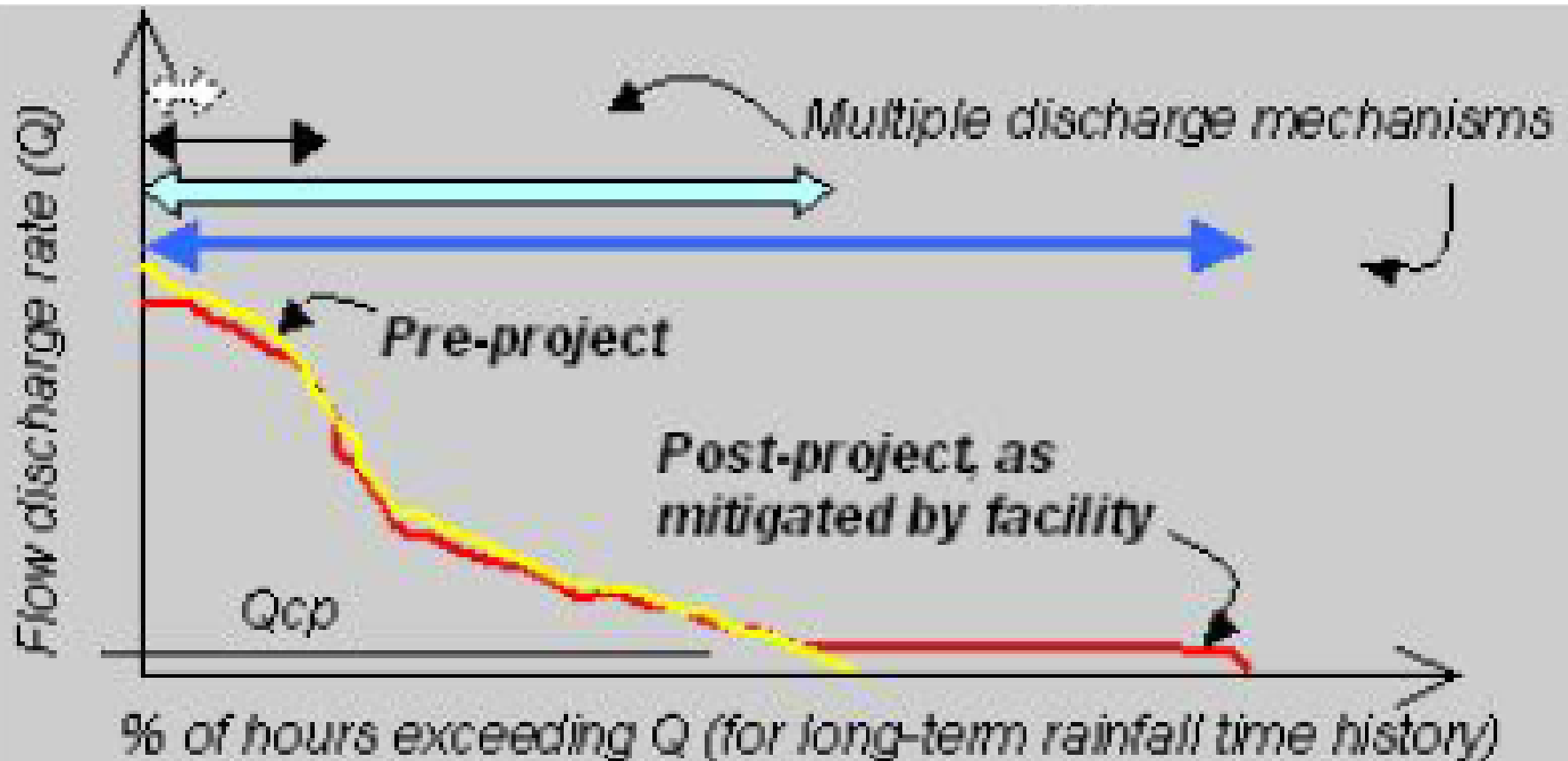
Existing Design Discharge in Creeks

Event	Riley	Purgatory	Bluff
1-yr, 24 hr	103	140	270
2-yr, 24 hr	170	219	330
10-yr, 24 hr	575	544	460
100-yr, 24 hr	990	1184	1086

Rainfall Events Related to Current RPBCWD Regulation



Flow Duration Curve Matching Approach



Consideration	1/1/15 to 9/30/18	Version Discussed with TAC
Rate Control		
Promote Erosion/Channel Protection	●	●
Design/Synthetic Event Basis	●	●
Continuous Rainfall/snowmelt simulation using actual precipitation data	●	●
Increased Engineering Complexity	●	●
Peak Rate Matching to Existing Conditions	●	●
2-Year, 24-hour	●	●
10-Year, 24-hour	●	●
100-Year, 24-hour	●	●
100-Year, 10-Day Snowmelt	●	●
2-yr, 24-hr extended detention (only if restricted site, match % of 2-yr, 24-hr presettlement peak flow)	●	●
Flow Duration Curve Matching	●	●
Accounts for critical flow that produces erosion (Qc)	●	●
Address off-site concerns of increased runoff volume & durations leaving sites	●	●
Would need to consider lower limit on low flow orifice or other restrictions	●	●
Considers 48 hour drawdowns (inter-event time and mosquito concerns)	●	●
Allows onsite, off site (regional) or potential contribution for restoration projects.	●	●
Technically Innovative	●	●
Might be challenging to apply rate control to sites with <50% Imp disturbance because only part of the impervious would be regulated	●	●
Allows for erosive force to mimic natural/presettlement conditions (a system a equilibrium)	●	●
Rate control for existing impervious surfaces	●	●
Water Quality		
Nondegradation requirement	●	●
60% TP Removal	●	●
90% TSS Removal	●	●
Abstraction		
1.1-inch	●	●
Restricted Site Sequencing	●	●
Require 2-yr, 24-hr extended detention (match % of 2-yr, 24-hr presettlement peak flow)	●	●
Wetland Protections		
WQ Treatment Prior to discharge to wetland	●	●
Bounce and Inundation (design event basis)	●	●
Managed via flow duration curve matching	●	●
Volume Management (event, weekly, monthly basis)	●	●
Regional Stormwater Management Provision	●	●
Chloride management.	●	●
Pay in lieu program for small sites	●	●



TAC Considerations

- Impacts to City Street Projects
- Maintenance concern
- Engineering Abilities

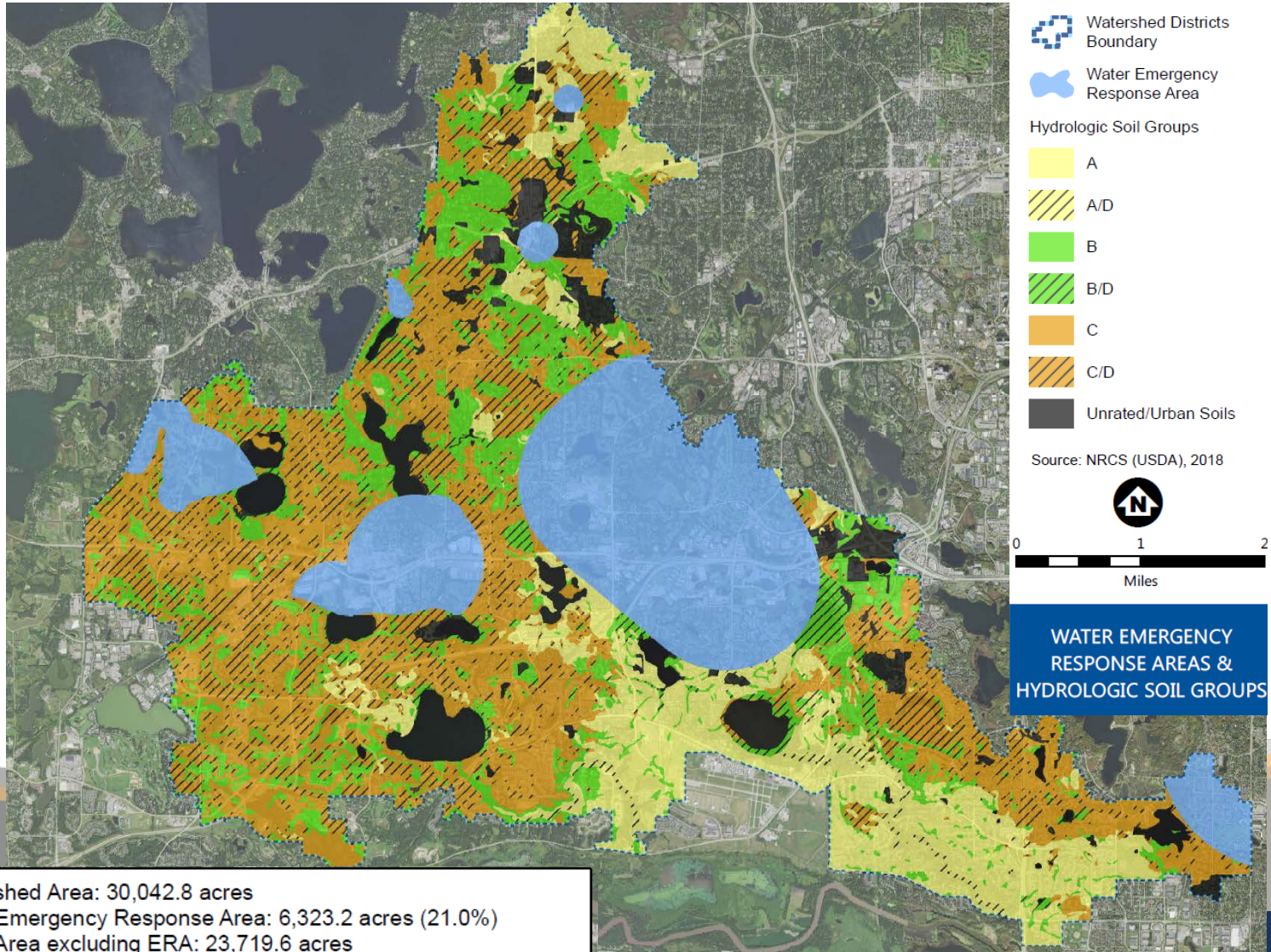
Manager Direction

- Supportive of stream protection idea but needs more input
- Implement 2018 rule update without stream protect
- Revisit regulatory stream protection options (Managers have recently asked when this would be implemented)

Consideration	1/1/15 to 9/30/18	Version Discussed with TAC	Effective 10/1/18
Rate Control			
Promote Erosion/Channel Protection	●	●	●
Design/Synthetic Event Basis	●	●	●
Continuous Rainfall/snowmelt simulation using actual precipitation data	●	●	●
Increased Engineering Complexity	●	●	●
Peak Rate Matching to Existing Conditions	●	●	●
2-Year, 24-hour	●	●	●
10-Year, 24-hour	●	●	●
100-Year, 24-hour	●	●	●
100-Year, 10-Day Snowmelt	●	●	●
2-yr, 24-hr extended detention (only if restricted site, match % of 2-yr, 24-hr presettlement peak flow)	●	●	●
Flow Duration Curve Matching	●	●	●
Accounts for critical flow that produces erosion (Qc)	●	●	●
Address off-site concerns of increased runoff volume & durations leaving sites	●	●	●
Would need to consider lower limit on low flow orifice or other restrictions	●	●	●
Considers 48 hour drawdowns (inter-event time and mosquito concerns)	●	●	●
Allows onsite, off site (regional) or potential contribution for restoration projects.	●	●	●
Technically Innovative	●	●	●
Might be challenging to apply rate control to sites with <50% Imp disturbance because only part of the impervious would be regulated	●	●	●
Allows for erosive force to mimic natural/presettlement conditions (a system a equilibrium)	●	●	●
Rate control for existing impervious surfaces	●	●	●
Water Quality			
Nondegradation requirement	●	●	●
60% TP Removal	●	●	●
90% TSS Removal	●	●	●
Abstraction			
1.1-inch	●	●	●
Restricted Site Sequencing	●	●	●
Require 2-yr, 24-hr extended detention (match % of 2-yr, 24-hr presettlement peak flow)	●	●	●
Wetland Protections			
WQ Treatment Prior to discharge to wetland	●	●	●
Bounce and Inundation (design event basis)	●	●	●
Managed via flow duration curve matching	●	●	●
Volume Management (event, weekly, monthly basis)	●	●	●
Regional Stormwater Management Provision	●	●	●
Chloride management.	●	●	●
Pay in lieu program for small sites	●	●	●

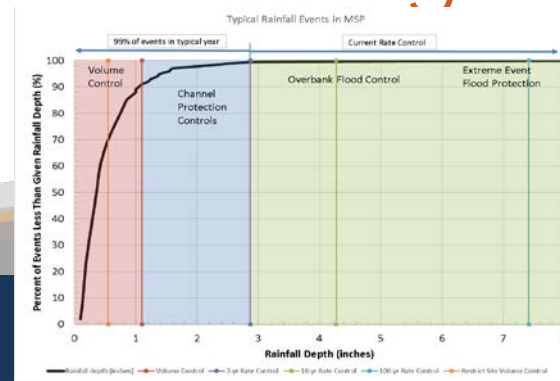


MPCA NPDES Construction Prohibitions on Infiltration



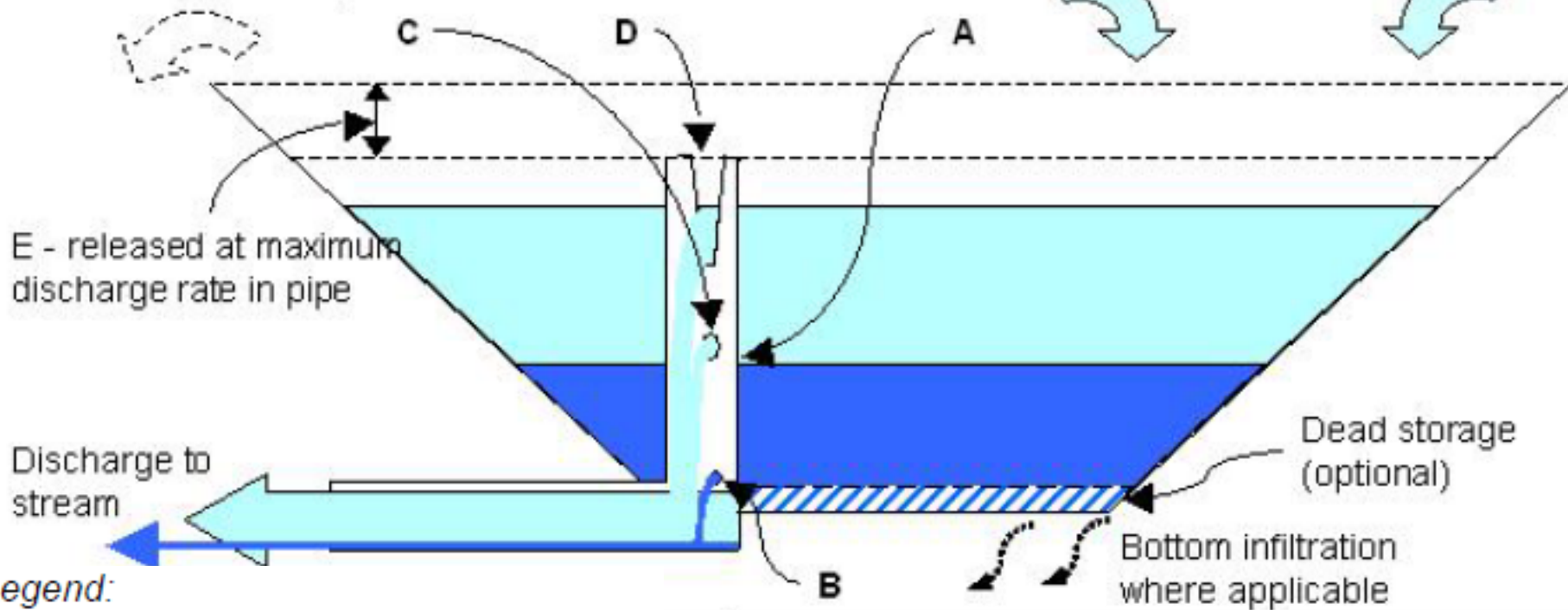
MPCA NPDES Construction Prohibitions on Infiltration

- Potentially impacts roughly 47% of area in RPBCWD
- Reduces available abstraction tools
 - Reuse
 - Green Roof
 - Evapotranspiration
- Results in 99% of events having limited controls (WQ only)



Overflow provision for peak events (storage may also be increased to meet flood control requirements)

Inflows: site runoff after reductions from site design, infiltration or other retention measures



E - released at maximum discharge rate in pipe

Dead storage (optional)

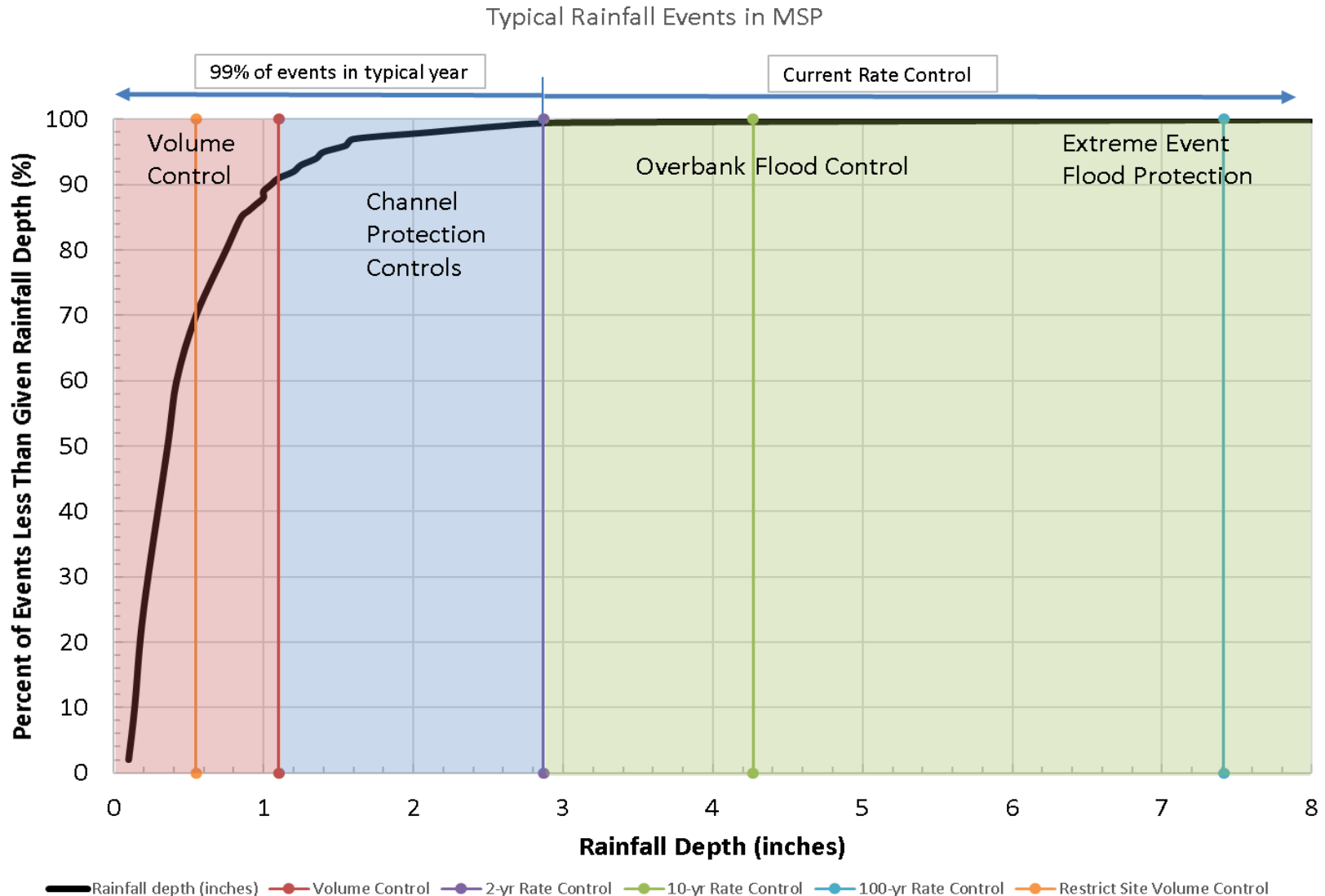
Bottom infiltration where applicable

- Legend:**
- A-outlet pipe riser
 - B-low flow orifice
 - C- intermediate orifice (1 shown)
 - D-weir notch (V-type shown)
 - E-freeboard above riser (typically 1 foot)

Consideration	1/1/15 to 9/30/18	Version Discussed with TAC	Effective 10/1/18	Restricted Site Ext. Detention
Rate Control				
Promote Erosion/Channel Protection	●	●	●	●
Design/Synthetic Event Basis	●	●	●	●
Continuous Rainfall/snowmelt simulation using actual precipitation data	●	●	●	●
Increased Engineering Complexity	●	●	●	●
Peak Rate Matching to Existing Conditions	●	●	●	●
2-Year, 24-hour	●	●	●	●
10-Year, 24-hour	●	●	●	●
100-Year, 24-hour	●	●	●	●
100-Year, 10-Day Snowmelt	●	●	●	●
2-yr, 24-hr extended detention (only if restricted site, match % of 2-yr, 24-hr presettlement peak flow)	●	●	●	●
Flow Duration Curve Matching	●	●	●	●
Accounts for critical flow that produces erosion (Qc)	●	●	●	●
Address off-site concerns of increased runoff volume & durations leaving sites	●	●	●	●
Would need to consider lower limit on low flow orifice or other restrictions	●	●	●	●
Considers 48 hour drawdowns (inter-event time and mosquito concerns)	●	●	●	●
Allows onsite, off site (regional) or potential contribution for restoration projects.	●	●	●	●
Technically Innovative	●	●	●	●
Might be challenging to apply rate control to sites with <50% Imp disturbance because only part of the impervious would be regulated	●	●	●	●
Allows for erosive force to mimic natural/presettlement conditions (a system a equilibrium)	●	●	●	●
Rate control for existing impervious surfaces	●	●	●	●
Water Quality				
Nondegradation requirement	●	●	●	●
60% TP Removal	●	●	●	●
90% TSS Removal	●	●	●	●
Abstraction				
1.1-inch	●	●	●	●
Restricted Site Sequencing	●	●	●	●
Require 2-yr, 24-hr extended detention (match % of 2-yr, 24-hr presettlement peak flow)	●	●	●	●
Wetland Protections				
WQ Treatment Prior to discharge to wetland	●	●	●	●
Bounce and Inundation (design event basis)	●	●	●	●
Managed via flow duration curve matching	●	●	●	●
Volume Management (event, weekly, monthly basis)	●	●	●	●
Regional Stormwater Management Provision	●	●	●	●
Chloride management.	●	●	●	●
Pay in lieu program for small sites	●	●	●	●



Rainfall Events Related to Current RPBCWD Regulation



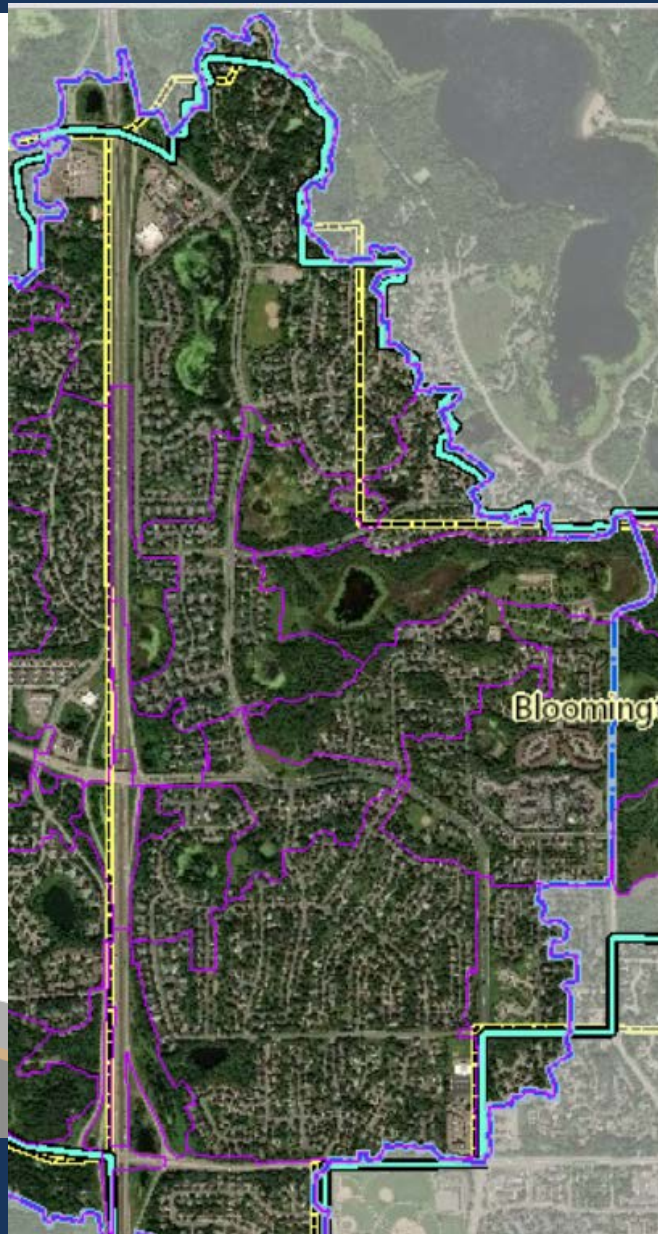
Benefits of Potential Approach

- Allows applicant more flexibility on restricted sites (abstraction and/or extended detention)
- Enhances stream protection for restricted and non-restricted sites
- Mitigates potential adverse downstream impacts for frequent rainfall event
- Improves resiliency of capital investments in streambank stabilization projects

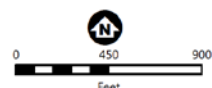
Hydrologic & Hydraulic Model Enhancements

- Increase model definition outside creek corridors (focused areas)
- Reassess flood prone areas current and future
- Assess potential multi-faceted mitigation measures
 - Floodprone areas
 - Creek Erosion
 - Minimize Adverse impact

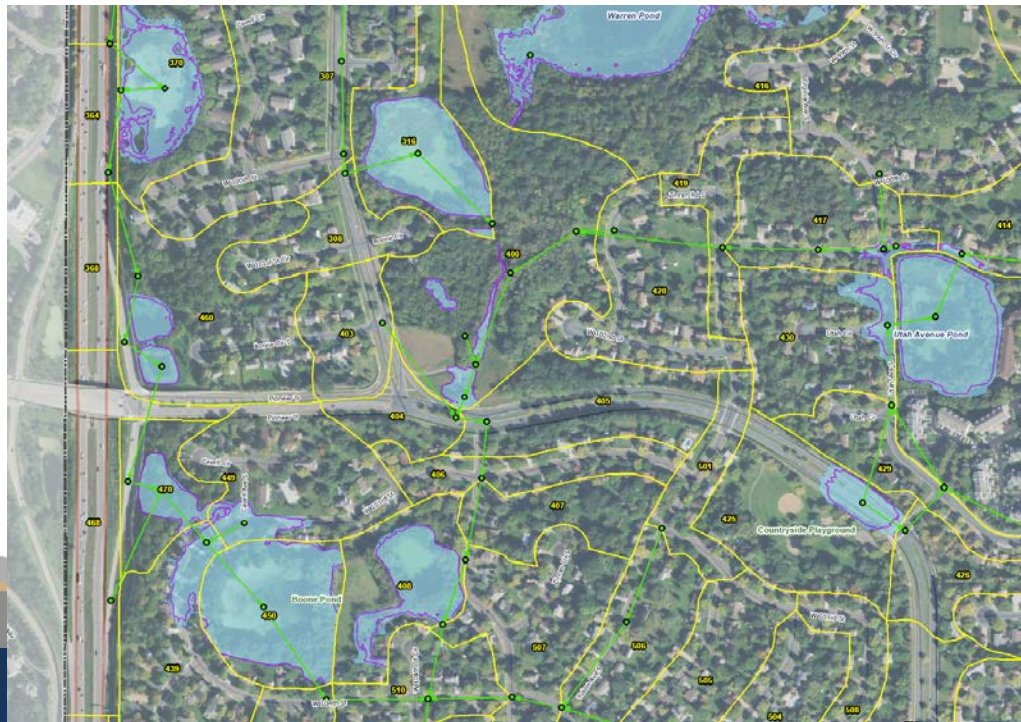
H & H Model Enhancements



- XP-SWMM Node
- Storm Sewer in XP-SWMM
- Subwatershed Boundaries
- TP40 100-Year 24-Hour Inundation Areas
- Atlas 14 100-Year 24-Hour Inundation Areas^{1,2,3}
- Purgatory Creek Drainage District
- Municipal Boundaries



PURGATORY CREEK
DRAINAGE DISTRICT
100-Year Inundation Areas
FIGURE B-5



Technical Advisory Committee (TAC) Meeting Minutes

Meeting date: October 24, 2018

Meeting time: 11:00-1:00

Meeting location: 18681 Lake Dr E, Chanhassen, MN 55317 (RPBCWD offices)

Meeting attendees

Rod Rue (Eden Prairie), Leslie Stovring (Eden Prairie), Paul Oehme (Chanhassen), Vanessa Strong (Chanhassen), Steve Segar (Bloomington), Will Manchester (Minnetonka), Steve Christopher (BSWR), Karen Galles (Hennepin County), Linda Loomis (LMRWD)

Claire Bleser (RPBCWD), Terry Jeffery (RPBCWD), Michelle Jordan (RPBCWD) Scott Sobiech (RPBCWD/Barr)

Item Description

Item	Description
A	<p>Introduction</p> <p>Terry Jeffery welcomed committee members and other attendees and suggested that introductions may be in order. After introductions, Mr. Jeffery noted that RPBCWD called everyone together to discuss four main topics; 1) Cost Share Revamping, 2) Groundwater Conservation, 3) Stream Protection, and 4) Hydrologic & Hydraulic Model Enhancements. He noted that there would be a couple of follow-up survey sent to TAC members and called on Michelle Jordan to review the cost share revamping.</p>
B	<p>Cost Share Revamping</p> <p>Michelle Jordan indicated there has been a lot of recent discussion by the Board of Managers about potential improvements to the cost share program and staff was directed to re-assess cost-share program, including how applications are evaluated. She presented three broad questions: 1) How can our local government grants best help you?, 2) What needs do you see for businesses in your community? and 3) How can our homeowner grants best compliment your existing programs?. She informed the TAC to watch their emails for a questionnaire the District will be send them to collect input on the three questions. She mentioned that because of the turnover at the various city there was some uncertainty about who to coordinate with and requested that the TAC member forward onto whoever the appropriate person (s) might be.</p> <p>Vanessa Strong ask what types of grants were raising the most questions by the Board. Terry Jeffery responded the recent reuse project with multiple solar panels units and project proposing to convert green space to pervious pavers. Terry indicated that there are concerns about establishing clear criteria.</p> <p>Ms. Jordan indicate RPBCWD staff continue to work with the CAC to better identify the purpose/goal of the cost share program. She also indicated the need to develop a robust rubric that is more objective once the purpose is redefined.</p> <p>Steve Christopher inquired about the budget for the cost share program to which Ms. Jordan responded \$200K but that amount has typically not been expended in a year. Ms. Bleser also indicated that there will be \$100K carryover from 2018 to 2019 and a planned levy of an additional \$100K to establish the 2019 budget. Ms. Bleser encouraged Cities to promote the program to resident and business as well as consider applying themselves.</p>

C	<p>Groundwater Conservation</p> <p>Ms. Bleser introduced the discussion by summarizing the recent GW conservation lunch and learn held at the RPBCWD office. At the lunch and learn the City of Woodbury presented their conservation program. Ms. Bleser asked the TAC member who has a water conservation program, what is it, how is it doing, do you have plans to expand or build on it, and how can the District help you.</p> <p>Rod Rue responded that Eden Prairie has a rebate program for a number of years for toilets, shower heads, smart irrigation controllers (but must replace irrigation heads), and washers. Ms. Stovring indicated that when they receive requests for irrigation system improvements they can be very costly. Mr. Rue added that the City struggles with requests to replace systems that are aged/past their useful life with new systems and how to equitably distribute funds. Should the City really be paying for a completely new system. Mr. Rue indicated that the program has been successful in that water usage is down to 75 gallons per day. Both Mr. Rue and Ms. Stovring indicated a need to target businesses and HOAs.</p> <p>Paul Oehme indicated that groundwater conservation is not high on Council's list of priorities. One reason he mentioned was that the recent wet weather has resulted in less income to the city and the potential need to revisit the rate structure. The City of Chanhassen is tapped out financially with the contribution to the two joint projects with the District (Lake Susan Park Pond and Chanhassen High School). Mr. Oehme indicated a need for additional support with education and outreach around groundwater conservation.</p> <p>Mr. Seger indicated that Bloomington's main focus is on education. He also stated that the City's drive is to sustainable landscaping.</p> <p>Mr. Manchester stated that Minnetonka's focus is on new construction and education.</p> <p>Ms. Galles indicated that Conservation District's received a Met Council grant to audit some users. They are working on the potential audit of campuses and applied for a Clean Water Fund grant. If successful there may be the opportunity to team with them.</p> <p>The TAC generally did not see a need for any new tools but thought there might be benefit in a list of resources.</p> <p>Ms. Bleser indicated the District will be sending the TAC a list of potential groundwater related focus areas for ranking.</p>
D	<p>Stream Protection</p> <p>Mr. Sobiech presented the consequences of rates of runoff under existing conditions, including scour and excessive erosion of creek banks, which release sediment into the creek and transport it downstream. A copy of the presentation is attached for reference. He said that feedback during RPBCWD's 10-year plan development identified the creeks as very high-value resources, and the erosion issue is a significant problem for stakeholders in the watershed. He said that RPBCWD's Creek Restoration Action Strategy study discovered problem areas – some of which are severe – and he displayed a figure showing the nature and extent of the erosion and channel degradation problems throughout the watershed. He said that the impairment in the Riley and Bluff creeks can also be linked to this erosion. He moved on to showing flow-duration curves illustrating RPBCWD's conclusion that continued elevated flow from smaller storms is causing a significant portion of the erosion and impairments at flow rate lower than the current stormwater rule regulates.</p> <p>Mr. Sobiech reviewed current watershed regulation in relation to rainfall events, and he summarized potential channel protection options. He summarized that the current rules</p>

work well at mitigating discharge for frequent events when the full abstraction requirement of 1.1” is achieved but there is a gap for restricted sites. He also summarized the past TAC discussion about a flow duration curve option that could be based on actual observed flows or simulated hourly flows using actual climatic data and the concerns raised last spring (Impacts to City Street Projects, Maintenance concern and Engineering Abilities). Mr. Sobiech also summarized the Board direction about the 2018 rule revisions as follows:

- Supportive of stream protection idea but needs more input
- Implement 2018 rule update without stream protect
- Revisit regulatory stream protection options (Managers have recently asked when this would be implemented)

Mr. Sobiech presented an illustration of the watershed in relation to the new MPCA Construction Stormwater Permit prohibition on infiltration on clay soils and in groundwater emergency response areas. He indicated that this has the potential to result in about 47% of the District falling into that prohibition category, assuming an MPCA permit is needed. He summarized that the MPCA prohibition also 1) reduces available abstraction tools (Reuse, Green Roof, and Evapotranspiration), 2) results in 99% of precipitation events having limited controls (WQ only).

He showed a table with a side-by-side comparison of storm water management considerations under the current District rules, those discussed last spring with the TAC, and an alternative approached focused on extended detention to protect channels. He concluded the presentation by summarizing the potential benefits to this approach being

- 1) Relies on design storm events,
- 2) Would be limited to restricted sites,
- 3) Doesn't complicit the engineering,
- 4) Could incorporate a minimum outlet size to address maintenance concerns.
- 5) Allows applicant more flexibility on restricted sites (abstraction and/or extended detention)
- 6) Enhances stream protection for restricted and non-restricted sites
- 7) Mitigates potential adverse downstream impacts for frequent rainfall event
- 8) Improves resiliency of capital investments in streambank stabilization projects

Mr. Rue expressed appreciation that the District is considering the investments made in the creek restoration project and indicated the investment in the public ROW also needs to be considered. He went on to express that the creek needs to be considered part of the truck stormwater system and concern about the “Regional Option” recently added to the rules and that is was not providing sufficient flexibility. Mr. Rue explained the city completed the Town center project several years ago with Wenck to look at regional options. That report recommended distributed BMPs as well as regional BMPs to be effective. Terry Jeffery suggested a spate meeting to discuss the current City of Eden Prairie Project with respect to the Regional Option in the rules.

Mr. Oehme added that street projects have limited ROW and the application would need to consider impacts on linear project. Mr. Sobiech responded that limited ROW could be used to help support a restrict site determination but that may not be the only thing. He indicated that the extended detention approach is intended to provide the city or any applicant more flexibility in meeting the watersheds rules while still improving the protection of the streams and ravines.

Mr. Sobiech asked the TAC to weigh in on the following two potential ideas to further increase the flexibility, neither of which have been fully fleshed out.

- 1) Consider that extended detention may not be needed if the applicant can clear demonstrate their proposed work does not cause or contribute to downstream erosion problems. This would be similar to a no adverse impact language currently in the District floodplain rule. The TAC was generally supportive of this idea.

	<p>2) A pay in Lieu option for small site to help the District mitigate the downstream impacts through regional BMP. Mr. Sobiech indicated that there would need to be some clear sequencing develop to promote onsite and regional improvements prior to the pay in lieu being an option. Mr. Jeffery acknowledge this could be more administrative burden but something worth considering. Again, the TAC was generally supportive of this idea.</p>
E	<p>Hydrologic & Hydraulic Model Enhancements</p> <p>Ms. Bleser presented the idea of increasing the resolution of the District's Hydrologic and Hydraulic model outside the creek corridors. This would allow the model to be used to reassess flood prone areas at a finer resolution and assess potential multi-faceted mitigation measures (mitigate flood prone areas, creek erosion, minimize adverse impact, and climate adaptation). She indicated the City of Bloomington expressed an interest recently and a follow-up meeting with them is schedule. Mr. Rue indicated Eden Prairie in interested in finer detail to refine modeling results and improve system understanding. Ms. Stovring suggested there could be value in combining with recent water quality work (i.e., Pond studies). Mr. Oehme and Mr. Manchester also expressed an interest.</p>

Memorandum

To: Riley-Purgatory-Bluff Creek Watershed District Board of Managers and District Administrator
From: Barr Engineering Co.
Subject: Engineer's Report Summarizing October 2018 Activities for November 7, 2018, Board Meeting
Date: October 31, 2018

The purpose of this memorandum is to provide the Riley-Purgatory-Bluff Creek Watershed District (RPBCWD) Board of Managers and the District Administrator with a summary of the activities performed by Barr Engineering Co., serving in the role of District Engineer, during October 2018.

General Services

- a. Participated in an October 1st meeting with Administrator Bleser, Permit Coordinator Jeffery, and city of Eden Prairie staff to discuss the Lower Riley Creek stabilization project, maintenance requirements, cooperative agreement, implementation timeline, and comments on plans.
- b. Participated in a conference call with Administrator Bleser and Counsel Welch to discuss engineering and contractual items related to contractor delayed timeline for the Chanhassen High School and Lake Susan Park Pond Project.
- c. Worked with Administrator Bleser on October 3rd to enter work plans into ELink for BSWR grants and addressed question from Permit Coordinator Jeffery about miscellaneous permits.
- d. Meeting with Administrator Bleser on October 15th to review changes the city of Eden Prairie proposed to the Lower Riley Creek cooperative agreement. The meeting also included discussions and preparation for the upcoming October 24th technical advisory meeting and November Board workshop.
- e. Met with Administrator Bleser to brainstorm potential enhancements to the District's Hydrologic and Hydraulic model to promote climate adaptation, mitigate flooding, and minimize adverse impacts of increase precipitation. We discussed increasing the level of detail in the model, potentially using continuous simulation method using actual rainfall measurement rather than design events, identifying flash flood areas, usefulness with the District' regulatory program, assessing impact on emergency routes, and determining duration of inundation.
- f. Attended the Duck Lake subwatershed assessment kick-off meeting on October 23rd.
- g. Prepared a presentation for and participated in the October 24th technical advisory meeting focused revamping the cost share program, groundwater conservation, stream protection, and enhancing the District's Hydrologic and Hydraulic (H&H) model. The TAC member present were supportive of improving the cost share program, described their existing groundwater conservation methods and only found a need for additional education materials around the topic, open to the simplified stream protection approach as long as city roadway

- projects considered, and expressed an interest in collaborating to enhance the District's H&H model.
- h. Conducted an October 31st meeting with Administrator Bleser and city of Bloomington staff about incorporating Bloomington's detailed H&H modeling into the District's model as a means to improve the model resolution. In addition, the city express an interest in partnering with the District to help establish metrics to prioritize flood prone areas and identify solution that stack multiple benefits (flood mitigation, water quality improvement, erosion reduction, and improved system-wide resiliency). The City and District agreed to develop a potential work plan.
 - i. Participated in the October 3rd regular Board of Managers meeting.
 - j. Prepared Engineer's Report for engineering services performed during October 2018.
 - k. Miscellaneous discussions and coordination with Administrator Bleser about potential 2019 projects, Silver Lake subwatershed assessment, upcoming Board meeting agenda.

Permitting Program

- a. *Permit 2015-036: Saville West*: This project involves construction of a 5-lot single-family home subdivision in Minnetonka. The permit was conditionally approved on June 7, 2017; however, the conditions of approval have not yet been fulfilled. The applicant submitted a permit modification request on October 10, 2019 to replace the conditionally approved residential reuse systems with underground rock infiltration beds. The applicant was notified that the modification request was incomplete because of missing computations that matched the submitted plans. The revised submittal received on October 19th was considered complete. However, numerous revisions were needed to comply with the District's stormwater requirements. Review comments were provided on October 26th. The applicant provided response to comments on October 31st. Because of the submission time, the revised submittal will be reviewed in November with the intension of presenting to the Board for consideration at the December meeting.
- b. *Permit 2017-047: Fawn Hill*: This project involves construction of a 10-lot single-family home subdivision. A bio-filtration basin and using an existing stormwater detention pond with filtration bench will provide storm water quantity, volume and quality control and was approved. The applicant submitted a permit modification request on September 21, 2018 because the infiltration basin on the site is not performing as originally designed. The applicant proposes to convert the infiltration basin to a bio-filtration basin. Reviewed two additional rounds of submittals and prepared a permit review report for Board consideration at the November 7th regular meeting.
- c. Performed erosion control inspections of active sites during the week of October 16th & 17th (see attached inspection report).

- d. Participated in an October 22nd conference call with permit coordinator Jeffery and Counsel Welch to discuss permit reports and potential Board consideration of delegating additional authority to staff for permit modifications.
- e. Miscellaneous conversations with Permit Coordinator Jeffery about technical questions on permit requirements for potential development and redevelopment projects.

Data Management/Sampling/Equipment Assistance

- a. Prepared, uploaded to EQulS and verified 2018 creek and lake field data.
- b. Uploaded into EQulS and verified 31 lab reports. Corresponded with RMB laboratories regarding Barr identified discrepancies and requested revisions.
- c. Prepared and submitted 2018 MPCA annual data submittal, totaling over 10,000 results, for Buffalo Creek, Riley Creek, Purgatory Creek and the following lakes: Ann, Duck, Lotus, Lucy, Rice Marsh, Riley, Silver, Staring and Susan.

Task Order 6: WOMP Station Monitoring

Purgatory Creek Monitoring Station at Pioneer Trail

- a. Coordination with MCES staff for storm sampling.
- b. Download and review data.

Purgatory Creek Monitoring Station at Valley View Rd

- a. Download and review data.
- b. Maintenance - troubleshoot auto-sampler power issue.
- c. Storm event sampling

Task Order 13b: Lake Susan Watershed Treatment and Stormwater Reuse Enhancements Design and Construction Administration

- a. Review submittals from Peterson Companies and compare against construction plans and specifications. One (1) resubmittal was reviewed in October.
- b. Construction oversight based on when work is being conducted at the project site and numerous coordination calls with Peterson Companies (Peterson) and the City of Chanhassen.
- c. Construction administration tasks including submittal management, coordination with engineers for approval of submittals, construction observation notes and photo review, and review of Applications for Payment.
- d. Finalization of Change Order #1 and coordination with Peterson.
- e. Coordination of and preparation for system start-up, and coordination with Peterson regarding equipment troubleshooting and start-up delays.



Photo of the completed water treatment shelter and blanketed area surrounding



Photo of the completed water iron-enhanced sand filter, pre-restoration

Task Order 14b: Lower Riley Creek Final Design

- a. Continued working with the City of Eden Prairie on the cooperative agreement.
- b. Continued working with the City of Eden Prairie to finalize bridge plans to be included in the construction documents.
- c. Submitted permit application materials for the RPBCWD permit
- d. Completed draft technical specifications for legal review

Task Order 19: Chanhassen High School Stormwater Reuse Design

- a. Continued construction oversight based on when work is being conducted at the project site and numerous coordination calls with Peterson and ISD112 staff.
- b. Review intake pipe summary from WaterTronics as it relates to SDR17 pipe versus SDR26 pipe

- c. Completion of Change Order 1
- d. Follow-up with Peterson regarding operations and maintenance manuals
- e. Prepare for and attend system start-up on October 19, 2018
- f. Development of final punch list items
- g. Prepare for an attend final site walk through with ISD112 and Peterson staff to review punchlist items on October 31, 2018



Photo: Treatment Shelter, Pump System, and Stormwater Pond (after site restoration). 10/31/2018



Photo: Treatment System – Automatic Filtration and UV Treatment System (by Water Tronics). 10/31/2018

To: Riley-Purgatory-Bluff Creek Watershed District Board of Managers and District Administrator
From: Barr Engineering Co.
Subject: Engineer's Report Summarizing October 2018 Activities for November 7, 2018, Board Meeting
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Photo: Chanhassen High School Baseball Fields – on of the Major Irrigation Features at the High School Site.
10/31/2018

Task Order 21B: Bluff Creek Stabilization Project

- a. Continued working with the City on a final Cooperative agreement.
- b. Advertised for bids in newspapers and online.
- c. Held mandatory pre-bid meeting on October 16, which was attended by 10 contractors
- d. Opened bids on October 26. Received 7 bids, 3 of which were below the engineer's estimate.

Task Order 23: Scenic Heights School Forest Restoration

- a. The first rounds of native seeding began. Approximately 1.5 acres of short grass prairie was installed in the full sun areas of the site. These locations saw effective removal of buckthorn and honeysuckle and were prepared for seeding by the grinding of existing woody debris. The site was broadcasted with native seed with cover crop, then lightly harrowed, and finally blanketed with straw mulch. The remainder of the native seeding will be installed in the spring of 2019 after the first seasonal treatments of herbaceous invasive plants such as garlic mustard.



Native seeds are broadcast across prepared soil bed



Straw mulch is disc anchored into the soil after seed has been dispersed

- b. A volunteer planting event took place Saturday, October 8th to install the bare root plants that have been growing in the gravel bed tree nursery this summer. Master Water Steward and Boy Scout volunteers were on hand to plant the native shrubs and trees into the pond buffer. The event was a great success. Several dozen volunteers got their hands dirty planting the young plants into the school forest and were educated about the value of native plants and the restoration project as a part of the District's goals.



Fibrous roots have formed in the gravel bed nursery on snowberry and pagoda dogwood plants



A proud watershed steward shows off the next plant to be installed



Excited volunteers gather for acknowledgement

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Task Order 24: Preliminary Engineering Study for Silver Lake Water Quality Treatment Project

- a. Barr staff updated the draft feasibility study to incorporate comments provide by District staff and provided to Administrator for final review.

Task Order 25: Duck Lake Water Quality Improvement Project

- a. Barr staff and District staff held a project kickoff meeting at Barr offices on October 23 to review the project goals, scope, and timelines. The primary goals of the project are to identify and construct effective water quality projects in the Duck Lake watershed to achieve water quality goals for Duck Lake outlined in the 10-year plan. During the first phase of the project, Barr staff will conduct a walking appraisal of the watershed to identify potential water quality project sites.
- b. On October 29, Barr staff walked approximately half of the watershed to identify potential project sites.

To: RPBCWD Board of Managers
From: Dave Melmer
Subject: October 17, 2018—Erosion Inspection
Date: October 31, 2018
Project: 23/27-0053.14 PRMT 9016

Barr staff has inspected construction sites in the Riley Purgatory Bluff Creek Watershed District for conformance to erosion and sediment control policies. Listed below are construction projects and the improvement needed for effective erosion control. The sites were inspected from October 17, 2018.

Site Inspections

2015-010	Children's Learning Adventure - Private - Commercial/Industrial Northwest Coerner of Highway 5 and Galpin Avenue Chanhassen, Minnesota 55317 United States Site updates completed. Areas up to wetland signage was redone and infiltration basin redone. All bare areas covered and bio-rolls installed. Will monitor vegetation growth thru spring growing season-2019. Photos taken.	2018-10-17
2015-016	Blossom Hill - Private - Residential 10841 Blossom Rd Eden Prairie, Minnesota 55347 United States House construction at two site continues--all lots have been sold and have houses on them. BMP's look good. Minor tracking to street observed. Additional silt fences installed at two house sites. Slope of pond has been reworked and soils covered--ditch checks installed.	2018-10-16
2015-035	LaMettry's Chanhassen - Private - Commercial/Industrial Audubon RD and Motorplex CT Chanhassen, Minnesota 55317 United States Construction complete. Site is stable. All temporary BMP's have been removed. This will be last field inspection for this permit.	2018-10-17
2015-036	Saville West Subdivision - Private - Residential 5325 County Road 101 Minnetonka, Minnesota 55345 United States Construction complete at 5320 Spring Ln. House site-heavy equipment onsite for excavation. Silt fence perimeter control in place. BMP's look good. Landscaping not complete -lot has been graded for sod or seeding. Silt fence installed on southwest and west side of development. Additional lot has silt fence perimeter control installed- no activity at this lot. Lots to south have been brushed/cleared. No change since September.	2018-10-17

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2015-047	Neutral Path Comm Belle Plaine to Mpls - Private - Commercial/Industrial Chaska, Chanhassen, Eden Prairie Chaska, Chanhassen, Eden Prairie, Minnesota 00000 United States Construction has begun. BMP's are good.	2018-10-16
2015-050	Arbor Glen Chanhassen - Private - Residential 9170 GREAT PLAINS BLVD Chanhassen, Minnesota 55317 United States Perimeter control (silt fence) installed. Heavy equipment onsite and earthwork/grading complete. Roadway and detention pond installed. All slopes have been stabilized and covered. Rock entrances being installed. BMP's look good. Construction at multiple sites underway. BMP's for this location are good. Quite a bit of tracking to street observed.	2018-10-16
2015-053	RBSC Chanhassen LLC - Private - Commercial/Industrial 195 W. 79th Street Chanhassen, Minnesota 55317 United States No construction has begun. Site was being used as lay down yard for Hwy. 5 construction. Demobilization is complete. Catch basin protection still in place. Exposed soils have been covered and now vegetation is established. October-2018	2018-10-17
2015-055	Hampton Inn Eden Prairie - Private - Commercial/Industrial 11825 Technology Drive Eden Prairie, Minnesota 55344 United States Construction has begun. Security fence installed. Brushing underway. Heavy equipment onsite. No earthwork or BMP's installed to date.	2018-10-16
2016-004	Round Lake Park Improvements - Government - Other 16700 Valley Road Eden Prairie, Minnesota 55344 United States Site construction complete. Vegetation is established. All temporary BMP's have been removed. Infiltration basins vegetation is established. Site is stable. This will be last field inspection for this permit.	2018-10-17
2016-019	Powers Ridge Lot 2 - Private - Commercial/Industrial 1361 Lake Dr. West Chanhassen, Minnesota 55317 United States No construction has begun to date.	2018-10-17
2016-020	Prairie View Enclave - Private - Commercial/Industrial 12701 Pioneer Trail Eden Prairie, Minnesota 55347 United States No activity observed to date.	2018-10-16

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2016-026	Foxwood Development - Private - Residential 9150 and 9250 Great Plains Blvd Chanhassen, Minnesota 55317 United States Multiple house construction continues-BMP's look good- silt fences and rock entrances installed/ good perimeter control. Silt fences have been installed on unsold lots. Catch basin protection has been installed. Additional silt fences have been installed across site. Some tracking to streets-street sweeper onsite. Site is swept regularly. Site conditions are good. (October -2018)	2018-10-16
2016-028	Summit Place Apartments Drainage Improvements - Private - Residential 8501 Flying Cloud Drive Eden Prairie, Minnesota 55344 United States No construction activity observed to date.	2018-10-16
2016-030	IDI Distribution Building Expansion - Private - Commercial/Industrial 8303 Audubon Road Chanhassen, Minnesota 55317 United States Parking on north side installed/curb and gutter installed and paved. Building addition complete. Landscaping complete. Site is stable. All temporary BMP's have been removed except catch basin protection on east side of building. Site representative was notified about catch basin protection removal. Two basins on west side have been removed.	2018-10-17
2016-032	CSAH 61 Improvements - Government - Linear N/A Eden Prairie, Minnesota 55347 United States Construction continues. Slopes are covered with matting or have been spray tac'd. Area near creek crossing is nearing completion -- BMP's look good. BMP's to date look very good. Construction west of Lions tap continues. BMP's look good.	2018-10-16
2016-033	Anderson Lakes-Purgatory Trail - Government - Other Anderson Lakes PKWY and Purgatory Creek Eden Prairie, Minnesota 55344 United States No construction observed to date.	2018-10-16
2016-040	18995 Minnetonka Blvd - Existing Single-Family 18995 Minnetonka Blvd Deephaven, Minnesota 55391 United States All BMP's have been removed. Site is stable. Vegetation is established. This will be last field inspection for this permit.	2018-10-17
2016-041	Chanhassen West Water Treatment Plant - Government - Other 2070 Lake Harrison Road Chanhassen, Minnesota 55317 United States	2018-10-17

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Silt fences installed on site. Construction complete. Landscaping and seeding complete--all soil covered with matting. BMP's look good. Entrance installed and paved--roadway complete. Vegetation has sprouted and growing--some bare areas--site is stable. Playground installation on north side 90% complete.

2016-042 **18663 St. Mellion Place--Eden Prairie (Bear Path)** **2018-10-16**

Construction continues. BMP's are good silt fence replaced with bio-logs--bio-logs are overtopping in locations. Site grading and sod installation has occurred on a large portion of site- however a large area is not stable and bare-- susceptible to erosion. Sediment deposits observed at curb side near site. CA is on 7/21/18 inspection with photos. Terry Jeffrey's was notified. No contact information for owner available. Site has been recently graded- August. Bio-logs still overtopped- no action taken on CA. Terry Jefferys was notified after August inspection. Temporary wetland buffer signage installed.

2016-045 **MCES Blue Lake Interceptor Rehab - Government - Linear**
See attached multiple , Minnesota 55354 United States **2018-10-17**

Construction complete. Silt fences installed/bio-logs in place. Bare soils covered with spray-tac. Some vegetation growing--and filling in. Majority of site is stable. (September 2018) Temporary BMP's can be removed. Site representative will be notified that BMP's can be removed.

2017-001 **Kopesky 2nd Addition - Private - Residential**
18340 82nd St Eden Prairie, Minnesota 55347 United States **2018-10-16**

Site has been cleared and perimeter control--silt fence has been installed. Rock entrance installed. Road and storm sewer installation complete. Site grading complete. BMP's are good. Infiltration basins completed. Basin protection is good. Site issues from last inspection addressed.

2017-003 **18761 Heathcote Dr Building Addition - Existing Single-Family**
18761 Heathcote Dr Wayzata, Minnesota 55391 United States **2018-10-17**

House construction complete. Pool installation complete. Landscaping complete--sod and shrubs installed. Temporary BMP's have not been removed (silt fence/ bio-logs). Debris pile onsite. September 2018. Spoke with homeowners-- bio-logs will be removed soon. As of October inspection: no action on removal of biorolls or debris pile.

2017-007 **Cedarcrest Stables - Private - Residential**
16870 CEDARCREST DR Eden Prairie, Minnesota 55347 United States **2018-10-16**

No construction activity observed to date. Property boundary survey stakes observed.

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2017-011	Galpin Blvd Watermain Improvements - Government - Linear Galpin Blvd & Lake Harrison Road Chanhassen, Minnesota 55317 United States Construction complete. Soils were covered with erosion control mats-growth observed to date and stable. Silt fence has been removed. --fence/posts/biorolls laying on road side. Across from Galpin Blvd. and Harrison Bay Rd.Site is stable. October-2018.	2018-10-17
2017-022	Chanhassen High School Stormwater Reuse - Government - Other 220 Lyman Blvd Chanhassen, Minnesota 55317 United States Erosion control BMPs are in place. Site restoration underway.	2018-10-16
2017-023	Eden Prairie Assembly of God - Private - Commercial/Industrial 16591 Duck Lake Trail Eden Prairie, Minnesota 55346 United States Construction continues. Perimeter control silt fence and rock entrance installed. BMP's look good. Site grading in some areas is continues. South area grading underway.	2018-10-17
2017-024	Prairie Bluffs Senior Living - Private - Residential 10280 Hennepin Town Rd Eden Prairie, Minnesota 55347 United States Construction continues. Perimeter silt fence installed and bio-logs --catch basin protection in place. BMP's look good. Minor tracking to street--site is swept regularly. CA closed.	2018-10-16
2017-026	6135 Ridge Road - Existing Single-Family Rock entrance is good. Silt fence maintenance has been completed--however -- root cause of erosion ---bare soils covered by sparse weed growth has not been addressed. --as of October-- upper part of slope has been covered with matting and rock wall installed--phot taken. Bare soils on site and slopes still need to be covered and stabilized on lower portion--without coverage soils will continue to erode downslope. Weed growth that is on slopes is helping but still a lot of soil is exposed. CA will stay open for the bare soils/slope is weed coverage but not stable. August-2018. Site representative/homeowner onsite and is aware of issues. Southwest corner has rock retaining landscaping completed. Photos taken --September and October inspections.	2018-10-17
2017-027	7500 Chanhassen Road - Existing Single-Family 7500 CHANHASSEN RD Chanhassen, Minnesota 55317-8576 United States Construction complete. Site has been graded for landscaping and is now completed. Sod installed. Silt fences removed and bio-logs still in place. Driveway installation completed.	2018-10-17

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2017-029	Tweet Pediatric Dentistry - Private - Commercial/Industrial 7845 Century Blvd. Chanhassen, Minnesota 55317 United States Construction complete . BMP's are installed and good. Catch basin protection installed in this area. Infiltration areas installed. Parking lot grading and curb/gutter installation complete. Infiltration pond has bio-logs staked in to control silt. Vegetation is growing.	2018-10-16
2017-030	Elevate - Private - Commercial/Industrial 12900 Technology Drive Eden Prairie, Minnesota 55344 United States Construction continues. Perimeter control installed. Catch basin protection installed. Some catch basins have bladders installed and drainage will be directed to other basins. BMP's look good.	2018-10-16
2017-032	11193 Bluestem Lane - Government - Other 11193 Bluestem Lane Eden Prairie, Minnesota 55347 United States Construction complete. All exposed soils on slope are covered and stabilized--vegetation growing--areas where seed did not sprout are observed-- matting is keeping soils stable. Bio-logs installed at toe of slope. Areas observed where vegetation has died off. Site is in good condition. Will monitor thru spring-2019. Site representative contacted concerning bare areas. Bio-logs can be removed.	2018-10-16
2017-034	Park Road Overlay Chanhassen - Government - Linear Park Road Chanhassen, Minnesota 554317 United States Overlay complete. Landscaping complete. Bridge at stream crossing complete. All exposed soils covered. Vegetation growth established. Bio-logs still in place at bridge area-south side--/north side the biorolls were removed. (October -2018) Site representative will be contacted--south side biorolls can be removed.	2018-10-17
2017-037	The Venue - Private - Commercial/Industrial 525 W 78th St Chanhassen, Minnesota 55317 United States Security fence installed. BMP's installed. Demolition of existing buildings complete. Construction continues. Additional BMP's installed--catch basin protection in new construction area. Minor tracking offsite. Rock entrance was refreshed.	2018-10-17
2017-038	West Park - Private - Residential 760& 781 Lake Susan Drive 8601 Great Plains Blvd Chanhassen, Minnesota 55317 United States Construction continues. Street installation on north and south side completed. Rock entrance installed on south side and to individual house sites. Perimeter control installed. Catch basin protection installed. BMP's look good. Silt fence down in some areas. Minor tracking observed on --onsite streets. Landscaping at some sites underway. BMP's look good. (October-2018)	2018-10-16

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2017-039	Mission Hill Senior Living - Private - Residential 8600 Grate Plains Boulevard Chanhasen, Minnesota 55317 United States Construction underway. BMP's installed look good. Site perimeter control installed. Catch basin protection installed. Site is in good shape. South swale has been stabilized. Onsite dewatering ponds are adequate. Exposed areas have been spray-tac'd. Minor tracking to street.	2018-10-16
2017-040	Basin 05-12-C Cleanout - Government - Other 14180 W 78th St Suite 118 Eden Prairie, Minnesota 55344 United States Robert Ellis--site representative stated that work is completed. This will be last field inspection for this permit. All BMP's have been removed. Site is stable.	2018-10-17
2017-047	Fawn Hill - Private - Residential 7240 Galpin Road Chanhasen, Minnesota 55331 United States Earthwork completed/roadway installed. Perimeter silt fence installed and additional silt fences installed where needed. Exposed soils blown with straw and hydroseeded-vegetation has sprouted and is growing. BMP's to date look good- (October -2018) West pond overflow installed. Homesite lot signage installed-- house construction on first site has started-rock entrance installed. Minor tracking to street.	2018-10-17
2017-052	Old Excelsior Senior Living - Private - Residential 17705 Hutchins Drive Minnetonka , Minnesota 55345 United States Construction continues. Perimeter control installed. BMP's in place. Street is swept regularly. Site heading for parking lot underway. (October-2018)	2018-10-17
2017-053	Mastercraft - Private - Commercial/Industrial 17717 State Hwy 7 Minnetonka, Minnesota 55345 United States Construction complete. Inlet protection installed at two catch basins on north side. Landscaping complete. Site is stable. (October-2018). Site representative was notified that catch basin protection can be removed -- one was removed but they missed one on North side of frontage road. Will re-notify site representative.	2018-10-17
2017-055	Scenic Heights Elementary 2018 Addns - Government - Other 5650 Scenic Heights Drive Minnetonka, Minnesota 55345 United States Construction continues. BMP's installed are good. Site is in good condition. (October-2018)	2018-10-17

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2017-063	Clear Springs Elementary 2018 Gymnasium Addition - Government - Other 5621 County Road #101 Minnetonka, Minnesota 55345 United States Construction continues . BMP's installed. Site is well contained and BMP's are good. (October-2018)	2018-10-17
2017-064	Scenic Heights Elementary School Forest Restoration - Government - Other 5650 Scenic Heights Drive Minnetonka, Minnesota 55345 United States Site has been selectively cleared. Inflow area modified and BMP's installed. Site has been sprayed with a "Round-up" type of vegetation spray and cleared. Restoration continues. No change since September.	2018-10-17
2017-069	Scheels Redevelopment 8301 Flying Cloud Dr. Eden Prairie, Minnesota 55344 United States BMP's installed. Demolition of building continues.	2018-10-16
2017-072	O'Reilly Auto Parts Eden Prairie - Private - Commercial/Industrial 8868 AZTEC DRIVE Eden Prairie, Minnesota 55347 United States No construction activity observed to date.	2018-10-16
2017-073	Preserve Village - Private - Residential 9625 Anderson Lakes Pkwy Eden Prairie, Minnesota 55344 United States Construction continues. Security fence installed. BMP's installed. Catch basin protection is adequate. Minor tracking to street. Site is well contained for runoff protection. Areas of bare soils observed--appear to have been recently worked--just not covered to date.	2018-10-16
2018-004	903 Lake Drive Chanhassen - Government - Other 903 Lake Drive Chanhassen, Minnesota 55317 United States Construction continues. BMP's installed. , Construction continues. BMP's installed. Site is in good condition.	2018-10-17
2018-011	Maloney Shoreline Stabilization - Existing Single-Family 108 Pioneer Trail Chanhassen, Minnesota 55327 United States No construction observed to date.	2018-10-16
2018-013	Soccer Field 11 at Miller Park - Government - Other 8250 Shoreline Drive Eden Prairie, Minnesota 55344 United States	2018-10-17

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Construction complete. BMP's still in place--silt fence/all catch basin protection has been removed.. Landscaping complete. Soccer field grass is established. Site is stable.

2018-014 **Eden Prairie Road Reconstruction - Government - Linear** **2018-10-16**

Construction activity observed at south end. BMP's installed. No additional work observed since last inspection. Road closed on north end. No activity observed to date.

2018-015 **Starbucks Coffee House - Private - Commercial/Industrial**
19285 Highway 7 19245 Highway 7 Shorewood, Minnesota
55401 United States **2018-10-17**

Construction trailer and heavy equipment onsite. Demolition complete. BMP's installed. Curb and gutter work underway. Earth work and back filling to foundation underway.

2018-016 **Avienda - Private - Commercial/Industrial**
SW corner of Powers and Lyman Boulevard Chanhassen,
Minnesota 55317 United States **2018-10-16**

No activity observed to date.

2018-020 **9770 Sky Lane - Existing Single-Family**
9770 sky lane Eden prairie, Minnesota 55347 United States **2018-10-16**

Construction continues. BMP's onsite are installed. Downstream catch basin protection installed- 2 basins downstream. Site grading underway/boulder wall installation underway. Silt fences installed and secured.

2018-021 **9810 Sky Lane - Existing Single-Family**
9810 sky lane Eden prairie, Minnesota 55347 United States **2018-10-16**

Construction continues. BMP's onsite are installed. Bio-logs will need some attention so on west side. Minor tracking to street observed.

2018-022 **Sunrise Park Court Improvement - Government - Other**
9401 Bloomington Ferry Road Bloomington, Minnesota 55438
United States **2018-10-16**

Construction complete. Temporary BMP's still in place. Tennis court fencing installed. All soils covered and some vegetation growth observed.

2018-024 **Kittelson Pool - Existing Single-Family**
2165 Wynsong Lane Chanhassen, Minnesota 55317 United
States **2018-10-17**

Construction complete--pool installed. Silt fence installed. BMP's look. Grading complete/rock wall installed.

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2018-025	Magellan Pipeline UCD Dig 8 through 12	2018-10-16
	No activity observed to date.	
2018-027	MAMAC - Private - Commercial/Industrial 8189 Century Boulevard Chanhassen, Minnesota 55317 United States Closed CA(s): Stock piles near curb inside security fence new protection. Site representative was notified. Stock piles being hauled offsite--10/17-18/18. Deadline: 10/31/2018	2018-10-16
	Perimeter control silt fence installed. Temporary BMP's installed. Security fence installed. Earthwork has begun. Stock piles near curb inside security fence new protection. Site representative was notified.	
2018-028	Oak Point Elementary School Parking Lot - Government - Other 13400 Staring Lake Parkway Eden Prairie, Minnesota 55347 United States	2018-10-16
	No construction observed to date.	
2018-031	Ridgeview Elementary School Mechanical Improvements - Government - Other 9400 Nesbitt Avenue Bloomington, Minnesota 55438 United States	2018-10-16
	Construction complete. All temporary BMP's have been removed. Site is stable. This will be last field inspection for this permit.	
2018-032	Valley View Road Trail Rehabilitation - Government - Other	2018-10-17
	Construction complete. All temporary BMP's have been removed. Site is stable. This will be last field inspection for this permit.	
2018-033	Eden Prairie High School Trail and Railroad Crossing - Government - Other	2018-10-17
	Construction completed. Bare soils have been hydro-seeded. Some growth observed. BMP's installed.	
2018-034	Basin 05-11-A Cleanout - Government - Other Corner of Sequioa and Ginger Eden Prairie, Minnesota 55346 United States	2018-10-17
	Robert Ellis-site representative stated that this work will begin in 2019.	
2018-038	Eden Prairie Senior Living - Private - Residential 8460 Franlo Rd Eden Prairie, Minnesota 55344 United States	2018-10-16
	Construction continues. Perimeter control installed. BMP's look good. Minor street tracking observed. Rock entrances need to be	

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refreshed. Bare soils need to be covered or stabilized. Site representative was notified.

2018-039 Emerson Site Improvements - Private - Commercial/Industrial 12001 Technology Drive Eden Prairie, Minnesota 55344 United States **2018-10-16**
No activity observed to date.

2018-040 Center Point Carver Line Receiver **2018-10-17**
Construction complete. BMP's installed. Site has been graded--no seeding or coverage applied to date.

2018-041 Abra Auto Body - Private - Commercial/Industrial 13075 Pioneer Trail Eden Prairie, Minnesota 55347 United States **2018-10-16**
No activity observed to date.

2018-043 Control Concepts - Private - Commercial/Industrial **2018-10-16**
No activity observed to date.

2018-044 Smith Village **2018-10-17**
No site activity observed to date.

2018-047 Peterson Borrow Site - Government - Other **2018-10-16**
No activity observed to date.

2018-049 D'Alessandro Home - Existing Single-Family **2018-10-17**
Construction has begun. Perimeter control installed. Bio-logs installed. BMP's to date are good. Minor tracking to street.

2018-050 Eden Prairie Cemetery - Private - Other **2018-10-16**
Construction limits have been surveyed and staked. No other activity observed to date.

2018-052 HCRRRA Culvert Replacement - Government - Other **2018-10-17**
Brushing and BMP 's installed. No construction to date.

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2018-053 **Roberts Residence - Existing Single-Family** **2018-10-17**

Trees and brush have been cleared. No BMP's installed to date. No earthwork observed.

2018-063 **Lake Susan Trail Rehab 2018 - Government - Other** **2018-10-17**

Construction has begun--well underway. BMP's in place.

Please contact me at 952.832-2687 or dmelmer@barr.com if you have questions on the projects listed above or any additional items that need to be addressed for the erosion control inspections.



14500 Martin Drive | Suite 1500
 Eden Prairie, MN 55344
 952-607-6512
 www.rpbcwd.org

Riley Purgatory Bluff Creek Watershed District Permit Application Review

Considered at Board of Manager's Meeting: November 7, 2018

Permit No: 2017-047

Modification Request Received complete: September 26, 2018 (application conditionally approved September 6, 2017)

Applicant: HP Holdings, LLC

Consultant: Sathre-Bergquist, Inc., Thomas Welshinger

Project: Fawn Hill—Construction of a 10-lot single family home subdivision. Conversion of an existing nonfunctioning infiltration basin to a bio-filtration basin and using an existing stormwater detention pond with filtration bench to provide storm water quantity, volume and quality control.

Location: 7240 Galpin Boulevard, Chanhassen, MN

Reviewer: Scott Sobiech, PE Barr Engineering

Rules: Applicable rules checked

	Rule B: Floodplain Management		Rule H: Appropriation of Public Waters
	Rule C: Erosion and Sediment Control		Rule I: Appropriation of Groundwater
	Rule D: Wetland and Creek Buffers	X	Rule J: Stormwater Management
	Rule E: Dredging and Sediment Removal		Rule K: Variances and Exceptions
	Rule F: Shoreline/Streambank Stabilization	X	Rule L: Permit Fees
	Rule G: Waterbody Crossings	X	Rule M: Financial Assurances

Background

At the September 6, 2017 RPBCWD Board meeting the Managers conditionally approved HP Holdings, LLC's permit application to construct a 10-lot single family residential development within the city limits of Chanhassen, Minnesota. The original permit review report is attached for reference. The site is west of State Highway 117 (Galpin Boulevard) and north of State Highway 5. An existing wetland is located on the southwester portion of the site. Construction of an infiltration basin and use of an existing stormwater pond with filtration bench located partially off-site provides storm water quantity, volume and quality control. Stormwater from the detention pond outlets into an existing on-site wetland which discharges through an existing culvert under West 78th street to the north. Construction started in late-2017 and is complete with the exception of the modification being requested.

Soil borings information submitted for the original development of the site indicated the soils in the project area are primarily clays; the MN Stormwater Manual indicates an infiltration rate of 0.06 inches per hour (in/hr) for such soils. By contrast, infiltrometer testing prior to construction in the area of the infiltration basin found the infiltration rate to be between 1.93 in/hr and 2.13 in/hr. Based on the infiltrometer testing the RPBCWD engineer concurred with the applicant's use of an infiltration rate of 1.0 in/hr in the design of the infiltration basin. Despite the soil borings for the site indicating groundwater at an elevation of 958.3, the applicant's engineer supplied a marked-up sanitary sewer plan sheet showing that groundwater was encountered at a higher elevation during construction. The high groundwater precludes infiltration because there is less than the required 3 feet of separation between the infiltration bottom and the groundwater level. In addition, site observations by the RPBCWD engineer indicate the infiltration basin is not performing as designed due to the additional extended inflow from upstream stormwater facilities located offsite and lower than anticipated infiltration capacity of the soils, as determined by observed standing water for longer than 48 hours (see Figure 1). The engineer concurs with the applicant that observed site conditions and performance of the facilities support the conclusion that 1.1 inches of abstraction from the impervious surface cannot practicably be met. Because of the high groundwater levels the applicant is proposing to modify the design to be a filtration basin with a draintile discharging to the adjacent onsite wetland for water quality treatment and rate control.



Figure 1. Fawn Hill constructed infiltration basin with standing water at the outlet elevation 7 days after precipitation event (October 22, 2018)

The current scope work on the property is proposed because the infiltration basin is not performing as originally design. The applicant proposes to convert the infiltration basin to a bio-filtration basin discharging to the adjacent on-site wetland. Because the work is proposed to bring site conditions into compliance with RPBCWD rules and no new land-disturbing activities for other purposes are proposed, engineer recommends reinstatement of permit 2017-047 without imposition of an additional (new) permit fee. Because only the stormwater management facilities are proposed to be modified with this request, the analysis below focuses exclusively on assessing conformance with Rule J. The originally

permit review report is attached for information purposes relative to the other rule triggered by the original application.

The following materials were reviewed in support of the permit modification request:

1. Permit modification request received via email on September 21, 2018
2. Technical memorandum for Fawn Hill Development Updated Water Quality & Abstraction Design RPBCWD Permit Modification Request dated September 21, 2018
3. Existing and proposed conditions HydroCAD models received September 21, 2018 (updated September 27, 2018)
4. Proposed conditions P8 water quality model received September 21, 2018 (updated September 27, 2018 and September 28, 2018,
5. Response to comments received September 28, 2018 and October 15, 2018
6. Filtration basin exhibit received September 28, 2018
7. Sanitary Sewer and Watermain plan sheet showing groundwater observed during construction received September 28, 2018

Rule J: Stormwater Management

Rate Control

In order to meet the rate control criteria listed in Subsection 3.1.a, the 2-, 10-, and 100-year post development peak runoff rates must be equal to or less than the existing discharge rates at all locations where stormwater leaves the site. The applicant used a HydroCAD hydrologic model to simulate runoff rates for pre- and post-development conditions for the 2-, 10-, and 100-year frequency storm events using a nested rainfall distribution, and a 100-year frequency, 10-day snowmelt event. The existing and proposed 2-, 10-, and 100-year frequency discharges from the site are summarized in the table below.

Modeled Discharge Location	2-Year Discharge (cfs)		10-Year Discharge (cfs)		100-Year Discharge (cfs)		10-Day Snowmelt (cfs)	
	Ex	Prop	Ex	Prop	Ex	Prop	Ex	Prop
Existing Pond Outlet	20.1	13.5	44.0	36.9	89.2	87.7	5.5	5.4

Because the Applicant is relying on capacity provided by the existing constructed pond that extends off the subject property for rate control, the applicant requested and the RPBCWD Board approved a variance request in September 6, 2017. The conversion of the infiltration basin to the bio-filtration basin results in the same discharge rates discharging to the adjacent wetland as was approved in September 2017. Because there is no change in prior approved proposed condition runoff rates leaving the site, the project as proposed to be modified will continue to conform to the rate control requirements in Rule J, subsection 3.1a.

Volume Abstraction

Subsection 3.1.b of Rule J requires the abstraction onsite of 1.1 inches of runoff from all impervious surface of the parcel. An abstraction volume of 5,750 cubic feet is required from the 1.44 acres (62,726 square feet) of impervious area on the project for volume retention. In accordance with the permit as approved, the Applicant constructed an infiltration basin to abstract runoff from the site.

Soil borings information submitted for the original permit application indicated the soils in the project area are primarily clays; the MN Stormwater Manual indicates an infiltration rate of 0.06 inches per hour (in/hr) for such soils. Infiltrometer testing in the areas of the proposed best management practice, however, found the infiltration rate to be between 1.93 in/hr and 2.13 in/hr. Based on the infiltrometer testing the RPBCWD engineer concurred with the applicant's use of an infiltration rate of 1.0 in/hr in the design of the infiltration basin.

As part of the original permit for the project (Permit 2017-047), the Applicant provided volume control calculations supporting that volume abstraction would be provided through an infiltration basin. The design submitted by the applicant showed that the basin would provide approximately 5,881 cubic feet of abstraction. This was greater than the 5,750 cubic feet of abstraction needed to retain the 1.1 inches required under 3.1(b). However, the infiltration basin is not performing as designed due to groundwater seepage into the stormsewer system, additional extended inflow from upstream stormwater facilities located offsite, and lower than anticipated infiltration capacity of the soils, as determined by observed standing water for longer than 48 hours. Thus, the engineer concurs with the applicant that observed site conditions and performance of the facilities support the conclusion that 1.1 inches of abstraction from the impervious surface is not achievable because of unique site constraints. Despite the soil borings for the site indicating groundwater at an elevation of 958.3, the applicant's engineer provided a marked up Sanitary Sewer and Watermain plan sheet indicating groundwater was encountered at a higher elevation during construction. Because of high groundwater conditions and existing infrastructure configuration, the applicant is providing abstraction to the maximum extent practicable (Rule J, subsection 3.3b), limited to the evapotranspiration of vegetation planted within the bio-filtration basin.

Water Quality Management

Subsection 3.1.c of Rule J requires the Applicant provide for at least 60 percent annual removal efficiency for total phosphorus (TP), and at least 90 percent annual removal efficiency for total suspended solids (TSS) from site runoff. The Applicant is proposing a bio-filtration basin, modification to the portion of the existing stormwater pond with filtration bench on-site and using the existing stormwater pond with filtration bench located partially off-site to achieve the required TP and TSS removals and submitted a P8 model to estimate the TP and TSS removals.

Pollutant of Interest	Regulated Site Loading (lbs/yr)	Required Load Removal (lbs/yr) ¹	Provided Load Reduction (lbs/yr)
Total Suspended Solids (TSS)	2,687	2,411 (90%)	2419 (90%)
Total Phosphorus (TP)	8.6	5.16 (60%)	5.3 (61%)

¹Required load reduction is calculated based on the removal criteria in Rule J, Subsection 3.1c and the load generated from all the impervious area on the site.

Based on information reviewed, the proposed project conforms to Rule J, Subsection 3.1.c. Because the water quality performance shown relies in part on an off-site facility, the applicant provided documentation of rights to use the facility and a maintenance declaration for the facility enforceable by RPBCWD.

Low floor Elevation

No structure may be constructed or reconstructed such that its lowest floor elevation is less than 2 feet above the 100-year event flood elevation according to Rule J, Subsection 3.6. The low floor elevation of the homes and the adjacent stormwater management feature is summarized below.

Location Riparian to Stormwater Facility	Low Floor Elevation of Building (feet)	100-year Event Flood Elevation of Adjacent Stormwater Facility (feet)	Freeboard (feet)
Block 1, Lot 1	966.1	964.08	2.02
Block 1, Lot 2	968.1	964.08	4.02
Existing Bentz Farm, Lot 8	965.1	958.57	6.53
Existing Bentz Farm, Lot 9	962.6	958.57	4.03
Existing Bentz Farm, Lot 10	962.6	958.57	4.03
Existing Bentz Farm, Lot 11	963.6	958.57	5.03

The Engineer concurs with the Applicant’s information showing the project meets the requirements of Rule J, Subsection 3.6.

Maintenance

Subsection 3.7 of Rule J requires the submission of a maintenance plan. All stormwater management structures and facilities must be designed for maintenance access and properly maintained in perpetuity to assure that they continue to function as designed.

- J1. Permit applicant must provide an updated draft maintenance and inspection plan. Once approved by RPBCWD, the maintenance declaration recorded for purposes of compliance with

the conditions on the approval of 2017-047 must be amended to comport with the revised stormwater-management design and associated maintenance requirements.

Rule L: Permit Fee:

Fees for the project are:

The RPBCWD permit fee schedule adopted in December 2015 indicates that costs of site inspections, analysis of the proposed activities, services of consultants and compliance assurance in excess of \$5,000 for properties greater than 10 acres will be charged to the permit applicant. In accordance with the adopted RPBCWD permit-fee schedule, because the engineer, legal, and staff time to review this permit exceeded \$5,000 the applicant must submit an additional permit fee of \$2,255 for excess cost recovery.

Rule M: Financial Assurance:

The applicant provided a \$73,100 financial assurance for purposes of the original application for permit 2017-047 that RPBCWD continues to hold. No additional financial assurance is required for purposes of the modification.

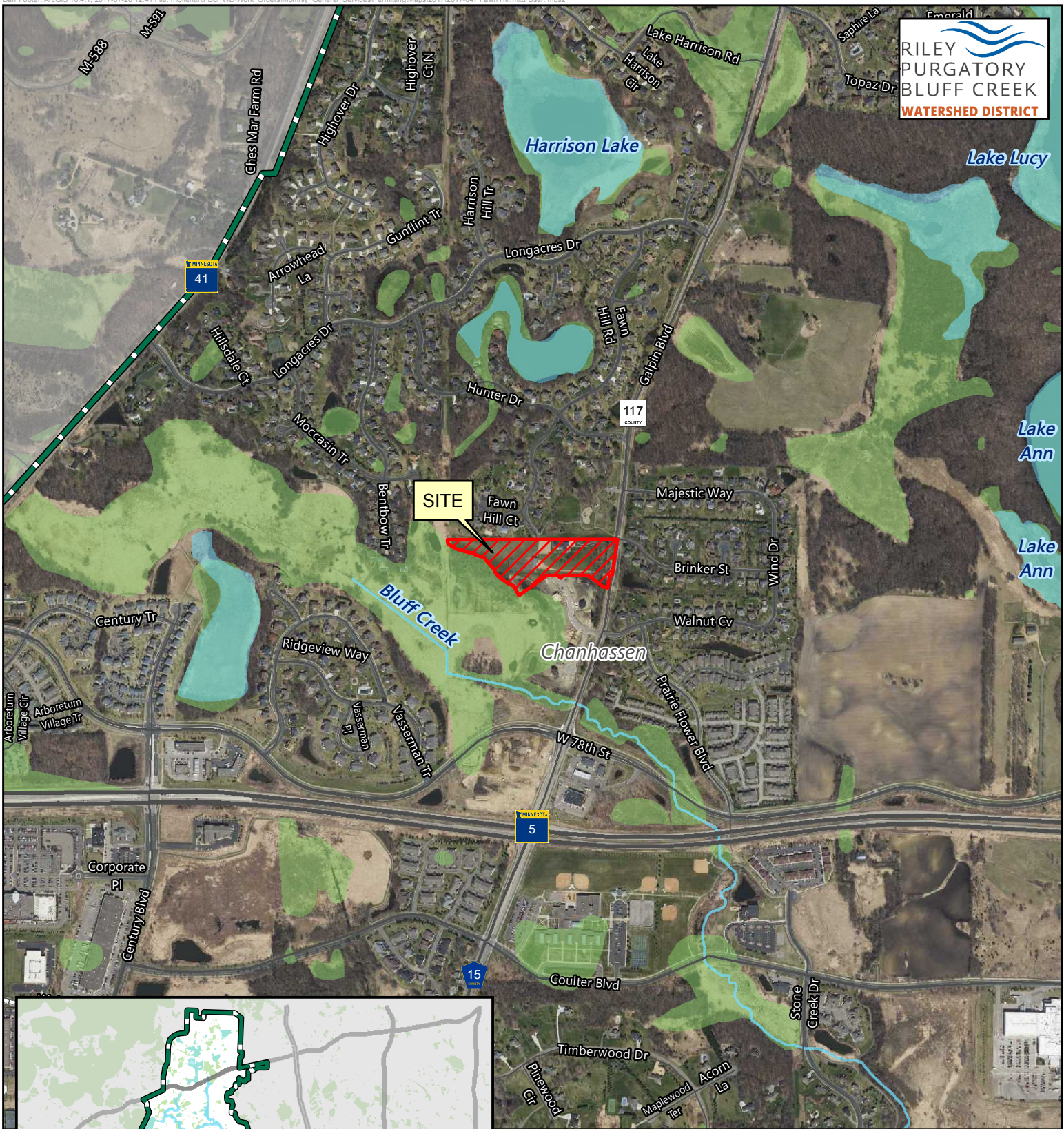
Recommendation:

Approval of the requested permit modification contingent upon:

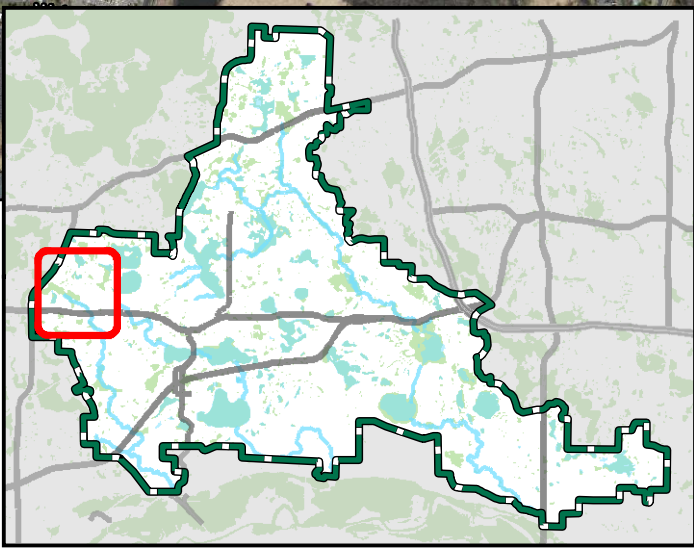
1. Continued compliance with General Requirements and stipulations of the September 6, 2017 approval.
2. Receipt in recordation an updated maintenance declaration for the onsite stormwater management facilities and wetland buffer. A draft must be approved by the District prior to recordation.
3. Compliance with rule-specific permit conditions, including receipt of an additional permit fee of \$2,255 for excess cost recovery.

Board Action

It was moved by Manager _____, seconded by Manager _____ to approve reinstatement of permit 2017-047 with the modification described herewith the conditions recommended by staff at the November 7, 2018 regular Board of Manager's meeting.



SITE



Feet

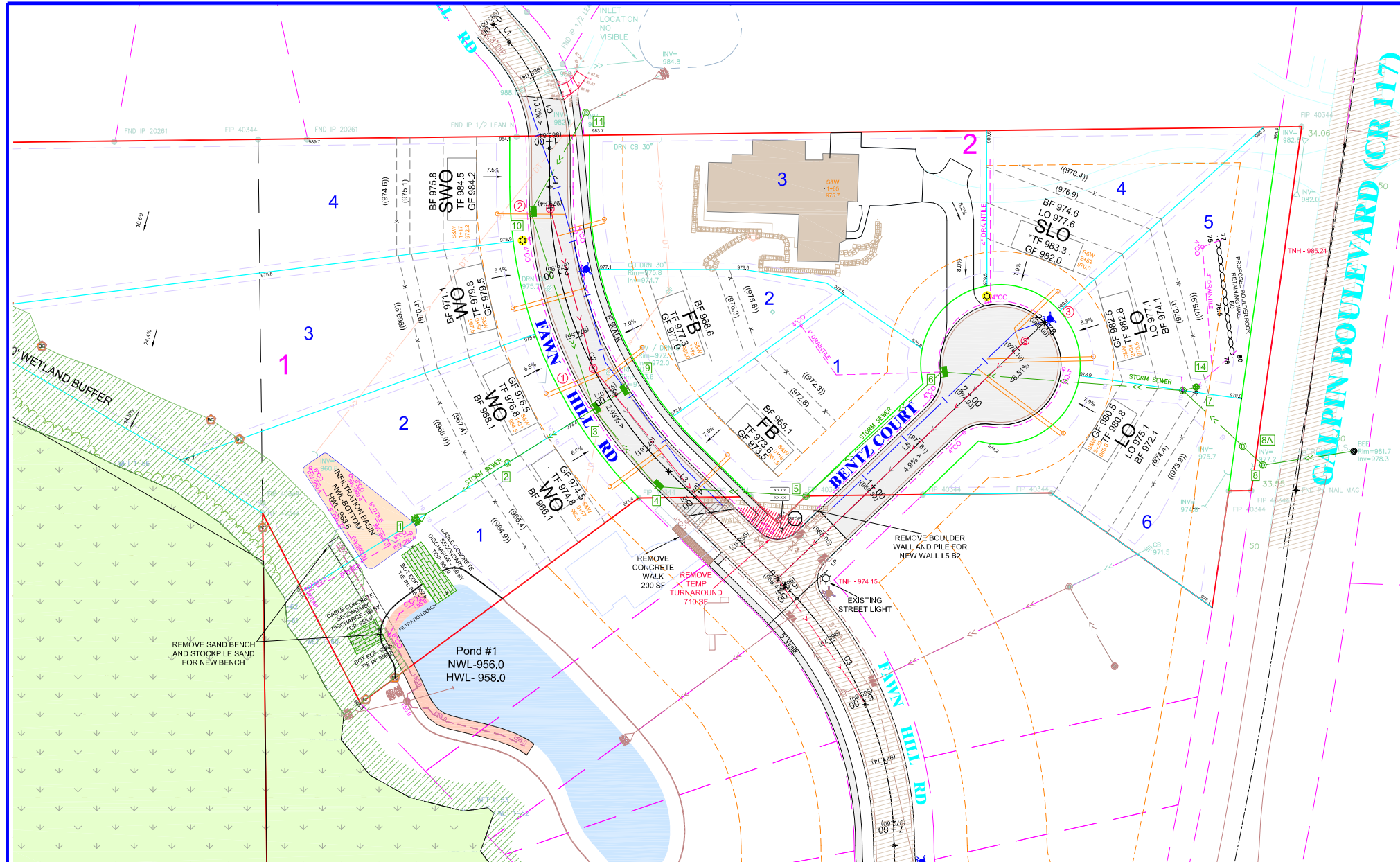


Permit Location Map

FAWN HILL

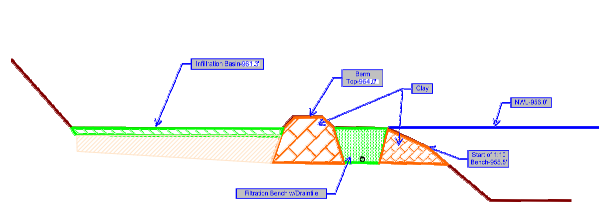
Permit 2017-047

Riley Purgatory Bluff Creek
Watershed District

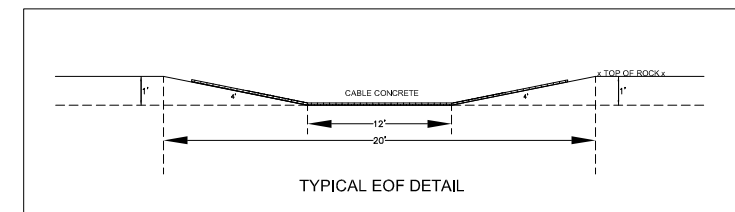
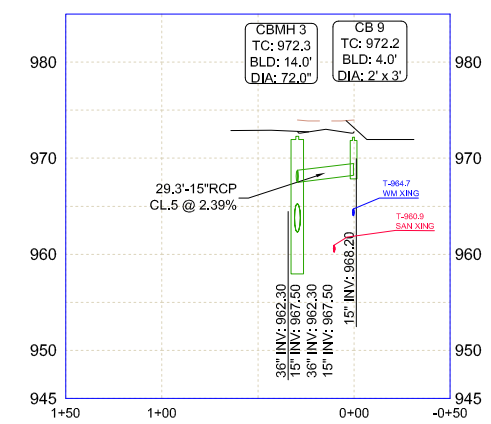


STRUCTURE TABLE						
STRUCTURE NAME	DIAMETER	RIM	BUILD	INV	CASTING	NOTES
2	48.0"	968.2	6.7'	961.5	R4342	
3	60.0"	972.3	14.0'	958.3	R3067-V	4' PRETREAT SUMP
4	48.0"	970.2	7.2'	963.0	R3067-V	
5	48.0"	970.2	5.8'	964.4	R4342	
6	48.0"	973.8	12.0'	961.8	R3067-V	4' PRETREAT SUMP
7	48.0"	971.5	4.8'	966.7	R4342	
8	48.0"	980.1	6.1'	974.0	R4342	
8A	48.0"	977.0	4.7'	972.3	R4342	
9	2' x 3'	972.2	4.0'	968.2	R3067-V	
10	48.0"	979.2	5.4'	973.8	R3067-V	
11	48.0"	985.0	4.5'	980.5	R4342	
14	27.0"	971.5	4.0'	967.5	R4342	

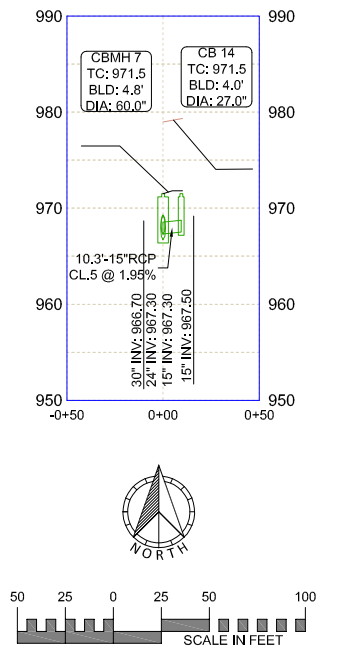
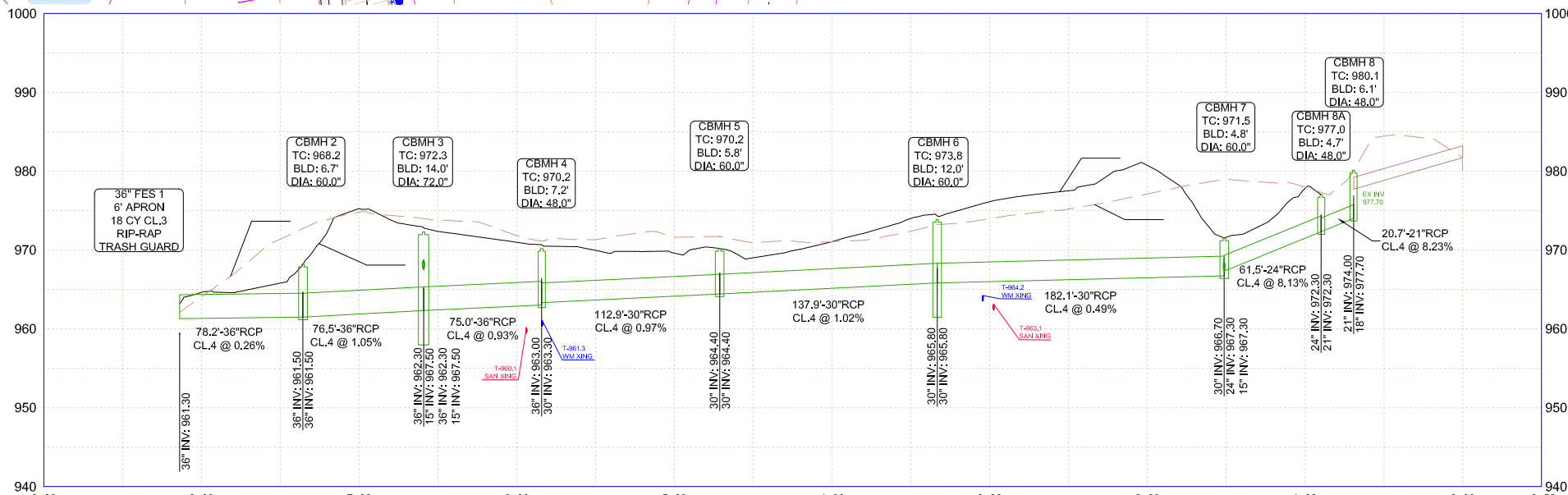
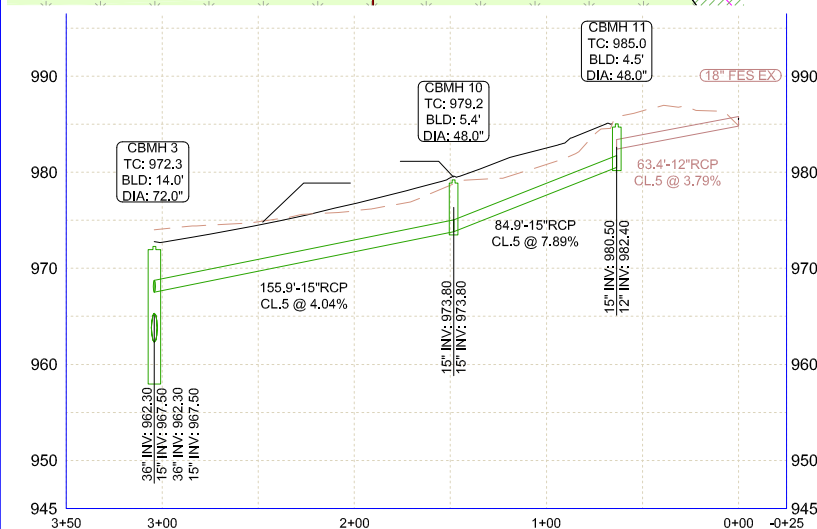
FES TABLE							
Structure Name	TYPE	SIZE (IN.)	INV	C.Y.	RIP RAP	NOTES	VELOCITY
1	FES	36	961.3	18		TRASH GUARD	4.87 CFS



FILTRATION BASIN 6" DRAINTILE DETAIL



TYPICAL EOF DETAIL



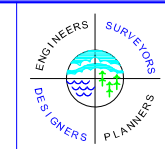
EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE_FAWN	01	CAW	07/07/17	RPBCWD COMMENTS
DRAWN BY	02	TCW	07/12/17	COUNTY COMMENTS
TCW	03	TCW	07/18/17	CITY COMMENTS
CHECKED BY	04	TCW	07/31/17	RPBCWD COMMENTS
RSM	05	TCW	08/30/17	CITY COMMENTS
DATE	06	TCW	09/13/17	ADD DTILE AND PED RAMP NOTE
06/14/17	07	JDV	11/02/17	MOVED STMH 10 TO CURB LINE

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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert S. Molstad
 ROBERT S. MOLSTAD, P.E.
 Date: 06/14/17 Lic. No. 24728



SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO. ---
CHANHASSEN, MINNESOTA

STORM SEWER PLAN
FAWN HILL
HP HOLDINGS, LLC.

FILE NO. 37865-001-200
4
 11

Minutes: Monday, October 15, 2018

RPBCWD Citizen's Advisory Committee Monthly Meeting
Location: RPBCWD offices: 18681 Lake Street, Chanhassen

CAC Members

Jim Boettcher	P	Curt Kobilarcsik	E	Marilynn Torkelson	P
Paul Bulger	P	Matt Lindon	E	Lori Tritz	P
Anne Deuring	P	Sharon McCotter	P		
Peter Iverson	P	Joan Palmquist	P		

Others

Michelle Jordan	RPBCWD staff	P
David Zeigler	RPBCWD Board Member	P

Summary of key actions/motions for the Board of Managers: none

- I. **Opening**
 - A. **Call CAC meeting to Order:** President Paul Bulger called the meeting to order at 6:04 p.m.
 - B. **Attendance:** As noted above
 - C. **Matters of general public interest:** None
 - D. **Approval of Agenda:** Joan moved and Sharon seconded to approve the October 15 agenda.
 - E. **Approval of September 17, 2018 CAC Meeting Minutes:** Joan moved and Sharon seconded to approve the minutes of September 17 CAC meeting. Motion carried.
- II. **Staff Report:** Michelle Jordan has been back from maternity leave for three weeks and is "getting up to speed." Maya Swope is doing very good work. Website has been launched. It is not perfect but will be tweaked as we go along. Michelle encouraged us to explore and suggest improvements, particularly the font size. We are still working on library so be patient. We are organizing an informal volunteer gathering maybe at Starring Lake outdoor center. We will move our January 2019 meeting to the 4th Monday due to the MLK holiday.
- III. **Old Business**
 - A. **Updates from subcommittees**
 1. **Pollinator Summit:** Marilyn reported on the Pollinator Summit. Noteworthy takeaways:
 - a. Roadside testing is still finding lead and heavy metals in the soil after years of the contaminants being banned, at levels that could make a bee sick. Within 10 feet of roadway. Plants were taking in toxins, not necessarily nectar.
 - b. Pesticide can drift 1 mile. (this prompted Michelle to call up a recent study on the effect of glyphosate on bee gut microbes).
 - c. When a specific host plant was reintroduced, the specific butterfly reappeared.
 2. **Speakers bureau:** Joan reported that the speakers bureau is progressing.
 3. **Storm Drains:** Sharon reported the Chanhassen fall cleanup is on for October 27. 8 people are signed up. Signs will be posted at the sites ahead of time to encourage passer-by interest.
 - B. **Recent events**
 1. **Cycle the Creek:** This event went well. 18 people rsvped and 10 showed up, some of whom were brand new to the workings of the District.
 2. **Tree Planting at Scenic Heights:** was awesome. 38 people came including scouts, students and master water stewards. There will be a spring planting opportunity at the same site. The only criticism was that the shovels broke too easily.
 3. **Eden Prairie mayor debate:** Mayoral candidates Brad Aho and Ron Case debated on business and conservation. It was well attended - standing room only. Lori Tritz reported that the debate tended more toward conservation. While Brad is pragmatic, Ron is more of a global visionary. Both candidates are good, well-meaning people. We're in good hands either way the election goes.
 - B. **Adopt a Water/Creek/Lake update:** Sharon has been investigating possible opportunities and reported we have a couple of options. Jo Collieran suggested Purgatory Creek Park which has a dog waste problem. Minnetonka held a "pick up dog waste" campaign in March 2015 in the park complete

with dog freebies and information and found it to be a very productive time of year. It would be a one time thing. We could also pick a site without City sponsorship and do it on our own. Sharon polled the group and found enough interest in both ideas. Keep your eyes open for a good spot to pick up trash. Would be good to be able to cover both on foot and by boat. Possibly Starring Lake Park or Rice Marsh Lake.

- C. **Board of Managers Meeting of October 3, 2018:** Paul attended the meeting and reported on the Duck Lake Road project: The City wants to improve the road that is built on rip rap through the middle of Duck Lake, widening it to include a boardwalk which would involve filling the a portion of the lake west of the road. The Watershed District would like water enhancing improvements, as previously identified in the UAA. Barr Engineering is going to do additional studies.
- D. **Native Plant Resolution:** The CAC's recommendation to include a statement about the use of native plants in cost share applications was tabled because the whole cost share program is being revamped.
- E. **Oak Point Opportunity Project:** The Board did not comment on the CAC's request that the Oak Point School permit be revisited as an Opportunity project.

IV. New Business

A. Cost Share Program – Restructure and update guidelines

The Board of managers voted to suspend the cost share program and asked the staff to work with the CAC and TAC to revamp it to be ready by next spring.

Michelle proposed a timeline:

- October meeting (tonight): discuss what is the community need?
- November meeting: Discern pros and cons of an inventory of how other watershed districts are administering and evaluating their cost share programs. Michelle has already requested info from other districts.
- December meeting: Prepare a rough draft for the Board's January meeting.

Using sticky notes, Michelle led a discussion beginning with the definition of cost share in 10-year plan which will guide us:

"The Cost Share Program provides funding and technical assistance for projects that protect and conserve water resources and increases public awareness of the vulnerability of these resources and solutions to improve them. The program seeks to decrease barriers to - and incentivize the implementation of - best management practices, and shift cultural norms toward making these practices common-place. The Cost Share Program supports several of the District's Goals and Strategies as listed in Table 9-5."

Michelle asked us to respond to three questions:

1. What is the need in the community that this program addresses?
2. If this program lived up to its fullest potential, what would that look like?
3. What are the most important projects you could imagine being supported by the program?

Michelle will type up, summarize, and send the results back to us. She will also pass on other Watershed district cost share programs to us as they come in. She asked us to look at our existing program and guidelines and determine how it is or isn't serving us. We will reserve the entirety of our next meeting for only this topic.

- B. **Ground water conservation:** To date, we have not focused on ground water because it is a regional issue rather than a district issue. Should it be a cost share category or have a separate program? Barr Engineering and Claire Bleser will likely start developing an approach to this topic.

V. Upcoming Events

- A. RPBCWD Board of Managers meeting November 7 at 7:00 pm, 18681 Lake Drive East
- B. RPBCWD CAC meeting November 19 at 6:00 pm, 18681 Lake Drive East
- C. Chanhassen Leaf clean up October 27 with October 28 as rain date www.ci.chanhassen.mn.us/cleanup

- VI. **Adjourn CAC meeting:** Sharon moved and Pete seconded to adjourn the meeting. Meeting adjourned at 8:30 pm.



October 30, 2018

Claire Bleser
District Administrator
Riley Purgatory Bluff Creek Watershed District
18681 Lake Drive E.
Chanhassen, Minnesota 55317

Dear Claire:

Enclosed please find the checks and Treasurer's Report for Riley Purgatory Bluff Creek Watershed District for the one month and nine months ending September 30, 2018.

Please examine these statements and if you have any questions or need additional copies, please call me.

Sincerely,

REDPATH AND COMPANY, LTD.

A handwritten signature in black ink that reads "Mark Gibbs". The signature is written in a cursive style with a prominent initial "M" and a flourish at the end.

Mark C. Gibbs, CPA
Enclosure



To The Board of Managers
Riley Purgatory Bluff Creek Watershed District
18681 Lake Drive E.
Chanhassen, Minnesota 55317

Accountant's Opinion

The Riley Purgatory Bluff Creek Watershed District is responsible for the accompanying September 30, 2018 Treasurer's Report in the prescribed form. We have performed a compilation engagement in accordance with the Statements on Standards for Accounting and Review promulgated by the Accounting and Review Services Committee of AICPA. We did not audit or review the Treasurer's Report nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by the Riley Purgatory Bluff Creek Watershed District. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on the Treasurer's Report.

Reporting Process

The Treasurer's Report is presented in a prescribed form mandated by the Board of Managers and is not intended to be a presentation in accordance with accounting principles generally accepted in the United States of America. The reason the Board of Managers mandates a prescribed form instead of GAAP (Generally Accepted Accounting Principles) is this format gives the Board of Managers the financial information they need to make informed decisions as to the finances of the watershed.

GAAP basis reports would require certain reporting formats, adjustments to accrual basis and supplementary schedules to give the Board of Managers information they need, making GAAP reporting on a monthly basis extremely cost prohibitive. An independent auditing firm is retained each year to perform a full audit and issue an audited GAAP basis report. This annual report is submitted to the Minnesota State Auditor, as required by Statute, and to the Board of Water and Soil Resources.

The Treasurer's Report is presented on a modified accrual basis of accounting. Expenditures are accounted for when incurred. For example, payments listed on the Cash Disbursements report are included as expenses in the Treasurer's Report even though the actual payment is made subsequently. Revenues are accounted for on a cash basis and only reflected in the month received.

A handwritten signature in black ink that reads "Redpath and Company, LTD." in a cursive script.

REDPATH AND COMPANY, LTD.
St. Paul, Minnesota
October 30, 2018

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT

Treasurers Report

September 30, 2018

REPORT INDEX

<u>Page #</u>	<u>Report Name</u>
1	Cash Disbursements
2	Fund Performance Analysis – Table 1
3	Multi-Year Project Performance Analysis – Table 2
4	Balance Sheet
5	Klein Bank VISA Activity

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT
Cash Disbursements
September 30, 2018

Accounts Payable:

<u>Check #</u>	<u>Payee</u>	<u>Amount</u>
4580V	Landbridge Ecological Services	(\$6,750.00)
4595V	Southwest News Media	(\$2,377.40)
4599	Barr Engineering	40,383.53
4600	David & Deborah Campbell	1,273.77
4601	CenterPoint Energy	14.42
4602	CenturyLink	279.51
4603	City of Chanhassen	12.47
4604	City of Eden Prairie	109,037.00
4605	Coveral of the Twin Cities	213.68
4606	CSM Financial, LLC	7,353.70
4607	Erdahl Aerial Photos	1,625.00
4608	HAB Aquatic Solutions	254,882.49
4609	HDR Engineering, Inc.	1,008.00
4610	HealthPartners	4,455.79
4611	Iron Mountain	89.95
4612	Larry Koch	452.77
4613	Landbridge Ecological Services	6,750.00
4614	League of MN Cities Trust	1,878.00
4615	Lincoln National Life Insurance	448.21
4616	Metro Sales, Inc.	471.17
4617	Eric & Angela Moreira	2,525.57
4618	Janet Neville	2,407.50
4619	Peterson Companies	100,250.56
4620	Purchase Power	22.89
4621	Redpath & Company	1,925.00
4622-4624V	VOID - Printer Issue	-
4625	Safe Fast, Inc.	1,379.43
4626	Smith Partners	16,536.27
4627	Southwest News Media	1,971.68
4628	SpeeDee Delivery Service	18.17
4629	Tech Sales Co.	12,447.00
4630	Richard Ward	1,050.46
4631	Wenck, Inc.	6,508.41
4632	Xcel Energy	659.46
4633	RMB Environmental Laboratories	2,407.00
4634	RMB Environmental Laboratories	1,888.00
4635	RMB Environmental Laboratories	2,015.00
4636	Rosemount, Inc.	39,800.00
Total Accounts Payable:		<u><u>\$615,314.46</u></u>

Payroll Disbursements:

Payroll Processing Fee	184.36
Employee Salaries	30,712.84
Employer Payroll Taxes	2,661.08
Employer Benefits (H.S.A. Match)	525.00
Employee Benefit Deductions	(447.34)
Staff Expense Reimbursements	41.13
PERA Match	2,104.06
Total Payroll Disbursements:	<u><u>\$35,781.13</u></u>

Check #4636	Escrow Refund	(39,800.00)
EFT	Klien Bank - VISA	3,693.66

TOTAL DISBURSEMENTS: **\$614,989.25**

Memos

The 2018 mileage rate is 54.5 per mile. The 2017 rate was .53.5.
Klein Bank VISA will be paid on-line.

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT
Fund Performance Analysis - Table 1
September 30, 2018

	2018 Budget	Fund Transfers	Revised 2018 Budget	Current Month	Year-to-Date	Year-to Date Percent of Budget
REVENUES						
Plan Implementation Levy	\$3,420,000.00		\$3,420,000.00	-	1,900,928.80	55.58%
Permit	20,000.00		20,000.00	(38,150.00)	48,801.50	244.01%
Grant Income	373,175.00		373,175.00	-	10,488.27	2.81%
Data Collection Income	-		-	-	171.78	---
Other Income	-		-	-	20,033.05	---
Investment Income	-		-	1,119.97	24,153.48	---
Past Levies	1,736,968.00		1,736,968.00	-	-	0.00%
Partner Funds	445,000.00		445,000.00	-	-	0.00%
TOTAL REVENUE	\$5,995,143.00	\$0.00	\$5,995,143.00	(\$37,030.03)	\$2,004,576.88	33.44%
EXPENDITURES						
Administration						
Accounting and Audit	40,000.00		40,000.00	2,109.36	32,851.73	82.13%
Advisory Committees	4,000.00		4,000.00	-	1,311.46	32.79%
Insurance and bonds	12,000.00		12,000.00	1,878.00	20,065.00	167.21%
Engineering Services	103,000.00		103,000.00	7,857.00	70,713.42	68.65%
Legal Services	75,000.00		75,000.00	5,431.65	40,760.17	54.35%
Manager Per Diem/Expense	19,000.00		19,000.00	1,762.20	3,977.29	20.93%
Dues and Publications	8,000.00		8,000.00	-	8,439.00	105.49%
Office Cost	100,000.00		100,000.00	9,774.16	97,454.13	97.45%
Permit Review and Inspection	90,000.00		90,000.00	7,396.79	130,023.68	144.47%
Recording Services	15,000.00		15,000.00	-	4,763.25	31.76%
Staff Cost	434,000.00		434,000.00	40,575.10	343,161.70	79.07%
Subtotal	\$900,000.00	\$0.00	\$900,000.00	\$76,784.26	\$753,520.83	83.72%
Programs and Projects						
District Wide						
10-year Management Plan	9,662.00		9,662.00	-	34,301.91	355.02%
AIS Inspection and early response	75,000.00		75,000.00	1,372.98	29,344.62	39.13%
Cost-share	200,000.00		200,000.00	15,956.84	25,507.05	12.75%
Creek Restoration Action Strategies Phase	20,000.00		20,000.00	-	-	0.00%
Data Collection and Monitoring	180,000.00		180,000.00	26,135.05	122,255.38	67.92%
District Wide Floodplain Evaluation - Atlas 14/SMM model	30,000.00		30,000.00	-	-	0.00%
Education and Outreach	115,000.00		115,000.00	3,672.55	76,432.58	66.46%
Plant Restoration - U of M	40,000.00		40,000.00	-	15,457.77	38.64%
Repair and Maintenance Fund *	177,005.00		177,005.00	-	-	0.00%
Survey and Analysis Fund *	13,464.00	(13,464.00)	-	-	-	---
Wetland Management*	150,000.00		150,000.00	31.74	25,533.96	17.02%
District Groundwater Assessment	-		-	-	166.38	---
Groundwater Conservation*	130,000.00		130,000.00	-	-	0.00%
Lake Vegetation Implementation	75,000.00		75,000.00	-	17,368.26	23.16%
Opportunity Project*	100,000.00		100,000.00	-	-	0.00%
TMDL - MPCA	10,000.00		10,000.00	-	-	0.00%
Stormwater Ponds - U of M	-	22,092.00	22,092.00	-	-	0.00%
Subtotal	\$1,325,131.00	\$8,628.00	\$1,333,759.00	\$47,169.16	\$346,367.91	25.97%
Bluff Creek						
Bluff Creek Tributary*	236,741.00		236,741.00	2,837.22	30,681.44	12.96%
Chanhassen High School *	282,478.00		282,478.00	8,751.29	94,819.10	33.57%
Subtotal	\$519,219.00	\$0.00	\$519,219.00	\$11,588.51	\$125,500.54	24.17%
Riley Creek						
Lake Riley - Alum Treatment*	22,424.00		22,424.00	-	17,423.96	77.70%
Lake Susan Improvement Phase 1 *	7,106.00		7,106.00	-	-	0.00%
Lake Susan Water Quality Improvement Phase 2 *	353,365.00	100,000.00	453,365.00	112,308.08	275,434.93	60.75%
Rice Marsh Lake in-lake phosphorus load	150,000.00		150,000.00	64,128.67	74,606.59	49.74%
Riley Creek Restoration (Reach E and D3) *	1,427,987.00		1,427,987.00	3,217.80	110,494.07	7.74%
Subtotal	\$1,960,882.00	\$100,000.00	\$2,060,882.00	\$179,654.55	\$477,959.55	23.19%
Purgatory Creek						
Fire Station 2 (Eden Prairie)	100,262.00		100,262.00	99,287.00	99,287.00	99.03%
Purgatory Creek Rec Area- Berm/retention area - feasibility/design	50,000.00		50,000.00	-	-	0.00%
Lotus Lake in-lake phosphorus load control	345,000.00		345,000.00	198,541.77	237,815.69	68.93%
Lotus Lake - Feasibility Phase 1	18,802.00		18,802.00	-	-	0.00%
Purgatory Creek at 101*	246,259.00	(100,000.00)	146,259.00	1,305.00	24,249.38	16.58%
Silver Lake Restoration - Feasibility Phase 1	11,003.00		11,003.00	155.00	8,012.50	72.82%
Scenic Heights	208,957.00		208,957.00	504.00	90,754.32	43.43%
Hyland Lake in-lake phosphorus load control	20,000.00		20,000.00	-	-	0.00%
Duck Lake watershed load	220,000.00		220,000.00	-	-	0.00%
Subtotal	\$1,220,283.00	(\$100,000.00)	\$1,120,283.00	\$299,792.77	\$460,118.89	41.07%
Reserve	\$99,628.00	(\$8,628.00)	91,000.00	-	-	0.00%
TOTAL EXPENDITURE	\$6,025,143.00	\$0.00	\$6,025,143.00	\$614,989.25	\$2,163,467.72	35.91%
EXCESS REVENUES OVER (UNDER) EXPENDITURES	(\$30,000.00)	\$0.00	(\$30,000.00)	(\$652,019.28)	(\$158,890.84)	

*Denotes Multi-Year Project - See Table 2 for details

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT

Multi-Year Project Performance Analysis - Table 2

September 30, 2018

	Total Project	FUNDING SOURCE			Month Ended 09/30/18	Year To-Date	Lifetime Costs	Remaining
		District funds	Partner Fund	Grants				
Programs and Projects								
District Wide								
10-year Management Plan	\$187,000.00	\$187,000.00	-	-	-	\$34,301.91	\$211,640.00	(\$24,640.00)
District Wide Floodplain Evaluation - Atlas 14/SMM model	30,000.00	30,000.00	-	-	-	-	-	30,000.00
Repair and Maintenance Fund	202,005.00	177,005.00	-	-	-	-	25,000.00	177,005.00
Survey and Analysis Fund	23,792.00	23,792.00	-	-	-	-	23,792.00	-
Wetland Management	150,000.00	150,000.00	-	-	31.74	25,533.96	25,533.96	124,466.04
Groundwater Conservation	130,000.00	130,000.00	-	-	-	-	-	130,000.00
Opportunity Project*	100,000.00	100,000.00	-	-	-	-	-	100,000.00
Stormwater Ponds - U of M	64,092.00	22,092.00	42,000.00	-	-	-	-	64,092.00
Subtotal	\$886,889.00	\$819,889.00	\$42,000.00	\$0.00	\$31.74	\$59,835.87	\$285,965.96	600,923.04
Bluff Creek								
Bluff Creek Tributary*	292,362.00	242,362.00	50,000.00	-	2,837.22	30,681.44	85,302.90	207,059.10
Chanhassen High School *	368,000.00	118,000.00	50,000.00	200,000.00	8,751.29	94,819.10	205,340.97	162,659.03
Subtotal	\$660,362.00	\$360,362.00	\$100,000.00	\$200,000.00	\$11,588.51	\$125,500.54	\$290,643.87	\$369,718.13
Riley Creek								
Lake Riley - Alum Treatment 1st dose *	260,000.00	260,000.00	-	-	-	17,423.96	254,999.83	5,000.17
Lake Susan Improvement Phase 1 *	275,000.00	275,000.00	-	-	-	-	267,894.28	7,105.72
Lake Susan Water Quality Improvement Phase 2 *	662,491.00	330,000.00	99,091.00	233,400.00	112,308.08	275,434.93	385,469.35	277,021.65
Rice Marsh Lake in-lake phosphorus load	150,000.00	150,000.00	-	-	64,128.67	74,606.59	74,606.59	75,393.41
Riley Creek Restoration (Reach E and D3) *	1,565,000.00	1,265,000.00	300,000.00	-	3,217.80	110,494.07	171,719.67	1,393,280.33
Subtotal	\$2,912,491.00	\$2,280,000.00	\$399,091.00	\$233,400.00	\$179,654.55	\$477,959.55	\$1,154,689.72	\$1,757,801.28
Purgatory Creek								
Fire Station 2 (Eden Prairie)	139,287.00	20,000.00	20,000.00	99,287.00	99,287.00	99,287.00	118,312.36	20,974.64
Purgatory Creek Rec Area- Berm/retention area - feasibility/design	50,000.00	50,000.00	-	-	-	-	-	50,000.00
Lotus Lake in-lake phosphorus load control	345,000.00	345,000.00	-	-	198,541.77	237,815.69	237,815.69	107,184.31
Purgatory Creek at 101*	561,094.00	561,094.00	-	-	1,305.00	24,249.38	439,084.98	122,009.02
Scenic Heights	260,000.00	165,000.00	45,000.00	50,000.00	504.00	90,754.32	141,797.26	118,202.74
Duck Lake watershed load	220,000.00	220,000.00	-	-	-	-	-	220,000.00
Subtotal	\$1,575,381.00	\$1,361,094.00	\$65,000.00	\$149,287.00	\$299,637.77	\$452,106.39	\$937,010.29	\$638,370.71
Total Multi-Year Project Costs	\$6,035,123.00	\$4,821,345.00	\$606,091.00	\$582,687.00	\$490,912.57	\$1,115,402.35	\$2,668,309.84	\$3,366,813.16

Riley Purgatory Bluff Creek Watershed District
Balance Sheet
As of September 30, 2018

ASSETS

Current Assets

General Checking-Klein	\$603,399.14
Checking-Klein/BMW	2,307,918.59
Investments-FMV	1,527.32
Investments-Standing Cash	22,576.75
Investments-Wells Fargo	2,919,601.58
Accrued Investment Interest	8,670.64
Due From Other Governments	135,536.00
Taxes Receivable-Delinquent	20,556.16
Pre-Paid Expense	38,906.63
Security Deposits	7,244.00

Total Current Assets:	<u><u>\$6,065,936.81</u></u>
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LIABILITIES AND CAPITAL

Current Liabilities

Accounts Payable	\$969,703.63
Retainage Payable	13,469.38
Salaries Payable	15,520.62
Permits & Sureties Payable	1,015,726.00
Deferred Revenue	20,556.16
Unavailable Revenue	6,666.16

Total Current Liabilities:	<u><u>\$2,041,641.95</u></u>
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Capital

Fund Balance-General	\$4,183,185.70
Net Income	(158,890.84)

Total Capital	<u><u>\$4,024,294.86</u></u>
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Total Liabilities & Capital	<u><u>\$6,065,936.81</u></u>
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RILEY PURGTORY BLUFF CREEK WATERSHED DISTRICT
Klein Bank VISA Activity
September 30, 2018

DATE	PURCHASED FROM	AMOUNT	DESCRIPTION	ACCOUNT #	RECEIPT
09/10/18	Microsoft	107.53	Software	10-00-4203	Y
09/19/18	Randy's Environmental Services	62.59	Office Trash Service	10-00-4215	Y
09/21/18	Verizon	349.30	Phone Service	10-00-4240	Y
09/25/18	UMN Continued Learning	100.00	Continuing Education-Manager	10-00-4010	Y
09/28/18	General Delivery Service	32.91	Material Transport	10-00-4200	Y
10/10/18	Microsoft	107.53	Software	10-00-4203	Y
		\$759.86	General Administration Total		
09/12/18	Pearl Izumi	250.00	Supplies for Volunteer Event	20-08-4205	Y
09/19/18	Kwik Trip	24.19	Gas for Vehicle	20-13-4322	Y
09/19/18	Carolina	313.50	Data Collection Supplies	20-05-4201	Y
09/20/18	Brueggers Bagels	26.51	Food for Event	20-08-4205	Y
09/20/18	Midwest Lake Management	189.65	Data Collection Supplies	20-05-4201	Y
09/21/18	Amazon	8.86	Data Collection Supplies	20-05-4201	Y
09/21/18	Amazon	110.26	Data Collection Supplies	20-05-4201	Y
09/23/18	General Deliver Service	38.09	Data Collection Supplies	20-05-4280	Y
09/24/18	Office Supply	167.64	Supplies for Volunteer Event	20-08-4205	Y
09/25/18	UMN Continued Learning	225.00	Continuing Education	10-00-4265	Y
09/25/18	Carolina	(23.12)	Data Collection Supplies	20-05-4201	Y
09/26/18	SuperAmerica	66.80	Gas for Vehicle	20-08-4322	Y
09/27/18	Holiday Stationstore	19.17	Gas for Vehicle	20-08-4322	Y
09/27/18	Northern Tool & Equipment	41.91	Field Supplies	20-05-4201	Y
09/27/18	UMN Continued Learning	300.00	Continuing Education	20-13-4265	Y
09/27/18	Amazon	39.99	Education Supplies	20-08-4201	Y
09/27/18	Amazon	81.93	Office Supplies	20-08-4200	Y
09/27/18	Mills Fleet Farm	158.88	Field Supplies	20-08-4201	Y
09/28/17	UMN Continued Learning	300.00	Continuing Education	20-13-4266	Y
09/28/18	Amazon	27.15	Data Collection Supplies	20-05-4201	Y
09/29/18	Caribou	61.26	Food for Event	20-08-4205	Y
09/29/18	Kowalski's	15.16	Food for Event	20-08-4260	Y
10/02/18	Home Depot	217.25	Supplies for Volunteer Event	20-08-4201	Y
10/02/18	Northern Tool & Equipment	12.89	Field Supplies	20-05-4201	Y
10/02/18	West Metro Supply	239.78	Supplies for Volunteer Event	20-08-4201	Y
10/04/18	Cub	52.42	Food for Meeting	20-08-4260	Y
10/04/18	Amazon	361.01	Data Collection Supplies	20-05-4201	Y
10/05/18	Project Wet	416.85	Educator's Guidebooks	20-08-4250	Y
10/05/18	Holiday Stationstore	17.85	Gas for Vehicle	20-05-4320	Y
10/05/18	Holiday Stationstore	6.75	Gas for Vehicle	20-05-4320	Y
10/06/18	Caribou	61.26	Food for Event	20-08-4260	Y
10/06/18	Kowalski's	15.00	Food for Event	20-08-4260	Y
10/08/18	Office Depot	46.47	Office Supplies	20-08-4200	Y
10/08/18	City of Eden Prairie	357.50	Facility Rental	20-08-4260	Y
10/08/18	Aspen Select	161.16	Continuing Education	20-08-4265	Y
10/08/18	MAVA	150.00	Continuing Education	20-08-4265	Y
10/09/18	SW Metro Chamber	30.00	Membership Luncheon	20-08-4260	Y
10/10/18	Full Source	900.50	Jackets & Vests	20-08-4260	Y
10/11/18	Hach	257.71	Field Supplies	20-05-4201	Y
10/13/18	Kowalski's	15.86	Food for Event	20-08-4205	Y
10/13/18	Brueggers Bagels	19.77	Food for Event	20-08-4205	Y
10/15/18	Michaels	62.65	Education Supplies	20-08-4205	Y
10/15/18	SuperAmerica	88.83	Gas for Vehicle	20-05-4322	Y
10/16/18	WalMart	37.97	Education Supplies	20-08-4205	Y
10/16/18	Petco	60.09	Education Supplies	20-08-4205	Y
10/16/18	Dollar Tree	9.68	Education Supplies	20-08-4205	Y
10/17/18	SuperAmerica	61.78	Gas for Vehicle	20-05-4320	Y
10/18/18	Hoops & Threads	192.37	Embroidering on Jackets & Vests	20-08-4260	Y
10/18/18	UMISC	15.00	Continuing Education	20-02-4265	Y
		\$6,311.23	District-Wide Total		
		\$7,071.09	GRAND TOTAL		

8c
Agenda item 8f Release call for application to 2019 Citizens Advisory Committee

It is the time of year when the CAC applications are typically opened for the following year, and staff are seeking board direction for the appointment process.

Some points for consideration from last year:

- A board subcommittee (Managers Chadwick and Yetka) met to update the application and consider the appointment process. Results of this process included:
 - An updated application and call for new members (included in board packet)
 - Recommendation to strive for a 12-member CAC
 - Recommendation to have current members re-apply, but to be able to re-submit a previous application if desired.
 - There was discussion about representation and term limits, but no change to the previous process.
- Application to the CAC was opened at the November 1 board meeting, with a deadline at the end of November. Included in the board packet is the application and call for new members that was updated by the CAC appointment subcommittee (Managers Chadwick and Yetka) last year.
- Appointments were made in December, and the board chose to leave applications open to seek up to 12 members.

The CAC is currently at 10 members, with an addition member leaving at the end of the year. A similar approach to last year would be to open applications, inviting current members to re-submit, and advertising for additional positions with the intent to bring the number to 12.

If the board would like to follow a similar procedure as last year, staff will open applications after the November board meeting (Nov 8th). Closing the applications in time for board decision at the December meeting would mean under three weeks to promote the positions. It might be advisable to keep them open till the end of December, or do a phased approach like last year (appoint in December, and then keep applications open if there is a need/desire to fill additional positions).

Please send via email to mjordan@rpbcwd.org, or to the address below:
18681 Lake Drive East, Chanhassen MN 55317



Deadline: _____

Application:
Citizen Advisory Committee (CAC)

Name:

Address where you reside: *(if you are employed in the District, please also list address of employment)*

Email:

Phone Number:

Why are you interested in becoming a Citizen Advisor for the Watershed District?

What do you hope to accomplish while serving on the committee?

What are the strengths and/or qualifications you can bring to help this committee fulfill its purpose and duties?

One of the roles of CAC members is to identify education needs in the community. What is one need, related to water, that you have seen?

Are you able to commit to attending monthly meetings and special topical meetings as needed?

yes

no

Position description:
Citizen Advisory Committee (CAC)

deadline: _____

Position: Citizen Advisor on a committee of the Riley Purgatory Bluff Creek Watershed District (RPBCWD)
Type: Volunteer

Term: CAC memberships are renewed annually; no term limits

Time Commitment: CAC members meet on a regular basis. This may include monthly meetings and special topical meetings as needed. Citizen advisors are expected to attend at least 2/3 of these meeting and show commitment to the duties of the committee.

Reports to: The RPBCWD Board of Managers

Purpose: The CAC meets monthly to advise the RPBCWD Board of Managers, to assist in developing programs and activities that help improve and protect the water resources of the RPBCWD. The CAC fulfills legislative requirements for watershed districts (Minnesota Statutes: Section 103D.331).

Scope of duties: In accordance with Minnesota Statutes § 103D.331, the CAC is organized to advise and assist the Riley-Purgatory-Bluff Creek Watershed District Board of Managers on all matters affecting the interests of the watershed, and to make recommendations to the managers on all projects and improvements. The duties of the CAC include: supporting the mission and goals of the RPBCWD; reviewing and commenting on reports, minutes, activities, programs and projects of the RPBCWD; considering issues pertinent to the functions and purposes of the RPBCWD; advising in decision-making; raising issues of concern from the public; providing guidance on and assisting with coordination of volunteer activities; reporting to the Board of Managers on the content of CAC meetings and resulting recommendations.

Membership Policy

Preference is given to applicants who:

- Are residents of the RPBCWD (check our website for district boundaries, or call 952-607-6512)
- Represent a balance of areas across the watershed district, and diversity of backgrounds
- Are property owners, employers or employees in the RPBCWD

Desired Qualifications:

- Interest in natural resource protection/management, education & outreach, planning, etc, and fulfilling the duties of the CAC
- Ability to serve as a liaison to the RPBCWD for the area where you live/work
- Ability to work and communicate effectively with others

Benefits:

- Learn more about the watershed and issues facing our land and water resources
- Become an engaged citizen and meet other community-minded people
- Participate in watershed activities and trainings

For more information on the actions and activities of the CAC, visit:

News release. _____
Contact: Michelle Jordan, 952-607-6481, mjordan@rpbcwd.org



Watershed district seeking applications to its Citizens Advisory Committee

Become a volunteer advisor and help protect clean water in your community.

Do you care about the lakes, creeks, wetlands, and ponds in your community? Do you wonder how you might help to protect and restore them? Become a volunteer on the Citizens Advisory Committee (CAC) at the Riley Purgatory Bluff Creek Watershed District (RPBCWD) and make a difference through sharing your community insights and ideas.

As a member of the CAC, your role will be to advise the RPBCWD Board of Managers as a representative of citizen interests in accordance with Minnesota Statutes § 103D.331. The CAC is organized to advise and assist the Riley-Purgatory-Bluff Creek Watershed District Board of Managers on all matters affecting the interests of the watershed, and to make recommendations to the managers on all projects and improvements. The duties of the CAC include: supporting the mission and goals of the RPBCWD; reviewing and commenting on reports, minutes, activities, programs and projects of the RPBCWD; considering issues pertinent to the functions and purposes of the RPBCWD; advising in decision-making; raising issues of concern from the public; providing guidance on and assisting with coordination of volunteer activities; reporting to the Board of Managers on the content of CAC meetings and resulting recommendations.

This is a volunteer position, that is appointed by the RPBCWD board, and supports it in its mission to protect, manage, and restore water resources. The CAC meets monthly, and for occasional additional meetings.

CAC members must live within the district. If you are interested in applying, but unsure if you are located within the Riley Purgatory Bluff Creek Watershed District or if you would like further information, contact Michelle at mjordan@rpbcwd.org or 952-607-6581. New members will begin their service at an orientation meeting in January 2018, and serve one-year terms. There is no term limit.

An application and full position descriptions can be found online at www.rpbcwd.org

Who are we?

The Riley Purgatory Bluff Creek Watershed District (RPBCWD) is a local unit of government tasked with protecting, managing, and restoring the water resources within its boundaries. It is funded through property tax levies.

RPBCWD is led by a five-member board of managers. The managers meet the first Wednesday of the month, 7 p.m., at the district office. Changes to the schedule are posted to the RPBCWD website: rpbcd.org.

Contact us

rpbcd.org
info@rpbcd.org
 952-607-6481

2018 Where have we been?

With three creeks, over a dozen lakes, and seven cities, there are many things to do and places to be in the watershed. Explore the map to discover where we've been this year.

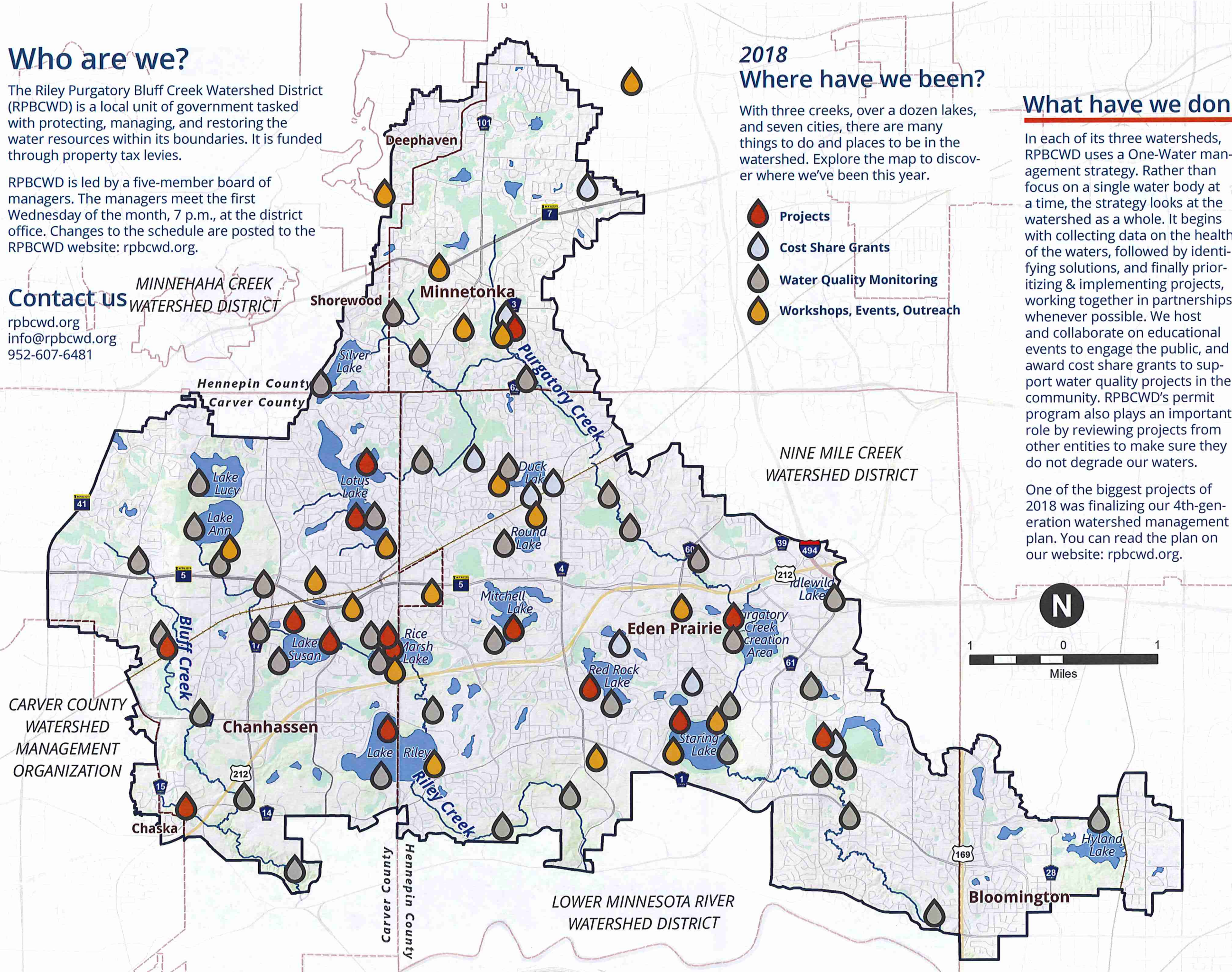
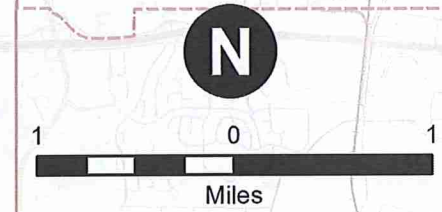
-  Projects
-  Cost Share Grants
-  Water Quality Monitoring
-  Workshops, Events, Outreach

What have we done?

In each of its three watersheds, RPBCWD uses a One-Water management strategy. Rather than focus on a single water body at a time, the strategy looks at the watershed as a whole. It begins with collecting data on the health of the waters, followed by identifying solutions, and finally prioritizing & implementing projects, working together in partnerships whenever possible. We host and collaborate on educational events to engage the public, and award cost share grants to support water quality projects in the community. RPBCWD's permit program also plays an important role by reviewing projects from other entities to make sure they do not degrade our waters.

One of the biggest projects of 2018 was finalizing our 4th-generation watershed management plan. You can read the plan on our website: rpbcd.org.

-  15 Active projects
-  40 Monitoring sites
-  410 Thousand dollars in grants received
-  8 Cost share grants awarded
-  67 Permits issued
-  36 Partner organizations
-  10 Years of work laid out in our new watershed management plan



Engaging our community

Caring for local waters is a big task, and we can't do it alone. It is only through working with our community that together we can protect clean water.

-  53 Workshops, events & meetings
-  85 Volunteers
-  2925 Youth engaged

Spotlight projects

2018 projects included invasive plant management, water quality improvements, and creek restoration.

SAND FILTER AT LAKE SUSAN PARK POND



RPBCWD teamed up with the city of Chanhassen to construct an iron-enhanced sand filter at the edge of Lake Susan Park Pond. The filter traps phosphorus in the pond water before it flows into Lake Susan. Phosphorus is food for algae, the aquatic organisms responsible for turning lakes green. Less phosphorus means less potential for algae blooms, which is better for swimmers and wildlife alike! The project also includes a system to reuse stormwater from the pond on nearby park athletic fields.

ALUM IN LOTUS & RICE MARSH LAKE



In September, Lotus Lake and Rice Marsh Lake were treated with a compound called aluminum sulfate (alum). Alum is applied underwater, where it sinks to the lake bottom and forms a thin "blanket." There, it binds with phosphorus in the sediment and prevents algae from using that phosphorus to grow. Continued monitoring will track long-term performance of the alum, and the second half of this split-dose treatment will be applied in 3-5 years.

LOOKING AHEAD

STRETCH OF RILEY CREEK TO BE RESTORED

The Lower Riley Creek Restoration is a multi-year project to stabilize the streambanks of Riley Creek, and to re-connect the creek to its floodplain. It will reduce erosion, improve water quality, and increase habitat in and along the creek. It will prevent an estimated 1,230 lbs of phosphorus, and 2,139,730 lbs of sediment from polluting the water each year. The project is a partnership with the Lower Minnesota River Watershed District and City of Eden Prairie, and is scheduled to start in 2019.



Board of managers

CHANGES AT THE DISTRICT

In 2018, we bid farewell to two members of the Board of Managers and welcomed two. Our Board President, and two-term board member Leslie Yetka, and board manager Richard Chadwick served their last meetings this summer. We are grateful for their leadership and wish them the best in their future endeavors. In August, we welcomed newly appointed David Ziegler of Eden Prairie, and Larry Koch of Chanhassen. They represent Hennepin and Carver Counties, respectively, and will help us implement the district's goals and policies.



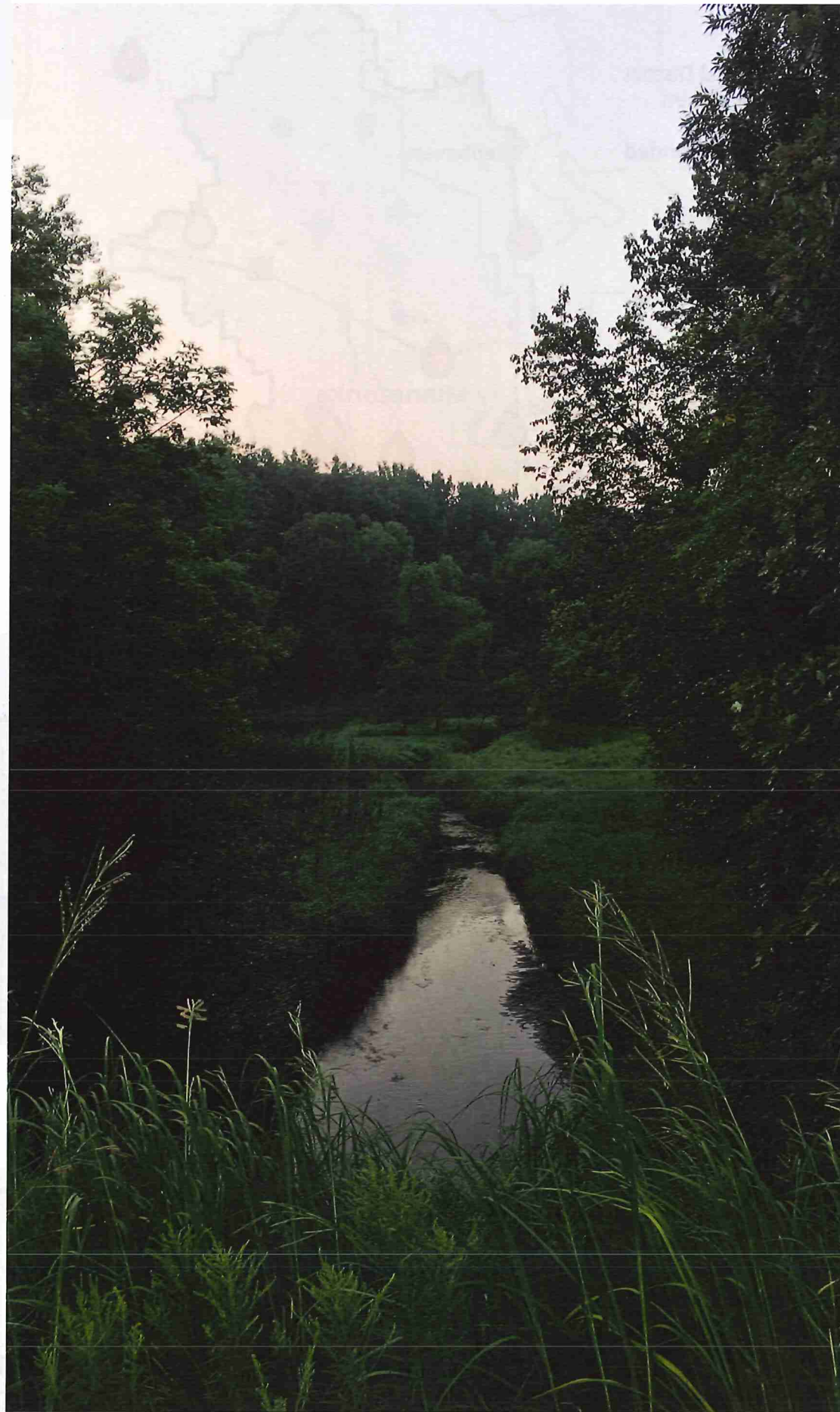
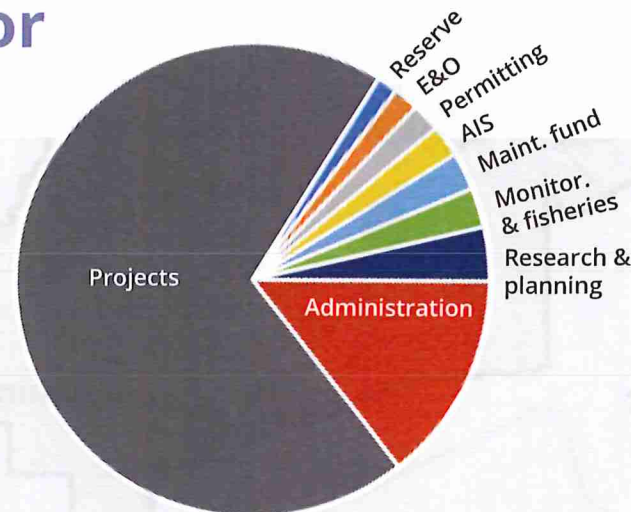
2018 BOARD (left to right)

Larry Koch	lkoch@rpbcd.org	Member
David Ziegler	dziegler@rpbcd.org	Secretary
Dorothy Pedersen	dpedersen@rpbcd.org	Vice Pres.
Dick Ward	dickward@rpbcd.org	President
Jill Crafton	jcrafter@rpbcd.org	Treasurer

Your tax dollars at work for clean water

The watershed district is funded through property tax levies. That means, if you live within RPBCWD you are helping make the work of protecting clean water possible.

The 2019 levy is \$3,602,500. The budget for 2019, which includes funds from previous levies, is \$6,917,492. Where will those dollars go? To projects like those highlighted above, administration, research & planning, monitoring & fisheries, a maintenance fund, aquatic invasive species, permitting, education & outreach (E&O), and a reserve fund in case of an emergency.



2019 ANNUAL COMMUNICATION

It's been an exciting year for the watershed!

The Riley Purgatory Bluff Creek Watershed District's (RPBCWD) 4th generation 10-Year Management Plan was approved by the Board of Water & Soil Resources. We welcomed two new managers, one new staff member and many new volunteers, all with a desire for protecting and restoring our waters. This is the same passion that led 70 residents from the Riley and Purgatory Creek watersheds to petition the State to create a watershed district 50 years ago. On July 31st, 1969, the Riley-Purgatory Creek Watershed District was formed. Later in 1984 Bluff Creek would be added to the district. In 2019, RPBCWD will be hosting a series of events throughout the watershed to commemorate 50 years of watershed protection. I hope that you can come explore and celebrate our water resources.

Sincerely,
Claire Bleser
District Administrator



COOPERATIVE AGREEMENT
AMONG CITY OF EDEN PRAIRIE,
LOWER MINNESOTA RIVER WATERSHED DISTRICT AND
RILEY-PURGATORY-BLUFF CREEK WATERSHED DISTRICT

LOWER RILEY CREEK CORRIDOR ENHANCEMENT PLAN

This cooperative agreement is made by and among the City of Eden Prairie, a Minnesota municipal corporation (Eden Prairie); the Lower Minnesota River Watershed District, a watershed district created pursuant to Minnesota Statutes chapters 103B and 103D (LMRWD); and the Riley-Purgatory-Bluff Creek Watershed District, a watershed district created pursuant to Minnesota Statutes chapters 103B and 103D (RPBCWD), to implement the Lower Riley Creek Corridor Enhancement Plan in Eden Prairie, Hennepin County, Minnesota, to stabilize reach E and reach D3 of lower Riley Creek to provide an ecologically diverse stream with significantly reduced streambank erosion, diverse habitat layers and enhanced public access and understanding of why stable stream systems are important. (Eden Prairie, LMRWD and RPBCWD are referred to collectively herein as the Partners.)

Recitals

WHEREAS RPBCWD has an approved water resources management plan pursuant to Minnesota Statutes section 103B.231 (the Plan) that has as a primary goal addressing all impairments in water resources in RPBCWD's jurisdiction and removing all RPBCWD waterbodies from the State of Minnesota impaired waters list;

WHEREAS RPBCWD completed the Lake Riley Outlet Improvements and Riley Creek Lower Valley Stabilization Feasibility Study in 2007, which determined that the lower valley of Riley Creek requires stabilization to limit erosion of the stream channel and steep valley bluffs;

WHEREAS Riley Creek is listed on the Minnesota Pollution Control Agency's 303(d) list of impaired waters for excessive turbidity, aquatic macroinvertebrate bioassessments, fishes bioassessments and *E. coli*, and the Minnesota River, into which Riley Creek flows, is impaired for nutrients/eutrophication and turbidity;

WHEREAS a 2015 Creek Restoration Assessment Strategy report produced by RPBCWD evaluated segments of all creeks in the Riley, Purgatory and Bluff Creek watersheds and prioritized reach E in the lower valley of Riley Creek for restoration;

WHEREAS the RPBCWD Board of Managers has determined that reaches E and D3 are the highest-priority locations for stabilization in the lower valley of Riley Creek and that restoration should begin at those sites;

WHEREAS the capital improvements program in Plan includes the lower Riley Creek Restoration and Stabilization (Reach D3 and E) project (the Project), which was the subject of the duly noticed public hearing on December 7, 2016, after which the RPBCWD Board of Managers ordered the Project (which at the time was referred to as the Riley Creek Water Quality Improvement Project);

WHEREAS in June 2018 the RPBCWD engineer produced the Lower Riley Creek Corridor Enhancement Plan (the Enhancement Plan), attached to and incorporated herein as Exhibit A, which articulates background on and a plan for implementation of the Project that was collaboratively developed by the Partners and will provide greater stream depth variability, more channel bed substructure types and varied channel velocities in lower Riley Creek to reduce erosion and improve water quality while also improving natural stream habitat for aquatic organisms;

WHEREAS the Enhancement Plan states a key expected outcome of the Project as reduction from Riley Creek and, consequently, the Minnesota River, of 2,173,930 pounds of total suspended solids and 1,250 pounds of total phosphorus;

WHEREAS the Partners find that implementing the Enhancement Plan will provide better floodplain connectivity for lower Riley Creek, which will enhance surrounding riparian habitat and, by establishing a stable creek corridor, will also address the identified turbidity impairment within reach E and reach D3 of Riley Creek;

WHEREAS the Project will be constructed entirely on property owned by Eden Prairie in the Riley Creek Conservation Area as depicted in Enhancement Plan (the RCCA), and at Eden Prairie's request in conjunction with and as part of construction of the Project, a new pedestrian bridge will be constructed in the RCCA;

WHEREAS Eden Prairie operates its stormwater-management system under the state Municipal Separate Storm Sewer System general permit, and construction and maintenance of the Project is intended to accrue to the benefit of Eden Prairie's fulfillment of its obligations under the permit; and

WHEREAS Eden Prairie, LMRWD and RPBCWD are authorized by Minnesota Statutes section 471.59 to enter into this cooperative agreement for the Project.

Agreement

NOW, THEREFORE, THE PARTNERS enter into this agreement to document their understanding as to the scope of the Project, reaffirm their commitments as to the general responsibilities for and tasks to be undertaken by the Partners, dedicate the

necessary rights to the use of the RCCA, and facilitate communication and cooperation to successfully complete the Project.

1 Project. The Project elements are described in detail in and supported by the Enhancement Plan, which serves as the basis for and provides technical data and analysis supporting the Partners' agreement.

1.1 DESIGN. Design and preparation of all necessary construction documents (plan sheets, drawings, technical specifications) for the Project. The design of the Project will incorporate elements described in section 7.1 of the Enhancement Plan, and will be accompanied by plan sheets, drawings and technical specifications for a new pedestrian bridge in the RCCA (the Bridge), which will be included in the bidding documents for the Project as a bid alternate.

1.2 CONSTRUCTION. The Project and, if selected, the Bridge will be constructed by a contractor under contract to RPBCWD and with construction oversight and management by the RPBCWD engineer. Construction will include advance determination and procurement of permits and other regulatory approvals necessary for the Project. Construction documents will provide for a three-year warranty on vegetation. Construction also will include completion of as-built surveys of outfalls and, if selected by Eden Prairie pursuant to paragraph 4.3 below, the Bridge. Construction will include restoration of portions of the RCCA utilized for the Project, including trails used for access and staging of construction, to a condition materially suitable for the usual public uses thereof, except to the extent the RCCA is improved through construction of the Project and, if selected, the Bridge.

1.3 MAINTENANCE. RPBCWD and Eden Prairie will implement inspection, monitoring and maintenance of the Project as described in section 7.2 of the Enhancement Plan.

2 Costs

2.1 RPBCWD will be responsible for:

- a. The costs of design, construction and implementation, as well as construction oversight and management, of the Project, except as will be reimbursed by Eden Prairie and LMRWD in accordance with the agreement;
- b. The costs and fees associated with complying with regulatory requirements applicable to the Project, except that Eden Prairie will assess no fee to RPBCWD for city permits required for the Project, if any;
- b. The in-kind costs of its participation in post-construction monitoring and inspection of the Project as described in the Enhancement Plan.

2.2 Eden Prairie will:

- a. Contribute the land-use rights necessary for implementation of the Project and construction of the Bridge in the RCCA at no out-of-pocket cost to any party;
- b. Contribute designs, plans and specifications for the Bridge for integration into the bidding and, if selected, construction documents for the Project;
- c. Reimburse RPBCWD \$150,000 of documented Project costs and, in addition, 50 percent of documented costs of storm sewer outfalls installed as part of the Project not to exceed an additional contribution of \$50,000;
- e. Reimburse RPBCWD the entirety of the documented construction cost of the Bridge, if selected;
- f. Conduct, at its sole expense, routine post-construction inspection, monitoring and Routine Maintenance of the Project as defined in section 7.2.2 of the Enhancement Plan.

2.3 LMRWD will:

- a. Reimburse RPBCWD \$150,000 of documented Project costs.

2.4 Each of the Partners will bear the internal, administrative and incidental costs of fulfilling its responsibilities and obligations under this agreement, as well as the costs incurred in providing and conducting public education, outreach and meetings for the Project. In the event of cancellation in accordance with subsection 3.5 herein, each party will bear its costs incurred prior to RPBCWD's issuance of notice of cancellation.

3 RPBCWD's Specific Rights and Duties

3.1 RPBCWD has contracted with the RPBCWD engineer for the development of the design and plans for the Project, along with the specifications and all other necessary bidding and construction documentation. Notwithstanding the foregoing, RPBCWD makes no warranty to Eden Prairie or LMRWD regarding the RPBCWD engineer's or another third party's performance in design, construction or construction management for the Project or the Bridge, if selected. RPBCWD has submitted to Eden Prairie and LMRWD the 90 percent complete design and plans for the Project (attached hereto and incorporated herein as Exhibit B). Under contract with RPBCWD, the RPBCWD engineer will prepare contract documents for the Project, accompanied by plans, designs and technical specifications for the Bridge provided by Eden Prairie in accordance with paragraph 4.2 below, for solicitation of a contractor in accordance with state procurement law. The RPBCWD engineer will integrate the plans, designs and technical specifications for the Bridge into the bidding documents for the Project as a bid alternate.

3.2 In its sole discretion and based on bids for construction of the Project without regard to bid price of the Bridge, RPBCWD will select a contractor and contract for the construction of the Project and, if selected, the Bridge in accordance with applicable public-procurement law, as analyzed by RPBCWD, and will ensure that the Project, when constructed, is consistent with the RCCA and this agreement. RPBCWD will award and enter a contract for the construction of the Project that will:

a. Require the contractor to indemnify, defend and hold harmless Eden Prairie and LMRWD, their officers, governing-board members, employees and agents from any and all actions, costs, damages and liabilities of any nature, including reasonable attorney's fees, arising from the contractor's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty, or a subcontractor's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty owed by the contractor to RPBCWD. The contract will require that for any claim subject to indemnification by an employee of selected contractor or a subcontractor, the indemnification obligation is not limited by a limitation on the amount or type of damages, compensation or benefits payable by or for the contractor or a subcontractor under workers' compensation acts, disability acts or other employee benefit acts.

b. Require that the contractor procure general liability insurance and name Eden Prairie and LMRWD as additional insureds with primary coverage for general liability on a noncontributory basis for both ongoing work and completed operations to the extent of RPBCWD's statutory liability limit.

c. Extend all product warranties and workmanship guaranties to Eden Prairie.

3.3 As between the Partners and with the assistance and cooperation of Eden Prairie, RPBCWD will obtain all permits, licenses and other necessary approvals for itself and Eden Prairie from entities with regulatory authority.

3.4 RPBCWD will contract for construction of and will ensure that the Project and, if selected, the Bridge are completed in accordance with applicable law and regulatory standards and criteria.

3.5 RPBCWD or the RPBCWD engineer on RPBCWD's behalf will oversee the construction of the Project, and if selected, the Bridge. RPBCWD may adjust the plans, design and specifications for the Project during construction in consultation with Eden Prairie, as long as the revised plans do not require RPBCWD to exceed the scope of the rights granted under this agreement or create maintenance obligations not anticipated hereunder. Until completion of construction, if RPBCWD, in its judgment, should decide that the Project is infeasible, RPBCWD, at its option, may declare this agreement

rescinded and annulled. If RPBCWD so declares, all obligations herein, performed or not, will be voided; RPBCWD will return the RCCA as nearly as reasonably feasible to their preexisting condition or to a condition agreed on by Eden Prairie and RPBCWD to the extent the RCCA has been physically disturbed by RPBCWD, its contractor, agents or assigns. On completion of construction of the Project, the RPBCWD engineer will certify construction of the Project as substantially complete for the purposes intended.

3.6 RPBCWD will notify Eden Prairie on completion of construction, and thereafter RPBCWD will participate in monitoring the effectiveness of and inspecting the Project and will, in collaboration with Eden Prairie, produce an annual report on the status of the Project, consistent with the Enhancement Plan. At the request of Eden Prairie, RPBCWD will duly consider levying and dedicating funds for maintenance and/or repair of the Project.

4 Eden Prairie's Specific Rights and Duties, and Grant of Access, Construction and Maintenance Rights

4.1 Eden Prairie has reviewed and approves, by its signature hereunder, the 90 percent complete design and plans for the Project provided in Exhibit B.

4.2 Eden Prairie, for itself or by a contractor on its behalf, will submit a design, plans and bidding specifications for the Bridge in a form and format specified by the RPBCWD engineer for inclusion in the solicitation of a contractor for the Project as a bid alternate. In the event Eden Prairie does not submit a design, plans and bidding specifications for the Bridge to the RPBCWD engineer, the Bridge will not be included in the solicitation and RPBCWD will solicit contractors for construction of the Project only. Under any circumstances, solicitation of and selection of a contractor for construction of the Project will be made on the basis of cost of the construction of the Project alone (i.e., the base bid).

4.3 After receipt of responses to the solicitation of contractors for construction, Eden Prairie in its sole discretion will determine whether to direct RPBCWD to include construction of the Bridge in the contract between RPBCWD and the selected contractor for construction of the Project. In the event Eden Prairie elects not to direct RPBCWD to include construction of the Bridge in the contract for construction of the Project, Eden Prairie may separately contract for construction of the Bridge and will be solely responsible for coordination of construction of the Bridge with construction of the Project.

4.4 Eden Prairie will cooperate with RPBCWD's efforts to obtain permits and approvals needed for the Project and act to facilitate proper and efficient processing of applications for city approvals.

4.5 LAND-USE RIGHTS.

a. Eden Prairie hereby grants to RPBCWD, its contractors, agents and assigns a temporary and nonexclusive license to access and use the portions of the RCCA shown in the Enhancement Plan and occupying parcels designated in the Hennepin County property records by property identification numbers

29-116-22-32-0004	29-116-22-31-0009
29-116-22-31-0018	29-116-22-24-0015
29-116-22-24-0048	29-116-22-24-0019
29-116-22-21-0030	29-116-22-21-0051

for purposes of construction of the Project and, if selected, the Bridge. RPBCWD, on reasonable notice to Eden Prairie, may temporarily restrict or preclude public access to a portion or portions of the RCCA to ensure safety while construction activities are under way.

b. Eden Prairie will forbear from any activity that unreasonably interferes with the RPBCWD's ability to exercise its rights or meet its obligations under this agreement, including the transfer of ownership of the RCCA. Subject to its interest in preserving public safety, Eden Prairie will cooperate with RPBCWD's reasonable exercise of its rights under this agreement with regard to access to and use of the RCCA. Eden Prairie will not take any action within or adjacent to the RCCA that could reasonably be expected to diminish the effectiveness or function of the Project for the purposes intended, and after notice of completion of construction of the Project from RPBCWD, Eden Prairie will continue to operate and maintain the RCCA in a manner that avoids inhibiting the effectiveness of the Project.

c. On completion of construction of the Project, Eden Prairie will retain ownership of the RCCA, the Project and, if selected for construction, the Bridge.

4.6 Eden Prairie may, at its sole discretion and expense, adjust the plans, design and specifications for the Bridge during construction, as long as the revised plans do not require Eden Prairie to exceed the scope of the rights granted under this agreement and, to the degree the changes affect design or construction of the Project, with concurrence of the RPBCWD engineer.

4.7 On notification from RPBCWD of completion of construction in accordance with paragraph 3.6, Eden Prairie will on its own, or by contract with an engineer licensed in the State of Minnesota, certify construction of the Bridge as substantially complete for the intended purposes, if selected by Eden Prairie for construction in conjunction with the Project in accordance with paragraph 4.3.

4.8 After certification of construction of the Project as substantially complete for the intended purposes, Eden Prairie will participate for the duration of this agreement in monitoring the effectiveness of and inspecting the Project and will, in collaboration with RPBCWD, produce an annual report on the status of the Project, consistent with the Enhancement Plan, and Eden Prairie will complete or contract for the completion, in its sole discretion and at its sole expense, Routine Maintenance as defined in the Enhancement Plan of the Project for 20 years from the date the Project is substantially complete for the intended purposes.

4.9 On receipt of documentation of costs incurred and paid, Eden Prairie will reimburse RPBCWD as described in section 2 of this agreement.

4.10 After completion of construction of the Project, Eden Prairie may solicit contributions from RPBCWD and/or LMRWD for major maintenance and/or repairs of the Project.

4.11 Eden Prairie may conduct data-collection and analysis on the performance of the Project in reducing loading of sediment and other pollutants to Riley Creek, or request and utilize RPBCWD data and analysis for the purpose, and may utilize all credit generated by the Project toward compliance with goals and requirements imposed by state and federal regulatory programs, such as the National Pollutant Discharge Elimination System as applicable to Eden Prairie.

5 LMRWD's Specific Rights and Duties

5.1 LMRWD has reviewed and approves, by its signature hereunder, the 90 percent complete design and plans for the Project provided in Exhibit B.

5.2 On receipt of documentation of costs incurred and paid, LMRWD will reimburse RPBCWD as described in section 2 of this agreement.

6 General Terms

6.1 INDEPENDENT RELATIONSHIP; LIABILITY. This agreement does not create a joint powers board or organization within the meaning of Minnesota Statutes section 471.59, and no party agrees to be responsible for the acts or omissions of another pursuant to subdivision 1(a) of the statute. Only contractual remedies are available for the failure of a party to fulfill the terms of this agreement. Eden Prairie, LMRWD and RPBCWD enter this agreement solely for the purposes of improving the ecological health and condition of lower Riley Creek in Eden Prairie and downstream receiving waters. Accordingly, with respect to any and all activity undertaken pursuant to this agreement, Eden Prairie, LMRWD and RPBCWD (each party as an Indemnitor Party) agree to hold each other

harmless, and defend and indemnify the other parties , their officers, employees and agents (individually, an Indemnified Party) from and against any and all liability, loss, claim, damage or expense (including reasonable attorney fees, costs and disbursements) that an Indemnified Party may incur as a result of the Project due to any negligent or willful act or omission by the Indemnitor Party or the Indemnitor Party's breach of any specific contractual duty. Notwithstanding the foregoing or any other provision of this agreement, Eden Prairie's, LMRWD's and RPBCWD's obligations under this paragraph will survive the termination of the agreement.

This agreement creates no right in and waives no immunity, defense or liability limitation with respect to any third party. As between the parties, only contract remedies are available for a breach of this agreement. Notwithstanding the foregoing, RPBCWD will not be deemed to have acquired by entry into or performance under this agreement, any form of interest or ownership in or to any portion of the land that is the site of the construction of the Project or adjacent property. RPBCWD will not by entry into or performance under this agreement be deemed to have exercised any form of control over the use, operation or management of any portion of the property that is the site of the Project or adjacent property so as to render RPBCWD a potentially responsible party for any contamination under state and/or federal law, however this will not relieve the RPBCWD from liability as a potentially responsible party on the basis of categories other than ownership and operation as provided for under state and federal law.

6.2 PUBLICITY AND ENDORSEMENT. Any publicity regarding the Project must identify Eden Prairie, LMRWD and RPBCWD as the sponsoring entities. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for Eden Prairie, LMRWD or RPBCWD individually or jointly with others, or any subcontractors, with respect to the Project. RPBCWD, LMRWD and Eden Prairie will collaborate on the development of educational and informational signage and materials pertinent to the Project, and each party, at its cost, may develop, produce and, after approval of the other parties, distribute educational, outreach and publicity materials related to the Project.

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

6.4 DATA PRACTICES. All data created, collected, received, maintained or disseminated for any purpose in the course of this agreement is governed by the Data Practices Act,

Minnesota Statutes chapter 13, any other applicable state statute, or any state rules adopted to implement the act, as well as federal regulations on data privacy

6.5 ENTIRE AGREEMENT. This agreement contains the complete and entire agreement among the parties relating to the subject matter hereof, and supersedes all prior negotiations, agreements, representations and understandings, if any, between the parties respecting such matters. The recitals stated at the outset are incorporated into and a part of the agreement.

6.6 COMPLETE AGREEMENT. This agreement, as it may be amended in writing, constitutes the entire agreement between the Partners. Any amendment to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement or their successors in office.

6.7 WAIVERS. The waiver by Eden Prairie, LMRWD or RPBCWD of any breach or failure to comply with any provision of this agreement by the other party will not be construed as nor will it constitute a continuing waiver of such provision or a waiver of any other breach of or failure to comply with any other provision of this agreement.

6.8 NOTICES, COORDINATION. The Partners designate the following authorized representatives, each to serve as the liaison to the other parties for purposes of coordinating inspection, construction oversight and maintenance of the Project as provided in this agreement. Any written communication required under this agreement will be addressed to the other parties as follows, except that any party may change its address for notice by so notifying the other parties in writing:

<u>Eden Prairie</u>	<u>RPBCWD</u>	<u>LMRWD</u>
Leslie Stovring	Claire Bleser	Linda Loomis,
Water Resources Coordinator	Administrator	Administrator
8080 Mitchell Road	18681 Lake Drive East	112 Fifth St. E.
Eden Prairie MN 55344	Chanhassen MN 55317	Chaska MN 55318
952-949-8360	952-607-6512	763-545-4659
lstovring@edenprairie.org	cbleser@rpbcwd.org	naiadconsulting@gmail.com

6.9 TERM; TERMINATION. This agreement is effective on execution by all three parties and will terminate 20 years from the date of execution or on the written agreement of the Partners. Any responsibility or obligation that has come into being before expiration, specifically including obligations under section 2 and paragraphs 4.5, 5.2, 6.1 and 6.2 herein, will survive expiration.

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

(Signature page follows.)

DRAFT

CITY OF EDEN PRAIRIE

By: _____, Mayor

Date: _____

By: _____, City Manager

Date: _____

Approved as to form & execution:

City attorney

**LOWER MINNESOTA RIVER
WATERSHED DISTRICT**

By: _____, President

Date: _____

Approved as to form & execution:

District counsel

**RILEY-PURGATORY-BLUFF CREEK
WATERSHED DISTRICT**

By: _____

By: _____, President

Date: _____

Approved as to form & execution:

District counsel

EXHIBIT A
Lower Riley Creek Corridor (Reach E and D3) Enhancement Plan

DRAFT

EXHIBIT B
90 percent Complete Design and Plans for the Project

DRAFT

Memorandum

To: Riley-Purgatory-Bluff Creek Watershed District Board of Managers
From: Barr Engineering Co.
Subject: Southwest Branch Bluff Creek Stabilization and Restoration Project – Recommendation to Award Project
Date: November 1, 2018
Project: 23270053.14 021B
c: Claire Bleser – RPBCWD Administrator

Through the comprehensive stream assessment completed with the Creek Restoration Action Strategy (CRAS), RPBCWD staff documented significant erosion along the Southwest Branch Bluff Creek between Audubon Road and Pioneer Trail in Chanhassen. In January 2017, the RPBCWD completed a feasibility study to identify cost effective stabilization options and recommendations. The feasibility study concluded that an estimated 1,400 feet of the Southwest Branch Bluff Creek and 300 feet of a tributary ravine should be restored. Following the May 15, 2017 public hearing on the project, the RPBCWD Managers authorized final design and preparation of construction documents to stabilize this section of stream.

The RPBCWD Managers authorized Barr Engineering to solicit bids for constructing the designed stabilization measures at the October 2018 Board meeting. Following the Board’s authorization, an advertisement for bid was circulated in the District’s official publications and on Quest Construction Data Network (CDN). Barr Engineering facilitated a mandatory pre-bid meeting on October 16, 2018, which was attended by 10 contractors. During the pre-bid meeting Barr Engineering provided an overview of the project and answered questions from the contractors. Bid opening occurred at 10:30 AM on October 26, 2018 at RPBCWD Office. Table 1 summarizes the seven bids RPBCWD received for the project which are summarized in Table 1.

Table 1. Summary of Bids Received for the Southwest Branch Bluff Creek Restoration and Stabilization Project

Bidder	Total Base Bid Entered on the Bid Form ^{1,2}
Sunram Construction, Inc.	\$213,599.00
Minnesota Native Landscapes	\$223,201.00
Veit & Company, Inc.	\$240,318.20
Blackstone Contractors, LLC	\$297,089.00
Rachel Contracting, Inc.	\$297,265.75
Gustafson & Goudge, Inc.	\$313,473.69
Lametti & Sons, Inc.	\$378,079.00

¹Engineer’s opinion of probable cost was \$257,300.

²Bid prices include corrections to any math errors on Bid Form.

Note, please, that the bid documents were issued and bids received for a project that includes work on a ravine on property owned by Bluff Creek Senior Housing adjacent to the Chanhassen-owned property on which the majority of the work will take place. At the time of drafting this memo, RPBCWD staff was still

To: Riley-Purgatory-Bluff Creek Watershed District Board of Managers
From: Barr Engineering Co.
Subject: Southwest Branch Bluff Creek Stabilization and Restoration Project – Recommendation to Award Project
Date: November 1, 2018
Page: 2

working to secure the easement on the Bluff Creek Senior Housing property. The recommended action below includes a contingency to account for this significant uncertainty.

The engineer finds that Sunram is the lowest responsible and responsive bidder and recommends that the RPBCWD Board of Managers:

- **Award the project to Sunram Construction at the bid price of \$213,599.00.**
- **Authorize the Administrator to sign the notice of award, as well as the form of agreement and notice to proceed on satisfaction of all conditions precedent for each.**
- **Authorize the administrator to execute change orders increasing the contract price up to an aggregate total of 10% of the contract amount as necessary to implement the project as ordered and a change order removing work on the Bluff Creek Senior Housing property if the necessary easement cannot be obtained.**

If the Board of Managers decides to award the project the following next steps would be completed:

- An Authorized Representative signs the Notice of Award to be sent to the successful bidder
- All bidders are notified of the Board's decision
- Successful bidder provides the following information:
 - Fully executed Notice of Award
 - Three fully executed counterparts of the Form of Agreement
 - Performance and Payment Bond
 - Certificate of Insurance and all other required insurance documentation
- Barr Engineering will coordinate with the successful bidder regarding the construction schedule
- December – Issue Notice to Proceed
- Substantial completion will be within 12 weeks after the date stated in the Notice to Proceed or March 1, 2019, whichever comes first.
- Final completion will be no later than June 15, 2019

Note that the above sequence will need to be modified if the easement for work on the property cannot be timely secured to include, at a minimum, a change order removing the work on Bluff Creek Senior Housing property.



Minnesota Association of Watershed Districts, Inc.
www.mnwatershed.org

**MN Association of Watershed Districts, Inc.
2018 Annual Convention and Trade Show
November 29-December 1, 2018
Arrowwood Resort, Alexandra MN**

Watershed District Member Material

Enclosed are the following items:

1. Notice of Annual Meeting
2. Delegate Appointment Form – please return to mnwatershed@gmail.com
3. Proposed Fiscal Year 2019 Budget
4. Resolutions and Bylaws Amendment Information Packet

This packet has been distributed to administrators via email with “read receipt” enabled at time of delivery. Administrators – please distribute copies to your managers. No paper copies will be sent via the US Postal Service.

Note: a full meeting packet, including an agenda, previous meeting minutes, and reports, will be distributed to watershed district administrators and made available on the MAWD website no later than one week prior to the Annual Meeting.

We are looking forward to seeing you at this year’s convention!



Minnesota Association of Watershed Districts, Inc.
www.mnwatershed.org

MN Association of Watershed Districts, Inc. 2018 Annual Meeting Notice

NOTICE IS HEREBY GIVEN that the 2018 Annual Meeting of the Minnesota Association of Watershed Districts, Inc. will be held at the Arrowwood Conference Center, Alexandria, MN, beginning at 8:00 a.m. on Friday, November 30, 2018 for the following purposes:

1. To receive and accept the reports of the President, Secretary, and Treasurer regarding the business of the association of the past year;
2. To receive the report of the auditor;
3. To consider and act upon the Fiscal Year 2019 budget;
4. To consider and act upon proposed resolutions;
5. To consider and act upon proposed bylaws changes;
6. To elect three directors, one from each region, for terms ending in 2021;
7. To consider and act upon any other business that may properly come before the membership.

Sincerely,

Mary Texer

Mary Texer
Secretary



MN Association of Watershed Districts, Inc. 2018 Delegate Appointment Form

The _____ **Watershed District** hereby certifies that it is a watershed district duly established and in good standing pursuant to Minnesota Statutes 103D and is a member of the MN Association of Watershed Districts, Inc. (MAWD) for the year 2018.

The _____ **Watershed District** hereby further certifies the following individuals have been appointed as delegates, or as an alternate delegate, all of whom are managers in good standing with the District.

Delegate #1: _____

Delegate #2: _____

Alternate: _____

Authorized by: _____
Signature Date

Title

** Please return this form to mnwatershed@gmail.com at your earliest convenience. **

MAWD Proposed Fiscal Year 2019 Budget
October 1, 2018 - September 30, 2019

	FY2019	FY2018	FY2018	FY2017	FY2016
	Oct '18-Sep '19	Oct '17-Sep '18	Oct '17-Sep '18	Nov '16- Sep '17	Nov '15-Oct '16
INCOME	Proposed BUDGET	Last Year's BUDGET	FY2018 ACTUAL	FY2017 ACTUAL (11 months)	FY2016 ACTUAL
Dues - Watershed District Members	216,600	225,000	218,421	117,590	121,412
Dues - Associate Members (WMOs)	2,500	2,500			
Annual Convention					
Annual Meeting Registrations	55,000	55,000	59,129	52,068	49,390
Annual Trade Show	25,000	13,000	21,655	22,250	11,495
Pre Conference Workshop: Drainage	6,500	5,000	6,800	5,595	9,010
Pre Conference Workshop: Administration	2,400	600	2,550	775	600
Pre Conference Workshop: Managers	2,400	2,500	2,295	2,950	4,250
Legislative Day at the Capitol	9,000	9,000	8,185	8,325	7,450
Summer Tour	17,500	17,500	18,891	21,469	14,390
MAWD Workshops	2,500	2,500	0	2,720	3,000
Interest	100	100	66	111	241
TOTAL	339,500	332,700	337,992	233,853	221,238
EXPENSES					
Administration & Program Management					
General Administration - Staff	70,000	90,000	70,747	62,311	81,345
Benefits /Taxes for Salaried Employees	30,000	30,000	15,069		
General Administration - Contract	12,000				
Communications, Conferences - Contract	36,000	48,000	48,835	33,750	10,000
Legislative Affairs					
Lobbying - Staff (includes Administrative Lobbying)	24,500				
Lobbying - Contracted Services	40,000	35,000	48,251		
Lobbyist Expenses	1,000	1,000	1,395	3,647	1,754
Professional Services					
Legal Fees	2,000	2,000	1,377	1,308	
Accounting and Audit Fees	6,000	5,000	4,650	4,100	3,550
Liability Insurance	1,800	1,700	1,645	1,645	1,551
Office Expenses					
Rent	3,600	3,000	2,400		
Mileage and General Office Expenses	11,250	7,200	11,965	4,257	3,994
Dues, Other Organizations	500	500			
Memorials	250	250	50		
Board and Committee Meeting					
Per Diems and Expenses - Directors	20,000	34,000	16,448	22,092	26,400
Board and Committee Meeting Expenses	1,500	1,500	1,081	1,440	1,471
Special Projects					
WD Handbook, Surveys, etc.	1,600	1,500		1,361	7,250
Education and Events					
Annual Convention					
Annual Meeting	40,000	40,000	45,073	39,208	37,079
Annual Trade Show	8,500	9,000	8,631	6,322	9,569
Pre Conference Workshop: Drainage	2,500	2,000	2,871	1,817	2,993
Pre Conference Workshop: Administration	1,000	500	587	339	
Pre Conference Workshop: Managers	1,000	2,500	1,754	580	2,288
Legislative Breakfast	5,500	7,500	6,246	7,045	7,177
Summer Tour	12,500	20,000	9,483	16,000	14,402
Credit Card Processing Fees	3,500	3,500	3,020	3,323	2,791
Special Workshops	2,500	2,500		2,271	
Partner Event Participation	500				1,153
TOTAL	339,500	348,150	301,578	212,816	214,767
STATEMENT OF NET POSITION					
Assets, Cash and Equivalents, actual			217,693	154,113	140,033
Deposits received, deferred				(4,799)	(11,385)
Liabilities, accounts payable, taxes payable			(34,352)	(2,387)	(2,760)
ENDING NET ASSETS			183,341	146,927	125,888

Memorandum

DATE: October 31, 2018
 TO: MAWD Members
 FROM: Sherry Davis White, Resolutions Committee Chair
 Mary Texer, Governance Committee Chair

PLEASE BRING THIS PACKET TO THE CONVENTION; EXTRA PRINTED COPIES WILL NOT BE AVAILABLE ONSITE.



RE: Committee Recommendations for 2018 Resolutions and Bylaws Amendment

Enclosed are items that will require a vote at this year’s annual meeting. Please review them as a board and have your appointed delegates prepared to vote on Friday, November 30th. Here is a recap of our timeline, along with recommendations made by the Resolutions Committee on nine resolutions and the Governance Committee on proposed changes to the bylaws.

Timeline

- End of October** Resolutions (along with committee feedback) will be emailed to districts
- November** Districts should discuss the resolutions at their November meetings and name delegates for voting at the annual meeting
- November 30** Debate and voting to take place at the Friday morning business meeting
- December / January** Legislative Committee will review any newly adopted resolutions, along with existing ones, and make recommendations to the MAWD Board of Directors for the 2019 legislative platform
- January** MAWD Board of Directors will finalize the 2019 legislative platform

Resolutions Committee Recommendations

#	Resolution Title	Committee Recommendation
1	Allow an Increase to Manager Compensation	Approve
2	Increase or Remove the \$250k General Fund Tax Levy Limit	Approve
3	Require Timely Appointments to the BWSR Board	Approve
4	Require Watershed District Permits for DNR	Approve
5	Adjust WD Statutory Borrowing Limit	Approve
6	Ensure Timely Updates to Wildlife Management Area (WMA) Plans	Approve
7	Remove Impediments to Common Carp Removal in Lakes	Approve
8	Reinforce Existing Rights to Maintain/Repair 103E Drainage Systems	Approve
9	Recommend Administrators for Clean Water Council Appointments	Forward to Membership for a Vote - See Notes in Packet

Governance Committee Recommendations on Bylaws Amendment

Description of Bylaws Changes	Committee Recommendation
(1) Allow Water Management Organizations (WMOs) to be full voting members of MAWD. (2) Make non-substantial language changes to clean up the document and make it consistent with language in the Manual of Policy and Procedures (MOPP).	The committee reviewed both the Bylaws and the MOPP in July 2018. In addition to cleaning up the language to make the documents consistent both internally and with each other, the committee recommends adding language to allow for WMOs to join MAWD with full voting rights. Dues would be calculated using the same formula as used for Watershed District members starting in 2020. The MAWD Board of Directors accepted the committee’s proposed changes to the MOPP at the September 21 board meeting and further recommends the changes proposed to the Bylaws as presented.

BACKGROUND INFO on PROPOSED RESOLUTION #1

Allow an Increase to Manager Compensation

Proposing District:	Bois de Sioux WD	Roseau River WD
Contact Name:	Jamie Beyer	Tracy Halstensgard
Phone Number:	320-563-4185	218-463-0313
Email Address:	bds wd@runestone.net	rrwd@mncable.net

Background that led to submission of this resolution:

Board Manager compensation has not been adjusted since 2005, despite increasing water quality and water quantity demands and responsibilities placed on Watershed Districts.

If we want to recruit and retain competent, thoughtful, forward-looking individuals, compensation is an important tool - and the flexibility to customize pay according to regional norms could also be very important to some districts.

Ideas for how this issue could be solved:

Support the pursuit of legislation that increases the per diem for watershed district managers, or the ability for watershed districts to determine their own rates - similar to the authority granted to cities.

Anticipated support or opposition from other governmental units?

Opposition has told us that the per diem is a standard amount and is comparable to other government official per diems - however, those comparisons sometimes involve a government position that receives a base salary.

This issue is of importance (Check one):

To the entire State: _____
Only our Region: _____
Only our District: _____

PROPOSED 2018 MAWD RESOLUTION #1

Allow an Increase to Manager Compensation

Submitted by: Bois de Sioux WD and Roseau River WD

WHEREAS Manager compensation is restricted to \$75 per day by 103D.315 Subd. 8;

WHEREAS Manager compensation has not been increased by the MN Legislature since 2005;

WHEREAS \$75 no longer reflects current pay standards, and does not represent fair compensation for the knowledge, skills, abilities, and effort provided by individuals serving in the highly-specialized public service of governing water quantity and quality; and

WHEREAS the ability to recruit and retain willing individuals to fill Board Manager positions is hampered by the outdated compensation limit.

THEREFORE, BE IT RESOLVED that MAWD supports legislation to lift and/or increase the maximum \$75 a day manager compensation rate set in MN Statute 103D.315 Subd.8. If the compensation rate is raised to a new dollar amount, MAWD supports the inclusion of an annual cost of living adjustment with the local board having authority to set their own rates for a lesser amount if deemed appropriate.

Notes:

1. If approved, this resolution would replace existing language from a resolution passed in 2015 that stated:

“MAWD supports amending Statute 103D.315 Subd 8 to reflect compensation not to exceed \$100 a day.”

2. MN Statute 103D.905 Subdivision 3 currently reads:

“MN Statute 103D.315 MANAGERS.

Subd. 8. **Compensation.** The compensation of managers for meetings and for performance of other necessary duties may not exceed \$75 a day. Managers are entitled to reimbursement for traveling and other necessary expenses incurred in the performance of official duties.”

3. Committee Recommendation: “Approve” since it allows more options than existing policy.

BACKGROUND INFO on PROPOSED RESOLUTION #2

Increase or Remove the \$250k General Fund Tax Levy Limit

Proposing District:	Bois de Sioux WD	Roseau River WD
Contact Name:	Jamie Beyer	Tracy Halstensgard
Phone Number:	320-563-4185	218-463-0313
Email Address:	bdswd@runestone.net	rrwd@mncable.net

Background that led to submission of this resolution:

The General Fund ad valorem tax levy has not been adjusted since 2001 despite increasing water quality and water quantity demands and responsibilities placed on watershed districts. At the very least, the figure could be updated based on an inflationary index.

Ideas for how this issue could be solved:

Support the pursuit of legislation that increases the maximum amount or net formula result or adds an annual inflationary adjustment.

Anticipated support or opposition from other governmental units?

unknown

This issue is of importance (Check one):

To the entire State: _____
Only our Region: _____
Only our District: _____

PROPOSED 2018 MAWD RESOLUTION #2
Increase or Remove the \$250k General Fund Tax Levy Limit
Submitted by: Bois de Sioux WD and Roseau River WD

WHEREAS Minnesota watershed district administrative levies are restricted to \$250,000 by MN Statute 103D.905 Subd. 3;

WHEREAS the \$250,000 limit was legislatively enacted in 2001 and has not kept pace with the current needs and expectations placed on watershed district operations; and

WHEREAS the ability to fulfill water management expectations of local, state, and federal government regulations, as well as that of landowners in the District are hampered by the outdated levy limit.

THEREFORE, BE IT RESOLVED that MAWD supports legislation to increase or remove the \$250,000 general fund ad valorem tax levy limit set in MN Statute 103D.905 Subd. 3. If the limit is raised to a new dollar amount, MAWD supports an inflationary adjustment be added to statute.

Notes:

1. If approved, this resolution would replace existing language from a resolution passed in 2016 that stated:

“MAWD supports legislation to increase the cap on the general fund levy to \$500,000.”

2. MN Statute 103D.905 Subdivision 3 currently reads:

“MN Statute 103D.905 FUNDS OF WATERSHED DISTRICT.

Subd. 3. **General fund.** A general fund, consisting of an ad valorem tax levy, may not exceed 0.048 percent of estimated market value, or \$250,000, whichever is less. The money in the fund shall be used for general administrative expenses and for the construction or implementation and maintenance of projects of common benefit to the watershed district. The managers may make an annual levy for the general fund as provided in section [103D.911](#). In addition to the annual general levy, the managers may annually levy a tax not to exceed 0.00798 percent of estimated market value for a period not to exceed 15 consecutive years to pay the cost attributable to the basic water management features of projects initiated by petition of a political subdivision within the watershed district or by petition of at least 50 resident owners whose property is within the watershed district.”

3. Committee Recommendation: “Approve” since it allows more options than existing policy.

BACKGROUND INFO on PROPOSED RESOLUTION #3

Require Timely Appointments to the BWSR Board

Proposing District:	Bois de Sioux WD	Roseau River WD
Contact Name:	Jamie Beyer	Tracy Halstensgard
Phone Number:	320-563-4185	218-463-0313
Email Address:	bdswd@runestone.net	rrwd@mncable.net

Background that led to submission of this resolution:

Although there are two issues here - board member positions left vacant on the BWSR board and employing a policy of continuing the membership of board members whose terms have expired - we feel that the same solution can be applied to both: require that vacancies and expirations be filled within 90 days.

When vacancies occur on the BWSR Board, there is no statute that limits the length of time the position may be left vacant – and vacant board positions equate to public underrepresentation. We feel that unfilled vacancies can be used strategically, to lock-out specific organizations and/or regions of Minnesota out of the BWSR Board and allow the appointed Board to pass agency rules that are politically driven.

When board member terms expire, under Minn. 15.0575 Subd. 2 successors need not be appointed and qualified until July 1st, thus permitting the expired board member to serve up to an additional six full months past their term. We feel six months is unnecessarily long and is used as a political strategy to slow and delay board appointments. Board terms are clearly stated and understood; the Governor should be able to evaluate potential candidates ahead of board term expirations, and have appointees lined-up for succession in less than half a year.

Ideas for how this issue could be solved:

Support the pursuit of legislation that requires board member appointment within 90 days of a vacancy or board member term expiration.

Anticipated support or opposition from other governmental units?

Unknown

This issue is of importance (Check one):

To the entire State: _____

Only our Region: _____

Only our District: _____

PROPOSED 2018 MAWD RESOLUTION #3
Require Timely Appointments to the BWSR Board
Submitted by: Roseau River WD and Bois de Sioux WD

WHEREAS the Governor has statutory authority to appoint members to the Board of Water and Soil Resources (BWSR);

WHEREAS no statute limits the length of time the position may be left vacant once vacated;

WHEREAS vacancies equate to public underrepresentation; and

WHEREAS when board member terms expire, under MN Statute 15.0575 Subd. 2 successors need not be appointed and qualified until July 1st, then permitting the expire board member to serve up to an additional six full months;

THEREFORE, BE IT RESOLVED that MAWD supports legislation that requires the Governor to make BWSR Board appointments within **90 days** of a vacancy or board member term expiration.

Notes:

4. If approved, this resolution would replace existing language from a resolution passed in 2014 that stated:

“MAWD supports legislation that requires the Governor to appoint BWSR representatives within **30 days** of any occurring vacancy.”

1. MN Statute 15.0575 Subd. 2 currently reads:

“15.0575 ADMINISTRATIVE BOARDS AND AGENCIES.

Subd. 2. **Membership terms.** An appointment to an administrative board or agency must be made in the manner provided in section 15.0597. The terms of the members shall be four years with the terms ending on the first Monday in January. The appointing authority shall appoint as nearly as possible one-fourth of the members to terms expiring each year. If the number of members is not evenly divisible by four, the greater number of members, as necessary, shall be appointed to terms expiring in the year of commencement of the governor's term and the year or years immediately thereafter. If the number of terms which can be served by a member of a board or agency is limited by law, a partial term must be counted for this purpose if the time served by a member is greater than one-half of the duration of the regular term. If the membership is composed of categories of members from occupations, industries, political subdivisions, the public or other groupings of persons, and if the categories have two or more members each, the appointing authority shall appoint as nearly as possible one-fourth of the members in each category at each appointment date. Members may serve until their successors are appointed and qualify but in no case later than July 1 in a year in which a term expires unless reappointed.”

2. Committee Recommendation: “Approve” since 90 days is a more realistic timeframe to complete the appointment process.

BACKGROUND INFO on PROPOSED RESOLUTION #4

Require Watershed District Permits for the DNR

Proposing District: Wild Rice Watershed District
Contact Name: Kevin Ruud
Phone Number: 218-784-5501
Email Address: kevin@wildricewatershed.org

Background that led to submission of this resolution:

1. Watershed districts are local, special-purpose units of government that work to solve and prevent water -related problems (MAWD Website).
2. While all other government units, such as states, counties and cities have political boundaries, because water knows no boundaries and goes where it wants to, it makes sense to manage natural resources on a watershed basis. This type of management allows for an overall, holistic approach to resource Conservation (MAWD Website).
3. Watershed Districts have overall plans that are intended to protect, enhance, manage, and maintain the natural resources of the district in the best interest of the citizens and other stakeholders.
4. Watershed Districts currently have rules and permit requirement that are not intended to delay or inhibit development. Rather permits are needed so that the managers are kept informed of planned projects, can advise and in some cases, provide assistance, and can ensure that land disturbing activity and development occurs in an orderly manner and in accordance with the overall plan for the District.
5. The MNDNR owns, operates and maintains wildlife management area and other conservation-oriented property within the WRWD.
6. As part of the operation of this property, the MNDNR periodically does improvements (i.e. wetland restoration, channel modifications, etc.) on their land without going through the process of obtaining a permit from watershed districts, because they are currently not subject to 103D.345. Without requiring a permit, the watershed managers are not assured of being adequately kept informed of planned projects to ensure that land disturbing activity and development occurs in an orderly manner and in accordance with the overall plan for the District.

Ideas for how this issue could be solved:

MAWD could seek legislative authority to amend MN Statute 103D.345, Subd. 5 as follows:

"Subd. 5. **Applicability of permit requirements to state.** A rule adopted by the managers that requires a permit for an activity applies to the Departments of Transportation and Natural Resources."

Anticipated support or opposition from other governmental units?

We would anticipate support from watersheds and opposition from the MNDNR

This issue is of importance (Check one):

To the entire State: _____

Only our Region: _____

Only our District: _____

PROPOSED 2018 MAWD RESOLUTION #4
Require Watershed District Permits for the DNR
Submitted by: Wild Rice WD

WHEREAS discussion was had that the Minnesota Department of Natural Resources has engaged in certain activity on property owned by the DNR which would require a permit for such activity as being within the scope of an existing rule of the WRWD, but the DNR asserts its position that it is exempt from obtaining any such permit; and

WHEREAS the WRWD has concerns that the non-permitted work being done by the DNR on its property impacts other property owners/residents within the WRWD resulting in such impacted property owners/residents having no recourse for water flowing, seeping, or otherwise being cast upon such other owners/residents; and

WHEREAS the WRWD desires that Minn. Stat.§ 103D.345, Subd. 5 which pertains to the applicability of watershed permit requirements to the state and provides that a rule adopted by the managers that requires a permit for an activity applies to the Department of Transportation should be expanded to include the Minnesota Department of Natural Resources; and

THEREFORE, BE IT RESOLVED that MAWD supports an amendment to the Minn. Stat.§ 103D.315, Subd. 5, to include the MN Department of Natural Resources as a state agency required to get permits from watershed districts when applicable.”

Notes:

1. Minn. Stat.§ 103D.345, Subd. 5 currently reads:

“103D.345 PERMITS.

Subd. 5. **Applicability of permit requirements to state.** A rule adopted by the managers that requires a permit for an activity applies to the Department of Transportation.”

2. Preferred amendment language would be:

“103D.345 PERMITS.

Subd. 5. **Applicability of permit requirements to state.** A rule adopted by the managers that requires a permit for an activity applies to the Departments of Transportation and Natural Resources.”

3. Committee Recommendation: “Approve”

BACKGROUND INFO on PROPOSED RESOLUTION #5

Adjust WD Statutory Borrowing Limit

Proposing District: Heron Lake WD
Contact Name: Jan Voit, District Administrator
Phone Number: 507-793-2462
Email Address: jvoit@hlwdonline.org

Background that led to submission of this resolution:

- The Heron Lake Watershed District (HLWD), as drainage authority, is undertaking several substantial drainage system improvement projects.
- Minnesota Statutes §103E.635, subdivision 1, authorizes issuance of county drainage project bonds only after a contract for construction has been awarded. The extensive process leading to drainage project establishment, as well as design and other implementation acts in advance of construction contract award, must be financed in advance of funds from county project bonds or project assessments.
- Minnesota Statutes §103D.335, subdivision 17, limits watershed districts to \$2M in outstanding loans from counties and financial institutions. This is insufficient for a watershed district that has several substantial drainage projects in progress, as well as other watershed project financing needs. A proposed improvement project through the final hearing can cost in excess of \$500,000.
- County bonding practices can add to financing challenges. The county in which all of the HLWD's present improvement projects are located would prefer to wait to bond for a project until it is within one year of completion.
- Borrowing options should be preserved, as presently the HLWD is able to borrow from commercial banks at a better interest rate than its counties offer. The HLWD anticipates that costs for current improvement projects will exceed \$15 million, so minimizing borrowing costs will be important. Borrowing from local lenders also supports the local economy.
- The bank with which the HLWD has a relationship is willing and able to loan funds in excess of \$2 million.

Ideas for how this issue could be solved:

- Amend Minnesota Statutes §103D.335, subdivision 17, to increase the amount of outstanding loans that a watershed district may hold.
- More narrowly, add a term to the drainage code (Minnesota Statutes chapter 103E) authorizing drainage authorities to hold loans for drainage project financing that do not count against the outstanding loan cap of Minnesota Statutes §103D.335, subdivision 17.
- Amend Minnesota Statutes §103E.635, subdivision 1, to authorize counties to issue drainage project bonds before award of construction contract.
- Amend Minnesota Statutes §103E.635, subdivision 11, to remove any mandated interest rate for county loans to watershed districts and allow for competitive rates.

Anticipated support or opposition from other governmental units?

Positive

This issue is of importance (Check one):

To the entire State: X
Only our Region:
Only our District:

PROPOSED 2018 MAWD RESOLUTION #5

Adjust WD Statutory Borrowing Limit

Submitted by: Heron Lake WD

WHEREAS watershed districts serve as drainage authorities under the Minnesota drainage code, Minnesota Statutes Chapter 103E, and in that role fulfill statutory responsibilities to conduct extensive procedures to establish, design and construction major drainage projects, and

WHEREAS drainage projects are funded by multi-year assessment of benefited lands, but substantial costs are incurred in advance of the flow of funds from assessment, and

WHEREAS drainage project costs may be financed by county bonds, but the drainage code does not allow for county project bonds to be issued until the construction contract is awarded (Minnesota Statutes §103E.635, subdivision 1); and

WHEREAS a watershed district may finance project costs through loans but is constrained by statute (Minnesota Statutes §103D.335, subdivision 17) to holding no more than \$2 million in outstanding loans from counties and financial institutions, and

WHEREAS a watershed district may finance internally through a loan from another drainage account (Minnesota Statutes §103E. 655, subdivision 2), but this source is insufficient for substantial project financing.

WHEREAS these limitations constrain watershed districts' capacity to fulfill their responsibilities as drainage authorities.

THEREFORE, BE IT RESOLVED that MAWD supports amending the watershed law (Chapter 103D) and/or the drainage code (Chapter 103E) to improve the capacity of watershed districts to finance drainage projects, by:

- Increasing watershed districts' limit on borrowing;
- Allowing counties to issue drainage project bonds earlier in the project development process; and
- Enhancing watershed district ability to obtain competitive borrowing rates from both counties and financial institutions.

Notes:

1. MN Statute §103D.335, subdivision 17 reads:

“103D.335 DISTRICT AND MANAGERS' POWERS.

§Subd. 17. **Borrowing funds.** The managers may borrow funds from an agency of the federal government, a state agency, a county where the watershed district is located in whole or in part, or a financial institution authorized under chapter 47 to do business in this state. A county board may lend the amount requested by a watershed district. A watershed district may not have more than a total of \$2,000,000 in loans from counties and financial institutions under this subdivision outstanding at any time.”

2. Committee recommendation: “Approve.”

BACKGROUND INFO on PROPOSED RESOLUTION #6

Ensure Timely Updates to Wildlife Management Area (WMA) Plans

Proposing District: Roseau River
Contact Name: Tracy Halstengard
Phone Number: 218-463-0313
Email Address: rrwd@mncable.net

Background that led to submission of this resolution:

It came to our attention that the planning process was underway for a WMA in the upper reaches of our District. It is the second of eight major WMA's in the state that will have their plans updated. We also learned that the planning writing process only involves DNR staff with, in our opinion, minimal opportunity for input from local counties and watershed districts where these WMA's are located.

Ideas for how this issue could be solved:

The DNR could include watershed districts in the process by allowing us to have more input as the plans are being updated. Most of the current plans view WMA land as independent from everything else around it. We understand the goal of the One Watershed One Plan to look at things from the watershed perspective. If that is the case, these WMA plans need to address water management issues in a way that is consistent with the watershed they are in. That can really only be accomplished if we are allowed to participate in the process.

Anticipated support or opposition from other governmental units?

Yes. Roseau County has expressed support, and we believe other counties that have authority over jurisdictional drainage systems near or on WMA's would also support more participation.

This issue is of importance (Check one):

- To the entire State: _____
- Only our Region: _____
- Only our District: _____

PROPOSED 2018 MAWD RESOLUTION #6
Ensure Timely Updates to Wildlife Management Area (WMA) Plans
Submitted by: Roseau River WD

WHEREAS Minnesota's Wildlife Management Area (WMA) system started in 1951, when the State established its "Save the Wetlands" program to buy wetlands and other habitats from willing sellers to address the loss of wildlife habitat in the state and has evolved into the present-day system of WMAs; and

WHEREAS today there are over 1.3 million acres of high-quality habitat in about 1,500 WMAs located throughout the state, making it one of the largest WMA systems in the country; and

WHEREAS the Minnesota Department of Natural Resources is responsible for the management of these acres.

WHEREAS consistency of written operation and maintenance plans for individual WMAs vary considerably from no written plan to extremely dated plans.

WHEREAS the state of Minnesota has made watershed management plans a priority with the One Watershed One Plan (1W1P) initiative.

WHEREAS effective management, including interagency coordination of said management, of our natural resources is imperative to the health and wellbeing of the visitors and residents of the state.

THEREFORE, BE IT RESOLVED that MAWD supports that Wildlife Management Area (WMA) Operation and Maintenance Plans and/or Management Plans are either drafted or brought current in a timely fashion, with input from local governmental entities, to ensure their consideration in future One Watershed One Plan efforts.

Notes:

1. Committee Recommendation: "Approve."

BACKGROUND INFO on PROPOSED RESOLUTION #7

Remove Impediments to Common Carp Removal in Lakes

Proposing District: Prior Lake-Spring Lake Watershed District
Contact Name: Diane Lynch
Phone Number: 952-440-0067
Email Address: dlynch@plslwd.org

Background that led to submission of this resolution:

1. The Legislature has given sole authority to the Commissioner of Natural Resources to issue special permits for taking, possessing, transporting and disposing of wild animals, which includes carp research, capture and removal.
2. The Department of Natural Resources allows electrofishing of common carp as “research projects” under an educational special permit. Common carp are categorized as a “nuisance species.”
3. The Department of Natural Resources, by practice, does not allow carp removal under educational permits except where it is part of a clearly defined research project.
4. Carp removal is allowed under an “Inland Commercial Fish Removal Permit Class B.” Under Rule 6260.2400, inland commercial fishing areas are assigned. Commercial fishing in state waters is allowed by license, permit or contract under Rule 6260.0200. The Department of Natural Resources licenses and assigns commercial fishermen to the inland commercial fishing areas. The fisherman assigned to the inland commercial fishing areas may be unavailable, unmotivated, lacking proper equipment etc., so removal may not happen when needed by the District. In addition, the licensed fisherman must give permission for other individuals to remove the carp as part of a management program.
5. Electrofishing is part of a District’s carp management program. Other aspects of carp management include installing carp barriers, seining, carp tournaments and disposal.
6. It is in the best interest of a watershed district and the state of Minnesota to remove nuisance species when they are electrofished to aid a District’s carp management program and to demonstrate to the public that efforts are being made to reduce common carp populations on multiple levels. It is also in the best interest of a District and the state of Minnesota to contract with other commercial fisherman besides the one assigned to the inland commercial fishing area to ensure removal can be implemented.

Ideas for how this issue could be solved:

Initiate legislation to require the Department of Natural Resources to routinely allow Class B permits to be issued in conjunction with “educational special permits” to watershed districts and the entities they hire to do the electrofishing for common carp. In addition, entities should be allowed to hire licensed commercial fishermen other than those assigned to a particular inland commercial fishing area for common carp removal only.

Anticipated support or opposition from other governmental units?

We would expect watershed districts to support it. The Department of Natural Resources may welcome legislation since they will not have to go through a lengthy rulemaking process.

This issue is of importance (Check one):

To the entire State: _____
Only our Region: _____
Only our District: _____

PROPOSED 2018 MAWD RESOLUTION #7
Remove Impediments to Common Carp Removal in Lakes
Submitted by: Prior Lake – Spring Lake WD

WHEREAS the Department of Natural Resources (DNR) regulates the state's fisheries;

WHEREAS Common Carp are a nuisance species and destroy native vegetation habitat needed by native fish and wildlife;
and

WHEREAS the activities of Common Carp cause turbidity, lack of water clarity and suspend pollutants in the water column;
and

WHEREAS watershed districts use electrofishing as a way to estimate numbers of Common Carp as part of their aquatic invasive species management plans; and

WHEREAS the DNR does not allow carp removal permits with electrofishing except where removal is part of a clearly defined research project;

WHEREAS the DNR assigns commercial fishermen to inland commercial fishing areas as a sole source, the fisherman may be unavailable to assist the watershed districts and watershed districts are required to get their permission to capture and dispose of Common Carp;

WHEREAS it is in the best interest of the watershed districts and the state of Minnesota to remove Common Carp to enhance water quality;

THEREFORE, BE IT RESOLVED that MAWD supports legislation to require the DNR to allow Common Carp removal as part of an electrofishing program.

THEREFORE, BE IT FURTHER RESOLVED that MAWD supports legislation to require the DNR to license and assign multiple commercial fishermen to commercial fishing areas to ensure that watershed districts will have the ability to remove the carp as part of their management programs.

Notes:

1. If approved, this resolution modifies a resolution originally passed in 2014 as follows:
 - “MAWD supports ~~actions~~ legislation to require the DNR to allow Common Carp removal as part of an electrofishing program.”
 - “MAWD supports ~~actions~~ legislation to require the DNR to license and assign multiple commercial fishermen to commercial fishing area to ensure that watershed districts will have the ability to remove the carp as part of their management programs.”
2. Committee Recommendation: “Approve,” but the committee notes that the original resolution did not preclude legislation and this version would not preclude non-legislative options from being pursued if deemed appropriate.
3. We will vote on each “THEREFORE, BE IT RESOLVED” statement separately.

BACKGROUND INFO on PROPOSED RESOLUTION #8

Reinforce Existing Rights to Maintain/Repair 103E Drainage Systems

Contact Name: Phil Belfiori
Phone Number: 763-398-307
Email Address: pbelfiori@ricecreek.org

Background that led to submission of this resolution:

The State enacted a number of laws related to water resources after the establishment of the public drainage systems. However, there was a commitment that these laws would not restrict existing rights including those related to the existence of, and obligation to maintain public drainage systems.

The public waters inventory was never intended to restrict the right to maintain existing drainage systems. The legislature specifically exempted repairs from DNR permitting; gave the DNR a mechanism to ensure proposed work was repair; and directed the DNR to provide for the lawful function of public drainage systems that affected public waters. The DNR also adopted a rule exempting repairs from permitting and announced a policy in 1980 that stated repair of public drainage systems should be allowed without permits.

More recent DNR practices have departed from the 1980 policy. The agency has increasingly required permits, approvals, and conditions specifically contrary to current law and the 1980 policy. The DNR issued new guidance in February 2018 that has not addressed the public drainage authority concerns while creating more uncertainty, expense, and delays in the public waters regulatory program and for drainage system repairs.

HF2687 and SF2419 were introduced during the 2018 legislative session to restate the protections given to drainage system repairs. These bills were placed on hold in committee when the DNR indicated that its new guidance would address the concerns that drainage authorities had with its current practices (relating to permitting and permission requirements for work affecting public waters). Though these bills were never withdrawn by their authors, the start of a new biennium (2019-2020) requires that they be reintroduced for consideration in the new biennium.

The DNR policy and its implementation do not adequately address drainage authority concerns. Reintroduction and approval of new legislation modeled after HF2687 and SF2419 would restate in clear terms the DNR’s role in drainage system repairs.

Ideas for how this issue could be solved:

Current issues with the DNR could be resolved through protracted litigation (least desirable course of action) or by clear legislative directive. New legislation, modeled after HF2687 and SF2419, will provide this clear legislative directive. The legislation would reinforce existing law regarding the DNR’s and the drainage authorities’ requirements when maintaining the public drainage systems.

Anticipated support or opposition from other governmental units?

All public drainage authorities (counties, watershed districts, and watershed management organizations) should support this legislation. Non-governmental environmental organizations in the state and the DNR may oppose this legislation.

This issue is of importance (Check one):

- To the entire State: _____
- Only our Region: _____
- Only our District: _____

PROPOSED 2018 MAWD RESOLUTION #8
Reinforce Existing Rights to Maintain/Repair 103E Drainage Systems
Submitted by: Rice Creek WD

WHEREAS courts have identified the rights of benefitted landowners to have public drainage systems maintained as a property right;

WHEREAS many watershed districts are 103E drainage authorities for all public drainage systems within their jurisdictional boundaries pursuant to statute chapter;

WHEREAS statute chapter 103E places an obligation on drainage authorities to maintain public drainage systems on behalf of benefitted landowners;

WHEREAS the State enacted laws related to water resources after the establishment of the public drainage systems with the commitment that these laws would not restrict existing rights to maintain public drainage systems;

WHEREAS DNR practices have departed from past policy and extended its authority by regulating, permitting and restricting drainage system repairs;

WHEREAS House File (HF) 2687 and Senate File (SF) 2419 were introduced during the 2017 legislative session to restate the protections given to drainage system repairs and were placed on hold in committee to await new DNR guidance that would address the concerns of the drainage authorities;

WHEREAS the DNR issued new guidance in February 2018 that did not address the public drainage authority concerns and has created more uncertainty, expense and delays in the public waters regulatory program and for drainage system repairs; and

WHEREAS Though HF2687 and SF2419 were never withdrawn by their authors, the start of a new biennium (2019-2020) requires that they be reintroduced for consideration in the new biennium.

THEREFORE, BE IT RESOLVED that MAWD supports legislation modeled after House File 2687 and Senate File 2419 of the ninetieth Legislature (2017-2018) reinforcing that the DNR cannot restrict existing rights to maintain and repair 103E public drainage systems.

Notes:

1. The following items are included for your review:
 - A fact sheet created by Rice Creek WD that highlights the issues
 - Letter of Support for the resolution from Sauk River WD
 - HF 2687 as introduced in the 90th legislature (Note: SF 2419 has the exact same language as HF 2687)
2. Committee Recommendation: “Approve.”

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION
H. F. No. 2687

05/18/2017 Authored by Fabian, Hamilton, Poppe, Green, Anderson, P., and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance

1.1 A bill for an act
1.2 relating to natural resources; clarifying public waters and public drainage system
1.3 laws; amending Minnesota Statutes 2016, sections 103E.701, subdivision 2;
1.4 103G.225; 103G.245, subdivision 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2016, section 103E.701, subdivision 2, is amended to read:

1.7 Subd. 2. **Repairs affecting public waters.** (a) Where as-built records, reestablished
1.8 records under section 103E.101, subdivision 4a, or prior concurrence of the commissioner
1.9 exists, the drainage authority may proceed with a drainage system repair as provided in this
1.10 section without further concurrence, review, or permission of the commissioner under
1.11 section 103E.011, subdivision 3.

1.12 (b) Where as-built records, reestablished records under section 103E.101, subdivision
1.13 4a, or prior concurrence of the commissioner does not exist, before a repair is ordered, the
1.14 drainage authority must notify the commissioner if the repair ~~may affect~~ will be conducted
1.15 in, through, or adjacent to public waters. Notice to the commissioner must include the
1.16 proposed repair design and configuration. Within 60 days of notice, the commissioner must
1.17 concur or not concur that the proposed repair is, in fact, repair as provided in this section.
1.18 Failure of the commissioner to concur or not concur with the repair design and configuration
1.19 within 60 days is deemed concurrence. If the commissioner ~~disagrees~~ does not concur with
1.20 the repair ~~depth~~ design and configuration, the engineer, a representative appointed by the
1.21 director, and a soil and water conservation district technician must jointly determine the
1.22 repair ~~depth~~ allowed under this section using soil borings, field surveys, and other available
1.23 data or appropriate methods existing records and evidence, including but not limited to
1.24 applicable aerial photographs, soil borings, test pits, culvert dimensions, invert elevations,

2.1 and bridge design records. Costs for determining the repair ~~depth~~ design and configuration
 2.2 beyond the initial meeting must be shared equally by the drainage system and the
 2.3 commissioner. The determined repair ~~depth~~ design and configuration must be recommended
 2.4 to the drainage authority. The drainage authority may accept the joint recommendation and
 2.5 proceed with the repair.

2.6 (c) The commissioner's concurrence with repair design and configuration or the drainage
 2.7 authority acceptance of a repair design and configuration recommendation under this
 2.8 subdivision constitutes permission of the commissioner under section 103E.011, subdivision
 2.9 3.

2.10 Sec. 2. Minnesota Statutes 2016, section 103G.225, is amended to read:

2.11 **103G.225 STATE WETLANDS PUBLIC WATERS AND PUBLIC DRAINAGE**
 2.12 **SYSTEMS.**

2.13 If the state ~~owns~~ has inventoried and designated public water courses, basins, or public
 2.14 waters wetlands on or adjacent to existing public drainage systems, the state shall consider
 2.15 the use of the public waters ~~wetlands~~ as part of the drainage system. If the commissioner's
 2.16 desired management or protection of public waters ~~wetlands~~ interfere with or prevent the
 2.17 authorized functioning of the public drainage system, the state shall provide for necessary
 2.18 work to allow proper use and maintenance of the drainage system while still preserving the
 2.19 public waters ~~wetlands~~.

2.20 Sec. 3. Minnesota Statutes 2016, section 103G.245, subdivision 2, is amended to read:

2.21 Subd. 2. **Exceptions.** A public-waters-work permit is not required for:

2.22 (1) work in altered natural watercourses that are part of drainage systems established
 2.23 under chapter 103D or 103E if the work in the waters is undertaken according to chapter
 2.24 103D or 103E;

2.25 (2) repair of a public drainage system lawfully established under chapters 103D and
 2.26 103E and sponsored by the public drainage authority as provided in section 103E.701;

2.27 (3) a drainage project for a drainage system established under chapter 103E that does
 2.28 not substantially affect public waters; or

2.29 ~~(3)~~ (4) culvert restoration or replacement of the same size and elevation, if the restoration
 2.30 or replacement does not impact a designated trout stream.



524 4th Street South
Sauk Centre MN 56378
Phone: (320)-352-2231
Fax: (320)-352-6455
Web: www.srwdmn.org

October 1, 2018

Minnesota Association of Watershed Districts
Attn: Resolutions Committee
18681 Lake Drive East
Chanhausen, MN 55317

Subject: Resolution Support

To Whom It May Concern,

On behalf of the Board of Managers for the Sauk River Watershed District (SRWD), I submit this letter of support for the Rice Creek Watershed District's resolution regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs.

As a MN Statute 103E Drainage Authority, the SRWD had vetted interest in HF2687 and SF2419 and believe that these bills need to be reintroduced in the new biennium to restate the protections given to drainage authorities for maintenance and repair of public drainage systems. The uncertainty that comes with performing maintenance and repair on public drainage systems creates delays and increases expense to the benefitted landowners. The level of uncertainty has increased within our district, due to our authority over drainage systems in 2 different regional DNR offices. The lack of consistency even between regional offices makes an unclear situation that much murkier.

The SRWD hopes that the Resolution Committee and the entire membership of MAWD sees the validity with Rice Creek Watershed District's resolution and moves forward with making this a priority within MAWD's legislative agenda for the 2019-2020 biennium.

Sincerely,

A handwritten signature in blue ink that reads "Scott Henderson".

Scott Henderson
District Administrator

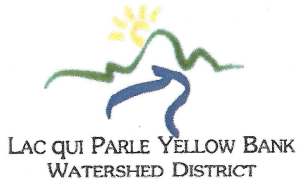
BOARD OF MANAGERS

Tyler Carlson, Dennis Ritter, Lee Bautch, Gary Barber, Duane Willenbring,
Jim Bailey, Steve Schmitt, Emily Wolf, Larry Ladwig

STAFF

Scott Henderson, Melissa Roelike, Lynn Nelson, Adam Hjelm, Sarah Jo Boser, Jon Roeschlein, Kady Krivanek

"Water Quality Is Our Concern"



*Lac qui Parle - Yellow
Bank Watershed District*
lqpybwatershed.org

Phone: 320-598-3117
320-598-3319
Fax: 320-598-3125
600 6th St #7
Madison, MN 56256

October 2, 2018


Minnesota Association of Watershed Districts
18681 Lake Drive East
Chanhassen, MN 55317

SUBJECT: Letter of Support for the Rice Creek Watershed Districts proposed resolution regarding New Legislation in the 2019-2020 Biennium Modeled After H2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs.

The Lac qui Parle-Yellow Bank Watershed District Board of Managers are writing this letter in support of a MAWD resolution submitted by the Rice Creek Watershed District regarding New Legislation in the 2019-2020 Biennium modeled after H2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs.

The Board agrees that DNR policy and its implementation do not adequately address drainage authority concerns. They also agree that reintroduction and approval of new legislation modeled after HF2687 and SF2419 (2018) would provide clear legislative directive. This legislation would reinforce existing law regarding the DNR's and the drainage authorities' requirement when maintaining the public drainage systems.

Sincerely,



Darrel Ellefson, Chairman
Lac qui Parle-Yellow Bank
Watershed District

MAWD Proposed Resolution Regarding DNR Regulatory Authority Over Public Drainage Maintenance and Repairs

THE ISSUE

Many of the state's public drainage systems were established in the late-1800s to mid-1900s. They initially tied together large areas of flat, wet ground to allow for the development of agriculture. They now serve as some of the only stormwater conveyances and outlets for many communities.

The State enacted multiple laws related to water resources after the establishment of the public drainage systems. In developing these laws, the state committed to protecting existing rights including those related to public drainage system repair and maintenance obligations. The public waters inventory was never intended to restrict the right to maintain existing drainage systems.

The legislature specifically exempted repairs from DNR permitting; gave the DNR a mechanism to ensure proposed work was repair; and directed the DNR to provide for the lawful function of public drainage systems that affected public waters.

The DNR has increasingly required permits, approvals, and conditions specifically contrary to current law. The DNR policy and its implementation do not adequately address drainage authority concerns.

BACKGROUND RELATED TO THE PROPOSED LEGISLATIVE CHANGE

Legislation is requested to restate the protections given to drainage system repairs and the DNR's role in those repairs. HF2687 and SF2419 were introduced during the 2018 legislative session to restate the protections given to drainage system repairs.

These bills were placed on hold in committee when the DNR indicated that its new guidance would address the concerns that drainage authorities had with its current practices of regulating public drainage system repairs. The guidance has not addressed drainage authority concerns and has increased the inconsistency and uncertainty around the DNR's interpretation and application of authority.

Reintroduction and approval of new legislation modeled after HF2687 and SF2419 would restate in clear terms the DNR's role in drainage system repairs.

IMPLICATIONS OF THE PROPOSED LEGISLATIVE CHANGE

- Provide clear legislative directive
- Reinforce existing laws
- Reduce uncertainty and expense to the drainage authorities and affected landowners and communities



DRAINAGE AUTHORITY EXAMPLE

The Rice Creek Watershed exists in a part of the state with severely limited water outlet capacity. Public drainage systems within the watershed were established and constructed to address this limitation. The public drainage systems are now critical infrastructure for effective stormwater management and are the only way stormwater can leave many residential and commercial areas. Restricting maintenance of these critical systems puts agriculture, development, and economic and safety interests of the public at risk.

- The planned 2018 repairs of JD 2 Br. 1/2 were delayed a construction season when the DNR asserted regulatory jurisdiction but could not identify the mechanism for approval for a three month period. To date, DNR has requested RCWD provide additional technical data three times.
- ACD 53-62 was repaired in 2014 following \$100,000 in research costs to address DNR-imposed conditions. Four years later, the DNR informed the RCWD that permission was required to complete maintenance in the same location using the same methods and imposed additional conditions upon the work. The ability to complete maintenance in the future is uncertain due to these conditions.

BACKGROUND INFO on PROPOSED RESOLUTION #9

Recommend Administrators for Clean Water Council Appointments

Proposing District: MN Association of Watershed Administrators
Contact Name: Scott Henderson
Phone Number: 320.352.2231
Email Address: scott@srwdmn.org

Background that led to submission of this resolution:

The current watershed district representative to the Clean Water Council (CWC) is not currently employed by a watershed district or a member of a watershed district board. The CWC makes recommendations to the legislature and governor on how Clean Water Funds are spent throughout the state. Watershed districts have a vested interest in how those funds are apportioned and should have a strong voice to ensure funds are spent for implementation of water quality/quantity projects. Communication between the Minnesota Association of Watershed District (MAWD) membership and the representative has been virtually non-existent. To better align with the vision of MAWD and watershed districts, the Minnesota Association of Watershed Administrators (MAWA) supports a governor-appointed representative for watershed districts but believes the representative should be an individual with ties to MAWD and its membership. MAWA advocates for a representative that supports the vision of MAWD and watershed districts.

Ideas for how this issue could be solved:

This issue of communication and influencing watershed district perspectives on the CWC could be resolved by recommending a watershed district administrator for the position, from a watershed district in good standing with MAWD. Much like the soil and waters conservation district and city representatives on the CWC, having an individual that works within a watershed district could guide recommendations that further the vision of MAWD and watershed districts. MAWA understands that MAWD is currently within a change; however, the CWC has an important function that warrants a more proactive stance and what better time to affect change than when change is occurring.

Anticipated support or opposition from other governmental units?

MAWA believes that this would be supported by SWCDs, counties and cities with local water plans and other state agencies. MAWA does not see any outside opposition to this resolution.

This issue is of importance (Check one):

- To the entire State: _____
- Only our Region: _____
- Only our District: _____

PROPOSED 2018 MAWD RESOLUTION #9
Recommend Administrators for Clean Water Council Appointments
Submitted by: MN Association of Watershed Administrators (MAWA)

NOTE: This resolution needs approval by the MAWD Board of Directors before it can come before the membership for a vote. See notes below.

WHEREAS the Clean Water Council is a 28-member council that advises the Legislature and the Governor on the administration and implementation of the Clean Water Fund;

WHEREAS the Clean Water Fund shall use priority funding as set by the Board of Water and Soil Resources for nonpoint restoration and protection;

WHEREAS the potential funding generated from Clean Water Fund appropriations could be utilized for projects at the local government level;

WHEREAS the current watershed district representative is not currently associated with a watershed district in any capacity; and

WHEREAS the appropriations are being utilized for things other than clean water implementation due to a lack of recommendations from the council in that manner.

THEREFORE, BE IT RESOLVED that MAWD asks any representative of the Clean Water Council to resign when they lose their direct association to a watershed district; and

THEREFORE, BE IT FURTHER RESOLVED that MAWD will recommend to the Governor's office that administrators in good standing with MAWD be appointed to the Clean Water Council.

Notes:

1. MAWA cannot submit resolutions on their own; but, the MAWD Board of Directors may review the resolution and move it forward for a vote by the membership. The MAWD Board will review the resolution and make a decision on how to proceed on November 29th. If approved, members will have an opportunity to vote on this resolution during the business meeting on November 30th.
2. Committee Recommendation: Committee recommends the MAWD Board move the resolution to a vote.
3. We will vote on each "THEREFORE, BE IT RESOLVED" statement separately.

2018 Proposed Changes to MAWD Bylaws

The Governance Committee reviewed both the Bylaws and the Manual of Policies and Procedures (MOPP) during the summer of 2018. In addition to cleaning up the language to make the documents consistent both internally and with each other, the committee recommends adding language to allow for Water Management Organizations (WMOs) to join MAWD with full voting rights. Dues would be set by the Board of Directors and will use the same formula as used for Watershed District Members starting in 2020. For 2019, WMOs will not see an increase in the dues they are charged to be associate members (\$500.)

The MAWD Board of Directors accepted the changes as proposed in the MOPP at the September 21st Board Meeting in Sauk Centre. The MAWD Board further recommends the changes proposed to the Bylaws as shown below.

BYLAWS

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC.

St. Paul, Minnesota

ARTICLE I.

Offices and Corporate Seal

- 1.1 Official Name. The official name of the corporation is the Minnesota Association of Watershed Districts, Inc., hereinafter referred to as MAWD.
- 1.2 Purpose. The purpose of MAWD is to provide educational opportunities, access to information resources, interface with other agencies, facilitate tours, meetings, ~~and other educational opportunities~~ and lobby on behalf of ~~watershed districts members~~. Additionally, MAWD will facilitate the exchange of information to help ~~members Watershed District Managers and Watershed staff~~ better comply with governmental regulations and laws while offering an informed interface with the community or communities being served.
- 1.3 Organized. The corporation is organized as a 501(c)(4) organization. Notwithstanding any provision of the Articles of Incorporation or Bylaws which may be interpreted to the contrary, MAWD shall not authorize or undertake any actions which jeopardize its status as a 501(c)(4) organization.
- 1.4 Office. The registered office of the corporation shall be designated by the Board of Directors.
- 1.5 Corporate Seal. The corporation shall have no corporate seal.
- 1.6 Manual of Policy and Procedures. The Board of Directors has established a management document identified as Manual of Policy and Procedures (MOPP) to support the orderly and timely details of regular operation. It may be revised at any time by a majority vote of the Board of Directors.

ARTICLE II.
Membership

- 2.1 ~~Regular Membership.~~ Each dues-paying watershed district (WD) or water management organization (WMO) duly established and in good standing pursuant to Minnesota Statutes, Chapter 103B or 103D, shall be entitled to ~~a regular~~ membership in this corporation.
- 2.2 Delegates. Alternates. When a ~~watershed district~~WD or WMO becomes a ~~regular~~ member of this corporation, it shall designate from among its managers-board members two delegates to represent it in this corporation. In addition, each ~~regular~~ member may designate alternate delegates to represent such member in the absence of any originally designated delegate. Thereafter, each ~~regular~~ member shall annually designate its delegates and alternate delegates so long as it remains a member in good standing of this corporation.
- 2.3 Termination of Membership. Any member that has failed to pay its dues ~~as provided in the Policy and Procedure Manual~~ is not in good standing and shall be stricken from the membership roll.
- 2.4 Resignation of Member. Any member may withdraw from this corporation effective immediately by notifying the secretary in writing. ~~45 days prior to the end of the fiscal year. Regardless of the date of termination, there shall be no refund of the annual dues paid by the member.~~
- 2.5 Associate Membership. The Board of Directors may from time to time extend associate membership to this corporation upon payment of dues as determined by the Board of Directors. An associate member shall not be entitled to submit resolutions, vote, or serve on the Board of Directors, but shall otherwise be afforded all the rights and privileges granted to ~~regular~~ members, their delegates and alternate delegates by law and by the Articles of Incorporation and Bylaws of this corporation.
- ~~2.6 Members or Memberships. Subject to the corporation's Articles of Incorporation and paragraph 2.5 herein, the terms "member" and "membership," or the plural of either, appearing in these Bylaws shall mean both regular members and associate members and memberships, unless a contrary meaning is clearly indicated.~~

ARTICLE III.
Meetings of Membership

- 3.1 Annual Meeting. An annual meeting of this corporation shall be held to vote for the election of the Board of Directors and to transact such other business as shall properly come before them. Notice of the time and place of such annual meeting shall be mailed, either physically or electronically, by the secretary to all members at least thirty (30) days in advance thereof.
- 3.2 Special Meeting. Special meetings of the members of the corporation shall be called by the president upon request of a majority of directors of the Board of Directors or upon the written request of one-third of the ~~regular~~ members of the corporation in good standing. This request shall be in writing addressed to the president or the secretary of the corporation. Within thirty days of receipt of said request, the Board of Directors shall, mail (either physically or electronically) notice of said special meeting to all members. This notice shall state the objective of the meeting and the subjects to be

considered.

- 3.3 Quorum. A majority of the delegates (two per ~~regular~~ member) shall constitute a quorum for the transaction of business.
- 3.4 Voting. Any action taken by the ~~regular~~ members shall be by majority vote of the delegates present unless otherwise specifically provided by these Bylaws. Each member shall be entitled to one (1) vote for each delegate present.

ARTICLE IV. Board of Directors

- 4.1 General Powers. The business activities of the corporation shall be directed and managed by the Board of Directors. ~~(hereinafter referred to as the board)~~. The Board of Directors shall be authorized to pay officers and directors of the corporation per diem allowances and expenses as may from time to time be submitted to the Board of Directors, and such other expenses as may from time to time be necessary for the furtherance of the corporation's business, consistent with the rate and provisions of watershed ~~manager board member~~ per diem allowances and expense reimbursement provided in state law. The Board of Directors is authorized to hire and/or contract for services needed.
- 4.2 Directors to be Elected by Regions. For the purpose of election of the Board of Directors, ~~the State of Minnesota is divided~~ members are grouped into three regions; three Directors shall be elected from each region, with staggered three-year terms. Members from each region shall elect one director for a three-year term at the annual meeting of the Association. No ~~Watershed District~~ WD or WMO shall have more than one ~~Manager board member~~ elected to be a Director on the Board of Directors of the Corporation. Regional caucuses shall elect a Chairman and Recording Secretary from its delegates for the purpose of its election procedure and report the election results to the Convention at a designated time.
- 4.3 Regions. ~~At the annual meeting, the delegates~~ The Board of Directors may re-align the regions or the ~~watershed districts~~ members contained therein, it being the intent and purpose that each region contain the approximate same number of ~~watershed districts~~ members. Any ~~watershed district~~ WD or WMO in Minnesota not presently a member of this corporation, upon admission to membership, will be assigned to a region by the Board of Directors. Regional membership shall be listed in the Policy and Procedure Manual.
- 4.4 Number, Qualification and Term of Office. The number of directors constituting the board shall be nine. Each director elected at the annual meeting shall be elected for a three-year term. Directors shall be on the board of a watershed member in good standing of this corporation.
- 4.5 Vacancies. If there be a vacancy among the officers of the corporation or among the directors by reason of death, resignation, termination of membership, or removal as provided by law, the Articles of Incorporation, or these Bylaws, or otherwise or for non-excused absences for three consecutive meetings, such vacancy shall be filled by the Board of Directors until the next Annual Meeting of the Association.

- 4.6 Removal of Directors by Members. At a special meeting of the Board of Directors called solely for that reason, the notice of which meeting shall have been given in writing to members of this board at least thirty days prior thereto and not more than fifty days prior thereto, a majority of the members of this board may remove one or more directors from their term of office without cause.
- 4.7 Meetings. Actions. The Board of Directors shall hold the annual meeting of the Board of Directors immediately after the annual meeting of the members of this corporation, and at such annual meeting shall elect the officers as above provided for. Regular meetings of the Board of Directors shall be held at a time and place to be fixed by resolution or adopted by the majority of the Board of Directors.

The majority of the Board of Directors shall constitute a quorum. Directors may participate and vote in Board of Directors meetings by telephone or other electronic means approved by the Board in the MOPP.

Actions may be taken by a majority vote of those Directors present or participating by telephone or other electronic means approved by the Board in the MOPP. The secretary of the board shall give written or electronic notice to each director at least ten (10) days in advance of any regular or special directors' meeting. Special meetings may be called at the discretion of the President of the board or upon demand in writing to the secretary by three (3) directors of the Board of Directors.

- 4.8 Conflicts of Interest. Members of the Board of Directors shall act at all times in the best interests of the corporation. This means setting aside personal self-interest and performing their duties in transacting the affairs of the corporation in such a manner that promotes public confidence and trust in the integrity, objectivity and impartiality of the Board. No Director shall directly or indirectly receive any profit from his/her position as such, and Directors shall serve without remuneration other than as provided in Section 4.1 of these Bylaws for the payment for reasonable expenses incurred by them in the performance of their duties. The pecuniary interests of immediate family members or close personal or business associates of a Director are considered to also be the pecuniary interest of the Director.
- 4.9 Indemnification. All directors and officers of the corporation shall be indemnified against any and all claims that may be brought against them as a result of action taken by them on behalf of the corporation as provided for and subject to the requirements of Chapter 317A of Minnesota Statutes as amended.

ARTICLE V. Board Officers

- 5.1 Officers and Duties. There shall be four officers of the board, consisting of a president, vice-president, secretary and treasurer. All officers shall be directors of the corporation. Their terms and duties are as follows:
- 5.2 President. The president shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms. The president shall have the following duties:
- Convene and preside over regularly scheduled board meetings.

- Have general powers and duties of supervision and management usually vested in the office of president.
- Appoint such committees as he/she shall deem necessary with the advice and consent of the Board of Directors.

5.3 Vice-President. The Vice-President shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms. The Vice-President shall have the following duties:

- Assume and perform the duties of the president in case of his/her absence or incapacity; and shall chair committees on special subjects as designated by the President.
- Have general powers and duties of supervision and management usually vested in the office of Vice-President.

5.4 Secretary. The Secretary shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms.

The Secretary shall be responsible for preparing and keeping all records of board actions, including overseeing the taking of minutes at all board meetings, sending out meeting announcements, distributing copies of minutes and the agenda to each board member, and assuring that corporate records are maintained.

5.5 Treasurer. The Treasurer shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms.

The treasurer shall chair the finance committee, maintain account of all funds deposited and disbursed, disburse corporate funds as designated by the Board of Directors, assist in the preparation of the budget, collect membership dues, and make financial information available to board members and the public.

ARTICLE VI.

Fiscal Year, Dues and ~~Audit~~ Annual Review of Financial Procedures

6.1 Fiscal Year. The fiscal year of the corporation shall end on September 30 each year.

6.2 Membership Dues. Dues will be determined annually by the Board of Directors as specified in the Policies and Procedures Manual.

6.3 Annual Dues. Annual dues shall be payable in ~~advance during the month of~~ January of each year. If a member's dues are not paid on or before April 30 of each year, such member's name shall be stricken from the membership roll. Reinstatement shall be upon such terms and conditions as prescribed by the Board of Directors.

The Board of Directors shall have the authority to suspend or defer dues of any newly organized ~~watershed district~~ WD or WMO that joins this association until such member ~~watershed district~~ WD or WMO is in actual receipt of its first authorized fund. The Board shall send out the annual dues statement with payment directed to the Authorized ~~District~~ Accounting firm. The Board of Directors

may consider deferring, suspending, or reducing dues on an individual case basis when an appeal is made by a ~~Watershed District member~~ because of hardship or funding problems.

- 6.4 ~~Annual~~ Audit Review of Financial Procedures. The Board of Directors of this corporation shall provide for an annual audit-review of financial procedures of all its resources and expenditures. A full report of such audit-review and financial status shall be furnished at each annual meeting of the members. This audit-review will be conducted by an auditing firm selected by the Board of Directors with experience in the field of government and water management. The audit-review results shall be furnished to all members ~~s-districts~~ within forty-five days after receipt thereof by the Treasurer.

ARTICLE VII.

Employees

- 7.1 Employees. At the discretion of and under the direction of the Board of Directors, MAWD may choose to hire and administer various employees. Their positions and job expectations shall be individually developed and included in the Policies and Procedures Manual.

ARTICLE VIII.

Resolutions and Petitions

- 8.1 Resolutions: The Chair of the MAWD Resolutions/Policy Committee will send a request for resolutions, along with a form for submission, to the membership at least 3 months prior to the annual MAWD membership meeting. Resolutions and their justification must be submitted to the MAWD Resolutions/Policy Committee in the required format at least 2 months prior to the annual MAWD membership meeting for committee review and recommendation. The committee will present these resolutions and their recommendations to the ~~MAWD~~ Board of Directors and the MAWD membership at least 1 month prior to the start of the annual MAWD membership meeting. The ~~MAWD~~ Board of Directors may make additional recommendations on each proposed resolution through its board meeting process. This same procedure will be used when policy issues are to be considered at any special MAWD membership meeting.
- 8.2 Petitions: Any member or group of members may submit to the Board of Directors at any time a petition requesting action, support for, rejection of, or additional information on any issue of potential importance to the members. Such petitions require signed resolutions from that at least 15 members ~~s watershed-districts submit the petition~~ before a Special meeting of the membership will be convened.

ARTICLE IX.

Chapters

- 9.1 Chapters. Members ~~s-Districts~~ may form chapters to further the purposes stated in Article II of the Articles of Incorporation, to carry out policies of the Board of Directors, and to suggest policies for consideration by the Board of Directors. ~~The chapters shall report on their activities at the Annual Meeting of the Association.~~

**ARTICLE X.
Rules of Order**

10.1 Rules. When consistent with its Articles of Incorporation and these Bylaws, Robert's Rules of Order shall govern the proceedings of this corporation. For consistency in operation, a copy of Robert's Rules of Order shall be available for consultation if requested at every scheduled meeting of the Board of Directors and Membership meetings.

**ARTICLE XI.
Amendments**

11.1 Amendments. These Bylaws may be amended by a majority vote of the ~~regular~~ members of this corporation only as provided below.

11.2 Annual Meeting. At the annual meeting of the ~~regular~~ members of this corporation, the Bylaws may be amended by the majority of the ~~regular~~ members present if there is a quorum at said annual meeting and due notice has been given to the membership of the changes 30 days in advance of the meeting.

11.3 Special Meeting. These Bylaws may be amended by the ~~regular~~ members at a special meeting called for that reason but only by a majority vote of the entire ~~regular~~ membership of the corporation, and only if there has been thirty days' written notice to all ~~regular~~ members of such special meeting. Such special meeting may be called upon the request of one-third of the ~~regular~~ members of this corporation by notice in writing to the secretary or president, which notice shall ask for said special meeting and shall state the proposed Bylaws changes, and upon receipt of such request, the secretary or president must send written notice of the meeting to the members of this corporation within thirty days of receipt of such request, which shall be not less than thirty days nor more than fifty days of the date of the written notice.

Riley-Purgatory-Bluff Creek Watershed District

Fund Balance Policy

Adopted as amended February 1, 2017

DRAFT Amendment October 31, 2018

I. Purpose

Pursuant to Statement No. 54 of the Governmental Accounting Standards Board concerning fund balance reporting and governmental-fund type definitions, and the recommendation of its auditor, the Riley-Purgatory-Bluff Creek Watershed District establishes specific guidelines the District will use to maintain an adequate fund balance to provide for cash-flow requirements and contingency needs because major revenue, most notably half of the District's annual levy, is received in the second half of the District's fiscal year.

The policy also establishes specific guidelines the District will use to classify fund balances into categories based primarily on the extent to which the District is legally required to expend funds only for certain specific purposes.

II. Classification of Fund Balances, Procedures

1. Nonspendable

- This category includes funds that cannot be spent because they either (i) are not in spendable form or (ii) are legally or contractually required to be maintained intact. Examples include inventories and prepaid amounts.

2. Restricted

- Fund balances are classified as restricted when constraints placed on those resources are either (i) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (ii) imposed by law through constitutional provisions or enabling legislation.

3. Committed

- Fund balances that can only be used for specific purposes pursuant to constraints imposed by action of the District Board of Managers. The committed amounts cannot be used for any other purpose unless the District removes or changes the specified use by taking the same type of action it employed to commit those amounts.
- The Board of Managers will annually or as deemed necessary commit specific revenue sources for specified purposes by resolution. This action must occur prior to the end of the reporting period, but the amount to be subject to the constraint may be determined in the subsequent period.

- The Board of Managers may remove a constraint on specified use of committed resources by resolution.

4. Assigned

- Amounts for which a specified purpose has been stated, but are neither restricted nor committed. Assigned fund balances include amounts that are intended to be used for specific purposes.
- In adopting this policy, only the District board of managers has the authority to assign and remove assignments of fund balance amounts for specified purposes.
- *Working capital.* The District will endeavor to maintain an unassigned fund balance of an amount not less than 50 percent of the next year's budgeted expenditures for working capital. This will assist in maintaining an adequate level of fund balance to provide for cash-flow requirements and contingency needs because major revenues, including property taxes and other government aids are received in the second half of the District's fiscal year.
- A negative residual amount may not be reported for restricted, committed, or assigned fund balances.

III. Monitoring and Reporting

The District administrator will annually prepare a report on the status of fund balances in relation to this policy and present the report to the District managers in conjunction with the annual audit report to the State of Minnesota.

When both restricted and unrestricted resources are available for use, it is the District's general policy to first use restricted resources, then use unrestricted resources as needed. When committed, assigned or unassigned resources are available for use, it is the District's general policy to use resources in the following order; 1) committed 2) assigned and 3) unassigned.

Riley-Purgatory-Bluff Creek Watershed District

Internal Controls and Procedures for Financial Management

Adopted July 2, 2014

DRAFT Amendment October 31, 2018

This policy is adopted to provide the Riley-Purgatory-Bluff Creek Watershed District (District) with written internal controls and procedures for financial management. Adherence to this policy and procedures will ensure that the District's finances are managed in accordance with generally accepted accounting principles and best practices, and will minimize District administrative costs.

I. **Annual budget.** The administrator annually develops a proposed budget for presentation to the Board of Managers for review. After adjustments as directed by the Board, the District schedules and issues appropriate notice for a public hearing on the proposed budget. Following the public hearing but before September 15 each year, the Board of Managers adopts the annual budget and levy and certifies it to the Hennepin and Carver County auditors. Pursuant to the Truth in Taxation law, after November 15 the Board of Managers holds a further informational public meeting to consider any further public comments on the budget and levy, and may adopt a reduced levy for certification to the county auditors no later than December 28.

- a. Amounts in any approved budget category may not be reallocated or exceeded by more than 10 percent of the total program/project amount without approval of the Board of Managers.
- b. Actual expenditures may not materially deviate from the amount in an approved budget category.

II. **Annual financial statements.** Annual financial statements are accepted by the Board of Managers, then submitted to the Board of Water and Soil Resources and the Office of the State Auditor within 180 days of the end of each fiscal year.

- a. In preparation for the annual audit of the District finances, the administrator prepares the following documents:
 - i. Copies of approved budgets and all budget amendments;
 - ii. Detailed general ledger (through year-end);
 - iii. Bank reconciliation and bank statements;
 - iv. Copies of disbursements and receipts;
 - v. Copy of tax (levy) settlements from Hennepin County;
 - vi. Copy of certification levy;
 - vii. Listing of accounts payable and copies of signed checks;
 - viii. Grant and other funding agreements;
 - ix. List of capital assets, showing all deletions and additions;

- x. Copies of invoices;
 - xi. Approved minutes.
- b. The administrator annually presents the audit for acceptance to the Board of Managers at a monthly meeting.

III. Monthly financial management protocols.

- a. The District contracts with a certified public accountant to reconcile the checking accounts and investment funds of the District.
- b. The administrator receives monthly bills and invoices at the District office.
- c. The administrator is responsible for deposit of checks or cash received at the District.
- d. The administrator creates an Excel spreadsheet listing vendor, invoice number, invoice amount and general ledger coding; a list of deposits with coding and a list of credit card charges with coding, and emails this information to the accountant.
- e. The accountant prepares checks pursuant to these recommendations to pay the monthly bills.
- f. Payroll is processed through a third party payroll service. The administrator submits employee hours to the payroll service for each pay period. The payroll service prepares payroll on a semi-monthly basis by direct deposit and is responsible for all tax filing requirements, tax forms, and PERA payments or filing requirements.
- g. The accountant prepares a monthly treasurer's report that includes a listing of bills to be paid and tracks account balances. The accountant also prepares an internal report for the treasurer.
- h. The administrator reviews the treasurer's report and distributes the report to the Board of Managers for the review prior to the Board's monthly meeting.
- i. The treasurer also reviews the bills to determine whether to recommend payment. All bills are available for review by any member of the Board of Managers on request.
- j. At the monthly Board meeting, the treasurer presents the treasurer's report. The Board of Managers receives and discusses, as necessary, the

treasurer's report, accepts the treasurer's report, then authorizes payment of the monthly bills as presented in the check register.

- k. Following Board authorization to pay the bills, the administrator mails payment to vendors as authorized.

IV. Spending Authority. All expenditures by the District must be approved in advance by the Board, except that the Board by resolution may delegate to the administrator the authority to bind the District, with or without countersignature, to a purchase of goods or services, or to enter into a contract for same, when the cost thereof does not exceed \$10,000 or under other specified conditions.

- a. The Board has authorized the administrator to expend up to \$5,000 on a single purchase without prior Board approval and affirms that authority in adopting this policy.
- b. The administrator may not purchase any real estate or easements on real estate without prior authorization for the Board of Managers.

V. Banking

- a. The District maintains a current signature card at the depository bank.
- b. The administrator and treasurer may transfer funds between District accounts and may deposit funds into District accounts.
- c. Cash withdrawals from District accounts are prohibited.
- d. The administrator, in consultation with the treasurer, is authorized to invest District funds in accordance with Minnesota Statutes chapter 118A and the District's Investment and Depository Policy.
- e. All deposits to District accounts must be made intact, and the District's bank is instructed not to return cash from a deposit to a District account.

VI. Checking

- a. The administrator is not an authorized signatory of District checks.
- b. All checks, drafts or other orders for the payment of money, notes or other evidence of indebtedness issued in the name of the District shall not be valid unless signed by two managers, except that a check, draft or other order for payment of less than \$100 is valid with one manager's signature.

VII. Credit card use. The administrator is authorized to incur charges to the District credit card, with a maximum single charge of \$5,000 and allowable billing-period

maximum charges totaling \$10,000.

- a. A receipt must be obtained for all District credit card purchases. Credit card purchases for which a detailed receipt is not provided must be reimbursed by the individual making the purchase.

VIII. Reporting

- a. All expenditures and investments, receipts and disbursements made must be compiled for presentation to the Board of Managers by the treasurer in a timely manner.
- b. The annual audit will be filed with the Board of Water and Soil Resources and the Office of the State Auditor within 180 days of the end of the District's fiscal year (January 1 – December 31), as well as the Special District Financial Reporting Form to the Office of the State Auditor.
- c. The administrator and treasurer will regularly review relevant records and documents for any of the following, and report to the treasurer (for the administrator) or the Board of Managers (for the treasurer) any of the following if found:
 - i. Unusual or unexplained discrepancy between actual performance and anticipated results (costs in a general expense categories well beyond the budgeted amount);
 - ii. Receipts that do not match deposit slips;
 - iii. Disbursements to unknown and/or unapproved vendors;
 - iv. A single signature on a check or pre-signed blank checks;
 - v. Gaps in receipt or check numbers;
 - vi. Late financial reports;
 - vii. Disregard of internal control policies and procedures.

IX. Depositories and collateralization. In accordance with state law, the District names an official depository or depositories at its January meeting each year (depository bank(s)). In the event the Board of Managers does not designate a depository in any particular year, the last-designated depository will continue in that capacity. Each depository bank provides the District with a proof of collateralization in accordance with state law (Minnesota Statutes section 118.03) for an amount equal to the amount on deposit at the close of the depository bank's banking day beyond the amount covered by federal insurance, if any. The collateral provided by each depository bank will be maintained in an account in the trust department of a bank or other financial institution not owned or controlled by the same (depository) bank or in a restricted account at a federal reserve bank. *[See DRAFT Investment and Depository Policy]*

X. Financial Assurances and Abandoned Property. See District Policy for

Management of Financial Assurances and Abandoned Property, adopted
November 21, 2012.

XI. Miscellaneous

- a. The District will not maintain a petty cash fund.
- b. The District will not accept cash (currency) in excess of \$100 in payment of permit fees or financial assurances.
- c. The District will not cash personal or third-party checks.
- d. The administrator must not fail to insure District property against theft and casualty loss.

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT

INVESTMENT AND DEPOSITORY POLICY

DRAFT October 31, 2018

1. PURPOSE

The purpose of this policy is to establish the Riley Purgatory Bluff Creek Watershed District's investment objectives, establish specific guidelines that the District will use in the investment of funds, and establish District depository policy. It will be the responsibility of the District administrator to invest District funds in order to attain a market rate of return while preserving and protecting the capital of the overall portfolio and to ensure compliance with District policy and with statutory requirements applicable to the District's designation a depository financial institution. Investments will be made in compliance with statutory constraints and in safe, low-risk instruments that are approved by the RPBCWD Board of Managers.

2. SCOPE

This policy applies to all financial assets of the District.

3. SPECIFIC REVENUE SOURCES AND POOLING OF FUNDS

The District will report proceeds of specific revenue sources as restricted, committed or assigned for specific purposes, as applicable, and maintain its budget and accounts in a manner consistent with these designations. Except for cash in these certain restricted, committed and assigned funds, the District will consolidate cash and reserve balances from all funds to maximize investment earnings and increase efficiencies with regard to investment pricing, safekeeping and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

4. DESIGNATION OF DEPOSITORY AND COLLATERALIZATION

The District Board of Managers annually will designate a financial institution or institutions in the State of Minnesota as the depository of District funds. In the event the Board of Managers does not designate a depository in any particular year, the last-designated depository will continue in that capacity. Each depository will furnish collateral, as necessary, in the manner and to the extent required by Minnesota Statutes Section 118A.03, as it may be amended, and other applicable law. Collateral will be held in safekeeping in compliance with Section 118A.03, as it may be amended.

5. DELEGATION OF AUTHORITY

Minnesota Statutes Section 118A.02 provides that the governing body may authorize the treasurer or chief financial officer to make investments of funds under Sections 118A.01 to 118A.06 or other applicable law. Pursuant to Article VI of the District Bylaws and Governance Policies: Executive Limitations Policy 6, Asset Protection, the Board of Managers authorizes the District administrator to invest District funds pursuant to this policy and state law for the District.

The District administrator shall assure compliance with this policy and further develop and maintain adequate controls, procedures, and methods assuring security and accurate accounting on a day-to-day basis.

6. OBJECTIVES

At all times investments of the District shall be made and maintained in accordance with Minnesota Statutes Chapter 118A as it may be amended. The primary objectives of the District investment activities shall be in the following order of priority:

A. SECURITY

Security of principal is the foremost objective of the investment portfolio. Preserving capital and protecting investment principal shall be the primary objective of each investment transaction. Specific risks will be managed as follows:

Credit Risk. Credit risk is the risk of loss due to failure of the security issuer or backer. Designated depositories will have insurance through the Federal Deposit Insurance Corporation or the Securities Investor Protection Corporation. To ensure security when considering an investment, the District will cross-check all depositories under consideration against existing investments to make certain that funds in excess of insurance limits are not deposited with the same institution unless collateralized as outlined herein. Furthermore, the Board of Managers will approve all financial institutions, brokers and advisers with which the District will do business.

Concentration of Credit Risk. The District will diversify its investments according to type and maturity. The District portfolio, to the greatest extent feasible, will contain a mixture of short-term (shorter than one year) and long-term (more than one year) investments. The District will attempt to match its investments with anticipated cash-flow requirements. Extended maturities may be utilized to take advantage of higher yields.

Interest Rate Risk. Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in general interest rates. The District will minimize interest rate risk by structuring its investment portfolio to ensure that securities mature to meet cash requirements for ongoing operations, thereby

avoiding the need to sell securities on the open market prior to maturity.

Custodial Risk. The District will minimize deposit custodial risk, which is the risk of loss due to failure of the depository bank (or credit union), by obtaining collateral for all uninsured amounts on deposit, and by obtaining necessary documentation to show compliance. (See section III.)

B. LIQUIDITY

The investment portfolio shall remain sufficiently liquid to meet projected disbursement requirements. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands. Generally, investments will have short terms and/or “laddered” maturities so that funds become available on a regular schedule. Liquid funds will allow the District to meet possible cash emergencies without being significantly penalized on investments.

C. RETURN ON INVESTMENT

The investment portfolio shall be designed to manage the funds to maximize returns consistent with items A and B above and within the requirements set forth in this policy. Subject to the requirements of the investment objectives herein, it is the policy of the District to offer financial institutions and companies within the District the opportunity to bid on investments; the District will seek the best investment yields.

7. PRUDENCE

The “prudent person” standard shall be applied in managing District investments. All investment transactions shall be made in good faith with the degree of judgment and care, under the circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of their own affairs, in accordance with this policy.

8. ELIGIBLE INVESTMENTS

All investments shall be in accordance with Minnesota Statutes section 118A.04.

9. INVESTMENT RESTRICTIONS

In addition to statutory prohibitions, investments specifically prohibited are derivative products, structured notes, inverse index bonds, repurchase agreements not authorized by statute, and other exotic products.

10. SAFEKEEPING

District investments, contracts and agreements will be held in safekeeping in compliance with Minnesota Statutes Section 118A.06. In addition, before accepting any investment of District funds and annually thereafter, the supervising officer of the financial institution serving as a broker for the District shall submit a certification stating that the officer has reviewed the District Investment and Depository Policy and incorporated statement of investment restrictions, as well as applicable state law, and agrees to act in a manner consistent with the policy and law. The District will annually will provide the policy, as it may be amended. The certification shall also require the supervising officer to disclose potential conflicts of interest or risk to public funds that might arise out of business transactions between the firm and the District. All financial institutions shall agree to undertake reasonable efforts to preclude imprudent transactions involving the District funds.

11. CONFLICT OF INTEREST

Any District manager or staff member involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair his/her ability to make impartial investment decisions.

12. INTERNAL CONTROLS AND REPORTING

Internal controls are designed to prevent loss of public funds due to fraud, error, misrepresentation, unanticipated market changes, or imprudent actions. Before the District invests any surplus funds, competitive quotations shall be obtained. If a specific maturity date is required, either for cash flow purposes or for conformance to maturity guidelines, quotations will be requested for instruments which meet the maturity requirement. The District will accept the quotation which provides the highest rate of return within the maturity required and within the limits of this policy.

The District administrator shall be limited to investing funds for up to a maximum term of seven years. The District administrator shall request approval from the District Board to authorize investment of funds for terms exceeding seven years.

Monthly, the District administrator shall provide an investments report to the District Board. Investments shall be audited and reported with financial statement annually. It shall be the practice of the District Board to review and amend the investment policy from time to time as needed.

RPBCWD Tentative 2019 Board of Managers Calendar

Wednesday January 2

Wednesday February 6

Wednesday March 6

Wednesday May 1

Wednesday June 5

Wednesday July 10 (not July 3rd)

Wednesday August 7

Wednesday September 4

Wednesday October 2

Wednesday November 6

Tuesday December 3 (tentative Annual meeting MAWD 5-7)