



8 Administrator – and directing the matter to the Personnel Committee to discuss along with  
 9 comments from Manager Koch. Manager Ziegler requested removing item 6b – Accept  
 10 September Engineer’s Report – from the Consent Agenda. Manager Koch requested removing  
 11 items 6a – Accept September Staff Report – and 6c – Accept September Construction Report.  
 12 Managers Ziegler and Pedersen accepted the friendly amendments.

13 Upon a roll call vote, the motion carried 5-0 as follows:  
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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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**3. Matters of General Public Interest**

17 Mr. Robert Erickson said he would like to participate in the discussion of agenda item 71 –  
 18 Consider Request for Partnership with Private Property Owners for Repair of Culvert Under  
 19 Private Drive. The Board agreed he could.

**4. Reading and Approval of Meeting Minutes**

20 **a. September 1, 2021, RPBCWD Board of Managers Regular Meeting, Including**  
 21 **September 14<sup>th</sup> Continuance**  
 22 Manager Crafton moved to approve the minutes of the September 1<sup>st</sup> Board of Managers  
 23 Regular Meeting Including September 14<sup>th</sup> Continuance. Manager Crafton seconded the  
 24 motion. Manager Ziegler commented that in the September 14<sup>th</sup> meetings, line 1 should  
 25 note the meeting continuation was a special meeting, and on line 52, the word “into”  
 26 should be inserted before “the District’s Reserve Fund.” He said that in the September 1<sup>st</sup>  
 27 minutes, line 25 should identify the items moved from the Consent Agenda to Action item  
 28 8a. He commented that on line 36, the word “culvert” should be replaced with “Watershed  
 29 District.” Manager Pedersen noted the word “at” should be removed on line 293 in the  
 30 September 1<sup>st</sup> minutes.

31 Upon a roll call vote, the motion carried 5-0 as follows:  
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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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**5. CAC**

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Ms. Michelle Frost reported on the CAC’s September 20, 2021, meeting. She described the CAC’s discussion about the District’s permit rules and how the rules are the same or different from other watershed districts. Ms. Frost said the CAC would like information about other District’s permit rules to be able to ascertain if the District is up-to-date with its rules and regulations.

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Ms. Forbes noted the next CAC meeting will be held in November. President Ward said once the meeting is set, the managers will figure out who will attend as the Board representative.

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There was discussion about information staff could provide to the CAC about other watersheds’ rules and regulations. Administrator Jeffery said there is a spreadsheet of the different watershed management entities and municipalities and their rules and regulations. He said it needs updating, but it wouldn’t take too much work to do so. The Board directed staff to update the spreadsheet and to provide the updated information to the managers and the CAC.

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**6. Consent Agenda**

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Manager Ziegler moved to accept the Consent Agenda as amended earlier in the meeting. Manager Pedersen seconded the motion. Manager Koch made the friendly amendment that the adoption of the Consent Agenda is adoption of those proposals with respect to the permits. Managers Ziegler and Pedersen accepted the friendly amendment. The Consent Agenda included item 6e - Approve Permit 2021-046 Crossroads of Chanhassen as Presented in the Proposed Board Action Section of the Permit Review Report, 6f – Approve Permit 2021-051- Eagle Bluff as Presented in the Board Action Section of the Permit Review Report, and 6g – Approve Payment Application #3 for the Duck Lake Watershed Rain Garden Construction Project.

Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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**7. Action Items**

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**a. Items Pulled from Consent Agenda**

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**i. Accept September Staff Report**

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Manager Koch asked staff questions such as the status of the Redpath contract, if there is a summary of the administratively approved permits, if there is a report available about cost-shares that have been approved and their status, what service learners/community engagement learners are, District rain measurements, status of the St. Hubert’s project, and what Project WET certification means. Staff responded to Manager Koch’s questions.

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Manager Koch moved to accept the staff report. Manager Pedersen seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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**ii. Accept September Engineer’s Report**

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Manager Ziegler requested clarification about the comment on the Duck Lake Road project and the reason for not changing the outlet elevation. Interim Administrator Jeffery reported the DNR’s position is that if a water level has been in existence for a period of time, it is considered the new normal water

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77 elevation. Manager Ziegler pointed out the elevation level was changed by the  
 78 City in a project four years ago, and the DNR had been notified at that time.  
 79 Interim Administrator Jeffery said he can bring this information to Jack Gleason  
 80 at the DNR for a response. Manager Ziegler moved to accept the Engineer’s  
 81 Report as written. Manager Pedersen seconded the motion.

82 Manager Koch asked about a manufactured device guidance document referred  
 83 to in the report. Interim Administrator Jeffery said Barr Engineering prepared  
 84 that document. Engineer Sobiech provided more details about the 60-70 page  
 85 document of frequently asked questions and answers, which is available on the  
 86 District website. Manager Koch asked about the status of the cooperative  
 87 agreement with Bearpath, and Interim Administrator Jeffery gave an update.  
 88 Manager Koch asked for more information about the pond dredging mentioned  
 89 in the report, and Interim Administrator Jeffery responded.

90 Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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93 **iii. Accept September Construction Inspection Report**

94 Manager Koch moved to accept the September Construction Inspection Report.  
 95 Manager Crafton seconded the motion. Upon a roll call vote, the motion carried  
 96 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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**b. Accept August Treasurer’s Report**

Manager Crafton stated the report has been reviewed in accordance with internal controls and procedures. She moved to accept the Treasurer’s Report. Manager Ziegler seconded the motion. Manager Koch said he has a copy from Interim Administrator Jeffery of the internal report, and he asked about reference to July accounts payable. Manager Crafton said it means the payments haven’t yet cleared through the bank. Manager Koch stated he will vote against accepting the report because he has an issue with recording items as the vendor being the credit card as opposed to the actual vendor because he doesn’t think it is an appropriate accounting practice.

Upon a roll call vote, the motion carried 4-1 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	No
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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**c. Approve Paying of Bills**

Manager Crafton moved to pay the bills. Manager Ziegler seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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**d. Consider Variance Request from Provision of Compensatory Storage +/- One-Foot of Elevation for Permit 2020-073 Welter’s Way Streambank Stabilization.**

Engineer Sobiech shared a presentation about the permit review for 2020-073 Welter’s Way Streambank Stabilization. He described the site and summarized the proposed

120 project to restore approximately 160-feet of streambank along Purgatory Creek.  
 121 Engineer Sobiech presented the permit compliance summary. He talked about the  
 122 variance request from the District’s Rule B, subsection 3.2, from providing the  
 123 compensatory storage +/- one foot in elevation relative to fill. Engineer Sobiech went  
 124 through his review of the variance request, criteria, and the analysis summary. He stated  
 125 the engineer finds there is an adequate technical basis for the managers to rely on to  
 126 grant the requested variance from the compensatory storage requirement.

127 Manager Ziegler moved to approve the variance request for permit 2020-073 Welter’s  
 128 Way Streambank Stabilization based on staff review and recommendation. Manager  
 129 Pedersen seconded the motion. Manager Crafton commented that the fescues and any  
 130 other proposed vegetation should be deep-rooted vegetation. Manager Koch had  
 131 questions about the project’s selected location and water flow velocity, and Mr. Sejkora  
 132 and Engineer Sobiech responded.

133 Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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137 **e. Consider Permit 2020-073 Welter’s Way Streambank Stabilization as**  
 138 **Presented in the Proposed Board Action Section of the Permit Review**  
 139 **Report.**

140 Manager Koch moved to adopt the proposed Board resolution set forth in the permit  
 141 review report, as set forth on page 1, to approve Permit 2020-073 Welter’s Way  
 142 Streambank Stabilization. Manager Ziegler seconded the motion. Upon a roll call vote,  
 143 the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye

Pedersen	Aye
Ward	Aye
Ziegler	Aye

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**f. Consider Variance Request from Minimum Buffer Width for Permit 2020-068 Erhart Farm**

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Manager Ziegler moved to approve the variance request for Permit 2020-068 based on staff review and recommendation. Manager Pedersen seconded the motion. Manager Koch asked clarifying questions about the buffer and the plan to fill in the wetland. Manager Crafton said she hopes the design will include robust vegetation. Engineer Sobiech said that is what he is seeing from the design plans. Manager Crafton asked for more details about the conservation easement. Engineer Sobiech said the wetland buffer will be recorded on the property and will be maintained as natural vegetation into perpetuity. He provided details about the proposed conservation easement in a certain portion of the project.

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Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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**g. Consider Permit 2020-068 Erhart Farm as Presented in the Proposed Board Action Section of the Permit Review Report**

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Manager Ziegler moved to approve Permit 2002-068 as presented. Manager Crafton seconded the motion. Manager Koch offered the friendly amendment to adopt the proposed resolutions as set forth on page 1 of the Engineer’s report on this permit. Managers Ziegler and Crafton accepted the friendly amendment. Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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**h. Consider Silver Lake Contract with Molnau Trucking**

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Interim Administrator Jeffery summarized the background and current situation with Molnau Trucking on the Silver Lake project. Attorney Smith addressed the legal agreement between the District and Molnau Trucking and actions the Board can consider taking. He said the proposed resolution included in the Board packet would authorize and direct Interim Administrator Jeffery with assistance of legal counsel to begin the process of issuing the notice to declare default. Attorney Smith said the Board could delegate Interim Administrator Jeffery to make the judgement of if and when to begin the process of issuing the notice to declare default. Attorney Smith said the District gave Molnau Trucking the notice to proceed on May 21<sup>st</sup> and to date no equipment has touched the site, so the contractor has had fair opportunity to perform.

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Manger Koch moved to adopt the recitals and the resolution provided by staff Jeffery and Legal Counsel with the change that line 2 of the resolution be changed to hereby authorizes the Interim Administrator, in order to provide staff Jeffery and legal counsel the option not to do anything if they feel Molnau Trucking will comply. Manager Pedersen seconded the motion. The Board and staff discussed that it should be made clear to the contractor that moving a piece of equipment onto the site and having it sit there is not acceptable.

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Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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**i. Consider COVID memo presented by Larry Koch**

Manager Koch provided comments about his memo proposing a policy of requiring District employees to be vaccinated, providing for medical exceptions, and he shared his opinion about vaccinations. Attorney Smith said it’s in the Board’s authority to adopt the policy, and it’s not a requirement for the Board to adopt it, but it is within the Board’s discretion to do so.

Manager Koch moved to adopt the resolution set forth in his memorandum dated August 25, 2021, with two exceptions: in paragraph 4, both instances of September 15, 2021, being changed to October 15, 2021. Manager Pedersen seconded the motion. Manager Ziegler asked staff to provide the resolution number. Interim Administrator Jeffery responded this is Resolution 2021-111.

Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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**j. Consider Legal Review memo presented by Larry Koch**

Manager Koch moved to adopt the resolution set forth in his December 25, 2020, memo asking Smith Partners to conduct a legal review for \$5,000 and with the changes to the date in items 2 and 5 to 2022. The motion died due to lack of a second.

**k. Consider MAWD Resolutions**

Interim Administrator Jeffery reported the deadline to submit resolutions to MAWD was October 4, but he informed MAWD the Board would be discussing resolutions at today’s monthly meeting.

Manager Koch moved to forward to MAWD the proposed resolution staff prepared regarding proposed legislative changes for interactive meetings and the resolutions this Board proposed last year, including the resolution about insecticides, the resolution about wake boats, and the resolution about soil health. Manager Ziegler seconded the motion. Manager Crafton made a friendly amendment to remove the resolution about soil health because it was adopted by MAWD last year. The amended motion was accepted by unanimous consent.

220 Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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223 **I. Consider Request for Partnership with Private Property Owners for Repair**  
 224 **of Culvert Under Private Drive**

225 Interim Administrator Jeffery displayed a map showing the Riley Purgatory Bluff Creek  
 226 watershed boundary. He provided history about the concerns raised by resident Robert  
 227 Erickson, on behalf of the property owner, about the condition of a culvert that crosses a  
 228 private drive. Interim Administrator Jeffery summarized information the City of Eden  
 229 Prairie provided Mr. Erickson and communications he, Interim Administrator Jeffery,  
 230 has had with Mr. Erickson. Interim Administrator Jeffery talked about property owners  
 231 and easements. He said that in this case the benefitting property owners are not within  
 232 the Riley Purgatory Bluff Creek Watershed and the crossing itself is private, so he is  
 233 wondering the managers thoughts about the District participating in a project. Interim  
 234 Administrator Jeffery said a project would benefit the resource, Riley Creek, so he is  
 235 wondering about the Board’s opinion about this project as a grant project.

236 Mr. Robert Erickson summarized his history with this culvert on the Doyle’s property  
 237 and actions he is requesting the District consider.

238 Manager Koch remarked that this is a private road and putting money into private  
 239 property without a clear need to do something with that portion of the creek makes it  
 240 about impossible for him to agree to pursuing this project. He said the culvert is  
 241 functioning and the report provided states there isn’t obvious erosion on either side, and  
 242 the location isn’t identified in the District’s CRAS. Manager Koch said it should be  
 243 incumbent on the land owner to make the case for the District to be involved, and he  
 244 added that the District has a grant program. Manager Koch said the District should do  
 245 what it would need to do to include these properties in the watershed district. Manager  
 246 Crafton said she could see the District meeting with the City of Eden Prairie and the  
 247 property owner to discuss the City including the culvert into the City’s road project if it  
 248 would mean improvements for the creek.

249 The Board was in consensus that it wasn’t going to act on this matter. Mr. Erickson  
 250 asked if the District would encourage the City of Eden Prairie and the DNR to use him

251 as a resource. Manager Pedersen recommended Mr. Erickson and the property owners  
252 go directly to the City of Eden Prairie. Mr. Erickson said he will reach out to the City of  
253 Eden Prairie and thanked the Board.

## 8. Discussion Items

### 254 a. Attorney Report

255 No attorney report.

### 256 b. Administrator Report

257 No administrator report.

### 258 c. Manager Report

259 Manager Koch asked for an update on staff follow ups about the three permitting issues  
260 on Lotus Lake. He asked for a copy of the minutes of the Personnel Committee.

261 Administrator Jeffery provided an update for two of the three permitting issues and said  
262 he will bring one of the items back in November.

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## 9. Upcoming Board Topics

264 President Ward went through upcoming Board agenda topics.

## 10. Upcoming Events

265 President Ward described upcoming District events as listed on the meeting agenda.

## 11. Adjournment

266 Manager Pedersen moved to adjourn the meeting. Manager Koch seconded the motion. Upon a  
267 roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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270 The meeting adjourned at 9:18 p.m.

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Respectfully submitted,

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David Ziegler, Secretary

In attendance: Terry Jeffrey, Amy Bakkum, Jill Crafton, Dorothy Pedersen

Items Discussed:

1. Reviewed the current organization structure of the District—structure is as reviewed last year. New staff discussion, including the addition of Liz Forbes as Grant Coordinator, and Eleanor Mahon as E&O Coordinator. Some discussion of potential changes and additions that may be needed in 2022 and beyond in Communications area.
2. Discussion of Master Water Steward program, who will coordinate and how to use them to supplement the district's work load. Recruitment efforts for remainder of the year for the program were also discussed.
3. Discussion of the need for an updated job description for District Administrator and posting. Terry will get us an updated description with staff input for our next meeting. Potential help from an HR consultant to recruit/screen—League of MN Cities, Sarah Noah, Barb Strandell or Sharon Klumpp were mentioned. Dorothy will reach out to Sharon to see if she's available, as she does have a new work assignment at Baker Tilly.
4. Personnel Handbook is currently on hold until things settle down after new hires and the busy season. Jill felt we cannot give the Handbook a rubber stamp—it must be a fully developed and implemented policy.
5. Review of personnel grievance process: how to handle staff issues with number of requests and time constraints. Terry should feel comfortable having the Personnel Committee as a sounding board for himself and all of the staff. There are an increasing number of data requests that may require additional staff to address; Terry will monitor with the possibility of an increase of cost due to staff salary/benefits for new staff; he may include cost in the 2022 budget.

Next Personnel Committee: TBD

In attendance: Terry Jeffery, Amy Bakkum, Jill Crafton, Dorothy Pedersen, Liz Forbes

Items Discussed:

1. Review of Personnel Committee minutes from last meeting; no changes.
2. Discussion of DA job description: We agreed to use the Baker-Tilly description with modifications, completed in July 2019. Added to the description was knowledge of data practices/open meeting law, as well as emphasizing a more holistic communications program; change education to Bachelor's degree necessary, with Masters preferred. Dorothy will make changes and submit for Board approval at next meeting. The job description Terry submitted will be used to format a work plan, since it's very detailed; Barr has used a work plan format in the past that we can use as a template. Terry will follow up with Scott.
3. The recruitment process was discussed, using a format suggested last February by Dorothy. Discussion ensued about the best use of everyone's time, but incorporating input from the BOM and RPBCWD staff. It was agreed we'd recommend the hire of an HR consultant to help with the process, maximum \$5000 fee. Sharon Klumpp, Sarah Noah and the League of MN Cities would be the first contacts to find the consultant. The committee recommends the first round of interviews by conducted by the HR Consultant, Scott Sobiech, and Dorothy Pedersen (representing the BOM). The next round of interviews would be with the BOM and separately with the RPBCWD staff.
4. DA job posting: possible outlets for the job could be posted through MAWA, BWSR, MAWD; possibly the League of MN Cities, DNR? MPCA? The consultant should be able to assist with where to post the job.
5. Discussion ensued about the on-boarding process for the DA—who do they need to meet, etc. after hire. We will discuss further when the HR Consultant is hired.
6. The annual benefits review is due for 2022; Terry/Amy will arrange a meeting with Ken to review the benefits package. That info will be used as part of the recruiting process.

Next Personnel Committee: TBD, based on availability and schedules.

District Administrator

Department/Division: Administration

FLSA Status: Exempt

### **General Definition of Work**

Performs complex executive work responsible for implementation of the District's Mission and goals, representing the District's interest with citizens, partners and stakeholders, overseeing the administration of the District programs and services, partnering with the Board of Managers to lead and coordinate the annual and long range budgets, strategies and priorities, and related work as apparent or assigned. Work involves setting policies and goals under the direction of the Board of Managers. Organizational supervision is exercised over all personnel with the organization.

### **Qualification Requirements**

*To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skill and /ability required. Reasonable accommodations may be made to enable an individual with disabilities to perform the essential functions.*

### **Essential Functions**

Oversees District programs and project implementation; supervises staff.

Participates in regular and special Board meeting; ensures implementation of Board policy; promptly and regularly informs Board of all matters of importance in the affairs of the District, recommend and/or indicates an appropriate course of action, or obtains Board guidance, policy interpretation or decisions as necessary; communicates with the Board promptly as to their direction, clarifies if necessary and follows through.

Recommends goals, programs, policies and priorities to the Board of Managers to ensure prudent use and management of water and related land resources in the District. Provides staff leadership for strategic planning and other business processes the District engages in.

Proposes the annual work plan, budget, contract renews, and District projects, communicates work plan items in the staff report and keeps Board informed of progress regularly; ensures completion of prior year's performance goals; directs and oversees the implementation of the Watershed Management Plan.

Manages District budgets and finances to ensure that resources are available to accomplish District goals and objectives and to maintain financial stability; manages District investments; coordinates with staff the District's annual report on activities and financial audit, and ensure

these reports meet statutory requirements. Manages District properties, including fleet, real estate, office lease and contents.

Manages research program with third parties and implements in-lake water quality projects; coordinates with partners, secures permits as necessary and reports as necessary; participates on Technical Environmental Panel, and research committees; coordinates research projects with partners and report to Board and partners progress and finding.

Oversees grant applications, executes grants with Board approval, tracks grant expenses, submits reporting as required. Invoices partners as per agreements.

Implements Human Resources programs. Creates an environment which encourages employee development, retention and accountability for performance; monitors and evaluates the performance of employees, explains policies and procedures, determines training needs and creates an atmosphere in which employees are motivated to perform at their highest levels; manages benefits package and all worker's compensation claims; supervises all staff; and functions as staff liaison to the Board of Managers. Hires seasonal staff as necessary.

Represents the District in the community. Meets with stakeholders and other community leaders as needed to represent the District. Coordinates program activities with agencies and organizations of interest to the District; pursues cooperative partnerships to expand reach and leverage funds further. Oversees and maintains public identity of the District including strategic communication regarding District activities, policies and mission inclusive of data privacy and open meeting law.

Stays abreast in the field of Water Resource Management. Recommends changes to District's short and long range programs and plans to Board of Managers in response to scientific data and community need.

Performs all other duties as required.

### **Knowledge, Skills and Abilities**

Comprehensive knowledge of hydrology and water resource management activities and issues to include water quality, water levels, ground water, stormwater, shoreland and wetlands highly desired. Comprehensive knowledge of regional state, and federal rules and regulations applicable to watershed activities preferred. Thorough knowledge of strategic planning and comprehensive land use planning processes; thorough knowledge of various industry regulatory agencies; ability to analyze and synthesize data; knowledge of contract administration. General knowledge of business and financial management; infrastructure planning and implementation; planning and managing various sized projects including related expenses and allocation of resources and budgeting; understanding of levy limits and familiarity with grant programs. Skills in public speaking and making presentations; communicating

verbally and in writing; ability to oversee employees, manage performance and build teams; ability to establish and maintain effective relationships and build partnerships with agency and local officials, develops, environmental groups, District stakeholders and the general public.

### **Education and Experience**

Bachelor's degree at minimum (Master's degree preferred) with coursework in natural resources, or related field and extensive experience in public sector natural resource management in a supervisory capacity, or equivalent combination of education and experience.

### **Physical Requirements**

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires sitting and speaking or hearing, frequently requires using hand to finger, handle or feel, reaching with hands and arms and repetitive motions and occasional requires standing, walking and lifting; work has standard vision requirements; vocal communication is required for expressing or exchanging ideas by means of the spoken work; hearing is required to perceive information at normal spoken work levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operation machines, operating motor vehicles or equipment and observing general surroundings and activities; work occasionally requires exposure to outdoor weather conditions; work is generally in a quiet location (e.g. library, private offices).

### **Additional Skills**

Grant management experience.

Facilitation.

Conflict management.

Revised: 7/23/2019

Last revision: 10/21/2021

## RPBCWD October Staff Report

Administration		Staff update	Partners
<b>Accounting, Audit, and Budget</b>	Coordinate with Accountants for the development of financial reports. Coordinate with the Auditor. Continue to work with the Treasurer to maximize on fund investments.	Staff Bakkum and Interim Administrator Jeffery compiled the monthly treasurer's report. Interim Administrator Jeffery sent form of agreement to Redpath and Abdo.	
<b>Administration</b>		Interim Administrator Jeffery and Engineer Sobiech met to evaluate regulatory program in anticipation of future conversations with the Board of Managers.	
<b>Annual Report &amp; Communication</b>	Compile, finalize and submit an annual report to agencies.	Staff Mahon is creating the 2022 calendar that will serve as the 2021 Annual Communication.	
<b>DEI</b>	Diversity, Equity, and Inclusion	Staff met with CAC member Sam Griffin to discuss his experience with DEI and interest in serving on a district DEI Committee.	
<b>Human Resources</b>	General Human Resources	No changes.	
<b>Internal Policies</b>	Work with Governance Manual and Personnel Committees to review bylaws and manuals as necessary.	No changes	
<b>Advisory</b>	Engage with the Technical Advisory Committee on water conservation, chloride management and emerging topics. Engage with the Citizen Advisory Committee on water conservation, annual budget and emerging topics.	Jeff Weiss of the CAC led a tour of the Lower Riley Creek restoration project on October 18. The next regular meeting of the CAC will be on November 15. There is no scheduled TAC meeting.	
<b>Local SWMP</b>		No changes.	
<b>MAWD</b>		We will need to appoint delegates for the annual MAWD meeting this month. The MAWD packet is attached. Due to by-laws setting a final submittal	

		deadline, not all resolutions were included. As they were made aware of our intent to submit a technology meeting resolution they allowed that submittal past the deadline.	
<b>District-Wide</b>			
<b>Regulatory Program</b>	<p>Review regulatory program to maximize efficiency.</p> <p>Engage Technical Advisory Committee and Citizen Advisory Committee on possible rule changes.</p> <p>Implement a regulatory program.</p>	<p>Two applications for a permit have been received since the September meeting. No permits have been administratively approved since the September meeting.</p> <p>Two permits will be expiring in 30 days. Notification will be sent to those permit holders.</p> <p>Interim Administrator Jeffery and Engineer Sobiech will be meeting again early November to discuss regulatory program and potential changes or modifications.</p>	

<b>Aquatic Invasive Species</b>	<p>Review AIS monitoring program.</p> <p>Develop and implement Rapid Response Plan as appropriate Coordinate with LGUs and keep stakeholders aware of AISmanagement activities.</p> <p>Manage and maintain the aeration system on Rice Marsh Lake.</p> <p>Riley Chain of Lakes Carp Management.</p> <p>Purgatory Chain of Lakes Carp Management.</p> <p>Review AIS inspection program.</p> <p>Keep abreast in technology and research in AIS.</p> <p>Zebra mussel adult and veliger monitoring.</p>	<p>Staff completed regular carp monitoring for 2021. Lake Susan Park Pond had some Young of the Year carp which is concerning. Overall, adult carp numbers appear to have remained low across the district with only isolated individual YOY captured. More comprehensive information will be provided in the water resources report.</p> <p>Staff will conduct a curly-leaf pondweed turion (seed) survey this month to assess the reproductive potential for next year.</p> <p>Staff have begun collecting adult zebra mussel monitoring plates from adopt a dock volunteers and have already received most of them.</p> <p>The aeration unit on Rice Marsh Lake was pulsed this month at appears to be ready for the winter. Permit applications will be submitted in November.</p>	<p>City of Chanhassen</p> <p>City of Eden Prairie</p> <p>University of Minnesota</p> <p>MN DNR</p> <p>Carver County</p>
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<b>Cost-Share</b>	<p>Schedule and coordinate site visits.</p> <p>Review applications and recommend implementation.</p> <p>Evaluate program.</p>	<p>Eighteen cost-share projects were completed in 2021. Sixteen projects remain active. Two projects have been tentatively approved and are in the grant agreement setup phase. The 2021 Watershed Stewardship Grant application season closes on October 31. Program evaluation has begun for the next season.</p>	<p>Carver County Soil and Water Conservation District</p>
<b>Data Collection</b>	<p>Continue Data Collection at permanent sites.</p> <p>Watershed Outlet Monitoring Program.</p> <p>Identify monitoring sites to assess future project sites.</p> <p>Water Level Sensors</p>	<p>Staff will begin working up data for the water resources report in November.</p> <p>Macroinvertebrate sampling was completed this month on Riley Creek and the samples will be sent to Dean Hansen for workup/identification.</p> <p>Phytoplankton analysis for Lotus, Riley, Susan, Staring, and Rice Marsh Lake monthly samples was completed by Margaret Rattei (Barr). 2021 blue-green numbers in Lake Susan were the highest to date (1997-2021) which is concerning and may need to be more closely watched in 2022. More detailed phytoplankton analysis will be available in the water resources report.</p> <p>WOMP stations: samples were collected 3 times this month for the Metropolitan Council.</p> <p>Regular lake and stream monitoring has concluded for the 2021 growing season.</p> <p>Winter sampling will occur on the Riley Chain of Lakes this year.</p> <p>A total of 4 stormwater ponds are being monitored biweekly to add to the districts and partners stormwater pond work to understand and improve function of the ponds. Staff have started pulling these units.</p> <p>Staff have placed and been visiting three auto sampling stations this year: Site B5 - Bluff Creek/Hwy 5. Site LL_7 - West Lotus Lake</p>	<p>Metropolitan Council</p> <p>City of Eden Prairie</p> <p>University of MN</p> <p>City of Chanhassen</p> <p>MNDNR</p> <p>City of Minnetonka</p>

		<p>North Tributary. Site STL_17 – Purgatory Creek/Staring Lake Parkway. These stations were placed to collect more storm event nutrient and flow data to assess/confirm upstream loading for the proposed upcoming project sites. Limited rainfall has limited the data being collected at these stations this year. These units have begun being pulled.</p> <p>Field data was collected for the MNDNR Score Your Shoreline Assessment and the Erosion Intensity Worksheet for Lake Lucy, Lake Ann, Lake Susan, and Lotus Lake. Staff will complete the scoring via desktop review and GIS.</p> <p>Staff have been visiting lake level sensors monthly to download data and ensure they are working correctly. Staff were also able to assess the accuracy/precision of the historical benchmarks used to set lake level sensors every year with the District’s Trimble survey equipment. Staff will complete a workup and work with the DNR to correct some of the discrepancies. Staff may also have some benchmarks re-surveyed if large discrepancies exist.</p> <p>Riley, Rice Marsh, and Susan had sediment cores collected for preparation for alum application and/or evaluation this month. Staff will conduct the coring and coordinate the lab processing.</p> <p>Staff have accepted 9 service learners from the University of Minnesota this month and many have already been out in the district assisting staff. Seven will be/are assisting Data Collection and two will be assisting Ed and Outreach/Art. Community Engaged Learning students must complete 20 hours of service to an organization to receive full credit for their</p>	
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		class.	
<b>District Hydrology and Hydraulics Model</b>	<p>Coordinate maintenance of Hydrology and Hydraulics Model.</p> <p>Coordinate model update with LGUs if additional information is collected.</p> <p>Partner and implement with the City of Bloomington on Flood Evaluation and Water Quality Feasibility.</p>	<p>District Staff, Barr Engineering, and Eden Prairie will be updating the District's stormwater model for both Purgatory Creek and Riley Creek. District staff have installed and checked monitoring equipment monthly in the Upper Purgatory Creek Recreational Area, Bren Pond, Eden Lake, and three additional ponds. Three stream units were also installed on Purgatory Creek. These units will be pulled this month and the data will be used for model validation.</p>	<p>City of Bloomington</p> <p>City of Minnetonka</p> <p>City of Eden Prairie</p> <p>City of Deephaven</p> <p>City of Shorewood.</p>
<b>Education and Outreach</b>	<p>Implement Education &amp; Outreach Plan, review at year end.</p> <p>Manage partnership activities with other organizations.</p> <p>Coordinate Public Engagement with District projects.</p>	<p>Staff Bakkum continues to receive inquiries via the District website "Contact Us" form.</p> <p>District Staff hosted Cycle the Creek on October 9<sup>th</sup>. 16 residents attended this educational ride along Purgatory Creek.</p> <p>District Staff have begun distributing saplings from the office gravel beds to residents who requested them.</p> <p>Staff Mahon and Staff Dickhausen visited the Staring Lake Outdoor Center on October 25-26 to teach 4<sup>th</sup> graders from Prairie View Elementary about lake health.</p> <p>Lakeshore residents of Lotus, Susan and Riley lakes were mailed a postcard in early October. The postcard encouraged best practices and provided a web address for more information.</p> <p>Staff received preliminary training on editing of the new District website at the end of October.</p>	<p>Adopt a drain: City of Eden Prairie, City of Minnetonka, City of Bloomington, City of Eden Prairie Hamline University, Nine Mile Creek Watershed District, MPCA, Fortin Consulting</p> <p>City of Chanhassen</p>
<b>Groundwater Conservation</b>	<p>Work with other LGUs to monitor, assess, and identify gaps.</p> <p>Engage with the Technical Advisory Committee to identify potential projects.</p> <p>Develop a water conservation program (look at Woodbury model).</p>	No change	<p>Metropolitan Council</p> <p>City of Eden Prairie</p> <p>City of Shorewood</p> <p>City of Bloomington</p> <p>City of Minnetonka</p> <p>City of Chanhassen</p>

<b>Lake Vegetation Management</b>	<p>Work with the University of Minnesota or Aquatic Plant Biologist, Cities of Chanhassen and Eden Prairie, lake associations, and residents as well as the Minnesota Department of Natural Resources on potential treatment. Implement herbicide treatment as needed.</p> <p>Secure DNR permits and contracts with herbicide applicators.</p> <p>Schedule regularly scheduled point intercept surveys.</p> <p>Work with Three Rivers Park District for Hyland Lake.</p>	<p>Staff will conduct a curly-leaf pondweed turion (seed) survey this month to assess the reproductive potential for next year. Ray Newman is working on an aquatic vegetation proposal to present to the board at the December board meeting.</p>	<p>City of Eden Prairie City of Chanhassen University of Minnesota MNDNR</p>
<b>Opportunity Projects</b>	<p>Assess potential projects as they are presented to the District.</p>	<p>St Hubert project is substantially complete. Remaining work to be done includes prairie restoration and other plant maintenance.</p>	<p>Chanhassen St Hubert School</p>
<b>Total Maximum Daily Load</b>	<p>Continue working with Minnesota Pollution Control Agency on the Watershed Restoration and Protection Strategies (WRAPS). Engage the Technical Advisory Committee.</p>	<p>No new updates</p>	<p>MPCA</p>
<b>Repair and Maintenance Grant</b>	<p>Develop and formalize grant program.</p>	<p>No change</p>	

<p><b>University of Minnesota</b></p>	<p>Review and monitor progress on University of Minnesota grant.  Support Dr John Gulliver and Dr Ray Newman research and coordinate with local partners.  Keep the manager abreast to progress in the research.  Identify next management steps.</p>	<p>Along with completing an additional year of monitoring on the iron filling ponds, the U of MN has a new project funded by the Local Road Research Board to study wetlands (historic/converted to pond) and have been conducting in situ monitoring and laboratory studies with sediment cores on a pond in Shorewood and Chanhassen.</p>	<p>Stormwater ponds partners:  Bloomington,  Chanhassen, Eden Prairie,  Minnetonka,  Shorewood, U of MN,</p>
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<b>Watershed Plan</b>	Review and identify needs for amendments.	No changes	
<b>Wetland Conservation Act (WCA)</b>	Administer WCA within the Cities of Shorewood and Deephaven. Represent the District on Technical Evaluation Panel throughout the District.	No WCA applications have been received in Deephaven. No WCA applications have been received in Shorewood. Staff Dickhausen has been representing the District on TEP meetings in Chanhassen and Chaska.	City of Shorewood City of Deephaven City of Chanhassen City of Eden Prairie MCWD BWSR DNR ACOE
<b>Wetland Management</b>	Assess known existing wetlands, identify previously unknown wetlands, identify wetlands for potential restoration/rehabilitation and wetlands requiring additional protection.	Staff Jeffery, Staff Dickhausen and staff Nicklay continue updating the MNRAM Access database. Staff Dickhausen and Interim Administrator Jeffery are continuing to develop biological assessment metrics of wetlands with Barr Engineering staff to supplement District MNRAM assessments. Staff Dickhausen with minor help from Interim Administrator Jeffery submitted WCA and ACOE permit applications along with delineation reports for District projects and secured permissions.	City of Chanhassen City of Eden Prairie Hennepin County Carver County MNDNR BWSR USFWS
<b>Hennepin County Chloride Initiative</b>	Phase 1: Develop a plan to target commercial and association-based sources or chloride pollution - businesses, malls, HOAs, property management companies and the private applicators that they hire. We will hire a consultant to facilitate focus groups with private applicators, as well as those that execute contracts with private applicators. These focus groups will help identify needs and barriers for our target audience. The consultant will compile information	The HCCI group sent out a request for proposals in early October to solicit proposals for a marketing campaign to engage homeowner associations and faith-based communities on proper use of winter deicers. The deadline for proposals is Nov 5.	

	into a plan for implementation.		
<b>Lower Minnesota Chloride Cost-Share Program</b>	The Lower Minnesota River Watersheds are coming together to offer cost-share grants.	Chloride Reduction cost-share grant remains open and is posted on District website and advertised through Fortin Consulting and the MPCA.	LMRWD, RBWMO, NMCWD
<b>Bluff Creek One Water</b>			
<b>Bluff Creek Tributary Restoration</b>	Implement and finalize restoration. Monitor Project.	No new updates.	City of Chanhassen
<b>Wetland Restoration at Pioneer and 101</b>	Remove 3 properties from flood zone, restore a minimum 7 acres and as many as 16 acres of wetlands, connect public with resources, reduction of volume, rate, pollution loads to Bluff Creek.	Work has begun at the site with vegetation management on the site.	City of Chanhassen MN DNR Carver County
<b>Riley Creek One Water</b>			
<b>Lake Riley Alum</b>	Continuing to monitor the Lake.	Sediment coring occurred in October, and results are pending. Summer monitoring has been completed.	
<b>Lake Susan Improvement Phase 2</b>	Complete final site stabilization and spring start up. Finalize and implement E and O for the project. Monitor project.	There have been issues with the priming of the iron sand filter system which has led to gaps where the system is not online. District staff had a productive meeting with the city and contractor to address this issue moving forward. An Enviro DIY station has been placed in the unit to better assess when the unit is running.	City of Chanhassen Clean Water Legacy Amendment
<b>Lake Susan Spent Lime</b>	2021 startup and monitoring.	The unit was turned on in May and an Enviro DIY unit was placed to monitor water levels. Samples are being collected once a week or more. The unit appears to be working with removals over 41% across the summer. This is a	City of Chanhassen

		reduction from 2020 removals of 61%. Staff will take the system offline in October.	
<b>Lower Riley Creek Stabilization</b>	Coordinate agreement and acquire easements if needed for the restoration of Lower Riley Creek reach D3 and E. Implement Project. Continue Public Engagement for project and develop signage of restoration.	Interim Administrator Jeffery, Water Resources Coordinator Maxwell, and staff from Eden Prairie walked the corridor to assess the overall project two years post construction and talk over maintenance responsibilities. District and City staff will alternate year to year inspections.	City of Eden Prairie Lower MN River Watershed District
<b>Rice Marsh Lake Alum Treatment</b>	Continuing to monitor the Lake.	Staff will be conducting sediment core sampling in November to assess treatment effectiveness and prepare for a second dose application.	City of Eden Prairie City of Chanhassen
<b>Rice Marsh Lake Watershed Load Project 1</b>	Conduct feasibility. Develop cooperative agreement with City of Chanhassen.	Interim Administrator Jeffery, Engineer Sobiech, and legal counsel have worked out an encroachment agreement with the Metropolitan Council to cross their interceptor line. See packet.	City of Chanhassen
<b>Upper Riley Creek</b>	Work with city to develop scope of work (in addition to stabilizing the creek can we mitigate climate change). Conduct feasibility. Develop cooperative agreement with the City of Chanhassen. Order project and begin design.	Interim Administrator Jeffery is working with Counselor Welch to develop the term sheet and subsequent cooperative agreement with Chanhassen. A public hearing will be held in December to order the project.	City of Chanhassen
<b>Middle Riley Creek</b>	Work with Bearpath HOA/Golf Course to develop scope of work (in addition to stabilizing the creek can we mitigate climate change and provide for an improved recreational experience). Draft feasibility report. Develop cooperative agreement with Bearpath.	Sunram has been working on the southern portion of the project and is making good progress. Hartman, the subcontractor responsible for the retaining wall construction pulled out so, after meeting with Sunram and Bearpath, it was decided that Sunram would construct the wall. Sunram is fully qualified and has a division dedicated to retaining walls.	Bearpath Neighborhood Association. City of Eden Prairie Dept. of Natural Resources

St Hubert Water Quality Project		The project is substantially complete. Interim Administrator Jeffery and Staff Mahon are working with the school to develop curriculum. Engineer Sobiech and Interim Administrator Jeffery are working to develop soil sampling protocol based upon Cornell University guidance.	CCSWCD Metropolitan Council City of Chanhassen
<b>Purgatory Creek One Water</b>			
PCRA Berm		Interim Administrator Jeffery is working with Eden Prairie to define roles and responsibilities.	City of Eden Prairie MN DNR
Duck Lake Water Quality Project	Work with the City to implement neighborhood BMP. Identify neighborhood BMP to help improve water resources to Duck Lake. Implement neighborhood BMPs.	No change	City of Eden Prairie
Lotus Lake – Internal Load Control	Continuing monitoring the lake. Plan second alum dose application.	In 2021, staff added an additional phosphorus monitoring location on Lotus Lake in the east bay. This will allow staff to better assess the alum treatment effectiveness across Lotus Lake and better apply alum in the second application. Actual sediment coring will occur in 2022.	
Scenic Heights	Continue implementing restoration effort. Work with the City of Minnetonka and Minnetonka School District on Public Engagement for project as well as signage.	Project complete. Will remove next staff report.	Minnetonka Public School District City of Minnetonka Hennepin County

<b>Silver Lake Restoration</b>	<p>Order project. Design Project. Work with the City of Chanhassen for Design, cooperative agreement and Implementation.</p>	<p>Molnau Trucking LLC will began work in October. They are, as of the November 3 meeting, 34 days beyond their contractually obligated substantial completion date. Interim Administrator Jeffery and legal counsel have been working with West Bend, the bond issuer for Molnau, to begin the process of declaring Molnau in default. Molnau is currently working on the site but the window is rapidly closing to complete the work.</p>	<p>City of Chanhassen</p>
<b>Professional Development</b>	<ul style="list-style-type: none"> <li>● Staff attended the Minnesota Water Resources Conference.</li> <li>● Staff Maxwell presented on the Lake Susan Spent Lime System and Interim Administrator Jeffery presented on the District's Wetland Assessment Program at the Water Resources Conference.</li> <li>● Staff attended the BWSR Academy.</li> </ul>		

## Memorandum

**To:** Riley-Purgatory-Bluff Creek Watershed District Board of Managers and District Administrator  
**From:** Barr Engineering Co.  
**Subject:** Engineer's Report Summarizing October 2021 Activities for November 3, 2021, Board Meeting  
**Date:** October 28, 2021

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 2021.

### General Services

- a. Miscellaneous discussions and coordination with Interim Administrator Jeffery about regulatory program and upcoming Board meeting agenda.
- b. Participated in the October 28<sup>th</sup> meeting with President Ward Interim Administrator Jeffery, and Counsel Smith to discuss upcoming October 6<sup>th</sup> agenda.
- c. Participated in the October 6<sup>th</sup> regular Board of Managers meeting.
- d. Attended the special meeting on October 4<sup>th</sup>.
- e. Site review of Lower Riley Creek Restoration project on October 26<sup>th</sup> with Interim Administrator Jeffery and the City of Eden Prairie. Overall, the stabilization features appear to be performing as intended. Two routine maintenance items were identified for the city to address: a) remove tree at downstream end of project reach and b) consider adding some fill material near bridge abutment.
- f. Prepared Engineer's Report for engineering services performed during October 2021.

### Permitting Program

- a. *Permit 2018-066 Castle Ridge Redevelopment:* This permit was originally approved in October 2019 for the redevelopment the Castle Ridge, Broadmoor, and two adjacent owned properties at the southwest quadrant of Flying Cloud Drive and Prairie Center Drive into mixed-use senior housing, market rate apartments, and commercial/retail mixed-use project. The permit modification was conditionally approved at the September 1<sup>st</sup> meeting. Reviewed draft declaration materials for Phase 3 construction and provided feedback to applicant. Discussed the required financial assurance and declaration with Interim Administrator Jeffery and Counsel Welch.
- b. *Permit 2021-061: Goddard School Addition:* The project proposes to construct of new sidewalk, parking lot, play areas, retaining walls, and an underground stormwater management. The permit was conditionally approved at the September 1<sup>st</sup> meeting. Discussed the required declaration and financial assurance forms and amounts with the applicant on October 26<sup>th</sup>.

- c. *Permit 2021-063 Reserve at Autumn Woods*- The project proposes the construction of an 87-lot development in Chaska. The site is proposed to be mass graded for roads, sidewalks, and building pads, as well as construction of supporting underground utilities and stormwater management. The project proposes construction of four infiltration basins and two ponds to provide stormwater quantity, volume, and rate quality control. The proposed project triggers RPBCWD's erosion prevention and sediment control, wetland buffers, and stormwater management rules. Reviewed revised materials received on October 1st and provided review comments. The application remained incomplete. Coordinated with applicant to answer questions about review comments.
- d. *Permit 2021-068 Erhart Farm*- The project proposes the construction of a 21-lot development to the west of Hwy 101 in Chanhassen. The project proposes construction of a wet pond and infiltration basin to provide stormwater quantity, volume, and rate quality control. The proposed project triggers RPBCWD's erosion prevention and sediment control, wetland buffers, and stormwater management rules. Reviewed additional soil boring information provided in response to one condition of approval. The boring confirms adequate separation to the bottom of the proposed BMPs.
- e. *Permit 2021-076 Purgatory Creek Sediment Removal* - The project proposes to remove accumulated sediment from Purgatory Creek at the Scenic Height creek crossing in Minnetonka. The proposed project triggers RPBCWD's Floodplain Management and Drainage Alterations, Erosion Prevention and Sediment Control, Wetland and Creek Buffers, Dredging, and Waterbody Crossings and Structures rules. Review comments were sent to the applicant on October 11<sup>th</sup>. The submittal is considered incomplete because the following were not included in the submittals: information to demonstrating compliance with the creek buffer requirements or the waterbody crossing requirements. Participated in a virtual meeting with the applicant on October 22<sup>nd</sup> to discuss review comments.
- f. *Permit 2021-077 Ravine 4&5 Stabilization* - The project proposes the restoration of two ravines within City of Chanhassen-owned parcels. The proposed project features include ravine/channel stabilization and regrading, placement of riprap and four (4) rock weirs along the Site 5 ravine, reconstruction of the pond outlet at Site 4, and pond dredging at Site 4. Runoff in the Site 5 ravine discharges to a wetland, which ultimately discharges to Lake Susan. The proposed project triggers RPBCWD's Floodplain Management and Drainage Alterations, Erosion Prevention and Sediment Control, Wetland and Creek Buffers, and Waterbody Crossings and Structures rules. Provided review comments for materials received on September 28<sup>th</sup> and October 19<sup>th</sup>. The application remains incomplete. Coordinated with applicant to answer questions about review comments.
- g. *Permit 2021-078 Mattson Shoreline* - The project proposes stabilization of 90 feet of shoreline along Lotus Lake at 469 Pleasant View Rd in Chanhassen. The proposed project triggers RPBCWD's floodplain management, erosion prevention and sediment control, and shoreline streambank stabilization rules. Review comments were sent to the applicant on October 11<sup>th</sup>. The submittal is considered incomplete because the following were not included in the submittals: information to determine cut/fill estimates below the 100-year floodplain and the permit fee deposit.
- h. *Permit 2021-079 Tonka-Woodcroft Improvements*- The project proposes full reconstruction of the streets within the Tonka-Woodcroft neighborhood, an area south of Minnetonka

- Boulevard and between Larchwood Drive, Steele Street and Hillside Terrace in Minnetonka. The project proposes over 36 acres of land-disturbing activities. The project proposes construction of four underground detention systems and seven infiltration pipes to provide stormwater quantity, volume, and rate quality control. The proposed project triggers RPBCWD's floodplain management, erosion prevention and sediment control, wetland buffers, waterbody crossings and structures, and stormwater management rules. Reviewed the October 5<sup>th</sup> submittal and provided review comments on October 18<sup>th</sup> along with an incomplete notice because of missing floodplain analysis, MNRAM's for onsite wetland, in-situ infiltration testing, and low floor analysis.
- g. Met virtually with the city of Eden Prairie, Stantec, and Interim Administrator Jeffery on October 19<sup>th</sup> to discuss the city's upcoming pond dredging project and methods that could be used to demonstrate compliance with RPBCWD's Waterbody Crossings and Structure rule (Rule G).
  - i. Miscellaneous preapplication calls from applicant with questions about rule applicability and criteria.
  - j. Miscellaneous conversations with Interim Administrator Jeffery about rules, permit database status, which permits will be reviewed by staff versus Barr, and rule application.

#### **Data Management/Sampling/Equipment Assistance**

- a. Prepared, loaded, and verified 19 RMB laboratory (RMB) reports.
- b. Prepared, loaded, and verified lake and creek data collected between August and September 2021 and pond data collected in September 2021 that was collected with the Survey123 mobile application.
- c. Worked on electronic submittal of relevant 2020 creek and lake data to the MPCA in the agencies data specific format.
- d. Exporting pond photos taken since 2019 with the Survey123 mobile application and sharing with RPBCWD staff.

#### **Task Order 6: WOMP Station Monitoring**

##### ***Purgatory Creek Monitoring Station at Pioneer Trail***

- a. Download and review data.
- b. File management – lab forms.

##### ***Purgatory Creek Monitoring Station at Valley View Rd***

- a. Download and review data.
- b. Storm event sampling.
- c. Review and approve MCES Lab invoice.
- d. File management – lab forms.

### **Task Order 24B: Silver Lake Water Quality Improvement Project**

- a. Ongoing attempts to communicate with contractor regarding construction schedule and when work will begin.
- b. Coordination with Interim Administrator Jeffery and Counsel Welch on potential steps to remedy Molnau's lack of progress (not starting before substantial completion of September 30th) and
- c. Contractor began work on October 15, 2021 including tree removal and sediment and erosion control installation. Work completed through present includes tree removal, sediment, and erosion control, clearing and grubbing, delivery and staging of pipes and manhole structures at site, ongoing installation of manhole structures and pipes, saw cutting and removal of bituminous pavement. The contractor is still coordination with Prairie Restorations Incorporated (restoration subcontractor) about plan for site restoration given timing of restoration late in year. Per conversations with contractor, anticipated completion will likely be November 5.
- d. Ongoing construction oversight and administration., including coordination of execution of Change Order 1 to address new/additional erosion along Pleasantview Road
- e. The extensive coordination efforts with the contractor this has taken more effort than allotted in the authorized construction administration budget leaving only \$400 remaining in the budget, as of October 22<sup>nd</sup>.

### **Task Order 25: Duck Lake Watershed Rainwater Gardens**

- a. Barr staff inspected the rainwater gardens and permeable pavers. Both sites were weed-free, perennials plantings were in satisfactory conditions, and the sediment sumps had been cleaned out.

### **Task Order 28B: Rice Marsh Lake (RM\_12a) Water Quality Improvement Project**

- a. City of Chanhassen's street improvement project along Dakota Lane is underway. The city has installed the first segment of 15-inch CPEP bypass pipe up to the 45-degree bend. Barr staked the location of the 45-degree pipe bend for RPBCWD Contractor to continue to complete the rest of the bypass work. The RPBCWD Contractor has capped the installed 15-inch CPEP segment.
- b. After a walkthrough with Interim District Administrator, Terry Jeffery, the City's Parks Superintendent, and the City's arborist, Jill Sinclair, the City has decided to remove three additional trees within the site area not originally specified for removal.
- c. Mobilization is still anticipated to begin in early November with permanent restoration in place by mid-December.

### **Task Order 29B: Middle Riley Creek (Reach R3) Stabilization Project Design**

- a. After extensive coordination with Bearpath and RPBCWD, the cooperative agreement was finalized September 30<sup>th</sup> and the declaration sent for recording on October 1<sup>st</sup>. Because the agreements took much longer than anticipated to finalize, the Notice to Proceed was issued October 5<sup>th</sup>, to Sunram Construction, Inc. to proceed with the construction work,

approximately five weeks later than originally anticipated. The additional coordination efforts have exceeded the allotted time authorized by the RPBCWD Board for this effort.

- b. Sunram began work on October 7<sup>th</sup> at the south site (instead of the north site) to allow for completion of the work near the #16 Hole prior to completion of work at the north site, per Bearpath's request.



**South site – looking southwesterly at boulder vane and coir log – October 22, 2021**

- c. Provide on-site construction observation with ten (10) site visits to aid in field fitting stabilization features and answering contractor questions as well as questions raised by Bearpath.
- d. Coordination/communication with Bearpath, Sunram Construction, Inc., and RPBCWD related to boulder wall construction.

### **Task Order 30B: Pioneer Trail Wetland Restoration Project**

- a. Davey completed first round of herbicide treatment and a controlled burn of the site to begin control of invasive vegetation.
- b. Sunram Construction is currently completing site excavation with the plan to temporarily stabilize over winter, complete a second round of herbicide treatment and final grading in the spring 2022, and final restoration of the site in the spring 2022.
- c. Visited the site on October 18<sup>th</sup> and 22<sup>nd</sup> to observe excavation and discuss restoration methods with the contractor.

### **Task Order 033: Wetland Assessment – Phase 1**

- a. Developed presentation for District staff to review outcomes of the draft assessment framework.

- b. Finalizing outcomes of the Phase 1 framework and developing next steps.
- c. Building a list of potential Technical Advisory Panel members
- d. Continued drafting Phase 1 report to define ecosystem services and describe methodology for assessing each service.

#### **Task Order 034: Lotus Lake Aquatic Vegetation Management Plan**

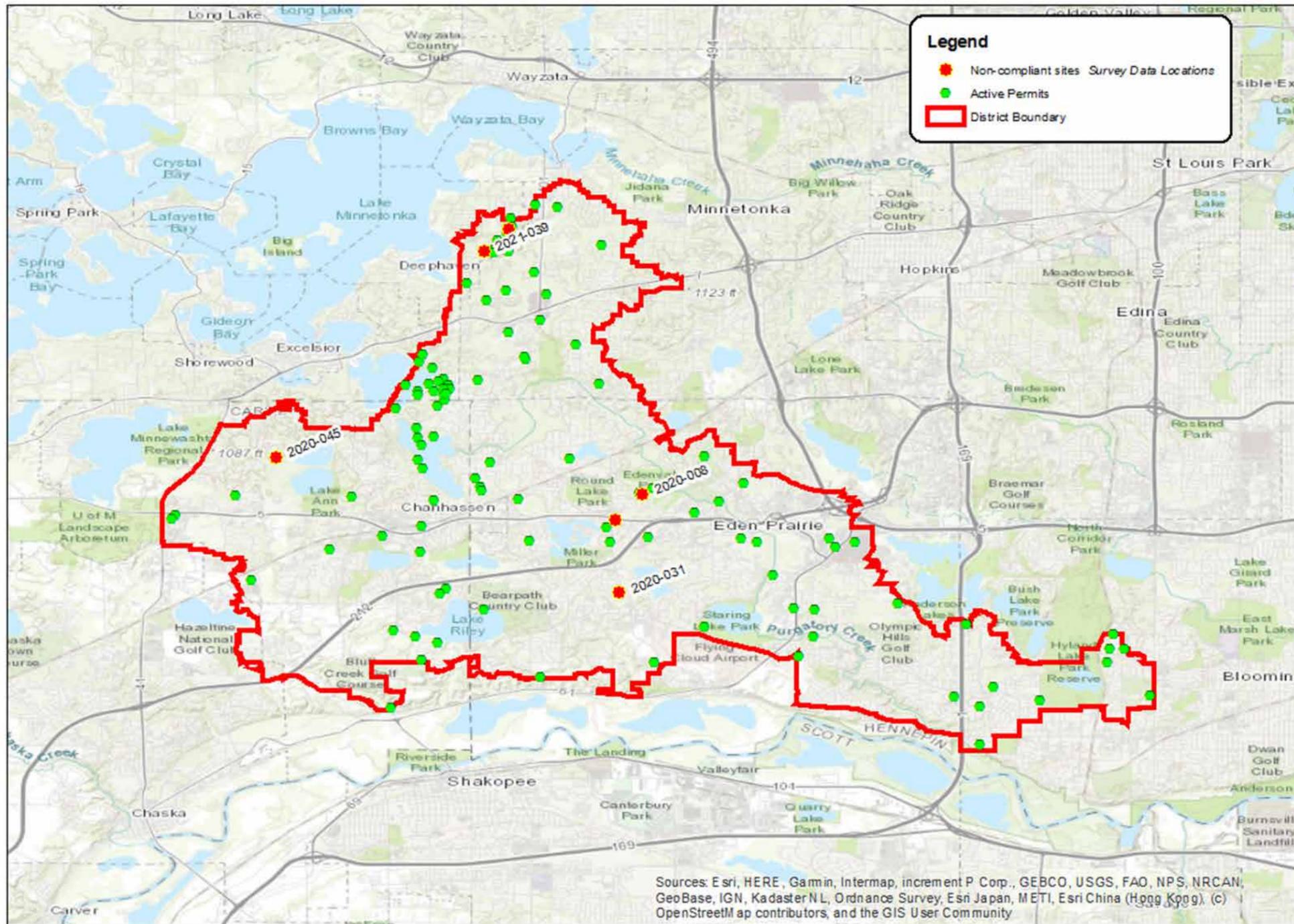
- a. Compiled aquatic vegetation data for Lotus Lake including species richness
- b. Developed list of potential vegetation community stressors
- c. Began developing aquatic vegetation community summaries

#### **Task Order 035: Eden Prairie Stormwater Model Update and Flood-Risk Area Prioritization**

- a. This month staff have imported information for the City's storm sewer system into PCSWMM. Additional information imported into the stormwater model includes storm sewer information provided by the City and subwatershed divides that were reviewed by City staff. Information has been imported into the models for both Purgatory Creek and Riley Creek.
- b. The City's GIS files included information for approximately 80% of the additional storm sewer that was imported into the stormwater model. For areas where information is missing, placeholder values were used. City staff are reviewing locations of missing information and will be collecting additional information over the next several months. When additional information is available, it will be imported into the District's stormwater model.
- c. Next month staff will continue adding overland flow paths to convey flood flows downstream during large rainfall events. This process of adding overland flow routes and debugging the model will continue through the end of December.
- d. The schedule for this task order extends through 2022. In 2021 work will focus on updating the district's stormwater models for Riley Creek and Purgatory Creek to include additional detail within Eden Prairie. This fall work will shift to calculating hydrologic parameters, available floodplain storage volume, and debugging the updated models. In 2022, work will include model validation, simulation of design events, inundation mapping, identification and prioritization of flood prone areas, and documentation.

#### **Task Order 036A: Bluff Creek Reach 5 Concept Design**

- a. Finalizing feasibility assessment report including cost estimates for concept designs. Report will be sent to RPBCWD Board of Managers for review.
- b. Requested 2021 field monitoring data from RPBCWD staff to incorporate into draft report.



### Non-Compliant Permit Inspections in Last Month



2020-008 Eden Ridge Estates – Ditch grate lacking inlet protection; sediment deposition in infiltration basin



2020-031 Prairie Heights – Pioneer Trail, Eden Prairie Perimeter control breach near infiltration basin and south property line.



2020-045 Galpin Project – 6921 Galpin Ave, Chanhassen Sediment tracking onto public road.

2020-065 Terry Pine Coffee – Lacking inlet protection on newly installed CBMH



2021-034 18200 Honeysuckle Ln, Deephaven – perimeter controls lacking or in need of repair throughout site. No designated concrete washout area.



2021-039 Fazendin Home, 18452 Heathcote Dr, Deephaven -Silt fence needs repair at several locations.

**ENCROACHMENT AGREEMENT  
ON METROPOLITAN COUNCIL PROPERTY**

Lake Ann Interceptor Phase 1  
Encroachment Number 21-004  
City of Chanhassen, Carver County

**RECITALS**

- A. Metropolitan Council, a public corporation and political subdivision of the State of Minnesota, successor to the Metropolitan Sewer Board (“Council”), owns the easement legally described on the attached **Exhibit B** (“Easement”) over property owned by the City of Chanhassen (“City”) described on **Exhibit A** (“City Property”).
- B. Riley-Purgatory-Bluff Creek Watershed District (“Watershed”) seeks to construct improvements on City Property consisting of a new stormwater runoff collection and filter system to remove total suspended solids, phosphorus, nutrients, metals, trash, and hydrocarbons. A 15” storm sewer pipe will convey the filter water to an existing downstream manhole crossing a 66” Council sanitary line between MH-4 and MH-5. The location of the crossing is approximately 147 feet upstream of MH-4 with a calculated vertical separation of 1.45 feet. Additionally, as part of the project, City intends replace its storm structure CBMH-8541 at the same height and location and intends to replace certain trail pavement (collectively, “Public Project” or “Public Improvements”). To complete the Public Project, Watershed must encroach onto the Council’s Easement at the location legally described on **Exhibit C** and as shown on **Exhibit D** (“Encroachment,” as used in this agreement, refers to Watershed’s use of the area legally described in Exhibit C and shown in Exhibit D and the Public Improvements co-located on the Easement.)

In consideration of the sum of one dollar, and other good and valuable consideration to it in hand paid, the receipt and sufficiency of which is hereby acknowledged, Council consents to the Encroachment, construction of the Public Project and placement of Public Improvements on its Easement subject to the following Terms and Conditions.

### **TERMS AND CONDITIONS**

1. The Public Project will be completed in accordance with plans, drawings, and specifications that have been reviewed and approved by Council staff, who have concluded that conduct of the work in accordance with the plans, drawings and designs will not impair Council's continuing operation and maintenance of the sanitary line ("Approved Plans"). Watershed will ensure that its contractor utilizes equipment suitable to discover and protect the existing Council sanitary sewer and system.
2. Prior to commencement of construction of the Public Project and Public Improvements, Watershed shall submit any alterations, modifications, or amendments to the Approved Plans that change the nature, scope, extent or duration of the Encroachment to Council for its prior written approval, which approval shall not be unreasonably withheld, conditioned, or delayed. Watershed shall not commence construction of the Public Project, or future construction, relocation, or realignment of the Public Improvements unless and until Council has provided such written approval.
3. Use of the Encroachment is specifically limited to the Public Project; no other uses are allowed. The Encroachment is not a grant a of a real property interest in the City Property.
4. Watershed will pay for repair or replacement of any damage to or destruction of the Council's facilities or property, to the extent such damage or destruction arises from or is attributable to the Encroachment. Watershed will indemnify, save, and hold Council harmless from and against any loss, cost, or expense incurred by Council, including any losses resulting from claims or damages to property, personal injuries or deaths, judgments, court costs and reasonable attorneys' fees, which arise out of or are claimed to have arisen out of the Encroachment. Watershed will require its contractors to name Council as an additional insured on any general liability policy obtained for construction or reconstruction of the Public Project.
5. Before work may commence on the Encroachment, Watershed shall provide Council with:
  - a. A schedule of construction activities.
  - b. 48-hours advanced notice of actual physical commencement of construction.

- c. Evidence that its contractor(s) or any party doing work on behalf of Watershed has included Council as additional insured on the required general liability policy.
6. Notices shall be provided to:

**COUNCIL:**

Tim Wedin – Assistant Manager, Interceptor Engineering  
Wastewater Planning & Capital Project Delivery  
Metropolitan Council Environmental Services  
390 North Robert Street  
St. Paul, MN 55101

**WATERSHED:**

Riley Purgatory Bluff Creek Watershed District  
18681 Lake Drive East  
Chanhassen, MN 55317

7. Council, its employees, agents, contractors, and invitees shall have access to the Encroachment. The Encroachment shall not unreasonably interfere with Council's operations or use of its Easement. If Council determines in its sole discretion that the Encroachment unreasonably impacts its operations or its use of its Easement, Council shall have the right terminate this agreement if it (a) provides Watershed with a notice of intent to terminate the agreement and (b) the parties have met and have endeavored in good faith to resolve the impact(s). Council shall have no obligation to provide a substitute Encroachment for relocation of the Public Improvements.
8. This agreement shall be binding upon and inure to the benefit of the parties hereto and their successors and assignees.
9. The recitals are incorporated into and made a part of this agreement.



**EXHIBIT A**

Outlot A, Hidden Valley, according to the recorded plat thereof, Carver  
County, Minnesota

**EXHIBIT B**  
Met Council Easement



drawn on half  
see map

5 1/2 13-116-23

#6-111110

ORDER NO. 6151

**WILLIAM D. SCHOELL**  
REGISTERED CIVIL ENGINEER

MINN. NO. 2265  
SO. DAK. 755  
WIS. NO. E-6178  
FLORIDA NO. 6271  
NO. DAK. 623  
MONT. NO. 1016-E  
IOWA NO. 5923

**SCHOELL & MADSON, INC.**

ENGINEERS & SURVEYORS  
50 NINTH AVENUE SOUTH  
HOPKINS, MINNESOTA 55343  
PHONE: 938-7601  
938-7601

**CARLISLE MADSON**  
REGISTERED LAND SURVEYOR

MINN. NO. 4374  
SO. DAK. 791  
WIS. NO. B-674  
IOWA NO. 3705  
NO. DAK. 1108  
MONT. NO. 1742-B

**DESCRIPTION**

FOR: VILLAGE OF CHANHASSEN

LAKE ANN TRUNK SANITARY SEWER

12-6-71 6) A 100 foot temporary construction easement and a 50 foot  
S<sup>1</sup>/<sub>2</sub>, Sec. 13 perpetual easement for sanitary sewer purposes over, under and  
across the following described property.

Abstract Outlot B, Chanhassen Estates 2nd Addition, according to  
Doc. No. the recorded plat thereof.  
12954

The centerline of both easements is described as follows:

Commencing at the northwest corner of said Outlot B;  
thence on an assumed bearing of South 0 degrees 38  
minutes and 57 seconds West, along the west line of  
said Outlot B, a distance of 46.57 feet; thence South  
84 degrees 34 minutes and 13 seconds West a distance  
of 50.00 feet, to the beginning of the centerline to  
be described; thence North 84 degrees 34 minutes and  
13 seconds East a distance of 349.57 feet; thence  
North 20 degrees 55 minutes and 28 seconds East a  
distance of 337.94 feet and said centerline there  
terminating.

Said temporary easement to expire December 31, 1973.

WILLIAM D. SCHOELL  
REGISTERED CIVIL ENGINEER

MINN. NO. 2265  
SO. DAK. 755  
WIS. NO. E-6176  
FLORIDA NO. 6271  
NO. DAK. 623  
MONT. NO. 1816-E  
IOWA NO. 5923

**SCHOELL & MADSON, INC.**

ENGINEERS & SURVEYORS  
50 NINTH AVENUE SOUTH  
HOPKINS, MINNESOTA 55343  
PHONE: 938-7601

ORDER NO. 6151

CARLIBLE MADSON  
REGISTERED LAND SURVEYOR

MINN. NO. 4374  
SO. DAK. 791  
WIS. NO. 8-674  
IOWA NO. 3705  
NO. DAK. 1108  
MONT. NO. 1742-B

**DESCRIPTION**

FOR: VILLAGE OF CHANHASSEN  
LAKE ANN TRUNK SANITARY SEWER

12-6-71  
S $\frac{1}{2}$ , Sec. 13  
Abstract  
Doc. No.  
12954

6) A 100 foot temporary construction easement and a 50 foot perpetual easement for sanitary sewer purposes over, under and across the following described property.

Outlot B, Chanhassen Estates 2nd Addition, according to the recorded plat thereof.

The centerline of both easements is described as follows:

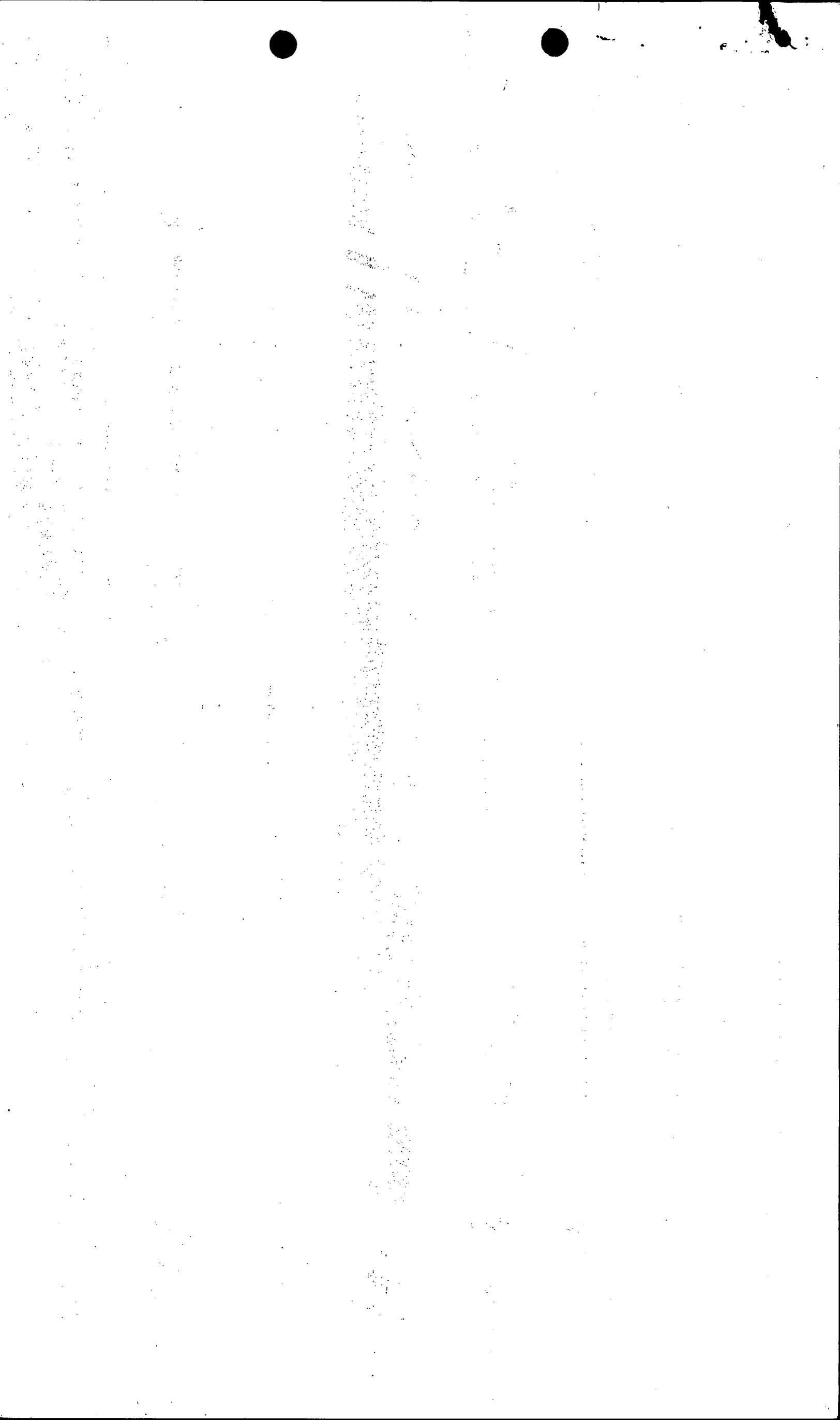
Commencing at the northwest corner of said Outlot B; thence on an assumed bearing of South 0 degrees 38 minutes and 57 seconds West, along the west line of said Outlot B, a distance of 46.57 feet; thence South 84 degrees 34 minutes and 13 seconds West a distance of 50.00 feet, to the beginning of the centerline to be described; thence North 84 degrees 34 minutes and 13 seconds East a distance of 349.57 feet; thence North 20 degrees 55 minutes and 28 seconds East a distance of 337.94 feet and said centerline there terminating.

Said temporary easement to expire December 31, 1973.  
18141

**OFFICE OF REGISTER OF DEEDS**

STATE OF MINNESOTA,  
County of Carver

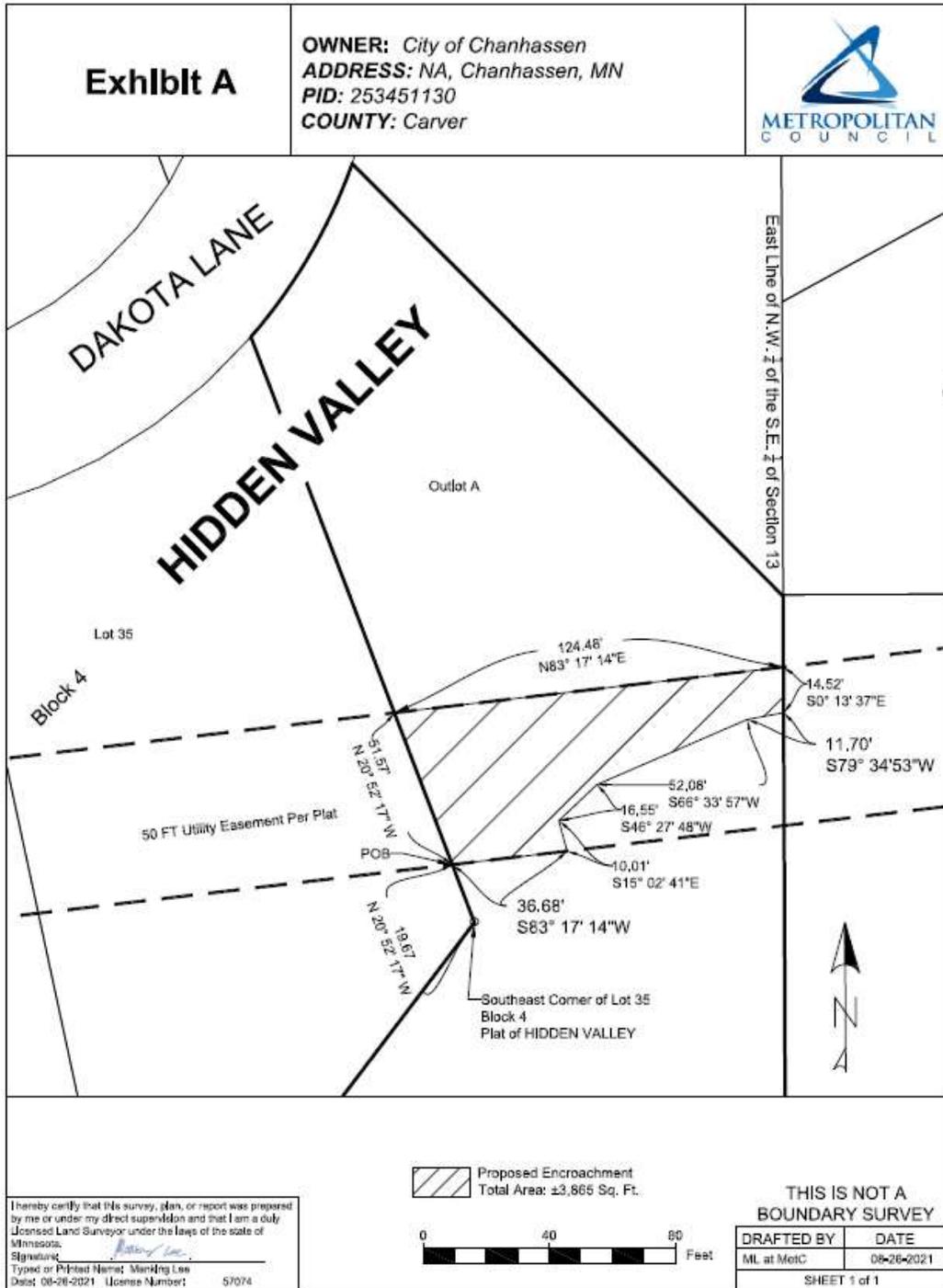
I hereby certify that the within instrument was filed for record in this office on the 11 day of April A. D. 1973 at 4 o'clock P.M., and was duly recorded in book 111 of deeds Page 252-3  
Carl W. Hansen  
REGISTER OF DEEDS  
By Mary Gray  
DEPUTY REGISTER OF DEEDS



## EXHIBIT C

Commencing at the southeast corner of Lot 35, Block 4, recorded plat thereof; thence on an assumed bearing of North 20 degrees 52 minutes 17 seconds West, along the east line of Lot 35, Block 4, a distance of 19.67 feet to the point of beginning; thence North 20 degrees 52 minutes 17 seconds West, along the east line of Lot 35 Block 4, a distance of 51.57 feet; thence North 83 degrees 17 minutes, 14 seconds East, along the plated 50 foot Utility Easement, a distance of 124.48 feet; thence South 0 degrees 13 minutes 37 seconds East, along the east line of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 13, a distance of 14.52 feet; thence South 79 degrees 34 minutes 53 seconds West, a distance of 11.70 feet; thence South 66 degrees 33 minutes 57 seconds, a distance of 52.08 feet; thence South 46 degrees 27 minutes 48 seconds East, distance of 16.55 feet; thence South 15 degrees 2 minutes 41 seconds East, a distance of 10.01 feet; thence South 83 degrees 17 minutes 14 seconds West, along the south line of the plated 50 foot utility easement, a distance of 36.68 feet to the point of beginning.

# EXHIBIT D



**ENCROACHMENT AGREEMENT  
ON METROPOLITAN COUNCIL PROPERTY**

Lake Ann Interceptor Phase 1  
Encroachment Number 21-004  
City of Chanhassen, Carver County

**RECITALS**

- A. Metropolitan Council, a public corporation and political subdivision of the State of Minnesota, successor to the Metropolitan Sewer Board (“Council”), owns the easement legally described on the attached **Exhibit B** (“Easement”) over property owned by the City of Chanhassen (“City”) described on **Exhibit A** (“City Property”).
- B. Riley-Purgatory-Bluff Creek Watershed District (“Watershed”) seeks to construct improvements on City Property consisting of a new stormwater runoff collection and filter system to remove total suspended solids, phosphorus, nutrients, metals, trash, and hydrocarbons. A 15” storm sewer pipe will convey the filter water to an existing downstream manhole crossing a 66” Council sanitary line between MH-4 and MH-5. The location of the crossing is approximately 147 feet upstream of MH-4 with a calculated vertical separation of 1.45 feet. Additionally, as part of the project, City intends replace its storm structure CBMH-8541 at the same height and location and intends to replace certain trail pavement (collectively, “Public Project” or “Public Improvements”). To complete the Public Project, Watershed must encroach onto the Council’s Easement at the location legally described on **Exhibit C** and as shown on **Exhibit D** (“Encroachment,” as used in this agreement, refers to Watershed’s use of the area legally described in Exhibit C and shown in Exhibit D and the Public Improvements co-located on the Easement.)

In consideration of the sum of one dollar, and other good and valuable consideration to it in hand paid, the receipt and sufficiency of which is hereby acknowledged, Council consents to the Encroachment, construction of the Public Project and placement of Public Improvements on its Easement subject to the following Terms and Conditions.

### **TERMS AND CONDITIONS**

1. The Public Project will be completed in accordance with plans, drawings, and specifications that have been reviewed and approved by Council staff, who have concluded that conduct of the work in accordance with the plans, drawings and designs will not impair Council's continuing operation and maintenance of the sanitary line ("Approved Plans"). Watershed will ensure that its contractor utilizes equipment suitable to discover and protect the existing Council sanitary sewer and system.
2. Prior to commencement of construction of the Public Project and Public Improvements, Watershed shall submit any alterations, modifications, or amendments to the Approved Plans that change the nature, scope, extent or duration of the Encroachment to Council for its prior written approval, which approval shall not be unreasonably withheld, conditioned, or delayed. Watershed shall not commence construction of the Public Project, or future construction, relocation, or realignment of the Public Improvements unless and until Council has provided such written approval.
3. Use of the Encroachment is specifically limited to the Public Project; no other uses are allowed. The Encroachment is not a grant a of a real property interest in the City Property.
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  - a. A schedule of construction activities.
  - b. 48-hours advanced notice of actual physical commencement of construction.
  - c. Evidence that its contractor(s) or any party doing work on behalf of Watershed has included Council as additional insured on the required general liability policy.

6. Notices shall be provided to:

**COUNCIL:**

Tim Wedin – Assistant Manager, Interceptor Engineering  
Wastewater Planning & Capital Project Delivery  
Metropolitan Council Environmental Services  
390 North Robert Street  
St. Paul, MN 55101

**WATERSHED:**

Riley Purgatory Bluff Creek Watershed District  
18681 Lake Drive East  
Chanhassen, MN 55317

7. Council, its employees, agents, contractors, and invitees shall have access to the Encroachment. The Encroachment shall not unreasonably interfere with Council's operations or use of its Easement. If Council determines in its sole discretion that the Encroachment unreasonably impacts its operations or its use of its Easement, Council shall have the right terminate this agreement if it (a) provides Watershed with a notice of intent to terminate the agreement and (b) the parties have met and have endeavored in good faith to resolve the impact(s). Council shall have no obligation to provide a substitute Encroachment for relocation of the Public Improvements.
8. This agreement shall be binding upon and inure to the benefit of the parties hereto and their successors and assignees.
9. The recitals are incorporated into and made a part of this agreement.

**WATERSHED:**

\_\_\_\_\_  
By Terry Jeffery  
Its interim administrator

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

STATE OF MINNESOTA        )  
  ) ss.  
COUNTY OF HENNEPIN     )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by Terry Jeffery as interim administrator of Riley-Purgatory-Bluff Creek Watershed District, a governmental subdivision of the State of Minnesota, on its behalf.

\_\_\_\_\_  
Notary Public

**METROPOLITAN COUNCIL**

By: \_\_\_\_\_  
Its: Regional Administrator

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

STATE OF MINNESOTA)  
  ) ss.  
COUNTY OF                    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021, by Mary Bogie, Regional Administrator of the METROPOLITAN COUNCIL, a public corporation and political subdivision of the State of Minnesota, on its behalf.

\_\_\_\_\_  
Notary Public

## EXHIBIT A

Outlot B, Chanhassen Estates 2<sup>nd</sup> Addition, according to the recorded plat thereof.  
Except

That part of the northerly 3.00 feet of Outlot B, CHANHASSEN ESTATES 2ND ADDITION, according to the recorded plat thereof, lying between the southerly extension of the west line of Lot 1, Block 5 in said plat and the southerly extension of the following described line;

Beginning at a point on the northeasterly line of said Lot 1 distant 31.91 feet northwesterly from the most easterly corner thereof; thence southerly to a point on the southerly line of said Lot 1 distant 29.91 feet westerly from said most easterly corner and said line there terminating.

**EXHIBIT B**  
Met Council Easement

EASEMENT

THIS INSTRUMENT, Made this 30<sup>th</sup> day of October, 1972, by and between the VILLAGE OF CHANHASSEN, a municipal corporation organized and existing under the laws of the State of Minnesota, party of the first part, and the METROPOLITAN SEWER BOARD, a duly constituted agency of the Metropolitan Council created and organized pursuant to Minnesota Laws 1969, Chapter 449, party of the second part;

WITNESSETH, That the said party of the first part, in consideration of One Dollar and other good and valuable consideration to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does hereby Grant, Bargain, Sell, Convey and Warrant to said party of the second part, its successors and assigns, the perpetual right and easement to construct, maintain, operate and repair sewer mains, pipes and appurtenances over, under and across the premises described in Exhibit "A" attached hereto and made a part hereof, together with whatever temporary easements are therein described, and together with a perpetual easement for ingress and egress.

IN TESTIMONY WHEREOF, the said party of the first part has caused these presents to be duly executed as of the day and year first above written.

In presence of:  
Steven J. Wolf  
Blungh H.

VILLAGE OF CHANHASSEN  
By Al Klingelutz  
Its Mayor  
and Adolph Tessness  
Its Clerk-Administrator

STATE OF MINNESOTA )  
                                  ) ss  
COUNTY OF CARVER )

On this 30<sup>th</sup> day of October, 1972, before me, a Notary Public within and for said County, personally appeared Al Klingelutz and Adolph Tessness, to me personally known, who, being each by me duly sworn, did say that they are respectively the Mayor and the Village Clerk-Administrator of the municipal corporation named in the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Village Council and said Al Klingelutz and Adolph Tessness acknowledged said instrument to be the free act and deed of said corporation.

Russell H. Larson  
Russell H. Larson, Notary Public  
Carver County, Minnesota  
My commission expires June 12, 1975

This instrument was drafted by  
Russell H. Larson  
1900-1st National Bank Building  
Minneapolis, Minnesota 55402

EXEMPT FROM STATE DEED TAX

MSB Project 71-38  
Parcel 6

Carver Co. Document # 18141  
Recorded 4-11-73

drawn on half  
see map

5 1/2 13-116-23

#6-111110

ORDER NO. 6151

**WILLIAM D. SCHOELL**  
REGISTERED CIVIL ENGINEER

MINN. NO. 2265  
SO. DAK. 755  
WIS. NO. E-6178  
FLORIDA NO. 6271  
NO. DAK. 623  
MONT. NO. 1016-E  
IOWA NO. 5923

**SCHOELL & MADSON, INC.**

ENGINEERS & SURVEYORS  
50 NINTH AVENUE SOUTH  
HOPKINS, MINNESOTA 55343  
PHONE: 938-7601  
938-7601

**CARLISLE MADSON**  
REGISTERED LAND SURVEYOR

MINN. NO. 4374  
SO. DAK. 791  
WIS. NO. B-674  
IOWA NO. 3705  
NO. DAK. 1108  
MONT. NO. 1742-B

**DESCRIPTION**

FOR: VILLAGE OF CHANHASSEN

LAKE ANN TRUNK SANITARY SEWER

12-6-71 6) A 100 foot temporary construction easement and a 50 foot  
S<sup>1</sup>/<sub>2</sub>, Sec. 13 perpetual easement for sanitary sewer purposes over, under and  
across the following described property.

Abstract Outlot B, Chanhassen Estates 2nd Addition, according to  
Doc. No. the recorded plat thereof.  
12954

The centerline of both easements is described as follows:

Commencing at the northwest corner of said Outlot B;  
thence on an assumed bearing of South 0 degrees 38  
minutes and 57 seconds West, along the west line of  
said Outlot B, a distance of 46.57 feet; thence South  
84 degrees 34 minutes and 13 seconds West a distance  
of 50.00 feet, to the beginning of the centerline to  
be described; thence North 84 degrees 34 minutes and  
13 seconds East a distance of 349.57 feet; thence  
North 20 degrees 55 minutes and 28 seconds East a  
distance of 337.94 feet and said centerline there  
terminating.

Said temporary easement to expire December 31, 1973.

WILLIAM D. SCHOELL  
REGISTERED CIVIL ENGINEER

MINN. NO. 2265  
SO. DAK. 755  
WIS. NO. E-6176  
FLORIDA NO. 6271  
NO. DAK. 623  
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IOWA NO. 5923

**SCHOELL & MADSON, INC.**

ENGINEERS & SURVEYORS  
50 NINTH AVENUE SOUTH  
HOPKINS, MINNESOTA 55343  
PHONE: 938-7601

ORDER NO. 6151

CARLIBLE MADSON  
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MINN. NO. 4374  
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IOWA NO. 3705  
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**DESCRIPTION**

FOR: VILLAGE OF CHANHASSEN  
LAKE ANN TRUNK SANITARY SEWER

12-6-71  
S $\frac{1}{2}$ , Sec. 13  
Abstract  
Doc. No.  
12954

6) A 100 foot temporary construction easement and a 50 foot perpetual easement for sanitary sewer purposes over, under and across the following described property.

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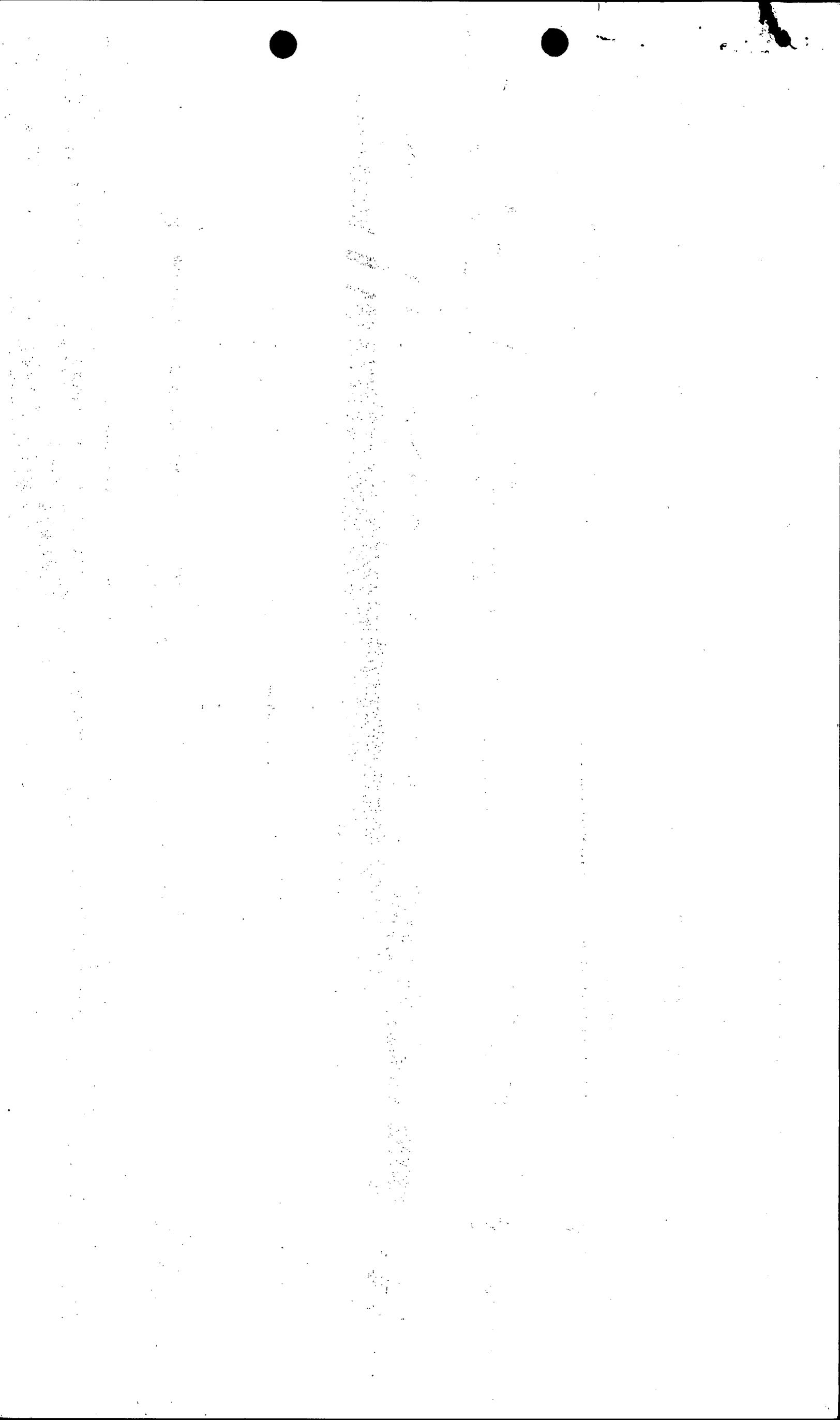
Commencing at the northwest corner of said Outlot B; thence on an assumed bearing of South 0 degrees 38 minutes and 57 seconds West, along the west line of said Outlot B, a distance of 46.57 feet; thence South 84 degrees 34 minutes and 13 seconds West a distance of 50.00 feet, to the beginning of the centerline to be described; thence North 84 degrees 34 minutes and 13 seconds East a distance of 349.57 feet; thence North 20 degrees 55 minutes and 28 seconds East a distance of 337.94 feet and said centerline there terminating.

Said temporary easement to expire December 31, 1973.  
18141

**OFFICE OF REGISTER OF DEEDS**

STATE OF MINNESOTA,  
County of Carver

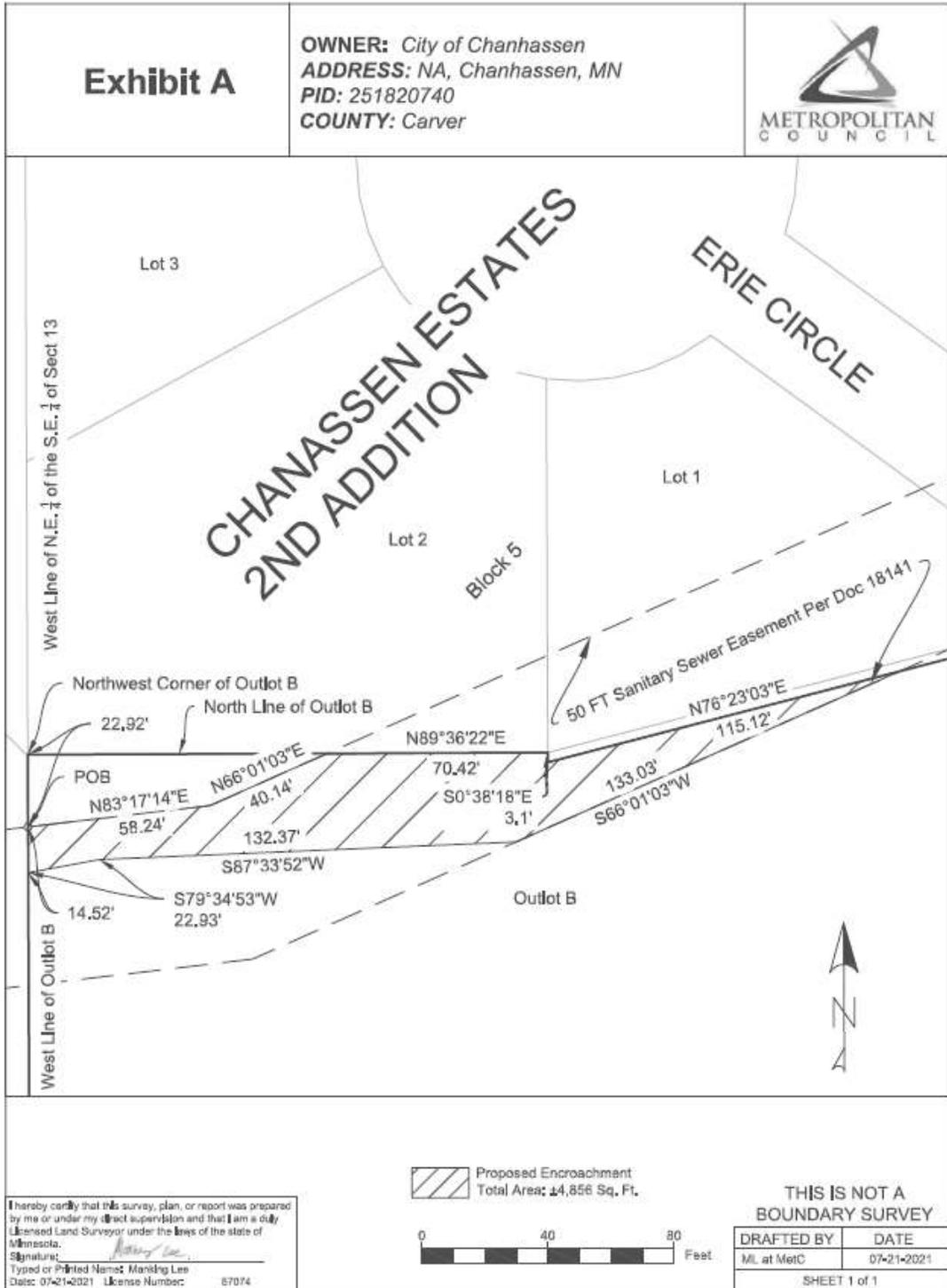
I hereby certify that the within instrument was filed for record in this office on the 11 day of April A. D. 1973 at 4 o'clock P.M., and was duly recorded in book 111 of deeds Page 252-3  
Carl W. Hansen  
REGISTER OF DEEDS  
By Mary Gray  
DEPUTY REGISTER OF DEEDS



## EXHIBIT C

Commencing at the northwest corner of said Outlot B; thence on an assumed bearing of South 0 degrees 13 minutes 39 seconds East, along the west line of said Outlot B, a distance of 22.92 feet to the point of beginning; thence North 83 degrees 17 minutes 14 seconds East, a distance of 58.24 feet; thence North 66 degrees 01 minutes 03 seconds East, a distance of 40.14 feet; thence North 89 degrees 36 minutes 22 seconds East, along the north line of said Outlot B, a distance of 70.42 feet; thence South 00 degrees 34 minutes 11 seconds East, a distance of 3.10 feet; thence North 75 degrees 30 minutes 28 seconds East, a distance of 115.12 feet; thence South 66 degrees 01 minutes 03 seconds, along of the south line of a 50 foot sewer easement per document 18141, a distance of 133.03 feet; thence South 87 degrees 33 minutes 52 seconds, a distance of 132.37 feet; thence South 79 degrees 34 minutes 53 seconds, a distance of 22.93' thence North 0 degrees 13 minutes 39 seconds West, along the west line of said Outlot B, a distance of 14.52 feet to be point of beginning.

# EXHIBIT D



**RESOLUTION NO. 21-014**

**Riley-Purgatory-Bluff Creek Watershed District  
Board of Managers**

**Authorizing execution of encroachment agreements with Metropolitan Council for  
the construction of the Rice Marsh Lake Water Quality Project**

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

**WHEREAS** Riley-Purgatory-Bluff Creek Watershed District's 2018 10-Year Watershed Management Plan identifies potential projects in the Riley Creek subwatershed, including a watershed phosphorus-load control project, to improve Rice Marsh Lake, and in May 2020, the RPBCWD engineer completed a feasibility report that recommended the installation of a membrane-filtration facility in the Rice Marsh Lake subwatershed as the most feasible best management practice to reduce phosphorus loading and improve water quality in the lake (the Project);

**WHEREAS** at its January 6, 2021, meeting, the RPBCWD Board of Managers ordered the Project in accordance with Minnesota Statutes section 103B.251, and on August 18, 2021, in accordance with July 7, 2021, board authorization, the RPBCWD president executed a cooperative agreement with the City of Chanhassen for the construction of the Project in Rice Marsh Lake Park;

**WHEREAS** at its August 4, 2021, meeting, the RPBCWD Board of Managers awarded the contract for construction of the Project to Meyer Contracting Inc. and the RPBCWD administrator duly entered into a contract for construction; and

**WHEREAS** Metropolitan Council, a public corporation and political subdivision of the State of Minnesota, operates the Lake Ann sanitary-sewer interceptor line under the two parcels of real property that form the majority of the site of the Project, and Metropolitan Council requires that RPBCWD enter into an encroachment agreement for purposes of protecting Metropolitan Council's existing and continuing interest in the safe maintenance and operation of the Lake Ann interceptor while granting RPBCWD the right to construct the Project over the interceptor line.

**NOW THEREFORE BE IT RESOLVED** that the Board of Managers authorizes the RPBCWD interim administrator, on advice of counsel, to execute the attached encroachment agreements with Metropolitan Council, with such nonsubstantive changes as may be necessary to finalize the agreement, for the Rice Marsh Lake Water Quality Project.

The question was on the adoption of the resolution and there were \_\_\_\_\_ yeas and \_\_\_\_\_ nays as follows:

Yea                      Nay                      Abstain                      Absent

**CRAFTON**  
**KOCH**  
**PEDERSEN**  
**WARD**  
**ZIEGLER**

Upon vote, the president declared the resolution \_\_\_\_\_.

\* \* \* \* \*

I, David Ziegler, secretary of the Riley-Purgatory-Bluff Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcription thereof.

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

\_\_\_\_\_  
David Ziegler, Secretary

**PROJECT PUNCH LIST AND CERTIFICATION OF SUBSTANTIAL COMPLETION**

**Project Name:** St. Hubert School Water Quality Project  
**Owner:** Riley Purgatory Bluff Creek Watershed District  
**Contractor:** Minger Construction Company  
**Engineer:** SRF Consulting Group

The purpose of this letter is to certify that Substantial Completion was reached by Minger Construction Company on September 3, 2021.

**Substantial Completion**

On August 19, 2021, an initial walkthrough was completed by the Owner, School, Engineer, Landscape Architect, and Contractor. Substantial completion of the project as summarized in the Project Manual (including all paving surfaces, all drainage features, all landscaping features, initial plantings, and site cleanup) was achieved with the exceptions noted below. A final walkthrough of the project site was conducted on September 3, 2021 to verify the completion of the outstanding work items. Items outstanding should be coordinated with the School and Owner as needed.

Note: This list is not a complete tabulation of all items that are required for the project completion and does not relieve the parties of work included in the contract documents. Minger Construction has tested the drip irrigation system – these tests confirmed the function of the equipment and they were not checked during the walkthrough.

<b>Item No.</b>	<b>Location</b>	<b>Description</b>	<b>Responsible Party</b>	<b>Completed</b>	<b>Notes</b>
1	Parking Lot	Remove basketball hoops and anything that will not be disposed of by the playground contractor	Minger	Complete (for Minger)	The school found someone to take the basketball hoops
2	Filtration Basin/Parking Lot Corner	Place Cat 25 ECB on the side slopes where runoff bypasses the inlet in large events	Minger	Needs replaced and to be staked down so water does not run under blanket. (See #3)	ECB washed away from the corner with large rain storm.
3	Filtration Basin/Parking Lot Corner	The corner of the parking lot/filtration basin will be monitored for ongoing	SRF/RPBCWD	Ongoing	See SRF recommendation below.

		issues in large rain events			
4	Entire Project Site	Finish seeding and hydromulch	Minger	Initial placement complete, however ensure that areas are established per plan.	The filtration basin was not mulched. Contractor is responsible for establishment of the seeding and stabilization of the surface.
5	South end of the parking lot above the bluff	Fence was not completed, School is going to replace the fence	School	N/A	
6	Near the school entrance, north end of the playground	Open up drain and cut exposed tubing	Minger	Complete	
7	North end of the tree trench	Curb cut inlet is not collecting parking lot drainage; SRF/RPBCWD will review the options here and determine next steps	SRF/RPBCWD	Complete	Roof drain was connected to tree trench at the request of the school. Paving/regrading options were reviewed and changes will not be requested.
8	North end of the Native restoration area	Geotextile fabric submittal for material placed under riprap	Minger	Complete	
9	Tree Trench	Cut back exposed PVC under tree trench paths	Minger	Complete	
10	Native restoration area, Berm below the southern stormwater depression	Once vegetation is established downstream, place PVC pipe under berm (elevated 6" above depression bottom) to minimize the amount of standing water.	Minger	TBD, upon establishment	
11	Native landscaping outdoor classroom area	Add topsoil in prior to hydroseeding turf grass	Minger	Complete	

<b>12</b>	Parking Lot	Complete surface course at the timeline agreed upon with the School and Owner	Minger	TBD	
<b>13</b>	Administrative	Provide concrete, asphalt and compaction testing results, as applicable.	Minger	Complete	
<b>14</b>	Administrative	Provide closeout submittals (asbuilt survey, O&M Manuals, project record docs, warranties), as applicable	Minger	Contractor to provide asbuilt survey	WD requires info on stormwater management facilities (basin bottom and top, pipe/structure/inlet inverts)

I recommend that the repair for item #3, Filtration Basin/Parking Lot Corner above be constructed as follows, as soon as possible to encourage vegetation growth this fall:

- Remove the bioroll from the rain guardian to ensure flow is not blocked from entering or bypassing the structure.
- Place an aggregate base under the curbline, compact as much as possible to stabilize and prevent settlement.
- If needed, place a compacted clay material to form slope (1V:4H slope is preferred).
- Place a geotextile Type 4 overtop aggregate or clay material to hold finer material in place.
- Place riprap over geotextile (the rounded boulders still onsite are OK to use) at the corner, around the rain guardian, and any place where overtopping has been seen from the curb. Place rock to the elevation of the back of curb line or higher (up to 6”).
- Take care to fill in lower gaps within the rounded boulders with smaller rock material.
- Place ECB on the bottom of the basin where filter topsoil borrow, clay or seed is placed. Securely stake and/or bury the top (or upstream) edge so water does not cause the blanket to peel away. Place riprap on top, if needed.
- Reseed as needed.

Please let me know if you have any questions about the recommendations made above.

Sincerely,

SRF CONSULTING GROUP, INC.



Leah Gifford, PE (IL MN)  
Senior Associate

## MEMORANDUM

TO: RPBCWD Board of Managers  
FROM: Terry Jeffery, Interim District Administrator  
DATE: October 28, 2021  
RE: St Hubert Pay Application #1

Enclosed is the Application for Payment #1 from Minger Construction for work completed through 9/15/2021, on the above-referenced project. Upon your review and approval, I will sign and scan a copy to be provided to the contractor.

Minger Construction and their subcontractor have been responsive to all requests and have performed he duties outlined in the contract. The project is substantially completed with establishment of prairie and three-years maintenance as the outstanding commitments required under the original scope of services. Major work items covered by this pay application include:

- Removal of necessary features to install proposed BMPs
- Construction of rain garden
- Installation of rain guardian
- Construction of tree trench
- Preparation and planting of the prairie restoration area
- Installation of drainage improvement features in soccer field area and adjacent to the front entrance
- Sidewalk and bituminous parking lot repair/replacement

SRF Engineering and Interim Administrator Jeffery have reviewed the application for payment, confirmed that the work for which payment is requested has been performed, believes to the best of our knowledge that the work has been performed in accordance with the terms of the contract with the Riley Purgatory Bluff Creek Watershed District, and is recommending payment in the amount of **\$263,121.02**. The retainage balance held by the RPBCWD is sufficient to cover the remaining work under contract (i.e., vegetation establishment bid items). Payments should be made directly to Minger Construction.

Payment of this will allow the RPBCWD to submit to the MN Board of Soil and Water Resources and the Carver County Soil and Water Conservation District for the awarded grant amounts.

Please call me at 952-807-6885 if you have any questions or concerns about the application for payment, or about any other related matters.



# REQUEST FOR PAYMENT PROJECT SUMMARY SHEET

**Owner:** Riley Purgatory Bluff Creek Watershed District  
**Project:** St. Hubert Water Quality Project  
**Project No.:**  
**Contractor:** Minger Construction  
**Address:** 620 Corporate Drive  
Jordan, MN 55352

**Estimate No.:** 1  
**For Period Ending:** 9/15/21  
**Contract No.:**  
**File No.:** 13385

<b>Original Contract Amount:</b>	<b>\$290,964.00</b>
Change Order - Addition:	\$0.00
Change Order - Deduction:	\$0.00
<b>Revised Contract Amount:</b>	<b>\$290,964.00</b>
Value Completed to Date:	\$276,969.50
Material on Hand:	\$0.00
Amount Earned:	\$276,969.50
Less 5.0% Retainage:	\$13,848.48
<b>Subtotal:</b>	<b>\$263,121.02</b>
Less Previous Payments:	\$0.00
<b>Total Amount Due This Period:</b>	<b>\$263,121.02</b>

**Payment Requested By:**  
*[Signature]* 09/21/2021  
Minger Construction Date

**Approved By:**  
\_\_\_\_\_  
Riley Purgatory Bluff Date  
Creek Watershed District

**Approved and Recommended By:**  
*[Signature]* 09/21/2021  
SRF Consulting Group, Inc. Date

**Contract Number:** 13385  
**Pay Request Number:** 1

Project Number	Project Description
13385	St. Hubert School Water Quality Project

<b>Contractor:</b> Minger Construction CO., INC. 620 Corporate Drive Jordan, MN 55352	<b>Vendor Number:</b> N/A <b>Up To Date:</b> 09/15/2021
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Contract Amount		Funds Encumbered	
Original Contract	\$290,964.00	Original	\$290,964.00
Contract Changes	\$0.00	Additional	N/A
Revised Contract	\$290,964.00	Total	\$290,964.00

Work Certified To Date	
Base Bid Items	\$276,969.50
Contract Changes	\$
Material On Hand	\$0.00
Total	\$276,969.50

Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
\$276,969.50	\$276,969.50	\$13,848.48	\$0.00	\$263,121.02	\$263,121.02
Percent: Retained: 5%			Percent Complete: 95.19%		

This is to certify that the items of work shown in this certificate of Pay Estimate have been actually furnished for the work comprising the above-mentioned projects in accordance with the plans and specifications heretofore approved.

Approved By  
 first\_name last\_name  
 County/City/Project Engineer  
 Obtained  
 Date

Approved By Minger Construction CO., INC.  
 first\_name last\_name  
 Contractor  
 Obtained  
 Date

Payment Summary				
No.	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	2021-09-15	\$276,969.50	\$13,848.48	\$263,121.02

Funding Category Name	Funding Category Number	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
1. RPBC Watershed District		\$243,466.00	\$12,173.31	\$0.00	\$231,292.69	\$231,292.69
2. School		\$33,503.50	\$1,675.17	\$0.00	\$31,828.33	\$31,828.33

Accounting Number	Funding Source	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
1. RPBC Watershed District	Local	\$231,292.69			\$231,292.69
2. School	Local	\$31,828.33			\$31,828.33

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	1	2011.601	CONSTRUCTION SURVEYING	LS	\$9,000.00	1	1	\$9,000.00	1	\$9,000.00
Base Bid	2	2021.501	MOBILIZATION	LS	\$31,000.00	1	1	\$31,000.00	1	\$31,000.00
Base Bid	3	2101.501	CLEARING & GRUBBING	LS	\$1,100.00	1	1	\$1,100.00	1	\$1,100.00
Base Bid	4	2102.501	PAVEMENT MARKING REMOVAL	LS	\$560.00	1	1	\$560.00	1	\$560.00
Base Bid	5	2104.502	REMOVE FOOTING	EACH	\$445.00	1	1	\$445.00	1	\$445.00
Base Bid	6	2104.502	REMOVE CASTING	EACH	\$250.00	4	4	\$1,000.00	4	\$1,000.00
Base Bid	7	2104.502	REMOVE DRAINAGE STRUCTURE	EACH	\$350.00	1	1	\$350.00	1	\$350.00
Base Bid	8	2104.502	REMOVE BASKETBALL HOOP	EA	\$200.00	2	2	\$400.00	2	\$400.00
Base Bid	9	2104.502	SALVAGE BASKETBALL HOOP	EA	\$400.00	2	2	\$800.00	2	\$800.00
Base Bid	10	2104.503	REMOVE SEWER PIPE (STORM)	L F	\$10.25	49	49	\$502.25	49	\$502.25
Base Bid	11	2104.503	REMOVE CURB & GUTTER	L F	\$6.75	535	535	\$3,611.25	535	\$3,611.25
Base Bid	12	2104.503	REMOVE CHAIN LINK FENCE	L F	\$6.50	140	140	\$910.00	140	\$910.00
Base Bid	13	2557.603	SALVAGE AND INSTALL FENCE (P)	LF	\$30.00	32	32	\$960.00	32	\$960.00

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	14	2104.504	REMOVE CONCRETE WALK (P)	S Y	\$14.50	115	115	\$1,667.50	115	\$1,667.50
Base Bid	15	2104.504	REMOVE BITUMINOUS PAVEMENT (P)	S Y	\$10.00	523	523	\$5,230.00	523	\$5,230.00
Base Bid	16	2104.601	REMOVE MISCELLANEOUS DEBRIS	LS	\$800.00	1	1	\$800.00	1	\$800.00
Base Bid	17	2106.607	PLAYGROUND SURFACE PREPARATION	CY	\$53.00	45	42	\$2,226.00	42	\$2,226.00
Base Bid	18	2106.507	EXCAVATION - COMMON (P)	CU YD	\$18.00	500	500	\$9,000.00	500	\$9,000.00
Base Bid	19	2106.507	COMMON EMBANKMENT (CV) (P)	CU YD	\$34.00	210	210	\$7,140.00	210	\$7,140.00
Base Bid	20	2211.503	AGGREGATE BASE (CV) CLASS 5 (P)	CY	\$106.00	36	36	\$3,816.00	36	\$3,816.00
Base Bid	21	2231.601	BITUMINOUS PATCHING MIXTURE (P)	LS	\$4,500.00	1	1	\$4,500.00	1	\$4,500.00
Base Bid	22	2502.502	6" PRECAST CONCRETE HEADWALL	EACH	\$310.00	2	2	\$620.00	2	\$620.00
Base Bid	23	2502.503	4" PVC PIPE DRAIN	L F	\$9.00	80	80	\$720.00	80	\$720.00
Base Bid	24	2502.503	6" PVC PIPE DRAIN	L F	\$13.00	25	25	\$325.00	25	\$325.00
Base Bid	25	2502.503	8" PVC PIPE DRAIN	L F	\$25.00	50	50	\$1,250.00	50	\$1,250.00
Base Bid	26	2502.503	12" PVC PIPE DRAIN	L F	\$61.00	6	6	\$366.00	6	\$366.00
Base Bid	27	2502.503	6" PERF TP PIPE DRAIN	L F	\$11.50	240	240	\$2,760.00	240	\$2,760.00
Base Bid	28	2502.503	6" PERF PVC PIPE DRAIN	L F	\$23.00	329	329	\$7,567.00	329	\$7,567.00
Base Bid	29	2502.602	PIPE DRAIN CLEANOUT	EA	\$510.00	8	8	\$4,080.00	8	\$4,080.00
Base Bid	30	2503.602	CONNECT TO EXISTING STORM SEWER	EACH	\$475.00	5	5	\$2,375.00	5	\$2,375.00
Base Bid	31	2506.602	CONNECT INTO EXISTING DRAINAGE STRUCTURE	EACH	\$430.00	1	1	\$430.00	1	\$430.00
Base Bid	32	2502.601	IRRIGATION SYSTEM RELOCATION	LS	\$11,000.00	1	1	\$11,000.00	1	\$11,000.00
Base Bid	33	2506.601	CONST DRAINAGE STRUCTURE NYLOPLAST INLINE DRAIN	EA	\$775.00	1	1	\$775.00	1	\$775.00
Base Bid	34	2506.601	CONST DRAINAGE STRUCTURE	EA	\$3,300.00	2	2	\$6,600.00	2	\$6,600.00

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
			NYLOPLAST DRAIN BASIN							
Base Bid	35	2506.601	CONST DRAINAGE PRETREATMENT STRUCTURE	EA	\$2,200.00	4	4	\$8,800.00	4	\$8,800.00
Base Bid	36	2506.601	DROP IN GRATE	EA	\$215.00	2	2	\$430.00	2	\$430.00
Base Bid	37	2506.502	CASTING ASSEMBLY	EACH	\$650.00	1	1	\$650.00	1	\$650.00
Base Bid	38	2511.504	GEOTEXTILE FILTER TYPE 1 (P)	S Y	\$7.50	162	162	\$1,215.00	162	\$1,215.00
Base Bid	39	2511.507	RANDOM RIPRAP CLASS II	C Y	\$150.00	3	3	\$450.00	3	\$450.00
Base Bid	40	2521.501	4" CONCRETE WALK (P)	SF	\$7.75	820	820	\$6,355.00	820	\$6,355.00
Base Bid	41	2531.503	CONCRETE CURB & GUTTER DESIGN B612 (P)	L F	\$28.75	300	300	\$8,625.00	300	\$8,625.00
Base Bid	42	2531.503	CONCRETE CURB & GUTTER DESIGN S512 (P)	L F	\$32.50	104	104	\$3,380.00	104	\$3,380.00
Base Bid	43	1402.602	INSTALL BASKETBALL HOOP	EA	\$450.00	1	2	\$900.00	2	\$900.00
Base Bid	44	2557.603	SEEDING PROTECTION FENCE (P)	LF	\$5.50	1715	1715	\$9,432.50	1715	\$9,432.50
Base Bid	45	1402.601	SITE SAFETY	LS	\$10,399.50	1	1	\$10,399.50	1	\$10,399.50
Base Bid	46	2571.524	DECIDUOUS TREE 2" CAL B&B	TREE	\$720.00	7	7	\$5,040.00	7	\$5,040.00
Base Bid	47	2571.525	DECIDUOUS SHRUB NO 2 CONT	SHRB	\$87.00	9	9	\$783.00	9	\$783.00
Base Bid	48	2571.602	TREE PROTECTION	EACH	\$110.00	6	4	\$440.00	4	\$440.00
Base Bid	49	2573.501	EROSION CONTROL SUPERVISOR	LS	\$4,250.00	1	1	\$4,250.00	1	\$4,250.00
Base Bid	50	2557.601	EROSION AND SEDIMENT CONTROL	LS	\$4,500.00	1	1	\$4,500.00	1	\$4,500.00
Base Bid	51	2574.507	FILTER TOPSOIL BORROW (P)	C Y	\$48.00	467	350	\$16,800.00	350	\$16,800.00
Base Bid	52	2575.523	EROSION CONTROL BLANKETS CATEGORY 25 (P)	SY	\$3.50	40	875	\$3,062.50	875	\$3,062.50
Base Bid	53	1402.607	WASHED #8 STONE (CV) (P)	CY	\$115.00	9	9	\$1,035.00	9	\$1,035.00
Base Bid	54	1402.607	WASHED #57 STONE (CV) (P)	CY	\$94.00	24	24	\$2,256.00	24	\$2,256.00

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	55	140	NATIVE SEEDING (P)	ACRE	\$7,650.00	0.81	0.81	\$6,196.50	0.81	\$6,196.50
Base Bid	56	141	TURF GRASS SEEDING (P)	ACRE	\$3,300.00	0.17	0.17	\$561.00	0.17	\$561.00
Base Bid	57	1402.606	SEED MIX 1 - SHORT PRAIRIE (P)	ACRE	\$1,650.00	0.68	0.68	\$1,122.00	0.68	\$1,122.00
Base Bid	58	1402.606	SEED MIX 2 - INFILTRATION SEED MIX (P)	ACRE	\$1,650.00	0.12	0.12	\$198.00	0.12	\$198.00
Base Bid	59	402.606	SEED MIX 3 - WOODLAND SEED MIX (P)	ACRE	\$38,000.00	0.01	0.01	\$380.00	0.01	\$380.00
Base Bid	60	1402.606	SEED MIX 4 - TURF GRASS SEED MIX (P)	ACRE	\$1,400.00	0.17	0.17	\$238.00	0.17	\$238.00
Base Bid	61	1402.606	MAINTAIN NATIVE VEGETATION IN YEAR 1	ACRE	\$4,300.00	0.81	0	\$0.00	0	\$0.00
Base Bid	62	1402.606	MAINTAIN NATIVE VEGETATION IN YEAR 2	ACRE	\$3,600.00	0.81	0	\$0.00	0	\$0.00
Base Bid	63	1402.606	MAINTAIN NATIVE VEGETATION IN YEAR 3	ACRE	\$3,300.00	0.81	0	\$0.00	0	\$0.00
Base Bid	64	2571.607	PERENNIAL 4" CONT. IN BMPs	EA	\$10.50	227	227	\$2,383.50	227	\$2,383.50
Base Bid	65	2571.607	PERENNIAL NO. 1 CONT IN BMPs	EA	\$18.00	530	530	\$9,540.00	530	\$9,540.00
Base Bid	66	2580.601	PAVEMENT MARKING	LS	\$2,300.00	1	0	\$0.00	0	\$0.00
Base Bid	67	1402.602	FLAGSTONE PAVEMENT (P)	SF	\$47.00	232	232	\$10,904.00	232	\$10,904.00
Base Bid	68	1402.602	ROCK EDGER	LF	\$29.00	153	153	\$4,437.00	153	\$4,437.00
Base Bid	69	1402.602	BOULDER RETAINING WALL	LF	\$200.00	40	40	\$8,000.00	40	\$8,000.00
Alternate 1	70	2571.524	DECIDUOUS TREE 2" CAL B&B	TREE	\$580.00	9	9	\$5,220.00	9	\$5,220.00
Alternate 2	71	2521.618	4" CONCRETE WALK (EXTENSION FROM NATURE AREA)	SF	\$8.00	325	325	\$2,600.00	325	\$2,600.00
Alternate 3	72	1402.601	CONCRETE STAIRS AND HANDRAIL	LS	\$12,500.00	1	1	\$12,500.00	1	\$12,500.00
<b>Base Bid Totals:</b>								<b>\$276,969.50</b>		<b>\$276,969.50</b>

Project Category Totals			
Project	Category	Amount This Request	Amount To Date
13385	Base Bid	\$256,649.50	\$256,649.50
13385	Alt3	\$12,500.00	\$12,500.00

13385	Alt2	\$2,600.00	\$2,600.00
13385	Alt1	\$5,220.00	\$5,220.00

Contract Change Item Status												
Project	CC	CC#	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
<b>Contract Change Totals:</b>										\$		\$

<b>Contract Total</b>	<b>\$276,969.50</b>
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Contract Change Totals			
Number	Description	Amount This Request	Amount To Date

Material On Hand Additions					
Line	Item	Description	Date	Added	Comments

Material On Hand Balance						
Line	Item	Description	Date	Added	Used	Remaining

**RESOLUTION NO. 21-012**  
**Riley-Purgatory-Bluff Creek Watershed District**  
**Board of Managers**

**Authorizing membership in the 4M Fund and designating US Bank as depository**

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

**WHEREAS** Minnesota Statutes section 471.59 (the Joint Powers Act) provides that governmental units may jointly exercise any power common to the contracting parties;

**WHEREAS** the Minnesota Municipal Money Market Fund (the 4M Fund) was formed in 1987 pursuant to the Joint Powers Act and in accordance with Minnesota law by the adoption of a joint powers agreement in the form of the declaration of trust attached to and incorporated into this resolution as a term hereof (the Declaration of Trust);

**WHEREAS** the Declaration of Trust, which has been presented to the Riley-Purgatory-Bluff Creek Watershed District Board of Managers, authorizes municipalities of the State of Minnesota to become participants in and make use from time to time of the 4M Fund, including the 4M Liquid Asset Fund, the 4M Plus Fund, the Term Series, the 4M Limited Term Duration Fund, the Fixed Rate Programs and other fund services offered by the 4M Fund;

**WHEREAS** Riley-Purgatory-Bluff Creek Watershed District qualifies as a municipality, as that term is used in the Declaration of Trust, and as such may become a participant, as that term is used in the Declaration of Trust, in the 4M Fund;

**WHEREAS** the RPBCWD Board of Managers finds that it is in the best interest of RPBCWD to make use of, from time to time, the approved services provided by the 4M Fund's service providers, including the investment advisor, PMA Asset Management LLC; the administrator, PMA Financial Network LLC; the distributor, PMA Securities LLC; the Fixed Rate Program Providers, PMA Financial Network LLC and PMA Securities LLC; and the custodian of the 4M Fund, U.S. Bank National Association and their successors; and

**WHEREAS** the RPBCWD Board of Managers deems it in the best interest of RPBCWD for RPBCWD to enter into the Declaration of Trust and become a Participant, as that term is defined in the Declaration of Trust (as "Participants,") in the 4M Fund for the purpose of joint investment with other municipalities so as to enhance the investment earnings accruing to all.

**NOW THEREFORE BE IT RESOLVED** that RPBCWD elects to become a Participant in the 4M Fund and adopts and enters into the Declaration of Trust. The RPBCWD president, secretary and administrator are hereby authorized to execute those documents necessary to effectuate entry into the Declaration of Trust and participation in 4M Fund programs.

**NOW THEREFORE BE IT FURTHER RESOLVED** that RPBCWD may invest monies from time to time and withdraw monies from time to time in accordance with the provisions of the Declaration of Trust. The following RPBCWD officers and their successors in office are designated “Authorized Officials” with authority to effectuate investments and withdrawals in accordance with the Declaration of Trust:

Dick Ward, President

\_\_\_\_\_  
Signature

Jill Crafton, Treasurer

\_\_\_\_\_  
Signature

Terry Jeffery  
Interim Administrator

\_\_\_\_\_  
Signature

The RPBCWD treasurer or administrator will advise the 4M Fund of any changes in the roll of RPBCWD Authorized Officials.

**BE IT FURTHER RESOLVED** that the trustees of the 4M Fund have official custody of RPBCWD monies invested in accordance with the Declaration of Trust.

**BE IT FURTHER RESOLVED** that RPBCWD Board of Managers authorizes the administrator on behalf of RPBCWD and with guidance of counsel and in consultation with the RPBCWD treasurer to open depository and other accounts, enter into wire transfer agreements, safekeeping agreements, third-party surety agreements securing deposits, collateral agreements, letters of credit and lockbox agreements with institutions administering and implementing in 4M Fund programs in accordance with the Declaration of Trust, including U.S. Bank National Association or its successor, and to facilitate participation in programs of PMA Financial Network LLC and PMA Securities LLC for the purpose of transaction-clearing and safekeeping, and the purchase of certificates of deposit or other deposit products and that these institutions are designated RPBCWD depositories. PMA Financial Network LLC and PMA Securities LLC and their successors are authorized to act on behalf of RPBCWD as its agent with respect to accounts and agreements as described herein. RPBCWD funds may be deposited in such depositories, from time to time, at the discretion of the Authorized Officials.

**BE IT FINALLY RESOLVED** that the RPBCWD Board of Managers designates US Bank as an RPBCWD depository and authorizes the administrator, president and treasurer to execute the US Bank Master Services Agreement attached hereto.

The question was on the adoption of the resolution and there were \_\_\_\_ yeas and \_\_\_\_ nays as follows:

Yea                      Nay                      Abstain                      Absent

**CRAFTON**  
**KOCH**  
**PEDERSEN**  
**WARD**  
**ZIEGLER**

Upon vote, the president declared the resolution \_\_\_\_\_.

\* \* \* \* \*

I, David Ziegler, secretary of the Riley-Purgatory-Bluff Creek Watershed District, hereby certifies that I have compared the above resolution with the original thereof as the same appears of record and on file with RPBCWD and find the same to be a true and correct transcription thereof, and further that the resolution is in full force and effect on this date, and Resolution 21-XX has not been modified, amended, or rescinded since its adoption.

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

\_\_\_\_\_  
David Ziegler, Secretary

**Exhibit A**  
**4M Fund - Declaration of Trust**

DRAFT

**Exhibit B**  
**US Bank Master Services Agreement**

DRAFT

**Attachment**  
**US Bank Deposit Account Terms and Conditions**

DRAFT

**RESOLUTION NO. 21-13**  
**Riley-Purgatory-Bluff Creek Watershed District**  
**Board of Managers**

**Designating Wells Fargo account signers**

**WHEREAS** the Riley-Purgatory-Bluff Creek Watershed District Board of Managers wishes to transfer of RPBCWD's investment-management business from Wells Fargo Advisors (WFA) to the 4M Fund; and

**WHEREAS** transfer of funds invested with WFA to the 4M Fund requires first updating the list of authorized signers on RPBCWD's WFA account.

**NOW THEREFORE BE IT RESOLVED** that RPBCWD (the Organization, as defined in the attached exhibit) is authorized and empowered to open banking, asset management, brokerage (including, without limitation, margin, options, and commodities) accounts with WFA.

**NOW THEREFORE BE IT FURTHER RESOLVED** that each of the Authorized Individuals designated in the attached exhibit is hereby authorized in the name and on behalf of RPBCWD to open and maintain such accounts with WFA as he or she may deem necessary or appropriate, in his or her sole discretion, including, without limitation, checking, savings, safe deposit, lock box, night depository, asset management, and brokerage (including, without limitation, margin, options, and commodities) accounts and relationships (hereinafter, the Accounts).

**NOW THEREFORE BE IT FURTHER RESOLVED** that each of the Authorized Individuals is hereby authorized in the name and on behalf of RPBCWD to (i) issue any and all instructions, and WFA is authorized to accept such instructions, with respect to the Accounts including, but not limited to, deposit and withdrawal; the purchase, sale or other disposition of stocks, bonds, and other securities or commodities; deliver and receive monies, stocks, bonds, and other securities or commodities; and (ii) receive and acknowledge the correctness of all statements of the accounts, enter into agreements (whether oral or written) with respect to the Accounts, execute any and all documents with respect to the Accounts, and otherwise act with respect to the accounts as if the Accounts were his or her accounts only.

**NOW THEREFORE BE IT FURTHER RESOLVED** that all matters relating to the Accounts will be governed by this resolution, by the terms of any agreements entered into with respect to the Accounts, and by such internal and external rules and regulations as may be applicable thereto.

**NOW THEREFORE BE IT FURTHER RESOLVED** that WFA is hereby authorized to honor, receive, certify, or pay all checks, drafts, and other evidences of indebtedness bearing or purporting to bear the signature or the facsimile signature of any Authorized Individual, regardless of whether the purported signature is genuine or resembles the signature or facsimile signature of such Authorized Individual and regardless of who affixed the actual or purported facsimile signature thereon, or by what means the signature or the facsimile thereon may have been affixed thereto.

**NOW THEREFORE BE IT FURTHER RESOLVED** that WFA is authorized to honor, receive, certify, or pay all checks, drafts, and other evidences of indebtedness even though drawn or

endorsed to bearer or to the order of any individual, or any officer, representative or employee of RPBCWD, including, without limitation, any Authorized Individual, or for the payment of the individual obligations of such officer, representative, or employee, or for deposit to his or her personal account; and that WFA shall not be expected or be required or under any obligation to inquire as to the circumstances of the issuance or use of any document or item signed or endorsed in accordance with the foregoing resolutions, or the application or disposition of such documents or items or the proceeds thereof.

**NOW THEREFORE BE IT FURTHER RESOLVED** that the RPBCWD Secretary is hereby authorized to furnish a certified copy of this resolution to WFA, and WFA is authorized to deal with the Authorized Individuals under the authority of the resolution, unless and until it shall be expressly notified in writing to the contrary by RPBCWD.

**NOW THEREFORE BE IT FINALLY RESOLVED** that all transactions by officers, representatives, employees, or agents of RPBCWD, on its behalf and in its name prior to the delivery of a certified copy of this resolution, are, in all respect, hereby ratified, confirmed, and adopted, nunc pro tunc.

The question was on the adoption of the resolution and there were \_\_\_\_ yeas and \_\_\_\_ nays as follows:

Yea                      Nay                      Abstain                      Absent

**CRAFTON  
KOCH  
PEDERSEN  
WARD  
ZIEGLER**

Upon vote, the president declared the resolution \_\_\_\_\_.

\* \* \* \* \*

I, David Ziegler, secretary of the Riley-Purgatory-Bluff Creek Watershed District, hereby certifies that I have compared the above resolution with the original thereof as the same appears of record and on file with RPBCWD and find the same to be a true and correct transcription thereof, and further that the resolution is in full force and effect on this date, and Resolution 21-13 has not been modified, amended, or rescinded since its adoption.

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

\_\_\_\_\_  
David Ziegler, Secretary



October 12, 2021

President Dick Ward and Board of Managers  
Riley-Purgatory-Bluff Creek Watershed District  
18681 Lake Drive East  
Chanhassen, MN 55317

**Re: Lower Riley Creek Stabilization Project – Pay Application #7  
Barr Project # 23/27-0053.14-014**

Dear President Ward and Board of Managers:

Enclosed is the Application for Payment #7 from Rachel Contracting, LLC. for work completed through 10/11/2021, on the above-referenced project. Upon your review and approval, please sign and return one copy to me. Barr will distribute a scan to the contractor and RPBCWD Administrator for district files.

Since the last payment application Rachel Contracting and their subconsultant have been responsive to all requests and have performed vegetation establishment warranty repair work. Major work items covered by this pay application include:

- Vegetation establishment work including site inspections, mowing and herbicide applications.

Barr Engineering has reviewed the application for payment, confirmed that the work for which payment is requested has been performed, believes to the best of our knowledge that the work has been performed in accordance with the terms of the contract with the Riley Purgatory Bluff Creek Watershed District, and is recommending payment in the amount of **\$4,814.70**. The retainage balance held by the district is sufficient to cover the remaining work under contract (i.e., vegetation establishment bid items). Payments should be made directly to Rachel Contracting, LLC.

Please call me at 952-832-2755 if you have any questions or concerns about the application for payment, or about any other related matters.

Sincerely,

A handwritten signature in black ink that reads "Scott Sobiech". The signature is written in a cursive, flowing style.

Scott Sobiech, P.E.  
Barr Engineering Co.

c: Terry Jeffery, RPBCWD  
Dave Lyste, Rachel Contracting, Inc.

Enclosure #1 – Application for Payment – Progress Payment 7

**Lower Riley Creek Stabilization Project  
Progress Payment Number 7**

1.0	Total Completed Through This Period	<u>\$1,983,527.01</u>	
2.0	Total Completed Through Previous Period	<u>\$1,978,712.31</u>	
3.0	Total Completed This Period		<u>\$4,814.70</u>
4.0	Amount Retained, Previous Period	<u>\$44,019.77</u>	
5.0	Amount Retained, This Period (See Note 1)	<u>\$0.00</u>	
6.0	Total Amount Retained	<u>\$44,019.77</u>	
7.0	Retainage Released This Period:		<u>\$0.00</u>
8.0	Total Retainage Released Through This Period:	<u>\$22,009.89</u>	
9.0	Retainage Held by District:	<u>\$22,009.89</u>	
10.0	Amount Due This Period		<u><u>\$4,814.70</u></u>

Note 1: At rate of 5% until Completed to Date equals 50% of current Contract Price and a rate of 0% thereafter.

SUBMITTED BY:

Name: Dave Lyste Date: 10.12.2021  
 Title: Vice President  
 Contractor: Rachel Contracting, LLC

Signature: 

RECOMMENDED BY:

Name: Scott Sobiech Date: 10/12/2021  
 Title: District Engineer  
 Engineer: Barr Engineering Company

Signature: 

APPROVED BY:

Name: Dick Ward Date: \_\_\_\_\_  
 Title: President  
 Owner: Riley Purgatory Bluff Creek Watershed District

Signature: \_\_\_\_\_

**Lower Riley Creek Stabilization Project**  
**Piley Purgatory Bluff Creek Watershed District**  
**Summary of Work Completed Through September 14, 2021 - for Progress Payment Number 7**

1.04 Item	Description	Unit	Estimated Quantity	Unit Price	Extension	(1) Total Completed Through This Period		Percent Complete	(6) Total Completed This Period	
						Quantity	Amount		Quantity	Amount
A	Mobilization	L.S.	1	\$ 132,210.00	\$ 132,210.00	1	\$132,210.00	100%	0	\$0.00
B	Control of Water	L.S.	1	\$ 118,950.00	\$ 118,950.00	1	\$118,950.00	100%	0	\$0.00
C	Traffic Control	L.S.	1	\$ 6,240.00	\$ 6,240.00	1	\$6,240.00	100%	0	\$0.00
D	Rock Construction Entrance	Each	2	\$ 24,270.00	\$ 48,540.00	2	\$48,540.00	100%	0	\$0.00
E	Silt Fence, Type MS	L.F.	3,600	\$ 4.20	\$ 15,120.00	0	\$0.00	0%	0	\$0.00
F	Sediment Control Log, Type Compost	L.F.	8,900	\$ 4.80	\$ 42,720.00	8900	\$42,720.00	100%	0	\$0.00
G	Floating Silt Curtain	Each	1	\$ 1,390.00	\$ 1,390.00	1	\$1,390.00	100%	0	\$0.00
H	Inlet Protection	Each	6	\$ 317.00	\$ 1,902.00	6	\$1,902.00	100%	0	\$0.00
I	Street Sweeping	L.S.	1	\$ 7,170.00	\$ 7,170.00	1	\$7,170.00	100%	0	\$0.00
J	Temporary Stream Crossing	Each	1	\$ 18,270.00	\$ 18,270.00	1	\$18,270.00	100%	0	\$0.00
K	Clearing and Grubbing (Medium Density)	Acre	3	\$ 8,110.00	\$ 25,952.00	3.2	\$25,952.00	100%	0	\$0.00
L	Select Tree Removal and Salvage with Root Wad (8-12" Diameter)	Each	63	\$ 156.50	\$ 9,859.50	60	\$9,390.00	95%	0	\$0.00
L	Select Tree Removal and Salvage with Root Wad (Greater than 12" Diameter)	Each	63	\$ 197.00	\$ 12,411.00	63	\$12,411.00	100%	0	\$0.00
M	Channel Clean-up, Debris Removal and Disposal	L.S.	1	\$ 4,530.00	\$ 4,530.00	1	\$4,530.00	100%	0	\$0.00
N	Remove Storm Sewer (12" to 27" RCP and FES) - CO#2	L.F.	76.8	\$ 58.80	\$ 4,515.84	76.8	\$4,515.84	100%	0	\$0.00
O	Remove Storm Sewer Manhole (48" Diameter) - CO#2	Each	1	\$ 2,360.00	\$ 2,360.00	1	\$2,360.00	100%	0	\$0.00
P	Remove Bituminous Path	S.Y.	590	\$ 8.60	\$ 5,074.00	667	\$5,736.20	113%	0	\$0.00
Q	Furnish & Install Manhole (48" Diameter) - CO#2	Each	1	\$ 5,780.00	\$ 5,780.00	1	\$5,780.00	100%	0	\$0.00
Q	Furnish & Install Manhole (60" Diameter)	Each	2	\$ 8,040.00	\$ 16,080.00	2	\$16,080.00	100%	0	\$0.00
R	Connect to Existing Manhole	Each	1	\$ 1,950.00	\$ 1,950.00	1	\$1,950.00	100%	0	\$0.00
S	Salvage and Install Manhole Casting - CO#2	Each	1	\$ 710.00	\$ 710.00	1	\$710.00	100%	0	\$0.00
T	Furnish & Install Manhole Casting	Each	2	\$ 849.00	\$ 1,698.00	2	\$1,698.00	100%	0	\$0.00
U	Furnish & Install Storm Sewer, 15" RC Pipe Class III - CO#2	L.F.	29	\$ 100.00	\$ 2,880.00	29	\$2,900.00	101%	0	\$0.00
V	Furnish & Install Storm Sewer, 15" RC FES - CO#2	Each	1	\$ 2,890.00	\$ 2,890.00	1	\$2,890.00	100%	0	\$0.00
U	Furnish & Install Storm Sewer, 27" RC Pipe Class III	L.F.	27	\$ 159.00	\$ 4,293.00	27	\$4,293.00	100%	0	\$0.00
V	Furnish & Install Storm Sewer, 27" RC FES	Each	1	\$ 3,980.00	\$ 3,980.00	1	\$3,980.00	100%	0	\$0.00
U	Furnish & Install Storm Sewer, 36" RC Pipe Class III	L.F.	27	\$ 237.00	\$ 6,399.00	27	\$6,399.00	100%	0	\$0.00
V	Furnish & Install Storm Sewer, 36" RC FES	Each	2	\$ 6,780.00	\$ 13,560.00	2	\$13,560.00	100%	0	\$0.00
W	Common Excavation (P)	C.Y.	5,650	\$ 10.70	\$ 60,455.00	5650	\$60,455.00	100%	0	\$0.00
X	Grading (P)	S.Y.	23,480	\$ 1.70	\$ 39,916.00	23480	\$39,916.00	100%	0	\$0.00
Y	Furnish & Install Class II Fieldstone Riprap - CO#2	Ton	3,129	\$ 54.90	\$ 171,760.14	3231.6	\$177,414.84	103%	0	\$0.00
Y	Furnish & Install Class III Fieldstone Riprap - CO#2	Ton	174	\$ 54.90	\$ 9,552.60	179.26	\$9,841.37	103%	0	\$0.00
Z	Furnish & Install Granular Filter Aggregate - CO#2	Ton	2,056	\$ 51.30	\$ 105,477.93	3862	\$198,120.60	188%	0	\$0.00
AA	Furnish & Install Boulder Vane, no Footers - CO#2	L.F.	520	\$ 73.30	\$ 38,116.00	577	\$42,294.10	111%	0	\$0.00
AA	Furnish & Install Boulder Vane, with Footers - CO#2	L.F.	1,390	\$ 73.30	\$ 101,887.00	1432	\$104,965.60	103%	0	\$0.00
BB	Install Log Vane - CO#2	Each	57	\$ 262.50	\$ 14,962.50	59	\$15,487.50	104%	0	\$0.00
CC	Install Toe Wood - CO#2	L.F.	513	\$ 45.80	\$ 23,472.50	592	\$27,113.60	116%	0	\$0.00
DD	Furnish & Install VRSS	L.F.	4,190	\$ 27.70	\$ 116,063.00	4657	\$128,998.90	111%	0	\$0.00
EE	Import Topsoil	C.Y.	2,110	\$ 18.30	\$ 38,613.00	4672	\$85,497.60	221%	0	\$0.00

1.04 Item	Description	Unit	Estimated Quantity	Unit Price	Extension	(1) Total Completed Through This Period		Percent Complete	(6) Total Completed This Period	
						Quantity	Amount		Quantity	Amount
FF	Seed Area	Acre	5.22	\$ 637.00	\$ 3,325.14	5.66	\$3,605.42	108%	0	\$0.00
GG	Cover Crop Seed Mix	Lbs.	140	\$ 1.70	\$ 238.00	160	\$272.00	114%	0	\$0.00
GG	Floodplain Forest Seed Mix	Lbs.	80	\$ 86.90	\$ 6,952.00	80	\$6,952.00	100%	0	\$0.00
GG	Upland Construction Seed Mix	Lbs.	17	\$ -	\$ -	5	\$0.00	29%	0	\$0.00
HH	Plant Shrub, Bare Root	Each	1,934	\$ 11.00	\$ 21,274.00	1934	\$21,274.00	100%	0	\$0.00
HH	Plant Shrub, #2 Container	Each	309	\$ 64.30	\$ 19,868.70	309	\$19,868.70	100%	0	\$0.00
II	Plant Tree, Bare Root	Each	43	\$ 41.10	\$ 1,767.30	43	\$1,767.30	100%	0	\$0.00
II	Plant Tree, 2.5" Ball & Burlap	Each	53	\$ 666.00	\$ 35,298.00	53	\$35,298.00	100%	0	\$0.00
JJ	Furnish & Install Erosion Control Blanket Category 3N	S.Y.	20,000	\$ 2.40	\$ 48,000.00	27327	\$65,584.80	137%	0	\$0.00
KK	Furnish & Install Straw Mulch	S.Y.	5,220	\$ 2.60	\$ 13,572.00	1669	\$4,339.40	32%	0	\$0.00
LL	Bituminous Path	S.Y.	590	\$ 60.70	\$ 35,813.00	667	\$40,486.90	113%	0	\$0.00
MM	Furnish & Install Buffer Markers	Each	76	\$ 227.50	\$ 17,290.00	76	\$17,290.00	100%	0	\$0.00
NN	Vegetation Establishment and Warranty Period (Three Years)	L.S.	1	\$ 14,590.00	\$ 14,590.00	0.33	\$4,814.70	33%	0.33	\$4,814.70
PP	Import Boulders - CO#2	Ton	824	\$ 67.40	\$ 55,544.34	1047.74	\$70,617.68	127%	0	\$0.00
<b>Total Base Bid:</b>					<b>\$ 1,511,242.49</b>					

Bid Add Alternate						(1) Total Completed Through This Period		Percent Complete	(12) Total Completed This Period	
Item	Description	Unit	Estimated Quantity	Unit Price	Extension	Quantity	Amount		Quantity	Amount
OO	Pre-Fabricated Pedestrian Birdge and Footings	L.S.	1	\$ 120,750.00	\$ 120,750.00	1	\$120,750.00	100%	0	\$0.00
<b>Total Including Alternate:</b>					<b>\$ 1,631,992.49</b>		<b>\$1,805,553.05</b>			<b>\$4,814.70</b>

**Change Order #2 Additions**

1.04 Item	Description	Unit	Estimated Quantity	Unit Price	Extension	Quantity	Amount		Quantity	Amount
V	Furnish & Install Storm Sewer, 12" RC FES	L.S.	1	\$ 3,420.00	\$ 3,420.00	1	\$3,420.00	100%	0	\$0.00
QQ	Install geotextile fabric (based on planned quantity)	S.Y.	935	\$ 5.77	\$ 5,394.95	935	\$5,394.95	100%	0	\$0.00
RR	Import Common (load count based on 16 CY per load)	C.Y.	2000	\$ 38.22	\$ 76,440.00	3088	\$118,023.36	154%	0	\$0.00
SS	Furnish & Install Class IV Fieldstone Riprap	Ton	220	\$ 62.10	\$ 13,662.00	110.78	\$6,879.44	50%	0	\$0.00
TT	Export Unsuitable Soil	C.Y.	300	\$ 49.27	\$ 14,781.00	588	\$28,970.76	196%	0	\$0.00
UU	Restocking of materials associated with storm structure (Sta. 40+19)	L.S.	1	\$ 3,690.95	\$ 3,690.95	1	\$3,690.95	100%	0	\$0.00
VV	Additional cost for storm sewer installation (Sta. 44+48)	L.S.	1	\$ 21,427.50	\$ 21,427.50	1	\$21,427.50	100%	0	\$0.00
XX	Toewood option 1 (Detail 3/D-11)	L.F.	0	\$ 45.80	\$ -	0	\$0.00	0%	0	\$0.00
YY	Toewood option 2 (Detail 4/D-11)	L.F.	0	\$ 78.60	\$ -	0	\$0.00	0%	0	\$0.00
ZZ	Cedar tree revetment (Per detail 5/D-11) (to be used in place of log vane as directed)	Each	0	\$ 998.00	\$ -	0	\$0.00	0%	0	\$0.00
<b>Total of CO#2 Additions =</b>					<b>\$138,816.40</b>		<b>\$187,806.96</b>			<b>\$0.00</b>

**Change Order #3 Revisions**

1.04 Item	Description	Unit	Estimated Quantity	Unit Price	Extension	Quantity	Amount		Quantity	Amount
GG	Fescue Seed Mix	LBS	100	\$ 3.70	\$ 370.00	150	\$555.00	150%	0	\$0.00
	Tree substitution Reduction	Each	53	\$ (196.00)	\$ (10,388.00)	53	-\$10,388.00	100%	0	\$0.00
<b>Total of CO#2 Additions =</b>					<b>-\$10,018.00</b>		<b>-\$9,833.00</b>			<b>\$0.00</b>
<b>Total Extensions</b>					<b>\$1,760,790.89</b>		<b>\$1,983,527.01</b>			<b>\$4,814.70</b>

**From:** [David Ziegler](#)  
**To:** [Terry Jeffery](#)  
**Subject:** FW: My input on the past of Duck Lake  
**Date:** Sunday, October 31, 2021 5:42:28 PM

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Terry,  
Please forward this email to the other Managers.  
Thank you,  
David

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: William Braunwarth <[bbraunwa@aol.com](mailto:bbraunwa@aol.com)>  
Date: 10/31/21 11:48 AM (GMT-06:00)  
To: [david\\_ziegler@outlook.com](mailto:david_ziegler@outlook.com), [tindquist@aol.com](mailto:tindquist@aol.com)  
Subject: My input on the past of Duck Lake

To: The Decision makers on restoring Duck Lake; Eden Prairie.

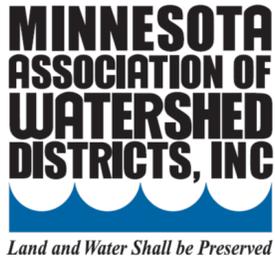
This document is provided to give you information that you may not know about the “past” of Duck Lake. My wife and I purchased our home on the Northeast side of the lake (16769 Baywood Terrace) in October of 1980. A Big part of our purchase decision was based on the lake itself. The lake had good water quality and had sizable and an abundance of Sunfish and Bass; some Crappie and Bullheads as well. To that end, in the 1990’s and beyond, both of our boys (from our dock) would catch 12 – 16” bass ever other cast --- year-after-year. We always released the fish and they were able to see how the fish took the bait and had lots of fun. Also surprising to me was the size of the sunfish, most in the ½ “ to 1½ “ plus range with an exception of a single 2 pounder! At that time the lake was also clear enough and deep enough for swimming off our dock which both kids did as well. (Note, others on the lake were doing the same as well.) Using the paddle boat was not an issue because it was basically weeds free. I could go on hear but I trust you got the status of the past of the lake; great to be on the lake and be able to enjoy it.

So, as I believe you know, the above is not the current status or

condition of Duck Lake. Over the past several years I (we) have seen a **Dramatic change** to the lake. We now have low water levels that I have never seen in the past, lots and lots of weeds and, water levels that “freeze out” even the smallest bullheads. In summary, we are now weed infested due to the low water level, have no Sunfish or Bass(!) and the lake is non-swimmable. The most significant change was when the lake level was dropped by changing (lowering) the overflow outlet located on the Southeastern tip of the lake, the East Bay area.

With above said, I truly hope you are able to restore the lake to its past water levels and hopefully bring Duck Lake back to conditions noted above. I would also like to note that the current lake conditions will also (seemly” have a negative financial impact when we (and others in the neighborhood) eventually sell our house(s). Please feel free to contact us if you have questions or would like any additional information. (All of us on Duck Lake need your Help!)

Sincerely, Bill and Carol Braunwarth (952-937-2389)



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

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**Minnesota Association of Watershed Districts, Inc.**  
**2021 Annual Conference and Business Meeting**  
**December 1-3, 2021**  
**HELD VIRTUALLY**

## **Member Meeting Materials**

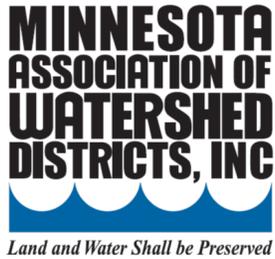
Enclosed are the following items:

1. Notice of Annual and Regional Meetings
2. Delegate Appointment Form – please submit names [using this form](#)
3. Proposed Fiscal Year 2022 Budget
4. Resolutions and Bylaws Amendment Hearing Packet

This packet has been distributed to administrators via email. **Administrators – please distribute copies to your board members.** No paper copies of this packet will be sent via the U.S. Postal Service.

Note: a full meeting packet, including an agenda, previous meeting minutes, reports, and instructions for voting and accessing the meeting will be distributed to watershed administrators no later than one week prior to the Annual Meeting.

**We are looking forward to seeing you online at this year's convention!**



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

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## **MN Association of Watershed Districts, Inc. 2021 Annual and Regional Meeting Notice**

Date of Notice: October 29, 2021

NOTICE IS HEREBY GIVEN that the 2021 Regional Meetings of the Minnesota Association of Watershed Districts, Inc. will be held virtually, beginning at 4:00 p.m. on Wednesday, December 1, 2021 for the purpose of electing three members to the MAWD Board of Directors, one from each region, for terms ending in 2024.

NOTICE IS HEREBY GIVEN that the 2021 Annual Meeting of the Minnesota Association of Watershed Districts, Inc. will be held virtually, beginning at 1:00 p.m. on Friday, December 3, 2021 for the following purposes:

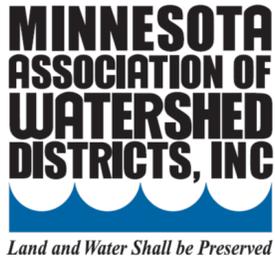
1. To receive and accept the reports of the President, Secretary, and Treasurer regarding the business of the association of the past year;
2. To receive the report of the auditor;
3. To consider and act upon the Fiscal Year 2022 budget;
4. To consider and act upon proposed resolutions and bylaws amendments;
5. To consider and act upon any other business that may properly come before the membership.

Sincerely,

---

Ruth Schaefer  
MAWD Secretary

*NOTE: Instructions on how to access the virtual meetings will be provided one week before the meeting.*



## MN Association of Watershed Districts, Inc. 2021 Delegate Appointment Form

The \_\_\_\_\_ hereby certifies that it is  
*name of watershed organization*

a watershed district or watershed management organization duly established and in good standing pursuant to Minnesota Statutes 103B or 103D and is a member of the MN Association of Watershed Districts, Inc. (MAWD) for the year 2021.

The \_\_\_\_\_ hereby further certifies  
*name of watershed organization*

the following individuals have been appointed as delegates, or as an alternate delegate, all of whom are managers in good standing with the organization.

**Delegate #1:** \_\_\_\_\_  
Name Email Address

**Delegate #2:** \_\_\_\_\_  
Name Email Address

**Alternate:** \_\_\_\_\_  
Name Email Address

Authorized by: \_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Title

**Minnesota Association of Watershed Districts, Inc.**

**Fiscal Year 2022 Proposed Budget**

(October 1, 2021 - September 30, 2022)

10/29/2021	<b>FY2022</b>	<b>FY2021</b>	<b>FY2021</b>	<b>FY2020</b>	<b>FY2019</b>
<b>INCOME</b>	<b>BUDGET</b>	<b>BUDGET</b>	<b>ACTUAL</b>	<b>ACTUAL</b>	<b>ACTUAL</b>
Dues - Watershed District Members	212,000	224,673	194,028	221,482	214,668
Dues - WMO Members	22,500	15,000	7,500	2,000	2,000
Annual Meeting, Education Workshops and Trade Show <sup>1</sup>	25,000	66,855	46,630	94,887	70,955
Convention Sponsorships	32,000	32,340	29,616	43,120	43,700
Legislative Briefing, Education Workshop, and Day at the Capitol	8,000	8,000	2,871	0	6,275
Summer Tour and Education Workshops	26,250	26,250	0	0	18,100
Special Workshops	2,500	2,500	0	0	0
Interest	25	100	31	43	51
<b>TOTAL REVENUES</b>	<b>328,275</b>	<b>375,718</b>	<b>280,676</b>	<b>361,532</b>	<b>355,749</b>
<b>EXPENSES</b>					
<b>Administration &amp; Program Management</b>					
General Administration - Staff	72,100	69,800	67,793	66,147	62,099
Benefits /Taxes for Salaried Employees	25,000	30,000	25,361	24,028	21,348
Administrative and Communications Support - Contract	22,050	21,000	8,455	5,200	0
Event Management - Contract	35,280	33,600	31,125	32,001	39,753
<b>Legislative Affairs</b>					
Lobbying - Staff (includes Administrative Lobbying)	30,900	31,500	30,458	29,028	29,926
Lobbying - Contracted Services	40,000	42,000	40,000	40,000	40,258
Lobbyist Expenses	1,000	1,000	0	259	1,174
<b>Professional Services</b>					
Legal Fees <sup>2</sup>	6,000	2,000	24,763	208	0
Accounting and Audit Fees	10,500	8,500	8,150	8,050	6,850
Insurance	2,000	1,800	1,971	1,963	1,783
<b>Office Expenses</b>					
Rent	4,800	4,800	3,600	4,800	3,200
Mileage and General Office Expenses	12,250	12,250	3,846	7,510	12,181
<b>Board and Committee Meeting</b>					
Per Diems and Expenses - Directors	25,000	20,000	20,225	18,504	14,100
Board and Committee Meeting Expenses	1,000	1,000	172	121	774
<b>Value-Added Special Projects</b>					
WD Handbook	10,000	10,000	0	0	0
Other Special Projects <sup>3</sup>	2,500	2,500	500		
<b>Education and Events</b>					
Annual Meeting, Education Workshops and Trade Show	7,500	25,000	14,462	50,294	54,462
Legislative Briefing, Education Workshop, and Day at the Capitol	5,500	5,500	0	789	5,133
Summer Tour and Education Workshops	25,450	25,450	1,080	0	7,795
Special Workshops	2,500	2,500	0	0	0
Fees (Event Registration and Credit Card Processing Fees)	4,000	4,000	3,065	3,914	4,042
<b>TOTAL EXPENSES</b>	<b>345,330</b>	<b>354,200</b>	<b>285,025</b>	<b>292,818</b>	<b>304,877</b>
<b>REVENUE OVER EXPENSES</b>	<b>-17,055</b>	<b>21,518</b>	<b>-4,349</b>	<b>68,714</b>	<b>50,872</b>
<b>STATEMENT OF NET POSITION</b>					
Assets, Cash and Equivalents, actual			324,904	325,921	323,522
Deposits received - deferred, prepaid expenses			-15,494	962	-54,109
Liabilities, accounts payable, taxes payable			-10,490	-23,772	-35,185
<b>ENDING NET ASSETS</b>			<b>298,920</b>	<b>303,111</b>	<b>234,228</b>

<sup>1</sup> FY22 budget is for December 2021 virtual conference

<sup>2</sup> FY21 actual expenditures included board-approved case research, a BWSR petition, and court submittals

<sup>3</sup> May include donations to efforts by partner organizations, FY21 expenditure included donation for wake board research

# Resolutions and Bylaws Hearing Packet



DATE: October 29, 2021  
TO: MAWD Members  
FROM: MAWD Board of Directors and Resolutions Committee

## RE: Resolutions and Bylaws Amendment Hearing

The Resolutions Committee met on Tuesday, October 12, 2021 to review the resolutions submitted by MAWD members this year. Meeting participants: Chair Sherry White, Minnehaha Creek WD; Joe Collins, Capitol Region WD; Linda Vavra, Bois de Sioux WD; Michelle Overholser, Yellow Medicine River WD; Jamie Beyer, Bois de Sioux WD; and Emily Javens and Jan Voit, MAWD. Absent with prior notice: James Wisker, Minnehaha Creek WD. The MAWD Board of Directors met on October 25, 2021 and accepted the recommendations of the resolutions committee as presented.

The committee feedback is summarized in the table below and discussed further after each resolution. Members (2 delegates from each watershed organization) will vote on the resolutions at the annual business meeting on December 3, 2021. Note: the committee only recommends whether they think the resolution fits the mission of MAWD and its members. Voting for or against a resolution will not determine if MAWD resources will be allocated to the issue. If a resolution is adopted as MAWD policy, it just means we support the idea. It is up to the MAWD Board to determine how much time, money, and energy is put behind each item.

## Resolutions Committee Recommendations

#	Resolution Title	Committee Recommendation
1	Redirect Clean Water Funds from SWCD Local Capacity Services to BWSR Accelerated Implementation of Watershed Based Implementation Funding	Recommends adoption
2	Extend Eligibility of BWSR Clean Water Fund Local Capacity Services Grant (non-competitive) to Non-Metro Watershed Districts Who Request Assistance to Implement 1W1P and Clean Water Fund Programs and Projects	Recommends adoption with amendment
3	Increased Flexibility in Open Meeting Law to Utilize Interactive Technology	Recommends adoption
4	Increased Flexibility in Open Meetings Law to Utilize Interactive Technology	If Resolution #3 is adopted, this resolution is moot
5	Resolution Seeking Expansion of Federal Multi-Peril Crop Insurance to Include Crop Losses Within Impoundment Areas	Recommends adoption
6	State Agencies Required to Seek Review and Comment from Affected Local Units of Government on New or Amended Water Management Policies Prior to Adoption	Recommends adoption with amendment
7	Metro WBIF – Clarify Session Law, Section 6 (a) to specifically call out Metro Watershed Based Implementation Funding to be directed to watershed management plans that have a board-approved and local-government-adopted plan as authorized in Minnesota Statutes section 103B	Recommends adoption

## Proposed Bylaws Amendment

This year we will also be reviewing and acting on proposed changes to the bylaws. Potential changes include adding an emergency resolution process that would allow the Board of Directors to temporarily adopt time-sensitive policies until they can be formally adopted by members. Other updates include requiring a super majority of the board before a director can be removed, adding a general statement that MAWD will work to protect the statutory rights of members, and various minor clarifications.

# BACKGROUND INFO on MAWD RESOLUTION 2021-01

## Redirect Clean Water Funds from SWCD Local Capacity Services to BWSR Accelerated Implementation of Watershed Based Implementation Funding

**Proposing District:** Capitol Region Watershed District  
**Contact Name:** Mark Doneux, Administrator  
**Phone Number:** 651-440-9390  
**Email Address:** mdoneux@capitolregionwd.org

**Background that led to the submission of this resolution:**

For the past several bienniums, the legislature has used \$24 million in Clean Water Fund dollars to provide capacity funding for SWCDs. There seems to be some general consensus that this is a stop gap measure until another, permanent, long-term funding option is developed for the SWCDs. In the meantime, each biennium, \$24 million of the Clean Water Fund is used for this purpose. It can be debated that this is even allowed under the Clean Water Fund. However, even if it was allowed, it should not be directed to a single entity for capacity purposes, i.e. staff, equipment, etc.

**Ideas for how this issue could be solved:**

Redirect Clean Water Funds from SWCD Local Capacity Services to BWSR Accelerated Implementation of Watershed Based Implementation Funding.

**Efforts to solve the problem:**

There have been no efforts to date for this change since it may be current MAWD policy to support this funding allocation from the Clean Water Fund.

**Anticipated support or opposition:**

Most watershed districts would likely support this effort. However, SWCDs are likely to oppose a shift in this funding to the Accelerated Implementation grants for Watershed Based Implementation Funding. Given the statewide affect of this resolution, it would be better coming from the MAWD Board directly.

**This issue (check all that apply):**

Applies only to our district:	<input type="checkbox"/>	Requires legislative action:	<input checked="" type="checkbox"/>
Applies only to 1 or 2 regions:	<input type="checkbox"/>	Requires state agency advocacy:	<input checked="" type="checkbox"/>
Applies to the entire state:	<input checked="" type="checkbox"/>	Impacts MAWD bylaws or MOPP:	<input type="checkbox"/>

# MAWD RESOLUTION 2021-01

## Redirect Clean Water Funds from SWCD Local Capacity Services to BWSR Accelerated Implementation of Watershed Based Implementation Funding

**WHEREAS**, for the past several biennium, the legislature has used \$24 million in Clean Water Fund dollars to provide capacity funding for SWCDs.

**WHEREAS**, the distribution of \$24 million in Clean Water Fund dollars to SWCDs is a stop gap measure until another, permanent, long-term funding option is developed for the SWCDs. It is unclear that distribution of these funds is even allowed under the Clean Water Fund. However, even if it was allowed, it should not be directed to a single entity for capacity purposes, i.e. staff, equipment, etc.

**THEREFORE, BE IT RESOLVED** that MAWD supports the redirection of Clean Water Funds from SWCD Local Capacity Services to BWSR Accelerated Implementation of Watershed Based Implementation Funding.

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### Notes on Committee discussion:

The SWCDs are receiving capacity funds from the Clean Water Fund (CWF). This decision was made by the legislature, and it is BWSR's responsibility to implement the program as directed. In previous discussions, the MAWD membership was divided about how this should be handled. Some members wanted MAWD to fight to expand capacity fund eligibility to Greater Minnesota watershed districts. Other members did not want any CWF dollars to be used for capacity because it is viewed as an ineligible use of those funds.

The Committee recommends adoption of this resolution.

# BACKGROUND INFO on MAWD RESOLUTION 2021-02

## Extend Eligibility of BWSR Clean Water Fund Local Capacity Services Grant (non-competitive) to Non-Metro Watershed Districts Who Request Assistance to Implement 1W1P and Clean Water Fund Programs and Projects

**Proposing District:** Pelican River Watershed District  
**Contact Name:** Dennis Kral, President  
**Phone Number:** 218-846-0436  
**Email Address:** [prwdinfo@arvig.net](mailto:prwdinfo@arvig.net)

### Background that led to submission of this resolution:

Watershed district workloads have increased greatly over the past several years and for WD's to be eligible for the non-competitive BWSR Capacity Base grant (FY20 Base Grant \$107,500) to augment/match our local tax dollars would be very helpful for the non-metro, smaller watershed districts to increase their local capacity to implement activities that are consistent with the purposes of the Clean Water Fund to "...protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation...".

### HOW THE BWSR LOCAL CAPACITY FUNDS ARE USED

BWSR provides non-competitive Clean Water Funds to our Soil and Water Conservation District partners to augment the local county tax funding for:

1. General administration and operations. Employing additional staff, rental of office space, automobile operating expenses, postage and utilities, and board member compensation and expenses, technology/capital expenditures, education, information, inventory, mapping, monitoring/data collection, planning and assessment, project development, regulations, ordinances, enforcement, technical/engineering assistance.
2. Cost share/incentives. water storage and treatment (retention/detention/wetland restoration, vegetation), excess nutrients (lake and stream quality restoration, groundwater sustainability), riparian zone management (ditches, lakes, streams, waterways), and soil erosion (agricultural practices, conservation drainage, forestry practices, groundwater, livestock waste management, non-structural management practices, streambank and shoreline protection, subsurface sewage treatment systems, urban stormwater practices, wetland restoration/creation, wind erosion, special projects.

### Ideas for how this issue could be solved:

The District recommends requesting BWSR to include non-metro watershed districts as an eligible local unit of government who may receive a local capacity base grant funds if requested by a WD, to assist with the implementation of Clean Water Fund eligible activities.

### Anticipated support or opposition:

No opposition is anticipated from other local government units.

### This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MAWD bylaws or MOPP:	_____

## MAWD RESOLUTION 2021-02

### Extend Eligibility of BWSR Clean Water Fund Local Capacity Services Grant (non-competitive) to Non-Metro Watershed Districts Who Request Assistance to Implement 1W1P and Clean Water Fund Programs and Projects

**WHEREAS**, the planning and implementation of capacity funding for watershed districts over the past decade has fallen behind needed funding for new programs like the 1W1P and other watershed district programs that requires watersheds districts to expend funds for staff time, facilities management, supplies, conservation cost shares, equipment acquisition, manager per diems, travel, and related office expenses; and

**WHEREAS**, a large majority of non-metro watershed districts have a levy cap of .048 of market value or a maximum of \$250,000, regardless of the size or complexity of the watershed district plan; and

**WHEREAS**, the legislature has provided additional capacity funds to SWCDs while Greater Minnesota WDs have operated at the same levy cap for the past 20 years, even though demands for services have increased (especially with the demands required for 1W1P planning efforts); and

**WHEREAS**, watershed districts operating under MN Statutes 103D in Greater Minnesota have an on-going need for capacity funding for watershed districts for staff time, facilities management, supplies, conservation cost shares, equipment acquisition, manager per diems, staff and manager training, travel, IT development for public transparency, and a multitude of other related administrative expenses.

**NOW THEREFORE BE IT RESOLVED** that MAWD supports capacity base funding resources directed to non-metro watershed districts who request this assistance, to implement the activities as outlined in approved watershed district water management plans or 1W1P that are consistent with the purposes of the Clean Water Fund to “...protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation...”.

**Notes on Committee discussion:**

The SWCDs are receiving capacity funds from the Clean Water Fund (CWF). This decision was made by the legislature, and it is BWSR’s responsibility to implement the program as directed. In previous discussions, the MAWD membership was divided about how this should be handled. Some members wanted MAWD to fight to expand capacity fund eligibility to Greater Minnesota watershed districts. Other members did not want any CWF dollars to be used for capacity because it is viewed as an ineligible use of those funds.

Funding for capacity should come from the general fund, not the CWF. If it is coming from the CWF, then Greater Minnesota watershed districts should be eligible to receive the funds. The \$250,000 levy cap limits the ability of Greater Minnesota watershed districts to implement projects.

It was suggested that a way to solve the inequity of the \$24 million CWF dollars would be to expand eligibility to include non-103B watershed districts restricted by the \$250,000 general levy limit and remove SWCD eligibility for those SWCDs that already receive \$250,000 or more from their county.

The Resolutions Committee recommends adoption of this resolution.

# BACKGROUND INFO on MAWD RESOLUTION 2021-03

## Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

**Proposing District:** Riley Purgatory Bluff Creek Watershed District  
**Contact Name:** Terry Jeffery, Interim District Administrator  
**Phone Number:** 952-807-6885  
**Email Address:** tjeffery@rpbcwd.org

### Background that led to the submission of this resolution:

Due to the impacts of the COVID-19 pandemic, The Open Meeting Law, Minnesota Statutes Chapter 13, was revised by the 2021 Minnesota Session Laws to provide increased flexibility for participation in public meetings by telephone and interactive technology. The revisions to Minnesota Statutes Sections 13D.02 and 13D.021 provide for this additional flexibility in the event that a health pandemic or emergency is declared under Chapter 12 of Minnesota Statutes. When the health pandemic or emergency is no longer declared, the standard, non-emergency meeting participation and notice requirements for remote participation by a member of a public body apply.

The standard, non-emergency language in the Open Meeting Law allows a member of a public body board to remotely attend and participate in a public meeting using interactive technology, provided that participation is from a public and publicly noticed location (13D.02 Subdivision 1 (5)); and 2). A member may participate remotely from a nonpublic location in a public meeting up to three times in a calendar year due to military deployment or medically documented personal health reasons.

Many public bodies, including watershed districts, successfully used interactive technology to conduct business, including public meetings, during the pandemic. Benefits to using these platforms that went beyond health and safety included reduced travel costs and time for the public and organizations using the platform; increased opportunities for public engagement; lower barriers to public engagement; and increased equity and opportunity for potential leaders and participants.

This proposed resolution declares MAWD's support for changes to the Open Meeting Law that would eliminate the requirement that public body board members participating in a meeting remotely by interactive technology be in a public and publicly noticed location, and the limitation on the number of times a member may participate remotely in a calendar year. It requires public bodies to provide members of the public access to public meetings using interactive technology at the regular meeting location, at which at least one representative of the public body must be present. It requires that the public be provided the opportunity to offer public comment during the meeting from remote locations or the regular meeting location. It further requires that a public body conducting public meetings under the revised Open Meeting Law must publish procedures for conducting meetings using interactive technology to put its members and the public on notice.

### Ideas for how this issue could be solved:

Revise Minnesota Statutes Section 13D.02 to eliminate the limitation on a member of a public body's remote participation in public meetings by interactive technology, and eliminate the requirement that the location of the member be public and noticed as such; provide opportunity for public participation by interactive technology at the regular meeting location; and require a public body that conducts a public meeting using interactive technology to publish procedures for conducting meetings using interactive technology.

All other requirements of the Open Meeting Law would continue to apply to ensure public access and transparency, including, but not limited to: roll call voting; public comment; ability to be seen and heard; public notice; representation by a member or designated representative at the regular meeting location; and recording and posting of public meeting minutes.

### Efforts to solve the problem:

The District has discussed trends in interactive technology use by watershed districts and other public bodies, as well as anticipated legislative action, with its attorneys. The District has no state agency, legislative, or county responses to report.

**Anticipated support or opposition:**

The District anticipates support from organizations that experienced benefits from use of interactive technology for their public meetings that would like to continue to use the flexibility of interactive technology. The District also anticipates public support for the continued use of interactive technology, which has expanded access to public meetings.

Opposition may come from advocates for the existing Open Meeting Law.

**This issue (check all that apply):**

Applies only to our district:	_____	Requires legislative action:	_____ <u>X</u> _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____ <u>maybe</u> _____
Applies to the entire state:	_____ <u>X</u> _____	Impacts MAWD bylaws or MOPP:	_____ _____

**RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT**

**PROPOSAL TO AMEND Minnesota Statutes Section 13D.02 as follows:**

**13D.02 OTHER ENTITY MEETINGS BY INTERACTIVE TECHNOLOGY.**

**Subdivision 1. Conditions.**

- (a) A meeting governed by Section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive technology so long as:
- (1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
  - (2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
  - (3) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location where participation by interactive technology is available to members of the body and public present, unless participation at the regular meeting location is not practical or prudent under Section 13D.021; and
  - (4) all votes are conducted by roll call so each member's vote on each issue can be identified and recorded; ~~and~~
  - (5) ~~each location at which a member of the body is present is open and accessible to the public.~~
- (b) A meeting satisfies the requirements of paragraph (a), although a member of the public body participate from a location that is not open or accessible to the public, ~~if the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public, and:~~
- ~~(1) the member is serving in the military and is at a required drill, deployed, or on active duty; or~~
  - ~~(2) the member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when a state of emergency has been declared under section 12.31, and expires 60 days after the removal of the state of emergency.~~

**Subdivision 4. Notice of regular ~~and all member~~ locations.**

If interactive technology is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location, ~~and notice of any location where a member of the public body will be participating in the meeting by interactive technology, except for the locations of members participating pursuant to subdivision 1, paragraph (b).~~ The timing and method of providing notice must be as described in section 13D.04.

**Subdivision 6. Record.**

The minutes for a meeting conducted under this section must reflect the names of any members appearing by interactive technology, and state the reason or reasons for the appearance by interactive technology.

**Subdivision 7. Public comment period.**

If a public body's practice is to offer a public comment period at in-person meetings, members of the public shall be permitted to comment from a remote location during the public comment period of the meeting, to the extent practical.

**Subdivision 8. Rules and procedures.**

A public body that conducts a meeting under this section must publish procedures for conducting meetings using interactive technology no later than December 31, 2022.

# MAWD RESOLUTION 2021-03

## Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

**WHEREAS**, the Open Meeting Law (Minnesota Statutes Chapter 13D) provides that the governing bodies of watershed districts and other units of government may hold meetings and provide for participation by board members through use of interactive technology, so long as there is a declaration of pandemic or emergency;

**WHEREAS**, during the COVID-19 pandemic, many public bodies, including watershed districts, used interactive technology platforms, including reduced travel costs and time to the public and the organizations using the platform; increased opportunities for public engagement; decreased barriers to public engagement; and increased equity and opportunity for potential leaders and participants;

**WHEREAS**, the current statute allows for members to participate in meetings through interactive technology, but absent a declaration of pandemic or emergency, requires that a member participating through interactive technology must be in a location that is open and accessible to the public and noticed as such; an exception is allowed up to three times in a calendar year for military deployment or medically documented personal health reasons (13D.02, subdivision 1(A)(5), subdivision 1(b));

**WHEREAS**, even absent a declaration of pandemic or emergency, remote meeting participation through the use of interactive technology provides benefits to facilitating member participation while also assuring that decision making is transparent and meetings are accessible to the public;

**NOW, THEREFORE, BE IT RESOLVED** that MAWD supports changes to the Open Meeting Law to provide greater flexibility in the use of interactive technology by allowing members to participate remotely in a nonpublic location that is not noticed, without limit on the number of times such remote participation may occur; and allowing public participation from a remote location by interactive technology, or alternatively from the regular meeting location where interactive technology will be made available for each meeting, unless otherwise noticed under Minnesota Statutes Section 13D.021;

**BE IT FURTHER RESOLVED** that MAWD supports changes to the Open meeting Law requiring watershed districts to prepare and publish procedures for conducting public meetings using interactive technology.

-----  
**Notes on Committee discussion:**

It takes a lot of work to coordinate both in-person and online meetings, especially when side conversations take place. Online meeting costs can be expensive. Some watershed districts will be permanently offering an online option for the public. There are benefits to not limiting the number of times for remote participation for managers that are gone in the winter months. It may even entice more people to be interested in serving as managers since it is difficult to fill those positions in Greater Minnesota. Watershed districts could implement being more restrictive with the number of times remote participation could occur.

Current state law requires that meetings must be held within the watershed district and that everyone has to be able to see the board members participating. Many Greater Minnesota residents do not have access to online technology. Online meetings do not allow for personal connections. If watershed districts only use online technology, it gives permission to the legislature to do the same. It can be perceived as a way to avoid the public and public input.

The Committee recommends adoption of this resolution and generally supports (1) more flexibility for online meetings, (2) not requiring managers to be in a public place, (3) not requiring watershed districts to have a reason for an online meeting, and (4) allowing individual districts the flexibility to implement an internal policy that is more restrictive than state law.

# BACKGROUND INFO on MAWD RESOLUTION 2021-04

## Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

**Proposing District:** Rice Creek Watershed District  
**Contact Name:** Nick Tomczik, District Administrator  
**Phone Number:** 763-398-3079  
**Email Address:** ntomczik@ricecreek.org

**Background that led to submission of this resolution:**

Due to the COVID-19 pandemic, changes were made to the open meetings law to offer increased flexibility during the pandemic. These changes provide additional flexibility to the requirements and exemptions in place due to a health pandemic or emergency declaration. Moving forward, traditional open meetings requirements are in place unless the health pandemic or emergency declaration are made.

The existing open meetings law allows for members to attend and participate using interactive technology, but all members participating from a remote location must still be in a public (and publicly noticed) location (13D.02 Subdivision 1 (5)) unless the health pandemic or emergency declaration is made.

Many public boards (including watershed district boards) used modern interactive technology to conduct business during the pandemic. There were many benefits to using these platforms that went beyond health and safety during a pandemic. These benefits included reduced travel cost and time to the public and the organizations using the platform, increased opportunities for public engagement, decreased barriers to public engagement, and increased equity and opportunity for potential leaders and participants.

This proposed resolution would declare MAWD support to seek changes to the Open Meeting Law that would modify the requirement for all watershed district board members to participate from a public (and publicly noticed) location when using interactive technology (during normal times).

**Ideas for how this issue could be solved:**

Amend Minnesota Statutes section 13D.02 so that a member may participate up to three times per calendar year through interactive technology from a location that is not open and accessible to the public. (See attached Proposal for specific language.) All other requirements of the Open Meeting Law would apply to assure public access and transparency. The remaining requirements include (but are not limited to) roll call voting, participation by the public / public engagement, ability to be seen and heard, public notice, one member in the normal and noticed public location, and recording / posting minutes.

**Efforts to solve the problem:**

Discussing trends and anticipated legislative action on this topic with attorneys. No action or response to report at this time.

**Anticipated support or opposition:**

Support is anticipated from organizations that experienced the benefits of interactive technology for their meetings and wish to see this flexibility. Support from much of the public is anticipated because of greater access to these meetings.

Opposition may come from organizations that advocate for current open meeting laws.

**This issue (check all that apply):**

Applies only to our district:	_____	Requires legislative action:	_____ X
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____ maybe
Applies to the entire state:	_____ X	Impacts MAWD bylaws or MOPP:	_____

# RICE CREEK WATERSHED DISTRICT

PROPOSAL TO AMEND Minnesota Statutes Section 13D.02 as follows:

## 13D.02 OTHER ENTITY MEETINGS BY INTERACTIVE TECHNOLOGY.

### Subdivision 1. **Conditions.**

- (a) A meeting governed by section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive technology so long as:
  - (1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
  - (2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
  - (3) at least one member of the body is physically present at the regular meeting location; and
  - (4) all votes are conducted by roll call so each member's vote on each issue can be identified and recorded; ~~and~~
  - ~~(5) Each location at which a member of the body is present is open and accessible to the public.~~
- ~~(b)~~ A meeting satisfies the requirements of paragraph (a), although a member of the public body participates from a location that is not open or accessible to the public, if the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public. Thereafter such member must be present in a location that is open and accessible to the public for the remainder of the calendar year, and:
  - ~~(1) the member is serving in the military and is at a required drill, deployed, or on active duty; or~~
  - ~~(2) the member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when a state of emergency has been declared under section 12.31, and expires 60 days after the removal of the state of emergency.~~

# 2020 MAWD RESOLUTION 2021-04

## Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

**WHEREAS**, the Open Meeting Law (Minnesota Statutes Chapter 13D) generally provides that the governing bodies of watershed districts and other units of government may hold meetings and provide for participation by board members through use of interactive technology, so long as there is a declaration of pandemic or emergency;

**WHEREAS**, during the COVID-19 pandemic, many public bodies (including watershed district boards of managers) used interactive technology to conduct their business; there were many benefits to using these interactive technology platforms that went beyond health and safety during a pandemic, including reduced travel cost and time to the public and the organizations using the platform, increased opportunities for public engagement, decreased barriers to public engagement, and increased equity and opportunity for potential leaders and participants;

**WHEREAS**, the current statute allows for members to participate in meetings through interactive technology, but absent a declaration of pandemic or emergency, requires generally that members must be in a location that is open and accessible to the public and noticed as such; an exception is allowed up to three times in a calendar year for military deployment or medically documented personal health reasons (See Section 13D.02, subdivision 1(a)(5), subdivision 1(b));

**WHEREAS**, even absent a declaration of pandemic or emergency, remote meeting participation through the use of interactive technology provides benefits to facilitating member participation while also assuring that decision making is transparent and meetings are accessible to the public;

**NOW, THEREFORE, BE IT RESOLVED** that MAWD supports changes to the Open Meeting Law to provide greater flexibility in the use of interactive technology by allowing members to participate remotely in a nonpublic location up to three times in a calendar year.

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**Notes on Committee discussion:**

See discussion on Resolution #3. If that resolution is adopted, Resolution #4 is moot.

# BACKGROUND INFO on MAWD RESOLUTION 2021-05

## Resolution Seeking Expansion of Federal Multi-Peril Crop Insurance to Include Crop Losses Within Impoundment Areas

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

**Background that led to submission of this resolution:**

Watershed districts are faced with locating flood impoundment areas necessary for projects. The problem is it is difficult to convince landowners to sell (especially larger tracts) unless they keep their property in production and have some assurance they will be able to continue to raise a crop within the impoundment area, and further that the crop within such area be eligible for federal crop insurance. Presently, multi-peril crop insurance is available through the Federal Crop Insurance Program Act which is operated and managed by the Risk Management Agency, which is part of the USDA (which is in turn subject to the general supervision of the Secretary of Agriculture). Such multi-peril insurance, however, covers only drought, freeze, disease, and other natural causes. Unnatural causes for crop losses within an impoundment area from flood events are not covered by crop insurance. The result is it becomes very difficult to get property owners to allow their land to be used for flood impoundment areas. The result is projects which may otherwise be viable/beneficial are never built.

**Ideas for how this issue could be solved:**

The Risk Management Agency of the FCIP needs to expand coverage of multi-peril crop insurance to include crop losses within a flood impoundment area while the site is operational no differently than coverage for losses due to natural causes. To accomplish this, the MAWD needs to inform legislators of the problem – both indirectly through legislators and directly with the Risk Management Agency and/or the Secretary of Agriculture – and invited them to expand multi-peril insurance to include crop losses within flood impoundment areas. Suggested language changes/additions to the Code of Federal Regulations would need to be adopted by FCIP/RMA to accomplish adding crop losses within flood impoundment areas as insurable.

**Efforts to solve the problem:**

The WRWD Board of Managers has sent a 7-22-21 letter to Senator Amy Klobuchar with a copy to Senator Tina Smith and Representative Michelle Fischbach inviting her/their assistance in creating multi-peril crop insurance coverage specific to farming within flood improvement areas in the Red River Basin of the North. The letter was sent recently and no response has yet been received. A copy of the letter is attached.

**Anticipated support or opposition from other governmental units?**

Most city, state, or other political subdivisions, tribes, FEMA, and Canada would likely support any efforts to increase the likelihood of being able to create flood impoundment areas. Special interest groups opposed to government flood control efforts may oppose such an expansion of multi-peril crop insurance.

**This issue (check all that apply):**

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MAWD bylaws or MOPP:	_____

# MAWD RESOLUTION 2021-05

## Resolution Seeking Expansion of Federal Multi-Peril Crop Insurance to Include Crop Losses Within Impoundment Areas

**WHEREAS**, the Wild Rice Watershed District (WRWD) board/staff have explored the feasibility of various potential flood control projects which may prove beneficial to both the WRWD, as well as the entire Red River Basin, but a continuing problem is locating a flood impoundment areas which is supported vs. opposed by the owners of the property needed for such an impoundment area.

**WHEREAS**, WRWD property owners have expressed they would have interest in selling an easement to allow their property to become an impoundment area for a flood control project if they knew their property would be/remain eligible for federal crop insurance for crop losses sustained on the property within the impoundment area. The result of having willing property owners make their land available for impoundment areas could dramatically improve the chances of putting beneficial flood damage protection projects on the ground.

**WHEREAS**, the WDWD board/staff have discussed that to accomplish getting crop losses within flood impoundment areas covered by multi-peril crop insurance, there needs to be legislative and/or administrative action taken to convince the Federal Crop Insurance Program/Risk Management Agency, or the Secretary of Agriculture, to so expand the coverage of multi-peril crop insurance.

**THEREFORE, BE IT RESOLVED**, that MAWD supports expansion of Federal Multi-Peril Crop Insurance to include crop losses within impoundment areas.

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**Notes on Committee discussion:**

This is a farm bill issue and funds to pay for the insurance would be the cost of the federal government. It is a means to get the support of the federal government for flood control projects.

For future resolutions, it would be helpful to have examples of specific application, costs, and other measurable information submitted with the resolution background information.

The Committee recommends adoption of this resolution.

## Wild-Rice-Watershed-District

11 5th Ave East · Ada MN 56510 · Phone (218) 784-5501 · Fax (218) 784-2459 · [www.wildricewatershed.org](http://www.wildricewatershed.org)

July 22, 2021

Senator Amy Klobuchar  
Brian Werner, Senior Legislative Assistant  
425 Dirksen Senate Office Building  
Washington, DC 20510

Senator Klobuchar,

The Wild Rice Watershed District (WRWD) is requesting assistance to address current rules within the Federal Crop Insurance program that we feel could help to reduce the nationwide impacts of flooding on crop land and resultant Federal expenses from insurance claims.

**Issue:** Currently, Section 1508(a)(1) of the Federal Crop Insurance Act states in part, "to qualify for coverage under a plan of insurance, the losses of the insured commodity must be due to drought, flood, or other natural disaster." Since under the current rule, insurance is provided only to protect against naturally occurring events, agricultural land within flood control impoundments is not eligible for coverage.

### Reasons for Change:

1. Flood control impoundments are designed to temporarily store water in controlled locations during times of excessive runoff. These sites typically are designed to contain higher volume runoff events that result from spring snowmelt events. However, these sites also provide downstream flow and flood reduction during summer growing season flooding. Most of these sites are designed with the ability to store water with average depths of 5-10-ft. This increased depth of storage allows for less acres of land to be inundated. For example, one acre of land inundated in an impoundment site, stores a volume equivalent to 10-40 acres of downstream flooded land (assuming 3-6" of flood depth). This reduction in inundated area ultimately results in less Federal expenses from insurance claims
2. Farmers know that there are risks associated with farming within flood impoundments. However, they should not be penalized in times of severe financial distress because current federal laws do not allow for the purchase of crop insurance when farming flood impoundments. While there is some risk, the farming of flood impoundments provides some opportunities for farmers to increase their capacity to grow crops in a time of food uncertainty for our nation. There are significant input costs associated with crop production and it is unreasonable for our farmers to take all the risk without some form of crop insurance tool being available to offset the risks of farming in flood impoundments.

3. Farming flood impoundments can also be a water quality management tool if nutrients are properly managed. For example, the raising of hay or other forages or corn for silage results in high levels of nutrients being reduced because the entire crop is being removed. Watershed Districts are supportive of farming flood impoundments because it reduces the public costs to control noxious weeds and maintain land, can result in nutrient removal, provides opportunities for farmers to increase crop production, and can provide a revenue stream for WD's to offset maintenance and operational costs associated with the operation of flood impoundments.

We request your assistance in the creation of a crop insurance tool or coverage specific to the farming of flood impoundments for the Red River Basin of the North. When our farmers are profitable, there is economic benefit throughout the Basin and economic vitality is enhanced.

We would appreciate your assistance in addressing this issue to lessen risks for farmers and to reduce public costs. Thank you for your consideration and the WRWD looks forward to further discussing these matters with you.

Sincerely,



Tara Jensen  
Bookkeeper, WRWD

CC: Senator Tina Smith  
Representative Michelle Fischbach  
WRWD Managers

# BACKGROUND INFO on MAWD RESOLUTION 2021-06

## State Agencies Required to Seek Review and Comment from Affected Local Units of Government on New or Amended Water Management Policies Prior to Adoption

**Proposing District:** Capitol Region Watershed District  
**Contact Name:** Mark Doneux, Administrator  
**Phone Number:** 651-440-9390  
**Email Address:** mdoneux@capitolregionwd.org

### Background that led to the submission of this resolution:

State agencies have varying requirements when adopting water management policies. Often, these policies can have an impact on local watershed organizations, especially when the local units of government are unaware of policies or policy updates. As an example, there is no requirement that BWSR solicit and consider local government input on water management policy. Why input is often requested, it is usually in the form of a survey or other front-end approaches that may seem to address stakeholder input. In reality, the final draft policy is a critical document that local governments are interested in seeing to determine impacts of the policy. In many instances, those implementing state water management programs could make policies better through coordinated and collaborative input prior to adoption by the state.

### Ideas for how this issue could be solved:

Require State Agencies to seek review and comment from affected local units of government on new or amended water management policies prior to adoption.

### Efforts to solve the problem:

State Associations have requested draft policies prior to adoption, but this process has been inconsistent, provides a very limited window for input, and not established to consistently and thorough consider local government input.

### Anticipated support or opposition:

Local units of government, i.e. watershed districts, counties, SWCDs, and cities would likely support this, but may have opposition from state agencies. This should be considered a potential MAWD resolution.

### This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____ X _____
Applies to the entire state:	_____ X _____	Impacts MAWD bylaws or MOPP:	_____ _____

## MAWD RESOLUTION 2021-06

### State Agencies Required to Seek Review and Comment from Affected Local Units of Government on New or Amended Water Management Policies Prior to Adoption

**WHEREAS**, State Agencies have varying requirements when adopting water management policies. Often, these policies can have an impact on local watershed organizations, especially when the local units of government are unaware of policies or policy updates.

**WHEREAS**, there is no requirement that BWSR solicit and consider local government input on water management policy.

**WHEREAS**, the final draft policy of a State Agency is a critical document that local governments are interested in seeing to determine impacts of the policy.

**WHEREAS**, local units of government implementing state water management programs could make policies better through coordinated and collaborative input prior to adoption by the state.

**THEREFORE, BE IT RESOLVED**, that MAWD supports requiring State Agencies to seek review and comment from affected local units of government on new or amended water management policies prior to adoption.

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#### Notes on Committee discussion:

Having a meaningful period of time for comment that doesn't tie the hands of staff and lobbyists is important. Implementing what is requested in this resolution would not just impact watershed districts, but also other local government units.

BWSR spends significant energy into gathering input from local governments but does not allow much time to review what is put on paper before the BWSR board needs to adopt it. Greater Minnesota often feels they do not receive information until it has already been adopted as BWSR policy. While watershed districts give comments after the fact, BWSR should be open to providing for comment and input in advance of adopting policy.

Watershed districts are required to draft documents, provide a 60-day comment period, and then respond to the comments in writing. This is a process that could easily be implemented by BWSR.

In the case of the Metro WBIF, BWSR did not respond to the technical paper submitted by MAWD or to the letters they received from metro watershed districts.

If this resolution is adopted (or any resolution that is adopted), it goes to the MAWD Legislative Committee. The MAWD Legislative Committee makes a prioritized recommendation that is presented to the MAWD Board for adoption.

There are a variety of options that could be pursued in regard to this particular resolution. It is past the point of writing a letter. The next steps would be going to the legislature or submitting a rule making petition to the BWSR Board.

If adopted, this would apply to all government entities (DNR, MPCA, etc.), not just BWSR.

The Committee recommends adoption of this resolution if the following amendment would be added during the resolutions hearing:

**THEREFORE, BE IT RESOLVED**, that MAWD supports requiring State Agencies to seek a meaningful, not less than 60-day review and comment from affected local units of government on new or amended water management policies and a response to the comments is required prior to adoption.

## **BACKGROUND INFO on MAWD RESOLUTION 2021-07**

### **Metro WBIF – Clarify Session Law, Section 6 (a) to specifically call out Metro Watershed Based Implementation Funding to be directed to watershed management plans that have a board-approved and local-government-adopted plan as authorized in Minnesota Statutes, section 103B**

**Proposing District:** Capitol Region Watershed District  
**Contact Name:** Mark Doneux, Administrator  
**Phone Number:** 651-440-9390  
**Email Address:** mdoneux@capitolregionwd.org

#### **Background that led to the submission of this resolution:**

The Board of Water and Soil Resources (BWSR) has been piloting options for long term funding through its watershed-based implementation funding (WBIF) program for the metro area, as it moves away from competitive based funding for clean water projects.

Pilot programming for watershed-based implementation funding was implemented in the 2018-2019 and 2020-2021 biennium as a means to developing best practices for the long-term sustained implementation of WBIF.

Throughout that time metro watershed management organizations have repeatedly provided critical insight, feedback, and concrete policy guidance to BWSR based on real world experience with implementing the pilot programs; measured against the stated goals of BWSR – stemming from prior recommendations from the Local Government Water Roundtable.

In addition to consistent feedback regarding the lack of specific measurable goals, opaque process, and inconsistent communication from BWSR to stakeholders; metro watershed management organizations have repeatedly recommended that BWSR’s “watershed based” funding program be truly watershed based – relying on metropolitan watershed management plans – in order to achieve policy objectives of:

- ensuring a simplified administrative process;
- being driven by locally led collaboration;
- providing reliable support for local water management;
- being prioritized, targeted, and measurable; and
- depending on watershed management plans to address the largest pollution threats and provide the greatest environmental benefit to each watershed.

In response to feedback, BWSR has communicated that the watershed-based funding pilot program “is truly a pilot program”, and that it was committed to working with local government partners to leverage the feedback and learning gathered through the pilot process. Unfortunately, to date the consistent recommendations from metro watersheds have not been meaningfully or transparently integrated into BWSR’s policy evaluation or decision making.

#### **Ideas for how this issue could be solved:**

Throughout the implementation of the WBIF pilot programs a variety of alternatives have been identified. These are outlined in the attached policy analysis matrix (Attachment A) and include:

- A. Allocated funds by BWSR defined 10 Metro Watershed Areas.
  1. Eligible LGUs meet in each of the 10 WS Areas to decide distribution of funds. \*Used in FY2020-2021 cycle
- B. Allocate funds by BWSR defined 33 Metro Watershed Areas.
  1. Eligible LGUs meet in each of the 33 WD Areas to decide distribution of funds.
- C. Allocate each eligible entity in Metro (WMO, SWCD, County, up to 47 entities) to fund each plan.
- D. Metro-wide competitive grant for all eligible entities.
- E. Allocate funds by BWSR defined 3 Metro Watershed Areas based on major river basins (MN, Miss, St Croix).
  1. Eligible LGUs meet in each of the 3 WS Areas to decide distribution of funds.
- F. Allocate funds to each of the 33 Metro Watershed Management Organizations with approved Plans. WMO/WDs decide the distribution of funds.

- G. Allocate funds to each of the 23 metro Watershed Management Organizations with approved plans that are not part of a 1W1P. WD/WMOs decide the distribution of funds.

**Efforts to solve the problem:**

Throughout the time metro watershed management organizations have repeatedly provided critical insight, feedback, and concrete policy guidance to BWSR based on real world experience with implementing the pilot programs; measured against the stated goals of BWSR – stemming from prior recommendations from the LGWR.

In addition to consistent feedback regarding the lack of specific and measurable goals, opaque process, and inconsistent communication from BWSR to stakeholders; metro watershed management organizations have repeatedly recommended that BWSR’s “watershed based” funding program be truly watershed based – relying on metropolitan watershed management plans – in order to achieve policy objectives.

**Anticipated support or opposition:**

We believe most or all Metro Watershed Districts have or will support this approach. To date, Capitol Region, Rice Creek, Ramsey Washington Metro, Minnehaha Creek, Vadnais Lake WMO, and South Washington have already sent a letter of support for this approach to Watershed Based Implementation Funding.

**This issue (check all that apply):**

To the entire State:	_____	Requires legislative action:	_____ X _____
Only to Region III:	_____ X _____	Requires state agency advocacy:	_____ X _____
Only our District:	_____	Impacts MAWD bylaws or MOPP:	_____

## MAWD RESOLUTION 2021-07

### **Metro WBIF – Clarify Session Law, Section 6 (a) to specifically call out Metro Watershed Based Implementation Funding to be directed to watershed management plans that have a board-approved and local-government-adopted plan as authorized in Minnesota Statutes, section 103B**

**WHEREAS**, the Board of Water and Soil Resources (BWSR) has been piloting options for long term funding through its watershed based implementation funding (WBIF) program for the metro area, as it moves away from competitive based funding for clean water projects.

**WHEREAS**, throughout that time metro watershed management organizations have repeatedly provided critical insight, feedback, and concrete policy guidance to BWSR based on real world experience with implementing the pilot programs; measured against the stated goals of BWSR – stemming from prior recommendations from the Local Government Water Roundtable.

**WHEREAS**, in addition to consistent feedback regarding the lack of specific measurable goals, opaque process, and inconsistent communication from BWSR to stakeholders; metro watershed management organizations have repeatedly recommended that BWSR’s “watershed based” funding program be truly watershed based – relying on metropolitan watershed management plans – in order to achieve policy objectives of:

- ensuring a simplified administrative process;
- being driven by locally led collaboration;
- providing reliable support for local water management;
- being prioritized, targeted, and measurable; and
- depending on watershed management plants to address the largest pollution threats and provide the greatest environmental benefit to each watershed.

**WHEREAS**, in response to feedback, BWSR has communicated that the watershed-based funding pilot program “is truly a pilot program”, and that it was committed to working with local government partners to leverage the feedback and learning gathered through the pilot process. Unfortunately, to date the consistent recommendations from metro watersheds have not been meaningfully or transparently integrated into BWSR’s policy evaluation or decision making.

**THEREFORE, BE IT RESOLVED** that MAWD supports BWSR distribution of metro WBIF among the 23 WMOs with state-approved comprehensive, multiyear 103B watershed management plans. Those plans implement multijurisdictional priorities at a watershed scale and facilitate funding projects of any eligible local government unit (including soil and water conservation districts, counties, cities, and townships).

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**Notes on Committee discussion:**

This resolution stems from a need to ensure 1W1P funds are distributed on a watershed basis. To date, metro watershed districts have worked with BWSR to work on the details, but their recommendations have not been integrated into BWSR policy or decision making.

BWSR does not recognize that metro watershed district plans are inclusive of SWCDs. There is an existing watershed management plan amendment process that could be used if SWCDs do not feel they are adequately represented in the watershed-based plan. Instead, BWSR is proposing enhanced SWCD plans that would be equally eligible for funding.

As it is currently proposed, the 1W1P funds would be distributed to the watershed area. Instead of using the existing watershed plan and committees that are already established, a committee consisting of representatives from SWCDs, cities, counties, and a watershed

district would make the decision on how the funds would be spent. A watershed district would have no decision-making ability. The seven SWCDs in the metro have signed a letter saying they want to have the option to write their own enhanced plans.

The MAWD Board meets on October 25. The BWSR Board meets on October 27 and intends to act on the proposal that includes a process for enhanced SWCD plans. The Committee recommends adoption of this resolution, knowing that there may be amendments from the floor at the MAWD business meeting based on the decision made at the October BWSR Board meeting.

Attached to this resolution is the policy analysis submitted by MAWD to BWSR that reviews program criteria against proposed policy proposals. Several letters were submitted to BWSR in support of this analysis and are available upon request.

# 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 lobby on behalf of members. Additionally, MAWD will facilitate the exchange of information to help members better comply with governmental regulations and laws while offering an informed interface with the community or communities being served. MAWD will work to protect the statutory rights of its members.
- 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 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 membership in this corporation.
- 2.2 Delegates. Alternates. When a WD or WMO becomes a member of this corporation, it shall designate from among its board members two delegates to represent it in this corporation. In addition, each member may designate alternate delegates to represent such member in the absence of any originally designated delegate. Thereafter, each 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 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. 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 members, their delegates and alternate delegates by law and by the Articles of Incorporation and Bylaws of this corporation.

### **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 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 member) shall constitute a quorum for the transaction of business.
- 3.4 Voting. Any action taken by the 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. 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 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, 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 WD or WMO shall have more than one 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. The Board of Directors may re-align the regions or the members contained therein, it being the intent and purpose that each region contain the approximate same number of members. Any 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 super majority of ~~the~~ 7 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 as directed by the MOPP. 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 as directed by the MOPP. 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 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 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 WD or WMO that joins this association until such member 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 MAWD's the Authorized Accounting-accounting firm. The Board of Directors may consider deferring, suspending, or reducing dues to new members or on an individual case basis when an appeal is made by a member because of hardship or funding problems.

- 6.4 Annual Review of Financial Procedures. The Board of Directors of this corporation shall provide for an annual review of financial procedures of all its resources and expenditures. A full report of such review and financial status shall be furnished at each annual meeting of the members. This 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 review results shall be furnished to all members 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 Board of Directors and the MAWD membership at least 1 month prior to the start of the annual MAWD membership meeting. The 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 Emergency Resolutions. The Legislative Committee will review any emergency resolutions and make recommendations to the Board who will vote the recommended action up or down. The membership will vote to confirm the action at the next membership meeting.

8.3 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 at least 15 members before a Special meeting of the membership will be convened.

#### **ARTICLE IX. Chapters**

9.1 Chapters. Members 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.

#### **ARTICLE X. Rules of Order**

10.1 Rules. When consistent with its Articles of Incorporation and these Bylaws, the 12<sup>th</sup> edition of Robert's Rules of Order Newly Revised 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 members of this corporation only as provided below.

11.2 Annual Meeting. At the annual meeting of the members of this corporation, the Bylaws may be amended by the majority of the 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 members at a special meeting called for that reason but only by a majority vote of the entire membership of the corporation, and only if there has been thirty days' written notice to all members of such special meeting. Such special meeting may be called upon the request of one-third of the 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, either by mail or electronically, 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.