

Riley-Purgatory-Bluff Creek Watershed District
Board of Managers Regular Meeting
Wednesday, February 3, 2021 7:00pm Regular Meeting
Virtual Meeting via ZOOM

<https://us02web.zoom.us/j/86506331732>

(No Board Workshop this month)

Agenda

- | | |
|--|--------------------|
| 1. Call to Order | Action |
| 2. Approval of the agenda | Action |
| 3. Summary of closed personnel meetings | Information |
| 4. Matters of general public interest | Information |

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

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|---|---------------|
| 5. Reading and approval of minutes | Action |
| a. Board of Managers Workshop and Regular Meeting, December 9, 2020 | |
| b. Board of Managers Regular Meeting, January 6, 2021 | |
| 6. Citizen Advisory Committee | Action |
| a. Report (M. Torkelson, CAC Representative) | |
| i. Lotus Lake Vegetation Management Plan | |
| ii. Soil Health Amendment | |
| b. CAC/Board Communication Process Approval | |
| i. Clarification on Review of Board Packet | |
| c. Appointment of New CAC members | |
| d. February CAC Meeting Board Representative (Feb 22nd) | |

7. Consent Agenda

(The consent agenda is considered as one item of business. It consists of routine administrative items or items where discussion isn't essential to understanding. Any manager may remove an item from the consent agenda for action.)

- a. Accept January Staff Report
- b. Accept January Engineer's Report
- c. Accept January Construction Inspection Report
- d. Approve Pay App 6, Bluff Creek Tributary
- e. Approve Pay App 6, Lower Riley Creek

- f. Approve permit application #2020-067, Conifer Trail Outlet as presented in the proposed board action of the permit report.
- g. Approve permit application #2020-068, Minnetonka High School Einer Anderson Field improvements as presented in the proposed board action of the permit report.
- h. Approve permit application #2020-072, Erhart Wetland Alteration as presented in the proposed board action of the permit report.
- i. Release RFPs for professional services (Auditor, Accountant, District Engineer, Engineering Pool, Human Resources, Information Technology, Banking Services, Legal).
- j. Approve survey work for Pioneer Trail project.

8. Action Items

Action

- a. Pulled consent items
- b. Accept December Treasurer's Report
- c. Approve Paying of the Bills
- d. Approve fund transfers
- e. Approve Duck Lake Cooperative Agreement
- f. Approve TO 34 - Lake Vegetation Management Plan for Lotus Lake
 - i. Review of CAC comments
- g. MPCA Grant Execution and TO 35 Eden Prairie Resiliency Project
- h. Saint Hubert - Reuse System Updated and Reuse System Opportunity
- i. Approve TO 36A- Bluff Creek Reach 5 Stabilization Feasibility
- j. Approve TO 6h - Purgatory Creek Monitoring Station Services
- k. Approve Release of Shoreline Rules Amendment for Public Comment
- l. Stewardship Grant Program Modification (Inclusion of Maintenance for Eligible Expenses)
- m. Variances
- n. Accounting Clerk
- o. Audit and Risk Committee
- p. Coach
- q. Disaster Preparedness Plan
- r. Internal Calendar
- s. Legal Review
- t. Minnesota Data Practices Act
- u. Minute Book
- v. Reports on Multi-Year Projects

9. Discussion Items

Information

- a. Discuss Release of Soil Plan Amendment for Public Comment
 - i. Review CAC Comment
 - ii. Discuss Current Draft and Possible Recommendations
- b. Manager Report
 - i. Personnel Committee
 - 1. DEI Language
- c. Administrator Report
- d. Other

10. Upcoming Board Topics

- a. Board Workshop on Communication Styles led by Ellen Hinrichs of Career Enhancement Options, Inc.
- b. Soil Plan Amendment
- c. Upper Riley Creek Corridor Enhancement Plan
- d. Stewardship Grant for Shoreline Maintenance (Permitted)
- e. Other

11. Upcoming Events

Information

- Smart Salting for Property Managers, Feb 3, 9am-1pm Virtual
- Shoreline Management Webinar, Feb 24 6-7:30pm Virtual
- Board of Managers monthly work session, March 3, 5pm, Virtual
- Board of Managers monthly meeting, March 3, 7pm, Virtual

Please check www.rpbcwd.org for the most current meeting details.

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

December 9, 2020, RPBCWD Board of Managers Monthly Meeting and Public Hearing

PRESENT:

Managers: Jill Crafton, Treasurer
Larry Koch
Dorothy Pedersen, Vice President
Dick Ward, President
David Ziegler, Secretary

Staff: Amy Bakkum, Administrative Assistant
Claire Bleser, RPBCWD Administrator
Zach Dickhausen, Water Resources Technician II
Terry Jeffery, Watershed Planning Manager
B Lauer, Groundwater and Stewardship Program Coordinator
Josh Maxwell, Water Resources Coordinator
Louis Smith, Attorney, Smith Partners
Scott Sobiech, Engineer, Barr Engineering Company

Other attendees: Brandon Barnes
Elizabeth Henley
Matt Lindon
Jan Neville
Barbara Strand
Marilyn Torkelson
Maggie Weiss

Note: this meeting was held remotely via meeting platform Zoom in abidance with state mandates in response to Covid-19.

1. Call to Order

1 President Ward called to order the Wednesday, December 9, 2020, Board of Managers Regular
2 Monthly Meeting and Public Hearing at 7:02 p.m. The meeting was held remotely via meeting
3 platform Zoom.

2. Approval of Agenda

4 Manager Koch requested moving from the Consent Agenda to Action Items 10a – Accept
5 November Staff Report, 10c – Accept November Construction Report, and 10d – Approve
6 Annual Communication. Manager Ziegler moved to approve the agenda as amended. Manager
7 Crafton seconded the motion.

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

9

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

10

3. Rice Marsh Lake Public Hearing

11 President Ward opened the public hearing. Administrator Bleser summarized the project as one
 12 that will capture neighborhood water that would drain to Rich Marsh Lake. Engineer Sobiech
 13 presented a PowerPoint presentation “Rice Marsh Lake Subwatershed 12a Water Quality
 14 Improvement Project.” He displayed a map showing the proposed location of the BMP and
 15 shared historical information about the project including findings from the Use Attainability
 16 Analysis (UAA). Engineer Sobiech explained the UAA determined the internal and external loads
 17 to Rice Marsh Lake need to be managed. He reminded the Board that Rice Marsh Lake is
 18 impaired for excess nutrients.

19 Engineer Sobiech stated that although Rice Marsh Lake in 2019 and 2020 achieved the MPCA’s
 20 shallow lake standard, the 2020 mean total phosphorous concentration was approximately 38%
 21 higher than the 2019 concentration. He pointed out the MPCA uses a 10-year average to
 22 determine impairments, and Rice Marsh Lake’s ten-year average total phosphorous concentration
 23 is higher than the MPCA’s shallow lake standard. Engineer Sobiech explained the focus for the
 24 BMP is on Rice Marsh Lake subwatershed 12a because it contributes the largest inflow of
 25 phosphorous to the lake. He said the estimated phosphorous loading from the approximate 240-
 26 acre subwatershed RML 12 is 232 pounds per year, which is 32% of the total phosphorous load.

27 Engineer Sobiech talked about the existing stormwater pond’s performance, describing how the
 28 pond is underperforming in capturing phosphorous. He summarized the BMPs reviewed as part of
 29 the Rice Marsh Lake feasibility study and presented the recommended option: A Manufactured
 30 Treatment Device (MTD) such as the Kraken Filter. Engineer Sobiech explained the MTD is
 31 projected to remove the highest amount of total phosphorous, 40 to 60 pounds, providing the
 32 greatest load reduction to the lake at the lowest cost per pound of phosphorous removed. Engineer
 33 Sobiech said the City of Chanhassen supports the MTD option as well as taking on the long-term
 34 maintenance of it. He noted if the Board orders the project, the District will need to develop and
 35 enter into a cooperative agreement with the City.

36 Manager Koch asked if this is the right time for the District to undertake this project given the
 37 lake met the MPCA standards in 2019 and 2020 and the alum treatment is working as intended.
 38 Manager Pedersen asked if the pond overflow goes directly into Rice Marsh Lake. Engineer
 39 Sobiech replied that all the pond discharge drains into Rice Marsh Lake.

40 President Ward asked for further comments from the public and managers. No further comments
 41 were offered. Manager Crafton moved to adjourn the public hearing. Manager Ziegler seconded
 42 the motion. Upon a roll call vote, the motion carried 5-0 as follows:

43

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

44

4. Update on Task Order 26: Identifying and Prioritizing Flood Risk Mitigation Projects (Bloomington Flood Mapping and Prioritization Tool)

45 Engineer Sobiech introduced Mr. Brandon Barnes, senior engineer with Barr Engineering, to
 46 present on the progress of Task Order 26. Mr. Barnes provided an update on Task Order 26 –
 47 Identifying and Prioritizing Flood Risk Mitigation Project, work undertaken by Barr at the
 48 direction of the District and working in collaboration with the City of Bloomington, Nine Mile
 49 Creek Watershed District, and the Richfield-Bloomington Watershed Management Organization.

50 Mr. Barnes reviewed the District’s goals for the task order, including adding resolution to the
 51 stormwater model, identifying flood-prone areas, and prioritizing flood-risk areas. He reviewed
 52 the prioritization categories and displayed a map indicating the prioritized flood-prone areas
 53 based on the initial prioritization scores. Mr. Barnes outlined recommended next steps, such as
 54 preparing documentation, collaborating with other cities, conducting feasibility studies,
 55 identifying project partners and funding sources, and implementing flood-risk reduction projects.

56

5. Budget 2nd Meeting

57 Administrator Bleser reminded the Board it directed staff to revisit its organizational chart and
 58 staffing proposed for 2021. She highlighted the updates staff made to the chart compared to the
 59 version the Board reviewed in September. Administrator Bleser recommended the District fill the

60 open Education and Outreach Coordinator position and hire the inspection and soil technician and
 61 delay the hiring of the water resources technician until closer to the field season and delay the
 62 hiring of the outreach manager until summer or fall. She talked about shifts in staff
 63 responsibilities, current salaries, and proposed 2021 staff costs. Administrator Bleser said the
 64 Personnel Committee recommends freezing merit increases for now and evaluating again in April
 65 or May in relation to the economic climate in the spring.

66 Administrator Bleser said staff recommends the District levy for 2021 remains as adopted at
 67 \$3,575,000 and the 2021 budget remains as adopted at \$7,045,000. Manager Koch commented he
 68 believed the notice about this meeting agenda item was incorrect. He offered comments about
 69 staffing and agreed with staff's and the Personnel Committee's recommendation regarding the
 70 timing of hiring a water resources technician and outreach manager. There was discussion about
 71 the anticipated cost savings of having the new District staff technician undertake inspections and
 72 discussed staff costs and efficiency of District operations.

73 President Ward called for additional public or manager comments on the District's 2021 budget
 74 and levy. Ms. Marilyn Torkelson submitted the question, "Will the soil technician be responsible
 75 for implementing, measuring, or researching the soil health amendment recommendations?" Mr.
 76 Jeffery said yes, it would be the responsibility of that position. He said that as the soil health
 77 program is developed over time, the District will need to evaluate who would manage that
 78 program.

79 President Ward called for further comments. No additional comments were raised. Manager
 80 Ziegler moved to approve the District's 2021 budget and levy as previously adopted. Manager
 81 Pedersen seconded the motion. Manager Koch commented he will vote no because he believe the
 82 process was faulty but not because he has any reservations about the 2021 budget or levy.

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

84

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

85

86

6. Matters of General Public Interest

87 Ms. Marilyn Torkelson, Eden Prairie resident, applauded the addition of the soil health
 88 amendment and said she looks forward to discussing it as a member of the CAC. She voiced her
 89 concerns about tilling because there can be compost that has of anaerobic bacteria and it is
 90 important to get the mix of bacteria species correct. Ms. Torkelson referred to the five principles
 91 of regenerative agriculture and talked about how those principles apply to soil health. She
 92 emphasized the importance of research on soil health.

7. Reading and Approval of Minutes

93 **a. November 4, 2020, RPBCWD Board of Managers CAC Workshop and Monthly**
 94 **Meeting**
 95 Manager Ziegler moved to accept the minutes as presented. Manager Crafton seconded
 96 the motion. Upon a roll call vote, the motion carried 5-0 as follows:

97

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

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8. CAC

99 Ms. Jan Neville stated the CAC looks forward to receiving feedback from the Board about the
 100 CAC’s role. She said the CAC will meet virtually next week to determine 2021 officers and
 101 meeting dates. There was discussion about the CAC membership, which decreased from 15
 102 members to 10 members in 2020 and opening applications for additional CAC members.

103 Manager Koch moved for staff to open the CAC application process and send out the notice.
 104 Manager Pedersen seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

105

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

Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

106

9. Consent Agenda

107 Manager Crafton moved to approve the Consent Agenda [as amended in agenda item 2]. Manager
 108 Ziegler seconded the motion. The Consent Agenda included item b – Accept November
 109 Engineer’s Report, e – Approve Permit 2020-057 Bluff 25 Culvert Rehab as presented in the
 110 proposed Board action of the permit report, and f – Approve Permit 2020-065 Terry Pines Coffee
 111 as presented in the proposed Board action of the permit report. Upon a roll call vote, the motion
 112 carried 5-0 as follows:

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

113

10. Action Items

a. Pulled Consent Agenda Items

i. Accept November Staff Report

116 Manager Koch asked for a staff update on what’s been done on the shoreline
 117 assessment on Lotus Lake. Mr. Maxwell provided an update. Manager Koch
 118 asked for a status report on what work remains for the Lower Riley Creek
 119 Stabilization Project. Administrator Bleser talked about the work that is planned
 120 for spring 2021.

121 Manager Pedersen moved to approve the November staff report. Manager Crafton
 122 seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

123

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

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125

ii. Accept November Construction and Inspection Report

126

Manager Koch asked if the parties in noncompliance with their permits have remedied the violations. Mr. Jeffery responded that he has not reinspected those properties but plans to this week. Manager Pedersen requested staff include in the report the addresses of site inspections. Mr. Jeffery indicated staff can do so going forward. Manager Pedersen moved to accept the November Construction and Inspection report. Manager Ziegler 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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iii. Approve Annual Communication

137

Manager Koch asked staff to ensure the communication includes the District's 2020 numbers because the current version appears to use the 2021 numbers.

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139

Managers provided feedback on the draft annual communication and outlined several copyedits for staff to make.

140

141

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

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159

d. Consider Task Order 34 for the Development of a Lotus Lake Vegetation Management Plan

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Manager Pedersen moved to send Task Order 34 to the CAC for its review and comment.

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Manager Crafton seconded the motion. Manager Koch made an amendment to the motion

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to send the soil health and shoreline maintenance amendment to the CAC for review and

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feedback to the Board. President Ward noted the additional items raised by Manager

165

Koch should be taken in order per the agenda. Manager Koch withdrew his amendment.

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Upon a roll call vote, the motion as presented 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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11. Discussion Items

174 **a. Manager Reports**

175 **i. Personnel Committee**

176 Manager Pedersen reported on her research on salary increases and presented the
 177 Committee’s recommendation that the Board hold discussing and acting on merit
 178 increases until April or May 2021. Manager Koch requested the information
 179 Manager Pedersen is discussing, and Administrator Bleser said she will forward
 180 that information to the managers.

181 Manager Pedersen moved to approve hiring the full-time construction and erosion
 182 inspection and soil technician. Manager Crafton seconded the motion. Manager
 183 Koch made the friendly amendment to approve filling the District’s Education
 184 and Outreach position as well. Managers Pedersen and Crafton accepted the
 185 friendly amendment.

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

187

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

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190 **b. Administrator Report**

191 Administrator Bleser reported District staff will hold a virtual team retreat next week
 192 with a focus on team effectiveness.

193 **c. Plan Amendments - Soil**

194 Manager Crafton talked about her requested revisions, which she shared with
 195 Administrator Bleser, and requested staff put her revised version in front of the Board for
 196 review and consideration. Manager Koch moved to refer the amendment to the CAC for
 197 it its review and recommendation to the Board. Manager Crafton seconded the motion.

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

199

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

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d. Rule Modification – Shoreline Maintenance

Manager Koch moved to refer the rule modification – shoreline maintenance to the CAC for its review and recommendations to the Board. Manager Ziegler seconded the motion. Manager Koch noted he has comments on the draft and assumes he and all managers can forward any comments to the CAC. Upon a roll call vote, the motion as presented 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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e. Other

No other items were raised.

12. Upcoming Board Topics

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President Ward noted upcoming Board topics and events were listed on the meeting agenda. He clarified the Board’s January 2021 monthly meeting will be held on January 6, 2021, at 7:00 p.m. and pointed out tonight’s meeting agenda listed it as January 9,

216 which is a typo.

13. Upcoming Events

- 217 • Kiss the Ground Documentary Screening, December 10, 2020, 6:30 p.m., online
- 218 • Citizen Advisory Committee Meeting, December 14, 2020, 6:00 p.m., virtual meeting
- 219 • Personnel Committee Meeting, December 18, 2020, 9:00 a.m., virtual meeting
- 220 • Board of Managers Regular Meeting, January 6, 2021, 7:00 p.m., virtual

221

14. Adjournment

222 Manager Crafton moved to adjourn the meeting. Manager Ziegler seconded the motion. Upon a
223 roll call vote, the motion carried 5-0 as follows:

224

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

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226 The meeting adjourned at 9:15 p.m.

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Respectfully submitted,

231

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234

David Ziegler, Secretary

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

January 6, 2021, RPBCWD Board of Managers Monthly Meeting

PRESENT:

Managers: Jill Crafton, Treasurer

Larry Koch

Dorothy Pedersen, Vice President

Dick Ward, President

David Ziegler, Secretary

Staff: Amy Bakkum, Administrative Assistant

Claire Bleser, RPBCWD Administrator

Zach Dickhausen, Water Resources Technician II

Terry Jeffery, Watershed Planning Manager

Josh Maxwell, Water Resources Coordinator

Louis Smith, Attorney, Smith Partners

Scott Sobiech, Engineer, Barr Engineering Company

Other attendees: Kim Behrens

Greg Hawks

Marilyn Torkelson

Note: this meeting was held remotely via meeting platform Zoom in abidance with state mandates in response to Covid-19.

1. Call to Order

- 1 President Ward called to order the Wednesday, January 6, 2021, Board of Managers Regular
2 Monthly Meeting at 7:00 p.m. The meeting was held remotely via meeting platform Zoom.

3

2. Approval of Agenda

- 4 Manager Koch moved to approve the agenda with the following amendments: moving from the
5 2021 Organizational Actions to the Consent Agenda items 5d – Appointment of the 2021
6 Depository of District Funds; 5h – Appointment of the 2021 Technical Advisory Committee, 5i –
7 Partial Appointment of the 2021 Citizen Advisory Committee, and 5j – Adoption of Calendar,
8 Meetings and Work Sessions; Adding to the Consent Agenda items 9b – Accept November
9 Treasurer’s Report, 9c – Approve Paying of the Bills, 9h – 2021 Meet and Greet, 9i – Staff Credit
10 Card, and 9j – Erosion and Shoreline Erosion; Adding to Upcoming Board Topics: The memos of

11 recommended actions he provided Dr. Bleser, including discussion of memorandums related to
12 former resolutions for variances, accounting clerk, finance and audit, coach, disaster preparedness
13 plan, HR consultant, an internal calendar, IT consultant, a legal review, Minnesota Data Practices
14 Act, a minute book, and reports on multi-year projects.

15 Administrator Bleser said item 9i – Staff Credit Card – needs discussion at a future meeting.
16 President Ward stated 9i would be pulled from tonight’s meeting agenda. Manager Koch agreed
17 to the friendly amendment to his motion. Manager Pedersen stated she wanted item 9h – 2021
18 Meet and Greet – to remain as an action item. Manager Koch agreed to the friendly amendment to
19 leave 9h as an action item.

20 President Ward seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

21

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

22

3. Summary of Closed Personnel Meeting

23 Manager Pedersen reported the Board is still working on the Administrator’s review, which
24 should be completed before the Board’s next monthly meeting.

4. Matters of General Public Interest

25 No matters of general public interest were raised.

5. 2021 Organizational Actions

a. Election of Officers

26 Manager Pedersen nominated the following slate of officers: Dick Ward as president,
27 Dorothy Pedersen as vice president, Jill Crafton as treasurer, and David Ziegler as
28 secretary. Manager Crafton seconded the motion. Manager Koch nominated himself as
29 treasurer and secretary. The motion died due to lack of a second. Manager Koch shared
30 his opinions that staff and managers need to improve communications and that the
31

32 current officers aren't doing justice to those positions. He cited his specific concerns
33 about the work conducted by the current treasurer and secretary.

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

35

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

36

37 **b. Governance Committee (Two Officers)**

38 Manager Crafton moved to elect President Ward and Manager Ziegler to the Governance
39 Committee. Manager Pedersen seconded the motion. Manager Koch nominated himself
40 and Manager Ziegler. The motion died due to lack of a second. Manager Koch shared his
41 observations and concerns about the Governance Committee's performance and said he
42 doesn't believe the Board should be reelecting the current two members. Upon a roll call
43 vote, the motion carried 4-1 as follows:

44

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

45

46 **c. Personnel Committee (Two Officers)**

47 Manager Ziegler nominated Manager Crafton and Manager Pedersen. Manager Crafton
48 seconded the motion. Manager Koch nominated himself and Manager Ziegler. The

49 motion died due to lack of a second. Manager Koch listed his concerns with the
 50 performance of the Personnel Committee and said it is in the best interest of staff morale
 51 to make a change in the committee membership.

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

53

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

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56 **e. Appointment of 2021 Investment Bank**

57 Manager Koch moved to name Wells Fargo as the District’s Investment Bank for 2021
 58 and direct the District to put out an RFP for 2021 Investment Banking Services for the
 59 Board to review and determine if it will continue to retain Wells Fargo. Administrator
 60 Bleser mentioned the District could consider moving to the 4M Fund as discussed by the
 61 Board in the past. President Ward said the Board needs to make an appointment tonight
 62 and can make a change in the future. Manager Pedersen seconded the motion to retain
 63 Wells Fargo as the 2021 Investment Bank. Upon a roll call vote, the motion carried 5-0 as
 64 follows:

65

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

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f. Appointment of the 2021 Depository for Permit and Financial Assurance

Manager Crafton moved to name Smith Partners LLC as the 2021 depository for the permit and financial assurances. Manager Pedersen seconded the motion. Manager Koch made the friendly amendment to clarify the motion is for non-currency permit and financial assurances. Manager Crafton and Manager Pedersen accepted the friendly amendment. 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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g. Appointment of 2021 Official Publications

Manager Pedersen moved to appoint the Sun Sailor, Sun Current, Chaska Herald, and Chanhassen Villager as the District’s 2021 official publications. Manager Ziegler seconded the motion. Manager Koch made the friendly amendment that the motion includes directing staff to publish notices as soon as possible. Managers Pedersen and Crafton agreed to the friendly amendment. 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

83

84

6. Reading and Approval of Meeting Minutes

85 **a. November 4, 2020, RPBCWD Board of Managers CAC Workshop and Monthly**
86 **Meeting**

87 [Minutes had been accepted as presented by the Board in a 5-0 roll call vote at its
88 December 9, 2020, regular monthly meeting and public hearing.]

89

7. CAC

90 Ms. Kim Beherns reported the CAC discussed and passed the motion about the shoreline and
91 streambank stabilization section. She reported the CAC chose Option 3 to allow for
92 reconstruction of existing shoreline stabilization practices including rip rap provided there's no
93 increase in the length of shoreline being treated. Ms. Beherns said the CAC elected its Committee
94 officers for 2021, and Ms. Sharon McCotter will remain the CAC Chair.

95 Administrator Bleser said there were a few questions that arose from the workshop and needed
96 Board input. She said the memo in the Board meeting packet outlines the questions, and she went
97 through the questions and gathered the managers' feedback. The Board indicated it wanted the
98 CAC to review grant applications and make recommendations for funding.

99 Manager Koch said he went through the questions in the memo and his response is yes to each of
100 them. He suggested if any manager don't agree with yes on any of the questions, then the
101 discussion can focus on those objections. He said his preference is for written statements and
102 supporting oral statements is fine and he liked both flow charts. The managers all agreed with
103 Manager Koch's input.

104 Administrator Bleser said staff will come back to the Board and CAC with updated flow charts.
105 She reported the District has received new applications for the Citizen Advisory Committee and
106 the Board can review the applications to appoint new CAC members. President Ward thanked the
107 CAC for its help. Manager Koch commented he would like the Board to do something with each
108 recommendation from the CAC. Administrator Bleser said staff will bring back to the Board at its
109 February meeting the CAC's motion Option 3. She noted the Board referred two other items to
110 the CAC and the CAC will discuss them at its January meeting.

111

8. Consent Agenda

112 Manager Koch moved to approve the Consent Agenda [as amended in agenda item 2]. Manager
113 Crafton seconded the motion. The Consent Agenda included items 5d – Appointment of the 2021
114 Depository of District Funds; 5h – Appointment of the 2021 Technical Advisory Committee, 5i –
115 Partial Appointment of the 2021 Citizen Advisory Committee, and 5j – Adoption of Calendar,
116 Meetings and Work Sessions, 8a – Accept December Staff Report , 8b – Accept December
117 Engineer's Report, 8c – Accept December Construction Inspection Report, 9b – Accept

118 November Treasurer’s Report, 9c – Approve Paying of the Bills and 9j – Erosion and Shoreline
 119 Erosion; and 11e- Upcoming Board Topics - Other

120 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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9. Action Items

d. Approve Fund Transfer

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 124 Manager Koch moved to approve the fund transfers out of the reserve to the accounts
 125 listed in the memo provided by Administrator Bleser with the addition of the transfer of
 126 \$15,000 from the reserve to professional services. Manager Ziegler seconded the motion.
 127 Manager Crafton asked Administrator Bleser if reserve funds are needed for projects.
 128 Administrator Bleser said she will report on that at the next Board meeting. She said she is
 129 comfortable with Manager Koch’s additional transfer request of \$15,000. Upon a roll call
 130 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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e. Resolution 2021-001 to order Rice Marsh Lake Water Quality Improvement

Administrator Bleser said this resolution is to order the Rice Marsh Lake Water Quality Project. Manager Ziegler moved to approve Resolution 2021-001. Manager Pedersen seconded the motion. Manager Koch commented about his concerns with the timing of ordering this project. He said he doesn't think the Board and the District have enough information to move forward with this project at this time. Manager Koch moved to amend the motion and table this issue until the District has a firm commitment from the City of Chanhasen to participate in the funding of this project and staff can bring more information to the Board next month. Managers Crafton and Pedersen spoke in support of moving forward to order the project. Manager Koch's motion died due to lack of a second. Upon a roll call vote, the motion carried 3-2 as follows:

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

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f. Approve Task Order 28b: Rice Marsh Lake Subwatershed RM_12a Water Quality Treatment Project

Manager Crafton moved to approve Task Order 28b: Rice Marsh Lake Subwatershed RM_12a Water Quality Treatment Project. Manager Pedersen seconded the motion. Manager Koch reiterated his comments about the District needing additional information before undertaking this project and this task order. He said the task order should be limited to exploring the design feasibility and the commitment with Chanhasen. Upon a roll call vote, the motion carried 3-2 as follows:

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

Ward	No
Ziegler	Aye

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g. Soil Plan Amendment

Administrator Bleser reminded the Board it directed the CAC to provide feedback to the Board about the amendment. She reported the CAC anticipates discussing this proposed amendment at its January meeting, and the Board will have the CAC’s feedback by the Board’s February meeting.

Manager Crafton stated she has some issues with the amendment. She noted she sent her proposed revisions to Administrator Bleser asked her to share them with the Board. Manager Crafton said her revisions haven’t been shared with the Board. She reported she asked for a meeting with Mr. Jeffery, Engineer Sobiech, and Administrator Bleser to discuss her concerns. Manager Crafton said the discussion happened and the consensus from that discussion was that she should ask the Board to authorize her to meet with Mr. Jeffery to discuss issues with the amendment and her concerns.

Manager Koch moved to table this item, authorize Manager Crafton to discuss her comments and proposed edits with staff, direct Manager Crafton and staff to present the amendment and proposed edits to the amendment to the CAC, and for Manager Crafton and staff to present the amendment to the Board at its February meeting. Manager Pedersen seconded the motion. Manager Crafton requested her research and revised version of the amendment be distributed to the CAC. Managers Koch and Pedersen agreed to the friendly amendment. There was further discussion to clarify the motion on the table, including clarifying the motion doesn’t approve the amendment but sends the amendment and Manager Crafton’s proposed edits to the CAC for feedback to the Board to discuss next month. President Ward reiterated that the Board is asking for the CAC’s input and Board and staff can present information for the CAC’s education, consideration, and discussion. Upon a roll call vote, the motion as presented 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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h. 2021 Meet and Greet

President Ward said he thinks staff and the Board are on board with meet and greets, and he brought up the process of doing meet and greets considering COVID-19 and the process of getting on the City calendars. Manager Koch suggested staff check with the cities to see if they would like to meet in person or remotely. He moved to adopt the resolution put forth in his December 27, 2020, memo to authorize Administrator Bleser to work to arrange the meet and greets and at least get tentative dates scheduled. Manager Pedersen 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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10. Discussion Items

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a. Manager Reports

i. Personnel Committee

Manager Pedersen reported the Personnel Committee met with Administrator Bleser and Smith Partners to go through the personnel manual. She said the group made it through approximately 25% of the manual and will meet again in the end of January to continue progress.

b. Administrator Report

Administrator Bleser stated B. Lauer is going to make a lateral move to become the District’s Education and Outreach Coordinator and will continue working with the CAC. Administrator Bleser said the District will be posting to fill Ms. Lauer’s previous position.

Administrator Bleser said the District’s Stormwater Pond summit is scheduled, and she provided more details about the summit. She noted the University of Minnesota has asked if the District is interested in collaborating on a greater stormwater pond summit that engages the metro area and beyond.

- 208 c. **Other**
- 209 Manager Koch reported the University of Minnesota St. Anthony Falls Research Center
- 210 completed its analysis of effects of wakes on lake bottoms. He said he thinks the District
- 211 should consider the information especially as to what it could mean for alum treatments.
- 212 He commented there is a study out of Idaho regarding wake boat impacts on shores.

11. Upcoming Board Topics

214 President Ward noted upcoming Board topics and events were listed on the meeting
215 agenda. Administrator Bleser said the Board will receive information from her about the
216 work session, which is about communication styles.

12. Upcoming Events

- 217 • Citizen Advisory Committee Meeting, January 25, 2021, 6:00 p.m., virtual meeting
- 218 • Board of Managers Monthly Work Session, February 3, 2021, 5:00 p.m., virtual meeting
- 219 • Board of Managers Regular Meeting, February 3, 2021, 7:00 p.m., virtual

13. Adjournment

221 Manager Koch moved to adjourn the meeting. Manager Crafton seconded the motion. Upon a roll
222 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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225 The meeting adjourned at 8:36 p.m.

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Respectfully submitted,

David Ziegler, Secretary

DRAFT

Draft Minutes: Monday, January 25, 2021
RPBCWD Citizens' Advisory Committee Monthly Meeting
Virtual Via Zoom

CAC Members (By each name, put a P=Present, E=Excused, not present but with notification or A=Absent with no notification)

Jim Boettcher	P	Peter Iverson	E	Sharon McCotter	E		
Kim Behrens	P	Michelle Frost	E	Jan Neville	P		
Heidi Groven	P	Terry Jorgenson	P	Marilynn Torkelson	P		

B Lauer	RPBCWD staff	P
Dick Ward	Board of Manager Pres.	P
Jill Crafton	Board of Manager	P
Terry Jeffery	RPBCWD staff	P
Amy Bakkum	RPBCWD staff	P
Scott Sobiech	Barr Engineering	P

Key MOTIONS for the Board of Managers:

1. Soil Amendment- We voted unanimously in favor of a soil health amendment to the RPBCWD 10 year plan. Facilitated discussion notes will be provided to BOM and others.

Key discussion items:

1. Lotus Lake Vegetation Management Plant no consensus obtained. Concerns are the expense, prioritization, other lakes (Rice Marsh Lake and Riley) have also recently received alum treatments, so wouldn't they also need a vegetation management plan? Two lakes (Red Rock and Mitchell) done previously for approx \$40,000. Lotus Lake alone will cost close to \$30,000.
2. To reschedule CAC meeting to 4th Monday of the month to enable CAC PREview of BOM packet- no consensus obtained. Concerns are the length of the board packets and at least one ongoing CAC member has a conflict with the last Monday of the month. Could the board select items for our preview without us changing the meeting date?

I. Opening

- A. Call CAC meeting to Order:** Vice-President Heidi called the meeting to order at 6:00 pm.
- B. Attendance:** As noted above.
- C. Matters of general public interest:** None
- D. Approval of Agenda:** Jan moved and Jim seconded to approve the agenda. Motion carried.
- E. Approval of December 14, 2020 CAC Meeting Minutes:** Kim moved and Jan seconded to approve the minutes. Motion carried.

II. Board Meeting Recap and Discussion -

A. Highlights from the December managers meeting – Kim- Rice Marsh Lake Improvement project was passed with a vote of 3-2. Board members who voted against wished that the city would share the cost of funding the project.

B. Response on CAC recommendation to the Board? None

New Advisory Topics from the Board? None

Questions from CAC and/or highlights (if needed) - B

III. Program and Project Updates; Staff Engagement with CAC; CAC Business –

A. New Advisory Topics Recommendations for Board of Managers

1. Soil health amendment to the 10-Year Plan- Terry and B

Terry gave background information on the water quality benefits that could be achieved through soil health, especially increasing the infiltration and groundwater recharge rates. Amy took notes on the facilitated discussion. Jill mentioned the Minnesota 2020 State Water and Climate plan, Green Step Cities and other government agencies also have goals that could be achieved in part or full from healthy soils. She wants a focus on the ecosystem function and relationship between microbes, plants, soil and water. We voted unanimously in favor of a soil health amendment to the RPBCWD 10 year plan.

President Ward asked that 2 or 3 of us attend the public meeting to show our support for the Soil Health resolution. The hearing would likely be scheduled for March 3rd early in BOM meeting. Marilynn and Heidi agreed to attend on behalf of the CAC.

2. Lotus Lake Vegetation Management Plan- Scott Sobiech of Barr Engineering gave an overview of the Lotus Lake Vegetation Management Plan. No consensus was obtained whether or not to approve the plan. Concerns are the expense, prioritization since other lakes (Rice Marsh Lake and Riley) have also recently received alum treatments, so wouldn't they also need a vegetation management plan? Two lakes (Red Rock and Mitchell) done previously for approx \$40,000. Lotus Lake alone would cost close to \$30,000.

B. CAC Process and Function 7:25-7:45pm

1. CAC Advisory Process (update)- B-CAC review board packet before the board gets it to provide input, questions, comments. Propose CAC meet closer to the end of month, for instance the fourth Monday. Clarification from the board-can they pull out certain items for our preview so we don't have to review the entire board packet? At least one CAC person has a conflict with the last Monday of the month.

2. Review current by-laws and make recommendations: Heidi and Jim as Vice Chairs will meet separately to propose By-law changes. We want to stay at 12 members and ask for an initial 2 year commitment and members thereafter serve a yearly term. Marilynn made a motion and Jan seconded. Motion passed for Heidi and Jim to review CAC By-laws and return next month with recommended changes.

3. 2021 Calendars

a. Review District calendar Board meeting & CAC dates Volunteers for Board meetings signup sheet in Google 2021 Liason Calendar

4. Learning Topic ideas- B (google jamboard) postponed until February

5. New CAC orientation and Manager meet and greet- B reported that RPBCWD has received 5 applications for BOM to review in Feb. Orientation will be held in Feb. CAC attendance is optional for returning members.

6. Anything else? Marilyn asked about whether stewardship grant workshops and raingarden workshops have been (re)scheduled for this winter/early spring even if they have to be in a Zoom format? B replied that the WD will have a Zoom presentation in February on the Water Stewardship grant process. Minnetonka, Nine Mile Creek and RPBCWD will work jointly to present a number of other workshops possibly including soil health, landscaping for pollinators, etc...

IV. Upcoming Events and Meeting Close.

- A. RPBCWD Board of Managers meeting February 3, 2021; 7:00 PM Regular board meeting – virtual Zoom meeting - Marilyn to attend on behalf of the CAC
- B. RPBCWD CAC Meeting February 22, 2021; 6:00 PM – virtual Zoom meeting; Manager ? to attend on behalf of the managers
- C. New CAC orientation and Manager meet and greet- date TBD
- D. Marilyn made a motion to adjourn. Jim seconded. Meeting adjourned at 8:20 pm.

CAC Soil Health Plan Amendment Feedback

January 25th, 2021

Do you support the addition of a section to the 10-Year Management Plan that specifically addresses soil health?

- Who does this create barriers for?
 - Barriers depend on specific action which will come later
 - Only barrier at this time is effort from staff, board, cac to develop amendment
 - Complexities regarding the role of natives
 - Developers, municipalities, are potentially impacted though some are moving this direction

- General support- hands raised
- 6 of 6 hands raised in favor

What are strengths of this approach?

- Potential benefits clearly outlined
- Takes an active role versus a passive role
- Steps towards climate change action
- Climate mitigation and adaptation action
- Specific language elevates the importance of soil
- In alignment with watershed goals
- Codifies soil health goals

Continued...

What is missing? How could this proposed amendment be enhanced?

- 4 or 5 regenerative principles of soil health from USDA
- Language regarding pre settlement infiltration rates (context, goals)
- More structure to navigate all the included pieces ex- top 3 things to know, why is this important to me if I don't already care
- What's the impact of this? Spell it out
- Level of detail may need simplifying

Continued...

Managers,

The District received six applications to serve on the Citizen's Advisory Committee starting in 2021. Their names and cities of residence are:

- Andrew Aller- Chanhassen
- Rodney Batiza- Eden Prairie
- Paul Granos- Chanhassen
- Samuel Griffin- Eden Prairie
- Jeff Weiss- Bloomington
- Jessica Wiley- Eden Prairie

Please find their applications below. Be it the pleasure of the Board of Managers to appoint any applicants to the CAC, an orientation will be held for new members in before the Regular CAC meeting in February.

Sincerely,

B Lauer
Education and Outreach Coordinator

Citizen Advisory Committee (CAC) Application Report

Form: Citizen Advisory Committee (CAC) Application

First Name	Andrew
Last Name	Aller
Address where you reside	6661 Horseshoe Curve
If you are employed within the watershed, please also list that address.	9023 Columbine Rd., Eden Prairie MN
Email Address	aaller@mchsi.com
Phone Number	9524120201
Why are you interested in becoming a Citizen Advisor for the Watershed District?	I have exhibited an interest in the Watershed over many years as a Citizen, Lake property owner, and Employee within the RPCBD. I have been an adopt-a-dock participant since its inception, have attended RPCBD sponsored open Houses and Educational meetings, and UMN sponsored presentations and workshops (educational and hands on) both as an individual and while serving as Chair of the Chanhassen Planning Commission. I am interested in continuing my education about our water resources and my participation in watershed activities.
What do you hope to accomplish while serving on the committee?	I hope to assist in the education of my family, neighbors and friends in the awesome resources we have, and the most responsible ways we as individuals and a community can be stewards in their use and preservation in our everyday actions.
What are the strengths and/or qualifications you can bring to help this committee fulfill its purpose and duties?	First, I honor my commitments, and as needed tasks are delegated, I will do my share and participate. Second, I have been exposed to the many and divergent interests of both residents and visitor/users of our resources and can represent all interests without becoming focused on the impacts of only one group, and Lastly, I am comfortable working with others in communicating a message and receiving feedback which can be used in creating a better product/process by the CAC.

One of the roles of CAC members is to identify education needs in the community. What is one need, related to water, that you have seen?	The knowledge Base is clearly present. I would love to see increase of the two-front education process - focused and targeting on the short-term users (daily or seasonal) of the watershed on one side and specific educational contact/targeting of Long term users (Land Owners. and business uses). I believe the primary "need" is the actual delivery (accessibility) of the already present knowledge base and rules and how they impact the interests of these two groups. Maybe these can be structured as educational "Points of emphasis" for each user group on an annual basis. Although reactive, a current emphasis could be the impact of Covid and the Use/Regulation of our various resources.
Are you able to commit to attending monthly meetings and special topic meetings as needed?	Yes
Added Time	14-Jan-2021 08:30:51
Referrer Name	http://rpbcwd.org/
Task Owner	mswope@rpbcwd.org

Citizen Advisory Committee (CAC) Application Report

Form: Citizen Advisory Committee (CAC) Application

First Name	Rodey
Last Name	Batiza
Address where you reside	17216 Peterborg Rd.
If you are employed within the watershed, please also list that address.	
Email Address	rbatiza66@gmail.com
Phone Number	9524068885
Why are you interested in becoming a Citizen Advisor for the Watershed District?	My CV available on request. I have a PhD in Earth Sciences, was a Geology Prof. for 25 years and have a strong interest in the local geology and water quality. I am not a hydrologist, but know several at the U of M, where I am a volunteer.
What do you hope to accomplish while serving on the committee?	I hope to contribute ideas about the many and varied Projects supported by the Watershed District. I am willing to work hard, and as I am retired, I have a lot of time to contribute to all these activities
What are the strengths and/or qualifications you can bring to help this committee fulfill its purpose and duties?	My education and experience are in the Earth Sciences, including some experience in Hydrology. I have numerous contacts in the Minn. Geological Survey, and Earth Sciences Dept. at the University of Minnesota
One of the roles of CAC members is to identify education needs in the community. What is one need, related to water, that you have seen?	I think it is important to teach our school children about the importance of clean water and the need to avoid contaminating the aquifers and surface water we rely on
Are you able to commit to attending monthly meetings and special topic meetings as needed?	Yes
Added Time	30-Dec-2020 14:53:32
Referrer Name	http://rpbcwd.org/
Task Owner	mswope@rpbcwd.org

Citizen Advisory Committee (CAC) Application Report

Form: Citizen Advisory Committee (CAC) Application

First Name	Paul
Last Name	Granos
Address where you reside	6663 Horseshoe Curve Chanhassen MN 55317
If you are employed within the watershed, please also list that address.	
Email Address	pngranos@gmail.com
Phone Number	6128013685
Why are you interested in becoming a Citizen Advisor for the Watershed District?	I have lived in Chanhassen since 1989 and resided on Lotus Lake for 11 years. I am a member of the Lotus Lake Conservation Alliance board and have served as board President for two years
What do you hope to accomplish while serving on the committee?	To learn more about the efforts of the watershed and understand what efforts can be made to help protect the environment
What are the strengths and/or qualifications you can bring to help this committee fulfill its purpose and duties?	Living on Lotus and being a Board Member of the LLCA has given me a clear vision of the changes in our environment. As a small business owner and sales/marketing professional I am familiar with compiling data, providing detailed analysis and providing candid and honest presentations of available information and options
One of the roles of CAC members is to identify education needs in the community. What is one need, related to water, that you have seen?	On Lotus the shoreline erosion issue is "top of mind". The permitting process has been frustrating for many of our property owners. A streamlining or fast tracking of this process would be welcomed.
Are you able to commit to attending monthly meetings and special topic meetings as needed?	Yes
Added Time	15-Jan-2021 10:51:29
Referrer Name	http://www.rpbcwd.org/
Task Owner	mswope@rpbcwd.org

Citizen Advisory Committee (CAC) Application Report

Form: Citizen Advisory Committee (CAC) Application

First Name	Samuel
Last Name	Griffin
Address where you reside	17589 Hackberry Ct., Eden Prairie, MN 55347
If you are employed within the watershed, please also list that address.	
Email Address	samuel.d.griffin@gmail.com
Phone Number	3204916562
Why are you interested in becoming a Citizen Advisor for the Watershed District?	I am interested in joining the Citizen Advisory Committee because I am passionate about the community and its water resources. I also believe that while we live in a time with immense environmental challenges, a great way to address these challenges is for every individual to do their part to protect and preserve the natural resources within their community. The impact of the Watershed District (the "District") in protecting the water resources in this community is undeniable and I am excited by the opportunity to contribute to the organization.
What do you hope to accomplish while serving on the committee?	My hope is to help increase community awareness about the work of the District and the importance of protecting water resources. I would like to help better educate members of the community about the steps they can take in their day-to-day lives to protect our water resources, by doing things such as planting a rain garden or clearing debris from neighborhood storm drains. At the same time, I also think it is important to highlight the positive impact of the District's work, from herbicide treatments in area lakes to establishing rules and permits that protect resources in the watershed. Simply, I believe more education and awareness will lead to more individuals committed to protecting and preserving the Districts water resources.
What are the strengths and/or qualifications you can bring to help this committee fulfill its purpose and duties?	I am an attorney, with experience in environmental and municipal law, and I am passionate about serving this community and protecting its water resources. I am also an effective communicator with experience working with organizations to develop effective community outreach strategies.

<p>One of the roles of CAC members is to identify education needs in the community. What is one need, related to water, that you have seen?</p>	<ul style="list-style-type: none"> • The District website includes great examples of how community members can positively impact the water resources in the area by of planting rain gardens and native plants. To better educate community members about the benefit of planting rain gardens and native plants, there may be an opportunity for the District to partner with local floral and garden shops to highlight their benefits. There are almost certainly community members that shop at these stores that care about the water resources in the area and want to do their part to protect the resources, but just don't know where to start. The District could work with the garden shops to explain the benefits of rain gardens and native plants, provide tips about what plants to include in a rain garden, and how to design the rain garden. Additionally, these local stores may consider providing a discount for native plants to include in the rain garden.
<p>Are you able to commit to attending monthly meetings and special topic meetings as needed?</p>	<p>Yes</p>
<p>Added Time</p>	<p>15-Jan-2021 12:43:45</p>
<p>Referrer Name</p>	<p>http://www.rpbcwd.org/apply-cac</p>
<p>Task Owner</p>	<p>mswope@rpbcwd.org</p>

Citizen Advisory Committee (CAC) Application Report

Form: Citizen Advisory Committee (CAC) Application

First Name	Jeff
Last Name	Weiss
Address where you reside	10029 Colorado Road
If you are employed within the watershed, please also list that address.	
Email Address	jeffdweiss@yahoo.com
Phone Number	6122074523
Why are you interested in becoming a Citizen Advisor for the Watershed District?	I have a long history of interest water quality and watershed management. As a former Barr Engineering employee, I worked with RPBCWD regularly, and I would like to continue to help the District's mission.
What do you hope to accomplish while serving on the committee?	I would like to better engage my neighborhood and community about watershed issues
What are the strengths and/or qualifications you can bring to help this committee fulfill its purpose and duties?	I have a Master's in Water Resources Engineering, and worked at Barr Engineering for almost 16 years, working on a variety of stormwater management, watershed management, and stream restoration projects. My technical background can provide some additional technical perspectives to the issues before the CAC.
One of the roles of CAC members is to identify education needs in the community. What is one need, related to water, that you have seen?	lawn care and stormwater quality. I see too many people in my neighborhood regularly blowing grass clippings into the street and regularly applying herbicides and fertilizer to their lawns. I don't think they don't care; rather I think they don't understand the full implications of their actions.
Are you able to commit to attending monthly meetings and special topic meetings as needed?	Yes
Added Time	28-Dec-2020 14:15:11
Referrer Name	http://www.rpbcwd.org/

Task Owner	mswope@rpbcwd.org
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Citizen Advisory Committee (CAC) Application Report

Form: Citizen Advisory Committee (CAC) Application

First Name	Jessica
Last Name	Willey
Address where you reside	8588 Ellet Cir, Eden Prairie
If you are employed within the watershed, please also list that address.	
Email Address	jwilley79@yahoo.com
Phone Number	612-251-0270
Why are you interested in becoming a Citizen Advisor for the Watershed District?	I'm very interested in getting more involved with my community. I previously volunteered quite a bit before I had kids. Environmental issues have always been very important to me - especially with regard to clean water. I think it's a very underestimated resource that is often overlooked. I really want to help ensure local watersheds are protected not just for us, but for future generations.
What do you hope to accomplish while serving on the committee?	I'd like to help advise on various watershed improvement projects as well as raise any public issues/ concerns ensuring we protect and improve the water quality of the watershed. Also, I'd like to help provide input to improve the water quality of the public beaches.

<p>What are the strengths and/or qualifications you can bring to help this committee fulfill its purpose and duties?</p>	<p>I have a BS in civil engineering (w/ environmental emphasis) as well as an MBA. I spent the first 6 years of my career working on flood control projects and an additional 4 years working on external drainage at a power plant. I currently negotiate contracts with other utilities. I previously chaired the Communications Committee for the Sierra Club North Star Chapter as well as founded the Food Committee. I used to volunteer with the Three Rivers Park District, MN WHEP, and Forum to Women in the Environmental Field. I've helped out with Great River Greening projects and currently volunteer each year at the MN State Fair at my company booth educating folks about electricity/gas/call before you dig. I've also been a board member for a number of different groups within my company. I think both my professional and volunteer background would be beneficial for this committee. I also live in a "green" community - Eden Gardens.</p>
<p>One of the roles of CAC members is to identify education needs in the community. What is one need, related to water, that you have seen?</p>	<p>I think clean water is so important. Basic homeowner education regarding landscaping practices (such as incorporating rain gardens, fertilizer/ salt use, clearing storm drains, etc.) should always been reinforced as I'm not sure most people realize that stormwater is not treated like wastewater. Also, anything we can do to improve the water quality of the beaches.</p>
<p>Are you able to commit to attending monthly meetings and special topic meetings as needed?</p>	<p>Yes</p>
<p>Added Time</p>	<p>05-Jan-2021 07:27:38</p>
<p>Referrer Name</p>	<p>http://www.rpbcwd.org/</p>
<p>Task Owner</p>	<p>mswope@rpbcwd.org</p>

RPBCWD February Staff Report

Administration		Staff update	Partners
Accounting and Audit	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 Administrator Bleser compiled the monthly treasurer's report electronically. Staff Bakkum and Administrator Bleser have begun initial preparation for the yearly audit.	
Administration		Administrator Bleser has started review of several example of disaster preparedness plan.	
Annual Report	Compile, finalize and submit an annual report to agencies	Continuation of the drafting of the 2020 annual report was ongoing this month.	
BWSR	Discuss Targeted Watershed Grant Distribution	Administrator Bleser is working on submitting workplan on Watershed Base funding on elink. Administrator Bleser attended a meeting with MAWD Director Emily Javens and Metro Watershed District Administrator discussing concerns in regards to the process BWSR put into place for watershed based funding.	9-Mile WD Eden Prairie BWSR Bloomington Chanhassen Carver Co. Hennepin Co. LMRWD Minnetonka Waconia
DEI	Diversity, Equity and Inclusion	Staff Lauer attended DEI related meeting of metro watershed education, outreach and communications staff to discuss new developments and share resources.	
Human Resources	General Human Resources	Review of personnel handbook is delayed and will continue in February.	

Internal Policies	Work with Governance Manual and Personnel Committees to review bylaws and manuals as necessary	No other update	
Advisory	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.	The CAC met for their regular meeting on the 25th of January. Staff Jeffrey and Engineer Sobiech presented the Proposed Soil Health Amendment to the 10-year Management plan and the Lotus Lake Vegetation Management Plan to the CAC for comment. Staff Lauer facilitated a discussion surrounding soil health and Staff Bakkum acted as notetaker for said conversation. Staff Lauer presented an updated communication process, as approved by the Board of Managers to the CAC. The District received five applications to serve on the CAC.	
Local Surface Water Management Plan		No change. Awaiting Chanhassen revisions.	
MAWD		Discussed with MAWD - Emily Javens and WD Metro Administrators BWSR watershed based funding.	
District-Wide			
Regulatory Program	Review regulatory program to maximize efficiency. Engage Technical Advisory Committee and Citizen Advisory Committee on possible rule changes. Implement a regulatory program.	The new public interface is up and running for the permit database and application. You can view that here: MS4 Permit Software (ms4front.net) Two permit applications have been submitted through the new online portal. In addition, another application, was submitted via the old system in December. One permit has been issued since the January meeting. This was 2020-071 for the cleanout of	

		<p>sediment within the City of Bloomington’s MS4 facilities.</p> <p>The new inspection tool is up and running. The database is not yet fully populated with permits issued under the old system. This will be completed before the spring thaw begins. We are currently just verifying that sites are stable and dormant at this time. It is anticipated that the end of February will be the beginning of our weekly inspection protocol.</p> <p>Staff Jeffery is working with Staff Lauer, Staff Bakkum, and Engineer Sobiech to develop a seminar on shoreline management. Paul Radomski of the MN DNR has agreed to speak. We are looking to add one more presenter and record the seminar for others to view. The seminar is scheduled for Feb 24, 2021 at 6PM.</p>	
<p>Aquatic Invasive Species</p>	<p>Review AIS monitoring program Develop and implement Rapid Response Plan as appropriate Coordinate with LGUs and keep stakeholders aware of AIS management activities. Manage and maintain the aeration system on Rice Marsh Lake Riley Chain of Lakes Carp Management Purgatory Chain of Lakes Carp Management Review AIS inspection program. Keep abreast in technology and research in AIS.</p>	<p>Staff continued compiling data for the water resources report. The aeration was turned on early this month and is working well.</p>	<p>City of Chanhassen City of Eden Prairie University of Minnesota MN DNR Carver County</p>

	Zebra mussel adult and veliger monitoring.		
Cost-Share	<p>Schedule and coordinate site visits.</p> <p>Review applications and recommend implementation.</p>	<p>Staff Lauer facilitated a review of the 2020 program with the WSG application review committee.</p> <p>Staff Lauer began review of application review criteria with WSG application review committee.</p> <p>Staff Lauer compiled and analysed performance data pertaining to the 2020 program year.</p> <p>Staff Lauer is working with the CCWMO technician to compile water quality impacts from 2020 grants.</p> <p>Staff Lauer continues to answer questions and guide potential applicants through the application process.</p> <p>Staff have received multiple site visit requests and Staff Lauer has started a waiting list.</p>	<p>Carver County Soil and Water Conservation District</p>
Data Collection	<p>Continue Data Collection at permanent sites.</p> <p>Identify monitoring sites to assess future project sites.</p>	<p>Staff worked on data QC and compilation this month in preparation for drafting the 2020 water resources report.</p> <p>WOMP stations: samples were collected 3 times this month for the Metropolitan Council.</p> <p>Hach water quality sonde was sent in for yearly repair.</p> <p>Staff conducted regular lake monitoring on the Riley Chain of Lakes (RCL) early this month - Lucy, Ann, Susan, Rice Marsh. Riley was not sampled due to questionable ice conditions. This is the first year of the three year monitoring effort for RCL (rotate then for 3 years to PCL).</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>
District Hydrology and	<p>Coordinate maintenance of Hydrology and Hydraulics Model.</p>	<p>Staff is working on finalizing Bloomington report.</p>	<p>City of Bloomington</p> <p>City of Minnetonka</p> <p>City of Eden Prairie</p>

Hydraulics Model	Coordinate model update with LGUs if additional information is collected. Partner and implement with the City of Bloomington on Flood Evaluation and Water Quality Feasibility.		City of Deephaven City of Shorewood.
Education and Outreach	Implement Education & Outreach Plan, review at year end. Manage partnership activities with other organizations. Coordinate Public Engagement with District projects.	MPCA Smart Salting for Parking Lots and Sidewalks was held virtually on January 20th. Over 44 maintenance staff were certified and will begin to implement better winter maintenance practices. Staff Jeffrey, Bakkum, and Lauer are working in collaboration to develop programming and materials surrounding shoreline management including a webinar, an interactive opportunity, and online materials. Staff Lauer and Nicklay are compiling 2020 lake and creek fact sheets Staff Lauer and Bakkum continue to create content for the District's online platforms (website and social media)	Adopt a drain: City of Eden Prairie, City of Minnetonka, City of Bloomington, Hamline University, Nine Mile Creek Watershed District, MPCA, Fortin Consulting
Groundwater Conservation	Work with other LGUs to monitor, assess, and identify gaps. Engage with the Technical Advisory Committee to identify potential projects. Develop a water conservation program (look at Woodbury model)	Staff Lauer met with NMCWD staff to solidify plans for collaborative social media outreach campaigns surrounding groundwater conservation. Plans to engage MN Water Stewards and Water Conservation Advisor Volunteers were also discussed.	Metropolitan Council City of Eden Prairie City of Shorewood City of Bloomington City of Minnetonka City of Chanhassen

		Staff Lauer discussed opportunity for collaboration surrounding the opportunity for a water reuse system and smart irrigation controller installation in the St. Hubert Project Staff Lauer touched base with city grantees to go over reporting and project updates.	
Lake Vegetation Management	<p>Work with the University of Minnesota or Aquatic Plant Biologist, Cities of Chanhassen and Eden Prairie, lake association, and residents as well as the Minnesota Department of Natural Resources on potential treatment.</p> <p>Implement herbicide treatment as needed.</p> <p>Secure DNR permits and contracts with herbicide applicators.</p> <p>Lakes the District is monitoring for treatment include: Lake Susan, Lake Riley, Lotus Lake, Mitchell Lake, Red Rock Lake and Staring Lake.</p> <p>Work with Three Rivers Park District for Hyland Lake</p>	<p>Jacob Olson, Graduate Research Assistant, University of Minnesota with input from Dr. Ray Newman, University of Minnesota. Aquatic Plant progress report for January 2021.</p> <p>All biomass processing has been completed. Biomass data entry and analysis are ongoing. Point intercept data from Lake Riley, Lake Susan, and Staring Lake have been compiled and analysis continues for the 2020 Annual Report and Annual RPBCWD Summit. The Staring Lake LVMP report was submitted to the DNR and a draft slideshow has been developed.</p>	<p>City of Eden Prairie City of Chanhassen University of Minnesota MNDNR</p>
Opportunity Projects	Assess potential projects as they are presented to the District	No new updates	<p>ISG Staring Lake Outdoor Center The Preserve Association</p>
Total Maximum Daily Load	<p>Continue working with Minnesota Pollution Control Agency on the Watershed Restoration And Protection Strategies (WRAPS).</p> <p>Engage the Technical Advisory Committee.</p>	No new updates	MPCA

Repair and Maintenance Grant	Develop and formalize grant program.	No new updates	
University of Minnesota	<p>Review and monitor progress on University of Minnesota grant.</p> <p>Support Dr John Gulliver and Dr Ray Newman research and coordinate with local partners.</p> <p>Keep the manager abreast to progress in the research.</p> <p>Identify next management steps.</p>	<p>Stormwater Pond Summit was held virtually on January 20th. Researchers, TAC, and regional LGU staff attended. Main focus was to present research and provide direction for future work.</p> <p>John Gulliver’s lab - remediation utilizing iron filings (inconclusive), climatic conditional phosphorus release (increase if drier) and sediment phosphorus release and characterization.</p> <p>Jaquie Finlay’s UMN lab - overview of understanding phosphorus in stormwater ponds which included discussion on the impacts of duckweed and tree coverage increasing phosphorus. understanding and initial pond RPBCWD pond monitoring presented by Joe Bischoff (Barr).</p> <p>Anne Wilkinson (Wenck) and Joe Bischoff (Barr) presented RPBCWD data. Anne discussed HAB concerns and Joe presented an initial CE-QUAL model for ponds.</p>	<p>Stormwater ponds partners:</p> <p>Bloomington, Chanhassen, Eden Prairie, Minnetonka, Shorewood, University of MN, Wenck, and Limnotech.</p>
Watershed Plan	Review and identify needs for amendments.	The CAC discussed the proposed amendment to the 10-Year Management plan regarding soil health	
Wetland Conservation Act (WCA)	<p>Administer WCA within the Cities of Shorewood and Deephaven.</p> <p>Represent the District on Technical Evaluation Panel throughout the District</p>	<p>No WCA applications have been received in Deephaven.</p> <p>No WCA applications have been received in Shorewood.</p> <p>Staff Jeffery and Leslie Stovring of Eden Prairie met to discuss the implication of various designs for Duck Lake Rd on WCA sequencing.</p>	<p>City of Shorewood City of Deephaven City of Chanhassen City of Eden Prairie MCWD BWSR DNR ACOE</p>

		Staff Jeffery is preparing the annual reporting for the Shorewood and Deephaven to be submitted to BWSR.	
Wetland Management	Assess known existing wetlands, identify previously unknown wetlands, and identify potential restoration and rehabilitate wetlands and wetland requiring additional protection.	<p>Staff Jeffery, Staff Dickhausen and staff Nicklay continue updating the MNRAM Access database.</p> <p>Staff Jeffery, Staff Dickhausen, Engineer Sobeich, Joe Bischoff, and Karen Wold of Barr met on 1/12/21 to discuss how to assess nutrient cycling and carbon sequestration as ecosystem services within wetlands.</p> <p>The USFWS was unable to devote staff time. Staff Jeffery is working with staff from the DNR to develop wildlife guilds for various wetland communities.</p>	<p>City of Chanhassen City of Eden Prairie Hennepin County Carver County MNDNR BWSR USFWS</p>
Hennepin County Chloride Initiative	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 into a plan for implementation.	<p>HCCI met on January 27th to discussed:</p> <ol style="list-style-type: none"> 1. Grant Project Report 2. Proposal for Development of Chloride Management Plan Template <ul style="list-style-type: none"> · Consider proposal from Fortin Consulting (attached) for development of the Chloride Management Template. 3. Parkers Lake Chloride Reduction Project <ul style="list-style-type: none"> · The city of Plymouth and BCWMC will present an idea and general proposal for utilizing HCCI grant funds and expertise on the Parkers Lake Chloride Reduction Project. Plymouth staff will provide an overview of the ideas, possible timeline, possible working group members, and general budget. 	

		<p>4. Isaak Walton League’s Citizen Salt Watch Program</p> <ul style="list-style-type: none"> · NMCWD is using the program to engage with residents and identify possible chloride hot spots. We’ll get an update on the program and how the data is being be used. 	
Lower Minnesota Chloride Cost-Share Program	The Lower Minnesota River Watersheds are coming together to offer cost-share grants.	The announcement of the Lower Minnesota Collaborate Chloride Reduction Grants has been circulated to partners. Staff Bakkum is serving as the contact person and coordinates communication between Collaborate members and fields questions from prospective applicants.	LMRWD, RBWMO, NMCWD
Bluff Creek One Water			
Bluff Creek Tributary Restoration	Implement and finalize restoration. Monitor Project.	On hold till Spring.	City of Chanhassen
Wetland Restoration at 101	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	Additional modeling has been performed by Heather Hlavaty at Barr which developed flow duration curves. Design is continuing on the outlet structure as well as how to provide the most diverse communities with minimal disturbance. Staff Jeffery, Engineer Sobiech, Heather Hlavaty, and a wetland ecologist met to discuss design and maintenance of any restoration project.	City of Chanhassen MN DNR Carver County
Riley Creek One Water			
Lake Riley Alum	Continuing to monitor the Lake.	No new updates	

Lake Susan Improvement Phase 2	Complete final site stabilization and spring start up. Finalize and implement E and O for the project. Monitor project.	No new updates	City of Chanhassen Clean Water Legacy Amendment
Lake Susan Spent Lime	2020 startup and monitoring.	No new updates	City of Chanhassen
Lower Riley Creek Stabilization	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.	On hold till Spring.	City of Eden Prairie Lower MN River Watershed District
Rice Marsh Lake Alum Treatment	Continuing to monitor the Lake.	No new updates	City of Eden Prairie City of Chanhassen
Rice Marsh Lake Watershed Load Project 1	Conduct feasibility. Develop cooperative agreement with City of Chanhassen	Resolution included in board packet	City of Chanhassen
Upper Riley Creek	Work with City to develop scope of work (in addition to stabilizing the creek can we mitigate for climate change) Conduct feasibility Develop cooperative agreement with the City of Chanhassen Order Project Start design	Joint City and District Meeting has been scheduled for February 4 to discuss with landowners the project. Invitations were mailed and RSVPs have been coming in.	City of Chanhassen
Middle Riley Creek	Work with Bearpath HOA/Golf Course to develop scope of work (in addition to stabilizing the creek can we mitigate for climate change and provide for an improved recreational experience) Draft feasibility report	Engineer and staff are continuing to work with Bearpath.	Bearpath Neighborhood Association. City of Eden Prairie Dept. of Natural Resources

	Develop cooperative agreement with Bearpath Order Project Start design		
St Hubert Water Quality Project		The District will be receiving clean water funds for this project pending final approval from BWSR. The District is preparing for the e-link submission.	CCSWCD Metropolitan Council City of Chanhassen
Purgatory Creek One Water PCRA Berm		The PCRA berm was originally constructed in the late 90's on a thick layer of peat that has settled below the design elevation over time. Eventually the water overtopped the berm and caused excessive erosion, washing away the berm. A pedestrian viewing bridge and weir was constructed to the northeast of the overflow section of the berm in 2004. The plunge pool has eroded on the downstream side of the weir. Staff met with Wenck Engineering to discuss and comment about the details of the berm repair (erosion prevention and trail restoration) and plunge pool repair (for carp management efficiency and erosion prevention). An additional meeting was scheduled to finalize the plan and schedule next steps.	City of Eden Prairie
Duck Lake Water Quality Project	Work with the City to implement neighborhood BMP. Identify neighborhood BMP to help improve water resources to Duck Lake.	Cooperative agreement is being finalized and is included in board packet.	City of Eden Prairie

	Implement neighborhood BMPs.		
Lotus Lake – Internal Load Control	Monitor treatment and plant populations.	No new updates	
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.	Final pay app for the project is being processed this month.	Minnetonka Public School District City of Minnetonka Hennepin County
Silver Lake Restoration	Order project Design Project Work with the City of Chanhassen for Design, cooperative agreement and implementation	Engineer is close to 60% design and will be sending plans to the City for review.	City of Chanhassen
Professional Development	<ul style="list-style-type: none"> • Staff Bakkum has completed registration and can now act as notary. • Staff Jeffery and Staff Nicklay are actively working to complete certification for Construction Site Manager. 		

Memorandum

To: Riley-Purgatory-Bluff Creek Watershed District Board of Managers and District Administrator
From: Barr Engineering Co.
Subject: Engineer's Report Summarizing January 2021 Activities for February 3, 2021, Board Meeting
Date: January 27, 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 January 2021.

General Services

- a. Participated in a January 4th meeting with Staff Maxwell and Jeffery to review the preliminary erosion intensity scoring developed by staff for Lotus Lake. Also discussed staff plans to administer the Score Your Shore lakeshore assessment protocols.
- b. Participated in a January 5th meeting with Administrator Bleser, Watershed Planning Coordinator Jeffery and Counsel Welsh to discuss Rule F revisions to redefine shoreline maintenance projects. Also discussed a potential need for the board to consider adopting a policy to allow shoreline naturalization projects to be eligible for stewardship grants.
- c. Assisted Administrator Bleser and Counsel Smith with review and revisions to the Duck Lake Partnership cooperative agreement with the city of Eden Prairie for the Duck Lake Road bridge project.
- d. Participated in January 8th virtual meetings with Administrator Bleser and city of Chanhassen to go over the city's comments on the draft Upper Riley Creek Ecological Corridor Enhancement Plan. City provided written comments, offer to cosign a stakeholder notification letter, and indicated they would support pursuing a clean water grant. Also discussed a potential stakeholder meeting with private property owners sometime in early February. At this same meeting we discussed the Board's approval of the Rice Marsh lake BMP project at the January 6th meeting. The city express support for the project, reiterated a commitment to maintenance, and requested spent lime be considered given the current performance of the Lake Susan filter.
- e. Participated in four meetings with Administrator Bleser, Staff Jeffry and Lauer, Manager Crafton discussing soil health, the role of health soils in water resource management, potential plan amendment language, and preparation for the CAC meeting.
- f. Met with Administrator Bleser and staff Maxwell on January 15th to assist in developing the agenda and guiding questions for the upcoming RPBCWD Pond Summit.
- g. Met with Administrator Bleser, city of Eden Prairie, and Wenck (now Stantec) to discuss proposed restoration of the embankment separating the water quality pond from the restored wetland in the Purgatory Creek Park area in Eden Prairie. The Draft plans include surcharging the embankment, restoring the trail, filling a scour hole under the bridge, cutting a notch in the

- fixed crest weir under the bridge and installing stop logs (potential use in carp management) and creating an area for electro-fishing management of carp. Also discussed potential permitting with the DNR, USACE, and RPBCWD (e.g., floodplain, erosion control, waterbody crossing, etc.)
- h. Took part in the January 20th RPBCWD pond summit. There were 36 attendees representing RPBCWD staff, the cities in the district, and UofM. Key takeaways include pond sediment can be a significant phosphorus source to downstream resources, 2020 monitoring showed higher phosphorus levels than in 2019, some ponds do not mix and go anoxic, duckweed can prevent oxygen from entering water, sediment oxygen demand might be a key driver, typical NURP pond standards appear to result in under-performance and need reconsideration.
 - i. Attended the January 25th CAC meeting to provide input on the district draft soil health amendment and the district planned lake vegetation management plan for Lotus Lake.
 - j. Met with Watershed Planning Manager Jeffery, Education & Outreach Coordinator Lauer, staff Bakkum, and Paul Radomski on January 25th to develop an agenda for an upcoming shoreline workshop tentatively set for February 24th.
 - k. Participated in a January 29th virtual meeting with Administrator Bleser, Counsel Smith and President Ward to review the February 3rd meeting agenda.
 - l. Participated in the January 6th regular Board of Managers meeting.
 - m. Work on a project summary sheet for the Scenic Heights Forest restoration project.
 - n. Prepared Engineer's Report for engineering services performed during January 2021.
 - o. Miscellaneous discussions and coordination with Administrator Bleser about the project staffing, soil health plan amendment, pond summit, task orders for upcoming project work in the 10-year plan, and upcoming Board meeting agenda.

Permitting Program

- a. *Permit 2020-061: Purgatory Creek 2nd Addition:* This proposed project involves construction of a cul-de-sac with 7 lots with the site grading, sanitary sewer, water main, storm sewer, and street construction adjacent to Sunnybrook Road in Eden Prairie. Reviewed January 5th revised submittal and provided comment on January 12th. Participated to two follow-up calls with the applicant and the applicant's engineer to discuss soil conditions at the site, alternative best management practice locations, review period timelines, and review comments. Coordinated with applicant on their request to extend the permit review timeline an additional 90 days until May 7, 2021.
- b. *Permit 2020-066: Chase Bank*– This project consists of redevelopment of a 0.62-acre site into a Chase Bank building and associated parking at 928 Prairie Center Drive, Eden Prairie, MN. A subsurface stormwater management system will provide stormwater rate, volume, and water quality control. The project triggers the erosion prevention and sediment control rule and the stormwater management rule. Discussed the project's proposed underground stormwater management system with iron enhanced sand filtration with the city of Eden Prairie. Concerns about the underground iron enhanced sand filter below the underground chamber system and potential alternative best management practices (manufactured

- treatment device, stormwater reuse, etc.) were shared with the applicant engineer. Some of the concerns include long-term maintenance and sand replacement, the potential for groundwater intrusion if the liner leaks, potential for anoxic conditions. Coordinated with Watershed Planning Manger Jeffery to issue a 60-day permit review timeline extension until March 23, 2021 because the applicant has not provided a revised submittal in response to review comments.
- c. *2020-067 Conifer Trail Outlet* – This project consists of providing a high-level outlet from the landlocked basin between Clear Springs Elementary and Mahoney Avenue. The project triggers the floodplain management rule, erosion prevention and sediment control rule, and wetland and creek buffer rule. Coordinated with Watershed Planning Manger Jeffery to issue a 60-day permit review timeline extension until March 20, 2021 because the review period was set to expire before the February 2021 Board of Managers meeting. Reviewed the revised submittal received January 5th. Drafted the permit review report for manager consideration at the February 3, 2021 meeting.
- d. *Permit 2020-068: Minnetonka High School Einer Anderson Field Site Improvements* – This project consists of proposed site improvements along the northwest side of the Minnetonka High School Einer Anderson Field, located at 18301 Highway 7 in Minnetonka. Site improvements include construction of new sidewalks, retaining walls, grading, landscaping, and related utilities. A subsurface stormwater management system will provide stormwater rate, volume, and water quality control. The project triggers the erosion prevention and sediment control rule and the stormwater management rule. The RPBCWD staff reviewed the revised December 29, 2020 submittal items for the proposed site improvements and provided incompleteness comments to the applicant on January 7, 2020. RPBCWD staff informed the applicant the submittal was incomplete because geotechnical analysis and drainage area maps were not submitted. The applicant provided a revised submittal in response to review comments, and the application is considered complete with the January 7, 2020 submittal. A permit review report was drafted for the Board's consideration at the February 3, 2021 meeting.
- e. *Permit 2020-073: Welters Way Streambank Stabilization* – This project consists restoration of approximately 160 feet of Purgatory Creek streambank and adjacent slope at 11579 Welters Way in Eden Prairie. The project triggers the floodplain management rule, erosion prevention and sediment control rule, wetland and creek buffer rule, and shoreline and streambank stabilization rule. Reviewed December 29th submittal. Provided review comments to applicant on January 7th and informed the applicant the submittal was incomplete because the applicant did not provided information relative to the floodplain management rule or how the site would be accessed. Participated in a conference call with the city and Wenck to discuss review comments. Reviewed revised submittal received on January 18th. Provided review comments on January 19th indicating the application was complete but additional information and design revisions were needed to meet RPBCWDs regulatory requirements. Began drafting permit review report. Received email notification from the applicant on January 21st that the project was being put on hold due to concerns about timing to onboard a contractor and complete construction prior to spring runoff impacting the site access.
- f. *Permit 2021-001: Auto Care World* – This project consists of redevelopment of a 3.1-acre site into a proposed auto care center, gas station, and convenience store at the northwest corner of Pioneer Trail and Hennepin Town Road, Eden Prairie, MN. The project triggers the

erosion prevention and sediment control rule and stormwater management rule. Started reviewing the January 19th submittal.

- g. Met with SRF Consulting on January 20th to discuss RPBCWD proposed St Hubert's project and permitting requirements.
- h. Miscellaneous conversations with Watershed Planning Manager Jeffery about rules, permit database status, and rule application to wetland dredging.

Data Management/Sampling/Equipment Assistance

- a. Prepared, loaded, and verified six RMB laboratory (RMB) reports.
- b. Worked with RMB to correct electronic data deliverables (EDDs).
- c. Prepared, loaded, and verified 2020 field data collected with the Survey123 mobile application for the Creeks monitoring programs.
- d. Prepared, loaded, and verified 2020 data collected by Three Rivers Park District for Hyland Lake.
- e. Prepared, loaded, and verified 2020 data collected by Eden Prairie for McCoy and Round Lakes.
- f. Prepared, loaded, and verified 2017 data collected by Eden Prairie for Idlewild, Mitchell, Red Rock, and Round Lakes.
- g. Corrected 2012 Round Lake data.

Task Order 6: WOMP Station Monitoring

Purgatory Creek Monitoring Station at Pioneer Trail

- a. Download and review data.
- b. Setup files and folders for 2021.

Purgatory Creek Monitoring Station at Valley View Rd

- a. Download and review data.
- b. Setup files and folders for 2021.
- c. Review and QA/QC of 2020 data.

Task Order 14b: Lower Riley Creek Final Design

- a. Processed payment application 6 for the partial release of retainage in response to the contractor completing corrective vegetation actions.

Task Order 21B: Bluff Creek Stabilization Project

- a. Worked with contractor to review and develop payment application 6 covering the tree and shrub installation.

Task Order 23: Scenic Heights School Forest Restoration

- a. The project is complete. A final summary document has been produced for District use and to formally close-out the project with numerous partners. Final invoicing is being prepared and the project is anticipated to be close-out next month.

Task Order 24: Duck Lake Water Quality Improvement Project

- a. Development of draft informative signage to be installed near two rain gardens associated with this project.

Task Order 24B: Silver Lake Water Quality Improvement Project

- a. Revisions to 60% design plan set based on review meeting with district and city staff.
- b. Developed technical specifications & review/revisions to the front-end documents.
- c. Began permitting process with city of Chanhassen and RPBCWD

Task Order 26: Stormwater Model Update and Flood-Risk Area Prioritization Identification for the Bloomington Portion of Purgatory Creek

- a. Continued preparing documentation summarizing the process for developing the prioritization framework, source information, and initial prioritized list of flood-prone areas. Barr anticipates providing the draft report for District staff review in February

Task Order 28B: Rice Marsh Lake (RM_12a) Water Quality Improvement Project

- a. Authorization to proceed with design phase provided at the January 6th meeting.
- b. Began internal project set-up and kick-off meeting

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

- c. Barr is currently working to develop updated drawings highlighting proposed project wetland buffers and an updated stream layout, incorporating feedback from Bearpath related to golf course design. The group is evaluating the project timeline, with construction tentatively slated for September 2021, with the goal of finishing the tee areas by October 1st, and stream work construction wrapping up in November/December 2021. The tentative timeline includes requesting the RPBCWD board authorization to solicit bids at the April Board meeting.

Task Order 30B: Pioneer Trail Wetland Restoration Project

- a. Incorporating District survey into the existing conditions hydrologic model of the wetland and contributing drainage area.
- b. Developing preliminary plan sheets and optimizing the proposed wetland restoration design to reduce bounce in the wetland, decrease peak flows to downstream Bluff Creek, and increase native wetland vegetation.
- c. Began vegetation section and layout as part of 60% design

To: Riley-Purgatory-Bluff Creek Watershed District Board of Managers and District Administrator
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- d. Met with Watershed Planning Coordinator on January 22nd to discuss update wetland hydrology and schematics to restore a diverse wetland habitat.

Task Order 032A: Upper Riley Creek Ecological Enhancement Plan

- a. Assisted Administrator Bleser with drafting a stakeholder engagement letter targeting adjacent private property owners. Virtual open house with property owners is tentatively scheduled for February 4, 2021.
- b. Reviewed draft Ecological Enhancement Plan with District and city of Chanhasen staff and discussed preliminary comments from city.

Task Order 033: Wetland Assessment – Phase 1

- a. Conducted second meeting to address water quality and carbon sequestration/soil health. District staff and Barr developed an approach that relies on existing water quality models and data available from current wetland assessments. Carbon sequestration and soil health were tabled because there is no readily available tool for estimating these functions or services. Tools that indirectly address these services require soil pit surveys which would significantly increase the time and cost of field surveys.
- b. Compiled exiting tools for community resilience, hydrology, and cultural resources.
- c. Began preparations for the next meeting to address community resilience, hydrology, and cultural resources.



January 12, 2021

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

**Re: Bluff Creek Southwest Branch Stabilization and Restoration Project – Pay Application #6
Barr Project # 23/27-0053.14-021**

Dear President Ward and Board of Managers:

Enclosed is the Application for Payment #6 from Sunram Construction Company for work completed through 12/29/2020, 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.

Major items of work covered by this pay application include:

- Installation of 150 shrubs and associated mulch
- Installation of 15 trees and associated mulch

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 **\$13,200.00**. Payments should be made directly to Sunram Construction Company.

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: Claire Bleser, RPBCWD
Ryan Sunram, Sunram Construction Company

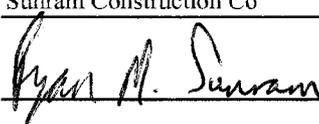
Enclosure #1 – Application for Payment – Progress Payment 6

**Bluff Creek Southwest Branch Stabilization and Restoration Project
Progress Payment Number 6**

1.0	Total Completed Through This Period	<u>\$258,169.25</u>	
2.0	Total Completed Previous Period		<u>\$244,969.25</u>
3.0	Total Completed This Period		<u>\$13,200.00</u>
4.0	Total Amount Retained, Through Previous Period	<u>\$10,207.71</u>	
5.0	Amount Retained, This Period (See Note 1)	<u>\$0.00</u>	
6.0	Total Amount Retained	<u>\$10,207.71</u>	
7.0	Retainage Released This Period:		<u>\$0.00</u>
8.0	Total Retainage Released Through This Period:	<u>\$4,600.86</u>	
8.0	Retainage Held by District:	<u>\$5,606.85</u>	
9.0	Amount Due This Period		<u><u>\$13,200.00</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: Ryan Sunram Date: 1/12/2021
 Title: Project Manager
 Contractor: Sunram Construction Co
 Signature: 

RECOMMENDED BY:

Name: Scott Sobiech Date: 1/12/2021
 Title: District Engineer
 Engineer: Barr Engineering Company
 Signature: 

APPROVED BY:

Name: Dick Ward Date: _____
 Title: President
 Owner: Riley Purgatory Bluff Creek Watershed District
 Signature: _____

Bluff Creek Southwest Branch Stabilization and Restoration Project
Piley Purgatory Bluff Creek Watershed District
Summary of Work Completed Through January 31, 2020- for Progress Payment Number 4

1.04 Item	Description	Unit	Estimated Quantity	Unit Price	Extension	(1) Total Completed Through This Period		Percent Complete	(2) Total Completed During Period 1		(3) Total Completed During Period 2		(4) Total Completed During Period 3		(5) Total Completed During Period 4		(6) Total Completed During Period 5		(6) Total Completed This Period	
						Quantity	Amount		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
A	Mobilization/Demobilization	LS	1	\$ 15,300.85	\$ 15,300.85	1.00	\$15,300.85	100%	0.25	\$3,825.21	0.25	\$3,825.21	0.25	\$3,825.21	0	\$0.00	0.25	\$3,825.21	0	\$0.00
B	Control of Water	LS	1	\$ 1,500.00	\$ 1,500.00	1.00	\$1,500.00	100%	0	\$0.00	0.5	\$750.00	0.5	\$750.00	0	\$0.00	0	\$0.00	0	\$0.00
C	Traffic Control	LS	1	\$ 1,500.00	\$ 1,500.00	1.00	\$1,500.00	100%	0	\$0.00	0.5	\$750.00	0.5	\$750.00	0	\$0.00	0	\$0.00	0	\$0.00
D	Rock Construction Entrance	Each	1	\$ 1,500.00	\$ 1,500.00	1.00	\$1,500.00	100%	1	\$1,500.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
E	Sediment Log	LF	200	\$ 4.00	\$ 800.00	0.00	\$0.00	0%	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
F	Silt Fence	LF	50	\$ 5.00	\$ 250.00	0.00	\$0.00	0%	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
G	Floating Silt Curtain	Each	1	\$ 400.00	\$ 400.00	1.00	\$400.00	100%	0	\$0.00	1	\$400.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
H	Tree Protection Fencing	LF	100	\$ 5.00	\$ 500.00	0.00	\$0.00	0%	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
I	Inlet Protection	Each	5	\$ 150.00	\$ 750.00	1.00	\$150.00	20%	0	\$0.00	1	\$150.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
J	Street Sweeping	LS	1	\$ 1,000.00	\$ 1,000.00	1.00	\$1,000.00	100%	0	\$0.00	0.5	\$500.00	0.5	\$500.00	0	\$0.00	0	\$0.00	0	\$0.00
K	Clearing and Grubbing	Acre	1.5	\$ 16,300.00	\$ 24,450.00	2.46	\$40,098.00	164%	2.2	\$35,860.00	0	\$0.00	0.26	\$4,238.00	0	\$0.00	0	\$0.00	0	\$0.00
L	Remove and Dispose of Trash and Non-Woody Debris	LS	1	\$ 2,750.00	\$ 2,750.00	1.00	\$2,750.00	100%	0	\$0.00	0.5	\$1,375.00	0.5	\$1,375.00	0	\$0.00	0	\$0.00	0	\$0.00
M	Remove Storm Sewer	LS	1	\$ 850.00	\$ 850.00	1.00	\$850.00	100%	0	\$0.00	0	\$0.00	1	\$850.00	0	\$0.00	0	\$0.00	0	\$0.00
N	Furnish and Install Manhole	Each	1	\$ 4,500.00	\$ 4,500.00	1.00	\$4,500.00	100%	0	\$0.00	0.5	\$2,250.00	0.5	\$2,250.00	0	\$0.00	0	\$0.00	0	\$0.00
O	Furnish and Install Manhole Casing	Each	1	\$ 500.00	\$ 500.00	1.00	\$500.00	100%	0	\$0.00	0.5	\$250.00	0.5	\$250.00	0	\$0.00	0	\$0.00	0	\$0.00
P	Furnish and Install Storm Sewer	LF	20	\$ 155.00	\$ 3,100.00	16.00	\$2,480.00	80%	0	\$0.00	0	\$0.00	16	\$2,480.00	0	\$0.00	0	\$0.00	0	\$0.00
Q	Furnish and Install Flared End Section	Each	1	\$ 2,500.00	\$ 2,500.00	1.00	\$2,500.00	100%	0	\$0.00	0.5	\$1,250.00	0.5	\$1,250.00	0	\$0.00	0	\$0.00	0	\$0.00
R	Common Excavation (P)	CY	2,200	\$ 10.80	\$ 23,760.00	2200.00	\$23,760.00	100%	0	\$0.00	1100	\$11,880.00	1100	\$11,880.00	0	\$0.00	0	\$0.00	0	\$0.00
S	Grading (P)	SY	7,240	\$ 1.40	\$ 10,136.00	7240.00	\$10,136.00	100%	0	\$0.00	3620	\$5,068.00	3620	\$5,068.00	0	\$0.00	0	\$0.00	0	\$0.00
T	Furnish and Install Riprap (CL I)	Ton	0	\$ 100.00	\$ -	0.00	\$0.00	0%	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
T	Furnish and Install Riprap (CL III)	Ton	325	\$ 76.25	\$ 24,781.25	345.00	\$26,306.25	106%	0	\$0.00	250	\$19,062.50	50	\$3,812.50	0	\$0.00	45	\$3,431.25	0	\$0.00
U	Furnish and Install Granular Backfill	Ton	12	\$ 73.00	\$ 876.00	12.00	\$876.00	100%	0	\$0.00	12	\$876.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
V	Clear and Salvage Trees and Install as Root Wad	Each	19	\$ 445.00	\$ 8,455.00	24.00	\$10,680.00	126%	18	\$8,010.00	0	\$0.00	6	\$2,670.00	0	\$0.00	0	\$0.00	0	\$0.00
W	Import and Install Root Wad	Each	19	\$ 445.00	\$ 8,455.00	24.00	\$10,680.00	126%	0	\$0.00	0	\$0.00	24	\$10,680.00	0	\$0.00	0	\$0.00	0	\$0.00
X	Furnish and Install Boulder Vane	LF	200	\$ 100.00	\$ 20,000.00	200.00	\$20,000.00	100%	0	\$0.00	68.5	\$6,850.00	131.5	\$13,150.00	0	\$0.00	0	\$0.00	0	\$0.00
Y	Turf Reinforcement Mat	SY	103	\$ 12.00	\$ 1,236.00	223.00	\$2,676.00	217%	0	\$0.00	0	\$0.00	103	\$1,236.00	120	\$1,440.00	0	\$0.00	0	\$0.00
Z	Import Topsoil	CY	5	\$ 100.00	\$ 500.00	16.00	\$1,600.00	320%	0	\$0.00	0	\$0.00	5	\$500.00	0	\$0.00	11	\$1,100.00	0	\$0.00
AA	Seed Area	Acre	1	\$ 6,300.00	\$ 9,324.00	2.06	\$12,978.00	139%	0	\$0.00	0	\$0.00	1.48	\$9,324.00	0	\$0.00	0.58	\$3,654.00	0	\$0.00
BB	Seed Mix - Cover Crop	LB	152	\$ 0.55	\$ 83.60	170.00	\$93.50	112%	0	\$0.00	0	\$0.00	152	\$83.60	0	\$0.00	18	\$9.90	0	\$0.00
BB	Seed Mix - Floodplain Forest Mix	LB	48	\$ 115.00	\$ 5,520.00	56.00	\$6,440.00	117%	0	\$0.00	0	\$0.00	48	\$5,520.00	0	\$0.00	8	\$920.00	0	\$0.00
BB	Seed Mix - Upland Construction Mix	LB	8	\$ 95.00	\$ 722.00	7.60	\$722.00	100%	0	\$0.00	0	\$0.00	7.6	\$722.00	0	\$0.00	0	\$0.00	0	\$0.00
CC	Plant Shrubs	Each	150	\$ 64.00	\$ 9,600.00	150.00	\$9,600.00	100%	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	150	\$9,600.00
DD	Plant Trees	Each	15	\$ 240.00	\$ 3,600.00	15.00	\$3,600.00	100%	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	15	\$3,600.00
EE	Furnish and Install Erosion Control Blanket	SY	5,772	\$ 2.45	\$ 14,141.40	4069.00	\$9,969.05	70%	0	\$0.00	0	\$0.00	2200	\$5,390.00	0	\$0.00	1869	\$4,579.05	0	\$0.00
FF	Furnish and Install Straw Mulch	SY	1,643	\$ 0.30	\$ 492.90	6162.00	\$1,848.60	375%	0	\$0.00	0	\$0.00	1643	\$492.90	1667	\$500.10	2852	\$855.60	0	\$0.00
GG	Furnish and Install Buffer Markers	Each	15	\$ 200.00	\$ 3,000.00	0.00	\$0.00	0%	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
HH	Vegetation Establishment and Warranty Period	LS	1	\$ 6,765.00	\$ 6,765.00	0.00	\$0.00	0%	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
Total of Extensions =						\$ 213,599.00	\$226,994.25		\$49,195.21	\$55,236.71	\$89,047.21	\$1,940.10	\$18,375.01	\$13,200.00						

Change Orders

1.04 Item	Description	Unit	Estimated Quantity	Unit Price	Extension	Quantity	Amount			Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	
II	CO#1 - Project Delay (Wage and Material Cost Increase)	LS	1	10,675.00	\$ 10,675.00	1.00	\$10,675.00	100%	0	\$0.00	0	\$0.00	1	\$10,675.00	0	\$0.00	0	\$0.00	0	\$0.00
	CO#2 - Additional Rock Riffle and Steep Slope Grading (Mobilization, Access, & Grading)	LS	1	20,500.00	\$ 20,500.00	1.00	\$20,500.00	100%	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	1	\$20,500.00		\$0.00
Total of Extensions =						\$ 244,774.00	\$258,169.25		\$49,195.21	\$55,236.71	\$99,722.21	\$1,940.10	\$38,875.01	\$13,200.00						



January 13, 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 #6
Barr Project # 23/27-0053.14-014**

Dear President Ward and Board of Managers:

Enclosed is the Application for Payment #6 from Rachel Contracting, LLC. for work completed through 1/6/2021, 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. On January 7, 2021, Barr Engineering received a formal request from Rachel Contracting to release half of the retainage. Major work items covered by this pay application include:

- Vegetation warranty work
- Release of half of the total retainage being held for the project.

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 **\$22,009.89** to release half the retainage. 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: Claire Bleser, RPBCWD
Dave Lyste, Rachel Contracting, Inc.

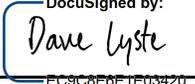
Enclosure #1 – Application for Payment – Progress Payment 6

**Lower Riley Creek Stabilization Project
Progress Payment Number 6**

1.0	Total Completed Through This Period	<u>\$1,978,712.31</u>	
2.0	Total Completed Through Previous Period		<u>\$1,978,712.31</u>
3.0	Total Completed This Period		<u>\$0.00</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>\$22,009.89</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>\$22,009.89</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: 1/12/2021
 Title: Vice President
 Contractor: Rachel Contracting, LLC
 Signature:  EC9C8E6E1E03420...

RECOMMENDED BY:

Name: Scott Sobiech Date: 1/13/2021
 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 July 15th, 2020 - for Progress Payment Number 5**

1.04 Item	Description	Unit	Estimated Quantity	Unit Price	Extension	(1) Total Completed Through This Period		Percent Complete	(5) Total Completed During Period 5		(6) Total Completed This Period	
						Quantity	Amount		Quantity	Amount	Quantity	Amount
A	Mobilization	L.S.	1	\$ 132,210.00	\$ 132,210.00	1	\$132,210.00	100%	0.1	\$13,221.00	0	\$0.00
B	Control of Water	L.S.	1	\$ 118,950.00	\$ 118,950.00	1	\$118,950.00	100%	0	\$0.00	0	\$0.00
C	Traffic Control	L.S.	1	\$ 6,240.00	\$ 6,240.00	1	\$6,240.00	100%	0.1	\$624.00	0	\$0.00
D	Rock Construction Entrance	Each	2	\$ 24,270.00	\$ 48,540.00	2	\$48,540.00	100%	0.4	\$9,708.00	0	\$0.00
E	Silt Fence, Type MS	L.F.	3,600	\$ 4.20	\$ 15,120.00	0	\$0.00	0%	0	\$0.00	0	\$0.00
F	Sediment Control Log, Type Compost	L.F.	8,900	\$ 4.80	\$ 42,720.00	8900	\$42,720.00	100%	1780	\$8,544.00	0	\$0.00
G	Floating Silt Curtain	Each	1	\$ 1,390.00	\$ 1,390.00	1	\$1,390.00	100%	0.2	\$278.00	0	\$0.00
H	Inlet Protection	Each	6	\$ 317.00	\$ 1,902.00	6	\$1,902.00	100%	1	\$317.00	0	\$0.00
I	Street Sweeping	L.S.	1	\$ 7,170.00	\$ 7,170.00	1	\$7,170.00	100%	0.1	\$717.00	0	\$0.00
J	Temporary Stream Crossing	Each	1	\$ 18,270.00	\$ 18,270.00	1	\$18,270.00	100%	0	\$0.00	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	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	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	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	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	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	0	\$0.00
P	Remove Bituminous Path	S.Y.	590	\$ 8.60	\$ 5,074.00	667	\$5,736.20	113%	667	\$5,736.20	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	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	0	\$0.00
R	Connect to Existing Manhole	Each	1	\$ 1,950.00	\$ 1,950.00	1	\$1,950.00	100%	0	\$0.00	0	\$0.00
S	Salvage and Install Manhole Casting - CO#2	Each	1	\$ 710.00	\$ 710.00	1	\$710.00	100%	0	\$0.00	0	\$0.00
T	Furnish & Install Manhole Casting	Each	2	\$ 849.00	\$ 1,698.00	2	\$1,698.00	100%	0	\$0.00	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%	0.2	\$20.00	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	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	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	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	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	0	\$0.00
W	Common Excavation (P)	C.Y.	5,650	\$ 10.70	\$ 60,455.00	5650	\$60,455.00	100%	0	\$0.00	0	\$0.00
X	Grading (P)	S.Y.	23,480	\$ 1.70	\$ 39,916.00	23480	\$39,916.00	100%	0	\$0.00	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%	130	\$7,137.00	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	0	\$0.00
Z	Furnish & Install Granular Filter Aggregate - CO#2	Ton	2,056	\$ 51.30	\$ 105,477.93	3862	\$198,120.60	188%	39	\$2,000.70	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	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	0	\$0.00
BB	Install Log Vane - CO#2	Each	57	\$ 262.50	\$ 14,962.50	59	\$15,487.50	104%	0	\$0.00	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	0	\$0.00
DD	Furnish & Install VRSS	L.F.	4,190	\$ 27.70	\$ 116,063.00	4657	\$128,998.90	111%	0	\$0.00	0	\$0.00
EE	Import Topsoil	C.Y.	2,110	\$ 18.30	\$ 38,613.00	4672	\$85,497.60	221%	0	\$0.00	0	\$0.00

1.04 Item	Description	Unit	Estimated Quantity	Unit Price	Extension	(1) Total Completed Through This Period		Percent Complete	(5) Total Completed During Period 5		(6) Total Completed This Period	
						Quantity	Amount		Quantity	Amount	Quantity	Amount
FF	Seed Area	Acre	5.22	\$ 637.00	\$ 3,325.14	5.66	\$3,605.42	108%	0.66	\$420.42	0	\$0.00
GG	Cover Crop Seed Mix	Lbs.	140	\$ 1.70	\$ 238.00	160	\$272.00	114%	20	\$34.00	0	\$0.00
GG	Floodplain Forest Seed Mix	Lbs.	80	\$ 86.90	\$ 6,952.00	80	\$6,952.00	100%	0	\$0.00	0	\$0.00
GG	Upland Construction Seed Mix	Lbs.	17	\$ -	\$ -	5	\$0.00	29%	0	\$0.00	0	\$0.00
HH	Plant Shrub, Bare Root	Each	1,934	\$ 11.00	\$ 21,274.00	1934	\$21,274.00	100%	1934	\$21,274.00	0	\$0.00
HH	Plant Shrub, #2 Container	Each	309	\$ 64.30	\$ 19,868.70	309	\$19,868.70	100%	309	\$19,868.70	0	\$0.00
II	Plant Tree, Bare Root	Each	43	\$ 41.10	\$ 1,767.30	43	\$1,767.30	100%	43	\$1,767.30	0	\$0.00
II	Plant Tree, 2.5" Ball & Burlap	Each	53	\$ 666.00	\$ 35,298.00	53	\$35,298.00	100%	53	\$35,298.00	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%	3222	\$7,732.80	0	\$0.00
KK	Furnish & Install Straw Mulch	S.Y.	5,220	\$ 2.60	\$ 13,572.00	1669	\$4,339.40	32%	581	\$1,510.60	0	\$0.00
LL	Bituminous Path	S.Y.	590	\$ 60.70	\$ 35,813.00	667	\$40,486.90	113%	667	\$40,486.90	0	\$0.00
MM	Furnish & Install Buffer Markers	Each	76	\$ 227.50	\$ 17,290.00	76	\$17,290.00	100%	76	\$17,290.00	0	\$0.00
NN	Vegetation Establishment and Warranty Period (Three Years)	L.S.	1	\$ 14,590.00	\$ 14,590.00	0	\$0.00	0%	0	\$0.00	0	\$0.00
PP	Import Boulders - CO#2	Ton	824	\$ 67.40	\$ 55,544.34	1047.74	\$70,617.68	127%	0	\$0.00	0	\$0.00
Total Base Bid:					\$ 1,511,242.49							

Bid Add Alternate						(1) Total Completed Through This Period		Percent Complete	(9) Total Completed This Period		(9) Total Completed This Period	
Item	Description	Unit	Estimated Quantity	Unit Price	Extension	Quantity	Amount		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	0	\$0.00
Total Including Alternate:					\$ 1,631,992.49		\$1,800,738.35		\$193,985.62		\$0.00	

Change Order #2 Additions

1.04 Item	Description	Unit	Estimated Quantity	Unit Price	Extension	Quantity	Amount		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	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	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	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	0	\$0.00
TT	Export Unsuitable Soil	C.Y.	300	\$ 49.27	\$ 14,781.00	588	\$28,970.76	196%	0	\$0.00	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	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	0	\$0.00
XX	Toewood option 1 (Detail 3/D-11)	L.F.	0	\$ 45.80	\$ -	0	\$0.00	0%	0	\$0.00	0	\$0.00
YY	Toewood option 2 (Detail 4/D-11)	L.F.	0	\$ 78.60	\$ -	0	\$0.00	0%	0	\$0.00	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	0	\$0.00
Total of CO#2 Additions =					\$138,816.40		\$187,806.96		\$0.00		\$0.00	

Change Order #3 Revisions

1.04 Item	Description	Unit	Estimated Quantity	Unit Price	Extension	Quantity	Amount		Quantity	Amount	Quantity	Amount
GG	Fescue Seed Mix	LBS	100	\$ 3.70	\$ 370.00	150	\$555.00	150%	150	\$555.00	0	\$0.00
	Tree substitution Reduction	Each	53	\$ (196.00)	\$ (10,388.00)	53	-\$10,388.00	100%	53	-\$10,388.00	0	\$0.00
Total of CO#2 Additions =					-\$10,018.00		-\$9,833.00		-\$9,833.00		\$0.00	
Total Extensions					\$1,760,790.89		\$1,978,712.31		\$184,152.62		\$0.00	

Riley Purgatory Bluff Creek Watershed District Permit Application Review

Permit No: 2020-067

Considered at Board of Managers Meeting: February 3, 2021

Received complete: November 20, 2020

Applicant: City of Minnetonka

Consultant: Alliant Engineering, Eric Nelson

Project: Conifer Heights Storm Sewer Improvements – The project proposes the construction of an outlet pipe for landlocked Wetland 889W (a public water wetland) running through 20-foot drainage and utility easement along the south side of the new Conifer Heights development.

Location: 5541 and 5537 Conifer Trail Minnetonka, MN 55345

Reviewer: Heather Hlavaty and Scott Sobiech P.E., Barr Engineering

Board Action

Manager _____ moved and Manager _____ seconded adoption of the following resolutions based on the permit report that follows and the presentation of the matter at the February 3, 2021 meeting of the managers:

Resolved that the application for Permit 2020-067 is approved, subject to the conditions and stipulations set forth in the Recommendations section of the attached report.

Resolved that on determination by the RPBCWD administrator that the conditions of approval have been affirmatively resolved, the RPBCWD president or administrator is authorized and directed to sign and deliver Permit 2020-067 to the applicant on behalf of RPBCWD.

Upon roll call vote, the resolutions were adopted, _____.

Applicable Rule Conformance Summary

Rule	Issue	Conforms to RBPCWD Rules?	Comments
B	Floodplain Management and Drainage Alterations	Yes	
C	Erosion Control Plan	See Comment	See Rule Specific Permit Condition C1.
D	Wetland and Creek Buffer	Yes	
G	Waterbody Crossing and Structures	Yes	
L	Permit Fee	NA	Governmental Entity
M	Financial Assurance	NA	Governmental Entity

Project Background

Wetland 889W is a public water wetland located in the southwest corner of a six-unit residential development named Conifer Heights which is currently under construction under permit 2019-024. The proposed outlet pipe from the wetland will be constructed in an existing 20-foot wide drainage and utility easement. The proposed outlet pipe connects to the outlet control structure for the infiltration basin constructed in the southeast corner of the Conifer Heights development on the west side of Mahoney Avenue. The outlet pipe for this infiltration basin crosses under Mahoney Avenue and discharges into Wetland 890W (a public water wetland).

Under existing conditions, Wetland 889W is considered landlocked (ie, does not discharge in a 100-year event) but would overflow through private properties to the west of the wetland if water levels exceed elevation +/- 914 feet. Overflow is conveyed to the low point of Mahoney Avenue, where it is conveyed to Wetland 890W. The existing overflow elevation is less than 0.5 feet below the surveyed low floor elevation at 5700 Mahoney Avenue. The purpose of this project is to construct a stabilized outlet point for Wetland 889W that does not rely on private property and provides greater freeboard to the low-lying property during a 100-year flood event. The project site information is summarized below:

Description	Area (acres)
Total Site Area	0.1
Existing Site Impervious	0.0
Post Construction Site Impervious	0.0
New (Increase) in Site Impervious Area	0.0
Disturbed impervious surface	0.0
Total Disturbed Area	0.1

Exhibits:

1. Permit Application received November 20, 2020; review period extended to March 21, 2021, by RPBCWD on January 7, 2021.
2. Record Drawing dated November 23, 2020 (revised on December 18, 2020)
3. RPBCWD Permit Narrative dated November 23, 2020
4. Conifer Heights Storm Sewer Improvements Appendices including:
 - a. Wetland 889W OHW Determination Memorandum dated September 28, 2020
 - b. Wetland 890W Trail and Culvert Photos
 - c. Wetland Delineation Report from Conifer Heights Development
5. Conifer Heights Storm Sewer Improvements Exhibits including:
 - a. Map of Surveyed Elevations
 - b. Plan view of City of Minnetonka PC-SWMM model
 - c. Plan view of RPBCWD PC-SWMM model
6. Summary of Modeling Results tables received November 20, 2020 (revision submitted on January 5, 2021)
7. PCSWMM electronic models received on November 20, 2020 (revision submitted on January 5, 2021)
8. P8 electronic models received on January 5, 2021
9. P8 Water Quality Analysis Summary Memorandum dated January 5, 2021
10. Floodplain excavation calculations dated December 8, 2020
11. Response letter dated January 5, 2021 to RPBCWD's December 7, 2020 notice and comments

Rule Specific Permit Conditions

Rule B: Floodplain Management and Drainage Alterations

The project proposes land-disturbing activities below the 100-year flood level (913.89 feet) and the construction of an outlet for Wetland 889W set 1.2 feet above the DNR-established ordinary high water level (OHWL) of 911.7. This will result in drainage alterations within Wetland 889W for events greater than the 10-year event. Therefore, the project must conform to the requirements in the RPBCWD Floodplain Management and Drainage Alteration rule (Rule B, Subsection 2.1).

Because no buildings are proposed to be constructed or reconstructed as part of the project, Rule B, Subsections 3.1 is not applicable. Because the proposed project does not create any new or disturb existing impervious surface, the project is not subject to the restriction on creekside imperviousness in Rule B, Subsection 3.4.

The floodplain excavation calculations drawing shows excavation will occur to align the side slopes of the outlet cover with the existing ground surface, thus confirming the project will not place fill below the 100-year floodplain. The project conforms to Rule B, Subsection 3.2.

Rule B subsection 3.3 requires the applicant demonstrate the project is not reasonably likely to result in adverse off-site impact. The applicant demonstrated compliance with this criterion using a P8 model and the District’s PCSWMM model. The applicant updated the District’s PCSWMM model to include the Conifer Heights development. The model was used to develop a proposed outlet that would only be used for storm events larger than the 10-year event. The engineer concurs with the applicant’s modeling demonstrates that the discharge rate conveyed to the downstream wetland 890W is less than existing conditions as summarized in the following table. The modeling also shows that the 100-year flood elevation in wetland 889W will decrease slightly from elevation 913.89 feet to elevation 913.66 feet.

Table of Peak Discharge at the site boundary

Scenario	2-Year Peak Discharge (cfs)	10-Year Peak Discharge (cfs)	100-Year Peak Discharge (cfs)	100-Year Back-to-Back Peak Discharge (cfs)
Existing	1.9	7.3	39.4	69.3
Proposed	1.9	7.3	39.4	48.5

The following table shows that the peak flood elevation in the downstream Wetland 890W only exceeds existing conditions by 0.02 ft (less the ¼ of an inch) during the 100-year event. In the 2-, 10-, and 100-year back-to-back events, the proposed flood elevation matches existing conditions.

Table of Peak Flood Elevation in Downstream Wetland 890W

Scenario	2-Year Peak Elevation	10-Year Peak Elevation	100-Year Peak Elevation	100-Year Back-to-Back Peak Elevation
Existing	874.3	875.1	877.74	878.5
Proposed	874.3	875.1	877.76	878.5

Because the elevation of the proposed outlet is set above the 10-year event, the water quality model results confirm that under proposed conditions there will be no increase stormwater volume or pollutants routed to the downstream Wetland 890W. Because the proposed outlet is set at an elevation above the ordinary high water level, the water quality modeling confirms that no discharge would occur in the proposed outlet pipe and no change in pollutant loading is predicted between existing and proposed conditions (see table below). Because the proposed activity will not cause a rise in the 2-, 10- or back-to-back 100-year elevation, produces a minimal increase in the 100-year event, and does not

increase the discharge rates or pollutants leaving the site, the engineer concludes that the proposed activities are not reasonably likely to have an adverse offsite impact, thus the project conforms to Rule B, subsection 3.3.

Table of Pollutant Loading to Downstream Wetland 890W

Scenario	TSS (lbs/yr)	TP (lbs/yr)	Volume (ac-ft/yr)
Existing	201.9	1.6	32.5
Proposed	201.9	1.6	32.5

The proposed project conforms to the floodplain management and drainage alteration requirements of Rule B.

Rule C: Erosion and Sediment Control

Because the project disturbs more than 50 cubic yards of material the project must conform to the requirements in the RPBCWD Erosion and Sediment Control rule (Rule C, Subsection 2.1).

The erosion control plan prepared by Alliant Engineering includes installation of silt fence, inlet protection for the proposed outlet, a rock construction entrance, daily inspection, placement of a minimum of 6 inches of topsoil, decompaction of areas compacted during construction, and retention of native topsoil onsite. To conform to the RPBCWD Rule C requirements the following revisions are needed:

- C1. The Applicant must provide the name and contact information of the individual responsible for erosion control at the site. RPBCWD must be notified if the responsible individual changes during the permit term.
- C2. Provide supporting information in the form of specifications or notes on the drawings to demonstrate that the topsoil used on the project conforms with RPBCWDs definition for topsoil which requires a minimum of 5% organic matter.

Rule D: Wetland and Creek Buffers

Because the project triggers both rule B and Rule G, the project must conform to RPBCWD’s wetland and creek buffers rule (Rule D, Subsection 2.1). Because the proposed work involves land-disturbing activity upgradient from wetland 889W, the applicant must provide buffer downgradient of the proposed land-disturbing activities to wetlands 889W.

Because the project consists of utility improvements that were granted a no-loss determination from the city of Minnetonka, the local governmental unit (LGU) responsible for administering the Wetland Conservation Act (WCA), wetland buffers are not required for this work (Rule D, Subsection 2.2b).

Rule G: Waterbody Crossings and Structures

Because the project involves construction of an outlet structure in the bank of a water of the state, the project must conform to RPBCWD's Waterbody Crossings and Structures rule as described in Rule G, Subsection 2.

Because the project consists of a utility improvement that was granted a no-loss determination from the city of Minnetonka, the work is exempt from Rule G requirements (Rule G, subsection 2.2).

Applicable General Requirements:

1. The RPBCWD Administrator and Engineer shall be notified at least three days prior to commencement of work.
2. Construction must be consistent with the plans, specifications, and models that were submitted by the applicant that were the basis of permit approval. The date(s) of the approved plans, specifications, and modeling are listed above and on the permit. The granting of the permit does not in any way relieve the permittee, its engineer, or other professional consultants of responsibility for the permitted work.
3. The grant of the permit does not relieve the permittee of any responsibility to obtain approval of any other regulatory body with authority.
4. The issuance of this permit does not convey any rights to either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
5. In all cases where the doing by the permittee of anything authorized by this permit involves the taking, using or damaging of any property, rights or interests of any other person or persons, or of any publicly owned lands or improvements or interests, the permittee, before proceeding therewith, must acquire all necessary property rights and interest.
6. RPBCWD's determination to issue this permit was made in reliance on the information provided by the applicant. Any substantive change in the work affecting the nature and extent of applicability of RPBCWD regulatory requirements or substantive changes in the methods or means of compliance with RPBCWD regulatory requirements must be the subject of an application for a permit modification to the RPBCWD.
7. If the conditions herein are met and the permit is issued by RPBCWD, the applicant, by accepting the permit, grants access to the site of the work at all reasonable times during and after construction to authorized representatives of the RPBCWD for inspection of the work.

Findings

1. The proposed project includes the information necessary, plan sheets and erosion control plan for review.
2. The proposed project conforms to Rule B. Documentation has been provided to show that fill is not being proposed within the 100-year floodplain. Water quality and hydraulic modeling has

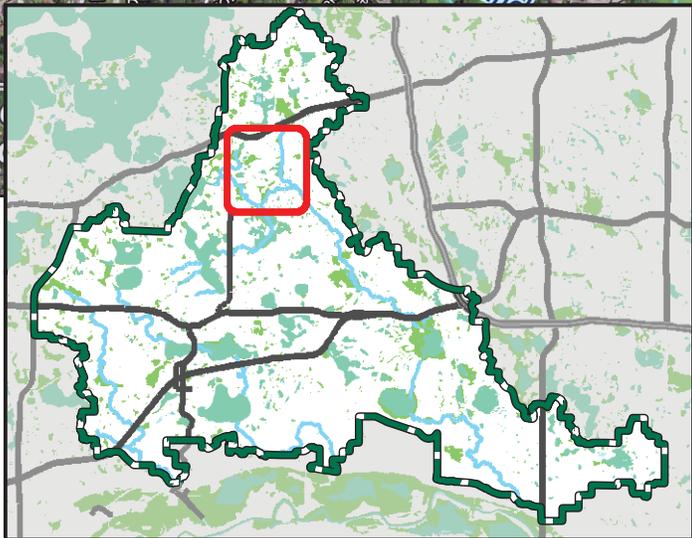
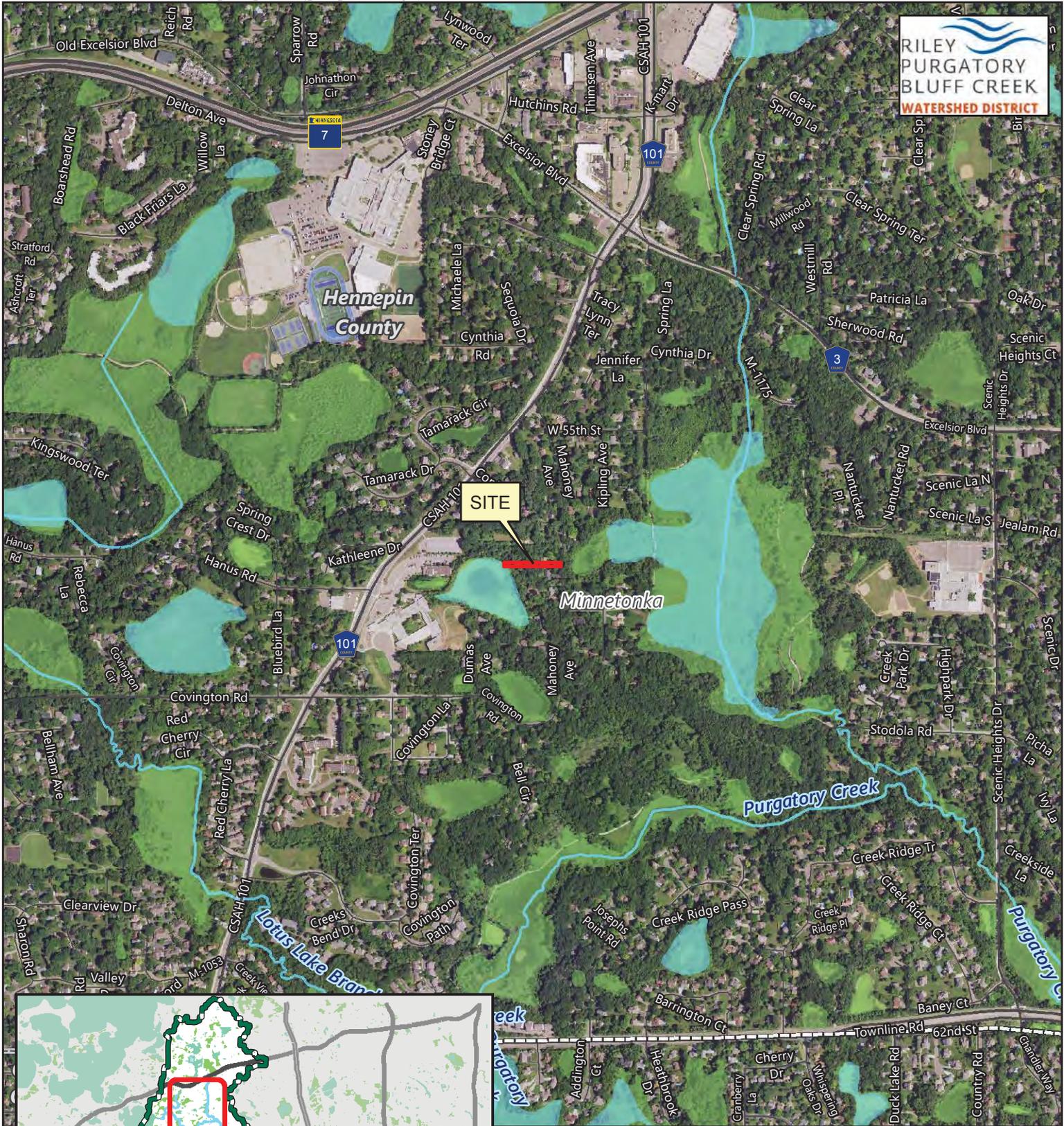
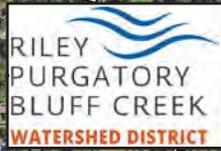
been provided to demonstrate that the work will not have an adverse offsite impact on adjacent and downstream waterbodies.

3. The proposed project will conform to Rule C if the conditions listed above are met.

Recommendation:

Approval of the permit contingent upon:

1. Continued compliance with General Requirements.
2. The applicant must provide the name and contact information of the individual responsible for erosion control at the site. RPBCWD must be notified if the responsible individual changes during the permit term.
3. The applicant must provide supporting information in the form of specifications or notes on the drawings to demonstrate that the topsoil used on the project conforms with RPBCWDs definition for topsoil which requires a minimum of 5% organic matter.



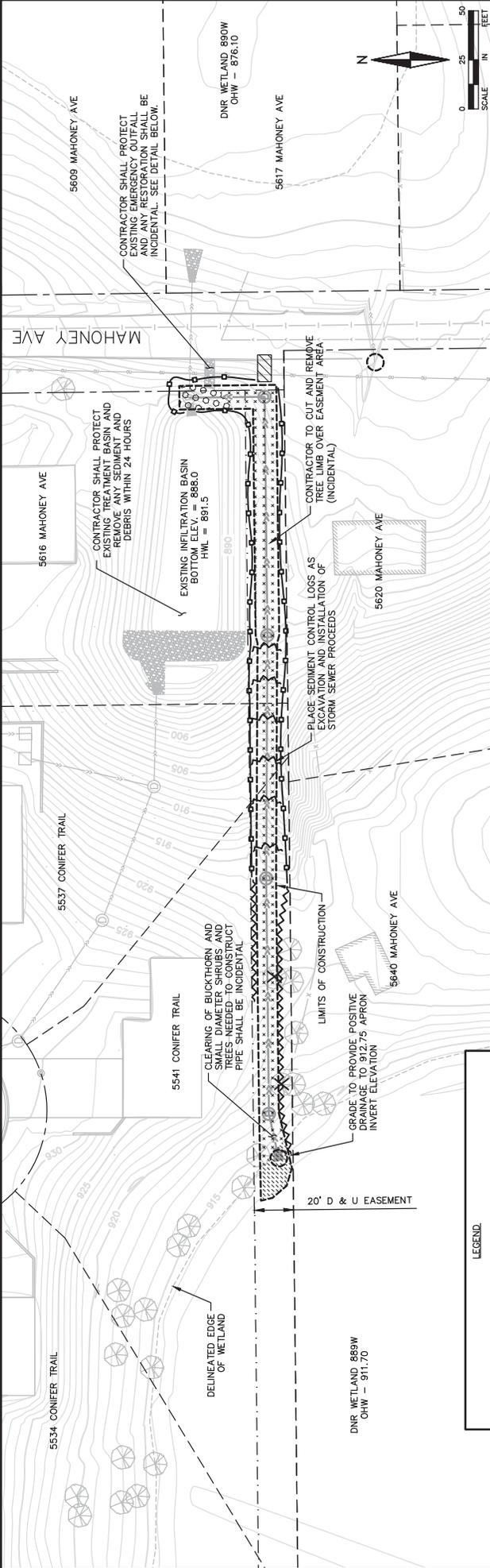
Permit Location Map



Feet

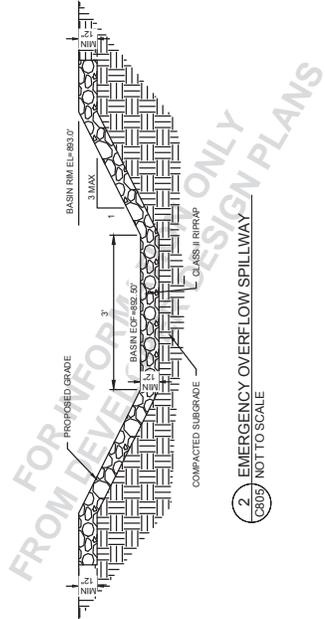


CONIFER TRAIL OUTLET
Permit 2020-067
Riley Purgatory Bluff Creek
Watershed District

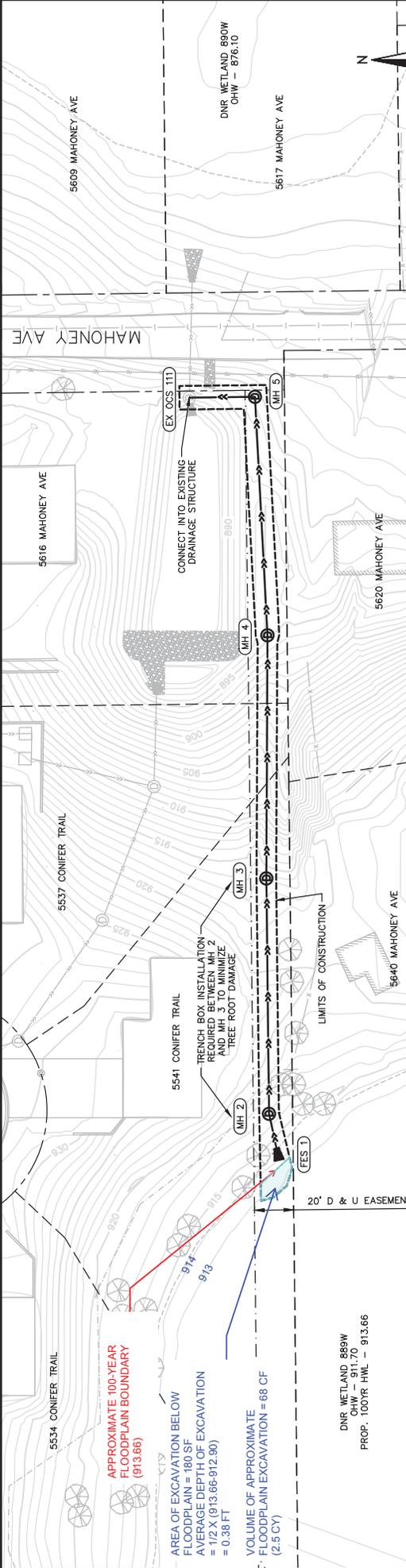


LEGEND

- CLEAR AND GRUB TREE
- SEED MIX 25-131 (220 LBS/ACRE)
FERTILIZER TYPE 3 (22-5-10 @ 350 LBS/ACRE)
EROSION CONTROL BLANKET CATEGORY 3,N
- SEED MIX 33-281 (35 LBS/ACRE)
FERTILIZER TYPE 4 (18-1-8 @ 150 LBS/ACRE)
EROSION CONTROL BLANKET CATEGORY 3,N
- SEED MIX 33-282 (44 LBS/ACRE)
FERTILIZER TYPE 4 (18-1-8 @ 150 LBS/ACRE)
EROSION CONTROL BLANKET CATEGORY 3,N
- SEDIMENT CONTROL LOG TYPE WOOD FIBER
- SILT FENCE TYPE MS
- STABILIZED CONSTRUCTION EXIT
- STORM DRAIN INLET PROTECTION



- NOTES:**
- SEE SHEET 2 FOR ADDITIONAL PROJECT NOTES.
 - SEE STREETS, RW AND ADJACENT TO THE PROJECT SHALL REMAIN CLEAN AND PASSABLE AT ALL TIMES. ALL SEDIMENT AND DEBRIS SHALL BE REMOVED WITHIN 24 HOURS, OR AS DIRECTED BY THE ENGINEER TO ENSURE PUBLIC SAFETY.
 - INLET PROTECTION SHALL BE PROVIDED AT ALL CATCH BASINS (EXISTING AND PROPOSED) WITHIN THE PROJECT AREA PER PROVIDED STANDARD DETAILS.
 - UNLESS OTHERWISE NOTED, ALL AREAS OR GREATER WHICH ARE TEMPORARILY DISTURBED SHALL BE MULCHED WITHIN 7 DAYS OF THE STATE SHALL BE STABILIZED WITHIN 24 HOURS.
 - DITCHES, FLOW LINES TO CATCH BASINS, SIDE SLOPES, ERODIBLE STOCKPILES, AND AREAS DRAINING TO WATERS OF THE STATE SHALL BE STABILIZED WITHIN 24 HOURS.
 - THE CONTRACTOR SHALL PROVIDE APPROPRIATE EROSION AND SEDIMENT CONTROL DEVICES FOR STOCKPILES. SEDIMENT DEPOSITED ON STOCKPILES SHALL BE REMOVED WITHIN 24 HOURS.
 - STORM DRAIN SHALL BE CLEANED AND MAINTAINED PRIOR TO THE APPROVAL OF THE ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PERMANENT REMOVAL OF CAPTURE SEDIMENT AND DEBRIS IN OUTFALLS TO THE MEASURES AT OUTFALLS. THE ENGINEER MAY BE DEEMED NECESSARY AND IS INCIDENTAL.
 - A MINIMUM OF 6" TOPSOIL SHALL BE PLACED OVER TURF ESTABLISHMENT AREAS PRIOR TO SEEDING OR SODDING.



LEGEND

- EXISTING STORM SEWER
- EXISTING WATERMAIN
- EXISTING OVERHEAD UTILITY
- PROPOSED STORM SEWER
- PROPOSED STORM SEWER MANHOLE
- PROPOSED FLARED END SECTION
- LIMITS OF CONSTRUCTION

RIGHT OF WAY

- PROPERTY LINE
- EASEMENT LINE
- EDGE OF WATER
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- EXISTING SANITARY SEWER

WARNING:
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL UTILITIES BEFORE CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL UTILITIES BEFORE CONSTRUCTION AND/OR RELOCATION OF LINES. THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 657-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

NOTES:
 1. SEE SHEET 2 FOR ADDITIONAL PROJECT NOTES.
 2. CONTRACTOR SHALL SECURELY RESTRAIN THE FINAL 3 JOINTS OF STORM PIPE TO FLARED END SECTION USING APPROVED COUPLING PIPE. THIS SHALL BE INCIDENTAL.
 3. NO EXTRA PAYMENT WILL BE MADE FOR TEMPORARY STOCKPILING OF EXCAVATION AND EMBANKMENT MATERIAL.
 4. STORM SEWERS CONNECTING TO MANHOLES SHALL BE ACCORDANCE WITH STANDARD SPECIFICATION 2803.
 5. EXCAVATION BACKFILL SHALL BE PER MINDOT STANDARD PLAN 5-237.442 AND SHALL BE INCIDENTAL.

APPROXIMATE 100-YEAR FLOODPLAIN BOUNDARY (913.66)

AREA OF EXCAVATION BELOW FLOODPLAIN = 180 SQ FT
AVERAGE DEPTH OF EXCAVATION = 1.71 (913.66-912.90)
= 0.38 FT

VOLUME OF APPROXIMATE FLOODPLAIN EXCAVATION = 68 CF (2.5 CY)

DNR WETLAND 889W
 OHW = 911.70
 PROP. 100YR HWL = 913.66

20' D & U EASEMENT

CONNECT INTO EXISTING DRAINAGE STRUCTURE

TRENCH BOX INSTALLATION REQUIRED BETWEEN MH 2 AND MH 3 TO MINIMIZE TREE ROOT DAMAGE

5541 CONIFER TRAIL

5537 CONIFER TRAIL

5534 CONIFER TRAIL

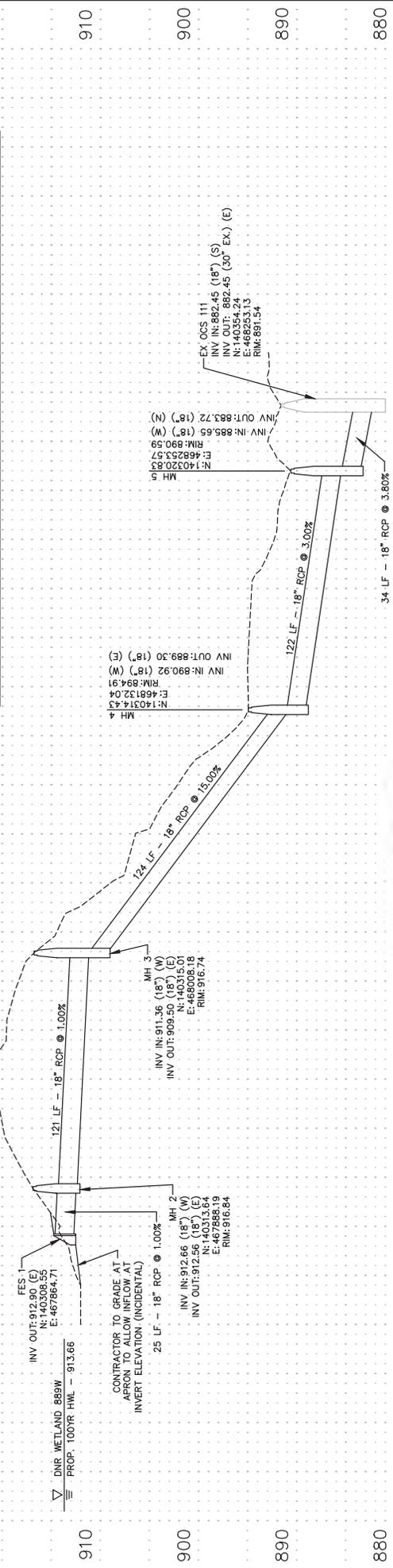
5609 MAHONEY AVE

5616 MAHONEY AVE

5620 MAHONEY AVE

5640 MAHONEY AVE

DNR WETLAND 890W
 OHW = 876.10



NO.	DATE	BY	CHKD	REVISIONS

STORM SEWER PLAN AND PROFILE

CONFIFER HEIGHTS STORM SEWER IMPROVEMENTS

SHEET NO. 14 OF 14 SHEETS

PRINT NAME: SEAN W. JOHNSON
 SIGNATURE: [Signature]
 DATE: 12/28/2020
 LICENSE # 52701

HEREBY CERTIFY THAT THIS SHEET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

ALLIANT



18681 Lake Drive East
Chanhassen, MN 55317
952-607-6512
www.rpbcwd.org

Riley Purgatory Bluff Creek Watershed District Permit Application Review

Permit No: 2020-068

Considered at Board of Managers Meeting: February 3, 2021

Received complete: January 7, 2021

Applicant: ISD #276, Paul Bourgeois

Consultant: Inspec, Inc., Cliff Buhman

Project: Minnetonka High School 2021 Einer Anderson Field Site Improvements – Site improvements including construction of a new retaining wall, replacement and addition of bituminous and concrete pavement, and utility improvements located northeast of the existing Einer Anderson field at the Minnetonka High School property. A subsurface stormwater management system will provide stormwater rate, volume and water quality control.

Location: 18301 Highway 7, Minnetonka, MN

Reviewer: Louise Heffernan, EIT and Scott Sobiech, P.E., Barr Engineering

Proposed Board Action

Manager _____ moved and Manager _____ seconded adoption of the following resolutions based on the permit report that follows and the presentation of the matter at the February 3, 2021 meeting of the managers:

Resolved that the application for Permit 2020-068 is approved, subject to the conditions and stipulations set forth in the Recommendations section of the attached report;

Resolved that on determination by the RPBCWD administrator that the conditions of approval have been affirmatively resolved, the RPBCWD president or administrator is authorized and directed to sign and deliver Permit 2020-068 to the applicant on behalf of RPBCWD.

Upon vote, the resolutions were adopted, _____ [VOTE TALLY].

Applicable Rule Conformance Summary

Rule	Issue	Conforms to RBPCWD Rules?	Comments	
C	Erosion Control Plan	See Comment	See Rule Specific Permit Condition C1	
D	Wetland and Creek Buffers	Yes.		
J	Stormwater Management	Rate	Yes	
		Volume	See Comment	See Rule Specific Permit Condition J1
		Water Quality	Yes	
		Low Floor Elev.	Yes	
		Maintenance	See Comment	See Rule Specific Permit Condition J2
		Chloride Management	See Comment	See Stipulation #3
L	Permit Fee Deposit	NA	Governmental Agency.	
M	Financial Assurance	NA	Governmental Agency.	

Background

The proposed redevelopment includes replacement and addition of bituminous and concrete pavement walking areas, concrete curb and gutter improvements, a retaining wall, utility improvements, grading and landscaping adjacent to the Einer Anderson Field on the Minnetonka High School property at 18301 Highway 7, Minnetonka, MN.

Stormwater management will be provided by a subsurface stormwater management facility to be constructed beneath the proposed pavement. The subsurface stormwater management system will provide stormwater rate, volume and water quality control. The proposed subsurface stormwater management system consists of open-bottom corrugated wall stormwater collection chambers surrounded by free draining stone to promote infiltration below the facility outlet. The subsurface stormwater management system will accept runoff from the replaced and additional pavement adjacent to the retaining wall and a portion of existing parking area west of the ice arena building. The stormwater management system will direct runoff to an existing storm sewer system conveyance prior to being conveyed to an on-site, downgradient Wetland Conservation Act (WCA) protected wetland.

Under previously approved Permit 2016-010 at the Minnetonka High School property, the applicant provided a wetland delineation report, type and boundary determination, and MnRAM assessment based on a field investigation conducted on April 14, 2016. According to the MnRAM assessment and RPBCWD, Rule D Appendix D1, the wetland is rated as medium value. Under Rule D, Subsection 3.2.b.iii buffer must average of 40 feet from the delineated edge of the wetland, minimum 20 feet. Under

Permit 2016-010, the applicant established wetland buffers for the wetland which are 40 feet wide, thus conforming to the criteria identified in Rule D, Subsection 3.1a for medium value wetlands.

Seven permits have previously been issued for work at the Minnetonka High School property. Relevant project site information is provided below.

Site Information	Permit 2015-048	Permit 2016-010	Permit 2016-012	Permit 2017-036	Permit 2018-071	Permit 2020-011	Permit 2020-056	Permit 2020-068 (Current)	Site Aggregate Total (Includes Eight Projects)
Total Site Area ³ (acres)	96.88	96.88	96.88	96.88	96.88	96.88	96.88	96.88	96.88
Existing Site Impervious Area (acres)	32.88	33.68	33.78	34.35	34.50	35.82	35.97	36.11	32.88 ¹
New (increase) in Site Impervious Area	0.81	0.10	0.57	0.15	1.32	0.15	0.14	0.18	3.41
Percent Increase in Impervious Surface	2.4	0.3	1.7	0.4	3.8	0.4	0.4	0.5	10.4 ²
Disturbed Site Impervious Area (acres)	1.52	0.10	0.20	0	0	0.06	0.0	0.07	1.9
Percent Disturbance of Existing Impervious Surface	4.6	0.3	0.6	0	0	0.2	0.0	0.2	5.9
Total Disturbed Area (acres)	1.84	0.22	0.80	0.30	1.49	0.24	0.24	0.25	5.39

¹Pre-2015 project existing conditions

²Calculated based on pre-2015 project existing conditions (Common Scheme of Development Rule J, Subsection 2.5)

³Minnetonka High School property consists of five adjacent parcels under common or related ownership.

Exhibits Reviewed:

1. Permit Application dated November 25, 2020.
2. Stormwater Management Plan dated November 23, 2020, revised December 29, 2020.
3. Design Plans Sheets C2 through C5 dated November 24, 2020 (sheets C2, C3 and C5 revised December 7, 2020, received following preliminary incomplete notice sent on December 4, 2020).
4. Geotechnical Exploration Report prepared by Northern Technologies, LLC (NTI) dated December 28, 2020, including infiltration testing (Appendix D), received on January 7, 2021 following secondary incomplete notice sent on January 1, 2021. (With the January 7, 2021 submittal items, the application is considered complete.)
5. Existing and Proposed Conditions HydroCAD models received November 25, 2020 (updated December 29, 2020).

6. MIDS modeling received November 25, 2020 (updated December 29, 2020).
7. Minnetonka High School drainage areas exhibit received November 25, 2020 (updated December 9, 2020).
8. Draft maintenance agreement received November 25, 2020.

Rule C: Erosion Prevention and Sediment Control

Because the project will involve 0.25 acres of land-disturbing activity, the project must conform to the requirements in the RPBCWD Erosion Prevention and Sediment Control rule (Rule C, Subsection 2.1). The erosion and sediment control plan prepared by Inspec, Inc. includes installation of silt fence, inlet protection for storm sewer catch basins, a stabilized rock construction entrance, decompaction of areas compacted during construction, six inches of topsoil, and retention of native topsoil onsite. To conform to RPBCWD Rule C requirements, the following revisions are needed:

- C1. The Applicant must provide the name and contact information of the general contractor responsible for erosion prevention and sediment control at the site. RPBCWD must be notified if the responsible party changes during the permit term. This information is required prior to issuance of the permit.
- C2. The applicant must update the plan or provide the project specifications demonstrating that the topsoil to be installed as part of the site restoration with contain at least 5 percent organic content consistent with the district’s topsoil definition.

Rule D: Wetland and Creek Buffers

Because the proposed work triggers a permit under RPBCWD Rule J (see analysis below) and runoff from the project area is conveyed to a wetland, Rule D, Subsections 2.1a and 3.1 require buffer on the edge of the wetland downgradient from the area to be disturbed. The proposed project does not involve disturbance of the wetland.

Under previously approved Permit 2016-010 at the Minnetonka High School property, the applicant provided a wetland delineation report, type and boundary determination, and MnRAM assessment based on a field investigation conducted on April 14, 2016. According to the MnRAM assessment and RPBCWD, Rule D Appendix D1, the wetland is rated as medium value. Under Rule D, Subsection 3.2.b.iii buffer must average of 40 feet from the delineated edge of the wetland, minimum 20 feet. Under Permit 2016-010, the applicant established wetland buffers for the wetland which are 40 feet wide, thus conforming to the criteria identified in Rule D, Subsection 3.1a for medium value wetlands. Items submitted and approved under Permit 2016-010 have provided the compliance criteria needed as part of Rule D under this permit.

Rule J: Stormwater Management

Because the project will disturb 0.25 acres of land-surface area, the project must meet the criteria of RPBCWD’s Stormwater Management rule (Rule J, Subsection 2.1). Under paragraph 2.5 of Rule J,

Common Scheme of Development, activities subject to Rule J on a parcel or adjacent parcels under common or related ownership will be considered in the aggregate, and the requirements applicable to the activity under this rule will be determined with respect to all development that has occurred on the site or on adjacent sites under common or related ownership since the date this rule took effect (January 1, 2015). Because seven projects have been permitted since the rules took effect (RPBCWD Permit 2015-048, 2016-010, 2016-012, 2017-036, 2018-071, 2020-011 and 2020-056), the current activities proposed must be considered in aggregate with the activities proposed under this application, Permit 2020-068.

The criteria listed in Subsection 3.1 will only apply to the disturbed areas on the project site because the project, when considered in aggregate with the other permitted activities at the site, increases the imperviousness by 10.4 percent and disturbs a combined 5.9 percent of the existing impervious surface on the site (Rule J, Subsection 2.3) (See table above). The aggregate extent of disturbance and imperviousness increase are less than the 50 percent disturbed or expanded impervious area threshold for applicability of stormwater management requirements to the entire site.

The applicant is proposing construction of a subsurface stormwater management system to provide the rate control, volume abstraction and water quality management for the disturbed and replaced impervious area and additional impervious surface on the site resulting from activities permitted under the current project. Pretreatment for runoff entering the subsurface stormwater management system is being provided by a sump manhole. The proposed project is in conformance with RPBCWD Rule J, Subsection 3.1b.ii.1.

Rate Control

In order to meet the rate control criteria listed in Subsection 3.1.a, the 2-, 10-, and 100-year post development peak runoff rates must be equal to or less than the existing discharge rates at all locations where stormwater leaves the site. The applicant used a HydroCAD hydrologic model to simulate runoff rates for pre- and post-development conditions for the 2-, 10-, and 100-year frequency storm events using a nested rainfall distribution, and a 100-year frequency, 10-day snowmelt event. The existing and proposed discharges from the site are summarized in the table below. The table below includes modeled runoff from the disturbed and additional surfaces, and a portion of existing parking area conveyed to the proposed subsurface stormwater management system. The proposed project is in conformance with RPBCWD Rule J, Subsection 3.1.a.

Modeled Discharge Location	2-Year Discharge (cfs)		10-Year Discharge (cfs)		100-Year Discharge (cfs)		10-Day Snowmelt (cfs)	
	Ex	Prop	Ex	Prop	Ex	Prop	Ex	Prop
Storm Sewer	1.3	0.8	2.1	1.4	3.5	2.0	0.2	0.2

Volume Abstraction

Subsection 3.1.b and 2.3 of Rule J require the abstraction onsite of 1.1 inches of runoff from all disturbed and additional impervious surface of the site. An abstraction volume of 998 cubic feet is required from the 0.25 acres of new and reconstructed impervious area on the project for volume retention.

Northern Technologies, LLC (NTI) advanced two (2) hand auger borings in the location of the proposed subsurface detention and infiltration practice. The soil borings performed by NTI on December 11, 2020 show that soils in the location of the proposed subsurface stormwater management system are primarily clayey sands (SC). The two borings indicated Type D soils at the infiltration elevation of the facility and to a depth of more than five feet below this elevation. Two double ring infiltrometer tests were performed by NTI on October 20, 2020, at the proposed location of the stormwater management facility. The observed infiltration rates were measured as 6.0 inches per hour (in/hr) at the west testing location and 1.5 in/hr at the east testing location. The engineer concurs with the applicant’s use of the design infiltration rate of 0.2 in/hr beneath the infiltration basin, based on rates measured at the site. With this infiltration rate, the infiltration BMP will drawdown within the required 48 hours as required by subsection 3.1.b.3.

The table below summarizes the volume abstraction for the site. The proposed project is in conformance with Rule J, Subsection 3.1.b.

Required Abstraction Depth (inches)	Required Abstraction Volume (cubic feet)	Provided Abstraction Depth (feet)	Provided Abstraction Volume (cubic feet)
1.1	998	1.5	1,015

Because groundwater was not observed at the termination depth of the borings (elevations 938-940 feet), the groundwater level is assumed to be no higher than elevation 940 feet. The bottom of the proposed subsurface stormwater management system is set at 946.1 feet, thus providing the required three feet of vertical separation (Rule J, subsection 3.1.b.2.a).The engineer concurs with the modeling and finds that the proposed project conforms with Rule J, Subsection 3.1.b. However, the following revision is needed to align the proposed construction drawings with the modeling:

- J1. Permit applicant must provide an updated catch basin schedule on the construction drawing (Sheet C3) which identifies an outlet elevation from the underground system aligning with the elevation in the HydroCAD model (el 947.57 feet).

Water Quality Management

Subsection 3.1.c of Rule J requires the Applicant provide volume abstraction in accordance with 3.1b or least 60 percent annual removal efficiency for total phosphorus (TP), and at least 90 percent annual

removal efficiency for total suspended solids (TSS) from site runoff, and no net increase in TSS or TP loading leaving the site from existing conditions. Because the BMP proposed by the applicant provides more volume abstraction than is required by 3.1b and the engineer concurs with the modeling, the engineer finds that the proposed project is in conformance with Rule J, Subsection 3.1.c.

Low floor Elevation

No structure may be constructed or reconstructed such that its lowest floor elevation is less than 2 feet above the 100-year event flood elevation and no stormwater management system may be constructed or reconstructed in a manner that brings the low floor elevation of an adjacent structure into noncompliance according to Rule J, Subsection 3.6.

The low floor elevation of the structure and the adjacent proposed stormwater management system are summarized below. The RPBCWD Engineer concurs that the proposed project is in conformance with Rule J, Subsection 3.6.

Structure	Low Floor Elevation (feet)	100-year Event Flood Elevation (feet)	Freeboard (feet)
Ice Arena Building	956.8	949.7	7.1

Maintenance

Subsection 3.7 of Rule J requires the submission of a maintenance plan. All stormwater management structures and facilities must be designed for maintenance access and properly maintained in perpetuity to assure that they continue to function as designed. A draft maintenance was provided by the applicant on November 25, 2020 for review.

J2. To conform to the RPBCWD Rule J the applicant must either enter a new maintenance agreement with RPBCWD or amend the existing maintenance agreement between the parties to provide for maintenance and inspection of the facilities proposed under this application, including the appropriate permit number and the subsurface stormwater management system.

Wetland Protection

In accordance with Rule J, subsection 3.10a, there is no proposed activity that will alter the site in a manner that increases the bounce in water level, duration of inundation, or change the runout elevation in the subwatershed, for the wetland receiving runoff from the land disturbing activities. Because the applicant’s HydroCAD model results demonstrate, and the engineer concurs, that the proposed flow rate and volumes flowing towards the off-site wetland are less than the under existing conditions, the bounce and inundation will not increase, thus the project meets the Bounce and Inundation criterion.

Rule J, Subsection 3.10b requires that treatment of runoff to medium value wetlands meet the water quality treatment criteria in Rule J, subsection 3.1c. Because the proposed subsurface stormwater management system provides the volume abstraction required in accordance with 3.1b, the proposed

system complies with water quality criteria 3.1ci, thus the engineer finds that the proposed project is in conformance with Rule J, Subsection 3.10b.

Chloride Management

Subsection 3.8 of Rule J requires the submission of chloride management plan that designates the individual authorized to implement the chloride management plan and the MPCA-certified salt applicator engaged in implementing the plan. To close out the permit, the permit applicant must provide a chloride management plan that designates the individual authorized to implement the chloride management plan and the MPCA-certified salt applicator engaged in implementing the plan at the site.

Applicable General Requirements:

1. The RPBCWD Administrator and Engineer shall be notified at least three days prior to commencement of work.
2. Construction shall be consistent with the plans and specifications approved by the District as a part of the permitting process. The date of the approved plans and specifications is listed on the permit.
3. Construction must be consistent with the plans, specifications, and models that were submitted by the applicant that were the basis of permit approval. The date(s) of the approved plans, specifications, and modeling are listed on the permit. The grant of the permit does not in any way relieve the permittee, its engineer, or other professional consultants of responsibility for the permitted work.
4. The grant of the permit does not relieve the permittee of any responsibility to obtain approval of any other regulatory body with authority.
5. The issuance of this permit does not convey any rights to either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
6. In all cases where the doing by the permittee of anything authorized by this permit involves the taking, using or damaging of any property, rights or interests of any other person or persons, or of any publicly owned lands or improvements or interests, the permittee, before proceeding therewith, must acquire all necessary property rights and interest.
7. RPBCWD's determination to issue this permit was made in reliance on the information provided by the applicant. Any substantive change in the work affecting the nature and extent of applicability of RPBCWD regulatory requirements or substantive changes in the methods or means of compliance with RPBCWD regulatory requirements must be the subject of an application for a permit modification to the RPBCWD.
8. If the conditions herein are met and the permit is issued by RPBCWD, the applicant, by accepting the permit, grants access to the site of the work at all reasonable times during and after construction to authorized representatives of the RPBCWD for inspection of the work.

Findings

1. The proposed project includes the information necessary, plan sheets and erosion control plan for review.
2. The proposed project will conform to Rules C and J if the Rule Specific Permit Conditions listed above are met.

Recommendation:

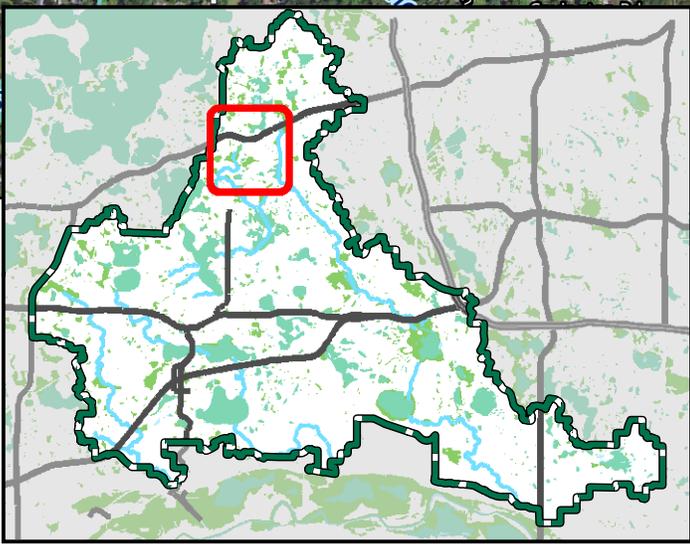
Approval, contingent upon:

1. Continued compliance with General Requirements.
2. The applicant providing the name and contact information of the general contractor responsible for erosion prevention and sediment control at the site.
3. The applicant must update the plan or provide the project specifications demonstrating that the topsoil to be installed as part of the site restoration with contain at least 5 percent organic content consistent with the district's topsoil definition
4. Permit applicant must provide updated construction drawing to align the outlet elevation from the underground system on the catch basin schedule (Sheet C3) with the elevation in the HydroCAD model (el 947.57 feet).
5. The applicant must work with RPBCWD to revise the maintenance and inspection agreement as needed and the applicant must execute the revised agreement after approval by RPBCWD.

By accepting the permit, when issued, the applicant agrees to the following stipulations:

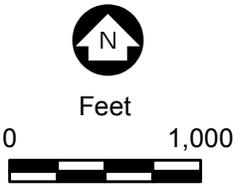
1. Per Rule J Subsection 4.5, upon completion of the site work, the permittee must submit as-built drawings demonstrating that at the time of final stabilization, the pretreatment manholes and subsurface stormwater facility conform to design specifications and function as intended and approved by the District. As-built/record drawings must be signed by a professional engineer licensed in Minnesota and include, but not limited to:
 - a) the surveyed bottom elevations, water levels, and general topography of all facilities;
 - b) the size, type, and surveyed invert elevations of all stormwater facility inlets and outlets;
 - c) the surveyed elevations of all emergency overflows including stormwater facility, street, and other;
 - d) other important features to show that the project was constructed as approved by the Managers and protects the public health, welfare, and safety.
 - e) photographic evidence of buffer marker locations indicated by permanent, free-standing markers in accordance with Rule D, Subsection 3.4 criteria.
2. Providing the following additional close-out materials:
 - a) Documentation that constructed infiltration and filtration facilities perform as designed. This may include infiltration testing, flood testing, or other with prior approval from RPBCWD
 - b) Documentation that disturbed pervious areas remaining pervious have been decompacted per Rule C.2c criteria

3. To close out the permit, the permit applicant must provide a chloride management plan that designates the individual authorized to implement the chloride management plan and the MPCA-certified salt applicator engaged in implementing the plan at the site.



Permit Location Map

MINNETONKA HIGH SCHOOL
EINER-AN DERSON FIELD
Permit 2020-068
Riley Purgatory Bluff Creek
Watershed District

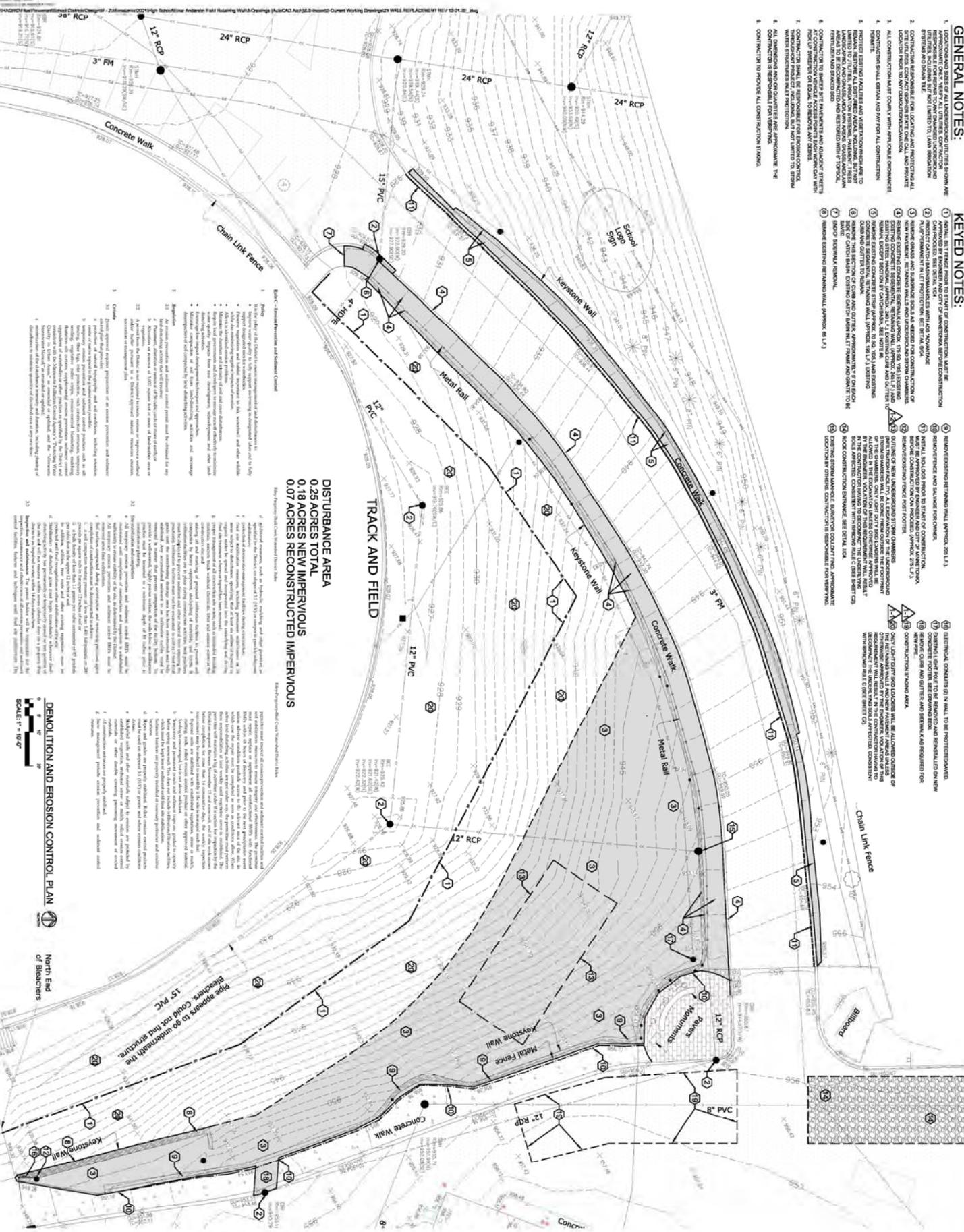


GENERAL NOTES:

1. LOCATION AND SIZE OF ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
2. UTILITIES INCLUDING BUT NOT LIMITED TO: LAND IRRIGATION, SEWER, WATER, GAS, TELEPHONE, CABLE, AND OTHER UTILITIES.
3. CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.
4. ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE REGULATIONS.
5. PROTECT EXISTING UTILITIES AND STRUCTURES TO REMAIN.
6. MAINTAIN EXISTING EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.
7. CONSTRUCTION SHALL BE RESPONSIBLE FOR EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.
8. ALL DIMENSIONS AND QUANTITIES ARE APPROXIMATE. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING.
9. CONSTRUCTION TO PROVIDE ALL CONSTRUCTION STANDARDS.

KEYED NOTES:

1. 12" RCP
2. 24" RCP
3. 3" FM
4. 15" PVC
5. 4" HDPE
6. 12" PVC
7. 12" RCP
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DISTURBANCE AREA
0.25 ACRES TOTAL
0.07 ACRES RECONSTRUCTED IMPERVIOUS

DEMOLITION AND EROSION CONTROL PLAN



North End of Blowers

MINNETONKA PUBLIC SCHOOLS
 6621 COUNTY ROAD 507
 MINNETONKA, MINNESOTA 55346

MINNETONKA HIGH SCHOOL
 16201 HIGHWAY 7
 MINNETONKA, MINNESOTA 55346

2321 EINER ANDERSON FIELD
 RETAINING WALL REPLACEMENT

16201 HIGHWAY 7
 MINNETONKA, MINNESOTA 55346

INSPEC
 16201 HIGHWAY 7
 MINNETONKA, MINNESOTA 55346

DATE: 11-24-20
CLIENT PROJECT NO.: 2818
PROJECT NAME: EINER ANDERSON FIELD
PROJECT NO.: 2818
DATE: 11-24-20
PROJECT NO.: 2818
DATE: 11-24-20

DATE: 11-24-20
CLIENT PROJECT NO.: 2818
PROJECT NAME: EINER ANDERSON FIELD
PROJECT NO.: 2818
DATE: 11-24-20
PROJECT NO.: 2818
DATE: 11-24-20



18681 Lake Drive East
Chanhassen, MN 55317
952-607-6512
www.rpbcwd.org

Riley Purgatory Bluff Creek Watershed District Permit Application Review

Permit No: 2020-072

Considered at Board of Managers Meeting: February 3, 2021

Received complete: January 7, 2021

Applicant: Black Cherry Development, LLC, Tim Erhart

Consultant: Alliant Engineering, Mark Rausch

Project: Erhart Wetland Alteration – The excavation of Type 1 and 2 wetland to create Type 4 and 5 wetland and the placement of excavated materials in a stockpile on site. A temporary haul road will be constructed for soil export to the stockpile area.

Location: West of TH 101, North of W 96th St and south of Foxwood, Chanhassen, MN

Reviewer: Terry Jeffery, Watershed Planning Manager

Proposed Board Action

Manager _____ moved and Manager _____ seconded adoption of the following resolutions based on the permit report that follows and the presentation of the matter at the February 3, 2021 meeting of the managers:

Resolved that the application for Permit 2020-072 is approved, subject to the conditions and stipulations set forth in the Recommendations section of the attached report;

Resolved that on determination by the RPBCWD administrator that the conditions of approval have been affirmatively resolved, the RPBCWD president or administrator is authorized and directed to sign and deliver Permit 2020-072 to the applicant on behalf of RPBCWD.

Upon vote, the resolutions were adopted, _____ [VOTE TALLY].

Applicable Rule Conformance Summary

Rule	Issue	Conforms to RBPCWD Rules?	Comments
B	Floodplain & Drainage Alteration	Yes	
C	Erosion Control Plan	See Comment	See Rule Specific Permit Condition C1
D	Wetland and Creek Buffers	See comment	See rule specific permit condition D1
L	Permit Fee Deposit	Yes	\$3,000 received Dec 17, 2020
M	Financial Assurance	See Comment	The financial assurance is calculated at \$20,006. See rule specific condition M1

Background

The proposed project will be to excavate out a portion of a wetland (identified as Wetland 2 on the attached plan) in order to make a portion of the wetland semi-permanently inundated. The excavated materials will be stockpiled on-site but outside of the wetland areas and above the 100-year-flood elevation.

Excavation within Type 1, 2, and 6 wetlands is not regulated under the MN Wetland Conservation Act provided the activity does not convert the area to non-wetland. This would occur if it either resulted in the drainage of wetlands, or, more commonly, converted the wetland to deep water habitat of six (6') feet or greater in depth.

The wetland delineation was reviewed and approved by the Local Government Unit (LGU) responsible for the administration of the Wetland Conservation Act (WCA), which is the City of Chanhassen. The proposed excavation was submitted to the Technical Evaluation Panel (TEP) to affirm that the proposed work is not regulated under WCA. The TEP agreed that the proposed activity was not regulated under the WCA and is consistent with guidance on excavation in wetlands issued by the MN Board of Soil and Water Resources June 17, 2020.

Chanhassen City Code requires that wetland alterations receive an approval, unique from the WCA process, via an interim use permit (IUP). Riley Purgatory Bluff Creek staff provided comments to the Chanhassen Planning Commission regarding the proposed activity. Since this time, the plan has been modified to provide more diversity of habitat by preserving an area of Type 1 PFOA (Palustrine, Forested, Seasonally Flooded) and Type 6 PSS1A (Palustrine, Scrub Shrub - deciduous, seasonally flooded). In addition to the area of Type 3 already to remain unaltered and the proposed Type 5 PUBG (Palustrine Unconsolidated Bottom Intermittently Exposed) and Type 4 PEMF (Palustrine Emergent Vegetation Semi Permanently Flooded) to be created via excavation, the wetland will provide a diversity of habitats currently not present.

Exhibits Reviewed:

1. Permit Application signed December 15, 2020 received December 17, 2020.
2. Email correspondence from January 6, 2021 from the consulting engineer acknowledging that no supporting materials and that the submittal was incomplete.
3. Erhart Property Wetland Delineation Report prepared by Kjolhaug Environmental Services Company, Inc. dated July 7, 2020.
4. MNRAMs dated August 13, 2020 and received on January 17, 2021.
5. MN Wetland Conservation Act Notice of Decision for Wetland Boundary and Type issued by the City of Chanhassen dated August 7, 2020
6. Wetland Alteration and Interim Use Permit Submittal Narrative addressed to the City of Chanhassen dated December 4, 2020.
7. Design Plans Sheets 1 through 8 dated November 24, 2020 and received on January 6, 2021 (sheets 3-8 revised and sheet 9 added January 18, 2021. Sheet 9 revised Jan 19, 2021).
8. Response to Comments Memorandum dated January 18, 2021

Rule B: Floodplain Management and Drainage Alterations

Because the project will involve land-disturbing activity below the 100-year flood elevation of the wetland, the project must conform to the requirements in the RPBCWD Floodplain Management and Drainage Alteration rule (Rule B, Subsection 2.1). The proposed activity will not result in any fill being placed below the 100-year flood elevation. Further, the proposed activity will not change the outlet elevation in any fashion. As such, the RPBCWD engineer agrees that the proposed activity will not result in a rise in the 100-year elevation nor will it change the rates or volume of water leaving the site and, therefore, is not reasonably likely to have an adverse offsite impact, adversely affect food risk, basin stability, or groundwater discharge. Staff, in conjunction with the Technical Evaluation Panel, finds that the work is not reasonably likely to have an adverse impact on aquatic habitat. The applicant has provided an erosion prevention and sediment control plan which comports with Rule C and has acknowledged that efforts must be taken to minimize the potential transfer of invasive species.

Rule C: Erosion Prevention and Sediment Control

Because the project will involve 3.0 acres of land-disturbing activity, including excavation within the wetland, the creation of a haul road, and the stockpiling of materials, the project must conform to the requirements in the RPBCWD Erosion Prevention and Sediment Control rule (Rule C, Subsection 2.1). The erosion and sediment control plan prepared by Alliant, Inc. includes installation of a double row of staked biorolls along the haul route, decompaction of areas compacted during construction, six inches of topsoil, stabilization of the stockpile including a cover crop, retention of native topsoil onsite, and a final stabilization plan. If dewatering is required, the applicant is responsible to make certain that a dewatering plan, that adequately protects against release of sediment laden waters downstream, is provided to the RPBCWD no less than 72 hours in advance of any dewatering activity. Because no materials will be exported from the site, a stabilized rock construction entrance is not necessary.

However, any soils tracked onto public roads must be removed at the end of each day. To conform to RPBCWD Rule C requirements, the following revisions are needed:

- C1. The Applicant must provide the name and contact information of the general contractor responsible for erosion prevention and sediment control at the site. RPBCWD must be notified if the responsible party changes during the permit term. This information is required prior to issuance of the permit.
- C2. The applicant must provide a dewatering plan to RPBCWD, no less than 72 hours prior to any dewatering activity, should the need for dewatering arise.

Rule D: Wetland and Creek Buffers

Because the project will trigger Rule B: Floodplain Management and Drainage Alterations, the project must comply with the RPBCWD Wetland and Creek Buffers rule (Rule D, Subsection 2.1). As they are proposing work within the wetland, the buffer must be provided around the entire wetland (3.1a). The applicant has provided a wetland delineation report, a notice of decision approving the boundary and type, and the MNRAM assessments for the wetlands. There are a total of six wetlands on the three parcels. Of these wetlands, one is to be excavated within and the other is immediately downstream of the proposed disturbance including the haul route and stockpile location. The remaining wetlands are neither downstream of the proposed disturbance nor tributary to the disturbance. Rule D is applied to two wetlands referred to as Wetland 2 and Wetland 3 on the attached plans.

The proposed activity involves the excavation within Type 1 and Type 2 wetlands. This activity is not regulated under the MN WCA provided it does not convert to a non-wetland.

Based upon the MNRAMs, the wetlands both rate as medium quality and, therefore, require a 40-foot average buffer with an allowed minimum width of 20-feet. No buffer over 80 feet in width counts toward compliance. The applicant is applying buffer averaging in a manner which comports with Rule D, Subsection 3.2.

The following table demonstrates that the plan is compliant with the requisite dimensions. (Rule D, Subsection 3.2)

WETLAND	REQUIRED AREA IN SF	PROVIDED AREA IN SF	MIN BUFFER WIDTH	AVG BUFFER WIDTH IN FT
#2	56,640	61,410	20	43.36
#3	74,840	75,742	20	40.48

Under existing conditions, the vegetation within the buffer areas is native and compliant with Rule D, Subsection 3.3. Buffer area disturbed during the excavation of the wetland or the subsequent hauling

and stockpiling of materials must be planted with appropriate native vegetation. The restoration plan indicates that appropriate native seed mixes are called out to restore disturbed buffer areas. (Mesic Prairie General MN State Seed Mix 34-271 or Wet Meadow MN Seed Mix 34-271)

The plans show the placement of buffer monuments at a spacing no greater than 200 lineal feet and on every major deflection point. The plans indicate that the monuments are to be installed after the site has been restored and that RPBCWD signs will be used. This is compliant with Rule D, Subsection 3.4.

D1. The permit applicant must provide a buffer maintenance and inspection declaration for review and recordation against the property. A draft of the declaration must be provided for District approval prior to recording.

Rule L: Permit Fee:

The RPBCWD permit fee schedule adopted in February 2020 requires permit applicants to submit a permit-fee deposit of \$3,000 to be held in escrow and applied to reimburse RPBCWD for the permit-application processing fee and permit review and inspection-related costs. When the permit application is approved, the deposit must be replenished to the applicable deposit amount by the applicant before the permit will be issued to cover actual costs incurred to monitor compliance with permit conditions and the RPBCWD Rules. A permit fee deposit of \$3,000 was received on December 17, 2020.

Rule M: Financial Assurance:

Rule C:

Perimeter Control: 2,175 L.F. x \$2.50/L.F. = \$5,437
 Restoration: 3.0 acres x \$2,500/acre = \$7,500
 Construction Entrance: 1 x \$250/each =..... \$250

Rule D:

Buffer Area: \$5,000/ac x 3.15 ac = \$5,000
 Contingency (10%) \$1,819
 Total Financial Assurance..... \$20,006

M1. The permit applicant must provide a financial assurance in a form acceptable to the RPBCWD in the amount of \$20,006.

Applicable General Requirements:

1. The RPBCWD Administrator and Engineer shall be notified at least three days prior to commencement of work.

2. Construction shall be consistent with the plans and specifications approved by the District as a part of the permitting process. The date of the approved plans and specifications is listed on the permit.
3. Construction must be consistent with the plans, specifications, and models that were submitted by the applicant that were the basis of permit approval. The date(s) of the approved plans, specifications, and modeling are listed on the permit. The grant of the permit does not in any way relieve the permittee, its engineer, or other professional consultants of responsibility for the permitted work.
4. The grant of the permit does not relieve the permittee of any responsibility to obtain approval of any other regulatory body with authority.
5. The issuance of this permit does not convey any rights to either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
6. In all cases where the doing by the permittee of anything authorized by this permit involves the taking, using or damaging of any property, rights or interests of any other person or persons, or of any publicly owned lands or improvements or interests, the permittee, before proceeding therewith, must acquire all necessary property rights and interest.
7. RPBCWD's determination to issue this permit was made in reliance on the information provided by the applicant. Any substantive change in the work affecting the nature and extent of applicability of RPBCWD regulatory requirements or substantive changes in the methods or means of compliance with RPBCWD regulatory requirements must be the subject of an application for a permit modification to the RPBCWD.
8. If the conditions herein are met and the permit is issued by RPBCWD, the applicant, by accepting the permit, grants access to the site of the work at all reasonable times during and after construction to authorized representatives of the RPBCWD for inspection of the work.

Findings

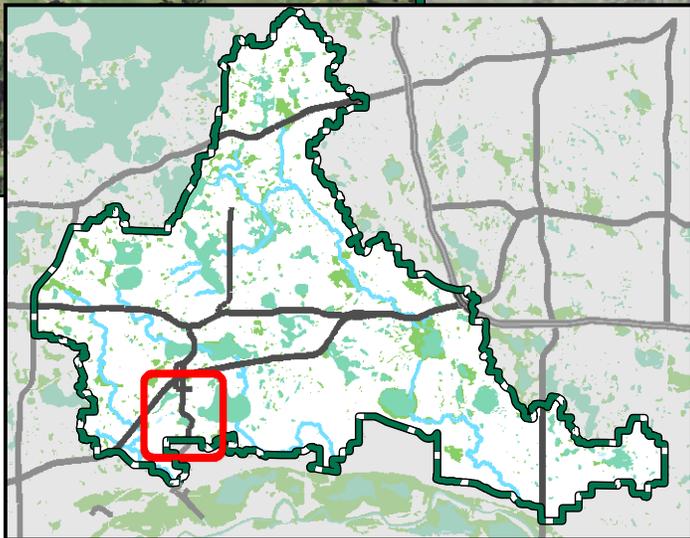
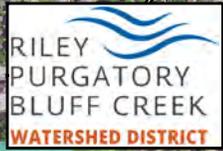
1. The proposed project includes the information necessary, plan sheets and erosion control plan for review.
2. The proposed project will conform to Rules B, C, D and M if the Rule Specific Permit Conditions listed above are met.

Recommendation:

Approval, contingent upon:

1. Continued compliance with General Requirements.
2. The applicant providing the name and contact information of the general contractor responsible for erosion prevention and sediment control at the site.

3. The applicant must work with RPBCWD to revise the submitted maintenance and inspection declaration as needed and the applicant must execute the revised declaration after approval by RPBCWD.
4. The applicant providing a financial assurance, in a form acceptable to the RPBCWD in the amount of \$20,006.



Feet



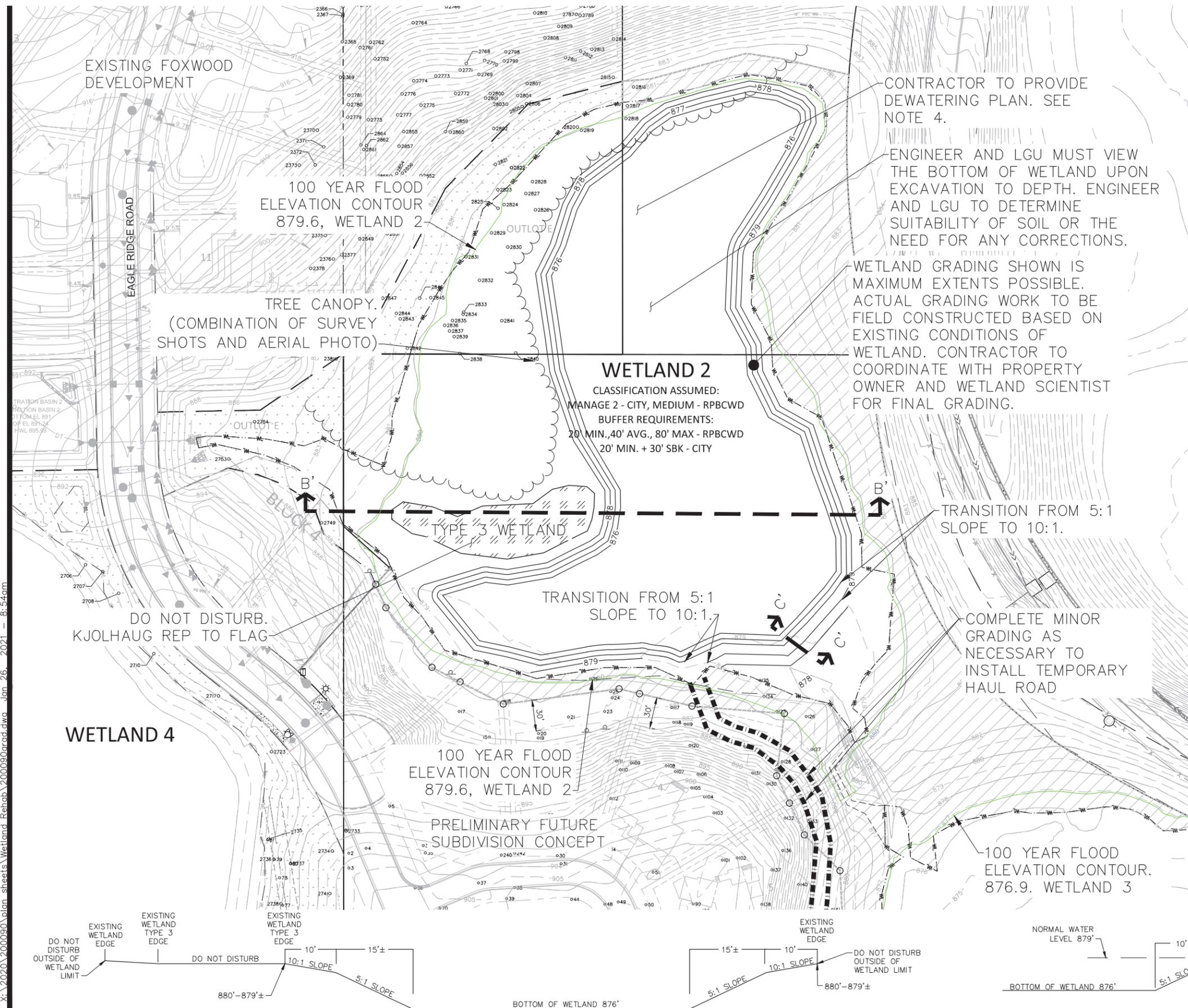
Permit Location Map

ERHART WETLAND ALTERATION

Permit 2020-072

Riley Purgatory Bluff Creek Watershed District

Drawing name: X:\2020\200090\plan_sheets\Wetland_Rehab\200090\arad.dwg Jan 26, 2021 8:54am



CONTRACTOR TO PROVIDE DEWATERING PLAN. SEE NOTE 4.

ENGINEER AND LGU MUST VIEW THE BOTTOM OF WETLAND UPON EXCAVATION TO DEPTH. ENGINEER AND LGU TO DETERMINE SUITABILITY OF SOIL OR THE NEED FOR ANY CORRECTIONS.

WETLAND GRADING SHOWN IS MAXIMUM EXTENTS POSSIBLE. ACTUAL GRADING WORK TO BE FIELD CONSTRUCTED BASED ON EXISTING CONDITIONS OF WETLAND. CONTRACTOR TO COORDINATE WITH PROPERTY OWNER AND WETLAND SCIENTIST FOR FINAL GRADING.

GRADING NOTES:

1. THE CONTRACTOR SHALL KEEP THE ADJACENT ROADWAYS FREE OF DEBRIS AND PREVENT THE OFF-SITE TRACKING OF SOIL IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY.
2. NOTIFY GOPHER STATE ONE CALL, AT (800)252-1166, 48 HOURS PRIOR TO START OF CONSTRUCTION.
3. PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE TO MAKE SURE THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS APPROVED BY ALL OF THE PERMITTING AUTHORITIES.
4. A DEWATERING PLAN MUST BE PROVIDED FOR REVIEW AND APPROVAL. IT IS UNDERSTOOD THAT THE CONTRACTOR MAY DECIDE UPON AN ALTERNATIVE DEWATERING PLAN. ANY CHANGES PROPOSED BY THE CONTRACTOR MUST BE PROVIDED TO RPBCWD NO LESS THAN 72 HOURS PRIOR TO DEWATERING AND NO DEWATERING MAY OCCUR UNTIL RPBCWD HAS GRANTED APPROVAL FOR THE PROPOSED CHANGES TO THE DEWATERING PLAN.
5. REFER TO EROSION CONTROL PLAN FOR ALL EROSION AND SEDIMENT CONTROL DEVICE LOCATIONS.
6. ALL TEMPORARY EROSION AND SEDIMENT CONTROL BMP'S MUST BE MAINTAINED UNTIL COMPLETION OF CONSTRUCTION AND VEGETATION IS ESTABLISHED SUFFICIENTLY TO ENSURE STABILITY OF THE SITE, AS DETERMINED BY THE RPBCWD.
7. SIX INCHES OF TOPSOIL WITH A MINIMUM ORGANIC MATTER CONTENT OF 5% MUST BE PLACED OVER WETLAND EXCAVATION AREA. SCARIFY GROUND PRIOR TO PLACING TOPSOIL TO ENSURE THAT THE TOP 12 INCHES HAS NOT BEEN COMPACTED LESS THAN 200 PSI.

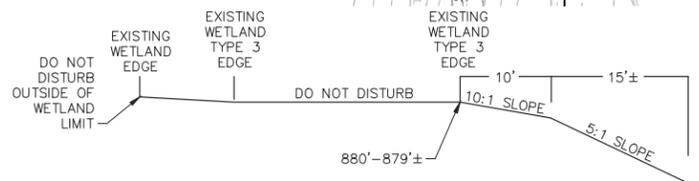
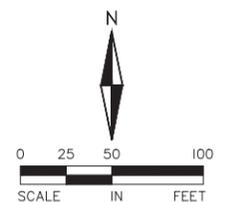
ESTIMATED EARTHWORK:

CUT: 16,930 CUBIC YARDS ±
 FILL: ASSUMED 0
 DISTURBED AREA: 3.067 ACRES ±

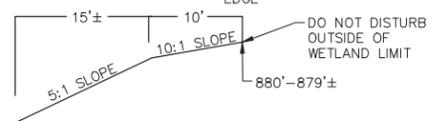
GRADING LEGEND:

- 243 EXISTING TREE
- 789— EXISTING CONTOUR
- 789— PROPOSED CONTOUR
- - - - - PROPOSED EASEMENT
- — — — — PROPERTY LINE
- — — — — SETBACK LINE
- — — — — LOT LINE
- — — — — RIGHT-OF-WAY
- WL — WETLAND BOUNDARY
- ▨ WL ▨ EXISTING WETLAND BUFFER
- ▨ WL ▨ FUTURE WETLAND BUFFER*
- ▨ ▨ ▨ ▨ ▨ TYPE 3 WETLAND-DO NOT DISTURB
- ▬ ▬ ▬ ▬ ▬ HAUL ROAD
- — — — — 100 YEAR HWL CONTOUR

FOR REVIEW ONLY
 PRELIMINARY
 NOT FOR CONSTRUCTION



B'-B'
TYPICAL GRADING CROSS SECTION
 NOT TO SCALE



C'-C'
NATURAL WETLAND OUTLET CROSS SECTION
 NOT TO SCALE

ERHART/BLANSKI/CITY WETLAND ALTERATION
 CHANHASSEN, MN
WETLAND ALTERATION PERMIT
WETLAND EXCAVATION/GRADING PLAN

ALLIANT
 733 Marquette Avenue
 Suite 700
 Minneapolis, MN 55402
 612.758.3080
 www.alliant-inc.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed PROFESSIONAL ENGINEER under the laws of the State of MINNESOTA

MARK RAUSCH, PE

Date: _____ License No. _____

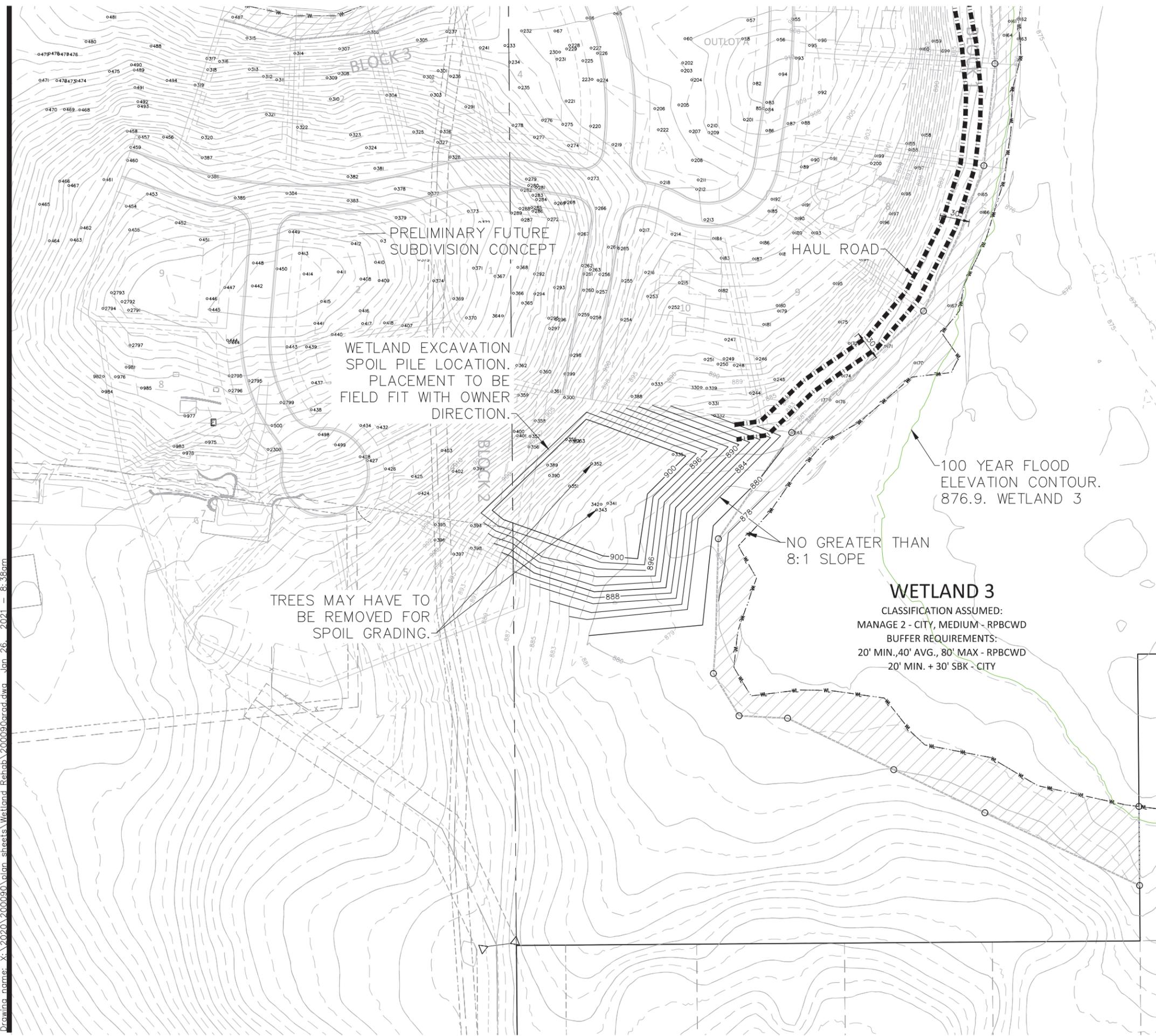
QUALITY ASSURANCE/CONTROL

BY: _____ DATE: _____

DATE	ISSUE
12-4-2020	CITY SUBMITTAL
12-15-20	WATERSHED APP
12-29-20	SO. WETLAND REV
1-18-21	WATERSHED REV
1-19-21	WATERSHED REV 2
1-26-21	WATERSHED REV 3

PROJECT TEAM DATA
 DESIGNED: MPR
 DRAWN: TAS
 PROJECT NO: 220-0090

Drawing name: X:\2020\200090\plan sheets\Wetland_Rehab\200090\road.dwg Jan. 26, 2021 - 8:38am



ESTIMATED EARTHWORK:

STOCKPILE BORROW: 16,930 CUBIC YARDS ±
 DISTURBED AREA: 1.117 ACRES ±

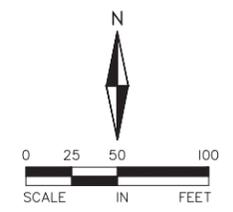
POTENTIALLY IMPACTED TREES

332	18	American Elm
335	22	Black Cherry
341	10	Hackberry
342	24	American Elm
343	18	Black Cherry
351	13	American Elm
352	18	Boxelder
353	15	Green Ash
354	13	Green Ash
355	11	Boxelder
389	12	Boxelder
390	10	Boxelder
398	10	Sugar Maple

GRADING LEGEND:

- 243 EXISTING TREE
- 789 EXISTING CONTOUR
- 789 PROPOSED CONTOUR
- PROPOSED EASEMENT
- PROPERTY LINE
- SETBACK LINE
- LOT LINE
- RIGHT-OF-WAY
- WL WETLAND BOUNDARY
- ▨ FUTRUE WETLAND BUFFER*
- H AUL ROAD
- 100 YEAR HWL CONTOUR

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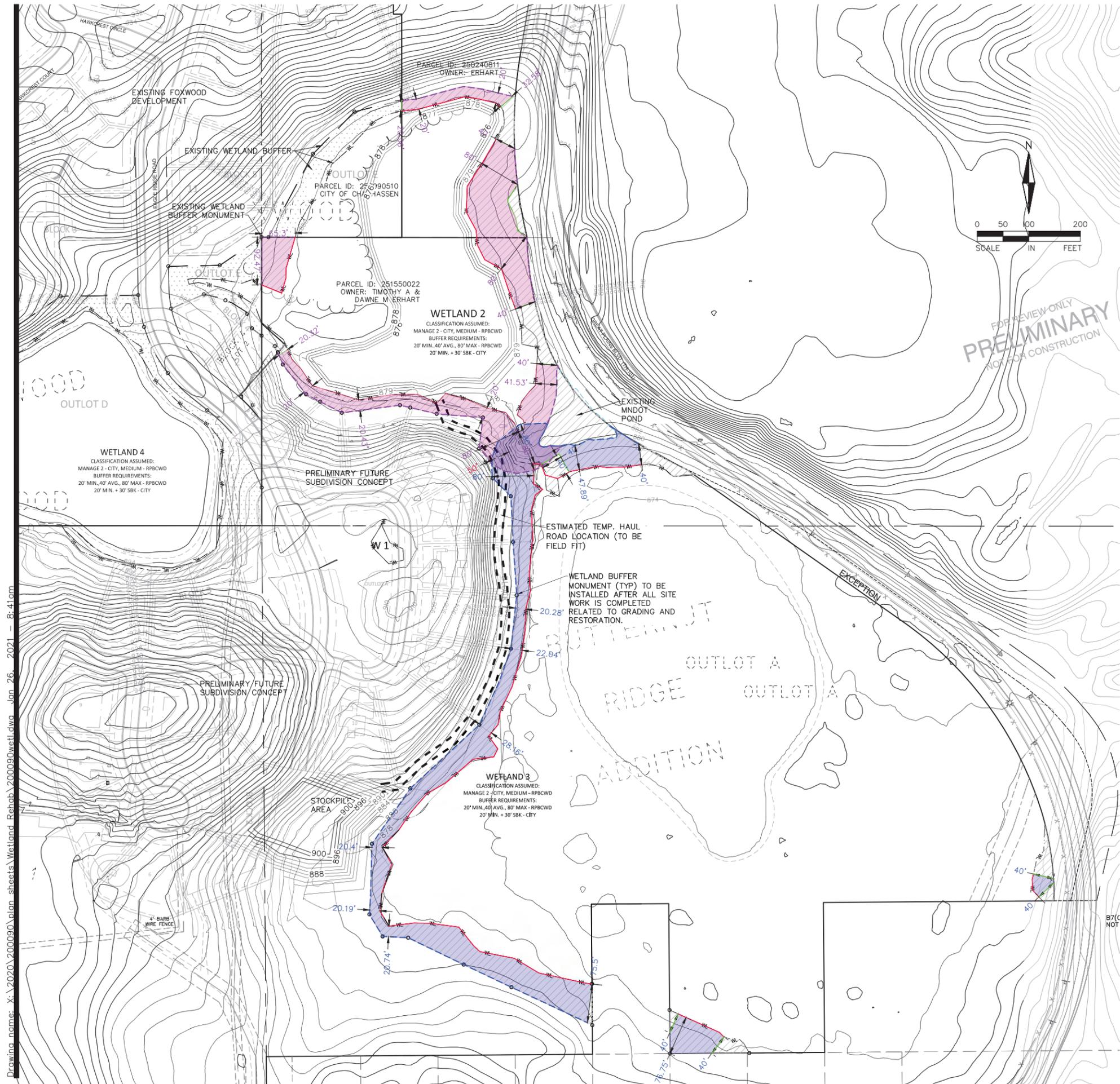
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed PROFESSIONAL ENGINEER under the laws of the State of MINNESOTA

MARK RAUSCH, PE
 Date License No.

QUALITY ASSURANCE/CONTROL

BY	DATE
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1-19-21	WATERSHED REV 2
1-26-21	WATERSHED REV 3

PROJECT TEAM DATA
 DESIGNED: MPR
 DRAWN: TAS
 PROJECT NO: 220-0090



WETLAND SUMMARY

Wetland Classification	City Class.	RPBCWD CLASS.		Local Governmental Unit		
		MANAGE 2	MANAGE 2	City of Chanhassen	Riley Purgatory Bluff Creek Watershed District	
Buffer Strip Requirement	Principal Structure Setback to Buffer	Accessory Structure Setback to Buffer	Wetland Classification	Average Buffer Width Required	Min. Buffer Width Required	
OUTSTANDING	50	50	50	N/A		
PRESERVE	40	40	20	EXCEPTIONAL	80	40
MANAGE 1	25	30	15	HIGH	60	30
MANAGE 2	20	30	15	MEDIUM	40	20
MANAGE 3	16.5	30	15	LOW	20	10

WETLAND BUFFER CALCULATION

ASSUMED BUFFERING REQUIREMENTS:

THE CITY OF CHANHASSEN AND RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT HAVE BUFFER REQUIREMENTS PER WETLAND CLASSIFICATION. THE BUFFER REQUIREMENTS ARE AS FOLLOWS:

MAXIMUM BUFFER WIDTH IS 200 PERCENT OF THE APPLICABLE WIDTH AS REQUIRED BY RPBCWD DISTRICT BUFFER AVERAGING RULES

WETLAND	FRONTAGE	PROP BUFFER AREA*	MIN. BUFFER WIDTH	AVG. WIDTH
2	1,416 LF	61,410 SF**	20'	43.36'
3	1,871 LF	75,742 SF***	20'	40.48'

NOTES:

- * AREA IN PURPLE IN PLAN VIEW. PROPOSED BUFFER AREA IS CALCULATED ALONG WETLAND FRONTAGE WHERE A 40' AVERAGE CAN BE PROVIDED WITHIN THE SITE. IF THE PROPERTY BOUNDARY IS CLOSER THAN 40' TO THE DELINEATED WETLAND THE BUFFER AREA IS NOT INCLUDED IN THE AVERAGING CALCULATION. BUFFER AREA IS STILL PROVIDED.
- ** PURPLE BUFFER AREA IN DRAWING. (BUFFER AREA REQUIRED = 56,640 LF)
- *** BLUE BUFFER AREA IN DRAWING. (BUFFER AREA REQUIRED = 74,840 LF)

LEGEND:

- EXISTING AND FUTURE(EST) EASEMENT
- PROPERTY LINE
- EXISTING AND FUTURE(EST) SETBACK LINE
- EXISTING AND FUTURE(EST) LOT LINE
- EXISTING AND FUTURE(EST) RIGHT-OF-WAY
- WETLAND BOUNDARY
- HAUL ROAD
- EXISTING WETLAND BUFFER
- PROPOSED WETLAND BUFFER (FULL AREA PROVIDED)*
- WETLAND 2 BUFFER AREA INCLUDED CALC (20' MIN, 40' AVG, 80' MAX)
- WETLAND 3 BUFFER AREA INCLUDED CALC (20' MIN, 40' AVG, 80' MAX)
- WETLAND LINEAL FOOTAGE INCLUDED FOR BASIS OF BUFFER CALCULATION (INCLUDES FRONTAGE IN WHICH THE REQUIRED AVERAGE BUFFER CAN BE PROVIDED WITHIN THE DEVELOPMENT PROPERTY.
- LIMIT OF PROPOSED WETLAND BUFFER INCLUDED IN CALCULATION
- EXISTING AND PROPOSED WETLAND BUFFER MONUMENT



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ERHART/BLANSKI/CITY WETLAND ALTERATION

CHANHASSEN, MN

WETLAND ALTERATION PERMIT

WETLAND MANAGEMENT PLAN

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed PROFESSIONAL ENGINEER under the laws of the State of MINNESOTA

MARK RAUSCH, PE	Date	License No.
QUALITY ASSURANCE/CONTROL		
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1-19-21	WATERSHED REV 2	
1-26-21	WATERSHED REV 3	
PROJECT TEAM DATA		
DESIGNED:	MPR	
DRAWN:	TAS	
PROJECT NO:	220-0090	

MEMORANDUM

TO: Riley Purgatory Bluff Creek Watershed District Board of Managers

FROM: Dr. Claire Bleser, Administrator

DATE: January 29, 2021

RE: Request for Proposals for Human Resources Consulting Services

The Board of Managers has requested that the District utilize a consultant to advise the District on human resources matters on an as-needed basis. Staff has prepared the attached request for proposals, which would provide for a two year contract with the selected vendor, and would be subject to further solicitation every two years pursuant to Minnesota Statutes Section 103B.227.

Staff is requested Board authorization to issue this request for proposals, subject to any further input from the Board. The RFP would be distributed to qualified vendors in the Twin Cities, posted on the District's web site, and posted with the League of Minnesota Cities.

PROPOSED RESOLUTION:

Whereas, the Board of Managers has requested that the District utilize a a consultant to advise the District on human resources matters on an as-needed basis;

Whereas, staff has prepared and the Board of Managers has reviewed the Request for Proposals for Human Resources Consulting Services;

NOW THEREFORE BE IT RESOLVED that the Riley Purgatory Bluff Creek Watershed District Board of Managers hereby authorizes staff to issue the request for proposals for human resources consulting services.

**REQUEST FOR PROPOSALS
HUMAN RESOURCES CONSULTING SERVICES**

Project Overview

Riley Purgatory Bluff Creek Watershed District (RPBCWD, District) seeks proposals for a qualified vendor to provide human resources consulting services to RPBCWD over a period of two years beginning May 2021 and ending April 2023. Following the initial term there is a possibility to renew the contract for an additional two-year term.

Organization Overview

The Riley Purgatory Bluff Creek Watershed District is a local unit of government charged with protecting, managing, and restoring Riley Creek, Bluff Creek, and Purgatory Creek, and encompasses the 50-mile area that drains into these creeks. Spanning Hennepin and Carver Counties, RPBCWD includes parts of seven cities - Bloomington, Chanhassen, Chaska, Deephaven, Eden Prairie, Minnetonka, and Shorewood. In addition to the three creeks, RPBCWD manages over a dozen lakes and numerous wetlands within this geography. Since 1969, the RPBCWD has collected and maintained extensive water resource data which have supported implementation of dozens of capital projects resulting in the conservation and restoration of land and water throughout the District. RPBCWD employs a dedicated professional staff of seven who specialize in natural resource planning, project development, water quality monitoring, permitting, and outreach.

RPBCWD does not employ a dedicated human resources professional and seeks to consult with a qualified firm on an as-needed basis.

Scope of Services

The services to be provided by any HR Consultant may include, but shall not be limited to, the following:

1. Evaluating and providing advice concerning employee compensation and benefits, including conducting compensation surveys.
2. Providing general employment information and guidance.
3. Assisting RPBCWD with recruitment efforts.

4. Advising RPBCWD on employee relations matters.
5. All other services usually necessary and required of HR Consultant(s), whether specifically outlined in the scope of services or not.

Content of Response

Firm responses must include the following information and should present this information in the same order as appears below:

1. General firm information and principal contact.
2. Three (3) references, with telephone and email contact information.
3. Key personnel to be assigned to this engagement, with the anticipated role of each person.

Include brief biographies of each individual (full resumes may be included as appendix material, but should not be included in the main body of the firm's response).

4. Summary of how the firm charges fees for the services described in this RFP, including specific hourly rates for key personnel and/or alternative proposed fees or fee structures.

The proposal should be based on the prospect that the HR Consultant(s) may be engaged for an initial term of two (2) years.

5. Summary of the firm's experience in serving as HR Consultants in the State of Minnesota for the past five years (2015 – 2020).

6. Identify public entities that have engaged the firm as HR Consultants since 2015.

Indicate whether the firm continues to serve as HR Consultants to such entities and state whether any such entities have terminated the HR Consultants relationship and why.

Selection of Consultant

RPBCWD reserves the right to negotiate the services to be provided and to reject any and all proposals in response to this request. RPBCWD will make its selection of any HR Consultant based on demonstrated competence, experience, knowledge, and qualifications, as well as the reasonableness of the proposed fees compared to other vendors.

Other Information

Proposals shall be submitted electronically to cbleser@rpbcwd.org by 4:00 p.m. on Friday March 5, 2021.

Interviews

RPBCWD will select qualified respondents to complete an oral interview to facilitate discussion and to allow firms to expand to on their written responses.

Timeline

All dates are tentative except proposal due date

- Request for Proposals Released: February 8, 2021
 - Proposals Due: March 5, 2021 by 4:00pm
 - Staff Review: March 8 – 15, 2021
 - Interviews: March 16-22, 2021
 - Staff recommends vendor to
RPBCWD Board of Managers for Approval April 7, 2021
 - Contract developed and executed: April 8 -15, 2021
- Questions should be sent to Dr. Claire Bleser at: cbleser@rpbcwd.org 952-607-6512.

**PUBLIC NOTICE
OF
RILEY-PURGATORY-BLUFF CREEK WATERSHED
DISTRICT
REQUEST FOR PROPOSALS:

REQUEST FOR PROPOSAL
FOR LEGAL SERVICES**

Pursuant to *MSA 103B.227, Subdivision 5*, Riley-Purgatory-Bluff Creek Watershed District hereby solicits proposals for a legal consultant for **2021** through **2022**.

Written proposals (six copies) setting forth the background and experience of the company/individual(s) along with the specific information as to expertise in watershed district legal services who would be interested in providing legal services for the Riley-Purgatory-Bluff Creek Watershed District should be sent to:

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

Attention: Claire Bleser, District Administrator

Proposals shall be submitted on or before **Wednesday, February 24, 2021**.

Please set forth in your written proposal company experience and the experience of the individual(s) who proposes to perform services for the District and the resumes of staff who would assist the individual in providing the contractual services. Rates of individuals should be provided. The Board will review said proposals and reserves to itself the right to take such action as it deems in the best interest of Riley-Purgatory-Bluff Creek Watershed District.

For further information about the Riley-Purgatory-Bluff Creek Watershed District, contact Claire Bleser, Administrator at (952) 607-6512 or visit: www.rpbcwd.org

MEMORANDUM

TO: Riley Purgatory Bluff Creek Watershed District Board of Managers

FROM: Dr. Claire Bleser, Administrator

DATE: January 29, 2021

RE: Request for Proposals for Information Technology Managed Services

The Board of Managers has requested that the District utilize a managed services provider for its information technology systems. Staff has prepared the attached request for proposals, which would provide for a two year contract with the selected vendor, and would be subject to further solicitation every two years pursuant to Minnesota Statutes Section 103B.227.

Staff is requested Board authorization to issue this request for proposals, subject to any further input from the Board. The RFP would be distributed to qualified vendors in the Twin Cities, posted on the District's web site, and posted with the League of Minnesota Cities.

PROPOSED RESOLUTION:

Whereas, the Board of Managers has requested that the District utilize a managed services provider for its information technology systems;

Whereas, staff has prepared and the Board of Managers has reviewed the Request for Proposals for Information Technology Services;

NOW THEREFORE BE IT RESOLVED that the Riley Purgatory Bluff Creek Watershed District Board of Managers hereby authorizes staff to issue the request for proposals for IT managed services.

**REQUEST FOR PROPOSALS
INFORMATION TECHNOLOGY MANAGED SERVICES**

Project Overview

Riley Purgatory Bluff Creek Watershed District (RPBCWD, District) seeks proposals for a vendor to provide Information Technology (IT) managed services to RPBCWD over a period of two years beginning May 2021 and ending April 2023. Following the initial term, there is a possibility to renew the contract for an additional two-year term.

Organization Overview

The Riley Purgatory Bluff Creek Watershed District is a local unit of government charged with protecting, managing, and restoring Riley Creek, Bluff Creek, and Purgatory Creek, and encompasses the 50-mile area that drains into these creeks. Spanning Hennepin and Carver Counties, RPBCWD includes parts of seven cities - Bloomington, Chanhassen, Chaska, Deephaven, Eden Prairie, Minnetonka, and Shorewood. In addition to the three creeks, RPBCWD manages over a dozen lakes and numerous wetlands within this geography. Since 1969, the RPBCWD has collected and maintained extensive water resource data which have supported implementation of dozens of capital projects resulting in the conservation and restoration of land and water throughout the District. RPBCWD employs a dedicated professional staff of seven who specialize in natural resource planning, project development, water quality monitoring, permitting, and outreach.

RPBCWD does not employ a dedicated IT professional and seeks to rely on a managed service provider to manage and maintain the District's IT infrastructure and network.

Systems Overview

The District currently has the following systems and hardware:

Servers/Storage:

No server; data and work product shared in the cloud.

Devices:

12 (approximately) user Laptops/Desktops

Most workstations are HP, running Windows 10; note also Apple

6 iPads/ field tablets

1 copier/printer under lease through a maintenance agreement with an outside vendor

Service Requirements

The District is seeking full service IT managed service provider. This should include:

- Initial system inventory and assessment
- Systems monitoring and emergency response
 - o 24/7 monitoring of servers and critical network infrastructure
 - o Remote and/or on-site response to critical server or infrastructure failures
- System security
 - o Incident management
 - o Vulnerability scanning and security policy guidance including password protection
 - o Spam filtering, phishing protection
 - o Antivirus software
- Spyware/malware monitoring, removal and cleaning
 - o Manage service packs and security patches
- System administration
 - o User administration
 - o Firewall administration
 - o Server administration (as needed)
 - o Network administration
 - o Backup administration
 - o Exchange administration
- Equipment management, maintenance and replacement
 - o Procure, install, service, maintain and repair infrastructure and workstations
 - o Develop replacement program for all infrastructure, components and workstations
 - o Track replacement and provide replacement recommendations within 24 months of equipment end-of-life

- o Assist with the development of centralized software licensing and maintenance tracking
- End-User support
 - o Provide ticketing and remote help desk support for end-users
 - o Provide on-site support on a scheduled and/or as needed basis
- Reporting and documentation
 - o Thorough system and hardware configuration documentation
 - o Maintain records of system changes
 - o Monthly reports of server, network, and workstation update/patch status and performance
 - o Monthly report summarizing all tickets including log of issues, communications, response and resolution
- Transparency and communication
 - o Monthly meetings with RPBCWD main-point of contact to review tickets and flag broader IT issues and trends, review monthly report, and project status updates
 - o Quarterly meetings with RPBCWD leadership to discuss ticket response time and resolutions, and long range IT planning
- Long-term planning
 - o Consultation and support for near and long-term planning including replacement program to keep systems operating at a high performance level
- Coordination
 - o Coordination with 3rd party vendors for updates, repairs, and server access

In addition the IT managed services provider may be asked to provide services and consultation on special projects.

Submittal Requirements

Proposals shall be submitted electronically to cbleser@rpbcd.org by 4:00 p.m. on Friday

March 5, 2021.

Proposals should respond to the following:

1. Qualifications and Experience:

Provide a company profile, including:

- Background/history
- Number of staff and clients
- Office locations and hours of operations
- General industry experience
- Specific experience working with government entities, specific to the rules and regulations surrounding government agencies (i.e. Data Practices Act, records retention requirements, etc.)

Provide an overview of qualifications for staff expected to support the District, including:

- Job title and duties
- Relevant experience
- Certifications

Provide a list of references, with names and contact information,

* A minimum of 3 references are required, with government agency references preferred

2. Service Delivery:

Provide a description of ticketing and helpdesk process for both routine requests and afterhours/emergency requests, including:

- System used
- Request process
- Escalation process
- Support hours
- Response times

Describe the approach and strategies for:

- Evaluating the District's infrastructure, network and policies and recommending changes to align with industry best practices
- Securing District data
- Ensuring stable and secure systems and infrastructure, and the systems used to monitor and report

Provide a plan and details for on-going coordination with the District on long-term IT planning,

Including:

- Communication methods
- Deliverables

Provide a work plan for the initial assessment and provision of IT managed services, including:

- Timing/phasing
- Key milestones
- Communication and decision points
- Risks and mitigation strategies
- Resources needed from RPBCWD (information, data, staff time)

Outline the IT hardware/software procurement and purchasing process, including

- Preferred vendors/manufacturers/brands for equipment, software, etc.

Describe the proposed approach towards system and infrastructure documentation and how records of change will be maintained and shared with the District

Describe any additional recommendations, which

- May reduce overall IT spending for the District
- May increase service levels for the District
- Additional services and associated costs that may be of interest to the District

3. Transparency and Communication:

Describe the proposed approach for gaining a better understanding of the IT needs of the District, and describe how that knowledge will be leveraged to better serve RPBCWD

Describe the proposed approach for communicating and reporting to the District, including

- Helpdesk requests and resolutions
- Overall health and operation of systems
- Recommended work, replacements, and updates
- Long-term needs, upgrades, and replacements
- Planned/scheduled down times
- Special project plans and status updates

4. Schedule of Fees and Expenses:

Provide a schedule of fees associated with the proposed contract for services, including,

- Costs for transition/initiation of services
- Ongoing monthly fees and services that are included
- Hourly rates for services for special projects, outside the services provided through the monthly fee

Review Criteria

Proposals will be reviewed based on the following criteria:

1. Service Delivery – 25%
2. Transparency and Communication - 30%
3. Qualifications and Experience – 20%
4. Schedule of Fees and Expenses – 25%

Interviews

RPBCWD will select qualified respondents to complete an oral interview to facilitate discussion and to allow firms to expand to on their written responses.

Timeline

All dates are tentative Except proposal due date

Request for Proposals Released:	February 8, 2021
Proposals Due:	March 5, 2021 by 4:00pm
Staff Review:	March 8 – 15, 2021
Interviews:	March 16-22, 2021
Staff recommends vendor to RPBCWD Board of Managers for Approval	April 7, 2021
Contract developed and executed:	April 8 -15, 2021

Questions should be sent to Dr. Claire Bleser at: cbleser@rpbcwd.org 952-607-6512.

MEMORANDUM

TO: Riley Purgatory Bluff Creek Watershed District Board of Managers

FROM: Dr. Claire Bleser, Administrator

DATE: January 29, 2021

RE: Request for Proposals for Banking Services

Pursuant to the direction of the Board of Managers, staff has prepared the attached request for proposals, which would provide for a two year contract with the selected vendor, and would be subject to further solicitation every two years pursuant to Minnesota Statutes Section 103B.227.

Staff is requested Board authorization to issue this request for proposals, subject to any further input from the Board. The RFP would be distributed to qualified vendors in the Twin Cities, including local banking institutions, posted on the District's web site, and posted with the League of Minnesota Cities.

PROPOSED RESOLUTION:

Whereas, the Board of Managers has requested the preparation of a request for proposals for banking services;

Whereas, staff has prepared and the Board of Managers has reviewed the Request for Proposals for Banking Services;

NOW THEREFORE BE IT RESOLVED that the Riley Purgatory Bluff Creek Watershed District Board of Managers hereby authorizes staff to issue the request for proposals for banking services.

Riley Purgatory Bluff Creek Watershed District

**REQUEST FOR PROPOSALS
FOR BANKING SERVICES**

The Riley Purgatory Bluff Creek Watershed District (RPBCWD), 18681 Lake Drive East, Chanhassen, Minnesota, 55317, requests proposals from qualified institutions for high quality depository, banking, and investment services offered at a competitive price for RPBCWD. A proposer must be a Federal or State of Minnesota chartered banking institution with the ability to comply with Minnesota Statutes chapter 118A.

RPBCWD may, at its discretion, reject any or all proposals received; accept or reject any part(s) of a proposal; and waive any informality. RPBCWD may award an agreement to a proposer of any single service or all services. RPBCWD may request information or clarification from a proposer, and may allow a proposer to correct an error or omission in a proposal. RPBCWD may retain all

proposals submitted in response to this RFP, and may use content and ideas contained in a proposal regardless of whether RPBCWD selects the proposal.

Nothing in this RFP will be construed to prevent or prohibit RPBCWD from maintaining any types of accounts at other depositories.

I. General Terms

- A. Term; Effective Date.** The term of the contract for banking services (Contract) is for a two-year period beginning May 1, 2021. The Contract is effective when fully executed by the parties and will remain in force until the termination date, unless earlier terminated as set forth herein.
- B. Termination; Continuation of Obligations.** RPBCWD may terminate the Contract at its convenience, by a written termination notice stating specifically what prior authorized or additional tasks or services it requires the successful proposer to complete. The successful proposer will receive full compensation for all authorized work performed on an hourly and direct cost reimbursement basis. In the event the successful proposer does not complete performance of the required banking services (Services), whether due to a party's breach or otherwise, the parties will have, in addition to any specific remedies stated in the agreement, remedies in accordance with ordinary contract law. Insurance obligations; duty of care; obligations to defend, indemnify and hold harmless; and document-retention requirements will survive the completion of the Services and the term of the Contract and are included in the successful proposer's responsibilities for any subconsultants.
- C. Prices.** The prices quoted in the proposal must be guaranteed for at least two years. RPBCWD may at its discretion permit cost adjustments necessitated by increased costs outside of the successful proposer's control. The successful proposer must document and provide to RPBCWD for its review any cost adjustment, and RPBCWD must approve the adjustment, prior to the implementation of any cost adjustment.
- D. Scope of Work.** This RFP and the successful proposer's supplemental responses, including all promises, warranties, commitments, and representations, become binding contractual obligations incorporated by reference in the Contract. RPBCWD and the successful proposer will sign Automated Clearing House (ACH) and wire transfer agreements on execution of the Contract.
- E. Notification and Acceptance.** The successful proposer, on receiving RPBCWD's notification that it has been selected to provide the Services, has thirty (30) days to execute a contract for banking services with RPBCWD. After thirty (30) days, RPBCWD may select a different proposing banking institution or re-open its call for proposals.

- F. Duty of Care.** The banking institution responding to this RFP represents that a qualified representative of the institution has read and understands the RFP and that its proposal conforms to the requirements of this RFP. Further, a banking institution responding to this RFP certifies that it is familiar with Minnesota Statutes Ch. 118A, and has identified a point of contact and alternate to address the requirements of 118A. The banking institution represents that it is familiar with local conditions under which the services are to be performed, and that it understands that its proposal is based on the required services, equipment, and abilities in this RFP.
- G. Indemnification.** The successful proposer will indemnify, defend and hold harmless RPBCWD, its board members, employees and agents from any and all actions, costs, damages and liabilities of any nature arising from: (a) the successful proposer's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty, including the duty of due professional care; or (b) a subconsultant's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty owed by the successful proposer to RPBCWD.
- H. Independent Contractor.** The successful proposer is an independent contractor under the Contract. The successful proposer will select the means, method and manner of performing the Services and will be entirely responsible for the selection, training, outfitting, direction, supervision and safety of those performing the Services. The successful proposer is not the agent, representative or employee of RPBCWD in any manner, and will not purport to speak for or make any commitment on behalf of the RPBCWD. Persons performing the Services under the Contract will not be considered employees of RPBCWD and will not be entitled to any compensation, rights or benefits of any kind from RPBCWD.
- I. Subcontract and Assignment.** The successful proposer may use subconsultants, subject to prior notice to and consent of RPBCWD and RPBCWD's right to veto any subcontract or assignment, but may not otherwise assign or transfer any obligation or interest in the Contract or any of the Services. RPBCWD consent to subconsulting does not relieve the successful proposer of its legal obligations or duty of care with respect to the Services or any part thereof, nor in any respect its duty of care, insurance, indemnification, duty to defend or agreement to hold harmless with respect to the Services.
- J. Noncollusion Statement.** The banking institution responding to this RFP hereby affirms that the RFP proposal is signed by an authorized representative of the banking institution. The proposing banking institution affirms that the attached proposal has been compiled independently and without collusion or agreement or understanding with any other vendor. The proposing banking institution affirms that it or its agents have not communicated the contents of this RFP proposal to anyone who is not an employee or agent of the proposing banking institution.

K. Governing Law. The Contract will be construed under and governed by the laws of the State of Minnesota.

II. Banking Services

A. General. The successful proposer will provide all banking services typically provided by a banking institution to a commercial customer, including processing and clearing of all checks and drafts issued by RPBCWD; the processing of deposits made by RPBCWD; and the maintenance of all accounts placed with the selected banking institution.

B. Required Services. The successful proposer must provide the following Services:

Availability of funds. RPBCWD will follow the banking institution's standard availability schedule, which may not be less favorable than the requirements of the Office of the Comptroller of the Currency, other regulatory bodies, or other relevant laws.

Returned check processing. The successful proposer must automatically process returned checks a second time.

Wire transfer services. The successful proposer will provide RPBCWD the ability to make wire transfers on the internet. The successful proposer will provide written confirmation of all wire transfers to RPBCWD within twenty-four (24) hours. The successful proposer will promptly process wire transfers and notify RPBCWD when a wire transfer is confirmed.

Automated clearing house. The successful proposer must have and maintain Automated Clearing House (ACH) origination bank capabilities. The successful proposer must conform to National Automated Clearing House Association (NACHA) and Uniform Commercial Code Article 4A (UCC4A) rules. RPBCWD may choose to use the ACH network for monthly direct deposit payroll transactions processed by electronic files on the internet. The successful proposer will provide for electronic funds transfers of all federal and state withholding taxes as directed by RPBCWD.

Collateral. The successful proposer will provide collateral for all deposits of RPBCWD of type and in the amounts as required by state and local laws and policies. The successful proposer will provide a collateral report that lists the type of collateral and its market value at least monthly and within three business days of a written request.

Balance information and reporting. The successful proposer will provide internet access to all RPBCWD accounts for updated balance and account inquiries. The RPBWD must be able to obtain accurate information regarding its account balances. Ledger balance, available balance, collected balance, and detailed information listing debit and credit items must be accurately maintained and available. If controlled disbursement is elected, two presentments for controlled disbursement transactions must be available by 10:30 a.m. daily.

Account reconciliation. The successful proposer will provide monthly statements to RPBCWD as soon as practical but not later than the seventh working day of the month for the previous month, along with a monthly account analysis report listing the transactions processed and the average balances. The statements must include tracking all debits (wire transfers, dishonored items, investment transfer, ACH returns), and credits (deposit detail). The successful proposer will provide a listing of outstanding checks, a listing of paid checks, a summary of outstanding checks, cancellations (voids/stop payments), paid no issues, and bank originating entries (with backup). The successful proposer must document all miscellaneous debits as to date, amount, and reason for issuance. The successful proposer must provide RPBCWD with computerized detailed paid check information. The successful proposer must provide storage for all paid checks, or provide electronic images of all processed checks.

Remote deposit. The successful proposer will provide RPBCWD the ability to participate in remote deposit.

Fraud prevention. The successful proposer will have fraud prevention measures available for RPBCWD to utilize to securely maintain funds. Tools available should include, and not be limited to: positive pay; ACH blocks and filters; intra-day access; payee positive pay; multi-factor authentication; and various administration levels.

III. Proposal Submission

A. Estimated timeline for process

February 12, 2021	RFP issued
March 12, 2021	Proposal due by 5:00 p.m.
April 7, 2021	Anticipated selection and approval
May 1, 2021	Contract start date (target date)

Proposals received after the due date and time may not be considered.

B. Submission requirements

Please provide a copy of all agreements that RPBCWD will be required to enter into as a customer of the banking institution.

Please include a description of the electronic, internet banking capabilities for requested services.

Please provide a description of insurance, OCC report, any restrictions on operations imposed by law, OCC, or settlement agreement.

Please provide a copy of the fee schedule for the banking institution services.

Please submit one electronic copy of the proposal to:

Riley Purgatory Bluff Creek Watershed District
Attn: Claire Bleser, District Administrator
18681 Lake Drive East
Chanhassen, Minnesota, 55317
cbleser@rpbcwd.org

C. Inquiries

Prospective service providers may submit questions by mail, e-mail, or phone.

Riley Purgatory Bluff Creek Watershed District
Attn: Claire Bleser, District Administrator
18681 Lake Drive East
Chanhassen, Minnesota, 55317
Phone: 952-607-6512
cbleser@rpbcwd.org

**PUBLIC NOTICE
OF
RILEY-PURGATORY-BLUFF CREEK WATERSHED
DISTRICT
REQUEST FOR PROPOSALS:

ACCOUNTING SERVICES**

Pursuant to *Minnesota Statutes Section 103B.227, Subd. 5*, the Riley-Purgatory-Bluff Creek Watershed District is soliciting proposals for accounting services for **2021** through **2022**. Written proposals (six copies) should include background and profile information on the firm, along with the specific information as to expertise in watershed district finances and budgets, hourly billing rates for 2021 - 2022, and names and qualifications of personnel. Proposals should be sent to:

Riley-Purgatory-Bluff Creek Watershed District
18681 Lake Drive East
Chanhassen, MN 55317
Attention: Claire Bleser, District Administrator

Proposals must be submitted by **Wednesday, February 24, 2021**.

The Board of Managers will review proposals, reserves the right to reject any and all proposals, and otherwise take such action it deems in the best interest of the Riley-Purgatory-Bluff Creek Watershed District.

For further information about the Riley-Purgatory-Bluff Creek Watershed District, contact Claire Bleser, Administrator at (952) 607-6512 or visit: www.rpbcwd.org

**PUBLIC NOTICE
OF
RILEY-PURGATORY-BLUFF CREEK WATERSHED
DISTRICT
REQUEST FOR PROPOSALS:

AUDITING SERVICES**

Pursuant to *Minnesota Statutes Section 103B.227, Subd. 5*, the Riley-Purgatory-Bluff Creek Watershed District is soliciting proposals for auditing services for **2021** through **2022**. Written proposals (six copies) should include background and profile information on the firm, along with the specific information as to expertise in watershed district auditing requirements, billing rates for 2021 - 2022, and names and qualifications of personnel. Proposals should be sent to:

Riley-Purgatory-Bluff Creek Watershed District
18681 Lake Drive East
Chanhassen, MN 55317
Attention: Claire Bleser, District Administrator

Proposals must be submitted by **Wednesday, February 24, 2021**.

The Board of Managers will review proposals, reserves the right to reject any and all proposals, and otherwise take such action it deems in the best interest of the Riley-Purgatory-Bluff Creek Watershed District.

For further information about the Riley-Purgatory-Bluff Creek Watershed District, contact Claire Bleser, Administrator at (952) 607-6512 or visit: www.rpbcwd.org

**PUBLIC NOTICE
OF
RILEY-PURGATORY-BLUFF CREEK WATERSHED
DISTRICT
REQUEST FOR QUALIFICATIONS:

CONSULTING ENGINEERING SERVICES**

Pursuant to *Minnesota Statutes Section 103B.227, Subd. 5*, the Riley-Purgatory-Bluff Creek Watershed District Board of Managers is requesting that any firm interested in providing consulting engineering services to the RPBCWD submit a Statement of Qualifications (SOQ). The RPBCWD is seeking SOQ from firms interested in serving as the RPBCWD's consulting engineer, as well as firms interested in being included in a pool of firms that will be called on to provide engineering services for specific types of projects. Firms responding should indicate whether they wish to be considered for the consulting engineer's post, the specific-project pool, or both. For full SOQ description, please visit the RPBCWD website at www.rpbcwd.org or contact Claire Bleser at the below contact information.

Proposals should be sent to:

Riley-Purgatory-Bluff Creek Watershed District
18681 Lake Drive East
Chanhassen, MN 55317
Attention: Claire Bleser, District Administrator

Proposals must be submitted by Wednesday, **February 24, 2021**.

The Board of Managers will review proposals, reserves the right to reject any and all proposals, and otherwise take such action it deems in the best interest of the Riley-Purgatory-Bluff Creek Watershed District.

For further information about the Riley-Purgatory-Bluff Creek Watershed District, contact Claire Bleser, Administrator at (952) 607-6512 or visit: www.rpbcwd.org

MEMORANDUM

TO: RPBCWD Board of Managers
Dr. Claire Bleser, Administrator

FROM: Terry Jeffery, Watershed Planning Manager

DATE: Feb 3, 2021

RE: Survey services for Pioneer Trail Wetland Restoration Project

RPBCWD sought survey services in the market to address an exception in the title insurance policy related to the legal description of 770 Pioneer Trail. One trusted surveyor in Stillwater declined, noting that the work was a bit out of his geographic range; another did not respond to a request for a quote. HTPO responded with an initial scope to which staff and the engineer requested changes to make the scope more broadly useful to RPBCWD's project plans including placement of benchmarks for future work. Legal has provided HTPO with an agreement based on and including RPBCWD's standard contracting terms. HTPO has requested certain changes to the terms that pertain to the legal framework (e.g., indemnification, insurance documentation), not the scope or cost. RPBCWD legal paused discussion on these points with HTPO until board authorization of the scope makes such efforts productive.



Engineering Surveying
Landscape Architecture

January 8, 2021

Michael Welch
Riley Purgatory Bluff Creek Watershed District
18681 Lake Drive East
Eden Prairie, MN 55317
O: 612-344-1400 D: 612-278-1422
Email: Welch@smithpartners.com

Re: 730, 750, & 770 Pioneer Trail – Chanhassen

Dear Mike,

We are pleased to submit this proposal to you for surveying services for 730, 750, and 770 Pioneer Trail, Chanhassen, MN. We have based this proposal on your phone call on December 28, 2020, and subsequent emails.

SCOPE OF SERVICES

We propose to provide the following services:

1. **Certificate of Survey**
 - a. Drawing showing property deed lines and dimensions of 730, 750, & 770 Pioneer Trail.
 - b. Identify conflicts with property deed lines.
 - c. Provide corrected legal descriptions, if required, for 730, 750 and 770 Pioneer Trail.

ASSUMPTIONS

- All work be performed in 2021

SCHEDULE

We will schedule the property line survey within 2 weeks from authorization.

COMPENSATION

Compensation for those items described in the Scope of Services is hourly not-to-exceed as follows:

<u>Services</u>	<u>Not-to-Exceed Fee</u>
1. Certificate of Survey	\$5,500.00

7510 Market Place Drive
Eden Prairie, MN 55344
952-829-0700
952-829-7806 fax
www.htpo.com

January 8, 2021

REIMBURSABLE EXPENSES, PAYMENTS AND FEES:

Customary reimbursable expenses (parking, printing, postage, courier service, travel, property deed documents, plats, and other out of house services,) are included in the not-to-exceed fee. We anticipate emailing our invoices to the email address provided in the approval section of this document, unless requested otherwise. We invoice our services monthly, payable within 30 days. A 1.5% monthly fee will be charged to all invoices not paid after 30 days.

CONCLUSION

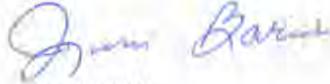
If there are any items that you would like to add to the scope of services please let us know before we begin and we will make the necessary adjustments to this document. If additional services are requested that are beyond the scope of services, they shall be provided at our standard hourly rates. This proposal will be valid for 30 days. We appreciate this opportunity to be a resource to you and we look forward to working with you on this project.

Sincerely,

HANSEN THORP PELLINEN OLSON, INC.



Tim Sorenson, PLS
Land Survey Project Manager



Jim Barich
Vice President

PROPOSAL ACCEPTANCE AND AUTHORIZATION TO BEGIN WORK

*Name: _____

Title: _____

Company: _____

Address: _____

Phone: _____

**Email: _____

Signature: _____

Date: _____

*Proposal must be signed by a duly authorized individual such as the owner of the property or an officer of the company.

Invoices will be emailed to the above address. If you prefer invoices to be emailed to a different address or mailed via USPS to the above address, please indicate that here:

**Agreement between
Riley-Purgatory-Bluff Creek Watershed District and
Hansen Thorp Pellinen Olson Inc.**

Pioneer Trail Property Surveys

This agreement is entered into by the Riley-Purgatory-Bluff Creek Watershed District, a public body with powers set forth at Minnesota Statutes chapters 103B and 103D (RPBCWD), and Hansen Thorp Pellinen Olson Inc., a Minnesota corporation (Consultant). In consideration of the terms and conditions set forth herein and the mutual exchange of consideration, the sufficiency of which hereby is acknowledged, RPBCWD and Consultant agree as follows:

1. Scope of Work

Consultant will perform the work described in the January 8, 2021, Scope of Services attached as Exhibit A, which the parties understand to include placement of benchmarks in accordance with direction from the RPBCWD engineer and survey-signed survey drawings (the Services). Exhibit A is incorporated into this agreement and its terms and schedules are binding on Consultant as a term hereof. RPBCWD, at its discretion, in writing may at any time suspend work or amend the Services to delete any task or portion thereof. Authorized work by Consultant on a task deleted or modified by RPBCWD will be compensated in accordance with paragraphs 5 and 6. Time is of the essence in the performance of the Services.

2. Independent Contractor

Consultant is an independent contractor under this agreement. Consultant will select the means, method and manner of performing the Services. Nothing herein contained is intended or is to be construed to constitute Consultant as the agent, representative or employee of RPBCWD in any manner. Personnel performing the Services on behalf of Consultant or a subcontractor will not be considered employees of RPBCWD and will not be entitled to any compensation, rights or benefits of any kind from RPBCWD.

3. Subcontract and Assignment

Consultant will not assign, subcontract or transfer any obligation or interest in this agreement or any of the Services without the written consent of RPBCWD and pursuant to any conditions included in that consent. RPBCWD consent to any subcontracting does not relieve Consultant of its responsibility to perform the Services or any part thereof, nor in any respect its duty of care, insurance obligations, or duty to hold harmless, defend and indemnify under this agreement.

4. Duty of Care; Indemnification
* To the fullest extent permitted by law, Consultant shall indemnify RPBCWD, its officers, directors, partners, employees, and representatives, from and against all losses, damages, and judgments, arising from claims by third parties, including reasonable attorneys' fees and expenses recoverable under applicable law, but only to the extent they are found to be caused by a negligent act, error, or omission of Consultant or Consultant's officers, directors, members, partners, agents, employees, or subconsultants in the performance of services under this Agreement.

* Consultant will perform the Services with due care and in accordance with national standards of professional care. Consultant will defend RPBCWD, its officers, board members, employees and agents from any and all actions, costs, damages and liabilities of any nature arising from; and hold each such party harmless, and indemnify it, to the extent due to: (a) Consultant's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty; or (b) a subcontractor's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty owed by Consultant to RPBCWD. For any claim subject to this paragraph by an employee of Consultant or a subcontractor, the indemnification obligation is not limited by a limitation on the amount or type of damages, compensation or benefits payable by or for Consultant or a subcontractor under workers' compensation acts, disability acts or other employee benefit acts.

5. Compensation

RPBCWD will compensate Consultant for the Services on lump-sum basis and reimburse for direct costs in accordance with Exhibit A. Invoices will be submitted monthly for work performed during the preceding month. Payment for undisputed work will be due within 35 days of receipt of invoice. Direct costs not specified in Exhibit A will not be reimbursed except with prior written approval of the RPBCWD administrator. Subcontractor fees and subcontractor direct costs, as incurred by Consultant, will be reimbursed by RPBCWD at the rate specified in RPBCWD's written approval of the subcontract.

The total payment for the Services will not exceed \$5,500. Total payment in each respect means all sums to be paid whatsoever, including but not limited to fees and reimbursement of direct costs and subcontract costs, whether specified in this agreement or subsequently authorized by the administrator.

Consultant will maintain all records pertaining to fees or costs incurred in connection with the Services for six years from the date of completion of the Services. Consultant agrees that any authorized RPBCWD representative or the state auditor may have access to and the right to examine, audit and copy any such records during normal business hours.

6. Termination; Continuation of Obligations

This agreement is effective when fully executed by the parties and will remain in force until June 30, 2021, unless earlier terminated as set forth herein.

RPBCWD may terminate this agreement at its convenience, by a written termination notice stating specifically what prior authorized or additional tasks or services it requires Consultant to complete. Consultant will receive full compensation for all authorized work performed, except that Consultant will not be compensated for any part

performance of a specified task or service if termination is due to Consultant's breach of this agreement.

Insurance obligations; duty of care; obligations to defend, indemnify and hold harmless; and document-retention requirements will survive the completion of the Services and the term of this agreement.

7. No Waiver

The failure of either party to insist on the strict performance by the other party of any provision or obligation under this agreement, or to exercise any option, remedy or right herein, will not waive or relinquish such party's rights in the future to insist on strict performance of any provision, condition or obligation, all of which will remain in full force and affect. The waiver of either party on one or more occasion of any provision or obligation of this agreement will not be construed as a waiver of any subsequent breach of the same provision or obligation, and the consent or approval by either party to or of any act by the other requiring consent or approval will not render unnecessary such party's consent or approval to any subsequent similar act by the other.

Notwithstanding any other term of this agreement, RPBCWD waives no immunity in tort. This agreement creates no right in and waives no immunity, defense or liability limit with respect to any third party.

8. Insurance

At all times during the term of this agreement, Consultant will have and keep in force the following insurance coverages:

- A. General: \$1.5 million, each occurrence and aggregate, covering both Consultant's work and completed operations on an occurrence basis and including contractual liability.
- B. Professional liability: \$1.5 million each claim and aggregate. Any deductible will be Consultant's sole responsibility and may not exceed \$50,000. Coverage may be on a claims-made basis, in which case Consultant must maintain the policy for, or obtain extended reporting period coverage extending, at least three (3) years from completion of the Services.
- C. Automobile liability: \$1.5 million combined single limit each occurrence coverage for bodily injury and property damage covering all vehicles on an occurrence basis.
- D. Workers' compensation: in accordance with legal requirements applicable to Consultant.

Consultant will not commence work until it has filed with RPBCWD a certificate of insurance clearly evidencing the required coverages and naming RPBCWD as an additional insured for general liability, along with a copy of the additional insured endorsement establishing coverage for Consultant's work and completed operations as primary coverage on a noncontributory basis. The certificate will name RPBCWD as a holder and will state that RPBCWD will receive written notice before cancellation, nonrenewal ~~or a change in the limit~~ of any described policy under the same terms as Consultant. **except due to nonpayment of premium, or**

**** Subject to the Duty of Care specified in Provision 4,**
9. Compliance With Laws

****** Consultant will comply with the laws and requirements of ~~all~~ **applicable** federal, state, local and other governmental units in connection with performing the Services and will procure all licenses, permits and other ~~rights~~ **in force with the project,** necessary to perform the Services.

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

10. Data and Information

All data and information obtained or generated by Consultant in performing the Services, including documents in hard and electronic copy, software, and all other forms in which the data and information are contained, documented or memorialized, are the property of RPBCWD. Consultant hereby assigns and transfers to RPBCWD all right, title and interest in: (a) its copyright, if any, in the materials; any registrations and copyright applications relating to the materials; and any copyright renewals and extensions; (b) all works based on, derived from or incorporating the materials; and (c) all income, royalties, damages, claims and payments now or hereafter due or payable with respect thereto, and all causes of action in law or equity for past, present or future infringement based on the copyrights. Consultant agrees to execute all papers and to perform such other proper acts as RPBCWD may deem necessary to secure for RPBCWD or its assignee the rights herein assigned.

RPBCWD may immediately inspect, copy or take possession of any materials on written request to Consultant. On termination of the agreement, Consultant may maintain a copy of some or all of the materials except for any materials designated by RPBCWD as confidential or non-public under applicable law, a copy of which may be maintained by Consultant only pursuant to written agreement with RPBCWD specifying terms. *******

***** In consideration of such ownership, RPBCWD agrees to forever release, defend, indemnify, and hold harmless Consultant, its directors, officers, agents, and employees from any and all claims arising out of the reuse or misuse of such documents, excepting only the negligent acts, errors or omissions of Consultant, its directors, officers, agents or employees.**

11. Data Practices; Confidentiality

If Consultant receives a request for data pursuant to the Data Practices Act, Minnesota Statutes chapter 13 (DPA), that may encompass data (as that term is defined in the DPA) Consultant possesses or has created as a result of this agreement, it will inform RPBCWD immediately and transmit a copy of the request. If the request is addressed to RPBCWD, Consultant will not provide any information or documents, but will direct the inquiry to RPBCWD. If the request is addressed to Consultant, Consultant will be responsible to determine whether it is legally required to respond to the request and otherwise what its legal obligations are, but will notify and consult with RPBCWD and its legal counsel before replying. Nothing in the preceding sentence supersedes Consultant's obligations under this agreement with respect to protection of RPBCWD data, property rights in data or confidentiality. Nothing in this section constitutes a determination that Consultant is performing a governmental function within the meaning of Minnesota Statutes section 13.05, subdivision 11, or otherwise expands the applicability of the DPA beyond its scope under governing law.

Consultant agrees that it will not disclose and will hold in confidence any and all proprietary materials owned or possessed by RPBCWD and so denominated by RPBCWD. Consultant will not use any such materials for any purpose other than performance of the Services without RPBCWD written consent. This restriction does not apply to materials already possessed by Consultant or that Consultant received on a non-confidential basis from RPBCWD or another party. Consistent with the terms of this section 11 regarding use and protection of confidential and proprietary information, Consultant retains a nonexclusive license to use the materials and may publish or use the materials in its professional activities. Any Consultant duty of care under this agreement does not extend to any party other than RPBCWD or to any use of the materials by RPBCWD other than for the purpose(s) for which Consultant is compensated under this agreement.

12. RPBCWD Property

All property furnished to or for the use of Consultant or a subcontractor by RPBCWD and not fully used in the performance of the Services, including but not limited to equipment, supplies, materials and data, both hard copy and electronic, will remain the property of RPBCWD and returned to RPBCWD at the conclusion of the performance of the Services, or sooner if requested by RPBCWD. Consultant further agrees that any proprietary materials are the exclusive property of RPBCWD and will assert no right, title or interest in the materials. Consultant will not disseminate, transfer or dispose of any proprietary materials to any other person or entity unless specifically authorized in writing by RPBCWD.

Any property including but not limited to materials supplied to Consultant by RPBCWD or deriving from RPBCWD is supplied to and accepted by Consultant as without representation or warranty including but not limited to a warranty of fitness, merchantability, accuracy or completeness. However, Consultant's duty of professional care under paragraph 4, above, does not extend to materials provided to Consultant by RPBCWD or any portion of the Services that is inaccurate or incomplete as the result of Consultant's reasonable reliance on those materials.

13. Notices

Any written communication required under this agreement to be provided in writing will be directed to the other party as follows:

To RPBCWD:

Administrator
Riley-Purgatory-Bluff Creek Watershed District
18681 Lake Drive East
Chanhassen MN 55317
952-607-6512
cbleser@rpbcwd.org

To Consultant:

Tim Sorenson PLS
HTPO
7510 Market Place Dr
Eden Prairie MN 55344-3687
952-737-4054
tsorenson@htpo.com

Either of the above individuals may in writing designate another individual to receive communications under this agreement.

14. Choice of Law; Venue

This agreement will be construed under and governed by the laws of the State of Minnesota. Venue for any action will lie in Hennepin County.

15. Whole Agreement

The entire agreement between the two parties is contained herein and this agreement supersedes all oral agreements and negotiations relating to the subject matter hereof. Any modification of this agreement is valid only when reduced to writing as an amendment to the agreement and signed by the parties hereto. RPBCWD may amend this agreement only by action of the RPBCWD Board of Managers acting as a body.

IN WITNESS WHEREOF, intending to be legally bound, the parties hereto execute and deliver this agreement.

Hansen Thorp Pellinen Olson Inc.

_____ Date: _____

By [name]

Its _____

Riley-Purgatory-Bluff Creek Watershed District

_____ Date: _____

By Claire Bleser
Its administrator

Approved as to Form and Execution

RPBCWD Attorney

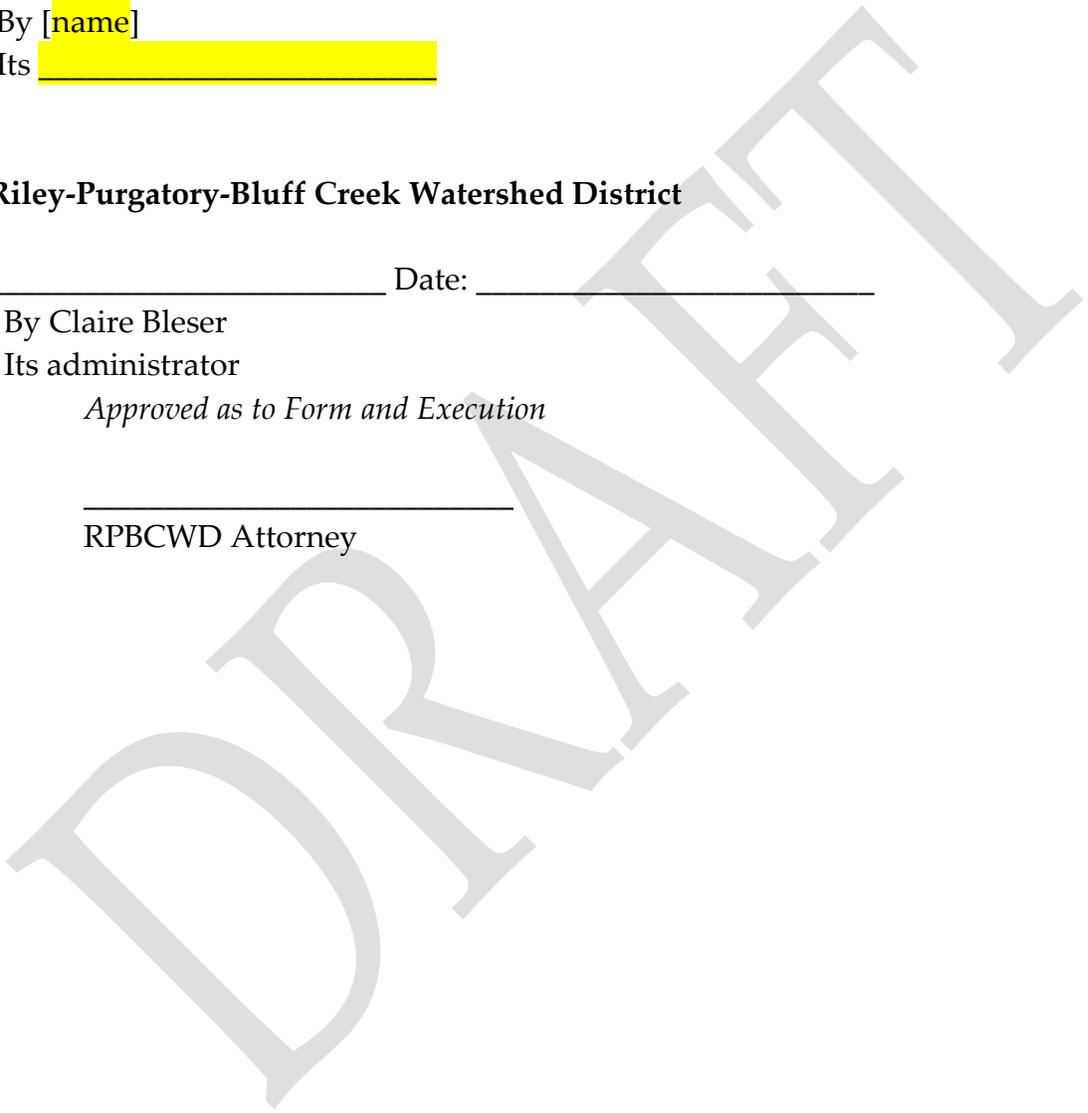


Exhibit A
Scope of Services

DRAFT



January 28, 2021

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

Dear Claire:

Enclosed please find the checks and Treasurer's Report for Riley Purgatory Bluff Creek Watershed District for the one month and twelve months ending December 31, 2020.

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

Sincerely,

REDPATH AND COMPANY, LTD.

A handwritten signature in black ink that reads "Mark Gibbs".

Mark C. Gibbs, CPA
Enclosure



To The Board of Managers
Riley Purgatory Bluff Creek Watershed District
Chanhassen, Minnesota

Accountant's Opinion

The Riley Purgatory Bluff Creek Watershed District is responsible for the accompanying December 31, 2020 Treasurer's Report in the prescribed form. We have performed a compilation engagement in accordance with the Statements on Standards for Accounting and Review promulgated by the Accounting and Review Services Committee of AICPA. We did not audit or review the Treasurer's Report nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by the Riley Purgatory Bluff Creek Watershed District. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on the Treasurer's Report.

Reporting Process

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

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

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

REDPATH AND COMPANY, LTD.

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

St. Paul, Minnesota
January 28, 2021

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT

Treasurers Report

December 31, 2020

REPORT INDEX

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

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT
Cash Disbursements
December 31, 2020

Accounts Payable:

Check #	Payee	Amount
EFT	Deluxe Business Forms	512.15
5471	Barr Engineering	57,389.31
5472	Carver Soil & Water Conservation District	6,050.00
5473	CenterPoint Energy	490.31
5474	City of Chanhassen	18,106.00
5475	B9 Polar Waters, LLC	7,293.95 2021
5476	City of Chanhassen	51.73
5477	City of Eden Prairie	32,000.00
5478	Coverall of the Twin Cities	316.76 2021
5479	Jill S. Crafton	915.13
5480	Eden Prairie Chamber of Commerce	657.00 2021
5481	Fortin Consulting, Inc.	4,000.00
5482	Grey Fox Pottery	343.50
5483	HealthPartners	5,689.34 2021
5484V	VOID	-
5485	Iron Mountain	162.57
5486	Larry Koch	461.75
5487	League of MN Cities Ins. Trust P & C	414.00 2021
5488	MAWD	7,500.00 2021
5489	Metro Sales, Inc.	264.70 2021
5490	Principal Life Insurance Company	404.01 2021
5491	Rachel Contracting, Inc.	22,009.89
5492	Redpath & Company	3,631.19
5493	Regents of the University of Minnesota	11,245.37
5494	RMB Environmental Laboratories, Inc.	349.00
5495	Smith Partners	13,892.06
5496	SRF Consulting Group, Inc.	1,996.83
5497	Sunram Construction, Inc.	13,200.00
5498	Wenck, Inc.	4,312.35
5499	Xcel Energy	39.44
5500	David Ziegler	1,158.25
5501	Amy Herbert	570.00 2021
5502	What Works, Inc.	975.00 2021
5503	Larry Koch	577.19 2021
Total Accounts Payable:		<u>\$216,978.78</u>

Payroll Disbursements:

Payroll Processing Fee	197.55
Employee Salaries	39,509.07
Employer Payroll Taxes	3,806.07
Employer Benefits (H.S.A. Match)	466.66
Employee Benefit Deductions	(494.40)
Staff Expense Reimbursements	74.99
PERA Match	2,963.17
Total Payroll Disbursements:	<u>\$46,523.11</u>
VISA - 11/25/20	4,429.91
VISA - 12/10/20	4,095.57
Pre-Paid Benefits (audit)	1,410.56
Pre-Paid Rent (audit)	(201.80)
Pre-Paid Dues (audit)	(1,316.67)
Pre-Paid Insurance (audit)	(7,064.00)
2021 Expenses	(24,661.95)
Total Visa/Pre-Paid/2021 Expenses:	<u>(\$23,308.38)</u>

TOTAL DISBURSEMENTS:

\$240,193.51

Memos

The 2020 mileage rate is .575 per mile. The 2019 rate was .58
 Old National VISA will be paid on-line.

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT
Fund Performance Analysis - Table 1
December 31, 2020

	2020 Budget	Fund Transfers	Revised 2020 Budget	Current Month	Year-to-Date	Year-to-Date Percent of Budget
REVENUES						
Plan Implementation Levy	\$3,703,000.00	-	\$3,703,000.00	1,787,541.27	\$3,703,882.09	100.02%
Market Value Credit	\$0.00	-	\$0.00	35.39	69.90	---
Permit	25,000.00	-	25,000.00	3,050.00	65,340.15	261.36%
Grant Income	346,719.00	-	346,719.00	-	75,950.00	21.91%
Investment Income	75,000.00	-	75,000.00	(21,371.63)	29,893.13	39.86%
Past Levies	3,699,097.00	-	3,699,097.00	-	-	0.00%
Miscellaneous Income	-	-	-	385.00	4,173.84	---
Reimbursements	-	-	-	3,200.00	122,404.05	---
Partner Funds	612,698.00	-	612,698.00	-	-	0.00%
TOTAL REVENUE	\$8,461,514.00	-	\$8,461,514.00	\$1,772,840.03	\$4,001,713.16	47.29%
EXPENDITURES						
Administration						
Accounting and Audit	\$42,000.00	-	\$42,000.00	\$3,828.74	\$49,707.09	118.35%
Advisory Committees	5,000.00	-	5,000.00	405.56	743.04	14.86%
Insurance and bonds	20,000.00	-	20,000.00	(7,064.00)	11,223.00	56.12%
Engineering Services	109,000.00	-	109,000.00	8,694.00	94,823.69	86.99%
Legal Services	84,000.00	-	84,000.00	8,634.62	102,911.95	122.51%
Manager Per Diem/Expense	20,000.00	-	20,000.00	3,160.19	19,480.80	97.40%
Dues and Publications	14,000.00	-	14,000.00	(1,316.67)	10,959.33	78.28%
Office Cost	150,000.00	-	150,000.00	2,341.95	152,360.21	101.57%
Permit Review and Inspection	135,000.00	-	135,000.00	7,715.84	165,084.41	122.28%
Permit and Grant Database	39,900.00	-	39,900.00	-	23,500.00	58.90%
Professional Services	-	-	-	-	14,234.50	---
Recording Services	17,000.00	-	17,000.00	-	10,614.48	62.44%
Staff Cost	600,000.00	-	600,000.00	37,820.61	497,946.27	82.99%
Subtotal	\$1,235,900.00	-	\$1,235,900.00	\$64,220.84	\$1,153,588.77	93.34%
Programs and Projects						
District Wide						
10-year Management Plan	\$5,000.00	-	\$5,000.00	\$2,693.30	\$16,589.56	331.79%
AIS Inspection and early response	85,000.00	-	85,000.00	50,106.00	52,912.46	62.25%
Cost-share	398,723.00	-	398,723.00	8,209.05	141,988.05	35.61%
Data Collection and Monitoring	192,000.00	-	192,000.00	16,444.70	203,130.01	105.80%
Community Resiliency	63,130.00	-	63,130.00	438.00	27,071.57	42.88%
Education and Outreach	123,000.00	-	123,000.00	7,790.80	106,166.14	86.31%
Plant Restoration - U of M	58,762.00	-	58,762.00	11,245.37	37,149.24	63.22%
Repair and Maintenance Fund *	267,730.00	-	267,730.00	-	55,189.58	20.61%
Wetland Management*	165,685.00	-	165,685.00	18,546.50	54,436.82	32.86%
Groundwater Conservation*	179,750.00	-	179,750.00	185.85	305.85	0.17%
Lake Vegetation Implementation	125,937.00	-	125,937.00	4,312.35	42,854.23	34.03%
Opportunity Project*	287,501.00	-	287,501.00	-	13,666.29	4.75%
Stormwater Ponds - U of M	79,985.00	-	79,985.00	-	32,820.96	41.03%
Hennepin County Chloride Initiative	114,830.00	-	114,830.00	-	21,859.46	19.04%
Lower Minnesota Chloride Cost-Share	217,209.00	-	217,209.00	-	-	0.00%
Subtotal	\$2,364,242.00	-	\$2,364,242.00	\$119,971.92	\$806,140.22	34.10%
Bluff Creek						
Bluff Creek Tributary*	\$65,037.00	-	\$65,037.00	\$13,569.00	\$69,785.91	107.30%
Wetland Restoration at Pioneer	308,674.00	-	308,674.00	4,399.30	93,389.14	30.25%
Subtotal	\$373,711.00	-	373,711.00	\$17,968.30	\$163,175.05	43.66%
Riley Creek						
Lake Riley - Alum Treatment*	\$305,000.00	-	\$305,000.00	-	\$257,114.74	84.30%
Lake Susan Water Quality Improvement - Phase 2	-	-	-	-	278.83	---
Rice Marsh Lake in-lake phosphorus load	60,568.00	-	60,568.00	624.58	14,931.84	24.65%
Rice Marsh Lake Water Quality Improvement Phase 1	300,000.00	-	300,000.00	-	15,852.50	5.28%
Riley Creek Restoration (Reach E and D3)	1,773,623.00	-	1,773,623.00	22,396.39	1,959,724.76	110.49%
Lake Riley & Rice Marsh Lake Subwatershed Assessment	29,961.00	-	29,961.00	-	33,851.77	112.99%
Upper Riley Creek Stabilization	1,100,000.00	(250,000.00)	850,000.00	4,658.50	47,974.52	5.64%
Middle Rice Creek	-	268,900.00	268,900.00	1,034.00	76,537.65	28.46%
Lake Ann Wetland Restoration	150,000.00	(100,000.00)	50,000.00	-	-	0.00%
St. Hubert Water Quality Project	-	100,000.00	100,000.00	1,810.98	59,291.79	59.29%
Subtotal	\$3,719,152.00	\$18,900.00	3,738,052.00	\$30,524.45	\$2,465,558.40	65.96%
Purgatory Creek						
Purgatory Creek Rec Area- Berm/retention area - feasibility/design	\$50,000.00	-	\$50,000.00	-	\$15,101.28	30.20%
Lotus Lake in-lake phosphorus load control	104,106.00	-	104,106.00	-	24,880.41	23.90%
Silver Lake Restoration - Feasibility Phase 1	255,931.00	-	255,931.00	6,410.50	48,723.36	19.04%
Scenic Heights	55,459.00	-	55,459.00	-	3,418.50	6.16%
Hyland Lake in-lake phosphorus load control	1,388.00	-	1,388.00	-	-	0.00%
Duck Lake watershed load	125,422.00	-	125,422.00	1,097.50	93,301.99	74.39%
Michell Lake Subwatershed Assessment	46,203.00	-	46,203.00	-	52,071.47	112.70%
Lotus Lake Kerber Pond	30,000.00	-	30,000.00	-	15,620.50	52.07%
Subtotal	\$668,509.00	\$0.00	\$668,509.00	\$7,508.00	\$253,117.51	37.86%
Reserve	\$100,000.00	(\$18,900.00)	81,100.00	-	-	0.00%
TOTAL EXPENDITURE	\$8,461,514.00	\$0.00	\$8,461,514.00	\$240,193.51	\$4,841,579.95	57.22%
EXCESS REVENUES OVER (UNDER) EXPENDITURES	\$0.00	\$0.00	\$0.00	\$1,532,646.52	(\$839,866.79)	

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

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT

Multi-Year Project Performance Analysis - Table 2

December 31, 2020

	Total Project	FUNDING SOURCE			Month Ended 12/31/20	Year To-Date	Lifetime Costs	Remaining
		District funds	Partner Fund	Grants				
Programs and Projects								
District Wide								
Community Resiliency	\$98,000.00	\$98,000.00	-	-	\$438.00	\$27,071.57	\$61,941.07	\$36,058.93
Repair and Maintenance Fund	277,005.00	277,005.00	-	-	-	55,189.58	89,465.08	187,539.92
Wetland Management	200,000.00	200,000.00	-	-	18,546.50	54,436.82	113,751.88	86,248.12
Groundwater Conservation	180,000.00	180,000.00	-	-	185.85	305.85	555.85	179,444.15
Opportunity Project*	300,000.00	300,000.00	-	-	-	13,666.29	26,165.29	273,834.71
Stormwater Ponds - U of M	106,092.00	64,092.00	42,000.00	-	-	32,820.96	58,927.97	47,164.03
Hennepin County Chloride Initiative	120,800.00	19,000.00	-	101,800.00	-	21,859.46	27,829.77	92,970.23
Lower Minnesota Chloride Cost-Share	217,209.00	20,000.00	-	197,209.00	-	-	-	217,209.00
Subtotal	\$1,499,106.00	\$1,158,097.00	\$42,000.00	\$299,009.00	\$19,170.35	\$205,350.53	\$378,636.91	1,120,469.09
Bluff Creek								
Bluff Creek Tributary*	\$436,750.68	\$386,750.68	\$50,000.00	\$0.00	\$13,569.00	\$69,785.91	\$391,498.69	\$45,251.99
Wetland Restoration at Pioneer	857,820.00	450,000.00	-	407,820.00	4,399.30	93,389.14	642,537.16	215,282.84
Subtotal	\$1,294,570.68	\$836,750.68	\$50,000.00	\$407,820.00	\$17,968.30	\$163,175.05	\$1,034,035.85	\$260,534.83
Riley Creek								
Lake Riley - Alum Treatment 1st dose *	\$560,000.00	\$560,000.00	-	-	-	\$257,114.74	\$512,114.57	\$47,885.43
Rice Marsh Lake in-lake phosphorus load	150,000.00	150,000.00	-	-	624.58	14,931.84	104,364.65	45,635.35
Rice Marsh WQ 1	300,000.00	300,000.00	-	-	-	15,852.50	15,852.50	284,147.50
Riley Creek Restoration (Reach E and D3) *	2,168,148.00	1,615,000.00	553,148.00	-	22,396.39	1,959,724.76	2,227,857.03	(59,709.03)
Lake Riley & Rice Marsh Lake Subwatershed Assessment	72,500.00	12,500.00	5,000.00	55,000.00	-	33,851.77	76,390.74	(3,890.74)
Upper Riley Creek Stabilization	450,000.00	1,100,000.00	0.00	-	4,658.50	47,974.52	47,974.52	402,025.48
Subtotal	\$3,700,648.00	\$3,737,500.00	\$558,148.00	\$55,000.00	\$27,679.47	\$2,329,450.13	\$2,984,554.01	\$716,093.99
Purgatory Creek								
Purgatory Creek Rec Area- Berm/retention area - feasibility/design	\$50,000.00	\$50,000.00	-	-	-	\$15,101.28	\$15,101.28	\$34,898.72
Lotus Lake in-lake phosphorus load control	345,000.00	345,000.00	-	-	-	24,880.41	265,773.75	79,226.25
Silver Lake Restoration Project WQ1	268,013.00	268,013.00	-	-	6,410.50	48,723.36	60,805.19	207,207.81
Scenic Heights	260,000.00	165,000.00	45,000.00	50,000.00	-	3,418.50	207,959.75	52,040.25
Hyland Lake Internal Load	150,000.00	130,000.00	20,000.00	-	-	-	128,612.41	21,387.59
Duck Lake watershed load	220,000.00	220,000.00	-	-	1,097.50	93,301.99	187,879.01	32,120.99
Mitchell Lake Subwatershed Assessment	87,500.00	12,500.00	5,000.00	70,000.00	-	52,071.47	93,368.11	(5,868.11)
Subtotal	\$1,380,513.00	\$1,190,513.00	\$70,000.00	\$120,000.00	\$7,508.00	\$237,497.01	\$959,499.50	\$421,013.50
Total Multi-Year Project Costs	\$7,874,837.68	\$6,922,860.68	\$720,148.00	\$881,829.00	\$72,326.12	\$2,935,472.72	\$5,356,726.27	\$2,518,111.41

Riley Purgatory Bluff Creek Watershed District
Balance Sheet
As of December 31, 2020

ASSETS

Current Assets

General Checking-Old National	\$2,514,972.27
Checking-Old National/BMW	23,256.03
Investments-Standing Cash	3,037,726.78
Investments-Wells Fargo	996,214.14
Accrued Investment Interest	7.50
Due From Other Governments	51,116.73
Taxes Receivable	28,583.72
Taxes Receivable-Delinquent	36,003.36
Pre-Paid Expense	31,914.23
Security Deposits	7,244.00

Total Current Assets: \$6,727,038.76

LIABILITIES AND CAPITAL

Current Liabilities

Accounts Payable	\$305,803.74
Retainage Payable	12,521.39
Salaries Payable	20,325.69
Permits & Sureties Payable	659,183.25
Deferred Revenue	36,003.36
Unearned Revenue	199,470.00

Total Current Liabilities: \$1,233,307.43

Capital

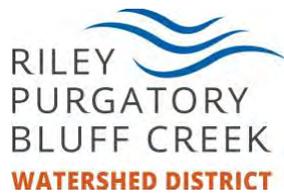
Fund Balance-General	\$6,333,598.12
Net Income	(839,866.79)

Total Capital \$5,493,731.33

Total Liabilities & Capital \$6,727,038.76

RILEY PURGTORY BLUFF CREEK WATERSHED DISTRICT
OLD NATIONAL BANK VISA ACTIVITY
December 31, 2020

DATE	PURCHASED FROM	AMOUNT	DESCRIPTION	ACCOUNT #	RECEIPT
12/21/20	Verizon Wireless	430.98	Telephone Expense	10-00-4240	Y
12/26/20	1Password	19.96	Software Subscription	10-00-4203	Y
12/28/20	Randy's Sanitation	103.63	Recycling/Trash	10-00-4220	Y
12/29/20	U of M Continuing Learning	215.00	Staff Training	10-00-4265	Y
12/29/20	U of M Continuing Learning	215.00	Staff Training	10-00-4265	y
01/05/21	Atlas Corp. Notary	72.32	Notary Equipment	10-00-4635	Y
01/10/21	Microsoft	147.85	Software	10-00-4203	Y
		\$1,204.74	General Administration Total		
12/22/20	Pilgrims Dry Cleaners	101.08	Dry Cleaning	20-05-4260	Y
12/22/20	Remarkable Coatings	960.00	Office Supplies	20-08-4200	Y
12/30/20	In Situe, Inc.	139.00	Data Collection Equipment Maintenance	20-05-4650	Y
12/31/20	Adobe Acrobat	167.38	Software	20-13-4203	Y
01/04/21	Aquatic Research	1,758.00	Data Collection Equipment	20-05-4635	Y
01/07/21	The UPS Store	199.71	Postage	20-05-4280	Y
01/12/21	USPS.com	165.00	Shipping Labels	20-08-4280	Y
01/13/21	Amazon Mktp.	103.89	Staff Costs	20-13-4321	Y
		\$3,594.06	District-Wide Total		
		\$4,798.80	GRAND TOTAL		



18681 Lake Drive East
Chanhassen, MN 55317
952-607-6512
www.rpbcwd.org

To: Board of Managers
From: Claire Bleser, District Administrator
Re: Fund Transfers

Friday, January 29, 2021

Dear Managers,

Please find recommendation to conduct fund transfers in order to balance year-to-date expenditures.

Transfer \$11,000 from reserve to Data Collection.

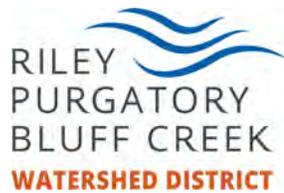
Transfer \$12,000 from Reserve to Bluff Creek Tributary.

Transfer \$40,000 from Scenic Heights to Riley Creek Restoration.

Transfer \$15,000 from Lake Riley Alum to Riley Creek Restoration.

Please note that there will be a change (addition) to Revised 2020 Budget item for Lower Riley Creek for \$253,148 that reflects reimbursement from Eden Prairie for stormwater facility improvements and pedestrian bridge installation.

Manager _____ seconded by Manager _____ to approve fund transfers out of Reserve to Data Collection, Bluff Creek Tributary and Riley Creek Restoration.



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Manager _____ seconded by Manager _____ to approve fund transfers out of Reserve to Data Collection, Bluff Creek Tributary and Riley Creek Restoration.

COOPERATIVE AGREEMENT
Between the City of Eden Prairie and
Riley-Purgatory-Bluff Creek Watershed District

Duck Lake Restoration Partnership Project

This Cooperative Agreement is made by and between the City of Eden Prairie, a Minnesota municipal corporation (“Eden Prairie”) and Riley-Purgatory-Bluff Creek Watershed District, a watershed district created pursuant to Minnesota Statutes chapters 103B and 103D (RPBCWD) to achieve shared water-resource protection and improvement goals in connection with the reconstruction of Duck Lake road, including design and implementation of water quality- and habitat-benefitting features.

Recitals

WHEREAS RPBCWD has an approved water resources management plan pursuant to Minnesota Statutes section 103B.231 (the Plan) that identifies the improvement of water quality in Duck Lake as a proposed project in the Purgatory Creek Watershed;

WHEREAS Duck Lake, located in the northwest corner of Eden Prairie, has historically been separated by Duck Lake Road into two bodies of water, negatively impacting water quality and habitat in the lake;

WHEREAS in 2019 Eden Prairie approached RPBCWD to partner in reconstruction of the Duck Lake Road, including the construction of a bridge over Duck Lake that will allow for the merger of the two bodies of water and associated habitat improvements (the “Project”);

WHEREAS Eden Prairie and RPBCWD moved through an information gathering, engagement, and planning process to understand the environmental benefits affiliated with the Project, which will remove and replace approximately 235 feet (length) by 30 feet (width) of an existing two way road (a total of approximately 7,050 square feet of roadway) with a bridge along with adjacent roadway and pedestrian improvements; environmental benefits include restoring an estimated 7,050 square feet of lake bed, minimizing wetland fill, enabling improved establishment of shoreline vegetation, removing habitat fragmentation within Duck Lake, and improving floodplain impacts by increasing storage volume of Duck Lake;

WHEREAS the Project will increase public awareness of water quality best management practices and resultant habitat and ecosystem benefits, and connect the public to Duck Lake, the watershed of which is home to over 300 residents, and nearby communities of Prairie View Elementary School (~730 students, ~70 staff) and Eden Prairie High School (~3,000 students, ~200 staff);

WHEREAS on October 7, 2020, the RPBCWD board of managers amended the capital improvements program in the Plan to replace the Duck Lake Watershed Phosphorus Load Control project, DL_3, with the Project;

WHEREAS the total Project cost is anticipated to be approximately \$4,700,000; RPBCWD will provide \$1,175,000 (one million one hundred seventy five thousand dollars) over five (5) years for the Project, payments to commence at the end of the 2021 calendar year;

WHEREAS the RPBCWD’s contribution to the Project is separate and apart from the requirements that Eden Prairie comply with the RPBCWD’s rules and obtain any necessary permit(s) from the RPBCWD for the Project;

WHEREAS on December 2, 2020, the RPBCWD board of managers conducted a duly-noticed public hearing on and ordered RPBCWD’s participation in the Project in accordance with Minnesota Statutes section 103B.251;

WHEREAS the Project will be constructed entirely on Eden Prairie property in the area depicted and labeled “Project Area” in Exhibit A, attached to and incorporated into this Agreement;

WHEREAS Eden Prairie will own and maintain Duck Lake Road right of way and the bridge when the Project is completed;

WHEREAS Eden Prairie and RPBCWD acknowledge that their ability to achieve Project objectives depends on the other party satisfactorily and promptly performing individual obligations and working cooperatively with the other party to this agreement; and

WHEREAS Minnesota Statutes sections 103D.335, subd. 7; 103B.231-251; and 471.59 authorize Eden Prairie and RPBCWD to enter into this Agreement.

Agreement

NOW, THEREFORE Eden Prairie and RPBCWD enter into this agreement to document their understanding as to the scope of the Project, affirm their commitments as to the responsibilities of and tasks to be undertaken by each party, and facilitate communication and cooperation to successfully complete the Project.

1 Organization and Relationship of the Parties

- A. The RPBCWD administrator and Eden Prairie’s senior project engineer will serve as project leads and the principal contacts for their respective organizations for the Project, charged to conduct the day-to-day activities necessary to ensure that the Project is completed in accordance with the terms of this Agreement.
- B. The project leads will coordinate and communicate informally and formally to timely address any issues of concern to ensure the successful completion of the Project.
- C. Eden Prairie and RPBCWD enter this Agreement solely for the purposes of improving water resources in Duck Lake. Accordingly, this Agreement does not create a joint powers board or organization within the meaning of Minnesota Statutes section 471.59, and neither party agrees to be responsible for the acts or omissions of the other pursuant to subdivision 1(a) of the statute. Only contractual remedies are available for the failure of a party to fulfill the terms of this Agreement.
- D. Minnesota Statutes chapter 466 and other applicable law govern liability of the parties. The limits of liability for the parties may not be added together to determine the maximum amount of liability of any party.

- E. This Agreement creates no right in and waives no immunity, defense or liability limitation with respect to any non-party.

2 **Project Design, Construction and Maintenance**

- A. **Project Management.** Eden Prairie is responsible for all Project management, bidding and contracting, permitting and regulatory approvals, construction, and all post-construction operation and maintenance. Any work changes affecting hydraulic profile or shoreline design requires RPCBWD approval, which the RPCBWD will determine promptly and not unreasonably withhold
- B. **Project Design.** Eden Prairie is responsible for Project designs and final specifications. RPBCWD will provide in-process review and consultation as relevant to water quality- and habitat benefit-related elements of the Project as requested by Eden Prairie. RPBCWD will review and approve the 90 percent design only as to the following Project elements: flood plain; lake bed and aquatic habitat restoration area; restoration plan for meeting water quality, habitat, and related Project goals; grading; inclusion of fishing pier; inclusion of plaque commemorating RPBCWD's funding assistance for the Project; and water quality impacts. Eden Prairie shall obtain RPBCWD's prior approval of the design and content of the plaque commemorating RPBCWD's funding assistance for the Project prior to installation of the plaque.
- C. **Education and Outreach.** Eden Prairie and RPBCWD will collaborate on signage, community engagement, and publicity for the Project.
- D. **Monitoring and Maintenance.** After completion of construction, the parties will work together to develop specific written schedules, procedures and protocols for routine water resources monitoring and vegetation monitoring, including the need for any specialized maintenance of emergent vegetation. Water resources monitoring shall be the responsibility of RPBCWD, and RPBCWD will be available to consult on any specialized maintenance needs.
- E. **Grant reporting.** Each party is responsible for complying with its own grant-reporting requirements related to the Project, except that both parties will provide any data on the Project reasonably requested by the other to meet grant-reporting obligations related to the Project.

3 **Funding Commitments**

- A. RPBCWD will reimburse Eden Prairie a maximum total of \$1,175,000 of the total Project costs (including but not limited to engineering, testing, easements, etc.) in five equal payments of \$235,000 over a period of five years. The first payment is due no later than December 31 in the year that Eden Prairie has issued the general contractor a notice to proceed in construction of the Project, provided the notice to proceed has been issued no later than November 15. The remaining four payments are due and payable on or before December 31 of each of the succeeding four years. Eden Prairie will provide the RPBCWD documentation of its incurred Project costs upon request.

- B. The total RPBCWD obligation in paragraph 3.A is based on the total Project cost estimate of \$4,700,000.00. If the final Project cost is below the estimate, the RPBCWD obligation will be reduced proportionately. If Eden Prairie does not enter into a construction contract and commence construction of the Project on or before December 31, 2023, this Agreement will automatically terminate and RPBCWD will have no financial obligation for the Project.
- C. Except as specifically provided otherwise herein, each of the parties will bear the incidental costs of fulfilling its responsibilities and obligations under this Agreement and, in the event of cancellation, the parties will bear their own costs incurred prior to the award of a construction contract for the Project.
- D. Eden Prairie is responsible to complete the Project in accordance with those elements of the final plans approved by the RPBCWD. On completion of construction of the Project, Eden Prairie will retain ownership of the Project and Project Area and provide ongoing maintenance of the Project at its sole expense. Eden Prairie will timely address hydraulic obstruction and shoreline erosion.

4 Parties' Further Rights and Obligations

- A. RPBCWD will not be deemed to have acquired by entry into or performance under this Agreement any form of interest or ownership in the Project Area. RPBCWD will not by entry into or performance under this Agreement be deemed to have exercised any form of control over the use, operation or management of any portion of the Project Area or adjacent property so as to render RPBCWD a potentially responsible party for any contamination or exacerbation of any contamination conditions under state and/or federal law.
- B. Eden Prairie will provide as-built construction drawings of the Project to RPBCWD within 90 days of final Municipal State Aid certification of the Project.
- C. The RPBCWD's role under this Agreement is solely to provide funds to support an alternative Project design that achieves certain water resource benefits. The RPBCWD has no authority to select, or role in selecting, the design, means, method or manner of performing any part of the Project or the persons or firms who will perform the work. Any RPBCWD review, approval of or concurrence in plans and specifications, or revisions thereto: (a) is solely for the RPBCWD's own accounting of its use of funds; (b) creates no basis of reliance for Eden Prairie, its designers, any other party through which it implements the Project, or any third party; and (c) does not alter, or shift in any respect to the RPBCWD or its engineer, the duty of care of Eden Prairie's designers.

6 General Terms

- A. **Publicity and endorsement.** RPBCWD and Eden Prairie will collaboratively develop, produce and disseminate public education and outreach materials and hold a public educational and informational meeting about the Project. Each party, at its sole expense, may develop, produce and, after approval of the other party, distribute educational,

outreach and publicity materials related to the Project. RPBCWD will review and approve any publicity materials concerning water resources elements of the Project. Any publicity regarding the Project must identify Eden Prairie and RPBCWD as sponsoring entities. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs and similar public notices prepared by or for Eden Prairie or RPBCWD individually or jointly with others, or any subcontractors, with respect to the Project.

- B. **Data management.** All designs, written materials, technical data, research or any other work in progress will be shared between the parties to this Agreement on request, except as prohibited by law. As soon as is practicable after such request, the party preparing plans, specifications, contractual documents, materials for public communication or education will provide them to the other party for recordkeeping and other necessary purposes.
- C. **Data Practices.** All data created, collected, received, maintained or disseminated for any purpose in the course of this Agreement is governed by the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13, and any state rules adopted to implement the act, as well as federal regulations on data privacy
- D. **Indemnification.** Eden Prairie will defend, indemnify and hold harmless the RPBCWD, its managers and employees with respect to any third-party claim arising from the design, construction or maintenance of the Project, and any cost, damage or liability associated therewith (including reasonable attorney fees), and waives the right of subrogation as to claims against the RPBCWD. Except as provided in the preceding sentence, each party is responsible for its own acts and omissions under this Agreement.
- E. **Insurance.** Eden Prairie will require that its construction contractor identify the RPBCWD as an additional insured under its general commercial liability policy, with a coverage limit of \$1.5 million (\$500,000 of which may be provided by umbrella or excess coverage), covering ongoing and completed operations, and on a primary and non-contributory basis, and that the contractor supply the applicable endorsement to the RPBCWD on request.
- F. **Entire agreement.** This Agreement, as it may be amended in writing, contains the complete and entire agreement between the parties relating to the subject matter hereof, and supersedes all prior negotiations, agreements, representations and understandings, if any, between the parties respecting such matters. The recitals stated at the outset are incorporated into and made a part of the Agreement.
- G. **Force majeure.** Neither party will be liable for failure to complete the Project if the failure results from an act of god (including fire, flood, earthquake, storm, other natural disaster or other weather conditions that make it infeasible or materially more costly to perform the specified work), health pandemic, embargo, labor dispute, strike, lockout or interruption or failure of public utility service. In asserting force majeure, the asserting party must demonstrate that it took reasonable steps to minimize delay and damage caused by foreseeable events, that it substantially fulfilled all non-excused obligations, and that it timely notified the other party of the likelihood or actual occurrence of the force majeure event. Delay will be excused only for the duration of the force majeure.
- H. **Waivers.** The waiver by Eden Prairie or RPBCWD of any breach or failure to comply with any provision of this Agreement by the other party will not be construed as nor will it

constitute a continuing waiver of such provision or a waiver of any other breach of or failure to comply with any other provision of this Agreement.

- I. **Notices.** Any notice, demand or communication under this agreement by either party to the other will be deemed to be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid to:

Eden Prairie

Mary Krause

Senior Project Engineer

8080 Mitchell Road

Eden Prairie, MN 55344

mkrause@edenprairie.org

952-949-8315

RPBCWD

Claire Bleser

Administrator

18681 Lake Drive East

Chanhassen, MN 55317

cbleser@rpbcwd.org

952-607-6512

- J. **Term; termination.** This Agreement is effective on execution by each of the parties and will terminate upon the earlier of the following: (1) RPBCWD's final payment to Eden Prairie pursuant to Paragraph 3A of this Agreement; (2) pursuant to the terms of Paragraph 3B of this Agreement; or (3) on the written agreement of both parties.

- K. **Continuation of Obligations.** The provisions of Paragraphs 6A–6E of this Agreement will survive the termination of the Agreement.

[SIGNATURE PAGE FOLLOWS.]

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

City of Eden Prairie

By: Ronald A. Case, Mayor

Date: _____

and
Rick Getschow, City Manager

Date: _____

Riley-Purgatory-Bluff Creek Watershed District

By: Dick Ward, President

Date: _____

Approved as to form & execution:

RPBCWD counsel

EXHIBIT A
Project Area

[This should come from Eden Prairie.]

TASK ORDER No. 34
Lotus Lake Vegetation Management Plan
Pursuant to Agreement for Engineering Services
Riley Purgatory Bluff Creek Watershed District and Barr Engineering Company.
December 1, 2020

This Task Order is issued pursuant to Section 1 of the above-cited engineering services agreement between the Riley Purgatory Bluff Creek Watershed District (District) and Barr Engineering Company (Engineer) and incorporated as a part thereof.

1. Background:

It is our understanding that the District would like to develop an aquatic vegetation management plan for Lotus Lake. The primary objectives of the plan are to summarize current conditions and trends in the vegetation community, summarize current management activities, evaluate the established goals for the vegetation community, and develop recommended actions for achieving the desired goals. The purpose of the plan is to develop an approach for achieving long-term vegetation management goals and improve strategies aimed at protecting the lakes' ecological values. Barr will also develop information to complete a Minnesota DNR Local Vegetation Management Plan that may be necessary for aquatic plant management. Barr proposes an ecosystem service approach to developing goals and objectives for the lake vegetation communities. This approach will help define specific goals for managing the lake vegetation community as well as quantifiable goals.

2. Description of Services:

To achieve the District's goals, Barr will work with the District and their partners to develop the aquatic plant management goals. The Ecosystem Services approach is currently used worldwide to establish the scientific basis for actions to enhance the contribution of ecosystems to human well-being without undermining their long-term productivity." (Millennium Ecosystem Assessment 2003; <https://www.millenniumassessment.org/en/index.html>). Barr will incorporate this approach to communicate the value of aquatic plants to lake ecosystems and their users.

There are four primary steps to develop the Aquatic Plant Management Plan for Lotus Lake. These steps include:

1. Compile aquatic vegetation data and current management for Lotus Lake and identify any data gaps
2. Describe current conditions and trends in the vegetation community
3. Develop goals and ecosystem service assessments for the vegetation community and
4. Development and adaptive management framework for managing aquatic vegetation in Lotus Lake

3. Scope of Services:

The tasks to complete these objectives are described as follows:

Task 1. Summarize Aquatic Vegetation Data, Conditions, Management Activities, and Trends

The first task is to review all relevant data, reports and plans to identify available data, management actions and analyses to support the development of the review. We will also acquire readily available data at this stage including GIS files, Biobase files, relevant data, DNR permits and relevant reports. Barr staff will also review data for primary stressors including fisheries, water quality, and water elevations. Following the data review, Barr staff will summarize the list of current issues and any potential data gaps for assessing the vegetation management activities.

The next step is to summarize the current vegetation conditions and trends in the lakes using metrics such as species richness, floristic quality, and indicator species. Trends in diversity and floristic quality will be evaluated as well as the extent and biovolume of the community. The goal of this task is to evaluate recent management actions effectiveness in making progress toward established vegetation goals. This task will also include a discussion of the current perception of the plant communities with residents, lake associations, and lake users.

Deliverables

- Data summary for vegetation community, management actions, and potential stressors
- Summarized management activities conducted since the development of the management plans
- List of identified data gaps
- Summary of current lake vegetation community condition and trends
- Summary of local perceptions of the lake vegetation community

Task 2. Review and Update Aquatic Vegetation Management Goals

Significant advances in our understanding of healthy aquatic vegetation communities were developed in recent years. Statewide reference databases are now available from the MNDNR as well as recent studies highlighting reasonable expectations for healthy, diverse aquatic plant communities. Barr staff will use these databases to develop reference lakes to develop a better understanding of potential outcomes for lake management. Barr will also use recent studies to develop an understanding of the lakes' provision of ecosystem services. This task also includes some "visioning" for the aquatic plant community to visualize the goals and help residents understand the goals of the plan.

Deliverables

- Updated targets for the aquatic vegetation communities
- Visualizations of the current and potential aquatic vegetation communities

Task 3. Define Aquatic Vegetation Stressors

Included in the recent advances in our understanding of aquatic plant communities is a more developed understanding of the factors controlling plant diversity and health. Barr staff will highlight the factors that may be limiting aquatic plant diversity in these lakes to help guide management actions. While not all of these factors are well understood, they provide reasonable guidance for managing the aquatic vegetation community.

Deliverables

- Summary of stressors that may be affecting the aquatic vegetation plant community

Task 4. Develop Adaptive Management Framework to Achieve Aquatic Vegetation Community Targets

Barr will review the current management approach and develop a list of potential long-term aquatic vegetation management options for pursuing the goals as outlined in the management plan. Methods deemed feasible after review with the District will then be developed as management options. Response variables necessary to gauge performance of each management method will also be identified. Once the potential lake response and management options are identified, Barr will develop a decision matrix to provide a framework for guiding adaptive management based on monitoring data and the feasible management options.

Deliverables

- Adaptive management matrix to guide aquatic plant management in Lotus Lake

Task 5. Reporting

Barr will develop a draft and final report summarizing the results of the study including aquatic plant community visualization, management actions and goals, data gaps and future recommended analyses.

Deliverables

- Draft and final project reports

Task 6. Meetings

Barr staff will prepare for and attend meetings to facilitate the completion of the aquatic vegetation management review. Barr staff budgeted for the following meetings:

- A single meeting with local residents, lake associations and lake users to gain input on current lake vegetation community condition as well as perceptions.
- Up to two meetings with District staff and local partner as directed by District staff.
- One Board meeting to present the results of the management plan.

Deliverables

- Meeting preparation and attendance

Task 7. Project Management

Project Management will be required in all phases to ensure the work meets the expectations of District staff and other stakeholders, and that the work is completed in a satisfactory manner, within the project timeline and within the agreed-upon budget.

Assumptions

Several assumptions were made in preparing the scope of work for this agreement. Assumptions relating to individual work tasks are listed in the task descriptions above. Additional assumptions that do not correspond with a single work task are as follows:

- This effort focuses on aquatic vegetation management and will not assess the riparian areas
- District staff will provide all available aquatic vegetation data
- District staff will provide all monitoring cost estimates and level of effort
- All meetings will be held virtually or at RPBCWD’s office and last no more than 2 hours.
- Meeting scheduling and coordination will be performed by District staff
- Barr will provide supporting data to RPBCWD; however, it will not be comprehensively included in the summary memorandum.
- The proposed budget includes costs for mileage reimbursement for site visits and site observation.
- The District will provide all available and applicable GIS and CAD files to Barr in electronic format.
- Barr has allotted time for a single round of review comment on the draft report by the District

4. **Budget:**

Barr’s services for this work plan will be compensated for in accordance with the engineering services agreement and will not exceed \$29,700, without written authorization by the Administrator. The following table provides a breakdown of the anticipated cost for major tasks associated with scope of services describe above.

Task	Task Description	Anticipated Budget	Anticipated Completion Date
1	Summarize vegetation data, condition, trends and management activities	\$6,500	March 2021
2	Develop aquatic vegetation management goals	\$2,200	March 2021
3	Define aquatic vegetation stressors	\$2,600	March 2021
4	Develop adaptive aquatic vegetation management framework	\$4,600	May, 2021
5	Report	\$7,100	June 2021
6	Meetings	\$5,500	Ongoing
7	Project Management	\$1,200	Ongoing
Task Order 34 Services Total		\$29,700	

5. **Schedule and Assumptions Upon Which Schedule is Based**

The schedule outlined above assumes project initiation will occur in December 2021. The schedule may be modified depending on actual initiation of project work, weather impacts on field work and other unforeseen conditions.

IN WITNESS WHEREOF, intending to be legally bound, the parties hereto execute and deliver this Agreement.

CONSULTANT

**RILEY PURGATORY BLUFF CREEK
WATERSHED DISTRICT**

By _____

By _____

Its Vice President _____

Its President _____

Date:

Date:

APPROVED AS TO FORM & EXECUTION

TASK ORDER No. 35: Eden Prairie Stormwater Model Update and Flood-Risk Area Identification & Prioritization for Eden Prairie Portion of Riley & Purgatory Creeks
Pursuant to Agreement for Engineering Services
Riley Purgatory Bluff Creek Watershed District and BARR Engineering Company.
January 25, 2021

This Task Order is issued pursuant to Section 1 of the above-cited engineering services agreement between the Riley Purgatory Bluff Creek Watershed District (RPBCWD or District) and BARR Engineering Company (Barr or Engineer) and incorporated as a part thereof.

1. Description of Services:

The RPBCWD recently completed a floodplain vulnerability evaluation to identify flood-risk areas along the creeks. One of the outcomes was identifying the flood risk of structures and road crossings riparian to the creeks during a series of various rainfall events. Following the floodplain evaluation, Technical Advisory Committee (TAC) members have indicated that it would be beneficial if the District's stormwater model included additional detail throughout the watershed and could be used to better identify flood-risk areas that are not adjacent to the creeks. The purpose of this Task Order is to add additional detail to the District's model so that it can be used to identify areas of flood-risk by both the City of Eden Prairie and RPBCWD.

The City of Eden Prairie (City) has developed more detailed subwatershed divides as part of the City's water quality modeling. The City has offered to partner with the District to update the District's model to include more detailed information within the City, including detailed subwatershed divides and storm sewer information, and to use the updated stormwater model to identify and prioritize areas at-risk of flooding. The City has also expressed an interest to pursue a more comprehensive approach to stormwater management by integrating hydrology, hydraulics, and water quality into a single modeling platform. PCSWMM is capable of integrating water quality, hydrologic, and hydraulic calculations in a single model. Barr can work with the District and City to identify a portion of the Riley or Purgatory Creek watershed to integrate the water quality modeling component of PCSWMM. While this innovative approach to water quality modeling has not been attempted in Minnesota, it would provide the District the ability to:

- Take a leadership role in advancing cutting edge integrated water quality modeling,
- Incorporate the current city and district P8 modeling data into a single stormwater platform,
- Track water quality at a much finer resolution and much more robust hydraulic routing than the current P8 models (i.e., improved flow routing functions and tracking),
- Incorporate lessons learned and internal loading functions from the district's pond studies into models,
- Allows for integrated evaluation of water quality and flood-risk benefits for District and City projects,
- Integrated assessment of land use change on stormwater runoff and pollutant loading,

Adding in water quality calculations is not included in the current task order budget but could be completed through a task order amendment or on a time and materials basis.

2. Scope of Services:

Engineering services included in this task order shall include:

Task 1. Stormwater Model Update – Purgatory Creek

In 2014, the District updated the hydrologic and hydraulic (H&H) model of Purgatory Creek. The updated model was used to develop water surface profiles along Purgatory Creek and calculate the 100-year 24-hour water surface elevations for water bodies throughout the District using the precipitation frequency estimates published in the National Oceanic and Atmospheric Administration’s (NOAA) Atlas 14 Volume 8 (Atlas 14). The model was developed and calibrated with sufficient detail to simulate flows and flood elevations along the creek. In addition, the District considered long-term extreme weather trends in the Twin Cities area based on the readily available precipitation data for use in climate adaptation assessments developed by Michael Simpson (Simpson et al., 2014). His work found that precipitation amounts are predicted to increase significantly over what is historically used in floodplain assessments and infrastructure design. The optimistic estimate for the mid-21st century 100-year 24-hour rainfall estimate was approximately 7.3 inches, which is similar to the current mean 100-year rainfall depth published in Atlas 14 (7.4 inches). The information also suggests moderate estimate is 10.2 inches, which is similar to the upper limits of the Atlas 14 90-percent confidence limits, the June 2012 rainfall in Cannon Falls and the July 1987 rainfall experienced in the RPBCWD. This moderate estimate for the 100-year 24-year event also corresponds to the pessimistic estimate for the mid-21st century 10-year, 24-hour event, the typical return period used to design infrastructure. The pessimistic outlook for the 100-year 24-hour rainfall by the mid-21st century would approach 17.6 inches. Typically, evaluation of adaptation for future change within the watershed includes an estimate of both future rainfall depth and intensities as well as future land use within a watershed. Because the District’s regulatory program includes rules that require no increase in discharge rate post-development using the mean Atlas 14 100-year precipitation depth (7.4 inches) past modeling and work under this task order will only include assessing the potential flood risk resulting from increased precipitation amounts.

Updates to the District model would be completed such that the model could be used to simulate long-term precipitation records (i.e., continuous simulations) as part of a future effort. Short-term simulations of discrete rainfall events were performed during prior model calibration and validation efforts. This task includes updating the District’s stormwater model of Purgatory Creek with information provided by the city of Eden Prairie so that the District’s stormwater model will include subwatersheds with similar or more detailed resolution than the City is using in their water quality models. The following updates will be made to the model:

- Review and Update Subwatershed Divides. The subwatershed divides should characterize the existing drainage patterns of the watershed. Subwatershed divides for the portion of Purgatory Creek watershed in Eden Prairie will be updated based on information provided by the city. The subwatershed divides provided by the city will be verified using the 1-meter LiDAR data collected by the MnDNR in 2011 and subdivided to catch basin clusters and other inlets to the storm sewer system downstream of City stormwater ponds. It is assumed that Barr will not collect survey data for this update. Subwatershed divides will be provided to City and District staff for review prior to incorporating into the District’s model.
- Update storage curves. The storage curve (i.e. elevation-surface area relationship) for each pond, wetland, and lake should accurately characterize the available storage volume below the 100-year water surface elevation. The storage curves in the Purgatory Creek model within Eden Prairie will be updated to characterize available storage capacity based on the 2011 LiDAR provided by the MnDNR. Available as-built grading plans provided by the City will be reviewed to verify that elevations in the model reference the NGVD29 vertical datum and are consistent with permitted grading of stormwater ponds. It is assumed that no additional survey data will be required.
- Overland drainage paths. During large flood events water may overtop roadways or breakout of the

creek and flow through the floodplain, back yards, streets, and in some cases, water can flow in a different direction than the main conveyance channel. It is assumed that overland flow paths will be defined based on available topographic data (i.e. LiDAR) and additional survey data will not be collected. Barr will incorporate information from as-built grading plans or survey information provided by City or District staff.

- Hydrologic parameters. Hydrologic parameters will be input consistent with calibrated parameters used for the rest of the Purgatory Creek watershed. Model parameters will be adjusted if needed as part of Task 3. Model parameters that will be adjusted include:
 - Percent Impervious – Recently, the University of Minnesota published a detailed impervious land cover dataset for the Twin Cities area. The dataset delineates building roofs, roads, and other impervious surfaces, which can be used to improve the estimate of impervious cover within the District’s stormwater model. Improved definition of the impervious cover is of critical importance when increasing the resolution of a stormwater model.
 - Overland Roughness – Overland flow is surface runoff that occurs as sheet flow prior to concentrating into defined channels. The overland roughness parameter accounts for surface friction associated with overland flow and should reflect the existing land cover within the watershed.
 - Infiltration Parameters – Infiltration is the movement of water into the soil surface and will vary with time. The Horton infiltration equation is the method used to simulate infiltration from subwatersheds in the model. Model input parameters used in the Horton infiltration equation will be reviewed to verify that they accurately reflect the infiltration capacity of soils within the watershed. As part of the model development, staff will review soil information provided by City staff in locations where observed water levels do not appear consistent with National Resource Conservation Service (NRCS) Soil Survey Geographic (SSURGO) database.

Task 2. Stormwater Model Update – Riley Creek

This task would be the same as Task 1 description above except for the Riley Creek subwatershed.

Task 3. Stormwater Model Validation

The model was previously calibrated to measured water surface elevation in lakes and discharge in the creeks. Prior to simulating design events, the updated model will be used to simulate observed rainfall events. Simulation results will be compared to available monitoring data collected by City and District staff. Barr assumes that monitoring data may include water level measurements in lakes, wetlands, or ponds, discharges measured in the creek or storm sewer, and observations of high-water levels including photographs or other anecdotal information.

Model validation will include simulating one small event that was used for the 2013 model calibration, and up to two recent large rainfall events. It is assumed that events can be identified where both WOMP station data, other monitoring data, and NEXRAD data are available. Prior to model validation, recommended events will be shared with City and District staff for approval.

Following model validation, Barr will meet with City and District staff to review updates to the model and simulation results for the selected validation events.

Task 4. Simulate Design Rainfall and Snowmelt Events

Model simulations will be completed for the 2, 10, and 100-year 24-hour frequency precipitation

event using Atlas 14 data. Model simulations will also be completed for the mid-21st century 100-year 24-hour moderate rainfall estimate of 10.2 inches, which is similar to the upper limits of the Atlas 14 90-percent confidence limits, and the moderate estimate for the mid-21st century 10-year, 24-hour event (6.6 inches).

A version of the model will also be developed to simulate spring snowmelt conditions. Model parameters will be adjusted to simulate frozen ground conditions, and the model will be used to simulate the 100-year 10-day snowmelt event (7.2 inches).

Additional hypothetical design storm events (e.g., mid-21st century pessimistic outlook for the 100-year 24-hour rainfall 17.6 inches) can be simulated using the updated model at the City's or District's request, and will be completed on time and expense in addition to the estimated cost provided for this task.

Task 5. Identification of Flood-Risk Areas and Potentially Flood-Prone Structures

Results from the updated models will be used to identify potentially flood-prone areas within Eden Prairie in the Riley Creek and Purgatory Creek watersheds. Inundation areas will be developed for each of the six design event simulations completed in Task 4. Inundation areas will be delineated for areas where water is stored in ponds, wetlands, and topographic depressions. Inundation maps will be developed using level pool mapping in ArcGIS (i.e., inundation mapping of sloped water surface along roadways and through the floodplain will not be completed). The proposed approach is consistent with the methodology used by the District for prior floodplain mapping of areas not adjacent to the creeks. Inundation areas for additional events can be completed on a time and expense basis at the direction of City or District staff. If the city of Eden Prairie has structure data, that will be used to identify potentially flood-prone buildings. Otherwise, building outlines from the County or from the MDNR will be used to identify potentially flood-prone buildings, and LiDAR information will be used to identify roads that overtop.

A figure will be developed that illustrates the number and location of flood-risk areas and potentially flood-prone structures. Barr will meet with District and City staff to review inundation extents, flood-risk areas, and potentially flood-prone structures.

Task 6. Documentation

Barr will provide the District and City a memorandum summarizing model validation results, inundation mapping, flood-risk areas identified, prioritization methodology, and prioritized list of flood-prone areas. The final documentation will be provided to the District and City in electronic format only. Print copies can be provided on a time and expense basis if requested.

Task 7. Prioritization of Flood-Risk Areas

Task 7 includes prioritizing potentially flood-prone areas within the City identified in Task 5. Initial prioritization will be developed based on the following six criteria identified based on feedback from the TAC including:

- (1) Number of impacted structures – This criterion considers the number of habitable structures that are within the 100-year floodplain within a given area. Consideration will be given to whether the structure is residential or commercial. Auxiliary structures such as sheds, park pavilions, or garages are not considered for this criterion.
- (2) Frequency of flooding – This criterion considers how frequently structures maybe inundated. Structures that are inundated during more frequent events (i.e., 2-year) will be given a higher score than structures that are inundated during less frequent events (i.e., 100-year event).

- (3) Social Vulnerability Index – This criterion considers census data to provide consideration for if a flood-prone area is located within a designated vulnerable area.
- (4) Project Efficiency – This criterion considers project partners and if the project could meet goals published in the District or project partner’s management plan.
- (5) Multiple benefits – This criterion considers within a flood-risk mitigation project might provide multiple benefits for an area such as recreational benefits or ecosystem services.
- (6) Critical Infrastructure – This criterion considers whether a project would reduce flood-risk for infrastructure classified by the District or City as critical such as emergency evacuation routes, emergency service locations such as hospital, police, fire, or city government buildings, emergency support services such as schools, grocery stores, or churches, and critical city services such as sanitary lift stations.

Considering multiple parameters in the evaluation allows for the identification of potential multi-faceted mitigation measures to address potentially flood-prone areas, which may also have benefits such as reducing the potential for downstream creek erosion, minimizing adverse impacts, and improving water quality while considering the changing environment.

For each flood-risk area, we will quantify whether each parameter applies to each flood-risk area. Each flood-risk area will be entered into a spreadsheet and ranked based on the parameters and initial scoring used by the District. District and City staff will be able to adjust the scoring to see how the prioritized list changes. Barr staff will meet with City and District staff to review the prioritized list and get feedback. Feedback from City and District staff will be incorporated into the database to develop the prioritized list of flood-prone areas.

We assume that based on feedback from City and District staff, Barr will not develop new criteria. If new criteria are identified, they can be developed on a time and expenses basis in addition to the estimated cost provided for this task.

3. Deliverables:

Deliverables for this Task Order will include:

Task 1. Stormwater Model Update – Purgatory Creek

- None – Model files delivered following completion of Task 4.

Task 2. Stormwater Model Update – Riley Creek

- None – Model files delivered following completion of Task 4.

Task 3. Stormwater Model Validation

- PCSWMM models and result files for up to three validation events

Task 4. Simulate Design Rainfall and Snowmelt Events

- PCSWMM models and result files for the 2-, 10, 100-year 24-hour rainfall events for Riley and Purgatory Creek
- PCSWMM models and result files for the 100-year 10-day snowmelt event for Riley and Purgatory Creek
- PCSWMM models and result files for the 100-year 24-hour and 10-year 24-hour mid-21st century moderate rainfall estimates

Task 5. Identification of Flood-Risk Areas and Potentially Flood-Prone Structures

- Inundation maps for the 2-, 10-, and 100-year 24-hour rainfall events

- Inundation maps for the 100-year 24-hour mid-21st century moderate estimate (10.2-inches)
- Inundation maps for the 10-year 24-hour mid-21st century moderate estimate (6.6-inches)
- Inundation maps for the 100-year 10-day snowmelt event
- GIS files for subwatersheds and inundation areas
- GIS file for potentially flood-prone structures

Task 6. Documentation

- Draft documentation report summarizing methodology, results, and assumptions for model updates, model validation, inundation mapping, identification of potentially flood-prone structures, and prioritization of flood-risk areas. (Draft provided in electronic version only)
- Final documentation. (Final provided in electronic version)

Task 7. Prioritization of Flood-Risk Areas

- Excel file with prioritized list of flood-risk areas

4. Budget:

Services under this Task Order will be compensated for in accordance with the engineering services agreement and will not exceed the total in Table 1, without written authorization by the Administrator. Table 1 provides a breakdown of the anticipated cost for major tasks associated with scope of services describe above.

Table 1. Anticipated Task Order Budget and Completion Dates

Task	Anticipated Budget	Anticipated Completion Date
Task 1. Stormwater Model Update – Purgatory Creek	\$87,500	December, 2021
Task 2. Stormwater Model Update – Riley Creek	\$42,700	December, 2021
Task 3. Stormwater Model Validation	\$21,600	April, 2022
Task 4. Simulate Design Rainfall and Snowmelt Events	\$4,800	July, 2022
Task 5. Identification of Flood-Risk Areas and Potentially Flood-Prone Structures	\$11,600	September, 2022
Task 6. Documentation	\$19,900	December, 2022
Task 7. Prioritization of Flood-Risk Areas	\$10,100	December, 2022
TOTAL	\$198,200	

5. Schedule and Assumptions Upon which Schedule is based

The Engineer shall complete the tasks listed above by December 2022 assuming authorization to proceed is provided at the February 2021 Board meeting. The proposed schedule is based on the following assumptions:

- The Engineer will not complete field work including topographic surveys to obtain information required to update the model.
- The Engineer will inform the City and District if there is missing information in GIS files or other source information provided. City and/or District staff will provide the missing information. If information is not provided, the Engineer will make an assumption. All assumptions will be documented and tracked within the model, and information can be added when it becomes available.
- The model will include subwatersheds that have a consistent level of detail as

subwatersheds used for the City's water quality model. The model will include public storm sewer. Based on input from stakeholders, private storm sewer and smaller water quality and/or rate control BMPs will not be included in the model.

d) No evaluation will be completed regarding how to mitigate risk for flood prone areas.

IN WITNESS WHEREOF, intending to be legally bound, the parties hereto execute and deliver this Agreement.

CONSULTANT

**RILEY PURGATORY BLUFF CREEK
WATERSHED DISTRICT**

By _____

By _____

Its Vice President

Its President

Date:

Date:

APPROVED AS TO FORM & EXECUTION



Grant Contract

State of Minnesota

Doc Type: Contract/Grant Reference

SWIFT Contract number: 183070

AI: 94569

Activity ID PRO20200001

This grant contract is between the state of Minnesota, acting through its Commissioner of the **Minnesota Pollution Control Agency**, 520 Lafayette Road North, St. Paul, MN 55155-4194 ("MPCA" or "State") and **Riley Purgatory Bluff Creek Watershed District**, 18681 Lake Drive East, Chanhassen, MN 55317 ("Grantee").

Recitals

1. Under Minn. Stat. § 116.03, subd.2, and pursuant to Minn. Stat. § 115A.0716, and Minn. R. 9210.0800 - 9210.0855, the State is empowered to enter into this grant.
2. Grantee applied to the Minnesota Pollution Control Agency (MPCA) for an Environmental Assistance grant to implement the **Community Resiliency Modeling and Prioritization of At-Risk Infrastructure in the Purgatory Creek Watershed** project.
3. Grantee will comply with required grants management policies and procedures set forth through [Minn.Stat.§16B.97](#), subd. 4 (a) (1).
4. The Grantee represents that it is duly qualified and agrees to perform all services described in this grant contract to the satisfaction of the State. Pursuant to [Minn.Stat.§16B.98](#), subd.1, the Grantee agrees to minimize administrative costs as a condition of this grant.

Grant Contract

1. Term of Grant Contract

1.1 Effective Date. **January 18, 2021**, Per [Minn. Stat.§16B.98](#), Subd. 5, the Grantee must not begin work until this grant contract is fully executed and the State's Authorized Representative has notified the Grantee that work may commence. Per [Minn.Stat.§16B.98](#) Subd. 7, no payments will be made to the Grantee until this grant contract is fully executed.

1.2 Expiration Date. **June 30, 2023**, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

1.3 Survival of Terms. The following clauses survive the expiration or cancellation of this grant contract: Liability; State Audits; Government Data Practices and Intellectual Property; Publicity and Endorsement; Governing Law, Jurisdiction, and Venue; and Data Disclosure.

2. Grantee's Duties

The Grantee, who is not a state employee, will perform the duties specified in **Attachment A** which is attached and incorporated into this grant contract.

3. Time

The Grantee must comply with all the time requirements described in this grant contract. In the performance of this grant contract, time is of the essence.

4. Consideration and Payment

4.1 Consideration. The State will pay for all services performed by the Grantee under this grant contract as follows:

- (a) Compensation.** The Grantee will be paid according to the breakdown of costs contained in **Attachment A**, which is attached and incorporated into this grant contract. Grantee certifies they will provide no less than 25% (twenty-five percent) of the total grant amount as cash match or in-kind services.
- (b) Grantee Commitment to Financing.** Grantee shall ensure that sufficient funding is available to the project to assure its satisfactory completion. Grantee shall not reduce the monetary amount it has committed to the project through its own or other funds without written consent of the MPCA. Grantee shall bear the sole responsibility for cost overruns in completing this project.
- (c) Travel Expenses.** Reimbursement for travel and subsistence expenses actually and necessarily incurred by the Grantee as a result of this grant contract will not exceed the total amount set forth in travel expense section of the detailed Budget section of **Attachment A**, which is attached and incorporated into this Contract; provided that the Grantee will be reimbursed for travel and subsistence expenses in the same manner and in no greater amount than provided in the current "Commissioner's Plan" promulgated by the Commissioner of Minnesota Management and Budget (MMB). The Grantee will not be reimbursed for travel and subsistence expenses incurred outside Minnesota unless it has received the State's prior written approval for out of state travel. Minnesota will be considered the home state for determining whether travel is out of state.
- (d) Total Obligation.** The total obligation of the State for all compensation and reimbursements to the Grantee under this grant contract will not exceed **\$50,000.00 (Fifty Thousand Dollars and Zero Cents.)**

4.2 Payment

- (a) Invoices.** The State will promptly pay the Grantee after the Grantee presents an itemized invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services. Invoices must be submitted timely and according to the following schedule: **monthly.**

The MPCA shall withhold a minimum of 10% (ten percent) of the grant award, until the MPCA is satisfied that the project has been completed according to the terms of this grant agreement, including expenditure or performance of all required match.

Invoices must be emailed to mpca.ap@state.mn.us, and contain the following information:

- Name of Grantee
- Grantee project manager
- Grant amount
- Withholding amount
- Grant amount available to date
- Invoice number
- Invoice date
- MPCA project manager
- SWIFT Contract No.
- Invoicing period (actual working period)
- Subcontractor costs; invoices may be requested
- Time and material breakdown of invoice. Amount billed to date for work, including itemization of actual hourly rates
- Receipts for supplies, shipping, lab fees, and any other itemized costs
- Itemized per diem expenses; receipts may be requested to be submitted with invoice
- Matching fund summary
- Other items as requested

If there is a problem with submitting an invoice electronically, please contact the Accounts Payable Unit at 651-757-2491.

The Grantee shall submit an invoice for the final payment within 15 (fifteen) days of the original or amended end date of this grant contract. The State reserves the right to review submitted invoices after 15 (fifteen) days and make a determination as to payment.

(b) Unexpended Funds. The Grantee must promptly return to the State any unexpended funds that have not been accounted for annually in a financial report to the State due at grant closeout.

4.3 Contracting and Bidding Requirements

(a) Any services and/or materials that are expected to cost \$100,000 or more must undergo a formal notice and bidding process.

(b) Services and/or materials that are expected to cost between \$25,000 and \$99,999 must be competitively awarded based on a minimum of three (3) verbal quotes or bids.

(c) Services and/or materials that are expected to cost between \$10,000 and \$24,999 must be competitively awarded based on a minimum of two (2) verbal quotes or bids or awarded to a targeted vendor.

(d) The grantee must take all necessary affirmative steps to assure that targeted vendors from businesses with active certifications through these entities are used when possible:

- a. State Department of Administration's Certified Targeted Group, Economically Disadvantaged and Veteran-Owned Vendor List
- b. Metropolitan Council Underutilized Business Program: MCUB: Metropolitan Council Underutilized Business Program
- c. Small Business Certification Program through Hennepin County, Ramsey County, and City of St. Paul: Central Certification Directory

(e) The grantee must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

(f) The grantee must maintain support documentation of the purchasing or bidding process used to contract services in their financial records, including support documentation justifying a single/sole source bid, if applicable.

(g) Notwithstanding (a) - (d) above, the State may waive bidding process requirements when:

- Vendors included in response to competitive grant request for proposal process were approved and incorporated as an approved work plan for the grant
- It is determined there is only one legitimate or practical source for such materials or services and that grantee has established a fair and reasonable price.

(h) For projects that include construction work of \$25,000 or more, prevailing wage rules apply per [Minn. Stat. §§177.41](#) through [177.44](#). These rules require that the wages of laborers and workers should be comparable to wages paid for similar work in the community as a whole.

(i) The grantee must not contract with vendors who are suspended or debarred in MN: <http://www.mmd.admin.state.mn.us/debarredreport.asp>

5. Conditions of Payment

All services provided by the Grantee under this grant contract must be performed to the State's satisfaction, as determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state, or local law.

6. Authorized Representative

The State's Authorized Representative and MPCA Project Manager for this project is **Laura Millberg**, 520 Lafayette Road North, St. Paul, MN 55155 651-757-2568, laura.millberg@state.mn.us, or successor, and has the responsibility to monitor the Grantee's performance and the authority to accept the services provided under this grant contract. If the services are satisfactory, the MPCA's Project Manager will certify acceptance of each invoice submitted for payment.

The Grantee's Authorized Representative and Project Manager is **Dr. Claire Bleser**, 18681 Lake Drive East, Chanhassen, MN 55317, 952-607-6512, cbleser@rpbcwd.org. If the Grantee's Authorized Representative changes at any time during this grant contract, the Grantee must immediately notify the State.

7. Assignment, Amendments, Change Orders, Waiver, and Grant Contract Complete

7.1 Assignment. The Grantee shall neither assign nor transfer any rights or obligations under this grant contract without the prior written consent of the State, approved by the same parties who executed and approved this grant contract, or their successors in office.

7.2 Amendments. Any amendments to this grant contract must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original grant contract, or their successors in office.

7.3 Change Orders. If the State's Project Manager or the Grantee's Authorized Representative identifies a change needed in the workplan and/or budget, either party may initiate a Change Order using the Change Order Form provided by the MPCA. Change Orders may not delay or jeopardize the success of the Project, alter the overall scope of the Project, increase or decrease the overall amount of the Contract, or cause an extension of the term of this Contract. Major changes require an Amendment rather than a Change Order.

The Change Order Form must be approved and signed by the State's Project Manager and the Grantee's Authorized Representative **in advance of doing the work**. Documented changes will then become an integral and enforceable part of the Contract. The MPCA has the sole discretion on the determination of whether a requested change is a Change Order or an Amendment. The state reserves the right to refuse any Change Order requests.

7.4 Waiver. If the State fails to enforce any provision of this grant contract, that failure does not waive the provision or the State's right to enforce it.

7.5 Grant Contract Complete. This grant contract contains all negotiations and contracts between the State and the Grantee. No other understanding regarding this grant contract, whether written or oral, may be used to bind either party.

8. Liability

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this grant contract by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this grant contract.

9. State Audits

Under [Minn. Stat. § 16B.98](#), subd.8, the Grantee's books, records, documents, and accounting procedures and practices of the Grantee or other party relevant to this grant contract or transaction are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this grant contract, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later.

10. Government Data Practices and Intellectual Property

10.1 Government Data Practices. The Grantee and State must comply with the Minnesota Government Data Practices Act, [Minn. Stat. ch. 13](#), as it applies to all data provided by the State under this grant contract, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee

under this grant contract. The civil remedies of [Minn. Stat. §13.08](#) apply to the release of the data referred to in this clause by either the Grantee or the State. If the Grantee receives a request to release the data referred to in this Clause, the Grantee must immediately notify the State. The State will give the Grantee instructions concerning the release of the data to the requesting party before the data is released. The Grantee's response to the request shall comply with applicable law.

10.2 Treatment of Data. All data (information) related to this project and contract that is maintained by the MPCA is public unless the Minnesota Data Practices Act, Minn. Stat. ch. 13, or other applicable state or federal law provides otherwise. Grantee shall use its best efforts to provide all information required to be submitted to MPCA in a form which can be released as public information. Grantee shall use its best efforts to prepare reports and other information without disclosing trade secret or sales information. If Grantee determines that it must disclose trade secret or sales information and Grantee wishes to keep that information from being subject to disclosure under the law, Grantee shall do the following:

1. In its report, Grantee shall segregate all information Grantee believes to not be subject to disclosure under the law from all other information.
2. Grantee shall submit a written request for the information to be treated as not subject to disclosure under the law, citing the reasons for such treatment. Grantee shall submit the request to the MPCA at the same time it submits the report containing the information in question.

The MPCA shall not consider a request to treat data as not subject to disclosure under the law unless it is made in accordance with the above two requirements. If a request is made in accordance with the above requirements, the MPCA shall promptly determine whether the information qualifies for nonpublic or private data treatment under Minn. Stat. §§ 13.37 and 115A.06. If the MPCA determines that the information may be treated as nonpublic or private data, the MPCA shall use its best efforts to treat the information accordingly.

10.3 Intellectual Property Rights.

(a) Intellectual property rights. All rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents created and paid for under this Grant shall be jointly owned by the Grantee and the State. Works means all inventions, improvements, discoveries (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Grantee, its employees, agents, and Contractors, either individually or jointly with others in the performance of this grant contract. Works include "Documents." Documents are the originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Grantee, its employees, agents, or subcontractors, in the performance of this grant contract. The ownership interests of the State and the Grantee in the Works and Documents shall equal the ratio of each party's contributions to the total costs described in the budget of this grant contract, except that the State's ownership interests in the Works and Documents shall not be less than fifty percent (50%). The party's ownership interest in the Works and Documents shall not be reduced by any royalties or revenues received from the sale of the products or the licensing or other activities arising from the use of the Works and Documents. Each party hereto shall, at the request of the other, execute all papers and perform all other acts necessary to transfer or record the appropriate ownership interests in the Works and Documents.

(b) Obligations.

- (1) **Notification.** Whenever any invention, improvement, or discovery (whether or not patentable) is made or conceived for the first time or actually or constructively reduced to practice by the Grantee, including its employees and subcontractors, in the performance of this grant contract, the Grantee shall immediately give the State's Authorized Representative written notice thereof, and must promptly furnish the Authorized Representative with complete information and/or disclosure therein. All decisions regarding the filing of patent, copyright, trademark or service mark applications and/or registrations shall be the joint decision of the Grantee and the State, and costs for such applications shall be divided as agreed by the parties at the time of the filing decisions. In the event the parties cannot agree on said filing decisions, the filing decision will be made by the State.

- (2) **Representation.** The Grantee must perform all acts, and take all steps necessary to ensure that all intellectual property rights in the Works and Documents are the sole property of the Grantee and State as agreed herein, and that neither Grantee nor its employees, agents, or subcontractors retain any interest in and to the Works and Documents.

The Grantee represents and warrants that the Works and Documents do not and will not infringe upon any intellectual property rights of other persons or entities. Notwithstanding Clause Liability, the Grantee shall indemnify, defend, to the extent permitted by the Attorney General, and hold harmless the State, at the Grantee's expense, from any action or claim brought against the State to the extent that it is based on a claim that all or part of the Works or Documents infringe upon the intellectual property rights of others. The Grantee will be responsible for payment of any and all such claims, demands, obligations, liabilities, costs, and damages, including, but not limited to, attorney fees. If such a claim or action arises or in Grantee's or the State's opinion is likely to arise, the Grantee must, at the State's discretion, either procure for the State the right or license to use the intellectual property rights at issue or replace or modify the allegedly infringing Works or Documents as necessary and appropriate to obviate the infringement claim. This remedy of the State will be in addition to and not exclusive of other remedies provided by law.

- (3) **License.** The State hereby grants a limited, no-fee, noncommercial license to the Grantee to enable the Grantee's employees engaged in research and scholarly pursuits to make, have made, reproduce, modify, distribute, perform, and otherwise use the Works, including Documents, for research activities or to publish in scholarly or professional journals, provided that any existing or future intellectual property rights in the Works or Documents (including patents, licenses, trade or service marks, trade secrets, or copyrights) are not prejudiced or infringed upon, that the Minnesota Data Practices Act is complied with, and that individual rights to privacy are not violated. The Grantee shall indemnify and hold harmless the State for any claim or action based on the Grantee's use of the Works or Documents under the provisions of Clause 10.3 (b)(2). Said license is subject to the State's publicity and acknowledgement requirements set forth in this grant contract. The Grantee may reproduce and retain a copy of the Documents for research and academic use. The Grantee is responsible for security of the Grantee's copy of the Documents. A copy of any articles, materials or documents produced by the Grantee's employees, in any form, using or derived from the subject matter of this license, shall be promptly delivered without cost to the State.

- (c) **Reversion of Rights.** All rights or title to any intellectual property arising from the performance of the project that are vested in Grantee shall revert to the State under any of the following circumstances unless Grantee repays to the State those funds provided by the State under this grant contract within ninety (90) days of receipt of a notice in writing from the State of a claim under this paragraph:

- (1) Grantee fails or is unable to market in Minnesota a product, process or service resulting from the project successfully within one year of the expiration of this grant contract, unless Grantee is continuing to make good faith efforts to bring the product, process or service to market; or
- (2) Grantee dissolves, becomes inoperative or abandons the intellectual property resulting from the project;

Grantee shall execute all documents necessary for the reversion and transfer of ownership of the intellectual property rights to the State.

- (d) **Damages.** If Grantee acts in a manner inconsistent with Clause 10.3.a-c., the State may seek damages from Grantee. This clause is not intended to stand in lieu of any other remedy the State may have for breach of grant contract of this or any other term of this grant contract.

11. Workers' Compensation

The Grantee certifies that it is in compliance with [Minn. Stat. §176.181](#), subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

12. Publicity and Endorsement

12.1 Publicity. Any publicity regarding the subject matter of this grant contract must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this grant contract. All projects primarily funded by state grant appropriations must publicly credit the State of Minnesota, including on the grantee's website when practicable.

12.2 Endorsement. The Grantee must not claim that the State endorses its products or services.

13. Governing Law, Jurisdiction, and Venue

Minnesota law, without regard to its choice-of-law provisions, governs this grant contract. Venue for all legal proceedings out of this grant contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

14. Termination

14.1 Termination by the State. The State may immediately terminate this grant contract with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

14.2 Termination for Cause. The State may immediately terminate this grant contract if the State finds that there has been a failure to comply with the provisions of this grant contract, that reasonable progress has not been made or that the purposes for which the funds were granted have not been or will not be fulfilled. The State may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

14.3 Termination for Insufficient Funding. The State may immediately terminate this grant contract if:

(a) It does not obtain funding from the Minnesota Legislature.

(b) Or, if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the Grantee. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the contract is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. The State must provide the Grantee notice of the lack of funding within a reasonable time of the State's receiving that notice.

15. Data Disclosure

Under [Minn. Stat. § 270C.65](#), subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any.

To protect Grantee's personal data, Grantee is strongly encouraged to obtain and use a Minnesota tax identification number.

16. Permits and Approvals

The Grantee and Grantee's agents shall obtain all federal, state and local permits, licenses and authorizations necessary to implement and operate the project.

17. Equipment (if applicable)

The Grantee must use equipment purchased under this contract for as long as it is needed for the project and must not encumber the equipment. If Grantee ceases to use any equipment purchased for the project under this contract

during the term of this contract, Grantee must sell the equipment for fair market value and reimburse the State seventy-five percent (75%) of the sale proceeds or, if the State's commitment of funding to the project is less than seventy-five percent (75%), and any MPCA-approved changes or amendments thereto, reimburse the State the percentage of the sale proceeds that equal the State's commitment of funding to the project. If the equipment cannot be sold, Grantee must obtain MPCA's prior written approval for appropriate disposition of the equipment.

18 Reporting Requirements

All reporting must be provided to the MPCA Authorized Representative. **All reports must be electronically submitted and must follow the format of the Continual Tracking Report, provided by the MPCA,** which incorporates the approved project workplan and budget.

18.1 Monthly Reports. The Grantee shall, if requested by the MPCA Authorized Representative, provide an oral or written monthly update on the progress of the project. These requested updates may require such information as tasks accomplished, financial expenditures, and other information deemed necessary by the MPCA Authorized Representative.

18.2 Interim Report. By the date specified in the project workplan, the Grantee shall prepare an interim report to the satisfaction of the MPCA Authorized Representative summarizing the status of the project and expenditures to date, including workplan tasks completed, status of timelines, interim results achieved, difficulties encountered in implementing the project, solutions considered or implemented to resolve those difficulties (Lessons Learned), and any project workplan and budget change orders/amendments.

The Interim Report shall also summarize all expenses incurred to date in completing workplan tasks including labor, equipment, materials, travel and other expenses outlined in the project workplan and budget. The Interim Report shall indicate the actual out-of-pocket cash and in-kind expenditures of the Grantee and the number of hours of labor performed pursuant to this contract.

The Interim Report shall not be approved by the MPCA unless the report contains the above information to the satisfaction of the MPCA.

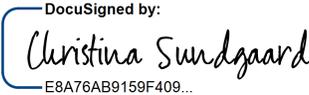
18.3 Final Report and Executive Project Summary

Final Report. By the date specified in the project workplan, Grantee shall submit a final report to the MPCA. The Final Report shall describe, in detail, the history of and conclusions reached from implementing the project, the technical and economic feasibility of the project, and the total expenses incurred in implementing the project. If the project is terminated prior to the scheduled completion, the Final Report shall also discuss the conclusions that led to the termination of the project, results achieved on all tasks completed and recommendations on how these results could be used in future projects.

If the MPCA determines that the information submitted in the Final Report is inadequate, the Grantee shall prepare and submit additional information reasonably requested by the MPCA. The Final Report shall not be approved by the MPCA and final payment shall not be disbursed unless the Report contains the specified information to the satisfaction of the MPCA.

Executive Project Summary. At the same time the Final Report is submitted, the Grantee must also submit a summary of the project and its results. This Executive Project Summary will be used in reports and to disseminate information on the outcomes and environmental benefits of the project.

Signatures

Title	Name	Signature	Date
Encumbrance Verification	Christina Sundgaard	 A blue DocuSign signature box containing the text "DocuSigned by:" followed by a handwritten signature "Christina Sundgaard" and a truncated alphanumeric ID "E8A76AB9159F409..."	January 15, 2021
	Dr. Claire Bleser		

Admin ID



520 Lafayette Road North
St. Paul, MN 55155-4194

Attachment A Workplan

Environmental Assistance (EA)
Climate Adaptation Grant Program

SWIFT: 183070
Tempo AI: 94569
Activity ID: PRO20200001

Project title: Community Resiliency Modeling and Prioritization of At-Risk Infrastructure in the Purgatory Creek Watershed

1. Project Summary:

Grantee: Riley Purgatory Bluff Creek Watershed District (RPBCWD)

Grantee contact name: Dr. Claire Bleser

Title: District Administrator

Address: 18681 Lake Drive East
Chanhassen, MN 55317

Phone: 952-607-6512

E-mail: cbleser@rpbcwd.org

Minnesota Pollution Control Agency (MPCA) contact(s):

MPCA project manager: Laura Millberg

Title: MPCA Climate Change Resilience Coordinator

Address: 520 Lafayette Road North
St. Paul, MN 55155

Phone: 651-757-2568

E-mail: Laura.Millberg@state.mn.us

Project Totals: Grant: \$50,000.00 Match: \$200,000.00 Project Total: \$250,000.00

2. Statement of project details

The RPBCWD recently completed a floodplain vulnerability evaluation to identify flood-risk areas along the creek corridors using PCSWMM. One of the outcomes was identifying structures and road crossings at risk of flooding during various predicted rainfall events. Following the floodplain evaluation along the creeks, the Technical Advisory Committee (TAC) members indicated it would be beneficial if RPBCWD's stormwater model was enhanced to include details at the neighborhood scale beyond the creek corridor. The model would allow all Local Governmental Units (LGU's) to better identify flood-risk and resilient areas within their community.

LGU's will be able to work with a mapping system that provides them information on how precipitation changes (mid-century predicted) impact the neighborhood. This is the first critical step in identifying areas requiring mitigation/adaptation and for emergency services to develop preparedness protocols. The second step is overlay the map with social-economic variables such as hospitals, schools, senior homes to help in prioritizing neighborhoods in need of adaptation. The mapping will overlay various variables identified as priority within the prioritization tool.

The prioritization tool is a way to bring the environment and social indicators together to develop a comprehensive method of evaluation that will benefit all. The tool will include the following variables: critical infrastructure impacts, number of structures flooded, frequency of flooding, social vulnerability index, project efficiency, and multiple benefits (benefits extending beyond flood risk). High ranking areas are then used to

develop community resiliency projects.

Goal statement, project evaluation plan, tasks, and subtasks

Goal statement: Help communities identify vulnerabilities due to predicted increases in precipitation as well as help them prioritize areas for which they can implement remedial measures to build climate resiliency. A key outcome will be a prioritized ranking of existing resilient areas and high flood-risk areas.

Project evaluation plan: Project evaluation will consist of both before and after project analysis based on outcomes. For example the project will look at the number of structures at risk under current and future climate conditions. The success of the evaluation is based on the future understanding of how resilient or unresilient our communities are with increased precipitation. The validity of the modeling will be compared to observed data from the RPBCWD and from cities within that watershed district

Task 1 of 3: Climate Resiliency Modeling and Evaluation

Update the RPBCWD model such that the model can be used to simulate long-term precipitation records (i.e., continuous simulations) as part of a future effort. (Short-term simulations of discrete rainfall events were performed during prior model calibration and validation efforts.) Update the RPBCWD's stormwater model of Purgatory Creek with information provided by the city of Eden Prairie (City) so that RPBCWD's stormwater model will include subwatersheds with similar or more detailed resolution than the City is using in their water quality models. Make the following updates to the model:

- Review and Update Subwatershed Divides.
- Update storage curves.
- Add overland drainage paths.
- Hydrologic parameters including
 - Percent Impervious with the University of Minnesota published detailed impervious land cover dataset for the Twin Cities area.
 - Infiltration Parameters

Prior to simulating design events, the updated model will be used to simulate observed rainfall events. Simulation results will be compared to available monitoring data collected by City and RPBCWD staff to increase confidence in the model prediction.

Model validation will include simulating one small event that was used for the 2013 model calibration, and up to two recent large rainfall events. Prior to model validation, recommended events will be shared with City and RPBCWD staff for approval.

Model simulations will be completed for the 2, 10, and 100-year 24-hour frequency precipitation event using Atlas 14 data. Model simulations will also be completed for the mid-21st century 100-year 24-hour moderate rainfall estimate of 10.2 inches, which is similar to the upper limits of the Atlas 14 90-percent confidence limits, and the moderate estimate for the mid-21st century 10-year, 24-hour event (6.6 inches).

A version of the model will also be developed to simulate spring snowmelt conditions. Model parameters will be adjusted to simulate frozen ground conditions, and the model will be used to simulate the 100-year 10-day snowmelt event (7.2 inches).

Results from the updated models will be used to identify potentially flood-prone areas within Eden Prairie in the Purgatory Creek watershed. Inundation areas will be developed for each of the six design event simulations. Inundation areas will be delineated for areas where water is stored in ponds, wetlands, and topographic depressions. Inundation maps will be developed using level pool mapping in ArcGIS (i.e., inundation mapping of sloped water surface along roadways and through the floodplain will not be completed). The proposed approach is consistent with the methodology used by the RPBCWD for prior floodplain mapping of areas not adjacent to the creeks. If the city of Eden Prairie has structure data, that data will be used to identify potentially flood-prone buildings. Otherwise, building outlines from Hennepin County or from the Minnesota Department

of Natural Resources (MDNR) will be used to identify potentially flood-prone buildings, and LiDAR information will be used to identify roads that overtop.

A figure will be developed that illustrates the number and location of flood-risk areas and potentially flood-prone structures. A review of inundation extents, flood-risk areas, and potentially flood-prone structures for current and future climate conditions will be provided for RPBCWD and City staff.

Timeframe: January 2021– October 2022

Task 2 of 3: Prioritization and low to high risk neighborhood identification

Initial prioritization will be developed based on the following six criteria identified based on feedback from the TAC including:

- (1) Number of impacted structures – This criterion considers the number of habitable structures that are within the 100-year floodplain within a given area. Consideration will be given to whether the structure is residential or commercial. Auxiliary structures such as sheds, park pavilions, or garages are not considered for this criterion.
- (2) Frequency of flooding – This criterion considers how frequently structures maybe inundated. Structures that are inundated during more frequent events (i.e., 2-year) will be given a higher score than structures that are inundated during less frequent events (i.e., 100-year event).
- (3) Social Vulnerability Index – This criterion considers census data to provide consideration for if a flood-prone area is located within a designated vulnerable area.
- (4) Project Efficiency – This criterion considers project partners and if the project could meet goals published in the RPBCWD or project partner’s management plan.
- (5) Multiple benefits – This criterion considers the benefits such as recreational benefits or ecosystem services within a flood-risk mitigation site.
- (6) Critical Infrastructure – This criterion considers whether a project would reduce flood-risk for infrastructure classified by the RPBCWD or City as critical such as emergency evacuation routes, emergency service locations such as hospital, police, fire, or city government buildings, emergency support services such as schools, grocery stores, or churches, and critical city services such as sanitary lift stations.

Considering multiple parameters in the evaluation allows for the identification of potential multi-faceted mitigation measures to address potentially flood-prone areas, which may also have benefits such as reducing the potential for downstream creek erosion, minimizing adverse impacts, and improving water quality while considering the changing environment.

For each flood-risk area, quantify whether each parameter applies to each flood-risk area. Each flood-risk area will be entered into a spreadsheet and ranked based on the parameters and initial scoring used by the RPBCWD. RPBCWD and City staff will be able to adjust the scoring to see how the prioritized list changes. An opportunity to review and provide feedback on the draft prioritized list will be provided for City and RPBCWD staff. Feedback from City and RPBCWD staff will be incorporated into the database to develop the final prioritized list of flood-prone areas.

Timeframe: October 2021– October 2022

Task 3 of 3 – Reporting and evaluation of success

Subtask 3a: Submit an Interim Report within 1 year of the execution of the grant agreement or at 50% completion of the project, whichever occurs first.

Timeframe: January 2022

Subtask 3b: Submit a Final Report 1 month prior to the end of the grant agreement or at 100% completion of the project, whichever occurs first.

Timeframe: May 31, 2023

Subtask 3c: Disseminate and present Final Project Report, including evaluation data and prioritization to local partners and the great community through the technical advisory committee and conferences (e.g., Climate Adaptation conference).

Timeframe: June 15, 2023

3. Anticipated environmental outcomes

Table 1: Anticipated environmental outcomes

Type of Environmental Outcome from adaptations that reduce impacts of climate change and increase resilience (e.g., water quality protection, infrastructure improvement, heat island mitigation, increase in resilient tree canopy, community resilience to flooding or grid failure, etc.)	Description of how anticipated environmental outcome will result	Estimated annual amount of change, if quantifiable (e.g., kWh of electric storage capacity added; SF/acres of blue-green infrastructure added; net increase in tree coverage; gallons of Stormwater infiltrated; lbs. of pollutants removed, etc.)	GHG emissions reduction co-benefit, if applicable (description, and amount if quantifiable)
Reduced Flood Risk	<p>Modeling will be used to create inundation mapping to identify structures at risk of flooding for current and future climate conditions, prioritization, and begin solution identification to reduce flood risk.</p> <p>This will also increase the knowledge of current and future vulnerabilities which will allow in better communication of flood risk.</p>	<p>Increased awareness regarding impacts and local vulnerabilities of extreme storm events and next steps for minimizing risk.</p> <p>Incorporate findings in local level plans and other materials for better communication of flood risk.</p>	
Improved Water Quality (lakes, streams, wetlands)	The model will be used to quantify discharges into stormwater structures that are piped to lakes, creeks, and wetlands.	Increase knowledge of how changes in precipitation can impact flow patterns and streambank erosion.	
Building Community Resilience through Prioritization and Collaboration	Technical Advisory Committee, Citizen Advisory Committee, Cities and general community through presentation, workshops and information fact sheets. This work will also be shared with the greater community through conference presentations, such	Broadcasting process and climate action plan framework(s) to gain support and engagement on a community level.	

	as the Climate Adaptation Conference.	
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4. Project Budget

Cost category	Not to exceed hourly rate	Grant	Total Match	Total budget
Task 1				
Consultant Contract		\$35,000.00	\$136,500.00	\$171,500.00
RPBCWD Staff	\$62.50		\$5,000.00	\$5,000.00
RPBCWD Staff	\$54.50		\$5,500.00	\$5,500.00
Task 1 - Total		\$35,000.00	\$147,000.00	\$182,000.00
Task 2				
Consultant Contract		\$11,000.00	\$33,750.00	\$44,750.00
RPBCWD Staff	\$62.50		\$250.00	\$250.00
Task 2 - Total		\$11,000.00	\$34,000.00	\$45,000.00
Task 3				
Subtask 3a: Interim Report				
Consultant Contract		\$200.00	\$400.00	\$600.00
Total 3a		\$200.00	\$400.00	\$600.00
Subtask 3b: Final Report				
Consultant Contract		\$200.00	\$400.00	\$600.00
Total 3b		\$200.00	\$400.00	\$600.00
Subtask 3c: Final Project Report				
Consultant Contract		\$3,600.00	\$17,200.00	\$20,800.00
RPBCWD Staff	\$62.50		\$1,000.00	\$1,000.00
Total 3c		\$3,600.00	\$18,200.00	\$21,800.00
Task 3 - Total		\$4,000.00	\$19,000.00	\$23,000.00
Budget Totals		\$50,000.00	\$200,000.00	\$250,000.00

Managers,

The District was made aware of an opportunity to incorporate groundwater conservation practices into a project currently underway at St. Hubert School. This opportunity dovetails with the District's Groundwater Program by promoting reuse, utilizing water efficient technology, and providing opportunities for education and outreach.

Through grant funding provided by RPBCWD and Met Council the City of Chanhassen can offer St. Hubert the following through their water efficiency grant program:

- SMART controllers – purchase and installation
 - Rebate of up to \$250 for non-flow based controllers and \$450 for installations that include flow sensing/alarms
 - Must be WaterSense-labeled
 - Water in Motion can furnish a narrative guidance document
 - Must be pre-approved
 - Must provide a base programming document illustrating use of the technology
 - Subject to verification

The installation of a water reuse system and smart controller at St. Hubert presents a unique opportunity to educate and engage students, families, and staff in the work of groundwater conservation. This could include signage as well as classroom engagement when in-school youth programming can resume.

It is for these reasons that staff recommend using \$15,000 of available funds from the Groundwater Conservation budget to support this addition to the St. Hubert project.

Sincerely,

B Lauer
Education and Outreach Coordinator

Managers,

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Education and Outreach Coordinator

TASK ORDER No. 36A- Bluff Creek Reach 5 Stabilization Feasibility
Pursuant to Agreement for Engineering Services
Riley Purgatory Bluff Creek Watershed District and BARR Engineering Company.
January 29, 2021

This Task Order is issued pursuant to Section 1 of the above-cited engineering services agreement between the Riley Purgatory Bluff Creek Watershed District (District) and BARR Engineering Company (Engineer) and incorporated as a part thereof.

1. Description of Services:

Barr will work with District staff and the city of Chanhasen to determine the feasibility of stabilizing Bluff Creek Reach 5b and 5c within the Bluff Creek watershed. The project will identify up to two (2) options for stabilization of each reach. Concept designs and conceptual level opinions of probable cost will be developed for each option. The results will be summarized in a memorandum to be provided to the Board of Managers at the August 2021 meeting.

Barr's activity is anticipated to be divided into three phases:

Phase 1: Feasibility Study (This Task Order 36A)

Phase 2: Final Design and Permitting (Future Task Order anticipated in August 2021);

Phase 3: Construction Administration Services (Future Task Order anticipated in June 2022).

2. Scope of Services:

Engineer's services under this task order shall include:

PHASE 1. FEASIBILITY AND CONCEPT DESIGN

Feasibility and concept design includes multiple tasks in order to ensure the project is feasible to meet the anticipated timeline to complete construction, including close coordination between key stakeholders (RPBCWD, city of Chanhasen) to properly assess the feasibility stabilizing Reach 5. These tasks are described below.

Task 1-1. Kick-off Meeting and Regular Project Meetings

A kick-off meeting will be held with District, Barr, and City staff to discuss the project. Key criteria for the project (scope and budget) will be reviewed. The meeting will also provide an opportunity to define roles and responsibilities to be filled by District, City, and Barr Staff.

District Staff will also be invited to participate in bi-weekly (every two weeks) project meetings. This participation will provide a means to effectively utilize resources from District and Barr Staff to stay on schedule.

Task 1-2. Data Review and Site Visit

Prior to the kick-off meeting, it is expected that District, City, and Barr staff will review the Bluff Creek TMDL and the CRAS to be familiar with Reach 5. These reports will continue to be reviewed during the evaluation of the project feasibility. It is also assumed that District, City, and Barr staff will share photos and data from previous studies and creek walks to assist with the review of background information.

Shortly after the kick-off meeting, Barr staff will coordinate with District staff to complete a site visit to improve knowledge of the site characteristics and gain additional context for photos available from the previously identified studies. District and City Staff will be invited to attend the site visit to have on-site discussions about the feasibility of a given reach.

Task 1-3. Concept Development

Barr staff will develop Preliminary Concept Design schematic drawings for up to two (2) options for each reach based on the site visit and a review of photos from previous studies. The drawings will be GIS based and primarily present a conceptual design to address the observed issues and meet overall goals. A concept level opinion of probable cost will also be developed for each option for each reach, along with internal QA/QC. The concept development will also include a review of available hydrologic and hydraulic modeling for Bluff Creek previously completed for the District to understand anticipated flows and velocities for the reaches.

Barr will estimate the water quality benefits associated with stabilizing a given reach by estimating the amount of erosion that could be prevented. This will help estimate a cost per unit of pollution (TSS and TP) prevented from entering the stream system.

Prior to the start of this task and during a bi-weekly project meeting, Barr staff will discuss stabilization approaches with District and City staff and work towards a consensus for a concept design approach for each reach that will address site-specific characteristics while meeting District and City goals for stream stabilization.

Task 1-4. Preliminary Design Memorandum

Barr will complete a concept design memorandum to document the information gathered and the various components and assumptions that influence the concept design. The memorandum will provide the Managers with information needed to evaluate the merits of the potential projects. It will also include a recommendation to allow the Board to make a decision to proceed to final design or not. Key components will likely include project purpose and objectives, documentation from tasks listed above, design criteria, and assumptions made to complete the design.

Task 1-5. Presentation to RPBCWD Board of Managers

Barr staff will work with the Administrator to present the preliminary design to the District Board of Managers at their regularly scheduled meeting.

Task 1-6. Project Management

Project Management will be required in all phases as careful project management will help to ensure the work meets the expectations of District staff and other stakeholders, and that it is completed in a satisfactory manner, within the project timeline and within the agreed-upon budget.

Assumptions

We have made several assumptions in preparing the scope of work for each work item in this agreement. Assumptions relating to individual work tasks are listed along with the detailed description. However, additional assumptions that do not correspond with a single work task are listed below:

- No soil borings or hand augers will be conducted in this phase.
- An assessment of the vegetation adjacent to the project area will not be completed in this phase.
- A Phase I Cultural and Historical Assessment will not be completed in this phase.
- A Phase I Environmental Assessment will not be completed in this phase.
- The project site is free from contamination; no investigation will be made of the old dump site identified just upstream of Galpin Blvd for Reach 5b.
- A topographic survey will not be completed in this phase.
- Feasibility and concept design will include one meeting with District staff to discuss the plans and cost estimate.
- One presentation for the District Board prior to approving the project for final design
- The proposed budget includes costs for mileage reimbursement for site visits and site observation.
- The District will provide all available and applicable GIS and CAD files to Barr in an electronic format.

3. Deliverables:

The following deliverables will be prepared and provided to the RPBCWD:

Phase 1: Preliminary Feasibility Design

- Concept GIS maps with estimates of TSS and TP load reductions
- Concept Opinions of Probable Cost
- Preliminary design memorandum for District review
- Communications with District staff if unforeseen issues arise with any aspect of the project, including the technical scope of work, project budget, stakeholder involvement, or project schedule.

4. Budget:

Services under this Task Order will be compensated for in accordance with the engineering services agreement and will not exceed \$19,600, without written authorization by the Administrator or Board of Managers. The following table provides a breakdown of the anticipated cost for major tasks associated with scope of services describe above.

Task	Task Description	Anticipated Budget	Tentative Completion Date
Phase 1: Preliminary Feasibility Design			
1-1	Kick-off Meeting and Project Meetings	\$2,500	ongoing
1-2	Data Review and Initial Site Visit	\$2,600	April 2021
1-3	Concept Design Development	\$6,800	July 2021
1-4	Preliminary Feasibility Design Memorandum	\$3,400	August 2021
1-5	Presentation to RPBCWD Board	\$2,500	August 2021
1-6	Project Management	\$1,800	ongoing
Task Order 36A Total		\$19,600	

5. Schedule and Assumptions Upon Which Schedule is Based

The proposed schedule (above) is based on the assumptions that weather conditions allow for an site visit by early April and this phase should be completed so that final design could be completed during the winter of 2021/2022. This tentative schedule allows for the potential for a fall 2022 construction start.

IN WITNESS WHEREOF, intending to be legally bound, the parties hereto execute and deliver Phase 1 of this Agreement.

CONSULTANT

**RILEY PURGATORY BLUFF CREEK
WATERSHED DISTRICT**

By _____

By _____

Its Vice President _____

Its President _____

Date:

Date:

APPROVED AS TO FORM & EXECUTION

TASK ORDER No. 6h- 2021 WOMP Station Services
Pursuant to Agreement for Engineering Services
Riley Purgatory Bluff Creek Watershed District and BARR Engineering Company.
January 22, 2021

This Task Order is issued pursuant to Section 1 of the above-cited engineering services agreement between the Riley Purgatory Bluff Creek Watershed District (District) and BARR Engineering Company (Engineer) and incorporated as a part thereof.

1. Description of Services:

TASK A

Perform operation and maintenance tasks related to the Purgatory Creek Monitoring Station located at Pioneer Trail in Eden Prairie (Pioneer Trail Station). The Pioneer Trail Station is enrolled in Metropolitan Council's (MCES) Watershed Outlet Monitoring Program (WOMP). As part of the WOMP, the District will work with MCES in a cooperative effort to collect flow, rainfall, and water quality data at the Pioneer Trail Station.

TASK B

Perform operation and maintenance, data management, and project management tasks related to the Purgatory Creek Monitoring Station located at Valley View Rd in Eden Prairie (Valley View Rd Station). (Note: the Valley View Rd Station will not be enrolled in MCES'S WOMP, so this station will be the sole responsibility of the District).

2. Scope of Services:

TASK A – Pioneer Trail Station

The District Engineer will perform operation and maintenance tasks for the Pioneer Trail Station as requested by the MCES WOMP Coordinator and approved by the District Administrator. In 2021, the MCES will continue transitioning from composite auto-sampling to discrete auto-sampling for storm events at this station. The MCES installed a new auto-sampler and datalogger system in 2018. During the first couple years of operation, this system has had several problematic issues and is still being modified and refined. Therefore, in 2021 MCES will continue developing and updating operation methods for the new system and will provide related training to cooperators. The bi-weekly grab sampling regime adopted in 2017, will continue in 2021. MCES staff will continue to be responsible for conducting flow measurements and rating curve development. However, the MCES may request District and/or Barr staff to take a flow measurement on occasion, if MCES staff is unavailable. A

placeholder contingency budget was added to cover tasks for potential flow measurement.

Tasks will include:

- a) Supporting District staff bi-weekly grab sampling efforts, including project coordination with MCES and data and file management. District staff will be responsible for grab sample collection, delivery to lab, and completion of sample submission forms for the lab.
- b) Setting sample activation parameters (i.e. activation level and volume) to trigger the station's auto-sampler during storm events. Collecting storm event samples for significant events (i.e. rainfall > ½ in.) and delivering these samples to the MCES lab located on Childs Rd., St. Paul, MN.
- c) Performing routine maintenance of the equipment at the station; including verifying/calibrating water quality sensors, clearing debris from sensors, changing out desiccants, prepping the station for spring monitoring, and winterizing the station.
- d) Troubleshooting equipment issues, as needed. The MCES will rely on the District staff and engineer to assess equipment problems if they arise. The amount of troubleshooting in any given year is unpredictable. Therefore, the maintenance portion of the budget has included up to 20 hours of time to troubleshoot equipment issues. If additional time beyond what has been assumed in the budget below is needed, the troubleshooting effort will be coordinated with the District Administrator. The assumed time allocated for troubleshooting equipment will not be exceeded without prior authorization by the District Administrator.
- e) Managing of continuous water quality, rainfall, and flow data; including downloading and reviewing data, and assisting MCES with year-end data QA/QC and summary.
- f) Potential miscellaneous tasks including any tasks associated with the transition to the new sampling regime, such as training, meetings, or equipment installation; and flow measurements if requested by the MCES WOMP coordinator. These tasks are included below in the placeholder contingency budget.

NOTE: As part of the WOMP contract, the MCES responsibilities include all laboratory work/fees associated with the sampling, data management (year-end QA/QC, summarizing, storing in database), major maintenance costs (i.e. replacement cost of equipment, subcontractor fees for repair, etc.), and project management/coordination tasks.

TASK B – Valley View Road Station

The District Engineer will perform the following operation and maintenance tasks:

- a) Supporting District staff bi-weekly grab sampling efforts, project coordination and data and file management. District staff will be responsible for grab sample collection, delivery to lab and completion of sample submission forms for the lab.
- b) Setting sample activation parameters (i.e. activation level and volume) to trigger the station's auto-sampler during storm events. Collecting storm event composite samples for significant events (i.e. rainfall > 1/2 in.) and delivering these samples to a certified laboratory for testing.
- c) Performing routine maintenance of the equipment at the station; including verifying/calibrating water quality sensors, clearing debris from sensors, changing out desiccants, and winterizing the station.
- d) Troubleshooting equipment issues, as needed. The amount of troubleshooting in any given year is unpredictable. Therefore, the maintenance portion of the budget has included up to 20 hours of time to troubleshoot equipment issues. If additional time beyond what has been assumed in the budget below is needed, the troubleshooting effort will be coordinated with the District Administrator. The assumed time allocated for troubleshooting equipment will not be exceeded without prior authorization by the District Administrator.
- e) Performing stage-discharge measurements for development, verification and/or updating of the rating-curve equation (i.e., the relationship between stream flow and water level that is developed based on manual measurements at a monitoring station).
- f) Downloading and reviewing monitoring data (i.e. stage, flow, conductivity, temperature, rainfall, turbidity) throughout the monitoring period; including QA/QC tasks.
- g) Year-end QA/QC and summary of all monitoring data for the station.
- h) Managing and coordinating project.

Note: A certified laboratory will provide the lab work services. A budget has been included for anticipated lab fees for samples collected from the Valley View Station based on the MCES Lab's analyte costs.

3. Deliverables:

TASK A:

The water quality, flow, and rainfall data collected at the Pioneer Trail Station will be stored in a database maintained by MCES. The District and the District Engineer will

have access to this data either through the MCES website or per request to the MCES WOMP coordinator.

TASK B:

QA/QC'd water quality, flow, and rainfall data will be summarized and stored per the District Administrator's instruction (for example, in an MS Excel, Access, or EQuIS Database).

4. Budget:

Services under this Task Order will be compensated for in accordance with the engineering services agreement and will not exceed \$34,800, without written authorization by the Administrator. (Note: the District will likely be reimbursed \$5,000 through a State Grant Agreement with MCES) Table 1 provides a summary of the anticipated cost for major tasks associated with scope of services described above. Attachment 1 provides additional detail of the anticipated cost for each task and subtask, schedule, and laboratory costs.

Table 1. Summary of Task Order 06g Anticipated Cost for Major Tasks

Task	Description	Labor Costs¹	Other Expenses²	Anticipated Total Cost
A	Operate and Maintain the Purgatory Cr. WOMP Station at Pioneer Trail in Cooperation with MCES for 2020	\$9,750	\$900	\$10,650
B	Operate and Maintain the Purgatory Cr. Monitoring Station at Valley View Rd for 2020	\$17,000	\$7,150	\$24,150
Task Order 6h Total				\$34,800

¹Labor costs will be billed on an hourly rate per time spent on each task, but will not exceed amount shown without written authorization. District staff will be responsible for monthly grab sample collection, delivery to lab and data management.

²Other expenses billed as costs incur, including purchase of new equipment, mileage, laboratory charges (if applicable), equipment rental if needed, and supplies as necessary.

5. Schedule and Assumptions Upon Which Schedule is Based

- a) TASK A: The project schedule is included as part of Attachment 1. The Pioneer Trail Station is operated and maintained year-round.
- b) TASK B: The project schedule is included as part of Attachment 1. This schedule is weather dependent; for example, a late spring and ice conditions could push back March-2021 tasks to April-2021.

IN WITNESS WHEREOF, intending to be legally bound, the parties hereto execute and deliver this Agreement.

**CONSULTANT
DISTRICT**

RILEY PURGATORY BLUFF CREEK WATERSHED

By _____

By _____

Its Vice President _____

Its President _____

Date:

Date:

APPROVED AS TO FORM & EXECUTION

Attachment 1: Breakdown of Services for Task Order 6h including Anticipated Cost and Schedule

Task/Phase	Subtask	Description	Labor Costs ¹	Other Expenses ²	Total Cost	Schedule	
Task A Operate and Maintain the Purgatory Cr. WOMP Station at Pioneer Trail	1	Bi-Weekly Grab Samples: support RPBCWD staff as part of a collaborative sampling effort, coordinate with MCES staff, and manage data and files. RPBCWD staff will typically collect the samples.	\$500.00	\$50.00	\$550.00	Jan to Dec-21	
	2	Storm Event Samples: collect samples during storm events (assumes sampling begins in March and 12 sampleable storm events of > 0.5" of rain occur).	\$4,000.00	\$400.00	\$4,400.00	Mar to Nov-21	
	3	Maintenance: verify/calibrate sensors, troubleshoot problem issues as necessary, prepare for monitoring season in spring, and winterize station.	\$2,000.00	\$200.00	\$2,200.00	Jan to Dec-21	
	4	Data management: download and review data throughout monitoring period. Assist MCES with year's end data QA/QC and summary.	\$750.00	\$0.00	\$750.00	Jan to Dec-21	
	5	Contingency: miscellaneous tasks, which may include flow measurements as needed, training on new equipment, and meetings with MCES and RPBCWD staff.	\$2,500.00	\$250.00	\$2,750.00	Jan to Dec-21	
	Subtotals			\$9,750.00	\$900.00		
	Task A Subtotals					\$10,650.00	
Task B Operate and Maintain the Purgatory Cr. Monitoring Station at Valley View Rd.	1	Bi-weekly Grab Samples: support RPBCWD staff as part of a collaborative sampling effort and manage data/files. RPBCWD staff will typically collect the samples.	\$500.00	\$50.00	\$550.00	Mar to Dec-21	
	2	Storm event samples: collect composite samples during storm events (assumes sampling begins in March and 15 sampleable storm events of > 0.5" of rain occur).	\$6,000.00	\$600.00	\$6,600.00	Mar to Nov-21	
	3	Maintenance: verify/calibrate sensors, troubleshoot problem issues as necessary, prepare for monitoring season in spring, and winterize station.	\$4,000.00	\$350.00	\$4,350.00	Jan to Dec-21	
	4	Rating Curve: perform stage-discharge measurements to verify rating curve is accurate and update rating curve if needed.	\$2,500.00	\$150.00	\$2,650.00	Mar to Dec-21	
	5	Data management: download and review data throughout monitoring period. Year's end QA/QC tasks and data summary.	\$4,000.00	\$0.00	\$4,000.00	Jan to Dec-21	
	Subtotals			\$17,000.00	\$1,150.00		
Task B - Subtotals					\$18,150.00		
Task B Anticipated Laboratory Testing Costs for Valley View Station	Analyte		Lab Test Cost	No. of Samples	Total Cost	Budgeting	
	Alkalinity		\$13.50	19	\$256.50		
	Bacteria, E. Coli		\$28.25	24	\$678.00		
	Carbon, Total Organic		\$18.00	19	\$342.00		
	Chemical Oxygen Demand		\$9.75	15	\$146.25		
	Chloride		\$15.75	39	\$614.25		
	Chlorophyll-a		\$15.50	24	\$372.00		
	Dissolved Phosphorus		\$15.25	39	\$594.75		
	Hardness		\$8.25	19	\$156.75		
	Metals		\$36.00	4	\$144.00		
	Nitrogen, Ammonia		\$8.25	39	\$321.75		
	Nitrogen, Kjeldahl and Total Phosphorus		\$15.25	39	\$594.75		
	Nitrogen, Nitrate+Nitrite		\$7.75	39	\$302.25		
	Phosphorus, orthophosphate		\$15.50	39	\$604.50		
	Solids, Total and Volatile Suspended		\$12.25	39	\$477.75		
	Sulfate		\$13.50	19	\$256.50		
Turbidity		\$8.25	15	\$123.75			
Lab Testing Cost Subtotal				\$6,000.00			
Task Order 6h Total					\$34,800.00		

¹Labor costs will be billed on an hourly rate per time spent on each task, but will not exceed amount shown without written authorization.

²Other expenses billed as costs incur, including purchase of new equipment, mileage, equipment rental if needed, and supplies as necessary.

Riley-Purgatory-Bluff Creek Watershed District

Memorandum Supporting and Providing Explanation of Revisions of Riley-Purgatory-Bluff Creek Watershed District

Rule D – Wetland & Creek Buffers

Rule F – Shoreline & Streambank Stabilization

February 3, 2020

This memorandum presents background on and explanation of amendments of the Riley-Purgatory-Bluff Creek Watershed District rules. The memo supports the RPBCWD Board of Managers' determination that the changes to the rules will improve the efficiency and cost-effectiveness of its regulatory program's efforts to protect water resources. It describes the basis for RPBCWD's determination that the effectiveness of the rules, as revised, reasonably outweighs the burden incurred by property owners in complying with the rules.

RPBCWD proposes to amend Rule F – Shoreline and Streambank Improvements.

Opportunities to comment

RPBCWD wishes to receive written or verbal comments on its proposed revisions. Interested persons and organizations can submit written comments on the revisions on or before the close of business on **March 22, 2021**. RPBCWD prefers submission of comments by email to Terry Jeffery, watershed planning coordinator, at tjeffery@rpbcwd.org. But comments also may be sent to Mr. Jeffery at the RPBCWD offices, 18681 Lake Drive East, Chanhassen MN 55317. Critique of the changes is most valuable when accompanied by a suggested alternative approach RPBCWD could take.

In addition to the written comment period, RPBCWD will hold a **public hearing** on the revisions at **6:30 p.m., on March 3, 2021, via zoom**. At the hearing, any interested person will have the opportunity to address the managers and staff concerning the proposed revisions.

The proposed changes may be revised in response to comments. In addition, this memo will be updated, as needed, to address comments received, and will be reissued in final form to support the managers' adoption of the final revisions to the rules and to provide property owners and project proposers with guidance and background on the rules.

The RPBCWD Board of Managers will consider adopting the revised rules at the regular meeting on **April 7, 2021**. When adopting the revised rules, the managers will set a date on which the amended rules will be effective throughout the watershed. RPBCWD has tentatively identified **April 8, 2021**, as the **target effective date**. Permit applications that are not complete as of the effective date will be subject to the amended rules, though an applicant who has submitted a complete application prior to that date may request to have the matter determined in accordance with the revisions.¹

¹ RPBCWD will administratively amend its watershed management plan to include the updated rules when they are adopted.

Rule F – Shoreline Maintenance Revision

RPBCWD’s policy is that hard-armoring shorelines should be undertaken only when necessary to address erosion forces on a shoreline or streambank. But where a shoreline is already hard-armored (i.e., covered with riprap), RPBCWD policy is to ensure such installation is properly maintained to prevent degradation of the shoreline or streambank and resulting erosion and sedimentation of the subject waterbody. (Under existing language in paragraph 2.4, maintenance or in-kind replacement of existing public infrastructure on a shoreline or streambank is not subject to the Rule F requirements.)

In keeping with this policy, in 2018 Riley-Purgatory-Bluff Creek Watershed District amended its regulatory requirements to streamline the approval process for maintenance of such *existing* riprap installations. RPBCWD established a reduced set of requirements for a property owner whose project would not increase the width, depth or length of the stabilized area of their shoreline and would not disturb underlying soils. In subsequently reviewing applications and subject sites with property owners, RPBCWD has found that some amount of underlying soil disturbance is inherent to and necessary for the maintenance of riprapped shorelines. Given this, the streamlined permitting framework was not achieving its intended purposes of encouraging property owners to ensure that their shoreline stabilizations continued to protect against erosion and sedimentation. Also, the extent of disturbance of underlying soils necessary to maintain a hard-armored shoreline does not warrant the articulation of a need for the stabilization (subsection 3.1 of the rule) since the stabilized shoreline is already in place, nor does it require a complete assessment of erosion intensity (subsection 3.2). They are required only when an applicant proposes installation of a new or expansion of a shoreline stabilization. The principal thrust of the proposed new revisions to the rule is to allow maintenance of shoreline stabilizations in their present form without needing to demonstrate need or assess erosion intensity. (Applicants still must provide those section 4.0 exhibits needed for RPBCWD to assess compliance with the applicable criteria of section 3.3.)

The proposed change to Rule D – removing the term “fast-track” – is ministerial, revising a cross-reference to the subsection 3.4 option for approval of shoreline maintenance projects.

The streamlined permitting applies only to shorelines – not streambanks – and the specification of rule provisions that apply only to one or the other is accomplished by adding “streambanks” in relevant places throughout the rule. These additions clarify, but do not change, the operation of the rule (i.e., no new requirements are being added to either shoreline or streambank stabilizations).

The streamlined permitting process also applies only when a property owner is undertaking maintenance that does not change the form of the stabilization. That is, it applies only when a hard-armored (riprapped) shoreline is being maintained as hard-armored, bioengineered as bioengineered, and naturalized as naturalized.

RPBCWD support for bioengineered stabilizations

While the revised shoreline-maintenance terms are out for review and comment, RPBCWD will be assessing whether new policy provisions – e.g., cost-share program criteria – are needed to support property owners who wish to stabilize their shorelines with bioengineering or a mixture of bioengineering and vegetation. RPBCWD will affirm its support – and make resources available – for property owners who wish to transition from full or partial hard-armorings to fully or partially naturalized stabilizations.

Shoreline and streambank stabilization projects differ from any other regulated land-disturbing activity in that RPBCWD *wants* property owners to undertake such projects because shorelines and streambanks that are instable are sources of sediment and pollutant loading to water bodies. Further, RPBCWD’s resource-improvement goals are furthered by landowner projects that move from hard-armorings, which does not provide habitat or other benefits beyond preventing erosion, to more natural shorelines, which do. At the same time, RPBCWD needs to ensure that bioengineering will effectively stabilize a shoreline or streambank, which means that it is important to require property owners to subject their plans to RPBCWD’s regulatory analysis generally and to complete an Erosion Intensity Scoresheet (Rule F subsection 3.2a) or shear-stress calculation (Rule F subsection 3.2b) specifically. This unique conjunction of interests requires careful balancing of fairness to all property-owner applicants by requiring *all* of those who wish to install a new or different stabilization to comply with the rules and receive a permit (at the applicant’s cost), with support for naturalizing projects through cost-share funds for construction or in-kind assistance of staff.

RPBCWD is eager to hear any ideas stakeholders have for striking such a balance, as well as concerns about its efforts to do so. RPBCWD staff will be reaching specifically to the members of its Technical Advisory Committee for insights on this balancing effort, which inherently involves ensuring that public funds are applied only to fulfill public purposes and goals.

RILEY-PURGATORY-BLUFF CREEK WATERSHED DISTRICT
RULES

Adopted as revised December 11, 2019

DRAFT

Rule D – Wetland and Creek Buffers

1 Policy

It is the policy of the Board of Managers to ensure the preservation of the natural resources, recreational, habitat, water treatment and water storage functions of water resources. This rule is intended to:

- Support municipal enforcement of the Wetland Conservation Act and the policy of no net loss in the extent, quality and ecological diversity of existing wetlands in the watershed.
- Preserve vegetation and habitat important to fish, waterfowl and other wildlife while also minimizing negative impacts of erosion.
- Require buffers around wetlands, water basins and watercourses affected by land-disturbing activities.
- Ensure the preservation of the natural resources, habitat, water treatment and water storage functions of wetlands, water basins and watercourses.
- Maintain wetland integrity and prevent fragmentation of wetlands.
- Prevent erosion of shorelines and streambanks, and foster the use of natural materials for the protection, maintenance and restoration of shorelines and streambanks.

2 Regulation

2.1 Compliance with the criteria in section 3 of this rule is required for any activity that requires a permit under Rule B – Floodplain Management and Drainage Alterations, Rule E – Dredging and Sediment Removal, Rule F – Shoreline and Streambank Stabilization, except sand blanketing, Rule G – Waterbody Crossings and Structures or Rule J – Stormwater Management. The requirements of the rule apply to property:

- a encompassing or adjacent to a public watercourse, public waters wetland or other protected wetland in the watershed; or
- b encompassing or adjacent to any other watercourse within a High-Risk Erosion Area, unless the applicant submits data demonstrating a Stream Power Index rating of 3 or less and an absence of any significant existing erosion.

2.2 The requirements of this rule do not apply to:

- a incidental wetlands;
- b to wetlands that are disturbed solely by utility improvements or repairs that are the subject of a no-loss determination from the relevant Wetland Conservation Act Local Government Unit; or
- c to projects approved under the ~~fast-track~~-maintenance provisions of Rule F, paragraph 3.4.

3 Criteria

3.1 **Buffer area.** Buffer must be created or maintained:

- a Around a wetland disturbed by land-disturbing activity regulated by the District;
- b on that portion of the edge of a wetland that is downgradient from land-disturbing activity regulated by the District; and
- c on streambank downgradient from the land-disturbing activity regulated by the District and 50 feet from each of the upstream and downstream extent of the disturbance.

3.2 **Buffer width.** Buffer must be created or maintained upgradient of regulated features in accordance with the following criteria:

- a Wetland values will be determined in accordance with Appendix D1, which is incorporated into and made a part of this rule.
- b Subject to paragraphs 3.2c through g, buffers must extend:
 - i An average of 80 feet from the delineated edge of an exceptional value wetland, minimum 40 feet;
 - ii An average of 60 feet from the delineated edge of a high value wetland, minimum 30 feet;
 - iii an average 40 feet from the delineated edge of a medium value wetland,¹ minimum 20 feet;
 - iv an average 20 feet from the delineated edge of a low value wetland,¹ minimum 10 feet;
 - v an average of 50 feet from the centerline of a public waters watercourse, minimum 30 feet;
 - vi an average of 50 feet from the thalweg of any watercourse within a High-Risk Erosion Area, minimum 30 feet.
- c **Steep slopes.** Where a buffer encompasses all or part of a slope averaging 18 percent or greater over a distance of 50 feet or more upgradient of the regulated feature, calculated using a reasonably precise topographic surface model, the buffer will extend to the width specified under section 3.2a or to the top of the slope, whichever is greater. An existing contour alteration or artificial structure on a slope constitutes a break in slope only if it will indefinitely dissipate upgradient runoff velocity and trap upgradient pollutant loadings.
- d **Existing single-family residential properties:** Paragraphs a through c do not apply. When required on an existing single-family home property, buffer must extend an average of 20 feet from the delineated edge of a wetland or OHW of a watercourse, minimum 10 feet.
- e **Buffer averaging.** Buffer width may vary, provided that the minimum buffer width is maintained at all points, there is no reduction in total buffer area, and the buffer provides wetland and habitat protection at least equivalent to a buffer of uniform width. Buffer wider than 200 percent of the applicable width calculated in accordance with above provisions will be excluded from the buffer-averaging calculation. Buffer width may not be averaged on a steep slope.
- f Buffer is only required on the property owned by the applicant that is the

subject of the District permit, and is required where the regulated feature is either on or within the applicable buffer width of the subject property.

- g Buffer required for linear projects will be limited in width to the extent of available right-of-way.

- 3.3 Buffer areas must be planted with native vegetation and maintained to retain natural resources and ecological value. Existing buffer areas preserved in compliance with this rule must be managed in a naturalized condition to encourage growth of native vegetation and eliminate invasive species. Buffer vegetation must not be cultivated, cropped, pastured, mowed, fertilized, subject to the placement of mulch or yard waste, or otherwise disturbed, except for periodic cutting or burning that promotes the health of the buffer, actions to address disease or invasive species, mowing for purposes of public safety, temporary disturbance for placement or repair of buried utilities, or other actions to maintain or improve buffer quality and performance, each as approved by the District in advance in writing or when implemented pursuant to a written maintenance plan approved by the District.

- a Diseased, noxious, invasive or otherwise hazardous trees or vegetation may be selectively removed from buffer areas and trees may be selectively pruned to maintain health.
- b Pesticides and herbicides may be used in accordance with Minnesota Department of Agriculture rules and guidelines.
- c No fill, debris or other material will be placed within a buffer.
- d No structure or impervious cover (hard surface) may be created within a buffer area, except that boardwalks, sidewalks and trails designed for nonmotorized use may be constructed within a buffer area as long as the minimum and average buffer widths are maintained from the regulated feature. Stormwater-management facilities may be constructed within buffer area. Plans and specifications must be approved by the District prior to construction. Existing impervious surface that will not otherwise be disturbed need not be removed.
 - i Hydrants, utility manholes, piers, docks, canoe racks, information kiosks, signage, retaining walls and benches may be located within a buffer in a public park.
- e A pervious path or boardwalk, not more than 12 feet wide, may be created or maintained to provide access to a regulated feature or within the required buffer area outside the minimum buffer width. Access paths or boardwalks may not be located where or constructed such that concentrated runoff will flow to the regulated feature.

- 3.4 Buffer will be indicated by permanent, free-standing markers at the buffer's upland edge installed in accordance with a plan and specifications providing:
 - a Installation date, which must be set to ensure protection of buffer area during and after land-disturbing activities;
 - b text in material conformity with a design and text provided by the District;
 - c location(s) for markers, at a minimum along each lot line, with additional

markers at an interval of no more than 200 feet and, for subdivisions, on each lot of record to be created.

On public land or right-of-way, the monumentation requirement may be satisfied by the use of a marker flush to the ground or breakaway markers of durable material.

- 3.5 Before any work subject to District permit requirements commences, buffer areas and maintenance requirements must be documented in a declaration or other document approved by the District and recorded in the office of the county recorder or registrar. On public land or right-of-way, buffer areas and maintenance requirements may be documented in a written agreement with the District in lieu of a recorded document.
- 3.6 In establishing buffer pursuant to this rule, the potential transfer of aquatic invasive species (e.g., zebra mussels, Eurasian watermilfoil, etc.) must be minimized to the maximum extent possible.

5 Temporary alterations

Temporary alteration of buffer areas permitted under this rule or in writing by the District must comport with the requirements of this section.

- 5.1 Compliance with District Rule C – Erosion Prevention and Sediment Control is required, irrespective of the area or volume of earth to be disturbed.
- 5.2 Buffer zones and the location and extent of vegetation disturbance will be delineated on the erosion control plan.
- 5.3 Alterations must be designed and conducted to ensure only the smallest amount of disturbed ground is exposed for the shortest time possible. Mulches or similar materials must be used for temporary soil coverage and permanent native vegetation established as soon as possible.
- 5.4 Fill or excavated material may not be placed to create an unstable slope.

6 Roads and utilities

A structure, impervious cover or right-of-way maintained permanently in conjunction with a crossing of a waterbody or wetland may be constructed and maintained in buffer area that would otherwise be required under this rule. The structure, impervious cover or right-of-way must be designed to minimize the area of permanent vegetative disturbance. Minimization includes, but is not limited to, approach roads and rights-of-way that are perpendicular to the crossing and of a minimum width consistent with use and maintenance access needs.

- 6.1 All work will be conducted in accordance with section 4 of this rule.

7 Shoreline or streambank improvements

A shoreline or streambank improvement subject to District Rule F, including a sand blanket, is excepted from the prohibitions of subsection 3.2, provided the improvement complies with District Rule F – Shoreline and Streambank Stabilization. The applicable

buffer width may overlap shoreline or streambank improvements other than a sand blanket.

8 Required information and exhibits

The following exhibits must accompany the permit application:

- 8.1 One 11 inch-by-17 inch plan set , and electronic files in a format acceptable to the District, as well as a plan set 22 inches by 34 inches if requested by the District.
- 8.2 For work on any property subject to this rule:
 - a A scaled site plan showing existing conditions, including the following elements:
 - i Topographic contours at two-foot intervals;
 - ii Existing streets, roads and trails;
 - iii Existing structures and facilities;
 - iv Extent of regulated feature as delineated in the field;
 - v Location of existing trees and tree masses;
 - vi Soil types and locations.
 - b A scaled proposed site plan showing proposed development that include the following elements:
 - i Topographic contours showing finished grade at two-foot intervals;
 - ii Proposed streets, parking, trails and sidewalks;
 - iii Location of proposed structures and facilities;
 - iv Extent of regulated feature and associated buffers as delineated in the field;
 - v Location of major landscaping including those existing trees and tree masses to be retained.
 - vi Property lines and corners and delineation of lands under ownership of the applicant
 - vii Street rights-of-way;
 - viii Utility easements;
- 8.2 For projects on properties on which wetlands are located, exhibits must be submitted as follows:
 - a For existing single-family home properties encompassing all or part of a wetland: A wetland delineation.
 - b For all other properties encompassing all or part of a wetland: A wetland delineation, type determination, and function and values assessment of any regulated wetland using the Minnesota Routine Assessment Method (MnRAM) or another wetlands-assessment method approved by the District. The delineation and function and values assessment must be conducted by a certified wetland delineator and supported by the following documentation:
 - i Identification of the methods used;
 - ii Identification of presence or absence of normal circumstances or problem conditions;
 - iii Wetland data sheets, or a report, for each sample site, referenced to the location shown on the delineation map. In each data sheet/report applicant

- must provide the reasoning for satisfying, or not satisfying each of the technical criteria and why the area is or is not a wetland;
 - iv A delineation map showing the size, locations, configuration and boundaries of wetlands in relation to identifiable physical characteristics, such as roads, fence lines, waterways or other identifiable features;
 - v The location of all sample sites and stakes/flags must be accurately shown on the delineation map.
- 8.3 For properties adjacent to but not encompassing any portion of a wetland, the District will determine the need for wetland buffer and applicable buffer width using best available data, including any wetland functions and values data submitted by the applicant.

Appendix D1 – Wetlands Definitions

“Exceptional value wetlands” are those meeting one or more of the following rating levels, as determined by application of the current edition of the Minnesota Routine Assessment Method (MnRAM) or another wetlands-assessment method approved by the District.

Function or Value	Rating
Vegetative Diversity	Exceptional
Wildlife Habitat	Exceptional
Amphibian Habitat AND Vegetative Diversity	High High
Fish Habitat	Exceptional
Shoreline Habitat	High
Aesthetics/education/recreation/cultural AND Wildlife Habitat	Exceptional High
Stormwater Sensitivity AND Vegetative Diversity	Exceptional Medium or greater
Vegetative Diversity AND Maintenance of Hydrologic Regime	High High

“High value wetlands” are those meeting one or more of the following rating levels, as determined by application of the current edition of MnRAM or another wetlands-assessment method approved by the District.

Function or Value	Rating
Vegetative Diversity	High
Wildlife Habitat	High
Amphibian Habitat	High
Fish Habitat	High
Shoreline Protection	Medium
Aesthetics/education/recreation/cultural AND Wildlife Habitat	High Medium
Stormwater Sensitivity AND Vegetative Diversity	High Medium or greater
Vegetative Diversity AND Maintenance of Hydrologic Regime	Medium High or greater

“Medium value wetlands” are those that do not qualify as high value wetlands but that meet one or more of the following rating levels, as determined by application of the current edition of MnRAM or another wetlands-assessment method approved by the District.

Riley-Purgatory-Bluff Creek Watershed District Rules

Function or Value	Rating
Vegetative Diversity	Medium
Wildlife Habitat	Medium
Amphibian Habitat	Medium
AND Vegetative Diversity	Medium
Fish Habitat	Medium
Shoreline Habitat	Low
Aesthetics/education/recreation/cultural	Medium
AND Wildlife Habitat	Low
Stormwater Sensitivity	Medium

“Low value wetlands” are those that do not qualify as “exceptional,” “high,” or “medium” wetlands.

Rule F – Shoreline and Streambank Stabilization

1 Policy

It is the policy of the Board of Managers to prevent erosion of shorelines and streambanks, and to foster the use of natural materials and bioengineering for the maintenance and restoration of shorelines and streambanks.

2 Regulation

A permit from the District is required to install or maintain an improvement to stabilize a shoreline or streambank, including but not limited to riprap, a bioengineered installation, a sand blanket or a retaining wall, on any watercourse or a public water. ~~Maintenance of an existing stabilization improvement may be approved under the fast track application provisions in paragraph 3.4 below.~~ No District permit under this rule is required for:

- 2.1 Activities conducted pursuant to a project-specific permit from the state Department of Natural Resources, but the District buffer requirements apply to activity that would otherwise require a District permit;
- 2.2 activities in incidental wetlands or for utility improvements or repairs that are the subject of a no-loss determination from the relevant LGU;
- 2.3 removing accumulated sediment from a water basin; or
- 2.4 maintenance or in-kind replacement of existing public infrastructure on non-public waters that does not increase the length, width or depth of the existing infrastructure.

3 Criteria

Except for shoreline maintenance that qualifies for approval under paragraph 3.4 below, a permit will be issued on demonstration by the applicant of compliance with the applicable criteria in subsections 3.1 through 3.3.

- 3.1 An applicant for a permit under this rule must demonstrate a need to prevent erosion or restore an eroded shoreline or streambank,¹ unless the proposed improvement is designed to restore natural shoreline or streambank.
- 3.2 **Sequencing.** Stabilization practices must be consistent with the erosion intensity or shear stress rating calculated for the property proposed to be stabilized. The District will approve proposed stabilization practices in accordance with the applicable sequencing priority:
 - a **Shoreline erosion intensity calculation.** Applications for shoreline stabilization must include a completed RPBCWD Erosion Intensity Scoresheet²

~~¹ All references to “shoreline” in these rules should be read to refer to both shoreline and streambank, except where context clearly requires distinction between the two.~~

² The Erosion Intensity Scoresheet is incorporated into and a part of these rules. It may be obtained from the District office or the permitting section of the District website: www.RPBCWD.org. The website

to determine the erosive energy ranking for the site (low, medium, high). The proposed shoreline stabilization practice must be consistent with the shoreline erosion energy rating calculated.

- i Low-energy site means a site where the erosion intensity score is 47 or less. Low energy shorelines may be stabilized using bioengineering stabilization practices.
 - ii Medium-energy site means a site where the erosion intensity score is 48 to 67. Medium energy shorelines may be stabilized using a combination bioengineering and vegetated riprap stabilization practices.
 - iii High energy site means a site where the erosion intensity score is greater than 67. High energy sites may be stabilized with riprap and vegetated riprap practices.
- b **Streambank shear stress calculation.** Applications for streambank stabilization must include a shear stress calculation for the site.³ The proposed streambank stabilization practice must be consistent with the shear stress calculated.
- i Low energy streambanks are those where the shear stress calculated is less than or equal to 2.5 pounds per square foot and may be stabilized using bioengineering practices.
 - ii Medium energy streambanks are those where the shear stress calculated is between 2.5 and 5 pounds per square foot and may be stabilized using a combination of riprap and bioengineering.
 - iii High energy streambanks are those where the shear stress calculated is greater than 5 pounds per square foot and may be stabilized using riprap and vegetated riprap.
- c **Design flexibility.** The District may approve alternative stabilization techniques if the applicant provides sufficient evidence from an engineer registered in Minnesota to demonstrate that the proposed stabilization practice represents the minimal-impact solution with respect to all other reasonable alternatives. A detailed alternatives analysis must be provided.

3.3 Design criteria.

a **Vegetative, bioengineered and hard-armored stabilization.**

- i Live plantings must be native aquatic vegetation and/or native upland plants.

also provides guidance on how to complete the scoresheet. The scoresheet may be periodically updated, on approval of the RPBCWD Board of Managers, to account for improved understanding of shoreline-erosion factors.

³ Shear stress must be calculated in a manner consistent with the Natural Resources Conservation Service's National Engineering Handbook (including Technical Supplement 14I: Streambank Soil Bioengineering); Stability Thresholds for Stream Restoration Materials published by the U.S. Army Corps of Engineers; NRCS Engineering Field Handbook Streambank and Shoreline Protection (Chapter 16); or Wisconsin Supplement Engineering Field Handbook Chapter 16 Streambank and Shoreline Protection. The RPBCWD website – www.rpbcwd.org – provides guidance on how to calculate shear stress.

- ii The finished, stabilized slope of any shoreline or streambank will not be steeper than 3:1 (horizontal to vertical) waterward of the OHW except where necessary:
 - (a) to match existing slopes and certified by registered professional engineer for continued slope stability, or;
 - (b) for bridges, culverts and other structures regulated under Rule G – Waterbody Crossings and Structures.
 - iii Horizontal encroachment from a shoreline or streambank will be the minimal amount necessary to permanently stabilize the shoreline or streambank and will not unduly interfere with water flow or navigation. No riprap or filter material may be placed more than 6 feet waterward of the OHW. Streambank riprap may not reduce the cross-sectional area of the channel or result in a stage increase at or upstream of the installation.
 - iv The design of any shoreline or streambank erosion protection will reflect the engineering properties of the underlying soils and any soil corrections or reinforcements necessary. The design will conform to engineering principles for dispersion of wave energy and resistance to deformation from ice pressures and movement, considering prevailing winds, fetch and other factors that induce wave energy.
- b **Riprap-**
- i Riprap to be used in shoreline or streambank erosion protection must be sized appropriately in relation to the erosion potential of the wave or current action of the particular waterbody, but in no case will the riprap rock average less than six inches in diameter or more than 30 inches in diameter. Riprap will be durable, natural stone and of a gradation that will result in a stable ~~shoreline embankment~~slope. Stone, granular filter and geotextile material will conform to standard Minnesota Department of Transportation specifications, except that neither limestone nor dolomite will be used for shoreline or streambank riprap, but may be used at stormwater outfalls. All materials used must be free from organic material, soil, clay, debris, trash or any other material that may cause siltation or pollution.
 - ii Riprap must be placed to conform to the natural alignment of the shoreline or streambank.
 - iii A transitional layer consisting of graded gravel, at least six inches deep, and an appropriate geotextile filter fabric will be placed between the existing shoreline or streambank and any riprap. The thickness of riprap layers should be at least 1.25 times the maximum stone diameter. Toe boulders, if used, must be at least 50 percent buried.
 - iv Riprap must not cover emergent vegetation, unless authorized by a Department of Natural Resources permit.
 - v Riprap must not extend higher than the top of bank or two feet above the 100-year high water elevation, whichever is lower.

- vi Placement of riprap for cosmetic purposes alone is prohibited.
- c **Retaining walls.** Retaining walls extending below the OHW of a waterbody are prohibited, except where:
 - i there is a demonstrable need for a retaining wall in a public improvement project, and
 - ii the design of the retaining wall has been certified by a registered engineer.
- d **Sand blankets.** The following standards apply to sand blanketing:
 - i The sand or gravel used must be clean prior to being spread. The sand must contain no toxins or heavy metals and must contain no weed infestations such as, but not limited to, water hyacinth, alligator weed, and Eurasian watermilfoil, or animal infestations such as, but not limited to, zebra mussels or their larva.
 - ii The sand layer must not exceed six inches in thickness, 50 feet in width along the shoreline ~~or streambank~~, or one-half the width of the lot, whichever is less, and may not extend more than 10 feet waterward of the ordinary high water level.
 - iii Only one installation of sand or gravel to the same location may be made during a four-year period. After the four years have passed since the last blanketing, the location may receive another sand blanket. No more than two applications may be made at an individual project site.

Public beaches. Beaches operated by public entities and available to the public must be maintained in a manner that represents the minimal impact to the environment, relative to other reasonable alternatives, but otherwise are exempt from the criteria in paragraphs (b) and (c) of this section.

- e In installing or maintaining any shoreline or streambank stabilization, the potential transfer of aquatic invasive species (e.g., zebra mussels, Eurasian watermilfoil, etc.) must be minimized to the maximum extent possible.

3.4 ~~**Fast-track m**~~**Maintenance.** ~~Notwithstanding the requirements and criteria in subsections 3.1 to 3.3, where an applicant can establish that a shoreline stabilization practice was constructed before February 1, 2015, or after that date in compliance with a duly issued District permit, †~~The District will issue a permit for maintenance of the practice an existing shoreline stabilization in its established form if the stabilization was installed before February 1, 2015, or after that date in compliance with a duly issued District permit on submission by as long as the applicant of submits plans documenting that the maintenance work will not increase the length of the stabilization along the shoreline and will the length, width or depth of the practice, and will not disturb underlying soils comply with all applicable criteria of subsection 3.3.

4 Required information and exhibits.

The following exhibits will accompany the permit application:

- 4.1 One 11 inch-by-17 inch plan set, and electronic files in a format acceptable to the District, as well as a plan set 22 inches by 34 inches if requested by the District.

- 4.2 A site plan, including:
- a Documentation, including at a minimum photographs, of existing erosion or the potential for erosion;
 - b a survey locating the existing OHW level~~—contour~~, existing shoreline/streambank, floodplain elevation and location of property lines;
 - c elevation contours of the upland within 15 feet of the OHW level and referenced to accepted datum; and
 - d plan view of locations and lineal footage of ~~the~~any proposed riprap.
- The plan must show the location of an upland baseline parallel to the shoreline with stationing. The baseline will be staked in the field by the applicant and maintained in place until project completion. Baseline origin and terminus each must be referenced to three fixed features, with measurements shown and described on the plan. Perpendicular offsets from the baseline to the OHW must be measured and distances shown on the plan at 20-foot stations. The plan will be certified by a registered engineer or landscape architect.
- 4.3 A construction plan and specifications certified by a registered engineer or landscape architect, showing:
- a A sequencing analysis in compliance with section 3.2;
 - b materials to be used, including the size(s) of any riprap to be used;
 - c cross section detailing the proposed riprap, if any, drawn to scale, with the horizontal and vertical scales noted on the drawing. The detail should show the finished riprap slope, transitional layer design and placement, distance waterward of the riprap placement and OHW.
 - d Description of the underlying soil materials.
 - e Material specifications for stone, filter material and geotextile fabric.
- 4.4 For sites involving aquatic plantings, a separate Aquatic Plant Management permit will be obtained from the Department of Natural Resources.
- a This provision does not apply to slope protection projects using woody species such as willow and dogwood.
- 4.5 An erosion control and site restoration plan.
- 4.6 For an application for a sand blanket, the following exhibits are required:
- a Site plan showing property lines, delineation of the work area, existing elevation contours of the adjacent upland area, ordinary high—water elevation, and 100-year high water elevation (if available). All elevations must be reduced to NGVD (1929 datum).
 - b Profile, cross sections and/or topographic contours showing existing and proposed elevations in the work area. (Topographic contours should be at intervals not greater than 1.0 foot).
 - c A completed Sand Blanket Permit Application form.

Managers,

In reviewing the Watershed Stewardship Grant (WSG) program, staff in collaboration with the CAC members of the WSG application review committee have concluded that the long-term success of projects funded by the District have an increased risk of failure as a result of a lack of maintenance during the establishment period of projects by qualified professionals as many applicants lack the expertise to adequately maintain these areas

Per the RPBCWD current review criteria, a 15% funding bonus is added to the scoring metric if applicants provide documentation of a three year or greater professional maintenance plan. However, this only applies to construction costs as maintenance costs are excluded from total project costs as they are not currently eligible for reimbursement under current grant guidelines.

In order to create successful BMPs, appropriate maintenance must be performed. Staff recommend that costs associated with professional maintenance during the establishment period of vegetated BMPs (3 years from project completion) be added to the list of expenses eligible for reimbursement. Staff recommend that the maximum funding limits be increased by 30% for residential and non-profit grantees in order to accommodate the additional costs to applicants. This increase in the maximum reimbursement amount will only apply to residential or non-profit applicants that provide documentation of a three year (or greater) professional maintenance contract. The maximum percentage of total eligible project costs that the District reimburses will remain consistent (up to 75% of total eligible project costs).

	2020 reimbursement maximums	Recommended 2021 reimbursement maximums (if a three-year professional maintenance contract is presented)
Residential applicant	\$5,000	\$6,500
Non-profit applicant	\$20,000	\$26,000

All applicants will remain subject to maintenance plans and schedules contained within funding agreements and maintenance declarations. Such documents will continue to

hold grantees responsible for maintaining their projects as well as submitting regular reports to the District for the duration expressed within (5 years for residential grantees and 10 years for non-profits).

Staff seek Board direction in order to appropriately update program guidelines and application review criteria ahead of the application season opening in March.

Sincerely,

B Lauer
Education and Outreach Coordinator

**PUBLIC NOTICE
OF
RILEY-PURGATORY-BLUFF CREEK WATERSHED
DISTRICT
REQUEST FOR QUALIFICATIONS:

CONSULTING ENGINEERING SERVICES**

Pursuant to *Minnesota Statutes Section 103B.227, Subd. 5*, the RPBCWD Board is requesting any firm interested in providing consulting engineering services to the RPBCWD submit a Statement of Qualifications (SOQ). The RPBCWD is seeking SOQ from firms interested in serving as the RPBCWD's consulting engineer, as well as firms interested in being included in a pool of firms that will be called on to provide engineering services for specific types of projects. Firms responding should indicate whether they wish to be considered for the consulting engineer's post, the specific-project pool, or both.

Submitted SOQs must have two sections as follows.

Statement of Qualifications

Section 1) General Firm information and qualifications.

The first section should provide general information about the firm and include a letter of interest, a list of related work/projects/clients, a list of key personnel and their qualifications, and a current fee schedule. In this section of the SOQ other services or specialties should also be included. Section 1 may not exceed 35 pages.

Section 2) Service Area Qualifications.

Provide a summary of your qualifications and unique expertise in each of the following areas you wish to be considered for future work. Each Service Area Qualification may not exceed six (6) pages.

- 1) Watershed, Subwatershed and Water Resource Management and Planning
- 2) Lake, Wetland and Stream Restoration and Management
- 3) Hydrologic, Hydraulic and Water Quality Modeling and Analysis
- 4) Urban Stormwater BMP Design and Construction Management
- 5) Water Resource Permitting
- 6) Land Surveying
- 7) Geographic Information Systems
- 8) Graphic Design
- 9) Technology/Website Enhancement

Review Process

The District will review all submittals and determine which firms are qualified in each of the eight areas listed above and as District Engineer.

- Those firms qualified in each area will be placed in a pool of professional service consultants for calendar years 2021-2022. The District will request proposals (work orders) for projects from the pool within a respective service area as needed.
- The District Engineer will be selected based on experience in 1) innovative and integrative watershed/natural resource planning and engineering within the metropolitan area, 2) design and construction management and inspection, 3) municipal/governmental permitting and land use regulation as it applies to watershed programs and projects, 4) hydrologic, hydraulic, and pollutant modeling, 5) Federal, state, and regional programs related to watershed and natural resource management, 6) limnology and hydrology, 7) groundwater and hydro-geology, 8) wetland science and 9) working and communicating with public, regulatory agencies, and other stakeholders. The District Engineer should have the ability to respond to emergency situations in the watershed or situations that would require immediate attention. For full position description, please check our website at www.rpbcwd.org or contact Claire Bleser at the below contact information.

The Board of Managers will review proposals, reserves the right to reject any and all proposals, and otherwise take such action it deems in the best interest of the Riley-Purgatory-Bluff Creek Watershed District.

Point of Contact

Questions regarding this request for qualifications must be directed to Claire Bleser at 952-607-6512 or cbleser@rpbcwd.org.

Submittal

Six original, paper copies of your Statement of Qualifications must be submitted no later than 1:00pm on Wednesday, February 24, 2021 to:

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

For further information about the Riley-Purgatory-Bluff Creek Watershed District, contact Claire Bleser, Administrator at (952) 607-6512 or via email cbleser@rpbcwd.org. Thank you for providing a statement of qualifications for this work.

RPBCWD DISTRICT ENGINEER

Overview:

Riley-Purgatory-Bluff Creek Watershed District (RPBCWD) Engineer shall assist in an ongoing process of setting and implementing the water management parameters within which the District will operate by:

- Identifying the technical consequences of choices;
- Discuss alternative solutions;
- Educate the Board and staff about the technical and regulatory issues involved; and
- Inform the District Administrator or project managers of the consequences of decisions that may affect natural resources within the District.

In this function, District Engineer shall routinely review and assess District water management plans, studies, capital programs and procedures to consider, among other things, whether they are 1) consistent with acceptable engineering practices, 2) achieve District goals, and 3) likely to produce positive, cost effective outcomes.

Scope of Services

General Engineering Services on Retainer

The RPBCWD Engineer shall assist in an ongoing process of setting and implementing the water management parameters within which the District will operate by:

- Identifying the technical consequences of choices;
- Discuss alternative solutions;
- Educate the Board and staff about the technical and regulatory issues involved; and
- Inform the District Administrator or project managers of the consequences of decisions that may affect natural resources within the District.

In this function, District Engineer shall routinely review and assess District water management plans, studies, and capital programs procedures to consider, among other things, whether they are 1) consistent with acceptable engineering practices 2) achieve District goals, and 3) likely to produce positive, cost effective outcomes.

Retainage shall also provide for:

1. The preparation for and attendance at any Board or Committee meeting of the RPBCWD, including the review of relevant correspondence or agenda materials in connection with said meetings and any advice and opinions rendered therein;

2. Advice or response to routine questions from Board members or staff to assure that watershed activities are carried out in accordance sound engineering and natural resource management standards and practices.
3. The retention of copies of plans, studies, data and other documents and the retrieval of said documents that are considered “active” or that have been archived for 5 years or less.
4. Other activities as negotiated under contract.
5. Maintain a duplicate set of all studies, plans, designs, and other documents relating to issues of concern to the District.

Understanding of State, Regional and Local Government and Watershed Management

1. The District Engineer will maintain a current understanding of issues relative to District policies, projects, or programs.
2. The District Engineer will demonstrate a current understanding of watershed and natural resource management
3. The District Engineer shall be aware of state and regional plans and priorities related to watershed and natural resource management.
4. The District Engineer will possess a high professional regard among his/her peers.

Additional Services

Upon written request of the District Administrator or his/her designee, The District Engineer shall provide the following additional services:

1. Review and comment of plans, studies, designs, and other documents prepared by other engineering consultants.
2. The preparation of studies, plans, and designs to implement activities identified in the RPBCWD Water Management Plan.
3. Construction and/or Project management.
4. Water quality and flow monitoring, data analysis and repair and calibration of water monitoring equipment.
5. Assist staff with permit review and compliance issues.
6. All other engineering services he/she is qualified to provide and authorized by the District Administrator.

District Policy Relating to Member Communities and Other Governmental Jurisdictions

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

MEMORANDUM

DATE: December 27, 2020

TO: Managers and Administrator
Riley Purgatory Bluff Creek Watershed District (RPBCWD)

FROM: Larry A. Koch, manager RPBCWD

RE: Form of resolutions approving variance

It is been my experience that the managers often spend unnecessary amount of time fumbling over the wording of resolutions approving a variance. In order to avoid wasting time fumbling over the recitation of resolutions for approving a variance, I recommend that the district adopt the form of resolutions set forth below, and that the staff and its consultants use such form of resolutions for each and every permit application.

Therefore, I moved the adoption of the following resolutions: BE IT RESOLVED

1. That the district Administrator of the Riley Purgatory Bluff Creek Watershed District's (the "District"), and all consultants assisting in the preparation of staff reports pertaining to the approval of a request for a variance from the District's rules are hereby directed to use the following form of resolutions in preparing the resolutions for inclusion in the staff report on a request for a variance from the application of the District's rules.
 - 1.1 "Pursuant to Rule K, in order for the district to grant a variance from strict compliance with the requirement of a District Rule, the Board of Managers must finds that, based on demonstration by the applicant, that because of unique conditions inherent to the subject property, which do not apply generally to other land or structures in the Riley-Purgatory-Bluff Creek watershed, strict application of rule provision will impose a practical difficulty on the applicant, not a mere inconvenience.
 - 1.2 For purposes of the Board of Managers' determination of whether a practical difficulty exists, the following factors will be considered:
 - 1.2.1 1.1 how substantial the variation is from the rule provision;
 - 1.2.2 1.2 the effect of the variance on government services;
 - 1.2.3 1.3 whether the variance will substantially change the character of or cause material adverse effect to water resources, flood levels, drainage or the general welfare in the District, or be a substantial detriment to neighboring properties;
 - 1.2.4 1.4 whether the practical difficulty can be alleviated by a technically and economically feasible method other than a variance.

- 1.3 Economic hardship alone may not serve as grounds for issuing a variance if any reasonable use of the property exists under the terms of the District rules;
 - 1.4 1.5 how the practical difficulty occurred, including whether the landowner, the landowner's agent or representative, or a contractor, created the need for the variance; and
 - 1.5 1.6 in light of all of the above factors, whether allowing the variance will serve the interests of justice
 - 1.6 NOW THEREFORE, BE IT RESOLVED, THAT THE BOARD, HAVING CONSIDERED THE INFORMATION PROVIDED BY THE APPLICANT, [APPLICANT] AND THE FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A PRACTICAL DIFFICULTY, AS WELL AS THE STAFF REPORT REGARDING THE APPLICATION FOR A VARIANCE, HEREBY GRANTS THE VARIANCES SET FORTH IN THE APPLICATION."
2. That the Secretary with the assistance of the district administrator assign a number to such resolutions as adopted for inclusion in the District's Journal of Votes.
 3. That the Secretary with the assistance of the district administrator include a copy of the adopted resolutions in the District's Journal of Votes.
 4. That the Journal of Votes include language to the effect that "Manager [] moved the adoption of the [following resolutions/the proposed Resolutions set forth in the Staff Report for Permit Application []], which motion was seconded by Manager [] On voice vote, the motion carried [] to [] [Manager(s) _____ voted no/nay."

MEMORANDUM

DATE: December 27, 2020

TO: Managers and Administrator
Riley Purgatory Bluff Creek Watershed District (RPBCWD)

FROM: Larry A. Koch, manager RPBCWD

RE: Accounting and accounting clerk

It is my understanding that currently the district administrator is spending valuable time each month entering purchasing information into a spreadsheet and assigning accounts and then transmitting to accountant for entry into the books.

I believe that the District administrator's time would be better spent on other district matters, particularly those in which she is well-trained.

I recommend that the district administrator and the district's accountants, along with the district's treasurer look into hiring an accounting clerk on a part-time basis to take over most of the accounting entry tasks, leaving the district administrator to simply review the entries once inputted. As an alternative, our accountants may have services at a reasonable rate to provide such entry of expenditures and generation of reports for review by the district administrator, rather than having the district administrator create such inputs and entries.

Besides the time savings, an accounting clerk would certainly be less expensive on an hourly basis than our district administrator.¹

Therefore, I recommend that staff investigate the use of purchasing cards by all staff for payment of purchases of equipment and services for the district.

Therefore, I moved the adoption of the following resolutions: BE IT RESOLVED

1. That the district Administrator of the Riley Purgatory Bluff Creek Watershed District's (the "District") and the district's Treasurer are hereby authorized and directed to inquire into the use of an accounting clerk or the district's accountants to assume all or part of the ministerial accounting functions of the district and to prepare and provide to the managers, a report of the results of such inquiry.

¹ \$39,522

The average Accounting Clerk I salary in the United States is \$39,522 as of November 25, 2019, but the range typically falls between \$35,240 and \$44,249.

Accounting Clerk I Salary | Salary.com

<https://www.salary.com> › research › salary › benchmark › accounting-clerk-i...

MEMORANDUM

DATE: December 26, 2020

TO: Managers and Administrator
Riley Purgatory Bluff Creek Watershed District (RPBCWD)

FROM: Larry A. Koch, manager RPBCWD

RE: Audit and Risk Committee

After having participated in the budget process for 2019, 2020 and 2021, reviewed the Treasurer's reports, and having been involved in the discussion regarding the investment and reporting of the district's fund, I believe it is appropriate and necessary to form an Audit and Risk Committee. An Audit and Risk Committee is a best management practice for providing oversight to the district's financial matters and for evaluating and managing the risks facing the District including but not limited to disaster recovery, and system security risks.

Therefore, I move the adoption of the following resolutions: BE IT RESOLVED:

1. That the Riley Purgatory Bluff Creek Watershed District's (the "District") hereby established an Audit and Risk Committee (ARC) consist of two managers, the Treasurer, Larry Koch, the district's administrator and the district's auditor with only the two managers being voting members.
2. That the purpose of the ARC is to
 - (a) review and assist in supervising the district's financial matters including but not limited to (i) review the District's financial reporting, (ii) review the work of the District's auditor, (iii) supervise the solicitation of application for the position of District auditor; interview applicants for the engagement of the District's auditor, and make recommendations to the board of managers regarding such applicants for the position of auditor, (iv) make recommendations regarding the districts financial operations; (v) review and supervise the investment of the District's funds; (vi) report to the managers, all instances of failures to follow applicable laws, rules, as well as generally accepted and governmental accounting standards, (vii) provide recommendations regarding (A) how to remedy any such failures and to avoid a repeat of such violations, (B) changes such other financial matters and processes as they seem necessary or appropriate such that the managers and the District can comply with all applicable laws generally accepted and governmental accounting standards.
 - (b) review and assist in assessing actual and potential risks facing the District, including but not limited to risk of natural disasters on District operations, the risk posed by the hacking of District's systems and that of its contractors; and making reports to the managers regarding such risks including but not limited recommendations regarding actions and methods to eliminate or minimize such risks including but not limited insurance coverage.

Managers and Administrator

December 26, 2020

Page 2

3. That the ARC comply with all applicable laws, rules and regulations and to the extent applicable, the provisions of the District's bylaws apply to the operation of the ARC, including the preparation of minutes of its meetings.
4. That the ARC shall (a) meet not less than quarterly, (b) prepare and disseminate minutes of its meetings (except to the extent they contain non-public information) and provide them to the managers not later than seven (7) days after the date of the meeting and (c) provide a report to the board of managers, not less often than quarterly as to its operations and activities and recommendations.

Managers and Administrator
December 26, 2020
Page 3

Basis for recommendations:

During the period of time I have been engaged with the operations of the District, I have observed,

Despite the admonition of the public a refund of fees of an engineering consultant for prior years was credited to the engineering services account. The District's auditor later confirmed that the crediting of the refund was incorrect.

Further, an audit, referred to a dispute which had been settled despite the fact that the dispute had been resolved by the managers. One can only conclude that none of the managers reviewed that draft of the audit report

Furthermore, for more than 6 years, substantial portions of the District's funds have been held in non-interest-bearing accounts when interest bearing accounts were readily available.

The district's budget process has not been and still is not in compliance with best accounting and finances practices.

There is no disaster recover plan and not IT consultant to evaluate the security of the district's systems.

MEMORANDUM

DATE: December 25, 2020

TO: Managers and Administrator
Riley Purgatory Bluff Creek Watershed District (RPBCWD)

FROM: Larry A. Koch, manager RPBCWD

RE: Engagement of HR Consultant

Given the importance of human resources in the District's operations and the importance of the District administrator's performance, I recommend the district engage an coach for the district administrator to assist the district did not administrator in performing the district administrator orders duties and responsibilities.

Therefor, I moved the adoption of the following resolutions: RESOLVED

1. That the Riley Purgatory Bluff Creek Watershed District's (the "District") engage a professional coach (PC) to (a) assist the district administrator and developing appropriate skills in obtaining appropriate knowledge in order to allow the district administrator to perform the district administrator's duties and responsibilities in accordance with Best management practices and to the best of the District administrator's duty, and (b) prepare and present a report of the benefits of any coaching provided to the district administrator o.
2. That not later than 30 days after the adoption of these resolutions, the district's administrator, shall solicit proposals from not less than three notable and recognized PCs that the district administrator would be willing to work with in developing appropriate skills and obtaining appropriate knowledge in order for the district administrator to perform the district administrator's duties and responsibilities in accordance with Best management practices.
3. That such request for proposal shall include options, including but not limited to, weekly, monthly and quarterly meetings with the district administrator and the managers regarding the status of such coaching.

MEMORANDUM

DATE: December 27, 2020

TO: Managers and Administrator
Riley Purgatory Bluff Creek Watershed District (RPBCWD)

FROM: Larry A. Koch, manager RPBCWD

RE: Disaster Preparedness Plan

The District needs to be able to function during and after a disaster, and when key personnel are absent. Managers have expressed concerns that employees may not be adequately cross-trained should personnel not be available to perform their essential functions whether due to disasters or personal issues including health issues, including pandemic, and death or otherwise including termination. The health and welfare of personnel whether on or off the job is important to the District's operations.

Therefore, I move the adoption of the following resolutions: BE IT RESOLVED

1. That not later than 120 days after the adoption of this resolution, the District's administrator shall prepare for review by the managers a disaster preparedness plan consistent with applicable best management practices and that such plan include cross-training of personnel as needed for the District to continue its primary operations during and after a disaster, including a pandemic, and do to the unavailability of personnel whether due to disasters or personal issues including health issues, including pandemic, and death or otherwise including termination and that such plan include the requirement that personnel develop their own disaster preparedness plans so as to allow such personnel to perform their essential duties in the event of a disaster.
2. That the District's administrator is hereby authorized to contract with third parties to assist in the development of such plan at a cost of not more than \$5,000, or such greater amount as is approved by the managers.

MEMORANDUM

DATE: December 25, 2020
TO: Managers and Administrator
Riley Purgatory Bluff Creek Watershed District (RPBCWD)
FROM: Larry A. Koch, manager RPBCWD
RE: Internal Calendar

I believe that it is a best management practice to maintain an internal calendar of matters that need to be addressed during the year so as to avoid hurried or rushed deliberations of important matters and special meetings.

Therefore, I recommend that the staff with input from the managers create a calendar of important matters so as to avoid hurried or rushed deliberations of important matters and also avoid special meetings. I have attached a proposed calendar of important events which I believe need to be scheduled well in advance so as to avoid hurried or rushed deliberations of important matters as well as avoiding special meetings.

Therefore, I moved the adoption of the following resolutions: BE IT RESOLVED

1. That the district Administrator of the Riley Purgatory Bluff Creek Watershed District's (the "District"), with input from the managers develop a calendar of important matters to be dealt with by the managers during the year and that such calendar include the items set forth in the calendar presented by Manager Koch.

RPBCWD Tentative 2021 Board of Managers Calendar

January

election of officers

CAC appointments

current year schedule of regular meetings

current year Calendar of events and material matters

depository approval

IT consultant

HR consultant

Overview of current year Work Plan

Accounting clerk

Credit cards-purchasing cards

Investment of funds

Minute Book

Shoreline a wetland erosion and aquatic plant and animal survey

Meet and greets

Form of permit resolutions

Form of variance resolutions

legal review of District operations

Disaster preparedness plan

Coach

February	prior year budget review and reconciliation; and annual report
March	Review of draft audit report for prior year; report by auditor
April	Approval of audit report
May	
June	
July	Budget presentation and workshop; draft work plan next year Approval of budget for publication; staffing projections Update Public data access policy. Per Minn. Stat. 13.025, subd. 2
August	Public hearing regarding budget
September	Approval of final budget
October	CIC nominations process discussion? cic process approval
November	annual review of district administrator
December	next year Budget review and finalization

MEMORANDUM

DATE: December 25, 2020

TO: Managers and Administrator
Riley Purgatory Bluff Creek Watershed District (RPBCWD)

FROM: Larry A. Koch, manager RPBCWD

RE: legal review of operations of our RPBCWD

As managers of the RPBCWD it is our responsibility to supervise the operations of the district and ensure that the district's operations comply with the law and best management practices.

It is not possible for us to know all of the details of the operations of the district such as ours. It is possible, however, for the managers to engage qualified third parties to perform reviews of the district's operations from time to time for the purpose of determining whether the district's operations comply with the law and whether the district's operations comport with best management practices. It is in the interest of the managers, staff, and the public that such a review be conducted.

Therefore, at our next meeting of the managers, I currently intend to moved the adoption of the following resolutions:

1. That the firm of Smith Partners be engaged to conduct a thorough legal review of the Riley Purgatory Bluff Creek Watershed District's (the "District") operations and documentation.
2. That such review be completed during the first quarter of 2021.
3. That the fee for such engagement not exceed \$5,000.
4. That such engagement require Smith Partners to prepare and present a written report of results of its review to the managers which report shall at a minimum set forth, (a) all instances of failures to follow applicable laws, rules, etc., (b) recommendations as to how to remedy any such violations and to avoid a repeat of such violations, (c) all instances where Smith Partners believes that the District's operations are not consistent with best management practices, (d) recommended changes to the District's practices such that the District's practices will comfort with best management practices, and (e) such other observations and recommendations as they seem necessary or appropriate such that the managers and the District can comply with all applicable laws and best management practices.
5. That such review and report be completed and presented to the managers and District administrator not later the April 20, 21 meeting of the managers.

6. That such report be put on the agenda for the May 2021 meeting of the managers.
7. That the 2021 budget be amended to include a separate line item in the amount of \$5000 for expenses to be incurred in connection with such review.

MEMORANDUM

DATE: December 27, 2020

TO: Managers and Administrator
Riley Purgatory Bluff Creek Watershed District (RPBCWD)

FROM: Larry A. Koch, manager RPBCWD

RE: Official Records, chief administrative officer; Minnesota Data Practices Act requests and manager requests

Minn. Stat. § 15.17 OFFICIAL RECORDS. Provides in part that:
“Subdivision 1. Must be kept. All officers and agencies of the state, counties, cities, towns, school districts, municipal subdivisions or corporations, or other public authorities or political entities within the state, hereinafter "public officer," shall make and preserve all records necessary to a full and accurate knowledge of their official activities... Government records may be produced in the form of computerized records.
Subd. 2. Responsibility for records. The chief administrative officer of each public agency shall be responsible for the preservation and care of the agency's government records...
Subd. 4. Accessible to public. Access to records containing government data is governed by sections 13.03 and 138.17.”

It appears unclear who is the chief administrative officer of the district for purposes of Minn. Stat. § 15.17.

Minn. Stat. § 3.02 DEFINITIONS. Subd. 16. Responsible authority. Provides in part as follows:

“(b) "Responsible authority" in any political subdivision means the individual designated by the governing body of that political subdivision as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law. Until an individual is designated by the political subdivision's governing body, the responsible authority is:...

(4) for all other political subdivisions, the chief clerical officer for filing and record keeping purposes.”

Minn. Stat. § 13.03 ACCESS TO GOVERNMENT DATA. Provides in part as follows:

“Subd. 2. Procedures. (a) The responsible authority in every government entity shall establish procedures, consistent with this chapter, to ensure that requests for government data are received and complied with in an appropriate and prompt manner.”

In addition, the District's administrator has informed the manager of the extent of the requests for information and suggestions/recommendations submitted by manager and time spent with managers.

Therefore, I moved the adoption of the following resolutions: BE IT RESOLVED

1. That the secretary of the Riley Purgatory Bluff Creek Watershed District's (the "District") is hereby appointed as the "chief administrative officer" for purposes of Minn. Stat. § 15.17 OFFICIAL RECORDS.
2. That the District's secretary as the "chief administrative officer" for purposes of Minn. Stat. § 15.17 OFFICIAL RECORDS, shall take such actions as are necessary or appropriate to comply with the requirements of Minn. Stat. § 15.17 OFFICIAL RECORDS or any other statute referring to said "chief administrative officer" under Minn. Stat. Chapter 13 and annually report to the managers the actions taken in fulfillment of the requirements under Minn. Stat. § 15.17 OFFICIAL RECORDS.
3. That the District's administrator shall take such actions as the District's secretary shall direct which are necessary or appropriate to comply with the requirements of Minn. Stat. § 15.17 OFFICIAL RECORDS or any other statute referring to said "chief administrative officer" under Minn. Stat. Chapter 13 and annually report to the managers the actions taken in fulfillment of the requirements under Minn. Stat. § 15.17 OFFICIAL RECORDS.
4. That the District's secretary, with the assistance of the district's administrator as the "chief administrative officer" and legal counsel for the District shall create and maintain a Minute Book in physical or electronic form containing the original or a copy of all finally approved minutes of each of the meetings of the managers.
5. That the District's secretary is hereby deemed to be the District's "chief clerical officer" for purposes of Minn. Stat. § 13.02 DEFINITIONS. Subd. 16 and is hereby designated as the "responsible authority" for purposes of Minn. Stat. Chapter 13.
6. That the District's secretary, as the "responsible authority" for purposes of Minn. Stat. Chapter 13, shall take such actions as are necessary or appropriate to comply with the requirements of Minn. Stat. Chapter 13 or any other statute referring to said "responsible authority" under Minn. Stat. Chapter 13 and annually report to the managers the actions taken in fulfillment of the requirements under Minn. Stat. Chapter 13.
7. That the District's administrator shall take such actions as the District's secretary, as the responsible authority" shall direct which are necessary or appropriate to comply with the requirements of Minn. Stat. Chapter 13 or any other statute referring to said "chief administrative officer" under Minn. Stat. Chapter 13 and annually report to the managers the actions taken in fulfillment of the requirements under Minn. Stat. Chapter 13.
8. That beginning with the date of adoption of this resolution, the District's secretary and administrator shall draft and implement a standard operating procedure (SOP) for the

processing of data requests in compliance with Minn. Stat. Chapter 13, which SOP shall include the maintenance of a log of all requests for data pursuant to Minn. Stat. Chapter 13 and all responses thereto which log shall include all relevant dates and other necessary information reasonably necessary to determine if the District and the “responsible authority” is complying with Minn. Stat. Chapter 13 and the District secretary and administrator shall annually provide a report to the managers of all requests and responses pursuant to Minn. Stat. Chapter 13.

9. That beginning with the date of adoption of this resolution, the District’s administrator shall maintain a log of all requests, suggestions, recommendation from and discussions with managers of the District which log shall include all relevant dates and other necessary information reasonably necessary to determine the amount of time spent by the administrator with respect to such requests, suggestions, recommendation from and discussions.
10. That not later than 120 days after the adoption of this resolution, the District’s administrator prepare and implement a standard operating procedure (SOP) for the purpose of maximizing the use of electronic records in lieu of or in addition to paper as required by statute or recommended by rules.
11. That the District’s administrator prepare and provide the managers with an annual report of the documents to be destroyed pursuant to the district's records retention policy.
12. That the District’s administrator, with assistance to the District’s legal counsel, prepare and implement a SOP for the purpose of reviewing contracts with vendors and including contract provisions for timely payment of invoices and avoidance of payment of interest and where required by law, paying statutorily required interest on all payments pursuant to contracts.

MEMORANDUM

DATE: December 26, 2020

TO: Managers and Administrator
Riley Purgatory Bluff Creek Watershed District (RPBCWD)

FROM: Larry A. Koch, manager RPBCWD

RE: Minute Book

While attending a seminar put on by the Department of Administration of the state of Minnesota, it was brought to my attention that Minn. Stat. § 13D.01 Subd. 4 states that “[the]votes of the members of the state agency, board, commission, or department; or of the governing body, committee, subcommittee, board, department, or commission on an action taken in a meeting by this section to be open to the public must be recorded in a journal kept for that purpose.” The presenters stated that minutes were insufficient substitute for the required Journal of votes. I then emailed the Department of Administration regarding my recollection. In an email, copy of which is attached, it appears that it is the position of the Department of Administration that minutes are insufficient substitute for the Journal of votes and that watershed District is required to maintain a journal of votes.

Further, Minn. Stat. 103D.315 subd. 5 provides: “The managers must keep efficient records of all proceedings, minutes, certificates, contracts, bonds of the board's employees, and all other business transacted or action taken by the managers. The records must be open to inspection by the property owners within the watershed district and all other interested parties at all reasonable times.

However, without waiving any objection, the District should at the very least adopt the best management practice of the private sector and maintain a “Minute Book” whether physical or electronic containing only the final approved minutes of each of the meetings of the managers along with any exhibits which are a part thereof.

Therefore, I moved the adoption of the following resolutions: BE IT RESOLVED

1. That the secretary of the Riley Purgatory Bluff Creek Watershed District’s (the “District”) with the assistance of the district’s administrator and legal counsel create and maintain a Minute Book in physical or electronic form containing the original or a copy of all finally approved minutes of each of the meetings of the managers.

