



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Please note due to the COVID 19 health emergency the meeting will be held online.

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

Lower Minnesota River Watershed District

7:00 PM

Wednesday June 16, 2021

Carver County Government Center

602 East Fourth Street, Chaska, MN 55318

Agenda Item	Discussion
1. Call to order	A. Roll Call
2. Approval of agenda	
3. Citizen Forum	<p><i>Citizens may address the Board of Managers about any item not contained on the regular agenda. A maximum of 15 minutes is allowed for the Forum. If the full 15 minutes are not needed for the Forum, the Board will continue with the agenda. The Board will take no official action on items discussed at the Forum, with the exception of referral to staff or a Board Committee for a recommendation to be brought back to the Board for discussion or action at a future meeting.</i></p>
4. Consent Agenda	<p><i>All items listed under the consent agenda are considered to be routine by the Board of Managers and will be enacted by one motion and an affirmative vote of a majority of the members present. There will be no separate discussion of these items unless a Board Member or citizen request, in which event, the items will be removed from the consent agenda and considered as a separate item in its normal sequence on the agenda.</i></p> <p>A. Approve Minutes May 19, 2021 Regular Meeting and June 2, 2021 Meeting</p> <p>B. Receive and file May 2021 Financial reports</p> <p>C. Approval of Invoices for payment</p> <ul style="list-style-type: none"> i. Blackstone Contractors, LLC – Partial payment for East Chaska Creek ii. Daniel Hron - May 2021 office rent iii. Riley Purgatory Bluff Creek Watershed District – LMRWD share of match for 2018 Watershed Based Funding grant iv. Rinke Noonan Attorneys at Law - March 2021 legal services v. DRB Consulting, LLC – Final payment for data management project vi. Frenette Legislative Advisors - May 2021 legislative services vii. Metro Sales – payment on copier service agreement viii. Scott Soil & Water Conservation District – Q1 2021 monitoring TACS & education services ix. US Bank Equipment Finance – June 2021 copier lease payment x. Dakota County Soil & Water Conservation District – 2018 Watershed Based Funding Grant Administration Services xi. Dakota County Soil & Water Conservation District – Q1 2021 monitoring, TACS & education services xii. Fortin Consulting, Inc. – Sponsorship of 2021 Salt Symposium

	<p>xiii. Young Environmental Consulting Group - March 2021 technical and Education & Outreach services</p> <p>xiv. Naiad Consulting, LLC - March 2021 administrator services and expenses</p> <p>D. Authorize final payment to Blackstone Contractors, LLC for East Chaska Creek</p> <p>E. Receive and file Citizen Advisory Committee May 2021 meeting minutes</p>
5. New Business/ Presentations	<p>A. Report on Water Storage Initiative</p> <p>B. Return to in-person meetings</p> <p>C. Board tour of District</p>
6. Old Business	<p>A. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail - no new information to report</p> <p>B. City of Carver Levee - no new information to report</p> <p>C. Remote meeting participation - no new information to report</p> <p>D. Dredge Management - no new information to report</p> <p> i. Vernon Avenue Dredge Material Management site</p> <p> ii. Private Dredge Material Placement</p> <p>E. Watershed Management Plan - no new information to report</p> <p>F. 2021 Legislative Action - no new information to report</p> <p>G. Education & Outreach</p> <p>H. LMRWD Projects - See Administrator Report for project updates <i>(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)</i></p> <p> i. Eden Prairie Study Area #3</p> <p> ii. East Chaska Creek</p> <p>I. Permits and Project Reviews - See Administrator Report for project updates <i>(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)</i></p> <p> i. Whispering Pines</p> <p>J. MPCA Soil Reference Values - No new information since last update</p>
7. Communications	<p>A. Administrator Report</p> <p>B. President</p> <p>C. Managers</p> <p>D. Committees</p> <p>E. Legal Counsel</p> <p>F. Engineer</p>
8. Adjourn	Next meeting of the LMRWD Board of Managers is 7:00pm Wednesday, July 7, 2021

Upcoming meetings/Events

- UMWA monthly meeting- Thursday, June 17, 2021, 12:30 pm; in person meeting in Newport, MN at the home of Greg Genz – contact administrator to attend.
- [Hennepin County Landslide Assessment](#) Briefing – Monday, June 21, 2021, 2:00 to 3:00 pm – Contact Administrator for information to join meeting
- [Burnsville Sanitary Landfill Expansion Project Supplemental Environmental Impact Statement](#) - virtual public meeting – Wednesday, June 23, 2021, 7:00tp 9:00 pm, use this link to participate <https://minnesota.webex.com/minnesota/j.php?MTID=mf1a5cbae526109e95f47bbff805def6e>
- [2021 Salt Symposium](#) -
- 2021 USACE River Resource Forums -August & December 2021
- Metro MAWD, Tuesday, July 20, 2021 and October 19, 2021

For Information Only

- **WCA Notices**
 - City of Shakopee - Notice of Application - Quarry Lake Outlet
 - City of Shakopee - Notice of Application and Notice of Decision - Southbridge Crossing
- **DNR Public Waters Work permits**
 - City of Shakopee - Quarry Lake Outlet application for work in public waters - Prior Lake Outlet Channel (PLOC)
 - City of Shakopee - Whispering Waters application for work in public waters- PLOC
- **DNR Water Appropriation permits**
 - City of Shakopee - Application & Permit – Hansen Avenue Watermain Lining
 - Hennepin County - MSP Building B Tunnel leak repair - Issued



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, May 19, 2021

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

Approved _____, 2021

1. CALL TO ORDER AND ROLL CALL

On Wednesday, May 19, 2021, at 7:00 PM, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD). The meeting was convened on-line due to the health emergency created by the COVID-19 pandemic.

President Hartmann asked for roll call to be taken. The following Managers were present: President Jesse Hartmann, Manager Patricia Mraz, and Manager Lauren Salvato. Manager David Raby joined the meeting at 7:33pm. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC (YECG), Technical Consultant; John Kolb, Rinke Noonan, Attorneys at Law, Legal Counsel; Lindsey Albright, Dakota County Soil & Water Conservation District; Andrew Edgcumbe, Carver County WMO; Steve Pany, Manager, Prior Lake Spring Lake Watershed District; Michael Faber, Capstone; Earl Gebauer, Shaw Construction, Inc.; and Nick Adam, Rehder & Associates, Inc.

2. APPROVAL OF THE AGENDA

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

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

3. CITIZEN FORUM

Administrator Loomis reported that she had not received communication from anyone that wished to address the Board.

4. CONSENT AGENDA

President Hartmann introduced the item.

Administrator Loomis noted that Manager Salvato had asked some questions about Item 4D Authorize 2nd half payment to Coalition for a Clean Minnesota River for Water Storage Initiative. She suggested tabling the item this evening and putting it on the June agenda.

Manager Salvato noted in 2019 it was decided they would give them w installments of \$5,000; she asked why it was put under Education as it is more of an advocacy/lobbying role and asked if the work has been effective. She noted what they were matching was more than other entities.

Administrator Loomis thinks it may be good for Mr. Sparlin to come and talk to the Board again to clarify. The Board discussed the item and decided to table until the following month.

Manager Salvato asked about the Aaron Sullivan payment.

Administrator Loomis did two site visits, one before and one after, she looked at the plants and there were a lot of plants, downspouts are directed from the property, and the plans were followed through.

A. Approve Minutes April 21, 2021 Regular Meeting and May5, 2021 Meeting

B. Receive and file April 2021 Financial reports

C. Approval of Invoices for payment

- i. **DRB Consulting - Payment on data management project**
- ii. **Frenette Legislative Advisors - Feb/Mar 2021 legislative services**
- iii. **Daniel Hron - April 2021 office rent**
- iv. **Rinke Noonan Attorneys at Law - February 2021 legal services**
- v. **US Bank Equipment Finance - April copier lease payment**
- vi. **Riley Purgatory Bluff Creek Watershed District - Payment of LMRWD contribution to Lower Riley Creek stabilization**
- vii. **Aaron Sullivan - Payment for 2021 cost share project**
- viii. **Frenette Legislative Advisors - April legislative services**
- ix. **US Bank Equipment Finance - May copier lease payment**
- x. **Naiad Consulting, LLC - Jan/Feb 2021 administrator services and expenses**
- xi. **TimeSaver Off Site Secretarial, Inc. - preparation of February and March 2021 meeting minutes**
- xii. **Young Environmental Consulting Group - February 2021 technical and Education & Outreach services**

D. Authorize 2nd half payment to Coalition for a Clean Minnesota River for Water Storage Initiative

Manager Salvato made a motion to approve the Consent Agenda and to table item 4D until June. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Salvato; the following voted against: None.

5. NEW BUSINESS

A. Report on 2020 monitoring in Dakota County

Lindsey Albright from the Dakota County Soil and Water Conservation District presented the findings of the 2020 monitoring. She walked the Board through each of the fens and updated them on the wells and water levels. General conclusions are continued monitoring to increase the data record; a number of the wells had significant trends before the re-measurement in 2016 so many of the wells in the Nichols Fen are right on the edge and another year or two of data would get those significant trends. Quarry Island had no clear trends; Fort Snelling showed stable water levels. Management decisions for the Board include a consideration of data sharing and having access to the Met Council's database as that would help with some of the wells. The Board may also look at whether data from all the wells is necessary or if they are getting enough conclusive information from a smaller set, or if more wells are necessary. Ms. Albright noted they may want to look at discrete monitoring (which is what she does) versus continuous monitoring at these wells.

President Hartmann asked how far apart wells 1LN and 1LS are.

Ms. Albright replied they are right next to each other, within 2 feet.

President Hartmann asked why they are seeing significant changes in one and not the other.

Ms. Albright replied that would be depth of the wells. 1LN is very consistently high and 1LS is always a three-foot drop. It is usually a pretty saturated area so it does not surprise her that 1LN is showing high water levels as it is a very shallow well and the other one is deeper.

Manager Salvato asked if the increasing trend in fall and winter is due to increasing precipitation, decreased seasonal water usage, or what the reason is.

Ms. Albright replied the Met Council plant is right there but the Met Council does not monitor these two wells so they would have to tie it back to the water usage data. Nichols Fen has traditionally shown to be influenced by water levels where heavy rain in 2018 would mean high water levels in 2019 and they are just not seeing that over the past couple of years.

President Hartmann asked why data is missing for 2014.

Administrator Loomis said the Board in 2014 decided they did not need to collect water levels every year, so they did not monitor in 2014. The Board then decided they really should be continue monitoring as there was value to have the continuous data. She said the reason the Met Council monitors these wells is because the Seneca Waste Water Treatment Plant is in the area of these wells; they have underground tanks and must do de-watering to keep the hydro static pressure low enough that it does not force their tanks up out of the ground. As part of the permit to do the de-watering they must monitor the ground water in the area. She has been working with the DNR and Met Council to get a better understanding of who is monitoring which wells and when.

Manager Salvato asked how far back Met Council's data set goes back.

Ms. Albright thinks in the 1990's.

Manager Salvato asked if they can aggregate that data and have a more significant trend.

Ms. Albright replied they should be able to, although Met Council does not monitor all of the same wells as the LMRWD. She believes they monitor F1, F2, F3, and F4.

Administrator Loomis said all of the data gets put into the DNR's system; they found out the DNR collects the data but do not analyze the data. The LMRWD noticed that some wells seemed to have declining water levels and after they found the data being collected was not being analyzed, the LMRWD began its work on the Dakota Fen ground water study.

B. Report on 2020 monitoring in Carver County

Andrew Edgcumbe, Carver County Water Management Organization (WMO) presented findings of the 2019-2020 monitoring. Monitored lakes are Brickyard, Courthouse, and Fireman's and all are man-made with very good water quality. Lake sites showed for total phosphorous Brickyard and Fireman's met the State standard; for Chlorophyll-a and Transparency, all lakes met the State standard. Stream sites showed for total phosphorous, EC 3 met the State standard; for nitrate and nitrite, all streams met the State standard; Total suspended solids, all streams met the State standard; E. coli, EC 1 met the State standard. Mr. Edgcumbe moved on and shared results of macroinvertebrate sampling. Macroinvertebrates are good indicators of water quality, as they are bio-indicators because certain groups of bugs have a lower tolerance to poor water quality. It can also indicate habitat loss that cannot be detected by normal water quality tests.

Aquatic vegetation surveys are done to measure the richness in the floristic quality index (FQI) and monitor for new invasive species. In 2019, Brickyard met the richness and FQI standards; there is interest from the DNR for the lake's *Charo* community as it could be a rare species called

Bearded Stonewort. In 2020 Courthouse and Fireman's met the richness standard but not the FQI. Mr. Edgcumbe said the purpose of fish surveys is to monitor the health of the fish community, determine rough fish presence and dominance (Common carp, Black bullhead, Goldfish), and determine recreational opportunities. Brickyard sampled 8 species, Bluegill sunfish the most abundant, followed by yellow perch and pumpkinseed sunfish. The largest fish was a Walleye at 26 inches and weighed 6 pounds. No invasive/rough fish were sampled which is great. The other two lakes will be scheduled for surveys

Manager Mraz asked when sampling the fish, is it done on one day and how does it work.

Mr. Edgcumbe replied they use set nets and leave them overnight to collect the fish. They then classify all fish, species level, measure, and count them, and release them back into the water. They try to perform the surveys when the water is around 58 degrees Fahrenheit, but they can be done any time of the year. They will try to do these on a 3-5-year rotation.

Manager Salvato saw an article in the *Chaska Herald* about not dumping goldfish into the lakes and asked if they were behind those outreach pieces.

Mr. Edgcumbe noted his coworker Madeline does the outreach. He stated there is not a huge population of goldfish within Fireman's but there were two very large goldfish. He noted they did a removal on Big Woods Lake the previous fall where they disposed of an estimated 100,000 goldfish and they are seeing numbers decline which is encouraging.

6. OLD BUSINESS

The Board began with item 6J Capstone 35 so the participants did not have to stay for the entire meeting.

A. Authorize Cost Share project 11300 Goodrich Road, Bloomington

The applicant has decided she does not have time to pursue the project any further and is looking to possibly do the project the following year.

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

Administrator Loomis is trying to organize a site visit for their partners to look at this project as possibly a larger demonstration project. As she and Ms. Schall Young have met with cities in the district, they are finding many of them have concerns about buckthorn removal on steep slopes and a demonstration project may be good to gain some experience and knowledge in how to manage these areas.

C. City of Carver Levee

No new information to report since last update.

D. Remote meeting participation

Administrator Loomis will work with Carver County as she has heard they opened the Board Room for meetings within the County and anticipate opening it to the public in June. She will consult with legal counsel on how to conduct meetings in the future.

E. Dredge Management

i. Vernon Avenue Dredge Material Management site

No new information to report since last update.

ii. Private Dredge Material Placement

Administrator Loomis noted they received the final volumes of material on the dredge site and the private parties have been billed and invoiced; she said they received payment from Savage River Port and she has heard from CHS and Cargill and are working on those

payments. Sediment numbers were up in 2020 because in 2019 they were unable to dredge due to the high water.

F. Watershed Management Plan

No new information to report since last update.

G. 2021 Legislative Action

Administrator Loomis noted the legislature adjourned without passing anything; the legislation the Board requested is in the bills. If they come back in a special session and are able to get something passed the legislation will go through.

H. Education and Outreach Plan

Administrator Loomis noted a question posed by the Citizen Advisory Committee. In the bylaws passed the previous month it says that *non-resident Citizen Advisory Committee members act in an ex-officio capacity*. They asked if that should be the case or not; Administrator Loomis spoke with legal counsel and noted there is not a provision in statute that requires, and also it is just an advisory capacity so it is somewhat non-consequential.

Manager Raby asked about the bylaws as they discussed some changes that needed to be made at the previous meeting. When he used the link to see the bylaws it does not appear that those changes were made.

Administrator Loomis noted the items have been addressed but the updated bylaws have not been posted to the website.

Manager Raby's personal opinion is that non-residents are volunteering their time and should be allowed to vote.

Salvato and Hartmann agreed that they should be able to vote.

Administrator Loomis will make that change to the bylaws and post those to the website.

I. LMRWD Projects

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

i. Eden Prairie Study Area #3

ii. East Chaska Creek

Administrator Loomis was on-site with Katie and Barr Engineering with the City and the contractor a week ago. The contractor has been out, completed the work, repaired some items noted, and she believes the work is now finished.

J. Project/Plan Reviews

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

(This item was moved to the first item under Old Business)

i. Capstone 35

Ms. Schall Young shared a technical memo for the project. It is within an existing industrial area where they are looking to develop a commercial site. The applicant has provided all information requested. It disturbs about 16 acres and only about 1/4 of an acre of existing impervious surface; the net new impervious is about 10 acres, which will trigger an erosion control requirement and storm water management. Storm water requirements

are being addressed through the regional pond. As presented, Ms. Schall Young recommends conditional approval pending receipt of the MPDF's permit and the contact information for the contractor. There will be a maintenance plan recorded through Dakota County which will also be a condition.

Manager Salvato asked about the term "generally complies" rather than just complies.

Ms. Schall Young replied it is because of the conditions.

Manager Salvato made a motion to approve LMRWD 2021-17 Capstone 35. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby, and Salvato; the following voted against: None.

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

7. COMMUNICATIONS

A. Administrator Report: Administrator Loomis updated the Board on the Hennepin County mailing. She received final proofs today so it should go out this week. On the Hennepin County website, their position is not posted as an open seat but if they get applicants they will repost the vacancy.

Manager Salvato asked if Loomis spoke with the Minnesota Association of Watershed Districts (MAWD).

Administrator Loomis spoke with MAWD President Mary Texter who would like to talk to the Board about rejoining.

The Board discussed the issue and they do not see the need for Mary to address them at a meeting; if she is insistent that she would like to, they are open to it.

B. Managers: No Report

C. Committees: No report

D. Legal Counsel: No report

E. Engineer: No report

8. ADJOURN

At 8:24 pm, President Hartmann made a motion to adjourn the meeting. Manager Salvato seconded the motion. Upon a vote being taken the following voted in favor of the motion: Hartmann, Raby and Salvato the following voted against: None.

The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, June 2, 2021 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Lauren Salvato, Secretary

Attest:

Linda Loomis, Administrator



Item 4A
LMRWD 6-16-2021

LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, June 2, 2021

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

Approved _____, 2021

1. CALL TO ORDER AND ROLL CALL

On Wednesday, June, 2021, at 7:10 PM, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD). The meeting was convened on-line due to the health emergency created by the COVID-19 pandemic.

President Hartmann asked for roll call to be taken. The following Managers were present: President Jesse Hartmann, Manager Patricia Mraz, and Manager David Raby. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Katy Thompson, Young Environmental Consulting Group, LLC (YECG), Technical Consultant; Jennifer Gora, Metropolitan Airport Commission; and John Bender, Project Manager, Westwood Professional Services. Manager Lauren Salvato was absent.

2. APPROVAL OF THE AGENDA

Administrator Loomis said there were no additions or corrections to the agenda.

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

3. CITIZEN FORUM

Administrator Loomis reported that she had not received communication from anyone that wished to address the Board.

4. NEW BUSINESS

A. Permits and Project Reviews

i. Jefferson Court - LMRWD No. 2021-018

Administrator Loomis said this project is in the City of Shakopee. She noted that Della Young, Young Environmental Consulting Group, was not joining the meeting and introduced Katy Thompson. She asked Ms. Thompson to explain the project to the Board.

Ms. Thompson explained that this project proposes to construct 8 single family residential homes and a new cul de sac in the City of Shakopee. She noted the development would trigger only the LMRWD Rule B - Sediment and Erosion Control. She noted that even though only Rule B is being triggered the applicant will also be providing stormwater

management due to city requirements. The development will be infiltrating stormwater and providing rate control and water quality benefits as part of the project.

She noted the application has been deemed complete and staff is recommending approval.

Manager Raby said the application seems pretty straightforward and he did not have any questions. Manager Mraz and President Hartmann said that did not have any questions either.

Manager Mraz made a motion to approve Jefferson Court - LMRWD permit No. 2021-018. The motion was seconded by Manager Raby. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz and Raby; the following voted against: None.

ii. West 106th Street Improvement Project - LMRWD No. 2021-023

Administrator Loomis explained that this application is being made by the City of Bloomington. It is a transportation improvement project at 106th Street and Interstate 35W. She asked Ms. Thompson to walk the Board through the details of the project.

Ms. Thompson explained the details of the improvements being made. She noted that the project is being proposed by the City of Bloomington in conjunction with the Minnesota Department of Transportation so that it conforms to the overall design concepts for I35W. It is not in a High Value Resource area or a Steep Slope Zone.

The LMRWD requires a permit for this project because it is being developed with MNDOT,, even though the City does have permit authority on behalf of the District. The project is going to bid next month and therefore an expedited review by the LMRWD was requested. The project only triggers LMRWD Rule B. Staff had some outstanding questions at the time the Technical Memorandum for this application was prepared, which have since been addressed. Staff is recommending approval subject to receipt of the NPDES permit.

Manager Raby noted that this project is partially within the boundaries of the Nine Mile Creek Watershed District (NMCWD). He questioned whether or not a permit has been approved by NMCWD yet. Neither Administrator Loomis nor Ms. Thompson knew the answer to that question.

Manager Raby made a motion to approve West 106th Street Improvement Project - LMRWD Permit No. 2021-023. The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz and Raby; the following voted against: None.

Administrator Loomis noted that she had informed the Board that the County approved holding LMRWD meetings in-person in the County's Board Room. She has since spoken with Attorney Kolb, who advised that the Board meet virtually in June and take action to begin meeting in person beginning with the July 21, 2021 meeting. So the Board should plan on meeting virtually in June.

5. ADJOURN

At 7:21 pm, President Hartmann made a motion to adjourn the meeting. Manager Raby seconded the motion. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz and Raby the following voted against: None.

The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, June 16, 2021 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Lauren Salvato, Secretary

Attest:

Linda Loomis, Administrator

DRAFT

Item 4.B.
 LMRWD 6-16-21

BEGINNING BALANCE	30-Apr-21	\$ 1,637,373.35
ADD:		
General Fund Revenue:		
Project Review Fees		\$ 3,250.00
		\$ 3,250.00
Total Revenue and Transfers In		
		\$ 3,250.00
DEDUCT:		
Warrants:		
429894	Blackstone Contractors, LLC	Partial payment for East Chaska Creek \$ 49,905.69
429907	Daniel Hron	May 2021 rent \$ 650.00
429918	Riley Purgatory Bluff Creek WD	LMRWD share of match for 2018 WBF \$ 3,300.00
429420	Rinke Noonan Attorneys at Law	March 2021 Legal services \$ 1,131.50
430245	DRB Consulting, LLC	Final payment for data mgmt. project \$ 1,583.00
430247	Frenette Legislative Advisors	May 2021 legislative services \$ 1,666.67
430256	Metro Sales, Inc.	Payment for copier maintenance agr. \$ 81.67
430267	Scott SWCD	Q1 2021 Monitoring, TACS & education \$ 8,246.00
430273	US Bank Equipment Finance	June 2021 payment for copier lease \$ 168.10
100016278	Dakota County SWCD	2018 WBF grant administration \$ 449.43
100016501	Dakota County SWCD	Q1 2021 Monitoring, TACS & education \$ 2,355.56
100016513	Naiad Consulting, LLC	March 2021 Admin services & expenses \$ 11,588.00
100016506	Fortin Consulting, Inc.	Sponsorship of 2021 Salt Symposium \$ 500.00
100016299	Young Environmental Consulting	Mar 2021 Technical & Education services \$ 45,861.75
		\$ 127,487.37
Total Warrants/Reductions		
ENDING BALANCE	31-May-21	\$ 1,513,135.98

EXPENDITURES	2021 Budget	May Actual	YTD 2021	Over (Under) Budget
Administrative expenses	\$ 250,000.00	\$ 28,948.02	\$ 82,190.39	\$ (167,809.61)
Cooperative Projects				
Eden Prairie Bank Stabilization Area #3	\$ 100,000.00	\$ 4,162.54	\$ 23,605.23	\$ (76,394.77)
Gully Erosion Contingency Fund	\$ -	\$ -	\$ -	\$ -
USGS Sediment & Flow Monitoring	\$ -	\$ -	\$ -	\$ -
Ravine Stabilization at Seminary Fen in Chaska	\$ -	\$ -	\$ -	\$ -
Riley Creek Cooperative Project with RPBCWD	\$ -	\$ -	\$ 150,000.00	\$ 150,000.00
Seminary Fen Ravine Restoration site A	\$ 75,000.00	\$ -	\$ -	\$ (75,000.00)
Seminary Fen Ravine Restoration site C-2	\$ -	\$ -	\$ -	\$ -
509 Plan Budget				
<i>Resource Plan Implementation</i>				
Gully Inventory	\$ -	\$ -	\$ -	\$ -
MN River Corridor Management Project	\$ 75,000.00	\$ 9,184.75	\$ -	\$ (75,000.00)
TH 101 Shakopee Ravine	\$ -	\$ -	\$ -	\$ -
Assumption Creek Hydrology Restoration	\$ -	\$ -	\$ 2,125.50	\$ 2,125.50
Carver Creek Restoration	\$ -	\$ -	\$ -	\$ -
Groundwater Screening Tool Model	\$ -	\$ -	\$ -	\$ -
MN River Floodplain Model Feasibility Study	\$ -	\$ -	\$ -	\$ -
Schroeder Acres Park SW Mgmt Project	\$ -	\$ -	\$ -	\$ -
PLOC Realignment/Wetland Restoration	\$ 70,000.00	\$ -	\$ -	\$ (70,000.00)
Spring Creek Project	\$ 75,000.00	\$ -	\$ -	\$ (75,000.00)
West Chaska Creek	\$ -	\$ -	\$ -	\$ -
Sustainable Lakes Mgmt. Plan (Trout Lakes)	\$ -	\$ -	\$ -	\$ -
Geomorphic Assessments (Trout Streams)	\$ -	\$ -	\$ -	\$ -
Fen Stewardship Program	\$ 25,000.00	\$ 3,937.24	\$ 3,937.24	\$ (21,062.76)
District Boundary Modification	\$ -	\$ -	\$ -	\$ -
E. Chaska Creek Bank Stabilization Project	\$ -	\$ 50,281.94	\$ 57,708.78	\$ 57,708.78
E. Chaska Creek Treatment Wetland Project	\$ -	\$ -	\$ -	\$ -
MN River Sediment Reduction Strategy	\$ -	\$ -	\$ -	\$ -
Local Water Management Plan reviews	\$ 15,000.00	\$ -	\$ -	\$ (15,000.00)
Project Reviews	\$ 50,000.00	\$ 10,100.13	\$ 21,433.34	\$ (28,566.66)
<i>Monitoring</i>	\$ 75,000.00	\$ 9,038.00	\$ 12,838.00	\$ (62,162.00)
<i>Watershed Management Plan</i>	\$ 10,000.00	\$ -	\$ 1,037.54	\$ (8,962.46)
<i>Public Education/CAC/Outreach Program</i>	\$ 30,000.00	\$ 8,179.75	\$ 17,671.73	\$ (12,328.27)
<i>Cost Share Program</i>	\$ 50,000.00	\$ 3,553.00	\$ 5,543.50	\$ (44,456.50)
Nine Foot Channel				
Transfer from General Fund	\$ -	\$ -	\$ -	\$ -
Dredge Site Improvements	\$ 240,000.00	\$ 102.00	\$ 102.00	\$ (239,898.00)
Total:	\$ 1,140,000.00	\$ 127,487.37	\$ 378,193.25	\$ (761,806.75)



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, May 19, 2021

Agenda Item

Item 4. D. - Authorize final payment to Blackstone Contractors, LLC for East Chaska Creek

Prepared By

Linda Loomis, Administrator

Summary

Blackstone Contractors, LLC completed construction of East Chaska Creek bank stabilization project. The contractor has requested final payment. The LMRWD has inspected the project and recommends final payment to the contractor.

A retainage will be kept until the one year warranty period is over and the vegetation has become established.

Email messages from the inspection done on behalf of the LMRWD are attached along with some pictures and the pay app.

This project is paid for partially with a Watershed Based Funding grant of \$25,472.

Attachments

Gmail message from Patrick Brockamp dated 5-18-21

Pictures of project taken 5-17-21

Pay app from Blackstone Contractor, LLC

Gmail message from Patrick Brockamp to Blackstone dated 5-19-21

Recommended Action

Motion to authorize payment to Blackstone Contractors

Construction Update / East Chaska Creek

1 message

Patrick E. Brockamp <PBrockamp@barr.com>

Tue, May 18, 2021 at 1:55 PM

To: Katy Thompson <katy@youngecg.com>, Della Schall Young <della@youngecg.com>, Linda Loomis <naiadconsulting@gmail.com>

Cc: Brian Jung <BJung@chaskamn.com>, Brent Alcott <balcott@chaskamn.com>, Aaron Kuznia <akuznia@chaskamn.com>, Matt Clark <MClark@chaskamn.com>, "naiadconsulting@gmail.com" <naiadconsulting@gmail.com>, "Katie J. Turpin-Nagel" <KTurpin-Nagel@barr.com>, "Joe J. Waln" <JWaln@barr.com>, Karen Chandler <KChandler@barr.com>

Folks,

An update from this week's activities on the East Chaska Creek construction project (photos attached):

- Blackstone has made several punch list corrections to some cross vanes, rock vanes, steep slopes, and added riprap to some existing CMP flared ends and another location where the channel erosion was close to the trail
- Blackstone installed the plunge pool based on the revised design to go over the existing utilities. After initial installation I met with the Contractor and pointed out some necessary modifications to match the design intent, after which Blackstone made some adjustments and sent photos of the corrections.

This completes the remaining work. I am recommending preliminary acceptance of the work which I plan to will give to Blackstone in writing tomorrow 5/19, which starts the 1-year warranty period (if anyone has any objections please let me know). Since there is a pay item for the 1-year warranty (\$1,000) this construction contract would remain open for an additional year from this date, with final payment coming after final acceptance. During that period Blackstone is responsible for correction of all plantings and seeding that do not conform to the specifications (replacing dead plants, re-seeding if required).

If anyone has any questions please let me know.

Thank You


Patrick E. Brockamp, PE

Water Resources Engineer
Minneapolis, MN office: 952.842.3593
cell: 612.710.2836
PBrockamp@barr.com
www.barr.com

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 **2021.05.17_Photos.pdf**
7377K

Added some excess Class II riprap toe protection near station 6+00 where bank was eroded close to trial



Cut back steep slope near large root wad station 8+30, seeded and added blanket



Plunge pool riprap installed, access restored with seed and blanket





APPLICATION AND CERTIFICATION FOR PAYMENT

CUSTOMER: Lower MN River Watershed
 Dist
 112 5th Street Suite 102
 Chaska, MN 55318

PROJECT: East Chaska Creek Project
 Behind Cuzzy's Brick House
 2880 Chaska Blvd
 Chaska, MN 55318

Revised
 APPLICATION NO: 2
 PERIOD TO: 5/19/2021
 PROJECT NO: 2003

Distribution Via Email:
 OWNER
 ARCHITECT
 CONTRACTOR
 ENGINEER
 CONSTR MGR

CONTRACTOR: Blackstone Contractors LLC
 9520 County Road 19, Ste D
 Loretto, MN 55357

VIA ARCHITECT/
 ENGINEER:

CONTRACT FOR: Lower MN River Watershed

CONTRACT DATE: 1/20/2020

APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract Continuation Sheet Page 2, is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

1. ORIGINAL CONTRACT SUM		\$ 68,959.50
2. Net change by Change Orders		\$ 2,566.95
3. CONTRACT SUM TO DATE		\$ 71,526.45
4. TOTAL COMPLETED & STORED TO DATE		\$ 70,526.45
5. RETAINAGE:		
a. On Completed Work	\$ 3,526.32	
b. On Stored Material	\$ 0.00	
TOTAL RETAINAGE:		\$ 3,526.32
6. TOTAL EARNED LESS RETAINAGE		\$ 67,000.13
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT		\$ 49,905.69
8. CURRENT PAYMENT DUE		\$ 17,094.44
9. BALANCE TO FINISH, INCLUDING RETAINAGE		\$ 4,526.32

CONTRACTOR: Blackstone Contractors LLC

By: Bruce Karsonen Date: 05/28/2021

ARCHITECT / ENGINEER:

By: Pat Eln Date: 05/28/2021

OWNER'S REPRESENTATIVE:

By: Shella Lynd Date: 6/1/2021

OWNER'S REPRESENTATIVE:

By: _____ Date: _____

Change Order Summary	<u>Additions</u>	<u>Deductions</u>
Total Changes approved in previous months by Owner:	0.00	0.00
Total approved this Month	8,446.95	5,880.00
NET CHANGES by Change Order	<u>\$ 2,566.95</u>	

CONTINUATION SHEET

Project: East Chaska Creek Project

Application and Certification for Payment

Application No: 2
 Period To: 5/19/2021
 Project No: 2003

ITEM NO.	DESCRIPTION	PLAN QUANTITY	UNIT	UNIT COST	PREVIOUS QUANTITY	CURRENT QUANTITY	QUANTITY TO DATE	MATERIALS STORED	TOTAL WORK PERFORMED
A	Mobilization	1 LS		1500.00	0.75	0.25	1	0.00	1,500.00
B	Control of Water	1 LS		1.00	1	0	1	0.00	1.00
C	Traffic Control	1 LS		300.00	0.5	0.5	1	0.00	300.00
D	Construction Entrance	1 EA		600.00	0	1	1	0.00	600.00
E	Sediment Log	0 LF		3.00	0	0	0	0.00	0.00
F	Rock Filrer Dike	1 EA		1.00	0	1	1	0.00	1.00
G	Inlet Protection	0 EA		110.00	0	0	0	0.00	0.00
H	Street Sweeping	1 LS		500.00	0.5	0.5	1	0.00	500.00
I	Clearing & Grubbing	1 LS		1800.00	1	0	1	0.00	1,800.00
J	Remove Debris	1 LS		500.00	1	0	1	0.00	500.00
K	Grading (P)	150 CY		1.00	150	0	150	0.00	150.00
L	Granular Fill	157.45 TN		85.00	157.45	0	157.45	0.00	13,383.25
M	Rip Rap (Class III)	319.96 TN		95.00	193.19	126.77	319.96	0.00	30,396.20
N	Cross Vanes	2 EA		1500.00	2	0	2	0.00	3,000.00
O	Rock Vanes	8 EA		1215.00	8	0	8	0.00	9,720.00
P	Root Wads	2 EA		400.00	2	0	2	0.00	800.00
Q	Seed - Area	0.15 AC		10000.00	0.075	0.075	0.15	0.00	1,500.00
R	Seed - Cover Crop	15 LB		10.00	15	0	15	0.00	150.00
R2	Seed - Floodplain Forest	12 LB		50.00	12	0	12	0.00	600.00
S	Erosion Control Blanket	600 SY		3.00	600	0	600	0.00	1,800.00
T	Plant Shrubs	25 EA		75.00	0	25	25	0.00	1,875.00
U	PLant Trees	3 EA		650.00	0	3	3	0.00	1,950.00
V	One Year Vegetation Warranty	1 EA		1000.00	0	0	0	0.00	0.00
									70,526.45

Change Order Report

<u>RFC #</u>	<u>Description</u>	<u>Date</u>	<u>Status</u>	<u>Contract</u>	<u>Status</u>	<u>Contract</u>	<u>Item</u>
QUANTITIES	Adjust Qty	5/28/2021	N/A		App: 2		
						-600.00	D - Construction Entrance
						-3,000.00	E - Sediment Log
						-330.00	G - Inlet Protection
						3,608.25	L - Granular Fill
						4,271.20	M - Rip Rap (Class III)
						-1,500.00	N - Cross Vanes
						112.50	R - Seed - Cover Crop
						455.00	R2 - Seed - Floodplain Forest
						-450.00	S - Erosion Control Blanket
						<u>2,566.95</u>	
						<u>0.00</u>	
						<u>2,566.95</u>	



Linda Loomis <naiadconsulting@gmail.com>

East Chaska Creek

1 message

Patrick E. Brockamp <PBrockamp@barr.com>

Wed, May 19, 2021 at 2:50 PM

To: "bruce@blackstonecontractorsllc.com" <bruce@blackstonecontractorsllc.com>, paul <paul@blackstonecontractorsllc.com>, "brent@blackstonecontractorsllc.com" <brent@blackstonecontractorsllc.com>
Cc: Katy Thompson <katy@youngceg.com>, Della Schall Young <della@youngceg.com>, Linda Loomis <naiadconsulting@gmail.com>, "Joe J. Waln" <JWaln@barr.com>, "Katie J. Turpin-Nagel" <KTurpin-Nagel@barr.com>, Karen Chandler <KChandler@barr.com>

Bruce,

I am writing to inform you of Preliminary Acceptance on the East Chaska Creek project as of 5/17/2020. Per the project specifications this starts the 1-year warranty period. To date all work has been completed and punchlist items have been addressed. Per Bid Item V – One-year vegetation warranty please continue to provide vegetation management and maintenance as specified until 5/17/2022.

Please submit your remaining tickets and pay request quantities and I will get that processed. I also wanted to note that both Paul and Brent were exceptionally easy to work with and did a great job with this project.

Thank You

Patrick E. Brockamp, PE

Water Resources Engineer
Minneapolis, MN office: 952.842.3593
cell: 612.710.2836
PBrockamp@barr.com
www.barr.com

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LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, June 16, 2021

Agenda Item

Item 4. E. Receive and file Citizen Advisory Committee Meeting minutes May 2021

Prepared By

Linda Loomis, Administrator

Summary

The Citizen Advisory Committee (CAC) held its initial meeting May 1, 2021. The approved meeting minutes are attached for the Board of Managers review.

Attachments

May 1, 2021 CAC meeting minutes

Recommended Action

Receive and file CAC May 1, 2021 meeting minutes



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes

Citizen Advisory Committee

Tuesday, May 4, 2021

Videoconference via WebEx by Cisco

1. Call to Order and Roll Call

Meeting called to order at 9:20 a.m. by vice-chair Karkowski. Roll call was taken. The following members were present: Jenny Karkowski, Judy Berglund, Craig Diederichs, Greg Genz, and Theresa Kuplic.

2. Approval of the Agenda

Chair Diederichs took over the meeting. Motion by Judy Berglund. Second by Jenny Karkowski.

3. Approval of the April Minutes

Motion by Judy Berglund. Second by Craig Diederichs.

4. Citizen Input on Non-agenda Items

There were none.

5. New Business

a. LMRWD Website Review

Jen Dullum introduced this item. As outlined in the approved public education and outreach workplan the Citizen Advisory Committee (CAC) may review and evaluate the District website through a citizen's lens. It was stated at the Lower Minnesota River Watershed District (LMRWD) February Board meeting that the CAC would oversee the second phase of the District website review. Jen asked the CAC to review the LMRWD website on the look, functionality, and presentation of information for public consumption and bring those comments back to the June 1, 2021 CAC meeting. Jen will send the first round of website review comments to the CAC along with the website link.

b. Brainstorming Session on Priorities

Jen Dullum opened this topic. The CAC was asked to vote on their top three priorities as outlined in the 2018-2027 Lower Minnesota River Watershed District Watershed Management Plan (Plan). The top two were to protect and preserve wetlands and manage

erosion and control sediment discharge with three votes each. protect, preserve, and restore surface water quality and protect and promote groundwater quantity and quality both came in with two votes each. And endure common goals between residents and the watershed district was added as “other”.

Greg Genz recalled Utah State professor Belmont study on the Minnesota River which listed 12 factors to improve Minnesota river. The number one factor is to “hold the water”. Discussion about this concept took place noting that by holding water back, many priorities within the Plan would be accomplished; wetlands could hold the water, erosion would be reduced, flooding would be reduced, etc.

The CAC decided that holding water would be their primary goal. Some first thoughts included rain gardens and education for property owners.

This goal will be brought back at the June meeting for more thoughtful conversation on strategies.

6. Old Business

a. Approve updated bylaws (memo attached)

Jen Dullum noted at the April 21 Board of Managers meeting, Managers discussed edits to the bylaws. She went over the original text, Board recommendations, and proposed amended text.

Motion by Theresa Kuplic. Second by Jenny Karkowski.

Greg Genz began discussion stating that since he is in an ex-officio member, as described in the bylaws, he would withhold voting. Judy Berglund noted that could be an issue with a tie vote. Linda Loomis noted that it is not in state statute that Greg need be an ex-officio member. This verbiage can be amended. Linda will reach out to legal counsel for direction. A revised version of the bylaws will be brought back for review and vote at the next meeting.

7. Communications

At this time, the virtual meeting time limit expired. Jen Dullum was going to let the members know that an email will be sent soon with a short questionnaire. Answers may be on website, in social media, etc. Jen will also be requesting a photo for the same purpose.

8. Adjournment

Chair Diederichs asked for a motion via email to adjourn the meeting. Motion by Judy Berglund. Second by Craig Diederichs.



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, June 16, 2021

Agenda Item

Item 5. A. – Report on Water Storage Initiative

Prepared By

Linda Loomis, Administrator

Summary

This item was on the Consent Agenda for the May 19, 2021 Board meeting. The item was tabled and the Board requested that Mr. Scott Sparlin be asked to come to the June meeting since Managers Salvato and Mraz are new to the Board since this project was approved.

As reported in May, Mr. Scott Sparlin from the Coalition for a Clean Minnesota River (CCMR) made a presentation to the Board of Managers, in July of 2019, regarding his plans to introduce legislation that would encourage water storage in the Minnesota River Basin and provide funding for such efforts. The Board of Managers agreed to provide funding for this initiative by providing matching funds.

The Board agreed to provide a one to one match up to \$5,000 in 2019 and 2020. The first \$5,000 was requested and paid in February 2020. The second year match is now being requested. Mr. Sparlin has provided information regarding the hours spent on the initiative and the financial support raised. He has also provided a report of the work that was done.

Funds for the project are in the LMRWD budget under Education.

Mr. Sparlin is planning to seek federal support for water storage initiatives and has provided a letter sent to Minnesota's US Senators and copied to the Congressional delegation.

Mr. Sparlin will join the meeting to talk to the Board about this project and next steps.

Attachments

Excerpt from July 2019 meeting minutes

Match Statement

CCMR Work Plan - Timeline

Letters to Senators Smith and Klobuchar

Recommended Action

Motion to authorize payment o second half of match to Coalition for a Clean Minnesota River

Manager Raby asked if other money has been raised. Mr. Sparlin said they have raised about \$3,000 for this effort and they will continue to seek additional funding.

Administrator Loomis asked if it would be easier for Mr. Sparlin to raise money if there were a match. The board discussed contributing funds as matching funds. Manager Raby said he would be comfortable matching up to \$5,000 each year. Manager Raby asked if this was in the LMRWD budget. Administrator Loomis said that funding was in the budget for a different project in the MN River Basin that could be redirected to this project. Mr. Sparlin said a match would help and he mentioned some of the groups that he is speaking to about supporting this initiative.

Mr. Sparlin asked for an endorsement letter saying the LMRWD board is in support of seeking funding from the state of MN to create a significant water storage program.

Manager Raby made a motion to agree to match up to \$5,000 in 2019 and 2020 based upon a 1 to 1 match and write a letter of endorsement. The motion was seconded by President Hartmann. The motion carried unanimously.

Manager Hartmann asked where the water comes from for irrigation. Mr. Sparlin said groundwater wells, but there are a few permits that do come from tributaries.

Manager Frey asked if Mr. Sparlin has spoken to Ducks Unlimited. Mr. Sparlin said that is in progress. Manager Frey said he thinks there would a lot of support for this proposal from the hunting community if the proposal will increase habitat.

Manager Raby asked that the LMRWD submit a resolution to MAWD.

C. Remote meeting participation

Administrator Loomis said this is for the Board's information. Manager Raby asked if there was schedule to complete. Administrator Loomis said there was not a schedule. She said she will ask for a timeframe.

D. Dredge Management

i. Review Process for funding of maintenance of Navigation Channel

Administrator Loomis said she received communication from MNDOT that attorneys for MNDOT do not believe the LMRWD qualifies for funding under the Port Development Assistance Program. She and Lisa Frenette are arranging a meeting with Patrick Phenow, Navigation Director for MNDOT.

ii. Vernon Avenue Dredge Material Management site

Administrator Loomis said the hearing for the amendment to the Conditional Use Permit (CUP) is tomorrow night. Manager Raby said it looks like the condition for removing material when there is a flood was not being removed from the permit. Ms. Della Young stated that the site is being designed so that there will be no rise in the flood elevation. The city has received a no rise certification from LMRWD engineers and the CUP will be worded so that removal of material from the site will not be necessary.

The condition that a three day notice be given to the City when material is being removed from the dredge site will be removed from the CUP.

iii. Private Dredge Material Placement

Private slips have not yet been dredged. Last year's material is in the process of being removed.

E. Watershed Management Plan

Statement for Match Funding to The Lower Minnesota River Watershed District
From The Coalition for a Clean Minnesota River (CCMR)

By Scott Sparlin Coordinator/Facilitator Minnesota River Congress/ Ex. Dir. CCMR

Hours specific to **Water Storage Initiative** for Minnesota River Congress @ \$40 hr.

2020

January	35 hrs.
February	40 hrs.
March	46 hrs.
April	40 hrs.
May	30 hrs.
June	4 hrs.
July	0 hrs.
August	0 hrs.
September	0 hrs.
October	0 hrs.
November	10 hrs.
December	0 hrs.

2021

January	50 hrs.
February	45 hrs.
March	40 hrs.
April	20 hrs.

Total Hrs. 360 = \$14,400

In person meetings

Mileage @ .52 per mile

St. Paul (2) 440, Mankato (2) 140, Henderson (1) 90, St. Peter (3) 180

Nicollet 70,

Total 920 miles = \$478,40

Total WSI expenses from January 2020 thru April 18, 2021 \$14,878.40

Money secured and designated for **Water Storage Initiative** to date

Nicollet Conservation Club	\$1500
New Ulm Area Sport Fishermen	1000
Fundraiser American Legion	970
CCMR	1500
CURE	100
Mn Ag Water Resource Center	100
Crystal Waters Project	100
Minnesota Wastewater Operators Assn.	100
Friends of Pool 2	100
Southern Minnesota Beet Sugar Coop.	100
Mankato Paddling and Outing Club	100
Doug Thomas	100
Darby and Geri Nelson	500
Total	\$6,270.00

Minnesota River Congress/CCMR Water Storage Legislative Initiative
Work Plan-Timeline 7-1-19 to 7-1-21

Final Report
accomplishments are highlighted in yellow.

July 1, 2019 to December 31, 2019

Continue to solicit, collect, compile and adapt input to be used to develop the various components of the bill. This requires face to face meetings and communicating with the potential implementers of the legislation including SWCD's, Watershed Districts, BWSR, State Agencies and numerous others. This will also be an on-going communication task given the nature of bill creation and perpetual negotiations with legislators. I will also meet with bill authors to share the compiled input in order to create first version of the bill in this time frame. This also requires face to face consultations. The bill is projected to be introduced this upcoming session of the legislature as previously indicated to me and other members of the Minnesota River Congress by the authors in both the State House and Senate.

I will continue to work with Minnesota State University Mankato Water Resources Center staff to compile and create a packet of existing data and associated documentation from various compelling studies. This will be made to distribute to legislators and partners for use in proving the need for water storage and securing support for the legislation from all parties and the public.

Do comprehensive targeted outreach, meet, as well as communicate with key water related, conservation, natural resource and agricultural entities to secure all levels of backing such as partnerships, resolutions and letters of support. This task is a focus of this time frame but will continue to be a task for the entire time as well.

I have met and will be meeting in person with Governor's past federal staff. I am confident I will ultimately obtain a meeting with Governor through those contacts and my past relationship with the Governor during his time in the U.S. House of Representatives. I will attempt to persuade the Governor to champion the water storage legislation and the river system in general going forward. He has close ties to Mankato and served as the House of Representatives chair of the "Sportsman's Caucus"

In consultation with authors we will also explore the potential for working within existing legislation to modify content which will likely take the same route of activity and actions by myself and others as laid out here.

Total \$3500 Includes on-going full 2-year period tasks from above

December 1, 2019 to May 15, 2020

Meet in person and continue distribution of created information packets to legislators from both political parties in both houses of the legislature to obtain sponsorship and sign on to the bill.

Continue meetings with SWCD's for advancement of basin resolutions in support of a water storage bill to be taken to the state level for confirmation vote.

Work with bill authors to introduce the bill and obtain first hearings in both house and senate and foster progress.

When hearings are scheduled, we will arrange for testimony from important key affected individuals and entities such as agricultural producers, farming organization representatives, The Lower Minnesota River Watershed District, conservation organizations, city, county and state entities that deal with infrastructure maintenance.

We will develop an infrastructure protection awareness document and identify and secure point communication persons able to articulate the potential for infrastructure damages if something is not done on a larger scale such as we propose.

We will work with key partners to develop regular press releases and other means of media communications to increase public awareness about the nature and status of the bill.

We will participate in and work with organizers of "Water Action Day" at the State Capitol to include it as a priority talking point with all state legislators and see that information about it is included in the packet handout for the day by participants.

We will solicit and request statements in support from the Governor. To accomplish this task, I will set up a meeting with staff, provide information and consultation as to what we want to convey to the greater public.

Time frame total \$2000

May 15, 2020 to December 31, 2020

I will work with the bills authors and sponsors to obtain committee hearings and consult with them to make any critical changes to ensure progress.

I will continue to foster the progress of the bill and advocate for its enactment. I will also seek out additional member support. This task requires trips to St. Paul and face to face meetings with legislators.

I will meet in person with federal elected house and senate members to explore options for federal partner funding if the state were to sign a water storage bill. The bill will be under more serious consideration at this time and federal funding opportunities can become a critical incentive for the state to enact a water storage bill if significant dollars are accessible at the federal level. Given that circumstance we will work to communicate these opportunities to the public and work in consultation with federal legislators and staff to develop the communication strategy and plea for public support at the state level to access the federal funding.

I will explore the potential for private foundation funding by meeting face to face with officers to discuss the feasible possibilities if the state were to enact the water storage bill.

I will explore the potential for Legacy Amendment funding through the LSOHF and Clean Water Fund by meeting with officers and discussing face to face the feasible possibilities if the state were to enact the water storage bill.

I will explore and compile other forms of funding to partner with by meeting with organizations and businesses who may want to play a part in creating and or enhancing water storage.

Time frame total \$2500

January 1, 2021 to July 1, 2021

I and the authors of the bill will continue to shepherd and monitor the bill through the next critical final phases. This task involves trips to the capitol for hearings and meetings to strategize with various legislators, staff and other key partners and people. I will set up and help coordinate testimony people in consultation with legislative staff as needed.

Working with bill authors and sponsors we will secure committee hearings and get a vote on a final water storage bill passage.

I will work with federal partners to strategize on process for accessing federal dollars available after the legislation is passed and enacted.

I will provide a final report on the initiative **Time frame total \$2000**

4/6/21

Senator Tina Smith
60 Plato Blvd Suite # 220
St. Paul, MN 55107

Senator Amy Klobuchar
1200 South Washington Ave #250
Minneapolis, MN 55415

Dear Honorable Senators Tina Smith, Amy Klobuchar,

We have reached a water management crisis in Minnesota, certainly not limited to anywhere in the state, but especially evident in the Minnesota River Watershed. Due to land use practices both urban and rural we have now reached the point that if we do not begin to both temporarily and permanently store more water, we will continue to experience increased collective, infrastructural, health and societal, as well as business losses at an unacceptable rate putting many Minnesotans at risk. Exacerbating this condition is the climatic trend and future prediction of increased rainfalls in short periods of time. The combination of all these factors leads first to small and medium streambank erosion. The dislodged sediments combined with increased flows enable sediment and nutrient delivery to our lakes, major tributaries, and main stems where they then flow downstream all the way to the Mississippi, Lake Pepin and ultimately the Gulf of Mexico.

We are a water blessed state and the time to invest in a major water storage initiative is upon us. The compelling data concerning the need, especially in the Minnesota River Basin, has been thoroughly studied and is well documented. The fact is, most of society has observed and intuitively known this for a long time. We have engineered ourselves into this condition and we also have the technical knowhow to mitigate it. We now need the commitment, and the significant financial resources, to accomplish the goal. In many cases our government (all of us) paid to create the challenges we are faced with. The time is now for all of us to come together for the greater good of future generations of Minnesotans. This is not an investment we can ignore, or we will pay much higher prices in short years to come.

It is our belief that we need specifically targeted temporary and permanent water storage funds to be directed to the implementers such as Soil and Water Conservation Districts, Watershed Districts, local units of government including native first nations and participating willing landowners.

Scientific Background

Extensive scientific data collected over decades shows clearly that we need to put more water storage on the landscape. Additional water storage can protect infrastructure and improve water quality. Diverse water storage practices, such as replacing historically drained lakes and wetlands and increasing soil health, will all help to achieve this goal. The climatic trend and future prediction of increased rainfalls in short periods of time will only exacerbate the issue.

The Minnesota River Congress is using the Collaborative for Sediment Source Reduction (CSSR see attached) and Management Options Simulation Model (MOSM) study recommendations in conjunction with the rich datasets available through state agency monitoring, assessment and conservation targeting (WRAPS, TMDLS, 1W1P) to support the case for the need for more water storage.

Currently we have enlisted the help of several Minnesota State Legislators on both sides of the aisle to introduce and advance legislation that would create a program which would incentivize landowners to store water on the landscape. The incentives would also include the adoption of best management practices for landowners to increase the ability of topsoil to retain water. A by-product of that practice is the recharge of our ground water supplies. With that said it is not going to be enough for Minnesota to try to do this on its own. We simply do not have the resources to implement this program on the scale it needs to be done to be completely effective. That is why we are asking you to help us begin to secure the resources at the national level. Minnesota will do its part, but with a federal partnership this could provide an inspiration across the country that when we work together nothing is insurmountable.

After over 3 years and 25 basin-wide meetings attended by a diverse cross section of the population, it has become very apparent that any way water storage in any form can be accomplished is of the utmost priority. Over and over from every part of the basin we heard water storage has to be addressed if we are going to be serious about protecting our infrastructure and improving our surface water. The good news is it can be achieved without adversely affecting agri-business or community development. We simply need it to be realistically funded to the degree it needs to be effective. It already has been prioritized by the implementers.

In closing, Senator Klobuchar, and Senator Smith, as members of the Senate Agriculture Committee you can formulate policies as well as develop funding through new or current USDA programs that can help to deal with these issues.

We (a small group of coalition members) would like to meet as soon as possible to discuss next steps to work with you to address these matters.

Most Sincerely, on behalf of the Minnesota River Congress supporters and cooperators
Scott Sparlin, Coordinator/Facilitator
PO Box 488, New Ulm, MN 56073
sesparlin@gmail.com

Mayor Robert Beussman
City Hall, 11 North Minnesota St.
New Ulm MN 56073

Mayor Dave Smiglewski
641 Prentice St.
Granite Falls, MN 56241

The following entities have provided written support for our Water Storage Initiative:

City of Henderson (signed endorsement and resolution)
City of Granite Falls (signed endorsement and resolution)
City of Eden Prairie (signed resolution)
City of Arlington (signed endorsement)
City of Amboy (signed endorsement)
City of New Ulm (passed resolution)
City of Mankato (signed resolution)
City of St. Peter (signed endorsement)
City of Olivia (signed endorsement)
City of Nicollet (signed endorsement and resolution)

City of Redwood Falls (signed resolution)
City of Springfield (signed endorsement and resolution)
City of Winthrop (signed resolution and endorsement)
Minnesota Association of Watershed Districts (resolution passed and signed)
Lower Minnesota River Watershed District (resolution passed and signed)
Blue Earth County SWCD (signed endorsement)
Brown County SWCD (signed endorsement)
Martin County SWCD (signed endorsement)
Faribault County SWCD (signed resolution)
Cottonwood County SWCD (signed endorsement)
McCloud County SWCD (verbal will endorse)
Nicollet Conservation Club (signed endorsement)
MASWCD (relative resolution)
Area 6 SWCD (11 Counties) (in principle)
Area 5 SWCD (10 Counties) (in principle)
Lake Pepin Legacy Alliance (signed endorsement and resolution)
Izaak Walton League MN State Chapter (resolution passed)
Friends of Pool 2 (signed endorsement)
Crystal Waters Project (signed endorsement)
Minnesota River Congress (signed endorsement)
New Ulm Area Sport Fishermen (signed endorsement)
Rural Advantage (signed endorsement)
Clean Up the River Environment-CURE (signed endorsement)
The Coalition for a Clean Minnesota River (signed endorsement and resolution)
Redwood Country Farmers Union (resolution passed and signed) (State Pending)
Friends of the Minnesota Valley (signed endorsement)
Izaak Walton League MN Valley Chapter (signed resolution)
Minnesota Center for Environmental Advocacy (signed endorsement)
Anglers for Habitat (signed endorsement)
Minnesota Conservation Federation (signed endorsement)
Fish and Wildlife Legislative Alliance (signed endorsement)
Blue Earth Project (signed endorsement)

cc: Governor Tim Walz
Rep. Jim Hagedorn
Rep. Angie Craig
Rep. Dean Phillips
Rep. Betty McCollum
Rep. Ilhan Omar
Rep. Tom Emmer
Rep. Michelle Fischbach
Rep. Pete Stauber
Rep. Paul Torkelson
Senator Gary Dahms
John Jaschke BWSR
Sarah Strommen MNDNR
Thom Petersen MDA



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, June 16, 2021

Agenda Item

Item 5. B – Return to in-person meetings

Prepared By

Linda Loomis, Administrator

Summary

Carver County has approved the LMRWD use of the County's Board Room for in-person meetings. I had planned for the June meeting to be conducted in person; however, after consulting legal counsel, in person meetings will be postponed until after Board action at the June 16, 2021 meeting.

Recommendations from legal counsel are detailed in the attached email. The ability to meet in person is related to the emergency declaration and the resolution adopted by the Board in March 2020, not to the availability of meeting space. As such the Board should adopt Resolution 21-07 Rescinding Resolution 20-03 Adopting Interim Meeting Schedule and Format.

I am still looking for a location to hold the meeting on the first Wednesday of the month.

Attachments

Gmail communication from John Kolb, legal counsel - dated June 2, 2021

Resolution 21-07 - Rescinding Resolution 20-03 Adopting Interim Meeting Schedule and Format

Recommended Action

Motion to adopt Resolution 21-07



RE: 25226-0001: Question about meetings

1 message

John Kolb <JKolb@rinkenoonan.com>
To: Linda Loomis <naiadconsulting@gmail.com>

Wed, Jun 2, 2021 at 9:16 AM

Good morning, Linda,

The issue of meeting location and format (i.e., in-person or remote), is related to the emergency declaration and not to the availability of facilities. We have been meeting remotely based on the Board's (or chief administrator, board president or chief legal officer) determination that because of the emergency and pandemic, it is not prudent, safe or feasible to meet in person (statutes section 13D.021). If that determination is no longer valid, then the authorization to meet remotely is gone. To date, the emergency declaration is still in place AND regardless of the emergency declaration, there may still be local conditions related to the pandemic that warrant continued remote meetings (either for the safety of the board, staff or the participating public). That the ordinary facilities have also not been available may have influenced our timing of getting back to in-person meetings, but that was more coincidence based on the County's determinations under 13D.021 than it was based on the LMRWD's determinations under 13D.021.

Section 13D.04 specifies the adoption and filing of a regular meeting schedule. The adoption and filing of a regular meeting schedule stating dates, time(s), location(s) and purpose(s) (i.e., to conduct the regular business of the organization as outlined in an agenda approved/adopted for each meeting) allows the organization to hold the meetings without further, special notice and without limitation on the business conducted or topics addressed. Compare this to a special meeting, which is any meeting of the organization on a date, at a time, in a location other than those specified in the adopted and filed regular meeting schedule. In the case of a special meeting, the organization must post notice at the meeting location for three days prior to the meeting. The notice must state date, time, location and purpose of the special meeting and the meeting is limited to the items specified in the purpose statement in the notice.

LMRWD has adopted a regular meeting schedule and has specified the location to be the commissioners' room at the Carver County Government Facility. That remains unchanged. During the emergency and pandemic, however, the Board, based on the determinations made under 13D.021, has held the regular meetings by remote means. To date, the Board (or chief administrator, board president or chief legal officer) has not made a formal determination that the conditions have changed and rescinded its determination. Until that happens, I believe we are still obliged to either meet remotely or offer the remote option. For the June meeting, and for simplicity's sake, I recommend holding the June regular meeting remotely with an agenda item to rescind the 13D.021 determination and return to in-person meetings (i.e., let's make a clean break, at a meeting and on the record).

The revised finding could be:

At its regular meeting on June 16, 2021, upon the advice of its chief administrator, board president and chief legal officer, the Board of Managers determined, based on current state guidance, immunization rates and local conditions related to the COVID-19 pandemic, that in-person meetings of the Board of Managers may resume with full attendance of the Board and public. The Board will continue to implement prudent safety and health precautions for in-person meetings at its regular meeting location according to the previously adopted and filed regular meeting schedule.

This brings us to the issue of the second, monthly meeting. Basically, the WD will have a regular, business meeting on the third Wednesday of each month as usual. But the Board has adopted/scheduled a second meeting on the first Wednesday of each month for the limited purpose of considering permits (this is my understanding). Because permitting

is new territory for us, we are still not sure how often this second meeting will be necessary or whether it will evolve to include more than just permits. Like our regular meeting, for now the permit meeting should be held remotely. As for a meeting location, remote or in-person is an all or none proposition. Once the determinations change, all of our meetings will have to be in-person.

Meetings of the Board, according to the open meeting law, are supposed to occur within the Boundary of the District and the meeting place must be open and accessible to the public. The district is supposed to have principal place of business within the District (this can be different from the meeting location). The statutory preference is that we use public facilities (both under open meeting law and under the watershed law). Let's check to see what the capacity limitations are in the alternative meeting rooms. I think for the permitting meeting we can get the job done in any room with a limit of at least 10. The most important thing is that we find a consistent location.

JCK

John C. Kolb

Attorney

RINKE NOONAN

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(320) 656-3503 Direct

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[website](#) | [email](#) | [bio](#) | [map](#)



Linked  ⁱⁿ

For prompt assistance, please contact my paralegal,

Julie Fincher at (320) 656-3527 or jfincher@rinkenoonan.com

From: Linda Loomis <naiadconsulting@gmail.com>

Sent: Tuesday, June 1, 2021 4:27 PM

To: John Kolb <JKolb@rinkenoonan.com>

Subject: 25226-0001: Question about meetings

RESOLUTION # 21-07

RESOLUTION OF THE LOWER MINNESOTA RIVER WATERSHED DISTRICT BOARD OF MANAGERS

Rescinding Resolution 20-03 Adopting Interim Meeting Schedule and Format

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

WHEREAS, in March 2020, the Board of Managers determined that it was neither feasible nor prudent to hold in-person meetings during the State of Emergency related to the COVID-19 pandemic; and

WHEREAS, the Board adopted resolution 20-03 on March 18, 2020 in accordance with statutes section 13D.021, which allows the Board to hold its meetings by alternative means during the emergency and now desires to rescind that resolution; and

WHEREAS, pursuant to statutes section 13D.04 the Board had adopted a regular meeting schedule which is on file with the District; and

WHEREAS, the Board desires to keeping the same schedule of meetings but resume meeting in-person.

THEREFORE, BE IT RESOLVED, that, the Board of Managers has determined, based on current state guidance, immunization rates and local conditions related to the COVID-19 pandemic, that in-person meetings of the Board of Managers may resume with full attendance of the Board and public; and

FURTHER, the Board will continue to implement prudent safety and health precautions for in-person meetings at its regular meeting location according to the previously adopted and filed regular meeting schedule.

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

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
HARTMANN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MRAZ	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RABY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALVATO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the President declared the Resolution adopted this 16th day of June, 2021.

Jesse Hartmann, President

ATTEST:

Lauren Salvato, Secretary

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

IN TESTIMONY WHEREOF, I hereunto set my hand this ____ day of _____, 2021.

Lauren Salvato, Secretary



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, June 16, 2021

Agenda Item

Item 5. C. - Board tour of District

Prepared By

Linda Loomis, Administrator

Summary

The LMRWD has hosted a tour of the Minnesota River in past years; however COVID-19 precluded the District from any kind of public event last summer. 2020 Was the 60th anniversary of the District and budget that was set aside for a tour was used to produce the [video](#) celebrating the anniversary. Staff was thinking that perhaps this summer, the Board might want to visit some of the projects that have been completed by the District, such as cost share projects completed by District residents, TH 101 ravine stabilization project, east Chaska Creek, etc.

Staff would like direction and suggestions from the Board, in order to begin making arrangements.

Attachments

None

Recommended Action

Provide direction to staff



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, June 16, 2021

Agenda Item

Item 6. G. - Education & Outreach

Prepared By

Linda Loomis, Administrator

Summary

The Citizen Advisory Committee (CAC) held its second official meeting June 1, 2021. The CAC discussed beginning to hold in-person meetings. They also discussed the possibility of touring certain locations in the District. Judy Berglund offered to have the CAC tour the Cost Share project that she completed in her neighborhood with the help of her neighbors.

The CAC felt that the perspectives of members of the CAC that reside outside the boundaries of the LMRWD are valuable and determined that those individuals should be voting members of the CAC. The CAC bylaws were amended to make that change. The amended bylaws are attached for Board approval. The CAC Orientation packet is also attached for the Board's review/

The CAC also discussed the issues of erosion of ravines and gullies within the District. They were also interested in learning more about initiatives to 'hold back the water'.

Attachments

CAC bylaws amended June 1, 2021

CAC Orientation packet dated June 1, 2021

Recommended Action

Motion to adopt CAC bylaws and orientation packet both dated June 1, 2021

Acknowledgements

Citizen Advisory Committee:

Judy Berglund
Craig Diederichs, Chair
Greg Genz
Jenny Karkowski, Vice-Chair
Theresa Kuplic, Secretary

Lower Minnesota River Board of Managers:

Jesse Hartmann, President
Patricia Mraz, Vice President
David Raby, Treasurer
Lauren Salvato, Secretary

Date of CAC Endorsement: April 6, 2021

Date of LMRWD Board Approval: April 21, 2021

Date of LMRWD Board Approval with Amendments: May 19, 2021

Date of CAC Adoption: June 1, 2021

**Lower Minnesota River Watershed District
Citizen Advisory Committee
Draft Bylaws**

ARTICLE I: AUTHORITY

The Lower Minnesota River Watershed District (LMRWD) Citizen Advisory Committee (CAC) is hereby established with such powers and duties as are delegated to the CAC by the LMRWD Board of Managers (Board).

ARTICLE II: RESPONSIBILITIES

Per the Board and as outlined in the LMRWD Plan, the responsibilities of the CAC include the following:

- a) Acting as a liaison between the LMRWD and residents.
- b) Increasing public awareness by educating LMRWD residents about actions necessary to protect and improve water resources and habitat within its boundary.
- c) Advising the Board and staff on issues important to residents.

ARTICLE III: MEMBERSHIP

CAC members are appointed by the Board. The CAC strives to contain a minimum of five members made up of interested and technical persons who are residents and non-residents of the District. CAC members are appointed to two-year terms.

ARTICLE IV: CONFLICT OF INTEREST

Prior to deliberation on an issue, a member who feels that they have a perceived conflict of interest shall disclose that information to the Chair and members. Members may also report other members' potential conflicts of interest to the Chair and members. A majority vote of members present will determine whether the conflict of interest is sufficiently substantial to exclude the member from voting on the issue. All conflicts of interest disclosures and subsequent determination of whether to exclude a member from a vote shall be noted in the minutes.

ARTICLE V: PARTICIPATION

To ensure the CAC's efficiency, regular attendance at meetings is necessary. Any member may be removed for repeated, unexcused absences from CAC meetings. The Chair or LMRWD staff if directed by the Chair must notify the Board president when any member has three or more

consecutive unexcused absences or when a member's sporadic attendance prevents meaningful participation in CAC matters.

An absence shall be deemed excused if the member notified the Chair, another CAC member, or District staff prior to the meeting. Excused absences shall be noted in the minutes of the meeting.

Any member may be removed from office for just cause and on written charge by a majority vote of the Board.

Members may request a leave of absence from the CAC by sending a letter to the Board president. The Board may grant a leave of absence for a period of no less than three months and up to a maximum of one year. While a member is on leave of absence, they shall not be eligible to vote and shall not be counted toward the quorum.

Members shall communicate their intention to resign in writing to the CAC Secretary, who in turn will notify members and the Board president.

Members are encouraged to attend Board meetings and District functions.

ARTICLE VI: VACANCIES

The Chair will notify the Board president of vacancies in membership. The Board will act in good faith to fill vacancies within 60 days from the date that the Board is notified of the vacancy.

ARTICLE VII: OFFICERS

Officers shall be elected for a one-year term. Elections shall be held during the first CAC meeting of the calendar year. The officers shall be chair, vice-chair, and secretary.

Duties of the officers are as follows:

1. The chair will do the following:
 - a. Preside at all meetings of the CAC.
 - b. Lead meetings in an efficient and orderly fashion.
 - c. Plan meeting agendas in cooperation with staff.
 - d. Encourage participation by all members at meetings.
 - e. Serve as the primary contact to the Board.
 - f. Appoint members to serve on subcommittees and task forces, as appropriate.
2. The vice-chair shall perform the duties of the chair in the chair's absence.
3. The secretary administers the paperwork at each meeting, prepares and distributes meeting minutes, handles all CAC correspondence, maintains a CAC file of pertinent

information, and coordinates with the education and outreach coordinator and the District administrator.

Any officer whose membership ceases prior to the expiration of his/her term as an officer shall be replaced for the balance of his/her term by a special election of the CAC. Such special elections shall be held during the second regular meeting of the CAC immediately following termination of the officer's membership.

ARTICLE VIII: MEETINGS

The CAC will meet regularly pursuant to a schedule established by the CAC. Regular meetings shall be held on the first Tuesday of every month at 9:00 a.m. Members present at the prior regularly scheduled meeting may change this meeting schedule by a majority vote. Notice of the date, time, place, and proposed agenda of the meeting shall be published on the District's website at least seven days before the meeting.

The CAC will be subject to the Open Meeting Law, Minnesota Statute 13D (Appendix C). A quorum of at least half the members plus one CAC member must attend regularly scheduled meetings to vote on action agenda items or to vote on motions made during regularly scheduled meetings.

All CAC meetings shall be public. Public participation at meetings will, to the extent possible, be for the purpose of presenting information or providing comments that were not previously available to the CAC.

The CAC may utilize technology, including a conference call or web-based participation for members, presenters, or other necessary participants when feasible.

ARTICLE IX: VOTING

Each member is entitled to one vote. The CAC will function by a majority vote of the members present. A quorum must be present to vote. A tie vote by the CAC constitutes an impasse, and the result in question will remain a tie and be reported to the Board as a tie.

ARTICLE X: OFFICIAL MINUTES

The minutes of the CAC will be recorded by the secretary and will include the time, date, and place of the meeting; the attendance of the members and guests; the topics of the meeting and actions taken, or findings made; the results of roll-call votes; and a narrative or summary of pertinent discussions. A copy of the minutes for each meeting will be made available to members of the Board and the CAC.

ARTICLES XI: RULES AND RESPONSIBILITIES

The CAC will use Robert's Rules of Order to govern its meetings and business transactions. See Appendix D.

ARTICLE XII: COMMITTEES

To accomplish its prescribed responsibilities, the CAC may create committees of its members to study and report on projects, plans, and programs under consideration by the Board. Such committees will operate under the bylaws and rules of the full CAC.

The chair may appoint nonmembers who have expressed an interest in the topic or who have specialized expertise to a subcommittee or taskforce as appropriate.

If a regularly scheduled meeting is canceled, or if a quorum is not available to conduct business at a regularly scheduled meeting, a subcommittee or task force may meet during the time of the regularly scheduled meeting without providing 24-hour notice.

ARTICLE XIII: STAFF SUPPORT

Education and outreach coordinator, the District administrator, or a representative is expected to attend each CAC meeting unless otherwise directed by the Board; other District staff attendance will be overseen by the District Administrator. Staff will be responsible for the following:

- Preparing agendas with input from the Board, CAC Chair, and CAC priorities.
- Recording minutes, as requested.
- Assisting the CAC Chair in matters related to running the meetings.
- Preparing background information for items requiring CAC action.
- Coordinating attendance by consultants and other staff, as needed.
- Preparing memorandums to communicate CAC recommendations to the Board.

ARTICLE XIV: AMENDMENTS TO THE BYLAWS

Any member may offer a motion to amend the bylaws. The motion must receive a second before a vote on an amendment will be scheduled. All proposed amendments must be read before the CAC at a regularly scheduled meeting. Voting on any amendment will be held at the first meeting after a motion to amend has been made and seconded. Amendments to the bylaws will require a majority vote of those present at the meeting.

Bylaws and any changes thereto shall be submitted to the Board for comment prior to adoption.

ARTICLE XV: SEPARABILITY PROVISIONS

Should any article of these bylaws be considered unconstitutional or void, the remaining provisions will remain in full effect.

ARTICLE XVI: EFFECTIVE DATE

These bylaws will take effect upon approval by the Board.

CITIZEN ADVISORY COMMITTEE ORIENTATION PACKET



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Lower Minnesota River Watershed District

CITIZEN ADVISORY COMMITTEE



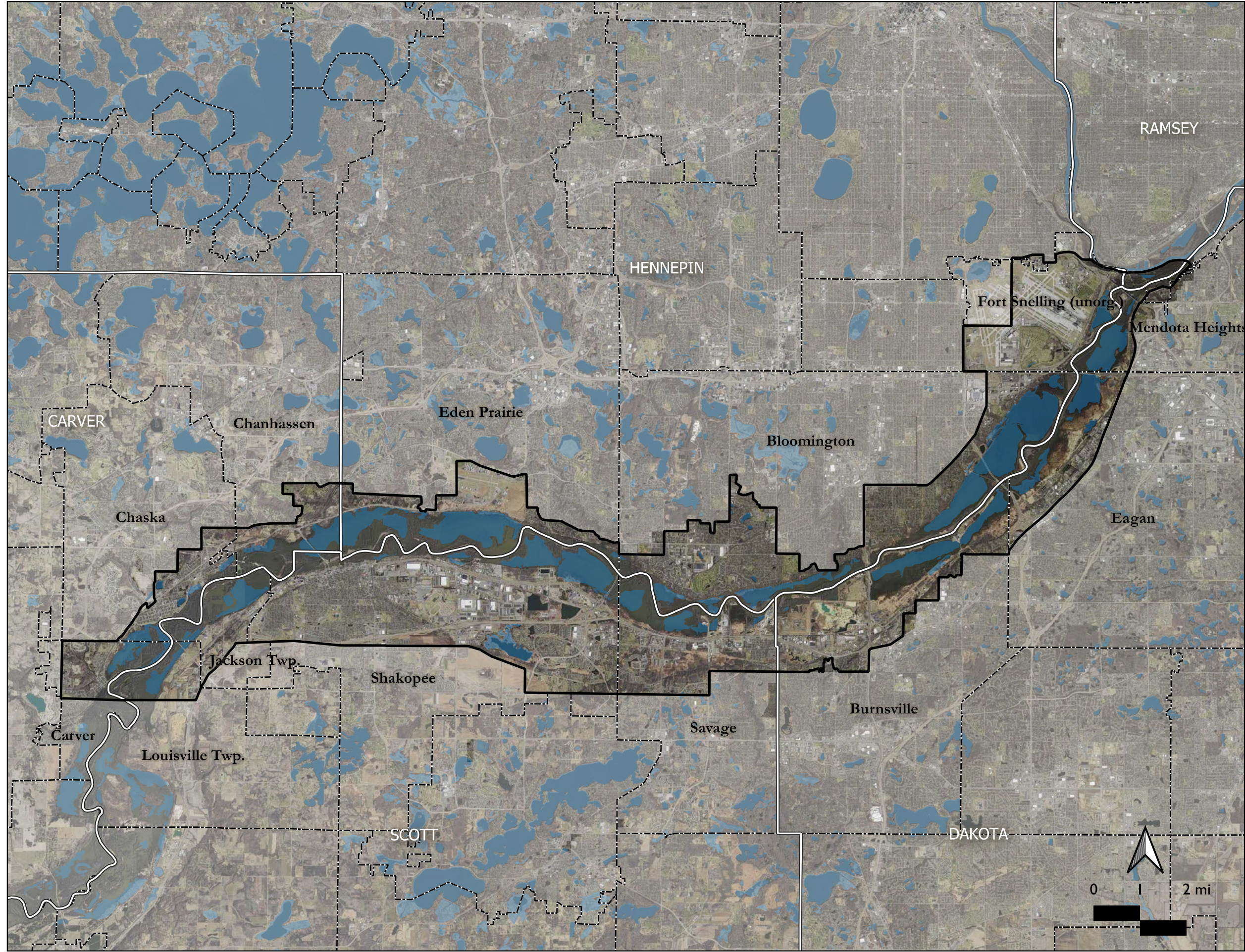
Welcome

Congratulations, and welcome to the Lower Minnesota River Watershed District (LMRWD) Citizen Advisory Committee (CAC)! This packet was developed by Young Environmental Consulting Group, based on Capitol Region Watershed District and other watershed districts' orientation packets, to help orient you to your new position.

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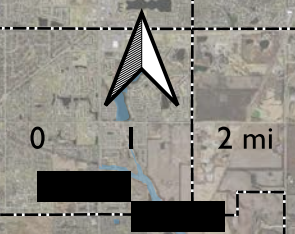
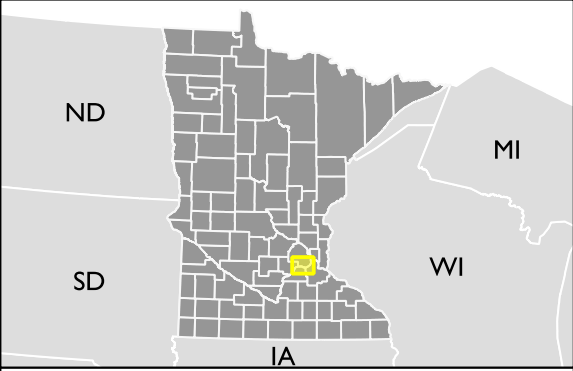
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Lower Minnesota River Watershed District and Partner Communities



- LEGEND**
- Public Waters
 - Public Waterbodies
 - Cities, Townships, Unincorp. Areas
 - County Boundaries
 - LMRWD Boundary

Location Map



INTRODUCTION

LMRWD Mission

Its mission is to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater and to assist and facilitate in providing river navigation.

LMRWD Background

In 1960, the LMRWD was established primarily to be a legal entity to provide local participation to the U.S. Army Corps of Engineers to construct a navigation channel within the Minnesota River. With this purpose in mind, a 9-foot channel was developed.

Our Water Resources

The LMRWD boundary generally follows the Minnesota River. The quantity and quality of surface water resources are closely tied to groundwater. There are many unique and rare water resources in the District, including floodplain wetlands, calcareous fens, and trout waters. The LMRWD continues to play a critical role ensuring the commercial navigation of Minnesota goods and products bound for locations near and far.

The LMRWD covers 80 square miles and includes portions of 14 communities and five metro counties.



Our Work

The [2018–2027 LMRWD Watershed Management Plan](#), located on the District's website, describes how the District will address water resources management over the next 10 years as required by Minnesota statutory and District requirements. The purpose of the plan is to protect, preserve, and manage the surface water resources and groundwater within the District.

The District accomplishes its mission through the following:

- Watershed rules and permitting
- Capital improvement projects
- Education and outreach
- Technical assistance
- Cost share funding assistance for water and natural resources-related residential projects
- Collaboration with public and private stakeholders and partners

CAC FRAMEWORK

The CAC framework serves to guide the committee's work.

Mission

The mission of the CAC is to assist and advise the LMRWD Board of Managers (Board; Appendix A) in accordance with Minnesota Statutes section 103D.331 (Appendix C). This is accomplished by reflecting community values in the development of local projects and programs and by increasing public awareness about ways to protect and improve water resources and habitat within the District.

Roles and Responsibilities

The CAC shall actively participate in LMRWD planning processes, watershed plan preparation, and long-term implementation of LMRWD programs. The CAC is a communication link between District residents and the Board. The CAC will be integral in informing residents about the District and its resources, and the committee will provide opportunities for public input on District programs and projects. The CAC, as facilitated by the Education and Outreach Coordinator, District Administrator or a designee, will collaborate with local community groups on education and outreach goals and engage volunteers in District programs. The CAC will assist with the development of the District's education and outreach plan.

Organization

- The Board will annually appoint an advisory committee (Appendix A), if needed.
- The CAC will elect its own leadership consisting of, at minimum, a president and secretary.
- The CAC will create, update, and operate under a set of bylaws (Appendix B) that are adopted by the committee and approved by the Board.
- The CAC will establish a meeting schedule.
- CAC members must be residents of the LMRWD and will serve at the pleasure of the Board. The Board may appoint other interested and technical persons who may or may not reside within the District to serve at the pleasure of the Board.

CAC FRAMEWORK

Initiatives

In addition to its roles and responsibilities, the CAC will undertake several initiatives that enhance its knowledge base and create greater cohesion among committee members.

These initiatives could include the following:

- Recruiting new CAC members and updating this orientation packet
- Increasing interaction between the LMRWD and neighborhoods
- Organizing and promoting community events
- Interacting with adjoining watershed districts and watershed management organizations on managing shared water and natural resources such as lakes, streams, trails, and parks
- Organizing or attending tours of projects and features in the LMRWD
- Participating in public education about LMRWD and its projects

Representing the LMRWD

Members of the CAC will have opportunities to attend programs, represent the LMRWD at events, and speak about LMRWD issues. Members are LMRWD ambassadors in the community. When representing themselves as members of the CAC and/or as representatives of the LMRWD, CAC members must apply the following guidelines to their actions:

- Only identify yourself as a representative of the LMRWD if the information you are presenting is in accordance with LMRWD official positions and policies.
- If you do not agree with an LMRWD position on an issue but choose to talk about it, please make it clear to the audience that you are not representing the positions of the LMRWD or acting in your official role as a CAC member.
- Be positive about the efforts of the LMRWD, and use polite and respectful language.
- Members are asked to communicate with the District Administrator regarding any significant conversations or meetings that take place. This is particularly important when dealing with sensitive issues and helps prepare the District for any additional phone calls or inquiries. The District Administrator is also available to complete any follow-up communications that are needed as a result of CAC member activities.

CAC FRAMEWORK

Resources

The District Administrator, Education & Outreach Coordinator or designee is available to assist CAC members. However, there may be times that workload, LMRWD priorities, and CAC priorities limit how much time can be dedicated to a request or project.

Members of the CAC may at times wish to request supporting information or documents related to an issue of interest. This may be an issue in their own community, a high-profile topic, a request by a LMRWD resident, or another reason. The District can provide supporting information or documents but may require approval from the District Administrator or the Board of Managers.

There may be times when requests for staff assistance and/or information and documents must be made in writing. In some circumstances, inquiries may require using Data Practices Act protocols. The Education and Outreach Coordinator and District Administrator will assist CAC members with the appropriate processes.

Communications

The District will maintain a CAC contact list and email group. Email will be used to share information with the group, but discussion will be limited. All efforts will be made to conduct CAC discussions at CAC meetings and not over email. Members may send topic requests for meeting discussions to the CAC Chair before the meeting agenda and materials packets are provided.

If a topic requires a timely input or vote from CAC members, then the CAC Chair will provide specific instructions.

The CAC email list is to be used for CAC-specific communication. The CAC should not be copied on email messages but should be the direct recipients. The CAC email list and member email addresses should not be shared with outside parties unless express permission is given.

LMRWD ORGANIZATION CHART

This organization chart illustrates the relationships among the LMRWD Board of Managers, the CAC, and staff and consultants.



APPENDIX A: MEMBERSHIP



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Member	Bio	Term
<p>Judy Berglund 10542 Spyglass Drive 952-975-1960 judyberglund2@gmail.com</p>	<p>Judy wants to see better water quality and to protect wildlife for future generation(s) of children in her retirement. She has written and received four cost share grants with the LMRW intended to improve water quality for her homeowners' association retention pond which flows into the Minnesota River. She is an active volunteer in the Eden Prairie Chapter of Wild Ones and other garden organizations.</p>	<p>February 17 - Present</p>
<p>Craig Diederichs, Chair 9551 Riverview Road 612-346-3648 cadeeds2701@gmail.com</p>	<p>Craig is retired from manufacturing operations. Before retirement, Craig worked as a Director of Operations for large, publicly held companies He would like to better understand how the citizens that live in the area can support by minimizing impact on the Watershed District. He believes it is important to be able to reduce impact on the watershed while allowing citizens as much leeway as possible to do what they would like on their property. He believes it is possible to support both.</p>	<p>February 17 - Present</p>
<p>Greg Genz 121 10th Street 651-775-6660 greggenz71@gmail.com</p>	<p>Greg is a consultant on river issues and business owner. He has been involved in LMRWD issues for many years, mostly dealing with the 9-foot channel. Greg also served on the previous LMRWD CAC. He has experience working in barge operations and river dredging and construction projects. Greg has been involved with numerous organizations, including, but not limited to, the Upper Mississippi Waterway Association, Friends of Pool 2, Friends of the Minnesota Valley, Red Wing Marine Museum and the Red Wing Harbor Commission.</p>	<p>February 17 - Present</p>
<p>Jenny Karkowski, Vice Chair 10496 Wimbledon Court 217-690-6727 jenelynn23@gmail.com</p>	<p>Jenny is an experienced marketing specialist is interested in supporting a healthy environment for current and future citizens.</p>	<p>February 17 - Present</p>

<p>Theresa Kuplic, Secretary 3116 Hayes Drive 612-247-9508 tkuplic@aol.com</p>	<p>Theresa is currently finishing a degree in Environmental Studies at the University of St. Thomas. She lives in the Minnesota River Valley and shares a love of the beauty of the rivers and lakes in Minnesota. Theresa is concerned about the depletion of the world's aquifers and the quality of water here in Minnesota. She believes it is important to continue to learn and study to stay abreast of the latest information and science associated with environmental problems. Theresa has been involved in volunteer church organizations and believes in the need for many ideas and solutions.</p>	<p>March 17 - Present</p>
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DISTRICT MANAGER BIOGRAPHIES

The LMRWD Board of Managers represent each county in the District. Below are current Board of Managers.

Laruen Salvato - Carver County, Secretary

Laruen is the Policy and Programs Director at Upper Mississippi River Basin Association. She is a natural resource management and water resource policy professional. Lauren graduated summa cum laude from the University of New Mexico and earned her Master of Public Affairs and Master of Science in Environmental Science. Water Policy/Water Resources from Indiana University Bloomington. Her passion for water resources comes from growing up in the arid Southwest.

- Hennepin County, vacant

Jesse Hartmann - Scott County, President

Jesse is a Project Manager at Crew2. He graduated from St. John's University with a Bachelor of Arts degree in Management. Jesse earned his Master of Business Administration from the Minnesota School of Business.

David Raby - Hennepin County, Treasurer

Dave is the President of the Water Business Line for HR Green, Incorporated. He graduated with a Bachelors of Science and Masters of Science in Civil Engineering from the University of Missouri-Rolla.

Patricia Mraz - Dakota County, Vice President

Patty is a middle school earth science teacher at St. Paul's Community School of Excellence. She got her Bachelor of Science degree from the College of Saint Benedict and Masters of Arts in Education and Middle School Science certification from St. Catherine University.

APPENDIX B: BYLAWS



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Acknowledgements

Citizen Advisory Committee:

Judy Berglund
Craig Diederichs, Chair
Greg Genz
Jenny Karkowski, Vice-Chair
Theresa Kuplic, Secretary

Lower Minnesota River Board of Managers:

Jesse Hartmann, President
Patricia Mraz, Vice President
David Raby, Treasurer
Lauren Salvato, Secretary

Date of CAC Endorsement: April 6, 2021

Date of LMRWD Board Approval: April 21, 2021

Date of LMRWD Board Approval with Amendments: May 19, 2021

Date of CAC Adoption: June 1, 2021

**Lower Minnesota River Watershed District
Citizen Advisory Committee
Draft Bylaws**

ARTICLE I: AUTHORITY

The Lower Minnesota River Watershed District (LMRWD) Citizen Advisory Committee (CAC) is hereby established with such powers and duties as are delegated to the CAC by the LMRWD Board of Managers (Board).

ARTICLE II: RESPONSIBILITIES

Per the Board and as outlined in the LMRWD Plan, the responsibilities of the CAC include the following:

- a) Acting as a liaison between the LMRWD and residents.
- b) Increasing public awareness by educating LMRWD residents about actions necessary to protect and improve water resources and habitat within its boundary.
- c) Advising the Board and staff on issues important to residents.

ARTICLE III: MEMBERSHIP

CAC members are appointed by the Board. The CAC strives to contain a minimum of five members made up of interested and technical persons who are residents and non-residents of the District. CAC members are appointed to two-year terms.

ARTICLE IV: CONFLICT OF INTEREST

Prior to deliberation on an issue, a member who feels that they have a perceived conflict of interest shall disclose that information to the Chair and members. Members may also report other members' potential conflicts of interest to the Chair and members. A majority vote of members present will determine whether the conflict of interest is sufficiently substantial to exclude the member from voting on the issue. All conflicts of interest disclosures and subsequent determination of whether to exclude a member from a vote shall be noted in the minutes.

ARTICLE V: PARTICIPATION

To ensure the CAC's efficiency, regular attendance at meetings is necessary. Any member may be removed for repeated, unexcused absences from CAC meetings. The Chair or LMRWD staff if directed by the Chair must notify the Board president when any member has three or more

consecutive unexcused absences or when a member's sporadic attendance prevents meaningful participation in CAC matters.

An absence shall be deemed excused if the member notified the Chair, another CAC member, or District staff prior to the meeting. Excused absences shall be noted in the minutes of the meeting.

Any member may be removed from office for just cause and on written charge by a majority vote of the Board.

Members may request a leave of absence from the CAC by sending a letter to the Board president. The Board may grant a leave of absence for a period of no less than three months and up to a maximum of one year. While a member is on leave of absence, they shall not be eligible to vote and shall not be counted toward the quorum.

Members shall communicate their intention to resign in writing to the CAC Secretary, who in turn will notify members and the Board president.

Members are encouraged to attend Board meetings and District functions.

ARTICLE VI: VACANCIES

The Chair will notify the Board president of vacancies in membership. The Board will act in good faith to fill vacancies within 60 days from the date that the Board is notified of the vacancy.

ARTICLE VII: OFFICERS

Officers shall be elected for a one-year term. Elections shall be held during the first CAC meeting of the calendar year. The officers shall be chair, vice-chair, and secretary.

Duties of the officers are as follows:

1. The chair will do the following:
 - a. Preside at all meetings of the CAC.
 - b. Lead meetings in an efficient and orderly fashion.
 - c. Plan meeting agendas in cooperation with staff.
 - d. Encourage participation by all members at meetings.
 - e. Serve as the primary contact to the Board.
 - f. Appoint members to serve on subcommittees and task forces, as appropriate.
2. The vice-chair shall perform the duties of the chair in the chair's absence.
3. The secretary administers the paperwork at each meeting, prepares and distributes meeting minutes, handles all CAC correspondence, maintains a CAC file of pertinent

information, and coordinates with the education and outreach coordinator and the District administrator.

Any officer whose membership ceases prior to the expiration of his/her term as an officer shall be replaced for the balance of his/her term by a special election of the CAC. Such special elections shall be held during the second regular meeting of the CAC immediately following termination of the officer's membership.

ARTICLE VIII: MEETINGS

The CAC will meet regularly pursuant to a schedule established by the CAC. Regular meetings shall be held on the first Tuesday of every month at 9:00 a.m. Members present at the prior regularly scheduled meeting may change this meeting schedule by a majority vote. Notice of the date, time, place, and proposed agenda of the meeting shall be published on the District's website at least seven days before the meeting.

The CAC will be subject to the Open Meeting Law, Minnesota Statute 13D (Appendix C). A quorum of at least half the members plus one CAC member must attend regularly scheduled meetings to vote on action agenda items or to vote on motions made during regularly scheduled meetings.

All CAC meetings shall be public. Public participation at meetings will, to the extent possible, be for the purpose of presenting information or providing comments that were not previously available to the CAC.

The CAC may utilize technology, including a conference call or web-based participation for members, presenters, or other necessary participants when feasible.

ARTICLE IX: VOTING

Each member is entitled to one vote. The CAC will function by a majority vote of the members present. A quorum must be present to vote. A tie vote by the CAC constitutes an impasse, and the result in question will remain a tie and be reported to the Board as a tie.

ARTICLE X: OFFICIAL MINUTES

The minutes of the CAC will be recorded by the secretary and will include the time, date, and place of the meeting; the attendance of the members and guests; the topics of the meeting and actions taken, or findings made; the results of roll-call votes; and a narrative or summary of pertinent discussions. A copy of the minutes for each meeting will be made available to members of the Board and the CAC.

ARTICLES XI: RULES AND RESPONSIBILITIES

The CAC will use Robert's Rules of Order to govern its meetings and business transactions. See Appendix D.

ARTICLE XII: COMMITTEES

To accomplish its prescribed responsibilities, the CAC may create committees of its members to study and report on projects, plans, and programs under consideration by the Board. Such committees will operate under the bylaws and rules of the full CAC.

The chair may appoint nonmembers who have expressed an interest in the topic or who have specialized expertise to a subcommittee or taskforce as appropriate.

If a regularly scheduled meeting is canceled, or if a quorum is not available to conduct business at a regularly scheduled meeting, a subcommittee or task force may meet during the time of the regularly scheduled meeting without providing 24-hour notice.

ARTICLE XIII: STAFF SUPPORT

Education and outreach coordinator, the District administrator, or a representative is expected to attend each CAC meeting unless otherwise directed by the Board; other District staff attendance will be overseen by the District Administrator. Staff will be responsible for the following:

- Preparing agendas with input from the Board, CAC Chair, and CAC priorities.
- Recording minutes, as requested.
- Assisting the CAC Chair in matters related to running the meetings.
- Preparing background information for items requiring CAC action.
- Coordinating attendance by consultants and other staff, as needed.
- Preparing memorandums to communicate CAC recommendations to the Board.

ARTICLE XIV: AMENDMENTS TO THE BYLAWS

Any member may offer a motion to amend the bylaws. The motion must receive a second before a vote on an amendment will be scheduled. All proposed amendments must be read before the CAC at a regularly scheduled meeting. Voting on any amendment will be held at the first meeting after a motion to amend has been made and seconded. Amendments to the bylaws will require a majority vote of those present at the meeting.

Bylaws and any changes thereto shall be submitted to the Board for comment prior to adoption.

ARTICLE XV: SEPARABILITY PROVISIONS

Should any article of these bylaws be considered unconstitutional or void, the remaining provisions will remain in full effect.

ARTICLE XVI: EFFECTIVE DATE

These bylaws will take effect upon approval by the Board.

APPENDIX C: Minnesota Statue 103D.331S and 13D



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

103D.331 ADVISORY COMMITTEE.

Subdivision 1. **Purpose.** The managers must annually appoint an advisory committee to advise and assist the managers on all matters affecting the interests of the watershed district and make recommendations to the managers on all contemplated projects and improvements in the watershed district.

Subd. 1a. **Duties.** For purposes of carrying out its duties under this section the advisory committee shall:

- (1) elect a chair from its membership;
- (2) elect a recorder from its membership;
- (3) establish a meeting schedule, which at a minimum meets annually;
- (4) consider issues pertinent to the functions and purposes of the watershed district;
- (5) review and comment on reports, minutes, activities, and proposed projects of the managers; and
- (6) report to the managers the general content of advisory committee meetings and resulting recommendations.

Subd. 2. **Members.** (a) The advisory committee consists of at least five members. If practicable, the advisory committee members selected should include a representative from each soil and water conservation district, a representative of each county, a member of a sporting organization, and a member of a farm organization. Other advisory committee members may be appointed at the discretion of the managers. The members must be residents of the watershed district, except representatives from soil and water conservation districts and counties, and serve at the pleasure of the managers.

(b) In addition, the managers may appoint other interested and technical persons who may or may not reside within the watershed district to serve at the pleasure of the managers.

Subd. 3. **Expense reimbursement.** The managers may reimburse members of the advisory committee for actual traveling and other necessary expenses incurred in the performance of duties in the amount as provided for state employees.

History: 1990 c 391 art 4 s 24; 1995 c 199 s 15

CHAPTER 13D

OPEN MEETING LAW

13D.01	MEETINGS MUST BE OPEN TO THE PUBLIC; EXCEPTIONS.	13D.04	NOTICE OF MEETINGS.
13D.015	MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS.	13D.05	MEETINGS HAVING DATA CLASSIFIED AS NOT PUBLIC.
13D.02	MEETINGS CONDUCTED BY INTERACTIVE TV; CONDITIONS.	13D.06	CIVIL FINES; FORFEITURE OF OFFICE; OTHER REMEDIES.
13D.021	MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS; CONDITIONS.	13D.065	USE OF SOCIAL MEDIA.
13D.03	CLOSED MEETINGS FOR LABOR NEGOTIATIONS STRATEGY.	13D.07	CITATION.
		13D.08	OPEN MEETING LAW CODED ELSEWHERE.

13D.01 MEETINGS MUST BE OPEN TO THE PUBLIC; EXCEPTIONS.

Subdivision 1. **In executive branch, local government.** All meetings, including executive sessions, must be open to the public

- (a) of a state
 - (1) agency,
 - (2) board,
 - (3) commission, or
 - (4) department,

when required or permitted by law to transact public business in a meeting;

- (b) of the governing body of a
 - (1) school district however organized,
 - (2) unorganized territory,
 - (3) county,
 - (4) statutory or home rule charter city,
 - (5) town, or
 - (6) other public body;
- (c) of any
 - (1) committee,
 - (2) subcommittee,
 - (3) board,
 - (4) department, or
 - (5) commission,

of a public body; and

(d) of the governing body or a committee of:

(1) a statewide public pension plan defined in section 356A.01, subdivision 24; or

(2) a local public pension plan governed by sections 424A.091 to 424A.096, or chapter 354A, or Laws 2013, chapter 111, article 5, sections 31 to 42.

Subd. 2. **Exceptions.** This chapter does not apply

(1) to meetings of the commissioner of corrections;

(2) to a state agency, board, or commission when it is exercising quasi-judicial functions involving disciplinary proceedings; or

(3) as otherwise expressly provided by statute.

Subd. 3. **Subject of and grounds for closed meeting.** Before closing a meeting, a public body shall state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.

Subd. 4. **Votes to be kept in journal.** (a) 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 required by this section to be open to the public must be recorded in a journal kept for that purpose.

(b) The vote of each member must be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute.

Subd. 5. **Public access to journal.** The journal must be open to the public during all normal business hours where records of the public body are kept.

Subd. 6. **Public copy of members' materials.** (a) In any meeting which under subdivisions 1, 2, 4, and 5, and section 13D.02 must be open to the public, at least one copy of any printed materials relating to the agenda items of the meeting prepared or distributed by or at the direction of the governing body or its employees and:

(1) distributed at the meeting to all members of the governing body;

(2) distributed before the meeting to all members; or

(3) available in the meeting room to all members;

shall be available in the meeting room for inspection by the public while the governing body considers their subject matter.

(b) This subdivision does not apply to materials classified by law as other than public as defined in chapter 13, or to materials relating to the agenda items of a closed meeting held in accordance with the procedures in section 13D.03 or other law permitting the closing of meetings.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2; 1Sp2001 c 10 art 4 s 1; 2010 c 359 art 12 s 3; 1Sp2011 c 8 art 8 s 2,14; 2013 c 111 art 5 s 4,80

13D.015 MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS.

Subdivision 1. **Application.** This section applies to:

- (1) a state agency, board, commission, or department, and a statewide public pension plan defined in section 356A.01, subdivision 24; and
- (2) a committee, subcommittee, board, department, or commission of an entity listed in clause (1).

Subd. 2. **Conditions.** An entity listed in subdivision 1 may conduct a meeting governed by this section and section 13D.01, subdivisions 1, 2, 4, and 5, by telephone or other electronic means so long as the following conditions are met:

- (1) all members of the entity participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;
- (2) members of the public present at the regular meeting location of the entity can hear all discussion and all votes of members of the entity and participate in testimony;
- (3) at least one member of the entity is physically present at the regular meeting location; and
- (4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Subd. 3. **Quorum; participation.** Each member of the entity participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 4. **Monitoring from remote site; costs.** If telephone or another electronic means is used to conduct a meeting, the entity, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The entity may require the person making a connection to pay for documented marginal costs that the entity incurs as a result of the additional connection.

Subd. 5. **Notice.** If telephone or another electronic means is used to conduct a regular, special, or emergency meeting, the entity shall provide notice of the regular meeting location, of the fact that some members may participate by electronic means, and of the provisions of subdivision 4. The timing and method of providing notice is governed by section 13D.04. In addition, the entity must post the notice on its website at least ten days before any regular meeting as defined in section 13D.04, subdivision 1.

History: 2009 c 80 s 1; 2012 c 290 s 63

13D.02 MEETINGS CONDUCTED BY INTERACTIVE TV; CONDITIONS.

Subdivision 1. **Conditions.** (a) A meeting governed by section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive television so long as:

- (1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
- (2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
- (3) at least one member of the body is physically present at the regular meeting location;

(4) all votes are conducted by roll call so each member's vote on each issue can be identified and recorded; and

(5) each location at which a member of the body is present is open and accessible to the public.

(b) A meeting satisfies the requirements of paragraph (a), although a member of the public body participates from a location that is not open or accessible to the public, if the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public, and:

(1) the member is serving in the military and is at a required drill, deployed, or on active duty; or

(2) the member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when a state of emergency has been declared under section 12.31, and expires 60 days after the removal of the state of emergency.

Subd. 2. Members are present for quorum, participation. Each member of a body participating in a meeting by interactive television is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 3. Monitoring from remote site; costs. If interactive television is used to conduct a meeting, to the extent practical, a public body shall allow a person to monitor the meeting electronically from a remote location. The body may require the person making such a connection to pay for documented marginal costs that the public body incurs as a result of the additional connection.

Subd. 4. Notice of regular and all member sites. If interactive television is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location and notice of any site where a member of the public body will be participating in the meeting by interactive television. The timing and method of providing notice must be as described in section 13D.04.

Subd. 5. School boards; interactive technology with an audio and visual link. A school board conducting a meeting under this section may use interactive technology with an audio and visual link to conduct the meeting if the school board complies with all other requirements under this section.

Subd. 6. Record. The minutes for a meeting conducted under this section must reflect the names of any members appearing by interactive television and state the reason or reasons for the appearance by interactive television.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2; 1Sp2011 c 11 art 2 s 1; 2019 c 33 s 1-3; 2020 c 74 art 1 s 1

13D.021 MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS; CONDITIONS.

Subdivision 1. Conditions. A meeting governed by this section and section 13D.01, subdivisions 1, 2, 4, and 5, may be conducted by telephone or other electronic means so long as the following conditions are met:

(1) the presiding officer, chief legal counsel, or chief administrative officer for the affected governing body determines that an in-person meeting or a meeting conducted under section 13D.02 is not practical or prudent because of a health pandemic or an emergency declared under chapter 12;

(2) all members of the body participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(3) members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration;

(4) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the health pandemic or emergency declaration; and

(5) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Subd. 2. Members are present for quorum, participation. Each member of the body participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 3. Monitoring from remote site; costs. If telephone or another electronic means is used to conduct a meeting, to the extent practical, the body shall allow a person to monitor the meeting electronically from a remote location. The body may require the person making a connection to pay for the documented additional cost that the body incurs as a result of the additional connection.

Subd. 4. Notice of regular and all member sites. If telephone or another electronic means is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of subdivision 3. The timing and method of providing notice is governed by section 13D.04 of the Open Meeting Law.

History: 2007 c 110 s 1

13D.03 CLOSED MEETINGS FOR LABOR NEGOTIATIONS STRATEGY.

Subdivision 1. **Procedure.** (a) Section 13D.01, subdivisions 1, 2, 4, 5, and section 13D.02 do not apply to a meeting held pursuant to the procedure in this section.

(b) The governing body of a public employer may by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections 179A.01 to 179A.25.

(c) The time of commencement and place of the closed meeting shall be announced at the public meeting.

(d) A written roll of members and all other persons present at the closed meeting shall be made available to the public after the closed meeting.

Subd. 2. Meeting must be recorded. (a) The proceedings of a closed meeting to discuss negotiation strategies shall be tape-recorded at the expense of the governing body.

(b) The recording shall be preserved for two years after the contract is signed and shall be made available to the public after all labor contracts are signed by the governing body for the current budget period.

Subd. 3. If violation claimed. (a) If an action is brought claiming that public business other than discussions of labor negotiation strategies or developments or discussion and review of labor negotiation

proposals was transacted at a closed meeting held pursuant to this section during the time when the tape is not available to the public, the court shall review the recording of the meeting in camera.

(b) If the court finds that this section was not violated, the action shall be dismissed and the recording shall be sealed and preserved in the records of the court until otherwise made available to the public pursuant to this section.

(c) If the court finds that this section was violated, the recording may be introduced at trial in its entirety subject to any protective orders as requested by either party and deemed appropriate by the court.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

13D.04 NOTICE OF MEETINGS.

Subdivision 1. **Regular meetings.** A schedule of the regular meetings of a public body shall be kept on file at its primary offices. If a public body decides to hold a regular meeting at a time or place different from the time or place stated in its schedule of regular meetings, it shall give the same notice of the meeting that is provided in this section for a special meeting.

Subd. 2. **Special meetings.** (a) For a special meeting, except an emergency meeting or a special meeting for which a notice requirement is otherwise expressly established by statute, the public body shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the public body, or if the public body has no principal bulletin board, on the door of its usual meeting room.

(b) The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings with the public body. This notice shall be posted and mailed or delivered at least three days before the date of the meeting.

(c) As an alternative to mailing or otherwise delivering notice to persons who have filed a written request for notice of special meetings, the public body may publish the notice once, at least three days before the meeting, in the official newspaper of the public body or, if there is none, in a qualified newspaper of general circulation within the area of the public body's authority.

(d) A person filing a request for notice of special meetings may limit the request to notification of meetings concerning particular subjects, in which case the public body is required to send notice to that person only concerning special meetings involving those subjects.

(e) A public body may establish an expiration date for requests for notices of special meetings pursuant to this subdivision and require refiling of the request once each year.

(f) Not more than 60 days before the expiration date of a request for notice, the public body shall send notice of the refiling requirement to each person who filed during the preceding year.

Subd. 3. **Emergency meetings.** (a) For an emergency meeting, the public body shall make good faith efforts to provide notice of the meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.

(b) Notice of the emergency meeting shall be given by telephone or by any other method used to notify the members of the public body.

(c) Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the members.

(d) Notice shall include the subject of the meeting. Posted or published notice of an emergency meeting is not required.

(e) An "emergency" meeting is a special meeting called because of circumstances that, in the judgment of the public body, require immediate consideration by the public body.

(f) If matters not directly related to the emergency are discussed or acted upon at an emergency meeting, the minutes of the meeting shall include a specific description of the matters.

(g) The notice requirement of this subdivision supersedes any other statutory notice requirement for a special meeting that is an emergency meeting.

Subd. 4. Recessed or continued meetings. (a) If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

(b) For purposes of this subdivision, the term "meeting" includes a public hearing conducted pursuant to chapter 429 or any other law or charter provision requiring a public hearing by a public body.

Subd. 5. Closed meetings. The notice requirements of this section apply to closed meetings.

Subd. 6. State agencies. For a meeting of an agency, board, commission, or department of the state required or permitted by law to transact public business in a meeting:

(1) the notice requirements of this section apply only if a statute governing meetings of the agency, board, or commission does not contain specific reference to the method of providing notice;

(2) all provisions of this section relating to publication are satisfied by publication in the State Register or posting on the website of the agency, board, commission, or department; and

(3) a schedule of the regular meetings shall be kept on file at the primary offices or posted on the website of the agency, board, commission, or department.

Subd. 7. Actual notice. If a person receives actual notice of a meeting of a public body at least 24 hours before the meeting, all notice requirements of this section are satisfied with respect to that person, regardless of the method of receipt of notice.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2; 2014 c 274 s 1

13D.05 MEETINGS HAVING DATA CLASSIFIED AS NOT PUBLIC.

Subdivision 1. General principles. (a) Except as provided in this chapter, meetings may not be closed to discuss data that are not public data.

(b) Data that are not public data may be discussed at a meeting subject to this chapter without liability or penalty, if the disclosure relates to a matter within the scope of the public body's authority and is reasonably necessary to conduct the business or agenda item before the public body.

(c) Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

(d) All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the expense of the public body. Unless otherwise provided by law, the recordings must be preserved for at least three years after the date of the meeting.

Subd. 2. When meeting must be closed. (a) Any portion of a meeting must be closed if expressly required by other law or if the following types of data are discussed:

(1) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;

(2) active investigative data as defined in section 13.82, subdivision 7, or internal affairs data relating to allegations of law enforcement personnel misconduct collected or created by a state agency, statewide system, or political subdivision;

(3) educational data, health data, medical data, welfare data, or mental health data that are not public data under section 13.32, 13.3805, subdivision 1, 13.384, or 13.46, subdivision 2 or 7; or

(4) an individual's medical records governed by sections 144.291 to 144.298.

(b) A public body shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.

Subd. 3. What meetings may be closed. (a) A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

(b) Meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege.

(c) A public body may close a meeting:

(1) to determine the asking price for real or personal property to be sold by the government entity;

(2) to review confidential or protected nonpublic appraisal data under section 13.44, subdivision 3; and

(3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.

Before holding a closed meeting under this paragraph, the public body must identify on the record the particular real or personal property that is the subject of the closed meeting. The proceedings of a meeting closed under this paragraph must be tape recorded at the expense of the public body. The recording must be preserved for eight years after the date of the meeting and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the governing body has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of members and all other persons present at the closed meeting must be made available to the public after the closed meeting. If an action is brought claiming that public business other

than discussions allowed under this paragraph was transacted at a closed meeting held under this paragraph during the time when the tape is not available to the public, section 13D.03, subdivision 3, applies.

An agreement reached that is based on an offer considered at a closed meeting is contingent on approval of the public body at an open meeting. The actual purchase or sale must be approved at an open meeting after the notice period required by statute or the governing body's internal procedures, and the purchase price or sale price is public data.

(d) Meetings may be closed to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures and to discuss security deficiencies in or recommendations regarding public services, infrastructure and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting. Before closing a meeting under this paragraph, the public body, in describing the subject to be discussed, must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting. A closed meeting must be tape recorded at the expense of the governing body, and the recording must be preserved for at least four years.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2; 1999 c 227 s 22; 2002 c 379 art 1 s 5; 2004 c 276 s 1; 2004 c 290 s 18; 2007 c 110 s 2; 2007 c 147 art 10 s 15; 2008 c 335 s 1; 2010 c 365 art 1 s 8

13D.06 CIVIL FINES; FORFEITURE OF OFFICE; OTHER REMEDIES.

Subdivision 1. **Personal liability for \$300 fine.** Any person who intentionally violates this chapter shall be subject to personal liability in the form of a civil penalty in an amount not to exceed \$300 for a single occurrence, which may not be paid by the public body.

Subd. 2. **Who may bring action; where.** An action to enforce the penalty in subdivision 1 may be brought by any person in any court of competent jurisdiction where the administrative office of the governing body is located.

Subd. 3. **Forfeit office if three violations.** (a) If a person has been found to have intentionally violated this chapter in three or more actions brought under this chapter involving the same governing body, such person shall forfeit any further right to serve on such governing body or in any other capacity with such public body for a period of time equal to the term of office such person was then serving.

(b) The court determining the merits of any action in connection with any alleged third violation shall receive competent, relevant evidence in connection therewith and, upon finding as to the occurrence of a separate third violation, unrelated to the previous violations, issue its order declaring the position vacant and notify the appointing authority or clerk of the governing body.

(c) As soon as practicable thereafter the appointing authority or the governing body shall fill the position as in the case of any other vacancy.

Subd. 4. **Costs; attorney fees; requirements; limits.** (a) In addition to other remedies, the court may award reasonable costs, disbursements, and reasonable attorney fees of up to \$13,000 to any party in an action under this chapter.

(b) The court may award costs and attorney fees to a defendant only if the court finds that the action under this chapter was frivolous and without merit.

(c) A public body may pay any costs, disbursements, or attorney fees incurred by or awarded against any of its members in an action under this chapter.

(d) No monetary penalties or attorney fees may be awarded against a member of a public body unless the court finds that there was an intent to violate this chapter.

(e) The court shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this section if the public body that is the defendant in the action was also the subject of a prior written opinion issued under section 13.072, and the court finds that the opinion is directly related to the cause of action being litigated and that the public body did not act in conformity with the opinion. The court shall give deference to the opinion in a proceeding brought under this section.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2; 2008 c 335 s 2

13D.065 USE OF SOCIAL MEDIA.

The use of social media by members of a public body does not violate this chapter so long as the social media use is limited to exchanges with all members of the general public. For purposes of this section, e-mail is not considered a type of social media.

History: 2014 c 274 s 2

13D.07 CITATION.

This chapter may be cited as the "Minnesota Open Meeting Law."

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

13D.08 OPEN MEETING LAW CODED ELSEWHERE.

Subdivision 1. **Board of Animal Health.** Certain meetings of the Board of Animal Health are governed by section 35.0661, subdivision 1.

Subd. 2. **Minnesota Life and Health Guaranty Association.** Meetings of the Minnesota Life and Health Guaranty Association Board of Directors are governed by section 61B.22.

Subd. 3. **Comprehensive Health Association.** Certain meetings of the Comprehensive Health Association are governed by section 62E.10, subdivision 4.

Subd. 4. **Health Technology Advisory Committee.** Certain meetings of the Health Technology Advisory Committee are governed by section 62J.156.

Subd. 5. **Health Coverage Reinsurance Association.** Meetings of the Health Coverage Reinsurance Association are governed by section 62L.13, subdivision 3.

Subd. 5a. **MNsure.** Meetings of MNsure are governed by section 62V.03, subdivision 2.

Subd. 6. **Self-insurers' security fund.** Meetings of the self-insurers' security fund and its board of trustees are governed by section 79A.16.

Subd. 7. **Commercial self-insurance group security fund.** Meetings of the commercial self-insurance group security fund are governed by section 79A.28.

Subd. 8. **Lessard-Sams Outdoor Heritage Council.** Certain meetings of the Lessard-Sams Outdoor Heritage Council are governed by section 97A.056, subdivision 5.

Subd. 9. **Enterprise Minnesota, Inc.** Certain meetings of the board of directors of Enterprise Minnesota, Inc. are governed by section 116O.03.

Subd. 10. **Minnesota Business Finance, Inc.** Certain meetings of Minnesota Business Finance, Inc. are governed by section 116S.02.

Subd. 11. **Northern Technology Initiative, Inc.** Certain meetings of Northern Technology Initiative, Inc. are governed by section 116T.02.

Subd. 12. **Agricultural Utilization Research Institute.** Certain meetings of the Agricultural Utilization Research Institute are governed by section 116V.01, subdivision 10.

Subd. 13. **Hospital authorities.** Certain meetings of hospitals established under section 144.581 are governed by section 144.581, subdivisions 4 and 5.

Subd. 14. **Advisory Council on Workers' Compensation.** Certain meetings of the Advisory Council on Workers' Compensation are governed by section 175.007, subdivision 3.

Subd. 15. **Electric cooperatives.** Meetings of a board of directors of an electric cooperative that has more than 50,000 members are governed by section 308A.327.

Subd. 16. **Town boards.** Certain meetings of town boards are governed by section 366.01, subdivision 11.

Subd. 17. **Hennepin County Medical Center and HMO.** Certain meetings of the Hennepin County Board on behalf of the HMO or Hennepin Healthcare System, Inc. are governed by section 383B.217.

Subd. 18. **Hennepin Healthcare System, Inc.** Certain meetings of the Hennepin Healthcare System, Inc. are governed by section 383B.917.

Subd. 19. **Real Estate Appraisal Advisory Board.** Certain meetings of the Real Estate Appraisal Advisory Board are governed by section 82B.073, subdivision 5.

History: 2012 c 290 s 64; 2013 c 9 s 2; 2013 c 108 art 1 s 67; 2018 c 173 s 1

APPENDIX D: Robert's Rules of Order – the Basics



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Robert's Rules of Order – the Basics

(This sheet should not be a substitute for *Robert's Rules of Order, Newly Revised*, 11th Edition, but is meant to supplement the full set of rules.)

Parliamentary procedure is a set of rules for conducting orderly meetings that accomplish goals fairly. Most PTAs use Roberts Rules of Order. Benefits of parliamentary procedure include the following:

- Justice and courtesy for all
- Maintenance of order
- Consideration of one item at a time
- All sides get heard
- Ability for each member to provide input
- Majority rule
- Protection of the rights of all members including the minority

Basic Principles

- All members have equal rights, privileges and obligations
- No person can speak until recognized by the chair
- Personal remarks during debate are out of order
- Only one question at a time may be considered, and only one person may have the floor at any one time
- Members have a right to know what the immediately pending question is and to have it restated before a vote is taken
- Full and free discussion of every main motion is a basic right
- A quorum must be present for business to be conducted
- A majority decides a question except when basic rights of members are involved or a rule provides otherwise.
- A 2/3 vote is required for any motion that deprives a member of right in any way (e.g., cutting off debate)
- Silence gives consent. Those who do not vote allow the decision to be made by those who do vote.
- The Chair should always remain impartial

Basic Definitions

Motion – A formal proposal made to bring a subject before an assembly for its consideration and action. Begins with “I move that...”

Second – A statement by a member who agrees that the motion made by another member be considered. Stated as “Second,” or “I second the motion.”

Amendment – Before the vote is taken on a motion, it may be amended by:

- Striking out words
- Inserting or adding words
- Striking out words and inserting others in their place
- Substituting one (1) paragraph or resolution for another

Quorum - the minimum number of members who must be present in order for a PTA to conduct business. The quorum can be found in the local unit's bylaws. For boards and committees, unless stated in the bylaws, the quorum is a majority of the members. PTAs cannot take votes on business matters unless a quorum is present.

Presiding officer/Chair – The individual who facilitates the meeting, usually the President. In the absence of the President, if none of the Vice Presidents are in attendance, the Secretary calls the meeting to order and conducts an election for a Chairman Pro Tem (a presiding officer for that meeting only).

Role of the Presiding officer

- To remain impartial during debate – the presiding officer must relinquish the chair in order to debate the merits of a motion and may not chair the meeting again until after a vote has been taken on the motion has been disposed of
- To vote only to create or break a tie (or 2/3 for matters requiring a 2/3 vote) – exception: the presiding officer may vote on any vote by ballot
- To introduce business in proper order per the agenda
- To recognize speakers
- To determine if a motion is in order
- To keep discussion germane to the pending motion
- To maintain order
- To put motions to a vote and announce results

General procedure for Handling a Main Motion

- A member must obtain the floor by being recognized by the chair
- Member makes a main motion
- A motion must be seconded by another member before it can be considered
- If the motion is in order, the chair will restate the motion and open debate
- The maker of a motion has the right to speak first in debate
- The main motion is debated along with any secondary motions that are debatable.
- Debate on Subsidiary, Privileged and Incidental motions (if debatable or amendable) take precedence over debate on the main motion and must be decided before debate on the main motion can continue.
- Debate is closed when:
 - Discussion has ended, or

- A 2/3 vote closes debate (“call the previous question” or “call the question”)
- The chair restates the motion, and if necessary clarifies the consequences of affirmative and negative votes
- The chair calls for a vote by asking “All in favor?” Those in favor say “Aye.” Then asking “All opposed?” Those opposed will say “no”
- The chair announces the result

General rules of Debate

- No member may speak until recognized by the chair
- All discussion must be relevant to the immediately pending question
- No member can speak more than twice to each debatable motion. The second time takes place after everyone wishing to debate the motion has had an opportunity to speak once
- No member can speak more than ten minutes or as decided by members. Many PTAs limit debate to three (3) minutes per speaker by general consent at the beginning of the meeting.
- All remarks must be addressed to the chair – no cross debate is permitted
- It is not permissible to speak against one’s own motion (but one can vote against one’s own motion)
- Debate must address issues not personalities – no one is permitted to make personal attacks or question the motives of other speakers
- The presiding officer must relinquish the chair in order to participate in debate and cannot reassume the chair until the pending main question is disposed of
- When possible, the chair should let the floor alternate between those speaking in support and those speaking in opposition to the motion
- Members may not disrupt the assembly
- Rules of debate can be changed by a 2/3 vote or general consent without objection

Example of Handling a Main Motion:

Member rises and addresses the chair:

Madam (Mister) President.

Chair recognizes member (by title or name).

Member makes the motion.

I move that...

Another member seconds the motion (without recognition).

Second [or] I second the motion.

The chair states the motion and opens debate.

It is moved and seconded that...

Is there any debate? Or Are you ready for the question?

Chair recognizes members wishing to speak.

After debate concludes. Chair restates the motion and puts the question to a vote.

The question is on the motion to...

Those in favor of the motion say "aye." Those opposed say "no."

Chair announces the result of the vote and what action will be taken.

The "ayes" have it, and the motion is adopted. We will [stating action to be taken].

The chair continues with the next business in order.

Common methods of taking a vote:

General consent:

"If there is no objection, we will..." (Pause) "Since there is no objection, we will..."

Voice vote: *"As many as are in favor, say "aye." As many opposed, say "no." The "ayes/noes" have it and the motion is adopted/lost."*

Rising vote (not counted): *"Those in favor will rise. Thank you, be seated. Those opposed will rise. Thank you, be seated. There is a majority (or 2/3) in the affirmative and the motion is adopted." Or "There is less than a majority (or 2/3) in the affirmative and the motion is lost."*

Methods of Amending

By striking out: "I move to amend the motion by striking out the word "Denver."

By inserting: "I move to amend the motion by inserting the word 'Las Vegas' after the word 'Portland' and before the period."

By striking out and inserting: "I move to amend the motion by striking out the word '\$35' and inserting the word '\$50.'"

Helpful terminology

- Recommendations, bylaws, rules, resolutions, budgets, and audits are **adopted**.
- Reports are **filed**.
- Resignations are **accepted**.
- Bills and minutes are **approved**.
- If corrections were made to the minutes, the minutes are then **approved as corrected**.
- Treasurer's statement is neither approved nor adopted; but after questions are answered regarding any item as reported, it is **placed on file for audit** as stipulated in the bylaws.
- Motions are recorded as **"adopted"** or **"lost."**

- It is highly recommended that main motions be put in writing (dated and signed). If so, number motion slips, and note on the slips whether the motion was “**adopted**” or “**lost**.”

Robert’s Rules Help Get Things Done!

- *Make Motions – that are in order*
- *Obtain the floor – properly*
- *Speak – clearly and concisely*
- *Obey – the rules of debate*

And most of all, be courteous! That’s always in order!



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, June 16, 2021

Agenda Item

Item 6. H. LMRWD Projects

Prepared By

Linda Loomis, Administrator

Summary

i. Eden Prairie Study Area #3

Staff has held two meetings with Inter-Fluve on this project and is reviewing the most recent information provided. A bathymetric survey was done in order to better determine the forces acting upon the river bank in this area.

ii. East Chaska Creek

This project is complete and staff will work to complete the grant reporting on the project.

Attachments

None

Recommended Action

No action recommended



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, June 16, 2021

Agenda Item

Item 6. I. - Permits & Project Reviews

Prepared By

Linda Loomis, Administrator

Summary

The project proposes to construct 135 single family residential housing units at the intersection of Eagle Creek Boulevard and Pike Lake Road. The Prior Lake Outlet Channel runs through the property and the applicant has applied for a permit from the DNR to conduct work in the public water. The LMRWD has submitted its comments on the application for the work in public waters to the DNR.

A review of the project by LMRWD staff is attached. Although there are a few discrepancies in the documents reviewed by the LMRWD, staff is recommending conditional approval.

Attachments

Technical Memorandum dated June 4, 2021 Re: Whispering Waters LMRWD No. 2021-016

Recommended Action

Motion to conditionally approve Whispering Waters LMRWD Permit No. 2021-016, resolution of the comments provided in the Technical Memorandum and receipt of the NPDES permit



Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Kaci Fisher, Environmental Specialist

Cc: Taylor Huinker
Minnesota Department of Natural Resources

Date: June 4, 2021

Re: Whispering Waters (LMRWD No. 2021-016)

Keyland Homes (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to develop a single-family residential development, as shown in Figure 1. The applicant's engineer, Probe Engineering, has provided site plans for Whispering Waters (Project) along with the permit application.

The proposed Project consists of constructing 135 residential lots with associate streets, utilities, sidewalks, and stormwater management facilities. The Project would disturb approximately 52.3 acres and create 16.1 acres of proposed impervious surfaces. The Project is not located within the High Value Resource Area, Steep Slopes Overlay District, or 100-year floodplain, and the applicant proposes to commence construction in summer 2021.

Because the City of Shakopee (City) does not have its LMRWD municipal LGU permit, this Project requires an LMRWD individual permit and, as such, is subject to an LMRWD permitting review.

In addition to our review of the LMRWD individual project permit application, the Minnesota Department of Natural Resources (MnDNR) has requested comments on the Project through its MPARS system. This memo addresses both reviews.

Summary

<u>Project Name:</u>	Whispering Waters
<u>Purpose:</u>	Residential development
<u>Project Size:</u>	52.3 acres disturbed; 1.00 acres existing impervious; 16.1 acres proposed impervious; net increase of 15.1 acres new impervious
<u>Location:</u>	7556 Eagle Creek Blvd, Shakopee, MN 55379 (Parcels 271390010, 271390080, 279140120, 279140121, 279140122, 279140130)
<u>LMRWD Rules:</u>	Rule B—Erosion and Sediment Control Rule C—Floodplain and Drainage Rule D—Stormwater Management
<u>Recommended Board Action:</u>	Conditional approval

Discussion

The District received the following documents for review:

- LMRWD online permit application; received April 14, 2021
- Fee of \$1,500; received April 14, 2021
- Project map; received April 14, 2021
- Construction plan set by Probe Engineering, dated March 19, 2019; received April 14, 2021; revised April 29, 2021; and received May 13, 2021
- Stormwater Management Memorandum to Probe Engineering by Kimley-Horn, dated December 18, 2020; revised March 16, 2021; and received April 14, 2021
- MIDS Analysis Technical Memorandum by Kimley-Horn, dated May 11, 2021; received May 13, 2021
- Hydraulic Data Form for the new Prior Lake Outlet Channel Crossings memo to the MnDNR by Kimley-Horn, dated May 11, 2021; received May 13, 2021
- Wetland Delineation Report, dated October 2020; received April 14, 2021, and May 13, 2021
- Wetland Delineation Report, dated May 2020; received May 13, 2021
- MPARS application, dated April 6, 2021; received May 10, 2021
- Stormwater outfall plans by Kimley-Horn; received May 10, 2021
- Box culvert design by Probe Engineering; dated April 20, 2021, received May 10, 2021

The District received all required information for the permit review and rendered the

application complete on May 13, 2021.

Background

In 2020, this development was previously called Keyland Development when LMRWD was asked to comment on the Notice of Application for a wetland delineation (LMRWD No. 2020-107 memo, attached), which identified wetland adjacent to the Prior Lake Outlet Control (PLOC) that flows through the property. The PLOC is an artificial outlet for Prior Lake constructed in 1983. There is a Memorandum of Agreement among the City of Prior Lake, the City of Shakopee, the Shakopee Mdewakanton Sioux Community, and the Prior Lake-Spring Lake Watershed District (PLSLWD) in which the PLSLWD administers channel operations. The section of the PLOC within the Project is also an MnDNR public water. The applicant proposes to construct three culvert crossings over the PLOC.

Rule B—Erosion and Sediment Control

The District regulates land-disturbing activities that affect one acre or more under Rule B. The proposed Project would disturb approximately 52.3 acres within the LMRWD boundary. The applicant has provided an erosion and sediment control plan and a Stormwater Pollution Prevention Plan.

The Project generally complies with Rule B; however, a copy of the NPDES permit and contact information for the contractor are still needed.

Rule C—Floodplain and Drainage Alteration

As discussed, the Project proposes to cross the PLOC. The District regulates the placement of fill below the 100-year flood elevation and alterations within drainage ways within the watershed in accordance with Minnesota Statute 103F and LMRWD Rule C. The MPARS application states that 2,970 cubic yards of fill will be placed as part of the culvert crossings in the PLOC. The applicant has provided a no-rise certification as part of the Hydraulic Data Form memo by Kimley-Horn that shows despite the proposed fill and increased impervious surfaces associated with the Project, the creation of the proposed stormwater ponds and more efficient crossings will reduce the overall flows entering the PLOC and lower the 100-year water surface elevations throughout the Project reach.

The Project complies with Rule C.

Rule D—Stormwater Management

The Project proposes a total of 16.1 to 16.99 acres of new impervious surfaces with 0.6 to 1.0 acres of existing impervious. This reflects a discrepancy in total impervious area among the permit application, stormwater management memo, and MPARS application.

Nevertheless, the Project proposes more than one acre of new impervious surfaces, triggering Rule D. The applicant proposes to use four wet ponds with infiltration benches (Ponds 1 through 4) and possibly another infiltration basin (Pond 5).

The provided Stormwater Management Memorandum indicates the Project will provide rate control through four clay-lined wet ponds with infiltration benches and one dry infiltration basin. Based on the provided geotechnical report, the Project area is predominately sands, overlain by a clay layer that will allow for significant infiltration when removed.

The Project is also located within the City's Blue Lake Drainage System and is subject to more stringent stormwater discharge limitations, including 0.05 cfs/acre maximum for the 10-year event. The combination of the five proposed BMPs outlined in the Stormwater Management Memorandum show a significant decrease in existing discharge rates for the 2-, 10-, and 100-year design events, meeting LMRWD's rate control requirement.

Depending on the total impervious area proposed, the applicant is required to provide up to 61,674 cubic feet of volume reduction to meet Rule D's requirements. With the inclusion of infiltration benches on the wet ponds, the applicant proposes to infiltrate 141,775 cubic feet of stormwater runoff, significantly more than what is required and meeting the District's volume reduction requirement.

Rule D also requires a no net increase in total phosphorus (TP) and total suspended solids (TSS) from existing conditions. The MIDS data show the proposed BMPs will provide a 94 percent decrease in both the TP and TSS loads from the site.

LMRWD requires applicants develop and adhere to a stormwater maintenance plan for the proposed stormwater infrastructure. The City has confirmed that the proposed BMPs will be incorporated as part of its MS4 system and will not require a maintenance agreement.

Although the Project appears to meet the requirements in Rule D, we noted several discrepancies that should be addressed to issue an LMRWD permit. We offer the following comments regarding the provided documents:

1. Please provide clarification on the proposed BMPs; the May 13, 2021 construction plans indicate only four BMPs, whereas the provided Stormwater Management Memorandum and MIDS modeling show five BMPs.
2. The construction plan set includes revised grading plans; however, the high water levels (HWLs) delineated on Sheet 42 do not appear to use the existing or proposed grades consistently. Please provide clarification.
3. Also on Sheet 42, the HWL in the PLOC (EI. 790.6) is higher than the proposed ground elevations and appears to overtop into Pond 4, but the HWL in Pond 4 is

only El. 785.37. Please clarify how Pond 4 will interact with the PLOC. The MPARS application provides the velocities through the proposed pond outfall structures. We noted the Pond 1 outfall has an outlet velocity of 8.94 feet per second, but no outlet protection is shown on the plans—what type of outlet protection will be provided to prevent scour of the PLOC at this outlet? Similarly for Ponds 4 and 5, the outlet velocity is proposed to be 6.73 and 7.46 feet per second, respectively, but no outlet protection is noted. Please provide further information.

Recommendations

Despite the discrepancies noted above, assuming the maximum impervious areas provided, the Project meets the requirements outlined in the LMRWD rules. We recommend conditional approval of the Whispering Waters permit application, pending the resolution of the provided comments and receipt of the NPDES permit. We will submit this memo to the MnDNR as part of the MPARS comment period and continue to work with the applicant to resolve the outstanding items.

Attachments

- Figure 1—Whispering Waters Location Map
- LMRWD No. 2020-107 Keyland Development, LLC—Notice of Application Memo



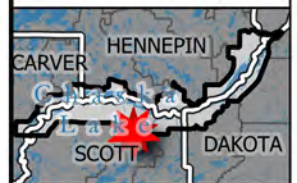
Figure 1: Whispering Waters Project Location



LEGEND

- Project Location
- Public Waterways
- LMRWD Boundary
- Scott Co. Parcels
- Whispering Waters
- Lot
- Road
- Pond
- Infiltration bench
- Basin

LMRWD Watershed Location Map





Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Della Schall Young, CPESC, PMP

Date: June 24, 2020

Re: Keyland Development, LLC—Notice of Application (No. 2020-107)

Keyland Development, LLC, has applied for a Minnesota Wetland Conservation Act wetland delineation with the Minnesota Board of Water and Soil Resources (BWSR). The City of Shakopee (City) is the local government unit (LGU) for the Wetland Conservation Act (WCA) and has provided the Lower Minnesota River Watershed District (District or LMRWD) with the Notice of Application and wetland delineation report for review of the proposed Keyland Development.

The Technical Evaluation Panel (TEP) representatives from BWSR, the Scott County Soil and Water Conservation District (SWCD), City of Shakopee, LMRWD (represented by Young Environmental Consulting Group [Young Environmental]), and applicant's consultant (Wenck Associates) met on site on June 16, 2020, to review the wetland delineation report completed on April 30, 2020, by Wenck Associates.

The proposed project associated with this Notice of Application is unknown at this time because the information has not been shared with the District. As detailed in the wetland delineation report, Wenck Associates reviewed the site using a desktop and field analysis and is requesting a final determination of its delineated boundaries.

Summary

Project Name: Keyland Development

Purpose: WCA Notice of Application

<u>Project Size:</u>	42 acres
<u>Location:</u>	South of Eagle Creek Parkway (CR 16) and west of Foothill Trail South, Shakopee, MN (Parcel IDs 279140120, 279140121, 279140122, 279140130, and 271390010)
<u>Recommended Board Action:</u>	None, information only

Wetland Delineation Report Summary

The proposed development area consists of a farmstead, agricultural and pastureland, and a forested area with the Prior Lake Outlet Channel (PLOC) roughly running through the middle of the project area. The National Wetland Inventory (NWI) shows wetland areas along the length of the PLOC channel, between the banks. From the delineation report, the underlying soils are primarily loams with a low hydric rating, except for alluvium in the PLOC streambed, which have a very high hydric rating. Following the desktop analysis, Wenck Associates completed an on-site investigation of two areas, a forested area in the southeast corner of the property and the length of the PLOC channel on the property (**Figure 1**).

Site Visit Findings

The TEP committee met on site with Wenck Associates on June 17, 2020, to verify the conclusions in the field from the wetland delineation report. First, the group walked to Investigation Point 1 (IP1), located in the forested area in the southeast corner of the project site (**Figure 1** and **site photos**). Wenck Associates explained that this area was identified during the desktop analysis, but when reviewed in the field, it was determined that this area is not a wetland because of the lack of wetland hydrology and hydric soils. Next, the group walked to the wetlands located along the PLOC, starting with Wetland 3, and walking down to Wetland 1 along the right bank. These wetlands were all confined to the floodplain within the top of the PLOC banks. Active erosion was noted on the outside bend of the PLOC in the recently restored reach, and photos of the erosion area are included in the site visit documentation. An electric fence bordered the PLOC, which interfered with access to Wetland 3, and according to Wenck, is used for cattle management activities within the channel.

An additional review completed by Young Environmental determined that the proposed site is not in the preliminary FEMA floodplain maps for Scott County nor within the District's High Value Resource Area or Steep Slope overlay districts.

The TEP agreed with the wetland boundaries as delineated along the PLOC and agreed with the determination that the area near IP1 was a non-wetland.

Recommendations

No action is required. The applicant and the City are encouraged to maintain coordination with the District.

Attachments:

Figure 1. Proposed Keyland Development Project Location Map

June 17, 2020, site photos



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

FIGURE 1: Keyland Development NOA Review 17-June-2020



LEGEND

- | | | |
|-------------------------------|----------------------|-------------------------|
| Project Area | Scott Co. Floodplain | Calcareous Fens |
| Site Photo Locations | 100-year Floodplain | HVRA Overlay District |
| Scott County Parcels | Floodway | Streams and Waterbodies |
| LMRWD Boundary | 500-year Floodplain | |
| Steep Slopes Overlay District | Protected by Levee | |



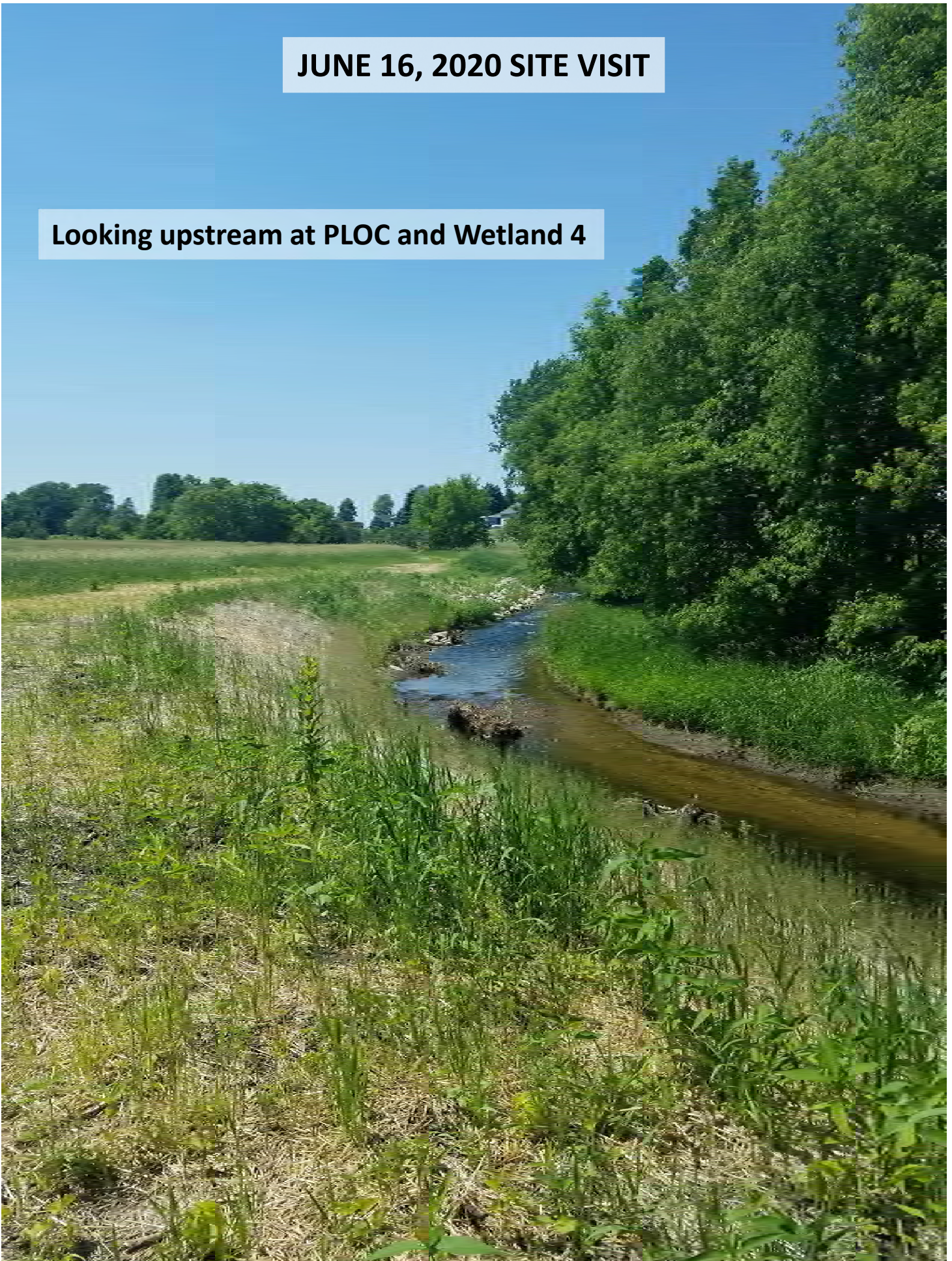
JUNE 16, 2020 SITE VISIT

Sample Point IP1 – hydrophytic vegetation present, but no hydric soils or evidence of wetland hydrology



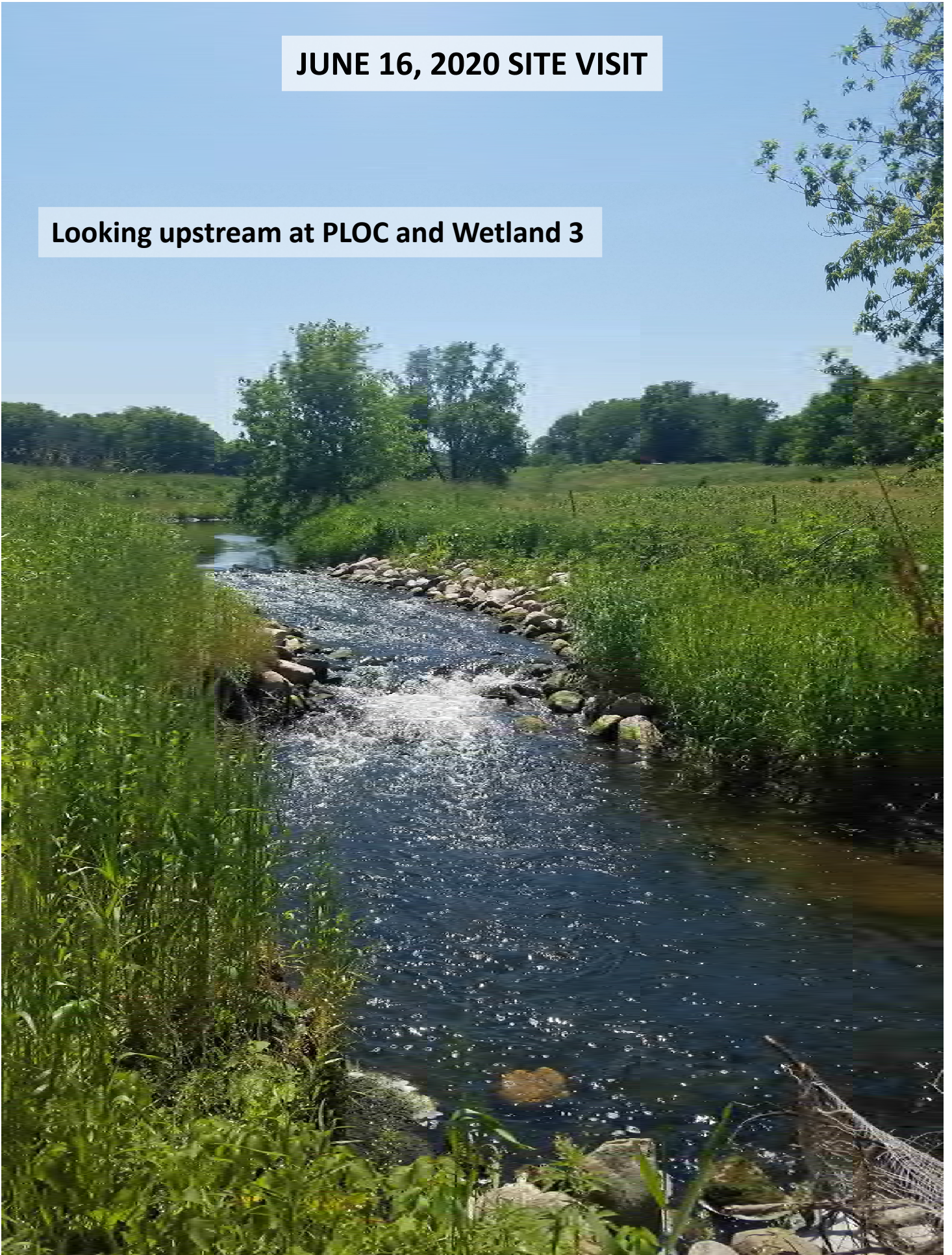
JUNE 16, 2020 SITE VISIT

Looking upstream at PLOC and Wetland 4



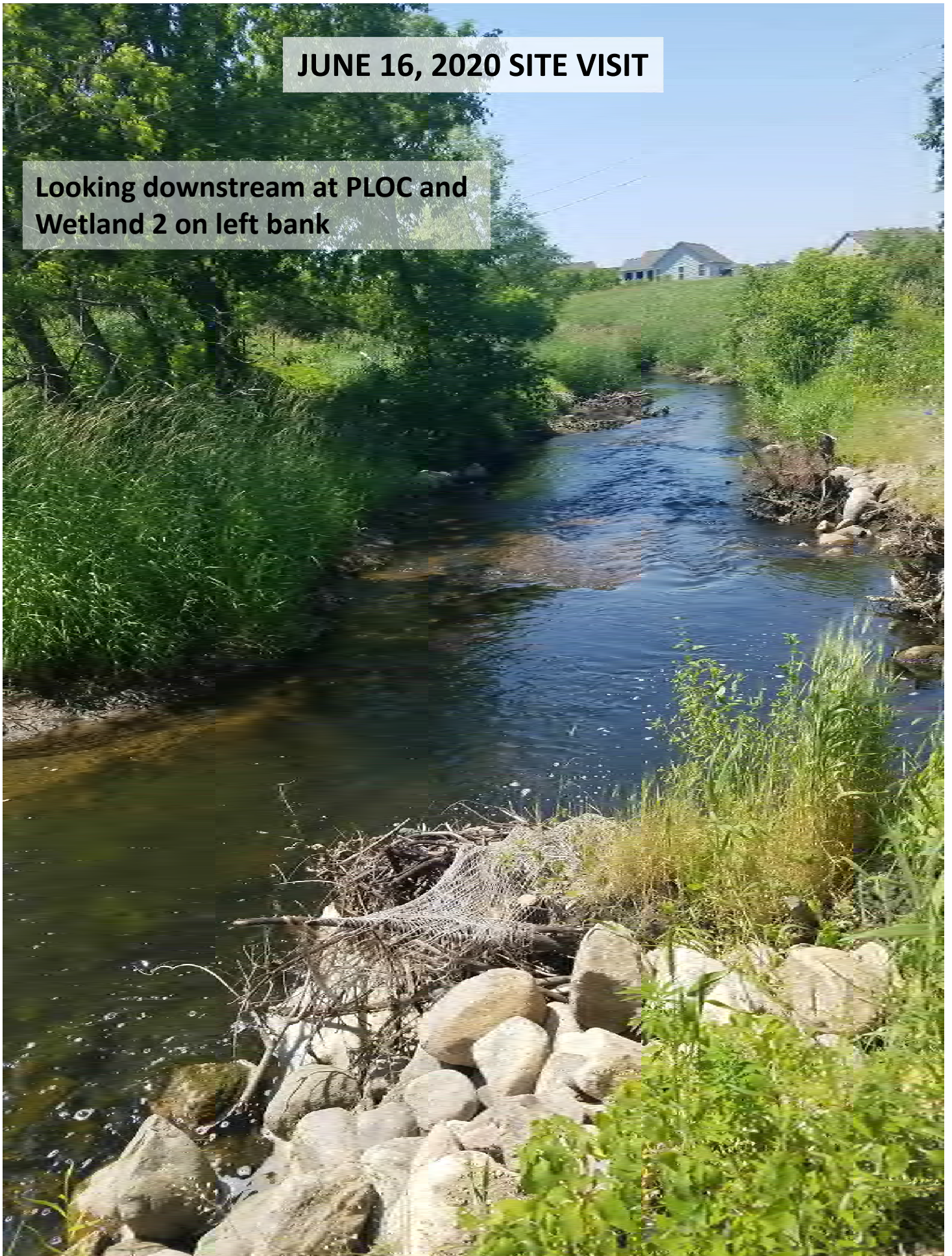
JUNE 16, 2020 SITE VISIT

Looking upstream at PLOC and Wetland 3



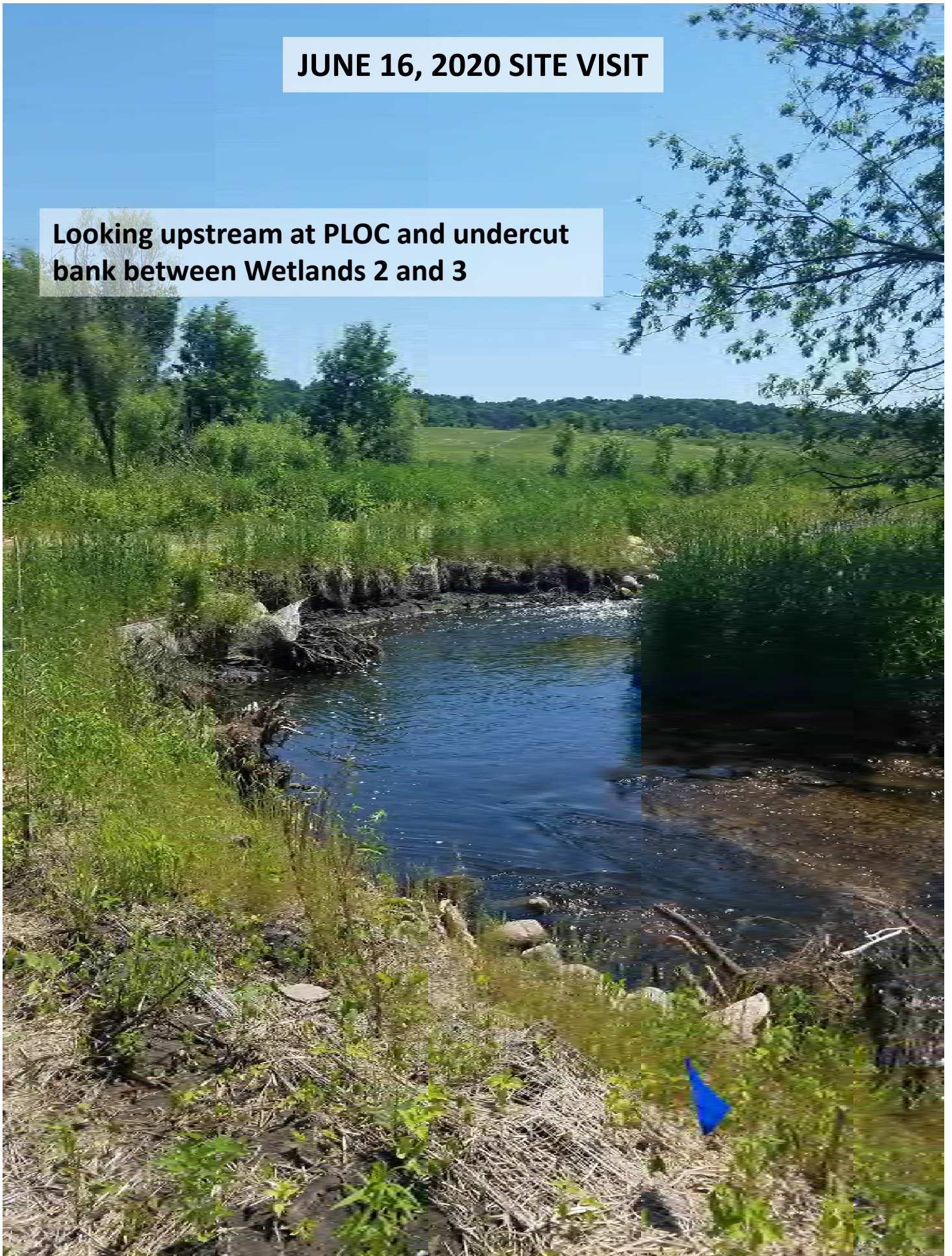
JUNE 16, 2020 SITE VISIT

**Looking downstream at PLOC and
Wetland 2 on left bank**



JUNE 16, 2020 SITE VISIT

Looking upstream at PLOC and undercut bank between Wetlands 2 and 3



JUNE 16, 2020 SITE VISIT

Looking upstream at PLOC and Wetland 1

