AGENDA
Tuesday, October 13, 2015
6:00 PM
Prior Lake City Hall
www.plslw.org

BOARD OF MANAGERS:
Curt Hennes, President; Marianne Breitbach, Vice President;
Charlie Howley, Secretary; Woody Spitzmueller, Treasurer; Fred Corrigan, Manager
Note: Indicated times are estimates; actual times may vary considerably. Individuals with items on the agenda or who wish to speak to the Board are encouraged to be in attendance when the meeting is called to order.

Board Workshop 5:00 p.m. WAGON BRIDGE Conference Room (Downstairs)

1. 5:00-5:10 PM MS4 Rules
2. 5:10-5:25 PM Fish Point Park Update
3. 5:25-5:35 PM Spring Lake Demonstration Project
4. 5:35-5:50 PM Conservation Easement Policy and Project
5. 5:50-6:00 PM Update on various projects
   - Bog policy

6:00 – 6:05 PM 1.0 BOARD MEETING CALL TO ORDER, PLEDGE OF ALLEGIANCE

6:05 – 6:10 PM 2.0 PUBLIC COMMENT
If anyone wishes to address the Board of Managers on an item not on the agenda or on the consent agenda please come forward at this time, turn on the microphone and state your name and address. (The Chair may limit your time for commenting.)

PUBLIC HEARING – Rule Changes due to MS4 Regulations

6:25 – 6:30 PM 3.0 CONSENT AGENDA
The consent agenda is considered as one item of business. It consists of routine administrative items or items not requiring discussion. Items can be removed from the consent agenda at the request of the Board member, staff member, or a member of the audience. Please state which item or items you wish to remove for separate discussion.

6:10 – 6:15 PM 4.0 APPROVAL OF AGENDA (Additions/Corrections/Deletions)
4.1 Meeting Minutes: September 8 Workshop and Board of Managers Meeting
4.2 CAC Minutes (No meeting was held in September)

6:30 – 6:40 PM 5.0 TREASURER’S REPORT (Claims List Tab)
5.1 Claims List (Vote)
5.2 Cash & Investments (Discussion Only)
5.3 Financial Report (Discussion Only)

6:40 – 7:45 PM 6.0 OTHER OLD/NEW BUSINESS
6.1 Manager Presentations (Discussion Only)
6.2 Projects and Programs (Discussion Only)
6.3 Adoption of Amended Rules due to MS4 Regulations (Vote)
6.4 Fish Point Park Budget Increase and Consultant Selection (Vote)
6.5 Conservation Easement Policy, Budget Increase and Consultant Selection (Vote)

7.0 UPCOMING MEETING/EVENT SCHEDULE
- FALL CLEAN-UP AT PONDS PARK FROM 9:30-12:30 P.M. ON SATURDAY, OCTOBER 24
• CAC MEETING FROM 6:30-8:00 P.M. ON THURSDAY, OCTOBER 29
• PLA MEETING FROM 7:00-8:30 P.M ON THURSDAY, OCTOBER 29
Members Present: Curt Hennes, Woody Spitzmueller, Charlie Howley, Fred Corrigan & Marianne Breitbach

Staff Present: Diane Lynch, District Administrator; Maggie Karschnia, Water Resources Project Manager and Jaime Rockney, Water Resources Specialist

Others Present: Carl Almer, District Engineer and Ken Hedberg, Prior Lake Mayor

Manager Spitzmueller made a motion to approve the Workshop agenda and Manager Corrigan seconded the motion. The motion was approved.

**Budget Final Review**
There were no additions or corrections to the draft 2016 budget.

**Lobbying Contract**
There was discussion regarding Ron Harnack’s request to be paid $2500 for work prior to and during a Special Session in 2016 (if needed) in addition to the $5000 for work during the session to lobby for funding for flood mitigation. The managers agreed that $7500 was acceptable and instructed Diane to prepare a retainer contract.

**District Tour**
The tour will include the Ferric Chloride Plant, 12/17 Wetland and the Spring Lake Demonstration Project. The managers discussed Prior Lake’s water quality and the viability of an alum treatment. It was discussed that there may be a benefit of not treating the entire lake—that Upper Prior Lake needs to be treated separately. They discussed that core and water quality sampling needs to be considered prior to investigating a treatment further.

**Per Diems**
A policy regarding per diems and an election for board officers will be discussed at the December or January meetings.

The meeting adjourned at 5:50 p.m.
REGULAR MEETING MINUTES

Tuesday, September 8, 2015
Prior Lake City Hall
6:00 PM

Members Present: Curt Hennes, Woody Spitzmueller, Charlie Howley
Marianne Breitbach & Fred Corrigan

Staff & Consultants Present: Diane Lynch, District Administrator
Maggie Karschnia, Water Resources Project Manager
Carl Almer, EOR, District Engineer
Kathryn Keller-Miller, Water Resources Assistant

Others Present: Ken Hedberg, City of Prior Lake
Barbara Marschall, Scott County
Jim Fitzsimmons, SWCD
Steve Pany, CAC

▪ CALL TO ORDER/PLEDGE OF ALLEGIANCE: Meeting called to order by President Hennes at 6:05 PM.

▪ PUBLIC COMMENT: None

▪ 3.0 APPROVAL OF AGENDA: Manager Corrigan moved to approve the agenda. Second by Manager Spitzmueller. Motion passed 5-0.

▪ PUBLIC HEARING
  Manager Spitzmueller moved to close the Regular meeting and open the Public Hearing, 2015 Preliminary Budget.

  Manager Breitbach moved to approve Resolution 15-300, 2016 Budget. Second by Manager Spitzmueller. All ayes. Motion passed 5-0.

  Manager Corrigan moved to approve Resolution 15-301, 2016 Levy. Second by Manager Spitzmueller. All ayes. Motion passed 5-0.

  Manager Hennes closed the Public Hearing and reopened the Regular meeting.
4.0 CONSENT AGENDA:
Manager Howley moved to approve the consent agenda. Second by Manager Corrigan. All ayes. Motion passed 5-0.

5.1 CLAIMS LIST:
Manager Breitbach moved to approve the claims list. Second by Manager Howley. All ayes. Motion passed 5-0.

5.2 CASH & INVESTMENTS:
Manager Spitzmueller gave an overview of the cash and investments of the District.

OTHER OLD/NEW BUSINESS

6.1 MANAGER PRESENTATIONS
Board of Managers gave brief comments about different liaison meetings they have attended in the last month.

6.2 PROJECTS AND PROGRAMS
Staff gave verbal updates on current projects.

6.3 SPECIAL WELL DECOMMISSIONING PROGRAM
Staff described a special Well Decommissioning program that was created with the Scott SWCD especially for homeowners in project areas that are connecting to Prior Lake sewer and water. No vote was taken.

6.4 FISH POINT PARK RFP APPROVAL
Manager Spitzmueller moved to approve the Fish Point Park RFP. Second by Manager Breitbach. All ayes. Motion passed 5-0.

6.5 DNR CONTRACT FOR PLOC BONDING
Manager Corrigan moved to approve the contract for PLOC Bonding. Second by Manager Spitzmueller. All ayes. Motion passed 5-0.

UPCOMING MEETINGS/EVENT SCHEDULE
• SCALE—PLSLWD HOSTING, SEPTEMBER 11, 2015, 7:30-9:00 A.M. SCOTT COUNTY REGIONAL TRAINING FACILITY
• DISTRICT TOUR (FERRIC CHLORIDE PLANT, 12/17 WETLAND AND SPRING LAKE SHORELINE RESTORATION DEMONSTRATION SITE), SEPTEMBER 29 1-4:00 P.M. CITY HALL
• JOINT LAC/CAC MEETING OCTOBER 7, 5:30-7:00 P.M. CITY HALL

ADJOURNMENT
Manager Howley moved to adjourn meeting. Second by Manager Breitbach. Meeting adjourned at 7:00 PM.

___________________________
Charlie Howley, Secretary
Managers will consider approving this claims list - Staff payroll and Manager per diems have already been paid via ADP.

After the managers vote, two Managers will sign checks within three days of the meeting for approve claims.

Then, staff will US mail checks (written on the Prior Lake State Bank) to the claims list parties.

Staff will request that all vendors provide information on their invoices to fit into the categories below.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Invoice</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Watershed District Projects (excluding staff payroll)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amber Brooks</td>
<td>1</td>
<td>Clean Water Clean Up</td>
<td>1,188.75</td>
</tr>
<tr>
<td>Applied Ecological Services</td>
<td>31573</td>
<td>12 Wetland</td>
<td>735.85</td>
</tr>
<tr>
<td>EOR 00758-0015</td>
<td></td>
<td>509 Implementation Engineering</td>
<td>650.75</td>
</tr>
<tr>
<td>EOR 00758-0099</td>
<td></td>
<td>2015 Monitoring Assistance</td>
<td>372.75</td>
</tr>
<tr>
<td>EOR 00758-0097</td>
<td></td>
<td>Fish Point Park Retrofit BMPs</td>
<td>9,621.58</td>
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<tr>
<td>EOR 00758-0096</td>
<td></td>
<td>Lower Prior Protection CWP</td>
<td>469.07</td>
</tr>
<tr>
<td>Gopher State One Call</td>
<td>147389</td>
<td>Sept Statement</td>
<td>2.90</td>
</tr>
<tr>
<td>Gopher State One Call</td>
<td>277738</td>
<td>Sample Analysis</td>
<td>170.00</td>
</tr>
<tr>
<td>EOR 00758-0015</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EOR 00758-0035</td>
<td></td>
<td>2015 PLOC JPA Assistance</td>
<td>2,559.20</td>
</tr>
<tr>
<td>EOR 00758-0101</td>
<td></td>
<td>JPA Cost Share Allocation Update</td>
<td>1,183.75</td>
</tr>
<tr>
<td>EOR 00758-0087</td>
<td></td>
<td>PLOC Tree and Debris Removal</td>
<td>2,261.85</td>
</tr>
<tr>
<td>EOR 00758-0102</td>
<td></td>
<td>PLOC Vegetation Maintenance</td>
<td>56.00</td>
</tr>
<tr>
<td>EOR 00758-0097</td>
<td></td>
<td>PLOC Seg 5 Sediment Removal</td>
<td>865.70</td>
</tr>
<tr>
<td>Messerli Schadow</td>
<td>92515</td>
<td>September Service</td>
<td>1,738.75</td>
</tr>
<tr>
<td>Smith Partners</td>
<td>37383</td>
<td>Permitting</td>
<td>78.80</td>
</tr>
<tr>
<td>Smith Partners</td>
<td>37382</td>
<td>Water Resources Plan</td>
<td>59.10</td>
</tr>
<tr>
<td>Visu-Sewer</td>
<td>27010</td>
<td>Storm Sewer</td>
<td>2,050.00</td>
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<tr>
<td>WSB &amp; Associates</td>
<td>4</td>
<td>MS4 Rule Changes</td>
<td>558.25</td>
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<tr>
<td><strong>2. Outlet Channel - JPA/ MOA (excluding staff payroll)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EOR 00758-0035</td>
<td></td>
<td>2015 PLOC JPA Assistance</td>
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<td>PLOC Seg 5 Sediment Removal</td>
<td>865.70</td>
</tr>
<tr>
<td>Messerli Schadow</td>
<td>92515</td>
<td>September Service</td>
<td>1,738.75</td>
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<tr>
<td>Smith Partners</td>
<td>37384</td>
<td>PLOC</td>
<td>118.47</td>
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<tr>
<td><strong>3. Payroll, Office and Overhead</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>ADP Manager Per Diems</td>
<td></td>
<td>Already Paid</td>
<td>1,602.87</td>
</tr>
<tr>
<td>ADP Staff Payroll</td>
<td></td>
<td>Already Paid</td>
<td>14,953.61</td>
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<tr>
<td>ADP Taxes &amp; Benefits</td>
<td></td>
<td>Already Paid</td>
<td>10,241.51</td>
</tr>
<tr>
<td>Southwest Media</td>
<td>100426</td>
<td>Legal Notices</td>
<td>233.77</td>
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<tr>
<td>BMK</td>
<td>111703</td>
<td>Office Supplies</td>
<td>72.76</td>
</tr>
<tr>
<td>BMK</td>
<td>111445</td>
<td>Office Supplies</td>
<td>145.20</td>
</tr>
<tr>
<td>Bufflehead</td>
<td>91315</td>
<td>On Site Support</td>
<td>159.00</td>
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<tr>
<td>H SA Bank</td>
<td></td>
<td>Health Savings Account</td>
<td>115.38</td>
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<tr>
<td>HealthPartners</td>
<td>61348655</td>
<td>Dental Insurance</td>
<td>3.64</td>
</tr>
<tr>
<td>Iceberg Web Design</td>
<td></td>
<td>Website Hosting</td>
<td>19.99</td>
</tr>
<tr>
<td>Messerli &amp; Schadow</td>
<td>92515</td>
<td>September Service</td>
<td>941.25</td>
</tr>
<tr>
<td>NCPERS</td>
<td>94001015</td>
<td>Life Insurance</td>
<td>48.00</td>
</tr>
<tr>
<td>Prior Lake American</td>
<td>6002</td>
<td>Annual Subscription</td>
<td>35.00</td>
</tr>
<tr>
<td>Smith Partners</td>
<td>37381</td>
<td>General Admin &amp; Legal Services</td>
<td>59.10</td>
</tr>
<tr>
<td>VISA</td>
<td></td>
<td>September Charges</td>
<td>2,888.66</td>
</tr>
<tr>
<td>Wells Fargo</td>
<td></td>
<td>Health Savings Account</td>
<td>346.14</td>
</tr>
<tr>
<td><strong>4. Debt repayment and Interest</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**UPDATED 10/08/2015**
## Projects – October 2015

<table>
<thead>
<tr>
<th>Project</th>
<th>Current Progress</th>
<th>Next Steps</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ferric Chloride Feed System Redesign</td>
<td>• Monitoring the system in 2015 to see how well it is working</td>
<td>• Will need to replace trees for Finks</td>
</tr>
<tr>
<td>Ferric Chloride System (Class 550)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Lead: Jaime</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CR 12/17 Wetland Restoration</td>
<td>• Applied Ecological Services has continued to complete selective mowing and spot spraying with herbicide to control invasive/exotic species at the site.</td>
<td>• Continue to work with AES &amp; EOR on getting a good cover of vegetation established at the site, along with the City at the area where there was former gully damage from the fire hydrant vandalism. The City of Prior Lake will be installing the carp barriers, and the signs at the site.</td>
</tr>
<tr>
<td>Upper Watershed Volume Reduction Grant (741)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Lead: EOR/Maggie</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lower Prior Lake Diagnostic Study Implementation</td>
<td>• EOR has moved forward on the feasibility and design of the projects.</td>
<td>• Moving forward with feasibility and design of projects. Anticipate bidding out the project this winter.</td>
</tr>
<tr>
<td>LPDS Grant (Class 743)</td>
<td>• The City of Prior Lake has completed its shoreline restoration at Watzl’s Beach in coordination with the District as part of this project.</td>
<td></td>
</tr>
<tr>
<td>Project Lead: EOR/Maggie</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carp Management In Lake Management (Class 611)</td>
<td>• WSB has acquired the electrotags and necessary permits for the project.</td>
<td>• We anticipate electro-tagging fish in October/November, once the littoral area in the lakes are at 60 degrees or below (still currently about 70 degrees). Build informational/educational website associated with the carp management project. Work with local public and private schools to engage them in the project.</td>
</tr>
<tr>
<td>Project Lead: Amy &amp; Maggie</td>
<td>• Identified five local public and private school classrooms that would like to participate in educational opportunities with the project.</td>
<td></td>
</tr>
<tr>
<td>Clean Water Fund Grants: Fish Point Park</td>
<td>• Advertised and received bids for the project.</td>
<td>• Pending board approval of the bid by Didion, the contractor will start construction work right away in October.</td>
</tr>
<tr>
<td>Project Lead: Diane &amp; Maggie</td>
<td>• Worked with EOR and the contractor to reduce the bid price.</td>
<td></td>
</tr>
<tr>
<td>Site Specific Standard</td>
<td>• MPCA will complete Findings of Fact document</td>
<td>• If approved by the MPCA Commissioner, it will be submitted to the EPA for review.</td>
</tr>
<tr>
<td>Project Lead: Jaime</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Projects – October 2015

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>CURRENT PROGRESS</th>
<th>NEXT STEPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>H&amp;H Study</td>
<td>• TAC is reviewing options</td>
<td>• TAC will recommend options for modeling</td>
</tr>
<tr>
<td></td>
<td>• Hired Ron Harnack to help secure funding for selected alternatives at the Legislature</td>
<td>• Plan a Joint CC/BOM meeting</td>
</tr>
<tr>
<td>Project Lead: Diane &amp; Maggie</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Operations Update

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>CURRENT PROGRESS</th>
<th>NEXT STEPS</th>
</tr>
</thead>
</table>
| Monitoring                           | • Entering data  
  • Taking samples and flow measurements                                                                                                                                                                 | • Continue sampling until end of October                                                                                                                                                               |
| Ferric Chloride System Operations    | • Monthly DMR Reports completed  
  • Coordination with snowmobile club and SWCD regarding the bridge crossing and fixing erosion issues  
  • Troubleshoot issues with sensor                                                                                                                                                                        | • Continue sampling weekly and 3x/weekly inspections  
  • Address Curt’s concern about trees in stream                                                                                                                                                        |
| Permitting, ESC & BMP Inspections    | • Completed site inspections for open permits, worked with contractors to resolve issues.  
  • Followed up with several permittees to move forward on closing out old permits                                                                                                                                 | • Continue to inspect, follow-up on and close remaining open permits                                                                                                                                 |
| Citizen Advisory Committee           | • Joint LAC/CAC Meeting held on October 7                                                                                                                                                                         | • Next CAC scheduled for October 29.                                                                                                                                                                    |
| Education and Outreach               | • Attended host site training and welcomed Andrea Slotke to our staff                                                                                                                                              | • Develop outreach and education plans for both the PLOC and the Flood Study  
  • Attend Prior Lake Association meeting and provide summary                                                                                                                                             |
| Website and Social Media             | • Website continues to be updated                                                                                                                                                                                 | • Continue writing posts and updates about projects  
  • Will tweet and/or update Facebook about projects & news  
  • Update website                                                                                                                                                                                      |
| Cost Share Program                   | • Cost Share Docket is being revised  
  • Offering well-decommissioning funds for new sewer and water hookups                                                                                                                                         | • Board will consider Cost Share Docket changes                                                                                                                                                         |
<table>
<thead>
<tr>
<th>Operations Update</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Easement and Land Maintenance</strong></td>
</tr>
</tbody>
</table>
| _Land Mgmt (Class 611)_  
_Project Lead: Maggie_ | _Class 626 and 637_  
_Project Lead: Jaime_ |
| • Finishing up yearly monitoring inspections scheduled for this year, installing missing easement signs at properties as necessary.  
• Continue to resolve violations in accordance with the Easement Violation Policy.  
• Released a request for proposals for preliminary design work to help the District resolve a violation. | • Inspect a few remaining BMP easements scheduled for this year, install required buffer signs, and create baseline documentation for easements  
• Continue to contact and meet with easement landowners to communicate easement restrictions and address any violations. |
| • Treatment completed  
• Plant surveys on Prior and Pike last week. | • Received credit from vendor for next year's CLP treatment |
## Outlet Structure and Channel

<table>
<thead>
<tr>
<th>Activity</th>
<th>Current Progress</th>
<th>Next Steps</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prior Lake Outlet Channel (Seg 1)</strong></td>
<td>• Monitor lake level</td>
<td>• Repair spalling joint in 2016, rather than 2015 – more efficient to do when completing other pipe work</td>
</tr>
<tr>
<td>Project Lead: Jaime</td>
<td>• Televised outlet pipe</td>
<td></td>
</tr>
<tr>
<td><strong>PLOC Inspections</strong></td>
<td>• No flow over outlet structure, limited inspections</td>
<td>• Walk channel looking for concerns before winter</td>
</tr>
<tr>
<td>Project Lead: Jaime/Intern</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Gonyea Culvert, Kes Field Crossing and Pike Lake Park (FEMA)</strong></td>
<td>• Repair planned for 2015</td>
<td></td>
</tr>
<tr>
<td><strong>Segment 4a Realignment</strong></td>
<td>• Construction is completed</td>
<td>• Ongoing landscape work is continuing</td>
</tr>
<tr>
<td>Project Lead: EOR/Diane</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Segment 4b restoration</strong></td>
<td>• No recent action</td>
<td></td>
</tr>
<tr>
<td>Project Lead: Diane</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Channel Bank Erosion (FEMA)</strong></td>
<td>•</td>
<td>• Draft an RPF for the end of the year, once trees are removed</td>
</tr>
<tr>
<td><strong>Segment 5b Development</strong></td>
<td>•</td>
<td>• Draft an RFP</td>
</tr>
<tr>
<td>Project Lead: Diane</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Downed Trees &amp; Sediment Delta (FEMA)</strong></td>
<td>• The District re-bid the project for tree and woody debris removal, and accepted a contractor.</td>
<td>• The tree and woody debris removal work is scheduled to be substantially complete by November 30th.</td>
</tr>
<tr>
<td>Project Lead: Maggie</td>
<td>• The District has ordered a survey on the sediment delta that is required for the DNR permit application.</td>
<td>• The District will apply for the DNR permit for the sediment removal and move forward with bidding the project.</td>
</tr>
<tr>
<td><strong>JPA/MOA &amp; TAC Meetings</strong></td>
<td>• Met with cooperators, suggested TAC review budget one more time before approval</td>
<td>• Meet with TAC to review budget changes Nov 2</td>
</tr>
<tr>
<td>Project Lead: Diane &amp; Jaime</td>
<td></td>
<td>• Meet with Cooperators after TAC meeting to approve budget</td>
</tr>
<tr>
<td>Project Lead: Jaime</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Activity</td>
<td>Current Progress</td>
<td>Next Steps</td>
</tr>
<tr>
<td>--------------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Invasive Species Removal</td>
<td></td>
<td>• Wait to see about FEMA funds before continuation of vegetation and invasive species maintenance</td>
</tr>
<tr>
<td>Project Lead: Jaime</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MS4 Permit</td>
<td>• To be considered at October meeting</td>
<td>•</td>
</tr>
<tr>
<td>Project Lead: Diane</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PLOC Easements</td>
<td>• Worked with Andrea, the new GreenCorps intern, on developing an outreach plan for PLOC easement holders.</td>
<td>• Continue to negotiate easement with Muhlenhardt.</td>
</tr>
<tr>
<td>Project Lead: Maggie &amp;</td>
<td></td>
<td>• Continue to explore potential easements with landowners in segment 7.</td>
</tr>
<tr>
<td>Diane</td>
<td></td>
<td>• Move forward with an outreach plan, including a potential informational meeting in November.</td>
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RULE A - DEFINITIONS

For the purposes of these Rules, unless the context otherwise requires, the following words and terms shall have the meanings set forth below.

References in these Rules to specific sections of the Minnesota Statutes or Rules include amendments, revisions or recodifications of such sections.

The words “shall” and “must” are mandatory; the word “may” is permissive.

Agricultural Activity - the use of land for the production of agronomic, horticultural or silvicultural crops, including nursery stock, sod, fruits, vegetables, flowers, cover crops, grains, Christmas trees, and grazing.

Alteration or Alter - when used in connection with public waters or wetlands, any activity that will change or diminish the course, current or cross-section of public waters or wetlands.

Applicant - any person or political subdivision that submits an application to the District for a permit under these Rules.

Best Management Practices or BMPs - techniques proven to be effective in controlling runoff, erosion and sedimentation including those documented in the Minnesota Construction Site Erosion and Sediment Control Planning Handbook (BWSR, 1988); Protecting Water Quality in Urban Areas (MPCA, 2000); Minnesota Urban Small Sites BMP Manual (Metropolitan Council 2001); and Minnesota Stormwater Manual (MPCA, 2014): as such documents may be amended, revised or supplemented.

Compensatory Storage - excavated volume of material below the floodplain elevation required to offset floodplain fill.

Compliance Agreement - an agreement required pursuant to Paragraph 7 of Rule B to assure compliance with these Rules.

County - Scott County, Minnesota.

Dead Storage - the permanent pool volume of a water basin, or the volume below the runout elevation of a water basin.

Detention Basin - any natural or manmade depression for the temporary storage of runoff.

Development - the construction of any structure on or the subdivision of land.

District - the Prior Lake-Spring Lake Watershed District.

Drain or Drainage - any method for removing or diverting water from waterbodies, including excavation of an open ditch, installation of subsurface drainage tile, filling, diking or pumping.

Erosion - the wearing away of the ground surface as a result of wind, flowing water, ice movement or land disturbing activities.

Erosion and Sediment Control Plan - a plan of BMPs or equivalent measures designed to control runoff and erosion and to retain or control sediment on land during the period of land disturbing activities in accordance with the standards set forth in Rule E.

Excavation - the artificial removal of soil or other earth material.

Fill - the deposit of soil or other earth material by artificial means.
Floodplain - the area adjacent to a waterbody that is inundated during a 100-year flood.

Impervious Surface - a surface compacted or covered with material so as to be highly resistant to infiltration by runoff. Impervious surface shall include roads, driveways and parking areas, whether or not paved, sidewalks greater than 3 feet wide, patios, tennis and basketball courts, swimming pools, covered decks and other structures. Open decks with joints at least ⅛ inch wide, areas beneath overhangs less than 2 feet wide, and sidewalks 3 feet or less wide shall not constitute impervious surfaces under these Rules.

Land Disturbing Activity - any change of the land surface to include removing vegetative cover, excavation, fill, grading, stockpiling soil, and the construction of any structure that may cause or contribute to erosion or the movement of sediment into waterbodies. The use of land for agricultural activities shall not constitute a land disturbing activity under these Rules.

Landlocked Basin - a basin other than Prior Lake that is one acre or more in size and does not have a natural outlet at or below the 100-year flood elevation as determined by the 100-year, 10-day runoff event.

Low Floor - the finished surface of the lowest floor of a structure.

Managers - the board of managers of the District.

MnDOT - the Minnesota Department of Transportation.

Municipal Separate Storm Sewer System (MS4) - the Prior Lake Outlet Channel, which is operated by the District and is designed and used to convey water from the outlet for Prior Lake.

Municipality - any city or township wholly or partly within the District.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit - a permit issued by the Minnesota Pollution Control Agency that authorizes the discharge of pollutants to waters of the State.

NRCS - the Natural Resource Conservation Service.

NURP - the Nationwide Urban Runoff Program developed by the Environmental Protection Agency to study stormwater runoff from urban development.

Ordinary High Water Level or OHW - the boundary of waterbodies and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Owner - the owner of a parcel of land or the purchaser under a contract for deed.

Parcel - a parcel of land designated by plat, metes and bounds, registered land survey, auditors subdivision or other accepted means and separated from other parcels or portions by its designation.
**Permittee** - the person or political subdivision in whose name a permit is issued pursuant to these Rules.

**Person** - any individual, trustee, partnership, unincorporated association, limited liability company or corporation.

**Political Subdivision** - a municipality, county or other political division, agency or subdivision of the state.

**Prior Lake Outlet Channel** - a watercourse improved and maintained by the District to provide an outlet for Prior Lake.

**Public Health and General Welfare** - are defined in Minnesota Statutes, section 103D.011, subdivisions 23 and 24.

**Public Waters** - any waters as defined in Minnesota Statutes, section 103G.005, subdivision 15.

**Public Waters Wetland** - any wetland as defined in Minnesota Statutes, section 103G.005, subdivision 15a.

**Redevelopment** - the rebuilding, repair or alteration of a structure, land surface or facility for which over 50 percent of the parcel involved is disturbed by a land disturbing activity.

**Runoff** - rainfall, snowmelt or irrigation water flowing over the ground surface.

**Sediment** - soil or other surficial material transported by surface water as a product of erosion.

**Sedimentation** - the process or action of depositing sediment.

**Shoreland Protection Zone** - land located within a floodplain, within 1,000 feet of the OHW of a public water or public waters wetland, or within 300 feet of the Prior Lake outlet channel.

**Standard** - a preferred or desired level of quantity, quality or value.

**Stormwater Management Plan** - a plan for the permanent management and control of runoff prepared and implemented in accordance with the standards set forth in Rule D.

**Structure** - anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, water and storage systems, drainage facilities and parking lots.

**Subdivision or Subdivide** - the separation of a parcel of land into 2 or more parcels.

**SWCD** - the Scott Soil and Water Conservation District.

**Water basin** - an enclosed natural depression with definable banks capable of containing water that may be partly filled with public waters.

**Waterbody** - all water basins, watercourses and wetlands as defined in these Rules.

**Watercourse** - any natural or improved stream, river, creek, ditch (including Scott County Ditch 13), channel, culvert, drain, gully, swale or wash in which waters flow continuously or intermittently in a definite direction.

**Water Resources Management Plan** - the watershed management plan for the District adopted and implemented in accordance with Minnesota Statutes, section 103B.231.
Watershed - a region draining to a specific watercourse or water basin.

Wetland - land transitional between terrestrial and aquatic systems as defined in Minnesota Statutes, section 103G.005, subdivision 19.


**RULE D - STORMWATER MANAGEMENT**

1. **POLICY.** It is the policy of the managers to:
   
   (a) Require that peak runoff rates not exceed existing conditions and the capacity of downstream conveyance facilities or contribute to flooding.
   
   (b) Manage subwatershed discharge rates and flood storage volumes to be consistent with the goals of the water resources management plan.
   
   (c) Control runoff rates by the use of regional or on-site detention or infiltration facilities where feasible.
   
   (d) Review stormwater management structures based on the 100-year critical storm event for the drainage area.
   
   (e) Route runoff to water treatment ponds or other acceptable facilities before discharging into waterbodies.
   
   (f) Promote the use of natural waterbodies for storing runoff and improving water quality and other amenities.
   
   (g) Promote natural infiltration of runoff.
   
   (h) Minimize the amount of directly connected impervious surface created by the development, preserve the infiltration capacity of the soil, and incorporate infiltration practices into the design where feasible.

2. **REGULATION.**
   
   (a) No person or political subdivision shall commence a land disturbing activity or the development or redevelopment of land, unless specifically exempted by Paragraph 9 below, without first obtaining a permit from the District that incorporates and approves a stormwater management plan for the activity, development or redevelopment.
   
   (b) Where the District has Memorandum of Agreements with municipalities for Local Water Planning and Regulation, the municipalities will comply with MS4 Permit requirements for Post-Construction Stormwater Management.

3. **CRITERIA.** Stormwater management plans shall comply with the following criteria:
   
   (a) A hydrograph method based on sound hydrologic theory will be used to analyze runoff for the design or analysis of flows and water levels.
   
   (b) Runoff rates for the proposed activity shall not exceed existing runoff rates for the 2- year, 10-year and 100-year critical storm events, and runoff rates may be restricted to less than the existing rates when necessary for the public health and general welfare of the District.
   
   (c) Where a project creates one or more acres of new impervious surface, the stormwater runoff volume shall be retained on site in the amount equivalent to 1.0 inches of runoff over the new impervious surface. For a project that creates less than one acre of new impervious, the stormwater runoff volume shall be
retained on site in the amount equivalent to 0.5 inches of runoff over the new impervious.

(i) Development that creates impervious surfaces must explicitly address the use of best management practices to limit the loss of pervious area, and meet the volume reduction standards to the extent feasible considering site-specific conditions.

1) Volume reduction techniques considered shall include infiltration, reuse and rainwater harvesting, canopy interception and evapotranspiration, and/or additional techniques included in the Minnesota Stormwater Manual, as amended. High priority shall be given to BMPs that include volume reduction. Secondary preference is to employ filtration techniques, followed by water quality ponding BMPs.

2) The District may approve alternative BMPs instead of infiltration, provided that the proposed BMPs meet the requirements of the NPDES General Construction Permit, as amended.

(ii) BMPs shall be designed and installed in accordance with generally accepted design practices and guidance contained in the Minnesota Pollution Control Agency’s Minnesota Stormwater Manual, as amended.

(d) Infiltration features shall include the following design considerations:

(i) The infiltration area shall be capable of infiltrating the required volume within 48 hours for surface and subsurface BMPs.

(ii) Infiltration areas will be limited to the horizontal areas subject to prolonged wetting.

(iii) Areas of permanent pools tend to lose infiltration capacity over time and will not be accepted as an infiltration practice.

(iv) Stormwater runoff must be pretreated to remove solids before discharging to infiltration areas to maintain the long term viability of the infiltration areas.

(e) Regional detention basins shall be utilized to manage peak flow rates and runoff volumes, and meet water quality objectives when feasible. On-site detention basins, infiltration facilities, and permanent sedimentation and water quality ponds will be utilized for land disturbing activities exceeding one acre when regional basins are not in place or feasible. A waiver may be granted for special circumstances described in Paragraphs 4(a) and 4(b) below.

(f) The applicant will provide water quality BMPs sized to infiltrate and/or retain the runoff volume generated on the site by the 2 year, 24-hour event under the developed condition for all points where discharges leave a site. For that portion of the 2 year, 24-hour event runoff volume that is not required to be infiltrated under paragraph (c), water quality BMPs or additional infiltration will be incorporated. The order of preference for water quality BMPs is biofiltration, filtration, wetland treatment system, extended detention, and wet detention in accordance with NURP standards.

(g) Analysis of flood levels, storage volumes and flow rates for waterbodies and detention basins shall be based on the range of rainfall and snow melt durations producing the critical flood levels and discharges.

(h) Landlocked water basins may be provided with outlets that:
(i) Retain a hydrologic regime complying with Rules F and G;
(ii) Provide sufficient dead storage to retain back-to-back 100-year, 24-hour rainfalls and runoff above the highest anticipated groundwater elevation and prevent damage to property adjacent to the basin; and
(iii) Do not create adverse downstream flooding or water quality conditions, or materially affect stability of downstream water courses.

(i) Detention basins shall be designed to provide:
(i) An outlet structure to control the 2-year, 10-year and 100-year critical storm events to predevelopment runoff rates;
(ii) An identified overflow spillway sufficiently stabilized to convey a 100-year critical storm event;
(iii) A normal water elevation above the OHW of adjacent waterbodies; and
(iv) Access for future maintenance.

(j) Permanent sedimentation and water quality ponds shall be designed to the Wet Pond Design Standards set forth on Appendix A to these Rules and provide:
(i) Water quality features consistent with NURP criteria and best management practices;
(ii) A permanent wet pool with dead storage of at least the runoff from a 2.5-inch storm event;
(iii) A normal water elevation above the OHW of adjacent waterbodies;
(iv) An outlet skimmer to prevent migration of floatables and oils for at least the one year storm event; and
(v) Access for future maintenance.

(k) Unless a municipality or the county has adopted an ordinance prescribing a minimum low floor elevation, which ordinance shall govern, any new residential, commercial, industrial and other habitable structures shall be constructed with the following low floor elevation:
(i) In the case of a land-locked basin, the low floor elevation shall be at least 3 feet above the surveyed basin overflow or three feet above the high water level of the basin as determined from an estimate of high water levels using the higher of either the 100-year, 10-day runoff event and back-to-back 100-year, 24-hour rainfalls under full build-out conditions. Aerial photographs, vegetation, soils and topography shall be used to derive a “normal” water elevation for the basin to compute the 100-year elevation.

In all other cases, the low floor elevation shall be at least 2 feet above the critical event 100-year high water elevation and three feet above the overflow elevation of nearby waterbodies and stormwater basins.

4. WAIVERS.

(a) The managers may waive the on-site runoff rate and water quality control design criteria in Paragraphs 3(a), 3(b), 3(d), 3(e), 3(f), 3(h), and 3(i) above, if a municipality has an approved local water management plan which provides for off-site stormwater facilities capable of controlling and treating runoff.

(b) The design criteria in Paragraphs 3(b), 3(c), 3(d), 3(e), and 3(i) above may be waived for sites with total new impervious surface of less than one acre, or for sites with land disturbing activities less than one acre; if volume control, runoff rate control, and
water quality BMPs have been incorporated to the maximum extent possible.

5. EXHIBITS. The following exhibits shall accompany the permit application (one set full size, and two sets reduced to a maximum size of 11” x 17”):
   (a) Property lines and delineation of lands under ownership of the applicant.
   (b) Delineation of the subwatershed contributing runoff from off-site, proposed and existing subwatersheds on-site, emergency overflows and watercourses.
   (c) Proposed and existing stormwater facilities location, alignment and elevation.
   (d) Delineation of existing on-site wetland, marsh, shoreland and floodplain areas.
   (e) For applications proposing infiltration as a stormwater management practice, identification, description, permeability and approximate delineation of site soils in both existing and proposed as-developed condition.
   (f) Existing and proposed ordinary high and 100-year water elevations on-site.
   (g) Existing and proposed site contour elevations at 2 foot intervals, referenced to NGVD, 1929 datum.
   (h) Construction plans and specifications of all proposed stormwater management facilities, including design details for outlet controls.
   (i) Runoff volume and rate analysis for the 2-year, 10-year and 100-year critical storm events, existing and proposed.
   (j) All hydrologic, water quality and hydraulic computations made in designing the proposed stormwater management facilities.
   (k) Narrative addressing incorporation of infiltration BMPs.
   (l) Delineation of any ponding, flowage or drainage easements, or other property interests, to be dedicated for stormwater management purposes.

6. MAINTENANCE. All stormwater management structures and facilities shall be maintained in perpetuity to assure that the structures and facilities function as originally designed. The responsibility for maintenance shall be assumed either by the municipality or county with jurisdiction over the structures and facilities, or by the applicant entering into a compliance agreement with the District.

7. EASEMENTS. The applicant shall establish in form acceptable to the District temporary and perpetual easements for ponding, flowage and drainage purposes over hydrologic features such as waterbodies and stormwater basins. The easements shall include the right of reasonable access for inspection, monitoring, maintenance and enforcement purposes.

8. COVENANTS. The District may require that the land be subjected to restrictive covenants or a conservation easement, in form acceptable to the District, to prevent the future expansion of impervious surface and the loss of infiltration capacity.

9. EXCEPTIONS. No permit or stormwater management plan shall be required under this Rule for the following land disturbing activities:
   (a) Minor land disturbing activities such as home gardens, repairs and maintenance work.
   (b) Construction, installation and maintenance of individual sewage treatment systems.
   (c) Construction, installation and maintenance of public utility lines or individual service connections unless the activity disturbs more than one acre, in which event Paragraph 9(e) below shall apply.
(d) Construction of any structure on an individual parcel in a subdivision with a stormwater management plan approved by the District, so long as any land disturbing activity complies with the approved plan.

(e) Development or redevelopment of, or construction of a structure on, an individual parcel with a land disturbing activity that does not cause off-site erosion, sedimentation, flooding or other damage, and disturbs:

(i) Less than 10,000 square feet in the shoreland protection zone; provided that, if a municipality or county with jurisdiction has adopted an ordinance requiring stormwater management consistent with this Rule D that also regulates the activity, such ordinance shall govern the activity. Where the municipality or county with jurisdiction regulates the activity, the exemption shall increase from 10,000 square feet to one acre, at which point this Rule shall apply in addition to the municipal or county regulation for land disturbing activities greater than one acre; or

(ii) Less than one acre outside of the shoreland protection zone.

(f) Installation of any fence, sign, telephone or electric poles, or other kinds of posts or poles.

(g) Emergency activity necessary to protect life or prevent substantial harm to persons or property.

(h) All land disturbing activities not required by this Rule to obtain a permit or have an approved stormwater management plan shall nevertheless be conducted in full compliance with Rule C.
RULE E - EROSION AND SEDIMENT CONTROL

1. POLICY. It is the policy of the managers to require the preparation and implementation of erosion and sediment control plans to control runoff and erosion and to retain or control sediment on land during land disturbing activities.

2. REGULATION. No person or political subdivision shall commence a land disturbing activity or the development or redevelopment of land, unless specifically exempted by Paragraph 7 below, without first obtaining a permit from the District that incorporates and approves an erosion and sediment control plan for the activity, development or redevelopment.

3. CRITERIA. Erosion and sediment control plans shall comply with the following criteria:
   (a) Natural site topography and soil conditions shall be used to control runoff and reduce erosion and sedimentation during construction and after completion of the land disturbing activity.
   (b) Erosion and sediment control measures shall be consistent with the standards of the General Permit Authorization to Discharge Stormwater Associated With Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Permit Program, Permit MN R100001 (NPDES General Construction Permit), issued by the Minnesota Pollution Control Agency, except where more specific requirements apply, including:
      (i) Phasing to minimize disturbed areas subject to erosion at any one time.
      (ii) Implementation of BMPs to minimize the discharge of sediment and other pollutants.
      (iii) Dewatering activities shall be discharged in a manner that does not cause nuisance conditions.
      (iv) Proper storage and disposal of all construction site projects, materials or wastes.
      (v) Site inspections and records of rainfall events.
      (vi) Proper maintenance of all BMPs.
      (vii) Management of solid and hazardous wastes on each project site
      (viii) Final stabilization upon completion of the construction activity
      (ix) Provisions for the use of temporary sediment basins to control runoff and provide treatment during construction, when applicable.
   (c) All erosion and sediment controls shall be installed before commencing the land disturbing activity, and shall not be removed without District approval or until the District has issued a certificate of completion pursuant to Paragraph 14 of Rule B.

4. EXHIBITS. The following exhibits shall accompany the permit application (one set full size, and two sets reduced to a maximum size of 11” x 17”):
   (a) An existing and proposed topographic map showing contours on and adjacent to the land, property lines, all hydrologic features, the proposed land disturbing activities, and the locations of all runoff, erosion and sediment controls and soil stabilization measures.
(b) Plans and specifications for all proposed runoff, erosion and sediment controls, dewatering methods, and temporary and permanent soil stabilization measures.
(c) Detailed schedules for implementation of the land disturbing activity, the erosion and sediment controls, and soil stabilization measures.
(d) Detailed description of the methods to be employed for monitoring, maintaining and removing the erosion and sediment controls, and soil stabilization measures.
(e) Soil borings if requested by the District.
(f) For projects over one acre of disturbed area, documentation that the permittee has applied for the NPDES General Construction Permit from the Minnesota Pollution Control Agency (MPCA) shall be submitted, in addition to the Stormwater Pollution Prevention Plan (SWPPP) prepared for the NPDES Permit.
(g) Other project site-specific submittal requirements as may be required by the District.

5. CONSTRUCTION ACTIVITY REQUIREMENTS. Any activity subject to a permit under this Rule must conform to the standards of the NPDES General Construction Permit, as amended, regarding construction site erosion and sediment control.

6. INSPECTION. The permittee shall be responsible for inspection of all erosion and sediment control measures until final soil stabilization is achieved.

7. MAINTENANCE. The permittee shall be responsible for proper operation and maintenance of all erosion and sediment controls, and soil stabilization measures, in conformance with Best Management Practices and the requirements of the NPDES General Construction Permit, as amended. The permittee shall, at a minimum, inspect and maintain all erosion and sediment controls and soil stabilization measures daily during construction, weekly thereafter until vegetative cover is established, and after every rainfall event exceeding 0.5 inches.

8. SECURITY. Any bond or other security required in accordance with Rule L shall be maintained until final soil stabilization and removal of erosion and sediment controls, and the payment of all fees and other amounts due the District.

9. EXCEPTIONS. No permit or erosion control plan shall be required under this Rule for the following land disturbing activities:
(a) Minor land disturbing activities such as home gardens, repairs and maintenance work.
(b) Construction, installation and maintenance of individual sewage treatment systems.
(c) Construction, installation and maintenance of public utility lines or individual service connections unless the activity disturbs more than one acre, in which event Paragraph 7(e) below shall apply.
(d) Construction of any structure on an individual parcel in a subdivision with an erosion and sediment control plan approved by the District, so long as any land disturbing activity complies with the approved plan.
(e) Development and redevelopment of, or construction of a structure on, an individual parcel with a land disturbing activity that does not cause off-site erosion, sedimentation, flooding or other damage, and disturbs:
(i) In the shoreland protection zone, an area less than 10,000 square feet; provided that, if a municipality or county with jurisdiction has adopted an ordinance requiring stormwater management consistent with this Rule E that also regulates the activity, such ordinance shall govern the activity, and the exempt area shall increase from 10,000 square feet to one acre (at which point this Rule shall apply in addition to the municipal or county regulation); or

(ii) Outside of the shoreland protection zone, an area of less than one acre.

(f) Installation of any fence, sign, telephone or electric poles, or other kinds of posts or poles.

(g) Emergency activity necessary to protect life or prevent substantial harm to persons or property.

(a) All land disturbing activities not required by this Rule to obtain a permit or have an approved erosion and sediment control plan shall nevertheless be conducted in full compliance with Rule C. All drainage alterations not required by this Rule to obtain a permit shall nevertheless be conducted in full compliance with Rule C.
RULE P – Illicit Discharge

1. POLICY. It is the policy of the managers to prohibit illicit discharges to the Prior Lake Outlet Channel.

2. DEFINITIONS: For the purposes of this Rule P, unless the context otherwise requires, the following words and terms shall have the meanings set forth below. Words and terms not defined in this Rule shall have the meanings set forth in Rule A.

Illicit Connection – an illicit connection is defined as either of the following:
1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4 system, including, but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the system and any connections to the system from indoor drains and sinks, regardless of whether said drain or connection has been previously allowed, permitted, or approved by political subdivision.
2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 system that has not been documented in plans, maps, or equivalent records and approved by a political subdivision.

Illicit Discharge – any discharge to the MS4 that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.

Non-Stormwater Discharge – any discharge to the MS4 system that is not composed entirely of stormwater.

Pollutant - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Stormwater – means stormwater runoff, snow melt runoff, and surface runoff and drainage (Minn. R. 7090.0080, subp.12.).

3. REGULATION.
   (a) No person or political subdivision shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the Prior Lake Outlet Channel any pollutants or waters containing any pollutants, other than stormwater, unless specifically exempted by Paragraph 3 below.
   (b) The construction, use, maintenance or continued existence of illicit connections to the Prior Lake Outlet Channel is prohibited.
      (i) This prohibition expressly includes, without limitation, illicit connections made
in the past, regardless of whether the connection was permissible under law, rule, or practices applicable or prevailing at the time of connection.

(ii) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the Prior Lake Outlet Channel, or allows such a connection to continue.

(iii) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system.

(iv) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the District requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the District.

4. SUSPENSION OF MS4 ACCESS. The District may, without prior notice, suspend MS4 discharge access when such suspension is necessary:

(a) Suspension due to Illicit Discharges in Emergency Situations. The District may, without prior notice, suspend MS4 discharge access when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the District’s MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the District may take such steps as deemed necessary to prevent or minimize damage to the District’s MS4 or Waters of the United States, or to minimize danger to persons or the environment.

(b) Suspension due to the Detection of Illicit Discharge. Any person discharging to the District’s MS4 in violation of this Rule may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The District may issue an administrative order or pursue other enforcement action as provided in the District’s Rule O to compel performance, restoration, abatement, and other appropriate action.

5. MONITORING OF DISCHARGES. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

(a) Access to Facilities. The District shall gain consent or obtain a search warrant to enter buildings subject to regulation under this Rule to determine compliance with this Rule. The discharger shall make the necessary arrangements to allow access to representatives of the District.

(b) Access to Records. The District may examine and copy records that must be kept under the conditions of an NPDES Permit to discharge stormwater or that concern the performance of any duties as defined by state or federal stormwater laws.

(c) If the District has been refused access to any part of the premises from which stormwater is discharged, then the District may seek issuance of a search warrant from any court of competent jurisdiction.

6. WATERCOURSE PROTECTION. Every person owning property, through which a
watercourse passes, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

7. **NOTIFICATION OF SPILLS.** It is the duty of every person to notify the District immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of the Prior Lake Outlet Channel, and the responsible person shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution.

8. **ENFORCEMENT.** In addition to pursuing enforcement actions as provided in the District’s Rule O, the District may utilize the following measures to enforce the provisions of this rule:

(a) Notice of Violation. Whenever the District finds that a person has violated a prohibition or failed to meet a requirement of this Rule, the District may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(i) The performance of monitoring, analysis and/or reporting;
(ii) The elimination of illicit connections or discharges;
(iii) That violating discharges, practices or operations will cease and desist;
(iv) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
(v) Payment of District costs of administrative and remediation;
(vi) The implementation of source control or treatment BMPs.

(b) Enforcement Measures. If a violation is not corrected pursuant to the Notice of Violation and subsequent District order, the District may seek enforcement of the Rule requirements and/or order through criminal prosecution, injunction, action to compel performance, restoration, abatement, and other appropriate action. The District may avail itself of any and all measures necessary to abate the violation and/or restore the property.

9. **EXCEPTIONS.** The following materials may be discharged to the Prior Lake Outlet Channel operated by the District:

(a) Stormwater from a Municipal Separate Storm Sewer System connected to the Prior Lake Outlet Channel operated by the District, as specified in the Joint Powers Agreement / Memorandum of Agreement that governs the operation of the Prior Lake Outlet Channel.

(b) Discharges from public waters, including Prior, Pike, and Dean lakes.

(c) The following minor discharges:

(i) Water line flushing
(ii) Landscape irrigation
(iii) Diverted stream flows
(iv) Rising ground waters
(v) Uncontaminated ground water infiltration
(vi) Uncontaminated pumped ground water
(vii) Discharges from potable water sources
(viii) Foundation drains
(ix) Air conditioning condensation
(x) Irrigation water
(xi) Springs
(xii) Water from crawl space pumps
(xiii) Footing drains
(xiv) Lawn watering
(xv) Individual residential car washing
(xvi) Flows from riparian habitats and wetlands
(xvii) Dechlorinated swimming pool discharges
(xviii) Street wash water
(d) Discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that a permit has been received from the District under all applicable rules.
(e) Discharges or flow from firefighting, and other discharges specified in writing by the Prior Lake Watershed District as being necessary to protect public health and safety.
(f) Dye testing is an allowable discharge, but requires a verbal notification to the District prior to the time of the test.
MEMORANDUM

TO: PLSLWD BOARD OF MANAGERS
FROM: DIANE LYNCH, DISTRICT ADMINISTRATOR
SUBJECT: MS4 RULE CHANGES
DATE: OCTOBER 13, 2015

BACKGROUND

In 2002, the MN Pollution Control Agency (MPCA) classified the Prior Lake Outlet Channel (PLOC) as a “mandatory small” MS4. This designation meant the PLSLWD, as operator of the PLOC, would be required to obtain permit coverage through the National Pollutant Discharge Elimination System (NPDES) permit program because of the operations and maintenance responsibilities associated with the PLOC, in order to continue to legally discharge stormwater from this system.

The NPDES Program requires mandatory small MS4s to develop a comprehensive Storm Water Pollution Prevention Program (SWPPP). A SWPPP is to consist of a collection of best management practices, selected by the permittee, to minimize the discharge of pollutants from their system to the maximum extent practicable.

PLSLWD received a general permit effective August 1, 2013 which expires on July 31, 2018. Along with other MS4 permit holders, it is required to update its SWPPP and its rules regarding construction and post construction stormwater runoff, erosion and sediment control and illicit discharge. There are now more documentation and written procedure requirements for various activities. As a result, changes to PLSLWD’s following rules need to be made: Rule A-Definitions; Rule D-Stormwater Management and Rule E-Erosion and Sediment Control. In addition, a new Rule P-I illicit Discharge, needs to be promulgated.

RULE REVISION PROCESS

The District hired Meghan Litsey from WSB. Ms. Litsey was the District’s Outreach Specialist, and now for WSB, primarily provides MS4 services. Ms. Litsey drafted rule changes and reviewed them with the District’s counsel, Chuck Holtman. The draft rules were reviewed by the Board of Board of Soil and Water Resources; Cities of Prior Lake, Shakopee and Savage; MN Department of Transportation and the Shakopee Mdewakanton Sioux Community for review and comment. Comments were received from the City of Prior Lake and the MN Department of Transportation. Carl Almer, the District Engineer, also reviewed the rule changes.
Prior to adoption of the rules, the Board must conduct a public hearing that is noticed in one or more legal newspapers published in the county. The Rules were published in the Prior Lake American, the District’s official newspaper, on October 3 and 10.

Once the Board adopts the rules, the new rules need to be filed with the county recorder and mailed to each municipality or city in the District. Once again, a notice has to be published that the rules were adopted.

STAFF RECOMMENDATION

Staff recommends the Board of Managers adopt rule revisions to Rule A. Definitions; Rule D. Stormwater Management; Rule E. Erosion and Sediment Control and Rule P. Illicit Discharge.
MEMORANDUM

TO: PLSLWD BOARD OF MANAGERS
FROM: MAGGIE KARSCHNIA, WATER RESOURCES PROJECT MANAGER
SUBJECT: FISH POINT PARK WATER QUALITY IMPROVEMENTS CONSULTANT SELECTION
DATE: OCTOBER 8, 2015

BACKGROUND

In 2013, the Prior Lake-Spring Lake Watershed District (PLSLWD) completed a diagnostic study that concluded that while the water quality of the upper bay of Lower Prior Lake is strongly influenced by the water quality of Upper Prior Lake, the water quality of the rest of Lower Prior Lake is more strongly influenced by phosphorus loading from the watershed. In response to this information, PLSLWD developed the Lower Prior Lake Protection Project which focuses on keeping Lower Prior Lake off of the MPCA’s list of impaired waters by installing best management practices in the watershed.

As one of the projects identified in the Lower Prior Lake Protection Project, the Fish Point Park Water Resources Improvements Project combines the efforts of both PLSLWD and the City of Prior Lake to reach the water quality goal in this subwatershed. Partially funded by a grant from the Clean Water Fund (CWF) through the Board of Soil & Water Resources, the Fish Point Park Water Resources Improvements Project aims to reduce erosion and treat incoming stormwater before it reaches the lake.

The proposed project includes four elements: restoring an upstream wetland, installing a water level control structure to slow down the water, retrofitting an existing ditch section with in-line iron-sand filters, and restoring a portion of the surrounding upland to prairie. These four BMPs work together to enhance their collective effectiveness, making the overall project benefits greater than the sum of the benefit provided by each part.

PLSLWD hosted a neighborhood meeting to discuss the upcoming project on July 15th of this year. The neighbors that attended were in full support of the project and their comments and suggestions were incorporated into the water resource improvement plans for the park.

BID PROCESS & REVIEW

REQUEST FOR BIDS

At the direction of the Board, PLSLWD released a request for bids on September 14, 2015 for the Fish Point Park Water Quality Improvements Project which was advertised in the Prior Lake American for two consecutive weeks. A pre-bid meeting was held at
Prior Lake City Hall on 11:00am on September 18th. The bid closing date was September 25th.

PLSLWD received a total of nine bids for the Fish Point Park Water Quality Improvements Project which is summarized in the table below.

<table>
<thead>
<tr>
<th>COMPANY</th>
<th>Sealed Bid Received</th>
<th>Bid Security</th>
<th>Addendums 1, 2, 3</th>
<th>Base Bid Amount</th>
<th>Total with Add/Alexternates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kevin Casey, LLC</td>
<td>9/25/15 at 2:32pm</td>
<td>X</td>
<td>-</td>
<td>$116,384.00</td>
<td>$125,834.00</td>
</tr>
<tr>
<td>Didion Contracting, Inc.</td>
<td>9/25/15 at 11:55am</td>
<td>X</td>
<td>X</td>
<td>$139,862.30</td>
<td>$153,904.00</td>
</tr>
<tr>
<td>Minnesota Dirt Works, Inc.</td>
<td>9/25/15 at 2:57pm</td>
<td>X</td>
<td>X</td>
<td>$153,346.80</td>
<td>$166,966.80</td>
</tr>
<tr>
<td>Peterson Companies</td>
<td>9/25/15 at 2:51pm</td>
<td>X</td>
<td>X</td>
<td>$167,508.54</td>
<td>$174,892.54</td>
</tr>
<tr>
<td>New Look Contracting, Inc.</td>
<td>9/25/15 at 2:51pm</td>
<td>X</td>
<td>X</td>
<td>$169,703.50</td>
<td>$191,218.50</td>
</tr>
<tr>
<td>Rachel Contracting</td>
<td>9/25/15 at 2:51pm</td>
<td>X</td>
<td>X</td>
<td>$200,857.73</td>
<td>$215,029.73</td>
</tr>
<tr>
<td>Sunram Construction, Inc.</td>
<td>9/25/15 at 1:28pm</td>
<td>X</td>
<td>X</td>
<td>$212,642.00</td>
<td>$220,632.00</td>
</tr>
<tr>
<td>US SiteWork, Inc.</td>
<td>9/25/15 at 1:30pm</td>
<td>X</td>
<td>X</td>
<td>$218,450.35</td>
<td>$239,964.35</td>
</tr>
<tr>
<td>G. F. Jedlicki, Inc.</td>
<td>9/25/15 at 1:40pm</td>
<td>X</td>
<td>X</td>
<td>$242,693.35</td>
<td>$251,651.35</td>
</tr>
</tbody>
</table>

The engineer’s estimate for the base bid of the project was $102,336.54, which was consistent with the project cost listed in the CWF grant.

**Review of Bids**

As shown in the above table, Kevin Casey, LLC provided the lowest bid. However, the bid package was incomplete and nonconforming, as it did not acknowledge the three addendums or include the correct or complete bid form, along with other missing components. Due to the irregularities and incompleteness of the documents submitted, the Kevin Casey, LLC bid was rejected.

The next lowest bid received was Didion Contracting, Inc. The correct and complete bid form was included in the bid package, as well as the required acknowledgement of the three addendums. Didion provided references which were checked and proved to be responsible bidders. However, Didion’s base bid was $37,527 higher than the engineer’s estimate, which is more than PLSLWD has available in their current budget for the project.

The District Engineer, EOR, was able to reduce and eliminate some line items in the budget without reducing the overall integrity or performance of the project in order to decrease the budget by $10,867.50. In addition, Didion was willing to reduce their mobilization cost by $10,000 in order to avoid re-bidding the project. The new bid amount for Didion with the two reductions in price would be $118,995.60, an amount that they have agreed to, should the Board decide to move forward with the project.
In addition to the Fish Point Park Water Quality Improvements Project base bid, the District included 2-year vegetation establishment & maintenance as an add-on item for $2,137. This is similar to the contract we have at the 12/17 Wetland Project. This helps to ensure that native plants get properly established following construction, since the first two years are the most critical. If we include this additional cost to the Didion bid, we would have a total cost of $121,133.

FUNDING

PLSLWD currently has a CWP grant through the Board of Soil & Water Resources that is funding 75% of the project costs. The cost breakdown for the bid construction project only (not including administration or engineering & design) is as follows:

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Total Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>CWP grant</td>
<td>$83,600.00</td>
</tr>
<tr>
<td>PSLWD 745 Capital Projects: Fish Point Park Retrofits</td>
<td>$20,900.00</td>
</tr>
<tr>
<td><strong>Total Project Costs:</strong></td>
<td><strong>$104,500.00</strong></td>
</tr>
</tbody>
</table>

The total cost of the negotiated bid with Didion including the additional vegetation maintenance item is $121,133. This is a difference of $16,633 compared to the $104,500 budgeted for the construction project.

RECOMMENDATION

Staff recommends:

1. The Board approves increasing the District’s budget/contribution for the construction portion of the Fish Point Park Retrofits project from $20,900 to $37,533.10 by transferring 2015/16 funds to this account.

2. The Board authorizes the District Administrator to sign a contract with Didion Contracting, Inc. for the Fish Point Park Water Quality Improvements Project in an amount not to exceed $121,133.
MEMORANDUM

TO: PLSLWD BOARD OF MANAGERS
FROM: MAGGIE KARSCHNIA, WATER RESOURCES PROJECT MANAGER
SUBJECT: 2015 CONSERVATION EASEMENT REPORT
DATE: OCTOBER 8, 2015

BACKGROUND

The Prior Lake-Spring Lake Watershed District has issued 40 Declaration of Conservation Easements since 2000. A conservation easement is a voluntary legally binding agreement between a landowner and a qualified land trust or government entity that permanently limits uses of the land in order to protect its conservation values. The District Rules require that new developments must establish temporary and perpetual easements for ponding, flowage and drainage purposes over hydrologic features such as water bodies and stormwater basins.

District staff has inspected the conservation easements since 2010. In the past, interns and temporary staff have been used to inspect the easements, and the inspection protocol has varied from year to year with minimal enforcement. The Board passed an Easement Violation Policy in 2015 to establish consistent procedures to inspect and enforce easements with the goal of minimizing violations by maintaining good relationships with landowners, and using litigation only as a last resort.

During the 2015 inspections, District staff began compiling baseline documentation that was missing for the conservation easements, including maps, photographs, and written descriptions of the properties. In addition, sign/monuments were installed during the 2015 inspections to mark the location of the easement boundaries in areas where they were missing.

EASEMENT INSPECTION SUMMARY

The District has inspected 30 out of the 40 total conservation easements this year. Over 100 landowners represent the ownership of the 30 easements that were inspected. The remaining 10 easements were not inspected in 2015 as they were missing location information (maps/shapefiles) and/or any prior inspection information in the District’s files. Further documentation will be completed for these 10 easements prior to the 2016 inspection.
Of the 30 easements inspected, 28 were in violation of the easement terms. Two easements had major violations and the remaining 26 had minor violations.

The District’s Easement Enforcement Policy breaks violations down into two categories:

- **Major Violations:** Any action requiring enforcement that will cost $2,500 or more to remediate, including human resources and other direct costs incurred by PLSLWD, or any action that significantly damages the conservation values or rights protected by the easement.

- **Minor Violations:** Any action requiring enforcement that will cost less than $2,500 to remediate, including human resources and other direct costs incurred by PLSLWD, or any action that does NOT significantly damage the conservation values protected by the easement.

The most common violations observed by District staff in 2015 were mowing inside the easement, yard waste dumped inside the easement, storage of various items (including wood piles, chairs, canoes, etc.), old construction materials like silt fences or other dumping (soil, gravel) and landscaping. There were also several cases where landowners had planted non-native plants or vegetable gardens inside the easement and a few cases where a fence was constructed inside the easement area.

**ENFORCEMENT**

Following the 2015 inspection site visit, District staff followed up with landowners in accordance with the Easement Enforcement Policy. Those landowners that were in compliance with easement terms were sent a letter that recognizes their good stewardship of the land, along with information on eradicating invasive species, if they were present on the easement property. Those landowners that were in violation of easement terms were sent a letter alerting them of what staff observed and requesting that they contact the District to discuss any questions they may have about the easement restrictions/allowances and what steps they can take to meet the requirements of the conservation easement.

**Minor Violations:**

District staff observed minor violations on 26 out of the 30 conservation easements during the 2015 inspections. Each of the 56 landowners that comprise the 26 easements was sent a violation letter as stated above. District staff have so far followed up and met with 11 out of the 56 landowners that contacted the District in response to the letter. The District will follow-up with the remaining landowners to ensure that violations are addressed by the next field season in 2016 and address ongoing violations as outlined in the Easement Enforcement Policy.
Major Violations:

District staff observed two major violations which are being followed up on:

**CONSERVATION EASEMENT #A722055 – PARCEL B**

Completed in 2005, Conservation Easement #A722055 was designed to create a buffer strip around the perimeter of a natural/altered wetland and a stormwater pond which was constructed in conjunction with the development of the surrounding land as part of Permit #02.01. Although the easement was signed and recorded, the buffer was never established according to District Rules. Following the closing of the permit, the original developer went out of business and the ownership and sales of the parcels got passed along from developer to developer. Subsequently, the signs/monuments that are required by the easement were never installed along the boundaries and the areas never restored to native plants.

The conservation easement area is approximately 30 feet wide and currently consists primarily of sod. For some landowners of this easement area, the conservation easement would require them to restore between 30-50% of their backyard to native species. In addition, one landowner has installed retaining walls and a vegetable garden, while another would be required to remove a portion of their sport court.

District staff have met with 2 landowners who represent the 11 landowners of Parcel B of the conservation easement to discuss potential solutions. At the request of the landowners of the easement area, the District is considering alternatives to the buffer strip to reduce the amount of area the easement occupies. Alternatives that could be considered include: infiltration trenches, raingardens, iron-sand filters, etc. However, these alternatives must provide the same major functions as the original buffer strip:

- filter sediment from runoff
- moderate water level fluctuations during storm events

The District has requested proposals from its contractor pool for preliminary design services to provide the landowners with acceptable options to implement, and to accurately mark the location of the easement boundaries. The lowest bid for these services is $5,499 (EOR). Should the District decide to move forward with the preliminary design services for alternative buffer strips, the landowners would be responsible for absorbing the cost of installing the selected conservation practice.

**CONSERVATION EASEMENT #A730169 – PARCEL A**

Completed in 2006, Conservation Easement #A730169 was designed to create a buffer strip around the perimeter of a natural pond as part of the requirement of Permit #05.11. Over the years, the landowners of these parcels have significantly encroached into the easement area with landscaping, mowing, storing materials, creating vegetable gardens, dumping yard waste, and planting non-native species, among other encroachments. Collectively, the encroachments together are estimated to cost $2,500 or more to
remediate and that the violations significantly damage the conservation values protected by the easement. Therefore, this is considered a major violation.

The 15 landowners have been recently notified of their individual violations and have been asked to contract the District so that staff can meet with them at the property to discuss resolution to the violation and also to answer questions they may have about the easement on their property. District staff anticipates that the violations by each of the 15 landowners will be addressed individually, unlike the #722055 violation. Staff will keep the Board informed as to progress it makes on resolving this easement violation.

REQUESTED ACTION

Prior to being hired by the District, the budget for BMP easement enforcement was only $5,000. With a strong background in easement work with the Minnesota Land Trust, I was assigned to update our conservation easement activities and immediately got to work building the groundwork for a solid program. As indicted earlier, updating the Easement Violation Policy and addressing the violations that have been neglected over the years has resulted in significant staff time and resources. The good news is that we have almost completed baseline documentation, installing signs, inspections and notifying landowners of violations so we have solid information from here on out. Due to our diligence in this area, however, we realize that more staff time and resources are necessary when assisting landowners in meeting our expectations.

Staff requests these policy clarifications from the Board:

1. The Board of Managers supports staff efforts to work with landowners to resolve violations with minimal effort on the part of staff by meeting with them; suggesting they apply for cost share for District-sanctioned programs; providing fact sheets regarding best management practices (BMPs) or referring them to other organizations that specialize in those practices.
2. The Board of Managers will consider requests to provide more than #1 on a case-by-case basis, recognizing that a goal of the Easement Violation Policy is to maintain good working relationships with landowners and use litigation as a last resource.

The Staff further requests the Board to:

1. Approve an addition of $5,499 to the 2015 BMP and Easement Inventory and Inspections Budget of $5,000 in order to approve the preliminary design services bid for Conservation Easement #722055 Parcel B.
2. Authorize the District Administrator to enter into a contract with EOR, Inc. to provide preliminary design services for Conservation Easement #722055 Parcel B.