



PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

AGENDA

Tuesday, November 15, 2022

6:00 PM

Council Chambers
Prior Lake City Hall

BOARD OF MANAGERS:

**Bruce Loney, President; Frank Boyles, Vice President;
Christian Morkeberg, Treasurer; Ben Burnett, Secretary; Matt Tofanelli, Manager**

Note: 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 4:00 PM – *Parkview Conference Room*

- Introduction of Emily Dick, PLSLWD Project Manager
- Introduction of Paul Nelson, PLSLWD Manager – Special Projects
- District Permitting: RGU Equivalency Agreements Introduction (Paul Nelson)
- Preliminary Evaluation of Potential Flood Storage Projects (Carl Almer)
- Draft Sutton Lake Management Plan (Carl Almer)
- 2023 Professional Accounting Services Selection Recommendation (Joni Giese)
- 2023 Budget Update (Joni Giese)
- Benefits Renewal Update (Joni Giese)
- Special Manager Workshop (Joni Giese)
- Liaison Updates

6:00 – 6:02 PM 1.0 **BOARD MEETING CALL TO ORDER & PLEDGE OF ALLEGIANCE**

6:02 – 6:07 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. Go up to the podium, turn on the microphone and state your name and address. (The Chair may limit your time for commenting.)

6:07 – 6:10 PM 3.0 **APPROVAL OF AGENDA** (Additions/Corrections/Deletions)

6:10 – 7:00 PM 4.0 **OTHER OLD/NEW BUSINESS**

- 4.1 Programs & Projects Update (Discussion Only)
- 4.2 I-LIDS 2022 Annual Report: Environmental Sentry Protection, LLC (Discussion Only)
- 4.3 Permit 22.02 Spring Lake Regional Park (Vote)
- 4.4 Watershed Management Study (Vote)

7:00 – 7:10 PM 5.0 **TREASURER’S REPORT**

5.1 Monthly Financial Reports (Discussion Only)

- Financial Report
- Treasurers Report
- Cash Flow Projections

7:10 – 7:15 PM 6.0 **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.

- 6.1 Meeting Minutes – October 11, 2022, Board Workshop
- 6.2 Meeting Minutes – October 11, 2022, Board Meeting
- 6.3 Meeting Minutes – September 29, 2022, CAC Meeting
- 6.4 Claims List & Visa Expenditures Summary
- 6.5 2023 Professional Accounting Services Selection
- 6.6 Edina Realty Contract
- 6.7 Johnson Estates Development Agreement

7:15 – 7:20 PM 7.0 **UPCOMING MEETING/EVENT SCHEDULE:**

- CAC Meeting, Thursday, December 8, 2022, 6:00 – 8:00 pm (Prior Lake City Hall – Wagon Bridge Conference Room)
- Board of Managers Workshop, Tuesday, December 13, 2022, 4:00 pm (Prior Lake City Hall – Parkview Conference Room)
- Board of Managers Meeting, Tuesday, December 13, 2022, 6:00 pm (Prior Lake City Hall – Council Chambers)
- PLOC Cooperators Meeting, Thursday, December 15, 2022, 12:00 pm (Prior Lake City Hall – Parkview Conference Room)

7:20 – 7:25 PM 8.0 **ADJOURNMENT**



PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

NOVEMBER 2022 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
Sutton Lake Outlet and Lake Management Plan <i>Project Lead: Joni</i>	Lake Management Plan <ul style="list-style-type: none"> Scheduled landowners meeting for November 16 and started to prepare meeting materials. Prepared Draft Lake Management Plan and submitted to MnDNR and Board of Managers for review and comment. Planned how to document drought conditions in the basin. 	Lake Management Plan <ul style="list-style-type: none"> Prepare for and host second landowner meeting (November 16). Prepare final Lake Management and submit to Board of Managers for approval. Decide whether to move forward with a cattail removal project for 2023.
Carp Management <i>Rough Fish Management (Class 611)</i> <i>Carp Management Project (Class 750 & 751)</i> <i>Project Lead: Jeff</i>	<ul style="list-style-type: none"> Tracking: Attempted to implant the final 7 of 14 new radio tags in Spring and Upper Prior Lakes. Carp locations proved challenging for removal. Efforts will continue to implant tags before ice-over. Increased frequency of tracking occurred in each lake as aggregations can typically begin to occur in late fall. Open water seining is our goal should radio tracking results show promising location and groupings. Began reviewing PIT station data. Other: Completed Water Resources Conference presentation. Received final payment for 2019 Watershed-based Implementation Fund (WBIF) grant. Grant has been closed. 	<ul style="list-style-type: none"> Continue to track tagged carp Finish implanting the other 7 new radio-tag transmitters between Spring and Upper Prior Lakes. Remove fish in open water as permit allows. Look into topics for next Metro Carp Management Group (MCMG) meeting. Continue updating the 2023 IPM Plan based off 2022 removal results, strategies, and methods. Work With WSB to develop carp management objectives for the 2023 contract year. Management objectives will shift to accommodate changing water levels, carp aggregation patterns, equipment availability, and permitting.
Ferric Chloride System Operations <i>Project Lead: Jeff</i>	<ul style="list-style-type: none"> Compiling data for 2022 reporting and calculations. 	<ul style="list-style-type: none"> System winterization
Farmer-Led Council <i>Project Lead: Joni and Elizabeth</i>	<ul style="list-style-type: none"> Reached out to Scott SWCD regarding December meeting 	<ul style="list-style-type: none"> Plan for next quarterly meeting tentatively scheduled for December 2022.

NOVEMBER 2022 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
Cost Share Incentives <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> Participated in meeting to review proposed changes to Scott SWCD's 2023 cost share docket. 	<ul style="list-style-type: none"> Provide proposed revisions to cost share docket. Review cost share applications with Scott SWCD as needed.
Fish Lake Shoreline & Prairie Restoration Project <i>Project Lead: Shauna</i>	<ul style="list-style-type: none"> Project handoff accepted by Spring Lake Township. 	<ul style="list-style-type: none"> Receive written confirmation of project acceptance after Spring Lake Township's November meeting.
Upper Watershed Projects <i>Buck Wetland, Sutton IESF, Swamp IESF, Buck Chemical Treatment, Ditch 13 Chemical Treatment, Spring Lake West IESF</i> <i>Project Lead: Joni</i>	<p>Buck Lake East Wetland Enhancements</p> <ul style="list-style-type: none"> Refined project scenarios for consideration. Prepared for and hosted second landowner meeting on November 1. <p>Spring Lake West IESF/Wetland</p> <ul style="list-style-type: none"> No activity. <p>Sutton Lake IESF</p> <ul style="list-style-type: none"> No activity. <p>2023 WBIF Studies</p> <ul style="list-style-type: none"> Requested and received approval from FY2022 – 2023 WBIF grant conveners to switch project from Ditch 13 Chemical Treatment to Swamp Lake IESF. Held grant preparation kick-off meeting with consultants. <p>Potential Flood Detention Projects</p> <ul style="list-style-type: none"> Prepared list of potential projects and draft evaluation criteria. Reviewed list and criteria with CAC. Performed high-level preliminary evaluation. <p>All UW Projects</p> <ul style="list-style-type: none"> Continued to negotiate real estate services contract. 	<p>Buck Lake East Wetland Enhancements</p> <ul style="list-style-type: none"> Continue landowner outreach. Draft draft feasibility study for MnDNR and manager review (tentative: December). Final study approved by managers (tentative: January). <p>Spring Lake West IESF/Wetland</p> <ul style="list-style-type: none"> Initiate landowner outreach <p>Sutton Lake IESF</p> <ul style="list-style-type: none"> Start investigating landowner concerns. <p>2023 WBIF Studies</p> <ul style="list-style-type: none"> Prepare draft budget request/work plan and review with Spring Lake Township (November 18) Refine budget request/work plan Submit budget request to BWSR for review and approval (tentative: December 30) Submit work plan to BWSR for review and approval (tentative: January 31, 2023) <p>Potential Flood Detention Projects</p> <ul style="list-style-type: none"> Refine list, evaluation criteria and evaluation as needed. Narrow down to list of up to 3 projects to perform feasibility studies on.
Website and Media <i>Project Lead: Elizabeth</i>	<ul style="list-style-type: none"> Articles posted: Submitted lake level article to Scott County SCENE Website articles: None Social Media – posted on all social channels about: radio tag tracking, volunteer drain stenciling, District staff presenting at the MN Water Resources Conference, and fall leaf clean up 	<ul style="list-style-type: none"> Continue writing posts and updates about projects on the website Continue updating Facebook, and Instagram about projects & news

NOVEMBER 2022 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
Citizen Advisory Committee <i>Project Lead: Elizabeth/Joni</i>	<ul style="list-style-type: none"> Meeting held October 27th No subcommittee meetings held due to low attendance Educational seminar rescheduled to December 	<ul style="list-style-type: none"> Prepare for December 8th CAC meeting. Meeting focus: educational seminar with City of Prior Lake Water Resources Engineer Future CAC educational seminars: Minnesota DNR (2023)
Education Program <i>Project Lead: Elizabeth/Joni</i>	<ul style="list-style-type: none"> Submitted article to Scott County Scene on lake levels Volunteers stenciled 56 storm drains See Website and Media comments. Gave 2022 Watershed Updates presentation at Prior Lake Association annual meeting 	<ul style="list-style-type: none"> No upcoming events
Monitoring Program <i>Project Lead: Jeff</i>	<ul style="list-style-type: none"> Continue migrating data into WISKI No Bi-weekly stream water quality monitoring occurred due to low or no water. Answered questions and provided information relating to low water levels. Coordinated CAMP lake sampling program materials drop off. No Bi-weekly flow monitoring. Worked on developing stream report cards including build, design, and data analysis. 	<ul style="list-style-type: none"> Continue WISKI database data migration. Work on solution to connect telemetry loggers, WISKI database, and website. Work on 2022 lake and stream reporting.
Aquatic Vegetation Management and Surveys <i>Project Lead: Jeff</i>	<ul style="list-style-type: none"> Started aquatic vegetation mapping report. 	<ul style="list-style-type: none"> Analyze summer mapping and report.
AIS <i>Project Lead: Shauna</i>	<ul style="list-style-type: none"> Coordinated boat inspection board meeting presentations. Scheduled I-LDIS take down date for 11/10. Attend AIS Prevention Planning Committee meeting with Scott County 	<ul style="list-style-type: none"> Work with Scott County to update AIS Prevention Plan and complete AIS Rapid Response Plan to share with CAC and managers.

NOVEMBER 2022 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
Rules Revisions <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> Started work tasks to advance preparation of equivalency agreements with implementing partners. 	<ul style="list-style-type: none"> Prepare and negotiate equivalency agreements with implementing partners. Address and then modify permit process with implementing partners. Refine process for application of linear project cost caps and use of stormwater implementation fund. Manager approval of cost cap and stormwater implementation fund rates.
BMPs & Easements <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> Responded to easement violation questions. Started preparation of development agreement for Johnson Estates. 	<ul style="list-style-type: none"> Continue to follow-up with property owners on outstanding Development Agreements and Conservation Easements. Continue to work with landowners to resolve identified easement violation issues on their properties. Amendments for three easements are currently in process.
Permitting <i>Project Lead: Jeff/Joni</i>	<ul style="list-style-type: none"> Working on close out of permit #17.01. Reviewed permit #22.02 application for Spring Lake Regional Park. Met with Scott SWCD to determine to what extent SWCD could support District permit work tasks. 	<ul style="list-style-type: none"> Continue discussions with Scott SWCD regarding permit support tasks. Continue closeout procedures as appropriate.
Outlet Channel Projects and Administration <i>Project Lead: Joni/Jeff</i>	<ul style="list-style-type: none"> Conducted weekly channel inspections. Worked through details for the final vegetation plantings in segment 4 as part of the bank stabilization project. Contractor completed planting. 	<ul style="list-style-type: none"> Compile MPOP proposed amendments and prepare revised document for Cooperators' review. Start investigations of most advantageous time to move forward with pipe lining project.

NOVEMBER 2022 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
<p>General Administration</p> <p><i>Project Lead: Joni</i></p>	<ul style="list-style-type: none"> • Participated in meeting for advisory committee for Lower Minnesota East 1W1P process. • Watershed Management Study- worked with PMT to prepare final report and next steps to identify and advance collaboration opportunities. • Moved payroll services to CLA and changed payroll bank to US Bank. • Reviewed letters of interest for District accounting services. • Monitored quarterly Metro MAWD meeting and participated in quarterly MAWA meeting. • Reviewed health and dental insurance premium options for 2023. • Started HR audit. • Started District files archiving process • Transferred ACH payments to US Bank account. 	<ul style="list-style-type: none"> • Transfer remaining District funds to 4M Fund (Nov). • Complete HR audit. • Continue file archiving process.



Subject | I-LIDS Annual Report: Environmental Sentry Protection, LLC.

Board Meeting Date | November 15, 2022

Item No: 4.2

Prepared By | Shauna Capron, Water Resources Technician

Attachment | I-LIDS 2022 Summary Report: Monitoring and Review Activity

Action | No motion required. Discussion only.

Background

In 2020, the Board approved the purchase and installation of an Internet Landing Installed Device Sensor (I-LIDS) unit at the Spring Lake boat launch as recommended by the CAC. This automated boat inspecting device was designed to help improve water quality by slowing the spread of aquatic invasive species using video capture and audio messaging. PLSLWD purchased and installed the unit at the Spring Lake boat launch in May of 2021.

Based on a recommendation by the CAC and approval by the Board of Managers, the I-LIDS unit was installed and operated again in 2022. It was the opinion of the CAC that the primary benefit of the I-LIDS device was public education and awareness. A concrete base was installed in spring 2022 to reduce the number of false recordings due to wind movement of the sign.

Discussion

Eric Lindberg, Environmental Sentry Protection (ESP), will give a brief presentation regarding the I-LIDS unit and recorded video findings for 2022. The CAC will review Eric's presentation and findings from 2022 and then bring forward a recommendation for I-LIDS operations for 2023 either at the board's December or January meeting.

PLSLWD Board Staff Report
November 3, 2022



**PRIOR LAKE
SPRING LAKE
WATERSHED DISTRICT**

Subject 	Staff Review of Permit Application Permit #22.02 Spring Lake Regional Park Lakefront Development	
Board Meeting Date 	November 15, 2022	Item No: 4.3
Prepared By 	Joni Giese, District Administrator	
Attachments 	a) Project Location Map b) Permit Application - Staff Review Comments c) Note: Permit application, and select in-progress construction plan sheets, are available at 11-15-2022 22.02 Spring Lake Regional Park	
Proposed Action 	Staff recommends Board approval of the application subject to the conditions noted in the attached Permit Application – Staff Review Comments.	

Introduction

The project area is the southern-most portion of Spring Lake Regional Park and is bound by Shoreline Boulevard (CSAH 12) on the north and east, Spring Lake on the south, and a parcel owned by Spring Lake Estates Association (aka Stemmer Ridge) on the west.

Scott County Parks is taking lead on the site development that will include the construction of a new parking lot, bituminous trail system, picnic areas, boardwalk, fishing pier, kayak launch, overlook, and three shoreline platforms. The project area is 13.5 acres. Site construction will disturb 7.5 acres. The following District rules apply to the project: Rule C - General Standards, Rule D - Stormwater Management, and Rule E – Erosion and Sediment Control.

District staff has been in consultation with Scott County Parks staff, City of Prior Lake staff, and the County's consultants for approximately 10 months during the design development process regarding the application of and compliance with District rules.

As referenced in the staff review comments, in order to be in compliance with District Rule D – Stormwater Management, Scott County Parks will secure an agreement with Spring Lake Estates Association that will allow Scott County Parks to discharge runoff from the park to a NURP pond located on Spring Lake Estates Association's property, which has the ability to accept this water.

Note to Permit Applicant

This report is not a permit. If the District Board approves the project, the applicant must then obtain a permit through District staff.

Watershed District Board Decision

The complete permit application was received on October 3, 2022. To meet the procedural requirements of Rule B and Minnesota Statutes Section 15.99 regarding time deadlines for Board action, the Board must make a decision to either:

- 1) Approve or deny the permit application by December 2, 2022 (60-day period)
- or-
- 2) Provide written notice to the applicant of an extension of the 60-day period and state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

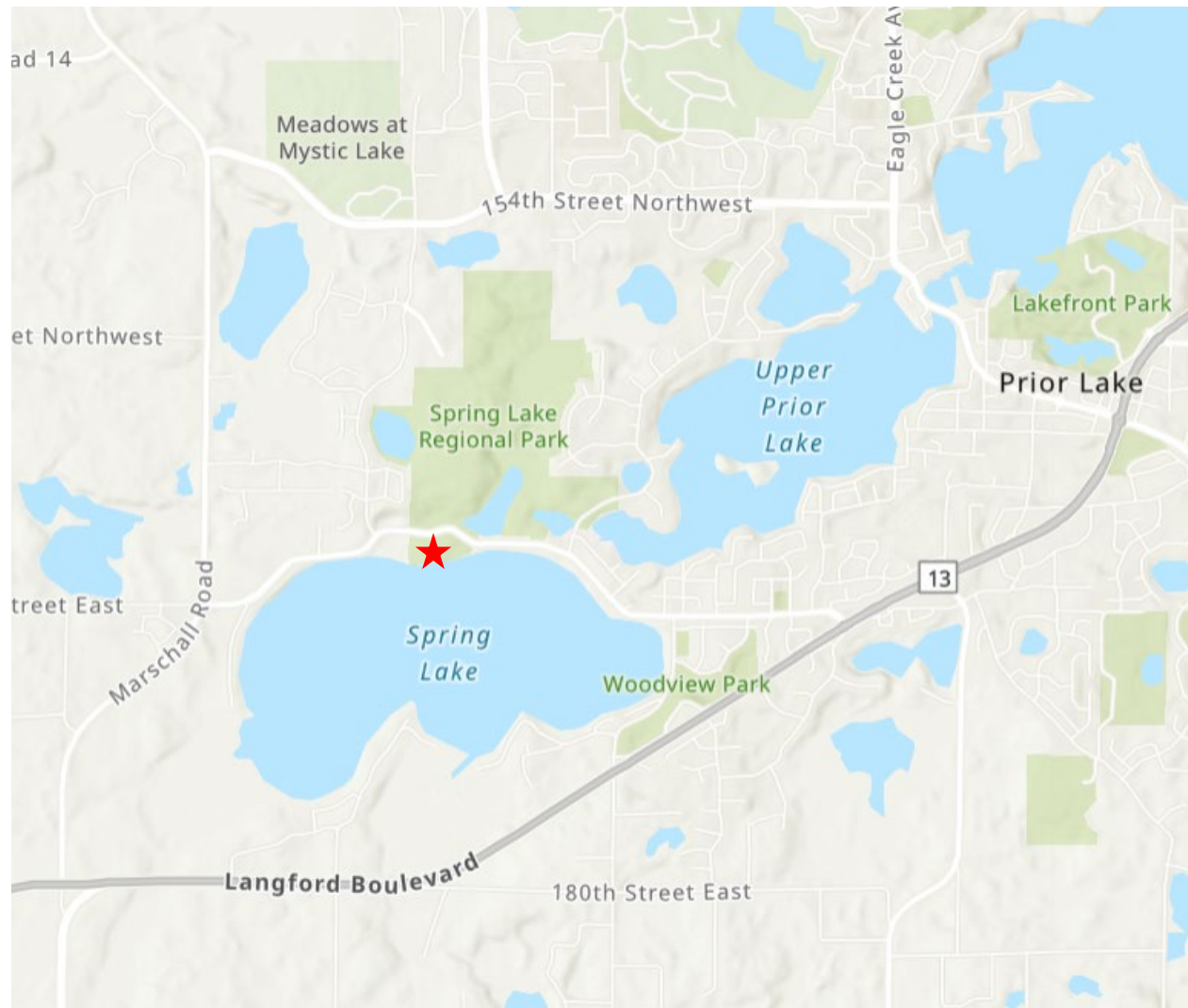
Options for Action

1. Approve the application subject to the conditions noted in the attached Permit Application - Staff Review Comments.
2. Table the item, extend the application until a future date specified, and provide the applicant with direction on the issues that have been discussed.
3. Deny the application, stating the reasons for the denial.

Staff Recommendation

Staff recommends Option 1, Board approval of the application subject to the conditions noted in the attached Permit Application - Staff Review Comments.

Permit 22.02 Spring Lake Regional Park Project Location



Prior Lake-Spring Lake Watershed District**Permit Application No. 22.01**

Applicant: Patricia Freeman
Scott County Parks
952-496-8752
pfreeman@co.scott.mn.us

Consultant(s): Chuck Evens
Damon Farber
612-332-7522
cevens@damonfarber.com

Nicholas Adams
Rehder & Associates, Inc.
651-337-6729
nadam@rehder.com

Purpose: Development of the 13.5-acre parcel of Spring Lake Regional Park riparian to Spring Lake including parking, trails, picnic areas, boardwalk, kayak launch, fishing pier, overlooks and shoreline platforms, 13.5-acres.

Location: Spring Lake Regional Park south of Shoreline Boulevard (CSAH 12)

District Rule: C, D & E

Recommendation: **Conditional approval** pending receipt of the following items:

Stormwater Management

1. Infiltration basin soil boring and lab testing per Rule D.3(i) confirming infiltration suitability. If results indicate infiltration is not feasible, the proposed basin must be revised to function as a filtration basin and be expanded to meet storage requirements of Rule D.3(d) and the soil media must be revised per Minnesota Stormwater Manual guidance for filtration basin media mix.
2. Revised HydroCAD modeling with a proposed curve number for “>75% grass cover” shifted to HSG C (74) instead of HSG B (61) per Rule D.3(g) for graded areas not previously disturbed and revised HydroCAD modeling to confirm peak runoff rate control for 2-, 10-, and 100-year events.
3. Revised landscaping plan with specification of a native seed mix more appropriate for infiltration/filtration basins than currently specified and consideration of specifying native seed plugs to supplement seeding for quicker establishment.

Erosion and Sediment Control

4. Copy of Stormwater Pollution Prevention Plan (SWPPP).

Administrative

5. Documentation of authority to discharge runoff to the Stemmer Ridge NURP Pond.
6. Maintenance Agreement (or other form acceptable to the District) documenting the parties responsible for maintenance of the existing and proposed stormwater management BMPs (onsite and offsite).
7. Final Plans and Specifications signed by Professional Engineer and/or Landscape Architect.
8. Performance surety from the construction contractor in the amount of \$2,000/acre of land disturbance, plus \$10/linear-foot of disturbance within 100-ft of Spring Lake, plus \$20,000/acre-foot of volume/water quality storage.

- Conditions:
1. The permittee shall provide contact information for the responsible erosion and sediment control contractor prior to initiating work.
 2. The permittee shall invite District permit inspector to preconstruction meeting.
 3. The permittee shall obtain all other required permits and approvals.
 4. The permittee is responsible for the stabilization and maintenance of the adjacent areas disturbed by the construction.
 5. The permittee shall supply an as-built survey of stormwater management BMPs within 60-days of project substantial completion. The District shall review this survey as a part of the certificate of completion for the project.

- Exhibits:
1. Signed Permit Application dated 9/30/2022, received 9/30/2022.
 2. Partial Boundary, Location, Topography and Utility Survey prepared

by Sunde Land Surveying, dated 12/23/2021, received 9/25/2022.

3. Schematic Storm Water Management Report (plus HydroCAD output and soil borings report) prepared by Rehder & Associates, Inc., dated 9/30/2022, received 9/30/2022.
4. Site Demolition Plan, Site Dimensions Plan, Grading, Drainage & Erosion Control Plan, Utility Plan, and Details & Specifications prepared by Rehder & Associates, Inc., dated 9/30/2022, received 9/30/2022.
5. Landscape Schedule & Tree & Planting Plan prepared by Damon Farber Landscape Architects, dated 9/30/2022, received 10/12/2022.
6. 90% Draft Design (DD) Plan Set (34 sheets) prepared by Damon Farber Landscape Architects, dated 9/7/2022, received 9/9/2022.
7. 90% DD Specifications prepared by Damon Farber Landscape Architects, dated 9/8/2022, received 9/9/2022.
8. Level 2 Wetland Delineation prepared by Braun Intertec Corporation, dated 2/3/2022, received 4/26/2022.
9. WCA Notice of Decision for Wetland Boundary/Type Determination, dated 5/31/2022, received 6/7/2022.

Findings:

1. Description – The project includes construction of parking, trails, picnic areas, boardwalk, kayak launch, fishing pier, overlooks and shoreline platforms within the Spring Lake Regional Park (13.5-acre parcel south of Shoreline Boulevard). There is little existing impervious surface (0.2-acres of gravel). The project will disturb 7.5-acres and result in 2.43-acres of new impervious, for a total of 2.63-acres of impervious surface. This site impervious tally is inclusive of a future building (4-season pavilion).
2. Stormwater – Under existing conditions, stormwater runoff discharges predominantly to two onsite wetlands, with the remainder of the site discharging to the Shoreline Boulevard stormsewer, an onsite NURP pond serving Shoreline Boulevard, or directly to Spring Lake. The entire site is ultimately tributary to Spring Lake.

The NRCS Soil Survey suggests onsite soils are predominantly HSG C soils. Onsite soil borings suggest surficial soils are predominantly HSG B underlain by HSG B, C, D and FILL. Generally, onsite soils are anticipated to have low infiltration capacity.

The proposed stormwater management plan for the parking and future building includes an infiltration basin west of the parking. If infiltration is feasible, the proposed infiltration basin satisfies District volume control (infiltration volume equal to 1.0-inch of runoff from impervious surfaces) and water quality treatment requirements (60% TP and 90% TSS removal). A soil boring and lab testing per Rule D.3(i) is required to confirm infiltration suitability. If results indicate infiltration is not feasible, the proposed basin must be revised to function as a filtration basin and be enlarged to meet the storage requirements of Rule D.3(d). The soil media specification must also be revised per Minnesota Stormwater Manual guidance for filtration basin media mix (to prevent the filtration basin from being a source of Phosphorus).

The remaining impervious surfaces (trails, overlooks, etc.) is exempt from District water quality and volume control requirements considering its distributed nature and given that runoff from these surfaces is passively treated by adjacent greenspace (Rule D Exception 8(d)).

District peak runoff rate control (for 2-, 10-, and 100-yr events) appears to be satisfied by attenuation in the proposed infiltration basin, storage in existing Wetland #1, restriction of the Wetland #2 outlet from 18-inches to 6-inches, and the existing NURP pond west of the property constructed with the Stemmer Ridge Development. Minor HydroCAD model revisions are required before rate control compliance can be confirmed.

Pretreatment for the infiltration basin is provided via two sump catchbasin structures with a propriety device that reduces downstream transport of sediment and floatables (trash). This is indicated on Note 3 of the Utility Plan (Sheet C103).

3. Erosion & Sediment Control – The proposed Grading, Drainage & Erosion Control Plan includes inlet protection for Shoreline Boulevard catchbasins, silt fence downslope of all disturbed areas, redundant silt fence along the Spring Lake shoreline and floating silt curtain around overlooks and accesses, a rock construction entrance, and erosion control blanket on all slopes greater than 4:1. The Tree & Planting Plan includes revegetation specifications for all disturbed areas which is proposed with native seed mixes, with the exception of a smaller turf picnic area.
4. Floodplain – The 100-year, 24-hour flood elevation of Spring lake is 914.0. There is no proposed fill below this elevation.



Subject | Watershed Management Study Update

Board Meeting Date | November 15, 2022

Item No: 4.4

Prepared By | Joni Giese, District Administrator

Attachments | Watershed Management Study: Final Report

Proposed Action | Motion and vote to adopt the final report and direct staff to move forward with exploration of collaboration opportunities with Scott Watershed Management Organization and Scott Soil and Water District.

Background

In 2021, Prior Lake-Spring Lake Watershed District (PLSLWD), Scott Watershed Management Organization (SWMO), and Scott Soils and Water Conservation District (Scott SCWD) agreed to perform a joint study with the goal of exploring the best governance structure to deliver water resource solutions more efficiently, most cost effectively, and more collaboratively for the residents of Scott County.

The study is structured where each agency's elected/appointed officials are provided milestone findings and can vote on the project Steering Committee's recommendations regarding next steps. Managers Loney and Boyles represent PLSLWD on the project Steering Committee.

Discussion

The project management team has recently concluded the third phase of the study. The initial three phases are comprised of:

- Project Initiation (May – July 2021)
- Phase I – Discovery (August – November 2022)
- Phase II – Improve (December 2021 – September 2022)

At the conclusion of Phase II – Improve, the project's Technical Advisory Committee (TAC) made a recommendation to the Steering Committee to not move forward with a governance restructure, but rather focus on identifying and advancing opportunities for improved collaboration between the three agencies and to conclude the current study. The Steering Committee voted to move forward in a manner that was consistent with the TAC's recommendation. Administrator Giese will provide a brief overview of the project and present the recommendations brought forward in the final report.

Proposed Action

Staff recommends that the managers make a motion and vote to adopt the final report and to direct staff to move forward with exploration of collaboration opportunities with Scott Watershed Management Organization and Scott Soil and Water District.



Watershed Management Study

Final Report
Oct 20, 2022 (Draft)



Watershed Management Study Final Report



Study Goal

Explore the best governance structure to deliver water resource solutions more efficiently, more cost effectively, and more collaboratively for the residents of Scott County

Objectives (outcomes we wanted to accomplish)

- ✓ Reduce or contain administrative/overhead costs in watershed management in order to direct dollars to more projects and practices “on the ground” to maximize water quality outcomes currently being provided by the three implementing agencies
- ✓ Streamline watershed permitting towards a “one-stop” entity
- ✓ Understand advantages and disadvantages of the current and alternative governance models, including any that considers combining agencies, resources, infrastructure, skill sets and/or knowledge of the Scott Watershed Management Organization (SWMO), Prior Lake-Spring Lake Watershed District (PLSLWD) and Scott Soils and Water Conservation District (SWCD)
- ✓ Recommend changes, if needed, to watershed management governance structure

Watershed Management Study Final Report

Contributors

Steering Committee

- Barb Weckman, County/WMO Commissioner
- Brad Davis, Planning & Resource Management
- Bruce Loney, PLSLWD Manager
- Dave Beer, County/WMO Commissioner
- Doug Schoenecker, SWCD Board Member
- Frank Bolyes, PLSLWD Manager
- Linda Brown, SWCD Board Member
- Mike Myser, PLSLWD Manager (former member)

Project Sponsor

- Lezlie Vermillion, Scott County Administrator

Technical Advisory Team

- Brad Davis, Planning & Resource Management
- Joni Giese, PLSLWD District Administrator
- Troy Kuphal, SWCD District Director
- Vanessa Strong, Scott WMO Administrator
- Jesse Carlson, Water Resources Engineer, City of Savage
- Renee Christiansen, Community Dev. Director, City of Elko New Market
- Chad Sandey, Sand Creek Township Chair
- Jim Schwingler, Rural Landowner, former SWCD Board Supervisor and WPC member

Project Management Team

- Brad Davis, Planning & Resource Management
- Joni Giese, PLSLWD District Administrator
- Troy Kuphal, SWCD District Director
- Vanessa Strong, Scott WMO Administrator



Watershed Management Study Final Report

Answered "Big Questions" from [Project Charter](#)



Baseline Conditions

- ✓ What were the outcomes of similar studies that evaluated watershed management governance and collaboration?
- ✓ What have been the stated benefits from other collaboration efforts?
- ✓ Pertaining to the SWMO, PLSLWD, and SWCD:
 - What are their statutory duties and responsibilities?
 - What are their respective priorities and what is done above and beyond the statutory requirements?
 - How are they funded and what does it cost to implement their programs, projects, and services?
 - How do they collaborate already?

Options for Improvement

- ✓ What options exist for governance structure changes and/or further collaboration?
- ✓ What are the advantages/disadvantages of options, considering things like revenue, cost, regulation, quality of service, relationships, etc.

Watershed Management Study Final Report

Project Phasing



May – July 2021

Project
Initiation

August – Nov 2021

Phase 1:
Discovery

Dec 2021 - Sept 2022

Phase II:
Improve

Watershed Management Study Final Report

Project Timeline



Apr 22.2021

Steering Committee meeting #1

Project Kick-off

Review Draft Project Charter/Study Design

Jun 10.2021

Technical Team meeting #1

Review/feedback on project charter, process/timelines, and the team's roles and responsibilities

Jun 24.2021

Steering Committee meeting #2

Review/approve final [Project Charter](#), Process/Timelines

Receive progress updates

Nov 2.2021

Technical Team meetings #2

Review/feedback on Phase I (Discovery) findings by Project Management Team (PMT)

Nov 29.2021

Steering Committee meeting #3

Receive [Phase I \(Discovery\) Report](#) findings from PMT

Direct continuation/next steps

Jan 24.2022

SCALE Services Delivery Committee

Update by PMT on project design and progress

Jun 28 & Aug.3.2022

Technical Team meeting #3

Review/feedback on Phase II (Improve) findings and recommendations by PMT

Sep 9.2022

Steering Committee meeting #4

Receive Phase II findings and recommendations by PMT

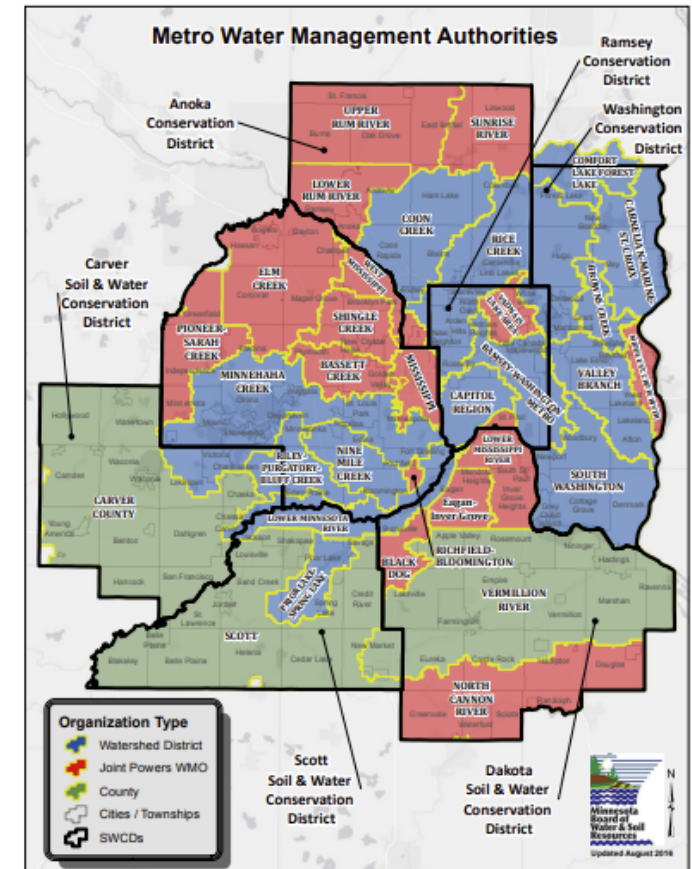
Make final recommendations

Watershed Management Study Final Report

Findings: Phase I - Baseline Conditions

1) Conclusions from similar watershed studies:

- ✓ It takes sustained political will to reduce and consolidate functioning watershed management units; consolidation involving “non-functioning” units is easier
- ✓ Economic conditions and budget constraints have often been the impetus for studying collaboration and governance changes
- ✓ BWSR and the courts have played an instrumental role in determining consolidation or governance changes.
- ✓ Some studies resulted in more informal collaboration and coordination improvements without full-scale governance changes



Watershed Management Study Final Report

Findings: Phase I - Baseline Conditions

2) Conclusions from evaluation of SWMO, PLSLWD, and SWCD

- a. Unlike previous comparable studies, there are no stressors driving this study
 - ✓ All are high performing entities, based on citizen surveys; yearly financial audits; state agency performance reviews, etc.
 - ✓ Improvement will be derived from collective desire to “do better” rather than resolve a pressing issue (poor economic conditions, budget constraints, strained relationships, poor leadership, etc.)
- b. Collaboration is already occurring to various extents
 - ✓ Significant program collaboration exists between SWMO and SWCD and PLSLWD and SWCD
 - ✓ Collaboration between the SWMO and PLSLWD is occurring in some program areas at a high level where beneficial, which can serve as a foundation to build on in the next phase
 - ✓ Scott County provides SWMO and SWCD with significant support for things like facilities, IT, HR, legal, etc.; not so for PLSLWD

Watershed Management Study Final Report

Findings: Phase I - Baseline Conditions

(continued)

- c. The SWMO and PLSLWD have similar programs, authorities, and responsibilities; however
 - ✓ Scope, degree, and cost of implementation vary widely based on local resource needs, priorities, and resident expectations as identified in the approved Watershed Management Plans, agency policies, and budgets.
 - ✓ Programs are for the most part implemented independently within their respective jurisdictions
 - ✓ There is no overlap or redundancy of implementation within the respective jurisdictions
 - ✓ While the SWCD operates countywide, it either leads or supplements program implementation; it does not duplicate
- d. Opportunities for increased efficiencies may exist
 - ✓ Are not obvious or readily apparent (devil is in the details)
 - ✓ Will require thinking outside the box
 - ✓ Begin by looking at areas of most significant cost ("low hanging fruit")
 - ✓ Streamlining permitting/regulation is one area of particular interest

Watershed Management Study Final Report

Findings: Phase I - Baseline Conditions

(continued)

- e. Revenue and expenses vary significantly
 - ✓ Budget data from 2018 – 2020 was used to evaluate revenues and expenses
 - ✓ Current spending reflects respective priorities, plans, constituent expectations
 - ✓ Contracted professional services are a significant percentage of non-staff costs. For the SWMO these contracted professional costs are for SWCD services.
 - ✓ Administration and other overhead costs are proportional based on size of the organization (i.e. staffing).
 - ✓ Funding for SWCD is diverse and complex, but uncertain leading to reliance on annual grants and voluntary service agreements with the county and other local partners/LGUs
 - ✓ Grants contribute to about 30% of revenues (significant but unstable/unreliable)

Watershed Management Study Final Report

Findings: Phase II – Options for Improvement

1) Organizational Structure Options*

- a. Four (4) governance options identified (board and boundary changes)
 - 1. County administers SWCD
 - 2. County administers single Scott WMO and SWCD
 - 3. County administers single Scott WMO
 - 4. Create new single WMO/WD separate entity
 - 5. PLSLWD changes to WMO staffed by Prior Lake
- b. Three (3) administrative options identified (no board or boundary changes)
 - 1. SWCD staffs and administers Scott WMO & PLSLWD
 - 2. County staffs and administers PLSLWD
 - 3. City of Prior Lake staffs and administers PLSLWD

*Complete descriptions of organizational structure options can be found in the [Phase II final Report](#)

Watershed Management Study Final Report

Findings: Phase II – Options for Improvement

(continued)

- c. All options evaluated against seven (7) criteria:
 - 1. Significant monetary savings (more funds allocated to projects)
 - 2. Consistency with existing plans and statutes
 - 3. Logical to the public
 - 4. Maintain/improve outcomes for constituents
 - 5. Improve/streamline permitting process
 - 6. Improve outcomes to resources
 - 7. Perception of change to historic relationships
- d. Conclusions
 - 1. None of the options would result in significant monetary savings or outcome improvement
 - 2. Agencies are already operating efficiently and effectively
 - 3. "Don't fix what isn't broken"

Watershed Management Study Final Report

Findings: Phase II – Options for Improvement

2) New/expanded Collaboration

a. Eighteen (18) ideas identified and categorized

Share Resources

- Office space
- Equipment
- Information Technology/Human Resources/
Engineering/Legal/Accounting

Expand

- Farmer Led Council
- Scott Clean Water Education Program

Create

- Elected and appointed officials training
- Shared GIS data
- Lake consortium

Improve

- Easement coordination (with PLSLWD)
- Agency liaison opportunities
- Aquatic Invasive Species (monitoring)
- Monthly or quarterly watershed meetings

Parking Lot

- Joint wetland banking program
- WCA administration (include cities)
- Watershed Center
- Countywide inspection program (ESC, BMPs)
- Countywide permitting hub
- Regional stormwater planning

Watershed Management Study Final Report

Findings: Phase II – Options for Improvement

(continued)

b. Conclusions

1. Significant collaboration already exists
2. Expanding collaboration is the more practical approach to realize goals of cost savings and efficiency improvements
3. Areas of collaboration that generated most interest
 - Streamline water permitting
 - Farmer Led Council (FLC) – expand countywide
 - Scott Clean Water Education Program (SCWEP) – expand partnership
 - Regular watershed meetings (administrators, staff)
 - Elected and appointed official training
4. Collaboration can be achieved at administrative levels with
 1. Direction and support by governing boards
 2. Commitment and accountability by staff

.

Watershed Management Study Final Report

Steering Committee Final Recommendations

- 1) Maintain current organizational structure
 - Three independent boards that closely collaborate
 - Continue administration by existing staff, with support from partners where needed/beneficial
- 2) Continue mutual commitment to identify, initiate, and expand collaboration
 - Share resources and staff expertise
 - Jointly plan and implement projects and programs that have similar aims
 - Improve communication and relationships through regular meetings, elected and appointed official training, and effective use of liaisons

Watershed Management Study Final Report

Final Steering Committee Recommendations

(continued)

3) Build in accountability

- a) Encourage Board resolutions or action accepting study recommendations and support for establishing a structure to investigate and implement collaboration opportunities
- b) Work with SCALE to re-establish a Water Committee
 - Similar to Services Committee (appointed chairs, serves Executive Committee, etc.)
 - To include local watershed agencies (expected leaders), cities, townships, other interested SCALE members
 - Appoint chair and schedule regular meetings (at least quarterly)
 - Primary charge is to identify, develop and implement opportunities for collaboration
- c) WMO, PLSLWD, and SWCD staff annually report collaboration progress to their governing Boards
 - As a component of current annual reporting done by each of the three agencies

Watershed Management Study Final Report

Links to Study Reports and Supporting Documentation

[Project Website](#)

[Project Charter \(June 15, 2021\)](#)

[Phase I Final Report \(Nov 29, 2021\)](#)

[Phase II Final Report \(Sep 7, 2022\)](#)

PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

Financial Report - Cash Basis

January 1, 2022 Through October 31, 2022

Reflects bills paid through October 31, 2022

Program Element		2022 Budget	2022 Actual Results		
			October 2022	YTD	YTD % of Budget
	General Fund (Administration)				
	Revenues				
	Property Taxes	\$ 246,200	-	128,902	52%
	Grants	-	-	-	#DIV/0!
	Interest	-	3,194	4,480	#DIV/0!
	Other	-	-	-	#DIV/0!
	Total Revenues	\$ 246,200	3,194	133,382	54%
	Expenditures				
	Administrative Salaries and Benefits	\$ 133,800	9,248	97,652	73%
	703 - Telephone, Internet & IT Support	20,000	1,110	11,897	59%
	702 - Rent	27,400	2,318	22,352	82%
	706 - Office Supplies	10,000	444	5,554	56%
	709 - Insurance and Bonds	12,800	-	13,524	106%
	670 - Accounting	27,000	2,030	23,677	88%
	671 - Audit	7,700	-	8,500	110%
	903 - Fees, Dues, and Subscriptions	1,500	55	325	22%
	660 - Legal (not for projects)	6,000	179	1,314	22%
	General Fund (Administration) Expenditures	\$ 246,200	15,383	184,794	75%
	Net Change in General Fund	-	(12,189)	(51,412)	

PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

2022 Budget

January 1, 2022 Through October 31, 2022

Reflects bills paid through October 31, 2022

			Reflects bills paid through October 31, 2022		
Program Element			2022 Actual Results		
		2022 Budget	October 2022	YTD	YTD % of Budget
	Implementation Fund				
	Revenues				
	Property Taxes	\$ 1,602,735	-	839,138	52%
	Grants/Fees	105,000	3,957	69,984	67%
	Interest	-	-	4,891	#DIV/0!
	Sales/Other	-	-	500	#DIV/0!
	Budget Reserves	252,700	-	-	0%
	Total Revenues	\$ 1,960,435	3,957	914,513	47%
	Expenditures				
	Program Salaries and Benefits (not JPA/MOA)	\$ 461,700	47,006	329,675	71%
Water Qual	550 Public Infrastructure Partnership Projects	\$ 6,750	-	-	0%
Water Qual	611 Farmer-led Council	61,000	-	23,998	39%
Water Qual	611 Cost-Share Incentives	58,000	-	14,443	25%
Water Qual	611 Highway 13 Wetland, FeCl system & Desilt, O&M	65,000	110	6,065	9%
Water Qual	611 Fish Management, Rough Fish Removal	88,000	17,968	65,072	74%
Water Qual	611 Spring Lake Demonstration Project Maintenance	1,050	-	504	48%
Water Qual	611 Alum Internal Loading Reserve	230,000	-	-	0%
Water Qual	611 Upper Prior Lake Phase II Sediment Monitoring	20,000	-	-	0%
Water Qual	637 District Monitoring Program	109,000	21,987	43,398	40%
Water Qual	626 Planning and Program Development	20,000	1,956	12,245	61%
Water Qual	626 Engineering not for programs	15,000	2,604	12,177	81%
Water Qual	626 Debt Issuance Planning	10,000	-	-	0%
Water Qual	648 Permitting and Compliance	27,000	3,076	27,877	103%
Water Qual	648 Update MOAs with cities & county	10,000	-	-	0%
Water Qual	648 BMP and easement inventory & inspections	12,000	-	517	4%
Water Qual	626 Upper Watershed Blueprint	443,035	1,968	41,441	9%
Water Qual	752 Fish Lake Shoreline Restoration Project Maintenance	-	-	3,458	#DIV/0!
Water Qual	611 Fish Stocking	3,000	-	3,505	117%
	WQ TOTAL	\$ 1,178,835	49,669	254,700	22%
Water Storage	550 District-wide Hydraulic & Hydrologic model	\$ 5,000	-	-	0%
Water Storage	550 S&I Sutton Lake Outlet Structure Project	125,400	-	3,296	3%
	WS TOTAL	\$ 130,400	-	3,296	3%
AIS	611 Aquatic Vegetation Mgmt	\$ 7,000	-	3,174	45%
AIS	637 Automated Vegetation Monitoring (BioBase)	5,000	-	131	3%
AIS	637 Aquatic Vegetation Surveys	18,000	1,400	11,700	65%
AIS	637 Boat inspections on Spring, Upper & Lower Prior	30,000	-	8,252	28%
	AIS TOTAL	60,000	1,400	23,257	39%
Ed & Out	652 Education and Outreach Program	\$ 10,000	-	1,497	15%
	E&O TOTAL	\$ 10,000	\$ -	\$ 1,497	15%
	PLOC Contribution	\$ 19,500	-	19,148	98%
	Debt Payment Reserve	100,000	-	-	0%
	Total Implementation Fund	\$ 1,960,435	98,075	631,572	32%
	Net Change in Fund Balance Implementation Fund	-	(94,118)	282,941	
	Grant Funds/Fees Anticipated				
Water Qual	611 Farmer-led Council (BWSR Grant)	\$ 10,000			
	648 New Easement Acquisition Fees	5,000			
Water Qual	648 BMP and easement violations fees	500			
	626 Upper Watershed Blueprint (BWSR WBIF Grant)	19,800			
	550 S&I Sutton Lake Outlet (DNR Flood Hazard Grant)	62,700			
AIS	611 Aquatic Vegetation Mgmt. (Scott County)	7,000			
	Total Grant Funds/Fees Anticipated	\$ 105,000			

PLSLWD Monthly Treasurers Report

Treasurer: Christian Morkeberg

Account balances as of 10/31/2022

Old National Bank (Checking Account)	\$	13,980
Sterling Bank (Checking Account)	\$	20,000
4M Fund (Checking Account)	\$	1,061,855
4M Plus Account	\$	1,172,957
Total Uncleared Transactions	\$	-
SUBTOTAL	\$	2,268,792

RESTRICTED/COMMITTED FUNDS

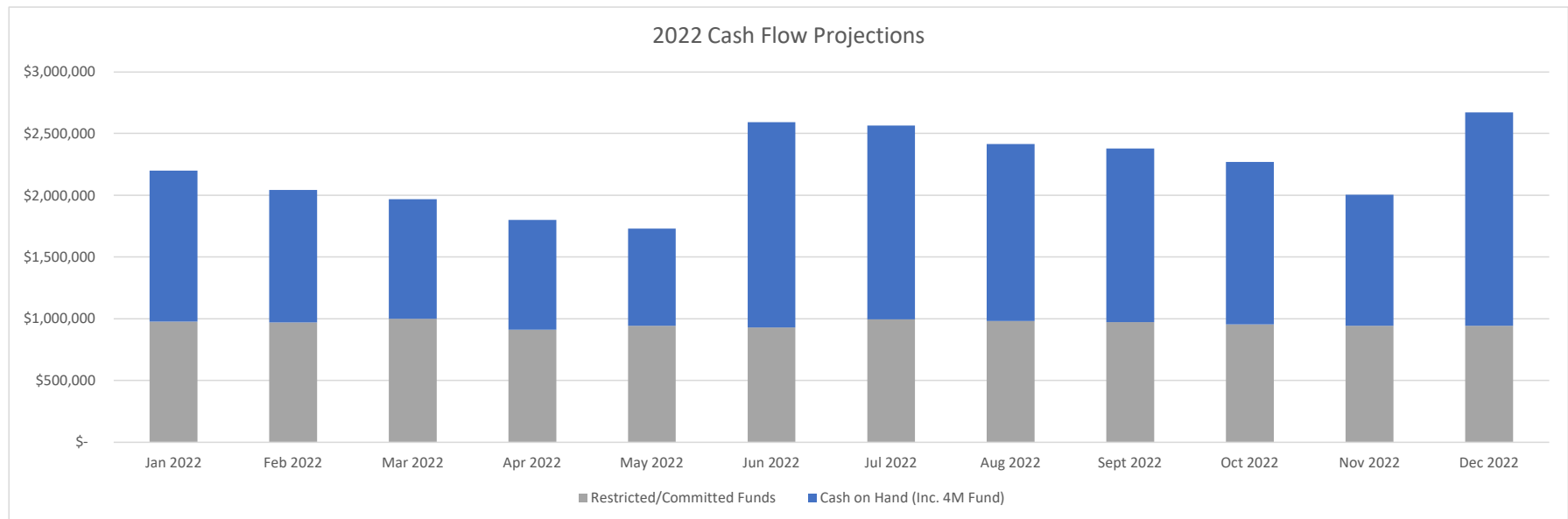
Restricted - Permit Deposits, etc.	\$	127,001
Restricted - PLOC Contingency Reserve (850)	\$	261,022
Restricted - PLOC O&M Funds (830)	\$	145,832
Committed - Alum Internal Loading Reserve	\$	230,000
Committed - Upper Watershed Blueprint Fund Balance	\$	190,000
TOTAL DISTRICT/PLOC RESTRICTED OBLIGATIONS	\$	953,855

Available cash at end of October 2022	\$	1,314,937
--	-----------	------------------

57.2% of 2022 Budget

Cash Flow Chart

Month (End of Month)	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Jul 2022	Aug 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022
Cash on Hand (Inc. 4M Fund)	\$1,223,157	\$1,072,763	\$ 966,996	\$ 887,945	\$ 786,363	\$1,661,896	\$1,569,025	\$1,433,119	\$1,405,927	\$1,314,937	\$1,061,379	\$1,728,578
Restricted/Committed Funds	\$ 977,195	\$ 970,484	\$1,000,461	\$ 912,165	\$ 942,723	\$ 929,501	\$ 995,586	\$ 982,158	\$ 973,049	\$ 953,855	\$ 942,723	\$ 942,723
Total Cash on Hand	\$2,200,352	\$2,043,247	\$1,967,457	\$1,800,110	\$ 1,729,086	\$2,591,397	\$2,564,611	\$2,415,277	\$2,378,976	\$2,268,792	\$2,004,102	\$2,671,301



PLSL Watershed District

Starting cash on hand

Cash Minimum Balance Alert \$ 150,000

	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Jul 2022	Aug 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Total
Cash on hand (beginning of month)	\$ 2,288,043	\$ 2,200,352	\$ 2,043,247	\$ 1,967,457	\$ 1,800,110	\$ 1,729,086	\$ 2,591,397	\$ 2,564,611	\$ 2,415,277	\$ 2,378,976	\$ 2,268,792	\$ 2,004,102	

Cash Receipts

Property Tax Levy	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 968,039	\$ -	\$ -	\$ -	\$ -	\$ 750	\$ 868,999	\$ 1,837,788
BWSR WBIIF - Lower MN River	-	-	15,830	-	-	-	-	-	-	3,957	-	-	19,787
BWSR BWF Metro Grant	-	-	-	-	-	-	-	-	-	-	18,500	-	18,500
DNR Flood Hazard Mitigation Grant	-	-	-	-	-	-	-	-	43,999	-	-	-	43,999
Grants - Other	-	-	-	-	-	-	2,664	-	-	-	16,904	-	19,568
PLOC Contributions	-	-	-	-	69,993	-	28,410	-	-	-	-	-	98,403
Interest Income	6	6	7	10	118	450	1,770	2,466	2,931	3,194	2,400	2,400	15,758
Other Receipts	-	-	-	-	500	3,534	24,237	(24,237)	-	-	-	-	4,034
Total Cash Receipts	\$ 6	\$ 6	\$ 15,837	\$ 10	\$ 70,611	\$ 972,023	\$ 57,081	\$ (21,771)	\$ 46,930	\$ 7,151	\$ 38,554	\$ 871,399	\$ 2,057,837
Total Cash Available	\$ 2,288,049	\$ 2,200,358	\$ 2,059,084	\$ 1,967,467	\$ 1,870,721	\$ 2,701,109	\$ 2,648,478	\$ 2,542,840	\$ 2,462,207	\$ 2,386,127	\$ 2,307,346	\$ 2,875,501	

Cash Paid Out

Salaries and Per Diems	\$ 41,794	\$ 37,100	\$ 55,501	\$ 42,212	\$ 51,016	\$ 39,133	\$ 38,518	\$ 58,271	\$ 42,225	\$ 33,977	\$ 49,625	\$ 49,625	\$ 538,997
Office Expense, Audit, Accounting	3,423	5,751	8,095	9,738	19,199	11,743	15,967	8,024	9,727	6,069	9,367	9,367	116,469
PLSLWSD Program Costs	40,586	107,548	16,022	27,111	13,770	40,997	20,957	50,440	26,212	58,095	94,103	94,103	589,944
PLOC Contribution	-	-	-	-	19,148	-	-	-	-	-	-	-	19,148
PLOC Operations	1,894	6,712	12,009	88,296	38,502	17,839	8,425	10,828	5,067	19,194	150,150	51,105	410,021
Debt Service	-	-	-	-	-	-	-	-	-	-	-	-	-
Subtotal	\$ 87,697	\$ 157,111	\$ 91,627	\$ 167,357	\$ 141,635	\$ 109,712	\$ 83,867	\$ 127,563	\$ 83,231	\$ 117,335	\$ 303,244	\$ 204,199	
Cash on Hand (end of month)	\$ 2,200,352	\$ 2,043,247	\$ 1,967,457	\$ 1,800,110	\$ 1,729,086	\$ 2,591,397	\$ 2,564,611	\$ 2,415,277	\$ 2,378,976	\$ 2,268,792	\$ 2,004,102	\$ 2,671,301	



PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

WORKSHOP MEETING MINUTES

Tuesday, October 11, 2022

Prior Lake City Hall

4:00 PM

Members Present:

Bruce Loney, Frank Boyles, Christian Morkeberg, Matt Tofanelli, Ben Burnett

Staff & Consultants Present:

Joni Giese, District Administrator
Patty Dronen, Administrative Assistant
Elizabeth Frödén, Water Resources Specialist
Carl Almer, District Engineer, EOR

Others Present:

Corey Boyer, 4M Fund
Jason Naber, EOR Biologist
Lisa Quinn, Spring Lake Township
Jim Fitzsimmons, SWCD

The meeting was called to order at 4:00 PM.

PLSLWD Fund Investment Approach

Corey Boyer with the 4M Fund presented options for investing District funds comprised of restricted cash reserves or funds for planned programs and projects that will not be expended immediately such as alum treatments and capital projects, and therefore, could be invested in the short term. District investments must comply with Minnesota State Statute 118A pertaining to the investment of public funds.

Fixed Rate options include:

- US Treasuries/Agencies which provide a risk-free rate
 - Up to \$250,000 can be invested and are protected by FDIC insurance
- Time Deposits (CDs/Bank Products)
 - Collateralization requirements need to be met
- Municipal Bonds (this would be a longer-term option)
 - Subject to credit quality restrictions

Administrator Giese performed a cash flow analysis through 2023 that was also reviewed by the District's accountant and thought \$1,200,000 could be invested until the funds are needed for planned District programs and projects. This amount would still leave at a minimum fund balance equivalent to 6 months of operating activity available to the District.

As of October 11, various investment options ranged from 3.9% return on 6-month CD to 4.25% on a 15-month agency security. Boyer recommended structuring investments using a “laddered” approach where a variety of securities are purchased with staggered maturity dates. This approach allows for occasional access to a portion of the funds if cash is needed sooner than originally anticipated.

While a vote was not needed to approve investing in one of the above options, the board agreed that voting would be prudent. A motion was made by Manager Boyles to approve the investment of \$1,200,000 using the approach recommended by the 4M Fund representative. A second was made by Manager Burnett. The motion passed 5-0. All ayes.

Buck Wetland Feasibility Study

District Engineer Carl Almer provided a status update on the study. The study area encompasses two wetlands (“East” and “West”). Four draft concept scenarios were developed and all focused on the “west” wetland, ensuring no water level rise on the “east” wetland. The four concept scenarios present a variety of benefits that could be achieved including environmental benefits, phosphorus reduction, and flood storage that are briefly summarized below:

1. Wetland enhancement
 - a. Benefit – restored wetland hydrology, habitat enhancement, and 70-125 pounds of phosphorous reduction
 - b. Estimated engineering and construction cost - \$75,000
 - c. Impacts approximately 3 private parcels
2. Water quality
 - a. Benefit – includes same environmental benefits as first option with 170-300 pounds of phosphorous reduction
 - b. Estimated engineering and construction cost - \$530,000
 - c. Impacts approximately 10 private parcels
3. Flood reduction
 - a. Benefit – includes same environmental benefits as first option with a 0.13-foot flood reduction on Prior Lake
 - b. Estimated engineering and construction cost - \$185,000
 - c. Impacts approximately 10 private parcels
4. Hybrid of scenarios
 - a. Benefit – includes same environmental benefits as first option with 170-300 pounds of phosphorous reduction and 0.13-foot flood reduction on Prior Lake
 - b. Estimated engineering and construction cost - \$650,000
 - c. Impacts approximately 10 private parcels

Next steps:

- Host a second landowner meeting scheduled for November 1, 2022
- Prepare a draft feasibility study report
- Request DNR review and comment on the draft feasibility report
- Bring final report back to Board of Managers for approval

For the landowner meeting Manager Morkeberg requested the information be presented in a manner that people without stormwater engineering background can easily understand.

Manager Burnett suggested the project be presented in context of all projects currently being considered by the District to demonstrate this is one project of many needed to meet the larger

flood mitigation and water quality goals of the District. It was stated the presentation needs to convey what this means on the individual landowners' property.

Sutton Lake Management Plan Update

Jason Naber, EOR Biologist, presented information about the Sutton Lake Management Plan. Landowners around Sutton Lake would like more open water, less cattails, improved wildlife habitat and to limit flooding. Current conditions indicate that invasive cattails have taken over an existing floating sedge mat.

The permit issued by the DNR to install the Sutton Lake outlet did not include utilization of a drawdown feature that was designed into the outlet. At the time of outlet construction, it was staff's understanding that a lake management plan was needed to perform a drawdown. Based on additional consultation with the DNR, it was learned that drawdowns are only allowed for the purpose of improving the environmental health of the lake and that a lake management plan cannot be used to establish a pre-approval for when drawdowns could occur. Any future drawdown would require permission provided by 75% of landowners along the lake, a public hearing, and a DNR permit amendment.

The DNR is requesting that headway be made on invasive cattail removal on the lake before a drawdown will be considered. Given the cattails are located on a floating mat in the lake, the DNR is uncertain whether cutting and flooding of the cattails is a viable removal approach, given the assumed buoyancy of the floating cattail mat. Cattails removal will likely require either chemical treatment or mechanical removal.

- Mechanical removal – estimated cost of a 10-acre area, \$220,000
- Drone-applied chemical treatment – estimated cost of a 10-acre area, \$4,000
- Mowing/burning could supplement the chemical treatment.

Manager Loney inquired if a natural drawdown of the lake this and last year could provide some insight on how the cattail mat responds to low water.

EOR requested a contract amendment to cover additional work tasks and meetings that have occurred over the course of developing the lake management plan. Vote on contract amendment is included in the board meeting.

Flood Mitigation

Manager Loney, District Administrator Giese and Carl Almer discussed setting aside \$100,000 to perform up to three flood mitigation studies. Almer believes there are approximately 10 potential flood mitigation projects that could be considered. Almer will work with Giese to evaluate the potential projects and bring the evaluation to the managers to help refine down the list of projects that will be the focus of a feasibility study. The potential project list and evaluation criteria will be brought forward and discussed with the CAC.

MAWD Membership

The District is not currently a member of MAWD. Administrator Giese mentioned that by not attending MAWD meetings our District may not be aware of current issues and topics that could benefit the District. The MAWD representative who attended the September workshop indicated that staff and managers can attend MAWD meetings without being members and can attend the yearly conference for a slightly higher registration fee. Giese suggested that she and a manager

liaison attend MAWD meetings for the next six months to a year to determine how MAWD is moving forward with their draft strategic plan and the potential value of membership. All managers agreed with this approach.

District Staffing

The District has hired a project manager, Emily Dick, who will start with the District on November 7. Paul Nelson has also been hired as a part time project manager focused on special projects. His first assigned task is to assist with completing the rules update process and re-establishing rule equivalency memorandums of agreement (MOA) with regulatory governmental units within the District that are interested in establishing a MOA.

Meeting adjourned at 5:58pm

Respectfully submitted

Patty Dronen



PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

REGULAR MEETING MINUTES

Tuesday, October 11, 2022

Prior Lake City Hall

6:00 PM

Members Present: Bruce Loney, Christian Morkeberg, Frank Boyles, Matt Tofanelli, Ben Burnett

Staff & Consultants Present: Joni Giese, District Administrator
Jeff Anderson, Water Resources Coordinator
Carl Almer, EOR, District Engineer
Shauna Capron, Water Resources Technician

Others Present: Lisa Quinn, Patrick Doherty

• 1.0 CALL TO ORDER & PLEDGE OF ALLEGIANCE:

Meeting was called to order by President Loney at 6:05 pm. Five of Five managers present. All present recited the Pledge of Allegiance.

• 2.0 PUBLIC COMMENT

Patrick Dougherty – 14150 Woodchuck Trail, Prior Lake

- Mr. Dougherty expressed his unhappiness with Watershed District regarding consistency and accuracy of easement marking and enforcement. Mr. Dougherty was informed of a mowing violation from June in October and believes notifications should not be that delayed. After his questioning the violation with District staff, staff came back, reviewed the easement again, and determined that there was no violation. Mr. Dougherty wants to make sure errant notices of easement violations will not come back in the future and requested more timely interactions with the Watershed District.
- Administrator Giese and the board responded that the District will work on improving our processes in the future.

• 3.0 APPROVAL OF AGENDA

- Added liaison updates as agenda item 4.3.
- Manager Boyles moved to approve the agenda as amended, seconded by Manager Burnett, Passed 5-0.

• 4.0 OTHER OLD/NEW BUSINESS

4.1 Programs & Projects Update

- Lake levels continue to be down this summer. Precipitation levels for the year now

classified as “Severe Drought.”

- Staff provided a report of its many activities the preceding month, and some upcoming events, and public meetings.
- Staff will present at the Water Resources Conference in St. Paul.

4.2 Ferric Chloride Treatment Approach & Effectiveness

- Jeff Anderson gave a summary of the past and current effectiveness of the ferric chloride treatment facility and costs per lb. of removed phosphorous. It is a very effective solution and ends up being relatively low cost.

4.3 Liaison Updates

- Manager Tofanelli – CAC: Focus topics include flood storage, research of potential grants that could fund agricultural activities that support water resources, review of water regulations of comparable communities, I-LIDS, and phosphorus reduction alternatives to Alum treatments.
- Manager Loney – PLOC: refined format of financial statements, approved work plan and budget for 2023, broached the topic of investigating increased flows in the PLOC channel and hesitancy was expressed by other cooperators. Consultation and approval would also be needed from the DNR.
- Manager Burnett – LMRWD: Discussed potential implications for District associated with *City of Circle Pine v. Anoka County* decision by Minnesota Supreme Court. Scott County Board of Commissioners: Focus was on finalizing levy.
- Manager Boyles – SCALE Meetings: Focus of last meeting was commercial and industrial land uses. Next meeting to focus on staff shortages at school districts. City of Prior Lake: Considered preliminary plat for redevelopment of property immediately east of City Hall. Stormwater management will be a challenge on the site and it might be good to learn more about the project as it advances.

• 5.0 TREASURER’S REPORT

Treasurer Morkeberg summarized the current financial status including:

5.1 Monthly Financial Reports

- Financial Report
- Treasurers Report
- Cash Flow Projections

5.2 Quarterly Financial Reports

- Balance Sheet
- Cost Analysis

Operation expenses are currently below budget.

• 6.0 CONSENT AGENDA

- 6.1 Meeting Minutes – September 13, 2022, Board Workshop
- 6.2 Meeting Minutes – September 13, 2022, Board Meeting
- 6.3 Meeting Minutes – July 28, 2022, CAC Meeting
- 6.4 Claims List & Visa Expenditures Summary
- 6.5 EOR Scope of Services Amendment: Sutton Lake Management Plan

Motion to approve Consent Agenda by Manager Boyles, second by Manager Tofanelli.

Motion carried. 5 ayes (0 against)

- **7.0 UPCOMING MEETING/EVENT SCHEDULE:**

- Board of Managers Workshop, Tuesday, November 15, 2022, 4:00 pm (Prior Lake City Hall – Parkview Conference Room)
- Board of Managers Meeting, Tuesday, November 15, 2022, 6:00 pm (Prior Lake City Hall – Council Chambers)
- CAC Meeting, Thursday, October 27, 2022, 6:00 – 8:00 pm (Prior Lake City Hall – Wagon Bridge Conference Room)

- **8.0 ADJOURNMENT**

- **Motion to approve amended agenda by Manager Boyles, second by Manager Burnett. Motion carried. 5 ayes (0 against). Meeting adjourned at 7:03 pm**

Respectfully Submitted,
Ben Burnett, PLSLWD Secretary, 11/3/22



CAC Meeting Minutes

Thursday September 29, 2022
7:30-8:00 PM

Attendees:

CAC Members: 4 of 8 members present = 50% ($\geq 50\%$)

<input checked="" type="checkbox"/> Christopher Crowhurst (Chair)	<input type="checkbox"/> Woody Spitzmueller
<input checked="" type="checkbox"/> Matt Newman	<input type="checkbox"/> Loren Hanson (Vice Chair)
<input checked="" type="checkbox"/> Maureen Reeder	<input type="checkbox"/> David Hagen (secretary)
<input type="checkbox"/> Ron Hoffmeyer	<input checked="" type="checkbox"/> Curtis Witt

Staff: Elizabeth Frödén & Joni Giese
 Board members: Matt Tofanelli (CAC rep)
 Other attendees: Lisa Quinn (Spring Lake Township)

Pre-meeting Subcommittee workshops and report backs: 6:00 pm to 7:30 pm

CAC Subcommittee Reports

- Shoreline Restoration (*David (absent), Loren (absent), Ron (absent)*)
 - No members present at meeting
- Lake life and water quality, AIS, Fish Stocking (Curtis, Matt N.)
 - Looking at plant harvesting for phosphorous removal (submergent and emergent vegetation)
 - Potentially cost-effective
 - Value of I-LIDS
 - Could be beneficial to reposition it to capture more exiting boats
 - Discussed motivations for changing behaviors (tickets/enforcement, education/awareness)
- Storage and Flooding (Maureen, Christopher, *Woody (absent)*)
 - Flood study funding included in 2023 preliminary budget
 - Next steps for forest preservation incentives and funding: talk to Troy at Scott SWCD for input; consider bringing to Farmer-Led Council for feedback and input
 - Maureen looking into additional grant opportunities that District could apply for and direct towards alternate farming practice incentives
 - Woody researched regulations at neighboring watershed districts
 - Not present to report back, but other committee members indicated that he did not have any recommendations to bring forward

Welcome & Introductions (7:30 pm) – Chair: Christopher Crowhurst

Approval of the September Agenda as Amended

- Joni requested amendment to include approval of July meeting minutes in the CAC business items
- Motioned to approve as amended made by Matt; 2nd: Maureen; Passed

July Meeting Minutes Approval (emailed)

- Motioned to approve made by Maureen; 2nd: Curtis; Passed

CAC Business

- 2023 Budget
 - CAC requested inclusion of funds for flood studies and additional intern hours to allocate some of their time for CAC work
 - Funds have been included in preliminary budget
 - I-LIDS is in the budget to continue in 2023
 - Matt Newman proposed putting forth a request to the board to conduct a feasibility study on annual/seasonal harvesting of both submerged aquatic vegetation and decaying emergent vegetation for water quality control through permanent removal of phosphorus embedded within removed plants
 - No longer possible to include in 2023 budgeting process, as preliminary budget has been approved by the board
 - Keep in mind for 2024 budget or look for a way to include in 2023 by reallocating funds (no budget increase possible at this time)
- Farmer's Market Follow-Up
 - Some CAC members, managers, and staff ran a booth at a Thursday evening farmer's market in August
 - 20 to 30 people stopped by the booth; may be more productive to do a Saturday morning booth instead or return to Chamber Fest
 - To be discussed for next year
- Review of board meetings (August and September) – Matt Tofanelli
 - August meeting
 - 2023 budget was discussed at length in workshop, including CAC request
 - Employee benefits policy discussed
 - September meeting
 - Presentation from Minnesota Association of Watershed Districts (MAWD); not currently members
 - They serve as a lobbying and educational entity, but there are concerns from board that MAWD is too understaffed to provide all services indicated in the organization's draft strategic plan
 - Preliminary budget for 2023 was a main focus
 - Included amendments on flood storage
 - Discussed boat ramp improvements on Prior Lake; Prior Lake Association and Spring Lake Association worked with DNR on the issue
 - Potential increase in PLOC flows as a flood mitigation approach – acknowledgement there are a number of challenges associated with this potential approach
 - HR and staffing issues discussed
- Volunteer for October Board meeting
 - No one present at meeting is available; Christopher will email the rest of the CAC to ask for a volunteer
 - Discussion about whether it is redundant to have a board liaison attend CAC meetings as well as a CAC member present and taking notes at board meetings
 - Discussion to resume at next CAC meeting; proceeding with CAC attendance in October for now

Staff Project Updates – Joni and Elizabeth

- Buck Wetland Enhancement project update
 - Conducted and analyzed soil borings
 - Aiming to have landowner meeting in October or November
- Watershed-Based Implementation Fund (WBIF)
 - Originally going to use funding for County Ditch 13 Chemical Treatment feasibility study; going to pivot to using it for the Swamp Lake IESF study instead
 - Also using funding for a Fish Lake Management Plan update
- Applied for Clean Water Fund (CWF) Grant through BWSR
 - Innovative carp management strategies to adjust to changes in carp population and behavior
- Carp program update
 - Updating population estimates through surveys
 - Implanting 7 radio-tags in both Spring and Upper Prior Lakes this year to keep track of movement
 - Did trap-netting in a few smaller water bodies to check for young of year carp

Other Topics and Announcements for Next Meeting

- Plant harvesting as a strategy for phosphorus removal
- CAC member attendance at future board meetings

Adjourn

- Motioned to adjourn made by Matt Newman; Second: Curtis; Passed

Upcoming Meetings:

- | | |
|---|------------------------|
| • Board Meeting: Tuesday, October 11th | 6:00 pm (workshop 4-6) |
| • CAC Meeting: Thursday, October 27 th | 6:30 – 8:00 PM |
| ○ Subcommittee Meeting: | 6:00 – 6:30 PM |

Upcoming Educational Seminars

- Thursday, October 27: Pete Young with City of Prior Lake
- Date to be determined: Minnesota DNR

Prior Lake Spring Lake Watershed District
Claims list for Invoice Payments due for the prior month

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 Sterling State Bank) to the claims list parties. Staff will request that all vendors provide information on their invoices to fit into the categories below

Vendor	Invoice Link	Description	Amount
1. Watershed District Projects (excluding staff payroll)			
RMB	X	Lake Monitoring	\$ 200.38
Waterfront Restorations	X	Watercraft inspections - Sept 1- October 4	\$ 1,408.20
Ben Burnett	X	Electricity from Ben's home	\$ 32.94
Xcel Energy	X	Utilities - 18051 Langford Blvd	\$16.05
WSB	X	Common Carp Management	\$5,821.50
EOR	X	FeCl Site and Desilt Pond Monitoring	\$186.00
		General Engineering	\$1,089.50
		Upper Watershed Blueprint	\$5,854.33
		Buck Lake East Wetland Enhancement Feasibility	\$4,027.25
		Sutton Lake Management Plan	\$2,794.25
		BWSR FY 22-23 WBIF Work Plans	\$5,267.00
		Permitting	\$1,767.00
Scott SWCD	X	Technical Assistance and Cost Share	\$25,342.20
		Farmer Led Council	\$3,766.40
		Monitoring	\$98.00
		Education	\$847.00
Scott County Abstract & Title	X	Owners and Encumbrance Report	\$200.00
		Subtotal	\$ 58,718.00
2. Outlet Channel - JPA/MOA (excluding staff payroll)			
EOR		Segment 4	\$ 279.00
		Segment 6	\$ 93.00
		PLOC Seg 1, 4 & 5A Bank Repair	\$ 13.70
		PLOC Seg 1, 4 & 5A Bank Repair	\$ 90.76
		PLOC Seg 1, 4 & 5A Bank Repair	\$ 66.79
		2022 PLOC Vegetation Maintenance	\$ 364.50
		2022 PLOC Vegetation Stability Inspections	\$ 1,184.00
Minneosta Dirt Works Inc.	X	Pay Request 1 - 2022 Bank Stabilization Seg 1	\$ 11,100.35
		Pay Request 1 - 2022 Bank Stabilization Seg 4	\$ 73,539.82
		Pay Request 1 - 2022 Bank Stabilization Seg 5	\$ 54,114.20
RES Great Lakes, LLC		Vegetation Maintenance	\$ 3,339.00
Natural Shore Technologies, Inc.	X	Vegetation Maintenance	\$ 525.00
		Subtotal	\$ 144,710.12
3. Payroll, Office and Overhead			
ADP Manager Per Diems			\$ 346.73
ADP Staff Payroll			\$ 16,889.45
ADP Taxes & Benefits			\$ 10,973.22
Fidelity Investments	X	HSA Contribution - Capron	\$ 165.38
NCPERS	X	Life Insurance Premiums - November	\$ 80.00
Reliance Standard	X	November LTD and STD Premiums	\$ 676.67
HealthPartners	X	Health Insurance Premiums	\$ 4,521.37
City of Prior Lake	X	Rent (December 2022)	\$ 2,317.50
CLA	X	Monthly accounting	\$ 1,340.00
		Monthly payroll	\$ 260.00
		Payroll transition time	\$ 450.00
		Technology and Client Support fee	\$ 151.50
		September/October Bill.com fees	\$ 135.00
		Oct. 25th Payroll processing	\$ 330.00
		ADP Transition fee	\$ 650.00
Rymark	X	November Billing	\$ 950.00
Metro Sales	X	September - December contract base rate	\$ 36.00
	X	Contract lease charge	\$ 155.00
Innovative Office	X	Nameplate - Office	\$ 29.68
Innovative Office	X	Nameplates - Board meetings	\$ 59.36
SW NewsMedia	X	Legal Notice	\$ 115.36
VISA	X	September - October Billing	\$ 1,055.64
		Subtotal	\$ 41,687.86
		TOTAL	\$ 245,115.98

Prior Lake-Spring Lake Watershed District
VISA Transactions 9/25/2022-10/24/2022

Trans Date	Merchant Name	Amount	Receipt Link	Staff Approval	Class	Customer	Expense	Description
9/25/2022	INF*GOODHIRE.COM	\$ 19.99	x	Patty Dronen	405 General Fund		903 Dues/Fees/Subscriptions	Background check - Emily
9/25/2022	AMAZON.COM*1U22C8501 AMZN	\$ 15.59	x	Patty Dronen	405 General Fund		706 Office Supplies	Planner - Joni
9/27/2022	INF*GOODHIRE.COM	\$ 5.00	x	Patty Dronen	405 General Fund		903 Dues/Fees/Subscriptions	Background check - Emily
9/27/2022	IRONCLAD STORAGE	\$ 199.00	x	Jeff Anderson	611 Operations & Maintenance	Fish Mgmt - Equipment, Storage & Maintenance	876 Field Equipment & Maintenance	Storage Unit rent
9/28/2022	ADOBE CREATIVE CLOUD	\$ 110.54	x	Patty Dronen	626 Planning	Planning and Program Development	903 Dues/Fees/Subscriptions	Software
9/29/2022	VISTAPRINT	\$ 28.17	x	Patty Dronen	405 General Fund		706 Office Supplies	Business Cards - Emily
9/29/2022	COSTCO WHSE #1087	\$ 36.58	x	Patty Dronen	405 General Fund		706 Office Supplies	Staff used wrong card - will reimb PLSLWD
9/29/2022	USPS PO 2676300882	\$ 120.00	x	Patty Dronen	626 Planning	Planning and Program Development	701 Postage	Stamps
9/30/2022	MICROSOFT#G014319703	\$ 4.99	x	Joni Giese	626 Planning	Planning and Program Development	903 Dues/Fees/Subscriptions	Adobe Azure
10/4/2022	GROUPGREETING	\$ 5.36	x	Patty Dronen	405 General Fund		710 Office Expense Other	Greeting Card
10/4/2022	HOLIDAY STATIONS 0198	\$ 79.87	x	Elizabeth Froden	611 Operations & Maintenance	Fish Mgmt - Equipment, Storage & Maintenance	801 Gas, Mileage	Gas for truck
10/6/2022	INF*GOODHIRE.COM	\$ (5.00)	x	Patty Dronen	405 General Fund		903 Dues/Fees/Subscriptions	Refund for double charge
10/9/2022	SHELL OIL10015333015	\$ 6.97	x	Elizabeth Froden	637 Monitoring & Research	Equipment Storage & Maintenance	876 Field Equipment & Maintenance	Car wash for truck
10/9/2022	GROUPGREETING	\$ 5.36	x	Patty Dronen	405 General Fund		710 Office Expense Other	Greeting Card
10/9/2022	AMAZON.COM*1K0J05T91 AMZN	\$ 26.75	x	Patty Dronen	405 General Fund		706 Office Supplies	Binder labels
10/12/2022	WALGREENS #4879	\$ 5.36	x	Patty Dronen	405 General Fund		710 Office Expense Other	Get Well Card
10/12/2022	CARLSON HDWE CO	\$ 46.12	x	Patty Dronen	652 Education & Outreach	Events/Tours	806 Program Costs-Miscellaneous	Stenciling paint
10/12/2022	PRIOR LAKE HDWE	\$ 72.93	x	Patty Dronen	652 Education & Outreach	Events/Tours	806 Program Costs-Miscellaneous	Stenciling paint and wire brushes
10/14/2022	AMAZON 1K5AF5SX2	\$ 159.96	x	Patty Dronen	405 General Fund		706 Office Supplies	Copy paper
10/13/2022	COSTCO WHSE #1087	\$ (19.99)		Patty Dronen	405 General Fund		706 Office Supplies	Refund - used wrong card initially
10/13/2022	JIMMY JOHNS - 1206 - ECOM	\$ 79.33	x	Patty Dronen	626 Planning	Planning and Program Development	902 Meals and Lodging	Dinner for Board Meeting
10/19/2022	MICROSOFT	\$ 4.83	x	Patty Dronen	626 Planning	Planning and Program Development	903 Dues/Fees/Subscriptions	Software
10/23/2022	AMAZON	\$ 39.98	x	Patty Dronen	405 General Fund		706 Office Supplies	Computer Mouse (2)
10/23/2022	AMAZON	\$ 7.95	x	Patty Dronen	405 General Fund		706 Office Supplies	Staple removers
	TOTAL	\$ 1,055.64						



Subject	2023 Professional Accounting Services Selection	
Board Meeting Date	November 15, 2022	Item No: 6.5
Prepared By	Joni Giese, District Administrator	
Attachments	None	
Proposed Action	Motion and vote to authorize staff to enter contract negotiations with CLA for 2023 accounting services.	

Background

Minnesota Statute §103B.227, Subdivision 5 states, “A watershed management organization shall at least every two years solicit interest proposals for legal, professional, or technical consultant services before retaining the services of an attorney or consultant or extending an annual services agreement.”

The District typically solicits interest proposals for legal, accounting, audit and District engineer services during odd numbered years. Solicitations for legal, audit and District engineer were issued in fall 2021 for 2022 – 2023.

The sequence for accounting services was shifted when a new accountant, CLA, was retained in December 2020 for services to be provided in 2021 – 2022.

Discussion

In September 2022, the Board of Managers approved staff’s recommendation to shift accounting service solicitation sequence to align with other professional services, and therefore, to perform a solicitation that will only cover services to be provided in 2023.

A solicitation was issued, and two letters of interest were received with each firm highlighting unique strengths. Staff reviewed the letters of interest and recommend selection of CLA to provide 2023 accounting services to PLSLWD.

Recommendation

Motion and vote to authorize staff to enter contract negotiations with CLA for 2023 accounting services.

**Subject |** Edina Realty Contract**Board Meeting Date |** November 15, 2022**Item No:** 6.6**Prepared By |** Joni Giese, District Administrator**Attachments |** Edina Realty Contract**Proposed Action |** Motion and vote to approve the contract with Edina Realty.**Background**

PLSLWD is exploring opportunities to reduce flooding and improve water quality within the District. A vast majority of the flood reduction and water quality potential projects identified in the 2016 Prior Lake Stormwater Management & Flood Mitigation Study and the 2021 Upper Watershed Blueprint are located on private parcels.

Discussion

The process of investigating project feasibility requires extensive discussions and negotiations with property owners to develop scenarios that are beneficial to both parties that will ultimately allow the project to move forward to implementation.

The District would like to retain the services of a consultant with both real estate and agricultural production expertise to help facilitate landowner discussions, as well as suggest innovative real estate solutions that may provide benefit to both parties. The District has identified a consultant with Edina Realty with the desired expertise who has agreed to provide such services to the District.

Proposed Action

Staff recommends that the managers make a motion and vote to approve the contract with Edina Realty.

**AGREEMENT BETWEEN
PRIOR LAKE - SPRING LAKE WATERSHED DISTRICT and
EDINA REALTY**

Real Estate Consultation Services

This agreement is entered into by the Prior Lake - Spring Lake Watershed District, a public body with powers set forth at Minnesota Statutes chapters 103B and 103D (PLSLWD), and Edina Realty, a Minnesota corporation (CONSULTANT). In consideration of the terms and conditions set forth herein and the mutual exchange of consideration, the sufficiency of which hereby is acknowledged, PLSLWD and CONSULTANT agree as follows:

1. Scope of Work

CONSULTANT will perform the work described in individually provided and approved Scopes of Service (the "Services") consistent with the Scope of Services template attached as Exhibit A. Approved Scopes of Service are incorporated into this agreement and their terms and schedules are binding on CONSULTANT as a term hereof. PLSLWD, at its discretion, in writing may at any time suspend work or amend the Services to delete any task or portion thereof. Authorized work by CONSULTANT on a task deleted or modified by PLSLWD will be compensated in accordance with paragraphs 5 and 6. Time is of the essence in the performance of the Services.

2. Independent Contractor

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

3. Subcontract and Assignment

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

4. Duty of Care; Indemnification

CONSULTANT will perform the Services with due care and in accordance with national standards of professional care. CONSULTANT will defend PLSLWD, its board members, employees and agents from any and all actions, costs, damages and liabilities of any nature arising from; and hold each such party harmless, and indemnify it, to the extent due to: (a) CONSULTANT's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty; or (b) a subcontractor's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty owed by CONSULTANT to PLSLWD. For any claim subject to this paragraph by

an employee of CONSULTANT or a subcontractor, the indemnification obligation is not limited by a limitation on the amount or type of damages, compensation or benefits payable by or for CONSULTANT or a subcontractor under workers' compensation acts, disability acts or other employee benefit acts.

5. Compensation

PLSLWD will compensate CONSULTANT for the Services on a lump sum basis inclusive of reimbursement for direct costs, including but not limited to, mileage, printing, meals and postage that will be incurred by the CONSULTANT or a subcontractor as part of providing the approved Scope of Services. The Scope of Services will be signed by an authorized representative of both PLSLWD and Edina Realty. Invoices will be submitted at project completion. Payment for undisputed work will be due within 30 days of receipt of invoice.

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

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

6. Termination; Continuation of Obligations

This agreement is effective when fully executed by the parties and will remain in force until November 30, 2023, unless earlier terminated as set forth herein.

PLSLWD may terminate this agreement at its convenience, by a written termination notice stating specifically what prior authorized or additional tasks or services it requires CONSULTANT to complete. CONSULTANT will receive full compensation for all authorized work performed, except that CONSULTANT will not be compensated for any part performance of a specified task or service if termination is due to CONSULTANT's breach of this agreement.

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

7. No Waiver

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

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

8. Insurance

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

- A. General: \$1 million each occurrence and \$2 million aggregate, covering CONSULTANT's ongoing and completed operations on an occurrence basis and including contractual liability.
- B. Professional liability: \$1.5 million each claim and aggregate. Any deductible will be CONSULTANT's sole responsibility and may not exceed \$50,000. Coverage may be on a claims-made basis, in which case CONSULTANT must maintain the policy for, or obtain extended reporting period coverage extending, at least three (3) years from completion of the Services.
- C. Automobile liability: \$1 million combined single limit each occurrence coverage for bodily injury and property damage covering all vehicles on an occurrence basis.
- D. Workers' compensation: in accordance with legal requirements applicable to CONSULTANT.

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

9. Compliance with Laws

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

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

10. Data and Information

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

PLSLWD may immediately inspect, copy or take possession of any materials on written request to CONSULTANT. On termination of the agreement, CONSULTANT may maintain a copy of some or all of the materials except for any materials designated by PLSLWD as confidential or non-public under applicable law and CONSULTANT is not statutorily obligated to maintain, a copy of which may be maintained by CONSULTANT only pursuant to written agreement with PLSLWD specifying terms.

11. Data Practices; Confidentiality

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

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

12. PLSLWD Property

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

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

13. Notices

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

To PLSLWD:

Administrator
Prior Lake - Spring Lake Watershed District
4646 Dakota Street SE
Prior Lake MN 55372

To CONSULTANT:

Paul Krueger
Edina Realty
14198 Commerce Ave NE
Prior Lake, MN 55372

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

14. Choice of Law; Venue

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

15. Whole Agreement

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

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

CONSULTANT

By _____

Date: _____

Its _____

PRIOR LAKE -SPRING LAKE WATERSHED DISTRICT

By _____

Date: _____

Its _____

Exhibit A
Scope of Services Template



Scope of Services
Real Estate Consulting Services:
Scott County Property ID-xxxxxxx

START DATE: _____ END DATE: _____

TOTAL PROJECT BUDGET: _____

SUMMARY OF TASKS:

1. *(Fill in scope of services work tasks)*

ASSUMPTIONS: The estimated cost for the execution of the tasks in this Scope of Service is based on the following assumptions:

1. *(Fill in any assumptions on which project budget is based)*



Subject | Johnson Estates Development Agreement

Board Meeting Date | November 15, 2022

Item No: 6.7

Prepared By | Joni Giese, District Administrator

Attachments |

- a) Johnson Estates Location Map
- b) Johnson Estates Development Agreement

Proposed Action | A motion to approve the Johnson Estates Development Agreement for execution by the District Administrator and recording in the Scott County Land Records Office.

Background

District Rule J requires the establishment of a vegetated buffer around wetlands and watercourses for the purpose of maintaining the long-term health and function of these resources. Rule J also requires the establishment of a permanent conservation easement over the buffers.

The conservation easement process includes acquiring a development agreement in conjunction with the conservation easements. A development agreement provides a way for the District to recover costs associated with the acquisition of the easements including title work, staff time, and engineering review, as well as ensures that the easement areas are properly established with native plants that filter stormwater.

Project Overview

District staff is working with the property owner and Scott County to establish a wetland buffer area and to permanently protect with a conservation easement that will protect the buffers in perpetuity. The location of the project is shown on the attached map.

The attached development agreement is based on a template developed by the District Attorney. The development agreement is a legal document that will be recorded in the Scott County Land Records Office. Upon entering into the development agreement, staff will work with the property owner to establish a conservation easement for future board approval.

Action Requested

District staff is requesting that the Board of Managers approve the Johnson Estates Development Agreement for execution by the District Administrator and recording in the Scott County Land Records Office.

Johnson Estates Location Map



Image Source: Scott County GIS

DEVELOPMENT AGREEMENT

This Agreement is made this 8th day of November, 2022, between James F. Johnson and Sharon K. Johnson, as joint tenants (collectively the "Owner"), and the Prior Lake-Spring Lake Watershed District, a political subdivision of the State of Minnesota ("Watershed District" or "District").

RECITALS

A. Owner is the fee owner of and is proceeding to subdivide certain land located in Scott County, Minnesota, and legally described in Exhibit A (the "Property").

B. As a condition of the approval for the subdivision of the Property, Scott County requires that the Declarant grant the Watershed District a conservation easement over a buffer strip around the perimeter of wetland within the Project that meets the requirements of the Watershed District's Rules ("Rules").

C. Declarant desires to establish a conservation easement ("Conservation Easement") under Minnesota Statutes, Chapter 84C, to create a buffer strip around the perimeter of wetlands within the Project as required by the Rules.

AGREEMENT

In consideration of the mutual covenants herein, the parties hereto agree as follows:

1. RECITALS. The foregoing recitals are true and correct and incorporated herein by this reference.

2. SURVEY. Within 30 days after this agreement has been fully executed, the Owner shall supply the Watershed District with a satisfactory legal description and survey drawing of the proposed Conservation Easement area that meets the requirements of the Rules.

3. **EASEMENT DOCUMENT.** Within 30 days after of final approval of the subdivision of the Property, the Owner will properly execute and hand-deliver to the District a Conservation Easement that has been drafted by the District and meets the requirements of the Rules. The District will hold the Conservation Easement in escrow.

4. **OWNERS & ENCUMBRANCE REPORT.** The Watershed District will obtain an Owners & Encumbrance Report that includes easements for the Conservation Easement prior to its recording. If the affected area is subject to a mortgage or other encumbrance in conflict with the terms of the Conservation Easement, the Owner will work diligently to obtain a signed consent from interest holders, and to deliver the consent(s) document to the District as soon as possible. On receipt of the consent(s), the District will execute the Conservation Easement and file it for recording.

5. **BUFFER ESTABLISHMENT.** District staff visited Johnson Estates on 10/31/2022 and determined that the existing vegetation in the Conservation Easements is in accordance with the requirements of District Rules as shown in Rule J.

6. **MONUMENTATION.** A monument shall be placed and maintained on the upland edge of the Conservation Easement boundary, at each parcel line where it crosses the Conservation Easement boundary, and at each point where the bearing of the Conservation Easement boundary line changes. A monument shall consist of a metal U-channel post and a buffer strip sign provided by the Watershed District, or as otherwise approved in writing by the Watershed District. The sign shall be securely mounted to a minimum height of 4 feet above grade. Removal, relocation, or damage to the monuments is prohibited. If a monument has been relocated or damaged, the Owner shall notify the District as soon as possible. If there is a subdivision after initial monumentation, monuments will be adjusted to maintain conformance with this paragraph.

7. **INDEMNITY.** Owner shall indemnify, defend and hold the District and its agents, employees, officers, and contractors, harmless from all claims made by itself and third parties for damage or loss sustained or costs incurred, in connection with or arising out of this Agreement. Costs incurred includes District staff costs, and consultant and attorney fees, incurred as a result of a claim.

8. **COSTS AND FEES.** Owner shall reimburse the District for all costs incurred in the preparation, review, and implementation of the Conservation Easement, including but not limited to, District staff time, Owners & Encumbrances report, title policy cost, recording fees, monuments, and engineering & attorneys' fees. The Owner shall also reimburse the District for all costs related to the enforcement of this Agreement. Owner shall fully pay all invoices ("Invoices") submitted by the District for obligations incurred under this Agreement within 30 days after receipt. Amounts not so paid shall accrue interest at the rate of 8 percent per year or the maximum rate allowed by law, if less.

9. **DEFAULT.** If Owner defaults as to any obligation required by this Agreement, the District may, at its option and after not less than 7 days' notice to Owner, enter and perform the work, and Owner shall reimburse the District for all costs incurred thereby. In the event of an emergency as determined by the District, the requirement of 7 days advance notice of default shall be waived.

10. **DURATION.** This Agreement shall terminate on the date that the Watershed District provides formal written documentation that the Conservation Easement meets all Rule requirements, and that all reimbursable costs incurred by the District have been paid. At Owner's request, the District will execute a notice of termination that Owner may record on the title.

11. **BINDING EFFECT.** This Agreement shall run with the land and bind and inure to the benefit of the parties hereto and their respective heirs, successors and assign. However, Owner and each successor record owner of the Property shall be fully discharged and relieved of liability under this Agreement upon ceasing to own any interest in the Property and paying all amounts and performing all obligations hereunder to the time ownership terminates.

12. **RECORDING.** Owner shall provide the signed original copy of this agreement to the District for recording. Owner shall be responsible for payment of the recording fee(s) and if such fee(s) are advanced by the District, Owner shall reimburse the District for those fee(s).

13. **MISCELLANEOUS.**

(a) The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision.

(b) The failure of the District to insist on compliance or enforcement of any provision of this Agreement shall not affect the validity or enforceability or constitute a waiver of future enforcement of that provision or any other provision by the District.

(c) All notices under this Agreement shall be deemed to be sent or delivered when personally delivered to the recipient or when mailed by certified or registered mail, postage prepaid, addressed to Owner 20910 Malibu Avenue, Prior Lake, MN, 55372 or other place of business, and to the Watershed District at 4646 Dakota Street SE, Prior Lake, Minnesota 55372, or at such other address as either party may hereafter designate in writing to the other.

(d) This Agreement shall be subject to and governed by Minnesota law.

IN WITNESS WHEREOF, the Owner has voluntarily executed this Development Agreement on this 8th day of November, 2022.

OWNER:

By: Sharon K. Johnson
Sharon K. Johnson

By: James F. Johnson
James F. Johnson

STATE OF MINNESOTA)
) ss.
COUNTY OF SCOTT)

The foregoing instrument was acknowledged before me this 8th day of Nov, 2022, by James F. Johnson and Sharon K. Johnson, as joint tenants.

Gregory Guy Voss
Notary Public

My Commission Expires: 1-31-2027

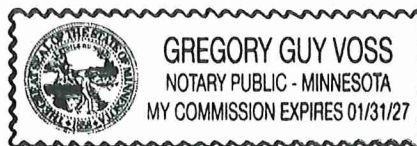


EXHIBIT A:

LEGAL DESCRIPTION OF PROPERTY:

The South 990. Feet of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ lying East of the West 48 rods thereof, all in Section 28, Township 114, Range 22, Scott County, Minnesota.