



PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

AGENDA

Tuesday, July 11, 2023

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*

- | | | |
|----------------|-----|---|
| 4:00 – 4:40 PM | W.1 | Conservation Easement Inspection Approach and Findings (Troy Kuphal) |
| 4:40 – 5:10 PM | W.2 | Draft 2024 Budget (Joni Giese) |
| 5:10 – 5:15 PM | W.3 | Spring Lake: Eurasian Watermilfoil Update (Wes Steffan, SLA) |
| 5:15 – 5:25 PM | W.4 | Legislative Funding for Boat Access Improvements (Wes Steffan, SLA) |
| 5:25 – 5:40 PM | W.5 | Liaison Updates <ul style="list-style-type: none"> • District Partners in Attendance • Managers' Summary of other Meetings Attended |
| 5:40 – 5:50 PM | W.6 | Administrator Report (Joni Giese) |

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 – 6:40 PM 4.0 **OTHER OLD/NEW BUSINESS**

- 4.1 Programs & Projects Update (Discussion Only)
- 4.2 Spring Lake: Boating Information Brochure (Vote)
- 4.3 Permit Application 23.02 Fish Point Road Phase 3, City of Prior Lake (Vote)
- 4.4 Rescind COVID-19 Safety Plan (Vote)

6:40 – 6:50 PM 5.0 **TREASURER’S REPORT**

5.1 Monthly Financial Reports (Discussion Only)

- Financial Report
- Treasurers Report
- Cash Flow Projections

5.2 Quarterly Financial Reports

- Balance Sheet
- Cost Analysis

6:50 – 6:55 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 – June 11, 2023, Board Workshop

6.2 Meeting Minutes – June 11, 2023, Board Meeting

6.3 Claims List & Visa Expenditures Summary

6.4 Conservation Easement Amendment

6.5 Jeffers Lodge Development Agreement

6:55 – 7:00 PM 7.0 **UPCOMING MEETING/EVENT SCHEDULE:**

- CAC Meeting, Thursday, July 27, 2023, 6:00 pm (Prior Lake City Hall – Wagon Bridge Conference Room)
- Board of Managers Workshop, Tuesday, August 8, 2023, 4:00 pm (Prior Lake City Hall – Parkview Conference Room)
- Board of Managers Meeting, Tuesday, August 8, 2023, 6:00 pm (Prior Lake City Hall – Council Chambers)

7:00 PM 8.0 **ADJOURNMENT**



JULY 2023 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
Sutton Lake Outlet and Lake Management Plan <i>Project Lead: Emily</i>	Lake Management Plan <ul style="list-style-type: none"> Final Lake Management Plan was approved by Board of Managers at April Meeting. 	Lake Management Plan <ul style="list-style-type: none"> Continue to monitor effects of recent drought conditions to inform future drawdown.
Carp Management <i>Rough Fish Management (Class 611)</i> <i>Project Lead: Jeff</i>	<ul style="list-style-type: none"> Tracking & Removals: Removed small numbers of carp through electro-fishing by boat. Planned summer removal strategies with WSB. Barriers: Removed push trap barrier at desilt pond. Begun research and discussions for tine barrier near CD13 bypass weir. 	<ul style="list-style-type: none"> Continue to track tagged carp Set up baited in-lake traps on Spring Lake.
Ferric Chloride System Operations <i>Project Lead: Jeff and Emily</i>	<ul style="list-style-type: none"> Held tours for consultants, as well as board and CAC. Diagnosed connection issues to datalogger and dosing equipment. Datalogger had a malfunctioning board. Ordered replacement equipment. Conducted weekly required water quality monitoring. 	<ul style="list-style-type: none"> Continue weekly required monitoring as treatment occurs. Install new equipment to get automated pumping back online. Submit quarter 2 Discharge Monitoring Report to MPCA.
Farmer-Led Council <i>Project Lead: Emily</i>	<ul style="list-style-type: none"> Continued coordination with Scott SWCD. 	<ul style="list-style-type: none"> Plan next FLC meeting for August. Continue to support and review FLC projects.
Cost Share Incentives <i>Project Lead: Emily</i>	<ul style="list-style-type: none"> Met with SWCD on upcoming cost share projects. Had cost share batch prioritization meeting with Scott SWCD. 	<ul style="list-style-type: none"> Review cost share applications with Scott SWCD as needed. Prioritize batch of cost share projects in September. Present non-traditional cost share project types for Board approval as applicable.

JULY 2023 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
<p>Upper Watershed Projects <i>Buck Wetland, Sutton IESF, Swamp IESF, Buck Chemical Treatment, Ditch 13 Chemical Treatment, Spring Lake West IESF</i></p> <p><i>Project Lead: Emily</i></p>	<p>Buck Wetland Enhancements</p> <ul style="list-style-type: none"> Finalized Buck Wetland Feasibility study at April Board meeting. Conducted follow-up work related to landowner meeting. Continued to try and reach landowner. <p>Spring Lake West IESF/Wetland</p> <ul style="list-style-type: none"> Conducted follow-up work related to landowner meeting. Met with Scott County on road right of way planning. <p>Sutton Lake IESF</p> <ul style="list-style-type: none"> Conducted follow-up to assess landowner interest. Began alternatives assessment. <p>2023 WBIF Studies</p> <ul style="list-style-type: none"> Presented on the Fish Lake Management Plan Update (FLMPU) to Spring Lake Township. Conducted soil sampling to inform FLMPU. Met with Swamp Lake landowner and agencies to have preliminary conceptual discussions. Conducted surveying and wetland delineation on Swamp lake site. <p>Potential Flood Storage Projects</p> <ul style="list-style-type: none"> Continued project coordination on Project 5 with Scott SWCD. Followed up on Project 1 landowner concerns. 	<p>Buck Wetland Enhancements</p> <ul style="list-style-type: none"> Plan a follow-up meeting with landowner. <p>Spring Lake West IESF/Wetland</p> <ul style="list-style-type: none"> Reengage conversations with wetland landowners. Continue to prepare IESF landowner outreach and follow-up. Continue to meet with Scott County on road right of way. <p>Sutton Lake IESF</p> <ul style="list-style-type: none"> Assess landowner willingness and site feasibility in determining next steps. Continue to assess cost benefit of alternative sites. <p>2023 WBIF Studies</p> <ul style="list-style-type: none"> Analyze data to inform the draft FLMPU. Continue outreach and coordination on both projects. <p>Potential Flood Storage Projects</p> <ul style="list-style-type: none"> Continue outreach to landowners of Project 6 and follow up on remaining questions for Project 1 landowners. Coordinate with Scott SWCD on Project 5 landowner discussion. Assess whether alternative projects should be considered if low landowner interest continues.
<p>Website and Media <i>Project Lead: Emily</i></p>	<ul style="list-style-type: none"> Social Media – posted on all social channels about: new staff, stream monitoring, kids fishing clinic, and drought. 	<ul style="list-style-type: none"> Continue writing posts and updates about projects on the website. Continue updating Facebook, and Instagram about projects & news.

JULY 2023 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
Citizen Advisory Committee <i>Project Lead: Emily</i>	<ul style="list-style-type: none"> Joint CAC/Board meeting had discussion on roles, recruitment, goals for 2023, and budget priorities for 2024. 	<ul style="list-style-type: none"> Prepare for July 27th CAC meeting. Prepare CAC recruitment materials.
Education Program <i>Project Lead: Emily</i>	<ul style="list-style-type: none"> Coordinated with SCWEP staff on Shoreline restoration workshop. Held an aquatic vegetation workshop as part of City of Prior Lake's Kids Fishing Clinic. See Website and Media section. 	<ul style="list-style-type: none"> Continue coordination with SCWEP programs.
Monitoring Program <i>Project Lead: Jeff</i>	<ul style="list-style-type: none"> Installed trial monitoring buoy on Fish Lake. Buoy has sensors to detect changes in algae. Bi-weekly stream/ lake chemistry monitoring. Biobase surveys on Tier 2 lakes. 	<ul style="list-style-type: none"> Conduct bi-weekly stream/ lake chemistry monitoring. Biobase surveys on Tier 1 lakes
Aquatic Vegetation Management and Surveys <i>Project Lead: Jeff</i>	<ul style="list-style-type: none"> Closed out 2022/2023 DNR AIS grant. Answered questions from public on early summer algae growth. 	<ul style="list-style-type: none"> Summer point intercept surveys. Submit treatment reimbursement request to Scott County.
AIS <i>Project Lead: Shauna</i>	<ul style="list-style-type: none"> DNR and Waterfront Restoration continued boat inspections at Spring, UPL, LPL, and Fish Lake boat launches. 	<ul style="list-style-type: none"> Post article on County AIS plans on social media. Continue coordinating boat inspections with DNR and contracted inspectors. Continue preparation for Starry Trek event.
Rules Revisions <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> Sent Scott County a summary of previous meeting findings/next steps. Sent City of Savage proposed interim equivalency approach for review. 	<ul style="list-style-type: none"> Receive comments from City of Prior Lake on proposed MOA. Continue MOA refinement with Scott County. Continue discussion of proposed linear cost cap and stormwater impact fund rates with Managers at August workshop.
BMPs & Easements <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> Interns started conservation easement inspections. Meeting with SWCD regarding initial findings from early easement inspections. Prepared conservation easement amendment. 	<ul style="list-style-type: none"> Establish enforcement procedures for easement violations.

JULY 2023 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
Permitting <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> Performed review of City of Prior Lake permit application for Fish Lake Road Phase 3 project (23.02). Performed weekly construction site inspections. Attended Prior Lake development review meetings. Prepared development agreement for Jeffers Lodge development. Provided review comments related to District rules for private development projects in Prior Lake. 	<ul style="list-style-type: none"> Continue performing weekly construction site inspections and attendance at development review meetings. Continue transition work with Scott SWCD. Focus on MS4 permitting requirements.
Planning Activities <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> Submitted audited 2022 financial statement and OSA reporting form to state auditor (via CLA). Participated in Scott County meeting regarding Lower MN East 1W1P planning process. Participated in 1W1P special meeting on groundwater. 	<ul style="list-style-type: none"> Participate in SCALE Water Committee convening.
Outlet Channel Projects and Administration <i>Project Lead: Emily/Jeff</i>	<ul style="list-style-type: none"> Submitted capital budget request for PLOC pipe lining project. Held special PLOC Cooperator meeting for purpose of approving a funding resolution. Removed fallen trees, log jams, and beaver dam identified in 2022 Report to be inhibiting or altering flow causing bank erosion concerns. Conducted channel inspections. Collected GPS coordinates on PLOP manholes. 	<ul style="list-style-type: none"> Prepare bid packet materials for late Summer in preparation of bonding tour. Prepare for potential bonding tour in late Summer. Pipe lining construction expected to occur in winter 2024/2025 if capital funding awarded. Prepare for August cooperators meeting.
General Administration <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> Solicited and reviewed proposal for District Website Redesign. Continued to work with US Bank to set up NASPO purchasing card program. Reviewed 2023 legislation that needs to be addressed in updated personnel policy. Worked on draft 2024 budget for July board workshop. Attended Minnesota Association Watershed Administrators meeting and Minnesota Watersheds summer tour. 	<ul style="list-style-type: none"> Start researching potential approaches for updating personnel manual.



PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

Subject | Spring Lake: Boating Information Brochure

Board Meeting Date | July 11, 2023

Item No: 4.2

Prepared By | Joni Giese, District Administrator

Attachments | Spring Lake Association “Need to Know Information” side of brochure

Proposed Action | Motion to approve the inclusion of Prior Lake-Spring Lake Watershed District organization and contact information on the Spring Lake Association brochure

Background

Spring Lake Association (SLA) has prepared a draft brochure that will depict the lake elevations on the front of the brochure and “Need to Know Information” on the back side. SLA plans to print a large version of the brochure and post it to the kiosk at the Spring Lake boat access. SLA also plans to distribute the brochure electronically to the Spring Lake Association mailing list. The “Need to Know Information” provides boating etiquette recommendations, lake regulation summaries, along with contact information for select organizations and agencies, including PLSLWD.

On March 14, 2023, the PLSLWD Board of Managers adopted the following motion:

Prior Lake - Spring Lake will continue to monitor research findings associated with power boat activity in relation to lake health. PLSLWD is supportive of preparing an educational piece on the topic of how power boat operations can reduce impacts to lake health.

Discussion

Staff believes some of the content of SLA’s brochure can be interpreted as meeting the intent of the educational goals identified in the Manager’s statement approved on March 14. Yet, it is important for the Board of Managers to be provided with the opportunity to review the brochure and be comfortable with the brochure content prior to authorizing the placement of the District’s name and information on the brochure.

Recommendation

Staff recommends the Board of Managers approve the inclusion of Prior Lake-Spring Lake Watershed District organization and contact information on the Spring Lake Association brochure.



Need to Know Information

Attention Boaters | Before leaving Spring Lake boat landing:
CLEAN your boat | DRAIN all water | DISPOSE of your trash

BOATING ETIQUETTE RECOMMENDATIONS

This is about safe behavior and being responsible. Spring Lake is a recreational lake which allows for a variety of water-related activities. Acknowledge everyone's right to use the lake in a responsible way and to protect the environment of the lake.

1. **Dispose of your trash properly.** Trash and recycle bins are available at the Spring Lake Boat Ramp all year long.
2. **Respect the ramp.** Prepare your boat and equipment before getting into position to launch. Don't power load your boat!
3. **Own your wake.** It is recommended to keep a minimum distance of 200 feet from shore and other boats using the lake. For water-related activities which create large wakes, boat in the center of the lake and in water depths greater than 15 ft. Water depths are shown on the lake map.
4. **Keep the tunes in check.** Sound travels well over water.
5. **Minimize Repetitive Passes.** Once you have run a line, move to another area.
6. **Know No Wake / Speed Restrictions.** It's your responsibility to know speed limit or no-wake restrictions and respect them. Specific rules apply to personal watercrafts.
7. **Know the Boating Right of Way rules.** The basic rule of thumb is the more maneuverable the less Right of Way that a boat has.
8. **Be prepared.** Know state & local laws and have enough right sized life jackets for each person onboard.
9. Be polite – give a wave.

SUMMARY OF SPRING LAKE USE RESTRICTIONS PRIOR LAKE, CITY OF / SPRING LAKE TOWNSHIP

1. Slow-no wake zone on entire lake when water level exceeds 912.8 feet.
2. Slow-no wake zone within 150 feet of shore and specified channels.
3. 40 mph - daytime speed limit weekends and holidays (Memorial Day Weekend through Labor Day Weekend).
4. 20 mph nighttime speed limit all year.
5. No inflatable devices (air mattresses, inner tubes) beyond 150 feet of shore.
6. Swimming must be within 150 feet of shore, unless accompanied by watercraft.
7. No water skiing or towed tubes within 150 feet of shore – except for launching or landing directly to and from shore.

SPRING LAKE ASSOCIATION

Email: Board.SLA@gmail.com - Website: Springlakeassociation.org

The objective of the SLA is to support, educate and encourage lake users on an enjoyable and safe lake experience, through education, communication and social interaction amongst its community. The association is comprised of board members and volunteers from on and around Spring Lake.

MINNESOTA PERSONAL WATERCRAFT (JET SKI) LAWS

Decals which contain the information below are available from the Minnesota Department of Natural Resources. This is only a summary of the laws as of June 2018 and is required to be visible to the operator on all personal watercraft in Minnesota.

YOU MUST....

- Wear a USCG-approved life jacket. Comply with label.
- Travel at slow no-wake speed (5 mph or less) within 150 feet of: non-motorized boats; shore (unless launching or landing skiers directly to or from open water); docks; swim rafts; swimmers; or any moored or anchored boat.
- Operate only from 9:30 a.m. to one hour before sunset.
- Use the cutoff lanyard properly.
- Obey operator age and permit laws for those younger than 18 years old.

YOU MUST NOT...

- Chase or harass wildlife.
- Jump the wake of another boat within 150 feet of the craft.
- Operate a personal watercraft in a manner that endangers life, limb or property.
- Protect Your Sport Respect your neighbors.
- Don't operate for long periods in the same area or near occupied boats or shore.

PRIOR LAKE-SPRING LAKE WATERSHED DISTRICT (PLSLWD)

Phone: 952-447-4166 – Website: info@plslwd.org

The Watershed District works to manage and preserve the water resources of the District, with three primary goals of improving and maintaining the quality of water resources, reducing flooding impacts, and managing existing and preventing new Aquatic Invasive Species in the District.

SCOTT COUNTY SHERIFF DEPARTMENT

Emergency: Call 911

Non-Emergency: 952-445-1411 (Such as questions or concerns)

FOR MORE INFORMATION CONTACT:

Minnesota Department of Natural Resources Boat and Water Safety
 500 Lafayette Rd., St. Paul, MN 55155-4047 651-296-6157 | 888-646-6367 |
mndnr.gov/boatingsafety Email: info.dnr@state.mn.us



PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

Subject | Permit Application No. 23.02
Fish Point Road Phase 3 - City of Prior Lake

Board Meeting Date | July 11, 2023

Item No: 4.3

Prepared By | Joe Hale, Scott Soil and Water Conservation District

Attachments |

- a) Project Location Map
- b) Permit Application and Staff Review Comments
- c) Memorandum of Agreement- Stormwater Volume Management

Note: Construction Plans sheets for this project can be found at:

<https://tinyurl.com/4akz7yh7>

Proposed Action | Staff recommends Board approval of the permit application for Phase 3 subject to conditions noted in the Permit Application and Staff Review Comments

Introduction

The proposed project area is within the existing road right of way of Fish Point Road, starting from the southern project limit at Omega Trail Southeast heading north to the northern project limit at Trunk Highway 13.

The City of Prior Lake (the "City") is leading the project that will include the complete reconstruction of Fish Point Road within the project area described above. The total area of disturbance will be 0.54 Acres. The Following District rules apply to the project: Rule C- General Standards, Rule D- Stormwater Management, Rule E- Erosion and Sediment Control.

As referenced in the staff review comments, compliance with District Rule D- Stormwater Management is subject to the City of Prior Lake confirming the total new and reconstructed impervious surfaces for all phases of the Fish Point Road Reconstruction. These calculations will reaffirm the existing Stormwater Volume Management MOA or determine if a superseding MOA is required.

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 May 18, 2023. To meet the procedural requirements of Rule B and Minnesota Statutes Section 15.99 regarding time deadlines for Board action, the Board must decide to either:

- a) Approve or deny the permit application by July 17, 2023 (60-day period)
- or-
- b) 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 for Phase 3 subject to conditions noted in the Permit Application and Staff Review Comments.
- 2) Table the item, extend the application until a future specified date, and provide the applicant with direction on the issues that have been discussed.
- 3) Deny the application, stating the reasons for denial.

Staff Recommendation

Staff recommends Option 1, Board approval of the permit application for Phase 3 subject to conditions noted in the Permit Application and Staff Review Comments.

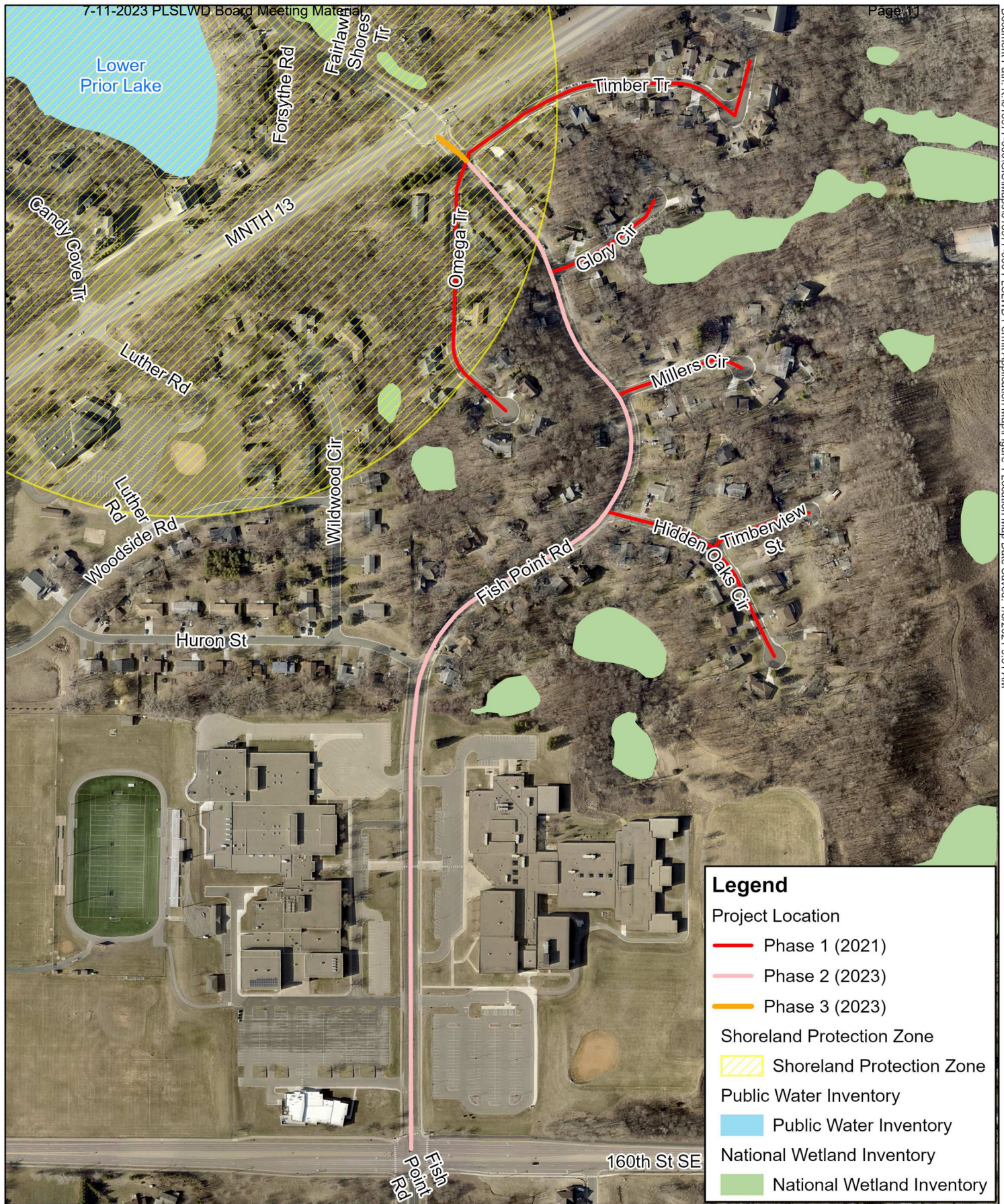


Figure 1 - Location Map
Fish Point Road Reconstruction Project
City of Prior Lake, MN



0 380
Feet
1 inch = 380 feet





Prior Lake - Spring Lake Watershed District (PLSLWD)

4646 Dakota Street SE, Prior Lake, MN 55372, 952-447-4166

PERMIT APPLICATION, PAGE 1 OF 2

Note to Applicant: use this as the cover sheet for your application materials.

PROJECT NAME Fish Point Road at TH 13 Intersection Improvements		APPLICATION #: (to be assigned)
Name of Owner - Applicant City of Prior Lake	Phone #: 952-447-9834 Fax #:	Owner's Agent/Engineer: Name Laura Pietila Phone 612-247-9225 E-mail lpietila@wsbeng.com
Address of Owner - Applicant (Street, City, State, Zip Code) 4646 Dakota St SE, Prior Lake, MN 55372		
Project Location (Township, Range, Section), PIDs, and Address Sec 36, Twp 115, R 22		Owner's Contact: Name Nick Monserud Phone 952-447-9834 E-mail nmonserud@priorlakemn.gov
Project size (acres) 0.54		

PERMIT CATEGORY (check applicable type(s))

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Land Disturbance (C) | <input type="checkbox"/> Floodplain Alteration (F) | <input type="checkbox"/> Drainage Alteration (I) |
| <input checked="" type="checkbox"/> Stormwater Mgt (D) | <input type="checkbox"/> Wetland Alteration (G) | <input type="checkbox"/> Buffer Strips (J) |
| <input checked="" type="checkbox"/> Erosion & Sediment Ctrl (E) | <input type="checkbox"/> Bridge & Culvert Crossings (H) | <input type="checkbox"/> Other: _____ |

PROJECT DESCRIPTION

Fish Point Road will be fully reconstructed from Omega Trail to TH 13. The project will include bituminous street reconstruction, sanitary sewer, watermain, storm sewer, and sidewalk.

GENERAL CONDITIONS

1. The Permittee grants to the District, and its agents, employees, officers and contractors, a license to enter the Project to perform any inspections or work authorized by the Permit or any applicable law. This license shall expire after acceptance of the work by the District and issuance of a Certificate of Completion.
2. The Permittee shall indemnify, defend and hold the District and its agents, employees and officers harmless for all claims made by itself and third parties for damages or loss sustained or costs incurred, including engineering and attorneys' fees, as a result of issuance of the Permit or construction of the Project.
3. The Permittee shall provide the District with a Permit Fee Deposit in accordance with District requirements (see page 2). The Permit Fee Deposit will be held in escrow and used by the District to pay the actual costs incurred by the District, including engineering and legal fees, to process and review the Permit Application, to inspect and monitor the activities authorized by the Permit, and to ensure compliance with the District's rules. The Permittee shall fully pay all bills submitted to it by the District within seven days of receipt. Bills not so paid shall accrue interest at the rate of 8% per year.
4. The Permittee shall obtain such easements as may be required for construction of the Project and provide in the final plat for the Project utility and drainage easements acceptable to the District to protect all hydrologic features within the Project and to provide access for the maintenance of the stormwater management facilities to be constructed pursuant to the Permit.
5. To assure full compliance with the terms of the Permit, the Permittee shall deposit with the District a cash security or irrevocable letter of credit in a form and from a surety satisfactory to the District, in the amount specified under the Special Conditions of the Permit, once issued.
6. By acceptance of the Permit, Permittee acknowledges and agrees to perform and be bound by all general and special terms and conditions of the Permit.

CONTINUED ON NEXT PAGE



PERMIT APPLICATION, PAGE 2 OF 2
 Prior Lake - Spring Lake Watershed District (PLSLWD)
 4646 Dakota Street SE, Prior Lake, MN 55372, 952-447-4166

PROJECT NAME Fish Point Road at TH 13 Intersection Improvements	APPLICATION #: (to be assigned) 23.02
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Permit Fee Deposit - to be paid with your application:

Instructions: Calculate the required Permit Fee Deposit by totaling the amounts from items A through D below (as applicable). Include the Permit Fee Deposit with your application. Checks may be payable to the Prior Lake-Spring Lake Watershed District.

Fill in amount here:

A) Grading or Alteration:		
less than one acre	\$500	
1.0 to 4.99 acres	\$1,000	
5.0 to 19.9 acres	\$1,500	
20 acres or more	\$2,000	
B) Projects with Wetland or Flood Plain Areas		\$1,000 + _____
C) Bridge or Culvert Crossing of a Waterbody or Ditch		\$1,500 per crossing + _____
D) Drainage Alterations		\$1,500 + _____
Total Permit Fee Deposit due with application		= \$ 0.00

Permit Fee Deposit information and conditions:

1. The Permit Fee Deposit will be held in escrow and used to pay the District's costs for reviewing the application and administering the permit (if approved), including staff costs, and engineering and legal fees.
2. If at any time the Permit Fee Deposit falls below 25% of the original amount, the District shall notify the applicant to replenish the fee deposit to the original amount.
3. Upon application approval, a separate permit security escrow shall be required from the applicant prior to permit issuance.
4. Upon final completion of the project and the issuance of a Certificate of Completion by the District, the District shall return any unspent balance in the Permit Fee Deposit to the applicant, less a \$10 application fee. The District does not pay interest on escrow deposits.

I hereby apply under District Rule B for a permit to complete the proposed project in accordance with the information submitted with this Application and the District's Rules, and I agree to the conditions on page one and two of this application.

Signature of Owner - Applicant 	Your Name - please print Nick Monserud	Date Submitted 5/18/2023
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Application Received	Permit Fee Deposit Amt	Received (y/n)	District Representative
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Prior Lake Spring Lake Watershed District Permit Application Number 23.02

Applicant: Nick Monserud
City of Prior Lake
952-447-9834
nmonserud@priorlakemn.gov

Agent: Laura Pietila
WSB
612-247-9225
lpietila@wsbeng.com

Purpose: Reconstruction of the Fish Point Road SE from the intersection with TH 13 southeast to Omega Trl SE, 150+/-LF, 0.5+/-acres.

Location: Fish Point Road SE immediately southeast of TH 13.

District Rule: C, D & E

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

Stormwater Management

1. Clarification of the total new and reconstructed impervious surface for all phases of Fish Point Road Reconstruction (see Finding #2 for further discussion).
2. Revised credit deficit memorandum and supporting calculations documenting volume control requirements for this project, and outstanding credit deficits from Permits 21.01, 22.01, and 23.01 (if necessary per Pending Item #1).
3. Approval of a superseding MOA with an updated tally of volume credit deficits (if the volume management credit deficit resulting from Permits 21.01, 22.01, 23.01, and 23.02 is actually different than 18,300 CF).

Administrative

4. Performance security from the construction contractor in the amount of \$1,080 (\$2,000/acre x 0.54 acres of land disturbance).

- 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 the preconstruction meeting and

Permit Application No. 23.02

Fish Point Road Reconstruction (Phase 3)

weekly progress meetings.

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 5/18/23, received 5/18/23.
 2. Location Map prepared by WSB, undated, received 5/18/23.
 3. Existing & Proposed Subwatershed Maps prepared by WSB, undated, received 5/18/23.
 4. Existing & Proposed Conditions HydroCAD calculations prepared by WSB, dated 5/17/23, received 5/18/23.
 5. Credit Deficit memorandum (for Phase 2) prepared by WSB, revised 3/29/23, received 5/18/23.
 6. Construction Plans (83 sheets) prepared by WSB, dated 5/18/23, received 5/18/23.
 7. Geotechnical Report prepared by WSB, dated 3/27/20, received 5/18/23.
 8. Memorandum of Agreement for PLSLWD Permit Nos. 21.01, 22.01, and 23.01 dated 5/15/23.
 9. PLSLWD Permit Files 21.01, 22.01 and 23.01.

- Findings:
1. Description – The project includes reconstruction of the intersection of Fish Point Road and TH 13 and 150-LF of Fish Point Road from TH 13 to Omega Trail. Total disturbed area is 0.54-acres.
 2. Stormwater – Runoff from Phase 3 discharges to two outfalls including: 1) TH 13 right-of-way stormsewer, and 2) a wetland southeast Glory Circle. Comparison of existing and proposed street profiles indicates there is no significant change to subcatchment

Permit Application No. 23.02

Fish Point Road Reconstruction (Phase 3)

divides or outfall locations. The submitted HydroCAD modeling indicates that District rate control requirements are satisfied. Volume control opportunities were assessed during Phase 2 site investigations. Limited opportunities were identified. One opportunity that could potentially have served this area was subsequently deemed infeasible since it is located in MNDOT right-of-way. According to the submitted project narrative the reconstructed impervious surface for this phase (Phase 3) was included with the permit application for Phase 2 (Permit 23.01).

The current City of Prior Lake stormwater volume deficit memorialized via the Memorandum of Agreement (MOA) dated 5/15/23 totals 18,300 CF (1,905 CF from Permit 21.01, 8,554 CF from Permit 22.01, and 10,459 CF from Permit 23.01). It does appear that the reconstructed impervious surface of Phase 3 was included in the exhibits of the Phase 2 permit application. However, the submitted project narrative for the Phase 3 permit indicates 0.07-acres of new impervious surface for Phase 3. In contrast, the submitted HydroCAD models indicate a net reduction in impervious surface of 0.09-acres for all phases of the project. Albeit minor, these discrepancies call into question the total volume deficit of the 5/15/23 MOA. Confirmation of the total new and reconstructed impervious surface for all phases of Fish Point Road Reconstruction is required to reaffirm the existing MOA or determine if a superseding MOA is required.

3. Erosion & Sediment Control – An acceptable erosion control plan has been submitted. The plan includes existing and proposed stormsewer inlet protection, sediment control log where right-of-way slopes away from the road profile, rock construction entrances, riprap at the reconstructed stormsewer outfall, revegetation specifications and construction sequencing notes.
4. Wetlands – Phase 3 drains to one wetland, which is not within the construction limits and will not be physically altered by the proposed project.
5. Floodplain – There is no floodplain onsite.

MEMORANDUM of AGREEMENT
Prior Lake-Spring Lake Watershed District and City of Prior Lake

**Stormwater Volume Management for Fish Point Road Reconstruction
and Prior Lake Downtown South Roadway Reconstruction Projects
(PLSLWD Permit Nos. 21.01, 22.01, 23.01)**

This Memorandum of Agreement (MOA) is entered into by the Prior Lake-Spring Lake Watershed District, a Minnesota political subdivision with purposes and powers set forth at Minnesota Statutes chapters 103B and 103D (PLSLWD) and the City of Prior Lake, a Minnesota municipal corporation ("Prior Lake") (together, the "Parties").

A. For the protection of water resources within its boundaries, pursuant to Minnesota Statutes §§103D.341 and 103D.345, the PLSLWD has adopted and implements rules requiring permits for land disturbing activities. The rules require, among other things, that the permittee provide for and maintain stormwater volume management practices to prevent impact from increased stormwater volume resulting from hard surface construction.

B. Prior Lake has received PLSLWD permits for the Fish Point Road Reconstruction Project (Permit No. 21.01), the Prior Lake Downtown South Roadway Reconstruction Project (Permit No. 22.01) and Fish Point Road Phase 2 (Permit No. 23.01). In each case, Prior Lake has determined, and the PLSLWD has concurred, that volume management practices could not feasibly be incorporated into the work, and Prior Lake has assumed the obligation to provide such practices independently.

C. On June 20, 2022, the Parties entered into a memorandum of agreement by which Prior Lake committed to provide 10,459 cubic feet of stormwater volume management practices associated with Permit No. 21.01 ("Fish Point MOA") and Permit No. 22.01. Its outstanding obligation under Permit No. 21.01 is 1,905 cubic feet of volume management and its outstanding obligation under Permit No. 22.01 is 8,554 cubic feet of volume management. On April 11, 2023, the PLSLWD Board of Managers approved Permit No. 23.01, conditioned on the Parties' entering into a new, superseding memorandum of agreement by which Prior Lake would provide for the 10,459 cubic feet of stormwater volume associated with Permit No. 21.01 and 22.01 and an additional 7,841 cubic feet of stormwater volume associated with Permit No. 23.01. This MOA is for the purpose of fulfilling this condition of Permit No. 23.01.

WHEREFORE the Parties agree as follows, intending to be legally bound:

1. Within 20 months from the effective date of this MOA, at its cost, Prior Lake will provide for one or more volume management practices affording a total of 18,300 cubic feet of stormwater volume management to be substantially complete and functional. Prior Lake will complete the practice or practices promptly thereafter. The practice or practices will:
 - a. Capture stormwater within the direct drainage area to Prior Lake-Spring Lake.
 - b. Provide for stormwater abstraction, or otherwise supply excess volume conforming to the volume conversion factor set forth in the current PLSLWD stormwater management rule.

- c. Conform to sound engineering design principles and, specifically, to design and freeboard requirements set forth in the current PLSLWD stormwater management rule.
- d. Be sited so that Prior Lake, by fee interest or easement of record, has perpetual access for inspection and maintenance staging.

The "current" rule, as used here, means the rule in effect at the time Prior Lake completes the 60 percent design.

2. With respect to each practice, Prior Lake will supply the PLSLWD with the feasibility assessment, 60 percent design and 90 percent design for the review and concurrence of the PLSLWD Administrator at each stage. Within three months after a practice is substantially complete, Prior Lake will provide to the PLSLWD record drawings prepared by a professional engineer.

3. Prior Lake will maintain the practice in perpetuity in accordance with the inspection and maintenance requirements of Prior Lake's NPDES MS4 permit. The PLSLWD may enforce those requirements with respect to the practice or practices subject to this MOA.

4. Prior Lake may be credited for any volume resulting from the practice or practices installed or constructed under this MOA that exceeds the volume required by this MOA. The amount to be credited will be as determined by the PLSLWD on the basis of the submitted record drawings. Credit use will be as the PLSLWD stormwater rule provides at the time that Prior Lake seeks to use the credit.

5. If Prior Lake has not met its obligation under paragraph 1, above, it will, or at any time before the indicated deadline it may, in place of that obligation pay into the stormwater impact fund maintained by the PLSLWD under its stormwater rule, in the amount specified by the schedule in place at the time of payment.

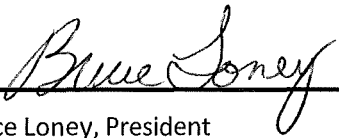
6. PLSLWD concurrence in the design of a practice under this MOA is solely for the purpose of determining, in its judgment and discretion, that the practice will allow Prior Lake to meet the requirements of the PLSLWD rule. In performing this role, the PLSLWD makes no representation or warranty to Prior Lake or any third party as to the adequacy or fitness of the design. Nothing in this agreement waives or limits any immunity, defense or liability limit that Prior Lake or the PLSLWD enjoys as a matter of law, with respect to the other party and any third party.

7. The effective date of this MOA is the date it was signed by the Parties. The MOA terminates when the PLSLWD has confirmed, in writing, the volume provided by Prior Lake to meet paragraph 1, above, and any volume credit under paragraph 4, or when Prior Lake has made payment under paragraph 5. Paragraphs 3, 4 and 6 will survive termination. The Fish Point MOA hereby is superseded and no longer of effect.


8. The above recitals are incorporated into this MOA, which incorporates and supersedes all prior negotiations, representations or agreements between the Parties, oral or written, concerning Prior Lake's obligation to provide volume management practices under Permit Nos. 21.01, 22.01, and 23.01.

IN WITNESS THEREOF, the Parties, intending to be legally bound, have caused this Agreement to be executed by their duly authorized officials.

PRIOR LAKE-SPRING LAKE WATERSHED DISTRICT




Bruce Loney, President

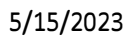


Date

CITY OF PRIOR LAKE



Kirt Briggs, Mayor



Date



Subject 	Rescind COVID-19 Safety Plan	
Board Meeting Date 	July 11, 2023	Item No: 4.4
Prepared By 	Joni Giese, District Administrator	
Attachments 	PLSLWD COVID-19 Safety Plan (February 15, 2022)	
Proposed Action 	Motion to rescind the District's COVID-19 Safety Plan and direct the District Administrator to incorporate COVID-19 safety practices into an updated personnel policy for Managers' review and adoption.	

Background

In response to the COVID-19 pandemic and direction by the State of Minnesota, Prior Lake-Spring Lake Watershed District prepared a COVID-19 Safety Plan to guide the District's activities related to COVID-19. The plan was adopted by the Board of Managers on February 15, 2022.

Discussion

The adopted safety plan followed Centers for Disease Control and Prevention (CDC) and Minnesota Department of Health (MDH) guidelines and federal OSHA standards related to COVID-19 that were in place when the plan was adopted. The District's safety plan no longer reflects current guidance from these agencies as their guidance has been updated to reflect current best practices. COVID-19 still remains an illness that can impact District staff and operations. Therefore, staff believes a potential approach to keep District COVID-19 safety practices current with best practices is to update the personal policy to state the District will follow guidance from either the CDC or the MDH as it relates to employee workplace safety.

Recommendation

Staff recommends the Board of Managers rescind the District's COVID-19 Safety Plan and direct the District Administrator to incorporate COVID-19 safety practices into an updated personnel policy for Managers' review and adoption.



Prior Lake-Spring Lake Watershed District COVID-19 Safety Plan

Effective Date: February 15, 2022

Prior Lake-Spring Lake Watershed District is committed to providing a safe and healthy workplace for all our workers. To ensure that, we have developed the following Safety Plan in response to the COVID-19 pandemic. Managers and staff are all responsible for implementing this plan. Our goal is to mitigate the potential for transmission of COVID-19 in our workplaces, and that requires full cooperation among staff and management. Only through this cooperative effort can we establish and maintain the safety and health of our staff and workplaces.

The COVID-19 Safety Plan is administered by the District Administrator, who maintains the overall authority and responsibility for the plan. However, the District Administrator and staff are equally responsible for implementing and complying with all aspects of this Safety Plan. The District Administrator has the Prior Lake-Spring Lake Watershed District Board of Manager's full support in enforcing the provisions of this plan.

Our Safety Plan follows Centers for Disease Control and Prevention (CDC) and Minnesota Department of Health (MDH) guidelines and federal OSHA standards related to COVID-19.

Definitions

Isolation is used to separate people with confirmed or suspected COVID-19 from those without COVID-19.

Quarantine is a strategy used to prevent transmission of COVID-19 by keeping people who have been in close contact with someone with COVID-19 apart from others.

Exposure. Contact with someone infected with SARS-CoV-2, the virus that causes COVID-19, in a way that increases the likelihood of getting infected with the virus.

Close Contact. Close contact occurs when a person is less than 6 feet away from an infected person (laboratory-confirmed or a clinical diagnosis) for a cumulative total of 15 minutes or more over a 24-hour period. For example, three individual 5-minute exposures for a total of 15 minutes.

Well-fitted Mask A mask that fits snugly against your face. No gaps exist that can let air with respiratory droplets leak in and out around the edges of the mask. Loosely woven cloth products provide the least protection, layered finely woven products offer more protection, well-fitting disposable surgical masks and KN95s offer even more protection, and well-fitting NIOSH-approved respirators (including N95s) offer the highest level of protection.

COVID-19 Test: A medical test to determine if someone has an active COVID-19 infection. Any test, including polymerase chain reaction (PCR) tests or antigen tests that are submitted to a lab for processing of test results are acceptable at this time. A home test will not be accepted when a COVID-19 test is required.

General Information

The District Administrator has the authority to direct all or some staff to work from home during periods of high transmission to minimize transmission of COVID-19 within the office. During these periods, and upon District Administrator approval, staff will be allowed to work in the office when it is deemed to be the most efficient manner to perform their assigned work tasks. During these periods, staff shall wear a well-fitted mask when at work, with the exception of a.) when they are in their assigned workstation, b.) when eating or drinking, c.) when working outdoors and socially distanced, or d.) when making presentations to the Board of Managers and socially distanced.

Prior Lake-Spring Lake Watershed District's Paid Time-off (PTO) is available for use when PTO-eligible staff exhibits COVID-19 symptoms, have tested positive for COVID-19, or are required to isolate or quarantine. Staff not eligible for PTO shall use personal time when they exhibit COVID-19 symptoms, have tested positive for COVID-19, or are required to isolate or quarantine. With District Administrator's prior approval, employees may work remotely during periods when they are required to quarantine or isolate, provided they are able to work productively. With District Administrator's prior approval, performing outdoor field work during periods of quarantine may be allowed if staff are symptom free and able to perform their work while maintaining 6-feet of separation from co-workers and/or District vendors. During these activities, all equipment used shall be fully sanitized after its use, and staff will provide their own transportation rather than use the district truck.

Vaccinations

While vaccinations are not required a condition of employment at PLSLWD, all employees are strongly encouraged to get vaccinated. Being up to date on vaccinations remains the best way to protect oneself and co-workers from contracting and experiencing significant impacts from COVID-19.

Employees Exhibiting Symptoms of COVID-19

Workers are required to self-monitor for signs and symptoms of COVID-19. Employees who start to experience COVID-19 symptoms while at work will notify the District Administrator and will immediately leave the office. Employees will not report to work if they are experiencing any symptoms associated with COVID-19. If an employee is experiencing COVID-19 symptoms, they must get a COVID-19 test and provide a negative test result before returning to work. Test results may be an image from a cell phone or computer, as long as the name of the employee is listed, as well as the testing date and the result. Employees will use PTO or personal time to comply with the testing requirement. COVID-19 symptoms typically include, but are not limited to:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

Employee Who Tests Positive for COVID-19

- Isolate at home for 5 days from the date of symptoms or date of test, whichever came first. Day 1 is the day after the start of symptoms or test.
- If symptoms are improving and staff has not had a fever for 24 hours without the use of medication, staff can return to work for days 6 -10 but must wear a well-fitted mask at all times, with the exception of a.) when they are in their assigned workstation, b.) when eating or drinking, c.) when working outdoors and socially distanced, or d.) when making presentations to the Board of Managers and socially distanced. "At work" includes traveling in the district truck and when attending meetings outside of the office.
- This applies regardless of whether staff is asymptomatic or exhibiting symptoms of COVID-19.
- All employees must report their COVID-19 illness to the District Administrator.

Employees Exposed to Person with COVID-19

Prior Lake-Spring Lake Watershed District will inform workers if they have been exposed to a person with COVID-19 at their workplace. Whether the exposure occurred at or outside the workplace, staff shall follow the following protocols when they have been informed or reasonably believe they have been in close contact to a confirmed COVID case:

- Quarantine at home for 5 days from the date of exposure. Day 1 is the day after the exposure. Get a COVID-19 test on day 5.
- If no symptoms develop, the employee can return to the office on day 6. A negative test is required to return on day 6. Test results may be an image from a cell phone or computer as long as the name of the employee is listed, as well as the testing date and the result.
- During days 6-10 employee must wear a well-fitted mask at all times, with the exception of a.) when they are in their assigned workstation, b.) when eating or drinking, c.) when working outdoors and socially distanced, or d.) when making presentations to the Board of Managers and socially distanced. "At work" includes traveling in the district truck and when attending meetings outside of the office.

Confidentiality of Medical Information

PLSLWD must maintain the confidentiality of staff test results as provided by law. All information gathered under this Policy, including test results, or other forms deemed necessary to carry out this plan must be retained by the District Administrator in a secure file separate from the employee's personnel file. Testing information may be shared with staff supervisors with a need to know, or others authorized by law.

Nondiscrimination

PLSLWD will not tolerate retaliation, discrimination, and/or harassment based on vaccination status or for speaking out about unsafe working conditions or reporting a work-related illness or infection or exposure to COVID-19.

Noncompliance with this Plan

Noncompliance with this plan may result in disciplinary action, up to and including discharge. The following constitutes noncompliance with this plan:

- Failure to wear face masks as required.
- Providing false documentation of testing results.

- Failure to report COVID-19 illness to the District Administrator as required by this plan.
- Failure to comply with quarantine, isolation and testing requirements required by this plan.
- Any other violation of the requirements of this plan may result in discipline, up to and including discharge.

Employees in violation of this plan present a health and safety risk to the employer and employees may be placed on unpaid leave status until demonstrating compliance with plan requirements.

Requesting Reasonable Accommodations or Exemptions

Requests for reasonable accommodations or exemptions under the Americans with Disabilities Act or Title VII of the Civil Rights Act for those who, due to a preexisting disability, are at higher risk from COVID-19, or requests for reasonable accommodations or exemptions with respect to these policy requirements due to a preexisting disability, will be evaluated on an individual case- by-case basis consistent with state and federal law.

Accommodations for workers with underlying medical conditions or who have household members with underlying health conditions will be addressed in consultation with the District Administrator and may require additional information regarding the underlying health condition as authorized by law.

Policies for Working in the Office

Handwashing

Basic infection prevention measures are being implemented at our workplaces at all times. When entering the office, staff are instructed to either wash their hands with soap and water for at least 20 seconds or sanitize their hands using District provided hand-sanitizer of greater than 60% alcohol. Staff are also instructed to wash their hands for at least 20 seconds with soap and water frequently throughout the day, especially prior to any mealtimes and after using the toilet. All visitors to District's office space will be invited to sanitize their hands when they enter the office, using a sanitizer of greater than 60% alcohol.

PLSLWD provides a hand sanitizing station near the reception desk with the District's Administrative Assistant monitoring supply and ordering additional sanitizer to ensure there is always a supply available. The City of Prior Lake provides soap, water, and paper towels in City Hall restrooms and at office sinks for hand washing. Hand sanitizer is also available in District vehicles.

Respiratory etiquette: Cover your cough or sneeze

Staff are being instructed to cover their mouth and nose with their sleeve or a tissue when coughing or sneezing and to avoid touching their face, in particular their mouth, nose and eyes, with their hands. They should dispose of tissues in the trash and wash or sanitize their hands immediately afterward. Respiratory etiquette will be supported by making tissues and trash receptacles available to all staff and visitors.

Social distancing

Staff are instructed to practice social distancing (6-foot separation from others) when in the office.

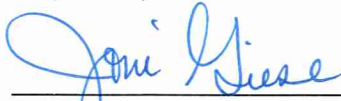
Housekeeping

Regular housekeeping practices are being implemented by the City of Prior Lake, including routine cleaning and disinfecting of restrooms, break areas, lunchrooms and meeting rooms. Cleaning supplies, such as disinfecting wipes and sprays, will be available for staff use in their workstations and other high touch areas, such as the copy machine and conference rooms.

Communications

This Safety Plan was distributed to all workers as of the effective date. The plan will be updated as necessary to respond to changing conditions and/or updated public health guidance provided by the CDC or Minnesota Department of Health.

Prepared by:



Joni Giese
District Administrator

Prior Lake-Spring Lake Watershed District COVID-19 Safety Plan

Acknowledgement Form

I acknowledge that I have received and read the Prior Lake-Spring Lake Watershed District's COVID-19 Safety Plan. I understand that it describes the conduct and behavior expected of me as an employee of Prior Lake-Spring Lake Watershed District.

By my signature, I acknowledge that I will not report to work if I am experiencing symptoms of COVID-19, or am required to isolate or quarantine as outlined in this plan.

Employee Signature

Date

Employee Name (Printed)

PRIOR LAKE SPRING LAKE WATERSHED DISTRICT
Financial Report - Cash Basis
June 1, 2023 Through June 30, 2023

Reflects bills paid through June 30, 2023

Program Element	2023 Source of Funds				2023 Actual Results		
	2023 Levy	Budget Reserve	Grant Funds/Fees	2023 Budget	June 2023	YTD	YTD % of Budget
	General Fund (Administration)						
	Revenues						
Property Taxes	\$ 249,200	\$ -	\$ -	\$ 249,200	\$ 130,684	\$ 130,684	52%
Grants	-	-	-	-	-	-	#DIV/0!
Interest	-	-	3,000	3,000	3,795	6,357	212%
Other	-	-	-	-	-	-	#DIV/0!
Total Revenues	\$ 249,200	\$ -	\$ 3,000	\$ 252,200	134,479	137,041	54%
	Expenditures						
Administrative Salaries and Benefits	\$ 138,000	\$ -	\$ -	\$ 138,000	10,707	67,177	49%
703 - Telephone, Internet & IT Support	13,200	-	3,000	16,200	1,169	6,785	42%
702 - Rent	28,300	-	-	28,300	2,387	15,570	55%
706 - Office Supplies	9,000	-	-	9,000	456	2,074	23%
709 - Insurance and Bonds	14,200	-	-	14,200	8,835	18,724	132%
670 - Accounting	31,000	-	-	31,000	2,598	15,052	49%
671 - Audit	9,000	-	-	9,000	-	11,500	128%
903 - Fees, Dues, and Subscriptions	1,500	-	-	1,500	(81.38)	375	25%
660 - Legal (not for projects)	5,000	-	-	5,000	413	2,330	47%
General Fund (Administration) Expenditures	\$ 249,200	\$ -	\$ 3,000	\$ 252,200	26,483	139,587	55%
Net Change in General Fund	-	-	-	-	107,996	(2,546)	

No assurance is provided on these financial statements

PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

2023 Budget

June 1, 2023 Through June 30, 2023

Program Element		2023 Source of Funds			
		2023 Levy	Budget Reserve	Funds/Fees	2023 Budget
	Implementation Fund				
	Revenues				
	Property Taxes	\$ 1,670,736	\$ -	\$ -	\$ 1,670,736
	Grants/Fees	-	-	120,664	120,664
	Interest	-	-	67,200	67,200
	Sales/Other	-	-	-	-
	Budget Reserves	-	\$ 371,200	-	371,200
	Total Revenues	\$ 1,670,736	\$ 371,200	\$ 187,864	\$ 2,229,800
	Expenditures				
	Program Salaries and Benefits (not JPA/MOA)	\$ 492,900	\$ -	\$ -	\$ 492,900
Water Qual	550 Public Infrastructure Partnership Projects	\$ -	\$ -	\$ -	\$ -
Water Qual	611 Farmer-led Council	54,000	-	-	54,000
Water Qual	611 Cost-Share Incentives	58,000	-	-	58,000
Water Qual	611 Highway 13 Wetland, FeCl system & Desilt, O&M	30,800	-	67,200	98,000
Water Qual	611 Fish Management, Rough Fish Removal	94,000	8,900	-	102,900
Water Qual	611 Spring Lake Demonstration Project Maintenance	1,200	-	-	1,200
Water Qual	611 Alum Internal Loading Reserve	220,000	-	-	220,000
Water Qual	611 Fish Stocking	3,000	-	-	3,000
Water Qual	637 District Monitoring Program	81,000	-	-	81,000
Water Qual	626 Planning and Program Development	17,500	-	-	17,500
Water Qual	626 Fish Lake Management Plan Update	30,404	-	50,896	81,300
Water Qual	626 LGU Plan Review	4,000	-	-	4,000
Water Qual	626 Engineering not for programs	15,000	-	-	15,000
Water Qual	626 Debt Issuance Planning	10,000	-	-	10,000
Water Qual	648 Permitting and Compliance	74,000	-	5,000	79,000
Water Qual	648 Update MOAs with cities & county	10,000	-	-	10,000
Water Qual	648 BMP and easement inventory & inspections	9,500	-	500	10,000
Water Qual	626 Upper Watershed Blueprint	122,332	362,300	39,868	524,500
Water Qual	626 District Plan Update	2,500	-	-	2,500
	WQ TOTAL	\$ 837,236	\$ 371,200	\$ 163,464	\$ 1,371,900
Water Storage	550 District-wide Hydraulic & Hydrologic model	\$ 5,000	\$ -	\$ -	\$ 5,000
	WS TOTAL	\$ 5,000	\$ -	\$ -	\$ 5,000
AIS	611 Aquatic Vegetation Mgmt	5,600	-	\$ 9,400	\$ 15,000
AIS	637 Automated Vegetation Monitoring (BioBase)	\$ 2,000	-	-	2,000
AIS	637 Aquatic Vegetation Surveys	5,500	-	-	5,500
AIS	637 Boat inspections on Spring, Upper & Lower Prior	17,000	-	15,000	32,000
	AIS TOTAL	30,100	-	24,400	54,500
Ed & Out	652 Education and Outreach Program	\$ 40,000	\$ -	\$ -	\$ 40,000
	E&O TOTAL	\$ 40,000	\$ -	\$ -	\$ 40,000
	PLOC Contribution	\$ 185,500	\$ -	\$ -	\$ 185,500
	Debt Payment Reserve	80,000	-	-	80,000
	Total Implementation Fund	\$ 1,670,736	\$ 371,200	\$ 187,864	\$ 2,229,800
	Net Change in Fund Balance Implementation Fund	-	-	-	-

Reflects bills paid through June 30, 2023

2023 Actual Results		
June 2023	YTD	YTD % of Budget
876,128	876,128	52%
-	41,403	34%
(1,266)	25,767	38%
-	2,254	#DIV/0!
-	-	0%
874,862	945,552	42%
30,982	178,259	36%
-	-	#DIV/0!
-	17,035	32%
-	13,373	23%
11,577	15,311	16%
1,530	32,117	31%
-	-	0%
-	-	0%
-	3,500	117%
4,642	8,392	10%
473	7,304	42%
-	18,209	22%
-	-	0%
1,444	8,033	54%
-	-	0%
4,782	16,402	21%
-	1,011	10%
136	136	1%
(491)	8,955	2%
-	-	0%
24,093	149,778	11%
-	-	0%
-	-	0%
1,454	1,454	10%
218	218	11%
-	-	0%
-	-	0%
1,672	1,672	3%
174	2,303	6%
\$ 174	\$ 2,303	6%
-	185,421	100%
-	-	0%
56,921	517,433	23%
817,941	428,120	

Grant Funds/Fees Anticipated					
Water Qual	611 Farmer-led Council (SWCD)			-	-
Water Qual	611 Farmer-led Council (BWSR Grant)			\$ -	\$ -
	Interest Income (general fund & Implementation fund)			\$ 70,200	\$ 70,200
	648 New Easement Acquisition Fees			5,000	5,000
Water Qual	648 Easement Amendment/violations fees			500	500
	626 UWB (BWSR Lower MN River South (WBIF-grant)			3,958	3,958
	Fish Lake Mgmt Plan & Swamp IESF Feas. ('23 WBIF Grant)			82,806	82,806
	Spring Lake Twnshp Contribution (Fish Lake Mgmt Plan)			4,000	4,000
	550 S&I Sutton Lake Outlet (DNR Flood Hazard Grant)			-	-
	AIS Grant for Upper Prior Lake (DNR Grant)			4,335	4,335
AIS	611 Aquatic Vegetation Mgmt. (Scott County)			20,065	20,065
	Total Grant Funds/Fees Anticipated			\$ 190,864	\$ 190,864

No assurance is provided on these financial statements

PLSLWD Monthly Treasurers Report

Treasurer: Christian Morkeberg

Account balances as of 06/30/2023

4M Fund (Checking Account)	\$	2,134,785
4M Fixed Income	\$	1,299,654
Total Uncleared Transactions	\$	-
SUBTOTAL	\$	3,434,439

RESTRICTED/COMMITTED FUNDS

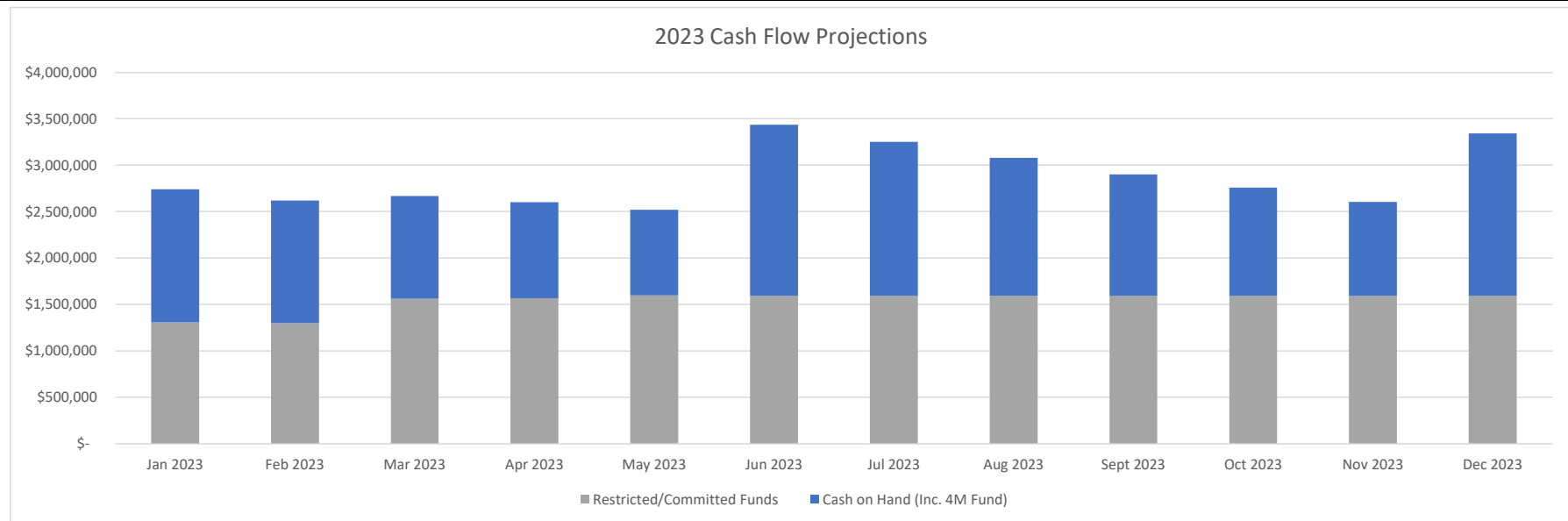
Restricted - Permit Deposits, etc. (350 & 360)	\$	136,893
Restricted - PLOC Contingency Reserve (850)	\$	263,225
Restricted - PLOC O&M Funds (830)	\$	249,726
Committed - Alum Internal Loading Reserve	\$	480,000
Committed - Upper Watershed Fund Balance	\$	362,300
Committed - Debt Payment	\$	100,000
TOTAL DISTRICT/PLOC RESTRICTED OBLIGATIONS	\$	1,592,144

Available cash at end of June 2023	\$	1,842,295
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*74.5% of 2023 Budget***No assurance is provided on these financial statements**

Cash Flow Chart

Month (End of Month)	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	Jun 2023	Jul 2023	Aug 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023
Cash on Hand (Inc. 4M Fund)	\$1,431,758	\$1,320,069	\$1,107,290	\$1,031,741	\$ 922,202	\$1,842,295	\$1,658,168	\$1,486,318	\$1,308,431	\$1,167,324	\$1,012,204	\$1,748,886
Restricted/Committed Funds	\$1,308,754	\$1,298,440	\$1,560,558	\$1,568,338	\$ 1,597,340	\$1,592,144	\$1,592,144	\$1,592,144	\$1,592,144	\$1,592,144	\$1,592,144	\$1,592,144
Total Cash on Hand	\$2,740,512	\$2,618,509	\$2,667,848	\$2,600,079	\$ 2,519,542	\$3,434,439	\$3,250,312	\$3,078,462	\$2,900,575	\$2,759,468	\$2,604,348	\$3,341,030



PLSL Watershed District

Starting cash on hand

Cash Minimum Balance Alert \$ 150,000

	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	Jun 2023	Jul 2023	Aug 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023	Total
Cash on hand (beginning of month)	\$ 2,822,334	\$ 2,740,512	\$ 2,618,509	\$ 2,667,848	\$ 2,600,079	\$ 2,519,542	\$ 3,434,439	\$ 3,250,312	\$ 3,078,462	\$ 2,900,575	\$ 2,759,468	\$ 2,604,348	

Cash Receipts

Property Tax Levy	\$ 15,415	\$ -	\$ -	\$ -	\$ -	\$ 1,006,813	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 913,123	\$ 1,935,351
BWSR WBIF	-	-	41,403	-	-	-	-	-	-	33,122	-	-	74,525
BWSR BWF - Lower MN River South	-	-	-	-	-	-	-	-	-	-	-	-	-
DNR Flood Hazard Mitigation Grant	-	-	-	-	-	-	-	-	-	-	-	-	-
Grants - Other	-	-	-	-	-	-	-	4,335	-	-	20,065	-	24,400
PLOC Contributions	-	-	287,598	-	33,717	-	-	-	-	-	-	-	321,315
Interest Income	5,631	5,108	5,749	10,806	5,841	7,772	5,850	5,850	5,850	5,850	5,850	5,850	76,007
Other Receipts	-	-	2,000	-	-	-	1,000	1,000	1,000	1,000	-	4,000	10,000
Total Cash Receipts	\$ 21,046	\$ 5,108	\$ 336,750	\$ 10,806	\$ 39,558	\$ 1,014,585	\$ 6,850	\$ 11,185	\$ 6,850	\$ 39,972	\$ 25,915	\$ 922,973	\$ 2,441,598
Total Cash Available	\$ 2,843,380	\$ 2,745,620	\$ 2,955,259	\$ 2,678,654	\$ 2,639,637	\$ 3,534,127	\$ 3,441,289	\$ 3,261,497	\$ 3,085,312	\$ 2,940,547	\$ 2,785,383	\$ 3,527,321	

Cash Paid Out

Salaries and Per Diems	\$ 28,453	\$ 38,504	\$ 60,801	\$ 39,421	\$ 39,424	\$ 41,689	\$ 56,658	\$ 56,658	\$ 56,658	\$ 56,658	\$ 56,658	\$ 56,658	\$ 588,242
Office Expense, Audit, Accounting	7,787	3,932	7,957	18,361	10,749	3,602	15,967	8,024	9,727	6,069	6,024	11,274	109,473
PLSLWSD Program Costs	66,307	74,361	24,771	17,173	65,207	44,230	105,100	105,100	105,100	105,100	105,100	105,100	922,649
PLOC Contribution	-	-	185,421	-	-	-	-	-	-	-	-	-	185,421
PLOC Operations	321	10,314	8,461	3,620	4,715	10,167	13,252	13,252	13,252	13,252	13,252	13,259	117,117
Debt Service	-	-	-	-	-	-	-	-	-	-	-	-	-
Subtotal	\$ 102,868	\$ 127,111	\$ 287,411	\$ 78,575	\$ 120,095	\$ 99,688	\$ 190,977	\$ 183,034	\$ 184,737	\$ 181,079	\$ 181,034	\$ 186,291	\$ 1,922,902
Cash on Hand (end of month)	\$ 2,740,512	\$ 2,618,509	\$ 2,667,848	\$ 2,600,079	\$ 2,519,542	\$ 3,434,439	\$ 3,250,312	\$ 3,078,462	\$ 2,900,575	\$ 2,759,468	\$ 2,604,348	\$ 3,341,030	

Prior Lake-Spring Lake Watershed District Balance Sheet

	6/30/2023 Balance
Cash/Investments	
4M Fund/US Bank	\$ 3,434,439
	<u>\$ 3,434,439</u>
Receivables	
PLOC - Contributions	-
Other Receivables	-
	<u>-</u>
Total Assets	<u><u>\$ 3,434,439</u></u>
Liabilities	
Permit Security	\$ 134,066
Permit Deposits	2,827
	<u>136,893</u>
Fund Balance	
Restricted	512,951
Committed	942,300
Unassigned	1,842,295
	<u>3,297,546</u>
Total Liabilities and Fund Balance	<u><u>\$ 3,434,439</u></u>

PLSLWD
Cost Analysis
Year to Date 06/30/2023

	Year to Date 06/30/2023	
	Amount	% of total
<u>Program staff costs</u>	<u>178,259</u>	<u>27.1%</u>
<u>Consultants</u>		
EOR	46,785	
WSB & Associates	20,574	
Scott Soil and Water Cons.	37,516	
RMB Environmental Labs	4,579	
	<u>109,454</u>	<u>16.7%</u>
Hard costs, exclusive of prog staff & consultant costs	44,299	
Permitting Revenue	-	
	<u>44,299</u>	<u>6.7%</u>
<u>Overhead and Administration</u>		
Staff costs	67,177	
Audit/Accounting/Legal	28,882	
Other admin overhead	43,528	
	<u>139,587</u>	<u>21.2%</u>
<u>Bonds payments</u>	<u>-</u>	<u>0.0%</u>
<u>PLOC Contribution</u>	<u>185,421</u>	<u>28.2%</u>
Expenses excluding PLOC expenses per manager report	<u>657,020</u>	100.0%

No assurance is provided on this statement.

This statement omits required disclosures.

This statement is prepared on the cash basis of accounting.



PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

WORKSHOP MEETING MINUTES

Tuesday, June 13, 2023

Prior Lake City Hall

4:00 PM

Members Present:

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

Staff & Consultants Present:

Joni Giese, District Administrator
Emily Dick, Water Resources Project Manager
Danielle Studer, Water Resources Specialist
Lindsay James, Intern
Ashley Halverson, Intern
Carl Almer, District Engineer, EOR

Others Present:

Zach Braid, City of Prior Lake
Jody Brennan, Scott County
Maureen Reeder, Citizen Advisory Committee

The meeting was called to order at 4:03 PM.

Introduction of Summer Interns

District Administrator Joni Giese introduced the 2023 District interns. Lindsay James and Ashley Halverson will join the District for 10 weeks to assist with carp removals, stream monitoring, education materials, and easement monitoring. Ashley Halverson is a recent graduate from University of Minnesota. Lindsay is a rising Senior at Gustavus University. Both bring experience in field sciences, outreach, GIS, and more.

Introduction of Water Resources Specialist

District Project Manager Emily Dick introduced Danielle Studer, the new Water Resources Specialist for the District. Danielle started on June 12th and brought with her a background in science, GIS, and writing that will be a valuable addition to the District's programs and projects. Danielle graduated from Allegheny College with a degree in Environmental Science and Sustainability. Danielle has worked for USGS conducting research on shoreline movement, as a substitute teacher, and assisting with bird conservation and banding.

Rule D – Public Linear Cost Cap and Stormwater Impact Fund Rates

District Engineer, Carl Almer, gave a presentation on the rates related to District rules, specifically public linear cost cap and stormwater impact fund rates.

After new District rules were adopted in 2022, a meeting was held with the LGU partners to discuss setting rates and cost caps. The meeting resulted in questions about how the process would work. Staff attempted to flush out the process as part of the process to develop draft equivalency agreement with the LGUs. The 2022 rules offer several pathways for meeting stormwater requirements based on ability. The first preference is always to treat and manage on-site, however there are options for flexibility to still meet standards if on-site treatment is not feasible. One option is a public linear cost cap which is only available for public or municipal projects. The other is the stormwater impact fund, which requires payment into a fund if stormwater management is not feasible on the property. Funds collected by the District would be used to implement a stormwater management feature elsewhere in the District.

If an agency determines the cost of achieving full stormwater management is excessive, they may initiate discussions with the District about using a linear cost cap. If agreed to by the District, the agency will be allowed to “cap” the amount they spend on implementing stormwater management for the project based on the rate to be set by the Managers. The benefit of capping is that it allows municipalities to budget how much they will need for storm water management early in the process. The District can decide to contribute funds needed above the cost cap to fully meet District standards. To inform cost setting, the District solicited LGU partners for the costs expended related to public linear projects for the previous 5 years. There were six public linear projects assessed. Based on data, a recommended public linear cap of \$20/cubic foot was proposed for stormwater management contributions. Local project examples averaged \$18/cubic foot. This was based on a small data set and projects submitted did not include right-of-way acquisition costs. It was shared that other metro watershed districts had established a linear cost cap rate of \$20/cubic foot and some metro watershed districts are expected to raise cost cap rates as much as 25% in the next year due to inflation.

The stormwater impact fund option is available if the project is not able to provide volume control on the site, and there are no credits available. A study done by Barr in 2018 looked at roughly 68 stormwater best management practices (above ground and filtration projects only) in a metro watershed district. Based on this study, \$30/cubic foot is recommended as a rate for stormwater impact fund fees. Some metro watershed districts are expected to raise stormwater impact fund rates as much as 25% in the next year due to inflation.

Next steps include preparing a Board resolution for the approval of the public linear cost cap and stormwater impact fund rates. In general, municipalities can choose whether to exercise these options or to continue the traditional paths. Municipalities expressed interest in keeping the rates at the low end of the range. There was discussion that the rates established by the District could help incentivize on-site stormwater management. The board asked that the topic be brought back at a future workshop for further discussion.

2024 Budget Considerations

District Administrator Joni Giese presented a draft Budgeting Process for the 2024 budget at the May Board of Managers workshop. Administrator Giese presented a document identifying Water Resource Management Plan goals that are not currently being met, and projects in the implementation plan that have not been conducted. The Board of Managers could advocate that the District continue with its existing programs, or to adjust focuses to meet goals currently not being addressed or shifting priorities. There was discussion and concern about making sure we have the staff bandwidth to expand into other areas before we do. There are areas that require more work, but the general opinion was to stay the course until projects are complete and there is more time free to jump into different subject matters. There was a request for staff to provide recommendations on budget adjustments. There was also interest in providing a high priority project list, and a secondary plan if priority projects are later deemed not feasible.

Juneteenth Holiday

Juneteenth, or June 19th, has now been designated as a state holiday, which precludes public offices from doing business on the holiday. Juneteenth celebrates the last recognition of emancipation of enslaved African Americans. Administrator Giese will conduct due diligence on other local Watershed Districts to determine how they are handling the additional holiday. Currently the District offers 11 paid holidays, nine of which are state mandated holidays. The two non-mandated holidays are currently the day after Thanksgiving and Christmas Eve. Scott County will be adding an additional holiday, Scott SWCD has not determined how they will accommodate the additional holiday. Administrator Giese will come back at a future meeting with more information to inform a Board vote on a decision of how to handle the new holiday in the District benefits package. A decision will need to be made prior to the non-mandated holidays.

Staff Feedback Discussion

The District received feedback from staff through several formats. Administrator Giese presented four dominant themes.

1. Staff expressed a perception that monitoring, and research is not valued and therefore hinders the support of data collection to inform District projects. Administrator Giese expressed an extra effort to continually emphasize how data collection is supporting project and program development.
2. Human resources practices could be improved. Staff expressed interest in clarity around performance reviews, salary adjustments, and transition between titles. Administrator Giese stated this is a priority for the next year.
3. Autonomy in preparing work products. Staff desires increased autonomy in roles. Administrator Giese is increasing efforts to encourage autonomy and sharing upfront expectations to enable this while maintaining quality.
4. Staff expressed that tone from the Administrator and Board of Managers can influence staff morale.

Joint Board of Managers & CAC Meeting: Potential Agenda Items

For the past two years, the Board and CAC have held a Joint meeting, typically in July. Traditionally the Board has shared their findings from the Board Retreat and heard about CAC accomplishments and goals. Discussion was opened to solicit ideas for agenda items for the 2023 meeting. One idea

was continued discussion on how to encourage CAC engagement and advisory function to the Board. There was interest in clarifying the process for CAC project vetting, and discussing what percentage of CAC work should be requested by the Board versus originating organically from the CAC. Another topic would be a debrief discussion of any remaining questions around the CAC Operating Guidelines. A third topic suggested was the recruitment of CAC members, how to support that process, and who should fill roles in that task. There was discussion on ideal number of members and recruitment. In past renditions of the CAC, ten members was discussed as an ideal number to allow for good participation and attendance. Recruitment methods should reflect the intent of the CAC, with the observation that many current Board members came from the CAC.

Liaison Updates

District Partner Reports

- *Scott County*- Commissioners having a workshop on June 20, on the agenda is the One Watershed One Plan organizational restructuring. Staff is concerned that the planning process will advocate for an additional watershed management entity and will be holding a meeting on June 29 to update municipalities within the County on what is happening. Staff is hopeful that the Watershed District will work with DNR and lake associations in determining which boat ramps are worked on under the state funding recently appropriated to the County.
- *CAC*- None today.
- *City of Prior Lake*- Sidewalk repair is ongoing across from the City Hall. Two road projects underway: Fish Point Road project and County 21/Revere project. Boat ramps had washout due to power loading, both lake associations worked with legislators to get funding for repair. Both projects have gone out to bid, but not sure on the status of those projects. The boat ramps are likely not a permanent fix. Military banners and decor were put up for Memorial Day. The Paint a Plow event with the Public works event had 600 families attend. Housing projects have been slow with interest rates. Building projects advancing include next to City hall and next to Jeffers Pond.

Manager Liaison Reports

- *CAC*- Went over budgeting process, Water Resource Management Plan evaluation.
- *Scott SWCD*- None.
- *Lower Minnesota Watershed District*- None.
- *Sand Creek Township*- None.
- *Spring Lake Township*- None.
- *Scott WMO*- None.
- *Shakopee*- None.
- *SCALE*- Meeting discussed results on election, lots of focus on mental health, and discussion on how SCALE could be a more effective legislative platform.
- *Scott County* – None.
- *PLOC Cooperators*- A review of the Outlet Structure Management Policy and Operating Procedures indicated a potential approach for increasing flows in the PLOC while still complying with maximum flow rates established by the DNR. Work on the pipe lining project led to a capital funding request for 2024. Cooperators passed a resolution to support that funding request.

Administrator Report

- The Prior Lake City Council meetings in 2024 will be held on the second and fourth Tuesdays of the month. Therefore, the 2024 Board of Managers meeting schedule will need to be moved.
- Funding for PLOC pipe lining was not awarded in this year's bonding bill, but the District will be pursuing the capital funding available in 2024. Applying for capital funding makes the District eligible to be included in a bonding tour so the District can share with legislators the importance of the project.
- At the previous Board meeting, public comment was received requesting that the District give a recommendation to irrigate with City water instead of lake water during times of drought. Staff did not have time to follow up with that request and intend to do so in the near future.
- The District solicited proposals for a website update and did not receive proposals that staff wanted to move forward with. The District directly solicited a proposal from a firm that is well respected in the watershed district arena and is waiting to receive a proposal from that firm.
- Landowners have expressed concern on sediment coming into Upper Prior Lake through the channel from Spring Lake. District staff has directed the landowners to the DNR as any sediment removal would require a DNR permit.

Respectfully Submitted,
Emily Dick
6/13/2023



REGULAR MEETING MINUTES

Tuesday, June 13, 2023

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
Emily Dick, Water Resources Project Manager
Carl Almer, EOR, District Engineer

Others Present:

Jody Brennan, Scott County Commissioner
Maureen Reeder, CAC
Matt Newman, Resident
Pat Conrad, EOR

• **1.0 CALL TO ORDER & PLEDGE OF ALLEGIANCE:**

Meeting was called to order by President Loney at 6:08 pm. Everyone present recited the Pledge of Allegiance.

• **2.0 PUBLIC COMMENT**

None

• **3.0 APPROVAL OF AGENDA**

Motion to approve agenda by Manager Tofanelli; 2nd by Manager Boyles;
Motion passed 5-0.

• **4.0 OTHER OLD/NEW BUSINESS**

4.1 Programs & Projects Update

- Staff provided a summary of activities the preceding month. Prior Lake level is at 901.

4.2 Fish Lake Management Plan: Project Status Update

- Pat Conrad presented "State of the Lake Update."
- Mr. Conrad answered questions from Managers Morkeberg and Tofanelli.

4.3 Resolution 23-370: Revising the Name of the Upper Watershed Blueprint Reserve Fund

- Administrator Giese presented Resolution 23-370 to Revise the Name of the Upper Watershed Blueprint Reserve Fund.
- Motion to approve by Manager Boyles; 2nd by Manager Burnett; Motion passed 5-0.

4.4 City of Prior Lake Lease Renewal

- Administrator Giese presented this request.
- Motion to approve by Manager Boyles; 2nd by Manager Tofanelli; Motion passed 5-0.

4.5 City of Savage Interim Equivalency Approach

- Administrator Giese presented this request.
- Motion to approve by Manager Boyles; 2nd by Manager Burnett; Motion passed 5-0.

4.6 Mieras Pollinator Habitat and Raingarden Cost Share Project

- Emily Dick presented this request.
- Motion to approve by Manager Boyles; 2nd by Manager Morkeberg;
 - Discussion questions from Manager Tofanelli.
 - Motion passed 4-1.

• 5.0 TREASURER'S REPORT

Treasurer Morkeberg summarized the financial information contained in the packet including:

5.1 Monthly Financial Reports

- Financial Report
- Treasurers Report
- Cash Flow Projections

• 6.0 CONSENT AGENDA

6.1 Meeting Minutes – May 9, 2023, Board Workshop

6.2 Meeting Minutes – May 9, 2023, Board Meeting

6.3 Meeting Minutes – April 27, 2023, CAC Meeting

6.4 Claims List & Visa Expenditures Summary

~~6.5 Scott County Public Works Storage Facility Conservation Easement~~

Removed by Manager Morkeberg

6.7 CAC Vice-Chair

- Motion to approve Consent Agenda (without 6.5) by Manager Tofanelli; 2nd by Manager Boyles; Motion passed 5-0.

6.5 Scott County Public Works Storage Facility Conservation Easement

- Discussed question from Manager Morkeberg.
- Motion to approve by Manager Morkeberg; 2nd by Manager Burnett; Motion passed 5-0.

• 7.0 UPCOMING MEETING/EVENT SCHEDULE:

- Joint Board of Managers & CAC Ferric Chloride Facility Site Tour, Thursday, June 22, 2023, 3:00 pm (Depart from Prior Lake City Hall)
- Joint Board of Managers & CAC Meeting, Thursday, June 22, 2023, 5:00 pm (Prior Lake City Hall – Wagon Bridge Conference Room)
- Board of Managers Workshop, Tuesday, July 11, 2023, 4:00 pm (Prior Lake City Hall – Parkview Conference Room)
- Board of Managers Meeting, Tuesday, July 11, 2023, 6:00 pm (Prior Lake City Hall – Council Chambers)
- CAC Meeting, Thursday, July 27, 2023, 6:00 pm (Prior Lake City Hall – Wagon Bridge Conference Room)

• 8.0 ADJOURNMENT

- Motion to adjourn by Manager Tofanelli; 2nd by Manager Burnett; Motion passed 5-0.
Meeting adjourned at 7:37 pm.

Respectfully Submitted,
Ben Burnett, PLSLWD Secretary, 7/1/2023

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 benefits, Manager per diems, and Health insurance premiums have already been paid via ACH transfers. After the managers vote, two Managers will approve individual payments via BILL within three days of the meeting for approved claims. Then, staff will release payment via BILL to the claims list parties.

Vendor	Invoice Link	Description	Amount
1. Watershed District Projects (excluding staff payroll)			
EOR	X	General Engineering	\$ 2,292.11
		Fish Lake Management Plan Update	\$ 6,589.00
		Permitting	\$ 2,376.00
		BMP Easements	\$ 650.25
		Sutton Lake IESF Follow-up Assessment	\$ 99.00
		Ferric Chloride System Assessment	\$ 5,388.59
		District Monitoring Program	\$ 173.00
Scott SWCD	X	WCA Application fee	\$ 670.00
RMB	X	June Ferric Monitoring	\$ 1,425.50
	X	June Watershed Monitoring	\$ 2,438.27
Waterfront Restorations	X	Watercraft Inspections - May 1-30	\$ 4,551.98
		Subtotal	\$ 26,653.70
2. Outlet Channel - JPA/MOA (excluding staff payroll)			
WSB	X	PLOC Pipe Lining Project Management	\$ 3,942.50
Jerry Miller Reimbursement	X	Bank stabilization project reimbursement	\$ 1,050.00
EOR		PLOC Engineering Assistance	\$ 687.00
		PLOC Engineering Assistance	\$ 346.50
		2023 PLOC Vegetation Maintenance	\$ 782.41
		2023 PLOC Vegetation/Stability Inspections	\$ 43.25
		Subtotal	\$ 6,851.66
3. Payroll, Office and Overhead			
ADP Manager Per Diems			\$ 231.44
ADP Staff Payroll			\$ 23,942.95
ADP Taxes & Benefits			\$ 15,264.18
NCPERS	X	July Life Insurance Premiums	\$ 96.00
Reliance Standard	X	July LTD and STD Premiums	\$ 706.14
HealthPartners	X	Health Insurance Premiums	\$ 7,361.70
Smith Partners	X	General Legal issues	\$ 155.40
City of Prior Lake	X	Rent (August 2023)	\$ 2,387.03
CLA	X	Monthly Accounting -	\$ 1,685.00
		Technology and Client Support Fee	\$ 100.65
		Bill.com fees for June 2023	\$ 53.00
		Monthly Payroll processing	\$ 328.00
Rymark	X	June Billing (11 workstations)	\$ 1,017.35
Metro Sales	X	Contract base rate 5/8-6/7-2023	\$ 155.00
	X	Contract usage charge 3/30-6/29/2023	\$ 483.06
VISA	X	May-June Billing	\$ 1,932.13
US Bank	X	June Billing	\$ 220.64
		Subtotal	\$ 56,119.67
		TOTAL	\$ 89,625.03

Prior Lake-Spring Lake Watershed District
VISA Transactions 5/24/2023-6/23/2023

[illegible]

**Prior Lake-Spring Lake Watershed District
US Bank Transactions through 6/25/2023**

[illegible]



PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

Subject 	Conservation Easement Amendment	
Board Meeting Date 	July 11, 2023	Item No: 6.4
Prepared By 	Joni Giese, District Administrator	
Attachments 	Second Amendment to the Declaration and Acceptance of Conservation Easement	
Proposed Action 	Motion to approve the Second Amendment to the Declaration and Acceptance of Conservation Easements with Hermann and Wendy Golter for execution by the District Administrator.	

Background

The District accepted a declaration of conservation easement covering the Hermann and Wendy Golter parcel in 2002. A first amendment to declaration and acceptance of conservation easement associated with this parcel was approved and recorded with the County in 2005.

Discussion

The property owners approached the District about amending the conservation easement in 2022. The amended easement removes approximately 258 square feet from the existing conservation easement by relocating the easement boundary approximately 3.5 feet south from the current easement location, thereby removing an existing retaining wall from the easement area. This proposed easement amendment is a unique circumstance as documentation found in the District's files indicate previous District staff provided incorrect information to the landowners regarding the location of the easement, which the landowners state was relied upon to construct the retaining wall. In return for modifying the existing easement, the property owners installed additional native vegetation in the buffer area covered by the conservation easement to enhance the function of the buffer.

Recommendation

Staff is requesting the Board of Managers approve the Second Amendment to the Declaration and Acceptance of Conservation Easements with Hermann and Wendy Golter for execution by the District Administrator.

SECOND AMENDMENT TO DECLARATION AND ACCEPTANCE OF CONSERVATION EASEMENTS

This amendment ("Amendment") is made between Hermann P. Golter and Wendy J. Golter each the spouse of the other (collectively "Owner"), and the PRIOR LAKE-SPRING LAKE WATERSHED DISTRICT, a political subdivision under Minnesota law ("District").

RECITALS

The Owner owns certain land ("Property") within the District, described as follows:

Lot 6, Block 3, St. Clair Bluffs, Scott County

This Property is subject to a conservation easement ("Conservation Easement") initially established by a "Declaration and Acceptance of Conservation Easements" dated July 23, 2002, and filed for record on May 5, 2003, as Document No. A600404 ("Declaration"), to create and preserve a buffer strip pursuant to District Rules relating to the development of land in Scott County, Minnesota. A First Amendment to Declaration and Acceptance of Conservation Easement, dated August 26, 2005, was filed for record on November 29, 2005, as Document No. A721814. The parties now desire to amend the Declaration pursuant to Section 6 (c) thereof.

AMENDMENT

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

1. RECITALS. The foregoing recitals are true and correct and incorporated herein by this reference.
2. AMENDMENTS. The Declaration is amended as follows:
 - a. The legal description and location of the Conservation Easement is amended to be that portion of the Property on which is located any part of the Conservation Area as legally described and delineated on the attached Exhibit A and Exhibit B. In the event of a discrepancy between the legal description and delineation, the legal description will control.

b. Paragraph 2(b) of the Declaration is amended to read as follows:

Buffer strip vegetation shall be established and maintained within the Easement Area in accordance with the Rules. There will be no grading or other disturbance of the soil within the Conservation Easement except as incidental to vegetation planting and removal. No structure or paved surface will be placed temporarily or permanently within the Conservation Easement.

c. Paragraph 2(c) of the Declaration is amended to read as follows:

Easement identification monuments must be placed and maintained by the Declarant at the boundaries of the Easement Area as required by the Rules. Monuments will 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.

d. Paragraph 2(d) of the Declaration is amended to read as follows:

Subject to Section 3 below, alterations including building, storage, paving, mowing, plowing, introduction of noxious vegetation, cutting, dredging, filling, mining, dumping, grazing livestock, agricultural production, yard waste disposal or fertilizer application, are prohibited within the Easement Area. Noxious vegetation, such as European buckthorn, purple loosestrife and reed canary grass, may be removed as long as the Easement Area is maintained to the standards required by the Rules and with a two-week advance written notice to the Watershed District. Notwithstanding the foregoing, Declarant may plant to enhance the natural vegetation or selectively clear or prune trees or vegetation that are dead, diseased or otherwise pose hazards with written consent from the Watershed District.

e. Paragraph 3 (a) of the Declaration is amended to read as follows:

Use and maintenance of a single, unimproved access strip through the buffer, not more than 5 feet in width in incorporated areas and 20 feet in width in unincorporated areas, and maintained only by means of mowing, for recreational access to the watercourse or wetland and the exercise of riparian rights;

3. OTHER TERMS. All terms and conditions of the Declaration remain effective and in force except as explicitly amended by this Amendment.

IN WITNESS WHEREOF, the Owner has voluntarily executed this Agreement on this
20th day of June, 2023.

OWNER:

By:

Hermann P. Golter
Hermann P. Golter

By:

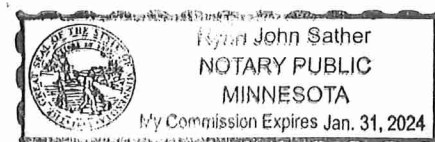
Wendy J. Golter
Wendy J. Golter

STATE OF MINNESOTA)
) ss.
COUNTY OF SCOTT)

The foregoing instrument was acknowledged before me this 20th day of
June, 2023, by Hermann P. Golter and Wendy J. Golter, each the spouse of the
other.

[Signature]
Notary Public

My Commission Expires: 1-31-24



Drafted by:
Prior Lake-Spring Lake Watershed District
4646 Dakota Street SE
Prior Lake, MN 55372

ACCEPTANCE

The PRIOR LAKE-SPRING LAKE WATERSHED DISTRICT hereby accepts the foregoing Amendment this _____ day of _____, 2023.

PRIOR LAKE-SPRING LAKE WATERSHED
DISTRICT

By: _____
Joni Giese

Title: District Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF SCOTT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by Joni Giese as the Administrator of the Prior Lake-Spring Lake Watershed District, a political subdivision under Minnesota law.

Notary Public

My Commission Expires: _____

Exhibit A

Legal Description of Conservation Area

AN EASEMENT FOR CONSERVATION PURPOSES OVER AND ACROSS THAT PART OF LOT 6, BLOCK 3, ST. CLAIR BLUFFS, CITY OF SAVAGE, SCOTT COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH CORNER OF SAID LOT 6; THENCE SOUTH 00 DEGREES 38 MINUTES 10 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 6, A DISTANCE OF 81.04 FEET; THENCE NORTH 84 DEGREES 42 MINUTES 53 SECONDS EAST, A DISTANCE OF 41.53 FEET; THENCE NORTH 85 DEGREES 08 MINUTES 03 SECONDS EAST, A DISTANCE OF 30.21 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 6; THENCE NORTH 43 DEGREES 23 MINUTES 19 SECONDS WEST, ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 102.71 FEET TO THE POINT OF BEGINNING.

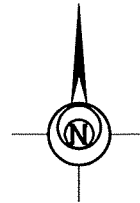
Exhibit B

Survey Map of Amended Conservation Area

ADDRESS: 9232 CARRIAGE HILL ROAD

CERTIFICATE OF SURVEY

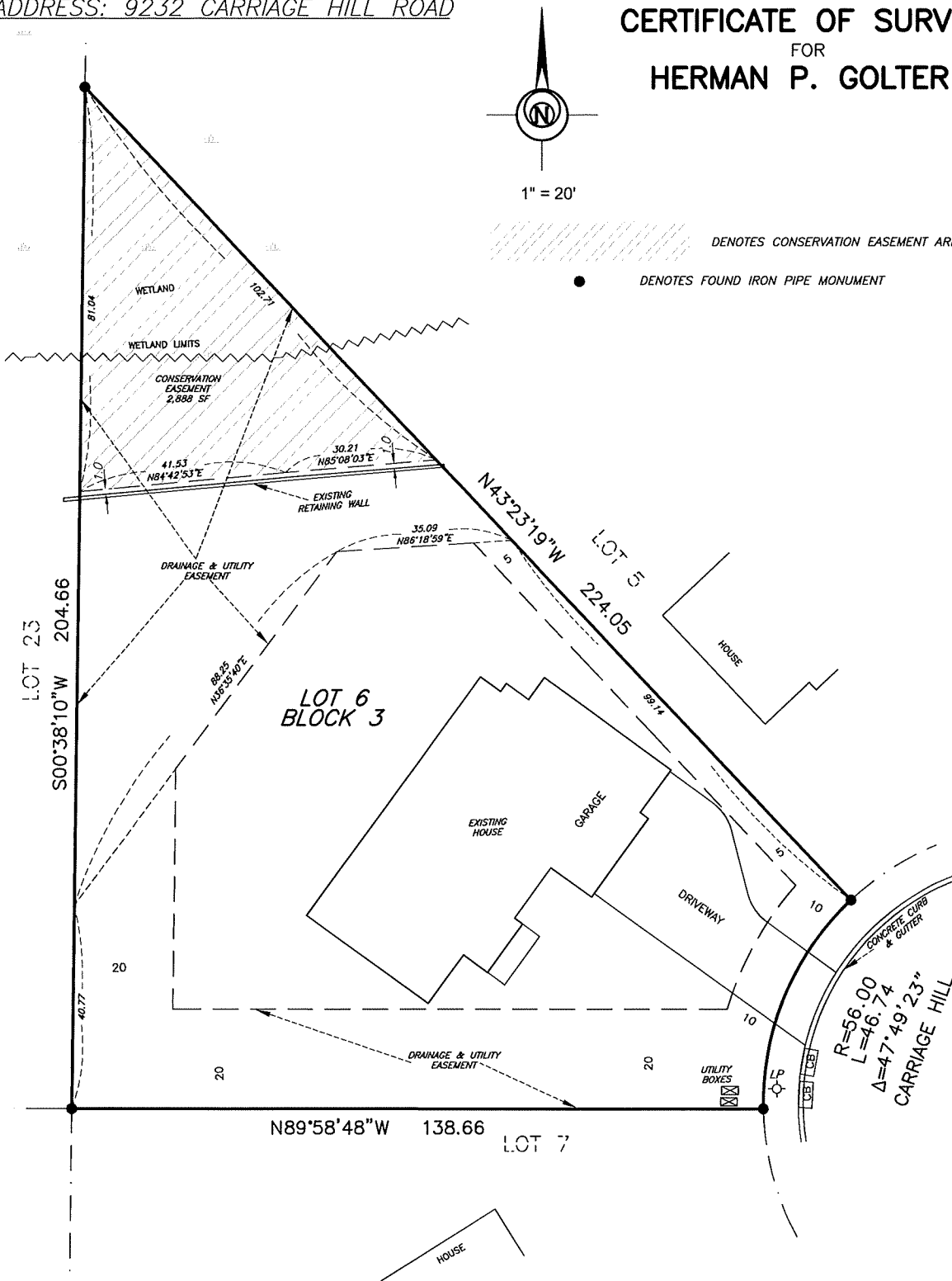
FOR
HERMAN P. GOLTER



1" = 20'

DENOTES CONSERVATION EASEMENT AREA

DENOTES FOUND IRON PIPE MONUMENT



CONSERVATION EASEMENT DESCRIPTION

AN EASEMENT FOR CONSERVATION PURPOSES OVER AND ACROSS THAT PART OF LOT 6, BLOCK 3, ST. CLAIR BLUFFS, CITY OF SAVAGE, SCOTT COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTH CORNER OF SAID LOT 6; THENCE SOUTH 00 DEGREES 38 MINUTES 10 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 6, A DISTANCE OF 81.04 FEET; THENCE NORTH 84 DEGREES 42 MINUTES 53 SECONDS EAST, A DISTANCE OF 41.53 FEET; THENCE NORTH 85 DEGREES 08 MINUTES 03 SECONDS EAST, A DISTANCE OF 30.21 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 6; THENCE NORTH 43 DEGREES 23 MINUTES 19 SECONDS WEST, ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 102.71 FEET TO THE POINT OF BEGINNING.

PROPERTY DESCRIPTION

LOT 6, BLOCK 3, ST. CLAIR BLUFFS, CITY OF SAVAGE, SCOTT COUNTY, MINNESOTA.

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Bohlen
Surveying & Associates

31432 Foliage Avenue
Northfield, MN 55057

Phone: (507) 645-7768
tomeara@bohlen-surveying.com



1692 Cliff Road E.
Burnsville, MN 55337

Phone: (952) 895-9212
Fax: (952) 895-9259

DATE: 11-12-22

Thomas J. O'Meara
THOMAS J. O'MEARA, LAND SURVEYOR
MINNESOTA LICENSE NO. 46167



Subject 	Jeffers Lodge Development Agreement	
Board Meeting Date 	July 11, 2023	Item No: 6.5
Prepared By 	Kristin Weinandt, Scott SWCD	
Attachments 	1) Project Location Map 2) Jeffers Lodge Development Agreement	
Proposed Action 	Motion to approve the Jeffers Lodge Development Agreement for execution by the District Administrator contingent upon staff completing a vegetation establishment assessment and completing the agreement to reflect the assessment results.	

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 a conservation easement. The development agreement provides a means for the District to recover costs associated with the acquisition of the easements including title work, staff time, and engineering review. It also ensures the easement area is properly established and vegetated to filter runoff.

Discussion

Scott SWCD staff is working with the property owner, Jeffers Foundation, on behalf of the District to establish a conservation easement that will protect the required buffer in perpetuity. The location of the project is shown on the attached map.

Staff still need to perform a site visit to determine if vegetation establishment is needed in the buffer area. Should vegetation establishment be required, an escrow value will be calculated and entered into the development agreement. Approval of the development agreement will be contingent upon staff completing the vegetation establishment assessment and completing the agreement to reflect the results of the assessment.

The attached draft development agreement is based on a template developed by the District Attorney. The development agreement is a legal document that will be recorded with the Scott County Land Records Office.

Recommendation

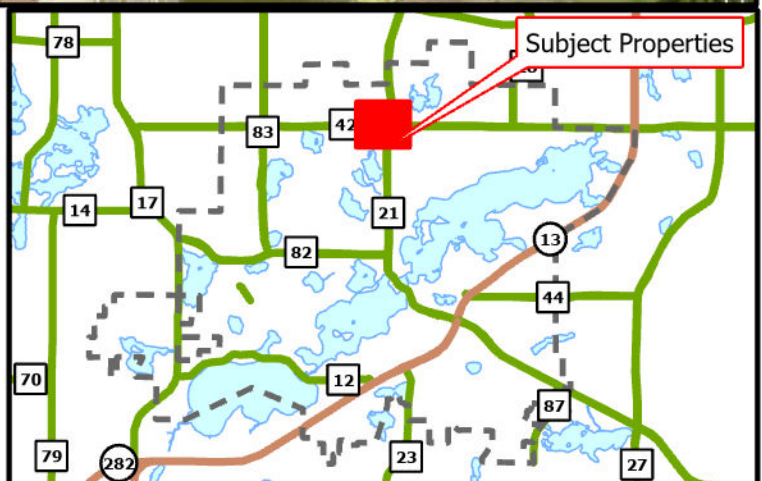
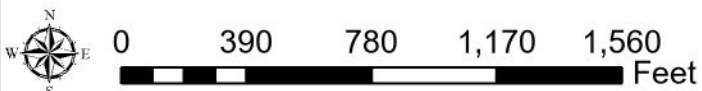
District staff is requesting the Board of Managers approve the Jeffers Lodge development agreement for execution by the District Administrator contingent upon staff completing a vegetation establishment assessment and completing the agreement to reflect the assessment results.



Jeffers Foundation - Jeffers Lodge **Planned Unit Development (PUD) Major Amendment & Final Plat** **Location Map**



A summary of the property legal description is:
 BLOCK: 00A, LOT: O-L, Scott County, MN



DEVELOPMENT AGREEMENT

This Agreement is made this _____ day of _____, 2023, between Jeffers Foundation, a company (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 redevelop certain land located in Scott County, Minnesota, and legally described in Exhibit A (the “Property”).

B. As a condition of the approval for the redevelopment 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 final approval of the redevelopment 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.** Owner shall, at its expense, establish native vegetation in the Conservation Easement in accordance with the requirements of District Rules as shown in Exhibit B, unless the District agrees in writing that the existing vegetation in the easement area is currently in a condition that meets these requirements.

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, implementation, and enforcement of the Conservation Easement, including but not limited to, District staff time, Owners & Encumbrances report cost, title policy cost, recording fees, new and replacement monuments, and engineering & attorneys' fees. 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 has been planted and fully established in accordance with Exhibit B, 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. **ESCROW; SURVIVAL.** Notwithstanding the foregoing paragraph 10, as a prerequisite to termination, Owner will provide the District the sum of \$[dollar amount] to secure the establishment of Conservation Area vegetation in accordance with Exhibit B, and the required installation of buffer signs. The District will hold the funds in escrow, may commingle the funds with other similar escrow funds, and with 7 days' notice may use the funds for the purpose of securing vegetation establishment and fence removal in accordance with Exhibit B. When establishment has been completed, the District will return remaining escrow funds to Owner, less the amount of any unpaid invoices. The District is not obligated to hold the funds in an interest-bearing account, but if the funds have accrued interest, it will be included in the sum returned. The establishment requirement of paragraph 5 and the escrow requirement of this paragraph 11 will survive termination of the Agreement.

12. **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 assigns. 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.

13. **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).

14. **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 at 2605 Fernbrook Lane Suite B-1, Plymouth, MN

55447 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 _____ day of _____, 2023.

OWNER:

By: _____
Jeffers Foundation, Kelly Johnson CFO/CEO

STATE OF MINNESOTA)
) ss.
COUNTY OF SCOTT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by _____ the CFO/CEO of Jeffers Foundation, a company.

Notary Public

My Commission Expires: _____

ACCEPTANCE

The Prior Lake-Spring Lake Watershed District hereby accepts the foregoing Development Agreement this _____ day of _____, 2023.

PRIOR LAKE-SPRING LAKE WATERSHED
DISTRICT

By: _____
Joni Giese

Title: District Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF SCOTT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by Joni Giese, as the District Administrator of the Prior Lake-Spring Lake Watershed District, a political subdivision under Minnesota law.

Notary Public

My Commission Expires: _____

This instrument was drafted by:

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

Return to:

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

EXHIBIT A:

LEGAL DESCRIPTION OF PROPERTY:

Plat # 25559 Jeffers Corner 01 Addition
Lot O-L : Block A

DRAFT

EXHIBIT B:**Excerpt from Watershed District Rules****Rule J, Section 4 (c):**

All open areas within the buffer strip shall be seeded or planted in accordance with Paragraph 8 below. All seeding or planting shall be completed prior to removal of any erosion and sediment control measures. If construction is completed after the end of the growing season, erosion and sediment control measures shall be left in place and all disturbed areas shall be mulched for protection over the winter season.

Rule J, Section 8:**8. VEGETATION:**

- (a) Where acceptable natural vegetation exists in buffer strip areas, the retention of such vegetation in an undisturbed state is required unless an applicant receives approval to replace such vegetation. A buffer strip has acceptable natural vegetation if it:
 - (i) Has a continuous, dense layer of perennial grasses that has been uncultivated or unbroken for at least 5 consecutive years; or
 - (ii) Has an overstory of trees and/or shrubs that has been uncultivated or unbroken for at least 5 consecutive years; or
 - (iii) Contains a mixture of the plant communities described in Subparagraphs 8(a)(i) and (ii).
- (b) Notwithstanding the performance standards set forth in Paragraph 8(a), the managers may determine existing buffer strip vegetation to be unacceptable if:
 - (i) It is composed of undesirable plant species including but not limited to common buckthorn, purple loosestrife, leafy spurge or noxious weeds; or
 - (ii) It has topography that tends to channelize the flow of runoff; or
 - (iii) For some other reason it is unlikely to retain nutrients and sediment.
- (c) Where buffer strips are not vegetated or have been cultivated or otherwise disturbed within 5 years of the permit application, such areas shall be replanted and maintained. The buffer strip plantings must be identified on the permit application. The buffer strip landscaping shall comply with the following standards:
 - (i) Buffer strips shall be planted with a seed mix approved by MnDOT, NRCS or SWCD, with the exception of a one-time planting with an annual nurse or cover crop such as oats or rye in addition to the native seed mix.
 - (ii) The seed mix shall be broadcast according to MnDOT, NRCS or SWCD specifications of the selected mix. The annual nurse or cover crop shall be applied at a minimum rate of 30 pounds per acre. The MnDOT or NRCS seed

mix selected for permanent cover shall be appropriate for soil site conditions and free of invasive species. MnDOT, NRCS or SWCD approved mixtures appropriate for specific soil and moisture conditions can be used to meet these requirements.

- (iii) Native shrubs may be substituted for native forbs. All substitutions must be approved by the District. Shrubs shall be distributed so as to provide a natural appearance and shall not be planted in rows.
 - (iv) Any groundcover or shrub plantings installed within the buffer strip are independent of any landscaping required elsewhere by the municipality or county.
 - (v) Grasses and forbs shall be seeded or planted by a qualified contractor. The method of application shall be approved by the District prior to planting or seeding.
 - (vi) No fertilizer shall be used in establishing new buffer strips, except on highly disturbed sites when necessary to establish acceptable buffer strip vegetation and then limited to amounts indicated by an accredited soil testing laboratory.
 - (vii) All seeded areas shall be mulched immediately with clean straw at a rate of 1.5 tons per acre. Mulch shall be anchored with a disk or tackifier.
 - (viii) Buffer strips (both natural and created) shall be protected by erosion and sediment control measures during construction in accordance with Rule E. The erosion and sediment control measures shall remain in place until the area crop is established.
- (d) Buffer strip vegetation shall be established and maintained in accordance with the requirements found in this Paragraph 8 based on an Establishment Plan submitted by the applicant and approved by the District prior to permit issuance and meeting the following requirements:
- (i) Establishment plans must extend for the period beginning at the time of planting and extending two full years from completion of initial planting and mulching operations.
 - (ii) Establishment plans must include an irrigation or watering plan for the period beginning at the time of planting and extending one full year from completion of initial planting and mulching operations.
 - (iii) Establishment plans must include replacement of any buffer strip vegetation that does not survive during the two-year period extending from the completion of the initial planting and mulching operations. Establishment maintenance and watering of replaced buffer strip vegetation shall extend one full year from completion of replacement planting and mulching operations.
 - (iv) The owner shall be responsible for reseeding and/or replanting if the buffer strip vegetation does not survive at any time through human intervention or activities.
 - (v) Establishment plans must include a schedule for weeding throughout the duration of the plan.

- (vi) Establishment plans must be accompanied by an escrow account for the term of the establishment plan. At the end of the term of the establishment plan the balance of the account shall be returned to the permittee, less the amount required to complete the establishment of acceptable natural vegetation (if any).

DRAFT