



NOVEMBER						
S	M	T	W	T	F	S
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5	6	7	8	9	10	11
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DECEMBER						
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24	25	26	27	28	29	30
31						

RCWD BOARD OF MANAGERS REGULAR MEETING AGENDA

Wednesday, November 8, 2023, 9:00 a.m.

Shoreview City Hall Council Chambers
4600 North Victoria Street, Shoreview, Minnesota

or via Zoom Meeting:

<https://us06web.zoom.us/j/86725181435?pwd=ZGI0NGFQIF6dkhOMEJAcHF5SURUdz09>

Meeting ID: 867 2518 1435

Passcode: 107027

Dial by your location +1 312 626 6799 US (Chicago)

Meeting ID: 867 2518 1435

Passcode: 107027

Agenda

CALL TO ORDER

ROLL CALL

SETTING OF THE AGENDA

APPROVAL OF MINUTES: OCTOBER 25, 2023 REGULAR MEETING

CONSENT AGENDA

The following items will be acted upon without discussion in accordance with the staff recommendation and associated documentation unless a Manager or another interested person requests opportunity for discussion:

Table of Contents-Permit Applications Requiring Board Action

No.	Applicant	Location	Plan Type	Recommendation
23-060	Escape Properties LLC	Columbus	Final Site Drainage Plan	CAPROC 8 items
23-063	Wayne Kelly	Lino Lakes	After the fact Land Development Wetland Alteration	CAPROC 2 items
23-066	Anoka County Highway Department	Blaine & Lino Lakes	Final Site Drainage Plan Street & Utility Construction Wetland Alteration Floodplain Alteration	CAPROC 7 items

It was moved by Manager _____ and seconded by Manager _____, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations, dated October 26 & 31, 2023.

OPEN MIC/PUBLIC COMMENT

Any RCWD resident may address the Board in his or her individual capacity, for up to three minutes, on any matter not on the agenda. Speakers are requested to come to the podium, state their name and address for the record. Additional comments may be solicited and accepted in writing. Generally, the Board of Managers will not take official action on items discussed at this time, but may refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.

ITEMS REQUIRING BOARD ACTION

1. Ramsey County Ditch 4 – Accepting Repair Report and Preliminary Charge Allocation Recommendation (Ashlee Ricci)
2. Stormwater Management Grant – Extension City of Fridley (Will Roach)
3. Washington Conservation District Contract Inspections Services (Terrence Chastan-Davis)
4. Citizen Advisory Committee Appointment (Kendra Sommerfeld)
5. 2023 Minnesota Watersheds Resolutions – RCWD Delegates and Votes (Kendra Sommerfeld/ Nick Tomczik)
6. November 22, 2023 Check Register – Resolution Authorizing Treasurer Approval (Nick Tomczik)
7. Check Register Dated November 8, 2023, in the Amount of \$121,615.67 Prepared by Redpath and Company

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineer Update and Timeline
2. November/December Calendar
3. Administrator Updates
4. Manager's Update

ITEMS REQUIRING BOARD ACTION

2. Stormwater Management Grant – Extension City of Fridley
(Will Roach)

MEMORANDUM
Rice Creek Watershed District



Date: October 24th, 2023
To: RCWD Board of Managers
From: Will Roach, Watershed Technician/Inspector
Subject: 2021 Stormwater Management Grant Program Extension
City of Fridley – University Service Road Diets

Introduction

The City of Fridley is requesting an extension of its 2021 Stormwater Management Grant Agreement with Rice Creek Watershed District (RCWD).

Background

In 2021, the City of Fridley applied for two separate, but related road reconstruction projects for grant funding through RCWD’s Stormwater Management Grant program. The proposed work consisted of removing a roadway from 66th avenue to 67th avenue, causing a reduction of 0.26 acres of impervious surface, and replacing the impervious material with plantings and trees to serve as pollinator habitat. The second part of the work consisted of a road diet converting the two-lane road of West University Service Drive between 67th avenue and Rice Creek Terrace from two lanes to a single, one-way lane and a pre-treatment and infiltration basin constructed at the north end of the project at Rice Creek Terrace.

This application was presented to the Board of Managers in February 2021 being approved to receive \$50,000 dollars. Several factors have delayed the city from proceeding with the project, including ongoing coordination efforts with MnDOT, and awaiting additional funding from MnDOT’s Active Transportation Grant and a utility project within the project zone.

City Staff have requested a grant extension period of one year to complete the project per the grant agreement.

Staff Recommendation

District staff recommends the approval of Fridley’s extension request for a one-year period, December 27, 2024, to allow the City for additional time to complete the project. The \$50,000 award is part of the District’s committed fund balance.

Proposed Motion

“Manager _____ moves to amend the 2021 Stormwater Management Grant Agreement between Rice Creek Watershed District and the City of Fridley by amending the expiration date to December 27, 2024, and delegate signature authority of extension memo to the District Administrator.”

Attachments

Stormwater Management Grant Agreement dated 5-10-21.
Assistant City Engineer email 10-19-2023
Fridley SMG Agreement Amendment Memo

**2021 STORMWATER MANAGEMENT
GRANT AGREEMENT**

GRANT AGREEMENT between the Rice Creek Watershed District, 4325 Pheasant Ridge Drive NE, Suite 611, Blaine, Minnesota 55449 and the City of Fridley, 7071 University Avenue NE, Fridley, MN 55432.

RECITALS

WHEREAS, the City of Fridley (Grantee) intends to construct a project titled "University Service Road Diets" (Project); and,

WHEREAS, the Rice Creek Watershed District (District) operates a Stormwater Management Grant Program for the improvement and remediation of stormwater management systems throughout the Rice Creek Watershed; and,

WHEREAS, in accordance with District program guidelines, the District desires to provide the Grantee financial assistance for the Project.

THEREFORE, in consideration of mutual promises set forth herein and other good and valuable consideration, the District and the Grantee agree as follows:

I. GRANTEE RESPONSIBILITIES.

- A. Design Plan, Operation Plan and Maintenance Plan. Design plans for the project must be signed by a licensed professional engineer or landscape architect. The Grantee will submit (1) final signed plans and specifications for the Project, and (2) an operations and maintenance plan to the District for the Administrator's written approval, not to be unreasonably withheld. The Project plans and specifications must include a public education component. The District, in its discretion, may approve a non-structural public education component.
- B. Construction and Maintenance. The Grantee, through its own personnel and/or contractors, will construct the Project in accordance with the approved Project plans and specifications and maintain it indefinitely in accordance with the approved maintenance plan. In doing so, the Grantee will comply with all applicable laws and regulations and will be responsible for acquiring all permits, approvals and temporary and permanent rights of access or easement.
- C. Perpetual Access for Maintenance. The Grantee shall submit to the District, in a form acceptable to the District, legal assurance that the Grantee has perpetual access to the Project's location for construction, operation and maintenance and that the Project will be maintained in perpetuity.
- D. Completion of Construction. The Grantee's staff or consulting engineer will certify the completion of Project construction in accordance with the approved plans and specifications no later than October 31, 2023. The Grantee will submit to the District documentation of Project expenditures and the certification of completion no later than December 29, 2023.

II. DISTRICT RESPONSIBILITIES.

- A. **Grant Funds.** To defray the Project cost to the Grantee, the District will provide the Grantee financial assistance in the amount of fifty (50) percent of the Project's eligible costs, as determined by the District, with the total amount of District assistance not to exceed \$50,000.00.
- B. **Payment Schedule.** On District approval of the Project plans, specifications, and operations and maintenance plan, certification by the Grantee that it has obtained all necessary permits and approvals, District approval of the Grantee's perpetual access and maintenance assurance, and receipt of the Grantee's issued notice to proceed, the District may disburse fifty (50) percent of the RCWD Board approved grant amount upon request of the Grantee. On District receipt of the certification of completion and review of such Project documentation as it may require, the District will disburse the remaining RCWD Board approved funds.
- C. **Contingencies.** The District's obligation to provide grant funds is contingent on the Grantee's compliance with the terms of this agreement, including but not limited to Project completion in accordance with the District-approved plans and specifications by October 31, 2023 and Project maintenance in accordance with the approved maintenance plan. The Grantee will return to the District any grant funds already received if this condition is not satisfied.

III. MISCELLANEOUS.

- A. **Relationship of Parties.** Nothing in this agreement creates or establishes a partnership, joint venture or agency relationship between the parties. District review or approval of design plans and specifications, a maintenance plan and any other Project-related documents is solely for the District's own accounting for funds expended. As between the parties, the Grantee is solely responsible for selection of the Project design and the means, method and manner of construction. Nothing in this agreement creates any right in any third party or affects any immunity, defense or liability limitation enjoyed by either party.
- B. **Employees.** The Grantee represents that it has or will secure, at its own expense, all personnel and/or contractors required for the performance of this agreement. No Grantee personnel or contractor will be considered an agent, representative or employee of the District.
- C. **Liability.** The Grantee agrees to hold harmless and indemnify the District, and its managers, staff and representatives, up to the maximum liability limits of Minnesota Statutes Section 466.04, against any claim, expense or damage, including attorney fees, arising from the performance of this agreement.
- D. **Assignment or Modification.** This agreement binds and inures to the benefit of the Grantee and the District, and their respective successors and assigns. Neither party may assign this agreement without the prior written consent of the other. Any modification of the agreement must be in writing and signed by both parties.
- E. **Public Documents.** All submitted information, including application, conceptual design, cost estimates, bid tabulations, final designs and specifications, copies of permits and proof of

expenditures will become a part of the public record. Grantee will not claim intellectual property rights in any such information.

F. Effective Date. This agreement is effective as of the date all signatures below have been provided.

Dated: May 10, 2021

CITY OF FRIDLEY

By: 

Its: City Manager

Dated: February 24, 2021

RICE CREEK WATERSHED DISTRICT

By: 
Nick Tomczik, Administrator

William Roach

From: Brodhag, Brandon <Brandon.Brodhag@fridleymn.gov>
Sent: Thursday, October 19, 2023 2:26 PM
To: William Roach
Subject: 2021 Stormwater Management Grant Agreement | City of Fridley - University Service Road Diets
Attachments: 210510 RCWD Cost-share Grant for University Ave Service Road Diet.pdf

Hi Will,

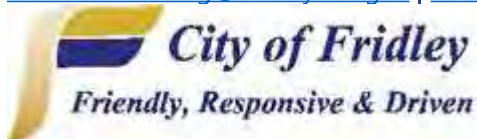
The City received a grant from Rice Creek Watershed District's 2021 Stormwater Management Grant Program for the City's University Service Road Diets Project. See attached for the RCWD 2021 Stormwater Management Grant Agreement. The City has not been able to construct this project yet. Delays in the project include the City was not able to fund the project until the City received a MnDOT Active Transportation grant in 2022, on-going coordination efforts with MnDOT since portions of the project include MnDOT Right-of-Way, and in 2023 CenterPoint Energy had a major rehabilitation project of their gas main in a segment of the project. Would the City be able to apply for an extension for this grant?

If you aren't the person we should be contacting about this grant, please let me know who I can contact.

Best regards,

Brandon Brodhag, PE

Assistant City Engineer
City of Fridley | Engineering Division
Phone: 763-238-8086
7071 University Ave. N.E., Fridley, MN 55432
Brandon.Brodhag@FridleyMN.gov | FridleyMN.gov





November 8, 2023

Wally Wysopal
City of Fridley
7071 University Avenue NE
Fridley, MN 55432

**RE: 2021 Stormwater Management Grant Program Extension
City of Fridley – University Service Road Diets**

Dear Mr. Wysopal,

At its November 8, 2023, regular meeting, the RCWD Board of Managers approved an extension to the enclosed cost-share agreement between the RCWD and the City of Fridley for the University Service Road Diets. The purpose of this extension is to allow the City additional time to construct and complete the project. The original agreement was made effective on May 10, 2021, and its new expiration date will be **December 27, 2024**.

Section II.C of the agreement is hereby amended to state:

*“Contingencies. The District obligation to provide cost-share funds is contingent on the Grantee’s compliance with terms of this agreement, including but not limited to Project completion in accordance with the District approved plans and specifications by **December 27, 2024**, and Project maintenance in accordance with the approved maintenance plan. The Grantee will return to the District any grant funds already received if this condition is not satisfied.”*

All other provisions of the original agreement remain in full force and effect. Please sign below indicating the City’s acceptance of these terms, return the original to the RCWD and keep a copy for your records.

APPROVED:

Rice Creek Watershed District

City of Fridley

Nick Tomczik
RCWD Administrator

By: _____

Its: _____

Date: _____

ITEMS REQUIRING BOARD ACTION

3. Washington Conservation District Contract Inspections Services (Terrence Chastan-Davis)



MEMORANDUM

Rice Creek Watershed District

Date: November 1, 2023
To: RCWD Board of Managers
From: Terrence Chastan-Davis, Technician/Inspector
Subject: RCWD – Washington Conservation District Agreement for Inspection Services

Introduction

The District’s agreement for Inspection Services with Washington Conservation District (WCD) requires an amendment to extend services through 2024.

Background

The District entered into an agreement with WCD for regulatory inspection services in September 2022; for a six month term, and then amended the agreement to extend the term through December 31, 2023.

As the District continues to address staff changes, it finds the need to continue inspection services with WCD through 2024. This action increases District capacity to address unresolved permits while meeting the inspection needs of active projects in Washington County. The dollars expended between February 28, 2023, and December 31, 2023, have been below the “not to exceed” amount and hours.

The District budgeted funds for inspection contracts in 2024. To continue inspection services, the agreement requires a term amendment. There are no proposed changes to the aggregate spending limit between December 31, 2023, to December 31, 2024.

Staff Recommendation

Staff recommends an amendment to the agreement’s term length and no change to the total spending authority not-to-exceed amount of \$40,500.

Board Action

Proposed Motion: Motion by Manager _____ authorizing the administrator to amend the Washington Conservation District inspection service agreement for a term extension through December 31, 2023 to December 31, 2024, with an aggregate spending authority not-to-exceed \$40,500, seconded by Manager _____.

Attachments

- Second Amendment to the RCWD-Washington Conservation District Service Agreement for Inspection Services
- Washington Conservation District 2024 Technical Services Rate Schedule
- First Amendment to the RCWD-Washington Conservation District Service Agreement for Inspection Services
- RCWD – Washington Conservation District Service Agreement for Inspection Services

**SECOND AMENDMENT to
SERVICE AGREEMENT for INSPECTION SERVICES**

RICE CREEK WATERSHED DISTRICT and WASHINGTON CONSERVATION DISTRICT

The Rice Creek Watershed District (RCWD) and the Washington Conservation District (WCD) entered into a Service Agreement for Inspection Services (“Agreement”) on September 12, 2022, and amended that agreement on February 8, 2023. The RCWD and WCD wish to extend the Agreement and set fees for 2024, and therefore enter into this Amendment.

The Agreement hereby is amended as follows:

1. In section 3, the Agreement term is extended from December 31, 2023 to December 31, 2024.
2. Fees for services in calendar year 2024 will be in accordance with the 2024 Technical Services Rate Schedule attached hereto and made a part of the Agreement.
3. All other terms of the Agreement remain in full force and effect.

Wherefore, this Amendment is duly executed on the last date written below.

Rice Creek Watershed District

By: _____ Date:
Nick Tomczik, RCWD Administrator

Washington Conservation District

By: _____ Date:
Jay Riggs, WCD Manager



2024 Technical Services Rate Schedule

The Washington Conservation District shall use the following hourly rate schedule.

AIS Watercraft Inspectors	\$35
Seasonal	\$46
Technician 1	\$66
Technician 1/2	\$70
Technician 1/2/Specialist 1	\$74
Tech 2/Specialist 1/2	\$79
Specialist 1/2/3	\$84
Specialist 2/3/4	\$88
Specialist 3/4/Engineer	\$93
Administrator/Manager	\$105

Technical services provided by the WCD will be billed in accordance with this Rate Schedule. Invoices are sent per the conditions of the agreement and will summarize the work performed. Invoices are payable within 60 days.

Office supplies, in-house reproduction expenses, and transportation are included in the rates noted above. Out source reproduction, special bulk mailings, equipment, supplies, and other non-ordinary costs are not included. Any direct costs are to be reimbursed at actual cost.

**FIRST AMENDMENT to
SERVICE AGREEMENT for INSPECTION SERVICES**

RICE CREEK WATERSHED DISTRICT and WASHINGTON CONSERVATION DISTRICT

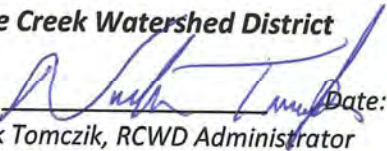
The Rice Creek Watershed District (RCWD) and the Washington Conservation District (WCD) entered into a Service Agreement for Inspection Services ("Agreement") on September 12, 2022. The RCWD and WCD wish to extend the Agreement, and therefore enter into this Amendment.

The Agreement hereby is amended as follows:

1. In section 3, the Agreement term is extended from February 28, 2023 to December 31, 2023.
2. In paragraph 4(b), the total hours of services is increased from 250 to 750.
3. In paragraph 4(f), the not-to-exceed amount for the Agreement is increased from \$13,500 to \$40,500.
4. All other terms of the Agreement remain in full force and effect.

Wherefore, this Amendment is duly executed on the last date written below.

Rice Creek Watershed District

By:  Date: 2/8/2023
Nick Tomczik, RCWD Administrator

Washington Conservation District

By:  Date: 2-8-23
Jay Riggs, WCD Manager

SERVICE AGREEMENT for INSPECTION SERVICES

RICE CREEK WATERSHED DISTRICT and WASHINGTON CONSERVATION DISTRICT

This is an Agreement between the Rice Creek Watershed District (RCWD) and the Washington Conservation District (WCD), both political subdivisions of the State of Minnesota.

The RCWD and the WCD agree as follows:

1. Scope of Services

The WCD will:

- I. Perform the following inspection services within the portions of RCWD within Washington County and other locations as directed by RCWD, in accordance with standards stated in this agreement and as otherwise communicated by RCWD:
 - a. Routine inspections of active construction sites, to include:
 - i. Sediment and erosion control Best Management Practices (BMPs) during active construction; inspections are to provide for BMPs sufficient to contain sediment on-site and as described by the Minnesota Pollution Control Agency's Minnesota Stormwater Manual as updated and amended;
 - ii. Construction and function of stormwater management features, such as ponds, raingardens, swales, other infiltration basins, etc.;
 - iii. Floodplain impacts and mitigation;
 - iv. Wetland impacts (generally) and mitigation;
 - v. Extent/scope of project as specifically planned; and
 - vi. Other stipulations of permits as needed.
 - b. Identify construction projects without required permits
 - c. Document relevant facts and notify RCWD inspection staff/review staff for potential enforcement action and facilitation of permit application materials
 - d. Perform final inspections of completed construction sites to include:
 - i. Final stabilization (non-erodible surfaces);
 - ii. Construction per plan;
 - iii. Stormwater features functional as planned; and
 - iv. Completion of special permit stipulations.
 - e. Other services as requested.
2. The WCD will conduct regular inspections for sites for which the RCWD has provided the WCD with access to approved permits and plans.

- a. WCD will conduct site inspections as needed during the period of active site work. WCD will prepare inspection reports identifying necessary actions for compliance and transmit them to parties subject to permits.
 - b. WCD will re-inspect to verify corrections have been made, as required.
3. WCD will respond to any special circumstance requests from RCWD (items other than regular inspection as defined in #2 above) ideally within 1 business day and will ensure response within 2 business days.
4. WCD will provide the RCWD copies of the inspection reports within three business days of the inspection. This will involve logging into database and Laserfiche.
5. If a re-inspection identifies that corrections have not been made, the WCD will confer with RCWD staff within one business day after inspection and before the WCD sends correspondence to the applicant related to corrective action. WCD is not authorized to exercise formal enforcement authorities of the RCWD but, in coordination with the RCWD, may send correspondence to property owners and permittees concerning site conditions and violations.
6. During off-construction periods/ period with low active construction workload or at any time as determined by the RCWD administrator, WCD staff will work to complete non-field inspections duties and other services as requested by RCWD Administrator.
7. The WCD will coordinate all services under this Agreement with RCWD Administrator or assigned staff as program manager on behalf of the RCWD.
8. Services provided pursuant to this Agreement will be provided by WCD staff with significant experience in the field of erosion and sediment control inspection. The WCD will perform all services with due care.
9. WCD and RCWD will comply with the Minnesota Data Practices Act (DPA) in performing this Agreement and will work cooperatively to ensure compliance. WCD and RCWD will cooperate in classification of data that are shared between the entities and will cooperate in responding to requests for data.

Pursuant to Minnesota Statutes §13.03, subd. 4(c), the parties agree that data received by WCD from RCWD will have the same classification as it had in the hands of RCWD. RCWD will notify WCD of the classification of data at the time such data are transmitted to WCD, or in cooperating in response to a DPA request in accordance with the paragraph following. WCD will not change the classification of such data. RCWD will promptly notify WCD if RCWD changes the classification of data previously disseminated to WCD. WCD will timely inform RCWD if it receives a DPA request concerning data received from RCWD, and the parties will cooperate in response to such a request. RCWD will indemnify, hold harmless, and defend WCD, its officials, agents, and employees against any and all costs, fines and damages incurred by the WCD, its

officials, agents, or employees with respect to a claim of RCWD misclassification of data as not public within the meaning of the DPA or WCD's failure to release such data as a result of that classification.

10. Before beginning site inspection activity, WCD will submit for RCWD review and concurrence a written protocol that will govern WCD's entry onto property under this agreement. WCD may exercise all rights to enter property and perform inspections, surveys and investigations that it or the RCWD possesses. WCD represents that its personnel are trained and knowledgeable as to safe and proper site inspection practices, is solely responsible for the actions and omissions of its employees during field inspections and otherwise in the performance of the services, and will hold RCWD, its managers and employees harmless, and defend and indemnify them, with respect to any claim, liability or cost resulting from such action or omission.

11. WCD will provide quarterly reports to RCWD of billable time, including information on those active or idle sites that are being inspected/addressed by WCD, location /city, time spent /billed.

2. **RCWD Roles and Responsibilities**

The RCWD will provide:

- Permit administration, fee collection and the administration of all surety deposits;
- Copies of issued permits after applicant has satisfied all application requirements;
- Determination of RCWD Rule applicability and permitting requirements;
- Release of unused surety deposits;
- Access to the existing permit and inspection databases; and
- A smart-phone to access permit and inspection databases and recording format

RCWD will notify the WCD of:

- Permits that will be subject to inspection by the RCWD by providing WCD with access to approved permits, engineer's reports, plans, and other file documentation as appropriate.
- Any special considerations as agreed to by the parties, including but not limited to shortened permit timeframes, working under initial violations, work near the RCWD regulated public drainage system, or any other item the RCWD would deem necessary to communicate to WCD.

3. **Term**

The Term of this Agreement is from September 1, 2022, to February 28, 2023 unless terminated earlier as provided herein.

4. **Cost/Payment**

- a. The RCWD will pay the WCD on an hourly basis at the rate of \$41.00 - \$89.00 per hour, based on personnel and task (per attached Fee Schedule). The average

rate is projected to be \$52.00 per hour in 2022, and \$54 per hour in 2023, for services provided pursuant to this Agreement for services provided in all areas within the RCWD. Inspections will be performed by Seasonal and Senior Technician classifications. Specialist or Manager may be used for permit violations or other special circumstances,

- b. In coordination with RCWD direction, the WCD will provide up to 250 hours of services. In no event will services provided pursuant to this Agreement exceed 40 hours in any work week.
- c. The WCD will submit invoices on a monthly basis.
- d. On a monthly basis, invoices will be submitted with the reports required by section 1.11 above for the month.
- e. Interest accrual and disputes regarding payment are governed by the terms of Minnesota Statutes § 471.425.
- f. The total amount that the RCWD will pay to the WCD under this Agreement will not exceed \$13,500.

5. **Independent Contractor**

Nothing in this Agreement is intended or is to be construed as creating the relationship of agents, partners, joint venturers, or associates between the parties hereto or as constituting the WCD as the employee of the RCWD for any purpose or in any manner whatsoever. The WCD is an independent contractor and neither it, its employees, agents, nor representatives are employees of the RCWD. The WCD will select the means, method and manner of performing the services. From any amounts due the WCD, there will be no deductions for federal income tax or FICA payments, nor for any state income tax, nor for any other purposes, which are associated with an employer-employee relationship unless required by law. Payment of any applicable federal income tax, FICA payments, and state income tax are the responsibility of the WCD.

6. **Indemnification**

Each party will hold the other party, its board members and employees harmless, and indemnify them, for all claims, actions, costs, damages and liabilities to the extent due to the indemnifying party's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty. For any claim subject to this paragraph by an employee of a party, the indemnification obligation is not limited by a limitation on the amount or type of damages, compensation or benefits payable by or for that party under workers' compensation acts, disability acts or other employee benefit acts.

Nothing in this Agreement is a waiver by the WCD or the RCWD of any statutory or common law immunity, defense or liability limit. No action or inaction of a party under this Agreement creates a duty of care for the benefit of any third party. Nothing herein

constitutes agreement of either party to be responsible for the acts or omissions of the other within the meaning of Minnesota Statutes § 471.59, subd. 1a.

7. **Insurance**

a. Each party will secure the following coverages and comply with all provisions noted. A party will provide a certificate of insurance or of a self-insurance program evidencing the required coverages on the other party's request.

a.1 Commercial General Liability Insurance

a.1.1 \$ 1,500,000 per occurrence
\$ 1,500,000 general aggregate
\$ 1,500,000 products/completed operations total limit
\$ 1,500,000 personal injury and advertising liability

a.1.2 All policies shall be written on an occurrence basis using ISO form CG 00 01 or the equivalent.

a.2 Workers' Compensation and Employer's Liability

b.2.1 Workers' Compensation as required by Minnesota Law

b. The above sub-paragraphs establish minimum insurance requirements. It is the sole responsibility of each party to purchase and maintain additional insurance that it finds necessary in connection with this Agreement.

8. **Non-Assignability**

The WCD may not assign or transfer any interest in this Agreement, whether by subcontract, assignment or novation, without the prior written consent of the RCWD.

9. **Return of Property**

All property furnished to or for the use of WCD by RCWD and not fully used in the performance of the services, including but not limited to equipment, supplies, materials and data, both hard copy and electronic, will remain the property of RCWD and returned to RCWD at the end of the performance of the services, or sooner if requested by RCWD.

10. **Equal Employment Opportunity**

Each party will comply with all federal, state and local laws, resolutions, ordinances, rules, regulations and executive orders pertaining to unlawful discrimination on account of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, sexual orientation, disability, or age.

11. **Audit**

WCD will maintain all records pertaining to fees or costs incurred in connection with services under this Agreement for six years from the date of termination of the Agreement. WCD agrees that any authorized RCWD representative or the state auditor may have access to and the right to examine, audit and copy any such records during normal business hours.

12. **Termination**

a. **For Cause**

Either party may terminate this Agreement in accordance with standard principles of Minnesota contract law if the other party violates any material term or condition of this Agreement or does not fulfill in a timely and proper manner its obligations under this Agreement. In the event that a party exercises its right of termination under this Paragraph, it shall submit written notice to the other party, specifying the basis for the termination. The non-terminating party may have thirty (30) days to cure any violation alleged in the notice of termination. If the alleged violation is not cured during that time, termination shall become effective upon the expiration of thirty (30) days from the date of the notice of termination.

b. **Without Cause**

Either party may terminate this Agreement without cause and for any reason whatsoever on thirty (30) days' written notice to the other party. In such event, the WCD is entitled to compensation for services provided in a satisfactory manner up to and including the effective date of termination.

c. **If RCWD terminates, or if WCD terminates without cause, RCWD promptly will instruct WCD as to services to be completed by the effective date of termination.**

13. **Alteration**

Any alteration, variation, modification, or waiver of the provisions of this Agreement is valid only after it has been reduced to writing and duly signed by both parties.

14. **Interpretation of Agreement; Venue**

This Agreement is to be interpreted and construed according to the laws of the State of Minnesota. All litigation regarding this Agreement is venued in the District Court, Second Judicial District, State of Minnesota.

15. **Notice**

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

To RCWD:
Nick Tomczik
Administrator

To SWCD:
Jay Riggs
WCD Manager

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

16. **Entire Agreement**

This Agreement constitutes the entire agreement between the parties and supersedes all prior oral or written negotiations.

WHEREFORE, this Agreement is duly executed on the last date written below.

Approved for Form and Execution


via email 4/12/22
Counsel, RCWD

RICE CREEK WATERSHED DISTRICT

By: 
Patricia Preiner, RCWD Board President

Date: 9-12-2022

WASHINGTON CONSERVATION DISTRICT

By: 
Jay Riggs, WCD Manager

Date: 9-2-22



2022 Technical Services Rate Schedule

The Washington Conservation District shall use the following hourly rate schedule.

AIS Watercraft Inspectors	\$31
Seasonal	\$41
Technician	\$63
Senior Technician/Specialist	\$68
Specialist II	\$74
Senior Specialist	\$80
Manager/Administrator/Engineer	\$89

Technical services provided by the WCD will be billed in accordance with this Rate Schedule. Invoices are sent per the conditions of the agreement will summarize the work performed. Invoices are payable within 60 days.

Office supplies, in-house reproduction expenses, and transportation are included in the rates noted above. Out source reproduction, special bulk mailings, equipment, supplies, and other non-ordinary costs are not included. Any direct costs are to be reimbursed at actual cost.



DRAFT 2023 Technical Services Rate Schedule

The Washington Conservation District shall use the following hourly rate schedule.

AIS Watercraft Inspectors	\$32
Seasonal	\$42
Technician 1 and 2	\$62
Technician 3	\$66
Specialist 1	\$70
Specialist 2	\$76
Specialist 3	\$82
Administrator/Engineer/Manager	\$92

Technical services provided by the WCD will be billed in accordance with this Rate Schedule. Invoices are sent per the conditions of the agreement and will summarize the work performed. Invoices are payable within 60 days.

Office supplies, in-house reproduction expenses, and transportation are included in the rates noted above. Out source reproduction, special bulk mailings, equipment, supplies, and other non-ordinary costs are not included. Any direct costs are to be reimbursed at actual cost.

ITEMS REQUIRING BOARD ACTION

4. Citizen Advisory Committee Appointment
(Kendra Sommerfeld)



MEMORANDUM

Rice Creek Watershed District

Date: October 26th, 2023
To: RCWD Board of Managers
From: Kendra Sommerfeld, Communications & Outreach Coordinator
Subject: CAC Member Appointment for Vacant Washington County Position

Introduction

The Board of Managers is required to maintain an advisory committee to advise and assist the Managers with all matters affecting the interests of the watershed district as well as to make recommendations on proposed RCWD projects and improvements. The Board appoints or re-appoints members annually or as vacancies occur.

Background

The “Advisory Committee Operating Procedures” (adopted in 2020) includes requirements for:

- A maximum of 12 members
- Up to 4 members from each of the counties of Anoka, Ramsey, and Washington (ideally) with one of those being a representative of the conservation district/department

Since the CAC member appointments in January 2023, there have been two vacant spots, one in Washington County and one in Ramsey County. Staff received an application on Sept 5th, 2023, for the Ramsey County vacancy and filled that vacancy on Sept 13th, 2023.

Staff received an application for the vacant Washington County spot on Oct 26th, 2023.

Applicant Ramsey County: Richard Thompson Profile

- Helped start the Peltier Lake Association, lived on Peltier Lake for 20+ years
- Lives on Clear Lake in Forest Lake now
- Volunteers at events such as setting up booths, speaking with the public
- Landscaping and industrial background
- Communication focused
- Knowledge and experience in conservation agricultural practices
- Interested in water quality, fish populations, and larger watershed interactions with lakes

Staff Recommendation

Staff recommends Richard Thompson be appointed to the open Washington County CAC member position.

Proposed Motion

It was moved by Manager _____ and seconded by Manager _____, to appoint Richard Thompson for membership on the Citizen Advisory Committee for 2023-2024.

Attachments

- Richard Thompson’s CAC Application

Citizen Advisory Committee Application



General Information

Please provide
your personal
information

FIRST NAME	LAST NAME	M.I
<input type="text" value="Richard"/>	<input type="text" value="Thompson"/>	<input type="text" value="W"/>
ADDRESS	CITY	STATE
	<input type="text" value="Forest Lake"/>	<input type="text" value="M N"/>
ZIP CODE	COUNTY	EMAIL ADDRESS
	<input type="text" value="Washington"/>	
PRIMARY PHONE NUMBER	IS IT A CELL PHONE <input checked="" type="checkbox"/>	SECONDARY PHONE NUMBER
		<input type="text"/>
ARE YOU A RCWD RESIDENT		
<input checked="" type="checkbox"/> YES, HOW LONG <input type="text" value="2 m"/> <input type="text" value=""/> NO		
PREFERRED CONTACT		
EMAIL <input checked="" type="checkbox"/>	MAIL <input type="checkbox"/>	PHONE <input checked="" type="checkbox"/>

Experience

Membership Category

<input type="checkbox"/> Soil and Water Conservation District/Department Rep.	<input type="checkbox"/> Agriculture
<input type="checkbox"/> County Board Member	<input type="checkbox"/> Citizen (at large)
<input type="checkbox"/> City or Town Official	<input type="checkbox"/> Other: <input type="text"/>
<input type="checkbox"/> Sportmen's Organization Member	

Qualifications (include: education, occupation, volunteer experiences, etc.)

During high school I worked for Bever Bros. landscaping in White bear Alke and W & G landscaping in Centerville. two year degree in industrial electronics. Four industrial technologies degree out of Bemidji State. Worked from 1973 to 2022 for ThermoFisher. They made automation equipment and analyzers. Their motto was " Making the world a cleaner and safer place". They made automation equipment and analyzers. Their motto was " Making the world a cleaner and safer place". We did everything from blending the ingredients, controlling the process and then confirming the results on everything from the Asphalt on roads to foods, beverages and pharmaceuticals. First as a technician as I was going to school, then electrical engineer, R&D, product development, project management and the last ten years as the technical sales supervisor for our plants in; Aisa, Australia, Europe, Middle east and South America. Many languages, customs and ideas. A great way to see projects/ problems/ solutions from many great perspectives and diversity often finds solutions. Communication is key. Listening is a great tool and working on thousands for processes , plus helping my brother with his excavating/ sewer business gives me a idea that I can help.

Civic, professional and community activities (past and present)

Mom and Dad lived in the metro area, but much of our time was spent time at aunts and uncles that owned many small mom and pop resorts /farms in the Walker, Hackensack and Longville areas. They were way ahead of their times on water quality, no farm/ mow areas, erosion controls and even that the fish and wildlife were limited resources. Handle with care. Mom and dad were always volunteering and I learned early that it is right to help. Volunteering with snowmobile clubs and DNR to mark snowmobile trails and mark off sensitive areas, by 1990's I was living on Pelletier Lake in Centerville and helped start the Pelletier Lake Association. Clean ups, lake measurements, help with grants, ice house cleanup, carp removal, weed permits and always community. 20 years ago I was moving off the lake and also our DNR conservation officer was moving into a new field, ATV safety and a Trail Ambassador program to train ATV club members to help ride the trails. And as a non- authority, promote safety and mark and turn into trails and waterways trail issues. I joined and have taught many safety courses and help watch over most of the trails in Minnesota plus worked shows, including he DNR booths at the state fair. 20 years ago I also started volunteering for MN food alliance / Mn Dept of AGG/ MN cooks and Farmers union promoting the eat local, buy local, compost, recycle and did many events, sadly Covid put a stop to that 3 years ago.

Reasons for wanting to serve on the RCWD Citizen Advisory Committee

Lived on Peltier Lake in Centerville or 30 + years. Was involved. Moved, Now back on Clear Lake in Forest Lake. Looked at Clear Lake association. Most of their data is closed to the public. Asked for access, no response yet. Talked to a few of your peers, they said Remember when Pertier water is nice and then a rain event put the lake into turmoil? The watershed district is the larger picture, not just one lake. Every one lives down stream. Water quality, fish populations, lake enjoyment all require the big picture and care of the entire watershed.

Other comments

Can't sing, so church ushering and communion is my thing there, still clean up trails and volunteer at Mora MN. ski and canoe races. Plus make maple syrup for over 20 years and we give it all away to groups that need it.

SIGNATURE

Richard Thompson

DATE

1 0 - 2 3 - 2 0 2 3

Please note the following before submission:

- We encourage electronic submission, but will accept applications through mail
- Once completed, save the document as "CACAPP_LASTNAME_FIRSTINTIAL_DATE"
- If emailing subject: Citizen Advisory Committee Application
- Applications for the given year must be received on or before October 31st
- CAC members are appointed by the RCWD Board of Managers annually, but are encouraged to serve for a minimum of two years
- Current members may be re-appointed to serve beyond the initial one-year term at will
- The Citizen Advisory Committee (CAC) is appointed by the Rice Creek Watershed District (RCWD) Board of Mangers to advise and assist on matters affecting the RCWD, including reports, activities, and the RCWD cost-share program
- The CAC meets six to ten times a year with no meetings scheduled for the months of July and January; the meetings held the first Wednesday of the month from 5:30-7:30 PM at the RCWD office
- The CAC consists of twelve members representing the counties in the district and various interests (see the CAC recruitment document for more details)

Please submit application to Kendra Sommerfeld

Rice Creek Watershed District
4325 Pheasant Ridge Drive NE #611
Blaine, MN 55449

Cell: 763-398-3073
Email: ksommerfeld@ricecreek.org
Visit our website: www.ricecreek.org

ITEMS REQUIRING BOARD ACTION

5. 2023 Minnesota Watersheds Resolutions – RCWD
Delegates and Votes
(Kendra Sommerfeld/ Nick Tomczik)



MEMORANDUM
Rice Creek Watershed District

Date: October 31, 2023
To: RCWD Board of Managers
From: Kendra Sommerfeld, Communications/Outreach Coordinator
Subject: 2023 MN Watersheds Resolutions – RCWD Voting and Delegation Decision
Action

Introduction

The District is a member of the MN Watersheds. MN Watersheds considers resolutions from membership for consideration and potential adoption at its annual meeting as policy positions. RCWD Board November 6, 2023, workshop agenda included discussion on the MN Watersheds resolution and voting delegates. The RCWD Board at the subsequent Board meeting formalizes its voting delegates and voting position on the MN Watersheds resolutions and this year a bylaw change.

Background

The 2023 annual business MN Watersheds meeting will take place in conjunction with their annual conference/tradeshow. The entire MN Watersheds 2023 packet of member meeting materials including the resolutions is attached. The resolutions will be under consideration at this year’s annual meeting, starting at 9:00 a.m. on Friday, December 1, 2023.

The Board will have discussed the resolutions and member meeting packet at its November 6, 2023, workshop and worked to understand manager positions on resolutions. At the November 8, 2023, meeting, Board should consider two actions: 1) designation of two RCWD delegates and an alternate 2) RCWD voting positions for resolutions, budget, and bylaw under consideration at the annual MN Watersheds business meeting.

Proposed Motions

Manager _____, to designate Manager _____ and Manager _____ as the delegates to the 2023 MN Watersheds business meeting, with Manager _____ as the alternate.

Manager _____, to instruct the delegates to vote in accordance with the stated RCWD positions related to the seven resolutions, budget, and bylaw on the agenda at the 2023 MN Watersheds business meeting.

Attachments

- 2023 MN Watersheds member packet meeting materials

**Minnesota Watersheds
2023 Annual Conference
November 29 – December 1
Arrowwood Conference Center, Alexandria, MN**

Member Meeting Materials

Enclosed are the following items:

1. Notice of Annual Meeting
2. Delegate Appointment Form – please return to mnwatershed@gmail.com
3. 2022 Annual Business Meeting Minutes
4. Proposed Fiscal Year 2024 Budget
5. Proposed Bylaws Changes
6. Resolutions Information Packet
7. Draft Legislative Platform

This packet has been distributed to administrators and managers via email. No paper copies of this packet will be sent via the U.S. Postal Service.

We are looking forward to seeing you at this year's conference!

**PLEASE BRING THIS INFORMATION PACKET WITH YOU TO THE CONVENTION.
EXTRA COPIES WILL NOT BE AVAILABLE ON SITE. THANK YOU!!**

Minnesota Watersheds 2023 Annual Meeting Notice

NOTICE IS HEREBY GIVEN that the 2023 Annual Meeting of Minnesota Watersheds will be held at the Arrowwood Conference Center, Alexandria, MN, beginning at 9:00 a.m. on Friday, December 1, 2023 for the following purposes:

1. To receive and accept the reports of the President, Secretary, and Treasurer regarding the business of the association of the past year;
2. To receive the report of the auditor;
3. To consider and act upon the Fiscal Year 2024 budget;
4. To consider and act upon proposed Bylaws changes;
5. To consider and act upon proposed Resolutions;
6. To consider and act upon the draft Legislative Platform;
7. To elect three directors, one from each region, for terms ending in 2025; and
8. To consider and act upon any other business that may properly come before the membership.

Sincerely,



Wanda Holker
Secretary

Minnesota Watersheds 2023 Delegate Appointment Form

The _____ hereby certifies that it is

name of watershed organization

a watershed district or watershed management organization duly established and in good standing pursuant to Minnesota Statutes 103B or 103D and is a member of Minnesota Watersheds for the year 2023.

The _____ hereby further certifies

name of watershed organization

the following individuals have been appointed as delegates, or as an alternate delegate, all of whom are managers in good standing with their respective watershed district or watershed management organization.

Delegate #1: _____

Delegate #2: _____

Alternate: _____

Authorized by: _____

Signature

Date

Title

** Please return this form to mnwatershed@gmail.com at your earliest convenience. **



Minnesota Watersheds
2023 Annual Conference
Arrowwood Convention Center, Alexandria, MN

Annual Business Meeting
AGENDA
Friday, December 1, 2023 | 9 a.m.

GENERAL BUSINESS

- 9:00 a.m. Call to Order
- 9:01 a.m. Approval of Agenda (Action)
- 9:02 a.m. Approval of 2022 Annual Business Meeting Minutes (Action) – Linda Vavra
- 9:05 a.m. Treasurer’s Reports – Linda Vavra
 - 2023 Year End Financial Report (Action)
 - 2023 Review of Financial Procedure Report (Action)
 - 2024 Proposed Budget (Action)

REPORTS

- 9:30 a.m. President’s Report – Linda Vavra
- 9:40 a.m. Caucus Election Results Report – Linda Vavra
- 9:45 a.m. Executive Director’s Report – Jan Voit
- 10:05 a.m. M.S. Chapter 103D Proposed Fixes – Jan Voit
- 10:15 a.m. Board of Water and Soil Resources Report - Executive Director John Jaschke
- 10:30 a.m. **BYLAWS HEARING** (Action) – Linda Vavra

- 10:45 a.m. **RESOLUTIONS HEARING** (Action) – Linda Vavra

Note: There will be two microphones in the room – One to use if you are “FOR” an amendment and one if you are “AGAINST” an amendment. If you wish to testify on a resolution, please proceed to the appropriate microphone and limit your comments to 2 minutes.

Resolution 1 – Require Watershed District Permits for the Department of Natural Resources

Resolution 2 – Clarify Budget Adoption Deadlines and Certification Types for Watershed Districts

Resolution 3 – Support New Legislation Modeled after HF2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs

Resolution 4 – Support Streamlining the DNR Flood Hazard Mitigation Grant Program

Resolution 5 – Support Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

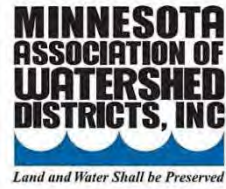
Resolution 6 – Support Minnesota Watersheds Education and Outreach to Encourage Formation of Watershed Districts in Unserved Areas

- 11:45 a.m. **LEGISLATIVE PLATFORM** (Action) – Linda Vavra

- 12:00 p.m. **ADJOURNMENT**

Minnesota Association of Watershed Districts (MAWD) Annual Business Meeting

December 2, 2022



1. CALL TO ORDER

The 2022 MAWD Annual Business Meeting was convened at 8:00 a.m. by MAWD President Linda Vavra, Bois de Sioux Watershed District (WD).

2. GENERAL HOUSEKEEPING

Agenda

Scott Gillespie, Bois de Sioux WD made a motion to approve the agenda. David Ziegler, Riley-Purgatory-Bluff Creek WD seconded the motion. The motion passed by voice vote.

Secretary's Report

President Vavra presented the minutes of the 2021 Annual Business Meeting. Jill Crafton, Riley-Purgatory-Bluff Creek WD moved to approve the Secretary's Report. David Ziegler, Riley-Purgatory-Bluff Creek WD seconded the motion. The motion passed by voice vote.

Treasurer's Report

President Vavra presented the following reports:

- 2022 Year End Financial Report and Statement of Financial Position. Dennis Kral, Pelican River WD moved to approve the 2022 Year End Financial Report. David Ziegler, Riley-Purgatory-Bluff Creek WD seconded the motion. The motion passed by voice vote.
- Independent Accountant's Report on Applying Agreed upon Financial Procedures. The report dated November 28, 2022, was prepared by Redpath and Company, Ltd. Dennis Kral, Pelican River WD made a motion to accept the Report on Applying Agreed upon Financial Procedures. Sherry White, Minnehaha Creek WD seconded the motion. The motion passed by voice vote.
- 2023 Proposed Budget. Dennis Kral, Pelican River WD moved to approve the 2023 Proposed Budget. Sherry White, Minnehaha Creek WD seconded the motion. The motion passed by voice vote.

3. REPORTS

Reports were given by President Vavra and Interim Executive Director Voit.

4. STRATEGIC PLAN

Interim Executive Director Voit presented the Strategic Plan. President Vavra called for a motion to approve the Strategic Plan. Jill Crafton, Riley-Purgatory-Bluff Creek WD made a motion to approve the Strategic Plan. The motion was seconded by Scott Gillespie, Bois de Sioux WD. The motion carried by voice vote. Mary Texer, Capital Region WD abstained from voting.

5. BYLAWS HEARING

Mike Bradley, Rice Creek WD made a motion to open the Bylaws Hearing. David Ziegler, Riley-Purgatory-Bluff Creek WD seconded the motion. The motion passed by voice vote.

President Vavra reported on the proposed changes to the Bylaws. A motion was made by Mike Bradley, Rice Creek WD to approve the proposed changes to the Bylaws. The motion was seconded by Celia Wirth, Brown's Creek WD. The motion passed by voice vote.

A motion was made by Scott Gillespie, Bois de Sioux WD to close the Bylaws Hearing. David Ziegler, Riley-Purgatory-Bluff Creek WD seconded the motion. The motion passed by voice vote.

6. RESOLUTIONS HEARING

A motion was made by Scott Gillespie, Bois de Sioux WD to open the Resolutions Hearing. The motion was seconded by Peter Fjestad, Buffalo-Red River WD and passed by voice vote. President Vavra presided over the Resolutions Hearing.

Resolution #1 Resolution to Request MAWD Support for Including at Least One MAWD Member on the Minnesota Department of Health’s Workgroup to Move Forward, Prioritize, and Implement the Recommendations of the Interagency Report on Reuse of Stormwater and Rainwater in Minnesota.

Don Pereira, Valley Branch WD presented the resolution. Mike Bradley, Rice Creek WD moved to adopt Resolution #1. Celia Wirth, Brown’s Creek WD seconded the motion. The motion passed by voice vote.

- **Adopted Resolution 2022-1: NOW, THEREFORE, BE IT RESOLVED** that MAWD supports administratively or legislatively including at least one MAWD member on the Minnesota Department of Health’s workgroup to move forward, prioritize, and implement the recommendations of the interagency report on reuse of stormwater and rainwater in Minnesota.

Resolution #2 Resolution Seeking to Request MAWD Support the Passage and Enactment of a State Law that Provides a Limited-Liability Exemption to Commercial Salt Applicators and Property Owners Using Salt Applicators who are Certified Through the Established Salt Certification Program and Follow Best Management Practices

Randy Anhorn and Grace Butler, Nine Mile Creek WD presented the resolution. David Ziegler, Riley-Purgatory-Bluff Creek WD moved to adopt Resolution #2. Don Pereira, Valley Branch WD seconded the motion. The motion passed by voice vote.

- **Adopted Resolution 2022-2: NOW, THEREFORE, BE IT RESOLVED** that MAWD supports enactment of state law that provides limited liability protection to commercial salt applicators and property owners using salt applicators that are certified through the established state salt-applicator certification program and follow best management practices. Motion passed by voice vote.

Resolution #3 Resolution Seeking Increased Support and Participation for the Minnesota Drainage Work Group

Jamie Beyer, Bois de Sioux WD presented the resolution. Scott Gillespie, Bois de Sioux WD moved to adopt Resolution #3. Peter Fjestad, Buffalo-Red River WD seconded the motion. The motion passed by voice vote.

- **Adopted Resolution 2022-3: NOW, THEREFORE, BE IT RESOLVED** that:
 - MAWD communications increase awareness of the DWG (meeting dates and links, topics, minutes, reports) amongst MAWD members; and
 - MAWD training opportunities strongly encourage participation in the DWG by watershed staff and board managers (for watersheds that serve as ditch authorities or work on drainage projects) – for e.g., add agenda space for DWG member updates, host a DWG meeting as part of a regular MAWD event; and
 - In preparation for MAWD member legislative visits, MAWD staff add a standing reminder for watershed drainage authorities to inform legislators on the existence, purpose, and outcomes of the DWG, and reinforce the legitimacy of the DWG as a multi-faceted problem-solving body; and
 - During MAWD staff BWSR visits, MAWD staff regularly seeks updates on how facilitation of the DWG is leading to improvements for member drainage authorities and conveys this information to MAWD members. The motion passed by voice vote.

Resolution #4 Resolution Seeking Clarification of Watershed District Project Establishment with Government Aid or as Part of a Plan

Jamie Beyer, Bois de Sioux WD presented the resolution. Scott Gillespie, Bois de Sioux WD moved to adopt Resolution #4. Jill Crafton, Riley-Purgatory-Bluff Creek WD seconded the motion. The motion passed by voice vote.

- **Adopted Resolution 2022-4: NOW, THEREFORE, BE IT RESOLVED** that MAWD and BWSR work to clarify Minn. Stat. § 103D.605, Subd. 5.

Resolution #5 Resolution Seeking to Obtain Stable Funding for Projects that Provide Flood Damage Reduction and Natural Resources Enhancement

Dan Money, Two Rivers WD and Nick Tomczik, Nine Mile Creek WD presented the resolution. Scott Gillespie, Bois de Sioux WD moved to adopt Resolution #5. Marcy Weinandt, Rice Creek WD seconded the motion. The motion passed by voice vote.

- **Adopted Resolution 2022-5: NOW, THEREFORE, BE IT RESOLVED** that the Minnesota Association of Watershed Districts collaborate with the Red River Watershed Management Board and State Agencies to seek funding from the Minnesota Legislature to provide stable sources of funding through existing or potentially new programs that provide flood damage reduction and/or natural resources enhancements. A suggested sustainable level of funding is \$30 million per year for the next 10 years. The motion passed by voice vote.

Resolution #6 Seeking to Limit Wake Boat Activities that Cause Shoreline Erosion and Reduce the Efficacy of In-lake Phosphorus Control Practices, and Contribute to the Spread of Aquatic Invasive Species

David Ziegler, Riley-Purgatory-Bluff Creek WD presented the resolution. Ann Warner, Carnelian-Marine-St. Croix WD moved to adopt Resolution #6. Grace Butler, Nine Mile Creek WD seconded the motion. The motion passed by voice vote.

Resolution # 7 Resolution Seeking to Limit Excessive Use of Groundwater for the Purpose of Water Urban and Suburban Landscapes During Summer Months

David Ziegler, Riley-Purgatory-Bluff Creek WD presented the resolution. David Ziegler, Riley-Purgatory-Bluff Creek WD moved to table Resolution #7. Joe Collins, Capitol Region WD seconded the motion. The motion passed by voice vote.

Resolution #8 Resolution Seeking Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

Jill Crafton and David Ziegler, Riley-Purgatory-Bluff Creek WD presented the resolution. Mike Bradley, Rice Creek WD moved to adopt Resolution #8. Celia Wirth, Brown's Creek WD seconded the motion. The motion failed.

7. ADJOURNMENT

Dennis Kral, Pelican River WD made a motion to adjourn the annual business meeting at 9:43 a.m. The motion was seconded by Jill Crafton, Riley-Purgatory-Bluff Creek WD. The motion passed by voice vote.

Ruth Schaefer
Secretary



Memorandum

DATE: October 27, 2023
TO: Minnesota Watersheds Members
FROM: David Ziegler, Treasurer
RE: **Draft FY23 Financial Statement, Review of Financial Procedure Report, and Proposed FY24 Budget**

It is important to note that the majority of Minnesota Watershed’s revenue is generated through payment of dues.

INCOME FY23 ACTUAL

- The FY23 dues were based on the new dues’ structure adopted by the membership at the 2022 annual business meeting. We also had increased income from regaining the membership of Mississippi WMO, and High Island Creek and Warroad WDs.
- The increased income for the Annual Conference is due to sponsorships and increased attendance following the pandemic.

PRESIDENT
 Linda Vavra (Region 1)
 Bois de Sioux WD
lvavra@fedtel.net
 320-760-1774 | Term 2023

VICE PRESIDENT
 Peter Fjestad (Region 1)
 Buffalo Red River WD
pffjestad@prtcl.com
 218-731-4630 | Term 2025

SECRETARY
 Wanda Holker (Region 2)
 Upper Minnesota WD
ewholker@fedtel.net
 320-760-6093 | Term 2024

TREASURER
 David Ziegler (Region 3)
 Riley-Purgatory-Bluff Creek WD
david_ziegler@outlook.com
 952-905-1889 | Term 2025

DIRECTORS
 Gene Tiedemann (Region 1)
 Red Lake WD
gtiedemann@rrv.net
 218-289-3511 | Term 2024

Jeff Gertgen (Region 2)
 Middle Fork Crow River WD
jlgraison@gmail.com
 608-370-3934 | Term 2023

Brad Kramer (Region 2)
 Shell Rock River WD
brad@provenioconsulting.com
 507-369-6050 | Term 2025

Mary Texer (Region 3)
 Capitol Region WD
metexer@gmail.com
 651-224-2919 | Term 2023

Don Pereira (Region 3)
 Valley Branch WD
dpereira@vbwbd.org
 651-968-9788 | Term 2023

Jan Voit
 Executive Director
jvoit@mnwatersheds.com
 507-822-0921

INCOME FY23 ACTUAL

Administrative and Program Management

- General Administration – staff: Minnesota Watersheds was supported by contractors in 2023, rather than employees.
- Administrative and Communications Support – Contract: fund paid to Executive Director.
- Event and Communication Management – Contract: funds paid to the Program Manager for managing Minnesota Watersheds events.
- Newsletter formatting, Website, Social Media, etc. – Contract: funds paid to the Program Manager for these tasks.

Legislative Affairs

- Lobbying – Contracted Services: funds paid to lobbyist.

Professional Services

- Legal Fees: funds paid for general legal services.
- Legal Fees – Drainage Work Group: funds paid to represent members at the DWG.
- Accounting and Audit Fees: funds paid to Obremski Ltd. For monthly accounting and bookkeeping services, and to Redpath Ltd. for agreed upon procedures report.
- Insurance: funds paid for insurance coverage for errors and omissions insurance for the Minnesota Watersheds Board of Directors, and for general coverage for office, records, and office equipment.

Office Expenses

- Rent: funds paid to Capitol Region WD for storage and office rent.
- Mileage and General Office Expenses: for directors and contractors, as well as office supplies.

Board and Committee Meetings

- Per Diems and Expenses: funds paid to directors for serving on the Board of Directors and Minnesota Watersheds Committees.

Special Projects

- Costs associated with rebranding

Education and Events

- Actual costs incurred for implementing the Legislative Briefing and Day at the Capitol, Summer Tour, and Annual Conference.



2023 REVIEW OF FINANCIAL PROCEDURE REPORT

The report from Redpath Ltd. for the agreed upon procedures has not been submitted. It will be distributed to members as soon as it is available.

INCOME PROPOSED FY24 BUDGET

- *The estimated dues for FY24 are based upon payment in full by current members with the dues' structure that was approved by the membership in 2022, as well as the dues for returning members Buffalo Creek and Prior Lake Spring Lake WDs.*
- *The estimated income for the annual conference in FY24 is based on actual revenue received in FY19.*
- *The estimated costs for the Legislative Day at the Capitol and Summer Tour are based on actual costs for FY23 with consideration of the increased costs for venues and food likely in 2024.*

EXPENSES PROPOSED FY24 BUDGET

Administration and Program Management

- General Administration – staff: Minnesota Watersheds is supported by contractors, not employees.
- Administrative and Communications Support: projected expense for the Executive Director.
- Event and Communication Management: projected expense for Program Manager for managing Minnesota Watersheds events (Legislative Briefing and Day at the Capitol; Summer Tour; and Annual Conference).
- Newsletter formatting, website, social media, etc. - Contract: projected expense for Program Manager.

Legislative Affairs

- Lobbyist Contract: for current lobbyist through 2024.
- Lobbyist Contract: for lobbyist hired through succession plan to work alongside the current lobbyist in 2024.

Professional Services

- Legal Fees: costs incurred for legal fees is primarily for general legal work.
- Legal Fees – Drainage Work Group: costs incurred to represent members at the DWG.
- Drainage Work Group – Contract: costs for Minnesota Watersheds representative at DWG meetings and subcommittee meetings.
- Accounting and auditing funds paid to Obremski Ltd. for monthly accounting and bookkeeping services, and to Redpath Ltd. for agreed upon procedures report.
- Insurance coverage for errors and omissions insurance for the Minnesota Watersheds Board of Directors, and for general coverage for office, records, and office equipment.

Office Expenses

- Rent: funds paid to Capitol Region WD for storage and office rent.
- Mileage and General Office Expenses: for directors and contractors, as well as office supplies.

Board and Committee Meetings

- Per Diems and Expenses: Funds paid to directors for serving on the Board of Directors and Minnesota Watersheds Committees.

Special projects

- Funds for anticipated costs incurred with surveys, rebranding, or promotional items.

Education and Events

- Estimated costs for implementing the Annual Conference, Legislative Briefing and Day at the Capitol, Summer Tour, credit card processing fees, and special workshops.

Even with the additional projected expenses for a second lobbyist, we are projecting a modest increase in available capital at the end of FY24.

Questions regarding the FY24 proposed budget and/or the FY22 financial information should be directed to David Ziegler, Treasurer (david_ziegler@outlook.com or 952-905-1889) or Jan Voit (jvoit@mnwatersheds.com or 507-822-0921).

Minnesota Watersheds			Prepared 10/3/2023		
DRAFT FY23 Financial Report and Proposed FY24 Budget					
October 1, 2023 through September 30, 2024					
	FY2024	FY2023**	FY2023*	FY2022	FY2021
			Oct'22-Sep'23	Oct'21-Sep'22	Oct'20-Sep'21
INCOME	BUDGET	BUDGET	FY 2023 ACTUAL	FY 2022 ACTUAL	FY 2021 ACTUAL
Dues - Watershed District Members	251,008	222,500	225,419	188,081	202,175
Dues - Watershed Management Organization Members	22,500	18,750	22,500	15,000	7,500
Annual Conference					
Annual Conference Registrations	70,000	70,000	114,563	26,836	46,145
Annual Trade Show and sponsorships	43,500	43,500	-	19,779	29,616
Wednesday Workshops	17,000	17,000	-	-	-
Annual Conference: Other/Prior Year	-	-	-	2,500	485
Legislative Day at the Capitol	4,000	6,300	6,913	4,069	2,871
Summer Tour	20,000	16,000	18,658	-	-
Minnesota Watersheds Workshops	2,500	2,500	-	-	-
Interest	25	25	481	53	31
TOTAL REVENUES	430,533	396,575	388,534	256,319	288,823
EXPENSES					
Administration & Program Management					
General Administration - Staff	-	95,000	-	126,390	98,250
Benefits / Taxes for Salaried Employees	-	26,250	-	29,550	25,361
Administrative and Communications Support - Contract**	111,600	40,000	89,708	52,611	8,455
Event and Communication Management - Contract	43,200	43,000	40,719	31,500	31,125
Newsletters, Website, Social Media, etc. - Contract	7,000	-	6,027	-	-
Legislative Affairs					
Lobbying - Contracted Services	45,000	45,000	33,122	40,000	40,000
Lobbying - Contracted Services	30,000	-	-	-	-
Lobbyist Expenses	1,000	1,000	353	314	-
Professional Services					
Legal Fees	25,000	15,000	17,118	25,919	24,763
Legal Fees - Drainage Work Group	7,500	-	5,289	-	-
Drainage Work Group - Contract	5,000	-	-	-	-
Accounting and Audit Fees	15,000	14,100	14,100	10,500	8,150
Insurance	1,700	2,200	2,407	2,067	1,971
Office Expenses					
Rent	4,800	4,800	3,000	4,800	3,600
Mileage and General Office Expenses	10,000	10,000	10,783	5,467	3,514
Dues, Other Organizations	-	-	-	-	385
Other Special Items	2,500	2,500	510	-	500
Memorials	250	250	-	-	-
Board and Committee Meeting					
Per Diems and Expenses - Directors	25,000	25,000	23,724	29,195	20,225
Board and Committee Meeting Expenses	1,000	1,000	-	2,237	172
Special Projects					
WD Handbook, Surveys, rebranding, etc	5,000	5,000	4,466	-	-
Education and Events					
Annual Conference					
Annual Conference	44,500	44,500	60,046	8,744	13,966
Annual Trade Show	3,300	3,300	-	-	495
Wednesday Workshop: Drainage	4,000	4,000	-	-	-
Wednesday Workshop: Managers	1,500	1,500	-	-	-
Wednesday Workshop: Administration	1,200	1,200	-	-	-
Other	-	-	-	-	-
Legislative Day at the Capitol	5,500	5,500	4,508	4,413	-
Summer Tour	20,000	16,000	14,379	852	1,080
Credit Card Processing Fees	4,100	4,100	939	2,807	3,065
Special Workshops	2,500	2,500	-	-	-
TOTAL EXPENSES	427,150	412,700	331,197	377,365	285,077
REVENUES OVER (LESS THAN) EXPENSES	3,383	(16,125)	57,337	(121,046)	3,746
STATEMENT OF NET POSITION					
Assets, Cash and Equivalents, actual			270,378	222,050	324,904
Dues receivable			-	911	8,147
Deposits received - deferred, prepaid expenses			(5,959)	(600)	(15,494)
Liabilities, accounts payable, taxes payable			(21,108)	(36,388)	(10,542)
ENDING NET ASSETS			243,311	185,974	307,015

*These are not final numbers and are subject to slight changes. **FY24 Budget approved by Finance Committee on 10/11/2023 and the BOD on 10/23/2023.



Memorandum

DATE: October 27, 2023
TO: Minnesota Watersheds Members
FROM: Linda Vavra, Minnesota Watersheds President
RE: **Proposed Bylaws Changes**

The Bylaws Committee met on October 16 to discuss proposed Bylaws changes. The proposed changes were also discussed at the Minnesota Watersheds Board of Directors (Board) meeting on October 23. Many of the proposed changes are minor and are shown in track changes throughout the document. The reasoning for the more extensive changes are as follows.

- Associate membership. There have been inquiries from non-governmental organizations to become associate members. At present, additional funds from outside organizations are not necessary for our budgetary needs. Representing both government and non-government organizations would be confusing for members and for legislators. The committee and Board recommend that the associate membership section should be removed from the Bylaws.
- Annual meeting. The annual business meeting is what this section is referring to. The directors are elected during regional caucuses. The committee and Board recommend updating this section to refer specifically to the annual business meeting and to reflect more accurately what transpires.
- Chairman and Recording Secretary. The agendas for the regional caucuses denote the election of a chairman and a recording secretary. Very often an administrator or other staff person takes the notes. The committee and Board recommend revising this section to more accurately reflect the procedure that is followed.

Questions regarding these proposed changes should be directed to Linda Vavra at 320-760-1774 or lvavra@fedtel.net or Jan Voit jvoit@mnwatersheds.com or 507-822-0921.

PRESIDENT
Linda Vavra (Region 1)
Bois de Sioux WD
lvavra@fedtel.net
320-760-1774 | Term 2023

VICE PRESIDENT
Peter Fjestad (Region 1)
Buffalo Red River WD
pfjestad@prtel.com
218-731-4630 | Term 2025

SECRETARY
Wanda Holker (Region 2)
Upper Minnesota WD
ewholker@fedtel.net
320-760-6093 | Term 2024

TREASURER
David Ziegler (Region 3)
Riley-Purgatory-Bluff Creek WD
david_ziegler@outlook.com
952-905-1889 | Term 2025

DIRECTORS
Gene Tiedemann (Region 1)
Red Lake WD
gtiedemann@rrv.net
218-289-3511 | Term 2024

Jeff Gertgen (Region 2)
Middle Fork Crow River WD
jg liaison@gmail.com
608-370-3934 | Term 2023

Brad Kramer (Region 2)
Shell Rock River WD
brad@provenioconsulting.com
507-369-6050 | Term 2025

Mary Texer (Region 3)
Capitol Region WD
metexer@gmail.com
651-224-2919 | Term 2023

Don Pereira (Region 3)
Valley Branch WD
dpereira@vbwd.org
651-968-9788 | Term 2023

Jan Voit
Executive Director
jvoit@mnwatersheds.com
507-822-0921



BYLAWS

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC.

Doing business as Minnesota Watersheds

St. Paul, Minnesota

ARTICLE I.

Offices and Corporate Seal

- 1.1 Official Name. The official name of the corporation is the Minnesota Association of Watershed Districts, Inc., which conducts business under the registered assumed name of, and is hereinafter referred to as, Minnesota Watersheds.
- 1.2 Purpose. The purpose of Minnesota Watersheds is to provide educational opportunities, access to information resources, interface with other agencies, facilitate tours, meetings, and lobby on behalf of members. Additionally, Minnesota Watersheds will facilitate the exchange of information to help members better comply with governmental regulations and laws while offering an informed interface with the community or communities being served. Minnesota Watersheds will work to secure the capacity of its members to implement their statutory powers and purposes.
- 1.3 Organized. The corporation is organized as a 501(c)(4) organization. Notwithstanding any provision of the Articles of Incorporation or Bylaws which may be interpreted to the contrary, Minnesota Watersheds shall not authorize or undertake any actions which jeopardize its status as a 501(c)(4) organization.
- 1.4 Office. The registered office of the corporation shall be designated by the Board of Directors.
- 1.5 Corporate Seal. The corporation shall have no corporate seal.
- 1.6 Manual of Policy and Procedures. The Board of Directors has established a management document identified as the Manual of Policy and Procedures to support the orderly and timely details of regular operation. It may be revised at any time by a majority vote of the Board of Directors.

ARTICLE II.

Membership

- 2.1 Membership. Each dues-paying watershed district or watershed management organization duly established and in good standing pursuant to Minnesota Statutes, Chapter 103B or 103D, shall be entitled to membership in this corporation.
- 2.2 Delegates. Alternates. When a watershed district or watershed management organization becomes a member of this corporation, it shall designate from among its board members two delegates to represent it in this corporation. In addition, each member may designate alternate delegates to represent such member in the absence of any originally designated delegate. Thereafter, each member shall annually designate its delegates and alternate delegates so long as it remains a member in good standing of this corporation.

2.3 Termination of Membership. Any member that has failed to pay its dues is not in good standing and shall be stricken from the membership roll.

2.4 Resignation of Member. Any member may withdraw from this corporation effective immediately by notifying the secretary in writing. Regardless of the date of termination, there shall be no refund of the annual dues paid by the member.

~~2.5 Associate Membership. The Board of Directors may from time to time extend associate membership to this corporation upon payment of dues as determined by the Board of Directors.~~

~~An associate member shall not be entitled to submit resolutions, vote, or serve on the Board of Directors, but shall otherwise be afforded all the rights and privileges granted to members, their delegates and alternate delegates by law and by the Articles of Incorporation and Bylaws of this corporation.~~

ARTICLE III.

Meetings of Membership

3.1 Annual Business Meeting. An annual meeting of this corporation shall be held ~~to vote for the election of the Board of Directors and~~ to transact such ~~other~~ business as shall properly come before them. Notice of the time and place of such annual meeting shall be mailed, either physically or electronically, by the secretary to all members at least thirty (30) days in advance thereof.

3.2 Special Meeting. Special meetings of the members of the corporation shall be called by the president upon request of a majority of directors of the Board of Directors or upon the written request of one-third of the members of the corporation in good standing. This request shall be in writing addressed to the president or the secretary of the corporation. Within thirty days of receipt of said request, the Board of Directors shall, mail (either physically or electronically) notice of said special meeting to all members. This notice shall state the objective of the meeting and the subjects to be considered.

3.3 Quorum. A majority of the delegates (two per member) shall constitute a quorum for the transaction of business.

3.4 Voting. Any action taken by the members shall be by majority vote of the delegates present unless otherwise specifically provided by these Bylaws. Each member shall be entitled to one (1) vote for each delegate present.

ARTICLE IV.

Board of Directors

4.1 General Powers. The business activities of the corporation shall be directed and managed by the Board of Directors. The Board of Directors shall be authorized to pay officers and directors of the corporation per diem allowances and expenses as may from time to time be submitted to the Board of Directors, and such other expenses as may from time to time be necessary for the furtherance of the corporation's business, consistent with the rate and provisions of watershed board member per diem allowances and expense reimbursement provided in state law. The Board of Directors is authorized to hire and/or contract for services needed.

4.2 Directors to be Elected by Regions. For the purpose of election of the Board of Directors, members are grouped into three regions; three Directors shall be elected from each region, with staggered three-year terms. Members from each region shall elect one director for a three-year term at the

annual business meeting of the Association. No watershed district or watershed management organization shall have more than one board member elected to be a Director on the Board of Directors of the Corporation. In the event of a vacancy on the Board of Directors, the Board of Directors may appoint a member for the remaining term from a watershed district or watershed management organization with an existing representative on the Board of Directors if there are no other candidates from the region requesting appointment to the position. In the event a vacancy is filled by the Board of Directors, such appointment shall be submitted to the regional caucus for approval at the next regional caucus meeting. Regional caucuses shall elect a Chairman and Recording Secretary ~~from its delegates for the purpose of its election procedure and~~ report the election results to the Convention at a designated time. The member watershed districts and watershed management organizations present at the Regional Caucus meeting shall have full authority to elect a Chairman, Recording Secretary, and representatives to the Board of Directors.

- 4.3 Regions. The Board of Directors may re-align the regions or the members contained therein, it being the intent and purpose that each region contain the approximate same number of members. Any watershed district or watershed management organization in Minnesota not presently a member of this corporation, upon admission to membership, will be assigned to a region by the Board of Directors. Regional membership shall be listed in the Manual of Policy and Procedures.
- 4.4 Number, Qualification, and Term of Office. The number of directors constituting the board shall be nine. Each director elected at the annual meeting shall be elected for a three-year term. Directors shall be on the board of a watershed district or watershed management organization member in good standing of this corporation.
- 4.5 Vacancies. If there be a vacancy among the officers of the corporation or among the directors by reason of death, resignation, termination of membership, or removal as provided by law, the Articles of Incorporation, or these Bylaws, or otherwise or for non-excused absences for three consecutive meetings, such vacancy shall be filled by the Board of Directors until the next Annual Meeting of the Association.
- 4.6 Removal of Directors by Members. At a special meeting of the Board of Directors called solely for that reason, the notice of which meeting shall have been given in writing to members of this board at least thirty days prior thereto and not more than fifty days prior thereto, a super majority of ~~7~~ seven members of this board may remove one or more directors from their term of office without cause.
- 4.7 Meetings, Actions. The Board of Directors shall hold the annual meeting of the Board of Directors immediately after the annual meeting of the members of this corporation, and at such annual meeting shall elect the officers as above provided ~~for~~. Regular meetings of the Board of Directors shall be held at a time and place to be fixed by resolution or adopted by the majority of the Board of Directors.

The majority of the Board of Directors shall constitute a quorum. Directors may participate and vote in Board of Directors meetings by telephone or other electronic means approved by the Board in the Manual of Policy and Procedures.

Actions may be taken by a majority vote of those Directors present or participating by telephone or other electronic means approved by the Board in the Manual of Policy and Procedures. The secretary of the board shall give written or electronic notice to each director at least ten (10) days in advance of any regular or special directors' meeting. Special meetings may be called at the discretion of the President of the board or upon demand in writing to the secretary by three (3) directors of the Board

of Directors.

- 4.8 Conflicts of Interest. Members of the Board of Directors shall act at all times in the best interests of the corporation. This means setting aside personal self-interest and performing their duties in transacting the affairs of the corporation in such a manner that promotes public confidence and trust in the integrity, objectivity, and impartiality of the Board. No Director shall directly or indirectly receive any profit from his/her position as such, and Directors shall serve without remuneration other than as provided in Section 4.1 of these Bylaws for the payment for reasonable expenses incurred by them in the performance of their duties. The pecuniary interests of immediate family members or close personal or business associates of a ~~Director~~ director are considered to also be the pecuniary interest of the ~~Director~~ director.
- 4.9 Indemnification. All directors and officers of the corporation shall be indemnified against any and all claims that may be brought against them as a result of action taken by them on behalf of the corporation as provided for and subject to the requirements of Chapter 317A of Minnesota Statutes as amended.

ARTICLE V. Board Officers

- 5.1 Officers and Duties. There shall be four officers of the board, consisting of a president, vice-president, secretary, and treasurer. All officers shall be directors of the corporation. Their terms and duties are as follows:
- 5.2 President. The president shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms. The president shall have the following duties:
- Convene and preside over regularly scheduled board meetings.
 - Have general powers and duties of supervision and management as directed by the Manual of Policy and Procedures.
 - Appoint such committees as he/she shall deem necessary with the advice and consent of the Board of Directors.
- 5.3 Vice-President. The Vice-President shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms. The Vice-President shall have the following duties:
- Assume and perform the duties of the president in case of his/her absence or incapacity; and shall chair committees on special subjects as designated by the President.
 - Have general powers and duties of supervision and management as directed by the Manual of Policy and Procedures.
- 5.4 Secretary. The Secretary shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms.

The Secretary shall be responsible for preparing and keeping all records of board actions, including overseeing the taking of minutes at all board meetings, sending out meeting announcements, distributing copies of minutes and the agenda to each board member, and assuring that corporate records are maintained.

- 5.5 Treasurer. The Treasurer shall serve a term of office of one year and may, upon re-election succeed

himself/herself for two additional successive terms.

The treasurer shall chair the finance committee, maintain account of all funds deposited and disbursed, disburse corporate funds as designated by the Board of Directors, assist in the preparation of the budget, collect membership dues, and make financial information available to board members and the public.

ARTICLE VI.

Fiscal Year, Dues and Annual Review of Financial Procedures

- 6.1 Fiscal Year. The fiscal year of the corporation shall end on September 30 each year.
- 6.2 Membership Dues. Dues will be determined annually by the Board of Directors as specified in the Manual of Policy and Procedures.
- 6.3 Annual Dues. Annual dues shall be payable in January of each year. If a member's dues are not paid on or before April 30 of each year, such member's name shall be stricken from the membership roll. Reinstatement shall be upon such terms and conditions as prescribed by the Board of Directors.

The Board of Directors shall have the authority to suspend or defer dues of any newly organized watershed district or watershed management organization that joins this association until such member watershed district or watershed management organization is in actual receipt of its first authorized fund. The Board shall send out the annual dues statement with payment directed to the Minnesota Watersheds accounting firm. The Board of Directors may consider deferring, suspending, or reducing dues to new members or on an individual case basis when an appeal is made by a member because of hardship or funding problems.

- 6.4 Annual Review of Financial Procedures. The Board of Directors of this corporation shall provide for an annual review of financial procedures of all its resources and expenditures. A full report of such review and financial status shall be furnished at each annual meeting of the members. This review will be conducted by an auditing firm selected by the Board of Directors with experience in the field of government and water management. The review results shall be furnished to all members within forty-five days after receipt thereof by the Treasurer.

ARTICLE VII.

Employees

- 7.1 Employees. At the discretion of and under the direction of the Board of Directors, Minnesota Watersheds may choose to hire and administer various employees. Their positions and job expectations shall be individually developed and included in the Manual of Policy and Procedures.

ARTICLE VIII.

Resolutions and Petitions

- 8.1 Resolutions: The Chair of the Minnesota Watersheds Resolutions Committee will send a request for resolutions, along with a form for submission, to the membership at least three months prior to the annual Minnesota Watersheds membership meeting. Resolutions and their justification must be submitted to the Minnesota Watersheds Resolutions Committee in the required format at least two months prior to the annual Minnesota Watersheds membership meeting for committee review and recommendation. The committee will present these resolutions and their recommendations to the Board of Directors and the Minnesota Watersheds membership at least one month prior to the start

of the annual Minnesota Watersheds membership meeting. The Board of Directors may make additional recommendations on each proposed resolution through its board meeting process. This same procedure will be used when policy issues are to be considered at any special Minnesota Watersheds membership meeting.

- 8.2 Petitions: Any member or group of members may submit to the Board of Directors at any time a petition requesting action, support for, rejection of, or additional information on any issue of potential importance to the members. Such petitions require signed resolutions from at least 15 members before a ~~Special~~-special meeting of the membership will be convened.

ARTICLE IX. Chapters

- 9.1 Chapters. Members may form chapters to further the purposes stated in Article II of the Articles of Incorporation, to carry out policies of the Board of Directors, and to suggest policies for consideration by the Board of Directors.

ARTICLE X. Rules of Order

- 10.1 Rules. When consistent with its Articles of Incorporation and these Bylaws, the 12th edition of Robert's Rules of Order Newly Revised shall govern the proceedings of this corporation. For consistency in operation, a copy shall be available for consultation if requested at every scheduled meeting of the and Membership meetings.

ARTICLE XI. Amendments

- 11.1 Amendments. These Bylaws may be amended by a majority vote of the members of this corporation only as provided below.
- 11.2 Annual Meeting. At the annual meeting of the members of this corporation, the Bylaws may be amended by the majority of the members present if there is a quorum at said annual meeting and due notice has been given to the membership of the changes 30 days in advance of the meeting.
- 11.3 Special Meeting. These Bylaws may be amended by the members at a special meeting called for that reason but only by a majority vote of the entire membership of the corporation, and only if there has been thirty days' written notice to all members of such special meeting. Such special meeting may be called upon the request of one-third of the members of this corporation by notice in writing to the secretary or president, which notice shall ask for said special meeting and shall state the proposed Bylaws changes, and upon receipt of such request, the secretary or president must send written, either by mail or electronically, notice of the meeting to the members of this corporation within thirty days of receipt of such request, which shall be not less than thirty days nor more than fifty days of the date of the written notice.

Resolutions Packet



DATE: October 10, 2023
TO: Minnesota Watersheds Board of Directors
FROM: Linda Vavra, Resolutions Committee Co-Chair
RE: Resolutions Committee Recommendations

The Resolutions Committee met on Tuesday, October 10, 2023 to review and discuss the resolutions submitted by Minnesota Watersheds members. Their recommendations are as follows.

Resolutions Recommendations

#	Resolution Title	Committee Recommendation
1	Require Watershed District Permits for the Department of Natural Resources	Recommends adoption
2	Clarify Budget Adoption Deadlines and Certification Types for Watershed Districts	Does not recommend adoption; recommends working with boards, staff, and legal counsel to understand and confirm best practices
3	Support New Legislation Modeled after HF2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs	Recommends adoption as amended
4	Support Streamlining the DNR Flood Hazard Mitigation Grant Program	Recommends adoption
5	Support Increased Flexibility in Open Meeting Law to Utilize Interactive Technology	Recommends adoption
6	Support Minnesota Watersheds Education and Outreach to Encourage Formation of Watershed Districts in Unserved Areas	Recommends adoption

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS

RESOLUTION 2023-01

Resolution to Request Minnesota Watersheds Support to Require Watershed District Permits for the Department of Natural Resources

Proposing District: Wild Rice Watershed District
Contact Name: Tara Jensen
Phone Number: 218-784-5501
Email Address: tara@wildricewatershed.org

Background that led to submission of this resolution:

Watershed districts are local, special-purpose units of government that work to solve and prevent water-related problems (Minnesota Watersheds website).

While all other government units, such as states, counties, and cities have political boundaries, because water knows no boundaries and goes where it wants to, it makes sense to manage natural resources on a watershed basis. This type of management allows for an overall, holistic approach to resource conservation (Minnesota Watersheds website).

Watershed district have overall plans that are intended to protect, enhance, manage, and maintain the natural resources of the district in the best interest of the citizens and other stakeholders.

Watershed districts currently have rules and permit requirements that are not intended to delay or inhibit development. Rather permits are needed so that the managers are kept informed of planned projects, can advise and in some cases, provide assistance, and can ensure that land disturbing activity and development occurs in an orderly manner and in accordance with the overall plan for the district.

The Minnesota Department of Natural Resources (MNDNR) owns, operations, and maintains wildlife management areas and other conservation-oriented property within the Wild Rice Watershed District (WRWD).

As part of the operation of this property, the MNDNR periodically does improvements (i.e. wetland restorations, channel modifications, etc.) on their land without going through the process of obtaining a permit from watershed districts, because they are currently not subject to 103D.345. Without requiring a permit, the watershed managers are not assured of being adequately kept informed of planned projects to ensure that land disturbing activity and development occurs in an orderly manner and in accordance with the overall plan for the district.

Ideas for how this issue could be solved:

Minnesota Watersheds could seek legislative authority to amend M.S. Chapter 103D.345, Subd. 5 as follows: Subd. 5. Applicability of permit requirements to state. A rule adopted by the managers that requires a permit for an activity applies to the Departments of Transportation and Natural Resources.

Efforts to solve the problem:

We have spoken with state agency staff. They currently submit permit applications as a courtesy to let us know what works are being completed. Without it being required, we worry that this will not continue forever.

Anticipated support or opposition:

We would anticipate support from watersheds and opposition from the MNDNR.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____ X _____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2023-01

Resolution to Request Minnesota Watersheds Support to Require Watershed District Permits for the Department of Natural Resources

WHEREAS, discussion was had that the Minnesota Department of Natural Resources (MNDNR) has engaged in certain activity on property owned by the MNDNR which would require a permit for such activity as being within the scope of an existing rule of the Wild Rice Watershed District (WRWD), but the MNDNR asserts its position that it is exempt from obtaining any such permit; and

WHEREAS, the WRWD has concerns that the non-permitted work being done by the MNDNR on its property impacts other property owners/residents within the district resulting in such impacted property owners/residents having no recourse for water flowing, seeping, or otherwise being cast upon such other owners/residents; and

WHEREAS, the WRWD desires that Minnesota Statutes § 103D.345, Subd. 5 which pertains to the applicability of watershed permit requirements to the state and provides that a rule adopted by the managers that requires a permit for an activity applies to the Department of Transportation should be expanded to include the MNDNR.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports amending Minnesota Statutes § 103D.345, Subd. 5 to read as follows: Subd. 5. Applicability of permit requirements to state. A rule adopted by the managers that requires a permit for an activity applies to the Departments of Transportation and Natural Resources.

Notes: This resolution is a resubmission of Resolution 2018-04 which expires in December. The committee recommends adoption.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS

RESOLUTION 2023-02

Resolution Seeking Clarification of Levy and Budget Statutes (103D.911 vs 275.056)

Proposing District: Middle Fork Crow River Watershed District
Contact Name: Dan Coughlin
Phone Number: 320-796-0888
Email Address: dan@mfcrow.org

Background that led to submission of this resolution:

Each year, managers of watershed districts are required to adopt a budget for the following year. The issue facing managers is what deadline for adopting a budget should be followed because the two statutes that apply to a watershed's budgetary process conflict with each other: Minn. Stat. § 275.065, subd. 1 and 103D.911, subd. 2. Minn. Stat. § 275.065, commonly referred to as the "Truth in Taxation" statute, requires special taxing districts to "certify to the county auditor the proposed property tax levy for taxes payable in the following year" by September 30. However, Minn. Stat. § 103D.911, subd. 2 states that "on or before September 15 of each year, the managers [of the watershed district] shall adopt a budget for the next year and decide on the total amount necessary to be raised from...tax levies..." These two statutes create a conflict for managers of watershed districts in Minnesota because it is unclear what deadline needs to be followed. However, historically, this was not the case. The Minnesota legislature amendment Minn. Stat. § 275.065, subd. 1 in 2014 changed the certification deadline from September 15th to September 30th. As written, the "Truth in Taxation" statutes of Minnesota Chapter 275 would apply to watershed districts. Minn. Stat. 275.066(1) states that the term "special taxing districts" includes "watershed districts under chapter 103D." Minn. Stat. 275.065, subd. 1(e) states that "special taxing district shall have the same meaning as stated in Minn. Stat. 275.066. Because watershed districts are included in the special taxing districts, the watershed districts "shall certify to the county auditor the proposed property tax levy for taxes payable the following year" on or before September 30. Minn. Stat 275.065, subd. 1(a). The "Truth in Taxation" statute of 275 conflicts with Minn. Stat. 103D.911, subd.2, which requires managers of a watershed district to adopt a budget for the next year *on or before* September 15. The reference to September 15th in Minn. Stat. 103D.911 conflicts with the Truth in Taxation statute because two different statutory deadlines are provided for. To remedy any conflict, it is proposed that Minn. Stat. § 103D.911, subd. 2 be amended to be in harmony with Minn. Stat. § 275.065, subd. 1, which allows for a proposed levy to be submitted to the county auditor by September 30th. To ensure consistency, it is suggested that the other provisions of Minnesota Statute Chapter 275 be followed in Minnesota Statute Chapter 103D that, allow for a further discussion on the budget between October and November, with the final approval occurring in December.

In addition to the deadline, there is ambiguity surrounding whether a final budget or preliminary budget needs to be certified to the county auditor by the statutory deadline. Currently, Minn. Stat. § 103D.911, subd. 2 simply states a budget shall be adopted. It does not indicate whether that budget is a final budget or a preliminary budget. By following Minnesota Chapter 275, clear statutory guidance will be given on when the proposed budget needs to be presented, and the final budget needs to be adopted.

Ideas for how this issue could be solved:

It is proposed that Minn. Stat. § 103D.911, subd. 2 be amended to apply the statutory timelines of Minnesota Statutes Chapter 275 to watershed districts.

Efforts to solve the problem:

This has been a question many watershed districts are facing. Many watershed districts have turned to their legal counsel for interpretation. However, it is important that all watershed districts follow a consistent budgetary process to avoid legal issues.

Anticipated support or opposition:

Other watershed districts will likely want to partner with the Middle Fork Crow River Watershed District to receive clarification regarding this matter. Both political parties in the State of Minnesota should also want to clarify this ambiguity. Clarity will also benefit the landowners by allowing landowners to be more informed of the budgetary process

through the preliminary property tax levy statements they already are interacting with for township, city, school district and county levy impacts; and would provide another avenue for landowner participation.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2023-02

Resolution to Clarify Budget Adoption Deadlines and Certification Types for Watershed Districts

WHEREAS, managers of watershed districts in the state of Minnesota are required to annually adopt a budget for the following year; and

WHEREAS, a conflict has arisen due to the divergence between two relevant statutes, namely Minn. Stat. § 275.065, subd. 1 (referred to as the "Truth in Taxation" statute) and Minn. Stat. § 103D.911, subd. 2, concerning the deadlines for budget adoption; and

WHEREAS, the "Truth in Taxation" statute, Minn. Stat. § 275.065, subd. 1, stipulates that special taxing districts, including watershed districts under chapter 103D (as noted in Minn. Stat. § 275.065 subd. 1(e) and 275.066), must certify the proposed property tax levy for the following year by September 30; and

WHEREAS, Minn. Stat. § 103D.911, subd. 2, mandates that managers of watershed districts must adopt a budget for the next year and determine the total amount to be raised from tax levies on or before September 15, leading to a conflict in statutory deadlines; and

WHEREAS, the historical legislative amendment of Minn. Stat. § 275.065, subd. 1, in 2014 changed the certification deadline from September 15th to September 30th; and

WHEREAS, it is imperative to address this conflict to provide clarity and consistency in the budgetary processes of watershed districts in Minnesota and to offer statutory guidance regarding the type of budget to be certified to the county auditor by the statutory deadline; and

WHEREAS, providing a consistent and understandable property tax levy process for all local units of government with ad valorem taxing authority provides property owners with a greater opportunity to become informed of activities and plans of the governmental units that serve them; and

WHEREAS, bringing watershed district budget and levy processes in line with those of other local units of government provides the added benefit of allowing boards of managers and their support staff to establish and refine their annual budgets in a timeframe closer to the start of their next fiscal year; which should allow for more accurate and detailed information to be utilized as part of the processes used to establish final budgets and to set annual property tax levies;

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports the following:

1. The Minnesota Legislature shall amend Minn. Stat. § 103D.911, subd. 2, to align with Minn. Stat. § 275.065, subd. 1, by specifying that managers of watershed districts are required to submit the proposed preliminary property tax levy for the following year to the county auditor on or before September 30th.
2. To ensure uniformity and eliminate ambiguity, the budget adoption process in Minnesota Statute Chapter 103D shall adhere to the provisions outlined in Minnesota Statute Chapter 275, which include submitting the associated preliminary budget by September 30th. Furthermore, this alignment allows for further budget discussions between October and November, with approval of the final budget and associated property tax levy occurring in December, in accordance with the framework provided by Minnesota Statute Chapter 275.
3. The amendment to Minn. Stat. § 103D.911, subd. 2, shall explicitly indicate that the budget to be adopted is the preliminary budget and levy, and this levy shall be certified to the county auditor by September 30th, in line with Minn. Stat. § 275.065, subd. 1. Furthermore, the Board of Managers shall include with its preliminary levy certification materials to county auditors the date, time and location of its final budget and levy public hearing so it can be included as part of a county's proposed property tax notifications to property owners.

Notes: After reviewing the background information and discussing this resolution with MAWA at their meeting on September 27, the following information was submitted. Here is the link to the statute: <https://www.revisor.mn.gov/statutes/cite/275.065>. The applicable section is included below.

Subd. 6. Adoption of budget and levy.

(a) The property tax levy certified under section [275.07](#) by a city of any population, county, metropolitan special taxing district, regional library district, or school district must not exceed the proposed levy determined under subdivision 1, except by an amount up to the sum of the following amounts:

(1) the amount of a school district levy whose voters approved a referendum to increase taxes under section [123B.63, subdivision 3](#), or [126C.17, subdivision 9](#), after the proposed levy was certified;

(2) the amount of a city or county levy approved by the voters after the proposed levy was certified;

(3) the amount of a levy to pay principal and interest on bonds approved by the voters under section [475.58](#) after the proposed levy was certified;

(4) the amount of a levy to pay costs due to a natural disaster occurring after the proposed levy was certified, if that amount is approved by the commissioner of revenue under subdivision 6a;

(5) the amount of a levy to pay tort judgments against a taxing authority that become final after the proposed levy was certified, if the amount is approved by the commissioner of revenue under subdivision 6a;

(6) the amount of an increase in levy limits certified to the taxing authority by the commissioner of education or the commissioner of revenue after the proposed levy was certified;

(7) the amount required under section 126C.55;

(8) the levy to pay emergency debt certificates under section [475.755](#) authorized and issued after the proposed levy was certified; and

(9) the amount of unallotment under section [16A.152](#) that was recertified under section [275.07, subdivision 6](#).

(b) This subdivision does not apply to towns and special taxing districts other than regional library districts and metropolitan special taxing districts.

(c) Notwithstanding the requirements of this section, the employer is required to meet and negotiate over employee compensation as provided for in chapter 179A.

The Department of Revenue states that the special taxing districts that are subject to Truth in Taxation are limited to the metro.

Towns and special taxing districts (except for the three metropolitan special taxing districts and fire and emergency medical services districts) are not required to hold truth-in-taxation meetings. For towns, under "Meeting Information" it should read "Budget set at your annual town meeting in March 2023." Special taxing districts, other than the metropolitan special taxing districts (if applicable), are not listed under "Meeting Information."

Mark Doneux, Capitol Region WD, submitted the following Analysis and Comparison regarding this subject from his perspective and that of the Ramsey County property tax manager.

103D and 275 Analysis and Comparison

There has been some discussion and questions about 103D and 275 as it pertains to a watershed district levy certification process.

The current 103D.911 and 103D.915 statute is the most straightforward and simple approach for watershed districts to adopt and certify a budget and levy. It would be a disadvantage to be under 275 since watershed districts in multiple counties would then be required to attend multiple TNT hearings and at best add 15 days to the budget and levy process.

Here are the current 103 D statutes:

103D.911 BUDGET.

Subdivision 1. Hearing.

(a) Before adopting a budget, the managers shall hold a public hearing on the proposed budget.

(b) The managers shall publish a notice of the hearing with a summary of the proposed budget in one or more newspapers of general circulation in each county consisting of part of the watershed district. The notice and summary shall be published once each week for two successive weeks before the hearing. The last publication shall be at least two days before the hearing.

Subd. 2. Adoption.

On or before September 15 of each year, the managers shall adopt a budget for the next year and decide on the total amount necessary to be raised from ad valorem tax levies to meet the watershed district's budget.

103D.915 TAX LEVY.

Subdivision 1. Certification to auditor.

After adoption of the budget and no later than September 15, the secretary of the watershed district shall certify to the auditor of each county within the watershed district the county's share of the tax, which shall be an amount bearing the same proportion to the total levy as the net tax capacity of the area of the county within the watershed bears to the net tax capacity of the entire watershed district. The maximum amount of a levy may not exceed the amount provided in section [103D.905](#).

The question of whether watershed districts do fall under the 275 process is yes for September 30th filing deadline. 275.065 clearly state a preliminary levy must be certified by September 30th. See below.

275.065 PROPOSED PROPERTY TAXES; NOTICE.

§Subdivision 1. Proposed levy. (a) Notwithstanding any law or charter to the contrary, on or before September 30, each county, home rule charter or statutory city, town, and special taxing district, excluding the Metropolitan Council and the Metropolitan Mosquito Control Commission, shall certify to the county auditor the proposed property tax levy for taxes payable in the following year.

The debate comes in when considering if watershed districts are part of the Notice process known as Truth in Taxation (TNT) and the related hearings. Based on statute, 275.065, subd 3 watershed districts are NOT required to part of the Notice or TNT process, nor do we want to be. Subd 3 reads that METROPOLITAN taxing districts are subject to the notice/TNT process. When reviewing paragraph (i) that defined metropolitan taxing districts, it only includes the Metropolitan Council, Metropolitan Airports Commission and the Metropolitan Mosquito Control Commission.

See Subd 3 paragraph (c) and (i) below.

Subd. 3. Notice of proposed property taxes. (c) a portion of c

The notice must clearly state for each city that has a population over 500, county, school district, regional library authority established under section 134.201, **metropolitan** taxing districts **as defined in paragraph (i)**, and fire protection and emergency medical services special taxing districts established under section 144F.01, the time and place of a meeting for each taxing authority in which the budget and levy will be discussed and public input allowed, prior to the final budget and levy determination.

Here is paragraph (i)

(i) For purposes of this subdivision and subdivision 6, "**metropolitan** special taxing districts" means the following taxing districts in the seven-county metropolitan area that levy a property tax for any of the specified purposes listed below:

(1) Metropolitan Council under section 473.132, 473.167, 473.249, 473.325, 473.446, 473.521, 473.547, or 473.834;

(2) Metropolitan Airports Commission under section 473.667, 473.671, or 473.672; and

(3) Metropolitan Mosquito Control Commission under section 473.711.

In the end, the current 103D statutes provide clear and simple process for adopting a budget and certifying a levy. Whether it's the 15th or 30th of September really makes no difference in preparing the budget and levy for the following year so going to September 30th only adds 15 days. As far as notification of tax levies to tax payers, watershed district budgets are an extremely minor portion of the overall property tax levy. That is why the notification process only seeks cities over 500 population, counties, and school districts. The entities make up the overwhelming majority of the property taxes and their respective levies can only go down after the November hearings.

Notes: The committee does not recommend adoption of this resolution. The committee recommends working with boards, staff, and legal counsel to understand and confirm best practices.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS

RESOLUTION 2023-03

Resolution Seeking Support of New Legislation Modeled after HF2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs

Proposing District: Rice Creek Watershed District
Contact Name: Nick Tomczik, Administrator
Phone Number: 763-398-3079
Email Address: ntomczik@ricecreek.org

Background that led to submission of this resolution:

The State enacted several laws related to water resources after the establishment of the public drainage systems. However, there was a commitment that these laws would not restrict existing rights including those related to the existence of, and obligation to maintain, public drainage systems.

The public waters inventory was never intended to restrict the right to maintain existing drainage systems. The legislature specifically exempted repairs from DNR permitting; gave the DNR a mechanism to ensure proposed work was repair; and directed the DNR to provide for the lawful function of public drainage systems that affected public waters. The DNR also adopted a rule exempting repairs from permitting and announced a policy in 1980 that stated repair of public drainage systems should be allowed without permits.

More recent DNR practices have departed from the 1980 policy and clear language in both statute and rule. The agency has increasingly required permits, approvals, and conditions contrary to current law and the 1980 policy. The DNR issued a new guidance document in February 2018 that was intended to provide clarity for both DNR staff and drainage authorities on the role of the DNR regarding public drainage activities (particularly repairs). This guidance has had the opposite effect, creating more uncertainty, expense, and delays in the public waters regulatory program and for drainage system repairs.

HF2687 and SF2419 were introduced during the 2018 legislative session to reinforce the protections given to drainage system repairs. These bills were placed on hold in committee when the DNR issued its new guidance that would address the concerns that drainage authorities had with its current practices (relating to permitting and permission requirements for work affecting public waters). Though these bills were never withdrawn by their authors, they require reintroduction for reconsideration.

The DNR policy and its implementation of that policy do not adequately address drainage authority concerns. Reintroduction and approval of new legislation modeled after HF2687 and SF2419 would reinforce in clear terms the DNR's role in drainage system repairs.

Ideas for how this issue could be solved:

Current disagreements about the DNR's jurisdiction could be resolved through protracted litigation (the least desirable course of action) or by clear legislative directives. New legislation, modeled after HF2687 and SF2419, will provide this clear legislative directive. The legislation would reinforce existing law regarding the DNR and the drainage authorities' roles and responsibilities when maintaining the public drainage systems and reduce the unnecessary expenditure of dollars by the Drainage Authority (passed by statute to landowners) and DNR.

Use draft bill language modeled after HF2687 and SF2419 with suggested amendments to introduce new legislation. Documents are attached to this resolution.

Attachments:

- 1- Proposed amendment to 103E.701
- 2- Proposed amendment to 103G.225
- 3- Proposed amendment to 103G.245

4- Revised SF 2419 bill language

To advance this legislation, we ~~recommend Minnesota Watersheds engage with the Drainage Work Group (DWG) to prioritize this topic for DWG deliberation in 2024. If consensus cannot be reached by the DWG in 2024,~~ we recommend Minnesota Watersheds, along with partner organizations such as the Association of Minnesota Counties (AMC), work with cooperating legislators to draft and introduce new bills in the 2025 legislative session.

Efforts to solve the problem:

RCWD representatives have met with DNR staff leadership multiple times since 2018 regarding the lack of clarity and consistency in DNR’s role on public drainage system repairs across the State. This engagement resulted in the DNR issuing Letters of Permission for two RCWD drainage repair projects, only to rescind the Letters of Permission months later noting that permission was unnecessary. PDA engaged with DNR, yet DNR continues inconsistent jurisdictional response.

A similar resolution was proposed and adopted by MAWD in 2018. This resolution is sunseting in 2023. We are unaware of any actions from MAWD / Minnesota Watersheds that resulted from that resolution.

Anticipated support or opposition from other governmental units?

Wild Rice Watershed District is supportive of this resolution. All public drainage authorities (counties, watershed districts) should support this legislation. Non-governmental environmental organizations in the state and the DNR may oppose this legislation.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

103E.701 REPAIRS.

Subd. 2. Repairs affecting public waters.

A. Where as-built records, ~~reestablished~~reestablished records under section 103E.101, subd. 4a, or prior concurrence of the commissioner exist, the Drainage authority may proceed with a drainage system repair consistent with the definition above without further concurrence, review or permission of the commissioner under section 103E.011, subd. 3.

B. Where as-built records, ~~reestablished~~reestablished records under section 103E.101, subd. 4a, or prior concurrence of the commissioner do not exist, ~~B~~before a repair is ordered, the drainage authority must notify the commissioner if the repair ~~may affect~~will be conducted in, through or adjacent to public waters. Notice to the commissioner must include the proposed repair design and configuration. Within 60 days of notice, the commissioner must concur or non-concur that the proposed repair is, in fact, repair as defined in this section. Failure of the commissioner to concur or non-concur with the repair design and configuration within 60 days shall be deemed concurrence. If the commissioner ~~disagrees-non-concurs~~ with the repair design and configuration~~depth~~, the engineer, a representative appointed by the director, and a soil and water conservation district technician must jointly determine authorized repair as defined in this section~~the repair depth~~ using existing records and evidence, including, but not limited to, applicable aerial photographs, soil borings or test pits, culvert dimensions and invert elevations, and bridge design records, soil borings, field surveys, and other available data or appropriate methods. Costs for determining the repair ~~depth~~design and configuration beyond the initial meeting must be shared equally by the drainage system and the commissioner. The determined repair design and configuration~~depth~~ must be recommended to the drainage authority. The drainage authority may accept the joint recommendation and proceed with the repair.

C. Commissioner concurrence with repair design and configuration or drainage authority acceptance of a repair design and configuration recommendation shall constitute permission of the commissioner under section 103E.011, subd. 3.

103G.225 STATE WETLANDS AND PUBLIC DRAINAGE SYSTEMS.

If the state has inventoried and designated public water courses, basins or wetlands on or adjacent to existing public drainage systems, the state shall consider the use of the public waters ~~wetlands~~ as part of the drainage system. If the commissioner's desired management or protection of public waters ~~wetlands~~ interfere with or prevent the authorized functioning of the public drainage system, the state shall provide for necessary work to allow proper use and maintenance of the drainage system while still preserving the public waters wetlands.

103G.245 WORK IN PUBLIC WATERS.

Subd. 2.Exceptions.

A public-waters-work permit is not required for:

(1) work in altered natural watercourses that are part of drainage systems established under chapter 103D or 103E if the work in the waters is undertaken according to chapter 103D or 103E;

(2) repair of a public drainage system lawfully established under Minnesota Statutes, chapters 103D and or 103E, and sponsored by the public drainage authority consistent with the definition of "repair" in Minnesota Statutes, section 103E.701, subdivision 1.

(3) a drainage project for a drainage system established under chapter 103E that does not substantially affect public waters; or

(34) culvert restoration or replacement of the same size and elevation, if the restoration or replacement does not impact a designated trout stream.

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 2419

(SENATE AUTHORS: WESTROM, Weber, Eken, Sparks and Ingebrigtsen)

DATE
05/21/2017

D-PG
5448

Introduction and first reading
 Referred to Environment and Natural Resources Policy and Legacy Finance

OFFICIAL STATUS

- 1.1 A bill for an act
- 1.2 relating to natural resources; clarifying public waters and public drainage system
- 1.3 laws; amending Minnesota Statutes 2016, sections 103E.701, subdivision 2;
- 1.4 103G.225; 103G.245, subdivision 2.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2016, section 103E.701, subdivision 2, is amended to read:
- 1.7 Subd. 2. **Repairs affecting public waters.** (a) Where as-built records, reestablished
- 1.8 records under section 103E.101, subdivision 4a, or prior concurrence of the commissioner
- 1.9 exists, the drainage authority may proceed with a drainage system repair as provided in this
- 1.10 section without further concurrence, review, or permission of the commissioner under
- 1.11 section 103E.011, subdivision 3.
- 1.12 (b) Where as-built records, reestablished records under section 103E.101, subdivision
- 1.13 4a, or prior concurrence of the commissioner does not exist, before a repair is ordered, the
- 1.14 drainage authority must notify the commissioner if the repair may affect will be conducted
- 1.15 in, through, or adjacent to public waters. Notice to the commissioner must include the
- 1.16 proposed repair design and configuration. Within 60 days of notice, the commissioner must
- 1.17 concur or not concur that the proposed repair is, in fact, repair as provided in this section.
- 1.18 Failure of the commissioner to concur or not concur with the repair design and configuration
- 1.19 within 60 days is deemed concurrence. If the commissioner disagrees does not concur with
- 1.20 the repair depth design and configuration, the engineer, a representative appointed by the
- 1.21 director, and a soil and water conservation district technician must jointly determine the
- 1.22 repair depth allowed under this section using soil borings, field surveys, and other available
- 1.23 data or appropriate methods existing records and evidence, including but not limited to
- 1.24 applicable aerial photographs, soil borings, test pits, culvert dimensions, invert elevations,

2.1 and bridge design records. Costs for determining the repair ~~depth~~ design and configuration
 2.2 beyond the initial meeting must be shared equally by the drainage system and the
 2.3 commissioner. The determined repair ~~depth~~ design and configuration must be recommended
 2.4 to the drainage authority. The drainage authority may accept the joint recommendation and
 2.5 proceed with the repair.

2.6 (c) The commissioner's concurrence with repair design and configuration or the drainage
 2.7 authority or an accepted joint recommendation acceptance of a repair design and configuration
 2.8 recommendation under this
 2.9 subdivision constitutes permission of the commissioner under section 103E.011, subdivision
 2.9 3.

2.10 Sec. 2. Minnesota Statutes 2016, section 103G.225, is amended to read:

2.11 **103G.225 STATE WETLANDS PUBLIC WATERS AND PUBLIC DRAINAGE**
 2.12 **SYSTEMS.**

2.13 If the state ~~owns~~ has inventoried and designated public water courses, basins, or public
 2.14 waters wetlands on or adjacent to existing public drainage systems, the state shall consider
 2.15 the use of the public waters ~~wetlands~~ as part of the drainage system. If the commissioner's
 2.16 desired management or protection of public waters ~~wetlands~~ interfere with or prevent the
 2.17 authorized functioning of the public drainage system, the state shall provide for necessary
 2.18 work to allow proper use and maintenance of the drainage system while still preserving the
 2.19 public waters ~~wetlands~~.

2.20 Sec. 3. Minnesota Statutes 2016, section 103G.245, subdivision 2, is amended to read:

2.21 Subd. 2. **Exceptions.** A public-waters-work permit is not required for:

2.22 (1) work in altered natural watercourses that are part of drainage systems established
 2.23 under chapter 103D or 103E if the work in the waters is undertaken according to chapter
 2.24 103D or 103E;

2.25 (2) repair of a public drainage system lawfully established under chapters 103D or
 2.26 103E and sponsored by the public drainage authority as provided in section 103E.701;

2.27 (3) a drainage project for a drainage system established under chapter 103E that does
 2.28 not substantially affect public waters; or

2.29 (3) ~~(4)~~ culvert restoration or replacement of the same size and elevation, if the restoration
 2.30 or replacement does not impact a designated trout stream.

September 13, 2023

Rice Creek Watershed District
4325 Pheasant Ridge Drive NE, Suite 611
Blaine, MN 55449

RE: WILD RICE WATERSHED DISTRICT SUPPORT OF MN WATERSHEDS 2023
RESOLUTION

Dear Rice Creek Watershed District (RCWD):

The Wild Rice Watershed District (WRWD) Board of Managers had considered the MN Watersheds 2023 Resolution – *Support of New Legislation Modeled After HF2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs* (hereafter “MN Watersheds Resolution”) at Exhibit “A,” which has been adopted by the RCWD Board of Managers.

This letter, executed by the undersigned Chairman of the WRWD Board of Managers, on behalf of the WRWD Board of Managers, is being sent in support and agreement with the terms of the MN Watersheds Resolution regarding the commitment of lobbying efforts toward the passage of legislation modeled after HF2687 and SF2419 in subsequent legislative sessions.

Sincerely,



GREG HOLMVIK

Chairman – Wild Rice Watershed District Board of Managers

MINNESOTA WATERSHEDS RESOLUTION 2023-03

Resolution Seeking Support of New Legislation Modeled After HF2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs

WHEREAS, many watershed districts are drainage authorities 103E for all public drainage systems within their jurisdictional boundaries pursuant to the statute chapter; and

WHEREAS, statute chapter 103E places an obligation on drainage authorities to maintain public drainage systems on behalf of benefitted landowners; and

WHEREAS, courts have identified the rights of benefitted landowners to have public drainage systems maintained as a property right; and

WHEREAS, the State enacted laws related to water resources after the establishment of the public drainage systems with the commitment that these laws would not restrict existing rights to maintain public drainage systems; and

WHEREAS, DNR practices have departed from past policy and extended beyond the limits of its authority by regulating, permitting, and restricting drainage system repairs; and

WHEREAS, HF2687 and SF2419 were introduced during the 2018 legislative session to restate the protections given to drainage system repairs and were placed on hold in committee to await new DNR guidance that would address the concerns of the drainage authorities; and

WHEREAS, the DNR issued guidance in February 2018 that did not address the public drainage authority concerns and has created more uncertainty, expense, and delays in the public waters regulatory program and for drainage system repairs; and

WHEREAS, Though HF2687 and SF2419 were never withdrawn by their authors, the biennial legislative process requires that they be reintroduced for consideration.

WHEREAS, legislation modeled after HF2687 and SF2419 does not eliminate DNR or public input on repair depths; rather it clarifies how and when this is to occur in the process.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports the introduction of new legislation, modeled after HF2687 and SF2419, ~~commits its staff to vetting this topic through the Drainage Work Group in 2024, and commits its lobbying efforts toward promoting the passage of the bills in subsequent sessions.~~

Notes: The committee recommends adoption of this resolution.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS

RESOLUTION 2023-04

Resolution Seeking Action for Streamlining the DNR Flood Hazard Mitigation Grant Program

Proposing District: Two Rivers Watershed District
Contact Name: Dan Money, Administrator
Phone Number: 218-843-3333
Email Address: dan.money@tworiverswd.com

Background that led to the submission of this resolution:

DNR’s Flood Hazard Mitigation Grant program is authorized under MN Statute 103F. There is currently a lack of openness and transparency on the part of DNR in managing this program. There is lack of communication to grant applicants regarding how their project is scored, ranked, and prioritized for funding. Some of the projects have been waiting more than five years for funding, with little to no communication from DNR as to their status.

There is also a lack of information regarding DNR’s and the Legislature’s intent to fund applications to this program. Funding for the program relies on the legislative bonding cycle (See attached Analysis of Funds Allocated and Concerns about FHMP process). For example, in 2022-2023 there were requests for over \$150 million from this program. However, the DNR’s request to the legislature to fund the program is typically in the range of only \$20 million. At that pace, it would take over eight years to fund the projects currently on the list, and longer considering future new applications. Some projects have already been on the list for seven or more years and have not been funded. DNR does not communicate with applicants as to project status, and they do not seem to have a plan to fund projects and move them to construction.

Ideas for how this issue could be solved:

- Work with DNR to rectify the communication problem. Scoring, ranking, and funding priority should be more transparent so applicants know where they stand from year to year.
- Work with the legislature to promote the program and point out its social, economic, and scientific impacts. Most of the projects, and especially those in the Red River Basin, contain not only flood control elements, but also natural resources enhancement components. Minnesota Watersheds should promote the concept of fully funding the program with the intent to complete projects that qualify and are on the DNR list within two to four years of eligibility.
- Work with partners like cities, counties, and watershed management organizations to seek changes to program management.

Efforts to solve the problem:

- The Red River Watershed Management Board has met with partner organizations to identify the problem and help gain support. General support for streamlining and funding the program has been communicated.
- The RRWMB has been meeting with DNR representatives from northwest Minnesota to discuss the program and potential solutions. They have indicated a willingness to address some of the issues raised and have developed a workplan to help improve the program delivery (see attached FHM Work Plan). However, more work needs to be done to further address the issues.

Anticipated support or opposition:

Partners could be counties, cities, WMOs, and the RRWMB. Not sure about opposition.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ (X)
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____ X
Applies to the entire state:	_____ X	Impacts MW bylaws or MOPP:	_____

Concerns About the FHMP Process

- ▶ Lack of openness/transparency - and little coordination and communication with local government.
- ▶ DNR coordination with other agencies - how does this work.
- ▶ Only 1 full-time staff designated by DNR for FHMP administration - some administrative assistance is available.
- ▶ Limited or no information about:
 - Scoring and ranking process by DNR.
 - Internal DNR processes and procedures.
 - Who final decision-makers are at DNR.
 - How DNR develops its preliminary and final recommendations to fund the FHMP for Governor's budget.
- ▶ Limited communication and promotion of the FHMP by DNR at legislature.

- ▶ FHMP gets lost in the shuffle during the state budget process.
- ▶ Inadequate and inconsistent funding by the legislature:
 - Affects timing and coordination of other local, state, and federal funds to construct water storage/flood mitigation projects.
 - Places increased pressure on local government to fund FHM - WSPs through local taxes.
 - Inflation!
- ▶ Continued deferred FHMP funding reduces local government's ability to meet climate resiliency goals/reduce downstream impacts.
- ▶ Everyone wants water storage - but no one wants to fund it consistently and adequately.



FHM Program Improvement Work Plan - M M DNR

Updated 06-16-2023

Project Name: Flood Hazard Mitigation (FHM) Grant Assistance Program Communication and Delivery Improvement Project

Project Goal: A transparent funding award process, where DNR and stakeholders have ready access to and better understanding of program history, funding eligibility, application and prioritization process, and allocation of appropriations in each funding cycle.

Planned Activities:

Task	Notes	Status
<p>Post relevant existing FHM program information on DNR's website, FHM program page</p>	<ul style="list-style-type: none"> • Program history • List of current unmet needs • Allocation of past appropriations • Map of Projects • FAQ • Explanation of funding process and prioritization 	<ul style="list-style-type: none"> • DONE • DONE • DONE • Updated (not on web yet) • TBD • In progress
<p>Obtain input on FHM program from interested stakeholders and post on web.</p>	<ul style="list-style-type: none"> • Conduct LGU survey. See survey questions and responses. • Conduct LGU listening sessions. See listening session questions and notes. • Complete FHM Grant Assistance Program 2021 Survey and Listening Sessions Results Summary and post on web. 	<ul style="list-style-type: none"> • DONE • DONE • DONE
<p>Internal As-Is Process Description and Review - SOPs</p>	<ul style="list-style-type: none"> • Develop Standard Operating Procedures and supporting documents for DNR's internal, Land Use Programs (LUP) OneNote Manual. 	<ul style="list-style-type: none"> • Nearing completion
<p>Update current FHM application.</p>	<ul style="list-style-type: none"> • Update application to include narrative of program history, goals, eligibility, expansion of project prioritization based upon criteria established in law. • Draft application to be shared with internal and external stakeholders for review and comment prior to finalization. 	<ul style="list-style-type: none"> • Internal draft under review
<p>Develop internal prioritization form based on prioritization criteria in statute and aligned with updated application form.</p>	<ul style="list-style-type: none"> • Collect and review two to three scoring systems used by other grant programs in MN and/or other states. • Develop internal prioritization process. Recognize need for flexibility in working with funding directives from Legislature, statutory requirements, applicant needs, timing and practical implementation considerations. 	<ul style="list-style-type: none"> • DONE collecting other scoring systems. Need to finish review. • TBD
<p>Continue to get input and identify areas for improvement.</p>	<ul style="list-style-type: none"> • Determine timeline and process for periodic review of the FHM program and necessary updates to FHM materials. Once established, this will be an ongoing program maintenance task. 	<ul style="list-style-type: none"> • Initiate once elements above are completed.



ANALYSIS OF FUNDS ALLOCATED TO THE FLOOD HAZARD MITIGATION PROGRAM IN MINNESOTA – 1988 TO 2020

The Red River Watershed Management Board (RRWMB) analyzed statewide allocations to the Flood Hazard Mitigation Program (FHMP) using data available from the Minnesota Department of Natural Resources (DNR). The data used for this analysis is titled "History of Flood Hazard Mitigation Funding Allocations" is available on the DNR's website at this location: https://www.dnr.state.mn.us/waters/watermgmt_section/flood_damage/index.html

Data is available from 1988 to 2020 and below are facts about the FHMP:

- The FHMP started in 1988, has been in existence for over 34 years, with \$2 million being allocated the first year.
- FHMP funds are administered by the DNR and are pass through to Local Governmental Units (LGU) statewide including watershed districts, counties, cities, and townships.
- Since 1988, the FHMP has allocated \$516,819,885 to LGUs.
- No funds were allocated to the FHMP in 1989, 1992, 1996, 2004, 2016, 2019, 2021, and 2022.
- Of the 26 years that funds have been allocated to the FHMP, the average allocation is \$19,877,688 for statewide flood mitigation projects and efforts.
- The table below illustrates how funds have been allocated to LGUs statewide from 1988 to 2020 for the FHMP. A pie chart is also included on the next page depicting this information.

Entity Receiving FHMP Funds Statewide: 1988 to 2020	Amount of Total FHMP Allocations Received Statewide: 1988 to 2020	Percent of Total FHMP Allocations Statewide: 1988 to 2020
Watershed Districts	\$ 73,555,299.00	14.23%
Counties	\$ 34,155,509.00	6.61%
Cities	\$ 377,638,611.00	73.07%
Townships	\$ 30,734,747.00	5.95%
Other*	\$ 735,719.00	0.14%
TOTALS	\$ 516,819,885.00	100%

*Includes FHMP administration funds for the DNR to manage the program.

Contact: For more information, contact RRWMB Executive Director Robert L. Sip via email at rob.sip@rrwmb.us or by cell at 218-474-1084.

February 3, 2023



INFLATION IMPACTS ON CONSTRUCTION OF WATER STORAGE PROJECTS IN THE RED RIVER BASIN

The Red River Watershed Management Board (RRWMB) uses the United States Army Corps of Engineers (USACE) Civil Works Construction Cost Index (CWCCI) to adjust for inflation. The CWCCI is used by the RRWMB to set cost-share rates for member watershed districts when constructing Water Storage Projects (WSP) in the Red River Basin of Minnesota. USACE updates the CWCCI at the end of each federal fiscal year, which is September 30. Below is information from 2000 to 2022 illustrating how the CWCCI has changed annually (*The 2021 index listed is the value published in fall of 2021 – USACE later revised the 2021 value to 984.80). Specific RRWMB information related to inflationary impacts is included on the [next page](#).

At end of Federal Fiscal Year	Index (CWCCI)	Change From Prior Year
2000	497.07	
2001	503.52	1.3%
2002	517.46	2.8%
2003	529.95	2.4%
2004	571.29	7.8%
2005	608.36	6.5%
2006	641.91	5.5%
2007	673.52	4.9%
2008	716.54	6.4%
2009	703.00	-1.9%
2010	724.17	3.0%
2011	756.48	4.5%
2012	773.75	2.3%
2013	787.64	1.8%
2014	804.05	2.1%
2015	804.97	0.1%
2016	810.92	0.7%
2017	835.57	3.0%
2018	862.56	3.2%
2019	888.57	3.0%
2020	897.19	1.0%
2021	971.10 *	8.2%
2022	1120.25	15.4%

Key Facts Related to Construction of Water Storage in Minnesota:

- The Flood Hazard Mitigation Program (FHMP) is a primary funding source for WSPs and flood mitigation statewide.
- The FHMP is managed by the MN DNR and funds are pass-through to local government across the state of Minnesota.
- One bonding bill of \$17.6 million has been approved in the last 4 years to fund WSPs and flood mitigation efforts statewide.
- The current known need for FHMP funding is approximately \$150 million according to MN DNR data and information as of May 2022.
- Bills of more than \$156 million have been introduced for flood mitigation and WSPs as of February 1, 2023.
- Inconsistent FHMP funding affects timing and coordination of other local, state, and federal funds to construct WSPs/flood mitigation projects.
- Inadequate funds allocated to the FHMP place increased pressure on local government to fund WSPs through local taxes.
- Continued deferred FHMP funding reduces local government's ability to meet climate resiliency goals/reduce downstream impacts.

The table below illustrates cost increases using the USACE CWCCI from 2022 to 2023 for the RRWMB's member watershed districts to construct WSPs/flood mitigation projects. The cost estimate for the WSPs was approximately \$49 million in 2022 and when applying the CWCCI, costs have risen significantly. For 2023, the bonding request is \$73 million for the RRWMB's membership.

Project	2022 RRWMB Cost Estimates	2021 CWCCI 8.20%	2022 CWCCI 15.40%	2023 RRWMB Bonding Request
Redpath Impoundment	\$ 15.4000	\$ 16.9400	\$ 19.3116	\$ 19.2289
City of Perley	\$ 0.6250	\$ 0.6875	\$ 0.7837	\$ 0.6250
Nelson Slough	\$ 4.1500	\$ 4.5650	\$ 5.2041	\$ 11.2580
Lilac Ridge	\$ 3.0000	\$ 3.3000	\$ 3.7620	\$ 8.2500
City of Newfolden	\$ 4.6680	\$ 5.1348	\$ 5.8536	\$ 6.5000
Roseau Lake Bottom	\$ 7.0000	\$ 7.7000	\$ 8.7780	\$ 8.7404
Whitney Lake	\$ 1.0000	\$ 1.1000	\$ 1.2540	\$ 1.2486
Klondike Clean Water Retention	\$ 13.5000	\$ 14.8500	\$ 16.9290	\$ 16.8565
TOTAL	\$ 49.3430	\$ 54.2773	\$ 61.8761	\$ 72.7074

Readiness: All these WSPs are ready to receive funding through the FHMP to get to the finish line. Construction will allow projects to come "on-line" to meet local, regional, and international goals for climate resiliency, water storage, and natural resources goals in the Red River Basin.

New Water Storage: Approximately 100,000 acre-feet of new water storage will be created when the projects below are constructed by RRWMB membership.

Flow Reduction Strategy: The Red River Basin has adopted a 20% flow reduction strategy to reduce flood flows in the Red River. The RRWMB has adopted this strategy.

Farmland Flood Damage Reduction Goal: The Red River Basin also has the goal of providing protection against 10-year summer storm events for intensively farmed agricultural land and 25-year events when feasible.

Current Financial Investments: The RRWMB calculates that \$50 million has been invested in these projects. More detailed information about the projects below can be provided upon request and cost information is in millions of dollars.

Contact: For more information, contact RRWMB Executive Director Robert L. Sip via email at rob.sip@rrwmb.us or via cell at 218-474-1084.

February 6, 2023

Office Location • 11 5th Avenue East, Suite B • Ada, MN 56510 • www.rrwmb.us • 218-784-9500 (Main Office)

Investing in and Managing the Watershed of the Red River Basin

MINNESOTA WATERSHEDS RESOLUTION 2023-04

Resolution Seeking Action for Streamlining the DNR Flood Hazard Mitigation Grant Program

WHEREAS, severe flooding is known to occur repeatedly within the State of Minnesota, costing both public and private entities millions of dollars for repair and replacement of infrastructure, damage to homes, erosion and sediment control, and damage to cropland; and

WHEREAS, flooding also has severe and repeated impacts to water quality from erosion, sedimentation, nutrient loading, raw sewage discharges, and chemical spillage; and

WHEREAS, the DNR's Flood Damage Reduction Grant program (FHMG) under Minnesota Statutes 103F has been a successful tool for local governments to utilize to design and build projects to reduce and prevent flooding, protect the environment, and prevent social and economic losses; and

WHEREAS, the DNR's FHMG has historically not been funded adequately by the Legislature, nor have projects been scored, ranked, and prioritized adequately by the DNR; and

WHEREAS, the cost of construction has increased by nearly 28% over the past few years, however in the same time period the legislature has only provided funding (totaling \$17.6 million) in one of those years; and

WHEREAS, proposed flood damage reduction projects that are endorsed by the Red River Flood Damage Reduction Work Group are multi-purpose projects that provide climate resiliency, protection and enhancement of natural resources, habitat for fish and macroinvertebrates, and address water quality impairments.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds adopt a resolution seeking action requiring the DNR to establish transparent scoring, ranking, and funding criteria for the Flood Hazard Mitigation Program (M.S. Chapter 103F) and asking the Minnesota Legislature to fully fund the state's share of eligible projects that are on the DNR's list within each two-year bonding cycle. Information regarding scoring, ranking, and funding should be provided annually to project applicants.

Notes: Funding for flood damage reduction and flood hazard mitigation is important to our members. I believe this resolution will be supported by our members.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2023-05

Resolution Seeking Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Terry Jeffery, Interim District Administrator
Phone Number: 952-807-6885
Email Address: tjeffery@rpbcwd.org

Background that led to the submission of this resolution:

Due to the impacts of the COVID-19 pandemic, the Open Meeting Law, Minnesota Statutes Chapter 13, was revised by the 2021 Minnesota Session Laws to provide increased flexibility for participation in public meetings by telephone and interactive technology. The revisions to Minnesota Statutes Sections 13D.02 and 13D.021 provide for this additional flexibility in the event that a health pandemic or emergency is declared under Chapter 12 of Minnesota Statutes. When the health pandemic or emergency is no longer declared, the standard, non-emergency meeting participation and notice requirements for remote participation by a member of a public body apply.

The standard, non-emergency language in the Open Meeting Law allows a member of a public body board to remotely attend and participate in a public meeting using interactive technology, provided that participation is from a public and publicly noticed location (13D.02 Subdivision 1 (5)); and 2). A member may participate remotely from a nonpublic location in a public meeting up to three times in a calendar year due to military deployment or medically documented personal health reasons.

Many public bodies, including watershed districts, successfully used interactive technology to conduct business, including public meetings, during the pandemic. Benefits to using these platforms that went beyond health and safety included reduced travel costs and time for the public and the organizations using the platform; increased opportunities for public engagement; lower barriers to public engagement; and increased equity and opportunity for potential leaders and participants.

This proposed resolution declares Minnesota Watersheds support for changes to the Open Meeting Law that would eliminate the requirement that public body board members participating in a meeting remotely by interactive technology be in a public and publicly noticed location, and the limitation on the number of times a member may participate remotely in a calendar year. It requires public bodies to provide members of the public access to public meetings using interactive technology at the regular meeting location, at which at least one representative of the public body must be present. It requires that the public be provided the opportunity to offer public comment during the meeting from remote locations or the regular meeting location. It further requires that a public body conducting public meetings under the revised Open Meeting Law must publish procedures for conducting meetings using interactive technology to put its members and the public on notice.

Ideas for how this issue could be solved:

Revise Minnesota Statutes Section 13D.02 to eliminate the limitation on a member of a public body's remote participation in public meetings by interactive technology, and eliminate the requirement that the location of the member be public and noticed as such; provide opportunity for public participation by interactive technology at the regular meeting location; and require a public body that conducts a public meeting using interactive technology to publish procedures for conducting meetings using interactive technology.

All other requirements of the Open Meeting Law would continue to apply to ensure public access and transparency, including, but not limited to: roll call voting; public comment; ability to be seen and heard; public notice; representation by a member or designated representative at the regular meeting location; and recording and posting of public meeting minutes.

Efforts to solve the problem:

The District has discussed trends in interactive technology use by watershed districts and other public bodies, as well as anticipated legislative action, with its attorneys. The District has no state agency, legislative, or county responses to report.

Anticipated support or opposition:

The District anticipates support from organizations that experienced benefits from use of interactive technology for their public meetings that would like to continue to use the flexibility of interactive technology. The District also anticipates public support for the continued use of interactive technology, which has expanded access to public meetings.

Opposition may come from advocates for the existing Open Meeting Law.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____ maybe _____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____ _____

**RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT
PROPOSAL TO AMEND Minnesota States Section 13D.02 as follows:**

13D.02 OTHER ENTITY MEETINGS BY INTERACTIVE TECHNOLOGY.

Subdivision 1. Conditions.

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

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

(2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;

(3) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location where participation by interactive technology is available to members of the body and public present, unless participation at the regular meeting location is not practical or prudent under Section 13D.021; and

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

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

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

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

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

Subdivision 4. Notice of regular ~~and all member~~ locations.

If interactive technology is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location, ~~and notice of any location where a member of the public body will be participating in the meeting by interactive technology, except for the locations of members participating pursuant to subdivision 1, paragraph (b).~~ The timing and method of providing notice must be as described in section 13D.04.

Subdivision 6. Record.

The minutes for a meeting conducted under this section must reflect the names of any members appearing by interactive technology, ~~and state the reason or reasons for the appearance by interactive technology.~~

Subdivision 7. Public comment period.

If a public body's practice is to offer a public comment period at in-person meetings, members of the public shall be permitted to comment from a remote location during the public comment period of the meeting, to the extent practical.

Subdivision 8. Rules and procedures.

A public body that conducts a meeting under this section must publish procedures for conducting meetings using interactive technology no later than December 31, 2022.

MINNESOTA WATERSHEDS RESOLUTION 2023-05

Resolution Seeking Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

WHEREAS, the Open Meeting Law (Minnesota Statutes Chapter 13D) provides that the governing bodies of watershed districts and other units of government may hold meetings and provide for participation by board members through use of interactive technology, so long as there is a declaration of pandemic or emergency;

WHEREAS, during the COVID-19 pandemic, many public bodies, including watershed districts, used interactive technology to conduct public meetings; there were many benefits to using interactive technology platforms, including reduced travel costs and time to the public and the organizations using the platform; increased opportunities for public engagement; decreased barriers to public engagement; and increased equity and opportunity for potential leaders and participants;

WHEREAS, the current statute allows for members to participate in meetings through interactive technology, but absent a declaration of pandemic or emergency, requires that a member participating through interactive technology must be in a location that is open and accessible to the public and noticed as such; an exception is allowed up to three times in a calendar year for military deployment or medically documented personal health reasons (13D.02, subdivision 1(A)(5), subdivision 1(b));

WHEREAS, even absent a declaration of pandemic or emergency, remote meeting participation through the use of interactive technology provides benefits to facilitating member participation while also assuring that decision making is transparent and meetings are accessible to the public;

NOW, THEREFORE, BE IT RESOLVED that the Minnesota Watersheds hereby supports changes to the Open Meeting Law to provide greater flexibility in the use of interactive technology by allowing members to participate remotely in a nonpublic location that is not noticed, without limit on the number of times such remote participation may occur; and allowing public participation from a remote location by interactive technology, or alternatively from the regular meeting location where interactive technology will be made available for each meeting, unless otherwise noticed under Minnesota Statutes Section 13D.021;

BE IT FURTHER RESOLVED that the Minnesota Watersheds supports changes to the Open Meeting Law requiring watershed districts to prepare and publish procedures for conducting public meetings using interactive technology.

Notes: The RPBCWD managers would like to have the membership reconsider the three times in a calendar year which is in the Minnesota Watersheds adopted resolution on this subject. They are uncertain as to why the three-day limit as that seems rather arbitrary. This language is exactly the same as was submitted in 2022. The resolution failed in 2022.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS

RESOLUTION 2023-06

Resolution Seeking Minnesota Watersheds Education and Outreach to Encourage Formation of Watershed Districts in Unserved Areas

Proposing District: Comfort Lake-Forest Lake Watershed District
Contact Name: Dave Bakke, Manager; Jackie Anderson Manager
Phone Number: 612-308-7865 (Dave); 612-819-6906 (Jackie)
Email Address: dave.bakke@clflwd.org; jackie.anderson@clflwd.org

Background that led to the submission of this resolution:

Not all areas of Minnesota have a watershed district to support protection and improvement of lakes, rivers and wetlands and other water issues unique to those areas. “The watershed approach is now the national model and new hope for effective management of water resources” (Minnesota Watersheds website). Therefore, this resolution is to increase the number of local watershed districts to serve those areas of the state that lack support. In addition, with the increasing role being played by One Watershed-One Plan organizations throughout the State, it is important that each such entity include one or more watershed districts to advocate for and guide toward a watershed approach. The goal is to have all areas of Minnesota served by a local watershed district to advance responsible watershed-based management both locally and within One Watershed-One Plan organizations regionally.

Ideas for how this issue could be solved:

Minnesota Statutes 103D provides for the establishment of local watershed districts through petitioning by counties, municipalities, or citizens. Through various channels, (state government, counties, cities, lake associations, etc.) Minnesota Watersheds could provide outreach and education to promote and establish new watershed districts across Minnesota where they currently do not exist.

Efforts to solve the problem:

Members of our board of managers, past and present, have served as officers of lake associations and other local water management organizations. In that capacity, we have experienced the tremendous support of the Comfort Lake Forest Lake Watershed District in leading efforts to improve and protect our lakes, rivers and wetlands. Recently, one of our managers joined the Elbow Lake Association, near Lake Vermillion, and found that no watershed district exists to provide the same support needed to protect and improve lakes, rivers and wetlands in NE Minnesota. At a recent Elbow Lake Association meeting, the manager was charged with finding avenues of support for protecting and improving area water and reached out to the CLFLWD board to gather support for this effort to increase the number of watershed districts in Minnesota. This resolution is offered to broaden support for this effort.

Anticipated support or opposition:

The legislature has endorsed watershed-based water resource management as state policy (103A.212). Minnesota Watersheds should expect support from the Minnesota Board of Water and Soil Resources and other state agencies concerned with sound water resource management. It would be hoped that counties and conservation districts would welcome One Watershed One Plan organization members that would bring a specific watershed focus to bear. Some counties or others may not favor the formation of additional watershed districts on the grounds that they would dilute county authority within One Watershed One Plan organizations, or on grounds of general opposition to the creation of additional taxing authorities.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____X_____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____X_____
Applies to the entire state:	_____X_____	Impacts MAWD bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2023-06

Resolution Seeking Minnesota Watersheds Education and Outreach to Encourage Formation of Watershed Districts in Unserved Areas

WHEREAS, as set forth at Minnesota Statutes §103A.212, the Minnesota legislature has enunciated watershed-based water resource management to be state policy;

WHEREAS, many areas of the State of Minnesota do not lie within the boundaries of a watershed district or other watershed-based water management agency;

WHEREAS, Minnesota Statutes §103D.205 provides for watershed districts to be established by petition of counties, municipalities or residents;

WHEREAS, watershed districts operate on sound watershed-based science to set goals, priorities and implementation plans, and have proven to be responsive to local water resource priorities and needs; and

WHEREAS, as One Watershed – One Plan organizations proliferate at a larger watershed scale, it is essential for such organizations to have as members watershed districts that can advocate for and guide toward a watershed approach;

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds, in consultation with its membership, develop a framework for education and outreach intended to encourage petition and advocacy for the formation of watershed districts in areas of the state not presently served by watershed-based public agencies.

Notes: We have difficulty getting established WDs and WMOs as members. It would be interesting to know what type of education and outreach this WD recommends, as well as what entities.



Memorandum

DATE: October 27, 2023
TO: Minnesota Watersheds Members
FROM: Linda Vavra, Minnesota Watersheds President
RE: **Proposed Legislative Platform**

In accordance with our Strategic Plan, the Minnesota Association of Watershed Administrators (MAWA) Legislative Platform Committee developed a draft Legislative Platform. The Strategic Plan also states that this work should be done in conjunction with the Resolutions Committee. The purpose of the Legislative Platform is to provide a document that clearly articulates legislative policies so our members and our representatives on the Board of Water and Soil Resources board, Clean Water Council, and the Local Government Water Roundtable can accurately state our positions.

The draft document was presented to the Resolutions Committee on October 10 and the Minnesota Watersheds Board of Directors (Board) on October 23. The committee and the Board recommend adoption of the Legislative Platform with the understanding that this is a living document. Each year, the sunseting resolutions will be removed and newly adopted resolutions will be added. The document will be reviewed annually by the MAWA Legislative Platform Committee and the Resolutions Committee. Any recommended additions or corrections will be brought to the membership for consideration. The Legislative Platform will be updated and voted on by the membership each year at the annual business meeting.

Questions regarding these proposed changes should be directed to Linda Vavra at 320-760-1774 or lvavra@fedtel.net or Jan Voit jvoit@mnwatersheds.com or 507-822-0921.

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MINNESOTA WATERSHEDS

Connecting People. Protecting Water.

DRAFT LEGISLATIVE PLATFORM

Abstract

This document articulates clearly defined legislative policies so members and Minnesota Watersheds representatives on the Board of Water and Soil Resources Board, Clean Water Council, and Local Government Water Roundtable can accurately state our positions.

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Purpose

Minnesota Watersheds represents both watershed districts and watershed management organizations (collectively referred to as Watersheds). That representation underscores the necessity of protecting Watershed powers, duties, and planning responsibilities on a watershed basis.

This legislative platform outlines Minnesota Watersheds positions on legislative matters and serves as the foundation for our organization to support or oppose various local, state, and federal legislation. It also articulates clearly defined legislative policies so members and Minnesota Watersheds representatives on the Board of Water and Soil Resources Board, Clean Water Council, and Local Government Water Roundtable can accurately state our positions.

Finance

Watershed organizations are tasked with many responsibilities by Minnesota statute and the local priorities set by their boards. To effectively perform those duties, adequate funding is necessary. Although some Watersheds have levy authority, there are many other avenues of funding that are important for achieving local water management, as well as water quality and quantity goals.

1. Capacity
 - a. Support Clean Water Funds for implementation, not capacity (Resolution 2021-01B)
 - b. Support capacity funding for watershed districts (Resolution 2021-02)
 - c. Support General Fund repayment of Soil and Water Conservation District capacity funds to the Clean Water Fund (Legislative Platform Committee recommendation)
2. Grant Funding
 - a. Support metro watershed-based implementation funding for approved 103B plans only (Resolution 2021-07)
 - b. Support a more equitable formula for watershed-based implementation funding in the metro (Legislative Platform Committee recommendation)
 - c. Lobby for watershed-specific grant funding (Legislative Platform Committee recommendation)

Urban Stormwater

Watersheds and land use management partners work to reduce polluted stormwater runoff and/or increase infiltration from urbanization and hard surfaces. Many Watersheds in the state have adopted regulatory standards and/or official controls to successfully manage urban stormwater when land alterations occur. Watersheds also implement a variety of urban stormwater management practices to treat runoff before it enters our lakes, streams, and wetlands.

1. Stormwater Quality Treatment
 - a. Support limited liability for certified commercial salt applicators (Resolution 2022-02)
 - b. Support, partner/collaborate with MS4s (if/where appropriate) in permit compliance activities (Legislative Platform Committee recommendation)
 - c. Support the use of green infrastructure and minimizing impervious surfaces, where practical, in urban development and planning (Legislative Platform Committee recommendation)

- d. Where it may exist, support removing duplication of urban stormwater regulatory standards and controls (Legislative Platform Committee recommendation)
- e. Support the rescission of the Department of Labor and Industry/Plumbing Board Final Interpretation of Inquiry PB0159, storm drainage surcharge to return to common engineering practice for stormwater pond design (Legislative Platform Committee recommendation)

2. Water Reuse

- a. Support creation of a Stormwater Reuse Task Force and for the Minnesota Department of Health to complete a review process (Resolution 2022-01)
- b. Support efforts to clarify and simplify State Plumbing Board rulings and requirements to facilitate more reuse of rainwater/stormwater (Legislative Platform Committee recommendation)

Water Quantity

Watersheds are directed by statute to conserve the natural resources of the state by land use planning, flood control, and other conservation projects. Specific purposes refer to flood damage reduction, stream flows, water supply, drainage ditches, to identify and plan for effective protection and improvement of surface water and groundwater, and to protect and enhance fish and wildlife habitat and water recreational facilities. Numerous past, present, and future legislative initiatives have affected how water quantity issues are managed at the local level. This very broad-based topic includes management of the volume of water (drought, flooding, water supply), the flow of water (drainage, channel restoration, habitat), and recreation (lakes, rivers, wetlands) activities like fishing, boating, and hunting.

1. Drainage

- a. Support the current statutory requirements for notification and coordination in the development of petitioned repairs, drainage improvement projects, and new drainage systems (Legislative Platform Committee recommendation)
- b. Support the addition of a classification for public drainage systems that are artificial watercourses (Resolution 2019-02)
- c. Reinforce existing rights to maintain/repair 103E drainage systems (Resolution 2018-08)
- d. Seek increased support for and participation in the Drainage Work Group (Resolution 2022-03)
- e. Oppose the drainage registry information portal (Legislation to defeat)
- f. Oppose incorporating increased environmental, land use, and multipurpose water management criteria (M.S. 103E.015 requirements (Legislation to defeat)
- g. Comply with the legislative mandate to review outlet adequacy and notification requirements in the Drainage Work Group

2. Funding

- a. Obtain stable funding for flood damage reduction and natural resources enhancement projects (Resolution 2022-05)
- b. Clarify county financing obligations and/or authorize watershed district general obligation bonding for public drainage projects (Resolution 2019-04)

3. Flood Control

- a. Support crop insurance to include crop losses within impoundment areas (Resolution 2021-05)

4. Regulation

- a. Support temporary water storage on Department of Natural Resources wetlands during major flood events (Resolution 2020-04)
- b. Support managing water flows in Minnesota River Basin (statewide) through increased water storage and other strategies and practices (Resolution 2019-03)
- c. Work with Minnesota Department of Transportation to support flood control and how to handle increased water volume issues along state and federal highway systems (example from Bemidji district of MnDOT) (Legislative Platform Committee recommendation)

5. Policy

- a. Support funding for watershed-based climate resiliency projects and studies (Legislative Platform Committee recommendation)
- b. Support funding for best management practices that protect and enhance groundwater supply (Legislative Platform Committee recommendation)

Water Quality

Protecting and improving the quality of surface and ground water in our Watersheds is an essential component of managing water resources on a watershed basis

1. Lakes

- a. Support limiting wake boat activities (Resolution 2022-06)
- b. Support designation change and research needs for the Chinese Mystery Snail (Resolution 2019-07)
- c. Support temporary lake quarantine authorization to control the spread of aquatic invasive species (Resolution 2017-02)
- d. Support streamlining permit applications for rough fish management (Legislative Platform Committee recommendation)
- e. Support dredging as a best management practice to manage internal phosphorus loads in lakes (Legislative Platform Committee recommendation)

2. Wetlands

- a. Support a statutory requirement for water level control structures in wetland restorations and wetland banks (Legislative Platform Committee recommendation)
- b. Support federal, state, and local funding for wetland restoration and protection activities (Legislative Platform Committee recommendation)

3. Rivers and Streams

- a. Support a statutory deadline for Department of Natural Resources Public Waters Work Permit (45-60 days) (Legislative Platform Committee recommendation)
- b. Support automatic transfer of public waters work permits to Watersheds (M.S. Chapter 103G.245 Subd.5 (Legislative Platform Committee recommendation)

4. Policy

- a. Support funding for watershed-based climate resiliency projects and studies (Legislative Platform Committee recommendation)
- b. Support funding for best management practices that protect groundwater quality (Legislative Platform Committee recommendation)

Watershed Management and Operations

Protecting, enhancing, defending, and supporting existing Watershed statutory powers, duties, and planning responsibilities is necessary for effective and efficient watershed management and operations. Specific Watershed powers, duties, and planning responsibilities are contained in Minnesota Statutes [Chapter 103B](#) and [Chapter 103D](#).

1. Watershed Powers

- a. Support and defend eminent domain powers for watershed districts (Legislation to defeat)
- b. Support Watershed powers to levy property taxes and collect special assessments (Legislative Platform Committee recommendation)
- c. Support a watershed district's power to accept the transfer of drainage systems in the watershed; to repair improve, and maintain the transferred drainage systems; and to construct all new drainage systems and improvements of existing drainage systems in the watershed (Legislative Platform Committee recommendation)
- d. Support a Watershed's power to regulate the use and development of land within its boundaries (Legislative Platform Committee recommendation)

2. Watershed Duties

- a. Support a Watershed's duty to initiate projects (Legislative Platform Committee recommendation)
- b. Support a Watershed's duty to maintain and operate existing projects (Legislative Platform Committee recommendation)
- c. Support increased flexibility in the open meeting law (Resolution 2021-03)

3. Watershed Planning

- a. Support a Watershed's ability to jointly or cooperatively manage and/or plan for the management of surface and ground water (Legislative Platform Committee recommendation)
- b. Support watershed autonomy during and following a One Watershed, One Plan development process (Legislative Platform Committee recommendation)
- c. Support the connection between watershed-based implementation and funding (Legislative Platform Committee recommendation)
- d. Support development of a soil health goal for metropolitan watershed management plans (Resolution 2020-03)

Agency Relations

Watershed organizations work with many federal and state agencies to accomplish their mission. While relationships vary from administrative to funding and regulatory, agency policies and procedures can have a major impact on Watershed operations and projects. Maintaining strong, positive relations and

ensuring Watersheds have a role in policy making is key to successful watershed management and operations.

1. Advocacy

- a. Require a 60-day review periods when state agencies adopt new policies related to water and watershed management (Resolution 2021-06)
- b. Increase collaborative efforts between Minnesota Watersheds and all state agencies involved in water management (Legislative Platform Committee recommendation)

2. Representation

- a. Support timely appointments of qualified individuals to represent Watersheds on the Board of Water and Soil Resources Board (Resolution 2018-03)
- b. Support representatives of Watersheds on the Clean Water Council being an administrator, manager, or commissioner of an active Minnesota Watersheds member (Resolution 2018-09)
- c. Support watershed district managers being appointed, not allowing county commissioners to serve as managers (Legislative Platform Committee recommendation)

3. Regulation

- a. Streamline the Department of Natural Resources permitting process (Resolution 2019-01)
- b. Require watershed district permits for the Department of Natural Resources (Resolution 2018-04)

Regulations

Watershed representation on state and local panels and committees and the ability for Watersheds to regulate development and use of land within the organization's boundaries without prohibitive regulatory restrictions is necessary.

- a. Oppose legislation that forces spending on political boundaries (Legislation to defeat)
- b. Support the ability to appeal public water designations (Resolution 2020-01)
- c. Seek Watershed membership on Wetland Technical Evaluation Panels (Resolution 2019-05)

Natural Resources

Minnesota Statutes direct Watersheds to conserve the natural resources of the state. Some of the purposes listed in statute are to conserve water in streams and water supply, alleviate soil erosion and siltation of water courses or water basins, regulate improvements by riparian property owners of the beds, banks, and shores of lakes, streams, and wetlands for preservation and beneficial public use; protect or enhance the water quality in water courses or water basins; and protect and preserve groundwater resources.

1. Planning

- a. Ensure timely updates to Wildlife Management Area plans (Resolution 2018-06)
- b. Support Watershed inclusion in development of state plans (i.e., Prairie Plan, State Water Plan, etc.) related to water and watershed management (Legislative Platform Committee recommendation)

2. Policy

- a. Support funding for climate resiliency (Legislative Platform Committee recommendation)

3. Habitat

- a. Clarify buffer rule issues (Legislative Platform Committee recommendation)
- b. Support funding to reduce erosion and sedimentation (Legislative Platform Committee recommendation)
- c. Support funding for the enhancement, establishment, and protection of stream corridors and riparian areas (Legislative Platform Committee recommendation)
- d. Support funding for the enhancement and protection of habitats (Legislative Platform Committee recommendation)

DRAFT

ITEMS REQUIRING BOARD ACTION

6. November 22, 2023 Check Register – Resolution Authorizing Treasurer Approval (Nick Tomczik)

RESOLUTION 2023-11

**RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS
AUTHORIZATION FOR PAYMENT OF NOVEMBER 2023 CHECK REGISTER**

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

WHEREAS the Rice Creek Watershed District would normally authorize payment of its check
register at the second meeting of each month, and

WHEREAS the District will not be having a regular meeting on Wednesday, November 22, 2023,
and

WHEREAS the District will have financial obligations to meet at that time for payment of payroll
and benefits, payroll taxes, office operating expenses, manager per-diem, professional
services and surety returns.

WHEREAS, in addition the District may also have financial obligations to meet at that time for
pay requests for District Projects.

THEREFORE BE IT RESOLVED that the Board of Managers authorize the District Treasurer to
review and approve payment of the November 22, 2023 check register in an amount not
to exceed \$400,000 for operating expenses, and \$150,000 surety returns.

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

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERTSON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WAGAMON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WALLER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WEINANDT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the President declared the Resolution _____.

Jessica Robertson, Secretary

Dated: November 8, 2023

* * * * *

I, Jessica Robertson, Secretary of the Rice Creek Watershed District, do hereby certify that I have
compared the above Resolution with the original thereof as the same appears of record and on file with
the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 8 day of November, 2023.

Jessica Robertson, Secretary

ITEMS REQUIRING BOARD ACTION

7. Check Register Dated November 8, 2023, in the Amount of \$121,615.67 Prepared by Redpath and Company

Rice Creek Watershed District
Check Register
Oct. 26, 2023 - Nov. 8, 2023
To Be Approved at the November 8, 2023 Board Meeting

Check #	Date	Payee	Description	Amount
25342	10/25/23	City of Roseville	Construction	\$11,971.99 * 10/25
25343	11/01/23	Postmaster	Legal Notices	727.06
25344	11/08/23	Zayo Group, LLC	Telecommunications	1,312.70
25345	11/08/23	Carp Solutions, LLC	Professional Services	8,740.00
25346	11/08/23	Krista Steffen Chong	Mini Grant	488.32
25347	11/08/23	City of Shoreview	Professional Services	400.00
25348	11/08/23	Comcast	Telecommunications	548.00
25349	11/08/23	Iron Mountain	Professional Services	180.00
25350	11/08/23	Plaudit Design	Professional Services	6,307.00
25351	11/08/23	Eleni Skevas	Water Quality Grant	7,500.00
25352	11/08/23	Timesaver Off Site Secretarial, Inc.	Professional Services	226.38
25353	11/08/23	U.S. Bank Equipment Finance, Inc.	Equipment Lease	648.76
25354	11/08/23	Washington Conservation Dist.	Contracted Services	3,802.90
11343	11/08/23	Church of St. Peter	Surety Release - #22-101	1,000.00
11344	11/08/23	Gunderson Construction, Inc.	Surety Release - #22-066; #22-074	3,200.00
11345	11/08/23	Lennar Family of Builders	Surety Release - #19-090	5,000.00
11346	11/08/23	Moser Homes, Inc.	Surety Release - #22-060	1,000.00
11347	11/08/23	Rehbein Properties	Surety Release - #21-022	5,000.00
11348	11/08/23	Roers Companies	Surety Release - #21-039	7,200.00
Payroll	11/15/23	Nov 15th Payroll (estimate)	Nov 15th Payroll (estimate)	30,160.40
EFT	10/26/23	Wex Bank	Vehicle Fuel	598.52
EFT	11/08/23	Xcel Energy	Telecommunications	72.21
EFT	11/08/23	Xcel Energy	Telecommunications	14.28
EFT	11/08/23	Card Services - Elan	Oct/Nov Credit Card	5,065.16
EFT	11/15/23	Internal Revenue Service	11/15 Federal Withholding (estimate)	11,006.11
EFT	11/15/23	Minnesota Revenue	11/15 State Withholding (estimate)	1,914.00
EFT	11/15/23	Empower Retirement	11/15 Deferred Compensation	955.00
EFT	11/15/23	Empower Retirement	11/15 Roth IRA	265.00
EFT	11/15/23	PERA	11/15 PERA (estimate)	6,311.88
Total				<u>\$121,615.67</u>

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineer Update and Timeline



District Engineer - Monthly Project Report October 2023 Rice Creek Watershed District



Date Prepared:
Prepared by:

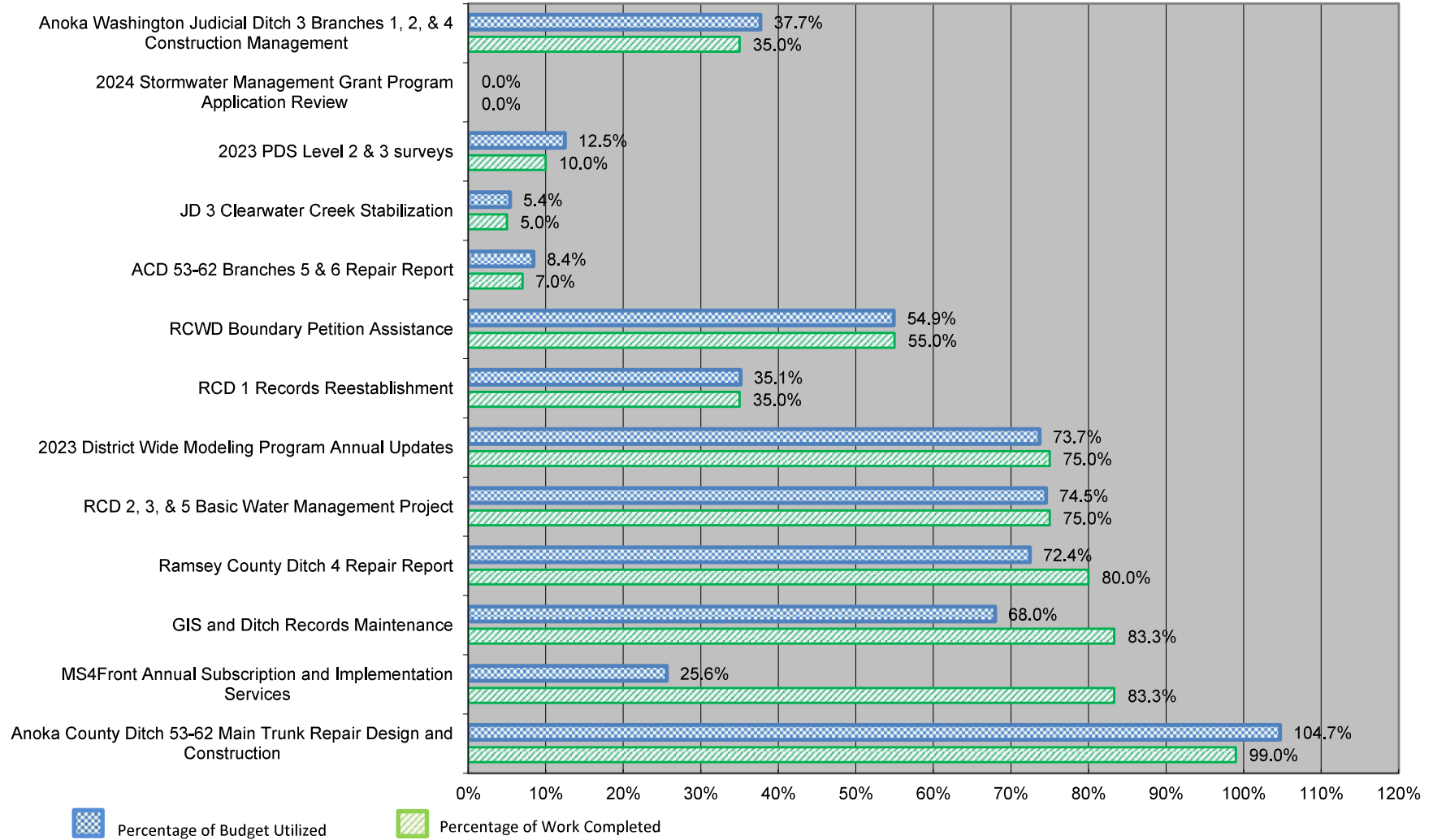
30-Oct-23
C. Grandbois

Project Name	Task Order Manager	Estimated Budget	Cost to Date	Remaining Budget	Project Complete / Transfer Funds?	Estimated Progress Based on Work Completed	Percentage of Budget Utilized	Within Budget? (Y/N)	District Billed for Exceedence of Budget? (Y/N)	Initial Target Completion Date	Items of Interest / Concern
Anoka County Ditch 53-62 Main Trunk Repair Design and Construction	Chris Otterness	\$111,900	\$117,159	(\$5,259)	N	99.0%	104.7%	Y	Y	31-Dec-22	Contractor is completing punch list items including reseeding areas of poor germination
MS4Front Annual Subscription and Implementation Services	Brian Fischer	\$16,000	\$4,098	\$11,902	N	83.3%	25.6%	Y	N/A	31-Dec-23	Additional implementation efforts have been completed by HEI at District staff request.
GIS and Ditch Records Maintenance	Brian Fischer	\$16,000	\$10,874	\$5,126	N	83.3%	68.0%	Y	N/A	31-Dec-23	HEI completes updates to various GIS layers utilized in MS4Front and DrainageDB.
Ramsey County Ditch 4 Repair Report	Chris Otterness	\$41,000	\$29,702	\$11,298	N	80.0%	72.4%	Y	N/A	1-Oct-22	A WMD charge memorandum has been completed, which will be presented at the November Board Workshop. Next step is to complete a public hearing and consider ordering a repair
RCD 2, 3, & 5 Basic Water Management Project	Joe Lewis	\$167,500	\$124,845	\$42,655	N	75.0%	74.5%	Y	N/A	2-May-23	Preliminary plans for all three sites are continuing in development.
2023 District Wide Modeling Program Annual Updates	Bret Zimmerman	\$22,500	\$16,580	\$5,920	N	75.0%	73.7%	Y	N/A	1-Jul-23	HEI staff is completing model updates based on changes to system in prior year.
RCD 1 Records Reestablishment	Adam Nies	\$27,500	\$9,665	\$17,835	N	35.0%	35.1%	Y	N/A	31-Dec-23	Plan and profile drawings of the ditch are under development
2023 Permit Program Compliance Audit of Level 2 Cities	Chris Otterness	\$27,500	\$16,773	\$10,727	N	90.0%	61.0%	Y	N/A	31-Dec-23	HEI staff has completed an initial review of the submitted permits. After RCWD staff input, findings will be discussed with the Cities.
RCWD Boundary Petition Assistance	Chris Otterness	\$16,500	\$9,058	\$7,442	N	55.0%	54.9%	Y	N/A	1-Mar-24	A revised recommended boundary has been completed. Customized maps for each city and adjoining WMO is underway.
ACD 53-62 Branches 5 & 6 Repair Report	Adam Nies	\$82,200	\$6,932	\$75,268	N	7.0%	8.4%	Y	N/A	30-Apr-23	Survey of the current ditch bottom is completed
JD 3 Clearwater Creek Stabilization	Adam Nies	\$74,900	\$4,037	\$70,863	N	5.0%	5.4%	Y	N/A	31-May-24	Survey of JD 3 and Clearwater Creek is completed
2023 PDS Level 2 & 3 surveys	Adam Nies	\$19,800	\$2,473	\$17,327	N	10.0%	12.5%	Y	N/A	31-Dec-23	Survey will be beginning of the JD 2 and ACD 10-22-32 open channel
2024 Stormwater Management Grant Program Application Review	Kate MacDonald	\$7,500	\$0	\$7,500	N	0.0%	0.0%	Y	N/A	31-Jan-24	HEI will begin reviewing applications after the first of the year.
Anoka Washington Judicial Ditch 3 Branches 1, 2, & 4 Construction Management	Adam Nies	\$80,500	\$30,344	\$50,156	N	35.0%	37.7%	Y	N/A	1-Jun-24	Contractor has completed a portion of the tree clearing and is beginning open channel excavation.

Values in red are either potential budget concerns or changes in schedule.

The "overage" for those projects shown as "over budget" is not billed to the District. The cost to date column reflects HEI's actual internal cost. Projects are considered within budget if ± 5%.

District Engineer Monthly Progress Report (Actual & Estimated Progress) Through October 2023



ITEMS FOR DISCUSSION AND INFORMATION

2. November/December Calendar



NOVEMBER						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

DECEMBER						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

MEMORANDUM
Rice Creek Watershed District

Date: November 1, 2023
To: RCWD Board of Managers
From: Theresa Stasica, Office Manager
Subject: November/December Calendar

Wednesday, November 8, 1-3 p.m. RCWD City/County Partner Meeting,
 New Brighton Community Center, Room 224
 400 10th Street NW, New Brighton, MN 55112

Wednesday, November 9 Deadline for submission of per diem claims

Friday, November 10 Veteran’s Day, Office Closed

Wednesday, November 22, 9 a.m. **NO Regular Board of Managers Meeting**

Thursday-Friday, November 24-25 Thanksgiving Holiday, Office Closed

Tuesday-Friday, November 28-December 1, MN Watersheds Pre-Conference Workshops & Annual Conference
 Arrowwood Conference Center, Alexandria, MN

Wednesday, December 6, 5:30 p.m. Citizen Advisory Committee Meeting,
 Board Liaison Manager Weinandt, RCWD District Conference Rm & remotely*

Monday, December 11, 9 a.m. Board Workshop
 RCWD District Conference Room and remotely*

Wednesday, December 13, 6:30 p.m. Regular Board of Managers Meeting and TNT public meeting
 at **Shoreview City Hall Council Chambers** and remotely*

Wednesday, December 14 Deadline for submission of per diem claims

Friday & Monday, December 22 & 25 Christmas Holiday-Office Closed

Wednesday, December 27, 9 a.m. **NO Regular Board of Managers Meeting**

Monday, January 1, 2024 New Year’s Holiday-Office Closed

* remotely=by alternative means (teleconference or video-teleconference) from remote locations