

**Riley-Purgatory-Bluff Creek Watershed District**  
Board of Managers Workshop and Regular Meeting

**Wednesday, February 1, 2017**  
**5:30pm Board Workshop**  
**7:00pm Regular Board Meeting**  
Eden Prairie City Center  
Council Chambers  
8080 Mitchell Road  
Eden Prairie

**Agenda**

1. Call to Order
2. **Board Workshop - 10 Year Plan** **Information**
3. **Approval of the Agenda** (Additions/Corrections/Deletion)
4. Hennepin County Update **Information**
5. Matters of general public interest

*Welcome to the Board Meeting. Anyone may address the Board on any matter of interest in the watershed. Speakers will be acknowledged by the President; please come to the podium, state your name and address for the record. Please limit your comments to no more than three minutes. Additional comments may be submitted 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 a future agenda.*

6. University of Minnesota: Plant Management Annual Report **Information**
7. 2016 Year in Review Presentation **Information**
8. **Reading and approval of minutes** **Action**

Board of Manager Meeting, January 4, 2017

9. **Consent Agenda**  
(The consent agenda is considered as one item of business. It consists of routine administrative items or items not requiring discussion. Any manager may remove an item from the consent agenda for action.)
  - a. Accept Engineer's Report (with attached Inspection Report)

- b. Accept Staff Report
- c. Approve paying of the bills
- d. Accept December Treasurer's Report
- e. Approve 2016-032 Permit Modification
- f. Approve TO 22 Groundwater Assessment
- g. Approve Pay Application #2 for Purgatory Restoration at 101

10. Citizen Advisory Committee

**Information**

11. Action Items

**Action**

- a. Governance Manual and Employee Handbook
  - i. Approve updates in both the Governance Manual and Employee Handbook
- b. Bluff Creek Southwest Branch Stabilization and Restoration
  - i. Approve the Bluff Creek Southwest Branch Stabilization Memo with Recommendation
- c. Scenic Heights
  - i. Approve Scenic Heights Memo with recommendation

12. Discussion Items

**Information**

- a. Upcoming Meeting

13. Upcoming Events

**Information**

- District Regular Board Workshop, Public Hearing and Regular Meeting, Wednesday, March 1, 2017, 18681 Lake Drive East, Chanhassen, 5:00pm

## MEETING MINUTES

### Riley-Purgatory-Bluff Creek Watershed District

January 4, 2017, Board of Managers Plan Workshop and Monthly Meeting

#### PRESENT:

Managers: Mary Bisek, Secretary

Richard Chadwick

Jill Crafton, Treasurer

Perry Forster, President

Leslie Yetka, Vice President

Staff: Claire Bleser, District Administrator

Zach Dickhausen, District Staff

Michelle Jordan, District Technician and Compliance Officer

Josh Maxwell, District Technician II

Louis Smith, Attorney (Smith Partners)

Scott Sobiech, Engineer (Barr Engineering Company)

Other attendees: Paul Bulger, CAC

Dan Parks, Westwood\*

Earth Evans, SWLRT\*

Dorothy Pedersen, CAC

Laurie Hable, CAC

Bill Satterness, citizen\*

Peter Iverson, CAC\*

Emily Stephens, WSB & Associates\*

Larry Koch, CAC; Chanhassen Resident

Laurie Susla, CAC, LLCA

Sharon McCotter, CAC

Rob Wadle, Hy-Vee\*

Bojan Mistic, SWLRT\*

David Ziegler, CAC

Dave Modrow, City of Eden Prairie\*

\*Indicates attendance at the monthly board meeting but not the plan workshop

### 1. Plan Workshop

President Forster called to order the Wednesday, January 4, 2017, Board of Managers Plan Workshop at 5:37 p.m. in the Heritage Room at Eden Prairie City Hall, 8080 Mitchell Road, Eden Prairie, MN 55344.

Administrator Bleser explained that during this workshop staff will present a summary of the comments from the Board and the CAC regarding the prioritization tool, review the updated tool including the metrics being used and the initial project ranking, describe the project CIP coordination, discuss the logistical and timing assumption for final ranking, and provide a minor rules update.

Engineer Sobiech explained the draft scoring metrics:

- Number of the plan's water resources goals addressed;
- Sustainability;
- Volume management;

- Pollutant management;
- Habitat restoration; and,
- Shoreline restoration.

Engineer Sobiech talked about the process of scoring projects, described the sustainability index, the volume management index, the pollutant management index, the habitat restoration index, the shoreline/streambank stabilization index, the watershed benefits index, the partnership opportunities index, and the public education index.

Engineer Sobiech responded to questions. Mr. Koch asked if the process takes into account the public benefit of the projects. Engineer Sobiech said that it comes into play under the watershed benefit. Mr. Koch remarked that it doesn't seem right that all of the factors are weighted equally because not all goals are equal. He asked how public benefit should be measured. Administrator Bleser noted that all of the goals are equal because they are the goals that were identified through the input process. She pointed out that the public education metric weighs accessibility of the project by the public.

Mr. Koch commented on his concern about the large amount of money that could be spent fixing the creeks and said that the District needs to somehow weight the number of people that would benefit from the District's projects. There was a lengthy discussion.

Engineer Sobiech talked about the prioritization sorting factors:

- Total benefit score;
- Resource type;
- Major watershed ;
- Subwatershed;
- Upstream to downstream;
- Tiered; and,
- Cost.

He went into further detail about these factors. Administrator Bleser reported that the TAC has homework to provide the District with logistical input about city projects. Engineer Sobiech added that logistical considerations include items like project timing, leveraging partnership dollars, accessibility and other items.

Engineer Sobiech talked about an idea of a new District policy stating that within five years of an alum treatment project, 50% of external loading would need to be managed.

There was brief discussion of the District's current top-of-the-watershed down approach to projects and a new idea of rotating creek projects through the three watersheds. Administrator Bleser responded to questions. She said that staff will come back to the Board in February with updates.

President Forster closed the Plan Workshop at 6:37 p.m.

## **2. Call to Order**

President Forster called to order the Wednesday, January 4, 2017, Board of Managers Monthly Meeting at 7:10 p.m. at Eden Prairie City Hall, 8080 Mitchell Road, Eden Prairie, MN 55344.

### 3. Approval of the Agenda

President Forster requested moving Discussion Item 10a –Hy-Vee Eden Prairie – to Action Item 10a1. Attorney Smith recommended handling Discussion Item 10e – Office -14500 Martin Drive Lease – as an Action Item. President Forster said it will be handled with action item 9d – Office Space. Manager Chadwick requested Consent Agenda items 7c – Approve Paying of the Bills – and 7d - Accept November Treasurer’s Report with Staff Recommendation – be moved off of the Consent Agenda. President Forster said the items will be handled together as Action Item 9g.

Manager Yetka moved to approve the agenda as amended. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

### 4. Matters of General Public Interest

President Forster explained the new procedure for bringing forward matters of general public interest, and he opened the floor.

Mr. Bill Satterness of Red Oak Drive, Eden Prairie described his past roles with the CAC and current role with the Friends of Red Rock Lake. He said he was here to talk about Red Rock Lake. He noted that in 2002 Red Rock Lake was placed on the MPCA’s Impaired Waters List and that last week the MPCA removed Red Rock Lake from the Impaired Waters List. Mr. Satterness reported that the MPCA based its decision to remove Red Rock Lake from the list on three factors: phosphorous, algae, and clarity, collected in small water samples from one location above the deepest part of the lake. He described the factors that the MPCA did not weigh in its decision. Mr. Satterness stated that he thinks the MPCA made the wrong decision and he thinks that Red Rock Lake will be back on the Impaired Waters List in just a few years. He said that Red Rock Lake today still has too much mercury, too much chloride, too much PFOS, too much phosphorous, too much nitrogen, too much algae, too many weeds, not enough fish, no crayfish or herons, and very few people attempt to go boating for pleasure. Mr. Satterness remarked that two years ago the District and the City of Eden Prairie agreed to treat the symptom of weed overgrowth. He said that the District applied herbicide to a few acres to control curlyleaf pondweed and the City harvested a few acres. Mr. Satterness said that these actions were helpful and he hopes the City and District continue to do these things. He stated that there is still no plan to treat the underlying cause and no plan to remove or neutralize all the excess nutrients that collect in the sediment. Mr. Satterness commented that the District’s third generation plan, which is still in force, does earmark monies and a timeframe to actually restore Red Rock Lake. He stated that the current board and administration have indicated that they now have other priorities. He said that his message tonight is that despite some wishful thinking, Red Rock Lake is not all better and it still warrants the District’s attention and investment.

Mr. Larry Koch of Big Horn Drive, Chanhassen, asked for more information about the District’s expenditure to the Minnesota Native Landscapes \$183,944.30. He asked why the District’s Engineering Services, which has a budget of \$103,000, is at \$24,000. Mr. Koch commented that he noticed that Legal Services are already more than 10% over budget and he asked about that situation. He remarked that for Permit Review and Inspection, the District budgeted \$100,000 and that through November has spent \$159,576.36. Mr. Koch said he would like generally to know why that item is as expensive as it is. Mr. Koch also talked about the membership of the CAC. He said that at the CAC’s most recent meeting, the CAC passed a resolution stating that it had no problem having 15 members on the committee. He described the reasons that the CAC was in favor of 15 members. Mr. Koch asked if the permit and professional outreach coordinator be the one who would be taking over Barr Engineering’s inspection report so the District’s Engineering costs would be reduced in that expenditure. He said

he would like to address the issue about going forward with the Engineering regarding the Lower Reach of Riley Creek. He wondered if, in light of the project prioritization scoring process presented, it is still appropriate to go forward with that task order or if the District should see how the project ranks before spending the money on that task order. Mr. Koch mentioned that he was advised that the UAA (Use Attainability Analysis) for Lotus Lake and for some other lakes were completed. He said that based on his review it seems that treating the phosphorous in Lotus Lake is the cheapest project in terms of phosphorous projects.

The managers and Administrator responded to his questions.

Ms. Laurie Susla of Dakota Avenue, Chanhassen, said that she is happy to hear that the public is now allowed to comment on both agenda and non-agenda items but she is dismayed that the time period is limited to three minutes. She said she was curious about when this decision was made and why it was not run past the CAC. She expressed her concern that Task Order 21 is going straight to the Board for approval without going to the CAC. Ms. Susla said that the same thing happened with Task Orders 14 and 17. She said she is concerned that if the CAC is not brought into these types of things earlier in the process, then when the CAC hears about it at the public hearing it is too late. She said she thinks that the CAC needs to be involved in the process earlier than what is happening right now. Ms. Susla remarked on the moving of \$68,000 in the 2016 budget and said that the same thing happened in January of last year. She stated that this type of thing is appropriate to do mid-year or maybe in October, but she recommends against going back in January or February to amend the previous year's budget.

Mr. Paul Bulger, of Southlawn Road, Eden Prairie, commented that on the appointment list of the District's Technical Advisory Committee, the Minnesota Pollution Control Agency is not listed. He also remarked that the Governance Manual was on tonight's agenda but was not in the meeting packet. Administrator Bleser said that the MPCA representative to the TAC is Chris Zadak and was accidentally left off of the list in the packet. President Forster added that the update tonight on the Governance Manual will be that it will be discussed at the Board's next monthly meeting.

President Forster called several times for additional comments on matters of public interest. Upon hearing none, he moved on to the next agenda item.

## 5. Reading and Approval of Minutes

### a. December 7, 2016, RPBCWD Board of Managers Monthly Meeting

President Forster requested that on page 2 Mr. Paul Bulger be correctly identified as an Eden Prairie resident. President Forster requested the deletion of an extra word on page 4. Manager Crafton noted that the 2016 District of the Year award was awarded by the Minnesota Department of Natural Resources and this should be correctly identified in the minutes. Attorney Smith requested a revised sentence on page 9 to include the phrase "constructive eviction."

Manager Crafton moved to accept the minutes as amended. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

### b. Future Agenda Item

Manager Chadwick referenced a discussion held at the Board's December monthly meeting and requested the addition of that topic as a discussion item at the Board's March or April agenda. Manager Chadwick moved, in accord with internal controls and procedures of financial management, to put on the Board's agenda for its March or April monthly meeting a discussion of the nature of the District's expenditures for the last year and the issues relating to budget categories not allocated to or exceeded by more than 10% of

the total program budget without approval by the Board of Managers as well as discussion about the fact that actual expenditures, under internal controls, may not materially deviate from the amount in the budget category. He said he would like the Board to discuss these issues so that the District can avoid some of the problems that he believes has existed for the last couple of years. Administrator Bleser said that the discussion item could go on the March meeting agenda. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

## 6. 2016 Organizational Actions

### a. Elections of Officers

Manager Crafton moved to appoint the slate that currently exists. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

### b. Designation of Official Publication

Manager Crafton moved to designate the official publications as listed: Sun Sailor, Sun Current, Chaska Herald, Chanhassen Villager, and Eden Prairie News. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

### c. Appointment of the Technical Advisory Committee

President Forster noted that the list of Technical Advisory Committee members includes Chris Zadak of the Minnesota Pollution Control Agency. Manager Crafton moved to approve appointing the Technical Advisory Committee as listed, including Chris Zadak: Matt Clark, Robert Bean Jr., Leslie Stovring/Dave Modrow, Tom Dietrich, Steve Segar, Terry Jeffery, Paul Hornby, Hennepin County representative, Paul Moline, Mellissa Jenny, Kate Drewry, Jenny Skancke, Mike Wanous, Steve Christopher, Joe Mulcahy, Linda Loomis. Manager Yetka seconded the motion. . Upon a vote, the motion carried 5-0.

### d. 2017 Meeting Calendar

Administrator Bleser pointed out that the July monthly meeting is scheduled for July 5. Manager Crafton moved to approve the 2017 meeting calendar as listed. Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

### e. Designation of Bank

Manager Crafton moved to approve Klein Bank and Wells Fargo as the District's official banks. Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

### f. Designation of Depository for Permit Financial Assurances

Manager Crafton moved to approve Smith Partners LLC as the District's official depository for permit financial assurances. Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

## 7. Consent Agenda

President Forster read aloud the Consent Agenda items: a. Accept Engineer's Report (with attached inspection report); b. Accept Staff Report; e. Advertise Permit and Professional Outreach Coordinator Position; f. TO 20 Hyland Lake; g. TO 6d WOMP Station; h. TO 14b Lower Riley Creek Restoration.

Manager Yetka moved to approve the Consent Agenda as read aloud by President Forster and with the removal of the accepting the Treasurer's Report and the paying of the bills as requested by Manager Chadwick. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

## 8. Citizen Advisory Committee (CAC)

Ms. Dorothy Pederson noted that the CAC's most recent meeting was a busy one with the CAC passing five motions. She thanked the Board for allowing comments on anything not just non-agenda items during the Matters of General Public Interest. She reviewed the CAC's motions including:

- The CAC asks that written comments submitted to the Board are included in meeting minutes for the month.
- The CAC asks that meeting materials discussed at the Board's monthly meetings are included in the meeting packets.
- The CAC wants to provide input on the Education and Outreach Plan
- The CAC wants to provide input on the watershed plan prioritization schedule.
- The CAC is comfortable with having 15 members. Ms. Pederson noted that if the Board decides to have only 13 CAC members, then two current members have offered to resign.

## 9. Action Items

### a. 2016-017 Southwest Light Rail Transit

Administrator Bleser introduced MR. Bojan Mistic of the SWLRT to provide an update on the Metro Green Line Extension project. Mr. Mistic described the project, which includes 14.5 miles of new track, 15 new stations and one deferred station. He talked about the project timeline:

- 2016: Final Environmental Impact Statement
- 2017: Full funding grant agreement
- 2017-2020: Heavy construction
- 2021: Passenger operations

Mr. Mistic gave an overview of the project operations within the Riley Purgatory Bluff Creek Watershed.

Engineer Sobiech described the permit review undertaken for permit 2016-017 SWLRT. He gave a project overview, described the proposed Best Management Practices (BMPs), and summarized the six variances requested by the applicant and the Engineer's recommendations including conditions.

Engineer Sobiech recommended approval of **variance request No. 1**, which was a variance to the District's rule that no structure may be placed, constructed, or reconstructed and no surface may be paved within 100 feet of the center line of any watercourse (except structures and associated impervious surface regulated under Rule G.)

Manager Crafton moved to approve variance request No. 1 as recommended by the District Engineer and in accordance with the District's rules regarding site difficulties. Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

Engineer Sobiech described **variance request No. 2**, which was a variance to the District's rule that the low floor elevation of all new and reconstructed structures will be constructed at a minimum of two feet above any applicable 100-year flood elevation (Rule B, subsection 3.1). He recommended approval of the variance with the condition that the applicant must provide to the RPBCWD a written draft

indemnification of the RPBCWD against all claims and causes of action for flood damages to the property.

Manager Yetka moved approval of variance request No. 2 as recommended by the District Engineer and with the condition as described by the District Engineer. Manager Crafton seconded the vote. Upon a vote, the motion carried 5-0.

Engineer Sobiech talked about **variance request No. 3**, which is a variance to the District's requirements of Rule D, subsection 3.1a.ii. of the Wetland Buffer Rule, which states that a buffer with an average width of 60 feet from the delineated edge of a high-value wetland and minimum of 30 feet must be created.

Manager Crafton moved to approve variance request No. 3 as stated by the District Engineer. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

Engineer Sobiech recommended approval of **variance request No. 4**, which is a variance from the District's Rule D, subsection 3.1.a.iii. of the Wetland Buffer Rule, which states that buffer with an average width of 40 feet from the delineated edge of a medium value wetland and minimum 20 feet must be created.

Manager Yetka moved to approve variance request No. 4 as described and the conditions as stated by the District Engineer. Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

Engineer Sobiech described **variance request No. 5**, which is a variance from the requirements of Rule E, subsection 3.1.f of the Dredging and Sediment Removal Rule, which states that dredging or sediment removal must not be proposed for a location where any portion of the area to be dredged contains any slope steeper than 3:1 (H:V) in a channel. He recommended approval of the variance request.

Manager Bisek moved to approve variance request No. 5 with any conditions as described by the District Engineer. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

Engineer Sobiech recommended approval of **variance request No. 6**, which is a variance from the requirement of Rule F, Subsection 3.3g (compliance is required due to Rule G, subsection 3.7d), which calls for the finished slopes of the stabilization areas to be 3H:1V or flatter.

Manager Chadwick moved to approve variance request No. 6 as reviewed and described by the District Engineer. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

Manager Yetka moved approval of permit 2016-017 SWLRT with the five-year permit term and variances as approved and the conditions as reviewed by staff. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

### **a1. Hy-Vee Eden Prairie – Stormwater Rule**

Administrator Bleser explained that the District has had a question from a potential permit applicant about the permissibility of utilizing a regional facility instead of an on-site facility. She said this item is a discussion with the potential applicant to provide information as the developer determines how it will develop that parcel. She introduced Dan Parks, Professional Engineer with Westwood Professional Services, to describe the parcel and the potential project.

Mr. Parks stated that his company has been part of a project that included the construction of a regional pond but, he said, strict application of the District's rule would require that the storm water would be handled on site and not through the existing regional pond.

Mr. Parks presented the Hy-Vee project and project ideas to treat the storm water by utilizing the regional pond as well as onsite infiltration.

There was discussion including remarks about the capacity of the existing offsite regional pond and about how the District wouldn't grandfather approval of utilizing the offsite regional pond, which was designed for a six-inch rainfall, by virtue of the fact that the pond was designed prior to the District's adoption of its rules.

President Forster directed District staff to work with Mr. Parks of Westwood and Hy-Vee staff to discuss the project details. President Forster wondered if the District would need to revisit its rules based on the issue raised tonight regarding offsite treatment. Attorney Smith responded that unless the Board wants to change its policy regarding onsite treatment in order to embrace a broader regional approach, he doesn't believe that the District has seen a dramatic need to revise its rules. Attorney Smith continued by saying that through what has been discussed here tonight, it would amount to a variance from the District's rules and he has heard President Forster direct District staff to discuss how the broader purposes may be achieved in the context of the variance.

**b. 2015-016 Reduce Financial Assurance Blossom Hill**

Administrator Bleser noted that this is the same permit the Board discussed last month and that after talking with the applicant, staff is still not comfortable with the applicant's request to reduce the financial assurance by \$31,531.50.

Administrator Bleser said that staff does not know if the infiltration system is working and if the pond is functioning appropriately. There was discussion about the idea of reducing the financial assurance by \$12,700, the permit being expired, and that the permit could be renewed only by the Board. Administrator Bleser noted that a permit renewal has been requested.

Attorney Smith offered a recommended motion based on his understanding of the information presented.

Manager Chadwick moved that the Board reject at this time this request to reduce the financial assurance. Manager Crafton seconded the motion. President Forster requested a friendly amendment that the applicant has to reapply for a permit, pay the permit fee again, and get a determination on the bond. Managers Chadwick and Crafton agreed to the friendly amendments. Upon a vote, the motion carried 5-0.

**c. Bluff Creek Restoration and Grant Update; TO 21a Bluff Creek Restoration**

Administrator Bleser reminded the Board that the District received a grant for the Bluff Creek Restoration fish passage and shoreline restoration project. She reported that the District, Carver County, and the City of Chanhassen were unsuccessful in securing an agreement with the property owner to access the site to do the restoration.

Administrator Bleser said that the District asked the Minnesota Board of Water and Soil Resources (BWSR) for a one-year grant extension and also asked if the grant could be used on one of two different District projects. She reported that BWSR responded that it would like the District to use the grant on a project of a similar nature, meaning a streambank stabilization project on Bluff Creek.

She said that internally District staff had identified other stabilization project areas based on the Creek Restoration Action Strategy (CRAS). She noted that staff is in contact with the City of Chanhassen regarding site access information.

Administrator Bleser stated that if the District doesn't find another Bluff Creek restoration project, the District will lose the grant money. She explained that this is why Task Order 21a is necessary, and she noted that it is a tight timeline. Administrator Bleser stated that the draft plan amendment would need to

be drafted simultaneously with the feasibility work. She said that staff would bring a draft plan amendment to the Board at its next monthly meeting and to then go out for comments per Board direction.

Administrator Bleser reminded the Board that the amount of the grant is \$150,000 and said that the City of Chanhassen would still be interested in partnering although the Hennepin County Regional Rail Authority would no longer partner due to the location of the project.

Manager Yetka moved to approve Task Order 21a for the Bluff Creek Stabilization Feasibility work so that the District can find an alternative project for the grant funds. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

**d. Office Space**

Attorney Smith passed out an updated document, and he reviewed key issues. He reminded the Board that at its December meeting it directed staff to negotiate the lease on the Chanhassen office space. Attorney Smith described two main issues that staff has been discussing with the property's landlord. He noted the reasonable protections to the District that staff successfully negotiated with the property's landlord. Attorney Smith recommended that he conduct a final legal review of the lease for non-substantive changes.

Manager Crafton moved to accept the lease subject to final legal review. Manager Yetka seconded the motion. Attorney Smith added that the District Administrator received a communication from the current landlord inquiring if the dance studio were to move would the District stay. He explained that staff had communicated to the current landlord that if specific details of the dance studio's move including move date were provided to the District by tonight then staff would present that information to the Board. He said that such information has not been provided by the current landlord to the District. Upon a vote, the motion carried 5-0.

Administrator Bleser raised the topic of coordinating the information technology and audio visual set up for the new office space. She described the proposal received from ImagineIt and noted that she is waiting for a final proposal from MSpace. Administrator Bleser requested that the Board direct her to work with those two companies and the District's Legal Counsel to get a contract in order to meet the timeline of the retrofitting of the new office space. President Forster asked about the financial liability for the contractor. Administrator Bleser said \$3,000-\$4,000 for the IT set up plus a monthly maintenance cost. She explained that she is waiting for the audio and technology cost quote but she thinks it will be a \$20,000-\$25,000 cost. Administrator Bleser recommends that these funds come from the District's reserve funds.

Manager Yetka moved that staff proceed with meeting the new office space's electronic and audio-visual needs with a not-to-exceed budget of \$25,000 pending legal review for contracting and for funds to be taken from the District's reserve. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

**e. 2017 CAC Applications**

Administrator Bleser reported that the District received 15 applications. She recommended that the managers discuss what they would like to see from the Citizen Advisory Committee in 2017.

Manager Crafton offered comments and said that she would like to see the Board appoint applicants that have received four or five manager votes.

Manager Chadwick read a prepared statement of his comments regarding his opinion of the Board's CAC

application review and appointment process, the appearance that the Board is trying to stifle and limit the statutory obligations of the CAC, the experience of the applicants based on their applications, the need for a broad spectrum of CAC members with expertise in various areas, his disappointment in the manner in which staff has conducted itself in this situation, that the current CAC would like 15 CAC members for 2017, that the CAC is not intended to be and should not be just a rubber stamp, that if one “is cooking in the kitchen you have to be able to tolerate the heat”, and his suggestion of appointing the three new applicants as alternate members of the CAC to sub for any members who cannot attend a CAC meeting.

Managers Yetka and Bisek and President Forster provided comments about the Board-CAC process and interaction in past years, their visions of an effective CAC, and what number of CAC members and make-up of the 2017 CAC would be most effective.

Manager Crafton moved to approve appointing to the CAC those applicants that received four or five manager votes. Manager Yetka seconded the motion. There was lengthy discussion.

Ms. Laurie Hable rescinded her application to the 2017 CAC. Mr. Larry Koch rescinded his application to the 2017 CAC and requested a copy of the recording of this meeting. There was additional discussion.

Manager Chadwick requested a friendly amendment. Manager Crafton did not accept the friendly amendment. President Forster read aloud the names of the 11 applicants to the 2017 CAC who received four or five votes. Upon a vote the motion carried 4-1 [Manager Chadwick opposed the motion.]

President Forster nominated Robert Adomaitis and Laurie Susla to be members of the 2017 CAC. Manager Chadwick seconded the motion. Upon a vote the motion failed 2-3 [President Forster and Manager Chadwick voted in favor of the motion and Managers Bisek, Crafton, and Yetka opposed the motion].

**f. Cost-Share Program**

Ms. Jordan reminded the Board that this item was a discussion item at the Board’s previous monthly meeting. She said that staff is looking for direction from the Board on whether it wants to increase the District’s cap for its cost-share program tier for commercial businesses and local government from \$20,000 to \$50,000 at the same match and percentage of cost as stands currently for that tier. She described how this increase could help incentivize larger projects with larger water quality benefits.

Manager Crafton moved to increase the cap from \$20,000 to \$50,000. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

**g. Accept Treasurer’s Report; Pay Bills**

Manager Chadwick stated that he wanted to call attention to the fact that the payment of the bills and the Treasurer’s Report should be presented in accordance with the internal controls and procedures of financial management, which states specifically that the Treasurer’s Report will be received by the Board of Managers and discussed as necessary and then the Board authorizes payment of the bills as presented on the check register.

Manager Chadwick had questions about the cash disbursements reflected in the Treasurer’s Report. He asked if the District’s Treasurer recommends the paying of the bills. Manager Crafton responded that she does. He asked for more information about the \$183,144 payable to the Minnesota Native Landscapes. Administrator Bleser responded that it was for the creek stabilization project at County Road 101 in Minnetonka.

Manager Chadwick remarked that at each monthly meeting the Board is asked to pay bills in the amount

of \$300,000 or more and he thinks that the Treasurer's Report and the paying of the bills should be moved off of the Consent Agenda and onto the Agenda. Manager Chadwick said that the Board has previously discussed the \$50,000 that was reallocated to Engineering and he asked where it is reflected in the Treasurer's Report. Manager Crafton responded that the \$50,000 went back against the Engineering costs for reviewing the flawed model. Manager Chadwick asked in what month the \$50,000 was allocated. President Forster said probably in July or August. Manager Crafton said that she will get that information to Manager Chadwick.

Manager Chadwick commented that the Administrator has asked that the Board reallocate \$68,000 to permit activity and \$5,000 in office costs from the District's reserve funds. He asked if that reallocation is to cover the budget deficit. Manager Chadwick responded that the District's budget is based on the information the Board knows at that time but the Board doesn't always know what will come up, which is why the District has its contingency and reserve and is able to reallocate resources. Manager Chadwick asked if the Board should reallocate during the budget year. There was discussion about the timing.

Manager Bisek commented that it has been indicated before that if folks have detailed questions regarding the Treasurer's Report, those people should either set up an appointment with the Board's Treasurer, Manager Crafton, or in the time prior to the monthly meeting when it is at the District office when all of the records and information can be easily accessed thereby helping to provide timely answers to the questions. Manager Chadwick said that he would like to see transparency in the records, have them available to the public, and also have best practices so that the public, taxpayers, and the Board's committees can understand the information on the first read. He said that the Board has gotten a lot of questions about its records in the last year and a half.

Manager Chadwick commented that he had a question for the Administrator regarding the KleinBank Visa activity and that he was sure that there was an appropriate answer. He asked about the charge to the Eddie Bauer store. Administrator Bleser said that the District recently purchased gear for the staff and managers with the District's logo and staff had asked the managers if they would like a fleece or some sort of jacket with the District logo so that the managers and staff can be identified as part the District. Manager Chadwick said that he had been asked questions by citizens about the Treasurer's Report. Administrator Bleser noted that she has not had any questions from citizens about the Treasurer's Report and thanked Manager Chadwick for sharing this information with her.

Manager Crafton moved to pay the bills. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

Manager Crafton moved to accept the Treasurer's Report. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

## 10. Discussion Items

### a. Scenic Heights

Administrator Bleser reported that staff had a good conversation with Hennepin County. She said that County staff is recommending to its Board of Commissioners a grant of \$50,000 for the Scenic Heights project. She stated that the Minnetonka School District is willing to contribute \$45,000 over three years and the City of Minnetonka will help with a match of in-kind services. Administrator Bleser noted that there is still a project funding shortage of approximately \$165,000. She said that staff will come back to the managers with a proposal, and she reminded the Board that this project is a two-year project.

**b. Governance Manual**

Administrator Bleser announced that staff received additional comments on the manual so the committee will meet again and Legal Counsel will review. Manager Chadwick asked if the manual is online, and Administrator Bleser said yes, with the Board packets. She said she would send him a copy as well.

**c. Office Space**

Attorney Smith stated that the District currently has its office at 14500 Martin Drive in Eden Prairie. He noted that the Board has had past discussions about its dissatisfaction with its lease and the chronology and the noise problems that amounted to constructive eviction, which led to the Board's decision to move. Attorney Smith reminded the Board that he reported on the initial inquiry from the landlord of the current office space about the possibility of the District staying if the dance studio moves. He stated that the landlord did not furnish to the District the requested information. He referenced the Open Meeting Law and its provision of the Board moving into a closed executive session for the purpose of developing or considering an offer or a counter offer for the purchase or sale of real or personal property. Attorney Smith said that the District has received an offer of information from the current landlord about the resolution of the District's current lease. Attorney Smith explained that he thinks this information constitutes the kind of subject for which the Board can go into closed session to discuss.

Manager Crafton moved to go into closed session. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0. The Board moved into closed session at 10:30 p.m.

**11. Closed Session**

The Board of Managers concluded the Executive Session at 10:52 p.m.

**12. Upcoming Events**

- CAC Orientation Part 1 and 10-Year Plan, January 23, 2017, Location TBD
- Community Resilience Education Forum, Bent Creek Golf Course, January 24, 2017, 6:00-8:00 p.m.
- District Board Workshop and Monthly Meeting, Wednesday, February 1, 2017, Eden Prairie City Hall, 5:00 p.m.

**13. Adjourn**

Manager Chadwick moved to adjourn the meeting of the Board of Managers. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 10:52 p.m.

Respectfully submitted,

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Mary Bisek, Secretary

## Memorandum

**To:** Riley-Purgatory-Bluff Creek Watershed District Board of Managers and District Administrator  
**From:** Barr Engineering Co.  
**Subject:** Engineer's Report Summarizing January 2017 Activities for February 1, 2017, Board Meeting  
**Date:** January 25, 2016

The purpose of this memorandum is to provide the Riley-Purgatory-Bluff Creek Watershed District (RPBCWD) Board of Managers and the District Administrator with a summary of the activities performed by Barr Engineering Co., serving in the role of District Engineer, during January 2017.

### General Services

- a. Participated in January 23<sup>rd</sup> Citizen Advisory Committee (CAC) meeting to discuss additional prioritization considerations as part of the District's 10-year plan development.
- b. Worked with Administrator Bleser and District Counsel to draft and revise a potential cooperative agreement between the RPCWD, city of Chanhassen and ISD 112 for the reuse.
- c. Met with Administrator Bleser and city of Chanhassen (Terry Jeffery) on January 9<sup>th</sup> to discuss potential streambank stabilization site along Bluff Creek.
- d. Participated in a meeting on January 11<sup>th</sup> with city of Eden Prairie (Dave Modrow) and Administrator Bleser to discuss goals and strategies to restore the embankment in the Purgatory Creek Park area to the original design.
- e. Participated in a Riley and Purgatory Creek Summit meeting with Administrator Bleser, RPBCWD staff, University of Minnesota, MN DNR, city of Chanhassen, city of Eden Prairie, Wenck Associates, and MPCA to discuss monitoring efforts (water quality, fisheries, sediment and macrophytes), status of Eurasian watermilfoil, curlyleaf pondweed and carp. Discussions also included the preliminary results of the sediment samples collected in Rice Marsh Lake and Lake Susan to estimate an alum dose, management options for carp in the Purgatory Creek system, and selective management of Eurasian watermilfoil and curlyleaf pondweed.
- f. Provide James R Hill, Inc. the 100-year flood elevation of Purgatory Creek (El. 812.72 NGVD29) at 9349 Wilderness Cove in Eden Prairie.
- g. Responded to questions from cities of Eden Prairie about the 100-year floodplain elevation at 18592 St. Mellion Place in Eden Prairie and the flood elevation for Mitchell Lake.
- h. Prepared draft District boundary GIS and property information for distribution to adjacent water management organization to continue boundary revision process.
- i. Continued working with Administrator Bleser to resubmit grant application to MN DNR for potential Scenic Heights school forest restoration.

- j. Assisted Administrator Bleser with presentation of revised prioritization tool to Board of Manager's at January 4<sup>th</sup> workshop.
- k. Participated in January 4<sup>th</sup>, 2017 Board of Manager's regular meeting.
- l. Prepared Engineer's Report for engineering services performed during January 2017.
- m. Regular and frequent communication and coordination with Administrator Bleser discussing 10-year plan, status of clean water grant for Bluff Creek, permit requirements, online permit application, potential groundwater assessment, and status updates for various task orders.
- n. Overall project management, administration, GIS data management, and coordination of task orders.

### Permitting Program

- a. *Permit 2015-036: Saville West*: This is a residential development in Minnetonka located at the southeast quadrant of CSAH 101 and Excelsior Boulevard. The project was conditionally approved at the Board's September 7, 2016 meeting. Discussed changes to the approved project and implications on the rules and permit process with the project engineer and Administrator Bleser.
- b. *Permit 2016-017: Southwest Green Line LRT Extension*: This project involves the construction of a light rail transit line between Eden Prairie and downtown Minneapolis. The portion of the project within the RPBCWD jurisdiction includes approximately 1.5 miles of proposed rail track and two stations. The project adds approximately 5 acres of impervious surface within the RPBCWD. Stormwater BMPs designed for compliance with RPBCWD rules include pervious pavement, infiltration basins, wetland buffers, vegetated swales, and detention ponds. The project triggers RPBCWD Rules B, C, D, E, G, and J. Permit was conditionally approved at the January 4, 2017 meeting. Notified permittee of conditional approval.
- c. *Permit 2016-032: County Road 61*: This project includes improving County State Aid Highway 61 from Highway 101 to Charlson Road. The roadway will be converted from a two-lane urban and rural roadway to a three-lane urban roadway with a sidewalk along the west side and a trail along the east side. Only a portion of this project is in RPBCWD. The project was conditionally approved at the November 2, 2016 meeting. Met with applicant on January 3<sup>rd</sup> to discuss potential permit modification because of the high groundwater levels observed at the proposed Eden Prairie Road basin. Reviewed revised submittal and request for permit modification. Drafted permit modification summary memo for consideration at the Board's February meeting.
- d. *Permit 2016-037: Prestige Day Care*: This project involves the construction of a day care and associated site infrastructure at the southeast quadrant of Pioneer Trail and Mitchell Road/Spring Road. Permit was conditionally approved at the December 7, 2016 meeting. Discussed financial assurance with applicant.
- e. *Permit 2016-045: MCES Blue Lake Interceptor Rehabilitation Sites A & C*: This project involves rehabilitation of regional sanitary sewer interceptor facilities near the intersection of

- Minnesota Highway 5 and Audubon Road in Chanhassen. The project will involve replacement of maintenance access holes and lining of existing sewer in place. The project will trigger Rule C. Reviewed revised submittal and provided comments to applicant. It was determined that Site C within Gro Tonka Park in Minnetonka is outside the RPBCWD legal boundary and therefore cannot be permitted. Site A triggers only Rule C. Drafted review summary for consideration by Administrator Bleser.
- f. *Permit 2016-046*: Lifetime Fitness Chanhassen: This project involves a building expansion and associated parking lot modifications on the west side of the building at the Lifetime Fitness at 2901 Corporate Place in Chanhassen. The project will trigger Rules C and J. Reviewed original and revised submittals and provided two rounds of comments to the applicant. The project is considered complete on January 16, 2017. This will likely be presented to the Board at the March meeting.
  - g. *Permit 2016-047*: 9507 Sky Lane: This project involves construction of a single family home at 9507 Sky Lane in Eden Prairie. The project will trigger Rules C and J. Reviewed submittals and draft maintenance agreement and provided comments to Administrator Bleser.
  - h. Performed preliminary review of submittal for Rockwill Addition, provided summary memo to Eden Prairie.
  - i. Performed preliminary review of submittal for 7012 Dakota Avenue in Chanhassen and sent comments to applicant.
  - j. Attended meetings with Administrator Bleser and District legal counsel on January 12<sup>th</sup> and 19<sup>th</sup> to discuss minor changes to the rules and permitting program.
  - k. Performed erosion control inspections of active sites during the week of January 23<sup>rd</sup> (see attached inspection report).
  - l. Discussed potential permit requirements for Lake Riley Park improvements in Eden Prairie with project engineer from WSB.
  - m. Attended a January 6<sup>th</sup> meeting with developer, city of Eden Prairie, and Administrator Bleser to discuss the RPBCWD rule requirements for redevelopment project at Eden Prairie Center.
  - n. Conversations with several project engineers/developers about permit requirements for potential development and redevelopment projects.
  - o. Summarized permit volume abstraction, water quality removals, and permitting costs for 2016.
  - p. Updated web map inspection tool to include additional information such as photos and wetland data.

#### **Data Management/Sampling/Equipment Assistance**

- a. Verified uploaded fish data into EQuIS using the ALIVE add-in.
- b. Uploaded and verified 3 RMB laboratory reports

- c. Re-formatted, uploaded and verified 2016 field and laboratory data from the City of Eden Prairie and Three Rivers.

#### **Cost Share Assistance – Scenic Heights School Forest Restoration**

- a. Worked with Administrator to strategize project phasing and assess additional funding sources after applying for and receiving \$50,000 from the Hennepin County Natural Resources Opportunity Grant Program.

#### **TMDL**

- a. Revised draft TMDL report sections, including allocations of allowable pollutant load for each lake from each of the point and nonpoint sources of phosphorus for Silver and Rice Marsh Lakes.

#### **Task Order 6: WOMP Station Monitoring**

##### **Purgatory Creek Monitoring Station at Pioneer Trail**

- a. Downloaded and reviewed data.
- b. File management – organize digital project files and folders.
- c. Setup 2017 datalogger files.

##### **Purgatory Creek Monitoring Station at Valley View Rd**

- a. Downloaded and reviewed data.
- b. File management – organize digital project files and folders.
- c. Setup 2017 datalogger files.
- d. Maintenance – clean-up OBS500 turbidity sensor.

#### **Task Order 7b: Purgatory Creek Stabilization near Hwy 101—Construction**

- a. Processed a pay application for work completed in 2016.
- b. Discussed potential plant substitutions with the contractor, city of Minnetonka, and Administrator Bleser
- c. Construction of this project is substantially complete. Trees and shrubs will be planted in the spring.

#### **Task Order 8b: Lake Susan Spent-Lime Treatment System Design**

- a. Work on this task order is complete.

#### **Task Order 9a: Lake Lucy Iron-Enhanced Sand Feasibility**

- a. No work this month on this task order.

**Task Order 12: Downtown Chanhassen BMP Retrofit Assessment**

- a. Completed a draft summary report for District and city of Chanhassen review.

**Task Order 13a: Lake Susan Watershed Treatment and Stormwater Reuse Enhancements**

- a. Continued to refine hydrologic/hydraulic/water quality analyses of potential stormwater reuse and other water quality/quantity enhancements for feasibility study.
- b. Developing conceptual design drawings and cost estimates for each improvement option.
- c. Developing draft feasibility report.

**Task Order 14b: Lower Riley Creek Final Design**

- a. Scheduled kick-off meeting with District and Barr staff for January 31<sup>st</sup>.

**Task Order 15: 100-Year Floodplain Vulnerability Evaluation (Climate Adaptation)**

- a. Work on this task order is complete

**Task Order 16: Watershed Management Plan Refresh**

- a. Attended the Citizen Advisory Committee meeting on January 23rd to assist Administrator with presenting the planning process and revised project prioritization tool.
- b. Continued work on draft of the 2017 Watershed Management Plan document.
- c. Met with Administrator Bleser on January 17<sup>th</sup> and 24<sup>th</sup> to begin development of a project implementation table.
- d. In the next month, Barr staff will assist Administrator Bleser in documenting the revised project prioritization tool for the Plan document and continue development of a draft implementation table. Barr staff will continue updating the general text portions of the draft Plan.

**Task Order 17: Creek Restoration Action Strategy 2: Upper Riley Creek Sediment Source Assessment**

- a. Finished summarizing the findings in a project report for Administrator Bleser's review.

**Task Order 18: MPCA Resiliency Grant**

- a. Met with the project team to continue planning the workshop series.
- b. Finalized the Climate Impacts PowerPoint presentation for the educational forum.
- c. Presented at the educational forum.
- d. Continued to collect flood information from various agencies and watershed districts for incorporation into the City Infrastructure maps.

- e. Developed City Infrastructure maps that will be used at each table during the workshops and
- f. Participated in the first workshop meeting on January 24<sup>th</sup>.

#### **Task Order 19: Chanhassen High School Stormwater Reuse Design**

- a. Finalize the topographic and utility survey of High School Site as it relates to stormwater reuse system, including review of existing electrical panels.
- b. Review the pipeline easement information from Carver County to determine limitations/requirements of work that can be done within easement, including communications with Magellan Pipeline Company regarding proposed project.
- c. Compiling and review of information from Arteka regarding existing irrigation system and controls as it relates to the reuse system design.
- d. Contacting vendors related to filtration, UV treatment, pumping, and tanks for reuse system design.
- e. Coordination of preferred shelter type and identification of alternative shelter location based on limitations within Magellan easement including discussions with Administrator Bleser and follow-up with high school staff.
- f. Follow-up on required permits including RPBCWD permits, MnDNR stormwater reuse appropriations permit, MPCA NPDES permits, and involvement by DLI.
- g. Development of preliminary construction plan set.
- h. Worked with Administrator Bleser and legal counsel to develop draft of the stakeholder agreements between the three parties.
- i. Outreach to High School staff to begin coordination of the education and outreach components of the project.
- j. Future work tasks include continued agreement refinements and design work for construction in 2017.

#### **Task Order 21: Bluff Creek Feasibility Study**

- a. Met with the city of Chanhassen to discuss study and the potential for partnering on design and construction of a streambank stabilization project.
- b. Completed field work to assess two reaches of Bluff Creek.
- c. Reviewed past studies and data related to Bluff Creek in general and the study reaches specifically.
- d. Completed erosion and pollutant loading estimates.
- e. Created concept stabilization design and cost estimates for the study reaches.
- f. Drafted report for Administrator Bleser's review.

**To:** RPBCWD Board of Managers  
**From:** Dave Melmer  
**Subject:** January 23, 2017—Erosion Inspection  
**Date:** January 25, 2017  
**Project:** 23/27-0053.14 PRMT 9016

Barr staff has inspected construction sites in the Riley Purgatory Bluff Creek Watershed District for conformance to erosion and sediment control policies. Listed below are construction projects and the improvement needed for effective erosion control. The sites were inspected from January 23, 2017.

## ***Site Inspections***

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<b>2015-002</b>	<b>Mission Hills</b>	<b>2017-01-23</b>
No work has begun to date.		
<b>2015-005</b>	<b>CSAH 101 Mntka</b>	<b>2017-01-24</b>
Eastern side streets have had final top coat laid-vegetation is established-catch basin protection has been removed in many areas. BMP's look good. Site is inspected and well maintained by contractor/site inspector. Construction is completed at creek crossing-BMP's look good at this location. Curb/gutter/side walk installation at south end and eastern side of project is underway. Many areas have been spray-tac'd. Street cleanup is done quite frequently. Paving and sidewalk work continues. Entire site had exposed soils spray tac'd prior to snowfall. Work has idled for winter.(January-2017)		
<b>2015-008</b>	<b>3520 Meadow Lane</b>	<b>2017-01-24</b>
Construction has stalled. Site BMP's are adequate. Silt fence is down in some areas on west side--will not affect site runoff. (January-2017)		
<b>2015-011</b>	<b>Eden Prairie Ponds</b>	<b>2017-01-23</b>
Construction underway. BMP's in place. Tracking to street observed during inspection-_asked contractor to conduct post shift cleanup. Asked contractor to install filter fabric at downstream pipe during excavation work.		

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<b>2015-012</b>	<b>Meditech Site Improvements</b>	<b>2017-01-24</b>
	Construction activities complete. Inlet protection has been removed. Bio-logs still in place SE parking lot between parking lot and sidewalk--this slope is all weed growth and has not had final landscaping--may be part of HWY 101 work.	
<b>2015-014</b>	<b>12420 Sunnybrook Road</b>	<b>2017-01-23</b>
	Site has been surveyed. No construction has started	
<b>2015-016</b>	<b>Blossom Hill</b>	<b>2017-01-23</b>
	Open CA(s): No protection for dirt stockpiles. Deadline: 1/26/2017 Open CA(s): Tracking to street. Deadline: 1/26/2017  Construction of first homesite complete. Remainder of site is stable. Site BMP's are good. Corrective Action for slope near pond is complete and stable. Corrective Action is closed. Remainder of site is good. Construction on second and third homesites has begun. BMP' look good at second homesite. Unable to determine if work was completed at bench location in pond--snow coverage. Homesite on south end has tracking to street and no protection for stockpiles on northeast side of site. Site representative will be notified. Talked to onsite worker about corrective actions.	
<b>2015-020</b>	<b>Dawn Valley Chapel</b>	<b>2017-01-23</b>
	Site construction is complete. Some Site BMP's are still in place as of January inspection-- due to snow cover - cannot determine if they have been removed--some bio-logs are visible. Landscaping is complete. Will need to inspect after spring snowmelt.	
<b>2015-027</b>	<b>Bloomington Hyland Greens Pond Storm Sewer Maintenance</b>	<b>2017-01-23</b>
	Construction has not started.	
<b>2015-029</b>	<b>Shops at Southwest Station</b>	<b>2017-01-23</b>
	Construction complete on parking lot and building exterior. Landscaping complete. Site is stable. Catch basin protection has been removed from basins. All temporary BMP's have been removed. Site is stable. This will be the last permit inspection for this site.	
<b>2015-031</b>	<b>10089 Purgatory Road</b>	<b>2017-01-23</b>
	Site construction complete. Access to location is stable. Yellow silt curtain has been. Soils above installed stabilization rock at creeks edge appear unstable and susceptible to erosion. Monthly inspections will continue to monitor potential loose soils. Corrective action (1/9/16) will remain open. This was addressed in Technical Memo from Wenck (January 19, 2016). Monthly photo will be taken	



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<b>2015-048</b>	<b>Page I Ice Facility Addition</b>	<b>2017-01-24</b>
	Construction of building foundation/walls underway. Silt fences in place. Rock entrance installed. Site BMP's look good. Site grading underway. Tie into sewer is complete and back filling underway. Parking lot torn up. Final footing excavation for last wall underway-complete. Heavy tracking to parking lot --east. Spoke to site supervisor (December) and they will do end of shift clean up--daily.	
<b>2015-050</b>	<b>Arbor Glen Chanhassen</b>	<b>2017-01-23</b>
	No construction observed to date.	
<b>2015-051</b>	<b>Chapel Hill</b>	<b>2017-01-23</b>
	Site construction complete. Site has been graded and seeded--vegetation growing. Site looks good. Catch basin protection still in place.	
<b>2015-053</b>	<b>RBSC Chanhassen LLC</b>	<b>2017-01-23</b>
	No construction has begun. Site was being used as lay down yard for Hwy. 5 construction. Demobilization is complete. Catch basin protection still in place. Exposed soils have been covered and now vegetation is established. Snow coved during January inspection.	
<b>2015-055</b>	<b>Hampton Inn Eden Prairie</b>	<b>2017-01-23</b>
	No construction has started.	
<b>2015-056</b>	<b>Oster Property</b>	<b>2017-01-23</b>
	Construction complete. Silt fences /bio-logs have been removed. Vegetation mats and wood chips have been installed on all bare soils. All other BMP's look good. Site is 50% snow covered. Will have to inspect after spring snowmelt	
<b>2015-058</b>	<b>Prairie Center Clinic Addition</b>	<b>2017-01-23</b>
	Construction continues on building. BMP's are good.	
<b>2015-059</b>	<b>19108 Twilight Trail</b>	<b>2017-01-23</b>
	Landscaping complete. Orange silt fence on west and north still installed--site is stable	

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<b>2015-060</b>	<b>Optum Parking Expansion</b>	<b>2017-01-23</b>
	Construction complete. BMP's installed and look good. East parking lot is complete and stable-catch basin protection still installed. Asphalt on west lot is complete and curb-gutter has been installed. Vegetation mats have recently been installed-no vegetation growth to date. Overall site conditions are good. Snow covered during January inspection.	
<b>2015-061</b>	<b>Ingram Property</b>	<b>2017-01-23</b>
	No construction observed to date.	
<b>2015-062</b>	<b>MnDOT SP 1002-100 TH5</b>	<b>2017-01-23</b>
	Construction complete. Bio-logs have been removed. Site looks good. (November ). Vegetation established. One 40ft section of silt fence still in place- east of McDonalds. Site is stable.	
<b>2016-004</b>	<b>Round Lake Park Improvements</b>	<b>2017-01-24</b>
	BMP's look good. Site construction complete--parking lot/lots- curb gutter and asphalt has been installed. (November). Site is snow covered and final construction has idled. Will have to inspect for vegetation growth in spring 2017.	
<b>2016-006</b>	<b>Soccer Field 10 at Miller Park</b>	<b>2017-01-24</b>
	BMP's look good. Site construction complete. Site is snow covered---will have to inspect for vegetation growth in spring 2017	
<b>2016-007</b>	<b>Meditech Phase II</b>	<b>2017-01-24</b>
	Construction complete. Site is stable. Catch basin protection has been removed.	
<b>2016-009</b>	<b>Stratus Court Stormsewer Outfall</b>	<b>2017-01-23</b>
	No construction has started.	
<b>2016-010</b>	<b>Minnetonka HS Parking Improvements</b>	<b>2017-01-24</b>
	Construction is complete. Temporary BMPs have been removed. All exposed soils have been spray-tac'd and vegetation has started growing. Should be stable after spring-2017 growing season.	

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<b>2016-012</b>	<b>Minnetonka HS Parking Additions</b>	<b>2017-01-24</b>
	Construction is complete. Parking lot curb/gutter installed-asphalt is in place. Most BMPs have been removed except a couple of bio-logs. All exposed soils have been spray-tac'd and vegetation has started growing. Should be stable after spring 2017 growing season.	
<b>2016-013</b>	<b>Eden Prairie Schools Parking Expansion</b>	<b>2017-01-23</b>
	No construction observed to date.	
<b>2016-014</b>	<b>Chanhassen Chick-Fil-A</b>	<b>2017-01-23</b>
	Construction continues. BMP's in place.	
<b>2016-015</b>	<b>18321 Heathcote Lane</b>	<b>2017-01-24</b>
	Silt fences installed/in good condition-one area down to provide access for pool installation. Site grading underway. Rock/gravel entrance is good. BMP's look good. Site is snow covered. House construction continues. (January-2017)	
<b>2016-017</b>	<b>SWLRT</b>	<b>2017-01-23</b>
	No construction observed to date.	
<b>2016-018</b>	<b>6830 Utica Terrace</b>	<b>2017-01-23</b>
	House construction continues. Silt fences are in place. Rock walls are complete. Site is snow covered. Next inspection will be after spring snowmelt.	
<b>2016-019</b>	<b>Powers Ridge Lot 2</b>	<b>2017-01-23</b>
	No construction has begun to date.	
<b>2016-020</b>	<b>Prairie View Enclave</b>	<b>2017-01-23</b>
	No work has begun to date.	
<b>2016-021</b>	<b>Cedar Hills Park</b>	<b>2017-01-23</b>
	Clearing of site appears to be complete. Wood chip site entrance has been replaced with rock. No earthwork has begun to date--heavy equipment is onsite. Exposed soils have been covered with straw. Silt fences have been installed. Work near creek is underway. BMP's look good.	

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<b>2016-022</b>	<b>SP 1017-105 Cable Barrier</b>	<b>2017-01-23</b>
	Construction complete. Vegetation mats in place. Will have to inspect after spring snowmelt for vegetation growth.	
<b>2016-024</b>	<b>Bandimere Park Improvements</b>	<b>2017-01-23</b>
	Construction complete. Silt fences installed. BMP's are good. Sprayed tac and landscaping completed prior to snowfall. Ice rink installation underway.	
<b>2016-025</b>	<b>18374 Heathcote Lane</b>	<b>2017-01-24</b>
	Construction of additions complete--remodel continues. Slight tracking to street. Driveway installed and grading complete. Site BMPs looks good. (January-2017)	
<b>2016-026</b>	<b>Foxwood Development</b>	<b>2017-01-23</b>
	Construction has idled. Asphalt/curb-gutter has been installed near entrance to site. Silt fences installed on entire site. BMP's look good. First few homesites are up for sale. Site is snow covered. Some areas of exposed soils have been covered with straw.	
<b>2016-027</b>	<b>Taco Bell</b>	<b>2017-01-23</b>
	Construction continues. Site is well contained for erosion runoff--minor use of silt fences or bio-logs. Asphalt parking completed. Site in good condition.	
<b>2016-028</b>	<b>Summit Place Apartments Drainage Improvements</b>	<b>2017-01-23</b>
	No construction observed.	
<b>2016-030</b>	<b>IDI Distribution Building Expansion</b>	<b>2017-01-23</b>
	Construction of addition continues. Catch basin protection has been installed. Silt fences on north side installed. Some over topping of first row of silt fence- 2 additional fences have been installed. Rock entrance installed at new entrance location. Catch basin protection at Basin east southeast of entrance has been installed. Stockpiles of dirt not covered. Will notify owner that they need to be covered.	
<b>2016-031</b>	<b>MN River Bluffs Trail Crossing</b>	<b>2017-01-23</b>
	Construction complete. BMP's in place. Catch basin protection in place as of November-snow covered during January inspection. Site was spray tac'd prior to snowfall. Will have to inspect after spring snowmelt.	

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To: RPBCWD Board of Managers  
From: Dave Melmer  
Subject: January 23, 2017—Erosion Inspection  
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<b>2016-032</b>	<b>County Highway 61</b>	<b>2017-01-23</b>
	No construction started.	
<b>2016-033</b>	<b>Anderson Lakes-Purgatory Trail</b>	<b>2017-01-23</b>
	No construction observed to date.	
<b>2016-034</b>	<b>Staring Lake Trail</b>	<b>2017-01-23</b>
	Construction complete. Vegetation mats installed. Site looks good. Snow covered. Will inspect for vegetation growth in spring.	
<b>2016-035</b>	<b>Riley Lake Road Sidewalk</b>	<b>2017-01-23</b>
	Construction complete. Sidewalk in place. BMP's installed. Sod and vegetation mats installed. Catch basin protection installed. Site is snow covered during January inspection. Will have to wait to spring snowmelt to verify site is stable.	
<b>2016-036</b>	<b>Collegeview Drive Sidewalk</b>	<b>2017-01-23</b>
	Construction complete. Spray tac applied to soils. No vegetation growing. Snow covered. Will have to inspect after spring snowmelt. Wood chip bio-logs in place.	
<b>2016-037</b>	<b>Prestige Day Care</b>	<b>2017-01-23</b>
	No construction to date.	
<b>2016-038</b>	<b>Optum Technology Drive Improvements</b>	<b>2017-01-23</b>
	Hillside has been scraped--November inspection. BMP's installed and are good.	
<b>2016-039</b>	<b>Powers Ridge Senior Apartments</b>	<b>2017-01-23</b>
	Open CA(s): No catch basin protection installed. No silt fence on northwest side of site. (Photo). Heavy street tracking of soils. Deadline: 1/26/2017	
	Construction has started, earthwork underway. No catch basin protection installed. No silt fence on northwest side of site. (Photo). Heavy street tracking of soils. Site representative will be notified.	

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To: RPBCWD Board of Managers  
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**2016-040**                      **18995 Minnetonka Blvd**                      **2017-01-24**

Open CA(s): Northeast corner and south side of construction site slope needs BMP maintenance similar to what is installed on east slope. Site representative will be notified. Deadline: 2/4/2017

Construction of house continues. Silt fence in place. Backfilling and grading complete. Northeast and south side of construction site slope needs BMP maintenance similar to what is installed on east slope. Site representative will be notified.

---

**2016-041**                      **Chanhassen West Water Treatment Plant**                      **2017-01-23**

Silt fences have been installed on site. Construction has started. Heavy equipment being delivered to site. Rock entrance stockpile in place for installation. BMP's look good to date.

---

**2016-043**                      **Bongards Redevelopment**                      **2017-01-23**

Construction has started. BMP's are adequate. Site is now covered. Parking lot installed-- catch basins installed and protected--awaiting spring for pavement installation.

---

**2016-044**                      **Dell Rd & Riley Creek Repair Project**                      **2017-01-23**

Construction complete. Site will be straw/mat covered until spring. Vegetation will be installed in spring-2017. BMP's are good

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**2016-047**                      **9507 Sky Lane Eden Prairie**                      **2017-01-23**

Open CA(s): Tracking to street. Deadline: 1/26/2017

Construction has started. Tracking to street. Catch basin protection is in place. Silt fence on north side needs some minor maintenance. Site representative will be notified.

---

**2016-FT02**                      **Mitchell and McCoy Lake Outlet Sediment Removal**                      **2017-01-23**

BMP's look good. Site construction complete. Site is snow covered--- will have to inspect for vegetation growth in spring 2017. Bio-log still in place.

---

**2016-FT02**                      **Mitchell and McCoy Lake Outlet Sediment Removal**                      **2017-01-24**

BMP's look good. Site construction complete. Site is snow covered--- will have to inspect for vegetation growth in spring 2017. Bio-log still in place.

---

Please contact me at 952.832-2687 or [dmelmer@barr.com](mailto:dmelmer@barr.com) if you have questions on the projects listed above or any additional items that need to be addressed for the erosion control inspections.

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# Staff Report

## February 1, 2016

### Administrative

#### 10-Year Plan

*Staff presented to the CAC updated prioritization scheme. The CAC provided some feedbacks and passed a motion in favor to the tool. Staff is now refining the tool based on all comments.*

#### Watershed Outreach Workshop

*Coding of workshop comments has been completed. The comments and codes have been sent to workshop participants to ensure that their comments were accurately recorded and coded. Once participant responses are incorporated, the workshop comments will be combined with comments from the 10-Year Plan summits & workshops that related to education and outreach. The codings will be homogenized across datasets, and the major themes will be identified and summarized. The education and outreach plan will then be crafted utilizing these data.*

#### Aquatic Invasive Species

*The District coordinated a meeting with state agencies to discuss current Lake Vegetation Management Plans and fisheries management in the both the Riley and Purgatory Creek Watershed.*

*The District applied for AIS Control Grant for Lake Riley. In addition, the District supported to AIS grant applications to Hennepin County from the City of Eden Prairie and the Nine Mile Creek Watershed District.*

*Carver County is hosting their 2nd AIS forum on February 2nd to discuss ideas/recommendation to the Carver County Board.*

*February 2nd, 2017 6:00 p.m. – 7:30 p.m.*

*Chanhassen Recreation Center*

*2310 Coulter Boulevard*

*Chanhassen, MN 55317*

#### Budget

*Administrator Bleser will be doing a short presentation at the board meeting on the 2016 Budget.*

#### Data Request

*Two request came in for the recording of the December board meeting.*

*The University of Minnesota requested and recieved Lake Staring nutrient data.*

#### Employee Handbook

*Updated handbook is included in the packet for board approval.*

## **Governance Manual**

*Updated handbook is included in the packet for board approval.*

## **Grants**

Hennepin County Grant for Scenic Heights. The County is awarding the District \$50,000 for the project. Our Bluff Creek Grant has expired. BWSR did not provide us an extension on the grant.

## **Office**

Administrator Bleser continues to work with CSM while our new office is being retrofitted. Administrator Bleser has been working with various vendors to set-up internet, phone, waste management, cleaning services etc. Staff have begun packing and preparing for the move.

## **Permitting**

*The Administrator issued one Permit for the building of an existing single family home at 9507 Sky Lane Drive in Eden Prairie. One other existing single family home permit was submitted.*

## **Site Investigations**

*Staff was updated on possible work that began without a permit on Sky Lane Drive in Eden Prairie. Staff visited the site and noticed perimeter BMP's were not in place, perimeter protection was lacking around spoil piles, and a debris on road at entrance/exit location.*



*Administrator Bleser notified contractor and homeowner that a permit was required and that corrections major were needed as well. In addition, MPCA was notified as their is an open NPDES permit.*

*Staff visited 2 construction sites around Silver Lake. Site 1 (photos) on Ridge Road between Silver and Christmas Lake involves moving soil from along a driveway and Ridge Road, and redistributing the spoils on the hillside leading to Silver Lake. The excavation may eventually impact the integrity of the road and the spoils may eventually get into Silver Lake. Staff reported findings to the City of Shorewood who was sending someone out to take a look at the site. Site 2 along Sweetwater Curve was also investigated which appeared to be a driveway pavement/landscaping. With the snow cover site 2 was difficult to assess however it appeared to be under the permitting triggers.*



*On December 30th, 2016, staff received a 2nd communication in regards to the large willows clogging the outlet of Lake Susan. In the most recent communication, the resident was very concerned about the possibility of flooding if the trees completely fell into the stream and was adamant that they should be removed. He felt the creek was high already and stressed the seriousness of the issue multiple times. Attached are the photos of the debris. It appears aquatic vegetation is built up on the upstream side and is blocking a bit of water, although a limited amount. If the trees completely fell into the stream and became flush with bottom, they would probably hold back a considerable amount of water, although no measurable indication of increased water levels were evident in Lake Susan during 2016. Terry Jeffery from the City of Chanhassen was contacted and the trees may have been removed already as staff has not been out to investigate further.*



**Sound insulation**

Noise continues to disrupt our work environment.

## Citizens Advisory Committee

### January meeting

*The 2017 CAC met for their yearly orientation and first meeting on January 23rd. Due to lack of a secretary, CAC President Pedersen took notes for the meeting and these are included in the board packet.*

*In 2016, Pedersen solicited input from the committee about information that would be helpful for the orientation. Staff worked to begin incorporating these ideas: all members were provided a binder that included documents like the annual communication, a “frequently used acronyms” sheet, and summary of 2016 CAC highlights and accomplishments. The first in a series of orientation presentations was also given. Louis Smith from Smith Partners presented on the history, purposes, and powers of watershed districts. Another presentation will be organized for the February meeting, tentatively on the purpose and function of bylaws and procedures for running meetings.*

*Administrator Claire Bleser, and District Engineer Scott Sobiech presented the updated draft prioritization strategy. This was the second time that the CAC had seen the strategy, having given input on the first draft earlier in 2016. Members made several comments for consideration, which are reflected in the meeting minutes (included in the board packet). These comments were also recorded by the administrator and engineer for discussion and consideration. Ultimately, the CAC passed a motion in support of the prioritization process.*

## Technical Advisory Committee

The next TAC meeting is scheduled in mid-february to discuss minor rules updates and implementation plan.

### Riley/Purgatory Creek Summit

*On January 19th, 2016, staff met with state and local agencies to discuss water quality management within the watershed district. Joshua Maxwell presented on general water quality and AIS monitoring data, Ray Newman presented on vegetation management within the District, and discussion occurred around Lake Riley alum treatment results. Good discussion and input was gathered about the future direction of water quality management within the District.*

## Citizens Advisory Committee

2016 highlights & accomplishments



The Citizens Advisory Committee (CAC) of the Riley Purgatory Bluff Creek Watershed District, is a volunteer advisory board that supports the district's board of managers in their mission to protect, manage, and restore water resources.

As representatives of citizen interests, committee members advise the board on decision making, communicate concerns from the public, and help educate the community on clean water action. Some of the 2016 CAC highlights and accomplishments include:



### Educational events

In June, the CAC participated in a community creek walk along Riley Creek. The walk highlighted an eroded section of the creek in need of restoration, and touched on how the district decides where to do restoration projects. The idea for the walk came out of CAC interest in gaining first-hand knowledge about erosion and restoration.



### 10-Year Management Plan Summits

The district began updating its 10-Year Plan in 2016. An important component of this is gathering community input on water resources values and concerns. The CAC participated in a facilitated workshop to provide this input, and also helped generate the idea for a forum to better understand education and outreach needs in our community.



### Action Projects

Members noted that it seemed people often did not know what a watershed district was, or what actions were harmful for water resources. They suggested the idea of a “watershed awareness” sheet that could be handed out to new homeowners. The CAC formed a sub-committee and developed the idea further. With some help from staff, the handout was finalized and has already been put to good use!

Interested in getting involved? contact: 952-607-6481, [mjordan@rpbcmd.org](mailto:mjordan@rpbcmd.org)

## **Programs and Projects**

### **District-Wide**

#### ***Cost-share program***

*The application period for 2017 cost share grants is now open. The deadline for the first round of applications is April 13. We will be hosting a Raingarden and Cost Share Grant Workshop on March 9th. The workshop will include time for participants to ask questions and receive feedback on their project ideas.*

#### **MPCA Community Resiliency Grant**

*Over 50 attended the general education forum. The two workshops are January 31st and February 8th.*

#### **Total Maximum Daily Load**

No additional updates.

#### **Data Collection (J. Maxwell)**

##### **Rice Marsh Aeration**

*The aeration unit has been running although not at full capacity. Staff believes some of the air lines are frozen and have been continuously working to clear them. There is currently a very large open water hole and oxygen levels are good (>12mg/L). The new backup pump has arrived along with the repair kit.*

##### **Winter Field Season**

*Staff is monitoring the Riley Chain of Lakes this winter including: Lake Lucy, Lake Ann, Lake Susan, Rice Marsh Lake, and Lake Riley. All dissolved oxygen levels have been good and ice thickness varied from 12.5 to 14 inches. Staff also have been monitoring stormwater ponds near Eden Prairie Center to assess salt levels (Pond A, Pond B, Eden Lake, Pond K). Staff will be monitoring the Purgatory Chain of Lake for the next three years beginning next year which includes: Silver Lake, Lotus Lake, Staring, Mitchell, and Red Rock with perhaps some additional lakes. Staff will also monitor the same ponds near Eden Prairie Center to assess salt levels (Pond A, Pond B, Eden Lake, Pond K).*

*Staff has been busy compiling and analyzing data to place in the annual report. Additionally, staff is working with Barr to develop an App that will allow for data collected in the field to be automatically entered and uploaded to the EQUIS database. Fish data from the University of Minnesota and District was also added into the EQUIS database this month. Lake Level sensors were sent for their annual maintenance/checkup and one needed to be replaced. The data has already been sent to the DNR.*

## **Carp Management**

*Staff will begin using telemetry to track common carp movement in January. Staff has also been in contact with the commercial fisherman in the area and the plan is to conduct winter seining on Staring Lake.*

*Staff completed all carp sampling for the year this month. Fyke netting was completed and yielded very few juvenile carp indicating little recruitment occurred in all lakes (only one captured in Purgatory Creek Lower Recreational Area via electrofishing). Many 2yr-3yr old carp were captured in both Staring and the Recreational Area this year which is in line with what the University of Minnesota saw last year. They captured many juvenile carp in 2014-2015 in Staring and recorded a large recruitment class in the Purgatory Recreational Area which is what staff saw this year. As of now relatively low adult numbers have been captured in all lakes except Staring and the Purgatory Recreational Area. Carp were tagged in Staring (9) and in the Purgatory Recreational Area (6) for winter guided seining to remove carp. A full and complete summary of the results will be available in the annual report. Staff has also been in preliminary discussion about the use of a modified fyke net placed in the creek during spring to capture adult carp moving into the rec area.*

## **Creek Restoration Action Strategy**

*Staff has been working with Jeff Weiss from Barr Engineering on upper Riley Creek as part of the CRAS II evaluation. Options for adding additional water storage by expanding current stormwater ponds and creating others was discussed. The use of porous concrete to capture water to reduce runoff was also discussed moving forward. This would alleviate the magnitude of flow/current that is degrading streambanks downstream. Additionally, staff and Barr have been in preliminary discussion about proposed creek restoration project on Bluff Creek. Staff went out to take more updated pictures to help aid in project design. Staff also met with Terry Jeffery from the City of Chanhassen about both identified project locations to discuss feasibility.*

*Staff conducted a stream walk on Riley Creek from Highway 5 to Rice Marsh Lake as part of the regular rotation of stream walks. Originally, the scores developed for these subreaches were based on photo review and previous stream walk summaries. It will also be useful to have these updated scores because the subreaches walked were also the subreaches assessed by RPBCWD staff and Barr as part of the CRAS II assessment. Early this year staff walked Bluff Creek from Pioneer Trail down (B1) and will be working to summarize this data also.*

## **WOMP Station - Metropolitan Council**

*Staff has visited the WOMP stations twice this month and have been using the Met Council's new procedures. The main changes are increasing unbiased base sampling to every other week, discrete auto sampling to capture more of the rising limb of storms (referring to hydrograph), adding field blanks (QC), eliminating the use of the secchi tube, along with some changes with the lab testing.*

## **University of Minnesota**

*17 January 2017*

*Melaney Dunne, graduate student, University of Minnesota, with input from Dr. Ray Newman, University of Minnesota*

*Riley Purgatory Bluff Creek Watershed District (RPBCWD) Aquatic Plant progress report for January 2017.*

*Work in December and January was focused on completing the RPBCWD Annual Report, Lake Vegetation Management Plan (LVMP) reports for Lakes Riley and Susan, and preparing for the RPBCWD Summit meeting on January 19th. LVMP reports were submitted to the DNR for Lakes Riley and Susan. Additionally, an LVMP Request has been initiated for Lake Staring to propose measures to control the expanding curlyleaf pondweed population.*

*Work in January will continue on finalizing the Annual Report to be submitted at the end of the month after feedback is received at the Summit meeting. The Lake Staring LVMP request will also be submitted to the DNR in the coming month after feedback is obtained at the Summit meeting and from the watershed district staff.*

*Melaney has accepted a position in Oregon working as a Project Coordinator for the Coquille Watershed Association. She will be moving in February and will continue working on her thesis and RPBC projects remotely for the spring. Plans will be made in the coming months to accomplish the activities for the 2017 field season.*

## **Service Learners**

*No new updates*

## **Education and Outreach (M. Jordan)**

### ***Adopt a Dock Program***

*No new updates*

### ***AIS Jr Inspector***

*The AIS Jr. Inspector activity will be used again at events this spring and summer.*

### ***Annual Communication***

*The trail map is proving popular, and staff continue to replenish stocks at local libraries. A second print run was ordered. The map will be utilized throughout the year at education and outreach events.*

### ***Earth Day Mini Grants***

*The Earth Day Mini Grants are returning for a second year. These are small (\$50-250) grants for teachers, non-formal educators, and students. They support Earth Day/Month projects or activities that have a component related to water resources. This could be planting native plants, or purchasing Project WET materials. Applications close March 15.*

### ***Lakes and Creeks Water Quality Report***

*Work continues on the fact sheets. The water quality report is nearing completion.*

### ***Master Water Stewards Program***

*An application for the final capstone project of the 2016 cohort has been received. The project is a shoreline restoration on Duck Lake, and will likely be ready for implementation in the spring.*

*Staff will be hosting a volunteer orientation on February 16th. The orientation is primarily for the 2016 cohort, as they are now beginning their first year of volunteer service. However, it is also open to the greater watershed district community.*

*The 2017 cohort had their most recent class on January 24th. Staff presented on the education and outreach programming at the district. They highlighted the work that is being done to create the new education and outreach plan as a part of the larger Watershed Management Plan update.*

### ***Outdoor Learning Center***

*Jordan and Dickhausen will be supporting the 4th grade water resource classes on February 6th, 7th, and 8th. They will be helping sample and test water from Staring Lake, and lead the students in other activities.*

### ***Volunteer Orientation***

The District will be hosting a one-hour orientation training for members of the community interested in volunteer opportunities at and around the watershed district. The training will occur on February 16th starting at 6:30pm - Eden Prairie Community Center.

### ***Website & Newsletter***

*The winter 2017 electronic newsletter has been sent out. Staff are looking to update the website to reflect community information needs.*

### ***Winter & Turf Maintenance Training***

*The district, together with Fortin Consulting and several other Watershed District/Organization partners received an MPCA 319 grant for Turf Maintenance and Level I Winter Maintenance trainings. The district will be able to hold approximately 6 trainings over the next year. After contacting partner cities for interest, staff decided to host one Turf Maintenance, and one Winter Parking Lots and Sidewalks class in 2017. The district will also be hosting 1-2 Turf Maintenance for Seasonal Employee short-course trainings. The grant for Level II Winter Maintenance classes ends in spring of 2018. The district still has two classes left, and plans to host one in the summer of 2017. The other class is being donated to the Pelican River Watershed District in order to help facilitate bringing these trainings outside of the Twin Cities Metropolitan Area.*

### **Bluff Creek One Water**

#### **Bluff Creek Fish Passage**

The extension from BWSR was not granted. Nevertheless, we have discovered that reach BTS is downcutting and is close to 50ft from draining a wetland. Administrator Bleser included a plan

amendment and recommended steps to restore that segment of the creek. Administrator Bleser has reached out to Carver County Soil and Water Conservation District as well as the City of Chanhassen to seek if they would be interested in partnering on this project. Both entities are.

### **Riley Creek One Water**

#### **Chanhassen Town Center**

The Project is close to be finalized.

#### **Lake Susan Park Pond**

*In October, the pond was sampled via electrofishing to assess carp numbers to ensure it was not a source of recruitment for Lake Susan. Some adults were captured however a moderate number of bluegills were present which would help control carp. Water quality data collected this year has confirmed results collected in 2015 that the pond is unusually clean. More results will be included in the annual report.*

#### **Lake Susan Water Quality CIP Project**

Project completed.

#### **Riley Creek**

Work is ongoing on Riley Creek. Administrator Bleser discussed with Lower Minnesota River Watershed District Administrator, Linda Loomis if they would be interested in partnering and pending board approval, LMRWD might be able to partner \$100,000.

#### **Lake Riley Water Quality Project (Alum)**

*Early water quality results show Lake Riley responded well to the alum treatment earlier this year. Average Secchi depth increased, Chlorophyll-a and Total Phosphorus concentrations both decreased to below or near MPCA water quality standards.*

### **Purgatory Creek One Water**

#### **Purgatory Recreational Area Berm**

Administrator Bleser and Engineer Sobiech met with the City to discuss next step for the berm.

#### **Purgatory Creek at 101**

No additional work has been.

## **Professional Workgroups and Continuing Education**

#### **Minnesota Association of Watershed District**

No new updates.

#### **Watershed Partners**

No new updates

Wednesday, January 25, 2017

Re: Item 9c and d – December Treasurer’s report

Dear Managers,

As per District’s Internal Controls and Procedures for Financial Management, the Administrator has reviewed the bills and recommends payment as outlined on page 2 of the Treasurer’s report.

Sincerely,



Claire Bleser  
Administrator

# RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT

## Treasurers Report

December 31, 2016

### REPORT INDEX

<b>page #</b>	<b>Report Name</b>
1	Cash Disbursements
2	Fund Performance Analysis - Table 1
4	Multi- Year Project Performance Analysis - Table 2
4	Grant and Other Income Performance Analysis - Table 3
5	Balance Sheet
6	Klein Bank Visa Activity
7	Opinion Report

# RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT

## Cash Disbursements

December 31, 2016

<b>Accounts Payable</b>	<b>Amount</b>
Barr Engineering Company	\$ 55,039.74
BlueCross BlueShield of Minnesota	2,717.14
Carver County	12,412.62
CenturyLink	133.13
City of Chanhassen	11.40
Dragonfly Promotions	926.47
Dunn and Semington Printing	2,542.43
ECM Publishers, Inc.	1,000.50
Environmental Systems Research Institute, Inc	2,442.00
Erdahl Aerial Photos	150.00
JMSC Futurity, PLLC	1,395.00
Josh Maxwell	69.61
Klein Bank Visa	8,187.43
Mary Bisek	790.74
Michelle Jordan	18.83
Minnesota Native Landscapes	10,350.00
Purchase Power	53.67
Regents of the University of Minnesota	16,996.63
RMB Environmental Laboratories, Inc.	520.00
Smith Partners PLLP	17,766.89
Spee-Dee Delivery Service Inc.	44.50
The Lincoln Nathional Life Insurance Company	52.91
Water Street Property Management, LLC	3,927.91
Xcel Energy	171.25
Xcel Energy	24.45
Zachary Dickhausen	2.35
<b>Total Accounts Payable</b>	<b>\$ 137,747.60</b>

<b>Payroll Disbursements</b>	<b>Amount</b>
Payroll Processing Fee	\$ 145.00
Manager Payroll Taxes	45.90
Administrator Salary	7,753.92
Staff Salary	8,863.69
Temporary Employee Salary	931.25
Administrator Payroll Taxes	562.84
Staff Payroll Taxes	646.49
Temporary Employee Payroll Taxes	75.66
PERA Match	1,316.16
<b>Total Payroll Disbursements</b>	<b>\$ 20,340.91</b>

**Total Disbursements** **\$ 158,088.51**

### Memos

The 2015 mileage rate has increase to 0.575¢ per mile. The 2016 mileage rate is 0.54¢ per mile. Klein Bank Visa will be paid online.

**RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT**  
**Fund Performance Analysis - Table 1**  
**December 31, 2016**

	2016 Budget	Month Ended Dec. 31, 2016	Year to Date Dec. 31, 2016
<b>REVENUES</b>			
Property Tax Levies	2,481,500.00	1,164,712.79	2,440,293.25
Data Collection	0.00	0.00	5,500.00
Education & Outreach	0.00	400.00	400.00
Grant Income	0.00	24,041.45	32,141.45
Interest Income	0.00	203.41	231.76
Permit Income	15,000.00	3,000.00	29,108.00
<b>TOTAL REVENUES</b>	<b>\$ 2,496,500.00</b>	<b>\$ 1,192,357.65</b>	<b>\$ 2,507,674.46</b>

**EXPENDITURES**

**Administration**

Accounting/Audit	\$ 34,000.00	\$ 1,539.99	\$ 31,719.78
Advisory Committee	4,500.00	286.68	1,319.31
Engineering Services	103,000.00	8,004.00	32,791.62
Insurance and Bonds	10,000.00	819.57	10,853.68
Legal Services	75,000.00	15,419.99	98,204.13
Manager Expenses	18,500.00	2,034.55	12,468.86
MAWD	3,500.00	0.00	4,000.00
Office Costs	72,500.00	5,931.42	77,864.54
Permit Review and Inspection	168,000.00	9,145.06	168,721.42
Recording Services	15,000.00	0.00	6,043.56
Staff Costs	265,500.00	23,138.00	241,405.62
<b>Total Administration Costs</b>	<b>\$ 769,500.00</b>	<b>\$ 66,319.26</b>	<b>\$ 685,392.52</b>

**Programs and Projects**

**DISTRICT WIDE**

	\$ 75,000.00	\$ 0.00	\$ 61,563.71
○ ◆ Community Resilience MPCA	10,000.00	7,414.13	12,794.63
Cost Share Program	150,000.00	11,888.13	108,240.58
Creek Restoration Assessment Strategy	25,000.00	5,929.00	23,561.90
Data Collection	180,000.00	13,563.34	166,241.71
District Floodplain Atlas 14	10,000.00	0.00	0.00
District Floodplain Vulnerability Evaluation	55,000.00	0.00	78,561.80
‡ Education & Outreach	104,000.00	9,920.90	96,091.16
TMDL MPCA	30,000.00	4,118.00	7,245.95
U of M	75,000.00	16,996.63	73,450.64
Watershed Plan	100,000.00	2,874.00	70,222.84
○ Repair and Maintenance	0.00	0.00	0.00
○ Survey and Analysis	0.00	0.00	23,792.63
<b>Total Distict Wide Costs</b>	<b>\$ 814,000.00</b>	<b>\$ 72,704.13</b>	<b>\$ 721,767.55</b>

○ Denotes Multi-Year Project - See Table 2 for details

◆ Grants are supplementing the projects - See table 3 for further details

\* Denotes the project will be overlapping by one year as it was not fully complete by year end.

‡ Includes the Master Design items - See Table 2 to details

See Accountants Compilation Report

**RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT**  
**Fund Performance Analysis - Table 1**  
**December 31, 2016**

	<u>2016 Budget</u>	<u>Month Ended Dec. 31, 2016</u>	<u>Year to Date Dec. 31, 2016</u>
<b>BLUFF CREEK ONE WATER</b>			
○ ◆ Fish Passage Bluff Creek	\$ 0.00	\$ 0.00	\$ 5,326.85
○ ◆ Chanhassen HS Reuse	5,000.00	4,280.30	11,137.10
<b>Total Bluff Creek One Water Costs</b>	<b>\$ 5,000.00</b>	<b>\$ 4,280.30</b>	<b>\$ 16,463.95</b>
<b>RILEY CREEK ONE WATER</b>			
○ ◆ Chanhassen Town Center	\$ 0.00	\$ 1,990.50	\$ 11,304.50
○ Lake Lucy Iron Enhanced	400,000.00	0.00	62.32
○ Lake Susan Improvements	0.00	0.00	194,086.65
○ ◆ Lake Susan Improvements Phase 2	0.00	2,642.80	7,410.10
Lake Riley - CLP Treatment	10,000.00	0.00	3,850.00
Lake Riley EWM Treatment	10,000.00	0.00	4,819.00
○ Lake Riley Alum Treatment	60,000.00	182.77	215,602.03
Lake Susan - CLP Treatment	10,000.00	0.00	2,138.85
Lake Susan Alum Treatment	11,500.00	0.00	11,005.32
Rice Lake Marsh Aeration	15,000.00	171.25	950.87
Rice Lake Marsh Alum Treatment	11,500.00	0.00	11,005.52
Lower Riley Creek Stabilizations	265,000.00	0.00	93,877.18
<b>Total Riley Creek One Water Costs</b>	<b>\$ 793,000.00</b>	<b>\$ 4,987.32</b>	<b>\$ 556,112.34</b>
<b>PURGATORY CREEK ONE WATER</b>			
○ Purgatory Creek Restoration	\$ 0.00	\$ 10,770.00	\$ 252,385.28
○ Purgatory Creek Lakes UAA	50,000.00	0.00	155,159.90
* Silver Lake Paleolimnology	0.00	0.00	2,188.00
Mitchell Lake Plant Management	15,000.00	0.00	3,905.25
Red Rock Lake Plant Management	15,000.00	0.00	7,097.78
◆ Fire Station 2 Water Reuse	0.00	0.00	0.00
<b>Total Purgatory Creek One Water Costs</b>	<b>\$ 80,000.00</b>	<b>\$ 10,770.00</b>	<b>\$ 420,736.21</b>
Contingency Reserve	\$ 35,000.00	\$ 0.00	\$ 0.00
<b>Total Contingency Reserve Costs</b>	<b>\$ 35,000.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 2,496,500.00</b>	<b>\$ 159,061.01</b>	<b>\$ 2,400,472.57</b>
<b>Excess (Deficiency)</b>	<b>\$ 0.00</b>	<b>\$ 1,033,296.64</b>	<b>\$ 107,201.89</b>

- Denotes Multi-Year Project - See Table 2 for details
- ◆ Grants are supplementing the projects - See table 3 for further details
- \* Denotes the project will be overlapping by one year as it was not fully complete by year end.
- ‡ Includes the Master Design items - See Table 2 to details

See Accountants Compilation Report

**RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT**  
**Multi-Year Project Performance Analysis - Table 2**  
**December 31, 2016**

	<u>Total Available for Project</u>	<u>2016 Budget</u>	<u>Month Ended Dec. 31, 2016</u>	<u>Year to Date Dec. 31, 2016</u>	<u>Lifetime Costs</u>	<u>Remaining Budget Funds</u>
<b>Projects</b>						
○ ◆ Chanhassen Town Center	\$ 63,000.00	0.00	1,990.50	11,304.50	22,590.50	40,409.50
○ ◆ Fish Passage Bluff Creek	415,000.00	0.00	0.00	5,326.85	24,793.39	390,206.61
○ Lake Lucy Iron Enhanced	450,000.00	400,000.00	0.00	62.32	62.32	449,937.68
○ Lake Riley Alum Treatment	260,000.00	60,000.00	182.77	215,602.03	234,977.56	25,022.44
○ Lake Susan Improvements	275,000.00	0.00	0.00	194,086.65	272,134.10	2,865.90
○ ◆ Lake Susan Improvement Ph 2	383,400.00	0.00	2,642.80	7,410.10	16,741.78	366,658.22
○ Purgatory Creek Lakes UAA	250,000.00	50,000.00	0.00	155,159.90	249,996.40	3.60
○ Purgatory Creek Restoration	661,094.00	0.00	10,770.00	252,385.28	331,225.56	329,868.44
○ ◆ Chanhassen HS Reuse	250,000.00	5,000.00	4,280.30	11,137.10	11,137.10	238,862.90
○ ◆ Community Resilience MPCA	47,000.00	10,000.00	7,414.13	12,794.63	18,175.13	28,824.87
<b>Total Multi-Year Project Costs</b>	<b>\$ 3,054,494.00</b>	<b>\$ 525,000.00</b>	<b>\$ 27,280.50</b>	<b>\$ 865,269.36</b>	<b>\$ 1,181,833.84</b>	<b>\$ 1,872,660.16</b>
<b>Programs</b>						
○ Repair and Maintenance	\$102,005.00	0.00	0.00	0.00	0.00	102,005.00
○ Survey and Analysis	37,257.00	0.00	0.00	23,792.63	24,165.26	13,091.74
<b>Total Program Costs</b>	<b>\$ 139,262.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 23,792.63</b>	<b>\$ 24,165.26</b>	<b>\$ 115,096.74</b>
<b>Other</b>						
‡ Master Design	\$ 20,500.00	0.00	0.00	1,904.00	36,475.05	(15,975.05)
<b>Total Other</b>	<b>\$ 20,500.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 1,904.00</b>	<b>\$ 36,475.05</b>	<b>\$ (15,975.05)</b>
<b>Total Multi-Year Project Costs</b>	<b>\$ 3,214,256.00</b>	<b>\$ 525,000.00</b>	<b>\$ 27,280.50</b>	<b>\$ 890,965.99</b>	<b>\$ 1,242,474.15</b>	<b>\$ 1,971,781.85</b>

**Grant and Other Income Performance Analysis - Table 3**  
**December 31, 2016**

	<u>Total Available for Project</u>	<u>Total Grant Amount</u>	<u>Required District Match</u>	<u>Additional District Funds</u>	<u>Partner Funds</u>
○ ◆ Chanhassen Town Center	\$ 63,000.00	\$ 48,000.00	\$ 12,000.00	\$ 3,000.00	\$ 0.00
○ ◆ Fish Passage Bluff Creek	415,000.00	150,000.00	168,300.00	77,500.00	19,200.00
○ ◆ Lake Susan Improvement Ph 2	383,400.00	223,400.00	58,350.00	101,650.00	0.00
◆ Metropolitan Council - WOMP	5,000.00	5,000.00	0.00	0.00	0.00
○ ◆ Chanhassen HS Reuse	205,000.00	200,000.00	5,000.00	0.00	0.00
◆ Fire Station 2 Water Reuse	98,287.00	73,715.00	24,572.00	0.00	0.00
○ ◆ Community Resilience MPCA	47,000.00	27,000.00	10,000.00	0.00	10,000.00
<b>Total Grants and Other Income</b>	<b>\$ 1,216,687.00</b>	<b>\$ 727,115.00</b>	<b>\$ 278,222.00</b>	<b>\$ 182,150.00</b>	<b>\$ 29,200.00</b>

- Denotes Multi-Year Project - See Table 2 for details
- ◆ Grants are supplementing the projects - See table 3 for further details
- \* Denotes the project will be overlapping by one year as it was not fully complete by year end.
- ‡ Includes the Master Design items - See Table 2 to details

See Accountants Compilation Report

# RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT

## Balance Sheet

As of December 31, 2016

### ASSETS

#### Current Assets

Checking	\$	3,903,882.54
Money Market Savings		75,520.41
Investments		0.00

**Total Current Assets** \$ 3,979,402.95

#### Other Assets

Taxes Receivable	\$	0.00
Security Deposit		9,744.00
Prepaid Expenses		14,124.38
Delinquent Property Taxes		17,622.16

**Total Other Assets** \$ 41,490.54

**Total Assets** \$ 4,020,893.49

### LIABILITIES AND NET ASSETS

#### Liabilities

##### Current Liabilities

Accounts Payable	\$	137,747.60
Payroll Withholding		91.82
Accrued Payroll		0.00
PERA Withholding		(0.01)

**Total Current Liabilities** \$ 137,839.41

##### Other Current Liabilities

Retainages Payable		23,786.93
Taxes Payable		0.00

**Total Other Current Liabilities** \$ 23,786.93

##### Long-Term Liabilities

Deferred Revenues	\$	17,622.16
Unearned Revenue		132,396.16
Permit Escrows		622,975.00

**Total Long-Term Liabilities** \$ 772,993.32

**Total Liabilities** \$ 934,619.66

#### Net Assets

Cumulative Fund Balance	\$	2,979,071.94
Excess (Deficiency) Current		107,201.89

**Total Net Assets** \$ 3,086,273.83

**Total Liabilities and Net Assets** \$ 4,020,893.49

**RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT**  
**Klein Bank Visa Activity**  
**December 31, 2016**

DATE	PURCHASE FROM	AMT	DESCRIPTION	ACCT #	RECEIPT	Total
5-Dec	SuperAmerica	\$ 50.59	Conferences/Training - Staff	15802		
30-Nov	Eldens Fresh Foods	\$ 58.08	Conferences/Training - Staff	15802		
30-Nov	Arrowwood Resort	\$ 196.46	Conferences/Training - Staff	15802	y	
30-Nov	Arrowwood Resort	\$ 196.46	Conferences/Training - Staff	15802		
1-Dec	Arrowwood Resort	\$ 196.44	Conferences/Training - Staff	15802	y	
1-Dec	Arrowwood Resort	\$ 196.44	Conferences/Training - Staff	15802	y	\$ 894.47
30-Nov	Eldens Fresh Foods	\$ 58.08	Conference/Training Manager	70302		
30-Nov	Arrowwood Resort	\$ 196.46	Conference/Training Manager	70302	y	
30-Nov	Arrowwood Resort	\$ 294.69	Conference/Training Manager	70302		
7-Dec	Buca Di Peppo	\$ 209.88	Conference/Training Manager	70302	y	\$ 759.11
1-Dec	Arrowwood Resort	\$ 196.46	Manager General Expense	70400	y	
1-Dec	Arrowwood Resort	\$ 196.44	Manager General Expense	70400	y	\$ 392.90
30-Nov	The Lake Café	\$ 16.96	Conferences/Training - Admin	71002	y	
2-Dec	Arrowwood Resort	\$ 63.95	Conferences/Training - Admin	71002	y	
1-Dec	Arrowwood Resort	\$ 196.44	Conferences/Training - Admin	71002	y	\$ 277.35
21-Nov	Microsoft	\$ 40.23	Office Expense	90002	y	
18-Nov	General Delivery	\$ 46.62	Office Expense	90002	y	
6-Dec	U of M St. Paul Books	\$ 20.89	Office Expense	90002	y	
7-Dec	Cub Foods	\$ 11.98	Office Expense	90002	y	
7-Dec	Lunds & Byerlys	\$ 61.57	Office Expense	90002	y	
7-Dec	Office Depot	\$ 33.09	Office Expense	90002	y	
9-Dec	Michaels	\$ 14.97	Office Expense	90002	y	
16-Dec	Crumb Deli	\$ 25.75	Office Expense	90002	y	
16-Dec	General Delivery	\$ 18.25	Office Expense	90002	y	
19-Dec	Microsoft	\$ 57.96	Office Expense	90002		
23-Dec	General Delivery	\$ 78.80	Office Expense	90002	y	\$ 410.11
2-Dec	Hampton Inns	\$ 191.12	Advisory Committee	92001		
2-Dec	Hampton Inns	\$ 95.56	Advisory Committee	92001	y	\$ 286.68
16-Dec	Target	\$ 202.38	Education & Outreach	93002		
20-Dec	Climategene	\$ 180.00	Education & Outreach	93002	y	\$ 382.38
22-Nov	National Camera Exch	\$ 354.00	Data Collection	100802	y	
6-Dec	USPS	\$ 40.80	Data Collection	100802	y	
8-Dec	Carolina Biological	\$ 172.16	Data Collection	100802	y	
8-Dec	Home Depot	\$ 85.79	Data Collection	100802	y	
13-Dec	My Commerce	\$ 80.46	Data Collection	100802	y	
14-Dec	Wenonah Canoe	\$ 82.23	Data Collection	100802	y	
14-Dec	The UPS Store	\$ 230.81	Data Collection	100802	y	
14-Dec	Amazon	\$ 24.99	Data Collection	100802	y	
15-Dec	The Home Depot	\$ 40.56	Data Collection	100802		
16-Dec	World Auto Repair	\$ 1,225.41	Data Collection	100802	y	
19-Dec	Amazon Market Place	\$ 81.84	Data Collection	100802	y	
19-Dec	Amazon Market Place	\$ 166.98	Data Collection	100802	y	
19-Dec	The Home Depot	\$ 569.79	Data Collection	100802	y	
21-Dec	Amazon	\$ 376.65	Data Collection	100802	y	
21-Dec	Amazon	\$ 89.95	Data Collection	100802	y	
28-Dec	H. Christianson Comp.	\$ 785.00	Data Collection	100802	y	\$ 4,407.42
14-Dec	Verizon Wireless	\$ 14.28	Office Internet and Phone	170002		
14-Dec	Verizon Wireless	\$ 307.58	Office Internet and Phone	170002	y	\$ 321.86
7-Dec	Lunds & Byerlys	\$ 32.85	Community Resilience	187002	y	
6-Dec	U of M St. Paul Books	\$ 22.28	Community Resilience	187002	y	\$ 55.13
<b>TOTAL PURCHASES</b>		<b>\$ 8,187.41</b>				<b>\$ 8,187.41</b>

**Moving People  
and  
Business Forward**

Riley Purgatory Bluff Creek  
Watershed District  
Eden Prairie, MN

To the Board of Managers:

**Accountant's Opinion**

The Riley Purgatory Bluff Creek Watershed District is responsible for the accompanying December 31, 2016 Treasurer's Report in the prescribed form. We have performed a compilation engagement in accordance with the Statements on Standards for Accounting and Review promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the Treasurer's Report nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by the Riley Purgatory Bluff Creek Watershed District. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on the Treasurer's Report.

**Reporting Process**

The Treasurer's Report is presented in a prescribed form mandated by the Board of Managers and is not intended to be a presentation in accordance with accounting principles generally accepted in the United States of America. The reason the Board of Managers mandates a prescribed form instead of GAAP (Generally Accepted Accounting Principles) is this format gives the Board of Managers the financial information they need to make informed decisions as to the finances of the watershed.

GAAP basis reports would require certain reporting formats, adjustments to accrual basis and supplementary schedules to give the Board of Managers information they need, making GAAP reporting on a monthly basis extremely cost prohibitive. An outside independent auditing firm is retained each year to perform a full audit and issue an audited GAAP basis report. This annual report is submitted to the Minnesota State Auditor, as required by Statute, and to the Board of Water and Soil Resources.

The Treasurer's Report is presented on a modified accrual basis of accounting. Expenditures are accounted for when incurred. For example, payments listed on the Cash Disbursements report are included as expenses in the Treasurer's Report even though the actual payment is made subsequently. Revenues are accounted for on a cash basis and only reflected in the month received.

*JMSC, PLLC*

JMSC, PLLC  
St. Louis Park, MN  
January 27, 2017



## Memorandum

**To:** Riley Purgatory Bluff Creek Watershed District Board of Managers  
**From:** Scott Sobiech, Barr Engineering Company  
**Subject:** Modification for Permit Application 2016-032: CSAH 61 in Eden Prairie  
**Date:** January 25, 2017  
**Project:** 23270053.14 PRMT 005

### Project Description

**Permit No:** 2016-032

**Received complete:** September 16, 2016 (Conditionally approved at November 2, 2016 regular meeting)

**Applicant:** Hennepin County (Jason Staebell) and City of Eden Prairie (Dave Modrow)

**Consultant:** None listed on application

**Project:** CSAH 61 (Flying Cloud Drive) Reconstruction – The proposed project is a reconstruction of existing County State Aid Highway (CSAH) 61 (also known as Flying Cloud Drive) from Highway 101 on the west to Charlson Road on the east including a single span bridge structure over Riley Creek. Though no work by Eden Prairie or on Eden Prairie-owned land is proposed at this time, the city co-signed on the application to request that RPBCWD provide analysis of capacity in a proposed stormwater facility accounts for the city’s intended future use of the facility for its planned realignment of Eden Prairie Road from the top of the bluff to the bottom at CSAH 61. Infiltration and wet detention will provide storm water quantity, volume and quality control.

**Location:** Along CSAH 61 between Highway 101 in Chanhassen to Charlson Road in Eden Prairie

**Reviewer:** Candice Kantor and Scott Sobiech, Barr Engineering

**Rules: Applicable rules checked**

X	Rule B: Floodplain Management		Rule H: Appropriation of Public Waters
X	Rule C: Erosion and Sediment Control		Rule I: Appropriation of Groundwater
X	Rule D: Wetland and Creek Buffers	X	Rule J: Stormwater Management
	Rule E: Dredging and Sediment Removal	X	Rule K: Variances and Exceptions
X	Rule F: Shoreline/Streambank Stabilization		Rule L: Permit Fees
X	Rule G: Waterbody Crossings		Rule M: Financial Assurances

### Background

At the November 2, 2016 RPBCWD Board meeting the Managers conditionally approved Hennepin County’s permit application to improve County State Aid (CSAH) 61 existing Hennepin County State Aid Highway (CSAH) 61 (also known as Flying Cloud Drive) from Highway 101 on the west to Charlson Road on the east (approximately 3.7 miles). This reconstruction project includes converting the existing two-lane highway section to a three lane section with a shared center left turn lane. Right turn lanes and other safety improvements (lighting, skew

To: Riley Purgatory Bluff Creek Watershed District Board of Managers  
From: Scott Sobiech, Barr Engineering Company  
Subject: Modification for Permit Application 2016-032: CSAH 61 in Eden Prairie  
Date: January 18, 2017  
Page: 2

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corrections, etc.) are proposed at key intersections. The roadway will also be raised in several locations in order to locate the roadway above the 100-year flood elevation of the Minnesota River. A single span bridge structure is also proposed to carry the CSAH 61/Flying Cloud Drive over Riley Creek. A new multi-use trail will be added to the north side of the roadway. At the request of the city of Eden Prairie, Hennepin County proposed to over-construct a proposed stormwater infiltration basin to accommodate anticipated runoff management requirements from the city's intended realignment of Eden Prairie Road from the top of the bluff to the bottom at CSAH 61. In addition to the proposed infiltration basin, the project also proposed a wet detention pond and rock trench for stormwater treatment, rate control and volume reduction.

While a soil boring collected near the proposed infiltration basin (Eden Prairie Road Infiltration Basin) by Braun Intertec Corporation showed no groundwater to a boring depth of 31 feet for the nearest soil boring (ST-275) to the infiltration basin, Rule J requires that soil boring data from the proposed infiltration site be supplied to demonstrate that the bottom of the infiltration basin is at least 3 feet above the water table (subsection 3.1b.ii). The boring is also necessary to characterize the soils present below the basin and confirm the infiltration capacity. Soil boring ST-275 indicated the presence of layers of silty sand to poorly graded sand below the infiltration basin. Based on this information, the applicant proposed the basin as an infiltration basin to meet the rate control, volume abstraction and water quality criteria of Rule J. Because soil boring ST-275 was only located near the proposed infiltration basin the application was conditionally approved with a requirement that the applicant verify the soil present and infiltration capacity of the soil at the Eden Prairie Road Infiltration Basin site by completing an additional soil boring, infiltrometer test, potholing or other methods.

On January 13, 2017 the applicant provided soil borings and supporting design information requesting a permit modification for the stormwater management on the site because high groundwater levels were encountered during the required verification. A soil boring taken at the proposed infiltration basin site in November 2016 (ST-313) shows the groundwater elevation about 19 feet higher (elevation 736.3) than previous soil boring (ST-275) information indicated. Soil boring ST-313 also revealed organic clay soils below the proposed infiltration basin. High groundwater and the clay soil layer would limit the ability to infiltrate water because there is less than the required 3 feet of separation between the basin bottom and the groundwater level. Because of the high groundwater levels resulting in less than 3 feet of separation, the applicant is proposing to modify the design to be a dry basin with a revised outlet design for water quality treatment and rate control and to increase the rock infiltration trench adjacent to the proposed Spring Road wet pond to provide additional abstraction.

### **Rate Control**

The modified design includes construction of a dry detention basin, wet detention pond, and rock trench to provide the rate control, volume abstraction and water quality management on the site. Before stormwater runoff enters the dry detention basin on the western end of the project in RPBCWD it first flows through a pretreatment forbay. The forbay and dry basin are sized to include drainage from the future Eden Prairie Road reconstruction. Runoff entering the rock infiltration trench will be pretreated by the Spring Road Pond, a wet detention pond, located just east of Spring Road.

(The city road reconstruction work will not be authorized by this permit modification, if issued. The city must submit a separate application with necessary supporting materials for the Eden Prairie Road work. Hennepin County has consented to allow use of the dry detention facility for purposes of the city’s future work, but will need to affirm this arrangement and the availability of capacity in the facility for purposes of Eden Prairie’s application to come. RPBCWD’s approval, if granted, of this modification to permit 2016-032 does not represent a determination of compliance of the Eden Prairie Road reconstruction work with RPBCWD regulatory requirements. The analysis of compliance of the Eden Prairie Road work in this report is provided for information only.)

In order to meet the rate control criteria listed in Subsection 3.1.a, the 2-, 10-, and 100-year post development peak runoff rates must be equal to or less than the existing discharge rates at all locations where stormwater leaves the site.

The Applicant used a HydroCAD hydrologic model to simulate runoff rates for pre- and post-development conditions for the 2-, 10-, and 100-year frequency storm events using a nested rainfall distribution, and a 100-year frequency, 10-day snowmelt event. The existing and proposed 2-, 10-, and 100-year frequency discharges from the site are summarized in the table below. The proposed project modification conforms to RPBCWD Rule J, Subsection 3.1.a.

Modeled Discharge Location	2-Year Discharge (cfs)		10-Year Discharge (cfs)		100-Year Discharge (cfs)		10-Day Snowmelt (cfs)	
	Ex	Prop	Ex	Prop	Ex	Prop	Ex	Prop
Riley Creek	73.5	73.1	354.3	353.0	1400	1397.7	230.1	229.6
Eden Prairie Road	5.8	0.8	8.9	1.7	15.4	4.4	2.3	2.2

### Volume Abstraction

The stormwater volume abstraction criteria in Subsection 3.2.c of Rule J apply because the Hennepin County linear project will create more than 1 acre of new and/or fully reconstructed impervious area. The table below provides a breakdown of the impervious surfaces associated with the CSAH 61 project and the future Eden Prairie Road reconstruction. The CSAH 61 portion of the project requires abstraction onsite of 0.55 inches of runoff from the net increase in impervious surface area is required. It is anticipated that future reconstruction of Eden Prairie Road will require the abstraction onsite of 1.1 inches of runoff from the net increase in impervious surface area, which must be verified when the permit application for reconstruction of Eden Prairie Road is submitted.

Project Element	New and/or fully reconstructed area (acres)	Net increase in impervious area (acres)	Applicable Rule J subsection	Required Abstraction Volume (acre-feet)
CSAH 61 Reconstruction	4.12	-0.66	3.2ci	0.19
Future Eden Prairie Road Reconstruction	1.71	1.19	3.2cii	0.11

The total abstraction volume required for the CSAH 61 project and the future Eden Prairie Road reconstruction is 0.3 acre-feet. The Applicant proposes a rock infiltration trench with pretreatment of runoff provided by wet ponds and SAFL baffles to meet the requirement for the CSAH 61 reconstruction. Soil borings performed by Braun Intertec Corporation show that soils in the vicinity of the rock infiltration trench is poorly graded sand. The MN Stormwater Manual indicates an infiltration rate of 0.8 in/hr for these materials is appropriate. The groundwater depth near the rock infiltration trench was observed at elevation 718.9 (boring ST-313), which is 3.0 feet below the proposed bottom of the trench. This indicates that groundwater is at least 3 feet below the bottom of the proposed infiltration basins (Rule J, Subsection 3.1.b.ii).

The table below summarizes the volume abstraction on the site.

Project Element	Required Abstraction Volume (acre-feet)	Provided Abstraction Volume (acre-feet)
CSAH 61 Reconstruction	0.19	0.22
Future Eden Prairie Road Reconstruction	0.11	0.0

The proposed project modification conforms to the abstraction requirements of Rule J, subsection 3.3, for the proposed reconstruction of CSAH 61.

### Water Quality Management

Subsection 3.1.c of Rule J requires the Applicant provide for at least 60 percent annual removal efficiency for total phosphorus (TP), and at least 90 percent annual removal efficiency for total suspended solids (TSS) from site runoff. The Applicant is proposing a dry detention basin, infiltration trench and wet detention pond to achieve the required TP and TSS removals. A P8 water quality model was developed to estimate the TP and TSS loading from the catchment areas and the removal capacity of the proposed wet detention pond and infiltration basin. The results of this modeling are summarized below. The infiltration basin is sized to include drainage from the future

Eden Prairie Road reconstruction, reported to include 1.71 acres of proposed impervious surface. The engineer finds that the proposed project is in conformance with Rule J, Subsection 3.1.c. The data presented show that the RPBCWD water quality standard is met for the presently proposed Hennepin County project and that the capacity is created for the possible future city work. The city road reconstruction work is not authorized by this permit modification, if issued.

Pollutant of Interest	Regulated Site Loading (lbs/yr)	Required Load Removal (lbs/yr) <sup>1</sup>	Provided Load Reduction (lbs/yr)
Total Suspended Solids (TSS)	4092	3683 (90%)	4863 (>100%)
Total Phosphorus (TP)	13.5	8.1 (60%)	12.7 (94%)

<sup>1</sup>Required load reduction is calculated based on the removal criteria in Rule J, Subsection 3.1c and the new and reconstructed impervious area site load

### Low floor Elevation

No structure may be constructed or reconstructed such that its lowest floor elevation is less than 2 feet above the 100-year event flood elevation and no stormwater management system may be constructed or reconstructed in a manner that brings the low floor elevation of an adjacent structure into noncompliance according to Rule J, Subsection 3.6. No buildings are located adjacent to the stormwater management systems. The lowest elevation of the adjacent roadway and the 100-year event flood elevation of the filtration basin are summarized below. The RPBCWD Engineer concurs that the proposed project modification is in conformance with Rule J, Subsection 3.6.

Waterbody	Low Elevation of Adjacent Structure (feet)	Proposed 100-year Event Flood Elevation (feet)	Freeboard (feet)
Riley Creek	726.66	719.7	6.96
Spring Road Pond	~736	727.81	8.19

### Recommendation

Engineer recommends approval of the requested permit modification due to encountering high groundwater during the collection of addition soil boring data with the conditions and stipulations associated with the Board of Manager's November 2, 2016 conditional approval.

**TASK ORDER No. 22- RPBCWD Groundwater Assessment**  
**Pursuant to Agreement for Engineering Services**  
**Riley Purgatory Bluff Creek Watershed District and BARR Engineering Company.**  
**January 26, 2017**

This Task Order is issued pursuant to Section 1 of the above-cited engineering services agreement between the Riley Purgatory Bluff Creek Watershed District (District) and BARR Engineering Company (Engineer) and incorporated as a part thereof.

1. Description of Services:

Understanding how changes in the groundwater system may affect water levels, stream flow, and water quality is an important component of long-term planning and protection of water resources in the District. How well connected, or disconnected, surface waters are to the groundwater system affects how they may respond to seasonal changes (drought), long-term climate change, or anthropogenic stresses (groundwater pumping). The purpose of this project is to determine how groundwater and surface water interact across the district and then use that data to identify:

- Surface waters and wetlands in the district that may be particularly sensitive to groundwater pumping or climate change
- Specific opportunities for enhanced groundwater recharge to achieve dual goals of replenishing stressed aquifers while also achieving stream-flow volume reductions and water quality improvements
- Areas where infiltration may cause increased risk for slope failure

2. Scope of Services:

Engineer's services under this task order shall include:

**Task 1 – Evaluation of groundwater/surface-water interaction for District lakes, streams, and select wetland areas**

As part of this task, Barr will compile publicly available data sets that will aid in classifying groundwater/surface-water interactions. A number of different agencies and organizations collect groundwater, surface-water, and other environmental data throughout the district for many different purposes. Some of these data are well-documented, up-to-date, and already compiled into functional datasets that can be easily used. Other data are not well documented, fragmented, or inconsistent. Barr will compile relevant data (likely into a GIS) that is consistent, up-to-date, and can be easily managed.

Some of the major datasets to be compiled and used for this study include:

- Carver County Groundwater Plan
- District stream monitoring data
- District observation well data
- Surficial and bedrock geology from the Minnesota Geological Survey
- Lake bathymetric data from the District and DNR
- Surface topography and morphology (from recent LiDAR data)
- Minnesota DNR observation-well data
- Minnesota DNR and District lake-level observations

- Well records and boring logs from the County-Well Index (CWI)
- National Resources Conservation Services (NRCS) Soil Survey Geographic Database (SURGO)
- Data from the Twin Cities Metropolitan Area Groundwater Flow Model (Metro Model 3)
- Water use appropriation permits from the Minnesota DNR

Using the compiled data, Barr will characterize the relationship between surface waters and groundwater. This task involves three fundamental steps: 1) determining whether a connection between surface water and groundwater is likely or not; 2) classifying the connection based on how groundwater and surface water interact; and 3) evaluating the degree of influence groundwater has on individual surface water features and if the surface water is vulnerable to changes in the groundwater system, either pumping induced or resulting from longer climatic changes. How vulnerable a surface-water feature is to changes in the groundwater system depends on a combination of how groundwater and surface water interact, physical characteristics of the water body (depth, bed permeability), local geology, and sensitivity of biota.

### **Task 2 - Identify opportunities for enhanced groundwater recharge**

Data compiled as part of the initial phase of this project, in addition to land-use and other planning data, will be used to identify specific opportunities for enhanced groundwater recharge via infiltrating storm water. Areas for enhanced recharge will be identified to achieve dual goals of replenishing stressed aquifers while also achieving stream-flow volume reductions and water quality improvements. The effectiveness of infiltrating storm water to enhance groundwater recharge is dependent on several factors, including:

- Local geology (e.g. surficial soils, depth to bedrock, and geology of the unsaturated zone)
- Depth to groundwater
- Proximity to surface waters
- Volume of storm water available

Infiltrating in some areas may have more benefit than other areas. For example, if infiltrating to enhance recharge to the Jordan aquifer, the presence of confining units above the Jordan aquifer (e.g. large bodies of glacial clay till) may prevent any positive impact. Enhanced recharge can also be used to help offset impacts occurring, or projected to occur, due to increased pumping. For example, infiltrating to increase baseflow to a stream, or increase groundwater inflow to a lake. These infiltration strategies are highly dependent on proximity to such features.

Identification of areas best suited for enhanced groundwater recharge will also include evaluation of potential negative consequences. In some areas, a rise in the water table from too much infiltration may have negative impacts such as wet basements, seepage in undesirable areas, or risk of slope failure. The quality of water is also a concern for infiltrating storm-water to enhance recharge to drinking water aquifers. As part of our analysis, we will review existing water supply management areas and aquifer vulnerability mapping done as part of individual communities well head protection plans.

### **Task 3 – Report describing methods and results**

A final report describing the methods and results of the above tasks with the appropriate figures, tables, and attachments will be prepared. The report will include potential next steps to enhance the District understanding groundwater and identify gaps where additional information is needed. All GIS

data created as part of this project will be compiled and delivered electronically. We assume that one draft report will be prepared for District review prior to completion of the final report.

3. Deliverables:

The following deliverables will be prepared and provided to the RPBCWD:

- Regular email updates about project progress
- Report discussion methods and results
- Communications with District staff if unforeseen issues arise with any aspect of the project, including the technical scope of work, project budget, stakeholder involvement, or project schedule.

4. Budget:

Services under this Task Order will be compensated for in accordance with the engineering services agreement and will not exceed \$30,000, without written authorization by the Administrator or Board of Managers.

5. Schedule and Assumptions Upon Which Schedule is Based

The proposed schedule is based on the assumptions that this effort will begin in early 2017 and be complete by September 29, 2017.

**IN WITNESS WHEREOF**, intending to be legally bound, the parties hereto execute and deliver the work outline in this Agreement.

**CONSULTANT**

**RILEY PURGATORY BLUFF CREEK  
WATERSHED DISTRICT**

By \_\_\_\_\_

By \_\_\_\_\_

Its Vice President \_\_\_\_\_

Its \_\_\_\_\_

Date:

Date:

*APPROVED AS TO FORM & EXECUTION*

\_\_\_\_\_



January 13, 2017

President Perry Forster and Board of Managers  
Riley-Purgatory-Bluff Creek Watershed District  
14500 Martin Drive Suite 1500  
Eden Prairie, MN 55344

**Re: Purgatory Creek at Highway 101 Stabilization Project – Pay Application #2  
Barr Project # 23/27-0053.14-007**

Dear President Forster and Board of Managers:

Enclosed is the Application for Payment #2 from Minnesota Native Landscapes for work completed through 12/31/2016, on the above-referenced project. Upon your review and approval, please sign three copies and return one copy to me, one copy to the contractor and retain the remaining copy for your files.

Major items of work covered by this pay application include installing buffer signs and live stakes. Final planting of trees and shrubs is scheduled for the spring.

Barr Engineering has reviewed the application, and is recommending payment in the amount of **\$10,350**. Payments shall be made directly to Minnesota Native Landscapes.

Please call me at 952-832-2755 if you have any questions or concerns about the application for payment, or about any other related matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Sobiech". The signature is fluid and cursive.

Scott Sobiech, P.E.  
Barr Engineering Co.

c: Claire Bleser, RPBCWD  
Jeff Renier, Minnesota Native Landscapes

Enclosure #1 – Application for Payment – Progress Payment 2

**Purgatory Creek at Highway 101 Stabilization Project  
Progress Payment Number 1**

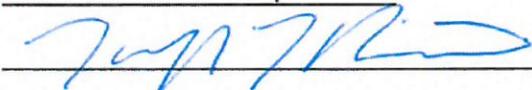
1.0	Total Completed Through This Period	<u>\$207,763.75</u>		
2.0	Total Completed Previous Period		<u>\$197,413.75</u>	
3.0	Total Completed This Period			<u>\$10,350.00</u>
4.0	Amount Retained, Previous Period		<u>\$13,469.38</u>	
5.0	Amount Retained, This Period (See Note 1)		<u>\$0.00</u>	
6.0	Total Amount Retained		<u>\$13,469.38</u>	
7.0	Retainage Released Through This Period:			<u>\$0.00</u>
8.0	Amount Due This Period			<u><u>\$10,350.00</u></u>

Note 1: At rate of 10% until Completed to Date equals 50% of current Contract Price and a rate of 0% thereafter.

Note 2: Current Contract Price \$269,387.50

**SUBMITTED BY:**

Name: Jeff Renier Date: 1/12/17  
 Title: Project Manager  
 Contractor: Minnesota Native Landscapes

Signature: 

**RECOMMENDED BY:**

Name: Scott Sobiech Date: 1/13/17  
 Title: District Engineer  
 Engineer: Barr Engineering Company

Signature: 

**APPROVED BY:**

Name: Perry Forster Date: \_\_\_\_\_  
 Title: President  
 Owner: Riley Purgatory Bluff Creek Watershed District

Signature: \_\_\_\_\_



**Minutes: Monday January 23, 2017 RPBCWD Citizens Advisory Committee Orientation meeting held at Eden Prairie Community Center**

Michelle Jordan District Liaison	P	Dennis Yockers	E	Jim Boettcher	P
Paul Bulger	P	Judy McClellan	P	Peter Iverson	P
Joan Palmquist	P	Matt Lindon	P	Sharon McCotter	E
Dorothy Pedersen	P	Anne Deuring	P	David Ziegler	P
Also in attendance:		Louis Smith, District Council		Scott Sobiech, Barr Eng.	
Perry Forster (Board)		Claire Bleser, District Administrator			

**Requests to the Board:**

**1. MOTION: CAC supports the 10 year plan prioritization scheme as presented with minor adjustments to be made to the scheme and weighting as Board considers projects. Zeigler/Boettcher: Approved unopposed.**

1. Meeting was called to order at 5:40 pm by President Pedersen, attendance is noted above.

**MOTION: Approve Agenda with additions. Ziegler/Lindon. Approved unopposed.**

Regular meeting agenda is suspended for this month's orientation. Welcome to our three new members Joan, Anne and Judy. After several introductions, Michelle covered our provided notebooks.

2. Louis Smith, the attorney for the watershed, gave a presentation on the history of watersheds and their establishments, powers and purposes. The establishment of the CAC was also discussed, and how our watershed is organized.

3. Claire and Scott presented the 10 year plan prioritization tool, as they presented to the Board of Managers at the January Board Workshop. Discussion and comments ensued. Topics covered: does the tool give more emphasis to saving more preserved areas of the watershed vs. restoration? Are costs considered in the final analysis of projects? Is money better spent where dollars can be maximized more efficiently? How can unexpected projects or events be addressed without a plan amendment? Does the tool address boating and swimming needs enough (viewing, walking and kayaking came before those choices on the survey, but all are addressed with the tool.) Is carp management/AIS management in the tool? Does the tool focus too much on One Water? Should there be a rotation of projects from each creek area so monies are distributed across the watershed more fairly? The tool seems to be much more fair, and takes much more into account so monies are used without favoritism. Overall, the CAC felt the tool was quite an improvement over current methods, and does take into account the results of the community survey. The final choice of projects will still need to be thoughtfully chosen by the Board. A motion by Ziegler/Boettcher was approved unopposed to support the tool.

**Minutes: Monday January 23, 2017 RPBCWD Citizens Advisory Committee  
Orientation meeting held at Eden Prairie Community Center**

4. Items on next month's agenda: Elections; review and input on the CAC calendar for 2017; further orientation on Robert's Rules of Order, the Board-CAC communication process discussed midyear 2016, and further orientation on purpose and function of bylaws, hydrology, and the formation of subcommittees. Meeting will begin early again for a second presentation in the orientation series. Meeting will probably be held at the district's new offices.

- a. Board Workshop, Wednesday February 1, 5:30 pm; Eden Prairie City Center
- b. Board Meeting Wednesday February 1, 7:00 pm; Eden Prairie City Center
- c. CAC Meeting Monday February 27, 5:30 pm District Office

5. Adjournment:

**MOTION: To adjourn Boettcher/Palmquist, passed unopposed. Meeting adjourned at 8:35 pm.**

Respectfully Submitted,

Dorothy Pedersen  
CAC Chair

**DRAFT**

To: Board of Managers  
From: Claire Bleser, District Administrator  
Date: January 26, 2016  
Subject: Governance Manual and Employee Handbook

Dear Managers,

I've attached reviewed Governance Manual and Employee Handbook. The Governance and Personnel Committee has met to discuss to update both documents. Please find below a summary of changes to both documents.

Governance Manual:

- Pg 3. – Clarification on processing manager's per diem.
- Pg. 10 – Courtesy clause
- Pg. 47 – 49 – Remove reference to general fund and add endeavor language
- Pg. 51 – Clarification on Treasurer's procedure, increase credit card expenditure limit

Employee Handbook:

- Pg. 1 – Change logo to reflect branding changes
- Pg. 35 – Updated the information to reflect pay schedule
- Pg. 44 – Added Floating Holiday consistent with employment offers

Staff recommends approval of the changes in both the Governance Manual and the Employee Handbook.

Sincerely,



Claire Bleser  
District Administrator

Proposed Motion:

Manager \_\_\_\_\_ moved and Manger \_\_\_\_\_ seconded to approve the changes in the Governance Manual and Employee Handbook and provide copy of the approved new Governance Manual to the Office of the State Auditor.

# RILEY-PURGATORY-BLUFF CREEK WATERSHED DISTRICT

## GOVERNANCE MANUAL

Adopted as amended [DATE]

DRAFT Amendments, February 1, 2017

DRAFT

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Deleted: amended June 29, 2015

Author  
Deleted: August 3, 2016

Claire Bleser 9/30/2016 1:00 PM  
Deleted: September

Claire Bleser 1/22/2017 7:13 AM  
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Claire Bleser 1/22/2017 7:13 AM  
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**Appendix A: Inventory of Not-Public Data on Individuals**

## Riley-Purgatory-Bluff Creek Watershed District Governance Manual – Introduction

The Riley-Purgatory-Bluff Creek Watershed District is a special purpose unit of government established under Minnesota Statutes chapters 103B and 103D. The Riley-Purgatory-Bluff Creek Watershed District, is governed by a five-member Board of Managers appointed to staggered terms by the Hennepin County and Carver County Boards of Commissioners. In 2012, the Riley-Purgatory-Bluff Creek Watershed District hired an administrator to oversee and direct day-to-day activities and to carry out the Water Management Plan.

This **Riley-Purgatory-Bluff Creek Watershed District Governance Manual** was adopted by the Board on July 2, 2014, and adopted as amended February 4, 2015. The manual establishes clear written policies, procedures and instructions for the management of District activities and accounts, complete recordkeeping and records management, and separation of duties among District staff and contractors. The manual will also help to ensure that: similar transactions are treated consistently; that accounting principles used are appropriate and proper; and that records and reports are produced in forms desired by the managers and state review entities, including: the Legislature, the Office of the State Auditor; and the Board of Water and Soil Resources.

The manual consists of this document, along with the following policies and protocols adopted by the District:

- **General Governance Policies**,
- **Bylaws**, including the District Conflict of Interest Policy and fulfilling the requirement of Minnesota Statutes section 103D.315, subdivision 11.
- **Policies and Procedures for Public Access to Documents**, fulfills requirements of the state Data Practices Act applicable to the District. The following auxiliary documents fulfill specific requirements of the Data Practices Act, as noted:
  - Security of Not-Public Data and procedures to ensure accuracy and security of data on individuals and to notify data subjects of their rights under the DPA, along with the accompanying Inventory of Not-Public Data on Individuals.
  - Procedures to ensure accuracy and security of data on individuals (Minn. Stat. § 13.05, subd. 5) and to notify data subjects of their rights under the DPA (Minn. Stat. § 13.025, subd. 3).
  - Tennesen notices and consent forms, created when needed and tailored for specific circumstances where private or confidential data is collected from individuals, such as new employees, or distributed (Minn. Stat. § 13.04, subd. 2). (The manual includes the District’s basic templates.)
- **Records Retention Schedule** allows the District to efficiently manage and, when appropriate, archive its files, and fulfills the requirement of section 138.17, subdivision 7, as well and the Data Practices Act requirement that the District maintain a list of private and confidential data on individuals maintained by the District (section 13.05, subdivision 1). The schedule also includes indication of whether the District stores information electronically or in hard copy form, in compliance with the Uniform Electronic Transactions Act, Minnesota Statutes section 325L.17.

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- **Policy for Management of Permit Fees, Financial Assurances and Abandoned Property** provides protocols to manage assurances collected by the District from permittees and ensures that funds submitted are managed in accordance with the state unclaimed property law (chapter 345 generally and section 345.38 specifically), accompanied by an:
  - Escrow agreement template, for escrow of funds submitted by permittees in fulfillment of the financial performance-assurance requirements in the District rules.
- **Public Purposes Expenditures Policy** includes protocols and requirements to ensure that the District complies with the requirement in the state constitution (Article X, section 1) that expenditures by government bodies must serve a public purpose;
- **Fund Balance Policy** adopted to bring District fund-classification and -naming practices into compliance with general accounting standards.
- **Internal Controls and Procedures for Financial Management** provides terms for the management and administration of District finances.

The manual will be reviewed [at the managers' annual business meeting](#) and updated as necessary. The manual will be submitted within 60 days of adoption to the Office of the State Auditor in compliance with Minnesota Statutes section 6.756, as will any revisions and additional policies when adopted.

District staff and contractors are expected to conduct District business in accordance with the manual and to alert the Board of Managers to improvements and additions needed.

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**Riley-Purgatory-Bluff Creek Watershed District**  
**General Governance Policies**

Adopted July 2, 2014

The following general governance policies help ensure sound administration of District business and continued focus of District resources on protection and improvement of the water resources in the Riley-Purgatory-Bluff Creek watershed.

**I. Contracting**

- a. The Board of Managers delegates to the administrator the authority to approve work-change directives and change orders for District projects that will result in a change in the cost of a project of \$10,000 or less.
- b. The administrator may require a District contractor to secure additional or replacement payment and/or performance bonds to cover any increased price of a District project resulting from a change order approved by the administrator.
- c. A change order approved by the administrator will be presented to the Board of Managers at its next meeting.

**II. Per diems**

- a. Managers may receive a per diem for participation in a meeting of the Board of Managers, approved meeting and training, and for other necessary duties. An activity must be authorized or requested by the Board of Managers or requested by the administrator to be considered a necessary duty for purposes of this policy.
- b. Managers will prepare claim forms for per diem and expenses in duplicate. The original will be submitted to the treasurer to be processed and approved in the same manner as other claims against the District. Claims for expenses should be submitted quarterly, and under any circumstances all claims for expenses in any given year must be submitted prior to January 15 of the following year. The manager will retain a copy for his or her personal records.
- c. A manager may receive only one per diem per day of service to the District.
- d. The District will establish the per diem rate by resolution. In the absence of such action by the Board, the per diem rate will be as specified in Minnesota Statutes section 103D.315, subdivision 8.

**III. Records management and retention**

- a. The District will make and preserve all records necessary to ensure the availability of a full and accurate accounting of the District's official activities, in fulfillment of Minnesota Statutes sections 15.17, subdivision 1, and 138.17.
- b. The District will adopt and maintain a records retention schedule, to be approved by the State Archives Office, governing the retention and/or disposal of records created by the District.
- c. In keeping with the direction of the Uniform Electronic Transactions Act, the District has determined that it will create and retain its records in electronic form to the greatest extent possible. The District's records retention schedule includes indication of records that may be retained in hard copy form, but District policy is to retain all records in electronic form. This policy is prospective as of November

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2012, and the District does not intend to convert historic records from hard copy to electronic form.

- d. The administrator is the responsible authority for purposes of District compliance with the Data Practices Act, Minnesota Statutes chapter 13.
- e. The administrator is the data practices compliance official for purposes of District compliance with the Data Practices Act.

**IV. Delegated authority**

- a. No employee of the District may exercise authority beyond that which is allocated to the administrator by the District bylaws and policies that constitute the Governance Manual.
- b. Authority delegated to the administrator may not be delegated to other employees or contractors of the District.
- c. Duties assigned to the administrator may be delegated to other employees or contractors by the administrator, however the administrator will remain responsible to the Board of Managers for the proper execution of all delegated duties.
- d. All consultants to the District work under the direction of the administrator, except for auditors and legal counsels. Auditors and legal counsels' primary responsibility is to the board except when providing administrative or project/program support.
- e. The administrator may not commit funds of the District without the approval of the Board of Managers.

**V. Managers' authority**

- a. The Board President is authorized to speak on behalf of the District. No other manager may speak on behalf of the District unless authorized to do so by the Board of Managers.
- b. No individual manager may provide direction, instructions or authorization to the administrator unless specifically authorized to do so by the Board of Managers.
- c. A manager's request for information that would require more than 15 minutes of the Administrator's time must be approved by the board of managers.
- d. A manager's request for information from consultants to the District, other than auditors or legal counsels, must be directed through the Administrator. Requests for information to auditors and legal counsels are governed by the board of managers.
- e. Individual managers cannot bind the District to agreements or expenditures.

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### Schedule of Regular Activities

The District will observe the following schedule of required activities to ensure continued compliance with laws and regulations:

- The District conducts its annual business meeting in January. At that meeting the Board of Managers:
  - Approves a schedule of regular meetings of the Board of Managers and Citizens Advisory Committee for the ensuing year.
  - Reviews insurance needs and current coverage.
  - Authorizes, biennially, the solicitation of engineering, legal, auditing, accounting and other professional services proposals, per Minnesota Statutes section 103B.227, subdivision 5.
  - Names:
    - a District depository bank(s),
    - a permit security depository for bonds and letters of credit
    - a permit security depository for cash escrows,
    - and an official newspaper for publication of notices.
  - Names individuals to serve on the District's Citizens Advisory Committee, in compliance with Minnesota Statutes section 103D.331.
  - Reviews the District's fee and permit security schedules and directs the administrator to prepare revisions as warranted for adoption by resolution.
  - Reviews and, as necessary, directs the preparation of updates to its Governance Manual.
- The District annually publishes a newsletter or other watershed-wide communication that explains the District's programs, lists the members of the Board of Managers and notes District contact information, per Minnesota Statutes section 103B.227, subdivision 4. The District will maintain this information on its website as well.
- The District annually audits its accounts and expenditures, per Minnesota Statutes section 103D.335, subd. 1.
- The District annually submits to the Board of Water and Soil Resources a financial, activity and audit report each year by May 1 (within 120 days of the end of the District's fiscal year), per Minnesota Statutes section 103B.231, subdivision 14, and Minnesota Rules 8410.0150, subpart 1, and submits to the Office of the State Auditor an audit report by May 1 each year (within 120 days of the end of the District fiscal year), per Minnesota Rules 8410.0150, subpart 1.
- The District administrator annually prepares, in February, an end-of-year report of the Budget to the board.
- The District administrator annually prepares, in July, a report to the board on the status of fund balances in relation to the Fund Balance Policy.
- The administrator, as the Data Practices Act responsible authority, reviews in July each year the District's DPA policy and associated protocols to ensure harmony with current law, in accordance with Minnesota Statutes section 13.05, subd. 1.
- The administrator annually assesses in July each year whether the District has abandoned property and returns abandoned property, if any, in accordance with the schedule in the Policy for Management of Permit Fees, Permit Securities and Abandoned Property.

- Annually on or before September 15 the District adopts a budget for the next year and decides on the total amount of funding necessary to be raised from ad valorem tax levies to meet the budget.

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# Riley-Purgatory-Bluff Creek Watershed District

## Bylaws

Adopted as amended, February 4, 2015

These bylaws establish governing rules for the Riley-Purgatory-Bluff Creek Watershed District (District) Board of Managers (Board), in compliance with Minnesota Statutes section 103D.315, subdivision 11.<sup>1</sup>

- I. **Office.** The District will maintain its principal place of business and its official records at an office located within the watershed, presently 14500 Martin Drive, Suite 1500, Eden Prairie 55344. The Board may change the location of its principal place of business in accordance with Minnesota Statutes section 103D.321, subdivision 2.
- II. **Board of Managers.** The Board consists of four managers appointed by the commissioners of Hennepin County and one manager appointed by the commissioners of Carver County. Managers serve staggered three-year terms. A manager serves until his or her replacement is appointed.
  - a. *Vacancy.* A manager who is unable to fulfill his or her term will notify his or her county board of commissioners to allow the commission to appoint a replacement in a timely manner.
  - b. *Compensation.* The Board may elect to compensate its members for attending meetings and performing other duties necessary to properly manage the District and reimburse managers for expenses incurred in performing official duties. Compensation will be in accordance with Minnesota Statutes section 103D.315, subdivision 8, and policy established by the Board.
  - c. *Bonding.* Before a manager assumes his or her duties, the District at its expense will obtain and file a bond for the manager in accordance with Minnesota Statutes section 103D.315, subdivision 2.
  - d. *Insurance.* The Board will provide insurance for the managers for liability protection on such terms and in such amounts as the Board determines.
  - e. *Attendance.* Managers are expected to attend meetings of the Board. At the Board's discretion, a manager's failure to attend three consecutive regular meetings of the District may be reported to that manager's county board of commissioners.
- III. **Officers.** The Board annually, at its January meeting, will elect from among its members the following officers: president, vice president, secretary and treasurer. If any officer cannot complete his or her term of office, the Board immediately will elect from among its members an individual to complete the unexpired term. An officer's term as officer continues until a successor is elected or the officer resigns. The Board, by action at an

<sup>1</sup> All references in these bylaws to statutes are to the section or sections as they may be amended.

official meeting, may appoint a manager as an officer *pro tem* in the event an officer is absent or unable to act, and action by that officer is required.

- a. *President.* The president will:
  - i. preside at all meetings as chair of the Board.
  - ii. sign and deliver in the name of the District contracts, deeds, correspondence or other instruments pertaining to the business of the District;
  - iii. be a signatory to the District accounts;
  - iv. be a signatory to District documents if the treasurer or secretary is absent or disabled, to the same extent as the treasurer or secretary.
- b. *Vice President.* The vice president will:
  - i. preside at meetings as chair in the absence of the president;
  - ii. be a signatory to the District accounts;
  - iii. be a signatory to District instruments and accounts if the president is absent or disabled, to the same extent as the president.
- c. *Secretary.* The secretary will:
  - i. be a signatory to resolutions and other documents certifying and memorializing the proceedings of the District;
  - ii. be a signatory to the District accounts;
  - iii. maintain the records of the District;
  - iv. make the required public and Board notice of all meetings in accordance with Minnesota Statutes chapter 13D and other applicable laws;
  - v. ensure that minutes of all Board meetings are recorded and made available to the Board in a timely manner and maintain a file of all approved minutes;
  - vi. keep a record book in which is noted the proceedings at all meetings.
- d. *Treasurer.* The treasurer will:
  - i. be a signatory to the District accounts and financial records;
  - ii. present a report at the monthly meeting of the Board that includes a current check register and tracks each of the watershed district's funds and account balances;
  - iii. provide such other records as are necessary to inform the Board of the financial condition of the District.

IV. **Committees.** All standing and special committees of the Board will be appointed by majority vote of the managers. Committees may include persons who are not managers, but no member of a committee who is not a manager may offer a motion or vote on a matter put before the committee. It is the duty of a committee to act promptly and

faithfully in all matters referred to it and to make reports as directed on the date established by the chair or Board. A complete and accurate copy of written reports will be made by the secretary and filed and recorded in the office of the Board.

- a. *Citizens Advisory Committee.* In accordance with Minnesota Statutes section 103D.331, there is established a District citizens' advisory committee. The committee is known as the Citizens Advisory Committee (CAC). The CAC advises the Board on water resource-related community concerns and issues, and assists to develop and implement the education and outreach activities of the District. The CAC will meet according to a schedule set by its members each year and at such other times as the members of the CAC may determine. All meetings of the CAC are open to the public.
- b. *Technical Advisory Committee.* In accordance with Minnesota Statutes section 103D.337, there is established a technical advisory committee (TAC) to the Board. The TAC is convened as necessary and appropriate to advise the Board on regulatory, watershed planning and other technical matters.
- c. The Board may not delegate supervision of the District administrator or any District employee to a committee.

V. **Meetings.** In January each year the Board will set a schedule of regular meetings for the coming year. Adjourned and special sessions may be held at such times as the Board deems necessary and proper.

- a. Special meetings and emergency meetings may be called by the chair or any manager. Notice of a special or emergency meeting will be made by the secretary in accordance with the Open Meeting Law, Minnesota Statutes chapter 13D.
- b. All meetings of the Board will be open to the public, except that a meeting or portion of a meeting may be closed in accordance with the Open Meeting Law.
- c. At all meetings of the Board, a majority of the members appointed will constitute a quorum necessary to do business, but a minority may adjourn from day to day.
- d. *Conduct of meetings.* At the time appointed for a meeting, the members will be called to order by the president as chair or, in his or her absence, the temporary chair. On determination of a quorum, the Board will proceed to do business in accordance with the agenda, as may be amended and approved by the Board.
  - i. The chair will preserve order and decide questions of order, subject to an appeal by any member. The chair may make motions, second motions, or speak on any question. The chair will be entitled to vote in the same manner as other members of the Board.
  - ii. The order of business for a meeting may be varied by the chair, but no public hearing convened by the Board will be closed before the time specified for the hearing in the notice.
  - iii. Every member before speaking will address the chair and will not proceed until recognized by the chair. A member called to order will immediately suspend his or her remarks until the point of order is decided by the chair.

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- iv. Any person may address the Board on a matter properly before the Board. The chair may limit the time allowed for a manager or other person addressing the Board to speak.
- v. Any person may request that a matter be heard by the Board. The Board will consider such request and determine whether and, if approved, when to take up the matter or to defer the matter pending receipt of additional information thereon and direct the administrator to obtain such information.
- vi. Every member will act with courtesy, civility and respect in all interactions as a member of the Board of Managers, maintaining an open mind, and participating in open communication; members should refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members, staff or any member of the public.
- e. *Appeal of a chair ruling.* A manager may appeal to the Board from a ruling of the chair. If the appeal is seconded, the manager may speak once solely on the question involved and the chair may explain his or her ruling, but no other manager will participate in the discussion. The appeal will be sustained if it is approved by a majority of the managers present, exclusive of the chair.
- f. *Meeting rules.* In all points not covered by these rules, the conduct of a meeting of the Board will be governed by the current edition of *Robert's Rules of Order*. *Robert's Rules* may be temporarily suspended by consent of a majority of the managers.
- g. *Resolutions.* A resolution will be presented in writing at a meeting or the Board may order that staff prepare a resolution reflecting action taken by the Board. The material terms of a resolution must be stated in the motion to adopt. Each resolution passed by the Board will be signed by the secretary and filed in the official actions of the District maintained at the District office.
- h. *Minutes and Records.* Minutes of all meetings of the Board and committees will be made by the secretary or, with respect to a committee meeting, the Board member responsible for making the minutes. When signed, the minutes will constitute an official record of the Board proceedings. Except in extenuating circumstances, at the regular meeting of the Board, draft minutes of the preceding Board meeting will be reviewed by the Board and adopted as may be amended. Adopted minutes will be kept at the District offices. All written communications addressed to the Board, other materials included in a Board meeting packet, and all documents and materials submitted to the record in the course of a Board meeting will be filed in the District office with the minutes of the meeting.
- i. *Voting.* When the chair puts a question to the Board, every manager present will vote, except as a manager elects to abstain. The manner of voting on any business coming before the Board may be by voice vote. An affirmative or negative vote by any member will be entered in the minutes on his or her request. Affirmative and negative votes will be recorded on any motion at the request of a manager and the results entered in the minutes.

VI. **Conflict of Interest.** The Board seeks to operate in accordance with high ethical standards and wishes to establish clear guidelines for the ethical conduct of District business. Ensuring that conflicts of interest do not affect District proceedings is an essential element of maintaining high ethical standards. Therefore, to specify and supplement its commitment to compliance with the Ethics in Government Act, Minnesota Statutes section 10A.07, the Board adopts the following conflict of interest policy:

- a. *Disclosure of conflicts.* A manager who has a personal financial interest, or other private interest or relationship that limits the manager's ability objectively to consider, deliberate or vote, in a matter scheduled to come before the Board must prepare a written statement describing the matter requiring action and the nature of the potential conflict. The manager affected will deliver the statement to the president of the Board before the Board considers or takes action on the matter. If a potential conflict arises and a manager does not have sufficient time to prepare a written statement, the manager must orally inform the Board before the matter is discussed.
- b. *Abstention.* A manager must abstain from chairing any meeting, participating in any vote, offering any motion, or participating in any discussion on any matter that may substantially affect the manager's financial interests or those of an associated business or family member, unless the effect on the manager is no more than on any other member of the manager's business classification, profession or occupation. A manager also must abstain from chairing any meeting, participating in any discussion, offering any motion, or voting on any matter in which a private interest or relationship of the manager limits the manager's ability objectively to consider, deliberate or vote. The manager's nonparticipation in the matter will be recorded in the minutes.

VII. **Bylaws compliance, suspension and amendment.** These bylaws are adopted to facilitate the transaction of Board business. They should not be permitted to divert or hinder the expressed intent and desire of the Board. Informal compliance and substantial performance will be sufficient under the foregoing provisions in the absence of an objection seasonably taken. An objection will be deemed not seasonably taken as to any procedural matter provided for herein if a manager present at the meeting fails to object and request compliance with these bylaws during the meeting. To be seasonably taken by an absent member, an objection must be taken at the next regular meeting of the Board.

- a. Any provision of these bylaws may be suspended temporarily by a majority vote of the Board, except a provision that preserves the right of an absent manager.
- b. These bylaws may be amended by a majority of the Board on 30 days written notice of the proposed change(s), unless such notice is waived by all managers. Notice of any amendment is to be contained in the notice of the meeting at which the proposed amendment is to be considered. An amendment to these bylaws must be approved by a four-fifths majority of the Board.
- c. Interpretation of the bylaws and any amendment thereto will rest with the Board. The bylaws are to be interpreted as consistent with the state watershed laws, Minnesota Statutes chapters 103B and 103D, and other governing laws. In the event of a conflict, the governing laws control.

- d. These bylaws will be reviewed by the Board at least once every five years.
- e. These bylaws govern internal conduct of the business of the District and neither create nor elucidate any right in any third party.

I, \_\_\_\_\_, secretary of the Riley-Purgatory-Bluff Creek Watershed District Board of Managers, certify that the attached are true and correct copies of the bylaws of the Riley-Purgatory-Bluff Creek Watershed District, which were properly adopted by the Board of Managers [DATE].

Date: \_\_\_\_\_

Mary Bisek, Secretary

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**Deleted:** Adopted by the Board of Managers of the Riley-Purgatory-Bluff Creek Watershed District this 4 day of February, 2015. - ... [1]

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## **Riley-Purgatory-Bluff Creek Watershed District Policies and Procedures for Public Access to Documents**

Adopted as amended February 4, 2015

Public access to the data of public bodies is governed by the Data Practices Act (DPA), Minnesota Statutes Chapter 13. The DPA states that data of public bodies are to be available to the public unless specifically protected by law where individual privacy would be violated or where other valid concerns outweigh the interest in public availability. The Riley-Purgatory-Bluff Creek Watershed District (District) recognizes the public interest in open access to its data as well as the public interest that requires that certain types of data not be publicly available. It is the intent of the District to comply fully with the DPA and, where the DPA allows for the exercise of judgment, to exercise that judgment consistent with the public interests underlying the law.

This policy is adopted pursuant to sections 13.025, subdivision 2, and 13.03, subdivision 2, of the DPA, which state that every public body shall establish procedures to implement the DPA. In addition, the District has adopted and maintains a Records Retention Schedule, which is an index of the records and data maintained by the District and describes private or confidential data on individuals collected by the District, in compliance with section 13.025, subdivision 1. This policy also is accompanied by a set of procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security, consistent with section 13.05, subdivision 5, as well as an Inventory of Not-Public Data on Individuals to ensure that access to private and confidential data on individuals is limited to District personnel whose work or management assignments require access. The District also maintains a document setting forth the rights of data subjects under the DPA and procedures to guarantee the rights of data subjects in compliance with section 13.025, subdivision 3, and a document setting forth the rights of data subjects under the DPA.

### **Procedure for Review of District Documents**

All requests to inspect or receive copies of District data, and all other inquiries regarding the DPA, must be in writing and delivered to the "Data Practices Compliance Official," at the following address:

Riley-Purgatory-Bluff Creek Watershed District  
14500 Martin Drive Suite 1500  
Eden Prairie, MN 55344

The District administrator is designated as the Data Practices Compliance Official and Responsible Authority.

Requests to inspect or obtain copies of District data must be in writing to ensure that the

District's response is timely and complete. The District is able to most efficiently and completely respond to requests that are specific and detailed. The Data Practices Compliance Official will help to ensure that documents of interest have been gathered, that documents not subject to inspection pursuant to the DPA have been segregated, and assistance is available to the requesting party. The District will provide requested data for inspection at the District office, or other location to be specified by the Data Practices Compliance Official. District files may not be removed from the District office.

The DPA requires that individuals be permitted to inspect or copy data within a reasonable time after a request. The District will attempt to respond to requests as quickly as possible. The response time will vary depending on the breadth of the request and the completeness and accuracy of the request.

If the District determines that certain data cannot be made available for inspection or copying, it will inform the individual of the classification of the data in question under the DPA and of the legal basis for denial of access.

The District may provide requested copies of data immediately or may advise that the copies will be provided as soon as reasonably possible thereafter. The ability to provide copies immediately depends on the number of copies requested, staff workload and the need to deliver the data elsewhere for copies to be made (e.g., oversized documents, tapes, electronic data).

### **Costs**

There is no cost to inspect documents. If document copies are requested, the requesting individual will be charged 25 cents per page for up to 100 letter- or legal-sized black-and-white printed copies, except that there is no charge for delivery by email of less than 100 pages or the equivalent (as determined by the District) of data. Standard charges will apply for re-delivery of data in the event of failure of email delivery resulting from incapacity of the recipient's email system. Copies of documents will not be certified as true and correct copies unless certification is specifically requested. The fee for certification is \$1 per document.

With respect to oversized copies, tapes, electronic data, photographs, slides and other unusual formats, the requesting individual will be responsible for the actual cost incurred by the District to make the copy itself or to use a vendor, except that there is no charge for electronic delivery of less than 100 pages of data or the equivalent (as determined by the District).

An individual requesting copies or the electronic transmittal of more than 100 pages of data is responsible to pay the District the actual cost, including the cost of staff time to search for and retrieve data and to make, certify, compile and transmit copies. Staff-time cost will be assessed based on established hourly rates. The District will not charge for staff time needed to separate public from protected data.

If an individual so asks, before copies are made the District will advise of the approximate number of pages of documents responsive to a request or the likely cost of responding to a request. Payment may not be made in cash (checks are accepted). The District may, at its discretion, require payment in advance.

When an individual asks for a copy of data that have commercial value and were developed with a significant expenditure of public funds by the District, the District may charge a reasonable fee that relates to the actual cost of developing the data. As a condition of making certain commercially valuable data available, the District may require execution of a license agreement defining allowable use or further distribution.

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## **Riley-Purgatory-Bluff Creek Watershed District Security and Protection of Not-Public Data on Individuals**

The Riley-Purgatory-Bluff Creek Watershed District establishes the following protocols pursuant to and in satisfaction of the requirement in Minnesota Statutes section 13.05, subdivision 5, that the District establish procedures ensuring appropriate access to not-public data on individuals. By incorporating employee access to not-public data in the District's Inventory of Data on Individuals, in the individual employee's position description, or both, the District limits access to not-public data to employees whose work assignment reasonably requires access.

### **Implementing Procedures**

#### *Data inventory*

Pursuant to Minnesota Statutes section 13.025, subdivision 1, the District has prepared a data inventory that identifies and describes all not-public data on individuals it maintains. To comply with the requirement in section 13.05, subdivision 5, the District has included indication of the managers and employees who have access to not-public data. (*See Appendix A: Inventory of Not-Public Data on Individuals.*)

In the event of a temporary duty as assigned by the administrator or a department director, an employee may access certain not-public data for as long as the work is assigned to the employee.

In addition to the employees listed in the data inventory, managers, the Responsible Authority/Data Practices Compliance Official and counsel may have access to *all* not-public data maintained by the District if necessary for specified duties. Any access to not-public data will be strictly limited to the data necessary to complete the work assignment.

#### *Employee position descriptions*

Position descriptions may contain provisions identifying any not-public data accessible to the employee when a work assignment reasonably requires access.

#### *Data sharing with authorized entities or individuals*

State or federal law may authorize the sharing of not-public data in specific circumstances. Not-public data may be shared with another entity if a federal or state law allows or mandates it. Individuals will have notice of any sharing in an applicable Tennessee warning or the District will obtain the individual's informed consent. Any sharing of not-public data will be strictly limited to the data necessary or required to comply with the applicable law.

To ensure appropriate access, the District will:

- Assign appropriate security roles, limit access to appropriate shared network drives and implement password protections for not-public electronic data;
- Password protect employee computers and lock computers before leaving workstations;
- Secure not-public data within locked work spaces and in locked file cabinets
- Shred not-public documents before disposing of them.

*Penalties for unlawfully accessing not-public data*

The District may utilize the penalties for unlawful access to not-public data as provided for in Minnesota Statutes, section 13.09. Possible penalties include suspension, dismissal or referring the matter to the appropriate prosecutorial authority who may pursue a criminal misdemeanor charge.

**Protection of Private and Confidential Data on Individuals**

*Accuracy and Currency of Data*

Employees of the District are requested, and given appropriate forms, to annually provide updated personal information for the District as necessary for District recordkeeping, tax, insurance, emergency notification and other personnel purposes. Other individuals who provide private or confidential information (e.g., managers) are also encouraged to provide updated information when appropriate.

*Data Safeguards*

Private and confidential information is stored in secure files and databases that are not accessible to individuals who do not have authorized access. Private and confidential data on individuals is accessed only by individuals who are both authorized and have a need to access such information for District purposes. (An individual who is the subject of data classified as private may access such data for any reason.)

The District administrator, as Responsible Authority, reviews forms used by the District to collect data on individuals and ensures that the District collects private or confidential data only as necessary for authorized District purposes.

Only managers and employees of the District whose work for the District requires that they have access to private or confidential data may access files and records containing such information. Employees' and managers' access is further governed by the following requirements:

- Private or confidential data may be released only to persons authorized by law to access such data;
- Private or confidential data must be secured at all times and not left in a location where they may be accessed by unauthorized persons;
- Private or confidential data must be shredded before it is disposed of.

When a contract with an outside entity requires access to private or confidential information retained by the District, the contracting entity is required by the terms of its agreement with the District to use and disseminate such information in a manner consistent with the DPA and the District's Policies and Procedures for Public Access to Documents.

**Riley-Purgatory-Bluff Creek Watershed District**  
Private and Confidential Data – Rights of Data Subjects

In accordance with the Minnesota Data Practices Act, Minnesota Statutes chapter 13 (DPA), the following protocols and information are established by the Riley-Purgatory-Bluff Watershed District (District). This information is provided to you, as the subject of private or confidential data collected by the District to explain how (1) the District assures that all data on individuals collected by the District are accurate, complete and current for the purposes for which they were collected, and (2) to explain the security safeguards in place for District records containing data on individuals.

**Rights to Access Government Data**

Minnesota law gives you, as the subject of private or confidential data collected by the District, and all members of the public the right to see data collected and maintained by the District, unless state or federal law classifies the data as not public. In addition, the DPA gives you and all members of the public the right to have access to or, if you wish, to copy any public data for any reason, as long as the data are not classified as not-public or copyrighted.

You have the right to:

- be informed, upon request, as to whether you are a subject of District data and how that data is classified;
- know what the District’s procedures are for requesting government data;
- inspect any public data that the District collects and maintains at no charge;
- see public data that the District collects and maintains without telling the District who you are or why you want the data;
- have public data that the District collects and maintains explained to you;
- obtain copies of any public District data at a reasonable cost to you;
- be informed by the District in writing as to why you cannot see or have copies of not-public District data, including reference to the specific law that makes the data not-public;
- receive a response from the District to a data request in a reasonable time.
- contest the accuracy and completeness of public or private data the District has on you and appeal a determination by the District as to whether the data are accurate and complete;
- to ask the District, if you are under 18 years old, to withhold information about you from your parents or guardian;
- consent or revoke consent to the release of information the District has on you;
- release all, part or none of the private data the District has on you.

### Security of Private and Confidential Data

State law protects your privacy rights with regard to the information the District collects, uses and disseminates about you. The data the District collects about you may be classified as:

- Public – anyone can see the information;
- Private – only you and authorized District staff can see the information;
- Confidential – only authorized District staff can see the information.

When the District asks to you provide data about yourself that are private, the District will give you a notice called a Tennesen warning notice. This notice determines what the District can do with the data collected from you and the circumstances under which the District can release the data. The District will ask for your written permission before using private data about you in a way that is different from what is stated in the Tennesen notice you receive. The District also will ask for your written permission before releasing private data about you to someone other than those identified in the notice.

State law requires that the District protect private and confidential data about you. The District has established appropriate safeguards to ensure that your data are not inadvertently released or wrongfully accessed. The District disposes of private, confidential and other not-public data in accordance with its Records Retention Schedule, adopted July 2, 2014. Printed data are disposed of by shredding or other method sufficient to prevent the data from being ascertainable. Electronic data are destroyed or erased from media in a manner that prevents the data from being accessed or read. Data-storage systems in District computers are erased in the process of recycling.

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**Riley-Purgatory-Bluff Creek Watershed District  
Data Practices Advisory / Tennesen Warning**

Some or all of the information you are being asked to provide on the attached form is classified by state law as either private or confidential data. Private data is information that generally cannot be given to the public, but can be given to the subject of the data. Confidential data is information that generally cannot be given to either the public or the subject of the data.

The Riley-Purgatory-Bluff Creek Watershed District's purpose and intended use of the information is:

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You  $\epsilon$  are /  $\epsilon$  are not legally required to provide the information.

Your failure or refusal to supply the information will have the following consequences:

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Other persons or entities who are authorized to receive the information include:

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**Riley-Purgatory-Bluff Creek Watershed District**  
Consent to Release – Request from an Individual

**Explanation of Your Rights**

If you have a question about anything on this form, or would like more explanation, please talk to the Riley-Purgatory-Bluff Creek Watershed District administrator before you sign it.

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I, *[name of individual data subject]*, give my permission for the Riley-Purgatory-Bluff Creek Watershed District to release data about me to *[name of other entity or person]* as described on this form.

1. The specific data I want the Riley-Purgatory-Bluff Creek Watershed District to release are *[explanation of data]*.
2. I have asked Riley-Purgatory-Bluff Creek Watershed District to release the data.
3. I understand that although the data are classified as private while in the possession of the Riley-Purgatory-Bluff Creek Watershed District, the classification/treatment of the data at *[name of other entity or person]* depends on laws or policies that apply to *[name of other entity or person]*.

This authorization to release expires *[date/time of expiration]*.

Individual data subject's signature \_\_\_\_\_  
Date \_\_\_\_\_

Parent/guardian's signature *[if needed]* \_\_\_\_\_  
Date \_\_\_\_\_

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**Riley-Purgatory-Bluff Creek Watershed District**  
Consent to Release – Request from a Government Entity

**Explanation of Your Rights**

You have the right to choose what data we release. This means you can let us release all of the data, some of the data, or none of the data listed on this form. Before you give us permission to release the data, we encourage you to review the data listed and described here.

You have the right to let us release the data to all, some, or none of the persons or entities listed on this form. This means you can choose which entities or persons may receive the data and what data they may receive.

You have the right to ask us to explain the consequences for giving your permission to release the data.

You may withdraw your permission at any time. Withdrawing your permission will not affect the data that we have already released because we had your permission to release the data.

If you have a question about anything on this form, or would like more explanation, please talk to the District administrator before you sign it.

---

I, *[name of individual data subject]*, give my permission for the Riley-Purgatory-Bluff Creek Watershed District to release data about me to *[name of other entity or person]* as described on this form. I understand that my decision to allow release of the data to *[name of other entity or person]* is voluntary.

**1.** The specific data that the Riley-Purgatory-Bluff Creek Watershed District may release to *[name of other entity or person]* are: *[description, explanation of data]*.

**2.** I understand the Riley-Purgatory-Bluff Creek Watershed District would release the data *[explanation of reason for the release]*.

**3.** I understand that although the data are classified as private at the Riley-Purgatory-Bluff Creek Watershed District, the classification/treatment of the data at *[name of other entity or person]* depends on laws or policies that apply to *[name of other entity or person]*. *[Include other known consequences.]*

This authorization to release the data expires *[date/time of expiration]*.

Individual data subject's signature \_\_\_\_\_

Date \_\_\_\_\_

Parent/guardian's signature (if data subject is a minor) \_\_\_\_\_

Date \_\_\_\_\_

**Riley-Purgatory-Bluff Creek Watershed District  
Records Retention Schedule**

Adopted July 2, 2014

All District records are created and retained in electronic forms, except that record series shaded below may be created and/or retained in hard copy form.

**Administration**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Advisory and technical committees – agendas, minutes, reports, related documents	Retain 10 years, then may be transferred to state archives	Public	
Affidavits of publication a. General notices, including project public hearings b. Rules	a. Retain 6 yrs b. Retain permanently	a. Public b. Public	
Agenda, board meetings and workshops	Retain 10 years, then may be transferred to state archives	Public	
Agreements and contracts, not otherwise scheduled herein	Retain 10 yrs after paid and audited	Public	
Annual reports	Retain 10 yrs, then transfer to state archives	Public	
Attorneys’ opinions a. Opinions of District attorney and correspondence relating thereto b. Official interpretation regarding questions of legal rights or liabilities affecting District	a. Retain permanently or transfer to state archives when no longer needed b. Retain 10 yrs, then transfer to state archives	a. Public b. Public/Private-nonpublic	a. b. 13.393 13.39
Authority to dispose of records	Retain permanently	Public	

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<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Bids and Quotations a. Accepted, noncapital projects b. Rejected, noncapital projects	a. Retain 10 yrs after completion of project b. Retain 6 yrs	a. Public/nonpublic b. Public/protected nonpublic until all bids opened	a. 13.37 b.
Budgets – record copy	Retain permanently or transfer to state archives	Public	
Consultant Contracts	Retain 10 yrs	Public	
Correspondence a. Constituents b. Municipalities/State Agencies c. Engineer d. Financial e. Transitory, such as electronic mail not in one of the above categories	a. Retain 6 yrs, then archive if documents historical b. Retain 6 years, then archive if historical c. Retain 10 yrs, then transfer to state archives d. Retain 5 yrs then transfer to state archives e. Retain until read	Private/public	13.37; 13.44
Drafts, duplicates, notes and other documents that have not become part of an official transaction, not otherwise scheduled herein	Retain 2 yrs	Public	
Governance a. Bylaws b. Policies	a. Retain permanently b. Retained only until superseded	a. Public b. Public	
Historical data and photographs	Retain permanently or transfer to state archives	Public	
Inventories – equipment supplies, etc.	Retain 10 yrs	Public	

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<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Lawsuits a. General b. Civil Lawsuits c. Criminal Lawsuits d. Attorneys' opinions, attorneys' briefs, testimony, depositions, correspondence, etc	a. Retain 10 yrs after settlement or resolution by court, administrative order and then transfer to state archives b. Retain 20 years after last activity c. Retain 2 years after last activity d. Retain 10 yrs, then archive	a. Public/private b. c. d. Public/private/ and non-public	a. 13.30, 13.39 b. c. d. 13.393, 13.39
Leases	Retain 10 yrs after expiration of lease	Public	
Levy (tax) files – tax levies, related correspondence	Retain 5 yrs then transfer to state archives	Public	
Membership association documents (MAWD, Metro MAWD, etc.)	Retain 3 yrs	Public	
Minutes – Board meetings and workshops	Retain permanently	Public	
Newsletters, press releases generated by the District	Retain 10 yrs	Public	
Notices – official District meetings	Retain 6 yrs	Public	
Public hearings records	Retain 6 yrs or until recorded in minutes, do not archive	Public	

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<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
<p>Recordings</p> <ul style="list-style-type: none"> <li>a. Board meetings and workshops – audio recordings, closed meetings</li> <li>b. Board meetings and workshops – open</li> </ul>	<ul style="list-style-type: none"> <li>a. Tapes and other recordings may be discarded 3 yrs after meeting; 8 yrs or until purchase or sale is completed or abandoned for real estate negotiations.</li> <li>b. Tapes and other recordings may be reused or discarded 1 yr after formal approval of written minutes by board</li> </ul>	<ul style="list-style-type: none"> <li>a. Nonpublic/public</li> <li>b. Public</li> </ul>	<ul style="list-style-type: none"> <li>a. 13D.05, subd. 3; 13.37</li> </ul>
<p>Technical Information</p> <ul style="list-style-type: none"> <li>a. Printed material regarding the District</li> <li>b. Printed material not regarding the District</li> </ul>	<ul style="list-style-type: none"> <li>a. Retain 10 yrs, then transfer to state archives</li> <li>b. Discard when no longer needed</li> </ul>	<ul style="list-style-type: none"> <li>a. Public</li> <li>b. Public</li> </ul>	

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**Real Estate**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Deeds	Retained until property is sold, then transfer to new owner; maintain copy permanently	Public	
Ditch records	Retain permanently	Public	
Easements a. Originals b. Temporary easements	a. Retained permanently and do not archive b. Discard after project completion or when no longer needed, whichever is later	a. Public b. Public	
Hazardous materials reports – phase I and II reports, leaking underground storage tank reports	Retain permanently	Public	
Property records (well records, building inspections, etc.)	Retain 20 yrs after sale of property	Public	
Property surveys	Retain permanently	Public	
Transaction records	Retain 10 yrs after sale of property	Public/ Confidential/ Protected Non-public	13.44; 13.585

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**Bonds**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Contractor license bonds, certificates of insurance, etc.	Retain 6 yrs after completion of contract	Public	
Fidelity bonds – managers	Retain 6 yrs after completion of service by manager	Public	
Performance and payment bonds	Retain 6 yrs after completion of contract	Public	
Permit financial assurances – bonds, letters of credit	Retain 6 yrs after permit closure <sup>2</sup>	Public	

<sup>2</sup> Retain copy if original returned to provider.

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## Financial/Accounting

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Assessment rolls – copies of assessment rolls received from county auditor	Retained 6 yrs after final payment	Public	
Audit reports	Retain permanently	Public	
Billing statements	Retain 6 yrs	Public	
Bank statements – slips, bonds and reconciliations	Retain 6 yrs	Public	
Budget expenditure reports	Retain permanently	Public	
Checks – paid and returned a. Accounts payable b. Payroll	a. Retain 6 yrs b. Retain 6 yrs	a. Public b. Public/private	
Receipt registers	Retain permanently, and not archived	Public	
Deposit slips	Retain 6 yrs	Public	
General ledger – general, month-end	Retain permanently and do not archive	Public	
Investment documents – amounts invested and interest earned	Retain 4 yrs after maturity	Public	
Payroll	Retain permanently	Public/private	13.43
Pension and retirement plan	Retain permanently	Public or private	
Purged accounts	Retain 6 yrs (irrespective of audit)	Public	
Receipts and receipt books	Retain 6 yrs and do not archive	Public	
Staffing lists	Retain 6 yrs	Public	
Time sheets	Retain 6 yrs	Public/Private	13.43
W-2 statements	Retain 6 yrs	Public/Private	13.43
W-4 statements	Retain until replaced		
Workers' compensation reports	Retain 20 years	Public/Private	176.231
1099 statements	Retain 6 yrs	Public/Private	13.43

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**Insurance**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Insurance – automobile, fire or other perils, property, public officials, general liability, umbrella liability	Retain 6 yrs after expiration	Public	
Workers’ compensation a. Claim register b. Policies	a. Retain permanently b. Retain 6 yrs after expiration	a. Public b. Public	a. 176.231

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**Permits**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Applications – permits	Retain 10 yrs, then transfer to state archives	Public	
Correspondence – relating to permits	Retain 10 yrs, then transfer to state archives	Public	
Engineer’s reports	Retain 10 yrs, then transfer to state archives	Public	
Inspectors’ reports – includes reports, inspectors’ documents relating to permit inspections	Retain 10 yrs, then transfer to state archives	Public	
Permit financial assurances – bonds, letters of credit	Retain 6 yrs after permit closure	Public	
Permits	Retain permanently	Public	
Plans	Retain permanently	Public	

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**Personnel**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Affidavit of publication for job opening	Retain 2 yrs	Public	13.43
Affirmative action files	Retain permanently	Public/Private	13.39, 13.43
Applications for employment – not hired	Retain 1 yr	Public	
Personnel policies and procedures, administrative policies	Retain permanently	Public	
Employment contracts	Retain 5 yrs after expiration	Public	
Equal employment opportunity reports, summary date	Retain 3 yrs	Public	
Examination file – completed examinations	Retain 2 yrs	Private	13.43
Employee medical records	Retain 5 yrs after separation from District	Public/private	13.43
Family Medical Leave Act documents	Retain 3 yrs in medical file, not in employee personnel file	Private	13.43
Grievance file	Retain 5 yrs after separation, not in employee personnel file	Public/private	13.43
Job descriptions	Retain until superseded	Public	
Personnel files – applications, accident reports, background check results, citations, personal history, employee references, attendance, disciplinary actions, performance evaluations, letters of appointments or promotion, termination or resignation	Retain 5 yrs after separation	Public/private	13.43
Payroll record – master copy	Retain permanently	Public/private	13.43
Unemployment claims, compensation	Retain 6 yrs	Public/private	13.43
Background check results – not hired	Retain 30 days	Nonpublic	13.87

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**Projects**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Board documents – resolutions, findings, conclusions	Retain 10 yrs, then transfer to archives	Public	
Contracts a. Petitioned projects b. Nonpetitioned projects	a. Retain permanently b. Retain 10 yrs, then transfer to state archives	Public	
Correspondence	Retain 10 yrs, then transfer to state archives	Public	
Engineer’s reports and related documents	Retain 10 yrs, then transfer to state archives	Public	
Petitions (for projects)	Retain 10 years, then transfer to state archives	Public	
Property surveys	Retain permanently	Public	
Public hearing documents – non-petitioned projects	Retain 10 yrs, then transfer to state archives	Public	
Public hearing documents – petitioned projects a. notices, written testimony, audio b. Related public hearing documents	a. Retain 6 yrs or until recorded in minutes; do not archive b. Retain 10 years and do not archive	a. Public b. Public	

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**Programs**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Water quality, lake elevation, stream-flow <ul style="list-style-type: none"> <li>a. Field notes and raw data</li> <li>b. Final reports</li> </ul>	<ul style="list-style-type: none"> <li>a. Retain until final report completed</li> <li>b. Retain permanently or transfer to state archives</li> </ul>	Public	
Public opinion surveys	Retain permanently or transfer to state archives	Public	
Plans <ul style="list-style-type: none"> <li>a. Watershed management plans</li> <li>b. Local water management plans</li> <li>c. Program plans and work plans – approved by Board</li> </ul>	<ul style="list-style-type: none"> <li>a. Retain permanently or transfer to state archives</li> <li>b. Retain until updated</li> <li>c. Retain 6 yrs and do not archive</li> </ul>	<ul style="list-style-type: none"> <li>a. Public</li> <li>b. Public</li> <li>c. Public</li> </ul>	
Rules – District approved	Retain permanently	Public	

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## Riley-Purgatory-Bluff Creek Watershed District

### Policy for Management of Permit Fees, Financial Assurances and Abandoned Property

Adopted July 2, 2014

As provided by state law, the Riley-Purgatory-Bluff Creek Watershed District (District) receives fees from applicants to reimburse the District for the costs of processing and administering permits required by the District rules. The District also receives bonds, letters of credit and cash deposits (checks) as financial assurances to secure the performance of permittees in compliance with permit terms and conditions. To ensure that such assets are managed in accordance with sound financial practices and state law governing local government financial practices and management of abandoned property, the District establishes the following policy and protocols for the management of financial instruments, permit fees, and cash escrows.

1. **Permit fee payments.** The District will accept, process and maintain permit fees in accordance with District rules and the following protocols.
  - a. The District will not accept cash in payment of permit fees.
  - b. Checks received by the District in payment of permit fees will be deposited within 10 business days of receipt.
2. **Financial assurance deposits.** The District will catalogue and maintain financial assurances and cash escrows in accordance with the following protocols:
  - a. Financial assurance instruments (bonds, letters of credit and checks) received by the District to secure performance of permit conditions will be logged in the Financial Assurance Log created for such purposes, then copied. A copy will be filed at the District offices. The Financial Assurance Log will include, at a minimum, the following information:
    - i. Permit number for which the financial assurance instrument is provided;
    - ii. Name of the permittee/escrow provider;
    - iii. Name, for bonds and letters of credit, of the surety;
    - iv. Amount(s) of the financial assurances provided;
    - v. Expiration date, if any, of the financial assurance;
    - vi. Location of the financial assurance instrument or deposit.
  - b. Original bonds and letters of credit will be deposited for safekeeping at a location to be designated annually by the District Board of Managers.
  - c. Submittal of checks to satisfy financial assurance requirements is disfavored by the District. But when, in the judgment of the District administrator, it is not reasonable to require a permit applicant to obtain a bond or letter of credit, the applicant may submit a check for deposit by the District to serve as the permit financial assurance. In such circumstances, the permittee/escrow provider will be required as a condition of permit issuance, transfer or renewal to enter into a cash escrow agreement with the District that specifies the terms and conditions under which the District accepts and holds the escrow, as well as the circumstances under which the District may use the escrowed funds.
    - i. The District, with the advice of counsel, will maintain a cash escrow agreement template for use by permittees/escrow providers.

- ii. The District will accept only certified checks or other bank drafts in payment of cash escrows.
    - iii. Permit approval may be revoked for failure to comply with this requirement.
  - d. No check will be accepted by the District to serve as a financial assurance to secure performance of permit conditions until District staff has verified receipt of an associated executed escrow agreement, specifying the required deposit amount and permit to be secured by the escrow. The check must be in the amount specified in the associated escrow agreement and must bear the number of the District permit(s) to be secured.
  - e. Checks received by the District as financial assurances will be deposited within 10 business days of receipt in an account designated by the administrator exclusively for permit escrows. The account will be at a board-designated depository institution.
3. **Maintenance of valid financial assurances.** To ensure that the District has the capacity to assure compliance with its rules and protect the District’s water resources in the event of noncompliance with permit conditions and/or rules, District staff will follow the protocols below to ensure that financial assurances of permit performance remain valid and enforceable:
- a. District compliance with the protocols in this section will be the responsibility of the District administrator.
  - b. The administrator will maintain the Financial Assurance Log.
  - c. The administrator will review the Financial Assurance Log monthly to ensure the continuing validity of financial assurances provided for active permits by identifying bonds and letters of credit that will expire within the ensuing 90 days.
  - d. The administrator will determine – in the course of his or her monthly review of the Financial Assurance Log – whether replacement of the financial assurance is needed for a particular project, and, if so, alert the permittee to the need to provide a replacement instrument at least 60 days prior to the expiration of the existing instrument.
  - e. If deemed necessary in response to a permittee’s unwillingness or inability to provide a replacement financial assurance, the administrator will contact counsel at least 30 days prior to the expiration of the financial assurance to initiate procedures to draw on the existing financial assurance.
    - i. The administrator will ensure that proper authorization for a financial assurance draw is secured in a timely manner, with a priority on the protection of District water resources.
4. **Return of financial permit assurances.** Financial assurance instruments will be returned in accordance with applicable District rules, including sections 5.5 and 12.4.
- a. The administrator will monthly designate financial assurances that may be returned in whole or in part to the surety (with notice to the principal/permittee) and, upon receipt of required documentation, take the steps necessary to return such instruments and/or funds.
  - b. The administrator will maintain record of returned financial assurances in the Financial Assurance Log and retain a copy of original financial assurance documents in compliance with the District records retention schedule.

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5. **Abandoned property procedures.** State law imposes requirements applicable to any intangible asset in the District’s possession that remains unclaimed for three years or more after the asset is no longer needed for District purposes (e.g., three years after a permitted project is completed and the associated financial assurance becomes eligible for release in accordance with District rules). To ensure compliance with abandoned-property requirements, the District establishes the following protocols.
- a. The District will annually assess whether cash escrows remain on deposit after completion of the applicable permitted work and attempt to return them. For cash escrows that have been in the District’s possession for three years or more, unclaimed by the owner, staff will commence unclaimed property return procedures as follows.
    - i. By July 1 of each year, District staff will take reasonable steps to notify owners by mail of unclaimed property. A letter should be sent to all known addresses on file for the owner, notifying owner of the amount still held by the District and describing steps necessary to claim the property. Staff need not send such a letter if documentation in the District’s possession indicates that the address(es) it has for the owner are inaccurate.
    - ii. If the owner cannot be found, the assets are deemed legally abandoned and the District will remit them to the state Commissioner of Commerce, along with the report required by Minnesota Statutes section 345.41, as may be amended, containing information on the identity of the owner of the unclaimed assets in the District’s possession, a description of the assets, the date the assets became payable or returnable to the owner and any other information that may be required by the commissioner. Formatting and filing of the report will be in compliance with Department of Commerce guidance.
    - iii. By October 31 each year, the required report, verified by the administrator, should be filed with the commissioner and all assets unclaimed as of the preceding June 30 should be remitted to the commissioner.
    - iv. The District may deduct a service charge from the unclaimed assets remitted to cover costs of attempting to locate an owner and, if necessary, reporting and paying the unclaimed funds to the commissioner only if the escrow provider has agreed to the deduction of such charges.

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## ESCROW AGREEMENT

### Between the Riley Purgatory Bluff Creek Watershed District and \_\_\_\_\_

This agreement is made by and between the Riley Purgatory Bluff Creek Watershed District, a watershed district under Minnesota Statutes chapters 103B and 103D (RPBCWD), and \_\_\_\_\_, a \_\_\_\_\_ (Permittee), to establish a cash escrow in fulfillment of financial assurance requirements under RPBCWD permit no. \_\_\_\_\_.

#### Recitals

A. Pursuant to Minnesota Statutes section 103D.345, the RPBCWD has adopted and implements rules governing development and other activity within the boundaries of the RPBCWD that may have an impact on water resources.

B. RPBCWD rules require that as a condition of permit approval a permittee must provide and maintain a financial assurance in the form of a bond, letter of credit or cash escrow for the purpose of covering costs the RPBCWD may incur in monitoring and inspecting activity under the permit and in responding, if necessary, to violations of a watershed statute or RPBCWD rule, permit or order.

C. This agreement documents that a cash escrow has been submitted by Permittee or on Permittee's behalf to fulfill a financial assurance obligation under permit no. \_\_\_\_\_ and specifies the conditions and procedures under which the RPBCWD will hold and may draw on the escrow. Permittee and the RPBCWD, in executing this agreement, concur that it is legally binding.

#### Agreement

1. Permittee has submitted a cash escrow in the amount of \$ \_\_\_\_\_. The RPBCWD will hold the escrow in an escrow account where it may be commingled with escrow funds held by the RPBCWD on behalf of parties other than Permittee. The RPBCWD need not hold the funds in an interest-bearing account and Permittee will not be entitled to interest on the escrow. If the escrow is submitted in a form other than cash and the escrow amount is not credited promptly to the RPBCWD account, the RPBCWD may declare this agreement null and void by written notice to Permittee.

2. Unused escrowed funds will be released to Permittee and additional escrow funds will be submitted by Permittee or on Permittee's behalf in accordance with the RPBCWD rules and duly adopted resolutions and policies of the RPBCWD Board of Managers.

3. Escrow funds will become the sole property of the RPBCWD, and Permittee agrees to relinquish all legal and equitable interest therein, as follows:

a. The RPBCWD may invoice Permittee for permit review, compliance monitoring and other eligible costs in accordance with duly established RPBCWD procedures.

b. If after notice and opportunity to be heard the RPBCWD finds violation of a watershed statute or RPBCWD rule, permit or order, the RPBCWD may give written notice to Permittee. The notice will describe the violation and the action required to correct it. If within twenty (20) days of notice delivery the violation has not been corrected and arrangements acceptable to the RPBCWD have not been made, without further notice the RPBCWD may take steps it deems reasonable to correct the violation, and may have access to the property during reasonable times for that purpose, provided that the RPBCWD will give 24 hours' notice before entry and exercise due care to avoid unnecessary disturbance or damage to the property. If the RPBCWD finds that entry is required to address an occurring or imminent threat to water resources, it may enter and correct without prior hearing or opportunity to cure, but only to the extent reasonably necessary to address the threat.

c. The RPBCWD may invoice Permittee for reasonable costs incurred for activity under paragraph 3b. If payment is not made within 30 days, the RPBCWD may transfer funds from the escrow account into RPBCWD accounts and credit Permittee accordingly.

4. Escrow funds submitted hereunder are submitted to secure the performance of Permittee under permit no. \_\_\_\_\_. If the permit is issued, and if the Permittee and any agent, employee or contractor well and faithfully performs all activities and things undertaken and authorized by permit no. \_\_\_\_\_ in compliance with all applicable laws, including applicable statutes, rules, permit conditions, orders, agreements and stipulations of the RPBCWD, and pays, when due, all fees or other charges required by law, including all costs to the RPBCWD of administering and enforcing the terms of the above-stated permit and this agreement, including reasonable attorneys' fees, then on written notification to the RPBCWD of same and the

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RPBCWD's confirmation thereof, the RPBCWD will release the escrowed funds to Permittee.

5. All obligations of the RPBCWD under this agreement in holding and using the escrow funds are to Permittee only. Nothing in this agreement creates any right in any third party as against the RPBCWD or in any way waives or abridges any immunity, defense or liability limit of the RPBCWD. Permittee indemnifies the RPBCWD for any claim, liability or cost the RPBCWD incurs as a result of a party other than Permittee asserting ownership in or a right to the escrow funds or any party thereof. Permittee will not assign or purport to assign any interest in the escrow funds or this agreement to any third party, except in conjunction with a transfer of Permittee's permit approved in writing by the RPBCWD.

6. Nothing in this agreement affects Permittee's legal right, if any, to appeal a finding of violation or seek a legal determination of the purposes to which the RPBCWD may use the escrow funds.

7. The Permittee agrees that, should the escrow funds submitted hereunder remain unclaimed by the Permittee or his successor in interest so as to become "abandoned property" as that term is defined in Minnesota law, the RPBCWD may assess a service charge from the unclaimed assets to cover costs of attempting to locate the Permittee or his successor in interest and, if necessary, reporting and paying the unclaimed funds as required by law.

8. This agreement is effective on the signature of the parties and terminates when the RPBCWD releases the escrow or declares the agreement null and void under paragraph 1, above. The agreement may be amended only in a writing signed by the parties. An increase or decrease in the amount of escrow funds held by the RPBCWD for permit no. \_\_\_\_\_ does not constitute an amendment.

9. Notice to Permittee under this agreement is effective when sent by certified mail to Permittee's address as stated in the permit application or such other address as Permittee subsequently has notified the RPBCWD in writing. The laws of the State of Minnesota will govern any legal proceeding concerning this agreement. Venue for any such proceeding will be in the county where the real property that is the subject of this agreement is located. The recitals are incorporated as a part of this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement.

**RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT**

By \_\_\_\_\_ Date:  
Administrator

**PERMITTEE**

By: \_\_\_\_\_ Date:  
[print name here]  
as \_\_\_\_\_ of \_\_\_\_\_.

State of Minnesota  
County of :

This instrument was acknowledged before me on \_\_\_\_\_,  
by \_\_\_\_\_, as \_\_\_\_\_  
of \_\_\_\_\_.

\_\_\_\_\_ (Signature of notarial officer)

(Stamp)

Notary Public  
My commission  
expires:

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**ESCROW PROVIDER ACKNOWLEDGEMENT & RELEASE**

The undersigned acknowledges having received and understood the agreement to which this acknowledgement is attached. By signing, the undersigned agrees to hold the Riley Purgatory Bluff Creek Watershed District (RPBCWD) harmless from and releases any and all claims the undersigned may have to the funds or any part thereof provided to the RPBCWD for the purposes described in and under the terms of the agreement.

Acknowledged, intending to be legally bound:

\_\_\_\_\_ Date:  
By: *[print name]*  
Title \_\_\_\_\_  
Company \_\_\_\_\_

State of Minnesota  
County of :

This instrument was acknowledged before me on \_\_\_\_\_,  
by \_\_\_\_\_, as \_\_\_\_\_  
of \_\_\_\_\_.

\_\_\_\_\_ (Signature of notarial officer)

(Stamp)

Notary Public  
My commission expires:

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**Riley-Purgatory-Bluff Creek Watershed District**  
**Public Purposes Expenditures Policy**

Adopted as amended June 29, 2015

Minnesota law mandates that governmental entities make expenditures only for public purposes and only as authorized to accomplish the purposes for which the entity was created. The Riley-Purgatory-Bluff Creek Watershed District (District) establishes the following policy and protocols to ensure that District expenditures serve clear, documented watershed district purposes. The District administrator will be responsible for the implementation of this policy and associated protocols.

1. **Travel.** The District may pay reasonable and necessary expenses for travel, lodging, meals and appropriate incidental expenses related to the performance of official District functions. Expenditures must be approved in advance by the administrator (for employees) or Board of Managers (for managers and the administrator) and must be directly related to the performance of District functions.
  - a. An employee or manager will be reimbursed for mileage expenses incurred when using the employee's or manager's personal vehicle to conduct District business. Mileage will be reimbursed at the tax-deductible mileage rate set by the federal Internal Revenue Service. Mileage expenses need not be approved in advance, but mileage expenses will be reimbursed only when accompanied by documentation of the date, number of miles traveled, purpose and destination(s). Mileage for employee commuting to and from the District offices will not be reimbursed.
  - b. *Overnight in-state travel.* Expenses eligible for reimbursement include:
    - i. Registration for workshops, conferences, seminars and other events pertaining to District business;
    - ii. Mileage and parking – use of personal vehicle (only) will be reimbursed at the tax-deductible mileage rate set by the federal Internal Revenue Service;
    - iii. Meals;
    - iv. Gratuities (15 percent of expenses incurred);
    - v. Lodging;
    - vi. Other actual expenses.
  - c. *Overnight out-of-state travel.* For out-of-state travel, the Board of Managers must approve all expenditures in advance. In determining whether to approve out-of-state travel, the Board of Managers will give particular consideration to whether representation from the District has been requested by a state or federal governmental office or other host entity whose purpose or work particularly relates to the District's purposes, projects or programs. The District will reimburse airfare at the coach or lesser-cost rate; mileage will be reimbursed at the IRS rate. If two or more managers or staff travel together by car, only the driver will receive reimbursement. Lodging and meal costs are limited to those which are reasonable and necessary. Receipts are required for lodging, airfare and meals. Expenses eligible for reimbursement include:

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- i. Round-trip coach-class (or lesser-cost) airfare;
  - ii. Registration for conferences, seminars and other events pertaining to District business;
  - iii. Mileage and parking – use of personal vehicle (only) will be reimbursed at the tax-deductible mileage rate set by the federal Internal Revenue Service and the cost of renting an automobile will be reimbursed only if necessary to conduct District business;
  - iv. Meals;
  - v. Gratuities (15 percent of expenses incurred);
  - vi. Lodging;
  - vii. Other actual expenses.
2. **Employee and manager training.** The District may pay reasonable registration, tuition, travel and incidental expenses (including lodging and meals) for education, development and training when expenditures are directly related to the performance of duties. Expenditures must be approved in advance by the administrator (for employees) or Board (for managers and the administrator).
3. **Safety and health programs.** The District may pay for safety and health programs that promote healthier and more productive employees and reduce costs to watershed taxpayers, including costs associated with workers' compensation and disability benefits claims, insurance premiums and lost time resulting from employee absences.
4. **Manager and employee recognition and appreciation.** The District may pay for programs that recognize managers and employees for significant contributions to the District's performance and demonstrated commitment to the District's effective and efficient fulfillment of its purposes in accordance with an annual plan and budget for such events, approved by the Board. The District may pay for occasional manager and employee appreciation events or activities conducted in accordance with an annual plan and budget for such events, approved by the Board. No expenditure for manager or employee recognition will be made under this policy unless and until the structure, purposes and criteria for recognition are approved by the Board.
- a. The District will not pay employees direct non-salary payments (i.e., bonuses) except as conditioned on achievement of performance goals specified in a written employment agreement.
5. **Food and beverages.** The District may pay for food and beverages when necessary to ensure meaningful, efficient and effective participation of employees, managers or the public in activities, events and functions directly related to District purposes. Circumstances under which District expenditures for food and beverages will be allowed include:
- a. Food and/or beverages provided as part of a structured agenda of a conference, workshop, work session, outreach meeting or seminar, when the topic or subject of which relates to the official business of the District and the majority of the participants are not District employees or managers;
  - b. Food and/or beverages may be provided as part of a workshop or formal meeting primarily for District employees or managers where food and/or beverages are necessary to facilitate the conduct of the meeting, to ensure continuity and support the participation of employees, managers and other participants. Examples of potential qualifying events include:
    - i. An extended planning or operational analysis meeting;

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- ii. An extended meeting to develop long-term strategic plans;
    - iii. A structured training session for employees generally; or
    - iv. Official meetings of the District Board, a committee, task force or advisory group.
  - c. Food and/or beverages may be provided for occasional employee or manager recognition and appreciation events and activities, when approved by the Board in accordance with a District employee recognition and appreciation plan and budget.
  - d. The District may pay for food and/or beverage expenses incurred in connection with a meeting or event attended by employees and/or managers, the primary purpose of which is to discuss, negotiate or evaluate a plan, program, project or other endeavor directly related to District purposes.
  - e. District meetings, workshops and training sessions will be scheduled to avoid the need to provide food whenever possible.
6. **Outreach and stakeholder involvement.** The District may pay for community and stakeholder outreach and involvement programs to ensure that efficient and effective District programs, projects and meetings are conducted to gather public and intergovernmental input and participation in District planning, research, rulemaking and program or project design.
7. **Membership, donations.** The District may pay for membership in the Minnesota Association of Watershed Districts in accordance with Minnesota Statutes section 103D.335, subdivision 20. District funds may be expended for membership in other professional organizations if the organization is an association of a civic, educational or governmental nature and its activities are directly related to District purposes or the improvement of District operations. District funds may not be donated to any professional, technical or charitable organization, person or private institution. The District may contract for services rendered by such organizations.
8. **Protocols.** The following protocols are established to ensure compliance with above policies:
- a. For employees other than the administrator, the written approval of the administrator must be secured prior to an event or activity to qualify as a District expenditure.
  - b. All invoices or reimbursement requests must include or be accompanied by a copy of the administrator's written approval and must include itemized receipts or other appropriate documentation of expenses incurred. Documentation also must include the date the expense(s) were incurred, location, purpose, participating or attending individuals and relevant affiliation, explanation of the need for food and/or beverage for the meeting, event or activity, and any other relevant information.
  - c. Copies of all documentation specified herein will be recorded and maintained in accordance with the District records retention policy.
9. **Use of District property**
- a. District property, including but not limited to computers, phones, fax machines and other office equipment, will be used exclusively for District business, except for incidental personal use by District staff that does not interfere with or impede the conduct of District business to any substantial degree.

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- b. District property must be used for only its intended purposes.
- c. The administrator may not dispose of any District property with a value of more than \$1,000 without prior authorization of the Board of Managers.

10. **Miscellaneous.**

- a. The District administrator will secure an approval described above for expenses he or she will incur from the president of the Board of Managers, except that the administrator may approve or pay expenses for District-conducted programs, events and activities.
- b. The District will not pay for alcoholic beverages under any circumstances.

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**Riley-Purgatory-Bluff Creek Watershed District**  
**Fund Balance Policy**

Adopted as amended [DATE]

**I. Purpose**

Pursuant to Statement No. 54 of the Governmental Accounting Standards Board concerning fund balance reporting and governmental-fund type definitions, and the recommendation of its auditor, the Riley-Purgatory-Bluff Creek Watershed District establishes specific guidelines the District will use to maintain an adequate fund balance to provide for cash-flow requirements and contingency needs because major revenue, most notably half of the District's annual levy, is received in the second half of the District's fiscal year.

The policy also establishes specific guidelines the District will use to classify fund balances into categories based primarily on the extent to which the District is legally required to expend funds only for certain specific purposes.

**II. Classification of Fund Balances, Procedures**

**1. Nonspendable**

- This category includes funds that cannot be spent because they either (i) are not in spendable form or (ii) are legally or contractually required to be maintained intact. Examples include inventories and prepaid amounts.

**2. Restricted**

- Fund balances are classified as restricted when constraints placed on those resources are either (i) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (ii) imposed by law through constitutional provisions or enabling legislation.

**3. Committed**

- Fund balances that can only be used for specific purposes pursuant to constraints imposed by action of the District Board of Managers. The committed amounts cannot be used for any other purpose unless the District removes or changes the specified use by taking the same type of action it employed to commit those amounts.
- The Board of Managers will annually or as deemed necessary commit specific revenue sources for specified purposes by resolution. This action must occur prior to the end of the reporting period, but the amount to be subject to the constraint may be determined in the subsequent period.

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- The Board of Managers may remove a constraint on specified use of committed resources by [motion](#).

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#### 4. Assigned

- Amounts for which a specified purpose has been stated, but are neither restricted nor committed. Assigned fund balances include amounts that are intended to be used for specific purposes.
- In adopting this policy, the District managers delegate the authority to assign and remove assignments of fund balance amounts for specified purposes to the District administrator.

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#### 5. Unassigned

- A residual classification that includes amounts that have not been assigned to other funds and that have not been restricted, committed, or assigned to specific purposes. The District has established a minimum fund balance policy consisting of the following three components:

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- Working capital.* The District will [endeavor to](#) maintain an unassigned fund balance of an amount not less than 50 percent of the next year's budgeted expenditures [for working capital](#). This will assist in maintaining an adequate level of fund balance to provide for cash-flow requirements and contingency needs because major revenues, including property taxes and other government aids are received in the second half of the District's fiscal year.

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- Emergency reserve.* Beyond the working capital reserve in the first half of the year, the District will [endeavor to](#) maintain additional funds to provide for emergencies. At the end of each fiscal year, the District will establish an emergency reserve for unforeseen expenditures equal to 5 percent of the next year's budget.

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- Budget stabilization.* To buffer budget volatility, the District will [endeavor to](#) maintain a fund balance to help manage fluctuations in the operating budget. The District will maintain a balanced budget, and [will endeavor to ensure that](#) the carryover balance at the end of the year [is 5 to 7 percent](#) of the next year's budget. These funds could be used to cover, for example, one-time expenditures to avoid future budget increases, offset shortfalls in revenue, fund unanticipated operative expenses.

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A negative residual amount may not be reported for restricted, committed, or assigned fund balances.

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### III. Monitoring and Reporting

The District administrator will annually prepare a report on the status of fund balances in relation to this policy and present the report to the District managers in conjunction with the [annual audit report to the State of Minnesota](#).

When both restricted and unrestricted resources are available for use, it is the District's general policy to first use restricted resources, then use unrestricted resources as needed. When committed, assigned or unassigned resources are available for use, it is the District's general policy to use resources in the following order; 1) committed 2) assigned and 3) unassigned.

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**Riley-Purgatory-Bluff Creek Watershed District**  
**Internal Controls and Procedures for Financial Management**

Adopted July 2, 2014

This policy is adopted to provide the Riley-Purgatory-Bluff Creek Watershed District (District) with written internal controls and procedures for financial management. Adherence to this policy and procedures will ensure that the District's finances are managed in accordance with generally accepted accounting principles and best practices, and will minimize District administrative costs.

- I. **Annual budget.** The administrator annually develops a proposed budget for presentation to the Board of Managers for review. After adjustments as directed by the Board, the District schedules and issues appropriate notice for a public hearing on the proposed budget. Following the public hearing but before September 15 each year, the Board of Managers adopts the annual budget and certifies it to the Hennepin County auditor.
  - a. Amounts in any approved budget category may not be reallocated or exceeded by more than 10 percent of the total program/project amount without approval of the Board of Managers.
  - b. Actual expenditures may not materially deviate from the amount in an approved budget category.
- II. **Annual financial statements.** Annual financial statements are approved by the Board of Managers, then submitted to the Board of Water and Soil Resources and the Office of the State Auditor within 120 days of the end of each fiscal year.
  - a. In preparation for the annual audit of the District finances, the administrator prepares the following documents:
    - i. Copies of approved budgets and all budget amendments;
    - ii. Detailed general ledger (through year-end);
    - iii. Bank reconciliation and bank statements;
    - iv. Copies of disbursements and receipts;
    - v. Copy of tax (levy) settlements from Hennepin County;
    - vi. Copy of certification levy;
    - vii. Listing of accounts payable and copies of signed checks;
    - viii. Grant and other funding agreements;
    - ix. List of capital assets, showing all deletions and additions;
    - x. Copies of invoices;
    - xi. Approved minutes.
  - b. The administrator annually presents the draft audit for approval to the Board of Managers at a monthly meeting.
- III. **Monthly financial management protocols.**
  - a. The District contracts with a certified public accountant to manage the checking accounts and investment funds of the District.
  - b. The administrator receives monthly bills and invoices at the District office.

- c. The administrator reviews the bills and recommends payment; the accountant prepares checks pursuant to these recommendations to pay the monthly bills.
- d. The accountant also prepares a monthly treasurer's report that includes a [listing of bills to be paid and tracks](#) account balances.
- e. The administrator reviews the treasurer's report and distributes the report to the Board of Managers for the review prior to the Board's monthly meeting.
- f. [The treasurer also reviews the bills to determine whether to recommend payment. All bills are available for review by any member of the Board of Managers on request.](#)
- g. At the monthly Board meeting, the treasurer presents the treasurer's report. The Board of Managers receives and discusses, as necessary, the treasurer's report, then authorizes payment of the monthly bills as presented in the check register.
- h. Following Board authorization to pay the bills, the administrator mails payment to vendors as authorized.

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IV. **Spending Authority.** All expenditures by the District must be approved in advance by the Board, except that the Board by resolution may delegate to the administrator the authority to bind the District, with or without countersignature, to a purchase of goods or services, or to enter into a contract for same, when the cost thereof does not exceed \$10,000 or under other specified conditions.

- a. The Board has authorized the administrator to expend up to \$5,000 on a single purchase without prior Board approval and affirms that authority in adopting this policy.
- b. The administrator may not purchase any real estate or easements on real estate without prior authorization for the Board of Managers.

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V. **Banking**

- a. The District maintains a current signature card at the depository bank.
- b. The administrator and treasurer may transfer funds between District accounts and may deposit funds into District accounts.
- c. Cash withdrawals from District accounts are prohibited.
- d. The administrator, [in consultation with the treasurer](#), is authorized to invest District funds [in accordance with Minnesota Statutes chapter 118A](#).
- e. All deposits to District accounts must be made intact, and the District's bank is instructed not to return cash from a deposit to a District account.

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VI. **Checking**

- a. The administrator is not an authorized signatory of District checks.
- b. All checks, drafts or other orders for the payment of money, notes or other evidence of indebtedness issued in the name of the District shall not be valid unless signed by two managers, except that a check, draft or other order for payment of less than \$100 is valid with one manager's signature.

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VII. **Credit card use.** The administrator is authorized to incur charges to the District credit card, with a maximum single charge of \$5,000 and allowable billing-period maximum charges totaling \$10,000.

- a. A receipt must be obtained for all District credit card purchases. Credit card purchases for which a detailed receipt is not provided must be reimbursed by the individual making the purchase.

**VIII. Reporting**

- a. All expenditures and investments, receipts and disbursements made must be compiled for presentation to the Board of Managers by the treasurer in a timely manner.
- b. The annual audit will be filed with the Board of Water and Soil Resources and the Office of the State Auditor within 120 days of the end of the District's fiscal year (January 1 – December 31).
- c. The administrator and treasurer will regularly review relevant records and documents for any of the following, and report to the treasurer (for the administrator) or the Board of Managers (for the treasurer) any of the following if found:
  - i. Unusual or unexplained discrepancy between actual performance and anticipated results (costs in a general expense categories well beyond the budgeted amount);
  - ii. Receipts that do not match deposit slips;
  - iii. Disbursements to unknown and/or unapproved vendors;
  - iv. A single signature on a check or pre-signed blank checks;
  - v. Gaps in receipt or check numbers;
  - vi. Late financial reports;
  - vii. Disregard of internal control policies and procedures.

**IX. Depositories and collateralization.** In accordance with state law, the District names an official depository or depositories at its January meeting each year (depository bank(s)). In the event the Board of Managers does not designate a depository in any particular year, the last-designated depository will continue in that capacity. Each depository bank provides the District with a proof of collateralization in accordance with state law (Minnesota Statutes section 118.03) for an amount equal to the amount on deposit at the close of the depository bank's banking day beyond the amount covered by federal insurance, if any. The collateral provided by each depository bank will be maintained in an account in the trust department of a bank or other financial institution not owned or controlled by the same (depository) bank or in a restricted account at a federal reserve bank.

**X. Financial Assurances and Abandoned Property.** *See* District Policy for Management of Financial Assurances and Abandoned Property, adopted November 21, 2012.

**XI. Miscellaneous**

- a. The District will not maintain a petty cash fund.
- b. The District will not accept cash (currency) in payment of permit fees or financial assurances.
- c. The District will not cash personal or third-party checks.
- d. The administrator must not fail to insure District property against theft and casualty loss.

**Riley-Purgatory-Bluff Creek Watershed District**  
**Policy on Permit Fee Reimbursement**

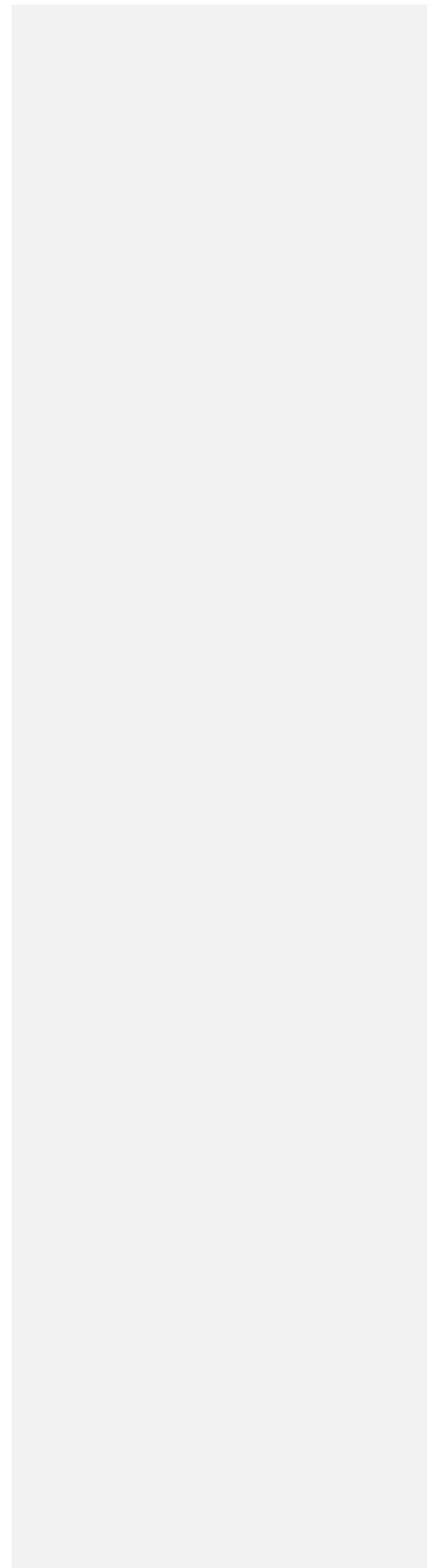
Adopted July 2, 2014

1. On receipt of written notice of the withdrawal of a permit application with a request for fee refund, the administrator will analyze the permitting record to date and determine the costs the District has incurred, including but not limited to the costs of consultant services, analysis of proposed activities and inspection of property, and the administrator will prepare a written accounting of expenses incurred;
2. When District costs are less than the fee paid by the applicant, the administrator will forward reimbursement of the difference as a payable item at the next regular meeting of the Board of Managers, except that under all circumstances the District will retain the \$10 permit fee authorized by Minnesota Statutes section 103D.345 to cover administrative costs.
3. When District costs exceed the fee paid by the applicant, the administrator will inform the applicant in writing that no reimbursement will be paid and forward to the applicant the accounting that is the basis for this determination, and the administrator will include the notice to the applicant and the accounting that is the basis for this determination to the Board of Managers at its next meeting.
4. Financial assurances provided by an applicant will be released in accordance with District Rule 12.0.

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# Appendix A



**Riley-Purgatory-Bluff Creek Watershed District**  
**Inventory of Not-Public Data on Individuals**  
January 2015

This document describes private or confidential data on individuals maintained by the Riley-Purgatory-Bluff Creek Watershed District (see Minn. Stat. 13.05 and Minn. Rules 1205.1200).

This document is also part of the District's procedures for ensuring that not-public data are only accessible to individuals whose work assignment reasonably requires access (see Minn. Stat. 13.05, subd. 5). In addition to the employees listed, the District managers and District legal counsel also will have access to not-public data as needed as part of specific assignments or under certain circumstances.

Please direct all questions about this inventory to the District Data Practices Compliance Official:

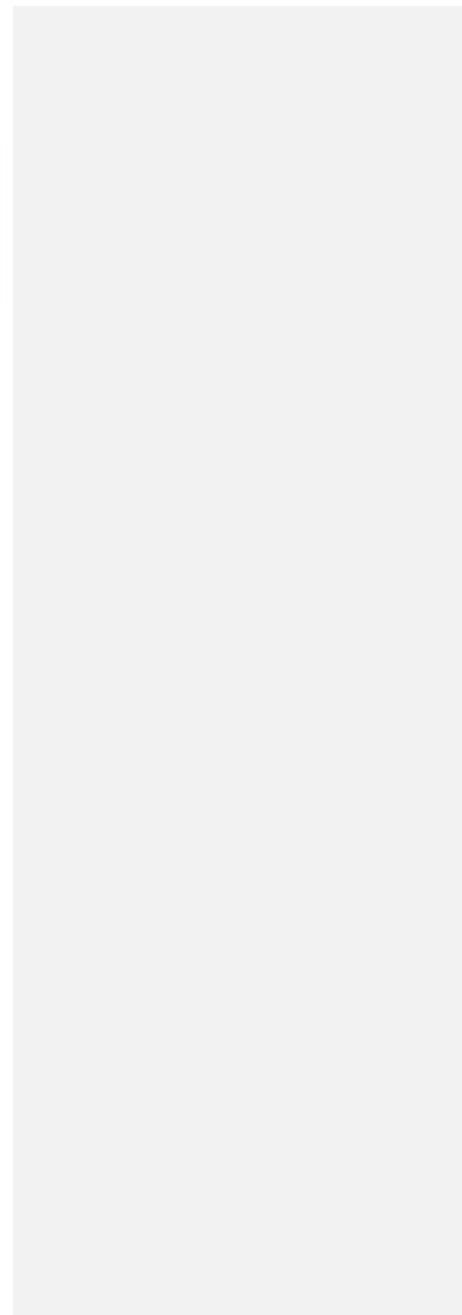
**Claire Bleser**  
[cbleser@rpbcwd.org](mailto:cbleser@rpbcwd.org)  
952-607-6512

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee/Manager Access
Appeal data	Data maintained as a result of processing appeals of determinations about the accuracy and/or completeness of public and private data on individuals	Public Private	MS 13.03, subd. 4	Administrator.
Applicant records	Completed assessments and results, related documentation, and application forms.	Public Private	MS 13.43	Administrator.
Attorney Data	Data related to attorney work product or data protected attorney-client privilege	Private	MS 13.393	Staff on as needed basis as part of specific work assignments.
Citizen Advisory Council member data	Data pertaining to advisory council applicants and appointees.	Public Private Confidential	MS 13.601	Administrator; other staff as needed.
Civil investigative data	Data that are collected in order to start or defend a pending civil legal action, or because a civil legal action is expected	Confidential Public	MS 13.39	Administrator; other staff as needed.

Continuity of Operations	Personal home contact information used to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of operation of a government entity.	Private	MS 13.43, subd. 17	Administrator.
Employee expense reports	Expense reimbursement requests	Public Private	MS 13.43	Administrator.
Employee personnel records	Record of prior and current employment history. Data relating to hiring, assessments, payroll, pension and retirement, promotion, medical, family leave, grievances and discipline and related administrative personnel actions; drug-and-alcohol-testing and background-check results.	Public Private	MS 13.43	Administrator.
Motor vehicle data	Information on license plate numbers, owners, and registration status of vehicles.	Private	MS 168.346	Administrator.
Personal contact and online account information	Telephone number, email address and usernames and passwords collected, maintained, or received by the District for notification purposes or as part of a subscription list for an entity's electronic periodic publications as requested by the individual.	Private	MS 13.356	Administrator; consultants as needed for specific projects and programs.

Personnel data	Data about employees, applicants, volunteers and independent contractors; data disclosed for the purpose of administration of the workers' compensation program as provided in chapter labor relations information	Public/Private/ Confidential	MS 13.43 179A.03, subd. 4	Administrator.
Response to data requests	Data collected by the District Data Practices Compliance Official in responding to requests for data maintained by the District.	Public Private	Various	Administrator; staff as necessary.
Security information	Data that would substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury, if the data were released to the public	Private	MS 13.37	Administrator.
Social Security numbers	Social Security numbers assigned to individuals	Private	MS 13.355	Administrator.
Unemployment compensation billings	Records of billings for employee unemployment compensation	Private	MS 13.43	Administrator.

Workers compensation billings	Records of billings for employees who receive workers compensation benefits	Private	MS 13.43	Administrator.
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Adopted by the Board of Managers of the Riley-Purgatory-Bluff Creek Watershed District this 4 day of February, 2015.

Date:

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# RILEY PURGATORY BLUFF WATERSHED DISTRICT

## PERSONNEL POLICY MANUAL



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Board Adopted: July 2, 2014 Ammended:

**RILEY PURGATORY BLUFF WATERSHED DISTRICT**

**PERSONNEL POLICY MANUAL**

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## WELCOME TO THE RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT

Welcome the Riley-Purgatory-Bluff Creek Watershed District!

The Riley-Purgatory-Bluff Creek Watershed District (District) is a special purpose local unit of government created to manage and protect the waters of three watersheds (Bluff, Riley and Purgatory) that drain into the Minnesota River. The District was established by the Minnesota Board of Water and Soil Resources (BWSR) on July 31, 1969. Five Board Members govern the District, while the District's programs, activities and initiatives are carried out by staff members, consultants and citizen volunteers.

The mission of the District is to *“To protect, restore and manage the water resources in the Riley Purgatory and Bluff Creek Watersheds.”*

The District is approximately 50 square miles in size and includes portions of Bloomington, Chanhassen, Chaska, Deephaven, Eden Prairie, Minnetonka and Shorewood. The District is bounded to the east by the Nine Mile Creek Watershed District, to the west by the Carver County Watershed Management Organization, to the north by the Minnehaha Creek Watershed District and to the south the Lower Minnesota Watershed Management Organization. The first watershed management plan for the District was adopted in 1973 and the newest in 2011. Since then, the District has worked towards accomplishing the goals and objectives set forth in the 2011 plan. The District has developed programs, projects and capital improvement projects to manage and restore its resources. The 2011 Watershed Management Plan meets the requirements specified in Minnesota Statutes Chapter 103B and 103D and will be valid through 2021.

The District places great value on working with partners in order to explore new ideas, increase efficiency, prevent duplication of effort and save money when promoting best management practices across the watershed. This District also recognizes the importance of involving residents in watershed protection. In order for the District to achieve its mission of protecting, managing and improving water resources, it is essential that residents adopt preferred water quality protection behaviors in their own home landscape, and support large-scale watershed management projects.

On behalf of the Board of Managers, I welcome you to the Riley-Purgatory-Bluff Creek Watershed District.

Claire Bleser

Administrator

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## **SECTION I - EMPLOYMENT**

### **A. INTRODUCTION TO THIS MANUAL**

The Personnel Policy Manual offers general information and guidelines to Riley Purgatory Bluff Watershed District (“District”) employees in order to enhance the relationship between the District and its employees. The policies and procedures in this Handbook do not create an employment contract between the District and its employees and it is not the intent of the District to offer an employment contract to its employees by distributing this Manual. The District reserves the right to amend, modify or discontinue any of the information or benefits contained herein. Changes may be made with or without prior notice to employees. The policies and procedure set out in this Manual are as complete as we can reasonably make them. However, they are not necessarily all-inclusive, because circumstances that we have not anticipated may arise. If circumstances require, the District’s management reserves the right to deviate from the policies and procedures in this Manual at its discretion.

The District by distributing this handbook revokes any and all previous policies and procedures of the District that are inconsistent with those policies and procedures included herein. The District in distributing this handbook seeks to provide its employees with guidance as to how the District will make decisions related to management of its employees. The District however retains all of its authority and discretion on all materials related to the management of its employees including, but not limited to, budget, number of employees, organizational structure, scheduling, job duties, and use of technology. Further, the District in its sole discretion reserves the right to revise, modify or reject any policy or procedures contained in this Manual.

## **SECTION I - EMPLOYMENT**

### **B. EMPLOYMENT AT WILL DISCLAIMER**

This Manual is not a contract of employment and is not intended to create any contractual rights, either expressed or implied, between the District and its employees. The employment relationship is by mutual consent, and the employees have the right at any time to terminate their employment for any reason. The District reserves the right to terminate employees on this same basis, regardless of any statements, written or oral, by the District, or any of its employees or representatives that may seem to the contrary. This disclaimer shall in no way alter the District's right to terminate employees at will. The practices and procedures described in this Manual are merely guidelines and may be changed or discontinued at any time, without prior notice by the District.

## **SECTION I - EMPLOYMENT**

### **C. EQUAL EMPLOYMENT OPPORTUNITY POLICY**

It is the policy of the District to comply with all applicable laws that provide equal opportunity to all applicants for employment without regard to race, color, creed, religious belief, sex, sexual orientation, national origin, marital status, status with respect to public assistance, disability, age or any other protected characteristic as established by applicable law. This non-discrimination policy applies to:

- Hiring, placement, promotion transfer or demotion, recruitment, advertising or solicitation for employment
- Selection for training programs
- Treatment during employment
- Termination from employment or transfer
- Salary or other forms of compensation and benefits
- Intangible job benefits such as shift schedules

The objective of our equal opportunity policy is to obtain individuals who are best suited to the position and to select for training and promotion those individuals who by virtue of qualifications and education are best suited for such considerations.

Any employee of this organization, or subcontractor to this employer, who does not comply with the Equal Employment Opportunity Policies and Procedures as set forth in this policy will be subject to disciplinary action. Any employee or agent not complying with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of the Federal, State and Local governing bodies or agencies thereof, specifically Minnesota Statutes 363, will be subject to appropriate legal sanctions.

## SECTION I - EMPLOYMENT

### D. DEFINITIONS OF EMPLOYMENT STATUS

The District maintains standard definitions of employment status and classifies employees for purposes of personnel administration and related payroll transactions according to the following definitions:

Exempt - Employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and state law and who are exempt from overtime pay.

Non-exempt - Employees whose positions do not meet FLSA exemption tests and who are paid one and one-half times their regular rate of pay for overtime (hours worked over forty in a week), as required by federal and state law.

Full-time - Employees scheduled to work not less than 40 hours per week.

Part-time – Employees who are hired for a position for less than 40 hours per week.

Temporary or Seasonal (Full or Part-time) – Employees who are hired for a temporary period of time or assignment whether full or part-time. These employees will not accrue health, dental or insurance benefits available to full-time, regular employees. These employees would be eligible for Paid Time Off, Holidays, Court Service, Jury Duty, Voting and Military benefits as described in the Manual.

Independent Contractor - Any individual hired to work on a project or provide a service with a specific start and end date, on an independent basis who, under applicable law, is not deemed to be an employee. The independent contractor will not accrue benefits available to regular and full-time employees.

Service learners – Any individual volunteering to work for the District as part of a class requirement.

Interns – Any individual working with the District part-time to full-time for less than one year.

Volunteers – Any individual volunteering for the District.

## **SECTION I - EMPLOYMENT**

### **E. STAFFING COMPLEMENT**

The total number of positions authorized by the District in its budget Manual may, from time-to-time, be amended by the District upon recommendation of the District Administrator. Unless through promotion of an employee, all vacant positions must be filled with competitive recruitment. Selection of the qualified applicant will be determined by the District Administrator.

### **F. NEPOTISM**

Relatives of District managers or employees may not be employed or otherwise be engaged to perform services, where one relative will, or may, exercise direct supervision or may otherwise directly influence the recruitment, employment, salary, fee or performance of another relative.

### **G. NEW EMPLOYEES**

New employees will receive a performance review prior to their one-year anniversary. Review of new hires will generally be held after the completion of six months of employment. Salary actions may be taken as a result of the six month performance review.

## **SECTION I - EMPLOYMENT**

### **H. SEPARATION POLICY**

The District is an AT WILL EMPLOYER. Your employment may be terminated by the District, or by you for any lawful reason, or for no reason.

#### **SEPARATION BY THE ADMINISTRATOR**

If the Administrator wishes to terminate employment, a written letter of resignation is requested. We would expect he/she to notify the Board of Managers two (2) weeks prior to the final requested day of employment. Any additional notice given would be appreciated by the District.

#### **SEPARATION BY THE EMPLOYEE**

If an employee wishes to terminate employment, a written letter of resignation is requested. We would expect he/she to notify the District Administrator two (2) weeks prior to the final requested day of employment. Any additional notice given would be appreciated by the District.

Any employee who is absent from work without having notified the District Administrator of the absence or the reason for it will be considered as having voluntarily resigned with forfeiture of any separation benefits, on the third consecutive day of absence.

#### **SEPARATION BY RILEY PURGATORY BLUFF WATERSHED DISTRICT**

The District reserves the right to terminate employment, if in its discretion, the welfare or business needs of the District require such action.

The District may terminate an employee's employment, without cause, and with or without notice, at any time for any reason.

The District Administrator, in his/her sole discretion, will determine when an employee's conduct will result in termination. Such conduct may include, but is not limited to: unsatisfactory job performance, absenteeism, tardiness, harassment, adverse behavior and criminal conduct. Other circumstances may also result in termination of employment at the sole discretion and in the judgment of management.

#### **LAYOFF**

After seven calendar day's prior written notice, the District Administrator may lay off employees because of shortage of work, of funds, abolition of positions, or other reasons. The District Administrator may lay off full or part-time temporary employees with no prior notice.

## SECTION I - EMPLOYMENT

### H. SEPARATION POLICY (continued)

#### ALL TERMINATIONS

All records, Manuals and items obtained through work such as keys, this employee Manual, work manuals, etc., belong to the District. They must be returned to the District Administrator prior to leaving, along with any copies. Former employees may not use any District information, employee information or other data owned by the District.

Employees who are separated voluntarily or involuntarily may be requested to participate in an exit interview.

#### BENEFITS OF TERMINATED EMPLOYEES

An employee leaving the District will receive any accrued but unused accumulated PTO pay. The employee will also receive salary for each day worked after the last regular pay period computed at the current salary rate. Employees may elect to continue their health, dental and life insurance for eighteen (18) months after termination pursuant to applicable law. If the election option is chosen, the terminating employee is responsible for the total cost of the premium. Premium payments must be arranged and paid to the applicable health care provider.

#### SEVERANCE COMPENSATION

Severance paid is the lump sum payment of some unused paid leave. You are eligible to receive severance pay if you resign in good standing and meet service requirements.

The salary at the time you resign is used to calculate your severance payment.

Severance Pay = (unused PTO hours X hourly salary) up to maximum of 480 hours.

## SECTION II - STANDARDS OF CONDUCT

### A. SEXUAL HARASSMENT AND OFFENSIVE BEHAVIOR POLICY

Sexual harassment is against the law. It is the policy of the District to abide by the applicable federal and state laws that prohibit sexual harassment and to maintain an employment atmosphere free of any form of harassment, intimidation, or coercion regarding race, sex, color, creed, religion, ancestry, national origin, disability, age, affectional preference, marital status or status of public assistance.

Sexual harassment of any employee by any other employee, supervisor, manager, stakeholders, or any other person who the employee encounters in the course of employment, whether the opposite or same sex, will not be tolerated. If investigation of a complaint of sexual harassment indicates harassment has occurred, appropriate disciplinary action will be taken, up to and including termination of employment. All employees are expected to treat their coworkers, subordinates, and supervisors with respect at all times.

Some examples of sexual harassment include, but are not limited to:

- a. Use of offensive or demeaning terms that have sexual connotation.
- b. Objectionable physical closeness, behavior, actions, or contact.
- c. Unwelcome suggestions regarding, or invitation to, social engagements or work-related social events.
- d. Any indication, expressed or implied, that an employee's job security, job assignment, conditions of employment, or opportunities for advancement may depend on the granting of sexual favors.
- e. Any action relating to an employee's job status which is in fact affected by consideration of the granting or refusal of social or sexual favors.
- f. Deliberate or careless jokes or remarks of a sexual nature to or in the presence of any employee who may find such jokes or remarks offensive.
- g. Showing materials (such as cartoons, articles, pictures, etc.) that have a sexual content to employees who may find such materials offensive.
- h. Insulting offensive behavior directed at an individual related to or because of the individual's gender, whether or not such behavior is of sexual nature.

Some examples of offensive behavior include, but are not limited to:

- a. Use of offensive or demeaning terms.
- b. Objectionable behavior, actions, or contact.
- c. Deliberate or careless jokes or remarks to or in the presence of any employee who may find such jokes or remarks offensive.
- d. Insulting offensive behavior directed at an individual, whether or not such behavior is of sexual nature.

## **SECTION II - STANDARDS OF CONDUCT**

### **A. SEXUAL HARASSMENT AND OFFENSIVE BEHAVIOR POLICY (continued)**

The District also prohibits non-sexual offensive behavior. This includes words or actions that are offensive to another based on sex, race, age, religion, color, creed, sexual orientation, disability, marital status, or national origin.

Each employee is expected to treat other employees with respect and to report immediately any sexual harassment or offensive behavior. If an employee feels that they are being subjected to sexual harassment or offensive behavior from another employee or individual, they have the right to demand immediately that the person stop. The employee should promptly report the conduct to the District Administrator who generally will investigate the matter.

If an employee feels that reporting sexual harassment or offensive behavior to the District Administrator is not effective or possible, then he/she should report it to the Personnel Committee of the Board. All complaints will be handled promptly and as confidentially as practicable.

All employees who have experienced or who have witnessed a violation of this policy have an obligation to report such violations of the policy. If the employee feels comfortable, they should tell the person who violated the policy that their conduct is inappropriate and should stop. RPBCWD is committed to thoroughly and promptly resolving all complaints of violations of this policy.

Any employee, supervisor or manager who is found to have violated the harassment policy will be subject to appropriate disciplinary action, up to and including termination. The District prohibits any form of retaliation against an employee for filing a good faith complaint, providing information about harassment or participating in an investigation of a violation of this policy. Any employee who is found to have engaged in retaliation will be subject to disciplinary action, up to and including termination. However, if an investigation of a complaint shows that the complaint or information was false, the individual who provided the false information will be subject to disciplinary action, up to and including termination.

### **B. OPEN-DOOR POLICY**

The purpose of this policy is to communicate the District's philosophy regarding its basic relationship with each employee and to preserve a positive work environment.

The District desires to maintain an environment in which each employee does not hesitate to discuss personal, job-related problems or questions with management on an informal basis. The employee should first discuss any questions with the District Administrator and if they feel that their issue is not resolved, the employee should then request that the matter be addressed by the Personnel Committee.

## SECTION II - STANDARDS OF CONDUCT

### C. SAFETY AND SECURITY

It is the policy of the District to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment free from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by management or by federal, state, or local law. Employees are required to comply with additional safety and security procedures, based on their job duties that go beyond those listed here.

Because of the nature of the work and operations at the District including entry into storm sewers, work in roadways, inspection of construction sites, and use of hand tools, use of boat and canoe, the District strives for the highest safety standards for its employees through a comprehensive health and safety program. The purpose of the program is to outline the policies, procedures and operations in the office, shop and field that shall ensure healthy and safe conditions in the workplace and minimize the frequency and severity of hazards for its employees. Employees are required to follow all safety procedures and policies as developed.

#### SAFETY

The District Administrator will inform employees of any safety regulations that may pertain to specific jobs. All employees will recognize the following items:

- Personal Safety: Employees are to use any tools, machines or equipment properly and conscientiously for their own safety and for the safety of their co-workers.
- Facility Safety: Employees are to keep their working area neat and orderly. They will observe all emergency detection/warning systems and report potentially dangerous conditions to the District Administrator.
- Reporting an injury: All work related injuries must be reported to the District Administrator immediately so that the employee can be provided with proper first aid or medical attention. Failure to report a work related illness or injury may result in difficulty obtaining any benefits due to the employee.
- Automobile Safety: As outlined in the District Safety Manual, all employees who drive an automobile (whether their own or a District vehicle) must exercise due diligence to drive safely, follow all traffic laws and avoid distractions while driving. The District strongly discourages the use of cell phones while driving. Texting and other use of handheld devices while driving are prohibited. (Contact information and procedural steps will be provided at start of employment and every year thereafter)

- Field Safety: No employee should be alone when monitoring on a boat or in a creek. Furthermore, employees need to go through a winter monitoring training and spring/summer monitoring season safety training. Employees must have current a first aid and CPR certification within the first six months. Hard hats must be worn when entering a construction site and employee should proceed with caution.

Any injury occurring on personal time must also be reported to the District Administrator so that necessary precautions can be made to prevent aggravation of the injury at work.

## SECURITY

Employees are expected to know and comply with the District's security procedures as outlined on the employee bulletin board and are expected to report any violations or potential problems to the District Administrator. These procedures are provided to new employees during orientation and are available on the District's computer file service system under security procedures.

Employees violating security procedures will be subject to discipline up to and including termination. In addition, illegal acts committed by employees may be reported to law enforcement authorities.

Employees are expected to exercise reasonable care to safeguard personal items brought to work. The District is not responsible for the loss, damage, or theft of personal belongings, and employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.

Personal items are allowed in work areas to the extent that they do not create a cluttered, unprofessional appearance, distract other employees from work and are not provocative, demeaning or offensive to fellow employees or stakeholders.

Employees who have been given District property (such as computers, cellular telephones, or other electronic devices) for their use outside of the office are responsible to safeguard that property as if it were their own. It is especially important to protect this equipment if it contains files and information of a confidential nature. If this equipment is stolen or lost, employees must notify the District Administrator immediately to secure any information stored on the device.

## SECTION II - STANDARDS OF CONDUCT

### D. COMPUTER AND EQUIPMENT USE

The integrity of the District's computer facilities, including central computers, terminals, printers and all associated equipment, is critical to our mission in providing the highest quality, personalized service. Accordingly, all employees having access to the District's computer equipment are required to comply with this policy.

#### GUIDELINES

- Information stored on the District's computers is confidential. Use or distribution of such information, other than in the course of employment, is not permitted by the District and may also be prohibited by federal and state law.
- Use of the District's computers and equipment for non-District work is not permitted unless authorized by the District Administrator.
- Employees are not permitted to reproduce computer software or related Manuals, unless authorized by the software developer and the District.
- All computer software must be used only in accordance with applicable license agreements.
- Employees may not copy, rename, modify, examine or change file protection or visibility without permission from the District Administrator to do so. Password or otherwise protected files may not be accessed without authorization. Lack of protection on a file does not imply right of access.
- Employees are not permitted to load software, or otherwise use a computer in a manner that wastes computer resources, including but not limited to processor, memory, disk storage or in/output services.
- Distributing a computer virus or other deceptive procedures that operate in a destructive or deceptive manner or interferes in any way with the services available to a user is a violation of this policy. It is the responsibility of the user when browsing the Internet to ensure that computer viruses are not downloaded into the organization's computers.

The District has the right, but not the duty, to monitor any and all of the aspects of its computer system, including, but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and newsgroups, receiving material downloaded or uploaded by users of the Internet, and viewing e-mail sent and received by users. An employee's use of the District's communications system is considered consent to such monitoring or other access. The District reserves the right to override passwords and/or codes. Employees are required to provide the District Administrator with all passwords and access codes to provide proper access to District computer systems.

## SECTION II - STANDARDS OF CONDUCT

### E. ELECTRONIC COMMUNICATIONS

The District's employees communicate with each other and non-employees in a variety of ways including, but not limited to e-mail and communication systems such as voice mail, faxes and telephone conferencing. The District provides these systems for business use to employees during the course of their employment. Excessive use of the electronic communication systems for personal business is not permitted. In addition, personal use shall not occur during the work time of the employee. Electronic communications systems are considered the District's property and may constitute business records. These communications are not considered private and may be monitored, observed, tracked or otherwise accessed by the District at any time, with or without notice at the sole discretion of management in accordance with applicable laws. An employee's use of the District's communications system is considered consent to such monitoring or other access. The District reserves the right to override passwords and/or codes. Employees are expected to provide these upon request to facilitate access.

Electronic communications may be stored and otherwise used or forwarded as determined by the District. The District retains the sole right to implement and execute data retention and deletion systems. Employees shall not delete data unless explicitly directed to do so.

Employees who misuse these systems, or allow others to, may be subject to disciplinary action, up to and including termination.

#### GUIDELINES

- All electronic communications should be kept professional in style and content.
- Confidential or proprietary information may not be sent through electronic communications systems outside the District or to employees outside the scope of their employment.
- The District's Equal Employment Opportunity, Sexual Harassment and Solicitation policies apply to **all** forms of communication, including the use of all electronic communication systems. The use of electronic communication systems to send data or other information that may violate these policies is prohibited.
- Employees are not permitted to override personal passwords or other protective devices without the District Administrator's authorization.

## SECTION II - STANDARDS OF CONDUCT

### F. BULLETIN BOARDS

The District will post important messages relating to its employees, including messages relating to employment benefits or compensation, and position openings. Employees are urged to take notice of these messages whenever they appear. Employees should not post personal items on the bulletin board. Any inappropriate material is subject to removal from the posting area by management.

### G. PERSONNEL RECORDS AND PRIVACY

Personnel files and other personnel information are available for review. The employee must make a **written** request to the District Administrator to review the personnel record, and may do so only once in a six-month period. In addition, a terminated employee (voluntary or involuntary) may review the personnel record once in the first year after termination.

Upon receipt of a proper written request, the District will provide you with the opportunity to review the personnel record within seven working days. Materials/information that can be reviewed include:

1. Application for employment
2. Wage/Salary History
3. Fringe Benefit Information
4. Notices or letters of commendation
5. Warnings
6. Disciplinary actions
7. Terminations
8. Leave Records
9. Authorization for a deduction or withholding

In response to external inquiries, the District Administrator will verify dates of employment, and job title only. No other information will be provided unless required by law, or in certain circumstances, with the employee's written authorization.

Confidential personnel information is not released to anyone without written authorization, or unless required by statute or an appropriate court order, summons, subpoena, or search warrant.

## SECTION II - STANDARDS OF CONDUCT

### H. LIFE-THREATENING ILLNESSES

It is the purpose of this policy to state the District's position on employees with infectious, long-term, life-threatening, or other serious diseases or illnesses.

#### POLICY

The District is committed to providing equal opportunity to all employees, including those who have infectious, long-term, life-threatening, or other serious diseases or illnesses. The District is also committed to providing a safe work environment that meets or exceeds state and federal regulations. Consequently, employees who have infectious, long-term, life-threatening, or other serious diseases or illnesses will be treated like other employees as long as they meet performance standards, and medical and other evidence indicates that their condition is not a threat to themselves or others.

#### PROCEDURE

- A. Confidentiality and Sensitivity. If an employee has a life-threatening illness, or if an employee discovers a fellow worker has a life-threatening illness, all reasonable efforts should be exercised to ensure that this information remains private and confidential. All employees should treat employees with a life-threatening illness with compassion and understanding.
- B. Working with Terminally Ill Employees. The District will allow employees who have a life-threatening illness to continue to work as long as they continue to meet performance standards and his/her condition is not a threat to him/herself or others, the District will attempt to reasonably accommodate these employees to allow them to perform their essential job function, unless such accommodations would constitute an undue hardship.
- C. Employees who have a serious disease or illness and who want an accommodation should provide the District Administrator with any pertinent medical information needed to make decisions regarding job assignments, ability to continue working, or ability to return to work. The District also may require a doctor's certificate of an employee's ability to perform job duties. In addition, the District may request that an employee undergo a medical examination.

## SECTION II - STANDARDS OF CONDUCT

### I. CONDUCT POLICY

It is the policy of the District that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the organization, or is offensive to stakeholders or co-workers will not be tolerated. District employees are expected to be:

- mature
- reasonable
- behave in a professional manner appropriate to the workplace
- present at work when scheduled and on time
- to perform their duties in a safe and competent manner
- courteous and respectful toward supervisors, co-workers, stakeholders and any other persons in the workplace
- honest
- careful with equipment and property

The District expects employees to give their best efforts to their jobs and to treat their jobs as an important part of their lives.

Occasionally, employees may have difficulty meeting their obligations. The District Administrator will deal with any problems on an individual basis. The District's action will be based on its review of all the circumstances involved. Depending on considerations such as severity, nature, and other circumstances of an employee's offense, the disciplinary procedure may initiate with any of the disciplinary measures.

The following circumstances are examples of behavior, which may result in discipline, up to and including discharge. Discipline may include any or all of the following: oral warning, written reprimand, suspension, probation, demotion or dismissal. There may be actions that generally will result in immediate discharge. The following is a list of actions that may result in disciplinary action and is by no means inclusive:

- Poor job performance
- Absence without notice
- Absenteeism
- Tardiness
- Not representing the District in a professional manner
- Violating the District's policies, safety rules, or work rules
- Other circumstances that reflect poorly on the District

## SECTION II - STANDARDS OF CONDUCT

### I. CONDUCT POLICY (continued)

The following are examples of actions that generally will result in immediate discharge:

- Intoxication or use of alcohol or illegal drugs on the job
- Dishonesty, theft, illegal conduct or fraudulent conduct
- Insubordination
- Violence that includes power, intimidation, harassment and/or the threatened or actual use of force which results in or has a high likelihood of causing hurt, fear, injury, suffering or death.
- Conviction of a felony offense

It is also the policy of the District to prohibit employees from carrying, possession or use of firearms on workplace premises or while working in the course or scope of employment off of the District's premises. This policy includes company-owned vehicles or privately owned vehicles used for the District's business and applies to all classifications (regular, temporary, full-time or part-time) of employees regardless of whether or not that employee has a valid permit to carry a firearm.

An employee who violates the law in the performance of their duties will be subject to discipline up to and including immediate discharge and prosecution.

The District desires to maintain an environment in which each employee who feels the need to discuss with management a personal, job-related problem or question will not hesitate to do so on an informal basis. The employee should first go to the District Administrator and if not able to resolve the issue the employee should go to the Personnel Committee with questions.

## **SECTION II - STANDARDS OF CONDUCT**

### **J. VIOLENCE IN THE WORKPLACE**

The District believes that all employees should be treated with dignity and respect. Acts of violence will not be tolerated. Violence includes verbal threats of violence as well as intimidation or use of physical means to intimidate. This includes outbursts of anger, loss of temper, throwing or pushing objects, which may intimidate others.

Any instances of violence must be reported immediately to the District Administrator. All complaints will be fully investigated. The District will promptly respond to any incident or suggestion of violence. Violation of this policy will result in disciplinary action, up to and including immediate discharge.

All employees who seek or are the subject of a protective or restraining order which lists District premises as being protected areas must provide the District Administrator with a copy of the petition and declarations used to seek the order, a copy of any temporary order which is granted, and a copy of any order which is made permanent.

Acts of violence are prohibited at RPBCWD. Employees must report any acts or criminal arrest or convictions of violent acts within five (5) business days.

## **SECTION II - STANDARDS OF CONDUCT**

### **K. CONFLICT OF INTEREST**

The District has an excellent reputation for conducting its business activities with integrity and in accordance with the highest ethical standards. The District expects all employees to protect its integrity of information, products and services.

All employees are expected to conduct their private business and personal activities in a manner that avoids conflict of interest.

A conflict of interest is:

- Any situation where an individual has two or more duties or interests that are mutually incompatible.
- Any situation which may create a business involvement where the employee or family member may obtain personal benefit or potential personal benefit or which may serve as a detriment to the District monetarily or to its public image because of the use of information or personal contact normally not attainable except through employment with the District.
- Any outside activity by any employee which may be viewed as competing with the products or services normally offered by the District.
- Any outside activity that may interfere with the operation of the District.
- Any outside employment that may have a negative impact on an employee's performance or work schedule.

### **L. SOLICITATIONS**

In the best interest of its employees, the District wants to prevent overburdening employees with financial requests. The District prohibits sales or solicitations for charitable organizations and from distributing literature in working areas without special permission provided by the District Administrator.

## **SECTION II - STANDARDS OF CONDUCT**

### **M. CONFIDENTIAL INFORMATION**

As a result of your employment at the District, you may acquire and have access to confidential information belonging to the District of a special and unique nature and value, relating to such matters as the District's personnel and compensation information; procedures; manuals; contracts; accounting and bookkeeping practices; office policies and practices; financial information; data; records and reports; business plans, general and specific; confidential reports; litigation and other legal matters.

As a condition of employment, we require that all such information is the exclusive property of the District, and that you will not at any time divulge or disclose to anyone, except in the responsible performance of your job, any such information, whether or not it has been designated specifically as "confidential". If questionable or confidential information is requested, the employee is instructed to refer those inquiries to the District Administrator.

All such information is the exclusive property of the District. You will not at any time during or after your employment with the District divulge or disclose to anyone, except in the responsible performance of your job, any such information, whether or not it has been designated specifically as "confidential". You must also take and comply with reasonable security measures to prevent any accidental or intentional disclosure or misappropriation. This policy applies to confidential information in any format, whether oral, written, electronic or other media.

Each employee will be required to sign and return a separate agreement acknowledging receipt of and agreement to not disclose confidential information.

### **N. SMOKE FREE ENVIRONMENT**

The District has implemented a no-smoking policy that is based on the Minnesota Clean Indoor Air Act. It provides our employees and visitors with a clean, healthy environment. All District locations are smoke free.

## **SECTION II - STANDARDS OF CONDUCT**

### **O. PERSONAL APPEARANCE**

The District is in the business of serving the needs of our stakeholders. The professional appearance of our employees is important to the District and our visitors.

Favorable personal appearance and proper maintenance of work areas, is an ongoing requirement of employment at the District.

The personal appearance of employees is to follow these standards:

- Employees are expected to dress in a professional manner that is normally acceptable in similar establishments. The following clothing items are not allowed while at work in the office or in the field: shorts, tank/tube or halter tops, collarless shirts such as tee-shirts, open-toed shoes such as sandals, etc.
- Hair should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible regardless of length. Sideburns, mustaches, and beards should be neatly trimmed. Good personal hygiene should be maintained at all times, including moderate makeup, moderate jewelry and lightly scented cologne.

The District Administrator is responsible for seeing that employees are appropriately attired at all times. An employee may be sent home to change in the case of inappropriate attire. If an employee has questions or concerns regarding the definition and specifics of business attire, he/she should speak with the District Administrator.

## **SECTION II - STANDARDS OF CONDUCT**

### **P. STAKEHOLDER SERVICE**

All employees must be service oriented and treat all staff and stakeholders in a courteous and respectful manner at all times. All employees have an obligation to represent the District in a positive manner and to make stakeholders feel as comfortable as possible when dealing with the District.

Employees are encouraged to report any stakeholder related problems to the District Administrator and/or make suggestions for changes in the District's policies or operating procedures to solve problems.

Employees should be prepared to listen carefully to inquiries and complaints and then deal with them in a responsive, professional manner. If a controversy arises, the employee should attempt to explain the District's policy in a clear, yet deferential manner.

If a stakeholder becomes unreasonable or abusive and the employee cannot resolve the problem the stakeholder should be referred to the District Administrator.

## SECTION II - STANDARDS OF CONDUCT

### Q. DRUGS, NARCOTICS, AND ALCOHOL POLICY

#### GENERAL POLICY

It is the policy of the District to maintain a workplace that is free from the effects of drug, narcotics and alcohol abuse. Employees are expected to be both mentally and physically fit for duty to ensure a safe workplace in the interest of the health and safety of their fellow workers and the public, as well as their own. .

Employees are prohibited from the illegal use, sale, dispensing, distribution, possession, or manufacture of illegal drugs, controlled substances, narcotics, or alcoholic beverages on District premises while working or operating District equipment and on premise outside of the building after scheduled work hours.

Employees will be subject to disciplinary action up to and including discharge for violations of this policy. Violations include but are not limited to possessing illegal drugs, narcotics, or alcoholic beverages while on duty; illicit use of non prescribed drugs; being under the influence of those substances while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on District premise. Employees, their possessions, and District issued equipment and containers under their control are subject to search and surveillance at all times while on District premises or while conducting District business.

The District recognizes alcohol and drug abuse as potential health, safety and security problems. Employees needing help in dealing with such problems are encouraged to use their health insurance plans, as appropriate.

Employees must report any criminal convictions for manufacturing, distributing, dispensing, possessing, or using controlled substances to the District Administrator within five (5) business days of conviction.

#### DRUG AND ALCOHOL TESTING POLICY

All employees are subject to the District's drug and alcohol testing policy. However, no employee will be tested for drugs or alcohol under this policy without his or her consent. The District will request or require an employee to undergo drug or alcohol testing only under the circumstances described in this policy. Written notice of this policy will be provided to all employees of the District.

#### CIRCUMSTANCES FOR DRUG AND ALCOHOL TESTING

The District may request or require drug or alcohol testing when:

- (1) The District administrator has a reasonable suspicion that an employee:

- a. is under the influence of drugs or alcohol;
  - b. has violated the employer's written work rules prohibiting the use, possession, sale or transfer of drugs or alcohol while the employee is working or while the employee is on the District's premises or operating the District's vehicle, machinery or equipment, provided the work rules are in writing and contained in the District's written drug and alcohol testing policy;
  - c. has sustained a personal injury or has caused another employee to sustain a personal injury;  
or
  - d. has caused a work-related accident or was operating or helping to operate machinery, equipment or vehicles involved in a work-related accident; or
- (2) The employee has been referred by the District for chemical-dependency treatment or evaluation or is participating in a chemical-dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo drug or alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two years following completion of any prescribed chemical-dependency treatment program.

#### REFUSAL OF TESTING

- (1) Right to Refuse: An employee has the right to refuse to undergo drug and/or alcohol testing. If an employee refuses to undergo drug and/or alcohol testing requested or required by the District, no such test shall be given.
- (2) Consequences of Refusal: If an employee refuses to undergo to drug and/or alcohol testing required by the District, the employee may be subject to discipline including, but not limited to, discharge.
- (3) Refusal on Religious Grounds: No employee who refuses to undergo drug and/or alcohol testing of a blood sample upon religious grounds shall be deemed to have refused unless the employee also refuses to undergo drug and/or alcohol testing of a urine sample.

#### PROCEDURE FOR TESTING

- (1) Notification: Before requesting an employee to undergo drug and/or alcohol testing, the District will provide the employee with a form on which to:
- a. acknowledge that he or she has seen a copy of this policy, and
  - b. indicate consent to undergo the drug and/or alcohol testing.
- (2) Testing: Testing will be performed in accordance with the Minnesota Drug and Alcohol Testing in the Workplace Act.
- (3) Tampering With Samples: If an employee tampers with his or her own urine or blood sample, the employee may be subject to discipline including, but not limited to, discharge. An employee who provides a diluted urine sample will have a second opportunity to provide an undiluted sample within 24 hours. Failure to provide an undiluted sample within 24 hours will be considered refusal of testing.

## ACTION AFTER TEST

The District will not discriminate against an employee solely on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test. Where there has been a positive test result in a confirmatory test or retest, the District may take disciplinary action against the employee and/or require the employee to complete a drug or alcohol counseling or rehabilitation program. An employee who receives a positive test result, fails or refuses a confirmatory test and does not request in writing a confirmatory retest within five working days after notice of positive confirmatory test result may be subject to discipline including possible discharge. An employee who has a positive test result on a confirmatory test will not be subject to discharge unless:

- (1) The District has given the employee an opportunity to participate in, at District expense or pursuant to coverage under an employee benefit plan, a drug and/or alcohol counseling or rehabilitation program, as appropriate as determined by the administrator after consultation with a certified chemical-use counselor or a physician trained in the diagnosis and treatment of chemical dependency; and
- (2) The employee has refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.

## DATA PRIVACY

The purpose of collecting a body component sample of blood, breath, or urine is to test that sample for the presence of drugs and/or alcohol. A sample provided for drug and/or alcohol testing will not be tested for any other purpose. The name, initials and social security number of the person providing the sample may be requested so that the sample can be identified accurately but confidentially. Information about medications and other information relevant to the reliability of, or explanation for, a positive test result is requested to ensure that the test is reliable and to determine whether there is a valid medical reason for any drug and/or alcohol in the sample. All data collected, including that in the notification form and the test report, is intended for use in determining the suitability of the employee for continued employment. A laboratory may only disclose to the District or the District's agent test-result data regarding presence or absence of drugs, alcohol, or their metabolites in a sample tested. The District, the District's agent or laboratory may not disclose the test result reports and other information acquired in the drug and/or alcohol testing process to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the person tested, unless permitted by law, court order, or subpoena. Evidence of a positive test result on a confirmatory test may be:

- (1) used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Minnesota Statutes Chapter 43A or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding;
- (2) disclosed to any federal agency or other unit of the United States government as required

under federal law, regulation or order, or in accordance with compliance requirements of a federal government contract; and

(3) disclosed as required by law, court order or subpoena. Positive test results may not be used as evidence in a criminal action against the employee tested.

#### RIGHTS OF EMPLOYEES

Within three working days after receipt of the test result report from the testing laboratory, the District or the District's agent shall inform an employee who has undergone drug and/or alcohol testing, in writing, of:

(1) A negative test result on an initial screening test or of a negative or positive test result on a confirmatory test;

(2) The right to request and receive from the District a copy of the test results report;

(3) The right to request in writing within five working days after notice of a positive test result a confirmatory retest of the original sample at the employee's expense at the original testing laboratory or another licensed testing laboratory. Within three working days after receipt of the written notice from the employee, the District agent shall notify the original testing laboratory that the employee has requested the laboratory to conduct the confirmatory retest or transfer the sample to another licensed laboratory to conduct the confirmatory retest. The confirmatory retest must use the same drug or alcohol threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee;

(4) The right to submit information to the administrator within three working days after notice of a positive test result to explain that result, to indicate any over-the-counter or prescription medications that the employee is currently taking or has recently taken, and to provide any other information relevant to the reliability of, or explanation for, a positive test result;

(5) The right not to have disciplinary action taken based on a positive test result from an initial screening test that has not been verified by a confirmatory test.

## **SECTION III – WAGE & SALARY ADMINISTRATION**

### **A. OVERVIEW**

The program encourages continual improvement in performance and ongoing development of ability in each employee. The District follows the principle of equal pay for equal work and maintains salary relationships among positions within the organization that are internally consistent in recognizing significant differences in position responsibilities and requirements and maintains compliance with applicable government requirements and regulations.

The salary structure will be reviewed periodically and adjustments made, when justified to ensure competitiveness on an ongoing basis.

### **B. PERFORMANCE REVIEWS**

Performance reviews will be conducted by the District Administrator for the purpose of communicating performance expectations and what, if any, salary adjustment is to be made for an individual. Salary actions will be based on the organization's ability to pay, evaluation of performance and the individual's current position in the salary range.

All employees will have an annual performance review and salary discussion. Such reviews will be scheduled in relation to date of hire, transfer, promotion or last performance review date. Review of new hires will generally be held shortly after the completion of 6 months in accordance with the introductory period policy. All other employees will normally be reviewed once a year. However, performance reviews may be scheduled at any time throughout the year based on individual circumstances and performance improvement plans.

If the Administrator determines that a salary adjustment has not been earned based on performance, a special off-cycle performance review should be scheduled. At that time, performance should be reevaluated, and if justified, a salary adjustment made at that time.

### **C. SALARY ACTIONS**

Salary actions are based primarily on performance reviews and position in salary range. Responsibility for initiating salary actions is delegated to the Administrator.

Salary actions will not be communicated to an employee until the Administrator, and if required, the Board of Managers has approved it.

Salary actions will be approved only after performance reviews are conducted in accordance with established procedures.

Approved salary actions will normally be made effective as of the beginning of the first pay period following the anniversary date of the employee.

### **SECTION III – WAGE & SALARY ADMINISTRATION**

Salary actions shall be made only when earned, based on identifiable, satisfactory performance or better, and supported by the recommendation of the Administrator. Salary actions for employees whose salaries are at or above the maximum for their salary range will normally not be allowed.

In rare circumstances, the Administrator may approve an above-guidelines salary adjustment based on outside market conditions in order to maintain a competitive salary relationship.

The Administrator may approve a special salary adjustment in cases where an employee has successfully completed acquisition of pre-approved skills or certifications.

#### **D. JOB EVALUATION**

Each position under this program is assigned a salary range and is periodically reviewed. Existing, new and revised positions are evaluated by the Administrator using an analysis of comparable positions and salary survey data.

When substantial changes in position responsibilities have occurred, or when creation of a new position is contemplated, a new or revised position description will be prepared for evaluation by the Administrator and submitted to the Personnel Committee of the Board for approval.

The Personnel Committee will meet as needed to address evaluation of new or revised positions in the organization.

#### **F. ADMINISTRATION ACCOUNTABILITY**

The Administrator should be accountable for maintaining the salary program in a current status and for coordinating the interpretation and administration of the established salary program policies.

The Administrator will be responsible for:

- Ensuring that employees are notified of upcoming performance reviews and salary actions for employees under their jurisdiction.
- Reviewing all salary actions and approving those actions or seeking Personnel Committee approval in cases of an increase or decrease in grade level.
- Working with staff to maintain accurate job descriptions. Periodically (typically every two years) job descriptions will be reviewed by the District Administrator and updated if necessary. This includes following through to ensure an accurate description is prepared for each new or revised position.

### **SECTION III – WAGE & SALARY ADMINISTRATION**

- Preparing and finalizing salary structure adjustments on at least a biannual basis.
- Monitoring the program to maintain the quality and effectiveness of performance reviews.
- Annually reporting staff salaries to the Board in advance of the budgeting process. Making periodic analyses and summarizations of the status of the salary program as scheduled or requested by the Personnel Committee or the Board of Managers.

Employees may contact the District Administrator to view a copy of the District's current salary ranges and pay for performance increase guidelines.

## SECTION IV – HOURS OF WORK & PAYROLL PRACTICES

### A. PAYROLL AND TIME SHEETS

All employees are required to keep a record of their time worked each day. Time worked will not necessarily be the same as normal business hours; therefore, actual time worked must be recorded. Time sheets are to be completed for each day. For exempt staff the requirement to track hours is for budget and project allocation purposes; for non-exempt staff the requirement to track hours is for calculation of hours worked and budget and project allocation purposes. Employees must show the total hours worked for that day and week, excluding lunch/meal time. Both non-exempt and exempt employees must record absences due to illness, vacation, doctor/dentist appointment, holidays, etc. on time sheets.

Non-Exempt employees will be paid for actual time worked, excluding any lunch/meal time.

Each employee completing time sheets must complete and sign his or her own time sheet and are responsible for the honesty and accuracy of the reported working hours. Discrepancies between reported and actual working hours may lead to disciplinary action up to and including termination.

Dated, completed, and signed time sheets should be turned in promptly on the first and fifteen of the month. The District will be as helpful as possible in making changes as may be necessary in the withholding of federal and state taxes or voluntary deductions from your paychecks. The District Administrator should be notified immediately of a change in exemptions, marital status, or change of address. Voluntary deductions should be changed only when absolutely necessary.

Employees are paid bi-monthly. A workweek begins Monday morning and ends Sunday night.

Employee attendance at lectures, meetings and training programs will be considered hours of work if management requires such attendance.

Employees' pay can be directly deposited into a checking account or savings account, whichever the employee prefers. Employees will receive a deposit notification slip each payday; the deposit notification slip will show (1) the gross wages received, and (2) all deductions from gross wages (e.g. deductions for federal and state income tax, social security (i.e. FICA) and any other deductions authorized by the employee).

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## **SECTION IV – HOURS OF WORK & PAYROLL PRACTICES**

### **B. OVERTIME**

It is the District's policy to avoid overtime as much as possible with flexible department scheduling designed to meet the employee's and the District's needs. When this is not possible, overtime will be paid to non-exempt employees at the rate of one and one-half times the employee's hourly rate for time worked over forty hours in a work week. District Administrator approval is required prior to working overtime hours.

Overtime will only be paid for hours actually worked in excess of 40 hours; paid time off, such as sick days, holidays and vacation is not counted as hours actually worked. During a week when employees are granted a holiday or other paid time off, straight time will be paid for that week. If the employee actually worked more than 40 hours without including one of the above days, the employee will then be paid overtime.

### **C. WORKING HOURS, NORMAL WORK YEAR, DAY and WEEK**

Working hours are determined according to the needs of each department by the District Administrator. Individual schedules may vary according to the needs of the department and may be changed or adjusted as necessary and with the Administrator's approval. Employees are expected to be punctual. The normal workweek for full-time, non-exempt employees is 40 hours, working less than 40 hours will result in pay for actual time worked. The normal workweek for full-time, exempt employees is 40+ hours per week. Office hours are generally 8:00 a.m. to 4:30 p.m. Monday through Friday, except for evening meetings and holidays.

2,080 hours shall constitute a normal work year; eight hours of work shall constitute a normal work day and forty hours a normal work week for full-time employees. The District Administrator shall prescribe the actual hours of employment for all employees of the District.

### **D. COMPENSATORY TIME**

Employees in the exempt classification of the District are generally not eligible for compensatory time. However, under extenuating or extraordinary circumstances such as: special project deadlines, special evening events or required meetings, operational emergencies, etc.; the District Administrator may grant time off for an exempt classified employee if it is approved and occurs within the same two week pay period.

## **SECTION IV – HOURS OF WORK & PAYROLL PRACTICES**

### **E. ATTENDANCE AND PUNCTUALITY**

Regular attendance is an essential condition for employment. In order to provide quality service to our stakeholders and to lessen the adverse impact on the employees who must cover the absentees' job, the District expects every employee to report to work each regularly scheduled workday. Exceptions include being disabled by illness or absent with prior approval of the District Administrator. Failure to meet this requirement may result in disciplinary action, up to and including termination.

#### **ADDITIONAL ATTENDANCE AND PUNCTUALITY POLICIES**

- Employees should notify the District Administrator as far in advance as possible (no later than the employee's regular start time) when they are unable to report for work, know they will be late, or must leave early. Such notification should include a reason for the absence and an indication of when the employee can be expected to return to work.
- If an absence continues for more than one working day the employee should report daily to the District Administrator regarding their status.
- Absence and tardiness become a part of the employee's record and are factors in evaluating performance, considering salary adjustments and promotions. Excessive or improperly explained absence or tardiness is considered a basis for disciplinary actions up to and including termination.

### **F. LUNCH PERIODS AND WORK BREAKS**

Employees scheduled to work at least 8 hours will be eligible for a lunch period. Lunch periods generally consist of 30 minutes of unpaid time.

Full-time non-exempt employees may take breaks twice per day for 15 minutes each, Monday through Friday as scheduled. These breaks should occur approximately in the middle of each four hour shift and not conflict with lunch hours. Part-time employees scheduled to work at least 4 hours will be eligible for one 15 minute break. The employees who choose to remain at their job during breaks are not entitled to leave before the normal quitting time and will not receive extra pay for the time worked.

## SECTION IV – HOURS OF WORK & PAYROLL PRACTICES

### G. TRAVEL POLICY

It is the policy of the District that business travel must be approved in advance and should be engaged in and reimbursed according to the guidelines below.

#### GUIDELINES

- Employees holding jobs that require extensive travel are expected to travel as a condition of employment.
- The District Administrator must approve any employee travel in advance. Under normal circumstances, employees should make all travel arrangements for transportation and lodging as specified by the District.
- The District may issue guidelines specifying or restricting travel bookings requirements. Under normal circumstances, employees should use the most expedient mode of transportation available, book the least expensive fares, and stay in and eat at moderately priced establishments.
- Employees should provide the District Administrator with a copy of their itinerary before leaving on business travel.
- Employee expenses for approved travel, meals and miscellaneous expenses will be paid or reimbursed when properly recorded by the employee and approved by the District Administrator. Employees, who know or anticipate that they will have a special request for travel expense i.e. auto reimbursement, should seek approval for the expense from the District Administrator before the expense is incurred. Any travel expenses deemed unreasonable relative to the circumstances will not be paid or reimbursed and are the employee's personal responsibility. In addition, employees will not be reimbursed for the travel expenses of their spouse. The District Administrator will set mileage and meal reimbursement rates.
- Time spent on the job or in required training during normal working hours by non-exempt employees is considered hours worked for pay purposes. Nonexempt employees will be compensated for travel time for required training or conferences. If travel time occurs between the hours of 8:00 a.m. or 4:30 p.m. it will be considered as regular hours worked.
- Employees traveling on the District business are representatives of the organization and are expected to maintain a high level of professionalism and follow all of the District's policies and rules.
- Mileage, with personal vehicle, for the District business during normal business hours will be reimbursed. All mileage incurred with a personal vehicle for required business travel by any employee will be reimbursed at the most current rate set forth Hennepin County for the use of personal automobile for District business.
- Exempt employees will typically schedule travel time during normal business hours. If travel time occurs after hours, a consideration may be made by the District Administrator in the employee's work schedule.

## SECTION IV – HOURS OF WORK & PAYROLL PRACTICES

### H. INCLEMENT WEATHER

Each employee is expected to come to work during inclement weather conditions unless management has declared an emergency closing. Each employee, however, should use his/her own best judgment about his/her personal safety on days an emergency closing has not been declared.

#### OFFICE CLOSING

In the event an emergency situation exists at the start of a workday or continues from the previous day and the office is closed for all or part of the day, all employees scheduled to work during the period of closing will receive their regular pay. When the office is open, nonexempt employees who do not report for work will not be paid unless they elect to use accrued PTO. If exempt employees do not report to work, they will be paid from accrued PTO.

#### EARLY CLOSING

If the emergency situation develops or worsens during the workday, management will determine if and when the regular workday should end at an earlier time than normal. The following will be the case when this occurs:

- Employees who are at work and are excused for the balance of the day will be paid for the full workday.
- Employees who choose to leave work prior to the designated dismissal time are paid only for the hours worked.
- Employees who are absent for the entire workday for any reason will be charged with the designated paid time off for the entire normal workday.
- The District Administrator is responsible for establishing procedures for notifying employees regarding office closing.

#### EMPLOYEES REQUIRED TO REMAIN ON THE JOB

Some employees may be required to remain on the job or to report even when the office is closed. The District Administrator is authorized to grant equal time off to compensate. Such time off must be scheduled and authorized by the District Administrator and noted accordingly on attendance records.

## SECTION V – EMPLOYEE BENEFITS

### A. PAID TIME OFF

The District has designed a program to provide time away from work with pay, with more flexibility than traditional vacation and sick-pay programs. Employees can use this paid time off plan in a number of different ways:

- as vacation
- for personal business
- for funeral leave
- for brief period(s) of illness for the employee or their children
- for doctor or dental appointments
- to supplement military reserve pay
- to supplement disability pay

#### ELIGIBILITY

Employees begin building paid time off days on the first day of the month following their date of hire, except if their employment date is the first working day of the month, then they begin accruing immediately.

- Employees will be eligible to use paid time off days as they are accrued.
- Part-time employees will be paid for their paid time off days on a prorated basis.
- In the case of a new employee who experiences a death in the immediate family during the first six months of employment, paid time off may be advanced from the account.
- Part-time employees who accept full-time employment will have prior service credited on a prorated basis for determination of the paid time off accrual rate at the time of full-time employment.
- Seasonal staff is not eligible for paid time off. Seasonal staff may take un-paid time off when coordinated with the District Administrator.

**SECTION IV – EMPLOYEE BENEFITS**

**A. PAID TIME OFF (continued)**

TIME ACCRUAL SCHEDULE

Employees accrue paid time off each month, based on the following schedule:

<b>YEARS EMPLOYED</b>	<b>HOURS EARNED PER BI-MONTHLY PAY PERIOD</b>	<b>HOURS (DAYS) EARNED PER/YR.</b>	<b>MAXIMUM HOURS (DAYS) ALLOWED TO ACCUM.</b>
0 but less than 5 years	6.33 Hours	152 Hours (19 days)	720 Hours (90 days)
5 but less than 10 years	8 Hours	192 Hours (24 days)	720 Hours (90 days)
10 but less than 15 years	9 Hours	216 Hours (27) days	720 Hours (90 days)
15 years and over	10.33 Hours	248 Hours (31 days)	720Hours (90 days)

Time is credited at the end of each bi-monthly pay period.

- Employees are strongly encouraged to wisely manage their paid time off. Paid time off may only be carried forward to the next calendar year subject to the maximum stated above. Any unused paid time off in excess of the stated maximum will be forfeited.
- If an employee is laid off or absent due to illness or injury, they will receive credit on a pro-rated basis for any time worked in the last month they worked.
- If an employee terminates employment before the last day of the month, they receive credit on a pro-rated basis for that month.

**SECTION IV – EMPLOYEE BENEFITS**

**A. PAID TIME OFF (continued)**

USE OF PAID TIME OFF

Employees are advised to use their paid time off wisely and to keep a reserve of accrued time to use for unexpected illnesses and funerals.

1. Employees must first have prior approval from the District Administrator if they plan to use paid time off, except in the case of illness.
2. The District Administrator will give consideration to the amount of work at that particular time and the number of employees who will be out of the District at that time. There may be times when an employee will not be able to use a paid time off day as requested.
3. In the case of days used for illness, the employee must call the District Administrator prior to the start of their workday to advise of their illness.
4. Paid time off may be taken in increments of two-hour segments.

The maximum number of continuous workdays an employee can take at one time is as follows:

<u>Years of Service</u>	<u>Maximum Days</u>
Less than 5	10 days
5 but less than 10	15 days
10 and over	20 days

In unusual circumstances management will give special consideration to an employee request to use a greater number of consecutive days off.

- Employees are required to use paid time off days to supplement any benefits received under the workers compensation insurance and any other disability pay.
- Employees will be allowed to use this time to supplement military reserve training pay.

## SECTION IV – EMPLOYEE BENEFITS

### A. PAID TIME OFF (continued)

#### HOW PAID TIME OFF IS PAID

1. Employees on a medical leave of absence are required to use some or all of their paid time off days during their leave of absence, pursuant to the applicable leave policy.
2. If an employee terminates or is terminated after six months of employment, the accrued paid time off value will be paid to the employee 720 hours. Paid time off days may not be used by the employee in lieu of notice of termination.
3. If an employee dies, the spouse or survivors will receive payment of the paid time off account value.
4. If an employee reaches the maximum days accumulation, they must use their accrued time off or it will be forfeited.
5. A new employee, upon starting employment with the District, may be given credit for prior equivalent work experience in determining the accrual rate initially used for that employee. The extent of any credit for work experience shall be determined by the District Administrator. The District Administrator has the discretion to authorize time to be used prior to it being fully earned/accrued under special circumstances.

## SECTION IV – EMPLOYEE BENEFITS

### B. HOLIDAYS

Full-time employees are eligible for holiday pay immediately upon employment. The holidays that may be observed each year are:

New Year's Day	Veteran's Day
Martin Luther King's Birthday	Thanksgiving Day
President's Day	Day after Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	Floating Holiday
Labor Day	

#### ADDITIONAL HOLIDAY POLICIES

- When New Year's Day, Independence Day and Christmas Day fall on Sunday, the following Monday will be the holiday for all regular full-time employees. If any of these four holidays fall on a Saturday, the preceding Friday will be considered the holiday.
- Holiday pay for full-time employees will be equal to the employees' normal scheduled hours and earnings excluding overtime.
- Holiday pay will be granted on a pro-rated basis to part-time employees, working a minimum of 20 hours per week, and who have been scheduled to work on the day the holiday falls.
- Time paid for holidays observed during the regular workweek, but not actually worked, will not be included as hours worked in the computation of overtime.

### C. RELIGIOUS HOLIDAYS

Every effort will be made to accommodate an employee who requests time from work to celebrate religious services and holidays. This does require advance notice and approval by the District Administrator. If a religious holiday is other than those outlined above, the employee may arrange for time off with the District Administrator.

## SECTION IV – EMPLOYEE BENEFITS

### D. FAMILY OR MEDICAL LEAVE POLICY

RPBCWD is interested in providing opportunities for its employees to take unpaid leave to address their personal health needs, the health needs of their loved ones and to address their family's needs when a member of their family is called to active duty.

#### Eligibility

In order to be eligible to take leave, an employee must have been employed by RPBCWD for:

1. At least 12 months (not necessarily consecutive months); and
2. At least 1,250 hours during the 12-month period immediately preceding the leave (does not include paid sick, vacation and holidays)

RPBCWD may grant leave to eligible employees for any of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care provided that leave is completed within 12 months of the event.
- To care for the employee's spouse, child or parent who has a serious health condition.
- For a serious health condition that makes the employee unable to perform his or her job.
- For incapacity due to pregnancy, prenatal medical care or child birth.
- To care for a spouse, child, parent or next of kin who is a service member who is recovering from a serious illness or injury sustained in the line of active duty.
- For any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.

Employees are eligible for up to twelve (12) weeks family or medical leave in a twelve (12) month period. The twelve (12) month period during which the twelve (12) weeks of this leave may be taken will be a "rolling" twelve (12) month period measured backwards from the date an employee uses any family or medical leave.

Under RPBCWD policy, employees are required to use all accumulated paid leave, such as vacation and sick leave, in conjunction (simultaneous) with their family or medical leave. All family or medical leave occurring after the employee's accumulated paid leave has been exhausted will be unpaid.

#### Notice and Medical Certification

Employees requesting leave must follow the usual and customary practice of RPBCWD that provides that at least 30 days written notice should be provided when possible. If 30 days of notice is not possible, the employee should notify RPBCWD as soon as possible.

Employees requesting leave may be required to provide medical certification or other

documentation necessary for RPBCWD to determine if the leave qualifies under the provisions of the RPBCWD policy. If an employee requests leave for the serious health condition, illness or injury of the employee, or the employee's spouse, child, parent, or next of kin the employee will be required to submit a medical certification form generally within 15 calendar days of the request for leave.

The RPBCWD may require a second opinion at the RPBCWD's expense with a physician selected by the RPBCWD. Additional medical certifications may be required for leaves that exceed thirty (30) days or when the medical reason for the leave changes in a material way.

A fitness for duty report from the treating health care provider will be required for employees on leave for their own serious health condition prior to the employee's return to work. The fitness for duty report will pertain only to performing the essential functions of the employee's job.

#### Reduced and Intermittent Leave

Family or medical leave may be taken on a full-time, part-time or intermittent basis depending on doctor's recommendations and management approval. Employees may use leave on an intermittent basis when medically necessary. In cases of planned medical treatment, employees should attempt to schedule treatments so as not to unduly disrupt RPBCWD's operations. Intermittent leave relating to the birth or placement of a child basis is subject to RPBCWD approval.

#### Use of Paid or Unpaid Time

Leave will be unpaid unless the employee uses paid time off. Both paid and unpaid time counts as part of the leave. If leave is due to the employee's own serious health condition, paid sick leave accumulation must generally be exhausted before an unpaid leave is granted.

#### Benefits While on Family or Medical Leave:

During family or medical leave, health insurance is maintained on the same basis, as coverage would have been provided if the employee had been continuously employed during the entire leave period. The employee is responsible for paying their share of premiums unless he or she elects not to retain group health coverage during this leave. If the employee is on an unpaid leave, arrangements must be made with the District Administrator for payment of premiums. It is the employee's responsibility to contact the District Administrator for information relating to benefits while on family or medical leave.

The RPBCWD's obligation to continue health insurance during family or medical leave stops if: (1) the employee is more than 30 days late in paying his or her portion of the insurance premium; (2) the employment relationship would have terminated if the employee had not taken family or medical leave; (3) the employee informs the RPBCWD of an intent not to return to work; or (4) the employee fails to return from family or medical leave or continues on leave after exhausting leave rights.

In some circumstances, the RPBCWD may recover from the employee its share of medical premiums during a period of unpaid leave in the event an employee elects not to return to employment with the RPBCWD.

#### Return to Work:

The RPBCWD requires an employee on family or medical leave to report periodically on their status and intent to return to work. If the circumstances change and the employee requires either more or less leave than anticipated, the employee must inform the District Administrator within two business days of the changed circumstance.

In general, employees who return from family or medical leave are entitled to be restored to the same or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. If the employee provides notice of intent not to return to work, the RPBCWD will cease maintaining health benefits. Employees who fail to return to work at the end of their approved leave, and who fail to make other arrangements with the District Administrator, will be considered to have voluntarily terminated their employment.

#### LONG TERM DISABILITY

Medical and other insurance benefits are paid by the District until such time as the employee has exhausted all of his/her leave for short term disability reasons, which is up to twenty-six weeks. After the leave period has expired, employees may elect to continue group insurance coverage at their own cost. The employee must pay the entire cost of the premiums each month. The District will bill employees for such coverage and indicate the amount, the location to which the premiums are sent and the date by which they must be received. An employee requesting a family or medical leave should contact the District Administrator for the appropriate forms.

## **SECTION IV – EMPLOYEE BENEFITS**

### **E. SPECIAL SCHOOL LEAVE**

Employees who work an average of at least 20 hours per week are allowed up to 16 hours per year of unpaid leave to attend school conferences or school-related activities related to the employee's children, provided the conferences or school-related activities cannot be scheduled during non work hours. If the employee's child receives child care services or attends a pre-kindergarten regular or special education program, the employee may use the leave time provided in this section to attend a conference or activity related to the employee's child, or to observe and monitor the services or program, provided the conference, activity, or observation cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt the operations of the District.

An employee may use accrued paid time off for any part of the special school leave.

### **F. COURT SERVICE AND JURY DUTY**

#### **COURT SERVICE**

When employees are called for court service on other than District business (not jury duty) under summons or subpoena, they will be required to use paid time off in accordance with district policies.

#### **JURY DUTY**

Because the District does not want its employees to suffer any financial penalty because they are asked to serve on a jury, they will continue to receive regular pay while on jury duty up to a maximum of four weeks with any remaining time considered unpaid. Conversely, serving on a jury should not be considered a financial windfall; and because the District is continuing regular pay as a condition for receiving regular pay while on jury duty, employees are required to reimburse the District whatever they are paid by the local, State and Federal courts for jury service. If the employee is excused from jury duty for a major portion of the day, they are expected to report back to work. To qualify for this time off, court service and jury duty must be substantiated by a photocopy of the summons.

## **SECTION IV – EMPLOYEE BENEFITS**

### **G. VOTING**

Every employee who is eligible to vote in a regularly scheduled state primary election, general election, election to fill vacancy in state legislature or U.S. Congress, or presidential primary has the right to be absent from work for the purpose of voting during the morning of the day of that election for a period of up to two hours, without penalty or deduction from wages because of the absence. Employees should notify the District Administrator in advance of the need to use this time. Employees are also encouraged to vote during non-working hours, if possible.

### **H. MILITARY AND MILITARY TRAINING DUTY**

An employee who enters the U. S. Armed Forces whether by draft or activation is placed on military leave of absence in accordance with federal law.

Employees will be granted time off to satisfy Military reserve obligations in accordance with federal law. This time can be paid with accumulated PTO or without pay. Employees will continue to accrue PTO days during military leave of absence.

## SECTION IV – EMPLOYEE BENEFITS

### I. JOB POSTING

The District strives to provide a system by which employees may investigate, apply and be considered for open positions along with outside applicants.

The District supports the practice of promoting from within when appropriate. It also believes the employees have the primary responsibility for their own career development. To assist in both of these processes, management may post open positions at the same time that outside recruitment sources are notified.

It is the practice of the District to generally hire for entry-level positions and to encourage employees to strive for promotion to higher level positions when there are appropriate opportunities to do so. When job vacancies above the entry level occur, employees may be given the opportunity to apply for such positions before outside recruitment is utilized. Management retains sole discretion to hire new employees whenever and in whatever manner required.

- The District Administrator or outside source may conduct screening interviews with internal applicants and recommendations may be made by the District Administrator.
- When an employee is selected to fill a posted vacancy, the two departments involved will normally confer and agree on a suitable transfer date.

## SECTION IV – EMPLOYEE BENEFITS

### J. POLITICAL ACTIVITY

Employees may not use the influence of their positions for the purpose of interfering with or affecting the result of an election or a nomination for elective office. Employees may not use the influence of their position to directly or indirectly coerce, command, or persuade others to pay, lend, or distribute anything of value to a political party, political committee or organization, agency, or person for a political purpose.

Any employee intending to become a candidate for elected office shall notify the District Administrator in writing prior to the day of filing. Upon assuming an elected or appointed public office, an employee shall notify the District Administrator in writing. If the holding of an elected or appointed public office necessitates service which interferes with the performance of the employee's District duties, the employee may be terminated or put on leave of absence without pay at the discretion of the District Administrator.

## **SECTION IV – EMPLOYEE BENEFITS**

### **K. MEMBERSHIPS**

The District will support active memberships of employees in those business and professional organizations that serve to strengthen the District's ability to conduct its business or maintain its image in the community.

These memberships will be provided to those employees having key functional responsibilities that require these memberships.

#### **ELIGIBILITY**

In order for the District to consider payment of membership dues for employees, the following criteria must first be met:

1. Does the membership benefit the District?
2. Will the employee be an active participant in the organization?
3. Are membership dues and other expenses within reason and within District budget?

If an employee has an interest in pursuing a membership in an organization that meets the above requirements and would like to request that the District pay for the membership and other expenses involved with the membership, they must obtain approval from the District Administrator.

Payments by the District are limited to initiation fees, annual dues, and the cost of a lunch or dinner in connection with local meetings. Special approval must be received from the District Administrator before the District pays fees and travel expenses to out-of-town conferences.

## SECTION IV – EMPLOYEE BENEFITS

### L. CONTINUING EDUCATION

The District encourages its employees to improve their work-related skills and abilities through training and development within the District's budget. The District requires employees to receive prior approval from the District Administrator and restricts training to those sessions that will be applicable to their present positions.

#### BUSINESS AND JOB RELATED COURSES

- The District Administrator must approve the class before course registration is complete.
- Must successfully complete the course with a grade of C or better. Unsuccessful completion of the class will require you to reimburse the District for the cost of tuition. Books, tapes and other additional expenses related to the class will not be reimbursed.
- Must take the course for a grade rather than a pass/fail if that is an option.

#### SEMINARS

- Staff members, who feel they need to attend a seminar pertinent to their job, must submit a request to the District Administrator.
- Employees will be allowed to attend seminars during working hours with approval by the District Administrator.

#### OUT-OF-TOWN SEMINARS

The District may request that an employee attend an out-of-town seminar or school. The District will pay for all registration, meal expense as well as provide transportation and necessary housing.

#### ELIGIBILITY

- All employees are eligible for tuition reimbursement using the guidelines stated above.
- Only courses started while employed and finished while employed will be considered for reimbursement.
- Funds must be available in the approved budget.

Please see the District Administrator for any further questions.

## SECTION IV – EMPLOYEE BENEFITS

### M. CELL PHONES

#### PURPOSE

The RPBCWD recognizes that technology is advancing and cellular phones are becoming a part of equipment assigned to certain employees. In recognition of that fact the RPBCWD is establishing a policy governing the use of cellular phones. The intent of this policy is to ensure that use of the RPBCWD's cellular phones is consistent with the best interests of the RPBCWD. These procedures do not attempt to articulate all required or proscribed behaviors by users, but merely cover the most conspicuous examples.

#### DEFINITIONS

For the purpose of the procedures in this guideline, the following definitions shall apply:

**Cellular Phone:** A wireless communication device including the adapter, battery pack and other equipment specific to phone.

**Official Use:** Communications that are necessary to the carrying out of RPBCWD related business required by the employee's position.

**Authorized Personal Use:** Personal communication such as:

- Briefly (less than 5 minutes) and infrequently checking with family members.
- Brief communication while in official travel status to convey information and communicate schedule changes.
- Calls of a personal nature should be made only when circumstances prevent timely access to customary telephone services.
- Although minimal use of cellular telephones for calls of a personal nature is permitted, extensive personal use or other personal use that brings in to question the validity of the official use of the telephone may result in disciplinary action.

**Eligible Personnel:** Cellular telephones are assigned to those persons whose duties require frequent mobility but who must remain accessible due to the specific nature of their duties and those who must be available for emergency response or consultation. The District Administrator determines which employees are eligible to be assigned a RPBCWD owned cellular phone or the Cellular Telephone Allowance.

#### GENERAL INFORMATION

The District Administrator will determine the needs of his/her employees and make all requests for cellular phones consistent with this policy. All RPBCWD owned cellular phone accounts will be set up through the District Administrator. Cellular telephones should not be used when a

less costly alternative is safe, convenient and readily available. Cellular transmissions are not secure. Employees should use discretion in relaying confidential information. Reasonable precautions should be made to prevent equipment theft and vandalism.

#### RPBCWD OWNED CELLULAR TELPHONES

The use of RPBCWD owned cellular telephones should be for official use only, except for authorized personal use. RPBCWD owned cellular telephones cannot be used at any time in violation of state or federal laws or in violation of any departmental work rules.

Those individuals' assigned cellular telephones shall assume the responsibility to use the equipment in accordance with the provisions of this policy. Personal calls from RPBCWD owned cellular telephones must be restricted to those incidental purposes as outlined in this policy. Such calls should result in no additional cost to RPBCWD. If additional costs do occur which are due to personal calls, the user is responsible for the additional expense. RPBCWD owned cellular telephones should not be used predominantly for personal calls. The RPBCWD reserves the right to monitor the use of all RPBCWD owned cellular telephones. Any inappropriate use of phones may be subject to discipline.

The District Administrator is responsible to assure compliance with this policy for employees that are assigned a cellular phone. When an employee terminates employment, the District Administrator is responsible to recover the RPBCWD owned cellular phone.

RPBCWD cellular telephone service will only be through approved vendors. In the event that a RPBCWD owned cellular phone is lost or stolen, the employee shall report the lost or stolen phone and the phone number. Employees receiving a RPBCWD purchased cellular phone are responsible for the following:

- Retrieving messages on voice mail if telephone calls are missed on the cellular phone.
- Use of the cellular phone while driving a motor vehicle should be kept to a minimum, for safety reasons.
- Caring for the phone in a responsible manner.
- Providing adequate security for the phone to prevent unauthorized users from finding client/work-related telephone numbers stored in the cellular phone memory. It is recommended that confidential or non-published numbers not be stored on any speed dial function of the cellular phone.
- Having the cellular phone available for use during all work hours and when the employee is subject to call.

## SECTION IV – EMPLOYEE BENEFITS

### N. EMPLOYEE BENEFITS

In addition to a direct salary, full-time employees receive compensation through participation in the District's benefit program immediately upon employment. Group hospital/medical care, dental care, group life insurance and long term disability insurance provisions will be paid by the District for regular full-time and part time employees and their dependents. Part-time, seasonal and temporary employees are ineligible for benefits except for the pension plan, unless otherwise approved by the District Board of Managers.

These are the benefit programs that are currently provided by the District; contact the District Administrator for enrollment and detailed information:

- **Medical Insurance**
- **Dental Insurance**
- **Life Insurance (Basic)**
- **Long Term Disability (Basic)**
- **Short Term Disability**
- **Retirement Benefits (PERA)**

#### ELIGIBILITY

Employees working on a full-time basis are eligible for all District sponsored benefits. The District Administrator should be contacted for eligibility requirements.

Employee benefits offered by the District are designed to be competitive with those offered in the industry. Leave plans, insurance coverage and other benefits listed in this Manual represent significant additional compensation to the employee. These benefits are subject to change at the discretion of the District. Any questions about employee benefits should be directed to the District Administrator.

#### ADDITIONAL EMPLOYEE BENEFITS

When employment is terminated or an employee's hours are reduced below the number required for enrollment, the employee and his or her dependents may be eligible to continue group insurance coverage at their own expense, as provided by law.

Workers' compensation insurance, paid entirely by the District, pays for certain medical expenses and lost earnings related to illnesses and injuries arising out of or in the course of employment.

**SECTION IV – EMPLOYEE BENEFITS**

ADDITIONAL EMPLOYEE BENEFITS (continued)

The District also contributes to Social Security on behalf of all the employees. Employees may be entitled to a monthly income when they retire at a certain age, or in the case of long-term disability.

**RECEIPT FOR PERSONNEL POLICY MANUAL**

I have received a copy of the Riley Purgatory Bluff Watershed District Personnel Policy Manual dated \_\_\_\_\_, \_\_\_\_\_.

I further understand that I must return the manual in its entirety at the time I leave employment of the District.

I further understand that this policy manual is an overview and summary of the District's policies and procedures that are in effect as of \_\_\_\_\_ and supersedes all other manuals, letters, memoranda and understandings. As policies and benefits are revised, changes will be communicated to me through standard communication channels and will become part of this manual. Advance notice may not always be possible.

I further understand that the policies and procedures contained in this manual constitute guidelines only. They do not constitute part of an employment contract, nor are they intended to make any commitment to any employee concerning how individual employment action can, should, or will be handled.

I have received a copy of the Personnel Policy Manual

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

I have read and understand the policies contained within the Personnel Policy Manual

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

<b>Amendments to Personnel Policies:</b>				
	<u>Policy</u>	<u>Page</u>	<u>Employee Signature</u>	<u>Date</u>
1.				
2.				
3.				
4.				
5.				
6.				
7.				

**Leave of Absence Request Form**

I, \_\_\_\_\_), hereby request a leave of absence effective \_\_\_\_\_ for the following reason \_\_\_\_\_: I have been advised that my leave of absence will be without pay. I plan on returning by \_\_\_\_\_. In the event the effective date changes I will amend this form with the new dates within five (5) calendar days of the new effective date.

I agree to comply with all Riley Purgatory Bluff Watershed District (RPBCWD) policies and submit timely and accurate physician statements or be available to submit to a physical examination by a doctor designated by the RPBCWD as the Company may reasonably request.

I have been advised and understand that if I am unable to return to work by \_\_\_\_\_, RPBCWD has the right in its sole discretion not to hold my job open until my return and I may either be re-employed in a different position or may lose the opportunity to continue my employment in any position if no replacement job is available or is not offered.

No other representations or promises regarding continued employment or job security have been made to me as I am an AT WILL employee, free to resign at any time and capable of being terminated at any time with or without cause. I acknowledge that if I breach any of the representations contained hereinabove, or if my leave request is granted but the purpose or nature of the leave was misstated, RPBCWD may discipline me up to and including immediate discharge. I further understand that I am required to take paid time off (PTO) to the extent available concurrently with my leave and that unless I am medically unable to return to work, I am responsible for all of the benefit costs paid by the District during the leave.

Signature of Employee: \_\_\_\_\_

Printed Name of Employee: \_\_\_\_\_

Date: \_\_\_\_\_

**EMPLOYER AUTHORIZATION**

Request Approved:

Request Denied: (Specify Reason)

By:

Title:

Comments:

**Agreement for non-disclosure of confidential information**

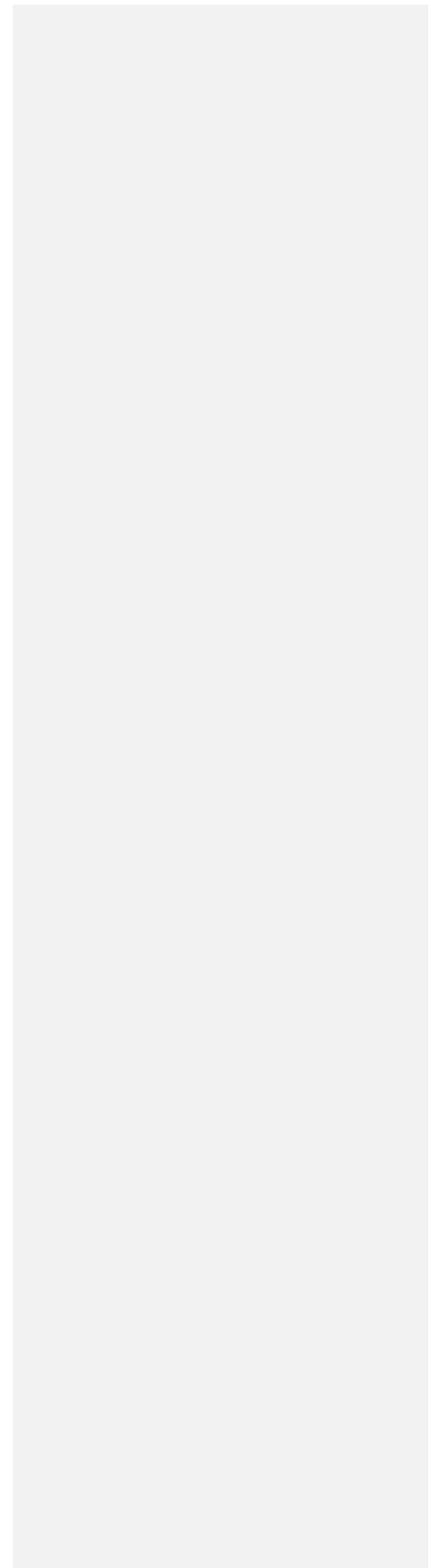
I acknowledge receipt of the Confidential Information policy of the District and agree to comply with all Riley Purgatory Bluff Watershed District (RPBCWD) policies regarding Confidential Information.

I further agree to not disclose confidential information to anyone for any reason.

Signature of Employee: \_\_\_\_\_

Printed Name of Employee: \_\_\_\_\_

Date: \_\_\_\_\_



**RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT  
NOTIFICATION AND CONSENT FORM FOR  
DRUG AND ALCOHOL TESTING**

I acknowledge that I have seen the RPBCWD Drug and Alcohol Testing Policy. I hereby consent to undergo drug and alcohol testing pursuant to said policy, and I authorize the RPBCWD through its agents and employees to collect a breath and/or urine and/or blood sample from me for that purpose.

I understand that the procedure employed in this process will ensure the integrity of the sample and is designed to comply with medical-legal requirements. I understand that the results of this drug testing may be discussed with and/or made available to the District. I further understand that the results of this testing may affect my employment, as described in the policy.

The purpose of collecting a body component sample of breath, blood or urine is to test that sample for the presence of drugs and alcohol. A sample provided for drug and/or alcohol testing will not be tested for any other purpose. The name, initials and social security number of the person providing the sample may be requested so that the sample can be identified accurately but confidentially. Information about medications and other information relevant to the reliability of, or explanation for, a positive test result is requested to ensure that the test is reliable and to determine whether there is a valid medical reason for any drug, alcohol or their metabolites in the sample. All data collected, including that in the notification form and the test report, is intended for use in determining the suitability of the employee for continued employment. I may refuse to supply the requested data; however, refusal to supply the requested data may affect my employment.

A third-party clinic performing testing for the District may only disclose to the District test result data regarding presence or absence of drugs, alcohol or their metabolites, in a sample tested. The District or laboratory may not disclose the test result reports and other information acquired in the drug- and/or alcohol-testing process to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the person tested, unless permitted by law or court order. Evidence of a positive test result on a confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Minnesota Statutes Chapter 43A or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding; (2) disclosed to any federal agency or other unit of the United States government as required under federal law, regulation or order, or in accordance with compliance requirements of a federal government contract; and (3) disclosed as required by law, court order, or subpoena. Positive test results may not be used as evidence in a criminal action against the employee tested.

_____	_____
Name (Please Print or Type)	Position and Department (if relevant)
_____	Date _____
Signature	_____
_____	Date _____
Witness	



January 27, 2017

To: Board of Managers

From: Claire Bleser, Administrator

Re: **Bluff Creek Southwest Branch Stabilization and Restoration**

Dear Managers,

While investigating possible alternative restoration sites on Bluff Creek. The southwest branch was identified as a good alternate. After field review, it was determined that the creek erosion is threatening to cut into wetland complex and drain. This has elevated the need to stabilize this reach. The cost of this project is estimated to be approximately **\$280,000**. The city of Chanhassen and Carver County Soil and Water Conservation District are interested in partnering on the project.

Administrator Bleser is recommending that remainder of the fish passage fund from the Bluff Creek Fish Passage be allocated to Bluff Creek Southwest Branch restoration as well as funds (\$200,000) from the Iron Enhanced Lucy project be allocated to this project. The Iron Enhanced Lucy Project has been on hold. The Ashling Meadow Home Owner's Association has been contacted for the past two years to discuss using their stormwater pond located in their outlot to provide treatment of stormwater before discharging to Lake Lucy. The president of the association has finally said in January that he would discuss this project to his board. At this time, the Administrator does not recommend beginning the design of the project until we are able to secure access and instead allocate funds to the Scenic Heights project and Bluff Creek Southwest Tributary Stabilization and Restoration.

Sincerely,



Claire Bleser

Manager \_\_\_\_\_, seconded by Manager \_\_\_\_\_ move to have \$200,000 of the funds allocated to the Lake Lucy Iron Enhanced project be allocated to Bluff Creek Southwest Branch, authorize the administrator to release the plan amendment, authorize the administrator to schedule a public hearing for the March Board meeting and authorize engineer to start design not to exceed \$15,000.

#### **7.4a.4 Bluff Creek Southwest Branch Stabilization and Restoration**

##### Need

Bluff Creek, within the municipal boundary of Chanhassen, Carver County, has a catchment of 5.8 square miles with the main stem being 6.8 miles long. Bluff Creek is a small tributary of the Lower Minnesota River. The upper reach of the watershed is primarily comprised of urban land use with some areas of forested upland and meadow. The middle reach is a mixture of various land uses but is rapidly urbanizing. The lower reach has steep valley walls, is highly sinuous, and lined with trees.

In 2002, Bluff Creek was listed on the 303(d) list of impaired waters for elevated turbidity levels measured at the Metropolitan Council Environmental Services (MCES) Watershed Outlet Monitoring Program (WOMP) station located on the main stem of the creek downstream of Old Highway 212. In 2004, Bluff Creek was placed on the Minnesota Pollution Control Agency's (MPCA) list of impaired waters in need of a Total Maximum Daily Load (TMDL) study for impaired biota due to low fish IBI scores. In 2013, the TMDL Implementation Plan was published identifying the projects that would reduce sediment loads to the creek but also address habitat fragmentation.

The 2015 CRAS Report evaluated segments of all creeks in the watershed by dividing the key categories for prioritizing restoration efforts into two tiers. The first tier was defined as consisting of categories that affect public health and safety, align with the goals in the District's Plan, and represent the key reasons why restoration projects are undertaken. These categories include: infrastructure risk, erosion and channel stability, ecological benefit, and water quality. The second tier of categories include those that provide supporting benefit to stream restoration, including watershed benefits, public education, partnership opportunities, and project cost per pound of phosphorus.

The CRAS report identified reaches BT-3A as a being in the top tier for prioritizing restoration projects. Reach BT-3A was rated as being unstable, with poor water quality, moderately poor habitat, and a moderate risk to infrastructure.

##### Description

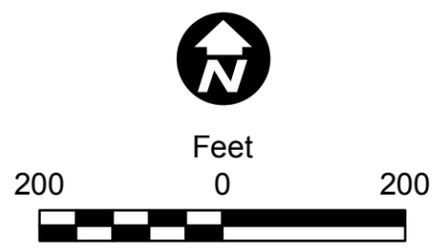
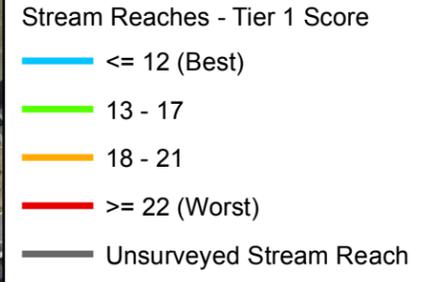
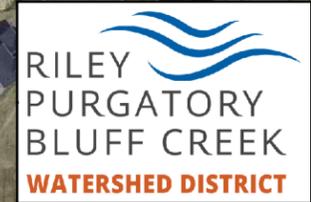
Reach BT3A is approximately 2,200 feet long and is the head of a tributary to Bluff Creek. The reach starts at a storm sewer outlet from Audubon Road and ends at Pioneer Trail. It was a watershed area of approximately 205 acres. The upper approximately 1,700 feet of the reach are on property owned by the City of Chanhassen and the lower approximately 500 feet of the reach are on property owned by MnDOT.

Estimated Construction Cost: \$200,000

##### Funding

The District would expect to fund these project elements by means of its watershed-wide ad valorem levy. However, if there are cost-sharing or grant opportunities with other public

agencies, the District would explore these as sources of funding as well. Some of this work may be suited for the District's cost-share program, in which case procedures and funding would be determined under those program criteria.



**FIGURE 1-2  
BLUFF CREEK  
REACH BT3A**  
Bluff Creek Feasibility Study  
Riley Purgatory Bluff Creek  
Watershed District

To: Board of Managers

From: Claire Bleser, Administrator

Re: **Scenic Heights Habitat Restoration**

Dear Managers,

The Scenic Heights Habitat Restoration is estimated to be approximately **\$260,000**. Hennepin County has approved a \$50,000 grant. The Minnetonka School District will allocate \$45,000 for the next three years. The City of Minnetonka will partner with in-kind labor.

Administrator Bleser is recommending that funds (\$165,000) from the Iron Enhanced Lucy project be allocated to the Scenic Heights Habitat Restoration. The Iron Enhanced Lucy Project has been on hold. The Ashling Meadow Home Owner's Association has been contacted for the past two years to discuss using their stormwater pond located in their outlot to provide treatment of stormwater before discharging to Lake Lucy. The president of the association has finally said in January that he would discuss this project to his board. At this time, the Administrator does not recommend beginning the design of the project until we are able to secure access and instead allocate funds to the Scenic Heights project and Bluff Creek Southwest Tributary Stabilization and Restoration.

Sincerely,

Claire Bleser

Manager \_\_\_\_\_, seconded by Manager \_\_\_\_\_ move to have \$165,000 of the funds allocated to the Lake Lucy Iron Enhanced project be allocated to the Scenic Heights Project.