

**MINUTES**  
**August 20, 2009**

**1. CALL TO ORDER.** A regular meeting of the Pioneer-Sarah Creek Watershed Management Commission was called to order at 4:00 p.m., Thursday, August 20, 2009, by Chair Lisa Whalen at Independence City Hall, 1920 County Road 90, Independence, MN.

Present: Jill Krout, Greenfield; Carole Peter, Independence; Brenda Daniels, Loretto; John Sweeney, Maple Plain; Dick Picard, Medina; Lisa Whalen, Minnetrista; James Kujawa, Hennepin County Department of Environmental Services (HCDES); and Judie Anderson and Amy LeMieux, JASS.

Also present: Sylvia Walsh, Greenfield; Brad Spencer, Independence; Carol and Heather Beasecker, Loretto; and Mike McLaughlin, Medina.

**2. AGENDA.\*** Motion by Sweeney, second by Peter to approve the revised Agenda. *Motion carried unanimously.*

**3. CONSENT AGENDA.\*** Motion by Picard, second by Whalen to approve the Consent Agenda and revised claims.

**a. Minutes of July meeting.\***

**b. Treasurer's Report and claims.\*** Whalen noted additional claims to reimburse herself and Mike McLaughlin \$10 each for the 17.1 miles driven on the annual tour at the city reimbursement rate of \$0.585 per mile.

[Daniels arrived 4:02 p.m.]

*Motion carried unanimously.*

**4. ACTION ITEMS.**

**a. 2002-12 Cavanaugh Run, Greenfield.** The Commission holds a surety of \$3,000 cash escrow for the proper construction and monitoring of one wetland basin on this project. The wetland replacement was proposed to be 5,000 SF of new wetland (type 2) and 4,000 SF of upland buffer adjacent to the new wetland. Monitoring in 2007 determined the areas graded in 2006 have established the wetland and buffer sizes necessary to meet the original wetland replacement plan requirements. However, the buffer does not meet Wetland Conservation Act (WCA) requirements, due to homeowner mowing and removal of some buffer signs. For that reason, monitoring is still necessary through at least 2009. Per WCA requirements, Staff sent a letter notifying the developer that monitoring must continue past the normal five-year period. The letter was returned undeliverable. If the developer cannot be contacted, the Commission will monitor the site using the escrow received for this purpose.

Staff visited the site in August and contacted the homeowner who has agreed not to mow or further disturb the buffer area. Staff also researched the cost of purchasing upland buffer credits. Credits are available in Watershed #18 for \$0.50-\$1.00 each, resulting in a total cost of \$2,000 to \$4,000. Since the homeowner has agreed to allow the buffer area to establish itself, Staff recommended that Kujawa continue to monitor the site and provide an update in spring 2010. The Commission agreed by consensus to follow Staff's recommendation. Staff will consult with the Commission attorney as to whether a portion of the monitoring surety can be used to pay administrative costs should the amount of the Administrative escrow (\$1,000) be exceeded.

**b. 2009-10 Northern Natural Gas Pipeline Project, Greenfield.\*** This natural gas pipeline project will run through the extreme west section of Independence, through Lake Rebecca Park

Reserve into Greenfield and then through Corcoran in the Elm Creek watershed. Staff will review the portion of the pipeline going through Independence and Greenfield for grading and erosion control, and for the section going through Greenfield for WCA issues. Because the Commission is the LGU for the majority of the project in the PSC Watershed, the portion of the project in Independence can be delegated to the Commission by the City of Independence if the Commission chooses to accept it.

The applicant is requesting that the Commission review and determine the appropriate fee for the Grading, Erosion Control, and Stormwater Management review. The applicant has submitted \$2,000.00 for the review. According to the Pioneer-Sarah Creek fee schedule, review for 135 acres of disturbance would incur a fee of \$34,500.00. The Elm Creek Watershed Management Commission (ECWMC) fee schedule separates reviews for Erosion and Sediment Control and Stormwater Management. This project is also being reviewed by the ECWMC. Staff believes that a fee of \$2,000 and an escrow of \$1,000 are sufficient to review this project.

Motion by Sweeney, second by Daniels to approve a \$2,000 fee for grading and erosion control review for Project 2009-10. Motion by Sweeney, second by Daniels to amend the motion to require a \$4,000 fee for this review. *The amended motion was approved unanimously.*

c. Staff provided copies of the **2008 Audit Report** for review at the July meeting. Minor corrections have been made and Staff recommends approval. Motion by Peter, second by Picard to accept the 2008 Audit report. *Motion carried unanimously.*

**5. PUBLIC HEARING.** The regular meeting was suspended at 4:38 p.m. for a public hearing regarding the 2010 operating budget.

The Commission received a letter from the City of Independence dated July 15, 2009, requesting a reduction in the operating budget of up to ten percent.

McLaughlin read his letter to the Commission wherein he asked the Commission to consider that the amount budgeted is not enough to address mandated water issues and asked that cities and communities that require more of the Commission's time and/or budget be assessed proportionately. The Commissioners noted that at this time the budget can only be reduced, not increased, and that the Joint Powers Agreement details the manner of assessing the annual contribution by each voting member.

The public hearing was closed at 5:16 p.m.

Whalen noted that if the 2010 operating budget is totally expended, the remaining reserve balance will be \$19,000. The Commission will work diligently throughout 2010 to minimize operating expenditures where possible in order to reduce spending from reserves, but has no current plans to reduce or remove items from the budget.

Motion by Sweeney, second by Daniels to affirm the 2010 budget as previously approved. *Motion carried, Krout opposed.*

**6. PROJECT REVIEWS.** See Staff Report for updates.

**7. LOCAL PLANS.**

a. **2008-12 City of Greenfield Comprehensive Plan.** The original plan was received July 3, 2008. Comments were provided to the City in September 2008. Revisions were received on May 29, 2009. Comments on the revised plan were sent to the City on June 29. The current plan still does not

meet the Commissions requirements. Krout reported that the Greenfield Planning Commission is currently reviewing the comments.

**b. 2009-03 City of Independence SWMP, Independence.** The draft SWMP was approved by the Independence City Council in April, 2009. The final draft report was received May 15. In June the Commission forwarded comments to the City requesting modifications to their plan prior to approval. No new information has been received.

**c.** The Staff Report provides the **status of local plans.**

#### **8. CLEAN WATER LEGACY PROGRAM.**

**Phosphorus Reductions.\*** A summary was provided detailing the types of projects completed with CWL grant funds and the total phosphorus reductions per year. Total phosphorus reduction is 65.9 pounds per year for the 17 projects completed. Agricultural projects resulted in the highest reductions per grant dollar at 12 pounds for a \$10,000 project, compared to rain gardens at one pound for a \$10,000 project. City Councils were also provided with this information in the Lake Sarah TMDL practices for reduction.

#### **9. EDUCATION.**

**a.** The brochure, *Ten Things You Can Do to Improve Minnesota's Lakes and Streams*, was delivered to Commissioners at the meeting.

**b. The Clean Water Resource Fair** is scheduled for Thursday, September 17, 2009, 1:00-8:00 p.m. at Independence City Hall. Whalen will attend.

#### **10. OTHER BUSINESS.**

**a.** Correspondence.

**1)** The **Second Hennepin County Conservation Forum** occurred July 30, 2009. Notes are not yet available.

**2)** The City of Medina held a meeting on Wednesday, August 12, 2009 for residents interested in **forming a lake or river group**. Kujawa and Randy Lehr of Three Rivers Park District were speakers at this event, which was sponsored by Minnesota Waters. There were approximately 30 attendees, including representatives from Medina.

**3)** The **2008 Annual Report\*** was provided for review. Staff requested comments by August 31.

**b.** Staff requested **bond coverage limits** from the member cities.

**c.** Commissioners were requested to sign and submit the **Code of Ethics Disclosure Form.\***

**d.** Whalen and Kujawa attended the LICA annual picnic and were each awarded a **Lake Independence Clean Water Service Award**. Whalen accepted the award on behalf of the Commission.

**e.** Due to the approved increase in Minnesota sales tax, additional **grant opportunities** will be available for TMDLs and their implementation plans, and protection and enhancement programs. It is approximated that \$51 million will be available in 2010/2011 for water monitoring and \$6.7 million for non-point source pollutant reduction. Little Long Lake will qualify for protection projects because the lake is currently not on the impaired waters list.


---

Staff will track available grants and notify member cities and lake associations of possible partnering opportunities.

f. **Upcoming Commission meetings.** September 10 and October 15, 2009.

11. **ADJOURNMENT.** There being no further business, motion by Sweeney, second by Daniels to adjourn. *Motion carried.* The meeting was adjourned at 5:40 p.m.

Respectfully submitted,



Amy LeMieux  
Recording Secretary

AAL:tim

z:\pioneer-sarahcreek\meetings\meetings 2009\08\_minutes\_.doc