



**Pioneer-Sarah Creek
Watershed Management Commission**

ADMINISTRATIVE OFFICE: 3235 Fernbrook Lane N • Plymouth, MN 55447
763.553.1144 • Fax: 763.553.9326

MINUTES

December 17, 2009 - Corrected

1. CALL TO ORDER. A regular meeting of the Pioneer-Sarah Creek Watershed Management Commission was called to order at 4:03 p.m., Thursday, December 17, 2009, by Chair Lisa Whalen at Independence City Hall, 1920 County Road 90, Independence, MN.

Present: Sylvia Walsh, 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); Randy Lehr, Three Rivers Park District (TRPD) and Judie Anderson and Amy LeMieux, JASS.

Also present: Mike Peterson, Independence, LSSC/LSIA, and Brad Spencer, Independence.

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

3. CONSENT AGENDA.* Motion by Sweeney, second by Walsh to approve the Consent Agenda with the revised Treasurer's report and claims.

a. Minutes of November meeting.*

b. Treasurer's Report and claims.* The Treasurer's report was revised to show the Move One Degree payment made in November instead of December. The Move One Degree payment was also struck from the December claims.

Motion carried unanimously.

4. OPEN/PUBLIC.

Spencer inquired whether the signage from the Lake Sarah Project which occurred in the mid 1990s could be removed due to poor condition. Kujawa will investigate.

The City of Greenfield has invited Whalen and Kujawa ~~the Commission~~ to attend a Planning Commission meeting on January 12, 2010 to discuss local surface water management plan issues. Walsh will also attend.

5. ACTION ITEMS.

a. Lake Sarah Pre-Draft TMDL.* The stormwater language and equation on page 47 must be modified due to a recent agreement between TRPD and MPCA regarding the wasteload allocations since Greenfield is not an MS4 and, therefore, does not require a stormwater permit. The current pre-draft allocations were based on the assumption that Greenfield would become an MS4 within the next few years. However, there is no guarantee that Greenfield will become an MS4 in the foreseeable future. Lehr is working with MPCA to finalize acceptable numbers to use in the allocation equation for each city and for industrial and construction stormwater values. Since Greenfield is not an MS4, there are no compliance requirements, although they contribute the majority of phosphorus to Lake Sarah. When the city becomes an MS4, the wasteload allocation will transfer to the permit and compliance will be enforced.

TRPD expects that the TMDL will be sent to MPCA and stakeholders for preliminary review by December 21. A time period of either 45 or 60 days will be set for the preliminary review to allow stakeholders additional time to review. Lehr will contact Harold Burrows, LSIA president, with a copy of the

draft TMDL. A stakeholder meeting to discuss the draft will be held prior to the end of the preliminary review period to allow stakeholders to get involved and up-to-speed. After the preliminary review the official 30-day public review period will begin.

b. Bond coverage limit.* LMCIT has not yet returned a bid for cost of coverage. This item will be discussed at the January meeting.

c. 2009-11 Jude Lague property, Minnetrista.* Lague received a building permit to construct a 3,150 SF garage. His property is adjacent to the Pioneer Creek/Ox Yoke Lake floodplain. The fill material needed to support the new garage will impact the floodplain by decreasing the storage capacity of water during high water events. Commission review and approval on this activity is necessary because its Management Plan requires approval of compensatory volume mitigation for fill in the floodplain that is outside of a floodway.

The PSC Management Plan has the flood elevation of this property at 926.0 per the water surface profile for Pioneer Creek dated August 1993. FEMA's map updated on September 2, 2009 lists the elevation at 930.0; however, FEMA did not include the 1993 flood study in their updates. After discussion with the DNR area hydrologist and the County Engineer, the correct elevation was confirmed at 926.0.

Two on-site options for mitigating the fill volume were provided. Option A provided a mitigation volume of 495 CY in the floodplain above the normal water elevation. Option B provided a mitigation volume of 483 CY above the normal water elevation on this parcel. Both options are on Lague's property and meet the Commission's requirements for compensatory volume mitigation for filling in the floodplain outside a floodway.

Staff recommends the Commission accept Staff's findings dated December 16, 2009, and approve the floodplain replacement plan with the requirement that an as-built survey of the mitigation area be provided to the Commission prior to August 1, 2010. Motion by Daniels, second by Walsh to approve Staff's recommendations. *Motion carried unanimously.*

6. PROJECT REVIEWS. See Staff Report.

7. LOCAL PLANS. See Staff report.

8. EDUCATION.

a. Joint EPOC Update. The Joint EPOC met on Tuesday, December 8, 2009 and has changed its name to the West Metro Water Alliance (WMWA). A draft educational plan is being developed and copies will be provided to Commissioners after the January 5, 2010 WMWA meeting. At the regular January Commission meeting, one or two commissioners will be appointed to this committee.

b. Approve Charter Membership in NEMO (Non-Point Education for Municipal Officials). Northland NEMO is a collaborative partnership of organizations with projects, programs, and funding that provide education for elected and appointed officials about the relationship of land use to natural resource protection. NEMO's education takes the form of presentations, workshops, tools and resources, and train-the-trainer courses. Many workshops occur at the water body, whether a lake or river, to fully engage the participants. One specific workshop, The Watershed Game, requires participants to work together to meet stated goals in different land-use situations. The first step in using NEMO is to identify and prioritize the audiences the Commission plans to reach. EPOC members were tasked with identifying activities that can be done jointly among different organizations, such as water quality monitoring education, and also identifying activities and education that may be more specific to individual cities or watersheds, i.e., TMDL implementation activities.

Organizations wishing to become Charter members must identify one specific "lead" individual per program and/or organization, who signs the charter. That person is responsible for ensuring their organization's compliance with the Charter. There is no liability or fiscal responsibility associated with signature to the Charter. The agreement is annual from January through December of each year.

Motion by Sweeney, second by Walsh to approve the Commission becoming a Charter Member of NEMO and designating Amy LeMieux, JASS, as the lead individual for the Commission's participation. *Motion carried unanimously.*

1) **Notes from December 15, 2009 NEMO meeting.*** LeMieux verbally recapped the meeting.

9. **GRANT OPPORTUNITIES.**

a. **Clean Water Legacy Grant Application for Loretto Creek Restoration Project.*** The Cities of Loretto and Medina requested and the Commission approved at their November meeting a partnership to apply for a Board of Soil and Water Resources (BWSR) Clean Water Fund grant for the creation of a stormwater treatment wetland at the Loretto ball field. To be eligible for the grant, the Commission must be the listed applicant, administer the grant funds and complete the reporting through the BWSR eLINK system. Up to five percent of the BWSR grant may be used to cover costs of administration and reporting. The cities will provide the 25% local match for the grant through cash and in-kind services. The Commission will not participate in the local match. As part of the approval the Cities of Loretto and Medina will be responsible for a long-term maintenance agreement for the pond/wetland and the engineering design and standards for the project must meet Commission standards. A copy of the application submitted to BWSR was included in the meeting packet.

b. **DNR RFP: Community Conservation Assistance Program.*** Lake associations could apply for these grants in partnership with the Commission. No action at this time.

c. **DNR Aquatic Invasive Species Prevention Grants – RFPs.*** Information only.

10. **OTHER BUSINESS.**

a. **Correspondence.**

1. **Nutrient Management Initiative.*** An announcement was made by the MPCA of a new initiative that may be an opportunity for Lakes Sarah and Independence. Staff will follow up.

b. **Upcoming Commission meetings.** January 21 and February 18, 2010.

c. Reminder to Commissioners to request **reappointment for 2010** from your city councils.

11. **ADJOURNMENT.** There being no further business, motion by Whalen, second by Daniels to adjourn. *Motion carried.* The meeting was adjourned at 5:19 p.m.

Respectfully submitted,



Amy LeMieux
Recording Secretary

AAL:tim

z:\pioneer-sarahcreek\meetings\meetings 2009\12_minutes.doc