



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

November 8, 2018

Representatives  
Pioneer-Sarah Creek Watershed  
Management Commission  
Hennepin County, Minnesota

*The meeting packet for this meeting  
may be found on the Commission's website:  
[http://www.pioneersarahcreek.org/minutes--  
meeting-packets.html](http://www.pioneersarahcreek.org/minutes--meeting-packets.html)*

Dear Representatives:

A regular meeting of the Pioneer-Sarah Creek Watershed Management Commission will be held Thursday, November 15, 2018, at 6:00 p.m., at the Discovery Center, 5050 Independence Street, Maple Plain, MN.

A light supper will be served. **RSVPs are requested** so that the appropriate amount of food is available. At the time of your response, please let us know if you will be eating supper with us.

In order to ensure a quorum for this meeting, please telephone 763.553.1144 or email Tiffany at [tiffany@jass.biz](mailto:tiffany@jass.biz) to indicate if you or your Alternate will be attending. It is your responsibility to ascertain that your community will be represented at this meeting.

Regards,

Judie A. Anderson  
Administrator  
JAA:tim

cc:	Alternates	City Clerks	MPCA
	Jim Kujawa, Kirsten Barta, HCEE	Met Council	BWSR
	Joel Jamnik, Attorney	official newspapers	DNR
	Brian Vlach, TRPD	Ed Matthiesen, Diane Spector, Wenck Assocs	

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**REGULAR MEETING AGENDA**  
**November 15, 2018 • 6:00 pm**  
**Maple Plain City Hall @ The Discovery Center**  
**5050 Independence Street, Maple Plain**

*The meeting packet can be found on the Commission's website: <http://pioneersarahcreek.org/pages/Meetings/>*

1. Call to Order.
2. Approve Agenda.\*
3. Consent Agenda.
  - a. October meeting minutes.\*
  - b. Monthly Claims/Treasurers Report.\*
4. Action Items.
  - a. Hennepin County Pictometry Agreement.\*
  - b. BWSR Watershed-Based Funding Grant Agreement.\*
5. Open Forum.
6. Old Business.
7. New Business.
8. Watershed Management Plan – Local Plans – *see Staff Report*.
9. Staff Report.\*
10. Education.
11. Grant Opportunities.
12. Communications.
  - a. BWSR Level II Performance Review (PRAP) – final report.\*
  - b. Baker Ravine Weekly updates.\*
  - c. Independence Draft Manure Management Policy.\*
13. Commissioner Reports.
14. Other Business.
15. Adjournment. (*Next scheduled meeting December 20, 2018*).

\* in meeting packet

\*\* available at meeting

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## REGULAR MEETING MINUTES October 18, 2018

**1. CALL TO ORDER.** A regular meeting of the Pioneer-Sarah Creek Watershed Management Commission was called to order at 6:10 p.m., Thursday, October 18, 2018, by Chair Joe Baker at Maple Plain City Hall, 5050 Independence Street, Maple Plain, MN.

**Present:** Joe Baker, Independence; Brenda Daniels, Loretto; John Fay, Maple Plain; Mike McLaughlin, Medina; Kirsten Barta and James Kujawa, Hennepin County Environment and Energy (HCEE); Brian Vlach, Three Rivers Park District (TRPD); Ed Matthiesen and Lucius Jonett, Wenck Associates; and Amy Juntunen, JASS.

**Also present:** Jesse and Cathy Hilary and Mark Kjolhaug, Kjolhaug Environmental Services for project 2018-011W; and John Dailing, Windsong Farm Golf Club, and Derek Lash, EOR Inc. for project 2018-014.

**2. AGENDA.** Motion by Daniels, second by McLaughlin to approve the agenda as presented. *Motion carried unanimously.*

**3. CONSENT AGENDA.** Motion by Daniels, second by McLaughlin to approve the Consent Agenda:

- a. **August Regular Meeting Minutes.\***
- b. **October Monthly Claims/Treasurer's Report.\*** Claims total \$9,027.45.

*Motion carried unanimously.*

**4. ACTION ITEMS.**

**a. Project Review 2018-011W Hilary Wetland Replacement Plan.\*** This is an existing 20-acre lot located on the south side of Town Hall Drive just south of the Highway 55 intersection. The landowners are proposing to build a home on the lot. To achieve access into the lot, their preferred driveway location will impact 3,968 SF of a type 2/3 wetland basin (fresh wet meadow/shallow marsh).

A TEP was convened August 23, 2018 to discuss the driveway location and sequencing plan for the project and recommends approval of the Hilary driveway permit application. Half of the wetland replacement credits will be purchased from the Ball Wetland within the Pioneer-Sarah Creek watershed and the other half will be purchased in Stearns county, meeting the 2:1 replacement requirement. Staff recommends approval conditioned on Commission receipt of a letter of credit or cash escrow of \$12,000 if the wetland impacts begin prior to BWSR certification of purchase of wetland credits. Motion by McLaughlin, second by Daniels to approve project 2018-011W with that condition. *Motion carried unanimously.*

**b. Project Review 2018-013 Windsong Golf Course.\*\*** This project will take place on the golf course property on both sides of County Road 6. They propose to reconstruct their existing practice facility and clubhouse service access road, reconstruct their existing main parking lot and construct a new event overflow parking lot.

This project will create approximately 40,000 SF of new impervious surface. However, the disconnection from pipe or other impervious surfaces allows for about 33,000 SF in stormwater credits. All runoff from the overflow parking is being directed over reinforced turf and other vegetation with filter material underneath it. All stormwater will be directed overland for 500-1,000 feet before reaching a detention basin or other resources. This project will maintain or reduce runoff rate, volume and nutrients from the property.



Staff recommends approval of the project with the recommendation to also install grassed waterways to the north of the overflow parking in the channelized agricultural area draining to Fox Lake. Motion by Fay, second by McLaughlin to approve project 2018-013 per Staff recommendation with the hard suggestion of installing grassed waterways in the agricultural area draining to Fox Lake. *Motion carried unanimously.*

c. **PRAP Response Letter.\*** Motion by McLaughlin, second by Daniels to approve the PRAP Response letter and send to BWSR. *Motion carried unanimously.*

d. **Minnetrista's Local Water Management Plan\*** was first submitted and reviewed by Staff in April, with additional review and comment in July. The final update has addressed all issues. The City has stated they will update their buffer ordinances and implement a livestock ordinance within 180 days and update their implementation plan and CIP to include information from the WRAPS study. Staff recommends approval. Motion by McLaughlin, second by Daniels to approve the Minnetrista Local Plan. *Motion carried unanimously.*

## 5. OPEN FORUM.

Vlach and Jonett gave a presentation on the **Baker Park Ravine Project**. Due to a required extensive review process with the Army Corps of Engineers, this project will not begin until October 2019. Jonett provided a summary of the design, existing conditions, and project timelines. Jonett will make the PowerPoint presentation available to Commissioners to be shared with their cities.

## 6. OLD BUSINESS.

## 7. NEW BUSINESS.

## 8. WATERSHED MANAGEMENT PLAN.\*

**Local Plan – Greenfield.\*** Staff comments were forwarded to the City in August. No update has been received to date.

9. **STAFF REPORT.\*** Lake sampling has been completed for 2018. A zebra mussel survey was completed on Lake Independence this fall. Data tracking movement for the carp study has not been downloaded yet, but the data loggers are collecting information.

## 10. EDUCATION.

## 11. GRANT OPPORTUNITIES.

a. The BWSR Watershed-based funding work plan\* is included in the meeting packet. The project will include the Lake Ardmore BMP project. The Watershed-based funding grant will cover \$58,317 of the total project cost of \$74,062. The Commission's CIP fund and Hennepin County grants total \$13,745 and the City of Medina's cost-share is \$2,000.

b. **Focus Group Meeting Summary.\*** A focus group of WMOs met on September 13, 2018 to discuss the watershed-based funding pilot rolled out in 2018. A summary of that meeting is included in the meeting packet.

## 12. COMMUNICATIONS.

The Commission received a **Request for Metric Data** from the Hennepin County Board of Commissioners. Barta created the metrics document and will present it to the Board on November 6, 2018. The County Board is unfamiliar with the purpose of the watersheds and concerned with approving levies for watershed funding and not seeing immediate results in water quality. A full report will be available once the County Board approves it, expected for the December Commission meeting.

## 13. COMMISSIONER REPORTS.

## 14. OTHER BUSINESS.

The **next regular meeting** is scheduled for November 15, 2018.





**15. ADJOURNMENT.** There being no further business, motion by McLaughlin, second by Daniels to adjourn. *Motion carried unanimously.* The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Amy A. Juntunen, Recording Secretary  
AAJ:tim

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**Pioneer-Sarah Creek Watershed  
Cash Disbursements Journal  
For the Period From Nov 1, 2018 to Nov 30, 2018**

Filter Criteria includes: Report order is by Date. Report is printed in Detail Format.

<b>Date</b>	<b>Check #</b>	<b>Account ID</b>	<b>Line Description</b>	<b>Debit Amount</b>	<b>Credit Amount</b>
11/9/18	1518	50100	Q3 Technical - Project Reviews	2,552.72	
		50100	Q3 Technical - WCA/Wetland	1,039.05	
		10100	Hennepin County Treasurer		3,591.77
11/9/18	1516	64003	Baker Ravine Stabilization	3,689.57	
		10100	Wenck Associates, Inc.		3,689.57
11/9/18	1517	51100	Administration	801.86	
		51100	PRAP	126.17	
		51100	Meeting-related	1,452.70	
		51100	Bookkeeping / Treasurer's Report	129.19	
		51100	Annual Report	126.00	
		58210	Third Gen Plan	6.36	
		51400	Website	59.40	
		57000	Education	48.75	
		51120	Project Reviews	232.18	
		51130	WCA/Wetland	34.70	
		51140	Grant Opportunities	21.25	
		51125	Baker Ravine	25.94	
		10100	Judie Anderson's Secretarial Service		3,064.50
<b>Total</b>				<b>10,345.84</b>	<b>10,345.84</b>

**Public Works General  
Solid Waste  
612-348-9357  
300 South 6th Street, MC 129  
Minneapolis, MN 55487**

Page: 1  
Customer Number: 0000010609  
Invoice Number: 1000117644  
Invoice Date: 10/16/2018

**Total Amount Due:** \$3,591.77  
**Due Date:** 11/30/2018

Balance Due:	\$3,591.77
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Please return the bottom portion with your check made payable to: Hennepin County Treasurer.

612-348-9357

**Customer Number:** 0000010609  
**Invoice Number:** 1000117644

**Payment Due Date: 11/30/2018**

**Amount Due: \$3,591.77**

Amount Enclosed:

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**Pioneer-Sarah Creek Watershed Management**  
3235 Fernbrook Lane  
Plymouth, MN 55447

**Remit To:**  
**Hennepin County Accounts Receivable**  
**300 South Sixth Street**  
**Mail Code 129**  
**Minneapolis, MN 55487**

**Invoice**

November 7, 2018

Invoice No: 11807612

Ms. Judie Anderson  
 Pioneer-Sarah Watershed Management Comm.  
 3235 Fernbrook Lane  
 Plymouth, MN 55447



Responsive partner.  
 Exceptional outcomes.

Project Manager Lucius Jonett

Project B1508-0007 Baker Ravine Stabilization

**Professional Services Through October 31, 2018**

Phase 03 Plans

Plans

**Professional Personnel**

	Hours	Rate	Amount
Jonett, Lucius	1.60	151.00	241.60
Totals	1.60		241.60
<b>Total Labor</b>			<b>241.60</b>
<b>Phase Total</b>			<b>\$241.60</b>

Phase 04 Obtain Permits

Obtain Permits

**Professional Personnel**

	Hours	Rate	Amount
Erickson, Mindy	4.00	86.00	344.00
Jonett, Lucius	7.30	151.00	1,102.30
Matthiesen, Edward	1.00	195.00	195.00
Totals	12.30		1,641.30
<b>Total Labor</b>			<b>1,641.30</b>

**Unit Billing**

00-WAI Vehicle Golden Valley

**20.17**  
**Phase Total \$1,661.47**

Phase 05 Specs and Contract Documents

Specs and Contract Documents

**Professional Personnel**

	Hours	Rate	Amount
Bossert, Seth	11.30	114.00	1,288.20
Jonett, Lucius	3.30	151.00	498.30
Totals	14.60		1,786.50
<b>Total Labor</b>			<b>1,786.50</b>
<b>Phase Total</b>			<b>\$1,786.50</b>

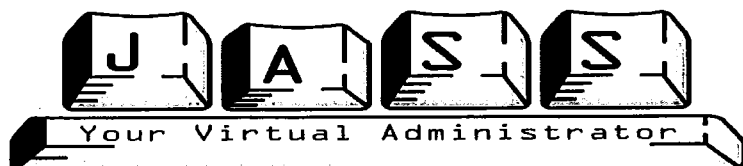
**Total Invoice Amount \$3,689.57**

**Current Prior Total**

INVOICES ARE DUE UPON PRESENTATION. Subject to 1-1/2% 18% Annum interest/finance charge. Please reference the invoice number when sending payment. Federal Tax ID #41-1520095 -Wenck Associates, Inc.-1800 Pioneer Creek Center PO Box 249- Maple Plain, MN 55359-0249 Toll Free:800-472-2232 Main:763-479-4200 E-mail:accounting@wenck.com Web www.wenck.com

Project Title: Baker Ravine Stabilization Project  
 Client: Pioneer-Sarah Creek Watershed Management Commission  
 Project Number: B1508-0007  
 Project Manager: Lucius Jonett  
 Date: 11/7/2018

Task #	Description	Budget	Invoiced #11804318 7/6/2018	Invoiced #11804771 8/3/2018	Invoiced #11805829 9/7/2018	Invoiced #11806816 10/5/2018	Invoiced #11807612 11/7/2018	Invoiced #xxxxx 12/4/2018	Total Invoiced	Budget Remaining
1	Topographic/Field/Boundary Survey	\$ 14,074.00	\$ 8,951.93	\$ 1,376.55					\$ 10,368.48	\$ 3,705.52
2	Wetland Delineation	\$ 5,832.00	\$ 2,070.60	\$ 136.80	\$ 1,666.50	\$ 825.37			\$ 4,699.27	\$ 1,132.73
3	Plans	\$ 26,047.00	\$ 6,426.43	\$ 5,321.40	\$ 1,881.33	\$ 2,183.20	\$ 241.60		\$ 16,053.96	\$ 9,993.04
4	Obtain Permits	\$ 10,764.00	\$ -		\$ 3,174.60	\$ 3,453.96	\$ 1,661.47		\$ 8,290.03	\$ 2,473.97
5	Specifications and Contract Documents	\$ 6,850.00	\$ -		\$ 861.30		\$ 1,786.50		\$ 2,647.80	\$ 4,202.20
6	Bidding Administration	\$ 3,951.00	\$ -						\$ -	\$ 3,951.00
7	Construction Staking	\$ 10,270.00	\$ -						\$ -	\$ 10,270.00
8	Construction Observation	\$ 27,291.00	\$ -						\$ -	\$ 27,291.00
9	As-Built Survey & Drawings	\$ 5,974.00	\$ -						\$ -	\$ 5,974.00
<b>Total</b>		<b>\$ 111,053.00</b>	<b>\$ 17,488.96</b>	<b>\$ 6,834.75</b>	<b>\$ 7,583.73</b>	<b>\$ 6,462.53</b>	<b>\$ 3,689.57</b>	<b>\$ -</b>	<b>\$ 42,059.54</b>	<b>\$ 68,993.46</b>



Pioneer-Sarah Creek Watershed Management Commission  
3235 Fernbrook Lane Plymouth, MN 55447

3235 Fernbrook Lane  
Plymouth MN 55447

November 9, 2018

				Total Project Area	
<b>General Administration</b>					
Administrative		55.00	0.000		
Administrative	9.63	60.00	577.800		
Administrative - offsite		65.00	0.000		
Office Support	2.00	60.00	120.000		
Public storage	1.00	92.76	92.760		
Data Processing/File Mgmt		55.00	0.000		
Reimbursable Expense	11.30	1.00	11.300	801.860	Administration
<b>PRAP</b>					
Administrative	0.17	60.00	10.200		
Reimbursable Expense	115.97	1.00	115.970	126.170	PRAP
<b>Meeting packets, attendance, Minutes and Meeting follow-up</b>					
Administrative	1.57	55.00	86.350		
Administrative	15.39	60.00	923.400		
Admin - Offsite	3.92	65.00	254.800		
Reimbursable Expense	188.15	1.00	188.150	1,452.700	Meeting related activities
<b>Bookkeeping</b>					
Bookkeeping, budget, audit requests	1.49	60.00	89.400		
Treasurer's Reports	0.42	60.00	25.200		
Audit Prep		60.00	0.000		Bookkeeping/TRs
Reimbursable Expense	14.59	1.00	14.590	129.190	Audit Prep
<b>Annual Report/Work Plans</b>					
Secretarial		55.00	0.000		
Administrative	2.10	60.00	126.000		
Reimbursable Expense		1.00	0.000	126.00	Annual Report
<b>3rd Generation Plan and Amendments</b>					
Administrative		60.00	0.00		
Reimbursable Expense	6.36	1.00	6.36	6.36	Third Gen Plan
<b>Website</b>					
Pages, links, uploads	1.08	55.00	59.400		
Administrative		60.00	0.000	59.400	Website
<b>Education, Strategic Planning</b>					
Administrative		60.00	0.000		
Offsite	0.75	65.00	48.750		
Reimbursable Expense		1.00	0.000	48.750	Education
<b>Project Reviews</b>					
Administrative	2.42	60.00	145.200		
File Management/Archiving		50.00	0.000		
Reimbursable Expense	86.98	1.00	86.980	232.180	Project Reviews
<b>WCA/Wetland Projects</b>					
Administrative	0.17	60.00	10.200		
Reimbursable Expense	24.50	1.00	24.500	34.700	WCA/Wetland
<b>Grant Opportunities/Applications</b>					
Administrative		60.00	0.000		Grant opportunities/
Administrative - offsite		65.00	0.000		applications
Reimbursable Expense	21.25	1.00	21.250	21.250	
<b>Baker Campground Ravine</b>					
Administrative		60.00	0.000		
Reimbursable Expense	25.94	1.00	25.940	25.940	Baker Ravine
			<b>3,064.500</b>	<b>3,064.500</b>	



3235 Fernbrook Lane  
Plymouth, MN 55447  
(763) 553-1144  
Fax: (763) 553-9326  
[www.jass.biz](http://www.jass.biz)

**To:** Pioneer-Sarah Creek Commissioners  
**From:** Judie Anderson  
**Date:** November 2, 2018  
**Subject:** Hennepin County GIS User Agreement

**Recommended  
Commission Action**

By motion authorize execution of the Agreement.

In 2015 the Commission authorized entering into a contract with Hennepin County to obtain access to detailed aerial imagery and pictometry resources. The County makes these available to local governments and their staff at no cost. Third parties performing services to the local government, such as Wenck acting as a consulting engineer, may with authorization also obtain access, but only for the performance of those services. These high-quality images are valuable in supplementing or even replacing some types of field work or site visits.

Attached are a letter and information about the resources as well as the Agreement provided by Hennepin County. Staff recommends that the Commission authorize execution of the Agreement.



Information Technology

## GIS Office

A-18 Government Center | Minneapolis, MN 55487 | 612-596-9484 | [gis.info@hennepin.us](mailto:gis.info@hennepin.us)

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October 10, 2018

Dear Administrator:

Hennepin County is acquiring new aerial imagery and analysis tools this year from the Sanborn Map Company. The county also has historical Pictometry aerial imagery that was captured in 2006, 2008, 2011 and 2015. The county would like to make both resources available to your organization free of charge, through separate online services without installation or administration of any software. These resources will allow users within your organization to access both the new imagery and analysis tools, as well as the historical imagery.

Access to aerial imagery and analysis tools adds value to many business areas serving Hennepin County residents, such as property appraisal, public safety, public works, and education, to name a few. Please review the attached page for more information on both Sanborn and Pictometry imagery.

**If you have a previous contract** with Hennepin County for accessing aerial imagery via Pictometry Connect, you will find a new contract enclosed. This agreement will allow your organization to access the new Sanborn imagery as well as the historical Pictometry imagery. Please complete the contract fields, sign, and attach a copy of your delegation of signature authority, then return a hard copy by mail within forty-five (45) days to Julie Gilasevitch at the address below to avoid losing your access. Please be sure to indicate a contact person, their email address, and phone number so the Hennepin County GIS team can follow up with specific instructions to access the imagery.

**If you do not have a previous contract** for the imagery and would like to participate, please call or email Ann Houghton, GIS Project Manager: [Ann.Houghton@Hennepin.us](mailto:Ann.Houghton@Hennepin.us), 612-348-5623. The Hennepin County GIS Office will administer access to the system over the coming months and will work with your organization on necessary steps to provide your staff access.

Please respond to this letter by **November 21, 2018**.

We look forward to working collaboratively with you in serving Hennepin County residents.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Gilasevitch'.

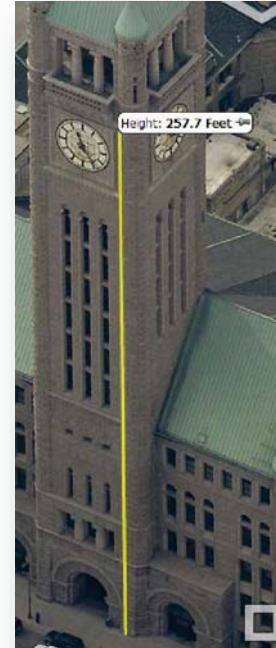
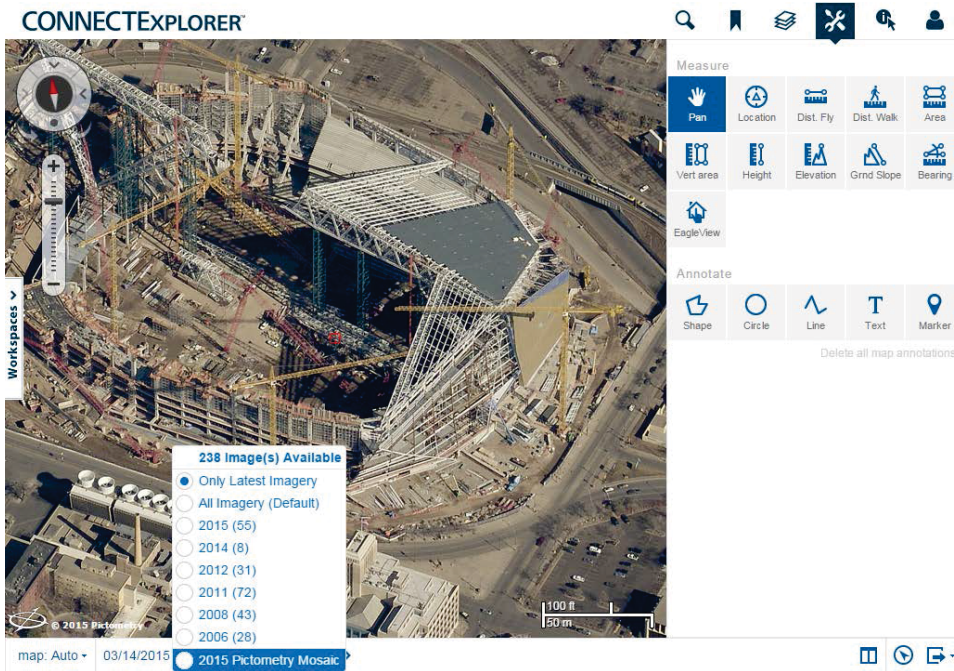
Julie Gilasevitch, MPH, CPH | Senior Contract Services Analyst |  
Hennepin County Government Center | Information Technology Department A-1900  
300 S 6<sup>th</sup> St | Minneapolis MN 55487 | 612-543-5169 | [julie.gilasevitch@hennepin.us](mailto:julie.gilasevitch@hennepin.us)



## Overview: Web Applications

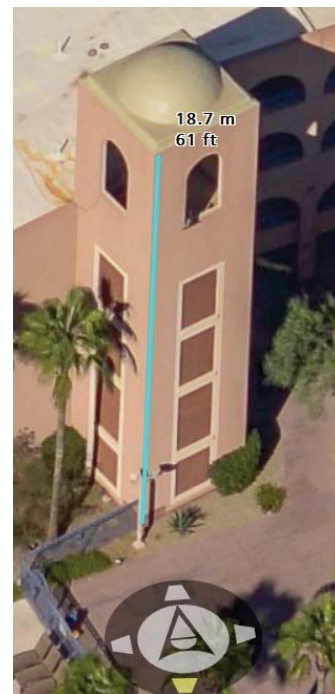
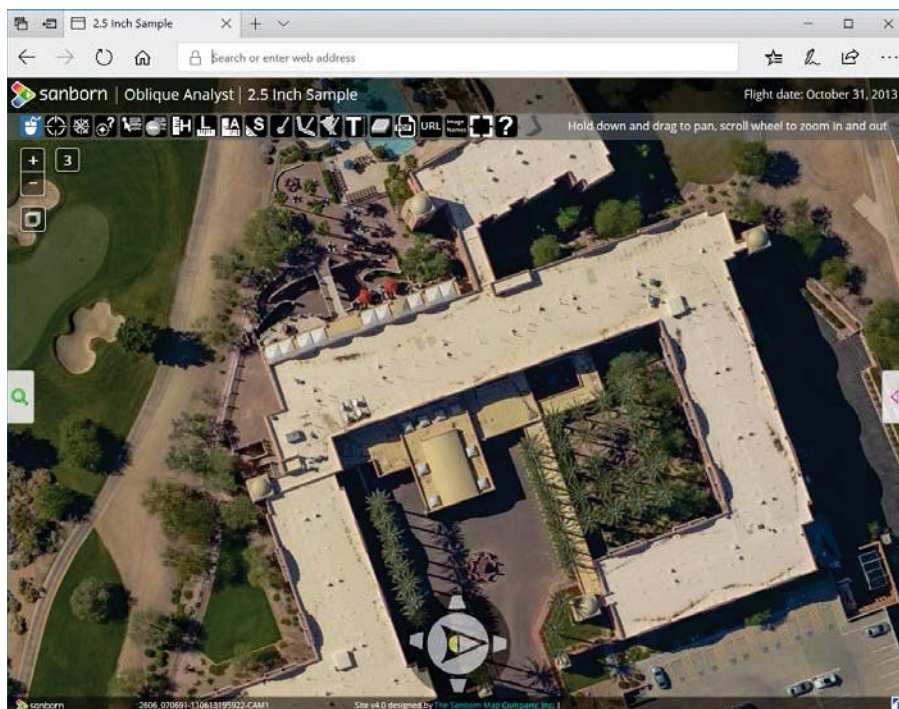
**Pictometry CONNECTExplorer** (<https://www.eagleview.com>) enables staff to view historic aerial photos of Hennepin County. Features and functionality include:

- Orthophotography (straight down) • Oblique images (taken at a 45° angle from N S E W)
- Length, Area, and Height measurement tools • Historic images from 2006, 2008, 2011, and 2015
- View historic imagery side by side • Copy images for use in reports • Overlay parcel data



**Sanborn Oblique Analyst** (<https://www.sanborn.com/oblique-analyst/>) enables staff to view current aerial photos of Hennepin County. Features and functionality include:

- Orthophotography (straight down) • Oblique images (taken at a 45° angle from N S E W)
- Length, Area, and Height measurement tools • Spring 2018 images
- Copy images for use in reports • Overlay parcel data



## HENNEPIN COUNTY USER AGREEMENT

This Hennepin County User Agreement ("HCUA") is between Hennepin County, State of Minnesota, ("COUNTY") and \_\_\_\_\_, ("USER").

### WITNESSETH:

**WHEREAS**, COUNTY and Pictometry International Corporation ("Pictometry") executed the AGREEMENT FOR THE PURCHASE OF A DIGITAL ORTHO AND OBLIQUE AERIAL PHOTOGRAPH AND INFORMATION SYSTEM LICENSE, as amended, for the licensing of oblique images and related systems (the "Pictometry Agreement");

**WHEREAS**, COUNTY and The Sanborn Map Company, Inc. ("Sanborn") executed the AGREEMENT FOR THE PURCHASE OF A DIGITAL ORTHO AND OBLIQUE AERIAL PHOTOGRAPH AND INFORMATION SYSTEM LICENSE, as amended, for the licensing of oblique images and related systems (the "Sanborn Agreement");

**WHEREAS**, Pictometry's hosted software system and Sanborn's hosted software system (collectively the "System") collects, organizes, stores, displays and allows access to a collection of oblique images, metadata, data layers, models, reports and other geographic or structural visualizations or embodiments (collectively "Delivered Content");

**WHEREAS**, by the terms of the Pictometry Agreement, Pictometry granted COUNTY the right to allow duly authorized political units or subdivisions located totally or substantially within the boundaries of Hennepin County, including cities or townships, to access the System and Pictometry Delivered Content.

**WHEREAS**, by the terms of the Sanborn Agreement, Sanborn granted COUNTY the right to allow duly authorized political units or subdivisions located totally or substantially within the boundaries of Hennepin County, including cities or townships, to access the System and Sanborn Delivered Content.

**NOW, THEREFORE**, in consideration of the mutual undertakings and agreements set forth herein, COUNTY and USER agree as follows:

### 1. Term.

This Agreement shall commence upon September 1, 2018 and shall continue for one (1) year unless terminated earlier in accordance with the provisions of this Agreement. Unless COUNTY otherwise notifies USER within thirty (30) days prior to the expiration of a term of this Agreement, this Agreement shall then

automatically renew for another two (2) year term. However, in no event shall this Agreement continue beyond August 31, 2021.

## 2. Licenses.

Subject to the provisions herein, COUNTY grants USER a limited, revocable, non-exclusive, royalty-free license to access and use the System and Delivered Content exclusively for the performance of USER's public responsibilities. The rights granted in this paragraph may be referred to as the "License". For clarification and not limitation, the License permits access or use by USER's employees and contracted personnel performing USER's public responsibilities (said employees or contracted personnel may be referred to as "Eligible Personnel" and, as applicable throughout this HCUA, the term "USER" shall include and apply to Eligible Personnel).

USER is solely responsible for implementing the technology necessary to access the System, to retrieve Delivered Content and to use, control and safeguard the Delivered Content pursuant to the obligations set forth herein.

Except as expressly set forth herein, USER shall acquire no right, title or interest in or to the System or Delivered Content.

USER shall strictly comply with the following:

- (i) USER shall access the System and access, use, control and safeguard Delivered Content in compliance with the terms of this HCUA;
- (ii) USER shall only access the System and Delivered content by and through a computer workstation or server (i) that is owned or leased by USER; (ii) that is under the exclusive control of USER; and (iii) that is exclusively available for use by USER (an "Authorized System");
- (iii) USER shall not share or distribute System authentication information, usernames or passwords ("Authentication") with any unauthorized third-party;
- (iv) USER shall secure and safeguard the System, Authentication and Delivered Content in USER's possession or control in the same manner that USER secures and safeguards its own critical or confidential systems, software, data, passwords or other information. If there is a conflict between USER's security requirements and COUNTY's security requirements, COUNTY's security requirements shall prevail;

(v) USER shall not access the Delivered Content by any means other than the System including but not limited to scraping, robots, wanderers, crawlers, spiders, etc (as those terms are commonly used and understood in the information technology industry);

(vi) USER shall be solely responsible for accessing, using and otherwise supporting the System including but not limited to paying all costs, expenses and communication charges associated with the same;

(vii) USER shall use, control and safeguard the Delivered Content in compliance with the terms of this HCUA and with applicable law including but not limited to the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13;

(viii) Except as expressly provided herein, USER shall not use, disclose, sell, market, distribute or otherwise make available the Delivered Content during the term of this HCUA or at any time thereafter except as required by law or with COUNTY's express written consent;

(ix) USER shall not allow third-party access to Delivered Content except as follows:

(a) USER may provide Delivered Content to individual members of the public requesting access to data pursuant to the Minnesota Government Data Practices Act subject to the following:

- (1) USER may permit inspection of Delivered Content on Authorized Systems;
- (2) USER may provide paper copies of Delivered Content; and
- (3) USER may provide .pdf or .jpg images of Delivered Content provided that USER may not assemble more than three (3) contiguous images into a single image.

(b) USER may provide Delivered Content to an entity performing services for USER (said entity, including but not limited to the entity's employees or contracted personnel, may be referred to as "Project Participant(s)") subject to the following:

- (1) Access and use of the Delivered Content by Project Participants shall be solely for the purpose of performance of tasks or preparation of materials for USER;



- (2) Project Participants shall be identified in writing to Pictometry and Sanborn, respectively, prior to being granted access to the Delivered Content;
- (3) Unless Pictometry and/or Sanborn expressly waives such requirement, Project Participants shall enter a written agreement with Pictometry and/or Sanborn authorizing such access;
- (4) Project Participants shall access and use Delivered Content under USER's supervision;
- (5) USER may provide paper copies of Delivered Content to Project Participants; and
- (6) USER may provide static images of Delivered Content to Project Participants provided that the static image does not include any metadata.

Unless expressly authorized by the provisions herein, all other third-party access to Delivered Content is prohibited;

(x) USER shall not remove, delete, alter or otherwise modify any copyright messages on or associated with the System or Delivered Content, including but not limited to copyright notices from COUNTY or Pictometry or Sanborn.

### **3. Disclaimers and Limitations of Liability.**

COUNTY, BY AND THROUGH PICTOMETRY AND/OR SANBORN, IS PROVIDING THE SYSTEM AND DELIVERED CONTENT ON AN AS-IS BASIS WITH NO SUPPORT WHATSOEVER. THERE IS NO WARRANTY OF MERCHANTABILITY, NO WARRANTY OF FITNESS FOR PARTICULAR USE, NO WARRANTY OF NON-INFRINGEMENT, NO WARRANTY REGARDING THE USE OF THE INFORMATION OR THE RESULTS THEREOF AND NO OTHER WARRANTY OF ANY KIND, EXPRESS OR IMPLIED.

WITHOUT LIMITING THE FOREGOING, COUNTY DOES NOT WARRANT THE PERFORMANCE OF THE SYSTEM OR RELATED AND NECESSARY COMMUNICATIONS OR CONNECTIONS TO THE SYSTEM, THAT THE SYSTEM WILL BE UNINTERRUPTED OR ERROR FREE, THAT DEFECTS WILL BE CORRECTED, OR THAT THE SYSTEM IS FREE OF HARMFUL CODE. USER fully understands and agrees that (i) the System is subject to errors, omissions, delays or interruptions; and (ii) COUNTY, by and through Pictometry and/or Sanborn, may modify or change the System in a manner that may impact or restrict USER's access. In any such event, the COUNTY will not be liable for the cost of such changes, damages or other liability which may be sustained by USER.

WITHOUT LIMITING THE FOREGOING, COUNTY DOES NOT WARRANT THE ACCURACY, COMPLETENESS OR TIMELINESS OF THE DELIVERED CONTENT NOR DOES COUNTY WARRANT THAT DEFECTS IN THE SAME WILL BE CORRECTED. USER fully understands and agrees that (i) the Delivered Content is provided by third-parties, including but not limited to Pictometry and/or Sanborn; and (ii) COUNTY does not directly control and is not responsible for the Delivered Content. USER fully understands and agrees that the Delivered Content is subject to errors, omissions, delay or interruptions, including but not limited to (i) delays, errors or omissions in the receipt of the Delivered Content, (ii) changes, adjustments, corrections or modifications of the Delivered Content and (iii) that COUNTY may make modifications, changes and/or adjustments to the Delivered Content at any time and without notice to USER.

At the point of initial contact with any Delivered Content provided to the public, USER shall include the disclaimer set forth in the preceding three paragraphs, in the same or substantially similar format with necessary adjustments for accuracy and applicability, including but not limited to defining "Delivered Content".

IN NO EVENT SHALL COUNTY BE LIABLE FOR ACTUAL, DIRECT, INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL DAMAGES OR LOSS OF PROFIT, LOSS OF BUSINESS OR ANY OTHER FINANCIAL LOSS OR ANY OTHER DAMAGES EVEN IF THE COUNTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE. COUNTY'S SOLE LIABILITY AND USER'S SOLE AND EXCLUSIVE REMEDY FOR ANY DAMAGES RELATED TO THIS HCUA OR FOR ANY BREACH OF THIS HCUA, INCLUDING BUT NOT LIMITED TO LIABILITY FOR SYSTEM OR DELIVERED CONTENT NONPERFORMANCE, ERRORS OR OMISSIONS, SHALL BE LIMITED TO RESTORING OR CORRECTING THE SYSTEM OR DELIVERED CONTENT TO THE EXTENT AND DEGREE COUNTY IS CAPABLE OF PERFORMING THE SAME AND AS IS REASONABLY POSSIBLE UNDER THE PERTINENT CIRCUMSTANCES.

#### **4. Royalty Free License.**

The License is royalty free. COUNTY is not providing any implementation, maintenance, support or other services hereunder and, as such, USER shall not pay COUNTY any amount for services pursuant to this HCUA.

#### **5. Compliance with Applicable Law and Data.**

USER and COUNTY shall comply with all applicable federal, state and local statutes, regulations, rules and ordinances currently in force or later enacted.

Subject to the provisions set forth in Section 2 above, the parties, their officers, agents, owners, partners, employees, volunteers and subcontractors shall

abide by the provisions of the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13 (MGDPA) and all other applicable state and federal laws, rules, regulations and orders relating to data privacy or confidentiality. USER shall promptly notify COUNTY if USER becomes aware of any potential claims, or facts giving rise to such claims, under the MGDPA.

## **6. Termination.**

If COUNTY reasonably believes that USER is not complying with any terms of this HCUA, including but not limited to the license or related limitations, COUNTY may immediately terminate this HCUA and thereby terminate the License and USER's access to and use of the System and Delivered Content.

Either party may terminate this HCUA without cause at any time by upon thirty (30) day written notice to the other party.

Notwithstanding the term set forth herein, the parties expressly agree that COUNTY may (i) terminate the license granted herein for either the Pictometry Delivered Content or the Sanborn Delivered Content; or (ii) terminate this HCUA upon the expiration or termination, for any reason, of either or both the Pictometry Agreement and/or the Sanborn Agreement.

## **7. Liability.**

USER agrees to defend, indemnify, and hold harmless the COUNTY, their officials, officers, agents, volunteers and employees from any liability, claims, causes of action, judgments, damages, losses, costs, or expenses, including reasonable attorney's fees, resulting directly or indirectly from USER's use of or access to the System or Delivered Content, from USER's failure to comply with the terms of this HCUA or from failure to perform any duties and obligations required by applicable law and/or this HCUA.

As applicable, a party's liability shall be governed by the provisions of applicable law including but not limited to the Municipal Tort Claims Act, Minnesota Statutes Chapter 466, and other applicable law. The statutory limits of liability for some or all of the parties may not be added together or stacked to increase the maximum amount of liability for any party. This paragraph shall not be construed to bar legal remedies one party may have for the other party's failure to fulfill its obligations under this HCUA. Nothing in this HCUA constitutes a waiver by the USER or COUNTY of any statutory or common law defenses, immunities, or limits on liability.

## **8. Miscellaneous Provisions.**

The Hennepin County Geographic Information Systems Manager, or his/her designee, shall manage this HCUA on behalf of the COUNTY and perform the other duties expressly set forth herein.

Except as directed by COUNTY, USER shall not use the term “Hennepin County”, or any derivative thereof in USER’s advertising, external facing communication and/or marketing, including but not limited to advertisements of any type or form, promotional ads/literature, client lists and/or any other form of outreach, without the written approval of the Hennepin County Public Affairs/Communications Department, or their designees.

USER and COUNTY intend that this HCUA will not benefit or create any right or cause of action in or on behalf of any person or entity other than the parties.

The laws of the state of Minnesota shall govern all questions and interpretations concerning the validity and construction of this HCUA and the legal relations between the parties and their performance.

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COUNTY AUTHORIZATION

Reviewed by the County  
Attorney's Office

COUNTY OF HENNEPIN  
STATE OF MINNESOTA

\_\_\_\_\_

By: \_\_\_\_\_  
Hennepin County Administrator

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

USER warrants that the person who  
executed this Agreement is authorized to  
do so on behalf of USER as required by  
applicable articles, bylaws, resolutions or  
ordinances.\*

USER

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Title: \_\_\_\_\_

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

\*USER shall submit applicable documentation (articles, bylaws, resolutions or  
ordinances) that confirms the signatory's delegation of authority. This documentation  
shall be submitted at the time USER returns the Agreement to COUNTY.  
Documentation is not required for a sole proprietorship.



**FY 2019 STATE OF MINNESOTA  
BOARD OF WATER and SOIL RESOURCES  
WATERSHED BASED FUNDING GRANTS PROGRAM  
GRANT AGREEMENT**

<b>Vendor:</b>	0000364310	<b>VN#:</b>	
<b>PO#:</b>	3000009671	<b>Date Paid:</b>	

This Grant Agreement is between the State of Minnesota, acting through its Board of Water and Soil Resources (Board) and **Pioneer-Sarah Creek WMC, 3235 Fernbrook Lane N, Plymouth, MN 55447** (Grantee).

*This grant is for the following Grant Programs :*

P19-3271	2019 - Watershed Based Funding Metro (Pioneer-Sarah Creek WMC)	\$58,317
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**Total Grant Awarded: \$58,317**

**Recitals**

1. The Laws of Minnesota 2017, Chapter 91, Article 2, Section 7 (a), appropriated Clean Water Funds (CWF) to the Board for the FY 2019 Watershed-based Funding Pilot Program.
2. The Board adopted the Clean Water Fund Watershed-based Funding Pilot Program Policy and authorized the Watershed-based Funding Pilot Program Grants through Board Resolution 17-96.
3. The Board adopted Board Resolution 17-96 to allocate funds for the FY 2019 Watershed-based Funding Pilot Program.
4. The Grantee has submitted a BWSR approved work plan for this Program which is incorporated into this agreement by reference.
5. The Grantee represents that it is duly qualified and agrees to perform all services described in this grant agreement to the satisfaction of the State.
6. As a condition of the grant, Grantee agrees to minimize administration costs.

**Authorized Representative**

The State's Authorized Representative is Marcey Westrick, Clean Water Coordinator, BWSR, 520 Lafayette Road North, Saint Paul, MN 55155, 651-284-4153, or her successor, and has the responsibility to monitor the Grantee's performance and the authority to accept the services and performance provided under this Grant Agreement.

The Grantee's Authorized Representative is:

**Amy Juntunen  
Administrator  
3235 Fernbrook Lane N  
Plymouth  
763.553.1144**

If the Grantee's Authorized Representative changes at any time during this Grant Agreement, the Grantee must immediately notify the Board.

**Grant Agreement**

**1. Term of Grant Agreement.**

- 1.1. **Effective date:** The date the Board obtains all required signatures under Minn. Stat. § 16B.98, Subd.5. **The State's Authorized Representative will notify the Grantee when this grant agreement has been executed. The Grantee must not begin work under this grant agreement until it is executed.**
- 1.2. **Expiration date:** December 31, 2021, or until all obligations have been satisfactorily fulfilled, whichever comes first.
- 1.3. **Survival of Terms:** The following clauses survive the expiration or cancellation of this Agreement: 7. Liability; 8. State Audits; 9. Government Data Practices; 11. Publicity and Endorsement; 12. Governing Law, Jurisdiction, and Venue; 14. Data Disclosure; and 18. Intellectual Property Rights.

## 2. Grantee's Duties.

The Grantee will comply with required grants management policies and procedures set forth through Minn. Stat. § 16B.97, Subd. 4(a)(1). The Grantee is responsible for the specific duties for the Program as follows:

2.1. **Implementation:** The Grantee will implement their work plan, which is incorporated into this Agreement by reference.

2.2. **Reporting:** All data and information provided in a Grantee's report shall be considered public.

2.2.1. The Grantee will submit an annual progress report to the Board by February 1 of each year on the status of program implementation by the Grantee. Information provided must conform to the requirements and formats set by the Board. All individual grants over \$500,000 will also require a reporting of expenditures by June 30 of each year.

2.2.2. The Grantee will prominently display on its website the Clean Water Legacy Logo and a link to the Legislative Coordinating Commission website.

2.2.3. Final Progress Report: The Grantee will submit a final progress report to the Board by February 1, 2022 or within 30 days of completion of the project, whichever occurs sooner. Information provided must conform to the requirements and formats set by the Board.

2.3. **Match:** The Grantee will ensure any local match requirement will be provided as stated in Grantee's approved work plan.

3. **Time.** The Grantee must comply with all the time requirements described in this Grant Agreement. In the performance of this Grant Agreement, time is of the essence.

## 4. Terms of Payment.

4.1. Grant funds will be distributed in three installments: 1) The first payment of 50% will be distributed after the execution of the Grant Agreement. 2) The second payment of 40% will be distributed after the first payment of 50% has been expended and reporting requirements have been met. An eLINK Interim Financial Report that summarizes expenditures of the first 50% must be signed by the Grantee and approved by BWSR. Selected grantees may be required at this point to submit documentation of the expenditures reported on the Interim Financial Report for verification. 3) The third payment of 10% will be distributed after the grant has been fully expended and reporting requirements are met. The final, 10% payment must be requested within 30 days of the expiration date of the Grant Agreement. An eLINK Final Financial Report that summarizes final expenditures for the grant must be signed by the grantee and approved by BWSR.

4.2. All costs must be incurred within the grant period.

4.3. All incurred costs must be paid before the amount of unspent grant funds is determined. Unspent grant funds must be returned within 30 days of the expiration date of the Grant Agreement.

4.4. The obligation of the State under this Grant Agreement will not exceed the amount stated above.

4.5. This grant includes an advance payment of 50 percent of the grant's total amount. Advance payments allow the grantee to have adequate operating capital for start-up costs, ensure their financial commitment to landowners and contractors, and to better schedule work into the future.

5. **Conditions of Payment.** All services provided by the Grantee under this Grant Agreement must be performed to the State's satisfaction, as set forth in this Agreement and in the BWSR approved work plan for this program. Compliance will be determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, State, and local laws, policies, ordinances, rules, FY 2018 Clean Water Fund Competitive Grants Policy, and regulations. All Grantees must follow the Grants Administration Manual policy. Minnesota Statutes §103C.401 (2014) establishes BWSR's obligation to assure program compliance. If the noncompliance is severe, or if work under the grant agreement is found by BWSR to be unsatisfactory or performed in violation of federal, state, or local law, BWSR has the authority to require the repayment of grant funds, or an additional penalty. Penalties can be assessed at a rate up to 150% of the grant agreement.

## 6. Assignment, Amendments, and Waiver.

6.1. **Assignment.** The Grantee may neither assign nor transfer any rights or obligations under this Grant Agreement without the prior consent of the State and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this Grant Agreement, or their successors in office.

6.2. **Amendments.** Any amendment to this Grant Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Grant Agreement, or their successors in office. Amendments must be executed prior to the expiration of the original agreement or any amendments thereto.

- 6.3. **Waiver.** If the State fails to enforce any provision of this Grant Agreement, that failure does not waive the provision or its right to enforce it.
7. **Liability.** The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this Grant Agreement by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this Grant Agreement.
8. **State Audits.** Under Minn. Stat. § 16B.98, subd. 8, the Grantee's books, records, documents, and accounting procedures and practices of the Grantee or other party relevant to this Grant Agreement or transaction are subject to examination by the Board and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Grant Agreement, receipt and approval of all final reports, or the required period of time to satisfy all State and program retention requirements, whichever is later.
- 8.1. The books, records, documents, accounting procedures and practices of the Grantee and its designated local units of government and contractors relevant to this grant, may be examined at any time by the Board or Board's designee and are subject to verification. The Grantee or delegated local unit of government will maintain records relating to the receipt and expenditure of grant funds.
9. **Government Data Practices.** The Grantee and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this Grant Agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either the Grantee or the State.
10. **Workers' Compensation.** The Grantee certifies that it is in compliance with Minn. Stat. § 176.181, subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.
11. **Publicity and Endorsement.**
- 11.1. **Publicity.** Any publicity regarding the subject matter of this Grant Agreement must identify the Board as the sponsoring agency. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Grant Agreement.
- 11.2. **Endorsement.** The Grantee must not claim that the State endorses its products or services.
12. **Governing Law, Jurisdiction, and Venue.** Minnesota law, without regard to its choice-of-law provisions, governs this Grant Agreement. Venue for all legal proceedings out of this Agreement, or its breach, must be in the appropriate State or federal court with competent jurisdiction in Ramsey County, Minnesota.
13. **Termination.**
- 13.1. The State may cancel this Grant Agreement at any time, with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.
- 13.2. In the event of a lawsuit, an appropriation from a Clean Water Fund is canceled to the extent that a court determines that the appropriation unconstitutionally substitutes for a traditional source of funding.
- 13.3. The State may immediately terminate this grant contract if the State finds that there has been a failure to comply with the provisions of this grant contract, that reasonable progress has not been made or that the purposes for which the funds were granted have not been or will not be fulfilled. The State may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.
14. **Data Disclosure.** Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and State tax agencies and State personnel involved in the payment of State obligations. These identification numbers may be used in the enforcement of federal and State tax laws which could result in action requiring the Grantee to file State tax returns and pay delinquent State tax liabilities, if any.

- 15. Prevailing Wage.** It is the responsibility of the Grantee or contractor to pay prevailing wages for projects that include construction work of \$25,000 or more, prevailing wage rules apply per Minn. Stat. §§177.41 through 177.44. All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with these State funds shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality. Bid requests must state the project is subject to prevailing wage.
- 16. Municipal Contracting Law.** Per Minn. Stat. §471.345, grantees that are municipalities as defined in Subd. 1 of this statute must follow the Uniform Municipal Contracting Law. Supporting documentation of the bidding process utilized to contract services must be included in the Grantee's financial records, including support documentation justifying a single/sole source bid, if applicable.
- 17. Constitutional Compliance.** It is the responsibility of the Grantee to comply with requirements of the Minnesota Constitution regarding use of Clean Water Funds to supplement traditional sources of funding.
- 18. Signage.** It is the responsibility of the Grantee to comply with requirements for project signage as provided in Minnesota Laws 2010, Chapter 361, article 3, section 5 (b) for Clean Water Fund projects.
- 19. Intellectual Property Rights.** The State owns all rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents *created and paid for under this grant*. Works means all inventions, improvements, discoveries (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Grantee, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this grant. Works includes "Documents." Documents are the originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Grantee, its employees, agents, or subcontractors, in the performance of this grant. The Documents will be the exclusive property of the State and all such Documents must be immediately returned to the State by the Grantee upon completion or cancellation of this grant at the State's request. To the extent possible, those Works eligible for copyright protection under the United States Copyright Act will be deemed to be "works made for hire." The Grantee assigns all right, title, and interest it may have in the Works and the Documents to the State. The Grantee must, at the request of the State, execute all papers and perform all other acts necessary to transfer or record the State's ownership interest in the Works and Documents.

*IN WITNESS WHEREOF, the parties have caused this Grant Agreement to be duly executed intending to be bound thereby.*

Approved:

Pioneer-Sarah Creek WMC

Board of Water and Soil Resources

By: \_\_\_\_\_  
(print)

By: \_\_\_\_\_

\_\_\_\_\_  
(signature)

Title: \_\_\_\_\_

Title: \_\_\_\_\_

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

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

## MEMORANDUM

**TO:** Pioneer-Sarah Creek Watershed Management Commission  
**FROM:** James Kujawa and Kirsten Barta, Hennepin County Dept. of Environment and Energy  
**DATE:** November 8, 2018  
**SUBJECT:** Staff Report

1. **2016-05 Proto Labs Parking Lot Expansion, Maple Plain.** The Commission approved this project contingent upon three conditions. One condition remains open - receipt of an Operation and Maintenance agreement on the biofiltration basin per Staff findings dated September 6, 2016. The agreement has been signed but remains to be recorded on the property title.
2. **2017-03 Equestrian Facility (Bel Farms) Independence.** This is a 16.5 acre rural residential parcel located approximately 500 feet north of the intersection of CR6 and Nelson Road. The owner is proposing to construct a new garage/apartment, horse stall barn, indoor arena, outdoor arena, six grass and four sand paddocks for horses. Because this project disturbs greater than 1.0 acre and creates 3.1 acres of additional impervious area, it triggers the Commission's review for Rules D and E. Staff provided grading and erosion control approval contingent upon (1) The applicant assuming the risk and responsibility for any changes to the site plans necessary for final Commission approval and (2) The City of Independence approving a grading permit. In September 2017 the Commission approved the Stormwater Management Plan contingent upon receipt of an approved long-term pond/basin operation and maintenance plan between the landowner and City, to be recorded on the land title. No new information has been received since that time.
3. **2017-05 Ostberg Equestrian Facility, Independence.** This is a 40-acre agriculture parcel located just southwest of the intersections of CSAH 6 and Game Farm Road. The owner is proposing to construct a new home, two garages, a horse stall barn, indoor arena, outdoor ring, eight horse paddocks and an access drive off of CSAH 6. The project will disturb 7 acres during construction and create 1.69 acres of new impervious areas. Because this project disturbs more than 1.0 acre and creates 1.7 acres of additional impervious area, this triggers the Commission's review for Rules D and E. There are also two wetlands that have been delineated on this site, so the Commission wetland buffer requirements (Rule I) are triggered. The project received grading and erosion control approval by Staff in October 2017 pending final Commission approvals. The project was approved by the Commission at their November 2017 meeting contingent upon receipt of an approved long-term pond/basin operation and maintenance plan between the landowner and the City, said plan to be recorded on the land title. This information has not been received as of this report.
4. **2018-01 Salem Lane Reconstruction Project, Greenfield.** Salem Lane work must be reviewed for compliance with Rules E and F. A stormwater quality review is not necessary because the site disturbance is <1.0 acre and < 0.5 acres of new impervious area. At the January 2018 meeting, this item was approved per Staff's recommendations. The only remaining item is Staff approval of the erosion and sediment control plans, which have not been submitted as of this report.
5. **2018-02W Warren DaLuge Wetland Violation, Greenfield.** Staff met with DaLuge and came to an agreement for him to voluntarily remove any fill placed in the wetland on his farmstead by December 1, 2017. As of February 8 the work had not started. Staff requested a restoration order be issued for compliance by June 15. The order was sent by certified mail. Staff has stopped in on the site four or five times since the June 15th deadline. They have been actively moving dirt out of the wetland, but are only about 3/4 of the way done to date. As long as they continue to work on it, Staff will continue to monitor their progress and update the Commission.
6. **2018-010 Chippewa Estates, Loretto.** This is a 1.54-acre parcel located in the far northeast corner of Loretto on Chippewa Road. The project is proposing to subdivide the lot into four single family residential lots and triggers the Commission's review for Rules D and E. The applicant has requested administrative approval from Staff to begin grading the site. Staff provided this approval contingent upon the City of Loretto issuing a grading permit and that the applicant understands they assume all risks associated with changes that may be necessary for final Commission approvals. At

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RULE D - STORMWATER MANAGEMENT

RULE E - EROSION AND SEDIMENT CONTROL

RULE F - FLOODPLAIN ALTERATION

*Language in red indicates current updates*

\* indicates enclosure

RULE G - WETLAND ALTERATION

RULE H - BRIDGE AND CULVERT CROSSINGS

RULE I - BUFFERS

Staff November 9, 2018

their August 16, 2018 meeting, the Commission approved Staff findings with three conditions regarding the operations and maintenance plan, sequencing, and retrofitting of the pond.

It is Staff's understanding that the City chose not to expand their existing regional pond to accommodate this site's stormwater, so the back and side yard filter system will be installed per the site plans. With this being the case, the only remaining item necessary for final approval is the Operation and Maintenance agreement on the stormwater system. If the City chooses not to maintain the filter system, the applicant must provide an operation and maintenance plan that is acceptable to the City and the Commission and must be recorded on the title to the property.

**7. 2018-011W Hilary Driveway Access Wetland Replacement Plan, Greenfield.\*** This replacement plan corresponds to the Town Hall Drive Wetland Delineation (2018-09W). Two wetlands were identified, delineated and surveyed on the property with that delineation. This plan is for impacting and replacing 3,968 SF of wetland to install an access driveway into this lot. 2:1 replacement ratio mitigation is proposed. 1:1 credits from the Ball Wetland Bank (account 1546) in Greenfield and 1:1 credits from the Stamer Wetland Bank (account 1542) in Stearns County. *The project application and decision has been noticed per WCA requirements. At their October 18, 2018 meeting, the Commission approved the Hilary Wetland Replacement Plan dated July 24, 2018, as amended on October 5, 2018, conditioned upon: an escrow \$12,000 in the form of cash or acceptable letter of credit, or A BWSR certified bank credit transfer for 3,968 SF from bank account 1546 into this project and 3,968 SF from bank account 1542. The cash escrow was received in October.*

**8. 2018-013 Windsong Farm Golf Club Parking Lot and Practice Facility Improvements, Independence.** This project will take place on the golf course property on both sides of CR 6. They propose to reconstruct their existing practice facility and clubhouse service access road, reconstruct their existing main parking lot and construct a new event overflow parking lot. Commission Rules that apply to this work will include Rules D and E. The Commission approved this project at their October 18, 2018 meeting. This item will be removed from the report.

**9. 2018-014 Verizon Tower, Independence.\*** Verizon Wireless is proposing to build a 120-foot cell tower and a 12x30 foot equipment building on the south side of Highway 12, just west of Mobile Marine (PID 221182440001). There is floodplain located on this property and the project is considered commercial. The Commission rules require review and approval of the grading and erosion control site plans. Disturbance and grading on this project will be <1 acre. Approximately 6,500 SF (0.15 acre) of new impervious area will be created. The disturbance and new impervious area do not trigger the thresholds for the Commission's review of stormwater management. *Staff administratively approved this project on November 8. The project findings and decision are in this month's meeting packet.*

**10. 2018-015W Kettering Creek Wetland Delineation, Greenfield.** This is two parcels with approximately 21 total acres (parcel numbers: 2811924320037 and 2811924320038). The western portion of the site is deciduous forest and the eastern side is a fallow field with wetlands. The eastern side was mass-graded sometime between 2003 and 2006 as part of the Greenfield Business and Industrial Park. Westwood delineated two wetlands (W1 and W2) and one watercourse (WC1) on these parcels. Staff has visited the site and reviewed the delineation report and finds the delineation to be accurate. The public comment period on this delineation report expired on October 15, 2018. No comments were received. *Staff approved and noticed the delineation per WCA requirements. This item will be removed from the report.*

**11. 2018-016 CenterPoint-Nelson Road Pipeline, Independence.\*** This project involves installation of 7,041 feet of 4-inch plastic gas main line, disturbing 1.1 acres. Construction methods for this linear project will be a combination of plowing and directional boring. The project will be installed along Watertown Road and Nelson Road in Sections 31 and 32, T 118N, R 24W. Directional boring will be done under public roadways and where residential trees and wetlands/water courses are identified along the corridor, to minimize and avoid any temporary or permanent impacts to these resources. Throughout the project perimeter sediment controls, inlet protections and permanent vegetation restoration are proposed. The Commission's Third Generation Watershed Management Plan requires conformance with Rule E. Staff reviewed the site plans and found the project to meet the Commission's requirements. The project was administratively approved. Staff's review, findings and decision are included in this month's packet. This item will be removed from the report.

RULE D – STORMWATER MANAGEMENT

RULE E – EROSION AND SEDIMENT CONTROL

RULE F – FLOODPLAIN ALTERATION

*Language in red indicates current updates*

\* indicates enclosure

RULE G – WETLAND ALTERATION

RULE H – BRIDGE AND CULVERT CROSSINGS

RULE I – BUFFERS

Staff November 9, 2018



**12. 2018-017 Crow River Overlook, Greenfield.** This is a 42-acre agriculture parcel located on CR 10 just north of 84th Avenue. Approximately 38 acres is east of CR 10, and 4 acres is located west of CR 10 along the Crow River. The applicant proposes to subdivide the property into an 8 large lot residential development. Lot sizes will range from 2.85 acres up to 10.1 acres. One cul-de-sac street will be constructed for access to the lots, with one street platted for future access to the property east of this project. One additional outlot will remain on the west side of CR 10. This project will be reviewed for Rules D, E, F and I. A complete application was received on October 15. Staff's project review and findings were provided to the City, applicant and his engineer on October 29. At this time the site plans do not meet the Commission's requirements. No new information has been received as of this update. If available, Staff will provide an updated recommendation to the Commission at their meeting.

**13. 2018-18 Baker Park Reserve Gully Control Project, Medina.** This project is located just west of the campground area of the park. The ravine stabilization project would affect a total of 2,254 LF of eroded, channelized ravine and its branches. Bank stabilization practices include riprap swales, vegetated riprap, outside bank (riprap) toe protection, and boulder cross vanes. Staff will review the site plans for erosion control and floodplain impacts. Plans were not received in time for Staff review and recommendation to the Commission. If available, Staff will provide an updated recommendation to the Commission at their meeting.

## LOCAL WATER PLANS

Per the amended MN Rule 8410.0105, subp. 9, and 8410.0160, subp. 6, Local Water Plans must be prepared by metropolitan cities and towns and must become part of their local comprehensive plans. They must be revised essentially once every ten years in alignment with the local comprehensive plan schedule. A municipality has two years prior to its local comprehensive plan being due to adopt its local water plan. The next local comprehensive plans are due December 31, 2018; thus all cities and towns in the seven-country metropolitan area must complete and adopt their local plans between January 1, 2017 and December 31, 2018.

Local plans from the cities of **Loretto** and **Medina** were approved in 2017.

**Minnetrista's** Local Plan was approved by the Commission at their October 18, 2018 meeting.

**Greenfield's** Local Plan comments were forwarded to the City in August 2018 for their consideration in their final plan. No updates to the plan have been received to date.

## GRANT OPPORTUNITIES

MPCA put out an RFP for section 319 funding (pass through from US EPA) to implement watershed wide impairment reductions. Hennepin Staff put in an application on behalf of the watershed, but Pioneer Sarah Creek was not selected for the final round of consideration this year. MPCA feedback indicates there were two reasons for this: 1. Lack of general idea how much it would cost to clean up the entire watershed (staff will work on producing this for the next round of applications), and 2. Because the state is not confident the watershed itself would be willing to invest in this project. Pioneer Sarah Creek does not have a strong track record of spending or allocating funds for larger projects so MPCA was not comfortable entering into a 16-year pilot program that involves spending a significant amount of money at this time.

Hennepin will work together with TRPD staff to come up with some kind of ballpark monetary amount for the next round of applications – there will be three more years to apply.

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RULE D – STORMWATER MANAGEMENT

RULE E – EROSION AND SEDIMENT CONTROL

RULE F – FLOODPLAIN ALTERATION

*Language in red indicates current updates*

\* indicates enclosure

RULE G – WETLAND ALTERATION

RULE H – BRIDGE AND CULVERT CROSSINGS

RULE I – BUFFERS

Staff November 9, 2018





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TECHNICAL ADVISOR: Hennepin County Environment and Energy Department  
701 Fourth Avenue S. MC 609 • Minneapolis, MN 55415  
612.348.7338 • james.kujawa@hennepin.us

## **Center Point Energy Nelson Road Conversion** **Independence** **Project #2018-16**

**Project Overview and Findings:** This project involves the installation of 7,041 feet of 4-inch plastic gas main line by CenterPoint. 1.1 acres will be disturbed during this project work. Construction methods for this linear project will be a combination of plowing and directional boring. The project will be installed along Watertown Road and Nelson Road in Sections 31 and 32, T 118N, R 24W, Independence. Directional boring will be done under public road ways and where residential trees and wetlands/water courses are identified along the corridor, to minimize and avoid any temporary or permanent impacts to these resources.

Throughout the project perimeter sediment controls, inlet protections and permanent vegetation restoration is proposed.

The Commission's Third Generation Watershed Management Plan requires review and approval of erosion and sediment controls (Rule E, Appendix C) on this project.

**Applicant:** CenterPoint Energy, Chris LaNasa, 700 West Lindon Avenue., Minneapolis, MN 55409. Phone: 612-321-5448. Email: [chris.lanasa@centerpointenergy.com](mailto:chris.lanasa@centerpointenergy.com)

**Agent:** Merjent, Inc. Monica Entinger, 800 Washington Avenue N, Suite 315, Minneapolis, MN 55401. Phone; 612-924-3967. Email: [mentinger@merjent.com](mailto:mentinger@merjent.com)

### **Exhibits:**


- 1) PSCWMC Request of Plan Approval and fee of \$250 received October 11, 2018
- 2) Correspondence to PSCWMC regarding Nelson Road Conversion, dated October 8, 2016, including;
  - a. Site Plan, Topographic Map, Soils Map
  - b. NPDES/SDS Permit
  - c. BMP Typical Details
  - d. Notice of Coverage/Intent
  - e. Revegetation Specs.
  - f. Dewatering
  - g. Procedures for Hazardous Material Spill
  - h. Plan for inadvertent release of drilling mud
  - i. Stormwater Inspections form.

**Conclusion:**

- 1) Erosion and sediment controls will consist of corridor containment of sediment using;
  - Silt fence located on the downhill side of the project area
  - Temporary and permanent seeding to disturbed areas during construction for any area open for more than 14 days.
  - BMPs as necessary to prevent blowing dust.
  - Grass buffer zones where possible.
  - Minimizing vegetation removal
  - Drilling mud for directional bores to be contained in leak proof storage structures.
  - Restoration to pre-construction elevations
  - Exposed soil with a positive slope within 200 feet of any surface water will have downslope erosion controls or cover place on exposed areas to prevent erosion and protect against sediment entering the surface water.
- 2) The City of Independence is the Local Government Unit in charge of administering the 1991 Wetland Conservation Act. No wetland impacts are proposed. Directional boring will occur under all wetlands and water courses.

**Decision:** Approved

Hennepin County  
Department of Environment and Energy  
Advisor to the Commission

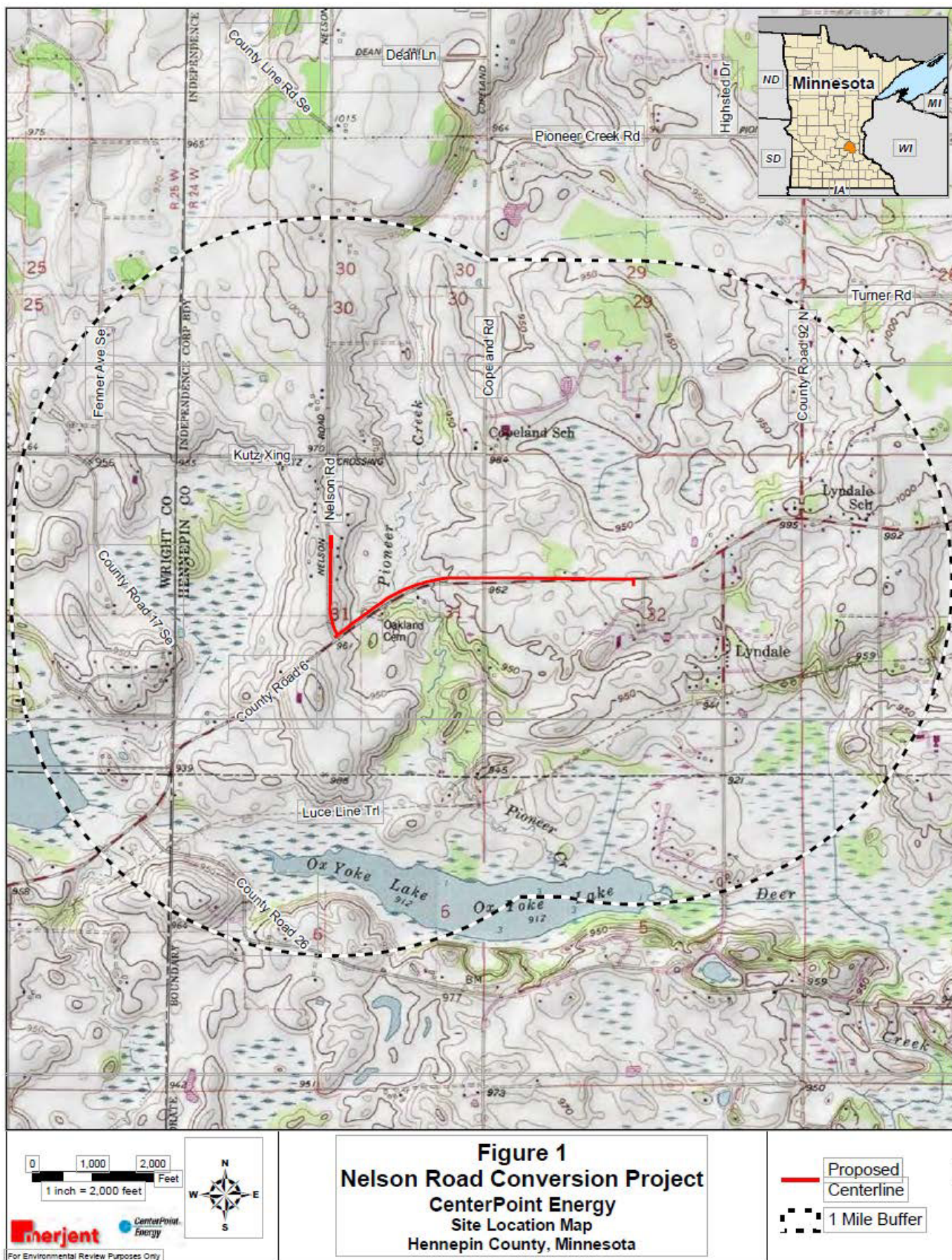


James C. Kujawa

October 26, 2018  
Date



Location Map







Item 09-11

Directional Bore

Directional Bore

Open Cut

North

Project Corridor

Directional Bore



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612.348.7338 • james.kujawa@hennepin.us

## **Verizon Wireless MIN MORIA Cell Tower** **U.S. Highway 12** **Independence, Project #2018-14**

**Project Overview:** Verizon Wireless is proposing to build a 159-foot cell tower and an equipment building just south of U.S. Highway 12 about ¼ mile west of the Hwy 12/CR 90 intersection. Access to the project site will be from an existing driveway on the Bendickson's parcels PID's 2211824430002 and 0001) just to the west of the proposed cell tower site (PID 221182444001). The Commission rules require review and approval of the grading and erosion control site plans and any floodplain impacts. Disturbance and grading on this project will be less than 1 acre. Approximately 15,000 square feet (0.34 acre) of new impervious area will be created. The disturbance and new impervious area do not trigger the thresholds for the Commission's review of stormwater management for this site.

**Applicant:** Verizon Wireless, 10801 East Bush Lake Road, Bloomington, MN 55438. Phone: 952-288-8130. Email: Kobrien@techscapewireless.com

**Agent:** TechScope Wireless, Karyn O'Brien, 323 Cedar Street North, Chaska, MN 55318. Phone: 952-288-8130. Email: Kobrien@techscapewireless.com

### **Exhibits:**

- 1) PSCWMC Request for Plan Review received September 11, 2018
- 2) Project review fee of \$400 for review of a commercial/industrial grading and erosion control plan and for a development with mapped floodplain on site (no impacts or impacts  $\leq$  100 cubic yards).
- 3) Verizon Wireless MIN MORIA New Build Site Plans (Project #20141070235) dated July 31, 2017 with most recent revision dated October 29, 2018.
  - a. Sheet T-1, Project Information, Tower Elevation and Sheet Index
  - b. Sheet A-1, Site Plan, Tree Detail and Detail Index
  - c. Sheet A-2, Grading Plan, Erosion Control Plan, Details and Photos
  - d. Sheet A-3, Enlarged Site Plan
  - e. Sheet A-4, Antenna and Equipment Key, Cable Bridge Plan, and Notes
  - f. Sheet A-5, Elevations
  - g. Sheet A-6, Outline Specifications
  - h. Sheets G-1 and G-2, Grounding Notes, Plans and Details
  - i. Sheet U-1 Site Utility Plan and Notes
  - j. Sheets 1 and 2 of 2, Site Survey
- 4) FEMA Flood Insurance Rate Map 27053C0139E, Effective date November 4, 2016.

Verizon Wireless MIN MORIA Cell Tower  
Project # 2018-14  
November 8, 2018

**Findings:**

- 1) A complete application was received on September 11, 2018. The initial 60-day review period per MN Statute 15.99 expires November 10, 2018.
- 2) PSCWMC rules that govern this review are the Pioneer Sarah Creek Watershed Management Plan, Appendix C, Standards, Rule E (Erosion and Sediment Control) and Rule F (Floodplain Alteration)
- 3) Disturbance during construction is estimated to be 0.5 acres.
- 4) This project will create approximately 15,000 sq. ft. (0.34 acre) of new impervious area.
- 5) FEMA Flood Insurance Rate Maps (map #27053C1039E effective date November 4, 2016) shows zone A flood zone on this property. FEMA zone A is described as an area inundated during a 1% storm chance, but no base flood elevation has been determined.
- 6) FEMA digital overlay maps on this property show a portion of this site work will be within the 1% flood zone. The lowest elevation on this project where fill is proposed is 954.7. Staff determined there were no or insignificant (<1 cubic yard) floodplain impacts with this project based on a high, estimated floodplain elevation of 955.0 and lower.
- 7) Erosion and sediment controls submitted with the October 29<sup>th</sup> revision meet the Commissions Rule E requirements. These controls consist of;
  - Silt fence located on the downhill side of disturbed areas
  - Temporary seeding of disturbed areas, if idle more than 14 days, during construction
  - Permanent seeding on all disturbed areas not being landscaped.
  - Riprap outlet protection on the 15" CMP.
  - BMPs as necessary to prevent erosion and sediment from leaving the project area.

**Decision:**

Approved.

Hennepin County  
Department of Environment and Energy



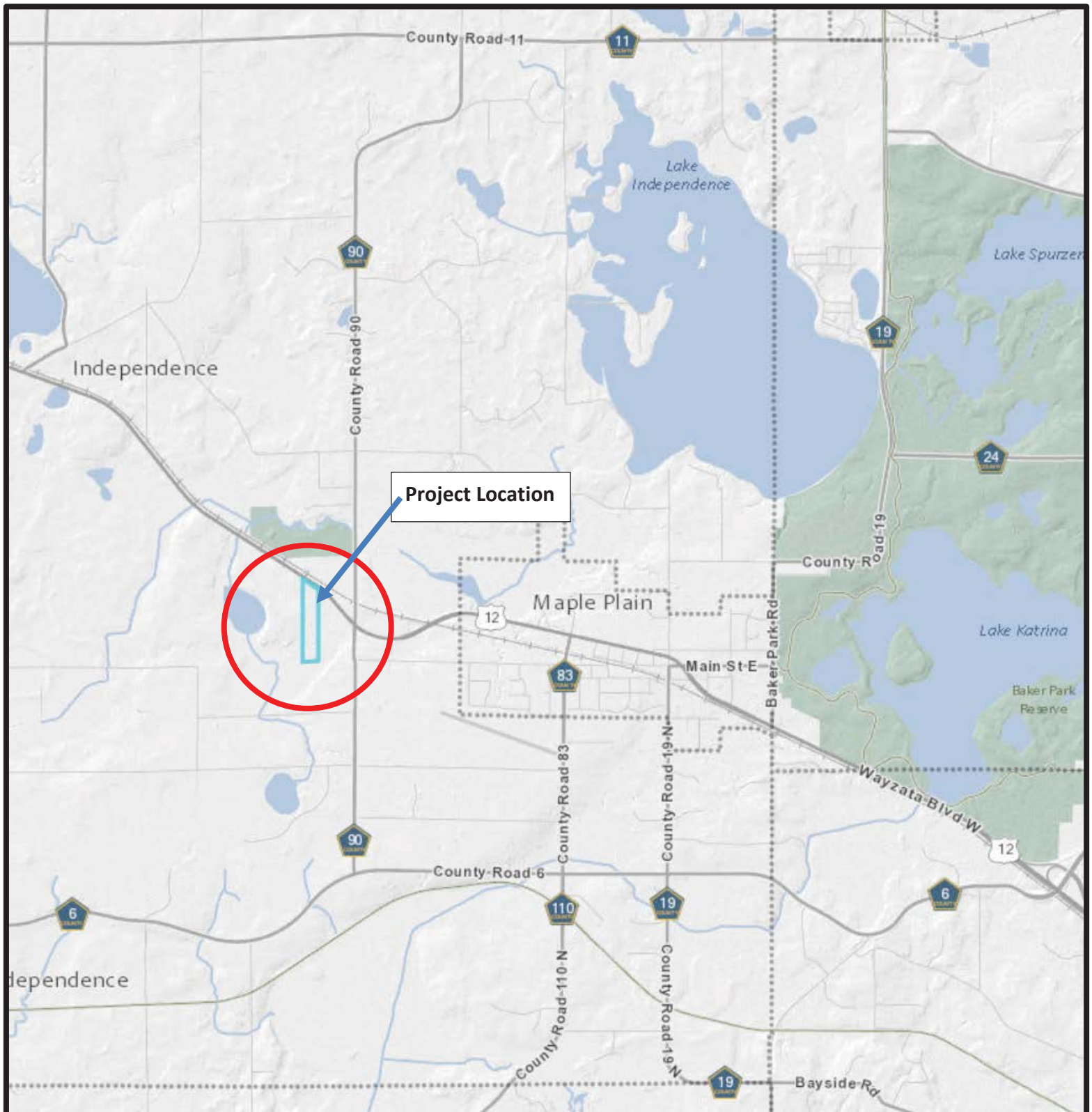
James C. Kujawa  
Advisor to the Commission

November 8 2015  
Date



Verizon Wireless MIN MORIA Cell Tower  
Project # 2018-14  
November 8, 2018

### Location Map





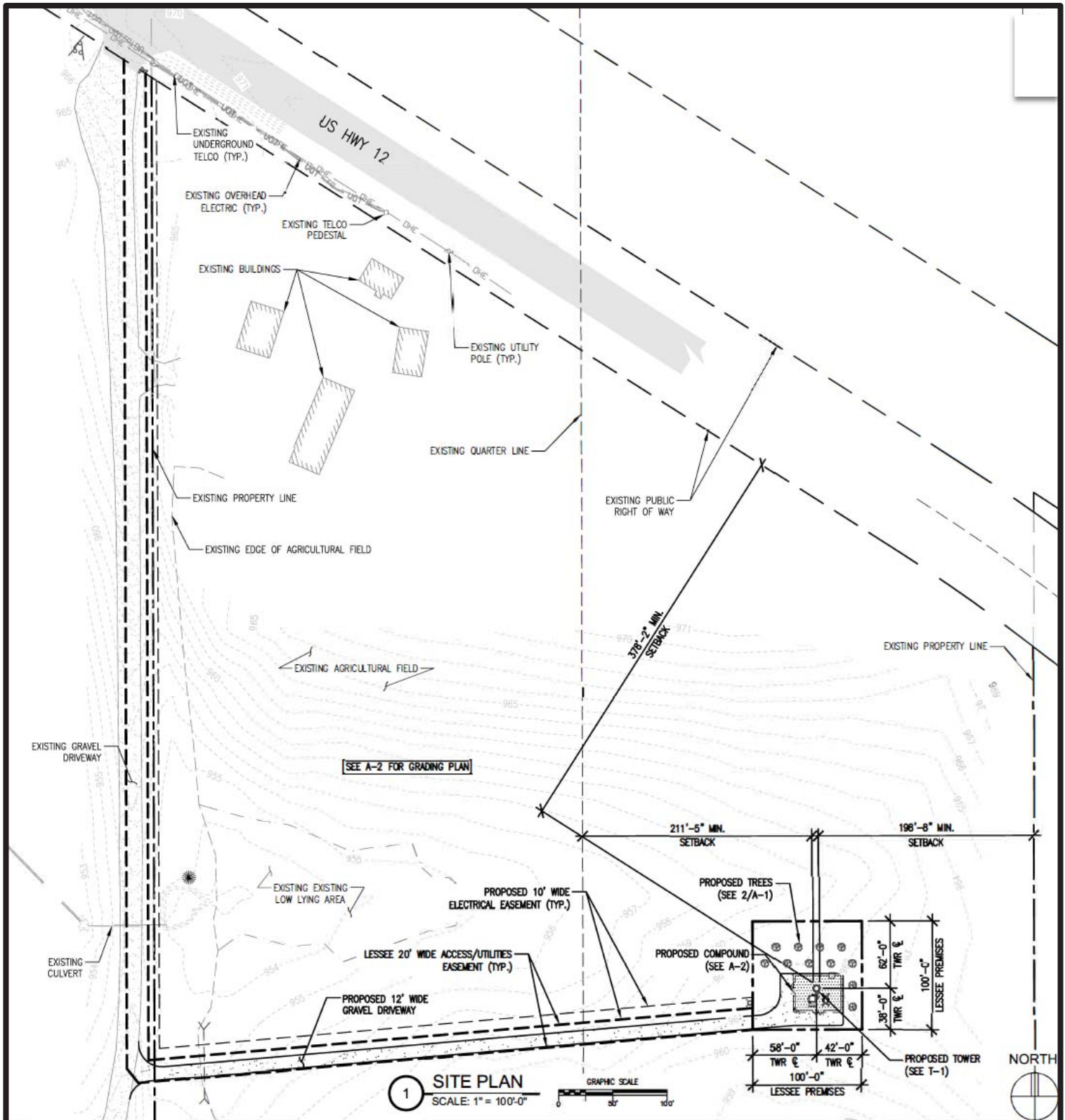
Verizon Wireless MIN MORIA Cell Tower  
Project # 2018-14  
November 8, 2018



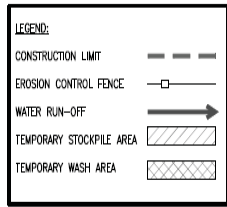


Verizon Wireless MIN MORIA Cell Tower  
Project # 2018-14  
November 8, 2018

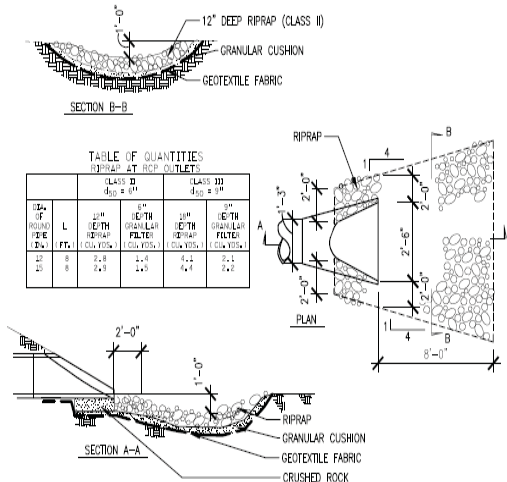
## Site Plan



## Grading Plan



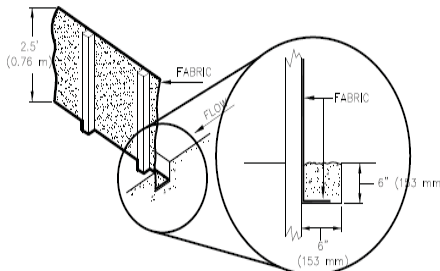
4 PHOTO  
LOOKING NORTH



3 EROSION CONTROL RIPRAP  
SCALE: NOT TO SCALE

EROSION CONTROL FENCE NOTES

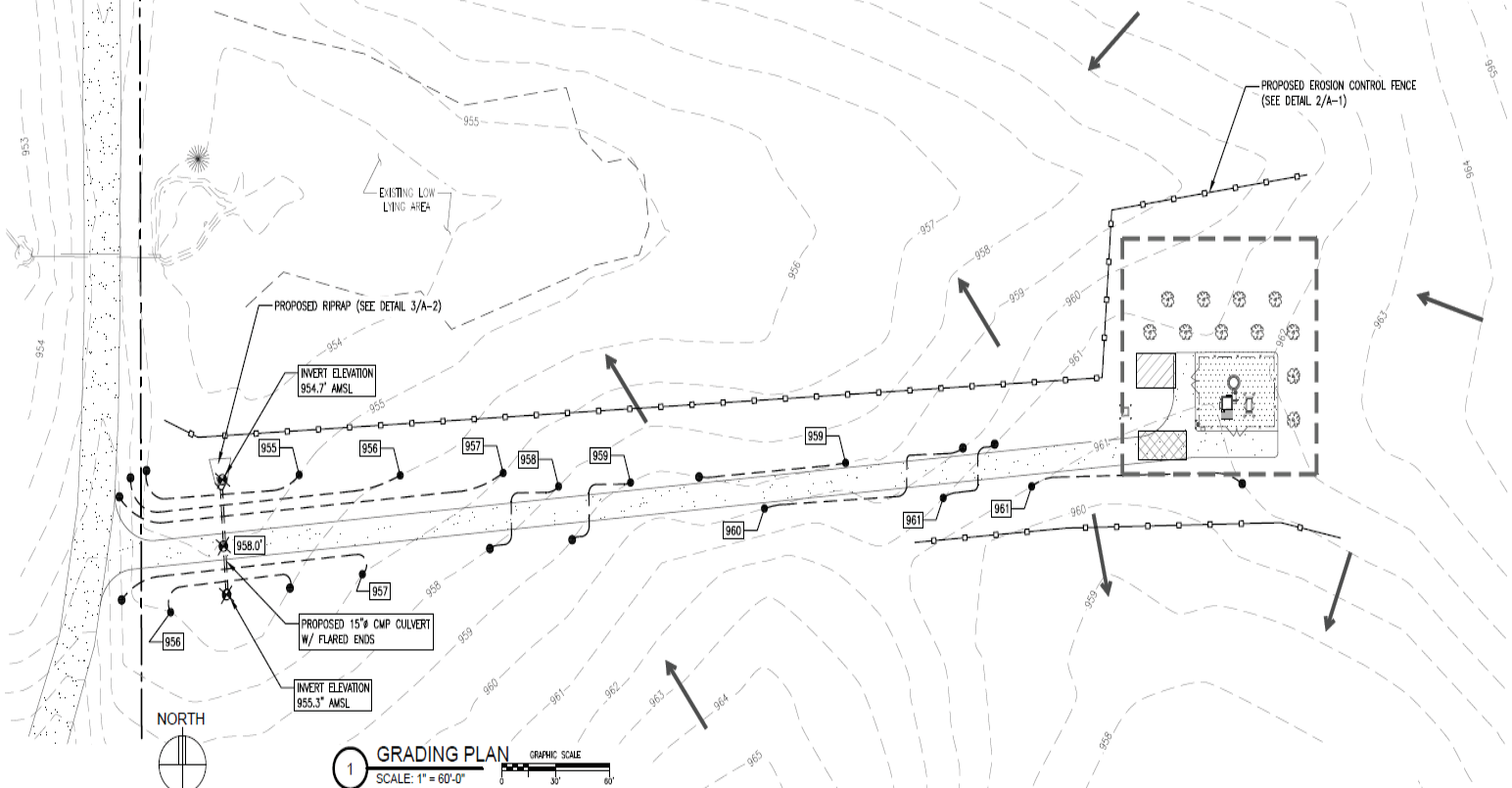
- PLACE BOTTOM EDGE OF FENCE INTO 6" (153 mm) DEEP TRENCH AND BACKFILLED IMMEDIATELY.
- POSTS SHALL BE:
  - 4' (1.22 m) ON CENTER
  - 2" (50.8 mm) X 2" (50.8 mm) HARDWOOD, PINE OR STEEL FENCE POSTS. MINIMUM LENGTH 4.5'
  - DRIVEN 2' (0.61 m) INTO THE GROUND.



2 EROSION CONTROL FENCE  
SCALE: NOT TO SCALE

**NOTE:**

- 1) INSTALL EROSION CONTROL PRIOR TO CONSTRUCTION AND HAVE INSPECTED BEFORE ANY GROUND DISTURBANCE. EROSION AND SEDIMENT CONTROLS SHALL BE MAINTAINED UNTIL PERMANENT GROUND COVER IS ESTABLISHED.
- 2) MAINTAIN EROSION CONTROL WHEN 1/3 FULL OF SEDIMENT OR IF DAMAGED, INSPECT ONCE WEEKLY AND AFTER EVERY 1/2" RAIN EVENT.
- 3) TRACKING ON STREETS OR OTHER PAVED SURFACES MUST BE SWEEP DAILY; ESPECIALLY PRIOR TO ANY STORM EVENT OR WITHIN 24 HOURS AS REQUESTED BY ANY CITY OR COUNTY OFFICIAL. ANY OTHER SEDIMENT LEAVING THE SITE SHALL BE REMOVED AND THE AREA CLEANED AND RESTORED.
- 4) STORM SEWER CATCH BASINS RECEIVING RUNOFF FROM THE SITE MUST BE PROTECTED WITH MILET PROTECTION APPROVED MATERIALS: BASKET (W/MCO), SACK-STYLE (SILT-SACK), DAM-STYLE (BEAVER-DAM) OR ROCK SNARE BAG (MAY REQUIRE A TYPE I FLASHER IN TRAFFIC AREAS).
- 5) CONTAIN ALL CONCRETE TRUCK WASHOUT SLURRY AND SOLIDS IN A POLY-LINED PIT, SEALED ROLL-UP CONTAINER OR TRUCK MOUNTED CONTAINMENT DEVICE. MAINTAIN BY PUMPING AND HAULING OFF LIQUID AND EXCAVATING SOLIDS, AS REQUIRED. CONCRETE WASHOUT INTO THE STORM SEWER IS PROHIBITED.
- 6) STORAGE OF MATERIALS AND/OR EQUIPMENT SHALL NOT BE ALLOWED ON PUBLIC STREETS OR WITHIN THE PUBLIC RIGHT-OF-WAY.
- 7) CONTRACTOR TO PROVIDE TEMPORARY SEED ALL DISTURBED AREAS, IF IDLE MORE THAN 14 DAYS DURING CONSTRUCTION.
- 8) CONTRACTOR TO PROVIDE PERMANENT SEEDING OF ALL DISTURBED AREAS NOT BEING LANDSCAPED





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## Level II Performance Review

**Pioneer Sarah Creek Watershed Management Commission**

**Local Government Unit Review**

**Final Report**

October 25, 2018

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**Minnesota Board of Water and Soil Resources**

520 Lafayette Road North

St. Paul, MN 55155

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This report has been prepared for the **Pioneer Sarah Creek Watershed Management Commission** by the Minnesota Board of Water and Soil Resources (BWSR) in partial fulfillment of the requirements of Minnesota Statutes, Chapter 103B.102, Subd.3.

Prepared by Dale Krystosek ([dale.krystosek@state.mn.us](mailto:dale.krystosek@state.mn.us): 218-820-9381).

BWSR is reducing printing and mailing costs by using the Internet to distribute reports and information to wider audiences. This report is available in alternative formats upon request.

## Report Summary

PRAP Level II Report Summary	Pioneer Sarah Creek WMC
<p>What is a PRAP Performance Review?</p> <p><b>The Board of Water and Soil Resources supports Minnesota's counties, watershed districts and soil and water conservation districts that deliver water and related land resource management projects and programs. In 2007 the Board set up a program (PRAP) to systematically review the performance of these local units of government to ensure their effective operation. Each year BWSR staff conduct routine reviews of several of these local conservation delivery entities. This document reports the results of one of those reviews.</b></p>	<p><b>Key Findings and Conclusions</b></p> <p>The Pioneer Sarah Creek WMC has a good record of accomplishment in implementation of their current water management plan which covers the years 2015-2020.</p> <p>The WMC's compliance with BWSR performance standards is good in meeting the essential, administrative, planning and communication practices for a watershed management organization.</p> <p>Overall, the partner's ratings of the Pioneer Sarah Creek WMC's performance in five key areas of communication, quality of work, relations with customers, initiative and follow-through ranged widely from strong to poor.</p> <p><b>Resource Outcomes</b></p> <p>The Pioneer Sarah Creek WMC watershed management plan contains some specific, measureable resource outcomes goals for water quality. The Pioneer Sarah Creek WMC has completed 2 of 35 action items in the current plan with another 32 activities ongoing.</p> <p><b>Action Items:</b></p> <p>The Pioneer Sarah Creek WMC has no action items at this time.</p> <p><b>Commendations</b></p> <p>The Pioneer Sarah Creek WMC is commended for meeting 7 out of 9 High Performance Standards (applicable to WMCs).</p> <p><b>Recommendations</b></p> <p><b>Recommendation 1:</b> Develop and implement training plan for each board member.</p> <p><b>Recommendation 2:</b> Make water quality data and trends easily accessible to the public.</p> <p><b>Recommendation 3:</b> Conduct a strategic planning initiative and workload analysis to assess the WMC's ability to comply with the 8410.0105 Subpart 1, and 8410.0140 Subpart 1. C. requirements that the WMC shall evaluate progress for the implementation of plan actions at a minimum of every two years.</p>

## Introduction

This is an information document prepared by the staff of the Board of Water and Soil Resources (BWSR) for the Pioneer Sarah Creek Water Management Commission (WMC). It reports the results of a routine performance review of that Commission's water resource management plan implementation and overall organizational effectiveness in delivery of land and water conservation projects and programs.

BWSR has reviewed the Pioneer Sarah Creek WMC's reported accomplishments of their management plan action items, determined the organization's compliance with BWSR's Level I and II performance standards, and surveyed members of the Pioneer Sarah Creek WMC and their partner organizations.

This review is neither a financial audit nor investigation and it does not replace or supersede other types of governmental review of local government unit operations.

While the performance review reported herein has been conducted under the authority granted to BWSR by Minnesota Statutes Chapter 103B.102, this is a staff report and has not been reviewed or approved by the BWSR board members.

## What is PRAP?

PRAP is an acronym for BWSR's Performance Review and Assistance Program. Authorized by the 2007 Minnesota legislature, the PRAP purpose is to support local delivery of land conservation and water management by periodically reviewing and assessing the performance of local units of government that deliver those services. These include soil and water conservation districts, watershed districts, watershed management Commissions, and the local water management functions of counties.

BWSR has developed four levels of review, from routine to specialized, depending on the program mandates and the needs of the local governmental unit. A Level I review annually tabulates all local governmental units' compliance with basic planning and reporting requirements. In Level II, conducted by BWSR once every ten years for each local government unit, the focus is on the degree to which the Commission is accomplishing its water resource management plan. A Level II review includes determination of compliance with BWSR's Level I and II statewide performance standards, a tabulation of progress on planned goals and objectives, a survey of board or water plan task force members and staff of the factors affecting plan implementation, a survey of LGU partners about their impressions of working with the LGU, and a BWSR staff report to the Commission with findings, conclusions and recommendations. BWSR's actions in Levels III and IV include elements of Levels I and II and then emphasize assistance to address the local governmental unit's specific needs.



## Pioneer Sarah Creek WMC Background

### History

The following information was taken from the Pioneer-Sarah Creek Watershed Management Commission Third Generation Watershed Management Plan Adopted May 21, 2015 and it expires on December 31, 2020.

### INTRODUCTION

#### ***“Executive Summary***

*This Watershed Management Plan (Plan) describes how the Pioneer-Sarah Creek Watershed Management Commission (PSCWM WMC) will manage activities in the watershed in the six year period 2015-2020.*

*The Pioneer-Sarah Creek Watershed Management Commission is a Watershed Management Commission (WMC) formed in 1984 using a Joint Powers Agreement developed under authority conferred to the member communities by Minnesota Statutes 471.59 and 103B.201 through 103B.251. The watershed is located in the northwest portion of the Minneapolis-St. Paul seven county Metropolitan Area and is comprised of all or part of the following cities in Hennepin County:*

<b>Cities Area</b>	<b>(sq. mi.)</b>
Greenfield	21.32
Independence	29.72
Loretto	0.26
Maple Plain	0.76
Medina	7.52
Minnetrista	10.70
<b>Total</b>	<b>70.28</b>

*The WMC is governed by a Board of Commissioners that is comprised of one member appointed from each community by their respective City Councils. The Commission’s purpose is set forth in Minnesota Statutes 103B.210, Metropolitan Surface Water Planning, which codified the Metropolitan Surface Water Management Act of 1982:*

*(1) Protect, preserve, and use natural surface and groundwater storage and retention systems;*

*(2) minimize public capital expenditures needed to correct flooding and water quality problems;*

*(3) Identify and plan for means to effectively protect and improve surface and groundwater quality;*

*(4) Establish more uniform local policies and official controls for surface and groundwater management;*

*(5) prevent erosion of soil into surface water systems;*

*(6) promote groundwater recharge;*

*(7) Protect and enhance fish and wildlife habitat and water recreational facilities; and*

*(8) Secure the other benefits associated with the proper management of surface and ground water.*

#### **Third Generation Watershed Management Plan**

*The Pioneer-Sarah Creek Watershed Management Commission initiated work on the Third Generation Plan in January 2013. The Plan includes information required in Minnesota Administrative Rules Chapter 8410, Local Water Management: an updated land and water resources inventory, goals and policies; an assessment of problems and identification of corrective actions; an implementation program; and a process for amending the Plan.*

*The Commission and Citizen and Technical Advisory Committees identified the following issues and issue areas during the planning process:*

- **Funding and Financial Stability:** maintaining a sustainable funding level, funding TMDL implementation activities, sharing in the cost of capital projects.
- **Information, Knowledge, and Commitment:** lack of information and knowledge of water quality issues and actions by multiple stakeholders, cities do not see the Commission as a policy leader or watershed issues as a priority, conflicting opinions on water quality issues between stakeholders.
- **Data Availability:** need for more routine monitoring to evaluate TMDL implementation effectiveness, lack of information about wetlands in the watershed.
- **Other Issues:** how to evaluate progress toward TMDLs, how to foster partnerships, staying abreast of new requirements and emerging issues.

#### **Management Plan Priorities and Goals**

*Through the identification of issues in the watershed, the PSCWMC developed the following priorities and goals to guide water resources planning and management functions:*

**Priorities:**

1. Educate the Commissioners and member City Councils and Planning Commissions regarding watershed and water resources management.
2. Undertake a monitoring program to monitor water quality trends and to track progress toward meeting TMDLs.
3. Partner with member cities and other parties to conduct subwatershed assessments and other studies to identify feasible and cost-effective Best Management Practices to protect and improve water quality.

**Goals:****Goal Area A. Water Quantity**

**Goal A. 1.** Maintain the post -development 2 -year, 10 -year, and 100 -year peak rate of runoff at pre -development level for the critical duration precipitation event.

**Goal A. 2.** Maintain the post -development annual runoff volume at pre -development volume.

**Goal A. 3.** Prevent the loss of floodplain storage below the established 100 -year elevation.

**Goal Area B. Water Quality**

**Goal B. 1.** Improve water clarity in the impaired lakes by 10% over the average of the previous ten years by 2023.

**Goal B. 2.** Maintain or improve water quality in the lakes and streams with no identified impairments.

**Goal B. 3.** Conduct a TMDL/WRAPS progress review every five years following approval of the TMDLs and WRAPS study.

**Goal B. 4.** Foster implementation of Best Management Practices in the watershed through technical and financial assistance.

**Goal Area C. Groundwater**

**Goal C. 1.** Promote groundwater recharge by requiring abstraction/infiltration of runoff from new development and redevelopment.

**Goal C. 2.** Protect groundwater quality by incorporating wellhead protection study results into development and redevelopment Rules and Standards.

**Goal Area D. Wetlands**

**Goal D. 1.** Preserve the existing functions and values of wetlands within the watershed.

**Goal D. 2.** Promote the enhancement or restoration of wetlands in the watershed.

**Goal Area E. Drainage Systems**

**Goal F. 1.** Continue current Hennepin County jurisdiction over county ditches in the watershed.

**Goal Area F. Commission Operations and Programming**

**Goal F. 1.** Identify and operate within a sustainable funding level that is affordable to member cities.

**Goal F. 2.** Foster implementation of TMDL and other implementation projects by sharing in their cost and proactively seeking grant funds.

**Goal F. 3.** Operate a public education and outreach program prioritizing elected and appointed officials education and building better understanding between all stakeholders.

**Goal F. 4.** Operate a monitoring program sufficient to characterize water quantity and quality and biotic integrity in the watershed and to evaluate progress toward TMDL goals.

**Goal F. 5.** Maintain rules and standards for development and redevelopment that are consistent with local and regional TMDLs, federal guidelines, source water and wellhead protection requirements, nondegradation, and ecosystem management goals.

**Goal F. 6.** Serve as a technical resource for member cities.

**Implementation**

This Third Generation Watershed Management Plan continues a number of activities that have been successful in the past and introduces some new activities, including modified development rules and standards and TMDL implementation.

**Rules and Standards.** In this Plan the Commission updated stormwater management and water resources protection policies from the Second Generation Plan and developed new standards based on the 2013 Minnesota NPDES General NPDES Permit for Municipal Separate Storm Sewer Systems (MS4s), the 2013 Minnesota NPDES Construction Stormwater General Permit, and the Minnesota Pollution Control Agency's (MPCA's) Minimal Impact Design Standards and State Stormwater Manual. These were compiled and codified into a Rules and Standards document. In general, the new Rules and Standards apply to all development and redevelopment one acre or more in size; require at a minimum no increase in pollutant loading or stormwater volume or in the peak rate of runoff from the property; require the abstraction/infiltration of 1.1 inches of runoff from

impervious surfaces; and clarify the wetland buffer requirements.

**Monitoring Program.** The monitoring program establishes routine monitoring for flow and water quality on Pioneer and Sarah Creeks, with periodic monitoring on other smaller streams and tributaries on a rotating or as-needed basis. Four lakes – Independence, Sarah, Whaletail, and Little Long – have been classified as “Sentinel Lakes,” and will be monitored every year. Other lakes will be monitored on a rotating basis.

**Education and Outreach.** The Citizens Advisory Committee (CAC) for the Plan participated in developing a recommended Education and Outreach program that identifies stakeholder groups in the watershed and key education messages. This Plan expands education and outreach activities to key stakeholders.

**Other Activities.** The Implementation Plan includes funding to complete subwatershed BMP assessments and special studies such as feasibility studies and special monitoring that will identify the most cost-effective practices and projects. In 2014 the Commission has budgeted to establish and convene a Technical Advisory Committee (TAC) of staff and professional engineers to identify priorities for capital projects and to evaluate and prioritize those submittals for Commission funding. That TAC will continue in future years to provide advice and assistance to the Commission.

**TMDL Implementation.** The Commission was identified as being a partner in certain implementation activities in the Lake Sarah and Lake Independence TMDLs. Many of those activities are included in the monitoring, education and outreach, and special studies actions in this Plan. The member cities have taken on responsibility in the TMDLs for undertaking capital projects and activities to reduce pollutant loading. Where assessment or feasibility studies identify specific, feasible and cost effective load reduction projects, the Commission may consider using its statutory authority to request Hennepin County to certify a levy for Commission financial participation in TMDL implementation capital projects.

A Watershed Restoration and Protection Strategies (WRAPS) study is being completed in 2013-2017 for several lakes and streams in the watershed, which will include additional TMDLs and implementation

activities. This Plan will require future modification to incorporate those activities.

### **Local and Watershed Plan Amendments**

On final approval of the Plan, cities will have 2 years to update their Local Stormwater Management Plan (LWMP). These updates will be expected to include:

- Updated land use, hydrologic, and hydraulic data, and existing or potential water resource related problems that may have changed since the last LWMP.
- An explanation of how the member city will help to implement the actions set forth in the Commission’s Plan, including specifically addressing adoption and enforcement of a manure management ordinance.
- Show how the member city will take action to achieve the load reductions and other actions identified in and agreed to in TMDL Implementation Plans.
- Updated Implementation Plan identifying the specific structural, nonstructural, and programmatic solutions to the problems and issues identified in the LWMP.
- Set forth an implementation program including a description of adoption or amendment of official controls and local policies necessary to implement the Rules and Standards; programs; policies; a capital improvement plan; and estimates of cost and funding mechanisms.

This watershed management plan provides direction for PSC WMC activities through the year 2020. The Commissioners intend the Plan to provide a flexible framework for managing the watersheds and, as such, may initiate amendments to this plan at any time. The Commission will annually review and refine the budget, monitoring program, education and outreach plan and Capital Improvement Program and may adopt plan amendments adding or revising proposed capital improvement projects or making other revisions to the Plan.”

## Findings

This section describes what BWSR learned about the performance of the Pioneer Sarah Creek WMC. **Source:** *Pioneer-Sarah Creek Watershed Management Commission Third Generation Watershed Management Plan Adopted March 4, 2015.*

### Findings Part 1: Planning

The current water resources management plan was adopted in 2015 and will expire in 2025.

### THIRD GENERATION MANAGEMENT PLAN PRIORITIES

1. Educate the Commissioners and member City Councils and Planning Commissions about watershed and water resources management.
2. Undertake a monitoring program to monitor water quality trends and to track progress toward meeting TMDLs.
3. Partner with member cities and other parties to conduct subwatershed assessments and other studies to identify feasible and cost-effective Best Management Practices to protect and improve water quality.

#### Goal Area A. Water Quantity

A statutory responsibility of watershed management Commissions is to prevent and mitigate flooding. This Plan accomplishes this by ensuring that development and redevelopment does not create excessive new volumes and rates of runoff that may cause downstream flooding. A second responsibility is promoting groundwater recharge, which impacts stream base flow and lake levels, and maintaining adequate hydrology to wetlands.

The Third Generation management goals for water quantity are focused on maintaining the current flood profile of the Creek and tributaries, and developing a whole -watershed sustainable water budget.

**Goal A.1.** Maintain the post-development 2 -year, 10 -year, and 100 -year peak rate of runoff at pre -development level for the critical duration precipitation event.

**Goal A.2.** Maintain the post-development annual runoff volume at pre -development volume.

**Goal A.3.** Prevent the loss of floodplain storage below the established 100 -year elevation.

#### Goal Area B. Water Quality

The TMDLs completed for Lake Independence and Lake Sarah established nutrient load reductions necessary to improve water quality in those lakes. The WRAPS study currently underway will establish additional water quality improvement and protection goals for the other lakes and streams in the watershed. The Third Generation goals for water quality are focused on making impaired waters. The goals are aggressive; some of them will require much dedication and effort and public and private resources to achieve. However, public input received for this Plan, the TMDLs, and other sources show that achieving a high standard of water quality is a priority for the public as well as required by state statute, and the Implementation Plan includes a number of actions to help meet these goals.

**Goal B.1.** Improve water clarity in the impaired lakes by 10% over the average of the previous ten years by 2023.

**Goal B.2.** Maintain or improve water quality in the lakes and streams with no identified impairments.

**Goal B.3.** Conduct a TMDL/WRAPS progress review every five years following approval of the TMDLs and WRAPS study.

**Goal B.4.** Foster implementation of Best Management Practices in the watershed through technical and financial assistance.

#### Groundwater

The Commission has undertaken limited groundwater management activities in the past, primarily by encouraging projects requiring project review to infiltrate a portion of runoff. Over the past decade cities that rely on groundwater for drinking water have worked with the Minnesota Department of Health to adopt wellhead protection plans and to implement policies and official controls to protect drinking water sources.

In this Third Generation Plan, the Commission has adopted a new infiltration requirement for new development and redevelopment to promote groundwater recharge and reduce runoff.

#### Goal Area C. Groundwater

**Goal C.1.** Promote groundwater recharge by requiring abstraction/infiltration of runoff from new development and redevelopment.

**Goal C.2.** Protect groundwater quality by incorporating wellhead protection study results into development and redevelopment Rules and Standards.



**Wetlands**

The Commission's primary tool for managing wetlands is the Wetland Conservation Act (WCA). The Commission serves as the Local Government Unit (LGU) for WCA administration in Greenfield, Loretto and Maple Plain and the other three member cities administer WCA themselves. The Commission requires submittal of a functions and values assessment using the latest version of MnRAM whenever an applicant proposes wetland impacts.

**Goal Area D. Wetlands**

**Goal D.1.** Preserve the existing functions and values of wetlands within the watershed.

**Goal D.2.** Promote wetland the enhancement or restoration of wetlands in the watershed.

**Drainage Systems**

Pioneer Creek between Highway 12 and Watertown Road and several lateral ditches, including parts of Robina Creek, are under the ditch authority of Hennepin County as County Ditch #19. The County also is ditch authority for County Ditch #9 connecting and outletting Lake Schwappauff, Schendel Lake, and Haften Lake in the northern watershed; and Judicial Ditch #20, which includes part of Deer Creek and several laterals, and Pioneer Creek downstream of Ox Yoke Lake. The primary Third Generation activity related to drainage systems is to periodically review the advantages and disadvantages of ditch authority and to reconsider jurisdiction.

**Goal Area E. Drainage Systems**

**Goal E.1.** Continue current Hennepin County jurisdiction over county ditches in the watershed.

**Operations and Programming**

These goals guide the routine programs and operations of the Commission, and include the education and outreach program; maintenance of rules and standards; the annual monitoring program; and programs and activities to stay abreast of changing standards and requirements, search for grant and other funds to supplement the regular budget, and operate a capital improvement program and share in the cost of projects.

**Goal Area F. Commission Operations and Programming**

**Goal F.1.** Identify and operate within a sustainable funding level that is affordable to member cities.

**Goal F.2.** Foster implementation of TMDL and other implementation projects by sharing in their cost and proactively seeking grant funds.

**Goal F.3.** Operate a public education and outreach program prioritizing elected and appointed officials education and building better understanding between all stakeholders.

**Goal F.4.** Operate a monitoring program sufficient to characterize water quantity and quality and biotic integrity in the watershed and to evaluate progress toward TMDL goals.

**Goal F.5.** Maintain rules and standards for development and redevelopment that are consistent with local and regional TMDLs, federal guidelines, source water and wellhead protection requirements, nondegradation, and ecosystem management goals.

**Goal F.6.** Serve as a technical resource for member cities.

**Findings Part 1: Plan Implementation**

There are 35 different implementation tasks assessed in this report. Pioneer Sarah Creek WMC staff have provided a description of the goals, actions and accomplishments to date. An analysis of this information shows that most of the Pioneer Sarah Creek WMC plan action items are ongoing. Based on this assessment, the WMC has completed 2 items (6%), has not started 1 action item, while 32 of the 35 action items are considered ongoing (91%).

A full description of the goals, implementation actions and progress is contained in Appendix A, pages 14-24.

**Resource Outcomes**

The Pioneer Sarah Creek WMC watershed management plan contains some specific, measureable resource outcomes goals for water quality. The plan goals include evaluating and tracking water quality trends within the watershed and to improve water quality within the WMC.

## Findings Part 2: Performance Standards

BWSR tracks all 18 watershed management organizations compliance with three basic standards each year in a Level I review.

For the Level II reviews, BWSR has developed a set of performance standards that describe both basic and high performance best management practices related to overall operation of the organization. The standards address four areas of operation: administration, planning, execution, and communication/coordination. The **basic practice** standards describe practices that are either legally required or fundamental to WMC operations. The **high performance** standards describe practices that reflect a high level of performance. While all watershed management organizations should be meeting the basic standards, only the more ambitious ones will meet many high performance standards. The results for the Pioneer Sarah Creek WMC are listed in Appendix B, page 25.

For this Level II review, Pioneer Sarah Creek WMC reports compliance with 19 of the 19 relevant basic performance standards that are applicable to WMCs and 7 of 9 high performance standards.

**Wetland Conservation Act Compliance:** Beginning in 2017, local government unit (LGU) compliance with the Wetland Conservation Act (WCA) was added to the PRAP Level II assessments. In 1991, the Legislature passed the Wetland Conservation Act (WCA) in order to achieve a no-net loss in the quantity, quality, and biological diversity of Minnesota's wetlands. In doing so, they designated certain implementation responsibilities to local government units (LGUs) and soil and water conservation districts (SWCDs) with the Board of Water and Soil Resources (BWSR) to provide oversight. One oversight mechanism is an administrative review of how LGUs and SWCDs are carrying out their responsibilities.

BWSR uses the administrative review process to evaluate LGU and SWCD performance related to their responsibilities under the WCA. The review is intended to determine if an LGU or SWCD is fulfilling their responsibilities under WCA and to provide recommendations for improvement as applicable.

The BWSR Wetland Specialist assigned to assist Pioneer Sarah Creek Watershed District conducted an evaluation of LGU performance in carrying out the responsibilities as described in Minnesota Rules 8420.

Data for WCA program review was collected via direct interview(s) with staff, a review of an appropriate number and type of project files, a review of existing documentation on file (i.e. annual reporting/resolutions), and through prior BWSR staff experience/interaction with the LGU or SWCD. In some cases, a project site review may be necessary. Generally, interviews, project file reviews and site visits were done with two BWSR staff on agreed upon dates. A review of implementation of the Wetland Conservation Act found that Pioneer Sarah Creek Watershed Management Commission are generally implementing the program in compliance with Minnesota Rule 8420. A copy of the WCA report is located in Appendix D, pages 33-37.

## Findings Part 3: LGU Self-Assessment

The information for this part and the next is based on responses to surveys developed by BWSR to get the opinions of both board members and staff and from the WMC's partner organizations about performance. Pioneer Sarah Creek WMC staff identified, at BWSR's request, their current WMC Board members, city technical advisors and staff, and those partner organizations with which they have an on-going working relationship. BWSR invited those people to take the on-line survey and their responses were received and analyzed by BWSR staff. The identity of survey respondents is unknown to both BWSR and the Pioneer Sarah Creek WMC.

Part 3 summarizes the results from the survey of WMC Board members and staff regarding the accomplishments of the organization over the past several years. A total of 10 Board Managers, Alternates, or Advisory members and staff were invited to take the survey and 6 (60%) responded. It is suggested that staff, Board members and Advisory Committee members consider these responses as a starting point for follow up discussion. The full responses are reported in Appendix C, pages 27-32, and briefly summarized here.

Board members, Advisory Committee members and staff were asked how often the organization uses some sort of master plan to guide decisions. 60% said Always, and 40% indicated usually.

In listing the organization's most successful accomplishments over the past 3-5 years, respondents mentioned the following:

- *Completion of sub-watershed assessments for City of Independence and Dance Hall Creek, Adoption of Livestock Management Policy, Completion of watershed WRAPS, 5 years of Curly Leaf application in Lake Sarah, 3 community education meetings, new outlet controls for Lake Sarah and Lake Independence, Implemented new CIP and cost share policies, continued lake and stream monitoring, wetland monitoring enforcement, buffer inventory and drone surveillance, major gully restoration project approved for 2018, stabilized and improved fiscal condition of the watershed, project funding by cities significantly improved.*
- *Long term funding set aside in the budget for rural and urban BMP's 3rd Generation Watershed Management Plan WRAP/TMDL plan Lake Independence, Lake Ardmere and Dance Hall Creek SWA's.*
- *I would consider the PSCWMC to be following, not leading, our member cities. The successful projects have all be led by and financed at a higher percentage by member cities so I don't feel the PSCWMC deserves credit.*
- *Developed Third Generation Plan Completed watershed wide TMDL, WRAPS.*

Another survey participant mentioned 1. The completion of the needed studies to fully assess our watershed priorities on a watershed wide basis. 2. The Baker Park Ravine project 3. We aligned all of our six cities to the watershed vision and mission that now will for the first time in years allow us to be a much better functioning organization. 4. We have well defended violations of the WCA over the past 3 years 5. We have surveyed our watershed, and held 3 formal Community Conversations where we provided a lot of education and awareness to our key agricultural and horse boarding residents, our city councils, our lake associations, and our key partners (TRPD, MPCA, BWSR, etc.).

Respondents attributed the success of these projects to the following:

- *Disciplined focus on what can realistically be done in a low tax capacity watershed and focusing on successful projects with a high return on investment (ROI).*
- *Project partners and member community participation and discussions.*
- *The leadership of the member cities. And also perhaps some panicked and forced cooperation of the PSCWMC. Panicked and forced because the organization is afraid of being disbanded and replaced by a more effective (and costly) WMC.*
- *Third Generation Plan formed foundation for the Commission's activities.*

One survey participant mentioned *Improved alignment amongst our cities to the goals set out in our 3rd Generation Plan, more commissioners and council members attending educational workshops (like NEMO), better communication and collaboration with our key partners, a quality administrative staff that keeps us focused and informs us of what other organizations they serve are doing.*

Survey participants were also asked to list programs or projects which have not shown as much progress or success. Responses included:

- *Best Management Practices implementation.*
- *Actual BMP implementation on private property.*
- *Community outreach. And the Citizens Advisory Committee has effectively been disbanded. Most of the Commissioners are members of city councils, who are extremely reluctant to share power with anyone else, regardless of qualifications.*
- *Landowner resistance to participate in incorporating BMPs for reduce nutrient loading.*

One survey participant stated *am pleased to say no program has been placed "on hold". If anything, we have invested time to explore certain projects that for various reasons we have decided to wait for further development to occur - when these BMP's can be best captured cost effectively.*

Reasons cited include for difficulties included:

- *Almost 100% of these projects are on private land. Finding willing participants has been slow.*
- *Staffing commitment. Lack of trust from the property owners. Lack of focus on water*



*resources from some member communities. More concerned about funding roads, sewer, water, etc.*

- *Landowners are resistant to government involvement in their lives/land use.*
- *In our watershed, alignment of the cities had been an issue, however, the biggest challenge now is getting agricultural landowners and/or horse boarders to cooperate and be willing to allow BMP's to evolve on their properties. However, with the Buffer Initiative rollout last year, we feel we can go back to some of these landowners to revisit BMP ideas for their property.*

Partnerships are an important part of organizational success. Respondents were asked which organizations they feel they can partner with. Respondents listed *Three Rivers Park District (5 responses), DNR, Hennepin County (4 responses), Local Cities, Lake Independence Citizens Association, Lake Sarah Improvement Association, BWSR, MPCA, University of MN extension service, and Met Council* as organizations the Pioneer Sarah Creek WMC currently has strong working relationships with.

Survey respondents were also asked who they would like to partner with more. *BWSR, Met Council, DOT, NRCS, member city citizens, the CN and BNSF railroads, MnDOT and DNR* were listed as organizations with which better collaboration would benefit the Pioneer Sarah Creek WMC.

#### Findings Part 4: Partners' Assessment

Pioneer Sarah Creek WMC staff identified 20 individuals who have or potentially could partner with the Commission in the implementation of its plan. These people were invited to take an on-line survey of their opinions regarding their working relationship with and assessment of the WMC. Eight individuals responded, a (40%) response rate. The partners were asked questions that focused on their working relationship with the WMC and their rating of the work done by the WMC. These responses are reported in Appendix C, pages 27-32, and summarized here.

Most partner organizations respondents expressed familiarity with the Pioneer Sarah Creek WMC as indicated by reporting interactions from a few times (25%), several times a year (37.5%), to monthly (25%) and one person indicated interaction with the WMC almost every week. Sixty two per cent of the partners

expressed that the amount of work they do with the Pioneer Sarah Creek WMC is about right and 25% indicated there was potential for more collaboration, while one person indicated that the amount of interaction with the WMC was *too much, they depend on us for work they should be doing themselves* (see appendix C for complete responses).

Overall, the partner's ratings of the Pioneer Sarah Creek WMC's performance in five key areas of partnership ranged widely from strong to poor (see table below).

Performance Area	Partner Ratings				
	Strong	Good	Acceptable	Poor	Don't Know
Communication	12.5%	25.0%	50.0%	12.5%	0%
Quality of Work	12.5%	25.0%	25.0%	25.0%	12.5%
Relations with Customers	12.5%	12.5%	37.5%	12.5%	25.0%
Initiative	12.5%	25.0%	12.5%	50.0%	0%
Timelines/Follow through	12.5%	12.5%	62.5%	12.5%	0%

In rating the partners overall working relationship with the WMC, 25% of the partner organizations believe they have a strong working relationship with Pioneer Sarah Creek WMC, one person rated it good, but could be better and 50% rated the relationship as acceptable, but a struggle at times and one person indicated poor, there are almost always difficulties. (See appendix C).

When asked for additional comments about the Pioneer Sarah Creek WMC could be more effective, partners offered the following suggestions:

- *Have dedicated staff to assist in grant writing, work with landowners to implement projects, and make progress towards goals outlined in watershed management plan and CIP.*
- *A lot of work is put into developing projects and ideas that the Commission doesn't implement, they are too stuck in their own*

*vision of how things should work, or their own city to look around and see cooperative opportunities a lot of the time. They also are not reliable to follow up on assignments, spend a lot of time squabbling over money, and don't listen to the advice given to them by subject matter experts.*

- *Seems that the watershed is reaching out to larger land owners, but they don't want to participate.*
- *Non-point source pollution is not point source. Somehow they need to reach out to all landowners as everyone needs to prevent runoff from their property. It is about people and process, not rules, not BMPs.*
- *The Commission would benefit greatly from identifying landowners that can be champions for the watershed. If there are residents or cities that can be demonstrated as leaders, this could translate into improved implementation.*

A full summary of the survey responses is in Appendix C, pages 27-32.

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## General Conclusions

The Pioneer Sarah Creek WMC has made some progress in accomplishing implementation of their water management plan. Based on this assessment, the WMC has completed 2 items (6%), has not started 1 action item, while 32 of the 35 action items are considered ongoing (91%).

The WMC's compliance with the BWSR performance standards applicable to WMCs means they are meeting the essential administrative, planning and communication practices.

The WMC's partner's ratings for communication, quality of work, initiative and relations with customers ranged from strong to poor.

### Action Items

Action Items are based on those Part 2 Basic Practice performance standards for which the organization is not currently meeting. There are no action items for the Pioneer Sarah Creek WMC at this time.

### Commendations

Commendations are issued based on compliance with BWSR's High Performance Standards, as reported in the Findings, Part 2 above. The Pioneer Sarah Creek WMC is commended for meeting the following High Performance Standards, reflecting practices that indicate organizational strength:

- Administrator on staff.
- Operational guidelines exist and current.
- Strategic plan identifies short term priorities.
- Water quality trends tracked for priority water bodies.
- Watershed hydrologic trends monitored and reported.
- Coordination with County Board, SWCD Board and city/township officials
- Partnerships: cooperative projects/tasks done with neighboring districts and organizations, counties, cities, non-governmental organizations.

## Recommendations

This section contains recommendations offered by BWSR to the **Pioneer Sarah Creek WMC** and staff to enhance the Commission's service and its delivery of effective water and related land resource management. BWSR financial assistance may be available to support the **Pioneer Sarah Creek WMC's** implementation of some of these recommendations.

### **Recommendation 1: Develop and implement training plan for each board member.**

New programs and increasing water management expectations for local governments require a commitment to continued training. This recommendation suggests that new board members are provided with orientation training and all board members have an individual training plan for continuing education in leadership, organizational management and water resource management. The individualized training plan would provide a means of ensuring that staff and board members can continue to build knowledge and skills necessary to carry out duties and responsibilities.

### **Recommendation 2: Make water quality data and trends easily accessible to the public.**

The WMC and its partners are currently doing a comprehensive job of monitoring area lakes and streams, and specific water quality goals have been identified for many of the water bodies. While the WMC does produce an annual Water Quality Report, and the LGU has recently updated their website to report lake water quality data in a GIS based format, it is still very difficult to locate information about water quality trends, particularly lake trends, from the WMC website. The website should be updated to make information about water quality trends in area lakes available in easy to understand and access formats. Annual reports posted on the website should also contain information on water quality trends.

### **Recommendation 3: Conduct a strategic planning initiative and workload analysis to assess the WMC's ability to comply with the 8410.0105 Subpart 1, and 8410.0140 Subpart 1. C. requirements that the WMC shall evaluate progress for the implementation of plan actions at a minimum of every two years.**

The goals in the current water management plan are related to resource outcomes. However, efforts to measure the effects of projects on those resources are not apparent. The Commission should evaluate

progress at a minimum every two years as required in rule, and make sure to measure outcomes, not just outputs, and report on progress toward achieving resource improvement. BWSR PRAP Assistance Grant funds may be available to partially fund such an assessment.

## LGU Comments and BWSR Responses

A written response to this draft report from the Pioneer Sarah Creek WMC was invited to comment on the findings, conclusions and joint recommendations in the draft version of this report. The letter was summarized and responded to in this section and reproduced in its entirety in Appendix E, page 39.

### **Pioneer Sarah Creek WMC Comment #1: (related to) Recommendation #1 - Develop and implement training plan for each board member.**

*In past years Staff met with new board members to discuss the role of the Commission and their responsibilities as Commissioners. Commissioner handbooks were distributed to the new members and updates to the handbook were provided to returning members. This training session usually lasted about two hours and gave the attendees a primer from which to build their knowledge. Staff recommends that the handbooks be updated and this training reinstated. Staff also recommends, when "new stuff" that could affect future actions of the Commission is introduced, that a short time be set aside prior to regular meetings so that members can be introduced to the "new stuff" and learn its impacts on Commission business. Example: the recent BWSR Watershed Based Funding.*

**BWSR Response:** BWSR appreciates the past training efforts of the Commission and encourages the Commission to reinstate the training plus development and implementation of an individual training plan for each member.

### **Pioneer Sarah Creek WMC Comment #2: (related to) Recommendation 2: Make water quality data and trends easily accessible to the public.**

*The Annual Report will be expanded to include lake water quality trends. In turn, this information will be uploaded to a reorganized Lakes section on the website. Staff will work with Three Rivers Park District and the Metropolitan Council to achieve this goal.*

**BWSR Response:** BWSR recognizes the Commission's commitment to improve the accessibility and availability of water quality data and trend information for the public.

### **Pioneer Sarah Creek WMC Comment #3: (related to) Recommendation 3: Conduct a strategic planning initiative and workload analysis to assess the WMC's ability to comply with the 8410.0105 Subpart 1, and**

**8410.0140 Subpart 1. C. requirements that the WMC shall evaluate progress for the implementation of plan actions at a minimum of every two years.**

*Currently, the Commission reviews the current year's Annual Work Plan at year-end, describing whether tasks have been performed/accomplished. Future evaluations will be enhanced to more clearly describe actual progress made in achieving improvement in resource management. "Fact sheets" will be created for projects undertaken and completed by the commission.*

*The Commission develops next year's Annual Work Plan at the year's onset. Tasks will be written with more specificity and include more clearly stated goals by which to evaluate success. Where appropriate, "next steps" will be included.*

**BWSR Response:** BWSR appreciates the Commission's intention to implement this recommendation and looks forward to working with the Commission in the future.

## Appendix A. Plan Accomplishments



LGU Name: Pioneer-Sarah Creek Watershed Management Commission Date of This Assessment: June 5, 2018  
 Type of Management Plan: Watershed Management Commission  
 Date of Last Plan Revision: 2015

### GOAL No. A: Water Quantity (Page 4-4 of Mgmt. Plan) Objective A1-A3:

**Progress Rating:** ☐ =not started/dropped ☐ =on-going progress ☒ =completed/target met

Planned Actions or Activities	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Progress Rating	Next Steps
1. The Commission shall maintain Rules and Standards requiring development and redevelopment meeting certain criteria to meet runoff rate control and runoff volume and infiltration requirements.	Ongoing	Ongoing	The Commission's Third Generation Plan was approved by BWSR in 2015 containing these Rules and Standards. Member Cities are updating their Local Plans to match	<input type="radio"/>	The Commission will regularly review its Rules and Standards
2. Landlocked depressions that presently do not have a defined outlet and do not typically overflow may only be allowed a positive outlet provided the downstream impacts are addressed and the plan is approved by the Commission.	Ongoing	Ongoing	This situation has not yet arisen within the watershed	<input type="checkbox"/>	Continue to work with Cities and landowners on an as-needed basis
3. The Commission encourages the use of Low Impact Design techniques to reduce runoff rates and volumes, erosion and sedimentation, and pollutant loading.	Ongoing	Ongoing	Technical Staff work with developers to incorporate these design techniques where applicable	<input type="radio"/>	Continue to offer technical assistance to developers to implement LIDs
4. Member cities shall adopt local controls and local stormwater management plans that are at least as stringent as the Commission Water Quantity goals and policies and the Commission Rules and Standards.	December 31, 2018	December 31, 2018	Local Plans have been received and reviewed from Loretto, Maple Plain, Medina and Minnetrista. Loretto and Maple Plain's Local Plans were approved by the Commission at the April and September 2017 meetings, respectively	<input type="radio"/>	Continue to work with member cities on their Local Plans until they meet standards and are approved by the Commission



5. The Commission requires a plan review by the local permitting authority for development or redevelopment if any part of the development is within or affects a 100-year floodplain	Ongoing	Ongoing	The Commission reviews all development/redevelopment that impacts floodplain		Continue to review all development/redevelopment that impacts floodplain
6. The Commission shall maintain Rules and Standards requiring development and redevelopment affecting the 100-year floodplain to meet Commission compensatory storage, low flow elevation, and timing requirements.	Ongoing	Ongoing	The Commission reviews all development/redevelopment that impacts floodplain		Continue to review all development/redevelopment that impacts floodplain
7. Member cities shall adopt a floodplain ordinance and any other required local controls, and local stormwater management plans that are at least as stringent as the Commission Floodplain goals and policies and the Commission Rules and Standards.	December 31, 2018	December 31, 2018	Local Plans have been received and reviewed from Loretto, Maple Plain, Medina and Minnetrista. Loretto and Maple Plain's Local Plans were approved by the Commission at the April and September 2017 meetings, respectively		Continue to work with member cities on their Local Plans until they meet standards and are approved by the Commission





## GOAL No. B: Water Quality (Page 4-5 of Mgmt. Plan)


### Objective B1-B4:

**Progress Rating:** ☐ =not started/dropped ☐ =on-going progress ☒ =completed/target met

Planned Actions or Activities	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Progress Rating	Next Steps
1. The Commission adopts as water quality goals the standards for Class 2b waters in the North Central Hardwood Forest ecoregion as set forth in Minn. Rules 7050.0222.	Ongoing	Ongoing	The Commission adopted these goals as part of its Third Generation Plan	<input type="radio"/>	The Commission will review periodically as necessary
2. The Commission will undertake a routine lake and stream monitoring program to assess progress toward meeting these goals.	Ongoing	Ongoing	The Commission monitors Sentinel Lakes (Sarah, Independence, Little Long, and Whaletail) annually and other area lakes on a rotating basis to establish water quality basis and trends	<input type="radio"/>	The Commission will continue to work with TRPD and Met Council's CAMP program to complete monitoring of area lakes and streams.
3. The Commission shall maintain Rules and Standards requiring development and redevelopment meeting certain criteria to meet water quality requirements.	Ongoing	Ongoing	The Commission's Third Generation Plan was approved by BWSR in 2015 containing these Rules and Standards. Member Cities are updating their Local Plans to match	<input type="radio"/>	The Commission will regularly review its Rules and Standards
4. The Commission shall maintain Rules and Standards requiring development and redevelopment meeting certain criteria to meet erosion control requirements.	Ongoing	Ongoing	The Commission's Third Generation Plan was approved by BWSR in 2015 containing these Rules and Standards. Member Cities are updating their Local Plans to match	<input type="radio"/>	The Commission will regularly review its Rules and Standards



5. The Commission will develop and implement a program to provide technical and financial assistance to the member cities in identifying appropriate and cost-effective Best Management Practices to reduce nutrient and sediment load to lakes and streams.	Ongoing	Ongoing	Beginning in 2015, the Commission has added a line item to the annual budget for grant writing costs. Commission Staff and Partners also work with the Cities to identify and review projects resulting from Subwatershed Assessments for feasibility and addition to the Commission's CIP.  The Commission also began budgeting funding for City-supported CIPs completed in the watershed in 2015.		The Commission will, at least annually, request member cities to submit potential projects to the Commission's CIP for funding consideration.
6. The Commission will work in partnership with other Commissions and agencies to pursue grant and other funding to implement improvement projects and feasibility studies.	Ongoing	Ongoing	The Commission continues to work with member cities, Three Rivers Park District, and Hennepin County to pursue grant funding for various projects and studies. Beginning in 2015, the Commission has added a line item to the annual budget for grant writing costs.  The Commission was awarded a grant in 2018 for the Baker Park Ravine Stabilization project in cooperation with TRPD and Hennepin County.		The Commission will report on new and open grants available from county, state, and federal sources and review those against the CIP for potential grant applications.
7. The Commission shall update implementation plans and this Plan as necessary following TMDL/WRAPS completion and progress reviews.	Ongoing	Ongoing	A Minor Plan Amendment to update the CIP was approved on July 20, 2017 and another is scheduled for submission in June 2018.		The Commission will, at least annually, review the CIP, WRAPS implementation plan, and subwatershed assessments for potential project opportunity.

8. Member cities shall adopt local controls and local stormwater management plans that are at least as stringent as Commission Water Quality goals and policies and the Commission Rules and Standards.	December 31, 2018	December 31, 2018	Local Plans have been received and reviewed from Loretto, Maple Plain, Medina and Minnetrista. Loretto and Maple Plain's Local Plans were approved by the Commission at the April and September 2017 meetings, respectively	<input type="radio"/>	Continue to work with member cities on their Local Plans until they meet standards and are approved by the Commission
9. The Commission will develop and publish a model manure management ordinance within six months of this Plan's adoption. Member cities shall then have one year to adopt a manure management ordinance using the model ordinance for guidance, or to adopt other standards and practices that will accomplish the objective of reducing phosphorus loading from new livestock operations.	November 2015	October 20, 2016	A model Livestock Management Ordinance was adopted by the Commission on October 20, 2016.	<input checked="" type="checkbox"/>	Continue to work with member cities to ensure the ordinance is adopted as necessary and included in future Local Water Plans.
10. Projects Completed for the improvement of Water Quality in area lakes	Ongoing	Ongoing	2014/15 - Lake Ardmore infiltration basin 2014/15-Lake Sarah CLPW treatment 2016 – Installed Dance Hall Creek BMP, completed Lake Sarah CLPW treatment, began design of Gully Restoration GS50 (Baker Park Ravine). 2017 - Lake Sarah CLPW treatment, complete GS50 Design. 2018 – Complete Ardmore Neighborhood BMPs, and Baker Park Ravine Restoration.	<input type="radio"/>	The Commission will review projects submitted by member cities and partners for inclusion to the CIP annually and revise the CIP through Plan Amendments as necessary

11. Subwatershed Assessments or TMDLs Completed to evaluate water quality and create a base level for measurement of improvement	Ongoing	Ongoing	2007 – Lake Independence TMDL approved by EPA. 2011 – Lake Sarah TMDL Approved by EPA. 2015 – Lake Independence Subwatershed Assessment (Ardmore) 2017 – WRAPS Completed including Sarah Creek, Pioneer Creek, Unnamed Creek, Deer Creek, Peter Lake (north bay), Spurzem Lake, Half Moon Lake, Lake Ardmore, South Whaletail Lake, North Whaletail Lake.		The Commission will review completed TMDLs in partnership with TRPD for revision as necessary and continue to complete subwatershed assessments in cooperation with member cities and partners as areas are identified.
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**GOAL No. C: Groundwater** (Page 4-6 of Mgmt. Plan)**Objective C1-C2:**

**Progress Rating:** ☐ not started/dropped  on-going progress ☒ completed/target met

Planned Actions or Activities	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Progress Rating	Next Steps
1. The Commission shall maintain Rules and Standards requiring development and redevelopment meeting certain criteria to meet infiltration requirements.	Ongoing	Ongoing	The Commission's Third Generation Plan was approved by BWSR in 2015 containing these Rules and Standards. Member Cities are updating their Local Plans to match		The Commission will regularly review its Rules and Standards
2. Member cities shall adopt local controls and local stormwater management plans that are at least as stringent as Commission Groundwater goals and policies and the Commission Rules and Standards	December 31, 2018	December 31, 2018	Local Plans have been received and reviewed from Loretto, Maple Plain, Medina and Minnetrista. Loretto and Maple Plain's Local Plans were approved by the Commission at the April and September 2017 meetings, respectively		Continue to work with member cities on their Local Plans until they meet standards and are approved by the Commission



3. The Commission will partner with the DNR, USGS, MDH, and other agencies to educate the member cities and watershed community officials about groundwater issues and their relation to stormwater management and surface water quality.	Ongoing	Ongoing	Commission became a member of WaterShed Partners in 2017.  Commissioners, elected officials and staff participated in NEMO Workshop on the Water presentations in 2015-2016.	○	Membership in WaterShed Partners and other Commissions will be evaluated on an annual basis. Commissioners, City Officials and staff will be encouraged to attend workshops and events when these events are held.
4. The Commission shall develop and maintain a map showing the wellhead protection zones within its boundaries upon completion of a local wellhead protection plan for use in determining vulnerable areas that should be exempted from infiltration.	Ongoing	Ongoing	Staff is collecting this information as it is submitted by member and surrounding cities. Mapping information has been received from Greenfield, Loretto, Maple Plain, Delano and Rockford.	○	The Commission will continue to work with Member Cities and update the wellhead protection zone map as information is made available.
5. The Commission will develop and implement a program to provide technical and financial assistance to the member cities in identifying appropriate and cost-effective Best Management Practices to increase infiltration and groundwater recharge and reduce stormwater runoff.	Ongoing	Ongoing	Beginning in 2015, the Commission has added a line item to the annual budget for grant writing costs. Commission Staff and Partners also work with the Cities to identify and review projects resulting from Subwatershed Assessments for feasibility and addition to the Commission's CIP.  The Commission also began budgeting funding for City-supported CIPs completed in the watershed in 2015.	○	Continue to work with member cities and partners to identify projects and opportunities for BMP installations.



**GOAL No. D: Wetlands (Page 4-7 of Mgmt. Plan)****Objective D1-D2:**

**Progress Rating:** ☐ =not started/dropped ☐ =on-going progress ☒ =completed/target met

Planned Actions or Activities	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Progress Rating	Next Steps
1. The Commission shall maintain Rules and Standards requiring development and redevelopment meeting certain criteria to provide buffers adjacent to wetlands, lakes, and streams.	Ongoing	Ongoing	The Commission's Third Generation Plan was approved by BWSR in 2015 containing these Rules and Standards. Member Cities are updating their Local Plans to match	<input type="radio"/>	The Commission will regularly review its Rules and Standards
2. Member cities shall adopt local controls and local stormwater management plans that are at least as stringent as Commission Wetland goals and policies and the Commission Rules and Standards.	December 31, 2018	December 31, 2018	Local Plans have been received and reviewed from Loretto, Maple Plain, Medina and Minnetrista. Loretto and Maple Plain's Local Plans were approved by the Commission at the April and September 2017 meetings, respectively	<input type="radio"/>	The Commission will continue to work with cities that have submitted plans to ensure they are in conformance with the Commission Plan. The Commission will encourage cities to have plans submitted for approval prior to the December 31, 2018 deadline.
3. The Commission shall act as the Local Government Unit (LGU) for the Wetland Conservation act for those communities that choose to so designate.	Ongoing	Ongoing	The Commission has acted as the WCA LGU for the cities of Greenfield, Loretto and Maple Plain upon request.	<input type="radio"/>	Commission Technical Staff will continue to assist cities as needed for WCA LGU.
4. Developers must complete a wetland delineation by a wetland professional to identify the location and extent of any wetlands present within the development site.	Ongoing	Ongoing	Any time wetlands are or may be impacted, a delineation is required by Commission Rules & Standards	<input type="radio"/>	The Commission will continue to require wetland delineations for any development/redevelopment work that may impact wetlands

5. For any development or redevelopment proposing impacts to any wetlands in the watershed, a functions and values assessment using the most recent version of the MnRAM protocol must be completed and submitted to the Commission and to the respective LGU.	Ongoing	Ongoing	This item is required as part of a wetland delineation		The Commission will continue to require wetland delineations for any development/redevelopment work that may impact wetlands
6. Before consideration or approval of a wetland replacement plan or use of wetland banking credits, the Commission shall ensure that the applicant has exhausted all possibilities to avoid and minimize adverse wetland impacts according to the sequencing requirements of the Wetland Conservation Act.	Ongoing	Ongoing	This item is required by sequencing in the project review process		The Commission will continue to require project reviews for any development/redevelopment work that may impact wetlands

**GOAL No. E: Drainage Systems** (Page 4-8 of Mgmt. Plan)**Objective E1:**



**Progress Rating:** ☐ =not started/dropped ☐ =on-going progress ☒ =completed/target met

Planned Actions or Activities	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Progress Rating	Next Steps
1. Periodically reconsider the appropriate jurisdiction over the county ditches in the watershed.	Ongoing	Ongoing	This was completed as part of the Third Generation Plan process	<input type="radio"/>	This will be reviewed again as part of the Fourth Generation plan process, or earlier if required.

**GOAL No. F: Operations and Programming** (Page 4-8 of Mgmt. Plan)**Objective F1-F6:**

**Progress Rating:** ☐ =not started/dropped ☐ =on-going progress ☒ =completed/target met

Planned Actions or Activities	Proposed Timeframe	Actual Timeframe	Accomplishments to Date	Progress Rating	Next Steps
1. Annually review the budget and Capital Improvement Program and convene a professional Technical Advisory Committee to identify and prioritize projects.	April-June, annually	April-June, annually	A budget is approved by the Commission each year. In 2016, 2017 and 2018, a TAC was convened prior to the budget process to review projects submitted by member cities and partners for inclusion in the Commission CIP. Minor Plan Amendments were/will be submitted in 2017 and 2018 to revise the CIP	<input checked="" type="checkbox"/>	The Commission will continue to request new projects from member cities and partners for inclusion on the CIP on an annual basis.
2. Convene Citizen Advisory Committees as necessary to advise the Commission and to assist in program development and implementation.	Ongoing	Ongoing	A CAC was convened as part of the Third Generation Plan process, and again as part of the Watershed-wide TMDL/WRAPS process.	<input type="radio"/>	A CAC will be convened as outreach to citizens and opportunities for program development arise.
3. Prepare and implement an annual monitoring plan and provide annual reporting.	Ongoing	Ongoing	The Commission coordinates with TRPD and Met Council to monitor area lakes and streams. See Annual reports for monitoring reporting	<input type="radio"/>	The Commission will continue to partner with TRPD and Met Council to monitor area lakes and streams.

4. According to the schedules set forth in TMDL Implementation Plans and WRAPS studies, every five years evaluate progress toward meeting those water quality goals, and adjust the Implementation Plans as necessary to achieve progress.	Ongoing	Ongoing	The Commission, in coordination with TRPD, are evaluating and will submit revisions for the Lake Sarah and Lake Independence TMDLs within the next 12-24 months. Recent sediment cores show the original amounts allocated for internal/external phosphorus loading are incorrect		Commission Staff and TRPD will work together to review and revise the Lake Sarah and Lake TMDLs as necessary, and document progress on phosphorus reductions and the impact to the water bodies
5. Periodically review the development rules and standards for adequacy and make revisions as necessary.	Ongoing	Ongoing	The development rules and standards were revised as part of the Third Generation Plan. No issues have been identified since adoption of the plan.		The Commission will regularly review its Rules and Standards for conformance with new legislation and new information as it becomes available.

## Appendix B. Performance Standards

METRO WATERSHED DISTRICT and WMO PERFORMANCE STANDARDS				
LGU Name: <b>Pioneer-Sarah Creek Watershed Management Commission</b>				
Performance Area	Performance Standard	Level of Review	Rating	
			YES	NO
Administration	★ High Performance standard	I Annual Compliance	Yes, No, or Value	
	■ Basic practice or statutory requirement (see instructions for explanation of standards)	II BWSR Staff Review & Assessment (1/5 yrs)		
	■ Activity report: annual, on-time	I	X	
	■ Financial report & audit completed on time	I	X	
	■ Drainage authority buffer strip report submitted on time	I	N/A	
	■ eLink Grant Report(s): submitted on time	I	X	
	■ Rules: date of last revision or review	II	mo/yr	
	■ Personnel policy: exists and reviewed/updated within last 5 yrs	II	N/A	
	■ Data practices policy: exists & reviewed/updated within last 5 yrs	II	X	
	■ Manager appointments: current and reported	II	X	
	■ Consultant RFP: within 2 yrs for professional services	II	X	
	■ WD/WMO has resolution assuming WCA responsibilities and appropriate delegation resolutions as warranted (N/A if not LGU)	II	X	
	■ WD/WMO has knowledgeable & trained staff that manages WCA program or has secured a qualified delegate. (N/A if not WCA LGU)	II	X	
	★ Administrator on staff	II	X	
	★ Board training: orient. & cont. ed. Plan, record for each board member	II		X
	★ Staff training: orient. & cont. ed. plan and record for each staff person	II	N/A	
	★ Operational guidelines for fiscal procedures and conflicts of interest exist and current	II	X	
	★ Public drainage records: meet modernization guidelines	II	N/A	
Planning	■ Watershed management plan: up-to-date	I	X	
	■ City/twp. local water plans not yet approved	II	X	
	■ Capital Improvement Program: reviewed every 2 yrs	II	X	
	■ Biennial Budget Request submitted on time	II	X	
	★ Strategic plan identifies short-term priorities	II	X	
Execution	■ Engineer Reports: submitted for DNR & BWSR review	II	N/A	
	■ WCA decisions and determinations are made in conformance with all WCA requirements. (if delegated WCA LGU)	II	X	
	■ WCA TEP reviews & recommendations appropriately coordinated. (if delegated WCA LGU)	II	X	
	■ Total expenditures per year (past 10 yrs)	II	see below	
	★ Water quality trends tracked for key water bodies	II	X	
	★ Watershed hydrologic trends monitored / reported	II	X	
Communication & Coordination	■ Website: contains information as required by MR 8410.0150 Subp. 3a, i.e. as board meeting, contact information, water plan, etc.	II	X	
	■ Functioning advisory committee(s): recommendations on projects, reports, 2-way communication with Board	II	X	
	■ Communication piece: sent within last 12 months	II	X	
	Communication Target Audience: Residents			
	★ Track progress for I & E objectives in Plan	II		X
	★ Coordination with County Board, SWCD Board, City/Twp officials	II	X	
	★ Partnerships: cooperative projects/tasks with neighboring organizations, such as counties, soil and water districts, watershed districts and non-governmental organizations	II	X	



**Pioneer Sarah Creek WMC Total Expenditures for last 10 years:**

2017	\$139,241
2016	\$114,720
2015	\$121,751
2014	\$115,507
2013	\$138,872
2012	\$110,466
2011	\$123,842
2010	\$111,557
2009	\$449,377
2008	\$112,760
Total =	\$1,538,093

## Appendix C. Summary of Survey Results

### Survey Overview:

The survey was developed by BWSR staff for the purpose of identifying information about the local government units' performance from both board members and staff and from the units' partner organizations. The Pioneer Sarah Creek Watershed Management Commission staff identified, at BWSR's request, their current board members, staff and the partner organizations with whom they have an on-going working relationship. BWSR staff invited those people to take the on-line survey and their responses were received and analyzed by BWSR staff. Board members and staff answered a different set of survey questions than the partners. The identity of the survey respondents is unknown to both BWSR and the LGUs.

In this case, 10 board members and staff, and 20 partner organization representatives, were invited to take the survey. Six board members/staff responded, a response rate of 60% and 8 partners responded (40%).

Both sets of responses are summarized below. Some responses were edited for clarity or brevity.

### The Pioneer Sarah Creek Watershed Management Commission Board and Staff Questions and Responses

How often does your Commission use your current management plan to guide decisions about what you do?	(response percent)
Always	60.0%
Usually	40.0%
Seldom	0.0%
Never	0.0%

#### Additional Comments:

- *Our 3rd Gen Plan is what is used to guide us on each annual work plan, which is used to guide us on each monthly agenda for our meetings and guides each city organization on how they serve the organization.*

List your organization's most successful programs and projects during the past 3-5 years.
<i>Completion of sub-watershed assessments for City of Independence and Dance Hall Creek, Adoption of Livestock Management Policy, Completion of watershed WRAPS, 5 years of Curly Leaf application in Lake Sarah, 3 community education meetings, new outlet controls for Lake Sarah and Lake Independence, Implemented new CIP and cost share policies, continued lake and stream monitoring, wetland monitoring enforcement, buffer inventory and drone surveillance, major gully restoration project approved for 2018, stabilized and improved fiscal condition of the watershed, project funding by cities significantly improved.</i>
<i>Long term funding set aside in the budget for rural and urban BMP's 3rd Generation Watershed Management Plan WRAP/TMDL plan Lake Independence, Lake Ardmore and Dance Hall Creek SWA's.</i>
<i>I would consider the PSCWMC to be following, not leading, our member cities. The successful projects have all be led by and financed at a higher percentage by member cities so I don't feel the PSCWMC deserves credit.</i>
<i>Developed Third Generation Plan Completed watershed wide TMDL, WRAPS.</i>

1. A huge success was the completion of the needed studies to fully assess our watershed priorities on a watershed wide basis. A couple of key studies to call out are the Dance Hall Creek Study for Greenfield, the Independence stormwater assessment, and the watershed wide TMDL are examples. ALL of these studies will help us to much more clearly identify specific projects that we can prioritize with the help of our Technical Advisory Committee and get onto a more meaningful CIP. These studies have also helped our cities to better capture BMP's as part of further land development - and where the developer pays for the BMP's - not the watershed. 2. The Baker Park Ravine project is a great example of a successful project identification through grant award program example. The Independence stormwater assessment study first identified this as a significant opportunity. As this Ravine and subwatershed touches directly two cities, Independence and Medina came together in partnership with Three Rivers Park District and the watershed to perform a more detailed study - and we split the cost equally 4 ways. With this second study, we had what we needed to clearly go to the grant process with a clear project. The grant was well written and am pleased to say BWSR awarded us on the first grant application. We look forward to implementing this \$520k project in 2018, with a \$406k BWSR CWL grant - and \$58k opportunity grant from the county! 3. We aligned all of our six cities to the watershed vision and mission that now will for the first time in years allow us to be a much better functioning organization. This took several years to accomplish, and included a survey to each city on whether we want to remain as a WMC, or disband and be replaced by a newly formed WMD. We also focused on meaningful administrative cost reduction - so that we could build funds for projects. Having saved up \$250k over the past 5 years, we now have over \$300k in funds able to be spent on projects! This has helped us to begin matching quality projects at 25% vs the previous standard of just 10%. We are a much better functioning organization today than we were 5 years ago. 4. We have well defended violations of the WCA over the past 3 years - and most of these violations have been head on addressed (either by the respective city - or the county) and most all of these have been restored. By taking timely and clear action with these violations, we are preventing the need for expensive restoration projects in the future. 5. We have surveyed our watershed, and held 3 formal Community Conversations where we provided a lot of education and awareness to our key agricultural and horse boarding residents, our city councils, our lake associations, and our key partners (TRPD, MPCA, BWSR, etc). At these meeting we presented on our watershed's water related issues - and we also shared what we've been doing in the form of studies and efforts leading to meaningful BMP's. We received a lot of ideas / feedback, and people now better know why we exist - what we are focusing on - and what we are now doing.

### What helped make these projects and programs successful?

*Disciplined focus on what can realistically be done in a low tax capacity watershed and focusing on successful projects with a high return on investment (ROI).*

*Project partners and member community participation and discussions.*

*The leadership of the member cities. And also perhaps some panicked and forced cooperation of the PSCWMC. Panicked and forced because the organization is afraid of being disbanded and replaced by a more effective (and costly) WMC.*

*TGP formed foundation for the organization's activities.*

*Improved alignment amongst our cities to the goals set out in our 3rd Generation Plan, more commissioners and council members attending educational workshops (like NEMO), better communication and collaboration with our key partners, a quality administrative staff that keeps us focused and informs us of what other organizations they serve are doing.*

### During the past 3-5 years, which of your organizations' programs or projects have shown little progress or been on hold?

*Best Management Practices implementation.*

*Actual BMP implementation on private property.*

*Community outreach. And the Citizens Advisory Committee has effectively been disbanded. Most of the organizations are members of city councils, who are extremely reluctant to share power with anyone else, regardless of qualifications.*

*Landowner resistance to participate in incorporating BMPs for reduce nutrient loading.*

*Am pleased to say no program has been placed "on hold". If anything, we have invested time to explore certain projects that for various reasons we have decided to wait for further development to occur - when these BMP's can be best captured cost effectively.*

### **List the reasons why the organization has had difficulty with these projects and programs.**

*Almost 100% of these projects are on private land. Finding willing participants has been slow.*

*Staffing commitment Lack of trust from the property owners Lack of focus on water resources from some member communities. More concerned about funding roads, sewer, water, etc.*

*See above.*

*Landowners are resistant to government involvement in their lives/land use.*

*In our watershed, alignment of the cities had been an issue, however, the biggest challenge now is getting agricultural landowners and/or horse boarders to cooperate and be willing to allow BMP's to evolve on their properties. However, with the Buffer Initiative rollout last year, we feel we can go back to some of these landowners to revisit BMP ideas for their property.*

### **Regarding the various organizations and agencies with which you could cooperate on projects or programs...**

#### **List the ones with which you work well already**

*Three Rivers Park District, DNR, Hennepin County, Local Cities.*

*Three Rivers Park District.*

*Three Rivers Parks, Hennepin County.*

*Hennepin County HCEE, Three Rivers Park District.*

*Three Rivers Park District, Hennepin County Environment and Energy Services, Wenck, Lake Independence Citizens Association, Lake Sarah Improvement Association, BWSR, MPCA, University of MN extension service, and Met Council.*

#### **List the ones with which better collaboration would benefit your organization**

*BWSR, Met Council, DOT.*

*NRCS.*

*Member city citizens.*

*BWSR - it has improved greatly over the years*

*The CN and BNSF railroads, the MN Dept. of Transportation, MN Dept. of Natural Resources*

**If you don't know much about your organization's working relationships with partners, enter "I don't know"**

**What steps could your organization take to increase your effectiveness in accomplishing your plan goals and objectives?**

*Area residents have to be more willing to embrace doing projects. Many people question the ability to improve the environment with the strategies advocated by state departments and feel a lot of money is wasted. People also against unfunded mandates by the State of MN.*

*Hire staff for BMP implementation on private lands and for grant funding.*

*Lead rather than follow member cities. Increase the budget to actually spearhead some worthwhile project, rather than wait for funding from other organizations. And increase our financial contributions to more than 10 percent.*

*Be willing to increase operating budget to fund projects.*

*1. We have an opportunity to restore more wetlands in our watershed, and we need to raise the awareness to the wetland banking credit and/or easement programs to help educate and incent the landowners in our watershed. We are this year working with Ben Carlson of BWSR and Jim Kujawa, Karen Gallus, Tony Brough, and Kirsten Barta of Hennepin County to raise this awareness - and are considering a public wetland credit educational meeting for targeted landowners. 2. We need to find a way to get more agricultural landowners and horse boarders supportive of conservation efforts.*

How long have you been with the organization?	(response percent)
Less than 5 years	20.0%
5 to 10 years	60.0%
More than 15 years	20.0%

## Pioneer Sarah Creek Watershed Management Commission Partner Organization Questions and Responses

**Question: How often have you interacted with this organization during the past two to three years? Select the response closest to your experience.**

	(response percent)
Not at all	0.0%
A few times	25.0%
Several times a year	37.5%
Monthly	25.0%
Almost every week	12.5%
Daily	0.0%

If you chose not all, when was the last time you interacted with the organization? N/A

Is the amount of work you do in partnership with this organization...	(percent)
Not enough, there is potential for us to do more together	25.0%
About right	62.5%



<b>Too much, they depend on us</b> for work they should be doing themselves	12.5%
<b>Too much, we depend on them</b> for work we should be doing ourselves or with others	0.0%

**Other (Please explain):**

- *They are not very good at reaching out, organizing, hosting public events. Seem to be content with administering.*

Based on your experience, please rate the efforts of the subject organization in the following areas:					
Performance Characteristic	Rating (percent of responses)				
	Strong	Good	Acceptable	Poor	I don't know
<b>Communication</b> <i>(they keep us informed; we know their activities; they seek our input)</i>	12.5%	25.0%	50.0%	12.5%	0%
<b>Quality of work</b> <i>(they have good projects and programs; good service delivery)</i>	12.5%	25.0%	25.0%	25.0%	12.5%
<b>Relationships with Customers</b> <i>(they work well with landowners and clients)</i>	12.5%	12.5%	37.5%	12.5%	25.0%
<b>Initiative</b> <i>(they are willing to take on new projects, try new ideas)</i>	12.5%	25.0%	12.5%	50.0%	0%
<b>Timelines/Follow-through</b> <i>(they are reliable and meet deadlines)</i>	12.5%	12.5%	62.5%	12.5%	0%

How is your working relationship with this organization?	(percent)
<b>Powerful, we are more effective working together</b>	0.0%
<b>Strong, we work well together most of the time</b>	25.0%
<b>Good, but it could be better</b>	12.5%
<b>Acceptable, but a struggle at times</b>	50.0%
<b>Poor, there are almost always difficulties</b>	12.5%
<b>Non-existent, we don't work with this organization</b>	0.0%

**Comments from Partners about their working relationship with the Pioneer Sarah Creek Watershed Management Commission.**

- *Not difficulties. They do mostly urban projects, basically make sure storm runoff controls are in place, etc. It's seem pretty much by the book regulatory stuff.*
- *Additional dialogue could be helpful in identifying projects/funding sources.*

**Do you have additional thoughts about how the “subject” organization could be more effective?**

*Have dedicated staff to assist in grant writing, work with landowners to implement projects, and make progress towards goals outlined in watershed management plan and CIP.*

*A lot of work is put into developing projects and ideas that the organization doesn't implement, they are too stuck in their own vision of how things should work, or their own city to look around and see cooperative opportunities a lot of the time. They also are not reliable to follow up on assignments, spend a lot of time squabbling over money, and don't listen to the advice given to them by subject matter experts.*

*Seems that the watershed is reaching out to larger land owners, but they don't want to participate.*

*Non-point source pollution is not point source. Somehow they need to reach out to all landowners as everyone needs to prevent runoff from their property. It is about people and process, not rules not BMPs.*

*The Commission would benefit greatly from identifying landowners that can be champions for the watershed. If there are residents or cities that can be demonstrated as leaders, this could translate into improved implementation.*

**How long have you been with your current organization?**

Answer Options	Response Percent	Response Count
Less than 5 years	50.0%	4
5 to 15 years	37.5%	3
more than 15 years	12.5%	1



## Appendix D. Wetland Conservation Act Report

### Wetland Conservation Act Administrative Review Report

**Report Prepared for:** Pioneer-Sarah Creek WMC (PSCWMC)

**Report Date:** June 19, 2018

**Prepared by:** Ben Carlson, BWSR Wetland Specialist

Ben Meyer, BWSR Wetland Specialist

### Introduction

In 1991, the Legislature passed the Wetland Conservation Act (WCA) in order to achieve a no-net loss in the quantity, quality, and biological diversity of Minnesota's wetlands. In doing so, they designated certain implementation responsibilities to local government units (LGUs) and soil and water conservation districts (SWCDs) with the Board of Water and Soil Resources (BWSR) to provide oversight. One oversight mechanism is an administrative review of how LGUs and SWCDs are carrying out their responsibilities.

BWSR uses the administrative review process to evaluate LGU and SWCD performance related to their responsibilities under the WCA. The review is intended to determine if an LGU or SWCD is fulfilling their responsibilities under WCA and to provide recommendations for improvement as applicable.

This review has been conducted in conjunction with the PRAP process, a summary of which is provided in the overall PRAP report.

### Methods

Data for this report was collected via direct interview(s) with staff, a review of an appropriate number and type of project files, a review of existing documentation on file (i.e. annual reporting/resolutions), and through prior BWSR staff experience/interaction with the LGU or SWCD. In some cases, a project site review may be necessary. Generally, interviews, project file reviews and site visits were done with two BWSR staff on agreed upon dates.

A copy of the questions and form(s) used during the data collection phase are located in *Attachment A*.

### Specific Methods

BWSR Staff interviewed Jim Kujawa, Pioneer-Sarah Creek WMC (PSCWMC) representative on May 29, 2018. The interview occurred at the Hennepin County Environmental Services office and included Ben Carlson and Ben Meyer, BWSR Wetland Specialists. In addition to the data forms collected (Attachment A), a number of project files were reviewed (summaries located in Attachment B). The review occurred prior to and during the interview and included project files each representing no loss, exemptions, and replacement plans decisions. One enforcement case and one wetland boundary/road replacement project were also reviewed. All of these projects/investigations occurred within the last three years. District staff also provided copies of the 1993 joint powers board resolution with the Cities of Greenfield and Loretto designating the Pioneer-Sarah Creek WMC as the WCA LGU and identifying the local appeals board. A resolution for the City of Maple Plain was not available. No project site visits were required or conducted.

Compliance with Performance Standards are ranked from “Does not meet minimum requirements”, “Meets minimum requirements but needs improvement”, to “Effectively implementing the program”. If necessary, recommendations to further improve implementation are listed.

## WCA Report Summary and Recommendations

### A. Administration

Pioneer-Sarah Creek WMC currently administers WCA as LGU for the Cities of Greenfield, Loretto, and Maple Plain. District staff are well trained and experienced and provide a high level of service to landowners, local road authorities, project consultants, County staff, and other agencies in navigating through the rule in order to comply with WCA. The following is a breakdown of specific administration categories, performance, and recommendations.

#### WCA Performance Standard 1- PSCWMC has an adopting resolution assuming WCA responsibilities and appropriate decision resolutions as warranted.

The WCA allows implementation of the rule to be delegated from a county or city to the WMC. To formalize this, both parties must pass/sign a suitable resolution identifying this. This has occurred and has been provided via two resolutions from 1993 for the Cities of Greenfield and Loretto. Both documents were done in 1993 and are still valid. However, staff and BWSR have not located these same required resolutions for the City of Maple Plain. Discussion of this has occurred between the BWSR WS and the PSCWMC staff and rather than additional searching, new resolutions will be sought between this city and the WMC. This will also be used as an opportunity to educate this cities on the basics of WCA.

WCA allows staff to make all decisions and determinations as needed to administer the rule. This may occur through resolution, rule or ordinance. Currently, staff has the authority to approve type and boundary applications, no-loss, and exemptions that involve impacts 2,000 square feet or less. Replacement Plan Applications are reviewed by the Commission Board as documented in the resolution dated June 27<sup>th</sup>, 1996.

It is likely these documents (for Maple Plain) were once completed and simply failed to be located during the review period for this WCA PRAP. Template resolutions are available and can be provided to the LGU. The LGU has a general plan in place to correct these areas with BWSR staff able to assist as needed.

Finally, during review and discussion, it was noted that a local appeals process is in existence for staff decisions, however, the makeup of the appeals process was uncertain. Though very infrequent, the make-up of this body should be clarified should a local appeals board be desired. Alternatively, Statute changes in 2011 now allow an appeal of a staff decision to go directly to BWSR.

**This performance standard meets minimum requirements in the cities of Greenfield and Loretto, but needs improvement for the City of Maple Plain.**

#### **Recommendations:**

- 1) **The WMC should seek to execute a resolution with the City of Maple Plain.** This will affirm the WMC as the WCA LGU in this city. The city may be required to formally adopt WCA by resolution. Often both of these items can occur via one document. Templates are available for these actions and are located in Appendix B. BWSR staff can assist in completing this recommendation. It is desired that this be completed within 6-12 months of this report.

- 2) **The WMC should consider clarifying the appropriate appeal path of a staff decision in WMC Policy.** Options may include keeping the local appeal board, but clarifying the make-up of this body or directing all appeals of a staff decision to BWSR as allowed by Statute. Other options may also exist.

**WCA Performance Standard 2 - LGU has a knowledgeable and trained staff member that manages the WCA program and/or has secured a qualified delegate.**

The LGU currently has very extensive experience administering the WCA program with over 20 years of experience. The LGU is involved in the program and works to process applications, investigate and resolve violations, and provide technical services and assistance to landowners/road authorities. Staff is not WDCP certified, however, has attended educational and training sessions in the past and actively contributes to technical and administrative discussion via the TEP process. This key staff member, however, has submitted their intent to retire. The proposed plan is to delegate LGU authority back to the cities of Greenfield, Loretto, and Maple Plain in the next 1-2 years.

**This meets the minimum requirements but needs improvement.**

**Recommendations:**

- 1) **WMC Staff should obtain WDCP certification.** It is desired that this be completed if WMC staff will retain LGU duties beyond the next two years.

**WCA Performance Standard 3- WMC has Technical professional appointed and serving on WCA TEP**

The WMC is the WCA LGU and coordinates TEP. In addition to experience, the LGU has formal natural resource education and attends training events on both the administrative and technical aspects of wetland management. The LGU effectively utilizes TEP with regular meetings, office reviews and frequent communication among members.

**This District is effectively implementing this standard.**

**B. Execution and Coordination**

With a moderate number of WCA applications being processed, occasional enforcement investigations, and substantial number of programs being handled by the Pioneer-Sarah Creek WMC, District staff handle the WCA program in an effective manner. Below is specific performance category summaries along with current performance and recommendations.

**WCA Performance Standard 4- WCA decisions and determinations made in conformance with all WCA requirements.**

The WCA can be administratively heavy with specific notification requirements, required timeframes for these notifications/decisions, and the use of specific forms, annual reporting requirements, and record keeping. Add to this the often technically heavy delineation requirements and insuring conformance is met can be challenging. However, during the project review, compliance was met with few exceptions.

Project file review indicated notice of applications and final decisions were mostly made within M.S. 15.99 requirements. In addition, the notice of applications was utilized when required as well as when the LGU desired further TEP input due to case complexity. Annual reports are submitted as required and records are retained



indefinitely via electronic format. Specific review of the notice of decision documents revealed the use of TEP recommendations occurs during decision making.

The only item requiring improvement is to consistently comply with M.A 15.99 requirements. This is discussed below along with a number of recommendations to strengthen the record, improve tracking and support the solid decisions already demonstrated by staff.

**This meets the minimum requirements but needs improvement.**

**Recommendations:**

- 1) Consider date stamping all incoming applications.** In order to meet M.S. 15.99 timeframes, a decision is required within 60 days (or as extended) on all applications. While most project files reviewed were identified as meeting this, the actual date of application receipt was not clear. Using a date stamp will insure the record is complete and staff can track this easier. One solution is to indicate the date the application was received in the Notice of Application summary.
- 2) The LGU made decisions within the 60-day timeframe on all applications except for Replacement Plan Application (RPA).** This may be a product of RPA's having to go to the Commission for approval and they meet monthly. If this is the case, simply request an extension of the 60-day timeframe in order to make a decision.
- 3) Consider including the Parcel ID number on the decision document and utilizing this number for record retention.** While land ownership changes may occur often over time, the county issued Parcel ID number remains relatively constant. This promotes consistency and helps staff track what wetland related project may have occurred on the property. Using this number when electronically filing the project goes one step further and allows easy search and retrieval in the future. In addition, the County website has this information easily available and is in the project files already.

**WCA Performance Standard 5 – WCA TEP reviews and Recommendations are appropriately coordinated.**

TEP meetings are scheduled as needed. In general, these occur as needed and typically less than 10 meetings per year. In some case, site visits may occur to evaluate a project or enforcement situation. Often these meetings result in a TEP recommendation or at least input on a particular project. Formal findings of fact and/or recommendations, though rare, are drafted for controversial situations and/or as required (i.e. banking deposits). When formal findings are not developed, the LGU still considers input for decision making and most often agrees with the TEP recommendation. The TEP meetings and results are well coordinated.

**The WMC is effectively implementing the standard.**

**WCA Performance Standard 6 – Certified wetland delineator on staff or retainer.**

Though the WMC staff has over 20 years of experience, no one on the PSCWMC staff is a certified wetland delineator. Being a certified wetland delineator is beneficial and demonstrates a willingness to keep up to date with the state of delineation science and practices.

**The WMC does not meet minimum requirements. However, staff has indicated that he will likely be retiring in the next 2-3 years and the WMC plans to delegate LGU authority back to the cities.**

**WCA Performance Standard 7 – Replacement and restoration orders are prepared in conformance with WCA.**

One enforcement case was reviewed along with past BWSR WS involvement on other cases. Restoration orders are well written, understandable and directed at obtaining pre-project conditions. LGU is also extremely prompt at responding to potential violations, often within days of being notified. In addition, TEP is involved to provide support and recommendations in difficult situations or technically complex cases. In general, enforcement is handled via formal processes to prevent stalling of restoration and keep the process moving forward. LGU has also demonstrated good communication with the landowner, DNR enforcement, TEP and County staff to insure compliance. Certificates of Satisfactory restoration are also completed and in the file successfully closing the case. The District does a very thorough job of enforcement.

**The LGU is effectively implementing this standard** and is often very successful at achieving restoration in a timely manner. This is not always easy given the difficulties inherent with violation situations. The recommendation below has been added to strengthen the record.

**WCA Performance Standard 8 – WCA TEP member is knowledgeable/trained in WCA technical aspects.**

See Performance Standard #2, 3, 5 & 6.

**The LGU is effectively meeting this standard, see notes regarding WDCP certification..**

**WCA Performance Standard 9 – WCA TEP member contributes to TEP reviews, findings & recommendations.**

See Performance Standard #2, 3, 5 & 6.

**The LGU is effectively meeting this standard.**

## Appendix E. LGU Comment Letter



September 20, 2018

Minnesota Board of Water and Soil Resources  
520 Lafayette Road North  
St. Paul, Minnesota 55155

Re: 2018 Level II Performance Review  
Appendix E, LGU Comment Letter

Dear Representatives:

The Commissioners and Staff of the Pioneer-Sarah Creek Watershed Management Commission accept the BWSR Level II Performance Review as summarized in your report dated July 5, 2018. The participants found this to be an informative and educational process and appreciate BWSR's comments and feedback.

The review contained three specific recommendations to enhance the Commission's service and its delivery of effective water and related land resource management.

**Recommendation 1: Develop and implement training plan for each board member.** New programs and increasing water management expectations for local governments require a commitment to continued training. This recommendation suggests that new board members are provided with orientation training and all board members have an individual training plan for continuing education in leadership, organizational management and water resource management. The individualized training plan would provide a means of ensuring that staff and board members can continue to build the knowledge and skills necessary to carry out duties and responsibilities.

*In past years Staff met with new board members to discuss the role of the Commission and their responsibilities as Commissioners. Commissioner handbooks were distributed to the new members and updates to the handbook were provided to returning members. This training session usually lasted about two hours and gave the attendees a primer from which to build their knowledge. Staff recommends that the handbooks be updated and this training be reinstated. Staff also recommends, when "new stuff" that could affect future actions of the Commission is introduced, that a short time be set aside prior to regular meetings so that members can be introduced to the "new stuff" and learn its impacts on Commission business. Example: the recent BWSR Watershed-based Funding.*

**Recommendation 2: Make water quality data and trends easily accessible to the public.** The WMC and its partners are currently doing a comprehensive job of monitoring area lakes and streams, and specific water quality goals have been identified for many of the water bodies. While the WMC does produce an annual Water Quality Report, and the LGU has recently updated their website to report lake water quality data in a GIS based format, it is still very difficult to locate information about water quality trends, particularly lake trends, from the WMC website. The website should be updated to make information

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September 20, 2018  
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about water quality trends in area lakes available in easy to understand and access formats. Annual reports posted on the website should also contain information on water quality trends.

*The Annual Report will be expanded to include lake water quality trends. In turn, this information will be uploaded to a reorganized Lakes section on the website. Staff will work with Three Rivers Park District and the Metropolitan Council to achieve this goal.*

**Recommendation 3: Conduct a strategic planning initiative and workload analysis to assess the WMC's ability to comply with the 8410.0105 Subpart 1, and 8410.0140 Subpart 1. C. requirements that the WMC shall evaluate progress for the implementation of plan actions at a minimum of every two years.** The goals in the current water management plan are related to resource outcomes. However, efforts to measure the effects of projects on those resources are not apparent. The Commission should evaluate progress at a minimum every two years as required in rule, and make sure to measure outcomes, not just outputs, and report on progress toward achieving resource improvement. BWSR PRAP Assistance Grant funds may be available to partially fund such an assessment.

*Currently, the Commission reviews its current year's Annual Work Plan at year-end, describing whether tasks have been performed/accomplished. Future evaluations will be enhanced to more clearly describe actual progress made in achieving improvement in resource management. "Fact sheets" will be created for projects undertaken and completed by the Commission.*

*The Commission develops next year's Annual Work Plan at the year's onset. Tasks will be written with more specificity and include more clearly stated goals by which to evaluate success. Where appropriate, "next steps" will be included.*

Please contact the Commission's Administrator, Judie Anderson, at the number or email above with any questions regarding this response.

Sincerely,

Joseph M. Baker  
Chairman

JEB:ja

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## Appendix F. Program Data

### Time required to complete this review

Pioneer Sarah Creek WMC Staff: 30 Hours

BWSR Staff: 72 Hours

#### BWSR PRAP Performance Review Key Dates

- April 19, 2018: Initial Meeting with Staff and Board
- May 2, 2018: Survey of Board/Committee, staff and partners
- July 19, 2018: Presentation of Draft Report to Board/Committee and staff
- October 2018: Transmittal of Final Report to LGU

NOTE: BWSR uses review time as a surrogate for tracking total program costs. Time required for PRAP performance reviews is aggregated and included in BWSR's annual PRAP report to the Minnesota Legislature.



**From:** Lucius N. Jonett <ljonett@wenck.com>  
**Sent:** Wednesday, October 24, 2018 11:35 AM  
**To:** Vlach, Brian <Brian.Vlach@threeriversparks.org>; Judie Anderson <Judie@jass.biz>; 'James.Kujawa@hennepin.us' <James.Kujawa@hennepin.us>  
**Cc:** Ed A. Matthiesen <ematthiesen@wenck.com>; Meaghan E. Watson <mwatson@wenck.com>  
**Subject:** Baker Ravine Stabilization Project Update 10-24-2018

Brian, Judie, and Jim,

#### Accomplished Since Last Project Update (09-25-2018)

- Have submitted all permit applications. Sounds like PSCWMC has not received the email. We resent again yesterday and are looking for confirmation that the permit was received.
- Presented the project history, design, similar project examples and timeline to the Watershed Management Commission on October 18.
- Have made the presentation files available to the Watershed commissioners to review, share with other, etc.
- Sent draft specifications to Brian to review and respond to the questions we had for Three Rivers on the specifications. The biggest missing piece is the contract dates which we will figure out when we receive the Army Corp permit and coordinate with Three River Parks District Commissioners meeting schedules for the required approvals.

#### Will Accomplish this week:

- Continue to answer permit reviewer questions as they come up.
- No additional work planned at this time until Brian completes his review of the specifications or we get comments back from the permit reviews.

#### Permit Application Status:

- City of Medina (WCA LGU) Notice of Decision approving the wetland boundary and type received 9-22-18.
- MN DNR Public Waters Permit – No permit needed.
- US Army Corps Joint Application – Submitted 9-21-18.
- Pioneer Sarah Creek WMC – Submitted 9-26-18. Resent 10-23-18, looking for confirmation.

#### Schedule

- 09-28-18 Pioneer Sarah and Corps Joint Permit application submitted.
- 09-28-18 Construction plans and SWPPP completed.
- 10-19-18 Draft technical Specifications completed and submitted for review.
- 03-29-19 Hopefully all permits are in hand so we can bid the project.
- 04-xx-19 TRPD Board meeting to approve project and go out for bids.
- 04-xy-19 Post plans and specifications to QuestCDN (and publish in newspapers?)
- 04-xz-19 Pre-bid meeting
- 05-xx-19 Publicly open bids (at TRPD office?)
- 05-xy-19 TRPD Board meeting to accept bids and award the project.
- 10-21-19 Construction can begin. Once the contractor starts, the contractor will have 8 weeks to substantially complete the project.
- 03-29-20 Substantial Completion – Meaning all tree removal, grading, rock installation and erosion controls will need to be complete.
- 05-31-20 Final Completion – Meaning all revegetation work (reseeding, planting shrubs, trees and turf restoration) will need to be complete.

#### Project Input Needed

- Confirmation from PSCWMC that the permit was received. If it has not, we will stop using email and will provide a download link to our file transfer site.

#### Other Issues/Concerns

- None

If anyone has questions on this progress report, please let me know.

Thank you,

**Lucius Jonett, PLA (MN, ND, IA)**

*Landscape Architect, Water Resources / Associate*



Responsive partner.  
Exceptional outcomes.

[ljonett@wenck.com](mailto:ljonett@wenck.com) | D **763.479.4254** | C **715.207.9850**

1800 Pioneer Creek Center | Maple Plain, MN 55359



***DRAFT***  
**City of Independence**  
**Manure Management Policy**

**1. Determination of Need and Introduction**

The City of Independence has determined that it is in the best interest of the residents for the City that all commercial riding stables prepare and maintain a manure management plan. The plan will provide detailed information pertaining to the management of manure generated from the commercial riding stable.

**2. Manure Management Best Practices**

The City has developed the following best management practices that shall be used in the preparation of the manure management plan:

- A. Animal unit density should be based on the buildable, upland acres of a property. Existing and proposed building areas, parking areas as well as wetlands, steep slopes and other natural impediments should be subtracted from the total acreage.
- B. Each animal unit shall have 1/3 of an acre of grazable pasture. If the grazable pasture area restricts the number of animal units, the lesser number should be used to determine the maximum number of animal units permitted.
  - a. The applicant shall manage the pasture areas by rotating their use during the growing months. A minimum of 70 percent vegetative cover shall be maintained on the pasture areas during the growing season. The City shall determine the 70% coverage by using a dimensional transect method.
- C. Manure management shall be addressed using one of the following methods:
  - a. Contain manure on-site and remove manure from the property by taking off-site.
  - b. Contain manure on-site and compost by using an approved compost system.
  - c. Contain manure on-site and land apply manure.
- D. Land application of manure shall consider the following best practices:
  - a. Time of year – manure shall not be land applied to frozen ground.

- b. Setbacks from wetlands, steep slopes, drainage ditches/creeks/other water resources – a minimum of a twenty-five (25) foot setback shall be maintained for all land applications.
- c. Shoreland Overlay – no land application of manure shall be permitted in the shoreland overlay zoning district.
- d. Manure Containment - detailed plans for the manure containment area, including the type of surface and or structure to be used for manure storage. Manure containment areas shall be impervious and located in an area which avoids direct run-off into wetlands, drainage swales and other similar water resource areas.
- e. Soil Testing – the City will review the plan and may require that prior to land application of manure, the soil will be tested to determine the existing level of nutrients. The City will review the site and determine the best locations for testing. Test samples should be taken at a rate of three samples for each twenty acres. Based on the University of Minnesota recommended maximum nutrient levels for in-situ phosphorous concentration, (the phosphorous uptake from the vegetation) the applicant may not be permitted to land apply the manure until such time as the phosphorus levels decrease.

### **3. Plan Requirements**

The manure management plan shall address and provide information relating to the following:

- A. Site Plan – Provide a scaled site plan indicating the location of the manure containment area, existing natural resources (wetlands, drainage swales, wooded areas, etc.), two-foot contours, pasture areas, and existing and proposed structures.
- B. Manure Containment - Detailed plans for the manure containment area, including the type of surface and or structure to be used for manure storage.
- C. Buffer Areas – Indicate on the plan the twenty-five-foot buffer setback from wetlands and drainage swales.