



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

May 12, 2021

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, May 20, 2021, at 6:00 p.m. This will be a **virtual** meeting.

Until further notice, all meetings will be held online to reduce the spread of COVID-19. **To join a meeting, click** <https://us02web.zoom.us/j/845974640?pwd=YTFON1hMaXdRRXdzL1lyREw1ak5rQT09>, which takes you directly to the meeting.

**OR,** go to [www.zoom.us](http://www.zoom.us) and click **Join A Meeting**. Meeting ID is **845 974 640**. The passcode for this meeting is **water**.

If your computer is not equipped with audio capability, dial into one of the numbers below with **passcode 978624**.

+1 929 205 6099 US (New York)  
+1 669 900 6833 US (San Jose)  
+1 253 215 8782 US

+1 312 626 6799 US (Chicago)  
+1 346 248 7799 US (Houston)  
+1 301 715 8592 US

Meetings remain open to the public via the instructions above.

In order to ensure a quorum for the regular meeting, please telephone 763.553.1144 or email me at [amy@jass.biz](mailto:amy@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 the meeting

Regards,

Amy A. Juntunen, Administrator  
AAJ:tim

cc: Alternates  
Paul Stewart, Kris Guentzel, HCEE  
Brian Vlach, TRPD  
Joel Jamnik, Attorney  
Diane Spector, Wenck Assocs.

Andrew Vistad, Kaci Fisher, Hakanson-Anderson  
City Clerks  
Met Council  
official newspapers  
MPCA  
BWSR  
DNR

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763.553.1144 • Fax: 763.553.9326 • judie@jass.biz • www.pioneersarahcreek.org

## REGULAR MEETING AGENDA

**May 20, 2021 • 6:00 p.m.**

*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. April meeting minutes.\*
  - b. May Claims/Treasurer's Report.\*
4. Open forum.
5. Action Items.
  - a. 2021 Hennepin County Cooperative Agreement.\*
  - b. Approve Non-Waiver of Municipal Tort Liability limit.\*
  - c. Discuss, accept proposed 2022 Operating Budget.\*
    - 1) Member Assessments.\*
6. Old Business.
7. New Business.
8. Watershed Management Plan.
9. Education.
10. Grant Updates.
11. Communications.
12. Staff Reports.
  - a. HCEE Report.\*
13. Commissioner Reports.
14. Other Business.
15. Adjournment. (Next scheduled meeting: June 17, 2021).

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## Watershed Management Commission

ADMINISTRATIVE OFFICE: 3235 Fernbrook Lane N • Plymouth, MN 55447  
763.553.1144 • Fax: 763.553.9326 • judie@jass.biz • www.pioneersarahcreek.org

### REGULAR MEETING

#### Minutes

April 15, 2021

1. **CALL TO ORDER.** A virtual meeting of the Pioneer-Sarah Creek Watershed Management Commission was called to order at 6:03 p.m., Thursday, April 15, 2021, by Chair Joe Baker.

Present: Mark Workcuff, Greenfield; Joe Baker, Independence; Brenda Daniels, Loretto; Caitlin Cahill, Maple Plain; Pat Wulff, Medina; John Tschumperlin, Minnetrista; Andrew Vistad, Hakanson-Anderson; Kris Guentzel and Paul Stewart, Hennepin County Environment and Energy (HCEE); Brian Vlach, Three Rivers Park District (TRPD); and Judie Anderson, JASS.

Also Present: Kyal Klawitter, Greenfield; and Scott Johnson, Medina.

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

3. **CONSENT AGENDA.** Motion by Cahill, second by Wulff to approve the Consent Agenda as presented.

a. **March Regular Meeting Minutes.\***

b. **April Treasurer's Report/Monthly Claims \*** totaling \$5,678.98.

*Motion carried unanimously.*

4. **OPEN FORUM.**

5. **ACTION ITEMS.**

a. **Project Review 2021-001 CenterPoint Energy Gas Main, Maple Plain.\*** The applicant is proposing to install a section of gas main along Highway 12. The gas main will be installed by horizontal directional drilling which is a trenchless method. The method does require some pits to be excavated to make the connection between gas main sections. Some of the pit locations are within floodplain and wetland buffers. The project will also require some dewatering, which entails pumping water from either the excavated pits or adjacent wells to lower the ground water to facilitate connections. This project was reviewed for Rules E and I. Staff recommends approval with no conditions. Motion by Tschumperlin, second by Cahill to approve project 2021-001. *Motion carried unanimously.*

b. **2021-002 CSAH 92 Culvert Replacements, Independence and Minnetrista.\*** Hennepin County is proposing roadway reconstruction for a section of CSAH 92. In conjunction with the roadway work multiple culverts are proposed to be replaced. The culvert replacements will be in-kind and no hydraulic or hydrologic changes are proposed with this project. One cattle crossing structure is proposed to be removed. This project was reviewed for Rules D and E. Staff recommends approval with no conditions. Motion by Cahill, second by Tschumperlin to approve project 2021-002. *Motion carried unanimously.*

c. **2020 Annual Activity Report.\*** Motion by Cahill, second by Workcuff to accept the 2020 Annual Activity Report with the following revisions:

- 1) Name Wulff as the Medina commissioner
- 2) Replace the project review sheet with the completed spreadsheet
- 3) Include Baker's edit as submitted to Amy Juntunen.

*Motion carried unanimously.*

Greenfield • Independence • Loretto • Maple Plain • Medina • Minnetrista

\*Included in meeting packet.

d. **Selection of Budget Committee.** Following discussion, it was a consensus to conduct the Budget Committee meeting as a meeting of the whole. It was scheduled for 4:30 p.m., May 20, 2021, prior to the regular meeting. Notice of the meeting will be posted on the Commission's official bulletin board. Juntunen will draft a preliminary working budget and distribute it to the members prior to the meeting.

6. **OLD BUSINESS.**

**2021 HCEE Cooperative Agreement.\*** If Commissioners have any additional comments on the draft cooperative agreement presented at the March meeting, they are asked to provide that feedback to Guentzel by the end of April. Due to delays getting consulting costs related to subwatershed assessment studies, County staff were not able to finalize the agreement for action at this meeting but hope to have it available for action at the May meeting. Details of the agreement were itemized in the March minutes. The entire Cooperative Agreement has a not-to-exceed amount of \$229,621.

7. **NEW BUSINESS.**

8. **WATERSHED MANAGEMENT PLAN.**

9. **EDUCATION.**

10. **GRANT UPDATES.**

11. **COMMUNICATIONS.**

12. **REPORTS.**

a. **Engineer's Report.\*** Vistad met with HCEE staff on site on October 19 at a gully leading into Lake Sarah. The gully is currently dry due to low rainfall in the fall. They were requested to examine the site and determine if a project is possible and the potential scope of the project. Based on previous projects completed, it is estimated that stabilization with rock would cost approximately \$100 per linear foot. There is roughly 400 linear feet of bank that would benefit from stabilization and armoring.

b. **HCEE Report.\*** Items discussed in the report included the Services Agreement (Item 6, above); South Fork and North Fork Crow River WBIF workplans which are currently under review by BWSR; Dance Hall Creek SWA project proposals; and the Hennepin County annual tree sale.

The Zuhrah Shriners have met onsite with NRCS staff to review pasture management and BMPs outside of the drainage system. Staff continues to consult with the Horsemen on wetland permitting related to a desire to shift the location of a crossing between the barn and pasture areas to the west. Staff are also continuing to make efforts to initiate contact with the landowners to the north who will be critical of any projects to manage stormwater from the Zuhrah site.

A number of individual landowner outreach projects were described in the report.

Three grant programs were also described:

1) **Environmental education grants.** Funding is available to support organizations in educating and motivating residents to become environmental stewards and take environmentally friendly actions. Green Partners environmental education grants are available to nonprofit organizations, community groups, youth programs, schools, congregations, early childhood family education programs, and park districts. Applications are being accepted until May 6, 2021. <https://www.hennepin.us/greenpartners> For more information, contact Patience Caso at [patience.caso@hennepin.us](mailto:patience.caso@hennepin.us) or 612-348-9352.

2) **Contaminated land cleanup grants.** Grants are available for the assessment and clean-

up of contaminated sites where the added environmental costs hinder site improvements or redevelopment. Environmental Response Fund grants are available to cities, local public entities including economic development agencies and housing and redevelopment authorities, nonprofit organizations, and for-profit businesses. <https://www.hennepin.us/business/property/brownfields#environmental-response-fund-grant>. Applications are being accepted until May 3, 2021. Prior to applying, contact [brownfields@hennepin.us](mailto:brownfields@hennepin.us) to discuss your project and funding needs.

**3) Grants for deconstruction to salvage building materials.** Framing being taken apart during deconstruction project. Funding is available for building projects that use deconstruction techniques instead of standard demolition to remove materials during the destruction, alteration, or renovation of a building. In a deconstruction project, a building is taken apart mostly by hand, and materials are sorted into categories for efficient recycling and reuse. Property owners and developers can receive up to \$5,000 to help offset the additional time and labor costs associated with deconstruction. Grants are available for demolition or renovation projects on residential properties up to 4 units that are 500 square feet or larger on structures built prior to 1970. Learn more and apply at <https://www.hennepin.us/deconstruction>.

### 13. COMMISSIONER REPORTS.

**a. Medina.** Wulff reported that the Lake Independence Citizen Association's annual meeting will be held this year in person on May 8 at 1:00 p.m. at Camp Ihduhapi. The meeting will be held outdoors in one of the camp's covered pavilions. To conform to guidelines established for larger groups, ice cream and beverages will not be served. LICA is planning to have at least one guest speaker.

**b. Independence.** Baker reported that the Lake Sarah Improvement Association applied for DNR AIS grants for the first time as both the west bay and east bay lake ID's. Each application was awarded a grant of \$5,000.

### 14. OTHER BUSINESS.

The **next regular meeting** is scheduled for May 20, 2021 and will be held online again via Zoom link <https://zoom.us/j/845974640>.

**15. ADJOURNMENT.** There being no further business, motion by Daniels, second by Baker to adjourn. *Motion carried unanimously.* The meeting was adjourned at 6:42 p.m.

Respectfully submitted,



Judie A. Anderson  
Recording Secretary  
JAA:tim

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**Pioneer-Sarah Creek Watershed**  
**Cash Disbursements Journal**  
**For the Period From May 1, 2021 to May 31, 2021**

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>
5/20/21		50100	Project Reviews	2,461.00	
		10100	Hakanson Anderson Associates, Inc.		2,461.00
5/20/21		51100	Administration	1,145.09	
		51100	Meeting-related	797.58	
		51100	Bookkeeping/TR/Audit Prep	458.77	
		51100	Annual Budget	172.90	
		51100	Annual Report/Work Plans	200.65	
		51400	Website	100.53	
		57000	Education	35.00	
		10100	Judie Anderson's Secretarial Service		2,910.52
<b>Total</b>				<b>5,371.52</b>	<b>5,371.52</b>



3601 Thurston Avenue  
Suite 101  
Anoka, MN 55303

Pioneer Sarah Watershed Management Commission  
3235 Fernbroke Lane  
Plymouth, MN 55447

Invoice number 45841  
Date 04/26/2021

Project **PSC201 NIKE STORAGE SITE**

Professional Services Provided Through 03/31/2021

#### **MUNICIPAL REVIEW**

##### Professional Fees

	Date	Hours	Rate	Billed Amount
Andrew Vistad	03/10/2021	2.00	92.00	184.00
<i>REVIEW STORMWATER MAINTENANCE AGREEMENT</i>				
<b>PROFESSIONAL FEES SUBTOTAL</b>				<b>184.00</b>
<b>MUNICIPAL REVIEW SUBTOTAL</b>				<b>184.00</b>
<b>AMOUNT DUE THIS INVOICE</b>				<b>184.00</b>

Invoice Summary	Current Billed	Prior Billed	Total Billed
Total	184.00	3,312.00	3,496.00



3601 Thurston Avenue  
Suite 101  
Anoka, MN 55303

Pioneer Sarah Watershed Management Commission  
3235 Fernbroke Lane  
Plymouth, MN 55447

Invoice number 45842  
Date 04/26/2021

Project **PSC206 2020-007 CSAH & TH12  
SAFETY IMPROVEMENTS**

Professional Services Provided Through 03/31/2021

## MUNICIPAL REVIEW

### Professional Fees

	Date	Hours	Rate	Billed Amount
Andrew Vistad <i>HIGHWAY IMPROVEMENTS REVIEW NUMBER 2</i>	03/03/2021	9.25	92.00	851.00
Andrew Vistad <i>HIGHWAY IMPROVEMENTS REVIEW NUMBER 2</i>	03/04/2021	8.00	92.00	736.00
PROFESSIONAL FEES SUBTOTAL				1,587.00
MUNICIPAL REVIEW SUBTOTAL				1,587.00
AMOUNT DUE THIS INVOICE				1,587.00

Invoice Summary		Current Billed	Prior Billed	Total Billed
	Total	1,587.00	3,105.00	4,692.00





3601 Thurston Avenue  
Suite 101  
Anoka, MN 55303

Pioneer Sarah Watershed Management Commission  
3235 Fernbroke Lane  
Plymouth, MN 55447

Invoice number 45843  
Date 04/26/2021

Project **PSC901-2021 GENERAL ENGINEERING  
FOR PIONEER SARAH WMC 2021**

Professional Services Provided Through 03/31/2021

## GENERAL ENGINEERING

### Professional Fees

	Date	Hours	Rate	Billed Amount
Andrew Vistad <i>MUNICIPAL REVIEW 2021-01 CENTERPOINT GAS MAIN REVIEW FOR HWY 90 CULVERT REPLACEMENT</i>	03/25/2021	3.00	92.00	276.00
Andrew Vistad <i>MUNICIPAL REVIEW 2021-01 CENTERPOINT GAS MAIN REVIEW FOR HWY 90 CULVERT REPLACEMENT</i>	03/26/2021	4.50	92.00	414.00

PROFESSIONAL FEES SUBTOTAL 690.00

GENERAL ENGINEERING SUBTOTAL 690.00

AMOUNT DUE THIS INVOICE 690.00

Invoice Summary	Current Billed	Prior Billed	Total Billed
Total	690.00	1,518.00	2,208.00



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

3235 Fernbrook Lane  
Plymouth MN 55447

May 14, 2021

General Administration				Total Project Area	
Administrative	1.840	60.00	110.400		
Administrative	4.37	65.00	284.050		
Administrative - virtual		70.00	0.000		
Office Support	7.50	60.00	450.000		
Public storage	1.00	87.36	87.360		
Data Processing/File Mgmt		65.00	0.000		
General filing		60.00	0.000		
Archiving	2.410	60.00	144.600		
Reimbursable Expense	68.68	1.00	68.680	1,145.090	Administration
Meeting packets, attendance, Minutes and Meeting follow-up					
Administrative	0.34	60.00	20.400		
Administrative	7.93	65.00	515.450		
Admin - virtual	1.00	70.00	70.000		
Reimbursable Expense	191.73	1.00	191.730	797.580	Meeting-related activities
Bookkeeping					
Bookkeeping		60.00	0.000		
Bookkeeping, budget, audit requests	2.00	65.00	130.000		
Treasurer's Reports	1.83	65.00	118.950		
Audit Prep		60.00	0.000		
Audit Prep	2.58	65.00	167.700		Bookkeeping/TRs
Reimbursable Expense	42.12	1.00	42.120	458.770	Audit Prep
Annual Budget					
Administrative		60.00	0.000		
Administrative	2.66	65.00	172.900		
Administrative - offsite		70.00	0.000		
Reimbursable Expense		1.00	0.000	172.900	Annual Budget/ Work Plans
Annual Report/Work Plans					
Secretarial		55.00	0.000		
Administrative	1.16	65.00	75.400		
Reimbursable Expense	125.25	1.00	125.250	200.65	Annual Report Work plans
Website					
Weebly hosting - 1 year	30.00	1.00	30.000		
Pages, links, uploads		65.00	0.000		
Administrative	1.09	65.00	70.525	100.525	Website
Education, Strategic Planning					
Administrative		55.00	0.000		
Administrative		65.00	0.000		
Administrative - Virtual - Watershed Partners, e	0.500	70.00	35.000		
Reimbursable Expense		1.00	0.000	35.000	Education
			2,910.515	2,910.515	

## COOPERATIVE AGREEMENT

THIS AGREEMENT made and entered into by and between the COUNTY OF HENNEPIN, STATE OF MINNESOTA, (COUNTY), A-2300 Government Center, Minneapolis, Minnesota 55487, on behalf of the Hennepin County Environment and Energy Department, 701 Fourth Avenue South, Suite 700, Minneapolis, Minnesota 55415-1600, (DEPARTMENT) and the Pioneer-Sarah Creek Watershed Management Commission, a joint-powers board organized under the Laws of the State of Minnesota, 3235 Fernbrook Lane, Plymouth, Minnesota, 55447, (COMMISSION).

### RECITALS:

WHEREAS, the COMMISSION and the COUNTY, wish to protect natural resources within the Pioneer-Sarah Creek watershed in Hennepin County, and

WHEREAS, the COMMISSION and the COUNTY benefit from a cooperative effort to protect these resources, and

WHEREAS, the COMMISSION wishes to retain the DEPARTMENT to provide technical services related to conservation promotion and education, technical assistance, monitoring, inventory and assessment and administrative services as set forth in the attached Exhibits, and

WHEREAS, the COMMISSION wishes to contribute to the volunteer monitoring programs and educational services performed by the DEPARTMENT in the Pioneer-Sarah Creek watershed, and

NOW, THEREFORE, in consideration of the mutual undertakings and agreements hereinafter set forth, the COUNTY, on behalf of the DEPARTMENT, and the COMMISSION agree as follows:

#### 1. TERM AND COST OF THE AGREEMENT

The DEPARTMENT agrees to furnish technical services set forth in the attached Exhibits to the COMMISSION commencing January 1, 2021 and terminating December 31, 2021.

The DEPARTMENT, in collaboration with the COMMISSION, will designate qualified staff to serve as technical advisors to the COMMISSION. Other DEPARTMENT personnel will be called upon as appropriate to the nature of the work.

In full consideration for services under this Agreement, the DEPARTMENT shall charge the COMMISSION for actual wages and personnel costs as set forth in Section 2. Costs for services for activities detailed in the attached Exhibits include:

#### **Exhibit A: 2021 Watershed General Technical Assistance**

- **Meeting attendance & preparation of staff report:** No cost
- **Technical Services and Conservation Promotion:** Not-to-exceed \$10,000
- **Lake Independence Clean Water Fund Project Implementation:** Not-to-exceed \$158,911
- **Other Project Implementation:** as mutually agreed upon
- **Subwatershed Assessment Completion and Project Implementation:** Not-to-exceed \$73,367

**Exhibit B: 2021 Volunteer Monitoring Program and Education Services: \$750.00**

**Total 2021 Cooperative Agreement:** Not-to-exceed \$243,028

Any additional costs for extended work load after the “not-to-exceed” limit has been reached, special studies, or capital projects, must be set forth in a written amendment to this Agreement and will be billed on an hourly basis set forth in Section 2.

2. BILLING RATES AND PAYMENT FOR SERVICES

- a) Services in Exhibit A are billed on an hourly basis at the rate of \$ 62.91 to \$69.21 per hour, based on personnel and task, except where exceptions are noted in Exhibit A.

Sr. Environmentalist, Water Resources	\$69.21 per hour
Environmentalist	\$62.91 per hour

- b) Payment for services shall be made directly to the DEPARTMENT after completion of the services upon the presentation of a claim in the manner provided by law governing the COUNTY’S payment of claims and/or invoices. The DEPARTMENT shall submit an invoice for services provided in Exhibit A on a quarterly basis, while services in Exhibit B will be billed on an annual lump sum basis in December. Payment shall be made within thirty-five (35) days from receipt of the invoice.

3. EQUAL EMPLOYMENT OPPORTUNITY- CIVIL RIGHTS

During the performance of this Agreement, the COUNTY agrees to the following:

No person shall, on the grounds of race, color, religion, age, sex, disability, marital status, public assistance, criminal record, creed or national origin, be excluded from full employment rights in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service, or activity under the provisions of and all applicable federal and state laws against discrimination including the Civil Rights Act of 1964.

4. STANDARDS

The COUNTY shall comply with all applicable Federal and State statutes and regulations as well as local ordinances now in effect or hereafter adopted. Failure to meet the requirements of the above may be cause for cancellation of this contract effective the date of receipt of the Notice of Cancellation.

5. INDEPENDENT CONTRACTOR

It is mutually understood that the DEPARTMENT acts as an independent contractor. The DEPARTMENT shall select the means, method, and manner of performing the services herein. DEPARTMENT employees shall not be considered to be either temporary or permanent employees of the COMMISSION.

6. INDEMNIFICATION

The COUNTY and the COMMISSION mutually agree, to the fullest extent permitted by law, to indemnify and hold each other harmless for any and all damages, liability or cost (including reasonable attorneys’ fees and costs of defense) arising from their own negligent acts, errors or

omissions in the performance of their services under this agreement, to the extent each party is responsible for such damages and losses on a comparative basis of fault. Parties agree to provide proof of contractual liability insurance upon request. This paragraph does not diminish, with respect to any third party, any defense, immunity or liability limit that the COUNTY or the COMMISSION may enjoy under law.

7. DATA PRACTICES

All data collected, created, received, maintained, or disseminated, or used for any purpose in the course of the COUNTY's performance of the Agreement is governed by 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, which may include the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and/or the Health Information Technology for Economic and Clinical Health Act (HITECH), adopted as part of the American Recovery and Reinvestment Act of 2009. The COUNTY agrees to abide by these statutes, rules and regulations and as they may be amended.

18. MERGER AND MODIFICATION

- a) The entire Agreement between the parties is contained herein and supersedes all oral agreements and negotiations between the parties relating to the subject matter. All items that are referenced or that are attached are incorporated and made a part of this Agreement. If there is any conflict between the terms of this Agreement and referenced or attached items, the terms of this Agreement shall prevail.
- b) Any alterations, variations, modifications, or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement signed by the parties. The express substantive legal terms contained in this Agreement including but not limited to the License, Payment Terms, Warranties, Indemnification and Insurance, Merger and Modification, Default and Cancellation/Termination or Minnesota Law Governs may not be altered, varied, modified or waived by any change order, implementation plan, scope or work, development specification or other development process or document.

9. DEFAULT AND CANCELLATION

Either the COUNTY or the COMMISSION may terminate this Agreement with or without cause by giving the other party forty-five (45) days written notice prior to the effective date of such termination. If the COMMISSION terminates this Agreement, it may specify work to be performed by the COUNTY before termination is effective and shall pay the COUNTY for services performed by the COUNTY up to the time specified for termination. If the COUNTY terminates the Agreement, it will not be compensated for part completion of a task except to the extent part completion has value to the COMMISSION.

10. OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

All property of the COMMISSION used, acquired or created in the performance of work under this Agreement, including documents and records of any kind, shall remain the property of the COMMISSION. The COMMISSION shall have the sole right to use, sell, license, publish, or otherwise disseminate any product developed in whole or in part during the performance of work under this Agreement.

11. CONTRACT ADMINISTRATION

In order to coordinate the services of the DEPARTMENT with the activities of the COMMISSION so as to accomplish the purposes of this Agreement, Karen Galles, Supervisor, Land and Water Unit, or his/her successor, shall manage this Agreement on behalf of the Department and serve as liaison between the COUNTY and the COMMISSION. Judie Anderson, Administrator, shall manage this Agreement on behalf of the COMMISSION and serve as a liaison between the COMMISSION and the COUNTY.

12. AMENDMENTS TO AGREEMENT

This Agreement may be amended as agreed to by the COMMISSION and COUNTY in the form of an agreement amendment executed by both parties.

13. NOTICES

Any notice or demand which must be given or made by a party hereto under the terms of this Agreement or any statute or ordinance shall be in writing, and shall be sent registered or certified mail. Notices to the COUNTY shall be sent to the County Administrator with a copy to the originating Department at the address given in the opening paragraph of the Agreement. Notice to the COMMISSION shall be sent to the address stated in the opening paragraph of the Agreement.

14. MINNESOTA LAWS GOVERN

The Laws of the State of Minnesota shall govern all questions and interpretations concerning the validity and construction of this Agreement and the legal relations between the herein parties and their performance. The appropriate venue and jurisdiction for any litigation hereunder will be those courts located within the County of Hennepin, State of Minnesota. Litigation, however, in the federal courts involving the herein parties will be in the appropriate federal court within the State of Minnesota. If any provision of this Agreement is held invalid, illegal or unenforceable, the remaining provisions will not be affected.

**COUNTY ADMINISTRATOR AUTHORIZATION**

Reviewed by the County Attorney's  
Office

COUNTY OF HENNEPIN  
STATE OF MINNESOTA

\_\_\_\_\_  
Assistant County Attorney

By: \_\_\_\_\_  
David J. Hough, County Administrator

By: \_\_\_\_\_  
Assistant County Administrator - Public Works

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

**Recommended for Approval**

By: \_\_\_\_\_  
Director, Environment and Energy Department

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

**PIONEER-SARAH CREEK WATERSHED  
MANAGEMENT COMMISSION**

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

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

Signed: \_\_\_\_\_

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

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

\* COMMISSION 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 COMMISSION returns the Agreement to the County. Documentation is not required for a sole proprietorship.

## EXHIBIT A

### 2021 WATERSHED GENERAL TECHNICAL ASSISTANCE

#### TASKS

The Hennepin County Environment and Energy Department (DEPARTMENT) will provide Pioneer-Sarah Creek Watershed Management Commission (COMMISSION) with a variety of technical assistances in support of its Watershed Management Plan, TMDL studies, WRAPS reports, and subwatershed assessments.

Services are delivered on a time and materials basis, with a not-to-exceed amount as listed in Section 1 of this Agreement, except as may be authorized via separate work order or agreement amendment approved by both parties.

#### 1. Meeting attendance & Preparation of Staff Report

Staff will prepare a staff report covering cooperative efforts and will attend regular Board and technical advisory committee (TAC) meetings to facilitate partnership and advise the COMMISSION on technical items. Time required to attend meetings will not be an expense to the COMMISSION.

Estimated Effort:

At least one representative of the DEPARTMENT will attend each Board and TAC meeting, and additional staff will attend as necessary and appropriate. Assuming 12 Board meetings and 2 TAC meetings.

	Estimated Hours	COMMISSION NTE
Senior Environmentalist	56	\$0
Environmentalist	56	\$0

#### 2. Respond to Inquiries from the public and conservation promotion in targeted subwatersheds

Due to the high priority nature of this work to the DEPARTMENT'S goals, DEPARTMENT agrees to request reimbursement for the following services at a rate well-below the DEPARTMENT'S real costs. See agreement Section 2.

- A. General outreach and assistance: At the request of the COMMISSION, as prompted by public inquiry, DEPARTMENT staff will reach out to landowners within the Pioneer-Sarah Creek watershed to develop best management practice (BMP) projects, respond to inquiries from the public to provide conservation program information, technical assistance, and information regarding COMMISSION requirements. In 2021 priorities in this area, in order of importance:
- Promoting, assessing, and developing projects to benefit Lake Independence and make use of remaining grant dollars from the Baker Park Ravine Stabilization Clean Water Fund grant, currently identified as:
    - Flakne Lakeshore Restoration Project
    - McCombs Gully Stabilization Project
    - White Wetland Restoration Project
    - Two possible alternates (in case one of the above projects falls through)
  - Zuhrah Shrine Horseman BMPs to benefit Lake Rebecca
  - Developing and implementing other known cost share BMP projects that fall outside of identified priority areas (e.g. Malacek, Pierce)
  - Landowner outreach associated with on-going work around development of properties in the Dance Hall Creek subwatershed



- e. Landowner outreach associated with on-going work around the assessment of project opportunities in the Lake Rebecca subwatershed effort.
- f. Evaluating and assessing lakeshore needs and developing programming for lakeshore homeowners
- g. Responding to new inquiries and project opportunities outside of identified priority areas

***Estimated effort below includes times to implement projects identified in subwatershed assessments, including those priorities areas in Tasks 3-5. Tasks 3-5 cover the design and construction costs for project implementation.***

	Estimated Hours	COMMISSION NTE	Estimated Cost (DEPARTMENT)
Senior Environmentalist	208	\$0	\$14,396
Environmentalist	1,373	\$10,000	\$86,375

### **3. Lake Independence Subwatershed Project Implementation**

As partners in the Baker Park Ravine Stabilization Clean Water Fund grant, DEPARTMENT and COMMISSION are partnering to implement additional practices to benefit Lake Independence and expend grant dollars that were remaining after completion of the ravine stabilization. In addition, the DEPARTMENT and COMMISSION have agreed to partner to use Watershed-Based Implementation Funds on project opportunities identified to benefit Lake Independence in the Lake Sarah and Lake Independence Stormwater Retrofit Analysis. To extend use of grant dollars, COMMISSION and DEPARTMENT will assist landowners with project funding assistance as well. The COMMISSION will contribute up to 25% of project costs from its capital projects fund (not to exceed the amount available). The DEPARTMENT will contribute 10% of project costs. Landowners will be expected to contribute 10% of project costs. Remaining project costs will be covered by available grants until those grants are exhausted. Prior to project implementation, the DEPARTMENT and the COMMISSION will agree upon the breakdown of each individual project's funding sources. Following project implementation, the DEPARTMENT will provide a detailed, itemized invoice to the COMMISSION for project costs as agreed upon prior to project implementation. DEPARTMENT will include project cost estimates and estimated commission share on projects in the monthly staff report as they become available, as well as an accounting of remaining capital and grant funds available to support BMP projects.

Amount reimbursable to the DEPARTMENT shall not exceed 80% of documented project costs. In addition, the total amount reimbursable dollars under this Activity is constrained by the COMMISSION'S available capital and grant funds for this work and shall not exceed the total amount available under the combination of the following sources: (1) excess Baker Park Ravine Stabilization Funds (\$25,063), Lake Independence BMPs Watershed Basin Implementation Funds (\$115,000), and COMMISSION CIP project dollars allotted for this work (estimated at up to \$18,900). In total this combines to up to \$158,911 available for project installations. At the time of contract execution, the amounts above reflect the total available amounts for those funding sources, pending approval from their respective authorities.

	Estimated Hours	COMMISSION NTE	DEPARTMENT (Estimated Cost)
Senior Environmentalist	Hours included in Task 2		
Environmentalist			
Consulting Fees	N/A	\$0	\$6,000
Project Installation	N/A	\$158,911	10% project costs

#### 4. Other Project Implementation

The DEPARTMENT is working to develop BMP projects on several additional fronts focused on the COMMISSION's priorities. Additional grant funding is not available for many of those projects, however, there are several relevant capital projects established in the COMMISSION's fourth generation watershed management plan (\$29,140). In addition, DEPARTMENT is working hard to leverage a wide variety of additional funding sources for this project work.

As projects advance toward readiness, DEPARTMENT will keep COMMISSION informed of anticipated costs and available funding sources. As agreed upon by both parties and as capital project funds are available, COMMISSION will contribute up to 25% of project costs from capital project funds (\$29,140) when those funds are available and not otherwise allocated. DEPARTMENT will contribute a minimum of 10% of project costs, through cash contributions or in-kind staff time. Landowners will be expected to contribute 10-25% of project costs (depending on location in or outside of a priority area). DEPARTMENT will be responsible for identifying funding sources for remaining project costs. Options for funding in two priorities areas include up to \$25,063 in Spurzem Creek subwatershed and \$71,105 in Dance Hall Creek subwatershed from Watershed Based Implementation Funds. These are costs remaining for project implementation after completion of the subwatershed assessments, expected in Fall 2021.

Amount reimbursable to the DEPARTMENT shall not exceed 25% of documented project costs. In addition, the total amount reimbursable under this Activity is constrained by the COMMISSION'S available capital funds for this work and shall not exceed the total amount available under capital projects (\$29,140).

#### 5. Subwatershed Assessment Projects

- a. **Spurzem Creek:** Spurzem Creek Subwatershed, upstream of Lake Independence, is an approximately 6 square-mile area of predominantly agricultural, undeveloped, open water, and parkland land uses. The Pioneer-Sarah Creek TMDLs identified this area as a significant source of nutrients to aquatic recreation impairments in Peter, Spurzem, Half Moon, and Independence Lakes. The WRAPS identified the following sources and magnitudes of those sources for Peter, Spurzem, and Half Moon Lakes.

Agricultural runoff was either a moderate or high magnitude contributor to the impairment for Peter and Spurzem Lakes, respectively (and as Half Moon is downstream of both, you can make the argument it's also a nutrient source to that lake). Nutrient sources from livestock and septic in the Peter Lake Watershed and urban runoff in both the Peter and Spurzem Lake Watersheds were identified as low sources. Wasteload allocations were assigned for each of these sources. The Subwatershed Assessment would identify geographically specific locations to address these sources, particularly for agricultural runoff and dissolved phosphorus loading from previously-ditched and artificially drained waterbodies, typically through projects to limit the source of the pollutants or to implement conservation practices that limit the magnitude of these sources.

DEPARTMENT staff will lead the analysis for the surface water and overland source assessment and opportunity identification for this project. DEPARTMENT may retain a consultant to assess internal loading and respective practices to address. COMMISSION is expected to provide comment(s) to draft materials provided by DEPARTMENT and, should a consultant be retained for assessing internal loading of waterbodies in Spurzem Creek subwatershed, COMMISSION will provide up to \$10,000 from Watershed-Based Implementation Funds and up to 25% cost share from their Capital Improvement Fund for a consultant to assess internal loads and practices to reduce loading.

	Estimated Hours	COMMISSION NTE	Estimated Cost (DEPARTMENT)
Senior Environmentalist	215	\$0	\$14,880
Environmentalist	180	\$0	\$11,323
Consulting Fees	N/A	\$16,250	\$18,750

- b. Lake Rebecca:** In an effort to prevent the need for another alum treatment in Lake Rebecca and to prevent Lake Rebecca from being added again to the impaired waters list, COMMISSION and DEPARTMENT agree to partner on an assessment of water quality improvement opportunities in a 600-acre subwatershed that drains through the property owned by the Zuhrah Shrine Horsemen and into Lake Rebecca Park Reserve. This study has three components: 1.) Completion of a hydrologic model to identify flow pathways and rates, 2.) BMP identification and feasibility analysis to determine cost-effectiveness across the subwatershed, and 3.) Identifying, scoping, and designing project opportunities on Three Rivers Park District and Zuhrah Shrine properties.

*Partners intend to use a consultant to perform this work and are expecting responses to an RFP in early June. Its expected up to \$30,000 of Watershed Based Implementation Funds and \$5,000 of Capital Improvement Funds will be provided by the COMMISSION and \$30,000 will be provided from the DEPARTMENT.*

	Estimated Hours	COMMISSION NTE	Estimated Cost (DEPARTMENT)
Senior Environmentalist	40	\$0	\$2,768
Environmentalist	70	\$0	\$4,403
Consulting Fees	N/A	\$35,000	\$30,000

- c. Dance Hall Creek:** Given that land use changes and land ownership transitions are in process on some key properties necessary to make significant progress on the Lake Sarah TMDL and recommendations of the Dance Hall Creek Subwatershed Assessment, the DEPARTMENT believes that the time is right to reanalyze project opportunities on those properties (given the new land use) and engage new property owners. Property owner engagement is covered under Task 2 of this scope of work. COMMISSION and DEPARTMENT agree to partner on a project to revise project opportunities identified in Dance Hall Creek Subwatershed Assessment to consider new property lines and new land use (rural residential). This study has four components: 1.) Inventory & map natural resources on parcels that are key to understanding project opportunities; 2.) Create a master plan across (but considering) new parcel boundaries of the best strategies and opportunities to improve water quality; 3.) Create conceptual site diagrams for each parcel in the study area; 4.)

Evaluate and quantify pollution-reduction potential of BMPs identified in conceptual site diagrams.

Partners intend to use a consultant to perform this work and recently accepted proposals, choosing Stantec at a contracted amount of \$42,117. At this time, the contract is not yet finalized so this value is subject to change. DEPARTMENT and COMMISSION agree to share in the costs of completing this assessment as follows: DEPARTMENT will pay up to \$20,000 and the COMMISSION will pay up to \$22,117 from Watershed Based Implementation Funds.

	Estimated Hours	COMMISSION NTE	Estimated Cost (DEPARTMENT)
Senior Environmentalist	20	\$0	\$1,384
Environmentalist	80	\$0	\$5,033
Consulting Fees	N/A	\$22,117	\$20,000

**Summary of total estimated effort and costs Tasks 1-5.**

	DEPARTMENT NTE (including staff time)	COMMISSION NTE
Task 1: Meeting attendance & Preparation of Staff Report	\$7,399	\$0
Task 2: Respond to public inquiries and conservation promotion in targeted subwatersheds	\$100,771	\$10,000
Task 3: Lake Independence CWF Project Implementation	\$5,500	\$158,911
Task 4: Other Project Implementation	As mutually agreed upon	As mutually agreed upon
Task 5: Subwatershed Analysis Projects	\$108,322	\$73,367
<b>Total (estimated)</b>	<b>\$221,992</b>	<b>\$242,278</b>

## EXHIBIT B

### 2021 VOLUNTEER MONITORING PROGRAMS AND EDUCATIONAL SERVICES

#### TASKS

The Hennepin County Environment and Energy Department (DEPARTMENT) will provide Pioneer-Sarah Creek Watershed Management Commission (COMMISSION) with a variety of volunteer monitoring and environmental education and outreach oversight in support of its Watershed Management Plan and the Pioneer-Sarah Creek TMDL.

Services are delivered on a time and materials basis, with a not-to-exceed amount listed in Section 1 of this Agreement, except as may be authorized via separate work order or agreement amendment approved prior by both parties.

**1. Coordination of volunteer monitoring programs**

The DEPARTMENT staff will coordinate the following volunteer water quality monitoring programs in the Pioneer-Sarah Creek Watershed: River Watch; Wetland Health Evaluation Program (WHEP);

**2. Volunteer Outreach**

The DEPARTMENT staff, in collaboration with COMMISSION, will work to find school groups and/or adult volunteers to monitor up to one (1) designated stream sites for the River Watch program.

-OR-

DEPARTMENT staff, in collaboration with COMMISSION, will work to find a team of adult volunteers to monitor up to one (1) designated wetland sites within the Pioneer-Sarah Creek Watershed.

**3. Volunteer monitor training and oversight**

As part of the volunteer programs, DEPARTMENT staff will coordinate and offer training for each programs' monitoring and provide continual assistance in sample collection and identification.

**4. Data quality assurance**

The DEPARTMENT staff will provide all quality assurance checks on invertebrate and vegetative data for the Wetland Health Evaluation Program (WHEP), and all quality assurance checks on field and invertebrate data for the River Watch.

**5. Reporting**

Following the year's monitoring and compilation of collected data, DEPARTMENT will prepare an annual report of monitoring results and to COMMISSION.

**6. Costs**

- a) ***River Watch Program/Wetland Health Evaluation Program:*** The COMMISSION shall pay the DEPARTMENT \$750.00 per River Watch or Wetland Health Evaluation Program site for data and educational services. Fees will be used to cover all training, equipment, transportation assistance, Quality Assurance/Quality Control, reporting and presentations as requested.

In 2021 the total for providing a variety of volunteer monitoring and environmental education and outreach oversight shall not-exceed seven hundred and fifty dollars (\$750).

**Proposal for how to allocate Project cost in 2021 - in support of Cooperative Agreement**

Exhibit A Tasks	Projects	Hennepin County							Outside Grants		PSCWMC		Total Cost (Excluding Staff Time)	Total Cost (W/ Co. Staff Time)
		Staff Time			Consulting *			Total	WBIF/CWF	MCD	Operating	CIP **		
		Description	Environ. (Hrs)	Sr. Environ. (Hrs)	Cost (\$)	Description	Cost (\$)	Cost (\$)	Cost (\$)	Cost (\$)	Cost (\$)	Cost (\$)		
Continual Tasks														
1	Meeting Attendance	Prepare for and attend meetings, staff report	56	56	\$ 7,399			\$ 7,399					\$ -	\$ 7,399
2	Public Inquiries / General Conservation Promotion	develop best management practice (BMP) projects, respond to inquiries from the public to provide conservation program information, technical assistance, and information regarding COMMISSION requirements (see agreement for more info)	1,373	208	\$100,771			\$100,771			\$ 10,000		\$ 10,000	\$ 110,771
Major Watershed Project Initiatives														
3A	Baker Park Excess Funds for BMPs	Implementation of BMPs to improve Lake Independence water quality, using dollars left over from CWF	County Staff time included in Task 18		Licensed engineer for ag. practices (Wright SWCD) and lakeshore restorations (WCD); other consultants brought on only for very large projects	\$ 3,000	\$ 3,000	\$ 26,411			\$ 13,500	\$ 42,911	\$ 42,911	
3B	Lake Independence BMPs	Implementation of BMPs to improve Lake Independence water quality, primarily from the SWA				\$ 3,000	\$ 3,000	\$ 115,000			\$ 4,000	\$ 122,000	\$ 122,000	
4A	Spurzem Creek BMPs	Implementation of BMPs from the SWA				\$ -	\$ 25,063			\$ 25,063	\$ 25,063			
4B	Dance Hall Creek BMPs	Implementation of BMPs from the SWA				\$ -	\$ 71,105			\$ 71,105	\$ 71,105			
Subwatershed Assessments														
5A	Spurzem Creek	Identification and assessment of upland practices, develop and finalize report	180	215	\$ 26,204	Identification and assessment of water resource projects	\$ 18,750	\$ 44,954	\$ 10,000	\$ 17,000	\$ 6,250	\$ 52,000	\$ 78,204	
5B	Lake Rebecca	Coordination of consultant work, report review	70	40	\$ 7,172	Identification and assessment of all projects, develop and finalize report	\$ 30,000	\$ 37,172	\$ 30,000		\$ 5,000	\$ 65,000	\$ 72,172	
5C	Dance Hall Creek	Coordination of consultant work, report review	80	20	\$ 6,417	Identification and assessment of all projects, develop and finalize report	\$ 20,000	\$ 26,417	\$ 22,117	\$ -		\$ 42,117	\$ 48,534	

\* Hennepin County consulting paid for from Env. & Energy operating budget

\*\* Individual projects can't exceed 25% of project total cost. Per Management Plan, PSCWMC budgeted \$29,140 for CIP in 2021. All PSCWMC cell values at NTE's.

Totals =	1,759	539	\$147,963			\$ 74,750	\$222,713	\$ 299,696	\$ 17,000	\$ 10,000	\$ 28,750	\$ 430,196	\$ 578,159
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## LIABILITY COVERAGE – WAIVER FORM

**Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before the member's effective date of coverage. Return completed form to your underwriter or email to [psstech@lmc.org](mailto:psstech@lmc.org).**

*The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.*

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.



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LMCIT Member Name:  
Pioneer-Sarah Creek Watershed Management Commission

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*Check one:*

☒ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04.

☐ The member **WAIVES** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: May 20, 2021

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

Pioneer-Sarah Creek Watershed Management Commission  
2020 Approved Budget

	2019 Budget	2019 Actual	2020 Budget	2020 Actual	2021 Budget	Proposed 2022 Budget	
<b>Revenues</b>							
Member Dues	\$ 100,000.00	\$ 100,000.00	\$ 103,800.00	\$ 103,800.00	\$ 103,800.00	\$ 103,800.00	
Project Review Fees	4,000.00	14,074.00	6,000.00	12,500.00	6,000.00	6,000.00	
CIP Income	28,000.00	28,000.00	28,000.00	28,000.00	28,000.00	28,000.00	
CIP Partner Cost-Share				38,500.00			
Lake Sarah TMDL Imple	0.00	5,398.46	0.00	4,900.52	0.00	0.00	
Grant - Baker Park Ravine	0.00	0.00	0.00	166,400.00	0.00	0.00	
Watershed Based Funding Grant	0.00	29,159.00	0.00	23,327.00	0.00	135,584.00	
Grant - HC For Baker Park Ravine				59,500.00			Not Yet Received
From Fund Balance				105,735.45			
WCA Adm Fees	500.00	850.00	0.00	0.00	0.00	0.00	
Interest and Dividend Income	1,570.00	12,135.95	9,000.00	2,129.23	4,000.00	85.00	
<b>Total Revenues</b>	<b>134,070.00</b>	<b>189,617.41</b>	<b>146,800.00</b>	<b>544,792.20</b>	<b>141,800.00</b>	<b>273,469.00</b>	
<b>Expenses</b>							
Engineering/Consulting	24,190.00	24,953.06	47,000.00	11,358.73	35,200.00	35,000.00	
Administrative Expense	36,000.00	31,299.35	36,000.00	31,854.76	36,000.00	36,000.00	
Adm-Project Reviews	750.00	1,141.98	1,000.00	598.07	1,000.00	750.00	
Adm-CIP Mgmt	3,000.00	158.49	2,500.00	394.07	2,000.00	1,000.00	
WCA - Admin/Legal Expenses	300.00	254.95	0.00	9.75	0.00	0.00	
Adm - Tech Support	550.00	0.00	800.00	0.00	750.00	750.00	
Legal Expense	500.00	356.50	500.00	62.00	500.00	500.00	
Audit Expense	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	
Insurance	3,500.00	2,690.00	3,100.00	2,580.00	2,800.00	2,800.00	
Website	1,800.00	536.65	1,800.00	1,015.06	1,800.00	1,500.00	
Adm - General Programs	500.00	0.00	0.00	0.00	0.00	0.00	
TAC Meetings	3,000.00	0.00	3,000.00	0.00	2,500.00	0.00	
Lakes Monitoring - TRPD	8,100.00	8,100.00	8,100.00	8,100.00	8,100.00	10,500.00	Indep, Sarah, Whaletail (2) Winterhalter & Thomas
Lakes Monitoring - CAMP	760.00	760.00	1,520.00	760.00	760.00	760.00	
Stream Monitoring	7,120.00	7,120.00	9,500.00	9,500.00	9,500.00	12,200.00	Flow record at all 4, WQ testing at 1 site
Education	4,500.00	950.15	4,000.00	1,670.08	4,000.00	2,500.00	
Education-Events	500.00	0.00	500.00	0.00	500.00	500.00	
Invertebrate Monitoring	500.00	750.00	1,000.00	0.00	750.00	0.00	
Grant Writing	1,000.00	0.00	1,000.00	0.00	1,000.00	1,000.00	
Third Gen Plan	1,000.00	0.00	10,000.00	0.00	0.00	0.00	
Management Plan - Admin	0.00	970.09	1,000.00	2,467.03	1,000.00	1,000.00	
Special Projects	4,000.00		2,000.00	0.00	0.00	0.00	
Fourth Gen Plan	0.00	613.50	10,000.00	29,417.20	0.00	0.00	Moves \$25,000 from Fund to offset
Fifth Gen Plan						2,000.00	
Capital Improvement Project	28,000.00	8,000.00	28,000.00	11,925.03	29,140.00	28,000.00	
WBIF				49,978.52		135,584.00	Moves \$29159 from Fund to offset
Lake Sarah Implementation		5,398.46	0.00	4,900.52	0.00	0.00	
Baker Park Ravine		114,001.31	0.00	342,204.66	0.00	0.00	Moves \$51,576.45 from Fund to offset
<b>Total Expenses</b>	<b>134,070.00</b>	<b>212,554.49</b>	<b>176,820.00</b>	<b>513,295.48</b>	<b>141,800.00</b>	<b>276,844.00</b>	
<b>Net Income</b>	<b>\$ 0.00</b>	<b>(\$ 22,937.08)</b>	<b>(\$ 30,020.00)</b>	<b>\$ 31,496.72</b>	<b>\$ 0.00</b>	<b>(\$ 3,375.00)</b>	

**Pioneer-Sarah Creek Watershed Management Commission**  
**DRAFT 2022 Member Assessments**

	2019 Market Value PSC Basin	Increase in MV over Prev Year	2020 Op Budget		Increase over Prev Year	
2020			%age	Amount	%age	Amount
Greenfield	387,408,426	5.22%	25.78%	33,972.21	4.13%	1,347.12
Independence	577,654,920	3.41%	38.43%	50,655.10	2.33%	1,154.90
Loretto	64,646,640	4.95%	4.30%	5,668.92	3.86%	210.66
Maple Plain	124,712,551	5.58%	8.30%	10,936.16	4.49%	469.71
Medina	173,159,976	3.40%	11.52%	15,184.56	2.33%	345.47
Minnetrista	175,423,480	15.23%	11.67%	15,383.05	1.80%	272.14
<b>TOTALS</b>	<b>1,503,005,993</b>	<b>4.05%</b>	<b>100.00%</b>	<b>131,800.00</b>	<b>2.97%</b>	<b>3,800.00</b>
	2020 Market Value PSC Basin	Increase in MV over Prev Year	2021 Op Budget		Increase over Prev Year	
2021			%age	Amount	%age	Amount
Greenfield	492,597,046	27.15%	29.66%	39,089.19	15.06%	5,116.98
Independence	598,303,894	3.57%	36.02%	47,477.37	-6.27%	(3,177.73)
Loretto	69,865,263	8.07%	4.21%	5,544.04	-2.20%	(124.89)
Maple Plain	132,270,685	6.06%	7.96%	10,496.11	-4.02%	(440.05)
Medina	180,132,527	4.03%	10.85%	14,294.11	-5.86%	(890.45)
Minnetrista	187,757,641	10.10%	11.30%	14,899.18	-3.15%	(483.87)
<b>TOTALS</b>	<b>1,660,927,056</b>	<b>10.51%</b>	<b>100.00%</b>	<b>131,800.00</b>	<b>0.00%</b>	<b>0.00</b>
	2021 Market Value PSC Basin	Increase in MV over Prev Year	2022 Op Budget		Increase over Prev Year	
2022			%age	Amount	%age	Amount
Greenfield	522,787,116	6.129	29.78	39,249.05	0.00409	159.86
Independence	634,578,595	6.063	36.15	47,641.96	0.00347	164.59
Loretto	71,882,465	2.887	4.09	5,396.69	-0.02658	(147.35)
Maple Plain	139,787,990	5.683	7.96	10,494.80	-0.00013	(1.31)
Medina	183,452,639	1.843	10.45	13,772.99	-0.03646	(521.12)
Minnetrista	203,053,025	8.146	11.57	15,244.52	0.02318	345.33
<b>TOTALS</b>	<b>1,755,541,830</b>	<b>5.697</b>	<b>100.00</b>	<b>131,800.00</b>	<b>-0.03243</b>	<b>(0.00)</b>

# HENNEPIN COUNTY

## MINNESOTA

DATE: May 13, 2021

TO: Pioneer-Sarah Creek Watershed Management Commission

FROM: Paul Stewart and Kris Guentzel; Hennepin County Department of Environment and Energy

RE: May Commission Project, Program, and Education Updates

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### **Hennepin County Climate Action Plan**

During the May 4<sup>th</sup> Hennepin County Board meeting, the Board unanimously adopted the county's first Climate Action Plan. The plan is wide ranging and bold, in line with the magnitude and breadth of impacts were facing because of climate change. Full detail on the plan can be found here (<https://www.hennepin.us/climate-action>), but goals, actions, and metrics relevant to Pioneer-Sarah Creek's Watershed Management Commission's work include (but are certainly not limited to):

- **Goal:** Protect and engage people, especially vulnerable communities
  - **Action:** Mitigate the heat island effect, especially in areas with people most vulnerable to extreme heat, by supporting increased access to air conditioning, increasing the tree canopy, and converting hardscape where possible to green infrastructure.
    - **Metric:** *Plant 1 million more trees by 2030 through partnerships with cities, TRPD, and other community partners.*
  - **Action:** Address flooding in housing, especially where people most vulnerable to flooding impacts live, by promoting and providing financial support for preventative measures such as sump-pumps and landscaping to redirect water away from structures.
    - **Metric:** *Identify the structures and properties most at risk for flood damage in Hennepin County and develop partnerships that will help reduce or eliminate flood damages and disruption by 2025.*
- **Goal:** Enhance public safety
  - **Action:** Identify areas at risk for all types of flooding, including flowing surface water (fluvial), standing surface water (pluvial) and subsurface water (groundwater flooding) and coordinate with public entity partners to create strategies for reducing risk, especially for vulnerable populations.
    - **Metric:** *Develop a mapping tool to comprehensively identify the sites most at risk for flooding of all types (fluvial, pluvial, and groundwater) to guide effective mitigation and response actions by 2022.*



- **Goal:** Protect building sites, roads, infrastructure, and natural resources
  - **Action:** Update stormwater design standards that will serve as a standard across Hennepin County lines of business to account for increased rainfall intensities.
    - *Metric: Develop stormwater design standards for mid-century precipitation projection and develop policies and practices for green infrastructure to manage precipitation projections by 2023.*
  - **Action:** Protect and restore streams, wetlands, floodplains, and uplands.
    - *Metric: Acquire 6,000 acres of additional conservation easements by 2040.*
  - **Action:** Reduce barriers to regional stormwater management by investing in partnerships, empowering staff to work beyond property line boundaries, and creating a policy for financial contributions to such projects.
  - **Action:** Develop a groundwater plan that considers the impacts of climate change, including extreme weather events and wet/dry cycles, on groundwater resources and drinking water availability.
    - *Metric: Develop a groundwater plan by 2025 and an integrated water management plan by 2026*
  - **Action:** Protect and restore natural areas, including streams, wetlands, floodplains, prairies, savannas, and forests, with a focus on supporting biodiversity and providing habitat for species that alter their range in response to climate change.
- **Goal:** Reduce emissions in ways that align with core county functions and priorities
  - **Action:** Develop goals, prioritization frameworks, outreach and marketing strategies to promote carbon sequestration projects in the most impactful places around the county.
  - **Action:** Provide assistance to landowners wishing to adjust land management practices to increase the carbon storage of soils and sequester carbon in trees and plants. Examples of the types of project the county will provide assistance for include: Agricultural soil health practices; Improved grazing and pasture management; Diversification of agricultural landscapes and crop types; Habitat restoration and protection; Expanded shoreline and buffer plantings.
  - **Action:** Incorporate carbon sequestration potential into evaluation and planning of other natural resource and water resource projects and partnerships.
  - **Action:** Track carbon sequestration and other benefits accrued from soil health efforts, land management improvement, habitat restoration and protection projects, and other related work on private lands.

Through the Climate Action Plan's Board approval, County staff can immediately begin incorporating plan priorities into our programming and long-term planning. County Environment and Energy staff will begin doing so immediately as we update our [Natural Resources Strategic Plan](#) through 2021-2022.

## **2021 Watershed Service Agreement (KG)**

New: The Watershed Services Agreement has been provided to the Commission for review and consideration for approval during their May meeting.

Previous: Hennepin County staff presented a draft Cooperative agreement at the March Commission meeting. This draft agreement provides the structure under which county staff engage private landowners and consultants to complete work in the support of shared goals and grants received by the Commission. County staff update the agreement based on comments received in advance of the May meeting.

## **Metro One Watershed One Plan (KG)**

### **South Fork Crow River Watershed**

New: Workplans were approved by BWSR in April. The Watershed Services Agreement includes use of these dollars in 2021 and beyond.

Previous: On January 11<sup>th</sup>, the South Fork Crow Watershed-Based Implementation Fund (WBIF) Committee met to decide on funding projects within the watershed. Prior to the meeting, Committee members developed a project list and scoring system to objectively score and rank projects based on a variety of factors including project benefit to reach a pollutant load goal, impairment status of the benefiting waterbody, priority of benefiting waterbody in the watershed plan, secondary benefits, project readiness, and whether any supporting studies exist. Below are the projects that scored favorably and were chosen to be funded by the committee. The funding amount is shown in parenthesis.

- 1) Lake Independence SWA BMPs (\$115,000) – implementation of cost-effective BMPs as proposed in the subwatershed assessment.
- 2) Lake Rebecca Feasibility Analysis (\$30,000) – analysis to identify and rank conservation and restoration opportunities upstream of Lake Rebecca
- 3) Spurzem Creek BMPs (\$35,063) - implementation of cost-effective BMPs as proposed in the subwatershed assessment.

Pioneer-Sarah Creek Watershed Commission (PSCWMC) was chosen as the grant holder for the projects listed above. Next steps will be for PSCWMC to submit an eLINK budget request. Once approved, this would be followed by completion of a work plan. The work plan must be approved by March 30<sup>th</sup>.

### **North Fork Crow River Watershed (KG)**

New: Workplans were approved by BWSR in April. The Watershed Services Agreement includes use of these dollars in 2021 and beyond.

Previous: The North Fork Crow WBIF Committee also decided to fund additional investigation and implementation of conservation practices in the Dance Hall Creek Subwatershed north of Lake Sarah. \$91,105 was allotted to this effort. Staff are considering splitting these dollars amongst the following activities:

- 1) Update of the Dance Hall Creek Subwatershed Assessment, to consider what conservation practices are available with land use changing from agricultural (which was represented in the last Subwatershed Assessment) to large-lot rural residential. Additional information on this updated assessment can be found below.

- 2) Additional resources for outreach – which could range from more dollars for workshops and events to adding a portion of a full-time, limited-duration position to focus efforts in this area
- 3) Implementation of conservation practices.

## **Subwatershed Assessments**

### **Dance Hall Creek Subwatershed Assessment Refinement (PS)**

New: The review committee chose Stantec (formerly Wenck) from a field of four proposals. County staff are currently negotiating a contract with Wenck, which will be provided to the Commission after its is signed. County staff are anticipating total projects costs to complete the assessment as \$42,117.

Previous: Hennepin County staff are leading a project in partnership with the watershed and City of Greenfield to update the Dance Hall Creek Subwatershed Assessment to accommodate a change in future land use from agricultural to rural residential on developing and soon-to-be-developed properties north of Lake Sarah in the Dance Hall Creek Subwatershed. In addition to the consultants' scope of work, HCEE staff are also working on an outreach and engagement plan for the landowners in the study area.

### **Spurzem Creek Subwatershed Assessment (KG/PS)**

Update: Field work was completed on May 5<sup>th</sup> to document management practices by farmers and to be understand hydrology in the watershed, predominantly north of Highway 55. This information is being digitized and will be used to update water quality and hydrologic models. County staff are still working towards completing a draft report by mid-summer.

Previous: This subwatershed assessment will identify cost-effective conservation practices east of Lake Independence for areas draining into Spurzem Creek (Cities of Medina and Greenfield). County staff held an internal project kick-off meeting in November, completed preliminary field work in December, and have begun incorporating that field work into desktop analysis.

### **Hennepin County Spring Tree Sale (PS)**

New: Trees were provided to residents during pickup days on April 29 and May 1. The county included over 2,000 trees in this pilot project and all trees were sold. Considering the success of this year's pilot, and the overwhelming demand we received, the County is planning to hold another tree sale next year with about double the tree stock.

Previous: For the first time in many years, Hennepin County is reviving the annual tree sale. Attached is an informational flyer and order form. Please feel free to distribute these as you see fit. We're considering this a "pilot" year but hope to continue this program into the future if interest is high.

This program will help meet the reforestation and restoring forest habitats goals of our Forestry Team and our (DRAFT) Climate Action Plan. This sale is open to all Hennepin County residents with our primary focus area in the western cities. We would appreciate any help in outreach you can provide. Our intent is for landowners to use trees purchased through this program to re-plant forests, establish wind breaks and buffers, and re-establish habitat areas.

## Projects & Outreach

### Lake Independence/Remaining Baker Park Ravine CWF Funds

#### a. 5375 Pete Drive, Independence: (KG)

New: Landowners will not consider a design that requires removal of mature trees. County staff will re-engage with engineer on possibility of a design that can avoid tree removal, however, based on previous conversations this seems unlikely. Could consider a vegetative restoration along a different section of the shoreline, but this type of project would be more appropriate for a different funding source.

Previous: Landowners expressed concern with the need to remove two mature oak trees in order to complete the project. Upon consultation with design engineer, there is no way to avoid removing these trees. Landowners are considering next steps.

Designs delivered to the landowners in January of 2021 for review. Shoreline shows evidence of erosion due to ice push and requires engineered stabilization to achieve stable grade. Landowner is also passionate about naïve plants on property and has requested consultation around planting plan/ability to transplant existing plant material on the property in 2021.

#### b. 2772 Becker Road, Independence (PS)

New: Preliminary design is being reviewed by Hennepin County and BWSR. Design has been included with this packet for discussion during the meeting.

Previous: Survey work was requested by engineer to gather more detail about the bank. This was completed during the week of March 29th and Engineer is working on a concept plan. Survey is complete, and data sent in to engineering for pre-construction plans and estimate. Outreach work will continue into 2021 regarding HR 68 and the waterway. Differential survey was completed of the water course, and preliminary plans are being drafted. HR 65 Page 68 in Lake Sarah and Lake Independence Stormwater Retrofit Analysis. Evaluation gully and high water in wetland. Multi landowner involvement to visually inspect private ditch running from Becker Road to Lake Independence. Landowners involved had given verbal authorization for inspection once site visit restrictions are lifted. Site visit was completed on May 1, 2020. Significant erosion to the banks of the unnamed stream, sediment collection in HR 65 wetland. Landowner and Hennepin County will be working on a cost-share project for bank stabilization. We will be seeking resource assistance from the city of Independence and PSCWMO. We have had contact with all landowners surrounding HR 65 except home on Providence Curve and the Providence Homeowners Association. First contact letters will be sent out in June if needed. Upstream from 2772 Becker homeowners will be contacted though a letter (addresses 2815-3050 Becker Road) First contact letters will be sent out in June if needed. See photos of unnamed stream and drainage boundary in May Staff Report.

#### c. 2000 Block Independence Road, Independence (KG)

New: Engineer signed off on wetland embankment design. Next steps will be to begin contracting with landowner and the wetland permitting process.

Previous: Started pre-construction on an agriculture drained wetland restoration in partnership with Minnesota Land Trust following the closing of a conservation easement on this property over the winter. Once restoration is complete the .75 acre wetland will filter approximately 9 acres of agriculture grass/hay field. Additional habitat restoration and enhancement will occur over the next several years on these 4 acres of maple/basswood forest and grassland adjacent to Pioneer Creek at the outlet of Lake Independence.



**d. Maple St, Independence (recently purchased, undeveloped property on Lake Independence)**

Update: NRCS engineer declined to work on this project citing lack of confidence that the shoreline could be stabilized. DNR expressed interest in shoreline remaining as-is as it provides fish habitat. Given uncertainty around appropriate engineering solution to achieve conservation benefit, we won't be pursuing this project.

Previous: Working with NRCS and DNR still ongoing to find solution and better ensure success during permitting. Design will require significant amount of rock riprap to address existing erosion and protect against ice heaving. Significant evidence of sediment erosion (primarily by waves) exists along shore.

**Lake Rebecca/Zuhrah Shrine Horsemen (4505 CR 92, Independence) BMPs**

New: Meet with adjacent landowners, presented to issues and opportunities for pipe repair. Landowner needed time to look through old records and work with FSA on ag land impact. Will be continuing the conversation with all landowners.

Previous: Staff have continued to consult with ZSH on wetland permitting related to a desire to shift the location of a crossing between the barn and pasture areas to the west. In addition, staff have continued to make efforts to initiate contact with the landowners to the north, who will be critical to any projects to manage stormwater from the ZSH property. Meeting onsite with NRCS to look at pasture management plan and ranch facilities efficiency improvements. Discussed the impact of restored drainage and the long-term stability of the ranch. Plans are being drafted for potential 2021 implementation.

Drain tile inspections are taking place and repairs will be ongoing as issues are found. Working with the City of Independence Water Resource Specialist to ensure all work exceeds WAC. A scope of work and plan will be developed for the main tile repair that outlets into TRPD to ensure any repair made will allow for future work mitigating nutrients and sediments. Working with Zuhrah staff to address drainage and water quality work with Hennepin County providing technical services. We will be developing a refined scope of work that will utilize NRCS practices to manage water quality improvement to manage agricultural storm water runoff. Please see September 2020 meeting handout shared last month.

**Other Cost Share BMP Projects In Progress**

**a. 4635 Lake Sara Road, Independence (KG)**

Update: Work on this project is in process and expected to be complete by the end of May.

Previous: This project will stabilize erosion at the crossing of an intermittent stream at a location that was damaged during habitat restoration work on this property in 2019. The proposed rock crossing will prevent an actively eroding area from migrating upstream, thereby delivering additional sediment and nutrients into the wetland north of the property. This project will benefit the water quality entering Lake Rebecca.

**b. 1215 Copeland Road, Independence: (PS)**

New: Project is at engineer's office for preliminary design.

*Previous:* Survey is complete, and data sent in to engineering for pre-construction plans and estimate. Outreach work will continue into 2021 for upstream work. NRCS will be partnering with the landowner LO and County to do a BMP analysis for the entire 63-acre parcel.

#### **Landowner Outreach Associated with Dance Hall Creek Study**

*New:* Gaalswyk Acres met with WMO engineer and Hennepin County on site to discuss conservation design, added stormwater BMPs and opportunities to continue conservation on property.

#### **Landowner Outreach Associated with Lake Rebecca Study**

*No Update.*

#### **Evaluating and Assessing Lakeshore Homeowner Needs and Programming**

##### **a. LICA Lakeshore Restoration Inquiries (KG/PS)**

*Update:* County is coordinating internally to identify staff with resources to assist landowners, then will work with LICA to begin outreach with landowners.

*Previous:* Hennepin County staff provided LICA and its members with a webinar on lakeshore restorations during late Fall 2020. Since that time, LICA has compiled a list of landowners interested in pursuing restoration on their lakeshores. Pat Wulff recently provided those names and addresses to County staff. The County is working internally to identify staff and resources to move forward with reviewing those sites and providing those homeowners with next steps.

##### **b. 3045 Lakeshore Ave Medina**

*New:* Landowner requested evaluation for shoreline stabilization.

#### **New Inquiries and Other Opportunities**

##### **a. 2015 Budd Street, Independence: (PS)**

*New:* Given other priorities and staff capacity constraints, this project opportunity will be on hold until after the 2021 field season. In order to proceed, staff need to understand recent stormwater improvements in the City of Maple Plain.

*Previous:* Landowner reported that water levels and velocity in the past year have caused out-of-bank erosion in rock-armored areas and gulying in grass waterway. Armoring and grassed waterway were installed as a cost share project in 2004. Site visit completed on May 1, 2020 revealed significant channel erosion in the grassed waterway. Volume and debris coming down the gully cause backups at spillway. Flow changes course during heavy volume events, flowing overland through a farm field. Severe cutting in the grass waterway has resulted in the flow path changing course – now bypasses sediment pond. The water velocity has also washed out the rock crossing. See photos of unnamed gully and drainage boundary in May 2020 Staff Report.

This gully is the primary drainage between Maple Plain/Northside Park and DNR Public Water Wetland 393W and Pioneer Creek. Landowner has expressed concern about drainage work that

##### **b. Unassigned address, Marsh Land Properties LLC PID 2411824320015: (PS)**

*No Update.*

*Previous:* Will work with Maple Plain City Staff early 2021. Landowner inquired about Proto Lab parking lot addition storm drainage using stormwater pond on property, who holds the OM and how to get help for erosion. See map erosion areas highlighted in red in May Staff Report

**c. 5590 Lake Sarah Height Dr, Independence:**

*No Update.*

*Previous:* JB Gully, HR67 & HR68 page 69 Lake Sarah and Lake Independence Stormwater Retrofit Analysis. Site visit on May 1, 2020 to look at road wash-out and unnamed stream (JB gully). Identified that field crossing was cleaned at HR 67 and 68 and opened up flow. Due to site constraints of the unnamed stream restoration, will need more analysis. HR67 and HR68 show potential for restoration and flow control structure.

## **Other**

### **Environment and Energy Grant now open for application.**

#### **Grants for planting trees**

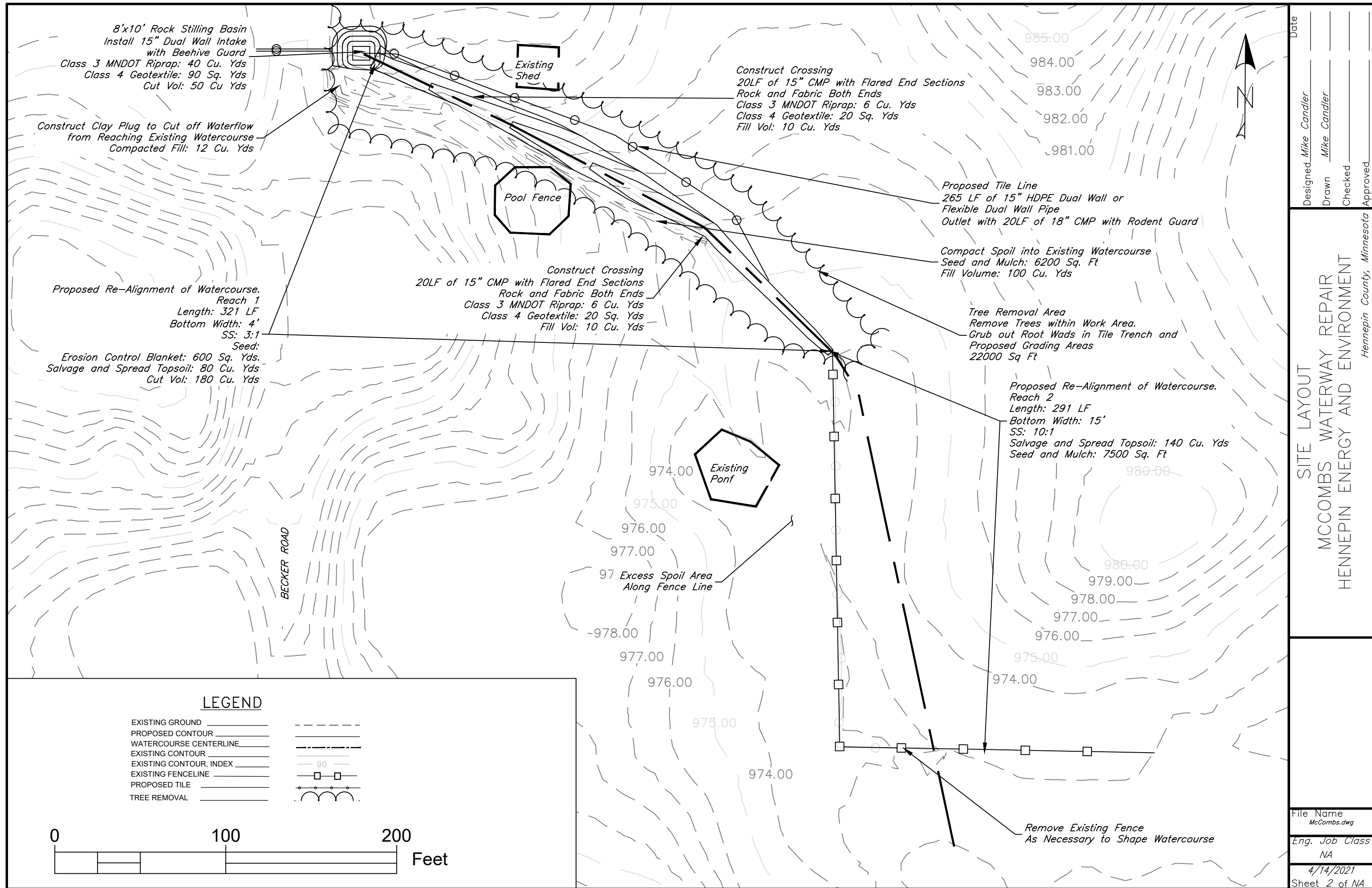
Framing Hennepin County has grants available to cities, affordable housing properties, schools, and non-profit organizations to enhance the county's tree canopy. The goals of the program are to combat threats to trees from invasive insects and disease by funding tree planting, educate the public on tree care and the importance of trees, and increase the diversity and resiliency of the tree canopy.

The types of grants available vary by organization. Information on the program and the grants available can be found [here](#). **Applications are due by 3pm on Thursday, June 10<sup>th</sup>.**

#### **Grants for deconstruction to salvage building materials**

Framing being taken apart during deconstruction project? Funding is available for building projects that use deconstruction techniques instead of standard demolition to remove materials during the destruction, alteration, or renovation of a building. In a deconstruction project, a building is taken apart mostly by hand, and materials are sorted into categories for efficient recycling and reuse.

Property owners and developers can receive up to \$5,000 to help offset the additional time and labor costs associated with deconstruction. Grants are available for demolition or renovation projects on residential properties up to 4 units that are 500 square feet or larger on structures built prior to 1970. Learn more and apply. <https://www.hennepin.us/deconstruction>



Date \_\_\_\_\_  
Designed Mike Candler  
Drawn Mike Candler  
Checked \_\_\_\_\_  
Approved \_\_\_\_\_

SITE LAYOUT  
MCCOMBS WATERWAY REPAIR  
HENNEPIN ENERGY AND ENVIRONMENT  
Hennepin County, Minnesota

File Name  
McCombs.dwg  
Eng. Job Class  
NA  
4/14/2021  
Sheet 2 of NA



**Looking down stream SP 2**





**Looking down stream SP 7**

