

elm creek Watershed Management Commission

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Technical Advisory Committee Meeting Minutes July 22, 2021

I. A virtual meeting of the **Technical Advisory Committee (TAC)** of the Elm Creek Watershed Management Commission was convened at 9:03 a.m., Thursday, July 22, 2021.

In attendance: Todd Tuominen, Champlin; Kevin Mattson, Corcoran; Nico Cantarero, Wenck Associates, Dayton; Derek Asche, Maple Grove; Matt Danzl, Hakanson-Anderson, Medina; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Ross Mullen, Ed Matthiesen, and Diane Spector, Wenck/Stantec; James Kujawa, Surface Water Solutions; Brian Vlach, Three Rivers Park District (TRPD); Kevin Ellis, Hennepin County Dept. of Environment and Energy (HCEE); and Amy Juntunen and Judie Anderson, JASS.

II. Motion by Scharenbroich, second by Danzl to approve the **agenda**.** Motion carried unanimously.*

III. Motion by Scharenbroich, second by Cantarero to approve the **minutes*** of the June 30, 2021 meeting. *Motion carried unanimously.*

IV. Old Business.

A. Motion by Scharenbroich, second by Cantarero to approve and forward on to the Commission for approval a draft **Policy on Funding Internal Load Reduction Projects**.** Motion carried unanimously.*

B. **Cost Share Programs.** Both the municipal and private cost share programs are intended to make funds available to help fund the cost of best management practices for smaller projects. A recurring line item would appear annually in the Commission's CIP for each program.

1. Motion by Scharenbroich, second by Danzl to approve the **Municipal Cost Share Guidelines*** and forward them on to the Commission for approval. *Motion carried unanimously.*

2. Motion by Cantarero, second by Scharenbroich to approve the **Private Cost Share Guidelines*** and forward them on to the Commission for approval. *Motion carried unanimously.*

[Tuominen and Mattson arrived 9:35 a.m.]

C. **Project Review Approval Letters**.** Staff is occasionally contacted seeking some kind of affirmation that a project review has been approved by the Commission. It was suggested that a letter noting such action be forwarded to the City in which the project resides. Included in the meeting packet is the letter used by the Shingle Creek/West Mississippi Commissions following their approval action. The letter notes when the approval was made and a final review document is attached showing the conditions of approval. The letter is addressed to the City Engineer, with copies to the project engineer, the Commission's engineer, and the Elm Creek Commissioner.*

Motion by Scharenbroich, second by Danzl to approve the letter with verbiage added that (1) this a Commission approval; (2) the City may have additional requirements, and (3) the City's TAC

CHAMPLIN - CORCORAN - DAYTON - MAPLE GROVE - MEDINA - PLYMOUTH - ROGERS

**included in meeting packet*

member is also copied on the letter. *Motion carried unanimously.* The letter with these revisions will be forwarded to the Commission for approval.

V. Water Appropriation. In past years the Commission has required a permit application and fee to appropriate water from waterbodies within the watershed for non-essential uses. This request has come up again, albeit in the Pioneer-Sarah Creek watershed, which has a duplicative policy. In consulting with the Commission's attorney, Joel Jamnik noted the following:

The statutory basis for the water appropriation permit is somewhat obsolete (having been repealed in 1990 as part of the comprehensive water law recodification bill). But the statutory authority for WMO water appropriation permits still exists, just in a different statute: 103B.211, Subd. 4 (assuming the stream segment qualifies):

Subd. 4. Appropriations from small watercourses.

(a) This subdivision applies in Hennepin and Ramsey Counties to the following public waters:

(1) a public water basin or wetland wholly within the county that is less than 500 acres; or

(2) a protected watercourse that has a drainage area of less than 50 square miles.

(b) An appropriation of water that is below the minimum established in section 103G.271, subdivision 4, for a nonessential use, as defined under section 103G.291, is prohibited unless a permit is obtained from the watershed district or watershed management organization having jurisdiction over the public water basin, wetland, or watercourse. The watershed district or watershed management organization may impose a fee to cover the cost of issuing the permit. This subdivision must be enforced by the home rule charter or statutory city where the appropriation occurs. Violation of this subdivision is a petty misdemeanor, except that a second violation within a year is a misdemeanor. Affected cities shall mail notice of this law to affected riparian and adjoining landowners.

The drought condition has started a movement toward a variety of water conservation efforts by DNR and water utilities, and it seems to me that the current situation warrants an evaluation whether our existing permit approvals should continue or be reduced or suspended.

It was a consensus of the members that the appropriation permits be suspended during the current drought conditions. Staff will follow-up with Jamnik and the cities on this topic.

[Simmons arrived 10:15 a.m.]

VI. Conformity of City and Commission Rules and Standards. The members discussed ways to avoid conflicting rules such as occurred during the review of the Skye Meadows project. Mullen created a spreadsheet showing the inconsistencies between the City and Commission rules. Various scenarios were discussed. It was agreed that more discussion is merited prior to making any revisions to the current Commission Rules. The next TAC meeting will focus on this topic.

VII. Regional Stormwater Plans* Included in the June 30, 2021 meeting packet was correspondence between staff from the City of Medina, Commission Technical and Legal Staff, a project developer, and the cities of Rogers and Maple Grove regarding the life of regional stormwater plans. This topic will be discussed in more depth at a future TAC meeting.

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VIII. Other Business.

The members expressed their good wishes to Tuominen, who is retiring on July 30. A luncheon in his honor will be held at Mississippi Pointe Park at noon on that date.

There being no further business, the meeting was adjourned at 11:09 a.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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