COON CREEK WATERSHED DISTRICT
BOARD OF MANAGERS' MEETING
September 28, 2015

The Board of Managers of the Coon Creek Watershed District held their regular meeting on September 28, 2015, at Bunker Hills Activity Center.

POLICY ITEMS
1. Call to Order: The meeting was called to order at 5:30 PM

Present: Warren Hoffman, Clayton Kearns, Nick Phelps, and Byron Westlund.
Staff:  Dawn Doering, Rebecca Haug, Tim Kelly, and Michelle Ulrich
Others: Jim Lindahl of Anoka Conservation District, Cory Kampf of Anoka County.

2. Approval of the Agenda: Motion to approve the Agenda was made by Hoffman and seconded by Kearns. Motion carried with four yeaes (Hoffman, Kearns, Phelps, and Westlund) and no nays.

3. Open Mike: None

POLICY ITEMS:
4. Approval of Minutes: Motion to approve the Minutes was made by Kearns and seconded by Hoffman. Motion carried with four yeas (Hoffman, Kearns, Phelps, and Westlund) and no nays.

5. Adopt Resolution Addressing the Conservation of Endangered and Threatened Species and Encouraging the Minnesota Department of Natural Resources to Fulfill its Legal Responsibilities to These Resources and the People Of Minnesota Through Responsible, Timely and Open Regulation and Policy:

RESOLUTION
WHEREAS, The Coon Creek Watershed District (District) is a Minnesota special purpose unit of government established and governed under Minnesota Statute 103D, and

WHEREAS, The District is also a Water Management Organization (WMO) engaged in Comprehensive watershed management under the Metropolitan Water Management Act, and

WHEREAS, The District is also a “Local Governmental Unit” (LGU) administering the Minnesota Wetland Conservation Act, and

WHEREAS, the District through its Comprehensive Plan is committed to protecting and providing for the beneficial uses of the water and related resources, including wildlife and the endangered and threatened species of the Coon Creek watershed, and
WHEREAS, urban growth and the need to improve public infrastructure in the north metro area has presented numerous projects that have involved endangered and threatened species, some of which have been classified as rare by the Minnesota Department of Natural Resources, and

WHEREAS, the Minnesota Department of Natural Resources is directed by the Minnesota Environmental Policy Act (M.S. 116D.02 Subd. 2 (10)) to “preserve important existing natural habitats of rare and endangered species of plants, wildlife and fish and provide for the wise use of our remaining areas of natural habitation, including necessary protective measures where appropriate” and the “Protection of Threatened and Endangered Species (M.S. 84.0895 Subd. 7 (c)) to not issue a takings permit “until all alternatives, including trapping and transplantation, have been evaluated and rejected, and

WHEREAS, The Minnesota Department of Natural Resources is not expressly authorized to accept cash payments as a form of mitigation for the loss of Threatened or Endangered species, and

WHEREAS, The Minnesota Department of Natural Resources has issued permits within the District affecting no less than six different species on three different projects and suggested and/or received cash payments as mitigation for the species or as a stipulation of the taking permit, and

WHEREAS, There was no public review, no evidence that alternatives to avoid or minimize impacts were considered that are unique to the species proposed to be impacted, that transplantation was refused, even after the takings permit was approved and that there is no written policy, procedure or methodology that has undergone public review and comments as how the cash value for the takings of these species was determined, and

WHEREAS, The Threatened and Endangered Species program has taken so long to check the Natural Heritage Information System that substantial delays, costs and inconvenience has occurred to land owners, developers and local government, and

THEREFORE BE IT RESOLVED THAT, The Coon Creek Watershed believes that the Minnesota Department of Natural Resources should:

1. Conform to the timelines required of local government units administering the Wetland Conservation Act and provide Natural Heritage Database information in a timely manner

2. Be required or require applicants to conduct a sequencing analysis that assesses the prudence and feasibility of avoiding impacts to the species or community in question through avoidance and then minimization of impact before being allowed to “take” said species under the state threatened and endangered species act.
3. Allow salvage transplantation of plant species to similar habitat, if the issuance of a takings permit for a threatened or endangered plant species in that location is found to be feasible and prudent.

4. Seek clear and specific authorization from the Legislature to pursue cash mitigation for the loss or taking of an endangered or threatened species.

5. The method for determining the cash value of a species should be subject to due process and public review.

BE IT FURTHER RESSOLVED THAT, The Coon Creek Watershed District believes that the Minnesota Department of Natural Resources and the Minnesota Association of Watershed Districts should support an amendment to Minnesota Statute 84.0895 concerning the Protection of Threatened and Endangered Species that requires applicants for permits under that Act to:

1. Establish or confirm the presence of endangered, threatened or special concern species or communities on-site and the source of that information.

2. Assess the potential effect of a proposed project on wildlife and vegetation and the habitats upon which they depend through an effects analysis.

3. To assess the prudence and feasibility of a project and/or proposed taking on the effect on a threatened or endangered species through a sequencing analysis similar to that required under the Minnesota Wetland Conservation Act.

4. Require applicants to provide a habitat management plan when the Commissioner determines the applicant cannot avoid direct or indirect impacts on the habitat in question.

Motion to Order Public Notice and Hearing was made by Westlund and seconded by Hoffman. Motion carried with four yea (Hoffman, Kearns, Phelps, and Westlund) and no nays.
PERMIT ITEMS:

6. **147th & Aberdeen**: The purpose of this project is 147th Avenue NE Aberdeen Street NE reconstruction from intersection of 147th Ave. and TH-65 to the intersection of Hastings Street NE and 149th Avenue, Ham Lake.

Staff report provided to the Board identified the following issues and concerns:

<table>
<thead>
<tr>
<th>Stormwater &amp; Hydraulics:</th>
<th>1. The applicant must acknowledge that they will conduct a post construction test on the infiltration basin. The Coon Creek Watershed District shall be notified prior to the test to witness the results.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff report provided to the Board identified the following issues and concerns:</td>
<td>2. After initial grading completely surrounded the proposed infiltration basins with erosion control measures to prevent the basin from clogging.</td>
</tr>
<tr>
<td>Soils &amp; Erosion Control:</td>
<td>3. Provide silt fence along construction limits to prevent sedimentation of adjacent properties.</td>
</tr>
<tr>
<td>Infiltration basins are not protected from erosion and sedimentation during construction. After initial grading the District requires that infiltration basins be completely surrounded by erosion control measures to prevent the basin from clogging.</td>
<td>4. Receipt of escrows.</td>
</tr>
<tr>
<td>11/13/2013 submittal does not show silt fence along construction limits. Provide silt fence along construction limits where drainage is away from the project to protect adjacent properties from sediment deposition.</td>
<td></td>
</tr>
<tr>
<td>Escrows: $2,000 + (4.70 ac * $500/ac) = $4,350.00</td>
<td></td>
</tr>
</tbody>
</table>

Staff recommendation is to Approve with 4 Stipulations:

1. Receipt of escrows of $4,350.00.
2. The applicant must acknowledge that they will conduct a post construction test on the infiltration basin. The Coon Creek Watershed District shall be notified prior to the test to witness the results.
3. After initial grading completely surrounded the proposed infiltration basins with erosion control measures to prevent the basin from clogging.
4. Provide silt fence along construction limits to prevent sedimentation of adjacent properties.

Staff recommendation to Approve with 4 Stipulations was moved by Hoffman and seconded by Westlund. Motion carried with four yea (Hoffman, Kearns, Phelps, and Westlund) and no nays.

7. **Blaine Apartments:** The purpose of this project is construction of a 5 level 73,000 sf apartment building at the NW quadrant of Ulysses St. NE and Cloverleaf Parkway in Blaine, MN.

The staff report provided to the Board identified the following issues and concerns:

<table>
<thead>
<tr>
<th>ISSUES/CONCERNS:</th>
<th>NEED:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maintenance:</strong> A drainage and utility easement is not provided for the infiltration pond shown on the drainage plan.</td>
<td>1. Provide drainage easement and operating and maintenance agreement for infiltration basin</td>
</tr>
<tr>
<td><strong>Escrows:</strong> $2,000 + (9.08 acres x $500/acre) = $6,540.00</td>
<td>2. Receipt of escrows</td>
</tr>
</tbody>
</table>

Staff recommendation was to Approve with 2 Stipulations:
1. Receipt of escrows of $6,540.00.
2. Provide Drainage Easement and Operating and Maintenance Agreement for infiltration basin

Motion to Approve with 2 Stipulations was moved by Kearns and seconded by Hoffman. Motion carried with four yea (Hoffman, Kearns, Phelps, and Westlund), and no nays.

8. **CSAH 14/Main St.:** The purpose of this project is reconstruction of Main /St. from HWY 52 to approximately 1,200 feet E of Harpers St. and proposed recreational trail on the S side of Main St. from Hwy 52 to Harpers St. in Blaine, MN.

The staff report provided to the Board identified the following issues and concerns:

| Stormwater & Hydraulics: The project is not meeting rate control and volume control for the entire project. There are several areas, notably subwatersheds 5935 and 5937 that are not being treated or controlled before entering in to the wetland complex to the north of Main Street. The impact is complicated by the fact that there | |

are drainage sensitive uses to the north. However, the District performed analysis in 2014 that indicated that the increase in runoff volume for these areas was going to have no appreciable impact on the overall flooding. It was determined that the exiting wetland system would adequately handle the rate and volume of water from the proposed new impervious. Therefore, volume and rate control is not required for these subwatersheds.

### Soils & Erosion Control:
Proposed ponds basins are not protected from erosion and sedimentation during construction adequately. After initial grading the District requires that ponds and infiltration basins be completely surrounded by erosion control measures.

- **1.** After initial grading completely surrounded the proposed pond basins with erosion control measures.

### Maintenance:
The proposed pond features must be within a maintenance easement which should be shown on the plans.

- **2.** Provide plans showing the storm water ponds in easement.

### Wetlands:
Wetlands do exist on-site according to the 1987 Federal manual, NWI, PWI, and Soil Survey. The delineation has been reviewed by the TEP. The WCA/Corps Joint Permit Application is currently being prepared and will be submitted in early November. Wetland impacts are being proposed as part of this project.

- **3.** Submit a WCA/Corps Joint Permit Application and receive approval for the proposed impacts.

### Wildlife:
The proposed project has the threatened Bristle Berry (*Rubus stipulates*). The applicant has contacted the DNR and is working towards coming to agreement for mitigation. The LGU cannot approve the project until an agreement has been met.

- **4.** Receive documentation from the DNR for mitigation of the threatened Bristle Berry (*Rubus stipulates*).

### Escrows:

\[
\text{Escrows: } $2,000 + (33.9 \text{ ac} \times $500/\text{ac}) = $18,950.00
\]

- **5.** Receipt of escrows.
Staff recommendation was to Table with 5 Stipulations:
1. Receipt of escrows of $18,950.00.
2. After initial grading completely surrounded the proposed pond basins with erosion control measures.
3. Provide plans showing the storm water ponds in easement.
4. Submit a WCA/Corps Joint Permit Application and receive approval for the proposed impacts.
5. Receive documentation from the DNR for mitigation of the threatened Bristle Berry (Rubus stipalates).

Staff recommendation to Table with 5 Stipulations was moved by Westlund and seconded by Hoffman. Motion carried with four yeas (Hoffman, Kearns, Phelps, and Westlund) and no nays.

9. Ehrnreiter Estates: The purpose of this project is development of a 36 lot single family homes with septic and private wells N of Crosstown Blvd. NE and W of Vickers St. NE in Ham Lake, MN.

The staff report provided to the Board identified the following issues and concerns:

<table>
<thead>
<tr>
<th>Stormwater &amp; Hydraulics:</th>
<th>1. It is unclear how ALL of the new impervious is being directed into the infiltration basins. Provide stormwater runoff calculations that show the site is meeting the volume management requirement equivalent to infiltrating runoff from the first inch of precipitation or explanation on why it cannot be met.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Proposed drainage map shows that a single culvert exist north of the site that drains to the east. However, this culvert drains only a small part of the ROW and is surrounded by a berm that prevents drainage form the site to flow through the culvert. Further discussions with Brian Kallio (project engineer w/ Carlson McCain) determined that this site is not connected to CD 11 for either existing or proposed conditions. Therefore, drainage sensitive uses rules do not apply.</td>
<td></td>
</tr>
<tr>
<td>• The 100-Yr elevation for the wetlands in the HydroCAD model and on the grading plans are now consistent which provides sufficient documentation as to the development of the 100-yr elevations for the wetlands on site.</td>
<td></td>
</tr>
<tr>
<td>• The applicant is not meeting the volume management requirement equivalent to infiltrating runoff</td>
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</tbody>
</table>
from the first inch of precipitation. The volume provided for infiltration meets the requirements but it is unclear how ALL of the new impervious is being directed into the infiltration basins. If applicants cannot meet this requirement due to site constraints in its entirety, they must meet it to the greatest extent practical and explain why it cannot be met.

**Wetlands:** The project proposes 924 sq. ft. of fill in three locations. The TEP has approved the request for de minimis but a revised wetland delineation must be submitted.

2. Submit a revised wetland delineation to be approved by the TEP

**Wildlife:** The proposed project has the potential to include the threatened Blanding’s Turtle (*Emydoidea blandingii*) and the threatened Black Huckleberry (*Gaylussacia baccata*).

3. Contact the DNR to have a DNR Natural Heritage Information System (NHIS) data review completed to determine if any records of state-protected species may be located within the boundary of this project.

**Escrows:** $2,000 + (65.40 ac * $500/ac) = $32,700

4. Receipt of escrows.

Staff recommendation was to Table with 4 Stipulations:

1. Receipt of escrows of $32,700.00.
2. It is unclear how ALL of the new impervious is being directed into the infiltration basins. Provide stormwater runoff calculations that show the site is meeting the volume management requirement equivalent to infiltrating runoff from the first inch of precipitation or explanation on why it cannot be met.
3. Provide TEP approval of the wetland delineation report and replacement plan.
4. Contact the DNR to have a DNR Natural Heritage Information System (NHIS) data review completed to determine if any records of state-protected species may be located within the boundary of this project.

Staff recommendation to Table with 4 Stipulations was moved by Hoffman and seconded by Kearns. Motion carried with four yeas (Hoffman, Kearns, Phelps, and Westlund) and no nays.
10. Livering House: The purpose of this project is shoreline stabilization along the Mississippi River by removing non-conforming rip rap and replacing with DNR specified rip rap. At Mississippi River Drive NW and Pheasant Ridge Drive NW in Coon Rapids, MN.

The staff report provided to the Board identified the following issues and concerns:

| Escrows: $2,000 + (0.88 ac * $500/ac) = $2,440.00 | Receipt of escrows. |

Staff recommendation was to Approve with 1 Stipulation:

1. Receipt of escrows of 2,440.00.

Staff recommendation to Approve with 1 Stipulation was moved by Kearns and seconded by Phelps. Motion carried with four yeas (Hoffman, Kearns, Phelps, and Westlund) and no nays.

11. Northern Force Dance Studio: The purpose of this project is building additions and a new parking lot at 12303 Aberdeen St. NE in Blaine, MN.

The staff report provided to the Board identified the following issues and concerns:

| Maintenance: It is unknown if property owners affected by changes in drainage have been notified and have acknowledged the changes proposed. | 1. Provide confirmation that affected property owners are aware of and have acknowledged changes in drainage. |
| A drainage and utility easement is not provided for the infiltration pond shown on the drainage plan. | 2. Provide drainage easement and operating and maintenance agreement for infiltration basin. |
| Escrows: $2,000 + (.48 ac * $500) = $2,240.00 | 3. Receipt of escrows. |

Staff recommendation was to Table with 3 Stipulations:

1. Receipt of escrows of $2,240.00
2. Provide drainage easement and operating and maintenance agreement for infiltration basin
3. Provide confirmation that affected property owners are aware of and have acknowledged changes in drainage.

Staff recommendation to Table with 3 Stipulation was moved by Westlund and seconded by Hoffman. Motion carried with four yeas (Hoffman, Kearns, Phelps, and Westlund) and no nays.

It was noted that stipulation number 3 might be changing per the City of Blaine.
12. **Red Fox Hollow:** The purpose of this project is a 12 single family lot subdivision E of Lexington at 136<sup>th</sup> Ave NE in Ham Lake, MN.

The staff report provided to the Board identified the following issues and concerns:

<table>
<thead>
<tr>
<th>Wetlands: Wetlands do exist on-site according to the 1987 Federal manual, NWI, PWI, and Soil Survey. The delineation has been reviewed by the TEP but not approved. The TEP is waiting for a revised delineation report and application for wetland fill.</th>
<th>1. TEP approval of the wetland delineation report and application for wetland fill.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Escrows: $2,000 + (11.50 ac * $500/ac) = $7,750.00</td>
<td>2. Receipt of escrows.</td>
</tr>
</tbody>
</table>

Staff recommendation was to Approve with 2 Stipulations:
1. Receipt of escrows of $7,750.00.
2. TEP approval of the wetland delineation report and application for wetland fill.

Staff recommendation to Approve with 2 Stipulations was moved by Hoffman and seconded by Kearns. Motion carried with four yeas (Hoffman, Kearns, Phelps, and Westlund) and no nays.

13. **Sand Creek Elementary Ditch Maintenance:** The purpose of this project is 200 feet of ancillary ditch cleaning, 1-2 feet deep excavation 400 feet W of 123<sup>rd</sup> Ave. and Olive Street in Coon Rapids, MN.

The staff report provided to the Board identified the following issues and concerns:

<table>
<thead>
<tr>
<th>Soils &amp; Erosion Control: Downstream system is not protected from construction activities. Erosion control needs to be provided to prevent sediment from accumulating downstream of construction site.</th>
<th>1. Provide silt fence in ditch, directly downstream of construction activities.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Escrows: $2,000 + (.04 ac * $500/ac) = $2,020.00</td>
<td>2. Receipt of escrows.</td>
</tr>
</tbody>
</table>

Staff recommendation was to Approve with 2 Stipulations:
1. Receipt of escrows of $2,020.00.
2. Provide silt fence in ditch, directly downstream of construction activities.
Staff recommendation to Approve with 2 Stipulations was moved by Westlund and seconded by Phelps. Motion carried with four yeas (Hoffman, Kearns, Phelps, and Westlund) and no nays.

14. South Coon Lake Estates: The purpose of this project is construction of 19 new single family lots N of 171st Ave. NE and S of Little Coon Lake in Ham Lake, MN.

The staff report provided to the Board identified the following issues and concerns:

<table>
<thead>
<tr>
<th>Wetlands: The project proposes fill in two locations. The applicant has submitted an application for the proposed fill but the TEP needs additional information justifying the impact and additional information justifying the wetland bank being proposed.</th>
<th>1. Provide additional information for the second alternative and additional information justifying the wetland bank proposed for replacement as it doesn’t meet the siting requirements.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Escrow: $2,000 + (83.97 ac * $500/ac) = $43,985.00</td>
<td>2. Receipt of escrows.</td>
</tr>
</tbody>
</table>

Staff recommendation was to Approve with 2 Stipulations:
1. Receipt of escrows of $43,985.00.
2. Provide additional information for the second alternative and additional information justifying the wetland bank proposed for replacement as it doesn’t meet the siting requirements.

Staff recommendation to Approve with 2 Stipulations was moved by Hoffman and seconded by Kearns. Motion carried with four yeas (Hoffman, Kearns, Phelps, and Westlund) and no nays.

15. Springbrook Nature Center: The purpose of this project is construction of a new nature center building renovation and expansion over 2.7 acres. The project is located at 100 85th Ave NE, Fridley, MN.

The staff report provided to the Board identified the following issues and concerns:

| Escrows: $2,000 + (2.69 ac * $500/ac) = $3,345.00 | 1. Receipt of escrows. |

Staff recommendation was to Approve with 1 Stipulation:
1. Receipt of escrows of $3,345.00.

Staff recommendation to Approve with1 Stipulation was moved by Westlund and seconded by Phelps. Motion carried with four yeas (Hoffman, Kearns, Phelps, and Westlund) and no nays.
DISCUSSION ITEMS

16. Review and Q&A on District Funds & Investments: Kelly reviewed the information provided in the Board packet much of which was provided by Mr. Kampf and Michelle Ulrich. Kelly then introduced Cory Kampf, Manager of the Anoka County Finance and Central Services Division.

Kampf reviewed the disposition of District funds and the current District earnings. Kampf then offered some suggestions for improving earnings. Kampf suggested that tighter cash flow projections and management would offer greater certainty on available capital for investments and noted that two additional alternatives exist under the MAGIC Fund programs.

After some general discussion the Board directed staff to work with Kampf to identify the pros and cons of the two potential investment programs. Motion was made by Hoffman and seconded by Westlund. Motion carried with four yeas (Hoffman, Kearns, Phelps, and Westlund) and no nays.

17. New Building Update: Kelly provided a brief update to the Board on discussion with Anoka County Parks and the potential for co-location at the Coon Rapids Dam Regional Park. Kelly noted that he would be giving a presentation to the Anoka County Parks and Community Services Committee on October 6. The Board suggested that either Bromley or Westlund attend the meeting with Kelly.

INFORMATIONAL ITEMS

18. Executive Secretary Position Update: Kelly noted that he had interviewed candidates for this position the previous week and had identified two candidates for a second round of interviews.

19. National Award Winner: Kelly noted that the District a finalist and winner of a National Award for the Oak Glen Creek Project. Kelly noted the critical roles that the Anoka Conservation District and the City of Fridley have played in completing this project and they would be named on the award as well.

20. State Finalist/MAWD Award Winner: Kelly noted that the same project is a finalist for the MAWD project of the year.

21. MPR news: Water Crisis is already here, inches below our feet: Kelly drew the Board’s attention to an article posted by MPR that is part of a series that takes a different perspective on water issues.

22. MAWD: Kelly asked if anyone had received the MAWD Conference information.

ADJOURN
The meeting adjourned at 6:30 PM on a motion by Hoffman and seconded by Kearns. Motion carried with four yeas (Hoffman, Kearns, Phelps, and Westlund) and no nays.
Byron Westlund, President