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Technical Advisory Committee and Regular Meeting Minutes January 11, 2017

I. A meeting of the **Technical Advisory Committee (TAC)** for the Elm Creek Watershed Management Commission was convened at 10:05 a.m., Wednesday, January 11, 2017, in the Mayor's Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN.

In attendance were: Todd Tuominen, Champlin; Susan Nelson and Meaghan Watson, Wenck Associates, Corcoran; Rick Lestina and Mark Lahtinen, Maple Grove; Kaci Fisher, Hakanson-Anderson, Medina; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Ali Durgunoğlu, James Kujawa and Kirsten Barta, Hennepin County Dept. of Environment and Energy (HCEE); Rich Brasch, Three Rivers Park District (TRPD); Jeff Weiss, Barr Engineering; Diane Spector, Wenck Associates; and Judie Anderson and Amy Juntunen, JASS.

Not represented: Dayton.

Also present: Doug Baines, Dayton; Elizabeth Weir, Medina; and Fred Moore, Plymouth.

A. Motion by Lestina, second by Scharenbroich to approve the **meeting agenda**.* *Motion carried unanimously.*

B. Motion by Lestina, second by Scharenbroich to approve the **minutes of the October 12, 2016 TAC meeting**.* *Motion carried unanimously.*

C. **Model Manure Management Ordinance.** The Commission's Third Generation Watershed Management Plan states as one of its Water Quality goals:

Member cities shall adopt a manure management ordinance using the Commission's model ordinance for guidance, or adopt other standards and practices that will accomplish the objective of reducing phosphorus loading from new livestock operations.

Currently the Commission does not have a model manure management ordinance. During a previous TAC meeting the members identified the following elements that should be considered when writing such an ordinance:

1. Facilitate transition from agricultural to rural residential land use.
2. What BMPs should be used when animals are present?
3. How are load reduction credits quantified?

Action: Brasch, Kujawa and Barta will work to bring a draft ordinance to the March 8 TAC meeting. Medina's Ordinance will be reviewed for sample language.

D. **Buffer inspection/enforcement requirements.**

The Joint Powers Agreement (JPA) does not give the Commission permission to perform inspections, unless requested by the member cities, and grants the Commission no enforcement authority, excepting when serving as the LGU for the Wetland Conservation Act (WCA). These duties could be assumed by the Commission through a Memorandum of Understanding with each individual city. The Commission's attorney has prepared a draft MoU* apprising the cities that this service is available.

*in meeting packet

Action: Since, under the 2016 State Buffer Law, watershed organizations are not required to enforce its provisions, this item will be set aside for possible future discussion.

[Tuominen arrived 10:30 a.m.]

E. Hy-Vee project in Maple Grove.

At the Commission’s November meeting, the developer’s engineer requested an interpretation of the Commission’s 25-foot average/10-foot minimum requirement for a buffer when a retaining wall is used to minimize wetland impacts. He queried whether the Commission would still require a 10-foot minimum below the retaining wall, thus impacting more wetlands, or would it accept an area to be mitigated elsewhere on the parcel? Spector provided the following:

This scenario occurs infrequently so it would be rare to call it out in rules and standards. The purpose of a buffer is twofold: 1) prevent encroachment into the wetland and 2) filter runoff. A retaining wall effectively limits encroachment. If there will be minimal sheet flow over the retaining wall into the wetland (and there should be none to minimal for structural reasons) then we’d (Shingle Creek and West Mississippi WMOs) consider limited to no buffer on the top of the wall. If there will be incidental flow down a slope, we’d suggest a minimum 10’ native buffer to encourage abstraction. Most importantly, we’d consider it a formal variance from the buffer requirement with findings documenting the unique circumstances.

Action: Following discussion, it was a consensus to request copies of the member cities’ wetland buffer rules before continuing this discussion. Staff will request this information from the cities.

F. Measuring phosphorus reductions from land conversion.

This discussion will occur, in part, during consideration of the Model Manure Management Ordinance.

G. Rules pertaining to filtration, infiltration and abstraction.

At the October TAC meeting Staff was directed to draft a comprehensive listing of sequencing guidelines for use during stormwater management review of projects. Staff was directed to Ramsey-Washington Watershed District’s Rule C,* which includes more formal sequencing requirements than are outlined in the Elm Creek Commission’s rules. It was noted during the discussion that the member cities have differing ponding requirements.

Action: Staff will contact the cities, requesting their pond requirements. Since many cities are in the midst of updating their Local Plans, this process may take a few months. At the same time, Technical Staff will develop a sequencing process for review by the members. Timeframe: 2-3 months.

H. Cost Share Policy.

At the July Commission meeting the Commissioners discussed the Rush Creek Headwaters Subwatershed Assessment (SWA) grant application. Wenck’s July 19, 2016* memo was included in the meeting packet for reference. Much of the discussion centered on cooperative funding of the grant. The formula used to request funding for the Rush Creek Headwaters Subwatershed Assessment =

Estimated Project Cost	62,850
Commission Match	12,070
Corcoran Match	500
Grant Request	<u>50,280</u>
Total	62,850

*in meeting packet

It was noted that since the Commission does not have a policy for cost-sharing SWAs or other special projects, this should be a topic for discussion by the TAC. As a starting point, Staff contacted nine other watershed organizations to determine how they fund “special projects.” In many cases, projects such as SWAs are funded using the ad valorem process. In all cases, where projects are not funded through the ad valorem process, they are funded out of the general fund with no city match.

Appendix G of the Commission’s Third Generation Plan includes the following language (emphasis added):

Both by itself and also in partnership with member cities the Commission will undertake special studies to target BMP implementation and to perform feasibility analyses to develop grant applications. These special studies will be solicited and identified each year through the budget/CIP review process. Some examples of these are:

TMDL Implementation. The Elm Creek Watershed TMDL implementation actions include a number of strategies that would require additional, more detailed study to identify specific BMPs and their costs and benefits. The Commission will share 50% of the cost of feasibility studies and subwatershed assessments.

Note: In the Pioneer-Sarah Creek watershed two SWAs have been done by the County. The Rush Creek Headwaters SWA grant application was completed by Wenck Associates. The capacity of the County to do this work depends on Staff time and availability and would be performed under separate contract.

At the October TAC meeting the following action was approved: Subwatershed assessments shall be 1) identified in areas outside of the MUSA, 2) be supported by the City in which the SWA is located, 3) be undertaken at the discretion of the Commission, 4) should have a \$15,000 maximum cap (grant or Commission funding), and 5) the cost should be shared by the City at a 20% match. [This action will require a minor plan amendment per S. Christopher.] The formula under this scenario would look like this:

Estimated Project Cost	62,850	
A. Commission Match	12,569	D minus C minus B
B. City Match	3,143	D minus C x .20
C. Grant Request	<u>47,138</u>	75% project cost
D. Total	62,850	

NOTE: Staff ran this motion and formula by Diane Spector for verification and she responded:

Under point 4 above – are they proposing to cap the Commission match at \$15,000 or the grant request at \$15,000 or both? Most grants have a minimum request of \$25,000. Also, \$15,000 won’t get you much of a SWA.

As for the formula, it’s actually a bit more complicated. The BWSR requires that the *grant* (not the project cost) be matched 25% so there’s some math involved. If X = the grant amount, then .25*X = the match amount. (X + .25X) or 1.25X = the project cost. If you know the project cost, then (project cost/1.25)=grant and (project cost-grant)=match. So:

$$\begin{aligned} \$62,850/1.25 &= \$50,280 \text{ grant} \\ \$62,850 - \$50,280 &= \$12,570 \text{ match} \end{aligned}$$

Under the proposed policy, that would be split (\$12,750*20%=\$2,550 Corcoran) and (\$12,570-2,550=\$10,020 Commission)

So, if the maximum Commission participation is \$15,000, which would require a 20% match or \$3,000, then the total available match would be \$18,000. The maximum grant request would be \$72,000 (because \$18,000 =.25X so multiply by 4) for a total maximum project cost of \$90,000

Other grant sources like 319 define the match as percent of total *project* cost, so I would recommend being more neutral and using language that would establish the Commission contribution cap, require the Commission contribution to be matched, and be silent on how the grant amount is figured, because it will be different depending on the grant source.

*in meeting packet

I. Prioritizing Special Projects

At the October TAC meeting members reviewed criteria identified by the nine WMOs and WDs that were contacted (G, above) for prioritizing **special projects** other than subwatershed assessments. Five additional criteria were added to the list by the members.

Action: Staff will circulate the list via email, asking members to prioritize the 19 items. Staff will also draft minor plan amendment language if necessary. **[No amendment required, per S. Christopher.]**

J. Capital Improvement Program (CIPs).

The members received Table 4.5* of the Third Generation Plan. It is an updated version of the CIP program as amended on May 11, 2016.

Action: Staff will contact the cities requesting their updates and additions to the CIP. The TAC members will consider projects scheduled for 2017 at their March meeting. Form Exhibit A* was also included in the packet and should be used by the cities to submit their updates/additions.

K. Adjournment.

The meeting of the Technical Advisory Committee of the Elm Creek Watershed Management Commission was adjourned at 11:31 a.m. The next meeting of the TAC will be convened on March 8, 2017.

II. A regular meeting of the Elm Creek Watershed Management Commission was called to order at 11:41 a.m., Wednesday, January 11, 2017, in the Mayor's Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN by Chairman Doug Baines.

Present were: Bill Walraven, Champlin; Doug Baines, Dayton; Joe Trainor, Maple Grove; Elizabeth Weir, Medina; Fred Moore, Plymouth; Kevin Jullie, Rogers; Ali Durgunoğlu, James Kujawa and Kirsten Barta, Hennepin County Dept. of Environment and Energy (HCEE); Rich Brasch, Three Rivers Park District (TRPD); Jeff Weiss, Barr Engineering; and Judie Anderson and Amy Juntunen, JASS.

Not represented: Corcoran.

Also present: Todd Tuominen, Champlin; Mark Lahtinen, Maple Grove; Lisa Vertelney and Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; and Dan Parks, Westwood Professional Services, for project 2016-047.

A. Motion by Walraven, second by Weir to approve the **revised agenda**.* *Motion carried unanimously.*

B. Motion by Walraven, second by Weir to approve the **minutes*** of the December 14, 2016 regular meeting. *Motion carried unanimously.*

C. Motion by Moore, second by Walraven to approve the **January Treasurer's Report and Claims*** totaling \$13,336.82. *Motion carried unanimously.*

D. Open Forum.

No one wished to speak to items not on the agenda.

E. Action Items.

1. Project Review 2016-005W Ravinia Wetland Bank, Corcoran. In February, a Wetland Banking Concept Plan was submitted for Phase II of the Ravinia Development. The plan has since

*in meeting packet

been withdrawn in favor of an onsite wetland replacement plan. Wetland impacts from the final phases of this development will be 1.17 acres. The applicant is proposing to restore, enhance and create 3.3 acres of wetland credits and 1.24 acres of upland buffer credits on site. The original wetland delineation was approved by the LGU on September 9, 2013. The project was noticed per MN WCA requirements on August 27. Comments were accepted until September 30, 2016. A TEP was held on the replacement plan on October 3. The TEP and applicant agreed to revise the plan so wetland restoration and creation were limited on one basin for a better wetland. A revised wetland permit application was received on November 28, 2016 and Staff issued the Notice of Application on December 1, 2016, with the comment period closing on December 30, 2016. In their findings dated January 10, 2017, Staff recommended approval pending five conditions. Motion by Moore, second by Weir to approve Staff's recommendations. *Motion carried unanimously.* Staff will work with the Commission's attorney to assure fulfillment of the condition pertaining to the letter of credit.

2. Project Review 2016-047 HyVee Maple Grove #1. The applicant is proposing to disturb 13 acres of a 20.4-acre site located at the northeast corner of Maple Grove Parkway and 99th Avenue (just south of future Highway 610) for the purpose of constructing a grocery store, fuel station, convenience store and parking facilities. The applicant's engineer was present at the November meeting to have preliminary discussions regarding the use of retaining walls to minimize wetland impacts on the site. Discussion included enhancing the low quality wetlands, particularly the wetland in the southwest corner of the site, to mitigate total disturbances. The engineer was requesting interpretation from the Commission on their 25' average and 10' minimum standard for a buffer when a retaining wall is used to minimize wetland impacts. The Commission felt there had to be some type of mitigating compensation for such a scenario, but could not provide specifics on this site plan since it had not been submitted for review to the Commission and the LGU had not yet approved a wetland replacement or buffer plan.

A complete plan was submitted on December 1, 2016. Staff findings dated January 10, 2017, recommends approval of this project subject to a) receipt, approval, and recordation of an Operations and Maintenance Plan for the pond and the iron-enhanced filtration system, b) revisions for items relating to buffer requirements and erosion and sediment control as enumerated in the findings, and c) receipt of a signed and dated final plan set. Motion by Moore, second by Walraven to approve Staff's recommendations with the further requirement that the Commission receive and comment on a WCA impact notice. *Motion carried unanimously.*

F. Watershed Management Plan. The members received Table 4.5* of the Third Generation Plan. It is an updated version of the **Capital Improvement Program (CIP)** as amended on May 11, 2016. Staff will contact the cities requesting their updates and additions to the CIP. Form *Exhibit A** was also included in the meeting packet for use by the cities in submitting their updates/additions. The Technical Advisory Committee (TAC) will consider projects scheduled for 2017 at their March meeting.

G. Elm Creek Watershedwide TMDL. The MPCA has completed its informal review of both the TMDL and the WRAPS. The TMDL is still being reviewed by the EPA. The informal Stakeholder review will begin next week and extend for a period of 30 days. Both documents will be uploaded to the MPCA and Commission websites.

H. New Business.

I. Communications.

J. Education.

1. Planting for Clean Water Project. The *Planting for Clean Water and Pollinators "Big Project"* is underway. To help promote the Planting for Clean Water message, the West Metro Water Alliance (WMWA) is organizing opportunities for native plant sales at various city events around the watersheds. At the

*in meeting packet

January 10, 2017 WMWA meeting, the group narrowed the list of potential events/sites to the following, although more could be added.

Plymouth Home Expo	Champlin Father Hennepin Days
Brooklyn Park Farmers Market	New Hope City Days (or the Farmers market)
St Louis Park Parktacular	Camden (Minneapolis) Farmers Market
Golden Valley Days	Medina City Festival
Maple Grove Farmers Market	a Metro Blooms Workshop

More information is available on the campaign website <http://www.bluethumb.org/pledge>

2. Educators. More than 2,850 students were served in 2016, including about 200 students in the MWMO under a subagreement. The three educators are now scheduling spring visits and evaluating interest in a 6th grade follow up lesson. Complete metrics will be included in WMWA's *2016 Annual Report*.

3. The **next WMWA meeting** is scheduled for 8:30 a.m., Tuesday, February 14, 2017, at Plymouth City Hall. Commissioners are encouraged to attend.

K. Grant Opportunities.

1. The Board of Water and Soil Resources (BWSR) has approved Clean Water Grant funding for the **Internal Phosphorus Loading Control in Fish Lake project** in the amount of \$200,000. The Commission will serve as the fiscal agent, Three Rivers Park District will undertake the bidding process.

2. BSWR has also approved Accelerated Implementation Grant funding for the **Rush Creek Headwaters Subwatershed Assessment project** in the amount of \$50,280. Motion by Trainor, second by Weir to contract with Wenck Associates for this project. *Motion carried unanimously.*

3. Deadline for applications for **Hennepin County AIS Prevention Grants** is January 20, 2017. TRPD indicated they will be submitting a number of applications.

L. Other Business.

1. Commissioner/Alternate appointments are due.

2. Hearing no further nominations, motion by Moore, second by Jullie to **nominate the current officers for 2017**. *Motion carried unanimously.* Election of officers will take place at the March 8, 2017 meeting.

3. The **biennial solicitation of interest proposals** for administrative, legal, technical and wetland consultants will be published in the January 17 edition of the *State Register*. Responses are due February 1, 2017.

M. The following **projects** are discussed in the January Staff Report.* ("W" denotes wetland project.)

1. 2013-046 Woods of Medina, Medina.
2. 2014-015 Rogers Drive Extension, Rogers.
3. 2015-004 Kinghorn Outlet A, Rogers.
4. 2015-006 Veit Building and Parking Lot Addition, Rogers.
5. 2015-013 Wayzata High School, Plymouth.
6. 2015-020 Strehler Estates, Corcoran.
7. 2015-030 Kiddiegarten Child Care Center, Maple Grove.
8. 2016-002 The Markets at Rush Creek, Maple Grove.
9. 2016-004 Park Place Storage Site Plans, Corcoran.
10. 2016-005W Ravinia Wetland Bank, Corcoran.

*in meeting packet

11. 2016-014 Balsam Apartments, Dayton.
12. 2016-018 Cambridge Park, Maple Grove.
13. 2016-019 Just for Kix, Medina.
14. 2016-021 Diamond View Estates, Dayton.
15. 2016-022 AutoZone, Maple Grove.
16. 2016-026 Faithbrook Church, Dayton.*
17. 2016-038 AutoMotorPlex, Medina.
18. 2016-039 Fields at Meadow Ridge, Plymouth.
19. 2016-040 Kinghorn 4th Addition, Rogers.
20. 2016-041 Bartus Subdivision, Plymouth,
21. 2016-045W Brothers Mini Storage Wetland Replacement Plan, Corcoran.
22. 2016-047 Hy-Vee Maple Grove #1, Maple Grove.
23. 2016-049 Medina Senior Living, Medina.
24. 2016-050 Southeast Rogers AUAR.
25. 2016-051 Grove Circle Medical Office Building, Maple Grove.
26. 2016-052 The Woods at Rush Creek, Maple Grove.

N. Adjournment. There being no further business, motion by Walraven, second by Weir to adjourn.
Motion carried unanimously. The meeting was adjourned at 12:51 p.m.

Respectfully submitted,



Recording Secretary

JAA:tim

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*in meeting packet