

elm creek

Watershed Management Commission

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MINUTES Regular Meeting January 11, 2023

I. A meeting of the Elm Creek Watershed Management Commission was called to order at 11:37 a.m., Wednesday, January 11, 2023, in the Birch Room, Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN, by Chair Doug Baines.

Present were: Bill Walraven, Champlin; Ken Guenther, Corcoran; Doug Baines, Dayton; Dan Riggs, Maple Grove; Terry Sharp, Medina; Catherine Cesnik, Plymouth; and David Katzner, Rogers.

Also present: Derek Asche and Mark Lahtinen, Maple Grove; Ben Scharenbroich, Plymouth; Diane Spector and Erik Megow, Stantec; Rebecca Carlson, Resilience Resources; Kris Guentzel and Kevin Ellis, Hennepin County Environmental Services (HCEE); and Judie Anderson, JASS.

A. Motion by Walraven, second by Cesnik approve the **agenda**.* *Motion carried unanimously.*

B. Motion by Walraven, second by Sharp to approve the **Minutes*** of the December 14, 2022, regular meeting. *Motion carried unanimously.*

C. Motion by Guenther, second by Cesnik to approve the January **Treasurer's Report and Claims*** totaling \$49,320.51. *Motion carried unanimously.*

II. Open Forum.

III. Project Reviews.

A. **Project Review 2022-047 Suite Living of Maple Grove**.* This project is the development of a parcel within the previously approved Market of Rush Creek Development. The development includes a senior living facility including a new building and associated parking. Previous approvals covered wetland buffers and stormwater management. The current project was reviewed for Rule E. The application was received December 6, 2022, and was administratively approved on January 4, 2023. A findings of fact memo for the project dated January 4, 2023, is included in the packet.

B. **Project Review 2022-049 Connexus Energy Substation, Dayton**.* This is an existing 1.8-acre lot located on the north side of 117th Avenue North between Fernbrook Lane and E. French Lake Road. The applicant is proposing to construct an energy substation adding 0.73 acres of impervious area, disturbing the entire parcel plus ROW. The current land use is row crops in C soils. A complete project application was received December 12, 2022. In findings dated December 29, 2022, Staff is recommending approval with the following conditions: (1) payment of all review fees; (2) applicant must meet all City Requirements; (3) applicant must provide signed agreement from adjacent landowner and the City for any offsite grading and direction of flow to the west; and (4) an operation and maintenance agreement for the stormwater facilities that implement those conditions that bind current and future owners of the project shall be recorded on this property. Motion by Cesnik, second by Sharp to approve Staff's recommendations. *Motion carried unanimously.*

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IV. Old Business.

Included in the meeting packet was the first draft of the **2022 Work Plan in Review.*** Members were asked to review the work plan updates and to advise Staff by January 31, 2023, of any revisions or further updates. The revised 2022 Work Plan will be accepted at the February meeting.

V. New Business.

A. Motion by Guenther, second by Walraven to not waive the **monetary limits on municipal tort liability coverage.** *Motion carried unanimously.*

B. The Elm Creek Commission has been requested by the Shingle Creek and West Mississippi WMOs to review and consider **revisions to the legal boundary** between the three joint powers organizations. Those legal boundaries were established more than 35 years ago. Like Elm Creek, Shingle Creek has recently updated its HUC 8 hydrologic and hydraulic modeling, which revealed some potentially significant discrepancies between the existing legal boundary and the updated hydrologic boundaries.

As a part of its Fourth Generation Plan process, both Shingle Creek and West Mississippi (SCWM) are reviewing and updating their legal boundaries to conform more closely to the recently updated hydrologic boundaries. The Technical Advisory Committee (TAC) and the boundary cities have been working with the SCWM's Engineer to review and revise those boundaries as necessary. Those parties have come to an agreement on the recommended legal boundary between the three watersheds.

A resolution accepting that boundary revision is included in the meeting packet for Commission review and consideration, and Staff recommends its adoption. Following acceptance of the revised legal boundaries (Bassett Creek has already accepted the revisions and the Mississippi WMO will accept the revised boundary at its January meeting), the proposed new legal boundary will be presented to the affected cities, who will each review and adopt a new official map. Once all the affected cities have adopted the new map, the new boundaries will be forwarded to the Board of Water and Soil Resources (BWSR) and to Hennepin County, which will update the tax rolls to reflect the changes. At that point, later in 2023, we will be able to evaluate what the impacts to the division of taxable market value might be between the cities of Elm Creek and between the various WMOs as parcels move between watersheds.

At this time Staff is not recommending revisions to the hydrologic boundary with SCWM, or revisions between the legal and hydrologic boundaries adjacent to Pioneer-Sarah, Minnehaha, or Bassett Creek WMOs. They recommend that the Commission wait until the Fourth Generation Plan completion in a few years to start that process.

Motion by Cesnik, second by Guenther to adopt **Resolution 2023-01 Concurring with Proposed Boundary Changes.*** *Motion carried unanimously.*

Also included in the meeting packet is a **letter of concurrence*** addressed to the Shingle Creek Commission.

C. Responses to Solicitation of Interest Proposals for 2023-2024.* Six proposals were received – four from engineering firms, and one each from legal and administrative service providers. Motion by Daniels, second by Wulff to accept the proposals from Hakanson Anderson for technical services, Campbell Knutson Professional Association for legal services, and from Judie Anderson's Secretarial Services, Inc. for administrative services. *Motion carried unanimously.*

D. The **2023 Work Plan** will be available at the February meeting. Members are asked to contact Diane Spector by January 31, 2023, if they have items they would like to have included in the work plan for the

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current year.

VI. Communications.

A. Staff Report.* Staff reports provide updates on the development projects currently under review by Staff. The projects listed in the table beginning on page 5 of these minutes are discussed in the January 4, 2023, report.

B. Hennepin County Staff Report.* Guentzel and Ellis recapped the January 4, 2023, report.

1. Staffing. Rozalyn (Roz) Davis, a new Conservation Specialist, started work with the County on December 5, 2022. Roz has previous work experience at Olmsted SWCD and Olmsted Public Health where she created and led a safe drinking water initiative promoting nitrate testing for private well users. To start, Roz will primarily be filling a capacity gap left assisting the Pioneer-Sarah Creek WMC, but she will be helping out with things in Elm Creek as well.

2. 2023 Planning. County staff are working on 2023/2024 planning and would appreciate some conversation with the Commission and/or the TAC to inform the 2023 Cooperative Agreement and County work planning.

a. Is there shared interest in continuing to target BMP implementation in the Rush Creek subwatershed now that there is some momentum in this area? If so, should we be planning to collaborate on another Clean Water Fund application in August?

b. Is the Commission expecting County staff to lead outreach and implementation in the Diamond Creek subwatershed as well?

c. Are there other types of services the Commission would like the County to include in the 2023 cooperative agreement?

d. In February, County Staff will provide an overview of their **2023 outreach and implementation plan.**

3. Rush Creek Clean Water Fund Grant. Hennepin County will close out this grant during BWSR reporting this month and will provide a comprehensive summary of outcomes in the February staff report.

VII. Education and Public Outreach.

A. The steering committee, the four member WMOS of the West Metro Water Alliance (WMWA), and Hennepin County staff spent several months in 2022 developing the Conservation Education and Implementation Partnership program, to be coordinated by a new limited-duration education and outreach coordinator shared with Hennepin County and the Richfield-Bloomington WMO. The use of Watershed-Based Implementation Funding (WBIF) to help fund the program has been approved by the Board of Water and Soil Resources (BWSR) and those funds are being contracted. The Hennepin County Board has approved the new position and the County is in the process of finalizing the job description and working through the hiring process.

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1. This pilot program contains three elements:
 - a. A limited-duration half-time program coordinator to provide community engagement, education, marketing, and promotion of program elements 2 and 3 below as well as other related conservation priorities as defined by the partners (e.g., salt reduction education and engagement).
 - b. Resident-facing outreach and workshops using a model similar to Dakota County's [Landscaping for Clean Water](#) program, with a focus on residential-scale technical assistance; driving conservation implementation and behavior change; and reaching diverse audiences.
 - c. Multi-family housing-facing projects using Metro Blooms' model of [Equitable Engagement](#).
2. Anticipated deliverables of the program include:
 - a. Workshops and/or participatory multi-family housing projects hosted within participating communities across the county.
 - b. Marketing, promotion, education, and community engagement; logistical and technical support; and promotion and educational materials related to workshop events and/or multi-family housing equitable engagement projects.
 - c. Consultation provided to each workshop participant to help them develop conceptual design ideas for their property or community property.
 - d. Administrative and financial management of financial assistance to individual residents and/or sub-contractors, and verification of project installation for participants and follow-up assistance.
 - e. Dollars made available to each project (e.g., individual resident workshop participant or larger-scale multi-family housing project) to help defray the costs of implementing conservation practices.
 - f. General education and outreach on conservation topics as time and resources allow.
 - g. Creation and implementation of an ongoing framework for coordination and program delivery and a financial framework for extending and expanding efforts beyond the two year pilot period.

WMWA is organizing some focus groups of city staff and other stakeholders to better understand their specific needs and desires so that the program Steering Committee can refine the first year's work plan. The second year will build off knowledge gained, and needs identified by the stakeholders as well as the education and outreach needs of the five participating WMOs.

This two-year program is a pilot to demonstrate how stakeholder groups in Hennepin County can work together to jointly meet education and outreach needs around water and natural resources management. The long-term vision for WMWA is to expand its ability to provide and facilitate a variety of activities to achieve even greater levels of conservation implementation through coordinated programming. This long-term vision includes a full time Coordinator shared with Hennepin County to provide ongoing programming and technical services and to coordinate the efforts of many partners toward common goals. The model for this program is the East Metro Water Resource Education Program

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(EMWREP), a partnership of Washington County, Washington Conservation District, eight WMOs, and 15 cities and townships.

3. **Funding.** The budget for this pilot program over the two year period is \$255,000, about half of which is personnel cost and half is implementation cost. The bulk of the cost share funding from the five WMOs for the half-time position and supporting costs (\$198,000) will be contributed by allocations from the Watershed-Based Implementation Funding (WBIF). Hennepin County has agreed to contribute an additional \$33,000 plus the other half of the position salary and other personnel costs. Finally, the WMWA Coordinating Committee has identified \$24,000 in Special Projects funding budgeted by the four WMOs in 2022 and the next two years as potential contributions toward programming costs.

4. **Recommendation.** The agreements between the four WMWA WMOs specify that use of the Special Projects funding must be approved by all four of the participating WMOs. The Commission budgeted \$2,000 in 2022 for WMWA Special Projects, which was unspent, and \$2,000 again in 2023. It is Staff’s recommendation that the Commission authorize WMWA to allocate the use of the 2022 and 2023 budgets for Special Projects to the Conservation Education and Implementation Partnership pilot program and agree to include \$2,000 again in the 2024 budget for this purpose.

Motion by Cesnik, second by Guentchner to approve this recommendation. *Motion carried unanimously.*

B. The **West Metro Water Alliance (WMWA)** will meet via Zoom at 8:30 a.m., February 14, 2023.

VIII. **Grant Opportunities and Project Updates.**

IX. **Other Business.**

A. Commissioners are reminded that **reappointments** are due at January 1, 2023.

B. Included in the meeting packet was a letter from the Minnesota Campaign finance Board reminding the Commissioners of their need as public officials to recertify their **statements of economic interest** if they served in 2022. The website to provide this information is included in the letter. Failure to respond will result in the imposition of a potential civil penalty.

C. **Election of officers** will occur at the March meeting. A Nominating Committee will be appointed at the February meeting.

X. **Adjournment.** There being no further business, the meeting was adjourned at 12:26 p.m.

Respectfully submitted,

Judie A. Anderson
Recording Secretary

JAA:tim

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| Project No. | Project Name |
|-------------|--|
| W=wetland | |
| 2014-015 | Rogers Drive Extension, Rogers. |
| 2015-030 | Kiddiegarten Child Care Center, Maple Grove. |
| 2016-005W | Ravinia Wetland Bank Plan, Corcoran. |

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| 2017-014 | Laurel Creek, Rogers. |
| 2017-050W | Ernie Mayers Wetland/floodplain violation, Corcoran. |
| 2018-046 | Graco, Rogers. |
| 2019-021 | Brenly Meadows, Rogers. |
| 2019-026 | Interstate Power Systems, Rogers. |
| 2020-009 | Stetler Barn, Medina. |
| 2020-017 | Meadow View Townhomes, Medina. |
| 2020-032 | Enclave Rogers - Commerce Boulevard, Rogers. |
| 2020-033 | Weston Woods, Medina. |
| 2020-036 | Balsam Pointe, Dayton. |
| 2021-007 | Birchwood 2nd Addition, Rogers |
| 2021-016 | Territorial Lofts, Rogers. |
| 2021-020 | Crew Carwash, Maple Grove. |
| 2021-021 | Territorial Triangle, Dayton. |
| 2021-023 | Maple Grove Medial Office Building (MOB). |
| 2021-024 | Riverwalk, Dayton |
| 2021-025 | Hackamore Road Reconstruction, Medina/Corcoran. |
| 2021-027 | Xcel Energy Elm Creek Substation, Maple Grove |
| 2021-029 | Tri-Care Grocery / Retail, Maple Grove |
| 2021-031 | Cook Lake Edgewater, Maple Grove |
| 2021-034 | BAPS Hindu Temple, Medina. |
| 2021-035 | Mister Car Wash - Rogers |
| 2021-036 | D & D Service, Corcoran. |
| 2021-037 | Marsh Pointe, Medina. |
| 2021-039 | 1-94 Logistics Center, Rogers. |
| 2021-040 | Napa Auto, Corcoran. |
| 2021-041 | Carlson Ridge, Plymouth. |
| 2021-043 | Northwood Community Church Maple Grove. |
| 2021-044 | Balsam II Apartments, Dayton. |
| 2021-047 | CR 10 Box Culvert Replacement, Corcoran |
| 2021-050 | Evanswood, Maple Grove. |
| 2021-051 | Fields of Nanterre Drainage Improvements, Plymouth. |
| 2021-052 | Norbella Senior Living, Rogers. |
| 2021-053 | Towns at Fox Creek, Rogers. |
| 2021-055 | Morningside Estates 6th Addition, Champlin. |
| 2022-002 | Summerwell, Maple Grove. |
| 2022-003 | Fox Briar Ridge East, Maple Grove. |
| 2022-006 | Hamel Townhomes, Medina. |
| 2022-008 | Bechtold Farm, Corcoran. |
| 2022-009 | Dunkirk Lane Development, Plymouth. |
| 2022-011 | Arrowhead Drive turn Lane expansion, |
| 2022-012 | Graco Building 2, Dayton. |
| 2022-013 | Dayton 94 Industrial Site, Dayton. |
| 2022-014 | Aster Mill, Rogers. |
| 2022-015 | County Road 47 Phase I Reconstruction, Plymouth. |
| 2022-016 | Rogers Activity Center, Rogers. |
| 2022-017 | City Center Drive, Corcoran. |

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| 2022-018 | Big Woods, Rogers. |
| 2022-019 | Grass Lake Preserve, Dayton. |
| 2022-020 | Skye Meadows Extension, Rogers. |
| 2022-022 | Cook Lake Highlands, Corcoran. |
| 2022-023 | Asguard, Rogers. |
| 2022-024 | Bridge No. 27J70, Maple Grove. |
| 2022-025 | Harvest View, Rogers. |
| 2022-026 | Archway Building, Rogers |
| 2022-027 | Edison at Maple Grove Apartments. |
| 2022-028 | Elsie Stephens Park, Dayton. |
| 2022-029 | Hayden Hills Park, Dayton. |
| 2022-030 | Garages Too, Corcoran. |
| 2022-031 | Corcoran II Substation. |
| 2022-033 | Pet Suites, Maple Grove. |
| 2022-034 | CSAH 101 Improvements, Maple Grove. |
| 2022-035 | Rush Hollow, Maple Grove. |
| 2022-036 | West French Lake Road Improvements, Maple Grove. |
| 2022-037 | CSAH13 CR203 Culvert Replacement, Dayton. |
| 2022-038 | Tavera North Side, Corcoran. |
| 2022-039 | Garland Commons, Maple Grove. |
| 2022-040 | Karinieimi Meadows, |
| 2022-041 | Elm Creek Swim Pond Culvert, Maple Grove. |
| 2022-042 | Walcott Glen, Corcoran. |
| 2022-043 | Meander Park and Boardwalk, Medina. |
| 2022-044 | Trail Haven Road Bridge Replacement, Corcoran. |
| 2022-045 | Corcoran Water Treatment Plant. |
| 2022-046 | CSAH12 Culvert and Guardrail Replacement, Dayton. |
| 2022-047 | Suite Living of Maple Grove. |
| 2022-048 | Hassan Elementary Pavement Renovation, Rogers. |
| 2022-049 | Connexus Energy South Dayton Substation. |

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