

# elm creek Watershed Management Commission

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## Technical Advisory Committee *(beginning on page 1)* and Regular Meeting *(beginning on page 4)* Minutes - February 13, 2019

I. A meeting of the **Technical Advisory Committee (TAC)** for the Elm Creek Watershed Management Commission was convened at 10:03 a.m., Wednesday, February 13, 2019 in the Mayor's Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN.

In attendance were: Todd Tuominen, Champlin; Kevin Mattson, Corcoran; Tom Berry, Wenck Associates, Dayton; Derek Asche and Mark Lahtinen, Maple Grove; Kaci Fisher, Hakanson-Anderson, Medina; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; James Kujawa, Jason Swenson, and Kirsten Barta, Hennepin County Dept. of Environment and Energy (HCEE); Brian Vlach, Three Rivers Park District (TRPD); Jeff Weiss, Barr Engineering; and Judie Anderson, JASS.

Also present: Ken Guenthner, Corcoran; Doug Baines, Dayton; Liz Weir and Dusty Finke, Medina; and Catherine Cesnik, Plymouth.

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

Motion by Scharenbroich, second by Fisher to **approve the minutes\*** of the November 14, 2018 TAC meeting. *Motion carried unanimously.*

### III. **Subwatershed (SWA) Cost-Share Applications.**

A. Two SWA cost-share applications\* were received by Hennepin County staff - from the city of Dayton for Diamond Creek and from the city of Corcoran for the South Fork of Rush Creek. Staff reviewed the applications based on criteria agreed upon at the November TAC meeting. Additional criteria that were utilized to fine-tune Staff's recommendations include project readiness, support of partners, and a detailed budget, all of which are requirements of the Board of Water and Soil Resources (BWSR) when applying for any type of Clean Water Fund grant. Meeting these criteria will strengthen an application for a Clean Water Fund Grant. The submitted budgets are summarized below:

	<u>Dayton (Diamond Creek)</u>	<u>Corcoran (S Fork Rush Creek)</u>
Local Partners	\$5,000*	\$2,940***
Three Rivers Park District	\$5,000**	\$0
Total Estimated Project Cost	\$55,000	\$58,800
Funding Gap to be covered via grant and/or Commission	\$45,000	\$55,860 (\$47,040 Outside Grant / \$8,820 Commission)

\*Local Partners are Dayton, Rogers, and Hennepin County in combined in-kind services

\*\*Three Rivers Park District will provide technical assistance

\*\*\*Local Partners are Corcoran, Medina, and Maple Grove. Corcoran City council has approved up to \$3000.

**B.** The Metro Conservation District has been awarded a grant as an additional potential funding source to assist with the completion of SWAs. However, this program has not yet defined the process by which grant funds will be distributed and allocated. Based on current assumptions, Hennepin County as a whole will receive approximately \$12,000 for use countywide.

**C.** Based on the stated criteria, Staff feel that both SWA cost share applications are good projects. However, if the Commission decides to fund only one SWA project in 2019, then Dayton’s Diamond Creek project would be the recommended project based on several factors:

**1.** Rural areas are highly prioritized in the TMDL/WRAPs reports, and South Fork of Rush Creek is starting to develop at a much faster rate which will naturally lead to some of the issues that a SWA addresses being taken care of in development plans. Diamond Creek is expected to remain predominantly rural for a longer span of time.

**2.** Project readiness and partners – Dayton has already begun similar work on mapping septic systems in the area through a BWSR Clean Water Fund grant. Three Rivers Park District and the City of Rogers have been contacted by Dayton and are willing partners in this project. The City of Dayton has also taken the steps of soliciting fairly detailed project proposals and incorporating potential findings and future work into its stormwater plan.

**3.** The area that the Diamond Creek project proposes to cover includes several lakes and large wetlands that have impairments that, when addressed, would help towards meeting TMDL goals for the Elm Creek watershed which includes Diamond, French and Grass Lakes.

Motion by Kujawa, second by Simmons to recommend to the Commission that both applications be funded up to 25% of the study costs based on the application maps provided. *Motion carried unanimously.*

**IV. 2019 Capital Improvement Program.\***

**A.** The Commission has elected to fund capital projects through an ad valorem tax levy. Under the authority provided by MN Stat 103B.251, Subd. 5, the Commission has the authority to certify for payment by the County all or part of the cost of an approved capital improvement. The Commission will pay up to 25 percent of the cost of qualifying projects. This amount will be shared by all taxpayers in the watershed, with the balance of the project cost being shared by the local government(s) participating in or benefiting from the improvement.

The Commission’s maximum annual share of an approved project is up to \$250,000. The Commission uses a maximum annual levy of \$500,000 as a working guideline. The cities’ share is a minimum of 75% of the cost of the project. In 2018 the Commission approved four projects totaling \$462,500 for funding.

**B.** The current CIP\* shows two studies, two placeholder projects and five capital projects totaling \$434,250 for consideration in 2019. They are:

Line 5	TMDL implementation special study	\$25,000
Line 6	Stream Segment Prioritization	\$10,000
Line 14	Fox Creek South Pointe, Rogers	\$22,500
Line 15	High Priority Stream Project	\$125,000
Line 16	Rush Creek Main Stem Restoration, Maple Grove	\$25,000
Line 21	Stone’s Throw Wetland, Corcoran	\$112,500
Line 34	Agricultural BMP Cost-Share Project	\$48,000
Line 37	Hickory Drive Stormwater Improvement, Medina	\$56,250
Line 39	Downtown Regional Stormwater Pond, Corcoran	\$10,000

**C. Discussion.**

1. Corcoran requested that the **Stone’s Throw** project be removed from the CIP.

2. It was noted that the **Downtown Regional Stormwater Pond** project will require a feasibility study and demonstrate that the project goes “above and beyond” normal site improvements as they pertain to nutrient loading.

3. Medina indicated that recent cost estimates for the **Hickory Drive Stormwater Improvement** project have increased beyond the costs stated in the CIP. Finke queried whether that increase would necessitate the need for a Minor Plan Amendment (MPA).

a. An MPA is required, *When a capital project is included in the approved Capital Improvement Program and the Commission’s share of an updated cost estimate is greater than 125 percent of the Commission’s share shown on the CIP, as adjusted by the Construction Cost Index as published by the Engineering News Record.*

b. Addition of a project to the CIP, as may be the case in no. 5 below, will in itself trigger an MPA.

4. Rogers requested that the **Fox Creek South Pointe** project be moved to 2021.

5. Plymouth requested that a new project be added to the 2020 CIP – underground chamber separators from Medina to Brockton Lane. Scharenbroich will provide a feasibility study for the March meeting.

6. Maple Grove requested that the Ranchview Wetland Restoration project, which was not funded in 2018, be moved to 2019. Asche will provide an updated Exhibit A.

Motion by Kujawa, second by Simmons to approve the revisions outlined above pending receipt of the proper documentation where appropriate. *Motion carried unanimously.*

**V. Internal Load Projects.**

A. Staff’s February 6, 2019 memo\* was written in response to the TAC’s possible development of an Internal Load Projects policy. The memo referenced the Shingle Creek/West Mississippi WMOs’ process for funding these projects. Research determined that the Commissions did not have a “policy” as such, but rather agreed to fund internal load projects at 100% rather than at the 25% cost-share formula normally applied to SCWM capital projects. Such projects could include alum treatments, vegetation management, and carp management.

B. Asche volunteered to draft a policy that would include establishing guidelines, prioritizing projects in alignment with Commission priorities, and creating a funding mechanism. The TAC will consider the policy at its next meeting.

**VI. Use of Wetlands for Irrigation Purposes.**

This topic is a hold-over from the November TAC meeting. Kujawa noted that in his research he has found no literature discussing detrimental effects from using wetlands for irrigation purposes.

**VII. Other Business.**

A. The next TAC meeting is tentatively scheduled for April 9, 2019.

B. The meeting of the Technical Advisory Committee was adjourned at 11:36.

I. A regular meeting of the Elm Creek Watershed Management Commission was called to order at 11:50 a.m., Wednesday, February 9, 2019, 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; Ken Guenther, Corcoran; Doug Baines, Dayton; Joe Trainor, Maple Grove; Elizabeth Weir, Medina; Catherine Cesnik, Plymouth; James Kujawa, Jason Swenson, and Kirsten Barta, Hennepin County Dept. of Environment and Energy (HCEE); Brian Vlach, Three Rivers Park District (TRPD); Jeff Weiss, Barr Engineering; and Judie Anderson, JASS.

Not represented: Rogers.

Also present: Todd Tuominen, Champlin; Kevin Mattson, Corcoran; Derek Asche and Mark Lahtinen, Maple Grove; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Dave Spatafore, Justine Dauphinais. and Joe Randall, Fish Lake Area Residents Association (FLARA); and George Schneider, Rice Lake Area Association (RLAA).

A. Motion by Weir, second by Trainor to approve the **revised agenda,\*** moving item 4b. Resolution 2019-01 to the end of the agenda. *Motion carried unanimously.*

B. Motion by Weir, second by Walraven to approve the **minutes\*** of the January 9, 2019, regular meeting. *Motion carried unanimously.*

C. Motion by Walraven, second by Weir to approve the February **Treasurer’s Report and Claims\*** totaling \$70,803.96. *Motion carried, Corcoran voting nay.*

II. **Open Forum.**

Spatafore, Dauphinais, Randall and Schneider were present to continue the discussion regarding the **carp population in Fish Lake.** They provided a copy of the 2018 Fish Lake/Rice Lake Common Carp Assessment Phase I study\* prepared by WSB Associates. The primary objective of the study was to determine the abundance of carp within the system and how many would have to be removed in order to go below threshold values. Two methods were used to determine the population. The CPUE model employs electrofishing surveys to calculate actual carp weights and lake acreage to determine pounds/acre. The Mark-Recapture method assumes that marked carp redistribute themselves among the unmarked population. Recaptured marked fish would be recorded and used to develop a mark-recapture population estimate. Results of the electrofishing CPUE model indicate removal of 41-70% and 37-79% of biomass in Rice and Fish Lakes, respectively, is recommended. The catch rates of marked carp were not large enough to provide an accurate estimate and were not used to make recommendations in the report.

The Phase II Assessment\* would be a cost-share project between the City of Maple Grove, FLARA and RLAA. The proposed study would involve 1) a radio-telemetry study to identify carp movement patterns as well as identify northern pike migration patterns to minimize impacts on native species and 2) actual carp biomass removal using at least one open water seine and one under ice seine to target aggregations of radio-tagged carp. The timeline for this project is May 2019-June 2020. Proposed budget is \$39,510. Funding partners have been identified as the two lake associations, the City of Maple Grove, Three Rivers Park District, and the Commission.

FLARA and RLAA representatives will return to the Commission at its March meeting with a more definitive proposal.

III. **Action Items.**

A. **Project Review 2018-033 Cloquet Island Estates, Dayton.\*** This is a proposal to develop approximately 77 acres of farmland near the intersection of North Diamond Lake Road and Dayton River Road. It

includes the construction of 193 single-family homes and increases impervious area by approximately 24.4 acres. Stormwater will be managed through seven wet detention ponds, one filtration bench, and one new infiltration bench. The developer submitted a revised plan on December 21. In their findings dated February 7, 2019 Staff recommended approval conditioned on 1) making final revisions to the modeling to more accurately reflect the overall system and ensure results are not adversely impacted and 2) showing pond emergency overflow locations and elevations on the grading plans to confirm that they will overflow at elevations below the nearest low opening. Motion by Weir, second by Walraven to approve Staff's recommendations. *Motion carried unanimously.*

**B. Project Review 2018-053 Elm Creek Restoration, Champlin.\*** The proposed project is phase 3 of Champlin's improvement projects within the Elm Creek watershed. This project includes 2,580 LF (linear feet) of stream bank restoration of Elm Creek, including approximately 950 LF west of Cartway Trail, 950 LF east of Cartway Trail, and 680 LF of the existing oxbow located at the northwest corner of the Mill Pond. In their findings dated January 11, 2019 Staff recommended approval conditioned on receipt of the appropriate review fee. Motion by Trainor, second by Walraven to approve Staff's recommendations. *Motion carried unanimously.*

**C. Project Review 2019-001 Fernbrook View Apartments, Maple Grove.\*** This is a 4.85-acre rural residential lot located at the northeast intersection of CSAH 81 and Fernbrook Lane. The applicant proposes to construct a 2-story, 42-unit apartment building. The review is for compliance with the Commission's Third Generation Rules D, E and I. Staff's findings dated January 24, 2019 include four conditions for approval: 1) Pursue utilizing water from the NURP pond for irrigation needs for the property; 2) address long term operation and maintenance on the stormwater basin; 3) mean average pond depth must meet Commission standard; and 4) pond filter bench details must be provided. Motion by Weir, second by Walraven to approve Staff's recommendations. *Motion carried unanimously.*

**D. Project Review 2019-002 Parkside Villas, Champlin.** This is two adjacent rural parcels totaling 13.9 acres that are proposed to be split into 56 single-family residential lots. It is located on the east side of Goose Lake Road just south of its intersection with Elm Road (CR 202). The review is for compliance to the Commission's 3rd Generation Rules D and E. In their findings dated January 29, 2019, Staff recommends approval contingent on 1) a long term operations and maintenance agreement on the stormwater basin and irrigation system being provided and recorded on the property title and 2) the applicant working with the City and Three Rivers Park District to safely outlet the pond water below the trail system adjacent to the property line. Motion by Weir, second by Walraven to approve Staff's recommendations. *Motion carried unanimously.*

**E. Project Review 2018-004 Rush Creek Phase 3, Maple Grove.\*** The City is proposing to restore 2,400 feet of Rush Creek just north of Territorial Road adjacent to the Enclave on Rush Creek development. This is within the Three River Parks corridor that was obtained when the development was platted and was reviewed for compliance with the Commission's grading and floodplain requirements. This item was pulled from the agenda at the Commission's June 2018 meeting due to concerns from a partner agency. The City and Three Rivers Park District have worked through their concerns and final design plans were included in the meeting packet. Motion by Weir, second by Walraven to approve the plans. *Motion carried unanimously.* Asche reported that construction on this project will begin this week.

**F. Resolution 2019-01 Regarding the Role of the ... Commission as the Local Government Unit ....\*** Guenther will work with Staff to wordsmith the resolution in accord with all the parties. Motion by Walraven, second by Weir to authorize the Chair to sign the resolution pending resolution of the wording. *Motion carried unanimously*

**IV. Watershed Management Plan.**

**A. Local Plans.** Staff received The City of Rogers' draft 2040 Comprehensive Plan for review and comment on January 2, 2019. Based on their review,\* none of the requirements of MS 103B are addressed in the draft plan. No action is recommended at this time.

**B. Work Plans.**

- 1. 2018 in Review.\***
- 2. Draft 2019 Work Plan.\***

Motion by Trainor, second by Weir to accept the 2018 and 2019 work plans subject to review and comment by February 22, 2019. *Motion carried unanimously.*

**V. Old Business.**

**VI. New Business.**

**VII. Water Quality.**

**A. FEMA Floodplain Mapping.** GIS work and integration with the HEC-HMS model continues. Staff plans to share initial hydrology results at the March meeting.

**B.** Included in the meeting packet are the **Fish Lake Alum Project 2018 Annual Report\*** and the **Fish Lake 2018 Report Card.\***

**C.** Also included in the packet is the January 23, 2019 weekly construction update\* provided by Lucius Jonett, Wenck Associates, on the City of Plymouth's **streambank stabilization project.**

**VIII. Education and Public Outreach - West Metro Water Alliance (WMWA).**

The February WMWA meeting was cancelled. The **next WMWA meeting** is scheduled for 8:30 a.m., Tuesday, March 12, 2019, at Plymouth City Hall.

**IX. Communications.**

In Staff's January 22, 2019 memo\* Kujawa provided comments to the Minnesota Department of Transportation (MnDOT) on the EAW (Environmental Assessment Worksheet) for the **I-94 UBOL (Unbonded Overlay) Resurfacing Project Maple Grove to Rogers and Brockton Interchange.** The project was reviewed for compliance with the Commission's Rules D, E, and F.

**X. Other Business.**

**A Solicitation of interest proposals.\*** A request for letters of interest for technical (T), wetland (W), legal (L), and administrative (A) services was published in the January 14, 2019 *State Register*. Letters of interest were received from (T) Barr Engineering and Hennepin County Environmental Services; (W) from Barr Engineering, Hennepin County Environmental Services and ProSource; (L) from Campbell Knutson PA; and (A) from Judie Anderson's Secretarial Services, Inc. Motion by Weir, second by Walraven to retain the current consultants (highlighted above) for 2019-2020. *Motion carried unanimously.*

**B. Nomination of Officers.** Motion by Cesnik second Weir to nominate the current officers as officers in 2019. *Motion carried unanimously.* They are: Baines, Chair; Weir, Vice Chair; Walraven, Secretary; and Fred Moore, Treasurer. Elections will occur at the March meeting.

**C.** The following **projects** are discussed in the February 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. 2015-030 Kiddiegarten Child Care Center, Maple Grove.
5. 2016-002 The Markets at Rush Creek, Maple Grove.
6. 2016-005W Ravinia Wetland Bank, Corcoran.
7. 2016-040 Kinghorn 4th Addition, Rogers.
8. 2016-047 Hy-Vee Maple Grove #1, Maple Grove.
9. 2016-052 The Woods at Rush Creek, Maple Grove.
10. 2017-014 Laurel Creek, Rogers.
11. 2017-016 Territorial Woods, Maple Grove.
12. 2017-017 Mary Queen of Peace Catholic Church, Rogers
13. 2017-021 Hindu Society of MN Staff Housing, Maple Grove.
14. 2017-029 Brayburn Trails, Dayton.
15. 2017-034 Plymouth Memory Care, Plymouth.
16. 2017-037 L-80 Lift Station MCES, Corcoran.
17. 2017-038 Bass Lake Estates, Corcoran.
18. 2017-039 Rush Creek Apartments, Maple Grove.
19. 2017-050W Ernie Mayer Wetland/floodplain violation, Corcoran.
20. 2018-001 Rush Creek Commons, Maple Grove.
21. 2018-004 Rush Creek Restoration Project, Maple Grove.
22. 2018-005 Sundance Greens, Dayton.
23. 2018-014 Refuge at Rush Creek, Corcoran.
24. 2018-018 Summers Edge Phase III, Plymouth.
25. 2018-020 North 101 Storage, Rogers.
26. 2018-021 113th Lane Extension, Brockton Lane/CSAH101 Intersection, Rogers.
27. 2018-026 Windrose, Maple Grove.
28. 2018-028 Tricare Third Addition, Maple Grove.
29. 2018-033 Cloquet Island Estates, Dayton.
30. 2018-038 Vincent Woods, Rogers.
31. 2018-043 Bee Hive Homes, Maple Grove.
32. 2018-044 OSI Phase II, Medina.
33. 2018-046 Graco Expansion, Rogers.
34. 2018-048 Faithbrook Church, Phase 2, Dayton.
35. 2018-056 Rogers Tennis Courts, Rogers.
36. 2018-053 Elm Creek Restoration, Champlin.
37. 2018-054W Cease and Desist Order, 9120 Trail Haven Road, Corcoran.
38. 2019-001 Fernbrook View Apartments, Maple Grove.
39. 2019-002 Parkside Villas, Champlin.
40. 2019-003 Rogers High School Tennis Courts., Rogers.
41. 2019-004 Rogers Middle School Chiller Unit Project, Rogers.

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**E. Adjournment.** There being no further business, the meeting was adjourned at 1:13 p.m.

Respectfully submitted,



Judie A. Anderson  
Recording Secretary  
JAA:tim

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RULE D - STORMWATER MANAGEMENT  
RULE E - EROSION AND SEDIMENT CONTROL  
RULE F - FLOODPLAIN ALTERATION

RULE G - WETLAND ALTERATION  
RULE H - BRIDGE AND CULVERT CROSSINGS  
RULE I - BUFFERS

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