

elm creek

Watershed Management Commission

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Regular Meeting Minutes March 9, 2022

I. A virtual meeting of the Elm Creek Watershed Management Commission was called to order at 11:33 a.m., Wednesday, March 9, 2022, by Chair Doug Baines.

Present were: Bill Walraven, Champlin; Tom Anderson, Corcoran; Doug Baines, Dayton; Dan Riggs, Maple Grove; Terry Sharp, Medina; Jake Gateman, Plymouth; David Katzner, Rogers; and Amy Juntunen and Judie Anderson, JASS.

Also present: Heather Nelson, Champlin; Kevin Mattson, Corcoran; Nico Cantarero, Stantec, Dayton; Derek Asche and Mark Lahtinen, Maple Grove; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Diane Spector, Ross Mullen, and Erik Megow, Stantec; James Kujawa, Surface Water Solutions; Rebecca Carlson, Resilience Resources; Kris Guentzel and Kevin Ellis, Hennepin County Environmental Services (HCEE); Brian Vlach, Three Rivers Park District (TRPD); and Jeff Weiss, MN DNR.

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

B. Motion by Walraven, second by Sharp to approve the **minutes*** of the February 12, 2022, regular meeting. *Motion carried unanimously.*

C. Motion by Walraven, second by Sharp to approve the March **Treasurer's Report** and **Claims*** totaling \$11,422.06. *Motion carried, Rogers absent.*

II. Open Forum.

III. Action Items.

A. **Election of Officers.** Hearing no further nominations, motion by Anderson, second by Sharp to elect the following officers for 2022: Baines, Chair; Catherine Cesnik, Plymouth, Vice Chair; Walraven, Secretary; Ken Guenther, Corcoran, Treasurer. *Motion carried unanimously.*

B. **Annual Appointments.** Motion by Walraven, second by Gateman to appoint the following for 2022: Official Newspaper, *Osseo-Maple Grove Press*; Official Depositories, US Bank and the 4M fund; Deputy Treasurer, Judie Anderson; and Auditor, Johnson & Co., Ltd. *Motion carried unanimously.*

C. Project Reviews.

1. **2021-050 Evanswood, Maple Grove.*** This proposed development will construct 227 single-family and 138 townhomes in the northwest corner of Maple Grove, disturbing 108.5 acres, and creating 45.8 acres of impervious surfaces, 41.4 acres of which is net, new impervious surfaces. The project was reviewed for Rules D, E, F, G, and I. In their findings dated March 2, 2022, Staff recommend approval contingent on five conditions: (1) final escrow balance being reconciled; (2) provision of a Stormwater Maintenance Agreement acceptable to the City and the Commission within 90 days after the plat is recorded for all stormwater BMP's on the site that will not be operated and maintained by the City. Because the irriga-

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tion system included with the stormwater reuse BMP is part of the overall water reuse system that is necessary to meet the Commission’s standards, the irrigation system shall be included in the Stormwater Maintenance Agreement. The applicant should provide irrigation distribution plans (pipe locations, size, preliminary pump plan, augmentation water information, area to be irrigated, and demonstration that the receiving soils have infiltration capacity) and an Operation and Maintenance Plan for the stormwater system, including the irrigation system; (3) a wetland de minimis exemption plan approved by the LGU and the TEP; (4) wetland monumentation along Lots R1 through R40 and U1 through U22 shall be in provided in accordance with Commission standards; and (5) a rock construction entrance shall be provided for Driveway #1 for access from 105th Avenue North. Motion by Walraven, second by Riggs to approve Staff’s recommendations. *Motion carried unanimously.*

2. 2021-052 Norbella Senior Living, Rogers.* This project will construct a 40-unit senior living facility on South Diamond Lake Road. The proposed disturbance is 2.4-acres with net, new impervious surfaces of 1.4-acres. The project is being reviewed for Rules D and E. Initial comments were sent to the applicant on December 16 and Staff received responses on January 25. In their findings dated February 14, 2022, Staff recommend approval contingent on three conditions: (1) final escrow balance being reconciled, (2) a stormwater maintenance agreement being put in place between the owner and the City with terms acceptable to the Commission, and (3) a detail being added to the construction drawings showing the inspection ports being installed along the isolator row of the underground filtration system. Motion by Walraven, second by Sharp to approve Staff’s recommendations. *Motion carried unanimously.*

D. Technical Advisory Committee (TAC) Recommendations.

1. Motion by Walraven, second by T. Anderson to approve the TAC’s recommendation to approve a Cost Share Application for the **Rice Lake Subwatershed Assessment**. *Motion carried unanimously.* The total cost of the SWA is estimated to be \$30,000; the anticipated Commission share will be \$7,500.00.

2. Motion by Walraven, second by Gateman to approve the TAC’s recommendation to approve a revision to the Commission’s Rule B. regarding **Operations and Maintenance Agreements** as part of the project review approval process. *Motion carried unanimously.* The revised language will read: *Conditions of approval for project reviews and agreements implementing those conditions that bind future owners of the project shall be recorded to provide notice to future owners of the conditions of approval and the future owners’ continuing operation and maintenance obligations.*

3. Motion by Walraven, second by T. Anderson to approve the TAC’s recommendation to approve revisions to the **Commission’s Cost Share Policy**. *Motion carried unanimously.* The revisions are as follows:

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.

a. ~~The Commission’s maximum annual share of an approved project is up to \$250,000.~~

1) *The Commission’s share will be funded through the ad valorem tax levy – spread across all taxpayers within the watershed.*

2) *The Commission will use a maximum annual levy of ~~\$500,000~~ \$750,000 as a working guideline.*

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[Katzner arrived 12:15 p.m.]

4. Motion by Walraven, second by Sharp to approve the TAC’s recommendation to select Stantec, minus Task 2, Subtask 7 of their March 2, 2022, proposal, to complete **revisions to the HUC-8 Model**. *Motion carried unanimously.* Stantec’s total budget was \$65,875. Excluding \$20,125 for Subtask 7, the approved project amount totals \$45,750.

E. Motion by Sharp, second by Katzner to accept the **2022 Work Plan** as provided in the meeting packet. *Motion carried unanimously.*

IV. Old Business.

A The **PRAP subcommittee** met on February 16, 2022. Spector provided a brief verbal update. More information will be included in the April meeting packet.

B. Reminder: Volunteers are needed for **CAMP monitoring** this year. Staff will review which lakes are needful of monitoring data.

V. New Business.

A. Asche recapped the **Technical Advisory Committee meeting** that preceded this meeting. Along with the items discussed above, the members continued to discuss **revisions to the Commission’s Rules**. Their discussion focused on rules pertaining to low floor/freeboard and linear projects.

The members also reviewed projects proposed for the **2022 ad valorem levy**. Three projects, including the perpetual city and partnership cost share projects, were added to the CIP for 2022. A final recommendation will be brought to the Commission at the April meeting, with a public hearing tentatively scheduled during the May meeting.

B. Spector reported on the initial Convene Meeting for the **2022-2023 Watershed-Based Implementation Fund (WBIF) process**. This meeting occurred during the preceding TAC meeting.

1. Present were Nelson and Cantarero representing the member cities, Baines, representing the Commission, Guentzel, representing Hennepin County as the Soil and Water Conservation District, and Steve Christopher as the BWSR Board Conservationist. Spector served as facilitator. As the first order of business, the members chose to use “consensus” as its decision-making process.

2. WBIF funds allotted to the Elm Creek Partnership total \$297,774. Funding is available July 1, 2022; the grant expires December 31, 2025. One or several projects can be chosen for funding. The deadline to complete eLINK work plans for approval by BWSR is March 30, 2023.

3. Members agreed to review existing subwatershed assessments to identify projects and to also consider undertaking additional SWAs if they can be identified in time for WBIF funding. The watershed-wide TMDL will be reviewed to identify places where projects can be developed to help meet load reductions. They will also look at the CIP to identify other projects and to reach out to member cities to determine if local projects can be expanded for water quality if the money was not initially available.

4. The members queried Christopher on what other activities, such as studies and education, would be eligible for the WBIF funds. Spector will send out a spreadsheet of projects for consideration at the next Convene meeting, which is scheduled to be held during the April 13, 2022, TAC meeting.

VI. Communications.

A. **Staff Report.*** Staff reports provide updates on the development projects currently under

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review by Staff or awaiting final recordations. The projects listed in the table beginning on page 5 of these minutes are discussed in this month's report. Mullen provided his **Communications Log*** of activities related to pre-project review activity as an addendum to the Staff Report.

B. Hennepin County Staff Report.*

1. The **2022 Technical Services Agreement** with the Commission is being circulated within the County for internal approval and signature.

2. Project Updates.

a. **Jubert Lake Agricultural BMPs Phase 1A.** The contract has been signed by the landowner and returned to Hennepin County. County staff met with EOR to discuss updates to the plan set based on a previous field visit and meeting with the landowner. The contract was signed by EOR and updated plans were submitted to Hennepin County. The current plan set is being reviewed by the landowner. Construction is slated to begin in Summer and Fall 2022.

b. **6650 Pioneer Trail, Corcoran.** County staff met with the landowner and provided an updated plan set for a potential Water And Sediment COntrol Basin (WASCOB). Discussions outlined the potential for tile to be integrated into Jubert Lake Agricultural BMPs (Phase 1B, BMP 13SE). Plans are currently being amended to reflect this request. Landowner is currently getting estimates for potential work.

VII. Education and Public Outreach.

A. The West Metro Water Alliance (WMWA) met on March 8, 2022.

B. WMWA is considering creating a part-time employee position to conduct regular outreach including providing workshops and trainings for citizens, city staff and elected officials, and help public partners to meet federal, state, and local rules and MS4 requirements. This position will coordinate other outreach activities, promote cost-share grants, and maintain a higher level of communications between the member watersheds and cities. It is modeled after the very successful East Metro Water Resources Education Program (EMWREP) which began in 2006 with a single full-time employee and the goal of raising public awareness and inspiring behavior change to protect and improve water quality.

C. The **next WMWA meeting** will be held via Zoom at 8:30 a.m., April 12, 2022.

VIII. Grant Opportunities and Project Updates.

IX. Other Business.

X. **Adjournment.** There being no further business, motion by Sharp, second by Walraven to adjourn. *Motion carried unanimously.* The meeting was adjourned at 12:56 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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| Item No. | A | E | I RPFI | AR | Project No. | Project Name |
|----------|---|---|--------|----|-------------------|--|
| | | | RP DD | | | |
| | | | | | W=wetland project | |
| ba. | | | | AR | 2014-015 | Rogers Drive Extension, Rogers. |
| bb. | | | | AR | 2015-030 | Kiddiegarten Child Care Center, Maple Grove. |
| bc. | | | | AR | 2016-005W | Ravinia Wetland Bank Plan, Corcoran. |
| bd. | | | | AR | 2017-014 | Laurel Creek, Rogers. |
| be. | | | | AR | 2017-029 | Brayburn Trails, Dayton. |
| a. | | E | | | 2017-050W | Ernie Mayers Wetland/floodplain violation, Corcoran. |
| bf. | | | | AR | 2018-046 | Graco, Rogers. |
| bg. | | | | AR | 2018-048 | Faithbrook Church Phase 2, Dayton. |
| bh.. | | | | AR | 2019-021 | Brenly Meadows, Rogers. |
| bi. | | | | AR | 2019-026 | Interstate Power Systems, Rogers. |
| bj. | | | | AR | 2019-027 | Havenwood at Maple Grove. |
| bk. | | | | AR | 2020-008 | Ione Gardens, Dayton. |
| bl. | | | | AR | 2020-009 | Stetler Barn, Medina. |
| bm. | | | | AR | 2020-017 | Meadow View Townhomes, Medina. |
| bn. | | | | AR | 2020-023 | Ziegler Dayton Site Upgrades, Dayton. |
| bo. | | | | AR | 2020-032 | Enclave Rogers - Commerce Boulevard, Rogers. |
| bp. | | | | AR | 2020-033 | Weston Woods, Medina. |
| bq. | | | | AR | 2020-036 | Balsam Pointe, Dayton. |
| br. | | | | AR | 2021-007 | Birchwood 2nd Addition, Rogers |
| b. | | | | | 2021-013 | Rush Creek Reserve, Corcoran. |
| bs. | | | | AR | 2021-016 | Territorial Lofts, Rogers. |
| bt. | | | | AR | 2021-020 | Crew Carwash, Maple Grove. |
| bu. | | | | AR | 2021-021 | Territorial Triangle, Dayton. |
| bv. | | | | AR | 2021-023 | Maple Grove Medial Office Building (MOB). |
| bw. | | | | AR | 2021-024 | River Walk, Dayton |
| c. | | | | | 2021-025 | Hackamore Road Reconstruction, Medina/Corcoran. |
| d. | | | | | 2021-026 | Prairie Creek Subdivision, Medina. |
| bx. | | | | | 2021-027 | Xcel Energy Elm Creek Substation, Maple Grove |
| e. | | | | | 2021-028 | The Cubes at French Lake, Dayton |
| f. | | | | | 2021-029 | Tri-Care Grocery / Retail, Maple Grove |
| g. | | | | | 2021-030 | Tri-Care Grading and Roads, Maple Grove |
| h. | | | | | 2021-031 | Cook Lake Edgewater, Maple Grove |
| i. | | | | | 2021-033 | Weston Commons, Maple Grove |
| j. | | | | | 2021-034 | BAPS Hindu Temple, Medina. |
| by. | | | | | 2021-035 | Mister Car Wash - Rogers |
| bz. | | | | | 2021-036 | D & D Service, Corcoran. |
| k. | | | | | 2021-037 | Marsh Pointe, Medina. |
| l. | | | | | 2021-038 | Bellwether 6th/Amberly, Corcoran. |
| m. | | | | | 2021-039 | 1-94 Logistics Center, Rogers. |
| ca. | | | | | 2021-040 | Napa Auto, Corcoran. |
| cb. | | | | | 2021-041 | Carlson Ridge, Plymouth. |
| n. | | | | | 2021-042 | Risor Senior Living, Maple Grove |
| o. | A | E | | | 2021-043 | Northwood Community Church Maple Grove. |

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|-----|---|---|--|--|----------|---|
| p. | | | | | 2021-044 | Balsam II Apartments, Dayton. |
| q. | | | | | 2021-045 | REO Plastics Phase 2 Addition, Maple Grove |
| r. | A | E | | | 2021-046 | Len Busch Roses, Plymouth |
| s. | A | E | | | 2021-047 | CR 10 Box Culvert Replacement, Corcoran |
| t. | | | | | 2021-048 | Bellwether - Newman West, Corcoran |
| u. | | | | | 2021-049 | Dayton Interchange Business Center, Dayton. |
| v. | | | | | 2021-050 | Evanswood, Maple Grove. |
| w. | | | | | 2021-051 | Fields of Nanterre Drainage Improvements, Plymouth. |
| x. | | | | | 2021-052 | Norbella Senior Living, Rogers. |
| y. | | | | | 2021-053 | Towns at Fox Creek, Rogers. |
| z. | | | | | 2021-054 | Stotts Family Farm Grassed Waterways, Corcoran. |
| aa. | | | | | 2021-055 | Morningside Estates 6 th Addition, Champlin. |
| ab. | | | | | 2022-001 | Dayton Field 2nd Addition, Dayton. |
| | | | | | | |
| | | | | | | |

= Action item E = Enclosure provided I = Informational update will be provided at meeting RPF - removed pending further information
 R = Will be removed RP= Information will be provided in revised meeting packet..... D = Project is denied AR awaiting recordation

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