

elm creek Watershed Management Commission

ADMINISTRATIVE OFFICE
3235 Fernbrook Lane
Plymouth, MN 55447
PH: 763.553.1144 • FAX: 763.553.9326
Email: judie@jass.biz
www.elmcreekwatershed.org

TECHNICAL OFFICE
Hennepin County
Dept. of Environment and Energy
701 Fourth Ave S Suite 700
Minneapolis, MN 55415-1600
PH: 612.348-7338 • FAX: 612.348.8532
Email: James.Kujawa@hennepin.us

Regular and Public Meeting Minutes

May 8, 2019

Corrected (See IV.E.)

I. A regular meeting of the Elm Creek Watershed Management Commission was called to order at 11:35 a.m., Wednesday, May 8, 2019, in the Mayor's Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN, by Chairman Doug Baines.

Present were: Ken Guenther, Corcoran; Doug Baines, Dayton; Joe Trainor, Maple Grove; Elizabeth Weir, Medina; Fred Moore, Plymouth; James Kujawa, Jason Swenson, Kirsten Barta, and Jeremy Geske, 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: Champlin and Rogers.

Also present: Todd Tuominen, Champlin; Kevin Mattson, Corcoran; Sarah Nalven, Wenck Associates, Dayton; Mark Lahtinen, Maple Grove; Catherine Cesnik, Plymouth; and Andrew Simmons, Rogers.

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

B. Motion by Weir, second by Moore to approve the **minutes*** of the April 10, 2019 regular meeting. *Motion carried unanimously.*

C. Motion by Moore, second by Weir to approve the May **Treasurer's Report** and **Claims*** totaling \$123,366.40. *Motion carried unanimously.*

[The regular meeting was suspended at 11:40 a.m. in order to convene a public meeting.]

II. **Public Meeting - Minor Plan Amendment.*** The proposed Third Generation Plan amendment is for the purpose of updating the Capital Improvement Program (CIP)* to add three projects, remove one project, and shift funding/timing on six projects. Exhibits* for these projects were included in the meeting packet. The Technical Advisory Committee (TAC) reviewed the revisions and supports the minor plan amendment. This amendment does not approve projects for funding, simply the revisions to the CIP as presented.

The Commissioners discussed at length the appropriateness of including the Enhanced Street Sweeper on the CIP. Since funding for the sweeper is not proposed until 2020 (payable 2021), it was agreed to leave that item on the CIP, pending future consideration. They also agreed that a policy should be formulated for non-traditional CIPs.

A. **Open public meeting.** The public meeting was opened at 11:53 a.m.
1. **One email comment** was received from Judy Sventek: "The Metropolitan Council does not have any additional comments on this minor plan amendment."

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2. No comments were received from any of the other reviewing agencies. No comments were received from the member cities.

3. **Comments from public.** No one was present from the general public.

4. The **public meeting was closed** at 11:54 a.m.

B. Commission Discussion.

1. Motion by Guenthner, second by Trainor to adopt **Resolution 2019-02 Adopting a Minor Plan Amendment.*** *Motion carried unanimously.*

2. Motion by Weir, second by Trainor directing Staff to follow-up on the sweeper issue. *Motion carried unanimously.*

[The regular meeting was reconvened at 12:02 p.m.]

III. Open Forum.

IV. Action Items.

A. Project Review 2019-007 Westin Ridge, Plymouth.* This project is proposed on four individual parcels totaling approximately 75 acres. Located at the southeast intersection of CSAH 101 and CR 47, the entire site flows to a large onsite wetland that takes up approximately the southerly 1/3 of the properties. This wetland discharges easterly into a chain of wetlands that run for about a mile before reaching Elm Creek on the east side of Peony Lane. The site will be developed into 122 single-family detached residential lots. The Commission's review is for the Commission's Third Generation Plan Rules D, E and I. In their findings dated April 26, 2019 Staff recommends approval contingent upon compliance with Plymouth's (LGU) wetland replacement plan requirements. Motion by Trainor, second by Moore to approve Staff's recommendation. *Motion carried unanimously.*

B. Project Review 2019-009 Beacon Ridge, Plymouth.* This project proposes to redevelop a low-density residential area with three large, wooded lots into a medium density residential area with 37 single-family homes. Stormwater controls will be completed by the construction of one new wet detention pond with a filtration shelf, connection to existing stormwater features via storm sewer, and direct runoff to the development to the north. The project will add approximately 3.91 new acres of impervious area. Despite the change in density, the developer has made efforts to preserve trees. In their findings dated May 2, 2019 Staff recommends approval pending confirmation that the City will maintain the pond/infiltration trench. If the City will not maintain the pond, an O&M plan must be recorded with the plat. Motion by Moore, second by Weir to approve Staff's recommendation. *Motion carried unanimously.*

C. Project Review 2019-010 Hindu Temple Solar Array, Maple Grove.* This project proposes the installation of a solar array for electrical power generation located at the Hindu Temple site. The size of the array is small enough that it would typically not require review by the Commission. However, portions of the array are proposed to be located in the floodplain and floodway of Rush Creek, triggering Commission review. Staff has reviewed the project plans and, in their findings dated May 1, 2019, is recommending approval with no conditions. Motion by Weir, second by Trainor to approve Staff's recommendation. *Motion carried unanimously.*

D. Project Review 2019-011 Ravinia 11th Addition, Corcoran.* This project is a 5.6-acre, rural residential lot located on CR 101, approximately 1/4 mile north of the four-corner intersection of Maple Grove, Plymouth, Medina and Corcoran. The developer is proposing to subdivide the property into 14 single-family residential lots. The project triggers the Commission's review for rules D, E, G, and I. In their findings dated May 7, 2019, Staff

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recommends approval contingent upon (1) wetland buffers meeting the Commission’s requirements and (2) an O&M agreement between the City and the HOA being approved and recorded on the land title on this property. Motion by Weir, second by Guenther to approve this project per Staff’s May 7 recommendations. *Motion carried unanimously.*

E. 2020 Operating Budget.* Moore provided an overview of the proposed 2020 operating budget. Operating expenses total \$986,893, including \$423,323 for CIPS, special projects and studies, and \$125,000 for grant expense. Member dues* total \$237,300.

In order to maintain a positive unrestricted/unassigned fund balance it is necessary to reassign \$50,000 from the Projects Ineligible for Ad Valorem funding account to the General Fund [in the 2019 budget](#). Motion by Moore, second by Weir to approve that reassignment. Motion carried unanimously.

The budget must be approved at the Commission’s June meeting.

F. Included in the meeting packet was the preliminary **2018 Financial Audit*** prepared by Johnson & Co. Staff has reviewed the report and recommends its acceptance. Motion by Moore, second by Weir to accept the 2018 Financial Audit. *Motion carried unanimously.*

G. The 2019 Operating Budget includes \$760 to monitor one lake as part of **Metropolitan Council’s Citizen-Assisted Monitoring Program**. Staff and Three Rivers Park will work to identify that lake and seek a volunteer to perform the semi-monthly monitoring.

V. Watershed Management Plan.

VI. Old Business.

A. Barr Engineering has drafted a letter stating its interest in continuing its relationship with the Commission as its primary provider of technical services and indicating that Barr has the capacity to continue to provide this service as HCEE ceases its role of reviewing development/redevelopment projects.

B. Guenther reported on his meeting with Staff regarding the Commission’s policies and procedures. Changes will be implemented in accordance with that conversation, including creation of a revised and updated Commissioner handbook.

VII. New Business.

Project Review 2019-04 Bellwether 2nd Addition, Corcoran. Staff has been in communication with the developer of this project which is the second phase of Project Review 2018-032 Encore. Irrigating out of wetland 7 was approved by the Commission and the Technical Evaluation Panel (TEP) last year with the condition that the NWL be maintained at 928.25 or higher at all times during the irrigation season. The TEP further recommended monitoring the wetland elevations with a piezometer throughout the basin. If a more accurate NWL on the wetland can be determined, the TEP will reconsider that elevation at the developer’s request.

The Commission’s review and approval of 2018-032 covered the overall stormwater management plan and the WCA issues on the first addition, along with the grading and erosion control for the first addition. Because the Commission’s approvals are good for one year, the 2nd Addition review for grading and erosion control will fall under the 2018-032 application and the 2nd addition will be reviewed for consistency with the approved stormwater management plan and for erosion controls. Compliance with the Commission’s wetland buffer rules will also be reviewed. After the one-year anniversary (October 10, 2019), review 2018-032 will expire and the applicant must make a complete new application for future reviews

The overall stormwater management approval from project 2018-032 will remain in effect as long as the PUD is active and approved at the City and future phases are consistent with the Commission's SWMP approval.

For the 2019-04 review (and future reviews if needed) Staff sought additional information regarding the Alternative Wetland Protection Methods proposed on wetland #20. Although wetland impacts are being reduced by 5,610 SF, Rule I requires the use of alternative wetland protection methods, which must be approved by the Commission. It is assumed by Staff that the alternative methods will be different for each site.

The Commission generally agreed with Staff that eliminating the buffer and creating an alternative wetland protection method is preferable to filling in a wetland just to gain more buffer area. In the case of wetland #20 on this site, the Commission was provided an alternative method from Staff that included (a) the construction of a retaining wall at the upland edge of the wetland fill and (b) the area behind the retaining wall (2-3 ft. wide) would be backfilled with a sand/gravel mix with a drain tile placed at the inside base of the retaining wall. The area behind the retaining wall would intercept sheet flows from the lots above it, in essence acting as a filter for the majority of storm events that flowed toward the retaining wall before the water entered the wetland. The Commissioners felt this was an acceptable alternative buffer method in this case.

VIII. Water Quality.

A. FEMA Floodplain Mapping. Swenson reported hydrologic modeling work has continued through the month of April. Staff is running about 2-3 weeks behind on providing a model submittal to the Minnesota DNR. This submittal was originally anticipated to be complete by the end of April. This does not put the remainder of the project behind, as there was some overlap between review of hydrologic modeling and completion of hydraulic modeling. After the hydrologic report and submittal are made (estimated date of May 17), Staff will present results at the June meeting.

B. Included in the meeting packet is a copy of the **City of Corcoran's 2018 Stormwater Annual Report.***

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

The **next WMWA meeting** is scheduled for 8:30 a.m., Tuesday, May 14, 2019, at Plymouth City Hall.

X. Communications.

XI. Other Business.

A. The following **projects** are discussed in the May 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

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8. 2016-047 Hy-Vee Maple Grove #1, Maple Grove.
9. 2017-014 Laurel Creek, Rogers.
10. 2017-017 Mary Queen of Peace Catholic Church, Rogers
11. 2017-029 Brayburn Trails, Dayton.
12. 2017-039 Rush Creek Apartments, Maple Grove.
13. 2017-050W Ernie Mayer Wetland/floodplain violation, Corcoran.
14. 2018-005 Sundance Greens, Dayton.
15. 2018-014 Refuge at Rush Creek, Corcoran.
16. 2018-018 Summers Edge Phase III, Plymouth.
17. 2018-020 North 101 Storage, Rogers.
18. 2018-021 113th Lane Extension, Brockton Lane/CSAH101 Intersection, Rogers.
19. 2018-026 Windrose, Maple Grove.
20. 2018-028 Tricare Third Addition, Maple Grove.
21. 2018-038 Vincent Woods, Rogers.
22. 2018-044 OSI Phase II, Medina.
23. 2018-046 Graco Expansion, Rogers.
24. 2018-048 Faithbrook Church, Phase 2, Dayton.
25. 2019-001 Fernbrook View Apartments, Maple Grove.
26. 2019-002 Parkside Villas, Champlin.
27. 2019-003 Rogers High School Tennis Courts., Rogers.
28. 2019-005 UBOL I-94 MnDOT Project, Maple Grove, Rogers.-
29. 2019-007 Westin Ridge, Plymouth.
30. 2019-008 Residences on Elm Creek, Medina.
31. 2019-009 Beacon Ridge, Plymouth.
32. 2019-010 Hindu Temple Solar Array, Maple Grove.
33. 2019-011 Ravinia 11th Addition, Corcoran.
34. 2019-012 Brockton Lane Reconstruction, Plymouth.
35. 2019-013 Boston Scientific Parking Expansion, Maple Grove.
36. 2019-014 Bellwether 2nd Addition, Corcoran.

B. Adjournment. There being no further business, the meeting was adjourned at 1:29 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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