

elm creek

Watershed Management Commission

ADMINISTRATIVE OFFICE

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Regular Meeting Minutes May 12, 2021

I. A virtual meeting of the Elm Creek Watershed Management Commission was called to order at 11:31 a.m., Wednesday, May 12, 2021, by Chair Doug Baines.

Commissioners present: Bill Walraven, Champlin; Ken Guenther, Corcoran; Doug Baines, Dayton; Joe Trainor, Maple Grove; Elizabeth Weir, Medina; and Catherine Cesnik, Plymouth. *Not represented:* Rogers.

Technical Advisory Committee members present: Todd Tuominen, Champlin; Kevin Mattson, Corcoran; Nico Cantarero, Wenck/Stantec, Dayton; Derek Asche and Mark Lahtinen, Maple Grove; Ben Scharenbroich, Plymouth; and Andrew Simmons, Rogers. *Not represented:* Medina.

Also present: Ross Mullen, Ed Matthiesen, and Diane Spector, Wenck/Stantec; Joe Waln, Barr Engineering; James Kujawa, Surface Water Solutions; Brian Vlach, Three Rivers Park District (TRPD); Steve Christopher and Brett Arne, Board of Water and Soil Resources (BWSR); Kris Guentzel and Kevin Ellis, Hennepin County Environment and Energy (HCEE); Judie Anderson, Amy Juntunen, and Beverly Love, JASS; and Brian Field, Anderson Engineering, for Project Review 2021-017.

A. Motion by Walraven, second by Guenther to approve the **agenda*** as amended. *Motion carried unanimously.*

B. Motion by Walraven, second by Guenther to approve the **Minutes*** of the April 14, 2021 regular meeting. *Motion carried unanimously.*

C. Motion by Walraven, second by Guenther to approve the May **Treasurer's Report and Claims*** totaling \$109,838.35. *Motion carried unanimously.*

[Weir and Cesnik arrived 11:35 a.m.]

1. **Project review fees.*** Motion by Guenther, second by Weir to approve payment of refunds for overpayment of project review fees and processing of invoices for underpayment of fees as recited on the spreadsheet included with the Treasurer's Report. *Motion carried unanimously.*

2. **Reconciliation of Floodplain Mapping expenses.*** This spreadsheet shows Barr's invoices by project task. At March 31, 2021 contract-end, Barr invoices totaled \$106,940. The contract amount was \$108,773, a variance of \$1,833.

II. Open Forum.

Arne described BWSR's Performance Review and Assistance Program (PRAP). Authorized by the State Legislature, PRAP is used as means to monitor and assess the performance of local water management entities, BWSR also uses this program to provide organizational improvement or assistance grants to local

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government units (LGUs) and prepares an annual report to the legislature outlining the work conducted under the program. Included in the meeting packet were an overview* of the program, performance standards checklist* with guidance* to complete the checklist, and a self-assessment* of progress toward plan objectives. Staff will provide Arne with a list of “partners” who will be queried regarding Plan implementation, operational effectiveness, and partner relationships. The final report will be presented at the Commission’s July meeting.

III. Action Items.

A. The members reviewed a **proposed 2022 Operating Budget*** prepared by Staff and reviewed by members of the Budget Committee. It shows proposed operating expenses totaling \$886,767 and projected revenue of \$852,912, resulting in a deficit of \$33,855 which will be paid out of cash reserves. Also included in the packet were the **proposed member assessments*** for 2022. A proposed increase of \$4,700, 1.984%, will result in total member assessments of \$242,000. **Staff’s memo dated May 5, 2021,*** detailed the line items of the proposed budget. Treasurer Guenther recommend approving a proposed budget at the June meeting after the Commissioners have had the opportunity to review the 2020 Annual Audit Report.

B. Project Review 2021-010 Gleason Field, Maple Grove.* This is an existing 45-acre city park located between Brockton (CR 101) and Vagabond Lanes at 67th Avenue. The City Parks Department is proposing to convert existing grass play fields into four artificial turf baseball/softball fields. The project also involves expanding an existing parking area, adding four park buildings, and playground amenities to the park. This work will disturb 23.5 acres and create 2.9 acres of new impervious areas. Staff findings dated April 25, 2021 are included in the meeting packet. Staff recommends approval contingent upon receipt of any outstanding project review fees. Motion by Guenther, second by Walraven to approve this project per Staff’s recommendation. *Motion carried unanimously.*

C. Project Review 2021-012 The Oaks at Bauer Farm, Champlin.* This is a 47-acre agricultural property that is proposed to be developed into 99 single-family residential homes. The site, located north of French Lake Road on the border with Dayton, will create 13.3 acres of new impervious surface. The project triggers Rules D, E, and I. The applicant demonstrates onsite rate control for discharge to the west, south, and north and is using a regional stormwater management basin to discharge to the east. The applicant is working through revisions requested by the City engineering department. Staff recommends approval contingent upon 1) receipt of any outstanding project review fees and 2) after incorporating revisions from city engineering staff. Motion by Weir, second by Walraven to approve this project with these two conditions as specified in Staff findings dated May 5, 2021. *Motion carried unanimously.* Staff will correct the location of the project from Rogers to Champlin.

D. Project Review 2021-014 Elm Creek Stream Restoration Phase IV, Champlin.* This is a continuation of stream restoration work within Elm Creek. The project includes approximately 5,300 linear feet of stream bank restoration starting at Elm Creek Crossing bridge and extending downstream. The project was reviewed for Rules D, E, F and G. The work will stabilize the toe of banks, restore and enhance habitat, increase flood storage and improve water quality. Motion by Weir, second by Walraven to approve this project contingent upon receipt of all review fees as outlined in Staff findings dated May 5, 2021. *Motion carried unanimously.*

E. Project Review 2021-017 Park Group Building, Rogers.* This is a 3.0-acre site on Northdale Boulevard, northwest of the intersection of MN Highway 101 and 141st Avenue North. The project would

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construct a new warehouse, access drive, loading docks, and a new parking lot on an undeveloped site, disturbing 2.79 acres and creating 1.73 acres of new impervious surface. The project triggers Rules D and E. In their findings dated April 28, 2021, Staff recommends approval contingent upon receipt of any outstanding project review fees. Motion by Walraven, second by Guenther to approve this project per Staff's recommendation. *Motion carried unanimously.*

F. Project Review 2021-018 Tavera Phase 1, Corcoran.* This is a 274-acre site north of Hackamore Road (62nd Avenue North) and west of County Road 116. The full residential development would construct 548 units. Phase I of the project will construct 248 units - 114 single-family detached lots and 134 attached townhouse units. Phase I would disturb 69 acres and create approximately 30 acres of new or reconstructed impervious area. Stormwater would be managed by a combination of iron-enhanced sand filtration, stormwater reuse, larger than required wetland buffers and disconnected impervious surfaces. The project was reviewed for Rules D, E, F, and I. This review covers grading for Phase 1 of the project; future phases will require a separate review application. Staff administratively approved grading for the project. In their May 10, 2021 findings, Staff recommended approval contingent upon the applicant addressing any future comments necessary to obtain approval from the Commission. Motion by Weir, second by Trainor to table approval of this project to allow additional time to review outstanding information. *Motion carried unanimously.*

G. Third Party HUC-8 Model Review. Member cities have noted significant differences between the flood elevations in their community hydrologic and hydraulic (XPSMWM) models and those included in the Elm Creek Floodplain Modeling and Mapping HUC-8 study. The MNDNR had proposed to complete extensive surveys of all hydraulic structures (bridges, culverts, and weirs) within the effective (FEMA mapped) floodplain; however, they were unable to complete these surveys with limited budgets and many hydraulic structures were modeled based on assumptions made from review of aerial imagery.

In their May 5, 2021 memo,* Wenck-Stantec proposes to compare the approximately 80 hydraulic structures that were modeled based on assumptions made from review of aerial imagery listed in Table 3 of the *Elm Creek Narrative and QAQC Documentation (Barr Engineering Co., 2021)* to the best available information from member cities (existing hydrologic and hydraulic models, construction plans, as-builts, or survey information). Because the MNDNR has previously indicated that the hydraulic models are unable to be shared at this time, the comparison will be limited to the hydraulic structure information provided in Table 3 of the *Elm Creek Narrative*, typically culvert quantities shape(s), and size(s) or a bridge listing. They will note other information (such as inverts and road overflow elevations) provided by the member cities, should the hydraulic model become available at a later time.

Additionally, Wenck-Stantec will summarize the peak discharge rates at all locations reported in the November 2016 Hennepin County FIS and compare those to the simulated peak discharge rates in the HUC-8 model, based on the reported discharge in Table 1 of the *Elm Creek Narrative*. A separate scope of work to survey hydraulic structures where differing or better data is identified can be prepared at the conclusion of this phase. City staff or the MNDNR may elect to survey these structures.

Once the MNDNR schedules a member city review meeting for the HUC-8 model, member cities will have 30 days to provide comments to the MNDNR on the inundation areas shown in the HUC-8 model. Since time is critical, the findings will be documented in a brief technical memorandum within two weeks of project authorization. Estimated cost for the project is \$4,800 and would be funded from the *Other*

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Technical Services budget. Motion by Guenthner, second by Weir to approve this project and its associated funding source. *Motion carried unanimously.*

IV. Old Business.

V. New Business.

A. Capital Improvement Program (CIP).* Staff’s updated May 12, 2021 memo* describes the actions that occurred during the TAC (Technical Advisory Committee’s) May 5, 2021 meeting where TAC members reviewed and updated projects in the Commission’s current (CIP). Four projects were removed from the CIP spreadsheet, two projects were added, and three projects were revised to provide more specificity. Included in the meeting packet were **Exhibit A*** for the Everest Lane Stream Stabilization project (Line 45) and a **project summary*** of Phase V of the Elm Creek Stream and Habitat Restoration (Line 47). Motion by Walraven, second by Weir to approve the CIP as revised. *Motion carried unanimously.*

1. The TAC also considered an item for inclusion on future CIPs. Members discussed several small (<\$50,000) city projects that were on or proposed for the CIP as well as whether there was an opportunity to fund Best Management Practices (BMPs) on private property when there was a positive impact on public waters. Staff’s May 8, 2021 memo described the Shingle Creek/West Mississippi ongoing **City Cost Share Programs**. The Shingle Creek and West Mississippi WMOS each levy annually - \$100,000 and \$50,000, respectively – deposited into an account to be used to share in the cost of small, voluntary load reduction projects. These are usually opportunistic projects associated with street or park projects that are unknown until a city begins to design the improvement, others are small, stand-alone projects. BMPs must be above and beyond those required by the Commission’s rules. Cities are eligible to receive cost-share for 50% of the BMP cost up to \$50,000. Both BWSR and Hennepin County support this approach as long as the types of eligible uses and the process for evaluating and recommending projects is clearly spelled out. The benefits of this type of approach are:

- a. It is more administratively efficient, eliminating a lot of smaller projects on the levy.
- b. It is more flexible and responsive; the TAC and Commission are able to respond to requests very quickly.
- c. It reduces the need for minor plan amendments to add smaller projects individually to the CIP.

2. Private Cost Share. The TAC also discussed recommending to the Commission that it consider a similar annual levy to help fund load reduction projects on private property. These cost share grants are available for up to 100% of the cost of voluntary, above and beyond BMPs, to a maximum of \$50,000. While most of these cost share projects have been on-site small BMPs, West Mississippi initiated this program specifically to work in partnership with the one of its member cities and Hennepin County to provide cost-share to private property owners experiencing severe streambank erosion on the Mississippi River, an implementation action called out specifically in the South Metro Mississippi Turbidity TMDL. The TAC discussed the possibility of a similar Partnership Cost Share program in Elm Creek that could be used to help fund such things as small channel repair projects on Elm, Rush, and Diamond Creeks on parcels that are privately owned. Such projects could help address load reductions required in the stream TMDLs.

Applicants receiving cost share funding must execute an easement or some type of maintenance agreement with the City to assure that the BMPs are adequately maintained and remain in

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place for at least ten years. As with the City Cost Share program, there are specific guidelines for the program, and each application must be reviewed by the TAC and recommended to the Commission for further consideration and approval.

3. The Commission must order a **public meeting** to present the approved revisions to the CIP as a proposed Minor Plan Amendment (MPA) to the Third Generation Management Plan and to take comment from the member cities, the public, Hennepin County, and the reviewing agencies. The purpose of the public meeting is NOT to approve going forward with any of the projects. Motion by Weir, second by Walraven to call for a public meeting during the Commission’s June 9, 2021, regular meeting to consider the proposed MPA. *Motion carried unanimously.*

B. The Commissioners selected French Lake to be monitored as part of Metropolitan Council’s **CAMP (Citizen Assisted Monitoring Program)**. Trainor will serve as the CAMP volunteer.

VI. Communications.

A. Staff Report.* Staff reports provide updates on the development projects currently under review by Staff or awaiting final recordations. The projects listed in the table on page 8 of these minutes are discussed in this month’s report.

B. Hennepin County Updates.*

1. On May 4, 2021, the Hennepin County Board unanimously adopted the county’s first **Climate Action Plan**. Full details of the plan can be found at (<https://www.hennepin.us/climate-action>); goals, actions, and metrics relevant to the Commission’s work are included in the May update. County staff can now begin incorporating plan priorities into their programming and long-term planning. County Environment and Energy staff will begin immediately to update their *Natural Resources Strategic Plan* through 2021-2022.

2. Guentzel introduced the **new Conservation Specialist, Kevin Ellis**. Ellis began work on April 12.

3. The 2021 Watershed Service Agreement* was signed by the County Administrator on April 29 and is included in the meeting packet. The County will prepare and submit an invoice for the second quarter that includes reimbursable items from May 1- June 30.

4. Diamond Lake subwatershed assessment (SWA). County staff completed field work on May 4 to ground truth BMP information created by Wenck-Stantec staff. They verified the placement and conceptual design of identified opportunities and made notes regarding other general conservation opportunities Wenck-Stantec staff can reference in the report. County staff will digitize information gathered during field work and provide it to Wenck-Stantec within the coming weeks.

5. Rush Creek Clean Water Fund Implementation Grant. Final or near-final designs and engineer’s estimates have been received on several projects. A chart included in the update shows estimates and shares from all funding sources. The grant end-date is currently December 31, 2021. County staff have discussed a one-year grant extension with BWSR Board Conservationist Christopher and were advised to request an extension once contracting has been completed for first rounds of Jubert Lake projects.

a. Jubert Lake Agricultural BMPs. County Staff received approval from the County Board to begin drafting contracts for “Phase 1” projects (7 grassed waterways, 1 wetland expansion,

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1 creek stabilization). Contracting with the landowner on the “Top of Hill WASCOB + Waterway” project is complete. Construction is expected to begin after spring planting.

b. 10000 Ebert Road. Staff are working on developing a conceptual design with the landowner that meets program and landowner needs. Design will likely include some combination of prairie and mesic forest restorations in upland areas and buffers, waterways, and wetland restorations in lowland areas.

c. 21000 Block of CR 117. The landowner reached out with concerns about a regional drain tile that runs from the properties on north side of CR 117 through the proposed Rains Property wetland banking project. Staff are working with the landowner to address the issue.

d. 25880 Territorial Road, Rogers. Landowner requested information about low interest loan options for replacement of a failing septic system. Staff recommend working through Ag BMP Loan process to access low interest financing. Landowner seeking quote and researching options with participating banks.

e. 14100 117 Avenue N., Dayton. Landowner requested information about technical and financial assistance available to add pollinator habitat to about 4 acres of former pastureland. Staff have assisted landowner to identify several locations for “pollinator nodes” in a dense stand of warm season grasses. Areas will be prepared for forb seed with two sprays and some mowing June through September 2021. USFWS Partners for Fish and Wildlife Program will provide seed to be sowed over snow during the winter of 2021/2022.

f. Refuge at Rush Creek Wetland Bank. Neighbors contacted staff regarding City of Corcoran’s public notice for a Drainage and Utility Easement Vacation. Staff referred questions to the city’s wetland consultant.

6. Agricultural Soil Health Initiative. Staff plan to send a follow-up mailer in May to all those who received the original mailers. Soil health programming will follow in late summer/fall to coincide with cover crop planting and in advance of planning for 2022 growing season.

7. Hennepin County Tree Sale. Trees were provided to residents on April 29 and May 1. The County included over 2,000 trees in this pilot project and all trees were sold. Considering the success of this year’s pilot, and the overwhelming demand, the County is planning to hold another tree sale next year with about double the tree stock.

VII. Education and Public Outreach.

At recent meetings of the **West Metro Water Alliance (WMWA)** members have been concentrating on education and outreach items in the new NPDES General Permit, focusing on chloride and pet waste. WMWA subgroups reviewed existing materials relating to chloride and bacteria to determine if they meet the new requirements or could be revised to do so, and to identify any needs for additional materials. The subcommittees will continue this assessment and determine additional needs and required resources (e.g., design assistance, fabrication, printing) as well as a plan for disseminating the materials.

It is anticipated this work can be completed using the WMWA Special Projects budget, which had a balance of \$10,700 at the end of 2020. The agreement between the four WMOs in WMWA (Bassett Creek, Elm Creek, Shingle Creek and West Mississippi) requires that Special Projects be approved by the four

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WMOs before expenditures can be made. The goal is to have all the work completed by the end of 2021.

The June meeting, a virtual meeting, is scheduled for 8:30 a.m., Tuesday, June 8, 2021. The **Zoom number** is <https://us02web.zoom.us/j/922390839>. Or call in at any of these numbers using **meeting ID: 922 390 839**: (1) +1 301 715 8592 US (Germantown); (2) +1 312 626 6799 US (Chicago); (3) +1 929 205 6099 US (New York); or (4) +1 253 215 8782 US (Tacoma). The **passcode is water**.

VIII. Grant Opportunities and Project Updates.

IX. Adjournment. There being no further business, motion by Walraven, second by Guenther to adjourn. *Motion carried unanimously.* The meeting was adjourned at 12:42 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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Item No.	A	E	I RPF	AR	Project No.	Project Name
			RP D			
					W Denotes wetland project	
ah.				AR	2014-015	Rogers Drive Extension, Rogers.
ai.				AR	2015-030	Kiddiegarten Child Care Center, Maple Grove.
aj.				AR	2016-005W	Ravinia Wetland Bank Plan, Corcoran.
ak.				AR	2017-014	Laurel Creek, Rogers.
al.				AR	2017-029	Brayburn Trails, Dayton.
a.					2017-050W	Ernie Mayers Wetland/floodplain violation, Corcoran.
b.					2018-020	North 101 Storage, Rogers.
am.				AR	2018-046	Graco, Rogers.
an.				AR	2018-048	Faithbrook Church Phase 2, Dayton.
ao.				AR	2019-002	Parkside Villas, Champlin.
ap.				AR	2019-021	Brenly Meadows, Rogers.
c.					2019-024	Boston Scientific, Maple Grove.
aq.				AR	2019-026	Interstate Power Systems, Rogers.
ar.				AR	2019-027	Havenwood at Maple Grove.
as.				AR	2019-032	OSI Expansion, Medina.
at.				AR	2020-001	Outlot L, Markets at Rush Creek, Maple Grove.
d.					2020-002	Project 100 Minnesota Health Village, Maple Grove.
au.				AR	2020-008	Ione Gardens, Dayton.
av.				AR	2020-009	Stetler Barn, Medina.
e.					2020-016	Skye Meadow, Rogers.
aw.				AR	2020-017	Meadow View Townhomes, Medina.
ax.				AR	2020-023	Ziegler Dayton Site Upgrades, Dayton.
ay.				AR	2020-025	Paulsen Farms, Corcoran.
az.				AR	2020-027	Kariniemi Addition, Corcoran.
f.					2020-029	Sundance Greens 5th 6th Addition, Dayton.
ba.				AR	2020-030	Nelson International, Corcoran.
bb.				AR	2020-032	Enclave Rogers - Commerce Boulevard, Rogers.
g.					2020-033	Weston Woods, Medina.
bc.				AR	2020-036	Balsam Pointe, Dayton.
h.					2021-001	Boston Scientific MG Campus, Maple Grove.
i.					2021-002	Skye Meadows Variance, Rogers.
j.					2021-003	Cranberry Ridge, Plymouth.
k.					2021-004	Roers Maple Grove Apartments, Maple Grove.
l.					2021-005	WJD Two Third Addition, Rogers.
m.					2021-006	Boston Scientific WL3 West Building, Maple Grove
n.					2021-007	Birchwood 2nd Addition, Rogers
o.					2021-008	Edgewater 3rd Addition, Rogers
p.					2021-009	Palisades at Nottingham 3rd 2 nd Addition, Maple Grove
q.					2021-010	Gleason Fields, Maple Grove
r.					2021-011	Graco Building 1, Dayton
s.					2021-012	The Oaks at Bauer Farm, Champlin
r.					2021-013	Rush Creek Reserve Phase 1. Corcoran
s.					2021-014	Elm Creek Stream Restoration Phase 4, Champlin

A= 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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