

elm creek Watershed Management Commission

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May 3, 2017

Representatives
Elm Creek Watershed Management Commission
Hennepin County, MN

*The meeting packet for this meeting may be
found on the Commission's website:
<http://elm creek watershed.org/pages/Meetings/>*

Dear Representatives:

A regular meeting of the Elm Creek Watershed Management Commission will be held on **Wednesday, May 10, 2017, at 11:30 a.m.** in the Mayor's Conference Room at Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN.

The Commission will suspend its regular meeting at 11:30 a.m. for the purpose of conducting a public meeting on a proposed Minor Plan Amendment to adopt revisions to its Capital Improvement Program. The regular meeting will resume immediately after the public meeting concludes.

The Technical Advisory Committee (TAC) meeting scheduled for May 10, 2017, has been RESCHEDULED to June 14, 2017.

Please email Beverly at blove@jass.biz to confirm whether you or your Alternate will be attending the meeting.

Thank you.

Regards,



Judie A. Anderson
Administrator
JAA:tim

Encls: Meeting Packet

cc: Alternates
Joel Jamnik
TRPD

HCEE
Diane Spector
Clerks

BWSR
Met Council
Official Newspaper

MPCA
DNR

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AGENDA May 10, 2017 REVISED

1. Call Regular Meeting to Order.
 - a. Approve Agenda.*
2. Consent Agenda.
 - a. Minutes last Meeting.*
 - b. Treasurer's Report and Claims.*

Suspend regular meeting

3. Public Meeting for Minor Plan Amendment to Third Generation Plan.
 - a. Staff Report.*
 - 1) Revised CIP.*
 - 2) Request for Extension, Hennepin County.*
 - b. Commissioner Discussion.
 - c. Open Public Meeting.
 - 1) Receive written comments.
 - a) DNR.*
 - b) No comments from BWSR, MDA, Met Council.
 - 2) Receive comments from public.
 - d. Close Public Meeting.
 - e. Commission Discussion.
 - f. Consider Resolution 2017-01.*

Resume regular meeting.

4. Open Forum.
5. Action Items.
 - a. Project Reviews.*
 - b. Consider 2018 Operating Budget.*
 - 1) Member Assessments.*
 - c. 2017 CAMP Agreement.*
 - ~~c. Fish Lake Internal Phosphorus Loading Control Assurance Agreement.*~~
 - d. Request Renewal of Three Rivers Park District Cooperative Agreement.*

*in meeting packet
**available at meeting

6. Elm Creek Watershed-wide TMDL.
7. New Business.
8. Communications.
 - a. *Email_Ruth Eliason.**
9. Education.
 - a. **WMWA Update.***
10. Grant Opportunities and Updates.
 - a. Fish Lake Internal Phosphorus Loading Control.
 - 1) **Fish Lake Internal Phosphorus Loading Control – Assurance Agreement revised***
 - b. Rush Creek Headwaters Subwatershed Assessment.
 - 1) **Wenck Agreement.***
11. Project Reviews – *also see Staff Report.**
 - a. ~~*Email_Ruth Eliason re project 2017-012.**~~
12. Other Business.
13. Adjourn.

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Project Reviews. (See Staff Report.*)						
				a.	2013-046	Woods of Medina, Medina.
				b.	2014-015	Rogers Drive Extension, Rogers.
				c.	2015-004	Kinghorn Outlet A, Rogers.
			AR	d.	2015-006	Veit Building Expansion, Rogers.
				e.	2015-013	Wayzata High School, Plymouth.
			AR	f.	2015-020	Strehler Estates, Corcoran.
			AR	g.	2015-030	Kiddiegarten Child Care Center, Maple Grove.
				h.	2016-002	The Markets at Rush Creek, Maple Grove.
				i.	2016-004	Park Storage Place, Corcoran.
				J	2016-005W	Ravinia Wetland Bank Plan, Corcoran.
			AR	k.	2016-014	Balsam Apartments, Dayton.
			AR	l.	2016-018	Cambridge Park, Maple Grove.
			AR	m.	2016-019	Just for Kix, Medina.
			AR	n.	2016-021	Diamond View Estates, Dayton.
			AR	o.	2016-022	AutoZone, Maple Grove.
			AR		2016-026	Faithbrook Church, Dayton.
			AR	q.	2016-038	AutoMotor Plex, Medina.
			AR	r.	2016-039	The Fields at Meadow Ridge, formerly Sands Parcel, Plymouth.
				s.	2016-040	Kinghorn 4th Addition, Rogers.
				t.	2016-047	Hy-Vee Maple Grove #1 (Hy-Vee Maple Grove North).
				u.	2016-052	The Woods at Rush Creek, Maple Grove.
				v.	2017-002	RDO Site Plan, Dayton.
				w.	2017-004W	Cartway Trail, Champlin.
		R		x.	2017-005	Creekside Hills, Plymouth.
		R		y.	2017-006	Summers Edge II, Plymouth.
		R		z.	2017-007	D'town Corcoran Ditch Maint. and Cimarron Circle Drainage Maintenance, Corcoran.
				aa.	2017-008	TH 169 Reconstruction, Champlin.
		R		ab.	2017-009	Maple Grove Senior HS Tennis Court Rehabilitation, Maple Grove.
				ac.	2017-010W	Nichols Property Wetland Delineation, Corcoran.
A	E			ad.	2017-011	Crooked Creek Park, Plymouth.
				ae.	2017-012	Minnesota Solar CSG19, Corcoran.
				af.	2017-013	20417 Larkin Road, Corcoran.

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

*in meeting packet
**available at meeting

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Technical Advisory Committee and Regular Meeting Minutes April 12, 2017

I. A meeting of the **Technical Advisory Committee (TAC)** for the Elm Creek Watershed Management Commission was convened at 10:03 a.m., Wednesday, March 8, 2017, in the Mayor's Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN.

In attendance were: Todd Tuominen, Champlin; Susan Nelson, Wenck Associates, Corcoran; Rick Lestina and Mark Lahtinen, Maple Grove; Shane Nelson, Hakanson-Anderson, Medina; Ben Scharenbroich, Plymouth; Ali Durgunoğlu, James Kujawa and Kirsten Barta, Hennepin County Dept. of Environment and Energy (HCEE); Rich Brasch and Brian Vlach, Three Rivers Park District (TRPD); Jeff Weiss, Barr Engineering; and Judie Anderson and Amy Juntunen, JASS.

Not represented: Dayton and Rogers.

Also present: Bill Walraven, Champlin; Sharon Meister, Corcoran; Elizabeth Weir, Medina.

A. Motion by Scharenbroich, second by Lestina to approve the **meeting agenda**.* *Motion carried unanimously.*

B. Motion by Kujawa, second by Scharenbroich to approve the **minutes of the March 8, 2017 TAC meeting*** with the following revisions:

I.C. ~~Areas within MUSA will not be able to have livestock.~~ It will be up to the cities to allow livestock in the areas where a regulated conveyance system exists.

I.C.2.c.2) Scraping of feedlots should be practiced regularly and the scrapings composted.

Motion carried unanimously.

C. A call was made to elect a chairman of the Technical Advisory Committee. Motion by Lestina, second by Scharenbroich to elect Kujawa as chair. Hearing no other nominations, the *motion passed unanimously.*

II. Old Business.

A. **Model Manure Management Ordinance**.* Creating well-designed sites, ordinances, and layouts will allow cities to avoid later issues with land use conflicts, having to grandfather in facilities, water quality issues, etc. Long term, the ordinance helps avoid costs and headaches for landowners having to renovate facilities, do restorations, etc.

1. In her memo,* Barta discussed manure management, maintaining livestock away from water, manure pit regulation, soil conservation, and proper siting and wetland restoration.

2. In a second memo* Barta offered suggestions for city ordinances within the Elm Creek watershed for areas transitioning from rural to developing.

a. Where there was no livestock before – follow animal expansion recommendations from the Pioneer-Sarah Creek Commission policy.

b. New operations with grazing animals should have a proper grazing plan/appropriate designed feedlot.

c. Where there was livestock before, proper disposal procedures should be followed when sealing and cleaning out waste pits.

elm creek Watershed Management Commission

TAC and Regular Meeting Minutes – April 12, 2017

Page 2

d. Where cropped fields are being converted into housing, temporary crop cover should be sown until lawn/pasture is established.

e. Topsoil should be conserved on site as much as possible.

f. Buffers should be maintained along waterways as needed.

g. Wetland restoration should occur where feasible.

3. Manure management should be practiced appropriately depending on species. New facilities for both pasture and manure must meet MPCA, Minnesota Ag, or Extension Services regulations. If enough animal units are present, MPCA feedlot rules must be followed.

a. Composting should be practiced, especially for horse operations.

b. Livestock must be excluded from streams, wetlands, and other sensitive areas.

c. For cattle, swine and poultry, proper manure holding facilities should be established following NRCS guidelines and MPCA regulations.

1) Wastewater filter strips should be established below barn and feedlot facilities.

2) Scraping of feed lots and composting of scrapings should be practiced regularly.

4. Impacts will be measured using U of M, BWSR, and MPCA nutrient load calculation tools, RUSLE, and other programs/tools as needed and appropriate.

5. Barta indicated she is willing to work with individual cities, focusing on cities where issues are likely to occur. She also stated that PCA is cracking down on landowners who are in violation of state laws.

6. The Commission will offer the services of its attorney to work with the cities' attorneys to craft their own ordinances. (The commission will absorb the cost of its attorney during this process.)

7. Barta will continue to work on this task; Staff will communicate with Attorney Joel Jamnik.

B. Rules pertaining to filtration, infiltration and abstraction during stormwater management review.

Staff has requested from the member cities their stormwater pond, infiltration, filtration, and runoff volume abstraction rules and standards. From the information received, Staff is compiling a sequencing guide and adjusting the credits. It will be available for discussion at the June TAC meeting.

C. Cost-share policy.* Staff will run various scenarios for discussion at the June meeting.

D. Prioritizing special projects other than SWAs.* Based on responses by the members of the TAC, staff compiled their rankings of various criteria to prioritize special projects. As determined by the members the rankings are as follows:

- | | |
|---------------------------------------|---|
| 1. Primary. | 2. Secondary. |
| a. Load reductions | a. In city's CIP |
| b. Grant opportunity/eligibility | b. Multiple benefits |
| c. TMDL-related | c. Included in Commission's op. budget |
| d. Total project costs | d. Location in watershed |
| e. Protects high quality resource | e. Result of regulatory mandate |
| f. Exceeds city management activities | f. Total impacted area/no impacted cities |
| | g. Timing of project |
| | h. On Commission-derived schedule |

III. New Business.

A. Calls for additions/revisions to Commission's current CIP.* The members reviewed the revised CIP. After consultation with the City of Rogers, which was not represented at the meeting, the following additions/revisions/deletions have been made:

elm creek Watershed Management Commission

TAC and Regular Meeting Minutes – April 12, 2017

Page 3

1. The following projects would be added:
 - a. Elm Creek Stream Restoration Reach D, Plymouth, est cost \$850,000, Comm share in 2018 = \$212,500
 - b. Cowley-Sylvan Connections BMPs, Rogers, est cost \$300,000. Comm share in 2018 = \$75,000
2. The following project would be removed:
 - a. Stonebridge Storm Sewer Retrofit, Maple Grove.
3. Funding for the following projects would be shifted:
 - a. Fox Creek at South Pointe, Rogers, est cost \$90,000, shift \$22,500 from 2017 to 2019
 - b. Stone's Throw Wetland, Corcoran, est cost \$450,000, shift \$112,500 from 2017 to 2018
 - c. Ranchview Wetland Restoration, Maple Grove, est cost \$2,000,000, shift \$250,000 from 2017 to 2018
 - d. Watershed-wide Ag BMPs, est cost \$50,000 annually, shift \$50,000 from 2017 to 2020-2024
4. The remaining projects on the CIP are unchanged.
5. The total of the projects slated for funding in 2017, payable 2018, is \$490,000.

Motion by Scharenbroich, second by Lestina to approve these revisions and to recommend to the Commission that the Commission's share of the 2017 projects be funded by a County ad valorem levy. *Motion carried unanimously.*

B. Other Business.

1. The next TAC meeting is scheduled for May 10, 2017, prior to the regular Commission meeting.
2. The meeting was adjourned at 11:26 a.m.

IV. A regular meeting of the Elm Creek Watershed Management Commission was called to order at 11:35 a.m., Wednesday, April 12, 2017, in the Mayor's Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN, by Vice Chairman Elizabeth Weir.

Present were: Bill Walraven, Champlin; Sharon Meister, Corcoran; Tim McNeil, Dayton; Joe Trainor, Maple Grove; Elizabeth Weir, Medina; Fred Moore, Plymouth; Ali Durgunoğlu, James Kujawa and Kirsten Barta, Hennepin County Dept. of Environment and Energy (HCEE); Rich Brasch and Brian Vlach, Three Rivers Park District (TRPD); Jeff Weiss, Barr Engineering; and Judie Anderson and Amy Juntunen, JASS.

Also present: Todd Tuominen, Champlin; Brad Martens and Susan Nelson, Corcoran; Mark Lahtinen, Maple Grove; and Lisa Vertelney and Ben Scharenbroich, Plymouth.

- A.** Motion by Moore, second by Walraven to approve the **agenda**.* *Motion carried unanimously.*
- B.** Motion by Walraven, second by Moore to approve the **minutes*** of the March 8, 2017 regular meeting. *Motion carried unanimously.*
- C.** Motion by Moore, second by Walraven to approve the April **Treasurer's Report and Claims*** totaling \$12,502.38. *Motion carried unanimously.*

V. Open Forum.

No one wished to speak on matters not on the agenda.

elm creek Watershed Management Commission

TAC and Regular Meeting Minutes – April 12, 2017

Page 4

VI. Action Items.**A. Project Reviews.**

1. 2017-005 Creekside Hills, Plymouth.* This is a 69-acre residential lot located east of CR 101 and north of MN State Highway 55. The applicant proposes to develop 156 single-family residential lots, associated streets, utilities and three onsite wet stormwater detention ponds with filtration bench and filter strip to provide stormwater treatment and rate control. The existing site is a combination of golf course, wetlands and woodland. This project will create 17.7 acres of new impervious surface. The project was reviewed for compliance with the Commission's requirements for stormwater management, erosion and sediment controls, buffer strips and floodplain. Staff reviewed site plans dated February 28, 2017 and recommends the Commission approve the project without conditions. Motion by Moore, second by Walraven to approve Staff's recommendation. *Motion carried unanimously.*

2. 2017-006 Summers Edge, Plymouth.* This project is located on the east side of Brockton Lane, north of Medina Road. The site plans include all or portion of three PIDs and a ROW area that is proposed to be abandoned totaling 46.2 acres. The actual areas being grading total 30.9 acres. The current land use is cropland, woodland, wetlands and grassland. Proposed land use will be 52 single-family residential lots on approximately 22 acres. The Commission's standards require review of Rule D, Stormwater Management, Rule E, Erosion and Sediment Controls, and Rule I, Buffer Strips. Erosion and sediment control plans were reviewed and administratively approved by Staff on February 23, 2017. Staff reviewed site plans dated February March 2, 2017 and recommends the Commission approve the project without conditions. Motion by Moore, second by Walraven to approve Staff's recommendation. *Motion carried unanimously.*

B. Two lakes are included in the 2017 budget for **CAMP monitoring**. The Citizen Assisted Monitoring Program is sponsored by Metropolitan Council. Volunteers will be sought for this year's program, likely Jubert plus one more.

C. Mill Pond Monitoring. The Commission approved water quality monitoring of the Mill Pond as part of its monitoring services arrangement with the Park District at its last meeting. Because the Mill Pond will be drawn down again this fall to facilitate removal of sediment and some of the riparian habitat work, both the City and the TAC felt that conducting early and late summer aquatic plant surveys would be of more interest and value than water quality monitoring. The purpose of the aquatic plant monitoring would be to establish a pre-sediment removal and restoration project baseline for the aquatic plant community and help assess how both curly leaf pondweed and the native plant community responded to the first drawdown associated with the dam rehabilitation project. The costs for the aquatic plant surveys would be the same as for the water quality monitoring efforts (\$800). Motion by Walraven, second by Trainor to proceed with the aquatic plant surveys as proposed. *Motion carried unanimously.*

D. Motion by Moore, second by Walraven to accept the **2016 Audit Report**. *Motion carried unanimously.* A reference to the Pioneer-Sarah Creek Commission in the text will be corrected.

E. Motion by Trainor, second by Walraven to accept the **2016 Annual Activity Report**. *Motion carried unanimously.* Brasch will review the lake report cards for accuracy and the USGS stream monitoring data will be inserted when it becomes available.

VII. Watershed Management Plan.

A. Report from the Technical Advisory Committee. (See Minutes, above.) The TAC will meet in June to continue discussion of manure management guidelines and the cost-share policy.

B. The amended version of the **Capital Improvement Program (CIP)** was reviewed by the Technical Advisory Committee (TAC) at its meeting earlier today. The TAC recommended \$490,000 of projects for ad valorem funding by Hennepin County in 2017. (III.A., above.) Motion by Moore, second by Walraven to approve the TAC's recommendation and to call for a public meeting to consider the proposed amended CIP. *Motion carried unanimously.* Staff will notify Hennepin County of this proposed maximum levy amount.

C. Minor Plan Amendment. Legal notice of a public meeting to receive comments on the proposed amended CIP will be published in the Commission's official newspaper and forwarded to the member cities. The Public meeting will be held as part of the Commission's regular May 10, 2017 meeting.

[McNeil arrived 12:20 p.m.]

VIII. Elm Creek Watershedwide TMDL. Approval of the TMDL by the Environmental Protection Agency is expected soon.

IX. Grant Opportunities and Updates.

A. Internal Phosphorus Loading Control in Fish Lake project. Included in the meeting packet was a letter* from Brasch to the MPCA informing the agency of the proposed alum treatment project. Also included was a copy of a Joint Powers Agreement* between the Park District, the City of Maple Grove, and the Commission to undertake the project. Motion by Moore, second by McNeil authorizing the Vice Chair to sign the agreement on behalf of the Commission. *Motion carried unanimously.* As a provision of the agreement the City will work with the Fish Lake Area Residents Association (FLARA) to reach agreement on a contribution from that organization to defray a portion of the local cost-share. It is anticipated the first half treatment will occur between September 18 and October 13, 2017.

The Board of Water and Soil Resources (BWSR) has informed Staff that an **Assurance Agreement** will be required for this project since the proceeds exceed \$200,000. Staff will keep the Commission informed as the agreement is developed.

B. Rush Creek Headwaters Subwatershed Assessment project. No update.

C. The Minnesota Stormwater Research Council has released its 2017 **request for proposals*** to conduct stormwater research. Proposals are requested for projects up to two years in length beginning December 2017. Approximately \$80,000 will be available for this competition. Proposals must address 1) pre-treatment for stormwater practices; 2) effectiveness of current stormwater practices; or 3) chloride/road salt use, management, pollution, and best practices. Proposals are due June 16, 2017.

X. Education.

A. The **Plymouth Home Expo** was held April 7-8, 2017. A recap will be provided at the May meeting.

B. The next **WMWA meeting** is scheduled for 8:30 a.m., Tuesday, May 9, 2017, at Plymouth City Hall. Commissioners are encouraged to attend.

XI. New Business.

XII. Communications.

A. The Minnesota Environmental Partnership has requested its partners to contact their state legislators, asking them to **vote NO on the Omnibus Environment and Natural Resources Budget Bill, HF88 and SF723.*** Their position is that these bills will roll back environmental protections and make it more costly and time-consuming to adopt new protections for the state's air, land, lakes, rivers, and streams. It would also result in significant cuts in grant funds. They state in the letter that the bill includes a number of policy provisions that obstruct or prohibit state agencies charged with protecting our water and controlling pollution from carrying out their functions and duties, putting the State at odds with the Clean Water Act.

B. Buffer Law: Alternative Practices Overview.*

XIII. Other Business.

A. The following **projects** are discussed in the April 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. 2015-006 Veit Building and Parking Lot Addition, Rogers.
5. 2015-013 Wayzata High School, Plymouth.
6. 2015-020 Strehler Estates, Corcoran.
7. 2015-030 Kiddiegarten Child Care Center, Maple Grove.

elm creek Watershed Management Commission

TAC and Regular Meeting Minutes – April 12, 2017

Page 6

8. 2016-002 The Markets at Rush Creek, Maple Grove.
9. 2016-004 Park Place Storage Site Plans, Corcoran.
10. 2016-005W Ravinia Wetland Bank, Corcoran.
11. 2016-014 Balsam Apartments, Dayton.
12. 2016-018 Cambridge Park, Maple Grove.
13. 2016-019 Just for Kix, Medina.
14. 2016-021 Diamond View Estates, Dayton.
15. 2016-022 AutoZone, Maple Grove.
16. 2016-026 Faithbrook Church, Dayton.
17. 2016-038 AutoMotorPlex, Medina.
18. 2016-039 Fields at Meadow Ridge, Plymouth.
19. 2016-040 Kinghorn 4th Addition, Rogers.
20. 2016-041 Meadow ridge Ponds (Bartus), Plymouth.*
21. 2016-047 Hy-Vee Maple Grove #1, Maple Grove.
22. 2016-049 Medina Senior Living, Medina.
23. 2016-052 The Woods at Rush Creek, Maple Grove.*
24. 2017-002 RDO Site Plan, Dayton.*
25. 2017-004W Cartway Trail, Champlin.
26. 2017-005 Creekside Hills, Plymouth.
27. 2017-006 Summers Edge II, Plymouth.
28. 2017-007 Downtown Corcoran Ditch Maint/Cimarron Circle Drainage Maintenance, Champlin.
29. 2017-008 TH169 Reconstruction, Champlin.
30. 2017-009 Maple Grove Senior HS Tennis Court Rehabilitation, Maple Grove.

B. Adjournment. There being no further business, motion by Walraven, second by McNeil to adjourn.
Motion carried unanimously. The meeting was adjourned at 12:36 p.m.

Respectfully submitted,



Judie A. Anderson
 Recording Secretary
 JAA:tim

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Elm Creek Watershed Management Commission 2017 Treasurer's Report

		2017 Budget	Mar 2017	April 2017	May 2017	2017 Budget YTD
EXPENSES						
Administrative		90,000	7,917.86	10,178.43	6,951.77	32,348.72
Watershed-wide TMDL 2016					57.00	
Grant Writing		5,000				0.00
Website		6,000	192.50	178.75	98.75	566.25
Legal		2,000				0.00
Audit		5,000				0.00
Insurance		3,800	2,842.00			2,842.00
Miscellaneous/Contingency		2,000				0.00
Project Reviews	HCEE	98,000			24,524.02	24,524.02
Project Reviews	Consult	15,000		654.00	254.00	908.00
Project Reviews	Admin	11,000	1,132.64	544.23	800.80	3,502.96
WCA-Technical	HCEE	12,000			1,903.78	1,903.78
WCA	Legal	500	149.96	290.00		439.96
WCA	Admin	2,000	85.06	180.56	134.94	565.95
Stream Monitoring		24,177				0.00
Extensive Stream Monitoring		7,000				0.00
DO Longitudinal Survey		500				0.00
Source Assessment		2,000				0.00
TMDL Follow-up - TRPD, Admin		10,000				0.00
Rain Gauge		220	14.48	17.02	16.89	63.77
Rain Gauge Network		100				0.00
Lakes Monitoring - CAMP		1,200				0.00
Lakes Monitoring - TRPD						
Sentinel Lakes		2,470				0.00
Additional Lake		618				0.00
Aquatic Vegetation Surveys		1,029				0.00
Wetland Monitoring (WHEP)		4,000				0.00
Education		4,000	101.74	289.92	227.10	2,022.73
WMWA General Activities		4,000				3,750.00
WMWA Educators/Watershed Prep		4,500				4,500.00
WMWA Special Projects		1,500				1,500.00
Rain Garden Workshops		2,000				0.00
Education Grants		2,000				0.00
Macroinvertebrate Monitoring-River Watch		6,000				0.00
Projects ineligible for ad valorem		50,000				0.00
Studies / Project ID / SWA		35,000	1,018.56	84.61	306.65	1,784.28
Plan Amendments		5,000			730.49	730.49
Local Plan Review		2,000				0.00
<i>Transfer to (from) Encumbered Funds (see below)</i>						0.00
<i>Transfer to (from) Capital Projects (see CIP Tracking)</i>			21.18			21.18
<i>Transfer to (from) Cash Sureties (see below)</i>						0.00
<i>Transfer to (from) Grants (see below)</i>			150.93	84.86	114.15	349.94
<i>To Fund Balance</i>						0.00
TOTAL - Month			13,626.91	12,502.38	36,120.34	82,324.03
TOTAL Paid in 2017, incl 2016 Expenses		421,614.00	76,508.93	89,011.31	125,131.65	2017 Paid

Elm Creek Watershed Management Commission 2017 Treasurer's Report

		2017 Budget	Mar 2017	April 2017	May 2017	2017 Budget YTD
INCOME						
<i>From Fund Balance</i>						
Project Review Fee		100,000		11,887.50		22,052.50
Return Project Fee						0.00
Water Monitoring - TRPD Co-op Agmt		6,500				0.00
WCA Fees		8,000		300.00		4,100.00
Return WCA Fee						(2,550.00)
Reimbursement for WCA Expense						0.00
Member Dues		219,700				154,160.55
Interest/Dividends Earned		100	245.66	292.58		922.67
<i>Transfer to (from) Capital Projects (see CIP Tracking)</i>						0.00
<i>Transfer to (from) Grants (see below)</i>			-	-	-	
Misc Income						0.00
Total - Month			245.66	12,480.08	0.00	178,685.72
TOTAL Funds Rec'd in 2017, incl 2016 Income		334,300.00	167,801.23	180,281.31	180,281.31	2017 Received
CASH SUMMARY		Balance Fwd				
Checking						
4M Fund		570,930.25	692,222.55	692,200.25	656,079.91	
Cash on Hand			692,222.55	692,200.25	656,079.91	
CASH SURETIES HELD		Balance Fwd				Activity 2017
WCA Escrows Received		46,000.00	30,000.00			30,000.00
WCA Escrow Reduced		0.00				0.00
Total Cash Sureties Held		46,000.00	76,000.00	76,000.00	76,000.00	
RESTRICTED / ENCUMBERED FUNDS		Balance Fwd				
<i>Restricted for CIPs</i>		129,049	-21.18			129,027.39
<i>Enc. Studies / Project Identification / SWA</i>		62,832				62,831.80
<i>Assigned Extensive Stream Monitoring</i>		1,000				1,000.00
Total Restricted / Encumbered Funds		191,880	191,859.19	191,859.19	191,859.19	
			Mar 2017	April 2017	May 2017	2017 Budget YTD
GRANTS						
Fish Lake CWLA		200,000				
Revenue						-
Expense			71.10	84.86	114.15	270.11
Balance			(71.10)	(84.86)	(114.15)	(270.11)
Rush Creek SWA		50,280				
Revenue						-
Expense			79.83			96.83
Balance			(79.83)	-	-	(96.83)
TOTAL GRANTS						
Revenue			-	-	-	-
Expense			150.93	84.86	114.15	366.94
Balance			(150.93)	(84.86)	(114.15)	(366.94)

Elm Creek Watershed Management Commission 2017 Treasurer's Report

Claims Presented		General Ledger Account No	March	April	May	TOTAL
Campbell Knutson - Legal		521000				0.00
Connexus - Rain Gauge		551100			16.89	16.89
Barr Engineering - Proj Rev Consultant		578050			254.00	254.00
ECM Publishers						318.96
ECM - EC Plan Amendment Notice		541500			318.96	
Hennepin County Treasurer						26,427.80
HCEE - Tech Svcs Project Reviews		578000			24,524.02	
HCEE - Tech Svcs WCA		579500			1,903.78	
JASS						9,102.69
Administration		511000			5,339.27	
TAC Support		511000			805.23	
Annual Report		511000			807.27	
Website		581000			98.75	
Project Reviews		578100			800.80	
WCA		579000			134.94	
Plan Amendment		541500			411.53	
Education		590000			227.10	
Elm Creek TMDL		580800			57.00	
CIPs General		563001			306.65	
CIPs Medina Tower Drive		563002				
CIPs Champlin Mill Pond Dam		563003				
CIPs Plymouth EC Restoration		563004				
CIPs Fish Lake Alum Trmt Ph 1		563009				
Grant Opportunities		511000				
Grant - Fish Lake CWLA		584001			114.15	
Grant - Rush Creek SWA		584002				
TOTAL CLAIMS						36,120.34

Elm Creek Watershed Management Commission
2017 Treasurer's Report - Capital Improvement Project Tracking

Item 02b

CIPs		Amount	%age	TOTAL 2014	TOTAL 2015	TOTAL 2016	JAN 2017	FEB 2017	MAR 2017	APR 2017	MAY 2017	TOTAL 2017	TOTAL ALL YEARS
	Ad Valorem 2014 - Medina Tower Drive	68,750	52.380										
	Revenue			-	68,916.44	(37.13)						-	68,879.31
	Expense			1,989.80	-	-						-	1,989.80
	Balance			(1,989.80)	68,916.44	(37.13)						-	66,889.51
	Ad Valorem 2014 - Champlin Mill Pond Dam	62,500	47.620										
	Revenue			-	62,653.69	(33.75)						-	62,619.94
	Expense			1,631.81	-	-						-	1,631.81
	Balance			(1,631.81)	62,653.69	(33.75)						-	60,988.13
	Ad Valorem 2015 - Plymouth Elm Creek Restoration	250,000.00	100.000										
	Revenue				-	249,866.05						-	249,866.05
	Expense				2,606.17	280.99						-	2,887.16
	First Half Payment					122,112.84						-	122,112.84
	Second Half Partial Payment					123,163.52						-	123,163.52
	Balance				(2,606.17)	4,308.70						-	1,702.53
	Ad Valorem 2016 - Fox Creek Phase 2 Bank Stabilization	80,312.00	16.296										
	Revenue				-	-						-	-
	Expense				-	106.32						-	106.32
	Balance				-	(106.32)	-	-	-	-	-	-	(106.32)
	Ad Valorem 2016 - Miss Rvr Shore Repair/Stabilization	75,000.00	15.219										
	Revenue				-	-						-	-
	Expense				-	106.32						-	106.32
	Balance				-	(106.32)	-	-	-	-	-	-	(106.32)
	Ad Valorem 2016 - EC Dam at Mill Pond	187,500.00	38.047										
	Revenue				-	-						-	-
	Expense				-	106.32						-	106.32
	Balance				-	(106.32)	-	-	-	-	-	-	(106.32)
	Ad Valorem 2016 - Rush Creek Main Stem Restoration	75,000.00	15.219										
	Revenue				-	-						-	-
	Expense				-	106.32						-	106.32
	Balance				-	(106.32)	-	-	-	-	-	-	(106.32)
	Ad Valorem 2016 - Fish Lake Alum Trmt Phase 1	75,000.00	15.219										
	Revenue				-	-						-	-
	Expense				-	106.32			21.18			21.18	127.50
	Balance				-	(106.32)	-	-	(21.18)	-	-	(21.18)	(127.50)
TOTAL CIP													
	Revenue			-	131,570.13	249,795.17	-	-	-	-	-	-	381,365.30
	Expense			3,621.61	2,606.17	812.59	-	-	21.18	-	-	21.18	7,061.55
	Payments					(245,276.36)						-	(245,276.36)
	Balance			(3,621.61)	128,963.96	3,706.22	-	-	(21.18)	-	-	(21.18)	129,027.39



Monthly Statement

Service Address
ELM CREEK RD
DAYTON MN

Billing Summary

Billing Date: Apr 17, 2017

Previous Balance \$17.02

Payments - Thank You! \$17.02

Balance Forward \$0.00

New Charges \$16.89

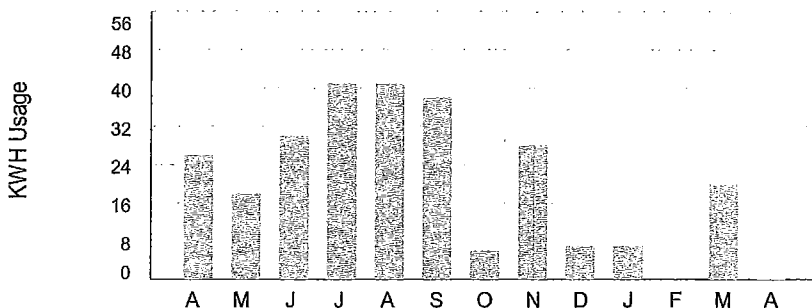
Total Amount Due \$16.89

Payment must be received on or before May 13, 2017

Energy Comparison

Previous Months' Usage

Current Month's Usage



How to contact us

Member Services / Moving - 763-323-2650
Outages and Emergencies - 763-323-2660
Hearing/Speech Impaired Call - 711 or 800-627-3529
Email: info@connexusenergy.com
www.connexusenergy.com
Gopher State One Call - 811
14601 Ramsey Boulevard, Ramsey, MN 55303

▼ Please detach at perforation and return this portion with a check or money order made payable to Connexus Energy ▼

TRA3-D-008624/001095 AGUJBZ S1-ET-M1-C00003 1



Account Number: 481113-238425

Total Amount Due \$16.89

Payment Due By May 13, 2017

008624 1 AB 0.400 000543/008624/001095 032 01 AGUJBZ
ELM CREEK WATERSHED MGMT ORG
3235 FERNBROOK LN N
PLYMOUTH MN 55447-5325



Connexus Energy
PO Box 1808
Minneapolis, MN 55480-1808

00001689 0004811130238425 000000 00000 00000000000 0000008



INVOICE

Barr Engineering Co.
4300 MarketPointe Drive, Suite 200
Minneapolis, MN 55435
Phone: 952-832-2600; Fax: 952-832-2601
FEIN #: 41-0905995 Inc: 1966

Ms. Judie Anderson
 Elm Creek Watershed Management
 JASS-Watershed Administrators
 3235 Fernbrook Lane
 Plymouth, MN 55447

April 21, 2017
 Invoice No: 23270F55.03 - 80

Total this Invoice	\$254.00
---------------------------	-----------------

Regarding: Development Reviews

This invoice is for professional services related to Elm Creek Watershed Management Commission project reviews, which included the following tasks:

Task 157 – Wayzata High School (2015-013)

- Phone calls with the developers engineer to discuss drainage problems since construction was complete.

Professional Services from February 25, 2017 to March 24, 2017

Job:	JOB3	Project Review
Task:	157	Wayzata High School

Labor Charges

	Hours	Rate	Amount
Engineer / Scientist / Specialist III			
Weiss, Jeffrey	1.50	125.00	187.50
Support Personnel II			
Wiborg, Victoria	.70	95.00	66.50
	2.20		254.00
Subtotal Labor			254.00
		Task Subtotal	\$254.00
		Job Subtotal	\$254.00
		Total this Invoice	\$254.00

Thank you in advance for your prompt processing of this invoice. If you have any questions, please contact your Barr Project Manager, Jeff Weiss
 Phone: 952-832-2706 or E-Mail: jweiss@barr.com.

PLEASE REMIT TO ABOVE ADDRESS and INCLUDE INVOICE NUMBER ON CHECK.

Terms: Due upon receipt. 1 1/2% per month after 30 days. Please refer to the contract if other terms apply.

ECM Publishers, Inc.
 4095 Coon Rapids Blvd.
 Coon Rapids, MN 55433
 Address Service Requested

☐ PLEASE CHECK BOX IF ADDRESS CHANGED
 & INDICATE NEW ADDRESS

Page # 1

INVOICE

ELM CREEK WATERSHED MGMT COMMISSION
 JUDIE ANDERSON
 3235 FERNBROOK LN
 PLYMOUTH, MN 55447

Invoice Date

5/4/2017

Invoice Number

487031

Ad Number

677691

Terms

Net 30

Check Number

Amount Paid

Amount

\$318.96

ACCOUNT NUMBER	START DATE	STOP DATE	EDITION DATE	ACCOUNT REPRESENTATIVE
419241	04/27/17	05/04/17	5/4/2017	Osseo Legals 952-392-6829

Please return the upper portion with your payment. To pay by credit card, please call 763-712-2494 or 877-326-3600

PUBLICATION	DATE	AD#	CLASS	DESCRIPTION/TAG LINE	TYPE	SIZE	QTY/ TIMES	AMOUNT
Osseo MG Press	05/04/2017	677691	150	2017 CIP Hearing	L	1.0 X 8.78	2	318.96

487031

Net Amount	318.96
Shipping	0.00
Tax	0.00
Amount Due	318.96

ECM Publishers, Inc.
 4095 Coon Rapids Blvd.
 Coon Rapids, MN 55433
 Bill Questions 763-712-2494
 Fax 763-712-2481



ECM PUBLISHERS, INC. FED. I.D. NO. 41-0909493

\$30 charge assessed for returned checks.
Report errors within 5 days to ensure consideration.
Unpaid balances over 30 days past due will incur a 1.5%
finance charge per month (Minimum .50 per month).

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF HENNEPIN

Charlene Vold being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

Osseo MG Champlin Dayton Press

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:
HENNEPIN

and has full knowledge of the facts stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.

(B) This Public Notice was printed and published in said newspaper(s) once each week, for 2 successive week(s); the first insertion being on 04/27/2017 and the last insertion being on 05/04/2017.

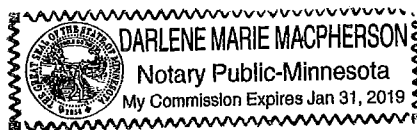
MORTGAGE FORECLOSURE NOTICES

Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Charlene Vold
Designated Agent

Subscribed and sworn to or affirmed before me on 05/04/2017 by Charlene Vold.

Darlene Marie MacPherson
Notary Public



**ELM CREEK WATERSHED
MANAGEMENT
COMMISSION
LEGAL NOTICE
NOTICE OF PUBLIC
MEETING**

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Elm Creek Watershed Management Commission will meet at Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN, on Wednesday, May 10, 2017, at 11:30 a.m., or as soon thereafter as the matter may be heard, for a public meeting on a proposed management plan amendment.

The Commission proposes to amend its Third Generation Watershed Management Plan to adopt revisions to its 2017 Capital Improvement Program (CIP).

The following projects would be added:

Elm Creek Stream Restoration Reach D, Plymouth, est cost \$850,000, Comm share in 2018 \$212,500

Cowley-Sylvan Connections BMPs, Rogers, est cost \$300,000, Comm share in 2018 \$75,000

The following project would be removed:

Stonebridge Storm Sewer Retrofit, Maple Grove.

Funding for the following projects would be shifted:

Fox Creek at South Pointe, Rogers, est cost \$90,000, shift \$22,500 from 2017 to 2019

Stone's Throw Wetland, Corcoran, est cost \$450,000, shift \$112,500 from 2017 to 2018

Ranchview Wetland Restoration, Maple Grove, est cost \$2,000,000, shift \$250,000 from 2017 to 2018

Watershed-wide Ag BMPs, est cost \$50,000 annually, shift \$50,000 from 2017 to 2020-2024

The remaining projects on the CIP are unchanged.

The Elm Creek watershed includes parts of the cities of Champlin, Corcoran, Dayton, Maple Grove, Medina, Plymouth and Rogers.

Persons who desire to be heard with reference to the proposed amendment will be heard at this meeting. Written comments may be submitted to Doug Baines, chair of the Elm Creek Commission, c/o JASS, 3235 Fernbrook Lane, Plymouth, MN 55447, or emailed to judie@jass.biz. Auxiliary aids for persons with handicaps are available upon request at least seven days in advance. Please contact Judie Anderson at 763-553-1144 to make arrangements.

/s/ Doug Baines, Chair
Elm Creek Watershed Management Commission

By order of the Elm Creek Watershed Management Commission

Published in
The Press

April 27, May 4, 2017
677691

Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:

\$17.90 per column inch

Ad ID 677691


Hennepin County
Public Works
Department of Environment and Energy
 701 Fourth Avenue South, Suite 700
 Minneapolis, Minnesota 55415-1842

 612-348-3777, Phone
 612-348-8532, Fax
 hennepin.us/environment

Bill To:
Elm Creek Watershed Management Commission c/o: Mr. Doug Baines 3235 Fernbrook Lane Plymouth, MN 55447

Invoice

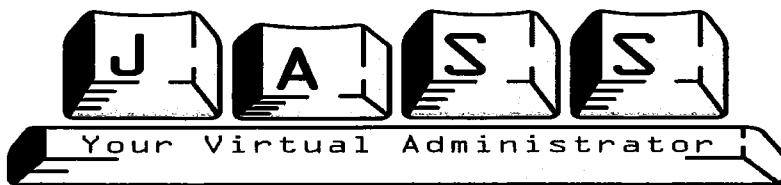
Date
4/14/17

Contract	
Elm Creek WMC	
Description	Total Amount
1st quarter 2017 invoice (January 1, 2017 – March 31, 2017) for technical services and WCA provided per Agreement A166463	
<ul style="list-style-type: none"> • Technical Assistance • WCA 	24,524.02 1,903.78
(Services provided to date include; engineering and technical review on submitted projects, erosion and sediment control planning and implementation assistance, Wetland Conservation Act administrative and technical assistance, TMDL development and implementation, floodplain assistance and information; and storm water quantity and quality work throughout the watershed).	
<ul style="list-style-type: none"> • 201⁷ Payments and other credits to-date • Accrued 201⁷ costs to-date - not to exceed a total of 120 \$110,000 for technical services and WCA in 201⁸ unless amended per Agreement A154047. 	0 26,427.80
<i>Costs associated with the Commission's participation in the Department led volunteer monitoring/education programs (Riverwatch and WHEP at a not-to-exceed amount of \$10,000, will be billed on a lump sum basis with the 4th quarter 2017 invoice.</i>	
	AMOUNT DUE \$26,427.80

Make check payable to: Hennepin County Treasurer

Remit to: Hennepin County Accounts Receivable
 300 South 6th Street
 Mail Code 129
 Minneapolis, MN 55487

Direct questions to: Karen Galles 612-348-2027



3235 Fernbrook Lane
Plymouth MN 55447

Elm Creek Watershed Management Commission
3235 Fernbrook Lane
Plymouth, MN 55447

5-May-17

Total by
Project Area

Administrative	11.81	55.00	649.55	
Administrative	42.14	60.00	2,528.40	
Admin - Offsite	2.22	65.00	144.30	
Office Support	5.50	200.00	1,100.00	
Storage Unit	1.00	192.23	192.23	
File Management	0.53	60.00	31.80	
Archiving	0.33	60.00	19.80	
Admin - Reimbursable Expense	673.19	1.00	673.19	5,339.270
Admin - TAC support	9.75	60.00	585.00	
Admin - TAC support offsite	2.55	65.00	165.75	
TAC Support - Reimbursable Expense	54.48	1.00	54.48	805.230
Website	1.25	55.00	68.75	
Website	0.50	60.00	30.00	
Web Domain, hosting		1.00	0.00	98.750
Annual Reporting	1.00	55.00	55.00	
Annual Reporting	6.86	60.00	411.60	
Annual Report - Reimbursable Expense	340.67	1.00	340.67	807.270
Project Reviews - Secre	0.08	55.00	4.40	
Project Reviews - Admin	11.51	60.00	690.60	
Project Reviews - Reimbursable Expense	105.80	1.00	105.80	800.800
WCA - Admin	0.25	60.00	15.00	
WCA - Reimbursable Expense	119.94	1.00	119.94	134.940
Education - Admin	1.25	60.00	75.00	
Education - Admin Offsite	2.34	65.00	152.10	
Education - Reimbursable Expense		1.00	0.00	227.100
TMDL - Admin	0.75	60.00	45.00	
TMDL - Reimbursable Expense	12.00	1.00	12.00	57.000
CIPs - General - Secretarial		55.00	0.00	
CIPs - Administrative	4.61	60.00	276.60	
CIPs- Offsite Admin		65.00	0.00	
CIPs - reimbursables	30.05	1.00	30.05	306.650
Fish Lake CWLA - Admin	1.17	60.00	70.20	
Fish Lake CWLA - Reimbursables	43.95	1.00	43.95	114.150
Plan Amendment - Admin	6.53	60.00	391.80	
Plan amendment - reimbursable	19.73	1.00	19.73	411.530

Invoice Total

9,102.690



3235 Fernbrook Lane
 Plymouth, MN 55447
 (763) 553-1144
 Fax: (763) 553-9326
 judie@jass.biz

To: Elm Creek Commissioners
From: Judie Anderson
Date: May 10, 2017
Subject: Public Meeting – Minor Plan Amendment

On April 12, 2017 the Elm Creek Watershed Management Commission, upon recommendation of the Technical Advisory Committee, approved a motion to move forward with a Minor Plan Amendment to its Third Generation Watershed Management Plan to revise the Capital Improvement Program as follows:

- A. Add the following projects:
 - 1. Elm Creek Stream Restoration Reach D, Plymouth, est cost \$850,000, Comm share in 2018 \$212,500
 - 2. Cowley-Sylvan Connections BMPs, Rogers, est cost \$300,000. Comm share in 2018 \$75,000
- B. Remove the following project:
 - 1. Stonebridge Storm Sewer Retrofit, Maple Grove.
- C. Shift the funding/timing for the following projects as follows:
 - 1. Fox Creek at South Pointe, Rogers, est cost \$90,000, shift \$22,500 from 2017 to 2019
 - 2. Stone's Throw Wetland, Corcoran, est cost \$450,000, shift \$112,500 from 2017 to 2018
 - 3. Ranchview Wetland Restoration, Maple Grove, est cost \$2,000,000, shift \$250,000 from 2017 to 2018
 - 4. Watershed-wide Ag BMPs, est cost \$50,000 annually, shift \$50,000 from 2017 to 2020-2024
- D. The remaining projects on the CIP are unchanged.

COMMISSION ACTION

The purpose of the public meeting is to present the proposed amendment and to take comment from the member cities and the public. The purpose of the public meeting is NOT to approve going forward with any of these projects. The recommended order of business is as follows:

- 1. Suspend regular meeting
- 2. Staff report
- 3. Commission discussion
- 4. Open public meeting
- 5. Take comments from member cities
- 6. Take comments from public
- 7. Close public meeting
- 8. Commission discussion
- 9. Consider approving Resolution 2017-01
- 10. Resume regular meeting

COMMENTS RECEIVED THROUGH 1:00 PM, MAY 3, 2017

The **Metropolitan Council** has no comments on the Elm Creek Watershed Management Commission's proposed minor plan amendment dated April 12, 2017, regarding revisions to the Commission's Third Generation Watershed Management Plan CIP.

STAFF RECOMMENDATION

The Technical Advisory Committee has reviewed the proposed revisions to the Capital Improvement Program and found them to be consistent with the Commission's requirements. At their April 12, 2017 meeting the Commission approved the revisions and directed Staff to move forward with a Minor Plan Amendment. Staff recommends that the Commission approve the amendment and adopt Resolution 2017-01. The Resolution will be effective upon approval of the amendment by the Hennepin County Board of Commissioners.

Table 4.5. Elm Creek Third Generation Plan Capital Improvement Program **following April 12 2017 meeting**

Description	Location	Priority	Est Proj Cost	Partners	Funding Source(s)	Estimated Commission Cost					
						2015	2016	2017	2018	2019	2020-2024
<i>Special Studies</i>											
TMDL implementation special study	Watershed	H	225,000	Cities, HCEED	Operating budget	0	25,000	25,000	25,000	25,000	125,000
Stream segment prioritization	Watershed	H	20,000	Cities, HCEED, TRPD	Operating budget	10,000	0	0	0	10,000	0
<i>High Priority Stream Restoration Projects</i>				Cities, TRPD	Cities, TRPD, county levy, grants						
Elm Cr Reach E	Plymouth	H	1,086,000	Commission, Plymouth	County Levy - levied in 2015	250,000					
CIP-2016-RO-01 Fox Cr, Creekview	Rogers	H	321,250	Commission, Rogers	County Levy - levied in 2016	0	80,312	0	0	0	0
Mississippi Point Park Riverbank Repair	Champlin	M	300,000		County Levy - levied in 2016	0	75,000	0	0	0	0
Elm Creek Dam	Champlin	H	7,001,220		County Levy - levied in 2016	0	187,500	0	0	0	0
Tree Thinning and Bank Stabilization Project	Watershed	H	50,000			0		50,000	50,000	50,000	250,000 300,000
Fox Cr, Hyacinth	Rogers	M	360,000			0	0	90,000	0	0	0
Fox Cr, South Pointe, Rogers	Rogers	M	90,000			0	0	22,500	0	22,500	0
Other High Priority Stream Project	Watershed	H	500,000			0	0	0	125,000	125,000	250,000
CIP-2016-MG-02 Rush Creek Main	Maple Grove		1,650,000		County Levy - levied in 2016		75,000	75,000	75,000	25,000	
CIP-2016-MG-03 Rush Creek South	Maple Grove		675,000						168,750		
CIP-2017-PL-01 EC Stream Restoration Reach D	Plymouth		850,000	City, County, Comm	City, County, Comm				212,500		
<i>High Priority Wetland Improvements</i>				Cities	Cities, Commission						
DNR #27-0437	Maple Grove	L	75,000			0	0	0	0	0	18,750
Stone's Throw Wetland	Corcoran	M	450,000			0	0	112,500	112,500	0	0
Other High Priority Wetland Projects	Watershed	L	100,000			0	0	0	0	0	25,000
CIP-2016-MG-01 Ranchview Wetland Restoration	Maple Grove		2,000,000					250,000	250,000		
<i>Lake TMDL Implementation Projects</i>				Cities, lake assns.	Cities, Comm, grants, owners						
Mill Pond Fishery and Habitat Restoration	Champlin	H	5,000,000			0	0	250,000	0	0	0
Other Priority Lake Internal Load Projects	Watershed	M	100,000			0	0	0	0	0	25,000
CIP-2016-MG-04 Fish Lake Alum Treatment-Phase 1	Maple Grove	H	300,000	City, TPRD, Comm, lake assn	County Levy - levied in 2016		75,000				
Stonebridge	Maple Grove	M	200,000		retrofit of some additional stormsewer treatment systems will not occur during street reconstruction project	0		50,000	0	0	0
Rain Garden at Independence Avenue	Champlin	L	300,000			0		75,000	0	0	0
CIP-2016-CH-01 Mill Pond Rain Gardens	Champlin	M	400,000			0	0		100,000	0	0
Other Priority Urban BMP Projects	Watershed	L	200,000			0	0	0	0	0	50,000
<i>Other</i>											
Livestock Excluss, Buffer & Stabilized Access	Watershed	M	50,000	Cities, owners, U Extension, NRCS	Cities, owners, Comm, NRCS	0	0	0	50,000	0	50,000
Agricultural BMPs Cost Share	Watershed	H	50,000	Cities, owners, U Extension, NRCS	Cities, owners, Comm, NRCS	0		50,000	50,000	50,000	100,000 150,000
CIP-2016-RO-04 - CIP-2017-RO-1 Ag BMPs - Cowley-Sylvan Connections BMPs	Rogers		300,000	City, Comm	City, Comm, BWSR				75,000		
CIP-2016-RO-03 Downtown Pond Exp & Reuse	Rogers		406,000						101,500		
Hydrologic & Hydraulic Modeling	Watershed	L	25,000	HCEE	Commission	0	0	0	25,000	0	0
Fourth Generation Plan	Watershed	L	70,000		Commission	0	0	0	0	0	\$70,000
TOTAL STUDIES			245,000		COMM SHARE TOTAL STUDIES	10,000	25,000	25,000	25,000	35,000	125,000
TOTAL CIPS			21,759,470		COMM SHARE TOTAL CIPS	\$ 250,000	\$ 492,812	\$ 1,025,000	\$ 1,395,250	\$ 272,500	\$ 938,750
			22,709,470					\$ 490,000			

Projects levied in prior years

Projects added/ revised in 2017



Hennepin County
Public Works

Environment and Energy Department
701 Fourth Avenue South, Suite 700
Minneapolis, Minnesota 55415-1842

612-348-3777, Phone
612-348-8532, Fax
hennepin.us/environment

May 3, 2017

Doug Baines, Chair
Elm Creek Watershed Management Commission
c/o Judie Anderson, Watershed Administrator
3235 Fernbrook Lane
Plymouth, MN 55447

Re: Minor Plan Amendment

Dear Mr. Baines:

I request that Hennepin County's review deadline for the proposed plan amendment be extended to June 28, 2017. The need for the extension is due to the County's 2017 meeting dates, formal review process and the lead time required to place the item on the County Board's meeting schedule. I have attached the schedule for Board action on the proposed amendment for your reference.

BAR for amendment approval and maximum levy submitted to Department Administration:	May 26
Department Administration reviews and forwards BAR to Public Works Administration:	June 1
Public Works Administration reviews and forwards BAR to County Administration:	June 6
BAR is communicated to Board on:	June 13
BAR in committee on:	June 20
Board action on amendment:	June 27

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen Galles'.

Karen Galles
Supervisor, Land & Water Unit

Cc: Judie Anderson, Watershed Administrator
Steve Christopher, BWSR

Minnesota Department of Natural Resources
Ecological and Water Resources Division
Central Region Headquarters
1200 Warner Road, St Paul MN 55106

05/09/2017

Judie Anderson, Administrator
Elm Creek Watershed Management Commission
3235 Fernbrook Lane
Plymouth, MN 55447

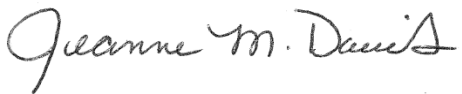
Re: Minor Plan Amendment: Elm Creek Watershed Management Plan - Capital Improvement Plan

The DNR appreciates the opportunity to review and comment on the Elm Creek Watershed Management Commission's Minor Plan Amendment to the Capital Improvement Plan.

Our Area Hydrologist, Kate Drewry, has reviewed the revisions to the plan and noted that a number of the projects on the updated CIP involve work within Public Waters. While we support these projects in concept, we encourage early (pre-permit application) coordination with DNR to obtain input during the preliminary design stage. Kate can be contacted at (651)259- 5753 or Kate.Drewry@state.mn.us .

Thank you for the opportunity to comment on the Elm Creek Watershed Plan - CIP Amendment.

Sincerely,



Jeanne Daniels, District Manager
jeanne.daniels@state.mn.us
651-259-5784

cc. Liz Harper, EWR
Kate Drewry, EWR
Steve Christopher, BWSR

ELM CREEK WATERSHED MANAGEMENT COMMISSION
STATE OF MINNESOTA

RESOLUTION NO. 2017-01

ADOPTING A MINOR AMENDMENT TO THE THIRD GENERATION PLAN

WHEREAS, on October 14, 2015, the Elm Creek Watershed Management Commission (Commission) adopted the *Elm Creek Watershed Management Commission Third Generation Watershed Management Plan*, (hereinafter, "Plan"); and

WHEREAS, the Plan includes a Capital Improvement Program (CIP); and

WHEREAS, the Commission has proposed a Minor Plan Amendment that would add two projects to the CIP; and

WHEREAS, the Commission has also proposed that the Minor Plan Amendment would remove one project from the CIP; and

WHEREAS, the Commission has also proposed that the Minor Plan Amendment would shift the timing of funding of four projects currently listed on the CIP; and

WHEREAS, Table 4.5 of the Capital Improvement Program will be revised to reflect these changes; and

WHEREAS, the proposed Minor Plan Amendment has been reviewed in accordance with the requirements of Minnesota Statutes, Section 103B.231; and

WHEREAS, the Minnesota Board of Water and Soil Resources did approve proceeding to adoption by a Minor Plan Amendment; and

WHEREAS, on May 11, 2016, after legal and written notice duly given, the Commission held a public informational meeting to explain the proposed revisions; and

WHEREAS, the Commission has determined that it would be reasonable and appropriate and in the public interest to adopt the Minor Plan Amendment;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Elm Creek Watershed Management Commission that:

1. The Minor Plan Amendment is approved and adopted contingent upon approval by the Hennepin County Board of Commissioners, said approval anticipated in July, 2017.

2. Commission staff is directed to notify appropriate parties of the Amendment to the Plan.

Adopted by the Board of Commissioners of the Elm Creek Watershed Management Commission this tenth day of May, 2017.

Doug Baines, Chair

ATTEST:

Judie Anderson, Recording Secretary

**STATE OF MINNESOTA
COUNTY OF HENNEPIN**

I, Judie A. Anderson, do hereby certify that I am the custodian of the minutes of all proceedings had and held by the Board of the Elm Creek Watershed Management Commission, that I have compared the above resolution with the original passed and adopted by the Board of said Commission at a regular meeting thereof held on the tenth day of May, 2017, at 11:30 a.m., that the above constitutes a true and correct copy thereof, that the same has not been amended or rescinded and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto placed my hand and signature this tenth day of May, 2017.

(NO SEAL)

Judie A. Anderson
Recording Secretary

elm creek

Watershed Management Commission

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701 Fourth Ave S Suite 700
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STAFF REPORT

May 3, 2017

2013-046 Woods of Medina. Medina. This is two parcels totaling 9.5 acres located east of CR 116 and south of Hackamore Road. The site is proposed to be developed into 16 single-family residential lots. On January 13, 2015, the Commission approved this project with two conditions. Although this project has not been constructed, it is still active with the City of Medina and remains approved by the Commission until it becomes inactive with the City.

2014-015 Rogers Drive Extension, Rogers. This project involves improvements along Rogers Drive from Vevea Lane to Brockton Lane. The project is located east of I-94, south of the Cabela development. The total project area is 8.0 acres; proposed impervious surfaces total 5.6 acres. Site plans received July 1, 2014 meet the requirements of the Commission with the exception of the nutrient control. Due to limited options to treat the nutrient loads on the east 1.7 acre portion of Rogers Drive, the Commission approved the site plan contingent upon the City deferring 4.6 lbs. of phosphorus for treatment in future ponding opportunities as the easterly corridor of Rogers Drive develops. 2.3 lbs. will be accounted for in the Kinghorn Spec. Building site plan with 2.3 lbs. still outstanding. This item will remain on the report until the total deferral is accounted for.

2015-004 Kinghorn Outlot A, Rogers. This is a 31 acre site located between the Clam and Fed Ex sites in Rogers on the west side of Brockton Road and I-94. The proposed site will have two warehouse buildings, 275,000 and 26,000 SF in size, with associated parking and loading facilities. The Commission standards require review of stormwater management, grading and erosion controls and buffers. In June 2015 the Commission approved this project with three conditions. Numerous revised plans have been received for Staff review. *This project was extended by the City of Rogers earlier this year (2017). It will remain active on the Staff Report.*

2015-013 Wayzata High School. The Wayzata High School project included additions to the high school building, new and/or expanded parking areas, new driveway, new playing fields, and new and/or modified stormwater ponds. The total disturbance area was approximately 44 acres, of which approximately 22 acres will be new impervious area. The project was approved on July 8, 2015 and construction was completed in 2016. The O&M plan has been completed; however, as of the date of this report, final recording of the plan has not yet been completed. *The engineer for the project has recently contacted Staff to discuss the project as some of the features are not functioning as designed. This results in standing water after heavy rains and runoff overflowing a curb in a way that was not intended. They have asked for approval of modifications to the drainage system to improve drainage. Staff is reviewing the proposal and discussing the modifications with the City.*

2016-002 The Markets at Rush Creek, Maple Grove. This is a proposal to develop 40 acres of a 123 acre planned unit development located in the southwest quadrant of the intersection of CSAH 101 and CSAH 10. County Ditch 16 (Maple Creek) runs along the south property line on this project. The 40-acre project area includes a Hy-Vee grocery store (16.8 acres), a Hy-Vee gas station (2.5 acres) and 11 outlots (18.76 acres). Right-of-way accounts for 2.3 acres. The remaining acreage (83 acres) consists of 5 outlots and right-of-way. The additional outlot areas are not part of the stormwater review for this project but will be reviewed for compliance with the Commission's buffer and floodplain requirements. At their May 2016 meeting, the Commission granted Staff authority to administratively approve the project and report any updates. This project has been placed on hold by Hy-Vee. As long as it remains active with the City, the Commission's approval with conditions remains in place.

2016-004 Park Place Storage Site Plans, Corcoran. The applicant is proposing to develop a 22-acre site in the southwest portion of the city into a multi-unit storage facility with associated access roads, utilities, and stormwater features. This will be an addition to the existing storage facility located west of the proposed project. New wetland permit revisions

were approved by the Commission at their July 2016 meeting. New site plan information was received and approved by the Commission in October 2016. All approval contingencies have been met with the exception of the a). BWSR certification of wetland banking withdrawals for 0.24 acres from bank account #1560. The Commission has a wetland replacement escrow in case this does not occur.

2016-005W Ravinia Wetland Replacement Plan, Corcoran. In February 2016, Lennar Corporation submitted a Wetland Banking Concept Plan for Phase II of the Ravinia Development. This plan was withdrawn in favor of an onsite wetland replacement plan. *At their December 2016 meeting the Commission approved Staff's findings and recommendations dated January 10, 2017. Final wetland impacts will be 1.22 acres. Wetland credits created on site will be 4.01 acres. All contingency items that were part of Commission's approval have been met. Construction on the site is proceeding this spring.* Staff is working with Karen Wold from Barr Engineering to provide monitoring to ensure the replacement meets the performance standards of the approved plans.

2016-040 Kinghorn 4th Addition, Rogers. This is a 13.7-acre parcel located in the northwest corner of the intersection of Brockton Lane and Rogers Drive. An industrial warehouse with 8.8 acres of new impervious area is proposed for the site. The plan includes the use of a NURP pond and a biofiltration basin to meet Commission requirements for rates, water quality and abstraction. The adjacent site is likely to be developed in the near future and some of the stormwater features were oversized to accommodate future development. At their November 2016 meeting the Commission approved the project with the following conditions: 1) approval of only this phase; future phases will need additional review and approval; 2) final modifications to the hydrologic modeling; 3) additional details are provided for a proposed water re-use system; 4) an O&M Plan for the pond and biofiltration basin is completed and recorded on the final plat; 5) modification of the storm sewer system to maximize the area draining to the NURP pond; and 6) receipt and review of any wetland-related documentation if wetlands are present. Condition #1 required no action, so the condition has been met. Condition #2 has been met for the current design; however, any future modifications to the design will require additional review. Conditions #3-6 remain outstanding and are expected to be addressed during final design in Spring 2017.

2016-047 Hy-Vee North Maple Grove. The applicant is proposing to disturb 13 acres of a 20.4-acre site located at the northeast corner of Maple Grove Parkway and 99th Ave (just south of the future Highway 610) for the purpose of constructing a grocery store, fuel station, convenience store and parking facilities. The applicant's engineer was present at the November meeting to request interpretation from the Commission on their 25' average and 10' minimum standard for a buffer when a retaining wall is used to minimize wetland impacts. The Commission felt there had to be some type of mitigating compensation for such a scenario. A revised plan was submitted on December 1, 2016. Staff sent preliminary review comments and requested revisions on December 14. In their findings dated January 10, 2017, Staff recommended approval of this project subject to a) receipt, approval, and recordation of an Operations and Maintenance Plan for the pond and the iron-enhanced filtration system, b) revisions for items relating to buffer requirements and erosion and sediment control as enumerated in the findings, and c) receipt of a signed and dated final plan set. The Commission approved Staff's recommendations at their January 11, 2017 meeting with the additional requirement that the Commission receive and comment on a WCA impact notice.

2016-052 The Woods at Rush Creek, Maple Grove. This project combines five parcels (40 acres total) into 73, single family residential lots. It is located on CR 101 south of the Rush Creek Golf Course and north of the Lord of Life Lutheran Church. The majority of the site drains into Cook Lake which is located immediately west of this development. The Commission's review will be for compliance with the Commission's rules D (stormwater management), E (erosion control), G (wetland alteration) and I (buffer strips). At their March 2017 meeting, the Commission approved staff's findings and recommendations dated February 15, 2017. Outstanding items are the biofiltration pond, O & M plans and recording, and the buffer monument location plans.

2017-002 RDO Dayton Site Plan. This is a commercial development proposal on a 25.6± acre plot located between I94 and Holly Lane. The project will develop the south 16 acres, to create about 7.6 acres of impervious cover. This project was approved with conditions by the Commission at their March 8, 2017 meeting.

2017-004 Cartway Trail Wetland Replacement Plan, Champlin Park and Recreation Dept. This project application was received on February 2, 2017, and determined to be incomplete. Additional floodplain and wetland information is

necessary before it will be considered complete. The applicant was so notified on February 6. No additional information has been received since that time.

2017-005 Creekside Hills, Plymouth. This is a 69-acre residential lot located east of CR 101 and north of MN State Highway 55. The applicant proposes to develop 156 single-family residential lots, associated streets, utilities and three onsite wet stormwater detention ponds with filtration bench and filter strip to provide stormwater treatment and rate control. The existing site is a combination of golf course, wetlands and woodland. This project will create 17.7 acres of new impervious surface. The project was reviewed for compliance with the Commission's requirements for stormwater management, erosion and sediment controls, buffer strips and floodplain. Staff reviewed site plans dated February 28, 2017 and recommended the Commission approve the project without conditions. *The Commission approved Staff's recommendation at their April 12, 2017 meeting. This item will be removed from the report.*

2017-006 Summers Edge, Plymouth. This project is located on the east site of Brockton Lane and north of Medina Road. The site plans include all or portion of three PIDs and a ROW area that is proposed to be abandoned totaling 46.2 acres. The actual areas being grading total 30.9 acres. The current land use is cropland, woodland, wetlands and grassland. Proposed land use will be 52 single-family residential lots on approximately 22 acres. The Commission's standards require review of Rule D, Stormwater Management, Rule E, Erosion and Sediment Controls, and Rule I, Buffer Strips. Erosion and sediment control plans were reviewed and administratively approved by Staff on February 23, 2017. Staff reviewed site plans dated February March 2, 2017 and recommended the Commission approve the project without conditions. *The Commission approved Staff's recommendation at their April 12, 2017 meeting. This item will be removed from the report.*

2017-007W Downtown Corcoran and Cimarron Circle Ditch Maintenance. The City of Corcoran requested a no-loss/exemption for ditch and outlet cleaning on two wetlands in the community. Staff determined these were historic drainage systems that can be maintained by the City and approved the project. It was noticed per MN WCA requirements on March 24, 2017. *This item will be removed from the report.*

2017-008 TH169 Reconstruction, Champlin. The stormwater review will be done by the West Mississippi WMO because over three-fourths of the work will be done in that watershed. This Commission's review will be for floodplain impacts and mitigation. No WCA jurisdictional wetlands will be impacted by this project. At their March 2017 meeting, the Commission approved the site plans contingent upon receipt of a final signed plan set.

2017-009 MG High School Tennis Court Rehabilitation, Maple Grove. ISD279 proposes to reconstruct 1.27 acres of pavement on eight existing tennis courts. Area disturbed will be 1.6 acres but impervious area will decrease by approximately 3,000 SF through the use of permeable pavers for the spectator/walkway area of the work. *Staff found the site plans to be in compliance with the Commission's erosion and sediment control rule E and granted administrative approval to the City and applicant. This item will be removed from the report.*

2017-010W Nichols Property Wetland Delineation, Corcoran. *This is a 5.2-acre site located in Section 36, Township 119 North, Range 23 West. The site is west of County Road 101. Three wetlands (0.56 acres total) were identified on the property. Public notice for comments is open until May 17, 2017. After the public comment deadline, Staff will provide an administrative decision based on comments, an office review and site inspection.*

2017-011, Crooked Creek Park, Plymouth. *The City is proposing to create a park near Cedar Hollow at 42nd Place North and Walnut Grove Lane. The site is 5.55 acres and 1.85 acres of it will be disturbed to create 0.41 acres of impervious cover. An unnamed tributary to Elm Creek runs through the property. A 36-inch culvert is proposed for the trail crossing over the tributary. Site plans are being reviewed for compliance with the Commission's stormwater management, drainage alterations, buffers and grading standards.*

2017-012. Minnesota Solar CSG19 (Hwy.55) Corcoran. *This project proposes to install 5 MW of solar capacity on 33 acres of cropland north of Highway 55 at the border of Corcoran and Greenfield. The north half of the solar array drains to Jubert Lake (headwater of Rush Creek), approximately 2 miles northeast of the site. The south half of the array drains to Lake Sarah approximately 2 miles south of the site. Although this site is in the legal boundary of the ECWMC, Lake Sarah is in the Pioneer-Sarah Creek Watershed. The Commission's review is for compliance to Rule D; stormwater management, Rule E; erosion and sediment control, Rule G; wetland alteration and Rule I; buffer strips. Because the*

parcel is 75 acres, but only 33 acres will be under lease, the applicant requests a ruling by the Commission on the extent of the buffer easement and monumentation for this project. If available, Staff recommendations on the project will also be provided to the Commission at their meeting.

2017-013W 20417 Larkin Rd (PID 2611923340001), Corcoran. Staff was contacted by the DNR Conservation Officer about an unauthorized excavation in a Public Waters Inventory stream and ditching from the stream into a WCA wetland within the subject property. Staff and the DNR staff inspected the site on April 26, 2017, and confirmed the violation. The CO issued Resource Protection Notices for PWI and WCA violations to the property owner and the renter who performed the excavation. Staff also informed the city administrator. Staff will seek voluntary compliance from the owner/contractor for full restoration of the site with the assistance of the SWCD.

FINAL RECORDINGS ARE DUE ON THE FOLLOWING PROJECTS:

2015-006 Veit Building and Parking Lot Addition, Rogers. Approved on May 13, 2015, pending the SAFL-Baffle weir being covered by an easement and the appropriate operation and maintenance agreement being obtained and recorded with the property.

2015-020 Strehler Estates, Corcoran. Approved on January 10, 2015 contingent upon a conservation easement being recorded on the property title.

2015-030 Kiddiegarten Child Care Center, Maple Grove. This project was approved by the Commission at their December 9, 2015 meeting. If the City of Maple Grove does not take over the operation and maintenance of the underground system and the sump catch basins, an O&M agreement for the underground trench/pond system must be approved by the Commission and the City and recorded with the title.

2016-014 Balsam Apartments, Dayton. Approved April 13, 2016, pending recordation of an Operation and Maintenance agreement with an O&M plan.

2016-018 Cambridge Park, Maple Grove. Approved on July 13, 2016, subject to recorded preservation easements and pond maintenance provided by the City or through an approved operation and maintenance agreement recorded on the property title. Preliminary easements and operation and maintenance agreements for the ponds and preservation areas were received and approved by Commission Staff. Final proof of recording of the documents is still needed.

2016-019 Just for Kix, Medina. Approved June 8, 2016. Awaiting recordation of corrected O & M plan agreement for the bio-filtration basins.

2016-021 Diamond View Estates, Dayton. Approved June 8, 2016, contingent that, if the City of Dayton/homeowners are to maintain the ponds and the bio-filtration basin, an operation and maintenance plan agreement must be submitted for approval to the City and the Commission and recorded within 90 days of the final plat approval.

2016-022 AutoZone, Maple Grove. At their June 8, 2016 meeting, the Commission approved Staff's findings dated June 1, 2016, with the condition of recording an approved O & M Plan within 90 days of the final plat approval.

2016-026 Faithbrook Church, Dayton. Approved August 10, 2016, with the stipulation that an approved O&M plan be recorded with the property within 90 days following final plat approval.

2016-038 AutoMotorPlex, Medina. Approved on October 31, 2016, with conditions. Revised plans were submitted on March 13, 2017. The only remaining condition is the recording of the O&M plan.

2016-039 Sands Parcel (The Fields at Meadow Ridge), Plymouth. This is a 20.5-acre site located on the northeast side of the intersection of CR 47 and Troy Lane North. The site is proposed for a 46 single-family residential home development. The plans were submitted together with the adjacent 2016-041 Bartus site. At its October 12, 2016 meeting, the Commission approved the project conditioned that an O&M plan be recorded within 90 days following the final plat approval.

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elm creek

Watershed Management Commission

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Crooked Creek Park **Plymouth, Project #2017-011**

Project Overview: The City is proposing to provide a neighborhood park between the Cedar Hollows and the Summers Edge developments. A new 10-foot trail within the park will connect 42nd Place N and Walnut Grove North and the park will have a basketball hoop, a playground and open lawn and prairie grass. The park site is about 5.5 acres. The project will disturb 1.85 acres and create 0.35 acres of new impervious surface. The trail will cross an unnamed tributary to Elm Creek just east of the 42nd Pl N cul-de-sac. Our review will be for compliance to the Commission's 3rd generation standards and rules.

Applicant: City of Plymouth, c/o Barb Northway, 14900 23rd Ave N, Plymouth, MN 55447. Phone: 763-509-5941. Email: bnorthway@plymouthmn.gov.

Agent/Engineer: Loucks Associates – c/o Val Anderson, P.E., 7200 Hemlock Ln, Maple Grove, MN 55369. Phone: 763-496-6728. Email: vanderson@plymouthmn.gov.

Exhibits:

- 1) ECWMC Request for Plan Review and Approval received on April 25, 2017.
- 2) Project review fee of \$1,437.50 received on April 25, 2017. Additional \$100 fee was received on May 10, 2017.
- 3) Revised and signed site plans dated April 25, 2017 and submitted on May 9, 2017.

Sheet 1	Cover Sheet
Sheet 2	Legend
Sheet 3	Existing Conditions
Sheet 4	Preliminary Grading Plan
Sheet 5	Preliminary Paving Plan
Sheet 6	Preliminary Utility Plan
Sheet 7 - 9	Preliminary Planting Plan
Sheet 10 - 14	Erosion Control Plan
Sheet 15 – 19	Details
- 4) Stormwater Management Plan, dated April 14, 2017 and signed by Valerie Anderson, P.E.
- 5) Preliminary comments from staff to Valerie Anderson, dated May 2, 2017.
- 6) Response from Valerie Anderson to staff preliminary comments, dated May 3, 2017.

Findings:

- 7) A complete application was received on May 10, 2017. The initial 60-day review period expires July 10, 2107.

- 8) Rule F. Floodplain Alteration does not pertain to this project. There are no established FEMA or ECWMC flood plains within the project corridor.
- 9) Rule G. Wetland Alteration. City of Plymouth is the Local Government Unit administering the Wetland Conservation Act of Minnesota. The only wetlands are the riparian wetlands along the tributary. No impacts are prosed on the wetland. The potential impact due to the creek crossing is eligible for exemptions.
- 10) Rule I. Buffer requirements. Buffer markers are shown between the south side of the trail and 25 feet from the tributary.
- 11) Rule E. Erosion and Sediment Control meets the Commission's requirements with minor revisions:
- 12) Rule D. Stormwater Management will be provided by a) the proposed filter swale on the swale leading to the catch basin located on the north side of the trail; b) prairie grass and lawn that will be created on the north side of the trail between the playground and the basketball hoop; and c) the sand playground with drain tiles. The project will add 0.35 acres of impervious cover on about 5.5 acres. The impact is very small and "hard" BMPs would not be suitable within a park setting.
- 13) Water quality and nutrient analysis: The changes in the nutrient levels due to this project are minimal and likely below the margin of modeling errors. Staff finds the proposed BMPs adequate for this development.
- 14) Stormwater rate control.
 - a) The post-development stormwater runoff rates for the 2-, 10- and 100-year events show very small increase but are considered within the margin of error.

Storm Event	Existing Discharge Rate (cfs)	Proposed Discharge Rate (cfs)
2-year	0.71	0.79
10-year	2.62	2.68
100-year	8.58	9.27

- 15) Volume analysis: No volume analysis was done due to the very small increase in the impervious cover. The proposed pervious playground with drain tiles and the filtering swale will provide filtration.
- 16) Staff has determined that the proposed BMPs are adequate for stormwater management of this site.

Recommendation:

Staff recommends the approval of the project.

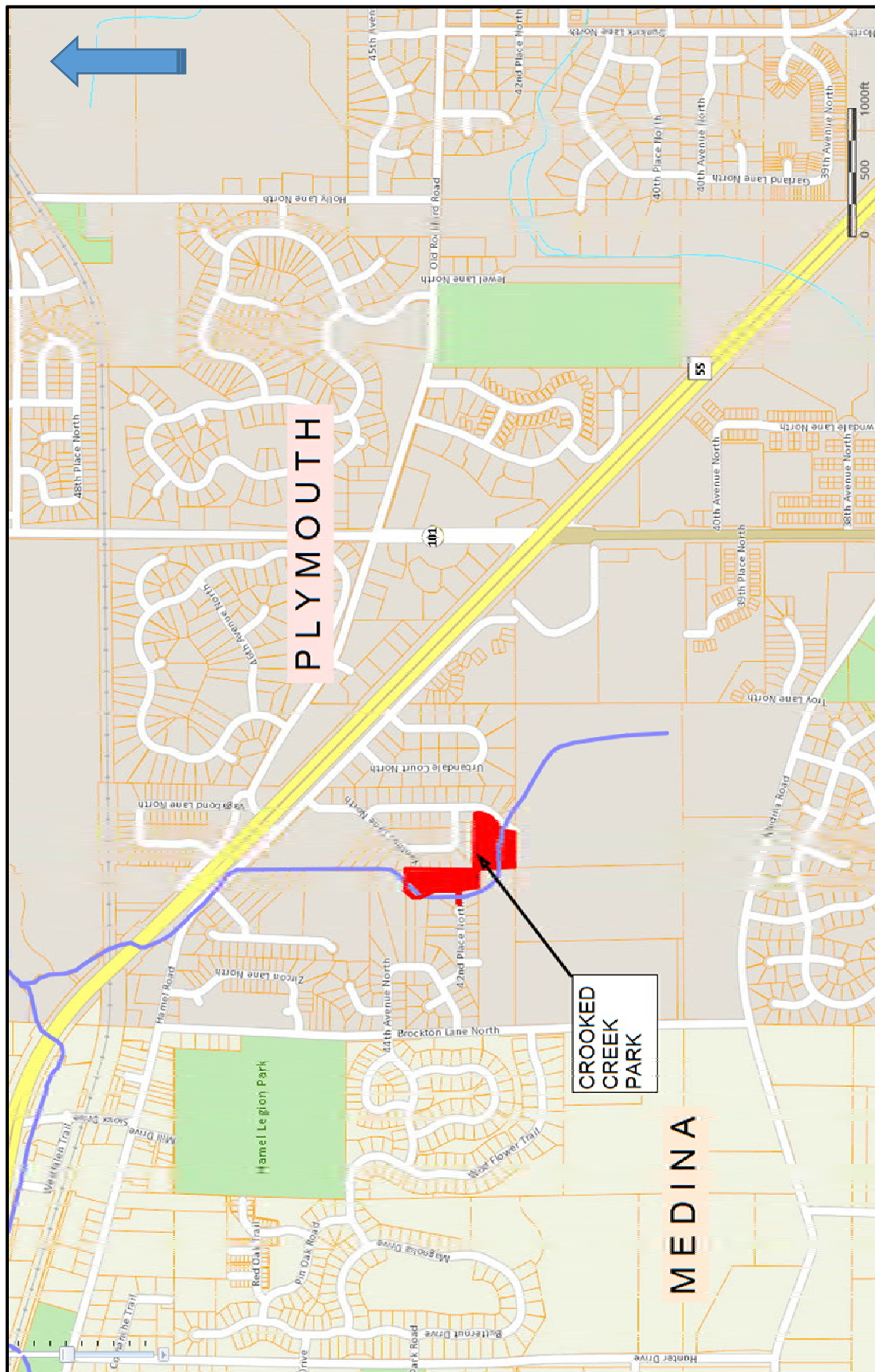
Hennepin County
Department of Environment and Energy



Ali Durgunoglu, P.E., Ph.D.
Technical Advisor to the Commission

May 10, 2017

SITE LOCATION

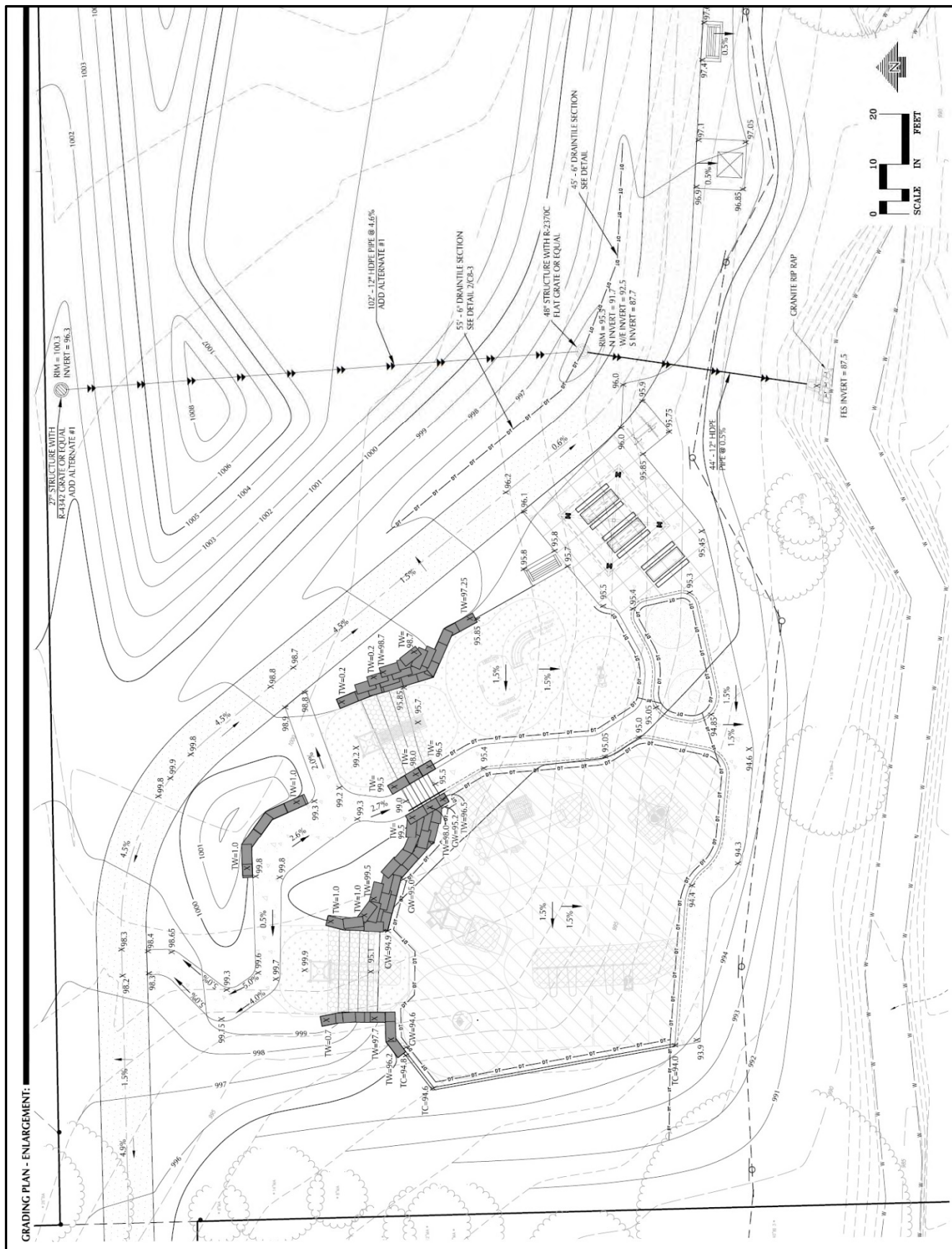


AERIAL PHOTO



GRADING PLAN





Item 05b

Elm Creek Watershed Management Commission - Proposed 2018 Operating Budget													
	A	B	C	D	AE	AF	AQ	AR	AS	AT	AU	AV	AW
3					2015 Final	2016 Budget	2016 Final	2017 Budget	2018 Proposed Budget	2019			
4	GENERAL OPERATING BUDGET												
5	Operating Expenses												
6		Administrative			75,616	90,000	84,998	90,000	90,000				
7			Watershed-wide TMDL Admin		43,240	24,406	1,432		2,500	implementation			
8	Grant Writing				0	5,100		5,000	4,000				
9	Website				2,569	6,000	3,794	6,000	6,000	add Facebook			
10	Legal Services				464	2,000	1,041	2,000	2,000				
11	Audit				4,500	5,000	4,500	5,000	5,000				
12	Insurance				2,349	3,800	3,456	3,800	3,900				
13	Contingency				0	2,000		2,000	1,000				
14			Subtotal		128,738	138,306	99,221	113,800	114,400				
15	Project Reviews												
16			Technical - HCEE		88,509	105,500	77,820	98,000	95,000	Total HCEE reimbursement (lines 16 and 21) = 2.5%			
17		Technical Support - Consultant			13,408	6,000	9,780	15,000	12,000				
18		Admin Support			8,731	11,000	12,310	11,000	14,000				
19			Subtotal		110,648	122,500	99,910	124,000	121,000				
20	Wetland Conservation Act												
21			WCA Expense - HCEE		11,889	12,500	12,834	12,000	17,750				
22			WCA Expense - Legal		0	500	0	500	500				
23			WCA Expense - Admin		917	2,000	1,127	2,000	1,500				
24			Subtotal		12,806	15,000	13,961	14,500	19,750				
25	Water Monitoring												
26			Stream Monitoring										
27			Stream Monitoring - USGS		19,750	23,500	20,874	24,177	24,900				
28			Stream Monitoring - TRPD										
29			Extensive Stream Monitoring		6,000	7,200	6,120	7,000	7,600				
30			DO Longitudinal Survey		0	500	0	500	1,000				
31			Gauging Station - Elec Bill		197	195	210	220	250				
32			Rain Gauge Network		0	100	0	100	100				
33			Lake Monitoring										
34			Lake Monitoring - CAMP		400	1,650	480	1,200	720				
35			Lake Monitoring - TRPD		3,000								
36			Sentinel Lakes			3,100	3,100	2,470	3,300				
37			Additional lake			600	0	618	825				
38			Aquatic Vegetation Surveys			1,000	0	1,029	1,100				
39	v		Source Assessment					2,000	0				
40	v		Watershed-wide TMDL - Followup - TRPD				13,600	10,000	5,000				
41			Wetland Monitoring - WHEP		4,000	4,000	4,000	4,000	4,000				
42			Stream Health - SHEP		6,000	6,000		0		Program no longer offered			
43			Subtotal		39,347	47,845	48,384	53,314	48,795				
44	Education												
45			Education - City/Citizen Programs		917	6,000	3,261	4,000	4,000				
46		2011 Workshop Series											
47		WMWA General Admin			9,750	4,000	3,750	4,000	4,000				
48		WMWA Implementa Activities incl Watershed PR				6,000	6,000	6,000	6,500				
50		R Garden Workshop/Intensive BMPs			1,700	3,000	2,114	2,000	2,000				
51		Education Grants			1,000	3,000		2,000	2,000				
52		Macroinvertebrate Monitoring-River Watch			6,000	6,000	3,000	6,000	3,000				
53		Ag Specialist				2,000							
54			Subtotal		19,367	30,000	18,125	24,000	21,500				
59	Management Plan												
60		Plan Amendments			9,165	5,000	1,699	5,000	2,000				
61		Local Plan Review				3,000		2,000	8,000	Due by December 2018			
62		Contribution to 4th Generation Plan								Consider \$10,000/set-aside beginning 2020			
63			Subtotal		9,165	8,000	1,699	7,000	10,000				
64	CIPs, Special Projects, Studies												
65			Capital Outlay - CIPs - Ad Valorem				246,157	249,000					
66		Projects ineligible for ad valorem			2,608	50,000		50,000	50,000				
68		Upper and South Metro Miss TMDL				1,000		0	0				
70		Studies, Subwatershed Assessments			684	35,000	6,484	35,000	35,000	See lines 115-120			
72			Subtotal		3,292	86,000	252,641	334,000	85,000				
73													
74													
75	Contingency				0	0		0	0				
76			Subtotal		0	0	0	0	0				
77	Total Op Exp (lines 14,19,24,43,54,63,72,76)				323,363	447,651	533,941	670,614	420,445				

Elm Creek Watershed Management Commission - Proposed 2018 Operating Budget													Item 05b	
	A	B	C	D	AE	AF	AQ	AR	AS	AT	AU	AV	AW	
					2015 Final	2016 Budget	2016 Final	2017 Budget	2018 Proposed Budget	2019				
3														
78														
79	Revenue													
80		CIPs - Ad Valorem			131,570		249,866	249,000						
81		Project Review Fees			75,705	100,000	62,192	100,000	80,000					
82		Water Monitoring - TRPD Co-op Agmt			6,000	6,000	5,133	6,500	6,500	2017 is last year of agreement				
83		BMP Implementation												
84		WCA Fees			2,500	5,000	7,850	8,000	10,000					
85		Forfeited/Reimbursed Sureties/Reimbursement from L			1,485	1,500	840	0	0					
86		Membership Dues			209,000	215,360	215,360	219,700	225,000	2.415% increase				
87		Watershed-wide TMDL			12,680									
88		Interest Income			83	80	915	100	250					
89		Dividend Income					2,014		750					
90		Miscellaneous Income												
91														
92		Total Operating Revenue (lines 80-91)			439,023	327,940	544,170	583,300	322,500					
93		To (From) Cash Reserves (lines 77, 92)			115,660	119,711	10,229	87,314	97,945					
94														
95														
96	ASSIGNED FUND BALANCES													
97	Capital Projects													
98	Revenue													
99		Ad Valorem Levy Funds			131,570		249,795	492,812	490,000					
100	Expense													
101		Commission Cost Share					245,276	492,812	490,000					
102		Administrative Expense			6,228		812	4,000						
103		Total Capital Projects			125,342		129,049	125,049	125,049	125,049				
104														
105	Third/Fourth Generation Management Plan													
106		Member Assess - Contribution to Reserves												
107		Encumbered from General Fund												
108		Less Expenses												
109		Total Third Gen Plan			0		0							
110														
111	WCA - Beginning Accumulated													
112		WCA Activity - Current Year					46,000	0	0	0				
113		WCA - Year-End Accumulated			0		46,000	46,000	46,000	46,000				
114														
115	Special Projects, Studies													
117		Assigned for special-projects, studies			35,000		62,832	35,000	35,000	Assume \$35,000 encumbrances in 2017, 2018 (line 70)				
118		Assigned for special monitoring					1,000							
119		Less Expenses			684			41,625	30,028	16,257	See lines 137, 145			
120		Total Projects, Studies			34,316		63,832	57,207	62,179	45,922				
121														
122	Total Assigned Fund Balances (lines 103, 109, 113, 120)				159,658		238,881	228,256	233,228	216,971				
123														
124	RECAP													
125	TOTAL CASH ON HAND - at year-end				473,565		483,794	396,480	298,535					
126														
127	Total Assigned Funds (line 122)				159,658		238,881	228,256	233,228					
128														
129	Total Unassigned Funds (line 125 minus line 127)				313,907		244,913	168,224	65,307					
130														
131														
132	Clean Water Grant - Fish Lake Alum Treatment													
133		Revenue												
134			Grant Proceeds					100,000	80,000	20,000				
135		Expense												
136			Project Expense					100,000	80,000	20,000				
137			Commission Cost Share - line 119					35,000	25,000	15,000				
138			Total Fish Lake Alum Grant					35,000	25,000	15,000				
139														
140	Clean Water Grant -Rush Creek SWA													
141		Revenue												
142			Grant Proceeds					25,140	20,112	5,028				
143		Expense												
144			Project Expense					25,140	20,112	5,028				
145			Commission Cost Share - line 119					6,285	5,028	1,257				
146			Total Rush Creek SWA Grant					6,285	5,028	1,257				
147														
148														
149														
150														
151														
152														

Elm Creek Watershed Management Commission
Proposed 2018 Member Assessments

2016	2015 Taxable Market Value		2016 Budget Share		Increase over Prev Year		
			%age	Dollars	%age	Dollars	
Champlin	409,399,869		4.06%	8,741.51	3.82%	322	
Corcoran	679,629,691		6.74%	14,511.46	9.43%	1,250	
Dayton	467,103,289		4.63%	9,973.60	4.24%	405	
Maple Grove	5,431,286,657		53.85%	115,968.92	1.27%	1,451	
Medina	805,089,215		7.98%	17,190.28	4.96%	812	
Plymouth	817,567,896		8.11%	17,456.72	9.45%	1,508	
Rogers	1,476,090,709		14.63%	31,517.51	1.98%	612	
Totals	10,086,167,326		100.00%	215,360.00	3.04%	6,360	
2017	2016 Taxable Market Value		2017 Budget Share		Increase over Prev Year		
			%age	Dollars	%age	Dollars	
Champlin	410,505,694		3.85%	8,458.23	-3.24%	-283	
Corcoran	709,731,668		6.66%	14,623.61	0.77%	112	
Dayton	501,487,424		4.70%	10,332.86	3.60%	359	
Maple Grove	5,651,956,239		53.01%	116,455.30	0.42%	486	
Medina	891,170,325		8.36%	18,362.05	6.82%	1,172	
Plymouth	905,845,273		8.50%	18,664.42	6.92%	1,208	
Rogers	1,592,062,304		14.93%	32,803.53	4.08%	1,286	
Totals	10,662,758,927		100.00%	219,700.00	2.02%	4,340	
2018	2017 Taxable Market Value		2018 Budget Share		Increase over Prev Year		
			%age	Dollars	%age	Dollars	
Champlin	435,155,559		3.82%	8,593.96	1.60%	136	
Corcoran	742,511,061		6.52%	14,663.98	0.28%	40	
Dayton	563,384,729		4.95%	11,126.38	7.68%	794	
Maple Grove	5,908,582,953		51.86%	116,689.62	0.20%	234	
Medina	950,777,365		8.35%	18,777.07	2.26%	415	
Plymouth	1,108,795,705		9.73%	21,897.80	17.32%	3,233	
Rogers	1,683,675,595		14.78%	33,251.20	1.36%	448	
Totals	11,392,882,967		100.00%	225,000.00	2.41%	5,300	

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE
METROPOLITAN COUNCIL AND THE
ELM CREEK WATERSHED MANAGEMENT COMMISSION**

THIS AGREEMENT is made and entered into by and between the Metropolitan Council (the "Council") and the Elm Creek Watershed Management Commission (the "Watershed"), each acting by and through its duly authorized officers.

THE ABOVE-NAMED PARTIES hereby agree as follows:

I. GENERAL SCOPE OF AGREEMENT

The Council and the Watershed agree to undertake a volunteer lake sampling study in order to provide an economical method of broadening the water quality database on lakes in the Twin Cities Metropolitan Area.

II. SPECIFIC SCOPE OF SERVICES

2.01 Lake Monitoring Program. The Watershed and the Council agree to jointly undertake a volunteer lake monitoring program as specified below:

- a. General Purposes of Program. The volunteer lake monitoring program involves the use of citizen volunteers to monitor lakes in the Twin Cities Metropolitan Area. The volunteers will collect surface water samples to be analyzed for total phosphorus (TP), total Kjeldahl nitrogen (TKN), and chlorophyll-a (CLA). In addition, the volunteers will measure surface water temperature, water transparency, and fill out a lake sampling form to help describe the lake and weather conditions at the time of the sampling event. Lakes will be visited biweekly from April through October of 2017 (the "Monitoring Period") for the number of times and at the approximate intervals specified in paragraph (b) below. Each lake will be sampled over the deepest open water location. After each sampling date, the Council will arrange for chemical analysis of the samples either through its own laboratory or an outside laboratory.
- b. Specific Lakes Involved. The following lakes and specific lake site(s) listed below will be involved in the Council's Citizen-Assisted Lake Monitoring Program (CAMP) in 2017.

Lake name	DNR ID#	Maximum # of sampling dates	Approximate sampling interval
Jubert	27-0165	14	Biweekly

2.02 Watershed Responsibilities. The Watershed agrees that it will have sole responsibility for:

- a. Recruiting volunteers (who have access to a boat) to monitor the lakes the Watershed wishes to involve in the program as listed in section 2.01(b) above.
- b. Providing the Council and/or volunteers with needed lake information such as lake bathymetric maps and access locations.
- c. Paying for the laboratory analysis cost of the samples collected by volunteers which cost is included in the amounts specified in Article III below.
- d. Ensuring that the volunteers participate in the training program.
- e. Ensuring that the volunteers fill out sampling forms during each sampling event, and collect and store samples until picked up by a Council representative.

2.03 Council Responsibilities. The Council agrees that it will:

- a. Organize the survey and train volunteers, pick up and deliver samples to the laboratory, and analyze the results of the lake and watershed data collection program.
- b. Prepare a final report containing the physical, chemical, and biological data obtained during the Monitoring Period and a brief analysis of the data.
- c. Provide quality control by collecting lake samples from random lakes involved in the volunteer program. The resulting parameter values will then be compared to determine if any problems exist involving the volunteer's sampling methods and what should be done to correct the problem.
- d. Provide the sample bottles and labels, and filters for chlorophyll filtration.

III. COMPENSATION; METHOD OF PAYMENT

3.01 Payment to Council. For all labor performed and reimbursable expenses incurred by the Council under this agreement during the Monitoring Period, the Watershed agrees to pay the Council the following amounts per lake site listed in section 2.01(b).

Number of Sampling Dates	Payment amount (excludes sampling equipment)
8 to 14	\$550
6 to 7	\$280
1 to 5	\$200

For lake sites requiring sampling equipment, the cost for a kit of sampling equipment is \$150 per kit.

3.02 Payment Schedule. Payment of the total amount owing to the Council by the Watershed shall be made within 30 days following the end of the Monitoring Period. An invoice specifying the amount owed by the Watershed will be sent under separate cover.

3.03 Additional Analyses. The total amount specified in the previous paragraph does not include the cost of any additional analyses requested by the Watershed, such as analysis of bottom samples. The Council will carry out any such additional analyses at the request of the Watershed and subject to the availability of Council resources for carrying out such analyses. The Council will bill the Watershed after the end of the Monitoring Period for any such additional analyses at the Council's actual cost, and the Watershed will promptly reimburse the Council for any such costs billed.

IV. GENERAL CONDITIONS

4.01 Period of Performance. The services of the Council will commence on April 1, 2017, and will terminate on December 31, 2017, or following work completion and payment, whichever occurs first.

4.02 Amendments. The terms of this agreement may be changed only by mutual agreement of the parties. Such changes will be effective only on the execution of written amendment(s) signed by duly authorized officers of the parties to this agreement.

4.03 Watershed Personnel. Judie Anderson, or such other person as may be designated in writing by the Watershed, will serve as the Watershed's representative and will assume primary responsibility for coordinating all services with the Council.

4.04 Council's Contract Manager. The Council's Contract Manager for purposes of administration of this agreement is Brian Johnson, or such other person as may be designated in writing by the Council's Regional Administrator. The Council's Contract Manager will be responsible for coordinating services under this agreement. However, nothing in this agreement will be deemed to authorize the Contract Manager to execute amendments to this agreement on behalf of the Council.

4.05 Equal Employment Opportunity; Affirmative Action. The Council and the Watershed agree to comply with all applicable laws relating to nondiscrimination and affirmative action. In particular, the Council and the Watershed agree not to discriminate against any employee, applicant for employment, or participant in this study because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age; and further agree to take action to assure that applicants and employees are treated equally with respect to all aspects of employment, including rates of pay, selection for training, and other forms of compensation.

4.06 Liability. Each party to this agreement shall be liable for the acts and omissions of itself and its officers, employees, and agents, to the extent authorized by law. Neither party shall be liable for the acts or omissions of the other party or the other party's officers, employees or agents. Nothing in this agreement shall be deemed to be a waiver by either party of any applicable immunities or limits of liability including, without limitation, Minnesota Statutes, sections 3.736 (State Tort Claims) and chapter 466 (Municipal Tort Claims).

4.07 Copyright. No reports or documents produced in whole or in part under this agreement will be the subject of an application for copyright by or on behalf of the Council or Watershed.

4.08 Termination of Agreement. The Council and the Watershed will both have the right to terminate this agreement at any time and for any reason by submitting written notice of the intention to do so to the other party at least thirty (30) days prior to the specified effective date of such termination. In the event of such termination, the Council shall retain a pro-rata portion of the amounts provided for in Article III, based on the number of sampling events occurring for each lake before termination versus the total sampling events specified for each lake. The balance of the amounts will be refunded by the Council to the watershed.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their duly authorized representatives on the dates set forth below. This agreement is effective upon final execution by, and delivery to, both parties.

WATERSHED MANAGEMENT ORG.

Date _____

By _____

Name _____

Its _____

METROPOLITAN COUNCIL

Date _____

By _____

Its: Asst. Mgr., Water Resources Assessment

**THREE RIVERS PARK DISTRICT
COOPERATIVE AGREEMENT WITH THE
ELM CREEK WATERSHED MANAGEMENT COMMISSION**

I. GENERAL PURPOSE

It is the general purpose of the parties to this Agreement to obtain water quality data for selected streams and lakes within the Elm Creek Watershed. This includes, but is not limited to, sampling water quality of selected lakes and streams using various parameters and operating and maintaining a stream gauge of flow data for Elm Creek. Increased human activity from urbanization and resulting increases in demand for outdoor activities that benefit from the scenic beauty and recreational potential of natural systems increase the potential for damage due to pollution. The water quality of Elm Creek and its tributaries directly or indirectly affects the quality of all other natural systems within the Elm Creek Watershed, including water quality of streams and lakes partly or wholly within the boundaries of municipal- or Three Rivers Park District-owned lands. In order to preserve waters in a natural state, it is therefore necessary to monitor and protect water quality within and beyond municipal or park land boundaries. The Commission and Three Rivers Park District share a common need to assess the current water quality of streams and selected lakes in the Elm Creek Watershed and to identify the sources of pollutants which result in water quality problems.

II. WATER QUALITY AND STREAM MONITORING PROJECTS

Stream and Wetland Monitoring

Under this agreement approximately 12 samples will be collected annually from Elm Creek in the Elm Creek Park Reserve at 6 - 8 week intervals plus additional samples based on hydrologic conditions. Water samples will be collected year-round at this site but frequency will be greatest during periods of peak flows. A goal of five storm event samples will be analyzed in addition to snow melt. Multiple event samples will be collected and flow composited so that one sample is analyzed for an event. The manually-collected samples will be analyzed for total suspended solids, volatile suspended solids, total phosphorus, dissolved phosphorus, total ammonia + organic nitrogen, dissolved ammonia nitrogen, dissolved nitrite + nitrate nitrogen and chemical oxygen demand. Measurements of water temperature, specific conductance, pH and dissolved oxygen will occur for each monitoring trip. Storm event samples will be analyzed for total phosphorus, dissolved phosphorus, suspended solids, biochemical oxygen demand, pH and specific conductance.

In addition, additional monitoring of biological communities will be carried out through the Stream Health Evaluation Program (SHEP) and the Wetland Health Evaluation Program (WHEP). Both involve using teams of citizen volunteers to collect and analyze information on macroinvertebrate and/or plant communities according to specific scientific protocols to provide information on the condition of those communities.

Stream Gauging

Under this agreement a continuous recording stream gauge will be maintained on Elm Creek in the Elm Creek Park Reserve in cooperation with the United States Geological Survey. Data from the gauging station will be used with water quality data to estimate stream loads and nutrient export.

Lake Monitoring

Under this agreement Category I lakes will be monitored annually. Monitoring of Category II and Category III lakes will be conducted as determined by the Commission. Monitoring will begin in May and conclude in September of each year for the lakes. Parameters to be monitored include total phosphorus, chlorophyll *a*, Secchi disk transparency, dissolved oxygen, specific conductance, temperature, pH, ammonia, total Kjeldahl nitrogen, nitrate-nitrite nitrogen, alkalinity and chloride. Classifications of critical lakes in Elm Creek watershed are presented below.

Critical Lake Classifications

Fish and Weaver	Category I
Rice, Cook and Jubert	Category II
Diamond, Dubay, French, Mill Pond, Mud	Category III

III. COOPERATIVE AGREEMENT

THIS AGREEMENT made and entered into as of the date of execution written below, by and between the Elm Creek Watershed Management Commission, hereinafter "the Commission," and the Three Rivers Park District, hereinafter "Park District."

WITNESSETH:

WHEREAS, the cities of Champlin, Corcoran, Dayton, Maple Grove, Medina, Plymouth, and Rogers, by a Joint Powers Agreement, created the Commission for the purposes of guiding development and protecting and preserving natural resources in the Elm Creek Watershed; and

WHEREAS, the Elm Creek Park Reserve, Fish Lake Regional Park, and additional park lands owned and managed by the Park District, lie wholly or partly within the Elm Creek Watershed and contain in excess of 5,400 acres of open fields, deep woods, marshes, streams and lakes; and

WHEREAS, the parties are desirous of jointly and cooperatively protecting and preserving the natural resources of the Elm Creek Watershed through a water quality monitoring program; and

WHEREAS, the parties, pursuant to Minn. Stat. S471.59 and Minn. Stat. S398.09(g), have legal authority to enter into this Agreement and to do and perform the things herein agreed;

NOW, THEREFORE, in consideration of the mutual promise and obligations herein made and assumed by each of the parties hereto, the parties agree as follows:

IV. OBLIGATIONS AND DUTIES

The Commission, with the services of its technical advisor, currently the Hennepin County Department of Environmental services (HCES), shall be responsible for:

- a. Administering the stream monitoring and gauging program as well as the SHEP and WHEP monitoring and data analysis efforts. .
- b. Administering the lake monitoring program.
- c. Administering the other components of the Commission's water quality program, including the collection of samples and/or other field data as necessary.

The Park District shall provide access to mutually agreeable sampling sites located within the Elm Creek Park Reserve and Fish Lake Regional Park upon prior notification by the Commission to the Park District of sampling dates and provide water quality information to persons utilizing the park lands as the Park District deems necessary.

Information obtained from the water quality monitoring project shall be used to compile a long-term data record of the condition of key lakes, stream reaches, and wetlands within the watershed, identify problem areas where better land-use practices are needed to control erosion and other forms of pollution, and evaluate the effectiveness of management activities. This information shall be used to modify the Management Plan and policies of the Commission.

V. METHOD OF COST SHARING

Because seven communities in addition to Three Rivers Park District gain equal benefits from these monitoring results, Three Rivers Park District agrees herein to pay 1/8 or 12.50% of the monitoring costs for stream monitoring, stream gauging, and lake monitoring on those water bodies on which the Park District owns a portion of the shoreline, not to exceed \$5,500.00 in the calendar years of 2013 and 2014, \$6,000.00 in the calendar years of 2015 and 2016, and \$6,500.00 in the calendar year 2017.

The Park District shall remit to the Commission the cost of its share of these projects on or before December 31st of the year of the data collection. The Commission shall prepare a final report of all receipts and disbursements upon completion of the projects.

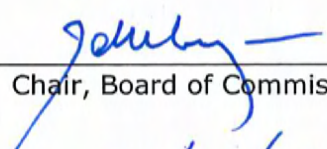
VI. TERMINATION

This Agreement shall be in effect through December 31, 2017 at which time it will be considered for renewal.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day of execution written below.

Attest:

THREE RIVERS PARK DISTRICT

By: 
Title: Chair, Board of Commissioners

Dated: 03/21/13

By: 
Title: Superintendent

Dated: 03/21/13

Attest:

ELM CREEK WATERSHED MANAGEMENT COMMISSION

By: Judie A. Anderson
Judie A. Anderson, Administrator

Dated: 4-10-13

By: Dang Baim
Title: Chairman

Dated: 4-10-13

From: Ruth [mailto:randj@cardsupport1.com]
Sent: Tuesday, April 25, 2017 9:07 AM
To: judie@jass.biz
Subject: Proposed Solar Farm surrounding wetlands/pond in Corcoran

Hi Judie,

I am writing to you with some concerns regarding a community solar garden being proposed on the farmland around a large pond and wetlands in Corcoran. From the research I have done regarding solar panels around ponds, they can be very disruptive to the wildlife, especially the waterfowl and birds that use the pond during migration. The panels have been shown to confuse birds into thinking they are water or may even alarm the birds enough to scare them away from their nesting habitat and migratory stopping spot. Other articles have discussed the panels affecting insect life, especially the ones around ponds because the aquatic insects are attracted to how the panels reflect light, similar to the way water reflects light. The insects come into contact with the panels and die. The effect on the reptiles, amphibians, birds and waterfowl could be detrimental and since this body of water is the beginning of Rush Creek, the effects could be seen not only in the pond and wetlands near the panels, but all the way down the creek.

I would think that the water run off would be changed greatly from the rain water running off the panels instead of from the land. Then there is the excavation that may take place on the rolling hills surrounding the pond to install the panels. Apparently, there is a lot of maintenance that is needed; regular cleaning with harsh chemicals, spraying of weeds around and under the panels, and general maintenance activity that will disrupt the natural habitat of the pond and wetlands.

It would be unfortunate for this precious area where swans, ducks, geese, sand cranes and many other migratory birds use as a stopping spot or nesting place to be permanently disrupted.

I am all for green energy. I just don't think this beautiful piece of land that includes the pond and wetlands which is the beginning of Rush Creek is the place for solar panels.

I have attached the letter that was sent to us by Sunrise Energy Ventures.

Is there anything the Elm Creek Watershed Commission can do to help stop this proposal or at least to stall it, so more research can be done on the effects the solar panels may have on the pond and wetlands?

Thank you for your time and any help or insight you can offer.

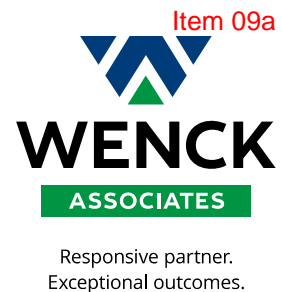
Sincerely,

Ruth Eliason

612-581-6708

Z:\Elm Creek\Projects\Projects 2015\2015-033 Corcoran Community Solar Garden\E_Ruth Eliason.docx

Technical Memo



To: Shingle Creek/West Mississippi WMC Commissioners

From: Diane Spector

Date: May 10, 2017

Subject: WMWA Update

Watershed Prep

As the school year winds down, the educators are doing their final classroom visits for the semester. Because they continue to get requests from some teachers for followup, they will be developing some additional lessons and hands-on activities that can be completed by the classroom teachers. WMWA will be working with the Technical Advisory Committee (TAC) and cities to get some additional PR for the program within the schools that have not yet participated in the program.

Educators and volunteers, including at least one Master Water Steward, have been or will be at the following events: New Hope City Day, Shingle Creek Cleanup, and the Plymouth Home Expo.

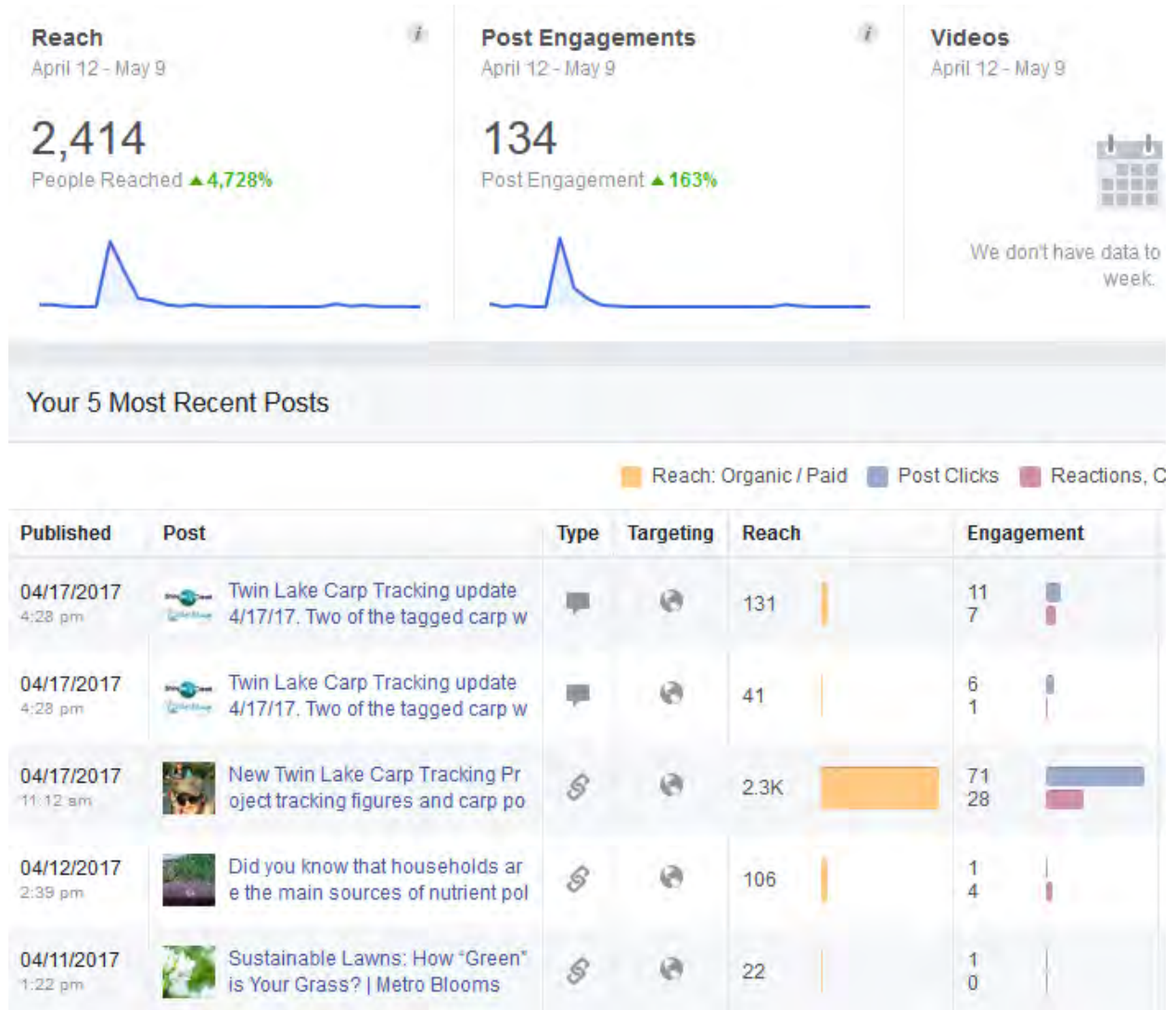
Native Plant Sales/Pledge to Plant

WMWA has been coordinating with cities and native plant growers and are targeting a variety of events for sponsored native plant sales. One nursery will be at each event to sell their native plants and city or other volunteers will be available to explain the benefits of native plants and pollinators and to advertise the Pledge to Plant campaign. We are still awaiting confirmation of nurseries for some of the events.

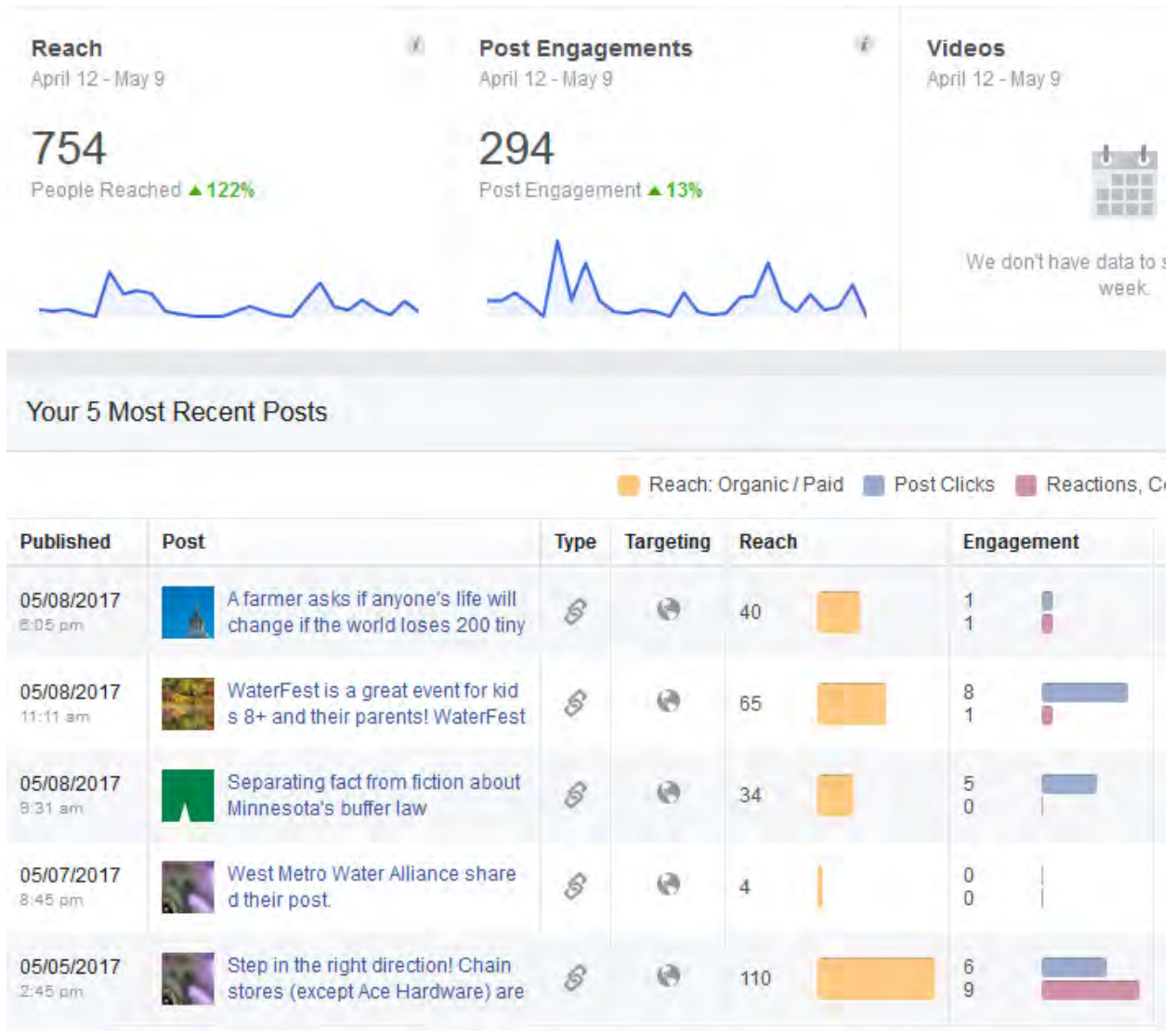
- Father Hennepin Festival, Champlin, June 10 (West Miss)
- St. Louis Park Parktacular, St. Louis Park, June 17 (Bassett)
- Camden Farmers Market, Minneapolis, July 13 (Shingle)
- New Hope Farmers Market, New Hope, August 12 (Shingle/Bassett)
- Corcoran Country Daze, Corcoran, August 19 (Elm)
- Golden Valley Art & Music Festival, Golden Valley, September 16 (Bassett)

Website/Social Media

April was a big month for the website and social media as some Facebook posts about the Twin Lake carp monitoring results were widely shared and drove visits to the website. The website Google Analytics for first quarter 2017 and April 2017 are attached, as are the Facebook insights for the last 28 days for both the Shingle Creek and WMWA Facebook pages. As a reminder, Reach is the number of times a post was viewed in a Facebook feed, Engagement is an action- a click, comment, share, or reaction. The 4/17 post about the Twin Lake carp tracking was shared to other Facebook sites with wider reach, resulting in over 2,400 people reached.



Shingle Creek FB metrics, past 28 days. 77 total Likes



West Metro Water Alliance (WMWA) metrics, last 28 days. 99 total Likes

SCWM

Jan 1, 2017 - Mar 31, 2017

 All Users
100.00% Sessions

Pageviews

2,425

% of Total: 96.12% (2,523)



Unique Pageviews

1,976

% of Total: 95.51% (2,069)



Pageviews by Landing Page

Landing Page	Pageviews
/	1,846
/minutes--meeting-packets.html	122
/maps.html	85
/rules-and-standards.html	59
/west-mississippi-commissioners.html	35
/staff.html	29
/shingle-creek-commissioners.html	24
/projects-underway.html	23
/annual-reports.html	21
/carp-tracking.html	19

Pageviews and Unique Pageviews by Page

Page	Pageviews	Unique Pageviews
/	892	694
/rules-and-standards.html	226	201
/minutes--meeting-packets.html	181	165
/maps.html	119	97
/staff.html	68	58
/projects-underway.html	63	46
/contact-us.html	61	46
/shingle-creek-commissioners.html	52	44
/annual-reports.html	47	33
/carp-tracking.html	45	25

SCWM

Apr 1, 2017 - Apr 30, 2017

 All Users
100.00% Sessions

Pageviews

1,035

% of Total: 97.83% (1,058)



Unique Pageviews

817

% of Total: 97.61% (837)



Pageviews by Landing Page

Landing Page	Pageviews
/	713
/carp-tracking.html	107
/minutes--meeting-packets.html	78
/maps.html	28
/history.html	15
/tmdls.html	10
/west-mississippi-commissioners.html	10
/studies.html	8
/meetings.html	7
/tac-meetings.html	7

Pageviews and Unique Pageviews by Page

Page	Pageviews	Unique Pageviews
/	321	263
/carp-tracking.html	113	57
/minutes--meeting-packets.html	112	90
/rules-and-standards.html	85	73
/maps.html	40	36
/contact-us.html	28	23
/shingle-creek-commissioners.html	26	20
/staff.html	25	22
/water-quality.html	20	15
/meetings.html	18	15

Clean Water Fund Grant Project Assurance Agreement

Elm Creek WMC Internal Phosphorus Loading Control: Fish Lake, Hennepin County

WHEREAS:

- Fish Lake (MDNR ID# 27-0118) is a 238-acre lake located in Maple Grove, MN., with a public access provided through Fish Lake Regional Park, and
- Fish Lake is included on the MPCA's 303 (d) list as impaired for aquatic recreation due to excessive nutrients, and
- Fish Lake was included in the watershed restoration and protection strategies (WRAPS) and total maximum daily load (TMDL) study completed by the Elm Creek Watershed Management Commission (ECWMC) in 2015 and approved by the MPCA on December 16, 2016, and
- The WRAPS/TMDL studies identified internal loading as comprising 70% of the total phosphorus load affecting surface water quality in the lake and
- The WRAPS/TMDL included a recommendation to treat the lake with alum to reduce the internal load by at least 310 lbs./yr. to enable the lake to achieve the applicable Minnesota lake eutrophication standards, and
- The Elm Creek Watershed Management Commission, in partnership with Three Rivers Parks District, the City of Maple Grove, and the Fish Lake Area Residents Association (FLARA) submitted a grant application to secure up to \$200,000 in Clean Water Funds to fund an alum treatment of the lake, and
- A CWF grant of \$200,000 was awarded to the ECWMC to support the alum treatment, and
- As a condition of release of those funds, BWSR is requiring a statement of project assurance that the alum treatment funded by the CWF grant is reasonably expected to ~~will~~ be effective at reducing internal loading in Fish Lake by at least 310 lbs./yr. so the lake meets the applicable Minnesota lake eutrophication standards for a 20-year period as per the grant application.

NOW THEREFORE, the ECWMC agrees to lead a supplemental internal load control project without the aid of additional CWF grants under the following conditions:

1. Fish Lake fails to meet the lake eutrophication standards as outlined in MPCA's Guidance Manual for Assessing the Quality of Minnesota Surface Waters for Determination of Impairment: 305(b) Report and 303(d) List-2016 Assessment and Listing Cycle (Section VIII, C.2b 2nd paragraph, first sentence on pg. 41) for two consecutive years or three years out of a five consecutive year period, and
2. The failure identified in 1.) above is due to a decrease in the effectiveness of the alum treatment funded through CWF to achieve the internal phosphorus load reduction (310 lbs./yr.) cited in the approved TMDL for Fish Lake, and
3. Any supplemental treatments will only be undertaken as allowed by state and federal regulations, and
4. Any necessary supplemental efforts to address alum treatment effectiveness issues outlined in 1.) and 2.) above will continue as necessary for 20 years after the effective date of the CWF grant agreement (i.e., through April 5, 2037), and

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4.5. Any necessary supplemental efforts shall not exceed fifty percent of the grant proceeds.

The ECWMC also agrees to conduct annual monitoring of Fish Lake as necessary to track surface water quality so it can be compared to state eutrophication standards for total P, chlorophyll a, and water clarity. The ECWMC will also assure monitoring takes place to track the effectiveness of the alum treatment in reducing sediment release of phosphorus as per the management objectives of the TMDL and CWF grant.

ELM CREEK WATERSHED MANAGEMENT COMMISSION

Doug Baines, Chair

Date

Judie A. Anderson, Executive Secretary

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Technical Memo



To: Elm Creek WMC Commissioners

From: Diane Spector, Wenck Associates, Inc.

Date: May 10, 2017

Subject: Professional Services Agreement
Rush Creek Headwaters Subwatershed Assessment

The Clean Water Fund Accelerated Implementation grant agreement for the Rush Creek Headwaters Subwatershed Assessment has been executed by the Commission and is awaiting final execution by the Board of Water and Soil Resources. When that is complete, work may begin on this study.

Attached to this memo is a Professional Services Agreement with Wenck to lead and complete this work. Also attached is an extract from the grant application as a reminder of the project purpose and tasks.

The estimated cost of this assessment is \$62,850. The grant awarded was \$50,280 to be matched by \$12,070 from the Commission's annual budget and \$500 from the City of Corcoran. The work is broken down into five tasks as detailed in Table 1. This project cost includes reimbursing the commission for the additional costs for JASS and Hennepin County staff participation in the project. This cost estimate assumes four TAC/Commission meetings, 2 small group meetings, and one public meeting.

The professional services contract with Wenck is in the amount of \$56,700. We recommend that the commission authorize execution of the agreement, subject to review by the Commission's attorney, and upon full execution of the grant agreement by BWSR.

Table 1. Estimated cost to complete modeling and BMP assessments on four subwatersheds in the Rush Creek headwaters.

Task	Hours	Wenck	JASS	HCEE	TOTAL
DEM model hydroconditioning	80	\$9,400	\$0	\$0	\$9,400
Run PTMApp, ACPF, other assessments	100	11,500	0	0	11,500
Develop BMPs and prepare report	152	19,500	260	520	20,280
Field investigation & verification	44	3,880	0	1,040	4,920
Staff and TAC/Commission meetings	72	6,550	1,350	780	8,680
Public meetings and other outreach/grant admin	68	5,870	1,420	780	8,070
Total	479	\$56,700	\$3,030	\$3,120	\$62,850



Extract from FY 2017 CWF Accelerated Implementation Application

Rush Creek Headwaters Subwatershed Assessment

Abstract

Seven lakes and four streams in the Elm Creek watershed are impaired by excess nutrients, *E. coli*, low DO, and impaired biotic communities. SWAT modeling completed for the TMDL/WRAPS identified areas that have the potential to contribute high loads of sediment and nutrients to the streams and lakes in the watershed, however, the scale of that modeling was not sufficient to pinpoint to the field level where BMPs would be most effective. The Rush Creek Headwaters Subwatershed Assessment will evaluate four high loading potential HUC-12 catchments (see Figure 1). The proposed subwatershed assessment will undertake much finer-scaled modeling using PTMApp and ACPF and additional analyses to develop a prioritized map and list of potential projects and practices and their cost/benefit so load reduction actions and proactive outreach can begin immediately.

Clarity of Program Goals and Projected Impact: 1. (10 points) Explain the project, the changes that will result from the successful completion of your project, and the rationale for the need. How will the proposed project go above and beyond existing controls or operations?

The Elm Creek Watershed TMDL sets forth required pollutant load reductions for seven nutrient-impaired lakes and four streams with excess *E. coli*, low DO, and impaired fish and macroinvertebrate communities. A Stressor Identification study suggested that excess TSS and TP contributes to the stream biotic impairments. SWAT modeling completed for the TMDL/WRAPS identified areas within the watershed that have the potential to contribute high loads of sediment and nutrients to the streams and lakes in the watershed, however, the scale of that modeling was not sufficient to pinpoint to the field level where Best Management Practices would be most effective. The Rush Creek Headwaters Subwatershed Assessment will evaluate four HUC-12 catchments that modeling indicates have the highest potential to contribute load from field erosion and runoff. These catchments are the headwaters for Rush Creek and South Fork Rush Creek, which require an up to 85% reduction in TP load and an up to 96% reduction in *E. coli* load. Henry Lake, which is located in one of these HUC-12s, requires an 82% reduction in TP load from the watershed. The proposed subwatershed assessment will undertake much finer-scaled modeling using DTMs, PTMApp and ACPF and additional analyses and will provide the Elm Creek Watershed Management Commission and the cities of Corcoran and Rogers with a prioritized list of potential projects and practices. The assessment will also include a cost/benefit analysis so stakeholders can start implementing load reduction actions and conducting proactive outreach immediately and as opportunities arise.

Clarity of Program Goals and Projected Impact: 2. (15 points) Describe the process, technology, or tools your project would use to accelerate on-the-ground projects and practices.

Hydrologically Conditioned Digital Elevation Models will be developed for the four HUC-12 subwatersheds. PTMApp and the Agricultural Conservation Planning Framework (ACPF) models will be applied to identify and evaluate locations for agricultural BMPs. The assessment will also include a



review of other potential projects and practices, such as correcting stream erosion, identifying where discharge from riparian wetlands may be reducing the amount of oxygen in the streams, and addressing other known problems. This would be completed by aerial photo interpretation, on-the-ground field verification and investigation, and compiling local knowledge. Hennepin County will assist in refining and verifying septic system and feedlot data that will be incorporated into the assessment.

Technical and policy guidance will be provided by a Technical Advisory Committee (TAC) with representatives from the Commission, the cities, Hennepin County, and other parties such as the MDA, UMN Extension and key property owners. That TAC will meet 3-4 times during the course of the project. The Commission will hold one general community meeting and two focus group meetings with key land owners and officials. This public input process will help the Commission and cities identify the most reasonable, feasible, cost effective options and to prioritize improvements. These meetings will also help to identify potential financial resources that partners could target to these priority areas. The final report will include figures showing locations and a prioritized list of potential projects and practices and their cost/benefit. This will help the Commission, cities, and individual landowners focus implementation efforts where they will have the most benefit and feel confident that public and private expenditures will actually accomplish the necessary load reductions. This will also help focus proactive outreach efforts to landowners where the most significant reductions could occur.

Clarity of Program Goals and Projected Impact: 3. (15 points) How will this project benefit the general public? Describe the benefits from a local, regional and state perspective.

There are several waterbodies with multiple impairments in the Elm Creek watershed. As the upper watershed converts from ag lands to developed uses, that development must meet aggressive load and volume reductions required by the Commission's development rules and standards. However, the priority HUC-12s are in agricultural areas that are expected to remain agricultural. The project will identify the most feasible, cost-effective projects and practices that can be implemented in these agricultural subwatersheds and the existing resources that can be directed to that implementation.

From a local perspective, the general public, Commission and cities can gain confidence that the identified BMPs are the "right" actions to take, worthy of public and private investment, and that they will have a positive impact on the lakes and streams in their communities. From a regional and state perspective, regulators can be assured that local governments are moving forward in a systematic and scientific way and making progress toward meeting required load reductions and improving impaired waterbodies. The project will also assure state grant managers that projects proposed for grant funding are truly high priority, feasible, and cost-effective.

Means and Measures: 6. (5 points) How will the outputs of this project lead to more effective or efficient implementation of on-the-ground water quality projects and practices?

The subwatershed assessment will identify the most effective locations for BMPs so that resources can be focused on achieving the greatest load reductions rather than undertaking the easiest or most expedient projects.

Timeline for Implementation: 8. (15 points) Provide an anticipated timeline for completion of application activities, including important milestones for your project.

The timeline has been developed with the goal of having a report with data and information necessary to apply for Clean Water Fund grants ready by summer 2018.

Approximate project start	April 1, 2017
Build DEM models and apply PTMApp and ACPF	April-July 2017
Field work and verification	Summer 2017
TAC meetings (approx.)	May, July, October, 2017, spring 2018
Focus groups	Fall 2017
Review and prioritize BMPs	July-December 2017
Draft report for review	April 1, 2018
Completion	July 1, 2018

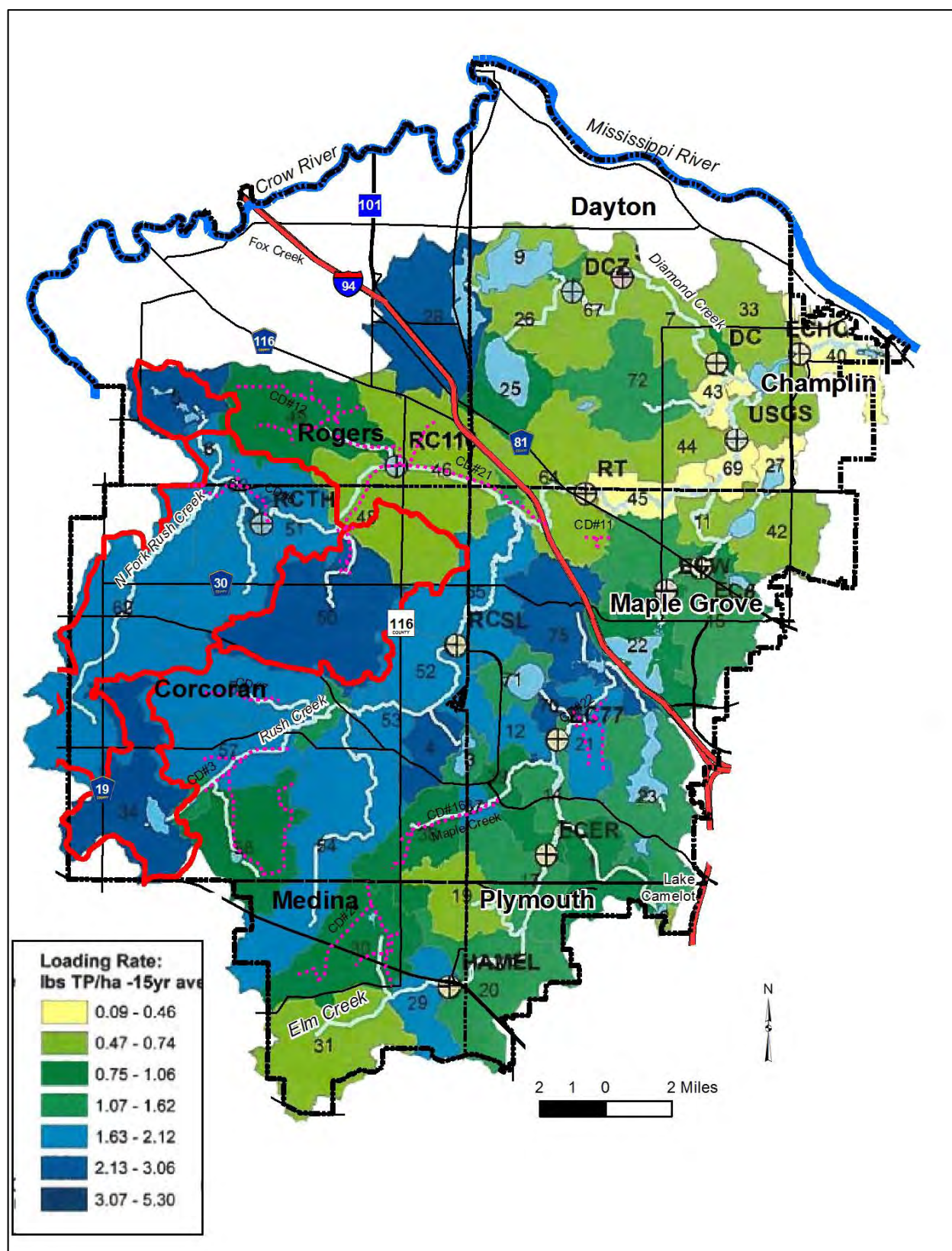


Figure 1. Elm Creek TMDL modeled TP loading rates. Subwatersheds proposed for assessment are shown outlined in red. Darker blue subwatersheds have the potential to contribute high loads of sediment and nutrients than the lighter greens and yellow. The area in white drains directly to the Crow River or Mississippi River and was not modeled.

GENERAL TERMS AND CONDITIONS

Article 1 Our Agreement

1.1 Our agreement with you consists of these General Terms and Conditions and the accompanying written proposal or authorization (Agreement). This Agreement is our entire Agreement and supersedes all prior agreements. This Agreement may be modified only in a writing signed by both us and you, making specific reference to the provision modified. Directing us to start work prior to execution of this Agreement constitutes your acceptance of this Agreement.

1.2 The words “you,” “we,” “us,” and “our” include officers, employees, and subcontractors.

1.3 Any conflicting or additional terms in a purchase order, work order, or other form used to authorize our services are not part of our Agreement unless we specifically accept them in writing. If we cannot agree on mutually acceptable terms, we have the right to withdraw our proposal without liability to you or others, and you will compensate us for services already rendered.

Article 2 Our Responsibilities

2.1 We will provide the services specifically described in our Agreement. You agree that we are not responsible for services that are not fairly included in our specific undertaking. Unless otherwise agreed in writing, our findings, opinions, and recommendations will be provided to you in writing. You agree not to rely on oral findings, opinions, or recommendations without our written approval.

2.2 In performing our services, we will use that degree of care and skill ordinarily exercised by reputable members of our profession practicing under similar circumstances in the same locality at the same time.

2.3 Our duties do not include supervising your contractors or commenting on, overseeing, or providing the means and methods of their work, unless we accept such duties in writing. We will not be responsible for the failure of your contractors to perform in accordance with their undertakings, and the providing of our services will not relieve others of their responsibilities to you or to others.

2.4 We will provide a health and safety program for our employees, but we will not be responsible for contractor, job, or site health or safety unless we accept that duty in writing. You will provide, at no cost to us, appropriate site safety measures as to work areas to be observed or inspected by us.

2.5 Our estimates of construction or remediation costs will be based on information available to us and on our experience and knowledge. Such estimates are an exercise of our professional judgment and are not guaranteed or warranted. Actual costs may vary. You should allow a contingency in addition to estimated costs.

2.6 Locations of field observations or sampling described in our report or shown on our sketches are based on information provided by others or estimates made by our personnel. You agree that such dimensions, depths, or elevations are approximations unless specifically stated otherwise in the report. You accept the inherent risk that samples or observations may not be representative of things not sampled or seen and that site conditions may change over time.

Article 3 Your Responsibilities

3.1 You agree to provide us with all site information and data to which you have access which may affect our services. We will not be responsible for locating buried objects at the site unless we accept that duty in writing. You agree to hold us harmless from claims, damages, losses, and related expenses involving buried objects that were not properly marked or identified or of which you had knowledge but did not timely call to our attention or correctly show on the plans you or others on your behalf furnished to us.

3.2 You will provide access to the site. In the course of our work some damage is normal even when due care is exercised. We will use reasonable care to minimize damage to the site but we will not be responsible for reasonable or normal damage. We have not included the cost of restoration of such damage in the estimated charges.

3.3 You agree to provide us with information in your possession or control relating to contamination at the work site.

3.4 Neither this Agreement nor the providing of services will operate to make us an owner, operator, generator, transporter, treater, storer, or a disposal facility within the meaning of the Resource Conservation Recovery Act, as amended, or within the meaning of any other law governing the handling, treatment, storage, or disposal of hazardous materials. You agree to hold us harmless and indemnify us from any such claim or loss.

3.5 Monitoring wells are your property, and you are responsible for their permitting, maintenance, and abandonment unless we accept that duty in writing.

3.6 You agree to make disclosures required by law. In the event you do not own the site, you acknowledge that it is your duty to inform the owner of the discovery or release of contaminants at the site. You agree to hold us harmless and indemnify us from claims related to disclosures made by us that are required by law and from claims related to the informing or failure to inform the site owner of the discovery of contaminants.

Article 4 Reports and Records

4.1 Our reports, notes, calculations, and other documents and our computer software and data are instruments of our service to you, and they remain our property but are subject to a license to you for your use in the related project for the purposes disclosed to us. You may not transfer our reports to others or use them for a purpose for which they were not prepared without our written approval. You agree to indemnify and hold us harmless from claims, damages, losses, and expenses, including attorney fees, arising out of such a transfer or use. At your request, we will provide endorsements of our reports or letters of reliance, but only if the recipients agree to be bound by the terms of our agreement with you and only if we are paid the administrative fee stated in our then current Schedule of Charges.

4.2 Because electronic documents may be modified intentionally or inadvertently, you agree that we will not be liable for damages resulting from change in an electronic document occurring after we transmit it to you.

4.3 If you do not pay for our services in full as agreed, we may retain work not yet delivered to you and you agree to return to us all of our work that is in your possession or under your control.

GENERAL TERMS AND CONDITIONS

4.4 Samples and field data remaining after tests are conducted and field and laboratory equipment that cannot be adequately cleansed of contaminants are and continue to be your property. They may be discarded or returned to you, at our discretion, unless within 15 days of the report date you give us written direction to store or transfer the materials at your expense.

4.5 Electronic data, reports, photographs, samples and other materials provided by you or others may be discarded or returned to you, at our discretion, unless within 15 days of the report date you give us written direction to store or transfer the materials at your expense.

Article 5 Compensation

5.1 You will pay for services as agreed upon or according to our then current Schedule of Charges if there is no other written agreement as to price. An estimated cost is not a firm figure. You agree to pay all sales taxes and other taxes based on your payment of our compensation. Our performance is subject to credit approval and payment of any specified retainer.

5.2 You will notify us of billing disputes within 15 days. You will pay undisputed portions of invoices on receipt. You agree to pay interest on unpaid balances beginning 30 days after invoice dates at the rate of 1.5% per month, or at the maximum rate allowed by law.

5.3 If you direct us to invoice another, we will do so, but you agree to be responsible for our compensation unless you provide us with that person's written acceptance of all terms of our Agreement and we agree to extend credit to that person and to release you.

5.4 Your obligation to pay for our services under this Agreement is not contingent on your ability to obtain financing, governmental or regulatory agency approval, permits, final adjudication of lawsuit in which we are not involved, your successful completion of a project, receipt of payment from another, or any other event. No retainage will be withheld.

5.5 You agree to compensate us in accordance with our fee schedule if we are asked or required to respond to legal process arising out of a proceeding related to the project and as to which we are not a party.

5.6 If we are delayed by factors beyond our control, or if project conditions or the scope or amount of work change, or if changed labor union conditions result in increased costs, decreased efficiency, or delays, or if the standards or methods change, we will give you timely notice and we will receive an equitable adjustment of our compensation.

5.7 In consideration of our providing insurance to cover claims made by you, you hereby waive any right of offset as to fees otherwise due us.

Article 6 Disputes, Damage, and Risk Allocation

6.1 Each of us will exercise good faith efforts to resolve disputes without litigation. Such efforts will include, but not be limited to, a meeting(s) attended by each party's representative(s) empowered to resolve the dispute. Before either of us commences an action against the other, disputes (except collections) will be submitted to mediation.

6.2 Neither of us will be liable for special, incidental, consequential, or punitive damages, including but not limited to

those arising from delay, loss of use, loss of profits or revenue, loss of financing commitments or fees, or the cost of capital.

6.3 For you to obtain the benefit of a fee which includes a reasonable allowance for risks, you agree that our aggregate liability for all claims will not exceed the proceeds from available insurance.

6.4 The prevailing party in any action relating to this agreement shall be entitled to recover its costs and expenses, including reasonable attorney fees, staff time, and expert witness fees.

6.5 The law of the state in which our servicing office is located will govern all disputes. Each of us waives trial by jury.

Article 7 General Indemnification

7.1 We will indemnify and hold you harmless from and against demands, damages, and expenses of others to the comparative extent they are caused by our negligent acts or omissions or those negligent acts or omissions of persons for whom we are legally responsible. You will indemnify and hold harmless from and against demands, damages, and expenses of others to the comparative extent they are caused by your negligent acts or omissions or those negligent acts or omissions of persons for whom you are legally responsible.

7.2 To the extent it may be necessary to indemnify either of us under Section 7.1, you and we expressly waive, in favor of the other only, any immunity or exemption from liability that exists under any worker compensation law.

7.3 You agree to indemnify us against losses and costs arising out of claims of patent or copyright infringement as to any process or system that is specified or selected by you or by others on your behalf.

Article 8 Miscellaneous Provisions

8.1 We will provide a certificate of insurance to you upon request.

8.2 You and we, for ourselves and our insurers, waive all claims and rights of subrogation for losses arising out of causes of loss covered by our respective insurance policies.

8.3 Neither of us will assign or transfer any interest, any claim, any cause of action, or any right against the other. Neither of us will assign or otherwise transfer or encumber any proceeds or expected proceeds or compensation from the project or project claims to any third person, whether directly or as collateral or otherwise.

8.4 Our Agreement may be terminated early only in writing. We will receive an equitable adjustment of our compensation in the event of early termination.

8.5 If a provision of this Agreement is invalid or illegal, all other provisions shall remain in full force and effect.