

elm creek Watershed Management Commission

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Regular and Public Meeting Minutes June 9, 2021

I. A virtual meeting of the Elm Creek Watershed Management Commission was called to order at 11:33 a.m., Wednesday, June 9, 2021, by Chair Doug Baines.

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

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

Also present: Ross Mullen, Ed Matthiesen, and Diane Spector, Wenck/Stantec; Joe Waln, Barr Engineering; James Kujawa, Surface Water Solutions; Brian Vlach, Three Rivers Park District (TRPD); Kris Guentzel and Kevin Ellis, Hennepin County Environment and Energy (HCEE); Judie Anderson, Amy Juntunen, and Beverly Love, JASS; and Paul Tabone and Kirsten Thompson, U.S. Home/Lennar, for Project Review 2021-018.

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

B. Motion by Weir, second by Walraven to approve the **Minutes*** of the May 12, 2021 regular meeting. *Motion carried unanimously.*

C. Motion by Walraven, second by Guenther to approve the June **Treasurer's Report and Claims*** totaling \$14,495.50. *Motion carried unanimously.*

The May 31, 2021, **project review payment/invoicing summary** was included with the Treasurer's Report.

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

II. **Public Meeting - Minor Plan Amendment**.* The proposed Third Generation Plan amendment will update the Capital Improvement Program (CIP)* to add two projects, remove four projects, and shift the timing and add specificity to three existing projects. Exhibits* for those projects being considered for levy in 2021 were included in the meeting packet. The Technical Advisory Committee (TAC) reviewed the revisions and supports the minor plan amendment. This amendment does not approve projects for funding, simply approves the revisions to the CIP as presented.

A. **Open public meeting.** The public meeting was opened at 11:42 a.m.

RULE D - STORMWATER MANAGEMENT
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**included in meeting packet*

1. **Comments received.** Through June 9, 2021, comments have been received from Metropolitan Council and the Board of Water and Soil Resources. Both indicated they have no comments. Neither the other reviewing agencies, the member cities, nor the public provided comments.

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

3. The **public meeting was closed** at 11:43 a.m.

B. Commission Discussion.

Motion by Weir, second by Walraven to adopt **Resolution 2021-03 Adopting a Minor Plan Amendment*** and to set the **2021 maximum levy** at \$291,638. *Motion carried unanimously.*

[The regular meeting was reconvened at 11:44 a.m.]

III. Open Forum.

IV. Action Items.

A. Motion by Walraven, second by Weir to accept the **2020 Annual Audit.*** *Motion carried unanimously.* The audit was prepared by Johnson and Company, Ltd. and will be submitted to the State Auditor as prescribed by Statute by June 30, 2021.

B. The members reviewed a revised **proposed 2022 Operating Budget*** which replaces the proposed budget presented at the May meeting. It shows proposed total expenses of \$931,403 and projected revenue of \$925,313, resulting in a deficit of \$6,092. Member assessments total \$242,000. Also included in the packet were **proposed member assessment options*** for 2022. It shows member assessments of \$237,000 (no increase from last year), \$242,000 (1.950% increase), and \$248,092 (4.550% increase). **Staff's memo dated May 5, 2021,*** details the line items of the proposed budget.

Member discussed individual line items on the budget. In her June 2, 2021, memo,* Spector provided some background information on the **Grant Writing** line item. She showed that two neighboring watershed organizations have been particularly successful in utilizing this budget line to secure grants - 1-2 grants/year for the past ten years (over \$3.4 million). Within the 2022 budget, funding for grant writing could be taken from both the Grant Writing and the Technical Support line items.

Treasurer Guenther noted that the Commission currently holds nearly \$249,000 in unrestricted/unassigned funds so, were a deficit budget to be approved, the deficit could be taken from cash reserves.

Motion by Walraven, second by Weir to approve the proposed 2022 operating budget with a total of \$237,300 as assessments to the members. *Motion carried unanimously.* The budget will be transmitted to the member cities by the June 30, 2021, deadline.

C. Project Reviews.

1. **2021-013 Rush Creek Reserve, Corcoran.*** This is a 91-acre site located along the north side of CR10, across from the Corcoran Community Park. The applicant is proposing to create a residential sub-division including 66 townhomes and 177 single-family units with 24.2 acres of new impervious area. The existing area is agricultural with 58 acres of cropland and 33 acres of wetlands/wooded areas. The applicant is working through revisions requested by Staff. Staff findings dated June 4, 2021, were included in the meeting packet. No action is required at this time.

2. 2021-015 66th Avenue/Gleason Parkway, Corcoran.* Reconstruction of 66th Avenue from a two-lane gravel road into a two-lane paved road with trails on either side. Turn lanes will be added to CR 116 at the intersection with 66th Avenue. This corridor work between Gleason Parkway and CR116. will increase accessibility between CR101 and CR116 into the Ravinia and future Tavera developments. In their findings dated June 1, 2021, Staff recommends approval with the following conditions. (a) no wetland impacts can occur prior to meeting MN WCA, LGU and Commission requirements and (b) payment or refund of outstanding review fees. Motion by Weir, second by Walraven to approve this project per Staff’s recommendations. *Motion carried unanimously.*

3. 2021-018 Tavera (Phase I), Corcoran.* This is a 274-acre site north of Hackamore Road (62nd Avenue N) and west of County Road 116. The full residential development would construct 548-units. Phase I of the project will construct 248 units, 114 of those being single-family detached lots and 134 attached townhouse units. Phase I would disturb 85 acres and create approximately 28 acres of new or reconstructed impervious area. Stormwater would be managed by a combination of iron enhanced sand filtration, stormwater reuse, larger than required wetland buffers, and disconnected impervious surfaces. The project was reviewed for Rules D, E, F, and I. Staff administratively approved grading for the project in May contingent upon the applicant addressing any future comments necessary to obtain approval from the Commission. In their findings dated June 1, 2021, Staff recommends approval contingent upon (a) receipt of a recorded operations and maintenance agreement and (b) payment or refund of outstanding review fees. Motion by Weir, second by Walraven to approve this project with these two conditions as specified in Staff findings dated May 5, 2021. *Motion carried unanimously.* Torve spoke to the City’s continuing efforts to reach the nutrient goals of the Watershedwide TMDL when working with developers on projects within Corcoran.

4. 2021-019 Kwik Trip, Dayton.* This project is located in the northeast corner of County Roads 81 and 113. The applicant is proposing to subdivide this 8.2-acre parcel into one 2-acre lot, three outlots (4.3 acres), and a street (1.8 acres) entering from CR81. An existing regional storm pond is on the east property line. The project will remove the existing store/gas station and its access roads, create a new access road, and construct the Kwik Trip station on the easterly-most two acres of the site. Existing stormwater ponds will be utilized for stormwater management. This work will disturb 8.3 acres The site design for the Kwik Trip project, the new street, and the future impervious areas for the proposed outlots meet the design criteria the regional pond was approved for by the Commission in project 2017-022. In Staff’s May 13, 2021, findings, erosion and sediment controls were administratively approved by technical staff. No other actions are necessary on this project. It will be removed from the Staff Report pending payment or refund of outstanding review fees.

5. 2021-020 Crew Carwash, Maple Grove.* This project would reconstruct an existing bank building and parking lot on a 1.80-acre parcel into a carwash. The site is located southwest of the intersection of Weaver Lake Road and Elm Creek Boulevard with access from Grove Drive. The disturbance is 1.52 acres, the existing impervious is 1.07 acres, and the proposed impervious is 1.17 acres. Runoff from this site flows into a regional pond on Arbor Lakes Parkway, which ultimately discharges to Rice Lake. The City has stated that the regional pond meets rate control and water quality treatment for the site. The applicant is proposing to use soil amendments to meet the Commission’s volume rules. In their findings dated June 2, 2021, Staff recommends approval contingent upon (a) payment or refund of any outstanding project review fees and (b) a stormwater maintenance agreement between the owner and the City being filed with the Commission. Motion by Weir, second by Walraven to approve this project with these conditions. *Motion carried unanimously*

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D. Third Party HUC8 Review. Member cities have noted significant differences between the flood elevations in their community hydrologic and hydraulic (XPSMWM) models and those included in the Elm Creek Floodplain Modeling and Mapping HUC-8 study. Wenck/Stantec was authorized to do a third-party review of the information gathered for the MNDNR Floodplain Modeling and Mapping grant.

Wenck/Stantec drafted a summary table that compares the approximately 80 hydraulic structures modeled in the HUC-8 study based on assumptions with information aggregated from utility datasets and the State Aid Bridge Information Tool (developed by MNDOT to assist local State Aid agencies by displaying bridge [and culvert] information on an internet-based map). Wenck/Stantec staff have contacted members of the TAC to request available information about the remaining hydraulic structures and will issue a report after the MNDNR has scheduled the Flood Risk Review Meeting to provide cities as much time as possible to respond to the data request.

E. Motion by Weir, second by Walraven to approve the Intergovernmental Agreement between the Commission and Metropolitan Council for **2021 CAMP** (Citizen Assisted Monitoring Program) participation. The agreement is in the amount of \$760 for bi-weekly monitoring of French Lake. *Motion carried unanimously.* Trainor is serving as the CAMP volunteer.

V. Old Business.

VI. New Business.

VII. Communications.

A. Staff Report.* Staff reports provide updates on the development projects currently under review by Staff or awaiting final recordations. The projects listed in the table beginning on page 7 of these minutes are discussed in this month's report.

B. Hennepin County Updates.*

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

2. Rush Creek Clean Water Fund Implementation Grant. The grant end-date is currently December 31, 2021. County staff discussed a one-year grant extension with BWSR Board Conservationist Steve Christopher and were advised to request an extension once contracting has been completed for Phase I Jubert Lake projects. The contract is currently out for landowner signature and the County will initiate an extension request as soon as it is fully executed.

a. The County would like to explore the idea of using grant funds to incentivize **replacement of pre-1990 septics** (identified as a source of bacterial pollution in the SWA, but not previously planned to be a focus of the grant implementation), particularly those that pose an imminent threat to public health systems. County staff will engage BWSR on the eligibility for use of grant funds for this purpose and are interested in understanding the Commission's level of comfort in cost-sharing.

b. Jubert Lake Agricultural BMPs. These projects are on multiple parcels west of Jubert Lake. Design and implementation are being funded through a funding partnership with the Commission, Hennepin County, the State of MN (Rush Creek CWF grant), and the parcel landowners.

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1) “Top of Hill WASCOB+Waterway.” Construction staking has occurred and Staff expect to break ground and begin project construction as early as this week, as weather allows.

2) “Phase 1” projects (7 grassed waterways, 1 wetland expansion, 1 creek stabilization). Contract is with the landowner to sign. Wetland permitting and design on phase 2 projects comes next (to allow wetland permitting of all planned work at once). Construction on these projects is anticipated to occur in late 2021 and early 2022.

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

d. **9825 Sundance Road.** Landowner has a failing septic identified in the subwatershed assessment as a pre-1990 septic system. County will work with landowner to administer a low-interest loan through the AgBMP Loan Program.

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

f. **25880 Territorial Road, Rogers.** Landowner requested information about low interest loan options for replacement of a failing septic system. Staff recommend working through the AgBMP Loan process to access low interest financing. The landowner is seeking quotes and researching options with participating banks.

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

h. **27015 123rd Avenue N, Rogers.** Landowner requested information regarding financial assistance to implement BMPs to protect water quality of a nearby pond through the Rush Creek Subwatershed grant. Landowner was concerned about runoff from sloped horse paddock and possible nutrient and bacterial contamination. A manure pad, barn gutters, and trench drain have previously been installed on the site. Staff will consider the request along with other applications for funding this summer.

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

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

4. **Grants for planting trees.** *Framing Hennepin County* has grants available to cities, affordable housing properties, schools, and non-profit organizations to enhance the county’s tree canopy. The goals of the program are to combat threats to trees from invasive insects and disease by funding tree

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planting, educate the public on tree care and the importance of trees, and increase the diversity and resiliency of the tree canopy. The types of grants available vary by organization. Information on the program and the grants available can be found on the Hennepin County website. Applications are due by 3pm on Thursday, June 10.

5. Grants for deconstruction to salvage building materials. Funding is available for building projects that use deconstruction techniques instead of standard demolition to remove materials during the destruction, alteration, or renovation of a building. In a deconstruction project, a building is taken apart mostly by hand, and materials are sorted into categories for efficient recycling and reuse. Property owners and developers can receive up to \$5,000 to help offset the additional time and labor costs associated with deconstruction. Grants are available for demolition or renovation projects on residential properties up to 4 units that are 500 square feet or larger on structures built prior to 1970. Learn more and apply at <https://www.hennepin.us/deconstruction>.

VIII. Education and Public Outreach.

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

It is anticipated this work can be completed using the WMWA Special Projects budget, which had a balance of \$10,700 at the end of 2020. The agreement between the four WMOs in WMWA (Bassett Creek, Elm Creek, Shingle Creek and West Mississippi) requires that Special Projects be approved by the four WMOs before expenditures can be made. It is intended that the assessment will be available for consideration at the July meetings of the WMOs. The goal is to have all the work completed by the end of 2021.

B. Sharon Meister, **Watershed PREP** educator has retired. WMWA is seeking to hire an educator and to begin preparing for in-person classes in the fall.

C. The **July meeting**, a virtual meeting, is scheduled for 8:30 a.m., Tuesday, July 13, 2021. The **Zoom number** is <https://us02web.zoom.us/j/922390839>. Or call in at any of these numbers using **meeting ID: 922 390 839**: (1) +1 301 715 8592 US (Germantown); (2) +1 312 626 6799 US (Chicago); (3) +1 929 205 6099 US (New York); or (4) +1 253 215 8782 US (Tacoma). The **passcode is water**.

IX. Grant Opportunities and Project Updates.

X. Adjournment. There being no further business, motion by Walraven, second by Weir to adjourn. *Motion carried unanimously.* The meeting was adjourned at 1:03 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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Item No.	A	E	I RPFPI		AR	Project No.	Project Name
			RP	DD			
						W=wetland	
ah.					AR	2014-015	Rogers Drive Extension, Rogers.
ai.					AR	2015-030	Kiddiegarten Child Care Center, Maple Grove.
aj.					AR	2016-005W	Ravinia Wetland Bank Plan, Corcoran.
ak.					AR	2017-014	Laurel Creek, Rogers.
al.					AR	2017-029	Brayburn Trails, Dayton.
a.						2017-050W	Ernie Mayers Wetland/floodplain violation, Corcoran.
b.						2018-020	North 101 Storage, Rogers.
am.					AR	2018-046	Graco, Rogers.
an.					AR	2018-048	Faithbrook Church Phase 2, Dayton.
ao.					AR	2019-002	Parkside Villas, Champlin.
ap.					AR	2019-021	Brenly Meadows, Rogers.
aq.					AR	2019-026	Interstate Power Systems, Rogers.
ar.					AR	2019-027	Havenwood at Maple Grove.
as.					AR	2019-032	OSI Expansion, Medina.
at.					AR	2020-001	Outlot L, Markets at Rush Creek, Maple Grove.
c.						2020-002	Project 100 Minnesota Health Village, Maple Grove.
au.					AR	2020-008	Ione Gardens, Dayton.
av.					AR	2020-009	Stetler Barn, Medina.
aw.					AR	2020-017	Meadow View Townhomes, Medina.
ax.					AR	2020-023	Ziegler Dayton Site Upgrades, Dayton.
ay.					AR	2020-025	Paulsen Farms, Corcoran.
az.					AR	2020-027	Kariniemi Addition, Corcoran.
ba.					AR	2020-030	Nelson International, Corcoran.
bb.					AR	2020-032	Enclave Rogers - Commerce Boulevard, Rogers.
bc.					AR	2020-033	Weston Woods, Medina.
bd.					AR	2020-036	Balsam Pointe, Dayton.
be.					AR	2021-002	Skye Meadows Variance, Rogers.
bf.					AR	2021-007	Birchwood 2nd Addition, Rogers
d.						2021-009	Palisades at Nottingham 3rd Addition, Maple Grove.
e.						2021-010	Gleason Field, Maple Grove.
f.						2021-012	The Oaks at Bauer Farms, Champlin.
g.						2021-013	Rush Creek Reserve, Corcoran.
h.						2021-014	Elm Creek Stream Restoration Phase IV, Champlin.
i.						2021-015	66th Avenue/Gleason Parkway, Corcoran.
j.						2021-016	Territorial Lofts, Rogers.
k.						2021-017	The Park Group Building, Rogers.
l.						2021-018	Tavera Phase 1, Corcoran.
m.						2021-019	Kwik Trip Store 1157, Dayton.
n.						2021-020	Crew Carwash, Maple Grove.
o.						2021-021	Territorial Triangle, Dayton.

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

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