

# elm creek Watershed Management Commission

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## Rush Creek SWA Technical Advisory Committee and Regular Meeting Minutes June 13, 2018

I. A meeting of the **Technical Advisory Committee (TAC)** for Rush Creek Headwaters Subwatershed Assessment of the Elm Creek Watershed Management Commission was convened at 10:15 a.m., Wednesday, June 13, 2018 in the Mayor's Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN.

In attendance were: Todd Tuominen, Champlin; Kevin Mattson, Corcoran; Mark Lahtinen, Maple Grove; Kaci Fisher, Hakanson-Anderson, Medina; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; James Kujawa and Jason Swenson, Hennepin County Dept. of Environment and Energy (HCEE); Brian Vlach and Amy Timm, Three Rivers Park District (TRPD); Jeff Weiss, Barr Engineering; Diane Spector and Jeff Strom, Wenck Associates; and Judie Anderson, JASS.

Also present: Sharon Meister, Corcoran; Elizabeth Weir, Medina; Trevor Cammack, Plymouth; and Steve Christopher, Board of Water and Soil Resources.

Wenck staff recapped the project work completed to date. A copy of the SWA draft report was previously distributed for review by the TAC. Comments received have been incorporated in the second draft which is posted at [http://www.elmcreekwatershed.org/uploads/5/8/3/0/58303031/rush\\_creek\\_headwaters\\_swa\\_draft\\_v2\\_june\\_2018.pdf](http://www.elmcreekwatershed.org/uploads/5/8/3/0/58303031/rush_creek_headwaters_swa_draft_v2_june_2018.pdf) and [http://www.elmcreekwatershed.org/uploads/5/8/3/0/58303031/appendices\\_final.pdf](http://www.elmcreekwatershed.org/uploads/5/8/3/0/58303031/appendices_final.pdf).

Wenck staff have also provided more detail in the final section, including identifying the high priority projects across the Study Area.

The purpose of this meeting is review the report findings and discuss next steps.

**A.** Strom described the six Management Units (MUs) included in the study area. The six MUs (Lake Henry, Lake Jubert, Lower North Fork Rush Creek, Upper North Fork Rush Creek, South Tributary, and Tilton's) encompass 15,230 acres. Both forks of Rush Creek do not meet several state water quality standards (TP, *E. coli*, DO, M-IBI, F-IBI) and are designated as Impaired Waters. Lake Henry fails to meet state standards for nutrients and Lake Jubert will likely be listed as impaired for nutrients in the future after more monitoring data becomes available.

**B.** Section 2 of the draft report described the types of BMPs being considered. The study sited and evaluated six different structural BMP options using the Agricultural Conservation Planning Framework (ACPF) toolbox. They include

1. Water and sediment control basins.
2. Grassed waterways.
3. Saturated buffers.
4. Denitrifying bioreactors.
5. Wetland restorations.
6. Alternative Title Intakes.

In turn, these structural BMPs were prioritized based on visual inspection of multiple years of air photos. BMP load reduction benefits were calculated based on each BMP's drainage area, annual water volume, annual pollutant load, and the recommended removal efficiency of the practice. Planning level cost estimates were also developed for each BMP based on guidance from various groups and agencies as well as experience in other watersheds.

**C.** Nonstructural BMPs were also discussed briefly. They include such practices as

1. Feedlot/pasture management.
2. Manure management.
3. Fertilizer.
4. Education and outreach.
5. Urban BMPs.
6. Cropping practices – no-till/conservation tillage, cover crops.

**D.** As **implementation strategies** are identified it will be important to identify who will take the lead in implementation efforts.

1. Undertake projects as willing landowners come forward.
2. Identify areas for intensive outreach.
3. Focus on a particular MU and undertake several BMPS in a given area to make a significant improvement.
4. Focus on certain BMPs – promote those that are inexpensive and cost-effective, or, undertake a specific BMP because it will achieve significant load reductions.

**E. Funding Options.**

1. One or more priority actions could be packaged into a Clean Water Fund grant application. That would require a 25% match, which could be assembled from the CIP county capital levy and other funds that might be identified from other sources. The CWF application period will likely be July-August 2018.

2. Another source of funds might be the new 319 Small Watersheds Focus Program through the MPCA. The MPCA intends to select about 10 small watersheds across the state to provide four-year grants (eligible to be renewed three more times for up to 16 years) to provide long-term, stable funding for implementation. These funds would require a 40% match. Since the first 10 focus watersheds will be selected in June 2018, the MPCA would need to be notified immediately of the Commission’s interest. The MPCA has stated there will be another selection process in 2019.

3. Another strategy to consider is to work with the County to develop a program to levy a fixed amount per year into a segregated account to create a pool of funds to be used for implementation by willing landowners.

**F. Next Steps.**

1. Following the TAC and Commission meeting Wenck will revise the draft report to incorporate comments. The Commission may wish to host a focus group meeting of people who attended the Open House and expressed an interest in further involvement, potentially inviting other key stakeholders as well.

2. The following information will be gathered:
  - a. Add cost/lb. to charts in report.
  - b. Determine how septic inspection process works.
  - c. Determine who will lead the effort going forward.
  - d. Put together projects of interest into grant package.

**II. Other Subwatershed Assessments.**

Wenck staff have been told by BWSR staff that 2018 may be the last year that Accelerated Implementation Grants will be offered as part of the Clean Water Fund grant program. Other areas of the watershed will also benefit from SWAs as well. The City of Dayton is interested in a SWA of the Diamond Lake lakeshed. Another subwatershed that should be considered for a closer look is the South Fork Rush Creek subwatershed.

Both of these subwatersheds are a little more developed than the Rush Creek Headwaters Study Area and would require some urban modeling and BMP identification as well as agricultural BMP identification. Wenck’s rough cost estimate to complete the Diamond Lake SWA including obtaining lake sediment cores and a fish survey is \$52,000. Their rough cost estimate to complete the South Fork Rush SWA is about \$59,000. AIP grants must be matched 25%, and the Commission’s cost share policy for SWAs is that the Commission will contribute 75% and the cities 25%. The table below shows those estimated figures.

**Estimated cost to complete SWAs and potential funding sources.**

	<b>Diamond Lake</b>	<b>S Fork Rush</b>
Total Estimated Cost	\$52,000	\$59,000
Grant	41,600	47,200
Commission Match	10,400	11,800
-City Match	2,600	2,950
-Commission Match	7,800	8,850

Vlach indicated that the Park District completed a Sediment Analysis Study for Diamond Lake as part of the watershed-wide TMDL. This will probably reduce the cost of the SWA of Diamond Lake.

III. The meeting of the Technical Advisory Committee was adjourned at 11:28 a.m. The TAC will reconvene on Wednesday, July 11, 2018 at 9:00 a.m.

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I. A **regular meeting** of the Elm Creek Watershed Management Commission was called to order at 11:34 a.m., Wednesday, June 14, 2018, in the Mayor’s Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN, by Vice Chair Elizabeth Weir.

Present were: Gerry Butcher, Champlin; Sharon Meister, Corcoran; Tim McNeil, Dayton; Joe Trainor, Maple Grove; Elizabeth Weir, Medina; Catherine Cesnik, Plymouth; Kevin Jullie, Rogers; James Kujawa and Jason Swenson, Hennepin County Dept. of Environment and Energy (HCEE); Brian Vlach, Three Rivers Park District (TRPD); Jeff Weiss, Barr Engineering; and Judie Anderson, JASS.

Also present: Todd Tuominen, Champlin; Kevin Mattson, Corcoran; Mark Lahtinen, Maple Grove; Ben Scharenbroich and Trevor Cammack, Plymouth; Andrew Simmons, Rogers; James Fallon, USGS; Justin Klabo, AEZS; and Craig Allen, GWSA.

A. Motion by Butcher, second by McNeil to approve the **revised agenda**.\* *Motion carried unanimously.*

B. Motion by McNeil, second by Jullie to approve the **minutes**\* of the April 11, 2018, regular meeting. *Motion carried unanimously.*

C. Motion by McNeil, second by Butcher to approve the June **Treasurer’s Report and Claims**\* totaling \$160,462.88. *Motion carried unanimously.*

II. **Open Forum.**

III. **Action Items.**

A. **Project Review 2018-009 NW Greenway Trail, Phase IV, Plymouth.**\* This section of the Plymouth NW Greenway Trail is a boardwalk and trail that will cross a portion of the Elm Creek floodplain adjacent to Peony Lane near Wayzata High School. The proposed work will disturb 0.77 acres and result in the construction of 0.44 acres of new impervious area. A small portion of the work is being done in the floodplain of Elm Creek. Staff reviewed this project for compliance to the Commission’s floodplain and erosion control requirements. Site plans were received March 1. In their findings dated May 24, 2018, Staff recommends approval of this project with no conditions. Motion by McNeil, second by Trainor to approve Staff’s recommendations. *Motion carried unanimously.*

**B. Project Review 2018-015 Laurel Creek 2nd Addition, Rogers.\*** This is an erosion control review of the plans for another phase of the Laurel Creek project originally approved under review #2017-014. This addition is located southeast of Hackamore Road and Pinto Drive (CR116), immediately east of the First Addition, and will allow for the construction of approximately 72 new single-family homes and 64 townhome units, and rough grading for 20 lots in a future phase. Staff reviewed the project plans, found them in conformance with the Commission’s rules and standards, and granted administrative approval of the plans.

**C. Project Review 2018-018 Summers Edge Phase III, Plymouth.\*** This is a 15-acre parcel located at the northeast corner of the intersection of Brockton Lane and Medina Road. The proposed development consists of 45 single-family homes on a parcel that is currently vacant. Drainage from the site generally discharges to the east through a large wetland complex and eventually into Elm Creek. Staff review will be for compliance with rules D, E, and I. In their findings dated June 12, 2018 Staff recommends approval subject to receipt of final easements over the wetland buffers within 90 days of final platting in a format acceptable to the Commission. Motion by McNeil, second by Trainor to approve Staff’s recommendation. *Motion carried unanimously.*

**D. Project Review – Pine Meadows Development, Dayton.** In his May 30, 2018 letter\* to the Commission, Jason Quisberg, Wenck Associates, Dayton City Engineer, discussed this proposed development in the northeast area of Dayton. The purpose of the letter is to provide the City’s position regarding the stormwater design for the proposed Pine Meadows development. Quisberg was present to discuss the project in more detail and to answer Commissioner questions.

The proposed stormwater design results in a discharge from the site prior to the modelled 100-year event. City and Commission rules require rate control under post-developed conditions. However, the City is seeking a variance from the Commission for the following reasons.

**1.** The proposed stormwater system (extends and) utilizes an outlet partially constructed in 2007 as part of a City project. The outlet was installed at that time for the purpose of serving future development in the proposed location. Said outlet is consistent with the current surface water management (comprehensive plan), which is sized appropriately to serve as an outlet under normal conditions, that is, for discharge during events smaller than the 100-year frequency.

**2.** This piped outlet, once extended, will be a direct connection from this development area to the Mississippi River. Additionally, any bypass flows due to obstruction, or surcharging, would continue overland directly to the river, without raising concern for potential localized flooding.

The City of Dayton is supportive of, and even promotes, extending and utilizing the proposed outlet to serve this area. It is consistent with the City’s comprehensive stormwater plan and believes the risk of negative impacts downstream is low.

In their May 30, 2018 response\* to the City, Commission staff indicated the project as proposed could not be approved under current Commission rules. They cited the following:

**1.** If an outlet is provided for something under a 100-year event, where there is no discharge under a 100-year event today, the project is not compliant with Rule D. Rule D requires that the site discharge rates be maintained below the existing runoff rates for the 2, 10, and 100-year events in the developed condition. Constructing an outlet below the 100-year elevation would not comply with this requirement.

**2.** In addition to the runoff requirement, the site must meet the requirement that there is no net increase in TP or TSS discharge from the site in the post developed condition. Construction of an outlet will immediately increase these discharges which are essentially zero, assuming no discharge in a 100-year event today.

**3.** We (Staff) don’t believe the requirements for providing a landlocked basin are being followed. The rules state that outlets are allowed from Landlocked Basins if they: (1) Retain a hydrologic regime complying with floodplain and wetland alterations. (2) Provide sufficient storage below the outlet run-out elevation to retain back-to-back 100-year, 24-hour rainfalls and runoff above the highest anticipated groundwater elevation and prevent damage to property

RULE D - STORMWATER MANAGEMENT	RULE G - WETLAND ALTERATION
RULE E - EROSION AND SEDIMENT CONTROL	RULE H – BRIDGE AND CULVERT CROSSINGS
RULE F – FLOODPLAIN ALTERATION	RULE I – BUFFERS

adjacent to the basin. (3) Do not create adverse downstream flooding or water quality conditions.

Staff also noted that, at the time the storm sewer line was extended to this area in 2007, all of the above rules were in place in the Elm Creek Watershed, so these are not new requirements imposed by the latest generation plan.

General discussion ensued:

1. Query: How high does the water in the ponds get in the modeled 100-year event? Within the rules during the 100-year event, not achievable during the back-to-back 100-year events. Would need to see back-to-back figures under fully-developed condition.

2. For a variance to be considered, it must meet certain criteria (Appendix C, Rule K in the Commission's Plan):

**WHEN AUTHORIZED.** The Commission may grant variances from the literal provisions of these Rules. A variance shall only be granted when in harmony with the general purpose and intent of the Rules in cases where strict enforcement of the Rules will cause practical difficulties or particular hardship, and when the terms of the variance are consistent with the Commission's water resources management plan and Minnesota Statutes, chapter 103D.

**HARDSHIP.** "Hardship" as used in connection with the granting of a variance means the land in question cannot be put to a reasonable use if used under the conditions allowed by these Rules; the plight of the applicant is due to circumstances unique to the land and not created by the applicant; and the variance, if granted, will not adversely affect the essential character of the locality and other adjacent land. Economic considerations alone shall not constitute a hardship if a reasonable use for the land exists under the terms of these Rules. Conditions may be imposed in the granting of a variance to insure

[A search of Commission records failed to identify any variances approved by the Commission in the past.]

3. Does the fact that the water discharges to the Mississippi River rather than to Elm Creek become an issue?

4. Is it assumed that the outlet control does not come into play until the 100-year event?

After considerable discussion about technical details of the project and the project's setting, the Commissioners generally agreed that this is a case where a variance may be warranted, and directed Staff and the applicant to continue working on a potential variance request that would come to the Commission at a future meeting as part of the review of the project. No action was taken by the Commission at this time.

E. Staff presented the **draft 2019 Operating Budget**.<sup>\*</sup> No comments were received and no revisions were made to the draft budget presented at the May meeting. Motion by McNeil, second by Jullie to adopt the 2019 Operating Budget as presented. *Motion carried unanimously.* Member assessments<sup>\*</sup> total \$230,400.

F. Motion by McNeil, second by Butcher to approve the Cooperative Agreement with Metropolitan Council for the **2018 Citizen-Assisted Monitoring Program (CAMP)**.<sup>\*</sup> Lake Jubert will be monitored at a cost of \$550. *Motion carried unanimously.*

G. Motion by Butcher, second by McNeil to approve the Cooperative Agreement with the USGS for the **2018-2019 Stream Monitoring Program**.<sup>\*</sup> *Motion carried unanimously.* Cost for the biennium is \$42,500. James Fallon was present to describe the monitoring program. He noted that the auto sampler has been upgraded and a new datalogger has been installed. A more interpretive gage will be installed using faster telemetry. He anticipates the bridge at the monitoring station will be replaced in the fall and the station relocated at that time. Real time data is published at [https://waterdata.usgs.gov/mn/nwis/inventory/?site\\_no=05287890](https://waterdata.usgs.gov/mn/nwis/inventory/?site_no=05287890).

#### IV. New Business.

#### V. Water Quality.

A. A draft of the **manure management ordinance/policy**<sup>\*</sup> was transmitted to the member cities for review and comment prior to the next TAC meeting.

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- B. Vlach will give a presentation of the 2017 **stream monitoring results** at the July meeting.

### VI. Grant Opportunities and Updates.

A. **Internal Phosphorus Loading Control in Fish Lake project.** Vlach will provide updates as they become available.

B. **Rush Creek Headwaters Subwatershed Assessment project.** (See Technical Advisory Committee minutes on pages 1-3.)

C. It has been recommended that the Commission consider submitting another SWA to the **Clean Water Accelerated Implementation Program** as it appears from BWSR that this may be the last year it is offered. (See II. of the TAC minutes.)

D. **319 Small Watersheds Focus Program.** The Minnesota Pollution Control Agency (MPCA) is looking for interested watershed organizations to partner with in developing a long-term roadmap to support comprehensive implementation on a small-scale watershed. Selected "Focus Watersheds" will be prioritized to receive four 4-year grant awards to implement a series of projects outlined in the Focus grant workplan, provide a steady source of funding, focus implementation efforts, and achieve measurable water quality improvements on a specific waterbody. BMPS identified in the Rush Creek SWA may be good candidates for the program.

### VII. Education.

A. **West Metro Water Alliance (WMWA).** The next WMWA meeting is scheduled for 8:30 a.m., Tuesday, August 14, 2018, at Plymouth City Hall.

### VIII. Communications.

### IX. Other Business.

A. The following **projects** are discussed in the June Staff Report.\* ("W" denotes wetland project.)

1. 2013-046 Woods of Medina, Medina.
2. 2014-015 Rogers Drive Extension, Rogers.
3. 2015-004 Kinghorn Outlet A, Rogers.
4. 2015-030 Kiddiegarten Child Care Center, Maple Grove.
5. 2016-002 The Markets at Rush Creek, Maple Grove.
6. 2016-004 Park Place Storage Site Plans, Corcoran.
7. 2016-005W Ravinia Wetland Bank, Corcoran.
8. 2016-026 Faithbrook Church, Dayton.
9. 2016-040 Kinghorn 4th Addition, Rogers.
10. 2016-047 Hy-Vee Maple Grove #1, Maple Grove.
11. 2016-052 The Woods at Rush Creek, Maple Grove.
12. 2017-014 Laurel Creek, Rogers.
13. 2017-016 Territorial Woods, Maple Grove.
14. 2017-017 Mary Queen of Peace Catholic Church, Rogers
15. 2017-019 Medina Senior Living Community, Medina.
16. 2017-021 Hindu Society of MN Staff Housing, Maple Grove.
17. 2017-029 Brayburn Trails, Dayton.
18. 2017-031 Bass Lake Crossing, Corcoran.
19. 2017-034 Plymouth Memory Care, Plymouth.
20. 2017-037 L-80 Lift Station MCES, Corcoran.
21. 2017-038 Bass Lake Estates, Corcoran.
22. 2017-039 Rush Creek Apartments, Maple Grove.
23. 2017-044 Reserve at Medina 2nd Addition, Medina.

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24. 2017-045 Fish Lake Estates, Maple Grove.
25. 2017-046W Wessell Wetland Delineation, Corcoran.
26. 2017-048W Ebert Parcel Wetland Delineation, Corcoran.
27. 2017-050W Ernie Mayer Wetland/floodplain violation, Corcoran.\*
28. 2017-051 Mallard South 2nd Addition, Rogers.
29. 2017-053 Sunrise Solar Garden, Corcoran.
30. 2018-001 Rush Creek Commons, Maple Grove.
31. 2018-004 Rush Creek Restoration Project, Maple Grove.\*
32. 2018-005 Sundance Greens, Dayton.
33. 2018-007 Copper Creek of Nottingham, Maple Grove.
34. 2018-008 Hayden Hills Golf Course Subdivision, Dayton.\*
35. 2018-009 NW Greenway Trail Phase IV, Plymouth.\*
36. 2018-011 Rush Creek Run, Corcoran.
37. 2018-012 The Meadows Neighborhood Park, Plymouth.
38. 2018-013 New Wayzata Elementary School, Plymouth.
39. 2018-014 Fehn Meadows Second Addition, Corcoran.
40. 2018-015 Laurel Creek 2nd Addition, Rogers.
41. 2018-016W Krueger Wetland Delineation, Corcoran.
42. 2018-017W Krueger Wetland Delineation, Corcoran.
43. 2018-018 Summers Edge Phase III, Plymouth.
44. 2018-019W Fuss Wetland Delineation, Corcoran.
45. 2018-020 North 101 Storage, Rogers.
46. 2018-021 113th Lane Extension & Brockton Lane/CSAH 101 Intersection, Rogers.
47. 2018-022 Fernbrook Athletic Fields, Maple Grove.

**B. Adjournment.** There being no further business, motion by McNeil, second by Jullie to adjourn. *Motion carried unanimously.* The meeting was adjourned at 1:07 p.m.

Respectfully submitted,



Judie A. Anderson, Recording Secretary

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