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Regular Meeting and Public Hearing Minutes September 9, 2015

I. A regular meeting of the Elm Creek Watershed Management Commission was called to order at 11:34 a.m., Wednesday, September 9, 2015, in the Mayor's Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN by Chairman Doug Baines.

Present were: Bill Walraven, Champlin; Jon Bottema, Corcoran; Doug Baines, Dayton; Joe Trainor, Maple Grove; Elizabeth Weir, Medina; Jesse Larson, Plymouth; Kevin Jullie, Rogers; Ali Durgunoğlu and James Kujawa, Hennepin County Department of Environment and Energy (HCEE); Rich Brasch, Three Rivers Park District (TRPD); Jeff Weiss, Barr Engineering; and Judie Anderson, JASS.

Also present: Todd Tuominen, Champlin; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Bill Kidder, Rice Lake Area Association; and Jim Hegedus, OP3 Rogers LLC, for Project No. 2015-025.

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

The meeting was suspended at 11:35 a.m.

II. Public Hearing.*

On April 8, 2015 the Elm Creek Watershed Management Commission, upon recommendation of the Technical Advisory Committee, voted to move forward with a minor plan amendment to its Second Generation Watershed Management Plan to include the project **CIP-2 Plymouth Elm Creek Restoration Project** in its Capital Improvement Project (CIP) list at an increased project cost.

At a public meeting held on May 13, 2015, the Commission adopted Resolution 2015-01 Approving a Minor Plan Amendment, increasing the cost of project CIP-2 from \$180,000 to \$1,086,000 and the Commission's share of the cost from \$45,000 to \$250,000. It was a stated intent that the Commission would use Hennepin County's bonding authority as set forth in Minn. Stat. §103B.251 to fund this project. The Hennepin County Board of Commissioners adopted a 2015 maximum levy of \$250,000 for the Elm Creek Commission on July 7, 2015.

The Commission called for a public hearing on September 9, 2015 to consider the project. Member cities and the County have been notified and notice has been duly published. The purpose of the public hearing is to present the proposed project and proposed financing and to take comment from the member cities and the public.

The public hearing was opened at 11:37 a.m.

No comments were received from the member cities and no one from the public was present.

The public hearing was closed at 11:38 a.m.

A brief discussion was conducted by the Commissioners.

Motion by Weir, second by Walraven to adopt Resolution 2015-03 Ordering the 2015 Improvement Project ... and Designating Commission Cost-Share funding.* *Motion carried unanimously.*

Motion by Weir, second by Walraven to approve the Cooperative Agreement with the City of Plymouth for the Plymouth Elm Creek Restoration Project.* *Motion carried unanimously.*

The regular meeting resumed at 11:39 a.m.

*in meeting packet

I. (continued)

B. Motion by Walraven, second by Larson to approve the **minutes*** of the August 12, 2015 regular meeting. *Motion carried unanimously.*

C. Motion by Walraven, second by Jullie to approve the **September Treasurer’s Report and Claims*** totaling \$28,005.89. *Motion carried unanimously.*

D. **Open Forum.**

E. **Action Items.**

1. **Project Review 2014-029 Creative Lawn and Landscapes, Rogers.** The applicant proposes to expand their staging, parking and plant storage areas, increasing the impervious areas by approximately 1.5 acres. To compensate for this expansion the applicant is proposing a small pond as part of the improvements. Staff requested additional information because the pond will discharge to a depressional area with single family homes adjacent to it. Information provided by the applicant does not adequately address Staff concerns or meet Commission standards. The initial 60-day decision deadline expired December 15, 2014 and was extended by Staff to February 13, 2015 and by the applicant to June 12, 2015. Plans submitted on May 20 did not address the comments raised by Staff in their October 22, 2014 report. Staff requested a narrative addressing those comments. A meeting was held on June 17 with the property owner and his engineer. No new information has been received since June 17. The applicant has requested an extension of the 15.99 deadline to September 15, 2015. If no new information or a request to extend the deadline past that date are received, Staff will deny the application.

[Bottema arrived 11:58 a.m.]

2. **Project Review 2015-016 Brockton PUD, Plymouth.*** This is a 16-acre parcel located south and east of the Hamel Road and Brockton Lane intersection on the Plymouth/Medina border. The current land use is cropland with a small 0.6 acre farmstead. The applicant proposes to create 64 single-family residential lots and their required infrastructure. The original August 29 deadline was extended by Staff to October 28, 2015. Staff’s review and findings dated August 28, 2015, are included in the meeting packet. Staff requests conditional approval of this site plan pending final resolution of the ponding operation and maintenance requirements and the erosion control plans. Motion by Weir, second by Walraven to approve Staff’s request, with the further condition that the maintenance and deed recording be completed within 90 days of final plat approval. *Motion carried unanimously.*

3. **Project Review 2015-025 OP3 Outdoor Storage, Rogers.*** This ~2.5-acre vacant industrial site, located between I-94 and Industrial Boulevard, is proposed to be developed into a paved outdoor storage facility. About 0.9 acres of existing impervious area from the east adjacent lot will be added to the proposed new 1.9 acres of impervious surface. A stormwater pond is proposed on the west side of the parcel. The application received on August 14, 2015 was incomplete. A meeting was held with the engineer on August 25. Revisions were submitted on August 28.

The applicant contends that the Commission’s volume abstraction requirement cannot be satisfied due to existing field conditions. Those claims were verified by the submitted soil borings report and the field topography. Based on those arguments, all the options outlined in the Commission’s rules for infiltration, bio-infiltration, iron-enhanced filters, and irrigation were deemed to be infeasible. Rate control and nutrient control requirements have been met.

In their September 3, 2015 findings, Staff recommended approval with the three contingencies listed plus a further condition that the maintenance and deed recording be completed within 90 days of final plat approval. Motion by Trainor, second by Jullie to approve project with the four conditions. Motion carried, Champlin, Dayton and Medina voting nay.

4. Staff will work together to develop a process to **track receipt of recorded documents** associated with projects. It was agreed that the deadline to receive these documents should be within 90 days of final plat approval.

5. **Project Review Schedule.** Staff updated the recently revised schedule to include two line items for development/redevelopment with mapped floodplains on site, which were inadvertently omitted when the schedule was revised earlier this year. Commissioner Moore had questions regarding descriptions of and fees for linear projects. Staff will review and bring proposed language back to the Commission in October.

*in meeting packet

F. Watershed Management Plan.

1. An **amendment of Minnesota Rules, Chapter 8410** became effective on July 13, 2015. The original rules went into effect on August 1, 1992. It is the first time the original rules have been amended. The rules relate to water management in the seven-county metropolitan area. The rules affect watershed management organizations and their watershed management plans. The rules also affect local water plans for all cities and towns in the seven-county metropolitan area. Highlights* of the changes to the Rules as well as a copy of Chapter 8410* in its entirety were included in the meeting packet.

Section 8410.0140 dealing with Plan Amendments has been revised and is of the most immediate concern to the Commission. This amended rule specifies several changes to a Plan that do not require an amendment of the Plan. In addition, the minor amendment procedure has been broadened so regular amendments will be needed less frequently. In the future electronic distribution of plan documents will be allowed.

Weiss' September 1, 2015 memo* outlines the revisions that will most impact the Elm Creek Commission and its member cities. He alerted the Commissioners to the rule that requires organizations to annually submit their quality-controlled and quality-assured monitoring data to the appropriate state agency.

2. **Third Generation Plan.** Diane Spector's September 8, 2015 memo* recapped Baines' and her meeting with the Metro Committee of the Board of Water and Soil Resources (BWSR) on September 3. They made a short presentation to the Committee regarding the Third Generation Plan and answered questions from the members. They also discussed making some changes to the Plan prior to it going to the full BWSR board for approval on September 23. While the Third Generation Plan was developed in anticipation of the 8410 revisions, they discussed one change in particular to be made prior to adopting the final Plan – allowing projects to be added to the CIP by minor plan amendment rather than by major plan amendment, as long as the County agrees. Spector spoke with Randy Anhorn as to whether the County was likely to have an objection to proceeding by minor amendment, and his reply was that the County has the same review procedure regardless, so it shouldn't be an issue.

The proposed Third Generation Plan would require some modification to the Plan amendment section to adopt this new provision, removing some language that specifies that certain types of modifications to the CIP could be minor amendments and adopting the process in 8410. Jim Haertel from BWSR advised that if the Commission approves this action the revised language could be incorporated into the final Plan that is reviewed and approved by the BWSR Board.

Motion by Weir, second by Walraven directing Staff to incorporate the revised language into the final Plan submitted to BWSR. *Motion carried unanimously.*

G. Elm Creek Watershed TMDL (WRAPS).

Brasch updated the Commissioners on the status of the MPCA and EPA reviews of the draft TMDL and WRAPS report. Comments on the TMDL were received from the MPCA on August 13. The next step for both documents is a 30-day informal review, followed by another official formal 30-day review. Cities and stakeholders will receive official notice at the appropriate time.

H. Education.

1. The **West Metro Water Alliance (WMWA)** met on September 8, 2015. Members discussed their experiences at the State Fair Eco Experience Blue Thumb display. Visitors were asked what environmental messages resonate with them. Scharenbroich noted that he was surprised how many folks still lack understanding of the things that can be done for clean water.

2. **Website.** A subcommittee continues to develop a separate website for WMWA. The hope is to get the site published in time for the roll out of the Special Project.

3. The **Guidebook for Commercial Properties*** was available at the meeting and is being distributed to the member cities.

*in meeting packet

4. The September issue of **Water Links** is available on the Hennepin County website at <http://www.hennepin.us/residents/environment/protecting-land-water#water-links>.

5. The Shingle Creek/West Mississippi Website, shinglecreek.org, is several years old and is being refreshed. A mock-up is anticipated to be available for viewing at their October meeting. If available, Diane Spector will be asked to present the draft site at an upcoming Elm Creek meeting as well.

6. The next **WMWA** meeting will be held at 8:30 a.m., Tuesday, October 13, 2015, at Plymouth City Hall.

I. Grant Opportunities.

Included in the meeting packet was a copy of an August 31, 2015 letter* from the Commission to the Lessard Sams Heritage Council. The letter was requested by the City of Champlin in support of their **Mill Pond Deep Water Habitat/Fishery Restoration Project**.

J. New Business.

K. Old Business.

At the May meeting Weiss and Spector were asked to create a whitepaper **for calculating phosphorus reductions** to ensure a better understanding and uniformity in calculations. Weiss will review the Wayzata High School and Summer's Edge projects to cost-effectively create the methodology for applying the rules, and possibly amending the rules if necessary. Findings will be forwarded to the Technical Advisory Committee for review when they become available.

L. The following projects are also discussed in the September Staff Report.* ("W" denotes wetland project.)

1. 2012-021W Kreps Wetland Violation, Corcoran.
2. 2013-038 River Hills, Dayton.
3. 2013-040 Rush Creek Landing, Dayton.
4. 2013-041 Jomico, Corcoran.
5. 2013-046 Woods of Medina, Medina.
6. 2014-015 Rogers Drive Extension, Rogers.
7. 2014-016 Villas at Medina Country Club, Medina.
8. 2014-026 Woodland Hill Preserve, Medina.
9. 2014-027 The Reserve at Elm Creek, Champlin.
10. 2014-033 Kinghorn Industrial Park Spec Building, Rogers.
11. 2014-038 Sawgrass, Corcoran.
12. 2014-040W Sawgrass Wetland Replacement Plan, Corcoran.
13. 2014-041 Launch Park 2nd Addition (Lot 1, Block 1), Rogers.
14. 2015-001 Highway 47, Troy Lane School, Plymouth.
15. 2015-004 Kinghorn Outlet A, Rogers.
16. 2015-006 Veit Building and Parking Lot Addition, Rogers.
17. 2015-007 Parkway Preserve, Rogers.
18. 2015-009 ALDI, Medina.
19. 2015-011 French Lake Industrial Center, Dayton.
20. 2015-013 Wayzata High School, Plymouth.
21. 2015-017 The Pines at Blesi Farms, Dayton.
22. 2015-018W 14023 Strehler Road, Wetland Delineation, Corcoran.
23. 2015-020 Strehler Estates, Corcoran.
24. 2015-021 The Pines at Elm Creek, Plymouth.
25. 2015-022W Cartway Trail Wetland Delineation, Champlin.
26. 2015-023W Fehn Meadows, Corcoran.
27. 2015-024 City of Champlin Trail Connection.
28. 2015-026W Schawlbe Wetland Determination, Corcoran.
29. 2015-027 Park Place Storage Condominiums, Corcoran.

*in meeting packet

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M. Adjournment. There being no further business, motion by Walraven, second by Weir to adjourn. *Motion carried unanimously.* The meeting was adjourned at 1:13 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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*in meeting packet