

# elm creek

## Watershed Management Commission

---

ADMINISTRATIVE OFFICE  
3235 Fernbrook Lane  
Plymouth, MN 55447  
PH: 763.553.1144  
email: judie@jass.biz  
www.elmcreekwatershed.org

### Regular Meeting Minutes November 10, 2021

I. A virtual meeting of the Elm Creek Watershed Management Commission was called to order at 11:34 a.m., Wednesday, November 10, 2021, by Chair Doug Baines.

Present were: Ken Guenther, Corcoran; Doug Baines, Dayton; Joe Trainor, Maple Grove; Elizabeth Weir, Medina; Catherine Cesnik, Plymouth; and Amy Juntunen and Judie Anderson, JASS.

Not represented: Champlin and Rogers.

Also present: Heather Nelson, Champlin; Kevin Mattson, Corcoran; Derek Asche and Mark Lahtinen, Maple Grove; Amy Riegel and Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Ross Mullen, Ed Matthiesen, and Diane Spector, Stantec; James Kujawa, Surface Water Solutions; Rebecca Carlson, Resilience Resources; Kris Guentzel and Kevin Ellis, Hennepin County Environmental Services (HCEE); Amy Timm, Three Rivers Park District (TRPD); Steve Christopher, Board of Water and Soil Resources (BWSR); Emily Castanias, Sambatek, for Project Review 2021-028; and Robert Belzer, Medina.

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

B. Motion by Weir, second by Guenther to approve the **Minutes\*** of the October 13, 2021, regular meeting. *Motion carried unanimously.*

C. Motion by Guenther, second by Weir to approve the **November Treasurer's Report, Claims\*** totaling \$39,536.73, **October Budget Extrapolation,\*** and **Stantec's October update\*** for technical services. *Motion carried unanimously.*

### II. Open Forum.

Belzer was present to discuss his concerns regarding the **Wild Meadows development**. He presented a PowerPoint, "Improving Water, Wildlife, and Community Health." He was encouraged to return with a concise statement of his request from the Commission.

### III. Action Items.

Included in the meeting packet was a memo from the City of Maple Grove requesting the Commission to contribute to the cost of undertaking a **Subwatershed Assessment for Rice Lake**. Total cost of this project is estimated at \$30,000, with a requested contribution from the Commission of \$7,500. Since the Commission's current Cost Share Policy allows for funding of SWAs that are identified as being in areas outside of the Municipal Urban Service Area (MUSA), this project would not be eligible for cost-share. Motion by Baines, second by Weir to refer the policy to the Technical Advisory Committee (TAC) to consider removing this qualification. *Motion carried unanimously.*

---

RULE D - STORMWATER MANAGEMENT  
RULE E - EROSION AND SEDIMENT CONTROL  
RULE F - FLOODPLAIN ALTERATION

RULE G - WETLAND ALTERATION  
RULE H - BRIDGE AND CULVERT CROSSINGS  
RULE I - BUFFERS

\*indicates enclosure

**CHAMPLIN - CORCORAN - DAYTON - MAPLE GROVE - MEDINA - PLYMOUTH - ROGERS**

**IV. Project Reviews.**

**A. 2021-028 Cubes at French Lake, Dayton.\*** This is four parcels totaling 71.62 acres located south of 117th Avenue and north of the intersection of 113th Avenue and CSAH 81. The project includes construction of a 996,960 SF industrial building with its associated parking and utility improvements. In addition, the project includes the construction of Dayton Parkway from CSAH 81 to 117th Avenue North. The project was reviewed for compliance with Rules D, E, G, and I. Initial review information was provided to the City and Applicant on August 23. Responses to Staff comments were received September 22, October 6, 13, 25 and 27. In their Findings dated October 28, 2021, Staff recommends approval of this project conditioned upon, (1) A stormwater system operation and maintenance agreement being approved by the Commission and the City of Dayton and recorded on the land title within 90 days after the final plat approvals. A copy of the recorded agreement must be provided to the Commission prior to the Commission’s final approval, (2) Prior to impacts, wetland and wetland buffer strips must comply with the City of Dayton, Minnesota Wetland Conservation Act, and Commission rules, (3) Permanent easements on wetland and buffer areas, and (4) Final escrow balance determination when final approval is granted (without remaining conditions). Motion by Weir, second by Trainor to approve Staff’s recommendations. *Motion carried unanimously.*

**B. 2021-029 TriCare Grocery/Retail, Maple Grove.\*** The project will construct a grocery store, retail, and associated parking on approximately 2.5 acres of the 62.7-acre TriCare parcel, which is located just north of County Road 30 and southwest of I-94. The project was reviewed for compliance with Rules D and E. Staff issued a denial in 2016 when the regional stormwater BMP project was constructed. In their findings dated November 1, 2021, Staff recommends approval contingent upon reconciliation of the escrow balance and the City reconstructing the basin to meet Commission rules and standards. The City is planning to reconstruct the bio-infiltration basin in 2022. This approval will expire on August 31, 2023. Motion by Weir, second by Guenther to approve Staff’s recommendations. *Motion carried unanimously.*

**C. Cook Lake Edgewater, Corcoran/Maple Grove.\*** This application is for a 28.4-acre development just north of Bass Lake Road, on both sides of the Corcoran-Maple Grove municipal boundary. The development includes 60 single-family homes in Maple Grove, 12 single family homes in Corcoran, and senior care and memory centers in Corcoran. The project was reviewed for compliance with Rules D, E, G, and I. Staff completed their review and recommends approval contingent on items listed in the Staff findings dated October 27, 2021: (1) payment of all review fees. Additional payment may be required if the review cost exceeds escrow payment(s) submitted by the applicant; (2) providing wetland buffers monumentation locations; (3) providing the agreed rate control as required by the Commission and/or the City; and (4) TEP approval of the Wetland Mitigation Plan and approval of all on-site wetland impacts by the TEP prior to impacts. The applicant requested permission to begin grading prior to the meeting. Motion by Guenther, second by Trainor to approve Staff’s recommendations. *Motion carried unanimously.*

**D. 2021-032 Dayton Park Industrial Center, Dayton.\*** This project will include up to 600,000 SF of industrial floor space and 300 vehicle parking areas on 50.8 acres in southwest Dayton. The review was of an Environmental Assessment Worksheet. Included in this month’s packet are the Response to Comments, Findings of Fact, and Record of Decision for this project. No action is required.

**V. Old Business.**

Staff updated the Commissioners on the status of holding virtual v. in-person meetings. While effects of the pandemic are still occurring, virtual meetings can continue to be scheduled as long as a hybrid version (in-person with some members attending virtually) is not implemented.

---

RULE D - STORMWATER MANAGEMENT  
RULE E - EROSION AND SEDIMENT CONTROL  
RULE F - FLOODPLAIN ALTERATION

RULE G - WETLAND ALTERATION  
RULE H - BRIDGE AND CULVERT CROSSINGS  
RULE I - BUFFERS

\*indicates enclosure

**VI. New Business.**

**VII. Communications.**

**A. September 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 5 of these minutes are discussed in this month’s report.

**B. Hennepin County Staff Report.\***

**1. Request for Engineering Services.** Hennepin County met with Stantec to create a scope of work for developing and approving plans for manure bunker construction. Hennepin County will provide AutoCAD files for a three-bay bunker system that Stantec will edit into a roofed, two-bunker system that can be placed in any direction or orientation without concern of wind-loads. This will allow Hennepin County to better meet landowner needs and utilize the practice more effectively in projects throughout the watershed. This work has been included in an amendment\* to the County’s Services Agreement with the Commission and, along with a Project Understanding\* from Stantec, is included in November meeting packet materials.

**2. Rush Creek Projects.**

**a. Jubert Lake Area Agricultural BMPs.** These projects are on multiple parcels west of Jubert Lake. Design and implementation are being funded through a partnership with the Commission, Hennepin County, the State of Minnesota through a Rush Creek Clean Water Fund grant, and the landowners. Final plans for Phase 1A BMPs were completed by EOR and returned to the County. Wetland delineation was also completed. The WCA application requires landowner signature before it is submitted. Construction is projected to begin in Spring 2022. Phase 1 projects include 5 grassed waterways, 1 wetland expansion, and 1 creek stabilization.

**b. Rush Creek Landowner Outreach.** Postcards advertising BMP projects for crop farmers have been mailed out. To date, nine postcards have been returned. Site visits with landowners had identified several potential projects. Project proposals are being drafted.

County planning for an event such as an informational session or webinar is underway and will most likely occur over the winter. The County may also start a field day or live stream series in Spring 2022.

**VIII. Education and Public Outreach.\***

The West Metro Water Alliance (WMWA) met on November 9, 2021. The Pet Waste and Water Softener flyer designs were reviewed. While design is good, there is too much text, requiring a smaller font size. Members will work on reducing extraneous text to increase the font size. The Chloride flyer text will be reviewed at the December meeting.

**IX. Grant Opportunities and Project Updates.**

**A.** A copy of the amended **2019 Watershed-based Funding Grant\*** was included in the meeting packet. The amendment extends the grant expiration date from December 31, 2021, to June 30, 2022. All other terms remain the same.

**B.** Stantec’s October 29, 2021, memo\* describes the **FY22 Watershed-based Implementation Funding Grant.** The Board of Water and Soil Resources (BWSR) biennially appropriates funding for its WBIF

---

RULE D - STORMWATER MANAGEMENT  
RULE E - EROSION AND SEDIMENT CONTROL  
RULE F – FLOODPLAIN ALTERATION

RULE G - WETLAND ALTERATION  
RULE H – BRIDGE AND CULVERT CROSSINGS  
RULE I – BUFFERS

\*indicates enclosure

program. This pot of funding from the Land and Legacy Amendment supplements the funding made available through the Clean Water Fund (CWF) Projects and Practices grants. While those are competitive grants for specific projects, the WBIF funding is allocated to targeted watersheds. The BWSR Board recently approved allocations of the fiscal year 2022 (FY22) funding, which will become available July 1, 2022.

Outside the Metro area, BWSR has been working with counties, Soil and Water Conservation Districts (SWCDs) and watershed districts to prepare comprehensive studies called One Watershed One Plans (1W1Ps). For Greater Minnesota watersheds that may be 1,000 square miles or more in area and encompass two or more counties, these 1W1Ps are attempts to plan collectively across counties, cities, and watershed districts. Following completion of their plans, these consortia of agencies can receive noncompetitive WBIF funding to jump start implementation.

In the Metro area, cities have been completing such plans (at a smaller scale) since the early 1980s. In 2018, BWSR realized the Metro partners were missing out on the opportunity for noncompetitive funding and allocated WBIF funding for Metro watersheds. In 2018 BWSR allocated funding to each of the seven Metro counties, and then asked the watersheds and cities in each county to develop their own method of deciding how to spend it. The eleven watersheds in Hennepin County elected to allocate 10% of the funds to the Hennepin County Chloride Initiative and to allocate the rest to the watersheds based on their size and tax capacity. Elm Creek received \$134,486 and elected to use those funds for Phase IV of the Elm Creek Stream Restoration Project in Champlin. In 2020, BWSR allocated funds in a different way. Instead of allocating to counties, the funding was allocated to basins. Elm Creek is in the Metro-Mississippi Twin Cities West basin. That group chose to use a competitive process and requested the watersheds and cities in the basin to submit grant requests for specific projects. Elm Creek was awarded \$281,996 for Phase V of the Elm Creek Stream Restoration Project in Champlin.

Having had two different allocation processes in as many biennia, BWSR held Listening Sessions to take feedback and help in making the decision on how to allocate FY22 funds. On October 27, 2021, the BWSR Board approved an allocation process that would allocate funds to Metro watersheds with “a \$75,000 minimum per watershed planning area inside of the Metro, and a distribution of funds based on a weighting of 90% private land and 10% on public waters to all eligible areas.” Staff are in contact with BWSR staff to learn more about that method, timing, funding availability, etc. It does look like project requirements include a minimum 10% match, that they must be load reduction practices, and could be structural or non-structural. The Elm Creek WMO has been awarded \$297,774.

**C. Conservation Corps.** Following passage of the Clean Water, Land, and Legacy Amendment the Minnesota Legislature directed BWSR to appropriate \$500,000 of the Clean Water Fund to be contracted for services with the Conservation Corps on an annual basis. BWSR contracts with the Corps to provide funded labor to cities, counties, soil and water conservation districts, metropolitan watershed management organizations, watershed districts, and joint powers organizations of those government units to undertake projects consistent with the Corps’ mission, BWSR grant policies and CWF goals. Funds are available for Corps crew labor on projects with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams and/or protecting groundwater and drinking water sources from degradation. There are no minimum match requirements, but applicants must itemize local financial contributions. Application deadline is December 15, 2021. <https://conservationcorps.org/partner/clean-water-funding/>

**D.** Spector announced that \$870,000 in **planning grants for stormwater, wastewater, and community resilience** are available from the MPCA. Deadline to apply is December 21, 2021. [Apply now:](#)

RULE D - STORMWATER MANAGEMENT

RULE E - EROSION AND SEDIMENT CONTROL

RULE F - FLOODPLAIN ALTERATION

RULE G - WETLAND ALTERATION

RULE H - BRIDGE AND CULVERT CROSSINGS

RULE I - BUFFERS

\*indicates enclosure

**CHAMPLIN - CORCORAN - DAYTON - MAPLE GROVE - MEDINA - PLYMOUTH - ROGERS**

**elm creek Watershed Management Commission**

Regular Meeting Minutes – November 10, 2021

Page 5

[Planning grants for stormwater, wastewater, and community resilience | Minnesota Pollution Control Agency \(state.mn.us\)](#)

**X. Other Business.**

**A.** Due to rising postage rates and slower delivery services Staff is requesting anyone who currently receives their **meeting packet** by surface mail to consider downloading their packets from the Commission’s website.

**B.** As follow-up to the Open Forum discussion, Weir queried whether there was a way for the Commission to **partner with cities regarding HOA compliance** with Operation and Maintenance of Stormwater Infrastructure rules and statutes. She stated that most HOAs have no understanding of their responsibility for maintaining stormwater infrastructure. She questioned how the Commission might work with cities to educate HOAs on this matter.

**XI. Adjournment.** There being no further business, motion by Weir, second by Guenther to adjourn. *Motion carried unanimously.* The meeting was adjourned at 1:34 p.m.

Respectfully submitted,



Judie A. Anderson  
Recording Secretary

JAA:tim

Z:\Elm Creek\Meetings\Meetings 2021\November 10, 2021 Regular meeting minutes.docx

Item No.	A	E	I RPFI		AR	Project No.	Project Name
			RP	DD			
						W=wetland project	
					AR	2014-015	Rogers Drive Extension, Rogers.
					AR	2015-030	Kiddiegarten Child Care Center, Maple Grove.
					AR	2016-005W	Ravinia Wetland Bank Plan, Corcoran.
					AR	2017-014	Laurel Creek, Rogers.
					AR	2017-029	Brayburn Trails, Dayton.
						2017-050W	Ernie Mayers Wetland/floodplain violation, Corcoran.
						2018-020	North 101 Storage, Rogers.
					AR	2018-046	Graco, Rogers.
					AR	2018-048	Faithbrook Church Phase 2, Dayton.
					AR	2019-002	Parkside Villas, Champlin.
					AR	2019-021	Brenly Meadows, Rogers.
					AR	2019-026	Interstate Power Systems, Rogers.
					AR	2019-027	Havenwood at Maple Grove.
					AR	2019-032	OSI Expansion, Medina.
					AR	2020-001	Outlot L, Markets at Rush Creek, Maple Grove.
					AR	2020-008	Ione Gardens, Dayton.
					AR	2020-009	Stetler Barn, Medina.
					AR	2020-017	Meadow View Townhomes, Medina.
					AR	2020-023	Ziegler Dayton Site Upgrades, Dayton.
					AR	2020-025	Paulsen Farms, Corcoran.

RULE D - STORMWATER MANAGEMENT  
 RULE E - EROSION AND SEDIMENT CONTROL  
 RULE F - FLOODPLAIN ALTERATION

RULE G - WETLAND ALTERATION  
 RULE H - BRIDGE AND CULVERT CROSSINGS  
 RULE I - BUFFERS

\*indicates enclosure

**CHAMPLIN - CORCORAN - DAYTON - MAPLE GROVE - MEDINA - PLYMOUTH - ROGERS**

**elm creek Watershed Management Commission**

Regular Meeting Minutes – November 10, 2021

Page 6

				AR	2020-027	Kariniemi Addition, Corcoran.
				AR	2020-032	Enclave Rogers - Commerce Boulevard, Rogers.
				AR	2020-033	Weston Woods, Medina.
				AR	2020-036	Balsam Pointe, Dayton.
				AR	2021-007	Birchwood 2nd Addition, Rogers
					2021-012	The Oaks at Bauer Farms, Champlin.
					2021-013	Rush Creek Reserve, Corcoran.
					2021-015	66th Avenue/Gleason Parkway, Corcoran.
					2021-016	Territorial Lofts, Rogers.
					2021-017	The Park Group Building, Rogers.
					2021-018	Tavera Phase 1, Corcoran
					2021-019	Kwik Trip Store 1157, Dayton.
					2021-020	Crew Carwash, Maple Grove.
					2021-021	Territorial Triangle, Dayton.
					2021-023	Maple Grove Medial Office Building (MOB).
					2021-024	River Walk, Dayton
					2021-025	Hackamore Road Reconstruction, Medina/Corcoran.
					2021-026	Prairie Creek Subdivision, Medina.
					2021-027	Xcel Energy Elm Creek Substation, Maple Grove
					2021-028	The Cubes at French Lake, Dayton
					2021-029	Tri-Care Grocery / Retail, Maple Grove
					2021-030	Tri-Care Grading and Roads, Maple Grove
					2021-031	Cook Lake Edgewater, Maple Grove
					2021-032	Dayton Park Industrial Center EAW, Dayton.
					2021-033	Weston Commons, Maple Grove
					2021-034	BAPS Hindu Temple, Medina.
					2021-035	Mister Car Wash - Rogers
					2021-036	D & D Service, Corcoran.
					2021-037	Marsh Point, Medina.
					2021-038	Bellwether 6th/Amberly, Corcoran.
					2021-039	1-94 Logistics Center, Rogers.
					2021-040	Napa Auto, Corcoran.
					2021-041	Carlson Ridge, Plymouth.
					2021-042	Risor Senior Living, Maple Grove
					2021-043	Northwood Community Church Maple Grove.
					2021-044	Balsam II Apartments, Dayton.
					2021-045	REO Plastics Phase 2 Addn ,Maple Grove
					2021-046	Len Busch Roses, Plymouth
					2021-047	CR10 Box Culvert Replacement, Corcoran

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

RULE D - STORMWATER MANAGEMENT  
RULE E - EROSION AND SEDIMENT CONTROL  
RULE F - FLOODPLAIN ALTERATION

RULE G - WETLAND ALTERATION  
RULE H - BRIDGE AND CULVERT CROSSINGS  
RULE I - BUFFERS

\*indicates enclosure

**CHAMPLIN - CORCORAN - DAYTON - MAPLE GROVE - MEDINA - PLYMOUTH - ROGERS**