November 7, 2018

Representatives
Elm Creek Watershed Management Commission
Hennepin County, MN

Dear Representatives:

A regular meeting of the Elm Creek Watershed Management Commission will be held on Wednesday, November 14, 2018, at 11:30 a.m. in the Mayor’s Conference Room at Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN.

The Technical Advisory Committee (TAC) will meet at 10:00 a.m., prior to the regular meeting to discuss two items:

1) Identify, prioritize, and undertake subwatershed assessments with possible assistance from the Commission
2) Use of wetlands for irrigation purposes.

TAC meeting materials can also be found on the Commission’s website.

Please email Tiffany at tiffany@jass.biz to confirm whether you or your Alternate will be attending the TAC and the regular meetings.

Thank you.

Regards,

Judie A. Anderson
Administrator
JAA:tim

Encls: Meeting Packet
cc: Alternates  HCEE  Jeff Weiss  BWSR
     TAC Members  TRPD  Diane Spector  DNR
     City Clerks  MPCA  Met Council  Official Newspaper
AGENDA
Technical Advisory Committee
and Regular Meetings
November 14, 2018

1. Call TAC meeting to Order.
   a. Approve agenda.*
   b. Approve Minutes of last TAC meeting.*

2. Identify, prioritize, undertake SWAs with possible assistance from the Commission
   b. SWA Cost Share Application.*
   c. Current Cost Share Policy.*

3. Use of wetlands for irrigation purposes.
   a. Using Wetlands as Irrigation Ponds.*
   b. Iron in Wetland Systems.*
      1) Treatment Wetlands.*
      2) Wetlands Mitsch and Gosselink.*

4. Ongoing Compliance Requirements for Buffer Law. – Barta.

5. Other Business.

6. Adjourn meeting of TAC.

1. Call Regular Meeting to Order.
   a. Approve Agenda.*

2. Consent Agenda.
   a. Minutes last Meeting.*
   b. Treasurer’s Report and Claims.**

3. Open Forum.
   a. Presentation – Plymouth Reach D.

4. Action Items.
   a. Project Reviews – see Status Report.*
   b. Closed Project Account Policy.*

*in meeting packet
**available at meeting
c. Fish Lake Alum Treatment RFP.**

  
  d. Fish Lake SWA – Cooperative Agreement.*

  
  e. Opportunity Grant Application – Fish Lake Alum Treatment.*

  
  f. Local Plans.

  1) Maple Grove.*

  2) Plymouth.*

  3) Corcoran.

  
  g. BWSR Watershed-Based Funding Grant Agreement.*

  
  h. Hennepin County GIS User Agreement.*

5. Old Business.


7. Communications.

   a. Hennepin County Approves Levies.*

8. Education.

   a. WMWA Update.**

9. Grant Opportunities and Updates.

   a. FEMA Floodplain Mapping – see Staff Report.

   b. Diamond Lake SWA Grant Application – see Staff Report.

   c. North Fork Rush Creek SWA Implementation - see Staff Report.

10. Project Reviews – also see Staff Report.*

<table>
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<th>Project Reviews. (See Staff Report.*)</th>
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<td>j. AR 2017-014 Laurel Creek, Rogers.</td>
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<td>r. AR 2017-038 Bass Lake Estates, Corcoran.</td>
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<td>s. 2017-039 Rush Creek Apartments, Maple Grove.</td>
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*in meeting packet

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<td>Old Settlers Road Wetland Delineation, Corcoran.</td>
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<td>Janice Little Bridge Replacement, Corcoran.</td>
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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

11. Other Business.

Regular Meeting
MINUTES
October 10, 2018

I. A regular meeting of the Elm Creek Watershed Management Commission was called to order at 11:32 a.m., Wednesday, October 10, 2018, 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; Tom Anderson, Corcoran; Doug Baines, Dayton; Joe Trainor, Maple Grove; Elizabeth Weir, Medina; Fred Moore, Plymouth; 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.

Not represented: Rogers.

Also present: Todd Tuominen, Champlin; Kevin Mattson and Jon Bottema, Corcoran; Derek Asche, Mark Lahtinen, and Scott Mahar, Maple Grove; Catherine Cesnik and Ben Scharenbroich, Plymouth; Andrew Simmons and Kate Johnson, Rogers; and Justin Klabo, AEZS, for project review 2018-030 Pineview Meadows.

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

B. Motion by Moore, second by Trainor to approve the minutes* of the September 12, 2018, regular meeting and public hearing. Motion carried unanimously.

C. Motion by Walraven, second by Moore to approve the October Treasurer’s Report and Claims* totaling $111,567.42. Motion carried unanimously.

II. Open Forum.

A. Mattson reported the resignation of Sharon Meister as representative to the Commission from Corcoran. Tom Anderson is her alternate and will continue to attend meetings until Meister’s replacement has been appointed. Meister will continue as a WMWA educator.

B. Simmons introduced Kate Johnson. Johnson is a MPCA GreenCorps member being hosted by the City of Rogers. She will be working on chloride-reduction and green infrastructure projects for the City.

[Weir arrived 11:38 a.m.]

III. Action Items.

A. Project Review 2018-032 Encore Development, Corcoran.* This project is generally located west of Brockton Lane (Highway 101) and south of Steig Road, with a portion located north of Steig Road. It includes a combination of residential and commercial development on 226 acres, including 398 residential lots and 13 acres of commercial area. Plans were received on July 13, 2018. A wetland replacement plan for filling and mitigating 0.4263 acres of impacts was also submitted with the application.
A Technical Evaluation Panel held on August 23 found the replacement and mitigation proposed from the wetland replacement plan application to be consistent with the MN WCA chapter 8420 rules with the exception of using wetland 7 as a source of irrigation for the project. The applicant is requesting a no-loss certificate from the LGU for excavating an irrigation pond in Wetland 7. The TEP felt that using Wetland 7 for irrigation can, in effect, be considered drainage impacts to this wetland if not managed properly.

The TEP felt that updated hydrology modeling and management information providing a NWL on Wetland 7 at 928.25 would maintain the wetland’s normal water elevations and duration of saturation similar to the pre-existing conditions. In their findings dated October 3, 2018, Staff recommended approval pending (1) approval of the Encore Phase I site plan, (2) receipt of an escrow of $45,000 provided by the applicant for the LGU to use in case the wetland replacement banking and no-loss are not met per the approved conditions, and (3) maintenance of Wetland 7 normal water elevation at 928.25 or higher during the irrigation season. Motion by Weir, second by Walraven to approve Staff recommendations regarding the wetland issues related to this project. Motion carried unanimously.

In their findings dated October 9, 2018 Staff recommended approval of the project application pending (1) approval of the TEP recommendations (granted above), (2) submission of subsequent phases of the project for administrative review of erosion control plans and consistency with the overall stormwater management plan, and (3) approval of an Operations and Maintenance Plan to be recorded with the plat. Motion by Moore, second by Walraven to approve these recommendations with a further recommendation to the City that the water level of Wetland 7 be measured for a year of irrigation. Motion carried unanimously.

B. Project Review 2018-040 Rush Creek Commons, Phase II, Plymouth.* Plymouth is proposing to reconstruct approximately 1,600 feet of Brockton Lane, converting Brockton Lane from a rural roadway to an urban section with curb and gutter and storm sewer. The project will also construct a trail for approximately 1,300 feet on the south side of Bass Lake Road and will add curb and gutter for approximately 500 feet along a currently rural segment of Bass Lake Road. The project will disturb 3.8 acres The proposed project is a linear project that will create less than one acre of new impervious surface but is considered to be an extension of the adjacent Rush Creek Commons development and is, therefore, required to be reviewed by the Commission. Staff administratively granted grading permit approval to begin grading prior to the Commission taking formal action on the project at the applicant’s risk. Motion by Weir, second by Walraven to approve this project with no conditions per Staff’s findings dated October 4, 2018. Motion carried unanimously.

C. Project Review 2018-043 Beehive Homes, Maple Grove.* This is a 2.9 acre lot on Weaver Lake Road at W. Fish Lake Road (across from Medtronic). It is proposed to be developed into two single story senior housing buildings. Site plans were reviewed for conformance to the Commission rules D and E. In their October 2, 2018 findings, Staff recommends approval contingent on an approved stormwater system operation and maintenance plan being recorded on the property title or the City of Maple Grove accepting O&M plan responsibility. Motion by Weir, second by Walraven to approve Staff’s recommendations. Motion carried unanimously.

D. Project Review 2018-044 Open Systems Internal (OSI), Phase II, Medina.* OSI is proposing a new office building to be located on the company’s existing commercial/industrial property at the intersection of MN Highway 55 and Arrowhead Road. The project involves the construction of a new building and associated parking and landscaped areas as well as utilities to serve the building and site. It was reviewed
for compliance to Commission rules D, E, F, and I. In their findings dated October 9, 2018, Staff recommends approval contingent upon approval by the Commission of an O&M agreement to be recorded on the property title. Motion by Weir, second by Walraven to approve Staff’s recommendations. *Motion carried unanimously.*

E. **Project Review 2018-046 Graco Koch Center Expansion, Rogers.** This project is the expansion of an existing building. The site is located in an area that has regional ponding provided for rate control purposes, but does need to account for water quality and abstraction requirements on site prior to discharging offsite as part of the improvements. In their findings dated October 10, 2018, Staff recommended approval of this project subject to three conditions: (1) submittal of a SWPPP meeting MPCA and Commission standards; (2) clarification of maintenance responsibilities for the iron-enhanced sand filter, including recordation of documents if necessary; and (3) provision by the City of Rogers of the additional 3.55 lbs. of TP removal per year in a subsequent project, within a two-year time-line, with a letter from the City indicating acceptance of this responsibility. Motion by Weir, second by Trainor to approve Staff’s recommendations. *Motion carried unanimously.*

F. **Fish Lake Alum Treatment.** Three Rivers Park District is seeking approval from the Commission to pursue the formal bidding process (Request for Bids) for the second alum treatment on Fish Lake. Fish Lake has been meeting the MPCA water quality standards since the first alum treatment was completed in September 2017. Sediment samples collected in 2018 suggests that a second alum treatment at a similar dosage of 40 g Al/m² will be necessary in order to further increase alum effectiveness as well as continue to meet the state’s water quality standards for delisting from the Impaired Water’s list. The second alum treatment is proposed for the spring of 2019.

The initial estimated cost for two alum treatments was $300,000. The 2017 treatment cost $176,379. Since the cost of alum has been increasing, it is critical to get bid estimates early to determine whether additional funds are needed to complete the project. According to HAB Aquatics, last year’s contractor, based on current prices, the cost estimate for the second half (95,000 gal.) of the alum dose at Fish Lake for next spring is $195,000. Subsequent to the meeting, Vlach learned from HAB that the increase in price is related to increases in the prices of raw materials required to make alum and the price of freight. Aluminum and sulfuric acid are needed to manufacture alum. The US gets most of its aluminum from Russia and sulfuric acid from China. So, changes in the global economy and international trade agreements, including tariffs, are influencing pricing. In addition, there is an apparent national shortage of truck drivers, which also has influenced freight delivery costs.]

The project funding sources are a BWSR Clean Water Fund grant ($200,000), the City of Maple Grove and FLARA ($17,000), Three Rivers Park District ($8,000), and the Commission ($75,000). An application for a Hennepin County Opportunity Grant could be warranted to assist with the increased cost.

Motion by Trainor, second by Walraven to approve TRPD’s request to go out for bids, to seek partner sharing, and to make application for the Opportunity Grant. The Commission’s cost-share would not exceed 25%. *Motion carried unanimously.*

G. **Fish Lake Subwatershed Assessment, Maple Grove.** At last month’s meeting, the City of Maple Grove requested funding assistance from the Commission to complete a subwatershed assessment for Fish Lake. The SWA will consist of hydrologic and water quality models to verify existing watershed conditions for the lake. The Commission directed Staff to contact the City’s consultant, WSB & Associates, to determine final budget numbers for this project. Their response indicated $35,000 to be the final budget number, with the City funding $20,000 and the Commission funding $15,000. (The Commission’s Cost Share Policy calls for a 20% match by the city requesting the SWA.) Motion by Walraven, second by Moore to approve this request.
It was suggested that, at their next meeting, the members of the Technical Advisory Committee determine from the member cities what SWAs they would like to undertake in the coming few years.

IV. Old Business.

V. New Business.

VI. Watershed Management Plan.

A. Dayton. Included in the meeting packet was a copy of the City of Dayton’s September 26, 2018 responses* to the Metropolitan Council and the Commission’s comments on their Local Water Management Plan. Following their review* of the final draft plan, Staff recommends approval of Dayton’s Local Surface Water Management Plan as updated. Motion by Weir, second by Trainor to approve Dayton’s local plan. Motion carried unanimously.

B. Medina. Also included in the meeting packet was Staff’s letter* to the City of Medina stating that the Commission’s approval date of their Surface Water Management Plan was December 8, 2017.

C. The deadline for Commission review and approval of local plans is December 31, 2018.

VII. Water Quality.

VIII. Grant Opportunities and Updates.

A. FEMA Floodplain Mapping. Staff continues its collection and preparation of background data in GIS to use in the preparation of the hydrology and hydraulics modeling. Staff is also working on ensuring the models selected for use are working. Actual work products should start to become available soon.

B. Included in the meeting packet is a guide to the Hennepin County Natural Resources Grants.* Good Steward grants are awarded in the fall; the maximum available is $25,000 per project and a 25% match is required. Opportunity Grants are available at any time on a first-come, first-served basis. No match is required, and funding is available up to $100,000 per project.

C. Clean Water Fund Grants.

1. North Fork Rush Creek SWA Implementation: Staff applied for a Clean Water Fund grant from BWSR to implement the recently completely SWA. $142,110.00 was requested from the state, with a required match of $35,527.50. The Rural Conservationist will take the lead on recruiting and implementing projects if the grant is successful.

2. Diamond Creek SWA: Hennepin County added this as their recommendation for a SWA to the Metro Conservation District SWA grant and it was submitted. Staff expect to hear back on all BWSR grant proposals in early December 2018.

3. The City of Corcoran has requested that grant funding be sought for a South Fork Rush Creek Subwatershed Assessment. Last month it was decided not to include this project on the SWA request that Hennepin County sent in for the Metro Conservation District grant because no implementation has been done to date on the North Fork SWA.

D. BWSR Watershed-Based Funding.

1. Staff submitted the Elm Creek Work Plan to BWSR on October 3, 2018. The awarded amount is $134,486, with a total match of $450,000, and will be used for the Elm Creek Stream Restoration Phase IV project.
2. Scharenbroich will attend the Hennepin County Chloride Steering Committee meeting on October 11. The Committee will discuss tasks to be included in an RFP for services to facilitate focus groups of stakeholders to better understand training, information, and other needs and barriers.

IX. Education - West Metro Water Alliance (WMWA).

A. Subscribe to WaterLinks at westmetrowateralliance.org/contact.html. The October issue features autumn and winter-related content.

B. Education and Outreach Events. Educators are currently scheduling and making fall classroom visits. They currently have 39 sessions scheduled. A session may be one class or several classes at a school. Educators are also available to table at city and school events, contact Amy Juntunen at amy@jass.biz. Upcoming outreach events include a turf Alterative workshop in Golden Valley on October 16 (sold out) and Weaver Lake Science Night on November 8.

C. The group is updating and refreshing the popular Ten Things You Can Do brochure first developed in 2009. The cities in the four watersheds use this brochure extensively and it is part of the fourth-grade curriculum of Watershed PREP. In general, the text is being refreshed and condensed, and additional emphasis is being placed on water conservation, proper deicer use, and lawn turf alternatives. The back panel is being revised with the tag line Your Street, Your Shoreline, stressing that raindrops carry pollutants and trash to the nearest waterbody and emphasizing the importance of individual actions.

D. The next WMWA meeting is scheduled for 8:30 a.m., Tuesday, November 13, 2018, at Plymouth City Hall.

X. Communications.

A. Livestock Management Policy* approved at the August meeting.

B. Watershed Metrics Data Request* contains a listing of Commission activities in response to a request from Hennepin County.

XI. Other Business.

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

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. 2016-005W Ravinia Wetland Bank, Corcoran.
8. 2016-047 Hy-Vee Maple Grove #1, Maple Grove.
9. 2016-052 The Woods at Rush Creek, Maple Grove.
10. 2017-014 Laurel Creek, Rogers.
12. 2017-017 Mary Queen of Peace Catholic Church, Rogers.
14. 2017-021 Hindu Society of MN Staff Housing, Maple Grove.
15. 2017-029 Brayburn Trails, Dayton.
16. 2017-034 Plymouth Memory Care, Plymouth.
17. 2017-037 L-80 Lift Station MCES, Corcoran.
18. 2017-038 Bass Lake Estates, Corcoran.
19. 2017-039 Rush Creek Apartments, Maple Grove.
21. 2018-001 Rush Creek Commons, Maple Grove.
22. 2018-004 Rush Creek Restoration Project, Maple Grove.
23. 2018-005 Sundance Greens, Dayton.
24. 2018-007 Copper Creek of Nottingham, Maple Grove.
25. 2018-014 Refuge at Rush Creek (Fehn Meadows Second Addition), Corcoran.
27. 2018-020 North 101 Storage, Rogers.
28. 2018-021 113th Lane Extension & Brockton Lane/CSAH 101 Intersection, Rogers.
30. 2018-026 Windrose, Maple Grove.
31. 2018-027 CR 202 Elm Creek Bridge Replacement, Dayton.
32. 2018-028 Tricare Third Addition, Maple Grove.
33. 2018-032 Encore Development, Corcoran.
34. 2018-033 Cloquet Island Estates, Dayton.
35. 2018-034W NE Trunk Sanitary Sewer, Corcoran.
36. 2018-035 Edgewater East, Maple Grove.
37. 2018-037 Elm Creek Restoration Reach D, Plymouth.
40. 2018-040 Rush Creek Commons Phase II, Maple Grove.
41. 2018-041W Homestead Trail Wetland Delineation, Corcoran.
42. 2018-042 Olstrom Hills, Maple Grove.
43. 2018-043 Bee Hive Homes, Maple Grove.
44. 2018-044 OSI Phase II, Medina.
45. 2018-045 Weinard Ditch Cleaning, Corcoran.
46. 2018-046 Graco Expansion, Rogers.

B. **Adjournment.** There being no further business, the meeting was adjourned at 1:24 p.m.

Respectfully submitted,

Judie A. Anderson
Recording Secretary

Z:\Elm Creek\Meetings\Meetings 2018\10 Regular meeting minutes.docx
STAFF REPORT
November 7, 2018

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. 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 on the west side of Brockton Road and I-94. The proposed site will have two warehouse buildings with associated parking and loading facilities. In June 2015 the Commission approved this project with three conditions. Revisions have yet to meet the Commission’s approval conditions. This project was extended by the City of Rogers earlier this year. It will remain active on the Staff Report.

2016-005W Ravinia Wetland Replacement Plan, Corcoran. In December 2016 the Commission approved Staff’s findings and recommendations on this wetland replacement plan. Final wetland impacts are 1.22 acres. Wetland credits created on site will be 4.01 acres. Excess credits of 0.75 acres are proposed to be used on Lennar’s Laurel Creek development in Rogers (2017-014). All approval contingencies have been met and construction completed.. Vegetation planting and management took place throughout 2017. Barr Engineering will provide monitoring starting in 2018, 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. In November 2016 the Commission approved the project conditioned on: 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 wetland-related documentation if wetlands are present. Condition #1 required no action, so has been met. Condition #2 has been met for the current design; however, any future design modifications will require additional review. Conditions #3-6 remain outstanding and are expected to be addressed during final design. Staff has discussed the project with the City and been in contact with the project engineer to receive an update, but no new information has been provided.

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 Avenue for the purpose of constructing a grocery store, fuel station, convenience store and parking facilities. 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 1) receipt, approval, and recordation of an Operations and Maintenance Plan for the pond and the iron-enhanced
filtration system, 2) revisions for items relating to buffer requirements and erosion and sediment control as enumerated in the findings, and 3) 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. No new information has been received to date.

**2017-039 Rush Creek Apartments, Maple Grove.** This project is located in the southwest quadrant of the intersection of Bass Lake Road (CSAH 10) and Troy Lane (CSAH 101). The project area is 8.2 acres in size and includes two phases of construction. Phase I is 236 apartment units located on 6.0 acres; Phase II is a future 76-unit apartment building located on 2.2 acres in Outlot C of this development. The Commission will review this project for conformance to rules D, E and I. Findings with no recommendations dated November 15, 2017, were provided to the applicant and City. The applicant requested and was granted an extension of the deadline per MN statute 15.99 to December 31, 2018.

**2017-050W Ernie Mayers Wetland/floodplain violation, Corcoran.** A Technical Evaluation Panel (TEP) met onsite on December 11 to advise the Local Government Unit (the Commission) as to the extent of any violation and the development of a restoration order for any violation that has occurred on this site. An informational meeting with the TEP and applicant was held on January 30, 2018. Another TEP was held May 22, 2018, for the field investigation. In addition to the road work wetland filling, extensive ditching and drain tile installation was verified on site. All this work appears to be in violation of Commission permitting and WCA requirements. TEP findings were provided to all parties concerned. Mayers requested another TEP to provide additional information to the panel. The TEP meeting was held on July 20. Some revisions to the impacts were accepted by the TEP, but the TEP found the original violations to the WCA still existed. A restoration order was issued to Mayers giving him until September 15 to respond or restore the violation areas to their original conditions. *A request from Mayers’ attorney for an extension to November 1, 2018 has been granted by the DNR.*

*On October 30 an appeal to the restoration order was received by BWSR. At the same time an application for a No-Loss and Exemption Determination was received by the Elm Creek Commission. As of this update the Commission application is incomplete. An escrow of $1,000 and an official ECWMC application are required for it to be considered complete. The applicant and his attorney were notified of the incomplete application via email on November 6, 2018.*

**2018-004 Rush Creek Restoration Project, Maple Grove.** The City is proposing to restore 2,400 feet of Rush Creek just north of Territorial Road adjacent to the Enclave on Rush Creek development. This is within the Three River Parks corridor that was obtained when the development was platted and is being reviewed for compliance with the Commission’s grading and floodplain requirements. Staff has completed its review. This item was pulled from the agenda at the Commission’s June 2018 meeting due to concerns from a partner agency. No further progress or communication has occurred and this project will not be brought forward until the parties have reached agreement on proceeding. *Staff will be checking in with new City staff to determine how to best move this project forward.*

**2018-005 Sundance Greens, Dayton.** This site consists of seven parcels totaling 310 acres. Approximately half is the Sundance Golf course and the other half is agricultural land. The applicant is proposing a long-term, phased residential development with 665 residential units while maintaining a portion (9 of the 18 holes) of the golf course. Total new impervious area will be 71 acres. This review will cover Commission Rules D, F, and I. Only the Sundance Greens West (phase I grading) erosion and sediment control plans are being reviewed at this time for the Commission’s requirements for erosion control. Future phasing of the grading plans must be submitted separately for the Commission’s review for Rule E and consistency with other approvals from the Commission. The decision deadline per MN 15.99 was extended to December 9, 2018. In their findings dated October 3, 2018, Staff approved the grading and erosion control plans for Sundance West. No other action is requested at this time for the remainder of the site pending (1) receipt of final erosion control plans for each phase as it’s developed; (2) fulfillment of stormwater management requirements per item #11 of their findings; (3) receipt of wetland buffers plans meeting the Commission’s requirements; and (4) receipt of floodplain mitigation plans meeting Commission’s requirements. *No new information has been received as of this November 7 update.*

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

*Italics indicates new information*
2018-014 Refuge at Rush Creek (formerly Fehn Meadows 2nd Addition), Corcoran. The site is currently a 63-acre agricultural property located west of Cain Road on CR 117. The applicant proposes to subdivide the site into 14-residential lots. Public road and trail access will impact two wetland basins, totaling 16,537 SF of type 1 wetland impacts. Replacement at a 2:1 ratio in Bank Service Area (BSA) 7, Major Watershed 20 (Metro Mississippi), is proposed. The wetland replacement plan has been noticed per WCA requirements. The Commission approved this project with conditions at their August meeting: (1) Certification from MN BWSR that 0.7593 acres of wetland banking credits from account #1643 have been transferred for use on this site or an escrow of $90,000 is received from the applicant, (2) Preservation and buffer areas meet the Commission and City requirements for buffer and preservation, (3) $4,000 per acre escrow is secured by the ECWMC for buffer/preservation compliance and 5-year monitoring plan, and (4) operation and maintenance plans for stormwater ponds are approved by the Commission and City and recorded on the property title. No new information has been received as of this November 7 update.

2018-020 North 101 Storage, Rogers. This is an existing 3-acre lot in the northwest corner of Highway 101 and CR144. The current land use is a combination of mini-storage units and outdoor storage. The site is proposed for complete demolition and the construction of seven new mini-storage buildings. At their July meeting the Commission approved Staff findings dated July 9, 2018, pending four items relating to abstration requirements and the infiltration system. This project does not appear to be moving forward. If no additional information is received before the end of 2018, this item will be removed from the report. Staff will send the applicant an email with a timeframe of one year to provide the information required.

2018-021 113th Lane Extension/Brockton/101, Rogers. The City is proposing to extend 113th Lane to provide a second access to the proposed second phase of the Laurel Creek development. The proposed road will extend from Brockton Lane to the development entrance. It will include a 4-lane divided roadway; an off-road trail north of 113th Lane; and construction of an intersection meeting County turn-lane requirements. The project will create 2.13 acres of new impervious surface. The project was conditionally approved at the July Commission meeting. The conditions include submittal of signed final plans and finalization of the wetland mitigation plan. The project has been delayed until 2019, so submittals to meet the conditions have not yet been received.

2018-027 CR202 Bridge, Dayton. This is a replacement bridge on Elm Road in the Elm Creek Park Reserve. Staff has been working with the DNR and Hennepin County on the floodplain issues as they relate to the replacement. Staff review is for conformance with rules E and F. In their findings dated July 24, 2018, Staff recommended approval of this project subject to a number of minor plan revisions and receipt of the project review fee. Revisions to the plans were received on October 29 and Staff will issue approval after the plans are reviewed and they have confirmed that the changes have been made. The project review fee was also submitted.

2018-032 Encore Development, Corcoran. This project is generally located west of Brockton Lane (101) and south of Steig Road, with a portion located north of Steig Road. It includes a combination of residential and commercial development on 226 acres, including 398 lots and 13 acres of commercial area. Plans were received on July 13, 2018. A wetland replacement plan for filling and mitigating 0.4263 acres of impacts was also submitted with the application.

Wetland Issues. A Technical Evaluation Panel held on August 23 found the replacement and mitigation proposed from the wetland replacement plan application to be consistent with the MN WCA chapter 8420 rules with the exception of using wetland 7 as a source of irrigation for the project. The applicant is requesting a no-loss certificate from the LGU for excavating an irrigation pond in wetland 7. The TEP felt that using wetland 7 for irrigation can, in effect, be considered drainage impacts to this wetland if not managed properly.

The TEP felt that updated hydrology modeling and management information providing a NWL on wetland 7 at 928.25 would maintain the wetland's normal water elevations and duration of saturation similar to the pre-existing conditions. The Commission approved Staff's findings and recommendations dated October 3, 2018. Approval is conditioned upon (1) approval of the Encore Phase I site plan, (2) receipt of an escrow of $45,000 provided by the applicant for the LGU to use in case the wetland replacement banking and no-loss are not met per the approved conditions, and (3)
maintenance of Wetland 7 normal water elevation at 928.25 or higher during the irrigation season. An escrow of $45,000 has been received by the Administrator. A notice of wetland decision has been issued. This item will remain on the report until the wetland replacement banking credit transfer from BWSR has occurred.

2018-033 Cloquet Island Estates, Dayton. This is a proposal to develop approximately 77 acres of farmland near the intersection of North Diamond Lake Road and Dayton River Road. It will include the construction of 193 single-family homes and increase impervious area by approximately 24.4 acres. Stormwater will be managed through seven wet detention ponds, one filtration bench, and one new infiltration bench. The developer is continuing to work with the City on a revised site plan, and a summary of findings and recommendations will be provided after the revision is complete.

2018-035 Edgewater East, Maple Grove. This is a 43-lot residential subdivision located on approximately 27 acres. The project is located near the northwest corner of Bass Lake Road and Brockton Lane. An incomplete application was submitted on July 16, 2018. The applicant was notified that the application was considered incomplete on July 17, 2018. No new information has been received to date.

2018-037 Elm Creek Restoration Reach D, Plymouth. This project proposes to implement stream restoration along 3,850 feet of Elm Creek. Plans were received July 25, 2018. Staff has reviewed the plans and is approving the plans administratively with two items to be addressed to complete the approval. The outstanding administrative items have been addressed (namely submittal of the project fee). This item will be removed from the report.

2018-038 Vincent Woods, Rogers. This is a 19 acre parcel that was previously approved for eight apartment buildings by the Commission in 2015. The new site plans propose two apartment buildings with 4.25 acres of impervious areas. The project includes two stormwater ponds to provide water quality treatment and a filtration bench has been proposed in one of the ponds to meet the abstraction requirements which were not in place as of the last project approval. The Commission approved the project at their September 2018 meeting subject to the submittal of minor revisions. Staff is working with the applicant on these items. Staff approval to begin grading prior to final approval was also provided. Staff recently received revised revised information to review for conformance with the minor revisions requested.

2018-040 Rush Creek Commons, Phase II, Plymouth. Plymouth is proposing to reconstruct approximately 1,600 feet of Brockton Lane, converting it from a rural roadway to an urban section with curb and gutter and storm sewer. The project will also construct a trail for approximately 1,300 feet on the south side of Bass Lake Road and will add curb and gutter for approximately 500 feet along a currently rural segment of Bass Lake Road. The project will disturb 3.8 acres. The proposed project is a linear project that will create less than one acre of new impervious surface but is considered to be an extension of the adjacent Rush Creek Commons development and is, therefore, required to be reviewed by the Commission. Staff administratively granted grading permit approval to begin grading prior to the Commission taking formal action on the project at the applicant’s risk. This project was approved with no conditions at the Commission’s meeting in October and will be removed from the report.

2018-045 Weinard Ditch Cleaning, Corcoran. This is an existing ditch that has filled in over the years. The applicant is requesting permission to clean out the ditch to its previous elevators. Staff reviewed the site and aerial photos and will issue a no-loss determination to the applicant for this work.

2018-046 Graco Expansion, Rogers. This project is the expansion of an existing building. The site is located in an area that has regional ponding provided for rate control purposes, but does need to account for water quality and abstraction requirements on site prior to discharging offsite as part of the improvements. The Commission considered this project at their meeting in October and granted conditional approval. Conditions of approval were to submit a SWPPP plan meeting requirements, clarify maintenance responsibilities for the iron enhanced sand filter, and the City of Rogers to submit a letter stating their intentions to provide the water quality deficit in an upcoming project. This item will remain on the Staff report until such time as the water quality deficit has been made up.

2018-047W Old Settlers Road Wetland Delineation, Corcoran. This is an application for a wetland boundary/type determination on 35.32 acres. The property is located in the northwesterly most 35 acres, in PID 3411923110001, west of Old Settlers Road in Section 34, Township 119 North, Range 23 West. Staff reviewed the delineation report and
viewed the wetland boundaries in the field. The delineation was found to be accurate and will be noticed as approved after the public comment period to November 15 expires.

2018-048 Faithbrook Church, Phase 2, Dayton. This is an application for review of an expansion of an existing church located northeast of the intersection of Fernbrook Lane and Elm Creek Road. The proposed project expands upon work completed in 2016, and site improvements constructed at that time that did not account for future expansions. The expansion requires modifications to the existing stormwater facilities on the site. Staff is completing its review and will bring forward a recommendation to the Commission at its meeting if available.

2018-049 Pheasant Ridge 2nd Addition, Corcoran. This is an application for a wetland boundary/type determination on 137 acres in Section 3, T119N, R23W. The wetland delineation report by Anderson Engineering, dated July 13, 2018, was completed in accordance with the 1987 United States Army Corps of Engineers Wetland Delineation Manual and the published regional supplement to the Army Corps Wetland Delineation Manual, Midwest Region. As part of the delineation investigation, historic aerial photos were reviewed in the agricultural areas to identify potential farmed wetland areas. Fieldwork for this site investigation was completed between May 14-17, 2018, and July 13, 2018. Twenty-one areas meeting wetland criteria were field delineated within the identified project parcel. A final determination will be made after the comment period expires on November 16.

2018-050 Janice Little Bridge Replacement, Corcoran. A private driveway bridge over County Ditch 16 is washing out and proposed to be replaced by a culvert. Because it is a tributary to Elm Creek, Staff requested engineering and construction be done according to acceptable design techniques. Site plans and a design by an engineer to replace the bridge with a 42" RCP have been received and will be reviewed and approved by Commission staff.

11/6/18 Cease and Desist Order 9120 Train Haven Road, Corcoran. The DNR issued a cease and desist order for wetland drainage work being done on PIDs 1011923310008 and 1011923330003. The landowner appears to have replaced an existing drain tile but, in doing so, drained an adjacent wetland. Staff will meet with the landowner and look for voluntary compliance to restore the area to its original condition. The Commission will be provided an update at their meeting.

**Final Recordings are Due on the Following Projects:**

2013-046 Woods of Medina, Medina. In January 2015 the Commission approved this project with two conditions. This project remained active throughout this period with the final plat recently approved by the City. No significant changes were made to the original plans. The two conditions were 1) compliance to the WCA requirements and 2) final approval and recording of the O & M plans. The WCA condition has been met with only the O&M plan condition remaining.

2015-030 Kiddiegarden Child Care Center, Maple Grove. Approved December 9, 2015. If the City 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.

2016-002 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. In May 2016 the Commission granted Staff authority to administratively approve the project and report any updates. Updated plans with some minor layout revisions were reviewed by Staff and administratively approved on July 24, 2018, contingent upon the Operation and Maintenance Plan approval and recordings.

2016-052 The Woods at Rush Creek, Maple Grove. 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.

2017-014 Laurel Creek, Rogers. In June 2017 the Commission approved this project with four conditions. All contingency items have been provided with the exception of the O&M agreement which is being negotiated by the City as to whether the City or the HOA will be responsible for the operation and maintenance of the stormwater management facility. On August 31, 2017, Andrew Simmons responded that the O&M agreement is still being negotiated.
2017-016 Territorial Woods, Maple Grove. Approved at the September 13, 2017 Commission meeting contingent upon receipt of an O & M agreement meeting the Commission’s rules. The agreement was approved by the City and is in the process of being recorded.

2017-017 Mary Queen of Peace Catholic Church, Rogers. In June 2017 the Commission granted Staff approval authority pending satisfactory compliance with Staff’s findings. All items from the findings have been completed with the exception of the O&M agreement for the stormwater facilities. On June 7, 2018 Andrew Simmons reported that the Church is in the process of revising the stormwater management plan for the site to include water reuse instead of biofiltration pond. The Commission should receive a revised application in near future. There are also underlying utility easement issues with this project that are holding up the final recording of the plat against which to record the maintenance agreement.

2017-019 Medina Senior Community, Medina. This item was approved at the Commission’s September 2017 meeting subject to conditions. All of the conditions have been met with the submission of revised plans, with the exception of the final recordings of the O&M agreements and easements. On June 6, 2018, city staff reported that the applicant is anticipated to be recording documents and starting construction in the summer.

2017-021 Hindu Society of MN, Maple Grove. At their June 14, 2017 meeting, the Commission approved this project per Staff’s recommendations. All the recommendations have been met with the exception of the O&M plan agreements.

2017-029 Brayburn Trails, Dayton. At their August 2017 meeting the Commission approved Staff’s findings dated August 2, 2017 with five conditions. All of the conditions have been met with the submission of revised plans, with the exception of the final recordings of the O&M agreements and easements. On March 7, 2018, the City reported: final plat approval has not been granted, easements will be recorded as plats are approved. Ponds will be maintained by the City of Dayton. An agreement, and additional easement, will be required for a water re-use system within one of the ponds (between the City and HOA). This system is not part of the first addition – the timing of said improvements/agreement is unknown. Construction is expected to start in 2018.

2017-034 Plymouth Memory Care, Plymouth. This project was approved by the Commission at its September 2017 meeting subject to the receipt of an O&M agreement acceptable to the Commission. On June 7, 2018, city staff reported that the applicant is working with them to finalize the maintenance agreement.

2017-037 Corcoran L-80 Lift Station, Corcoran. Staff recommended the Commission approve this project contingent upon the project meeting the Commission wetland buffer requirements. This item was approved by the Executive Committee of the Commission in October 2017. Revised plans meet the Commission’s buffer requirements with the exception of the final easement recordings. On March 6, 2018, city staff informed the Commission that they are working with a land surveyor and will complete the recordings before construction is completed.

2017-038 Bass Lake Estates, Corcoran. At their March 14, 2018 meeting, the Commission approved Staff’s findings which recommended approval contingent upon the applicant recording the maintenance agreements and easements within 90 days of final plat recording.

2018-001 Rush Creek Commons, Maple Grove. Approved at the February 14, 2018 meeting contingent upon meeting the Commission’s operation and maintenance requirements on the stormwater facilities, i.e., all ponds and biofiltration basins must have drainage and utility easements and operation and maintenance agreements over them. These must be recorded on the property title and a copy of the recordings must be provided to the Commission within 90 days after final plat approval.

2018-018 Summers Edge Phase III, Plymouth. The Commission approved Staff’s recommendations at their June 13, 2018 meeting, subject to receipt of final easements over the wetland buffers within 90 days of final plating in a format acceptable to the Commission.

| 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 |

*Italic* indicates new information

*Indicates enclosure*
2018-026 Windrose, Maple Grove. The Commission approved Staff’s finding and recommendations dated July 20, 2018. Final plan approval is contingent upon verification of the wetland approvals by the City of Maple Grove and the approval and recording of the operation and maintenance plan on the filter basins.

2018-028 Tricare Third Addition, Maple Grove In their findings dated August 7, 2018, Staff recommended approval contingent on approval and recordation of the operations and maintenance plan on the filter basins. The Commission further recommended that the City of Maple Grove consider an oil/debris type of separator in the parking lot manhole.

2018-043 BeeHive Homes, Maple Grove. This project was approved by the Commission at their October meeting contingent on an approved stormwater system O&M plan being recorded on the property title or the City of Maple Grove accepting O&M plan responsibility.

2018-044 OSI Phase II, Medina. Staff findings dated October 9, 2018 were approved by Commission at their October meeting contingent upon receipt of an approved stormwater system operation and maintenance plan being recorded on the property title.

LOCAL PLANS

Corcoran Staff has received responses to its comments on the City’s Surface Water Management Plan. Staff will consider these responses, and provide a recommendation to the Commission at the meeting.

Dayton Surface Water Management Plan was approved by the Commission at their October 10, 2018 meeting.

Maple Grove Draft Surface Water Management Plan. Staff reviewed the City of Maple Grove’s Draft Surface Water Management Plan dated January 2018. Their comments were included in their letter to the City dated March 7, 2018. Staff reviewed the City’s response to their comments and issued a review letter on November 7.

Plymouth. Staff reviewed the City of Plymouth’s Surface Water Management Plan and issued a review letter on November 7.

FEMA FLOODPLAIN MAPPING

Elm Creek Floodplain Mapping: Staff is working on background mapping and data generation for the hydrologic modeling on the project at this time. Staff will share a few maps of the GIS information and effort at the meeting. Hydrologic modeling will begin in earnest in November.

CLEAN WATER FUND GRANTS

North Fork Rush Creek SWA Implementation: Staff applied for a Clean Water Fund grant from BWSR to implement the recently completely SWA. $142,110.00 was requested from the state, with a required match of $35,527.50. The Rural Conservationist will take the lead on recruiting and implementing projects if the grant is successful.

Diamond Creek SWA: Hennepin County added this as their recommendation for a SWA to the Metro Conservation District SWA grant and it was submitted. Staff expect to hear back on all BWSR grant proposals in early December 2018.
DRAFT

ELM CREEK WATERSHED MANAGEMENT COMMISSION
CAPITAL IMPROVEMENT PROGRAM CLOSED PROJECT ACCOUNT POLICY

I. PURPOSE

The Commission’s Capital Improvement Program (CIP) includes projects that are proposed to be funded by a County ad valorem tax levy on property in the watershed pursuant to Minn. Stat. §103B.251. Tax settlements from Hennepin County to the Commission for these projects are deposited in a construction account established for each such project. There will be times when tax settlements to the Commission exceed the costs incurred for CIP projects. The purpose of this policy is to establish procedures and guidelines for collection, accounting and use of these excess funds.

II. ESTABLISHMENT OF ACCOUNT

The Commission hereby establishes the CIP Closed Project Account (the “Account”). Upon completion of CIP projects funded in whole or in part by a County tax levy, reimbursement of Commission expenses and administrative charges, and final payment to the City with responsibility for construction of the project, the construction account for that project will be closed and remaining funds will be transferred to the Account. Interest earned on money in the Account will be credited to the Account.

III. USE OF THE CIP CLOSED PROJECT ACCOUNT

As a general guiding principle, the Account will be used for expenses incurred for other projects in the Commission’s CIP that are proposed to be funded with a County tax levy. Such expenses include:

A. The administrative and construction costs of CIP projects. Monies from the Account may be used to reduce or eliminate a tax levy for capital projects in the CIP by transferring monies to the construction accounts for those projects.

B. Reimbursement to the Commission’s General Fund of expenses or administrative fees incurred in connection with a project if the tax settlement for that project is not sufficient to cover such expenses.

C. Reimbursement to cities that construct projects for administrative or construction costs if tax settlements received from the County are not sufficient
to cover such costs. These costs might include cost overruns on projects, change orders, corrective follow-up work or repairs, or other unforeseen project costs.

D. In order to minimize the occurrence of insufficient tax settlements received from the County, beginning with the 2019 levy (payable 2020):

1. Five percent (5%) will be added to the project cost for Commission administrative and other expenses. *(Example: $100,00 project x 105.0% = $105,000)*

2. The Commission will certify 101 percent (101%) of the total project cost to cover levy short falls. *(Example: $105,000 project x 101.0% = $106,050)*

IV. PROCEDURE FOR USE OF ACCOUNTS

The Account may be used for any lawful purpose upon a majority vote of the Commissioners present at any meeting at which a quorum of the Commission is present.

V. TARGET ACCOUNT BALANCE

The Commission does not intend to accumulate unreasonable balances in the Account. Because the Account could be used to fund projects in advance of receipt of tax settlement from the County, and because projects in the CIP could reasonably be expected to have total costs, or annual project costs, of approximately $100,000, the Commission finds that an accumulation of up to $100,000 is reasonable. Money will not be accumulated to an amount in excess of $100,000 unless a specific use for such funds has been identified. The Account balances may be kept within this amount by expending funds for any of the purposes identified in this policy.

VI. PERIODIC REVIEW

Each year the Commission will consider the status of the Account prior to certification to Hennepin County of requests for tax levies for capital projects.
COOPERATIVE AGREEMENT  
(Fish Lake Subwatershed Assessment)  

This Cooperative Agreement (“Agreement”) is made as of this fourteenth day of November, 2018 by and between the Elm Creek Watershed Management Commission, a joint powers watershed management organization (“Commission”), and the City of Maple Grove, a Minnesota municipal corporation (“City”). The Commission and the City may hereinafter be referred to individually as a “party” or collectively as the “parties.”  

RECITALS  

A. The parties desire to complete a subwatershed assessment of the Fish Lake area subwatershed as indicated in the map attached hereto as page 2 of Exhibit A to help establish the present status of water quality within the Fish Lake Watershed within the City, which will help identify how to best meet the required TMDL reduction and other water quality goals with new BMPs and/or BMP retrofits (collectively, the “Assessment”);  

B. Conducting subwatershed assessments is within the scope of the Third Generation Watershed Management Plan adopted by the Commission on the fourteenth day of October, 2015;  

C. The subwatershed to be examined as part of the Assessment is located within the City and the City desires to complete the Assessment as it will benefit the City and its residents;  

D. The City desires to conduct the Assessment using WSB & Associates, its consulting engineering firm (“Consultant”);  

E. The total estimated cost of the Assessment is $35,000.00, and  

F. The Commission is willing to reimburse up to $15,000 of the costs incurred by the City to conduct the Assessment as provided in this Agreement;  

AGREEMENT  

In consideration of the mutual promises and covenants contained herein, the parties hereby agree as follows:  

1. Conducting and Managing the Assessment. The City shall be responsible for entering into such contracts with the Consultant and for performing such work as may be needed to complete the Assessment. The City will require the Consultant to name the Commission as an additional insured on all liability policies required by the City of the Consultant and the Commission shall be given the same notification of cancellation or non-renewal as is given to the City. The City will require the Consultant to defend, indemnify, protect, and hold harmless the Commission and the City, their agents, officers, and employees, from all claims or actions arising from negligent acts, errors or omissions of the Consultant in conducting the Assessment. The City
will supervise the work of the Consultant to ensure the resulting Assessment complies with the terms and conditions of this Agreement. However, the Commission may observe and review the work of the Assessment until it is completed. The Commission is not contracting with the Consultant and shall have no direct responsibilities toward completing the Assessment, other than to answer any technical questions the City or Consultant may have in conducting the Assessment.

2. **Assessment Contents.** The Assessment shall consist of completing hydrologic and water quality models to verify the existing watershed conditions for Fish Lake in Maple Grove and, at a minimum, include identification as part of the final report of the four items listed on page 1 of Exhibit A.

3. **Assessment Costs and Reimbursement.** The City shall be responsible for paying the Consultant for conducting the Assessment and shall keep and maintain complete records of such costs incurred. The Commission agrees to reimburse the City a maximum of $15,000 of the costs the City pays the Consultant to conduct the Assessment. The Commission’s reimbursement shall not exceed the actual Consultant costs incurred by the City for the Assessment. The City shall submit a written request for reimbursement to the Commission together with the Consultant’s billing statements showing the costs incurred to conduct the Assessment. The Commission shall pay the reimbursement request within 60 days of receipt. The Commission shall have no direct financial responsibility to the Consultant for the work it performs. City staff time and material costs are not eligible for reimbursement under this Agreement.

4. **Models.** The City agrees to require in the contract it enters into with the Consultant to grant the Commission the right to use any models or other information developed as part of the Assessment for its own purposes. The City shall promptly provide the Commission with any such models and other information generated from the Assessment.

5. **Audit.** All City books, records, documents, and accounting procedures related to the Assessment are subject to examination by the Commission.

6. **Data Practices.** The City shall retain and make available data related to the letting of contracts and the conducting of the Assessment in accordance with the Minnesota Government Data Practices Act.

7. **Term.** This Agreement shall be in effect as of the date first written above and shall terminate once the Assessment is completed and the Commission has completed its reimbursement payments to the City as provided herein.

8. **Entire Agreement.** This Agreement, including the recitals and the exhibits which are incorporated in and made part hereof, constitutes the entire understanding between the parties regarding the Assessment. No modifications to this Agreement shall be valid unless reduced to writing and signed by both parties.
IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers on behalf of the parties as of the day and date first above written.

ELM CREEK WATERSHED
MANAGEMENT COMMISSION

By: ________________________________
   Its Chair

And by: ________________________________
   Its Administrator

Date: ________________________________

CITY OF MAPLE GROVE

By: ________________________________
   Its Mayor

And by: ________________________________
   Its Manager

Date: ________________________________
EXHIBIT A

(attached hereto)
July 26, 2018

Elm Creek Watershed Management Commission
3235 Fernbrook Lane
Plymouth, MN 55447
763-553-1144

Cc: Judie Anderson; Watershed Administrator

Re: Proposal to Request Funding to Complete a Subwatershed Assessment for Fish Lake in Maple Grove

On behalf of the City of Maple Grove, this proposal is being provided to request assistance in funding to complete the Fish Lake Subwatershed Assessment.

The TMDL study for Fish Lake was completed in 2016 as part of the Elm Creek Watershed Commission watershed-wide TMDL and WRAPS reports. Since the completion of the study, progress has been made by completing an alum treatment, completing additional street sweeping, and other best management practices. Although the load reduction identified in the TMDL study is for internal loading, the proposed Fish Lake Subwatershed Assessment will help the City define activities for watershed load reductions to compliment the alum treatment. This will also include looking at opportunities for treatment upstream of Edward Lake.

The Subwatershed Assessment will consist of completing hydrologic and water quality models to verify the existing watershed conditions for Fish Lake. The following items will be identified as part of the Subwatershed Assessment final report:

- Areas discharging untreated stormwater to Fish Lake, as well as areas where treatment may be enhanced.
- Improvement options will be developed and evaluated to determine the amount of stormwater treatment benefit.
- Constructability analysis will be completed to ensure improvements provide a feasible/achievable solution.
- Cost-benefit analysis will be completed to help prioritize the projects that will provide the “best bang for the buck” based on initial cost, annual maintenance cost, and overall phosphorus removed annually.

The projected cost to complete the Fish Lake Subwatershed Assessment is $35,000. We are excited to work with you on this project. Please do not hesitate to contact Stephanie at 763-762-2828 with any questions.

Sincerely,

WSB & Associates, Inc.

Stephanie Hatten
Water Resources Engineer

Jake Newhall, PE
Project Manager

Attachments: Fish Lake Subwatershed Assessment Figure
Fish Lake Subwatershed Assessment
City of Maple Grove

Total Area = 1584 acres
Natural Resources “Opportunity” Grant Program

This Natural Resources “Opportunity” Grant Application Form is available at:

http://www.hennepin.us/residents/environment/natural-resources-funding
Guidelines for Submitting Natural Resource “Opportunity” Grants

Please email your application to Karen Galles at Karen.galles@hennepin.us or send to:

U.S. Postal Mailing Address:
Hennepin County
Environment and Energy
Attn: Karen Galles
701 Fourth Avenue South, Suite 700
Minneapolis, MN 55415-1842

Find out more at http://www.hennepin.us/residents/environment/natural-resources-funding

About the Natural Resources “Opportunity” Grant Program

In an effort to work with partners to preserve, establish and restore our natural resources, reduce erosion and protect and improve water quality, Hennepin County Environment and Energy Department has initiated the Natural Resources “Opportunity” Grant program. Through the Natural Resources “Opportunity” Grant program, Hennepin County provides funds to potential partners to implement projects that address an identified natural resource management problem or need and/or undertake assessments that directly lead to the identification siting of projects that meet common natural resource management goals.

Questions & technical assistance

Prospective applicants are encouraged to contact the project managers for assistance, including feedback on ideas, suggestions for activities, help with the application or any general questions and concerns.

Hennepin County Project Managers:

Karen Galles  612-348-2027  Karen.galles@hennepin.us
James Kujawa  612-348-7338  james.kujawa@hennepin.us
Tony Brough  612-348-4378  tony.brough@hennepin.us

Selection criteria

The Natural Resources “Opportunity” Grant review committee will evaluate the application based on the following criteria to determine if the project sufficiently meets the threshold for partial funding of the project, assessment and/or project grant application:

- The primary purpose of the proposed must address a natural resource problem or need including:
  - Improving water quality
  - Preserve, establish or restore the County’s natural resources (including critical habitats, natural resource corridors and greenways, and designated open spaces.
  - Reduce erosion and sedimentation
- Special consideration is given to applications that are able to leverage resources (e.g., Clean Water Land and Legacy Amendment funds (CWL&L) or other funding sources)
- The proposed meets the goals, objectives and strategies of the Hennepin County Environment and Energy Department Strategic Plan
- Severity of the natural resource problem or need:
- Relates directly to a TMDL impairment load reduction.
- Addresses loading to a water resource on the States 303d list of impaired waters
- Is identified as a priority in the potential partners plan(s) (i.e., watershed management plan, comprehensive plan CIPs, etc...).
- Demonstration projects/assessment that following completion may lead to future leverage of funds (identifies future projects that likely would leverage funds).
- Long-term sustainability
- Environmental importance and scientific feasibility:
  - For natural areas: lack of fragmentation, connectivity of important systems such as to regional parks, high quality natural systems.
  - Addresses a identified high quality natural resource (e.g., not-yet-impaired waters)
  - Aligns with priorities of county and local agencies (e.g., County’s natural resources strategic plan, municipal open space and natural resource plans).
- Need for county role
  - Project that include multiple jurisdictions and would benefit from higher level coordination.
  - Project unlikely to happen without county resources.
  - Project is on County property

All contracts recommended by the Hennepin County Environment and Energy Department are subject to approval by the Hennepin County Board of Commissioners.

Program guidelines and requirements

| ELIGIBILITY | • The project must be located in Hennepin County  
|             | • Eligible organizations include:  
|             |   – Local, State or regional governmental units.  
|             |   – Non-profit organization  
|             | • Landowners |

| FUNDING | Funding is available to share the costs with eligible applicants to implement water quality projects, to preserve, establish and restore urban, suburban and rural natural resources and to meet common natural resource management goals. Special consideration is given to applications that are able to leverage resources (e.g., Clean Water Land and Legacy Amendment funds (CWL&L)). |

| AWARD AMOUNT | Up to $100,000, per the discretion of the Natural Resources “Opportunity” Grant review committee and Hennepin County Administration. |

| TIMELINES | • *Natural Resources “Opportunity” Grant* requests are non-competitive and applications can be submitted year round, with funds being allocated on a first-come-first-serve basis.  
|           | • Each application is ranked against a set of criteria and must meet a minimal score in order to be funded.  
|           | • Funding reimbursement cannot occur before contract approval by Hennepin County.  
|           | • Semi-annual project progress/summary reports as determined through contract agreement |
Final report within 2 months after project completion.

**REPORTING REQUIREMENTS FOR AWARDED PROJECTS**

- Work plan and budget.
- Project design and specifications
- All invoices for consultant and/or contractor work.
- Approval of in-kind contributions prior to work.
- Certification that the project was installed according to the approved plans and specifications
- Operation and maintenance plans covering the life of the practice.

**ACCEPTABLE EXPENSES**

Grant funds may be used for materials, supplies, and labor.

**PROJECT AGREEMENT**

Each project recipient must formally enter into a project agreement with the county. The agreement will address the conditions of the award, including implementation of the project and a final report. The agreement is a legal, binding document. Project recipients are expected to keep accurate financial records of the project which includes documentation of all expenses.

**PAYMENTS**

Final payment will be provided after the final report is approved by the county project manager. Interim payments can be made on a project by project basis as documented in the project agreement. Interim payments will be based on documentation of expenditures and project stage of completion.

**Application Instructions**

**APPLICATION INSTRUCTIONS**

**The Application**

The Natural Resources “Opportunity” Grant application is to be used by local, state or regional governmental units, landowners, and other organizations to seek Natural Resources “Opportunity” Grant program funds from the County. Please complete all required sections of the application. Incomplete applications will not be considered for funding.

Part 1 of the application requests background information on the applicant, the project area, project type, and funding request. Part 2 of the application requests detailed information on the project, natural resources problem or need being addressed, scope of work, and project budget.

**Application Resources**

An overview of all Hennepin County Natural Resource funding opportunities, programs, guidelines, and applications can be found at [http://www.hennepin.us/residents/environment/natural-resources-funding](http://www.hennepin.us/residents/environment/natural-resources-funding)

Hennepin County Environment and Energy Department staff are available to provide clarification and answer questions regarding the funding program, process, and requirements.
# Part 1
Natural Resources “Opportunity” Grant Application

Place the cursor in the gray box at question 1, fill in the answer, and then use the F11 function key to navigate through the remaining questions in the application.

<table>
<thead>
<tr>
<th>1. PROJECT TITLE:</th>
<th>Fish Lake Alum Treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. APPLICANT NAME:</td>
<td>Elm Creek Watershed Management Commission</td>
</tr>
<tr>
<td>3. APPLICANT SIGNATORY: (The person whose name is listed here must sign Part 1 - Box 14 of this application)</td>
<td>Name: Brian Vlach</td>
</tr>
<tr>
<td></td>
<td>Title: Senior Manager of Water Resources for Three Rivers Park District</td>
</tr>
<tr>
<td></td>
<td>Telephone Number: 763-694-7846</td>
</tr>
<tr>
<td></td>
<td>Fax Number:</td>
</tr>
<tr>
<td></td>
<td>E-Mail Address: <a href="mailto:Brian.Vlach@threeriversparks.org">Brian.Vlach@threeriversparks.org</a></td>
</tr>
<tr>
<td></td>
<td>Mailing Address</td>
</tr>
<tr>
<td></td>
<td>Agency: Elm Creek Watershed Management Commission</td>
</tr>
<tr>
<td></td>
<td>Address: 3235 Fernbrook Lane</td>
</tr>
<tr>
<td></td>
<td>City: Plymouth State: MN Zip Code: 55447</td>
</tr>
<tr>
<td>4. PROJECT DURATION:</td>
<td>Estimated Start Date: 04/1/2019</td>
</tr>
<tr>
<td></td>
<td>Estimated Completion Date: 06/31/2019</td>
</tr>
<tr>
<td></td>
<td>PROJECT Length: 3 months</td>
</tr>
</tbody>
</table>
5. PROJECT TYPE:

- 1. Water quality project
- 2. Wetland Restoration
- 3. Habitat Restoration/Protection
- 4. Assessment Identifying Future Projects
- 5. Other:

6. FUNDING REQUEST: (Provide the amount of funding requested to complete your project.)

<table>
<thead>
<tr>
<th>Check for consistency with costs provided in Part 2, Question 2.</th>
<th>Project Amount:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total PROJECT Cost</td>
<td></td>
</tr>
<tr>
<td>1st Alum Treatment (Completed September 2017)</td>
<td>$176,379</td>
</tr>
<tr>
<td>2nd Alum Treatment (Spring of 2019)</td>
<td>$195,000</td>
</tr>
<tr>
<td>Total Project Cost</td>
<td>$371,379</td>
</tr>
<tr>
<td>Natural Resources “Opportunity” Grant Request</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

Other Match Funds in PROJECT
Identify secured source(s) of funds:
- Funding Source: BWSR Clean Water Fund
- Funding Source: Elm Creek Watershed Commission
- Funding Source: City of Maple Grove
- Funding Source: Three Rivers Park District

$200,000
$92,844.75
$19,403.29
$9,130.96

Describe the status of the matching funds: Match funding has been approved and secured. An amendment to the existing cooperative agreement needs to be completed.

7. APPLICATION CERTIFICATION:

I CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE INFORMATION IN THIS APPLICATION IS TRUE AND CORRECT AND THAT I AM THE LEGALLY AUTHORIZED SIGNATORY OR DESIGNEE FOR THE SUBMITTAL OF THIS INFORMATION ON BEHALF OF THE APPLICANT.

Printed Name

Signature

Title

Date
THIS CONCLUDES PART 1
Part 2
Natural Resources “Opportunity” Grant Program

This is the rated portion of the application with a total of 200 possible points. Each question identifies the proportion of available points. Applicants should provide clear and concise information and answers. The Scoring Guide (below each scored question) provides information on what reviewers will look for in a successful application.

EXECUTIVE SUMMARY  (0 points)

Summarize the overall project and associated water quality problem and how the project will address or solve the problem. (limit your answer to 250 words or less).

Fish Lake (MnDNR #27-0118) is located within the jurisdictional boundaries of the Elm Creek Watershed Management Commission (ECWMC). The lake has a surface area of 232 acres with a maximum depth of 62 feet and a percent littoral area of 32%. The lake was included on the MPCA’s 303(d) list as impaired for aquatic recreation due to excessive nutrients in 2008. Fish Lake was included in the Watershed Restoration and Protection Strategies (WRAPS) and Total Maximum Daily Load (TMDL) completed by the ECWMC in 2016/2017. The WRAPS/TMDL study identified internal loading as comprising 70% of the total phosphorus load affecting Fish Lake surface water quality and included a recommendation to treat the lake with alum to achieve the MPCA water quality standards. The goal of treating the lake with alum is to reduce the phosphorus load affecting the lake by at least 310 lbs./year, which will meet the load reductions identified in the WRAPS/TMDL report. The alum treatment will limit the internal load to the degree necessary to meet in-lake water quality standards over at least a 20-year period. The ECWMC, City of Maple Grove, and the Fish Lake Area Residents Association (FLARA) will continue their efforts to improve shoreline buffers around the lake as well as continue to improve general stormwater management practices to reduce the watershed pollutant load to the lake. The Fish Lake alum treatment project will be completed as a partnership between the ECWMC (grant applicant), TRPD (project lead), City of Maple Grove, and FLARA.

1. SCOPE OF WORK  (up to 50 points)

<table>
<thead>
<tr>
<th>Scoring Guide</th>
<th>Total 50 points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clear and concise project description</td>
<td>Up to 10 points</td>
</tr>
<tr>
<td>Clear description of project tasks</td>
<td>Up to 10 points</td>
</tr>
<tr>
<td>Project deliverables are clearly defined</td>
<td>Up to 10 points</td>
</tr>
<tr>
<td>Clearly defined timeline for the project</td>
<td>Up to 10 points</td>
</tr>
<tr>
<td>The purpose meets defined shared goals</td>
<td>Up to 10 points</td>
</tr>
</tbody>
</table>

Reviewers award points for a clear, complete, and well thought-out scope that directly address the natural resource management problem/need. The scope demonstrates an understanding of the work required to fully implement and complete the project.

Using the area below, please provide:
- A detailed scope of work for the project that includes clearly defined tasks, deliverables, timelines, and purpose.
  - Describe the intended results (what is the benefit?).
    - Be specific, clear and concise.
Fish Lake is an important water body located in the City of Maple Grove (Hennepin County) that is 232 acres in surface area with a maximum depth of 61 feet. The Elm Creek Watershed Commission (ECWC), Three Rivers Park District (TRPD), City of Maple Grove, and the Fish Lake Area Residents Association (FLARA) are proposing a joint project to control the internal phosphorus loading from anoxic sediment release within Fish Lake through the application of aluminum sulfate. The lake was included on the MPCA’s 303(d) list as impaired for aquatic recreation due to excessive nutrients in 2008. The ECWC completed a Watershed Restoration and Protection Strategy (WRAPS) and Total Maximum Daily Load (TMDL) study in 2016/2017 that identified the various sources of phosphorus loading impacting the water quality of Fish Lake. Water quality monitoring and modeling efforts from the WRAPS/TMDL study identified internal loading from lake bottom sediments as the dominant source of phosphorus loading to the lake. The WRAPS/TMDL report showed an internal phosphorus load of 1577 lbs./year, which represents 70% of the average annual total phosphorus load to the lake under existing conditions. Sediment cores were collected and analyzed (William James at the University of Wisconsin-Stout) from Fish Lake as part of the WRAPS/TMDL study to quantify the amount of phosphorus subject to release from lake sediments and the sediment phosphorus release rate characteristics of the system. This information was used to verify that the internal loads quantified in the modeling analysis were realistic and representative of the Fish Lake System. The sediment core analysis was also used to develop alum dosing options to reduce the internal load in order to meet the load reductions identified in the WRAPS/TMDL report that are necessary to meet MPCA water quality standards. Based on sediment analysis, it was proposed that an alum dosing rate of 80 grams Al/m² be applied in areas of the lake 20 feet or deeper, which translates to a liquid alum application rate of 1,583 gallons/acre of commercial grade alum over 120 acres of the lake surface (see below figure). While this dosing rate is at the lower end of the recommended range, we feel this is a prudent approach based on the funding available, the fact that the lake is very close to meeting water quality standards now, and that even the proposed dose should provide a reasonable margin of safety for achieving the long-term internal load reductions called for in the TMDL. The current scientific literature suggests that multiple smaller doses spread out over a period of years improve the effectiveness of an alum treatment compared to administering the alum in one large dose at a single time. Consequently, it was proposed to apply approximately half of the dose in the fall of 2017 and the other half in the spring of 2019. The first alum application was completed in September of 2017, in which half of the alum dosage (40 grams Al/m²) was applied (95,000 gallons of alum) to 120 acres of Fish Lake. After the first alum treatment application, TRPD collected sediment cores in 2018 to assess the phosphorus binding capacity of the alum as well as hypolimnetic total phosphorus concentrations to support the adaptive management approach outlined in the TMDL/WRAPS report. The Fish Lake water quality conditions in 2018 met the MPCA water quality standards the first year after initial alum treatment application. However, the sediment core analysis in 2018 confirmed that a second alum application at a similar dosage as the first treatment (40 grams Al/m²) will be necessary in order to continue to meet MPCA water quality standards for approximately 20 years. The second alum application is scheduled to occur in the spring of 2019. The goal of treating the lake with alum is to reduce the phosphorus load affecting the lake by at least 310 lbs./yr., which will meet the load reductions identified in the agency-approved WRAPS/TMDL reports. The in-lake water quality will be monitored bi-weekly to determine whether Fish Lake is meeting MPCA water quality standards as well as sediment samples will be periodically collected to monitor the alum binding capacity of phosphorus. The primary objective of the alum treatment will be to limit the internal load to the degree necessary to consistently meet ecoregion deep lake water quality standards for the removal of Fish Lake from the MPCA’s 303(d) impaired water’s list.
Part 2
Natural Resources “Opportunity” Grant Program

2. PROPOSED BUDGET  (up to 30 points)

<table>
<thead>
<tr>
<th>Scoring Guide</th>
<th>Total 30 points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete project budget is consistent with the scope of work and estimates are clear and reasonable.</td>
<td>Up to 5 points</td>
</tr>
<tr>
<td>Project attempts to leverage other resources.</td>
<td>Up to 15 points</td>
</tr>
<tr>
<td>The project budget represents a good value for the work and natural resource benefit achieved.</td>
<td>Up to 10 points</td>
</tr>
</tbody>
</table>

Reviewers award points to the cost-effective projects with accurate cost estimates. Points are awarded for a complete, reasonable budget that is consistent with the tasks described in the scope of work.

*Using the areas below, please provide:*
  - A budget for the project including total cost for the project broken down into tasks.
  - Identify the match sources.

<table>
<thead>
<tr>
<th>Proposed Project Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Task elements</strong></td>
</tr>
<tr>
<td>1. Mobilization/Demobilization (1st Alum Treatment)</td>
</tr>
<tr>
<td>2. Supply and Apply Alum to 120 acres (1st Alum Treatment)</td>
</tr>
<tr>
<td>3. Mobilization/Demobilization (2nd Alum Treatment)</td>
</tr>
<tr>
<td>4. Supply and Apply Alum to 120 acres (2nd Alum Treatment)</td>
</tr>
<tr>
<td>5.</td>
</tr>
<tr>
<td>6.</td>
</tr>
<tr>
<td><strong>Total costs needed to complete:</strong></td>
</tr>
</tbody>
</table>

In addition to the proposed budget above, Please provide the following information:

- **Total Project Cost**: $371,379
- **Natural Resources “Opportunity” Grant request**: $50,000

**Match sources:**
  - List other funding sources and amounts, including local cash matching funds. In-kind contributions are not eligible.
  - Funding Source: BWSR Clean Water Fund $200,000
  - Funding Source: Elm Creek Watershed Management Commission $92,844.75
  - Funding Source: City of Maple Grove $19,403.29
  - Funding Source: Three Rivers Park District $9,130.96

**Describe the status of matching funds:** Match funding has been approved and secured. An amendment to the existing cooperative agreement needs to be completed.
3. SEVERITY OF PROBLEM/NEED (up to 55 points)

<table>
<thead>
<tr>
<th>Scoring Guide</th>
<th>Total 55 points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severity of the problem/need is well documented.</td>
<td>Up to 15 points</td>
</tr>
<tr>
<td>Project will achieve substantial natural resources benefits.</td>
<td>Up to 20 points</td>
</tr>
<tr>
<td>Project success can be measured, and proposed methods to measure success are reasonable.</td>
<td>Up to 10 points</td>
</tr>
<tr>
<td>The project/assessment provides long-term sustainability of natural resources benefits (e.g., operation and maintenance, long-term follow-up, natural resources management), and/or identifies additional projects to address specific problems area(s).</td>
<td>Up to 10 points</td>
</tr>
</tbody>
</table>

Reviewers award points for addressing severe natural resource problems and needs, documentation of those problems and needs, and expected protection and/or improvements achieved by the proposed. Projects with measurable improvements receive more points than those with unclear or vague benefits. Reviewers will consider the actual benefit, the level of implementation, and the severity of the problem. Reviewers will consider only changes that can be achieved by the proposed scope of work.

Using the area below, please provide:

- A detailed description of the severity of the problem or need to be addressed by the project.
  - Include how the problem has been documented in a plan or assessment (e.g., TMDL, Capital Implementation Plan, presence on 303 (d) impairment list).
  - Describe how the problem will be addressed by the project and how success will be measured.

Fish Lake is a priority resource in the ECWMC’s approved 3rd generation watershed plan. The lake is considered the top priority water-based recreational resource in the watershed because of its excellent accessibility to the public and the wide range of recreational activities it supports. The lake is also a key feature of Fish Lake Regional Park, a 160-acre public park owned and operated by Three Rivers Park District. The park is located in the City of Maple Grove and is the only natural lake in the Elm Creek watershed that has a public swimming beach, fishing pier, and boat access. Other amenities include picnic areas, a pavilion, and numerous trails, all of which offer views of the lake. Unfortunately, the existing water quality conditions of Fish Lake has had an impact on the recreational use of this valuable resource. The lake has had frequent severe algal blooms that can persist throughout the majority of the summer and have not been very desirable for various water-based recreational activities that occur on the lake. The lake was listed as impaired for aquatic recreational use due to excessive nutrients by the MPCA in 2008. The ECWC completed a Watershed Restoration and Protection Strategy (WRAPS) and Total Maximum Daily Load (TMDL) study that identified the various sources of phosphorus loading impacting the water quality of Fish Lake. The WRAPS/TMDL document was approved by the MPCA and USEPA in 2016/2017. The WRAPS/TMDL study identified internal loading as comprising 70% of the total phosphorus load affecting Fish Lake surface water quality and included a recommendation to treat the lake with aluminum sulfate (alum) to achieve the MPCA water quality standards. As part of the WRAPS/TMDL study, sediment cores were collected and analyzed by William James.
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(University of Wisconsin-Stout) to determine the internal load attributed to sediment release as well as determine the appropriate alum dosage to reduce and minimize the source of internal loading. The goal of treating the lake with alum was to reduce the phosphorus load affecting the lake by at least 310 lbs./year, which will meet the load reductions identified in the WRAPS/TMDL report. The alum treatment will limit the internal load to the degree necessary to meet in-lake water quality standards. The ECWMC identified the Fish Lake Alum Treatment as a capital improvement project. The project proposed to apply approximately half of the dose in the fall of 2017 and the other half in the spring of 2019. The first alum application was completed in September of 2017. The Fish Lake water quality conditions in 2018 met the MPCA water quality standards the first year after initial alum treatment application. A second alum treatment will be necessary in order to continue to meet MPCA water quality standards for approximately 20 years. The second alum application is scheduled to occur in the spring of 2019. The success of using alum to reduce in-lake phosphorus concentrations and improve water clarity in Fish Lake will be measured by annual lake water quality monitoring executed by Three Rivers Park District for the Elm Creek Watershed Management Commission as part of the Commissions “sentinel lakes” monitoring program. Monitoring will be conducted bi-weekly during the growing season and will include data for both surface water quality (including phosphorus, chlorophyll-a, and water clarity) and hypolimnetic water quality (phosphorus). In addition, sediment samples will be periodically collected to monitor the alum binding capacity of phosphorus. The primary objective of the alum treatment will be to limit the internal load to the degree necessary to consistently meet ecoregion deep lake water quality standards for the removal of Fish Lake from the MPCA’s 303(d) impaired water’s list.

These water quality improvements will have long-term benefits for the aquatic ecosystem that will ultimately result in an increase in recreational use. Reduced phosphorus concentrations will result in less frequent and severe algae blooms and better water clarity, which will improve swimming conditions, fishing conditions, and aesthetic viewing activities. Lower nutrient concentrations should also decrease the potential for blue green algal blooms in the lake, which is expected to reduce the potential threat to human and animal health due to blue green algal-generated toxins. The improvements in-lake water clarity will be beneficial for native aquatic plant growth and enhance habitat for fish and other aquatic species. Increased water clarity should expand the depth to which rooted aquatic plants can grow (i.e. increase the effective littoral zone of the lake) which should also increase the resiliency of the system to the effect of periodic large runoff events anticipated in the future as climate change occurs. Fish Lake Regional Park receives hundreds of thousands of visitors each year, both from nearby residential areas as well as from other parts of the metro area and state of Minnesota. The number of summer season visitors exceeded 112,000 in 2013, in which over 30,000 of those visitors engaged directly in water-based recreation activities (swimming at the public beach, fishing, and/or boating). The improvements in Fish Lake water quality and benefits to the aquatic ecosystem would certainly become more of a premier destination for aquatic recreational use in the Twin Cities Metropolitan area.

It is anticipated that the alum treatment will control internal load for the next 20 years. In order to ensure the longevity and effectiveness of the alum treatment, the City of Maple Grove, the ECWMC, and the Fish Lake Area Residents Association (FLARA) are continuing their effort to improve shoreline buffers around the lake on private property as well as to improve general stormwater management practices. A major portion of the shoreline (1.6 miles (32%) of the 5.1 miles of Fish Lake shoreline) is owned by TRPD and is already in a natural condition. Further, the City of Maple Grove is incorporating stormwater pollutant load reductions into its street re-construction projects in the watershed and is examining use of high efficiency street sweepers to intensively clean streets in high priority areas to reduce the pollutant loading to the lake. These efforts will reduce watershed loading and increase the longevity/alum effectiveness toward improved water quality conditions.

4. PROJECT TEAM  (up to 10 points)

<table>
<thead>
<tr>
<th>Scoring Guide</th>
<th>Total 10 points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Team members’ roles and responsibilities are well defined and expected contributions to the</td>
<td>Up to 5 points</td>
</tr>
</tbody>
</table>
5. PROJECT DEVELOPMENT PROCESS/ LOCAL COMMITMENT  (up to 30 points)

<table>
<thead>
<tr>
<th>Scoring Guide</th>
<th>Total 30 Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>A comprehensive decision making process was used to arrive at the proposed project.</td>
<td>Up to 10 pts.</td>
</tr>
</tbody>
</table>
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| The level of local support and commitments from project partners is documented. | Up to 10 pts. |
| A collaborative process will be implemented to execute the project. | Up to 10 pts. |

Reviewers award points based on project development and implementation efforts and commitments from project partners. Provide documentation as appropriate.

Using the area below, please provide:
- Describe the decision making process used to select project (why was this project chosen over other solutions)
- List where the proposed project is identified as a priority by a local, State, or Federal unit of government that manages natural resources (e.g., state approved watershed management plan).
- Describe how you have involved and fostered local, regional, and statewide partnerships for the success of the project.

Fish Lake is considered a high priority lake within the ECWC approved 3rd generation watershed plan. The lake is considered the top priority water-based recreational resource in the watershed because of its excellent accessibility to the public and the wide range of recreational activities it supports. The lake has had a history of degraded water quality conditions that have resulted in severe algal blooms and was subsequently listed as impaired by the MPCA in 2008 for aquatic recreational use due to excessive nutrients. The sources of phosphorus loading contributing to the impaired water quality conditions were identified in the Elm Creek Watershed WRAPS/TMDL study that was approved by the MPCA/EPA in 2016/2017. The WRAPS/TMDL study recommended an aluminum sulfate application as the best management approach that was considered the most feasible and cost-effective option in achieving the state water quality standards. There were several factors that were taken into consideration in the WRAPS/TMDL study that supported and identified Fish Lake as an excellent candidate for an in-lake alum treatment. The WRAPS/TMDL study indicated that internal phosphorus loading from sediment release accounts for 70% of the total phosphorus load affecting Fish Lake surface water quality. The goal of treating the lake with alum was to reduce the phosphorus load affecting the lake by at least 310 lbs./year, which will meet the load reductions necessary to achieve the state water quality standards identified in the WRAPS/TMDL study. The estimated cost of the Fish Lake alum treatment proposed in this application is $371,379. Based on an annual phosphorus reduction of 310 lbs./year and an estimated 20-year alum treatment effectiveness, the cost of the treatment is less than $70/lbs. of phosphorus removed. These costs per pound of phosphorus removed are considerably low in comparison to the number and costs of projects that would need to be implemented in a watershed that only contributes a small portion of the overall phosphorus load to the lake. Fish Lake has a relatively small watershed with considerable stormwater treatment (76%) from ponds, rain gardens, and infiltration devices. The watershed also has a relatively low connected impervious surface cover (22%) that drains to the lake. The watershed itself is entirely developed (primarily residential uses) making significant cost-effective stormwater treatment difficult except perhaps as part of street reconstruction projects. Consequently, any efforts to implement best management practices in a fully developed watershed will likely cost high hundreds to thousands of dollars per pound of phosphorus removed. The City of Maple Grove is committed to integrating stormwater BMP’s as they progress with street re-construction in the watershed, but the likely impact of those improvements is fairly small compared to the load reduction needed to meet water quality goals. Consequently, any significant improvements to water quality in Fish Lake will be difficult to achieve without addressing internal phosphorus loading, and treating the lake with alum to reduce internal loading is the most feasible and cost-effective option to improve water quality.

The Fish Lake alum treatment project will be completed as a partnership between the ECWMC, TRPD, City of Maple Grove and FLARA. After the WRAPS/TMDL was completed, the ECWMC approved the project as a high priority Capital Improvement Project, which indicates strong support from all the representative cities within the Commission. This project has been incorporated into the Commission’s state-approved watershed management plan. The City of
Maple Grove, FLARA, and Three Rivers Park District have also provided financial support to the project. These three organizations are providing a combined local cost-share of $121,379 to implement the project. The project has also received state financial support of $200,000 from the Board of Waters and Soil Resources (BWSR) Clean Water Legacy Fund. The project meets the criteria of being considered a high level/priority with the MPCA because the project will meet the state water quality standards when it is completed. The MPCA has issued a permit for the project in March of 2017. Three Rivers Park District has taken the lead to execute the project. The first alum treatment (95,000 gallons applied to 120 acres) in Fish Lake (half of the alum dosage) was completed in September of 2017. The Fish Lake water quality conditions in 2018 met the MPCA water quality standards the first year after initial alum treatment application. The request for additional financial support for the project from Hennepin County is due to an unanticipated increase in the cost of alum/gallon from 2017 ($1.76/gallon) to 2019 ($1.92/gallon). The various partners have agreed to increase their financial contribution toward the project ($21,379 increase) due to the increase in alum costs/gallon. Consequently, the partners for the project are already invested and committed towards implementing the second alum treatment in the spring of 2019.

6. READINESS TO PROCEED (up to 25 points)

<table>
<thead>
<tr>
<th>Scoring Guide</th>
<th>Total 25 Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project elements are in place for the project to proceed and documentation is provided (e.g. planning, design, permits).</td>
<td>Up to 25 pts.</td>
</tr>
</tbody>
</table>

Reviewers will award points based on how soon a project can begin construction.

Using the area below, please provide:

- Describe the steps you have taken to proceed immediately with the project. Provide information and documentation on project elements such as status of designs, permits, inter-local agreements, landowner agreements, easements, other secured funding, staff, or agency approvals.

The Elm Creek Watershed WRAPS/TMDL was approved by the MPCA and EPA in 2016/2017. The ECWMC has approved the Fish Lake Alum Treatment as a Capital Improvement Project in 2016. The Three Rivers Park District submitted an application on behalf of the ECWMC as an applicant to secure financial support from the Board of Waters and Soil Resources Clean Water Legacy Grant Fund in 2016, and the ECWMC received $200,000 in grant funding to implement the project. A contingency of the Clean Water Legacy Fund Grant Agreement required that Fish Lake will meet the state water quality standards for a period of 20 years, which further demonstrates the level of commitment by the ECWMC to implement the project. A cooperative joint powers agreement was also executed among all project partners (ECWMC, TRPD, City of Maple Grove, and FLARA) to identify individual roles/ responsibilities and financial commitment for the project in 2017. The necessary permits from the MPCA to perform the Fish Lake Alum Treatment were acquired in March of 2017. Three Rivers Park District completed the formal bid process for the first alum application. The first alum application was completed in September of 2017. Three Rivers Park District monitored water quality conditions and collected sediment cores to measure alum binding capacity in 2018. The lake met water quality standards the entire season for 2018. The sediment cores indicated that there was excellent alum-phosphorus binding capacity, but a second alum treatment is still warranted in order to continue to meet the state water quality standards for 20 years. A second alum application that was similar to the first alum dosage (40 grams alum/m²) was recommended for the spring of 2019. The request for additional financial support for the project from Hennepin County is due to an unanticipated increase in the cost of alum/gallon from 2017 ($1.76/gallon) to 2019 ($1.92/gallon). The various partners have agreed to increase their financial contribution toward the project ($21,379 increase) due to the increase in alum costs/gallon. Consequently, the partners for the project are already invested and committed towards the
second alum treatment and are ready to proceed implementation of the project in the spring of 2019. The secure of Hennepin County Opportunity Grant dollars would ensure the full recommended dosage of the second alum treatment for the spring of 2019.

THIS CONCLUDES PART 2
Background

Commission staff reviews member Community Storm Water Management Plans for conformance with the Commission’s 3rd Generation Stormwater Management Plan. The review focuses on the requirements of the communities as outlined in MS 103B.231 and .235.

Updates to the local stormwater management plans are expected to include:

- Updated land use, hydrologic, and hydraulic data, and existing or potential water resource related problems that may have changed since the last LWMP.

- An explanation of how the member city will help to implement the actions set forth in the Commission’s Plan, including specifically addressing adoption and enforcement of a manure management ordinance.

- Show how the member city will take action to achieve the load reductions and other actions identified in and agreed to in TMDL Implementation Plans.

- Updated Implementation Plan identifying the specific structural, nonstructural, and programmatic solutions to the problems and issues identified in the LWMP.

- Set forth an implementation program including a description of adoption or amendment of official controls and local policies necessary to implement the Rules and Standards; programs; policies; a capital improvement plan; and estimates of cost and funding mechanisms.

Information

Staff received the draft Maple Grove Stormwater Management Plan for review and comment in March of 2018. That same month, ECWMC and Metropolitan Council comments were provided to the city for their consideration.
The City has revised their plans to address these comments and resubmitted a final Local Stormwater Management Plan dated June 2018.

Attached please find our original comments and the City’s response.

Based on staff’s review of the updated final draft plan the City’s Local Surface Water Management Plan the plan addresses our original concerns and meets the spirit and intent of the ECWMC’s 3rd Generation Storm Water Management Plan.

**Action**

Staff recommends approval of Maple Grove’s Local Surface Water Management Plan as updated in June 2018.

JCK
Memorandum

To: Elm Creek Watershed Management Commission
From: Stephanie Hatten, WSB & Associates
Date: June 26, 2018
Re: City of Maple Grove SWMP Comment Responses
WSB Project No. 01913-240

1. Because the water quality of Cook Lake is in such excellent condition and with development pressure in and around the lake increasing, a lake protection/preservation plan should be considered to protect the value of this resource.

   Response: A statement was added on Page 6 of Section 5 that this could be a future issue. An implementation item was added (#72) to complete a protection/preservation plan if deemed necessary.

2. The 1999 Management Plans developed for the city lakes strives for a ‘B’ water quality grade on all lakes. Although this may be practical for some of the lakes, it would be quite costly if not impossible to achieve on others. Updating and refining these expectations should be considered.

   Response: A statement was added that the City will evaluate the feasibility of achieving a “B” grade for each lake.

3. Section 5.2.2, Erosion and Sedimentation Issues; an erosion issue has come to the Commissions attention in the past along the Rice Lake channel, just upstream of CR30 (generally between 14000 and 14100 92nd Place N.) The residents in this area have undercutting of the lake bed/channel section on the east side of the lake. The shoreline is being undermined, creating unstable and sloughing conditions.

   Response: Issue #7 has been added under Section 5.2.2 that the City will cooperate with ECWMC to address this issue.

4. In Section 6.5, no mention is given to how the City would like to address the County Ditch system within its jurisdiction. All of County Ditch’s 11 and 22 and portions of County Ditch’s 21 and 16 still reside in Maple Grove. In the past the city had a desire to transfer this drainage system per MN Statute 383B.61. If this is still your wish, it should be addressed in your SWMP.

   Response: A bullet has been added to Section 6.5.2 stating that the City will work with ECWMC if they desire to take over maintenance responsibilities for the ditches in the future.

5. In Table 7.1, CIP projects #4 and #13 appear to be the same project.

   Response: Project #4 was deleted to eliminate redundancy.

6. Table 7.1 project #4 identifies DNR Wetland 27-0437 for improvement. This wetland is in Corcoran and would have to be improved at the behest of and in cooperation with the City of Corcoran.

   Response: Project #4 was removed. This project is referenced now in Project #12.
7. The lower value wetland buffer requirements the City of Maple Grove has per their Wetland Systems District Code do not meet the Commissions standards. The Commission requires all wetlands, regardless of quality, have a minimum 10’ buffer and an average 25’ buffer around them. In addition, the Commission requires an average 50’ buffer and minimum 25’ buffer on Elm, Rush and the North Fork of Rush Creeks. Per the City’s wetland systems district code, the City requires a 10’ minimum buffer width on all wetlands not considered high quality and does not address buffers along their creek systems.

Response: The City will update their wetland ordinance and Design Standards within 180 days of plan adoption to remain consistent with the watershed’s buffer requirements.
November 7, 2018

Mr. Ben Scharenbroich  
Senior Engineering Technician  
City of Plymouth  
3400 Plymouth Boulevard  
Plymouth, MN  55447

Re: Draft Local Surface Water Management Plan

Dear Mr. Scharenbroich;

On behalf of the Elm Creek Watershed Management Commission, I have reviewed the City of Corcoran’s Draft Surface Water Management Plan dated December 2018 (Transmitted to the Commission on September 10, 2018) for conformance with the Commission’s 3rd Generation Watershed Management Plan and per MN Statutes 103B and Minnesota Rules 8410. The following comments, recommendations and clarifications are provided for the City’s consideration in their final plan:

1) No discussion of floodplains was found in the surface water management plan. Discussion of the floodplains and maps showing the locations of mapped floodplains in the City should be included in the plan, either in the Watershed Assessments portion of the plan or in the Existing and Proposed physical Environment Section. Indicate where interested parties can access the latest floodplain maps for the City.

2) The plan does not make mention of what rainfall standards were used in the preparation of the Watershed Assessments section. The plan should address what data was used in their preparation and include any discussion if updates are required to utilize Atlas 14 data.

3) Provide clear indication of what roles the City and ECWMC play in development reviews. Specify what projects trigger review by the watershed and which projects can be reviewed internally at the City.
4) Table 111 should be updated to reflect the current status of the approved Elm Creek TMDL.

Staff also acknowledges the review letter from the Met Council dated October 12th, 2018, which had no comments for the City to address.

All in all, the plan does a good job of implementing the goals and strategies of the ECWMC, and staff recommends the commission approve the plan, with consideration given to the comments contained in this letter.

Thank you for the opportunity to review your Surface Water Management Plan. Please contact me at 612-596-1171 if you have any questions on this information.

Sincerely,

Jason Swenson
Technical Advisor to the Commission

cc Judie Anderson, Executive Secretary, ECWMC
   James Kujawa, Hennepin County
November 8, 2018

Mr. Kevin Mattson
Public Works Director
City of Corcoran
8200 Co Rd 116
Corcoran, MN  55340

Re: Corcoran Local Surface Water Management Plan

Dear Mr. Mattson;

On behalf of the Elm Creek Watershed Management Commission, I have reviewed the City of Corcoran’s Draft Surface Water Management Plan dated May 2018 for conformance with the Commission’s 3rd Generation Watershed Management Plan and per MN Statutes 103B and Minnesota Rules 8410. The Commission provided comments to the City on October 22, 2018.

The City provided a response letter dated November 5, 2018 responding to the Commission’s comments, as well as comments provided by the Metropolitan Council.

Staff has reviewed the City’s proposed revisions to the Local Surface Water Management Plan and finds that the comments have been addressed satisfactorily.

Staff recommends the Elm Creek Watershed Commission approve the City of Corcoran Local Surface Water Management Plan, pending receipt of the final document including the changes indicated in the City’s response letter dated November 5, 2018.

Thank you for the opportunity to review your Surface Water Management Plan. Please contact me at 612-596-1171 if you have any questions on this information.
Sincerely,

Jason Swenson
Technical Advisor to the Commission

cc Judie Anderson, Executive Secretary, ECWMC
James Kujawa, Hennepin County
Brad Martens, City Administrator, Corcoran
Diane Spector, Wenck and Associates
Susan Nelson, Wenck and Associates
Grant Title - 2019 - Watershed Based Funding Metro (Elm Creek WMC)
Grant ID - P19-3263
Organization - Elm Creek WMC

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| Grant Execution Date   | 12/31/2021 |
| Original Grant End Date| 12/31/2021 |
| Grant Day To Day Contact| Amy Juntunen|
| Current End Date       | 12/31/2021 |

Budget Summary

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*Grant balance remaining is the difference between the Awarded Amount and the Spent Amount. Other values compare budgeted and spent amounts.

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Activity Details Summary

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<th>Actual Size / Unit</th>
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<td>5000 LINEAR FEET</td>
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Proposed Activity Indicators

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<th>Waterbody</th>
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Final Indicators Summary

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<td>Mg/L</td>
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<td>DISSOLVED OXYGEN</td>
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<td>PPM</td>
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<td>PHOSPHORUS (EST. REDUCTION)</td>
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<td>LBS/YR</td>
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Grant Activity

**Grant Activity - Elm Creek Stream Restoration Phase IV**

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</thead>
<tbody>
<tr>
<td>restore and protect 5,000 linear feet of Elm Creek in Champlain, approximately 2600 feet upstream of the Mill Pond. This work will restore the stream and it's aquatic habitat and decrease TP and TSS loading into it. Total estimated TP reduction = 150 lbs/year. Total estimated TSS reduction = 180 tons/year</td>
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<table>
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<tr>
<th>Category</th>
<th>STREAMBANK OR SHORELINE PROTECTION</th>
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<td>Has Rates and Hours?</td>
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## Activity Action - Elm Creek Stream Restoration Phase IV

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<table>
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<tr>
<th>Description</th>
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<table>
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<tr>
<th>Mapped Activities</th>
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### Final Indicator for Elm Creek Stream Restoration Phase IV

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<th>Indicator Subcategory/Units</th>
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<td>WATER POLLUTION (REDUCTION ESTIMATES) Mg/L</td>
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<td>DISSOLVED OXYGEN</td>
<td>WATER POLLUTION (REDUCTION ESTIMATES) PPM</td>
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<td>Unknown</td>
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<tr>
<td>PHOSPHORUS (EST. REDUCTION)</td>
<td>WATER POLLUTION (REDUCTION ESTIMATES) LBS/YR</td>
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### Grant Attachments

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<th>Document Name</th>
<th>Document Type</th>
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<tr>
<td>2019 Watershed Based Funding Metro</td>
<td>Grant Agreement</td>
<td>2019 Watershed Based Funding Metro - Elm Creek WMC</td>
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<tr>
<td>Work Plan</td>
<td>Workflow Generated</td>
<td>Workflow Generated - Work Plan - 09/11/2018</td>
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To: Elm Creek Commissioners  
From: Judie Anderson  
Date: November 2, 2018  
Subject: Hennepin County GIS User Agreement

| Recommended Commission Action | By motion authorize execution of the Agreement. |

In 2015 the Commission authorized entering into a contract with Hennepin County to obtain access to detailed aerial imagery and pictometry resources. The County makes these available to local governments and their staff at no cost. Third parties performing services to the local government, such as Wenck acting as a consulting engineer, may with authorization also obtain access, but only for the performance of those services. These high-quality images are valuable in supplementing or even replacing some types of field work or site visits.

Attached are a letter and information about the resources as well as the Agreement provided by Hennepin County. Staff recommends that the Commission authorize execution of the Agreement.
October 10, 2018

Dear Administrator:

Hennepin County is acquiring new aerial imagery and analysis tools this year from the Sanborn Map Company. The county also has historical Pictometry aerial imagery that was captured in 2006, 2008, 2011 and 2015. The county would like to make both resources available to your organization free of charge, through separate online services without installation or administration of any software. These resources will allow users within your organization to access both the new imagery and analysis tools, as well as the historical imagery.

Access to aerial imagery and analysis tools adds value to many business areas serving Hennepin County residents, such as property appraisal, public safety, public works, and education, to name a few. Please review the attached page for more information on both Sanborn and Pictometry imagery.

If you have a previous contract with Hennepin County for accessing aerial imagery via Pictometry Connect, you will find a new contract enclosed. This agreement will allow your organization to access the new Sanborn imagery as well as the historical Pictometry imagery. Please complete the contract fields, sign, and attach a copy of your delegation of signature authority, then return a hard copy by mail within forty-five (45) days to Julie Gilasevitch at the address below to avoid losing your access. Please be sure to indicate a contact person, their email address, and phone number so the Hennepin County GIS team can follow up with specific instructions to access the imagery.

If you do not have a previous contract for the imagery and would like to participate, please call or email Ann Houghton, GIS Project Manager: Ann.Houghton@Hennepin.us, 612-348-5623. The Hennepin County GIS Office will administer access to the system over the coming months and will work with your organization on necessary steps to provide your staff access.

Please respond to this letter by November 21, 2018.

We look forward to working collaboratively with you in serving Hennepin County residents.

Sincerely,

Julie Gilasevitch, MPH, CPH | Senior Contract Services Analyst |
Hennepin County Government Center | Information Technology Department A-1900
300 S 6th St | Minneapolis MN 55487 | 612-543-5169 | julie.gilasevitch@hennepin.us
Overview: Web Applications

**Pictometry CONNECTExplorer** ([https://www.eagleview.com](https://www.eagleview.com)) enables staff to view **historic** aerial photos of Hennepin County. Features and functionality include:

- Orthophotography (straight down)
- Oblique images (taken at a 45° angle from N S E W)
- Length, Area, and Height measurement tools
- View historic imagery side by side
- Copy images for use in reports
- Overlay parcel data

**Sanborn Oblique Analyst** ([https://www.sanborn.com/oblique-analyst/](https://www.sanborn.com/oblique-analyst/)) enables staff to view **current** aerial photos of Hennepin County. Features and functionality include:

- Orthophotography (straight down)
- Oblique images (taken at a 45° angle from N S E W)
- Length, Area, and Height measurement tools
- Spring 2018 images
- Copy images for use in reports
- Overlay parcel data
HENNEPIN COUNTY USER AGREEMENT

This Hennepin County User Agreement ("HCUA") is between Hennepin County, State of Minnesota, ("COUNTY") and ________________________, ("USER").

WITNESSETH:

WHEREAS, COUNTY and Pictometry International Corporation ("Pictometry") executed the AGREEMENT FOR THE PURCHASE OF A DIGITAL ORTHO AND OBLIQUE AERIAL PHOTOGRAPH AND INFORMATION SYSTEM LICENSE, as amended, for the licensing of oblique images and related systems (the "Pictometry Agreement");

WHEREAS, COUNTY and The Sanborn Map Company, Inc. ("Sanborn") executed the AGREEMENT FOR THE PURCHASE OF A DIGITAL ORTHO AND OBLIQUE AERIAL PHOTOGRAPH AND INFORMATION SYSTEM LICENSE, as amended, for the licensing of oblique images and related systems (the "Sanborn Agreement");

WHEREAS, Pictometry’s hosted software system and Sanborn’s hosted software system (collectively the “System”) collects, organizes, stores, displays and allows access to a collection of oblique images, metadata, data layers, models, reports and other geographic or structural visualizations or embodiments (collectively “Delivered Content”);

WHEREAS, by the terms of the Pictometry Agreement, Pictometry granted COUNTY the right to allow duly authorized political units or subdivisions located totally or substantially within the boundaries of Hennepin County, including cities or townships, to access the System and Pictometry Delivered Content.

WHEREAS, by the terms of the Sanborn Agreement, Sanborn granted COUNTY the right to allow duly authorized political units or subdivisions located totally or substantially within the boundaries of Hennepin County, including cities or townships, to access the System and Sanborn Delivered Content.

NOW, THEREFORE, in consideration of the mutual undertakings and agreements set forth herein, COUNTY and USER agree as follows:

1. Term.

This Agreement shall commence upon September 1, 2018 and shall continue for one (1) year unless terminated earlier in accordance with the provisions of this Agreement. Unless COUNTY otherwise notifies USER within thirty (30) days prior to the expiration of a term of this Agreement, this Agreement shall then...
automatically renew for another two (2) year term. However, in no event shall this Agreement continue beyond August 31, 2021.

2. Licenses.

Subject to the provisions herein, COUNTY grants USER a limited, revocable, non-exclusive, royalty-free license to access and use the System and Delivered Content exclusively for the performance of USER’s public responsibilities. The rights granted in this paragraph may be referred to as the “License”. For clarification and not limitation, the License permits access or use by USER’s employees and contracted personnel performing USER’s public responsibilities (said employees or contracted personnel may be referred to as “Eligible Personnel” and, as applicable throughout this HCUA, the term “USER” shall include and apply to Eligible Personnel).

USER is solely responsible for implementing the technology necessary to access the System, to retrieve Delivered Content and to use, control and safeguard the Delivered Content pursuant to the obligations set forth herein.

Except as expressly set forth herein, USER shall acquire no right, title or interest in or to the System or Delivered Content.

USER shall strictly comply with the following:

(i) USER shall access the System and access, use, control and safeguard Delivered Content in compliance with the terms of this HCUA;

(ii) USER shall only access the System and Delivered content by and through a computer workstation or server (i) that is owned or leased by USER; (ii) that is under the exclusive control of USER; and (iii) that is exclusively available for use by USER (an “Authorized System”);

(iii) USER shall not share or distribute System authentication information, usernames or passwords ("Authentication") with any unauthorized third-party;

(iv) USER shall secure and safeguard the System, Authentication and Delivered Content in USER’s possession or control in the same manner that USER secures and safeguards its own critical or confidential systems, software, data, passwords or other information. If there is a conflict between USER’s security requirements and COUNTY’s security requirements, COUNTY’s security requirements shall prevail;
(v) USER shall not access the Delivered Content by any means other than the System including but not limited to scraping, robots, wanderers, crawlers, spiders, etc (as those terms are commonly used and understood in the information technology industry);

(vi) USER shall be solely responsible for accessing, using and otherwise supporting the System including but not limited to paying all costs, expenses and communication charges associated with the same;

(vii) USER shall use, control and safeguard the Delivered Content in compliance with the terms of this HCUA and with applicable law including but not limited to the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13;

(viii) Except as expressly provided herein, USER shall not use, disclose, sell, market, distribute or otherwise make available the Delivered Content during the term of this HCUA or at any time thereafter except as required by law or with COUNTY’s express written consent;

(ix) USER shall not allow third-party access to Delivered Content except as follows:

(a) USER may provide Delivered Content to individual members of the public requesting access to data pursuant to the Minnesota Government Data Practices Act subject to the following:

(1) USER may permit inspection of Delivered Content on Authorized Systems;
(2) USER may provide paper copies of Delivered Content; and
(3) USER may provide .pdf or .jpg images of Delivered Content provided that USER may not assemble more than three (3) contiguous images into a single image.

(b) USER may provide Delivered Content to an entity performing services for USER (said entity, including but not limited to the entity’s employees or contracted personnel, may be referred to as “Project Participant(s)” subject to the following:

(1) Access and use of the Delivered Content by Project Participants shall be solely for the purpose of performance of tasks or preparation of materials for USER;
(2) Project Participants shall be identified in writing to Pictometry and Sanborn, respectively, prior to being granted access to the Delivered Content;
(3) Unless Pictometry and/or Sanborn expressly waives such requirement, Project Participants shall enter a written agreement with Pictometry and/or Sanborn authorizing such access;
(4) Project Participants shall access and use Delivered Content under USER’s supervision;
(5) USER may provide paper copies of Delivered Content to Project Participants; and
(6) USER may provide static images of Delivered Content to Project Participants provided that the static image does not include any metadata.

Unless expressly authorized by the provisions herein, all other third-party access to Delivered Content is prohibited;

(x) USER shall not remove, delete, alter or otherwise modify any copyright messages on or associated with the System or Delivered Content, including but not limited to copyright notices from COUNTY or Pictometry or Sanborn.

3. Disclaimers and Limitations of Liability.

COUNTY, BY AND THROUGH PICTOMETRY AND/OR SANBORN, IS PROVIDING THE SYSTEM AND DELIVERED CONTENT ON AN AS-IS BASIS WITH NO SUPPORT WHATSOEVER. THERE IS NO WARRANTY OF MERCHANTABILITY, NO WARRANTY OF FITNESS FOR PARTICULAR USE, NO WARRANTY OF NON-INFRINGEMENT, NO WARRANTY REGARDING THE USE OF THE INFORMATION OR THE RESULTS THEREOF AND NO OTHER WARRANTY OF ANY KIND, EXPRESS OR IMPLIED.

WITHOUT LIMITING THE FOREGOING, COUNTY DOES NOT WARRANT THE PERFORMANCE OF THE SYSTEM OR RELATED AND NECESSARY COMMUNICATIONS OR CONNECTIONS TO THE SYSTEM, THAT THE SYSTEM WILL BE UNINTERRUPTED OR ERROR FREE, THAT DEFECTS WILL BE CORRECTED, OR THAT THE SYSTEM IS FREE OF HARMFUL CODE. USER fully understands and agrees that (i) the System is subject to errors, omissions, delays or interruptions; and (ii) COUNTY, by and through Pictometry and/or Sanborn, may modify or change the System in a manner that may impact or restrict USER’s access. In any such event, the COUNTY will not be liable for the cost of such changes, damages or other liability which may be sustained by USER.
WITHOUT LIMITING THE FOREGOING, COUNTY DOES NOT WARRANT THE ACCURACY, COMPLETENESS OR TIMELINESS OF THE DELIVERED CONTENT NOR DOES COUNTY WARRANT THAT DEFECTS IN THE SAME WILL BE CORRECTED. USER fully understands and agrees that (i) the Delivered Content is provided by third-parties, including but not limited to Pictometry and/or Sanborn; and (ii) COUNTY does not directly control and is not responsible for the Delivered Content. USER fully understands and agrees that the Delivered Content is subject to errors, omissions, delay or interruptions, including but not limited to (i) delays, errors or omissions in the receipt of the Delivered Content, (ii) changes, adjustments, corrections or modifications of the Delivered Content and (iii) that COUNTY may make modifications, changes and/or adjustments to the Delivered Content at any time and without notice to USER.

At the point of initial contact with any Delivered Content provided to the public, USER shall include the disclaimer set forth in the preceding three paragraphs, in the same or substantially similar format with necessary adjustments for accuracy and applicability, including but not limited to defining “Delivered Content”.

IN NO EVENT SHALL COUNTY BE LIABLE FOR ACTUAL, DIRECT, INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL DAMAGES OR LOSS OF PROFIT, LOSS OF BUSINESS OR ANY OTHER FINANCIAL LOSS OR ANY OTHER DAMAGES EVEN IF THE COUNTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE. COUNTY’S SOLE LIABILITY AND USER’S SOLE AND EXCLUSIVE REMEDY FOR ANY DAMAGES RELATED TO THIS HCUA OR FOR ANY BREACH OF THIS HCUA, INCLUDING BUT NOT LIMITED TO LIABILITY FOR SYSTEM OR DELIVERED CONTENT NONPERFORMANCE, ERRORS OR OMISSIONS, SHALL BE LIMITED TO RESTORING OR CORRECTING THE SYSTEM OR DELIVERED CONTENT TO THE EXTENT AND DEGREE COUNTY IS CAPABLE OF PERFORMING THE SAME AND AS IS REASONABLY POSSIBLE UNDER THE PERTINENT CIRCUMSTANCES.

4. Royalty Free License.

The License is royalty free. COUNTY is not providing any implementation, maintenance, support or other services hereunder and, as such, USER shall not pay COUNTY any amount for services pursuant to this HCUA.

5. Compliance with Applicable Law and Data.

USER and COUNTY shall comply with all applicable federal, state and local statutes, regulations, rules and ordinances currently in force or later enacted.

Subject to the provisions set forth in Section 2 above, the parties, their officers, agents, owners, partners, employees, volunteers and subcontractors shall
abide by the provisions of the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13 (MGDPA) and all other applicable state and federal laws, rules, regulations and orders relating to data privacy or confidentiality. USER shall promptly notify COUNTY if USER becomes aware of any potential claims, or facts giving rise to such claims, under the MGDPA.

6. Termination.

If COUNTY reasonably believes that USER is not complying with any terms of this HCUA, including but not limited to the license or related limitations, COUNTY may immediately terminate this HCUA and thereby terminate the License and USER’s access to and use of the System and Delivered Content.

Either party may terminate this HCUA without cause at any time by upon thirty (30) day written notice to the other party.

Notwithstanding the term set forth herein, the parties expressly agree that COUNTY may (i) terminate the license granted herein for either the Pictometry Delivered Content or the Sanborn Delivered Content; or (ii) terminate this HCUA upon the expiration or termination, for any reason, of either or both the Pictometry Agreement and/or the Sanborn Agreement.

7. Liability.

USER agrees to defend, indemnify, and hold harmless the COUNTY, their officials, officers, agents, volunteers and employees from any liability, claims, causes of action, judgments, damages, losses, costs, or expenses, including reasonable attorney’s fees, resulting directly or indirectly from USER’s use of or access to the System or Delivered Content, from USER’s failure to comply with the terms of this HCUA or from failure to perform any duties and obligations required by applicable law and/or this HCUA.

As applicable, a party’s liability shall be governed by the provisions of applicable law including but not limited to the Municipal Tort Claims Act, Minnesota Statutes Chapter 466, and other applicable law. The statutory limits of liability for some or all of the parties may not be added together or stacked to increase the maximum amount of liability for any party. This paragraph shall not be construed to bar legal remedies one party may have for the other party’s failure to fulfill its obligations under this HCUA. Nothing in this HCUA constitutes a waiver by the USER or COUNTY of any statutory or common law defenses, immunities, or limits on liability.

The Hennepin County Geographic Information Systems Manager, or his/her designee, shall manage this HCUA on behalf of the COUNTY and perform the other duties expressly set forth herein.

Except as directed by COUNTY, USER shall not use the term “Hennepin County”, or any derivative thereof in USER’s advertising, external facing communication and/or marketing, including but not limited to advertisements of any type or form, promotional ads/literature, client lists and/or any other form of outreach, without the written approval of the Hennepin County Public Affairs/Communications Department, or their designees.

USER and COUNTY intend that this HCUA will not benefit or create any right or cause of action in or on behalf of any person or entity other than the parties.

The laws of the state of Minnesota shall govern all questions and interpretations concerning the validity and construction of this HCUA and the legal relations between the parties and their performance.

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COUNTY AUTHORIZATION

Reviewed by the County
Attorney's Office

______________________________________________
County of Hennepin
State of Minnesota

By: _________________________________
Hennepin County Administrator

Date: ____________________________

USER warrants that the person who
executed this Agreement is authorized to
do so on behalf of USER as required by
applicable articles, bylaws, resolutions or
ordinances.*

USER

By: _________________________________

Printed Name: ____________________________

Printed Title: ____________________________

Date: ____________________________

*USER shall submit applicable documentation (articles, bylaws, resolutions or ordinances) that confirms the signatory’s delegation of authority. This documentation shall be submitted at the time USER returns the Agreement to COUNTY. Documentation is not required for a sole proprietorship.
Hennepin County Board approves $2.4 million in water quality levies

Hennepin County's Elm and Bassett creeks among those to be improved.

By David Chanen (http://www.startribune.com/david-chanen/10644586/) Star Tribune  

NOVEMBER 7, 2018 — 7:37PM

The Hennepin County Board on Tuesday approved $2.4 million in special tax levies for four water quality improvement projects in the county's northern and central suburbs.

Levies for the projects, ranging from flood mitigation to stabilizing streams, were requested by watershed management commissions for Bassett Creek, Elm Creek, Shingle Creek and the Mississippi River.

The Bassett Creek project consists of a long-term flood mitigation plan at Medicine Lake Road and Winnetka Avenue in New Hope, and water quality improvement of Westwood Lake and DeCola Ponds in St. Louis Park.

The projects also aim to reduce phosphorus pollution and collect stormwater runoff from the Westwood Hills Nature Center in St. Louis Park.

The County Board approved a $1.4 million levy for the project, which has a total cost of $4 million. The balance of the project will be paid with a state grant to the city of Golden Valley, said Laura Jester, administrator of the Bassett Creek watershed commission.

The other three recipients approved for levies were:

• Elm Creek watershed commission, $462,500 for stream stabilization projects at Rush Creek in Maple Grove, two sites along Elm Creek in Plymouth and Champlin, and Downs Road Trail rain gardens in Champlin;

• Shingle Creek watershed commission, $479,900 for an infiltration project at Becker Park in Crystal and a soluble reactive phosphorus reduction project in Crystal and Brooklyn Park;

• West Mississippi watershed commission, $53,025 for a best management practices cost-share program for small infiltration and water quality treatment projects.

Some watershed commissions, such as Bassett Creek's, make annual special levy requests, Jester said. The commission's yearly requests are pretty consistent, she said.

Watershed commissions don't have the ability to levy taxes for improvement projects, and so must get them signed off by the County Board. The commissions determine the cost for a special tax district and the board establishes the maximum levy amount for the project, which is included in truth in taxation statements sent to property owners.

David Chanen covers Hennepin County and appellate courts, and legal and criminal justice issues.

dchanen@startribune.com  612-673-4465