

elm creek Watershed Management Commission

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December 5, 2018

Representatives
Elm Creek Watershed Management
Commission Hennepin County, MN

*The meeting packets may be found on the
Commission's website:*
[http://elm creek watershed.org/minutes--
meeting-packets.html](http://elm creek watershed.org/minutes--meeting-packets.html)

Dear Representatives:

A **regular meeting** of the Elm Creek Watershed Management Commission will be held on **Wednesday, December 12, 2018, at 11:30 a.m.** in the Mayor's Conference Room at Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN.

Please email Beverly Love at beverly@jass.biz to confirm whether you or your Alternate will be attending the regular meeting.

Thank you.

Regards,



Judie A. Anderson
Administrator
JAA:tim
Encls: Meeting Packet

cc: Alternates
Joel Jamnik
TRPD

HCEE
Diane Spector
Clerks

BWSR
Met Council
Official Newspaper

MPCA
DNR

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AGENDA

Regular Meeting

December 12, 2018

1. Call Meeting to Order.
 - a. Approve Agenda.*
2. Consent Agenda.
 - a. Minutes last Meeting.*
 - b. Treasurer's Report and Claims.**
3. Open Forum.
4. Action Items.
 - a. Project Reviews – see Status Report.*
 - b. Resolution 2018-04.*
 - c. Non-waiver Liability Insurance.*
 - d. Local Plans.
 - 1) Champlin.
5. Old Business.
6. New Business.
7. Communications.
8. Education.
 - a. WMWA Update.**
 - b. Dayton Elementary.*
9. Grant Opportunities and Updates.
 - a. FEMA Floodplain Mapping – *see Staff Report*.
 - b. Fish Lake Alum Phase II.*
 - c. Subwatershed Assessment Submittals.
 - 1) Criteria.*
 - 2) Application.*
10. Project Reviews – *also see Staff Report*.*

10. Project Reviews. (See Staff Report.*)						
a.				AR	2013-046	Woods of Medina, Medina.
b.					2014-015	Rogers Drive Extension, Rogers.
c.					2015-004	Kinghorn Outlet A, Rogers.
d.				AR	2015-030	Kiddiegarten Child Care Center, Maple Grove.

*in meeting packet
 **available at meeting

e.				AR	2016-002	The Markets at Rush Creek, Maple Grove.
f.					2016-005W	Ravinia Wetland Bank Plan, Corcoran.
g.					2016-040	Kinghorn 4th Addition, Rogers.
h.					2016-047	Hy-Vee North, Maple Grove.
i.				AR	2016-052	The Woods at Rush Creek, Maple Grove.
j.				AR	2017-014	Laurel Creek, Rogers.
k.				AR	2017-016	Territorial Woods, Maple Grove.
l.				AR	2017-017	Mary Queen of Peace Catholic Church, Rogers.
m.			R	AR	2017-019	Medina Senior Living Community, Medina.
n.				AR	2017-021	Hindu Society of MN Staff Housing, Maple Grove.
o.				AR	2017-029	Brayburn Trails, Dayton.
p.				AR	2017-034	Plymouth Memory Care, Plymouth.
q.				AR	2017-037	Corcoran L-80 Lift Station MCES Project 808520, Corcoran.
r.				AR	2017-038	Bass Lake Estates, Corcoran.
s.					2017-039	Rush Creek Apartments, Maple Grove.
t.		E			2017-050W	Ernie Mayer Wetland/floodplain violation, Corcoran.
u.				AR	2018-001	Rush Creek Commons, Maple Grove.
v.					2018-004	Rush Creek Restoration, Maple Grove.
w.					2018-005	Sundance Greens, Dayton.
x.					2018-014	Refuge at Rush Creek, Corcoran.
y.				AR	2018-018	Summers Edge Phase II, Plymouth.
z.					2018-020	North 101 Storage, Rogers.
aa.					2018-021	113th Lane Extension/Brockton/101, Rogers.
ab.				AR	2018-026	Windrose, Maple Grove.
ac.		E			2018-027	CR202 Bridge, Dayton.
ad.				AR	2018-028	Tricare Third Addition, Maple Grove.
af.					2018-032	Encore, Corcoran.
ag.					2018-033	Cloquet Island Estates, Dayton.
ah.					2018-035	Edgewater East, Maple Grove.
ai.					2018-038	Vincent Woods of Roger.
aj.				AR	2018-043	BeeHive Homes, Maple Grove.
ak.				AR	2018-044	OSI Phase II, Medina.
al.					2018-045W	Weinard Ditch Cleaning, Corcoran.
am.					2018-046	Graco, Rogers
an.					2018-047W	Old Settlers Road Wetland Delineation, Corcoran.
ao.				AR	2018-048	Faithbrook Church Phase 2, Dayton.
ap.					2018-049	Pheasant Ridge 2 nd Addition, Corcoran.
aq.					2018-050	Janice Little Bridge Replacement, Corcoran.
ar.					2018-051W	Corcoran Land Holdings LLC (23405 CR 10) Wetland Delineation. Corcoran.
as.					2018-052	Rogers Tennis Center, Rogers.
at.					2018-053	Elm Creek Stream Stabilization, Champlin.
au.		E			2018-054W	C&D Order 9120 Trail Haven Road, Corcoran.

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.

12. Adjourn Regular Meeting.

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*in meeting packet
**available at meeting

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November 14, 2018 Minutes Technical Advisory Committee (beginning on page 1) and Regular Meeting (beginning on page 3)

I. A meeting of the **Technical Advisory Committee (TAC)** for the Elm Creek Watershed Management Commission was convened at 10:01 a.m., Wednesday, November 14, 2018 in the Mayor's Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN.

In attendance were: Todd Tuominen, Champlin; Kevin Mattson, Corcoran; Sarah Nalven, Wenck Associates, Dayton; Kaci Fisher, Hakanson-Anderson, Medina; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; James Kujawa, Jason Swenson, and Kirsten Barta, Hennepin County Dept. of Environment and Energy (HCEE); Brian Vlach, Three Rivers Park District (TRPD); and Judie Anderson, JASS.

Also present: Ken Guenther, Corcoran; Doug Baines, Dayton; and Steve Christopher, Board of Water and Soil Resources (BWSR).

II. Motion by Vlach, second by Mattson to **approve the agenda**. *Motion carried unanimously.*

Motion by Kujawa, second by Simmons to **approve the minutes** of the April 11, 2018 TAC meeting. *Motion carried unanimously.*

[Nalven arrived 10:07.]

III. Subwatershed Assessments.

A. **Cost Share Policy Recommendations.** Staff provided draft recommendations* regarding the subwatershed assessment (SWA) section of the Commission's current cost share policy.*

1. Under item c of the subwatershed assessment section, it is recommended that some clarification be added, for example: *"Undertaken at the discretion of the Commission based on the information provided by cities in the completed SWA cost share application form."*

2. Staff propose the following timeline for evaluating and executing SWA projects:

- a. January 15 – applications are due from cities
- b. February TAC meeting – Technical staff will have reviewed applications and prepared recommendations for the consideration of the TAC to be brought to the February Commission regular meeting.
- c. March – Budget work
- d. March/April following year – SWA delivered to Commission
- e. August – BWSR grant applications due for implementation funding

[Tuominen arrived 10:19.]

B. Staff also created a draft Subwatershed Assessment Cost Share application form.* The following criteria are suggested for evaluating the applications:

- 1. Subwatershed is identified in the MPCA WRAPS or TMDL report as a priority

elm creek Watershed Management Commission

TAC and Regular Meeting Minutes – November 14, 2018

Page 2

2. Sponsor city shows active staff and financial support for implementation of projects identified within the SWA

3. Sponsor city has the ability to leverage outside funding for implementation

As this process is implemented and multiple applications are received, it may become necessary to devise a ranking system to prioritize the SWAs.

C. Current Cost Share Policy.* Discussion resulted in the following revisions to the SWA section of the current cost-share policy:

The Elm Creek Watershed Management Commission may consider Commission- or City-generated requests to undertake subwatershed assessments (SWAs). Primarily, SWAs will be completed in rural areas suspected of being high-nutrient loading and will be specific enough to identify potential load-reducing projects. SWAs will be

a. ~~Identified in areas outside of the Municipal Urban Service Area (MUSA).~~

b. *Supported by the City in which the SWA is located.*

c. *Undertaken at the discretion of the Commission.*

d. *Funded by a ~~\$15,000~~ maximum cap (grant or Commission funding) of \$15,000 or 25% of the cost of the SWA, whichever is lower, and a 20% match (cash or in-kind) by the City requesting the SWA.*

Motion by Fisher, second by Scharenbroich to forward the proposed revisions to the Commission for consideration and adoption. *Motion carried unanimously.*

IV. Use of wetlands for irrigation purposes.

This topic was brought forth by Medina Commissioner Elizabeth Weir. In her October 12, 2018 email* to Staff, Weir expressed concern regarding the use of wetlands for irrigation, citing the recent approval of Project Review 2018-032W Encore Development in Corcoran.

Staff consulted with Ben Carlson, BWSR, who in turn spoke with Jennie Skanke, DNR Hydro southern metro. They agreed that discharging ground water into a wetland would not negatively affect the wetland's ecology, chemistry, biota, etc.

Staff also received a response from Alex Yellick, Anderson Engineering, regarding iron in wetland systems. Yellick provided excerpts from two articles entitled, "Treatment Wetlands"* by Kadlec and Wallace and Mitsch and Gosselink on the subject.

It was a consensus to defer this subject to another meeting so that Weir can be present to take part in the discussion.

V. Buffer Law.

Barta reported that the Buffer Law requirements going forward require Staff to check each parcel in the county at least once every three years and spot check up to 15% of parcels. Hennepin has opted to section the county into thirds and check 1/3 each year, beginning in 2019. Those residents chosen to have a spot check done will be notified by letter. Letters will go out late winter/early spring.

VI. There being no further business, the meeting of the Technical Advisory Committee was adjourned at 11:21 a.m. The TAC will tentatively reconvene on Wednesday, January 9, 2019.

elm creek Watershed Management Commission

TAC and Regular Meeting Minutes – November 14, 2018

Page 3

I. A regular meeting of the Elm Creek Watershed Management Commission was called to order at 11:31 a.m., Wednesday, November 14, 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; Ken Guenther, Corcoran; Doug Baines, Dayton; Joe Trainor, Maple Grove; Fred Moore, Plymouth; Kevin Jullie, Rogers; James Kujawa, Jason Swenson, and Kirsten Barta, Hennepin County Dept. of Environment and Energy (HCEE); Brian Vlach, Three Rivers Park District (TRPD); and Judie Anderson, JASS.

Not represented: Medina.

Also present: Todd Tuominen, Champlin; Kevin Mattson and Jon Bottema, Corcoran; Sarah Nalven, Wenck Associates, Dayton; Mark Lahtinen and Scott Mahar, Maple Grove; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; and Ed Matthiesen and Lucius Jonett, Wenck Associates.

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

B. Motion by Walraven, second by Moore to approve the **minutes*** of the October 10, 2018, regular meeting. *Motion carried unanimously.*

C. Motion by Walraven, second by Moore to approve the November **Treasurer's Report** and **Claims*** totaling \$52,267.12. *Motion carried unanimously.*

II. Open Forum.

A. Mattson introduced **Ken Guenther**, the newly appointed representative to the Commission from Corcoran.

B. Matthiesen and Jonett presented an update on the **Elm Creek Restoration project**. They provided "before" pictures as well as pictures of design work from similar projects. The City approved awarding of the contract on November 13. Construction should be substantially completed by the end of February 2019. Restoration, revegetation and final completion are scheduled for mid-June, 2019.

III. Action Items.

A. **Project Review 2018-048 Faithbrook Church Phase 2, Dayton**.* This project is 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. In their findings dated November 13, 2018, Staff recommends approval of this project conditioned on receipt of a SWPPP meeting NPDES requirements. Motion by Moore, second by Jullie to approve Staff's recommendation. *Motion carried unanimously.*

B. Motion by Walraven, second by Trainor to adopt the **Capital Improvement Program Closed Project Account Policy*** as presented. *Motion carried unanimously.*

C. Fish Lake Alum Treatment.

1. Vlach stated that the **RFP for the second treatment** will be sent out following review by the TRPD Board.

2. Included in the meeting packet was a copy of a Hennepin County Natural Resources **Opportunity Grant application*** to supplement funding of the second alum treatment. The grant request is in the amount of \$50,000. Motion by Moore, second by Jullie to approve submittal of this application. *Motion*

elm creek Watershed Management Commission

TAC and Regular Meeting Minutes – November 14, 2018

Page 4

carried unanimously. If the applicaiton is funded, the Joint Powers Agreement between the parties must be amended.

D. Fish Lake Subwatershed Assessment. Also included in the meeting packet is a **cooperative agreement*** between the Commission and the City of Maple Grove to complete a subwatershed assessment (SWA) of the Fish Lake area subwatershed within the boundaries of the City to help establish the present status of water quality within the lake. The assessment will help identify how to best meet the required TMDL reduction and other water quality goals with new BMPs and/or BMP retrofits. The estimated cost of the assessment is \$35,000. Under the agreement the Commission is willing to reimburse up to \$15,000 of the costs incurred by the City to conduct the assessment. Motion by Moore, second by Jullie to approve this agreement. *Motion carried unanimously.* Vlach noted that some of the data identified in the proposal may already be available from work performed by the Park District.

E. Watershed Management Plan – Local Plans.

1. Maple Grove.* Staff has determined that the updated final draft of the City's Local Surface Water Management Plan addresses their concerns regarding the City's original submittal and meets the spirit and intent of the Commission's Third Generation Plan. Motion by Trainor, second by Jullie to approve Maple Grove's SWMP. *Motion carried unanimously.*

2. Plymouth.* Staff reviewed the City of Plymouth's draft Surface Water Management Plan. Staff provided comments, recommendations and clarifications in their letter to the City dated November 7, 2018. Staff recommends approval of the plan with consideration given to the comments contained in their letter. Motion by Moore, second by Walraven to approve Plymouth's SWMP. *Motion carried unanimously.*

3. Corcoran.* The City has provided a response letter dated November 5, responding to Staff's comments and well as comments provided by Metropolitan Council. Staff has reviewed the proposed revisions, finds that the comments have been satisfactorily addressed, and recommends approval of Corcoran's local plan. Motion by Trainor, second by Jullie to approve Corcoran's SWMP. *Motion carried unanimously.*

F. BWSR Watershed-Based Funding. The grant agreement* is included in the meeting packet. 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. Motion by Walraven, second by Jullie to approve the agreement. *Motion carried unanimously.*

[Note: An incorrect document was included in the meeting packet. Upon further research the correct grant agreement document was located and signed by the Chair on November 16. The information contained therein remains the same as in the first document. The correct document has also been uploaded to the Commission's website.]

G. Hennepin County GIS User 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 consulting engineers 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. Included in the meeting packet 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. Motion by Moore, second by Jullie to authorize the chair to sign the agreement on behalf of the Commission. *Motion carried unanimously.*

IV. Old Business.

V. New Business.

VI. Water Quality.

elm creek Watershed Management Commission

Regular Meeting Minutes – November 14, 2018

Page 5

VII. Grant Opportunities and Updates.

A. FEMA Floodplain Mapping. Staff is working on background mapping and data generation for the hydrologic modeling on the project at this time. Staff shared a few maps of the GIS information at the meeting. Hydrologic modeling began in earnest this month.

B. 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 completed 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.

VIII. Education and Public Outreach - West Metro Water Alliance (WMWA).*

A. WaterLinks. Subscribe to *WaterLinks* at westmetrowateralliance.org/contact.html.

B. The fourth-grade educators are very busy with Watershed PREP classes. WMWA is fine-tuning the adult programs and enhancing the fourth-grade elements. WMWA will also develop a chloride-reduction element.

C. The **next WMWA meeting** is scheduled for 8:30 a.m., Tuesday, December 11, 2018, at Plymouth City Hall.

IX. Communications.

In the November 7, 2018 edition of the Minneapolis StarTribune an article* describes the **levy projects approved by the Hennepin County Board** for four metro watershed organizations, including \$462,500 for four Elm Creek Commission projects.

X. Other Business.

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

1. 2013-046 Woods of Medina, Medina.
2. 2014-015 Rogers Drive Extension, Rogers.
3. 2015-004 Kinghorn Outlet A, Rogers.
4. 2015-030 Kiddiegarten Child Care Center, Maple Grove.
5. 2016-002 The Markets at Rush Creek, Maple Grove.
6. 2016-005W Ravinia Wetland Bank, Corcoran.
7. 2016-040 Kinghorn 4th Addition, Rogers.
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.
11. 2017-016 Territorial Woods, Maple Grove.
12. 2017-017 Mary Queen of Peace Catholic Church, Rogers
13. 2017-019 Medina Senior Living Community, Medina.
14. 2017-021 Hindu Society of MN Staff Housing, Maple Grove.
15. 2017-029 Brayburn Trails, Dayton.
16. 2017-034 Plymouth Memory Care, Plymouth.

elm creek Watershed Management Commission

TAC and Regular Meeting Minutes – November 14, 2018

Page 6

17. 2017-037 L-80 Lift Station MCES, Corcoran.
18. 2017-038 Bass Lake Estates, Corcoran.
19. 2017-039 Rush Creek Apartments, Maple Grove.
20. 2017-050W Ernie Mayer Wetland/floodplain violation, Corcoran.
21. 2018-001 Rush Creek Commons, Maple Grove.
22. 2018-004 Rush Creek Restoration Project, Maple Grove.
23. 2018-005 Sundance Greens, Dayton.
24. 2018-014 Refuge at Rush Creek (Fehn Meadows Second Addition), Corcoran.
25. 2018-018 Summers Edge Phase III, Plymouth.
26. 2018-020 North 101 Storage, Rogers.
27. 2018-021 113th Lane Extension & Brockton Lane/CSAH 101 Intersection, Rogers.
28. 2018-026 Windrose, Maple Grove.
29. 2018-028 Tricare Third Addition, Maple Grove.
30. 2018-032 Encore Development, Corcoran.
31. 2018-033 Cloquet Island Estates, Dayton.
32. 2018-035 Edgewater East, Maple Grove.
33. 2018-037 Elm Creek Restoration Reach D, Plymouth.
34. 2018-038 Vincent Woods, Rogers.
35. 2018-039 Greenway North, Plymouth.
36. 2018-040 Rush Creek Commons Phase II, Maple Grove.
37. 2018-041W Homestead Trail Wetland Delineation, Corcoran.
38. 2018-042 Olstrom Hills, Maple Grove.
39. 2018-043 Bee Hive Homes, Maple Grove.
40. 2018-044 OSI Phase II, Medina.
41. 2018-045 Weinard Ditch Cleaning, Corcoran.
42. 2018-046 Graco Expansion, Rogers.
43. 2018-047W Old Settlers Road Wetland Delineation, Corcoran.
44. 2018-048 Faithbrook Church, Phase 2, Dayton.
45. 2018-049 Pheasant Ridge 2nd Addition, Corcoran.
46. 2018-050 Janice Little Bridge Replacement, Corcoran.
47. Cease and Desist Order, 9120 Train Haven Road, Corcoran.

B. Adjournment. There being no further business, the meeting was adjourned at 12:50 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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STAFF REPORT December 5, 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 is providing monitoring to ensure the replacement meets the performance standards of the approved plans. Their first annual report is due at year-end.

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

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

indicates enclosure

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 the 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, 2017 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 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. BWSR issued an order of abeyance (stay) on the appeal until January 30, 2019.

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. *The City and Three Rivers Park District are in the process of working through their concerns. If available, an update will be provided to the Commission at their meeting.*

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. *This project was extended to March 9, 2019 by the applicant.*

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indicates enclosure

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. Pubic 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 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 abstraction requirements and the infiltration system. *The applicant requested and was granted an extension for this project approval to December 31, 2019, provided the review process with the City of Rogers does not expire.*

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. *The Commission approved this project at their August meeting with those conditions. Staff's November 29, 2018 findings note that all conditions have been met and this project is approved. This item will be removed from the report.*

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 Commission. 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 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.

2018-038 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 information to review for conformance with the minor revisions requested.

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 elevations. Staff reviewed the site and aerial photos and *has issued a no-loss determination to the applicant for this work. This item will be removed from the report.*

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 October meeting 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. *Several plan revisions were submitted on November 27. Staff is reviewing the submittals*

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 was noticed per MN WCA rules as approved. This item will be removed from the report.*

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-three areas meeting wetland criteria were field delineated within the identified project parcel. The delineation was found to be accurate and was noticed per MN WCA rules as approved.*

2018-050 Janice Little Bridge Replacement, Corocran. 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, *reviewed and approved by Commission staff. This item will be removed from the report.*

2018-051W 23405 CR10 wetland delineation, Corcoran. *This is an application for a wetland boundary/type determination on 16.5 acres of agricultural land in Corcoran PID 1811923120001. Five areas meeting wetland criteria were field-delineated within the project parcel. Staff noticed the delineation application per WCA requirements on November 27. Comments will be accepted until December 20. Staff field-visited the site prior to freeze up.*

2018-052 Rogers Tennis Courts, Rogers. *This is a 13-acre lot owned by the City of Rogers just north of the Rogers High School. In 2017 Staff approved some initial grading on the site provided future grading and stormwater management is reviewed and approved by the Commission. This is the City's submittal for the final grading and stormwater management on the property. This project was not reviewed by Staff in time to be included in this report. If available, an update will be provided to the Commission at their meeting.*

2018-053 Elm Creek Restoration, Champlin. *The proposed project is phase 3 of Champlin's watershed improvement projects within the Elm Creek watershed. This project includes 2,580 linear feet of stream bank restoration of Elm Creek, including approximately 950 linear feet west of Cartway Trail, 950 linear feet east of Cartway Trail, and 680 linear feet of the existing oxbow located at the northwest corner of the Mill Pond. This project was not reviewed by Staff in time to be included in this report. If available, an update will be provided to the Commission at their meeting.*

2018-054W Cease and Desist Order 9120 Trail Haven Road, Corcoran. The DNR issued a cease and desist order for wetland drainage work being done on PIDs 1011923310008 and 1011923330003. *The landowner is working to replace an existing drain tile inlet that controls the water elevation on an existing wetland. In doing so their work drained a portion of the wetland. Staff met with the landowner and will look for voluntary compliance to restore the area to its original condition. Ultimately the inlet will need to be set at an elevation to ensure the existing wetland remains at its historic elevation and boundary.*

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 Kiddiegarten 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 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. In March 2017, 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

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indicates enclosure

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 the 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. *A copy of the recordation was received on December 3, 2018. This item will be removed from the report.*

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 recordations 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 recordations 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 platting in a format acceptable to the Commission.

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 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.

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 Commission approved this project at their November meeting conditioned upon receipt of a SWPPP meeting NPDES requirements and the City of Dayton accepting maintenance responsibility or recording a modified O&M plan for the stormwater features on the site in a form acceptable to the Commission.*

LOCAL PLANS

Champlin. *Staff received the draft Champlin Surface Water Management Plan on November 29, 2018. At this time this report is being prepared. Review of the plan has not been completed. If available, Staff will bring an update to the Commission at the meeting.*

Corcoran The Commission approved the Corcoran SWMP at their November 13, 2018 meeting.

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

Maple Grove Draft Surface Water Management Plan. The Commission approved the Maple Grove SWMP at their November 14, 2018 meeting.

Plymouth. The Commission approved the Plymouth SWMP at their November 14, 2018 meeting.

FEMA FLOODPLAIN MAPPING

Elm Creek Floodplain Mapping: *Preparation of the Hydrologic Model (HEC-HMS) is in progress utilizing mapping information from GIS. No model outputs are yet available, but as work continues will be share at a future meeting.*

SWA APPLICATIONS

Any cities with SWA projects they wish to have considered at the February TAC meeting should have them submitted to Kirsten Barta (kirsten.barta@hennepin.us) by **January 15, 2019** for review. Cities can use the provided form (included in the December meeting packet) or create their own, but it is recommended that they include all of the information requested in the form.

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RESOLUTION NO. 2018-04

**INITIATING TERMINATION
OF THE ELM CREEK WATERSHED MANAGEMENT COMMISSION
AS THE LOCAL GOVERNMENT UNIT
TO ADMINISTER THE WETLAND CONSERVATION ACT OF 1991**

WHEREAS, the Minnesota Wetland Conservation Act of 1991 (WCA) requires local government units (LGUs) to implement the rules and regulations promulgated by the Board of Water and Soil Resources (BWSR) pertaining to wetland draining, filling and excavation;

WHEREAS, the WCA and Minnesota Rule Chapter 8420 authorizes a city to contract with and delegate to a watershed management organization local government unit responsibilities;

WHEREAS, by Resolution 1993-124, the City of Corcoran designated the Elm Creek Watershed Management Commission to server as its Local Government Unit;

WHEREAS, by Resolution 93-1208, the Elm Creek Watershed Management Commission accepted the City of Corcoran's designation;

WHEREAS, due to staffing, budget and operational constraints, the Elm Creek Watershed Management Commission has determined it can no longer effectively or efficiently provide the Local Government Unit services to the City of Corcoran;

NOW, THEREFORE BE IT RESOLVED, by the Elm Creek Watershed Management Commission, as follows:

1. Effective March 1, 2019, the Elm Creek Watershed Management Commission will no longer provide services to or serve as the Local Government Unit under the Watershed Conservation Act for the City of Corcoran.

Adopted by the Commissioners of the Elm Creek Watershed Management Commission the twelfth day of December, 2018.

_____, Chairman

Attest:

_____, Administrator

**STATE OF MINNESOTA
COUNTY OF HENNEPIN**

I, Judie A. Anderson, do hereby certify that I am the custodian of the minutes of all proceedings had and held by the Board of the Elm Creek Watershed Management Commission, that I have compared the above resolution with the original passed and adopted by the Board of said Commission at a regular meeting thereof held on the twelfth day of December, 2018, at 11:30 a.m., that the above constitutes a true and correct copy thereof, that the same has not been amended or rescinded and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto placed my hand and signature this twelfth day of December, 2018.

Judie A. Anderson

(NO SEAL)



LIABILITY COVERAGE – WAIVER FORM

Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before the member's effective date of coverage. Return completed form to your underwriter or email to pstech@lmc.org.

The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name: Elm Creek Watershed Management Commission

Check one:

☒ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#).

☐ The member **WAIVES** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#), to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: December 12, 2018

Signature: _____ Position: Judie A. Anderson, Administrator

From: Cathy Malone <Cathy.Malone@ahschools.us>

Sent: Monday, November 26, 2018 4:46 PM

To: Amy Juntunen <Amy@jass.biz>

Subject: Water Programs with Sharon Meister

I just wanted to write to express my happiness with the water shed program and the incredible journey presented last week by Sharon Meister. Sharon is very prepared and informative. She knows children and can communicate with them very well.

We were lucky enough to have Sharon come speak to our 4th graders last year. This year they are my 5th graders and while working on our environments unit they remembered Sharon's program and the different root lengths of plants and what they do for the water. They applied that knowledge to what we were learning and it fit! It was an amazing connection!

So, thank you for providing this amazing opportunity. We'll look forward to it again next year!

Cathy Malone

4/5 Inquiry

Dayton Elementary

Z:\West Metro Water Alliance\Watershed PREP\L_Dayton Elementary re Meister.docx

Finance & Commerce, Inc.

Item 09b

1 of 1

222 South 9th St Suite 900
Minneapolis, MN 55402
1 (612) 333-4244

COPY FOR YOUR RECORDS ONLY, NOT AN INVOICE OR AFFIDAVIT OF PUBLICATION

Accounts Payable
Three Rivers Park District
3000 Xenium Ln N
Plymouth, MN 55441-2661

Please Read Carefully

Finance & Commerce, Inc. is not responsible for errors or omissions after the First Run Date. If any errors, contact 1 (612) 333-4244. Attorneys placing legal advertisements are responsible for payment of same.

PO #	
Order #	11659601
Placement	Finance and Commerce (MN)
	Bids
	Goods and Services
Schedule	12/4/2018 - 12/8/2018
# of Times	5 inserts
Base Charge*	421.67
Add'l Charges/Disc*	4.00
Payment Amount	0.00
TOTAL:	425.67
(Not an Invoice)	

ORDER KEYWORDS:

FISH LAKE ALUMINUM SULFATE
(ALUM) TREATMENT II

Anchor Rate:	\$146.85
Subsequent Rate:	\$68.70

(OFFICIAL PUBLICATION) ADVERTISEMENT FOR BIDS

Three Rivers Park District
Plymouth, MN
Project Name: Fish Lake
Aluminum Sulfate (Alum)
Treatment II

Project Location: Fish Lake
Regional Park, 14900 Bass Lake
Road, Maple Grove, MN

Notice is hereby given that sealed bids will be received in the office of the Superintendent, Three Rivers Park District, 3000 Xenium Lane North, Plymouth, MN 55441-1299 and opened by the Superintendent at 10:00 AM, on January 3, 2019, for furnishing all labor, materials, equipment, and skill required for work as described in the Bidding Documents. The Project generally includes, but is not limited to, supplying 95,000 gallons of liquid alum (aluminum sulfate) to 120 acres of Fish Lake (MnDNR ID # 27-0118).

A pre-bid meeting will not be held.

Proposal forms and other contract documents are on file in the office of the Superintendent, Three Rivers Park District, 3000 Xenium Lane North, Plymouth, MN 55441-1299.

A complete digital copy of the specifications and drawings are available at www.questcdn.com. Documents may be downloaded for a non-refundable fee of \$25.00 by inputting Quest project #6029742 on the web site's Project Search page. Please contact QuestCDN at 952-233-1632 or info@questcdn.com for assistance in registration and downloading the digital project information. An optional paper set of specifications and drawings may be obtained from QuestCDN's printing partner, DocuNet Corporation, Phone 763/475-9600 for a non-refundable fee.

The current minimum wage rate per hour to be paid for each classification of work shall be the local prevailing rate, including fringe benefits as defined in Minnesota Statute 177.41-177.44.

No bid will be considered unless sealed and filed with the Superintendent before the stated bid time and accompanied by a Bidder's Bond or Certified Check made payable without recourse to Three Rivers Park District in an amount equal to five percent (5%) of the total base bid. A Performance Bond and a Labor and Material Payment Bond, each in the full amount of the Contract Sum, will be required of the successful bidder.

No bid may be withdrawn for a period of sixty (60) calendar days after bids are opened. The Owner reserves the right to reject any or all bids and to waive irregularities and formalities in order to award the contract in the best interests of Three Rivers Park District.

By Order of the Board of Commissioners
THREE RIVERS PARK DISTRICT
Superintendent and Secretary to the Board

(Published in
Finance and Commerce
December 4, 5, 6, 7, 8, 2018)
11659601

***Changes to this order may result in pricing changes.**

HENNEPIN COUNTY

MINNESOTA

DATE: November 27, 2018

TO: Elm Creek Watershed Management Organization

FROM: Kirsten Barta, Hennepin County Department of Environment and Energy

RE: Subwatershed Assessment Cost Share Application and Criteria

SWA Cost Share application:

- Please fill out the provided form or use your own containing the same information.
- Hennepin County staff can help with preparing the document upon request, but the cities should have a good idea about the cost and what type of implementation support they are willing to provide first
- Application should be returned as a PDF. Attachments can either be incorporated into application PDF or separate
- Hennepin technical staff will review all applications based on the criteria below and bring their recommendations to the February TAC meeting:
 - a. Subwatershed is identified in the MPCA WRAPS or TMDL report as a priority
 - b. Sponsor city shows active staff and financial support for implementation of projects identified within the SWA
 - c. Sponsor city has the ability to leverage outside funding for implementation
 - d. 2015 Elm Creek Plan references

Completed applications should be emailed to Kirsten Barta (Kirsten.barta@hennepin.us) no later than **January 15, 2019**.

If you have questions or need assistance, feel free to call 612-543-3373 (office) or 612-382-3956 (cell) or email the above address.

Z:\Elm Creek\Subwatershed Assessments\SWA application memo.docx



Elm Creek Watershed Commission

Subwatershed Assessment Cost Share Application

Date:

Waterbody to be assessed:

Sponsor City:

Total cost estimate:

Anticipated City Contribution:

Anticipated Commission Contribution:

Firm(s) solicited:

Background information

Why is the sponsoring city interested in this SWA?

Other supporting documents showing water quality issues? Ex: TMDL, Stressor ID report, etc. Please provide web links

Any additional local knowledge of issues?

Implementation

What implementation support will the sponsoring city provide? Ex: funding, staff time, outreach, submitting a Clean Water Fund app, etc

Does the sponsoring city presently have plans to incorporate the SWA information into their planning or other work? Please explain.

Other information

Is there anything else the Commission should know about the proposed SWA?

Attachments

Please attach a map of the proposed project area as well as any cost estimates solicited

elm creek

Watershed Management Commission

Item 10ac

ADMINISTRATIVE OFFICE
3235 Fernbrook Lane
Plymouth, MN 55447
PH: 763.553.1144
E-mail: judie@jass.biz

TECHNICAL OFFICE
Hennepin County Public Works
Department of Environment and Energy
701 Fourth Ave. South, Suite 700
Minneapolis, MN 55415
PH: 612.596.1171
E-mail: jason.swenson@hennepin.us

CR 202 Bridge Replacement **Dayton, Project #2018-027**

Project Overview: This project is to replace the existing bridge over Elm Creek located in Elm Creek Regional Park in the City of Dayton. This is approximately $\frac{3}{4}$ of mile west of Goose Lake Road or $1\frac{1}{4}$ miles east of Fernbrook Lane on CR 202 (Elm Creek Road). The existing bridge is structurally deficient (currently carries a low weight capacity and significant restrictions) and functionally obsolete (no shoulders, narrow width, no sidewalk). The project proposes to replace the existing bridge with a Timber Slab Bridge. The project triggers the Commissions review requirements for Rule E, Erosion and Sediment Controls, Rule F, Floodplain Alteration, Rule G, Wetland Alterations, and Rule H, Bridge and Culvert Crossings.

Applicant: Hennepin County Public Works, Attn. John Ekola, 1600 Prairie Drive., Medina, MN 55340. Phone: 612-596-0370. Email: john.ekola@hennepin.us

Agent: Hennepin County Public Works, Attn. John Ekola, 1600 Prairie Drive., Medina, MN 55340. Phone: 612-596-0370. Email: john.ekola@hennepin.us

Exhibits:

- 1) ECWMC Request for Plan Review and Approval application, received June 22, 2018 with fees of \$1,050.
- 2) C.S.A.H. 202 / Hennepin County Project 0408 Plans dated June 11, 2018, totaling 87 Sheets.
- 3) Hydraulic Data Form Dated 6/11/2018
- 4) Minnesota DNR Public Waters DNR General Permit Authorization 208-02478 Dated 7/18/2018
- 5) Revised SWPPP Sheets 42-44, Dated July 23, 2018
- 6) Updated Floodplain fill calculations, dated July 27, 2018

Findings:

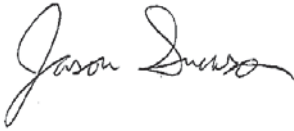
- 1) A complete application was received on June 22, 2018. The initial 60-day decision period per MN Statute 15.99 expires on August 21, 2018.
- 2) The project is located on Elm Creek at its crossing with Elm Creek Road. The approximate drainage area to Elm Creek at this location is 86.0 square miles.
- 3) This project will disturb 1.04 acres and create 0.30 acres of new impervious areas. Since less than 1 acre of new impervious surface area will be created by the project, Rule D,

Stormwater Management is not triggered by this project, and no abstraction is required for the project.

- 4) The project also includes roughly 1200 feet (1.67 acres) of full depth road reclamation to replace existing bituminous pavement that is in poor condition. Road reclamation work also does not trigger Stormwater Management Review requirements.
- 5) The project proposes the complete replacement of the existing bridge in a similar location to the existing bridge. The bridge will be widened with 2-12' wide lanes and 6' wide shoulders, providing a safer bridge crossing for cars and pedestrians or bikers. In addition to the bridge crossing, the project will install 3 additional floodplain culverts under CR 202 that are not place today. The intent of these additional culverts is provide additional connectivity to Elm Creek's floodplain that does not exist today. The County has been working with the Minnesota DNR on implementation of these additional floodplain culverts as part of a DNR program to implement this type of crossing on a more regular basis across the State of Minnesota.
- 6) Rule E, Erosion and Sediment Controls: A complete SWPPP plan was provided as part of the plans for the project. Sediment controls will be provided including silt fence, inlet protection, and rock construction entrances. The Revised SWPPP sheets submitted meet the ECWMC and MPCA requirements.
- 7) Rule F, Floodplain Alteration: As proposed, the project proposes no change to the 100 year floodplain elevation through the reach as part of the project. The 100 year elevation as modeled is 863.09 (NAVD88 Datum) (Upstream). As submitted, the project creates a net of 27 cubic yards of new floodplain storage.
- 8) Rule G, Wetland Alterations: Impacts to wetlands are proposed as part of this project. Specifically, 0.04 acres of wetland are proposed to be permanently filled, and .05 acres are proposed to be disturbed temporarily during construction. Wetland permitting on this project is under the jurisdiction of the Minnesota DNR, and the DNR has approved the fill and impacts as proposed in its permit dated 7/18/2018. As such, the project meets the intent of Rule G of the ECWMC.
- 9) Rule H, Bridge and Culvert Crossings: The plans as proposed show no net change in the 100 year floodplain elevation. The project has obtained a permit from the Minnesota DNR for Work in Public Waters. An erosion and sediment control plan has been submitted and requires minor modifications. No water quality impacts appear to be proposed, and the solution with additional floodplain culverts appears to provide a low impact solution to the issues presented at this stream crossing. As such, the plans as presented meet the requirements of Rule H.
- 10) The erosion control details on page 46 appear to show that some disturbance may needed adjacent to the USGS Guaging station located on the west bank of Elm Creek. The USGS should be notified as soon as possible about this potential encroachment to discuss how this may impact the gauging station.
- 11) Most projects of this type require a No-Loss certificate and then completing a LOMR (Letter of Map Revision) with FEMA for the changes to the floodplain. However, given that the floodplain maps will be updated for this area in the next year and a half, there is no need for the applicant to submit and complete a LOMA at this time.

Recommendation:

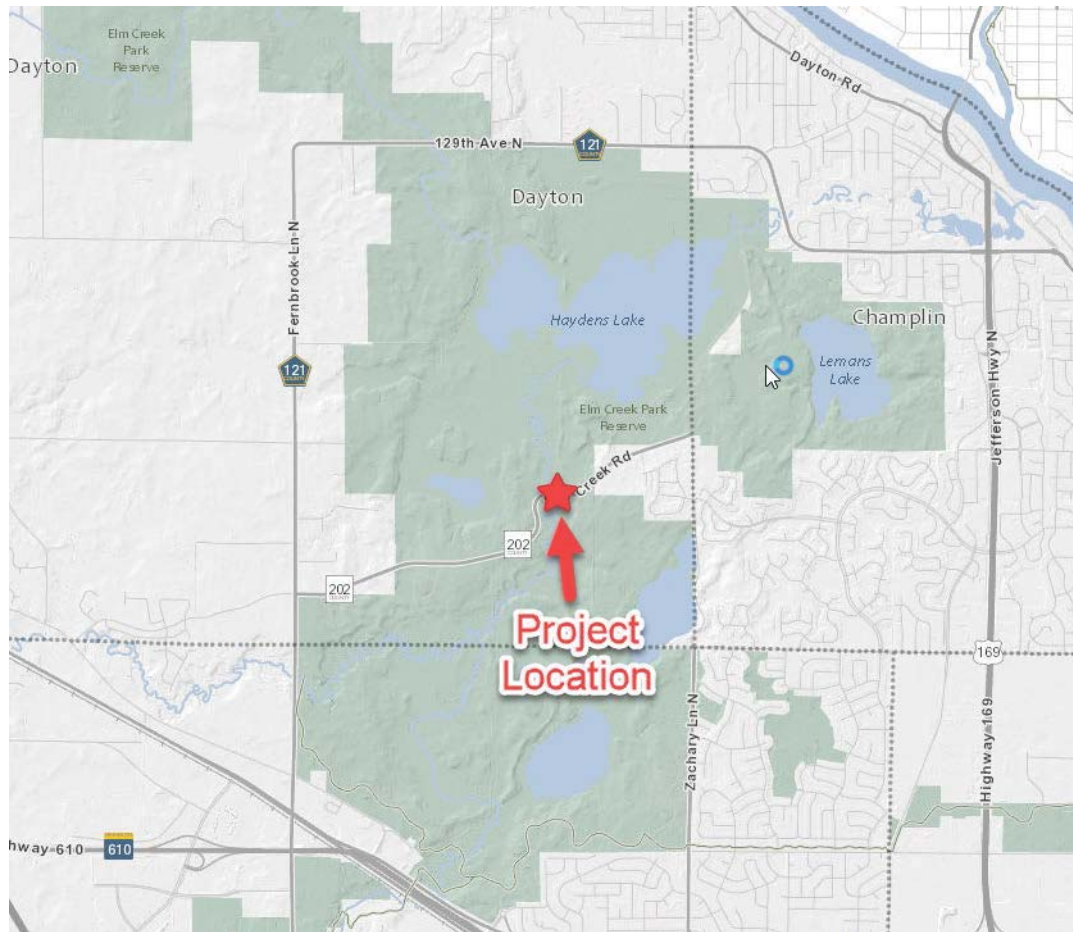
Approved by the Commission and all conditions are satisfied.

A handwritten signature in black ink, appearing to read "Jason Suroso". The signature is fluid and cursive, with the first name "Jason" being more prominent than the last name "Suroso".

November 29, 2018

Hennepin County
Department of Environment and Energy
Advisor to the Commission

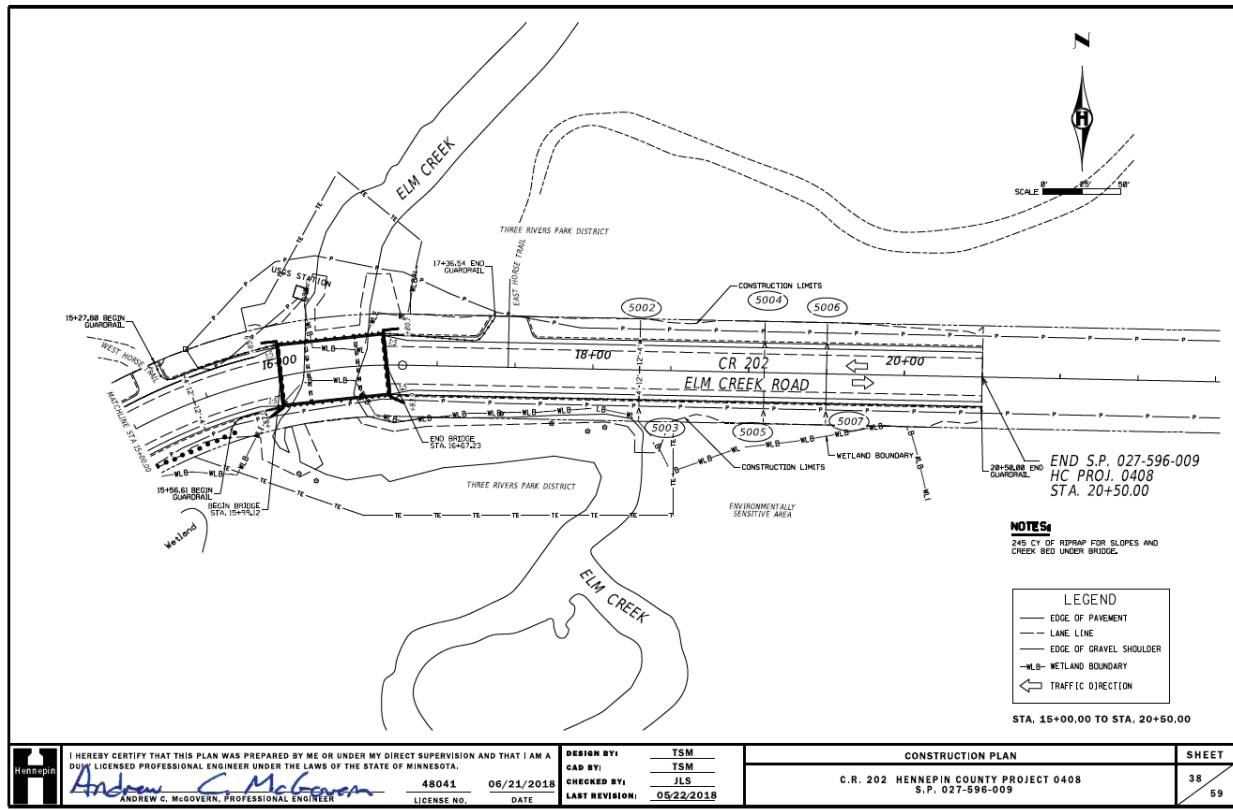
Site Location



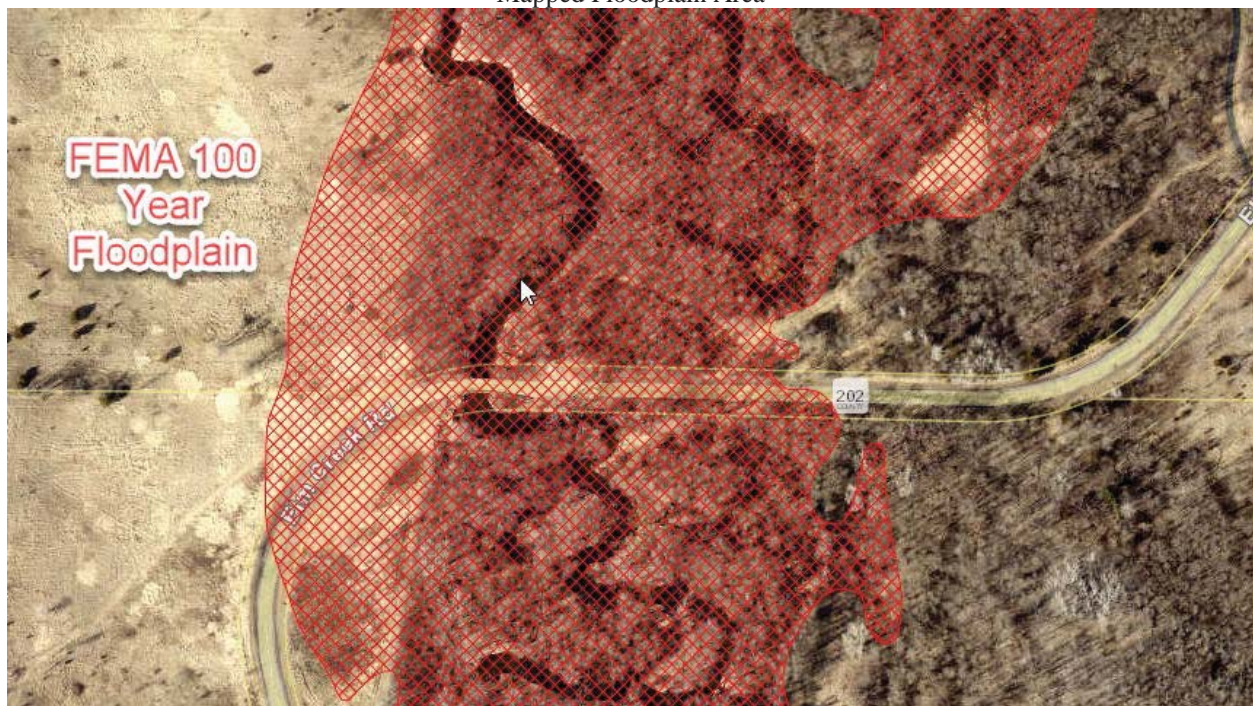
Aerial Photo



Site Plan



Mapped Floodplain Area





Project Review 2018-054W

Minnesota Department of Natural Resources

Wetland
CEASE AND DESIST ORDER

Date 11/06/2018	Time 12:59 PM	Issued To Landowner	Phone Number (763)548-4800	CDO# F890599831001
First Name Nicholas	Middle Byron	Last Name Cain		
Address 7970 State Highway 55 Nw		City Maple Lake	State MN	Zip Code 55358-2420
VIOLATION INFORMATION:				
County Hennepin County	PWI No.	<input checked="" type="checkbox"/> Airplane Used		
Address 9120 Trailhaven Rd		City Corcoran	State MN	Zip Code
Location Description (T-R-S or PID) 1011923330003				
Violation (Type) Description Party excavated and dug a trench draining a wetland. Party advised that an old drain tile stopped working approximately 2 years ago and he was now digging it up to replace the tile. Party stated he had a wetland determination of PCNW from the NRCS and did not feel he needed a permit to do the work. Party stated he was trying to have the work completed by this fall.				
CEASE AND DESIST ORDER (CDO): The above, and his/her/its agents, contractors, heirs, successors, and assigns, are hereby ordered, pursuant to Minnesota Statutes, Section 103G.2372 or 103G.615, immediately cease and desist any illegal activity adversely affecting groundwater quantity, a wetland, public waters or the illegal gathering, harvesting, planting or transplanting, or destroying of aquatic vegetation or organisms in public waters.				
Local Government Unit Hennepin County Environment & Energy Dept - 701 Fourth Ave S Ste 700		LGU Contact Jim Kujawa	LGU Contact Phone (612)348- 7338 Ext.	
		Office Name Timothy Maass	Badge 599	Officer's Phone (612) 246 - 5274

ANY VIOLATION OF THIS ORDER IS A MISDEMEANOR

CEASE AND DESIST INFORMATION SHEET Project Review 2018-054W

WCA

You have received a Cease and Desist Order issued under the Minnesota Wetland Conservation Act. The Cease and Desist Order was issued under Minnesota Statutes, Section 103G.2372. Administrative rules pertaining to the Wetland Conservation Act appear in Chapter 8420 of Minnesota Rules. The Cease and Desist Order requires you to stop draining, filling, or excavating a wetland*. Failure to comply with either the Cease and Desist Order or any subsequent restoration order or replacement order is a misdemeanor. A copy of the Cease and Desist Order will be sent to the Local Government Unit listed on the Order. If you believe that the activity is exempt or results in no loss of wetlands, then, if you have not done so already, you may apply to the Local Government Unit for an exemption or no-loss determination. If the Local Government Unit determines that the activity is exempt or results in no-loss of wetlands, then, provided the local government determination is not reversed on appeal, the Cease and Desist Order will be rescinded. You must apply to the Local Government Unit in writing and submit all required documentation to support your application. You may use the application form on the opposite side of this sheet; however additional information may be required. If you do not apply to the Local Government Unit for an exemption, no-loss, or replacement plan determination or your application is denied, or if your application is granted but reversed on appeal, then whatever drain, excavation, or fill work has been done may require restoration according to a restoration plan designed by the local Soil and Water Conservation District. If you disagree with an exemption, no-loss, or replacement plan determination made by the Local Government Unit, you may appeal to the Minnesota Board of Water and Soil Resources pursuant to Minnesota Rules 8420.0905. The decision of the Local Government Unit will become final unless you file a petition for appeal in writing within 30 working days after the date on which the decision of the Local Government Unit is mailed. The petition for appeal must include the filing fee and must comply with all other requirements specified in Minnesota Rules 8420.0905. If you have any questions about the Cease and Desist Order or the process described above, contact the Local Government Unit or the issuing officer listed on the Order. You should also consult an attorney

This information sheet provides general background information for wetlands. the statutes and rules pertaining to the protection of wetlands supersede any information provided on this sheet. The information provided is done so as a courtesy and is not legal advice; consult an attorney for legal advice.

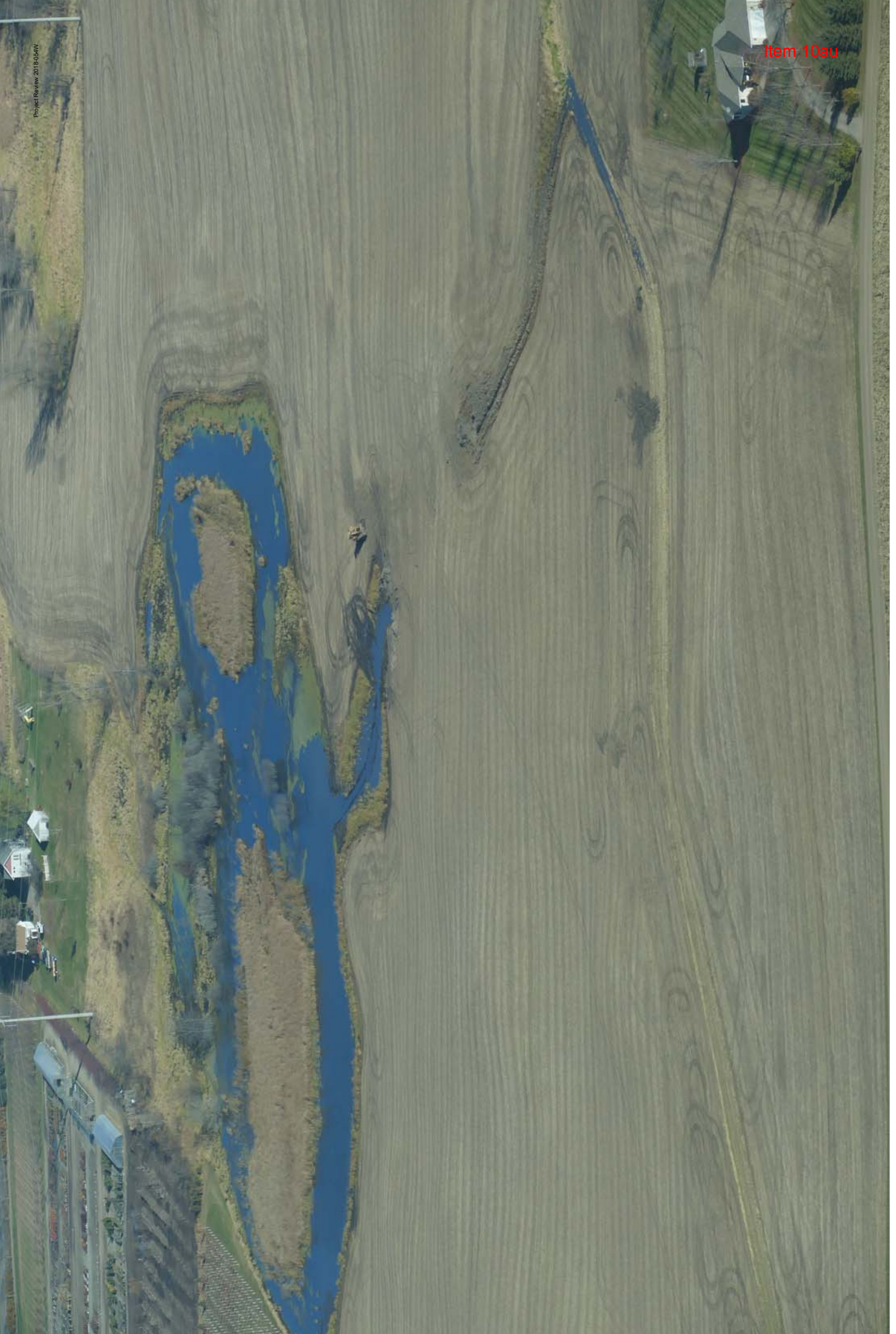
** Pursuant to Minnesota Rules 8420.0111 Subp. 72: "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.*

Wetlands must:

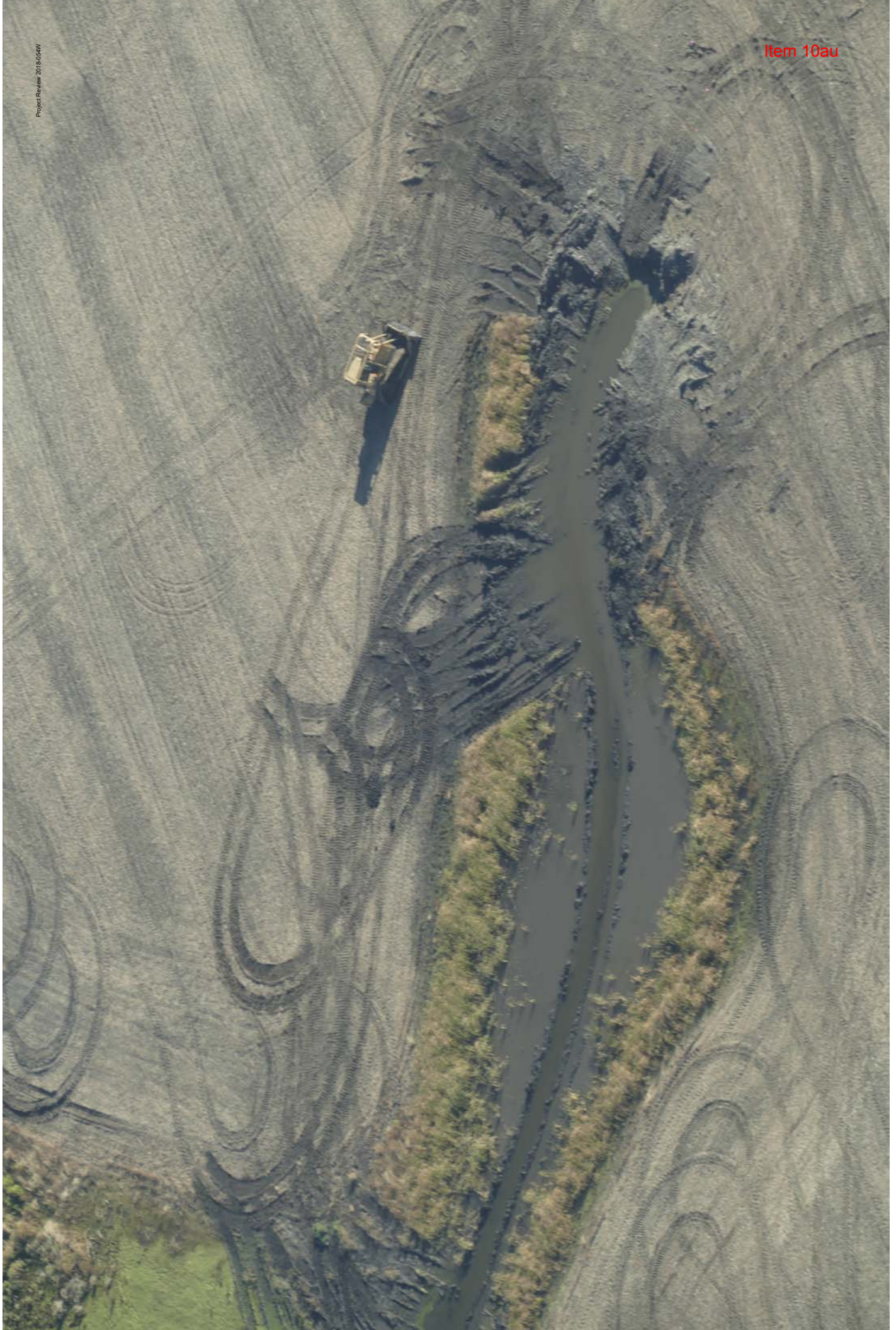
- (1) have a predominance of hydric soils;*
- (2) be inundated or saturated by surface water or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and*
- (3) under normal circumstances, support a prevalence of hydrophytic vegetation*

These criteria are determined according to the United States Army Corps of Engineers Wetland Delineation Manual (January 1987).





Item 10au





December 4, 2018

Maury J. Noonan
 Rinke Noonan
 Suite 300 US Bank Plaza
 1015 W. St. Germain St.
 St. Cloud, MN 56302

Sent Via Email and U.S. Mail

**In Re: ABEYANCE – Wetland Conservation Act Appeal of a Restoration Order
 Hennepin County, File 18-3**

Dear Mr. Noonan:

The above referenced appeal of Ernie Mayers to appeal a Wetland Conservation Act Restoration Order, located in parts of Section 27 and 28, T.119.N, R. 23W, Hennepin County, is hereby placed in abeyance. The Restoration Order is stayed until January 30, 2019 for submittal of additional documentation in support of the appeal, or for Elm Creek Watershed Management Commission to make a final decision on the wetland applications submitted on behalf of Mr. Mayers, or both. The period of time to render a decision on the appeal, as required by Minn. Rules Chapter 8420.0905, Subp. 1, is extended per your request.

Please feel free to contact me at (651) 297-4958, or at travis.germundson@state.mn.us, if you have any questions.

Sincerely,

Travis Germundson
 Appeals and Regulatory Compliance Coordinator

cc: James Kujawa, Elm Creek Watershed Management Commission
 Stacey Lijewski, Hennepin County
 Leah Weyandt, DNR Enforcement
 Doug Norris, DNR Ecological and Water Resources
 DRC Members
 Stacey Person, A.G.O.
 BWSR: John Jaschke, Dave Weirens, Ken Powell, Ben Carlson

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the Wetland Conservation Act
appeal filed for Ernie Mayers of a Restoration
Order located in part of Sections 27 and 28,
T.119N, R.23W, Hennepin County

**ORDER APPEAL
ABEYANCE
AND STAY
RESTORATION ORDER**

Whereas, a petition dated October 30, 2018, was received on October 31, 2018 from Maury J. Noonan with Rinke Noonan LTD, on behalf of Ernie Mayers to appeal a Wetland Conservation Act (WCA) Restoration Order, located in part of the NW¼ of Section 27 and E½ of Section 28, T.119N, R.23W, Hennepin County, and;

Whereas, Elm Creek Watershed Management Commission is the Local Government Unit (LGU) administering the WCA at the location of the Restoration Order, and;

Whereas, the Restoration Order is for the unauthorized excavation, filling, and draining of wetlands on multiple parcels, and;

Whereas, the time frame for appeal was extended beyond 30 days by mutual agreement in accordance with Minnesota Rules Chapter 8420.0905, and;

Whereas, the petition claims that the Restoration Order overestimates the scope of any work performed in the purported wetlands, and;

Whereas, members of the Technical Evaluation Panel (TEP) convened onsite on multiple occasions to assess the amount of wetland impacts, and;

Whereas, the TEP produced findings of fact dated May 22 and July 20, 2018 that document the extent of the wetland impacts, and;

Whereas, Anderson Engineering of Minnesota, LLC was retained by Mr. Mayers to review the onsite conditions and assess potential impacts to wetlands, and;

Whereas, the July, 19, 2018 Memorandum from Anderson Engineering of Minnesota, LLC acknowledges that wetlands are present onsite and impacts did occur as a result of the activities, and;

Whereas, the petition claims the purported wetlands are exempt under Minn. Stat. §103G.2241, Subd. 1., Subd. 2, and Subd. 5., and;

Whereas, the petition claims that any work done in purported wetlands resulted in no net loss as the area impacted was non-wetland, and;

Whereas, the Wetland Conservation Act, Minn. Stat. §§ 14.06, 103B.101, 103B.3355, 103G.2242 and Minnesota Rules Chapter 8420, prohibit the impact of wetlands in this matter without an approved replacement plan, exemption or no-loss determination, and;

Whereas, applications for exemption determination and no-loss determination were submitted on behalf of Mr. Mayers to the LGU concurrently with the petition to appeal, and;

Whereas, the LGU initially deemed the applications incomplete on November 6, 2018, and;

Whereas, the application materials indicate that Mr. Mayers is in the process of filing supplemental information in support of the applications and hiring a second technical consultant, and;

Whereas, legal counsel for Mr. Mayers has requested that the appeal be held in abeyance until there is final determination on the applications for exemption and no-loss by the LGU, and;

Whereas, BWSR may place the appeal in abeyance and stay the Restoration Order until the appeal is resolved, pursuant to MN Rules 8420.0905, Subp. 1, and;

Whereas, the request to place the appeal in abeyance extends the time period for the Board of Water and Soil Resources to render a final decision on the appeal;

Now Therefore, the Board hereby makes the following Order.

ORDER

The Board hereby places in abeyance the Wetland Conservation Act petition for appeal filed by Maury J. Noonan with Rinke Noonan LTD, on behalf of Ernie Mayers to appeal a Wetland Conservation Act Restoration Order, located in part of the NW¼ of Section 27 and the E½ of Section 28, T.119N, R.23W, Hennepin County, and the Restoration Order is hereby stayed until January 30, 2019, to provide for either; (1) submittal of additional documentation in support of the appeal, or (2) Elm Creek Watershed Management Commission to make a final decision on the applications submitted on behalf of Ernie Mayers, or both, pursuant to Minnesota Rules Chapter 8420.0905, Subp. 1.

Dated at Saint Paul, Minnesota this 4th day of December, 2018.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By:


John G. Jaschke, Executive Director