

elm creek Watershed Management Commission

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

TECHNICAL OFFICE
Barr Engineering
4300 Market Point Drive, Suite 200
Minneapolis, MN 55435
PH: 612.834.1060
Email: jHerbert@barr.com

AGENDA Technical Advisory Committee Meeting August 24, 2020 • 9:00 – 11:00 a.m.

Until further notice, all meetings will be held online to reduce the spread of COVID-19. To join a meeting, click <https://us02web.zoom.us/j/88012181743> or go to www.zoom.us and click Join A Meeting. The meeting ID is 880 1218 1743. No password is needed.

If your computer is not equipped with audio capability, you need to dial into one of these numbers:

1 929 205 6099 US (New York)
1 312 626 6799 US (Chicago)
1 253 215 8782 US (Tacoma)

1 301 715 8592 US (Germantown)
1 669 900 6833 US (San Jose)
1 346 248 7799 US (Houston)

1. Call to Order.
2. Approve Agenda.
3. Approve Minutes of last TAC meetings
 - a. May 21, 2020.*
 - b. June 1, 2020 Tutorial.*
 - c. June 8, 2020.*
 - d. July 27, 2020*
 - e. August 10, 2020.*
4. Draft Policy on Cost-Share for Equipment and non-Structural Practices.*
5. Other Business.
6. Next Meeting
7. Adjournment

*Included in meeting packet

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Technical Advisory Committee Meeting Minutes – May 21, 2020

I. A virtual meeting of the **Technical Advisory Committee (TAC)** for the Elm Creek Watershed Management Commission was convened at 1:30 p.m., Thursday, May 21, 2020.

In attendance: Kevin Mattson, Corcoran; Nico Cantarero, Wenck Associates, Dayton; Derek Asche and Mark Lahtinen, Maple Grove; Kaci Fisher, Hakanson-Anderson, Medina; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Kris Guentzel and Kirsten Barta, Hennepin County Dept. of Environment and Energy (HCEE); Jim Herbert, Barr Engineering; James Kujawa, Surface Water Solutions; Brian Vlach, Three Rivers Park District (TRPD); and Amy Juntunen and Judie Anderson, JASS.

Not represented: Champlin.

Also present: Ken Guenthner, Corcoran; Doug Baines, Dayton; and Liz Weir, Medina.

A. Motion by Scharenbroich, second by Mattson to approve the **agenda**.* *Motion carried unanimously.*

B. Motion by Scharenbroich, second by Fisher to approve the **minutes*** of the April 23, 2020 Technical Advisory Committee meeting. *Motion carried unanimously.*

II. Project Review Fees.*

A. The members discussed the gap between project review expense and fees generated.

1. The preliminary 2019 Audit shows:

a. Fees totaling \$45,874 were generated v. \$80,000 budgeted = **\$34,126** difference.

b. Expenses totaling \$99,404 were expended v. \$127,400 budgeted = \$27,996 difference.

2. The 2019 project review spreadsheet shows:

a. Fees totaling \$45,874 received. If the revised 2019 fee schedule had been implemented year-long, that total would have been \$64,770, an \$18,826 difference.

b. Total project review expense (Hennepin County and Barr Engineering) totaled **\$81,144**.

The difference in the numbers above reflect timing of invoicing using the cash basis.

B. The members discussed ways to close the gap so that the deficit would not be borne by member assessments. An escrow system was discussed as was increasing the amount of the initial application fee. Others suggested a combination of the two – when the fee has been expended the review would stop until additional funds were obtained from the applicant.

1. They queried Barr Engineering about what comprised the category “pre-review,” and whether some of that expense should be captured as actual project review expense. Barr will describe the “tasks” they show on their invoices on the updated spreadsheet.

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

**included in meeting packet*

Elm Creek Watershed Management Commission

Technical Advisory Committee Meeting

May 21, 2020

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2. They also discussed whether the Commission's current project review application* and worksheet/fee schedule* fully describe the project and whether the fees listed cover all of the project elements. Comparable forms from the Shingle Creek/West Mississippi* and Bassett Creek* WMOs were included in the meeting packet.

3. Also included in the packet were the following:

- a. Powers granted to the Commission regarding project reviews by its Joint Powers Agreement.*
- b. Powers granted to the Commission regarding project reviews by its Rules.*
- c. A brief summary* by the Commission's attorney, Joel Jamnik, regarding the amount of the fees that the Commission can assess by law.

It was a consensus to continue this discussion prior to making a recommendation to the Commission. A recommendation can be made subsequent to adoption of the 2021 Operating Budget at the Commission's June 10, 2020 meeting.

III. Proposed 2021 Operating Budget* (vers. Rev 2_2021 proposed [3]).

A. The budget spreadsheet shows the following:

- 1. *Columns AT and AV show the 2018 Budget and 2018 Audit numbers.*
- 2. *Column AW shows the 2019 approved budget.*
- 3. *Column AX details the 2019 preliminary audit numbers. The 2019 Audit must be approved at the Commission's June 10, 2020 meeting.*
- 4. *Column AZ details the 2020 approved budget*
- 5. *Column BA shows the 2020 year-to-date revenue and expenditures through the May Treasurer's Report.*
- 6. *Column BB details the proposed 2021 operating budget. These numbers were determined in consultation with the administrative and technical staff members and our partners (Three Rivers Park District, Metropolitan Council, the USGS, Hennepin County, and others).*
- 7. The notes in *column BC* explain either
 - a. Adjustments to the 2020 budget, or
 - b. The reasoning for the numbers that comprise the 2021 budget. The 2021 budget is based on a zero increase in member assessments* over 2020 and, as written, shows a deficit of \$67,360 (*line 102*).
- 8. *Column BD* shows the estimated amounts of adjustment to the 2020 budget. The total amount of the adjustments, \$66,550 (*line 84*), would be added to the general fund balance.

B. Staff reviewed the spreadsheet and provided explanation where requested. Modifications to the worksheet to provide more clarity and additional information were suggested and will be included in the final iteration which will be presented to the Commission at its June 10, 2020 meeting.

IV. New Policies.

A. Included in the meeting packet for discussion at a future meeting are the following.

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

*included in meeting packet

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1. Non-structural practices – are they eligible for the CIP?
 - a. SCWM Policy.*
 - b. BCWMO Policy.*
 - c. Kujawa draft policy.*
 - d. Asche draft policy.*
2. Consider policy regarding Commission match percentage for capital projects.
 - B. Wetland Restoration and Banking Policy.
 - C. Land Acquisition (Champlin).
 - D. Maintenance of equipment, in-lake restorations, other non-structural items.

Staff was requested to determine the area of each city in the watershed.

V. The **next meeting of the TAC** is scheduled for 8:30 a.m., Monday, June 8. This will be a virtual meeting. The agenda will include consideration of a policy for non-development practices, review of the project review schedule v. current expenses, and a recommendation for the 2021 Operating Budget.

Staff will conduct a **tutorial on the 2021 proposed budget** at 3:00 on June 1, 2020 for anyone who would like to better understand the budget process.

VI. Other Business.

There being no further business, the meeting was adjourned at 3:48 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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Notes

Budget Tutorial

3:00 p.m., June 1, 2020

I. A virtual meeting of **members of the Commission, Technical Advisory Committee (TAC), and Staff** of the Elm Creek Watershed Management Commission was convened at 3:00 p.m. Monday, June 1, 2020. The purpose of this meeting was to participate in a tutorial relating to the budget process utilized by the Commission and its 2021 proposed budget.

In attendance: Ken Guenther, Corcoran; Doug Baines, Dayton; Derek Asche, Maple Grove; Ben Scharenbroich, Plymouth, Brian Vlach, Three Rivers Park District, Kris Guentzel, Hennepin County Dept. of Environment and Energy (HCEE); and Amy Juntunen and Judie Anderson, JASS.

II. 2019 Audit Report.

An audit report is comprised of a balance sheet and income statement. The numbers reported in these two documents by the Commission's Auditor, Johnson and Company, have been incorporated into the attached budget worksheet* (*lines AX134-AX163 and AX7-AX104*) as a way to compare last year's financial activity against anticipated 2021 activity.

The Commission operates on the Cash Basis, i.e., revenue is recorded when it is received and expenses are recorded when they are paid.

However, a quasi-accrual basis is used to report monies in various funds – funds where money is “stored” for a particular use. The Commission follows Rule 54 of the Government Accounting Standard Board (GASB) to report Fund Balances. Using the accrual basis, receipts are recorded when they are invoiced by the Commission or have become due per agreements or contracts written between the Commission and a second party, and expenses are recorded when they become due per those agreements or contracts.

Based solely on the activity shown on the balance sheet and income statement, in 2019 the Commission had a surplus of \$65,149 (*line 132*) at December 31, 2019.

Staff have reviewed the preliminary balance sheet and income statement of the 2019 Audit, along with the accompanying financial notes, and will recommend its acceptance at the Commission's June 10, 2020 meeting.

III. Proposed 2021 Operating Budget.

A. The columns on the right side of the worksheet are described as follows:

1. *Column AZ* details the 2020 approved budget
2. *Column BA* shows the 2020 year-to-date revenue and expenditures through the May Treasurer's Report.
3. In *column BB* are adjustments to the 2020 budget based on best-guess updates. They total \$19,150 (*line 111*) and would increase the general fund by that amount.

elm creek Watershed Management Commission

Budget Tutorial Notes – June 1, 2020

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4. *Column BC* details the proposed 2021 operating budget. These numbers were determined in consultation with the administrative and technical staff members and our other partners such as Three Rivers Park District, Metropolitan Council, the USGS, Hennepin County, and others.

5. The notes in *column BD* explain either

a. Adjustments to the 2020 budget, or

b. The reasoning for the numbers that comprise the 2021 budget. The 2021 budget is based on a zero increase in member assessments over 2020 and, as written, shows a deficit of \$67,260.

6. Modifications to the worksheet to provide more clarity were suggested and will be included in the final iteration which will be presented to the Commission for adoption at its June 10, 2020 meeting.

The tutorial concluded at 4:19 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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Technical Advisory Committee Meeting Minutes – June 8, 2020

I. A virtual meeting of the **Technical Advisory Committee (TAC)** for the Elm Creek Watershed Management Commission was convened at 8:35 a.m., Monday, June 8, 2020.

In attendance: Todd Tuominen, Champlin; Kevin Mattson, Corcoran; Nico Cantarero, Wenck Associates, Dayton; Derek Asche, Maple Grove; Ben Scharenbroich, Plymouth; Kirsten Barta, Hennepin County Dept. of Environment and Energy (HCEE); Jim Herbert and Joe Waln, Barr Engineering; James Kujawa, Surface Water Solutions; Brian Vlach, Three Rivers Park District (TRPD); and Amy Juntunen and Judie Anderson, JASS.

Not represented: Medina and Rogers.

Also present: Ken Guenthner, Corcoran, and Doug Baines, Dayton.

A. Motion by Tuominen, second by Scharenbroich to approve the **agenda**.** Motion carried unanimously.*

B. The **minutes** of the May 21, 2020, Technical Advisory Committee meeting and notes of the June 1, 2020 Budget Tutorial were not available for this meeting.

II. Project Review Financials.

A. The members continued to discuss the gap between project review expenses and fees generated. (Spreadsheet* entitled *2020 Project Review Fee v Expense Analysis_June 4 2020* was included in the meeting packet.)

1. Included on the spreadsheet were descriptions of the Tasks enumerated on Barr invoices as well as a breakdown of fees v. expenses for the projects reviewed in 2020 through June 1.

2. The spreadsheet showed a total of \$64,864 in project review fees received and expenses to date of \$34,962, for a positive variance of \$29,902. [Those numbers were later corrected to \$64,864, \$25,603, and \$39,261, respectively.]

a. Work on nine of the 23 listed projects had been completed.

b. Negative variances were shown for six of the 23 projects.

B. The spreadsheet also showed another \$35,989 in expenses for Tasks 100 and 200 and the Ravinia wetland as enumerated in Barr's invoices.

C. The members also continued to discuss ways to close the gap. An escrow system and increasing the amount of the initial application fee were considered. Employing a combination of the two –work on the review would stop when the fee has been expended until additional funds were obtained from the applicant – was also discussed.

D. Treasurer Guenthner stated he will emphasize at the June 10 regular meeting the need for the Commission to be paid for the overages in order to maintain a positive cash flow and to be responsive

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

**included in meeting packet*

Elm Creek Watershed Management Commission

Technical Advisory Committee Meeting

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to the member cities so that they are not undertaking this burden in the form of increased member assessments.

E. Also included in the packet were the following:

1. Elm Creek's current project review application* and worksheet/fee schedule*
2. Bassett Creek Application* and fee schedule.*
3. Shingle Creek/West Mississippi fee schedule.*

This discussion will continue prior to making a recommendation to the Commission.

III. The **next meeting of the TAC** is tentatively scheduled for a time in the week of June 22. Staff will send out a doodle poll. This will be a virtual meeting.

IV. Other Business.

There being no further business, the meeting was adjourned at 9:33 a.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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Technical Advisory Committee Meeting Minutes – July 27, 2020

I. A virtual meeting of the **Technical Advisory Committee (TAC)** for the Elm Creek Watershed Management Commission was convened at 1:00 p.m. Monday, July 27, 2020.

In attendance: Todd Tuominen, Champlin; Kevin Mattson, Corcoran; Nico Cantarero, Wenck Associates, Dayton; Derek Asche, Maple Grove; Kaci Fisher, Hakanson-Anderson, Medina; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Jim Herbert and Joe Waln, Barr Engineering; James Kujawa, Surface Water Solutions; Brian Vlach, Three Rivers Park District (TRPD); and Amy Juntunen and Judie Anderson, JASS.

II. Motion by Scharenbroich, second by Simmons to approve the **agenda**.** Motion carried unanimously.*

III. Project Review Financials.

The purpose of this meeting is to continue discussion regarding the gap between project review expenses and fees generated and ways to close that gap.

The “fairness” of the fees was discussed. Members considered the types of projects that could be subsidized. Varying opinions were expressed. It was agreed to treat linear and non-linear projects the same.

What constitutes the Technical Advisor’s “administrative” costs – meeting attendance, PowerPoint presentations, pre-project time with the applicant? It would be a goal to associate as much time as possible to the projects.

Both increasing the amount of the initial application fee and devising an escrow system were considered. In the case of the latter, work on the review would stop when the fee has been expended until additional funds were obtained from the applicant. Unused funds would be returned to the applicant.

Projects are submitted in varying levels of complexity. Members described factors that could contribute to the complexity of a project. Characteristics such as size, type, design, developer/designer experience, number of rules triggered, etc., all affect review cost.

Projects that are part of regional developments tend to cost less to review because treatment and rate control are being provided as part of the overall development. Projects with floodplain impacts, stream crossings, or complicated, lengthy highway projects generally require more effort to review.

IV. Also included in the packet were the following: (1) Elm Creek’s current project review application* and worksheet/fee schedule; * (2) the Bassett Creek Application* and fee schedule;* and (3) the Shingle Creek/West Mississippi fee schedule.*

Most members preferred Bassett Creek’s format. A schedule of fees would be developed based on the Rules outlined in the Management Plan.

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

**included in meeting packet*

Elm Creek Watershed Management Commission

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This discussion will continue prior to making a recommendation to the Commission. The technical consultants will meet on July 29 to incorporate today's discussion into draft documents.

V. The **next meeting of the TAC** is scheduled for Monday, August 10, 2020 at 1:00 p.m. This will be a virtual meeting.

VI. Other Business.

There being no further business, the meeting was adjourned at 2:05 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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

**included in meeting packet*

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Technical Advisory Committee Meeting Minutes – August 10, 2020

I. A virtual meeting of the **Technical Advisory Committee (TAC)** for the Elm Creek Watershed Management Commission was convened at 1:01 p.m., Monday, August 10, 2020.

In attendance: Kevin Mattson, Corcoran; Nico Cantarero, Wenck Associates, Dayton; Derek Asche, Maple Grove; Kaci Fisher, Hakanson-Anderson, Medina; Ben Scharenbroich, Plymouth; Kirsten Barta, Hennepin County Dept. of Environment and Energy (HCEE); Jim Herbert and Joe Waln, Barr Engineering; James Kujawa, Surface Water Solutions; Brian Vlach, Three Rivers Park District (TRPD); and Amy Juntunen and Judie Anderson, JASS.

Not represented: Champlin and Rogers.

Also present: Doug Baines, Dayton.

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

III. Project Review Policy.

The members reviewed the draft policy* crafted by Asche. Minor revisions were suggested and agreed upon:

A. Sec. III: If the surety is exhausted, review may continue and a decision made within statutory requirements; however, decisions by the Commission may be conditioned upon the applicant funding the full cost of the review.

B. Fee schedule shall also include:

1. Rule K Variance, \$500
2. Technical Services (non-refundable), 15%.

Motion by Mattson, second by Scharenbroich to approve the draft policy and to forward it on to the Commission for consideration and approval. *Motion carried unanimously.*

IV. Application Form.

The members suggested two revisions to the revised Application Form:*

A. Add a check box for Variances.

B. Require only one electronic copy of the plans with the application.

V. Fee Schedule.

The current fee schedule was revised* to reflect the fee schedule outlined in the Project Review Policy.

VI. Public Hearing.

Motion by Scharenbroich, second by Fisher to recommend to the Commission a call for a **Public Hearing** on the proposed projects on the 2020 CIP,* that the hearing be held on September 9, 2020 during

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

**included in meeting packet*

Elm Creek Watershed Management Commission

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the Commission's regular September meeting, and that the Commission certify the levies to Hennepin County. *Motion carried unanimously.*

VI. Other Business.

VII. The **next meeting of the TAC** is scheduled for Monday, August 24, 2020 at 9:00 a.m. This will be a virtual meeting.

The focus of the meeting will be development of a draft **Policy on Cost-Share for Equipment and non-Structural Practices.**

There being no further business, the meeting was adjourned at 2:14 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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

**included in meeting packet*

ELM CREEK WATERSHED MANAGEMENT COMMISSION
DRAFT POLICY ON COST SHARE FOR EQUIPMENT AND NON-STRUCTURAL PRACTICES

I. PURPOSE

The Elm Creek Watershed Management Commission (Commission) desires to:

- 1) Minimize public capital expenditures needed to correct water quality problems; and
- 2) Identify and plan for means to effectively protect and improve surface water quality; and
- 3) Protect and enhance fish and wildlife habitat and water recreational facilities; and
- 4) Secure other benefits associated with property management of surface and ground water.

With the advent of Total Maximum Daily Loads (TMDLs) as stipulated in the Clean Water Act and Municipal Separate Storm Sewer System (MS4) regulation by the Minnesota Pollution Control Agency, communities within the Elm Creek Watershed began to implement capital improvement projects to improve the water quality in lakes. The Commission has historically partnered with member communities, Hennepin County, the Three Rivers Park District, and others to provide funding for projects and to meet TMDL requirements or remove lakes from the State of Minnesota Impaired Waters list.

New technology or other scientific advances may make it possible for the most cost-effective practices to be enhancements of existing practices above and beyond current Commission rules or common practice rather than the typical current practice of the construction of new storm water facilities. The Commission, in recognizing this fact, and with the desire to spend taxpayer dollars wisely and cost-effectively, acknowledges that consideration for non-structural practices for watershed funding is a best practice.

This policy shall serve as the basis for consideration by the Commission for funding equipment and non-structural practices and partnership with member communities.

II. MINIMUM QUALIFYING CRITERIA FOR FUNDING EQUIPMENT AND NON-STRUCTURAL PRACTICES

- 1) The practice must demonstrate a benefit to a waterbody identified as impaired and with an approved TMDL.
- 2) Documentation must be provided quantifying the benefit to the waterbody or waterbodies.
- 3) Monitoring or other documentation of project effectiveness is required for a minimum of 5 years.

III. FUNDING FOR EQUIPMENT AND NON-STRUCTURAL PRACTICES

- 1) Funding for projects in which 100% of the benefit will be realized in the Elm Creek Watershed shall be eligible for up to a maximum of 25% the cost of the project. Consideration shall be given to total project cost vs. enhancement of existing practice, where applicable.
- 2) Funding for equipment and non-structural practices where less than 100% of the benefit will be realized in the Elm Creek Watershed shall be up to a maximum of 25% the cost of the project multiplied by the percentage of the member community made up of the Elm Creek Watershed. Consideration shall be given to total project cost vs. enhancement of existing practice, where applicable.
- 3) Funding shall be comply with Commission Capital Improvement Program policies and standards.

EFFECTIVE DATE: _____

POLICY HISTORY: _____

(Initial Approval)

(Revision 1)

(Revision 2)

Commented [DA1]: From Ben: How to do this? Is this defined in the agreement between the city and watershed and is case specific or will there be more standardized practices?

Commented [DA2]: This section still needs a fair amount of discussion.