

# elm creek Watershed Management Commission

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ADMINISTRATIVE OFFICE  
3235 Fernbrook Lane • Plymouth, MN 55447  
PH: 763.553.1144 • email: [judie@jass.biz](mailto:judie@jass.biz)  
[www.elmcreekwatershed.org](http://www.elmcreekwatershed.org)

February 1, 2023

Representatives

**and**

Technical Advisory Committee Members  
Elm Creek Watershed Management Commission  
Hennepin County, Minnesota

*The meeting packet for this meeting may be  
found on the Commission's website:  
[http://www.elmcreekwatershed.org/minutes-  
-meeting-packets.html](http://www.elmcreekwatershed.org/minutes-<br/>-meeting-packets.html)*

Dear Representatives and Members:

A regular meeting of the Elm Creek Watershed Management Commission will be held on **Wednesday, February 8, 2023, at 11:30 a.m.** in the **Aspen** Room at Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN.

The Technical Advisory Committee (TAC) will **NOT MEET** in February.

Please email me at [judie@jass.biz](mailto:judie@jass.biz) to confirm whether you or your Alternate will be attending the regular meeting.

Thank you.



Judie A. Anderson

Administrator

JAA:tim

Encls: Meeting Packet

cc:	Alternates	Erik Megow	Diane Spector	James Kujawa	Rebecca Carlson
	TAC Members	Karen Galles	Kris Guentzel	Kevin Ellis	Brian Vlach
	City Clerks	DNR	BWSR	Met Council	MPCA
	Official Newspaper				

Z:\Elm Creek\Meetings\Meetings 2023\02 Meeting Notice.docx

# +elm creek Watershed Management Commission

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## AGENDA

### Regular Meeting | February 8, 2023

Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN.

*The meeting packet may be found on the Commission's website: <http://elm creekwatershed.org/minutes--meeting-packets.html>*

1. Call Regular Meeting to Order.
  - a. Approve Agenda.\*
2. Consent Agenda.
  - a. Minutes last Meeting.\*
  - b. Treasurer's Report and Claims.\*\*
3. Open Forum.
  - a. No Salt Low Salt Minnesota\* – Amy Riegel.
    - 1) Low Salt No Salt Campaign.\*
    - 2) *Star Tribune* Article.\*
    - 3) Limited Liability Legislation.\*
4. Action Items.
  - a. Project Reviews.\*
  - b. 2022 Work Plan in Review.\*
5. Old Business.
  - a. 2021 PRAP Findings and Conclusions.\*
    - 1) Schedule subcommittee meeting as part of March 8 TAC meeting?
6. New Business.
  - a. Memo\* and draft 2023 Work Plan.\*
  - b. TRPD 2023-2027 Cooperative Agreement.\*
    - 1) Consider requesting quote for TMDL 10-Year Follow-up.
  - c. 2023 Services – Hennepin County.\*
    - 1) Exhibit A – 2022 Services.\*
7. Communications.
  - a. Staff Report.\*
  - b. Hennepin County Staff Report.\*
8. Education.
  - a. WMWA – next meeting February 14, 2023, at 8:30 a.m., via Zoom.
9. Grant Opportunities and Updates.

\*in meeting packet

\*\*available at meeting or on website

# 10. Project Reviews.

Item No.	E	A	I RPF	AR	Project No.	Project Name
			RP DD			
					W=wetland project	
ca.				AR	2014-015	Rogers Drive Extension, Rogers.
cb.				AR	2015-030	Kiddiegarten Child Care Center, Maple Grove.
cc.				AR	2016-005W	Ravinia Wetland Bank Plan, Corcoran.
cd.				AR	2017-014	Laurel Creek, Rogers.
a.					2017-050W	Ernie Mayers Wetland/floodplain violation, Corcoran.
ce.				AR	2018-046	Graco, Rogers.
cf..				AR	2019-021	Brenly Meadows, Rogers.
cg.				AR	2019-026	Interstate Power Systems, Rogers.
ch.				AR	2020-009	Stetler Barn, Medina.
ci.				AR	2020-017	Meadow View Townhomes, Medina.
cj.				AR	2020-032	Enclave Rogers - Commerce Boulevard, Rogers.
ck.				AR	2020-033	Weston Woods, Medina.
cl.				AR	2021-007	Birchwood 2nd Addition, Rogers
cm.				AR	2021-016	Territorial Lofts, Rogers.
cn.				AR	2021-020	Crew Carwash, Maple Grove.
co.			R	AR	2021-021	Territorial Triangle, Dayton.
cp.			R	AR	2021-023	Maple Grove Medial Office Building (MOB).
b.					2021-025	Hackamore Road Reconstruction, Medina/Corcoran.
cq.			R		2021-027	Xcel Energy Elm Creek Substation, Maple Grove
c.					2021-029	Tri-Care Grocery / Retail, Maple Grove
d.					2021-031	Cook Lake Edgewater, Maple Grove
e.					2021-034	BAPS Hindu Temple, Medina.
cr.					2021-035	Mister Car Wash - Rogers
cs.					2021-036	D & D Service, Corcoran.
ct.			R		2021-040	Napa Auto, Corcoran.
cu.			R		2021-041	Carlson Ridge, Plymouth.
f.					2021-043	Northwood Community Church Maple Grove.
g.					2021-044	Balsam II Apartments, Dayton.
h.					2021-050	Evanswood, Maple Grove.
i.					2021-052	Norbella Senior Living, Rogers.
j.					2021-055	Morningside Estates 6 <sup>th</sup> Addition, Champlin.
k.					2022-002	Summerwell, Maple Grove.
l.					2022-003	Fox Briar Ridge East, Maple Grove.
m.					2022-006	Hamel Townhomes, Medina.
n.					2022-008	Bechtold Farm, Corcoran.
o.					2022-009	Dunkirk Lane Development, Plymouth.
p.					2022-011	Arrowhead Drive Turn Lane expansion,
q.					2022-012	Graco Building 2, Dayton.
r.					2022-013	Dayton 94 Industrial Site, Dayton.
s.					2022-016	Rogers Activity Center, Rogers.
t.					2022-017	City Center Drive, Corcoran.
u.					2022-018	Big Woods, Rogers.
v.					2022-019	Grass Lake Preserve, Dayton.
w.					2022-020	Skye Meadows Extension, Rogers.
x.					2022-022	Cook Lake Highlands, Corcoran.
y.					2022-023	Asguard, Rogers.
z.					2022-024	Bridge No. 27J70, Maple Grove.
aa					2022-026	Archway Building, Rogers
ab.					2022-028	Elsie Stephens Park, Dayton.

\*in meeting packet

\*\*available at meeting or on website

ac.				2022-029	Hayden Hills Park, Dayton.
ad.				2022-030	Garages Too, Corcoran.
ae.				2022-031	Corcoran II Substation.
af.				2022-033	Pet Suites, Maple Grove.
ag.				2022-035	Rush Hollow, Maple Grove.
ah.				2022-037	CSAH13 CR203 Culvert replacement, Dayton.
ai.				2022-038	Tavera North Side, Corcoran.
aj.				2022-039	Garland Commons, Maple Grove.
ak.				2022-040	Kariniemi Meadows, Corcoran.
al.				2022-042	Walcott Glen, Corcoran.
am.				2022-043	Meander Park and Boardwalk, Medina.
an.				2022-044	Trail Haven Road Bridge Replacement, Corcoran.
ao.				2022-045	Corcoran Water Treatment Plant, Corcoran.
ap.				2022-046	CSAH12 Culvert and Guardrail Replacement, Dayton.
aq.				2022-047	Suite Living of Maple Grove.
ar.	<b>E</b>	<b>A</b>		2022-048	Hassan Elementary 2023 Pavement Renovation, Rogers.
as.				2022-049	Connexus Energy Subdivision, Dayton.
				2023-001	Chankahda Trail Reconstruction Phase 2, Plymouth.
				2023-002	Lynde Greenhouse Fire Damage Repair, Maple Grove.

**A** = Action item    **AA** = Administrative Approval    **AR** = awaiting recordation    **D** = Project is denied    **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

11. Other Business.

- a. Appointments have been received from Maple Grove, Medina and Plymouth.
- b. Appoint Nominating Committee. Election of Officers will occur at the March meeting.

12. Adjournment.

Z:\Elm Creek\Meetings\Meetings 2023\02 Regular Meeting Agenda.docx

\*in meeting packet  
\*\*available at meeting or on website

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## MINUTES Regular Meeting January 11, 2023

I. A meeting of the Elm Creek Watershed Management Commission was called to order at 11:37 a.m., Wednesday, January 11, 2023, in the Birch Room, Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN, by Chair Doug Baines.

Present were: Bill Walraven, Champlin; Ken Guenther, Corcoran; Doug Baines, Dayton; Dan Riggs, Maple Grove; Terry Sharp, Medina; Catherine Cesnik, Plymouth; and David Katzner, Rogers.

Also present: Derek Asche and Mark Lahtinen, Maple Grove; Ben Scharenbroich, Plymouth; Diane Spector and Erik Megow, Stantec; Rebecca Carlson, Resilience Resources; Kris Guentzel and Kevin Ellis, Hennepin County Environmental Services (HCEE); and Judie Anderson, JASS.

A. Motion by Walraven, second by Cesnik approve the **agenda**. \* *Motion carried unanimously.*

B. Motion by Walraven, second by Sharp to approve the **Minutes**\* of the December 14, 2022, regular meeting. *Motion carried unanimously.*

C. Motion by Guenther, second by Cesnik to approve the January **Treasurer's Report and Claims**\* totaling \$49,320.51. *Motion carried unanimously.*

## II. Open Forum.

## III. Project Reviews.

A. **Project Review 2022-047 Suite Living of Maple Grove.**\* This project is the development of a parcel within the previously approved Market of Rush Creek Development. The development includes a senior living facility including a new building and associated parking. Previous approvals covered wetland buffers and stormwater management. The current project was reviewed for Rule E. The application was received December 6, 2022, and was administratively approved on January 4, 2023. A findings of fact memo for the project dated January 4, 2023, is included in the packet.

B. **Project Review 2022-049 Connexus Energy Substation, Dayton.**\* This is an existing 1.8-acre lot located on the north side of 117th Avenue North between Fernbrook Lane and E. French Lake Road. The applicant is proposing to construct an energy substation adding 0.73 acres of impervious area, disturbing the entire parcel plus ROW. The current land use is row crops in C soils. A complete project application was received December 12, 2022. In findings dated December 29, 2022, Staff is recommending approval with the following conditions: (1) payment of all review fees; (2) applicant must meet all City Requirements; (3) applicant must provide signed agreement from adjacent landowner and the City for any offsite grading and direction of flow to the west; and (4) an operation and maintenance agreement for the stormwater facilities that implement those conditions that bind current and future owners of the project shall be recorded on this property. Motion by Cesnik, second by Sharp to approve Staff's recommendations. *Motion carried unanimously.*

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

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

\*indicates enclosure

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

#### IV. Old Business.

Included in the meeting packet was the first draft of the **2022 Work Plan in Review.\*** Members were asked to review the work plan updates and to advise Staff by January 31, 2023, of any revisions or further updates. The revised 2022 Work Plan will be accepted at the February meeting.

#### V. New Business.

**A.** Motion by Guenthner, second by Walraven to not waive the **monetary limits on municipal tort liability coverage.** *Motion carried unanimously.*

**B.** The Elm Creek Commission has been requested by the Shingle Creek and West Mississippi WMOs to review and consider **revisions to the legal boundary** between the three joint powers organizations. Those legal boundaries were established more than 35 years ago. Like Elm Creek, Shingle Creek has recently updated its HUC 8 hydrologic and hydraulic modeling, which revealed some potentially significant discrepancies between the existing legal boundary and the updated hydrologic boundaries.

As a part of its Fourth Generation Plan process, both Shingle Creek and West Mississippi (SCWM) are reviewing and updating their legal boundaries to conform more closely to the recently updated hydrologic boundaries. The Technical Advisory Committee (TAC) and the boundary cities have been working with the SCWM's Engineer to review and revise those boundaries as necessary. Those parties have come to an agreement on the recommended legal boundary between the three watersheds.

A resolution accepting that boundary revision is included in the meeting packet for Commission review and consideration, and Staff recommends its adoption. Following acceptance of the revised legal boundaries (Bassett Creek has already accepted the revisions and the Mississippi WMO will accept the revised boundary at its January meeting), the proposed new legal boundary will be presented to the affected cities, who will each review and adopt a new official map. Once all the affected cities have adopted the new map, the new boundaries will be forwarded to the Board of Water and Soil Resources (BWSR) and to Hennepin County, which will update the tax rolls to reflect the changes. At that point, later in 2023, we will be able to evaluate what the impacts to the division of taxable market value might be between the cities of Elm Creek and between the various WMOs as parcels move between watersheds.

At this time Staff is not recommending revisions to the hydrologic boundary with SCWM, or revisions between the legal and hydrologic boundaries adjacent to Pioneer-Sarah, Minnehaha, or Bassett Creek WMOs. They recommend that the Commission wait until the Fourth Generation Plan completion in a few years to start that process.

Motion by Cesnik, second by Guenthner to adopt **Resolution 2023-01 Concurring with Proposed Boundary Changes.\*** *Motion carried unanimously.*

Also included in the meeting packet is a **letter of concurrence\*** addressed to the Shingle Creek Commission.

**C. Responses to Solicitation of Interest Proposals for 2023-2024.\*** Six proposals were received – four from engineering firms, and one each from legal and administrative service providers. Motion by Guenthner, second by Walraven to accept the proposals from Campbell Knutson Professional Association for legal services and from Judie Anderson's Secretarial Services, Inc. for administrative services. *Motion carried unanimously.*

After further discussion, motion by Walraven, second by Sharp to accept the proposal from Stantec Consulting Services, Inc. for technical services. *Motion carried unanimously.*

**D.** The **2023 Work Plan** will be available at the February meeting. Members are asked to contact Diane Spector by January 31, 2023, if they have items they would like to have included in the work plan for the current year.

## **VI. Communications.**

**A. Staff Report.\*** Staff reports provide updates on the development projects currently under review by Staff. The projects listed in the table beginning on page 5 of these minutes are discussed in the January 4, 2023, report.

**B. Hennepin County Staff Report.\*** Guentzel and Ellis recapped the January 4, 2023, report.

**1. Staffing.** Rozalyn (Roz) Davis, a new Conservation Specialist, started work with the County on December 5, 2022. Roz has previous work experience at Olmsted SWCD and Olmsted Public Health where she created and led a safe drinking water initiative promoting nitrate testing for private well users. To start, Roz will primarily be filling a capacity gap left assisting the Pioneer-Sarah Creek WMC, but she will be helping out with things in Elm Creek as well.

**2. 2023 Planning.** County staff are working on 2023/2024 planning and would appreciate some conversation with the Commission and/or the TAC to inform the 2023 Cooperative Agreement and County work planning.

**a.** Is there shared interest in continuing to target BMP implementation in the Rush Creek subwatershed now that there is some momentum in this area? If so, should we be planning to collaborate on another Clean Water Fund application in August?

**b.** Is the Commission expecting County staff to lead outreach and implementation in the Diamond Creek subwatershed as well?

**c.** Are there other types of services the Commission would like the County to include in the 2023 cooperative agreement?

**d.** In February, County Staff will provide an overview of their **2023 outreach and implementation plan**.

**3. Rush Creek Clean Water Fund Grant.** Hennepin County will close out this grant during BWSR reporting this month and will provide a comprehensive summary of outcomes in the February staff report.

## **VII. Education and Public Outreach.**

**A.** The steering committee, the four member WMOS of the West Metro Water Alliance (WMWA), and Hennepin County staff spent several months in 2022 developing the Conservation Education and Implementation Partnership program, to be coordinated by a new limited-duration education and outreach coordinator shared with Hennepin County and the Richfield-Bloomington WMO. The use of Watershed-Based Implementation Funding (WBIF) to help fund the program has been approved by the Board of Water and Soil Resources (BWSR) and those funds are being contracted. The Hennepin County Board has approved the new position and the County is in the process of finalizing the job description and working through the hiring process.

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

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

\*indicates enclosure

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

1. This pilot program contains three elements:

a. A limited-duration half-time program coordinator to provide community engagement, education, marketing, and promotion of program elements 2 and 3 below as well as other related conservation priorities as defined by the partners (e.g., salt reduction education and engagement).

b. Resident-facing outreach and workshops using a model similar to Dakota County's [Landscaping for Clean Water](#) program, with a focus on residential-scale technical assistance; driving conservation implementation and behavior change; and reaching diverse audiences.

c. Multi-family housing-facing projects using Metro Blooms' model of [Equitable Engagement](#).

2. Anticipated deliverables of the program include:

a. Workshops and/or participatory multi-family housing projects hosted within participating communities across the county.

b. Marketing, promotion, education, and community engagement; logistical and technical support; and promotion and educational materials related to workshop events and/or multi-family housing equitable engagement projects.

c. Consultation provided to each workshop participant to help them develop conceptual design ideas for their property or community property.

d. Administrative and financial management of financial assistance to individual residents and/or sub-contractors, and verification of project installation for participants and follow-up assistance.

e. Dollars made available to each project (e.g., individual resident workshop participant or larger-scale multi-family housing project) to help defray the costs of implementing conservation practices.

f. General education and outreach on conservation topics as time and resources allow.

g. Creation and implementation of an ongoing framework for coordination and program delivery and a financial framework for extending and expanding efforts beyond the two year pilot period.

WMWA is organizing some focus groups of city staff and other stakeholders to better understand their specific needs and desires so that the program Steering Committee can refine the first year's work plan. The second year will build off knowledge gained, and needs identified by the stakeholders as well as the education and outreach needs of the five participating WMOs.

This two-year program is a pilot to demonstrate how stakeholder groups in Hennepin County can work together to jointly meet education and outreach needs around water and natural resources management. The long-term vision for WMWA is to expand its ability to provide and facilitate a variety of activities to achieve even greater levels of conservation implementation through coordinated programming. This long-term vision includes a full time Coordinator shared with Hennepin County to provide ongoing programming and technical services and to coordinate the efforts of many partners toward common goals. The model for this program is the East Metro Water Resource Education Program

(EMWREP), a partnership of Washington County, Washington Conservation District, eight WMOs, and 15 cities and townships.

**3. Funding.** The budget for this pilot program over the two year period is \$255,000, about half of which is personnel cost and half is implementation cost. The bulk of the cost share funding from the five WMOS for the half-time position and supporting costs (\$198,000) will be contributed by allocations from the Watershed-Based Implementation Funding (WBIF). Hennepin County has agreed to contribute an additional \$33,000 plus the other half of the position salary and other personnel costs. Finally, the WMWA Coordinating Committee has identified \$24,000 in Special Projects funding budgeted by the four WMOs in 2022 and the next two years as potential contributions toward programming costs.

**4. Recommendation.** The agreements between the four WMWA WMOs specify that use of the Special Projects funding must be approved by all four of the participating WMOs. The Commission budgeted \$2,000 in 2022 for WMWA Special Projects, which was unspent, and \$2,000 again in 2023. It is Staff's recommendation that the Commission authorize WMWA to allocate the use of the 2022 and 2023 budgets for Special Projects to the Conservation Education and Implementation Partnership pilot program and agree to include \$2,000 again in the 2024 budget for this purpose.

Motion by Cesnik, second by Guenthner to approve this recommendation. *Motion carried unanimously.*

**B.** The **West Metro Water Alliance (WMWA)** will meet via Zoom at 8:30 a.m., February 14, 2023.

#### **VIII. Grant Opportunities and Project Updates.**

#### **IX. Other Business.**

**A.** Commissioners are reminded that **reappointments** are due at January 1, 2023.

**B.** Included in the meeting packet was a letter from the Minnesota Campaign finance Board reminding the Commissioners of their need as public officials to recertify their **statements of economic interest** if they served in 2022. The website to provide this information is included in the letter. Failure to respond will result in the imposition of a potential civil penalty.

**C. Election of officers** will occur at the March meeting. A Nominating Committee will be appointed at the February meeting.

**X. Adjournment.** There being no further business, the meeting was adjourned at 12:26 p.m.

Respectfully submitted,



Judie A. Anderson  
Recording Secretary

JAA:tim

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Project No.	Project Name
W=wetland	
2014-015	Rogers Drive Extension, Rogers.
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2022-014	Aster Mill, Rogers.
2022-015	County Road 47 Phase I Reconstruction, Plymouth.
2022-016	Rogers Activity Center, Rogers.
2022-017	City Center Drive, Corcoran.

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## Elm Creek Watershed Management Commission Treasurer's Report

		2022 Budget	Jan 2023	Feb 2023	2022 Budget YTD
<b>EXPENSES</b>					
Administrative		95,000	11,485.68	9,199.38	117,893.09
Grant Writing		500			0.00
Website		3,000	24.75	221.50	731.16
Legal		2,000		31.00	744.00
Audit		6,000			6,700.00
Insurance		3,800		3,784.00	2,978.00
Meeting Expense			3,100.00		1,250.00
Miscellaneous/Contingency		1,000			0.00
Technical Support - HCEE		12,000	4,531.26		17,000.00
Floodplain Mapping		0		411.50	46,805.75
General Engineering 2023				2,947.25	
Project Review Technical		107,500	4,770.00	1,237.50	188,032.00
Project Review Technical 2023				2,937.50	
Other Technical		77,500	3,922.00	3,248.25	82,589.36
Other Technical 2023				301.00	
Project Reviews - Admin Support		15,000	915.57	1,631.06	22,702.88
WCA - Admin		0			1.22
Stream Monitoring USGS		24,000			12,500.00
Stream Monitoring TRPD		9,345			9,345.00
DO Longitudinal Survey		1,200			0.00
Rain Gauge		420	28.42	29.49	368.47
Lakes Monitoring - CAMP		840			0.00
Lakes Monitoring - TRPD					0.00
Sentinel Lakes		8,460			8,460.00
Additional Lake		1,352			1,352.00
Aquatic Vegetation Surveys		1,300			1,300.00
Wetland Monitoring (WHEP)		4,000			0.00
Education		2,500	71.08		1,262.27
Education 2023			500.00		
WMWA General Activities		5,000			3,000.00
WMWA Implementation/Watershed Prep		4,500			2,000.00
Rain Garden Wkshops/Intensive BMPs/Special Proj		2,000			2,000.00
Macroinvertebrate Monitoring-River Watch		3,000			0.00
Studies / Project ID / SWA		0			0.00
CIPs General		3,000			1,182.24
Rush Creek SWA Implementation		106,050			
Plan Amendment		2,000			1,157.92
Contribution to 4th Gen Plan		12,500			0.00
Transfer to (from) Capital Projects (see CIP Tr		291,638			249,073.34
Transfer to (from) Cash Sureties (see below)			-	-	504.11
Transfer to (from) Grants (see below)		125,000	19,971.75	-	98,936.07
To Fund Balance					0.00
<b>TOTAL - Month</b>			<b>49,320.51</b>	<b>25,979.43</b>	<b>879,868.88</b>
<b>TOTAL Paid in 2022, incl late 2021 Expenses</b>		<b>931,405.00</b>	<b>963,194.64</b>	<b>989,174.07</b>	<b>2022 Paid</b>
			2022 Activity	2022 Activity	

## Elm Creek Watershed Management Commission Treasurer's Report

		2022 Budget	Jan 2023	Feb 2023	2022 Budget YTD
<b>INCOME</b>					
Project Review Fee		107,500	7,700.00		163,104.00
Project Review Fee 2022 Additional Due			6,554.75		
Refund Project Fee			(5,951.25)		(19,184.25)
Nonrefundable Admin		15,000	700.00		13,800.00
Nonrefundable Technical		16,125	1,050.00		20,700.00
Water Monitoring - TRPD Co-op Agmt		6,000	4,165.68		0.00
Member Dues		237,300	229,914.22		237,300.00
Interest/Dividends Earned		5,250	4,940.64		26,636.33
Transfer to (from) Capital Projects (see CIP Tr		291,638	1,988.32		291,292.39
Transfer to (from) Grants (see below)		125,000	-	-	67,243.00
Rush Creek SWA Implementation		79,537			
Transfer from Assigned Fund Balance		26,513			
Misc Income / Contingency		10,750			0.00
From Unrestricted Cash Reserves		10,792			0.00
<b>Total - Month</b>			<b>251,062.36</b>	<b>0.00</b>	<b>800,891.47</b>
<b>TOTAL Rec'd 2022, incl late 2021 Income</b>		<b>931,405.00</b>	<b>1,060,665.43</b>	<b>1,060,665.43</b>	<b>2022 Received</b>
			2022 Activity	2022 Activity	
<b>CASH SUMMARY</b>		Balance Fwd			
Checking		0.00	6,841.25		
4M Fund		1,503,168.70	1,600,639.49	1,574,660.06	
<b>Cash on Hand</b>			<b>1,607,480.74</b>	<b>1,574,660.06</b>	
<b>Claims Presented</b>		General Ledger Account No	Jan 2023	Feb 2023	TOTAL
Campbell Knutson - Legal		521000		31.00	31.00
Connexus - Rain Gauge		551100		29.49	29.49
League of MN Cities					3,784.00
LMC - Workers' Comp Insurance		513000		200.00	
LMC - Property, Liability Insurance		513000		3,584.00	
Stantec					11,083.00
Project Review Technical		578050		1,237.50	
Project Review Technical 2023		578050		2,937.50	
Other Technical		578050		3,248.25	
Other Technical 2023		578050		301.00	
HUC-8 Review -Floodplain Mapping		580440		411.50	
General Engineering 2023		577000		2,947.25	
Plan Amendment Technical		541500			
JASS					11,051.94
Administration		511000		9,199.38	
TAC Support		511000			
Annual Reporting/Work Plan		511000			
Website		581000		221.50	
Project Reviews		578100		1,372.31	
Project Reviews - Project Specific Admin		578100		258.75	
HUC-8 -Floodplain Mapping Admin		580430			
Education		590000			
CIPs General		563001			
<b>TOTAL CLAIMS</b>					<b>25,979.43</b>

**CAMPBELL KNUTSON**  
***Professional Association***  
**Attorneys at Law**  
**Federal Tax I.D. #41-1562130**  
**Grand Oak Office Center I**  
**860 Blue Gentian Road, Suite 290**  
**Eagan, Minnesota 55121**  
**(651) 452-5000**

Elm Creek Watershed Management Commission  
c/o Judie A. Anderson, Exec. Secty.  
3235 Fernbrook Lane  
Plymouth MN 55447

Page: 1  
December 31, 2022  
Account # 1448G

**SUMMARY STATEMENT**

PREVIOUS BALANCE	FEES	EXPENSES	CREDITS	PAYMENTS	BALANCE
1448-0000 RE: GENERAL MATTERS					
SERVICES RENDERED TO DATE:					
31.00	31.00	0.00	0.00	-31.00	<u>\$31.00</u>

Amounts due over 30 days will be subject to a finance charge of  
.5% per month (or an annual rate of 6%). Minimum charge - 50 cents.

**CAMPBELL KNUTSON**  
***Professional Association***  
**Attorneys at Law**  
**Federal Tax I.D. #41-1562130**  
**Grand Oak Office Center I**  
**860 Blue Gentian Road, Suite 290**  
**Eagan, Minnesota 55121**  
**(651) 452-5000**

Elm Creek Watershed Management Commission  
c/o Judie A. Anderson, Exec. Secty.  
3235 Fernbrook Lane  
Plymouth MN 55447

Page: 1  
December 31, 2022  
Account # 1448-0000G  
242

RE: GENERAL MATTERS  
SERVICES RENDERED TO DATE:

			HOURS	
12/13/2022	JJJ	Emails Judie re: remote meeting authority; snow events.	<u>0.20</u>	<u>31.00</u>
		AMOUNT DUE	0.20	31.00
		TOTAL CURRENT WORK		31.00
		PREVIOUS BALANCE		\$31.00
12/19/2022		Payment - thank you		-31.00
		TOTAL AMOUNT DUE		<u>\$31.00</u>

Amounts due over 30 days will be subject to a finance charge of  
.5% per month (or an annual rate of 6%). Minimum charge - 50 cents.



**Account Number:**  
**481113-238425**

ELM CREEK WATERSHED MGMT ORG

## Monthly Statement

**Service Address**  
ELM CREEK RD  
DAYTON MN

### Billing Summary

**Billing Date:** Jan 17, 2023

Previous Balance	\$28.42
Payments - Thank You!	\$28.42
<b>Balance Forward</b>	<b>\$0.00</b>
<b>New Charges</b>	<b>\$29.49</b>

**Total Amount Due** **\$29.49**

Payment must be received on or before February 13, 2023

**Total Amount Due**

**\$29.49**

**Due Date**

**February 13, 2023**

### Message Center

#### 2023 Rate Increase

Our continued commitment to affordability has enabled the Connexus board to adopt a 2023 budget with one of the lowest general rate increases among Minnesota's electric utilities: 2.9% for members, which includes a \$1 basic service charge increase.

### Energy Comparison

Previous Months' Usage

Current Month's Usage



### How to contact us

Member Services / Moving - 763-323-2650  
Outages and Emergencies - 763-323-2660  
Hearing/Speech Impaired Call - 711 or 800-627-3529  
Email: [info@connexusenergy.com](mailto:info@connexusenergy.com)  
[www.connexusenergy.com](http://www.connexusenergy.com)  
Gopher State One Call - 811  
14601 Ramsey Boulevard, Ramsey, MN 55303

▼ Please detach at perforation and return this portion with a check or money order made payable to Connexus Energy ▼

TRA3-D-000135/000294 VG213Z S1-ET-M1-C00001 1



**Account Number:**

**481113-238425**

**Total Amount Due**

**\$29.49**

**Payment Due By**

**February 13, 2023**



000135 1 MB 0.512 000135/000135/000294 002 02 VG213Z  
ELM CREEK WATERSHED MGMT ORG  
3235 FERNBROOK LN N  
PLYMOUTH MN 55447-5325



**Connexus Energy**  
PO Box 1808  
Minneapolis, MN 55480-1808

00002949 0004811130238425 000000 00000 000000000000 0000005



CONNECTING & INNOVATING  
SINCE 1913

# Invoice

Page 1 of 3

**Member Name and Address**

Elm Creek Watershed  
Management Commission  
3235 Fernbrook Lane North  
Plymouth, MN 55447-5325

**Invoice Date**

01/25/2023

**Agent**

Arthur J Gallagher Risk Management Services LLC  
3600 American Blvd W Ste 500  
Bloomington, MN 55431-4502  
(952)358-7500

**Account Number:** 10002653  
**Account Type:** Workers' Compensation Coverage Premium  
**Current Balance:** \$ 200.00  
**Minimum Due:** \$ 200.00  
**Due Date:** 02/22/2023

Summary of activity since last Billing Invoice	Date	Activity	Account Balance	Minimum Due
		Previous Invoice Balance	200.00	
		Payments Received	-200.00	
		Total of Transactions and Fees shown on reverse or attached	200.00	
See reverse side and attachments for additional information		Current Balance	\$ 200.00	\$ 200.00

Detach and return this Payment Coupon with your payment	<b>Account Number</b>	<b>Invoice Date</b>	<b>Due Date</b>	<b>Current Balance</b>	<b>Minimum Due</b>
	10002653	01/25/2023	02/22/2023	\$ 200.00	200.00
					<b>Amount Enclosed</b>
					\$ _____

**Member Name** Elm Creek Watershed Management Commission

**BILLING INVOICE - Return stub with payment - make checks payable to:**

Mail payment  
7 days before  
Due Date to  
ensure timely  
receipt

League of MN Cities Insurance Trust WC  
c/o Berkley Risk Administrators Company  
222 South Ninth Street, Suite 2700  
P.O.Box 581517  
Minneapolis, MN 55458-1517



CONNECTING & INNOVATING  
SINCE 1913

# Invoice

Page 1 of 3

**Member Name and Address**

Elm Creek Watershed  
Management Commission  
3235 Fernbrook Lane North  
Plymouth, MN 55447-5325

**Invoice Date**

01/18/2023

**Agent**

Arthur J Gallagher Risk Management Services Inc  
3600 American Blvd W Ste 500  
Bloomington, MN 55431-4502  
(952)358-7500

**Account Number:** 10002968  
**Account Type** Property/Casualty Coverage Premium  
**Current Balance:** \$ 3,584.00  
**Minimum Due:** \$ 3,584.00  
**Due Date:** 02/12/2023

Summary of activity since last Billing Invoice	Date	Activity	Account Balance	Minimum Due
See reverse side and attachments for additional information		Previous Invoice Balance	3,565.00	
		Payments Received	-.00	
		Total of Transactions and Fees shown on reverse or attached	3,584.00	
		Current Balance	\$ 3,584.00	\$ 3,584.00

Detach and return this Payment Coupon with your payment

**Account Number**  
10002968

**Invoice Date**  
01/18/2023

**Due Date**  
02/12/2023

**Current Balance**  
\$ 3,584.00

**Minimum Due**  
3,584.00

**Amount Enclosed**  
\$ \_\_\_\_\_

**Member Name** Elm Creek Watershed Management Commission

**BILLING INVOICE - Return stub with payment - make checks payable to:**

Mail payment  
7 days before  
Due Date to  
ensure timely  
receipt

League of MN Cities Insurance Trust P&C  
c/o Berkley Risk Administrators Company  
222 South Ninth Street, Suite 2700  
P.O. Box 581517  
Minneapolis, MN 55458-1517

<b>Invoice Number</b>	2036438
<b>Invoice Date</b>	January 31, 2023
<b>Purchase Order</b>	—
<b>Customer Number</b>	167501
<b>Project Number</b>	227704963

**Bill To**

Elm Creek Watershed Management Commission  
Accounts Payable  
3235 Fernbrook Lane  
Plymouth MN 55447  
United States

**Please Remit To**

Stantec Consulting Services Inc. (SCSI)  
13980 Collections Center Drive  
Chicago IL 60693  
United States

<b>Project</b>	<b>Revisions to HUC-8 Study Model</b>		
	Project Manager	Megow, Erik Robert	Contract Upset
	Current Invoice Total (USD)	411.50	Amount Billed to Date
			For Period Ending
			<b>January 20, 2023</b>

<b>Top Task</b>	<b>100</b>	<b>HUC-8 Study Model Revisions</b>
<b>Low Task</b>	<b>100.002</b>	<b>Hydraulic Model Updates</b>

**Professional Services**

Category/Employee	Current Hours	Rate	Current Amount
Gafner, Kiley	0.50	135.00	67.50
<b>Subtotal Professional Services</b>	<b>0.50</b>		<b>67.50</b>

Low Task Subtotal	<b>Hydraulic Model Updates</b>	67.50
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<b>Low Task</b>	<b>100.003</b>	<b>Memorandum and Meetings</b>
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**Professional Services**

Category/Employee	Current Hours	Rate	Current Amount
Megow, Erik Robert	2.00	172.00	344.00
<b>Subtotal Professional Services</b>	<b>2.00</b>		<b>344.00</b>

Low Task Subtotal	<b>Memorandum and Meetings</b>	344.00
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Top Task Subtotal	HUC-8 Study Model Revisions	411.50
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<b>Total Fees &amp; Disbursements</b>	411.50
<b>INVOICE TOTAL (USD)</b>	<b>411.50</b>

**Due upon receipt or in accordance with terms of the contract**

Invoice Number	2036437
Invoice Date	January 31, 2023
Purchase Order	—
Customer Number	167501
Project Number	227704774

**Bill To**

Elm Creek Watershed Management Commission  
Accounts Payable  
3235 Fernbrook Lane  
Plymouth MN 55447  
United States

**Please Remit To**

Stantec Consulting Services Inc. (SCSI)  
13980 Collections Center Drive  
Chicago IL 60693  
United States

<b>Project</b>	<b>Elm Creek '22 Technical Services</b>			
	Project Manager	Megow, Erik Robert	Contract Upset	244,500.00
	Current Invoice Total (USD)	1,485.00	Amount Billed to Date	214,141.44
			For Period Ending	<b>January 20, 2023</b>

Accounting to email att: Judie Anderson at judie@jass.biz; Beverly@jass.biz

<b>Top Task</b>	<b>100</b>	<b>2022 Prereviews and General Inquiries</b>
<b>Low Task</b>	<b>100</b>	<b>2022 Prereviews and General Inquiries</b>

**Professional Services**

Category/Employee		Current Hours	Rate	Current Amount
	Megow, Erik Robert	1.00	165.00	165.00
	<b>Subtotal Professional Services</b>	<u>1.00</u>		<u>165.00</u>

Low Task Subtotal	<b>2022 Prereviews and General Inquiries</b>	165.00
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Top Task Subtotal	2022 Prereviews and General Inquiries	165.00
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<b>Top Task</b>	<b>200</b>	<b>2022 Project Reviews</b>
<b>Low Task</b>	<b>200.2021.025</b>	<b>Hackamore Road</b>

**Professional Services**

Category/Employee		Current Hours	Rate	Current Amount
	Megow, Erik Robert	2.50	165.00	412.50
	<b>Subtotal Professional Services</b>	<u>2.50</u>		<u>412.50</u>

Low Task Subtotal	<b>Hackamore Road</b>	412.50
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<b>Low Task</b>	<b>200.2022.025</b>	<b>Harvest View</b>
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**Professional Services**

Category/Employee		Current Hours	Rate	Current Amount
	Megow, Erik Robert	1.50	165.00	247.50
	<b>Subtotal Professional Services</b>	<u>1.50</u>		<u>247.50</u>

Invoice Number	2036437
Invoice Date	January 31, 2023
Purchase Order	--
Customer Number	167501
Project Number	227704774

Low Task Subtotal	<b>Harvest View</b>	247.50
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<b>Low Task</b>	<b>200.2022.027</b>	<b>Edison at Maple Grove Apartments</b>
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**Professional Services**

Category/Employee		Current Hours	Rate	Current Amount
	Megow, Erik Robert	0.50	165.00	82.50
	<b>Subtotal Professional Services</b>	<u>0.50</u>		<u>82.50</u>

Low Task Subtotal	<b>Edison at Maple Grove Apartments</b>	82.50
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<b>Low Task</b>	<b>200.2022.047</b>	<b>Suite Living of Maple Grove</b>
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**Professional Services**

Category/Employee		Current Hours	Rate	Current Amount
	Megow, Erik Robert	2.50	165.00	412.50
	<b>Subtotal Professional Services</b>	<u>2.50</u>		<u>412.50</u>

Low Task Subtotal	<b>Suite Living of Maple Grove</b>	412.50
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<b>Low Task</b>	<b>200.2022.049</b>	<b>Connexus Energy South Dayton Substation</b>
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**Professional Services**

Category/Employee		Current Hours	Rate	Current Amount
	Megow, Erik Robert	0.50	165.00	82.50
	<b>Subtotal Professional Services</b>	<u>0.50</u>		<u>82.50</u>

Low Task Subtotal	<b>Connexus Energy South Dayton Substation</b>	82.50
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Top Task Subtotal	<b>2022 Project Reviews</b>	1,237.50
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<b>Top Task</b>	<b>400</b>	<b>Other Technical Services</b>
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<b>Low Task</b>	<b>400.4000.001</b>	<b>General</b>
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**Professional Services**

Category/Employee		Current Hours	Rate	Current Amount
	Megow, Erik Robert	0.50	165.00	82.50
	<b>Subtotal Professional Services</b>	<u>0.50</u>		<u>82.50</u>

Low Task Subtotal	<b>General</b>	82.50
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Top Task Subtotal	<b>Other Technical Services</b>	82.50
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Invoice Number	2036437
Invoice Date	January 31, 2023
Purchase Order	—
Customer Number	167501
Project Number	227704774

Total Fees & Disbursements	1,485.00
INVOICE TOTAL (USD)	<b>1,485.00</b>

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Due upon receipt or in accordance with terms of the contract

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Invoice Number	2036799
Invoice Date	January 31, 2023
Purchase Order	--
Customer Number	167501
Project Number	227705635

Subtotal Professional Services	6.00	973.50
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Low Task Subtotal	Walcott Glen	973.50
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Low Task	200.2022.043	Meander Park
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**Professional Services**

Category/Employee	Current Hours	Rate	Current Amount
Megow, Erik Robert	0.75	172.00	129.00
Subtotal Professional Services	0.75		129.00

Low Task Subtotal	Meander Park	129.00
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Low Task	200.2022.047	Suite Living of Mapl
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**Professional Services**

Category/Employee	Current Hours	Rate	Current Amount
Krautmann, Kurt Thompson	7.00	127.00	889.00
Megow, Erik Robert	5.50	172.00	946.00
Subtotal Professional Services	12.50		1,835.00

Low Task Subtotal	Suite Living of Mapl	1,835.00
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Top Task Subtotal	2023 Project Reviews	2,937.50
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Total Fees & Disbursements	6,185.75
INVOICE TOTAL (USD)	6,185.75

Due upon receipt or in accordance with terms of the contract



3235 Fernbrook Lane  
Plymouth MN 55447

Elm Creek Watershed Management Commission  
3235 Fernbrook Lane  
Plymouth, MN 55447

1-Feb-23

Total by  
Project Area

Administrative		70.00	0.00	
Administrative	57.230	75.00	4,292.25	
Admin - offsite	2.520	80.00	201.60	
Handbook		75.00	0.00	
Office Support	20.00	200.00	4,000.00	
Storage Unit - .47	1.00	169.67	169.67	
Data Processing/File Mgmt		70.00	0.00	
Drop Box Subscription	1.00	120.00	120.00	
Archiving		70.00	0.00	
Reimbursables	415.86	1.00	415.86	9,199.380
Administrative - TAC support		70.00	0.00	
Administrative - TAC Support		75.00	0.00	
Admin - TAC support		80.00	0.00	
TAC support - reimbursables		1.00	0.00	0.000
Website		70.00	0.00	
Website	0.42	75.00	31.50	
Web Domain, hosting	190.00	1.00	190.00	
Website - reimbursables		1.00	0.00	221.500
Project Reviews - Secre		70.00	0.00	
Project Reviews - Admin	17.36	75.00	1,302.00	
Project Reviews - Admin Project Specific	3.45	75.00	258.75	258.75
Project Reviews - Admin offsite		80.00	0.00	
Project Reviews - Admin - File Mgmt		75.00	0.00	
Project Reviews - reimbursables	70.31	1.00	70.31	1,372.310
Education - Secretarial		70.00	0.00	
Education - Admin		75.00	0.00	
Education - Admin virtual		80.00	0.00	
Education - reimbursables	1.22	1.00	1.22	1.220
Floodplain Mapping - Admin		75.00	0.00	
Floodplain Mapping -virtual		80.00	0.00	
Floodplain Mapping - reimbursables	17.83	1.00	17.83	17.830
				11,070.990



Program website:  
[rpbcwd.org/low-salt-no-salt](http://rpbcwd.org/low-salt-no-salt)

**To:** Elm Creek WMO Commissioners

**From:** Diane Spector

**Date:** February 2, 2023

**Subject:** Low Salt No Salt Campaign

<b>Recommended Commission Action</b>	Discuss.
--	----------

One of the major items on the Commission's 2023 work plan is the development and implementation of additional education and outreach actions regarding the proper use of chloride in the watershed. While this is a very wide-ranging topic, the Hennepin County Chloride Initiative (HCCI) recently rolled out its Low Salt No Salt campaign, including some education and outreach programming specific to homeowner's associations and faith-based communities.

Plymouth (and TAC) staff member Amy Riegel helped to develop that programming and attended a recent "Train the Trainer" session targeted to city staff desiring to provide on-site assistance to those targeted communities. Amy will provide an overview of that program at the Commission's February 8, 2023 meeting. You can learn more about this programming and access other materials at the new Low Salt No Salt website [Low Salt No Salt Minnesota \(rpbcwd.org\)](https://rpbcwd.org).

Attached is an article that was in the February 1, 2023 issue of the *Minneapolis Star Tribune*.

We will be discussing the chloride topic in more detail at a series of TAC and Commission meetings in the coming months as we work through other targeted stakeholders and messaging

## LOCAL

# 'Low Salt, No Salt Minnesota' targets private contractors to cut chloride pollution

New initiative is aimed at those who weren't getting the message about reducing salt use on icy pavements: private property owners.

By Jennifer Bjorhus (<https://www.startribune.com/jennifer-bjorhus/6370514/>) Star Tribune |

FEBRUARY 1, 2023 — 12:06PM

Minnesota has struggled to kick the habit of over-salting winter sidewalks and roads.

Yes, the ice is dangerous for drivers and pedestrians — but so is the chloride in the runoff poisoning Minnesota's lakes, streams and rivers, particularly in the Twin Cities. State agencies such as the Department of Transportation and many cities and other public entities are innovating ways to cut salt use, water resource professionals working on the problem say. They've gotten the message.

But most property managers and snow removal companies have not.

"We're not seeing that same shift on the private side," said Jessica Wilson, water resources manager for the city of Edina.

Wilson is seeking to change that. She's part of the Hennepin County Chloride Initiative launching a new "Low Salt, No Salt" campaign this week to put a lid on the bucket of ice-melt, and protect the water. It's not another public awareness campaign, but free and hands-on technical assistance for property owners and private salt applicators.

The group is a coalition of 11 cities and watershed districts whose members say they understand the pressure on property owners to avoid hazardous ice. They fear being sued for falls. It's deeply ingrained that people need to crunch across blue crystals in winter for safety — and people feel vulnerable if they're not, said Laura Jester, administrator of the Bassett Creek Watershed Management Commission, who helped develop the new program.

Bassett Creek is one of scores of waterways — including the Mississippi, Minnesota, and St. Croix rivers — with increasing levels of chloride pollution, according to the Metropolitan Council, which has been tracking it. A mere 10% of waterbodies in the seven-country metro area have been sampled for chloride, but that shows 42 lakes, ponds, rivers and streams are contaminated with excess chloride, according to the council.

The saltier water damages the ecosystems for fish, invertebrates and insects.

The initial targets of the "Low Salt, No Salt" campaign are the boards of home owners associations, condos and townhouses; and churches, synagogues and other faith-based communities.

"We feel like those folks have a really vested interest in how the property is managed, where they live or pray," said Jester.

The initial rollout is mostly in Hennepin County, but no one is excluded. The Capitol Region Watershed District in St. Paul is already enlisting three faith-based groups to reduce salt on private property. The plan is to expand the program to small businesses and neighborhood associations.

Trained members will soon be contacting property owners by mail or telephone to meet with them and lend a hand.



They'll come with a range of tools to share beyond a new [website](https://rpbcdwd.org/low-salt-no-salt/) (<https://rpbcdwd.org/low-salt-no-salt/>). They include model contracts for hiring snow and ice removal companies, advice on communicating risk, grant-writing help and guidance on finding the best type of "smart salting" training the Minnesota Pollution Control Agency offers.

"It's very hands-on," said Edina's Wilson. "This program is meant to establish a relationship with a trusted professional."

At the Legislature, a group of lawmakers is trying again this year to pass a [measure](https://www.revisor.mn.gov/bills/text.php?number=HF0820&version=latest&session=92&session_number=0&session_year=2023) ([https://www.revisor.mn.gov/bills/text.php?number=HF0820&version=latest&session=92&session\\_number=0&session\\_year=2023](https://www.revisor.mn.gov/bills/text.php?number=HF0820&version=latest&session=92&session_number=0&session_year=2023)) to protect property owners and commercial applicators from being sued for ice hazards and slip-and-falls if they can show they took the state's smart salting training and used best practices. The bills are [HF820](https://www.revisor.mn.gov/bills/text.php?number=HF820&version=0&session=ls93&session_year=2023&session_number=0) ([https://www.revisor.mn.gov/bills/text.php?number=HF820&version=0&session=ls93&session\\_year=2023&session\\_number=0](https://www.revisor.mn.gov/bills/text.php?number=HF820&version=0&session=ls93&session_year=2023&session_number=0)) and [SF755](https://www.revisor.mn.gov/bills/text.php?number=SF755&version=0&session=ls93&session_year=2023&session_number=0) ([https://www.revisor.mn.gov/bills/text.php?number=SF755&version=0&session=ls93&session\\_year=2023&session\\_number=0](https://www.revisor.mn.gov/bills/text.php?number=SF755&version=0&session=ls93&session_year=2023&session_number=0)).

Brooke Asleson, who runs the MPCA's chloride reduction program, said she wants "Low Salt, No Salt" to go statewide.

"I think it is going to be our next pathway forward," said Asleson. The majority of the estimated 6,000 people certified through the MPCA's salt training since 2017 work in the public sector, she said. More training on the private side is critical to cutting chloride pollution.

It's particularly challenging because salt is an effective, cheap ice treatment.

Most de-icers use some form of chloride, including the salt MnDOT uses on roads. So are the bags and pails of ice-melt people buy in the store, even when they're labeled "pet friendly," "green" or "eco friendly." The active ingredients are typically calcium chloride, magnesium chloride or sodium chloride, or a mix.

The de-icing salt is the top source of the chloride polluting the Twin Cities' lakes, rivers and streams. There is no cost-effective way to remove it, and it doesn't dissolve on its own; the chloride just accumulates. You can't see it, but the water gets saltier and runs into the Mississippi River and down to the Gulf of Mexico.

Chloride levels in metro area waterbodies [continue to rise](https://metro council.org/Wastewater-Water/Services/Water-Quality-Management/Water-Monitoring-Pubs/2022-Chloride-Report.aspx) (<https://metro council.org/Wastewater-Water/Services/Water-Quality-Management/Water-Monitoring-Pubs/2022-Chloride-Report.aspx>), though more gradually in recent years, said Emily Resseger, a water resources environmental analyst at the Met Council. She said they hope to see the chloride levels decrease in five years.

Minnesota now has a [statewide chloride management plan](https://www.pca.state.mn.us/business-with-us/statewide-chloride-resources) (<https://www.pca.state.mn.us/business-with-us/statewide-chloride-resources>). Unfortunately, no large-scale non-chloride alternative has emerged to replace road salt. Potassium acetate showed promise but turned out to be highly toxic too, Asleson said. Sand is always a good option. There are chloride-free products on the market such as Traction Magic that homeowners can use.

Wilson said that even after a decade of awareness-building about chloride, people are still surprised to learn that one teaspoon of road salt is enough to permanently pollute 5 gallons of water. They're also shocked to learn that applying more salt does not increase its effectiveness on ice.

Changing the salt habit is hard, she said; "It's definitely a culture thing."

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**Jennifer Bjorhus** is a reporter covering the environment for the Star Tribune.

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**To:** Elm Creek WMO Commissioners

**From:** Diane Spector

**Date:** February 1, 2023

**Subject:** Chloride Limited Liability Legislation

**Recommended  
Commission Action**

Review and discuss.

Companion bills intended to help reduce chloride loading in Minnesota have been again introduced into the state legislative process this session. [HF820/SF755](#) would formally establish a certification program for commercial applicators to learn about best management practices for applying road salt and related products for controlling snow and ice. The bills would also limit the liability of those operators and property owners against financial damages from slips and falls if the applicator and owners are certified and that BMPs in accordance with the practices were undertaken and documented.

This legislation would provide a significant incentive for private applicators to get trained and certified and would help address probably the biggest barrier to the reduction in the use of salt by private applicators and property managers: fear of being sued for slips and falls.

While there is currently a certification program, the MPCA developed and managed that program using grant funds. This legislation would allow the agency to charge a fee to allow the program to be self-funding.

Similar legislation was introduced the last few sessions and, while there was considerable support through the various committee hearings, never made it to final adoption. A citizens' advocacy group SOS, Stop Over Salting, has been working tirelessly over the past few years to track and promote the legislation.

We will keep an eye on this legislation as it makes its way through the committee process. SOS sometimes contacts us to ask Commissioners with Senators or Representatives on key committees to contact them to ask for their support. Certainly, Commissioners are free to contact their legislative delegation at any time whether the bill is in committee or going for a floor vote. The Commission could also take a formal position and express its support for the bills to all the senators/representatives whose districts encompass some part of the watershed.

- 1.1 A bill for an act  
1.2 relating to environment; establishing certified salt applicator program; limiting  
1.3 liability; requiring a report; proposing coding for new law in Minnesota Statutes,  
1.4 chapter 116.  
1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. **[116.2025] SALT APPLICATORS; VOLUNTARY CERTIFICATION**  
1.7 **PROGRAM.**
- 1.8 Subdivision 1. Definitions. For purposes of this section, the following terms have the  
1.9 meanings given:
- 1.10 (1) "certified commercial applicator" means an individual who applies deicer, completed  
1.11 training on snow and ice removal and deicer application approved by the commissioner,  
1.12 and passed an examination after completing the training;  
1.13 (2) "commercial applicator" means an individual who applies deicer for hire but does  
1.14 not include a municipal, state, or other government employee;  
1.15 (3) "deicer" means any substance used to melt snow and ice, or used for its anti-icing  
1.16 effects, on privately owned surfaces traveled by pedestrians and vehicles; and  
1.17 (4) "owner" means a person that owns or leases real estate and that enters into a written  
1.18 contract with a certified commercial applicator for snow and ice removal and deicer  
1.19 application.
- 1.20 Subd. 2. Voluntary certification program; best management practices. (a) The  
1.21 commissioner of the Pollution Control Agency must develop a training program that promotes  
1.22 best management practices for snow and ice removal and deicer application that protect  
2.1 water quality and allows commercial applicators to obtain certification as a water-friendly  
2.2 applicator. The commissioner must certify a commercial applicator as a water-friendly  
2.3 applicator if the applicator successfully completes the program and passes the examination.  
2.4 (b) The commissioner, in consultation with the University of Minnesota, must provide  
2.5 additional training under this section for certified commercial applicators renewing  
2.6 certification after their initial training and certification.  
2.7 (c) The commissioner, in consultation with the University of Minnesota, must provide  
2.8 the training and testing module at locations statewide and may make the recertification  
2.9 training available online.  
2.10 (d) The commissioner, in consultation with the University of Minnesota, must annually  
2.11 post the best management practices and a list of certified commercial applicators on the  
2.12 agency's website.  
2.13 (e) The commissioner may charge a fee of no more than \$350 per certified commercial  
2.14 applicator for the training or recertification under this section. Fees collected under this  
2.15 subdivision must be deposited in the environmental fund.
- 2.16 Subd. 3. Liability. (a) A certified commercial applicator or an owner is not liable for  
2.17 damages arising from hazards resulting from the accumulation of snow and ice on any real

2.18 estate maintained by the certified commercial applicator when the hazard is solely caused  
2.19 by snow or ice and the certified commercial applicator used the best management practices  
2.20 for snow and ice removal and deicing approved by the commissioner.  
2.21 (b) Nothing in paragraph (a) prevents or limits the liability of a certified commercial  
2.22 applicator or owner if the certified commercial applicator or owner:  
2.23 (1) commits an act or omission that constitutes gross negligence or willful or wanton  
2.24 disregard for the safety of entrants onto real estate of the owner that is maintained by the  
2.25 certified commercial applicator and that act or omission proximately causes injury, damage,  
2.26 or death;  
2.27 (2) intentionally injures an entrant on real estate of the owner that is maintained by the  
2.28 certified commercial applicator; or  
2.29 (3) fails to comply with the best management practices for snow and ice removal and  
2.30 deicer application approved by the commissioner.  
2.31 (c) The liability of a commercial applicator who applies deicer but is not certified under  
2.32 this section may not be determined under the standards provided in this subdivision.

3.1 Subd. 4. **Record keeping.** A certified commercial applicator must maintain the following  
3.2 records as part of the best management practices approved by the commissioner:  
3.3 (1) a copy of the applicator's certification approved by the commissioner and any  
3.4 recertification;  
3.5 (2) evidence of passing the examination approved by the commissioner;  
3.6 (3) copies of the winter maintenance assessment tool requirements developed by the  
3.7 commissioner;  
3.8 (4) a written record describing the road, parking lot, and property maintenance practices  
3.9 used. The written record must include the type and rate of application of deicer used, the  
3.10 dates of treatment, and the weather conditions for each event requiring deicing. The records  
3.11 must be kept for a minimum of six years; and  
3.12 (5) proof of compliance with the reporting requirements under subdivision 7.

3.13 Subd. 5. **Penalty.** The commissioner may revoke or decline to renew the certification  
3.14 of a commercial applicator who violates this section or rules adopted under this section.

3.15 Subd. 6. **Relation to other law.** Nothing in this section affects municipal liability under  
3.16 section 466.03.

3.17 Subd. 7. **Reporting required.** By July 1 each year, a certified commercial applicator  
3.18 must submit to the commissioner on a form prescribed by the commissioner the amounts  
3.19 and types of deicers used in the previous calendar year.

3.20 Subd. 8. **Expiration.** This section expires August 1, 2030.

3.21 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to claims  
3.22 arising on or after that date.

# elm creek Watershed Management Commission

ADMINISTRATIVE OFFICE  
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## Hassan Elementary 2023 Pavement Renovation Rogers Project #2022-048

### Project Overview:

**Location:** The project is located within the City of Rogers, northwest of the Interstate 94 and Highway 101 interchange.

**Purpose:** The proposed project will reconfigure the eastern parking lot, add a parent drop off loop, and rehabilitate the existing bus loop. The project will also upgrade an existing infiltration basin.

**WMC Rules Triggered:**

X	Rule D	Stormwater Management
X	Rule E	Erosion and Sediment Control
	Rule F	Floodplain Alterations
	Rule G	Wetland Alteration
	Rule H	Bridge and Culvert Crossings
	Rule I	Buffer Strips
	Rule K	Variance

<b>Applicant:</b>	ISD 728	<b>Attention:</b>	Thomas Baranick
<b>Address:</b>	19072 Triangle Road NW Elk River, MN 55340	<b>Phone:</b>	(763)-241-3405
		<b>Email:</b>	thomas.baranick@isd728.org
<b>Agent:</b>	BKBM Engineers	<b>Attention:</b>	Sam Dollerschell
<b>Address:</b>	6120 Earle Brown Drive, Suite 700, Minneapolis, MN 55430	<b>Phone:</b>	(763) 843-0447
		<b>Email:</b>	sdollerschell@bkbm.com

Exhibits:	Description	Date Received
Application	<input checked="" type="checkbox"/> Complete ECWMC Application	December 8, 2022
	<input checked="" type="checkbox"/> ECWMC Request for Review and Approval	December 8, 2022
	<input checked="" type="checkbox"/> City authorization: Rogers, MN	December 7, 2022
	<input checked="" type="checkbox"/> Review fee: \$3,375	December 8, 2022
	<input checked="" type="checkbox"/> Project Documents (site plans)	December 8, 2022

### Submittals

1. Stormwater Management Plan, dated November 11, 2016, prepared by BKBM Engineers, revised January 13, 2023
  - a. Stormwater Narrative
  - b. Summary of Existing and Proposed Conditions
  - c. Existing and Proposed HydroCAD models
  - d. MIDS Model Results

2. Construction Drawings, dated November 11, 2016, prepared by BKBM Engineers, Revised October January 13, 2023
3. Geotechnical Evaluation Report, dated July 29, 2022, prepared by Braun Intertec Corporation

## Findings

### General

1. A complete application was received December 8, 2022. The 60-day decision period per MN Statute 15.99 expires February 14, 2023.
2. The project will disturb approximately 6 acres of the 23.2-acre site.
3. The site primarily drains to the south where water is collected in existing stormwater ponds.
4. The proposed project will update the site's existing parking lot and provide an improved bus loop and the addition of a parent drop off loop.
5. The development will create 0.97-acres of new impervious area.
6. The project includes new stormwater BMPs such as sumps and one infiltration basin.
7. Underlying soils in the infiltration basin location consist of clayey sand atop poorly graded sand. This area will be excavated to the depth of poorly graded sand to increase infiltration.

### Rule D – Stormwater Management

#### **General**

1. The proposed project will disturb approximately 6.0-acres and create 0.97-acres of impervious surface.
2. Underlying soils in the infiltration basin area are predominantly poorly graded sands that allow infiltration.
3. The project includes new stormwater BMPs such as sumps and one infiltration basin.
4. The ultimate discharge location of the site is to existing stormwater ponds to the south.

#### **Rate Controls**

1. Rate control **meets** Commission requirements.
2. The proposed basins were sized to draw down within 48 hours.
3. The applicant provided HydroCAD model output for the 2-year, 10-year, and 100-year events total outflow from each drainage from the site. The rates are summarized in Table 1.

**Table 1 Rate of Discharge Leaving Site**

Direction	Condition	2-year (cfs)	10-year (cfs)	100-year (cfs)
<b>South To Stormwater Pond</b>	Pre-Project	26.75	58.49	132.43
	Proposed	23.39	52.64	124.50
	<b>Change</b>	<b>-3.36</b>	<b>-5.85</b>	<b>-7.93</b>

## Low Floor Elevations

1. Low floors **meet** Commission requirements.
2. The low floor elevations must be at least two feet above the 100-yr high water level (HWL) and at least one foot above the EOF for the stormwater pond.

## Operation and Maintenance

The applicant will need to enter a stormwater maintenance agreement with the City of Rogers.

## Abstraction Controls and Water Quality

1. Abstraction and Water Quality controls **meet** Commission requirements
2. Infiltration from 1.1 inches of runoff from new impervious areas is met with the northern infiltration basin.
3. Net, new impervious areas will be 0.97-acres from the site, requiring abstraction of 3,873 cubic feet.
4. The proposed infiltration basin will provide 9,624 cubic feet of water treatment.
5. The applicant provided existing and proposed MIDS modeling for the development showing conformance with the water quality requirements.

**Table 2 Water Quality Summary**

	<b>Annual Runoff Vol. (ac-ft)</b>	<b>Abstraction Vol. (cubic feet)</b>	<b>TP (lbs/year)</b>	<b>TSS (lbs/year)</b>
Pre-Project	21.23	N/A	17.43	3,133.5
Proposed (w/o BMP's)	22.83	N/A	18.63	3,385.8
Proposed (w/ BMP's)	18.58	3,873 (required) 9,624 (provided)*	15.16	2,756.2
<b>Change</b>	<b>-2.65</b>	<b>+ 5,751 (excess)</b>	<b>-2.27</b>	<b>-377.3</b>

## Rule E – Erosion and Sediment Control (plans)

1. Plans **meets** Commission requirements for erosion and sediment control.
2. The erosion and sediment control plans are consistent with current best management practices, including:
  - a. Rock construction entrance
  - b. Silt fence
  - c. Catch basin inlet protection
  - d. Permanent erosion control devices
  - e. Stabilization of disturbed soil areas

## Recommendation

Conditional Approval

### **Conditions for Approval**

1. Approval conditional upon infiltration test to very infiltration
2. Approval is contingent upon final application escrow fee balance. Additional payment or refund of the fees will be determined when all conditions for approval are met.
3. Approval is contingent upon an operation and maintenance plan that is approved by the City of Rogers.

On Behalf of Stantec Consulting Services, Inc.  
Advisor to the Commission



Date 2/1/2023

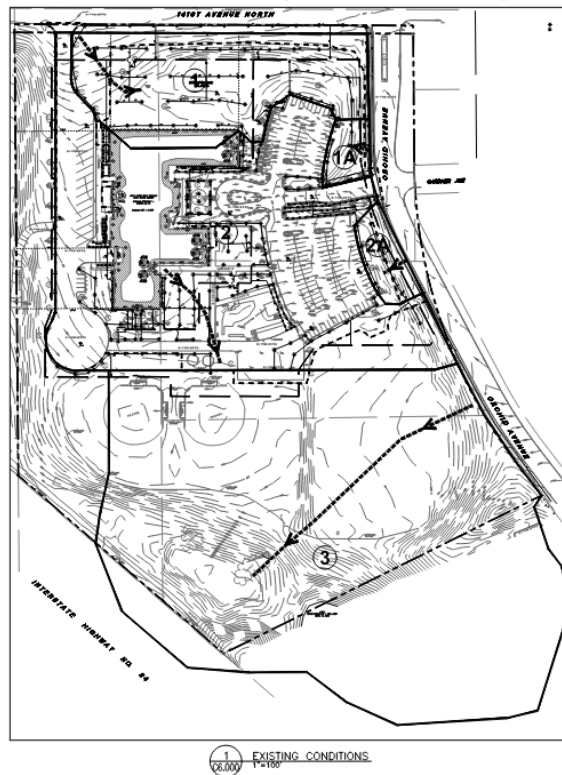
### **Attachments**

- |          |                        |
|----------|------------------------|
| Figure 1 | Project Location       |
| Figure 2 | Existing Drainage Map  |
| Figure 3 | Proposed Drainage Plan |

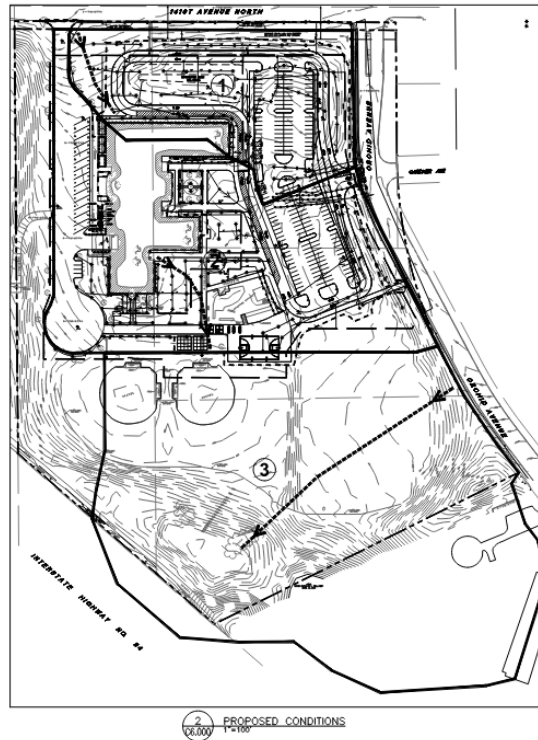
**Figure 1 Project Location**



**Figure 2 Existing Drainage Map**



**Figure 3 Proposed Drainage Plan**



# elm creek

## Watershed Management Commission

### 2022 WORK PLAN IN REVIEW

Minnesota Rule 8410.0150 requires the Commission to submit to the Board of Water and Soil Resources a financial report, activity report and audit report for the preceding fiscal year. 8410.0150 Subp. 3 outlines the required content of the annual activity report. It includes an assessment of the previous year's annual work plan and development of a projected work plan for the following year.

The Commission's Third Generation Watershed Management Plan identifies issues, priorities, and goals for the ten-year period 2015-2024.

1. Continue to review local development/redevelopment plans for conformance with the standards outlined in the Commission's Third Generation Watershed Management Plan. *Evaluate the 2021 project review policy, application form, and fee schedule to determine how well they are meeting the Commission's goal of funding the costs of reviewing the projects. Revise the language for approval of O&M agreements. The Commission reviewed 49 projects in 2022. Now that the project review policy has been effect for two years, administrative and technical staff will meet early in 2023 to evaluate the policy and may recommend some adjustments.*
2. Continue to partner with the Three Rivers Park District (TRPD) to share in the costs of conducting lake and stream monitoring in the watershed. *In 2022, TRPD will monitor Elm Creek at 77th Avenue (ECF77); Rush Creek at Territorial Road (RT); and Diamond Creek (DC) for continuous flow and water quality. A dissolved oxygen longitudinal survey will also be conducted on Rush Creek in 2022. TRPD will also monitor four sentinel lakes (Fish, Weaver, Diamond, and Rice) and two additional non-sentinel lakes in the Elm Creek Watershed in 2022. An aquatic vegetation point-intercept survey will be completed on one of these lakes. Under the cooperative agreement, the Commission and the Park District will also provide financial support to assist the monitoring. In 2022 TRPD undertook stream monitoring and lake monitoring, including aquatic vegetation surveys on Diamond, Fish and Mud lakes. The DO longitudinal survey was not conducted in 2022 due to lack of water in the channel. Results will be published in the Commission's 2022 Annual Report.*
3. Fund the monitoring of one lake through Metropolitan Council's Citizen Assisted Monitoring Program (CAMP). *One lake will be monitored through CAMP in 2022. No lakes were monitored during the 2022 CAMP program.*
4. Continue to operate the monitoring station in Champlin in cooperation with the United States Geological Survey (USGS). *The cooperative agreement with the USGS will be renewed for WY2022. The cooperative agreement was renewed for WY2022-2023. Sent to James Fallon for update.*
5. Promote river stewardship through Hennepin County's RiverWatch program with three sites in 2022, *depending on the status of the pandemic. Because of this uncertainty, the Commission will not be charged for this service in 2022. No invertebrate monitoring occurred through RiverWatch in 2022; however, the program will resume in 2023.*
6. Participate in the MN Wetland Health Evaluation Program (WHEP) with four wetlands in 2022, *again, depending on the status of the pandemic. Because of this uncertainty, the Commission will not be*

*charged for this service as well. WHEP did not occur in 2022. Leadership in the Hennepin County Department of Environment and Energy have decided to discontinue WHEP, as it does not meet their department goals.*

7. Conduct the biennial solicitation of interest proposals for administrative, legal, technical and wetland consultants. *This process will be undertaken in January 2023. Solicitations will be published in a December 2022 edition of the State Register. The solicitation was published in the November 28 edition of the State Register. Responses will be reviewed at the Commission's January 11, 2023, meeting.*
8. Continue as a member of the West Metro Water Alliance (WMWA). *A new Educator was hired in December 2021 and will begin reaching out to schedule classroom visits in 2022. Depending on the status of the pandemic, Watershed PREP classes may be conducted virtually. A video of the Watershed PREP class is available on the WMWA website for home school or classroom viewing. <http://www.westmetrowateralliance.org/> The four member watershed organizations, Bassett Creek, Elm Creek, Shingle Creek, and West Mississippi, will continue to develop materials in response to the new NPDES Permit Requirements, concentrating on educational content regarding pet waste, chlorides/salt, and illicit discharge. In 2022 WMWA and its member WMOs partnered with Hennepin County and the Richfield-Bloomington WMO to develop a shared education and outreach coordinator position funded by Watershed-Based Implementation Funding (WBIF) and WMWA special projects budget. This two-year limited duration position will focus on engaging with various stakeholder groups in the five watersheds on clean water and chloride management issues. WMWA also drafted a long-term vision for the organization to help transition from a part-time to a full-time coordinator.*
9. Promote "Lawns to Legumes," a program for residents to seed their lawns with a bee lawn mix, targeting habitat for the Rusty-patched bumblebee, an endangered species. A collaboration between Blue Thumb and the Minnesota Board of Water and Soil Resources (BWSR), provides cost-share funding and other resources to help Minnesota residents establish pollinator habitat in their yards. *The Commission supports this program with membership in Blue Thumb and links to its website. The Commission continues to support and promote this program. Funding is provided by the Environment and Natural Resources Trust Fund (ENRTF) and is targeted in priority areas to benefit the Rusty patched bumblebee and other at-risk species.*
10. Sponsor Resilient Yard Workshops as part of the Commission's Education and Public Outreach Program. The workshops are presented by Metro Blooms. *Since the start of the pandemic, all workshops have been held virtually and will continue virtually through 2022. Registration for the 2022 workshop season will open February 1, 2022, when partner organizations will receive communication materials to help announce the opportunity to attend workshops in their area. This year, workshops in our area will be sponsored by the cities of Champlin, Crystal, Plymouth, and Minneapolis. Workshops were conducted in Plymouth on April 14, 2022, with 40 participants; on April 26, 2022, in Champlin with 15 registrants; in Minneapolis on May 3 with 40 participants; and in Crystal on May 19 with 35 registrants.*

*A new Blue Thumb training program has been implemented to teach participants skills in inspecting and caring for raingardens and other green infrastructure, all within a framework of eco-friendly landscaping practices. People who take part in the full session will receive a Sustainable Landcare Certificate. Participants in the program first receive Stormwater Basics, learning about watersheds and how water travels in our urban environment. They also learn how raingardens are built, how they work, and how to inspect them to ensure they function properly. An important part of the program is weedy plant identification and vegetation management (a major culprit of dysfunctional raingardens) to avoid the need for chemical use, when possible.*
11. Continue as a member of Blue Thumb and WaterShed Partners. *Staff will continue to virtually attend WaterShed Partner meetings and Blue thumb meetings to share resources, bringing back programs and*

*ideas for promotion by the Commission. Administrative staff attended these meetings, offering expertise and otherwise participating to support our shared goals, and provided updates to the Commission at their monthly meetings.*

12. Continue to work in partnership with the University of Minnesota's agriculture specialist to help build relationships with the agricultural community in the watershed to achieve TMDL load reductions. *The status of the pandemic will determine what amount of interaction with landowners can occur in 2022. Communication between landowners and Hennepin County will continue through targeted mailers and other means. Identified projects from 2021 outreach will advance into implementation phases in spring/summer of 2022. See item 13, below.*
13. Work with the Hennepin County Rural Conservation Specialist. Assist landowners in identifying BMPs for implementation throughout the watershed. Work with member cities to identify projects that will result in TMDL load reductions. *Hennepin County Environment and Energy Staff will collaborate with landowners to identify BMP projects as well as larger, more strategic projects for inclusion on the Commission's Capital Improvement Program (CIP). Through a variety of outreach efforts, Hennepin County specialists are working with landowners to identify which BMPs would be the most effective in retaining pollutants while remaining manageable. In addition, Hennepin County staff is now working more closely with the City of Corcoran to ensure that their office is aware of ongoing projects, while looking for other opportunities to leverage resources to implement further BMP projects. The County will look to expand this coordination throughout 2022. County Staff will provide updates to the Commissioners through their monthly Staff Reports. Hennepin County Environment and Energy Staff provided monthly staff reports at the Commission's regular meetings. Included in those reports were project and program updates as well as announcements of grant programs and clinics offered by the County. In 2022 the County fully installed a manure bunker, two automatic waterers (to keep cattle out of North Fork of Rush Creek), two livestock exclusion fence projects, and gutters on several barns to reduce runoff traveling over areas cattle regularly cross. The County also substantially installed five grassed waterways in the Jubert Lake Subwatershed before construction was halted for the winter. Collectively, these projects reduced loading to the North Fork of Rush Creek by 47.2 tons of sediment and 110.9 lbs of phosphorus per year. Each of these projects were funded through the Commission's CIP, state grant funds, and County and landowner contributions. The County also developed design elements for several projects in 2022 which they anticipate installation of in 2023.*
14. Send call out to member cities, requesting them to provide updates to the projects already included on the Commission's Capital Improvement Program (CIP) as well as inform the Commission of new projects that they would like to have considered for inclusion on the CIP. Hold public meeting, adopt an amendment to the Third Generation Watershed Management Plan, conduct public hearing, and certify levy to Hennepin County. *Hennepin County will continue communicating CIP updates to member cities into 2022. Further, staff will work to provide cities with updates on projects currently underway as well as prospective projects as they arise. In 2022 a total of nine new projects were added to the CIP. The Commission certified a levy totaling \$589,903 for three projects to move forward in 2022 – the South Fork Rush Creek Stream restoration project in Maple Grove ; the 2022 City Cost Share project; and the 2022 Partnership Cost Share project.*
15. Undertake high priority projects identified in the Rush Creek Headwaters Subwatershed Assessment. *This activity will continue in 2022. Best management practices that will reduce nutrient, sediment, and bacterial contamination in the Rush Creek Watershed have been completed over the past year or are currently nearing implementation. A grassed waterway and detention basin were installed on farm fields adjacent to Jubert Lake that will retain 15 tons of sediment and 15 pounds of Phosphorus per year. More high priority projects related to curbing manure and nutrient runoff, such as manure bunkers and filter strips, have been identified and are in the initial stages of planning. Larger projects such as the Jubert*

*Lake Agricultural BMPs, are entering second phases that will include grassed waterways, culvert stabilization, and wetland restoration. Many of these agricultural BMP projects were described in the monthly Staff Reports cited in item 13 and their progress documented while under construction. As further described in item 20 below, the Rush Creek and Diamond Creek subwatershed assessments received funding for additional implementation 2023-2024 through a Watershed Based Implementation Funding (WBIF) grant. Applications for a Good Steward grant and a Commission cost-share grant were also submitted for a channel stabilization project in Dayton.*

16. Adopt a 2023 operating budget. *A Budget Committee will draft a 2023 operating budget for consideration by the Commission in May 2022. At its June 8, 2022, regular meeting, the Elm Creek Watershed Management Commission approved a 2023 operating budget totaling \$1,014,165. To fund the 2023 budget the Commission approved member assessments of \$270,000, a 5.4% increase in city assessments, the first increase since 2020.*
17. Prepare a 2021 Audit Report. *This report will be prepared by Johnson and Company, LTD and forwarded to BWSR per MN Rule 8410. The 2021 Audit Report was transmitted to the State Auditor and to BSWR on June 30, 2022.*
18. Continue to populate and maintain the Commission's website [www.elmcreekwatershed.org](http://www.elmcreekwatershed.org) to provide news to residents, students, developers and other individuals interested in the water resources of the watershed. *This activity will continue in 2022. This is an ongoing activity.*
19. Publish an annual activity report summarizing the Commission's yearly activities and financial reporting. *The 2021 Annual Activity Report will be published in April 2022 and made available to the member cities and the public on the Commission website, <http://www.elmcreekwatershed.org/annual-reports.html>. The 2021 Annual Activity Report was transmitted to the Board of Water and Soil Resources on April 29, 2022, and uploaded to the Commission website on that date.*
20. Having had two different allocation processes in as many biennia, the Board of Water and Soil Resources BWSR held several Listening Sessions to take feedback and help decide how to allocate FY22 Watershed Based Implementation Funds (WBIF). On October 27, 2021, the BWSR Board approved a process that would allocate funds to Metro watersheds with "a \$75,000 minimum per watershed planning area inside of the Metro, and a distribution of funds based on a weighting of 90% private land and 10% on public waters to all eligible areas." *At 2021 year-end, Commission Staff were in contact with BWSR staff to learn more about that method. It appears that project requirements will include a minimum 10% match, must be load reduction practices, and could be structural or non-structural. The Elm Creek planning area has been awarded \$297,774. The Commission has tasked the Technical Advisory Committee to be the lead in identifying the project or projects that would be submitted for funding. In 2022, \$267,774 in 2023 WBIF funds was available from BWSR for allocation within the Elm Creek watershed. The Convene Committee allocated \$175,000 to continued implementation of projects in the Rush Creek Headwaters SWA as well as projects in the newly completed Diamond Lake SWA. \$30,000 was allocated to the education and outreach coordinator described in item 8 above, and the balance of \$92,274 was allocated to high-priority area assessments. No specific assessments were selected but the proposed South Fork Rush Creek SWA, and feasibility assessments for the Diamond Lake outlet channel project, and the Rush Creek meandering near Stieg Woods were identified as potential projects to be considered for funding in 2023. Projects must be completed by December 31, 2025.*
21. Complete Special Flood Hazard Areas on the FEMA Floodplain maps located within the watershed into current modeling packages. The total budget for this project in Elm Creek was \$92,772.45 and did not require a local match. At December 25, 2020, eight percent of the original budget remained, not including \$14,800 of additional work authorized by the DNR in December 2020 and an additional \$1,200 for the revision of 12 subwatersheds and update of the HEC-HMS model inputs for those subwatersheds.

Work was completed by the end of the term of the contract, March 31, 2021. The DNR began presenting the model to the member cities on March 18, 2021.

As the member cities reviewed the model they noted significant differences between the flood elevations in their communities' hydrologic and hydraulic (XPSMWM) models and those included in the HUC-8 study. The MNDNR had proposed to complete extensive surveys of all hydraulic structures (bridges, culverts, and weirs) within the effective (FEMA mapped) floodplain; however, the MNDNR was unable to complete these surveys with limited budgets and many hydraulic structures were modeled based on assumptions made from review of aerial imagery.

(The DNR paused the flood risk map updates in mid-2021 due to staffing shortages. The Commission was informed in late December 2021 that they are being resumed.)

At their May 12, 2021, meeting, the Commission authorized Stantec to undertake a Third Party Review of the study results. Stantec's findings were summarized and presented to the Commission's Technical Advisory Committee (TAC) in December 2021. The TAC directed Stantec to forward their summary and recommendations. *Members of the Commission and the Technical Advisory Committee will attend the MNDNR Flood Risk Review meeting when it is scheduled to discuss the floodplain work that has already been completed.*

*Representatives from the DNR, Stantec, and the Commission's TAC will meet virtually to discuss Stantec's findings and recommendations. Based on the outcome of those discussions, consider various proposals to rectify the work already completed in order to bring the project into satisfactory completion. Stantec and Barr Engineering will prepare a scope of work/proposal to present to the TAC and the Commission at their March 2022 meetings.*

*DNR requires that the work products be completed by mid-2022, and is anticipating that the project will be completed by September 2022. Sent to Erik Megow for 2022 update*

22. Support the City of Corcoran and its partners as they undertake a subwatershed assessment for the South Fork of Rush Creek. A small portion of the South Fork also flows through the cities of Maple Grove and Medina. *Corcoran's City Council has approved a Stormwater Area Charge Study to evaluate options with results anticipated to be presented to the Council in early 2022. The Council has directed staff to continue reviewing implementation options related to the Stormwater Area Charge with results to be presented to the Council in early 2023.*
23. Support the City of Dayton and its partners to continue efforts for completion of the Diamond Lake subwatershed assessment. *The final report is substantially complete. The report and results will be presented to the City in early 2022. The Diamond Lake Subwatershed Assessment Report was finalized and submitted to the City of Dayton in March 2022.*
24. Make application for funding from the newly-created Minnesota Pollution Control Agency (MPCA) resiliency grant program. This program provides grants to communities statewide for climate resiliency planning. The grants can pay for the climate risk assessment, planning, and pre-design needed to inform the development of bonding proposals to upgrade stormwater infrastructure. Grants will be available on a competitive basis to counties, cities, townships and Tribal Nations in Minnesota. *At their November meeting, Staff proposed an application comprised of the following scope of work: (1) Model and map midcentury precipitation scenarios to create projected flood inundation areas for the 1%+ 24-hour rainfall event and the 1%+ 10 day event. (2) Identify potential future flooding risks in the watershed by reviewing known flooding areas, infrastructure, structures, and emergency vehicle routes in or in close proximity to predicted future hazardous flood conditions. (3) Develop policy recommendations for using the scenario data. The TAC declined to move forward with an application.*

25. Convene a meeting of the Technical Advisory Committee to review any discrepancies between the Commission and member city Rules and Standards. *On August 26, 2021, the TAC began its review with discussion regarding the challenges related to low elevations/low openings adjacent to flashing waterbodies such as ponds, an issue that became relevant when reviewing a project for which a variance was approved. Members worked from a flow chart created by Staff that summarized the review path taken by the Technical Staff when reviewing projects. They will continue their discussions at future TAC meetings. At their May 11, 2022, regular meeting the Commission conducted a public hearing at which the Commission adopted Resolution 2022-01 which, in part, adopts revisions to Appendix C Rules and Standards to: (1) make the rules consistent with the most recent Minnesota General Stormwater Permit; and (2) clarify the Commission's standards regarding the required freeboard between the high-water elevation of a constructed or natural water and the low floor or opening of a proposed adjacent structure.*
26. Participate with the Board of Water and Soil Resources in a Performance Review and Assistance Program (PRAP) Level II Review. *A Level II review, conducted by BWSR once every ten years for every local government unit, focuses on the degree to which an organization is accomplishing its water management plan. In their preliminary report, the following recommendations were brought forward by BWSR:*
- a. Existing planning goals are too broad. They need to be more targeted, prioritized, and measurable.*
  - b. Conduct internal analysis of the CIP. Work with city officials, informing them of the benefits of the program. Identify barriers that preclude this from happening.*
  - c. Review regulatory timelines.*
  - d. Coordinate communication efforts between Commission and landowners. Focus on specific land areas that contribute to low water quality. Partner with Hennepin County in these efforts. The County is a valuable resource for marketing programs and oftentimes also has grant resources available.*
  - e. (Added during the discussion when the recommendations were presented.) Update the Commissioner Handbook, conduct training session for Commissioners. Look to League of Minnesota Cities and the BWSR website for resources/assistance.*

*The preliminary PRAP report was accepted at the Commission's September meeting. The final report was received December 30, 2021.*

*Plymouth Commissioner Catherine Cesnik volunteered to work with Chairman Doug Baines, Stantec consultant Diane Spector, and Administrator Judie Anderson on these recommendations, particularly item 5. A couple of TAC members will also be invited to be members of this committee. Their first meeting was scheduled for February 16, 2022. The group met, discussed the findings, and will take the comments under advisement during development of the Fourth Generation Plan.*

## Elm Creek Watershed Management Commission



### Key Findings and Conclusions

The Elm Creek Watershed Management Commission should be commended for their work in implementing core programs, rules, planning efforts, and building partnerships. The board and administrative consultants are viewed very favorably by their partners and have made significant progress toward implementing their watershed management plan.

Ongoing water management challenges in the metro area have created the necessity to forge stronger working relationships among partners to improve local water management within the watershed, and the switch to comprehensive watershed management plans throughout the state means new

opportunities for increased prioritization of projects and available funding.

The Elm Creek WMC is commended for meeting several high performance standards, a testament to the quality of work they are recognized for by their partners.

### Resource Outcomes:

The Elm Creek watershed management plan did include TMDL reductions as part of their goal identification process, however there were few actions that tied directly to those goals and a recommendation was made in this report for Elm Creek WMC to develop more clear resource outcomes as part of future planning efforts.

### Commendations:

**The Elm Creek WMC is commended for meeting 9 out of 11 applicable High Performance Standards.**

### Recommendations:

Recommendation 1 – Develop clear prioritized, targeted, and measurable actions for future watershed management plans

Recommendation 2 – Complete an internal analysis of the ECWMC Capital Improvement Program

Recommendation 3 – Conduct a review of the ECWMC regulatory program requirements and standards

Recommendation 4 – Assess and develop a coordinated communication and outreach strategy for engaging individual landowners

### Action Items:

Elm Creek WMC did not have a data practices policy at the time of this report. Elm Creek was given six months to address this issue with follow-up assistance from BWSR staff.

**To:** Elm Creek WMO Commissioners

**From:** Erik Megow, PE  
Diane Spector  
Judie Anderson

**Date:** February 1, 2023

**Subject:** Draft 2023 Work Plan

**Recommended  
Commission Action**

Discuss and revise as desired and adopt as printed or as revised.

Attached is the proposed work plan for 2023. Many of the items on this list are routine, but some are special projects or studies. Highlights include:

- Now that the Commission and staff have some experience with the revised project review policies and fee structure, we will review them to determine if any revisions should be considered and whether the fee structure is adequate to cover Commission costs.
- Chloride management is a priority topic, and the work plan includes the development of a chloride education and outreach plan that includes identifying the different stakeholders and messages and options for implementation.
- The Watershed-Based Implementation Funding (WBIF) for 2023 will provide funding for a significant amount of new implementation in the Rush Creek Headwaters and Diamond Creek subwatersheds. The funding will also support completion of the South Fork Rush Creek subwatershed assessment and feasibility analysis for remainder two streams: a portion of North Fork Rush Creek in a high priority area, and the channel from Diamond Lake to Diamond Creek.
- The Commission will also consider an Adequate Fund Reserve Policy, and staff and the financial subcommittee will work to reformat some of the financial reports for clarity and to make the Commission's financial position more understandable.

**DRAFT**  
**2023 Work Plan**

Minnesota Rule 8410.0150 requires the Commission to submit to the Board of Water and Soil Resources a financial report, activity report and audit report for the preceding fiscal year. 8410.0150 Subp. 3 outlines the required content of the annual activity report. It includes an assessment of the previous year's annual work plan and development of a projected work plan for the following year.

The Commission's Third Generation Watershed Management Plan identifies issues, priorities, and goals for the ten-year period 2015-2024.

1. Continue to review local development/redevelopment plans for conformance with the standards outlined in the Commission's Third Generation Watershed Management Plan. *Evaluate the project review policy, application form, and fee schedule developed in 2021 to determine how well they are meeting the Commission's goal of funding the costs of reviewing the projects.*
2. Continue to partner with the Three Rivers Park District (TRPD) to share in the costs of conducting lake and stream monitoring in the watershed. *In 2023, TRPD will monitor Elm Creek at 77th Avenue (ECF77); Rush Creek at Territorial Road (RT); and Diamond Creek (DC) for continuous flow and water quality. A dissolved oxygen longitudinal survey will also be conducted if adequate flow is available. TRPD will also monitor four sentinel lakes (Fish, Weaver, Diamond, and Rice) and two additional non-sentinel lakes in 2023. Under the cooperative agreement, the Commission and the Park District will also provide financial support to assist the monitoring.*
3. Fund the monitoring of one lake through Metropolitan Council's Citizen Assisted Monitoring Program (CAMP). *One lake will be monitored through CAMP in 2023.*
4. Continue to operate the monitoring station in Champlin in cooperation with the United States Geological Survey (USGS). *The cooperative agreement with the USGS will be renewed for FY2023.*
5. Promote river stewardship through Hennepin County's RiverWatch program with three sites in 2023. *Hennepin County has resumed the program, but participation is in ongoing discussion.*
6. Participate in the MN Wetland Health Evaluation Program (WHEP). *Hennepin County has discontinued this program.*
7. Continue as a member of the West Metro Water Alliance (WMWA). *The contract Educator will continue to schedule classroom visits in 2023. The four member WMOs: Bassett Creek, Elm Creek, Shingle Creek, and West Mississippi, along with the Richfield-Bloomington WMO, will partner with Hennepin County to provide a one-half time education and outreach coordinator to provide engagement and programming in the five watersheds.*
8. Promote "Lawns to Legumes," a program for residents to seed their lawns with a bee lawn mix,

## elm creek

### Watershed Management Commission

targeting habitat for the Rusty-patched bumblebee, an endangered species. A collaboration between Blue Thumb and the Minnesota Board of Water and Soil Resources (BWSR), provides cost-share funding and other resources to help Minnesota residents establish pollinator habitat in their yards. *The Commission supports this program on its website and with membership in Blue Thumb.*

9. Sponsor Resilient Yard Workshops as part of the Commission's Education and Public Outreach Program. The workshops are presented by Metro Blooms. *One of the engagement focus areas of the new half-time coordinator will be helping to market and coordinate workshops, whether sponsored by cities in the watershed, online, or elsewhere in the Metro.*
10. Continue as a member of Blue Thumb and WaterShed Partners. *Staff will continue to virtually attend WaterShed Partner meetings and Blue thumb meetings to share resources, bringing back programs and ideas for promotion by the Commission. Administrative staff attended these meetings, offering expertise and otherwise participating to support our shared goals, and providing updates to the Commission at their monthly meetings.*
11. Develop and implement a Chloride Education and Outreach Plan. *The Commission and TAC will identify target stakeholders and messages and develop options for delivering programming. This work will be coordinated with WMWA and the Hennepin County Chloride Initiative.*
12. Continue to work in partnership with the University of Minnesota's agriculture specialist to help build relationships with the agricultural community in the watershed to achieve TMDL load reductions. *The Commission will continue to work with the agricultural specialist as available to supplement efforts of the Rural Conservation Specialists.*
13. Work with the Hennepin County Rural Conservation Specialist. Assist landowners in identifying BMPs for implementation throughout the watershed. Work with member cities to identify projects that will result in TMDL load reductions. *Hennepin County Environment and Energy Staff will collaborate with landowners to identify BMP projects as well as larger, more strategic projects for inclusion on the Commission's Capital Improvement Program (CIP). County Staff will provide updates to the Commissioners through their monthly Staff Reports.*
14. Send call out to member cities, requesting them to provide updates to the projects already included on the Commission's Capital Improvement Program (CIP) as well as inform the Commission of new projects that they would like to have considered for inclusion on the CIP. *If necessary, hold public meeting and adopt an amendment to the Third Generation Watershed Management Plan; conduct a public hearing for any projects to be ordered; and certify levy to Hennepin County.*
15. Undertake high priority projects identified in the Rush Creek Headwaters and Diamond Lake Subwatershed Assessments. *This activity will continue and be expanded in 2023. The Commission has dedicated an additional \$175,000 in Watershed-Based Implementation Funding to these implementation efforts, centered on the Rush Creek Headwaters and Diamond Lake subwatersheds.*
16. Adopt a 2024 operating budget. *A Budget Committee will draft a 2024 operating budget for consideration by the Commission in May 2023.*

## elm creek

### Watershed Management Commission

17. Adopt an Adequate Fund Reserve Policy. *A subcommittee has worked with the Commission's auditor to draft this policy, and to modify the financial reporting formats to simplify the Commissioners' ability to understand the Commission's financial position throughout the year.*
18. Prepare a 2022 Audit Report. *This report will be prepared by Johnson and Company, LTD and forwarded to BWSR per MN Rule 8410.*
19. Continue to populate and maintain the Commission's website [www.elmcreekwatershed.org](http://www.elmcreekwatershed.org) to provide news to residents, students, developers, and other individuals interested in the water resources of the watershed. *This activity will continue in 2023.*
20. Publish an annual activity report summarizing the Commission's yearly activities and financial reporting. *The 2022 Annual Activity Report will be published in April 2023 and made available to the member cities and the public on the Commission website, <http://www.elmcreekwatershed.org/annual-reports.html>.*
21. Complete the update of the Special Flood Hazard Areas. *The Commission's and cities' work is complete. The DNR is currently exploring options internally to complete the final reviews and mapping for HUC-8 updates across the Metro area.*
22. Using WBIF funding, undertake a subwatershed assessment of the South Fork Rush Creek subwatershed, and conduct feasibility assessments for remeandering North Fork Rush Creek between CR 116/Fletcher Lane and Brockton Road, and the outlet channel from Diamond Lake to Diamond Creek. *Corcoran's City Council will submit a formal request for the SWA, including a commitment to provide its cost share, and will assist in seeking any necessary additional funding, and provide any appropriate local assistance. The drainage area also includes small areas of Medina and Maple Grove.*

**Three Rivers Park District  
Cooperative Agreement with the  
Elm Creek Watershed Management Commission**

**I. GENERAL PURPOSE**

It is the general purpose of the parties within this Agreement to obtain water quality data for selected streams and lakes within the Elm Creek Watershed. The scenic beauty and recreational potential that the streams and lakes may provide become compromised as pollution and degradation increase through urbanization within the Elm Creek Watershed. The water quality of Elm Creek and its tributaries directly or indirectly affects the quality of all other natural systems within the Elm Creek Watershed, including water quality of streams and lakes partly or wholly within the boundaries of municipal and/or Three Rivers Park District-owned lands. In order to preserve waters in a natural state, it is therefore necessary to monitor and protect water quality within and beyond municipal or parkland boundaries. The Elm Creek Watershed Management Commission and Three Rivers Park District share a common need to assess the current water quality of streams and selected lakes in the Elm Creek Watershed and to identify the sources of pollutants which result in water quality problems.

**II. MONITORING EFFORTS**

**Stream Sampling**

**Three Rivers Park District Monitoring**

Under this Agreement, Three Rivers Park District will be responsible for monitoring three sampling stations every year. The specific sampling sites monitored will be determined each year prior to the start of the sampling season. Monitoring efforts will begin shortly after spring thawing (early to mid-April) and continue until the onset of freezing conditions (early November). Three Rivers Park District will be responsible for the installation and maintenance of automated sampling equipment for each monitoring station. The below table provides a list of sampling sites with data collected and used for the development of the Elm Creek Watershed TMDL. These sites will be considered for the contractual annual monitoring under this Agreement. The Elm Creek Watershed Management Commission does reserve the right to select other sites of particular interest as part of this Agreement.

Site	Location
Hamel	Elm Creek at Hamel
ECER	Elm Creek at Elm Road
EC77	Elm Creek at 77th Avenue
EC81	Elm Creek at County Road 81
RT	Rush Creek at Territorial
RC116	Rush Creek at County Road 116
RCTH	Rush Creek at Trail Haven
RC101	Rush Creek at County Road 101
DCZ	Diamond Creek at Zanzibar
SD	Diamond Creek at South Diamond Lake Road
DC	Diamond Creek in Elm Creek Park Reserve
ECHO	Elm Creek at Hayden Outlet

At a minimum, the Three Rivers Park District, under this Agreement, will be responsible to collect continuous flow measurements at each sampling site. All of the sampling stations have open channel morphology that require the development of a stage-discharge rating curves for the determination of continuous flow measurements. Three Rivers Park District will be responsible for the manual measurements of flow at different stream elevations to estimate the flow at each sampling site based on these stage-discharge rating curves.

The Elm Creek Watershed Management Commission may request, under this Agreement, the collection of water quality nutrient data at these monitoring sites in addition to the continuous flow measurements. The Three Rivers Park District will be responsible for the collection of water quality nutrient concentrations at the pre-approved selected sampling stations. Flow-weighted composite water samples will be collected from automated samplers to monitor storm event nutrient concentrations. Three Rivers Park District will also collect grab samples from the sampling sites to establish nutrient concentrations during base flow conditions. Approximately, 10% of all water samples will have a field duplicate collected for quality assurance measures.

All water samples collected will be delivered to the Three Rivers Park District certified laboratory. At a minimum, the samples will be analyzed for the following water quality constituents:

- Total Phosphorus
- Soluble Reactive Phosphorus
- Total Nitrogen
- Total Suspended Solids

The Elm Creek Watershed Management Commission may request, under this Agreement, analysis of other water quality constituents (i.e. chlorides) for specific projects.

Three Rivers Park District will estimate the nutrient loading for each sampling site when water quality nutrient concentrations are collected simultaneously with continuous flow measurements.

The Elm Creek Watershed Management Commission under this Agreement will provide financial support to assist with the monitoring efforts of the pre-approved sampling sites.

### **United States Geological Survey Monitoring**

Under this Agreement, the USGS will monitor and maintain a continuous recording stream gauging station on Elm Creek within the Elm Creek Park Reserve of Three Rivers Park District. The USGS gauging station will monitor continuous flow measurements as well as automated sample collection of water quality data that corresponds to specific storm events. The continuous flow measurements and water quality data will be used to estimate nutrient loading at the sampling site.

The Elm Creek Watershed Management Commission and Three Rivers Park District under this Agreement will provide financial support to assist with the monitoring efforts of the USGS stream gauging station on Elm Creek within the Elm Creek Park Reserve.

## Lake Sampling

### Three Rivers Park District Monitoring

Under this agreement, Three Rivers Park District will be responsible for monitoring the water quality of the four lakes annually, and any additional lakes that have been approved for monitoring by the Elm Creek Watershed Commission. The below table includes those lakes that were identified in the Elm Creek Watershed TMDL and WRAPS documents. The Category I lakes are identified as “Sentinel Lakes” (Elm Creek Watershed Third Generation Plan) and will be monitored every year. The Category II lakes are proposed to be occasionally monitored because these are lakes that have water quality data collected within the last ten years. The Category III lakes are recommended for monitoring the next 5 years because they currently have insufficient data for an assessment determination of trophic conditions. The monitoring of Category III lakes will become contingent upon acquiring private access to each lake.

Lake	DNR #	Lake Classification	
		Category	Shallow/Deep
<b>Fish</b>	27-0118	Category I	Deep
<b>Weaver</b>	27-0117	Category I	Deep
<b>Rice-Main</b>	27-0116	Category I	Shallow
<b>Diamond</b>	27-0125	Category I	Shallow
<b>Mill Pond</b>	27-0061	Category II	Shallow
<b>Goose</b>	27-0122	Category II	Shallow
<b>Mud</b>	27-0112	Category II	Shallow
<b>Cowley</b>	27-0169	Category II	Shallow
<b>Sylvan</b>	27-0171	Category II	Shallow
<b>Cook</b>	27-0120	Category II	Shallow
<b>Henry</b>	27-0175	Category II	Shallow
<b>Prairie</b>	27-0177	Category II	Shallow
<b>Jubert</b>	27-0165	Category III	Shallow
<b>Dubay</b>	27-0129	Category III	Shallow
<b>Laura</b>	27-0123	Category III	Shallow

Lake sampling will occur bi-weekly after ice-out (April/May) through the completion of fall turnover (October). Physical water quality parameters (temperature, dissolved oxygen, conductivity, and pH) will be collected at 1-m intervals from surface to bottom at the deepest location within each lake. Water clarity will also be measured for each lake using a secchi disk. A 2-m composite surface water sample will be collected for each lake. Those lakes that are deep enough for the onset of stratification will have samples collected at the top of the hypolimnion and 1-m from the bottom with a Kemmer bottle. Approximately, 10% of the water samples collected will have a field duplicate collected for quality assurance measures.

All water samples collected will be delivered to the Three Rivers Park District certified laboratory. The Three Rivers Park District will analyze all water quality constituents within sampling holding times. All laboratory analysis will follow Standard Operating Procedures approved by Minnesota Pollution Control Agency (MPCA) and/or Minnesota Department of Health (MDH). The laboratory will also follow QA/QC standard operating procedures. The water chemistry constituents for lake sampling include the following parameters:

Sample	Lake	Water Quality Constituents Analyzed			
	Classification	TP	SRP	TN	Chl-a
Surface 0-2 Composite	Deep/Shallow				
Top of Hypolimnion	Deep				
1-m from Bottom	Deep				

The Elm Creek Watershed Management Commission may request and approve the additional analysis of other water quality constituents (i.e. chlorides) that may pertain to specific projects.

The Elm Creek Watershed Management Commission under this Agreement will provide financial support to assist with the monitoring efforts of the pre-approved sampling sites.

### III. COOPERATIVE AGREEMENT

This AGREEMENT made and entered into as of the date of execution written below, by and between the Elm Creek Watershed Management Commission, hereinafter “the Commission,” and the Three River Park District, hereinafter “Park District.”

#### WITNESSETH:

WHEREAS, the cities of Champlin, Corcoran, Dayton, Maple Grove, Medina, Plymouth, and Rogers, by a Joint Powers Agreement, created the Commission for the purposes of guiding development and protecting and preserving natural resources in the Elm Creek Watershed; and

WHEREAS, the parties, pursuant to Minn. Stat. S471.59 and Minn. Stat. S398.09(g), have legal authority to enter into this Agreement and to do and perform the things herein agreed;

NOW, THEREFORE, in consideration of the mutual promise and obligations herein made and assumed by each of the parties hereto, the parties agree as follows:

### IV. OBLIGATIONS AND DUTIES

The Commission, with the services of its technical advisor, currently Stantec Consulting Services Inc., shall be responsible for;

- Administering the stream monitoring and gauging program and data analysis efforts.

- Administering the lake monitoring program.
- Administering the other components of the Commission's water quality program, including the collection of samples and/or other field data as necessary.

The Park District shall provide access to mutually agreeable sampling sites located within the Elm Creek Park Reserve upon prior notification by the Commission to the Park District of sampling dates and provide water quality information to persons utilizing the parklands as the Park District deems necessary.

Information obtained from the water quality monitoring program shall be used to compile a long-term data record of the condition of key lakes and stream reaches within the watershed, identify problem areas where better land-use practices are needed to control erosion and other forms of pollution, and evaluate the effectiveness of management activities. This information shall be used to modify the Management Plan and policies of the Commission.

## **V. METHOD OF COST SHARING**

The Commission agrees to reimburse the Park District for the completion of the stream and lake monitoring performed under this contract agreement for a period of five years 2023-2027. The specific lake and stream monitoring sites will be determined each year as approved by the Elm Creek Watershed Management Commission prior to the start of the sampling season.

The Commission shall remit to the Park District the cost of these projects on or before December 31<sup>st</sup> of the year the data was collected. The Park District shall prepare a final report of all receipts and disbursements upon completion of the projects.

Since the seven communities in addition to the Park District benefit from these monitoring results, the Park District agrees herein to reimburse the Commission 1/8 or 12.5% of the monitoring costs for the stream (including the USGS monitoring site) and lake monitoring on those water bodies on which the Park District owns a portion of the shoreline.

The Park District shall remit to the Commission the cost of its share of these projects on or before December 31<sup>st</sup> of the year the data was collected. The Commission shall prepare a final report of all receipts and disbursements upon completion of the projects.

## **VI. TERMINATION**

This Agreement shall be in effect through December 31, 2027 at which time it will be considered for renewal.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day of execution written below.

Attest:

THREE RIVERS PARK DISTRICT

By: \_\_\_\_\_  
John Gibbs, Chair, Board of Commissioner

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Boe Carlson, Superintendent

Date: \_\_\_\_\_

Attest:

ELM CREEK WATERSHED MANAGEMENT COMMISSION

By: \_\_\_\_\_  
Judie A. Anderson, Administrator

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Doug Baines, Chair, Board of Commissioner

Date: \_\_\_\_\_

# HENNEPIN COUNTY

## MINNESOTA

February 1, 2023

### **RE: Feedback on Services Provided by County Staff in 2023**

Over the last several years, Hennepin County staff have annually drafted a Watershed Services Agreement that outlines services county staff will provide to the Commission, its participating cities, and their residents to support the Commission's Watershed Management Plan and the Elm Creek Total Maximum Daily Load study. Services are split into three categories;

- 1) Task 1: Commission meeting attendance, provided at no cost to the Commission
- 2) Task 2: Resident engagement and assistance to address erosion and runoff issues and to promote the implementation of conservation practices, with costs split evenly up to a not-to-exceed amount.
- 3) Task 3: Project implementation in priority subwatersheds, which has just been the Headwaters of Rush Creek over the last few years.

Exhibit A of the 2022 Watershed Services Agreement, which more fully explains the services provided by the County, is attached for reference.

Over the last few years we've largely copied and pasted this language from the previous year's agreement. But, with some new focus areas and initiatives, we thought it was an opportune time to pause and ask for Commission TAC guidance on direction for 2023 activities. These new focus areas and initiatives include, but may not be limited to:

- 1) Adding another priority subwatershed, Diamond Creek. We haven't yet gotten official direction that the County is the primary entity tasked with implementing WBIF the Commission has received. **We presume we should plan to implement WBIF dollars for Diamond Creek, along with Rush Creek (totaling \$150,000), as we have for previous grant implementation efforts.**
  - a. Related: WBIF convening group also allocated \$92,274 for additional subwatershed and other priority assessments. The County will serve as a project partner and stakeholder for these efforts but, unless otherwise directed, presume the Commission and its technical advisors will lead implementation of this activity.
- 2) County staff have expanded technical assistance to municipal partners and residents within the Elm Creek Watershed. This has included guidance on waste storage facility implementation and feedlot management, as well as consultation on livestock ordinances in Corcoran. Working more closely with cities with technical assistance and outreach could expand and streamline

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conservation assistance directly to more residents. This has historically been covered under Task 2 but could be more explicitly outlined or added to with Commission direction.

- 3) With COVID restrictions ending we anticipate additional outreach activities this year, including a public open house in spring and a field day (or similar) event in late summer, among other potential activities. We'd also be interested in feedback on how we can better coordinate this work with city partners and the watershed.

Beyond these, we'd also welcome other feedback on items historically included, or not included, in the Watershed Services Agreement.

Thank you and I welcome any discussion and questions about this request and our work in ECWMC overall.

Sincerely,

Kris Guentzel  
Senior Water Resources Specialist  
612-596-1171 (office)  
[Kristopher.Guentzel@hennepin.us](mailto:Kristopher.Guentzel@hennepin.us)

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## EXHIBIT A

### 2022 WATERSHED GENERAL TECHNICAL ASSISTANCE

#### TASKS

The Hennepin County Environment and Energy Department (DEPARTMENT) will provide Elm Creek Watershed Management Commission (COMMISSION) with a variety of technical assistances in support of its Watershed Management Plan and the Elm Creek TMDL.

Services are delivered on a time and materials basis, with a not-to-exceed amount of listed in Section 1 of this Agreement, except as may be authorized via separate work order or agreement amendment approved prior by both parties.

#### 1. Meeting attendance & Preparation of Staff Report

Staff will prepare a staff report covering cooperative efforts and will attend regular Board and technical advisory committee (TAC) meetings to facilitate partnership and advise the COMMISSION on technical items. Time required to attend meetings will not be an expense to the COMMISSION.

Estimated Effort:

A Senior Environmentalist will attend each Board and TAC meeting. An Environmentalist and Supervising Environmentalist will attend meetings as necessary. Assuming 12 Board meetings and 4 TAC meetings.

	Estimated Hours	COMMISSION NTE
Senior Environmentalist	48	\$0
Environmentalist	48	\$0

#### 2. Respond to Inquiries from the public and conservation promotion in targeted subwatersheds

Due to the high priority nature of this work to the DEPARTMENT'S goals, DEPARTMENT agrees to request reimbursement for the following services at 50% the rate of other tasks. See agreement Section 2.

A. General outreach and assistance: At the request of the COMMISSION, as prompted by public inquiry, DEPARTMENT staff will reach out to landowners within the Elm Creek watershed to develop best management practice (BMP) projects, respond to inquiries from the public to provide conservation program information, technical assistance, and information regarding COMMISSION requirements. In 2022 this will largely but not exclusively relate to promoting, assessing, and developing projects in the Rush Creek subwatershed.

Estimated Effort:

	Estimated Hours	COMMISSION NTE	Estimated Cost (DEPARTMENT)
Senior Environmentalist	150	\$0	\$10,624
Environmentalist	805	\$17,000	\$51,383

### 3. Rush Creek Subwatershed Project Implementation

As partners in the Rush Creek SWA Implementation Projects and Practices grant application, COMMISSION will contribute to cost sharing landowner BMP projects identified in the Rush Creek Subwatershed Assessment (SWA) and initiated under the grant program. COMMISSION has levied for and received capital project funds to provide a 25% cost share on projects that fall within the Rush Creek subwatershed. These are Capital Projects 2020-01 (\$53,025 for Livestock Exclusions, Buffers, Stabilizations in Corcoran and Rogers) and 2020-02 (\$53,025 for Agricultural BMPs, Cost-Share in Corcoran and Rogers). The DEPARTMENT will invoice the COMMISSION for 25% of project costs after a project has been completed and the landowner has been reimbursed for project costs. DEPARTMENT will include project cost estimates and estimated commission share on projects in the monthly staff report as they become available, as well as an accounting of remaining capital and grant funds available to support BMP projects.

Amount reimbursable to the DEPARTMENT shall not exceed 25% of documented project costs. In addition, the total amount reimbursable under this Activity is constrained by the COMMISSION'S available capital funds for this work and shall not exceed the total amount available under capital projects 2020-01 and 2020-02. At the time of contract execution, the amount available under this activity is \$106,050.

#### Summary of total estimated effort and costs Tasks 1-3

	Estimated Hours	COMMISSION NTE
Task 1: Meeting attendance & Preparation of Staff Report	96	\$0
Task 2: Respond to public inquiries and conservation promotion in targeted subwatersheds	955	\$17,000
Task 3: Rush Creek Subwatershed Project Implementation	N/A	\$106,050
<b>Total (estimated)</b>	<b>1,051</b>	<b>\$123,050</b>

# elm creek Watershed Management Commission

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## STAFF REPORT February 1, 2023

- a. 2017-050W Ernie Mayers Wetland/floodplain violation, Corcoran.** The City of Corcoran contacted the Commission in 2017 concerning drainage complaints on Mayers' property. Technical Evaluation Panels (TEPs) were held to assess the nature and extent of the violations and a restoration order was issued to Mayers. In 2018, an appeal of the restoration order was received by the Board of Water and Soil Resources. BWSR placed an order of abeyance (stay) on the appeal looking for a resolution between the LGU and Mayers. The parties came to an agreement to resolve the violation in 2021. The agreement was signed by BWSR, Corcoran and Mayers. Commission Staff have not been provided with a copy of the agreement and the agreement does not resolve the Commission's floodplain fill issue from the wetland work. Staff sent correspondence to that effect to Mayers on February 1, 2022, requesting an application and site plan. The email chain of correspondence to BWSR was discussed at the October 2022 Commission meeting. They requested additional follow-up information from Staff and Corcoran. *Staff will have a zoom meeting with Corcoran on Thursday February 2. A verbal update will be provided at the meeting if new information is available*
- b. 2021-025 Hackamore Road Reconstruction, Corcoran/Medina.** The cities of Corcoran and Medina plan to reconstruct 1.3 miles of Hackamore Road from just west of CR 116 to CR 101. The project will add 4.4 acres of new impervious surface by widening the roadway and adding turn lanes, pedestrian facilities, and utility improvements. To meet the Commission's stormwater requirements, the project will largely rely on adjacent developments (existing and proposed) to incorporate BMPs to provide rate control, volume control, and water quality control. Staff reviewed the early application and provided comments to the applicant. Staff has reviewed various recent submittals for an interim reconstruction and stormwater plan and has worked with the applicant to determine interim impacts and how the impacts will be mitigated in the future. A finding of fact memo dated November 2, 2022, describing the interim impacts and how the applicant will meet the Commission's rules when future developments are constructed, was provided at the Commission's November 2022 meeting where, the Commission decided to table the decision until the December meeting so additional background could be presented. The project was approved at the December 2022 Commission meeting with the following recommendations: 1) Approval is contingent upon final application escrow fee balance. Additional payment or refund of the fees will be determined when all conditions for approval are met. 2) A buffer strip plan with proper wetland buffer monumentation, and.) Future Development 1 BMPs providing volume control to offset the remaining 4,180 cfs, and water quality to offset the interim increases of 1.0 lb/yr TP and 179.5 lbs/yr TSS to Wetland 1. Staff's findings dated December 27, 2022, were prepared to reflect these recommendations.
- c. 2021-029 TriCare Grocery, Maple Grove.** The project will construct a grocery store, retail, and associated parking on approximately 2.5 acres of the 62.7-acre TriCare parcel, located just north of County Road 30 and southwest of I-94. The project was reviewed for Rules D and E. Staff issued a denial in 2016 when the regional stormwater BMP project was constructed. On November 10, 2021, the Commission approved this project contingent upon receipt of the escrow balance and the City reconstructing the basin to meet Commission rules and standards per Staff findings dated November 1, 2021.

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**d. 2021-031 Cook Lake Edgewater, Corcoran/Maple Grove.** The application is for a 28.4-acre development just north of Bass Lake Road, on both sides of the Corcoran-Maple Grove municipal boundary. The development includes 60 single-family homes in Maple Grove and 12 single family homes and senior care and memory centers in Corcoran. The project was reviewed for Rules D, E, G, and I and approved at the November 2021 meeting with four contingencies as outlined in Staff's November 10, 2021, findings. This project will be removed from the report upon receipt of the escrow balance.

**e. 2021-034 BAPS Temple, Medina.** This project includes construction of a Hindu Temple, dining hall, gymnasium, parking lot and a permanent residency for the temple's priest on a 19.7-acre parcel at 1400 Hamel Road. The parcel currently serves as a farmstead with a farmhouse and barns. The project was reviewed for Rules D, E, G, and I and approved at the October 2021 meeting contingent on three Conditions outlined in Staff's findings dated October 4, 2021: (1) receipt of the escrow balance, (2) an operation and maintenance agreement with the City, and (3) a geotechnical report provided to the Commission. An update from the applicant's engineer on July 21, 2022, stated, "The client is holding on[to] construction documents temporarily; once they give us the go-ahead we will work to finalize the items below, likely by this fall [2022]." On November 3, 2022, Dusty Finke informed the Commission that the applicant has amended the site layout a bit and anticipates construction in 2023.

**f. 2021-043 Northwood Community Church, Maple Grove.** The existing project site is owned by Northwoods Community Church and functions as church offices. The proposed project demolishes those office buildings and constructs a church on the 10.56-acre parcel. In Staff's January 19, 2022, findings the project was reviewed for Rules D, E, G, and I and approved at the February 2022 meeting contingent on receipt of the escrow fee balance and a Stormwater Maintenance Agreement between the applicant and the City. The applicant has submitted the signed Agreement. This project will be removed from the report upon receipt of the escrow balance.

**g. 2021-044 Balsam II Apartments, Dayton.** The Commission approved this project in January 2022. The final infiltration testing of the stormwater basin and receipt of the escrow balance are the only conditions outstanding from Staff's findings dated December 22, 2021. As of November 2, 2022, the City and the Commission are awaiting the test results so that the outstanding escrow balance can be invoiced, and this project can be closed. The applicant informed the City they will provide the City and Commission with the test results when completed in the spring/summer of 2023.

**h. 2021-050 Evanswood, Maple Grove.** This proposed development will construct 227 single-family and 138 townhomes in the northwest corner of the City, disturbing 108.5-acres, and creating 45.8-acres of impervious surfaces, 41.4-acres of which is net, new impervious surfaces. The project was reviewed for Rules D, E, F, G, and I. Staff's March 2, 2022, findings were approved at the March meeting with five conditions. Two conditions remain outstanding: (1) receipt of the final escrow balance, and (2) receipt of a Stormwater Maintenance Agreement acceptable to the City and the Commission. The City is working on the agreement.

**i. 2021-052 Norbella Senior Living, Rogers.** This project will construct a 40-unit senior living facility on South Diamond Lake Road. The proposed disturbance is 2.4-acres with net, new impervious surfaces of 1.4-acres. The project was reviewed for Rules D and E. Staff findings dated February 14, 2022, were approved by the Commission at their March 9, 2022, meeting with three conditions: (1) final escrow balance being reconciled, (2) a stormwater maintenance agreement being put in place between the owner and the city with terms acceptable to the Commission, and (3) a detail being added to the construction drawings showing the inspection ports being installed along the isolator row of the underground filtration system. *On January 25, 2023, Andrew Simmons reported that this project has not yet proceeded.*

**j. 2021-055 Morningside Estates 6th Addition, Champlin.** This proposed development will construct seven single-family homes adjacent to the recently reviewed Oaks at Bauer Farm (2021-012) on the north side of French Lake Road, disturbing 2.8-acres and creating 0.8-acres of net, new impervious surfaces. The project was reviewed for Rules D and E and received approval at the Commission's April meeting contingent on final escrow determination and O&M agreements with both the City and with the Oaks at Bauer Farms HOA with terms acceptable to the Commission being filed per Staff findings dated April 5, 2022. Heather Nelson reported on November 2, 2022, that both ponds will be owned and maintained by the City of Champlin so no maintenance agreement is required. *This project will removed from the report upon receipt of the escrow balance.*

**k. 2022-002 Summerwell Townhomes, Maple Grove.** This project is for construction of a 26-acre site into a residential townhome community. It will create 13-acres of impervious, all of which is net, new impervious. The project triggers Rules D, E, G, and I and was approved at the Commission's June meeting with three conditions: (1) determination of escrow fee balance; (2) receipt of an Operations and Maintenance Plan approved by the City, and (3) provision of a wetland monitoring plan with four conditions. These conditions are found in Staff findings dated June 2, 2022. The monitoring plan was received on November 3, 2022. *This project will removed from the report upon receipt of the escrow balance.*

**l. 2022-003 Fox Briar Ridge East, Maple Grove.** The proposed project is for construction of eight townhomes and one single family home with associated sidewalks, roads, and stormwater infrastructure. The project will create 1.81-acres of impervious, 1.68-acres of which is net, new impervious. The project triggers Rules D and E. This project received approval at the Commission's April meeting with two conditions as cited in Staff findings dated April 4, 2022: final escrow determination and provision of a stormwater maintenance agreement acceptable to the City and the Commission within 90 days after the plat is recorded for all stormwater BMPs on the site that will not be operated and maintained by the City. *This project will removed from the report upon receipt of the escrow balance.*

**m. 2022-006 Hamel Townhomes, Medina.** The proposed project is for construction of 30 townhomes with associated sidewalks, roads, and stormwater infrastructure. The project will create 1.76-acres of impervious, 1.54-acres of which is net, new impervious. The project triggers Rules D and E. The applicant provided the latest resubmittals on July 11, 2022. In their findings dated August 2, 2022, Staff recommended approval with two conditions: receipt of an Operations and Maintenance Agreement acceptable to the City and final escrow determination. The project was approved at the Commission's August meeting. This project will be removed from the report upon receipt of the escrow balance.

**n. 2022-008 Bechtold Farms, Corcoran.** This is two parcels that total 117.6 acres proposed to be subdivided into 12 large, single-family lots. The project will create 6.3-acres impervious areas, 4.5-acres which are net, new impervious. The project triggered Rules D, E, F, G, and I The vegetation management plan for the wetland buffers and preservation areas was approved by Commission staff on May 3, 2022. The City is working on the conservation easements and O & M agreements. Staff provided the Commission's livestock guidelines to the applicant and the City. Staff's April 13, 2022 (updated) recommendations were approved at the Commission's April 13, 2022, meeting. All the contingencies have been accomplished and the escrow balance will be refunded.

**o. 2022-009 Dunkirk Lane Development, Plymouth.** This project is located in the southwest quadrant of the intersection of Dunkirk Lane and 59th Avenue N. The proposed development includes construction of 21 single-family home units and associated streets, utilities, and stormwater management basin. The Commission review covered Rules D and E and the project received approval at the April meeting per three contingencies

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outlined in Staff findings dated April 4, 2022: (a) final escrow determination; (b) an updated detail for OCS 105 (Sheet 8 of 21) showing the 2'-wide by 1'-deep notch in the weir modeled in HydroCAD; and (c) Elimination of the redundant 5-foot weir in the HydroCAD model for the pond outlet. It is understood that removal of this weir will not affect hydraulics or results for the 2-, 10- and 100-year storm HydroCAD modeling results but should be updated to be consistent with what is being constructed.

**p. 2022-011 Arrowhead Drive Turn Lane Expansion, Medina.** This project consists of a linear project for the City of Medina and a private site expansion for Open Systems International (OSI). The City will be constructing a stormwater BMP on the OSI site to accommodate for rates and water quality from two projects: (1) Arrowhead Drive Turn Lane Expansion and the future (2) Open Systems International, Inc. (OSI) Expansion. The projects are being reviewed as a planned development being treated by the proposed basin. Updated plans were received April 1, 2022, and supplemental updates were received on April 14, 2022. This project received approval at the Commission's May Meeting pending three conditions found in Staff findings dated May 2, 2022: (1) final escrow determination, (2) payment of the additional floodplain alteration review fee, and (3) plans for the OSI, Inc. parking expansion being developed. A Commission application for erosion control (Rule E) will be necessary, assuming the stormwater management is consistent with this approval. An erosion control and grading plan for the OSI site should include no more than 1.56 acres of impervious surface and all impervious surfaces shall be directed to the proposed stormwater BMP.

**q. 2022-012 Graco Building 2, Dayton.** Graco purchased this property that was the Liberty Industrial Center, approved by the Commission under project 2015-011. Graco is proposing to replat this site and construct a 515,400 SF distribution center. Additionally, mass grading on the remaining portion of Outlot H, and Outlots A and B will occur to accommodate two future buildings, regional ponding, and the construction of French Lake Road West. In total, 74 acres will be graded. The Commission's review covers Rules D and E on the 74 acre site. The site plan proposes to encroach into an existing conservation and preservation easement approved by the Commission for project 2015-011. At the July 2022 meeting the Commission reviewed this project and approved site plans for the area west of French Lake Road, contingent upon Staff recommendations found in their findings dated July 6, 2022: (1) final wetland buffer monumentation meeting Commission requirements, (2) an operations and maintenance agreement approved by the City that implements conditions that bind current and future owners of the project shall be recorded on this property and (3) the escrow balance reconciliation. The areas east of French Lake Road were tabled.

*Revised plans for the West French Lake Road project area were submitted on November 23, 2022, and January 6, 2023. On December 1 and January 30, Staff responded to the applicant requesting additional information. No new information was received. The applicant extended the decision deadline (per 15.99) to January 19, 2023. Staff notified the applicant on January 2, 2023, for another extension, but no request has been received to date. Updates and recommendations will be provided to the Commission at their February meeting if they are available. Part of our requirements will be for another 15.99 extension from the applicant.*

**r. 2022-013 Dayton Industrial Site, Dayton.** This project is a 25.04 acre site located on the north side of CR 81 between Brockton Lane and Dayton Parkway. The applicant is proposing to construct a 334,750 SF industrial building with associated parking for passenger vehicles and tractor trailers. Construction of an extension of Troy Lane Extension from its current cul-de-sac terminus continuing eastward to a future intersection with West French Lake Road is also planned, but will be permitted separately by the City. The proposed project will create 17 acres of new impervious, disturbing 30 acres. The area of the two existing parcels is 25.04 with 0.44 acres of existing impervious. Staff received the signed application March 21, 2022. Staff completed an initial review and requested additional documents from the applicant, which were received March 29, 2022. At their May 11, 2022 meeting the Commission approved this project with eight conditions per Staff's findings dated May 2, 2022.

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s. **2022-016 Rogers Activity Center.** Redevelopment and additions to the Rogers Municipal Complex are proposed at 14160 James Road. The project includes site clearing, demolition of the existing asphalt pavement, and grading for a future turf and ice rink facility. The Commission review covered Rules D, E, G and I. At their May 11, 2022 meeting the Commission approved Staff's findings dated May 2, 2022, with five conditions.

t. **2022-017 City Center Drive, Corcoran.** This site is approximately 30-acres, adjacent to and east of CR 116. Corcoran is proposing to provide infrastructure and a regional stormwater system for the ultimate development of this area. This plan proposes to grade and construct City Center Drive, 79th Place, CR 116 turn Lanes, the proposed St. Therese Senior housing facility and a linear city park and trail along CR 116. At the June meeting the Commission approved this project with four conditions 1) Wetland impacts and replacement plans must be approved by the LGU. 2) Final erosion and sediment control plans must be submitted that meet the Commissions requirements. 3) Post construction drawdown rates of >3" per hour must be verified on the filter bench to the NE regional pond and 4) Final escrow balance determination, as cited in Staff findings dated May 31, 2022. *Items 3 and 4 are the only remaining items as of the January report.*

u. **2022-018 Big Woods, Rogers.** This site is approximately 72.1 acres, with 61.0 acres being disturbed. The project will create 207 residential lots and include 23.6 acres of impervious surface after development. The Commission review covers Rules D, E, and I. Per Staff findings dated June 1, 2022, the Commission approved this project at the June meeting conditioned on: (1) reconciliation of the escrow fee balance; (2) receipt of a wetland alteration plan approved by the WCA LGU [the City]; and (3) approval of an operations and maintenance plan approved by the City.

v. **2022-019 Grass Lake Preserve, Dayton.** This is two parcels that are 38.45 acres in size, located east of Brockton Road (CR 13) approximately halfway between North and South Diamond Lake Roads. The applicant is proposing 120 twin homes and 6 single family detached homes with corresponding utilities, and streets. Based on Staff findings dated June 2, 2022, the Commission approved this project at their June 2022 meeting with the following conditions. (1) reconciliation of the escrow fee balance; (2) final SWPPP plan submittal prior to grading; (3) receipt of a wetland alteration plan approved by the WCA LGU [the City] and MNDNR {if applicable}; (4) additional sump manholes at CBMHs 205 and 210; and (5) City approval of a long-term operation and maintenance plan on the stormwater facilities. Items 2, 4 and 5 are adequate. The WCA wetland replacement plan was approved in November by the LGU. The balance of the escrow will be refunded.

w. **2022-020 Skye Meadows Extension, Rogers.** This is a development on a 45.3 acre parcel which will disturb 44.1 acres and result in 14.1 acres of impervious surface. The impervious surface includes 129 lots and associated streets. The Commission review covered Rules D, E, G, and I. The project was approved at the Commission's June meeting with the three conditions cited in Staff's findings dated June 1, 2022: (1) final escrow balance reconciliation; (2) approved wetland mitigation plan for the proposed disturbance of Wetlands A and B; and (3) an operation and maintenance plan approved by the City. *On January 25, 2023, Andrew Simmons reported that project includes a road vacation that doesn't look as though it will be approved. The applicant may need to come back for a re-review, depending on what the developer is planning to do.*

x. **2022-022 Cook Lake Highlands, Corcoran/Maple Grove.** This is a 53.58-acre development comprised of four existing parcels in both cities. The western parcel in Corcoran totaling 27.3 acres is under consideration for this review. The adjacent Cook Lake Edgewater, 2021-031 was previously approved in October 2021. The site is located along the north side of CR 10 (Bass Lake Road) just west of the CR 101 crossing and southwest of Cook Lake. The applicant is proposing to create a detached residential rental community with 59 units creating 10.4 acres of new impervious areas in Maple Grove, and 8.1 acres of new impervious in Corcoran (a total of 18.5 acres). The applicant reports incorporation of some impervious that is planned for

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the future acres of new impervious areas in Maple Grove, 8.1 acres of new impervious in Corcoran (totaling 18.5 acres) as well as for the future expansion of CR 10. This phase of the project will disturb 18.6 acres. A stormwater pond with bio-filtration bench and a smaller filtration basin are proposed for the Corcoran portion of the site. At the June meeting Staff recommended approval of this project with six conditions. The Commission granted approval of the six conditions cited in Staff findings dated June 1, 2022.

**y. 2022-023 Asguard, Rogers.** The proposed redevelopment will consist of a new residential and commercial building containing 71 residential units, retail area with underground parking, a restaurant, and a fuel facility. The project will be located at the intersection of Rogers Drive and 144th Avenue North on a 16.2-acre parcel and will result in 5.52 acres of impervious surface. The Commission review covered Rules D and E. At the July, 2022 meeting the Commission approved Staff findings dated June 27, 2022, with three conditions: (1) fee escrow reconciliation, (2) receipt of an Operations and Maintenance Plan acceptable to the City and the Commission within 90 days of the plat being recorded for all stormwater BMPs on the site that will not be operated and maintained by the City; and (3) provision of a detail for the bio infiltration media and for the southeast bio infiltration basin to confirm 2-foot separation from groundwater table for SE bio infiltration basin or a detail showing an impermeable liner. The applicant has satisfied conditions 2 and 3. This project will be removed from the report upon receipt of the escrow balance.

**z. 2022-024 Bridge No. 27J70 on 101st Avenue, Maple Grove.** The City intends to replace the existing double timber box culvert on the South Fork of Rush Creek within the previously permitted Evanswood project (#2021-050). The applicant indicates the existing timber box culvert is not structurally sound. The proposed replacement is a single 9x16' reinforced concrete pipe (RCP) box culvert as the final condition with one foot of inside substrate to support habitat connectivity. Delays to sourcing the RCP Box culvert require an interim crossing to support construction in the area. This permit also covers the interim installation. The project disturbs 1.33 acres with no existing impervious and adds 0.014 acres of new impervious. The interim crossing will consist of three buried round 48" CMPs and a temporary roadway as overflow. The planned installation of the temporary crossing is scheduled for June 2022; the contractor estimates the final replacement should be installed in October 2022. Use of the interim crossing will be limited to contractors prior to the final install of the 16'x9' box culvert. At their June 2022 meeting the Commissioners approved Staff's recommendations of approval in their findings dated May 27, 2022, and revised May 31, 2022, (1) reconciliation of escrow fees; (2) applicant must meet all DNR Requirements for both interim and final proposed condition and share the selected measure for dewatering and diversion with Commission staff; (3) bring all culvert inverts and outlets and flow line elevations on drawings into alignment with ONE set of numbers which align with the model prior to construction, submit revised drawings to the DNR and the Commission prior to construction; and (4) the applicant must meet all City requirements. *On January 25, 2023, Derek Ashe reported that all conditions have been met. This project will be removed from the report upon receipt of the escrow balance.*

**aa. 2022-026 Rogers Archway Building, Rogers.** The project site is located between 129th Avenue North and Territorial Road, west of Main Street and east of Elm Parkway. The applicant reconfigured their construction activities in order to maintain the volume of the existing pond, thereby not triggering the Commission's rules. Upon receipt of as-built plans confirming the reconfiguration, this project will be closed out and the surplus escrow returned to the applicant. *On January 26, 2023, Andrew Simmons reported that construction has not yet commenced.*

**ab. 2022-028 Elsie Stephens Park, Dayton.** This is existing park property (~20 acres) located about a mile north of the junction of County Roads 144 (N. Diamond Lake Road) and 12 (Dayton River Road). The project proposes to construct two entrance roads off CR 12, 1,300 feet of park roadways with a parking area and loop

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road, and a trail system to connect existing and future trails. Site revisions received July 5, 2022, were reviewed by the Commission at their July 2022 meeting. Staff recommended approval in their findings dated July 6, 2022, contingent upon: 1) pre- and post-construction soil analysis on each infiltration basin to determine that infiltration rates meet or exceed design assumptions; 2) erosion and sediment control meeting the Commission's requirements and approved by Staff; and 3) escrow fee reconciliation. *As of the January report, no new information has been received.*

**ac. 2022-029 Hayden Hills Park, Dayton.** This is an existing 6.5-acre vacant park property located in the Hayden Hills Development about one-half mile south of Dayton City Hall near Deerwood Lane at 132nd Avenue. The City proposes to grade and construct a baseball field, open play areas, ice skating area, a basketball court, pickleball court, playground, putting green, and connection trails into the existing trail system. The site's stormwater (Rule D) was designed into the Hayden Hills development approved by the Commission under project 2018-008. Staff reviewed this plan for Rule E only. Site plans conformed to Rule E and were administratively approved in Staff findings dated May 27, 2022. *The escrow balance will be invoiced and this item removed from the report.*

**ad. 2022-030 Garages Too, Corcoran.** The project proposes building and site improvements for a self-storage facility just north of Highway 55 near Rolling Hills Road. The site is within the physical boundary of the Pioneer-Sarah Creek watershed, but is in Corcoran, which is within the legal boundary of the Elm Creek watershed. At their August meeting the Commission approved Staff findings dated August 2, 2022, contingent upon (1) an operation and maintenance agreement, recorded on this property and approved by the City, that implements conditions that bind current and future owners of the project, (2) wetland impacts/exemption request must meet the LGU (Corcoran) requirements; and (3) the escrow balance being reconciled. In September, Staff requested updates from the applicant as they progress. This item received approval from Corcoran in October. *The WCA and O & M information are still outstanding as of the January report.*

**ae. 2022-031 Corcoran II Substation.** The project site is located on 2.87 acres in the northeast intersection of Larkin Road and CR 116. It is a 38.91-acre parcel that is proposed to be subdivided into one lot and two outlots. Block 1, Lot 1 will be the parcel where Wright Hennepin Cooperative Electric Association will place their substation. The remaining areas will be utilized for future development and for ROW along CR 116. At their July 2022 meeting the Commission approved Staff's July 5, 2022, recommendations with three conditions. 1) a stormwater operation and maintenance agreement acceptable to the City and the Commission must be recorded by the landowner on this property; 2) the 48-hour drawdown (4,704 CF) on the stormwater basin must be verified post-construction; and 3) escrow fee reconciliation. No new information has been received as of January 2, 2023.

**af. 2022-033 Pet Suites, Maple Grove.** The project site is located on a vacant lot just north of the CR 30 and Upland Lane N intersection. The proposed project will include the construction of a building and parking lot along with necessary utilities and stormwater management for a canine care facility. The project triggers Rules D and E. This project was approved at the Commission's September meeting with two conditions: 1) receipt of final application escrow fee balance and 2) an O&M plan approved by the City. *Per Derek Asche at the City of Maple Grove, this project has been withdrawn. This item will be removed from the report upon receipt of the escrow balance.*

**ag. 2022-035 Rush Hollow, Maple Grove.** The project is located on 161.5 acres and will result in 49.01 acres of impervious surface. The project triggers Rules D, E and I. The Commission approved Staff findings dated November 1, 2022, at the November meeting with the following conditions: 1) final application escrow fee balance. Additional payment or refund of the fees will be determined when all conditions for approval are

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met, 2) an operation and maintenance plan that is approved by the City.

**ah. 2022-037 CSAH 13 CR 203 Culvert Replacement, Rogers.** This project replaces six culverts along CSAH 13 and CR 203. The project triggers Rule E. All culvert replacements are in-kind. No changes are proposed to inverts, pipe size, or material. In Staff findings dated August 2, 2022, this project was approved administratively, pending receipt of the outstanding escrow fee.

**ai. 2022-038 Tavera (North Phase), Corcoran.** Lennar Homes is proposing to develop this site into a 244-unit housing development, with 110 single family detached lots and 134 attached townhouse units. It is the second phase of the overall larger 548-unit Tavera housing development. The total site area is 272 acres. Phase 2 will encompass approximately 175 acres, disturb 110 acres, and create 38.6 acres of new impervious area. The Commission approved the project at their August 2022 meeting contingent upon meeting the conditions cited in Staff's August 3, 2022, findings: (1) operation and maintenance plans and agreement being provided to the Commission for their review and approval. These plans must include the irrigation system. (2) irrigation system pump and augmentation information being provided and approved by Staff and (3) the escrow balance being reconciled. *A follow-up request for this information was sent to Lennar on January 30, 2023.*

**aj. 2022-039 Garland Commons, Maple Grove.** This project consists of a multi-family building with associated parking, landscaping, utility and stormwater best management practices. It will disturb 4.8 acres of a 6.2 acre site and result in 1.8 acres of new impervious surface. The project triggers Rules D, E, and I. Staff's review and findings dated September 19, 2022, were approved at the Commission's October meeting *conditioned on receipt of the outstanding escrow fee balance.*

**ak. 2022-040 Karineimi Meadows, Corcoran.** This is a 125-acre parcel in the southeast quadrant of the CR 10 and 19 intersection proposed to be subdivided into 10 large single family residential lots. The project will consist of constructing Chaparral Lane south of CR 10 with its associated drainage and stormwater basins into the site. Lot grading improvements will be customized and occur at the time the homes are built. Staff provided preliminary comments to the applicant on August 17. The applicant extended the 15.99 deadline to February 8, 2023. Revised information and a recommendation for approval was provided to the Commission at their December 2022 meeting. The Commission approved this project contingent upon the following: 1) Ponds 3 and 4 filter volume drawdown rates must be designed for a 1.0"/hour drawdown rate, or if the existing rate of 1.8"/hour is used, the 48-hour drawdown must be field-verified after construction; 2) An approved and recorded operation and maintenance agreement for the stormwater ponds must be recorded on the property; 3) the escrow balance must be reconciled; and 4) the Commission recommends the City of Corcoran follow their recommended livestock management policy. Staff provided the City and applicant with the livestock management policy. The other items are still outstanding as of the January report.

**al. 2022-042 Walcott Glen, Corcoran.** This is a 40-acre parcel located in the northwest quadrant of the intersection of Hackamore Road and CR 101 (Brockton Lane). The site will be developed into a residential area with 10.8 acres of new impervious area including homes, driveways, roads, and sidewalks, as well as a playground area. Staff's findings dated October 5, 2022, were reviewed and approved at the October meeting conditioned upon 1) The escrow balance being rectified to the satisfaction of the Commission Administrator. 2) Notice of wetland replacement plan approval being provided to the Commission. Prior to grading the wetland, a replacement plan must be approved by the LGU. 3) The applicant entering into a stormwater maintenance agreement with the City. The City's template stormwater maintenance agreement satisfies the requirements of the Commission, and 4) the City must approve the final emergency overflow design for wetland H4. Final design must be reviewed and approved by Commission staff. All

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contingency items have been met except the escrow balance. Revisions to the plan were received December 15, 2022. Staff is reviewing the changes to ensure they are consistent with the Commission's requirements and the intent of the Commission's approvals from October.

**am. 2022-043 Meander Park and Boardwalk, Medina.** This project is a proposed commercial planned unit development located on the north side of Highway 55, 900 feet east of Arrowhead Drive on Lake Medina. Wetland surrounds the 18-acre site on the west and south, leaving approximately 7 acres of developable land. The project will disturb 6.3 acres of the site, resulting in a 4.0 acre increase in impervious surface. The project triggers Rules D, E, F, G and I. In their November 2, 2022, findings Staff recommended approval contingent upon 1) final escrow fee reconciliation; 2) an operation and maintenance plan that is approved by the City, 3) addition of Emergency Overflows (EOFs) to the grading plan for basins East Filtration and the North Retention Basin. The low floor elevations must be at least one foot above the (EOF) for the stormwater pond. Secondary outlet devices potentially modeled as EOFs are reported as 987.27 for the North Retention Basin and 993.0, the elevation of the roadway, for the East Filtration Basin, 4) jurisdictional determination for LGU WCA replacement or exemption is necessary. LGU and WCA approval is required prior to any wetland impacts if required by LGU, and 5) addition of approved wetland monument signs to the plan set. These conditions were approved at the November 9, 2022, meeting.

**an. 2022-044 Trail Haven Road Bridge L9384 Replacement, Corcoran.** This is on the North Fork of Rush Creek at Trail Haven Road approximately 1/2 mile south of CR 117. Corcoran is proposing to replace the existing 52' long 90" x 139" CMP arch culvert with 10' wide by 6' high concrete box culvert on Trail Haven Road. Last month, the Commission approved findings dated October 12, 2022, contingent upon, 1) The escrow balance must be rectified to the satisfaction of the Commission Administrator. 2) Provide the following for documentation, a) Current photographs of the existing channel to approximately 250 feet downstream of the proposed culvert invert, b) Detail of the proposed riprap design below the culvert, c) Provide MN DNR and WCA permits to Commission technical staff and d) General concurrence to assist private landowners downstream of this project if streambank erosion occurs as a result of this culvert replacement project. *Updated information received January 31, 2023, meets the conditions for approval on this project. Reconciliation of the escrow balance is the only remaining item.*

**ao. 2022-045 Corcoran Water Treatment Plant, Corcoran.** This is a 3.25-acre parcel on the east side of CR 116, one-half mile north of CR 30. The project will consist of an access off CR 116, the Water Treatment Plant, a municipal well, and a wet detention stormwater pond with a bioretention bench for stormwater management, rate control and water quality. Initial review and comments were provided to the City and their consultant October 23. Revisions were received November 4. Updated findings and recommendation were reviewed and approved by the Commission at their December 2022 meeting. *The only outstanding item is refund of the escrow fee balance.*

**ap. 2022-046 CSAH 12 Culvert and Guardrail Replacement and Ravine Stabilization, Dayton.** The project area runs along the CSAH 12 ROW from 2500' northwest of Lawndale Lane and continues approximately 3.1 miles southwest to near Pioneer Parkway. The project will consist of mill and overlay work on an existing section of CR12. Construction plans show the removal of 9-11" of bituminous pavement and 12" of aggregate base and replacing it with recycled or new materials. Additionally, six sections of this corridor have failing slopes that threaten the road embankment. Culverts will be replaced where needed and six (6) gully areas will be stabilized between the road and the Mississippi River. Project review findings with two recommendations dated November 1, 2022, were approved at the November meeting: 1) final application escrow fee balance and 2) Jurisdictional determination for LGU WCA replacement or exemption is necessary. LGU and WCA approval is required prior to any wetland impacts if required by the LGU.

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**aq. 2022-047 Suite Living of Maple Grove.** This project is the development of a parcel within the Market of Rush Creek development which was previously approved. The development includes a senior living facility including a new building and associated parking. Previous approvals covered wetland buffers and stormwater management. The current project will be reviewed for Rule E. The application was received December 6, 2022, and was administratively approved on January 4, 2023. A findings of fact memo for the project dated January 4, 2023, was included in the January meeting packet. *The escrow fee balance will be reconciled and invoiced/refunded accordingly and this item removed from the report.*

**ar. 2022-048 Hassan Elementary 2023 Pavement Renovation, Rogers.** This is a redevelopment project at Hassan Elementary School to increase parking and hardcover to help the flow of buses and cars during pick-up and drop-off. The project will disturb approximately 5.7 acres of the 24-acre site and increase impervious surface by 0.997 acres. The project triggers Commission Rules D and E. Staff reviewed the initial submittals and sent comments to the applicant. The applicant and their engineer are working on updates to satisfy City and Commission comments. *Staff's review and findings dated February 1, 2023 are in the packet for the February meeting. Staff is recommending approval of the project with three standard conditions.*

**as. 2022-049 Connexus Energy Subdivision, Dayton.** This is an existing 1.8-acre lot located on the north side of 117th Avenue North between Fernbrook Lane and East French Lake Road. The applicant is proposing to construct an energy substation adding 0.73 acres of impervious area, disturbing the entire parcel plus ROW. The current land use is row crops in C soils. A complete project application was received December 12, 2022. In findings dated December 29, 2022, Staff is recommending approval with the following conditions: (1) payment of all review fees. Additional payment may be required if the review cost exceeds escrow payment(s) submitted by the applicant; (2) applicant must meet all City Requirements; (3) applicant must provide signed agreement from adjacent landowner and the City for any off-site grading and direction of flow to the west; and (4) an operation and maintenance agreement for the stormwater facilities that implement those conditions that bind current and future owners of the project shall be recorded on this property.

**at. 2023-01 Chankahda Trail Reconstruction Phase 2, Plymouth.** *Hennepin County and the City of Plymouth are proposing to reconstruct approximately four miles of what is currently County Road 47 over the next few years. Phase 2 of County Road 47 will be renamed to Chankahda Trail. This phase extends from approximately 300 feet east of Peony Lane N/Maple Grove Parkway to roughly 100 feet east of Vicksburg Lane N. This project triggers Commission Rules D, E and F. Staff have completed their initial review and comments were sent to the applicant and engineer on January 27, 2023. No action is proposed at this time.*

**au. 2023-02 Lynde Greenhouse Fire Damage Repair, Maple Grove.** *The project proposes to rebuild a greenhouse building lost to a fire in 2022. The project is located south of 93rd Avenue North, along Pineview Lane North. The property is approximately 10.3 acres and this project will disturb approximately 1.6 acres and triggers Commission Rules D and E. Staff have reviewed the initial application materials and sent the applicant comments for their stormwater management. As they address the stormwater management issues, Staff, along with the City of Maple Grove, have given approval to commence grading and erosion control activities at their own risk. We expect this project review will be brought to the Commission at the March meeting.*

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**FINAL RECORDINGS OR OTHER DOCUMENTATION/FOLLOW-UP ARE DUE ON THE FOLLOWING PROJECTS:**

**ca. 2014-015 Rogers Drive Extension, Rogers.** This project involves improvements along Rogers Drive from Vevea Lane to Brockton Lane. Site plans received July 1, 2014, met 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.

**cb. 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. On February 5, 2019, Derek Asche contacted the owner requesting a copy of the recorded maintenance agreement. On October 21, 2022, Asche reported there is no update for this project.

**cc. 2016-005W Ravinia Wetland Replacement Plan, Corcoran.** In December 2016, the Commission approved Staff's recommendations on this wetland replacement plan. Barr Engineering is providing monitoring to ensure the replacement meets the performance standards of the approved plans. Annual reports were submitted to the US Army Corps of Engineers (USACE) in February 2019, February 2020, and March 2021. As of March 2021, wetlands and buffers are looking good but will need continued vegetation management in 2021 to get rid of invasive species (mostly cattail). Hydrology is good in both the restoration and creation areas. Cattail and Reed canary grass reemerged during the 2021 growing season and will likely need another year of aggressive maintenance in 2022. The 2021 monitoring report will be submitted to the USACE in March 2022 with recommendations for maintenance.

**cd. 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 as to whether the City or the HOA will be responsible for the operation and maintenance of the stormwater management facility. On August 31, 2017, Andrew Simmons responded that the O&M agreement is still being negotiated.

**ce. 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 needs to account for water quality and abstraction requirements on-site prior to discharging offsite as part of the improvements. The Commission granted conditional approval at their October 2018 meeting. Conditions of approval were to (1) submit a SWPPP plan meeting requirements, (2) clarify maintenance responsibilities for the iron enhanced sand filter, and (3) a letter from the City of Rogers stating their intentions to provide the water quality deficit in an upcoming project. Staff confirmed several minor plan revisions remain in conformance with the original approval. This item will remain on the Staff report until such time as the water quality deficit has been made up.

**cf. 2019-021 Brenly Meadows, Rogers.** This is a 38-unit townhome project proposed on 6.9 acres north of 129th Avenue about one-third mile west of Main Street. It triggered the Commission's review for Rules D, and E. This item was approved by the Commission at their August 2019 meeting, contingent upon O & M plan requirements for the stormwater pond and irrigation system. *The O&M Agreement was received in the administrative office on January 27, 2023. This project will be removed from the report.*

**cg. 2019-026 Interstate Power Systems, Rogers.** This is a 10-acre site to construct a 1-acre building for a mechanical shop and 6 acres of parking and driveways along County Road 81. It triggered review of Rule D, E, G, and I. This item was approved by the Commission at their November 2019 meeting, contingent upon documentation of existing conditions pollutant loading and a recorded O&M plan for onsite BMPs. The applicant provided the pollutant loading data in November 2019. The Commission is still awaiting the O&M plan. *The O&M Agreement was received in the administrative office on January 27, 2023. This project will be removed from the report.*

**ch. 2020-009 Stetler Barn, Medina.** This site disturbs approximately 3.5 acres and must meet Commission Rules D, E, and I. Because of the limited available space for pasture, paddocks and land application of manure, understanding how these components will be managed was also an important part of the review. A complete plan was received on April 22,

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2020. At their May 13, 2020, meeting the Commission approved this project contingent upon: 1) the land-owner continuing to work with the U of M Extension Office and Hennepin County Rural Conservationist to finalize composting, pasture and paddock management plans and 2) a long-term pond/basin operation and maintenance plan and agreement with the City of Medina being approved by the City and the Commission. The agreement must be recorded on the land title with a copy of the recorded agreement provided to the Commission.

**ci. 2020-017 Meadow View Townhomes, Medina.** This is a 22-acre site located south of Meander Road and north of Highway 55. Lennar Homes is proposing to build 125 townhomes with their necessary infrastructure on this site. A complete application was received May 29, 2020. The plans call for 7.64 acres of new impervious areas. The Commission's review was for conformance to Rules D, E, F, G, and I. At their October meeting, the Commission approved Staff's finding dated September 30, 2020, contingent upon (1) The mean (average) depth on the west wet detention pond must be 4.0' or deeper; (2) Buffer strip monumentation and vegetation maintenance plans must conform to the Commission's requirements; (3) An operation and maintenance agreement of the stormwater ponds and irrigation system must be approved by the City and the Commission. The agreement must be recorded on the property title with a copy of the recorded document provided to the Commission; and (4) Erosion and sediment controls must conform to Commission requirements. Since the approval, the City of Medina has requested the applicant provide abstraction by irrigation only, thus eliminating one filter basin. Staff reviewed the changes and found the updates to be compliant with the Commission's original approvals for stormwater management and administratively approved the plans contingent upon item (3) above and added the condition that design information on the irrigation pump and augmentation water source must be provided within six months of this approval. On November 2, 2021, Dusty Finke provided the Commission with a copy of the recorded O&M agreement.

**cj. 2020-032 Enclave Rogers – Commerce Boulevard., Rogers.** This project would create an apartment complex on a 3.3-acre site. The existing condition is undeveloped. The project will disturb the entire site and create 2.15 acres of impervious surface. The applicant is proposing an iron enhanced sand filter to meet Total Phosphorus removal requirements. The site is within two of the three outlots created as part of the adjacent former Lowe's development. The application was reviewed for Rules D and E. Staff granted administrative approval for grading contingent on applicant accepting risk for changes required for final approval and on approval from the City for grading activities. In their findings dated December 2, 2020, Staff recommended approval with those conditions, as well as submission of an O&M agreement for stormwater features and with minor updates to the hydrology report and the SWPPP. The Commission approved Staff recommendations at their December 9, 2020, meeting.

**ck. 2020-033 Weston Woods, Medina.** This project would create 150 residential units on a 135-acre undeveloped site. The project will disturb 49.2 acres and create 17.49 acres of impervious area. The Commission approved this project at their March 2021 meeting with four contingencies: a) Wetland replacement plans must be approved by the City of Medina (LGU), MN DNR and USACE prior to impacts, b) Provide quantification of the change in flood storage capacity for the one-percent annual chance flood event due to the proposed project, c) Provide documentation that changes in flood elevation and loss of floodplain storage have been avoided, minimized, and/or mitigated to the extent practicable. Demonstrate that changes in flood elevation will not cause high water or aggravate flooding on other land and, d) An O&M agreement for stormwater facilities, including irrigation pumping system components and augmentation wells system, must be approved by the City and the Commission and recorded within 90-days after final plat approval on the title to this property. A copy of the recorded agreements must be provided to the Commission.

**cl. 2021-007 Birchwood 2nd Addition, Rogers.** This project is east of CR13 (Brockton Lane) approximately 1/2 mile south of the intersection of CR 144 (141st Avenue North) and CR13. The applicant is proposing to develop the site into 30 single-family residential lots. The site drains south and east into Grass Lake. This work will disturb 10 acres and create 4.0 acres of new impervious area. At their April 2021 meeting the Commission approved this project contingent upon the final SWPPP being submitted prior to grading and the escrow balance being reconciled. *The surplus escrow was refunded and this project will be removed from the report.*

**cm. 2021-016 Territorial Lofts, Rogers.** This is a 5.39-acre site on Territorial Road, adjacent to the Laurel Creek development. The project would construct a 75-unit apartment building, underground parking, a detached garage, main-

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tenance facilities, and access road, creating 2.397 acres of total impervious (1.86 acres net new impervious) and disturbing 5.2 acres. The existing site is two single-family residential homes. The site proposes to use stormwater reuse with an irrigation system to meet abstraction requirements due to low infiltration capacity soils. The project was reviewed for Rules D, E, G, and I. The project was approved by the Commission at its July 2021 meeting contingent upon receipt of outstanding project review fees and a stormwater maintenance agreement being put in place between the owner and the city with terms acceptable to the Commission. The outstanding fees have been received. *The O&M Agreement was received in the administrative office on January 27, 2023. This project will be removed from the report.*

**cn. 2021-020 Crew Carwash, Maple Grove.** This project would reconstruct an existing bank building and parking lot on a 1.80-acre parcel into a carwash. The site is located southwest of the intersection of Weaver Lake Road and Elm Creek Boulevard with access from Grove Drive. The disturbance is 1.52 acres, the existing impervious is 1.07 acres, and the proposed impervious is 1.17 acres. Runoff from this site flows into a regional pond on Arbor Lakes Parkway, which ultimately discharges to Rice Lake. The City has stated that the regional pond meets rate control and water quality treatment for the site. The applicant is proposing to use soil amendments to meet the Commission's volume rules. The Commission approved the project at its June meeting contingent on a maintenance agreement being filed with the City with terms agreeable to the Commission. The outstanding escrow balance has been received. On October 21, 2022, Derek Asche reported there is no update for this project.

**co. 2021-021 Territorial Triangle, Dayton.** This site is in the easterly triangle Territorial Road and CR 81 intersection near the border of Dayton and Maple Grove. The applicant is proposing to subdivide the 14+acre parcel into 30 rowhome units and 56 townhome units. Two ponding basins are proposed for stormwater management. This work will disturb approximately 10 acres and create 5.7 acres of new impervious areas. The Commission approved Staff's recommendations cited in their findings dated July 22, 2021, contingent upon (a) f escrow fee reconciliation and (b) provision of a Stormwater Maintenance Agreement for the irrigation system that is acceptable to the city and the Commission within 90 days after the plat is recorded. *The surplus escrow was returned to the applicant and this item will be removed from the report.*

**cp. 2021-023 Maple Grove MOB, Maple Grove.** This project would construct a Medical Office Building and associated parking on an undeveloped parcel. The site is located on the southeastern corner of the intersection of 105th Avenue North and Niagara Lane, immediately north of the Highway 610 and Maple Grove Parkway interchange. The project was reviewed for Rules D and E. The Commission approved this project at its October 2021 meeting contingent on: receipt of deficit fee escrows and an operation and maintenance agreement with the City per Staff findings dated September 2, 2021. The O&M Agreement *and the outstanding escrow balance have been received. This item will be removed from the report.*

**cq. 2021-027 Xcel Energy Elm Creek Substation, Maple Grove.** Xcel Energy is proposing to expand an existing electrical substation between Maple Grove Parkway and Fernbrook Lane near the Highway 610 expansion. The expansion will occur within the existing 17.09-acre parcel. The project was reviewed for Rules D and E. The Commission approved this project at its October 2021 meeting contingent on Staff findings dated September 24, 2021: receipt of deficit fee escrows and an O&M agreement with the City. The O&M agreement was received in the Commission office on July 28, 2022. *The outstanding escrow fee has also been received. This item will be removed from the report.*

**cr. 2021-035 Mister Carwash, Rogers.** The project includes redevelopment of an existing, vacant Staff restaurant building, parking lot, and drive-through into a new carwash facility at 21421 South Diamond Lake Road. The redevelopment is anticipated to decrease the impervious area by approximately 0.3 acres at the project site and add an underground filtration basin with underdrain. The project was reviewed for Rules D and E. The Commission approved this project at its December 2021 meeting with four contingencies: 1) receipt of deficit escrows, 2) a Stormwater Maintenance Agreement, including irrigation system, being entered with the City, 3) A wetland replacement plan approved by the LGU and the TEP, and 4) the buffer plan contingent upon approval of the wetland replacement plan, per Staff findings dated August 31, 2021. *The O&M Agreement was received in the administrative office on January 27, 2023.*

**cs. 2021-036 D&D Service, Corcoran.** The D&D Service development is proposed at the southeast corner of the intersection of County Roads 10 and 19 on a 16.54-acre parcel. The proposed project will include a large warehouse

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and office buildings along with parking and associated facilities. The existing site is a single farmhouse and surrounding agricultural land. The project was reviewed for Rules D, E, G, and I. Findings updated October 5, 2021, wherein Staff recommended contingent approval with five conditions were approved at the October meeting. Conditions include: (1) payment of all review fees; (2) Corcoran TEP approval of the Wetland Mitigation Plan and the city maintains a drainage and utility easement for existing and proposed on site wetlands; (3) applicant shall consider and respond to staff comments on plan and provide final data prior to approval; (4) applicant shall respond to any City comments; and (5) applicant shall provide a Stormwater Maintenance Agreement acceptable to the city and the Commission within 90 days after the plat is recorded. On July 26, 2022, Kevin Mattson confirmed that the O&M agreement has been received and recorded.

**ct. 2021-040 NAPA Auto Store, Corcoran.** This project is located at the northwest intersection of CR 116 and 75th Avenue on the old Liquor Store parcel. The applicant proposes to demolish the current building and adjoining parking areas and construct a 12,800 SF NAPA Auto building, parking lot and associated utilities. An extra 3,600 feet of building area is proposed for future expansion and is included within the stormwater management design for this site. The Commission approved this project at their October 2021 meeting contingent upon return of surplus project escrows and a stormwater maintenance agreement being put in place between the owner and the City per Commission requirements. On July 26, 2022, Kevin Mattson confirmed that the O&M agreement has been received and recorded. *The surplus escrow balance has been refunded. This item will be removed from the report.*

**cu. 2021-041 Carlson Ridge, Plymouth.** This is an existing 4.82-acre residential lot located between Vagabond and Troy Lanes just north of 56th Avenue North. The property will be subdivided into 13 single-family lots. The existing residence will remain, but portions of the driveway and an outbuilding will be demolished. The Commission approved this project at their October 2021 meeting contingent upon three conditions outlined in Staff findings dated October 5, 2021: (1) final escrow balance determination when final unconditional approval is granted, (2) wetland impacts cannot occur until appropriate LGU and WCA approvals, and (3) long term operation and maintenance of the stormwater system is determined. The City of Plymouth has agreed to the long-term operation and maintenance of the filter basin. The Commission received the Wetland Notice of Decision on October 25, 2022. *The surplus escrow has been refunded and this item will be removed from the report.*

# HENNEPIN COUNTY

## MINNESOTA

DATE: February 1, 2023

TO: Elm Creek Watershed Management Commission (ECWMC)

FROM: Kevin Ellis, and Kris Guentzel; Hennepin County Department of Environment and Energy

RE: February ECWMC Updates

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## Project / Program Updates

### Rush Creek Clean Water Fund Reporting

Progress made on the Clean Water Fund grant for the Rush Creek Subwatershed was submitted to BWSR. Highlights include:

- Reached 241 landowners through targeted outreach
- 10 residents assisted with site visits, technical assistance, and project planning
- 5 grassed waterways, 1 WASCOB, 2 livestock exclusion fences, 2 livestock waterers and gutter upgrades were made
- Reduce an estimated 47.22 tons TSS, 110.86 lbs TP from reaching Rush Creek annually
- Momentum continues as multiple projects including 2 WASCOBs, 1 manure bunker, and 1 wetland restoration are underway. Multiple projects are still possible

### 2023 Watershed Services Agreement

County staff are currently preparing the 2023 Watershed Services Agreement. In the past this has included items related to commission meeting attendance, resident engagement and technical assistance related to erosion and runoff issues, and the implementation of conservation measures, especially in priority watersheds. While this agreement has been standardized from year to year in the past, county staff are currently seeking input regarding the expansion of outreach to residents and direct work with cities to implement soil and water conservation related policies and programs. Other comments are also welcome regarding any current, or future activities that could be included in the agreement. Please contact Kris Guentzel with any questions or comments regarding the 2023 Hennepin County Watershed Services Agreement.

## 2023 Outreach Planning

Hennepin County staff are currently working on an outreach plan for future communications with residents and cities. Overall goals of this effort are to increase the profile and awareness of Hennepin County Environment and Energy programs, target potential projects in priority subwatersheds, and continue to streamline and improve customer service procedures. Activities included in the draft plan include:

- Holding more educational events such as field days, farm tours, or workshops
- Virtual educational opportunities such as webinars and videos
- Implementation of new programming such as Soil Health Initiative
- Identification, outreach, and implementation of potential BMP opportunities outlined in subwatershed assessments in priority watersheds such as Rush Creek, and Diamond Creek.

Plan is in draft form and will be circulated to communications staff for review in mid-February.

## Other Hennepin County Programming

### Be part of the solution by joining the Plastic-Free Challenge

The [Plastic-Free Challenge](#) starts today! This is your chance to commit to actions that help create a plastic-free world, and get support, motivation, and resources to help form new habits.

By taking steps to avoid packaging and reduce use of single-use plastics, you can help:

- **Keep our lakes and rivers clean:** Plastic waste and litter threatens the health of our environment, our iconic wildlife, and ourselves.
- **Protect the health of your family and future generations:** Plastics in our environment don't go away. Instead, they break down into microplastics that are found almost everywhere with largely unknown health impacts.
- **Address climate change:** Most plastics are made from oil and gas – fossil fuels that contribute to climate change.
- **Create change in your community:** Our actions have a greater impact when we share them with others, and the challenge will provide opportunities to connect with and encourage your family, friends, favorite businesses, and community to also take action.

