

# 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  
www.elmcreekwatershed.org

February 2, 2022

Representatives  
Elm Creek Watershed Management Commission  
Hennepin County, MN

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

Dear Representatives:

A regular meeting of the Elm Creek Watershed Management Commission will be held on **Wednesday, February 9, 2022, at 11:30 a.m.** **This will be a virtual meeting.**

To join the meeting, click <https://zoom.us/j/990970201> or go to [www.zoom.us](http://www.zoom.us) and click **Join A Meeting**. The meeting ID is **990-970-201**. The password is **water**.

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

+1 929 205 6099 US (New York)	+1 312 626 6799 US (Chicago)
+1 669 900 6833 US (San Jose)	+1 346 248 7799 US (Houston)
+1 253 215 8782 US	+1 301 715 8592 US

Meeting ID: 990 970 201. Passcode: 579973

Meetings remain open to the public via the instructions above.

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

Thank you.



Judie A. Anderson  
Administrator  
JAA:tim

Encls: Meeting Packet

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

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## AGENDA Regular Meeting February 9, 2022

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

Until further notice, all meetings will be held online to reduce the spread of COVID-19. To join this meeting, click <https://zoom.us/j/990970201> or go to [www.zoom.us](http://www.zoom.us) and click Join A Meeting. The meeting ID is **990-970-201**. The password is **water**.

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Meeting ID: 990 970 201. Passcode: 579973

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.
4. Action Items.
  - a. Project Reviews – *also see Staff Report*.\*
  - b. Technical Advisory Committee.
    - 1) Proposed revisions re Low Floor/Freeboard Rules.\*
    - 2) Proposed revisions to Commission Rules.\*
      - a) Revise Rule A to include definition of linear projects.
      - b) Revise Rule A to include definition of linear projects.
      - c) Revise Rule D.2.b regarding linear projects and creation of impervious surfaces.
      - d) Revise Rule D.3.c.a regarding infiltration/abstraction or stormwater runoff volume.
5. Old Business.
  - a. PRAP Final Report. The PRAP subcommittee will convene on February 16.
  - b. Final 2021 Work Plan in Review.\*
6. New Business.
  - a. Draft 2022 Work Plan.\*
  - b. Technical Advisory Committee Actions – verbal recap.
  - c. Accept Nominations for Officers. Election of officers will take place at the March meeting.  
*Current officers are: Doug Baines, Chair; Elizabeth Weir, Vice Chair; Bill Walraven, Secretary; Ken Guenther, Treasurer.*
7. Communications.
  - a. Staff Report.\*
    - 1) Communications Log.\*

\*in meeting packet

\*\*available at meeting or on website

- b. County Staff Report.\*  
1) 2022 Cooperative Agreement.\*

8. Education.

- a. WMWA – next meeting - March 8, 2022, at 8:30 a.m. This will be a **virtual** meeting.

9. Grant Opportunities and Updates.

10. Project Reviews.

Item No.	A	E	I RPF	AR	Project No.	Project Name
			RP DD			
					W=wetland project	
ba.				AR	2014-015	Rogers Drive Extension, Rogers.
bb.				AR	2015-030	Kiddiegarten Child Care Center, Maple Grove.
bc.				AR	2016-005W	Ravinia Wetland Bank Plan, Corcoran.
bd.				AR	2017-014	Laurel Creek, Rogers.
be.				AR	2017-029	Brayburn Trails, Dayton.
a.		E			2017-050W	Ernie Mayers Wetland/floodplain violation, Corcoran.
bf.				AR	2018-046	Graco, Rogers.
bg.				AR	2018-048	Faithbrook Church Phase 2, Dayton.
bh..				AR	2019-021	Brenly Meadows, Rogers.
bi.				AR	2019-026	Interstate Power Systems, Rogers.
bj.				AR	2019-027	Havenwood at Maple Grove.
bk.				AR	2020-008	Ione Gardens, Dayton.
bl.				AR	2020-009	Stetler Barn, Medina.
bm.				AR	2020-017	Meadow View Townhomes, Medina.
bn.				AR	2020-023	Ziegler Dayton Site Upgrades, Dayton.
bo.				AR	2020-032	Enclave Rogers - Commerce Boulevard, Rogers.
bp.				AR	2020-033	Weston Woods, Medina.
bq.				AR	2020-036	Balsam Pointe, Dayton.
br.				AR	2021-007	Birchwood 2nd Addition, Rogers
b.					2021-013	Rush Creek Reserve, Corcoran.
bs.				AR	2021-016	Territorial Lofts, Rogers.
bt.				AR	2021-020	Crew Carwash, Maple Grove.
bu.				AR	2021-021	Territorial Triangle, Dayton.
bv.				AR	2021-023	Maple Grove Medial Office Building (MOB).
bw.				AR	2021-024	River Walk, Dayton
c.					2021-025	Hackamore Road Reconstruction, Medina/Corcoran.
d.					2021-026	Prairie Creek Subdivision, Medina.
bx.					2021-027	Xcel Energy Elm Creek Substation, Maple Grove
e.					2021-028	The Cubes at French Lake, Dayton
f.					2021-029	Tri-Care Grocery / Retail, Maple Grove
g.					2021-030	Tri-Care Grading and Roads, Maple Grove
h.					2021-031	Cook Lake Edgewater, Maple Grove
i.					2021-033	Weston Commons, Maple Grove
j.					2021-034	BAPS Hindu Temple, Medina.
by.					2021-035	Mister Car Wash - Rogers
bz.					2021-036	D & D Service, Corcoran.
k.					2021-037	Marsh Pointe, Medina.
l.					2021-038	Bellwether 6th/Amberly, Corcoran.
m.					2021-039	1-94 Logistics Center, Rogers.
ca.					2021-040	Napa Auto, Corcoran.

\*in meeting packet

\*\*available at meeting or on website

cb.					2021-041	Carlson Ridge, Plymouth.
n.					2021-042	Risor Senior Living, Maple Grove
o.	A	E			2021-043	Northwood Community Church Maple Grove.
p.					2021-044	Balsam II Apartments, Dayton.
q.					2021-045	REO Plastics Phase 2 Addition, Maple Grove
r.	A	E			2021-046	Len Busch Roses, Plymouth
s.	A	E			2021-047	CR 10 Box Culvert Replacement, Corcoran
t.					2021-048	Bellwether - Newman West, Corcoran
u.					2021-049	Dayton Interchange Business Center, Dayton.
v.					2021-050	Evanswood, Maple Grove.
w.					2021-051	Fields of Nanterre Drainage Improvements, Plymouth.
x.					2021-052	Norbella Senior Living, Rogers.
y.					2021-053	Towns at Fox Creek, Rogers.
z.					2021-054	Stotts Family Farm Grassed Waterways, Corcoran.
aa.					2021-055	Morningside Estates 6 <sup>th</sup> Addition, Champlin.
ab.					2022-001	Dayton Field 2nd Addition, Dayton.

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

# 11. Other Business.

# 12. Adjournment.

Z:\Elm Creek\Meetings\Meetings 2022\02 Regular Meeting Agenda.docx

\*in meeting packet

\*\*available at meeting or on website



# elm creek

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### Regular Meeting Minutes January 12, 2022

I. A virtual meeting of the Elm Creek Watershed Management Commission was called to order at 11:30 a.m., Wednesday, January 12, 2022, by Chair Doug Baines.

Present were: Bill Walraven, Champlin; Ken Guenther, Corcoran; Doug Baines, Dayton; Joe Trainor, Maple Grove; Terry Sharp, Medina; Catherine Cesnik, Plymouth; David Katzner, Rogers; and Amy Juntunen and Judie Anderson, JASS.

Also present: Heather Nelson, Champlin; Kevin Mattson, Corcoran; Nico Cantarero, Stantec, Dayton; Derek Asche and Mark Lahtinen, Maple Grove; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Ross Mullen, Ed Matthiesen, and Diane Spector, Stantec; James Kujawa, Surface Water Solutions; Rebecca Carlson, Resilience Resources; Kris Guentzel and Kevin Ellis, Hennepin County Environmental Services (HCEE); and Brian Vlach, Three Rivers Park District (TRPD).

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

B. Motion by Walraven, second by Guenther to approve the **Minutes**\* of the December 8, 2021, regular meeting. *Motion carried unanimously.*

C. Motion by Guenther, second by Walraven to approve the **January Treasurer's Report** and **Claims**\* totaling \$74,112.87. *Motion carried unanimously.*

### II. Open Forum.

### III. Action Items.

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

B. **Project Review 2021-044 Balsam II Apartments, Dayton**.\* This is a vacant 2.5-acre lot with an existing regional stormwater basin along its easterly property line. It is located on the east side of Balsam Lane approximately 600 feet north of S. Diamond Lake Road and 600 feet south of CR12. The applicant proposes to construct an apartment building with associated infrastructure as well as expand the regional pond on the east side of the site and add an infiltration basin in the parking area for volume management. The project triggered Rules D and E. In their findings dated December 22, 2021, Staff recommended approval with four conditions. Motion by Guenther, second by Walraven to approve this project per Staff's recommendations. *Motion carried unanimously.*

### IV. Old Business.

A. Included in the meeting packet was a final copy of the **2021 Work Plan in Review**.\* The Work Plan outlines the activities the Commission undertook in 2021. At the December meeting the Commissioners were requested to review the document and respond to the Administrative Office with any

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

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revisions, corrections, or additions. Motion by Walraven, second by Sharp to accept the final 2021 Work Plan as presented, pending any revisions received by January 14, 2022. *Motion carried unanimously.*

A **draft 2022 Work Plan** will be presented at the February meeting. Commissioners directed Staff to include within that document responses to recommendations contained in the 2021 PRAP report (item IV.B., below.)

**B.** The Commission has received the Board of Water and Soil Resources' (BWSR's) Final Report of its **Level II Performance Review.\*** The review was performed in April and May of 2021. The Commission was evaluated in three areas:

1. Progress made toward goals stated in their watershed management plan.
2. Adherence to Level II standards as directed by statutes, policies, and guidelines.
3. Responses to surveys of board members, staff and partners assessing internal and external perceptions of performance, communication partnerships and delivery of conservation programs and customer service.

Using the data collected, BWSR made the following recommendations.

1. Develop clear prioritized, targeted, and measurable actions for future watershed management plans
2. Complete an internal analysis of the Commission's Capital Improvement Program
3. Conduct a review of the Commission's regulatory program requirements and standards
4. Assess and develop a coordinated communication and outreach strategy for engaging individual landowners

A subcommittee made up of Cesnik, Baines, Spector, Anderson and two members from the TAC have been tasked with reviewing the report and developing an action plan by which the Commission can respond to BWSR's recommendations. Their first meeting is scheduled for February 16.

Motion by Guenthner, second by Katzner to accept the report. *Motion carried unanimously.*

**V. New Business.**

**VI. Communications.**

**A. December Staff Report.\*** Staff reports provide updates on the development projects currently under review by Staff or awaiting final recordings. The projects listed in the table beginning on page 4 of these minutes are discussed in this month's report.

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

1. A draft of the **2022 Technical Services Agreement** with the Commission will be provided at the February meeting.
2. **Bechtold Road and Country Road 10, Corcoran.** Staff met with the landowners to map out where drainage issues are occurring and possible tile locations. Staff provided potential solutions and is now doing desktop analysis.
3. **Grants.** Information on grants to **increase pollinator habitat on residential properties** was also included in the report.

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## VII. Education and Public Outreach.

A. The West Metro Water Alliance (WMWA) met on January 11, 2022. **Angie Hong** of the East Metro Water Resource Education Program (EMWREP) ([East Metro Water Education — Washington Conservation District \(mnwcd.org\)](http://East Metro Water Education — Washington Conservation District (mnwcd.org))) was the guest speaker to present about her organization and how it is funded, organized, and works. **EMWREP** is a partnership of local governments in the eastern Metro area, mainly in Washington County but which is now expanding into Isanti and Anoka counties. EMREP was founded in 2006 with just seven partners and has grown to 25, including all eight of the WMOs in Washington County, The Washington Conservation District is the host organization and contributions from EMWREP partners pay for two full-time educators.

WMWA was particularly interested in learning how EMREP successfully grew and maintained the formal (and financial) participation of so many partners and how they were able to grow to become so successful. Most of the watershed districts in Hennepin County have their own education and outreach staff and education programs and have not been interested in participating formally with WMWA. The WMWA partners agreed to continue brainstorming on how WMWA can be of more value to them.

B. **Blue Thumb/Metro Blooms.** WMWA will be forwarding to the cities in the four member WMOs (Bassett Creek, Elm Creek, Shingle Creek, and West Mississippi) information about 2022 potential resilient yards workshops that Metro Blooms now offers virtually. City sponsorship may fulfil an MS4s obligation to provide workshops or other learning opportunities to their residents.

C. **Flyer Update.** The four WMOs had previously authorized updating several brochures on topics required by the updated NPDES permits. WMWA has engaged a graphic designer to reformat several brochures into a consistent look and feel on the following topics: pet waste, water softeners, and proper ice melt use. These will be available to all the MS4s in the WMOs to help meet their NPDES permit obligations.

D. **Watershed PREP.** The new contracted educator, Jessica Sahu Teli, is on board and is working with the retiring educator to start soliciting classroom opportunities for this spring. Given the current pandemic, she is prepared to do both in-person and virtual learning depending on the needs and desires of the individual school.

E. The **next meeting** will be held via Zoom at 8:30 a.m., February 8, 2022.

## VIII. Grant Opportunities and Project Updates.

**FY22-23 Watershed-based Implementation Funding Program.\*** For the coming year, the group of participants in each watershed allocation area will be called a partnership, e.g., the Elm Creek partnership, and meetings will be referred to as convene meetings. BWSR staff have confirmed that the convene process may now begin, and that the development of a work plan(s) may occur starting in June 2022. The TAC was charged with initiating the convene process at its February 2022 meeting.

## IX. Other Business.

A. Commissioners were reminded that their cities' **appointments to the Commission** are due.

B. They were also reminded that a Nominating Committee will be named at the February meeting in anticipation of **election of officers** at the March meeting.

X. **Adjournment.** There being no further business, motion by Walraven, second by Guenther to adjourn. *Motion carried unanimously.* The meeting was adjourned at 12:21 p.m.

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# elm creek Watershed Management Commission

Regular Meeting Minutes – January 8, 2022

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Respectfully submitted,



Judie A. Anderson  
Recording Secretary  
JAA:tim

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Item No.	A	E	I   RPFI	AR	Project No.	Project Name
			RP   DD			
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				AR	2014-015	Rogers Drive Extension, Rogers.
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				AR	2016-005W	Ravinia Wetland Bank Plan, Corcoran.
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				AR	2017-029	Brayburn Trails, Dayton.
					2017-050W	Ernie Mayers Wetland/floodplain violation, Corcoran.
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				AR	2018-046	Graco, Rogers.
				AR	2018-048	Faithbrook Church Phase 2, Dayton.
				AR	2019-002	Parkside Villas, Champlin.
				AR	2019-021	Brenly Meadows, Rogers.
				AR	2019-026	Interstate Power Systems, Rogers.
				AR	2019-027	Havenwood at Maple Grove.
				AR	2019-032	OSI Expansion, Medina.
				AR	2020-001	Outlot L, Markets at Rush Creek, Maple Grove.
				AR	2020-008	Ione Gardens, Dayton.
				AR	2020-009	Stetler Barn, Medina.
				AR	2020-017	Meadow View Townhomes, Medina.
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				AR	2020-036	Balsam Pointe, Dayton.
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					2021-012	The Oaks at Bauer Farms, Champlin.
					2021-013	Rush Creek Reserve, Corcoran.
					2021-015	66th Avenue/Gleason Parkway, Corcoran.
					2021-016	Territorial Lofts, Rogers.
					2021-018	Tavera Phase 1, Corcoran
					2021-019	Kwik Trip Store 1157, Dayton.
					2021-020	Crew Carwash, Maple Grove.
					2021-021	Territorial Triangle, Dayton.
					2021-023	Maple Grove Medial Office Building (MOB).
					2021-024	River Walk, Dayton
					2021-025	Hackamore Road Reconstruction, Medina/Corcoran.
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Regular Meeting Minutes – January 8, 2022

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## Elm Creek Watershed Management Commission Treasurer's Report

		2021 Budget	Jan 2022	Feb 2022	2021 Budget YTD
<b>EXPENSES</b>					
Administrative		95,000	9,220.07	10,884.05	101,366.52
Grant Writing		650			0.00
Website		2,000	29.40	46.90	978.90
Legal		2,000	77.50	31.00	1,154.75
Audit		5,000			6,000.00
Insurance		3,800			2,599.00
Miscellaneous/Contingency		1,000			0.00
Technical Support - HCEE		12,000			8,314.36
Floodplain Mapping				1,072.50	29,385.25
Project Review Technical		185,000	27,250.00	4,204.50	155,079.75
Other Technical			9,223.75	4,620.00	59,412.55
Project Reviews - Admin Support		12,000	3,009.98	1,219.46	27,806.44
WCA - Admin					340.60
Stream Monitoring USGS		24,000			21,562.00
Stream Monitoring TRPD		7,200	7,200.00		7,200.00
DO Longitudinal Survey		1,000	1,000.00		1,000.00
Rain Gauge		400	29.11	28.42	374.91
Lakes Monitoring - CAMP		760			0.00
Lakes Monitoring - TRPD					0.00
Sentinel Lakes		8,100	8,100.00		8,100.00
Additional Lake		2,500	2,500.00		2,500.00
Aquatic Vegetation Surveys		1,100	1,100.00		1,100.00
Wetland Monitoring (WHEP)		4,000			0.00
Education		2,500	56.25		1,303.86
WMWA General Activities		5,000			3,000.00
WMWA Implementation/Watershed Prep		6,500			1,000.00
Rain Garden Wkshops/Intensive BMPs/Special Proj		3,000			1,000.00
Education Grants		1,000			0.00
Macroinvertebrate Monitoring-River Watch		3,000			0.00
Projects ineligible for ad valorem		0			0.00
Studies / Project ID / SWA		0	5,316.81		7,014.07
Plan Amendment		2,000			641.66
Contribution to 4th Gen Plan		10,000			0.00
Transfer to (from) Capital Projects (see CIP Tr		175,000			129,153.89
Transfer to (from) Cash Sureties (see below)			-	20.16	1,003.00
Transfer to (from) Grants (see below)		125,000	-	-	0.00
To Fund Balance					0.00
<b>TOTAL - Month</b>			<b>74,112.87</b>	<b>22,126.99</b>	<b>578,391.51</b>
<b>TOTAL Paid in 2021, incl late 2020 Expenses</b>		<b>700,510.00</b>	<b>670,274.47</b>	<b>692,401.46</b>	<b>2021 Paid</b>
			2021 Activity	2021 Activity	

## Elm Creek Watershed Management Commission Treasurer's Report

		2021 Budget	Jan 2022	Feb 2022	2021 Budget YTD
<b>INCOME</b>					
<i>From Fund Balance</i>					
Project Review Fee		100,000			209,606.65
Refund Project Fee			(16,870.00)		(26,022.25)
Water Monitoring - TRPD Co-op Agmt		5,500			0.00
Member Dues		237,300	237,300.00		237,300.00
Interest/Dividends Earned		15,250	12.73		178.86
<i>Transfer to (from) Capital Projects (see CIP Tr</i>		185,588	939.38		137,309.32
<i>Transfer to (from) Cash Sureties (see below)</i>					0.00
<i>Transfer to (from) Grants (see below)</i>		100,000			189,691.00
Misc Income					0.00
<b>Total - Month</b>			<b>221,382.11</b>	<b>0.00</b>	<b>748,063.58</b>
<b>TOTAL Rec'd 2021, incl late 2020 Income</b>		<b>643,638.00</b>	<b>1,013,303.51</b>	<b>1,013,303.51</b>	<b>2021 Received</b>
			2021 Activity	2021 Activity	
<b>CASH SUMMARY</b>		<b>Balance Fwd</b>			
Checking		0.00			
4M Fund		1,307,408.90	1,650,437.94	1,628,290.79	
<b>Cash on Hand</b>			<b>1,650,437.94</b>	<b>1,628,290.79</b>	
<b>CASH SURETIES</b>		<b>Balance Fwd</b>			<b>Activity 2021</b>
WCA Administrative Escrows		338		(20.16)	-20.16
WCA Monitoring Escrows		8,770			-1,003.00
Total Cash Sureties		<b>9,108</b>	8,104.77	8,084.61	
Deferred Revenue - 2019 WBIF Grant		67,243			
<b>Total Restricted Cash</b>		<b>76,351</b>	<b>77,353.77</b>	<b>77,373.93</b>	
<b>RESTRICTED / ASSIGNED FUNDS</b>		<b>Balance Fwd</b>			
<i>Restricted for CIPs</i>		745,366	-	-	688,630.35
<i>Enc. Studies / Project Identification / SWA</i>		187,134	(5,316.81)	-	180,120.01
<b>Total Restricted / Assigned Funds</b>		<b>932,500</b>	<b>868,750.36</b>	<b>868,750.36</b>	
<b>Claims Presented</b>		<b>General Ledger Account No</b>	<b>Jan 2022</b>	<b>Feb 2022</b>	<b>TOTAL</b>
Campbell Knutson - Legal		521000		31.00	<b>31.00</b>
Connexus - Rain Gauge		551100		28.42	<b>28.42</b>
Stantec (formerly Wenck)					<b>9,897.00</b>
Project Review Technical		578050		4,204.50	
Other Technical		578050		4,620.00	
HUC-8 Review -Floodplain Mapping		580440		1,072.50	
JASS					<b>12,170.57</b>
Administration		511000		7,382.50	
TAC Support		511000		1,585.36	
Annual Reporting/Work Plan		511000		1,812.29	
Website		581000		46.90	
Project Reviews		578100		1,219.46	
HUC-8 -Floodplain Mapping Admin		580430		86.40	
WCA Admin Reimbursable Mayers		240301		20.16	
Cost Share Admin		511000		17.50	
Plan Amendment		541500			
Education		590000			
<b>TOTAL CLAIMS</b>					<b>22,126.99</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, 2021  
Account # 1448G

**SUMMARY STATEMENT**

PREVIOUS BALANCE	FEES	EXPENSES	CREDITS	PAYMENTS	BALANCE
1448-0000 RE: GENERAL MATTERS					
SERVICES RENDERED TO DATE:					
186.00	31.00	0.00	0.00	-108.50	<u>\$108.50</u>

*Less 1/12/22 pmt - 77.50*

TOTAL DUE \$31.00

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, 2021  
Account # 1448-0000G  
234

RE: GENERAL MATTERS  
SERVICES RENDERED TO DATE:

			HOURS	
12/10/2021	JJJ	Emails Judie re: wetland replacement location, prioritizations.	0.20	31.00
		AMOUNT DUE	0.20	31.00
		TOTAL CURRENT WORK		31.00
		PREVIOUS BALANCE		\$186.00
12/14/2021		Payment - thank you		-108.50
		TOTAL AMOUNT DUE		<u>\$108.50</u>

*Less 1/12/22 pmt - 77.50*

---

*TOTAL DUE \$ 31.00*

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.



## Monthly Statement

Service Address  
ELM CREEK RD  
DAYTON MN

Account Number:

481113-238425

ELM CREEK WATERSHED MGMT ORG

### Billing Summary

Billing Date: Jan 17, 2022

Previous Balance	\$29.11
Payments - Thank You!	\$29.11
<b>Balance Forward</b>	<b>\$0.00</b>
<b>New Charges</b>	<b>\$28.42</b>

**Total Amount Due** **\$28.42**

Payment must be received on or before February 13, 2022

Total Amount Due

\$28.42

Due Date

February 13, 2022

### Message Center

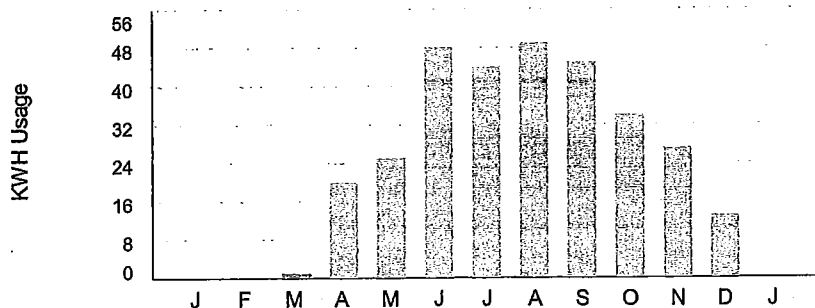
#### Five in a Row

Starting the year off with good news for our members. With the efforts of employees, members, and a bit of growth, 2022 will be the fifth consecutive year of no rate 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-000128/000274 VG0Q2R S1-ET-M1-C00001 1



Account Number:

481113-238425

Total Amount Due

\$28.42

Payment Due By

February 13, 2022

000128 1 MB 0.482 000128/000128/000274 002 02 VG0Q2R  
ELM CREEK WATERSHED MGMT ORG  
3235 FERNBROOK LN N  
PLYMOUTH MN 55447-5325



Connexus Energy  
PO Box 1808  
Minneapolis, MN 55480-1808

00002842 0004811130238425 000000 00000 000000000000 0000002



## INVOICE

Page 1 of 3

Invoice Number	1878901
Invoice Date	January 21, 2022
Purchase Order	--
Customer Number	167501
Project Number	227702779

**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 Watershed 2021 Technical Services</b>		
	Project Manager	Spector, Diane F	Contract Upset
	Current Invoice Total (USD)	9,897.00	199,523.00
			Amount Billed to Date
			156,973.00
			For Period Ending
			<b>December 31, 2021</b>

Update rates, Email invoices to Judie Anderson judie@jass.biz

<b>Top Task</b>	<b>300</b>	<b>Meetings</b>
<b>Low Task</b>	<b>300</b>	<b>Meetings</b>

**Professional Services**

Category/Employee	Current Hours	Rate	Current Amount
Mullen, Ross S	0.25	165.00	41.25
Spector, Diane F	0.25	200.00	50.00
Matthiesen, Edward Armin (Ed)	2.25	205.00	461.25
<b>Subtotal Professional Services</b>	<b>2.75</b>		<b>552.50</b>

Low Task Subtotal	Meetings	552.50
-------------------	----------	--------

Top Task Subtotal	Meetings	552.50
-------------------	----------	--------

<b>Top Task</b>	<b>500</b>	<b>Project Review</b>
<b>Low Task</b>	<b>500.044</b>	<b>Balsam II Apartments</b>

**Professional Services**

Category/Employee	Current Hours	Rate	Current Amount
Mullen, Ross S	1.00	165.00	165.00
<b>Subtotal Professional Services</b>	<b>1.00</b>		<b>165.00</b>

Low Task Subtotal	Balsam II Apartments	165.00
-------------------	----------------------	--------

<b>Low Task</b>	<b>500.046</b>	<b>Len Busch Roses</b>
-----------------	----------------	------------------------

**Professional Services**

Category/Employee	Current Hours	Rate	Current Amount
Truong, Kaitlen Nguyen (Kaitlin)	3.50	128.00	448.00
Mullen, Ross S	2.75	165.00	453.75



## INVOICE

Page 2 of 3

Invoice Number	1878901
Invoice Date	January 21, 2022
Purchase Order	---
Customer Number	167501
Project Number	227702779

Subtotal Professional Services	6.25	901.75
--------------------------------	------	--------

Low Task Subtotal	Len Busch Roses	901.75
-------------------	-----------------	--------

Low Task	500.050	Evanswood
----------	---------	-----------

Professional Services

Category/Employee	Current Hours	Rate	Current Amount
Mullen, Ross S	3.25	165.00	536.25
Subtotal Professional Services	3.25		536.25

Low Task Subtotal	Evanswood	536.25
-------------------	-----------	--------

Low Task	500.052	Norbella Senior Living
----------	---------	------------------------

Professional Services

Category/Employee	Current Hours	Rate	Current Amount
Wochenske, Jordan	2.00	115.00	230.00
Mullen, Ross S	1.50	165.00	247.50
Subtotal Professional Services	3.50		477.50

Low Task Subtotal	Norbella Senior Living	477.50
-------------------	------------------------	--------

Low Task	500.053	Town as Fox Creek
----------	---------	-------------------

Professional Services

Category/Employee	Current Hours	Rate	Current Amount
Truong, Kaitlen Nguyen (Kaitlin)	3.00	128.00	384.00
Mullen, Ross S	0.25	165.00	41.25
Subtotal Professional Services	3.25		425.25

Low Task Subtotal	Town as Fox Creek	425.25
-------------------	-------------------	--------

Low Task	500.055	Morningside Estates 6th Addition
----------	---------	----------------------------------

Professional Services

Category/Employee	Current Hours	Rate	Current Amount
Fesenmaier, Mark Gregory	9.00	65.00	585.00
Mullen, Ross S	6.75	165.00	1,113.75
Subtotal Professional Services	15.75		1,698.75

Low Task Subtotal	Morningside Estates 6th Addition	1,698.75
-------------------	----------------------------------	----------



## INVOICE

Page 3 of 3

Invoice Number	1878901
Invoice Date	January 21, 2022
Purchase Order	--
Customer Number	167501
Project Number	227702779

Top Task Subtotal	Project Review	4,204.50
-------------------	----------------	----------

Top Task	600	Other Services
Low Task	600.000	Other Services

Professional Services

Category/Employee	Current Hours	Rate	Current Amount
Mullen, Ross S	8.00	165.00	1,320.00
Subtotal Professional Services	8.00		1,320.00

Low Task Subtotal	Other Services	1,320.00
-------------------	----------------	----------

Low Task	600.001	HUC-8 Review
----------	---------	--------------

Professional Services

Category/Employee	Current Hours	Rate	Current Amount
Mullen, Ross S	6.50	165.00	1,072.50
Subtotal Professional Services	6.50		1,072.50

Low Task Subtotal	HUC-8 Review	1,072.50
-------------------	--------------	----------

Low Task	600.002	Hennepin County Structural Services
----------	---------	-------------------------------------

Professional Services

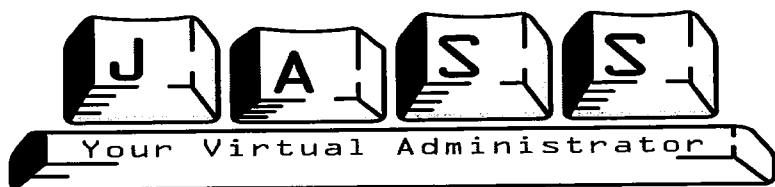
Category/Employee	Current Hours	Rate	Current Amount
Fesenmaier, Mark Gregory	26.00	65.00	1,690.00
Mullen, Ross S	0.50	165.00	82.50
Eickenberg, Paul Thomas	5.00	195.00	975.00
Subtotal Professional Services	31.50		2,747.50

Low Task Subtotal	Hennepin County Structural Services	2,747.50
-------------------	-------------------------------------	----------

Top Task Subtotal	Other Services	5,140.00
-------------------	----------------	----------

Total Fees & Disbursements	9,897.00
INVOICE TOTAL (USD)	9,897.00

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

2-Feb-22

Total by  
Project Area

Administrative	0.500	65.00	32.50	
Administrative	59.000	70.00	4,130.00	
Administrative - PRAP	0.380	70.00	26.60	
Admin - virtual	2.080	75.00	156.00	
Office Support	12.00	200.00	2,400.00	
Storage Unit	1.00	146.64	146.64	
Data Processing/File Mgmt	1.00	65.00	65.00	
Drop Box Subscription		129.88	0.00	
Archiving		65.00	0.00	
Admin - Reimbursable Expense	425.76	1.00	425.76	7,382.500
Admin - TAC support		65.00	0.00	
Admin - TAC support	18.24	70.00	1,276.80	
Admin - TAC support virtual	3.55	75.00	266.25	
TAC Support - Reimbursable Expense	42.31	1.00	42.31	1,585.360
Website		65.00	0.00	
Website	0.67	70.00	46.90	
Website - Zoom		1.00	0.00	
Website - Reimbursable Expense		1.00	0.00	
Web Domain, hosting		1.00	0.00	46.900
Annual Reporting/Work Plans		65.00	0.00	
Annual Reporting/Work Plans	2.30	70.00	161.00	
2021 Work Plan	23.38	70.00	1,636.60	
Annual Reporting/Work Plan - Reimbursable Expense	14.69	1.00	14.69	1,812.290
Project Reviews - Secre		65.00	0.00	
Project Reviews - Admin	14.87	70.00	1,040.90	
Project Reviews - Admin Specific	1.75	70.00	122.50	
Project Reviews - Admin - File Mgmt		65.00	0.00	
Project Reviews - Reimbursable Expense	56.06	1.00	56.06	1,096.960
Floodplain Mapping - Admin	1.22	70.00	85.40	
Floodplain Mapping - reimbursable		1.25	0.00	
WCA - Reimbursable Expense	1.00	1.00	1.00	86.400
WCA - Admin - reimbursable Mayers	0.25	70.00	17.50	
WCA - Reimbursable Expense -Mayers	2.66	1.00	2.66	20.160
Project Reviews - Admin - Specific	1.75	70.00	122.50	
Project Reviews - Admin - Specific - reimbursables		1.00	0.00	122.500
Cost Share - admin		65.00	0.00	
Cost Share - administrative	0.25	70.00	17.50	
Cost Share - reimbursable expense		1.00	0.00	17.500

Invoice Total

12,170.570

# elm creek Watershed Management Commission

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

TECHNICAL SUPPORT  
Ross S. Mullen | [ross.mullen@stantec.com](mailto:ross.mullen@stantec.com)  
James Kujawa | [surfacewatersolutions@outlook.com](mailto:surfacewatersolutions@outlook.com)  
Rebecca Carlson | [rebecca@resilience-resources.com](mailto:rebecca@resilience-resources.com)

February 1, 2022

Mr. Ernie Mayers  
21300 Larkin Road  
Hamel, MN 55340-9353

RE: Floodplain fill

Dear Mr. Mayers,

As you may recall, the ditching and filling work you did in the wetland and upland areas of your farm was also in the floodplain area of Rush Creek (see attached mapping). From our understanding the wetland violation/replacement plan issues have been resolved with the City and the Board of Water and Soil Resources. The resolution with the wetland issues does not resolve the issues with floodplain fill that occurred during your work.

The Elm Creek Watershed Commission floodplain rules (attached) require that any filling within a floodplain is compensated by an equal amount of excavation or documentation of a no net decrease in the flood storage capacity of the project area. Attached is a copy of the Elm Creek Watershed Management Commission application for your information. Per the Commission rules, a complete application is necessary from you, including the application, fee escrow and exhibits per the attached rule.

If you have any questions, don't hesitate to contact me.

James C. Kujawa



James C. Kujawa  
Surface Water Solutions  
Advisor to the Commission

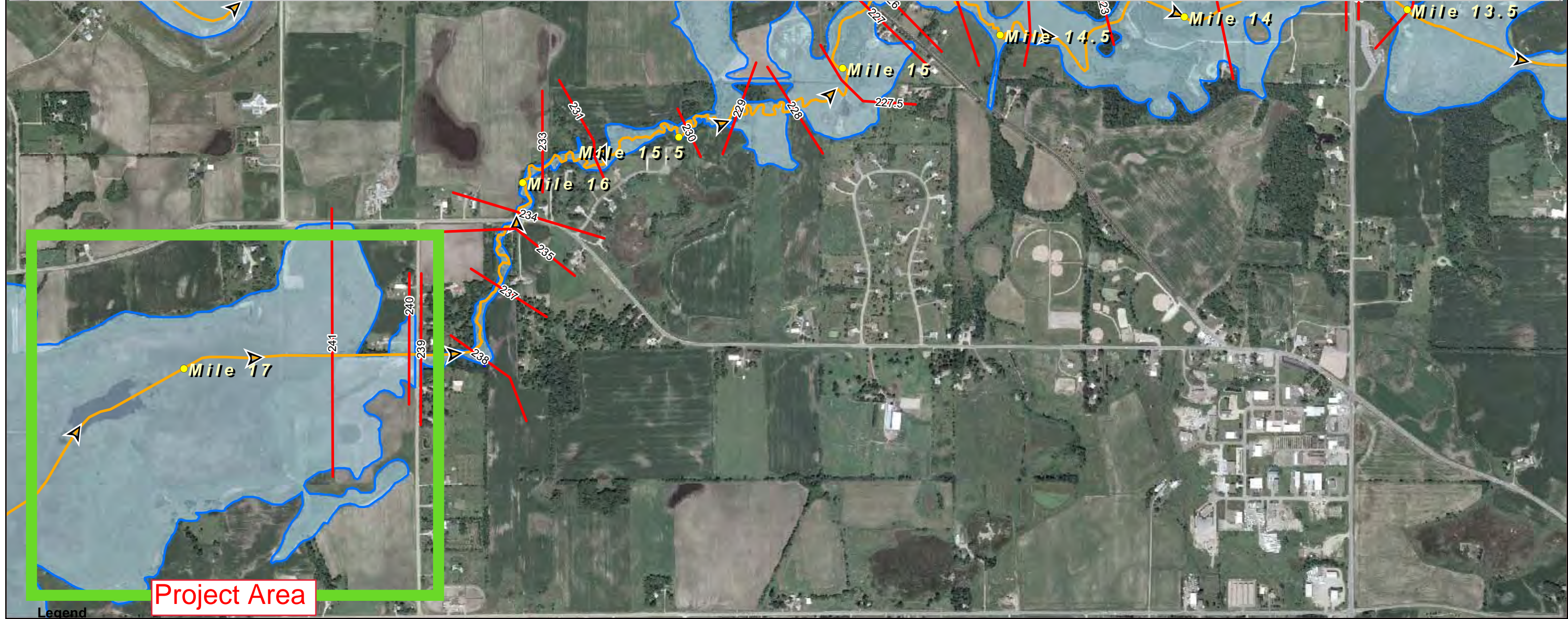
cc: Judie Anderson, ECWMC Executive Secretary  
Ross Mullen, ECWMC Technical Advisor  
Kevin Mattson, Director, Corcoran Director of Public Works

Attachments



Map Document: (P:\A\ELM\W070200\GIS\Flood Mapping Map Book.mxd) 4/20/2007 -- 12:08:36 PM - dt

	D	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V
1	Correct-X-SecNo	Id	CrossSecNo	Length	Correct-X-SecNo	500-Yr-Elev	500-Yr-Flow	100-Yr-Elev	100-Yr-Flow	50-Yr-Elev	50-Yr-Flow	25-Yr-Elev	25-Yr-Flow	10-Yr-Elev	10-Yr-Flow	5-Yr-Elev	5-Yr-Flow	2-Yr-Elev	2-Yr-Flow	ChannElev	ReachLength	Creek	
235	238	235	238.00	1196.53731493000	238	964.34	700	963.93	560	963.76	505									958.10	650	Rush	
236	239	236	239.00	1520.85339955000	239	964.64	700	965.22	560	964.05	505									958.50	150	Rush	
237	240	237	240.00	1320.31506821000	240	966.95	700	966.75	560	966.65	505									958.70	450	Rush	
238	241	238	241.00	2697.93677599000	241	966.97	700	966.76	560	966.66	505									956.80	800	Rush	
239	242	239	242.00	2630.39147108000	242	966.98	700	966.77	560	966.67	505									962.00	5500	Rush	
240	243	240	243.00	1314.70448692000	243	967.00	700	966.79	560	966.68	505									961.50	500	Rush	
241	244	241	244.00	1478.09598950000	244	967.58	290	967.47	280	967.39	275									959.20	300	Rush	
242	244.50	242	244.50	1035.01061614000	244.50	967.59	290	967.48	280	967.41	275									966.00	2400	Rush	



- Legend
- grid
  - Dam
  - Mile Marker
  - Cross Sections
  - Creek
  - Flood Zone

0 1,000 2,000 Feet



## Elm Creek Watershed Flood Hazard Mapping

Check Set

			A_4	A_5
B_1	B_2	B_3	B_4	
C_1	C_2	C_3	C_4	
D_1	D_2	D_3	D_4	
E_1		E_3	E_4	
F_1	F_2	F_3	F_4	
	G_2	G_3	G_4	
	H_2	H_3		

Tile: E\_2  
Apr 20, 2007





# elm creek Watershed Management Commission

## Request for Plan Review and Approval

Submittal requirements, this form and the fee schedule can be downloaded from: <http://www.elmcreekwatershed.org/application-requirements.html>

### Administrative Office

3235 Fernbrook Lane  
Plymouth, MN 55447  
Ph: 763-553-1144 | Fax: 763-553-9326  
Email: [judie@jass.biz](mailto:judie@jass.biz) | [beverly@jass.biz](mailto:beverly@jass.biz)

for Commission use only

Project No. \_\_\_\_\_

Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_

Date \_\_\_\_\_

Fee Submitted \$ \_\_\_\_\_

*Please Print Clearly*

**Applicant** \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone ( \_\_\_\_ ) \_\_\_\_\_ Fax ( \_\_\_\_ ) \_\_\_\_\_ Email \_\_\_\_\_

**Agent** \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone ( \_\_\_\_ ) \_\_\_\_\_ Fax ( \_\_\_\_ ) \_\_\_\_\_ Email \_\_\_\_\_

- |                          |                                       |
|--------------------------|---------------------------------------|
| <input type="checkbox"/> | Rule D – Stormwater                   |
| <input type="checkbox"/> | Rule E – Erosion and Sediment Control |
| <input type="checkbox"/> | Rule F – Floodplain Alteration        |

- |                          |                                     |
|--------------------------|-------------------------------------|
| <input type="checkbox"/> | Rule G – Wetland Alteration         |
| <input type="checkbox"/> | Rule H – Bridge & Culvert Crossings |
| <input type="checkbox"/> | Rule I – Buffer Strips              |
| <input type="checkbox"/> | Rule K - Variance                   |

**Project Name** \_\_\_\_\_

Project Location - City or Town \_\_\_\_\_ PID# \_\_\_\_\_

Total Acres \_\_\_\_\_ Acres Disturbed \_\_\_\_\_

Acres Impervious Before Development \_\_\_\_\_

Acres Impervious After Development (incl. gravel roads and parking areas) \_\_\_\_\_

Anticipated Project Start Date \_\_\_\_\_

Remarks \_\_\_\_\_

### Applicant's Signature:

Print Name \_\_\_\_\_ X \_\_\_\_\_

In order for a project to be considered by the Commission, a complete application packet must be received in the Commission's administrative office at least TEN BUSINESS DAYS prior to the Commission's next regular meeting. Action by the Commission will be predicated on factors such as completeness of the application documents and complexity of the project, etc. The Commission normally meets on the second Wednesday of the month.

1) Submit this form to the City along with one electronic copy of the required plans and the appropriate fee (check made payable to "Elm Creek Watershed Management Commission"). The City will forward these documents and the fee payment to the Commission.

**OR**

2) If the City has signed off on this form, it should be submitted to the Commission's administrative office along with one electronic copy of the required plans and the appropriate fee (check made payable to "Elm Creek Watershed Management Commission").

Electronic plans can be uploaded to the Commission's dropbox:

<https://www.dropbox.com/request/anjYmMBOHMnsli5utr6m>

The Commission will transmit a letter to the applicant following approval.

**AUTHORIZATION – must be completed by City before review can proceed.**

Requested by City of \_\_\_\_\_

Signature \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Phone \_\_\_\_\_

Date \_\_\_\_\_

# elm creek

## Watershed Management Commission

### ADMINISTRATIVE OFFICE

3235 Fernbrook Lane

Plymouth, MN 55447

PH: 763-553-1144 | FAX: 763-553-9326

email: judie@jass.biz | beverly@jass.biz

www.elmcreekwatershed.org

### Project Review Fee Schedule

**Complete the applicable red boxes and submit this form and total escrow fee payment with the Request for Plan Review and Approval (Application Form)**

<b>Project Name</b>			
<b>Project Number</b>	(for office use only)		
<p><b>The following projects require review:</b> Any land-disturbing activity or the development or redevelopment of land meeting the triggers listed in Appendix O of the Commission's Watershed Management Plan. <b>The review period will not begin until the Commission has received a completed application form bearing city authorization to proceed, all appropriate materials, and fees.</b></p>			
<b>I. Project Review</b>	<b>Required Escrow</b>	<b>Amount Due</b>	
Rule D - Stormwater Management	\$2,000		
Rule E - Erosion and Sediment Control	\$500		
Rule F - Floodplain Alteration	\$1,000		
Rule G - Wetland Alteration	NA		
Rule H - Bridge & Culvert Crossings	\$1,000		
Rule I - Buffer Strips	\$500		
Rule K - Variance	\$500		
<b>PROJECT REVIEW TOTAL</b>		<b>\$0.00</b>	
<b>II. Contingency (10% Project Review Total)</b>		<b>\$0.00</b>	
<b>III. Non-refundable Administration Fee (10% of Project Review Total)</b>		<b>\$0.00</b>	
<b>IV. Non-refundable Technical Services Fee (15% of Project Review Total)</b>		<b>\$0.00</b>	
<b>Note: If project review expenditures exceed escrow submitted, additional escrow fees will be required.</b>		<b>TOTAL ESCROW</b>	<b>\$0.00</b>
(for office use only)			
<b>Date Application Received by Commission</b>			
<b>Fee Received \$</b>			

- c) Detailed schedules for implementation of the land disturbing activity, the erosion and sediment controls, and soil stabilization measures.
  - d) Detailed description of the methods to be employed for monitoring, maintaining and removing the erosion and sediment controls, and soil stabilization measures.
  - e) Soil borings if requested by the Commission.
5. **MAINTENANCE.** The project review applicant shall be responsible for proper operation and maintenance of all erosion and sediment controls and soil stabilization measures, in conformance with best management practices and the NPDES permit. The project review applicant shall, at a minimum, inspect and maintain all erosion and sediment controls and soil stabilization measures daily during construction, weekly thereafter, and after every rainfall event exceeding 0.5 inches, until vegetative cover is established.

## **RULE F. FLOODPLAIN ALTERATION**

1. **POLICY.** It is the policy of the Commission to prevent and control flooding damage by:
- a) Preserving existing water storage capacity below the 100-year critical flood elevation on all waterbodies in the watershed to minimize the frequency and severity of high water.
  - b) Minimizing development in the floodplain that will unduly restrict flood flows or aggravate known high water problems.
  - c) Requiring compensatory storage for floodplain fill.
2. **REGULATION.** No person or political subdivision shall alter or fill land below the 100-year critical flood elevation of any public waters watercourse, public waters wetland, or other wetland without first obtaining an approved project review from the Commission.
3. **CRITERIA.**
- a) Floodplain alteration or filling shall not cause a net decrease in flood storage capacity below the projected 1% (100-year) critical flood elevation or alter the timing of flooding unless it is shown that the proposed alteration or filling, together with the alteration or filling of all other land on the affected reach of the waterbody to the same degree of encroachment as proposed by the applicant, will not cause high water or aggravate flooding on other land and will not unduly restrict flood flows.
  - b) All new structures shall be constructed with the low floor at the elevation required in the municipality's ordinance, however, in no case shall the low floor be less than two feet above the regulatory elevation.

4. **EXHIBITS.** The following exhibits shall accompany the project review` application (one set full size, one set reduced to a maximum size of 11" x 17", and one electronic set in pdf format):
- a) Site plan showing boundary lines, delineation and existing elevation contours of the work area, ordinary high water level, and 1% (100-year) critical flood elevation. All elevations shall be referenced to the NAVD 1988 datum. If NAVD 1988 is not used, applicant must specify the datum used and the appropriate conversion factor.
  - b) Grading plan showing any proposed elevation changes.
  - c) Preliminary plat of any proposed subdivision.
  - d) Determination by a registered professional engineer of the 100-year critical flood elevation before and after the proposed activity.
  - e) Computation of the change in flood storage capacity as a result of the proposed alteration or fill.
  - f) Erosion and sediment control plan which complies with these Rules.
  - g) Soil boring logs and report if available.
5. **EXCEPTIONS.** If a municipality has adopted a floodplain ordinance that prescribes an allowable degree of floodplain encroachment, the applicable ordinance shall govern the allowable degree of encroachment and no project review will be required under this Floodplain Alteration Rule.

#### **RULE G. WETLAND ALTERATION**

1. **POLICY.** It is the policy of the Commission to preserve and protect wetlands for their water quality, stormwater storage, habitat, aesthetic, and other attributes by:
- a) Achieving no net loss in the quantity, quality and biological diversity of wetlands in the watershed.
  - b) Increasing the quantity, quality and biological diversity of wetlands in the watershed by restoring or enhancing diminished or drained wetlands.
  - c) Enforcing mitigation of direct or indirect impacts from activities that destroy or diminish the quantity, quality and biological diversity of watershed wetlands.
  - d) Replacing affected wetlands where sequencing demonstrates that avoidance is not feasible.
2. **REGULATION.** No person or political subdivision shall drain, fill, excavate or otherwise alter a wetland without first obtaining the approval of a wetland replacement plan from the local government unit with jurisdiction over the activity. Mitigation of wetland

# elm creek Watershed Management Commission

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Plymouth, MN 55447  
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www.elmcreekwatershed.org

## Northwood Community Church Maple Grove Project #2021-043

### Project Overview:

**Location:** 16100 105<sup>th</sup> Ave N, Maple Grove. South of County Road No. 81, and north of 105<sup>th</sup> Ave North.

**Purpose:** Construct the church campus, including church parking lot, the church, and install stormwater management BMPs.

**WMC Rules Triggered:**

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

<b>Applicant:</b>	Kinghorn Construction	<b>Attention:</b>	Chuck Edwards
<b>Address:</b>	21830 Industrial Court Rogers, MN 53374	<b>Phone:</b>	(714) 742-6557
		<b>Email:</b>	chucke@kinghornco.com
<b>Agent:</b>	None Listed	<b>Attention:</b>	
<b>Address:</b>		<b>Phone:</b>	
		<b>Email:</b>	

Exhibits:	Description	Date Received
Application	<input checked="" type="checkbox"/> Complete ECWMC Application	October 22, 2021
	<input checked="" type="checkbox"/> ECWMC Request for Review and Approval	September 23, 2021
	<input checked="" type="checkbox"/> City authorization: Maple Grove, MN	July 21, 2021
	<input checked="" type="checkbox"/> Review fee: \$4,050	October 22, 2021
	<input checked="" type="checkbox"/> Project Documents (site plans, reports, models, etc.)	September 27, 2021

### Submittals

1. Northwood Community Church application form dated September 23, 2021
2. Northwood Community Church Planting Plan prepared by Anderson Engineering, dated June 15, 2021
3. Northwood Community Church revised Construction Site Plans, prepared by Anderson Engineering, dated September 15, 2021, revised December 2, 2021, revised December 15, 2021.
  - a. December 15, 2021 revision included addition of Landscaping Plans

4. Northwood Community Church Preliminary Storm Water Management Plan Calculations & Summaries, prepared by Anderson Engineering dated December 2, 2021, revised December 15, 2021.
  - a. Existing and Proposed Drainage Maps
  - b. Existing 100-year HydroCAD model version
  - c. Existing 2 and 10 HydroCAD models (December 15, 2021 revision)
  - d. Proposed HydroCAD models
  - e. Existing and Proposed Conditions MIDS water quality model
  - f. Geotechnical Evaluation Report for the Northwood Neighborhood Development, prepared by Braun Intertec dated January 14, 2019
5. Wetland Delineation Report with Joint Application Form, dated September 12, 2017, prepared by Hakanson Anderson submitted with ECWMC Project Review #2021-033 Weston Commons project as a joint wetland delineation report
6. Northwood Custom Weir Graphic to support Proposed HydroCAD modeling approach prepared by Anderson Engineering dated January 13, 2022
7. MIDS Water Quality Models for the Proposed and Future Conditions prepared by Anderson Engineering using MIDS Version 3.0 dated December 1, 2021.

## Findings

### General

1. A complete application was received October 22, 2021. The initial 60-day decision period per MN Statute 15.99 expired December 21, 2021. On December 6, 2021, the initial 60-day decision period was extended an additional 60-days to February 19, 2022.
2. The proposed project site is on a 10.56-acre parcel that is primarily agricultural and used for row crops. In the southwest corner of the parcel, approximately three-quarters of an acre is used as an office building and associated parking by Northwoods Community Church.
3. Runoff from the existing site flows in four directions: toward the northwest wetland which drains to the recently reviewed Weston Commons site (#2021-033), northeast to a wetland in the northeast corner of the site along the Burlington Northern Railroad, the central wetland and southeast quadrant of the site drain southeast along the right of way of 105<sup>th</sup> Street, and a small area in the southwest corner of the site drains west along the 105<sup>th</sup> Street right of way.
4. All drainage paths ultimately discharge to Rush Creek.
5. The proposed project site includes construction of a proposed church, parking, and the stormwater BMPs and associated features. This project review includes review of the Rule D criteria for a proposed future construction phase (long-term/ultimate plan) which includes an expanded church site and additional parking.
6. The expansion will disturb 7.56-acres and create 2.56-acres of total impervious, of which 2.38-acres is net, new impervious (0.18-acres is already on the site).
7. Existing and proposed conditions HydroCAD models were created to model rate control.
8. To meet ECWMC criteria regarding rate control, volume control, and water quality for the future (long-term/ ultimate) site conditions, the applicant is proposing:
  - a. A filtration basin in the west side of the site and will be used to manage runoff from the western portion of the project (0.873-acres of impervious) as well as approximately 1.115-acres of pervious area.

- b. A filtration basin in the east side of the site and will be used to manage runoff from the eastern portion of the project (1.692-acres of impervious) as well as approximately 2.355-acres of pervious area.
  - c. Both filtration basins drain into a dry detention basin that provides additional rate control.
- 9. Because soil borings indicate lean clay and sandy lean clay as underlying soils throughout the site and beneath the proposed basin footprints, infiltration is not feasible.
- 10. There are no Elm Creek Watershed jurisdictional floodplains or stream crossings within the site.

## **Rule D – Stormwater Management (plans)**

### **General**

- 1. The project will disturb 7.56-acres of a 10.56-acre parcel. The proposed total impervious area will be 2.56-acres, 2.38-acre of which is new impervious.
- 2. Stormwater will be managed on the site using two stormwater filtration basins and one dry detention basin.
  - a. The filtration basins are used to meet the Commission's water quality and volume control and provide partial rate control.
  - b. The dry detention basin provides additional rate control for large rainfall events. Riprap overflows convey the large flows over the filtration basin spillways to the dry detention basin.

C.

### Rate Controls

1. Rate controls **meet** Commission requirements.

**Table 1 Rate of Discharge Leaving Site**

Direction	Condition	2-year (cfs)	10-year (cfs)	100-year (cfs)
<b>Northeast to Wetland along Railroad</b>	Existing	1.2	2.8	6.7
	Future (Long-Term/Ultimate)	0.5	1.1	2.8
	<b>Change</b>	<b>-0.7</b>	<b>-1.7</b>	<b>-3.9</b>
<b>Southeast toward 105<sup>th</sup> Avenue Right-of-Way</b>	Existing	2.3	7.8	19.9
	Future (Long-Term/Ultimate)	0.6	1.3	3.2
	<b>Change</b>	<b>-1.7</b>	<b>-6.5</b>	<b>-16.7</b>
<b>Southwest toward 105<sup>th</sup> Avenue Right-of-Way</b>	Existing	0.6	1.0	1.8
	Future (Long-Term/Ultimate)	0.3	0.6	1.5
	<b>Change</b>	<b>-0.3</b>	<b>-0.4</b>	<b>-0.3</b>
<b>Northwest toward Weston Commons stormwater pond with filtration ring (#2021- 033)</b>	Existing	2.9	6.8	16.7
	Future <sup>1</sup> (Long-Term/Ultimate)	0.9	3.9	13.7
	<b>Change</b>	<b>-2.0</b>	<b>-2.9</b>	<b>-3.0</b>
<b>Total Discharge from Site</b>	Existing	6.3	17.1	42.6
	Future (Long-Term/Ultimate)	2.3	5.8	21.0
	<b>Change</b>	<b>-4.0</b>	<b>-11.3</b>	<b>-21.6</b>

<sup>1</sup> Weston Commons site assumptions for Future Northwood Church were 2.3, 9.7, and 17.3-cfs for the 2-, 10-, and 100-year events, respectively

### Water Quality and Abstraction/Volume Controls

1. Water quality and Abstraction/Volume Controls **meet** Commission requirements.
2. Soil borings show lean clay and sandy lean clay as underlying soils. These underlying soils are predominantly Hydrologic Soil Group Type D (very low infiltration capacity/ very high runoff potential).
3. Full infiltration of 1.1 inches of runoff from impervious areas is not feasible due to low infiltration capacity soils and shallow groundwater.
4. New impervious areas will be 2.38-acres requiring abstraction of 9,503 cubic feet.



- a. The western portion of the proposed expansion (1.988-acres) is directed to the west filtration basin. The west basin has a water quality volume of about 8,495 cubic feet.
- b. The eastern portion of the proposed expansion (4.047-acres) is directed to the east filtration basin. The east basin has a water quality volume of about 9,334 cubic feet.
- c. Both the west and east filtration basin overflow into the dry detention basin.

**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 <sup>1</sup>	6.22	N/A	5.1	923
Future (w/o BMP's) <sup>2</sup>	9.99	9,503 ( <i>required</i> )	8.1	1,480
Future (w/ BMP's) <sup>2</sup>	8.92	17,829	5.0	644
<b>Change</b>	<b>+2.70</b>	<b>+17,829 (total) +8,326 (excess)</b>	<b>-0.1</b>	<b>-279</b>

<sup>1</sup> Stantec prepared a MIDS Water Quality Model using Version 4 (dated July 2020) to verify the applicants submitted values. The Proposed (near future) and Future (long-term/ultimate plan) models were submitted using MIDS Version 3 (January 2017)

<sup>2</sup> Stantec verified the model results with MIDS Version 4 (dated July 2020), the applicant submitted using MIDS Version 3 (January 2017)

### **Low Floor**

The proposed first floor elevation is 926.0-feet. The peak 100-year flood elevations of the central wetland (Wetland G) and west and east filtration basins is 919.5, 917.7, and 917.9-feet, respectively. This meets Commission standards. This meets the Commission's standards for 2-feet of freeboard, and all EOF's are at least 1-foot below the first floor elevation.

### **Operation and Maintenance**

The applicant will need to enter a stormwater maintenance agreement with the City of Maple Grove. The city's template stormwater maintenance agreement satisfies the requirements of the Commission.

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

1. Plans **meet** 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. Ditch checks
  - c. Erosion control blanket
  - d. Silt fence around project extents and the pond, including redundant measures around a wetland where a 50-foot buffer cannot be achieved.
  - e. Stabilization of disturbed soil areas with erosion control blanket
  - f. Concrete washout is located to minimize the risk of concrete waste discharge to waterbodies.

### **Rule G – Wetland Alterations**

1. Wetland alterations **do not meet** the Commission's requirements.
2. The city of Maple Grove is the administrator for their wetland ordinance and the MN Wetland Conservation Act. Wetland replacement plans that comply with the city ordinance will also comply with the ECWMC requirements.
3. Wetlands were delineated by Hakanson Anderson along with those for the Weston Commons site (#2021-033) and are shown in a September 2017 report.
  - a. Wetland D located in the northeast corner of the parcel is a 0.08-acre Type 1 wetland
  - b. Wetland F located on the western side of the project parcel is a 0.03-acre Type 1 wetland
  - c. Wetland G located in the center of the project parcel is a 0.19-acre Type 1 wetland
  - d. Wetland H located on the eastern side of the project parcel is a 0.03-acre Type 1 wetland.
4. All wetlands are not proposed to be disturbed as part of construction.
5. There is a hydrologic change (a decrease in runoff area and associated runoff rate/inflow) flowing to the center wetland (named Wetland G on delineation figures) on-site for the 2-, 10-, and 100-year storms. These hydrologic changes to the center wetland are consistent with MNRAM hydrologic guidelines for a Type 1 wetland for no adverse impact.
6. Prior to impacts to wetlands site plans must comply with the city of Maple Grove and the Minnesota Wetland Conservation Act rules and requirements.
7. If fill is placed in the wetland, the future (long-term/ultimate) conditions will require a wetland alterations plan for Wetland G.

### **Rule I – Buffer Strips**

1. Buffer strips **meet** the Commission's requirements.as follows:
  - a. Vegetation restoration requirement with appropriate seed mixture.
  - b. Widths of a minimum of 10 feet wide and an average of 25 feet wide and are wider where graded final slopes are steeper than 6:1.
  - c. Final buffer monumentation, is shown on the site plans received December 15, 2021.
2. The city of Maple Grove has wetland buffer monumentation that meets the Commission's standards.

## **Recommendation**

Approval

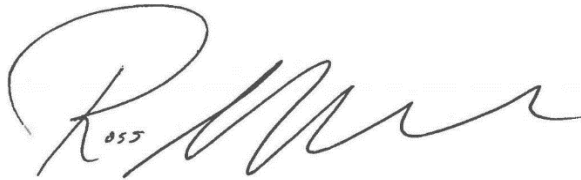
### **Conditions for Approval**

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. Provide a complete O&M agreement between the applicant and the City of Maple Grove for all stormwater facilities on the project site.

### **Notes**

1. WCA approval of the wetland fill and replacement plan for impacts at the time of future expansion (Rule G).
2. ECWMC erosion and grading review at the time of future church and parking lot expansion (Rule E).
3. The low floor of the future building expansion must continue to meet ECWMC standards.

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

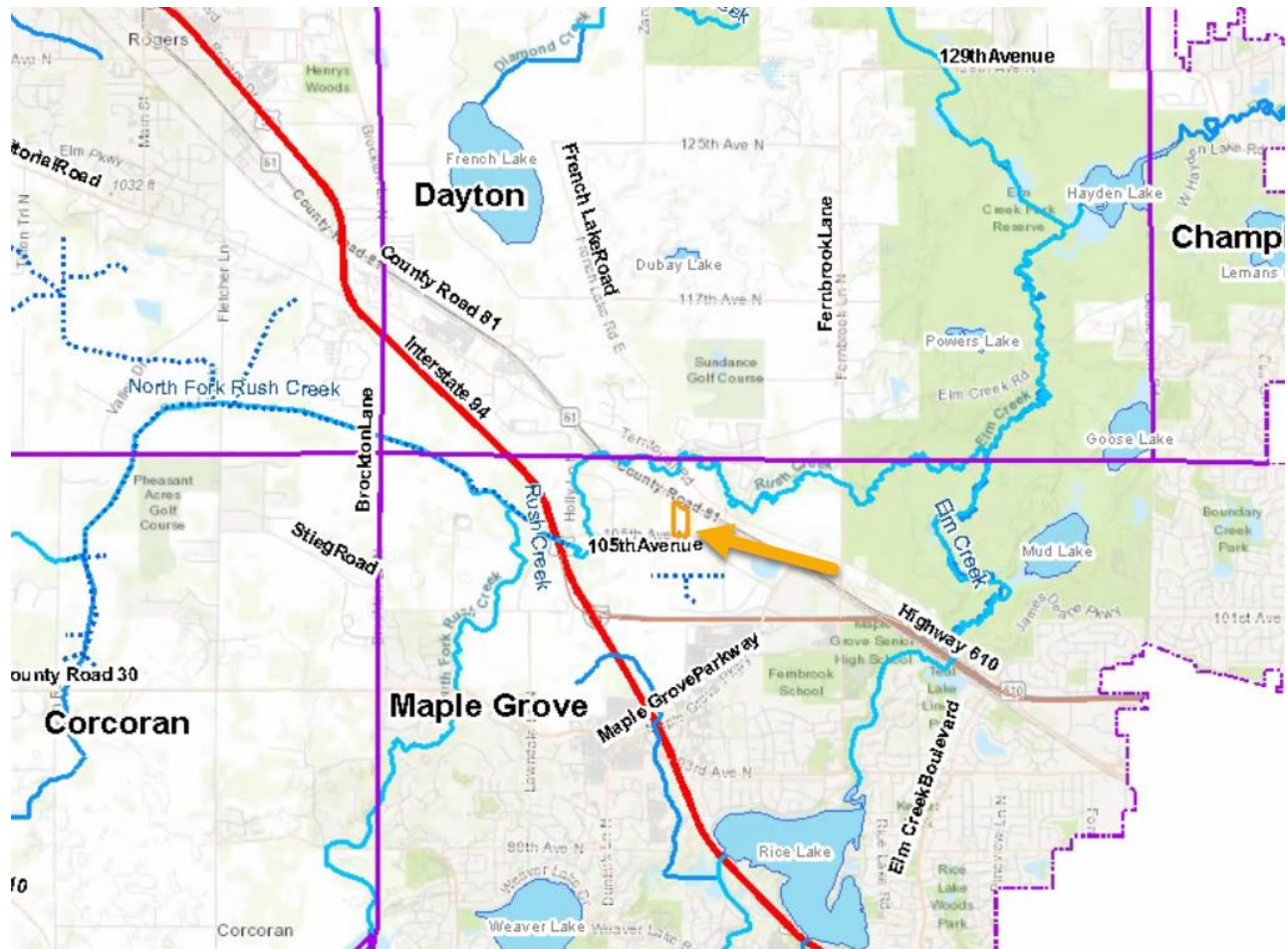


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## **Attachments**

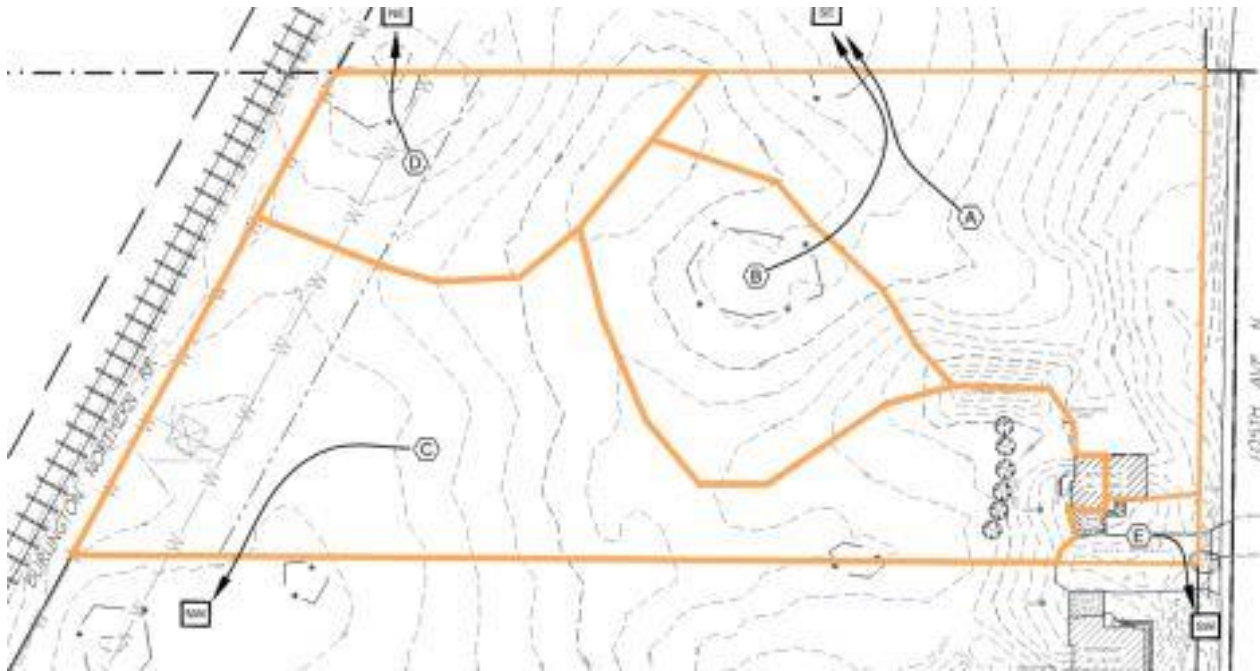
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| Figure 1 | Project Location                               |
| Figure 2 | Existing Drainage Map                          |
| Figure 3 | Proposed Drainage Plan                         |
| Figure 4 | Future Drainage Plan                           |
| Figure 5 | Delineated Wetlands                            |
| Figure 6 | Annotated Erosion and Sediment Control Drawing |

### Figure 1 Project Location

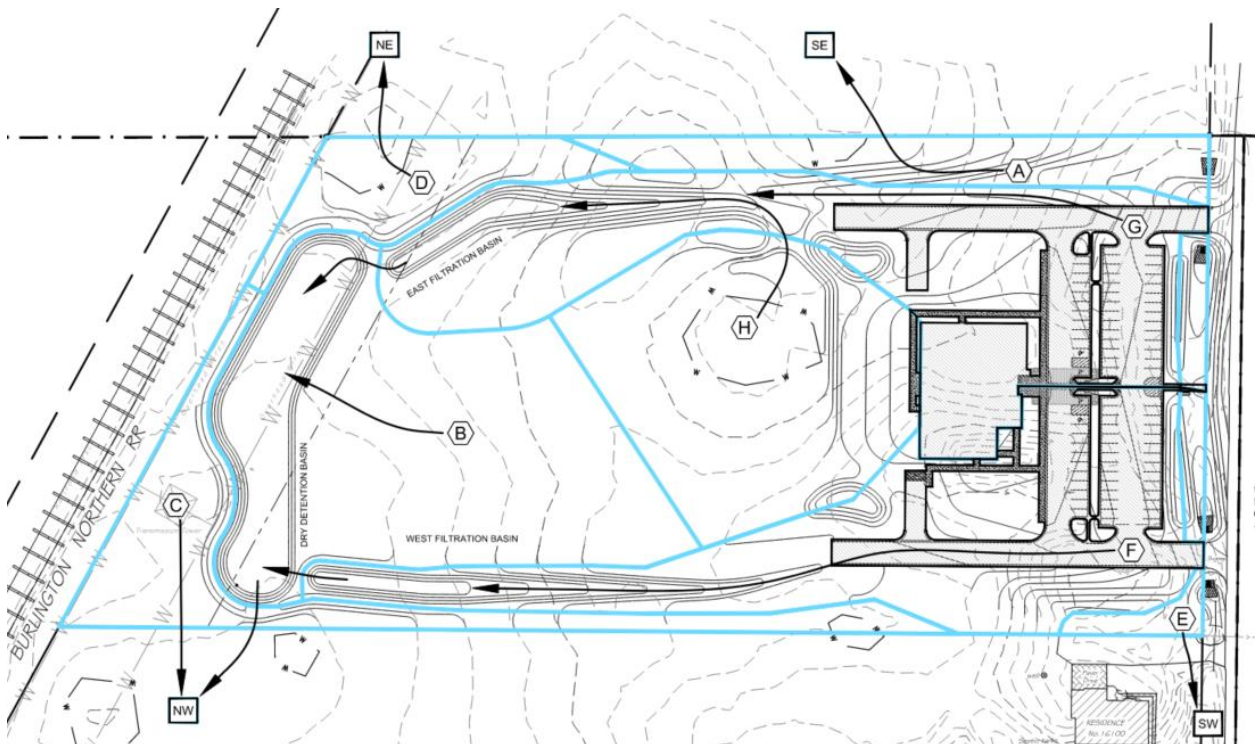




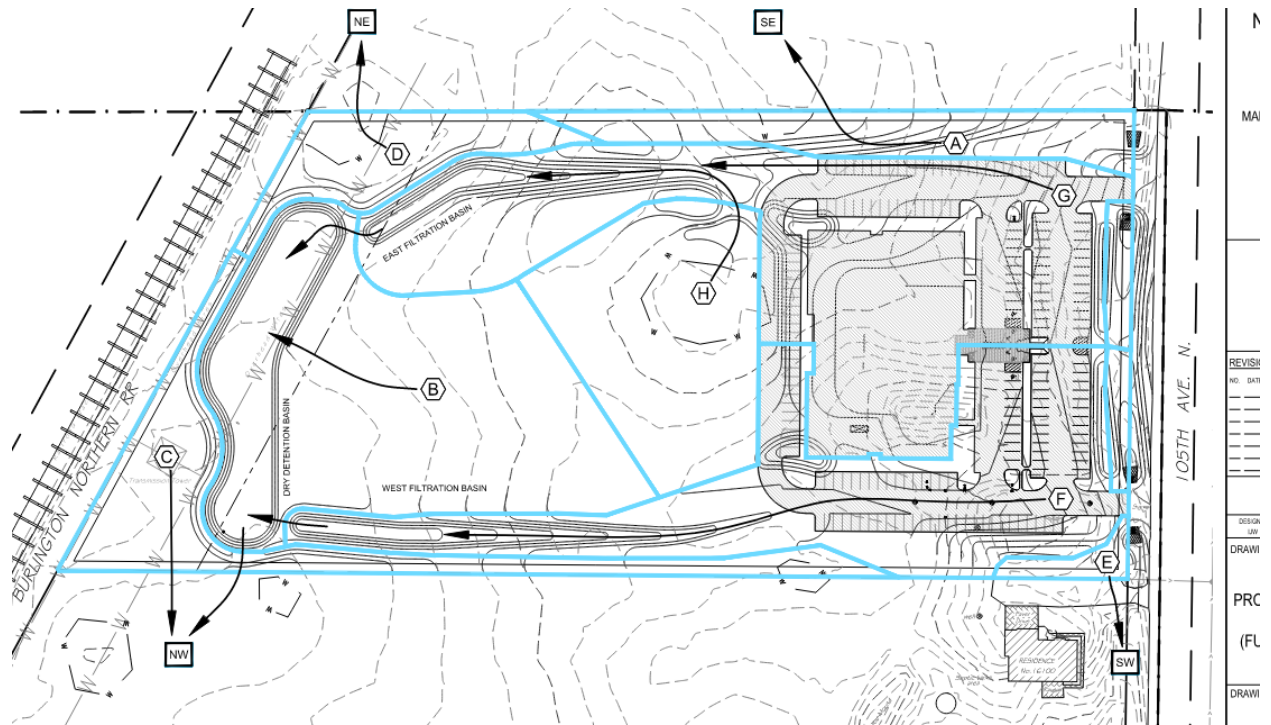
**Figure 2 Existing Drainage Map**



**Figure 3 Proposed Drainage Plan**



**Figure 4 Future Drainage Plan**

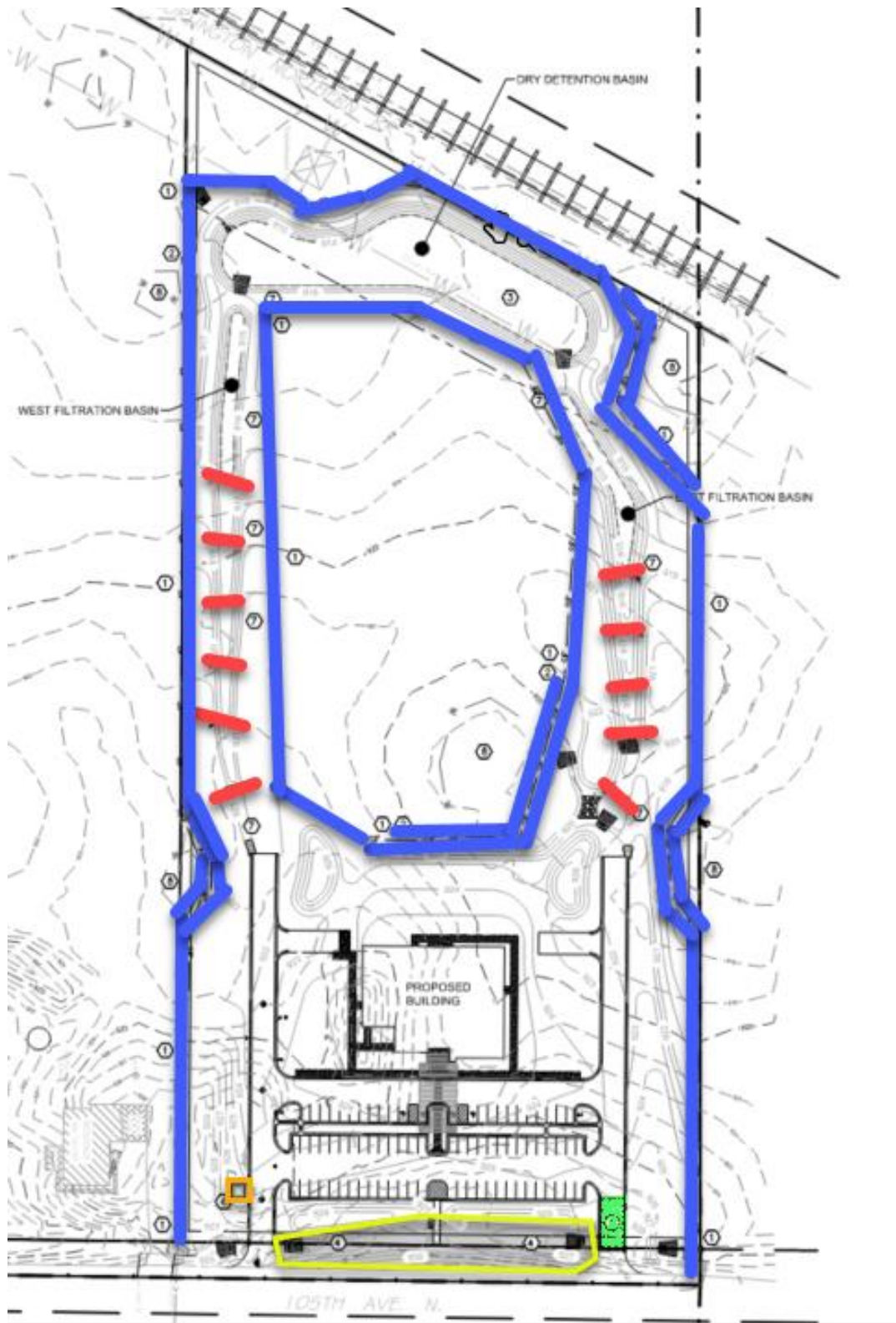


**Figure 5 Delineated Wetlands**





**Figure 6    Annotated Erosion and Sediment Control Drawing**





# elm creek Watershed Management Commission

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## Len Busch Roses Plymouth Project #2021-046

### Project Overview:

**Location:** On the west side of County Road 101, just south of the intersection of County Road 101 and Highway 55 in Plymouth, MN

**Purpose:** Construction of new greenhouse building for expanded floral capacity

**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

**Applicant:** Len Busch Roses

**Address:** 4045 County Road 101  
Plymouth, MN 55446

**Attention:** Patrick Busch

**Phone:** (763) 478-9329

**Email:** pwb@lenbuschroses.com

**Agent:** None Listed

**Address:**

**Attention:**

**Phone:**

**Email:**

Exhibits:	Description	Date Received
Application	<input checked="" type="checkbox"/> Complete ECWMC Application	November 30, 2021
	<input checked="" type="checkbox"/> ECWMC Request for Review and Approval	November 1, 2021
	<input checked="" type="checkbox"/> City authorization: Plymouth, MN	October 13, 2021
	<input checked="" type="checkbox"/> Review fee: \$3,375	November 12, 2021
	<input checked="" type="checkbox"/> Project Documents (site plans, reports, models, etc.)	November 30, 2021

### Submittals

1. Elm Creek Watershed Plan Review Application and payment, dated November 1, 2021
2. Site Development Plans, prepared by Mark S. Gronberg with Gronberg & Associates, Inc., dated August 11, 2021, revised August 26, 2021, September 29, 2021 and November 20, 2021
3. Stormwater Management Plan, prepared by Mark S. Gronberg with Gronberg & Associates, Inc., dated September 29, 2021 and revised November 30, 2021

- a. HydroCAD Modeling report for existing and proposed condition
- b. MIDS Water Quality calculations

## Findings

### General

1. A complete application was received November 30, 2021. The initial 60-day decision period per MN Statute 15.99 expires January 29, 2022.
2. The existing site is within six adjacent parcels, totaling 87.5-acres, that include the Len Busch Roses greenhouses around the perimeter and a large wetland complex in the center.
3. The proposed improvement is for construction of a 21,600-sf greenhouse addition and vehicle parking in the amount of 16,048 sf replacing an existing 6,000 square foot pole shed that is ageing.
4. The existing site is on the border of two parcels (of the six) that together total 19.81-acres. The project is adjacent to County Road 101, just south of Highway 55. The eastern 7.54-acres of the 19.81-acres includes Len Busch Roses greenhouse, while the western 12.27 acres is wetlands. Of the 7.54-acres, there is 5.54-acres of impervious. The proposed greenhouse and parking addition will create or reconstruct 0.93 acres of impervious area, 0.64 acres of which is net new impervious area. resulting in 6.18-acres of total impervious.
5. Three large stormwater reuse tanks are already present at the project location and are used to collect rainwater runoff to irrigate plants grown in the Len Busch Roses greenhouse.
6. The upper soil column is predominantly sandy lean clays which corresponds to Hydrologic Soil Group C (low infiltration capacity).
7. There are no Elm Creek jurisdictional floodplains or stream crossings within the project site.

### Rule D – Stormwater Management (plans)

#### General

1. The project will disturb 1.70-acres of a 19.81-acre parcels. The post-project impervious area will be 6.18-acres, 0.64 acres of which is net new impervious.
2. An ECWMC project review is triggered when the proposed disturbance is greater than 1-acre; waivers may be granted when the total impervious at the project parcel is less than 1-acre.
3. City of Plymouth staff and Len Busch Roses staff corresponded with Elm Creek technical staff in the summer of 2021 to determine if an existing stormwater reuse system could be used to meet the Commission's standards for rate control, water quality, and volume control. Elm Creek technical staff concurred with the overall approach because:
  - a. The existing stormwater reuse system (three tanks and pumps) was installed voluntarily and can be removed at any time as it is not recorded on the plat or in a stormwater maintenance agreement with the city
  - b. The site is already using a water reuse system, an activity that preserves and protects water quality in the ECWMC which is a shared goal with the watershed. Considering the water reuse system in-place as the regulatory 'existing condition', would increase the stormwater BMP requirements for the site, which would increase the construction costs for stormwater BMP's for a proposed project with a proposed increase of less than one acre of new impervious.
4. Stormwater will be managed by routing the runoff to the three stormwater reuse tanks that are owned by the applicant.

## Rate Controls

1. Rate control measures **meets** Commission standards.
2. Rate control for the site is provided by three water reuse irrigation tanks.
3. The applicant provided existing and proposed HydroCAD model output for the 2-year, 10-year, and 100-year events which are summarized in Table 1.

**Table 1 Rate of Discharge Leaving Site**

Direction	Condition	2-year (cfs)	10-year (cfs)	100-year (cfs)
<b>West toward Wetland</b>	Without Stormwater Reuse Tanks	20.5	33.6	62.0
	Post Project with Stormwater Reuse tanks	16.6	31.0	60.1
	Change	-3.9	-2.6	-1.9

## Operation and Maintenance

For commercial projects with a water reuse system in the city of Plymouth the property owner is responsible for the maintenance of the stormwater management BMP's. A stormwater maintenance agreement with the city will be a condition of this approval.

## Water Quality and Volume Control

1. Abstraction controls **meet** Commission requirements.
2. Net, new impervious areas will be 0.64 acres requiring abstraction of 2,556 cubic feet of abstraction/volume control.
3. Treatment of 1.1 inches of runoff over the additional 0.64 acres of impervious surface is provided using the existing water storage irrigation tanks
4. Applicant proposes to use existing water reuse systems to provide abstraction and meet water quality criteria.
  - a. Tank 1: 30-feet in diameter by 10-feet tall (52,900 gallons)
  - b. Tank 2: 11-feet in diameter by 42-feet long (29,900 gallons)
  - c. Tank 3: 11-feet in diameter by 42-feet long (29,900 gallons)
5. The applicant used MIDs water quality calculator to simulate pollutant removal by harvest and re-use with three existing stormwater reuse tanks. ECWMC technical staff completed an analysis on the applicant's behalf to verify the compliance with ECWMC water quality rules and standards.
  - a. Collection of stormwater runoff only during the warm weather months was assumed (April to November) as recommended by MIDS.
  - b. The stormwater collection area was provided by the applicant as 1.92-acres (roof area of the greenhouses).
  - c. The application area was assumed to be the entirety of the greenhouse footprint. Photographs of the interior greenhouse show a single level of plant beds (3.97 acres).

**Table 2 Water Quality Summary**

	<b>Annual Runoff Vol. (ac-ft)<sup>1</sup></b>	<b>Abstraction Vol. (cubic feet)<sup>2</sup></b>	<b>TP (lbs/year)<sup>1</sup></b>	<b>TSS (lbs/year)<sup>1</sup></b>
<i>Without Stormwater Reuse Tanks<sup>1</sup></i>	12.55	N/A	10.2	1,860
<b>Proposed w/ irrigation tank<sup>1</sup></b>	10.56	2,556 (required) 105,204 (provided)	8.6	1,566
<b>Change</b>	<b>-1.99</b>	<b>+105,204</b>	<b>-1.58</b>	<b>-294</b>

<sup>1</sup> The values presented in the table were calculated by ECWMC technical staff using the MIDS water quality model

<sup>2</sup> The values presented in the table were calculated by ECWMC technical staff using the MIDS water quality model using the Minnehaha Creek Watershed District Stormwater Reuse Calculator

**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. Silt fence around project extents
  - b. Rock construction entrance
  - c. Catch basin inlet protection
  - d. Stabilization of disturbed soil areas with seed and mulch

**Recommendation**

Approval

**Conditions for Approval**

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. The applicant shall provide a Stormwater Maintenance Agreement that acceptable to the city and the ECWMC within 90 days after the plat is recorded for all stormwater BMP's on the site. Because the stormwater reuse system is part of the overall water reuse system that is necessary to meet the Commission's standards, the irrigation system shall be included in the Stormwater Maintenance Agreement. The applicant should provide irrigation distribution plans (pipe locations, size, preliminary pump plan, augmentation water info, area to be irrigated, and demonstration that the receiving soils have infiltration capacity) and an Operation and Maintenance Plan for the stormwater system, including the irrigation system. The O&M agreements shall terminate if the parcel is redeveloped.

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

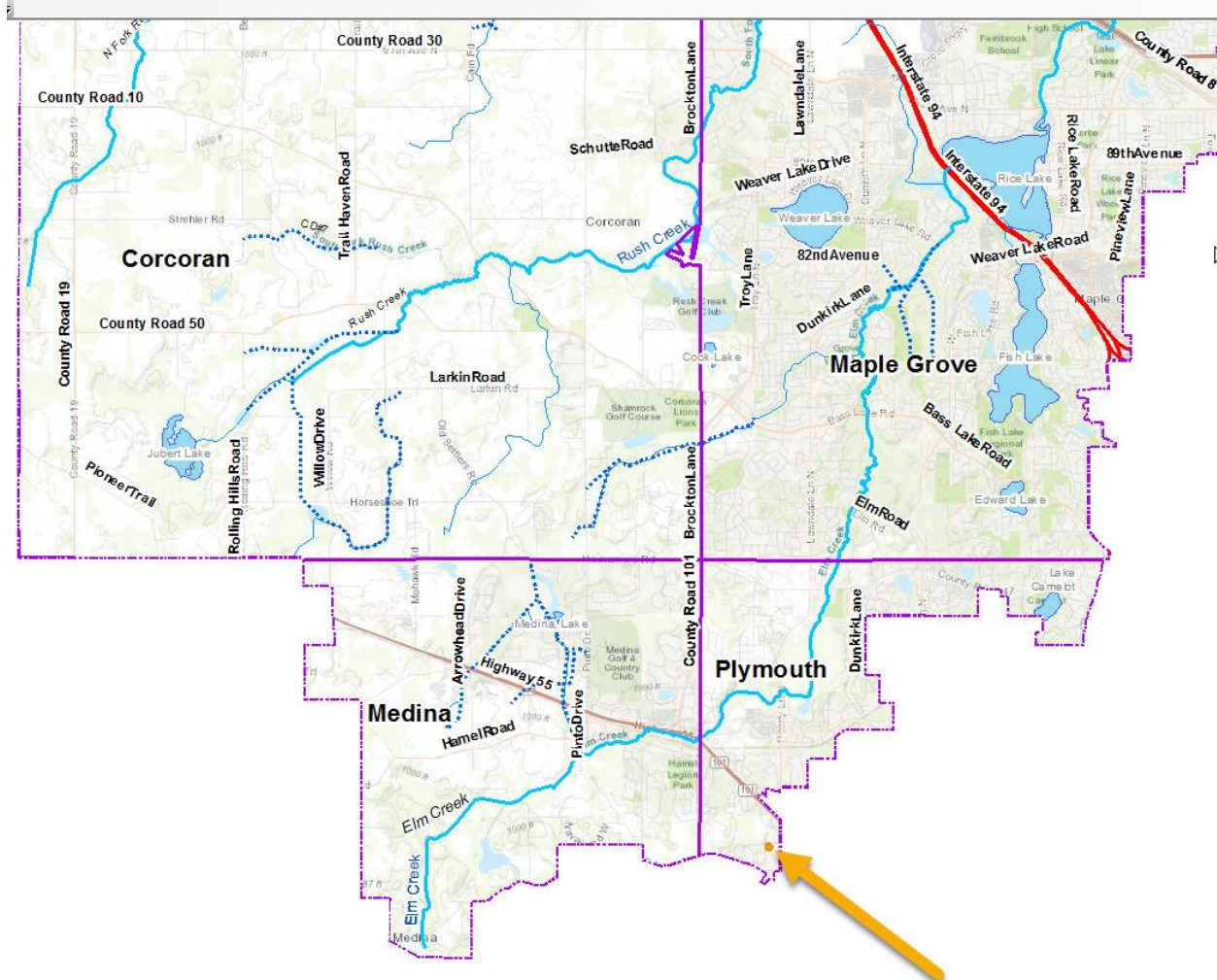


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Date

## Attachments

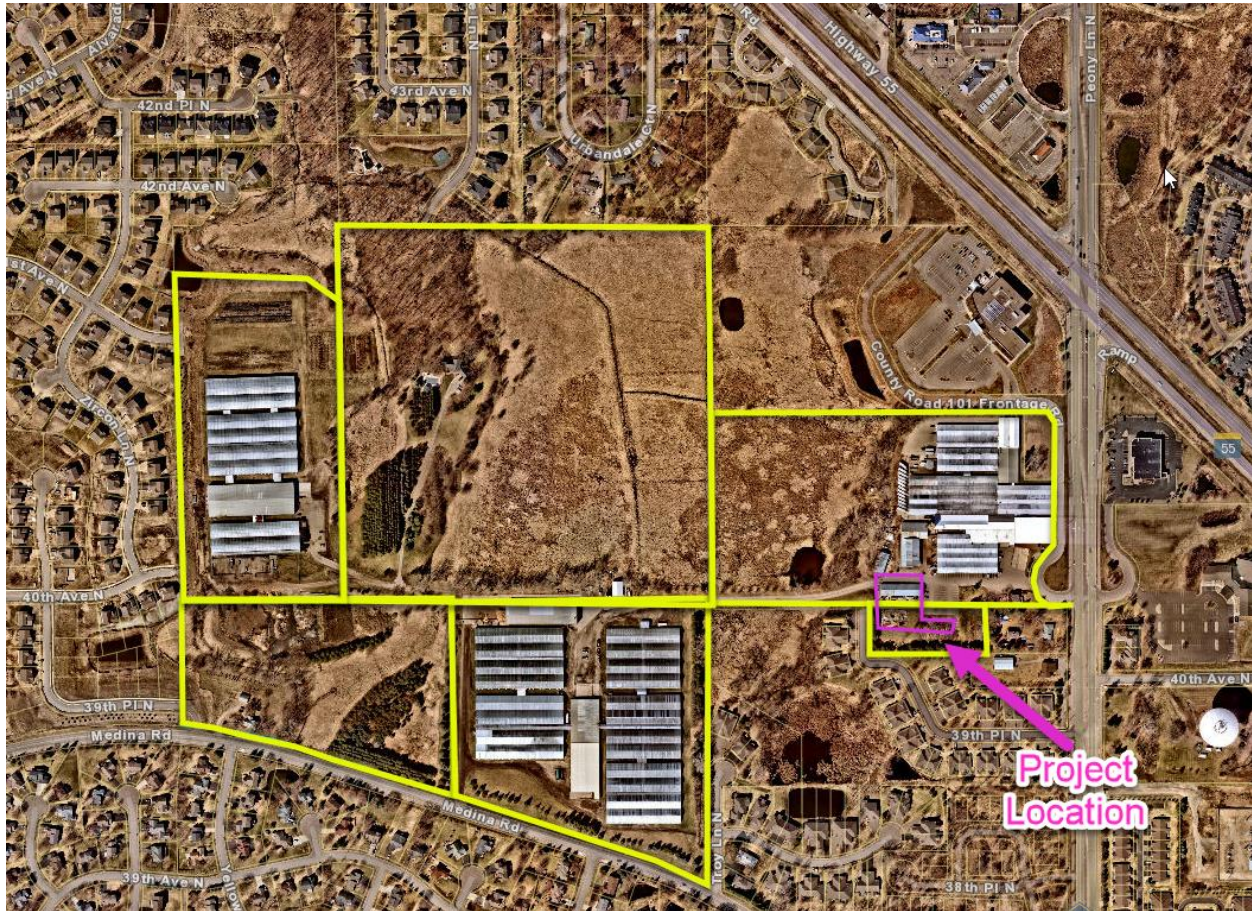
- Figure 1 Project Location
- Figure 2 Len Busch Roses Parcels and Project Location
- Figure 3 Proposed Impervious
- Figure 4 Site Drainage Areas
- Figure 5 Erosion and Sediment Management- SWPPP

**Figure 1 Project Location**

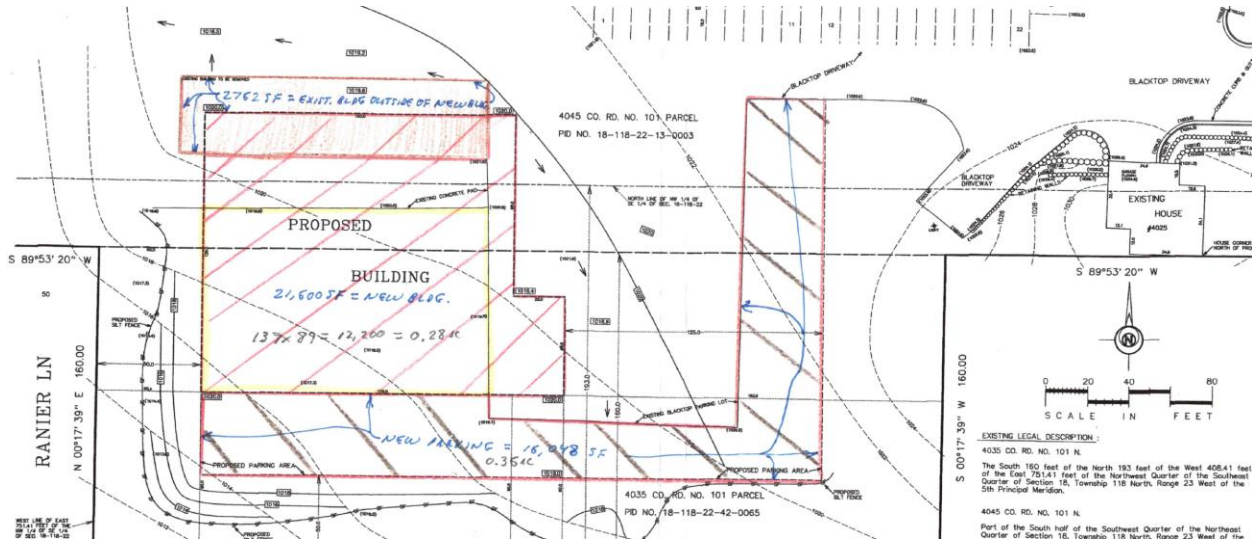




**Figure 2 Len Busch Roses Parcels and Project Location**



**Figure 3 Proposed Impervious**

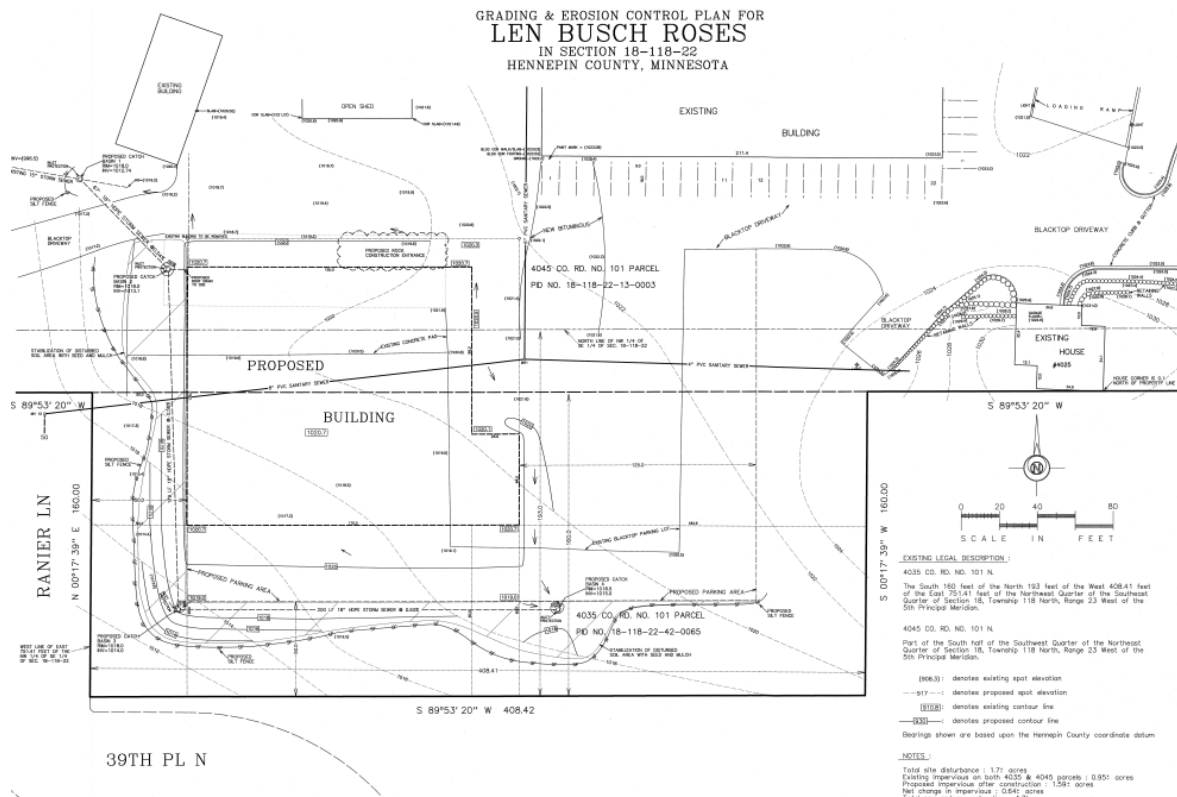




**Figure 4 Site Drainage Areas**



**Figure 5 Erosion and Sediment Management- SWPPP**



# elm creek Watershed Management Commission

ADMINISTRATIVE OFFICE  
3235 Fernbrook Lane  
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## County Road 10 Box Culvert Replacement Corcoran Project #2021-047

### Project Overview:

**Location:** The proposed project will improve the County Road 10 crossing of a tributary of the South Fork of Rush Creek by replacing the existing box culvert to reduce flooding, widening the road shoulder, and constructing more gradual side slopes of the road embankment.

**Purpose:** Replacement of box culverts on County Road 10 over a tributary of the South Fork of Rush Creek as current ones are not structurally sound being installed in 1921

**WMC Rules Triggered:**

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

**Applicant:** Hennepin County Department of Transportation

**Attention:** John Ekola

**Address:** 1600 Prairie Dr. Medina MN, 55340

**Phone:** 612-596-0370

**Email:** [john.ekola@hennepin.us](mailto:john.ekola@hennepin.us)

**Agent:** SRF Consulting

**Attention:** None provided

**Address:** 3701 Wayzata Boulevard Suite 100, Minneapolis MN 55416

**Phone:** None provided

**Email:** None provided

Exhibits:	Description	Date Received
Application	<input checked="" type="checkbox"/> Complete ECWMC Application	November 2, 2021
	<input checked="" type="checkbox"/> ECWMC Request for Review and Approval	July 16, 2021
	<input checked="" type="checkbox"/> City authorization: Corcoran, MN	August 25, 2021
	<input checked="" type="checkbox"/> Review fee: \$6,075	November 2, 2021
	<input checked="" type="checkbox"/> Project Documents (site plans, reports, models, etc.)	July 16, 2021

### Submittals

1. Elm Creek Watershed Management Commission Project Review Fee Schedule dated August 30, 2021
2. Elm Creek Watershed Management Commission Permit Submittal Box Culvert Replacement CSAH 10-S Fork Rush Creek Tributary (County Ditch 16) a stormwater narrative prepared by SRF dated August 2021

- a. *Stormwater narrative with explanation of rules and methodology*
  - b. *90% Plan Sheets*
  - c. *Hydraulic Memorandum*
    - i. *State Aid for Local Transportation Risk Assessment for Encroachment Design*
    - ii. *MNDNR No-Rise Certification Form*
  - d. *Floodplain Fill and Compensatory Storage Computations*
  - e. *WCA/USACE Joint Application Form*
    - i. *Site Maps*
    - ii. *Wetland Delineation Report*
    - iii. *90% Plan Sheets*
3. *90% Plans of Box Culvert Replacements S. Fork Rush Creek and County State Aid Highway No. 10 County Project No. 1814 dated March 29, 2021*
  4. *100% Plans of Box Culvert Replacements S. Fork Rush Creek Tributary and County State Aid Highway No. 10 County Project No. 1814 dated October 5, 2021, revised January 4, 2022*
  5. *U.S. Army Corps of Engineers letter to SRF Consulting Group "Regulatory File MVP-2021-01904-RLG" dated December 17, 2021*

### **General**

1. A complete application was received November 2, 2021. The initial 60-day decision period per MN Statute 15.99 expired January 1, 2021. The project review was extended an additional 60-days to March 2, 2022.
2. The project is to reconstruct the County Road 10 crossing of a tributary of South Fork Rush Creek. The existing 6 x 10-foot box culvert was placed in 1921 and is nearing the end of its design life. Hennepin County also intends to widen the shoulder of County Road 10 near this crossing and to reduce the roadway embankment side slopes to meet engineering design criteria for roadway safety.
3. The existing impervious within the project extent is 0.21-acres.
4. The proposed disturbance is 0.80-acres, and the proposed impervious is 0.26-acres. The net, new impervious is 0.05-acres, which comes from the increase in the roadway shoulder width.

### **Rule D – Stormwater Management**

1. The proposed disturbance is less than 0.80-acres, which is below the Commission's 1-acre of disturbance project review trigger.
2. The net, new impervious is 0.05-acres.
3. The proposed project meets the criteria of ECWMC Resolution No 2005-01, which allows the Hennepin County Department of Transportation Operations Division to perform types of work that *"result in less than one acre of net increase in impervious surface do not require a stormwater management plan review and approval by the Commission"* as *"the main reason for these improvements are either for safety or erosion control"*.
4. The project includes a plunge pool on the downstream end to limit scour caused by discharge from the culverts.
5. Therefore, ECWMC technical staff waive the technical requirements of Rule D Stormwater Management.
6. A No-Rise certification form was submitted ensuring the new culverts will not impact the floodplain elevation for the 100-year flood elevation. The applicant has not submitted

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

1. Plans **meet** Commission requirements for erosion and sediment control.
2. The erosion and sediment control plans are consistent with current best management practices, including:
  - a. Silt fence adjacent to delineated wetland boundaries at the toe of the roadway embankment.
  - b. Sediment control logs at areas of high slopes.
  - c. Triple redundant floating silt curtain placed in the channel immediately downstream of the project extents.
  - d. Removal of any accumulated sediment that mobilizes during construction.
  - e. Rapid stabilization of disturbed soil areas is being achieved using Method 4 of MN DOT Standards.
  - f. Street Sweeping.

### **Rule F – Floodplain Alterations**

1. Plans **meet** Commission requirements for floodplain.
2. The downstream (north) side proposed project is part of the Elm Creek WMC administrative floodplain.
3. The proposed project is not located in a FEMA floodplain.
4. The expansion of the roadway width to increase shoulder widths as well as the shallower roadway side slope embankments, proposes to place 405 cubic yards of fill below the base flood elevation ("100-year" or 1%-annual-exceedance flood).
5. The applicant used the U.S. Army Corps of Engineers HEC-RAS hydraulic model and incorporated all ECWMC technical staff comments to simulate the base flood. The analysis demonstrated no-rise to the precision of 0.00-feet and the applicant is submitting a No-Rise Certification form to the Minnesota Department of Natural Resources as required by Rule F.3.a.

### **Rule G – Wetland Alteration**

Wetland alterations **do not meet** the Commission's requirements

1. The applicant submitted a joint Wetland Conservation Act and U.S. Army Corps of Engineers wetland application to the Commission under the *Local Road Replacement Program Qualification*.
2. The city of Corcoran is the LGU in charge of administering the Minnesota Wetland Conservation Act (WCA).
3. The city has not approved the wetland alterations. An approved wetland alterations plan will be a contingency of an approval.
4. The U.S. Army Corps of Engineers has indicated that the proposed construction appears to fall under the umbrella of their Nationwide Permit Transportation Regional General Permit Category #1 and that no application or notification to the U.S. Army Corps of Engineers is necessary.



## **Rule H– Bridge and Culvert Crossings**

1. Plans **meet** Commission requirements for floodplain bridge and culvert crossings.
2. The downstream (north) side of the County Road 10 crossing is part of the Elm Creek WMC administrative floodplain.
3. The proposed project is not located in a FEMA floodplain.
4. The applicant follows the best practices described by the MNDNR in its publication *Geomorphic Approach to Infrastructure Design at Road- Watercourse Intersections*. The applicant uses floodplain and perched culverts to convey flood flows and a lower natural bottom culvert to convey baseflows to avoid sedimentation/plugging in the culverts, thereby improving water quality and managing future erosion, scour, sedimentation, and maintenance considerations.
  - a. The existing box culvert is a 6 x 10-foot box culvert
  - b. The proposed design includes three culverts:
    - i. A 6 x 6-foot box culvert embedded one foot to provide conveyance for low flows, sediment transport, and for aquatic species migration.
    - ii. A 4 x 6-foot box culvert perched approximately two feet above the 6 x 6-foot box culvert inverts for conveyance of middle to high flows.
    - iii. A 3-foot diameter circular pipe perched approximately four feet above the 6 x 6-foot box culvert inverts for conveyance of high flows.
5. The applicant used the U.S. Army Corps of Engineers HEC-RAS hydraulic model and incorporated all ECWMC technical staff comments to simulate the 1.5, 2, 5, 10, 50, 100, and 500-year floods as estimated using the U.S. Geological Survey's Streamstats hydrology tool.
  - a. The analysis demonstrated no-rise of the headwater to the precision of 0.00-feet during the 100-year event and the applicant is submitting a No-Rise Certification form to the Minnesota Department of Natural Resources as required by Rule F.3.a.
  - b. The applicant shows a 0.02-foot drop in the 100-year event flood profile at the downstream end of the roadway embankment that is caused by the slight lengthening of the culvert. This slight decrease appears to be contained within the public right of way.
  - c. Flood profiles of the existing base flow conditions increase by up to ½ a foot during the 2-year event (due to the perched culverts and increased cross sectional flow areas at higher stages) and have lower velocities to allow for greater aquatic species migration.



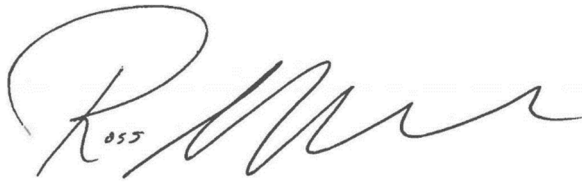
## **Recommendation**

Approval

### **Conditions for Approval**

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. An approved wetland alterations plan is submitted to the Commission.

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

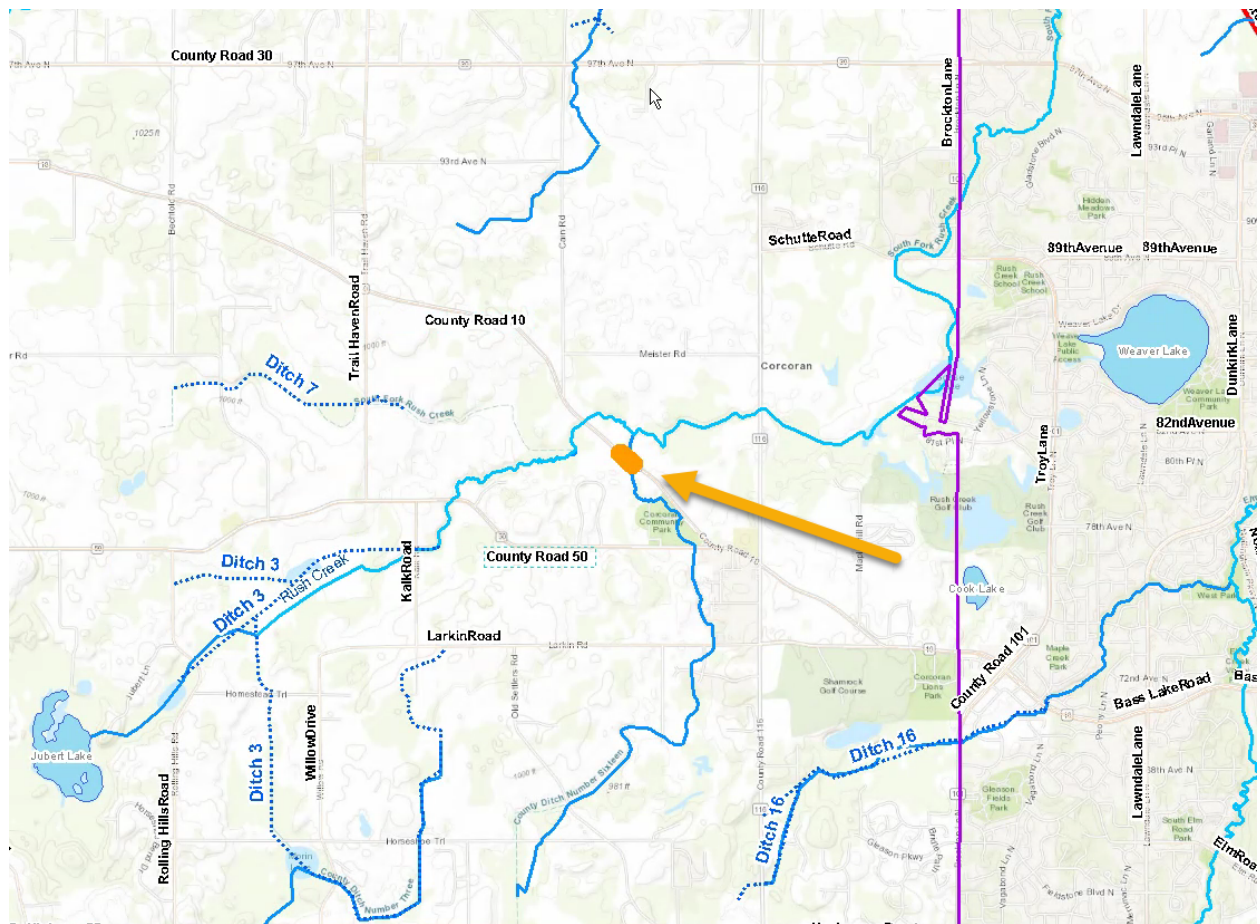
A handwritten signature in black ink, appearing to be "R. M. [unclear]", with the number "055" written below the first part of the signature.

1/13/2022  
Date

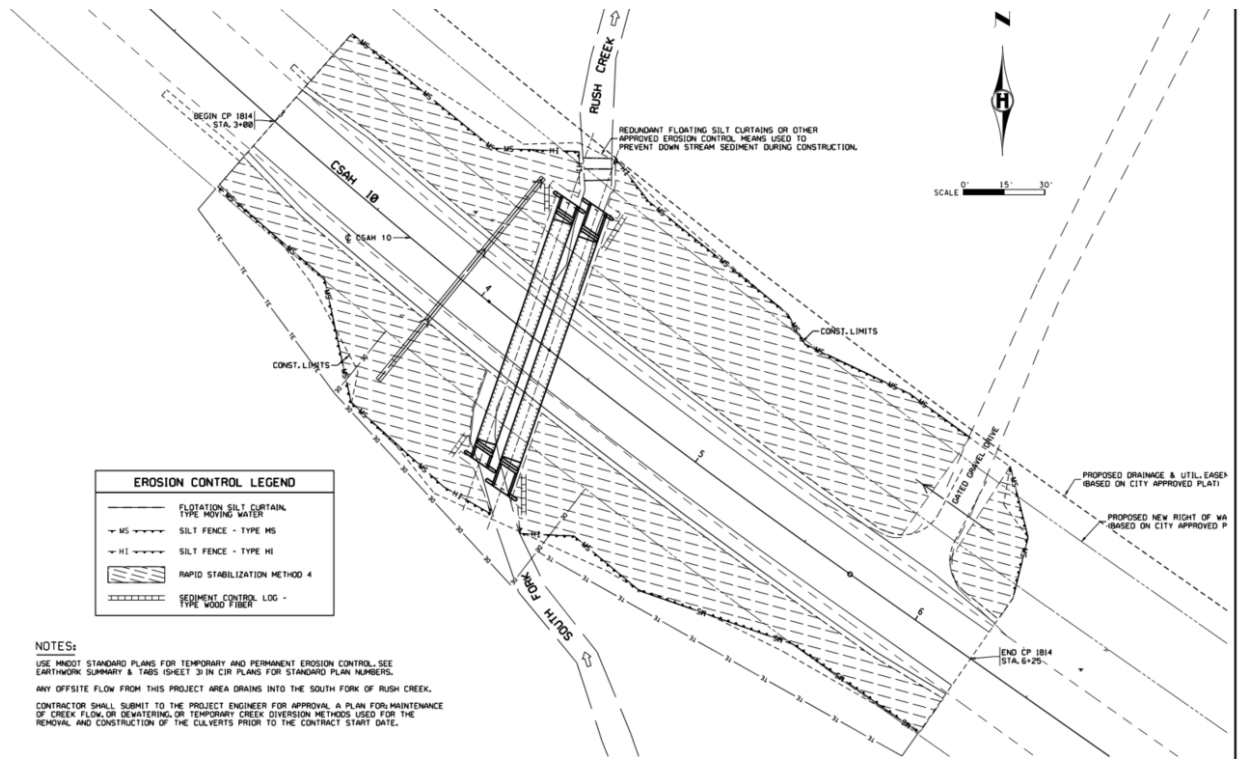
## **Attachments**

- |          |  |
|----------|--|
| Figure 1 | Project Location                               |
| Figure 2 | Erosion Control Plan                           |
| Figure 3 | Project Location Overlayed on ECWMC Floodplain |

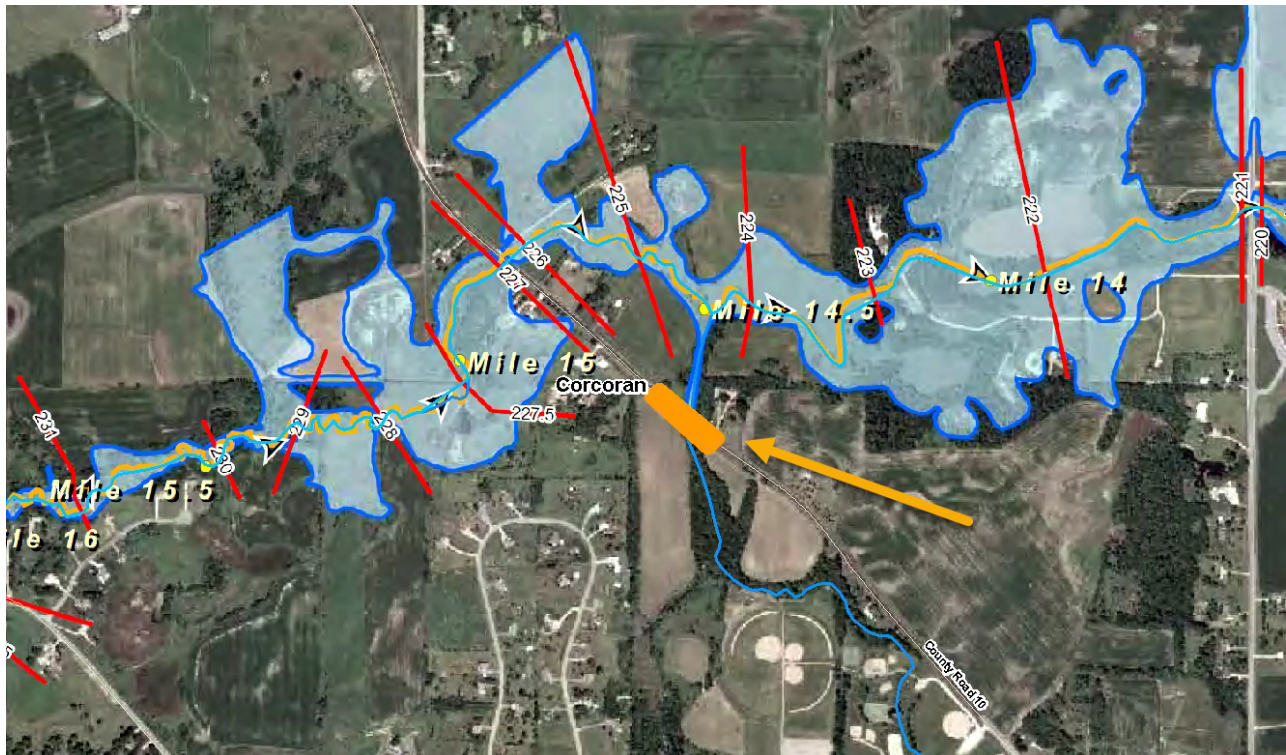
**Figure 1 Project Location**



**Figure 2 Erosion Control Plan**



**Figure 3 Project Location Overlayed on ECWMC Floodplain**



**To:** Elm Creek Watershed Management Commissioners and Member Cities

**From:** Ross Mullen, PE, CFM and  
Jim Kujawa

**Date:** December 22, 2021

**Subject:** Proposed rules revisions regarding low floor/freeboard

## INTRODUCTION AND PURPOSE

Rule D.3.b.i.7 of the 2015 Elm Creek Watershed Management Commission Third Generation Plan states, *“The low floor shall be at minimum two feet above the critical event 100-year elevation and a minimum one foot above the emergency overflow elevation of nearby waterbodies and stormwater ponds”*.

The ambiguity in Rule D.3.b.i.7 has prompted some questions on the part of technical staff, member community, and members of the Technical Advisory Committee (TAC), such as:

- *What was the policy goal for the rule?*
  - *Limit surface water flooding?*
  - *Limit groundwater-induced flooding, including:*
    - *seepage through foundation walls*
    - *structure failures at foundation walls caused by hydrostatic pressure?*
    - *structural failure caused by buoyancy forces on footings?*
  - *Cascade failure from a combination of the above (e.g. a power outage occurs simultaneous with a flood and sump pump without battery backup is unable to pump groundwater away from the foundation).*
- *Under the low floor rule, what constitutes a “stormwater pond or waterbody”? Are localized depressions used to convey stormwater runoff to catch basins included?*
- *What constitutes “nearby”? Are structures not immediately adjacent to the floodplain that have proposed lowest floors beneath the floodplain elevation subject to the rules? How far away must structures be placed to be exempt from these rules?*

The Commission’s technical staff and TAC met to discuss rules revisions for the low floor rules based on the risk to structures at the June and December 2021 TAC meetings. The Commission’s technical staff and TAC have also reviewed freeboard rules required by state agencies, member cities, and adjacent watersheds as listed in Table 1. Freeboard is the technical term applied to the vertical height between the 100 Year event peak flood stage and the lowest regulatory height that a structure must be built to. Minnehaha Creek Watershed District is the only jurisdiction that uses the low opening as the regulatory height instead of the low floor (used by all other entities reviewed in Table 1).



*Table 1 Freeboard Policies by ECWMC Technical Staff and the Technical Advisory Committee*

State Agencies	Cities		Watersheds
Minnesota Department of Natural Resources	Elm Creek WMC Member Cities	Champlin	Coon Creek
		Corcoran	Watershed District
		Dayton	Minnehaha Creek
		Maple Grove	Watershed District
		Medina	Shingle Creek and
		Plymouth	West Mississippi
		Rogers	WMCs

The Commission's technical staff and TAC have determined that transition from the existing rules to a three-tiered approach based on the unique flood risk posed to structures based on the flooding source without over complication of the ECWMC's rules.

The Commission's technical staff and TAC recommend the tiered approach to recognize the differences in flood risk from large waterbodies that may have flood stages that last weeks or months from those of small stormwater ponds and waterbodies where the flood stages last hours or days. The flood risk, especially that caused by groundwater sources, is significantly lower to structures surrounding these small stormwater ponds and waterbodies.

Exhibit A shows a diagram of the proposed freeboard requirements.

## **TIMELINE**

This rule shall go into effect as soon as Commissioner's approve the revisions and a Minor Plan Amendment is approved by the Minnesota Board of Soil and Water.

## REVISIONS

1. Revise Rule A to include the definition of “Low Opening”.
  - a. *“Low Opening. The low opening is the lowest elevation of an enclosed area, such as a basement, that allows surface water to into the enclosed area. Examples of low openings, include but are not limited to doors and windows. Foundation wall cracks, drainage seepage through drain tile, and sewer backup elevations are not low openings.”*
2. Revise Rule D.3.b.i.7
  - a. Existing: *“The low floor elevation shall be at minimum two feet above the critical event 100-year elevation and at minimum one foot above the emergency overflow elevation of nearby waterbodies and stormwater ponds.”*
  - b. Proposed: *“Structures shall be elevated according to the following criteria based on the flooding source.*
    - i. *Structures that are within the closed basin of naturally landlocked waterbodies and outside of the effective Federal Emergency Management Agency floodplain as shown on the Flood Insurance Rate Map and outside of the Commission’s floodplain shall meet the following criteria:*
      1. *The low floor must be at minimum one foot above the normal water level and*
      2. *The low floor must be at least two feet above the back-to-back 100-year 24-hour flood elevation.*
    - ii. *Structures within the proposed Federal Emergency Management Agency and/or within the Commission’s floodplain (excluding FEMA Zone A areas) shall meet the following criteria:*
      1. *The Low Floor must be at minimum two feet above the 100-year flood elevation and at least one foot above the emergency overflow*
    - iii. *Structures that are within the closed basin of naturally landlocked waterbodies and the Federal Emergency Management Agency and/or Commission’s floodplain shall have a low floor elevation at whichever elevation highest elevation calculated from the following:*
      1. *The low floor must be at minimum one foot above the normal water level and*
      2. *The low floor must be at least two feet above the back-to-back 100-year 24-hour flood elevation.*
      3. *The low floor must be at minimum two feet above the 100-year flood elevation.*
    - iv. *Structures near the maximum inundation extents caused during the high-water level of nearby stormwater ponds and/or waterbodies that are outside of a naturally landlocked waterbody basin, Federal Emergency Management Agency floodplain, and the Commission’s floodplain shall meet the following criteria:*



- a. *The Low Floor must be at minimum one foot above the normal water level of nearby ponds or groundwater level and*
- b. *The Low Opening must be at least two feet above the 100-year flood elevation and*
- c. *The Low Opening should be at least one foot above the emergency overflow and*
- d. *Hydrogeological analyses demonstrating a structure is outside of the lateral transmissivity zone of groundwater flow mounding caused by the 100-year event on nearby stormwater ponds or waterbodies based on the duration of the flood hydrograph in those stormwater ponds or waterbodies, to the satisfaction of the Commission's engineer, may be used to exempt structures from the above rules.*
- e. *Structures located greater than 200-feet away from the high-water level inundation of nearby stormwater ponds and waterbodies are exempt from the above rules.*
- f. *The emergency overflow should be an overland flow section, where possible, but piped outlets with appropriate conveyance capacity that are designed to limit clogging may be used as determined by the Commission's Engineer*
- v. *Structures adjacent to localized depressions use to route stormwater to waterbodies and stormwater ponds are exempt from these requirements.*

3. Revise Rule F.3.b

- a. Existing: *"All new structures shall be constructed with the low floor at the elevation required in the municipality's ordinance, however, in no case shall the low floor be less than two feet above the regulatory elevation."*
- b. Proposed: *"Structures shall be elevated to reduce flood risk as specified in Rule D.3.b.i.7."*

Start

Basin type:

Naturally Landlocked  
Waterbody  
(basin is 1 acre or larger with  
no natural outlet below the  
100-year flood elevation as  
determined by the 100-year,  
10-day runoff event)

Designed detention basin,  
BMP, river, lake, pond,  
stormwater pond, or wetland  
with outlet?

Floodplain Type

Not within FEMA  
or ECWMC  
jurisdictional  
floodplains

Simulate 100-  
year, critical  
duration event

Site is within either or both the:

A. FEMA Jurisdictional Floodplain:

<https://fema.maps.arcgis.com/apps/webappviewer/index.html?id=29f87515702d4845a906419b287e2049>

B. ECWMC Jurisdictional Floodplain:

[http://www.elmcreekwatershed.org/uploads/5/8/3/0/58303031/ec\\_flood\\_study.pdf](http://www.elmcreekwatershed.org/uploads/5/8/3/0/58303031/ec_flood_study.pdf)

## Exhibit A: Flow Chart of Proposed Changes to Low Floor/ Freeboard Rules

Developed by Jim Kujawa and Ross Mullen  
January 27, 2021

End

A. The **Low Floor** must be at minimum one foot above the normal water level and  
B. The **Low Floor** must be at least two feet above the back-to-back, 100-year, 24-  
hour flood elevation

Rule applies to all parcels near the maximum inundation extents during the 100-  
year event:  
A. The **Low Floor** must be at minimum one foot above the normal water level of  
nearby ponds, and  
B. The **Low Opening** must be at least two feet above the 100-year flood  
elevation, and  
C. The **Low Opening** should be at least one foot above the **emergency overflow**,  
and  
D. Hydrogeological analyses demonstrating a structure is outside of the lateral  
transmissivity zone of groundwater flow mounding caused by the 100-year event  
on nearby stormwater ponds or waterbodies based on the duration of the flood  
hydrograph in those stormwater ponds or waterbodies, to the satisfaction of the  
Commission's engineer, may be used to exempt structures from the above rules, and  
E. Structures **located greater than 200-feet away** from the high-water level  
inundation of nearby stormwater ponds and waterbodies are exempt from the  
above rules, and  
F. The **emergency overflow** should be an overland flow section, where possible,  
but piped outlets with appropriate conveyance capacity that are designed to limit  
clogging may be used as determined by the Commission's Engineer

The **Low Floor** must be at minimum two feet above the 100-year flood elevation  
and at least one foot above the emergency overflow

**To:** Elm Creek Watershed Management Commissioners, Technical Advisory Committee, and Member Cities

**From:** Ross Mullen, PE, CFM

**Date:** December 22, 2021

**Subject:** Minor rules revisions to align Elm Creek Watershed Management Commission rules with the latest Municipal Separate Storm Sewer System (MS4) permit

## INTRODUCTION AND PURPOSE

In 2021, the Minnesota Pollution Control Agency (MPCA) issued a new a Municipal Separate Storm Sewer System (MS4) Phase II general permit to Minnesota cities. An individual MS4 Phase II permit requires a city to develop and implement a stormwater pollution prevention program to reduce the discharge of pollutants from their storm sewer system. All member communities in the Elm Creek Watershed Management Commission are MS4 Phase II permit holders.

The revised MS4 Phase II permit requires:

- For non-linear projects, treatment of the amount of 1.0-inches of runoff from new and fully reconstructed impervious surfaces.
- For linear projects, treatment of A) 1.0-inches of runoff from the new impervious surface or B) 0.50-inches of runoff from new and fully reconstructed impervious surfaces, whichever is greater.

The 2015 Third Generation Elm Creek Watershed Management Commission Plan rules require applicants to provide treatment in the amount of 1.1-inches of runoff from the net, new impervious areas for projects with construction disturbance of more than one acre.

The revisions to the MS4 Phase II permit create inconsistencies between the 2015 Third Generation Elm Creek Watershed Management Commission Plan rules and the rules of its member cities as required by the newest MS4 Phase II permit. We propose to revise the Commission's rules to align with the MS4 Phase II permit requirements. These proposed revisions will have the greatest impact to redevelopment, including public works projects (i.e. road projects) and will have negligible impact to new construction projects on, greenfield sites. It is important to the Commission's member cities that its rules be aligned with their MS4 Phase II permit requirements to be at least as stringent as its member cities and to create consistency in the project review process.

## TIMELINE

The MPCA updated MS4 discharge permits to the Commission's member cities in October and November 2021. The member cities have one year to come into compliance with the new MS4 Phase II permit requirements. Project reviews submitted to the Commission after November 30, 2022, shall be required to follow the revised requirements. This rule shall go into effect as soon as a member city fully implements its new MS4 Phase II permit and a Minor Plan Amendment is approved by the Minnesota Board of Soil and Water, no later than November 30, 2022.

## REVISIONS TO THE THIRD GENERATION PLAN

1. Revise Rule A to include the definition of fully reconstructed impervious surfaces:
  - a. *"Fully Reconstructed Impervious Surfaces. Areas where impervious surfaces have been removed down to the underlying soils. Activities such as structure renovation, mill and overlay projects, and other pavement rehabilitation projects that do not expose the underlying soils beneath the structure, pavement, or activity are not considered fully reconstructed. Maintenance activities such as catch basin repair/replacement, utility repair/replacement, pipe repair/replacement, lighting, and pedestrian ramp improvements are not considered fully reconstructed"*
2. Revise Rule A to include the definition of linear projects:
  - a. *"Linear project". Linear projects are projects with construction of new or fully reconstructed roads, trails, sidewalks, or rail lines that are not part of a common plan of development or sale."*
3. Revise Rule D.2.b
  - a. Existing: *"Linear projects that create one acre or more of new impervious surface must meet all Commission requirements for the net new impervious surface. Sidewalks and trails that do not exceed twelve feet (12'0") in width, are not constructed with other improvements, and have a minimum of five feet (5'0") of vegetated buffer on both sides are exempt from Commission requirements."*
  - b. Proposed: *"Linear projects that create one acre or more of new or fully reconstructed impervious surfaces must meet all Commission requirements for 1.1-inches of runoff from the new impervious surface or 0.55-inches from the combination of new and fully reconstructed impervious surfaces, whichever is greater."*
4. Revise Rule D.3.c
  - a. Existing: *"Stormwater runoff volume must be infiltrated/abstracted onsite in the amount equivalent to one point one inch (1.1") of runoff generated from new impervious surface."*
  - b. Proposed: *"For non-linear projects, stormwater runoff volume must be infiltrated/abstracted onsite in the amount equivalent to one point one inch (1.1") of runoff generated from new and fully impervious surfaces."*

# elm creek

## Watershed Management Commission

### FINAL

### 2021 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. *Implement 2021 project review policy, application form, and fee schedule. At December 31, 2021, the Commission's technical advisors had reviewed fifty-five projects. A variance from the Commission's Rules was granted for one project. The escrow fee schedule will be evaluated at year-end to determine how well it is 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 2021 TRPD monitored Elm Creek at 77th Avenue (ECF77); Rush Creek at Territorial Road (RT); and Diamond Creek within the Elm Creek Park Reserve (DC). Creek within the Elm Creek Park Reserve. Continuous flow was collected in open channel morphology that required the development of a stage-discharge rating curve at each sampling site. TRPD took manual flow and depth measurements at stream cross-section intervals for the development of a stage-discharge rating curve to estimate flow at each sampling site. Each sampling site also had automated equipment to collect water samples for nutrient analysis during storm events. Water samples were also manually collected bi-weekly for nutrient analysis during base-flow conditions. All water quality samples collected were analyzed for total phosphorus, soluble reactive phosphorus, total nitrogen, and total suspended solids.*

*TRPD will also monitor four of fifteen lakes in the Elm Creek watershed (Diamond, Fish, Rice main body, and Weaver) in 2021. Three Rivers Park District monitored the water quality of seven lakes within the Elm Creek watershed. Water quality samples were collected bi-weekly for the four Sentinel Lakes (Fish, Rice, Diamond, and Weaver) as well as three other lakes (Mill Pond, Goose, and Mud) that haven't been monitored since the watershed TMDL was completed. All the lakes had temperature/dissolved oxygen profiles collected at 1-m intervals from the surface to the bottom; and water quality samples were collected at the surface for analysis of total phosphorus, soluble reactive phosphorus, total nitrogen, and chlorophyll-a. Since two of these lakes (Fish and Weaver) frequently stratify during the summer, water quality samples were also collected at the top of the hypolimnion and 1-m from the bottom for analysis of total phosphorus and soluble reactive phosphorus. Point-intercept aquatic vegetation surveys were also conducted in the spring and fall to assess the plant community in four of the lakes (Fish, Mill Pond, Goose, and Mud).*

*In addition, under the cooperative agreement, the Commission and the Park District provided financial support to assist the monitoring efforts of the USGS stream gauging station on Elm Creek within the Elm Creek Park Reserve.*

3. Fund the monitoring of one lake through Metropolitan Council's Citizen Assisted Monitoring Program (CAMP). *One lake will be monitored through CAMP in 2021. It was the intent to monitor French Lake in 2021; however, due to the inaccessibility of open water likely due to drought conditions, the volunteer could not perform the monitoring.*
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 WY2021. The 2020-2021 agreement was renewed at a cost of \$40,858. The Commission's share was \$19,296. Twelve monthly manual samples were collected to represent the variations in hydrologic conditions and physical and laboratory analyses of chemicals were also taken. A refrigerated automatic sample was used to collect eight composited samples of runoff events. They were discharge-weighted and collected during increasing or peak streamflow and analyzed for the same constituents as the manual samples. Analysis was completed for Total Phosphorus, Dissolved Phosphorus, Total Ammonia plus Organic Nitrogen, Dissolved Ammonia Nitrogen, Dissolved Nitrite plus Nitrate Nitrogen, Total Suspended Solids, Volatile Suspended Solids, Chemical Oxygen Demand, and Dissolved Chloride. Physical measurements included Water Temperature, Specific Conductance, and pH.*
5. Promote river stewardship through Hennepin County's RiverWatch program with three sites in 2021, *dependent on the status of the pandemic. Due to COVID-19, students were not available to participate in RiverWatch in 2021.*
6. Participate in the MN Wetland Health Evaluation Program (WHEP) with four wetlands in 2021, *dependent on the status of the pandemic. Due to the health and safety limitations of COVID-19, WHEP was not offered in the Elm Creek watershed in 2021.*
7. Conduct the biennial solicitation of interest proposals for administrative, legal, technical and wetland consultants. *This process will be undertaken in January 2021. Solicitations were published in the December 14, 2020, edition of the State Register. Five engineering firms, one legal firm, and one administrative service provider responded. Campbell Knutson, Professional Association, and Judie Anderson's Secretarial Services, Inc. were selected to perform legal and administrative services, respectively, at the Commission's January 13, 2021, meeting. Wenck/Stantec was chosen as the Commission's technical advisor at the February 11, 2021, meeting. This process will be repeated in January 2023.*
8. Continue as a member of the West Metro Water Alliance (WMWA). *Dependent on the status of the pandemic, Watershed PREP classes may be conducted virtually. Classes at one school were taught in person as in 2021. A new Educator has been hired as of December 2021 and will begin reaching out to schedule classroom visits in 2022. A video of the Watershed PREP class is available on the WMWA website for home school or classroom viewing. <http://www.westmetrowateralliance.org/>*  
*Responding to the new NPDES Permit Requirements, in 2021 members focused on developing three flyers with educational content regarding pet waste, chlorides/salt, and illicit discharge.*  
*The Commission approved the revisions to WMWA's Education and Outreach Plan on August 11, 2021.*
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. The Board of Water and Soil Resources (BWSR) will run the program with funding coming to Hennepin County serving as a Conservation District. *Additional funding is being sought to continue this program in 2021. The Commission will promote the program on its website if funding is realized. 2021 Outcomes for Lawns to Legumes - pilot phase: Over 175,000 people have viewed the Lawns to Legumes pages on BWSR's and Blue Thumb's websites. More than 7,500 people statewide applied for the Individual Support grants through the Blue Thumb website. Over 3000 residents have been supported by the program (between 1200 receiving funding and over 2000 attending workshops) and likely over 10,000 people when people doing DIY projects using Blue Thumb resources are included. At the end of October 2021 more than 1000 trees and shrubs had been*



*planted, more than 800,000 square feet of pollinator habitat had been created, and many thousands of hours had been spent on planting projects to protect pollinators.*

10. Sponsor Rain Garden Workshops as part of the Commission's Education and Public Outreach Program. The workshops are presented by Metro Blooms. *Virtual workshops may be substituted for in-person workshops in 2021 and made available to host cities for rebroadcasting. Since the pandemic precluded holding in-person workshops, a new Blue Thumb training program was 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 three-session program 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 identifying weeds, a major culprit of dysfunctional raingardens, and then choosing a way to manage them (without chemicals, if possible).*
11. Continue as a member of Blue Thumb and WaterShed Partners. *Staff will continue to virtually attend Blue Thumb and WaterShed Partner meetings, bringing back programs and ideas for promotion by the Commission. Administrative staff attended these meetings, providing 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 2021. Hennepin County sent out mailers to agricultural producers in the Summer to advertise potential BMP projects that could be implemented in order to achieve load reductions outlined in the Rush Creek Subwatershed Assessment, while improving land management. Mailers were tailored towards the needs of either crop farmers, or those who manage livestock, to describe BMPs that would be most applicable for a landowners situation. To date, eight landowners have responded, and are currently working with Hennepin County to design BMP projects on track to be implemented in spring/summer of 2022.*
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 collaborating with landowners to identify which BMPs would be the most effective. In addition, Hennepin County staff is also 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 as able.*
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. *This process will be repeated in 2021. The Technical Advisory Committee was convened on May 5, 2021, to update the 2020 CIP. At that meeting the members received revisions, additions, and deletions to the 2020 CIP spreadsheet from the member cities. Four projects were removed at the request of the city (Maple Grove) where they were proposed; two projects were added, one each in Dayton and Medina; and three projects were updated, either for cost or for year of construction. These revisions were approved by the TAC and recommended to the Commission.*

*On June 9, 2021, the Commission conducted a Public Meeting at which time it adopted Resolution 2021-03 Adopting a Minor Plan Amendment pursuant to the recommendation of the TAC and set the 2021*

maximum levy at \$291,638. The Hennepin County Board approved the Minor Plan Amendment and adopted a 2021 maximum levy of \$291,638 for the Elm Creek Commission on August 3, 2021.

At their August 11, 2021, meeting, the Commission called for a public hearing to be held on September 8, 2021, to consider two projects for levy in 2021, pay 2022:

- a. Project 2021-01: Elm Road Area/Everest Lane Stream Restoration, Maple Grove. Stream restoration along 800 LF of intermittent stream to reduce sediment and nutrient release to Elm Creek, reducing Ph and TSS loading by 15 lbs/year and 15 tons/year, respectively, and improving DO and habitat for fish and invertebrates. Proposed Levy: \$132,563.
- b. Project 2021-02: Elm Creek Stream Restoration Phase V Hayden Lake Outfall, Champlin. 3,800 LF of stream bank restoration located upgradient of the Mill Ponds. Proposed construction will improve impaired water with low DO, restoring the stream banks and providing habitat structure. Proposed Levy: \$159,075.

At the September public hearing, with no written or verbal comments having been received from the cities, reviewing agencies, or the public, the Commission adopted Resolution 2021-04 Ordering [the] 2021 Improvement Projects, Designating Members Responsible for Construction and Making Findings and Designating Commission Cost-Share Funding. On September 13, 2021, the Commission informed Hennepin County of the Commission's levy request for 2021 (payable 2022) of \$291,638.

15. Undertake high priority projects identified in the Rush Creek Headwaters Subwatershed Assessment. *This process will continue in 2021.* 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. Projects that were completed in 2021 included a waterway and Water And Sediment Control Basin (WASCOB) as a part of the Jubert Lake Agricultural BMPs Project. More high priority projects related to curbing manure 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 more intensive practices such as wetland restorations and grassed waterways.  
  
*The 2021 Services Agreement was amended so that the Commission's Technical Advisor, Stantec, could develop a manure bunker AutoCAD design for the County. This work was completed in 2021.*
16. Adopt a 2022 operating budget. *A Budget Committee will draft a 2022 operating budget for consideration by the Commission in May 2021.* At its June 9, 2021, regular meeting, the Elm Creek Commission approved a 2022 operating budget totaling \$931,405. To fund this budget the Commission approved member assessments of \$237,300, a zero increase over the past two years' assessments.
17. 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 process will continue in 2021.* In 2021 the website had 2,843 total users. Of these, 2,791 were new users in 2021. A total of 4,279 sessions occurred among all users, averaging 1.98 pages per session.
18. Publish an annual activity report summarizing the Commission's yearly activities and financial reporting. *The 2020 Annual Activity Report will be published in April 2021 and made available to the member cities and the public on the Commission website, <http://www.elmcreekwatershed.org/annual-reports.html>. The report was accepted by the Commission at its April 14, 2021, meeting*
19. For the 2020-2021 biennium of the Watershed-Based funding program, BWSR decided to allocate the funds based on major watershed divides. Elm Creek is in the Mississippi West Major Watershed (MWW) which was allocated \$874,153. Funds become available July 1, 2020. Grants from these funds expire December 31, 2023. *Elm Creek submitted two projects, the Rush Creek Restoration for \$200,000 and the*

*Elm Creek Restoration at the outlet of Hayden Lake for \$300,000. After criteria ranking, Elm Creek was awarded \$281,996.20 to be put toward one or both projects at the discretion of the Commission. A 10% local match is required. In addition, other grant funds will be pursued to complete these stream restorations.*

*Elm Creek is also in the North Fork Crow (NFC) major watershed which was allocated \$91,105.00; however, no projects were identified within the major watershed area to use the funding, so it was relinquished to other participants.*

20. 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 is \$92,772.45 and does not require a local match. *The DNR provided funding for this project through a FEMA grant that 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. The term of the contract ended March 31, 2021. Barr Engineering submitted final deliverables for the project on that date. The DNR plans to hold a meeting in early 2022 to review the updated special flood hazard areas with member communities.*
21. Support the City of Maple Grove and its partners as they undertake a subwatershed assessment for Weaver Lake. *The City has completed the Weaver Lake Subwatershed Assessment and a copy has been provided to the Commission. The engineering firm, WSB Engineering, was engaged by the City to undertake the assessment, In their final report WSB recommends pursuing the installation and construction of multiple BMPs in a variety of locations within the Weaver Lake subwatershed to maximize pollutant load treatment. Many of these BMPs are underground treatment structures which will improve storm water quality and allow for easier routine maintenance. WSB also recommends inspecting the outfalls consistent with the City's MS4 permit to determine if a sediment removal project should be completed at the outfalls. They also recommended that water quality and sediment sampling should continue to be analyzed through annual monitoring activities. Vegetative management and maintenance should continue according to the 2018 Weaver Lake Management Planning and Guidance document.*
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 intends to continue pursuing funds and/or grants for this project. Staff recognizes a need to generate local funds and has discussed a stormwater utility as development expands in Corcoran's MUSA area as well as considerations for rural Corcoran. Council level discussions are likely to occur in 2021. Council has approved a Stormwater Area Charge Study to evaluate options with results anticipated to be presented to the Council in early 2022.*
23. Support the City of Dayton and its partners to continue efforts for completion of the Diamond Lake subwatershed assessment. *At 2020 year-end, the Diamond Creek Subwatershed Assessment Project was at approximately 75% completion. Most of the technical components of the project (~90%) were completed in 2020, including data compilation, GIS analysis, modeling, field visits, BMP siting, planning level design, and cost estimates. Staff have begun outlining and drafting the final report and plan to have a draft for local stakeholder review by the end of March 2021. The final report is substantially complete. The report and results will be presented to the City in early 2022.*
24. 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. They worked from a flow chart created by Staff that summarized the review path taken by*

*the Commission's Technical Staff when reviewing projects. They will continue their discussions at a future TAC meeting.*

25. *On August 11, 2021, the Commission adopted a Policy on Funding Internal Load Reduction Projects.*
26. *On August 11, 2021, the Commission adopted Cost Share Guidelines on Municipal Property.*
27. *On August 11, 2021, the Commission adopted Cost Share Guidelines on Private Property.*
28. *On September 8, 2021, the Commission adopted a Policy on Cost Share for Equipment and Non-Structural Practices.*
29. *On December 8, 2021, the Commission approved a revision to the Commission's Cost Share Policy, removing the requirement that "subwatershed assessment projects be identified in areas outside of the Municipal Urban Service Area (MUSA)."*
30. *Participate with the Board of Water and Soil Resources in a Performance Review and Assistance Program (PRAP) Level II Review. At the September meeting Brett Arne described BWSR's Performance Review and Assistance Program and presented the results of the review of the Elm Creek Commission.*

*This was a Level II review, conducted by BWSR once every ten years for every local government unit. Its focus is on the degree to which an organization is accomplishing its water management plan. A Level II review includes determination of compliance with BWSR's Level I and II statewide performance standards, a tabulation of progress on planned goals and objectives, a survey of staff and board members of the factors affecting plan implementation, a survey of the Commission's partners about their impressions of working with the Commission, and a BWSR staff report to the organization with findings, conclusions, and recommendations. 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. 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. One of the specific recommendations, a draft Data Practices Policy, was presented and approved at the Commission's October meeting.*

*The final report was expected by year-end.*

# elm creek

## Watershed Management Commission

### DRAFT

### 2022 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 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.*
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*
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.*
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.*
5. Promote river stewardship through Hennepin County's RiverWatch program with three sites in 2021, *depending on the status of the pandemic.*
6. Participate in the MN Wetland Health Evaluation Program (WHEP) with four wetlands in 2021, *again, depending on the status of the pandemic.*
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.*
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.*

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.*
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.*

*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 providing 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.*
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.*
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.*

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.*
16. Adopt a 2023 operating budget. *A Budget Committee will draft a 2023 operating budget for consideration by the Commission in May 2022.*
17. Prepare a 2021 Audit Report. *This report will be prepared by Johnson and Company, LTD and forwarded to BWSR per MN Rule 8410.*
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.*
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>.*
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.*
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.*

*Stantec is also preparing a scope of work to present to the Commission at its February 2022 meeting from which the Commission will decide to how to proceed.*

*DNR is anticipating that the project will be completed by September 2022.*

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.*
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.*
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.
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 a future TAC meeting.*
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. 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.*

*The final report was received December 30, 2021.*

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# elm creek Watershed Management Commission

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## STAFF REPORT February 2, 2022

- a. 2017-050W Ernie Mayers Wetland/floodplain violation, Corcoran.** The City of Corcoran contacted the Commission in December 2017 concerning drainage complaints on Mayers' property. Technical Evaluation Panels (TEPs) were held in 2017 and 2018 to assess the nature and extent of the violations and a restoration order was issued to Mayers. In October 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 November or December of 2021. The agreement has been signed by BWSR, Corcoran and Mayers. Staff has not been provided a copy of the agreement to date. BWSR responded that said agreement is not available unless it is released by one of the signers. Note, the WCA agreement does not resolve the Commission's floodplain fill issue from this wetland work. Staff sent correspondence to that effect to Mayers on February 1, 2022, requesting an application and site plan. A copy of that correspondence is in this month's packet as an informational item.*
- b. 2021-013 Rush Creek Reserve, Corcoran.** This is a 91-acre site located along the north side of CR10, across from the Corcoran Community Park. The applicant is proposing to create a residential subdivision including 66 townhomes and 177 single-family units with 24.2 acres of new impervious area. The existing area is agricultural with 58 acres of cropland and 33 acres of wetlands/wooded areas. In their findings dated June 12, 2012, and updated July 14, 2021, Staff recommended approval with the following conditions (1) payment of all review fees; (2) City of Corcoran/TEP approval of the Wetland Mitigation Plan and the City maintains a drainage and utility easement for existing and proposed on-site wetlands; and (3) the applicant's provision of a Stormwater Maintenance Agreement acceptable to the City and the Commission within 90 days after the plat is recorded. The project was approved at the July meeting with these contingencies. The City has confirmed that items 2 and 3 have been addressed and provided the documents to the Commission on September 1, 2021. *The deficit fees have been received and this project will be removed from the report.*
- c. 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 along the stretch of roadway by widening the roadway, adding turn lanes, pedestrian facilities, and utility improvements. To meet the Commission's stormwater requirements, the project will largely rely on adjacent developments (both 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 awaits response from the applicant on this project.*
- d. 021-026 Prairie Creek, Medina.** This proposed development will consist of a new 17 lot single-family development encompassing approximately 6.72 acres located on Hamel Road at Elm Creek Drive. There will also be a new private street, concrete walks, and utilities. This project was approved by the Commission at their September meeting conditioned upon, (a) determination of the final escrow fee balance when all conditions for approval are met and (b) wetland buffer monumentation meeting the Commission's requirements.

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**e. 2021-028 Cubes at French Lake, Dayton.** This is four parcels totaling 71.62 acres located south of 117th Avenue and north of the intersection of 113th Ave. and CSAH 81. The project includes construction of a 996,960 SF industrial building with its associated parking and utility improvements. In addition, the project includes the construction of Dayton Parkway from CSAH 81 to 117th Avenue North. The Commission approved this project on November 10, 2021 conditioned upon, a) A stormwater system operation and management agreement being approved by the Commission and the City of Dayton. Said agreement must be recorded on the land title within 90 days after the final plat approvals. A copy of the recorded agreement must be provided to the Commission prior to the Commission's final approval, b) Prior to impacts, wetland and wetland buffer strips must comply with the City of Dayton, Minnesota Wetland Conservation Act, and Commission rules, c) Permanent easements on wetland and buffer areas, and d) Final escrow balance determination when final approval is granted (without remaining conditions). *The wetland replacement plans were approved by the City of Dayton. No other information was received in January.*

**f. 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, which is 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 reconciliation of the escrow balance and the City reconstructing the basin to meet Commission rules and standards.

**g. 2021-030 TriCare Roads, Maple Grove.** This project proposes to construct roads in the 62.7-acre TriCare parcel, which is located just north of County Road 30 and southwest of I-94. The roads will result in 3.8-acres of net new impervious on the parcel. The project was reviewed for Rules D, E, G, and I. The Commission approved this project at its December 2021 meeting contingent on receipt of deficit fee escrows.

**h. 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, 12 single family homes in Corcoran, and senior care and memory centers in Corcoran. The project was reviewed for Rules D, E, G, and I. The project was approved at the November 2021 meeting with four contingencies. This project will be removed from the report pending reconciliation of fee escrows and complete documentation that the project has met contingencies listed for approval.

**i. 2021-033 Weston Commons, Maple Grove.** The project includes construction of 72 new single-family homes on a 10.9-acre site located south of County Road 81 and north of 105th Avenue. The existing property is a single-family home. The project was reviewed for Rules D, E, G, and I. At their October meeting the Commission approved this project contingent upon receipt of the escrow balance.

**j. 2021-034 BAPS Temple, Medina.** This project includes construction of a Hindu Temple, dining hall, gymnasium, parking lot and one 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. The Commission approved this project at its October 2021 meeting contingent on three conditions: reconciliation of the escrow balance, an operation and maintenance agreement with the City, and a geotechnical report provided to the Commission.

**k. 2021-037 Marsh Pointe, Medina:** The Marsh Point project (also called the Arrowhead Drive project) includes construction of 38 single-family homes on the east side of Arrowhead Drive, west of Lake

Medina. The development will replace four existing homes. The project was reviewed for Rules D, E, F, G, and I. The Commission approved this project at its December 2021 meeting with four conditions: (1) receipt of the escrow balance, (2) a Stormwater Maintenance Agreement, including irrigation system, being entered into with the City, (3) A wetland replacement plan is approved by the LGU and the TEP, and (4) the buffer plan contingent upon approval of the wetland replacement plan.

**l. 2021-038 Bellwether 6th/Amberly, Corcoran:** The Bellwether 6th Addition and Amberly 1st Addition are developments in the city of Corcoran just west of County Road 101 and south of Stieg Road proposed for single-family homes. The developments are part of a 74 acre parcel also known as the Van Blaricom development. This project is located immediately west of the previous Bellwether developments (Encore) and was reviewed for Rules D, E, F, G, and I. At the December meeting, in their Findings dated November 22, 2021, and revised December 8, 2021, Staff recommended approval with five conditions: (1) return of surplus project escrows, (2) provision of a Stormwater Maintenance Agreement, including irrigation system, acceptable to the city and the Commission within 90 days after the plat is recorded for all stormwater BMP's on the site, (3) receipt of a wetland replacement plan approved by the LGU and the TEP, and (4) receipt of a buffer plan contingent upon approval of the wetland replacement plan.

**m. 2021-039 194 Logistics Center, Rogers.** This is a 30.90-acre site located between I-94 on the west and County Road 13 (Brockton Lane) on the east. A proposed warehouse, parking lot, and loading dock will create 12.5 acres of new impervious on the site, which is currently undeveloped. Approximately 12.25 acres of the parcel is in a conservation easement to protect woodlands and wetlands and cannot be developed. The project was reviewed for Rules D, E, G, and I. The Commission approved this project at its October 2021 meeting contingent on three conditions: reconciliation of the escrow balance, an operation and maintenance agreement with the City, and a WCA reapproval of the proposed wetland impacts.

**n. 2021-042 Risor Senior Living, Maple Grove.** This is a 3.19-acre project site for construction of senior living located within approved Project Review #2020-002 of the Planned Unit Development (PUD) Project 100. The project was reviewed for Rule E. Because the project proposes 72% impervious on a site that was assumed to have 80% impervious and the project follows best practices and Commission rules regarding erosion and sediment control, Staff administratively approved the project. This project will be removed from the report pending receipt of outstanding escrow balance.

**o. 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 these office buildings and constructs a church on the 10.56-acre parcel. The project was reviewed for Rules D, E, G, and I. *Staff recommend approval of the project with two conditions: receipt of escrow fee balance and a Stormwater Maintenance Agreement enacted between the applicant and the city.*

**p. 2021-044 Balsam II Apartments, Dayton.** This is a vacant 2.5-acre lot with an existing regional stormwater basin along its easterly property line. It is located on the east side of Balsam Lane approximately 600 feet north of S. Diamond Lake Road and 600 feet south of CR12. The applicant proposes to construct an apartment building with associated infrastructure as well as expand the regional pond on the east side of the site and add an infiltration basin in the parking area for volume management. The Commission approved this project in January 2022 contingent upon. (1) Post development flow rates in the infiltration basin must be based on in-field infiltration rates as measured with a double-ring infiltrometer or similar approved equivalent (ECWMC Rule D.3.c.ii). (2) The trench drain at the garage entrance must be hydraulically separated from the storm sewer system. Verification of where the trench drain will outlet and the elevations of said pipes must be

provided. The separation elevation must be at 861.7 or higher. (3) Long term operation and maintenance for the on-site infiltration basin must be provided. The applicant must provide an O & M plan for the basin that is acceptable to the City and the Commission and the plan must be recorded within 90 days after the plat is filed or a building permit is issued. A copy of the recorded O & M plan must be provided to the Commission, and (4) Approval is contingent upon reconciliation of the final escrow fee balance, to be determined when all conditions for approval are met. *In January, updated plans with the hydraulic separation of the garage sump pump and an approved O & M plan were received (items 2 and 3). Recording documentation of the O & M plans along with the final infiltration testing of the stormwater basin are still necessary.*

**q. 2021-045 REO Plastics Phase II, Maple Grove.** An existing plastics manufacturing facility on the northwest corner of the intersection of County Roads 80 and 30 is proposing a 1.25-acre expansion. The proposed project is for creation of an additional 39, 000 SF of warehouse space, additional parking, and an expansion of the city-owned regional stormwater pond immediately to the east of the site. The project was reviewed for Rules D and E. The Commission approved this project at its December 2021 meeting contingent on receipt of deficit fee escrows.

**r. 2021-046 Len Busch Roses, Plymouth.** This project proposes to add an additional 25,00-square foot greenhouse on this site, disturbing 1.70-acres and creating 0.64-acres of new impervious on the site. An application and fee were received November 12. The project was reviewed for Rules D and E. *Staff recommend approval of the project with two conditions: receipt of escrow fee balance and a Stormwater Maintenance Agreement enacted between the applicant and the city.*

**s. 2021-047 CR 10 Box Culvert Replacement, Corcoran.** Hennepin County will be replacing an existing 6'x10'x30' box culvert with a 6'x6'x111', 6'x4x102" and a 24" CMP pipe to replicate the existing flows of Hennepin County Ditch #16 under CR 10. The project was reviewed for Rules D, E, F, G, and H. *Staff recommend approval of the project with two conditions: receipt of escrow fee balance and an approved wetland alterations plan.*

**t. 2021-048 Bellwether-Newman West, Corcoran.** This parcel is the most recent phase of the Bellwether/Encore development. It is in the southwest 58-acre quadrant of the overall project (previously called the Encore development) located west of CR 101, south of Stieg Road and north of CR 30. It was reviewed for grading and erosion control and consistency with the previous approvals. The original phase I grading and the overall stormwater management plans for this project were approved by the Commission under project 2018-032. In their findings dated November 24, 2021, Staff administratively approved the project with the following four conditions. (1) Reconciliation of escrow fees when all conditions for approval are met, and (2) Wetland replacement plan approvals from the LGU must be provided for the Commission's review and must be approved by the LGU prior to any temporary or permanent impacts, and (3) Long term operation and maintenance of the regional and localized basins must be provided per Commission's requirements. and (4) Corcoran grading approval. *BWSR wetland bank credit withdrawal verification for this project was received in January. No other revisions have been received to date.*

**u. 2021-049 Dayton Business Interchange, Dayton.** This is a 14-acre site, proposed to be developed into a 124,000 SF office/warehouse building along with truck staging area, parking areas and related utilities. Two filtration basins are proposed for stormwater management and construction of 6.93 acres of new impervious areas. Preliminary comments and request for revisions were provided to the applicant on November 19. *Revised plans received in January have been reviewed, but do not meet the Commission's requirements. The decision deadline was extended by Staff to March 6, 2022. This project will come to the Commission when a recommendation can be given.*

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**v. 2021-050 Evanswood, Maple Grove** This proposed development will construct 227 single-family and 138 townhomes in the northwest corner of Maple Grove, disturbing 102.7-acres, and creating 37.6-acres of net, new impervious surfaces. The project is being reviewed for Rules D, E, F, G, and I. Preliminary comments were sent to the applicant on December 14. The applicant is working on revisions requested by Staff. No recommendation is available for the Commission at this time.

**w. 2021-051 Fields of Nanterre, Plymouth** This project is the proposed maintenance of an existing drainage swale to remove accumulated sediment and cattails. The project does not create any new impervious surfaces. The project triggers Rules E and G. Pursuant to Commission Resolution No. 2005-01, In their findings dated November 22, 2021, Staff administratively approved the project contingent on (1) final escrow balance being reconciled and (2) an approved wetland no-loss decision or alternate approved wetland decision type being submitted to the Commission.

**x. 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 is being reviewed for Rules D and E. Initial comments were sent to the applicant on December 16 and received responses on January 25. Staff are reviewing the application to ensure that design meets the Commission's rules and standards. No recommendation is available for the Commission at this time.

**y. 2021-053 Towns at Fox Creek, Rogers.** This proposed development will construct 150 multi-family townhomes between Industrial Boulevard and Hynes Road, disturbing 15.4-acres with 7.46-acres of impervious, 5.88-acres of which is net, new impervious surfaces. The project is being reviewed for Rules D, E, and G. The applicant is working on revisions requested by Staff. No recommendation is available for the Commission at this time.

**z. 2021-054 Stotts Family Farm Grassed Waterways, Corcoran.** A complete application was received on December 23, 2021. This project will be reviewed for grading and erosion control plans only. Staff will have the authority to make the decision on this project. *Current plans do not meet the Commission's requirements. Comments to that effect were provided to the applicant and their agent on January 5, 2022. No new information has been received as of this update. The 15.99 deadline will expire February 20, 2022. If necessary, this will be extended by Staff. An update will be provided in the March staff report.*

**aa. 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 Project (ECWMC 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 is being reviewed for Rules D and E. The applicant is working on revisions requested by Staff. No recommendation is available for the Commission at this time.

**ab. 2022-001 Dayton Field 2nd Addition, Dayton.** This is two parcels, 56 acres in size, proposed to be developed into two lots and an outlot. Lot 1 will be an industrial building, lot 2 will be a self-storage facility and the remaining outlot will not be disturbed. Site plans were not received in time for review and a recommendation to the Commission for their February meeting. An update will be provided in the March staff report.

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

**ba. 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

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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.

**bb. 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. No update was available on July 2, 2019. *On November 2, 2021, Derek Asche reported there is no update for this project.*

**bc. 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.

**bd. 2017-014 Laurel Creek, Rogers.** In June 2017, the Commission approved this project with four conditions. All contingency items have been provided with the exception of the O&M agreement which is being negotiated by the City as to whether the City or the HOA will be responsible for the operation and maintenance of the stormwater management facility. On August 31, 2017, Andrew Simmons responded that the O&M agreement is still being negotiated.

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

On February 7, 2019, Jason Quisberg provided the following information: The 1st Addition was scaled back from what was proposed; associated construction activity is significantly completed. Extension of trunk utilities through Staff Sundance Golf Course are complete. The proposed 2nd Addition is under review. Improvements to 117th Avenue (East French Lake Road to Fernbrook Lane) will be part of the work done with the 2nd Addition. Construction is anticipated to start spring 2019. Pond easements are being recorded with the platting process for each addition (those [that are] part of the 1st Addition are in place). The water re-use system is not part of the 2nd Addition (will be with future additions).

On March 4, 2021 Nico Cantarero reported that Brayburn Trails is continuing to construct homes. The development is through their 6th addition with approximately 2/3 of the development final platted. 117th Avenue improvements have been constructed and the development continues to build infrastructure and homes.

**bf. 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.

**bg. 2018-048 Faithbrook Church, Phase 2, Dayton.** This project is an expansion of an existing church located northeast of the intersection of Fernbrook Lane and Elm Creek Road. The Commission approved this project in November 2018 conditioned upon receipt of a SWPPP meeting NPDES requirements and the City accepting maintenance responsibility or recording a modified O&M plan for the stormwater features on the site in a form

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acceptable to the Commission. On February 7, 2019, Jason Quisberg reported that this project has gone idle, likely due to funding needs of the applicant. It was expected activity would resume in Spring 2019. On March 4, 2021, Nico Cantarero reported that the outlet to the church has been constructed. The church still has plans for a Phase 2 expansion, but it has not been initiated to date.

**bh. 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.

**bi. 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. Commission is still awaiting the O&M plan.

**bj. 2019-027 Havenwood at Maple Grove.** This is a 5.6-acre site located at the northwest intersection of Bass Lake Road (CR10) and Troy Lane (CR101). The site is proposed to be subdivided into two lots. The southerly lot will be 4.5-acres with a 150-unit senior living facility. The remaining outlot (~1.3 acres) is anticipated to be a daycare facility. In their findings dated October 17, 2019, Staff recommended approval contingent upon the irrigation pond and system having an O&M plan approved by the City and Commission and recorded on the title for this property, with a copy provided to the Commission. On November 2, 2021, Derek Asche reported no update for this project.

**bk. 2020-008 Lone Gardens, Dayton.** This project is located at the northwest intersection of CSAH 144 (Diamond Lake North) and 12 (Dayton River Road). The site consists of three agricultural properties totaling 48.29 acres. 112 new single-family residential lots creating 16.84 acres of new impervious surface area are proposed for this development. The Commission's review was for compliance with Rules D, E, G, and I. At their October 2020 meeting the Commission approved Phase I grading on the north 14-acre area conditioned that: a) the applicant accepts any and all risks for any changes required to obtain final approval by the Commission and b) that the City of Dayton grants approvals for said grading, and to deny the remainder of the application unless the applicant extends the review deadline beyond the current October 21, 2020 deadline. The applicant extended the deadline to November 30, 2020. Updated site plans received November 16, 2020 met the contingencies of the Commission approval with the exception of the post development infiltration basin percolation test requirements. At their December meeting the Commission approved the updated plans contingent upon post-development percolation tests being provided on infiltration basins to demonstrate the constructed infiltration rate meets or exceeds the design infiltration rates.

On March 4, 2021 Nico Cantarero reported that Lone Gardens constructed their 1st addition of approximately 30 homes along the northern portion of the site. The developer has indicated plans to grade the remainder of the site and construct the 2nd addition of the development in 2021 which would include the second access to the site onto North Diamond Lake Road.

**bl. 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, 2020. At their May 13, 2020, meeting the Commission approved this project contingent upon: 1) the landowner 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.

**bm. 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

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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.

**bn. 2020-023 Ziegler, Dayton.** This is an existing 4.73-acre commercial parcel located on Territorial Road near Holly Lane close to the Maple Grove/Dayton border. Currently the property consists of a building with bituminous drive and parking areas and a large gravel storage yard. The applicant is proposing to utilize the existing building, construct an additional commercial building, expand the bituminous parking lot, and add gravel lots for merchandise display and storage, triggering Commission Rules D, E, G, and I. The Commission approved this project at their August 2020 meeting contingent upon wetland permitting being obtained and an Operation & Maintenance agreement being recorded on the land title. The wetland permit has been approved, but the O&M plan has yet to be received. On March 4, 2021, Nico Cantarero reported that Ziegler plans to construct their site improvements in 2021.

**bo. 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.

**bp. 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.

**bq. 2020-036 Balsam Pointe, Dayton.** This project will create 98 residential units on a 10-acre site near the intersection of Diamond Lake Road South and Dayton Road. The existing condition is undeveloped. The project will disturb the entire site and create 5.3 acres of new impervious. The application was reviewed for Rules D and E. The Commission approved Staff's recommendations at their January 13, 2021, meeting contingent upon an O&M agreement meeting the Commission's standards being recorded on the land title.

**br. 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

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*indicates enclosure*

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 receipt of any outstanding project review fees.

**bs. 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, maintenance 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.*

**bt. 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 surplus escrow will be returned to the applicant.

**bu. 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) final application escrow fee balance determination by the Commission administrator 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 will be returned to the applicant.

**bv. 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.

**bw. 2021-024 Riverwalk, Dayton.** This site is south of CR 12 (Dayton River Road) and west of River Hills Parkway approximately 1/4 mile north of CR 144 (Diamond Lake Road). The applicant proposes to construct a new single family residential subdivision with 242 lots including one amenity lot and a city well site. Site development will include removal of an existing home site, grading 94 acres, and installation of municipal sewer and water, streets, and stormwater systems. The Commission approved Staff's recommendations in their findings dated August 11, 2021, at their August 2021 meeting contingent upon four conditions. The surplus escrow will be returned to the applicant.

**bx. 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 receipt of deficit fee escrows and an O&M agreement with the City.

**by. 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

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

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

*Italics indicates new information*

*indicates enclosure*

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.*

**bz. 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 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.

**ca. 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.

**cb. 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, (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 so Items 1 and 2 are the only outstanding conditions as of this update.

## STANTEC PRE-PROJECT REVIEW COMMUNICATION LOG (Last 3 months)

*Elm Crk Technical Services  
Prereviews and Inquiries*

Date	Applicant Name	Applicant Representative	Project	Municipality	Time Charged (hours)
11/1/2021	Backyard Solutions	Elli Boehm	No-Rise Certification question	Maple Grove	0.00
11/17/2021	Anderson Engineering	Brian Field	City of Rogers Driving Range Project	Rogers	0.25
11/17/2021	Kimley Horn Engineering	Stephanie Thulien	County Road 47 Phase 1 Reconstruction	Plymouth	0.50
11/17/2021	Loucks Associates	Vicki VanDell	Site near Maple Grove Parkway and County Road 81	Maple Grove	0.00
11/23/2021	Loucks Associates	Vicki VanDell	Greystar Summerwell Townhomes	Maple Grove	1.00
11/30/2021	Stantec	Todd Shoemaker	French Lake Road Project-- explanation of watershed rules	Dayton	0.50
11/30/2021	Stantec	Anna Varian	Interested in past work to stabilize South Fork Rush Creek (Note no info available/provided)	Maple Grove	0.00
11/30/2021	Sathre-Bergquist	Bob Molstad	Morningside Estates 6th	Champlin	0.00
12/3/2021	Anderson Engineering	Brian Field	City of Rogers Driving Range Project	Rogers	0.50
1/3/2022	Civil Site Design	Dave Knaeble	Cook Lake Highlands-- interested in flood elevation of Cook Lake	Corcoran	0.25
1/5/2022	City of Corcoran	Steve Hegland	Bellwether 7th Addition- question regarding prior approvals at the site	Corcoran	0.50
1/5/2022	Westwood	Chritian Froemke	Development in Rogers-- question regarding stormwater reuse	Rogers	0.25
1/6/2022	Loucks Associates	Vicki VanDell	Summerwell Development- ECWMC Application Requirements	Maple Grove	0.25
1/12/2022	Westwood	Chritian Froemke	Development in Rogers-- question regarding low floors	Rogers	0.25
1/12/2022	Landform	Tom Meyer	Development by City of Rogers	Rogers	0.25
1/12/2022	EOR	Daniel Mossing	Three Rivers Park District Bridge Replacement	Maple Grove	0.50
1/17/2022	Kimley Horn Engineering	Stephanie Thulien	Dayton Project- Submitting flood study	Dayton	0.25



**STANTEC PRE-PROJECT REVIEW COMMUNICATION LOG (Last 3 months)*****Elm Crk Technical Services  
Prereviews and Inquiries***

1/19/2022	Sambatek	Conner Deur	French Lake Industrial Center- question on subsurface filtration standards	Dayton	0.00
1/19/2022	Landform	Tom Meyer	Asguard Rogers	Rogers	0.75
1/25/2022	Stantec on behalf of City of Corcoran	Steve Hegland	Bechtold Property	Corcoran	0.75

# HENNEPIN COUNTY

## MINNESOTA

DATE: February 2, 2022

TO: Elm Creek Watershed Management Commission (ECWMC)

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

RE: February ECWMC Updates

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### **2022 Technical Services Agreement**

The 2022 Hennepin County Technical Services Agreement has been provided for review by the Commission during their February meeting. The Agreement is very similar to the 2021 agreement with the following changes:

- 1) Exhibit B, Volunteer Monitoring Programs and Educational Services, has been removed. That Exhibit covered the County's RiverWatch and Wetland Health Evaluation Program (WHEP) services. These programs have been on hold since 2020 and are both under review by County leaders to determine what programming can occur in 2022. Some events may occur later this summer and fall, but the County does not intend to invoice partners for that work. Therefore, that Exhibit has been removed for 2022. The County may consider adding it back to the 2023 Technical Services Agreement if activities in either program return to pre-pandemic levels.
- 2) The not-to-exceed (NTE) value for landowner technical services has been increased to \$17,000. This change was made as the County's staff investment in landowner services has steadily increased over the last several years. In 2021, the County invested about \$45,000 in staff time to conservation work and coordination in Elm Creek Watershed's jurisdiction and we anticipate that work to continue (and potentially increase) in 2022.

### **Project / Program Updates**

#### ***Clean Water Fund Reporting to BWSR***

A summary of work done in 2021 for the Rush Creek CWF grant was submitted to BWSR. Below are some highlights from that report

#### ***Communications***



- Separate mailers for residents with fields in crop production, and those with horse or livestock facilities were developed based on the Rush Creek Subwatershed Assessment and sent out in August 2021. A total of 242 post cards were sent out.
  - 116 Mailers were sent to livestock owners
  - 126 mailers were sent to those with acres in crop production
- A website promoting the availability of funding for BMP projects as well as highlighting success stories was published on the Hennepin County webpage.
  - <https://www.stg.hennepin.us/residents/conservation/rush-creek-subwatershed>

#### *Completed Projects:*

- A grassed waterway and WASCOB was installed in Corcoran during the Summer 2021 as a part of the Stotts WASCOB and Waterway project.
  - These projects were calculated to have the following water quality impacts at the BMP:
    - Sediment: 15 tons/year
    - Phosphorus: 15 lbs/year
  - Post inspections found that the waterway is operational, however there is some slight erosion around where construction occurred. This will be remedied when planted with a prescribed seed mix in Spring 2022.

#### *Project Development:*

- Contract for Lake Jubert 1A BMP projects was signed in January 2022.
  - Plans are incorporating further edits with a targeted construction date of Summer/Fall 2022.
  - Project will include five waterways and culvert stabilization at a road crossing
  - Pollution reduction calculations for each BMP are:
    - BMP 4 – Waterway
      - 8.56 tons/year Sediment Retained
      - 17.13 lbs/year Phosphorus Retained
    - BMP 9N – Waterway
      - 9.08 tons/year Sediment Retained
      - 18.16 lbs/year Phosphorus Retained
    - BMP 9S – Waterway
      - 10.42 tons/year Sediment Retained
      - 20.85 lbs/year Phosphorus Retained
    - BMP 13NW – Waterway
      - 5.23 tons/year Sediment Retained
      - 10.45 lbs/year Phosphorus Retained
    - BMP 13NE – Waterway
      - 6.43 tons/year Sediment Retained
      - 12.85 lbs/year Phosphorus Retained
- 8 field visits to parcels in the Rush Creek subwatershed were conducted in Fall 2021
  - Hennepin County staff discussed potential BMP projects, and provided with interested landowners who responded to communications
  - Several projects are in the planning and design phase including livestock exclusionary fencing, manure storage facilities, WASCOBs, and filter strips.

## **Other Landowner Conservation Assistance:**

### **Grants available to increase pollinator habitat on residential properties**

The Minnesota Board of Water and Soil Resources and Blue Thumb are now accepting applications for the [Lawns to Legumes program](#), which aims to increase habitat for at-risk pollinators on residential properties.

All Minnesota residents are eligible to apply for individual support grants, which reimburse gardeners for up to \$300 in costs associated with establishing pollinator habitat in their yards. The program also offers workshops, coaching, and planting guides.

**Applications for 2022 projects will be accepted through February 15, 2022. [Learn more and apply.](#)**



## COOPERATIVE AGREEMENT

THIS AGREEMENT made and entered into by and between the COUNTY OF HENNEPIN, STATE OF MINNESOTA, (COUNTY), A-2300 Government Center, Minneapolis, Minnesota 55487, on behalf of the Hennepin County Environment and Energy Department, 701 Fourth Avenue South, Suite 700, Minneapolis, Minnesota 55415-1600, (DEPARTMENT) and the Elm Creek Watershed Management Commission, a joint-powers board organized under the Laws of the State of Minnesota, 3235 Fernbrook Lane, Plymouth, Minnesota, 55447, (COMMISSION).

### RECITALS:

WHEREAS, the COMMISSION and the COUNTY, wish to protect natural resources within the Elm Creek watershed in Hennepin County, and

WHEREAS, the COMMISSION and the COUNTY benefit from a cooperative effort to protect these resources, and

WHEREAS, the COMMISSION wishes to retain the DEPARTMENT to provide technical services related to conservation promotion and education, technical assistance, monitoring, inventory and assessment and administrative services as set forth in the attached Exhibits, and

WHEREAS, the COMMISSION wishes to contribute to the volunteer monitoring programs and educational services performed by the DEPARTMENT in the Elm Creek watershed, and

NOW, THEREFORE, in consideration of the mutual undertakings and agreements hereinafter set forth, the COUNTY, on behalf of the DEPARTMENT, and the COMMISSION agree as follows:

#### 1. TERM AND COST OF THE AGREEMENT

The DEPARTMENT agrees to furnish technical services set forth in the attached Exhibits to the COMMISSION commencing January 1, 2022 and terminating December 31, 2022.

The DEPARTMENT, in collaboration with the COMMISSION, will designate qualified staff to serve as technical advisors to the COMMISSION. Other DEPARTMENT personnel will be called upon as appropriate to the nature of the work.

In full consideration for services under this Agreement, the DEPARTMENT shall charge the COMMISSION for actual wages and personnel costs as set forth in Section 2. Costs for services for activities detailed in the attached Exhibits include:

#### **Exhibit A: 2022 Watershed General Technical Assistance**

- **Technical Services:** Not-to-exceed \$17,000
- **Rush Creek BMP Cost Share:** Not-to-exceed \$106,050 or 25% of documented project costs, whichever is lower

**Total 2022 Cooperative Agreement:** Not-to-exceed \$123,050

Any additional costs for extended work load after the “not-to-exceed” limit has been reached, special studies, or capital projects, must be set forth in a written amendment to this Agreement and will be billed on an hourly basis set forth in Section 2.



2. BILLING RATES AND PAYMENT FOR SERVICES

- a) Services in Exhibit A are billed on an hourly basis at the rate of \$63.83 to 70.38 per hour, based on personnel and task, except where exceptions are noted in Exhibit A.

Sr. Environmentalist, Water Resources	\$70.38 per hour
Environmentalist	\$63.83 per hour

- b) Payment for services shall be made directly to the DEPARTMENT after completion of the services upon the presentation of a claim in the manner provided by law governing the COUNTY'S payment of claims and/or invoices. The DEPARTMENT shall submit an invoice for services provided in Exhibit A on a quarterly basis, while services in Exhibit B will be billed on an annual lump sum basis in December. Payment shall be made within thirty-five (35) days from receipt of the invoice.

3. EQUAL EMPLOYMENT OPPORTUNITY- CIVIL RIGHTS

During the performance of this Agreement, the COUNTY agrees to the following:

No person shall, on the grounds of race, color, religion, age, sex, disability, marital status, public assistance, criminal record, creed or national origin, be excluded from full employment rights in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service, or activity under the provisions of and all applicable federal and state laws against discrimination including the Civil Rights Act of 1964.

4. STANDARDS

The COUNTY shall comply with all applicable Federal and State statutes and regulations as well as local ordinances now in effect or hereafter adopted. Failure to meet the requirements of the above may be cause for cancellation of this contract effective the date of receipt of the Notice of Cancellation.

5. INDEPENDENT CONTRACTOR

It is mutually understood that the DEPARTMENT acts as an independent contractor. The DEPARTMENT shall select the means, method, and manner of performing the services herein. DEPARTMENT employees shall not be considered to be either temporary or permanent employees of the COMMISSION.

6. INDEMNIFICATION

The COUNTY and the COMMISSION mutually agree, to the fullest extent permitted by law, to indemnify and hold each other harmless for any and all damages, liability or cost (including reasonable attorneys' fees and costs of defense) arising from their own negligent acts, errors or omissions in the performance of their services under this agreement, to the extent each party is responsible for such damages and losses on a comparative basis of fault. Parties agree to provide proof of contractual liability insurance upon request. This paragraph does not diminish, with respect to any third party, any defense, immunity or liability limit that the COUNTY or the COMMISSION may enjoy under law.

7. DATA PRACTICES

All data collected, created, received, maintained, or disseminated, or used for any purpose in the course of the COUNTY's performance of the Agreement is governed by the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13 (MGDPA) and all other applicable state and federal laws, rules, regulations and orders relating to data privacy or confidentiality, which may include the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and/or the Health Information Technology for Economic and Clinical Health Act (HITECH), adopted as part of the American Recovery and Reinvestment Act of 2009. The COUNTY agrees to abide by these statutes, rules and regulations and as they may be amended.

18. MERGER AND MODIFICATION

- a) The entire Agreement between the parties is contained herein and supersedes all oral agreements and negotiations between the parties relating to the subject matter. All items that are referenced or that are attached are incorporated and made a part of this Agreement. If there is any conflict between the terms of this Agreement and referenced or attached items, the terms of this Agreement shall prevail.
- b) Any alterations, variations, modifications, or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement signed by the parties. The express substantive legal terms contained in this Agreement including but not limited to the License, Payment Terms, Warranties, Indemnification and Insurance, Merger and Modification, Default and Cancellation/Termination or Minnesota Law Governs may not be altered, varied, modified or waived by any change order, implementation plan, scope or work, development specification or other development process or document.

9. DEFAULT AND CANCELLATION

Either the COUNTY or the COMMISSION may terminate this Agreement with or without cause by giving the other party forty-five (45) days written notice prior to the effective date of such termination. If the COMMISSION terminates this Agreement, it may specify work to be performed by the COUNTY before termination is effective and shall pay the COUNTY for services performed by the COUNTY up to the time specified for termination. If the COUNTY terminates the Agreement, it will not be compensated for part completion of a task except to the extent part completion has value to the COMMISSION.

10. OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

All property of the COMMISSION used, acquired or created in the performance of work under this Agreement, including documents and records of any kind, shall remain the property of the COMMISSION. The COMMISSION shall have the sole right to use, sell, license, publish, or otherwise disseminate any product developed in whole or in part during the performance of work under this Agreement.

11. CONTRACT ADMINISTRATION

In order to coordinate the services of the DEPARTMENT with the activities of the COMMISSION so as to accomplish the purposes of this Agreement, Karen Galles, Supervisor, Land and Water Unit, or his/her successor, shall manage this Agreement on behalf of the Department and serve as liaison between the COUNTY and the COMMISSION. Judie Anderson,

Administrator, shall manage this Agreement on behalf of the COMMISSION and serve as a liaison between the COMMISSION and the COUNTY.

12. AMENDMENTS TO AGREEMENT

This Agreement may be amended as agreed to by the COMMISSION and COUNTY in the form of an agreement amendment executed by both parties.

13. NOTICES

Any notice or demand which must be given or made by a party hereto under the terms of this Agreement or any statute or ordinance shall be in writing, and shall be sent registered or certified mail. Notices to the COUNTY shall be sent to the County Administrator with a copy to the originating Department at the address given in the opening paragraph of the Agreement. Notice to the COMMISSION shall be sent to the address stated in the opening paragraph of the Agreement.

14. MINNESOTA LAWS GOVERN

The Laws of the State of Minnesota shall govern all questions and interpretations concerning the validity and construction of this Agreement and the legal relations between the herein parties and their performance. The appropriate venue and jurisdiction for any litigation hereunder will be those courts located within the County of Hennepin, State of Minnesota. Litigation, however, in the federal courts involving the herein parties will be in the appropriate federal court within the State of Minnesota. If any provision of this Agreement is held invalid, illegal or unenforceable, the remaining provisions will not be affected.

**COUNTY ADMINISTRATOR AUTHORIZATION**

Reviewed by the County Attorney's  
Office

COUNTY OF HENNEPIN  
STATE OF MINNESOTA

\_\_\_\_\_  
Assistant County Attorney

By: \_\_\_\_\_  
David J. Hough, County Administrator

By: \_\_\_\_\_  
Assistant County Administrator - Public Works

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

**Recommended for Approval**

By: \_\_\_\_\_  
Director, Environment and Energy Department

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

**ELM CREEK WATERSHED MANAGEMENT  
COMMISSION**

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

Printed Name: \_\_\_\_\_

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

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

\* COMMISSION shall submit applicable documentation (articles, bylaws, resolutions or ordinances) that confirms the signatory's delegation of authority. This documentation shall be submitted at the time COMMISSION returns the Agreement to the County. Documentation is not required for a sole proprietorship.

## 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>