

elm creek Watershed Management Commission

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

July 16, 2021

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

Dear Members:

A meeting of the Technical Advisory Committee of the Elm Creek Watershed Management Commission will be held on **Thursday, July 22, 2021 at 9:00**. This will be a virtual meeting.

To join the meeting, click <https://zoom.us/j/990970201> or go to 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)	1 301 715 8592 US (Germantown)
1 312 626 6799 US (Chicago)	1 669 900 6833 US (San Jose)
1 253 215 8782 US (Tacoma)	1 346 248 7799 US (Houston)

The meeting is open to the public via the instructions above.

Thank you.



Judie A. Anderson
Administrator
JAA:tim
Encls:

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AGENDA Technical Advisory Committee July 22, 2021 • 9:00 a.m.

Until further notice, all meetings will be held online to reduce the spread of COVID-19. To join a meeting, click <https://us02web.zoom.us/j/990970201> or go to www.zoom.us and click Join A Meeting. The meeting ID is 990 970 201. Password is water.

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1. Call TAC meeting to Order.
 - a. Approve agenda.*
 - b. Approve Minutes of June 30, 2021.*
2. Old Business.
 - a. Policy in Internal Load Reduction Projects.*
Action: Review revisions, recommendation to send to Commission for approval.
 - b. Cost Share Programs.
 - 1) Municipal.*
Action: Review, recommendation to send to Commission for approval.
 - 2) Private.*
Action: Review, recommendation to send to Commission for approval.
 - c. Project Review Final Approval Letter.*
Action: Review, recommendation to send to Commission for approval.
3. Conformity of City and Commission Rules and Standards.
4. Life of Regional Stormwater Plans.
5. Next meeting date _____.
6. Adjourn meeting of TAC.

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*in meeting packet
**available at meeting

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Technical Advisory Committee Meeting Minutes June 30, 2021

I. A virtual meeting of the **Technical Advisory Committee (TAC)** of the Elm Creek Watershed Management Commission was convened at 2:01 p.m. Wednesday, June 30, 2021.

In attendance: Kevin Mattson, Corcoran; Nico Cantarero, Wenck Associates, Dayton; Derek Asche, Maple Grove; Matt Danzl, Hakanson-Anderson, Medina; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Ross Mullen, Ed Matthiesen, and Diane Spector, Wenck/Stantec; Kris Guentzel and Kevin Ellis, Hennepin County Dept. of Environment and Energy (HCEE); James Kujawa, Surface Water Solutions; Brian Vlach, Three Rivers Park District (TRPD); and Amy Juntunen and Judie Anderson, JASS.

Not represented: Champlin,

Also present: Dusty Finke and Steve Scherer, Medina.

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

III. Motion by Scharenbroich, second by Simmons to approve the **minutes*** of the May 5, 2021 meeting. *Motion carried unanimously.*

IV. Old Business.

A. Motion by Cantarero, second by Scharenbroich to forward the Commission's **Policy on Cost-Share for Equipment and Non-Structural Practices*** to the Commission for approval. *Motion carried unanimously.* The draft policy was approved by the TAC on August 24, 2020.

B. The members reviewed the **Policy on Funding Internal Loading Reduction Projects*** drafted in 2019. Asche volunteered to revise the policy to reflect updates that have been proposed throughout the past year and return the revised policy to the next TAC meeting.

V. **Conformity of City and Commission Rules and Standards.** The members discussed ways to avoid conflicting rules such as occurred during the review of the Skye Meadows project. Asche will work with Wenck/Stantec to write some guidance, bringing it forward at the next TAC meeting. Mullen will create a spreadsheet showing the inconsistencies between the City and Commission rules.

VI. **Regional Stormwater Plans*** Included in the meeting packet was correspondence between staff from the City of Medina, Commission Technical and Legal Staff, a project developer, and the cities of Rogers and Maple Grove regarding the life of regional stormwater plans. At what point in time, if new standards are put in place, do those NEW standards apply to preceding [proposed] development? If a parcel is still undeveloped? Is the threshold the amount of impervious? Should we be speaking of *disturbance*, not impervious? Clarifying language will be drafted to discuss these occurrences.

[Simmons departed 3:37 p.m.]

Elm Creek Watershed Management Commission

June 30, 2021 TAC Meeting Minutes

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VII. Private and Municipal Cost Share Program. An example of Shingle Creek/West Mississippi's cost-share application* was included in the meeting packet. The two Commissions include both the municipal and private cost share programs as perpetual projects on their CIPs.

Motion by Scharenbroich, second by Cantarero to recommend to the Commission this inclusion on future CIPs. *Motion carried unanimously.*

VIII. Letters of Approval for Project Reviews. An example of a Shingle Creek letter* to the City of Brooklyn Park was included in the packet. Attached to these letters are the final-approval project reviews. It was agreed by consensus that such a letter should be developed for Elm Creek projects

There being no further business, the meeting was adjourned at 10:50 a.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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ELM CREEK WATERSHED MANAGEMENT COMMISSION POLICY ON FUNDING INTERNAL LOAD REDUCTION PROJECTS

I. PURPOSE

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

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

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

MS4 regulation, however, extends to conveyances that discharge into “waters of the state” but not to “waters of the state”, therefore, the initial project focus was upstream of impaired or degraded lakes to reduce the amount of pollution draining to or being deposited into the lake. Analysis through regular reviews of TMDL progress or other studies has indicated projects upstream of impaired lakes may not be sufficient to achieve State mandated goals for lakes and that as pollution is reduced from the watershed the most cost effective future projects may be within the lake itself and where MS4 regulation does not extend.

This policy on funding internal load reduction projects shall serve as the basis for consideration by the Commission of internal load reduction projects and partnership with member communities. Internal load reduction projects may include but are not limited to nutrient sequestration, fish management, and vegetation management strategies.

II. MINIMUM QUALIFYING CRITERIA FOR FUNDING INTERNAL LOAD REDUCTION PROJECTS*

- 1) Must be a lake identified as such in the watershed management plan.
- 2) The lake must be an impaired water and have an approved TMDL.
- 3) Applicant shall demonstrate progress toward improvements in the watershed such as stream restoration, regional ponding, or other.
- 4) Documentation must be provided that more than 50% of nutrient loading contributing to the impairment is coming from internal sources.

III. FUNDING FOR INTERNAL LOAD REDUCTION PROJECTS

- 1) Funding shall be up to 100% the cost of the project and shall otherwise comply
- 2) ~~Funding shall be comply~~ with Commission Capital Improvement Program policies and standards.

EFFECTIVE DATE: _____

POLICY HISTORY: _____ (Initial Approval)
 _____ (Revision 1)
 _____ (Revision 2)

*NOTE: The TAC may use discretion to recommend approval for projects that do not meet the strict adherence to the minimum qualifying criteria.

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Partnership Cost-Share Program Guidelines on Municipal Property

The Elm Creek Watershed Management Commission will from time to time make funds available to its member cities to help fund the cost of Best Management Practices (BMPs) projects that cost less than \$100,000. The following are the guidelines for the award of cost-share grants from this program:

1. Projects must be for water quality improvement and must be for improvement above and beyond what would be required to meet Commission rules. Only the cost of “upsizing” a BMP above and beyond is eligible.
2. Priority is given to projects identified in a subwatershed assessment or TMDL.
3. Projects should cost less than \$100,000; projects costing more than \$100,000 should be submitted to the CIP. Projects cannot receive funding from both the CIP and the Cost-Share Program.
4. Commission will share in funding projects on a 1:1 basis.
5. The cost of land acquisition may be included as City match.
6. The minimum cost-share per project is \$10,000 and the maximum is \$50,000.
7. Projects must be reviewed by the Technical Advisory Committee (TAC) and recommended to the Commissions for funding.
8. The Commissions will call for projects in December of each year, with potential projects reviewed by the TAC at its end of January meeting.
9. Cost-share is on a reimbursable basis following completion of project.
10. The TAC has discretion on a case-by-case basis to consider and recommend to the Commissions projects that do not meet the letter of these guidelines, including projects submitted mid-year.
11. Unallocated funds will carry over from year to year and be maintained in a designated fund account.
12. The standard Commission/Member Cooperative Agreement will be executed prior to project construction.

Adopted _____ (Date)

**Elm Creek Watershed Management Commission
City Cost-Share Program Guidelines**

City:	
Contact Name:	
Contact Phone:	
Contact Email:	
Project Name:	
Year of Construction:	
Total Project Cost:	
Amount Requested:	
Project Location:	

1. Describe the BMP(s) proposed in your project. Describe the current condition and how the BMP(s) will reduce pollutant loading and/or runoff volume. Note the estimated annual load and volume reduction by parameter, if known, and how they were calculated. Attach figures showing project location and BMP details including drainage area to the BMP(s).

2. If this request is for cost share in “upsizing” a BMP, explain how the upsize cost and benefit were computed.

3. Show total project cost, amount of cost share requested, and the amount and source of matching funds.

4. What is the project schedule, when will work on the BMP(s) commence and when will work be complete?

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Partnership Cost-Share Program Guidelines on Private Property

The Elm Creek Watershed Management Commission will from time to time make funds available to its member cities to help fund the cost of Best Management Practices (BMPs) partnership projects with private landowners. The following are the guidelines for the award of cost-share grants from this program:

1. Projects on private property must be for water quality improvement and must be for improvement above and beyond what would be required to meet Commission rules. Only the incremental cost of “upsizing” a BMP above and beyond is eligible.
2. Priority is given to projects in a priority area identified in a subwatershed assessment or TMDL.
3. Commission funds may reimburse up to 100% of the cost of the qualifying BMP.
4. The minimum cost-share per project is \$10,000 and the maximum is \$50,000.
5. Projects must be reviewed by the Technical Advisory Committee (TAC) and recommended to the Commissions for funding.
6. Cost-share is on a reimbursable basis following completion of project.
7. The TAC has discretion on a case-by-case basis to consider and recommend to the Commissions projects that do not meet the letter of these guidelines.
8. Unallocated funds will carry over from year to year and be maintained in a designated fund account. Any balance in said account in excess of \$100,000 will be transferred to the City Cost Share Program Account.
9. The property owner must dedicate a public easement or equivalent sufficient to install and maintain the BMP.
10. The Member City must obtain a recordable maintenance agreement from the property owner that specifies maintenance requirements and schedule; authorizes the City to inspect the BMP and order maintenance and improvement; and authorizes the City to undertake ordered maintenance and improvement not completed by the property owner and assess the cost that work to the property.
11. The standard Commission/Member Cooperative Agreement will be executed prior to project construction.

Adopted _____ (Date)

**Elm Creek Watershed Management Commission
Partnership Cost-Share Program Guidelines
on Private Property**

City:	
Contact Name:	
Contact Phone:	
Contact Email:	
Project Name:	
Total Project Cost:	
Amount Requested:	
Project Location:	
Owner:	
Address:	
City, State, Zip:	
Phone:	
Email:	

1. Describe the BMP(s) proposed in your project. Describe the current condition and how the BMP(s) will reduce pollutant loading and/or runoff volume. Note the estimated annual load and volume reduction by parameter, if known, and how they were calculated. Attach figures showing project location and BMP details including drainage area to the BMP(s).

2. If this request is for cost share in “upsizing” a BMP, explain how the upsize cost and benefit were computed.

3. Show total project cost and the amount of cost share requested.

4. What is the project schedule, when will work on the BMP(s) commence and when will work be complete?

The member City must verify that a public easement (or equivalent) is dedicated and that an Operations and Maintenance Agreement has been executed and recorded prior to release of any funds.

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July 15, 2021

DRAFT

DRAFT

Bret Weiss, WSB Associates
City Engineer
City of Rogers
22350 South Diamond Lake Road
Rogers, MN 55374

via email

Re: Project Review: 2021-016
Project Name: Territorial Lofts

Dear Mr. Weiss:

At their meeting of July 14, 2021, the Elm Creek Watershed Management Commission reviewed the above-referenced project.

The City of Rogers is hereby notified that project 2021-016 is approved with two conditions. A copy of the engineer's report with findings and recommendations is enclosed.

Should you have any questions, please contact the Commission's reviewing engineer, Ross Mullen, Wenck/Stantec Consults, Inc., (320) 309-3473.

Sincerely,



Judie A. Anderson
Administrator

JAA:tim

Encl: Project Review dated July 1, 2021, Rev.7/14/2021
Cc via email: Joe Radach, Carlson McCain
Kevin Jullie, Commissioner
Ross Mullen, Wenck/Stantec
Project file