

# elm creek

## Watershed Management Commission

---

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

March 3, 2021

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, March 10, 2021, at 11:30 a.m.** **This will be a virtual meeting.**

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?pwd=Vi95cWpFRUFiMTUwZWV2MWRPd09>, which takes you directly to the meeting.

**OR**, go to [www.zoom.us](http://www.zoom.us) and click **Join A Meeting**. The meeting ID is **990-970-201**. The passcode for this meeting is **water**.

If your computer is not equipped with audio capability, 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

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 the regular meeting.

Thank you.



Judie A. Anderson

Administrator

JAA:tim

Encls: Meeting Packet

cc:	Alternates	Jim Herbert	Joe Waln	James Kujawa	DNR
	TAC Members	Kris Guentzel	Brian Vlach	Diane Spector	BWSR
	City Clerks	Karen Galles	Met Council	Official Newspaper	MPCA

Z:\Elm Creek\Meetings\Meetings 2021\03 Notice\_reg meeting.docx

# elm creek Watershed Management Commission

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

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 passcode is water.** If your computer is not equipped with audio capability, dial into one of these numbers:

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

## AGENDA

### Regular Meeting - March 10, 2021

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

1. Call Regular Meeting to Order.
  - a. Approve Agenda.\*
2. Consent Agenda.
  - a. Minutes last Meeting.\*
  - b. Treasurer's Report and Claims.\*
3. Open Forum.
4. Action Items.
  - a. Election of Officers. Nominees are:
 

1) Doug Baines, Chair	2) Elizabeth Weir, Vice Chair
3) Bill Walraven, Secretary	4) Ken Guenther, Treasurer
  - b. Authorize execution of Professional Services Agreement with Wenck/Stantec.\*
  - c. Approve 2021 Watershed Services Agreement with HCEE.\*
  - d. Adopt Resolution 2021-01 Authorizing ... Electronic Signatures.\*
  - e. Project Reviews. *See item 10 below and Staff Report.\**
    - 1) Consider variance – Project Review 2021-002.\*
5. Old Business.
6. New Business.
7. Communications.
  - a. Staff Report.\*
  - b. Hennepin County March Staff Report.\*
  - c. HF 1586.\*
  - d. Reminders:
    - 1) Budget Committee meeting in April. Consider 2022 budget at May meeting. Approve by June meeting.
    - 2) Approve 2020 Annual Activity Report at April meeting.
    - 3) PRAP coordinator at May meeting. Review report at July meeting.
8. Education.
 

WMWA – next meeting is scheduled for April 13, 2021 at 8:30 a.m. This will be a **virtual** meeting. <https://us02web.zoom.us/j/922390839?pwd=RU95T2ttL3FzQmxHcU9jcFhDdng1QT09>  
Meeting ID: **922 390 839** | Passcode: **water** | or dial into one of the numbers above.

(over)

\*in meeting packet

\*\*available at meeting or on website

## 9. Grant Opportunities and Updates.

## 10. Project Reviews.

Item No.	A	E	I   RPFI	AR	Project No.	Project Name
			RP   D			
					W Denotes wetland project	
ah.				AR	2014-015	Rogers Drive Extension, Rogers.
ai.				AR	2015-030	Kiddiegarten Child Care Center, Maple Grove.
aj.				AR	2016-005W	Ravinia Wetland Bank Plan, Corcoran.
ak.				AR	2017-014	Laurel Creek, Rogers.
al.				AR	2017-029	Brayburn Trails, Dayton.
a.					2017-050W	Ernie Mayers Wetland/floodplain violation, Corcoran.
b.					2018-020	North 101 Storage, Rogers.
am.					2018-046	Graco, Rogers.
an.				AR	2018-048	Faithbrook Church Phase 2, Dayton.
ao.				AR	2019-001	Fernbrook View Apartments, Maple Grove.
ap.				AR	2019-002	Parkside Villas, Champlin.
aq.				AR	2019-021	Brenly Meadows, Rogers.
c.		E			2019-024	Boston Scientific, Maple Grove.
ar.				AR	2019-027	Havenwood at Maple Grove.
as.				AR	2019-032	OSI Expansion, Medina.
at.					2020-001	Outlot L, Markets at Rush Creek, Maple Grove.
d.					2020-002	<del>Project 100</del> Minnesota Health Village, Maple Grove.
au.				AR	2020-008	Ione Gardens, Dayton.
av.				AR	2020-009	Stetler Barn, Medina.
e.			R		2020-015	Dayton Interchange Business Center, Dayton.
f.					2020-016	Skye Meadow, Rogers.
aw.				AR	2020-017	Meadow View Townhomes, Medina.
ax.				AR	2020-023	Ziegler Dayton Site Upgrades, Dayton.
ay.				AR	2020-025	Paulsen Farms, Corcoran.
az.				AR	2020-027	Kariniemi Addition, Corcoran.
g.					2020-029	Sundance Greens 5th Addition, Dayton.
ba.				AR	2020-030	Nelson International, Corcoran.
bb.				AR	2020-032	Enclave Rogers - Commerce Boulevard, Rogers.
h.	A	E			2020-033	Weston Woods, Medina.
bc.				AR	2020-036	Balsam Pointe, Dayton.
i.			R		2020-037	Rice Lake Elementary School Pond Excavation, Maple Grove.
j.			R		2020-039	Elm Creek Creekside Hills Trail, Plymouth.
k.			R		2020-040	The Cedars of Elm Creek 3rd Addition, Champlin.
l.			R		2020-042	Rogers High School Athletic Field Replacement, Rogers.
m.	A	E			2021-001	Boston Scientific MG Campus, Maple Grove.
n.	A	E			2021-002	Skye Meadows Variance, Rogers.
o.	A	E			2021-003	Cranberry Ridge, Plymouth.
p.	A	E			2021-004	<del>Project 100 Phase 1</del> Rogers Maple Grove Apartments, Maple
q.	A	E			2021-005	WJD Two Third Addition, Rogers.
r.	A	E			2021-006	Boston Scientific WL3 West Building, Maple Grove

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

## 11. Other Business.

## 12. Adjournment.

Z:\Elm Creek\Meetings\Meetings 2021\03 Regular Meeting Agenda.docx

\*in meeting packet

\*\*available at meeting or on website

# elm creek

## Watershed Management Commission

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

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

### Regular Meeting Minutes February 10, 2021

I. A virtual meeting of the Elm Creek Watershed Management Commission was called to order at 11:30 a.m., Wednesday, February 10, 2021, by Chair Doug Baines.

Present were: Bill Walraven, Champlin; Ken Guenther, Corcoran; Doug Baines, Dayton; Joe Trainor, Maple Grove; Elizabeth Weir, Medina; Catherine Cesnik, Plymouth; Jim Herbert and Joe Waln, Barr Engineering; James Kujawa, Surface Water Solutions; Brian Vlach, Three Rivers Park District (TRPD); and Amy Juntunen and Judie Anderson, JASS.

Not represented: Rogers.

Also present: Gerry Butcher and Todd Tuominen, Champlin; Nico Cantarero, Wenck/Stantec, Dayton; Derek Asche and Mark Lahtinen, Maple Grove; Ben Scharenbroich and Amy Riegel, Plymouth; Andrew Simmons, Rogers; Karen Galles, Hennepin County Environment and Energy (HCEE); Ross Mullen, Ed Matthiesen and Diane Spector, Wenck/Stantec; and Emily Shaw, ISG, Inc. and Jake Newhall, WSB Engineering, for Project Review 2021-002.

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

B. Motion by Weir, second by Walraven to approve the **Minutes\*** of the January 13, 2021 regular meeting. *Motion carried unanimously.*

C. Motion by Walraven, second by Guenther to approve the February **Treasurer's Report** and **Claims\*** totaling \$34,362.43. *Motion carried unanimously, Rogers being absent.* An error in reporting the 2020 member assessment revenue was noted. The correct number should be \$237,300.

Staff reported the upcoming schedule for completing the 2020 audit and preparing a 2022 budget. Staff will be meeting with Johnson Company next week to begin to prepare for the audit. It must be completed and accepted by the Commission by the June 9, 2021 meeting so as to be transmitted to the State Auditor by the June 30 deadline.

The Budget Committee will meet in April to discuss and prepare a draft 2022 budget for presentation to the Commission at the May 12, 2021 meeting. The budget must be approved by the June 9, 2021 meeting in order to be transmitted to the member cities by the June 30, 2021 deadline.

### II. Open Forum.

### III. Action Items.

A. **Project Review 2020-042 Rogers High School Athletic Field Replacement, Rogers.\*** This project would replace an existing athletic field and bituminous track with a new bituminous track and an artificial turf athletic field. The school address is 21000 141st Avenue North. The project would disturb 6.72 acres and create 0.27 acres of new impervious surface. Stormwater from the site will be managed using an

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

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

\*indicates enclosure

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



## elm creek Watershed Management Commission

Regular Meeting Minutes – February 10, 2021

Page 2

existing infiltration basin. The application was reviewed for Rules D and E. Findings and a recommendation dated February 2, 2021 were included in the meeting packet. Staff recommends approval of the project. Motion by Guenthner, second by Weir to approve Staff's recommendation, including the two recommendations included in their notes, i.e., (1) adding to the plans the 100-year elevations for the northwest and southwest on-site dry basins, and (2) updating the HydroCAD model and/or plans so the outlet elevations for the drain tile under the field are consistent. *Motion carried unanimously.*

**B. Project Review 2021-002 Skye Meadows Variance, Rogers.** This project is a variance request for Project 2020-016. The project would construct 393 single-family residential lots. Eleven of the proposed lots would not meet the two-foot minimum freeboard requirement above the high-water levels for adjacent waterbodies. The variance application documents the hardships that prevent the project from meeting this requirement. Staff provided comments to the applicant on February 2, 2021.

Staff also gave a PowerPoint presentation at the meeting to illustrate the Commission's freeboard requirements under Rule D and the variance from those requirements being requested by the applicant. It was noted during the discussion that the Rules of the City of Rogers are not consistent with those of the Commission and are less restrictive. (Local plans are required to be consistent with the Commission's Watershed Management Plan and to comply with State Rules and Statutes.)

A motion to approve the applicant's request for a variance as proposed failed for lack of a second.

Motion by Walraven, second by Cesnik directing Staff to develop for consideration at the March meeting a resolution making findings documenting why a variance is justified. *Motion carried unanimously.*

It was also a consensus of the members that a meeting of the Technical Advisory Committee be convened to review the Commission's Rules as they are now written.

**C. Draft 2021 Work Plan.\*** Motion by Walraven, second by Weir to approve the Draft 2021 Work Plan with the addition of an item regarding the proposed review of discrepancies between Commission and City Rules and Standards. *Motion carried unanimously.*

**D. Nominations of Officers.** Motion by Baines, second by Weir to nominate the sitting officers to retain their positions in 2021. Hearing no further nominations, the *motion carried unanimously.* The current officers are Baines, Chair; Weir, Vice Chair; Walraven, Secretary; and Guenthner, Treasurer. Election of officers will take place at the March 10, 2021 meeting.

### IV. Old Business.

**Floodplain Modeling Project.** Amendment 2, which adjusts the amount of the agreement between the parties, has been received from DNR and signed by the Chair and Administrator.

### V. New Business.

### VI. Communications.

**A. The February Staff Report\*** provides updates on all the development projects currently under review by Staff or awaiting final recordations. The projects listed in the table on page 4 of these minutes are discussed in the February report.

**B. Hennepin County Project Updates.\*** Galles reported on the personnel changes in the En-

---

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

---

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

\*indicates enclosure

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

## elm creek Watershed Management Commission

Regular Meeting Minutes – February 10, 2021

Page 3

vironment and Energy Department. Kris Guentzel will be the Commission's primary point of contact.

She also informed the Commissioners that the 2021 Watershed Services Agreement between the County and the Commission is being developed and will be presented at the March meeting.

**C.** The Commission has received word from the Board of Water and Soil Resources (BWSR) that the Commission has been scheduled for a **Performance Review and Assistance Program (PRAP) Level II Review** this year. PRAP coordinator, Brett Arne, will be on the Commission's May 12 agenda to describe the process, with a planned report delivery by mid-July. He will schedule a meeting with lead staff prior to the May meeting to familiarize them with the process.

### VII. Education and Public Outreach.

**A.** The next **West Metro Water Alliance (WMWA)** meeting is scheduled for Tuesday, March 9, 2021 at 8:30 a.m. This a virtual meeting. The **Zoom number** is <https://us02web.zoom.us/j/922390839>. Or call in at any of these numbers using **meeting ID: 922 390 839**: (1) +1 301 715 8592 US (Germantown); (2) +1 312 626 6799 US (Chicago); (3) +1 929 205 6099 US (New York); or (4) +1 253 215 8782 US (Tacoma). The **passcode is water**.

**B.** Scharenbroich and Juntunen provided an update from yesterday's WMWA meeting. A subcommittee has been formed to help identify educational components on which WMWA will concentrate in response to education requirements spelled out in the new MS4 permit. They will focus on topics such as dog waste, chloride use, model ordinances, and signage.

### VIII. Grant Opportunities and Project Updates.

### IX. Other Business.

**A. Selection of Technical Advisor.** The subcommittee created to review the interest proposals submitted by five engineering firms reported on their work. Three meetings were held, after which it was the consensus of the group to recommend to the Commission that the firm of Wenck/Stantec be selected as its technical advisor. Barr Engineering would continue as the Commission's engineer on the flooding mapping project through to its conclusion.

Motion by Walraven, second by Weir to approve the subcommittee's recommendation to contract with Wenck/Stantec for technical services and that Barr continue in that role until the contract between Wenck/Stantec and the Commission has been executed. *Motion carried unanimously.*

**B. Adjournment.** There being no further business, motion by Walraven, second by Weir to adjourn. *Motion carried unanimously.* The meeting was adjourned at 1:15 p.m.

Respectfully submitted,



Judie A. Anderson  
Recording Secretary  
JAA:tim

Z:\Elm Creek\Meetings\Meetings 2021\February 10 2021 regular meeting minutes.docx

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

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

\*indicates enclosure

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

# elm creek Watershed Management Commission

Regular Meeting Minutes – February 10, 2021

Page 4

Item No.	A	E	I RPFI	AR	Project No.	Project Name
			RP D			
					W Denotes wetland project	
ah.				AR	2014-015	Rogers Drive Extension, Rogers.
ai.				AR	2015-030	Kiddiegarten Child Care Center, Maple Grove.
aj.				AR	2016-005W	Ravinia Wetland Bank Plan, Corcoran.
ak.				AR	2017-014	Laurel Creek, Rogers.
al.				AR	2017-029	Brayburn Trails, Dayton.
a.					2017-050W	Ernie Mayers Wetland/floodplain violation, Corcoran.
b.					2018-020	North 101 Storage, Rogers.
am.					2018-046	Graco, Rogers.
an.				AR	2018-048	Faithbrook Church Phase 2, Dayton.
ao.				AR	2019-001	Fernbrook View Apartments, Maple Grove.
ap.				AR	2019-002	Parkside Villas, Champlin.
aq.				AR	2019-021	Brenly Meadows, Rogers.
c.					2019-024	Boston Scientific, Maple Grove.
ar.				AR	2019-027	Havenwood at Maple Grove.
as.				AR	2019-032	OSI Expansion, Medina.
at.					2020-001	Outlot L, Markets at Rush Creek, Maple Grove.
d.					2020-002	Project 100, Maple Grove.
au.				AR	2020-008	Ione Gardens, Dayton.
av.				AR	2020-017	Meadow View Townhomes, Medina.
aw.				AR	2020-025	Paulsen Farms, Corcoran.
ax.				AR	2020-030	Nelson International, Corcoran.
ay.				AR	2020-032	Enclave Rogers - Commerce Boulevard, Rogers.
az.				AR	2020-009	Stetler Barn, Medina.
e.					2020-015	Dayton Interchange Business Center, Dayton.
f.					2020-016	Skye Meadow, Rogers.
ba.				AR	2020-023	Ziegler Dayton Site Upgrades, Dayton.
bb.				AR	2020-027	Kariniemi Addition, Corcoran.
g.					2020-029	Sundance Greens 5th Addition, Dayton.
h.					2020-033	Weston Woods, Medina.
i.			R		2020-035	Presteng Residence, Corcoran.
j.				AR	2020-036	Balsam Pointe, Dayton.
k.				AR	2020-037	Rice Lake Elementary School Pond Excavation, Maple Grove.
l.			R		2020-038	8130 Strehler Road, Corcoran.
m.				AR	2020-039	Elm Creek Creekside Hills Trail, Plymouth.
n.				AR	2020-040	The Cedars of Elm Creek 3rd Addition, Champlin.
o.			R		2020-041	Plum Street East Drainage Improvement, Plymouth.
p.	A	E			2020-042	Rogers High School Athletic Field Replacement, Rogers.
q.					2021-001	Boston Scientific MG Campus, Maple Grove.
r.					2021-002	Skye Meadows Variance, Rogers.
s.					2021-003	Cranberry Ridge, Plymouth.
t.					2021-004	Project 100 Phase 1, Maple Grove.

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

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

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

\*indicates enclosure

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

## Elm Creek Watershed Management Commission Treasurer's Report

		2021 Budget	Feb 2021	Mar 2021	2021 Budget YTD
<b>EXPENSES</b>					
Administrative		95,000	10,014.38		10,014.38
Grant Writing		650			0.00
Website		2,000	66.30		66.30
Legal		2,000		62.00	62.00
Audit		5,000			0.00
Insurance		3,800		200.00	200.00
Miscellaneous/Contingency		1,000			0.00
Technical Support - HCEE		12,000			0.00
Floodplain Mapping			8,434.00	7,146.00	15,580.00
Project Review Technical (Job 300)		185,000	8,702.00	10,240.50	18,942.50
Other Technical (Jobs 100 & 200)			4,328.50	2,431.00	6,759.50
Project Reviews - Admin Support		12,000	2,319.93	1,742.08	4,062.01
WCA - Admin			340.60		340.60
Stream Monitoring USGS		24,000			0.00
Stream Monitoring TRPD		7,200			0.00
DO Longitudinal Survey		1,000			0.00
Rain Gauge		400	28.42	27.42	55.84
Lakes Monitoring - CAMP		760			0.00
Lakes Monitoring - TRPD					0.00
Sentinel Lakes		8,100			0.00
Additional Lake		2,500			0.00
Aquatic Vegetation Surveys		1,100			0.00
Wetland Monitoring (WHEP)		4,000			0.00
Education		2,500	103.60		103.60
WMWA General Activities		5,000			0.00
WMWA Implementation/Watershed Prep		6,500			0.00
Rain Garden Wkshops/Intensive BMPs/Special Proj		3,000			0.00
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	24.70		24.70
Plan Amendment		2,000			0.00
Contribution to 4th Gen Plan		10,000			0.00
Transfer to (from) Encumbered Funds (see below)					0.00
Transfer to (from) Capital Projects (see CIP Tr		175,000			0.00
Transfer to (from) Cash Sureties (see below)				57.50	57.50
Transfer to (from) Grants (see below)		125,000	-	-	0.00
To Fund Balance					0.00
<b>TOTAL - Month</b>			<b>34,362.43</b>	<b>21,906.50</b>	<b>56,268.93</b>
<b>TOTAL Paid in 2020, incl late 2019 Expenses</b>		<b>700,510.00</b>	<b>136,173.39</b>	<b>158,079.89</b>	<b>2021 Paid</b>

## Elm Creek Watershed Management Commission Treasurer's Report

		2020 Budget	Feb 2021	Mar 2021	2021 Budget YTD
<b>INCOME</b>					
<i>From Fund Balance</i>					
Floodplain Modeling					
Project Review Fee		100,000	9,650.00		12,150.00
Refund Project Fee					0.00
Water Monitoring - TRPD Co-op Agmt		5,500			0.00
Member Dues		237,300			237,300.00
Interest/Dividends Earned		15,250	22.16		44.42
<i>Transfer to (from) Capital Projects (see CIP Tr</i>		185,588			0.00
<i>Transfer to (from) Cash Sureties (see below)</i>			-		0.00
<i>Transfer to (from) Grants (see below)</i>		100,000	20,000.00	-	0.00
Misc Income					0.00
<b>Total - Month</b>			29,672.16	0.00	249,494.42
<b>TOTAL Rec'd 2020, incl late 2019 Income</b>		643,638.00	276,482.24	276,482.24	2021 Received
<b>CASH SUMMARY</b>		Balance Fwd			
Checking		0.00			
4M Fund		1,307,408.90	1,447,717.75	1,425,811.25	
<b>Cash on Hand</b>			1,447,717.75	1,425,811.25	
<b>CASH SURETIES HELD</b>					Activity 2021
WCA Escrows Received					0.00
WCA Escrow Reduced				57.50	57.50
<b>Total Cash Sureties Held</b>		0.00	0.00	-57.50	
<b>RESTRICTED / ENCUMBERED FUNDS</b>					
<i>Restricted for CIPs</i>					0.00
<i>Enc. Studies / Project Identification / SWA</i>					0.00
<b>Total Restricted / Encumbered Funds</b>		0	0.00	0.00	
			2020 Activity		
			Feb 2021	Mar 2021	2021 Budget YTD
<b>GRANTS</b>					
<b>Fish Lake Alum Trmt Phase 2</b>					
Revenue			20,000.00		-
Expense					-
Balance			20,000.00	-	-
<b>BWSR Watershed-based Funding</b>					
Revenue					-
Expense					-
Balance			-	-	-
<b>DNR Floodplain Data</b>					
Revenue					-
Expense					-
Balance			-	-	-
<b>TOTAL GRANTS</b>					
Revenue			20,000.00	-	-
Expense			-	-	-
Balance			20,000.00	-	-

## Elm Creek Watershed Management Commission Treasurer's Report

Claims Presented		General Ledger Account No	February	March	TOTAL
Campbell Knutson - Legal		521000		62.00	62.00
Connexus - Rain Gauge		551100		27.42	27.42
Barr Engineering					19,875.00
Floodplain Mapping		580440		7,146.00	
Project Review Technical (Job 300)		578050		10,240.50	
Other Technical (Jobs 100 & 200)		578050		2,431.00	
Ravinia Wetland Mitigation		240201		57.50	
League of MN Cities					200.00
LMC - Property, Liability Insurance		513000			
LMC - Workers' Comp Insurance		513000		200.00	
JASS					9,917.14
Administration		511000		6,303.58	
TAC Support		511000			
Annual Reporting/Work Plan		511000		1,796.13	
Website		581000		48.75	
Project Reviews		578100		1,742.08	
Plan Amendment		541500			
Education		590000		26.60	
CIPs General		563001			
Grant Opportunities		511000			
<b>TOTAL CLAIMS</b>					<b>30,081.56</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  
January 31, 2021  
Account # 1448-0000G  
224

RE: GENERAL MATTERS  
SERVICES RENDERED TO DATE:

			HOURS	
01/13/2021	JJJ	Emails Judie re: OML for Commissioners/alternatives.	0.20	31.00
01/26/2021	JJJ	Emails Judie re: consultant interview questions.	0.20	31.00
		AMOUNT DUE	0.40	62.00
		TOTAL CURRENT WORK		62.00
		PREVIOUS BALANCE		\$248.00
12/22/2020		Payment - thank you		-248.00
		TOTAL AMOUNT DUE		<u>\$62.00</u>

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

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

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

Page: 1  
 January 31, 2021  
 Account # 1448G

SUMMARY STATEMENT

PREVIOUS BALANCE	FEES	EXPENSES	CREDITS	PAYMENTS	BALANCE
1448-0000 RE: GENERAL MATTERS					
SERVICES RENDERED TO DATE:					
248.00	62.00	0.00	0.00	-248.00	<u>\$62.00</u>

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





Account Number:

13

481113-238425

ELM CREEK WATERSHED MGMT ORG

## Monthly Statement

## Service Address

ELM CREEK RD  
DAYTON MN

## Billing Summary

Billing Date: Feb 18, 2021

Previous Balance	\$56.84
Payments - Thank You!	\$56.84
Balance Forward	\$0.00
New Charges	\$27.42
<b>Total Amount Due</b>	<b>\$27.42</b>

Payment must be received on or before March 13, 2021

Total Amount Due

\$27.42

Due Date

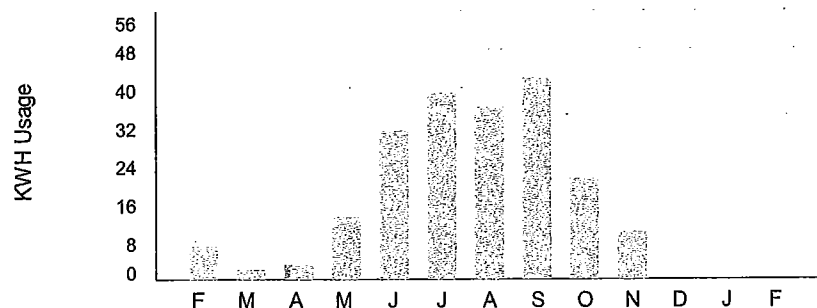
March 13, 2021

## Message Center

## New lower rates make it easier to go green

Green energy is now more affordable than ever before. When you join our SolarWise community, you have two options for solar energy: \$5 for Half House or \$10 for Whole House. That means all or half of your home's electric usage comes from a green energy source. This monthly fee is in addition to your regular electric bill. To sign up, or for more information, go to [connexusenergy.com](http://connexusenergy.com). For those already on the program, your savings started January 1 at the new lower rate.

## 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-007148/006577 AGZ88S S1-ET-M1-C00002 1



Account Number:

481113-238425

Total Amount Due

\$27.42

Payment Due By

March 13, 2021

007148 1 AB 0.425 003158/007148/006577 026 02 AGZ88S  
 ELM CREEK WATERSHED MGMT ORG  
 3235 FERNBROOK LN N  
 PLYMOUTH MN 55447-5325



Connexus Energy  
 PO Box 1808  
 Minneapolis, MN 55480-1808

00002742 0004811130238425 000000 00000 000000000000 0000004



**Notice of Past due Bill and Notice of Cancellation**

Date of Mailing: 02/25/2021

Member:

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

For Coverage Questions or Changes Call:

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

<u>Agreement Number</u>	<u>Effective Date</u>	<u>Expiration Date</u>	<u>Policy Type</u>
WC 1000927-5	01/22/2021	01/22/2022	Workers' Compensation

Payment for premium on agreement number WC 1000927-5 is now past due. In accordance with the LMCIT Board of Trustees' Collection Policy, unless payment is received before **20 days after 02/25/2021** a 10% penalty will be applied. If payment, including penalty, is not received before **35 days after 02/25/2021** your coverage will be cancelled. This is the only cancellation notice that you will receive.

A minimum premium payment amount of \$200.00 must be received prior to **20 days after 02/25/2021** in order to prevent the 10% penalty fee that will be applied to the past due of this coverage.

Payment that does not include any applicable penalties is considered non-payment.

	<b>Amount</b>	<b>Original Due Date</b>
Past Due Installment(s)	\$200.00	02/22/2021
Current Due Installment	\$0.00	
Total Amount Due	\$200.00	

If your payment for the Past Due Installment(s) and this notice has crossed in the mail, **please consider this a bill for your Current Due Installment(s). You will not receive another billing statement for the Current Due Installment(s) shown above.**

Remit payment to:

League of MN Cities Insurance Trust  
c/o Berkley Risk Administrators  
PO Box 581517  
Minneapolis, MN. 55458-1517

Billing Questions: Call 612-766-3260

Lou Ann Gulbranson / Cash Management Supervisor

[lgulbranson@berkleyrisk.com](mailto:lgulbranson@berkleyrisk.com)

**Retain This Part For Your Records**

**DETACH AND RETURN THIS PAYMENT COUPON WITH YOUR PAYMENT**

<u>Account Number</u>	<u>Invoice Date</u>	<u>Agreement Number</u>
10002653	02/25/2021	WC 1000927-5

Please include Agreement Number on your check. Make checks payable to League of MN Cities Insurance Trust WC.

This Notice Mailed To:

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

Payment Due 20 days after	Policy Balance
02/25/2021	\$ 200.00
Minimum Amount Due	Total Amount Due
\$ 200.00	\$ 200.00
Amount Enclosed	



# INVOICE

Barr Engineering Co.  
 4300 MarketPointe Drive, Suite 200  
 Minneapolis, MN 55435  
 Phone: 952-832-2600; Fax: 952-832-2601  
 FEIN #: 41-0905995 Inc: 1966

Ms. Judie Anderson  
 Elm Creek Watershed Management Commission  
 JASS-Watershed Administrators  
 3235 Fernbrook Lane  
 Plymouth, MN 55447

March 1, 2021  
 Invoice No: 23271759.00 - 16

<b>Total this Invoice</b>	<b>\$7,146.00</b>
---------------------------	-------------------

## Regarding: Elm Creek Floodplain Mapping

This invoice is for professional services, which include the following:

- Internal QAQC of draft hydraulic model
- Completion of hydraulics memorandum and final files for submittal
- Development of floodway modeling and mapping
- Draft hydraulics model, inundation files, and report sent to the MnDNR on 2/18 for review

Total Contract Budget	Total Prior Billing	Billing this Invoice	Total Billing to Date	Budget Remaining
\$106,945.00	\$91,886.00	\$7,146.00	\$99,032.00	\$7,913.00

## Professional Services from January 23, 2021 to February 19, 2021

Job: 100 Meetings

### Labor Charges

	Hours	Rate	Amount	
Principal				
Campeau, Nathan	.50	180.00	90.00	
Support Personnel II				
Nypan, Nyssa	.50	100.00	50.00	
	1.00		140.00	
<b>Subtotal Labor</b>				<b>140.00</b>
				<b>Job Subtotal</b>
				<b>\$140.00</b>

Job: 500 Hydraulic Modeling - Detailed Studies

### Labor Charges

	Hours	Rate	Amount	
Engineer / Scientist / Specialist IV				
Waln, Joseph	8.60	160.00	1,376.00	
Engineer / Scientist / Specialist II				
Hlavaty, Heather	35.30	120.00	4,236.00	
	43.90		5,612.00	
<b>Subtotal Labor</b>				<b>5,612.00</b>
				<b>Job Subtotal</b>
				<b>\$5,612.00</b>

PLEASE REMIT TO ABOVE ADDRESS and INCLUDE INVOICE NUMBER ON CHECK.

Terms: Due upon receipt. 1 1/2% per month after 30 days. Please refer to the contract if other terms apply.

Job: 600 Hydraulic Analysis - Non Detailed

**Labor Charges**

	Hours	Rate	Amount	
Principal				
Campeau, Nathan	.30	180.00	54.00	
Engineer / Scientist / Specialist IV				
Waln, Joseph	5.00	160.00	800.00	
	5.30		854.00	
<b>Subtotal Labor</b>				<b>854.00</b>
		<b>Job Subtotal</b>		<b>\$854.00</b>

Job: 800 Narrative

**Labor Charges**

	Hours	Rate	Amount	
Engineer / Scientist / Specialist II				
Hlavaty, Heather	4.50	120.00	540.00	
	4.50		540.00	
<b>Subtotal Labor</b>				<b>540.00</b>
		<b>Job Subtotal</b>		<b>\$540.00</b>
		<b>Total this Invoice</b>		<b>\$7,146.00</b>

	Current	Prior	Total	Received	A/R Balance
<b>Invoiced to Date</b>	<b>7,146.00</b>	<b>91,886.00</b>	<b>99,032.00</b>	<b>91,886.00</b>	<b>7,146.00</b>

Thank you in advance for your prompt processing of this invoice. If you have any questions, please contact Heather Hlavaty, your Barr project manager at 952.842.3613 or email at [hhlavaty@barr.com](mailto:hhlavaty@barr.com).



# INVOICE

**Barr Engineering Co.**  
**4300 MarketPointe Drive, Suite 200**  
**Minneapolis, MN 55435**  
**Phone: 952-832-2600; Fax: 952-832-2601**  
**FEIN #: 41-0905995 Inc: 1966**

Ms. Judie Anderson  
 Elm Creek Watershed Management Commission  
 JASS-Watershed Administrators  
 3235 Fernbrook Lane  
 Plymouth, MN 55447

March 1, 2021

Invoice No: 23270F55.21 - 2

<b>Total this Invoice</b>	<b>\$12,671.50</b>
---------------------------	--------------------

**Regarding: Review of development permits for compliance with the Elm Creek Watershed Management Plan**

This invoice is for professional services, which include the following:

## Job 100 - Technical Services

- Meetings
  - preparing for WMC meeting
  - attending WMC meeting
  - updating staff report
- Pre-Project Review
  - communicating with potential permit applicants regarding the following projects:
    - Elm Creek Stream Restoration, Champlin
    - Tavera, Corcoran
    - Gleason Fields, Maple Grove
    - Reserve at Medina 3<sup>rd</sup>, Medina
    - Wright-Hennepin Electric Substation, Corcoran
- Wetland Issues
  - attending the Chippewa Road/Weston Woods pre-application TEP meeting
- General administrative tasks
  - coordinating with administrator
  - responding to general coordination emails and phone calls
  - invoicing and budget tracking

## Job 200 - Other Assistance

- none

## Job 300 - Project Reviews

- Reviewing the following projects for compliance with Commission rules:
  - 2020-033 Weston Woods, Medina
  - 2020-042 Rogers High School Athletic Field Replacement, Rogers
  - 2021-001 Boston Scientific MG Campus, Maple Grove
  - 2021-002 Skye Meadows Variance Request, Rogers
  - 2021-003 Cranberry Ridge Apartments, Plymouth
  - 2021-004 Roers Maple Grove Apartments
  - 2021-005 WJD Two Thirds Addition
  - 2021-006 Boston Scientific WL3 Building Expansion, Maple Grove
- Coordinating and reviewing post approval submittals
  - 2020-002 Project 100 Minnesota Health Village, Maple Grove
  - 2020-016 Lennar Territorial Rd Development (Skye Meadows), Rogers
  - 2020-035 Presteng Residence, Corcoran

## Professional Services from January 23, 2021 to February 19, 2021

Job: 100 Technical Services

PLEASE REMIT TO ABOVE ADDRESS and INCLUDE INVOICE NUMBER ON CHECK.

Terms: Due upon receipt. 1 1/2% per month after 30 days. Please refer to the contract if other terms apply.

Task: 010 Meetings

**Labor Charges**

	Hours	Rate	Amount
Principal			
Herbert, James	2.00	200.00	400.00
Engineer / Scientist / Specialist IV			
Waln, Joseph	2.00	160.00	320.00
	4.00		720.00
<b>Subtotal Labor</b>			<b>720.00</b>

**Subconsultant Charges**

Subconsultants			
2/19/2021 Surface Water Solutions LLC			330.00
<b>Subtotal Subconsultant</b>			<b>330.00</b>

**Task Subtotal \$1,050.00**

Task: 020 Pre-Project Review

**Subconsultant Charges**

Subconsultants			
2/19/2021 Surface Water Solutions LLC			385.00
<b>Subtotal Subconsultant</b>			<b>385.00</b>

**Task Subtotal \$385.00**

Task: 030 Wetland Issues

**Labor Charges**

	Hours	Rate	Amount
Principal			
Herbert, James	.20	200.00	40.00
Engineer / Scientist / Specialist IV			
Waln, Joseph	.20	160.00	32.00
Engineer / Scientist / Specialist III			
Wold, Karen	1.50	140.00	210.00
	1.90		282.00
<b>Subtotal Labor</b>			<b>282.00</b>

**Task Subtotal \$282.00**

Task: 040 General

**Labor Charges**

	Hours	Rate	Amount
Principal			
Herbert, James	.30	200.00	60.00
Engineer / Scientist / Specialist IV			
Waln, Joseph	2.90	160.00	464.00
Support Personnel II			
Nypan, Nyssa	.80	100.00	80.00
	4.00		604.00
<b>Subtotal Labor</b>			<b>604.00</b>

### Subconsultant Charges

Subconsultants				
2/19/2021	Surface Water Solutions LLC		110.00	
	<b>Subtotal Subconsultant</b>			<b>110.00</b>
		<b>Task Subtotal</b>		<b>\$714.00</b>
		<b>Job Subtotal</b>		<b>\$2,431.00</b>

Job: 300 Project Reviews  
Task: 100 Project Reviews

### Labor Charges

	Hours	Rate	Amount	
Engineer / Scientist / Specialist IV				
Waln, Joseph	.20	160.00	32.00	
	.20		32.00	
				<b>32.00</b>
				<b>Subtotal Labor</b>
				<b>Task Subtotal</b>
				<b>\$32.00</b>

Task: 2002 2020-002 Project 100

### Subconsultant Charges

Subconsultants				
2/19/2021	Surface Water Solutions LLC		55.00	
	<b>Subtotal Subconsultant</b>			<b>55.00</b>
		<b>Task Subtotal</b>		<b>\$55.00</b>

Task: 2016 2020-016 Lennar Territorial Rd Development

### Subconsultant Charges

Subconsultants				
2/19/2021	Surface Water Solutions LLC		27.50	
	<b>Subtotal Subconsultant</b>			<b>27.50</b>
		<b>Task Subtotal</b>		<b>\$27.50</b>

Task: 2033 2020-033 Weston Woods

### Labor Charges

	Hours	Rate	Amount	
Engineer / Scientist / Specialist IV				
Waln, Joseph	.30	160.00	48.00	
Engineer / Scientist / Specialist II				
Hlavaty, Heather	1.00	120.00	120.00	
	1.30		168.00	
				<b>168.00</b>
				<b>Subtotal Labor</b>

### Subconsultant Charges

Subconsultants				
2/19/2021	Surface Water Solutions LLC		55.00	
	<b>Subtotal Subconsultant</b>			<b>55.00</b>
		<b>Task Subtotal</b>		<b>\$223.00</b>

Task: 2035 2020-035 Presteng Residence

**Subconsultant Charges**

Subconsultants			
2/19/2021	Surface Water Solutions LLC	55.00	
<b>Subtotal Subconsultant</b>			<b>55.00</b>
<b>Task Subtotal</b>			<b>\$55.00</b>

Task: 2042 2020-042 Rogers High School Athletic Fie

**Labor Charges**

	Hours	Rate	Amount	
Principal				
Herbert, James	.50	200.00	100.00	
Engineer / Scientist / Specialist IV				
Waln, Joseph	4.30	160.00	688.00	
Engineer / Scientist / Specialist II				
Brown, Aaron	5.80	95.00	551.00	
Hlavaty, Heather	1.50	120.00	180.00	
	12.10		1,519.00	
<b>Subtotal Labor</b>				<b>1,519.00</b>
<b>Task Subtotal</b>				<b>\$1,519.00</b>

Task: 2101 2021-001 Boston Scientific 2021 Access Drive

**Labor Charges**

	Hours	Rate	Amount	
Principal				
Obermeyer, Robert	.30	180.00	54.00	
Engineer / Scientist / Specialist IV				
Waln, Joseph	2.70	160.00	432.00	
Engineer / Scientist / Specialist II				
Hlavaty, Heather	4.60	120.00	552.00	
	7.60		1,038.00	
<b>Subtotal Labor</b>				<b>1,038.00</b>

**Subconsultant Charges**

Subconsultants			
2/19/2021	Surface Water Solutions LLC	27.50	
<b>Subtotal Subconsultant</b>			<b>27.50</b>
<b>Task Subtotal</b>			<b>\$1,065.50</b>

Task: 2102 2021-002 Skye Meadows Variance

**Labor Charges**

	Hours	Rate	Amount	
Principal				
Herbert, James	1.00	200.00	200.00	
Engineer / Scientist / Specialist IV				
Waln, Joseph	20.40	160.00	3,264.00	
	21.40		3,464.00	
<b>Subtotal Labor</b>				<b>3,464.00</b>



### Subconsultant Charges

Subconsultants				
2/19/2021	Surface Water Solutions LLC		605.00	
	<b>Subtotal Subconsultant</b>			<b>605.00</b>
		<b>Task Subtotal</b>		<b>\$4,069.00</b>

Task: 2103 2021-003 Cranberry Ridge Apartments

### Labor Charges

	Hours	Rate	Amount	
Engineer / Scientist / Specialist IV				
Waln, Joseph	11.60	160.00	1,856.00	
Engineer / Scientist / Specialist II				
Hlavaty, Heather	2.70	120.00	324.00	
	14.30		2,180.00	
	<b>Subtotal Labor</b>			<b>2,180.00</b>
		<b>Task Subtotal</b>		<b>\$2,180.00</b>

Task: 2104 2021-004 Roers Maple Grove Apartments

### Labor Charges

	Hours	Rate	Amount	
Engineer / Scientist / Specialist IV				
Waln, Joseph	1.20	160.00	192.00	
	1.20		192.00	
	<b>Subtotal Labor</b>			<b>192.00</b>

### Subconsultant Charges

Subconsultants				
2/19/2021	Surface Water Solutions LLC		385.00	
	<b>Subtotal Subconsultant</b>			<b>385.00</b>
		<b>Task Subtotal</b>		<b>\$577.00</b>

Task: 2105 2021-005 WJD Two Thirds Addition

### Labor Charges

	Hours	Rate	Amount	
Engineer / Scientist / Specialist IV				
Waln, Joseph	.20	160.00	32.00	
	.20		32.00	
	<b>Subtotal Labor</b>			<b>32.00</b>

### Subconsultant Charges

Subconsultants				
2/19/2021	Surface Water Solutions LLC		357.50	
	<b>Subtotal Subconsultant</b>			<b>357.50</b>
		<b>Task Subtotal</b>		<b>\$389.50</b>

Task: 2106 2021-006 Boston Scientific WL3 West Building

**Labor Charges**

	Hours	Rate	Amount	
Engineer / Scientist / Specialist IV				
Waln, Joseph	.30	160.00	48.00	
	.30		48.00	
<b>Subtotal Labor</b>				<b>48.00</b>
		<b>Task Subtotal</b>		<b>\$48.00</b>
		<b>Job Subtotal</b>		<b>\$10,240.50</b>
		<b>Total this Invoice</b>		<b>\$12,671.50</b>

	Current	Prior	Total	Received	A/R Balance
<b>Invoiced to Date</b>	<b>12,671.50</b>	<b>13,030.50</b>	<b>25,702.00</b>	<b>13,030.50</b>	<b>12,671.50</b>

Thank you in advance for the prompt processing of this invoice. If you have any questions, please contact Joe Waln, your Barr project manager at 952.832.2984 or email at [jwaln@barr.com](mailto:jwaln@barr.com).



# INVOICE

Barr Engineering Co.  
 4300 MarketPointe Drive, Suite 200  
 Minneapolis, MN 55435  
 Phone: 952-832-2600; Fax: 952-832-2601  
 FEIN #: 41-0905995 Inc: 1966

Ms. Judie Anderson  
 Elm Creek Watershed Management Commission  
 JASS-Watershed Administrators  
 3235 Fernbrook Lane  
 Plymouth, MN 55447

March 1, 2021  
 Invoice No: 23270F55.05 - 21

<b>Total this Invoice</b>	<b>\$57.50</b>
---------------------------	----------------

## Regarding: Elm Creek Wetland Mitigation Monitoring

This invoice is for professional services related to Elm Creek Wetland Mitigation Monitoring project, which included the following tasks:

### Job 001 – Ravinia Wetland Mitigation

Task 004 –2020 Monitoring and Report

- Downloading data form and cleaning water monitoring equipment

### Professional Services from January 23, 2021 to February 19, 2021

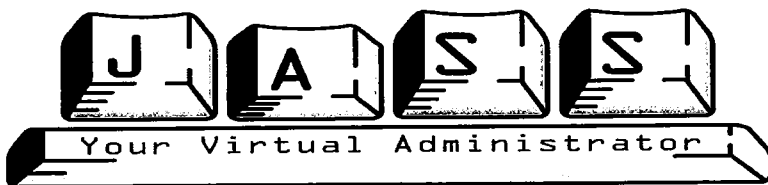
Job:	001	Ravinia Wetland Mitigation
Task:	005	2021 Monitoring and Report

### Labor Charges

	Hours	Rate	Amount
Support Personnel II			
Hutson, Jeremy	.50	115.00	57.50
	.50		57.50
<b>Subtotal Labor</b>			<b>57.50</b>
		<b>Task Subtotal</b>	<b>\$57.50</b>
		<b>Job Subtotal</b>	<b>\$57.50</b>
		<b>Total this Invoice</b>	<b>\$57.50</b>

	Current	Prior	Total	Received	A/R Balance
<b>Invoiced to Date</b>	<b>57.50</b>	<b>21,140.25</b>	<b>21,197.75</b>	<b>21,140.25</b>	<b>57.50</b>

Thank you in advance for the prompt processing of this invoice. If you have any questions, please contact Joe Waln, your Barr project manager at 952.832.2984 or email at [jwaln@barr.com](mailto:jwaln@barr.com).



3235 Fernbrook Lane  
Plymouth MN 55447

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

3-Mar-21

Total by  
Project Area

Administrative	0.19	60.00	11.10	
Administrative	49.43	65.00	3,212.95	
Admin - virtual	4.00	70.00	280.00	
Office Support	12.00	200.00	2,400.00	
Storage Unit	1.00	144.76	144.76	
Data Processing/File Mgmt		60.00	0.00	
File Management	0.42	60.00	25.20	
Archiving		60.00	0.00	
Admin - Reimbursable Expense	229.57	1.00	229.57	6,303.580
Website		60.00	0.00	
Website	0.75	65.00	48.75	
Website - Zoom		1.00	0.00	
Website - Reimbursable Expense		1.00	0.00	
Web Domain, hosting		1.00	0.00	48.750
Annual Reporting/Work Plans	27.55	65.00	1,790.75	
2020 Work Plan		65.00	0.00	
Annual Reporting/Work Plan - Reimbursable Expense	5.38	1.00	5.38	1,796.130
Project Reviews - Secre		60.00	0.00	
Project Reviews - Admin	18.28	65.00	1,188.20	
Project Reviews - Admin offiste	3.83	70.00	268.10	
Project Reviews - Admin - File Mgmt		55.00	0.00	
Project Reviews - Reimbursable Expense	285.78	1.00	285.78	1,742.080
Education - Secretarial		60.00	0.00	
Education - Admin		65.00	0.00	
Education - Admin virtual - Blue Thumb Partner Event	0.38	70.00	26.60	
Education - Reimbursable Expense		1.00	0.00	26.600

Invoice Total

9,917.140



## PROFESSIONAL SERVICES AGREEMENT

This Agreement is made and entered into effective March 5, 2021 (the "Agreement Date") by and between:

### "Client"

Name: Elm Creek Watershed Management Commission  
 Address: 3235 Fernbrook Lane, Plymouth, MN 55447  
 Phone: 763-553-1144  
 Representative: Doug Baines, Chair Email: judie@jass.biz

### "Stantec"

Name: Stantec Consulting Services Inc.  
 Address: 7500 Olson Memorial Hwy Suite 300, Golden Valley, MN 55427  
 Phone: 763-252-6800  
 Representative: Diane Spector Email: diane.spector@stantec.com

Project Name (the "Project"):

Elm Creek Watershed Technical Services

**DESCRIPTION OF WORK:** Stantec shall render the services described in Attachment "A" (hereinafter called the "Services") in accordance with this Agreement. Stantec may, at its discretion and at any stage, engage subconsultants identified in its Proposal or others that have been approved by the Client in writing, to perform all or any part of the Services. The Client and Stantec by written amendment to this Agreement may from time to time make changes to the Services. All changed work shall be carried out under this Agreement.

**DESCRIPTION OF CLIENT:** The Client confirms and agrees that the Client has authority to enter into this Agreement on its own behalf and on behalf of all parties related to the Client who may have an interest in the Project.

**COMPENSATION:** Charges for the Services rendered will be made in accordance with the Contract Price indicated in Attachment "A", or, if no Contract Price is indicated, in accordance with Stantec's Schedule of Fees and Disbursements in effect from time to time as the Services are rendered.

Stantec shall prepare invoices in accordance with standard invoicing practices and the specific project or task order. The invoices shall include the services and charges for all subconsultants, without markup. Invoices shall be paid by the Client in the currency of the jurisdiction in which the Services are provided without deduction or setoff upon receipt. Failure to make any payment when due is a material breach of this Agreement and will entitle Stantec, at its option, to suspend or terminate this Agreement and the provision of the Services. Interest will accrue on accounts overdue by 30 days at the lesser of 1.5 percent per month (18 percent per annum) or the maximum legal rate of interest.

**REPRESENTATIVES:** Each party shall designate in the space provided above a representative who is authorized to act on behalf of that party and receive notices under this Agreement. Such representatives have complete authority to act on behalf of their principals in respect to all matters arising under this Agreement.

**NOTICES:** All notices, consents, and approvals required to be given hereunder shall be in writing and shall be given to the representatives of each party. All notices required by this Agreement to be given by either party shall be deemed to be properly given and received within two (2) business days if made in writing to the other party by certified mail or email, addressed to the regular business address of such party as identified above.

**CLIENT'S RESPONSIBILITIES:** The Client shall provide to Stantec in writing, the Client's total requirements in connection with the Project, including the Project budget and time constraints. The Client shall make available to Stantec all relevant information or data pertinent to the Project which is required by Stantec to perform the Services. Stantec shall be entitled to rely upon the accuracy and completeness of all information and data furnished by the Client, including information and data originating with other consultants employed by the Client whether such consultants are engaged at the request of Stantec or otherwise. Where such information or data originates either with the Client or its consultants then Stantec shall not be responsible to the Client for the consequences of any error or omission contained therein.

When required by Stantec, the Client shall engage specialist consultants directly to perform items of work necessary to enable Stantec to carry out the Services. Whether arranged by the Client or Stantec, these services shall be deemed to be provided under direct contracts to the Client unless expressly provided otherwise.

The Client shall give prompt consideration to all documentation related to the Project prepared by Stantec and whenever prompt action is necessary shall inform Stantec of Client's decisions in such reasonable time so as not to delay the schedule for providing the Services.

When applicable, the Client shall arrange and make provision for Stantec's entry to the Project site as well as other public and private property as necessary for Stantec to perform the Services. The Client shall obtain any required approvals,



## PROFESSIONAL SERVICES AGREEMENT

Page 2

licenses and permits from governmental or other authorities having jurisdiction over the Project so as not to delay Stantec in the performance of the Services.

**STANTEC'S RESPONSIBILITIES:** Stantec shall furnish the necessary qualified personnel to provide the Services. Stantec represents that it has access to the experience and capability necessary to and agrees to perform the Services with the reasonable skill and diligence required by customarily accepted professional practices and procedures normally provided in the performance of the Services at the time when and the location in which the Services were performed. This undertaking does not imply or guarantee a perfect Project and in the event of failure or partial failure of the product or the Services, Stantec will be liable only for its failure to exercise diligence, reasonable care and professional skill. This standard of care is the sole and exclusive standard of care that will be applied to measure Stantec's performance. There are no other representations or warranties expressed or implied made by Stantec. In particular, but not by way of limitation, no implied warranty of merchantability or fitness for a particular purpose shall apply to the Services provided by Stantec nor shall Stantec warrant or guarantee economic, market or financial conditions, proforma projections, schedules for public agency approvals, or other factors beyond Stantec's reasonable control. Stantec does not warrant the Services to any third party and the Client shall indemnify and hold harmless Stantec from any demands, claims, suits or actions of third parties arising out of Stantec's performance of the Services.

In performing the Services under this Agreement, Stantec shall operate as and have the status of an independent contractor and shall not act as or be an employee of the Client.

**TERMINATION:** Either Client or Stantec may terminate this Agreement without cause upon thirty (30) days' notice in writing. If either party breaches this Agreement, the non-defaulting party may terminate this Agreement after giving seven (7) days' notice to remedy the breach. On termination of this Agreement, the Client shall forthwith pay Stantec for the Services performed to the date of termination. Non-payment by the Client of Stantec's invoices within 30 days of Stantec rendering same is agreed to constitute a material breach of this Agreement and, upon written notice as prescribed above, the duties, obligations and responsibilities of Stantec are terminated.

**SUSPENSION OF SERVICES:** If the project is suspended for more than thirty (30) calendar days in the aggregate, Stantec shall be compensated for services performed and charges incurred prior to receipt of notice to suspend and, upon resumption, an equitable adjustment in fees to accommodate the resulting demobilization and remobilization costs. In addition, there shall be an equitable adjustment in the project schedule based on the delay caused by the suspension. If the Project is suspended for more than ninety (90) days, Stantec may, at its option, terminate this agreement upon giving notice in writing to the Client.

**ENVIRONMENTAL:** Except as specifically described in this Agreement, Stantec's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution of soil or pollution of groundwater.

**BUILDING CODES, BYLAWS AND OTHER PUBLIC REGULATIONS:** Stantec shall, to the best of its ability, interpret building codes, by-laws and other public regulations as they apply to the Project and as they are published at the time Services commence. Furthermore, Stantec shall observe and comply with all applicable laws, ordinances, codes and regulations of government agencies, including federal, state, provincial, municipal and local governing bodies having jurisdiction over the conduct of the Services ("LAWS"). However, it is expressly acknowledged and agreed by the Client that as the Project progresses such building codes, by-laws, other public regulations and LAWS may change or the interpretation of any public authority may differ from the interpretation of Stantec, through no fault of Stantec, and any extra costs necessary to conform to such changes or interpretations during or after execution of the Services will be paid by the Client.

Stantec shall continue to provide equal employment opportunity to all qualified persons and to recruit, hire, train, promote and compensate persons in all jobs without regard to race, color, religion, sex, age, disability or national origin or any other basis prohibited by applicable laws.

**COST AND SCHEDULE OF CONSTRUCTION WORK:** In providing opinions of probable cost and project schedule, it is recognized that neither the Client nor Stantec has control over the costs of labor, equipment or materials, or over the Contractor's methods of determining prices or time. The opinions of probable cost or project duration are based on Stantec's reasonable professional judgment and experience and do not constitute a warranty, express or implied, that the Contractors' bids, project schedules, or the negotiated price of the Work or schedule will not vary from the Client's budget or schedule or from any opinion of probable cost or project schedule prepared by Stantec. Exact costs and times will be determined only when bids have been received for the Project and when the construction work has been performed and payments finalized.

**ADMINISTRATION OF CONSTRUCTION CONTRACTS:** When applicable, Stantec shall provide field services during the construction of the Project only to the extent that such Services are included and defined in this Agreement. The performance of the construction contract is not Stantec's responsibility nor are Stantec's field services rendered for the construction contractor's benefit.

It is understood and agreed by the Client and Stantec that only work which has been seen during an examination by Stantec can be said to have been appraised and comments on the balance of any construction work are assumptions only.

When field services are provided by Stantec, the authority for general administration of the Project shall reside with Stantec only to the extent defined in this Agreement. In such case, Stantec shall coordinate the activities of other consultants employed by the Client, only to the extent that Stantec is empowered to do so by such other consultants' contracts with the Client.





## PROFESSIONAL SERVICES AGREEMENT

Page 3

Stantec shall not be responsible for any contractor's failure to carry out the work in accordance with the contract documents nor for the acts or omissions of any contractor, subcontractor, any of their agents or employees, or any other persons performing any of the work in connection with the Project. When field services are provided, no acceptance by Stantec of the work or services of a construction contractor or other consultants, whether express or implied, shall relieve such construction contractor or other consultants from their responsibilities to the Client for the proper performance of such work or services and further, Stantec shall not be responsible to the Client or to the construction contractor or to the other consultants for the means, methods, techniques, sequences, procedures and use of equipment of any nature whatsoever, whether reviewed by Stantec or not, which are employed by the construction contractor or the other consultants in executing, designing, or administering any phases of the Project, or for placing into operation any plant or equipment or for safety precautions and programs incidental thereto.

When field services are provided, Stantec will not be designated as the party responsible for the compliance by others on the construction work site with the purposes or requirements of applicable environmental, occupational health and safety, or similar legislation. The Client shall designate a responsible party, other than Stantec, for the coordination and performance of environmental, occupational health and safety activities on the construction work site as required by applicable legislation and associated regulations.

**JOBSITE SAFETY:** Neither the professional activities of Stantec, nor the presence of Stantec or its employees and subconsultants at a construction site, shall relieve the Client and any other entity of their obligations, duties and responsibilities with respect to job site safety. Subject only to applicable legislation, Stantec and its personnel have no authority to exercise any control over any construction contractor or other entity or their employees in connection with their work or any health or safety precautions.

**INDEMNITY AND INSURANCE:** Client and Stantec each agrees to defend, indemnify, and hold harmless each other, its agents and employees, from and against legal liability for all claims, losses, damages, and expenses to the extent such claims, losses, damages, or expenses are caused by its negligence or willful misconduct. In the event claims, losses, damages, or expenses are caused by the joint or concurrent negligence of Client and Stantec, they shall be borne by each party in proportion to its own negligence. Stantec shall indemnify Client against legal liability for damages arising out of claims by Stantec's employees and agents. Client shall indemnify Stantec against legal liability for damages arising out of claims by Client's employees. Stantec's liability with respect to any claims arising out of this Agreement shall be absolutely limited to direct damages arising out of the Services and Stantec shall bear no liability whatsoever for any consequential loss, injury or damage incurred by the Client, including but not limited to claims for loss of use, loss of profits and loss of markets. Upon completion of all Services, obligations, and duties provided for in this Agreement, or if this Agreement is terminated for any reason, the terms and conditions of this Article shall survive.

Both Client and Stantec during the term of this Agreement shall maintain liability, workers' compensation and in the case of Stantec, professional liability insurance. Client's coverages shall insure at least to the statutory limitations of liability and Stantec's shall insure to at least \$2,000,000 per occurrence.

**DOCUMENTS:** All documents prepared by Stantec or on behalf of Stantec in connection with the Project upon payment to Stantec of the compensation prescribed in this Agreement shall become the property of the Client. In the event the documents are subsequently reused or modified in any material respect without the prior consent of Stantec, the Client agrees to indemnify Stantec from any claims advanced on account of said reuse or modification.

Stantec will maintain electronic copies of all of the documents they prepare for us in order to comply with Resolution 2021-01 and shall provide those copies to the Commission upon termination of this Agreement." Stantec cannot guarantee the authenticity, integrity or completeness of data files supplied in electronic format ("Electronic Files"). Client shall release, indemnify and hold Stantec, its officers, employees, consultants and agents harmless from any claims or damages arising from the use of Electronic Files. Electronic files will not contain stamps or seals, remain the property of Stantec, are not to be used for any purpose other than that for which they were transmitted, and are not to be retransmitted to a third party without Stantec's written consent.

**PROJECT PROMOTION:** Where the Client has control or influence over construction signage, press releases and/or other promotional information identifying the project ("Project Promotion"), the Client agrees to include Stantec in such Project Promotion.

**FORCE MAJEURE:** Any default in the performance of this Agreement caused by any of the following events and without fault or negligence on the part of the defaulting party shall not constitute a breach of contract: labor strikes, riots, war, acts of governmental authorities, unusually severe weather conditions or other natural catastrophe, disease, epidemic or pandemic, or any other cause beyond the reasonable control or contemplation of either party. Nothing herein relieves the Client of its obligation to pay Stantec for services rendered.

**GOVERNING LAW:** This Agreement shall be governed, construed and enforced in accordance with the laws of the jurisdiction in which the majority of the Services are performed.

**DISPUTE RESOLUTION:** If requested in writing by either the Client or Stantec, the Client and Stantec shall attempt to resolve any dispute between them arising out of or in connection with this Agreement by entering into structured non-binding negotiations with the assistance of a mediator on a without prejudice basis. The mediator shall be appointed by agreement of the parties. The Parties agree that any actions under this Agreement will be brought in the appropriate court in the jurisdiction of Governing Law, or elsewhere by mutual agreement.

**ATTORNEYS FEES:** In the event of a dispute hereunder, the prevailing party is entitled to recover from the other party all costs incurred by the prevailing party in enforcing this Agreement and prosecuting the dispute, including reasonable attorney's and expert's fees, whether incurred through formal legal proceedings or otherwise.



## PROFESSIONAL SERVICES AGREEMENT

Page 4

**ASSIGNMENT AND SUCCESSORS:** Neither Client nor Stantec shall, without the prior written consent of the other, assign the benefit or in any way transfer the obligations of this Agreement or any part hereof. This Agreement shall inure to the benefit of and be binding upon the parties hereto, and except as otherwise provided herein, upon their executors, administrators, successors, and assigns.

**PROTECTION OF PRIVACY LAWS:** The parties acknowledge the application of the Minnesota Government Data Practices Act to this Agreement and the Services provided and data relating to those Services. The parties also acknowledge that information relating to an identified or identifiable person ("Personal Information") may be exchanged in the course of this Project pursuant to this Agreement.

The party disclosing Personal Information (the "Disclosing Party") warrants that it has all necessary authorizations and approvals required to process and disclose the Personal Information and to enable the party receiving the Personal Information (the "Receiving Party") to process it in performing the Services. The Disclosing Party will provide the Receiving Party with written notice containing the details of what Personal Information will be provided.

The Receiving Party will comply with any reasonable instruction from the Disclosing Party in respect of such Personal Information and implement appropriate technical and organization measures to protect the Personal Information against unauthorized or unlawful processing and accidental loss, theft, use, disclosure, destruction and/or damage.

The Receiving Party shall be permitted, upon prior written consent of the Disclosing Party, to transfer Personal Information outside the jurisdiction if required for performance of the Services provided that such transfers are in accordance with relevant and applicable requirements under applicable legislation. The Receiving Party shall provide the Disclosing Party with full cooperation and assistance in meeting its obligations under applicable privacy legislation, including in relation to the security of processing, the notification of Personal Information breaches, the notification of requests from individuals and Personal Information protection impact assessments.

On termination of this Agreement, the Receiving Party shall cease processing Personal Information and shall delete and destruct or return to the Disclosing Party (as the Disclosing Party may require) all Personal Information held or processed by the Receiving Party on the Disclosing Party's behalf. It is understood however, that the Receiving Party may need to keep a copy of all Personal Information for legal purposes and therefore it will continue to take reasonable steps to protect the Personal Information as outlined herein and will proceed with the destruction of the Personal Information within a reasonable period of time if there is no longer any legal justification to keep the Personal Information.

Nothing herein relieves either party from their responsibilities for compliance with applicable privacy legislation.

**ENTIRE AGREEMENT:** This Agreement constitutes the sole and entire agreement between the Client and Stantec relating to the Project and supersedes all prior agreements between them, whether written or oral respecting the subject matter hereof and no other terms, conditions or warranties, whether express or implied, shall form a part hereof. This Agreement may be amended only by written instrument signed by both the Client and Stantec. All attachments referred to in this Agreement are incorporated herein by this reference; however, in the event of any conflict between attachments and the terms and conditions of this Agreement, the terms and conditions of this Agreement shall take precedence.

**SEVERABILITY:** If any term, condition or covenant of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall be binding on the Client and Stantec.

**CONTRA PROFERENTEM:** The parties agree that in the event this Agreement is subject to interpretation or construction by a third party, such third party shall not construe this Agreement or any part of it against either party as the drafter of this Agreement.

**THE PARTIES EXPRESSLY ACKNOWLEDGE THAT THIS AGREEMENT CONTAINS LIMITATION OF LIABILITY PROVISIONS RESTRICTING RIGHTS FOR THE RECOVERY OF DAMAGES.**

The Parties, intending to be legally bound, have made, accepted and executed this Agreement as of the Agreement Date noted above.

Elm Creek Watershed Management Commission

Stantec Consulting Services Inc.

Doug Baines, Chair

Print Name and Title

Diane Spector, Senior Associate

Print Name and Title

Signature

Signature



**PROFESSIONAL SERVICES AGREEMENT  
ATTACHMENT "A"**

Attached to and forming part of the Agreement BETWEEN:

Elm Creek Watershed Management  
Commission (hereinafter called the "Client")  
-  
and  
-  
Stantec Consulting Services  
Inc. (hereinafter called  
"Stantec")

EFFECTIVE: March 5, 2021

This Attachment details the Services, Contract Time, Contract Price, Additional Conditions and Additional Attachments forming part of the above described Agreement.

**SERVICES:** Stantec shall perform the following Services:  
  
Technical Services as directed by the Client as set forth in the attached Scope of Services. (hereinafter called the "Services")

**CONTRACT TIME:** Commencement Date: Upon full execution of this Agreement  
Estimated Completion Date: Upon termination of this Agreement]

**CONTRACT PRICE:** Subject to the terms below, Client will compensate Stantec as follows:  
For services in accordance with the attached Scope of Service:  
  
Where not stated as being included in the fees, project specific subconsultant, contractor, lab and other similar third party charges will be charged as invoiced to Stantec with a zero percent (0%) markup.  
  
Unless otherwise noted, the fees in this agreement do not include any value added, sales, or other taxes that may be applied by Government on fees for services. Such taxes will be added to all invoices as required.  
  
Where the Services or services conditions change, Stantec shall submit to the Client in a timely manner, documentation of the revisions to Attachment "A" adjusting the Contract Services Time and Price as required.

Unless otherwise specified, charges for Services are based on Stantec's hourly billing rate table ("Rate Table"), attached hereto. The Rate Table is subject to escalation from time to time. At a minimum, effective each January 1 during the term of this Agreement, Stantec's charges for Services shall escalate by the most current Consumer Price Index for All Urban Consumers (CPI-U) year over year percentage increase, not seasonally adjusted, for the preceding July, as published by the U.S. Bureau of Labor Statistics plus 1.0%.

**ADDITIONAL CONDITIONS:** The following additional conditions shall be read in conjunction with and constitute part of this Agreement:

**COVID-19:** The parties acknowledge the ongoing COVID-19 pandemic and agree that the CONTRACT PRICE and CONTRACT TIME does not include any schedule or cost impact that may occur as a result thereof. To the extent that there are cost or schedule impacts resulting from the COVID-19 pandemic, Stantec shall be entitled to an equitable change order.

**ADDITIONAL ATTACHMENTS:** The following additional attachments shall be read in conjunction with and constitute part of this Agreement:

**Rate Table**

**Stantec** shall obtain where possible insurance as described in the Certificate of Insurance attached hereto.



Stantec Consulting Services Inc.  
7500 Olson Memorial Hwy Suite 300  
Golden Valley, MN 55427

February 22, 2021  
File: 001507-00

Dear Mr. Doug Baines, Chair,

**Reference: Scope of Services, Elm Creek Watershed Management Commission**

Wenck, a Stantec Company, thanks the Elm Creek Watershed Management Commission for selecting our team to provide Technical Services on an ongoing basis. We understand that the emphasis of this work is on reviewing project plans for conformance with the Commission's Rules and Standards and on attending Commission and Technical Advisory Committee (TAC) meetings to present project review recommendations and other advice and technical guidance. However, we understand that the Commission and TAC may request us to provide advice and technical guidance to member cities, other agencies, developers, and landowners; or provide other services such as grant applications, special studies, and information and advice on current trends and emerging issues of concern.

The following is our estimate of the level of effort for this scope of services based on an estimated 50 project reviews per year and our experience providing similar services to other watershed management organizations. The actual cost of performing this work will depend on the number of project reviews and their complexity. The assumptions used to estimate the effort are also shown below. As further discussed below, Task 4 is fluid and is entirely dependent on direction from the Commission and TAC.

**Task 1: Pre-project Reviews and General Inquiries**

Pre-project reviews are consultations and reviews conducted prior to the submittal of a project review. In some cases, these pre-project consultations lead to a project review. In other cases, these projects/developments do not go forward or there may be a significant delay before a project review is submitted. In either case we track these costs by making notes in our timesheet entries, so where possible the Commission may be able to recoup some of those pre-review costs when the project review comes in. Also within this task are General Inquiries, which may be assistance in interpreting how a rule applies to a proposed development, or follow-up work on a completed project review. Because of his familiarity with and depth of knowledge about the watershed, Wenck/Stantec will partner with Jim Kujawa, Surface Water Solutions LLC, in performing some of this work.

**Task 1: Estimated hours and cost for pre-project reviews and general inquiries.**

Staff	Estimated Hours	Estimated Cost
Ross Mullen	40	\$6,600
Ed Matthiesen	8	1,640
Jim Kujawa/Surface Water	40	4,000
Rena Weis	24	2,760
Total	112	\$15,000

## Task 2: Project Reviews

The bulk of the expected work is performing reviews of proposed projects, including development and redevelopment, for conformance with Commission Rules and Standards. These reviews may include evaluating drainage and hydrology; pre- and post-construction runoff rates and volumes and total phosphorus and total suspended solids loads; erosion and sediment control plans; floodplain, wetland, and shoreline impacts; and the hydraulics of stream crossings. The Commission may request that Mr. Kujawa or one of our wetland staff represent the Commission at Wetland Conservation Act (WCA) Technical Evaluation Panel (TEP) proceedings.

Because Wenck/Stantec acts as City Engineer in the cities of Dayton and Corcoran, we will ask Mr. Kujawa to complete reviews for projects in those cities. If he is unable to complete any of those reviews, we also have a partnering relationship with Resilience Resources LLC and Young Environmental Consulting Group LLC.

For purposes of this estimate, we have assumed 50 project reviews per year, with half the reviews completed by Mr. Kujawa. Five of the reviews would be performed by one of our third-party consultants, and 20 by Wenck/Stantec staff. Some of the review work would be completed by staff engineers under the supervision of Mr. Mullen, who would perform the final review. This cost-effective approach results in a high-quality review at a lower, blended hourly rate.

We will establish a separate work phase for each project review to accurately track costs and provide a spreadsheet of these costs to the Commission's administrator monthly.

### Task 2: Estimated hours and cost for an estimated 50 project reviews.

Staff	Estimated Hours	Estimated Cost
Ross Mullen	128	\$21,120
Ed Matthiesen	16	3,280
Jim Kujawa/Surface Water	348	34,800
Rena Weis	100	11,500
Anne Wilkinson	60	8,460
Meaghan Dietrich-WCA	24	3,384
Resilience/Young	60	9,900
Total	736	\$92,444

## Task 3: Meetings

For purposes of this scope, we have estimated the cost of Commission and TAC meetings as a separate task. As we noted in our Letter of Interest, Ross Mullen, PE, CFM will be the lead person on our team and will attend Commission and TAC meetings to present project reviews and provide other technical assistance. Ed Matthiesen, PE, will serve as senior QA/QC, and may attend some meetings to provide backup and ensure a smooth transition. Ed's time will not be charged to the Commission unless he is asked to provide technical advice and assistance. For purposes of this estimate we have also assumed that Mr. Kujawa or one of our partnering third party engineers will attend and present reviews where necessary. In practice, it may not be necessary for the second engineer to attend each meeting, and we will limit the number of staff attending to those necessary.

**Task 3: Estimated hours and cost to attend TAC and Commission meetings.**

Staff	Estimated Hours	Estimated Cost
Ross Mullen	64	\$10,560
Ed Matthiesen	16	3,280
Jim Kujawa/Surface Water	64	6,400
Resilience/Young	4	660
Total	144	\$20,900

**Task 4: Other Technical Services**

Work under Task 4 is entirely at the discretion of the Commission. Wenck/Stantec staff and our partners are available to coordinate with Hennepin County and Three Rivers Park District staff on other technical services to help you make progress towards the Third Generation Management Plan and member city local plan goals. Some of the services we provide to our other watershed clients include:

- Writing grant applications (e.g., \$2.8 million won for Shingle Creek since 2015)
- Developing guidelines and policies
- Monitoring regulatory updates that might require revisions or clarifications to the Commission's Rules and Standards, such as the recent reissuance of the NPDES General Permit
- Reviewing and providing comments on behalf of the Commission on the water resources aspects of documents such as EISs, EAWs, and AUARs
- Completing subwatershed assessments and identifying BMPs
- Developing comprehensive and systematic Lake Management Plans
- Undertaking stream condition assessments and recommending improvements
- Performing fish, aquatic vegetation, zoo- and phytoplankton, and sediment core surveys
- Undertaking TMDL 5 Year Updates and assisting cities in assessing TMDL progress
- Maintaining hydraulic and hydrologic (H & H) models and providing analysis to interested parties, or conducting small area assessments
- Working with County, Met Council, and MnDOT staff during highway/transit project development

Actual work to be performed and the resulting cost would be dependent on direction from the Commission and TAC. For services requiring more than a few hours of work we will provide an estimate of effort, and for those requiring a significant amount of effort, we will submit a Scope of Work and receive an approved task order prior to undertaking any work. The cost of that work will be tracked separately.

**Task 4: Estimated hours and cost for other technical services (for illustration only).**

Staff	Estimated Hours	Estimated Cost
Ross Mullen	60	\$9,900
Ed Matthiesen	40	8,200
Jim Kujawa/Surface Water	40	4,000
Anne Wilkinson	24	3,384
Diane Spector	80	16,400
Jeff Strom	24	4,200
Katie Kemmitt	24	2,760
Resilience/Young	24	3,960
Total	316	\$52,804

February 22, 2021  
 Mr. Doug Baines  
 Page 4 of 5

## Summary

Wenck/Stantec has assisted the Commission in developing its Third Generation Watershed Management Plan and aided Three Rivers Park District in developing the watershed-wide WRAPS and TMDLs. We know your watershed and are committed to helping you achieve your watershed and local goals and responsibilities. We have assembled a core team and partners but have a deep bench of water and natural resources professionals from which to draw based on your needs.

The table below summarizes our estimate of the level of effort for each task based on our experience providing these services in other watersheds. Actual hours and costs may vary based on the number and complexity of project reviews received and direction from the Commission and TAC.

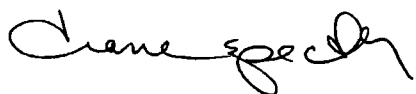
We will provide the Commission and Administrator with a monthly summary of work and budget status for each task and approved subtask in whatever format works best for you.

### Summary: Estimated hours and cost.

Task	Estimated Hours	Estimated Cost
Task 1: Pre-reviews and general inquiries	112	\$15,000
Task 2: Project reviews	736	92,444
Task 3: Meetings	144	20,900
Subtotal	992	128,344
Task 4: Other technical services (illustrative)	316	\$52,804
Total	1,308	\$181,148
2021 Technical Service Budget		\$185,000

Regards,

**Stantec Consulting Services Inc.**



**Diane Spector**  
 Senior Associate  
 (763) 252-6880  
 diane.spector@stantec.com



**Ross Mullen**  
 Watershed Engineer  
 (320) 309-3473  
 Ross.mullen@stantec.com

February 22, 2021  
Mr. Doug Baines  
Page 5 of 5

---

By signing this proposal, Elm Creek Watershed Management Commission authorizes Stantec to proceed with the services herein described and the Client acknowledges that it has read and agrees to be bound by the attached Professional Services Terms and Conditions.

This proposal is accepted and agreed on the Day day of February, 2021.

Doug Baines, Chair

Print Name & Title

Signature



now part of



**35**  
Stantec Consulting Services Inc.  
1800 Pioneer Creek Center  
P.O. Box 249  
Maple Plain, MN 55359-0249

(800) 472-2232  
(763) 479-4200  
Fax (763) 479-4242  
wenckmp@wenck.com  
www.wenck.com

**Stantec Consulting Services Inc.  
Fee Schedule  
January 2021  
Elm Creek Watershed Management Commission**

<u>Classification</u>	<u>Hourly Rate</u>
Interns	\$65.00
Administrative Support / Technician	\$90.00
Professional I-A	\$103.00
Professional I-B	\$115.00
Professional I-C	\$128.00
Professional II-A	\$141.00
Professional II-B	\$154.00
Professional II-C	\$165.00
Professional III-A	\$175.00
Professional III-B	\$185.00
Professional III-C	\$195.00
Professional IV-A	\$200.00

- *Classifications listed above refer to the firm's internal system for billing purposes. The term "Professional" refers to engineers, scientists and business professionals.*
- *Company vehicle mileage will be billed at the rate of \$0.75/mile.*
- *Personal vehicle mileage will be billed at the IRS approved rate.*
- *Invoices are due upon presentation. Invoice balances not paid within thirty (30) days of invoice date are subject to 1-1/2% (18% annual) interest or finance charge.*
- *Specialized software used on a given project will be billed at a rate of \$15.00/hour.*
- *Rates to be adjusted annually.*





# CERTIFICATE OF LIABILITY INSURANCE

5/1/2021

DATE (MM/DD/YYYY)

4/10/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Lockton Companies 444 W. 47th Street, Suite 900 Kansas City MO 64112-1906 (816) 960-9000	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL: ADDRESS:	
	<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A : Berkshire Hathaway Specialty Insurance Company INSURER B : Travelers Property Casualty Co of America INSURER C : INSURER D : INSURER E : INSURER F :	
<b>INSURED</b> 1415077 STANTEC CONSULTING SERVICES INC. 370 INTERLOCKEN BLVD SUITE 300 BROOMFIELD CO 80021-8012	<b>NAIC #</b> 22276 25674	

**COVERAGES** **CERTIFICATE NUMBER:** 14193567 **REVISION NUMBER:** XXXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> <b>CONTRACTUAL/CROSS</b> <input checked="" type="checkbox"/> <b>XCUI COVERED</b> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:	N	N	47-GLO-307584	5/1/2020	5/1/2021	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 25,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B B B	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY	N	N	TC2J-CAP-8E086819 (AOS) TJ-BAP-8E086820 TC2J-CAP-8E087017 (NJ)	5/1/2020 5/1/2020 5/1/2020	5/1/2021 5/1/2021 5/1/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX \$ XXXXXXXX
A	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$	N	N	47-UMO-307585	5/1/2020	5/1/2021	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$ XXXXXXXX
B B B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	TC2J-UB-8E08592 (AOS) TRJ-UB-8E08593 (MA, WI) EXCEPT FOR OH ND WA WY	5/1/2020 5/1/2020	5/1/2021 5/1/2021	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) TO WHOM IT MAY CONCERN.

## CERTIFICATE HOLDER

14193567  
TO WHOM IT MAY CONCERN

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Joseph M. Amello*

© 1988-2015 ACORD CORPORATION. All rights reserved.



Contract No: \_\_\_\_\_

**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, 2021 and terminating December 31, 2021.

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: 2021 Watershed General Technical Assistance**

- **Technical Services:** Not-to-exceed \$10,000
- **Rush Creek BMP Cost Share:** Not-to-exceed \$106,050 or 25% of documented project costs, whichever is lower

**Exhibit B: 2021 Volunteer Monitoring Program and Education Services:** Not-to-exceed \$7,000.00

**Total 2021 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 \$ 62.91 to \$69.21 per hour, based on personnel and task, except where exceptions are noted in Exhibit A.

Sr. Environmentalist, Water Resources	\$69.21 per hour
Environmentalist	\$62.91 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

### 2021 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 2021 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	80	\$0	\$5,232
Environmentalist	780	\$10,000	\$36,363.20

#### 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	860	\$10,000
Task 3: Rush Creek Subwatershed Project Implementation	N/A	\$106,050
<b>Total (estimated)</b>	<b>956</b>	<b>\$106,050</b>

## EXHIBIT B

### 2021 VOLUNTEER MONITORING PROGRAMS AND EDUCATIONAL SERVICES

#### TASKS

The Hennepin County Environment and Energy Department (DEPARTMENT) will provide Elm Creek Watershed Management Commission (COMMISSION) with a variety of volunteer monitoring and environmental education and outreach oversight 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 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. Coordination of volunteer monitoring programs

The DEPARTMENT staff will coordinate the following volunteer water quality monitoring programs in the Elm Creek Watershed: River Watch; Wetland Health Evaluation Program (WHEP);

#### 2. Volunteer Outreach

The DEPARTMENT staff, in collaboration with COMMISSION, will work to find school groups and/or adult volunteers to monitor up to three (3) designated stream sites for the River Watch program.

In addition, DEPARTMENT staff, in collaboration with COMMISSION, will work to find a team of adult volunteers to monitor up to four (4) designated wetland sites within the Elm Creek Watershed.

#### 3. Volunteer monitor training and oversight

As part of the volunteer programs, DEPARTMENT staff will coordinate and offer training for each programs' monitoring and provide continual assistance in sample collection and identification.

#### 4. Data quality assurance

The DEPARTMENT staff will provide all quality assurance checks on invertebrate and vegetative data for the Wetland Health Evaluation Program (WHEP), and all quality assurance checks on field and invertebrate data for the River Watch.

#### 5. Reporting

Following the year's monitoring and compilation of collected data, DEPARTMENT will prepare an annual report of monitoring results and to COMMISSION.

#### 6. Costs

- a) ***River Watch Program:*** The COMMISSION shall pay the DEPARTMENT \$1,000.00 per River Watch site for stream monitoring up to three (3) sites as part of the 2021 River Watch Program for data and educational services. Fees will be used to cover all training, equipment, and transportation for the students to and from the site, Quality Assurance/Quality Control, reporting and presentations as requested. The total amount of work authorized by this Agreement for stream monitoring and educational services associated with the River Watch Program shall not-exceed three thousand dollars (\$3,000.00).



- b) ***Wetland Health Evaluation Program:*** The COMMISSION shall pay \$1,000.00 per monitored wetland site in 2021 for data and educational services related to the WHEP. The total amount of work authorized by this Agreement for wetland monitoring and educational services associated with the WHEP shall not-exceed four thousand dollars (\$4,000.00).

In 2021 the total for providing a variety of volunteer monitoring and environmental education and outreach oversight shall not-exceed seven thousand dollars (\$7,000).

**ELM CREEK WATERSHED MANAGEMENT COMMISSION  
RESOLUTION NO. 2021-01**

**RESOLUTION AUTHORIZING THE ELECTRONIC STORAGE OF GOVERNMENT  
RECORDS, ELECTRONIC TRANSACTIONS, AND ELECTRONIC SIGNATURES**

**WHEREAS**, the Elm Creek Watershed Management Commission (“Commission”) is a joint powers entity established by its member cities and carries out its duties in accordance with Minnesota Statutes, sections 103B.201 - 103B.253;

**WHEREAS**, the Commission finds and determines as follows:

The Commission is subject to the requirements in Minnesota Statutes, section 138.17 to retain records constituting “government records” as defined in the statute;

The Commission, as part of its project reviews and other activities, generates a variety of government records that need to be retained;

Because the Commission does not have a central office with staff it relies on consultants to support its activities and to retain its government records;

The printing and retention of government records in paper form is not always practical or efficient, and so the Commission desires to allow the retention of government records in electronic format;

Minnesota Statutes, section 15.17, subdivision 1 allows the storage of government records in electronic format, including as a substitution of the original document;

The Uniform Electronic Transaction Act, set out in Minnesota Statutes, chapter 325L, (“Act”) allows and promotes electronic transactions and allows the use of electronic signatures; and

The Commission desires to allow for the storage of government records in electronic format and to authorize the use of electronic signatures and transactions to the extent allowed by the Act.

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

1. The Commission and its consultants are authorized, but not required, to keep the government records it receives or generates in an electronic form. Such electronic records shall be retained and made available to the public in accordance with applicable laws and the Commission’s retention schedule as if they were in paper form. All requests for data should initially be made to the Commission Administrator.
2. The use of electronic documents and signatures by the Commission and its consultants conducting business on behalf of the Commission is approved and ratified, provided such use is in accordance with the Act. To the extent a person is authorized to sign documents on behalf of the Commission, that person may authorize the administrator to affix their

electronic signature to a document, which shall serve as the authorizing person's signature and is attributable to that person as their act.

Adopted by the Commissioners of the Elm Creek Watershed Management Commission the tenth day of March, 2021.

\_\_\_\_\_  
Doug Baines, Chair

ATTEST:

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

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN**

I, Judie A. Anderson, do hereby certify that I am the custodian of the minutes of all proceedings had and held by the Board of the Elm Creek Watershed Management Commission, that I have compared the above resolution with the original passed and adopted by the Board of said Commission at a regular meeting thereof held on the tenth day of March, 2021, at 11:30 a.m., that the above constitutes a true and correct copy thereof, that the same has not been amended or rescinded and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto placed my hand and signature this tenth day of March, 2021.

(NO SEAL)

\_\_\_\_\_  
Judie A. Anderson  
Recording Secretary

# elm creek

## Watershed Management Commission

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

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

### STAFF REPORT

March 3, 2021

- 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. On October 30, 2018, an appeal of the restoration order was received by BWSR. BWSR placed an order of abeyance (stay) on the appeal looking for a resolution between the LGU and Mayers. On January 6, 2021, BWSR received an email from Corcoran that the LGU and Mayers were working towards resolving the restoration order. *BWSR gave the City and Mayers until April 5, 2021 to seek an informal resolution or furnish a complete copy of the record to them.*
- b. 2018-020 North 101 Storage, Rogers.** This is an existing 3-acre lot in the northwest corner of Highway 101 and CR144. The current land use is a combination of mini-storage units and outdoor storage. The site is proposed for complete demolition and construction of seven new mini-storage buildings. At their July meeting the Commission approved Staff findings dated July 9, 2018, pending four items relating to abstraction requirements and the infiltration system. The applicant requested and was granted an extension to *December 31, 2021*, provided the review process with the City of Rogers does not expire.
- c. 2019-024 Boston Scientific Weaver Lake Road, Building 2 East Addition, Maple Grove.** Boston Scientific is building an addition on the east side of Building 2 to provide more production and office space for their existing facility. The project includes moving the existing service drive and site utilities on the east side of Building 2 to the east within the BS property to create space for the addition. About 1.9 acres of the site will be disturbed and 1.06 acres of impervious surface will be added. This project was reviewed for compliance with Rules D, E, F, and I. At their September 11, 2019 meeting the Commission approved the project contingent upon: (1) a site plan providing the irrigation areas to be irrigated by the new system and (2) an operation and maintenance plan for the irrigation system approved by the City and the Commission and recorded on the land title. The applicant and their engineer have developed an overall stormwater management alternatives for this and potential future projects. They are still deciding the best approach to move forward before providing the Commission with the final stormwater management plans. Staff made preliminary comments on the draft plans in September and await the final submittal to determine compliance with this project and their future expansions. Updated information was received in January 2021 and will be evaluated as part of project 2021-001 in conjunction with the approval conditions on this project.
- d. 2020-002 Project 100, Maple Grove, renamed *Minnesota Health Village (MHV)*.** Ryan Companies is proposing to develop 100.6 acres of agricultural land into a mixed-use development consisting of office, medical, hospital, multi-family residential and senior living facilities. This site is situated between I-610 to the north, I-94 to the west and the Maple Grove Hospital to the east. The applicant is seeking approval of a regional stormwater management system to address the Commission's present-day requirements throughout the timeline for all phases of this development. Additionally, they are requesting grading and erosion control approvals for Phase I of the development.

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*

Phase I site plans consists of mass grading of approximately 35 acres in the southeast portion of the site to accommodate street and utilities, 383 parking stalls for the existing hospital and future building in this area. The Commission reviewed the concept plan for compliance with Rule D. In addition, Staff reviewed Phase I for compliance with Rules D, E, G and I. At their March 2020 meeting the Commission approved this project contingent upon the following conditions: Phase I site plans: (1) Feasibility to infiltrate stormwater in the filter bench areas of ponds 1 and 2 must be determined. If infiltration is considered feasible, design revisions and compliance with MPCA infiltration design criteria is required and (2) City, MN WCA, and Commission compliance on any wetland impacts must be adhered to. These two items remain outstanding.

Concept Site Plans: The overall stormwater management concept plan design meets the Commission's standards provided. (1) Feasibility to infiltrate stormwater in the future filter bench areas and biofiltration basins is determined. If infiltration is considered feasible, design revisions and compliance with MPCA infiltration design criteria is required. (2) Commission Project review and approval are required when future site development triggers a review. These two items are considered on-going and will come forward as this site develops. No other information is necessary at this time.

For Phase I and the Concept Plans: The Commission recommends the management of stormwater runoff to minimize the impacts of the application of chloride compounds on water resources by minimizing their use on roads, parking lots, sidewalks and other impervious surfaces. Toward that end, the Commission requests that existing and future landowners develop and implement a chloride management plan on all private parking and walking areas within this project to minimize chloride runoff into surface water on site. The primary element of such a plan is implementation and application of salt to these surfaces by an applicator with MPCA Level 1 Certification in Snow & Ice Control Best Practices.

Note: The City of Maple Grove is looking at the feasibility to consolidate as many of the regional ponds for this site as possible while continuing to meet the regulations and goals of the approved plans. Commission staff will work with the City to ensure the Commission's requirements and approvals are compliant with any changes. This will be on-going as the site develops.

*Updated stormwater information was received with project 2021-004 (Roers Maple Grove Apartments). Staff is in the process of reviewing and updating both projects.*

**e. 2020-015 Dayton Interchange Business Center, Dayton.** Scannell Properties is proposing to develop a 12-acre parcel of agricultural land into a 124,000 SF office/warehouse building with related infrastructure, creating 6.2 acres of new impervious area. This site is located west of CR 81 and north of Territorial Road near Holly Lane. The site plan triggers a Commission review for conformance with Rules D, E, G, and I. No recommendations are provided to the Commission at this time. The project review deadline was extended by the applicant to November 30, 2020. Staff requested an extension from the applicant. *No extension was requested. This project was denied and will be removed from the agenda.*

**f. 2020-016 Skye Meadows, Rogers.** Lennar Corporation is proposing to construct a residential development on 130 acres along Territorial Road. The site consists of six separate parcels located both north and south of Territorial Road (CR116) just west of Tilton Trail. 363 single-family residential units are proposed, creating 38.73 acres of new impervious areas in seven phases. The Commission's review will be for conformance to Rules D, E, F, G, and I for all seven phases. At their January 2021 meeting, the Commission approved this project contingent upon: final grading plans on Phase 1B complying with the Commission's low floor/100-year elevation requirements per Rule D 3i (7) criteria and storm pipe inlets FES 205 and 212 on basins H and I, and FES 304 on Basin K being extended to the NWL of the basin. *The applicant has requested a variance for low floor elevations, which is being reviewed under Project 2021-002.*

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*

**g. 2020-029 Sundance Greens 5th Addition.** This project is part of a larger residential development that was reviewed and approved as the Sundance Greens Development (Project #2018-005). The full development covers 310 acres west of County Road 121 (Fernbrook Lane N.) in and around the Sundance Green Golf Course. The full development will construct 645 new single-family homes with 100 units proposed as a senior housing facility. The 5th Addition will grade 75 acres for 212 lots. This review will check consistency of the stormwater management plans that were previously approved and erosion controls. This project can be administratively approved by Staff. As of the October update, additional erosion and sediment controls were necessary before Staff can grant approval. The applicant extended the decision deadline to April 15, 2021. *No updates were received in February.*

**h. 2020-033 Weston Woods, Medina.** This project would create 150 residential units on a 135-acre site. The existing condition is undeveloped. The project will disturb 49.2 acres and create 17.49 acres of impervious area. *The deadline for the Commission decision has been extended by the applicant to April 3, 2021. Findings and recommendations are included in this month's packet. Staff recommends approval with four contingencies.*

**i. 2020-037 Rice Lake Elementary School Pond Excavation, Maple Grove.** This project would construct two new buildings, a parking lot, and play areas on school grounds. The school is on the southwest corner of Elm Creek Boulevard and 89th Avenue North. The project will disturb approximately 4.7 acres and create 1.1 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. This item will be removed from the report.*

**j. 2020-039 Elm Creek Creekside Hills Trail, Plymouth.** This project would construct 1100 feet of trail along Elm Creek with a bridge over the creek. The proposed trail will connect Alvarado Lane North and Wayzata High School Road. The project will disturb 0.8 acres and create 0.24 acres of new impervious surface. Grading near the bridge will create fill in the floodplain. The loss of flood storage is mitigated by cut in adjacent areas. The application was reviewed for Rules E, F, G, H, and I. The Commission approved Staff's recommendations at their January 13, 2021 meeting. *This item will be removed from the report.*

**k. 2020-040 The Cedars of Elm Creek 3rd Addition, Champlin.** This project would construct two single family residential structures at the corner of West Hayden Lake Road and Vera Street North. The area of disturbance is less than one acre. The application was reviewed for Rules E and F. The project will place fill in the regulatory floodplain to elevate the structures above the 100-year flood elevation. Compensatory storage will be provided to offset the floodplain fill. *The Commission approved Staff's recommendations at their January 13, 2021 meeting. This item will be removed from the report.*

**l. 2020-042 Rogers High School Athletic Field Replacement, Rogers.** This project would replace an existing athletic field and bituminous track with a new bituminous track and an artificial turf athletic field. The school address is 21000 141st Ave N. The project would disturb 6.72 acres and create 0.27 acres of new impervious. Stormwater from the site will be managed using an existing infiltration basin. The application was reviewed for Rules D and E. *The Commission approved Staff's recommendations at their February 10, 2021 meeting. This item will be removed from the report.*

**m. 2021-001 Boston Scientific MG Campus, Maple Grove.** This project would construct a new access drive and expand an existing parking lot. The Maple Grove campus address is 1 Scimed Place. The application was reviewed for Rules D and E. *The review includes stormwater management features for this project as well as project #2019-024 and #2021-006. Combined, the three projects would disturb 29.2*

---

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*

*acres and create 4.8 acres of new impervious area. Stormwater requirements would be met with existing ponds modified to provide an iron enhanced sand filter. The irrigation system for project #2019-024 will still be constructed but will not be relied upon to meet Rule D stormwater requirements. Staff recommends approval of this project with three contingencies.*

**n. 2021-002 Skye Meadows Variance, Rogers.** This project is a variance request for Project #2020-016. The project would construct *approximately 350 single family residential lots*. Eleven of the proposed lots would not meet the two-foot minimum freeboard requirement above the high-water levels for adjacent waterbodies. The variance request documents the hardships that prevent the project from meeting this requirement. *Information about the variance request was presented to the Commission at the February 10, 2021 meeting. The applicant has responded to questions from the Commission. Staff findings and information from the applicant are included in the packet.*

**o. 2021-003 Cranberry Ridge, Plymouth.** This project would construct an apartment building, parking lot and driveway access off Old Rockford Road. The existing site has two single-family residential structures that will be removed. The project would disturb 2.73 acres and create 1.06 acres of new impervious surface. *Stormwater management will be provided with filtration basins. Staff recommend approval of this project.*

**p. 2021-004 ~~Project 100 Phase 1~~, Roers Maple Grove Apartments, Maple Grove.** This project is Phase 1 of Project 2020-002. This will be an administrative review for erosion and sediment controls and compliance with the approved stormwater management plan. *Staff granted administrative approval for the project. Findings are included in the packet. No action is required by the Commission.*

**q. 2021-005 WJD Two Thirds Addition, Rogers.** This is a 14.8 residential project located on the south side of 137th Avenue North, approximately 400 feet west of Northdale Boulevard. Rachel Development is proposing 56 townhomes and a 134-unit apartment building on this property. *The initial site grading and stormwater management was approved by the Commission under projects 2001-017 (WJD) and 2003-003 (The Rogers Retail Centre 2nd Addition). Staff's findings are included in this month's packet. Staff recommends approval with two contingencies.*

**r. 2021-006 Boston Scientific WL3 West Building, Maple Grove.** This project would expand an existing building on the Boston Scientific Corporation Maple Grove campus at 1 Scimed Place. The project would disturb 5.3 acres and create 0.2 acres of new impervious. The project triggers Rule D and Rule E. Rule D was reviewed under project #2021-001. *Staff recommend approval of this project contingent on the approval of project #2021-001 for Rule D compliance.*

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

**ah. 2014-015 Rogers Drive Extension, Rogers.** This project involves improvements along Rogers Drive from Vevea Lane to Brockton Lane. The project is located east of I-94, south of the Cabela development. The total project area is 8.0 acres; proposed impervious surfaces total 5.6 acres. Site plans received July 1, 2014 met the requirements of the Commission with the exception of the nutrient control. The Commission approved the site plan contingent upon the City deferring 4.6 lbs. of phosphorus for treatment in future ponding opportunities as the easterly corridor of Rogers Drive develops. 2.3 lbs. will be accounted for in the Kinghorn Spec. Building site plan, with 2.3 lbs. still outstanding. This item will remain on the report until the total deferral is accounted for.

**ai. 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

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*



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.

**aj. 2016-005W Ravinia Wetland Replacement Plan, Corcoran.** In December 2016, the Commission approved Staff's recommendations on this wetland replacement plan. Final wetland impacts are 1.22 acres. Wetland credits created on site will be 4.01 acres. Excess credits of 0.75 acres are proposed to be used on Lennar's Laurel Creek development in Rogers (2017-014). All approval contingencies have been met and construction is completed.. Vegetation planting and management took place throughout 2017. Barr Engineering is providing monitoring to ensure the replacement meets the performance standards of the approved plans. *Annual reports have been submitted to the US Army Corps of Engineers (USACE) in February 2019, February 2020, and March 2021. Monitoring status 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.*

**ak. 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.

**al. 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 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).

**am. 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 submit a SWPPP plan meeting requirements, clarify maintenance responsibilities for the iron enhanced sand filter, and 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.

**an. 2018-048 Faithbrook Church, Phase 2, Dayton.** This is an application for review of an expansion of an existing church located northeast of the intersection of Fernbrook Lane and Elm Creek Road. The Commission approved this project at their November 2018 meeting 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 acceptable to the Commission. On February 7, 2019, Jason Quisberg reported that this project has gone idle; it is believed to be due to funding needs of the applicant. It was expected activity would resume in Spring 2019.

**ao. 2019-001 Fernbrook View Apartments, Maple Grove.** This is a 4.85-acre rural residential lot located at the northeast intersection of CSAH 81 and Fernbrook Lane. The applicant proposes to construct a 2-story, 42-unit apartment building. This project was approved at the February 2019 Commission meeting with the following conditions:

---

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*



(1) the applicant pursue utilizing water from the NURP pond for irrigation needs for this property; (2) long term operation and maintenance on the stormwater basin must be addressed: (3) mean average pond depth must meet the Commission standard: (4) pond filter bench details must be provided. With the exception of the O&M plans, these conditions have been met by the applicant. This project was approved by the Commission's technical advisor per the updated project review dated February 5, 2020. *The O&M agreement was received in the Commission office on February 24, 2021. This item will be removed from the report.*

**ap. 2019-002 Parkside Villas, Champlin.** This is two adjacent rural parcels totaling 13.9 acres that are proposed to be split into 56 single-family residential lots. It is located on the east side of Goose Lake Road just south of its intersection with Elm Road (CR 202). The review is for compliance with Commission Rules D and E. At their February 2019 meeting the Commissioners approved Staff's findings dated January 29, 2019, contingent on (1) a long term O&M agreement on the stormwater basin and irrigation system being provided and recorded on the property title and (2) the applicant working with the City and Three Rivers Park District to safely outlet the pond water below the trail system adjacent to the property line.

**aq. 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.

**ar. 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 operation and maintenance plan approved by the City and Commission and recorded on the title for this property. A copy of the recorded document must be provided to the Commission.

**as. 2019-032 OSI Expansion, Medina.** This is an existing business located in the northwest corner of Highway 55 and Arrowhead Drive. The applicant is proposing to build an addition on the south side of the building and add parking to the north side of the site, creating an additional 3.6 acres of new impervious area. In their findings dated February 4, 2020, Staff recommended approval contingent upon receipt of O& M plans on the stormwater facilities that meet the Commission's requirements. *Dusty Finke reported on March 4, 2020, that recordation of the O&M plans is still pending.*

**at. 2020-001 Outlot L, Markets at Rush Creek, Maple Grove.** Outlot L is a 1.55-acre lot located in The Markets at Rush Creek (Hy-Vee South) PUD development. This project is located just west of the Hy-Vee gas station and south of CR10. A 12,000 SF multi-tenant building and associated parking is proposed for this site. Stormwater management for this lot is part of the regional stormwater system approved by the Commission for project 2016-002. Commission rules require compliance with Rules D and E. On January 23, 2020, Staff administratively approved this project contingent upon receipt of a dated and signed set of final development stage plans. Signed and dated plans were received in December 2020. The project approval is good until December 31, 2021.

**au. 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.

---

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*

**av. 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 is 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 of Medina and the Commission. The agreement must be recorded on the land title with a copy of the recorded agreement provided to the Commission.

**aw. 2020-017 Meadow View Townhomes, Medina.** This is a 22-acre site located south of Meander Road and north of Highway 55. Lennar Homes is proposing to build 125 townhomes with their necessary infrastructure on this site. A complete application was received May 29, 2020. The plans call for 7.64 acres of new impervious areas. The Commission's review was for conformance to Rules D, E, F, G, and I. At their October meeting, the Commission approved Staff's finding dated September 30, 2020, contingent upon (1) The mean (average) depth on the west wet-detention pond must be 4.0' or deeper; (2) Buffer strip monumentation and vegetation maintenance plans must conform to the Commission's requirements; (3) An operation and maintenance agreement of the stormwater ponds and irrigation system must be approved by the City and the Commission. Said 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 in compliance 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.

**ax. 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.

**ay. 2020-025 Paulsen Farms, Corcoran.** This is an 88-acre parcel located south of CR30 and east of Bechtold Road. Twenty (20) single family rural residential lots with 5.2 acres of new impervious areas are proposed on this site. This project triggered Rules D, E, and I. At their October 2020 meeting the Commission approved Staff's findings dated September 23, 2020 contingent upon: (1) rate control at culvert #3 must be equal to or less than pre-development rates for all storm events; (2) buffer strip monumentation conforms to the Commission's requirements; and (3) an operation and maintenance agreement must be created and approved by the City and the Commission. Said agreement must be recorded on the property title with a copy of the recorded document provided to the Commission. This project has been put on hold by the applicant. They have been informed that the approval expires October 14, 2021. *On February 25, 2021, Kevin Mattson responded, no updates.*

**az. 2020-027 Kariniemi Addition, Corcoran.** This is a 12.7-acre parcel located on Lot 3, Block 1 of the Rolling Hills Acres subdivision (ECWMC Project 2019-030) about a mile north of Highway. 55 on the east side of Rolling Hills Road. The applicant proposes to create three lots with a shared driveway for access along the northerly portion of the property. Project work will disturb 2.6 acres and create 0.83 acres of new impervious areas. This project was approved by the Commission at their September 2020 meeting pending receipt of O & M plans. *On February 25, 2021, Kevin Mattson responded, this project is anticipated for Spring 2021. City is aware of Commission approval contingency requirements.*

**ba. 2020-030 Nelson International, Corcoran.** This project would construct a new semi-truck and trailer dealership and center on a 22.4-acre site. The project will disturb 9.5 acres and create 6.6 acres of impervious surface. The existing

---

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*

condition is a single-family residence with 0.4 acres of impervious. The application was reviewed for Rules D, E, G, and I. In their findings dated November 4, 2020, Staff recommend approval contingent on submission and approval of an O&M agreement with the City and that a subsequent addition to the proposed structure shall be submitted for administrative review. The Commission approved Staff's recommendations at their December 9, 2020 meeting. *On February 25, 2021, Kevin Mattson responded, this project is anticipated for Spring 2021. City is aware of Commission approval contingency requirements.*

**bb. 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, minor updates to the hydrology report, and minor updates to the SWPPP. The Commission approved Staff recommendations at their December 9, 2020 meeting.

**bc. 2020-036 Balsam Pointe, Dayton.** This project would create 98 residential units on a 10-acre site near the intersection of Dimond 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 is being reviewed for Rules D and E. *The Commission approved Staff's recommendations at their January 13, 2021 meeting contingent upon an Operation & Maintenance agreement meeting the Commission's standards being recorded on the land title.*

#### **ELM CREEK FLOODPLAIN MAPPING PROJECT**

Below is the February 25, 2021 monthly status report for the Elm Creek Floodplain Mapping project.

#### **Work conducted over the last month:**

1. Internal QAQC of draft hydraulic model
2. Completion of hydraulics memorandum and final files for submittal
3. Development of floodway modeling and mapping
4. Draft hydraulics model, inundation files, and report sent to the MnDNR on 2/18 for review

#### **Work that is anticipated to occur over the month:**

5. Preliminary review of draft hydraulics model, inundation files, and report by the MnDNR
6. Incorporation of MnDNR comments into draft hydraulic model
7. Submission of final model and files to the MnDNR

#### **Data/input we are waiting on from others**

8. Response from MnDNR on draft hydraulics model and preliminary results

**Budget spent through 2/19/2021:** \$ 99,032 (93% of \$106,945 budget)

---

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*

**Boston Scientific Weaver Lake Road Building 2 East Addition**  
**Maple Grove**  
**Project #2019-024**

**Project Overview:** Boston Scientific is proposing to build a two-story addition on the east side of their existing building #2 to provide production and office space. The project will entail moving the existing service drive and site utilities to the east side of Building #2. It will disturb 2.1 acres and create an additional 1.06 acres of new impervious areas. This will trigger review of the site plans for conformance to Rule D (Stormwater Management) and Rule E (Erosion and Sediment Control)

**Applicant:** Boston Scientific, Attention Brendan Collins, 1 Scimed Place, Maple Grove, MN 55311. Phone: 763-494-1737. Email: [Brendan.collins@bsci.com](mailto:Brendan.collins@bsci.com).

**Agent:** HGA Architects & Engineers, Attention Kenny Horns, 420 N 5<sup>th</sup> St., Suite 100, Minneapolis, MN 55401. Phone: 612-578-4380. Email: [khorns@hga.com](mailto:khorns@hga.com)

**Exhibits:**

- 1) Elm Creek Watershed Management Commission Request for Plan Review and Approval received July 29, 2019 with application fee of \$575.00.
- 2) Boston Scientific Storm Water Report for WL2 East Addition by HGA, date September 3, 2019.
- 3) Ramsey-Washington reuse calculator for 3.1 acres irrigation area on site.
- 4) Boston Scientific WL2 East Addition Construction Document Set HGA, dated July 25, 2019.
  - a. Sheet C001, Civil Notes and Legends
  - b. Sheet C002, General Site Plan
  - c. Sheet C100, Stormwater Pollution Prevention Plan Narrative
  - d. Sheet C101 & C102, Erosion and Sediment Control Plan and Detail
  - e. Sheet C200, Site Demolition Plan
  - f. Sheet C300, Site Layout and Surfacing Plan
  - g. Sheet C400, Site Grading Plan
  - h. Sheet C500, Site Utility Plan
  - i. Sheet C501 & C900, Sewer Structure and Details.

### **Findings:**

- 1) A complete application was received August 2, 2019. The initial 60-day decision period per MN Statute 15.99 expires October 1, 2019.
- 2) The project work will consist of constructing a two-story addition on the east side of Building 2 at their Maple Grove facility. There will be approximately 1.9 acres of disturbance and 1.06 acres of new impervious areas created by this work.
- 3) The applicant proposes to utilize extra capacity in their existing pond to meet the Commissions rate, TP and TSS controls. In addition, they propose reuse of the runoff water for landscape irrigation to meet the Commissions abstraction requirements.
- 4) No wetland or floodplain impacts are proposed.
- 5) Construction erosion and sediment controls consist of silt fence, storm sewer inlet protections and rock construction entrance/exit. Restoration will consist of new inlet protections, erosion control blankets, temporary and permanent seeding/mulching and permanent rock check dams. These items meet the Commission's erosion control requirements.

### **Stormwater Management**

- 6) Rate controls will meet the Commission's based on the stormwater management plans previously approved by the Commission. Boston Scientific completed an expansion to an existing stormwater pond in 2005. The ultimate land use treatment/management system approved for this expansion is for a watershed area of 43.4 acres and an impervious area of 66.5% (33.1 acres). With this proposal, the watershed area is 43.4 acres with an impervious area of 64% (28.1 acres).

(Existing Pond)	2-yr (cfs)	10-yr (cfs)	100-yr (cfs)
<b>Ultimate-Development Rates*</b>	<b>1.9</b>	<b>12.8</b>	<b>32.4</b>
<b>Rates with WL2 Addition*</b>	<b>1.6</b>	<b>10.6</b>	<b>31.6</b>

\* Note; these rate controls are determined from TP-40 data, not the current Atlas 14 data.

- 7) Abstraction requirements were not part of the watersheds requirements in 2005. With this expansion, the applicant must provide for these requirements on the new impervious area of 1.06 acres per the Commissions updated stormwater management plan.
  - a. To meet our requirements, the applicant proposes to expand irrigation from the stormwater pond to irrigate an additional 3.1 acres of their property.
  - b. Abstraction required for the new impervious area of 1.06 acres will be 4,233 cubic feet.
  - c. Based on the Ramsey-Washington Metro Watershed District irrigation calculator, the actual abstraction credits available from irrigation will be 4,285 cubic feet. This will meet the Commission requirements.
- 8) Phosphorus and TSS requirements are assumed to be met by the existing stormwater management plan up to the ultimate build-out of the original assumptions on site (66.5% impervious area). At the time of the original review the Commission required > 60% pond treatment efficiency and post-development loads less than or equal to pre-development loads. These requirements are still the same today.

**Recommendation;**

Approval contingent upon

- 1) A site plan that provides the irrigation areas to be irrigated by the new system
- 2) An operation and maintenance plan for the irrigation system that is approved by the City and Watershed and recorded on the land title..

Note; if the applicant wishes to proceed with grading before the Commission's decision (expected at their next meeting on September 11, 2019), they may do so contingent upon;

- 1) The applicant assuming any and all risks associated with changes to the site plans necessary to comply with the Commission's decision, and
- 2) The applicant receives the appropriate permits from the City of Maple Grove.

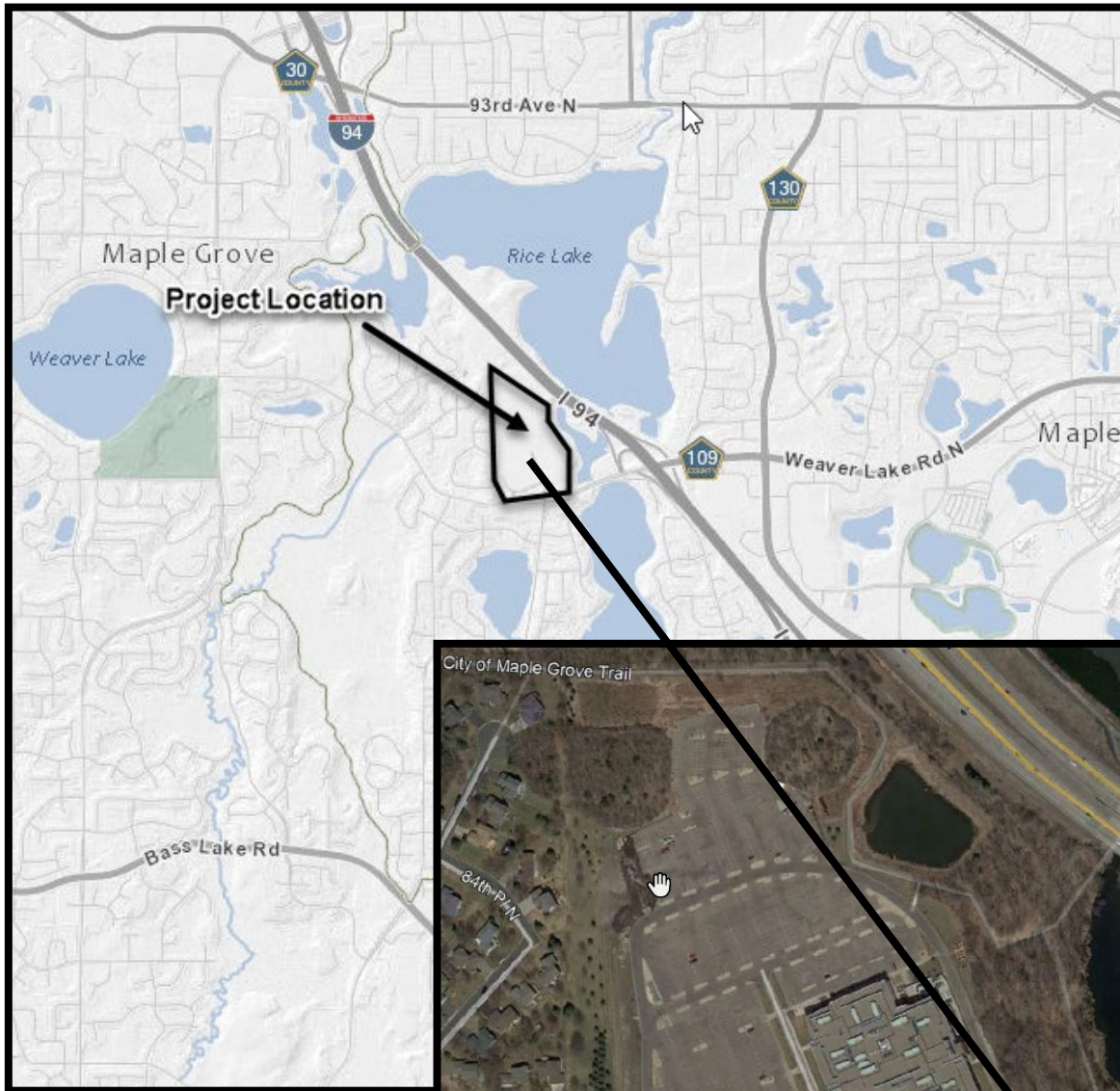
Hennepin County  
Department of Environment and Energy  
Advisor to the Commission



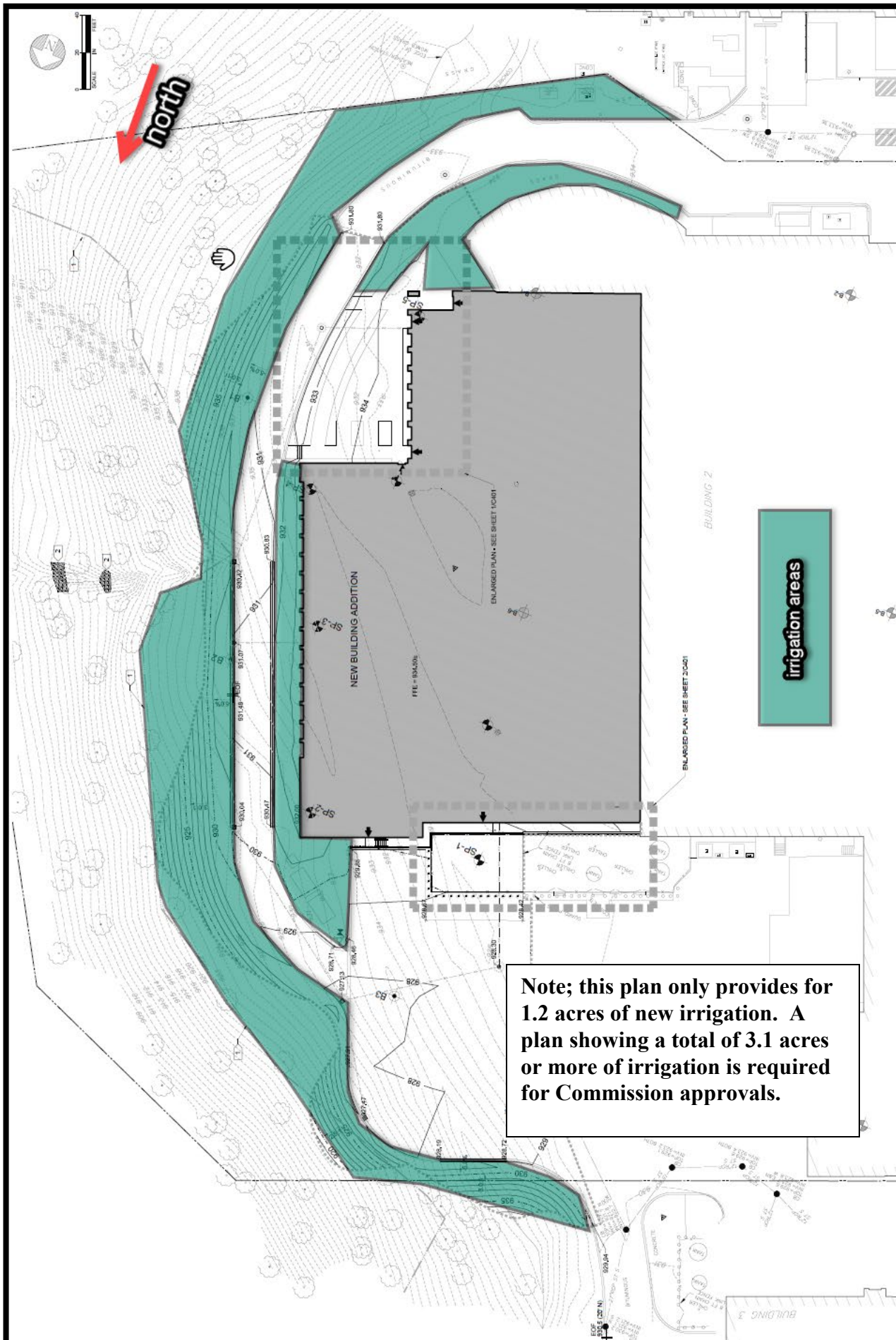
September 11, 2019



## Location Map









# elm creek

## Watershed Management Commission

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

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

### Weston Woods Medina, Project #2020-033

**Project Overview:** This is a 135-acre project found north of Hwy 55 and east of Mohawk Drive. There are 108 attached residential units, 42 detached single-family lots, and 30,000 square feet of commercial building space. Site development will include removal of an existing building site, grading, and installation of municipal sewer and water, streets, and stormwater systems. The Chippewa Road extension/connection is part of this project and review. The site plans will create 17.9 acres of new impervious area.

This project will trigger the Commission's Appendix C Rules and Standards as shown below.

- |   |        |                              |
|---|--------|------------------------------|
| 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 |
| X | Rule I | Buffer Strips                |

**Applicant & Agent:** Mark Smith, 2120 Otter Lake Drive, St. Paul, MN 55110. Phone: 612-490-0558. Email: [markmoeindc@aol.com](mailto:markmoeindc@aol.com)

**Agent/Engineer:** Landform, Attention Randy Hedlund, 105 South Fifth Avenue, Suite 513, Minneapolis, MN 55401. Phone: 612-638-0260. Email: [rhedlund@landform.net](mailto:rhedlund@landform.net)

#### Exhibits:

- 1) ECWMC Request for Plan Review and Approval dated September 30, 2020, received October 5, 2020
- 2) Authorization to review by the City of Medina dated October 1, 2020
- 3) Project review fees, \$13,750 received with the application on October 5, 2020
- 4) Weston Woods of Medina Civil and Landscape Plan Sheets by Landform, dated December 3, 2020 last revision date February 16, 2021.
  - a. Sheet C0.1, Civil & Landscape Title Sheet
  - b. Sheets C0.2 & C0.3, Preliminary Plat
  - c. Sheet C1.1, Existing Conditions.
  - d. Sheets C2.1 & C2.2, Site Plans.
  - e. Sheets C3.0 to C3.11, Grading Drainage & Erosion Control
  - f. Sheet C3.12, MN SWPPP Notes

- g. Sheets C4.1 & C4.2, Utilities.
  - h. Sheets C6.1 to C6.6, Vehicle Tracking, Line/Curve Tables and Street Profiles
  - i. Sheets C7.1 to C7.5, Civil Construction and Outlet Control Structure Details
  - j. Sheets L1.1 to L1.4, Tree Preservation Plan
  - k. Sheets L2.1 to L2.3 and L7.1, Landscape Plans and Details
  - l. Updated Sheets C4.2 and C7.5 received via Landform email January 7, 2021.
- 5) Weston Woods of Medina Stormwater Management Report by Landform dated February 15, 2021 and
    - a. HydroCAD existing conditions and proposed conditions corresponding drainage maps
    - b. Stormwater abstraction, irrigation map, and reuse models (Ramsey, Washington, reuse models for north and south ponds)
    - c. Water quality models (P8 and MIDS)
    - d. Storm sewer design information
  - 6) Geotechnical Evaluation Report for Weston Woods of Medina, by Braun Intertec, dated October 15, 2020.
  - 7) Draft Floodplain Analysis at Chippewa Road and Arrowhead Drive by WSB Engineering
  - 8) Landform response to Watershed Comments narrative dated December 18, 2020 and February 18, 2021.
  - 9) WCA notice of application for Weston Wood wetland replacement plan, dated February 12, 2021.

### **Findings:**

#### **General**

- 1) A complete application was received on October 5, 2020. The decision period per MN Statute 15.99 was extended by the applicant to April 3, 2021.
- 2) Drainage on this site flows east into DNR wetland 27-493W. From there it flows north into the Rush Creek watershed.
- 3) DNR Wetland 27-493 is within a FEMA Zone A regulatory floodplain. Zone A is described as an area subject to inundation by the 1-percent annual chance flood event, but a detailed analysis has not been accepted by FEMA or the MN DNR that would determine a specific base flood elevation for this site.
- 4) The Hennepin County Soil Survey and on-site soil boring show soils have high clay content, high water tables, slow percolation rates or a combination of these characteristics.
- 5) The City of Medina requires that landowners assume responsibility for the long-term operation and maintenance (O&M) of the stormwater basins. An O&M agreement, including irrigation pumping system components and augmentation wells system must be approved by the City and ECWMC 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.
- 6) A wetland replacement plan for the Weston Woods development was received February 12, 2021 and is still under review by the LGU. Wetland replacement plans for the

Chippewa Road portion of this project will be submitted separately by the City of Medina. Weston Woods proposes 0.64 acres of wetland impacts. The EAW for this project estimated wetland impacts to be 3.97 acres from Chippewa Road construction.

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

#### General

- 1) Existing Site Area =  $\pm 135$  acres of mixed wetland/woodland/grassland/agriculture uses.
  - a. 1.86 acres impervious areas
- 2) Proposed Site Area =  $\pm 135$  acres residential home sites and Chippewa Road Extension.
  - a. 19.76 acres impervious areas
  - b. Net new impervious area = 17.9 acres which results in an abstraction requirement of 1.64-acre feet or 71,475 cubic feet.
  - c. To manage stormwater a series of nine (9) ponding basins will be constructed throughout the site to intercept approximately 17.0 out of the 19.63 acres of impervious areas from this project.
  - d. Skimming of floatables and oils will be provided by submerging the pond outlet pipes and disconnected flows. Filter basin 16 will have sump manholes in upstream storm sewers to pre-treat sediment.

#### Minimum Floor Elevations

- 1) All homes next to wetlands and ponding basins have their lowest most floor elevations 2.0 feet or higher than the 100-year water elevation.

#### Rate Controls

- 1) Rate controls **meet** Commission requirements.
- 2) Table 1 shows the existing and proposed flow rates from the north and south DNR wetland discharge points and the before and after rates from the DNR wetland complex before it flows north into County Ditch 16.

**Table 1      Rate Control Summary**

Primary Discharge Point	Area (Acres)	Condition	2-yr (cfs)	10-yr (cfs)	100-yr (cfs)
South Discharge	570.1	Pre-Development	105.0	182.4	377.7
	568.7	Post-Development	88.1	152.2	301.9
	<b>-1.4</b>	<b>Change</b>	<b>-16.9</b>	<b>-30.2</b>	<b>-75.8</b>
North Discharge	565.0	Pre-Development	184.1	329.3	668.5
	566.3	Post-Development	142.2	241.5	471.1
	<b>+1.3</b>	<b>Change</b>	<b>-41.91</b>	<b>-87.8</b>	<b>-197.4</b>
DNR Wetland Discharge	1135.1	Pre-Development	9.2	14.4	28.8
	1135.0	Post-Development	8.8	14.1	27.9
	<b>+0.1</b>	<b>Change</b>	<b>-0.4</b>	<b>-0.3</b>	<b>-0.9</b>

### Abstraction Controls

- 1) The abstraction controls will meet Commission requirements if conditions 5 and 6 are met.
- 2) After development there will be 17.9 acres of new impervious area.
- 3) Soil borings confirm high-clay content soils unsuitable for infiltration.
- 4) A combination of stormwater reuse for irrigating 30.5 acres properties is propose to meet abstraction requirments.
  - a. Stormwater ponds 1P and 20P are proposed to be utilized for irrigation water.
    - i. Pond 1P will irrigate 15.66 acres and utilize 249,773 cubic feet of stormwater.
    - ii. Pond 20P will irrigate 10.24 acres and utilize 46,958 cubic feet of stormwater.
- 5) Additional details on the irrigation system pump and water augmentation are required on the site plans. As a design/build system, this can be provided within 6-months after Commission approval.
- 6) An irrigation system O&M schedule with the O&M agreement must be approved by the City and Commission and recorded on the property title.
- 7) Table 2 summarizes the abstraction provided from this site design.

### Water Quality Controls

- 1) Water quality controls **meet** Commission requirements.
- 2) Table 2 summarizes the total phosphorus (TP) and total suspended solids (TSS) leaving this site before and after development as determined by the applicants P8 and Ramsey Washington stormwater reuse credit calculator.

**Table 2          Stormwater Summary**

<b>CONDITION (137 AC.)</b>	<b>TP LOAD (LBS/YR)</b>	<b>TSS LOAD (LBS/YR)</b>	<b>ABSTRACTION (CU. FT.) <sup>(1)</sup></b>
<b>Pre-development (baseline)</b>	60.7	17,176	N/A
<b>Post- development without BMPs</b>	86.9	27,302	71,475
<b>Post- development with BMPs</b>	47.4	10,080	296,731 <sup>(2)</sup>
<b>Net Change</b>	<b>-13.3</b>	<b>-7,096</b>	<b>+225,256</b>

(1) 17.9 acres new impervious areas

(2) irrigation reuse on 25.9 acres.

### **Buffer Strips (Rule I).**

- 1) Buffer strips **meet** Commission requirements.
- 2) The ECWMC requires a 25-foot average and 10-foot minimum buffer width for all wetlands.
  - a. Where slopes within a buffer are graded, any final slope steeper than 6:1 must increase buffer widths 5 feet horizontally for every 1-foot vertical increase (i.e., 5:1=30 feet, 3:1 = 45 feet average).
- 3) Based on Sheets C2.1 and C2.2, buffer widths will meet the Commission's requirements. Wetland buffer widths average 25 feet or wider. The narrowest buffer width is on wetland 1h at 20 feet wide. Sheets L21 to L2.3 address the Commission's buffer vegetation requirements.
- 4) Wetland buffer monumentation locations and vegetation establishment meet the Commission's requirements.

### **Wetland Alterations (Rule G)**

- 1) Site plans **will meet** Commission requirements for wetland alterations if conditions in list items 6 and 7 below are met.
- 2) The City of Medina is the LGU in charge of administering the MN Wetland Conservation Act for WCA related wetlands.
  - a. The City of Medina's wetland and zoning codes follow the ECWMC wetland alteration rules.
- 3) MN DNR is the regulating agency for impacts to MN DNR wetland basin 27-493W.
- 4) The US Army Corps of Engineers has regulation authority on all the wetlands in this project and Chippewa Road construction.
- 5) Wetlands impacts will be approximately 0.8 acres on the Weston Woods site and 4.0 acres for Chippewa Road construction.
- 6) ACTION REQUIRED: Wetland replacement plans must be approved by the City of Medina (LGU), MN DNR and USACE prior to impacts.
- 7) ACTION REQUIRED: Submit final wetland replacement plan for review and comment.

### **Floodplain Alterations (Rule F).**

- 1) Site plans **will meet** Commission requirements for floodplain alterations if conditions in list items 5 and 6 below are met.
- 2) DNR Wetland 27-493W is classified as a Zone-A Area. Zone A area is an area where no Base Flood Elevation (BFE) has been determined.
- 3) Project will place fill in the floodplain resulting in a decrease in flood storage for the 1-percent annual chance (100-year) flood event.
- 4) The City of Medina supplied an analysis for Zone A areas on DNR Wetland 27-493W. The draft analysis established a BFE at 981.5 in the south basin (south of Chippewa Rd ROW) and 979.2 in the north basin (North of Chippewa Rd ROW).
  - a. Modeling by the applicant indicates Chippewa Road construction will increase flood elevations 0.32 feet for the southerly portion of DNR wetland 27-493.

- 5) ACTION REQUIRED: Provide quantification of the change in flood storage capacity for the 1-percent annual chance flood event due to the proposed project.
- 6) ACTION REQUIRED: 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.

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

- 1) Erosion and sediment controls **meet** Commission requirements.

### **Recommendation to the Elm Creek Commissioners**

Approval contingent upon:

- Wetland replacement plans must be approved by the City of Medina (LGU), MN DNR and USACE prior to impacts.
- Provide quantification of the change in flood storage capacity for the 1-percent annual chance flood event due to the proposed project.
- 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.
- An O&M agreement for stormwater facilities, including irrigation pumping system components and augmentation wells system, must be approved by the City and ECWMC 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.

On Behalf of Barr Engineering  
Advisor to the Commission



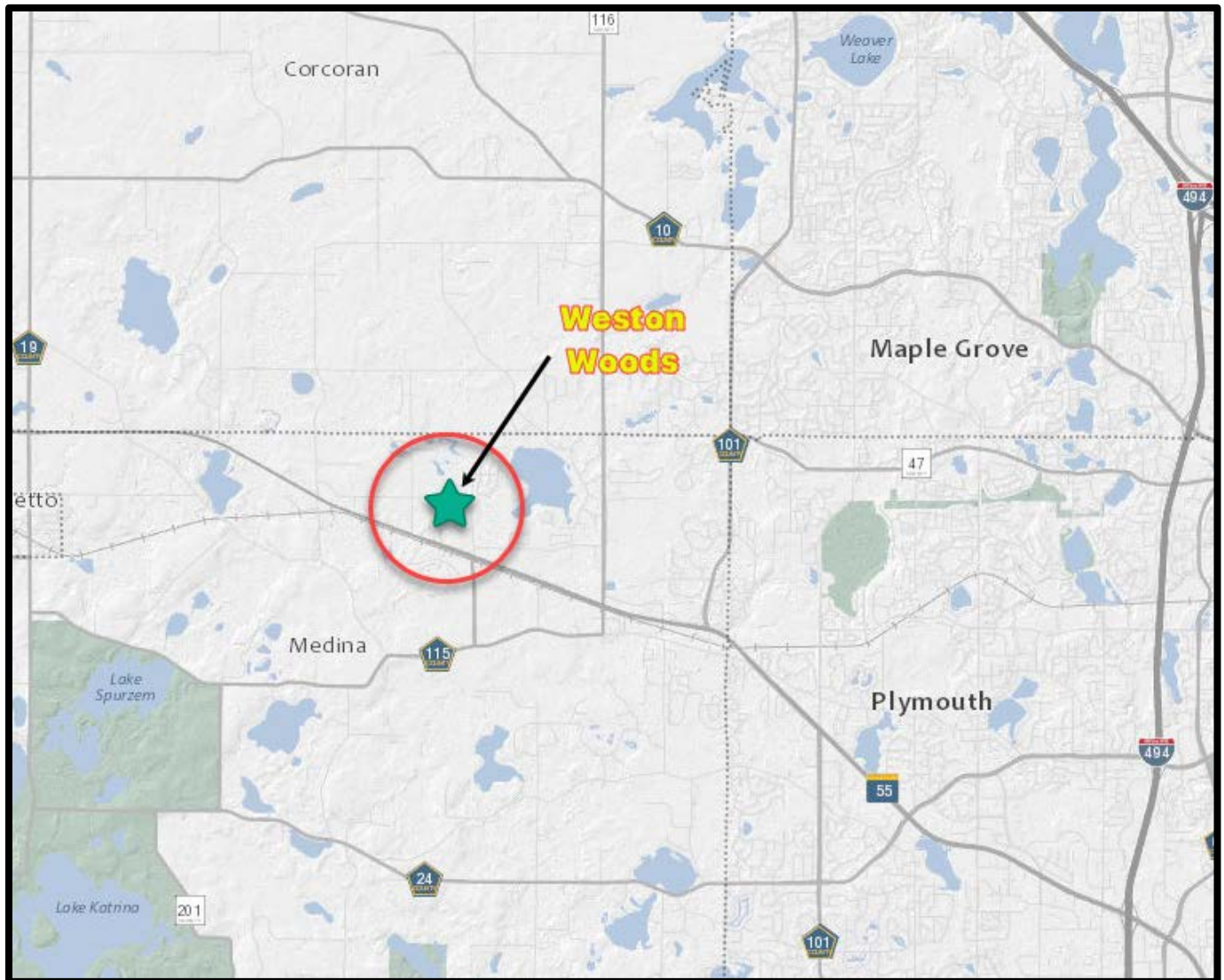
James C. Kujawa  
Surface Water Solutions LLC

March 3, 2021  
Date

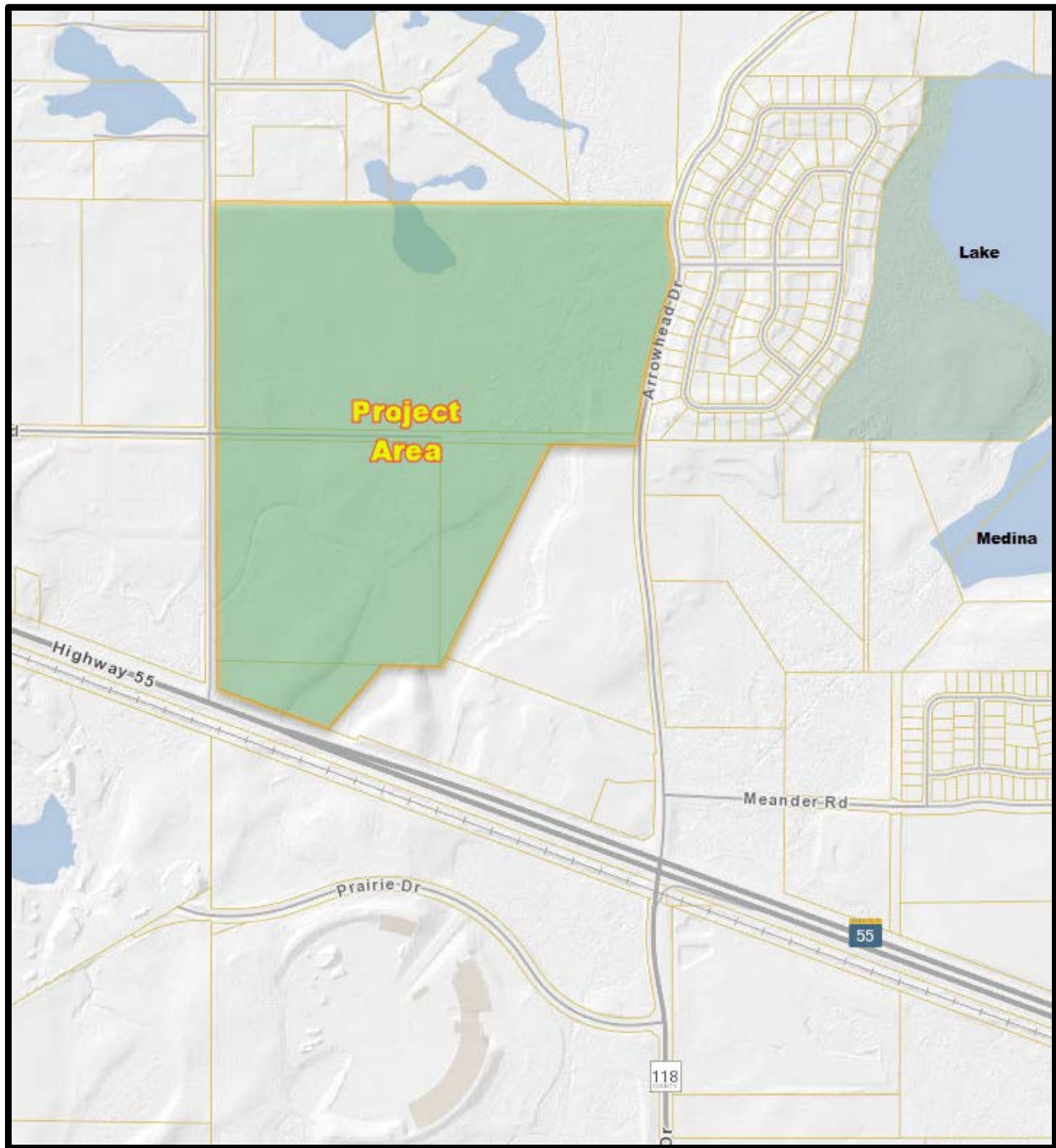
### **Attachments**

Figure 1	Location Map 1
Figure 2	Location Map 2
Figure 3	2018 Aerial Photograph
Figure 3	Grading and Drainage Plan





**Figure 1 Location Map 1**



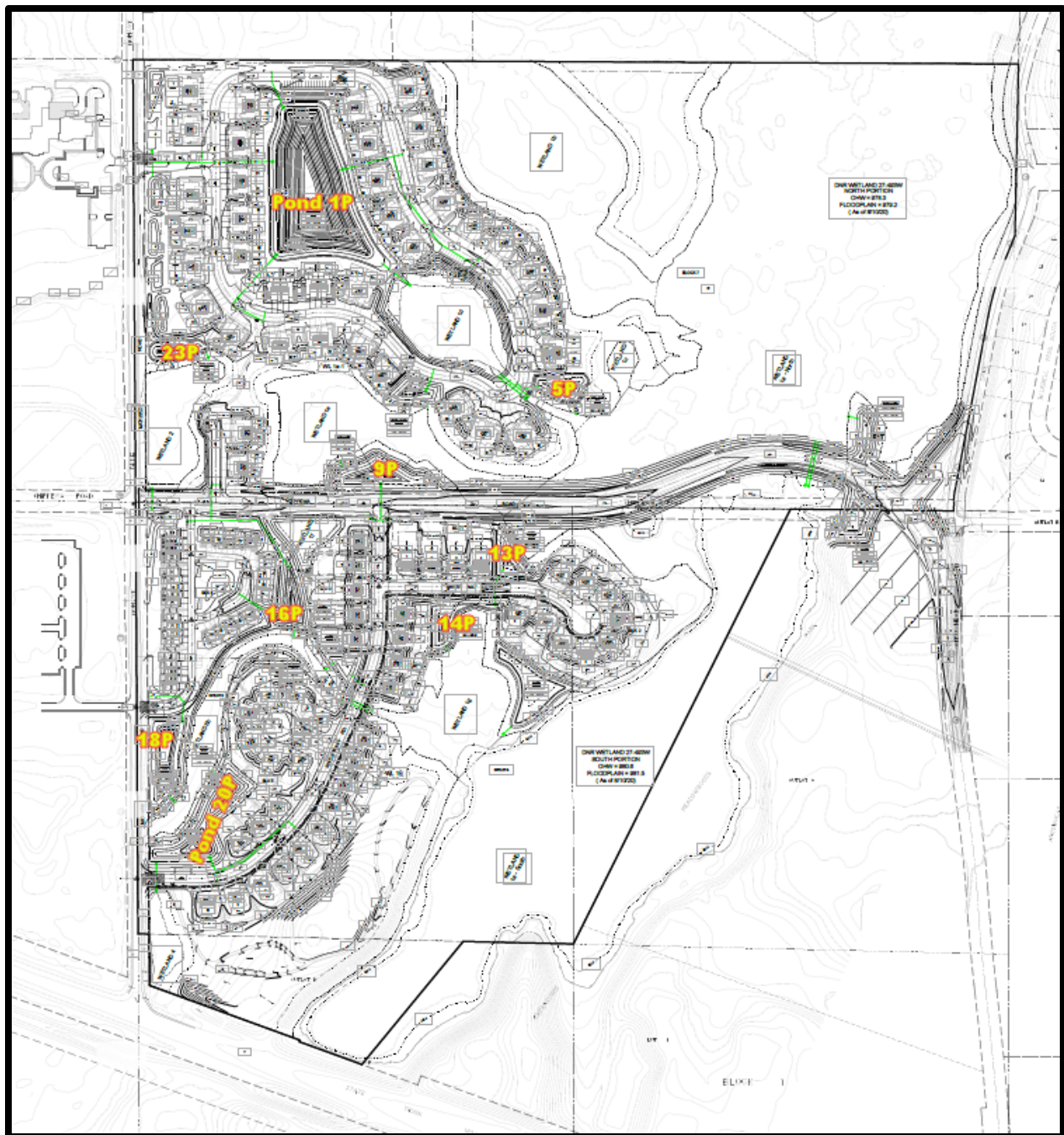
**Figure 2** Location Map 2





Figure 3 2018 Aerial Photo





**Figure 4 Grading and Drainage Plan**

# Watershed Management Commission

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

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

## Boston Scientific Access Drive/Parking Expansion City of Maple Grove Project #2021-001

### Project Overview:

**Location:** 1 Scimed Place, Maple Grove, MN 55311, at the northwest quadrant of the I-94 and Weaver Lake Road intersection

**Purpose:** The proposed work at the Boston Scientific Corporation Maple Grove campus includes construction of an access drive/parking expansion. The stormwater management plan for this project includes rate controls, water quality controls, and abstraction controls for this project, as well as project #2019-024 and project #2021-006.

Project #2019-024 WL2 East Addition (Building 2) was approved contingent upon a site plan of irrigation areas and irrigation system O&M plan. The irrigation site plan has been included with the #2021-001 overall stormwater management plan for ultimate build out of the site. However, the applicant is no longer relying on the irrigation system to meet Rule D requirements for project #2019-024.

Project #2021-006 WL3 West Building 3 Expansion project is being reviewed as a separate application for Rule E. Compliance with Rule D requirements are documented in the Project #2021-001 submittals.

An iron-enhanced filtration bench on the northeast pond (Pond C) and reconstruction of the outlet from one of the two southern ponds (Pond B) will provide treatment and rate control. The iron-enhanced sand filtration bench is designed to treat all new impervious area from #2019-024, #2021-001, and #2021-006. The total parcel area is approximately 68.1 acres. The ultimate build out condition (including #2019-024, #2021-001, and #2021-006) will disturb approximately 29.2 acres and create 4.8 acres of new impervious area.

<b>WMC Rules</b>	X	Rule D	Stormwater Management
<b>Triggered:</b>	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

**Applicant:** Boston Scientific Corporation  
**Address:** One Scimed Place  
Maple Grove, MN 55311

**Attention:** Brendan Collins  
**Phone:** 763-955-8191  
**Email:** Brendan.Collins@bsci.com

**Agent:** HGA  
**Address:** c/o HGA 420 N 5<sup>th</sup> St. #100  
Minneapolis, MN 55401

**Attention:** Kenny Horns  
**Phone:** 612-578-7703  
**Email:** khorns@hga.com

Exhibits:	Description	Date Received
<i>Application</i>	<input checked="" type="checkbox"/> Complete ECWMC Application	2/22/2021
	<input checked="" type="checkbox"/> ECWMC Request for Review and Approval	1/27/2021
	<input checked="" type="checkbox"/> City authorization: Maple Grove, MN	1/22/2021
	<input checked="" type="checkbox"/> Review fee: \$3,375	2/22/2021
	<input checked="" type="checkbox"/> Project Documents (site plans, reports, models, etc.)	2/19/2021

#### *Submittals*

1. Storm Water Management Plan, prepared by HGA dated January 26, 2021 (revised February 18, 2021)
  - a. Stormwater Management Analysis and Results
  - b. HydroCAD modeling report for existing and proposed conditions
  - c. Existing and proposed drainage maps
  - d. Pond survey maps
  - e. Summary of irrigation areas (for WL3 Building 3 Expansion)
  - f. MIDs modeling report for existing and proposed conditions
  - g. NOAA Atlas 14 precipitation frequency data
2. Geotechnical Evaluation Reports (2) conducted by Braun Interdec dated June 14, 2019 and December 30, 2020
3. Boston Scientific Corporation Weaver Lake Campus Access Drive/Parking Expansion Construction Plan Set (20 sheets) dated January 26, 2021 (revised February 18, 2021)
4. Electronic HydroCAD models for existing and proposed conditions provided on February 19, 2021
5. Electronic MIDs models for existing and proposed conditions provided on February 19, 2021
6. MIDs Storm Water Quality Modeling Results dated February 18, 2021
7. Stormwater Detention and Treatment Basin Assessments on Boston Scientific's Maple Grove Campus conducted by Barr Engineering on November 5, 2020
8. Wetland Delineation Report by Kjolhaug Environmental Services Company, Inc. dated April 3, 2020
9. City of Maple Grove Minnesota WCA Notice of Decision dated April 3, 2020

## Findings

### General

1. A complete application was received February 22, 2021. The initial 60-day decision period per MN Statute 15.99 expires April 23, 2021.
2. Most of the site (42.7 acres) generally drains northeast to an existing stormwater pond (Pond C) which outlets to stormsewer beneath I-94. The remaining 18.4 acres drains south into two existing stormwater ponds (Pond B and A) ultimately draining to stormsewer along Weaver Lake Road.
3. The proposed improvements include the construction of an access drive and parking lot expansion. The project will
  - a. move the access/circulation drive west to the edge of the landscape berm
  - b. expanding the surface lots west and north of the buildings
  - c. add an outbound lane for traffic exiting to eastbound Weaver Lake Road
4. This work will create 4.8 acres of new impervious area and reconstruct 11.2 acres of impervious area on the 68.1-acre site. The table below summarized the area of disturbance and impervious area added or reconstructed for each of the three projects. Existing and proposed conditions HydroCAD models were created to model rate control.

**Table 1 Project Area Summary**

<b>Project</b>	<b>Disturbance Area (acres)</b>	<b>Added Impervious Area (acres)</b>	<b>Reconstructed Impervious Area (acres)</b>
#2019-024	1.9	1.1	0.3
#2021-001	22.0	3.5	7.1
#2021-006	5.3	0.2	3.8
<b>Total</b>	<b>29.2</b>	<b>4.8</b>	<b>11.2</b>

- One iron-enhanced sand filtration bench and an existing pond outlet modification will be constructed for treatment and rate control. The existing ponds receive all drainage from the site.
- Because soil borings indicate clay soils throughout the site and beneath the proposed BMPs, draitile will be placed beneath the iron-enhanced sand filtration bench media to convey treated discharge to the existing stormsewer beneath I-94.
- Existing Pond B and A are MN WCA-approved delineated wetlands. The outlet modification to Pond B is within the delineated wetland extent. As a condition for approval, the applicant must ensure the work is conducted to the satisfaction of the LGU.
- There are no Elm Creek Watershed jurisdictional floodplains or steam crossings within the site.

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

### **General**

- The entire site is 68.1 acres. The new impervious area will be 4.8 acres. The reconstructed impervious area will be 11.2 acres.
- The soils on the site are predominantly Hydrologic Soil Group Type D.
- Soil borings indicate clay soils.
- Stormwater will be managed on the site through modifying the outlet of Pond B and the construction of one iron-enhanced sand filtration bench along Pond C.
- A site plan of the irrigation areas has been provided (contingency for project #2019-024).

### **Low Floor Elevations**

- Low floor elevations for buildings are more than 2 feet above the 100-year flood elevation in the existing ponds.

### **Water Quality Controls**

- Plans **meet** Commission requirements for a restricted site where infiltration is not feasible.
- Water quality and volume loads were estimated using the MIDs calculator.
- A MIDs model output was provided to show that post-development total suspended solids (TSS) and total phosphorous (TP) loads will be less than pre-development loads.
- Table 2 summarizes TP and TSS from this site before and after development.

**Table 2 Water Quality Summary**

Condition	TP Load (lbs/year)	TSS Load (lbs/year)	Filtration (cubic feet) <sup>(1)</sup>
Pre-development (baseline) <sup>(2)</sup>	43.5	4,343	0
Post-development without BMPs	47.5	4,729	0
Post-development with BMPs	30	2,126	34,804
Net Change	-13.5	-2,217	+34,804

(1) 4.8 acres of new impervious.

(2) Water quality modeling includes one iron-enhanced sand filtration bench and existing constructed ponds.

### Rate Controls

1. Rate control measures **meet** Commission requirements.
2. Rate control for the site was provided by an iron-enhanced sand filtration bench and outlet modification to an existing pond.
3. The applicant provided proposed HydroCAD model output for the 2-year, 10-year, and 100-year events which are summarized in Table 3.

**Table 3 Rate of Discharge Leaving Site**

Discharge Location	Condition	Area (acres)	2-year (cfs)	10-year (cfs)	100-year (cfs)
From Pond C (northeast)	Existing	43.4	2.7	15.3	54.7
	Proposed	42.7	2.4	15.2	53.0
From Pond B (south)	Existing	16.8	5.7	9.7	14.6
	Proposed	17.4	3.2	7.4	11.7

### Abstraction Controls

1. Full infiltration of 1.1 inches of runoff from impervious areas is not feasible since the site consists of clay soils. The Applicant proposes to use an iron-enhanced sand filtration bench and modification to an existing pond outlet to meet abstraction requirements.
2. New impervious areas will be 4.8 acres requiring filtration of 19,042 cubic feet.
3. The Applicant proposes using iron-enhanced sand filtration to meet the volume abstraction requirement. The HydroCAD model results indicate that the filtration bench will drawdown within 48 hours.
4. Pretreatment is provided by the existing pond before stormwater discharges to the iron-enhanced sand filtration system. A sumped catch basin (ST349) provides pretreatment of stormwater before discharging near the iron-enhanced sand filtration system.
5. Table 2 summarizes abstraction volumes and treatment provided for this site.

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

1. Plans **meet** Commission requirements for erosion and sediment control.
2. The erosion and sediment control plan is consistent with current best management practices.

### **Recommendations**

Approve Project #2021-001 with the following conditions:

1. Work within the delineated wetland extents of Pond B must be conducted to the satisfaction of the LGU.
2. Provide an operation and maintenance plan for iron-enhanced filtration bench that is approved by the City and ECWMC and recorded on the land title.
3. Indicate areas of non-compaction on the Erosion and Sediment Control plan and specifically the Pond C filtration bench.

Revise approval for Project #2019-024 to be without conditions.

Joseph J. Waln, PE  
Barr Engineering Co.  
Advisor to the Commission

March 2, 2021  
Date

### **Attachments**

- |          |  |
|----------|--|
| Figure 1 | Site Location Map                          |
| Figure 2 | Aerial Imagery                             |
| Figure 3 | Project Site Areas                         |
| Figure 3 | Existing and Proposed Drainage Pattern Map |
| Figure 4 | Pond C Iron-Enhanced Sand Filter Bench     |
| Figure 5 | Pond B Outlet Modification                 |



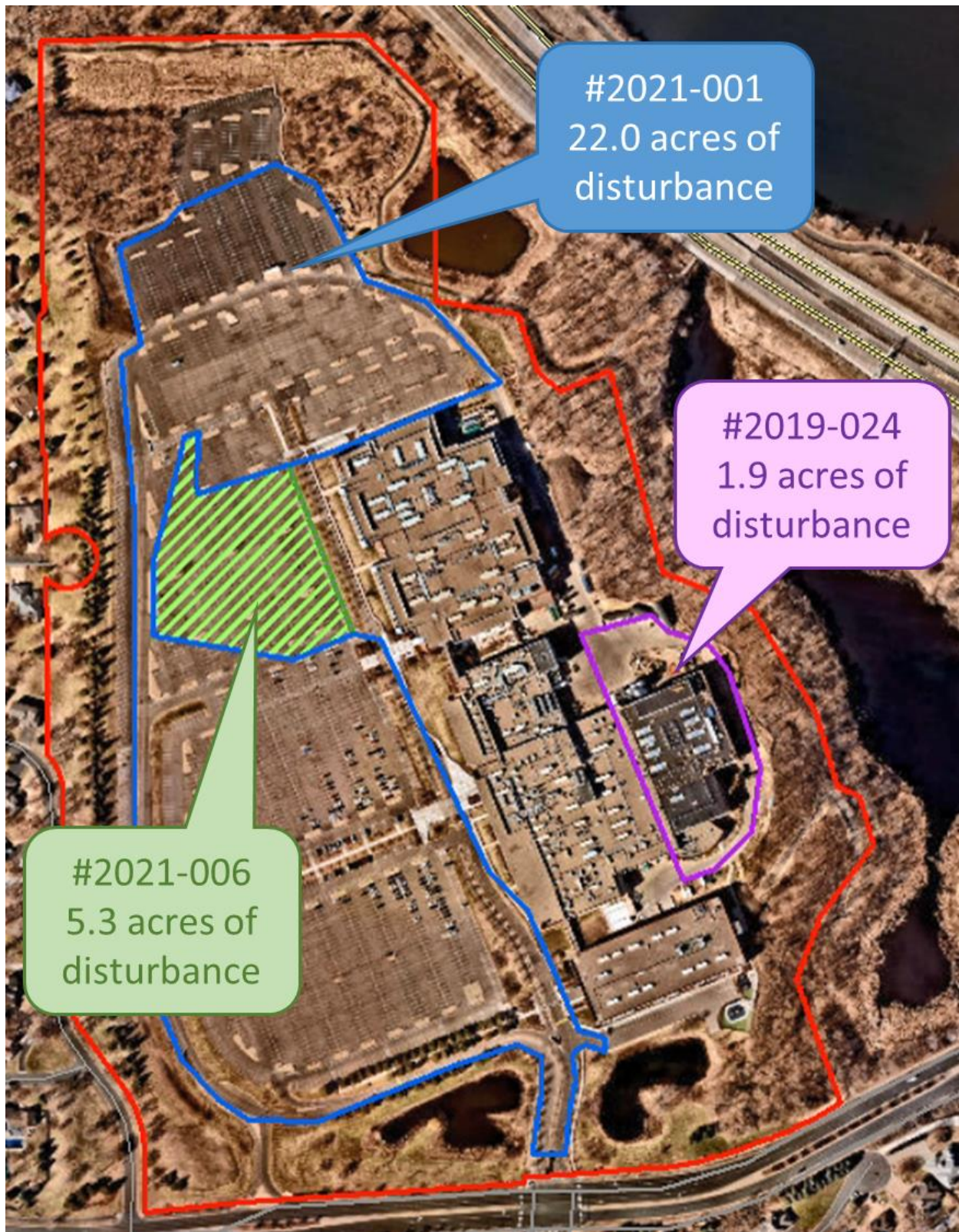






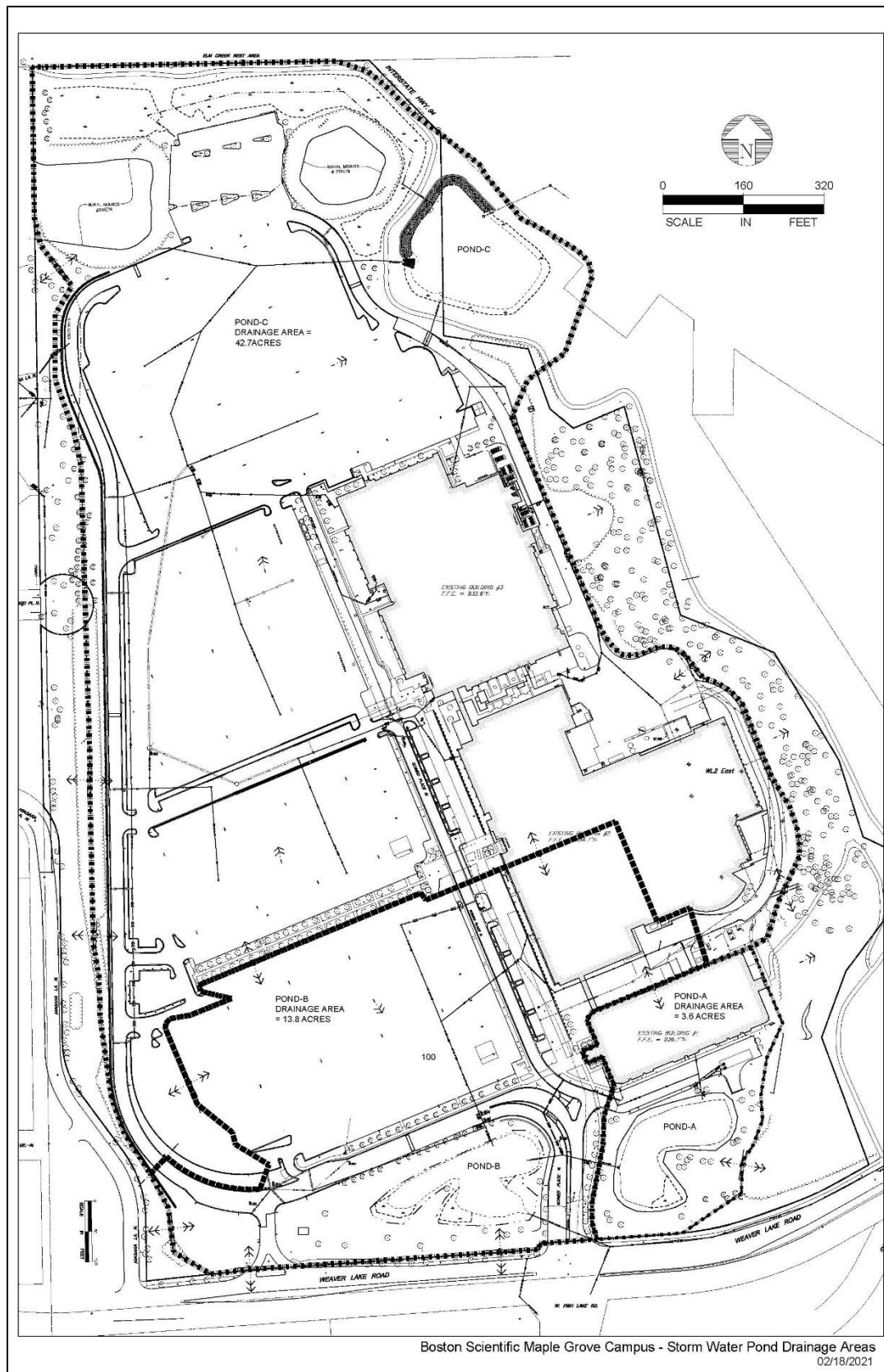
**Figure 2** Aerial Imagery





**Figure 3 Project Site Areas**





**Figure 4 Existing and Proposed Drainage Pattern Map**

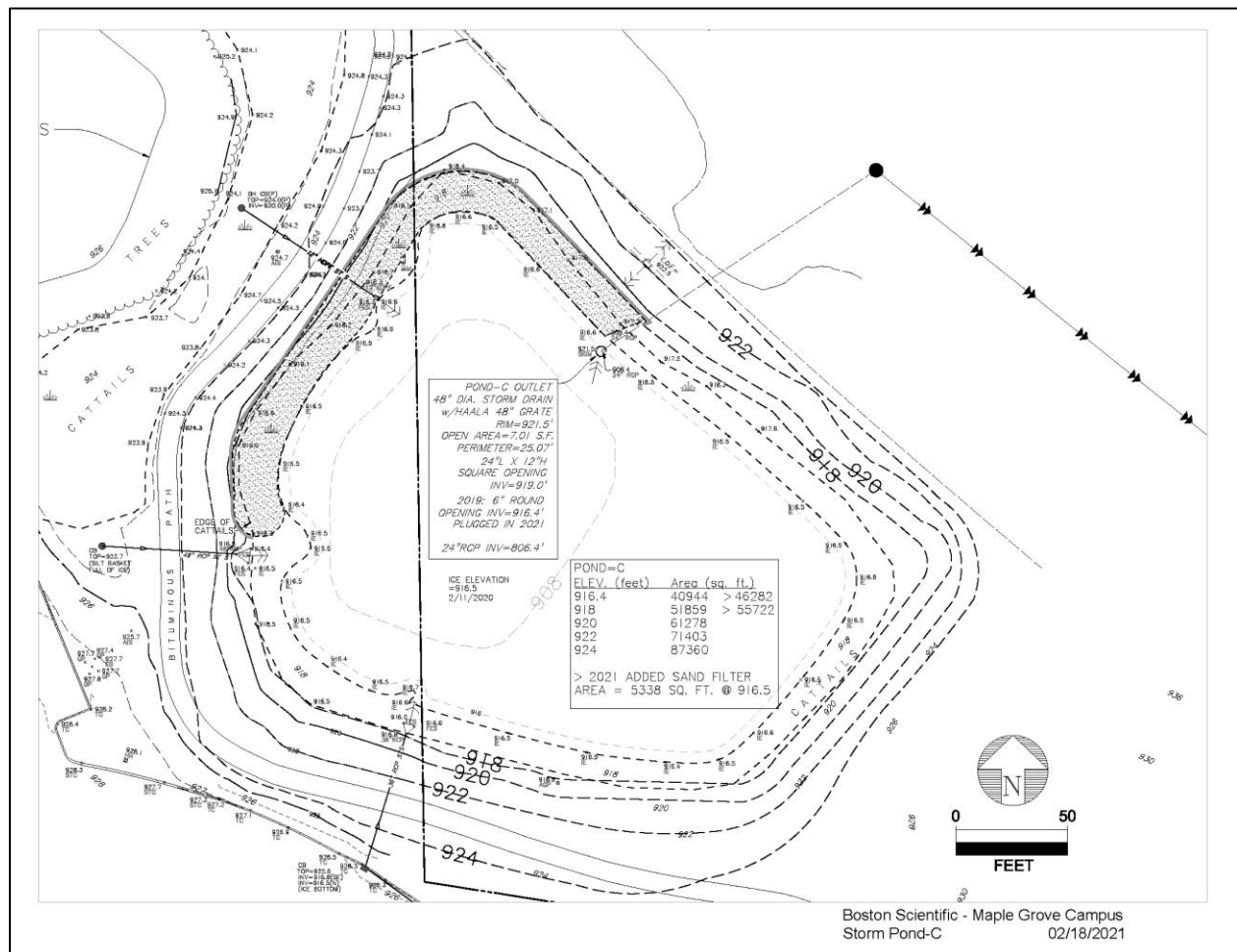


Figure 5 Pond C Iron-Enhanced Sand Filter Bench

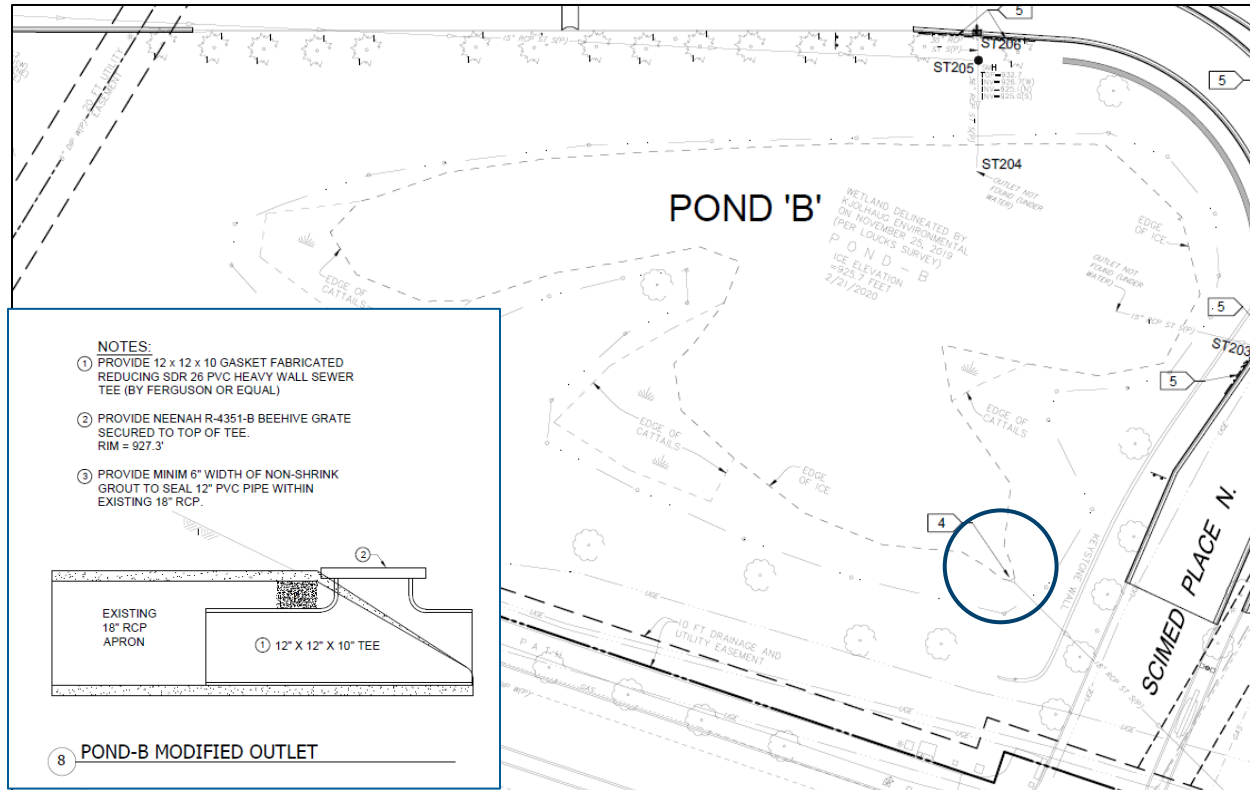


Figure 6 Pond B Outlet Modification

# Watershed Management Commission

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

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

## Skye Meadows Variance City of Rogers Project #2021-002

### Project Overview:

**Location:** Six parcels along the north and south side of Territorial Rd, west of Tilton Trail N.  
**Purpose:** Lennar Corporation is proposing to construct a residential development on 130 acres along Territorial Road. The project would create 363 single family residential units proposed creating 38.73 acres of new impervious areas in seven phases. All phases of the project were initially reviewed under Project # 2020-016 for stormwater management, erosion controls, floodplain alterations, wetland alterations, and buffer strips for all phases. This review is for a variance request for lots 1 through 11 regarding the low floor freeboard requirements in Rule D.

**WMC Rules Triggered:**

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

**Applicant:** Lennar Homes  
**Address:** 16305 36th Ave. N. Suite 600,  
Plymouth, MN 55443

**Attention:** Paul Tabone  
**Phone:** 952-249-3075  
**Email:** [paul.tabone@lennar.com](mailto:paul.tabone@lennar.com)

**Agent:** ISG  
**Address:** 7900 International Drive, Suite 550,  
Minneapolis, MN 55425

**Attention:** Jeremy Foss  
**Phone:** 952-426-0699  
**Email:** [Jeremy.foss@ISGInc.com](mailto:Jeremy.foss@ISGInc.com)

Exhibits:	Description	Date Received
Application	<input checked="" type="checkbox"/> Complete ECWMC Application	2/2/2021
	<input checked="" type="checkbox"/> ECWMC Request for Review and Approval	2/2/2021
	<input checked="" type="checkbox"/> City authorization: City of Rogers	2/2/2021
	<input checked="" type="checkbox"/> Review fee: 675	2/2/2021
	<input checked="" type="checkbox"/> Project Documents (site plans, reports, models, etc.)	1/26/2021
Submittals		
1.	0-23476 Skye Meadows Variance Narrative	1/26/2021
	1-City of Rogers Letter - Skye Meadows Grading Plan	
	2-Rachael Drive Existing Building Elevations	
	3.1-23476 Sky Meadows Grade Plan-North-2	
	3.2-23476 Sky Meadows Grade Plan-North-3	

Exhibits:	Description	Date Received
	4-Low floor elevation guidance	
2.	0-2021-02-05 Variance Response	2/5/2021
	1-23476 Lot Elevation Tables 2-4	
	2.1-23476 Sky Meadows Grade Plan-North-2	
	2.2-23476 Sky Meadows Grade Plan-North-3	
	3-223476 Low Floor Elevation Guidance Table 5	
3.	23476 - Skye Meadows - Section View Elevations	2/8/2021
	23476 Lot Elevation Tables 2-4	
	223476 Low Floor Elevation Guidance Table 5	
	Low Floor Guidance Exhibit-2	
4.	Low Floor Guidance Exhibit-EOF	2/10/2021
	Wetland Overflow Map	
5.	2021-02-26 Variance Response 3	3/2/2021
	23476 Alt Rachael Dr profile	

## Findings

### General

1. A complete application was received on February 2, 2021. The applicant requested a 60-day extension. The decision period per MN Statute 5.99 expires on June 2, 2021.
2. The Commission approved this development under Project #2020-016 Skye Meadows at the January 2021 meeting on the condition that the low floor issue be resolved either through an approved variance or by bringing the project into conformance with Commission rules.
3. This review covers the variance request.
4. The Applicant requests a variance from the Commission's Rule D requirement for two feet of freeboard above the high-water level of adjacent waterbodies for lots 1 through 11.
  - a. Rule D. 3. b. i) (7) states: "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."
5. The Applicant meets the freeboard requirements for the City of Rogers.
6. The City of Rogers supports the variance request.

### Rule D – Stormwater Management (plans)

This review only covers the low floor elevation on the lots stated above of the Skye Meadows project. The other provisions of Rule D were approved under Project #2020-016 on all the other areas of this development.

### **Low Floor Elevations**

The low floor elevations for Lots 1 through 11 **do not meet** Commission requirements.

1. Table 1 shows that none of the lots meet the Commission's freeboard requirement.

**Table 1 Low Floor Freeboard Above High Water Level in Adjacent Waterbody**

Lot #	Waterbody	High Water Level (HWL) (feet)	Low Floor Elevation (feet)	HWL Freeboard = Low Floor Elev. minus HWL (feet)
1	NW Wetland 8	936.5	936.1	-0.4
2	NW Wetland 8	936.5	937.8	1.3
3	NE Wetland 7	938.4	937.1	-1.3
4	NE Wetland 7	938.4	937.3	-1.1
5	NE Wetland 7	938.4	938.6	0.2
6	Pond A	940.75	938.5	-2.3
7	Pond A	940.75	938.5	-2.3
8	Mid Wetland 8	939.4	938.5	-0.9
9	Mid Wetland 8	939.4	939.0	-0.4
10	Mid Wetland 8	939.4	939.3	-0.1
11	Mid Wetland 8	939.4	939.7	0.3

Red text indicates values less than 2-feet requirement

- Table 2 shows that only Lot 2 meets the Commission's EOF freeboard requirement.

**Table 2 Low Floor Freeboard Above Emergency Overflow in Adjacent Waterbody**

Lot #	Waterbody	Emergency Overflow (EOF) (feet)	Low Floor Elevation (feet)	EOF Freeboard = Low Floor Elev. minus EOF Elev. (feet)
1	NW Wetland 8	935.5	936.1	0.6
2	NW Wetland 8	935.5	937.8	2.3
3	NE Wetland 7	938.2	937.1	-1.1
4	NE Wetland 7	938.2	937.3	-0.9
5	NE Wetland 7	938.2	938.6	0.4
6	Pond A	941.0	938.5	-2.5
7	Pond A	941.0	938.5	-2.5
8	Mid Wetland 8	941.7	938.5	-3.2
9	Mid Wetland 8	941.7	939.0	-2.7
10	Mid Wetland 8	941.7	939.3	-2.4
11	Mid Wetland 8	941.7	939.7	-2.0

Red text indicates values less than the 1-foot requirement



## **Rule K – Variances**

### **Variance Requirements**

1. Variances are allowed under Rule K of the ECWMC. Rule K states that variances may be granted for items not in literal agreement with the Rules in cases where literal enforcement would cause practical difficulties or particular hardship and is consistent with the Commission's water resources plan and Minnesota Statutes under 103D.

The Applicant supplied the following responses to the hardship evaluation, as defined in Rule K.

1. **The land in question cannot be put to reasonable use if used under the conditions allowed by the rules.**
  - a. *Applicant Response:* The land in question, if the homes are not built as proposed, does not meet the intent of the planned community for the City. Also, if homes are not built adjacent to the street, there is less incentive to construct the street which would impact the planned community traffic patterns.
2. **The plight of the applicant is due to circumstance unique to the applicant and not created by the Applicant.**
  - a. *Applicant Response:* The issue of these 11 lots is due to matching into and extending existing infrastructure that was previously planned out by the City as part of the previous development to the north 15 to 20 years ago. Although this development is being reviewed under a different generation plan, the same rule has been applied under previous generation plans. The interpretation of this rule has changed since the generation plan of the original development is which causing some of the challenges now.
3. **The variance, if granted, will not adversely affect the essential character of the locality and other adjacent land.**
  - a. *Applicant Response:* The proposed improvements fit in with existing home styles and community in the area.
4. **Economic considerations alone shall not constitute a hardship if the land may be put to reasonable use for the land exists under the terms of the rules.**
  - a. *Applicant Response:* General planning standards would imply that new street construction is supported by adjacent private development to support the construction of the street and future maintenance of the street. Removing this connection limits the neighborhood connectivity to the proposed and existing adjacent neighborhoods which was previously planned by the City of Rogers.

### **Technical Evaluation of Proposed Approach**

1. Existing structures to the north of the proposed development constructed in 2006 have low floors that do not have two feet of freeboard above the HWL of adjacent waterbodies. The City is not aware of any basement flooding problems for these structures.
2. Applicant proposes meeting City requirements for freeboard for low floors and low openings, rather than the more restrictive ECWMC requirements.
3. Table 3 provides a comparison of freeboard requirements for ECWMC and the City of Rogers.

**Table 3 Freeboard Requirements ECWMC vs City of Rogers**

Building Elevation	ECWMC Requirement	City Requirement
Low Floor	> HWL + 2 feet	> NWL
Low Opening	N/A	> EOF + 2 feet

4. The Applicant proposes the following:
  - a. Keeping low floor elevations for proposed homes at or above the low floors for existing homes adjacent to the same waterbody.
  - b. Set low floor elevations above the NWL of the adjacent waterbodies.
  - c. Set low openings at least 2 feet above the EOF of adjacent waterbodies OR 2 feet above the HWL of a back to back 100-year storm.
  - d. Keep low floor elevations for Lots 1 and 2 above the historical high water level of the adjacent wetland (936.0).
5. Table 4 shows that all the lots have low floors above the normal water level for adjacent waterbodies, as required by the City of Rogers.

**Table 4 Low Floor Freeboard Relative to City of Rogers Requirements**

Lot #	Waterbody	NWL (feet)	Low Floor Elev. (feet)	NWL Freeboard = Low Floor minus NWL (feet)
1	NW Wetland 8	935.5	936.1	0.6
2	NW Wetland 8	935.5	937.8	2.3
3	NE Wetland 7	935.2	937.1	1.9
4	NE Wetland 7	935.2	937.3	2.1
5	NE Wetland 7	935.2	938.6	3.4
6	Pond A	938.3	938.5	3.3
7	Pond A	938.3	938.5	0.3
8	Mid Wetland 8	938.0	938.5	0.5
9	Mid Wetland 8	938.0	939.0	1.0
10	Mid Wetland 8	938.0	939.3	1.3
11	Mid Wetland 8	938.0	939.7	1.7

Red values are less than the 0 feet above the NWL City of Rogers requirement

6. Table 5 shows that Lots 1 through 8 have low openings that are at least 2 feet above the EOF for adjacent water bodies. Lots 9, 10 and 11 do not meet the EOF requirement.
7. In some cases, meeting the EOF freeboard requirement is unrealistic. An alternative approach is to check freeboard relative to the high water level that would result from a back-to-back 100-year storm event. Table 5 shows that Lots 9, 10, and 11 have at least two feet of Freeboard above the back to back 100-year high water level for the adjacent waterbody.

**Table 5 Low Opening Freeboard Relative to City of Rogers Requirements**

Lot #	Waterbody	100-year HWL (feet)	Back-to-Back 100-year Events HWL (feet)	EOF (feet)	Low Opening Elevation (feet)	EOF Freeboard = Low Opening minus EOF Elev. (feet)	Alt Freeboard = Low Opening minus Back to Back 100-year HWL
1	NW Wetland 8	936.5	N/A	935.5	939.6	4.1	N/A
2	NW Wetland 8	936.5	N/A	935.5	941.3	5.8	N/A
3	NE Wetland 7	938.4	N/A	938.2	940.6	2.4	N/A
4	NE Wetland 7	938.4	N/A	938.2	941.3	3.1	N/A
5	NE Wetland 7	938.4	N/A	938.2	942.1	3.9	N/A
6	Pond A	940.75	N/A	941.0	946.5	5.5	N/A
7	Pond A	940.75	N/A	941.0	946.5	5.5	N/A
8	Mid Wetland 8	939.4	N/A	941.7	946.5	4.8	N/A
9	Mid Wetland 8	939.4	939.6	941.7	942.5	0.8	2.9
10	Mid Wetland 8	939.4	939.6	941.7	942.8	1.1	3.2
11	Mid Wetland 8	939.4	939.6	941.7	942.2	0.5	2.6

Red values are less than the 2 feet above EOF or back-to-back 100-year high water levels

The applicant responded to questions posed by staff. Below is a summary of the questions and responses.

- Are the lots in question buildable without filling in wetlands?  
*Response:* Yes. Most wetland fill caused by the project is from road and utilities. Extending Rachel Drive will provide transportation connectivity through the development and it will eliminate an existing sanitary lift station.
- Does strict interpretation of the ECWMC rules create non-conformities with other building requirements?  
*Response:* Yes. Driveway slopes would be steeper than 10%. Modifications to Rachel Road would create steep street grades. Landscaping grades would be steeper than 4:1, the maximum allowed by the City of Rogers.
- What is the impact of raising the building pads to meet ECWMC requirements?  
*Response:* Would require raising the street several feet. Would create steep driveways. Would require reconstruction of 150 feet of the existing Rachel Drive and adjacent driveways. Vertical curves would be steeper than standard. Increased wetland impacts.
- Can retaining walls be used to bring properties into compliance?  
*Response:* Retaining walls could help reduce wetland impacts and make yards flatter (more useable). They come with their own challenges. Homeowners must maintain them which tends to lead to complaints to the City.
- What measures is the developer taking to avoid, minimize, and/or mitigate basement flooding for the 11 lots in question.  
*Response:* The developer will meet existing building code. Lots will have a vapor barrier and insulation/drain board around the foundation walls, and a subdrain and sump. Surface elevations will drain away from the structures. Lennar provides an industry standard warranty.

6. What is the economic basis for maintaining that slab-on-grade construction is unreasonable for these lots?

*Response:* Existing residents want a product that closely matches the existing houses. The expectation for single family homes is that there will be a basement. The market for slab-on-grade product is generally for attached home types. It is important to the City that new homes be similar to existing homes to minimize potential conflicts between residents and the City.

7. Would it be better to use some of this area for Park space?

*Response:* A park is not desired by the City to own and maintain in this location. Park space in this development is being provided in other areas.

The applicant will provide a presentation at the March Commission meeting supporting the variance request.

### **Conclusions**

- The proposed approach meets City of Rogers freeboard requirements.
- The Applicant has demonstrated that the proposed homes would have a similar risk of groundwater flooding as existing homes to the north. Existing homeowners have not reported flooding problems to the City in the last 15 years.
- Clay soils in the area make lateral migration of high water levels through the soil unlikely.
- It is probable that groundwater levels are close to normal water levels for adjacent waterbodies.
- Rule D is unclear about whether the intent of the freeboard requirement is to minimize the potential for overland flooding and groundwater flooding, or just overland flooding. Other watershed management organizations use it to minimize both types of flooding.
- The Applicant is aware that by building structures that do not meet the ECWMC freeboard requirement that there could be a higher potential for basement flooding.
- There are technical challenges with meeting the Commission requirement that present a hardship for the applicant.
- The economic basis for the hardship is the primary, but not the only hardship presented for the variance.
- Questions of legal liability will be addressed by legal staff.

Barr Engineering Co.  
Advisor to the Commission

March 4, 2021  
Date

### **Attachments**

- |          |  |
|----------|--|
| Figure 1 | Project Location   |
| Figure 2 | Lot Numbers, High Water Levels, Normal Water Levels, Emergency Overflow Elevations |
| Figure 3 | Structure Elevations for Lots 1 through 7 (LSO = Low Opening, BFE = Low Floor)     |
| Figure 4 | Structure Elevations for Lots 6 through 11 (LSO = Low Opening, BFE = Low Floor)    |
| Figure 5 | Rachel Drive Existing Building Elevations  |

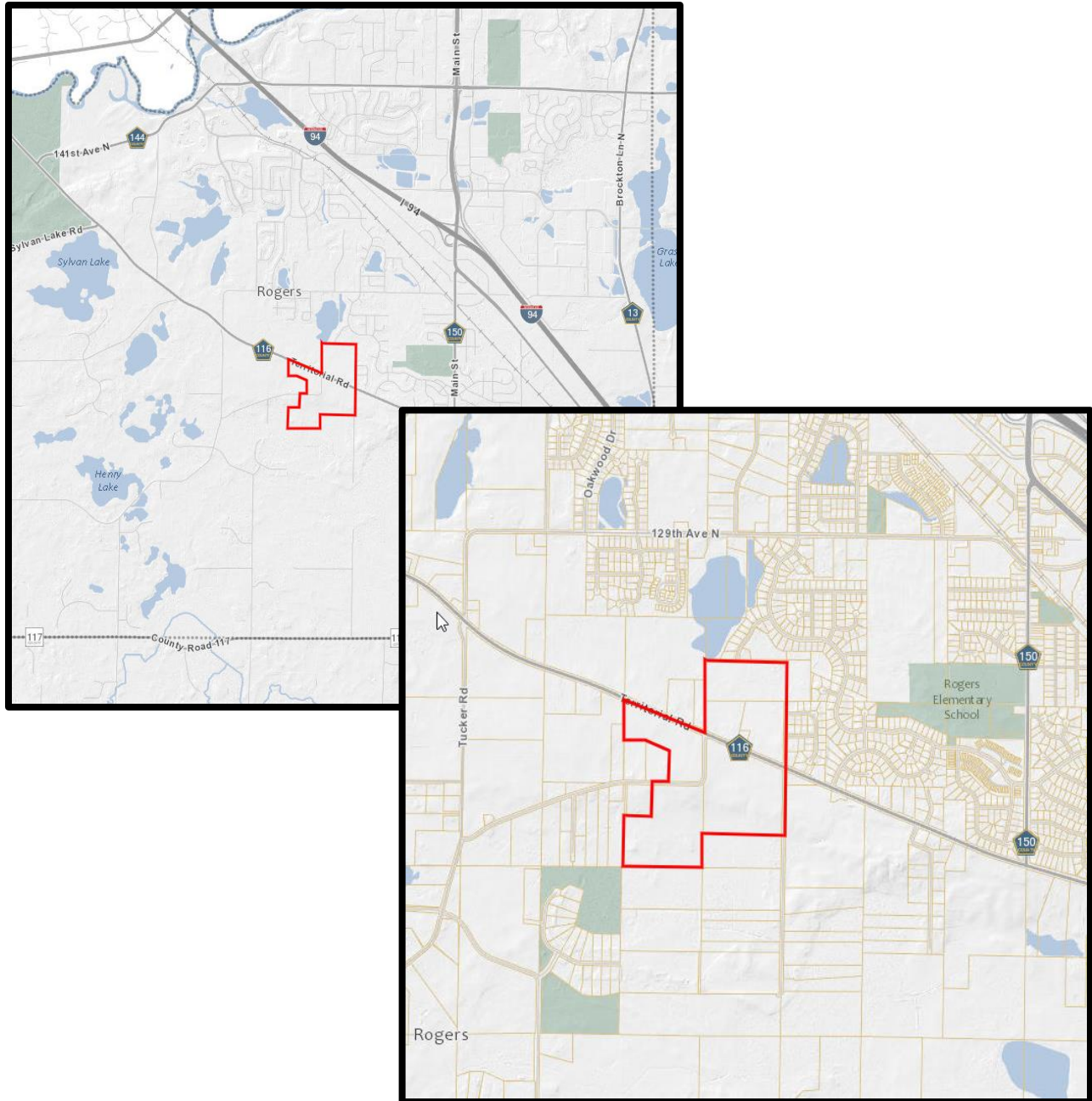
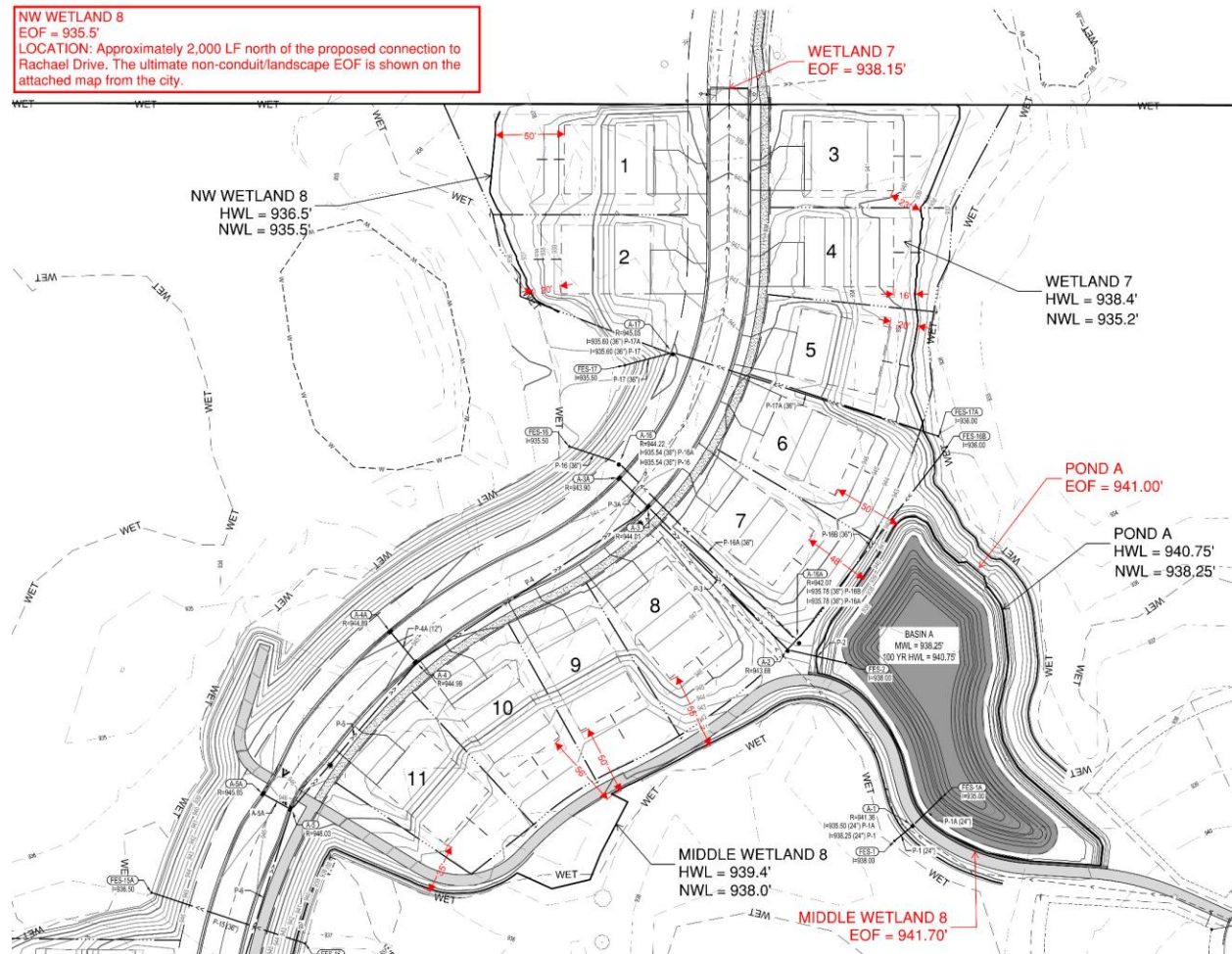


Figure 1 Project Location





**Figure 2 Lot Numbers, High Water Levels, Normal Water Levels, Emergency Overflow Elevations**

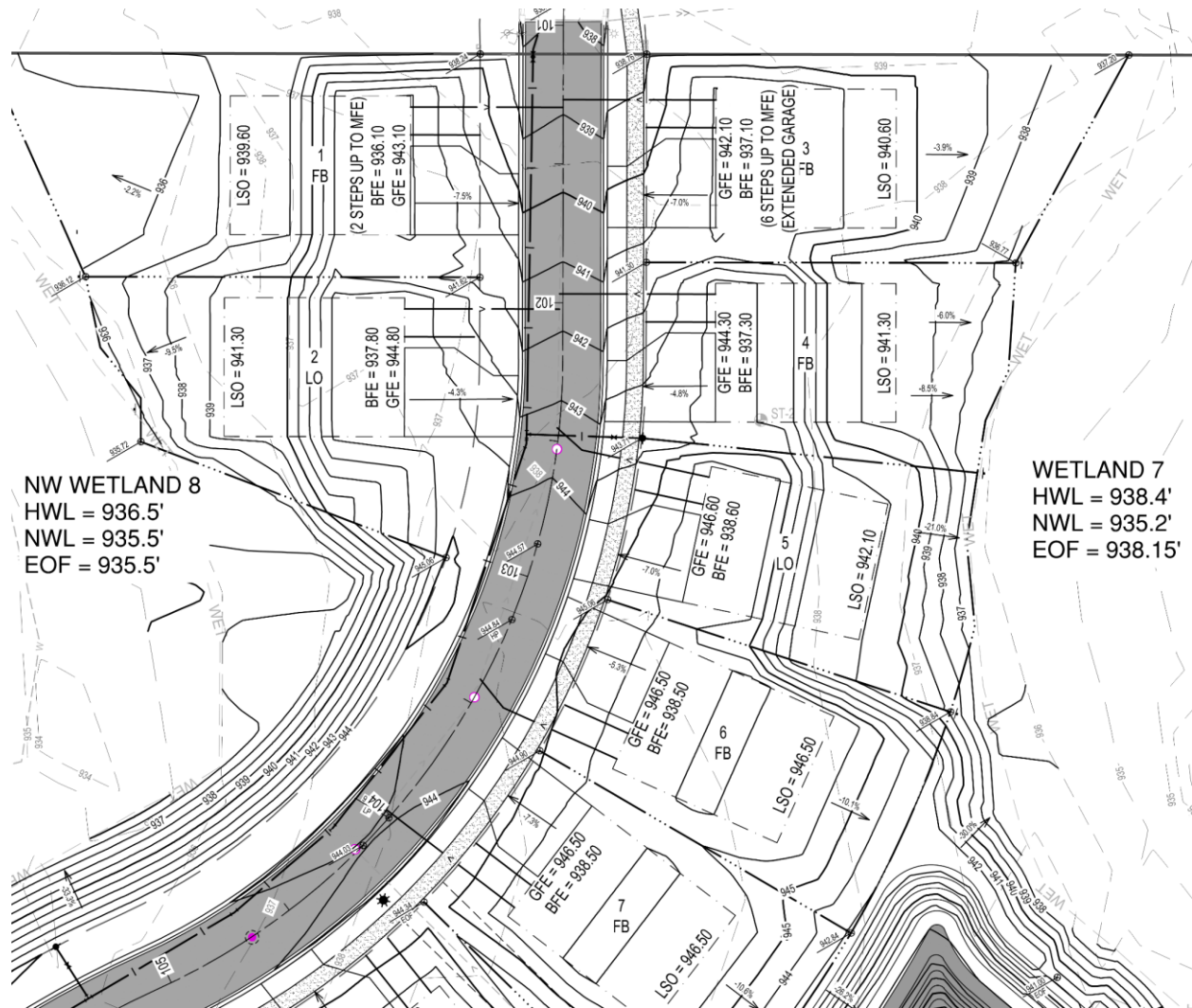
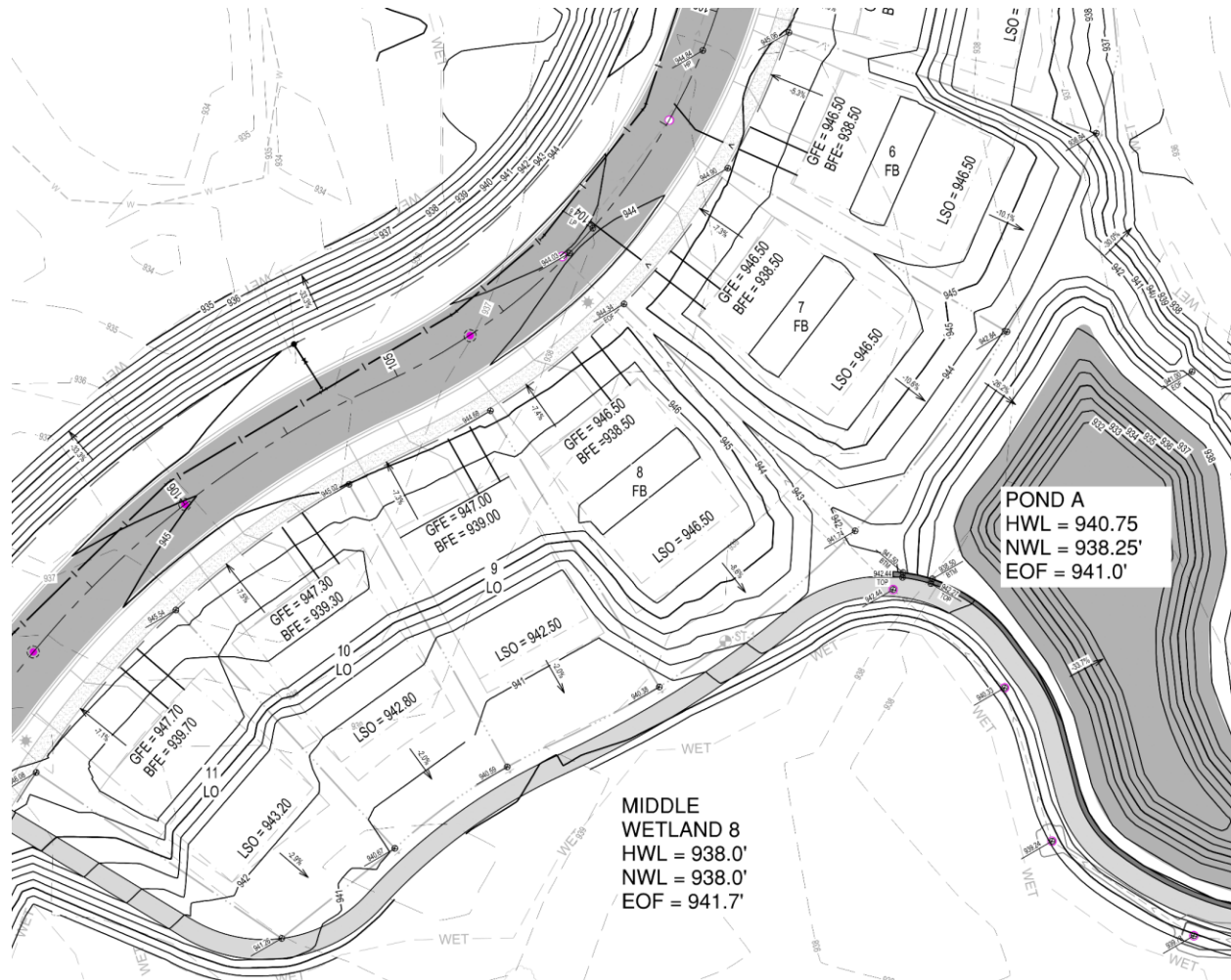


Figure 3 Structure Elevations for Lots 1 through 7 (LSO = Low Opening, BFE = Low Floor)





**Figure 4 Structure Elevations for Lots 6 through 11 (LSO = Low Opening, BFE = Low Floor)**

Figure 5 Rachel Drive Existing Building Elevations

**Skye Meadows Adjacent Home Elevations  
City of Rogers, Minnesota**

6 60 120 240 360 Feet

THE CITY OF  
**ROGERS**  
MINNESOTA

Rogers, Minnesota  
Public Works Department  
Geographic Information Systems  
21 January 2021

**NW WETLAND 8**  
HWL = 936.5'  
NWL = 935.5'  
EOF = 935.5'

**WETLAND 7**  
HWL = 938.4'  
NWL = 935.2'  
EOF = 938.15'

**Legend**

- Adjacent Home Elevations
- ▭ Parcels\_Rogers\_11\_4\_19
- Index Contour
- Intermediate Contour

Labels on map include:

- LO Opening: 942.4' Floor: 938.4'
- WO Opening: 940.0' Floor: 940.0'
- SIWO Opening: 941.0' Floor: 941.0'
- WO Opening: 939.1' Floor: 939.1'
- WO Opening: 938.1' Floor: 938.2'
- WO Opening: 938.6' Floor: 938.7'
- WO Opening: 939.7' Floor: 939.7'
- WO Opening: 939.2' Floor: 939.2'
- LO Opening: 942.0' Floor: 938.0'
- LO Opening: 941.1' Floor: 937.1'
- LO Opening: 941.0' Floor: 937.3'
- LO Opening: 941.0' Floor: 937.2'
- WO Opening: 941.1' Floor: 941.1'
- WO Opening: 941.1' Floor: 941.1'
- WO Opening: 941.1' Floor: 941.1'
- LO Opening: 941.2' Floor: 937.2'
- WO Opening: 941.0' Floor: 941.0'
- WO Opening: 941.0' Floor: 941.0'
- LO Opening: 941.2' Floor: 937.2'
- WO Opening: 941.0' Floor: 941.0'

### Figure 5 Rachel Drive Existing Building Elevations



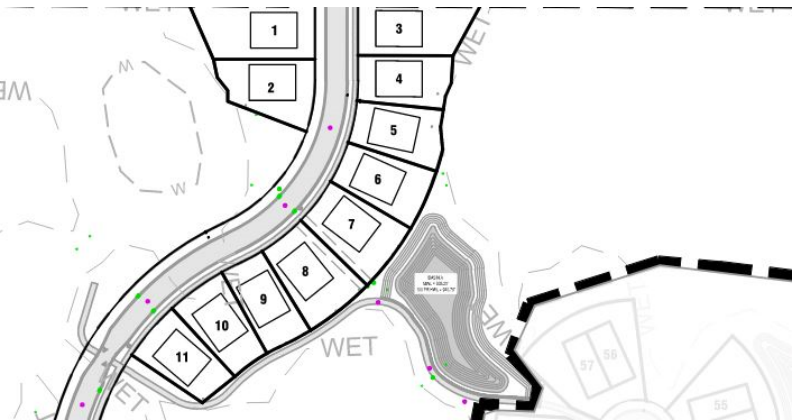
# Variance Request for Rule D

Sky Meadows Development – Rogers, MN

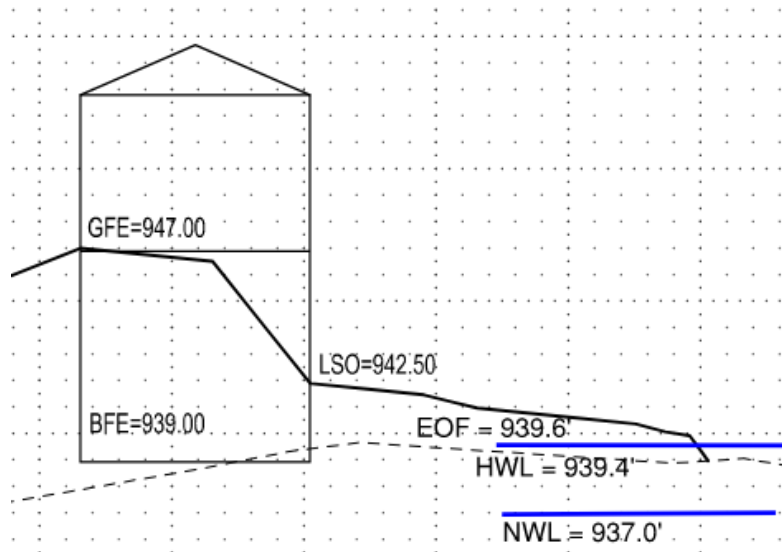
ISG

March 10, 2021

Variance Request: The low floor (basement) elevations are within the required 2' freeboard from the HWL and EOF.



# Lot 9



NOTE: EOF = 100-YEAR BACK-TO-BACK HWL

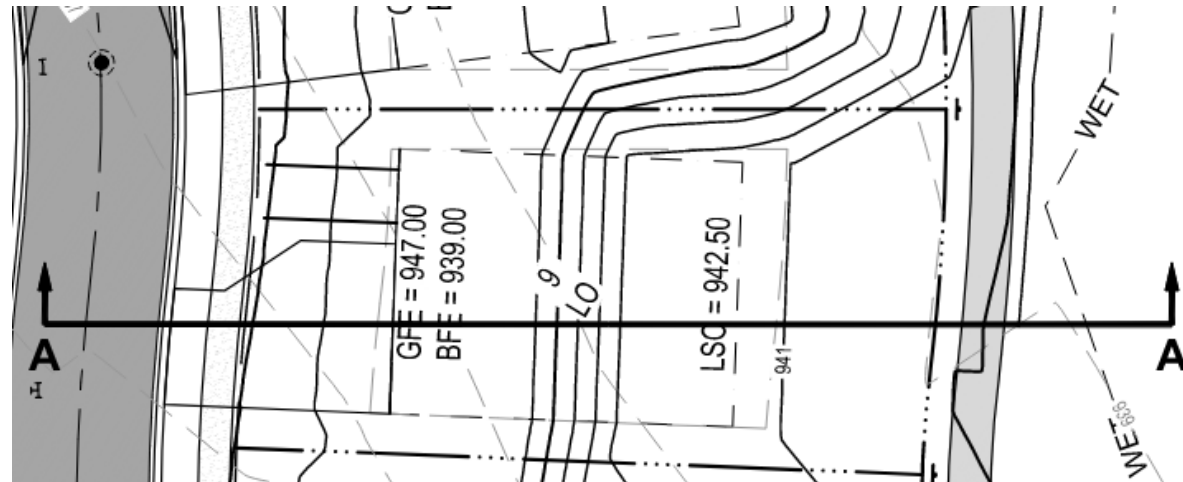
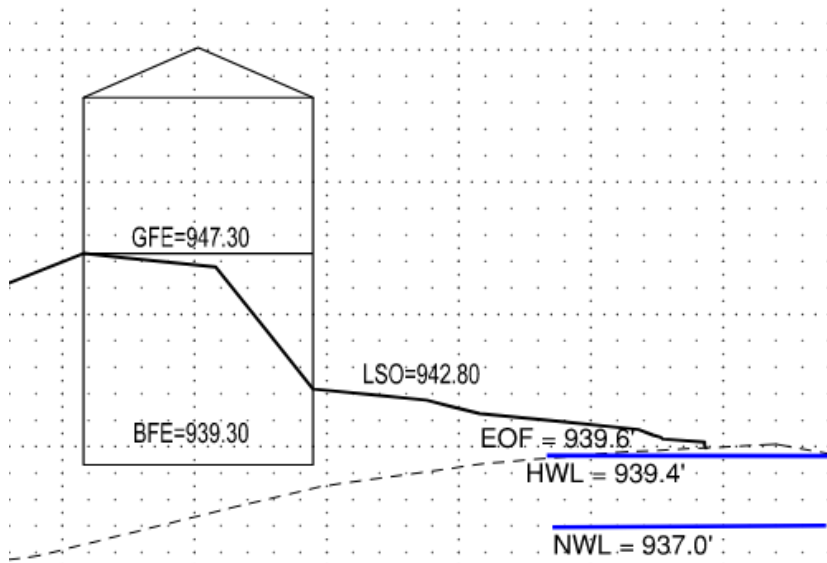


TABLE 1: Summary

Lot #	BFE Freeboard	LSO Freeboard	LSO Freeboard
	NWL	HWL	EOF
1	0.6	3.1	4.1
2	2.3	4.8	5.8
3	1.9	2.2	2.5
4	2.1	2.9	3.1
5	3.4	3.7	4.0
6	0.3	5.8	5.5
7	0.3	5.8	5.5
8	1.5	7.1	6.9
9	2.0	3.1	2.9
10	2.3	3.4	3.2
11	2.7	2.8	2.6



# Lot 10



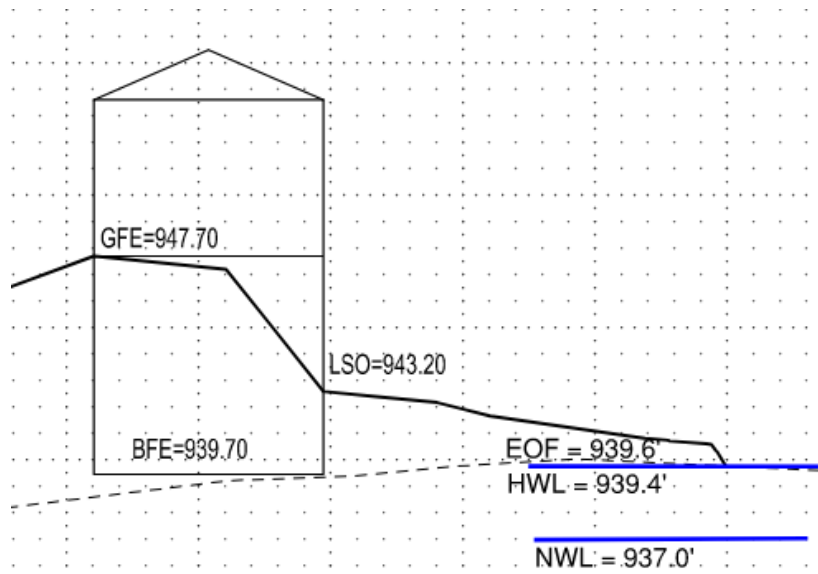
NOTE: EOF = 100-YEAR BACK-TO-BACK HWL



TABLE 1: Summary

Lot #	BFE Freeboard		LSO Freeboard	
	NWL	HWL	EOF	
1	0.6	3.1	4.1	
2	2.3	4.8	5.8	
3	1.9	2.2	2.5	
4	2.1	2.9	3.1	
5	3.4	3.7	4.0	
6	0.3	5.8	5.5	
7	0.3	5.8	5.5	
8	1.5	7.1	6.9	
9	2.0	3.1	2.9	
10	2.3	3.4	3.2	
11	2.7	2.8	2.6	

# Lot 11



NOTE: EOF = 100-YEAR BACK-TO-BACK HWL



TABLE 1: Summary

Lot #	BFE Freeboard	LSO Freeboard	LSO Freeboard
	NWL	HWL	EOF
1	0.6	3.1	4.1
2	2.3	4.8	5.8
3	1.9	2.2	2.5
4	2.1	2.9	3.1
5	3.4	3.7	4.0
6	0.3	5.8	5.5
7	0.3	5.8	5.5
8	1.5	7.1	6.9
9	2.0	3.1	2.9
10	2.3	3.4	3.2
11	2.7	2.8	2.6

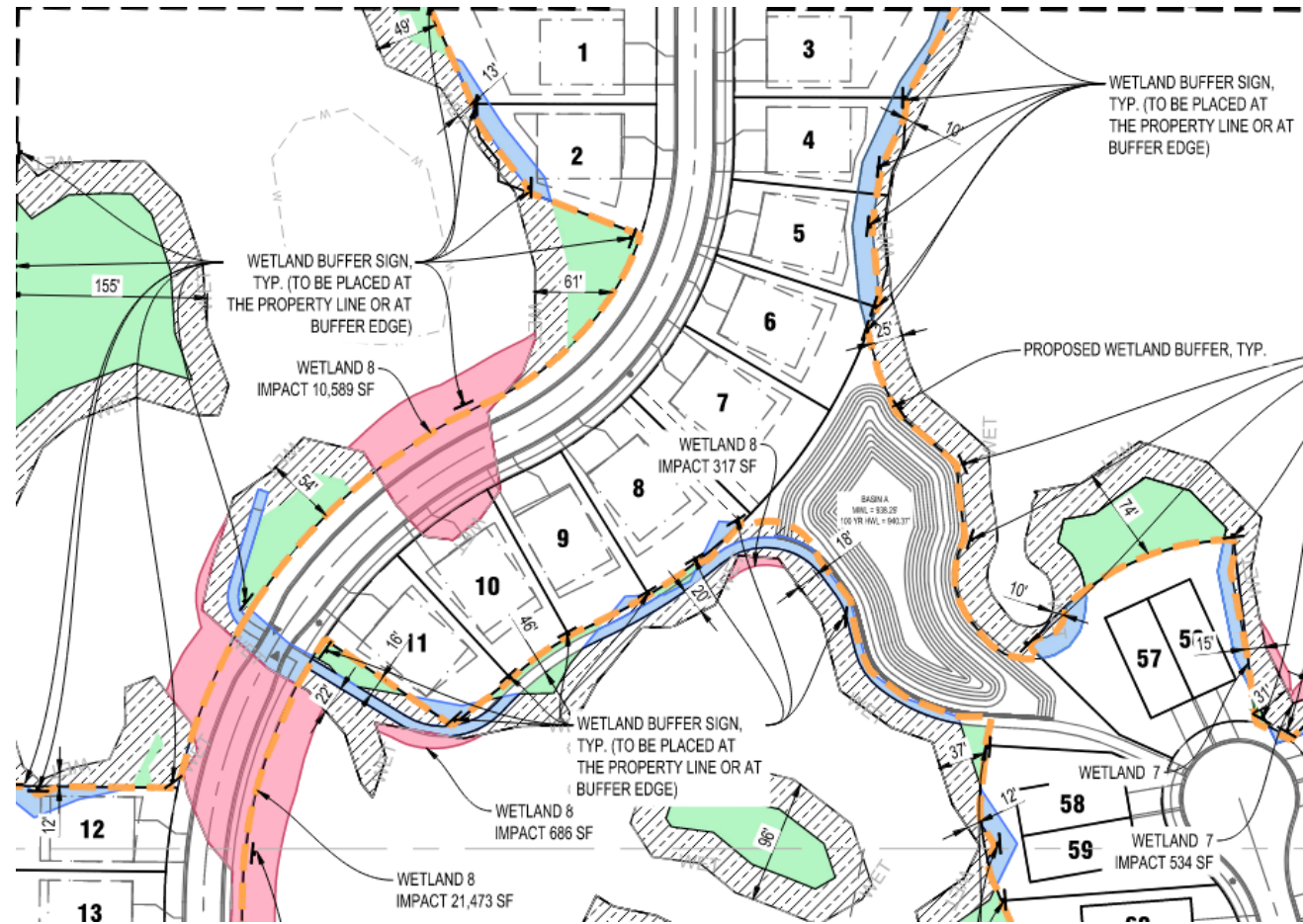






# Wetland Impacts

- Red shade are the wetland impacts from the development
- Lots do not impact the wetlands except for Lot 10
- Impact would increase along Rachael Drive



## Street profile: Proposed vs. Watershed

- **Proposed Design**

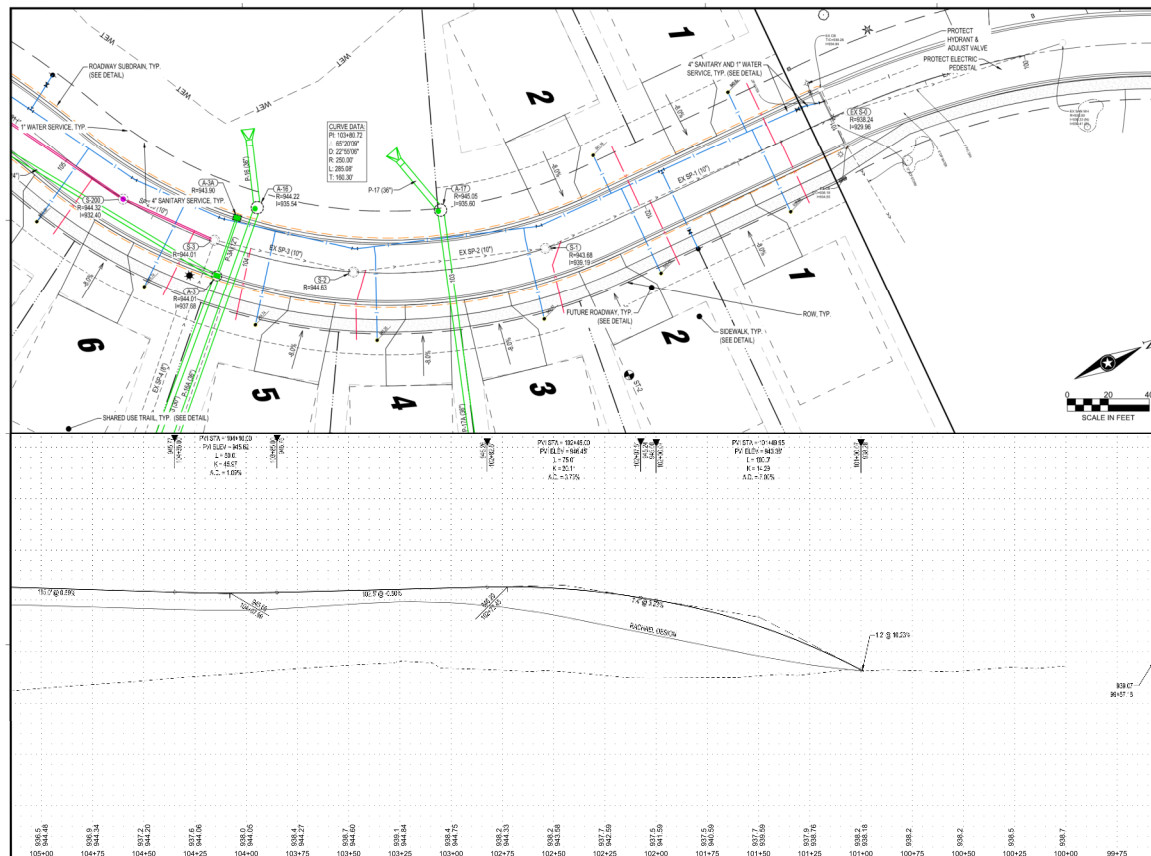
- Meets vertical curve at existing connection
- Meets City of Rogers street design parameters
- Provides an ADA accessible route; street below 5%

- **Watershed Design**

- Does NOT meet vertical curve at existing connection
- Does NOT meet City of Rogers street design parameters
- Does NOT provide an ADA accessible route; street is above 5%



# Plan-Profile Comparison Sheet – Watershed Design

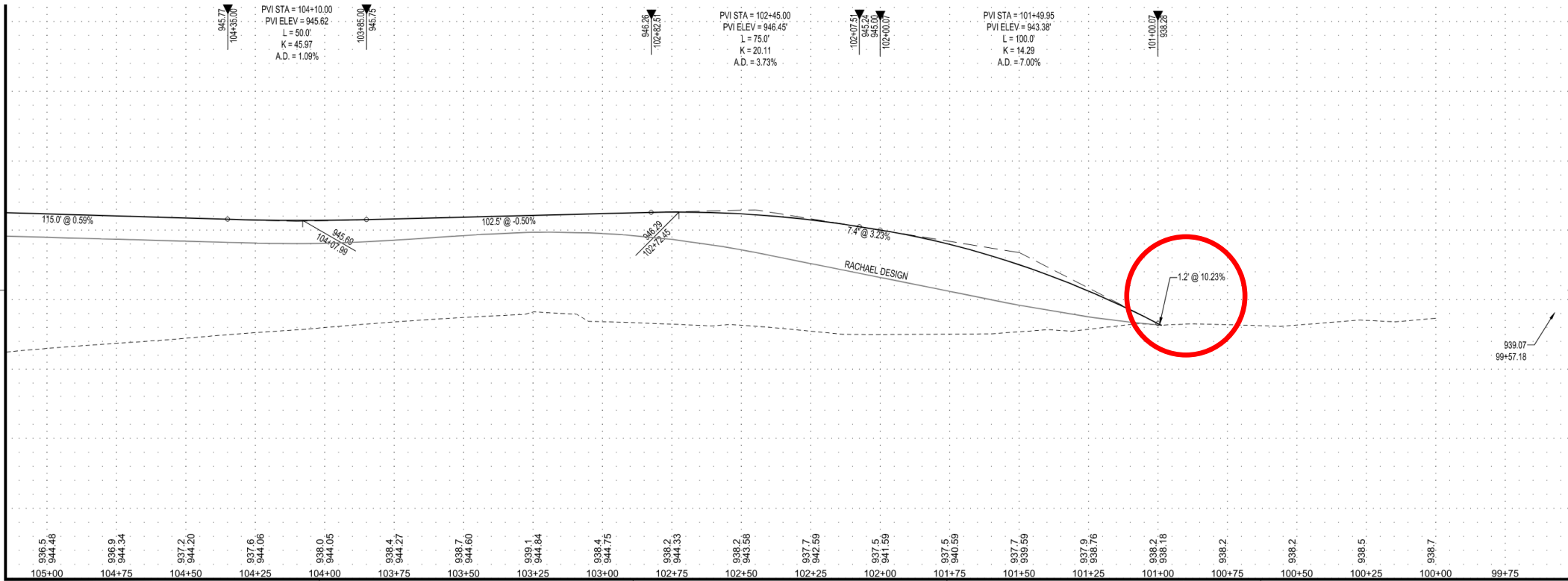








# Profile View of Rachael Drive – Watershed Design



## Economic Concerns

- **Slab-on-grade**
  - Neighbors demanded a closely related product during entitlement process
- **Park Consideration**
  - City does not desire to own and maintain a park not consistent with the comprehensive plan
  - Other portions of the project are dedicated to parkland

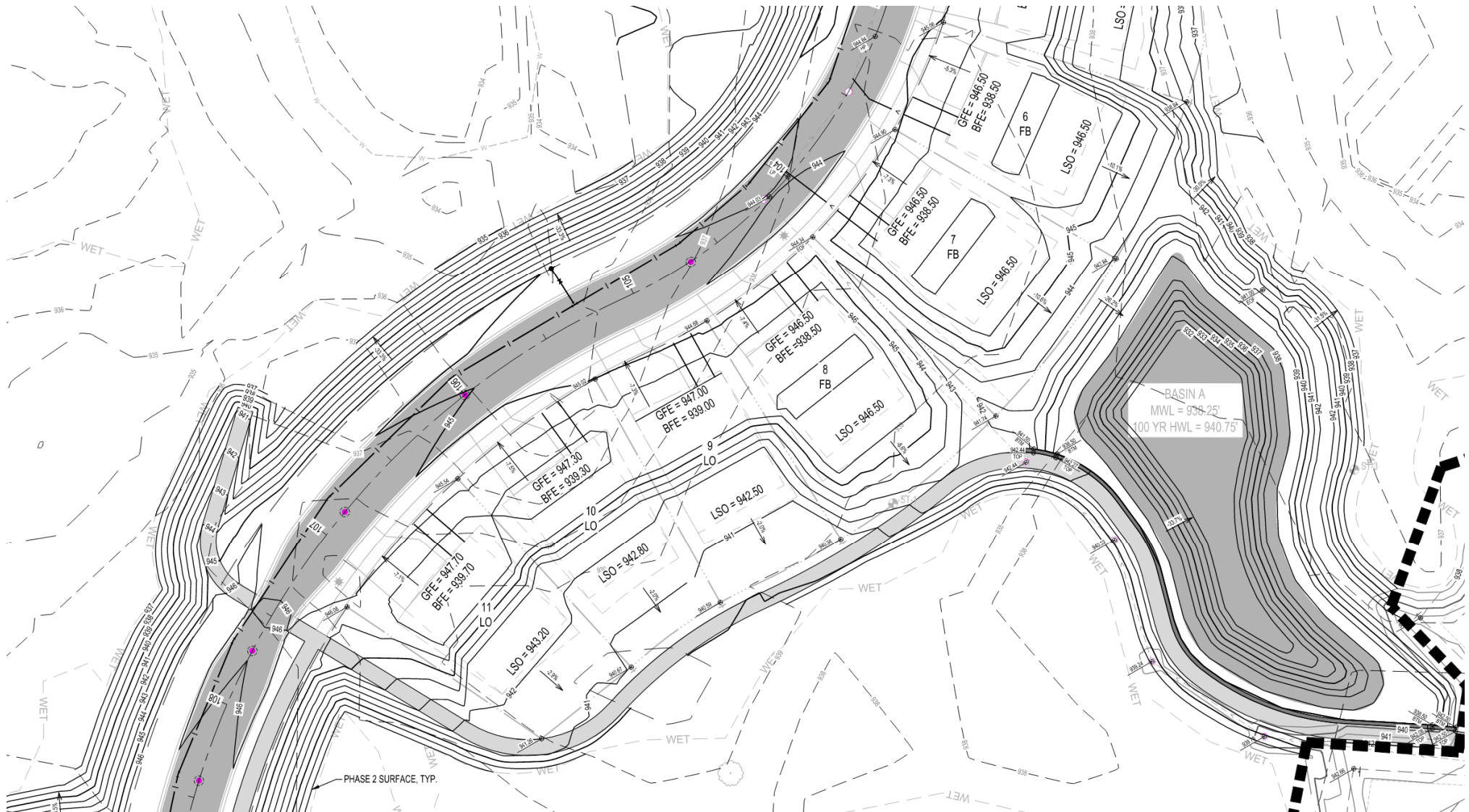


# Questions?

# Additional Information (for reference)







# Lot 1

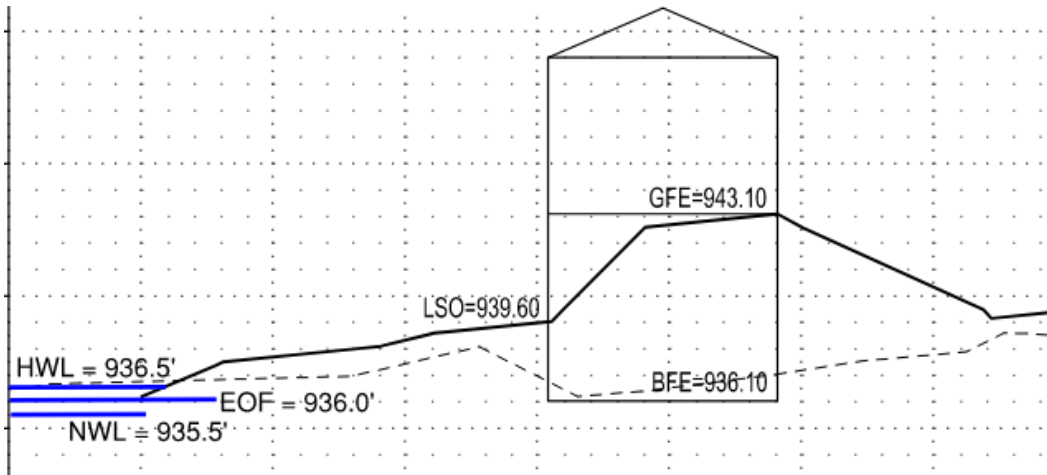
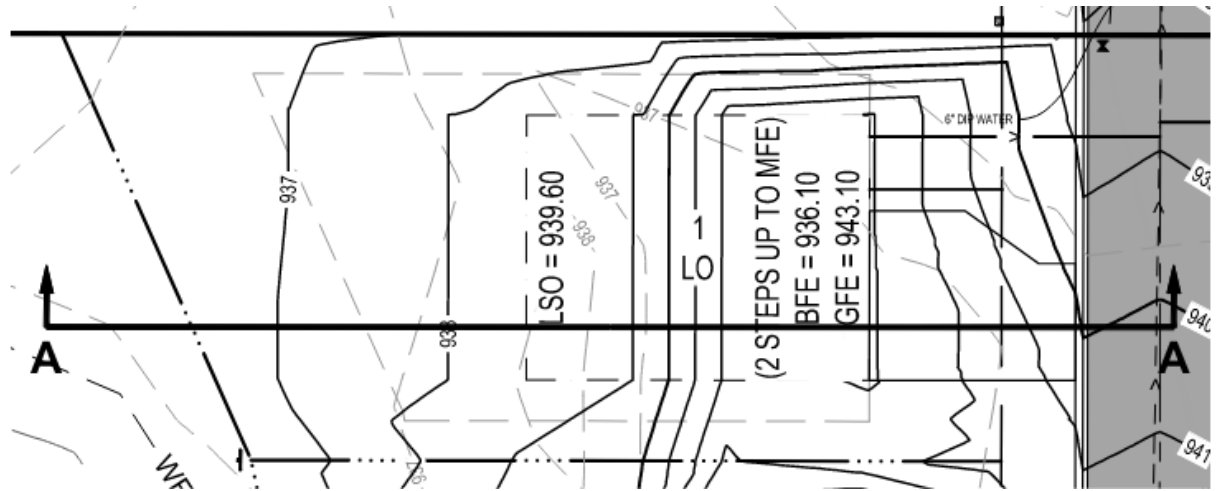


TABLE 1: Summary

Lot #	BFE Freeboard	LSO Freeboard	LSO Freeboard
	NWL	HWL	EOF
1	0.6	3.1	4.1
2	2.3	4.8	5.8
3	1.9	2.2	2.5
4	2.1	2.9	3.1
5	3.4	3.7	4.0
6	0.3	5.8	5.5
7	0.3	5.8	5.5
8	1.5	7.1	6.9
9	2.0	3.1	2.9
10	2.3	3.4	3.2
11	2.7	2.8	2.6

# Lot 2

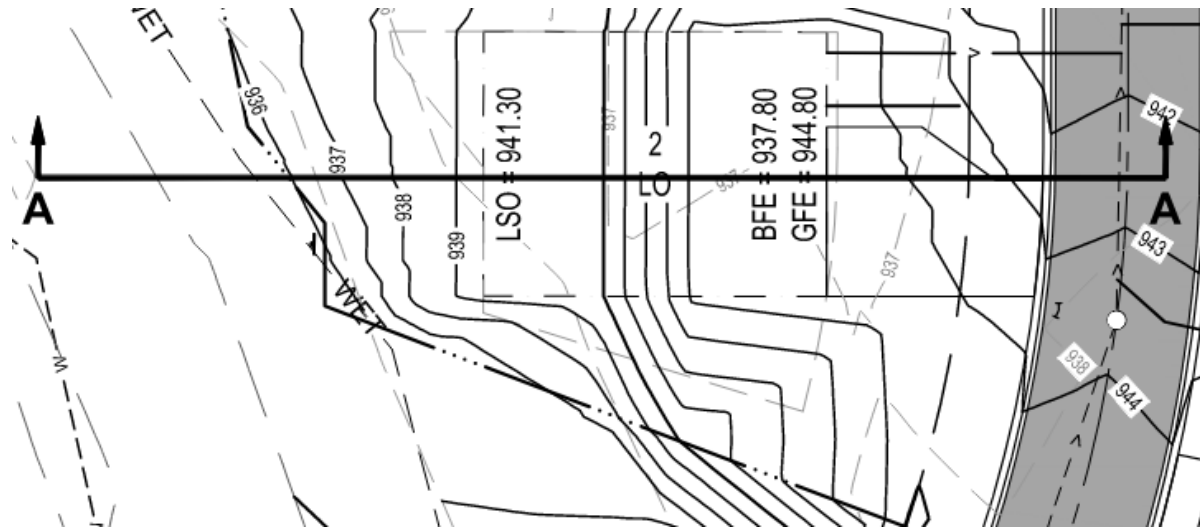
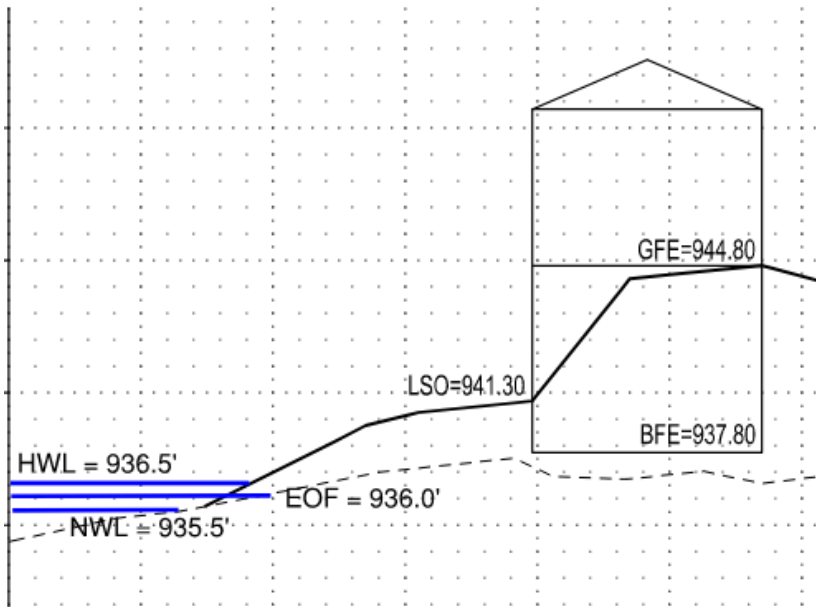


TABLE 1: Summary

Lot #	BFE Freeboard	LSO Freeboard	LSO Freeboard
	NWL	HWL	EOF
1	0.6	3.1	4.1
2	2.3	4.8	5.8
3	1.9	2.2	2.5
4	2.1	2.9	3.1
5	3.4	3.7	4.0
6	0.3	5.8	5.5
7	0.3	5.8	5.5
8	1.5	7.1	6.9
9	2.0	3.1	2.9
10	2.3	3.4	3.2
11	2.7	2.8	2.6

# Lot 3

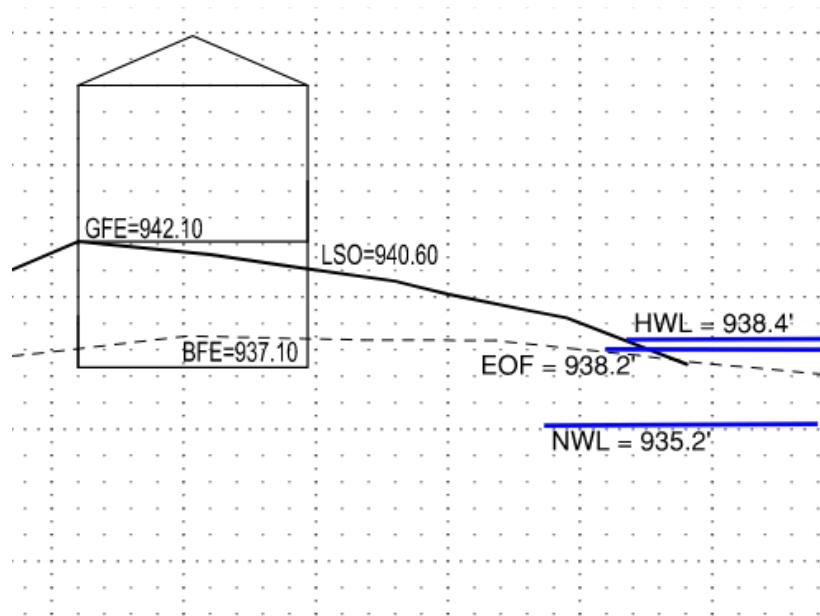


TABLE 1: Summary

Lot #	BFE Freeboard	LSO Freeboard	LSO Freeboard
	NWL	HWL	EOF
1	0.6	3.1	4.1
2	2.3	4.8	5.8
3	1.9	2.2	2.5
4	2.1	2.9	3.1
5	3.4	3.7	4.0
6	0.3	5.8	5.5
7	0.3	5.8	5.5
8	1.5	7.1	6.9
9	2.0	3.1	2.9
10	2.3	3.4	3.2
11	2.7	2.8	2.6

## Lot 4

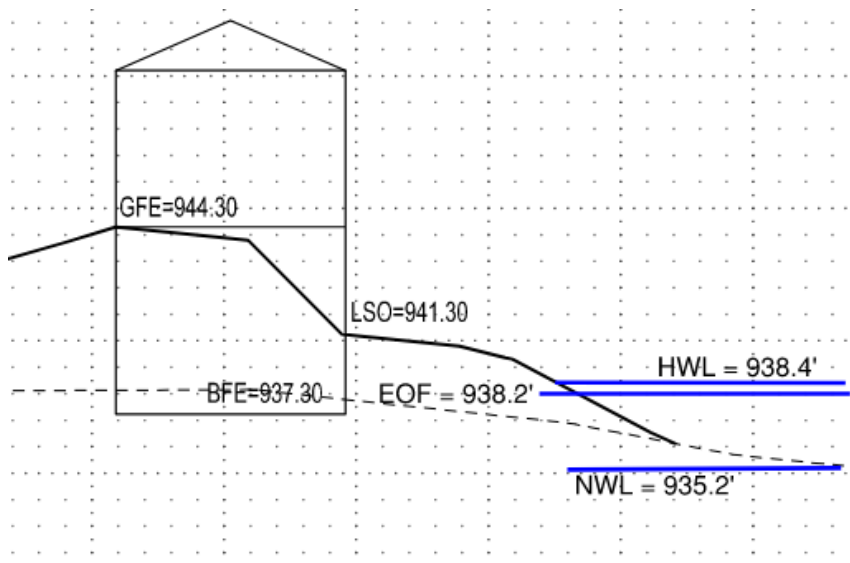


TABLE 1: Summary

Lot #	BFE Freeboard NWL	LSO Freeboard HWL	LSO Freeboard EOF
1	0.6	3.1	4.1
2	2.3	4.8	5.8
3	1.9	2.2	2.5
4	2.1	2.9	3.1
5	3.4	3.7	4.0
6	0.3	5.8	5.5
7	0.3	5.8	5.5
8	1.5	7.1	6.9
9	2.0	3.1	2.9
10	2.3	3.4	3.2
11	2.7	2.8	2.6



# Lot 5

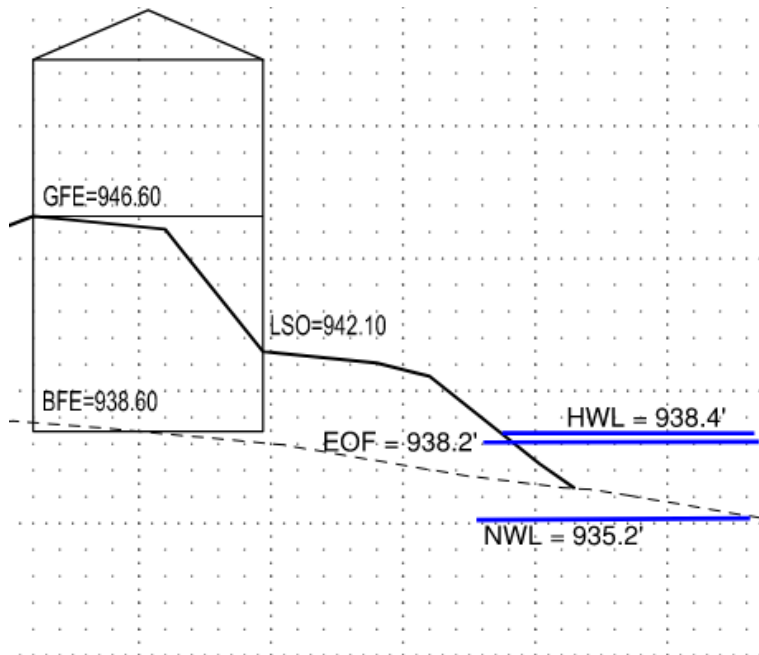


TABLE 1: Summary

Lot #	BFE Freeboard	LSO Freeboard	LSO Freeboard
	NWL	HWL	EOF
1	0.6	3.1	4.1
2	2.3	4.8	5.8
3	1.9	2.2	2.5
4	2.1	2.9	3.1
5	3.4	3.7	4.0
6	0.3	5.8	5.5
7	0.3	5.8	5.5
8	1.5	7.1	6.9
9	2.0	3.1	2.9
10	2.3	3.4	3.2
11	2.7	2.8	2.6

# Lot 6

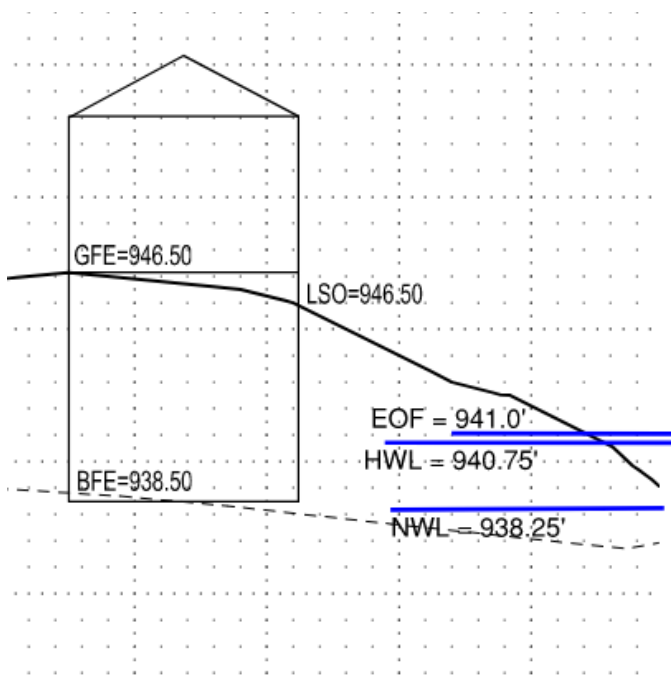


TABLE 1: Summary

Lot #	BFE Freeboard	LSO Freeboard	LSO Freeboard
	NWL	HWL	EOF
1	0.6	3.1	4.1
2	2.3	4.8	5.8
3	1.9	2.2	2.5
4	2.1	2.9	3.1
5	3.4	3.7	4.0
6	0.3	5.8	5.5
7	0.3	5.8	5.5
8	1.5	7.1	6.9
9	2.0	3.1	2.9
10	2.3	3.4	3.2
11	2.7	2.8	2.6

# Lot 7

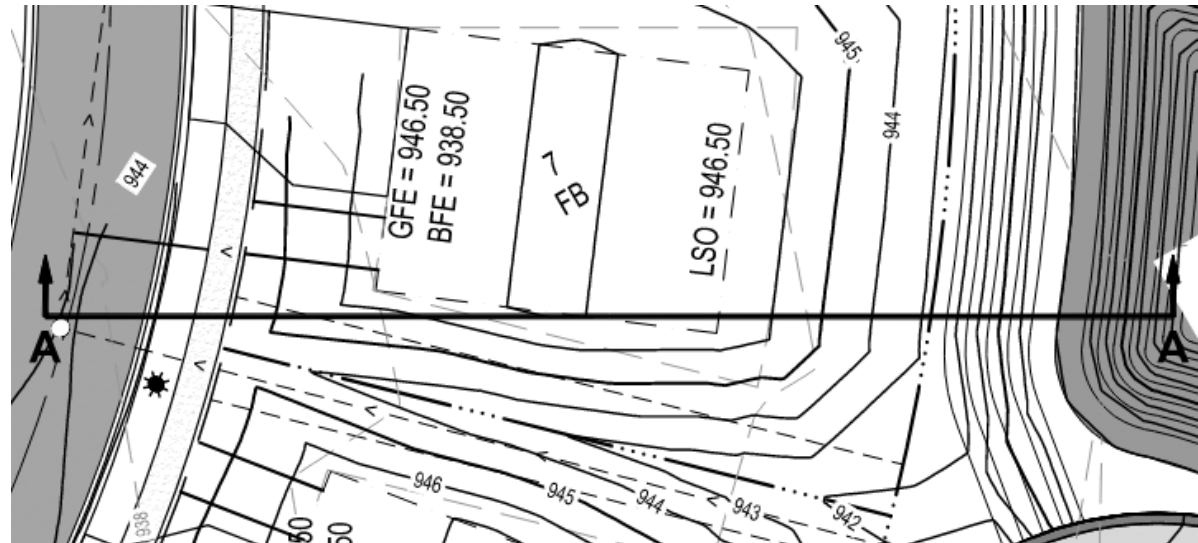
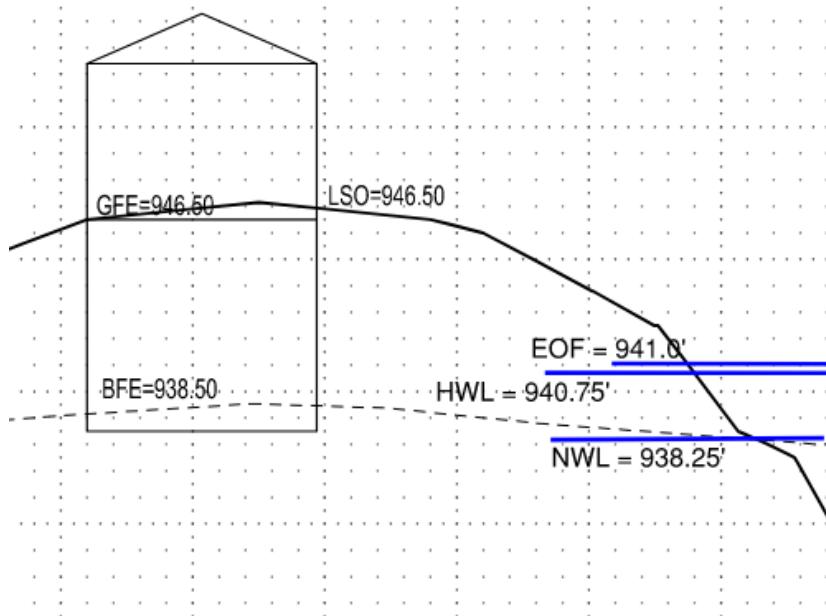


TABLE 1: Summary

Lot #	BFE Freeboard	LSO Freeboard	LSO Freeboard
	NWL	HWL	EOF
1	0.6	3.1	4.1
2	2.3	4.8	5.8
3	1.9	2.2	2.5
4	2.1	2.9	3.1
5	3.4	3.7	4.0
6	0.3	5.8	5.5
7	0.3	5.8	5.5
8	1.5	7.1	6.9
9	2.0	3.1	2.9
10	2.3	3.4	3.2
11	2.7	2.8	2.6

# Lot 8

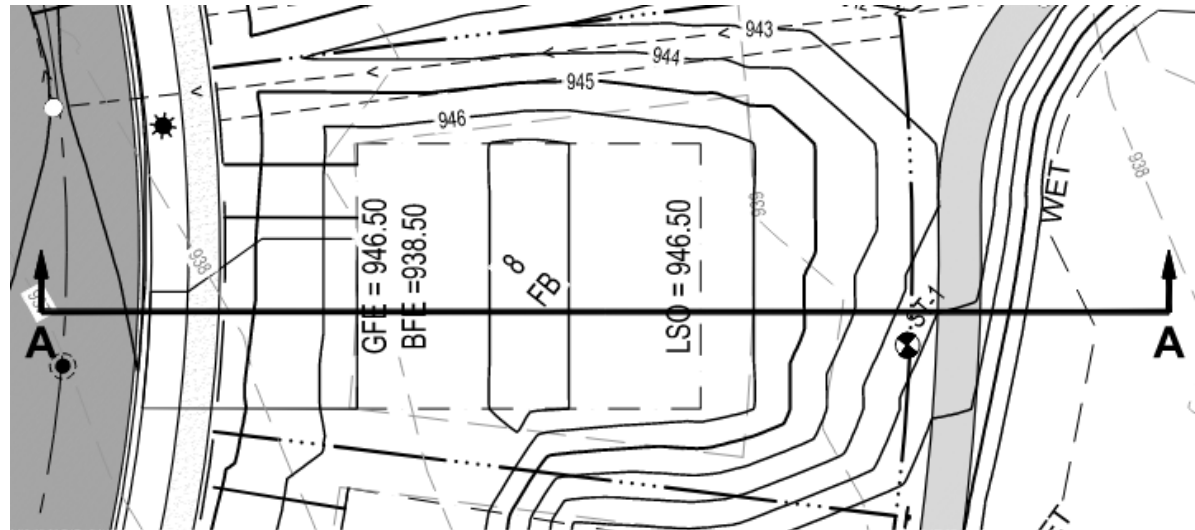
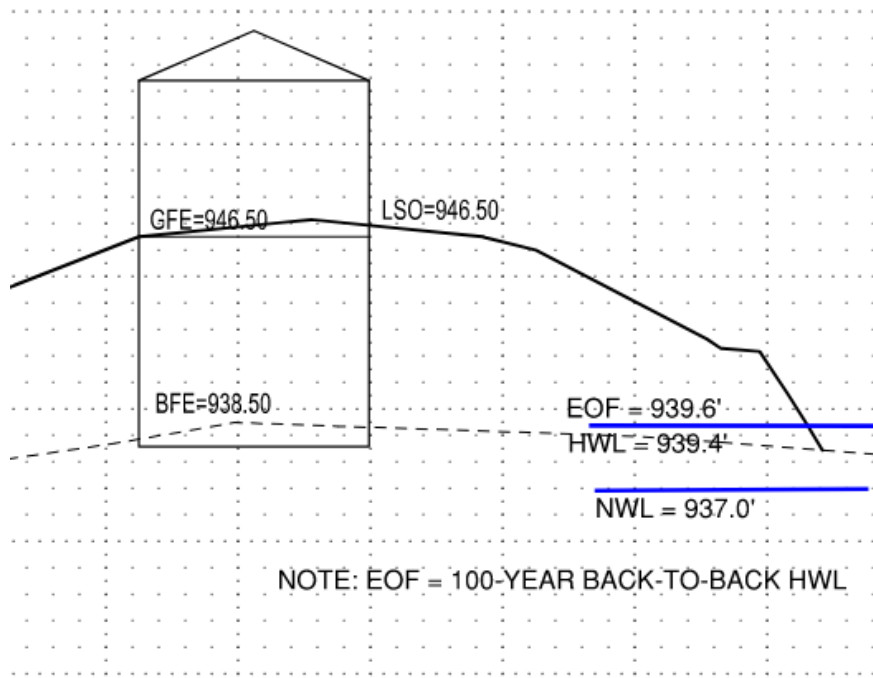


TABLE 1: Summary

Lot #	BFE Freeboard NWL	LSO Freeboard HWL	LSO Freeboard EOF
1	0.6	3.1	4.1
2	2.3	4.8	5.8
3	1.9	2.2	2.5
4	2.1	2.9	3.1
5	3.4	3.7	4.0
6	0.3	5.8	5.5
7	0.3	5.8	5.5
8	1.5	7.1	6.9
9	2.0	3.1	2.9
10	2.3	3.4	3.2
11	2.7	2.8	2.6

FEBRUARY 26, 2021

Joe J. Wain, PE  
Senior Water Resources Engineer  
Barr Engineering  
C/O Elm Creek Watershed Management Commission  
3235 Fernbrook Lane  
Plymouth, MN 55447  
JWain@barr.com

118

ISG

RE: ELM CREEK VARIANCE REQUEST REVIEW RESPONSE - CITY OF ROGERS PROJECT # 2021-002  
LENNAR SKYE MEADOWS  
SIX PARCELS ALONG THE NORTH AND SOUTH SIDE OF TERRITORIAL RD, WEST OF TILTON TRAIL N

Joe,

Thank you for your variance review letter dated February 10, 2021. We have prepared the following information to address your review comments as well as recent comments received via email. These responses have been compiled and finalized between discussions with the City of Rogers, Lennar, and ISG. Please note that for your convenience each review item is restated below along with our corresponding response.

1. The EOF for mid-wetland 8 means Lots 9, 10, 11 no longer meet City of Roger's requirements for 2 feet of freeboard above the EOF. Options:
  - a. Raise the lowest openings
  - b. Lower the EOF
  - c. If neither of those work, we can discuss.

*Response: Based on conversations with the City of Rogers and presumed based off a conversation including the watershed, it was determined and communicated to ISG that the HWL of a back-to-back 100-year rainfall event that provides greater than 2' of freeboard would be sufficient for the comment above. The stormwater model was updated to run the back-to-back rainfall event resulting to a HWL of 939.6'. This minimal increase from 939.4 can be attributed to the relatively small tributary drainage area to middle Wetland 8 and the slightly over-sized discharge pipe. These model results show the larger event is managed and Lots 9, 10, and 11 meet the City of Roger's freeboard requirements from the EOF to lowest opening.*

2. Variance letter states that low floor elevations for proposed new homes would not be lower than the low floors for existing homes around the NE Wetland. The existing lowest floor elevation that borders the wetland is 937.1.
  - a. Lot 1 proposes a low floor elevation of 936.1. This is 1 foot below the lowest floor for existing homes and 3.1 feet below the home immediately north of Lot 1.
  - b. Lots 1-4 have low floors that are generally 2 feet lower than the existing lots at the south end of Rachel Drive. Seems like you should at least be able to match lowest floor for the adjacent existing homes.

*Response: The 937.1' low floor elevation applies to the homes impacted by Wetland 7.*

- a. *The Lot 1 low floor elevation is to be compared with the adjacent NW Wetland 8. The low floor is at elevation 936.1 and the adjacent Normal Water Level is 935.5. The lowest opening elevation is at 939.60 and the adjacent HWL is 936.5. These elevations meet the city requirements regarding NWL and EOF since the basement is above the NWL and lowest opening is 3.1 feet higher than the HWL.*
- b. *The low floor elevations for Lots 2, 3, and 4 are equal to or higher than the lowest floor elevation of the existing lots to the north.*



3. The Variance rule has four criteria for making a case for an unreasonable hardship. Please address each of them. Specifically address why altering the structures (e.g., build them slab on grade) to comply with WMC rules is unreasonable.
- The land in question cannot be put to reasonable use if used under the conditions allowed by the rules.
  - The plight of the applicant is due to circumstance unique to the applicant and not created by the Applicant.
  - The variance, if granted, will not adversely affect the essential character of the locality and other adjacent land.
  - Economic considerations alone shall not constitute a hardship if the land may be put to reasonable use for the land exists under the terms of the rules.

*Response: Below are the response per criteria.*

- The land in question, if the homes are not built as proposed, does not meet the intent of the planned community for the City. Also, if homes are not built adjacent to the street, there is less incentive to construct the street which would impact the planned community traffic patterns.*
- The issue of these 11 lots is due to matching into and extending existing infrastructure that was previously planned out by the City as part of the previous development to the north 15 to 20 years ago. Although this development is being reviewed under a different generation plan, the same rule has been applied under previous generation plans. The interpretation of this rule has changed since the generation plan of the original development is which causing some of the challenges now.*
- The proposed improvements fit in with existing home styles and community in the area.*
- General planning standards would imply that new street construction is supported by adjacent private development to support the construction of the street and future maintenance of the street. Removing this connection limits the neighborhood connectivity to the proposed and existing adjacent neighborhoods which was previously planned by the City of Rogers.*

#### QUESTIONS FROM GROUP MEETING

4. Are the lots in question buildable without filling in wetlands?

*Response: Yes, the majority of the wetland being filled with this project are related to road and utility infrastructure placement. The water and sewer access points are located at Rachael Drive and will be extended throughout the development. Rachel drive is an important piece of infrastructure to serve as the main connection point and the installation of this subdivision eliminates an existing lift station, providing a more reliable sanitary system. Rachael Drive is being extended to Territorial Road to be the main entrance to the north half of this project. Hennepin County controls access points on county roads and the planned intersection of Territorial Road and Rachael Drive and Wood Lane meet their spacing guidelines.*

*Raising the lots higher than currently proposed will result in houses that sit awkwardly higher (3'-6') than adjacent neighboring existing homes. Typically, anything more than 1-2' is a large difference. This difference results in localized drainage issues and calls/complaints to the City.*

*There are small areas of additional wetland impact in areas that are already being impacted by the new roadway.*

5. Does the strict interpretation of the ECWMC rules create non-conformities in the development for:
- Driveways
  - Street design
  - Slopes greater than 3:1?
  - Other?

*Response: The strict interpretation of the ECWMC rule does result in non-conformities for the development.*

- The City of Rogers allows for maximum 10% driveway slopes. Driveway slopes over 6% are often not desirable for winters in Minnesota. The driveway slope also has an impact on sidewalk design as they must meet ADA regulations. Steep driveways during winter months on a busy street could cause safety issues with residents backing out of steep, icy driveways.*
- To meet the requirements in addition to the driveway grade, the street grade would need to be increased from 3% to greater than 10% to connect to Rachel Drive in order to raise the lots. This is a drastic change from what is out there today and again does not fit in with the existing roadway and home infrastructure on Rachel Drive. This steep street grade tying into steep driveway grades is a poor design. These grades often cause issues in residential neighborhoods for people without AWD vehicles.*
- The City of Rogers does not allow slopes greater than 4:1. Slopes that often exceed 4:1 are difficult for homeowners to maintain and mow, we are allowing steeper slopes along Rachael Drive to minimize the amount of wetland impact. If the road was raised higher and we had normal slopes of 4:1 the wetland impact would be greater. The use of retaining walls is allowed but usually minimized as best as possible to avoid future maintenance issues for homeowners. Building permits and structural designs are required for retaining walls greater than 4 feet.*
- The City of Rogers strives for developments to have usable backyards. The city understands that good backyards reduce the number of issues moving forward with regards to wetland violations, people mowing buffers, expanding their yards into the wetlands. Usable backyards also reduce the issues with future additions, decks, pools, sheds etc. that the City is challenged with regulating and not the Watershed.*

6. What is the impact of raising the building pads?
- Would there be wetland impacts?
  - How does this impact sequencing (avoidance, minimization, mitigation, etc.)?

*Response: Raising the lots would require raising the street several feet since the building pad elevations are tied to the street. Connecting to the end of Rachael Drive would result in an initial street grade of over 10% as mentioned above. This results in a design the City does not want to approve with driveway grades that exceed preferred grades (concerns list above). Understanding that this is not possible, a connection to existing Rachael Drive would need to be pulled back further to the north. We have evaluated where the new connection point would need to be in order to create a desirable street grade that meets vertical curve requirements and determined approximately 150 feet of existing Rachael Drive would need to be raised, thus requiring a full reconstruction of this portion of Rachael Drive with new curb, sidewalk, roadway, and revisions to storm sewer. The current parkway areas are at an approximate 940 elevation, resulting in the street being higher than the existing parkways which would require significant grading of the parkways as well as removal and replacement of an existing residential driveway. Other design concerns include southbound traffic coming out of a steeper than recommended vertical curve immediately into a horizontal curve. The horizontal curve meets requirements, however it does not take into account any vehicles that may be parked along the roadway impairing the visibility of oncoming traffic.*

*The street is what controls the impacts to the wetlands since the building pads are tied to the street. The building pads could be raised somewhat independent of the street, but this would result in steeper driveway slopes and smaller wetland buffers. All wetland avoidance and mitigation has been approved by the City of Rogers who is the local governing unit for WCA.*

7. Was the stormwater management to the north developed using TP-40 storm events and this development Atlas 14 and if so, what difficulties has this created?

*Response: Yes it was using TP-40. It doesn't appear to have a noticeable impact based on previous modeling and the modeling currently performed by ISG. Existing rates are higher using Atlas 14, thus proposed discharge rates can be higher as long as they are still less than existing.*

8. Can retaining walls be utilized to bring properties into compliance?

*Response: Retaining walls can help the usability of the yard and minimize impacts to the wetland. They do not directly help raise the low floor similar to the impact of driveway slopes and street grades. Retaining walls become the responsibility of the home owner which add extra burden to what they must maintain. The City in turn has to deal with the complaints when there are issues with walls.*

9. What measures will the developer take to avoid, minimize, and/or mitigate basement flooding for the structures on the 11 lots.

*Response: All homes built in Rogers are required to have a sump pump installed and have a dedicated discharge location approved by the City. The City also requires the building pad elevation to be checked before the home is built through a survey. Once the home is built an as-built survey is also submitted to ensure the home was built at the correct elevation and all EOF's called out on the approved grading plan are met. A physical inspection of the grading and sump connection point are required before a builder can receive a Certificate of Occupancy, if the conditions are not met, there is escrow money withheld until the problem is resolved.*

*The 11 lots in question will have vapor barrier and insulation/drain board around the foundation walls, surface elevations draining away from the homes, and will have a subdrain and sump pump to mitigate basement flooding. Lennar has an industry standard warranty to address issues that possibly arise.*

10. Are all the low openings at least 2 feet above the applicable EOF?

*Response: Lots 1-8 have lowest openings 2 feet above the EOF elevation and Lots 9-11 are at least 2.6 feet above the 100-year back-to-back event for middle Wetland 8. This is discussed in more detail in comment response #1.*

11. Which lots have low floor elevations at or above the high water level for adjacent water bodies?

*Response: Lots 2, 5, and 11 have low floor elevations at or above the high water level of adjacent water bodies. Please reference the elevation discussion in Comments 2a and 2b.*

12. What is the economic basis for maintaining that slab-on-grade construction is unreasonable for these lots?

- Would it be more economical to build slab-on-grade or to not build the 11 lots at all?
- Would it be practical to have fewer lots and dedicate the transition area to park?

*Response: Neighbors to the north demanded a product closely matching characteristics of the existing housing product, which was worked through as part of the entitlement process with the City and the product type being proposed on these lots. Marketing a few slab-on-grade detached single-family homes in an area with full basement single-family homes will not be noticed or desired when the expectation in this area is to have a basement with this product type. There is a market for slab-on-grade homes, but the market for this product is an attached home type, not a detached single-family home type.*

*A park is not desired by the City to own and maintain in this location. There are already portions of this project that are dedicated to parkland. The placement of more parkland in this area is not consistent with the City's master park plan nor would it connect to the future park location. The future park will include portions of several properties adjacent to this project to create one cohesive park project. The request of a park by the watershed district may be construed as interjecting into the planning process by the City since the intent has been to extend Rachel Drive south to Territorial Road.*

*It is very important to the City that the new homes, adjacent to existing homes, have a similar feel and requirement, thus this transition area, otherwise questions will be raised on flood risk and why certain homes have a significantly different freeboard than others that the watershed approved previously under the same rules. The City prefers to avoid discussions on purchasing existing homes that were previously approved and now out of "compliance". Proposed homes constructed no lower than the existing homes are justifiably approved by the City of Rogers in this transition area. Historically flood protection is to protect to the low opening when adjacent to ponds and wetlands similar to this. This is not the same as FEMA floodplain requirements on lakes and rivers with longer periods of flooding.*

Please contact me at 952.426.0699 or via email at Emily.Shaw@ISGInc.com with any questions or if there is any additional information we can provide in support of this project.

Sincerely,



Emily Shaw, PE  
Civil Engineer  
Emily.Shaw@ISGInc.com

CC: Judie Anderson (judie@jass.biz)  
Beverly Love (Beverly@jass.biz)  
James Kujawa (surfacewatersolutions@outlook.com)  
Andrew Simmons (asimmons@rogersmn.gov)  
Paul Tabone (paul.tabone@lennar.com)

# Watershed Management Commission

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

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

## Cranberry Ridge City of Plymouth Project #2021-003

### Project Overview:

**Location:** Plymouth, MN north of Highway 55 and south of Old Rockford Road.

**Purpose:** The project would construct an apartment building with underground parking garage, a surface parking lot, associated utilities, and stormwater management systems. Roughly half of the site drains to MnDOT ditches along Highway 55 to the northwest and southeast of the site. The remainder of the site drains north to an existing pond to the northeast of the site. The filtration basins at the southwest and southeast corners of the site will provide treatment and rate control. The project will disturb 2.73 acres and create 1.40 acres of new impervious area, 0.33 acres of which are reconstructed.

<b>WMC Rules</b>	X	Rule D	Stormwater Management
<b>Triggered:</b>	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

**Applicant:** Cranberry Ridge Housing Limited Partnership

**Attention:** Joan Bennett

**Address:** 2510 University Avenue West  
St. Paul, MN 55114

**Phone:** 651-789-6260

**Email:** Jbennett@beaconinterfaith.org

**Agent:** Loucks, Inc.

**Attention:** Jon Knutson

**Address:** 7200 Hemlock Lane, Suite 300  
Maple Grove, MN 55369

**Phone:** 763-843-0420

**Email:** rgilbert@bkbm.com

Exhibits:	Description	Date Received
<i>Application</i>	<input checked="" type="checkbox"/> Complete ECWMC Application	2/9/2021
	<input checked="" type="checkbox"/> ECWMC Request for Review and Approval	2/4/2021
	<input checked="" type="checkbox"/> City authorization: Plymouth, MN	1/28/2021
	<input checked="" type="checkbox"/> Review fee: \$3,375	2/8/2021
	<input checked="" type="checkbox"/> Project Documents (site plans, reports, models, etc.)	2/9/2021

### Submittals

1. Storm Water Management Plan, prepared by Loucks dated March 12, 2020 (revised December 4, 2020)
  - a. Stormwater Management Analysis and Results
  - b. HydroCAD modeling report for existing and proposed conditions
  - c. MIDs modeling report for existing and proposed conditions



- d. Existing and proposed drainage maps
2. Cranberry Ridge Housing Development Geotechnical Evaluation Report conducted by Braun Intertec dated March 8, 2018
3. Cranberry Ridge Housing Development Final Construction Plan Set (17 sheets) dated April 21, 2020 (revised December 21, 2020)

## Findings

### General

1. A complete application was received February 9, 2021. The initial 60-day decision period per MN Statute 15.99 expires April 10, 2021.
2. Roughly half of the site drains to MnDOT ditches northwest and southeast along Highway 55. The remainder of the site drains north to an existing pond to the northeast of the site. After the proposed development, most of the site will drain to the MnDOT ditches, thus reducing flow to the existing pond.
3. The proposed Cranberry ridge development includes construction of an apartment building with underground parking garage, a surface parking lot, associated utilities, and stormwater management systems.
4. The development will create 1.40 acres of new impervious area, 0.33 acres of which are reconstructed on the 2.73-acre site. Existing and proposed conditions HydroCAD models were created to model rate control.
5. Two filtration basins will be constructed for treatment and rate control. The basins receive all drainage from the site with the exception of 0.125 acres (0.018 acres of impervious area) that discharges to the north to an existing pond.
6. Because soil borings indicate clay soils throughout the site and beneath the proposed basin footprints, drain tile will be placed beneath the filtration basin media to convey treated discharge to the existing ditches along Highway 55. Runoff to the filtration basin to the southeast will discharge through a three-pump lift station. If the lift station is not being operated, overflow from the basin will be conveyed through a flared end to the existing pond to the north. When the pump is in operation, the filtration basin does not reach the overflow elevation up to the 100-year event.
7. There are no Elm Creek Watershed jurisdictional floodplains, wetlands, or stream crossings within the site.

### Rule D – Stormwater Management (plans)

#### General

1. The project will disturb 2.73 acres. The new impervious area will be 1.40 acres, 0.33 acres of which are reconstructed.
2. The soils on the site are predominantly Hydrologic Soil Group Type D.
3. Soil borings indicate clay soils.
4. Stormwater will be managed on the site through two filtration basins. One of the basins discharges through a three-pump lift station.

## Low Floor Elevations

1. The 100-year flood elevation in the filtration basins is more than 2.0 feet below the low floor elevation of the proposed building.

## Water Quality Controls

1. Plans **meet** Commission requirements for a restricted site where infiltration is not feasible.
2. Water quality and volume loads are estimated using the MIDs calculator.
3. A MIDs model output was provided to show that post-development total suspended solids (TSS) and total phosphorous (TP) loads will be less than pre-development loads.
4. Table 1 summarizes TP and TSS from this site before and after development.

**Table 1 Water Quality Summary**

Condition	TP Load (lbs/year)	TSS Load (lbs/year)	Filtration (cubic feet) <sup>(1)</sup>
Pre-development (baseline) <sup>(2)</sup>	1.6	292	0
Post-development without BMPs	3.0	542	0
Post-development with BMPs	1.1	83	7,705
<b>Net Change</b>	<b>-0.5</b>	<b>-210</b>	<b>+7,705</b>

(1) 1.40 acres of new or reconstructed impervious.

(2) Water quality modeling includes two filtration basins.

## Rate Controls

1. Rate control measures **meet** Commission requirements.
2. Rate control for the site was provided by the filtration basins and a lift station.
3. The applicant provided proposed HydroCAD model output for the 2-year, 10-year, and 100-year events which are summarized in Table 2.

**Table 2 Rate of Discharge Leaving Site – Cranberry Ridge Development**

Discharge Location	Condition	Area (acres)	2-year (cfs)	10-year (cfs)	100-year (cfs)
West Highway 55 Ditch	Existing	0.8	1.47	2.72	5.53
	Proposed	1.5	0.30	2.07	4.89
East Highway 55 Ditch <sup>(1)</sup>	Existing	0.2	0.48	0.91	1.87
	Proposed	1.0	0.48	0.91	1.50
North to Existing Pond	Existing	1.6	2.86	5.48	11.52
	Proposed	0.1	0.31	0.58	1.18

(1) The proposed rate control lift station manages peak flow to at or below existing conditions.

### **Abstraction Controls**

1. Abstraction controls **meet** Commission requirements.
2. New impervious areas will be 1.40 acres requiring filtration of 5,574 cubic feet.
3. Full infiltration of 1.1 inches of runoff from impervious areas is not feasible because the site consists of clay soils. The Applicant proposes to use sand filtration to meet abstraction requirements.
4. Pretreatment is provided by rain guardian turret, collecting runoff from parking lot surface drainage before stormwater discharges to the filtration systems. Pretreatment is not provided for roof drainage or draintile into the basins.
5. Table 1 summarizes abstraction (filtration) volumes and treatment provided for this site.

### **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.

### **Recommendations**

- ☒ Approve

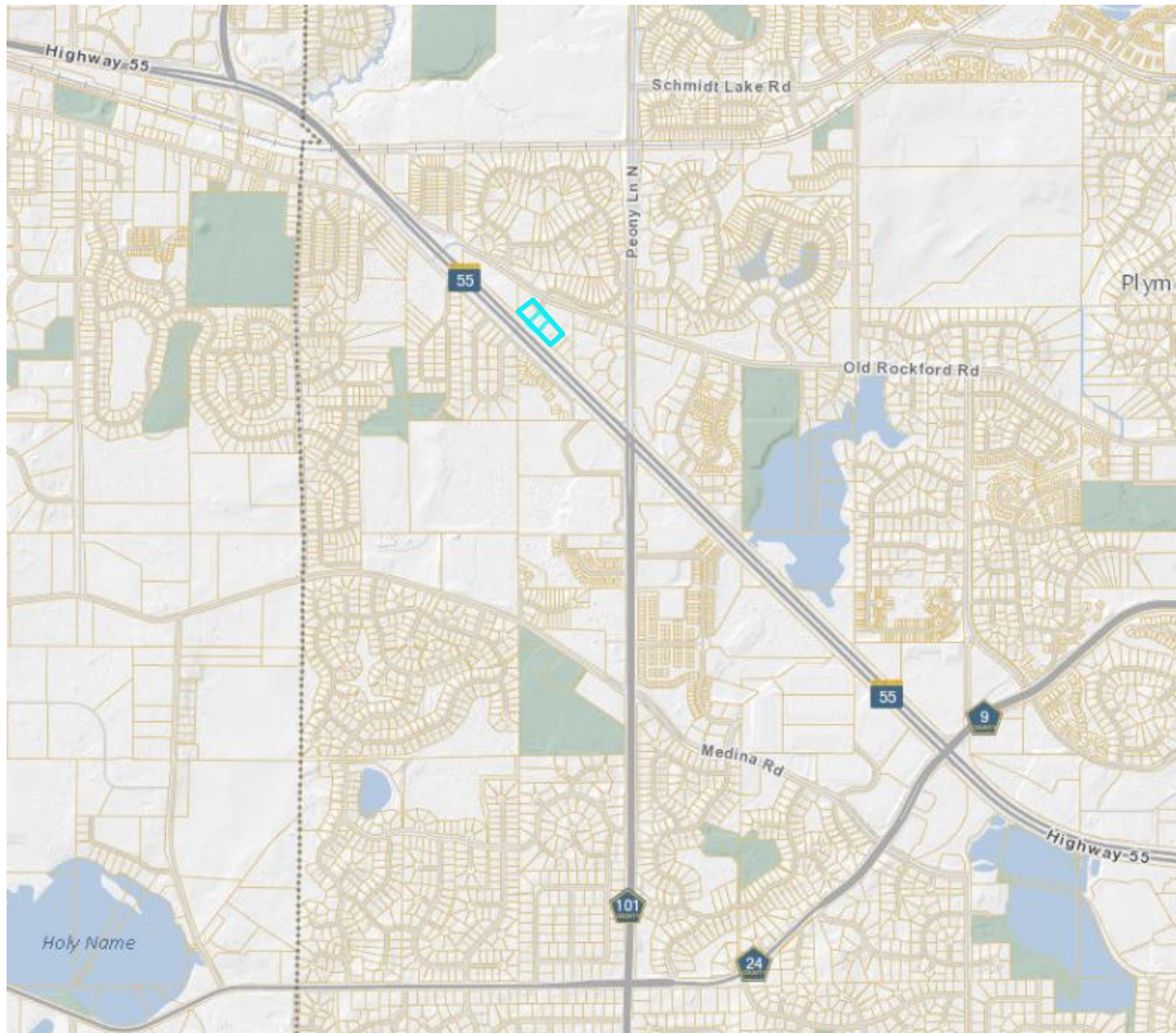


Joseph J. Waln, PE  
Barr Engineering Co.  
Advisor to the Commission

February 26, 2021  
Date

### **Attachments**

- |          |                               |
|----------|-------------------------------|
| Figure 1 | Site Location Map             |
| Figure 2 | Aerial Imagery                |
| Figure 3 | Existing Drainage Pattern Map |
| Figure 4 | Proposed Drainage Pattern Map |
| Figure 5 | Stormwater Drainage Plan      |



**Figure 1 Site Location Map**





Figure 2 Aerial Imagery



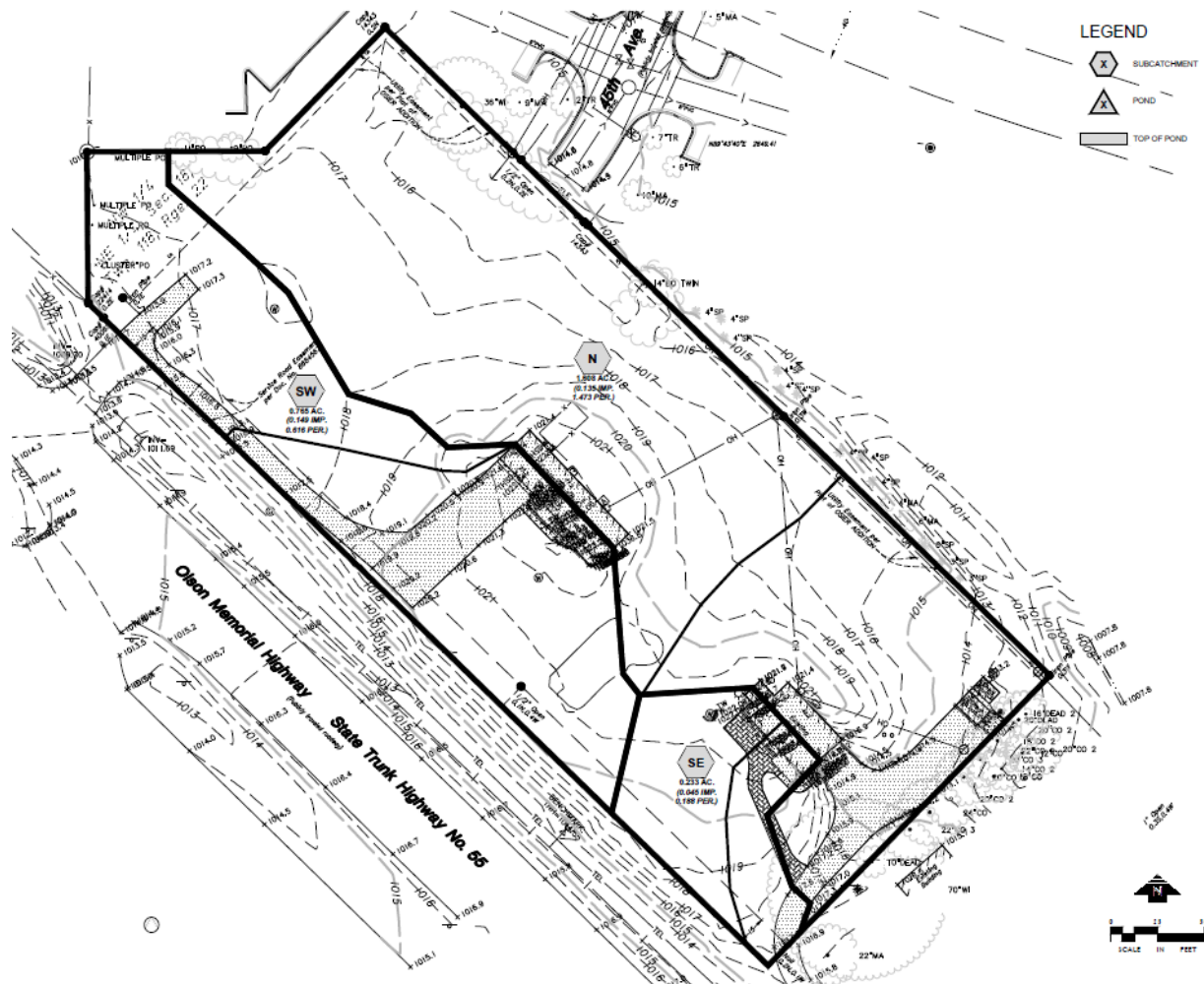
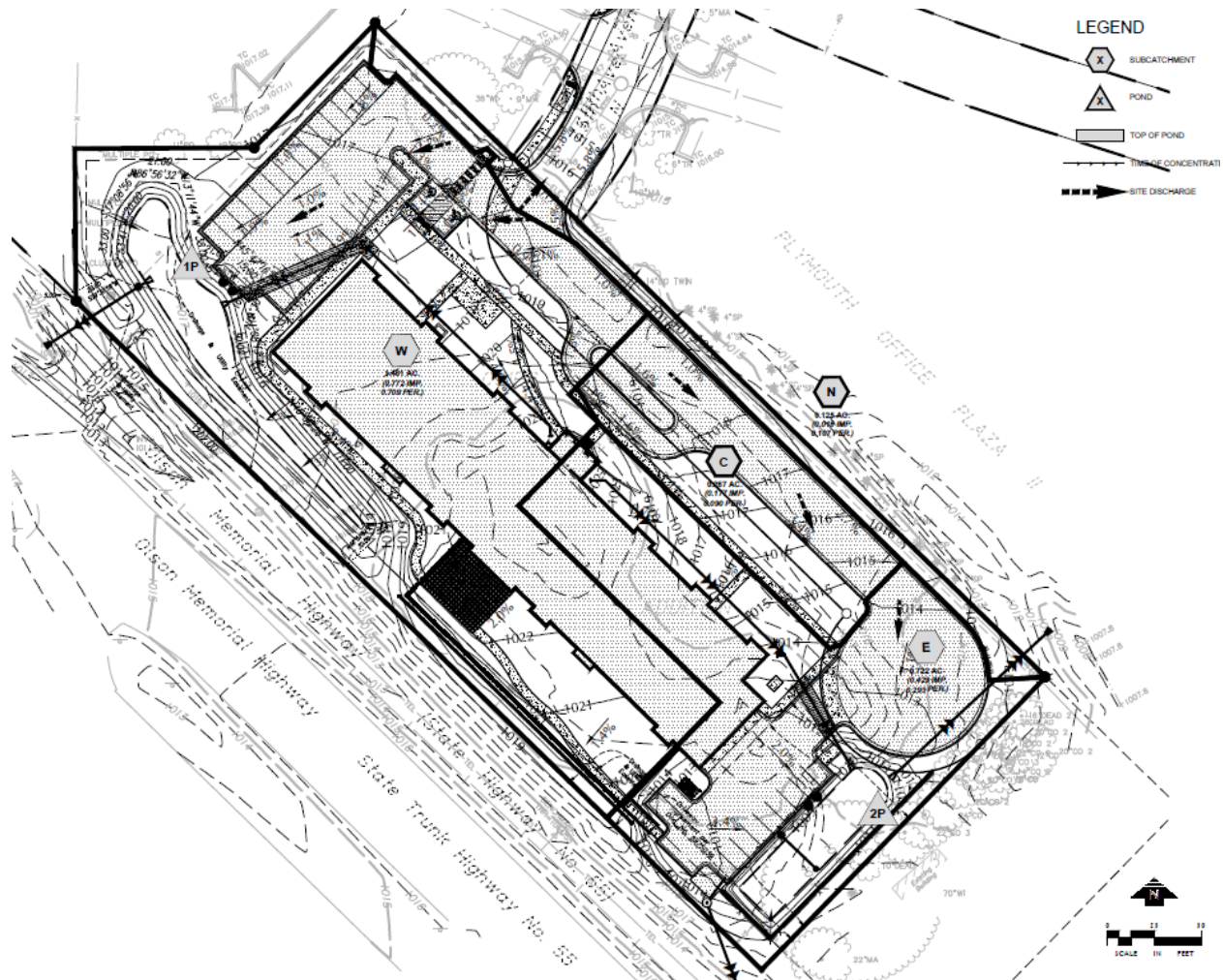


Figure 3 Existing Drainage Pattern Map



**Figure 4 Proposed Drainage Pattern Map**



# 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

**TECHNICAL OFFICE**  
 Barr Engineering Co.  
 4300 MarketPointe Drive, Suite 200  
 Minneapolis, MN 55435  
 PH: 503-957-7710  
 Email: jherbert@barr.com

### **Roers Maple Grove Apartments** *Maple Grove, Project #2021-004*

**Project Overview:** This project is part of the Minnesota Health Village (previously called Project 100) development that was reviewed and approved under project #2020-002. Minnesota Health Village is a 100.6-acre mixed-use development consisting of office, medical, hospital, multi-family residential and senior living facilities. This portion of the MHV PUD is a 4.33-acre parcel located in the SW corner of 99<sup>th</sup> Place N. and Grove Circle.

This project will trigger the Commission's Appendix C Rules and Standards as indicated below.

- |   |        |  |
|---|--------|--|
| X | Rule D | Stormwater Management (compliance to 2020-002) |
| X | Rule E | Erosion and Sediment Control                   |
|   | Rule F | Floodplain Alterations                         |
| X | Rule G | Wetland Alteration (compliance to 2020-002)    |
|   | Rule H | Bridge and Culvert Crossings                   |
| X | Rule I | Buffer Strips (compliance to 2020-002)         |

**Applicant/Agent:** Bauer Design Build, Attention Nate Gebert, 14030 21<sup>st</sup> Ave. N, Plymouth, MN 55447. Phone: 763-972-0000. Email: nate.g@bauerdb.com

#### **Exhibits:**

- 1) ECWMC Request for Plan Review and Approval received February 1, 2021.
- 2) PUD Development Stage Plans for MHV Multifamily for Roers Investments by Sambatek, dated January 12, 2021.
  - a. Sheet C1.01, Title Sheet
  - b. Sheet C3.01, Context Site Plan
  - c. Sheet C3.02, Site Plan
  - d. Sheet C4.01, Grading Plan
  - e. Sheets C5.0-1 to C5.04, Erosion Control Plans, Notes and Details
  - f. Sheet C6.01, Utility Plan
  - g. Sheets C8.01 to C8.03 Details
  - h. Sheets L1.01 to L1.03, Landscape and Shrub Plan, Details and Notes
- 3) Stormwater Management Plan, MHV Multifamily, by Sambatek dated September 28, 2020.

**Findings:****General**

- 1) A complete application was received on February 1, 2021. The initial 60-day decision period per MN Statute 15.99, ends on April 2, 2021.
- 2) Project 2020-002 was approved by the ECWMC per findings and recommendations dated March 12, 2020. The approval covered the overall regional stormwater management plans, wetland alterations, buffer strips, and erosion control plans.
  - a. Per MHV PUD (2020-002) findings, future phasing of the grading plans must be submitted separately for the Commission's review for Rule E and consistency with other approvals from the ECWMC. Note, this project was submitted within one year of the approval day (March 12, 2020) by the ECWMC. No fee is required during this one-year approval period.
- 3) Plans that are consistent with the prior PUD approvals and where site plan erosion controls comply with Rule E, can be administratively approved by the Commission's technical consultant.

**Rule D – Stormwater Management****General**

- 1) Stormwater management for the MHV Multifamily project are consistent with the Commission's approvals for project #2020-002.
  - a. Roers Apartment plans will create 3.27 acres (76%) of impervious area. The site plans propose connection to existing storm sewer system draining into regional pond #1.
  - b. 2020-002 stormwater management plans, as updated by the City, proposed 80% impervious areas for the Roers site parcel. This site was approved to drain into regional pond #1.
  - c. Rate controls, water quantity, quality and abstraction are consistent with approvals for project #2020-002 stormwater management plans as updated by the City of Maple Grove.

**Rule E – Erosion and Sediment Control**

- 1) The erosion control plans **meet** the Commission standard.

**Rules G and I – Wetland Alteration and Buffer Strips**

- 1) This project will not disturb wetlands or buffer strips in the MHV PUD.

**Decision:** Approved.



On Behalf of Barr Engineering  
Advisor to the Commission



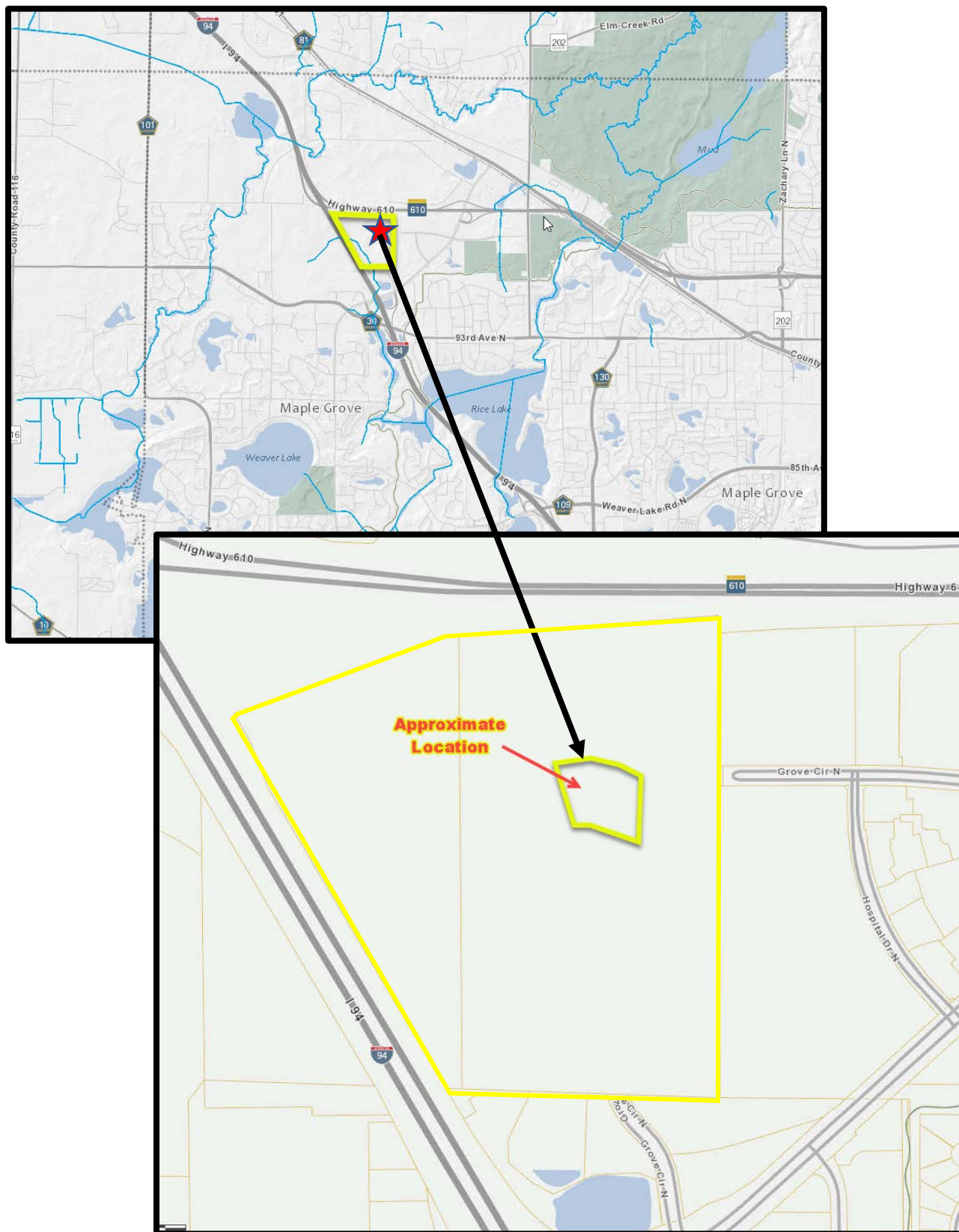
James C. Kujawa  
Surface Water Solutions LLC

February 5, 2021

Date

**Attachments**

- |          |   |
|----------|---|
| Figure 1 | Location Map                              |
| Figure 2 | 2020 Aerial Photograph                    |
| Figure 3 | 2020-002 Overall Site and Drainage Plan   |
| Figure 4 | Roers Maple Grove Apartment Grading Plans |



**Figure 1** Location Maps



**Figure 2**      **2020 Aerial Photograph**





**Figure 3**      **Project #2020-002 Overall Site and Drainage Plan**

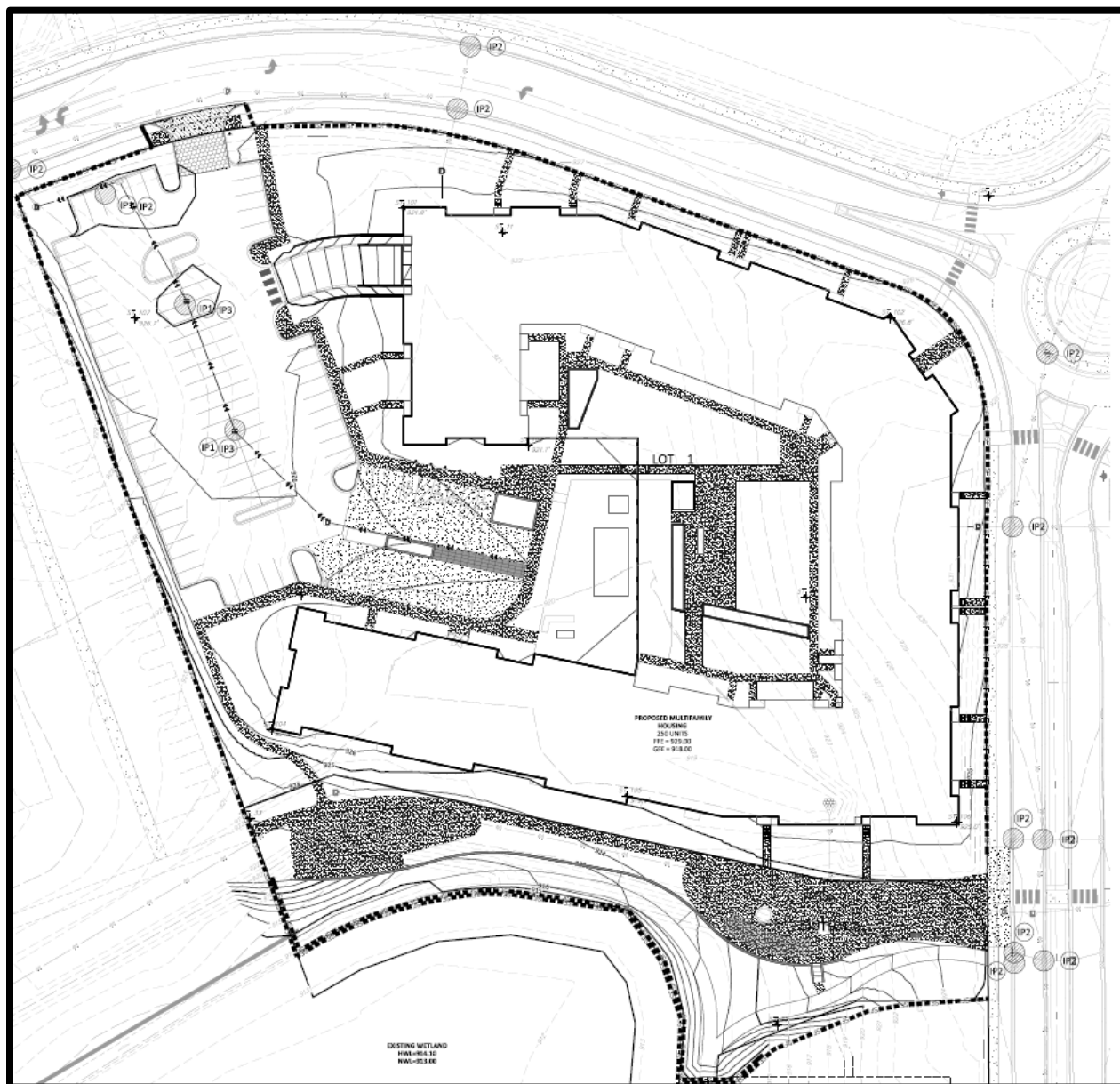


Figure 4 Roers Apartment Grading Plans



# 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

**TECHNICAL OFFICE**  
 Barr Engineering Co.  
 4300 MarketPointe Drive, Suite 200  
 Minneapolis, MN 55435  
 PH: 503-957-7710  
 Email: jherbert@barr.com

### **WJD Two Third Addition** *Rogers, Project #2021-005*

**Project Overview:** This is a 14.8 residential project located on the south side of 137<sup>th</sup> Ave. N. approximately 400 feet west of Northdale Boulevard. Rachel Development is proposing 56 townhomes and a 134-unit apartment building on this property. The initial site grading and stormwater management was approved by the ECWMC under projects 2001-017 (WJD) and 2003-003 (The Rogers Retail Centre 2<sup>nd</sup> Addition).

This project will trigger the Commission's Appendix C Rules and Standards as indicated below.

- |   |        |   |
|---|--------|---|
| X | Rule D | Stormwater Management (compliance to prior PUD) |
| 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                                   |

**Applicant:** Rachel Development, Attention David Stradtman, 4180 Napier Court NE, St. Michael, MN 55376. Phone: 763-424-1525. Email: [dstradtman@racheldevelopment.com](mailto:dstradtman@racheldevelopment.com)

**Agent:** Carlson-McCain, Attention Joe Radach, 3890 Pheasant Ridge Drive NE, Suite 100, Blaine, MN 55449. Phone: 763-489-7900. Email: [jradach@carlsonmccain.com](mailto:jradach@carlsonmccain.com)

### **Exhibits:**

- 1) ECWMC Request for Plan Review and Approval received February 11, 2021.
- 2) WJD Two Third Addition site plans by Carlson McCain dated December 22, 2020 with latest revision date of January 29, 2021.
  - a. Sheet 1 of 8, Cover Sheet
  - b. Sheet 2 of 8, Existing Conditions
  - c. Sheet 3 of 8, Preliminary Plat
  - d. Sheet 4 of 8, Preliminary Site Plan
  - e. Sheet 5 of 8, Preliminary Parking Plan
  - f. Sheet 6 of 8, Preliminary Utility Plan
  - g. Sheet 7 of 8, Preliminary Grading & Erosion Control Plan
- 3) ECWMC project files, 2001-017 and 2003-003.

- 4) Stormwater Management Plan, WJD Two Third Addition by Carlson McCain dated December 22, 2020, revised January 29, 2021.
- 5) City of Rogers, Outlot B WJD Two Addition MN WCA Notice of Decision, Wetland Boundary or Type dated August 6, 2019.
- 6) City of Rogers correspondence dated February 8, 2021, requesting the project be grandfathered in per original approved regional stormwater management plans and levied assessments based on Commission and City approvals from 1996 and 2001.

### **Findings:**

#### **General**

- 1) A complete application was received on February 11, 2021. The initial 60-day decision period per MN Statute 15.99, ends on April 12, 2021.
- 2) The current site is used for agriculture production and drains toward an existing wetland along the west property line.
- 3) The proposed development will consist of 56 townhomes and a 134-unit apartment building creating 6.15 acres of new impervious surfaces.
- 4) The site will be graded to route stormwater into an existing regional pond constructed as part of the WJD PUD and Rogers Retail Center (EC projects 2001-017 and 2003-003).
- 5) Wetlands were delineated and approved by the LGU in 2019. There are no wetland impacts proposed.
- 6) There are no FEMA floodplains present on this site.

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

- 1) An existing regional pond along the south property line was constructed as part of the WJD subdivision and approved by the ECWMC in 2001 and 2003.
- 2) Approvals for the regional facilities covered stormwater management plans the WJD PUD. The regional pond was sized for rate controls and water quality treatment from this parcel. Design assumptions on the regional pond assumed 6.28 acres of impervious surfaces. Actual impervious surfaces will be 6.15 acres.
- 3) Per the City of Rogers request, the WJD Two Third Addition stormwater management was evaluated based on WJD 2<sup>nd</sup> Addition and Rogers Retail Centre 2<sup>nd</sup> Addition stormwater management designs and found to follow said plans.
  - a. Rate controls and water quality are consistent with approvals for project #2001-017 and 2003-003.
  - b. Per past Commission procedures, stormwater management plans may be approved by the Commission if;
    - i. the plans are consistent with prior Commission stormwater PUD approvals,
    - ii. the plans show past activity and investment has occurred,
    - iii. reasonable reliance from past activity was assumed,
    - iv. investment and substantial financial damage would occur if a new application is required,

- v. the plans have been assessed for regional stormwater facilities, and
- vi. requested by the member community.

#### Rule E – Erosion and Sediment Control

- 1) ACTION REQUIRED; SWPPP plans were not provided with the submittal. NPDES SWPPP permits must be obtained from MPCA. A copy of the permit and SWPPP plans will be required prior to construction.

#### Rule I –Buffer Strips

- 1) The wetland along the westerly edge of this site is shown with a buffer strip that averages 43 feet in width. The buffer area shows a 10-foot pedestrian trail constructed within this buffer.
- 2) The buffer strip will meet the Commission’s minimum (10 feet) and average (25 feet) standard to the westerly edge of the trail. Additional buffer is shown above the trail to meet the City standard.
- 3) ACTION REQUIRED; Wetland buffer vegetation does not meet the Commission requirements for native vegetation establishment and maintenance. Native vegetation must be established within the Commission’s buffer area requirements.
  - a. Vegetation proposed within the buffer area consists of
    - i. a bluegrass sod strip below the trail and bluegrass sod above the trail
    - ii. MnDOT seed mix 33-261 between the sod and the wetland.
  - b. Maintenance must specify reseeding and/or replanting of the buffer strip does not survive during the first two full growing season.
- 4) ACTION REQUIRED; Wetland buffer monumentation must meet the Commission standards.
  - a. No buffer monumentation is shown on the site plans.

#### **Recommendation:** Approval pending staff’s final approval of:

- buffer requirements meeting the Commission’s standards
- final SWPPP is provided prior to grading

On Behalf of Barr Engineering  
Advisor to the Commission

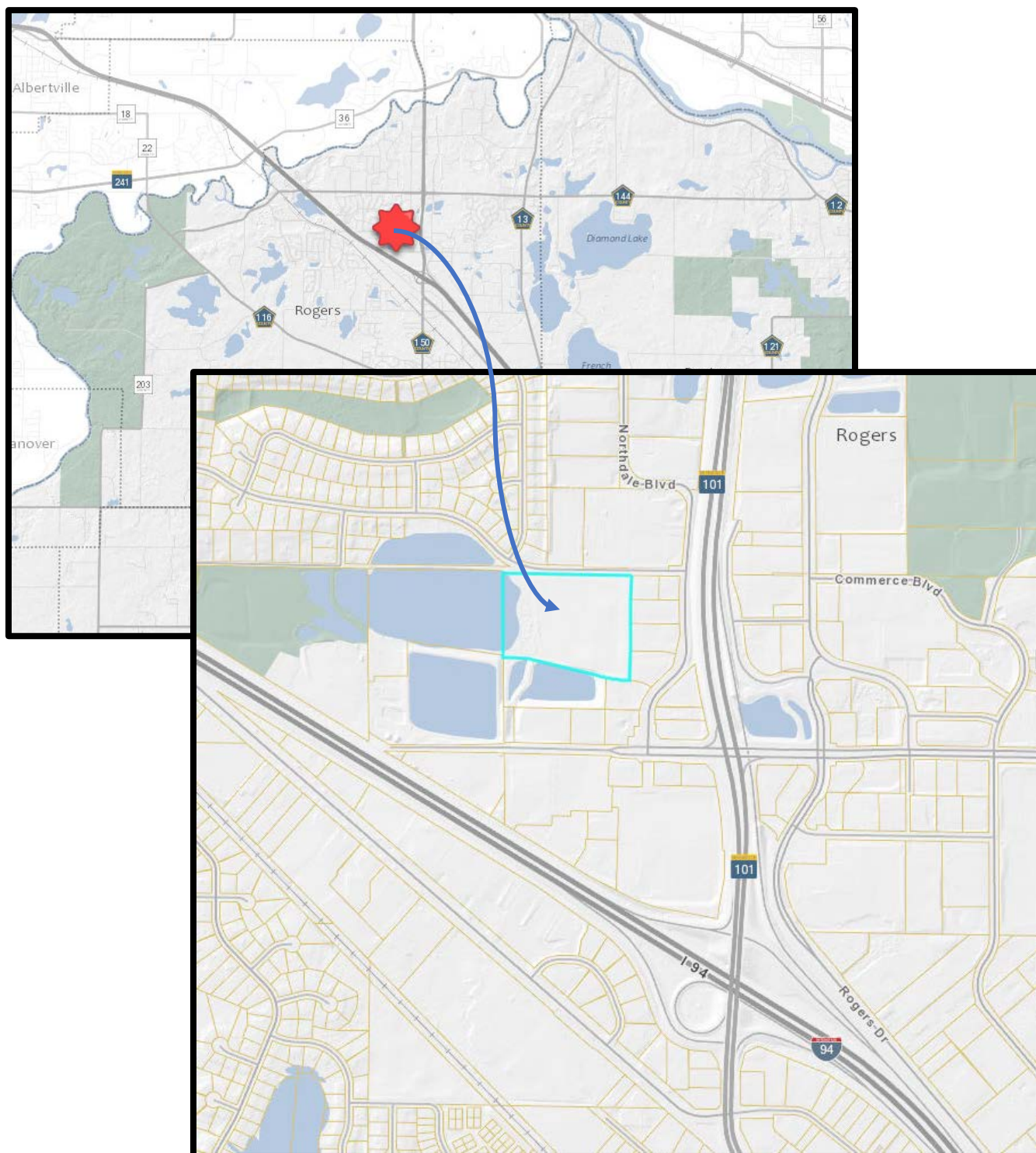


James C. Kujawa  
Surface Water Solutions LLC

March 3, 2021  
Date

#### **Attachments**

- |          |                                      |
|----------|--------------------------------------|
| Figure 1 | Location Map                         |
| Figure 2 | 2018 Aerial Photograph               |
| Figure 3 | WJD Two Third Addition Grading Plans |



**Figure 1**      **Location Map**





**Figure 2      2018 Aerial Photograph**





# Watershed Management Commission

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

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

## Boston Scientific 2021 WL3 West Building Expansion City of Maple Grove Project #2021-006

### Project Overview:

**Location:** 1 Scimed Place, Maple Grove, MN 55311, at the northwest quadrant of the I-94 and Weaver Lake Road intersection

**Purpose:** The proposed work at the Boston Scientific Corporation Maple Grove campus would expand WL3 Building 3. The site drains to the northeast and south to three existing stormwater ponds. An iron-enhanced filtration bench on the northeast pond (Pond C) and reconstruction of the outlet from one of the two southern ponds (Pond B) will provide treatment and rate control. The iron-enhanced sand filtration bench is designed to treat all new impervious area from the project. The total area for stormwater features is approximately 68.1 acres. The WL3W Building 3 Expansion project will disturb approximately 5.3 acres and create 0.2 acres of new impervious area.

**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

**Applicant:** Boston Scientific Corporation

**Address:** One Scimed Place  
Maple Grove, MN 55311

**Attention:** Brendan Collins

**Phone:** 763-955-8191

**Email:** Brendan.Collins@bsci.com

**Agent:** HGA

**Address:** c/o HGA 420 N 5<sup>th</sup> St. #100  
Minneapolis, MN 55401

**Attention:** Kenny Horns

**Phone:** 612-578-7703

**Email:** khorns@hga.com

Exhibits:	Description	Date Received
Application	<input checked="" type="checkbox"/> Complete ECWMC Application	2/22/2021
	<input checked="" type="checkbox"/> ECWMC Request for Review and Approval	1/27/2021
	<input checked="" type="checkbox"/> City authorization: Maple Grove, MN	2/15/2021
	<input checked="" type="checkbox"/> Review fee: \$675	2/22/2021
	<input checked="" type="checkbox"/> Project Documents (site plans, reports, models, etc.)	2/19/2021

### Submittals

1. Boston Scientific Corporation Weaver Lake Campus 2021 WL3 West Building Expansion Construction Plan Set (9 sheets) dated February 12, 2021

## Findings

### General

1. A complete application was received February 22, 2021. The initial 60-day decision period per MN Statute 15.99 expires April 23, 2021.
2. Most of the site (42.7 acres) generally drains northeast to an existing stormwater pond (Pond C) which outlets to stormsewer beneath I-94. The remaining 18.4 acres drains south into two existing stormwater ponds (Pond B and A) ultimately draining to stormsewer along Weaver Lake Road.
3. The proposed improvements at the Boston Scientific Corporation include the construction of a building on the west side of the existing site. The building will replace an existing parking area.
4. The building expansion will create 0.2 acres of new impervious area.
5. Stormwater management for the project is provided in the project #2021-001 Access Drive/Parking Expansion.
6. There are no Elm Creek Watershed jurisdictional floodplains, wetlands, or stream crossings within the site.

### Rule D – Stormwater Management (plans)

#### **General**

1. The review of stormwater management for done as part of project #2021-001 Access Drive/Parking Expansion.

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

1. Plans **meet** Commission requirements for erosion and sediment control.
2. The erosion and sediment control plan is consistent with current best management practices.

### Recommendations

Approve with Conditions

#### **Conditions**

1. ECWMC approval of project #2021-001 for Rule D compliance.

Joseph J. Waln, PE  
Barr Engineering Co.  
Advisor to the Commission

March 2, 2021  
Date

### Attachments

- |          |                   |
|----------|-------------------|
| Figure 1 | Site Location Map |
| Figure 2 | Aerial Imagery    |
| Figure 3 | Project Site Area |
| Figure 4 | Site Utility Plan |







**Figure 2 Aerial Imagery**



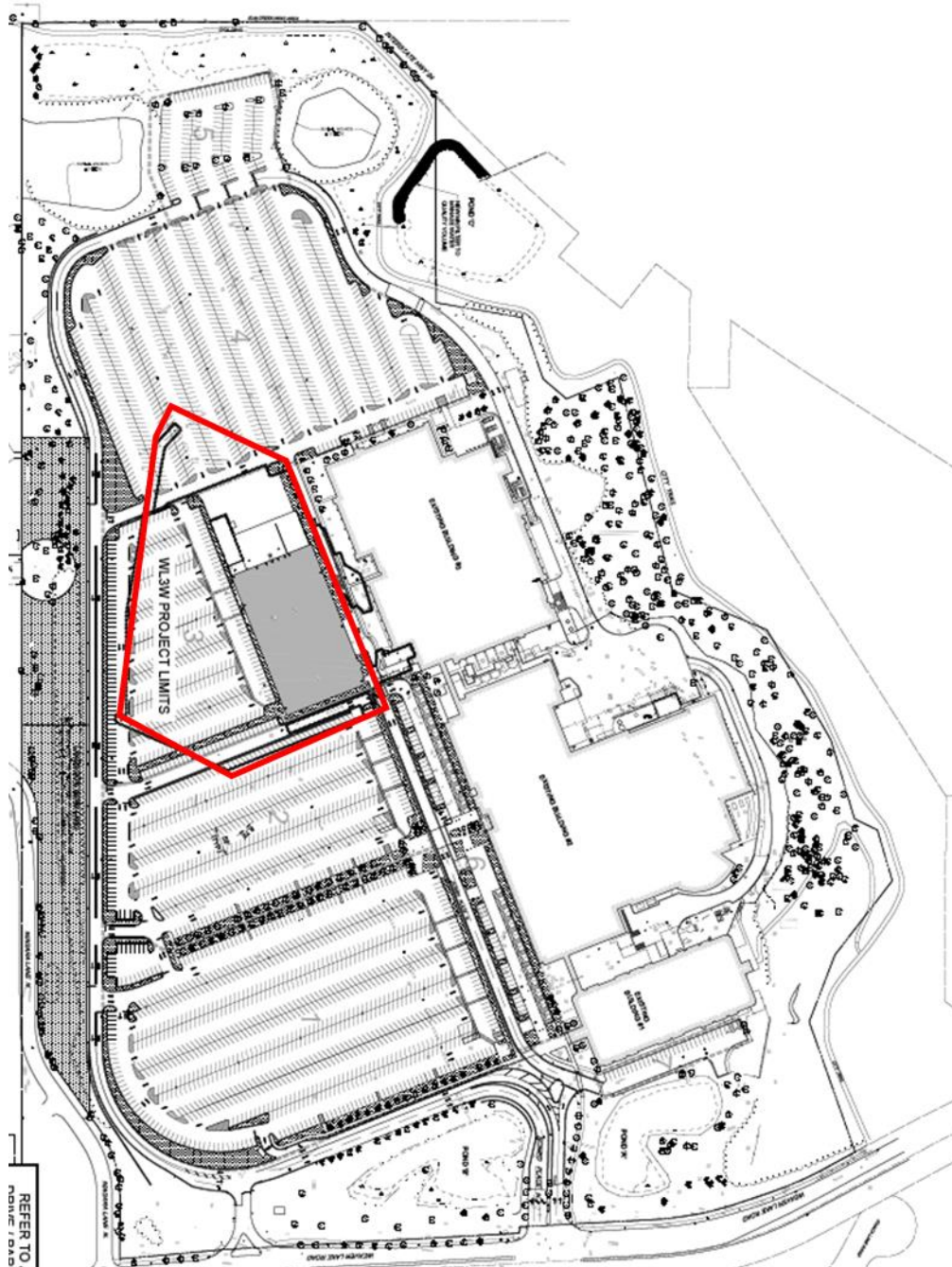


Figure 3 Project Site Area



# HENNEPIN COUNTY

## MINNESOTA

DATE: March 2, 2021

TO: Elm Creek Watershed Management Commission (ECWMC)

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

RE: March ECWMC Updates

---

### **2021 Watershed Service Agreement**

In order to partner in sharing the cost of implementing Rush Creek Clean Water Fund (CWF) projects, as well as making use of the Elm Creek WMC capital funds allocated to this geography, a watershed service agreement with Hennepin County will be needed this year. Hennepin County staff have drafted this Scope of Services and included it in March Commission meeting packet materials for feedback. Please provide any feedback and/or questions you can during the March Commission meeting. Based on your feedback and questions, the agreement will be revised and included for review and action for the April meeting.

### **Personnel Changes**

#### **Hiring Conservation Specialist**

Hennepin County Environment and Energy recently posted for a Conservation Specialist, who is being brought on to lead implementation of the Rush Creek CWF Implementation Grant and other rural conservation initiatives of the department. The county received nearly 140 applications, from which a small subset will receive interviews. The interview panel will be made up of Hennepin County staff, along with Ken Guenthner. Thanks Ken for your help!

We anticipate having our new Conservation Specialist on staff in late March or early April.

### **Subwatershed Analyses**

#### **Diamond Lake**

No update.

Previous: Hennepin County staff met with Wenck staff, Nico Canterero and Jeff Strom, to discuss assistance on development of the Diamond Lake Subwatershed Analysis. Wenck staff are in the process of completing report deliverables, which county staff will ground truth and provide feedback on implementation feasibility. This work will be completed later this winter or early spring following snowmelt.

### **Rush Creek Clean Water Fund Implementation Grant**

Hennepin County is hiring a Conservation Specialist who will focus their work on completing implementation of the Rush Creek CWF grant. County staff are working internally to develop an outreach & marketing campaign to seek out landowners to work with in spring and summer 2021. County staff will engage ECWMC for feedback on this outreach & marketing campaign and will seek assistance (where appropriate) to improve its outreach potential.

### **Project / Program Updates**

#### **Jubert Lake Agricultural BMPs**

**Update:** Designs for two projects are finalized and Phase 1 projects along the creek and associated tangential drainage BMPS are going through final edits and then off to landowner for final approval.

Previous: Phase 1 projects west of Jubert Lake are in the final design review stage and will be presented to the Landowners for approval and contracting. We will be engaging contractors to complete Phase 2 designs and permitting for all projects in early spring. Phase 1 Project implementation will likely occur this fall with Phase 2 projects to commence in 2022. These projects are on multiple parcels west of Jubert Lake. Design and implementation are being funded through a funding partnership with ECWMC, Hennepin County, the State of MN (Rush Creek CWF grant), and the parcel landowners.

#### **Agricultural Soil Health Initiative**

In late February, Hennepin County staff sent a few dozen mailers to targeted farmers regarding cover crops and other soil health initiatives. County staff will be sharing those materials with the Commission as they become available.

## Judie Anderson

---

**From:** Judie Anderson  
**Sent:** Tuesday, March 2, 2021 11:01 AM  
**To:** Rebecca Carlson  
**Cc:** Amy Juntunen; Holtman@smithpartners.com  
**Subject:** RE: MAWD request for Contacting BWSR Leadership

Rebecca and Mr. Holtman, please keep us apprised as things move forward. Thank you.

- Judie

---

Judie A. Anderson  
 WATERSHED ADMINISTRATOR | JASS | 3235 FERNBROOK LANE PLYMOUTH MN 55447  
[judie@jass.biz](mailto:judie@jass.biz) | D 763.553.1144 | F 763.553.9326  
 Representing Elm Creek, Shingle Creek, West Mississippi, and Pioneer-Sarah Creek WMOs  
 and Clearwater River WD  
☐ Please consider the environment before printing this email.

*E-MAIL CONFIDENTIALITY NOTICE: Information in this message or an attachment may be government data and thereby subject to the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, may be subject to attorney-client or work product privilege, may be confidential, privileged, proprietary, or otherwise protected, and the unauthorized review, copying, retransmission, or other use or disclosure of the information is strictly prohibited. If you are not the intended recipient of this message, please immediately notify the sender of the transmission error and then promptly delete this message and/or any attachments from your computer system.*

---

**From:** Rebecca Carlson <[Rebecca@resilience-resources.com](mailto:Rebecca@resilience-resources.com)>  
**Sent:** Tuesday, March 2, 2021 10:56 AM  
**To:** Judie Anderson <[Judie@jass.biz](mailto:Judie@jass.biz)>  
**Cc:** Amy Juntunen <[Amy@jass.biz](mailto:Amy@jass.biz)>  
**Subject:** FW: MAWD request for Contacting BWSR Leadership

---

**From:** Chuck Holtman <[Holtman@smithpartners.com](mailto:Holtman@smithpartners.com)>  
**Sent:** Tuesday, March 2, 2021 10:52 AM  
**To:** Rebecca Carlson <[Rebecca@resilience-resources.com](mailto:Rebecca@resilience-resources.com)>  
**Subject:** RE: MAWD request for Contacting BWSR Leadership

Thank you, Rebecca.

You in turn may be interested in this bill concerning a study to merge WDs and SWCDs. Of course many bills are just introduced nonsense, but Rep. Torkelson carries a good deal of weight and credibility in the area. I'm not yet aware of whence this bill derives.

Torkelson introduced:

[H. F. 1586](#), A bill for an act relating to water; appropriating money for a feasibility study for merging soil and water conservation districts and watershed districts.  
 The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy.



I also know that a couple of my WDs involved in One Watershed One Plan are frustrated at what they see as BWSR's insufficient insistence on watershed-based assessment and prioritization of projects, and its acquiescence in county/SWCD (non-watershed-based) directing of 1W1P plans/work.

So it looks like there's a cluster of WD/SWCD relational issues heating up.

Chuck

**Charles B. Holtman**

**smith**

**partners**

PLLP

400 Second Avenue South

Suite 1200

Minneapolis, MN 55401

(612) 278-1405 Office

[www.smithpartners.com](http://www.smithpartners.com)

---

**From:** Rebecca Carlson <[Rebecca@resilience-resources.com](mailto:Rebecca@resilience-resources.com)>

**Sent:** Tuesday, March 2, 2021 10:05 AM

**To:** Chuck Holtman <[Holtman@smithpartners.com](mailto:Holtman@smithpartners.com)>

**Subject:** FW: MAWD request for Contacting BWSR Leadership

Hi Chuck,

No action needed, I just thought you and your crew may find this interesting. It seems to me like this march towards SWCDs and away from watershed districts has been in play for some time now- not sure what's driving MAWD to act now. Would be interesting to get your take on it at some point.

R

This Document can be made available  
in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1586

02/25/2021 Authored by Torkelson

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to water; appropriating money for a feasibility study for merging soil and
- 1.3 water conservation districts and watershed districts.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. **FEASIBILITY STUDY FOR MERGING SOIL AND WATER**
- 1.6 **CONSERVATION DISTRICTS AND WATERSHED DISTRICTS;**
- 1.7 **APPROPRIATION.**
- 1.8 \$..... in fiscal year 2022 is appropriated from the general fund to the Board of Water
- 1.9 and Soil Resources to prepare, in consultation with soil and water conservation districts,
- 1.10 watershed districts, and other local units of government, a feasibility study on voluntarily
- 1.11 merging soil and water conservation districts and watershed districts that have completed
- 1.12 a plan under Minnesota Statutes, section 103B.801. By January 15, 2023, the board must
- 1.13 submit a report to the chairs and ranking minority members of the house of representatives
- 1.14 and senate committees and divisions with jurisdiction over environment and natural resources
- 1.15 policy and finance with the study and any recommendations for legislation necessary for
- 1.16 implementation. This is a onetime appropriation and is available until June 30, 2023.

**From:** Emily Javens <[emily@mnwatershed.org](mailto:emily@mnwatershed.org)>  
**Sent:** Monday, March 1, 2021 11:59 AM  
**To:** Emily Javens <[emily@mnwatershed.org](mailto:emily@mnwatershed.org)>  
**Subject:** MAWD request for Contacting BWSR Leadership

MAWD Board and Administrators,

Will you please send a note to BWSR Executive Director John Jaschke, BWSR Chair Gerry Van Amburg, and our watershed reps (Joe Collins and Jill Crafton) letting them know it is not acceptable to have a monthly newsletter that focuses only on SWCD programs and neglecting the work done by watershed districts... especially when the stories are associated with drainage and the Red River Valley. Those stories can't be told without the role watershed districts play, but somehow they have once again made it all about SWCDs. It is also not acceptable to produce a fact sheet on legislation that would increase water storage and focus on the work SWCDs do and not mention work WDs specialize in. (See attached.) I hate that we need to keep talking about the "us vs. them" argument, and pointing out the "haves and the have nots." It can't be argued that SWCDs don't have more access to programs and funding than we do. But, please know there are reasons this happens in most cases and it often isn't up to BWSR to make those resource decisions. Many of the inequities are directed by the legislature or are linked to funding opportunities that come with NRCS dollars (which ties to SWCDs.) Please also know that MAWD is advocating for simple ways some of those programs can be expanded at a low cost to include us. What I have a problem with here is that even on items completely under BWSR's control, they have a pattern that still strongly favors SWCDs. I know this is frustrating for all of us. That frustration is not getting understood when we point it out though. We need more voices and we need louder voices. We deserve better service delivery from the State. So even though BWSR does not have complete control over who gets financial and technical resources, they DO have control over whose work gets promoted in their newsletters or fact sheets.

Let me be very clear. We need ALL local governments to be represented and supported and to have adequate funding capacity to do their jobs. We need to support each other and they (our LGU partners) need and do support us. But, our state agency is not doing an adequate job for us. They are not called the MN Board of SWCDs, and it is time they stop acting like it.

Also – If you have stories that can be told about the great work I know you are doing, please contact Mary Juhl, BWSR Communications Coordinator, so that she can make sure our stories have a shot at getting written up, too.

Here are the email addresses you will need:

- John Jaschke – [john.jaschke@state.mn.us](mailto:john.jaschke@state.mn.us)
- Gerry Van Amburg – [vanambur@cord.edu](mailto:vanambur@cord.edu)
- Joe Collins – [jpcollins534@centurylink.com](mailto:jpcollins534@centurylink.com)
- Jill Crafton – [jillgreatlakesike@gmail.com](mailto:jillgreatlakesike@gmail.com)
- Mary Juhl – [mary.juhl@state.mn.us](mailto:mary.juhl@state.mn.us)

Thank you,  
 Emily

**Emily Javens, PE | Executive Director**  
 MN Association of Watershed Districts (MAWD)  
 595 Aldine Street | St. Paul, MN 55104  
 (651) 440-9407 office | (320) 979-0084 mobile  
[www.mnwatershed.org](http://www.mnwatershed.org) | [emily@mnwatershed.org](mailto:emily@mnwatershed.org)



## Water Storage and Treatment

*Establishes a program to provide financial assistance for water storage projects to protect streams, rivers, lakes and infrastructure from extreme weather events and related climate change impacts.*

### Challenges on the landscape

Minnesota is experiencing larger and more frequent and intense rainfall events, resulting in negative impacts to agriculture and infrastructure, significant erosion along riverbanks and declining water quality.

### What is water storage and treatment?

Water storage projects are engineered to slow down or temporarily hold back water from reentering a stream or river. For example, during a storm, water is directed into a wetland, holding basin, or soil in a farm field and then is slowly released downstream. This action provides water quality treatment by allowing sediment to settle out. It also reduces the water volume and speed leaving our landscape, which in turn reduces erosion along river banks and the amount of sediment entering Minnesota's streams, lakes and rivers.



*L to R: water and sediment control basin in crop field is empty in dry conditions but holds water temporarily after heavy rains; landowners pose by construction of storage basin in Pope county ag field; grass back sediment control basin slows runoff.*

### Protecting Minnesota Landscapes

Water storage provides the following benefits:

- reducing runoff which decreases erosion and nutrient loss from working lands
- mitigating climate change impacts by slowing flowing water from severe weather events
- protecting infrastructure from flood damage
- preparing agricultural lands to withstand more intense rainfall events
- improving downstream water quality

### 2021 Budget Proposal (HF932/SF1037)

Governor Walz recommends \$3 million to develop a statewide program that leverages local, federal, and private sector funds to address two important needs: water quality and climate resiliency. Putting more water storage on our landscape will address these needs and create a more resilient landscape for Minnesota's future.

### Contact

John Jaschke, BWSR Executive Director  
john.jaschke@state.mn.us  
(651) 296-0878

Angie Becker Kudelka, BWSR Assistant Director  
angie.beckerkudelka@state.mn.us  
(612) 616-5112

## Building Healthy Soils

*A long-term strategy will foster more productive and profitable farms, improve water quality, and create better resilience during extreme weather events.*

### What is soil health?

It is the soil's ability to sustain agricultural crop productivity without resulting in soil degradation or otherwise harming the environment.

One of the best ways to improve soil health is to keep farmland covered with vegetation for much of the year. Practices such as cover crops, reduced tillage, and planting perennial vegetation (known as continuous living cover) help to increase the organic matter and build healthier soils.

### Accelerating the implementation of cover crops

Cover crops are plants grown with the primary purpose to build soil health (rather than a commodity). They help landowners build resilient landscapes by:

- holding more water in the soil (which reduces runoff)
- increasing water available for crops, reducing need for supplemental irrigation
- reducing nutrient losses into surface and groundwater
- allowing reduced fertilizer/pesticide use without negative impacts for crop production
- storing carbon in the soil

### Challenges of cover crop adoption

Farm census data indicates that approximately 2% of Minnesota's ag land includes cover crops. Some common hurdles to implementation include: the time it takes to establish, lack of information specific to northern climates, access to equipment and support, and funding to sufficiently offset risk until the crop is established.

### 2021 Budget Proposal (HF936/SF1036)

Governor Walz recommends \$5.5 million to accelerate the use of cover crops on Minnesota's farmlands. With the technical expertise of Soil and Water Conservation Districts and other local partners, these resources will help farmers with establishment costs that help offset risk.

### Contact

John Jaschke, BWSR Executive Director  
john.jaschke@state.mn.us  
(651) 296-0878

Angie Becker Kudelka, BWSR Assistant Director  
angie.beckerkudelka@state.mn.us  
(612) 616-5112



Top: Cover crop mix growing under corn near Faribault, MN. Bottom: Rye cover crop growing after harvest of no-till corn in Rice County. Photo credit: Rice SWCD