

elm creek

Watershed Management Commission

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

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

AGENDA

Technical Advisory Committee

May 21, 2020 • 1:30 p.m.

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

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

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

1. Call TAC meeting to Order.
 - a. Approve agenda.*
 - b. Approve Minutes of last TAC meeting.*
2. Project Reviews.
 - a. Revenues v. Expenses.
 - 1) 2019.*
 - 2) 2020.*
 - 3) Current Project Review Application* and Fee Schedule.*
How well does application describe project, fee schedule cover project costs?
 - a) BCWMO Application* and Fee Schedule.*
 - 4) Powers granted to the Commission – by JPA?* by Rules?*
 - 5) State Statute provisions regarding fees.*
 - b. Recommendation to the Commission.
3. 2021 Operating Budget.* - recommendation to the Commission.
 - a. Member Assessments.*
4. Consider new policies.
 - a. Non-structural practices.
 - 1) SCWM Policy.*
 - 2) BCWMO Policy.*
 - 3) Kujawa draft policy.*
 - 4) Asche draft policy.*
 - 5) Recommendation to Commission – eligible for CIP?
 - b. Wetland Restoration and Banking.
 - c. Land Acquisition (Champlin).
5. Other Business.
6. Next meeting _____.
7. Adjourn meeting of TAC.

Z:\Elm Creek\TAC\May 21 2020 TAC Meeting Agenda.docx

*in meeting packet

**available at meeting

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Technical Advisory Committee Meeting Minutes – April 23, 2020

I. A virtual meeting of the **Technical Advisory Committee (TAC)** for the Elm Creek Watershed Management Commission was convened at 1:00 p.m. Thursday, April 23, 2020.

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

Also present: Ken Guenther, Corcoran.

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

B. Motion by Scharenbroich, second by Fisher to approve the **minutes*** of the April 8, 2020 Technical Advisory Committee meeting. *Motion carried unanimously.*

II. Policy for Non-Structural Practices.

A. Included in the meeting packet was a copy of the **Shingle Creek/West Mississippi Cost Share Policy for Capital Improvements**.* The policy addresses both structural and nonstructural activities. It states that *routine maintenance or localized improvements* are not eligible for cost share.

B. Also included in the packet was a **City of Plymouth April 21, 2020 memo*** containing additional information regarding the proposed Street Sweeper.

Motion by Kujawa, second by Waln to develop a policy for the Elm Creek Commission similar to that of SCWM, incorporating the guidelines contained therein. *Motion carried unanimously.*

III. Capital Projects.

The members reviewed the updated **CIP spreadsheet*** and the **Exhibits*** of those projects being considered for levy in 2020.

Motion by Scharenbroich, second by Kujawa to recommend to the Commission the projects listed below to be levied in 2020, payable 2021, and to call for a public meeting to adopt a Minor Plan Amendment to incorporate the updates to the Commission's CIP. The public meeting will be held concurrently with the June 10, 2020 regular meeting. *Motion carried unanimously.*

Line 27	Livestock Exclusions, Buffer & Stabilized Access new 2020	\$50.000
Line 28	Agricultural BMPs Cost Share	\$50,000
Line 43	Enhanced Street Sweeper	\$75,000

A total of three projects were added to the CIP, specificity was added to two placeholder projects, one project was rescheduled, and one project was removed.

IV. Project Review Fees.

Documents included in the meeting are a (1) summary of 2019 project costs,* (2) 2020 project review activity,* (3) the current project review application,* (4) project review fee schedule* and draft revisions.* Also included is the project review section of the operating budget.* The members requested additional information be provided at the next TAC meeting.

[Comparable materials from the Bassett Creek WMO were provided by Herbert and will distributed for the May TAC meeting.]

V. Other Business.

The **next meeting of the TAC** is scheduled for 1:30 p.m., Thursday, May 21. This will be a virtual meeting. The agenda will include consideration of a policy for non-development practices, review of the project review schedule v. current expenses, and a recommendation for the 2021 Operating Budget.

VI. Other Business.

There being no further business, the meeting was adjourned at 2:10 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

Elm Creek Watershed Management Commisison

2019 Project Reviews

Fee v. Expense Analysis

item 02a1)

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Project No.	Project Name	City	Project Fee Received	Fee per 2019 proposed schedule	Variance	Rule D storm-water	Rule E Erosion	Rule F Floodplain	Rule G Wetland	Rule H Bridge/Culvert	Rule I Buffers	Project Description
2	2019-001	Fernbrook View Apartments	MG	542.50	\$1,250	\$708	x	x				x	4.85 ac. Commercial Apts.
3	2019-002	Parkside Villas	Champlin	747.00	\$1,450	\$703	x	x					13.9 ac. Residential
4	2019-003	Rogers High School Tennis Court	Rogers	777.50	\$1,050	\$273	x	x					3.1 acres institutional redevelopment
5	2019-004	Rogers Middle School Chiller Units	Rogers	372.50	\$550	\$178		x					1.2 acres institutional redevelopment
6	2019-005	I-94 UBOL (Internal Review)	Rogers		N/A		x	x	x				
7	2019-006	Hickory Drive Street & Utility Improvement	Medina	400.00	\$400	\$0	x	x					1.0 ac institutional w/floodplain <100 cy
8	2019-007	Westin Ridge	Plymouth	2,570.00	\$6,175	\$3,605	x	x				x	75 ac residential
9	2019-008	Residences on Elm Creek	Medina	550.00	\$550	\$0			x				<1.0 acre, floodplain >500 cy & ESC
10	2019-009	Beacon Ridge	Plymouth	780.00	\$1,550	\$770	x	x					14.6 acre residential.
11	2019-010	Hindu Temple Solar Array Installation	MG	200.00	\$400	\$200			x				1.0 acre institutional w/floodplain <100 cy
12	2019-011	Ravinia 11th Addition	Corcoran	329.70	\$650	\$320	x	x		x		x	5.6 acres residential
13	2019-012	Brockton Lane Reconstruction Project	Plymouth	50.00	\$50	\$0	x	x					Institutional-staff requested review
14	2019-013	Boston Scientific Parking Expansion	MG	327.50	\$550	\$223	x	x					1.2 acres commercial
15	2019-014	Bellwether 2 nd Addition (Encore 2018-032)	Corcoran		\$0	\$0	x	x				x	no charge, covered under project 2018-032
16	2019-015	Timbers Edge	Plymouth	948.00	\$1,950	\$1,002	x						18.7 acre residential
17	2019-016	Rogers Retail Development	Rogers	400.00	\$550	\$150	x	x					1.4 acre commercial
18	2019-017	French Lake Industrial Center - Liberty Trust	Dayton	2,875.00	\$3,400	\$525	x	x					12.3 acres commercial w/floodplain
19	2019-018	Peony Lane N Trailhead	Plymouth	1,575.00	\$1,800	\$225	x	x	x				4.7 acres institutional w/ floodplain >100 cy
20	2019-019	Primrose School of Rogers	Rogers	625.00	\$800	\$175	x	x					2.3 acres commercial
21	2019-020	CSAH 50 and CSAH 10 Culvert Replacement	Corcoran	50.00	\$50	\$0							General Permit
22	2019-021	Brenly Meadows	Rogers	394.50	\$750	\$356	x	x					6.9 acres residential
23	2019-022	Comlink Midwest (CML Holdings LLC)	Corcoran	4,185.00	\$4,400	\$215	x	x				x	16.5 acre commercial w/ floodplain <100 cy
24	2019-023	99th Avenue Apartments	MG	2,155.00	\$2,300	\$145	x	x				x	8.42 acres commercial
25	2019-024	Boston Scientific Weaver Lake Rd Bldg 2 East Ad	MG	575.00	\$800	\$225	x	x	x			x	2.1 acres commercial
26	2019-025	Dayton Parkway Interchange	Dayton	3,500.00	\$12,500	\$9,000	x	x	x	x		x	60 acres institutional w/ floodplain >500 cy
27	2019-026	Interstate Power Systems	Rogers	2,550.00	\$2,800	\$250	x	x		x		x	10.15 acres commercial
28	2019-027	Havenwood of Maple Grove	MG	1,495.00	\$650	(\$845)	x	x					5.6 acres residential
29	2019-028	Howell Meadows	MG	650.00	\$650	\$0	x	x				x	5.3 acres residential
30	2019-029	South Prominence	MG	1,150.00	\$1,250	\$100	*	*				*	12 acre residential
31	2019-030	Rolling Hills Acres	Corcoran	3,650.00	\$3,725	\$75		*	*			*	40.8 acre residential w/ floodplain <100 cy
32	2019-031	Hassan Sand & Gravel, Inc. - Zachman Property	Rogers	9,400.00	\$9,650	\$250		*	*				38 acre commercial site w/floodplain <100 cy
33	2019-032	OSI, Inc. Corporate Headquarters Addition	Medina	2,050.00	\$2,050	\$0	*	*	*			*	8 acre commercial site
34													
35				45,874.20	\$64,700	\$18,826							
36													

2020 Elm Creek Project Reviews
Fees v. Expense Analysis

item 02a2)

	A	B	C	D	E	F	G	H	I	J	M
1		Project Name	City	Project Fee Received	Rule D storm-water	Rule E Erosion	Rule F Floodplain	Rule G Wetland	Rule H Bridge/Culvert	Rule I Buffers	Project Description
2	2020-001	Markets at Rush Creek Outlot L Multi-Tenant	MG	550.00	x	x					1.6 acres commercial development
3	2020-002	Project 100	MG	12,300.00	x	x				x	100.6 acre commercial development
4	2020-003	Palisades at Nottingham Second Addition	MG	550.00	x	x				x	4.0 acre residential development
5	2020-004	Elm Road Area Project	MG	5,125.00	x	x	x	x	x	x	60 acre residential development
6	2020-005	Territorial Development Project EAW	Rogers		x	x	x	x			statutory review
7	2020-006	Zachary Villas of Dayton	Dayton	650.00	x	x					5.7 acre residential development
8	2020-007	Pineview Lane N and Oakview Lane N Improvements	Dayton	650.00	x	x	x				2 acres new impervious/floodplain-12 acres disturbed
9	2020-008	Ione Gardens	Dayton	4,000.00	x	x		x		x	48 acres residential development
10	2020-009	Stetler Barn	Medina	450.00	x	x				x	35 acres. 3.5 acres disturbed
11	2020-010	Birchwood	Rogers	2,200.00	x	x				x	21 acre residential development
12	2020-011	Bellwether 4th Addition	Corcoran	2,775.00	*	*	*	*			45.5 acre residential development
13	2020-012	Wayzata High School 2020 Parking Lot Improvements	Plymouth	1,067.50	*	*					3.5 acres institutional
14	2020-013	Territorial Greens Residential (West)	MG	1,569.00							15.2 acres - residential??
15	2020-014	Territorial Greens East Residential	MG	1,450.00							13.2 acre residential
16											
17											
18											
19											
20											
21											
22											

Elm Creek Watershed Management Commission

Request for Plan Review and Approval

Administrative Office

3235 Fernbrook Lane
 Plymouth, MN 55447
 Ph: 763-553-1144 | Fax: 763-553-9326
 Email: judie@jass.biz

for Commission use only

Project No. _____

Date Received _____

Fee Received _____

Date: _____

Fee Submitted: \$ _____

*Please **Print** Clearly***Applicant:** _____

Address: _____

City: _____ Zip Code: _____

Phone: () _____ Fax: () _____ Email: _____

Agent: _____

Address: _____

City: _____ Zip Code: _____

Phone: () _____ Fax: () _____ Email: _____

☐
☐
☐
☐

Residential Development

Commercial/Industrial Development

Issuance of General Permit

Other (explain) _____

☐
☐
☐
☐

Floodplain Alteration

Drainage Alteration

Road Construction

Pond Excavation

Project Name: _____

Project Location - City or Town: _____ PID#: _____

Total Acres: _____ Acres Disturbed: _____

Acres Impervious Before Development: _____

Acres Impervious After Development (incl. gravel roads and parking areas): _____

For Residential Developments: Number of Lots: _____

Anticipated Project Start Date: _____

Remarks: _____

Applicant's Signature:Print Name: _____ **x** _____

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

Submit this form to the City along with one paper and one electronic copy of the required plans and the appropriate fee (check made payable to "Elm Creek Watershed Management Commission").

The City will forward these documents and the fee payment to the Commission. The Commission will transmit a letter to the applicant following approval.

Submittal requirements, this form and the fee schedule can be downloaded from:

<http://www.elmcreekwatershed.org/project-reviews-overview.html>

AUTHORIZATION - to be prepared by City

Requested by City of _____

Signature _____

Name _____

Title _____

Phone _____

Date _____

Elm Creek Watershed Management Commission Project Review Fee Schedule and Worksheet

The following projects require review: Any land-disturbing activity or the development or redevelopment of land as listed in Rule D.2. of Appendix O of the Commission's Watershed Management Plan. **The review period will not begin until the Commission has received a completed application form bearing city authorization to proceed, all appropriate materials, and fees.**

				Amount Due
I. Application Fee				\$ 50.00
<i>Note: When calculating acreage, round up to nearest whole no. Example, 31.35 acres = 32 acres.</i>				
II. Project Reviews				
A. New Development - Area is the Site Area				
1 Residential				
0 to 20 acres = Area x \$100				
21 to 100 acres = \$2,000 + (Area minus 20 acres) x \$75				
101 + acres = \$8,000 + (Area minus 100 acres) x \$20				
maximum fee = \$10,000 + application fee				
2 Commercial/industrial/institutional/governmental agency development project				
0 to 40 acres = Area x \$250				
41 + acres = \$10,000 + (Area minus 40 acres) x \$75				
maximum fee = \$12,250 + application fee				
B. Re-Development				
1 For Re-Development use the " New Development " rates above but use Disturbed Area (in acres) instead of Site Area				
<i>Note: If more than 50% of the site is disturbed for a Re-Development project, use the New Development fee formula with Site Area</i>				
C. Development / Re-development with mapped floodplains on site				
1 No impact or impacts ≤ 100 cubic yards.				\$ 100
2 Impacts ≥ 100 cubic yards.				\$ 500
D. Linear Projects Sidewalks and trails that do not exceed twelve feet in width, are not constructed with other improvements, and have a minimum of five feet of vegetated buffer on both sides are exempt from Stormwater Management requirements (Rule D), but have to comply with Erosion and Sediment Control requirements (Rule E). Impervious area includes any compacted gravel surface such as road shoulders, parking lots and storage areas.				
1 1.0 - 2.0 acres new impervious surface = \$500				
2 Over 2.0 acres new impervious surface = \$500 + (new impervious area minus 2.0 acres) x \$250				
maximum fee = \$5,000 + application fee				
E. Drainage alterations - Any culvert installation or replacement, bridge construction, stream cross-section alteration, or activity requiring a DNR Waters Permit				
1 on Elm, Rush, North Fork Rush, or Diamond Creeks				\$ 500
2 on all other tributaries within the watershed				\$ 100
F. Water appropriation permit (two years)				\$ 50
III. Failure to make application and receive approval prior to beginning work results in doubling of fees				
Total fees				1
<i>Double Fee if III. applies</i>				1
Total due (Line 1 or 2)				

(for office use only)

**Date Application Received
by Commission**

Project No.

Fee Received

Site Area = new development area. (Acreage is based on Site Area)

Buildable Area = site area excluding wetlands and floodplains. Rights-of-way are included in buildable area. Acreage is based on total Site Area unless noted

Disturbed Area = any change in existing land surface.

Density = number of units per buildable area prior to development.



www.bassettcreekwmo.org

Obtain City staff signature and send application, check for fee, and submittals to:

Bassett Creek Watershed Management Commission
c/o Barr Engineering Co.
Attn: Jim Herbert, P.E.
4300 MarketPointe Drive, Suite 200, Minneapolis, MN 55435-5422

A.F. # _____

Application for Development Proposals

Direct questions about this application to Laura Jester, BCWMC Administrator, at 952-270-1990 or laurajester@keystonewaters.com.

Complete by City Staff

This application is being submitted to the Bassett Creek Watershed Management Commission for review purposes by the City of _____, by _____

City Staff Signature

Date

The contents of the application are solely the responsibility of the applicant.

Complete by Applicant

General Information:

(Name of development or description of project)

(City/¼ Section)

(Location of work—reference major streets and highways, and attach map)

Name of Applicant (owner): _____

Telephone _____ E-mail _____

Address _____

City, State, Zip _____

Name of Agent (project contact): _____

Telephone _____ E-mail _____

Address _____

City, State, Zip _____

Submittals

Requirements for each submittal are provided in the document *Requirements for Improvements and Development Proposals*. The required fee is shown on the Commission's Fee Schedule attached to this application.

Enclosed is the following required information for review:

- ☐ Project review fee (see fee schedule)
- ☐ Project plans: one full size (paper), one 11x17 inch (paper), electronic (pdf)
- ☐ Stormwater Management Plan and computations
- ☐ Erosion and sediment control plan
- ☐ MIDS calculator file, P8 model, WINSLAMM model, or BCWMC approved equal; or documentation of approved city review of MIDS performance goal requirements
- ☐ Documentation of GULD certification if manufactured treatment device (MTD) is proposed
- ☐ BMP checklist (attached to this application form)
- ☐ Electronic copy of the final approved submittal
- ☐ Other: _____
- ☐ Variance request

Project Information:

Nature of work: _____

Plat/parcel area: _____ Area to be disturbed (graded): _____

Existing impervious area: _____ Proposed impervious area: _____

Net new impervious area: _____ Fully reconstructed impervious area: _____

Total of net new and fully reconstructed impervious area: _____

Land use existing: _____

(Industrial, commercial, multiple residential, single residential, utility, public)

Land use proposed: _____

(Industrial, commercial, multiple residential, single residential, utility, public)

Number and type of units: _____

I understand and agree that I must pay all fees associated with this application, that I am responsible for reimbursing the Commission for all actual costs it incurs for the review in excess of \$5,000, and that any additional applications I may submit will not be deemed complete and no review will occur until the Commission has been fully reimbursed for any outstanding costs.

Authorized Signature (Applicant)

Date

Proposed Best Management Practices (BMPs) to be Implemented on Project for Water Quality Protection

Description of BMP	Was BMP Used?	Location Used or Basis for No Use
STORMWATER INFILTRATION/VOLUME REDUCTION BMPs		
1. Reduce area of impervious surface (pavement, roofs, etc.)		
2. Infiltration basin/rain garden (no underdrain)		
3. Underground infiltration (no underdrain)		
4. Infiltration trench/tree trench (no underdrain)		
5. Tree trench/tree box (no underdrain)		
6. Permeable pavement (no underdrain)		
7. Dry swale/grass swale (no underdrain)		
8. Stormwater reuse		
STORMWATER FILTRATION BMPs		
9. Bioretention basin/rain garden (w/underdrain)		
10. Sand filter		
11. Iron enhanced sand filter (Minnesota Filter)		
12. Permeable pavement (w/underdrain)		
13. Tree trench/tree box (w/underdrain)		
14. Dry swale/grass swale (w/underdrain)		
15. Green roof		
WET SEDIMENTATION BASINS/REGIONAL PONDS BMPs		
16. Stormwater pond		
17. Stormwater wetland		
FLOATABLE/OIL REMOVAL BMPs		
18. Floatable skimmer		
19. Parking lot oil/grease separators		
SEDIMENT CONTROL BMPs		
20. Pretreatment (hydrodynamic devices, forebays, etc.)		
21. Riprap or other storm drain outlet protection		
22. Storm drain inlet protection		
23. Slope stabilization and erosion control measures		
24. Vegetated swale/bioswale		
NONSTRUCTURAL BMPs		
25. Street sweeping		
26. Fertilizer manager		
27. Other (describe):		

Fee Schedule (Effective October 1, 2017)

Bassett Creek Watershed Management Commission Project Reviews

Project Review Fees (check appropriate boxes) ^{1, 7}		
<input checked="" type="checkbox"/> Base Fees		
<input type="checkbox"/>	Single Family Lot (No add-on fees required) ⁷	\$500
<input type="checkbox"/>	Projects Requiring Only Erosion and Sediment Control Review ⁷	\$1,500
<input type="checkbox"/>	Municipal Projects ² (No add-on fees required) ⁷	\$1,500
<input type="checkbox"/>	All Other Projects	\$1,500
<input checked="" type="checkbox"/> Add-On Fees³		
<input type="checkbox"/>	1. Projects requiring Rate Control or Treatment to MIDS Performance Goal	\$1,000
	2. Projects involving work within or below the 100-year floodplain (Table 2-9, Watershed Management Plan) - select highest of following add-on fees (a or b)	
<input type="checkbox"/>	a. Work involving filling and compensating storage within or below the 100-year floodplain (identified in Table 2-9)	\$1,000
<input type="checkbox"/>	b. Work along the Bassett Creek trunk system or inundation areas involving review of, or modifying the XP-SWMM model.	\$2,000
<input type="checkbox"/>	3. Work involving creek crossings (bridges, culverts, etc.)	\$1,000
<input type="checkbox"/>	4. Projects involving review of alternative BMPs ⁴	\$1,000
<input type="checkbox"/>	5. Project involving variance request	\$1,000
<input checked="" type="checkbox"/> Wetland Fees⁵		
<input type="checkbox"/>	Wetland delineation review	Varies
<input type="checkbox"/>	Wetland replacement plan review	Varies
<input type="checkbox"/>	Monitoring and reporting	Varies
<input type="checkbox"/>	Wetland replacement escrow	Varies
Total Project Review Fees ^{6, 7}		\$_____
<p>1 State agencies are exempt from review fees. Other public agencies are required to pay review fees and add-on fees.</p> <p>2 Including Minneapolis Park & Recreation Board projects</p> <p>3 Required in addition to base fee (except for single family lots and municipal projects).</p> <p>4 BMPs not included in <i>Minnesota Stormwater Manual</i>.</p> <p>5 Wetland fees will be billed at actual cost for projects where BCWMC acts as the LGU for the Wetland Conservation Act or when a member city requests assistance from the BCWMC for wetland-related review tasks (BCWMC is the LGU for the cities of Medicine Lake, Robbinsdale and St. Louis Park).</p> <p>6 Include check for total project review fees or other fees with application form. Check should be payable to Bassett Creek Watershed Management Commission.</p> <p>7 If the actual cost to conduct a review reaches \$5,000, the applicant shall be required to reimburse the Commission for all costs it incurs in excess of \$5,000, in addition to base and add on fees. The Commission shall bill the applicant for the additional costs. If an applicant fails to fully reimburse the Commission for the additional costs, any future requests for a review from the applicant shall be deemed incomplete, and the Commission will not conduct a review, until all outstanding amounts have been paid.</p>		

Language in JPA Pertaining to Project Reviews

5.3.Review Services.

- A. Where the Commission is authorized or requested to review and make recommendations on any matter, the Commission shall act on such matter in compliance with Minn. Stat. § 15.99,
- B. The Commission may charge a reasonable fee for such review services. The Commission's standard fee schedule, as amended from time to time, will be a part of the Commission's Rules.
- C. The Commission may charge an additional fee when it determines that a particular project will require extraordinary and substantial review services. Before undertaking such review services, the Commission shall provide the party to be charged the additional fee with written notice of the services to be performed and the additional fee therefor, Unless said party objects within 5 business days of receipt of such written notice to the amount of the additional fee to be charged, such review services shall be performed and the party shall be responsible for the cost thereof. If said party objects to the proposed additional fee for such services within 5 business days and the party and the Commission are unable to agree on a reasonable alternative amount for review services, such extraordinary and substantial review services shall not be undertaken by the Commission.
- D. Upon request of any Member, the Commission shall review and evaluate any dispute between the Member and other unit(s) of government regarding land use and natural resource protection and management.
- E. Where the Commission makes recommendations on any matter to a Member, a Member not acting in accordance with such recommendation shall submit a written statement of its reasons for doing otherwise to the Commission within ten days of its decision to act contrary to the Commission's recommendation. The Commission shall review the written statement and, if determined insufficient by the Commission, request written clarification within an additional ten days.

Rules of the Commission Regarding Project Reviews

I. PROJECT REVIEWS

A. Constructions/Development Requiring Commission Review. In order to prevent future problems of flooding and sedimentation, the Commission has determined that the following plans shall come before the Commission for review and approval or disapproval:

1. All development/construction/grading within or adjacent to the following Critical Areas mapped in the Management Plan:
 - a. Construction Site Erosion.
 - b. Flood Plains.
 - c. Upland Storage Areas.
2. All commercial/industrial subdivisions or site development plans.
3. All residential subdivisions more than 20 acres in size with more than two dwelling units per acre.
4. All residential subdivisions, regardless of size with more than three dwelling units per acre.

B. Procedures. In order to expedite the plan review in each of the categories listed above, along with practical recommendations that will assure the application of standards in a manner consistent with the policies of the Elm Creek Watershed Plan, the following procedures shall be followed:

1. All plans and proposals will be sent by the member responsible for plan reviews directly to the District Office.
2. Three copies of grading plans, erosion control plans, along with the Commission form requesting plan review and the name of the applicant or his/her representative and where he/she can be reached shall be submitted to the District.
3. The District will have ten (10) work days in which to respond.
4. The District shall contact the applicant or his/her representative when additional information is required for review or a revision is required in the submitted plans.
5. One copy of the District's recommendations for changes will be sent to the responsible member, one copy to the applicant or his/her representative, and one copy will be filed in the District Office.
6. If requested by the responsible member or the applicant, the District shall meet with both parties to discuss their recommendations and make revisions thereto if agreed to by the District Office.
7. The Plan with the District's recommendations shall then be forwarded to the Commission.

C. Commission Approval/Disapproval of Plan Reviews.

1. The District shall provide the Commission with a written report each month describing its disposition of each plan review and listing its recommendations for each plan's approval, approvals subject to District recommendations, or recommendations for disapproval.

2. In cases where problems are encountered with the plan or proposal that cannot be resolved between the applicant or his/her representative, or member responsible for plan reviews, and the District, all involved persons will receive notice to come before the full Commission to present data and information on the nature of the conflict.

3. After review of the District recommendations, data and information presented by others, and other pertinent information discussed or presented, the Commission will approve or disapprove each plan review presented in the written monthly report.

D. Enforcement Policy. In the event that enforcement of the Commission's review actions is required and is not undertaken as a matter of course by the submitting member, the Commission will tender the matter to the member for enforcement by it in accordance with its official controls. This referral policy is in accordance with Sec. 3.13 of the Agreement and the statutory powers to which it refers, Minnesota Statutes 473.875 through 473.883.

May 19, 2020

I asked our attorney, Joel Jamnik, to weigh in on the fees the Commission can assess by law. Below is his response. *Judie*

From: Joel Jamnik <JJamnik@ck-law.com>
Sent: Tuesday, May 19, 2020 10:28 AM
To: Judie Anderson <Judie@jass.biz>
Subject: RE: Elm Creek

That is an interesting question. Unfortunately, the question has a somewhat complicated answer. See the following League of Minnesota Cities discussion of the issue from the LMC Handbook: <https://www.lmc.org/wp-content/uploads/documents/Sources-of-Revenue.pdf>, section VII. Charges for Services, starting on page 8.

You will note that while there are frequent statements like fees and service charges should depend strictly on the costs involved in providing the program, and service programs should not make a profit, there are not any statutory references provided. **But in the area of development and water permits, there are a few specific statutes that provide guidance.**

One statutory provision, generally applicable to all cities (and their joint powers act bodies like ECWMO) is in 462.253, Subd. 4, states that:

Subd. 4. Fees.

(a) A municipality may prescribe fees sufficient to defray the costs incurred by it in reviewing, investigating, and administering an application for an amendment to an official control established pursuant to sections 462.351 to 462.364 or an application for a permit or other approval required under an official control established pursuant to those sections. Except as provided in subdivision 4a, fees as prescribed must be by ordinance. Fees must be fair, reasonable, and proportionate and have a nexus to the actual cost of the service for which the fee is imposed.

(b) A municipality must adopt management and accounting procedures to ensure that fees are maintained and used only for the purpose for which they are collected. Upon request, a municipality must explain the basis of its fees.

(c) Except as provided in this paragraph, a fee ordinance or amendment to a fee ordinance is effective January 1 after its adoption. A municipality may adopt a fee ordinance or an amendment to a fee ordinance with an effective date other than the next January 1, but the ordinance or amendment does not apply if an application for final approval has been submitted to the municipality.

(d) If a dispute arises over a specific fee imposed by a municipality related to a specific application, the person aggrieved by the fee may appeal under section [462.361](#), provided that the appeal must be brought within 60 days after approval of an application under this section and deposit of the fee into escrow. A municipality must not condition the approval of any proposed subdivision or development on an agreement to waive the right to challenge the validity of a fee. An approved application may proceed as if the fee had been paid, pending a decision on the appeal. This paragraph must not be construed to preclude the municipality from conditioning approval of any proposed subdivision or development on an agreement to waive a challenge to the cost associated with municipally installed improvements of the type described in section [429.021](#).

§

Subd. 4a. Fee schedule allowed.

A municipality that collects an annual cumulative total of \$5,000 or less in fees under this section may prescribe the fees or refer to a fee schedule in the ordinance governing the official control or permit. A municipality may adopt a fee schedule under this subdivision by ordinance or resolution, either annually or more frequently, following publication of notice of proposed action on a fee schedule at least ten days prior to a public hearing held to consider action on or approval of the fee schedule. A municipality that collects a cumulative total in excess of \$5,000 in fees under this section may prescribe a fee schedule by ordinance by following the notice and hearing procedures specified in this subdivision.

Sufficient to defray the costs incurred means that none of our development fees may be set to return a profit, or be based on what we think the service is worth, what the benefit of it is, or be based on what other entities charge, but rather should be based almost exclusively on what it costs us to provide the service.

This section in Ch. 462 is made generally applicable to ECWMO by section 103B.211 that establishes the authority of a joint powers act WMO. And for WCA projects, the state rules provide: The local government unit and soil and water conservation district may charge processing fees in amounts not greater than are necessary to cover the reasonable costs of implementing this chapter and for technical and administrative assistance to landowners in processing other applications for projects affecting wetlands. Minn. Rule 8420.0200, Subpart 2 H.

Elm Creek Watershed Management Commission - Proposed 2021 Operating Budget

	A	B	C	D	AT	AV	AW	AX	AY	AZ	BA	BB	BC	BD
3					2018 Budget	2018 Audit	2019 Budget	2019 Very Preliminary Audit		2020 Budget	2020 activity YTD (thru April transactions)	Proposed 2021 Budget	Notes	adjustments to general fund
4														
5	GENERAL OPERATING BUDGET													
6	Operating Expenses													
7	Administrative				90,000	84,728	90,000	95,972	v	90,000	37,273	95,000		
8		Watershed-wide TMDL Admin			2,500		1,500	0		300	0	0	will not be spent in 2020	300
9	Grant Writing				4,000		4,000	0		1,000	0	650		
10	Website				6,000	1,973	5,000	1,073	v	3,000	526	2,000		
11	Legal Services				2,000	271	2,000	1,850	v	2,000	31	2,000		
12	Audit				5,000	4,500	5,000	4,500	v	5,000		5,000		
13	Insurance				3,900	2,993	3,900	2,661	v	3,900	3,644	3,200		
14	Technical support - HCEE - conservation promotion, landowner outreach, and project implementation									15,000		12,000	only \$8,000 will be spent in 2020. 2021 budget = \$12,000 is projected per Karen Galles	7,000
15	Contingency				1,000		1,000			1,000	0	1,000		
16				Subtotal	114,400	94,465	112,400	106,056		121,200	41,474	120,850		
17	Project Reviews													
18		Technical - Barr Engineering/SWS - Project Rev			95,000	92,477	97,400	70,473		185,000	17,824	185,000	thru 2019, worked performed by Henn County. Hourly rate increased from \$65-75/hour to \$95-200/hour, the majority at \$155 or \$200/hour	
19		Technical - Barr - Floodplain modeling			46,386		46,386			39,360	34,903		at time of 2019 audit acceptance, need motion to carry over	
20		Technical Support - Other			12,000	37,553	15,000	20,389		0	27,783		thru 2019, project review support of Henn County performed by Barr Engrg	
21														
22		Admin Support - includes project intake, liaison w/cities. developers, citizens.			14,000	13,543	15,000	8,542	v	15,000	2,362	12,000	Based on history, can be adjusted downward in 2020.	3,000
23				Subtotal	167,386	143,573	173,786	99,404		239,360	82,872	197,000		
24	Wetland Conservation Act													
25		WCA Expense			17,750	15,886	18,200	3,710		3,000		0	included in line 18 above	3,000
26		WCA Expense - Legal			500	683	500	31	v	500		0	will not be spent in 2020	500
27		WCA Expense - Admin			1,500	3,388	2,000	424	v	1,000		0	will not be spent in 2020	800
28				Subtotal	19,750	19,957	20,700	4,165		4,500	0	0		

Elm Creek Watershed Management Commission - Proposed 2021 Operating Budget

	A	B	C	D	AT	AV	AW	AX	AY	AZ	BA	BB	BC	BD
3					2018 Budget	2018 Audit	2019 Budget	2019 Very Preliminary Audit		2020 Budget	2020 activity YTD (thru April transactions)	Proposed 2021 Budget	Notes	adjustments to general fund
29				Water Monitoring										
30				Stream Monitoring										
31				Stream Monitoring - USGS	24,900	21,660	41,000	20,840	v	24,000		24,000	w/b \$20,940 + extra samples in 2020	1,000
32				Stream Monitoring - TRPD			6,225	6,875	v	7,200		7,200	per cooperative agreement	
33				Extensive Stream Monitoring	7,600	7,600	650						per cooperative agreement	
34				DO Longitudinal Survey	1,000	1,000				1,000		1,000	per cooperative agreement	
35				Gauging Station - Elec Bill	250	208	250	208	v	250	114	400	due to gauge relocation, surchnarge has been added by City of Dayton, increasing 2020 expense	(150)
36				Rain Gauge Network	100		100	0	v	100		0	will not be spent in 2020	100
37				Lake Monitoring					v					
38				Lake Monitoring - CAMP	720	550	760	0	v	760		760	Teal Lake in 2020	
39				Lake Monitoring - TRPD									per cooperative agreement	
40				Sentinel Lakes	3,300	3,300	8,100	8,100	v	8,100		8,100	per cooperative agreement	
41				Additional lake	825		1,500	0		2,500		2,500	per cooperative agreement	
42				Aquatic Vegetation Surveys	1,100	1,100	325	325	v	1,100		1,100	per cooperative agreement	
43				Source Assessment	0									
44				Watershed-wide TMDL - Followup - TRPD	5,000		2,500			1,000			now part of routine monitoring, will not be spent in 2020	1,000
45				Wetland Monitoring - WHEP	4,000	4,000	4,000	4,000	v	4,000		4,000		
47				Subtotal	48,795	39,418	65,410	40,348	v	50,010	114	49,060		
48				Education										
49				Education - City/Citizen Programs	4,000	2,269	4,000	2,493	v	3,000	375	2,500		
51				WMWA General Admin	4,000	2,000	5,000	3,000	v	5,000		5,000		
52				WMWA Implementa Activities incl Watershed	6,500	3,250	6,500	4,000	v	6,500		6,500		
54				R Garden Workshop/Intensive BMPs	2,000	2,924	2,000	2,000	v	3,000		3,000		
55				Education Grants	2,000		1,000	0	v	1,000		1,000		
56				Macroinvertebrate Monitoring-River Watch	3,000	3,000	3,000	3,000	v	3,000		3,000		
57				Ag Specialist				0	v					
58				Subtotal	21,500	13,443	21,500	14,493	v	21,500	375	21,000		
63				Management Plan										
64				Plan Amendments	2,000	1,388	2,000	1,396	v	2,000		2,000		
65				Local Plan Review	8,000			0	v					
66				Contribution to 4th Generation Plan					v			10,000	begin set-aside for 2024, this no. needs to increase in future years, est. cost = \$45-50,000. New restricted fund.	
67				Subtotal	10,000	1,388	2,000	1,396	v	2,000	0	12,000		

Elm Creek Watershed Management Commission - Proposed 2021 Operating Budget

	A	B	C	D	AT	AV	AW	AX	AY	AZ	BA	BB	BC	BD
3					2018 Budget	2018 Audit	2019 Budget	2019 Very Preliminary Audit		2020 Budget	2020 activity YTD (thru April transactions)	Proposed 2021 Budget	Notes	adjustments to general fund
68				CIPs, Grants, Special Projects, Studies										
69				Capital Outlay - CIPs - Ad Valorem	490,000	323,545	462,500	352,687	v	448,935		185,588	\$423,323 and \$175,000 project costs adjusted for admin exp, levy shortfall in 2020 and 2021	
70				Floodplain Mapping - Barr				533				0		
71				Grants		27,631		199,092	v	125,000		125,000		
72				Projects ineligible for ad valorem	50,000	0								
76				Studies, Subwatershed Assessments	35,000	3,534	35,000	4,860		0	802	0	On 5/8/2019 Commision voted to reassign \$50,000 from this fund to the General Fund. Because the balance in this account at 12/31/20 w/b approx. \$155,400, consider not funding this line item in 2021	50,000
77				Cash Sureties				5,581				0		
79				Subtotal	575,000	354,710	497,500	557,172		573,935	802	310,588		
82				Contingency	0	0	0	0		0		0		
83				Subtotal	0	0	0	0		0	0	0		
84				Total Operating Expense	956,831	666,954	893,296	823,034		1,012,505	125,637	710,498		66,550
85														
86				Revenue										
87				CIPs - Ad Valorem	490,000	436,393	462,500	454,161		448,935		185,588	restricted fund line 115	
88				Grant Revenue		99,411		5,028		100,000		100,000	assume 25% contribution line 69. Included in line 105, or line 106 if receipt is imminent.	
89				Floodplain Modeling	46,386		46,386			39,360				
90				Project Review Fees	80,000	73,305	80,000	45,874		80,000	30,318	100,000	review and adjust fee schedule to capture expense	
91				Water Monitoring - TRPD Co-op Agmt	6,500	5,000	5,000	5,000	v	5,500		5,000	per cooperative agreement	
92				BMP Implementation					v					
93				WCA Fees	10,000	3,450	5,000	900	v	0		0	no longer serving as LGU	
94				Forfeited/Reimbursed Sureties, Reimbursement from LGUs	0	2,733	4,000	655	v					
95				Membership Dues	225,000	225,000	230,400	230,400	v	237,300	237,300	237,300	1% increase=239,700; 2% increase = \$242,000; 3%=244,400	
96				Watershed-wide TMDL					v					
97				Interest Income	250	18,382	2,500	26,203	v	8,000	4,924	15,000		2,000
98				Dividend Income	750	223	500	204	v	250		250	LMCIT insurance	
99				Miscellaneous Income										
100														
101				Total Operating Revenue (lines 84-97)	858,886	863,897	836,286	768,425		919,345		643,138		2,000
102				Surplus (Deficit) (lines 84, 101)	97,945	196,943	57,010	54,609		93,160		67,360		0
103				per preliminary audit				(46,787)						

Elm Creek Watershed Management Commission - Proposed 2021 Operating Budget

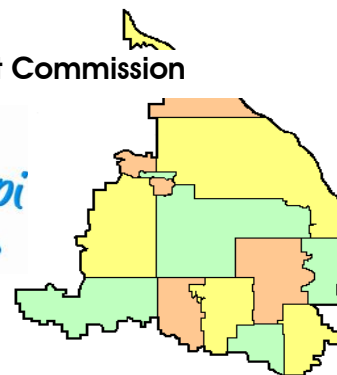
	A	B	C	D	AT	AV	AW	AX	AY	AZ	BA	BB	BC	BD
3					2018 Budget	2018 Audit	2019 Budget	2019 Very Preliminary Audit		2020 Budget	2020 activity YTD (thru April transactions)	Proposed 2021 Budget	Notes	adjustments to general fund
104			Assets											
105			Cash and investments			1,204,595	Cash on hand	1,185,127						
106			Restricted cash			98,444	lines 109 and 110 below, includes Comm invoices outstanding plus Flood Mapping	78,737						
107			Accounts Receivable			15,167		157,004						
108			Total Assets lines 105-106-107			1,318,206	A	1,420,868						
109														
110			Liabilities and Fund Balances											
111			Accounts payable			107,830	includes Commission expenses paid and WCA escrow	122,084						
112			WCA Escrows			30,000		11,494						
113			Unearned Revenue			68,444	includes unearned revenue from grants	67,243						
114			Total Liabilities lines 110-111-112			206,274	B	200,821						
115														
116			Fund Balances											
117			Restricted for CIPs			732,763		837,985						
118			Closed Project Account			1,221	funds remaining after project closed, designated for future CIPs only	1,342						
119			Total Restricted Funds lines 117-118			733,984	C	839,327						
120														
121			Assigned for projects, studies			175,297		205,437						
122			Assigned for other			50,000		0						
123			Total Assigned Funds lines 121-122			225,297	D	205,437						
124														
125			Unrestricted/unassigned fund balances			152,651	Funds not designated for any specific purpose	175,283						
126			Total Unrestricted/unassigned fund balances line 125			152,651	E	175,283	150,673		83,313			68,550
127														
128			Total Assigned and Unassigned Funds lines 123 and 126			377,948		380,720					AZ126 = AX126 + AZ102 + BD126	
129														
130			Total Fund Balance/Net position lines 119 and 128			1,111,932	F	1,220,047					BB126 = AZ126 + BB102	
131														
132			Total Liabilities and fund balances			1,318,206	G	1,420,868						
133														
134														

Elm Creek Watershed Management Commission
Proposed 2021 Member Assessments

2020	2019 Taxable Market Value	2019 Budget Share		Increase over Prev Year	
		%age	Dollars	%age	Dollars
Champlin	540,590,344	4.12%	9,768.39	6.97%	284
Corcoran	865,123,487	6.59%	15,632.66	2.56%	455
Dayton	749,481,401	5.71%	13,543.02	8.87%	394
Maple Grove	6,614,821,616	50.37%	119,528.89	1.93%	3,476
Medina	1,050,664,076	8.00%	18,985.35	-1.42%	552
Plymouth	1,418,363,351	10.80%	25,629.62	11.11%	745
Rogers	1,893,322,435	14.42%	34,212.07	0.65%	995
Totals	13,132,366,710	100.00%	237,300.00	2.99%	6,900
2021	2020 Taxable Market Value	2019 Budget Share		Increase over Prev Year	
		%age	Dollars	%age	Dollars
Champlin	586,080,150	4.13%	9,801.07	3.34%	33
Corcoran	945,017,350	6.66%	15,803.61	4.12%	171
Dayton	859,590,989	6.06%	14,375.02	9.32%	832
Maple Grove	7,002,119,108	49.35%	117,097.09	0.90%	-2,432
Medina	1,117,455,738	7.87%	18,687.32	1.38%	-298
Plymouth	1,634,614,359	11.52%	27,335.81	9.85%	1,706
Rogers	2,045,081,387	14.41%	34,200.09	2.96%	-12
Totals	14,189,959,081	100.00%	237,300.00	0.00%	0
2021	2020 Taxable Market Value	2019 Budget Share		Increase over Prev Year	
		%age	Dollars	%age	Dollars
Champlin	586,080,150	4.13%	9,995.19	2.32%	194
Corcoran	945,017,350	6.66%	16,116.62	3.10%	313
Dayton	859,590,989	6.06%	14,659.73	8.25%	285
Maple Grove	7,002,119,108	49.35%	119,416.33	-0.09%	2,319
Medina	1,117,455,738	7.87%	19,057.44	0.38%	370
Plymouth	1,634,614,359	11.52%	27,877.22	8.77%	541
Rogers	2,045,081,387	14.41%	34,877.46	1.94%	677
Totals	14,189,959,081	100.00%	242,000.00	1.98%	4,700
2021	2020 Taxable Market Value	2019 Budget Share		Increase over Prev Year	
		%age	Dollars	%age	Dollars
Champlin	586,080,150	4.13%	10,094.32	2.99%	293
Corcoran	945,017,350	6.66%	16,276.46	2.99%	473
Dayton	859,590,989	6.06%	14,805.12	2.99%	430
Maple Grove	7,002,119,108	49.35%	120,600.62	2.99%	3,504
Medina	1,117,455,738	7.87%	19,246.44	2.99%	559
Plymouth	1,634,614,359	11.52%	28,153.69	2.99%	818
Rogers	2,045,081,387	14.41%	35,223.35	2.99%	1,023
Totals	14,189,959,081	100.00%	244,400.00	2.99%	7,100



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Shingle Creek and West Mississippi Watershed Management Commissions Cost Share Policy for Capital Improvements Adopted 8/8/19

The Shingle Creek and West Mississippi Watershed Management Commissions share the cost of watershed-priority capital improvements and demonstration projects through the Commissions' Capital Improvements Program (CIP). High-priority watershed capital improvements are those activities that go above and beyond general or routine city management activities to provide a significant improvement to the water resources in the watershed. This Cost Share Policy establishes the basis for and amount of Commission contribution to qualifying projects.

Capital Improvements

High priority activities that result in Wasteload Allocation reductions toward a TMDL, help solve a regional flooding problem, or are otherwise determined by the Technical Advisory Committee (TAC) and Commissions to be high priority are eligible to receive up to 25 percent of the final improvement cost in Commission cost-share, funded by the county ad valorem tax levied on all property in the watershed. The balance of the improvement cost, less any grant or other funds received, must be funded by the local government(s) participating in or benefiting from the improvement. *The Commissions' minimum share is \$50,000. There is no maximum share; the maximum is limited by the amount the Commission is willing/able to certify as a levy.*

Eligible improvements include both structural and nonstructural activities. Routine maintenance or localized improvements are not eligible for cost share. Thus, a local street flooding issue is not of watershed priority, but a local flooding issue that creates significant erosion and sedimentation impacting a downstream resource may be a watershed priority. Capital equipment that has been demonstrated to reduce loading of TMDL pollutants such as TP, TSS, or chloride, may be eligible if: 1) the equipment is new or an upgrade and not simply a replacement of existing equipment; 2) the equipment is to allow the member city to undertake a new or expanded load-reducing activity; 3) use of the equipment for the load reductions is supported by academic or governmental research; and 4) the city agrees to document for at least five years the effectiveness of the capital equipment in achieving the load reductions. The demonstrated effectiveness, or lack thereof, of a particular item of capital equipment in achieving load reductions may affect the eligibility of such equipment for funding in the future. Examples of equipment purchase that may be eligible include equipment to begin or expand pre-wetting or anti-icing, or adding or upgrading to a regenerative air street sweeper. Only the incremental cost of such an upgrade would be eligible for cost share.

The Commissions have developed a set of criteria by which proposed activities may be scored, with only those that pass screening questions advancing to a prioritization stage by the Technical Advisory

Committee (TAC). Prioritization will be based on cost effectiveness, amount of improvement achieved, and regional significance.

Activities of Watershed-Wide Benefit

The capital cost of activities addressing TMDL Load Allocation reductions and projects of watershed-side benefit may be funded 100 percent by the ad valorem tax levy. These types of activities include but are limited to:

- Lake Internal Load Reduction Actions
 - Alum treatments
 - Rough fish management
 - With Hennepin County and DNR concurrence, initial, whole-lake invasive aquatic vegetation management treatments performed for water quality, excluding those for recreation, aesthetics, or navigation
- Stream Internal Load Reduction Activities
 - Channel narrowing or creation of a low-flow channel to reduce sediment oxygen demand
 - Projects to increase DO at wetland outlets
- Non-TMDL Parameters (actions required by TMDLs not associated with a pollutant for which a numerical reduction of improvement can be specified)
 - Restoration or enhancement of in-stream habitat
 - Increases in channel roughness to enhance DO
 - Removal or bypass of barriers to connectivity
 - Streambank restoration below the top of the bank
- Other Watershed Benefiting Improvements as Recommended by the TAC

Guidelines

1. Capital improvements must be for water quality or ecological integrity improvement, and must be for improvement above and beyond what would be required to meet Commission rules or common practice. Only the cost of “upsizing” a BMP above and beyond is eligible.
2. Preexisting routine maintenance activities are not eligible.
3. The effectiveness of any proposed nonstructural improvements must be supported by literature or academic/practitioner experience and documentation.
4. The applicant must agree to document the effectiveness of any proposed nonstructural improvements and report those results to the Commissions for at least five years.
5. The standard Commission/Member Cooperative Agreement will be executed prior to BMP implementation. This Agreement will specify the type and adequacy of effectiveness reporting.

DRAFT Policy

Use of BCWMC CIP Funds for City Equipment Purchase

Capital equipment that has been demonstrated to reduce loading of TMDL pollutants such as TP, TSS, or chloride, may be eligible if the request meets the CIP “gatekeeper questions” in Policy 110 from the 2015 Bassett Creek Watershed Management Plan (see pg 2 of memo) and the following requirements are met:

- 1) The equipment is new and is an upgrade to existing equipment in terms of effectiveness and/or efficiency. (Replacement of existing equipment is not eligible.)
- 2) The equipment will be used to undertake a new or expanded pollutant load-reducing activity to address specific water quality impairment(s).
- 3) Use of the equipment for the stated load reductions is supported by academic or governmental research.
- 4) The city agrees to document for at least five years the effectiveness of the capital equipment in achieving the stated load reductions. An agreement with the city will specify the documentation required.
- 5) For street sweeping equipment used to address a nutrient impairment, operation will be scheduled to maximize the collection of leaves and leaf litter debris in the fall from areas with high tree canopy cover that drain directly to high priority waterbodies.
- 6) The amount of funding to be provided will be based on the percentage of the city's total area within the watershed (see Table 1). The maximum funding will be the percentage in Table 1 multiplied by the total equipment cost.
- 7) Funding will only be provided for initial equipment purchase and not operational costs or maintenance.

Member City	Percentage of City Area in BCWMC
Crystal	33.6
Golden Valley	100.0
Medicine Lake	100.0
Minneapolis	4.6
Minnetonka	6.0
New Hope	38.3
Plymouth	51.2
Robbinsdale	18.0
St. Louis Park	10.8

Examples of equipment purchase that may be eligible include equipment to begin or expand pre-wetting or anti-icing, or adding or upgrading to a regenerative air street sweeper. Only the incremental cost of such an upgrade would be eligible for cost share.

Gatekeeper Criteria

Policy 110: The BCWMC will consider including projects in the CIP that meet one or more of the following “gatekeeper” criteria.

- Project is part of the BCWMC trunk system (see Section 2.8.1, Figure 2-14 and Figure 2-15)
- Project improves or protects water quality in a priority waterbody
- Project addresses an approved TMDL or watershed restoration and protection strategy (WRAPS)
- Project addresses flooding concern

The BCWMC will use the following criteria, in addition to those listed above, to aid in the prioritization of projects:

- Project protects or restores previous Commission investments in infrastructure
- Project addresses intercommunity drainage issues
- Project addresses erosion and sedimentation issues
- Project will address multiple Commission goals (e.g., water quality, runoff volume, aesthetics, wildlife habitat, recreation, etc.)
- Subwatershed draining to project includes more than one community
- Addresses significant infrastructure or property damage concerns

The BCWMC will place a higher priority on projects that incorporate multiple benefits, and will seek opportunities to incorporate multiple benefits into BCWMC projects, as opportunities allow.

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**Elm Creek Watershed Management Commission
Capital Improvement Program Standards and Guidelines**

(It is intended that this will be a stand-alone document for ease of revision and will not be incorporated into the Commission's JPA, Management Plan, or Bylaws.)

A capital improvement program is a blueprint for planning a watershed management organization's (WMO's) capital expenditures that extends five years beyond the organization's normal budget. Generally, projects within the program are tangible assets or projects that cost at least \$10,000 and have a useful life of at least five years. Usually they are 'bricks and mortar-type projects,' costs that are nonrecurring. But some management-type projects, such as aquatic vegetation management plans in support of a TMDL implementation plan, may be considered by the WMO.

To identify and prioritize capital improvements, the Elm Creek Watershed Management Commission (Commission) has established the following standards and guidelines for its capital improvement program reasonably and responsibly.

1. The Commission will accept capital improvement proposals from member communities at any time. (See Exhibit A - project submittal form.)
2. At least annually, the Commission's Technical Advisory Committee (TAC) will review and score proposals and make recommendations to the full Commission for inclusion into the Commission's Watershed Management Plan's Capital Improvement Program.
3. The Commission will consider the projects based on the following criteria:
 - a. Does the requested project contribute to the achievement of existing Commission goals, policies, and plans? (These are the goals listed in the 2nd Generation Management Plan.)
 - 1) Protect, preserve, and manage surface water and groundwater resources.
 - 2) Minimize property damages and economic losses through water resource management.
 - 3) Manage public expenditures needed to study and control and/or correct flooding and water quality problems.
 - 4) Educate and inform the public on pertinent water resource management issues and increase public participation in water management activities.
 - 5) Identify and plan for means to effectively protect and improve surface and groundwater quality.
 - 6) Establish more uniform local policies and official controls for surface and groundwater management.
 - 7) Reduce erosion of soil into surface water systems.

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- 8) Promote groundwater recharge.
 - 9) Protect and enhance fish and wildlife habitat and water recreational facilities.
 - 10) Reduce and control/prevent stream degradation through land protection measures, runoff restrictions, and pollutant restrictions.
- b. What are the general benefits of the project?
 - c. What is the total cost of the project?
 - 1) To what extent are other funding sources leveraged?
 - 2) What is the effect on the Commission's Capital budget?
 - d. Are there legal requirements that must be met?
 - e. Does the requested project support the Commission's stormwater management plans, a state-approved Total Maximum Daily Load (TMDL) Implementation Plan?
 - f. Is the project acceptable to the public?
 - g. Documentation must be provided quantifying the benefit to the waterbody(ies)

Funding for Capital Improvement Projects

1. Funding shall be up to 25% the cost of the project.
2. Funding shall comply with Commission Capital Improvement Program policies and standards.

Commented [JK1]: Added from Derek's comments.

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

I. PURPOSE

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

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

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

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

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

II. MINIMUM QUALIFYING CRITERIA FOR FUNDING NON-STRUCTURAL PRACTICES

- 1) The practice must demonstrate a benefit to a waterbody identified as impaired and with an approved TMDL.
- 2) Documentation must be provided quantifying the benefit to the waterbody(ies).

III. FUNDING FOR NON-STRUCTURAL PRACTICES

- 1) Funding shall be up to 25% the cost of the project.
- 2) Funding shall be comply with Commission Capital Improvement Program policies and standards.

Commented [DA1]: Comments from previous TAC meetings included whether to fund 25% the cost of the project or 25% the cost of the improvement. That discussion could be had here or in other places in the document.

EFFECTIVE DATE: _____

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