

# elm creek

## Watershed Management Commission

---

ADMINISTRATIVE OFFICE  
3235 Fernbrook Lane  
Plymouth, MN 55447

PH: 763.553.1144  
email: judie@jass.biz  
www.elmcreekwatershed.org

### MINUTES

#### Regular Meeting | January 10, 2024 **CORRECTED**

**I. CALL TO ORDER.** A meeting of the Elm Creek Watershed Management Commission was called to order at 11:40 a.m., Wednesday, January 10, 2024, in the Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN, by Chair Doug Baines.

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

Also present: Kent Torve, Stantec, Corcoran; Derek Asche, Maple Grove; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Diane Spector and Erik Megow, Stantec; Kevin Ellis, Hennepin County Environment and Energy (HCEE); Brian Vlach, Three Rivers Park District (TRPD); and Judie Anderson, JASS.

**II. AGENDA.** Motion by Walraven, second by Trainor to approve the Agenda as revised to add a Staff memo to item V. 2023 Budget Discussion. *Motion carried unanimously.*

**A.** Motion by Walraven, second by Trainor to approve the **Minutes\* of the December 13, 2023, meeting.** *Motion carried unanimously.*

**B.** Motion by Guenthner, second by Trainor to approve the **January Treasurer's Report and Claims\*** totaling \$126,746.88. *Motion carried unanimously.*

**III. OPEN FORUM.**

**IV. ACTION ITEMS.**

**A. Project Review 2023-026 Rogers Elementary School Site 2024 Improvements.\*** The proposed project site is at the Rogers Elementary STEM Magnet School located at 12521 Main Street. The project is proposed on a 24.7-acre site and will disturb 1.48 acres in order to construct a separate parent drop-off area and a bus drop-off area near the main entrance to the school on the east side of the existing building. The project also includes the construction of two filtration basins that will provide stormwater management for the proposed project. The project triggers Rules D and E. A finding of facts memo dated January 3, 2024, includes Staff's recommendation for approval conditioned on escrow reconciliation. Motion by Guenthner, second by Sharp to approve this project with staff's recommendation. *Motion carried unanimously.*

**B. Project Review 2023-030 Woodland Hills of Corcoran.** This 17.4-acre site is located northeast of the intersection of CSAH 116 and Hackamore Road. The applicant proposes establishing two temporary stockpiles on the site and associated erosion control to stabilize the piles on the 17.4-acre parcel. The proposed project disturbs 3.4 acres creating no new impervious. The existing land use is agricultural, wetlands and a homestead. A complete application was received December 5, 2023.

---

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**

Staff issued a grading permit January 4, 2024, with the standard escrow payment condition, and a request for wetland delineation documentation on site. Since this project required review only for Rule E, it was approved at the Staff level.

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

V. **OLD BUSINESS.**

**2023 Budget Discussion.** Treasurer Guenthner expressed concerns and asked Staff to respond to the following items regarding the preliminary 2023 Year-end Financials compared to Budget.

1. **Conditions that resulted in a significant drop in project review applications in 2023.** The Commission budgeted for 50 project reviews based on the number of projects received in 2020, 2021, and 2022. Thirty projects were received in 2023. Staff believe this is mostly due to the interest rates and markets, leading to some developments and redevelopments being placed on hold, or being delayed a year. They believe the number of project reviews will pick back up in 2024 and the Commission should plan on 50 reviews in 2024.

2. **Additional projects ordered throughout the year that led to additional expense.** “Technical Other” includes Pre-reviews, Meetings, and General Tasks. The number of pre-reviews greatly increased in 2023. Staff expended \$9,305 for meetings with \$1,910 coming from subcontractors. This \$1,910 could be charged to the project review budget.

General fund expenses totaled \$59,895. Months with higher-than-average fees were May-June-July-August. May would have been Budget; May-June-July was the review fee analysis; August was CIP, cooperative agreements, and fund balance analysis. Staff were working though some of these analyses for the first time, in future years they should be less time-consuming. Overall, Staff believe budgeting \$75,000 for Technical Other in 2024 is correct.

3. **As of November, the Commission is about 40% under budget for technical support by HCEE.** As shown in the January Treasurer’s Report, HCEE has invoiced the Commission for fourth quarter project activity, which does not include hourly technical services provided by County Staff. The Commission will receive an invoice for payment for those services in February, bringing the total close to the \$22,000 budgeted.

4. **Three monitoring programs - CAMP and TRPD sentinel lakes and aquatic vegetation surveys - show \$0.00 expense for 2023.** No lakes were monitored through Metropolitan Council (CAMP) in 2023, so the year-end total will be \$0. The Commission approved TRPD’s 2023 monitoring bill at this meeting. All items were within budget: Stream Monitoring – \$10,020; Sentinel Lakes - \$10,412; and Aquatic Vegetation Survey - \$1,365.

5. **Studies/Project ID/SWA - budgeted \$0.00, \$14,750 has been expended to date; Rush Creek SWA Implementation budgeted \$106,000, expended to date = \$0.** Funding requests for these items are still being determined and will be submitted to the appropriate entities by January 31, 2024. It is likely that the Commission will be asked to carry over the balance of the funds into 2024 in order to complete the projects, depending on their source.

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

**6. Administrative - budgeted \$100,000 in 2023 and 2024. At FY-end 2023 JASS had expended \$118,897. This is the fifth year in a row the budget number has been exceeded. What internal management steps will JASS take to try to hit the budget numbers?**

Upon reviewing JASS invoices, it was revealed that in 2023 JASS spent time above and beyond routine administrative duties (meeting-associated activities, monthly financial activities, annual budget, work plans, various audit reporting, insurance renewal, the Annual Activity Report, CIP-related activities, and the Annual Audit) on the Chloride Initiative, WBIF grant-related activity, developing cooperative agreements among the partners, and developing a Fund Balance Policy, as well as a preponderance of time working on and evaluating the project review fee policy and schedule. This latter item was invoiced as Administrative rather than through the Project Review Admin Support line item and should result in a significant reduction in future years. As for the more routine items, many of these have expanded in scope, i.e., time expended. In the future, when a unique scope of work results in a significant time expenditure, it will be set out as a separate line item on the Treasurer's Report.

**7. Interest/Dividends.** The Commission currently holds about \$1.25 million in reserved funds for CIP projects, assigned activities, and grant projects, generating several thousand in interest per month. Stantec will work with JASS to close out the outstanding CIPs (2 of the 9 outstanding CIPs were closed out in 2023) and transfer any unused funds to the Closed Projects Account for use on other projects or feasibility studies or to reduce future levies. Meanwhile the interest is accruing in the unrestricted reserve.

**8. Can we receive a high-level report on the YTD Project Review total fee collections (refundable/non-refundable)?** JASS will be updating that report and issuing refund checks or invoicing for insufficient escrows in mid-January. An up-to-date report will be available at the February meeting. This is a time-intensive task.

## **VI. NEW BUSINESS.**

**A. Proposed Rules Revisions for Small Projects.\*** Asche recapped the discussion from the TAC meeting which preceded this meeting. This item is a continuation of the TAC's review of how the Commission is interpreting 'land disturbing activity' relating to stormwater for small redevelopment projects near the 1.0-acre threshold for land disturbing activity that may trigger the Commission's Stormwater Management Rule (Rule N).

Recent small redevelopment projects prompted this discussion when Commission staff and City staff interpreted the rules in slightly different ways. Staff discussed these projects and their interpretation at the October TAC meeting, where the consensus was that the Commission's definition of land disturbing activity was consistent with the Minnesota Pollution Control Agency's (MPCA) municipal separate storm sewer system (MS4) General Permit requirements.

For sites/projects where applicants are proposing to disturb near, or just under 1 acre, there was some Staff concern that the Commission's permit review thresholds and the definition of Land Disturbing Activity may lead to inconsistent application. The TAC discussed options for addressing the potential for inconsistencies, as well as the complicating factor of small

projects that may be part of a future Common Plan of Development or Sale, which are also regulated by the MS4 and construction permits.

After considerable discussion, it was agreed by consensus that no revising language would be recommended at this time, and that small projects that fall at or near the 1 acre threshold would be referred to the member city for a determination of how the rules/permit requirements should be applied.

**B. Proposed 2024 Work Plan.** The Commission's Third Generation Plan identifies issues, priorities and goals for the ten-year period 2015-2024. The Annual Work Plan is a more detailed set of actions the Commission undertakes toward meeting those goals. Attached to Staff's January 4, 2024, memo\* is the proposed work plan for 2024. Many of the items on this list are routine, but some are special projects or studies. Highlights include:

**1.** Initiate development of the Fourth Generation Watershed Management Plan. Typically, it takes about 18 months to go through the planning and review process, so the Commission and cities should expect to begin this process this Spring.

**2.** The Watershed Wide TMDL Ten Year Review, authorized for completion this year, will wrap into the Fourth Generation Plan in the same manner as the original TMDL and WRAPS. Implementation strategies and actions from those studies were incorporated into the Third Generation Plan.

**3.** The BWSR Watershed-Based Implementation Funding (WBIF) for FY2024/25 for Elm Creek will provide about double the amount of funding (\$373,590) received during the previous biennium. The eligible entities (Commission, County, and cities) should plan to complete the Convene process this Spring so the funds can be contracted by July 1. This funding can be used on projects, studies, or management activities that result in a load reduction.

**4.** Partnering with WMWA and Hennepin County on enhanced education and outreach, with leadership and assistance from the shared outreach coordinator. Chloride management is a priority topic, and the work plan includes the development of a chloride education and outreach plan that includes identifying the different stakeholders and messages and options for implementation. The Commission will also sponsor one or more shoreline restoration/resilient yards workshops with the shared coordinator and Metro Blooms as part of the WBIF funding.

An online forum will be uploaded to the website in order to receive additional input regarding the 2024 Work Plan.

## VII. EDUCATION AND PUBLIC OUTREACH.

A. Topics discussed at the January WMWA meeting:

**1.** Hennepin County Joint Education and Outreach Coordinator Grace Barcelow presented a draft of the **ArcGIS Survey123 form** Hennepin County has been developing. The map-based form will be used by Barcelow and other water resource professionals as a guide when they meet with property owners to discuss winter salting and help them develop a more sustainable management strategy.

2. Barcelow continues work on other initiatives, including developing a **Pet Waste Campaign** and materials for WMWA's member cities and developing a combined calendar of outreach materials to guide community outreach and education for WMWA, Watershed Prep, cities, and Hennepin County.

3. Amy Juntunen, JASS, is scheduling the next **steering committee meeting** that will guide the joint education and outreach coordinator's work in the coming year. The next steering committee meeting is expected in February.

4. WMWA educator Jessica Sahu Teli has a handful of **Watershed Prep** classroom lessons planned for January and February before her schedule starts to get busy in the spring. The 2024 budget for the WMWA educator has been increased from 2023, allowing her to reach more students and attend more community events like festivals and tabling events.

5. WMWA will have a booth at **Discover Plymouth** in late March and will display educational materials, handouts, and native plant roots, as well as have native seeds for visitors to take home. Contact Barcelow if you are interested in volunteering at the event for any amount of time at [grace.barcelow@hennepin.us](mailto:grace.barcelow@hennepin.us).

6. WMWA discussed whether there was interest in allocating Watershed Based Implementation Funding (WBIF) funding to help continue implementation of the Hennepin County **Chloride Initiative's No Salt Low Salt campaign**. The primary need is to fund staff assistance in facilitating meetings and coordinating strategies between the 11 watersheds and Hennepin County and whether it should be broadened to other entities in the Metro Area. More discussion will follow.

A. **West Metro Water Alliance (WMWA)** will meet via Zoom at 8:30 a.m., February 13, 2024.

## VIII. GRANT OPPORTUNITIES.

IX. **COMMUNICATIONS.** The following communications have been received:

A. **Staff Report.\*** Staff reports provide updates on the development projects currently under review by Staff. The projects listed in the table beginning on page 6 of these minutes are discussed in the January 4, 2024, report.

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

1. **South Fork Rush Creek BMP Ground Truthing and Management Survey.** Hennepin County staff are currently evaluating ACPF BMP outputs provided by Stantec in the South Fork Rush Creek subwatershed. BMPs are being assessed based on feasibility and development potential. Staff are also concurrently surveying field conditions including 2023 crops grown, tillage used, residue and if cover crops were used. Report will be provided to Stantec upon completion and when features have been digitized. Currently, approximately 75% of the watershed and BMPs have been surveyed with the remainder to be completed in late January.

2. Page two of the report is an updated **project funding table** showing projects completed and in design.

3. The following pages of the report describe 2023 highlights of other **Hennepin County programming**.

---

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**

4. The **Plastic-Free Challenge** is a month-long effort starting February 1 to reduce plastic consumption, especially of single-use plastics. The challenge has 86 actions to choose from in eight categories.

**X. OTHER BUSINESS.**

**A. Reminder:** Commissioners and Alternate Commissioners must review, update and certify their statements of economic interest with the **Minnesota Campaign Finance Board\*** by January 29, 2024. The Board sent letters directly to all public officials in late December notifying them of the filing requirement and providing them with the information necessary to file online.

**B.** Commissioners are also reminded that **appointments**, if not automatically renewing by their cities, are due and effective January 1, 2024.

**C. Election of Officers and Annual Appointments** will occur in March. If you are interested in serving as an officer in 2024, please advise Administrator Judie Anerson.

**XI. ADJOURNMENT.** There being no further business, the meeting was adjourned at 1:03 p.m.

Respectfully submitted,



Judie A. Anderson  
Recording Secretary  
JAA:tim

Z:\Elm Creek\Meetings\Meetings 2024 EC\January 10 2024 Regular meeting minutes .docx

Project No.	Project Name	Project No.	Project Name
2014-015	Rogers Drive Extension.	2023-011	Sundance Greens 9th, Dayton.
2015-030	Kiddiegarten Child Care Center, Maple Grove.	2023-013	River Valley Church, Maple Grove.
2016-005W	Ravinia Wetland Bank Plan, Corcoran.	2023-014	Bottema Wetland, Corcoran.
2017-014	Laurel Creek, Rogers.	2023-015	South Fork Rush Creek Evanswood, Maple Grove.
2017-050W	Ernie Mayers Wetland/floodplain violation, Corcoran.	2023-016	Rogers South Community Park.
2018-046	Graco, Rogers.	2023-017	Veit Pit, Rogers.
2020-009	Stetler Barn, Medina.	2023-018	Brayburn Trails II, Dayton.
2020-017	Meadow View Townhomes, Medina.	2023-019	23240 County Road 30, Corcoran.
2020-032	Enclave Rogers - Commerce Boulevard, Rogers.	2023-020	Dunkirk Square, Maple Grove.
2020-033	Weston Woods, Medina.	2023-022	Shores of Sylvan Lake, Rogers.
2021-020	Crew Carwash, Maple Grove.	2023-023	NORSQ, Maple Grove.
2021-029	Tri-Care Grocery / Retail, Maple Grove	2023-024	Elm Creek Rest Area Sidewalk Reconstruction, MG.
2021-034	BAPS Hindu Temple, Medina.	2023-025	Rogers Mixed Use Improvement.
2021-036	D & D Service, Corcoran.	2023-026	Rogers Elementary School Site Improvements.
2021-044	Balsam II Apartments, Dayton.	2023-027	Hamel Apartments, Medina.
2021-052	Norbella Senior Living, Rogers.	2023-028	Rush Creek Hollow, Maple Grove.
2022-006	Hamel Townhomes, Medina.	2023-029	Dayton Field 4th Addition.
2022-011	Arrowhead Drive Turn Lane Expansion, Medina.	2023-030	Woodland Hill of Corcoran.
2022-013	Dayton 94 Industrial Site.		

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

**elm creek Watershed Management Commission**

Regular Meeting Minutes | January 10, 2024

Page 7

2022-016	Rogers Activity Center.	
2022-017	City Center Drive, Corcoran.	
2022-018	Big Woods, Rogers.	
2022-020	Skye Meadows Extension, Rogers.	
2022-022	Cook Lake Highlands, Corcoran.	
2022-026	Archway Building, Rogers	
2022-028	Elsie Stephens Park, Dayton.	
2022-038	Tavera North Side, Corcoran.	
2022-040	Karinieimi Meadows, Corcoran.	
2022-043	Meander Park and Boardwalk, Medina.	
2022-049	Connexus Energy South Dayton Substation.	
2023-001	Chankahda Trail Reconstruction Phase 2, Plymouth.	
2023-004	Medina Industrial Site.	
2023-008	Rush Creek Boulevard Interchange, Maple Grove.	
2023-009	Magnifi Financial, Maple Grove.	
2023-010	Rogers New Fire Station.	

---

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**