

# elm creek Watershed Management Commission

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February 1, 2017

Representatives  
Elm Creek Watershed Management Commission  
Hennepin County, MN

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

Dear Representatives:

A regular meeting of the Elm Creek Watershed Management Commission will be held on **Wednesday, February 8, 2017, at 11:30 a.m.** in the Mayor's Conference Room at Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN.

Please email Kerstin at [kerstin@jass.biz](mailto:kerstin@jass.biz) to confirm whether you or your Alternate will be attending the meeting. Thank you.

Regards,



Judie A. Anderson  
Administrator  
JAA:tim

Encls: Meeting Packet

cc: Alternates	HCEE	BWSR	MPCA
Joel Jamnik	TAC	Met Council	DNR
TRPD	Diane Spector	Clerks	Official Newspaper

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## AGENDA February 8, 2017

1. Call Regular Meeting to Order.
  - a. Approve Agenda.\*
2. Consent Agenda.
  - a. Minutes last Meeting.\*
  - b. Treasurer's Report and Claims.
3. Open Forum.
4. Action Items.
  - a. Project Reviews – *also see Staff Report.* \*
  - b. 2016 Work Plan in Review.\*
5. Watershed Management Plan.
  - a. Call for additions/revisions to CIP.\*
  - b. Capital project criteria.\*
6. Elm Creek Watershed-wide TMDL.
7. New Business.
8. Communications.
9. Education.
10. Grant Opportunities.
11. Other Business.
  - a. Commissioner/Alternate Appointments are due. Appointments have been received from Champlin and Plymouth.
  - b. Election of officers will take place at the March 8, 2017 meeting. The current officers have agreed to serve in 2017. They are:
    - 1) Doug Baines, Dayton, Chair
    - 2) Liz Weir, Medina, Vice Chair
    - 3) Bill Walraven, Champlin, Secretary
    - 4) Fred Moore, Plymouth, Treasurer.
  - c. The biennial Solicitation of Interest Proposals has been published in the *State Register*. Six responses\* were received.

\*in meeting packet  
\*\*available at meeting

- d. Annual appointments. Currently,
- 1) Official newspaper – *Osseo-Maple Grove Press*.
  - 2) Official depositories - *US Bank and the 4M Fund*.
  - 3) Deputy Treasurer - *Judie Anderson*.
  - 4) Auditor - *Johnson & Company, Ltd*.

12. Project Updates – *see Staff Report.\**

13. Adjourn.

Project Reviews. (See Staff Report.*)						
			a.	2013-046	Woods of Medina, Medina.	
			b.	2014-015	Rogers Drive Extension, Rogers.	
			c.	2015-004	Kinghorn Outlet A, Rogers.	
		AR	d.	2015-006	Veit Building Expansion, Rogers.	
		AR	e.	2015-013	Wayzata High School, Plymouth.	
		AR	f.	2015-020	Strehler Estates, Corcoran.	
		AR	g.	2015-030	Kiddiegarten Child Care Center, Maple Grove.	
			h.	2016-002	The Markets at Rush Creek, Maple Grove.	
			i.	2016-004	Park Storage Place, Corcoran.	
			J	2016-005W	Ravinia Wetland Bank Plan, Corcoran.	
		AR	k.	2016-014	Balsam Apartments, Dayton.	
		AR	l.	2016-018	Cambridge Park, Maple Grove.	
		AR	m.	2016-019	Just for Kix, Medina.	
		AR	n.	2016-021	Diamond View Estates, Dayton.	
		AR	o.	2016-022	AutoZone, Maple Grove.	
		AR		2016-026	Faithbrook Church, Dayton.	
			q.	2016-038	AutoMotor Plex, Medina.	
		AR	r.	2016-039	The Fields at Meadow Ridge, formerly Sands Parcel, Plymouth.	
			s.	2016-040	Kinghorn 4th Addition, Rogers.	
			t.	2016-041	Bartus, Plymouth.	
		R	u.	2016-045W	Brothers Mini Storage, Corcoran.	
			v.	2016-047	Hy-Vee Maple Grove #1 (Hy-Vee Maple Grove North).	
			w.	2016-049	Medina Senior Living, Medina.	
			x.	2016-052	The Woods at Rush Creek, Maple Grove.	
			y.	2017-001	9715 Sundance Road Pond Excavation, Corcoran.	
			z.	2017-002	RDO Site Plan, Dayton.	
			aa.	2017-003	Brayburn Trail EAW, Dayton.	
			ab.			
			ac.			

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

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\*in meeting packet  
\*\*available at meeting

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## Technical Advisory Committee and Regular Meeting Minutes January 11, 2017

I. A meeting of the **Technical Advisory Committee (TAC)** for the Elm Creek Watershed Management Commission was convened at 10:05 a.m., Wednesday, January 11, 2017, in the Mayor's Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN.

In attendance were: Todd Tuominen, Champlin; Susan Nelson and Meaghan Watson, Wenck Associates, Corcoran; Rick Lestina and Mark Lahtinen, Maple Grove; Kaci Fisher, Hakanson-Anderson, Medina; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Ali Durgunoğlu, James Kujawa and Kirsten Barta, Hennepin County Dept. of Environment and Energy (HCEE); Rich Brasch, Three Rivers Park District (TRPD); Jeff Weiss, Barr Engineering; Diane Spector, Wenck Associates; and Judie Anderson and Amy Juntunen, JASS.

Not represented: Dayton.

Also present: Doug Baines, Dayton; Elizabeth Weir, Medina; and Fred Moore, Plymouth.

A. Motion by Lestina, second by Scharenbroich to approve the **meeting agenda**.\* *Motion carried unanimously.*

B. Motion by Lestina, second by Scharenbroich to approve the **minutes of the October 12, 2016 TAC meeting**.\* *Motion carried unanimously.*

C. **Model Manure Management Ordinance.** The Commission's Third Generation Watershed Management Plan states as one of its Water Quality goals:

*Member cities shall adopt a manure management ordinance using the Commission's model ordinance for guidance, or adopt other standards and practices that will accomplish the objective of reducing phosphorus loading from new livestock operations.*

Currently the Commission does not have a model manure management ordinance. During a previous TAC meeting the members identified the following elements that should be considered when writing such an ordinance:

1. Facilitate transition from agricultural to rural residential land use.
2. What BMPs should be used when animals are present?
3. How are load reduction credits quantified?

**Action:** Brasch, Kujawa and Barta will work to bring a draft ordinance to the March 8 TAC meeting. Medina's Ordinance will be reviewed for sample language.

### D. **Buffer inspection/enforcement requirements.**

The Joint Powers Agreement (JPA) does not give the Commission permission to perform inspections, unless requested by the member cities, and grants the Commission no enforcement authority, excepting when serving as the LGU for the Wetland Conservation Act (WCA). These duties could be assumed by the Commission through a Memorandum of Understanding with each individual city. The Commission's attorney has prepared a draft MoU\* apprising the cities that this service is available.

\*in meeting packet

**Action:** Since, under the 2016 State Buffer Law, watershed organizations are not required to enforce its provisions, this item will be set aside for possible future discussion.

*[Tuominen arrived 10:30 a.m.]*

**E. Hy-Vee project in Maple Grove.**

At the Commission’s November meeting, the developer’s engineer requested an interpretation of the Commission’s 25-foot average/10-foot minimum requirement for a buffer when a retaining wall is used to minimize wetland impacts. He queried whether the Commission would still require a 10-foot minimum below the retaining wall, thus impacting more wetlands, or would it accept an area to be mitigated elsewhere on the parcel? Spector provided the following:

This scenario occurs infrequently so it would be rare to call it out in rules and standards. The purpose of a buffer is twofold: 1) prevent encroachment into the wetland and 2) filter runoff. A retaining wall effectively limits encroachment. If there will be minimal sheet flow over the retaining wall into the wetland (and there should be none to minimal for structural reasons) then we’d (Shingle Creek and West Mississippi WMOs) consider limited to no buffer on the top of the wall. If there will be incidental flow down a slope, we’d suggest a minimum 10’ native buffer to encourage abstraction. Most importantly, we’d consider it a formal variance from the buffer requirement with findings documenting the unique circumstances.

**Action:** Following discussion, it was a consensus to request copies of the member cities’ wetland buffer rules before continuing this discussion. Staff will request this information from the cities.

**F. Measuring phosphorus reductions from land conversion.**

This discussion will occur, in part, during consideration of the Model Manure Management Ordinance.

**G. Rules pertaining to filtration, infiltration and abstraction.**

At the October TAC meeting Staff was directed to draft a comprehensive listing of sequencing guidelines for use during stormwater management review of projects. Staff was directed to Ramsey-Washington Watershed District’s Rule C,\* which includes more formal sequencing requirements than are outlined in the Elm Creek Commission’s rules. It was noted during the discussion that the member cities have differing ponding requirements.

**Action:** Staff will contact the cities, requesting their pond requirements. Since many cities are in the midst of updating their Local Plans, this process may take a few months. At the same time, Technical Staff will develop a sequencing process for review by the members. Timeframe: 2-3 months.

**H. Cost Share Policy.**

At the July Commission meeting the Commissioners discussed the Rush Creek Headwaters Subwatershed Assessment (SWA) grant application. Wenck’s July 19, 2016\* memo was included in the meeting packet for reference. Much of the discussion centered on cooperative funding of the grant. The formula used to request funding for the Rush Creek Headwaters Subwatershed Assessment =

Estimated Project Cost	62,850
Commission Match	12,070
Corcoran Match	500
Grant Request	<u>50,280</u>
Total	62,850

\*in meeting packet

It was noted that since the Commission does not have a policy for cost-sharing SWAs or other special projects, this should be a topic for discussion by the TAC. As a starting point, Staff contacted nine other watershed organizations to determine how they fund “special projects.” In many cases, projects such as SWAs are funded using the ad valorem process. In all cases, where projects are not funded through the ad valorem process, they are funded out of the general fund with no city match.

Appendix G of the Commission’s Third Generation Plan includes the following language (emphasis added):

Both by itself and also in partnership with member cities the Commission will undertake special studies to target BMP implementation and to perform feasibility analyses to develop grant applications. These special studies will be solicited and identified each year through the budget/CIP review process. Some examples of these are:

TMDL Implementation. The Elm Creek Watershed TMDL implementation actions include a number of strategies that would require additional, more detailed study to identify specific BMPs and their costs and benefits. The Commission will share 50% of the cost of feasibility studies and subwatershed assessments.

Note: In the Pioneer-Sarah Creek watershed two SWAs have been done by the County. The Rush Creek Headwaters SWA grant application was completed by Wenck Associates. The capacity of the County to do this work depends on Staff time and availability and would be performed under separate contract.

At the October TAC meeting the following action was approved: Subwatershed assessments shall be 1) identified in areas outside of the MUSA, 2) be supported by the City in which the SWA is located, 3) be undertaken at the discretion of the Commission, 4) should have a \$15,000 maximum cap (grant or Commission funding), and 5) the cost should be shared by the City at a 20% match. [This action will require a minor plan amendment per S. Christopher.] The formula under this scenario would look like this:

Estimated Project Cost	62,850	
A. Commission Match	12,569	D minus C minus B
B. City Match	3,143	D minus C x .20
C. Grant Request	<u>47,138</u>	75% project cost
D. Total	62,850	

NOTE: Staff ran this motion and formula by Diane Spector for verification and she responded:

Under point 4 above – are they proposing to cap the Commission match at \$15,000 or the grant request at \$15,000 or both? Most grants have a minimum request of \$25,000. Also, \$15,000 won’t get you much of a SWA.

As for the formula, it’s actually a bit more complicated. The BWSR requires that the *grant* (not the project cost) be matched 25% so there’s some math involved. If X = the grant amount, then .25\*X = the match amount. (X + .25X) or 1.25X = the project cost. If you know the project cost, then (project cost/1.25)=grant and (project cost-grant)=match. So:

$$\begin{aligned} \$62,850/1.25 &= \$50,280 \text{ grant} \\ \$62,850 - \$50,280 &= \$12,570 \text{ match} \end{aligned}$$

Under the proposed policy, that would be split (\$12,750\*20%=\$2,550 Corcoran) and (\$12,570-2,550=\$10,020 Commission)

So, if the maximum Commission participation is \$15,000, which would require a 20% match or \$3,000, then the total available match would be \$18,000. The maximum grant request would be \$72,000 (because \$18,000 =.25X so multiply by 4) for a total maximum project cost of \$90,000

Other grant sources like 319 define the match as percent of total *project* cost, so I would recommend being more neutral and using language that would establish the Commission contribution cap, require the Commission contribution to be matched, and be silent on how the grant amount is figured, because it will be different depending on the grant source.

\*in meeting packet

### I. Prioritizing Special Projects

At the October TAC meeting members reviewed criteria identified by the nine WMOs and WDs that were contacted (G, above) for prioritizing **special projects** other than subwatershed assessments. Five additional criteria were added to the list by the members.

**Action:** Staff will circulate the list via email, asking members to prioritize the 19 items. Staff will also draft minor plan amendment language if necessary. [No amendment required, per S. Christopher.]

### J. Capital Improvement Program (CIPs).

The members received Table 4.5\* of the Third Generation Plan. It is an updated version of the CIP program as amended on May 11, 2016.

**Action:** Staff will contact the cities requesting their updates and additions to the CIP. The TAC members will consider projects scheduled for 2017 at their March meeting. Form Exhibit A\* was also included in the packet and should be used by the cities to submit their updates/additions.

### K. Adjournment.

The meeting of the Technical Advisory Committee of the Elm Creek Watershed Management Commission was adjourned at 11:31 a.m. The next meeting of the TAC will be convened on March 8, 2017.

II. A regular meeting of the Elm Creek Watershed Management Commission was called to order at 11:41 a.m., Wednesday, January 11, 2017, in the Mayor's Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN by Chairman Doug Baines.

Present were: Bill Walraven, Champlin; Doug Baines, Dayton; Joe Trainor, Maple Grove; Elizabeth Weir, Medina; Fred Moore, Plymouth; Kevin Jullie, Rogers; Ali Durgunoğlu, James Kujawa and Kirsten Barta, Hennepin County Dept. of Environment and Energy (HCEE); Rich Brasch, Three Rivers Park District (TRPD); Jeff Weiss, Barr Engineering; and Judie Anderson and Amy Juntunen, JASS.

Not represented: Corcoran.

Also present: Todd Tuominen, Champlin; Mark Lahtinen, Maple Grove; Lisa Vertelney and Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; and Dan Parks, Westwood Professional Services, for project 2016-047.

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

**B.** Motion by Walraven, second by Weir to approve the **minutes**\* of the December 14, 2016 regular meeting. *Motion carried unanimously.*

**C.** Motion by Moore, second by Walraven to approve the **January Treasurer's Report and Claims**\* totaling \$13,336.82. *Motion carried unanimously.*

### D. Open Forum.

No one wished to speak to items not on the agenda.

### E. Action Items.

**1. Project Review 2016-005W Ravinia Wetland Bank, Corcoran.** In February, a Wetland Banking Concept Plan was submitted for Phase II of the Ravinia Development. The plan has since

\*in meeting packet

been withdrawn in favor of an onsite wetland replacement plan. Wetland impacts from the final phases of this development will be 1.17 acres. The applicant is proposing to restore, enhance and create 3.3 acres of wetland credits and 1.24 acres of upland buffer credits on site. The original wetland delineation was approved by the LGU on September 9, 2013. The project was noticed per MN WCA requirements on August 27. Comments were accepted until September 30, 2016. A TEP was held on the replacement plan on October 3. The TEP and applicant agreed to revise the plan so wetland restoration and creation were limited on one basin for a better wetland. A revised wetland permit application was received on November 28, 2016 and Staff issued the Notice of Application on December 1, 2016, with the comment period closing on December 30, 2016. In their findings dated January 10, 2017, Staff recommended approval pending five conditions. Motion by Moore, second by Weir to approve Staff's recommendations. *Motion carried unanimously.* Staff will work with the Commission's attorney to assure fulfillment of the condition pertaining to the letter of credit.

**2. Project Review 2016-047 HyVee Maple Grove #1.** The applicant is proposing to disturb 13 acres of a 20.4-acre site located at the northeast corner of Maple Grove Parkway and 99th Avenue (just south of future Highway 610) for the purpose of constructing a grocery store, fuel station, convenience store and parking facilities. The applicant's engineer was present at the November meeting to have preliminary discussions regarding the use of retaining walls to minimize wetland impacts on the site. Discussion included enhancing the low quality wetlands, particularly the wetland in the southwest corner of the site, to mitigate total disturbances. The engineer was requesting interpretation from the Commission on their 25' average and 10' minimum standard for a buffer when a retaining wall is used to minimize wetland impacts. The Commission felt there had to be some type of mitigating compensation for such a scenario, but could not provide specifics on this site plan since it had not been submitted for review to the Commission and the LGU had not yet approved a wetland replacement or buffer plan.

A complete plan was submitted on December 1, 2016. Staff findings dated January 10, 2017, recommends approval of this project subject to a) receipt, approval, and recordation of an Operations and Maintenance Plan for the pond and the iron-enhanced filtration system, b) revisions for items relating to buffer requirements and erosion and sediment control as enumerated in the findings, and c) receipt of a signed and dated final plan set. Motion by Moore, second by Walraven to approve Staff's recommendations with the further requirement that the Commission receive and comment on a WCA impact notice. *Motion carried unanimously.*

**F. Watershed Management Plan.** The members received Table 4.5\* of the Third Generation Plan. It is an updated version of the **Capital Improvement Program (CIP)** as amended on May 11, 2016. Staff will contact the cities requesting their updates and additions to the CIP. Form *Exhibit A\** was also included in the meeting packet for use by the cities in submitting their updates/additions. The Technical Advisory Committee (TAC) will consider projects scheduled for 2017 at their March meeting.

**G. Elm Creek Watershedwide TMDL.** The MPCA has completed its informal review of both the TMDL and the WRAPS. The TMDL is still being reviewed by the EPA. The informal Stakeholder review will begin next week and extend for a period of 30 days. Both documents will be uploaded to the MPCA and Commission websites.

**H. New Business.**

**I. Communications.**

**J. Education.**

**1. Planting for Clean Water Project.** The *Planting for Clean Water and Pollinators "Big Project"* is underway. To help promote the Planting for Clean Water message, the West Metro Water Alliance (WMWA) is organizing opportunities for native plant sales at various city events around the watersheds. At the

\*in meeting packet



January 10, 2017 WMWA meeting, the group narrowed the list of potential events/sites to the following, although more could be added.

Plymouth Home Expo	Champlin Father Hennepin Days
Brooklyn Park Farmers Market	New Hope City Days (or the Farmers market)
St Louis Park Parktacular	Camden (Minneapolis) Farmers Market
Golden Valley Days	Medina City Festival
Maple Grove Farmers Market	a Metro Blooms Workshop

More information is available on the campaign website <http://www.bluethumb.org/pledge>

**2. Educators.** More than 2,850 students were served in 2016, including about 200 students in the MWMO under a subagreement. The three educators are now scheduling spring visits and evaluating interest in a 6th grade follow up lesson. Complete metrics will be included in WMWA's *2016 Annual Report*.

**3.** The **next WMWA meeting** is scheduled for 8:30 a.m., Tuesday, February 14, 2017, at Plymouth City Hall. Commissioners are encouraged to attend.

#### **K. Grant Opportunities.**

**1.** The Board of Water and Soil Resources (BWSR) has approved Clean Water Grant funding for the **Internal Phosphorus Loading Control in Fish Lake project** in the amount of \$200,000. The Commission will serve as the fiscal agent, Three Rivers Park District will undertake the bidding process.

**2.** BSWR has also approved Accelerated Implementation Grant funding for the **Rush Creek Headwaters Subwatershed Assessment project** in the amount of \$50,280. Motion by Trainor, second by Weir to contract with Wenck Associates for this project. *Motion carried unanimously.*

**3.** Deadline for applications for **Hennepin County AIS Prevention Grants** is January 20, 2017. TRPD indicated they will be submitting a number of applications.

#### **L. Other Business.**

**1. Commissioner/Alternate appointments are due.**

**2.** Hearing no further nominations, motion by Moore, second by Jullie to **nominate the current officers for 2017**. *Motion carried unanimously.* Election of officers will take place at the March 8, 2017 meeting.

**3.** The **biennial solicitation of interest proposals** for administrative, legal, technical and wetland consultants will be published in the January 17 edition of the *State Register*. Responses are due February 1, 2017.

#### **M.** The following **projects** are discussed in the January Staff Report.\* ("W" denotes wetland project.)

- 1.** 2013-046 Woods of Medina, Medina.
- 2.** 2014-015 Rogers Drive Extension, Rogers.
- 3.** 2015-004 Kinghorn Outlet A, Rogers.
- 4.** 2015-006 Veit Building and Parking Lot Addition, Rogers.
- 5.** 2015-013 Wayzata High School, Plymouth.
- 6.** 2015-020 Strehler Estates, Corcoran.
- 7.** 2015-030 Kiddiegarten Child Care Center, Maple Grove.
- 8.** 2016-002 The Markets at Rush Creek, Maple Grove.
- 9.** 2016-004 Park Place Storage Site Plans, Corcoran.
- 10.** 2016-005W Ravinia Wetland Bank, Corcoran.

\*in meeting packet

11. 2016-014 Balsam Apartments, Dayton.
12. 2016-018 Cambridge Park, Maple Grove.
13. 2016-019 Just for Kix, Medina.
14. 2016-021 Diamond View Estates, Dayton.
15. 2016-022 AutoZone, Maple Grove.
16. 2016-026 Faithbrook Church, Dayton.\*
17. 2016-038 AutoMotorPlex, Medina.
18. 2016-039 Fields at Meadow Ridge, Plymouth.
19. 2016-040 Kinghorn 4th Addition, Rogers.
20. 2016-041 Bartus Subdivision, Plymouth,
21. 2016-045W Brothers Mini Storage Wetland Replacement Plan, Corcoran.
22. 2016-047 Hy-Vee Maple Grove #1, Maple Grove.
23. 2016-049 Medina Senior Living, Medina.
24. 2016-050 Southeast Rogers AUAR.
25. 2016-051 Grove Circle Medical Office Building, Maple Grove.
26. 2016-052 The Woods at Rush Creek, Maple Grove.

**N. Adjournment.** There being no further business, motion by Walraven, second by Weir to adjourn.  
*Motion carried unanimously.* The meeting was adjourned at 12:51 p.m.

Respectfully submitted,



Recording Secretary

JAA:tim

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\*in meeting packet

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### STAFF REPORT February 1, 2017

**2013-046 Woods of Medina, Medina.** This is two parcels totaling 9.5 acres located east of CR 116 and south of Hackamore Road. The site is proposed to be developed into 16 single-family residential lots. On January 13, 2015, the Commission approved this project with two conditions: 1) a pond operations and maintenance agreement must be provided, approved by the City and the Commission, and recorded on the title to the property. The recording must be done within 90 days of the final plat approval; and 2) a copy of the approved wetland replacement plan must also be provided. Final platting will be done when the landowner sells the property or decides to develop it himself. Although this project has not been constructed, it is still active with the City of Medina and remains approved by the Commission until it becomes inactive with the City.

**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 meet the requirements of the Commission with the exception of the nutrient control. Due to limited options to treat the nutrient loads on the east 1.7 acre portion of Rogers Drive, 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.

**2015-004 Kinghorn Outlot A, Rogers.** This is a 31 acre site located between the Clam and Fed Ex sites in Rogers on the west side of Brockton Road and I-94. The proposed site will have two warehouse buildings, 275,000 and 26,000 SF in size, with associated parking and loading facilities. The Commission standards require review of stormwater management, grading and erosion controls and buffers. At their June 2015 meeting the Commission approved this project with three conditions. Numerous revised plans have been received for Staff review. Once Rogers has authorized Staff to proceed, Staff will provide updated findings when the conditions are met.

**2016-002 The Markets at Rush Creek, Maple Grove.** This is a proposal to develop 40 acres of a 123 acre planned unit development located in the southwest quadrant of the intersection of CSAH 101 and CSAH 10. County Ditch 16 (Maple Creek) runs along the south property line on this project. The 40-acre project area includes a Hy-Vee grocery store (16.8 acres), a Hy-Vee gas station (2.5 acres) and 11 outlots (18.76 acres). Right-of-way accounts for 2.3 acres. The remaining acreage (83 acres) consists of 5 outlots and right-of-way. The additional outlot areas are not part of the stormwater review for this project but will be reviewed for compliance with the Commission's buffer and floodplain requirements. At their May 2016 meeting, the Commission granted Staff authority to administratively approve the project and report any updates. This project has been placed on hold by Hy-Vee. As long as it remains active with the City of Maple Grove, the Commission's approval with conditions remains in place.

**2016-004 Park Place Storage Site Plans, Corcoran.** The applicant is proposing to develop a 22-acre site in the southwest portion of the city into a multi-unit storage facility with associated access roads, utilities, and stormwater features. This will be an addition to the existing storage facility located west of the proposed project. New wetland permit revisions were approved by the Commission at their July 2016 meeting contingent upon final escrow and easement establishment for the wetlands during the site plan review process. New site plan information has been received but still does not meet the Commission standards. The applicant extended the 15.99 deadline to December 7, 2016. Revised plans were received September 29. Additional information on the filtration basins/benches was requested. Site plan information dated September 15, 2016 was approved by the Commission at their October meeting. Conditions of approval were: 1) Prior to any grading the Commission must receive either: a). BWSR certification of wetland banking withdrawals for

0.24 acres from bank account #1560 and 0.24 acres from bank account #1183, or b) A wetland replacement plan escrow for \$45,000, which will be released upon providing the information from item 1a. [Escrow received November 10, 2016] 2) An operations and maintenance agreement, acceptable to the City and the Commission must be provided for review and approval to the Commission [Commission staff approved November 23, 2016]. The O&M agreement must be recorded on the land title and a copy of the recorded document provided to the Commission. 3) Final drainage tile pipe details, elevations and connections to the outlet control structures must be provided for final review and approval [approved by Commission staff October 26, 2016] and 4) Final erosion and sediment control plans must be approved by Commission Staff [approved by Commission staff October 26, 2016]. No further information has been received to date.

**2016-005W Ravinia Wetland Bank, Corcoran.** In February 2016, Lennar Corporation submitted a Wetland Banking Concept Plan for Phase II of the Ravinia Development. This plan was withdrawn in favor of an onsite wetland replacement plan. *At their December 2016 meeting the Commission approved Staff's findings and recommendations dated January 10, 2017. Final wetland impacts will be 1.22 acres. Wetland credits created on site will be 4.01 acres. Approval is contingent upon; a) Final compliance with ACOE requirements. b) Cash or renewable letter of credit escrow submittals for wetland replacement (\$292,000) and wetland monitoring (\$30,000) to the Commission. c) No impacts to wetlands can take place until wetland replacement and monitoring escrows are received by the LGU. d) Performance goals for vegetation establishment must meet 70% overall coverage of native vegetation. e) A minimum of 4" topsoil shall be placed or remain in all wetland and buffer areas. Scraping plans to eliminate reed canary grass must identify areas to be scraped, depth of scraping and amount of topsoil remaining or needed to meet this criteria. The applicant has since requested, and Staff has approved alternatives to scrapping the reed canary grass. All other items are still outstanding*

**2016-038 AutoMotorPlex, Medina.** This 22.17 site is located on the northeast corner of County Roads 115 and 118. The site will be re-platted into two lots, 19.17 acres and 3 acres. At this phase only the northern 19.17 acres will be developed into commercial automobile condominiums and retail area. At its October 12, 2016 meeting, the Commission granted administrative approval authority to Staff. Final revisions were received on October 24. Staff reviewed the plans and issued an administrative approval on October 31, 2016, with the following conditions: a) show Erosion and Sediment Control, Rule E, requirements on the final plan set; b) submit a final plan set signed by a Professional Engineer; c) submit a copy of the O&M plan for the stormwater management basins and devices (ponds and filter benches, bio-filtration basins, dynamic separators, etc.) within 90 days following the final plat approval, if required by the City; and submit a copy of the proposed final plat, showing the drainage easements on both lots. City has approved of the project at the end of the year. There were a number of plan submittals to the City after October 31, but they are still awaiting final construction plans and plat.

**2016-040 Kinghorn 4th Addition, Rogers.** This is a 13.7-acre parcel located in the northwest corner of the intersection of Brockton Lane and Rogers Drive. An industrial warehouse with 8.8 acres of new impervious area is proposed for the site. The plan includes the use of a NURP pond and a biofiltration basin to meet Commission requirements for rates, water quality and abstraction. The adjacent site is likely to be developed in the near future and some of the stormwater features were oversized to accommodate future development. At their November 2016 meeting the Commission approved the project with the following conditions: 1) approval of only this phase; future phases will need additional review and approval; 2) final modifications to the hydrologic modeling; 3) additional details are provided for a proposed water re-use system; 4) an O&M Plan for the pond and biofiltration basin is completed and recorded on the final plat; 5) modification of the storm sewer system to maximize the area draining to the NURP pond; and 6) receipt and review of any wetland-related documentation if wetlands are present. Condition #1 required no action, so the condition has been met. Condition #2 has been met for the current design; however, any future modifications to the design will require additional review. Conditions #3-6 remain outstanding and are expected to be addressed during final design in Spring 2017.

**2016-041 Bartus Subdivision, Plymouth.** This site is approximately 10 acres located on the northwest side of the intersection of CR 47 and Troy Lane, just west of the Sands parcel (2016-039). The stormwater management plan was reviewed with the Sands parcel. At its October 12, 2016 meeting, the Commission approved this project with the following conditions: a) issues outlined in Staff findings memorandum dated October 5, 2016 must be incorporated

into the plans; and b) a copy of the O&M plan must be submitted within three months following the final plat approval. The Applicant's agent requested to extend the review deadline to June 1st 2017. They are working on the comments from the Commission but will not seek wetland approvals until the developer is ready to move forward.

**2016-045W Brothers Mini Storage Wetland Replacement Plan, Corcoran.** This is a wetland violation where filling occurred during site improvements at the back of an existing storage facility. Filling appears to have been done around the week of July 18 to accommodate additional outside storage area. A TEP held on site on September 6 determined that approximately 4,125 SF of wetland was filled, including an inadvertent impact done during the construction of the site in 1998. A restoration order was issued for the violation and for the landowner to comply with the Commission and WCA requirements. The landowner has applied for a wetland replacement plan for the fill. The plan was noticed on October 14 and requests that the fill be allowed and be replaced at a 2:1 ratio by purchasing credits from Anoka County wetland bank account 1409. Restoration would not be prudent because of a need for a turn-around in this area. The TEP met on November 3 and recommended a replacement ratio of 4:1 and an escrow of \$3/SF. The applicant was present at the Commission's November 9 meeting to answer Commissioners' questions and to request replacement at 2:1. Due to the mitigating circumstances and following discussion, the Commission approved replacement at 2:1 – 1:1 in Hennepin County and 1:1 in another area per WCA and the Commission's replacement schedule and with no requirement for an escrow. Staff issued the Notice of Decision on November 18, 2016. A Transaction Form for Withdrawal of Wetland Credits from the MN Wetland Bank was signed by Staff on November 28, 2016, for a total replacement requirement of 0.1894 acres. *Staff has received the BWSR withdrawal of credits from Bank Account #1518, credited to this replacement plan. This item will be removed from the report.*

**2016-047 Hy-Vee North Maple Grove.** The applicant is proposing to disturb 13 acres of a 20.4-acre site located at the northeast corner of Maple Grove Parkway and 99th Ave (just south of the future Highway 610) for the purpose of constructing a grocery store, fuel station, convenience store and parking facilities. The applicant's engineer was present at the November meeting to have preliminary discussions regarding the use of retaining walls to minimize wetland impacts on the site. The engineer indicated all stormwater will be directed to internal features; there will be no ancillary overland drainage. The retaining walls will not totally surround the wetlands, which do not serve as stormwater ponds. All water entering the wetlands will be clean water. Discussion included enhancing the low quality wetlands, particularly the wetland in the southwest corner of the site, to mitigate total disturbances. The engineer was requesting interpretation from the Commission on their 25' average and 10' minimum standard for a buffer when a retaining wall is used to minimize wetland impacts. The Commission felt there had to be some type of mitigating compensation for such a scenario, but could not provide specifics on this site plan since it has not been submitted for review to the Commission and the LGU has yet to approve a wetland replacement or buffer plan. A revised plan was submitted on December 1, 2016. Staff sent preliminary review comments and requested revisions on December 14. *In their findings dated January 10, 2017, Staff recommended approval of this project subject to a) receipt, approval, and recordation of an Operations and Maintenance Plan for the pond and the iron-enhanced filtration system, b) revisions for items relating to buffer requirements and erosion and sediment control as enumerated in the findings, and c) receipt of a signed and dated final plan set. The Commission approved Staff's recommendations at their January 11, 2017 meeting with the additional requirement that the Commission receive and comment on a WCA impact notice.*

**2016-049 Medina Senior Living, Medina.** This is a preliminary plan and requires no action at this time.

**2016-052 The Woods at Rush Creek, Maple Grove.** This project combines five parcels (40 acres total) into 73, single family residential lots. It is located on CR 101 south of the Rush Creek Golf Course and north of the Lord of Life Lutheran Church. The majority of the site drains into Cook Lake which is located immediately west of this development. The Commission's review will be for compliance with the Commission's rules D (stormwater management), E (erosion control), G (wetland alteration) and I (buffer strips). *The latest findings from Staff have no recommendations for a decision. The applicant is revising the site plans at this time. If available, an update and recommendation will be provided to the Commission at their meeting.*

**2017-001 9715 Sundance Road, Corcoran, Pond Excavation Permit.** *Staff is reviewing this application and will issue the permit once the wetland information is verified. The applicant is proposing to excavate two small ponds. Total size will be approximately 1,700 SF and be 2 feet deep. Excavation will be in an existing type 1-2 wetland area on this residential property. This is allowed under WCA and Commission rules.*

**2017-002 RDO Dayton Site Plan.** *This is a commercial development proposal on a 25.6± acre plot located between I94 and Holly Lane. The project will develop the south 14.5 acres, to create about 9.5 acres of impervious cover. Staff determined the project to be incomplete on January 18, 2017, and sent a written notice to the applicant. Staff is corresponding with the applicant's engineer to bring the application into compliance.*

**2017-003 Brayburn Trail EAW, Dayton.** *The Excelsior Group is proposing to develop up to 300 single-family, unattached residential units on approximately 153 acres just north and west of the Sundance Golf Course. The development will be considered a Planned Unit Development (PUD), which will include a trail system, common open space, and greenway corridor preservation. Sewer and water extensions to the project site are also planned. Staff will review the plan and comment on the Commission's rules and standards as they pertain to the project.*

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**FINAL RECORDINGS ARE DUE ON THE FOLLOWING PROJECTS:**

**2015-006 Veit Building and Parking Lot Addition, Rogers.** Approved on May 13, 2015, pending the SAFL-Baffle weir being covered by an easement and the appropriate operation and maintenance agreement being obtained and recorded with the property.

**2015-013 Wayzata High School, Plymouth.** Approved with conditions on July 8, 2015. Awaiting final recording of the plan.

**2015-020 Strehler Estates, Corcoran.** Approved on January 10, 2015 contingent upon a conservation easement being recorded on the property title.

**2015-030 Kiddiegarten Child Care Center, Maple Grove.** This project was approved by the Commission at their December 9, 2015 meeting. If the City of Maple Grove does not take over the operation and maintenance of the underground system and the sump catch basins, an O&M agreement for the underground trench/pond system must be approved by the Commission and the City and recorded with the title.

**2016-014 Balsam Apartments, Dayton.** Approved April 13, 2016, pending recordation of an Operation and Maintenance agreement with an O&M plan.

**2016-018 Cambridge Park, Maple Grove.** Approved on July 13, 2016, subject to recorded preservation easements and pond maintenance provided by the City or through an approved operation and maintenance agreement recorded on the property title. Preliminary easements and operation and maintenance agreements for the ponds and preservation areas were received and approved by Commission Staff. Final proof of recording of the documents is still needed.

**2016-019 Just for Kix, Medina.** Approved June 8, 2016. Awaiting recordation of corrected O & M plan agreement for the bio-filtration basins.

**2016-021 Diamond View Estates, Dayton.** Approved June 8, 2016, contingent that, if the City of Dayton/homeowners are to maintain the ponds and the bio-filtration basin, an operation and maintenance plan agreement must be submitted for approval to the City and the Commission and recorded within 90 days of the final plat approval.

**2016-022 AutoZone, Maple Grove.** At their June 8, 2016 meeting, the Commission approved Staff's findings dated June 1, 2016, with the condition of recording an approved O & M Plan within 90 days of the final plat approval.

**2016-026 Faithbrook Church, Dayton.** Approved August 10, 2016, with the stipulation that an approved O&M plan be recorded with the property within 90 days following final plat approval.

**2016-039 Sands Parcel (The Fields at Meadow Ridge), Plymouth.** This is a 20.5-acre site located on the northeast side of the intersection of CR 47 and Troy Lane North. The site is proposed for a 46 single-family residential home development. *The plans were submitted together with the adjacent 2016-041 Bartus site. At its October 12, 2016 meeting, the Commission approved the project conditioned that an O&M plan be recorded within 90 days following the final plat approval.*





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 Plymouth, MN 55447  
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February 1, 2017

To: Elm Creek Commissioners

Fr: Judie Anderson

Re: Status of 2016 Work Plan

Minnesota Rule 8410.0150 requires the Commission to submit to the Board of Water and Soil Resources a financial report, activity report and audit report for the preceding fiscal year. 8410.0150 Subp. 3 outlines the content of the annual activity report. It includes an assessment of the previous year's annual work plan and development of a projected work plan for the following year.

Following is a summary of the work undertaken by the Elm Creek Watershed Management Commission in 2016 to meet the goals, objectives, and projected work plan outlined in its *2015 Annual Report*. The Commission identified the following activities in 2016:

- Continue to review local development/redevelopment plans for conformance with the standards outlined in the Commission's third generation Watershed Management Plan. *Fifty-two projects were reviewed by the Commission in 2016. The Commission does not have a permit program.*
- Serve as the local government unit (LGU) for administering the Wetland Conservation Act (WCA) for the cities of Champlin and Corcoran. *The Commission continues to serve as the LGU for Champlin and Corcoran. In 2016 the Commission reviewed \_\_\_\_ plans involving wetlands, participated in \_\_\_\_ Technical Evaluation Panels (TEPs), and received \_\_\_\_ wetland banking applications. \_\_\_\_ new potential WCA violations were also investigated. The Elm Creek Commission does not have a wetland banking program.*
- Conduct lake and stream monitoring programs to track water quality and quantity conditions. *The Commission monitored Diamond, Fish, and Weaver Lakes, and Rice Lake Main Basin in cooperation with Three Rivers Park District. The Commission also funded the monitoring of Cowley and Jubert lakes through Metropolitan Council's Citizen Assisted Monitoring Program (CAMP).*
- Continue to operate the monitoring station in Champlin in cooperation with the United States Geological Survey (USGS). *Stream monitoring continued at the Champlin monitoring station where both grab samples and storm runoff samples were collected and analyzed for various parameters. The Commission also monitored lower Rush Creek, lower Diamond Creek and a site on Elm Creek above Rice Lake in cooperation with Three Rivers Park District.*
- Promote river stewardship through the River Watch program. *Three sites on Elm and Rush Creeks were monitored in 2016.*
- Participate in the Minnesota Wetland Health Evaluation Program (WHEP). *\_\_\_\_ wetlands in the Elm Creek watershed were monitored in 2016.*
- Partner with the Hennepin County Department of Environmental Services (HCES) in the Stream Health Evaluation Program (SHEP). *This program was discontinued in 2016.*

- Assist member communities in preparing and adopting their local water management plans. *No local plans were received in 2016. It is anticipated most communities will submit their local plans for approval in 2017.*
- Complete informal and formal reviews of the Elm Creek TMDL and WRAPS reports. Obtain US EPA approval of the TMDL document and MPCA approval of the WRAPS report. *At year-end the MPCA had completed its informal review of both the TMDL and the WRAPS. The TMDL was still being reviewed by the EPA. The informal Stakeholder review will begin early in 2017 and extend for a period of 30 days. Both documents will be uploaded to the MPCA and Commission websites.*
- Use results of WRAPS study to establish priority areas and complete subwatershed assessments to identify specific BMPs that feasibly and cost-effectively reduce nutrient and sediment loading to impaired water resources.** *The Commission submitted a grant application to the Clean Water Fund (CWF) Accelerated Implementation Program to complete a subwatershed assessment in four key subwatersheds in the headwaters of Rush Creek and North Fork Rush Creek. Much of the land in those subwatersheds is in the City of Corcoran. The Commission was awarded a \$50,280 grant to complete this project.*
- Develop model manure management ordinance to regulate placement of new small non-food animal operations, require member cities to adopt that or other ordinances and practices to accomplish its objectives.** *This task is being undertaken by the Technical Advisory Committee and is a priority in 2017.*
- Continue as a member of the West Metro Water Alliance (WMWA). *The Commission continued to support the WMWA Educator Program and contribute articles to its e-newsletter Water Links. The Commission promoted the Watershed PREP (Protection, Restoration, Education, and Prevention) program to reach every 4th grade science class in the watershed. 878 students in nine schools in the Elm Creek watershed participated in Lesson 1: What is a Watershed and Why do we Care? and Lesson 2: The Incredible Journey.*

*The Watershed Prep educators also presented at the Basswood Science Night, the Fernbrook Nature Night, the Plymouth Home Expo and the Plymouth Kids Fest.*

*In 2016 the Commission also collaborated on the Pledge to Plant for Pollinators and Clean Water project and creation of the new WMWA website.*
- Participate as an exhibitor at Plymouth's Home Expo. *The Commission participated in the Expo on April 8-9, 2016.*
- Continue as a member of Blue Thumb and WaterShed Partners and a partner in the NEMO (Nonpoint Education for Municipal Officials) program. *The Commission continues to support these organizations/programs with their financial and in-kind contributions.*
- Co-sponsor Rain Garden Workshops in conjunction with the Commission's Education and Public Outreach Program. *Raingarden workshops were conducted in the cities of Champlin and Plymouth.*
- Work in partnership with Hennepin County's agriculture specialist to help build relationships with the agricultural community in the watershed in order to encourage TMDL implementation. *The Commission will continue to seek opportunities to use the resources of the Ag Specialist.*
- Seek grant funding to assist with the costs associated with projects identified on the Commission's CIP. *Five CIP projects, the Fox Creek Streambank Stabilization Project in Rogers; the Mississippi River Shoreline Repair and Stabilization and the Elm Creek Dam at the Mill Pond projects in Champlin; and the Rush Creek Main Stem Restoration and the Fish Lake Alum Treatment Phase 1 projects in Maple Grove were certified through the ad valorem taxing process for funding by Hennepin County.*

*In conjunction with this effort, the Commission adopted two resolutions in 2016. Resolution 2016-01 adopted a Minor Amendment to the Third Generation Watershed Management Plan to add five projects to the Commission's CIP and revise the scope of one project and shift the timing of five others on the CIP. Resolution 2016-02 ordered the five projects certified above, designated the members responsible for construction, and designated the Commission cost-share funding.*



- ☑ Continue to support City-sponsored projects as they are identified. *The Commission continues to identify projects on its CIP for funding either through the Commission's CIP budget or grant funding.*
- ☑ Adopt a 2017 operating budget. *At its June 8, 2016 regular meeting, the Commission approved a 2017 operating budget totaling \$421,614, with assessments to the member cities totaling \$219,700*
- ☑ Continue to populate and maintain the Commission's website [www.elmcreekwatershed.org](http://www.elmcreekwatershed.org) to provide news to residents of the watershed. *In 2016 the Commission transferred its current website to a new mobile-ready platform and continued to populate and maintain the website to provide news to residents, students, developers and other individuals interested in the water resources of the watershed.*
- ☑ Publish an annual activities report summarizing the Commission's yearly activities and financial reporting. *The 2015 Annual Activity Report was accepted by the Commission at its April 13, 2016 meeting.*

EXHIBIT A

**Elm Creek Watershed Management Commission  
Capital Improvement Project Submittal**

*(This submittal will be rated on its completeness and adherence to the goals of the Commission.  
A second page may be used to provide complete responses.)*

City		
Contact Name		
Telephone		
Email		
Address		
Project Name		
	1. Is project in Member's CIP? ( ) yes ( ) no	Proposed CIP Year =
	2. Has a feasibility study or an engineering report (circle one) been done for this project? ( ) yes ( ) no	
		Amount
	Total Estimated Project Cost	\$
	Estimated Commission Share (up to 25%, not to exceed \$250,000)	\$
	Other Funding Sources (name them)	\$
		\$
	3. What is the scope of the project?	
	4. What is the purpose of the project? What water resource(s) will be impacted by the project?	
	5. What is the anticipated improvement that would result from the project? (Include size of area treated and projected nutrient reduction.)	
	6. How does the project contribute to achieving the goals and programs of the Commission?	
0/10	7. Does the project result from a regulatory mandate? ( ) yes ( ) no How?	
0/10/20	8. Does the project address one or more TMDL requirements? ( ) yes ( ) no Which?	
0/10/20	9. Does the project have an educational component? ( ) yes ( ) no Describe.	
0/10	10. Do all the LGUs responsible for sharing in the cost of the project agree to go forward with this project? ( ) yes ( ) no Identify the LGUs.	
10/20	11. Is the project in all the LGUs' CIPs? ( ) yes ( ) no	
1-34	(For TAC use) 12. Does project improve water quality? (0-10) 13. Prevent or correct erosion? (0-10) 14. Prevent flooding? (0-5)	15. Promote groundwater recharge? (0-3) 16. Protect and enhance fish and wildlife habitat? (0-3) 17. Improve or create water recreation facilities? (0-3)
TOTAL (poss 114)		Adopted April 11, 2012

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**To:** Elm Creek Commissioners  
**From:** Judie Anderson  
**Date:** January 30, 2017  
**Subject:** Capital project criteria

At the October Elm Creek TAC meeting members reviewed criteria identified by nine neighboring WMOs and WDs for prioritizing **special projects** other than subwatershed assessments. Five additional criteria were added to the list by the members at the January TAC meeting. The criteria are shown in the table below.

Staff was directed to circulate the list of criteria via email, asking members to prioritize the items. Staff has also been in contact with Steve Christopher at BWSR who indicated no plan amendment would be required to incorporate the results of this task.

Please complete and return the list to the administrative office by **Friday, February 17**. The TAC members will review the responses at their March 8 meeting. Thank you.

Criterion	A Very important	B Important	C Of Medium Importance	D Not Important	E Should not be considered	F Ranking (1 being most important)
Total project cost						
Total impacted area						
No. of impacted cities						
Load reductions						
Included in Comm. operating budget						
In city's CIP						
City request (not on CIP)						
On Comm-derived schedule						
Timing of project						
Grant opportunity/eligibility						
Goes beyond city management activities						
Result of regulatory mandate.						
Multiple benefits						
Protects high quality resource						
Location in watershed						
TMDL related						
Protects natural resource						


