

# elm creek Watershed Management Commission

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

## Technical Advisory Committee Meeting Minutes - March 9, 2022

I. A virtual meeting of the **Technical Advisory Committee (TAC)** of the Elm Creek Watershed Management Commission was convened at 9:02 a.m., Wednesday, March 9, 2022.

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

Also in attendance: Doug Baines, Dayton; Nathan Campeau, Joe Waln, and Heather Lau, Barr Engineering; Jeff Weiss, Minnesota Department of Natural Resources (MNDNR); Steve Christopher, Board of Water and Soil Resources.

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

III. Motion by Danzl, second by Scharenbroich to approve the **minutes**\* of the February 9, 2022, meeting. *Motion carried unanimously.*

### IV. **Proposed Rules Revisions – Low Floor/Freeboard.\***

**A. Background.** The Commission's technical staff and TAC have been discussing revisions for the low floor rules based on the risk to structures. Staff and TAC members have also reviewed freeboard rules required by state agencies, member cities, and adjacent watershed organizations. *Freeboard* is the technical term applied to the vertical height between the 100 Year event peak flood stage and the lowest regulatory height that a structure must be built to. Minnehaha Creek Watershed District is the only jurisdiction that uses the low opening as the regulatory height instead of the low floor used by all the other nearby entities reviewed.

Together the staff and TAC have drafted preliminary rule revisions that transition to a three-tiered approach based on the unique flood risk posed to structures based on the flooding source without over complication of the Commission's rules. They recommend the tiered approach to recognize the differences in flood risk from large waterbodies that may have flood stages that last weeks or months from those of small stormwater ponds and waterbodies where the flood stages last hours or days. The flood risk, especially that caused by groundwater sources, is significantly lower to structures surrounding these small stormwater ponds and waterbodies. Exhibit A of Staff's February 18, 2022, memo shows a diagram of the proposed freeboard requirements. The memo outlines the proposed revisions to the existing rules. The revisions would go into effect as soon as approved by the Commission and a Minor Plan Amendment is approved by the Minnesota Board of Water and Soil Resources.

**B. Discussion.** The members discussed the use of the term *hydraulically connected waterbodies* and agreed that its definition should be included in the revised rules, along with the definition

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for *emergency overflow*. It was also agreed that *hydraulically connected waterbodies* may still be too ambiguous and not achieve the desired outcome to remove indeterminate terminology in the existing rules (such as “nearby” and “adjacent”). Staff agreed to draft a definition for *hydraulically connected waterbodies* to address potential surficial and groundwater sources.

### V. Revisions to Rules.\*

**A. Background.** In 2021, the Minnesota Pollution Control Agency (MPCA) issued a new Municipal Separate Storm Sewer System (MS4) Phase II general permit to Minnesota cities. An individual MS4 Phase II permit requires a city to develop and implement a stormwater pollution prevention program to reduce the discharge of pollutants from their storm sewer systems. All member communities in the Elm Creek Watershed Management Commission are MS4 Phase II permit holders.

The revised MS4 Phase II permit requires:

1. For non-linear projects, treatment of the amount of 1.0-inches of runoff from new and fully reconstructed impervious surfaces.
2. For linear projects, treatment of (a) 1.0-inches of runoff from the new impervious surface or (b) 0.50-inches of runoff from new and fully reconstructed impervious surfaces, whichever is greater.

The 2015 Third Generation Elm Creek Watershed Management Commission Plan rules require applicants to provide treatment in the amount of 1.1-inches of runoff from the net, new impervious areas for projects with construction disturbance of more than one acre. The revisions to the MS4 Phase II permit create inconsistencies between the Third Generation Plan rules and the rules of its member cities as required by the newest MS4 Phase II permit. Staff propose to revise the Commission’s rules to align with the MS4 Phase II permit requirements. These proposed revisions will have the greatest impact to redevelopment, including public works projects (i.e., road projects) and will have negligible impact to new construction projects on greenfield sites. It is important to the Commission’s member cities that its rules be aligned with their MS4 Phase II permit requirements so as to be at least as stringent as those of its member cities and to create consistency in the project review process.

**B. Timeline.** The MPCA updated MS4 discharge permits to the Commission’s member cities in October and November 2021. The member cities have one year to come into compliance with the new MS4 Phase II permit requirements. Project reviews submitted to the Commission after November 30, 2022, shall be required to follow the revised requirements. This rule shall go into effect as soon as a member city fully implements its new MS4 Phase II permit and a Minor Plan Amendment is approved by the Minnesota Board of Water and Soil Resources, no later than November 30, 2022.

### C. Discussion.

In response to discussion at the February TAC meeting, the following language regarding linear project was supplemented:

Linear projects that create one acre or more of new or fully reconstructed impervious surfaces must meet all Commission requirements for 1.1-inches of runoff from the new impervious surface or 0.55-inches from the combination of new and fully reconstructed impervious surfaces, whichever is greater. *When this volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first.*

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\*included in meeting packet

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*Volume reduction practices are not required if the practices cannot be provided cost effectively. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume.*

Definitions from the MS4 rules for the terms *fully reconstructed impervious* and *linear projects* will also be added to the revised rules.

### VI. 2022 Capital Improvement Program.

A. Staff's March 2, 2022, memo\* outlined the potential projects for the 2022 CIP. As shown in Table 4.5\* of the Third Generation Plan, they are:

Project	City	Comm Share	Levy
Ranchview Wetland Restoration	Maple Grove	\$250,000	\$265,125
Fox Creek, South Pointe Restoration	Rogers	22,500	23,861
Downtown Pond Expansion & Reuse	Rogers	101,500	107,641
Lowell Pond Raingarden	Champlin	100,000	106,500
Tower Drive West Stormwater Improvement	Medina	67,813	71,916
S Fork Rush Creek Stream Restoration**	Maple Grove	270,834	287,219
City Cost Share*		100,000	106,500
Partnership Cost Share*		50,000	53,250
TOTAL		\$962,647	\$1,022,012

\*New projects in 2022 \*\*the proposed amount is 1/3 the total requested Commission share

If all projects proceed as proposed the Commission would exceed the voluntary levy cap of \$500,000 as stated in the Plan or as revised to \$750,000 as recently discussed.

Two of the projects, the City Cost Share and Partnership Cost Share programs, were approved by the Commission in August 2021. Other projects on the potential CIP were previously added to the CIP for 2022 or were rescheduled to 2022. One project, the South Fork Rush Creek Restoration project, is new and was submitted by Maple Grove for consideration. Those three projects would have to be added to the CIP via Minor Plan Amendment (MPA) to be further considered. That MPA is scheduled to be initiated at the April meeting and finalized at the May meeting so that a maximum 2022 levy can be conveyed to Hennepin County by June 1. Brief descriptions of all of the projects were provided in Staff's memo.

B. **Discussion.** Nelson, Danzl, and Simmons indicated their cities' projects should be moved to future years; Asche stated that the Ranchview Wetland project requires more discussion and should be moved out two-three years. With removal of the Champlin, Medina, Rogers and Ranchview projects to future years, it was suggested to increase the South Fork Rush Creek project share to 50% in 2022. With these adjustments, the 2022 CIP would look like this:

Project	City	Comm Share	Levy
S Fork Rush Creek Stream Restoration***	Maple Grove	\$406,250	\$430,828
City Cost Share		100,000	106,500
Partnership Cost Share		50,000	53,250
TOTAL		\$556,250	\$590,578

\*\*\* the proposed amount is 1/2 the total requested Commission share

Motion by Cantarero, second by Scharenbroich to recommend to the Commission approval of this proposed 2022 CIP. *Motion carried unanimously.*

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\*included in meeting packet

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### VII. RFPs – Revisions to HUC 8 Model.

**A. Background.** On February 18, 2022, TAC Chairman Asche transmitted an RFP requesting a scope of work to revise the HUC-8 model provided by the MN DNR to the Commission on January 24, 2022, based on Stantec's Third-Party Review. The Third Party Review identified several reasons the HUC-8 base flood elevations were significantly different than the 2016 FIS. The RFP was sent to Barr Engineering, the firm that performed the initial HUC 8 Study, and Stantec Consulting Services.

Responses were received from each firm on March 2, 2022, and were included in the meeting packet. As stated in their proposal, Barr anticipates a proposed budget of \$25,940. Including optional tasks, Barr proposes a total budget of \$30,740. Stantec proposes a budget of \$65,875 to perform the work outlined in their RFP.

#### **B. Discussion.**

Asche reviewed the work the MN DNR still has to complete including cleaning up floodway and floodplain boundaries and double checking flood elevation to ensure no downstream flood elevations are higher than upstream flood elevations.

Calibration was not conducted in the upstream watershed or in the middle of the watershed with the initial work completed.

Weiss indicated the DNR performed a conservative analysis. Looked closely at what structures are in the floodplain.

Are out-buildings considered in the floodplain? Yes, but to a lower standard.

Campeau: Barr team will be the same group that conducted the initial modeling, plus Brandon Barnes.

Regarding floodway differences. Almost no structures allowed in floodway. Controversial. Make sure we get floodways right.

Weiss: Other watersheds have submitted rough drafts of their floodways, then work is done by the DNR.

The RFP included one meeting with communities followed by a meeting with DNR. At the time of the meeting with the DNR our goal is to have the model nearly finalized.

Different reservoir routing methods. 52 vs. total of 77. Is it worth the money to do them all?

Vlach: Make sure that model calibration results are a deliverable. Barr, it's in. Stantec it's in the memorandum.

Asche: The goal of this project is a more accurate model, more reflective of real life conditions the communities are comfortable with.

Nelson: Is Barr submittal complete? How does it fit in?

Asche: DNR has indicated the model is in a good enough place to go forward with their final revisions and submittal to FEMA. This RFP is additional and separate work to improve model accuracy via additional calibration and to provide work products to each community for review and comment as well as compare the model outputs with real life experience.

Vlach: Floodway analysis is important.

If [go with] Stantec, eliminate subtask 7. Always to be done by DNR.

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*\*included in meeting packet*

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Motion by Simmons, second by Scharenbroich to recommend to the Commission to select Stantec minus Task 2, subtask 7. Motion carried, Dayton abstaining.

### VIII. West Metro Water Alliance (WMWA).

WMWA is considering creating a part-time employee position to conduct regular outreach including providing workshops and trainings for citizens, city staff and elected officials and help public partners to meet federal, state, and local rules and MS4 requirements. This position will coordinate other outreach activities, promote cost-share grants, and maintain a higher level of communications between the member watersheds and cities. This position is modeled after the very successful East Metro Water Resources Education Program (EMWREP) which began in 2006 with a single full-time employee and the goal of raising public awareness and inspiring behavior change to protect and improve water quality.

### IX. 2022-2023 Watershed-Based Implementation Funding (WBIF) Convene Meeting.

A. Present were Nelson and Cantarero representing the member cities, Baines, representing the Commission, Guentzel, representing Hennepin County as the Soil and Water Conservation District, Christopher as the BWSR Board Conservationist, and Spector, serving as the facilitator.

It was agreed that members would use "consensus" as its decision-making process.

B. Members agreed to review existing subwatershed assessments to identify projects and to also consider undertaking additional SWAs if they can be identified in time for WBIF funding. They would also look at the CIP to identify other projects and to reach out to cities to determine if local projects can be expanded for water quality if the money is not initially available.

The watershed-wide TMDL should also be reviewed to identify places where projects can be developed to help meet load reductions.

The members queried Christopher on what over activities, such as studies, would be eligible for the WBIF funds. Spector will send out a spreadsheet of projects for consideration at the next meeting.

Funding is available July 1, 2022; the grant expires December 31, 2025. Funds allotted to the Elm Creek Partnership total \$297,774. One or several projects can be chosen for funding. The deadline to complete eLINK work plans for approval by BWSR is March 30, 2023.

C. The **next Convene meeting** will be held during the April 13, 2022, TAC meeting and will begin at 10:45 a.m.

X. The **next Technical Advisory Committee meeting** will begin at 9:00. **NOTE:** *The times of these meetings may be adjusted to accommodate the number of items on their agendas.*

There being no further business, the meeting was adjourned at 11:25 a.m.

Respectfully submitted,



Judie A. Anderson  
Recording Secretary  
JAA:tim

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

*\*included in meeting packet*