

elm creek

Watershed Management Commission

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

Regular Meeting Minutes March 10, 2021

I. A virtual meeting of the Elm Creek Watershed Management Commission was called to order at 11:31 a.m., Wednesday, March 10, 2021, by Chair Doug Baines.

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

Also present: Kevin Mattson, Corcoran; Jason Quisberg and Nico Cantarero, Wenck/Stantec, Dayton; Derek Asche and Mark Lahtinen, Maple Grove; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Kris Guentzel, Hennepin County Environment and Energy (HCEE); and Ross Mullen, Ed Matthiesen and Diane Spector, Wenck/Stantec.

Present for Project Review 2021-002 were: Emily Shaw, Jerremy Foss, and Whitney Behny, ISG, Inc.; Jennifer Edison and Jake Newhall, WSB Engineering; Paul Tabor, Lennar Corporation; and Amy Enga, Rogers.

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

B. Motion by Weir, second by Walraven to approve the **Minutes*** of the February 10, 2021 regular meeting. *Motion carried unanimously.*

C. Motion by Guenther, second by Walraven to approve the March **Treasurer's Report and Claims*** totaling \$30,081.56. *Motion carried unanimously.*

II. Open Forum.

III. Action Items.

A. Hearing no additional nominations, motion by Weir, second by Walraven to elect the following individuals as **officers for 2021**: Baines, Chair; Weir, Vice Chair; Walraven, Secretary; and Guenther, Treasurer. *Motion carried unanimously.*

B. Motion by Weir, second by Walraven to approve and authorize the Chair to sign the **Professional Services Agreement** between the Commission and Stantec Consulting Services, Inc. *Motion carried unanimously.*

C. Motion by Walraven, second by Weir to approve and the Chair to sign the **2021 Cooperative Agreement** between the Commission and Hennepin County Environment and Energy Department. *Motion carried unanimously.* The agreement is in the not-to-exceed amount of \$123,050. \$10,000 is allotted for technical services, the remainder for the Rush Creek BMP project cost-share.

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D. Motion by Weir, second by Cesnik to approve and the Chair to sign **Resolution 2021-01 Authorizing the Electronic Storage of Government Records, Electronic Transactions, and Electronic Signatures.** *Motion carried unanimously.*

E. **Project Reviews – Boston Scientific, Maple Grove.**

1. **2019-024 Boston Scientific Weaver Lake Road, Building 2 East Addition.*** Boston Scientific is building an addition on the east side of Building 2 to provide more production and office space for their existing facility. The project includes moving the existing service drive and site utilities on the east side of Building 2 to the east within the Boston Scientific property to create space for the addition. About 1.9 acres of the site will be disturbed and 1.06 acres of impervious surface will be added. This project was reviewed for compliance with Rules D, E, F, and I. At their September 11, 2019 meeting the Commission approved the project contingent upon: (1) a site plan providing the irrigation areas to be irrigated by the new system and (2) an operation and maintenance plan for the irrigation system approved by the City and the Commission and recorded on the land title. The applicant and their engineer have developed overall stormwater management alternatives for this and potential future projects. They are still deciding the best approach to move forward before providing the Commission with final stormwater management plans. Staff made preliminary comments on the draft plans in September and await the final submittal to determine compliance with this project and future expansions. Updated information was received in January 2021 and is being evaluated as part of project 2021-001 in conjunction with the approval conditions on this project.

2. **Project Review 2021-001 Boston Scientific Maple Grove Campus.*** This project would construct a new access drive and expand an existing parking lot. The Maple Grove campus address is 1 Scimed Place. The application is being reviewed for Rules D and E and includes stormwater management features for this project as well as projects 2019-024 and 2021-006. Combined, the three projects will disturb 29.2 acres and create 4.8 acres of new impervious area. Stormwater requirements would be met with existing ponds modified to provide an iron enhanced sand filter. The irrigation system for project 2019-024 will still be constructed but will not be relied upon to meet Rule D stormwater requirements. Staff recommends approval of this project with three contingencies.

3. **Project Review 2021-006 Boston Scientific WL3 West Building.*** This project would expand an existing building on the Boston Scientific Maple Grove campus. The project would disturb 5.3 acres and create 0.2 acres of new impervious. The project triggers Rule D and Rule E. Rule D was reviewed under project #2021-001. In their findings dated March 2, 2021, Staff recommended approval of this project contingent on the approval of project #2021-001 for Rule D compliance.

Motion by Walraven, second by Weir to revise approval of project 2019-024 to be unconditional, to approve project 2021-001 with three conditions as cited in Staff findings dated March 2, 2021, and to approve project 2021-006 per the condition cited above. *Motion carried unanimously.*

F. **Project Review 2020-033 Weston Woods, Medina.*** This project would create 150 residential units on a 135-acre undeveloped site located north of Highway 55 and east of Mohawk Drive. The project will disturb 49.2 acres and create 17.49 acres of impervious area. The deadline for the Commission decision was extended by the applicant to April 3, 2021. Motion by Walraven, second by Weir to approve this project with the four conditions outlined in Staff's findings and recommendations dated March 3, 2021. *Motion carried unanimously.*

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G. Project Review 2021-003 Cranberry Ridge, Plymouth.* This project, located north of Highway 55 and south of Old Rockford Road, would construct an apartment building, parking lot and driveway access off Old Rockford Road. The existing site has two single-family residential structures that will be removed. The project would disturb 2.73 acres and create 1.06 acres of new impervious surface. Stormwater management will be provided with filtration basins. Motion by Trainor, second by Weir to approve this project with no conditions per Staff findings dated March 3, 2021. *Motion carried unanimously.*

H. Project Review 2021-005 WJD Two Thirds Addition, Rogers.* This is a 14.8-acre residential project located on the south side of 137th Avenue North, approximately 400 feet west of Northdale Boulevard. Rachel Development is proposing 56 townhomes and a 134-unit apartment building on the property. The initial site grading and stormwater management were approved by the Commission under projects 2001-017 (WJD) and 2003-003 (The Rogers Retail Centre 2nd Addition). In their findings dated March 3, 2021, Staff recommends approval with two conditions. Motion by Weir, second by Walraven to approve this project per Staff findings. *Motion carried unanimously.*

I. Project Review 2021-002 Skye Meadows Variance, Rogers.* The applicant is proposing to construct a residential development on 130 acres along Territorial Road. The project would create 363 single family residential units, creating 38.73 acres of new impervious areas in seven phases. All phases of the project were initially reviewed under project 2020-016 for stormwater management, erosion controls, floodplain alterations, wetland alterations, and buffer strips. This review, dated March 4, 2021, is for a variance request for lots 1 through 11 regarding the low floor freeboard requirements of the Commission’s Rule D. At the February meeting, Staff was directed to develop for consideration at the March meeting a resolution making findings documenting why a variance is justified.

On February 17, 2021, the Technical Advisory Committee convened to develop a set of questions directed to ISG in response to discussion at the Commission’s February meeting. Included in the meeting packet were **ISG’s February 26, 2021 responses*** to those questions. Also included in the packet was a **presentation* by ISG** depicting the high water level (HWL), low floor elevation (LFE), emergency overflow (EOF) numbers of lots 9-11, adjacent neighborhood home elevations, wetland impacts, street profiles, and economic concerns.

On March 8, 2021, John Enga, a Rogers resident, submitted email questions to the Commission regarding this project. **ISG’s responses* to Enga’s questions** were also included in the packet.

Following involved discussion, motion by Trainor, second by Jullie to grant the variance as proposed. *Voting aye – Champlin, Dayton, Maple Grove, Medina, and Rogers; voting nay – Corcoran and Plymouth. The motion passed.* Technical, legal and administrative staffs will work with the applicant to craft the variance resolution for approval at the April meeting.

IV. Old Business.

The Elm Creek **Flood Risk Review meeting** has been rescheduled from March 18 to April 13, 2021, from 1:00-3:00.

V. New Business.

All MS4 cities with a Total Maximum Daily Load (TMDL) and Waste Load Allocation (WLA) must submit a **TMDL application** to the Minnesota Pollution Control Agency (MPCA) by April 15, 2021. This application is required and summarizes a city’s progress in meeting its WLA for its applicable TMDL. Cities

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will need to identify both public and private Best Management Practices (BMPs) that are within the watershed of impaired water bodies and quantify the pollutant load reduction they are providing. This will be used to determine the city’s progress on meeting its TMDL requirements as well as chronicle a compliance schedule. Because many of these BMPs will have gone through a permit review for Elm Creek there is potentially an opportunity for the Commission to provide support in completing this requirement. The Technical Advisory Committee (TAC) will meet to determine if this would be beneficial to member cities and provide a net benefit. It is anticipated this work will be solely composed of reviewing and compiling project review records. *[Friday, March 19, from 1:00 to 3:00 was chosen as the time for this TAC meeting.]*

B. A meeting of the TAC will also be convened to **review discrepancies** between the Commission and member city Rules and Standards.

VI. Communications.

A. Staff Report.* Staff reports provide updates on the development projects currently under review by Staff or awaiting final recordations. The projects listed in the table on page 7 of these minutes are discussed in the March report.

B. Hennepin County March Updates.*

1. HCEE recently posted for a Conservation Specialist who will lead implementation of the **Rush Creek Clean Water Fund (CWF) Implementation Grant**. This individual will be on staff by early April. County staff are working internally to develop an outreach and marketing campaign to seek out landowners to work with this spring and summer.

2. HCEE staff met with Wenck staff to discuss assistance on development of the **Diamond Lake subwatershed assessment (SWA)**. Wenck staff are completing report deliverables and County staff will provide feedback on implementation feasibility. This work will be completed following snowmelt.

3. Jubert Lake Agricultural BMPs. Designs for two projects are finalized and Phase 1 projects along the creek and associated tangential drainage BMPS are going through final edits before being sent to the landowner for final approval and contracting. The County will be engaging contractors to complete Phase 2 designs and permitting for all projects in early spring. Phase 1 project implementation will likely occur this fall with Phase 2 projects commencing in 2022. These projects are on multiple parcels west of Jubert Lake. Design and implementation are being funded through a funding partnership with the Commission, Hennepin County, the State of MN CWF grant, and the parcel landowners.

4. Agricultural Soil Health Initiative. In late February, Hennepin County staff sent mailers to targeted farmers regarding cover crops and other soil health initiatives. County staff will be sharing those materials with the Commission as they become available. Attached to the report were a flyer on the Soil Health Initiative Program and a copy of an invitation letter directed to local landowners.

C. HF1586.*

Included in the packet was correspondence regarding legislation being proposed by State Representative Paul Torkelson regarding funding for a feasibility study to consider merging watershed districts and soil and water conservation districts. Staff will monitor the progress of this proposed legislation.

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D. Reminders.

1. The Budget Committee will meet in April. Commissioners will consider the **2022 budget** at the May meeting. The budget must be approved by the June meeting for transmittal to member cities by July 1, 2021.

2. Commissioners must accept the **2020 Annual Activity Report** at the April meeting with transmittal to BWSR by April 30, 2021.

3. The Performance Review and Assistance Program (**PRAP**) **coordinator** will describe the program at the May meeting. Commissioners will review the resultant report at the July meeting.

4. Commissioners must accept the **2020 Audit Report** at the June meeting with transmittal to the State Auditor by June 30, 2021.

VII. Education and Public Outreach.

A. The **West Metro Water Alliance** (WMWA) met on March 9, 2021, with the primary topic of discussion being education and outreach items in the new NPDES General Permit. A working group of city representatives had previously gone through the permit to list all the education and outreach requirements and identify which could be completed with the help of WMWA. A WMWA subgroup has been formed for each of the areas of concentration listed below. Members will focus on refining proposed deliverables and estimating resources (e.g., design assistance, fabrication, printing) necessary as well as a plan for disseminating the materials.

At the April WMWA meeting these will be combined into a proposal to complete the work using the WMWA Special Projects budget, which had a balance of \$10,700 at the end of 2020. The agreement between the four WMOs in WMWA (Bassett Creek, Elm Creek, Shingle Creek and West Mississippi) requires that Special Projects be approved by the four WMOs before expenditures can be made. This proposal is expected to be submitted to the Commissions for consideration at their May meetings. The goal is to have all the work identified below completed by the end of 2021.

B. Areas of concentration.

1. **Chloride.** Reduction in chloride use is a priority in the latest NPDES permit. Three of the four WMOs also have at least one chloride stream impairment. Potential WMWA work could include:

a. Commercial – Multi Family – Institutional Property Maintenance Guide. Update the guide that already exists, Coordinate with the HCCI project that is developing Winter Maintenance Chloride Management Plan templates for private applicators and property managers

b. Residential brochure - Residential one-page handout / rack card

c. Sample Ordinance?

2. **Pet Waste.** This is an area also called out in the permit for specific actions, including education and outreach. Potential WMWA work could include:

a. Standardized educational signage to put at dog parks

b. One-page handout or brochure for distribution at events and at dog parks

c. Signage near pet waste bag distribution areas in parks and other publicly owned properties?

d. Sample Ordinance?

3. **Training and Materials Library.** WMWA’s website will become a depository for both education/outreach and training materials. Cities, WMOs, agencies and other interested parties may submit material to the website administrator. The intent is to have a library of educational materials, newsletter articles, social media content, photos, videos, etc., that cities can draw on to meet their education and training needs. This will provide an opportunity, for example, for cities to rotate training videos so employees don’t watch the same one every year. The subgroup will also identify gaps where a professional writer or photographer may be hired to prepare additional content.

4. **Education and Outreach Plan.** Each MS4 is required to develop and maintain an Education and Outreach Plan. One subgroup will revise the WMWA Education and Outreach Plan with an activity that specifically relates to the NPDES General Permit and how WMWA undertakings at a regional level dovetail with locally-focused undertakings at the city level. This will clarify that city actions supplemented by WMWA actions will meet the NPDES education and outreach requirements.

5. The next **West Metro Water Alliance (WMWA)** meeting is a virtual meeting and is scheduled for 8:30 a.m., Tuesday, April 13, 2021. The **Zoom number** is <https://us02web.zoom.us/j/922390839>. Or call in at any of these numbers using **meeting ID: 922 390 839**: (1) +1 301 715 8592 US (Germantown); (2) +1 312 626 6799 US (Chicago); (3) +1 929 205 6099 US (New York); or (4) +1 253 215 8782 US (Tacoma). The **passcode is water**.

VIII. **Grant Opportunities and Project Updates.**

IX. **Other Business.**

Adjournment. There being no further business, motion by Walraven, second by Weir to adjourn. *Motion carried unanimously.* The meeting was adjourned at 1:45 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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

A= Action item E = Enclosure provided I = Informational update will be provided at meeting 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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