

elm creek Watershed Management Commission

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MINUTES

Regular and Public Meetings | May 8, 2024

I. CALL TO ORDER. A meeting of the Elm Creek Watershed Management Commission was called to order at 11:38 a.m., Wednesday, May 8, 2024, in the Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN, by Chair Doug Baines.

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

Also present: Josh Accola, Stantec, Dayton; Mark Lahtinen, Maple Grove; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Erik Megow and Diane Spector, Stantec; Rebecca Carlson, Resilience Resources; Kevin Ellis, Hennepin County Environment and Energy (HCEE); Jen Dullum, BWSR; Amy Juntunen, JASS; and Carol Barclay, League of Women Voters, Council of Metropolitan Area Leagues.

II. AGENDA. Motion by Trainor, second by Walraven to approve the Agenda as presented. *Motion carried unanimously.*

A. Motion by Guenther, second by Trainor to approve the **Minutes* of the April 10, 2024, meeting.** *Motion carried unanimously.*

B. Motion by Guenther, second by Walraven to approve the **May Treasurer's Report and Claims*** totaling \$44,304.40. *Motion carried unanimously.*

III. OPEN FORUM.

IV. PUBLIC MEETING.

[The public meeting was opened at 11:43 a.m.]

On April 10, 2024, the Commission initiated a Minor Plan Amendment to the Third Generation Watershed Management Plan, adding two projects to the CIP and revising the cost of one existing project. This proposed revision is set forth in the *Notice of Minor Plan Amendment* included in Staff's May 2, 2024, memo.* The full CIP encompassing the proposed revisions as well as other housekeeping revisions proposed by the cities was included for information.

The purpose of this meeting is to discuss the proposed Minor Plan Amendment and any comments received prior to or at a public meeting. (Note, this is not a formal public hearing.) After that discussion, the Commission may consider a resolution adopting the Minor Plan Amendment contingent on the County Board approving the CIP portion of Minor Plan Amendment, which will be heard at a Board hearing in June-August 2024. As of this date, no comments have been received. No one was present to speak to the proposed amendment.

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The City of Dayton has submitted two projects to add to the CIP for 2025: a Diamond Lake drawdown/alum treatment and a French Lake drawdown. Both of these projects were recommendations in the Diamond Creek Subwatershed Assessment and some preliminary design work has already been completed.

Maple Grove requests that the Rush Creek Hollow Stream Restoration project cost be increased from \$1 million to \$1.6 million. It was originally submitted at \$1.6 million but was reduced to \$1 million at the time the CIP was revised in 2023. It was noted during discussion that the stretch of stream not within the Rush Creek Hollow development area will come before the Commission in 2025.

At their meeting preceding this one, members of the Technical Advisory Committee (TAC) recommended approval of the Minor Plan Amendment as written.

Motion by Guenthner, second by Walraven to adopt **Resolution 2024-01 Adopting a Minor Plan Amendment to the Third Generation Plan.*** *Motion carried unanimously.*

[The Public Meeting was closed at 11:48 a.m.]

[Cesnik arrived 11:49 a.m.]

V. PROJECT REVIEWS.

A. 2024-009 Heritage Christian Academy, Maple Grove.* The site is located at 15655 Bass Lake Road, west of the Bass Lake Road and Vicksburg Lane intersection and east of Nottingham Parkway. The proposed project consists of an expansion of the existing Heritage Christian Academy parking lot and a building addition. The project will disturb 3.0 acres of the 14.2-acre site. Site improvements include mass grading, construction of a building addition, construction of a parking lot addition, concrete sidewalk, curb and gutter, underground storage chamber, erosion control, and landscaping. The project triggers Rules D and E. A finding of facts memo dated April 30, 2024, is included in the May packet for Commission approval with the standard conditions of escrow reconciliation and an approved operation and maintenance plan for the underground stormwater system. Motion by Trainor, second by Cesnik to approve this project with those conditions. *Motion carried unanimously.*

B. 2024-010 Corcoran Storage II, Corcoran.* This is a 4.87-acre site located at 23730 Highway 55. The parcel is on the north side of the highway west of CR 19. It is located at the very edge of the Elm Creek Watershed border with the Pioneer-Sarah Creek Watershed border on the west and south edges of the parcel. The project appears to drain locally to the north and northwest to a small ditch, and then to a creek which drains south to the Pioneer-Sarah Creek WMO. The applicant proposes construction of a self-storage facility on the currently agricultural parcel. Existing site impervious is 0.12 acres, 2.73 acres of total impervious is proposed post project. The proposed project will disturb most of the parcel (4.8 of 4.87 acres). In their findings dated April 24, 2024, Staff recommends approval with three conditions: 1) escrow reconciliation; 2) updated wetland buffer monumentation on the site plans; and 3) a maintenance plan and

agreement as required by the City. Motion by Guenther, second by Walraven to approve this project as recommended. *Motion carried unanimously.*

C. 2024-011 Jaeger Jordan Ditch Stabilization Dayton.* This 5.96-acre site straddles two adjacent private parcels but is located primarily at 16630 Dayton River Road northwest of Vicksburg Lane. Both parcels drain to the Mississippi River. The applicant proposes stabilizing a ditch, which is not a public water, that drains to the Mississippi River with bank toe stabilization and grade control structures using rip-rap. The project, which includes limited tree clearing to facilitate the work, disturbs 0.66 acres. It will reduce existing sediment loading due to erosion in the ditch and reduce impacts of a recently upsized culvert under Dayton River Road which drains to the ditch. The project adds no new or reconstructed impervious. In their findings dated April 24, 2024, Staff are recommending approval with three stipulations: 1) escrow reconciliation, 2) complete erosion control plan details, and 3) provision by the City of title documentation on the BMP at Elsie Stephens Park used for floodplain mitigation which note this volume is compensation for the ravine stabilization. Motion by Katzner, second by Sharp to approve project 2024-011 with these three stipulations. *Motion carried unanimously.*

D. 2024-012 Dayton Interchange, Dayton.* This project is located on a 10.28-acre parcel at 17600 Territorial Road at the intersection of Holly Lane and Dayton Parkway. The site is situated at the northern edge of the Rush Creek subwatershed, just inside its edge with the Diamond Creek subwatershed. The parcel is between CR 81 and I94 east of Dayton Parkway directly south of French Lake. The applicant proposes converting the existing site, which has been used for parking and currently houses a cell tower and stormwater pond, to an industrial development containing one 132,100 square foot building and associated access, stormwater and parking. The proposed project disturbs 9.36 acres resulting in 7.24 acres of impervious area post project, a reduction from the existing 8.32 acres of impervious (net reduction of 1.1 acres of impervious). In their findings dated April 24, 2024. Staff recommend approval of the project with the standard conditions: 1) escrow reconciliation; 2) an operation and maintenance plan as required by the City, and 3) any other outstanding city requirements. Motion by Walraven, second by Trainor to approve this project as recommended. *Motion carried unanimously.*

VI. 2025 OPERATING BUDGET.

Staff's May 2, 2024, memo* outlines a proposed draft budget for 2025. The proposed budget shown in **Table 1** on pages 4 and 5 of the memo separates the operating expenses from the capital and other non-operating expenses and revenues, which are accounted for separately and which will be reviewed in June.

The 2025 budget as proposed is a continuation of the programs and activities undertaken in 2024, with some slight modifications. The overall proposed 2025 operating budget is about a \$3,800 decrease over the 2024 budget, mainly due to assumptions about project review costs. However, some budget modifications are also proposed:

The budget includes a proposed increase in the administrative budget, which has only been modestly increased in the past several years. In the meantime, there has been an increase

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in the number of TAC, WBIF and other meetings, and project and grant accounting has grown more complex. Generally, the amount of day-to-day business has increased over the past several years.

Meeting expense has increased with the increased cost of the meeting rooms.

The costs and revenues shown for project reviews in 2025 are based on the revised fee structure and our experience over the last few years. Some of the previous budgets simply brought forward old numbers, and in some cases overestimated costs and potential revenues. The Commission remained fairly constant at the number of project reviews until last year, with only 30 projects vs. 48-54 in the three previous years. This year Staff is estimating the number at 30-40.

Numbers for TRPD monitoring will be adjusted based on numbers supplied by Brian Vlach earlier this week. Regular monitoring will increase by about \$3,600.

USGS bills biannually but expects full payment at time of invoice, thus the erratic expenditure history.

One source of revenue that has, in the past, helped to subsidize the member assessments is investment interest. A combination of higher interest rates and a significant fund balance resulted in significant interest income in past years. As projects are completed and the Commission pays out levy and grant funds for those projects, interest earnings will fall.

The 2025 budget as proposed includes a 4.7% increase in city assessments. There was no increase in 2024. The proposed 2025 budget assumes a \$15,000 contribution from cash reserves. The Commission's Comprehensive Fund Balance Policy requires that the Commission maintain a cash reserve equal to either 50% of annual operating revenues or five months of operating expenses. Using the 2024 budget, that minimum reserve balance would be about \$157,000. According to the annual audit, the Unrestricted Fund Balance at the end of 2022 was \$141,927. However, there was also an unusually high project review fees escrow liability of nearly \$80,000 that had not yet been collected.

While the 2023 year-end balance is still under audit, it appears likely that the Commission currently maintains more than adequate cash reserves, especially since it appears at year end the budget ended with a \$58,000+ surplus due to interest earnings. Staff expect to have updated balance figures at the June meeting.

Table 2 details the proposed member city assessments for 2025 compared to previous years. The 2025 assessments are based on the revised legal boundary. It is not possible to do an apples-to-apples comparison of 2024 to 2025 to evaluate the impact of the boundary change on the assessments.

Assessments are based on share of taxable market value, and the table shows the taxable market value within each city's share of the watershed for 2024 compared to the 2023 value prior to the boundary change. While there is some variability year to year in market value and

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that variability is uneven across the cities, it is likely that a good share of the annual change this year was from the boundary revision.

Staff seek feedback on the budget, specifically whether the 4.7% increase is reasonable or if more should be contributed from reserves? The budget does not rely on an interest income windfall, although it may continue for another 2-3 years.

Staff estimated an operating surplus of \$58,000 in 2023, a small surplus in 2024 and no surplus in 2025, but will need a revision for monitoring costs. The TAC reviewed the numbers and was amendable to the 4.7% assessment increase, revised if necessary to accommodate the increase in monitoring costs.

Staff will make suggested and necessary revisions and provide a final draft budget at the June meeting, at which time the 2025 Operating Budget must be approved and sent to the cities.

VII. OLD BUSINESS.

Fourth Generation Plan. Spector reported that the 60-day notice has been sent out to the reviewing agencies for input as to what they want included in the Fourth Generation Plan. We have only received feedback from the Pollution Control Agency (PCA). We expect other responses to come in at the last minute. Staff will collect the responses for the June meeting, provide an encapsulation of what the Commission has accomplished under the Third Gen Plan; and discuss what the agencies and the Commissions want to see in the next Plan.

VIII. EDUCATION AND PUBLIC OUTREACH.*

West Metro Water Alliance (WMWA) will meet via Zoom at 8:30 a.m., May 14, 2024.

IX. COMMUNICATIONS.

A. Staff Report.* Staff reports provide updates on the development projects currently under review by Staff. The projects listed in the table on page 8 of these minutes are discussed in the May 1, 2024, report.

B. Hennepin County Staff Report.*

1. Christian Settling Basin, Dayton. The comment period has expired with no major comments on impact to wetland. Project is now in the contracting phase. Discussions with the contractor have confirmed the scope, budget and timeline. Installation is on track for late May or early June.

2. Bottema Wetland Restoration, Corcoran. The design team, consisting of county staff and two engineers at Houston Engineering, continue to work on designs for the wetland outlet structures that were damaged in last fall's severe rains. The project is still on pace for summer implementation.

3. Van Asten Cover Crops, Dayton. Hennepin County is currently in the contracting phase for the Soil Health Incentive Program to establish an approved warm season cover crop mix. Using program funds, the cover crop mix will be planted no later than June 1.

4. The **Project Funding Table** has been updated to reflect activity that occurred last month.

5. The last two pages of the report describe other **County programming**.

X. GRANT OPPORTUNITIES.

A. The Board of Water and Soil Resources (BWSR) biennially appropriates funding for a program called **Watershed-Based Implementation Funding (WBIF)**. WBIF funding is allocated to targeted watersheds to be distributed according to guidelines agreed upon by the eligible entities in the allocation area (“the Partnership”). The Elm Creek allocation for fiscal year 2024-2025 is **\$373,590**, which will become available July 1, 2024. A minimum 10% match is required. The second Convene meeting is scheduled for Monday, May 13, 2024, at 1:00, via Zoom.

B. Long-Term Natural Resource Protection.* Protecting and connecting the last-best natural areas within Hennepin County is a vision that has long been shared by Hennepin County, Three Rivers Park District and its natural resource partners like the Elm Creek Watershed Management Commission and its member communities. The data and tools to accomplish this, however, are difficult to access, have become outdated, and are not easily understood and applied by those who are routinely making and influencing land use decisions and investments.

This proposal,* put together by members of the County’s Dept. of Environment and Energy, is part of a multi-phase partner coalition aimed at better facilitating collaboration and enhancing vital natural resource networks across the county. The proposal will develop better interactive mapping tools, a centralized clearinghouse for natural resources data and best practices, and provide technical assistance from trusted partners that is more readily available and tailored to local needs.

Crucial to the Commission’s purpose and future objectives, the project will help the Commission, its member cities, and County staff evaluate and prioritize opportunities to work with communities and developers to find opportunities to go above and beyond Commission requirements to improve water quality and protect and restore natural resources. Identification of these opportunities has become an important theme in County and Commission cooperative agreements over the last several years as we seek to align goals and actions to eliminate water quality impairments and make progress toward TMDL goals. Knowing where these opportunities exist (e.g., projects from subwatershed assessments) and influencing projects has become increasingly important as our region has started to experience the impacts of climate change. Building climate resiliency into new construction and redevelopment, when possible, will insulate water quality improvements from the effect of changing precipitation patterns. It will also help protect public infrastructure from the impacts of climate change.

Hennepin County and Three Rivers Park District are building a coalition of partners to elevate the role of natural systems in ensuring that Hennepin County remains resilient, healthy, and thriving as rainfall patterns become more extreme in a changing climate. Coalition partners will include cities, park districts, watersheds, nonprofit organizations, and private developers.

Advancing a unified and deliberate countywide vision for protecting, restoring, and managing natural resources will contribute to a sustainable and healthy community that supports well-being, housing, economic prosperity, and engaged communities. The Coalition will:

- 1) Improve data to be ready for the 2050 comprehensive plan cycle, which will set land use, transportation, housing, parks, and water resources policy for the next few decades.
- 2) Create a countywide natural resources priority and opportunity map that is informed by local knowledge and data, not limited by jurisdictional boundaries, and reflects the interconnectedness and complexities of natural communities and waterways.
- 3) Build a collaboration framework that identifies how each partner can remain dedicated to their jurisdictional role while identifying opportunities and potential partners for broader impact.
- 4) Develop tools that are readily accessible and easy to understand when opportunities and challenges arise.
- 5) Share resources and expertise to help partners integrate the map, data, and tools into day-to-day operations and decision making
- 6) Practice bold and courageous leadership in advocating for changes to policies and priorities that center the full value of natural systems

County and Park District staff are hosting an interactive workshop for planning and natural resources staff. The workshop will begin the process of expanding the Coalition and will gather local knowledge and data that will inform the countywide priority and opportunity map. Staff from several ECWMC member communities received invitations. Space is limited but contact to Karen Galles (Karen.Galles@hennepin.us) if you are interested in attending. Additional opportunities to provide input will also be available over the next several months.

County and Park District staff are requesting a Letter of Support for the grant proposal to the Legislative Citizens Commission on Minnesota's Resources (LCCMR). A suggested template for the letter and a 2-page description of the grant proposal* were also included in the meeting packet. A Letter of Support does not imply financial commitment or a commitment of any other kind on the part of the commission.

Motion by Guenther, second by Cesnik to approve sending the letter of support. *Motion carried unanimously.*

[Trainor and Katzner departed 12:56 and 12:58 p.m., respectively.]

XI. OTHER BUSINESS.

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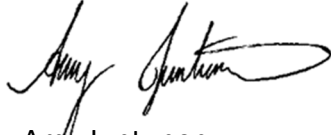
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XII. ADJOURNMENT. There being no further business, the meeting was adjourned at 1:05 p.m.

Respectfully submitted,



Amy Juntunen
Recording Secretary

AAJ:tim

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Project No.	Project Name		Project No.	Project Name
2014-015	Rogers Drive Extension.		2023-011	Sundance Greens 9th, Dayton.
2016-005W	Ravinia Wetland Bank Plan, Corcoran.		2023-013	River Valley Church, Maple Grove.
2017-050W	E Mayers Wetland/floodplain viola, Corc.		2023-015	South Fork Rush Creek Evanswood, M Grove
2018-046	Graco, Rogers.		2023-022	Shores of Sylvan Lake, Rogers.
2020-009	Stetler Barn, Medina.		2023-023	NORSQ, Maple Grove.
2020-017	Meadow View Townhomes, Medina.		2023-025	Rogers Mixed Use Improvement.
2020-033	Weston Woods, Medina.		2023-028	Rush Creek Hollow, Maple Grove.
2021-020	Crew Carwash, Maple Grove.		2023-029	Dayton Field 4th Addition.
2021-029	Tri-Care Grocery / Retail, Maple Grove		2023-030	Woodland Hill of Corcoran.
2021-034	BAPS Hindu Temple, Medina.			
2022-006	Hamel Townhomes, Medina.		2024-001	Saddle Ridge, Rogers.
2022-011	Arrowhead Drive Turn Lane Exprn, Medina.		2024-002	The Meadows Park, Plymouth.
2022-017	City Center Drive, Corcoran.		2024-003	Rogers Apartments.
2022-018	Big Woods, Rogers.		2024-004	Dayton River Road Turn Lane.
2022-022	Cook Lake Highlands, Corcoran.		2024-005	Rush Hollow North, Maple Grove.
2022-028	Elsie Stephens Park, Dayton.		2024-007	Eagle Brook Church, Plymouth.
2022-040	Kariniemi Meadows, Corcoran.		2024-008	Rogers HS Stadium Improvements.
2022-043	Meander Park and Boardwalk, Medina.	A E	2024-009	Heritage Christian Academy, Maple Grove.
2023-001	Chankahda Trail Recon Phase 2, Plymouth.	A E	2024-010	Corcoran Storage II.
2023-009	Magnifi Financial, Maple Grove.	A E	2024-011	Jaeger-Jordan Ditch Stabilization, Dayton.
2023-010	Rogers New Fire Station.	A E	2024-012	Dayton Interchange.
2023-020	Dunkirk Square, Maple Grove.		2024-013	Red Barn Pet Retreat, Corcoran.
			2024-014	Schmidt Woods Park, Plymouth.

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