

elm creek Watershed Management Commission

ADMINISTRATIVE OFFICE
3235 Fernbrook Lane
Plymouth, MN 55447
PH: 763.553.1144 • FAX: 763.553.9326
Email: judie@jass.biz
www.elmcreekwatershed.org

TECHNICAL OFFICE
Hennepin County
Dept. of Environment and Energy
701 Fourth Ave S Suite 700
Minneapolis, MN 55415-1600
PH: 612.348-7338 • FAX: 612.348.8532
Email: James.Kujawa@hennepin.us

Regular Meeting Minutes August 8, 2018

I. A regular meeting of the Elm Creek Watershed Management Commission was called to order at 11:32 a.m., Wednesday, August 8, 2018, 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; Sharon Meister, Corcoran; Doug Baines, Dayton; Joe Trainor, Maple Grove; Fred Moore, Plymouth; James Kujawa, Jason Swenson, and Kirsten Barta, Hennepin County Dept. of Environment and Energy (HCEE); Brian Vlach, Three Rivers Park District (TRPD); Jeff Weiss, Barr Engineering; and Judie Anderson, JASS.

Not represented: Medina and Rogers.

Also present: Todd Tuominen, Champlin; Brad Martens, Corcoran; Mark Lahtinen, Maple Grove; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Scott Dahlke, Civil Engineering Site Design, for project 2018-014; and Craig Allen, GWSA Land Development for project 2018-030.

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

B. Motion by Walraven, second by Moore to approve the **minutes*** of the July 11, 2018, regular meeting. *Motion carried unanimously.*

C. Motion by Moore, second by Walraven to approve the August **Treasurer's Report and Claims*** totaling \$42,252.65. *Motion carried unanimously.*

II. Open Forum.

III. Action Items.

A. **Project Review 2018-014 Refuge at Rush Creek (formerly Fehn Meadows 2nd Addition), Corcoran.***
The site is currently a 63-acre agricultural property located west of Cain Road on CR 117. The applicant proposes to subdivide the site into 14-residential lots. Public road and trail access will impact one wetland basin in two locations, totaling 15,687 SF of type 1 wetland impacts. Replacement at a 2:1 ratio in Bank Service Area (BSA) 7, Major Watershed 18-N. Fork Crow River is proposed. The wetland replacement plan has been noticed per WCA requirements. Staff has completed the project review. The Technical Evaluation Panel (TEP) has discussed the wetland replacement plan and is in agreement that the sequencing analysis per WCA requirements is adequate and impacts are justified. They, as well as Commission Staff, have concerns about the location of the replacement wetlands. Commission guidelines are that 1:1 replacement be in the ElmCreek Watershed area or, if no credits are available, in Hennepin County. TEP concerns are that this site is in wetland BSA 20 and the replacement is proposed in BSA 18. Staff extended the review deadline to August 22, 2018. A revised plan was received July 20, 2018. In their updated findings dated August 7, 2018, Staff recommended approval contingent upon final Staff approval and (1) certification from MN BWSR that 0.7593 acres of wetland banking credits from account #1643 have been transferred for use on this site or an escrow of \$90,000 is received from the applicant; (2) preservation and buffer areas meet the Commission and City of Corcoran's requirements for buffer and preservation and \$4,000 per acre escrow is secured by the Commission for buffer/preservation compliance and 5 year monitoring plan; and (3) operation and maintenance plans for stormwater ponds are approved by the Commission and City and recorded on the property title.

Staff noted that current plans do not meet preservation requirements. However, the Commission was agreeable to accepting the areas for preservation based on conditions enumerated by Staff, i.e., (a) a long-term

elm creek Watershed Management Commission

Regular Meeting Minutes – August 8, 2018

Page 2

maintenance plan must be included for Staff review and approval and must include performance standards for native vegetation establishment (75% minimum) and invasive, non-native vegetation (15% maximum) and a 5-year monitoring plan; (b) monitoring will be done by the Commission; (c) an escrow of \$4,000 per acre for establishment, maintenance and monitoring must be submitted; and (d) easement monument locations and signage must be provided for review and approval.

Motion by Moore, second by Walraven to approve Staff's recommendations and preservation conditions. *Motion carried unanimously.*

B. Project Review 2018-022 Fernbrook Fields, Maple Grove.* The City of Maple Grove is planning to construct athletic fields in the southwest intersection of 99th Avenue North and Fernbrook Lane. The project site is 19 acres in size and will consist of constructing four full-size, multi-purpose athletic fields. Staff site review will be for compliance with the Commission's Rules D, E and I. Staff granted administrative approval to begin grading and erosion control on this site on July 20, 2018, along with a review that made no recommendation on the project. In their findings dated August 7, 2018, Staff recommended approval of this project with no conditions. Motion by Trainor, second by Walraven to approve Staff's recommendation. *Motion carried unanimously.*

C. Project Review 2018-025W Watten Wetland Delineation/Replacement Plan, Corcoran.* This is an application for a wetland boundary/type determination, wetland replacement plan and the sequencing analysis of said plan. This is a vacant 5-acre residential flag lot on CR 10. Kjolhaug Environmental Services performed the wetland delineation on December 12, 2017 with a follow-up visit on May 2, 2018. Anderson Engineering completed the wetland replacement plan for construction of a residential gravel driveway (12' wide) for access to the buildable area. 4,422 SF (0.1015 acres) of one wetland basin will be impacted. 0.2030 acres of wetland banking credits are proposed to be purchased from B. Engstrom bank account 1643 (major watershed #20, BSA 7) for replacement of the impacts. In their findings dated July 27, 2018, Staff recommends approval pending receipt of BWSR certification of 0.2030 acres of wetland credits transfer for 0.1015 ac. of impacts on this project. Motion by Trainor, second by Walraven to approve Staff's recommendations. *Motion carried unanimously.*

D. Project Review 2018-026 Windrose, Maple Grove.* This proposed 8.5-acre townhome site is in the east quadrant of CR 101 and Bass Lake Road. The stormwater management plans for this area were approved by the Commission for their 2nd Generation Watershed Management Plan under project 2009-004 (Hustad Property/Markets at Rush Creek), but never completely constructed. Site plans are required to meet the abstraction and TSS standards of the Third Generation Plan and the original stormwater management design previously approved. Staff's review dated July 20, 2018 recommends site plan approval contingent upon verification of the wetland approvals by the City of Maple Grove and the approval and recording of the operation and maintenance plan on the filter basins. Motion by Moore, second by Walraven to approve Staff's recommendations. *Motion carried unanimously.*

E. Project Review 2018-027 CR202 Bridge, Dayton.* This project proposes a complete replacement of the existing bridge on Elm Road in the Elm Creek Park Reserve with a Timber Slab bridge. Staff has been working with the DNR and Hennepin County on the floodplain issues as they relate to the replacement. Staff review is for Rules E and F. In their findings dated July 24, 2018, Staff recommends approval of this project subject to changes or modifications to the SWPPP sheets, tabulation of the floodplain fill impacts proposed, and receipt of the project review fee. Motion by Meister, second by Walraven to approve Staff's recommendations. *Motion carried unanimously.*

F. Project Review 2018-028 Tricare Third Addition, Maple Grove.* This is a 2.1-acre area that will be split out of an 85-acre parcel north of CR 30 at 96th Avenue and Dunkirk Lane. An 18,000 SF commercial retail building with its associated parking and utilities are proposed. The Commission's review will be for compliance to rules D, E and I. In their findings dated August 7, 2018, Staff recommends approval of this project subject to approval and recording of the operation and maintenance plan on the filter basins. Staff also expressed concerns regarding the siting of the easement on the adjoining parcel and release of fluids from the project site. Motion by Moore, second by Trainor to approve Staff's recommendations, including follow-up with the City about the fluids. *Motion carried unanimously.*

RULE D - STORMWATER MANAGEMENT
RULE E - EROSION AND SEDIMENT CONTROL
RULE F - FLOODPLAIN ALTERATION

RULE G - WETLAND ALTERATION
RULE H - BRIDGE AND CULVERT CROSSINGS
RULE I - BUFFERS

elm creek Watershed Management Commission

Regular Meeting Minutes – August 8, 2018

Page 3

G. Project Review 2018-029 McConn Parcel, Plymouth.* This is a 6-acre parcel proposed to be developed into eight residential lots. It is located on the north side of CR 47 between Vagabond and Urbandale Lanes. The Commission's review will be for compliance with rules D, E and I. In their findings dated July 25, 2018, Staff recommends approval of this project subject to submittal of a SWPPP for a complete erosion control plan. Motion by Moore, second by Walraven to approve Staff's recommendations. *Motion carried unanimously.*

H. Project Review 2018-030 Pineview Meadows, Dayton.* This is 38.25 acre, multiple parcel subdivision proposed to be developed into 84 residential lots. It is located south of Dayton River Road, between Pineview and Vinewood Lanes. This item was discussed at the June and July 2018 Commission meetings in regards to a variance from Commission rules related to a landlocked drainage area. Staff is reviewing the plans and variance request based on plans submitted for review on July 11, 2018. Staff has also granted administrative approval for grading and erosion control to begin on the project site. Staff will undertake its review under rules D, E, G, I and K. In their findings dated August 7, 2018, Staff recommended approval of the project, including the three variances requested, subject to submittal of a SWPPP for a complete erosion control plan. The three variance are:

1. A variance from the requirement to reduce discharge rates to at or below existing discharge rates is needed due to the outlet being provided
2. A variance from the requirement to reduce TP and TSS to at or below existing discharge rates is needed due to the outlet being provided
3. A variance from the requirement to place an outlet from a landlocked area at or above the back-to-back 100-year rainfall level is required as the site will discharge at some level below the 100-year rainfall event (not back-to-back)

Commission Rule K states that that variances may be granted for items not in literal agreement with the Rules in cases where literal enforcement would cause practical difficulties or particular hardship and is consistent with the Commission's water resources plan and Minnesota Statutes under 103D.

Staff determined:

1. The land in question cannot be put to reasonable use if used under the conditions allowed by the rules. *A variance provides for beneficial use of the land in question.*
2. The plight of the applicant is due to circumstances unique to the applicant and not created by the applicant. *The situation was not created by the applicant.*
3. The variance, if granted, will not adversely affect the essential character of the locality and other adjacent land. *Development of the land does not differ from the character of the neighboring areas. The variance provides protection for adjacent property owners above and beyond what they have today.*
4. Economic considerations alone shall not constitute a hardship if the land may be put to reasonable use for the land exists under the terms of the rules. *The variance addresses the long term needs of the area as it develops.*

Motion by Moore, second by Walraven to approve the three variance as stated, with the recognition that nutrient loading will increase as a result of this project, but the discharge is to the Mississippi River and not to Elm Creek. The increase in nutrient loading offsite does not appear to impact adjacent properties. *Motion carried unanimously.*

Motion by Moore, second by Trainor to approve this project per Staff's recommendations as stated above. *Motion carried unanimously.*

RULE D - STORMWATER MANAGEMENT
RULE E - EROSION AND SEDIMENT CONTROL
RULE F - FLOODPLAIN ALTERATION

RULE G - WETLAND ALTERATION
RULE H - BRIDGE AND CULVERT CROSSINGS
RULE I - BUFFERS

elm creek Watershed Management Commission

Regular Meeting Minutes – August 8, 2018

Page 4

I. Motion by Moore, second by Trainor to contribute \$500 from the Education Budget for the **15th Annual Crow-River Clean-up Day**,* September 15, 2018. *Motion carried unanimously.* Donations are used to provide food, beverages and t-shirts with donor logos for every volunteer in the event. In the past 14 years nearly 3400 volunteers from 30 communities have donated their time to remove 67 tons of garbage and debris from 503 miles of shoreline of the Crow River and its tributaries.

IV. Old Business.

A. At the last meeting, following a recap of the July 10 meeting of the Hennepin County Board Administrative Committee where the Commission's proposed **Minor Plan Amendment** was heard, Staff was directed to draft a letter of response to a number of questions brought forth by the Hennepin County Commissioners, including:

1. How are the WMOs (and the County) taking climate change and changing precipitation patterns into account;
2. Are the projects being undertaken making a difference; and
3. What is the Commission doing about flooding issues?

During a follow-up conversation, Karen Galles, Land and Water Unit Supervisor, indicated that a letter of response would not be necessary; however, the Commission should consider ways to better inform the County Commissioner about the things it is doing, including outcomes of projects and successes in reaching goals. Staff suggested that the *Annual Report* could provide more content on projects and that copies of the report be mailed directly to the County Commissioners.

B. **Livestock Management Policy.** Following review and discussion of the draft policy and associated documents at the July meeting, Staff began reviewing individual city animal and manure ordinances at the request of member cities – comments and feedback will be provided directly to those cities by the September meeting. Staff will continue the minor revision process to the draft policy with a goal to return to the September meeting with a final draft policy.

V. New Business.

VI. Watershed Management Plan.

A. Included in the meeting packet was a copy of Metropolitan Council's comments on the **City of Corcoran's Comprehensive Surface Water Management Plan**. To be in full conformance with MN Rules Part 8410.0160 Met Council recommends two updates to the plan regarding stormwater runoff and the City's implementation plan. In addition to those requirements, the Council recommends prioritization of implementation projects, a summary of all impaired waters receiving runoff from the City, and clarification of stormwater management responsibilities within the City. Commission staff are still reviewing the Corcoran plan.

B. Staff will remind cities that have not submitted their **local plans** that the deadline for Commission review and approval is December 31, 2018.

VII. Water Quality.

VIII. Grant Opportunities and Updates.

A. **Watershed-based Pilot Funding.*** The next stakeholder input opportunity will be focus group meetings with each local government type (e.g., watershed districts, WMOs, SWCDs, counties, cities/townships). The first Watershed Management Organization (WMO) focus group meeting will be held on Thursday, September 13, 2018 from 9:00 am – 12:00 pm at the Capitol Region Watershed District office, 1410 Energy Park Drive, Suite 4, St. Paul. RSVPs to Marcey Westrick at Marcey.westrick@state.mn.us are requested by August 31.

The objective of the focus group meetings is to receive additional input about watershed-based funding from each local government type and develop potential approaches to bring to a larger forum meeting. At the

elm creek Watershed Management Commission

Regular Meeting Minutes – August 8, 2018

Page 5

focus group meetings, participants from each local government type will be asked to select 2-3 people to participate in the forum meeting.

B. Diamond Lake Subwatershed Assessment. At the July meeting the Commission approved a request from the City of Dayton to undertake a subwatershed assessment (SWA) of the Diamond Lake watershed. Barta volunteered to write the application, which is due August 31. As an update, Barta reported that the County is going to submit this SWA to the Metro Conservation District grant they are writing for SWA funding. Every county was asked to submit 1-2 applications. She also reported that every time MCD has applied for SWA monies they have been successful.

C. FEMA Floodplain Mapping. Swenson reported on the progress on this project. (See Staff Report.)

D. 319 Small Watersheds Focus Program. The Minnesota Pollution Control Agency (MPCA) is looking for interested watershed organizations to partner with in developing a long-term roadmap to support comprehensive implementation on a small-scale watershed. Selected "Focus Watersheds" will be prioritized to receive four 4-year grant awards to implement a series of projects outlined in the Focus grant workplan, provide a steady source of funding, focus implementation efforts, and achieve measurable water quality improvements on a specific waterbody. No projects in the Elm Creek watershed have been identified for funding in this round.

F. Internal Phosphorus Loading Control in Fish Lake project.* Vlach presented an update of monitoring results on Fish Lake through July 2018.

G. The final report for the **Rush Creek Headwaters Subwatershed Assessment** has been uploaded to: http://www.elmcreekwatershed.org/uploads/5/8/3/0/58303031/rush_creek_headwaters_swa_final_july_2018_1.pdf.

H. The City of Corcoran has requested that grant funding be sought for a **South Fork Rush Creek Subwatershed Assessment**. It was decided not to include this project on the SWA request that Hennepin County sent in for the Metro Conservation District grant because nothing has been done to date on the North Fork SWA. It was agreed that it would be advantageous to work on that first and see what kind of results are obtained or what lessons could be applied to future documents. Additionally, the Rural Conservationist is taking on the majority of the North Fork SWA implementation and there is not Staff capacity to implement a second SWA at this time.

IX. Education.

West Metro Water Alliance (WMWA). The next WMWA meeting is scheduled for 8:30 a.m., Tuesday, August 14, 2018, at Plymouth City Hall.

X. Communications.

XI. Other Business.

A. The following **projects** are discussed in the August 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. 2015-030 Kiddiegarten Child Care Center, Maple Grove.
5. 2016-002 The Markets at Rush Creek, Maple Grove.*
6. 2016-005W Ravinia Wetland Bank, Corcoran.
7. 2016-040 Kinghorn 4th Addition, Rogers.
8. 2016-047 Hy-Vee Maple Grove #1, Maple Grove.
9. 2016-052 The Woods at Rush Creek, Maple Grove.
10. 2017-014 Laurel Creek, Rogers.
11. 2017-016 Territorial Woods, Maple Grove.
12. 2017-017 Mary Queen of Peace Catholic Church, Rogers
13. 2017-019 Medina Senior Living Community, Medina.

elm creek Watershed Management Commission

Regular Meeting Minutes – August 8, 2018

Page 6


14. 2017-021 Hindu Society of MN Staff Housing, Maple Grove.
15. 2017-029 Brayburn Trails, Dayton.
16. 2017-034 Plymouth Memory Care, Plymouth.
17. 2017-037 L-80 Lift Station MCES, Corcoran.
18. 2017-038 Bass Lake Estates, Corcoran.
19. 2017-039 Rush Creek Apartments, Maple Grove.
20. 2017-044 Reserve at Medina 2nd Addition, Medina.
21. 2017-045 Fish Lake Estates, Maple Grove.
22. 2017-046W Wessell Wetland Delineation, Corcoran.
23. 2017-048W Ebert Parcel Wetland Delineation, Corcoran.
24. 2017-050W Ernie Mayer Wetland/floodplain violation, Corcoran.*
25. 2018-001 Rush Creek Commons, Maple Grove.
26. 2018-004 Rush Creek Restoration Project, Maple Grove.
27. 2018-005 Sundance Greens, Dayton.
28. 2018-007 Copper Creek of Nottingham, Maple Grove.
29. 2018-008 Hayden Hills Golf Course Subdivision, Dayton.
30. 2018-013 New Wayzata Elementary School, Plymouth.
31. 2018-014 Refuge at Rush Creek (Fehn Meadows Second Addition), Corcoran.
32. 2018-020 North 101 Storage, Rogers.
33. 2018-021 113th Lane Extension & Brockton Lane/CSAH 101 Intersection, Rogers.
34. 2018-022 Fernbrook Athletic Fields, Maple Grove.*
35. 2018-023 King Solutions Distribution Center Addition, Dayton.*
36. 2018-024W Schober Parcel Wetland Delineation, Corcoran.*
37. 2018-025W Watten Wetland Delineation/Replacement Plan, Corcoran.*
38. 2018-026 Windrose, Maple Grove.*
39. 2018-027 CR 202 Elm Creek Bridge Replacement, Dayton.*
40. 2018-028 Tricare Third Addition, Maple Grove.*
41. 2018-029 McConn, Plymouth.*
42. 2018-030 Pineview Meadows, Dayton.*
43. 2018-031 North Dayton AUAR, Dayton.
44. 2018-032 Encore Development, Corcoran.*
45. 2018-033 Cloquet Island Estates, Dayton.
46. 2018-034W NE Trunk Sanitary Sewer, Corcoran.
47. 2018-035 Edgewater East, Maple Grove.
48. 2018-036W D. Johnson Pond Excavation, Corcoran.*
49. 2018-037 Elm Creek Restoration Reach D. Plymouth.

B. Vlach reported that **Starry Stonewort** has been found in Medicine Lake, the first appearance in the metro area.

C. Scharenbroich reminded the members that the City of Plymouth is hosting a **Winter Parking Lot & Sidewalk Maintenance Training** on August 23, 2018 from 8:00am – 1:00pm at Plymouth City Hall. This event is designed for private contractors, city staff, property managers, and maintenance personnel and homeowners. Sign up at <https://www.eventbrite.com/e/winter-parking-lot-sidewalk-maintenance-training-city-of-plymouth-tickets-48591948827>

D. Adjournment. There being no further business, the meeting was adjourned at 1:32 p.m.

Respectfully submitted,



Judie A. Anderson, Recording Secretary
JAA:tim

Z:\Elm Creek\Meetings\Meetings 2018\08 Regular Meeting Minutes.docx