

# elm creek Watershed Management Commission

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

## Regular Meeting Minutes August 11, 2021

I. A virtual meeting of the Elm Creek Watershed Management Commission was called to order at 11:34 a.m., Wednesday, August 11, 2021, by Vice Chair Elizabeth Weir.

Commissioners present: Bill Walraven, Champlin; Tom Anderson, Corcoran; Travis Henderson, Dayton; Dan Riggs, Maple Grove; Elizabeth Weir, Medina; and Catherine Cesnik, Plymouth.

Not represented: Rogers.

Technical Advisory Committee members present: Kevin Mattson, Corcoran; Mark Lahtinen, Maple Grove; and Ben Scharenbroich, Plymouth.

Not represented: Champlin, Dayton, Medina, and Rogers.

Also present: Terry Sharp, Medina; Ross Mullen and Ed Matthiesen, Wenck/Stantec; James Kujawa, Surface Water Solutions; Joe Waln, Barr Engineering; Rebecca Carlson, Resilience Resources; Brian Vlach, Three Rivers Park District (TRPD); Kris Guentzel and Kevin Ellis, Hennepin County Environment and Energy (HCEE); and Judie Anderson and Amy Juntunen, JASS.

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

[Walraven arrived 11:37 a.m.]

B. Motion by Cesnik, second by Walraven to approve the **Minutes**\* of the July 14, 2021, meeting. *Motion carried unanimously.*

C. Motion by Walraven, second by Weir to approve the August **Treasurer's Report** and **Claims**\* totaling \$32,706.98. *Motion carried unanimously.* Included with the Treasurer's Report were:

1. **Year-to-Date Detail**\* of expenses and revenue, percentage of budget expended/realized year-to-date, and expenses/revenue extrapolated through the end of the 2021 budget year. Staff was requested to add a column showing the *percentage* extrapolated.

2. **Balance Sheet**\* showing the various fund balances and the unrestricted funds available.

3. **Project Billing Detail**\* from Wenck/Stantec showing activity through July 2021.

II. **Open Forum.**

III. **Action Items.**

A. **Project Reviews.**

1. **2021-021 Territorial Triangle, Dayton**.\* This site is in the easterly triangle of the Territorial Road and CR 81 intersection near the border of Dayton and Maple Grove. Rush Creek flows

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*\*included in meeting packet*

west to east, near the ROW of CR 81 along the south lot line on this property. The applicant is proposing to subdivide the 14+ acre parcel into 30 rowhome units and 56 townhome units. The project was reviewed for compliance with Rules D, E, F, and I. Two ponding basins are proposed for stormwater management. This work will disturb approximately 10 acres and create 5.7 acres of new impervious areas. Staff recommends approval of their findings dated July 22, 2021, contingent upon (a) final application escrow fee balance determination by the Commission administrator. Additional payment or refund of the fees will be determined when all conditions for approval are met and (b) The applicant shall provide a Stormwater Maintenance Agreement for the irrigation system that is acceptable to the City and the Commission within 90 days after the plat is recorded. Note: Staff administratively approved grading and erosion plans, contingent upon the applicant (1) receiving grading approvals from the City of Dayton and (2) accepting responsibility for any changes required for final approval by the Commission. Motion by Walraven, second by Riggs approve this project with the contingencies noted above. *Motion carried unanimously.*

**2. 2021-022 Rogers High School Batting Cages and Trail Improvements, Rogers.\*** This project is for improvements to existing batting cages and replacement of an existing trail. The work will disturb 1.55 acres and create 0.09 acres of new impervious surface. Stormwater management is provided by the existing on-site infiltration basin in the northeast corner of the site. The project was reviewed for Rules D and E. In their findings dated August 3, 2021, Staff recommended approval conditioned on escrow fee balance determination. Motion by Walraven, second by Henderson approve this project with that condition. *Motion carried unanimously.*

[T. Anderson arrived 12:23 p.m.]

**3. 2021-024 Riverwalk, Dayton.\*** This site is south of CR 12 (Dayton River Road) and west of River Hills Parkway approximately ¼ mile north of CR 144 (Diamond Lake Road). The applicant proposes to construct a new single family residential subdivision with 242 lots including one amenity lot and a city well site. Site development will include removal of an existing home site, grading 94 acres, and installation of municipal sewer and water, streets, and stormwater systems. The project was reviewed for Rules D, E, G, and I. In their findings dated August 4, 2021, Staff recommended approval with four conditions: (a) final application escrow fee balance determination. Additional payment or refund of the fees will be determined when all conditions for approval are met; (b) wetland alteration must be approved by the LGU (Dayton) prior to impacts; (c) wetland buffer vegetation establishment, including maintenance for two full growing seasons after planting, must be provided with the site plans; and (d) soil infiltration on basin 1NW must be determined with this basin designed according to infiltration volumes and discharges verified by the soil testing and MPCA design criteria. Motion by Walraven, second by Riggs to approve this project with those conditions. *Motion carried unanimously.*

**B.** At their July 22, 2021, meeting the Technical Advisory Committee (TAC) reviewed and revised its draft **Policy on Funding Internal Load Reduction Projects\*** and has forwarded it to the Commission for approval. The policy serves as the basis for consideration by the Commission of internal load reduction projects and partnership with member communities. Funding shall be up to 100% of the cost of the project and shall otherwise comply with Commission’s Capital Improvement Program policies and standards. Motion by Walraven, second by Riggs to adopt the policy, effective August 11, 2021.

**C. Cost-Share Programs.\*** At their July 22, 2021, meeting the Technical Advisory Committee (TAC) discussed ways to fund small city projects as well as BMPs (Best Management Practices) on private property. These projects are identified as “too small” to be placed on the CIP individually. Instead, these programs would each be placed on the CIP annually and monies would be used to fund projects as they are

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identified. Unallocated funds will carry over year-to-year and be maintained in designated fund accounts. Projects must be reviewed by the TAC and the TAC has discretion on a case-by-case basis to consider and recommend to the Commission projects that do not meet the letter of the proposed guidelines. Members of the TAC approved for recommendation to the Commission two programs:

**1. Cost Share Guidelines on Municipal Property.\*** Projects must be for water quality improvements that cost less than \$100,000 and be for improvements above and beyond what would be required to meet Commissions rules. Only the cost of the upsizing is eligible for this program. The Commission would share in funding the projects on a 1:1 basis.

**2. Cost Share Guidelines on Private Property.\*** Projects must be for water quality improvements that cost \$10,000 to \$50,000 and be for improvements above and beyond what would be required to meet Commissions rules. Only the cost of the upsizing is eligible for this program. The Commission may fund up to 100% of the cost of the qualifying BMPS.

Motion by Walraven, second by T. Anderson to approve the Cost Share Guidelines for projects on both municipal and private property. *Motion carried unanimously.*

**D.** Included in the meeting packet is a sample **final project review approval letter.\*** The letter would be sent to the member city where the project is occurring, denoting the final approval action taken by the Commission at their regular meeting. Accompanying the letter would be the final review findings submitted by the Commission’s technical consultant. The letter would be copied to the project engineer, the City’s Elm Creek Commissioner, the Commission’s reviewing consultant, and the City’s TAC member. Motion by Henderson, second by Walraven to approve the letter. *Motion carried unanimously.*

**E. Crow-Hassan Dog Park Stairs.\*** Three Rivers Park District is considering constructing a 15’ long by 3’ wide helical pile supported staircase to provide access to the Crow River in the Crow-Hassan off-leash dog park. The stairs will provide a safe access over an existing foot path that is steep and covered in tree roots. A photograph of the foot path over the bank is shown in Staff’s August 6, 2021, memo as is the proposed Glulam stairs. The construction of these stairs will reduce erosion near the Crow River caused by foot traffic over the bank, which is limiting the growth of vegetation that reinforces the bank resulting in significant erosion. Elm Creek watershed staff visited the site of the proposed stairs on July 1, 2021.

Under Elm Creek WMC’s rules, construction of the proposed stairs in the sand bar area would be classified as a “*land disturbing activity*” adjacent to the Crow River and, therefore, would trigger watershed rules D, E, I and possibly F. Based on the limited site design, Staff recommend to the Commission that the rules be waived due to the limited impact as described by the following:

**1. Rules D and E.** The proposed alteration would require a negligible amount of site disturbance and includes no new impervious surfaces. Therefore, construction of BMPs to meet the Commission’s rate controls, water quality controls, and volume controls is not applicable. Similarly, erosion and sediment controls for the plan are not necessary as construction/placement of these erosion control devices will create more disturbance than the project itself. The proposed helical piles will ensure that existing root wads remain in place, resulting in reduced erosion.

**2. Rule F.** Staff have discussed the placement of riprap around the stairs to locally reduce the velocity and limit scour around the stairs. Because the existing foot path has resulted in erosion of the site, the placement of a small amount of riprap to restore the bank is not considered floodplain fill (as it is not reducing the conveyance of the Crow River).

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**3. Rule I.** Pursuant to Rule I.5.g.i, an unimproved access strip through the buffer less than 20 feet wide, is allowed for recreational access to the watercourse.

Motion by Walraven, second by Riggs to approve Staff’s recommendation. *Motion carried unanimously.*

**IV. Old Business.**

**V. New Business.**

**A.** Review of BWSR’s **Performance Review and Assistance Program (PRAP)** report has been rescheduled to the September meeting.

**B.** Included in the meeting packet were **Staff’s August 3, 2021 memo\*** regarding in-person meetings, along with a **Presiding Officer Statement to Return to In-Person Meetings.\*** Last month it was anticipated the Commission would be returning to in-person meetings beginning with today’s meeting. However, the inability to reserve a room large enough to accommodate social distancing and the bringing in of lunches resulted in this being a virtual meeting.

Since the July meeting, concern regarding the Delta variant and the number of vaccinated folks contracting the variant has resulted in hesitation to resume in-person meetings. Also included in the packet was an email\* from the Commission’s Attorney Joel Jamnik responding to this concern. He cited 13D.021 , Subd. 1. Conditions:

A meeting governed by this section and section 13D.01, subdivisions 1, 2, 4, and 5, may be conducted by telephone or other electronic means so long as the following conditions are met:

(1) *the presiding officer, chief legal counsel, or chief administrative officer for the affected governing body determines that an in-person meeting or a meeting conducted under section 13D.02 is not practical or prudent because of a health pandemic or an emergency declared under chapter 12;*

(2) all members of the body participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(3) members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration;

(4) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the health pandemic or emergency declaration; and

(5) all votes are conducted by roll call, so each member’s vote on each issue can be identified and recorded.

It was a consensus of the members to call future meetings on a case-by-case basis. In-person meetings would be held in the same location as before the pandemic, in the Mayor’s Conference Room at Maple Grove City Hall. Virtual meetings would be held via Zoom. The decision will be the prerogative of the Chair and will be made timely and announced prior to the meeting notice.

**C. 2021 Capital Improvement Program.\*** A Minor Plan Amendment revising the 2021 CIP was approved at the Commission’s June 9, 2021, meeting. The Commission subsequently established proposed maximum levies for two projects:

**1. Project 2021-01** Elm Road Area/Everest Lane Stream Restoration, Maple Grove. Stream restoration along 800 LF of intermittent stream to reduce sediment and nutrient release to Elm Creek, reducing Ph and TSS loading by 15 lbs./year and 15 tons/year, respectively, and improving DO and habitat for fish and invertebrates. Proposed Levy: \$132,563.

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**2. Project 2021-02** Elm Creek Stream Restoration Phase V Hayden Lake Outfall, Champlin. Includes 3,800 LF of stream bank restoration located upgradient of the Mill Ponds. Proposed construction will improve impaired water with low DO, restoring the stream banks and providing habitat structure. Proposed Levy: \$159,075.

A letter emailed to Hennepin County on June 10, 2021, expressed the Commission’s intent to partially fund these projects through the County’s ad valorem levy process. Feasibility studies have been received, reviewed, and accepted by the Technical Advisory Committee (TAC). Chairman Doug Baines attended the July 27 Hennepin County Board committee meeting to represent the Commission. At that time the Commission’s maximum levy request was recommended for approval.

The final step in the CIP process is to hold a public hearing on the proposed projects. This should occur at the Commission’s regular September 9, 2021, meeting. At that time the Commission will formally order the projects, certify the levy to Hennepin County, and authorize the execution of cooperative agreements with the lead cities to contract the ordered projects.

Motion by Walraven, second by Henderson to call for a public hearing on September 8, 2021, for the purpose of certifying the 2021 (pay 2022) levy to Hennepin County, and to authorize the execution of cooperative agreements with the cities of Maple Grove and Champlin. *Motion carried unanimously.*

## 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 beginning on page 8 of these minutes are discussed in this month’s report.

As part of the Staff Report, Mullen provided an update on the **FEMA Modeling project.\*** Staff will send out a reminder asking TAC members, if they have not already done so, to provide their city’s pertinent information to Mullen.

### B. Hennepin County Updates.\*

**1. Natural Resources Strategic Plan.** A survey has been distributed to stakeholders and the public asking for feedback on what folks value and wish for the County to prioritize in its natural and water resources work. The survey is available at <https://www.hennepin.us/natural-resources-plan>, (<https://www.surveymonkey.com/r/L2QRWFS>) or by navigating to the County webpage dedicated to the plan: [Updating the Natural Resources Strategic Plan | Hennepin County](#). Updates are available at: [Hennepin County \(govdelivery.com\)](#). Public and stakeholder outreach will continue through the end of summer. Collaboration groups will also be convened in the coming weeks for stakeholders to provide direct input on planning content.

### 2. Project/Program Updates.

#### a. Rush Creek Projects

**1)** “Top of Hill WASCOP + Waterway”: Project is wrapping up in the next few weeks with some final grade touch up, seeding and erosion control installation. The WASCOP, intake/pipe and waterway all went in according to plan. (Photos are included in the County update.) Construction staking has occurred and Staff expect to break ground and begin project construction as early as this week, weather allowing.

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2) “Phase 1” projects: Design is out for some minor changes and construction is expected to start in October. Wetland permitting and design on Phase 2 projects comes next (to allow wetland permitting of all planned work at once). Construction on these projects is anticipated late 2021 and early 2022.

3) Landowner Outreach. Outreach materials for landowners with livestock on site have been developed and are in production. Materials will be mailed out within the next month and follow-up phone calls will be made to discuss potential projects. Posters advertising conservation opportunities will also be posted in feed/tack stores and veterinary clinics. Outreach materials for landowners with crops or a home in the subwatershed are currently in development.

b. Updates on seven other landowner issues are included in the report.

3. **Soil health programming** will occur in late summer/fall to coincide with cover crop planting and in advance of planning for 2022 growing season.

4. **Environment and Energy Grants** for deconstruction to salvage building materials are now open for application. Funding is available for building projects that use deconstruction techniques instead of standard demolition to remove materials during the destruction, alteration, or renovation of a building. In a deconstruction project, a building is taken apart mostly by hand, and materials are sorted into categories for efficient recycling and reuse. Property owners and developers can receive up to \$5,000 to help offset the additional time and labor costs associated with deconstruction. Grants are available for demolition or renovation projects on residential properties up to four units that are 500 square feet or larger on structures built prior to 1970. Learn more and apply at <https://www.hennepin.us/deconstruction>.

c. **2021 Buffer Inspection.\*** The 2017 Minnesota Buffer Law (MS 103F) requires Hennepin County (the acting SWCD) to perform monitoring on all buffer required parcels every three years. As part of the monitoring program, Hennepin County staff must field verify a percentage of parcels in the County to ensure compliance with the law. This monitoring may be conducted via aerial photo review or on-site review depending on availability of updated aerial photos and the buffer that is being verified.

Although this is not an inspection year for Elm Creek, a potential buffer issue was brought to the County’s attention and staff will be reviewing it this month. They will visit the parcel in Corcoran to verify the buffer is compliant with the Minnesota Buffer Law. The landowner will receive an inspection notice and a follow-up letter with the findings and any action needed to correct buffer problems. No action is required by the Commission at this time.

## VII. Education and Public Outreach.\*

The West Metro Water Alliance (WMWA) met on August 9, 2021, with two primary topics of discussion: final edits to the revised Education and Outreach Plan, and education and outreach items in the new NPDES General Permit.

A. **Education and Outreach Plan.** WMWA adopted its first Education and Outreach Plan in 2010 and updated it in 2015. Each revision reflected the changing scope and focus of WMWA as it matured and as cities’ needs changed. In the meeting packet is the proposed revised Education and Outreach Plan that now focuses on four key activities for WMWA: (1) facilitating sharing of information and materials; (2) developing and disseminating coordinated messaging; (3) actively providing education and outreach via Watershed PREP; and (4) searching and attempting to acquire alternate sources of funding to supplement Commission contributions.

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The following is an overview of the major revisions in the proposed 2021 Plan:

1. Added an equity statement affirming the group’s commitment to environmental justice for all and outreach to historically underrepresented groups.
2. Revised the general educational goals for non-single family property owners and managers to focus solely on providing information and guidance on appropriate BMPs.
3. Removed educational goals for developers as cities were seen as being the most appropriate points of contact with these stakeholders.
4. Removed educational goals for training city staff, as those are the responsibility of the cities.
5. Removed educational goals for agricultural property owners and operators as Hennepin County staff have taken on that role acting as the county Soil and Water Conservation District.
6. Added a key educational goal for all the stakeholders to “understand the relationship between climate and water quality and water quantity.”
7. Revised the plan to replace references to the Hennepin County website with the WMWA website.
8. Eliminated Measuring and Monitoring Public Awareness as a major task. One of WMWA’s first activities was sponsoring a professional opinion poll in the four watersheds regarding knowledge and behaviors. WMWA does not expect to repeat that poll due to cost but will build measuring and evaluating into individual activities.
9. Strengthened the Communication and Information Sharing activity to incorporate the website and social media.
10. Eliminated the Develop and Coordinate Regional or Countywide Activities task. Early on WMWA had sponsored a series of workshops for broader participation but found it to be an inefficient use of time and resources. The group will focus on spreading information about existing activities sponsored by other groups.

Motion by Walraven, second by Riggs to adopt the plan as revised. *Motion carried unanimously.*

**B. NPDES Education and Outreach.**

Each of the four WMOs has authorized \$1,000 of their WMWA special projects budget to be allocated to updating and printing materials specifically to meet the education and outreach requirements of the new NPDES General Permit. The WMWA steering committee discussed general messaging, and small groups will take on rewriting certain brochures/flyers. Once the group agrees on text a graphic designer will update the design with a common theme. Written materials to be updated include:

1. Commercial Snow and Ice Brochure
2. Residential Snow and Ice Brochure
3. Salt Envelope Stuffer
4. Pet Waste and Water Pollution Flier (Eden Prairie)
5. Water Softeners and the Environment (not on WMWA website, from the City of Eden Prairie)

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C. WMWA is seeking to hire an educator and to begin preparing for in-person Watershed PREP classes in the fall.

D. The **next WMWA meeting**, is scheduled for 8:30 a.m., Tuesday, September 14, 2021. Virtual or in-person format will be determined at the time the meeting packet is uploaded to the website.

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

**IX. Other Business.**

Included in the meeting packet is a notice from the City of Plymouth seeking input on the **reissuance of its MS4 permit**. Comments are due by August 20, 2021.

X. **Adjournment.** There being no further business, motion by Walraven, second by Riggs to adjourn. *Motion carried unanimously.* The meeting was adjourned at 12:56 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 DD			
					W=wetland	
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.				AR	2018-046	Graco, Rogers.
an.				AR	2018-048	Faithbrook Church Phase 2, Dayton.
ao.				AR	2019-002	Parkside Villas, Champlin.
ap.				AR	2019-021	Brenly Meadows, Rogers.
aq.				AR	2019-026	Interstate Power Systems, Rogers.
ar.				AR	2019-027	Havenwood at Maple Grove.
as.				AR	2019-032	OSI Expansion, Medina.
at.				AR	2020-001	Outlot L, Markets at Rush Creek, Maple Grove.
au.				AR	2020-008	lone Gardens, Dayton.
av.				AR	2020-009	Stetler Barn, Medina.
aw.				AR	2020-017	Meadow View Townhomes, Medina.
ax.				AR	2020-023	Ziegler Dayton Site Upgrades, Dayton.
ay.				AR	2020-025	Paulsen Farms, Corcoran.

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az.				AR	2020-027	Kariniemi Addition, Corcoran.
ba.				AR	2020-032	Enclave Rogers - Commerce Boulevard, Rogers.
bb.				AR	2020-033	Weston Woods, Medina.
bc.				AR	2020-036	Balsam Pointe, Dayton.
bd.				AR	2021-007	Birchwood 2nd Addition, Rogers
c.					2021-009	Palisades at Nottingham 3rd Addition, Maple Grove.
d.					2021-010	Gleason Field, Maple Grove.
e.					2021-012	The Oaks at Bauer Farms, Champlin.
f.	A	E			2021-013	Rush Creek Reserve, Corcoran.
g.					2021-014	Elm Creek Stream Restoration Phase IV, Champlin.
h.					2021-015	66th Avenue/Gleason Parkway, Corcoran.
i.	A	E			2021-016	Territorial Lofts, Rogers.
j.					2021-017	The Park Group Building, Rogers.
k.					2021-019	Kwik Trip Store 1157, Dayton.
l.					2021-020	Crew Carwash, Maple Grove.
m.					2021-021	Territorial Triangle, Dayton.
n.					2021-022	ISD 728 Rogers High School Trail & Batting Cage Improvements
o.					2021-023	Maple Grove Medial Office Building (MOB).
p.					2021-024	River Walk, Dayton
q.					2021-025	Hackamore Road Reconstruction, Medina/Corcoran.
r.					2021-026	Prairie Creek Subdivision, Medina.

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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