

elm creek Watershed Management Commission

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

Regular Meeting and Public Hearing Minutes September 8, 2021

I. A virtual meeting of the Elm Creek Watershed Management Commission was called to order at 11:35 a.m., Wednesday, September 9, 2020, by Vice Chair Elizabeth Weir.

Present were: Bill Walraven, Champlin; Ken Guenther, Corcoran; Dan Riggs, Maple Grove; Elizabeth Weir, Medina; Catherine Cesnik, Plymouth; Kevin Jullie, Rogers; and Amy Juntunen and Judie Anderson, JASS.

Not represented: Dayton.

Also present: Kevin Mattson, Corcoran; Derek Asche, Maple Grove; Terry Sharp, Medina; Amy Riegel and Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Ross Mullen, Ed Matthiesen, and Diane Spector, Stantec; Kris Guentzel and Kevin Ellis, Hennepin County Environmental Services (HCEE); Brian Vlach, Three Rivers Park District (TRPD); and Brett Arne, Board of Water and Soil Resources (BWSR).

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

B. Motion by Walraven, second by Guenther to approve the **Minutes*** of the August 11, 2021, regular meeting. *Motion carried unanimously.*

C. Motion by Guenther, second by Walraven to approve the **September Treasurer's Report** and **Claims*** totaling \$13,621.47. *Motion carried unanimously.* Also included in the meeting packet was the 2021 activity sheet* extrapolated to 2021 year-end.

[The regular meeting was suspended at 11:39 a.m.]

II. Public Hearing.

The Elm Creek Watershed Management Commission, upon recommendation of its Technical Advisory Committee, agreed to move forward with a Minor Plan Amendment (MPA) to its Third Generation Watershed Management Plan to revise the Capital Improvement Program (CIP). The MPA would revise Table 4.5 of the Commission's Third Generation Plan CIP in order to add two projects, remove four projects, and shift the timing and add specificity to three existing projects listed on the CIP. These new projects and project updates were submitted by the member cities. Following a public meeting conducted by the Commission on June 9, 2021, the Commission adopted Resolution 2021-03 Adopting a Minor Plan Amendment and setting the 2021 maximum levy at \$291,638.

Doug Baines, representative from Dayton and Commission Chair, was present at a meeting of a Committee of the Hennepin County Board on July 27, 2021, to answer questions regarding the proposed levy.

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

*indicates enclosure

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

elm creek Watershed Management Commission

Regular Meeting and Public Hearing Minutes – September 8, 2021

Page 2

The County Board approved the Minor Plan Amendment and adopted a 2021 maximum levy of \$291,638 for the Elm Creek Commission on August 3, 2021.

At their August 11, 2021, meeting, the Commission called for a public hearing to be held on September 8, 2021, to consider two projects. The projects are:

A. 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.

B. Project 2021-02: Elm Creek Stream Restoration Phase V Hayden Lake Outfall, Champlin. 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.

Member cities and the County have been notified and notice has been duly published in the August 26 and September 2, 2021, editions of the *Osseo Maple Grove Press*.

[The public hearing was opened at 11:40 a.m.]

No written or verbal comments have been received from the cities, reviewing agencies, or the public. No additional discussion occurred among the members.

[The public hearing was closed at 11:44 a.m. and the regular meeting resumed.]

III. 2021 Levy.

With no further discussion, motion by Guenther, second by Walraven to adopt **Resolution 2021-04*** Ordering 2021 Improvement Projects, Designating Members Responsible for Construction and Making Findings and Designating Commission Cost-Share Funding. *Motion carried unanimously.*

Motion by Walraven, second by Guenther to approve **Cooperative Agreements with the City of Maple Grove*** for Project 2021-01 and **with the City of Champlin*** for Project 2021-02 and authorizing the Vice Chair and the Administrator to execute the agreements. *Motion carried unanimously.*

By October 1, 2021, Staff must inform Hennepin County of the Commission's levy request for 2021 (payable 2022) of \$291,638.

IV. Open Forum.

Arne described BWSR's **Performance Review and Assistance Program (PRAP)*** and presented the results of the review of the Elm Creek Commission. BWSR has developed four levels of review. This was a Level II review.

A Level I review annually tabulates all local governmental units' compliance with basic planning and reporting requirements. In Level II, conducted by BWSR once every ten years for each local government unit, the focus is on the degree to which the organization is accomplishing its water management plan. A Level II review includes determination of compliance with BWSR's Level I and II statewide performance standards, a tabulation of progress on planned goals and objectives, a survey of staff and board members of the factors affecting plan implementation, a survey of the Commission's partners about their impressions

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

*indicates enclosure

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

elm creek Watershed Management Commission

Regular Meeting and Public Hearing Minutes – September 8, 2021

Page 3

of working with the Commission, and a BWSR staff report to the organization with findings, conclusions, and recommendations. The final report will be available later this year.

Four recommendations were brought forward by BWSR:

1. Existing planning goals are too broad. They need to be more targeted, prioritized, and measurable.
2. Conduct internal analysis of the CIP. Work with city officials, informing them of the benefits of the program. Identify barriers that preclude this from happening.
3. Review regulatory timelines.
4. Coordinate communication efforts between Commission and landowners. Focus on specific land areas that contribute to low water quality. Partner with Hennepin County in these efforts. The County is a valuable resource for marketing programs and oftentimes also has grant resources available.
5. (Added) Update the Commissioner Handbook, conduct training session for Commissioners. Look to League of Minnesota Cities and the BWSR website for resources/assistance.

Arne briefly described available PRAP grants to assist with some of these tasks. They are awarded on a 1:1 match.

Staff will inform Chairman Baines of this discussion. Cesnik volunteered to work with Baines, Spector, and Anderson on these recommendations, particularly item 5. It was suggested that a couple of TAC members should also be included on this committee.

Motion by Walraven, second by Guenther to accept the PRAP report. *Motion carried unanimously.*

A draft Data Practices Policy will be presented at the October meeting.

V. Action Items.

A. Project Review 2021-026 Prairie Creek, Medina.* This proposed development will consist of a new 17 lot single-family development encompassing approximately 6.72 acres located on Hamel Road at Elm Creek Drive. There will also be a new private street, concrete walks, and utilities. The project is being reviewed for compliance with Rules D, E, F and I. Staff's August 19, 2021, review and findings are included in this month's packet wherein Staff recommends approval conditioned upon (a) determination of the final escrow fee balance when all conditions for approval are met and (b) wetland buffer monumentation meeting the Commission's requirements. Native vegetation seed mix will be used in the buffer areas. Motion by Guenther, second by Walraven to approve Staff's recommendations. *Motion carried unanimously.*

B. Project Review 2021-035 Mister Carwash, Rogers.* The project includes redevelopment of an existing, vacant restaurant building, parking lot, and drive-through into a new carwash facility at 21421 South Diamond Lake Road. The redevelopment is anticipated to decrease the impervious area by approximately 0.3 acres at the project site and add an underground filtration basin with underdrain. The project was reviewed for Rules D and E. Staff's findings dated August 31, 2021, are included in the meeting packet. Technical staff administratively approved the project because of the net decrease of impervious and construction of a stormwater BMP. This project will be removed from the Staff report pending reconciliation of review fees.

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

*indicates enclosure

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

C. Policy on Cost Share for Non-Structural Practices.* The Technical Advisory Committee (TAC) approved this policy in 2020 and recommended that it be forwarded on to the Commission for approval. This policy will serve as the basis for consideration by the Commission of funding non-structural practices and partnerships with member communities. Motion by Guenther, second by Walraven to approve the proposed policy, effective this date. *Motion carried unanimously.*

D. Motion by Walraven, second by Guenther to approve the annual **Cooperative Agreement with the United States Geological Survey** for the water year ending September 30, 2021. The agreement is for the operation and maintenance of the gaging station and water quality sampling on Elm Creek near Champlin. The agreement is in the amount of \$40,858, with the Commission’s share being \$21,562. *Motion carried unanimously.*

VI. Old Business.

VII. New Business.

VIII. Communications.

A. September 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 6 of these minutes are discussed in this month’s report.

The report also contains the following update regarding the **Third Party HUC-8 Model Review**: The MNDNR intends to hold a Flood Risk Review Meeting for the watershed sometime in September. Wenck/Stantec is preparing a response on behalf of the watershed and its member cities.

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. Upcoming events where Hennepin County will have a presence:

- a. Minneapolis Monarch Festival, Lake Nokomis, September 11.
- b. Medina Celebration Day, September 18.
- c. Oktoberfest at Heidi’s Growhaus, Corcoran, September 25.

3. Project/Program Updates.

a. Rush Creek Projects

1) “Top of Hill WASCOB + Waterway.” Staff conducted site visit with landowner to inspect the installation of the waterway and design the “Phase 1” projects. Seeding on waterway still needs to be done. A seed mix was developed by Staff and sent to the landowner. Staff is awaiting updates to Phase 1 design from EOR. Finalized design and contract will then be sent to landowner

for signature. Phase 1 projects include seven grassed waterways, one wetland expansion and one creek stabilization.

2) The County will be requesting proposals for engineering services and wetland permitting assistance for Phase 2 projects. Construction on these projects is anticipated late 2021 and early 2022.

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

4. Agricultural Conservation Program. Staff are currently developing options to preserve farmland in Hennepin County. Staff have met with others who have developed similar programs in other areas of the country to learn more about potential options. A mailer was sent to farmers and landowners with agricultural operations to gauge their interest and obtain input on the program. Follow up conversations are currently underway.

5. Grants for deconstruction to salvage building materials. 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 4 units that are 500 square feet or larger on structures built prior to 1970. Learn more and apply. <https://www.hennepin.us/deconstruction>

6. Grants for assessment and cleanup of contaminated sites. Applications are being accepted for Environmental Response Fund grants, which help with the redevelopment of contaminated sites where the added cost of environment cleanup is a barrier to site improvement. Projects supported by the Environmental Response Fund provide a variety of community benefits, including the creation of affordable or moderately priced housing, economic development, green space, and infrastructure improvements. Eligible applicants include cities, economic development agencies, housing and redevelopment authorities, other local public entities, nonprofit organizations, and for-profit businesses. Applications are due November 1. Prior to applying, contact brownfields@hennepin.us to discuss your project and funding needs.

7. Seed grants for community-based clean energy projects available from Clean Energy Resources Teams (CERTs) for projects that:

a. Support community-based clean energy, including those related to energy conservation and efficiency, renewable energy, electric vehicles, and energy storage.

b. Spur projects that are highly visible in their community and can be replicated by others.

c. Provide an opportunity for community education about clean energy and its many benefits.

Applications are due October 26.

8. Grants available to increase pollinator habitat on residential properties. The Minnesota Board of Water and Soil Resources and Blue Thumb are now accepting applications for the Lawns to Legumes program, which aims to increase habitat for at-risk pollinators on residential properties. All Minnesota residents are eligible to apply for individual support grants, which reimburse gardeners for up

elm creek Watershed Management Commission

Regular Meeting and Public Hearing Minutes – September 8, 2021

Page 6

to \$300 in costs associated with establishing pollinator habitat in their yards. The program also offers workshops, coaching, and planting guides. Applications for 2022 projects will be accepted through February 15, 2022.

IX. Education and Public Outreach.*

The West Metro Water Alliance (WMWA) will meet on September 14, 2021. Juntunen announced that four applications have been received for the Watershed PREP educator position.

X. Grant Opportunities and Project Updates.

XI. Other Business.

XII. Adjournment. There being no further business, motion by Walraven, second by Weir to adjourn. *Motion carried unanimously.* The meeting was adjourned at 12:56 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

Z:\Elm Creek\Meetings\Meetings 2021\September 8, 2021 Regular meeting and public hearing minutes.docx

Item No.	A	E	I RPFI		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	Ione 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.
az.					AR	2020-027	Kariniemi Addition, Corcoran.
ba.					AR	2020-032	Enclave Rogers - Commerce Boulevard, Rogers.

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

*indicates enclosure

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

elm creek Watershed Management Commission

Regular Meeting and Public Hearing Minutes – September 8, 2021

Page 7

bb.				AR	2020-033	Weston Woods, Medina.
bc.				AR	2020-036	Balsam Pointe, Dayton.
bd.				AR	2021-007	Birchwood 2nd Addition, Rogers
c.					2021-012	The Oaks at Bauer Farms, Champlin.
be.					2021-013	Rush Creek Reserve, Corcoran.
d.					2021-015	66th Avenue/Gleason Parkway, Corcoran.
bf.					2021-016	Territorial Lofts, Rogers.
e.					2021-017	The Park Group Building, Rogers.
f.					2021-019	Kwik Trip Store 1157, Dayton.
g.					2021-020	Crew Carwash, Maple Grove.
h					2021-021	Territorial Triangle, Dayton.
i.					2021-022	ISD 728 Rogers High School Trail & Batting Cage Improvements
j.					2021-023	Maple Grove Medial Office Building (MOB).
k.					2021-024	River Walk, Dayton
l.					2021-025	Hackamore Road Reconstruction, Medina/Corcoran.
m.	A	E			2021-026	Prairie Creek Subdivision, Medina.
n.					2021-027	Xcel Energy Elm Creek Substation, Maple Grove
o.					2021-028	The Cubes at French Lake, Dayton
p.					2021-029	Tri-Care Grocery / Retail, Maple Grove
q.					2021-030	Tri-Care Grading and Roads, Maple Grove
r.					2021-031	Cook Lake Edgewater, Maple Grove
s.					2021-032	Dayton Park Industrial Center EAW, Dayton.
t.					2021-033	Westin Commons, Maple Grove
u.					2021-034	BAPS Hindu Temple, Medina.
v.		E			2021-035	Mister Car Wash - Rogers
w.					2021-036	D & D Service, Corcoran.
x.					2021-037	Marsh Point, Medina.
y.					2021-038	Bellwether 6th/Amberly, Corcoran.
z.					2021-039	1-94 Logistics Center, Rogers.

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

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

*indicates enclosure

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