

elm creek Watershed Management Commission

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Minutes Regular Meeting and Public Hearing September 11, 2019

I. A regular meeting of the Elm Creek Watershed Management Commission was called to order at 11:32 a.m., Wednesday, September 11, 2019, 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; Ken Guenther, Corcoran; Doug Baines, Dayton; Joe Trainor, Maple Grove; Terry Sharp, Medina; Fred Moore, Plymouth; James Kujawa, Karen Galles, and Kirsten Barta, Hennepin County Dept. of Environment and Energy (HCEE); Amy Timm, Three Rivers Park District (TRPD); Jeff Weiss, Barr Engineering; and Judie Anderson, JASS.

Not represented: Rogers.

Also present: Todd Tuominen, Champlin; Kevin Mattson, Corcoran; Sarah Nalven, Wenck Associates, Dayton; Derek Asche and Mark Lahtinen, Maple Grove; Catherine Cesnik and Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Rita Weaver, MnDNR, for item IV; and Andrew Siffert, Weaver Lake Conservation Association, for item II.

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

B. Motion by Walraven, second by Guenther to approve the **minutes*** of the August 14, 2019, regular meeting with the following correction to item VIII.C.:

Motion by Trainor, second by Walraven to approve WMWA action to secure a contractor as described above at \$40/hour, 30 hours ~~weekly~~ monthly.

Motion carried unanimously.

C. Motion by Moore, second by Guenther to approve the September **Treasurer's Report and Claims*** totaling \$209,203.83. *Motion carried unanimously.*

II. Open Forum.

Andrew Siffert, president of the **Weaver Lake Conservation Association**, gave a presentation on the activities of the association. They have 71 members comprising 70% of the lakeshore owners and have experienced consistently strong community engagement. He outlined their 5-year lake management plan and requested the Commission's support for a Weaver Subwatershed Assessment (SWA) to help identify and prioritize watershed and internal load projects to help improve the water quality of the lakeshed.

Asche noted that Weaver Lake is in line for a SWA. Maple Grove develops its lake improvement program through their 12-member Lake Quality Commission.

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

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

[The regular meeting was suspended at 12:02 p.m.]

III. Public Hearing.

On April 10, 2019, the Commission, upon recommendation of its Technical Advisory Committee (TAC), approved a motion 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 three projects, remove one project, and shift the timing or funding of six projects currently 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 May 8, 2019, the Commission adopted Resolution 2019-02 Adopting a Minor Plan Amendment.

Doug Baines, representative from Dayton and Commission chair, was present at a meeting of a Committee of the Hennepin County Board on June 25, 2019, to answer questions regarding the amendment. The County Board approved the Minor Plan Amendment and adopted a 2019 maximum levy of \$448,935 for the Elm Creek Commission on July 9, 2019. The proposed projects for which the levy will be certified are:

| | | |
|-----------------|--|----------------------|
| Project 2019-01 | Rush Creek Main Stem Stream Stabilization Project Phase 3, Maple Grove | \$ 26,513 |
| Project 2019-02 | Ranchview Wetland Restoration, Maple Grove | \$132,563 |
| Project 2019-03 | Agricultural BMPs Cost Share, watershedwide (withdrawn) | \$ 21,234 |
| Project 2019-04 | Hickory Drive Stormwater Improvement, Medina | \$ 81,471 |
| Project 2019-05 | Downtown Regional Stormwater Pond, Corcoran | \$ 28,079 |
| Project 2019-06 | Elm Creek Stream Restoration Phase IV, Champlin | <u>\$159,075</u> |
| | | \$448,935 |
| | | \$427,701 |

Staff’s September 4, 2019 memo* describes the projects and shows the subsequent revisions to the CIP. A copy of the Legal Notice* of this Public Hearing published in the August 26 and September 6 editions of the *Osseo-Maple Grove Press* and the amended CIP* were also included in the meeting packet. The purpose of this hearing is to present the proposed projects and proposed financing and to take comment from the member cities and the public.

The Commissioners and members of the Technical Advisory Committee continued their previous discussion regarding Project 2019-02. Asche reported that conversations are still being held with the affected landowners regarding the creation of a wetland bank and associated banking credits. At this time he requested that this project be withdrawn from the Commission’s 2019 CIP and moved to a future year. Motion by Guenther, second by Trainor directing the TAC to develop a policy for future wetland restoration projects. *Motion carried unanimously.*

[The hearing was suspended and the regular meeting resumed at 12:17 p.m.]

IV. FEMA Floodplain Mapping.

Hennepin County staff has been in contact with the DNR Floodplain Hydrologist, Rita Weaver. With the resignation of Jason Swenson from HCEE, the DNR prefers to terminate the contract with the Commission and reimburse it based on the deliverables received. County Staff met with DNR staff on August 9, 2019 to provide them with the materials Swenson had compiled to date. Weaver was present at this meeting to provide a further update.

She indicated that none of the deliverables are usable. At this time it is up to the Commission to decide

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whether to contract with a consulting firm to undertake the project under the price and terms of the agreement already in place with the DNR or request the DNR to do the work. Weaver stated that Barr Engineering and Wenck Associates are already doing this same type of FEMA work on a pass-through grant for other watershed organizations in the Twin Cities and, thus, are familiar with the scope, schedule, and potential workload. Commission Staff have provided Barr and Wenck with copies of Attachment A of the grant agreement to determine if they would have an interest in completing the work under the terms therein. Both firms have preliminarily replied in the affirmative.

Weaver is seeking a response within the month on how the Commission would like to proceed. The grant agreement/attachment would not need to be revised unless the Commission wanted to do so.

Motion by Moore, second by Walraven to keep the work in-house and to call a meeting of the TAC to recommend to the Commission at their October meeting whether Barr or Wenck would perform the work. *Motion carried unanimously.*

[The meeting was suspended and the public hearing resumed at 12:45 p.m.]

III. Public Hearing, continued

The Commissioners discussed whether the total project cost should include the costs of the clean-out portions of Project 2019-05.

[Chairman Baines opened the Public Hearing at 1:09 p.m.]

No comments were received from the reviewing agencies, the member cities, or the public.

[Chairman Baines closed the Public Hearing at 1:10 p.m.]

Motion by Moore, second by Trainor to withdraw Project 2019-02 from the Commission's 2019 CIP and move it to a future year on the CIP. *Motion carried unanimously.*

Motion by Moore, second by Walraven to certify Projects 2019-01, 2019-04, and 2019-06 for the 2019 levy. *Motion carried unanimously.*

Motion by Guenthner, second by Moore to retain Project 2019-05 on the Commission's 2019 CIP and to certify it at a project cost of \$105,410. *Motion carried: approved - Corcoran, Maple Grove, Medina and Plymouth; opposed - Champlin and Dayton.*

Motion by Moore, second by Walraven to approve *Resolution 2019-03 Ordering 2019 Improvement Projects, Designating Members Responsible for Construction and Making Findings and Designating Commission Cost-Share Funding.** *Motion carried unanimously.* The resolution will be revised to incorporate the foregoing action.

A copy of the letter certifying the projects that will be sent to the County was also included in the meeting packet. It, too, will be revised to incorporate the Commission's actions.

[The meeting was resumed at 1:18 p.m.]

V. Action Items.

A. Project Review 2019-023 99th Avenue Apartments, Maple Grove.* This is part of a 20.4-acre PUD proposed on the Hy-Vee North property located at the southeast corner of Maple Grove Parkway and MNDOT Highway 610. The site is proposed to be divided into two parcels. The west parcel will be approximately

12.0 acres and be used for the Hy-Vee development. This apartment project comprises the eastern 8.42 acres. The Hy-Vee development was reviewed and approved by the Commission under project 2016-047 and is considered active by the City of Maple Grove. This apartment project was part of the overall stormwater management plan and PUD factored into the Commission's approval but was not proposed for construction at that time. A stormwater facility along the Highway 610 ROW was approved as part of a shared facility to manage stormwater from both projects. The PUD will create 12.25 acres of new impervious surface (about 60% impervious cover). The apartment site plans trigger the Commission's review for Rules D, E, and I.

In their findings dated September 4, 2019 Staff recommends approval of the project contingent upon: (1) a City and Commission-approved stormwater system operation and maintenance plan being recorded on the property title, and (2) restrictive covenants outlining the buffer installation, management, and performance standards being received and recorded on the property title. The covenants may allow for a signage structure per the location and dimensions (4'x10') provided on the site plan. Motion by Moore, second by Guenther to approve Staff's recommendation with reference to the stormwater plan from Project 2016-47. *Motion carried unanimously.*

B. Project Review 2019-024 Boston Scientific Weaver Lake Road, Building 2 East Addition, Maple Grove.* Boston Scientific is building an addition on the east side of Building 2 to provide more production and office space for their existing facility. The project includes moving the existing service drive and site utilities on the east side of Building 2 to the east within the BSC property to create space for the building addition. About 1.9 acres of the site will be disturbed and 1.06 acres of impervious surface will be added. This project is being reviewed for compliance to Rules D, E, F, and I.

In their findings dated September 11, 2019 Staff recommended approval of this project contingent upon receipt of (1) a site plan showing the areas to be irrigated by the new system and (2) an operations and maintenance plan for the irrigation system that is approved by the City and the Commission and recorded on the land title. If the applicant wishes to proceed with grading before the Commission's approval, they do so (a) assuming any and all risks associated with changes to the site plan necessary to comply with the Commission's decision and (b) receiving the appropriate permits from the City of Maple Grove. Motion by Moore, second by Walraven to approve Staff's recommendation. *Motion carried unanimously.*

VI. Watershed Management Plan.

VII. Old Business.

A. While the **Technical Services** Subcommittee has met and brought forward its recommendation, members of the Technical Advisory Committee strongly requested that the responses to the RFP be referred to the TAC for evaluation and recommendation to the Commission. Motion by Moore, second by Guenther to table the report from the Subcommittee, referring the matter to the TAC, and placing this item on the October meeting agenda for a decision. *Motion carried unanimously.* The TAC will meet prior to the regular October 9 meeting.

B. Project Review 2017-050 Ernie Mayers, Corcoran.* Included in the meeting packet was a summary of Technical Evaluation Panel (TEP) findings from their August 13, 2019 meeting. Revised addendums for three areas remain outstanding.

C. Buffer review has been completed for Corcoran, Rogers, and Medina. Those parcels found to be non-compliant have been sent to the state for enforcement and the landowners notified by US Mail of that action. Hennepin staff will work with those residents who are subject to enforcement actions at the request of BWSR, but will otherwise await findings.

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VIII. New Business.

IX. Education and Public Outreach.

A. Project Coordinator Position.* A position description was considered at the August 13, 2019 meeting of WMWA. The person in this position would be used to update the current Education and Outreach Plan and keep it up-to-date moving forward, develop annual work plans, keep abreast of metro-wide practices, maintain the website, attend WMWA meetings, and coordinate Metro Blooms workshops. Additional duties may be added in the future. The Special Projects budget line item would be used to fund the position and would need partner approval.

Catherine Cesnik, Elm Creek Alternate Commissioner representing Plymouth, is interested in assuming this position. WMWA members voted to approve the position and funding through the special projects fund. At last month's meeting the Commission approved WMWA action to secure a contractor as described at \$40/hour, 30 hours monthly.

In the meeting packet is a WMWA memo* iterating this information along with a position description* for the Project Coordinator. Motion by Guenther, second by Walraven to approve the position description. *Motion carried unanimously.*

B. The next WMWA meeting is scheduled for 8:30 a.m., Tuesday, October 8, 2019, at Plymouth City Hall.

X. Communications.

XI. Grant Opportunities and Project Updates.

A. Brian Vlach provided an update* on the **second alum treatment for Fish Lake** in his September 4, 2019 email.

B. Rush Creek Subwatershed Assessment Implementation. Staff anticipate having contracts signed by September 1, 2019 for projects to be completed in September/October.

C. Construction was completed on the **Elm Creek Stream Restoration project** on June 25. Estimated project completion date is October 30, 2020.

D. Deadline for **BWSR Clean Water Fund Competitive Grant** applications is September 9, 2019.

E. Hennepin County will award one or two **Opportunity Grants*** from applications received before September 27, 2019.

XII. Other Business.

A. The **projects** listed on the following page are discussed in the October Staff Report.

B. Adjournment. There being no further business, the meeting was adjourned at 2:00 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary/JAA:tim

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| Item No. | | | | | Project No. | Project Name |
|----------|---|---|--|----|---------------------------|--|
| | | | | | W Denotes wetland project | |
| ag | | | | AR | 2013-046 | Woods of Medina, Medina. |
| ah. | | | | AR | 2014-015 | Rogers Drive Extension, Rogers. |
| a. | | | | | 2015-004 | Kinghorn Outlet A, Rogers. |
| ai. | | | | AR | 2015-030 | Kiddiegarten Child Care Center, Maple Grove. |
| aj. | | | | AR | 2016-002 | The Markets at Rush Creek, Maple Grove. |
| ak. | | | | AR | 2016-005W | Ravinia Wetland Bank Plan, Corcoran. |
| b. | | | | | 2016-040 | Kinghorn 4 th Addition, Rogers. |
| c. | | | | | 2016-047 | Hy-Vee North, Maple Grove. |
| al. | | | | AR | 2017-014 | Laurel Creek, Rogers. |
| am. | | | | AR | 2017-017 | Mary Queen of Peace Catholic Church, Rogers. |
| an. | | | | AR | 2017-029 | Brayburn Trails, Dayton. |
| d. | | | | | 2017-039 | Rush Creek Apartments, Maple Grove. |
| e. | | E | | | 2017-050W | Ernie Mayer Wetland/floodplain violation, Corcoran. |
| f. | | | | | 2018-014 | Refuge at Rush Creek, Corcoran. |
| ao. | | | | AR | 2018-018 | Summers Edge Phase II, Plymouth. |
| g. | | | | | 2018-020 | North 101 Storage, Rogers. |
| ap. | | | | AR | 2018-026 | Windrose, Maple Grove. |
| aq. | | | | AR | 2018-028 | Tricare Third Addition, Maple Grove. |
| ar. | | | | | 2018-038 | Vincent Woods of Rogers. |
| as. | | | | AR | 2018-044 | OSI Phase II, Medina. |
| h. | | | | | 2018-046 | Graco, Rogers |
| at | | | | AR | 2018-048 | Faithbrook Church Phase 2, Dayton. |
| i. | | | | | 2019-001 | Fernbrook View Apartments, Maple Grove. |
| au. | | | | | 2019-002 | Parkside Villas, Champlin. |
| j. | | | | | 2019-016 | Rogers Retail Development, Rogers. |
| k. | | | | | 2019-018 | Peony Lake Trailhead, Plymouth. |
| l. | | | | | 2019-021 | Brenly Meadows, Rogers. |
| m. | | | | | 2019-022 | Comlink Midwest, Corcoran. |
| n. | A | E | | | 2019-023 | 99 th Avenue apartments, Maple Grove. |
| o. | A | E | | | 2019-024 | Boston Scientific Weaver Lake Road Bldg 2 East Addn, MG. |
| p. | | E | | | 2019-025 | Dayton Parkway Interchange, Dayton. |

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