

elm creek Watershed Management Commission

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Regular Meeting and Public Hearing MINUTES September 12, 2018

I. A regular meeting of the Elm Creek Watershed Management Commission was called to order at 11:35 a.m., Wednesday, September 12, in the Mayor's Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN, by Chairman Doug Baines.

Present were: Gerry Butcher, Champlin; Sharon Meister, Corcoran; Doug Baines, Dayton; Joe Trainor, Maple Grove; Elizabeth Weir, Medina; Fred Moore, Plymouth; Kevin Jullie, Rogers; 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: none.

Also present: Todd Tuominen, Champlin; Kevin Mattson, Corcoran; Mark Lahtinen, Maple Grove; Catherine Cesnik and Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Marilyn Arnlund Maple Grove Arbor Committee; and Justin Klabo, AEZS, for project review 2018-030.

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

B. Motion by Moore, second by Meister to approve the **minutes*** of the August 8, 2018, regular meeting. *Motion carried unanimously.*

C. Motion by Moore, second by Weir to approve the September **Treasurer's Report and Claims*** totaling \$11,123.13. *Motion carried unanimously.*

II. Open Forum.

No one wished to speak regarding items not on the agenda.

[The regular meeting was suspended at 11:37 a.m.]

III. Public Hearing.*

On April 11, 2018, the Elm Creek Watershed Management Commission, upon recommendation of the Technical Advisory Committee, 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 eight projects and shift funding on two existing projects to future years. These new projects and project updates were submitted by the member cities. Following a public meeting conducted by the Commission on May 9, 2018, the Commission adopted Resolution 2018-01 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 July 10, 2018, to answer questions regarding the amendment.

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The County Board approved the Minor Plan Amendment and adopted a 2018 maximum levy of \$462,500 for the Elm Creek Commission on July 24, 2018.

The projects for which the levy will be certified are:

Project 2018-01	Rush Creek Main Stem Stream Stabilization Project Phase 3, Maple Grove, \$75,000
Project 2018-02	Elm Creek Stream Restoration Reach D, Plymouth, \$212,500
Project 2018-03	Elm Creek Stream Restoration Phase III, Champlin, \$100,000
Project 2018-04	Downs road Trail Rain Gardens, Champlin, \$75,000

The Commission called for a public hearing to be held on September 12, 2018 to consider these projects. Member cities and the County have been notified and notice has been duly published. The purpose of the public hearing is to present the proposed projects and proposed financing and to take comment from the member cities and the public.

[The public hearing was opened at 11:38 a.m.]

No comments were received from the reviewing agencies. No comments were received from the member cities.

[The public hearing was closed at 11:39 a.m.]

A brief discussion was conducted by the Commissioners.

Motion by Weir, second by Butcher to adopt Resolution 2018-03 Ordering the 2018 Improvement Projects ... and Designating Commission Cost-Share Funding.* *Motion carried unanimously.*

Motion by Weir, second by Butcher to approve the Cooperative Agreements* with the cities of Champlin, Plymouth, and Rogers. *Motion carried unanimously.*

[Jullie arrived 11:40 a.m.]

[The regular meeting resumed at 11:40 a.m.]

IV. Action Items.

A. Project Review 2018-007 Copper Creek of Nottingham, Maple Grove. This is a 4.03 acre in-fill project in the Nottingham development section of Maple Grove. It is located about 1/4 mile northeast of the intersection of Nottingham Parkway at Bass Lake Road along 73rd Place/Xene Lane cul-de-sac. Nine new single family residential lots are proposed. The current site plans dated February 12, 2018, do not meet the Commission's standards for water quality, abstraction and erosion controls. Staff's review and findings were sent to the City and applicant on March 6. The decision deadline per MN Statute 15.99 expired on June 20, 2018. Staff notified the applicant and the City that the site plans do not meet the Commission's requirements and unless an extension to the 15.99 deadline is received by August 15, 2018, the application will be denied. Having received no new information by the August 15 deadline, motion by Weir, second by Meister to deny this project. *Motion carried unanimously.* A new application will be required in order for this project to move forward.

B. Project Review 2018-032 Encore, Corcoran. This project is located west of Brockton Lane (101) and south of Steig Road, with a portion located north of Steig Road. The project includes a combination of residential and commercial development on 226 acres, including 398 lots and 13 acres of commercial area. Plans were received for the project on July 13, 2018. A wetland replacement plan for filling and mitigating 0.4263 acres of impacts was also submitted with the application.

Staff provided Commissioners with a verbal update on the wetland issues: A Technical Evaluation Panel (TEP) held on August 23 found the replacement and mitigation proposed from the wetland

replacement plan application to be consistent with the MN WCA chapter 8420 rules with the exception of using wetland 7 as a source of irrigation for the project. The applicant is requesting a no-loss certificate from the LGU for excavating an irrigation pond in wetland 7. The TEP felt that using wetland 7 for irrigation can, in effect, be considered drainage impacts to this wetland if not managed properly. The issues that come into play for this irrigation pond are: a) the increase in the amount of water entering this basin because of the changes in land use and water volumes from the development, b) the well water used to augment the normal water elevation in the wetland because it will affect the bounce in the irrigation pond and the surrounding wetland area, c) the timing, bounce and duration of the irrigation drawdown, and d) the outlet control structure to the wetland will affect the duration of the saturation on this wetland basin.

The TEP requested hydrology modeling and management information - information that would maintain the wetlands normal water elevations and duration of saturation similar to the pre-existing conditions to their satisfaction. As the LGU for WCA, the Commission considers the proposed usage to be a wetland impact, trumping the abstraction issue. An update and recommendation on the wetland replacement plan and irrigation management plan (no-loss request for wetland 7) will be provided to the Commission at a future meeting.

C. Project Review 2018-038 Vincent Woods, Rogers.* This is a 19-acre parcel that was previously approved by the Commission in 2015 for eight apartment buildings. The new site plans propose two apartment buildings with 4.25 acres of impervious areas. The project includes two stormwater ponds to provide water quality treatment, and a filtration bench has been proposed in one of the ponds to meet the abstraction requirements which were not in place at the time of the last project approval. Staff is also considering a request for permission to begin grading prior to formal Commission approval. Motion by Weir, second by Trainor to approve Staff's findings dated September 12, 2018, with two conditions. *Motion carried unanimously.*

D. Project Review 2018-039 Greenway North, Plymouth.* This 27-acre site consists of 5 rural single family lots south of CR 47 and west of Troy Lane. Pulte Homes is proposing to develop the area in two phases into 37 single family residential lots and 103 townhomes. This development was reviewed for compliance to the Commission rules D, E, F, and I. In their findings dated September 12, 2018, Staff recommended approval of this project pending their approval of the floodplain fill accounting. Motion by Weir, second by Butcher to approve Staff's recommendation. *Motion carried unanimously.*

E. In their July 26, 2018 letter to the Commission,* the City of Maple Grove is requesting funding assistance from the Commission to complete a **subwatershed assessment for Fish Lake**. The SWA will consist of hydrologic and water quality models to verify existing watershed conditions for the lake. The City's consultant, WSB & Associates, estimates the cost to complete the SWA to be \$35,000. Staff will contact WSB to request specific budget numbers so that Maple Grove's request can be considered at the October meeting. [The Commission's Cost Share Policy was amended in 2016 to include a 20% match by the city requesting the SWA.]

V. Old Business.

Barta presented the final draft of a **Recommended Livestock Management Policy.*** Mattson expressed his City's concerns regarding inconsistencies between this and his City's current policy and also the fact that Corcoran's Local Plan has been submitted for Commission review prior to adoption of this policy. Motion by Weir, second by Trainor to adopt this recommended policy. *Motion carried unanimously.* Staff will distribute the policy to the member cities.

RULE D - STORMWATER MANAGEMENT	RULE G - WETLAND ALTERATION
RULE E - EROSION AND SEDIMENT CONTROL	RULE H - BRIDGE AND CULVERT CROSSINGS
RULE F - FLOODPLAIN ALTERATION	RULE I - BUFFERS

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VI. New Business.

In an email* dated September 11, 2018, Vlach is requesting Elm Creek watershed partners to complete an **online survey** at www.letstalkthreerivers.org. Results from the survey will be instrumental in the development of TRPD's 2040 System Plan and continued growth of partnerships.

VII. Watershed Management Plan.

A. Included in the meeting packet was a copy of Commission's August 16, 2018 comments* on the **City of Dayton's Local Water Management Plan**. To be in full conformance with MN Rules Part 8410.0160 Staff provided four comments:

1. Update its 2008 Comprehensive Stormwater Management Plan.
2. As pertains to adherence to the Commission's Rules and Standards, adjust the vague language as it pertains to carrying out and achieving goals.
3. Include a specific plan for adopting and enforcing a livestock manure management ordinance similar to the Commission's newly adopted policy.
4. Modify or clarify responses to comments and recommendations provided by the Met Council in their June 29, 2018 correspondence.*

Staff recommends no action at this time.

B. The **deadline for Commission review and approval** of members' local plans is December 31, 2018.

VIII. Water Quality.

IX. Grant Opportunities and Updates.

A. FEMA Floodplain Mapping. Staff continues its collection of and preparation of background data in GIS to use in the preparation of the hydrology and hydraulics modeling. Staff is also working on ensuring the models selected for use are working correctly at this time and working out a few bugs. Actual work products should start to become available at the Commission's meeting in October.

B. Diamond Lake Subwatershed Assessment. Hennepin County added this as their recommendation for a SWA to the Metro Conservation District SWA grant and it was submitted. Staff expect to hear back on all BWSR grant proposals in early December 2018.

C. North Fork Rush Creek SWA Implementation: Staff applied for a Clean Water Fund grant from BWSR to implement the recently completed SWA. \$142,110.00 was requested from the state, with a required match of \$35,527.50. The Rural Conservationist will take the lead on recruiting and implementing projects if the grant application is successful.

D. The City of Corcoran has requested that grant finding 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 no implementation has been done to date on the North Fork SWA.

X. Education - West Metro Water Alliance (WMWA).

A. WaterLinks. Subscribe to *WaterLinks* at westmetrowateralliance.org/contact.html. The next issue will be out in early October and feature autumn and winter-related content.

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B. Education and Outreach Events. Educators are currently scheduling and making fall classroom visits. They are also available to table at city and school events. Contact Amy Juntunen at amy@jass.biz. The series of Resilient Yards workshops that WMWA sponsored around the four watersheds through Metro Blooms had 194 attendees. Thirty-four participants took advantage of WMWA's offer to split the \$100 cost of an onsite consultation. Several Farmers Markets in the watersheds have expressed willingness to host native plant sales through the Minnesota Native Landscaping's Pollinator Response Vehicle, but scheduling difficulties resulted in no sales being scheduled this year.

C. Ten Things Brochure. WMWA is updating and refreshing the popular *Ten Things You Can Do* brochure that was first developed in 2009. The cities in the four watersheds use this brochure extensively and it is part of the fourth-grade curriculum of Watershed PREP. It is also widely reprinted statewide. Hennepin County provides the layout graphics and prints the brochures at no cost to the four watersheds and cities. The update would add an item about proper use of salt and deicers, refocus the Use Your Runoff item on water conservation and reuse, and consolidate the fertilizer and chemical products into a single item. Items 6-10 would remain the same. The text panel starting "Minnesota is known for its abundance of water resources" would be refocused around the tagline "We All Have Shoreline Property" and emphasize not only the link between an individual's property and water resources, but also the potential consequences for the 18 million people who obtain their drinking water from the Mississippi River.

D. Website/Social Media. Social media has been slow due to staff vacations. A short monitoring video will be posted soon.

E. The next WMWA meeting is scheduled for 8:30 a.m., Tuesday, October 9, 2018, at Plymouth City Hall.

XI. Communications.

XII. Other Business.

A. The following projects are discussed in the September 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.
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.

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20. 2017-044 Reserve at Medina 2nd Addition, Medina.
21. 2017-050W Ernie Mayer Wetland/floodplain violation, Corcoran.
22. 2018-001 Rush Creek Commons, Maple Grove.
23. 2018-004 Rush Creek Restoration Project, Maple Grove.
24. 2018-005 Sundance Greens, Dayton.
25. 2018-007 Copper Creek of Nottingham, Maple Grove.
26. 2018-013 New Wayzata Elementary School, Plymouth.
27. 2018-014 Refuge at Rush Creek (Fehn Meadows Second Addition), Corcoran.
28. 2018-018 Summers Edge Phase III, Plymouth.
29. 2018-020 North 101 Storage, Rogers.
30. 2018-021 113th Lane Extension & Brockton Lane/CSAH 101 Intersection, Rogers.
31. 2018-022 Fernbrook Athletic Fields, Maple Grove.
32. 2018-023 King Solutions Distribution Center Addition, Dayton.
33. 2018-025W Watten Wetland Delineation/Replacement Plan, Corcoran.
34. 2018-026 Windrose, Maple Grove.
35. 2018-027 CR 202 Elm Creek Bridge Replacement, Dayton.
36. 2018-028 Tricare Third Addition, Maple Grove.
37. 2018-029 McConn, Plymouth.
38. 2018-030 Pineview Meadows, Dayton.
39. 2018-031 North Dayton AUAR, Dayton.
40. 2018-032 Encore Development, Corcoran.
41. 2018-033 Cloquet Island Estates, Dayton.
42. 2018-034W NE Trunk Sanitary Sewer, Corcoran.
43. 2018-035 Edgewater East, Maple Grove.
44. 2018-037 Elm Creek Restoration Reach D, Plymouth.
45. 2018-038 Vincent Woods, Rogers.
46. 2018-039 Greenway North, Plymouth.
47. 2018-040 Rush Creek Commons Phase II, Maple Grove.
48. 2018-041W Homestead Trail Wetland Delineation, Corcoran.
49. 2018-042 Olstrom Hills, Maple Grove.
50. 2018-043 Bee Hive Homes, Maple Grove.
51. 2018-044 OSI Phase II, Medina.

B. Adjournment. There being no further business, the meeting was adjourned at 1:06 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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