

elm creek

Watershed Management Commission

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MINUTES

Regular Meeting | Public Hearing

September 13, 2023

I. CALL TO ORDER. A meeting of the Elm Creek Watershed Management Commission was called to order at 11:30 a.m., Wednesday, September 13, 2023, in the Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN, by Chair Doug Baines.

Present: Bill Walraven, Champlin; Ken Guenther, Corcoran; Doug Baines, Dayton; Joe Trainor, Maple Grove; Terry Sharp, Medina; Catherine Cesnik, Plymouth; and David Katzner, Rogers.

Also present: Derek Asche, Maple Grove; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Erik Megow, Stantec; Rebecca Carlson, Resilience Resources; Kevin Ellis, Hennepin County Environment and Energy (HCEE); and Judie Anderson, JASS.

II. AGENDA. Motion by Walraven, second by Guenther to approve the Agenda. *Motion carried unanimously.*

A. Motion by Guenther, second by Walraven to approve the **Minutes* of the August 9, 2023, meeting** with the following correction:

II. AGENDA. Motion by Walraven, second by Guenther to approve the Agenda: *Motion carried unanimously.*

Motion carried unanimously.

B. Motion by Guenther, second by Sharp to approve the **September Treasurer's Report and Claims*** totaling \$69,747.86. *Motion carried unanimously.*

[The meeting was suspended at 11:32 a.m.]

III. PUBLIC HEARING.*

The Commission has previously received feasibility reports for the three proposed 2023 capital projects and called for today's public hearing to consider those projects as well as the annual City Cost Share and Partnership Cost Share projects. The purpose of the public hearing is to consider the proposed projects and their financing and to take comment from the member cities and the public. The cities and the county have been notified and notice has been duly published.

On August 8, 2023, the County Board (1) approved the Minor Plan Amendment whereby the Commission added one project to Table 4.5 of the Capital Improvement Program of its Third Generation Watershed Management Plan and (2) adopted a 2023 maximum levy of \$814,200 for the Elm Creek Commission. The projects are:

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

RULE G - WETLAND ALTERATION
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RULE I - BUFFERS

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A. Project 2022-01: South Fork Rush Creek Stream Restoration. Restoration of 7,200 feet of South Fork Rush Creek from 101st Avenue North to its confluence with Rush Creek in Maple Grove. This project will stabilize and restore eroding streambanks, improve floodplain access, enhance habitat and improve biotic integrity, and reduce sediment load by an estimated 410 tons/year and TP by 424 lbs./year.

B. 2023-02: CSAH 12/Dayton Road Ravine Stabilization. Stabilization of two eroding deep ravines conveying stormwater runoff into the Mississippi River in Dayton, near Dayton River Road and Vicksburg Lane North, part of a package of drainage and stabilization improvements along Hennepin County CSAH 12. The 50+ foot deep ravines have severe active erosion that is not only a significant sediment and nutrient source but is also threatening nearby infrastructure. The project will reduce the excess sediment contributed to the river by about 1,100 tons/year, and nutrients by about 938 lbs./year.

C. 2023-03: Downtown Pond Expansion and Reuse. This project will address water quantity and quality issues the downtown area of Rogers will face as redevelopment continues. Major water quality improvements are anticipated with this project for TP and TSS reductions. The pond expansion will also feature stormwater reuse for the irrigation of nearby parks. The additional storage area will reduce flooding within the downtown Rogers area.

D. 2023-04: City Cost Share. This annual project provides cost sharing to retrofit smaller BMPs on city property on a voluntary basis. The TAC developed policies and procedures to administer these funds and makes recommendations to the Commission on which projects should be funded.

E. 2023-05: Partnership Cost Share. This program makes funds available to member cities to help fund the cost of Best Management Practices (BMPs) partnership projects with private landowners. Participating projects on private property must be for water quality improvement and must be for improvement above and beyond what would be required to meet Commission rules.

Elm Creek 2023 CIP Projects (2024 levy).

Project	Total Estimated Cost	City/Private	Commission Share	Commission Levy
South Fork Rush Creek Restoration*	\$3,250,000	\$2,437,500	\$406,250	\$430,830
CSAH 12/Dayton River Rd Stabilization	1,329,410	1,219,410	110,000	116,655
Downtown Pond Expansion and Reuse	406,000-	304,500	101,500	107,640
City Cost Share Program	100,000	100,000	100,000	106,050
Partnership Cost Share Program	50,000	0	50,000	53,025
Subtotal	\$5,135,410	\$4,061,410	\$767,750	\$814,200
5% additional for legal/admin costs			38,390	
Subtotal			806,140	
TOTAL LEVY (101% for uncollectable)			\$814,200	

*2023 share; an additional \$406,250 was levied in 2022.

[The public hearing was opened at 11:33 a.m.]

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No written or verbal comments have been received from the cities or reviewing agencies. .

[The public hearing was closed at 11:34 a.m.]

Motion by Trainor, second by Cesnik to adopt **Resolution 2022-03*** Ordering 2023 Improvements, Designating Member Responsible for Construction, Making Findings and Certifying Costs to Hennepin County Pursuant to Minnesota Statutes, Section 103B.251. *Motion carried unanimously.*

Motion by Walraven, second by Sharp to approve the **Cooperative Agreements*** between the Commission and the City of Maple Grove and between the Commission and the City of Rogers. *Motion carried unanimously.*

By October 1, 2023, Staff must inform Hennepin County of the Commission’s levy request for 2023 (payable 2024) of \$814,200.

[The meeting resumed at 11:35 a.m.]

IV. OPEN FORUM.

V. PROJECT REVIEWS.

A. 2023-010 New Fire Station, Rogers.* The City of Rogers is planning to construct a new fire station facility, Fire Station 2, at 141st Avenue North. The proposed site includes a new building, parking lots, sidewalks, an access road tying into Northdale Boulevard, and driveways. The project triggers Commission Rules D and E. In their findings dated September 1, 2023, Staff recommends approval with two conditions: (1) escrow reconciliation and receipt of an Operation and Maintenance Plan approved by the City of Rogers. Motion by Trainor, second by Cesnick to approve Staff’s recommendations. *Motion carried unanimously.*

B. 2023-017 Veit Pit Sand Gravel Mine, Rogers.* This project consists of temporary redevelopment for sand and gravel mining and processing operations. The project disturbs approximately 11.9 acres of farmland and woodland located southwest of the intersection of 141st Avenue and Willandale Road. The project triggers the Commission Rules D, E and I. In their findings dated September 6, 2023, Staff recommends approval with two conditions: (1) escrow reconciliation and receipt of an Operation and Maintenance Plan approved by the City of Rogers. Motion by Cesnik, second by Trainor to approve Staff’s recommendations. *Motion carried unanimously.*

C. 2023-018 Brayburn Trails II, Dayton.* TC Land Development is proposing 145 single-family home lots and public roads on a 58.53-acre site. The project adds 15.52 acres of new impervious (a total of 16.25 acres of impervious including the 0.73 acres of existing impervious) and disturbs 55 acres. The proposed development is located south of 117th Avenue North, on the west side of Fernbrook Lane, north of Rush Creek and southeast of French Lake. The project triggers Rules D and E and meets those requirements through NURP ponds with filtration benches and erosion control. Staff findings dated September 5, 2023, were included in the meeting packet. Due to the applicant submitting a significant revision of the project, which impacted rate control and water quality, late on Friday prior to the Commission meeting, Staff recommends tabling action on this project and extending

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the review period sixty days. Motion by Trainor, second by Walraven to approve Staff's recommendation. *Motion carried unanimously.*

D. 2023-019 23240 County Road 30, Corcoran.* This project proposes an aggregate surface for staging construction equipment, adding 2.35 acres of new impervious, for a post project total of 2.97 acres of impervious. The project will disturb 5.3 acres through grading, installation of a stormwater basin, stabilizing off site drainage, on site drainage management and erosion control. The 9.46-acre parcel is located on the north side of 97th Avenue North (CSAH 30) and east of CSAH 19. The project triggers Rules D and E. Applicant proposes a NURP pond with filter bench to meet the water quality and rate control and abstraction requirements through filtration along with standard erosion control. In their findings dated September 5, 2023, Staff recommends approval conditioned on (1) escrow reconciliation, (2) provision of a signed agreement from the adjacent landowner and the City for any off-site grading or drainage, and (3) provision of a Stormwater Maintenance Agreement that is acceptable to the City and the Commission within 90 days after the plat is recorded. Motion by Guenthner, second by Trainor to approve Staff's recommendations. *Motion carried unanimously.*

E. 2023-020 Dunkirk Square, Maple Grove.* This project consists of a proposed redevelopment that will disturb 1.53 acres of existing retail parking lot on a portion of Dunkirk Square at the southeast of the intersection of Maple Grove Parkway and 94th Avenue. The project will redevelop retail parking into a new parking area and a Popeye's Restaurant. The project triggers Commission Rules D and E. In their findings dated August 31, 2023, Staff recommends approval conditioned on (1) escrow reconciliation, (2) provision of details for orifices and weirs for underground detention, and (3) provision of a Stormwater Maintenance Agreement that is acceptable to the City and the Commission. Motion by Trainor, second by Sharp to approve Staff's recommendations. *Motion carried unanimously.*

F. 2023-021 Park Place Memory Care Phase II, Plymouth.* The proposed development will disturb 1.4 acres of a previously developed memory care facility at the northwest of the intersection of Medina Road and County Road 101. The project consists of site expansion, construction of an additional building, parking, and trails which triggers Commission Rules D and E. In their findings dated August 31, 2023, Staff recommends approval conditioned upon escrow fee reconciliation. Motion by Trainor, second by Walraven to approve this project with that condition. *Motion carried unanimously.*

VI. OLD BUSINESS.

VII. NEW BUSINESS.

VIII. Education and Public Outreach.

A. Special Projects. The Watershed-Based Funding grant workplan supporting the shared WMWA education and outreach coordinator calls for implementing at least four "special projects" across the five participating WMOs. Examples cited in the work plan were workshops for residents/property owners/business owners, perhaps with follow-up small grants and/or onsite consultation; or multi-family housing equitable engagement projects, likely in partnership with Metro

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Blooms, similar to projects undertaken in Shingle Creek at multi-family housing sites that include updated stormwater management as well as other site improvements such as landscaping, updated play spaces, and other amenities. One of the projects in Shingle Creek, Brook Gardens, won a 2022 Environmental Initiative Award [Brook Gardens: Clean Water + Livability - Environmental Initiative Awards \(environmental-initiative-awards.org\)](https://www.environmental-initiative-awards.org).

Grace Barcelow, the shared coordinator, has asked each WMO to express a *preference* for what type of special project might be a good fit for their watershed. This choice does not limit the residents and property owners from participating in projects selected by other WMOs. Some ideas from staff include:

1. Customizing the existing Blue Thumb Resilient Yards workshop ([Workshops & Events – Blue Thumb](#)), offering free on-site consultation and planting stipends to participants.
2. Developing a new workshop and online resource targeted to HOA members regarding strategies for maintaining their green spaces and understanding how to manage and maintain their on-site BMPs. WMWA developed a handbook several years ago that can be further developed and serve as the basis for this workshop.
3. Develop a new workshop based on other ideas the Commissioners might have. This may require an additional financial commitment from the Commission depending on how much customization or workshop development would be required.
4. Soliciting ideas from the cities for multi-family developments where Metro Blooms may be able to find a site suitable for an equitable engagement project. These projects do require a financial commitment on the part of the owner/management company, so it may take some time to develop those projects.

Regardless of which option the Commission prefers, it is likely that implementation would not occur until spring 2024.

B. The **West Metro Water Alliance (WMWA)** will meet via Zoom at 8:30 a.m., October 10, 2023.

IX. Grant Opportunities.

The Board of Water and Soil Resources (BWSR) has formally announced the next round of Watershed-Based Implementation funding (WBIF) for Fiscal Year 2024-2025. Each eligible Planning Area has been allocated an amount and is charged with developing a process to make grant awards to eligible entities within the Planning Area. Within the Elm Creek Planning Area, the eligible entities are the Commission, Hennepin County, and the member cities.

The Elm Creek allocation for FY 24-25 is \$373,590, which will become available after July 1, 2024. A minimum 10% match is required. As with the last round of WBIF funding, a Convene Group consisting of one representative each from the WMO and county and two city representatives must solicit funding proposals and develop a process to select those to be recommended to BWSR for funding. For FY23 the Convene Group allocated a part of the funds to the joint WMWA educator,

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funded the South Fork Rush Creek Subwatershed Assessment (SWA) and the North Fork Rush Creek Remeander study, and allocated the balance to Hennepin County to implement projects from the Rush Creek Headwaters and Diamond Creek SWAs.

While there are several months before the grant funds will become available, some ideas may take some time to develop sufficiently to develop a proposal or to write a work plan acceptable to BWSR. Some initial questions are:

1. Are there any activities that the Commission might be interested in pursuing jointly? Would you be interested in partnering with any other Planning Area Convene Groups?
2. Are there any activities the Commission might wish to pursue that are not currently included in the Third Generation Watershed Plan? If so, the Commission should pursue a Plan amendment to incorporate those into the Plan.
3. Do the Commissioners have any particular goals they'd like to achieve with WBIF funds?

This will be an ongoing discussion until the eligible entities decide to get together as a formal Convene Group and start the process of soliciting funding proposals. That group should be prepared to begin meeting no later than January 2024.

X. COMMUNICATIONS. The following communications have been received:

A. Staff Report.* Staff reports provide updates on the development projects currently under review by Staff. The projects listed in the table beginning on page 7 of these minutes are discussed in the September 6, 2023, report.

B. Hennepin County Staff Report.*

1. Bottema Wetland Restoration Update, Corcoran. Wetland restoration and tile breaks have been completed. Staff will be performing a post-construction inspection to ensure that it meets all specifications and then issuing reimbursement to the landowner.

2. Mattila Manure Bunker, Corcoran. Work on the manure bunker has been completed and will be inspected within the next week. The landowner has developed plans for fencing and watering that will facilitate rotational grazing on the north side of the property. He is currently working on an EQIP application as well as a Hennepin County cost-share proposal.

3. Christian Settling Basin, Dayton. Sediment basin designs were developed by Mike Candler of Wright County SWCD, Hennepin County staff met with the potential contractor to walk through the design, test soils, and answer questions. Contractor and landowner both approved the plans to move forward with minimal edits. Hennepin County staff will delineate the wetland to ensure that work will not cause any disturbance. A Technical Evaluation Panel (TEP) will also be formed to review the workplan.

4. Welcome Ranch, Dayton. County staff met with manager on site to discuss designs for BMP projects. Landowners are interested in a two-bin manure bunker that will allow them

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to store and compost manure for up to 24 horses before it is hauled away and spread quarterly. The bunker is currently under design and will be returned in October. The landowners are also interested in developing solutions to drainage issues coming from the east paddocks and flooding the barn in wet months. They will also develop an EQIP application for pasture revitalization and fencing.

5. The County’s **second quarter invoice** has been submitted along with supporting documentation. Hennepin County is requesting guidance on reporting for individual projects, such as the Bottema wetland restoration. Included in the County report is a table showing **updates for cost-share projects** and overall budgeting. This table will be included in future staff updates with revisions as appropriate.

6. Other County Programming.

a. This spring, Hennepin County forestry and conservation staff planted **15,000 tree seedlings** on a conservation easement in Independence. The habitat restoration project involved planting 23 different tree species that will integrate with the surrounding forest, adding wildlife habitat, making the tree canopy more resilient to climate change, pests, and disease, and enhancing the benefits that trees provide. The County has committed to planting one million trees by 2030 and acquiring 6,000 acres of conservation easements by 2040. For more information, contact trees@hennepin.us.

b. A local nonprofit, Better Futures MN, will be at the City of Brooklyn Park on Saturday, September 23 from 9 a.m. to noon, to take **used building material donations** from Hennepin County residents. They will vet materials for quality and resale potential, reserving the right to refuse unusable items. All items accepted will be taken for free. Inclement weather could impact these events. For more information, contact olivia.cashman@hennepin.us.

XI. Other Business.

XII. Adjournment. There being no further business, the meeting was adjourned at 12:47 p.m.

Respectfully submitted,



Judie A. Anderson
 Recording Secretary

JAA:tim

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Project No.	Project Name
W=wetland	
2014-015	Rogers Drive Extension, Rogers.
2015-030	Kiddiegarten Child Care Center, Maple Grove.
2016-005W	Ravinia Wetland Bank Plan, Corcoran.
2017-014	Laurel Creek, Rogers.
2017-050W	Ernie Mayers Wetland/floodplain violation, Corcoran.

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2018-046	Graco, Rogers.
2020-009	Stetler Barn, Medina.
2020-017	Meadow View Townhomes, Medina.
2020-032	Enclave Rogers - Commerce Boulevard, Rogers.
2020-033	Weston Woods, Medina.
2021-020	Crew Carwash, Maple Grove.
2021-025	Hackamore Road Reconstruction, Medina/Corcoran.
2021-029	Tri-Care Grocery / Retail, Maple Grove
2021-034	BAPS Hindu Temple, Medina.
2021-035	Mister Car Wash, Rogers.
2021-036	D & D Service, Corcoran.
2021-044	Balsam II Apartments, Dayton.
2021-050	Evanswood, Maple Grove.
2021-052	Norbella Senior Living, Rogers.
2022-002	Summerwell, Maple Grove.
2022-003	Fox Briar Ridge East, Maple Grove.
2022-006	Hamel Townhomes, Medina.
2022-008	Bechtold Farm, Corcoran.
2022-009	Dunkirk Lane Development, Plymouth.
2022-011	Arrowhead Drive Turn Lane Expansion, Medina.
2022-012	Graco Building 2, Dayton.
2022-013	Dayton 94 Industrial Site, Dayton.
2022-016	Rogers Activity Center, Rogers.
2022-017	City Center Drive, Corcoran.
2022-018	Big Woods, Rogers.
2022-019	Grass Lake Preserve, Dayton.
2022-020	Skye Meadows Extension, Rogers.
2022-022	Cook Lake Highlands, Corcoran.
2022-026	Archway Building, Rogers
2022-028	Elsie Stephens Park, Dayton.
2022-029	Hayden Hills Park, Dayton.
2022-033	Pet Suites, Maple Grove.
2022-035	Rush Hollow, Maple Grove.
2022-038	Tavera North Side, Corcoran.
2022-040	Karinieimi Meadows, Corcoran.
2022-042	Walcott Glen, Corcoran.
2022-043	Meander Park and Boardwalk, Medina.
2022-045	Corcoran Water Treatment Plant.
2022-047	Suite Living of Maple Grove.
2022-049	Connexus Energy South Dayton Substation.
2023-001	Chankahda Trail Reconstruction Phase 2, Plymouth.
2023-002	Lynde Greenhouse Fire Damage Repair, Maple Grove.
2023-004	Medina Industrial Site, Medina.
2023-006	Sota Shine, Maple Grove.
2023-008	Rush Creek Boulevard Interchange, Maple Grove.
2023-009	Magnifi Financial, Maple Grove
2023-010	Rogers New Fire Station

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2023-011	Sundance Greens 9th, Dayton
2023-012	Hope Community Mixed Use, Corc
2023-013	River Valley Church, Maple Grove
2023-014	Bottema Wetland, Corcoran
2023-015	So Fork Rush Creek Restoration, Maple Grove
2023-016	Rogers South Community Park
2023-017	Veit Pit, Rogers

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