

elm creek Watershed Management Commission

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MINUTES Regular Meeting | Public Hearing September 14, 2022

I. A meeting of the Elm Creek Watershed Management Commission was called to order at 11:33 a.m., Wednesday, September 14, 2022, in the Aspen Room, Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN, by Vice Chair Catherine Cesnik.

Present were: Tom Anderson, Corcoran; Dan Riggs, Maple Grove; Terry Sharp, Medina; Catherine Cesnik, Plymouth; and David Katzner, Rogers.

Not represented: Champlin and Dayton.

Also present: Derek Asche, Maple Grove; Ben Scharenbroich, Plymouth; Diane Spector and Erik Megow, Stantec; James Kujawa, Surface Water Solutions; Kevin Ellis, Hennepin County Environmental Services (HCEE); Judie Anderson, JASS; and Terence Ruane, R.E.S., Inc.

A. Motion by Katzner, second by Sharp to approve the **agenda**. * *Motion carried unanimously.*

B. Motion by T. Anderson, second by Katzner to approve the consent agenda:

1. **Minutes*** of the August 10, 2022, regular meeting with the following addition:

VII.B. Cesnik praised the content of the **2022 Salt Symposium** which was held August 2-3. Sponsored by Bolton & Menk, the first day of the symposium focused on water softening, fertilizer, and industries. The second day covered best practices and the latest developments in winter maintenance. She recommended the Commissioners undertake a study session on emerging issues and technology.

2. September **Treasurer's Report** and **Claims*** totaling \$66,724.76.

Motion carried unanimously.

[The regular meeting was suspended at 11:36 a.m.]

II. Public Hearing.

At the August 10, 2022, meeting the Commission received the feasibility report for the proposed 2022 capital project and called for today's public hearing to consider said project in addition to 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.

The County Board approved the Minor Plan Amendment and adopted a 2022 maximum levy of \$589,903 for the Elm Creek Commission on July 19, 2022.

The projects are:

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

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A. Project 2022-01: South Fork Rush Creek Stream Restoration. Restoration of 7,200 feet of the South Fork Rush Creek from 101st Avenue N 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 pounds/year. Proposed levy: \$430,828.

B. Project 2022-02: 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. Proposed levy: \$106,050.

C. Project 2022-03: 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. Proposed levy: \$53,025.

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

No written or verbal comments have been received from the cities or reviewing agencies. Ruane inquired as to how project 2022-01 would proceed. Commission staff and Ashe, Water Resources Engineer from the City of Maple Grove, described the process. No additional discussion occurred among the members.

[The public hearing was closed at 11:41 a.m.]

III. 2022 Levy.

With no further discussion, motion by Katzner, second by Sharp to adopt **Resolution 2022-02*** Ordering 2022 Improvements, Designating Member Responsible for Construction, Making Findings and Certifying Costs to Hennepin County Pursuant to Minnesota Statutes, Section 103B.251. *Motion carried unanimously.*

By October 1, 2022, Staff must inform Hennepin County of the Commission's levy request for 2022 (payable 2023) of \$589,903.

[The meeting resumed at 11:43 a.m.]

IV. Open Forum.

V. Project Reviews.

A. 2022-025 Harvest View, Rogers.* This is a 47.0-acre parcel that is bounded to the north by an existing single family development, to the east by the single family development Skye Meadows Phase 2, to the south by Territorial Road (CSAH 116), and to the west by the single family development Big Woods. The project entails construction of 78 single-family lots with associated utilities, streets and sidewalks and was reviewed for compliance with Commission rules D, E, G and I. Application was received on May 9, 2022, and the most recent resubmittals were received on June 30. In their findings dated September 6, 2022, Staff recommends approval pending reconciliation of the escrow fee balance. Motion by T. Anderson, second by Riggs to approve Staff's recommendation. *Motion carried unanimously, Katzner and Sharp abstaining.*

B. 2022-033 Pet Suites, Maple Grove.* The project site is located on a vacant lot just north of the County Road 30 and Upland Lane N intersection. The proposed project will include the construction of a building and parking lot along with necessary utilities and stormwater management for a canine care facility. The project triggers Rules D and E. In their findings dated September 6, 2022, Staff recommends approval with two conditions: 1) receipt of final application escrow fee balance and 2) an operation and maintenance plan that is approved by the City. Motion by Riggs, second by Katzner to approve Staff’s recommendations. *Motion carried unanimously.*

C. 2022-036 West French Lake Road Improvements, Dayton.* This is a one mile stretch of W. French Lake Road between the Cubes at French Lake and the Graco Building 2 developments. It is proposed to be reconstructed from a gravel rural road into an urban road section. The work will disturb 12 acres and create 2.5 acres of new impervious areas. The project was review for compliance with Commission rules D, E, F, G, H, and I. In their findings dated September 7, 2022, Staff recommends approval contingent upon the following conditions: 1) the escrow balance must be rectified to the satisfaction of the Commission Administrator. 2) individual discharge points where rates are increased throughout the corridor must be approved by the city engineer and 3) the disturbed areas east of the roadway/trail shall have a vegetation maintenance plan that ensures minimum native vegetation establishment over a period of three years. Motion by Riggs, second by Sharp to approve Staff’s recommendations. *Motion carried unanimously.*

D. 2022-041 Elm Creek Swim Pond Culvert, Maple Grove.* This project is located within the Elm Creek Park Reserve, east of Mud Lake, and just north of the Elm Creek Swim Pond. The project includes the replacement of an existing wooden bridge with a culvert crossing which will provide an improved crossing for Park District maintenance access. The project was reviewed for rules D, E, F and G. In their findings dated September 6, 2022, Staff recommends approval pending reconciliation of the application escrow fee balance. Motion by Katzner, second by T. Anderson to approve Staff’s findings and recommendation. *Motion carried unanimously.*

VI. Old Business.

A. Fund Balance Policy. J. Anderson updated the members on her email dialogue with Jim Eichten, CPA, Mallory, Montague, Karnowski, Radosevich & Co. Eichten has not provided an estimate of the cost of the time for him to inform the Budget Committee regarding a policy for the Commission; however, J. Anderson noted that the “funds” the Commission currently outlines in its annual operating budget and Audit Report are in line with those he recommends. He also referenced the State Auditor’s Statement of Position 2010-1003 regarding fund balances which recommends that, “at year-end and/or at other key times of the year, local governments that rely significantly on property taxes maintain an unrestricted fund balance of approximately 35 to 50 percent of fund operating revenues or no less than five months of operating expenditures in their general fund and special revenue funds.” She will update her initial memo to reflect this guidance and her emails from Eichten in time for the October 12 Technical Advisory Committee (TAC) meeting.

B. The **PRAP subcommittee** has not scheduled its next meeting. The items outlined in the PRAP final report will be discussed at the October 12 TAC meeting.

VII. New Business.

VIII. Communications.

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

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in the September 7, 2022, report.

B. Hennepin County Staff Report.*

1. Program updates.

a. Lake Jubert Agricultural BMPs. Hennepin County and EOR staked out waterway projects on August 30. Staked areas mostly matched points shot from last year. Construction on 1A waterways will begin the week of September 19.

Potential wetland restoration was surveyed and is currently being redesigned to meet landowner needs regarding equipment crossing and water retention. WASCOD (Water And Sediment COntrol Basin) project is currently being redesigned to accommodate move from neighboring property. Project may be moved to 2023 for implementation.

b. 13861 129th Ave N., Dayton. Finalized manure bunker plans from Sandman Engineering were received and sent to landowner for approval. Plans were approved and landowner has obtained a quote for the roof structure and estimates 140-160 hours for installation. Reimbursement for slab, apron, and walls is being issued and construction on roof structure will begin as soon as possible. Final manure bunker will be 20' x 20' with 6-foot walls, and a structure that is 16' in height.

c. 9945 Sundance Road. Finalized plans from Sandman Engineering were received and sent to landowner for approval and to obtain a quote for final cost. Houston Engineering requested a general plan for livestock waterer detailing location and depth of pipeline. Model of Ritchie waterer specifications will also be included for review by HEI. Landowner is currently obtaining a quote for work. Final project will include barn gutters, livestock waterer, and manure bunker. Landowner has already installed exclusionary fencing along Rush Creek without financial assistance. Construction for this project is slated for late-September or early-October.

d. Old Settlers Road, Corcoran. Hennepin County Staff discussed conservation easement options with landowners. Residents are now considering their options and will meet again with county staff to discuss potential options for easements. Staff are also connecting landowners with NRCS resources regarding CRP as a potential option to transition land from farm to conservation.

e. Diamond Hill Stables. The new owners of the Diamond Hill Stables contacted HCEE to discuss potential funding options for infrastructure upgrades and implementation of conservation measures. Currently, there are issues with mud, a manure stack that is close to a hill running down to a wetland area and some visible erosion in alleyways. Options considered included a manure bunker and barn gutters. The case was also recommended to NRCS for EQIP funding regarding pasture improvements and rotational grazing assistance.

2. Buffer Inspections have been completed for 2022. Only one property was found to be non-compliant, and the case has been elevated to the state for review. Fifteen areas were randomly chosen for inspection and most were found to already be compliant. Buffer inspections and results are confidential.

3. Paul Stewart has left Hennepin County for a position with John Deere. We would like to express our appreciation to Paul for all his hard work serving the residents of the county and wish him luck in his new position. The County will be posting a job position for a rural conservationist soon.

Motion by Cesnik, second by Katzner to write a letter to the County requesting

that they make this position a full time position in order to better assist and support rural landowners in the watershed. *Motion carried unanimously.* This item will be forwarded to the TAC for discernment.

4. Agricultural Preservation Work. Staff held two more outreach sessions for the agricultural land preservation and access program development. These sessions were dedicated to better understanding what farmers need to continue to farm, and what potential actions could be taken to leverage county resources to meet those needs.

Farmers are invited to participate by taking a survey related to farmland preservation, as well as schedule one-on-one interviews with staff to tell their story regarding how they have (or haven't) been able to access farmland in the past. To schedule a meeting, contact Kevin Ellis kevin.ellis@hennepin.us.

5. Grants are available to establish organics recycling drop-off sites. Help provide more organics recycling options in your community! Funding is available for businesses, cities, multifamily properties, nonprofit organizations, and institutions in Hennepin County to [establish organics recycling drop-off sites](#). Up to \$15,000 is available for each drop-off site. Funding can be used for hauling and disposal costs, construction, dumpsters or carts, and promotions and educational materials. Priority will be given to drop-off sites that increase access to organics recycling for residents in multifamily properties without access to city service and in cities with limited organics recycling options.

To learn more, see the [organics recycling drop-off funding guidelines \(PDF\)](#). Access application materials at the [Hennepin County supplier portal](#). For more information, contact Kaitlin Steinberg at kaitlin.steinberg@hennepin.us.

6. Grants awarded to clean up contaminated sites. Hennepin County recently awarded 12 grants totaling \$3.8 million for the assessment and cleanup of contaminated sites through the Environmental Response Fund. Grant activities include asbestos and lead-based paint abatement, vapor mitigation, and contaminated soil assessment and cleanup. The projects supported by these grants have multiple benefits, including increasing the tax base, creating permanent jobs, creating market-rate and affordable housing, and enhancing green space. Applications for the next round of Environmental Response Fund grants are being accepted now through November 1. Applications must be submitted through the [Hennepin County Supplier Portal](#). Cities, economic development agencies, housing and redevelopment authorities, other local public entities, nonprofit organizations, and for-profit businesses and eligible to apply. Prior to applying for a grant, contact brownfields@hennepin.us to discuss your project and funding needs.

IX. Education and Public Outreach.

A. The **West Metro Water Alliance (WMWA)** will meet via Zoom at 8:30 a.m., October 11, 2022. In anticipation of the hiring of the WBIF-funded Education and Outreach Coordinator, members will be discussing plans for what they want to accomplish in the next two years. They will concentrate on building networks and coordinating efforts. (Also see X.B., below.)

B. Spector provided a verbal update on the **Hennepin County Chloride Initiative**. Ten percent of WBIF funding has been allocated to this project. The group has chosen a motto – Low Salt No Salt Minnesota, clearing a path to safety, savings and sustainability. Time at future TAC and regular meetings will be allocated for brainstorming this endeavor.

X. Grant Opportunities and Project Updates.*

A. The Commission had previously approved developing and submitting BWSR **Clean Water Fund Projects and Practices grant applications*** for two proposed projects: the South Fork Rush Creek Restoration project in Maple Grove and the CSAH 12 Ravine Stabilization project in Dayton. The proposed projects would be completed by Maple Grove and Hennepin County, respectively, with the Commission a funding partner.

1. The South Fork grant request is for \$750,000. The Commission has committed to a cost share contribution of \$812,500 and the City of Maple Grove is providing \$1,687,500 matching funding.

2. The CSAH 12 grant request is for \$300,000. The balance of the project cost of \$804,000 will be shared between Hennepin County (\$212,000), Three Rivers Park District (\$182,000), and the Commission (\$110,000).

Typically the grant awards are announced at the December meeting of the Board of Water and Soil Resources (BWSR). Contracting is typically completed by March-April the following year, with funds available immediately upon execution of the contract.

B. On August 31, 2022, the Elm Creek **Watershed Based Implementation Funding (WBIF)** Convene Group met for a fourth time to finalize the allocations, which were approved as previously discussed.

1. Education and Outreach Coordinator. After some creative budgeting, a subset of WMWA/Hennepin County folk came to an agreement on the scope, budget, and funding for the proposed E&O coordinator, to be shared 50/50 between WMWA and Hennepin County. The final funding piece was bringing the Richfield-Bloomington WMO into the proposal. The proposal is for a two-year limited duration position to focus on three things:

a. Fostering adoption of BMPs on residential properties by coordinating and marketing workshops for residents, providing onsite technical assistance, and providing implementation financial assistance.

b. Coordinating and working with Metro Blooms and other partners on multifamily equitable engagement projects and providing assistance in assembling funding for implementation of BMPs.

c. Providing community engagement, education, marketing, and promotion regarding other priority conservation topics such as chloride management, pet waste management, and general pollutant reduction priorities. Additional activities might include public speaking, tabling at community events, establishing an engaging social media presence, and producing content for distribution via formats like community newspapers and city newsletters.

During the two year period WMWA and partners will continue to investigate options to fund a permanent position to continue and expand this work. The Work Plan* for this initiative is included in the meeting packet.

2. SWA Implementation. Hennepin County staff have worked with the Commission to implement BMPs identified in the Rush Creek Headwaters Subwatershed Assessment (SWA) and other related agricultural and rural BMPs funded in part by a Clean Water Fund grant. The

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County proposed two priority areas for additional SWA implementation: 1) Phase 2 of the Rush Creek Headwaters SWA implementation, and 2) implementation in the Diamond Creek SWA drainage area. County staff believe they have the capacity to design and oversee implementation of about \$175,000 of BMPs by the end of 2025.

3. Additional Project Identification. The third priority area is the completion of some combination of additional SWAs and stream assessments to identify both watershed BMPs and stream repair and stabilization needs. Previous discussions have allocated the balance of the WBIF funding, \$92,774, to this priority. Corcoran is interested in pursuing the South Fork Rush Creek SWA and Dayton is interested in considering further study of the feasibility of re-meandering a portion of Diamond Creek as identified in the Diamond Creek SWA.

By consensus the Convene Group approved the following allocations:

Funding Priority	Amount WBIF	Source of 10% Match	Grantee
Education & outreach coordinator	\$30,000	WMWA and county	County
County outreach/cost-share	175,000	County staff time and \$, landowner in-kind and \$, ECWMC CIP cost share	ECWMC*
SWA/stream assessments	92,774	Capital/operating budget for SWAs	ECWMC
TOTAL	\$297,774		

*Note that historically this has been administered through the Commission. The County would work with landowners to pay costs then invoice at the end of the year. The monthly staff report is an opportunity for the Commission and County to communicate and coordinate on priorities and progress

Motion by Katzner, second by sharp to direct Staff to work with BWSR and Hennepin County and the TAC to flesh out the Work Plans for initiatives 2 and 3. *Motion carried unanimously.*

XI. Other Business.

XII. Adjournment. There being no further business, the meeting was adjourned at 1:30 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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Project No.	Project Name.
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.
2017-029	Brayburn Trails, Dayton.
2017-050W	Ernie Mayers Wetland/floodplain violation, Corcoran.
2018-046	Graco, Rogers.
2018-048	Faithbrook Church Phase 2, Dayton.
2019-021	Brenly Meadows, Rogers.

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2019-026	Interstate Power Systems, Rogers.
2019-027	Havenwood at Maple Grove.
2020-008	Ione Gardens, Dayton.
2020-009	Stetler Barn, Medina.
2020-017	Meadow View Townhomes, Medina.
2020-023	Ziegler Dayton Site Upgrades, Dayton.
2020-032	Enclave Rogers - Commerce Boulevard, Rogers.
2020-033	Weston Woods, Medina.
2020-036	Balsam Pointe, Dayton.
2021-007	Birchwood 2nd Addition, Rogers
2021-016	Territorial Lofts, Rogers.
2021-020	Crew Carwash, Maple Grove.
2021-021	Territorial Triangle, Dayton.
2021-023	Maple Grove Medial Office Building (MOB).
2021-024	Riverwalk, Dayton
2021-025	Hackamore Road Reconstruction, Medina/Corcoran.
2021-026	Prairie Creek Subdivision, Medina.
2021-027	Xcel Energy Elm Creek Substation, Maple Grove
2021-028	The Cubes at French Lake, Dayton
2021-029	Tri-Care Grocery / Retail, Maple Grove
2021-031	Cook Lake Edgewater, Maple Grove
2021-034	BAPS Hindu Temple, Medina.
2021-035	Mister Car Wash - Rogers
2021-036	D & D Service, Corcoran.
2021-037	Marsh Pointe, Medina.
2021-038	Bellwether 6th/Amberly, Corcoran.
2021-039	1-94 Logistics Center, Rogers.
2021-040	Napa Auto, Corcoran.
2021-041	Carlson Ridge, Plymouth.
2021-043	Northwood Community Church Maple Grove.
2021-044	Balsam II Apartments, Dayton.
2021-046	Len Busch Roses, Plymouth
2021-047	CR 10 Box Culvert Replacement, Corcoran
2021-048	Bellwether - Newman West, Corcoran
2021-049	Dayton Interchange Business Center, Dayton.
2021-050	Evanswood, Maple Grove.
2021-051	Fields of Nanterre Drainage Improvements, Plymouth.
2021-052	Norbella Senior Living, Rogers.
2021-053	Towns at Fox Creek, Rogers.
2021-054	Stotts Family Farm Grassed Waterways, Corcoran.
2021-055	Morningside Estates 6 th Addition, Champlin.
2022-001	Dayton Field 2nd Addition, Dayton.
2022-002	Summerwell, Maple Grove.
2022-003	Fox Briar Ridge East, Maple Grove.
2022-005	Bellwether 7 th , Corcoran.
2022-006	Hamel Townhomes, Medina.
2022-007	Weston Commons 2nd, Maple Grove.
2022-008	Bechtold Farm, Corcoran.
2022-009	Dunkirk Lane Development, Plymouth.
2022-010	Unity Tool Building Addition, Dayton.

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2022-011	Arrowhead Drive turn Lane expansion,
2022-012	Graco Building 2, Dayton.
2022-013	Dayton 94 Industrial Site, Dayton.
2022-014	Aster Mill, Rogers.
2022-015	<i>County Road 47 Phase I Reconstruction, Plymouth.</i>
2022-016	<i>Rogers Activity Center, Rogers.</i>
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.
2022-023	Asguard, Rogers.
2022-024	Bridge No. 27J70, Maple Grove.
2022-025	Harvest View, Rogers.
2022-026	Archway Building, Rogers
2022-027	Edison at Maple Grove Apartments.
2022-028	Elsie Stephens Park, Dayton.
2022-029	Hayden Hills Park, Dayton.
2022-030	Garages Too, Corcoran.
2022-031	Corcoran II Substation.
2022-032	EC Stream Restoration Phase 5, Champlin.
2022-033	Pet Suites, Maple Grove.
2022-034	CSAH 101 Improvements, Maple Grove.
2022-035	Rush Hollow, Maple Grove.
2022-036	West French Lake Road Improvements, Maple Grove.
2022-037	CSAH13 CR203 Culvert replacement, Dayton.
2022-038	Tavera North Side, Corcoran.
2022-039	Garland Commons, Maple Grove.
2022-040	Kariniemi Meadows, Corcoran.
2022-041	Elm Creek Swim Pond Culvert, Maple Grove.
2022-042	Walcott Glen, Corcoran.

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