

# elm creek

## Watershed Management Commission

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### MINUTES Regular Meeting October 12, 2022

I. A meeting of the Elm Creek Watershed Management Commission was called to order at 11:37 a.m., Wednesday, October 12, 2022, in the Aspen Room, Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN, by Chair Doug Baines.

Present were: 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: Heather Nelson, Champlin; Kevin Mattson, Corcoran; Nico Cantarero, Stantec, Dayton; Derek Asche, Maple Grove; Matt Danzl, Hakanson-Anderson, Medina; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Diane Spector and Erik Megow, Stantec; James Kujawa, Surface Water Solutions; Kris Guentzel and Kevin Ellis, Hennepin County Environmental Services (HCEE); Brian Vlach, Three Rivers Park District; and Judie Anderson, JASS.

A. Motion by Walraven, second by Sharp to approve the **agenda** with the removal of Item 5.a. Fund Balance/Reserve Policy Update.\* *Motion carried unanimously.*

B. Motion by Walraven, second by Guenther to approve the **Minutes\*** of the September 14, 2022, regular meeting and public hearing. *Motion carried unanimously.*

C. Motion by Guenther, second by Sharp to approve the October **Treasurer's Report** and **Claims\*** totaling \$73,141.79. *Motion carried unanimously.*

### II. Open Forum.

### III. Project Reviews.

A. **2017-050 Ernie Mayers Wetland/Floodplain Violation, Corcoran.\*** The City of Corcoran contacted the Commission in 2017 concerning drainage complaints on Mayers' property. Technical Evaluation Panels (TEPs) were held to assess the nature and extent of the violations and a restoration order was issued to Mayers. In 2018, an appeal of the restoration order was received by the Board of Water and Soil Resources. BWSR placed an order of abeyance (stay) on the appeal looking for a resolution between the LGU and Mayers. The parties came to an agreement to resolve the violation in 2021. The agreement was signed by BWSR, Corcoran and Mayers.

Kujawa provided background information on this project and the materials in the packet. The City of Corcoran has agreed to facilitate a meeting prior to next month's Commission meeting to provide Commission staff with information on the negotiated agreement and how this project can move forward to resolve the Commission's floodplain concerns. This information will be provided in next month's staff report.

B. **2022-039 Garland Commons, Maple Grove.\*** The project consists of a multi-family building with associated parking, landscaping, utility and stormwater best management practices. It will disturb 4.8 acres of a 6.2 acre site and result in 1.8 acres of new impervious surface. The project triggers

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RULE F - FLOODPLAIN ALTERATION

RULE G - WETLAND ALTERATION  
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Rules D, E, and I. Staff's review and findings dated September 19, 2022, are in this month's packet. Staff recommends approval conditioned on 1) reconciliation of the escrow fee balance and 2) an operation and maintenance plan approved by the City of Maple Grove. Motion by Trainor, second by Walraven to approve Staff's recommendations. *Motion carried unanimously.*

**C. 2022-042 Walcott Glen, Corcoran.\*** This is a 40-acre parcel located in the northwest quadrant of the intersection of Hackamore Road and CR 101 (Brockton Lane). The site will be developed into a residential area with 10.8 acres of new impervious area including homes, driveways, roads, and sidewalks, as well as a playground area. Staff's review and findings dated October 5, 2022, are in this month's packet. Staff recommends approval conditioned upon 1) the escrow balance being reconciled to the satisfaction of the Commission Administrator. 2) notice of wetland replacement plan approval being provided to the Commission. Prior to grading the wetland, a replacement plan must be approved by the LGU. 3) the applicant entering into a stormwater maintenance agreement with the City of Corcoran. The City's template stormwater maintenance agreement satisfies the requirements of the Commission. and 4) the City approving the final emergency overflow design for wetland H4 and that design being approved by Commission Staff. Motion by Trainor, second by Guenthner to approve Staff's recommendations. *Motion carried unanimously.*

**D. 2022-044 Trail Haven Road Bridge L9384 Replacement, Corcoran.\*** This project is on the North Fork of Rush Creek at Trail Haven Road, approximately one-half mile south of CR 117. The City of Corcoran is proposing to replace the existing 52' long 90" x 139" CMP arch culvert with a 10' wide x 6' high concrete box culvert on Trail Haven Road. Draft findings are included in this month's packet. Staff provided a final recommendation for conditional approval at the meeting, to wit, 1) the escrow balance must be rectified to the satisfaction of the Commission Administrator and 2) the following documentation must be provided: (a) current photographs of the existing channel to approximately 250 feet downstream of the proposed culvert invert, (b) detail of the proposed riprap design below the culvert, (c) MN DNR and WCA permits, and (d) general concurrence to assist private landowners downstream of this project if streambank erosion occurs as a result of this culvert replacement project. Motion by Trainor, second by Walraven to approve Staff's recommendations. *Motion carried unanimously.*

**IV. Old Business.**

**V. New Business.**

**A. Boundary Revisions.\*** The Commission has been notified by the Shingle Creek and West Mississippi WMOs (SCWM) that they are in the process of updating their hydrologic and legal boundaries and are requesting review and concurrence from the adjoining WMOs, including Elm Creek. The original legal boundary was established in the early 1980s using the best information available at that time, which included basic hydrologic and hydraulic (H&H) modeling and USGS 10-foot topographic mapping.

Since that time finer resolution topography has become available, as is more refined H&H modeling and storm sewer/drainage network information, to establish the hydrologic boundaries more accurately. There are many locations where the newer hydro boundary does not match the original hydro boundary. West Mississippi never established a hydro boundary; the legal boundary just followed the Elm boundary. In addition, the legal boundaries were drawn to parcel boundaries, and many of the larger agricultural parcels have since subdivided into new developments with new drainage patterns, leaving many parcels on the edges of the watersheds in the wrong watershed.

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Some of the reasons it is desirable to have legal boundaries that match hydro boundaries as closely as possible include:

1. The annual operating budget is funded primarily from city assessments, and each individual city's share of those assessments is based on its share of the taxable market value of property in the watershed. Hennepin County computes these numbers by adding up the taxable market value of every parcel within each city in the watershed, so assigning each parcel to its proper watershed makes for a fairer division of assessments between cities.

2. Each of the affected watersheds annually certify capital project levies, which are spread as a special district tax over all the property in the watershed. Assigning each parcel to its proper watershed helps to assure that property owners are being taxed only for the projects in the watershed to which it drains.

The SCWM engineer has used the recent HUC 8 study and other H & H modeling as well as storm sewer network and project review plans to propose a revised new hydro boundary. The cities in Elm Creek that are also in SCWM have been working with the SCWM engineer to ground-truth the boundaries. The new proposed legal boundary conforms closely to the hydro boundary. However, the engineer developed certain rules to guide how that boundary is drawn to smooth the lines, follow parcel and right of way boundaries, and handle various oddball situations, so that there will be some differences between the proposed hydro and legal boundaries. The draft boundaries can be viewed at [SCWM Legal Boundary Review - PUBLIC \(arcgis.com\)](#).

The SCWM Commissions have asked Elm Creek to review the proposed boundaries and issue a formal resolution of concurrence by November 30, 2022. It is Staff's recommendation that the cities that abut the Shingle Creek and West Mississippi watersheds review and finalize those proposed boundaries so that the Commission can review and consider such a resolution at the November 10, 2022, meeting. Sample letters of concurrence\* are included in the meeting packet.

**B. Dayton Cost share Project.\*** In early September Ed Matthiesen from Stantec; Jason Quisberg, Dayton City Engineer, also from Stantec; and several County staff met with two property owners on 16630/16750 Dayton River Road. The County will be doing roadwork, replacing several culverts and stabilizing ravines along this highway in 2023. Runoff from an area south of the road across from their houses is conveyed to the north side by a culvert under the roadway. The County plans on widening the road, replacing the culvert and extending and adding pipe. The two property owners' concern is the existing channel degradation on the intermittently flowing pipe and the expectation that it may get worse as development across from their properties increases runoff to the culvert.

It is the staffs' conclusion that the culvert extension itself likely will not increase flow, but it will direct it into the opposite bank and increase the efficiency of flow. There are several feet of fall to the River so, with future increased flow, continued head cutting will occur, increasing erosion and sedimentation to the River. Hennepin County does not intend to include stabilization of this private channel in its project but would be willing to contribute financially to the cost of stabilizing this channel which, by quick estimate, would be about \$50,000. The City of Dayton has agreed to take the lead on this project and expects to request cost-share funds from the Commission. The City would like to have its engineering consultant, which is Stantec, prepare a design and cost estimate to submit to the Commission and County for cost share.

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The purpose of this discussion is to avoid conflicts of interest up front and request the approval of the Commission to complete this work. Since Erik Megow will likely be working with Quisberg on this project, Staff would ask Jim Kujawa or Rebecca Carlson to review the work and cost share application and make a recommendation to the Commission as to whether it should be funded. The Technical Advisory Committee (TAC) reviewed this request at its meeting today and recommends to the Commission that it proceed per the above stipulation. Motion by Guenther, second by Trainor to proceed with the cost share application based on the TAC's recommendation. *Motion carried unanimously.*

## VI. 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 6 of these minutes are discussed in the October 5, 2022, report.

### B. Hennepin County Staff Report.\*

#### 1. Program updates.

**a. Lake Jubert Agricultural BMPs.** County Staff and EOR met with the landowner for a pre-construction meeting. An updated cost-estimate of work was provided. Work has begun on waterways that are part of the 1A projects and should be completed sometime in late October/early November. EOR is currently redeveloping the WASCOB that is included in 1B and preliminary plans have been approved by the landowner. Construction may be able to start this year, depending on permitting needs.

**b. 13861 129th Ave N., Dayton.** Construction on the roof component on the manure bunker is moving forward. Project should be completed before winter 2022.

**c. 9945 Sundance Road.** The landowner has agreed to install manure bunker, barn gutters, and livestock waterers. The State cost-share contract was signed and approved. Construction will begin the week of October 10th.

**d. Diamond Hill Stables.** Landowners are currently working through cost-share process to install barn gutters which will help reduce mud and erosion in high traffic alleys directly adjacent to the stables. They are also currently working with Katie Evans of NRCS to develop a grazing plan and make paddock upgrades.

**e. 10000 Ebert Road.** County staff have completed additional survey work and developed initial design elements in late September for potential wetland restorations on the property. These design elements will be imported in CAD in October to develop a 60% design. County staff plan to engage permitting authorities in October as well. The landowner is also working with US Fish & Wildlife to restore several other wetlands on the property.

**2.** Applications for **Good Steward Grants** are being accepted through November 15, 2022. These grants support smaller, community-based or single applicant projects, such as constructing rain gardens, stabilizing stream banks, restoring native vegetation, installing vegetated filter strips, or implementing other best management projects. The typical funding amount is \$5,000 to \$15,000. See the [Good Steward Grant Guidelines \(PDF\)](#) for more information. Application materials are posted on the [Hennepin County Supplier Portal](#). All applications must be submitted through the Supplier Portal.

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Two optional online workshops were held early in October for potential applicants to learn more about the program, application requirements, and how to submit their application. A recording of these workshops is posted to the [Natural Resource Grants website](#).

3. Hennepin County is again offering [facility tours at the Brooklyn Park Transfer Station](#). The [drop-off facility](#) provides an opportunity for residents to properly manage household hazardous waste, recyclables, organics, and problem materials such as computers, TVs and appliances. Tours describe how the facility works and highlight the importance of reducing, reusing, recycling and preventing pollution. Tours are available for youth and adult groups. Complete the [Brooklyn Park Transfer Station tour request calendar and form](#) to request a tour for your group.

4. **Paul Stewart** has left his position at the County. It had been recommended at the September meeting that the Commission write a letter to the County recommending that this position be made full-time. Currently, the position is being filled using funds from a BWSR grant as compensation. Staff will seek the name of the individual at the County to whom a letter should be sent recommending this position become full time in the future.

## VII. Education and Public Outreach.

A. The **West Metro Water Alliance (WMWA)** will meet via Zoom at 8:30 a.m., November 8, 2022.

At the October meeting the members continued to discuss the joint County/WMWA education and outreach coordinator position and how that work might proceed. They noted that PREP educator Jessica Sahu Teli continued to be busy with several schools this fall.

B. Commissioner Cesnik attended the **2022 Salt Symposium** and found the presentations informative. Many of those presentations were high-level research or policy or were specifically oriented toward cities and counties and other road maintenance operators. There are other chloride-related topics that have come up recently that the Commission could explore or discuss further, either at TAC or regular meetings.

1. For some of the recent project reviews the Commissioners have asked that a provision be added recommending the developer or some other party consider developing a **salt management plan** to reduce potential chloride impacts. There are some WMOs in the Metro that do require this with their stormwater permits, with mixed success. In addition, the Hennepin County Chloride Initiative (HCCI) has developed voluntary salt management plan templates that are available for use by WMOs, cities, private parties, etc. The Commission has not yet reviewed those templates or discussed how they might be used.

2. The HCCI is just completing development of its marketing campaign **Low Salt No Salt Minnesota**. Besides the logo and tag, there are short videos and other marketing materials. The intent was to first target HOAs and faith-based groups, but this is information that is more broadly applicable. As that campaign moves to implementation, the TAC and Commissioners can discuss future roles and responsibilities.

It was recommended that the TAC define the role of the Commission in chloride matters. *Query: How does this impact the cities regarding TMDLs?*

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**VIII. Grant Opportunities and Project Updates.**

During the **Watershed Based implementation Funding (WBIF)** process there was \$92,274 in remaining funds that was designated for “priority assessments.” To date, only two assessments have been proposed: Corcoran has proposed completing a South Fork Rush Creek SWA similar to the previous Rush Creek Headwaters SWA and Dayton has proposed further investigating the feasibility of a natural channel restoration of the Diamond Lake outlet channel to Diamond Creek. The estimated cost of a SWA, based on the cost of the Headwaters SWA, is \$65,000. There was no estimate of cost prepared for the channel restoration feasibility study. No other assessments were advanced by cities.

If the TAC and Commission elect to go forward with the South Fork SWA, the grant would fund \$59,090 of the project, leaving a balance \$33,184 to be allocated. The Diamond Creek SWA included a high-level estimate of cost for construction of the project (\$400,000 excluding land) based on a conceptual design, but more detailed survey and design work has not been completed. The \$33,184 is likely more than what would be required for a second project.

**IX. Other Business.**

Vlach reported that **Zebra mussels have been identified in Fish Lake**, primarily located in the center of the lake. None have been seen at the access to the lake. He will have more information in November.

**X. 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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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.
2018-046	Graco, Rogers.
2019-021	Brenly Meadows, Rogers.
2019-026	Interstate Power Systems, Rogers.
2020-009	Stetler Barn, Medina.
2020-017	Meadow View Townhomes, Medina.
2020-032	Enclave Rogers - Commerce Boulevard, Rogers.
2020-033	Weston Woods, Medina.
2020-036	Balsam Pointe, Dayton.

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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.
2021-027	Xcel Energy Elm Creek Substation, Maple Grove
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 <sup>th</sup> Addition, Champlin.
2022-001	Dayton Field 2nd Addition, Dayton.
2022-002	Summerwell, Maple Grove.
2022-003	Fox Briar Ridge East, Maple Grove.
2202-005	Bellwether 7 <sup>th</sup> , 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.
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	County Road 47 Phase I Reconstruction, Plymouth.
2022-016	Rogers Activity Center, Rogers.
2022-017	City Center Drive, Corcoran.
2022-018	Big Woods, Rogers.

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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	Karinieimi Meadows,
2022-041	Elm Creek Swim Pond culvert, Maple Grove.
2022-042	Walcott Glen, Corcoran.
2022-043	Meander Park and Boardwalk, Medina.
2022-044	Trail Haven Road Bridge Replacement, Corcoran.

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