

# elm creek Watershed Management Commission

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## Regular Meeting Minutes October 14, 2020

I. A virtual meeting of the Elm Creek Watershed Management Commission was called to order at 11:33 a.m., Wednesday, October 14, 2020, by Chair Doug Baines.

Present were: Ken Guenthner, Corcoran; Doug Baines, Dayton; Joe Trainor, Maple Grove; Terry Sharp, Medina; Catherine Cesnik, Plymouth; Kevin Jullie, Rogers; Joe Waln, Barr Engineering; James Kujawa, Surface Water Solutions; Kirsten Barta and Kris Guentzel, Hennepin County Dept. of Environment and Energy (HCEE); Brian Vlach, Three Rivers Park District (TRPD); and Amy Juntunen and Judie Anderson, JASS.

Not represented: Champlin.

Also present: Todd Tuominen, Champlin; Kevin Mattson, Corcoran; Nico Cantarero, Wenck Assocs., Dayton; Derek Asche and Mark Lahtinen, Maple Grove; Ben Scharenbroich, Plymouth; and Andrew Simmons, Rogers.

Others present: Brenna Koehler, Rogers, and Amy E. and John E., not identified.

A. Motion by Guenthner, second by Jullie to approve the **agenda\*** as amended. *Motion carried unanimously.*

B. Motion by Guenthner, second by Trainor to approve the consent agenda.

1. **Minutes\*** of the September 9, 2020 regular meeting and public hearing.

2. **October Treasurer's Report and Claims\*** totaling \$39,925.88.

*Motion carried unanimously.*

II. **Open forum.**

III. **Action Items.**

A. **Project Review 2020-008 Lone Gardens, Dayton.\*** This project is located at the northwest intersection of CSAH 144 (Diamond Lake North) and 12 (Dayton River Road). The site is three agricultural properties totaling 48.29 acres. 112 new single-family residential lots creating 16.84 acres of new impervious surface area are proposed for this development. Staff's review was for compliance with Rules D, E, G, and I. In their findings dated September 8, 2020, Staff granted administrative approval for phase I grading and erosion controls contingent upon: (1) the applicant accepting any and all risks for any changes required to obtain final approval by the Commission and that the City of Dayton grants approvals for said grading. Further, Staff recommends approval contingent upon the following conditions. (2) future wetland alteration and buffer strip plans meet Commission and City wetland requirements; (3) appropriate separation between the low floor and high-water elevation on Lot 1, Block 1, and Pond 1P is provided; (4) the pipe size between ponds 2P

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and 2iP on the site plans is consistent with hydrology sizing; and (5) post-development percolation tests are provided on infiltration basins to demonstrate the constructed infiltration rate meets or exceeds the design infiltration rates. Motion by Guenthner, second by Trainor to approve condition (1) and to deny the remainder of the application unless the applicant extends the review deadline beyond the current October 21, 2020 deadline. *Motion carried unanimously.*

**B. Project Review 2020-017 Meadow View Townhomes, Medina.\*** This is a 22-acre site located south of Meander Road and north of Highway 55. Lennar Homes is proposing to build 125 townhomes with the necessary infrastructure on this site. A complete application was received May 29, 2020. The plans call for 7.64 acres of new impervious areas. The Commission’s review will be for conformance to Rules D, E, F, G, and I. The applicant extended the decision deadline to October 20, 2020. Staff findings dated September 30, 2020 with five conditions are included in this month’s packet. Condition (1), grading, was administratively approved by Commission staff conditioned that (a) the applicant accepts all risks for any changes required to obtain final approval by the Commission, and (b) the City of Medina grants approvals for said grading. The remaining conditions are: (2) the mean (average) depth on the west wet-detention pond must be 4.0’ or deeper; (3) buffer strip monumentation and vegetation maintenance plans must conform to the Commission’s requirements; (4) an operation and maintenance agreement of the stormwater ponds must be approved by the City and the Commission. Said agreement must be recorded on the property title with a copy of the recorded document provided to the Commission; and (5) erosion and sediment controls must conform to Commission requirements. Motion by Guenthner, second by Jullie to approve this project with the five conditions specified in the findings. *Motion carried unanimously.*

**C. Project Review 2020-025 Paulsen Farms, Corcoran.\*** This is an 88-acre parcel located south of CR 30 and east of Bechtold Road. Twenty (20) single family rural residential lots with 5.2 acres of new impervious areas are proposed on this site. This project triggers Rules D, E and I. Findings are included in this month’s packet. Staff recommends approval contingent upon: (1) grading is administratively approved by technical staff on the condition that: (a) the applicant accepts any and all risks for any changes required to obtain final approval by the Commission, and (b) that the City of Corcoran grants approvals for said grading; (2) rate control at culvert #3 must be equal to or less than pre-development rates for all storm events; (3) buffer strip monumentation conforms to the Commission’s requirements; and (4) an operation and maintenance agreement must be created and approved by the City and the Commission. Said agreement must be recorded on the property title with a copy of the recorded document provided to the Commission. Motion by Guenthner, second by Jullie to approve this project with the four conditions specified in the findings. *Motion carried unanimously.*

**D. Project Review 2020-026 Rogers High School 2020 Addition and Renovations, Rogers.\*** This project will disturb 3.35 acres and increase impervious coverage by 0.82 acres. A 35,000 SF building addition is proposed for the north side of the existing school. The applicant proposes to utilize the existing regional infiltration pond constructed in 2002 to accommodate these improvements. This project triggers the Commission’s Rules D and E. In their findings dated September 9, 2020, Staff recommends approval with no conditions. Motion by Guenthner, second by Trainor to grant this approval. *Motion carried unanimously.*

**E. Project Review 2020-028 Perl Gardens, Plymouth.\*** This is two parcels, 9.56 acres in size, located in the northwest corner of County Road 101 and Medina Road. Forty-three (43) single-family twin homes creating 4.56 acres of new impervious areas are proposed on this site. Based on the Elm Creek watershed jurisdictional boundaries, the Elm Creek watershed jurisdiction bisects this project. The northerly

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7.06-acre parcel is within the Elm Creek watershed and the southerly 2.46-acre parcel is within the Bassett Creek watershed. Because this site is predominately in the Elm Creek jurisdiction, and because approximately 95% of the site is proposed to drain into the Elm Creek watershed basin, the Bassett Creek WMC agreed to waive their review on the project and requested the review be completed by the Elm Creek Commission for compliance to this Commission’s rules. In their findings dated September 9, 2020, Staff recommends approval with no conditions. Motion by Guenthner, second by Jullie to grant this approval. *Motion carried unanimously.*

**F.** Motion by Trainor, second by Jullie to **change the date of the November meeting to Wednesday, November 4, 2020, at 11:30 a.m.** *Motion carried unanimously.* This change is made to avoid a conflict with Veterans’ Day (November 11) when city offices are closed.

**G. Floodplain Modeling and Mapping Project.**

**1.** The Commissioners reviewed the draft of a letter\* to Jeff Weiss, Minnesota Department of Natural Resources, (MnDNR) regarding the Elm Creek watershed floodplain modeling and mapping project, specifically regarding remedies pertaining to a cost overrun totaling \$25,000 on the hydrologic analysis task. Remedies suggested in the letter are (a) reimbursement to the Commission of \$25,000 for the out-of-scope work requested by the DNR, or, alternatively, (b) coordination with the DNR to have DNR staff complete some of the remaining tasks in order to reduce or eliminate the requested increase in reimbursement. In the letter the Commission is also requesting an extension of time to June 30, 2021, to complete the project.

**2.** Also included in the meeting packet are the documents, emails, etc.,\* created throughout the process of discussing this scenario. They will be attached to the letter to Weiss. Asche noted that there were additional DNR comments from March 16, 2020 referenced in the IAHRC Approval Letter (see 3., below) that had not been included in the package. Waln will review the various correspondence to ensure a complete package of pertinent documents.

It was also noted that Barr has had some communication with Weiss on this cost overrun.

Motion by Guenthner, second by Jullie to approve execution of the letter by the Chair and transmittal of the letter and attachments, including any additional attachments identified by Waln. *Motion carried unanimously.*

**3. IAHRC Approval Letter.\*** On October 13, 2020, Staff received a letter from Weiss informing the Commission that [it] has adequately addressed MnDNR’s comments/questions outlined in their March 16, 2020 letter to Barr. They concluded that the modeling methodology and results meet the requirements of the IAHRC (Inter Agency Hydrology Review Committee) and will be acceptable for FEMA (Federal Emergency Management Agency) floodplain modeling.

Asche asked specifically what this approval was for since the referenced March 16, 2020 memo had not been provided and the work plan includes modeling for both hydrologic and hydraulic analyses. Waln indicated the approval was for hydrologic analysis only. [Following the meeting, DNR subsequently verified that the March 16, 2020 date in the IAHRC approval letter was a typo. It should have been April 24, 2020. A revised IAHRC approval letter with the correct date was sent to the Commission.] With this correction, no additional documents are needed for the package being sent to Weiss.

**IV. Old Business.**

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### V. New Business.

### VI. Communications.

#### A. October Staff Report.\*

**B. October Project Updates.** Barta provided an update on the projects the County is working on in the watershed.

1. There is one outstanding buffer case in Corcoran. The County and the Board of Water and Soil Resources (BWSR) will inspect the site next week to confirm compliance.

2. There is a large project taking place west of Jubert Lake in Corcoran that involves multiple components and landowners. Several grassed waterways, a sediment basin, and a water control structure are all in the process of being designed in partnership with the landowners.

3. A second project in Corcoran is currently under review by the city's WCA consultant to see if it is feasible to move forward.

4. Exclusion fencing and rotational grazing plan are being developed for a landowner in Corcoran to keep horses/goats out of an ephemeral wetland area during wet seasons. Some pasture improvements/refreshing will also be undertaken in the rest of the pasture.

5. Another project just north of Diamond Lake is taking shape to reduce manure runoff downhill into a wetland that feeds directly into the lake in Dayton.

6. The manure bunker completed in Rogers recently has reduced phosphorus by an estimated 12 lbs/year, although in high water years significantly greater reductions will be achieved since the manure pile sits in the water for portions of time. E. Coli reduction estimates are under peer review since those calculations are a relatively new method.

Barta was requested to include a ditch location map with her next report.

**VII. Education and Public Outreach.** The **West Metro Water Alliance (WMWA)** met via Zoom on Tuesday, October 13, 2020, at 8:30 a.m. The **Zoom number** is <https://us02web.zoom.us/j/922390839>. Or call in at any of these numbers using **meeting ID: 922 390 839**: (1) +1 301 715 8592 US (Germantown); (2) +1 312 626 6799 US (Chicago); (3) +1 929 205 6099 US (New York); or (4) +1 253 215 8782 US (Tacoma). The **passcode is 545059**. The next meeting is scheduled for 8:30 a.m., Tuesday, November 10, 2020. This will also be a virtual meeting.

**A.** Creation of the **roots displays** continues and they may be available for viewing at the November Commission meeting.

**B.** One of the two Educators has resigned. WMWA is still trying to determine what the **education model** will look like with remote learning.

### VIII. Grant Opportunities and Project Updates.

Juntunen recapped the **Watershed-based Implementation Funding (WBIF) Program**. She reported that the Commission has been awarded \$281,996.20 in Watershed-Based Implementation Funding and has submitted projects requesting a total of \$500,000:

**A.** Rush Creek Restoration (3500 LF) – requested amount \$200,000.

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**B.** Elm Creek Restoration (3800 LF) and restore outlet of Hayden Lake – requested amount \$300,000.

Since both projects are on its CIP, the Commission must determine if it is planning to do both projects within the grant period (now through December 31, 2023) and do an ad valorem levy for the unfunded portion. She queried the status of the feasibility studies and the ability to move these projects forward. Guentzel expressed his willingness to assist in writing the work plans for the projects.

**IX. Other Business.**

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

**B. Adjournment.** There being no further business, motion by Guenthner, second by Trainor to adjourn. *Motion carried unanimously.* The meeting was adjourned at 1:00 p.m.

Respectfully submitted,



Judie A. Anderson  
Recording Secretary  
JAA:tim

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Item No.	A	E	I RPF		AR	Project No.	Project Name
			RP	D			
						W Denotes wetland project	
ah.					AR	2014-015	Rogers Drive Extension, 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.
al.					AR	2016-047	Hy-Vee North, Maple Grove.
am.					AR	2017-014	Laurel Creek, Rogers.
an.					AR	2017-029	Brayburn Trails, Dayton.
ao.					AR	2017-039	Rush Creek Apartments, Maple Grove.
a.						2017-050W	Ernie Mayers Wetland/floodplain violation, Corcoran.
b.						2018-020	North 101 Storage, Rogers.
ap.					AR	2018-026	Windrose, Maple Grove.
c.						2018-046	Graco, Rogers
aq.					AR	2018-048	Faithbrook Church Phase 2, Dayton.
ar.					AR	2019-001	Fernbrook View Apartments, Maple Grove.
as.					AR	2019-002	Parkside Villas, Champlin.
at.					AR	2019-021	Brenly Meadows, Rogers.
d.						2019-024	Boston Scientific, Maple Grove.
au.					AR	2019-027	Havenwood at Maple Grove.
av.					AR	2019-032	OSI Expansion, Medina.
e.						2020-001	Outlot L, Markets at Rush Creek, Maple Grove.
f.						2020-002	Project 100, Maple Grove.

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g.	A	E			2020-008	Ione Gardens, Dayton.
av.				AR	2020-009	Stetler Barn, Medina.
h.					2020-015	Dayton Interchange Business Center, Dayton.
i.		E			2020-016	Lennar Terr Road Development (Skye Meadow), Rogers.
j.	A	E			2020-017	Meadow View Townhomes, Medina.
k.					2020-022	Elm Road Area Street & Utility Project, Maple Grove.
l.					2020-023	Ziegler Dayton Site Upgrades, Dayton.
m.		E	R		2020-024	Walti Culvert Exchange, Corcoran.
n.	A	E			2020-025	Paulsen Farms, Corcoran.
o.	A	E			2020-026	Rogers HS Addition and Renovation, Rogers.
p.					2020-027	Kariniemi Addition, Corcoran.
q.	A	E			2020-028	Perl Gardens, Plymouth.
r.					2020-029	Sundance Greens 5th Addition, Dayton.
s.					2020-030	Nelson International, Corcoran.
t.		E	R		2020-031	EAW Chippewa Road Ext./Weston Woods development, Medina.
u.					2020-032	Enclave Rogers – Commerce Boulevard, Rogers.
v.					2020-033	Weston Woods, Medina.
w.					2020-034	Strehler Road, Corcoran.

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