

elm creek

Watershed Management Commission

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MINUTES

Regular Meeting | December 13, 2023

I. CALL TO ORDER. A meeting of the Elm Creek Watershed Management Commission was called to order at 11:32 a.m., Wednesday, December 13, 2023, in the Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN, by Chair Doug Baines.

Present: Ken Guenther, Corcoran; Doug Baines, Dayton; Dan Riggs, Maple Grove; Terry Sharp, Medina; Catherine Cesnik, Plymouth; and David Katzner, Rogers.

Not represented: Champlin.

Also present: Derek Ashe, Maple Grove; Ben Scharenbroich, Plymouth; Erik Megow, Stantec; Kevin Ellis, Hennepin County Environment and Energy (HCEE); Brian Vlach, Three Rivers Park District; and Judie Anderson, JASS.

II. AGENDA. Motion by Guenther, second by Sharp to approve the revised Agenda. *Motion carried unanimously.* Item 9.a. Dayton Ravine stabilization Cost Share and Item 11.a. Letter from the Minnesota Campaign Finance Board were added to the agenda.

A. Motion by Guenther, second by Sharp to approve the **Minutes* of the November 8, 2023, meeting.** *Motion carried unanimously.*

B. Motion by Guenther, second by Katzner to approve the **December Treasurer's Report and Claims*** totaling \$61,928.12. *Motion carried unanimously.*

Treasurer Guenther expressed concerns and asked Staff to respond to the following at the January meeting:

1. Conditions that resulted in a significant drop in project review applications in 2023.

2. Additional projects ordered throughout the year that led to the additional expenses. The Commission budgeted \$75,000 for this line item in 2024.

3. As of November, the Commission is about 40% under budget for technical support by HCEE. The Commission budgeted \$22,000 for this line item in 2024.

4. Three monitoring programs - CAMP, TRPD sentinel lakes, aquatic vegetation surveys. These line items show \$0.00 for 2023. The Commission budgeted approximately \$12,500 in 2023 and 2024. Are we just waiting for the TRPD bill at year-end?

5. Studies/Project ID/SWA - budgeted \$0, \$14,750 expense to date; Rush Creek SWA Implementation budgeted \$106,000, expense to date \$0.

6. Administrative - budgeted \$95,000, current "run rate" would put us at

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about \$117,000 through year-end. This is the fifth year in a row that we've exceeded the budget number, on average by about 13%. The Commission budgeted \$100,000 for 2024. What internal management steps will you take to try to hit the budget numbers?

7. Interest/Dividends. The Commission budgeted \$750, has actually earned \$77,000 to date. That variance can't be due to rising interest rates. The Commission budgeted \$10,000 for 2024.

III. OPEN FORUM.

IV. PROJECT REVIEWS.

A. **2023-025 Rogers Mixed-Use Improvements, Rogers.*** The applicant is redeveloping a 1.94-acre parcel in Rogers, triggering Commission Rules D and E. The proposed development is located at the northwest corner of Main Street (CR 150) and Church Avenue and is bordered by John Deere Lane on the north and the Burlington Northern Railroad on the southwest. The parcel lies in the watershed draining north to the Crow River. The applicant is proposing a mixed-use development to replace the existing industrial/commercial land use. Existing land use consists of both consolidated and unconsolidated bituminous parking with buildings. In addition to eliminating the unconsolidated bituminous parking (which can reduce sediment loads downstream significantly), the applicant proposes increasing pervious area by 7,841 square feet (0.18 acres). The project includes sub-surface stormwater facilities and a commercial filtration system to achieve Commission requirements. There are contaminated soils on site. The MPCA has reviewed and approved the applicant's construction plans to mitigate contamination exposure during construction. In their findings dated November 21, 2023, Staff recommend approval of this project with the standard escrow and stormwater maintenance agreement conditions. Motion by Guenther, second by Riggs to approve Staff's recommendations. *Motion carried unanimously.*

[Cesnik arrived 11:41 a.m.]

B. **2023-027 500 Hamel Apartments, Medina.*** This project is proposed on an undeveloped 6.73-acre site and will disturb 4 acres to construct an 89-unit residential building including utilities, paved parking, sidewalks, and a small onsite stormwater management basin. The proposed project site is west of Elm Creek and south of Highway 55 at 500 Hamel Road. The project triggers Rules D, E, and I. A finding of facts memo dated December 6, 2023, includes Staff's recommendation for approval conditioned on escrow reconciliation. Motion by Guenther, second by Sharp to approve this project with that condition. *Motion carried unanimously.*

C. **2023-029 Dayton Field 4th Addition, Dayton.*** This 15.05-acre site is located southwest of the intersection of West French Lake Road and 121st Avenue North. Currently the land is a combination of wetlands, agricultural land and wooded areas draining to French Lake. The applicant proposes construction of two office warehouses (38,200 and 40,200 square feet in size) with associated driveways, parking and stormwater management facilities on the 15.05-acre parcel, triggering Rules D, E, G and I. The proposed project disturbs 10.5 acres, creating 5.639 acres of new impervious. The parcels drain a total of 55.5 acres, primarily to the northeast to French Lake and then to Diamond Creek. Three biofiltration ponds with iron enhanced sand filters provide for rate control, water quality, and filtration

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volumes over the D soils site. In their findings dated December 5, 2023, Staff recommend approval of this project with the standard escrow and stormwater maintenance agreement conditions. Motion by Katzner, second by Riggs to approve this project with those conditions. *Motion carried unanimously.* Baines expressed concern regarding the elimination of quality trees onsite and will speak to the City about efforts to save those trees.

V. OLD BUSINESS.

VI. NEW BUSINESS.

Dayton River Road Ravine Stabilization Project.* The City of Dayton has twice previously applied for Hennepin County grants to help fund the proposed Dayton River Road Ravine Stabilization project, with matching funding from the Commission’s City Cost Share program. Both times the project came close to but was not awarded funding. However, last week the City was notified that the County is willing to partially fund the application for \$32,000 using leftover funds. The City would still like to pursue this project.

This project would repair and stabilize a shallow ravine conveying runoff from a culvert under Dayton River Road along a flow path between the properties at 16630/16750 Dayton River Road to the Mississippi River. In the opinions of the Dayton City Engineer and the Commission’s Engineer the replacement and extension of this culvert as part of the County’s CSAH 12 project had the potential to increase erosion and sedimentation into the Mississippi River. This would be exacerbated as development in the area continues and as precipitation depths and intensities increase in the future. It is estimated that currently the ravine delivers in excess of 2.6 tons sediment and 2.2 lbs. TP to the river each year, and that amount will likely increase as conditions deteriorate.

A year ago, the estimated cost of this stabilization project was \$75,000. Staff have reviewed the project, adjusted the unit costs, and now estimate the project cost to be about \$82,000.

The County is offering \$5,500 less than the original request, or \$32,000 from Hennepin County and \$50,000 from other sources. (Note: the City paid for survey and preliminary design and would provide contract management and some coordination with the property owners, the cost of which is not included here.) Since the Commission previously authorized City Cost Share of \$37,500, the City of Dayton requests the Commission to amend that action to award the \$50,000 maximum cost-share allowed. This would cover the \$5,500 gap and the \$7,000 cost increase .

The current City Cost Share Program balance is \$100,000 and there are no other city cost share requests for that money pending. Staff recommends approval.

Motion by Katzner, second by Guentner to approve this project at a cost of \$82,000, as outlined above and shown on the following page. *Motion carried unanimously.*

VII. EDUCATION AND PUBLIC OUTREACH.

The **West Metro Water Alliance (WMWA)** will meet via Zoom at 8:30 a.m., January 9, 2024.

Stantec Opinion of Probable Cost for 16630 Dayton River Road Ravine Stabilization					
Bid Components					
No	Item	Unit	Qty	Unit Price	Cost
1	Mobilization & Demobilization	LS	1	\$7,500	\$7,500
2	Traffic Control	LS	1	\$2,500	\$2,500
3	Temporary Rock Construction Entrance - Maintained	EA	1	\$2,000	\$2,000
4	Clear Trees	EA	5	\$750	\$3,750
5	Silt fence, Type MS - Maintained	LF	125	\$3	\$375
6	Flotation Silt Curtain Type Still Water - Maintained	LF	40	\$50	\$2,000
7	Sediment Control Log Type Straw (or Bioroll) - Maintained	LF	200	\$5	\$1,000
8	Erosion Control Blanket Category 20	SY	325	\$3	\$975
9	Erosion Control Mat	SY	325	\$6	\$1,950
10	Random Riprap Class II	TON	295	\$125	\$36,875
11	Geotextile Fabric, Type V Non-Woven	SY	615	\$5	\$3,075
12	Native Seeding	AC	0.3	\$2,500	\$750
Subtotal					\$62,750
10% Contingency					\$6,250
Construction Subtotal					\$69,000
Engrg, Permitting & Admin					\$13,000
Total					\$82,000

VIII. GRANT OPPORTUNITIES.

IX. 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 6 of these minutes are discussed in the December 6, 2023, report.

B. Hennepin County Staff Report.*

1. Christian Settling Basin (Dayton). County staff completed an assessment of the wetland, and potential pollution reductions of the project. This information was presented to representatives of the City of Dayton, the Minnesota DNR, and the Board of Water and Soil Resources as a part of a pre-TEP meeting. Staff answered questions regarding the siting of the project as well as temporary and permanent impacts to the DNR wetland. This information is currently under review and recommended permits and exemptions will be applied for.

2. Stotts 1B and Top of Hill Waterway. Engineering firm EOR returned modified plans with the water and sediment control basin (WASCOB) moved closer to the property line at the landowner’s request. However, there were some concerns with the height of the berm and potential flows during 100-year rain events. Staff are currently getting feedback from landowner and neighbor to determine siting of a spillway for the WASCOB. Repairs of some of the erosion on the top of hill waterway that occurred after installation due to a hillside seep will be made later in the month of December.

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3. Van Asten Manure Bunker. Hennepin County surveyed the property and returned topographic points to engineering firm (EOR) for waterway, basin, and manure bunker design. Hennepin County calculated estimated annual manure production for the property (1,825 cubic feet per year) and has provided feedback on potential roof for the manure bunker. Landowner participated in the Soil Health Incentive Program and planted cereal rye as a winter cover crop. The cover crop has germinated and is actively growing.

4. Bottema Wetland Restoration. Significant erosion was found downstream of one of the wetlands restored last year. This erosion was likely caused by a lack of vegetation establishment due to the very hot and dry summer and early fall we experienced this year. Staff consulted with the engineer on the project (Houston Engineering) and determined the best approach would be to establish a more controlled outlet structure to better convey overflow from the wetland downstream and to avoid future gullies. County staff and Houston Engineering developed the preliminary design configuration and are working to get a cost estimate to implement them. As the substantial construction work to restore wetlands this year was completed under budget, sufficient project budget remains to complete work without utilizing additional WBIF or ECWMC CIP funds.

5. Invoices for Q3 and Q4 have been submitted. The Q4 invoice is specifically for projects costs and does not include staff time for the fourth quarter of 2023. This will be included at a later date after all 2023 hours are accounted for.

6. Aquatic Invasive Species Grants. Local government agencies, nonprofit organizations, institutions, and businesses in Hennepin County can apply now for funding to implement projects that prevent the spread of aquatic invasive species. Grant funding can be used to address pathways of aquatic invasive species introduction, provide education, promote behavior change, implement early detection and rapid response efforts, and pursue other ideas that prevent the spread of aquatic invasive species. Applications are due by Thursday, January 11, 2024. For more information, contact Tony Brough at tony.brough@hennepin.us, 612-348-4378.

X. OTHER BUSINESS.

A. Commissioners and Alternate Commissioners must review, update and certify their statements of economic interest with the **Minnesota Campaign Finance Board*** by January 29, 2024. The Board will send letters directly to all public officials in late December notifying them of the filing requirement and providing them with the information necessary to file online.

B. Asche informed the Commissioners that the **South Fork Rush Creek bank stabilization and restoration project** has begun. This project is over a mile in length and will include improved floodplain connectivity, addition of a TRPD trail for better access to the creek, improved recreational and educational opportunities, pollinator habitat, and much more. He welcomes opportunities to discuss the project in more detail and to provide tours as the work progresses.

XI. ADJOURNMENT. There being no further business, the meeting was adjourned at 12:50 p.m.

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Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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Project No.	Project Name	Project No.	Project Name
2014-015	Rogers Drive Extension.	2023-011	Sundance Greens 9th, Dayton.
2015-030	Kiddiegarten Child Care Center, Maple Grove.	2023-013	River Valley Church, Maple Grove.
2016-005W	Ravinia Wetland Bank Plan, Corcoran.	2023-014	Bottema Wetland, Corcoran.
2017-014	Laurel Creek, Rogers.	2023-015	South Fork Rush Creek Evanswood, Maple Grove
2017-050W	Ernie Mayers Wetland/floodplain violation, Corcoran	2023-016	Rogers South Community Park.
2018-046	Graco, Rogers.	2023-017	Veit Pit, Rogers.
2020-009	Stetler Barn, Medina.	2023-018	Brayburn Trails II, Dayton.
2020-017	Meadow View Townhomes, Medina.	2023-019	23240 County Road 30, Corcoran.
2020-032	Enclave Rogers - Commerce Boulevard, Rogers.	2023-020	Dunkirk Square, Maple Grove.
2020-033	Weston Woods, Medina.	2023-021	Park Place Memory Care Phase II, Plymouth.
2021-020	Crew Carwash, Maple Grove.	2023-022	Shores of Sylvan Lake, Rogers.
2021-029	Tri-Care Grocery / Retail, Maple Grove	2023-023	NORSQ, Maple Grove.
2021-034	BAPS Hindu Temple, Medina.	2023-024	Elm Creek Rest Area Sidewalk Reconstruction, MG.
2021-036	D & D Service, Corcoran.	2023-025	Rogers Mixed Use Improvement.
2021-044	Balsam II Apartments, Dayton.	2023-026	Rogers Elementary School Site Improvements.
2021-052	Norbella Senior Living, Rogers.	2023-027	Hamel Apartments, Medina.
2022-006	Hamel Townhomes, Medina.	2023-028	Rush Creek Hollow, Maple Grove.
2022-011	Arrowhead Drive Turn Lane Expansion, Medina.	2023-029	Dayton Field 4th Addition.
2022-013	Dayton 94 Industrial Site.	2023-030	Woodland Hill of Corcoran.
2022-016	Rogers Activity Center.		
2022-017	City Center Drive, Corcoran.		
2022-018	Big Woods, Rogers.		
2022-020	Skye Meadows Extension, Rogers.		
2022-022	Cook Lake Highlands, Corcoran.		
2022-026	Archway Building, Rogers		
2022-028	Elsie Stephens Park, Dayton.		
2022-038	Tavera North Side, Corcoran.		
2022-040	Karinieimi Meadows, Corcoran.		
2022-043	Meander Park and Boardwalk, Medina.		
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.		
2023-008	Rush Creek Boulevard Interchange, Maple Grove.		
2023-009	Magnifi Financial, Maple Grove.		
2023-010	Rogers New Fire Station.		

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