

elm creek

Watershed Management Commission

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MINUTES

April 9, 2008

I. The regular monthly meeting of the Elm Creek Watershed Management Commission was called to order at 11:40 a.m., Wednesday, April 9, 2008, in the Emergency Operations Center, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN, by Treasurer Fred Moore.

Present were: Bill Walraven, Champlin; Dean Franssell, Corcoran; Tim McNeil, Dayton; Bob Ivey, Hassan; Joe Trainor, Maple Grove; Dick Picard, Medina; Fred Moore, Plymouth; Ali Durgunoğlu and James Kujawa, Hennepin County Environmental Services (HCES); Jason Westbrook, Barr Engineering; John Barten, Three Rivers Park District (TRPD); and Judie Anderson, JASS.

Not represented: Rogers.

Also present: Tiffany Peterson and Rick Lestina, Maple Grove; Derek Asche, Plymouth; and Barbara Peichel and Brooke Asleson, Minnesota Pollution Control Agency (MPCA).

II. Motion by Walraven, second by Ivey to **approve the revised agenda.*** Motion carried.

III. Motion by Ivey, second by Trainor to approve the consent agenda:

A. Minutes of the March 12, 2008 meeting.*

B. April Treasurer's Report and Claims.*

Motion carried.

IV. Open Forum. No one wished to speak.

V. Action Items.

A. 2006-071 Stone's Throw Wetland Delineation, Hassan.* Staff has field verified and noticed all the wetland delineation lines on this 640-acre project except for an area of sod fields north of the North Fork of Rush Creek where the Applicant has established a monitoring well system. The Technical Evaluation Panel (TEP) reviewed the information collected to determine if some of the wells can be removed or if monitoring can be terminated. In their September 10, 2007 Findings and Recommendations, the TEP 1) had no recommendation on the wetland delineation within the monitored area; 2) requested to see topographic maps with a resolution of 1.0 foot or less of the monitored area; 3) requested to see DNR well pumping logs on the irrigation wells for the sod fields; and 4) recommended additional monitoring of the area.

In a January 11, 2008 update the Applicant provided the items requested along with an update of their monitoring well measurements. Another TEP was convened on January 31, 2008 to evaluate the new information and provide further recommendations to the Commission. At that time, the TEP requested additional help from BWSR and the Army Corps of Engineers (ACOE) to determine what constitutes a normal condition for this site. Both agencies concluded that the hydrology manipulation of the sod fields could not be considered normal circumstances or conditions; pumping is not a normal or permanent condition in this case. If the hydrology manipulation resulting from ditching, piping and pumping of the sod fields did not occur, normal circumstances would exist. Under normal circumstances, the sod fields on Stones Throw would be considered wetlands because they have the hydric soils, the area would have a water table at or near the surface, and vegetation would revert to a prevalence of hydrophytic species. In Findings dated April 3, 2008 the TEP determined that pumping in the Stones Throw sod fields is not a normal condition and recommended that the LGU base a final delineation boundary of the sod fields under normal conditions. Motion by Walraven, second by McNeil to approve the TEP findings. Motion carried. The Applicant extended the deadline to May 15, 2008 in compliance with MN Statute Section 15.99.

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[Trainer departed 1:05 p.m.]

B. 2007-014 Hamel Station, Medina.* This 3.41-acre commercial site is surrounded by Highway 55, Sioux Drive, and the Soo Line Railroad. Elm Creek runs along the Highway 55 right-of-way on the north and transects the northeast portion of the property before it runs under Sioux Drive. There are floodplains and floodways along the stream corridor. A stormwater treatment pond is proposed on the west side of the property. Wetlands exist on the west half of the site. The Highway 55 Frontage Road will be extended to Sioux Drive along the west and south edge of the property. In August 2007 Staff outlined 27 items of concern that must be addressed prior to approval. Staff reviewed revised plans in September, indicated most of the 27 items had been adequately addressed, and recommended conditional approval. Buffer restoration and site development plans were approved contingent on receipt before the project review deadline of agency permits, a buffer management plan, and a stormwater system maintenance plan recorded against the land. Staff also commented on the draft Development Agreement that must be recorded. Staff has not received a final plat showing all the required easements. The Applicant extended the 15.99 deadline to May 7, 2008.

Staff solicited bids from Barr Engineering, Fortin Consulting and Minnesota Native Landscapes for the streambank and buffer monitoring. In addition, Staff recommended that a \$15,000 surety be required to secure establishment and proper performance of the buffer area and to cover any additional monitoring costs. Motion by Moore, second by Peterson to accept the bid from Fortin Consulting in the amount of \$1,835 and approve the \$15,000 performance surety. Motion carried. The contract with Fortin Consulting will not be signed until the project receives final approval and the Commission receives the surety.

C. 2007-052 Prominence Meadows Creek, Maple Grove.* This is a 40-acre parcel located at the NW intersection of Lawndale Lane and 63rd Avenue. Current land use is agriculture. Proposed land use is for 50 single-family residential lots. The Management Plan standards require review of the stormwater quality and quantity controls and construction erosion controls. Revised and complete plans were received March 13, 2008 and reviewed under the Commission's 2007 standards. The current plans do not meet the Commission's new standards. Findings to that effect were provided to the City of Maple Grove and Applicant. In Findings dated April 4, 2008, Staff recommended approval conditioned that the erosion and sediment control plan be revised to replace the silt fence in front of the existing FES on Lot 16, Block 2 with a rock sediment trap or similar trapping device. Motion by McNeil, second by Ivey to approve Staff's recommendation. Motion carried.

D. Dawn Pape from *Blue Thumb* made a presentation at the April 8, 2008 Joint Education and Public Outreach Committee meeting. McNeil attended that meeting and stated he found the *Blue Thumb* programming to be worthwhile and a resource the Commission should use when developing its own education and public outreach programs. Motion by Peterson, second by McNeil to approve membership in *Blue Thumb* with a membership fee of \$500. Motion carried.

VI. New Business.

A. Peichel presented an overview of the upcoming **Upper Mississippi River Bacteria TMDL Project.*** There are a number of Upper Mississippi River reaches impaired for bacteria (fecal coliform) according to the MPCA's 303(d) Impaired Waters List. The MPCA and MN Department of Health are beginning a Total Maximum Daily Load (TMDL) study to address these impairments. The goal of this project is to describe the reduction in pollutant loading and implementation activities needed so that Upper Mississippi River reaches can meet the water quality standard for *E. coli*. In meeting this goal, the implementation of best management practices in critical areas could help meet the requirements of both the Clean Water Act (CWA) and Safe Drinking Water Act (SDWA).

A TMDL Study calculates the maximum amount of a specific pollutant that can be discharged to a water body and still meet water quality standards. The process for conducting a TMDL Study consists of: 1) evaluating the water quality problem; 2) determining the sources of the pollutant; 3) allocating pollutant loads to sources; and 4) developing a plan for implementing activities to reduce pollution and meet water quality standards.

MPCA is seeking individuals to serve on the Stakeholder Advisory Team (SAT) and Technical Advisory Committee (TAC) for the TMDL to represent the Elm Creek Commission and its member cities. It is recommended that TAC involvement include city staff who work on stormwater permits. At least one to two meetings will be held annually with each group at key points during the project. The first joint meeting of the SAT and TAC will likely be held in May 2008. Anderson will contact the City of Champlin to determine their interest in sending a staff person to the TAC meeting.

**item included in meeting packet*

B. The Commissioners were advised that Mary Karius, Hennepin County, will present the **River Watch** (macroinvertebrate monitoring) program and the **Wetland Health Evaluation Program (WHEP)** at the May meeting.

C. Anderson will query Commissioners and Staff re a date to meet to begin development of the **2009 operating budget**.

D. The Commission received copies of a request from Applied Ecological Services for funding to perform additional data collection at the **Wild Meadows site in Medina**.* After reviewing the proposal, it was agreed that the Commission would not support this project with funding.

VII. Correspondence.

Notification from the Minnesota Department of Natural Resources (DNR) of approval of the **City of Plymouth's Water Supply Plan**.*

VIII. Other Business.

A. Local Plans.

1. 2007-047 Hassan Local Plan. Staff reviewed Hassan's first draft Local Surface Water Management Plan for compliance with the Commission's second generation Watershed Management Plan and found it to be deficient in many areas. The Commission denied approval of the Hassan plan in November. No new information has been received.

2. 2007-061 Plymouth Comprehensive Plan. The City of Plymouth submitted their Comprehensive Plan to the Commission for review and comment on December 26, 2007. Staff reviewed the Surface Water Management section for compliance with the Commission's second generation Plan and sent a letter response to the City. No new information has been received.

3. 2008-004 Medina Comprehensive Management Plan Review. Staff received this plan for review on February 22, 2008. Comments will be provided to the Commission at a future meeting.

B. Wetland Conservation Act (WCA).

1. 2004-001 Three Rivers Estates, Hassan. This is a 33-unit, single-family residential development located on 144 acres in the northwest quadrant of the intersection of Bechtold Road and CR 117. Site plans were approved in 2004. The Applicant is working with the Township to utilize a wetland mitigation area to compensate for impacts on project **2004-042 (Northdale Boulevard and James Road Utility Project)**. Deed recording of the Restriction and Covenants is still necessary. Barr Engineering is monitoring the replacement wetland. The second year's monitoring report was received. It was learned that additional work had been authorized near or possibly in the wetland mitigation area. Staff sent a letter to the Township, the developer and the Board of Water and Soil Resources (BWSR) apprising them of the situation and indicating their concerns re possible encroachment into the easement dedicated to the wetland replacement and the fact that, after three years, this site is deficient in many areas. If these situations are not corrected, the project will be in violation of the wetland replacement plan and the WCA. The parties met and a specific action plan was developed between the City and developer to address the site deficiencies and easement dedication. Staff will continue to monitor the site for progress and compliance with the approved WCA replacement plan.

2. 2005-057 Maria Meadows, Hassan. In 2005 the Commission granted approval of this single-family residential development. The 2006 monitoring report noted deficiencies in the wetland replacement basins and suggested corrective actions. Staff met with the developer in September 2007 and gave recommendations for corrective work on the wetland mitigation basins. The work was completed in fall 2007. Monitoring will continue.

3. 2007-023 Scott Stewart Wetland Cease and Desist Order (C&DO), Hassan.* The DNR issued a C&DO and Restoration Order for excavating and filling wetlands on Stewart's property in violation of the Wetland Conservation Act (WCA). A complete replacement plan was received on December 5, 2007 to rectify this violation. The Commission approved this replacement plan at their December 2007 meeting. The approved plan proposes to replace 8,057 SF of impacts at a 4:1 ratio at off-site banking areas and restore the remaining impacts (10,974 SF) on site. At their March 2008 meeting the Commission approved a \$20,000 Replacement Escrow in the form of a Letter of Credit or cash and a \$7,500 cash escrow for monitoring. Correspondence to that effect was sent to Stewart

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giving him until April 25, 2008 to submit the escrows.

4. 2007-041 Joanne Faue C&DO, Corcoran. The Faues have dug out two ponds without permits. Staff visited the site with HCD staff on August 15, 2007 and determined that one site was non-jurisdictional and the other was exempt for "incidental" creation. Staff noticed the exemption decision with conditions that the spoils must be hauled away from the wetlands and floodplains. A DNR Restoration Order was issued by the DNR. The deadline for the restoration was extended to April 30, 2008.

5. 2007-056 Adam Waldoch Pond Excavation, Hassan. The Applicant wants to excavate a wildlife habitat pond within a wetland. The site has floodplains. Staff is working with the Applicant to determine a suitable location that would avoid lengthy WCA reviews. Site determination has been postponed until spring.

IX. Project Reviews.

A. 2006-011 Schober Estates, Maple Grove. This site is located in the southeast quadrant of CR 101 and 101st Avenue. Current land use is a combination of cropland, woods and wetlands. The Applicant proposes to create 30 single-family residential lots. The site ultimately drains into Rush Creek. A complete application was submitted in July 2006. A letter of denial on the project was mailed on March 27, 2008. This item will be removed from the agenda.

B. 2006-028 Fish Lake Regional Trail Construction, Maple Grove. In 2006 the Commission approved a floodplain mitigation plan for this project. The project was completed in early December 2007. An as-built survey will be completed in spring 2008 to confirm the mitigation volume.

C. 2007-001 Uptown Rogers, Hassan. This is a 6.3-acre commercial development located at the southwest corner of Highway 101 and 141st Avenue. Stormwater will be treated by an on-site pond. The Commission approved this project subject to conditions. All but one condition have been satisfied. An agreement for the maintenance of the drainage swales must be provided as part of the water quality treatment plan and financial surety must be provided to guarantee that the maintenance will be performed. The Applicant extended the project review deadline to April 30, 2008 in order to finalize the stormwater maintenance systems agreement.

D. 2007-005 Sunset Ridge Farms, Maple Grove. This is a 20-acre site located east of Lawndale Lane bounded by Elm Creek to the southeast and 63rd Avenue to the north. Existing land use is agricultural. Proposed land use is for 22 single-family residential units. In April 2007 the Commission approved the site plans on condition that, prior to trail grading and construction, any floodway and floodplain impacts on Elm Creek are reviewed and approved by the Commission. Staff has followed up with the City on this condition but has not received a response.

E. 2007-026 Corporate Center Annex, Rogers. This is a proposal for commercial redevelopment of a 4.25-acre site located at the intersection of Industrial Boulevard and Hynes Road, south of the Interstate. The site has about 2.50 acres of existing impervious surface. Some existing buildings will be demolished and the project will create 0.77 acres of additional impervious surface. Plans were reviewed for stormwater management and erosion and sediment control. The project will use a StormTech underground stormwater treatment system. In September 2007 the project was approved contingent on receipt of revised plans and a satisfactory stormwater system maintenance plan to be recorded with the land. Revised plans and a draft maintenance agreement were submitted on September 28, 2007. The only remaining condition is the recording of the maintenance agreement. The 15.99 deadline was extended by the Applicant to May 1, 2008.

F. 2007-029 Mattsson Property Wetland Delineation, Corcoran (renumbered from 2006-15 Corcoran Wildlife Preserve). The Applicant proposes to develop a 118-acre site into eleven single-family residential lots. Excluding wetlands and floodplains, this site has 39 acres of buildable land. Located on the southwest side of CR 50 and Trail Haven Road, Rush Creek runs through the southern portion of the site. The entire site drains southerly into the wetlands and floodplains. The Commission approved this project contingent on Staff approval of revisions outlined in Findings dated July 9, 2007. New revisions dated August 21, 2007 addressed these findings with the exception of the erosion control items, maintenance plan and agreement. An extension to May 2008 was received from the Applicant.

G. 2007-035 Medina Townhomes, Medina. This is a 0.997-acre site located at the southwest corner of Hamel Drive and Tower Road on the south side of Highway 55. The south 60 feet of the property is within the 100-year floodplain of Elm Creek. The existing single-family home is proposed to be demolished and seven townhomes constructed. The project does not impact wetlands or the floodplain. Because this project is less than one

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acre in size, it does not require review by the Commission for stormwater management or erosion and sediment control. Approval conditioned on receipt of final, signed plans showing permanent buffer markers and a maintenance plan for the buffer area was granted in August 2007. The Applicant extended the 15.99 deadline to June 15, 2008.

H. 2007-044 Rogers Supportive Housing, Rogers. This is a proposal to develop a 1.5-acre lot at the southwest corner of 129th Avenue North and Main Street. The site is a portion of the previously approved Word of Peace Lutheran Church (2002-042) and Kaleidoscope Charter School (2004-044). The proposed development would exceed the approved capacity of the stormwater treatment system. In October the Commission approved Staff's recommendation for conditional approval pending receipt of signed plans that include details regarding the temporary sediment trap, specification of a native seed mix, corrected contour lines for the proposed swale, installation of under drains near the culvert invert, and a stormwater system maintenance agreement. All the necessary documents were submitted on March 18, 2008 and Staff issued an approval notice. This item will be removed from the agenda.

I. 2007-049 Jason Quilling, Dayton. Building, pasture and riding arena areas were constructed in a wetland, resulting in a WCA violation. The City of Dayton is the LGU for administering the WCA. The Commission is involved as an advisor to the LGU and TEP. The TEP convened on February 1, 2008 to discuss restoration order options. A restoration order requiring a complete wetland restoration will be issued to the landowner, Mayor and City Administrator.

J. 2007-050 Erickson Retirement Communities, Plymouth. Staff has received a wetland delineation notice from the City for this property. Staff and the Applicant held a phone conference to discuss issues related to the first phase development, temporary and permanent stream crossing (Elm Creek), agency requirements, buffers, floodplains, and stormwater management. A complete application has not been received.

K. 2007-051 Egan Property/Diamond Lake-DNR Permit Application Amendment, Dayton. Staff commented on a DNR permit application amendment regarding excavation/extending a boat launch channel 200 feet into Diamond Lake. The work will be within the Diamond Lake floodplain. An application has not been received for this project. Staff found other non-conforming issues with the existing DNR permit and recommended denial of the application. Because of weather conditions, a joint site visit was canceled. The Applicant has agreed to postpone the review until favorable field conditions return.

L. 2007-053 Trillium Woods Wetland Delineation, Plymouth. No action by the Commission is necessary at this time.

M. 2007-059 Diamond Creek Encroachment, Dayton. This is an after-the-fact application for a DNR permit. Staff has responded to the DNR's statutory request for comments. The work involves unauthorized grading within Diamond Creek (a protected public watercourse) to the east and west of Zanzibar Lane crossing, for the purpose of improving drainage. Additional dredging was done upstream towards French Lake. Excavated materials were deposited within the designated floodplains and wetlands. Staff recommended DNR to deny the approval unless the Applicant complies with Commission rules. During the comment process, Hennepin County also determined that the site was used for illegal solid waste disposal of construction debris along the south bank of the creek. Some of the enforcement has been postponed until snowmelt.

N. 2007-060 Madeline Woods, Maple Grove. This is an 18-acre parcel located south of 101st Avenue, west of Troy Lane. The Applicant is requesting to subdivide this property into 23 single-family residential lots with a 7.2-acre wetland outlot. The application does not meet the Commissions requirements at this time. The Applicant has extended the project review deadline to June 12, 2008. This project will be denied by Staff unless a written request to extend the deadline is received prior to that date.

O. 2008-001 Walgreens Distribution Center, Rogers.* This 24.34-acre commercial site, located on the northwest side of Wilfred Avenue and Commerce Boulevard intersection, was reviewed by the Commission in 1999 under project 99-008, Department 56. The proposed expansion will add 2.31 acres of truck parking stalls to the west of the existing warehouse building. The stormwater treatment system for this site was approved for 18.6 acres of impervious cover. The proposed expansion will have 15.8 acres of impervious cover and will be within the limits of the approved stormwater management plan for 99-008. The project is being reviewed administratively for compliance with the Commission's erosion and sediment control standards. Revised plans dated March 7, 2008 meet all the requirements of the Commission. Staff approved the project administratively on April 2, 2008. This item will be removed from the agenda.

P. 2008-003 Austin Mutual Insurance Company, Maple Grove. This is a proposal to develop a 9.6-

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acre lot for commercial use. The site is located on the northeast corner of Ranchview Lane and 101st Avenue North, east of the Maple Grove Parkway alignment. A pond is proposed on the north side of the site to treat stormwater runoff. The Applicant has requested a separate erosion and sediment control plan approval for an area of approximately one acre in order to grade the building foundation. Staff approved the interim erosion control plan for this area administratively. Subsequently, full site and stormwater management plans were received and reviewed. The Commission granted conditional approval at its March meeting. Revised plans submitted on March 6, 2008 addressed the required modifications. A draft drainage easement document for the pond outlet was submitted and found to be satisfactory. Staff requested a copy of the recorded document and a copy of the final plat.

XI. Adjournment. There being no further business, motion by Walraven, second by Ivey to adjourn. Motion carried. The meeting was adjourned at 1:29 p.m.

Respectfully submitted,



Judie A. Anderson
Administrator

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