

elm creek

Watershed Management Commission

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MINUTES August 13, 2008

I. The regular monthly meeting of the Elm Creek Watershed Management Commission was called to order at 11:32 a.m., Wednesday, August 13, 2008, in the Emergency Operations Center, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN, by Chairman Doug Baines.

Present were: Bill Walraven, Champlin; Dean Franssell, Corcoran; Doug Baines, Dayton; Bob Ivey, Hassan; Joe Trainor, Maple Grove; Dick Picard, Medina; Fred Moore, Plymouth; Mitch Manoski, Rogers; Jason Westbrook, Barr; Randy Lehr, Three Rivers Park District (TRPD); and Judie Anderson, JASS.

Also present: Liz Thornton and Kevin Springob, Plymouth; and John Seifert, Rogers.

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

III. Motion by Walraven, second by Trainor to approve the **minutes of the July 9, 2008 meeting.*** *Motion carried.*

IV. Motion by Moore, second by Picard to approve the **August Treasurer's Report and Claims*** totaling \$9,606.98. *Motion carried.*

V. **Open Forum.** No one wished to speak.

VI. **Action Items.**

A. 2006-071 Stone's Throw Wetland Delineation, Hassan.* In January 2007, staff 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. An application for a new determination on the south and central sod fields that is to be reviewed in conjunction with the north sod field monitoring system was received on April 30, 2008. At the May 2008 Commission meeting, the Applicant discussed their delineation submittal for these areas. The Commission denied the Applicant's delineation of the sod field areas at that meeting. The official notice of denial was mailed May 14, 2008. The applicant appealed the Commission's decision to the Board of Water and Soil Resources (BWSR). BWSR denied the appeal. This matter has been appealed to the Minnesota Court of Appeals. Staff is working with BWSR and MN Attorney General Staff on the appeal.

B. 2007-060 Madeline Woods, Maple Grove.* This is an 18-acre parcel located south of 101st Avenue North and west of Troy Lane. The applicant is requesting to subdivide the property into 24 single-family residential lots with a 7.2 acre wetland Outlot. The property currently consists of woods, wetlands and grassland. Maple Grove is the LGU for the Wetland Conservation Act (WCA); the Commission's review was for non-degradation of water quality, flow rates, floodplains, and erosion and sediment controls. This application was received prior to the Commission's approval of Channel Volume standards. Motion by Moore, second by Trainor to accept Staff Findings dated August 5, 2008, approving this project contingent upon Maple Grove approving the Operations and Maintenance Plans for the proposed stormwater system. *Motion carried.*

C. 2008-021 Flame Metals, Rogers.* This project proposes to fill an existing stormwater pond in order to construct a building expansion and to create a new and larger pond on the adjacent properties. The existing pond is owned by the City of Rogers. Flame Metals is located in the City of Rogers, but parts of the pond will be constructed in Hassan Township. In addition to Flame Metals, three other parcels will be disturbed with this project. The proposed project will add about 0.9 acres of new impervious surface, including the new pond. The pond will discharge to the CR 81 right-of-way. The project was reviewed for compliance with the Commission's stormwater management erosion and sediment control standards. Motion by Walraven, second by Ivey to accept Staff Findings dated August 1, 2008,

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recommending approval of the project with the condition that the City of Rogers assume responsibility for maintaining the new pond. If the City does not so chose, a stormwater treatment system maintenance agreement must be executed by all the properties involved and be recorded with the County. *Motion carried.*

VII. New Business.

A. Correspondence.

1. **NPDES/SDS General Permit No. MN R100001 for Discharge of Stormwater Associated with Construction Activity.*** <http://www.pca.state.mn.us/publications/wq-strm2-43.pdf> Comments received can be viewed at: <http://www.pca.state.mn.us/about/board/bdagenda.html>

2. **Article from Friends of the Mississippi River re proposed state constitutional amendment.*** http://www.fmr.org/news/current/legacy_amendment-2008-05 Also enclosed was Jannik's opinion* re the appropriateness of the Commission taking a position on a state fiscal/policy matter.

B. CWL Grant - Stream Monitoring Project.* The ten sites on the streams significantly decreased in depth and flow in July. Two sites on Rush Creek had little to no flow, which corresponded to the zero dissolved oxygen reading that was obtained at the end of the month. The lowest turbidity reading for the month was 8.5 centimeters on Diamond Creek, the highest 104 centimeters on Rush Creek at Highway 101. For the most part, the E. coli levels have started to increase with every sample taken. The three sites on Elm Creek have all exceeded the MPCA geometric mean standard of 126 cfu/100ml. Two of the four sites on Rush Creek have also gone above the standard. Chloride levels have been the highest on Rush Creek at Trail Haven Road in Corcoran and Elm Creek at Elm Road in Maple Grove. Hamel also showed increased chloride levels at the end of the month. Total phosphorus was the highest (1,082 µg/L) on Rush Creek at Highway 101 in Maple Grove. Diamond Creek on South Diamond Road in Dayton also had increased total phosphorus levels at month-end. Aquatic insects are becoming more abundant as the summer progresses and mosquitoes are slowly decreasing in number.

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 its Comprehensive Plan to the Commission for review and comment in December 2007. Staff reviewed the Surface Water Management section for compliance with the Commission's second generation Plan and sent a letter of response to the City on January 28, 2008. No new information has been received. (See 2008-023.)

3. **2008-005 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.

4. **2008-018 Maple Grove 2008 Comprehensive Plan Update.** Staff received this plan for review on April 16, 2008. Staff reviewed the Surface Water Management Plan Summary and provided comments to the City in a letter on July 1, 2008.

5. **2008-023 City of Plymouth Surface Water Management Plan.** The City of Plymouth submitted a draft local Surface Water Management Plan for ECWMC review on July 28, 2008. Staff will provide review and comment in August.

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. The second year's monitoring report noted many

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deficiencies. Last winter Staff met with the parties involved and a specific action plan to address the site deficiencies was developed between the City and developer. This should be completed this spring. Staff will continue to monitor the site for progress and compliance with the approved WCA replacement plan.

2. 2004-022 Meadow Creek Estates, Corcoran. This project, with its wetland replacement plan, was approved by the Commission in September 2004. The wetland replacement area was constructed in 2004/2005. Monitoring began on this replacement plan in spring 2008.

3. 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. Corrective work was completed in fall 2007. Monitoring will continue.

4. 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 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 plan would 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. The Commission approved the following escrows at their March 2008 meeting; 1) \$20,000 Replacement Escrow in the form of a Letter of Credit or cash and 2) \$7,500 Monitoring Escrow in the form of cash. The monitoring escrow has been received. Stewart is working to secure the replacement escrow and would like to begin the work as soon as possible. The Commission's attorney is working with Staff and Stewart to resolve any remaining issues.

5. 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. The deadline for the Restoration Order issued by the DNR was extended to June 30, 2008. Hennepin Conservation District (HCD) is continuing to monitor the restoration.

IX. Project Reviews.

A. 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 has been completed and meets the project/Commission requirements. This item will be removed from the agenda.

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. Staff has received a final plat showing all the required easements and the recorded documents. The Commission accepted the bid from Fortin Consulting to perform the streambank and buffer monitoring and approved a \$15,000 surety to secure the establishment and proper performance of the buffer area and to cover any additional monitoring costs. The monitoring surety is included in the City's Development surety and will not be released until the monitoring has concluded. Monitoring will start when the site work is completed. Staff will continue to oversee this project.

C. 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 I-494. 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 January 15, 2009.

D. 2007-029 Mattsson Property Wetland Delineation, Corcoran (renumbered from 2006-15)

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Corcoran Wildlife Preserve). The applicant proposes to develop a 118-acre site into eleven single-family residential lots. Excluding the 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. In July 2007 the Commission granted contingent approval based on Staff Findings dated July 9, 2007. Revisions dated November 20, 2007 addressed these findings with the exception of the maintenance plan and agreement. An extension request to October 2008 was received from the Applicant.

E. 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 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 September 15, 2008.

F. 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 was issued to the landowner. The deadline has been extended by BWSR to August 18, 2008, to allow time to prepare a replacement plan.

G. 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.

H. 2008-006 Maple Village, Maple Grove. City staff was notified on April 28, 2008, that this plan is incomplete.

I. 2008-009 High Point Church, Rogers. The Applicant is proposing to construct a campus-style church development on 27 acres located on the south side of CSAH 81, just northwest of its intersection with Fletcher Road. Phase I of the proposal includes a 14,000 SF church building and parking area and rough grading for future development of additional parking areas, a softball field and a 20,000 SF assisted living apartment building. Staff reviewed the future, built-out site plan of this project for stormwater management and Phase I for erosion and sediment controls. Wetland impacts are being handled by the City of Rogers, the WCA LGU. The Commission approved Staff's findings and recommendations dated June 4, 2008, including modification of Pond 150 to drain into Pond 100; development of a recordable maintenance plan to assure that stormwater retention, treatment and conveyance systems are adequately inspected and maintained and continue to meet their design functions in the future; and establishment of a sediment trap/basin at the low point in the northwest corner of the ballfield. The Commission further recommended that the Applicant consider bio-swales and pervious pavers in the parking lot design. With the exception of the operations and maintenance plans, subsequent revisions have met these requirements and been approved by Staff.

J. 2008-012 Maas Automotive, 13830 Northdale Boulevard, Hassan.* This parcel is located between CSAH 101 and Northdale Boulevard, about one-quarter mile north of the Rogers Target Store. The lot consists of the old TCI Tire Company buildings and parking areas. The Township application is for a conditional use permit to establish an automotive dealership, vehicle service repair and vehicle service station within the existing buildings. Staff review analyzed the impacts of the increase in impervious area on the water quality and quantity from the site and how they are being addressed to mitigate those effects. At their July 2008 meeting the Commission approved Staff's findings and recommendations dated June 18, 2008, with contingencies. All items have been addressed with the exception of the recording of the storm water system maintenance plan.

K. 2008-013 Diamond Lake Road Office Warehouse, Rogers. The Applicant proposes to develop the vacant eastern 5.33 acres of Rogers Industrial Park 10th Addition, Block 1. The western 4.77 acre portion of this site was reviewed and approved by the Commission under Project 2001-043 George Will Office Warehouse, which had an approved stormwater management plan for the fully developed site, including the east side. The impervious cover proposed with this expansion plan is within the limits of the plan approved in 2001. The submitted plan was reviewed administratively for compliance with the Commission's erosion and sediment control standards and for conformity of

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the constructed stormwater pond to the approved 2001 design. Plans were approved by Staff pending submittal of a recorded stormwater pond maintenance agreement. The statutory initial 60-day project review deadline is August 29, 2008.

L. 2008-014 Hennepin County Wind Turbine, Medina. The County proposes to build a wind turbine at the Medina Public Works Facility. This plan is incomplete.

M. 2008-017 Word of Peace Lutheran Church, Rogers.* Preliminary comments have been provided to the City for their planning purposes. This plan is considered incomplete at this time.

N. 2008-019 New Joy Church, Rogers. A complete plan has not been received. Preliminary information has been provided to the City for their planning purposes.

O. 2008-020 Northridge Fellowship, Hassan.* This was a wetland delineation determination request. Staff field-verified the delineation and noticed the approval on July 25, 2008.

P. 2008-022 CSAH 10 Reconstruction, Maple Grove. SRF Consulting Group is working on the preliminary design of Bass Lake Road (CSAH 10) between West Fish Lake Road and CSAH 101 in Maple Grove. At this point the general alignment, profile and geometrics, as well as potential stormwater treatment areas have been established. The project engineer has requested review and comment on the preliminary layout and their proposed stormwater BMPs. Staff met with them on August 7.

X. Adjournment. There being no further business, motion by Ivey, second by Walraven to adjourn. Motion carried. The meeting was adjourned at 12:27 p.m.

Respectfully submitted,



Judie A. Anderson
Administrator
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