

elm creek

Watershed Management Commission

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MINUTES

February 10, 2010

I. The regular monthly meeting of the Elm Creek Watershed Management Commission was called to order at 11:40 a.m., Wednesday, February 10, 2010, in the Mayor's Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN, by Chairman Doug Baines.

Present were: Bill Walraven, Champlin; Greg Ebert, Corcoran; Doug Baines, Dayton; Bob Ivey, Hassan; Joe Trainor, Maple Grove; Dick Picard, Medina; James Kujawa and Ali Durgunoğlu, Hennepin County Dept. of Environmental Services (HCDES); Jeff Weiss, Barr Engineering; Randy Lehr, Three Rivers Park District; Joel Jamnik, Campbell Knutson, PA; and Judie Anderson, JASS.

Absent: Plymouth and Rogers.

Also present: Todd Tuominen, Champlin; Elizabeth Weir, Medina; and Kevin Springob, Plymouth.

- II. Motion by Walraven, second by Ebert to approve the **revised agenda**.* *Motion carried unanimously.*
- III. Motion by Walraven, second by Picard to approve the **minutes of the January 6, 2010 meeting**.* *Motion carried unanimously.*
- IV. Motion by Picard, second by Walraven to approve the **February Treasurer's Report and Claims*** totaling \$14,331.58. *Motion carried unanimously.*
- V. **Open Forum.** No one wished to speak regarding items not on the agenda.
- VI. **Action Items.**

A. **2009-034 Open System International (OSI) Inc., Medina.*** This is a 19-acre site located in the northwest intersection of Highway 55 and Arrowhead Drive, across from the Hennepin County Public Works facility. The proposed plan would construct the OSI headquarters building on this parcel. Medina is the LGU in charge of administering the Wetland Conservation Act within their jurisdiction. Staff review is for compliance to the Commission's standards for water quality and quantity, erosion and sediment controls and potential floodplain impacts from the site grading and stormwater management proposed. Staff recommended the Commission accept the findings dated February 2, 2010, and grant approval contingent on Staff approval of 1) an operation and maintenance plan and its subsequent recording on the title to the OSI property and 2) erosion and sediment control plans. Motion by Ebert, second by Ivey to approve Staff's recommendation. *Motion carried unanimously.*

B. **2010 Budget Adjustment.** Motion by Picard, second by Trainor to approve moving \$500 from the 2010 Education budget to the 2010 Rain Garden budget. *Motion carried unanimously.* Staff will provide the Commissioners with copies of rain garden press releases as they become available.

C. **Revisions to the Commission's Project Review Fee Schedule.*** Baines recapped the Study Session that preceded this meeting. Jamnik was present to answer questions raised at previous Technical Advisory Committee (TAC) meetings. It was recommended by the Commissioners present at the Study Session to approve the project review fee schedule as revised. Following further discussion, motion by Picard, second by Walraven to adopt the revised fee schedule and that it become effective for project applications submitted April 1, 2010, and thereafter. *Motion carried, Ivey opposed.* Staff will transmit the new fee schedule to the member communities.

**item included in meeting packet*

[Ivey departed 12:19 p.m.]

D. The following **slate of candidates** for office was offered at the January meeting: Baines, Chairman; Picard, Vice Chairman; Ebert, Secretary; and Moore, Treasurer. Election of officers will take place at the Commission's March 10 meeting. They will assume office on April 1.

VII. Elm Creek Watershed-wide TMDL. The Minnesota Pollution Control Agency (MPCA) has requested a meeting with the monitoring agencies and city stakeholders to discuss monitoring efforts to date and to plan for future monitoring as part of its **Intensive Watershed Monitoring (IWM) program**. The meeting is scheduled for 1:00 p.m., Tuesday, February 16, 2010, in the Medicine Lake Room, Plymouth City Hall. Staff has sent notices to the stakeholders.

VIII. New Business.

IX. Education. The West Metro Water Alliance (WMWA) continues to develop a **west metro-wide education and public outreach plan**. The February 9 meeting of WMWA was canceled due to weather conditions. Members will review a final draft of the plan at their March 9, 2010 meeting (8:30 a.m., Plymouth City Hall) and forward it to the Commissions for consideration at their March meetings. At that time the Commissions will be asked to become formal members of WMWA and to adopt its plan of work.

X. Watershed Management Plan. At their December 2009 meeting the Commission approved Hassan Township's Local Surface Water Management Plan (2007-047) conditioned on satisfactory completion of four items by July 1, 2010.

XI. Wetland Conservation Act (WCA).

A. 2004-001W Three Rivers Estates, Hassan. Staff provided a copy of the 2009 monitoring report to the landowner and followed up with them re ongoing maintenance recommendations. Barr Engineering will continue to monitor the site for progress and compliance with the approved Wetland Conservation Act (WCA) replacement plan.

B. 2005-057W Maria Meadows, Hassan. Approval of this single-family residential development was granted in 2005. The 2006 monitoring report noted deficiencies in the wetland replacement basins. Remedial work was completed in 2007 and 2008. Mowing of the reseeded areas was completed in spring 2009. A copy of the 2009 monitoring report was provided to the landowner in January 2010. Maintenance and monitoring will continue in 2010.

C. 2006-002W Doboszinski and Sons, Corcoran. This site was constructed in 2007 and the wetlands were excavated and seeded in fall 2008. The Commission holds a wetland construction surety of \$50,000 and a monitoring surety of \$20,000. Barr Engineering is monitoring this site. In its letter to Klein Bank, holder of the construction surety, dated December 21, 2009, Staff has requested that the letter of credit be renewed for an additional year. A copy of the 2009 monitoring report will be provided to the landowner with deficiencies and management recommendations highlighted. Monitoring will continue in 2010.

D. 2006-037W Hayden Lake Road/Tilden Avenue Construction, Champlin. This city project was approved by the Commission in 2006. The first annual monitoring report was submitted in 2008. Development of the mitigation area appears to be consistent with the design. Monitoring continued in 2009. Recorded Restrictions and Covenants over the replacement area are still necessary. Staff will continue to follow up with the City.

E. 2007-014W Hamel Station, Medina.* Staff has received a final plat showing all the required easements and the recorded documents. Fortin Consulting is performing the streambank and buffer monitoring. The Commission holds a \$15,000 surety to secure establishment and proper performance of the buffer area and to cover additional monitoring costs. Fortin Consulting provided a written report of their December 4, 2008 site inspection and conducted follow-up inspections in March, April and September, 2009. On October 27, 2009, Staff noticed that a significant number of trees had been cut within the buffer area and the remaining trees had been pruned up to about 20 feet high. Fortin has documented the extent of clearing done. The developer's agent, Eric Simmer, has taken responsibility for removing the trees. On December 23, 2009, the City of Medina sent a letter to the developer notifying him of violations to various city ordinances and offering him an opportunity to remediate the violations. Because vegetation located in the MnDOT right-of-way was also removed, MnDOT was also notified and has been in contact with the City Planner. The City has granted the developer an extension of time from January 29, 2010 to March 1, 2010 to respond.

**item included in meeting packet*

F. 2007-023W Scott Stewart Wetland Cease and Desist Order, Hassan. The DNR issued a Cease and Desist Order (C&DO) and Restoration Order for excavating and filling wetlands in violation of the WCA. A replacement plan was approved by the Commission in 2007 and construction and restoration work was completed in November 2008. The monitoring consultant, SEH, has determined that the site has been constructed and seeded according to the restoration plans. First year vegetation establishment has been slow due to the lack of moisture but is progressing. Staff reviewed the 2009 monitoring report received on December 30, 2009 and found the site to be progressing as expected. Monitoring will continue in 2010, with the restored areas potentially being finalized by the TEP.

G. 2007-049W Jason Quilling, Dayton.* Building, pasture and riding arena areas were constructed in a wetland, resulting in a WCA violation. A restoration order requiring a complete wetland restoration was issued to the landowner. The DNR placed a lien on the property and gave Quilling until June 30, 2009 to comply with the restoration order. Quilling has partially restored the site and is continuing with the work. A Technical Evaluation Panel (TEP) was held on October 21 to discuss the proposed replacement plan submitted by Quilling in September 2009. An amendment to the replacement plan was submitted by the applicant on October 27, 2009. The TEP met again on November 19, 2009 to review the amended replacement plan and provide guidance to the LGU. A final restoration plan was provided by the landowner's consultant on January 14, 2010 and approved by the City on January 15, 2010. The approval was conditioned upon: 1) 0.286 acres of fill be removed by June 1, 2010, 2) the final area of wetland fill (0.074 acres) be replaced at a 4:1 ratio, 3) proof of wetland bank account debit for the replacement be provided, and 4) compliance with the conditions of the Restoration Order. The WCA Notice of Decision is included in this month's meeting packet.

H. 2008-027W (old 2006-071W) Stone's Throw Site Development/Wetland Delineation, Hassan. Through their attorney, the Beard Group has requested BWSR to table the hearing and delay scheduling any pre-hearing conference and briefing to December 31, 2009. Staff contacted BWSR and learned they have no new information on the appeal. The Commission will not act on this project until the BWSR appeal has been resolved.

XII. Project Reviews.

A. 2009-004 Markets at Rush Creek (Hustad), Maple Grove. This is a proposal to develop 135+ acres into mixed use at the intersection of CSAH 101 and CSAH 10. Staff received a set of plans on March 3, 2009. The City will submit separate plans for the stormwater management of the CSAH 101/CSAH 10 reconstruction project. Conditional approval of the site plans was granted by the Commission at their April 2009 meeting. The conditions have not been met. An extension of time to July 1, 2010 was requested by the applicant and approved by Commission staff.

B. 2009-023 Northern Natural Gas Pipeline Extension, Corcoran. As part of its Northern Lights 2009-2010 Zone EF Expansion Project, Northern Natural Gas Company is proposing to expand and upgrade parts of its existing pipeline system in Hennepin County. Approximately 5.3 miles of new 16" diameter pipe will be constructed within the Elm Creek watershed. In October 2009 the Commission granted conditional approval of this project. Construction of the route is currently underway and will be completed by November 1, 2010. Prior to spring snow melt, Commission staff will inspect the corridor areas that have been disturbed. Staff has noticed the wetland no-loss decision per WCA requirements and informed the applicant of the final decision.

C. 2009-025 CSAH 81 Drainage Improvements, Rogers. The City of Rogers is proposing a realignment and drainage improvements at the intersection of CSAH 81 and Main Street near downtown Rogers. The project will create about 2.5 acres of new impervious cover. Two new ponds and an existing pond will provide stormwater treatment. Site plans were reviewed for compliance with the Commission's stormwater rate and quality control, channel protection standards and erosion control standards. At their December 2009 meeting the Commission approved the project conditioned on receipt before the review deadline of: 1) a temporary and permanent erosion and sediment control plan, 2) a Stormwater Pollution Prevention Plan (SWPPP), and 3) final plans dated and signed by a professional engineer. The project review deadline was extended by the applicant an additional 60 days to March 31, 2010.

D. 2009-027 Zanzibar Lane Culvert at Diamond Creek, Dayton. The City is preparing to do some emergency work, including culvert replacement, at this site and has requested pre-approval of plans for this work. Plans will be reviewed for floodplain impacts, conveyance, and erosion and sediment control. Staff indicated they would like to see compensatory storage on the west side of the site. In September 2009 the Commission granted Staff authority to approve plans contingent

**item included in meeting packet*

upon compliance with its standards. Staff has approved one of the alternative preliminary hydraulic plans submitted by the City. Final plans will be submitted for review.

E. 2009-029 Dean's Plumbing, Hassan. This is a commercial redevelopment on a 2.40-acre site at the northwest corner of CSAH 81 and I-94. The proposed development will increase the impervious area from 0.20 acres to 1.12 acres. There is a wetland on the northwest corner of the site. Staff has verified the wetland boundaries. At their October 2009 meeting the Commission voted to grant approval of this project subject to four conditions. Hassan Township has made these conditions, along with some of their own, part of their site plan approval on this project. Construction is proposed for the spring of 2010. No new information has been received from the applicant.

F. 2009-031 Natures Crossing 4th Addition, Dayton. This project proposes to relocate a stormwater pond within the Natures Crossing development. In November 2009 the Commission granted Staff administrative approval authority pending receipt of satisfactory information addressing stormwater runoff, water quality, rate control, volume control and wetland delineation that meets Commission requirements. The remaining items (recording a maintenance agreement and the final SWPPP) must be submitted before the extended review deadline of February 16, 2010.

G. 2010-001 County Road 116 Trail, Medina.* The City of Medina is proposing to construct about 7,500 feet of bike trail between TH 55 and Hackamore Road, along the west side of CSAH 116. The construction will be done within the existing City trail outlot, CSAH 116 right-of-way and newly acquired trail easements. Hennepin County has already approved this project (HC Project #0813-2009). The typical trail section will be eight feet of paved surface with two feet of shoulders on each side. About 60% of the northern portion of the trail alignment has a gravel trail. The proposed project will increase the impervious surface from 0.90 acres to 1.53 acres, and will disturb about 3.16 acres. The project was reviewed for compliance with the Commission's erosion and sediment control standards. Staff will issue administrative approval when revisions that satisfactorily address their findings dated January 20, 2010 are submitted before the project review deadline of March 13, 2010.

XIII. Other Business.

A. Communications. The Commissioners received information or links to the following events or topics.

1. Notice of City of Medina's Wellhead Protection Program.*
2. RFP for funding – Environment and Natural Resources Trust Fund.*

B. Baines extended the Commission's condolences to Walraven on the death of his wife.

C. Adjournment. There being no further business, motion by Picard, second by Walraven to adjourn.

Motion carried unanimously. The meeting was adjourned at 12:27 p.m.

Respectfully submitted,



Judie A. Anderson
Administrator
JAA:tim

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