

elm creek

Watershed Management Commission

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MINUTES

January 6, 2010

I. The regular monthly meeting of the Elm Creek Watershed Management Commission was called to order at 11:50 a.m., Wednesday, January 6, 2010, in the Mayor's Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN, by Chairman Doug Baines.

Present were: Greg Ebert, Corcoran; Doug Baines, Dayton; Bob Ivey, Hassan; Tiffany Peterson, Maple Grove; Dick Picard, Medina; Fred Moore, Plymouth; James Kujawa and Ali Durgunoğlu, Hennepin County Dept. of Environmental Services (HCDES); Jeff Weiss, Barr Engineering; Randy Lehr, Three Rivers Park District; and Judie Anderson, JASS.

Absent: Champlin and Rogers.

Also present: Todd Tuominen, Champlin; Tom Cossette, Corcoran; Elizabeth Weir, Medina; Kevin Springob and Jan Haugen, Plymouth; and Bill Kidder, Maple Grove RLAA.

II. Motion by Picard, second by Peterson to approve the **revised agenda**.* *Motion carried unanimously.*

III. Motion by Moore, second by Picard to approve the **minutes of the December 9, 2009 meeting**.* *Motion carried unanimously.*

IV. Motion by Moore, second by Peterson to approve the **January Treasurer's Report and Claims*** totaling \$7,044.74. *Motion carried unanimously.*

V. **Open Forum.**

VI. **Action Items.**

A. Motion by Peterson, second by Moore to accept the following **slate of candidates for office**: Baines, Chairman; Picard, Vice Chairman; Ebert, Secretary; and Moore, Treasurer. *Motion carried unanimously.* Election of officers will take place at the Commission's March 10 meeting. They will assume office on April 1.

B. Baines recapped the Technical Advisory Committee (TAC) meeting that preceded this meeting. The TAC has been charged with revising and updating the Commission's **project review fee schedule**.* Motion by Moore, second by Ivey thanking the TAC for their work and returning this item to the full Commission at a Study Session to be scheduled for 10:00 a.m., prior to the Commission's regular February 10, 2010 meeting. *Motion carried unanimously.* Unresolved issues requiring clarification by the Commission's attorney, Joel Jamnik, will be discussed at that time. [Jamnik will attend the Study Session.]

C. Motion by Moore, second by Picard to approve the **2010 EPDB Conditional Use License Agreement with Hennepin County**.* *Motion carried unanimously.*

D. Motion by Moore, second by Peterson to approve the **2010 Cooperative Stream Monitoring Agreement with the U.S. Geological Survey**.* *Motion carried unanimously.* The agreement provides for gauging station operation, maintenance and daily discharge computation; water quality sampling and analysis; and credit for three autosamples uncollected in 2009 due to low flows. The agreement is in the amount of \$33,470, to be shared equally by the parties.

VII. **Elm Creek Watershed-wide TMDL.**

**item included in meeting packet*

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**. Members of WMWA will review a final draft of the plan at their February 9, 2010 meeting (8:30 a.m., Plymouth City Hall) and forward it to the Commissions for consideration at their February 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.

2007-047 Hassan Local Plan. At the December 2009 meeting the Commission approved Hassan Township's Local Surface Water Management Plan 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 2008 monitoring report to the landowner and also followed up with them re ongoing maintenance issues. 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. Some additional seeding and maintenance was completed in 2008. Mowing of the areas that were reseeded was completed in spring 2009. Maintenance and monitoring will continue in 2010.

C. 2006-002W Doboszenski 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.

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 in his letter to the City and the Commission. Staff met with City staff to determine an action plan. 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 developer has been requested to respond by January 29, 2010.

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. Monitoring will

**item included in meeting packet*

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 but has not completed the restoration as of this date. On September 23, 2009, Quilling submitted a wetland replacement/restoration plan to the City of Dayton.

A Technical Evaluation Panel (TEP) was held on October 21 to discuss the proposed replacement plan. It proposes to a) restore most but not all of the impacted area; b) leave the barn and some fill around the horse barn; c) and mitigate the remaining fill with banking credits purchased from a Stearns County banking site. The plan proposes one-to-one replacement. The plan also claims an agricultural exemption for the barn and the paddock areas. An amendment to the replacement plan was submitted by the applicant on October 27, 2009. The TEP met on November 19, 2009 to review the amendment. At this time the TEP findings have not been finalized.

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.

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 conditionally approved this project. The project review deadline is January 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 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, as 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.

**item included in meeting packet*

F. 2009-030w Severson Acres, Corcoran. A 46-acre parcel will be subdivided into a 10-acre single-family residential lot and 36-acre outlot. A wetland boundary/type determination completed on the 10 acre portion of the subdivision determined there are no wetlands present. Staff approved the boundary/site determination on November 13, 2009, and noticed it according to WCA requirements. This item will be removed from the agenda.

G. 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.

H. 2009-033 Ron Schultz Garage, Corcoran. The Schultzes are proposing to build a new garage on their lot. Part of the property has wetlands and designated floodplains. The submitted certificate of survey has accurately outlined the boundary of the 100-year floodplain (981.7 ft) and the approximate boundary of the wetland. Based on the review of the submitted plans, Staff has determined that there will be no impact or disturbance within the floodplain and there will be adequate erosion control measures on site during the construction. Staff administratively approved this project on October 29, 2009. This project will be removed from the agenda.

XIII. Other Business.

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

1. Mississippi River Forum – MIDs – the next generation of stormwater management.*
2. LID Stormwater Conference.*
3. Open Meeting Law Workshop.*
4. Aquatic Invasive Species Prevention Open House.*
5. Perspectives on Water in Our Changing World.*
6. MECA Conference.*
7. Mississippi River Corridor Critical Area – Rulemaking.*
8. BWSR Academy.

B. Adjournment. There being no further business, motion by Picard, second by Ebert to adjourn. *Motion carried unanimously.* The meeting was adjourned at 12:34 p.m.

Respectfully submitted,



Judie A. Anderson
Administrator
JAA:tim

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**item included in meeting packet*