

elm creek

Watershed Management Commission

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MINUTES

July 8, 2009

I. The regular monthly meeting of the Elm Creek Watershed Management Commission was called to order at 11:30 a.m., Wednesday, July 8, 2009, 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; Dick Picard, Medina; Fred Moore, Plymouth; Ali Durgunoglu and James Kujawa, Hennepin County Dept. of Environmental Services (HCDES); Randy Lehr, Three Rivers Park District (TRPD); Jeff Weiss, Barr Engineering; and Judie Anderson, JASS.

Absent: Maple Grove and Rogers.

Also present: Rick Lestina, Maple Grove; Jan Haugen, Plymouth; and John Seifert and Katie Silbaugh, Rogers.

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

III. Motion by Moore, second by Franssell to approve the **minutes of the June 10, 2009 meeting**.* *Motion carried unanimously.*

IV. Motion by Walraven, second by Moore to approve the **July Treasurer's Report and Claims*** totaling \$15,787.99. *Motion carried unanimously.*

V. Open Forum.

Seifert introduced Silbaugh who is considering the Commissioner position representing Rogers.

VI. Action Items.

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 and the Commission has approved a \$15,000 surety to secure establishment and proper performance of the buffer area and to cover additional monitoring costs. The monitoring surety is included in the City's development surety and will not be released until the monitoring has concluded. Staff has contacted Fortin for a recommendation re how much additional monitoring will be required and the amount of replacement surety that should be retained. At the June meeting the Commission tabled action pending receipt of a recommendation from Fortin and requested the City of Medina not to release surety funds pending formal notification from the Commission. Together, Fortin Consulting and Commission Staff established a replacement cost of \$24,795. The developer responded that he felt it was inappropriate to request additional escrow after-the-fact. Staff indicated that the developer has been cooperative in remediating problems on site and that the initial \$15,000 surety should be adequate. Motion by Moore, second by Walraven to advise the City of Medina and the developer that the surety amount will remain at \$15,000 and to express the Commission's concern re the use of an annual, rather than a perennial, cover crop on site. *Motion carried.*

VII. Elm Creek Watershed-wide TMDL.

Motion by Moore, second by Ivey to approve the **Elm Creek Watershed-wide TMDL cooperative agreement with Three Rivers Park District*** with the addition of specific reference to the contract with the Minnesota Pollution Control Agency (MPCA). *Motion carried.*

VIII. New Business.

A. Correspondence.

*item included in meeting packet

1. The Commissioners received copies of letters from the Commission expressing support for Three Rivers Park District's request for Metro Greenways Protection funding for the **Rush Creek Wildlife Corridor Central Wetlands restoration and protection project** and the **Rush Creek Wildlife Corridor East Protection Proposal**.*

2. Notice of second **Hennepin County Conservation Forum**,* 9:00-11:30 a.m., Thursday, July 30, 2009, at the Hennepin County Public Works facility in Medina.

3. Notice of **BWSR Clean Water Funds*** for matching MPCA 319 TMDL Implementation project grants.

B. Education.

Five thousand copies of the printed *Ten Things You Can Do to Improve Minnesota's Lakes and Streams* brochure have been ordered for the Elm Creek Commission and should be available the week of July 20. An e-file of the brochure will also be made available to the member cities. The next meeting of the Joint Education and Public Outreach Committee (EPOC) is scheduled for 8:30 a.m., Wednesday, July 15, 2009, at Plymouth City Hall.

IX. Local Plans.

A. 2007-047 Hassan Local Plan. Hassan Township submitted a first draft Local Surface Water Management Plan for Commission review in October 2007. Staff reviewed the 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 plan in November 2007. Hassan submitted a revised draft plan on February 20, 2009. Staff found it continues to be deficient. The Plan was denied at the April 2009 meeting.

B. 2008-039 City of Medina Surface Water Management Plan. The City of Medina submitted a draft Local Surface Water Management Plan for Commission review on October 15, 2008. Metropolitan Council reviewed the LSWMP and requested the Commission not approve the LSWMP until their comments have been addressed. Staff reviewed the plan for compliance with the Commission's second generation Plan and found several deficiencies. The Commission denied the Plan at their November meeting. A revised draft plan was received on June 9, 2009. Staff is reviewing. Motion by Moore, second by Picard to deny approval of Medina's local plan unless a request is received to extend the review period beyond the date of the Commission's August (12) meeting. *Motion carried.*

C. 2008-042 City of Champlin Surface Water Management Plan. The City of Champlin submitted a draft Plan for Commission review in October 2008. Final approval of the plan was granted at the Commission's June 10, 2009 meeting. This item will be removed from the agenda.

D. 2009-005 Corcoran Surface Water Management Plan. The City of Corcoran submitted a draft Water Management Plan for Commission review on March 2, 2009. At their June 10, 2009 meeting, the Commission granted approval of Corcoran's plan while strongly urging the City to implement the Maple Grove drainage study for development around the large wetland located just west of the intersection of CR 101 and 68th Avenue whenever opportunities arise. This item will be removed from the agenda.

E. An update of the **status of local plans** is included in the Staff Report.*

X. Wetland Conservation Act (WCA).

A. 2004-001W Three Rivers Estates, Hassan. Site plans were approved in 2004 and Restrictions and Covenants were recorded in August 2008. The 2008 monitoring report provided maintenance recommendations for this coming year. Staff has provided a copy of this report with its recommendations to the landowner. Barr Engineering will continue to monitor the site for progress and compliance with the approved Wetland Conservation Act (WCA) replacement plan.

B. 2004-022W Meadow Creek Estates, Corcoran - Wetland Monitoring. This project, with its wetland replacement plan, was approved by the Commission in 2004. The wetland replacement area was constructed in 2004/2005. SEH began monitoring this project in 2008. Some minor invasive vegetation management mowing was done this spring by the landowner. The site is developing as designed and will be considered for certification this summer/fall.

C. 2005-057W Maria Meadows, Hassan. In 2005 the Commission granted approval of this single-family

**item included in meeting packet*

residential development. 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. Monitoring will continue in 2009.

D. 2006-002W Doboszanski and Sons, Corcoran. In 2006 the Commission approved site and wetland replacement plans for this project. The 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 for the wetland work. Barr Engineering has been retained to provide the monitoring for this site.

E. 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 by WSB in 2008. The development of the mitigation area appears to be consistent with the design. Monitoring will continue in 2009. Recorded Restrictions and Covenants over the replacement area are still necessary. Staff will continue to follow up with the City.

F. 2007-023W Scott Stewart Wetland Cease and Desist Order (C&DO), 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 at their December 2007 meeting. A \$7,500 monitoring escrow has been received. The construction and restoration work was completed in November. In December 2008 the Commission approved SEH to monitor this project and amended the previous approval to forfeit the \$20,000 replacement escrow requirement. Per SEH, the site has been constructed and seeded according to the restoration plans. Vegetation establishment has been slow this spring due to the lack of moisture. Monitoring will continue.

G. 2007-049 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. Quilling filed a wetland replacement plan with the City that was determined to be incomplete. Quilling appealed the City's decision to BWSR who denied the appeal. 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, but the work is not complete. HCD has informed us that Quilling is negotiating with DNR Enforcement Officer Jason Jensen for the next stage. An extension of the deadline is unlikely. DNR may issue a penalty because the restoration was not completed before the deadline.

H. 2008-027W (old 2006-071W) Stone's Throw Site Development/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 to be reviewed in conjunction with the north sod field monitoring system was received on April 30, 2008. At their May 2008 meeting the Commission denied the Applicant's delineation of the sod field areas, in effect, leaving the January 2007 delineation approval intact and denying the delineation of the north sod fields. The official notice of denial was mailed May 14, 2008. The Applicant appealed the Commission's decision to BWSR who denied the appeal. The decision was appealed to the Minnesota Court of Appeals which reversed and remanded the decision back to BWSR because BWSR did not properly follow the rules governing appeals. 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 will request BWSR to advise the Commission when the conference is rescheduled.

A new development plan was submitted by the Township on November 21, 2008. The submittal was incomplete and the Township and developer were so notified on December 2, 2008. This site has since been annexed by the City of Rogers. Commission staff provided the City with preliminary review information for the most recent site plan on April 7. A complete application has not been received.

XI. Project Reviews.

A. 2008-014 Hennepin County Wind Turbine, Medina. The County proposes to build a wind turbine at the Medina Public Works Facility. The City has not forwarded plans for this project.

B. 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. The general alignment, profile and geometrics, as well as potential stormwater treatment areas, have been established. Staff has provided feedback on the preliminary layout and proposed stormwater BMPs. The City has submitted plans for portions of this project under 2009-007 and 2009-016. This project will be removed from the agenda because it has been reviewed and approved under 2009-007.

C. 2008-033 Big Woods Ranch, Corcoran. This is a subdivision plat request to create two residential lots and

**item included in meeting packet*

an outlot on a 37-acre parcel. Part of the outlot is under a conservation easement. Staff sent comments on the preliminary plat to the City. No new information has been received. This item will be removed from the agenda pending an official application.

D. 2008-034 CSAH 81 Realignment, Rogers. City consultant requested information regarding the planned CSAH 81 and TH 101 intersection construction. Staff has contacted them with comments.

E. 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 as of this writing. An extension of time to August 1, 2009 was requested by the applicant.

F. 2009-007 CSAH 10 Reconstruction, CSAH 101 to Vagabond Lane, Maple Grove. This project involves the realignment of CSAH 101 and CSAH 10 and is being reviewed in conjunction with 2009-004. A TAC was convened to discuss the stormwater design involving County Ditch #16 and its potential impacts on water elevations in Corcoran. TAC recommendations were incorporated into the design and the revised plans were approved with conditions by the Commission at their April 2009 meeting. On May 29, 2009 the Commission received revised plans that are significantly different from those approved. Staff advised the City of Maple Grove that these changes were significant enough to consider the revised plan as a new plan application. The City has subsequently reverted back to the original plan and is addressing the issues identified by Staff. City extended the project review deadline and Staff approved the project on June 23, 2009. This item will be removed from the agenda upon receipt of a set of signed final plans.

G. 2009-009 Chalet Parking Lot Expansion, TRPD, Elm Creek Park Reserve, Maple Grove. This is an expansion and upgrade to the Chalet parking lot at the Elm Creek Park Reserve. The project will expand the parking lot impervious area from 1.0 acre to 1.35 acres. An existing pond will be re-graded and expanded to provide additional storage to offset the new impervious areas. In addition, a depression area will be created to infiltrate water for volume and nutrient controls. At their May meeting the Commission approved the project contingent on satisfactorily addressing in the Stormwater Pollution Prevention Plan (SWPPP) the dewatering method that will be used during stormwater pond expansion and the infiltration basin sequence of construction. This item has been addressed and final approval was granted on May 28, 2009. This item will be removed from the agenda.

H. 2009-010 Redeemer Lutheran Church Addition, Maple Grove. The church is located at the SE intersection of CR 30 (93rd Avenue) and CR 130 (Elm Creek Boulevard). This project proposes to add a one-story building addition of 10,734 SF. Commission standards call for review of the Erosion and Sediment Control plans on the new addition that, as of this update, do not meet the Commissions requirements. The City and applicant have been notified of these findings. The deadline for a decision was June 6, 2009. No new information was received and Staff denied the application. Prior to any work beginning on said project a new, complete application must be received by the Commission. This item will be removed from the agenda.

I. 2009-012 Lions Park, Corcoran. The Lions are proposing to create additional parking area on their property in the SW corner of the CSAH 101 and CSAH 10 intersection. Preliminary comments were provided to the City regarding floodplain, wetlands, erosion and sediment control, and stormwater management issues on this parking lot expansion. A complete application for review of the wetland delineation was received May 29. Staff field-verified and approved the delineation. No additional review is necessary. This item will be removed from the agenda.

J. 2009-013 DNR Permit 2009-0588 BNSF Railway, Maple Grove. Staff is reviewing this project in conjunction with the DNR permit application.

K. 2009-014 EA - County Road 81, Maple Grove. Hennepin County proposes to reconstruct approximately 7.5 miles of County State Aid Highway (CSAH) 81, from just north of TH 100 in Robbinsdale to CSAH 30 (93rd Avenue) in Maple Grove. This roadway passes through a small area of the Elm Creek watershed as well as through the Shingle Creek and West Mississippi watersheds, where there are potential stormwater, wetland, floodplain, and stream-crossing impacts. Staff did not respond with comments. This item will be removed from the agenda.

L. 2009-015 Medicine Lake Regional Trail Construction, Plymouth and Maple Grove.* Staff reviewed this plan for wetland, floodplain, stormwater management and erosion and sediment controls and approved the project administratively on June 9, 2009, subject to receipt of signed and dated plans prior to the project review deadline (July 27, 2009).

**item included in meeting packet*

M. 2009-016 CSAH10 Street Reconstruction-CSAH 101 to Peony, Maple Grove. This is the wetland replacement plan for project 2009-007. It has been reviewed together with 2009-007. Maple Grove is the LGU for WCA and, therefore, this project number can be removed from the agenda.

N. 2009-017 Adams Pest Control, Medina.* This is a small reconstruction project just north of TH 55 and west of CSAH 116. Staff administratively approved the project on June 19, 2009. This item will be removed from the agenda.

O. 2009-018 Eye West Vision Clinic, Hassan.* This is a three-acre vacant lot, zoned for commercial/industrial use located between Highway 101 and Northdale Boulevard, on the west side of Highway 101. The project includes construction of a 6,000 SF medical clinic and associated parking area. Approximately 0.5 acres of new impervious surface will be created. Staff is in the process of reviewing this application. An update was provided at the meeting with no recommendation to the Commission.

P. 2009-019 Hamel Legion Park Field House, Medina.* This is a small concession stand and storage facility addition in the city park. Staff administratively approved the project on June 29, 2009. This item will be removed from the agenda.

XII. Other Business.

A. Commissioners will meet at 8:30 a.m., Tuesday, July 28, 2009, in the JASS conference room to consider **revisions to the 2010 Operating Budget.**

B. Adjournment. There being no further business, motion by Walraven, second by Ivey to adjourn. Motion carried. The meeting was adjourned at 12:20 p.m.

Respectfully submitted,



Judie A. Anderson
Administrator
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