

elm creek

Watershed Management Commission

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MINUTES June 11, 2008

I. The regular monthly meeting of the Elm Creek Watershed Management Commission was called to order at 11:33 a.m., Wednesday, June 11, 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; Joe Trainor, Maple Grove; Liz Thornton, Plymouth; James Kujawa, Hennepin County Environmental Services (HCES); Jason Westbrook, Barr Engineering; John Barten, Three Rivers Park District (TRPD); and Judie Anderson, JASS.

Not represented: Hassan, Medina and Rogers.

Also present: Kevin Springob, Plymouth; and John Seifert, Roger.

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

III. Motion by Trainor, second by Walraven to approve the **minutes of the May 14, 2008 meeting*** with the following correction:

VI.A. 2004-022 ~~Maple~~ Meadow Creek Estates, Corcoran - Wetland Monitoring.

Motion carried.

IV. Motion by Thornton, second by Walraven to approve the **June Treasurer's Report and Claims.*** *Motion carried.*

V. Open Forum. No one wished to speak.

VI. Action Items.

A. 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 storm water management and Phase I for erosion and sediment controls. Wetland impacts are being handled by the City of Rogers, the WCA LGU. Motion by Trainor, second by Walraven to approve 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 recommends that the Applicant consider bio-swailes and pervious pavers in the parking lot design. *Motion carried.*

B. Motion by Thornton, second by Walraven authorizing the Chair to execute the agreement with SEH, Inc. to perform wetland monitoring for **2004-022 Meadow Creek Estates, Corcoran.** At the May meeting the Commission approved the bid of \$9,000. *Motion carried.*

VII. New Business.

The Commission will host a **TMDL Workshop**, noon – 3:00 p.m., Monday, July 14, 2008, at Plymouth Creek Center. Commissioners, city policymakers and city staffs are encouraged to attend. Invitations will be mailed later this month.

**item included in meeting packet*

VIII. Correspondence.

IX. 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. No new information has been received.

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. 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. The second year's monitoring report noted many 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 will begin on this replacement plan this spring (2008). (See above.)

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. 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.

4. **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 has appealed the Commission's decision to BWSR.

5. **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. Correspondence to that effect was sent to Stewart giving him until April 25, 2008 to submit the escrows. No escrows have been received. The Commission's attorney will

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follow up with a letter to Stewart.

6. 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 Restoration Order was issued by the DNR. The deadline for the restoration was extended to June 30, 2008.

C. CWLA Grant - Stream Monitoring Project.* Volunteers collected data twice in May on each of the ten stream sites. Water levels have been decreasing at a constant rate compared with the levels in April. Several people have stopped to ask the volunteers about the project and the condition of the streams, indicating more public interest in the project compared to last year. Staff gages were installed at the five non-automated sites to better understand the loadings when the data is analyzed this fall. The five automated samplers have been installed and have collected several water samples from recent stormwater events.

X. 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 will be completed this spring to confirm the mitigation volume.

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. 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 received a final plat showing all the required easements and the recorded documents. At the April meeting the Commission accepted the bid from Fortin Consulting in the amount of \$1,835 for 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 is completed. The stormwater maintenance plan and development agreement have been recorded at the County. The monitoring will start when the site is completed. Staff will continue to monitor 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 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 January 15, 2009.

D. 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 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-

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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.

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. 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. Staff found other non-conforming issues with the existing DNR permit and recommended denial of the application. A joint site visit was conducted on May 5, 2008 with the DNR. Staff concurred with the DNR to issue a permit. Permit has been issued by the DNR to dredge out up to 340 cubic yards of sediment to reestablish the boat access channel. The DNR application will suffice as a multi-jurisdictional application.

I. 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. Based on Staff Findings dated April 4, 2008, the Commission granted 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. No new information.

J. 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. A joint site inspection was conducted on May 5, 2008. Staff concurred with the DNR that about 250 cubic yards of sediment should be removed from about 1800 feet of the ditched channel, sloughed banks should be repaired, and a permanent 30-foot vegetated buffer should be created between the stream bank edge and the crop fields. A DNR permit was issued on May 23, 2008. Staff agreed that removing the concrete construction debris from the south bank could cause serious erosion and bank destabilization and, therefore, it was agreed that the debris removal should be done at a later time when the City reconstructs the Zanzibar Lane bridge.

K. 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 July 11, 2008.

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

M. 2008-007 City-County Federal Credit Union, Maple Grove. This is a 2.3-acre commercial/ retail lot located south of CSAH 30, between Lawndale and Dunkirk Lanes, within Dalton Commons Fourth Subdivision.

**item included in meeting packet*

This subdivision was reviewed and approved by the Commission under project review 99-028. Stormwater from this area is treated by a stormwater pond constructed during the development of Dalton Commons Fourth and is located three lots to the south. It eventually drains into the larger "Target Pond." The stormwater treatment system for this site was approved for 18.6 acres of impervious cover. The proposed development will create 1.45 acres of new impervious cover, with provisions for future full development. The project is being reviewed administratively for compliance with the Commission's erosion and sediment control standards. Staff received revised plans on May 08, 2008 and approved them administratively on May 12, 2008. This item will be removed from the agenda.

N. 2008-008 Highway 55 EAW, Corcoran, Medina, Plymouth. Staff provided comments to MN/DOT on the EAW which covers future Highway 55 expansion between I-494 and Rockford. This item will be removed from the agenda until new information is received.

O. 2008-011 Carefree Self Storage, Rogers. This is the second phase development of this site. The proposed expansion is within the parameters of the stormwater management plan approved with the first phase. It will be reviewed administratively for erosion and sediment control. Revised plans dated June 4, 2008, meet the Commission's requirements and were approved by Staff on June 4, 2008. This item will be removed from the agenda.

P. 2008-012 13830 Northdale Blvd., Maas Automotive, 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. The current plan has been denied by the township. An updated plan is necessary for Staff's review and recommendations. Ultimately, Staff review will analyze the impacts of the increase in impervious area (if any) on the water quality and quantity from the site and how they are being addressed to mitigate any effects. Wetland impacts, construction erosion and sediment controls will also be part of the review. The project review deadline is July 19, 2008.

Q. 2008-016 25300 Tucker Road Drain Tile Replacement, Hassan. This is a WCA exemption request for replacing a part of a failing drain tile that drains into Henry Lake. Staff is reviewing the application and consulting with the DNR regarding their jurisdiction.

XI. Adjournment. There being no further business, motion by Ivey, second by Gustafson to adjourn. Motion carried. The meeting was adjourned at 12:13 p.m.

Respectfully submitted,



Judie A. Anderson
Administrator
JAA:tim

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