

# elm creek

## Watershed Management Commission

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### MINUTES

June 9, 2010

I. The regular monthly meeting of the Elm Creek Watershed Management Commission was called to order at 11:30 a.m., Wednesday, June 9, 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; Joe Trainor, Maple Grove; Dick Picard, Medina; Fred Moore, Plymouth; James Kujawa and Ali Durgunoğlu, Hennepin County Dept. of Environmental Services (HCDES); John Barten and Randy Lehr, Three Rivers Park District; Jeff Weiss, Barr Engineering; and Judie Anderson, JASS.

Absent: Hassan and Rogers.

Also present: Todd Tuominen, Champlin; Randy Foote, Medina; Kevin Springob, Plymouth; and Troy Erickson, SRF Consulting Group, for project 2010-007.

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

III. Motion by Walraven, second by Ebert to approve the **minutes of the May 12, 2010 meeting**.\* *Motion carried unanimously.*

IV. Motion by Moore, second by Picard to approve the **June Treasurer's Report and Claims**\* totaling \$12,030.21. *Motion carried unanimously.*

Staff will correct the revised member assessment spreadsheet for the 2011 Operating Budget.\*

V. **Open Forum.** No one wished to speak regarding non-agenda items.

VI. **Action Items.**

A. Motion by Knutson, second by Trainor to participate in the **West Metro Water Alliance (WMWA)** and approve the Agreement for Administrative Services.\* *Motion carried unanimously.*

Motion by Moore, second by Walraven to appoint Baines and Moore as the Commission's representative and alternate representative to WMWA. *Motion carried unanimously.*

The Commissioners were also requested to review the West Metro Education and Outreach Plan and provide comment at the July meeting.

B. **2010-007 CSAH10 Reconstruction, Vagabond to West Fish Lake Road, Maple Grove**.\* The City of Maple Grove is proposing Phase II construction on Bass Lake Road (CSAH 10) between Vagabond Lane and W. Fish Lake Road. There will be 39 acres disturbed during this work with an additional 11.3 acres of impervious area added. Staff review is for compliance with the Commission's floodplain, stormwater quantity and quality, and erosion requirements. In their June 8, 2010 review Staff recommended approval contingent upon final approval of the erosion and sediment control plans by Staff. Motion by Moore, second by Walraven to approve the recommendation. *Motion carried unanimously.*

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

The next Steering Committee meeting is scheduled for 2:00 p.m., Wednesday, June 23, 2010, at Plymouth

*\*item included in meeting packet*

City Hall. The scoping document will be emailed to the Steering Committee members the week of June 14, 2010 and will be the focus of the June 23 meeting. The Elm Creek project page has been uploaded to the MPCA website: <http://www.pca.state.mn.us/water/tmdl/project-elm-creek-watershed.html>. The Steering Committee will meet again on September 23.

[Ebert departed 12:40 p.m.]

**VIII. New Business.**

**IX. Watershed Management Plan.**

**A. 2007-047 Hassan Local Plan.** At their December 2009 meeting, the Commission granted approval of the Hassan Local Surface Water Plan conditioned on satisfactory completion of four items by July 1, 2010.

**B. Third Generation Watershed Management Plan.** Commissioners received copies of a letter\* transmitted to the member cities discussing the upcoming third generation Plan development and requesting them to appoint a representative to the Technical Advisory Committee (TAC) and to identify projects for inclusion on the Plan's Capital Improvement Program (CIP). The TAC will convene at 9:30 a.m., Wednesday, August 11, 2010 to begin these discussions. TAC members will also discuss how the Commission will fund development of the Plan and prioritize capital projects. Staff will further communicate with BWSR to learn the required content of the third generation plan and any changes the Commission will be required to make as a result of its current Management Plan. A follow-up letter stressing the urgency of this process will be mailed to the members prior to that date.

**X. Education.**

**West Metro Water Alliance (WMWA).** (See VI.A., above.) The next meeting of WMWA is scheduled for 8:30 a.m., Tuesday, July 13, 2010, at Plymouth Creek Center.

**XI. Wetland Conservation Act (WCA).**

**A.** Staff informed the Commission of a possible **violation in Corcoran**. They will update the Commission at their July meeting.

**B. 2004-001W Three Rivers Estates, Hassan.** Staff provided a copy of the 2009 monitoring report to the landowners and has followed up with them regarding ongoing maintenance recommendations. Barr Engineering continues to monitor the site for progress and compliance with the approved Wetland Conservation Act (WCA) replacement plan. Staff provided this spring's (May 2010) monitoring visit recommendations to Hassan Township.

**C. 2005-057W Maria Meadows, Hassan.** 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. During the monitoring this spring (May 2010), Barr Engineering met with the landowner and provided maintenance recommendations. Maintenance and monitoring will continue in 2010.

**D. 2006-002W Doboszinski and Sons, Corcoran.** This site was constructed in 2007 and the wetlands were excavated and seeded in 2008. The Commission holds a monitoring surety of \$20,000 for the wetland work. Barr Engineering is the monitoring consultant. A copy of the 2009 monitoring report was provided to the landowner with deficiencies and management recommendations highlighted. Monitoring will continue in 2010.

**E. 2006-037W Hayden Lake Road/Tilden Avenue Construction, Champlin.** The first and second annual monitoring reports have been submitted by WSB & Associates. Development of the mitigation area appears to be consistent with the design. Monitoring will continue in 2010. Recorded Restrictions and Covenants over the replacement area are still outstanding. Staff will continue to follow up with the City of Champlin.

**F. 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

*\*item included in meeting packet*

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 have 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 December 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. On March 1, 2010 the applicant responded to the City, indicating that he could not meet their replacement plans on-site. He proposed to come in front of the City Council to talk about alternatives (a combination of on-site tree replacement, other on-site vegetation on the banks of Elm Creek, and cash dedication for off-site tree planting).

City and Commission staff discussed alternatives going forward. They, along with MnDOT staff, unanimously recommended against an alternative that results in no replacement shade trees being planted in the area where they were removed. Simmer responded with a new proposal that would plant twelve 4" trees and include a possible cash payment to the City equivalent to the remaining required tree replacement. Staff members recommended replacement with at least twice the number of trees removed beyond the amount allowed, (eight more trees were removed) or 16 trees. Commission staff recommended more, and generally all staff members recommended the replacement trees be larger, perhaps 4" diameter, trees. Staff from all the parties recommended that the landscaping plan include shrubs and shorter plantings in order to restore the streambanks. City staff also recommended a maintenance agreement and financial guarantee that the planted trees would survive two years.

Simmer appeared at the April 6, 2010, Council meeting. The Council instructed staff to work with the Commission on a replacement plan, to be delivered within 45 days. The plan will be presented to Simmer for implementation. Commission staff met with a Landscape Restoration Specialist from Metro Conservation District to design a replacement/restoration plan.

**G. 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 plan. First year vegetation establishment was slow due to the lack of moisture. Staff reviewed the 2009 monitoring report and found the site to be progressing as expected. Monitoring will continue in 2010, with the restored areas potentially being finalized by the TEP.

**H. 2007-049W Jason Quilling, Dayton.** A final restoration plan was approved by the City on January 15, 2010. The approval was conditioned upon: 1) 0.286 acres of fill being removed by June 1, 2010, 2) the final area of wetland fill (0.074 acres) being replaced at a 4:1 ratio, 3) proof of wetland bank account debit for the replacement being provided, and 4) compliance with the conditions of the Restoration Order. The WCA Notice of Decision was posted by the City. Completion of the restoration at the site and proof of wetland banking credits are required for final certification of the restoration order.

## **XII. Project Reviews.**

**A. 2009-004 Markets at Rush Creek (Hustad), Maple Grove.** This is a proposal to develop 135+ acres at the intersection of CSAH 101 and CSAH 10 into mixed use. Staff received a set of plans on March 3, 2009. Conditions for approval of the site plans granted by the Commission at their April 2009 meeting 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

*\*item included in meeting packet*

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. Staff noticed the wetland no-loss decision per WCA requirements and informed the applicant of the final decision. Staff inspected the complete corridor on March 26, 2010. Site restoration and erosion controls were adequate throughout the pipeline route. One intermittent stream had washed out the temporary erosion protection during snow melt. This has been corrected.

**C. 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 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 their standards and to provide them with status updates. The City forwarded preliminary hydraulic plans for two alternatives. Staff approved one of the alternatives. Final plans will be submitted for review. The delay appears to be due to an issue with the property lines near the bridge.

**D. 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. In October 2009 the Commission voted to grant approval of this project subject to four conditions. Hassan Township has made these conditions, along with their own, part of their site plan approval on this project. According to the Town Administrator construction has been delayed at the Applicant's request. If the applicant renews the redevelopment process, he must meet all of Hassan's and the Commission's conditions prior to construction. This item can be removed from the agenda until it is renewed by the Township.

**E. 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. Commission review is for compliance to its standards for water quality and quantity, erosion and sediment controls, potential floodplain impacts from the site grading and stormwater management proposed. The Commission accepted the findings dated February 2, 2010, and granted 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. Revised plans and an O&M plan were received on April 29, 2010. The plans meet the Commission's requirements and have been approved. This item will be removed from the agenda.

**F. 2010-004 Rob Staiber, 705 Hamel Road, Townhome Building, Medina.** The City submitted a concept plan. This is the same site as Medina Townhomes (2007-035), which was automatically denied in 2008 due to lack of recording of a maintenance and operation plan for the stormwater management system. Staff commented to the City that the findings of the old project are still valid, because the concept plan was very similar to the old plan.

**G. 2010-005 The Enclave of Medina, Medina.** This project is two parcels of agricultural property, 109 acres in size, located east of Hunter Drive just south of the Legion Park in Hamel. Lennar Homes is proposing to develop this area into a single- and multi-family residential subdivision. The Commission's requirements and standards have been discussed with Lennar Homes and their engineer. An application was received May 26, 2010. Staff is reviewing the plan.

**H. 2010-006 EC Park Reserve Creative Play Area Renovation, Maple Grove.** This is an upgrade to the existing play area at the Elm Creek Park Reserve in Maple Grove. The project will create an additional 0.5 acres of impervious area (from 0.1 acre to 0.6 acres). This site is considered an industrial/commercial area in the Commission's review standards. Staff's review dated May 6, 2010 was accepted and approved by the Commission at their May 2010 meeting. This item will be removed from the agenda.

*\*item included in meeting packet*

I. **2010-008 Cornish Property, Mullenbach, Plymouth.** This application is not complete.

J. **2010-009 McHugh Wetland Delineation, Corcoran.** This is an existing 20 acre parcel that will be converted from agriculture cropland to a single-family home. No filling or draining of wetlands is proposed, but per Elm Creek and Corcoran requirements, a wetland delineation must be obtained and approved prior to any construction. Staff evaluated the delineation and found it acceptable and will approve and notice it per WCA requirements. No other reviews are necessary. This item will be removed from the agenda.

K. **2010-010 Keith Weber WCA Drainage Exemption, Hassan Township.** Weber requested approval to repair and replace some drain tile in an agricultural field that he rents. All the necessary documentation and background information was received and found to be in accordance with the requirements of an agricultural drainage exemption (tile drainage conveyance of water will remain the same after work is done as it was prior to the damage of the system). Staff approved the exemption request. This item will be removed from the agenda.

L. **2010-011 CenterPoint Corcoran Gas Pipeline Replacement.** Centerpoint Energy, Natural Gas Operations division, requested a WCA exemption to install and replace a 12" and 8" gas pipeline starting at CSAH 16 and Larkin Road running east to CSAH 10 and then into Maple Grove. Exemption #6 (Utilities and Public Works) in section 8420.0420 of the WCA rules covers this project and meets the requirements for this exemption. Staff approved the exemption and noticed it according to WCA rules. An erosion and sediment control review is also required by the Commission because approximately 2.2 acres of land will be disturbed with this work.

XIII. **Other Business.**

A. **Communications.**

Staff responded to an **email from a citizen re clean up of Elm Creek in Champlin.\*** The citizen was concerned about sediment, water clarity and deadfall in the creek and was advised to contact the City re [his] concerns.

B. **Adjournment.** There being no further business, motion by Walraven, second by Picard to adjourn. *Motion carried unanimously.* The meeting was adjourned at 1:22 p.m.

Respectfully submitted,



Judie A. Anderson  
Administrator  
JAA:tim

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\*item included in meeting packet