

# elm creek

## Watershed Management Commission

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### MINUTES

March 10, 2010 – **Corrected** – See XIII.C.

I. The regular monthly meeting of the Elm Creek Watershed Management Commission was called to order at 11:34 a.m., Wednesday, March 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; Joe Trainor, Maple Grove; Madeline Linck, Medina; Fred Moore, Plymouth; James Kujawa and Ali Durgunoğlu, Hennepin County Dept. of Environmental Services (HCDES); Randy Lehr, Three Rivers Park District; and Judie Anderson, JASS.

Absent: Hassan and Rogers.

Also present: Todd Tuominen, Champlin; Randy Foote and Elizabeth Weir, Medina; Jerome Schmitz, Maple Grove; Jan Haugen and Kevin Springob, Plymouth; and George Schneider, Rice Lake Area Association.

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

III. Motion by Walraven, second by Trainor to approve the **minutes of the February 10, 2010 meeting**.\* *Motion carried unanimously.*

IV. Motion by Moore, second by Trainor to approve the **March Treasurer's Report and Claims**\* totaling \$16,386.67. *Motion carried unanimously.* The Commissioners also received a copy of the 2009 Year-End Treasurer's Report (unaudited).

#### V. Open Forum.

Ebert expressed concern re **noncompliant septic systems** in his community. The systems were to be removed when responsibility for them was transferred from the city to Hennepin County. He indicated that nothing has been done since that time. He was advised to contact the Department of Health.

#### VI. Action Items.

A. **Election of Officers.** At the January meeting a slate of candidates for Commission officers was nominated. They are Baines, Chair; Picard, Vice Chair; Ebert, Secretary; and Moore, Treasurer. Hearing no additional nominations, motion by Trainor, second by Walraven to elect the slate of officers by acclamation. *Motion carried unanimously.* They will assume office on April 1.

B. Motion by Ebert, second by Moore to approve the following **Annual Appointments**.

1. **Official newspapers** - [sunpressnews@acnpapers.com](mailto:sunpressnews@acnpapers.com) and [pressnews.com](http://pressnews.com).
2. **Official depositories** - US Bank and the 4M Fund.
3. **Deputy Treasurer** - Judie Anderson.
4. **2009 Audit** - Johnson & Company, Ltd.

*Motion carried unanimously.*

VII. **Elm Creek Watershed-wide TMDL.** The Minnesota Pollution Control Agency (MPCA) requested a meeting with the monitoring agencies and city stakeholders to discuss monitoring efforts and to plan for future monitoring as part of its **Intensive Watershed Monitoring (IWM) program**. The meeting occurred on Tuesday, February 16, 2010, at Plymouth City Hall and was attended by 20 representatives from five member communities and seven local and state agencies.

*\*item included in meeting packet*

Lehr provided an update on the watershed-wide Total Maximum Daily Load (TMDL) study currently underway and Mike Koschak from the MPCA presented the Intensive Watershed Design that will begin in the Elm Creek watershed this year. The IWM was designed by MPCA to assess the aquatic health of the entire major watershed through intensive biological and water chemistry sampling. The IWM will focus on fish within the water basins and is done on a ten-year rotating basis.

The second objective was to put together a Steering Committee to oversee the TMDL. The committee should include representatives from every community in the hydrologic watershed, the agencies that perform water monitoring in the watershed, as well as the citizenry. It is anticipated that the Steering Committee will meet every 2-3 months throughout the TMDL process.

**VIII. New Business.**

**IX. Education.**

A subcommittee of the **West Metro Water Alliance (WMWA)** has been appointed to draft bylaws to formalize the group. Following adoption of the bylaws, prospective members will be asked to:

- A.** Recognize WMWA as a consortium of organizations working to provide coordinated education and outreach on water resources issues in the West Metro Area.
- B.** Authorize participation in WMWA.
- C.** Designate a formal representative from the Commission to WMWA.
- D.** Provide comments on the vision, mission, goals, draft Plan, and administrative structure.

The next meeting of WMWA is scheduled for 8:30 a.m., Tuesday, April 13, 2010, at Plymouth Creek Center.

**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 him 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 Doboszanski and Sons, Corcoran.** This site was constructed in 2007 and the wetlands were excavated and seeded in 2008. The Commission holds a construction surety of \$50,000 and 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.

In its letter to Klein Bank, holder of the construction surety, dated December 21, 2009, Staff requested that the letter of credit be renewed for an additional year. Klein Bank has allowed the LOC to expire despite efforts of Staff to communicate with bank officials. Staff has so informed the Commission's attorney and a future course of action is being considered.

**D. 2006-037W Hayden Lake Road/Tilden Avenue Construction, Champlin.** This city project was approved by the Commission in 2006. 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 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

*\*item included in meeting packet*

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.

On March 1, 2010 the applicant responded to the City, indicating that he could not meet their replacement plans on-site. He has 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).

**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 plan. First year vegetation establishment has been slow due to the lack of moisture but is progressing. 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.

**G. 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.

**H. 2008-027W (old 2006-071W) Stone's Throw Site Development/Wetland Delineation, Hassan.** Through their attorney, the Beard Group 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 at the intersection of CSAH 101 and CSAH 10 into mixed use. 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. Kujawa indicated the inspection will occur in the next 2-3 weeks. He was requested to take pictures during the inspection. 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, and

*\*item included in meeting packet*

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 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 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. At their November 2009 meeting 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) were submitted on February 25, 2010. Staff issued the final administrative approval. This project will be removed from the agenda.

**G. 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.

**H. 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 shoulder 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 issued administrative approval on February 23, 2010. This item will be removed from the agenda.

**I. 2010-002 Foundation Hills Montessori and Childcare, Plymouth.\*** This site is located in the Taryn Hills development at the northeast corner of CSAH 47 and Vicksburg Lane. 1.14 acres of this lot will be developed into a Montessori school/childcare center. Staff review will be for the proposed development's compliance with the Elm Creek Storm Water Management Plan's standards for erosion and sediment controls. The current plan does not meet those requirements. Staff has administrative approval authority on this review and will approve the plans once they are compliant.

**XIII. Other Business.**

**A. Communications.**

*\*item included in meeting packet*

1. The Commissioners received notice of the Mississippi River Forum,\* March 19 and April 16, 2010. [Lark\\_weller@nps.gov](mailto:Lark_weller@nps.gov).

2. They also received a copy of the **2010 Rain Garden Workshop** press release.\*

**B.** The Commission will meet in work session at 10:00 a.m., prior to the regular May 12, 2010 meeting to draft a **2011 operating budget**.

**C. Adjournment.** There being no further business, motion by ~~Picard~~ Walraven, second by ~~Walraven~~ Ebert 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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*\*item included in meeting packet*