

elm creek

Watershed Management Commission

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MINUTES

May 12, 2010

I. The regular monthly meeting of the Elm Creek Watershed Management Commission was called to order at 11:40 a.m., Wednesday, May 12, 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; Randy Foote, 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; Elizabeth Weir, Medina; and Kevin Springob, Plymouth.

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

III. Motion by Walraven, second by Foote to approve the **minutes of the April 14, 2010 meeting**.* *Motion carried unanimously.*

IV. Motion by Moore, second by Trainor to approve the **May Treasurer's Report and Claims*** totaling \$19,242.18. *Motion carried unanimously.*

V. Open Forum.

2007-014W Hamel Station, Medina. Commission staff is currently working with the Hennepin Conservation District to utilize their Landscape Restoration Program to design a replacement/restoration plan for this site. Weir urged all parties to continue to communicate with each other as a restoration plan is developed. For background information, see Section XI.E., below.

VI. Action Items.

A. 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. Preliminary review showed the proposal did not meet Commission water quality or quantity requirements. The applicant submitted new hydrology modeling to better replicate the new conditions. Staff's review dated May 6, 2010 recommended approval contingent upon the development of an operation and maintenance plan on the dry swale, which has been subsequently received. Motion by Moore, second by Walraven to approve this project. *Motion carried unanimously.*

B. The Commissioners met in a work session prior to this meeting to develop a **2011 operating budget**. Of particular concern was funding the third generation watershed management plan and developing a Capital Improvement Program (CIP). As part of the discussion, the Commissioners received Board of Water and Soil Resources (BWSR) Board Conservationist Brad Wozney's May 5, 2010 memo in which he discussed budgets, project development and implementation, revenue options and grant funding.

Staff was directed to contact the cities to determine how projects in a CIP should be addressed and

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how they should be prioritized prior to identifying specific projects. It is anticipated this will be a directive to the Technical Advisory Committee (TAC).

Motion by Moore, second by Walraven to approve assessments to the membership in 2011 totaling \$188,000. *Motion carried, Ebert voting nay.*

Motion by Moore, second by Walraven to approve a 2011 operating budget totaling \$357,850 and directing Staff to include projected budget numbers through 2015 showing annual assessment increases of five percent. *Motion carried, Ebert voting nay.*

VII. Elm Creek Watershed-wide TMDL.

Brooke Asleson, Minnesota Pollution Control Agency (MPCA), Lehr and Anderson are continuing their monthly teleconferences to discuss progress on this project. The scoping document will be completed by June 9, 2010. Anderson continues to work to identify technical and non-technical representatives from each member community to serve on the Steering Committee. 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 next Steering Committee meeting is scheduled for 2:00 p.m., Wednesday, June 23, 2010, at Plymouth City Hall.

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 Plan. Staff was directed to transmit a letter to member city/town engineers requesting copies of their Capital Improvement Projects that are located in the Elm Creek watershed and informing them that the Commission is beginning the third generation plan process. 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. The TAC will be convened in July to begin these discussions.

X. Education.

The **West Metro Water Alliance (WMWA)** has decided to draft a cooperative agreement to formalize the group. Following approval of the agreement by the current WMWA representatives, the Commission will be asked to adopt the agreement. At their May meeting the members also considered 2010/2011 activities and budgets. It was recommended that the current (five) members consider \$2,000 each as their share of administrative/technical support for the group. In addition, the members will continue to work with NEMO (Nonpoint Education for Municipal Officials) to develop a cooperative program. The next meeting of WMWA is scheduled for 8:30 a.m., Tuesday, June 8, 2010, at Plymouth Creek Center.

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. 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 monitoring surety of \$20,000 for the wetland work. Barr

**item included in meeting packet*

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.

D. 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 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 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.

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. 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.

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 persons recommended the replacement trees be of larger diameter. 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. See V., above.

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 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.

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. Completion of the restoration at the site and proof of wetland banking credits are required for final certification of the restoration order.

H. 2008-027W (old 2006-071W) Stone's Throw Site Development/Wetland Delineation, Hassan.

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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. The Commission will not act on this project until the BWSR appeal has been resolved. This item will be removed from the agenda until BWSR or the applicant requests a hearing or renewal of the review process.

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. 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. At their September 2009 meeting, the Commission granted Staff authority to approve plans contingent upon compliance with their standards and to provide them 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. 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. According to the Town Administrator construction has been delayed by the applicant for the time being. If the applicant renews the redevelopment process, he must meet all of Hassan's and the Commission's conditions prior to construction.

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. Staff is in the process of reviewing them for compliance with the Commission's decision.

F. 2010-003 TRPD Outlet Structure Replacement, Champlin. This application was withdrawn by Three Rivers Park District and will be removed from the agenda.

G. 2010-004 Rob Staiber, 705 Hamel Road, Townhome Building, Medina. The City submitted a

**item included in meeting packet*

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.

H. 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. An official application has not been received, but Commission requirements and standards have been discussed with Lennar Homes and their engineer. Additional work will not proceed until a complete application has been received.

I. 2010-007 CSAH10 Reconstruction, Vagabond Lane 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. Staff's May 11, 2010 review indicated the lack of information disallowed a recommendation at this time.

XIII. Other Business.

A. Communications.

The Commissioners received copies of the letter sent to member cities requesting that the Commissioners be given time at their City Council/Town Board meetings to provide updates on the activities of the Commission.

B. Adjournment. There being no further business, motion by Picard, second by Walraven 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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