

elm creek

Watershed Management Commission

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MINUTES

November 4, 2009

I. The regular monthly meeting of the Elm Creek Watershed Management Commission was called to order at 11:31 a.m., Wednesday, November 4, 2009, 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; Ken Kluck, Corcoran; Doug Baines, Dayton; Dick Picard, Medina; Fred Moore, Plymouth; James Kujawa, Hennepin County Dept. of Environmental Services (HCDES); Jeff Weiss, Barr Engineering; and Judie Anderson, JASS.

Absent: Hassan, Maple Grove and Rogers.

Also present: Todd Tuominen, Champlin; Kevin Springob, Plymouth; and Marty Campion, Campion Engineering Services, for project 2009-031

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

III. Motion by Picard, second by Walraven to approve the **minutes of the October 14, 2009 meeting**. * *Motion carried unanimously.*

IV. Motion by Moore, second by Picard to approve the **November Treasurer's Report and Claims*** totaling \$8,244.17. *Motion carried unanimously.*

V. **Open Forum.** No one wished to speak.

VI. **Action Items.**

A. **2009-031 Natures Crossing 4th Addition, Dayton.** This project proposes to relocate a stormwater pond within the Natures Crossing development. Staff has determined the new pond may divert too much water away from an existing wetland, negatively impacting the hydrology in the wetland, and has requested additional information. The applicant is seeking authorization for Staff approval of this project prior to the December meeting in order to proceed with excavation before winter conditions. Motion by Moore, second by Kluck to grant Staff administrative approval authority pending receipt of satisfactory information addressing stormwater runoff management agreement, water quality, rate control, volume control and wetland delineation that meets Commission requirements. *Motion carried unanimously.*

B. Baines recapped the Technical Advisory Committee (TAC) meeting held yesterday to consider revisions to the Commission's **Project Review Fee Schedule**. Staff will meet to formulate a draft fee schedule based on discussion at that meeting. The draft schedule will be presented to the TAC for final review before consideration by the Commission. Moore requested that all Commissioners be invited to future TAC meetings.

C. **2007-047 Hassan Local Plan.** Hassan Township submitted a first draft Local Surface Water Management Plan for Commission review in October 2007. Staff has reviewed the plan and a subsequent revised plan for compliance with the Commission's second generation Watershed Management Plan and found them to be deficient. A new revision received October 5, 2009, is currently being reviewed by Staff. Motion by Moore, second by Picard to extend the review period an additional 30 days. *Motion carried unanimously.*

VII. **Elm Creek Watershed-wide TMDL.** Monitoring was discontinued in October. Randy Lehr, Three Rivers Park District, will provide a summary of the 2009 monitoring results at a future meeting.

**item included in meeting packet*

VIII. New Business.

A. Correspondence.

1. The **Pollinator Planting Guide** developed by the Pollination Partnership is available for download at www.pollinator.org/guides.htm.

2. Commission's **letter of support** for Hennepin County's Surface Water Assessment Grant application to monitor several creeks in Hennepin County including Elm Creek and its tributaries.

3. The **4M Fund Annual Audit Report** is available at www.pmanetwork.com/emails/4m/08-12-31-31%204M%20Issused%20Financials.pdf.

B. Grant Opportunities.

IX. Education.

The **Joint Education and Public Outreach Committee** will meet on Tuesday, November 10, 2009, to continue development of an education and public outreach program for the coming year. Members will review a draft of the West Metro Education and Outreach Plan. John Bilotta from NEMO (Nonpoint Education for Municipal Officials) will describe ways his organization can support the group.

X. Local Plans. An update of the status of local plans is included in the Staff Report.*

XI. Wetland Conservation Act (WCA).

A. 2004-001W Three Rivers Estates, Hassan. Staff provided a copy of the 2008 monitoring report to the landowner and also followed up with them re ongoing maintenance issues. 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. This project, with its wetland replacement plan, was approved by the Commission in 2004. The wetland replacement area was constructed in 2004/2005 and SEH began monitoring the site in 2008. Some minor invasive vegetation management mowing was done by the landowner this spring. The WCA Technical Evaluation Panel (TEP) members visited the site this fall and found it to be an acceptable replacement wetland. Monitoring will cease and a notice of compliance issued. This item will be removed from the agenda.

C. 2005-057W 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. Remedial work was completed in 2007 and some additional seeding and maintenance was completed in 2008. Mowing of the areas that were reseeded was completed this spring. 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 fall 2008. The Commission holds a wetland construction surety of \$50,000 and a monitoring surety of \$20,000. Barr Engineering is monitoring 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 in 2008. The development of the mitigation area appears to be consistent with the design. Monitoring continued in 2009. Recorded Restrictions and Covenants over the replacement area are still necessary. Staff will continue to follow up with the City.

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 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. Staff is in the process of documenting the extent of vegetation removal within the buffer and comparing that with the approved buffer plan.

**item included in meeting packet*

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 December 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 plans. First year vegetation establishment has been slow due to the lack of moisture but is progressing. Monitoring will continue in 2010 with the restored areas potentially being finalized by the TEP.

H. 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. 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 and is continuing with the work but has not completed the restoration as of this date. Quilling submitted a wetland replacement/restoration plan to the City of Dayton for review.

A Technical Evaluation Panel (TEP) was held October 21 to discuss the Replacement Plan submitted on September 23, 2009. It proposes: a) to restore most but not all of the impacted area; b) to leave the barn and some fill around the horse barn; c) and to mitigate the remaining fill with banking credits purchased from a Stearns County banking site. The plan proposes 1:1 replacement. The Plan also claims an agricultural exemption for the barn and paddock areas. The TEP discussed in detail the sequencing requirements for the impacts. Since this application is for an after-the-fact replacement plan, the TEP will evaluate it accordingly because the replacement ratio for an after-the-fact application might be 4:1. The TEP visited the site and will make a decision. The TEP findings and recommendations will be prepared by the LGU.

I. 2008-027W (old 2006-071W) Stone's Throw Site Development/Wetland Delineation, Hassan. 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. The Commission will not act on this project until the BWSR appeal has been resolved.

XII. 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. 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. An extension of time to July 1, 2010 was requested by the applicant and approved by Commission staff.

C. 2009-013 DNR Permit 2009-0588 BNSF Railway, Maple Grove. Staff is reviewing this project in conjunction with the DNR permit application. The applicant would like to begin construction as soon as possible due to potential safety issues on-site. Staff has reviewed erosion and sediment control plans and was granted administrative authority to approve the project contingent upon receipt of signed, stamped plans and a hydraulic analysis showing the high water elevation of the pond during the critical 100-year, 24-hour rain event. The elevation must not exceed that set by the City of Maple Grove's Storm Water Management Plan. The applicant has yet to comply with these conditions but continues to model the site for compliance.

D. 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. Construction of the route is scheduled to begin this winter (2009-2010) and be completed by November 1, 2010. At their October 2009 meeting, the Commission voted to grant approval of this project subject to the seven conditions outlined in Staff's October 8, 2009 review and with the further condition that, prior to spring snow melt, Commission staff will inspect the corridor areas that have been disturbed. Staff has noticed the wetland no-loss decision per WCA requirements and informed the applicant of the final decision.

E. 2009-025 CSAH 81 Drainage Improvements, Rogers. The City engineer requested a preliminary review

**item included in meeting packet*

from Staff for this project. Staff provided feedback and is awaiting final plans for a complete review.

F. 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 the Commission granted Staff authority to approve plans contingent upon compliance with their standards and to provide them with status updates. The City has forwarded preliminary hydraulic plans for two alternatives. Staff approved one of the alternatives. Final plans are expected soon.

G. 2009-028 Elm Creek Highlands, Plymouth. Centex Homes is proposing to develop approximately 80 acres at the northeast corner of Peony Lane and Schmidt Lake Road. The project will build 70 single-family residential homes and create 9.2 acres of new impervious cover. The main stem of Elm Creek crosses through the northern one-third of the site. There are extensive floodplains and wetlands and woodland on-site. Revised plans were approved with conditions at the October 14, 2009 meeting. A signed copy of the final plan set and the final plat must be submitted before the project review deadline of November 23, 2009.

H. 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 the three conditions outlined in Staff's review dated October 14, 2009, and with the further condition that the required monuments be placed to demarcate the wetland.

I. 2009-030w Severson Acres, Corcoran. A 46-acre parcel will be subdivided into a 10-acre single family residential lot and 36-acre outlot. A wetland boundary/type determination completed on the 10-acre portion of the subdivision determined there are no wetlands present. Staff noticed the application and will make the final decision on November 13, 2009.

J. 2009-032w Oswald Farm, Greg Ebert no-loss determination, Corcoran. The applicant is constructing a temporary driveway for equipment access for tree removal and farming preparation in an upland area. The driveway with a 6" culvert will be built over a wet area where a geothermal discharge pipe from an existing residence outlets. This will provide a dry area for his equipment to access the pasture area where work will be taking place this fall. The applicant then proposes to remove the driveway and re-establish the original grades and configuration and reseed the disturbed area with a buffer grass mix. Approximately 2400 SF of wetland area will be temporarily disturbed for the driveway and fill. The applicant is also seeking to remove some foreign material that was deposited within the wetland prior to his acquisition of the property. Staff has noticed the determination and will provide their decision on November 13, 2009.

K. 2009-033 Ron Schultz Garage, Corcoran. The Schultzes are proposing to build a new garage on their lot. Because of the extensive floodplains and wetlands on the lot, Staff has requested the exact placement of the garage in order to determine the type of application and information they must submit for their final review and recommendations. If there are no floodplain or wetland impacts Staff can review and approve the project administratively.

XIII. Other Business.

Adjournment. There being no further business, motion by Baines, second by Walraven to adjourn. Motion carried. The meeting was adjourned at 12:31 p.m.

Respectfully submitted,



Judie A. Anderson
Administrator

**item included in meeting packet*

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