

# elm creek

## Watershed Management Commission

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### MINUTES

October 14, 2009

I. The regular monthly meeting of the Elm Creek Watershed Management Commission was called to order at 11:32 a.m., Wednesday, October 14, 2009, 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; Tiffany Peterson, Maple Grove; Madeleine Linck, Medina; Fred Moore, Plymouth; Ali Durgunoğlu and James Kujawa, Hennepin County Dept. of Environmental Services (HCDES); Randy Lehr, Three Rivers Park District (TRPD); and Judie Anderson, JASS.

Absent: Hassan and Rogers.

Also present: Todd Tuominen, Champlin; Liz Weir, Medina; Jan Haugen and Kevin Springob, Plymouth; and Chad Onsgard, Centex Homes, and Mark Rausch, Alliant Engineering.

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

III. Motion by Moore, second by Franssell to approve the **minutes of the September 9, 2009 meeting**.\* *Motion carried unanimously.*

IV. Motion by Peterson, second by Walraven to approve the **October Treasurer's Report and Claims**\* totaling \$9,143.21. *Motion carried unanimously.*

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

VI. **Action Items.**

A. Motion by Moore, second by Linck to **schedule the Commission's next meeting on November 4, 2009**, to avoid conflicting with the Veteran's Day observance on the regular meeting date. *Motion carried unanimously.*

B. Motion by Walraven, second by Peterson to approve the **2010 Cooperative Agreement with Hennepin County Environmental Services**. *Motion carried unanimously.* The Agreement provides for technical, educational, River Watch, Wetland Health Evaluation Program (WHEP) and Stream Health Evaluation Program (SHEP) services.

C. Motion by Linck, second by Walraven to authorize the Executive Committee to **approve grant applications with deadlines that occur between regular meeting times**. *Motion carried unanimously.*

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. Motion by Moore, second by Walraven 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. *Motion carried unanimously.*

E. **2009-028 Elm Creek Highlands, Plymouth**.\* Centex Homes is proposing to develop approximately 80 acres located 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 the site. The Commissioners received Staff's review dated October 14, 2009. Motion by Moore, second by Peterson to grant approval of this project conditioned on receipt of a

*\*item included in meeting packet*

signed copy of the final plan set and the final plat before the project review deadline of November 23, 2009. *Motion carried unanimously.*

[Walraven departed 12:44 p.m.]

**F. 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 reviewed the wetland boundaries and determined them to be accurate. Motion by Peterson, second by Franssell 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. *Motion carried unanimously.*

**VII. Elm, Rush, and Diamond Creeks Stream Monitoring Project.** The Commissioners received the final report for this project. It includes the revisions approved at the September meeting.

**VIII. Elm Creek Watershed-wide TMDL.** Monitoring will cease this month. Lehr will provide a summary of the 2009 monitoring results at the December meeting.

**IX. New Business.**

**A.** The Technical Advisory Committee will convene in November to review and provide recommendations for **revisions to the Commission's Project Review Fee Schedule.**

**B. Correspondence.**

**1. WaterFront Bulletin.** September and October editions are at <http://www.pca.state.mn.us/water/tmdl/waterfront/index.html>.

**2.** The Commission received email correspondence relating to insurance **liability exposure from pond maintenance and dredge material disposal\*** that is not currently covered by the League of Minnesota Cities Insurance Trust policy. The Commission may want to consider getting the LMC policy revised to include some protection or purchase supplemental "pollution" coverage.

**C. Grant Opportunities.** The Commissioners received notices of the following:

- 1.** MPCA Environmental Assistance Grants.\*
- 2.** Clean Water Fund and Competitive Grants.\*
- 3.** Surface Water Assessment Monitoring RFP.\*
- 4.** Water Quality Management Planning Grants.\*

**X. Education.**

**A.** The **Joint Education and Public Outreach Committee** met on Tuesday, October 13, 2009, to begin developing the education and public outreach program for the coming year. The focus will be on a west metro-wide plan that area watershed organizations can use as a framework for their own programs and projects. The next meeting of the Joint EPOC will be Tuesday, November 10, 2009.

**B. Other educational events.**

- 1.** MN Landscape Arboretum RFP 2010 Exhibition.\*
- 2.** Stormwater U Raingarden Maintenance Workshops.\*
- 3.** MN Water Resources Conference.\*
- 4.** Stormwater Retrofitting Webcast.\*
- 5.** Renewable Energy: How Much, How Fast, and at What Cost.\*

**XI. Local Plans.**

**A. 2007-047 Hassan Local Plan.** Hassan Township submitted a first draft Local Surface Water Management

*\*item included in meeting packet*

Plan for Commission review in October 2007. Staff reviewed the 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 plan in November 2007. Hassan submitted a revised draft plan in February 2009. Staff found it continues to be deficient. The Plan was denied at the April 2009 meeting. A new revision was received October 5, 2009. Staff is in the process of reviewing it at this time.

- B. An update of the **status of local plans** is included in the Staff Report.\*

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

**A. 2004-001W Three Rivers Estates, Hassan.** Staff provided a copy of the 2008 monitoring report with its recommendations to the landowner and also followed up with them this spring/summer 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. SEH began monitoring this project in 2008. Some minor invasive vegetation management mowing was done this spring by the landowner. 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 continued in 2009.

**D. 2006-002W Doboszanski 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 for the wetland work. 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. Fortin provided a written report of their December 4, 2008 site inspection and conducted follow-up inspections in March and April 2009. The Commission has received a \$15,000 cash surety to secure establishment and proper performance of the buffer area and to cover additional monitoring costs. Fortin Consulting inspected the site in September. A copy of their report was provided at the meeting.

**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. Per the monitoring consultant, SEH, 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 next year (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. Quilling submitted a wetland replacement/restoration plan to the City of Dayton for review. A TEP will be held on October 21 to discuss the plan.

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

*\*item included in meeting packet*

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.

**J. 2009-026W Brett Bergeron Pond Excavation, Hassan.\*** A pond is being constructed for wildlife within the fringe area of an existing wetland. The excavation does not fall under the scope of the WCA rules, but the Commission regulates pond excavations in the jurisdictions where they are the LGU. A pond excavation permit was issued to Bergeron on September 21. A copy was included in this month's packet. This item will be removed from the agenda.

**XIII. 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 October 31, 2009 was requested by the applicant.

**C. 2009-007 CSAH 10 Reconstruction, CSAH 101 to Vagabond Lane, Maple Grove.** This project involves the realignment of CSAH 101 and CSAH 10 and is being reviewed in conjunction with 2009-004. A TAC was convened to discuss the stormwater design involving County Ditch #16 and its potential impacts on water elevations in Corcoran. TAC recommendations were incorporated into the design and the revised plans were approved with conditions by the Commission in April 2009. The City has addressed the issues identified by Staff and Staff approved the project on June 23, 2009. A set of signed final plans have been received and this item will be removed from the agenda.

**D. 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 is requesting 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.

**E. 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. At their September meeting, 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 will be sent for review shortly.

**XIV. Other Business.**

**Adjournment.** There being no further business, motion by Peterson, second by Franssell to adjourn. Motion carried. The meeting was adjourned at 1:00 p.m.

Respectfully submitted,



Judie A. Anderson  
Administrator  
JAA:tim

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*\*item included in meeting packet*