

elm creek

Watershed Management Commission

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MINUTES September 10, 2008

I. The regular monthly meeting of the Elm Creek Watershed Management Commission was called to order at 11:35 a.m., Wednesday, September 10, 2008, in the Engineering Conference Room, 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; Joe Trainor and Tiffany Peterson, Maple Grove; Dick Picard, Medina; Fred Moore, Plymouth; Mitch Manoski, Rogers; Jason Westbrook and Jeff Weiss, Barr Engineering; Ali Durgunoğlu, Hennepin County Dept. of Environmental Services (HCDES); John Barten and Randy Lehr, Three Rivers Park District (TRPD); and Judie Anderson, JASS.

Absent: Hassan.

Also present: Liz Thornton and Kevin Springob, Plymouth; John Seifert, Rogers; and Troy Erickson, SRF Consulting, for Project 2008-031.

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

III. Motion by Moore, second by Franssell to approve the **minutes of the August 13, 2008 meeting.*** *Motion carried.*

IV. Motion by Moore, second by Walraven to approve the **September Treasurer's Report and Claims*** totaling \$13,121.25. *Motion carried.*

V. Open Forum.

Westbrock announced that he has accepted a position with Barr Engineering in Bismarck, North Dakota. He introduced **Jeff Weiss*** who will replace him as Barr's technical support to the Commission. His resume was included in the revised meeting packet.

[Trainor and Thornton arrived 11:40 a.m.]

VI. Action Items.

A. 2008-023 City of Plymouth Surface Water Management Plan.* The City of Plymouth submitted a draft local Surface Water Management Plan for Commission review on July 28, 2008. Staff reviewed the draft plan for compliance with the Commission's second generation Watershed Management Plan and sent a letter to the City incorporating the Commission's comments. Motion by Moore, second by Trainor to approve the plan contingent on the City satisfactorily addressing the comments outlined in Staff's letter dated August 29, 2008, within 90 days. *Motion carried.*

B. 2008-027 Stones Throw Site Development, Hassan. Site plans and a project review fee were received on July 25 and August 12, 2008, respectively. Staff notified the engineer/agent on August 20, 2008 that the submittal remains incomplete. The engineer requested a meeting which has not yet been scheduled. Motion by Moore, second by Baines directing Staff to inform the Applicant that, pending the results of their appeal of the Commission's decision regarding the wetland delineation so that the wetland areas can be properly designated on the site plans and receipt of a completed application form and other required submittals, this project review will be deferred. *Motion carried.*

C. 2008-031 CSAH 30 Reconstruction 101 to Dunkirk, Maple Grove.* The project includes the widening of CSAH 30 which will increase impervious coverage, place fill in the floodplain, and requires replacement of two culverts in Rush Creek. The Applicant is requesting accelerated review of this project. Findings

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and recommendation were provided in Staff's September 9, 2008 review. This project proposes no increase in flood elevations. It will also go through the DNR permitting process since a new culvert located in the floodway is proposed. Durgunoğlu requested additional modeling scenarios. Motion by Moore, second by Walraven to grant approval conditioned on the results of the modeling, with the anticipation that altering the invert of the higher culvert elevation could more closely match existing flow conditions. *Motion carried.*

D. Staff recommended that the Commission relocate its **archived files and equipment*** from Ace Mini Storage to Lockup Self Storage beginning October 1, 2008 and sign an agreement for a 10' x 15' unit for one year at a cost of \$2186.52. Sharing the storage area with three other watershed organizations would result in a net increased expense to the Elm Creek Commission of \$178.52/year, taken from the administrative budget. Motion by Walraven, second by Trainor to approve the recommendation. *Motion carried.*

E. Motion by Moore, second by Trainor to approve the **2009 Cooperative Agreement with Hennepin County.*** It provides for technical services not to exceed \$72,250; River Watch (macroinvertebrate monitoring) services not to exceed \$6,000; Wetland Health Evaluation Program (WHEP) services not to exceed \$3,200; and Stream Health Evaluation Program (SHEP) services not to exceed \$6,000, for a total of \$87,450 in calendar year 2009. *Motion carried.*

F. Motion by Moore, second by Picard to accept the Commission's **2007 Audit Report.*** *Motion carried.*

VII. New Business.

A. Correspondence.

1. Clean Water, Wildlife, Cultural Heritage and Natural Areas **proposed constitutional amendment*** – www.embraceopenspace.org

2. The draft **2007 Annual Report** will be emailed/mailed later this month. Staff requests review and comment by October 1.

B. CWL Grant - Stream Monitoring Project.* Stream water flow and depth continued to decrease throughout the first half of August. During the first two weeks, only three of the ten sites had any water flow. Two sites, Elm Creek at Elm Road and Rush Creek at Trail Haven Road, were completely dry. Precipitation during the second half of the month raised water levels on Elm and Diamond Creeks, but wasn't enough to start water flowing on Rush Creek. Though many sites had no flow during the month, they did have pools of stagnant water. Total nitrogen levels increased significantly compared to last month under these stagnant water conditions. While most sites saw nutrient levels increase, the two sites with the most consistent flow, Elm Creek at 77th Avenue and Diamond Creek, saw decreases in both total phosphorus and total nitrogen during the month. This is probably due to lack of nutrient input from stormwater runoff.

Chloride levels on Elm Creek at Hamel increased dramatically during the month, with a high of 1549 µg/L. This level is more than five times higher than the reading last month. In general, chloride levels have increased at most sites. Fish were present at three sites during the month. Species identified were Northern Pike fingerlings and Bullhead fry. Aquatic insects and frogs were also abundant.

Restoration began on the Diamond Creek at Zanzibar Road site this month. Crews from Three Rivers Park District and the Minnesota Conservation Corp planted approximately 10,000 herbaceous plants and grasses along a quarter mile of the stream bank.

[Trainor departed 12:40 p.m.]

Motion by Walraven, second by Moore to authorize Staff to begin writing the TMDL work plan and to prepare an application for appropriate grant funding. *Motion carried.*

VIII. Other Business.

A. Local Plans.

1. 2007-047 Hassan Local Plan. Staff reviewed Hassan's first draft Local Surface Water Management 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 Hassan plan in November. No new

**item included in meeting packet*

information has been received.

2. 2007-061 Plymouth Comprehensive Plan. The City of Plymouth submitted its Comprehensive Plan to the Commission for review and comment in December 2007. Staff reviewed the Surface Water Management section for compliance with the Commission's second generation Plan and sent a letter of response to the City on January 28, 2008. No new information has been received. (See 2008-023.)

3. 2008-005 Medina Comprehensive Plan. Staff received this plan for review on February 22, 2008. Comments were provided to the City in April 2008.

4. 2008-018 Maple Grove 2008 Comprehensive Plan Update. Staff received this plan for review on April 16, 2008. Staff reviewed the Surface Water Management Plan Summary and provided comments to the City in a letter on July 1, 2008.

B. Wetland Conservation Act (WCA).

1. 2004-001 Three Rivers Estates, Hassan. This is a 33-unit, single-family residential development located on 144 acres in the northwest quadrant of the intersection of Bechtold Road and CR 117. Site plans were approved in 2004. The applicant is working with the Township to utilize a wetland mitigation area to compensate for impacts on project **2004-042 (Northdale Boulevard and James Road Utility Project)**. Deed recording of the Restriction and Covenants is still necessary. Barr Engineering is monitoring the replacement wetland. The second year's monitoring report noted many deficiencies. These are being corrected by the Township and developer. Staff will continue to monitor the site for progress and compliance with the approved Wetland Conservation Act (WCA) replacement plan.

2. 2004-022 Meadow Creek Estates, Corcoran. This project, with its wetland replacement plan, was approved by the Commission in September 2004. The wetland replacement area was constructed in 2004/2005. Monitoring began in spring 2008.

3. 2005-057 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 and suggested corrective actions. Corrective work was completed in fall 2007. Monitoring will continue.

4. 2006-071 Stone's Throw Wetland Delineation, Hassan. In January 2007, Staff field verified and noticed all the wetland delineation lines on this 640-acre project except for an area of sod fields north of the North Fork of Rush Creek where the applicant has established a monitoring well system. An application for a new determination on the south and central sod fields to be reviewed in conjunction with the north sod field monitoring system was received on April 30, 2008. At the May 14, 2008 Commission meeting, the Commission denied the Applicant's delineation of the sod field areas. The official notice of denial was mailed May 14, 2008. The applicant appealed the Commission's decision to the Board of Water and Soil Resources (BWSR), who denied the appeal. This item has been appealed to the Minnesota Court of Appeals. Staff is working with BWSR and MN Attorney General Staff on the appeal. The Commission's attorney has indicated that a ruling on the appeal should not be expected until late this year or early 2009 and anticipates no expenditure of Commission funds relating to this process.

5. 2007-023 Scott Stewart Wetland Cease and Desist Order (C&DO), Hassan. The DNR issued a C&DO and Restoration Order for excavating and filling wetlands on Stewart's property in violation of the WCA. A complete replacement plan was received on December 5, 2007 to rectify this violation. The Commission approved the plan at their December 2007 meeting. The plan would replace 8,057 SF of impacts at a 4:1 ratio at off-site banking areas and restore the remaining impacts (10,974 SF) on site. The Commission approved the following escrows at their March 2008 meeting; 1) \$20,000 Replacement Escrow in the form of a Letter of Credit or cash and 2) \$7,500 cash Monitoring Escrow. The monitoring escrow has been received. Stewart is working to secure the replacement escrow and would like to begin the work as soon as possible. The Commission's attorney is working with Staff and Stewart on the replacement escrow and any remaining issues.

6. 2007-041 Joanne Faue C&DO, Corcoran. The Faues have dug out two ponds without permits. Staff visited the site with Hennepin Conservation District (HCD) staff on August 15, 2007, and determined that one site was non-jurisdictional and the other was exempt for "incidental" creation. Staff noticed the exemption decision with conditions that the spoils must be hauled away from the wetlands and floodplains. HCD staff inspected the site on July 8, 2008 and determined the restoration is complete. A Certificate of Satisfactory Restoration/Replacement was issued August 7, 2008. This item will be removed from the agenda.

**item included in meeting packet*

IX. Project Reviews.

A. 2007-014 Hamel Station, Medina. This 3.41-acre commercial site is surrounded by Highway 55, Sioux Drive, and the Soo Line Railroad. Elm Creek runs along the Highway 55 right-of-way on the north and transects the northeast portion of the property before it runs under Sioux Drive. There are floodplains and floodways along the stream corridor. A stormwater treatment pond is proposed on the west side of the property. Wetlands exist on the west half of the site. The Highway 55 Frontage Road will be extended to Sioux Drive along the west and south edge of the property. Staff has received a final plat showing all the required easements and the recorded documents. The Commission accepted the bid from Fortin Consulting to perform the streambank and buffer monitoring and approved a \$15,000 surety to secure the establishment and proper performance of the buffer area and to cover any additional monitoring costs. The monitoring surety is included in the City's Development surety and will not be released until the monitoring has concluded. Monitoring will start when the site work is completed. Staff will continue to oversee this project.

B. 2007-026 Corporate Center Annex, Rogers. This is a proposal for commercial redevelopment of a 4.25-acre site located at the intersection of Industrial Boulevard and Hynes Road, south of I-494. The site has approximately 2.50 acres of existing impervious surface. Some existing buildings will be demolished and the project will create 0.77 acres of additional impervious surface. Plans were reviewed for stormwater management and erosion and sediment control. The project will use a StormTech underground stormwater treatment system. In September 2007 the project was approved contingent on receipt of revised plans and a satisfactory stormwater system maintenance plan to be recorded with the land. Revised plans and a draft maintenance agreement were submitted on September 28, 2007. The only remaining condition is the recording of the maintenance agreement. The 15.99 deadline was extended by the Applicant to January 15, 2009.

C. 2007-029 Mattsson Property Wetland Delineation, Corcoran (renumbered from 2006-15 Corcoran Wildlife Preserve). The applicant proposes to develop a 118-acre site into eleven single-family residential lots. Excluding the wetlands and floodplains, this site has 39 acres of buildable land. Located on the southwest side of CR 50 and Trail Haven Road, Rush Creek runs through the southern portion of the site. The entire site drains southerly into the wetlands and floodplains. The Commission granted contingent approval based on Staff Findings dated July 9, 2007. Revisions dated November 20, 2007 addressed these findings with the exception of the maintenance plan and agreement. An extension request to October 2008 was received from the Applicant.

D. 2007-035 Medina Townhomes, Medina. This is a 0.997-acre site located at the southwest corner of Hamel Drive and Tower Road on the south side of Highway 55. The south 60 feet of the property is within the 100-year floodplain of Elm Creek. The existing single-family home is proposed to be demolished and seven townhomes constructed. The project does not impact wetlands or the floodplain. Because this project is less than one acre in size, it does not require review by the Commission for stormwater management or erosion and sediment control. Approval conditioned on receipt of final, signed plans showing permanent buffer markers and a maintenance plan for the buffer area was granted in August 2007. The Applicant extended the 15.99 deadline to September 15, 2008.

E. 2007-049 Jason Quilling, Dayton. Building, pasture and riding arena areas were constructed in a wetland, resulting in a WCA violation. The City of Dayton is the Local Government Unit (LGU) for administering the WCA. The Commission is involved as an advisor to the LGU and the Technical Evaluation Panel (TEP). The TEP convened on February 1, 2008 to discuss restoration order options. A restoration order requiring a complete wetland restoration was issued to the landowner. The deadline has been extended by BWSR to August 18, 2008, to allow time to prepare a replacement plan.

F. 2007-050 Erickson Retirement Communities, Plymouth. Staff has received a wetland delineation notice from the City for this property. Staff and the Applicant held a phone conference to discuss issues related to the first phase development, temporary and permanent stream crossing (Elm Creek), agency requirements, buffers, floodplains, and stormwater management. No new information has been received since March 2008. This item will be removed from the agenda until a complete application is received.

G. 2007-060 Madeline Woods, Maple Grove. This is an 18-acre parcel located south of 101st Avenue North and west of Troy Lane. The applicant is requesting to subdivide the property into 24 single-family residential lots with a 7.2 acre wetland Outlot. The property currently consists of woods, wetlands and grassland. Maple Grove is the LGU for the WCA. The Commission approved the site plans at their August 2008 meeting contingent upon Maple Grove approving the Operation and Maintenance plan for the proposed storm water system. Staff has been in contact with the City, but a final O & M plan has not been approved. Staff continues to follow up.

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H. 2008-006 Maple Village, Maple Grove. City staff was notified on April 28, 2008, that this plan is incomplete. No response has been received. This item will be removed from the agenda.

I. 2008-009 High Point Church, Rogers. The Applicant is proposing to construct a campus-style church development on 27 acres located on the south side of CSAH 81, just northwest of its intersection with Fletcher Road. Phase I of the proposal includes a 14,000 SF church building and parking area and rough grading for future development of additional parking areas, a softball field and a 20,000 SF assisted living apartment building. Staff reviewed the future, built-out site plan of this project for stormwater management and Phase I for erosion and sediment controls. Wetland impacts are being handled by the City of Rogers, the WCA LGU. The Commission approved Staff's findings and recommendations dated June 4, 2008, including modification of Pond 150 to drain into Pond 100; development of a recordable maintenance plan to assure that stormwater retention, treatment and conveyance systems are adequately inspected and maintained and continue to meet their design functions in the future; and establishment of a sediment trap/basin at the low point in the northwest corner of the ballfield. The Commission further recommended that the Applicant consider bio-swales and pervious pavers in the parking lot design. The City agreed to provide the maintenance on the site's stormwater system as per its SWMP. All other subsequent revisions meet the Commission's requirements and have been approved by Staff. This item will be removed from the agenda.

J. 2008-012 Maas Automotive, 13830 Northdale Boulevard, Hassan. This parcel is located between CSAH 101 and Northdale Boulevard, about one-quarter mile north of the Rogers Target Store. The lot consists of the old TCI Tire Company buildings and parking areas. The Township application is for a conditional use permit to establish an automotive dealership, vehicle service repair and vehicle service station within the existing buildings. Staff review analyzed the impacts of the increase in impervious area on the water quality and quantity from the site and how they are being addressed to mitigate those effects. At their July 2008 meeting the Commission approved Staff's findings and recommendations dated June 18, 2008, with contingencies. All items have been addressed with the exception of the recording of the storm water system maintenance plan.

K. 2008-013 Diamond Lake Road Office Warehouse, Rogers. The Applicant proposes to develop the vacant eastern 5.33 acres of Rogers Industrial Park 10th Addition, Block 1. The western 4.77 acre portion of this site was reviewed and approved by the Commission under Project 2001-043 George Will Office Warehouse, which had an approved stormwater management plan for the fully developed site, including the east side. The impervious cover proposed with this expansion plan is within the limits of the plan approved in 2001. The submitted plan was reviewed administratively for compliance with the Commission's erosion and sediment control standards and for conformity of the constructed stormwater pond to the approved 2001 design. Plans were approved by Staff pending submittal of a recorded stormwater pond maintenance agreement. The statutory initial 60-day project review deadline was August 29, 2008. The City attorney has confirmed that the stormwater maintenance plan has been recorded at the County. This item will be removed from the agenda when the Commission receives a copy of the recorded document.

L. 2008-014 Hennepin County Wind Turbine, Medina. The County proposes to build a wind turbine at the Medina Public Works Facility. This plan is incomplete.

M. 2008-017 Word of Peace Lutheran Church, Rogers. This project proposes to expand the existing building. Since the proposed project remains within the limits of the approved stormwater management plan, it was approved administratively by Staff on July 31, 2008, with conditions. The conditions require the submittal of signed plans and that no other additions are allowed on the area serving the stormwater pond until the ponds are upgraded. This item will be removed from the agenda when the signed plans are received.

N. 2008-019 New Joy Church, Rogers. A complete plan has not been received. Preliminary information has been provided to the City for their planning purposes.

O. 2008-020 Northridge Fellowship, Hassan. This was a wetland delineation determination request. Staff field-verified the delineation and noticed the approval on July 25, 2008.

P. 2008-021 Flame Metals, Rogers. This project proposes to fill an existing stormwater pond in order to construct a building expansion and to create a new and larger pond on the adjacent properties. The existing pond is owned by the City of Rogers. Flame Metals is located in the City of Rogers, but parts of the pond will be constructed in Hassan Township. In addition to Flame Metals, three other parcels will be disturbed with this project. The proposed project will add about 0.9 acres of new impervious surface, including the new pond. The pond will discharge to the CR 81 right-of-way. The project was reviewed for compliance with the Commission's stormwater management and erosion and sediment control standards. The Commission approved the project with the condition that the City of

**item included in meeting packet*

Rogers verifies it will assume responsibility for maintaining the new pond. Verification was received on August 12. This item will be removed from the agenda.

Q. 2008-022 CSAH 10 Reconstruction, Maple Grove. SRF Consulting Group is working on the preliminary design of Bass Lake Road (CSAH 10) between West Fish Lake Road and CSAH 101 in Maple Grove. The general alignment, profile and geometrics, as well as potential stormwater treatment areas have been established. Staff has provided feedback on the preliminary layout and the proposed stormwater BMPs. Plans will be submitted soon.

R. 2008-024 Taryn Hills Commercial Development, Plymouth.* The Taryn Hills development was approved in 2005 and included accommodations for future commercial development. Staff reviewed and administratively approved the erosion and sediment control plan for this first commercial development. This item will be removed from the agenda.

S. 2008-025 Holiday Stationstore, Rogers. Staff worked with the site engineer prior to plan submittal to meet the Commissions standards. Preliminary plans were received from Rogers on August 13. The City was notified on August 19 that the Commission needs complete plans and an application prior to further review. No new information has been received.


T. 2008-026 River Hill Farms, Dayton. This site lies south of Dayton River Road (CR 12) and north of North Diamond Lake Road (CR 144) approximately one-half mile northwest of the intersection of these two roads. It is approximately 162 acres in size and is currently being used for agricultural cropland. The project proposes to develop 234 single family lots and 72 multifamily units. Staff is currently reviewing the water rate and quality controls, floodplain and erosion controls on this site.

U. 2008-028 Michels Addition, Hassan. This is a 3-lot subdivision between Northdale Boulevard and Highway 101 proposed for combination into one lot. A complete set of plans and an application were received on August 20. Staff is reviewing the site plans.

V. 2008-029 Gmach Pond Excavation, Hassan. An application was received for excavating a pond in an existing wetland. Staff determined the wetland to be a type 1/2 outside the scope of WCA rules. An excavation permit was issued providing specific guidance on placement of the excavated material outside of any wetland area and for restoration of the areas excavated and filled.

X. Adjournment. There being no further business, motion by Baines, second by Peterson 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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