



## MINUTES

Public Hearing

May 13, 2010

I. A meeting of the Shingle Creek Watershed Management Commission was called to order by Vice Chair Wayne Sicora on Thursday, May 13, 2010 at 12:45 p.m., at Lancer at Edinburgh, 8700 Edinbrook Crossing, Brooklyn Park, MN.

Present were: Abiy Assefa, Brooklyn Center; Dean Heng, Brooklyn Park; Janet Moore, Crystal; Karen Jaeger, Maple Grove; Dan Stauner, New Hope; Dawn Swanson, Plymouth; Wayne Sicora, Robbinsdale; Charles LeFevere, Kennedy & Graven; Ed Matthiesen and Diane Spector, Wenck Associates, Inc.; and Judie Anderson, JASS.

Not represented: Minneapolis and Osseo.

II. A meeting of the West Mississippi Watershed Management Commission was called to order by Secretary-Treasurer Karen Jaeger on Thursday, May 13, 2010 at 12:46 p.m., at Lancer at Edinburgh, 8700 Edinbrook Crossing, Brooklyn Park, MN.

Present were: Abiy Assefa, Brooklyn Center; Dean Heng, Brooklyn Park; Bill Walraven, Champlin; Karen Jaeger, Maple Grove; Charles LeFevere, Kennedy & Graven; Ed Matthiesen and Diane Spector, Wenck Associates, Inc.; and Judie Anderson, JASS.

Not represented: Osseo.

Also present: Shelley Schwaninger and Steve Lillehaug, Brooklyn Center; Todd Tuominen, Champlin; Greg Gappa, Crystal; Harlan Van Wyhe and Rick Lestina, Maple Grove; Kevin Springob, Plymouth; Richard McCoy, Robbinsdale; and Robert Marvin, Brooklyn Center.

III. The meetings were suspended to conduct a joint public hearing to take comment on a proposed amendment to the Shingle Creek/West Mississippi Second Generation Watershed Management Plan that adds seven projects to the Capital Improvement Program (CIP), including two in 2010. They are the Minneapolis 37th Avenue Greenway project in the Shingle Creek watershed and the Champlin Stream Stabilization at the Mill Pond project in the West Mississippi watershed.

A. The Commissioners received and discussed **Staff's May 7, 2010 memo** detailing the major plan amendment process. The major plan amendment revising the CIP has completed the 60-day review process. The next step is this public hearing to take public comment.

B. The Chair **opened the public hearing** to receive comments from the reviewing agencies, member cities and the public.

1. Written comments were received from the following:

a. The **Board of Water and Soil Resources (BWSR)** commented that the proposed amendment was compliant with Minnesota Rules and Statutes.

b. The **Minnesota Pollution Control Agency (MPCA)** responded that it did not have any official comments on the proposed amendment.

c. **Metropolitan Council** commented that the proposed amendment is consistent with their *Water Resources Management Policy Plan*.

d. The **City of Brooklyn Center** submitted the following comments in a letter dated April 28, 2010:

*Generally, it is understood that the Major Plan Amendment consists of updating the CIP with several new projects as well as adjusting existing projects' schedules. The City is very supportive of these projects and the partnership with the watershed in the joint efforts that are needed to address the watersheds' and City's TMDLs. The following are specific comments to the updates:*

1) *No information has been presented pertaining to the background and feasibility of a couple of the newly added projects. Prior to projects being considered for inclusion in the CIP, they must collectively be determined that they meet the watersheds' criteria for CIP projects. These projects must be screened by the TAC and recommended for inclusion, several of which have not. Accordingly, projects that have not been presented and recommended should be excluded from the CIP amendment at this time.*

2) *The amendment exceeds the \$500,000 maximum annual levy guideline. Although the significant reasons for exceeding the guideline are related to grant opportunities, prior year projects being delayed and new projects being added, two of which are a direct and significant benefit to the City of Brooklyn Center, the watershed must plan better to stay within budget, maintain the schedule of the CIP and stay within the guidelines of the annual levy. The City is adamant that this line must be held to ensure reasonable, consistent levies and expectations are met. Brooklyn Center's City Council does not support exceeding the maximum annual levy guideline of \$500,000.*

3) *In the past, the City of Brooklyn Center's position pertaining to the \$500,000 maximum annual levy guideline has been that this should be a cap (not a guideline) – the same holds true currently. Additionally, recent action by the Watershed Commission in consideration of the ambiguity of the maximum pertaining to \$500,000 per each watershed does not coincide with the position of Brooklyn Center's City Council. It is the Councils' position that this guideline is for the combined watersheds. Consequently, the City of Brooklyn Center requests that the Commissions solicit comment specifically from each member city pertaining to this new self-imposed guideline of the Commissions' new definition of the maximum annual levy to be \$500,000 per each watershed. Further, it is Brooklyn Center's position that this should be a cap in lieu of a guideline and respectfully requests consideration as such.*

2. No comments were received from the public.

3. The Commissioners continued with discussion of the project.

Stauner indicated he did not support the Meadow Lake project, stating that it provides little or no benefit.

Spector reminded commissioners that, in order for projects to be eligible for Clean Water Legacy funds, they must be on the CIP.

Moore requested that the Commission should look at infiltration when we do these projects. She noted that some projects remove trees and said she would like to see new trees placed farther back from the streams.

Matthiesen noted that is part of the feasibility study.

Lillehaug spoke about Brooklyn Center's comments in its letter and requested the Commission to consider the comments and respond to them.

Gappa asked which projects had not been reviewed by the Technical Advisory Committee (TAC) and whether the streambank project was similar to other bank stabilization projects undertaken by the Commission. Matthiesen responded that it is similar to the Pike Creek project.

Stauner noted that the City of Brooklyn Center makes a good point in its letter. Since we're not using the ranking process, Commission should consider changing the process. He stated he has yet to see a feasibility report that says a project is not feasible and we should follow process or change it.

Sicora noted that a possible amendment may be needed to change policy. This discussion should go back to TAC, then back to the Commission.

Matthiesen queried whether the Commission should look at the \$500,000 cap as well.

Spector noted that it would be useful to have BWSR at those discussions.

LeFevere responded that it looks like two new projects would be certified this year and indicated the Commission won't have time to do the levy this year if we have these discussions first.

Tuominen indicated that to ensure grant funding his City's project needs to stay in line.

Matthiesen explained there is a boundary issue with Elm Creek on the Champlin project as well. During the third generation plan process, boundaries will be corrected. Champlin could create a special taxing district for this area. Might be advantageous for cities to each have a special taxing district.

Sicora noted the Commission could run parallel tracks.

LeFevere advised that the \$500,000 is a guideline. If the Commissioners want to change that, they can do so. They might want TAC input.

Stauner question whether the Commission wants city admin input instead of input from the TAC.

Sicora stated the discussion should start with the TAC. Perhaps they would determine whether to involve others.

Lillehaug replied that his Council also wants to determine whether the policy is \$500,000 each or combined.

Stauner note this issue goes beyond the CIP and should not hold up the current CIP amendment. It is applicable to many things.

Sicora recommended sending to the TAC, then advancing it to the city councils.

LeFevere reminded the Commissioners that the projects can still be re-prioritized.

The public hearing was closed at 1:17 p.m.

There was no further discussion by the Commission.

**IV.** The regular meeting of the West Mississippi Watershed Management Commission was suspended until the conclusion of the Shingle Creek meeting. The regular meeting of the Shingle Creek Watershed Management Commission resumed at 1:20 p.m.

Respectfully submitted,



Judie A. Anderson  
Recording Secretary  
JAA:tim

Z:\Shingle Creek\Meetings\Meetings 2010\05\_\_Hearing Minutes.doc