

MINUTES
August 13, 2009

I. A meeting of the Shingle Creek Watershed Management Commission was called to order by Chair Tina Carstens on Thursday, August 13, 2009, at 1:25 p.m., at Lancer at Edinburgh, 8700 Edinbrook Crossing, Brooklyn Park, MN.

Present were: Abiy Assefa, Brooklyn Center; Tina Carstens, Brooklyn Park; Janet Moore, Crystal; Karen Jaeger, Maple Grove; Jeff Johnson, Minneapolis; Diane 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.

Also present: Shelley Schwaninger and Steve Lillehaug, Brooklyn Center; Tom Mathisen, Crystal; Dan Stauner, New Hope; Kevin Springob, Plymouth; Richard McCoy, Robbinsdale; and Don Buckout and Brad Wozney, Board of Soil and Water Resources (BWSR).

Not represented: Osseo.

II. The meeting was preceded at 12:20 p.m. by a Board of Water and Soil Resources **Performance Review and Assistance Program (PRAP) Work Session**. Notes from the work session are provided separately.

III. Motion by Stauner, second by Sicora to approve the **revised agenda**.* *Motion carried unanimously.*

IV. Motion by Johnson, second by Sicora to approve the **minutes of the July 9, 2009 meeting, date corrected**.* *Motion carried unanimously.*

V. Reports from Officers.

A. Motion by Sicora, second by Stauner to approve the **Treasurer's Report**.* *Motion carried unanimously.*

B. Motion by Jaeger, second by Sicora to approve the **August claims**.* Claims totaling \$49,190.35 were *approved by roll call vote: ayes - Assefa, Carstens, Moore, Jaeger, Johnson, Stauner, Swanson, and Sicora; nays - none; absent - Osseo.*

C. **2010 Operating Budget.** The Commission received a letter from the City of Plymouth requesting the Commission to review their adopted 2010 budget and consider making reductions to ease the burden currently seen in local government budgets. In the letter dated July 1, 2009, the City requested convening the Technical Advisory Committee (TAC) to make recommendations on reductions to the budget. Prior to the TAC meeting Derek Ashe, Water Resources Manager for the City of Plymouth, met with Commission staff to discuss potential reductions. A revised budget with proposed adjustments was presented to the TAC for consideration on July 30, 2009. After some discussion, the TAC members voted to recommend maintaining the budget at its current levels. Members noted that Staff will continue to seek cost reductions for budgeted projects and programs. It was also noted that most cities pay their member assessments out of their Storm Water Utilities, which are enterprise funds and thus not affected by reductions to Local Government Aid. The Commission affirmed the TAC recommendation. Staff will respond to the City of Plymouth.

VI. Open Forum.

Matthiesen announced that Wenck Associates has a table at **RiverNight**, August 19, 2009. Sponsored by MN Waters, the event includes a ceremony honoring persons who exemplify the power and effectiveness of grassroots action – Lake Association of the Year, Citizen Water Monitoring Group of the Year, River-Friendly Community of the Year and Volunteer of the Year – and a dinner cruise on a historic riverboat down the Mississippi River. Motion by Jaeger, second by Moore to approve Diane and Dan Stauner's attendance at this event. Ticket value is \$125.00. *Motion carried unanimously.*

*included in meeting packet

VII. Communications. The Commissioners received the following:

A. July Communications Log.* No action required.

B. Minutes* from the June 12, 2009 meeting of the **Upper Mississippi River Bacteria TMDL** Metro Stakeholder Advisory Team (SAT) and Technical Advisory Committee (TAC).

C. Copies of correspondence* from the **Lake Success** Lake Association to Kate Drewry at the Department of Natural Resources (DNR) re the lake's declining water levels. Matthiesen noted that this may be an opportunity for a natural drawdown – the lake may be resetting itself to vegetate naturally. Motion by Sicora, second by Swanson to authorize Wenck Associates to work with the City of Brooklyn Park on this issue. *Motion carried unanimously.* Stauner noted that this is an excellent opportunity for the Commission to outreach. Grant opportunities may also be available.

VIII. Water Quality.

A. Lake TMDL Update. The Minnesota Pollution Control Agency (MPCA) approved the **Crystal Lake** TMDL Implementation Plan on July 7, 2009. The **Bass Lake chain** TMDL was submitted to the US Environmental Protection Agency (EPA) for final approval on August 5, 2009. The **Eagle Lake chain** is on temporary hold until the MPCA can resolve an issue with an industrial discharge permit holder (see below). **Meadow and Magda Lakes** are in the MPCA/EPA review process.

B. Cedar Island, Pike and Eagle Lake Nutrient TMDL. Hutchinson Technology (HTI) is located on the divide between the Pike Lake subwatershed and the Bass Creek subwatershed. HTI has relocated its reverse osmosis water discharge point from the Bass Creek side to the Pike Lake side without full notification to MPCA. This information was not included in the TMDL. The estimated additional load to Pike Lake is 37 kg/year Total Phosphorus (TP), making the required load reduction larger. HTI is now an additional permitted stakeholder, along with Plymouth, Maple Grove, and MnDOT. HTI is currently negotiating with MPCA re the required load reduction.

HTI options include: 1) changing discharge back to Bass Creek, 2) discharging to sanitary sewer and paying MCEs strength charge, or 3) keeping discharge to Pike Lake and negotiating load reductions with other stakeholders.

The City of Plymouth is requesting the TAC to convene on August 27, 2009 to discuss this issue. Motion by Sicora, second by Swanson to approve this request. *Motion carried unanimously.*

C. Wetland 639W Feasibility Study. (See Special Studies, below.)

IX. Project Review.

SC2009-03 Arbor Lakes Senior Living, Maple Grove. This project proposes to construct a 155-unit senior living apartment building on a site located at the northeast corner of Lakeview Drive and Arbor Lakes Parkway, adjacent to a gravel stockpiling area. The vacant but disturbed 6.48 acre site is currently 26% impervious. Following development, the site will be 43% impervious, an increase of 1.07 acres. A complete Project Review was received on July 7, 2009.

This project area is part of a previously approved regional development plan. The proposed project is a modification of the previous development.

To comply with the Commission's water quality treatment requirement, the site must provide ponding designed to NURP standards with dead storage volume \geq the volume of runoff from a 2.5" storm event, or BMPs providing a similar level of treatment - 80-85% TSS removal and 50-60% TP removal. Runoff from part of the site will be routed to a small pond/water feature on site. That pond discharges to city regional pond P52.2. The balance of the site is routed directly to Pond P52.2. The regional pond was sized to accommodate this development. Commission rules require that site runoff be limited to predevelopment rates for the 2-, 10-, and 100-year storm events. Pond P52.2 was sized to meet Commission rate control requirements.

*included in meeting packet

Commission rules require the site to infiltrate 0.5" of runoff from new impervious area, or 0.0445 acre-feet, within 48 hours. This site discharges to City Pond P52.2, which has the capacity to provide that infiltration. Some infiltration will occur in the fringe of the small pond/water feature. In addition, the area around the water feature and an outlot at the rear of the building are proposed to be planted in native prairie grasses and forbs, both seed and plugs. These areas will be conducive to infiltration. The facility also includes a small green roof.

The project does not propose to impact any wetlands. (The City of Maple Grove is LGU for the Wetland conservation Act [WCA].) There are no public waters or floodplain on this site. The Erosion Control Plan includes perimeter silt fence, rock construction entrance, inlet protection, and slope protection and meets Commission requirements. Native seed is specified on pond slopes and upland buffers.

Motion by Jaeger, second by Stauner to notify the City of Maple that approval of this project is granted subject to the following conditions:

1. To maintain and improve site permeability it is recommended that areas to be planted with native vegetation be fenced off as soon as grading work is complete to minimize compaction from construction equipment traffic.
2. Till all areas that will receive sod prior to placement.

Motion carried unanimously.

X. Watershed Management Plan.

2009 Capital Projects. These are projects for which the Commission would share in up to 25% of the cost, to a maximum of \$250,000 per project. Projects would be constructed in 2009 or 2010, with the Commission's share paid by ad valorem taxes certified by Hennepin County at the request of the Commission, and collected in 2010. Last month the Commission received the feasibility report for the proposed **Crystal Lake Improvement Project** and advanced this project to the public hearing process. The hearing will take place as part of the Commission's September 10, 2009 meeting. In accordance with the Joint Powers Agreement (JPA) and state statute, the process going forward is:

- A. Convene a public hearing to take comment on the project.
- B. Order the project.
- C. Enter into an agreement with a lead member agency to construct the improvement.
- D. Certify the Commission's share of the project cost to the county tax levy by October 1.

XI. Special Studies.

A. Paired Intersection Study. Instrumentation for the control section in Robbinsdale was installed on August 12 and paving will occur on August 14. The City of Robbinsdale will begin installation of the pervious asphalt test section next month. A notice to the Commissioners and TAC will be made so interested parties can observe the installation. The City of Plymouth will install their test section in 2010.

B. Wetland 639W Feasibility Study. The Technical Advisory Committee met on July 30, 2009 for a field trip to the wetland and to review refined design plans and preliminary cost estimates. Two design options were discussed. Both include construction of a sheet pile weir along the "bottom" of the wetland just upstream of the long boardwalk. The weir is intended to capture and store as much runoff as possible. Both options have an upstream overflow weir to provide an outlet when inflows exceed the capacity of the wetland to store new runoff. For very large events, excess runoff would be discharged both through the overflow weir and also over the sheet pile weir. The difference between the two options is how the overflow is routed.

The "West Option" would route the overflow into a piped system that would ultimately discharge into Wetland 639W downstream of the sheet pile weir. The "East Option" would route the overflow through a pipe

**included in meeting packet*

through the wetland and then into an open channel that would run to an adjacent wetland complex that discharges into a channel that discharges into Upper Twin Lake.

Brooklyn Center expressed concerns about the East Option, citing the unknown impacts of routing discharge through the adjacent wetland complex. The TAC was concerned about the high cost of the West Option, mainly due to the amount of 48" storm sewer pipe that would be required. The estimated cost of the East Option is \$588,400 while the estimated cost of the West Option is \$887,300. Neither of those estimates includes the cost of any easements that may be required.

It is estimated that in a wet year, where the wetland stays full up to the level of the weir all year, the total phosphorous (TP) load reduction would be about 500 lbs./year. In a drier year, where there would be little or no flow discharged from the wetland, the TP load reduction could be as much as 1,100 lbs./year.

After the walk through the TAC requested that three additional options be considered:

1. Run the SWMM model for the ten year precipitation record assuming just the sheet pile weir was installed, with no overflow weir. Can a significant load reduction improvement be obtained over the existing condition? Estimate the incremental benefit of the overflow weirs.
2. What would be the cost of routing the overflow pipe down the middle of the wetland rather than to the east or west?
3. Would it be possible for the west option overflow to be contained in a channel along the proposed pipe alignment (had previously considered a channel through the woods)? What would be that cost compared to the pipe option?

Additional model run results, cost estimates, and estimated load reductions will be available at the August 27 TAC meeting.

XII. Education and Public Outreach Program.

A. Water Quality Education Grants. Students who participated in the **2009 Patrick Henry High School project** will present a recap of their project at the Commissions' September meeting.

B. Official launch of the **Take a Step for Clean Water campaign** was July 1, 2009. Hennepin County has created a new website that will serve as a central source of information for residents and partner organizations interested in using the educational materials developed by the Joint Education and Public Outreach Committee (EPOC). The County will also be sending occasional e-mails to partners to share new articles and highlight the resources available.

For residents: <http://www.hennepin.us/water>

For partners: <http://www.hennepin.us/environmentaleducation>

Over 50,000 copies of the **Ten Things You Can Do to Improve Minnesota's Lakes and Stream** brochure have been distributed to the participating watershed organizations and their member cities. SC/WM cities have also received e-files of the brochure to allow them to print additional copies as needed.

C. The next meeting of the **Joint Education and Public Outreach Committee** is scheduled for noon, Tuesday, September 8, 2009, in the JASS conference room. The group will begin developing the education and public outreach program for the coming year.

D. Staff is continuing to investigate options for alternative hosting and updating of the **Commissions' website.**

[Swanson departed 2:25 p.m.]

**included in meeting packet*

XIII. Grant Opportunities.

A. In June the Commission authorized preparation and submittal of **four grant applications:*** two Section 319 TMDL Implementation grants, a Section 319 DER (research) grant, and a Public Facilities Authority (PFA) TMDL Implementation grant. (Copies of the grant applications were included in the meeting packet.) The Commission was notified on August 5, 2009 that both Section 319 TMDL Implementation grants were approved for funding. The Wetland 639W construction was funded at \$300,000 and the alum treatment portion of the Crystal Lake Improvement Project was funded at \$82,500.

The Section 319 DER grant was for a joint research project in partnership with the University of Minnesota St. Anthony Falls Lab and the Mississippi WMO to research and test various recycled materials for their potential usefulness in reducing nutrients and potentially other pollutants in stormwater. This application was not submitted because it was not possible to assemble the required matching funds in time to submit the grant. Staff will continue to look for other grants and funding partners for this project

The Twin Oak Pond project was submitted to the PFA TMDL Implementation grant program on July 31. Staff expects to hear whether that project has been funded within a month.

B. Work plans must be submitted to the MPCA by August 25, 2009 for the two awarded grants. Staff has prepared similar work plans for other projects receiving grant funding and estimates that the two work plans can be completed at a cost of about \$1,500. Motion by Sicora, second by Carstens to authorize Staff to develop these work plans. *Motion carried unanimously.*

XIV. Other Business.

A. Performance Review and Assistance Program (PRAP).* Under Minnesota Statutes 103B.102 the Board of Water and Soil Resources (BWSR) is required to periodically evaluate the performance of and, where necessary, provide assistance to each local water management entity. The Shingle Creek/West Mississippi WMCs are among the organizations being evaluated in 2009. Representatives from BWSR conducted an interactive performance review prior to this meeting.

B. As part of the PRAP requirements, LeFevere drafted a **data practices policy*** for consideration. Motion by Stauner, second by Jaeger to adopt **Resolution 2009-02 Appointing a Responsible Authority for Purposes of the Minnesota Government Data Practices Act.*** *Motion carried unanimously.*

C. The Commissioners will **tour the watershed** prior to the October meeting. Sites will include the 639W wetland, stream restoration sites and possibly the Great River Energy testing facility.

D. Adjournment. There being no further business before the Commission, motion by Jaeger, second by Johnson to adjourn. *Motion carried unanimously.* The meeting was adjourned at 2:35 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Judie A. Anderson".

Judie A. Anderson
Recording Secretary

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