
MINUTES

December 10, 2009

I. A meeting of the Shingle Creek Watershed Management Commission was called to order by Chair Tina Carstens on Thursday, December 10, 2009, at 12:48 p.m., at the Clubhouse 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; Diane E. Stauner, New Hope; Wayne Sicora, Robbinsdale; Charles LeFevere, Kennedy & Graven; Ed Matthiesen, Wenck Associates, Inc.; and Judie Anderson, JASS.

Also present: Shelley Schwaninger, Brooklyn Center; Greg Gappa and Tom Mathisen, Crystal; Dan Stauner, New Hope; and Kevin Springob, Plymouth.

Not represented: Minneapolis, Osseo and Plymouth.

II. Motion by Sicora, second by Jaeger to **approve the revised agenda.*** *Motion carried unanimously.*

III. Motion by Sicora, second by Assefa to approve the **minutes of the November 12, 2009 meeting.*** *Motion carried unanimously.*

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

V. Motion by Sicora, second by Carstens to approve the **December claims.*** Claims totaling \$42,444.59 were *approved by roll call vote*: ayes - Assefa, Carstens, Moore, Jaeger, D. E. Stauner, and Sicora; nays - none; absent - Minneapolis, Osseo and Plymouth.

VI. Open Forum.

Moore expressed appreciation for the watershed tours conducted in October and November. She informed the Commissioners of other educational opportunities she has found available.

VII. Communications.

A. The Commissioners reviewed the **Communications Log.*** Matthiesen noted that he attended the Highway 610 project kick-off meeting. Construction will begin in the Elm Creek watershed.

B. The Commissioners received a copy of the minutes of the October 6, 2009 Stakeholder Meeting for the **Upper Mississippi River Bacteria TMDL.**

VIII. Water Quality.

A. Staff's December 4, 2009 memo* provided an update on the status of the **lake TMDLs** in the watershed.

1. Comments have been received from the Environmental Protection Agency (EPA) on the **Lake Magda TMDL.** The EPA is asking for more explanatory detail about the modeling in the TMDL, to document in detail how and why specific models were selected, how the models were used, and a walk-through of the model inputs, outputs, and calculations. The TMDL document is being revised to meet the EPA's new requirements.

2. Staff also received final comments on the **Pomerleau-Schmidt-Bass Lake Implementation Plan** and has made those revisions. The Minnesota Pollution Control Agency (MPCA) approved the Implementation Plan on December 3, 2009.

3. The MPCA received several public comments on the **Cedar Island-Pike-Eagle Lakes TMDL.** MPCA is developing responses to those comments, will make any necessary revisions to the TMDL, and forward the TMDL to the EPA for final approval. The City of Plymouth held a public meeting on December 9, 2009 to begin discussing and prioritizing implementation activities to be included in the City's revised SWPPP.

4. The MPCA received several public comments on the **Meadow Lake TMDL** as well and continues to work on preparing responses to those comments. D. E. Stauner noted that she provided comments and would like to be informed of changes to the TMDL as soon as possible. Matthiesen responded that the MPCA will respond to all comments and make any necessary revisions to the TMDL before forwarding it to the EPA for final approval. Staff will keep the Commissioners advised as the process goes forward.

B. At the November meeting the Commission authorized going forward with a Technical Advisory Committee (TAC) meeting and an Open House on the **DO/Biotic TMDLs**. Staff has tentatively set a TAC meeting for January 7; the Open House will likely be scheduled for the following week. Motion by Jaeger, second by Sicora to schedule the TAC meeting for 8:30 a.m., Thursday, January 7, 2010, at Crystal City Hall. *Motion carried unanimously.*

The work plan from the MPCA includes two public open houses - one to present initial findings and gather input on possible implementation actions and one near the end of the process to review final findings and potential implementation actions. The Commission can undertake additional stakeholder and public outreach activities from its Education budget. Work on the TMDL must be completed by March 1, 2010.

Staff will work with local newspapers in Camden, Brooklyn Center, Brooklyn Park, New Hope and Plymouth to publish articles about the TMDL, publicizing the Open Houses, and providing email and telephone input methods for those unable to attend the meetings. Additional TAC meetings will be scheduled to continue to review findings and develop implementation actions.

C. Brooklyn Park will be completing Phase II of its **Shingle Creek Reach 7 Restoration project** this winter. Phase II is the segment between Candlewood Drive and the Hampshire Avenue footbridge. Phase I, from the footbridge to Brooklyn Boulevard, was completed in 2006-2007. Matthiesen presented an overview of the project and proposed design.

The project is funded by a grant from the Board of Water and Soil Resources (BWSR) 2007 Challenge Grant program. The application requested funding for a two-part project. The first part consists of a training session for Brooklyn Park and other interested city staff on basic stream restoration and maintenance theory and practice and how to design and implement ecological stream restorations. The second part is application of those principles to the design and construction of improvements to Reach 7B. The grant award is in the amount of \$16,025. The Commission agreed to provide \$20,000 from its grant match fund to match the grant and partially match some of the City's cost for construction materials.

Originally the project was to be undertaken with city employees; however, at this time they do not have staff availability to construct the improvements themselves prior to the sunset of the grant funding. BWSR has agreed, as long as the training component is offered, to fund the grant even if the actual work is out-sourced. Construction bids will be accepted in January 2010.

IX. **Watershed Management Plan.**

Cost Share Program. One of the ongoing concerns discussed with the Board of Water and Soil Resources (BWSR) during the recent Performance Review and Assistance Program (PRAP) evaluation was the lack of flexibility in funding and implementing projects imposed by the Major Plan Amendment process. State statute and rules require a Major Plan Amendment in order to place a new project on the Commissions' Capital Improvement Program (CIP). This is an 8-9 month process, although proposed revisions are being discussed by BWSR that would shorten the process by 2-3 months. That lengthy process not only precludes cost participation until the CIP is formally revised, but may make eligibility for future grants more problematic.

MPCA and BWSR grant guidelines increasingly require projects to be "included in a state-approved plan" in order to be eligible for grants. Unless a project is specified in an approved TMDL or on the Commissions' CIP, it may not be eligible. The general BWSR Clean Water Grant programs limit eligibility for grants to watershed districts or

WMOs, meaning cities cannot apply for those grants on their own. This increases the importance of listing city projects on the Commissions' CIP.

The City of New Hope has already conveyed a request that two projects be added next year to the CIP: a Bass Creek stabilization project and a project to draw down Meadow Lake. The City of Minneapolis' proposed improvements to Minneapolis Flood Area 5, tributary to Crystal Lake, are expected to be extensive and multi-phased and the City will request Commission participation. The City of Plymouth is just starting a public participation process to take input on how the City's SWPPP should be revised to include projects and activities for the recently-approved Pomerleau-Schmidt-Bass Lake TMDL, and that process may identify projects for inclusion on the Commissions' CIP. As the TMDLs move into implementation it is likely that increasing number of projects will be identified for the CIP and Commission cost-share.

Other WMOs are developing or have established cost share programs to participate financially in local projects, and BWSR has suggested that the Commissions consider establishing a cost share program and fund projects through that mechanism rather than the CIP. This would eliminate the need to constantly revise the CIP if the Commission desires to cost share in a project that is not on the current CIP. It is also more likely that a project that is not explicitly in a TMDL or CIP but which meets the cost share program guidelines would be considered as meeting the "included in a state-approved plan" requirement.

Implementing a cost share program would require a Major Plan Amendment as well as the concurrence of Hennepin County, which must approve the CIP and any projects funded by its ad valorem tax levy. The CIP would have to be revised to include the cost share program with an adequate description of the program. Brad Wozney, BWSR Metro Board Conservationist, has provided guidance on what would need to be included in a Plan Amendment to implement a cost share program:

- A. A description of the need for such a program
- B. The type of projects eligible for cost share
- C. Eligible applicants
- D. Identify target or priority areas and the basis for identifying them (e.g., monitoring, modeling, etc.)
- E. Types or categories of BMPs to be funded
- F. Funding source(s)
- G. Intended outcomes, including numerical goals (e.g., X pounds of annual nutrient load reduction)
- H. Explanation of the administration of the program, including the process for solicitation of projects and the criteria for prioritization and selection of projects

Wozney stressed that the Management Plan and CIP should continue to contain as much specificity as possible about known projects. Many of the requirements stated above were discussed at length by the TAC when the existing cost share policy was debated in 2005-2006 and ultimately approved by Major Plan Amendment in 2007. Other criteria such as intended outcomes, target or priority areas, and the basis for identifying them have been defined in the TMDLs and Implementation Plans.

There are two options to consider: The first is to wait and develop a cost share program as part of the Third Generation Plan, beginning in 2011. The second is to go forward with a Major Plan Amendment now. It will take at least a few months to develop a program, get initial review and approval of member cities, Hennepin County, and BWSR, and another 8-9 months to get approval of the Major Plan Amendment. The cost share program couldn't be put into place in time for the 2010 CIP cycle, but could be implemented starting with the 2011 CIP.

Motion by Sicora, second by Stauner to proceed with developing a cost share program and charging the TAC to work with BWSR and Hennepin County to discuss and develop the parameters of such a program. *Motion carried unanimously.*

X. Project Review.

XI. Special Studies.

A. Wetland 639W. No update.

B. Paired Intersection Study. The study is underway. Installation is complete except for the software connection between the camera and Comcast. The first download of the thermocouple trees shows the porous section is getting colder faster than the traditional section. No water was observed below the pavement surface.

Motion by Jaeger, second by Sicora to approve execution of the contract between the MPCA and the Commission for completion of the Paired Intersection Study pending LeFevere's review and approval. *Motion carried unanimously.*

[Sicora departed 1:40 p.m.]

XII. Education and Public Outreach.

A. Water Quality Education Grants.

B. At its recent meetings the **Joint Education and Public Outreach Committee (EPOC)** has concentrated its efforts in developing a west metro-wide education and public outreach plan. Members of the committee, representing the Basset Creek, Elm Creek, Pioneer-Sarah Creek, Shingle Creek and West Mississippi WMOs and Hennepin County Environmental Service, have reviewed a draft plan and provided comments to the "skeleton plan subcommittee." A third iteration will be reviewed by the Joint EPOC at their January 5, 2010 meeting (8:30 a.m., Plymouth City Hall) and a final draft will be presented to the Commissions at their January meetings. Others that have expressed interest in being members of this group include the Minnehaha Creek and Nine Mile Creek WDs, the Mississippi WMO, and Three Rivers Park District. At their December 8 meeting the group established its name as the **West Metro Water Alliance.**

C. John Bilotta of the **Non-Point Education for Municipal Officials (NEMO)** organization attended the November 10, 2009 Joint EPOC meeting to introduce the organization. Northland NEMO is a collaborative partnership of organizations with projects, programs, and funding that provide education for elected and appointed officials about the relationship of land use to natural resource protection. NEMO's education takes the form of presentations, workshops, tools and resources, and train-the-trainer courses. Many workshops occur at the water body, whether a lake or river, to fully engage the participants. One specific workshop, The Watershed Game, requires participants to work together to meet stated goals in different land-use situations.

The first step in using NEMO is to identify and prioritize the audiences the Commission plans to reach. EPOC members were tasked with identifying activities that can be done jointly among different organizations, such as water quality monitoring education, and also identifying activities and education that may be more specific to individual cities or watersheds, i.e. TMDL implementation activities.

The intent of the Northland NEMO Charter is to provide agreement on expectations for the Northland NEMO program's common elements, participation in the collaborative and the National NEMO Network, and use of NEMO educational materials. By signing the Charter, collaborative members will receive:

1. Access to NEMO Program tools and materials
2. Priority for training on NEMO tools and resources
3. Priority for NEMO educational services from the U of M Extension Educator

Organizations wishing to become Charter members must identify one specific "lead" individual per program and/or organization, who signs the charter. That person is responsible for ensuring their organization's compliance with the Charter. There is no liability or fiscal responsibility associated with signature to the Charter. The agreement is annual from January through December of each year.

Motion by Carstens, second by Stauner to approve the Commission becoming a Charter Member of NEMO and designating Amy LeMieux, JASS, as the lead individual for the Commission's participation. *Motion carried unanimously.*

D. Thirty-eight snow plow drivers from Brooklyn Center, Crystal, Hassan, Minneapolis, New Hope, Osseo, Plymouth and Robbinsdale attended the **Salt Workshop for Public Snow Plow Operators** at the Plymouth Ice Center on November 17, 2009. The four hour workshop was followed by the Level 1 Snow and Ice Control Best Practices certification exam. The workshop, led by Fortin Consulting, was co-hosted by the Shingle Creek Commission. Attendees were instructed on the impact to local lakes, streams and rivers of over-usage of salt and sand as de-icers on Minnesota roadways.

Eighty-two percent of the attendees indicated the class was useful to them, while only 3.7% indicated it was not useful. Barriers to improving their snow and ice practices included budget, equipment, storage and safety. Many noted that their cities have no budgets for overtime. They indicated the public and their city councils want clear roads and are not well-informed about salt issues. Seventy-four percent believe they will be able to reduce the environmental impacts of their winter maintenance activities as a result of attending this class and their cities can save money by implementing some of the practices discussed. They also recommended offering this class to city councils and management. Complete results of the survey are posted on the Commission's website.

XIII. Grant Opportunities.

A. The Commissioners received a copy of an application for 2010 Clean Water Funds for the **Shingle Creek Restoration I-94/CR 10 project*** submitted to Hennepin County in partnership with Brooklyn Center. This project is in the Commission's 2010 CIP.

B. They also received a copy of an application for 2010 Clean Water Funds for the upcoming **45th Avenue Pond Project*** submitted in partnership with the City of New Hope. This project is also in the Commission's 2010 CIP.

C. Metro Bloom's **Clustered Rain Garden proposal** was not submitted because they were unable to identify adequate matching funds. Metro Blooms plans to go forward with some version of the proposed project and is researching other grant opportunities as well as continuing to develop the specifics of the proposed project.

XIV. Other Business.

Adjournment. There being no further business before the Commission, motion by Jaeger, second by Carstens to adjourn. The meeting was adjourned at 1:43 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary

*item included in meeting packet
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