

MINUTES
February 11, 2010

I. A meeting of the Shingle Creek Watershed Management Commission was called to order by Vice Chair Wayne Sicora on Thursday, February 11, 2010, at 12:48 p.m., at the Clubhouse at Edinburgh, 8700 Edinbrook Crossing, Brooklyn Park, MN.

Present were: Della Young, Brooklyn Center; Janet Moore, Crystal; Karen Jaeger, Maple Grove; Jeff Johnson, Minneapolis; Dan 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; Jon Knutson and Todd Tuominen, Champlin; Greg Gappa and Tom Mathisen, Crystal; Alison Fong, Minneapolis; Kevin Springob, Plymouth; and Richard McCoy, Robbinsdale.

Not represented: Brooklyn Park, Osseo and Plymouth.

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

III. Motion by Moore, second by Jaeger to approve the **minutes of the January 14, 2010 meeting.*** *Motion carried unanimously.*

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

V. Motion by Moore, second by Jaeger to approve the **February claims.*** Claims totaling \$60,261.70 were *approved by roll call vote*: ayes - Moore, Jaeger, Johnson, Stauner, and Sicora; nays - none; absent - Brooklyn Center, Brooklyn Park, Osseo and Plymouth.

VI. Open Forum.

Johnson reminded the Commissioners that April 17 will be the date of the **Minneapolis watershed cleanup.** A presentation by the University of Minnesota Raptor Center will be part of the cleanup program.

VII. Communications.

A. The Commissioners reviewed the **Communications Log.*** Matthiesen provided updates on a number of items.

B. The Commission has been notified of **two vacancies on the Clean Water Council.** Deadline for application is Tuesday, February 23, 2010.

C. The *Wisconsin State Journal* published an article, "**In Madison, salting streets means choosing between clear roads and clean lakes,**" in its February 8, 2010 edition.

D. The Commissioners received a memo from the Pollution Control Agency (PCA) with information about a new **law restricting the use of coal-based sealers on pavements.**

[Young arrived 1:00 p.m.]

VIII. Water Quality.

A. Staff's February 4, 2010 memo* outlined the proposed **water monitoring program for 2010.** Included is monitoring for stream flow and water quality at two sites on Shingle Creek, monitoring of five lakes as part of Metropolitan Council's Citizen assisted Monitoring Program (CAMP), macroinvertebrate monitoring through Hennepin County Department of Environmental Services' River Watch program, and wetland monitoring. A third site on Shingle Creek is monitored by the US Geological Survey (USGS) as part of its ongoing National Water Quality Assessment (NAWQA).

Staff is recommending that stream monitoring for dissolved oxygen and turbidity in support of the BI/DO TMDL be dropped since the TMDLs are currently in development and enough supporting data has been collected

and that the subsequent cost savings be used to measure actual lake sediment release rates in the TMDL lakes. Internal load analyses for Schmidt and Bass Lakes would be completed in 2010.

In addition to the routine stream monitoring and the sediment release studies, proposed special monitoring activities in 2010 would include conducting 2-3 early morning longitudinal dissolved oxygen surveys. These data would assist in the continued characterization of dissolved oxygen in Shingle Creek as part of DO TMDL implementation and would provide a baseline for dissolved oxygen prior to any new stream restoration activities. Finally, additional flow measurements are proposed to target the reach from Palmer Lake to Queen Avenue to evaluate possible inflows to that reach identified in the dissolved oxygen TMDL.

Motion by Stauner, second by Moore to approve the 2010 Monitoring Program as proposed at a cost not to exceed \$48,500.00. *Motion carried unanimously.*

- B.** The **2010 Monitoring Agreement with Hennepin County** will be considered at the March meeting.

IX. Watershed Management Plan.

A. The **City of Robbinsdale*** submitted its Local Water Management Plan update for review on December 22, 2009. The Commission granted conditional approval at its January meeting. The Commission has since received satisfactory responses to its review and comment. Robbinsdale's Local Plan is approved.

B. 2010 Goals and Work Plan. In response to the Board of Water and Soil Resources' (BWSR) comments during its Performance Review of the Commission in 2009, the Commission agreed to focus the annual report on a more detailed self-assessment of progress toward management plan goals and the preparation of a more detailed annual work plan. Because the goals and work plan are budget-driven, in future years Staff recommends that the initial goals and work plan discussion occur during the budget process and be reviewed again the following January. Based on past discussions and the 2010 budget, Staff assembled the following draft 2010 goals, strategies and work plan for Commission discussion. The document will also be brought to the Technical Advisory Committee (TAC) for review and comment at their February 25, 2010 meeting.

1. Complete and implement lake and stream TMDLs.
 - a. Complete a Major Plan Amendment to set up a Cost Share Program (CSP).
 - b. Receive final approval of all 13 lake TMDLs and Implementation Plans.
 - c. Complete the draft Shingle Creek DO/Biotic TMDL.
 - d. Complete the wetland 639W feasibility study and project design.
 - e. Host an annual chloride TMDL operator's meeting.
 - f. Develop a process for evaluating progress towards TMDLs.
 - g. Continue to pursue grant funding for projects and programs.
 - h. Participate in Mississippi River bacterial TMDL working groups.
 - i. Stay abreast of implementation strategies proposed for Lake Pepin TMDL, bacterial

TMDL, etc.

2. Continue the Paired Intersection Study and disseminate findings to interested parties. Complete Year 1 of Robbinsdale monitoring and evaluate data, construct Plymouth paired intersections, present findings at conferences.

3. Complete the Wetland Management Plan. Receive and summarize City priority wetlands functions and values assessments, direct TAC to develop and recommend a Wetland Management Plan.

4. Partner with other organizations to increase reach and cost effectiveness.
 - a. Participate in new West Metro Water Alliance joint education and outreach group.
 - b. Continue to partner with the USGS to operate the Queen Avenue monitoring site.
 - c. Partner with the Minneapolis Park Board to consider options for fish bypass

around the Webber Park drop structure.

5. Continue ongoing administration and programming.

- a. Commission stream monitoring on Shingle Creek and lake sediment sampling.
- b. Volunteer stream monitoring through RiverWatch (Hennepin County).
- c. Volunteer lake monitoring through CAMP (Met Council).
- d. Volunteer wetland monitoring through WHEP (Hennepin County).
- e. Continue developing P8 model.
- f. Prepare annual water quality report.
- g. Review feasibility studies for 2010 proposed capital projects, hold public hearings, and order projects.
- h. Prepare a 2011 annual budget.
- i. Invite three guest speakers to make water resources presentations before regular Commission meetings.
- j. Tour project sites in the watershed.

Motion by Jaeger, second by Stauner to transmit the 2010 Goals and Work Plan to BWSR. *Motion carried unanimously.*

C. Cost Share Program.* On February 3, 2010 Staff met with Brad Wozney, Board Conservationist for BWSR, to review the proposed major plan amendment concept and the draft language. In general, BWSR is supportive of the Cost Share Program (CSP) concept and how it is proposed to be administered. However, BWSR does not support replacing the Capital Improvement Program (CIP) with the CSP. It is BWSR's direction that projects with known specificity should still be listed by line item in the CIP, and that the CSP should be used as a mechanism for projects that come up between plan amendments. To minimize the number of plan amendments, BWSR is supportive of preparing plan amendments no more frequently than biannually. The following is generally how it would operate.

1. The Commissions are currently undertaking a Major Plan Revision to adopt the CSP and to add projects to the CIP.
2. Any projects presented to the Commissions between the adoption of the CIP in September 2010 and the next "Plan Amendment Cycle" in January 2012 could be considered for funding through the CSP.
3. In January 2012 any projects on the CSP that have not yet been approved by the Commissions, plus any new projects, could be incorporated into a Major Plan Amendment and added to the CIP.

A current version of the CSP and CIP and descriptions of all the projects on those programs would be posted at all times on the Commissions' web site, along with any prioritization criteria used to evaluate whether the Commissions should share in the cost of each project.

While this is not everything the Commissions hoped to achieve with the Cost Share Program, BWSR is supportive of proceeding in this manner until the Commissions develop their Third Generation Plan.

The following schedule sets forth the process the Commissions must follow to complete the proposed major plan amendment in a timely manner. This schedule assumes approval at the August 2010 BWSR Metro Committee and BWSR Board meetings.

February 12, 2010	Send out 60-day review document
April 13, 2010	Completion of 60 day review
May 13, 2010	Public hearing (30 days, must be within 30-45 days of 60-day period)
May 14, 2010	Send out 45-day review documents
June 30 or so	Completion of 45-day review
July or August	County consideration and approval
August	BWSR consideration and approval
September 9, 2010	Adoption of amendment, project hearings and certification if necessary

Staff was directed to continue discussions with BWSR to refine the process being considered. Motion by Johnson, second by Sicora to move forward with the current amendment to the CIP and that the proposed CSP, as it is developed, be moved forward in a separate track. *Motion carried unanimously.*

D. Capital Improvement Projects.

1. Wincrest Pond Project.* Motion by Stauner, second by Jaeger to reimburse the City of New Hope for its share of the costs for phase one of this project. *Motion carried unanimously.*

2. Twin Oak Pond Project.* The subgrant agreement will be considered at the March meeting. Mathisen queried whether the Commission has funds to assist the City of Crystal with the costs of the monitoring associated with this project. It will be considered as part of the Commission's proposed 2011 water monitoring budget.

X. Project Review.

A. 2009-02 Crystal Lake Lakeview Terrace Park Project, Robbinsdale.* In May 2009 the Commission reviewed and approved this project which included various park improvements associated with the stormwater and lake alum treatment improvements to Crystal Lake. In September 2009 the Commission held a public hearing, ordered the project, and approved a cooperative agreement with Robbinsdale to construct the project and cost share \$100,000 for construction of the stormwater improvements. The Commission also applied for and obtained \$82,500 in MPCA section 319 funding for the lake alum treatment and follow up lake monitoring.

The City has recently applied to the DNR for a permit to work in the public waters of Crystal Lake to undertake these improvements as well as some in-lake dredging of sediment deltas at outfalls. The project as described in the DNR permit application differs in significant ways from the project reviewed and approved by the Commission. As is routine, the DNR solicited comments from other agencies regarding this project and Staff, on behalf of the Commission, submitted comments that were reviewed and approved by Chair Tina Carstens.

Staff has contacted Robbinsdale staff to inquire about the revisions to the approved plans. City Engineer Richard McCoy responded that the plan as submitted to the DNR did not reflect all the plan design modifications he had discussed with his consultant. He said he is prepared to present the revised plan to the TAC for review and a determination whether the revised plan provides equivalent treatment. Motion by Stauner, second by Jaeger to return this item to the TAC for a recommendation regarding the equivalency of the project and to invite Kate Drewry from DNR to attend. *Motion carried unanimously.*

B. 2010-01 Spring Meadows, Plymouth.* Redevelopment of a 24.5-acre site currently used for agriculture and animal husbandry with a single family development of 65 houses. The site, located at 5505 Vicksburg Lane North, is currently 2% impervious. Following development, the site will be 34% impervious, an increase of 7.61 acres. This site is one of the last parcels in the Shingle Creek watershed used for agriculture. A complete Project Review was received on January 20, 2010.

To comply with the Commission's water quality treatment requirement, the site must provide ponding designed to NURP standards with dead storage volume equal to or greater than 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 the majority of the site will be routed to a central pond on site. About two acres on the east side will continue to drain directly to Vicksburg Lane. About 1.6 acres will continue to drain southerly overland off the site and one acre overland to a wetland to the southwest. 24.6 acres will be routed to the pond or an on-site filtration/retention area, thereby treating 84% of the drainage area, including runoff from an adjacent off-site area. The pond is sized adequately and the applicant has provided P8 output estimating the TSS load reduction to be 84% and the TP reduction to be 75%, meeting Commission requirements of 85% TSS and 65% TP.

Commission rules require that site runoff be limited to predevelopment rates for the 2-, 10-, and 100-year storm events. Currently, a portion of the site is tiled and discharges to storm sewer on Vicksburg Lane. Some of the site drains overland to the south. Most of the site drains to a central low point which is routed through a channel to the southwest and outlets to a large wetland on a parcel to the south. This wetland is drained by a ditch that is the "headwaters" of Upper Bass Creek. Upper Bass Creek is primarily a series of ditches draining and connecting a series of wetlands in the upper watershed.

The post-construction drainage was designed to mimic the existing drainage. A small part of the site will continue to drain overland to the south. Runoff from the site will be routed into a central detention pond that has

two outlets. The primary outlet is a storm sewer that discharges southwesterly into the large wetland to the south, preserving its hydrology. The pond is designed to overflow into a small retention area on the east side of the site, where discharge will be filtered into a rock trench. While some infiltration will occur in the retention area, for the most part water discharged there will outlet through a drain tile through the retention area into storm sewer on Vicksburg Lane. The project meets Commission rate control requirements.

Commission rules require the site to infiltrate 0.5" of runoff from new impervious area, or 14,896 cubic feet, within 48 hours. The project provides a small retention area providing 3,698 CF of storage volume. In addition, the pond will include an outlet tile to the east retention area that is set 0.2 feet below the runoff elevation of the pond, providing the potential to draw down the pond an additional 15,616 CF below the runoff. Given the tight nature of the soils, this retention area may not be able to infiltrate at a rate that will provide the required volume of abstraction and draw down the reservoir within 48 hours. The applicant has attempted to reduce the amount of new impervious surface by narrowing the width of the streets from 32 feet to 28 feet. In the Engineer's judgment, this is a good faith effort to attempt to meet the infiltration requirement.

The NWI does not identify any wetlands on site, but a field delineation identified two wetland areas, one a central low lying area and another low area in the southwest corner of the site. Both areas are proposed to be filled. The City of Plymouth is LGU for WCA and has authorized the use of wetland creation credits received by the developer at the Wood Crest development (SC2008-07) on the east side of Vicksburg. There are no Public Waters or floodplain on this site. The low floor elevation of the walk-outs adjacent to the pond are three feet or more higher than the high water elevation of the pond, meeting Commission requirements.

The Erosion Control Plan includes perimeter silt fence, rock construction entrance, inlet protection, and slope protection and meets Commission requirements. Wet-tolerant seed mix is specified on pond slope between the NWL and HWL, but no specific native seed mix is specified. The pond does not include the voluntary 10-foot native seeded buffer.

A public hearing on the project has been conducted as part of Planning Commission and City Council review of the project, meeting Commission public notice requirements.

Motion by Jaeger, second by Stauner to advise the City of Plymouth that approval of project SC2010-01 is hereby grant subject to the following conditions:

1. The pond slopes and detention area should be seeded with Mn/DOT 310, BWSR P8, or equivalent native seed mix.
2. Provide a written response to: a) whether rain gardens were considered an option to address the volume management requirement, b) whether native plants were considered in yard vegetation and c) whether fescue or other drought-tolerate grasses were considered as an alternative to turf grass.

Motion carried unanimously.

XI. Special Studies.

- A. **Wetland 639W.** No update.
- B. **Paired Intersection Study.** Matthiesen displayed recent photos of the Robbinsdale intersection.

XII. Education and Public Outreach.

- A. **Water Quality Education Grants.** No applications were received.
- B. The **West Metro Water Alliance (WMWA)** has concentrated its efforts in developing a west metro-wide education and public outreach plan. Members of the committee, representing the Bassett Creek, Elm Creek, Pioneer-Sarah Creek, Shingle Creek and West Mississippi WMOs, Three Rivers Park District and Hennepin County Environmental Service, reviewed a third iteration draft plan at their January 5, 2010 meeting. Since the WMWA's February meeting was cancelled, a final draft will be presented to the Commissions at their March meetings. At that time prospective members will be asked to:

1. Recognize the West Metro Water Alliance as a consortium of organizations working to provide coordinated education and outreach on water resources issues in the West Metro Area.
2. Authorize participation in the WMWA.
3. Designate a formal representative from the Commission to the WMWA.
4. Provide comments on the vision, mission, goals, and draft Plan and administrative structure.

C. A draft of the **2009 NPDES Activity Report** will be available prior to the March meeting.

XIII. Grant Opportunities.

A. At the November 12, 2009 meeting the Commissioners authorized Staff to prepare and submit two applications to the **Clean Water Fund grant program**.^{*} CWF is funded by sales tax proceeds authorized by the 2008 Legacy Act constitutional amendment. The projects submitted were New Hope's upcoming 45th Avenue Pond project, and Brooklyn Center's proposed Shingle Creek restoration project from I-94 to County Road 10.

The New Hope pond project was funded at the full \$160,000 requested, while the Brooklyn Center project was funded at \$105,237 compared to the \$128,125 requested. The lesser grant amount is because this project was the last one on the list of projects to be funded, so it received the funds remaining in the grant pool. The next steps for these grants will be preparation of work plans, contracts between the Board of Water and Soil Resources (BWSR) and the Commission, and agreements between the Commission and the cities. Both these projects are on the Commission's 2010 CIP and will be considered for Commission cost-share funding this summer and fall.

B. The Commissioners received copies of the **Environment and Natural Resources Trust Fund 2011-2012 Request for Proposals**.^{*} Deadline to submit proposals is Friday, April 9, 2010.

XIV. Other Business.

A. **Election of Officers.** The Nominating Committee presented the following slate of candidates: Carstens, Chair; Sicora, Vice Chair; Jaeger, Secretary; and Stauner, Treasurer. There being no further nominations, motion by Johnson, second by Moore to close nominations and elect the slate by acclamation. *Motion carried unanimously.*

B. **Annual Appointments.** Motion by Stauner, second by Moore to approve the following appointments for 2010.

1. MNSun.com and pressnews.com, as the Commission's **official newspapers**;
2. 4MFund/US Bank as the Commission's **official depositories**;
3. Judie Anderson as **Deputy Treasurer**; and
4. Johnson & Company to perform the **2009 Audit**.

Motion carried unanimously.

C. **Adjournment.** There being no further business before the Commission, motion by Jaeger, second by Sicora to adjourn. 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

^{*}item included in meeting packet
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