

MINUTES

July 10, 2008

I. A meeting of the Shingle Creek Watershed Management Commission was called to order by Chair Tina Carstens on Thursday, July 10, 2008 at 12:52 p.m., at Lancer at Edinburgh, 8700 Edinbrook Crossing, Brooklyn Park, MN.

Present were: Kathleen Carmody, Brooklyn Center; Tina Carstens, Brooklyn Park; Janet Moore, Crystal; Karen Jaeger, Maple Grove; Diane E. Stauner, New Hope; Ginny Black, Plymouth; Wayne Sicora, Robbinsdale; Charles LeFevere, Kennedy & Graven; Ed Matthiesen and Diane Spector, Wenck Associates, Inc.; and Judie Anderson, JASS.

Also present: Shelley Schwaninger, Brooklyn Center; Gary Brown, Brooklyn Park; Mark Gustafson, Champlin; Tom Mathisen, Crystal; Dan Stauner, New Hope; Kevin Springob, Plymouth; Richard McCoy, Robbinsdale; Mary Karius, Hennepin County Dept. of Environmental Services; and Eric Hull and Kaiyla Cooper, Patrick Henry High School.

Not represented: Minneapolis and Osseo.

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

III. Motion by Carmody, second by D. E. Stauner to approve the **minutes of the June 12, 2008 meeting** with the following correction.

III. Moore stated that she would not have supported the Crystal Lake project if only minimal phosphorus reduction could be achieved. She also expressed that she wishes to rescind her vote on project review SC2008-04 Victory View Addition, Robbinsdale, where a minimal increase in impervious surface will result. LeFevere advised that her vote could not be rescinded.

Motion carried unanimously.

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

V. Motion by Jaeger, second by Carmody to approve the **July claims.** Claims totaling \$50,913.46 were *approved by roll call vote*: ayes – Carmody, Carstens, Moore, Jaeger, D. E. Stauner, Black and Sicora; nays - none; absent – Minneapolis and Osseo.

VI. **Open Forum.** No one wished to speak.

VII. **Communications.** The Commissioners received copies of the following:

- A.** **June Communications Log.** No action required.
- B.** Announcement of **Winter Maintenance Training Classes.**
- C.** Copies of **Minneapolis Park and Recreation Department's Summer Guide.**

VIII. **Water Quality.**

- A.** Joe Bischoff will present a primer on the **Biotic Integrity TMDL** at the August meeting.
- B.** **Upper Mississippi River Bacteria TMDL Project.** The first meeting of the Stakeholder Advisory Team (SAT) and Technical Advisory Committee (TAC) members is scheduled for Tuesday, July 22, 2008 from 8:30-12:30 at the Minneapolis Park & Recreation Board room, 2117 West River Road, Minneapolis.

IX. **Project Review.**

- A.** **SC2008-05 Sabre Heating Building, Plymouth.** Construction of a building, associated parking lot and utility improvements on a 1.8-acre undeveloped infill site located west of Nathan Lane on 51st Avenue

North. The project will create approximately 0.71 acres of new impervious surface, for a total impervious coverage of 61%. A complete Project Review was received on May 22, 2008.

Roof, rear drive and parking lot drainage would be directed into a small pond at the rear of the building. The pond would be connected by an equalizer storm sewer to a small dry pond settling area in the front of the building. A portion of the front parking lot would drain into the dry pond and a portion of the front drive and parking lot would drain overland to the street. 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. The south pond and infiltration pipe have a dead storage capacity of about 4,709 cubic feet, compared with the 5,521 cubic feet required to provide dead storage of runoff from a 2.5" event. However, the runoff that is stored and subsequently infiltrated in the infiltration pipe can be considered to be 100% treated. In addition, the north dry pond will provide additional filtering. In Staff's judgment, this combination of BMPs meets the Commission's water quality requirement.

Commission rules require that site runoff be limited to predevelopment rates for the 2-, 10-, and 100-year storm events. The site meets Commission rate control standards. Commission rules also require the site to infiltrate 0.5" of runoff, or 0.888 cubic feet, from new impervious area within 72 hours. The infiltration pipe and trench have the capacity to provide that infiltration, thus meeting Commission standards.

The NWI map shows two Type 3 wetlands on the site. The City of Plymouth is LGU for the Wetland Conservation Act. The City's 1994 wetland inventory and a site visit confirm that significant grading and filling occurred with the construction of adjacent buildings and wetlands no longer exist on this site. Therefore, the City did not require the applicant to delineate wetlands on site. The PWI map shows that a part of Public Water 578W extends on to the site. The City of Plymouth, as part of its 1994 wetland inventory, determined that the portion of this wetland onsite has been filled since the NWI. There is no floodplain on the site. Low floor elevations sufficient to provide at least two feet of freeboard are specified adjacent to the pond.

The Erosion Control Plan includes perimeter silt fence, rock construction entrances, and inlet protection. The applicant specifies that the pond slopes will be planted with native vegetation (MnDOT 310, BWSR W2 or equivalent) and the dry pond planted with MnDOT 328, BWSR W4 or equivalent. The Erosion Control Plan meets Commission requirements.

Public notice of the project review application must be made to owners of properties located within the radius for which notice is required by the member city, to a maximum of 300 feet. If notice is not made through a Planning Commission or City Council public hearing, the applicant must obtain those names and addresses and provide mailing labels. No public hearing is required for City of Plymouth approval of this project, therefore, applicant has provided owner address labels for properties located within 300 feet of this property and notice has been sent to those owners.

Motion by Carmody, second by D. E. Stauner to advise the City of Plymouth that project 2008-05 Rev. 2 is hereby approved. *Motion carried unanimously.* Stauner requested the engineering costs associated with this review.

B. SC2008-07 Wood Crest, Plymouth. Construction of 54 single-family homes, streets, utilities and amenities on a 20-acre site located one-half mile south of CR 47 on Vicksburg Lane. The project will create approximately 5.4 acres of new impervious surface, for a total impervious coverage of 27%. A complete Project Review was received on June 23, 2008.

This area drains to upper Bass Creek. A small part of this parcel drains north into the Elm Creek watershed. The existing site is semi-vacant agricultural. There have been some haying operations as well as pasturage and a horse corral on the site. Woodland patches and wetlands exist onsite. 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 streets, roofs, and front yards would be collected in a



storm sewer system and routed to a pond on the west side of the property. Rear yards would, for the most part, drain off site as they do now or to wetland or grassy areas. The proposed pond provides 0.88 acre-feet of dead storage, compared with 0.47 acre-feet required to meet NURP standards. The applicant has calculated the performance removal of this pond to be about 60% total phosphorus removal and about 92% total suspended solids removal, meeting Commission requirements.

Commission rules require that site runoff be limited to predevelopment rates for the 2-, 10-, and 100-year storm events. The site meets Commission rate control requirements. Commission rules also require the site to infiltrate 0.5" of runoff, or 0.2725 acre-feet, from new impervious area within 72 hours. The applicant has provided four infiltration areas throughout the site totaling 23,900 SF, which provides more than enough capacity to meet the required infiltration.

The NWI map shows a Type 6 (shrub-scrub) wetland on the southeast corner of the site, and part of a Type 3 (shallow marsh) wetland on the northwest corner. The City is LGU for the Wetland Conservation Act in Plymouth. The applicant delineated four Type 2 (wet meadow) wetlands on site and proposes to fill 2,860 SF of wetland to construct the new 57th Avenue North as access to the development. Mitigation is provided through the creation of 7,425 SF of new wetland adjacent to the southeast wetland. The applicant has provided a minimum 20' average 30' buffer adjacent to all wetlands, meeting Commission requirements.

There are no Public Waters or floodplain on this site. Low floor elevations sufficient to provide at least two feet of freeboard are specified adjacent to the pond. The grading plan for the house at Block 3 Lot 1 downhill from Infiltration Area A has been revised to provide 18" of freeboard between the emergency overflow and the low opening. The Erosion Control Plan includes perimeter silt fence, rock construction entrance, biorolls in swales, inlet protection, and native seeding of pond slopes and meets Commission requirements.

Public notice of the project was made through a Planning Commission public hearing.

Motion by Carmody, second by Sicora to advise the City of Plymouth that project 2008-07 Rev. 1 is hereby approved. *Motion carried unanimously.*

X. Watershed Management Plan.

A. Rules and Standards Revisions. The Commissions directed the TAC to review and, if necessary, recommend revisions to the current rules to address the effectiveness of the regulatory program in meeting the TMDL requirements. As a part of this process, the TAC recommended that the current infiltration requirement be revised as a volume management requirement and that the current volume management requirement of 0.5" from new impervious remain unchanged. It appears that applying this standard on average achieves the goal of retaining the 1" event across all developed sites.

It was the consensus of the Commissioners to begin the rules and standards public review process at this time. Rule M requires that major revisions to the rules be submitted to the member cities for a 45-day comment period, after which the Commissions will consider the comments, make any necessary revisions, and approve the revised rules and standards by resolution. *[The Board of Water and Soil Resources has since indicated that it will require this process to be part of a Minor Amendment to the SCWM Watershed Management Plan.]*

B. The fieldwork portion of the **wetland functions and value assessment of the priority wetlands** in the Shingle Creek/West Mississippi WMO is continuing. Six "reference" wetlands were selected to complete a MnRAM function and value assessment. The wetlands were strategically selected in various locations to obtain the most data possible.

C. Except for those with land in the Minnehaha Creek Watershed District or the Mississippi WMO, all member cities were required to complete a **local water management plan (LWMP)** update by the end of 2006. **Brooklyn Center** and **Minneapolis** have completed and approved plans. **Brooklyn Park, Crystal and Robbinsdale** had anticipated completing their plans by the end of 2007. **Maple Grove** will complete their LWMP in tandem with their Comprehensive Plan. In May the Commissioners approved Staff's comments on **Plymouth's** Comprehensive Plan update and forwarded them to the City on June 16, 2008.

1. The City of **Minneapolis** submitted its Comprehensive Plan update, including a Surface Water Management Plan (SWMP) chapter, for review on December 1, 2007. Staff reviewed the update and determined there are no proposed revisions to land use or other planning that would negatively impact water resources in the Shingle Creek watershed. The Commission responded to the City by the June 1, 2008 deadline that it has no comments.

2. The City of **New Hope** submitted its Local Water Management Plan (LWMP) update for review on May 28, 2008. New Hope is also within the boundaries of the Bassett Creek WMO; that watershed plan was approved by BWSR on August 24, 2004. The Commission has until July 27, 2008 to review and approve the plan, unless the city approves an extension to the review period. The Plan was also submitted to the Metropolitan Council for its statutory 45-day review. The Commission is required to consider Met Council comments in its review of the Local Plan. In general, the draft LWMP provides a basic overview of the city's proposed goals and policies and some updates from the city's 1996 plan. Metropolitan Council comments were received June 3, 2008, and related to runoff treatment and volume management. Staff's responses to those comments are shown below (*in italics*):

a. Policy 3.7 indicates that if a development increases the impervious area it would need to treat the runoff from the new impervious area. Most of the runoff from the City goes into an impaired water. Treating only the increase in the impervious area will probably not improve the water quality enough to eliminate the impairment and the city will be faced with additional runoff reductions eventually. Consequently, the city should consider requiring the whole developed area to be treated when there is an increase in impervious area. *This comment suggests that if "site expansion" or redevelopment creates new impervious surface, the entire site should be retrofitted with treatment. The City proposes to limit the treatment to the runoff from the new impervious surface or that part of the site that is disturbed. The Commission rules do not specifically require that the entire site be retrofitted unless more than 50% of a site is being disturbed by the redevelopment or expansion. Applicants are required to provide treatment, volume management, and rate control for the new area and to bring the balance of the site up to standards if possible. Most of the expansion or redevelopment project reviews that have come before the Commission recently have been cases where the existing site already has some treatment and rate control that needs to be modified or expanded to accommodate the site revisions. The City should be clear for Policies 3.7 and 3.8 that if more than 50% of the site is involved and the site meets Commission project review thresholds, then Commission rules apply to the entire site and not just the new impervious. Where less than 50% of the site is involved, then the applicant must make a good faith effort to provide water quality treatment and volume management on the existing development onsite.*

b. Policy 5.1 appears to apply the Shingle Creek standard of treating the first one-half inch of runoff from the impervious areas on site to the entire city. While the Bassett Creek WMC does not have a numerical standard for runoff volume control, the WMC requires the use of infiltration BMPs. Many other watershed organizations in the metro area have recently adopted a one-inch standard for control of volume on site. It is recommended that the city consider a one-inch volume control citywide. *This comment encourages the city to adopt a one-inch volume management standard citywide. The TAC recently reviewed the Commissions' rules and standards and considered increasing the volume management requirement to one inch, but recommended no change to the current one-half inch. The city may choose to implement a one-inch requirement.*

Staff comments were provided in a checklist in their revised July 3, 2008 memo. Generally, they noted a limited implementation plan that does not set forth a budget and CIP; that no strategies have been identified to manage Bass Creek; and that there is no description of how the city will meet or not exceed stormwater discharge rates at city boundaries.

Motion by Black, second by Sicora to approve Staff comments and direct that they be submitted to the City and Metropolitan Council. *Motion carried unanimously*

3. The **City of Osseo** submitted its Local Water Management Plan (LWMP) update for review on June 11, 2008. The Commissions have until August 10, 2008 to review and approve the plan, unless the city approves an extension of the review period. The Plan has also been submitted to Metropolitan Council for its statutory 45-day review. Since Met Council's comments have not been reviewed, Osseo will be asked to extend the review date to the August 14, 2008 Commission meeting.

Staff comments were provided in a checklist in their July 3, 2008 memo. Generally, in order to meet the Commissions' requirements, the plan must be revised as follows:

a. The Plan includes a very limited Implementation Plan. A number of potential responses to problems are identified, along with some actions of varying specificity. Solutions to each problem are identified in general, such as an identification of subwatersheds where the drainage system is lacking or where there is a deficiency of treatment. The Plan notes that since the City's inventory is incomplete and the City does not have a hydrologic model, no specific projects have been identified at this time. The City intends to study each subwatershed and implement improvements with Neighborhood Street and Utility projects. Funding sources are generally identified, but there is no assessment of the adequacy of these funding sources to pay for the identified activities. *The Plan should include an evaluation of the current storm water utility fee and special assessment policy to determine whether the fee or the assessments may need to be increased to adequately fund implementation.*

b. The Plan notes that the City has some ordinances in place, but there is no assessment of the adequacy of these controls, or a schedule for their review and potential revision. *The Plan should be revised to include an assessment of the current ordinances, or the Implementation Plan should be revised to include such an activity and a date by which the review will be completed and necessary revisions made.*

Motion by Jaeger, second by Carmody to request from the City of Osseo an extension of time to the August 14, 2008 meeting, to allow the city to respond to the Commission's initial comments and the Commission to respond to Metropolitan Council's review and comments. *Motion carried unanimously.*

D. Major Plan Amendment. The Technical Advisory Committee (TAC) met on June 26, 2008 to hear presentations regarding potential **2008 capital projects**. Two of the proposed projects are currently included in the Commission's approved Capital Improvement Program (CIP) for consideration in 2008, while a third (the Crystal Twin Oak Pond project) would be added as part of the Major Plan Amendment process now underway. The TAC recommends that the Commission advance the Wetland 639W Feasibility Study and Crystal Twin Oak Pond project to the public hearing process for further consideration. The City of Robbinsdale requested that the third project, the Crystal Lake Internal Load Management project, be postponed to a later date.

1. The TAC recommended to the Commission that it consider the following conditions for the **Crystal Twin Oak Pond project** approval and that these conditions be made known to the proposing city prior to the public hearing:

a. The additional stormwater rate control and treatment capacity in this pond does not create any water quantity or quality credits for future development or redevelopment in the subwatershed.

b. The project should be constructed on land or easements owned by the City of Crystal.

c. The City should have ownership and maintenance responsibility for this project.

Motion by Black, second by Carmody to receive the feasibility report and move this project forward to a public hearing on September 11, 2008. *Motion carried unanimously.*

2. Following review of the feasibility report for the **Wetland 639W Monitoring project**, motion by Sicora, second by Carmody to receive the feasibility report and move this project forward to a public hearing on September 11, 2008. *Motion carried unanimously.*

3. Crystal Lake Internal Load Management Project. The TAC received a presentation on three options for controlling internal load in Crystal Lake: alum treatment, hypolimnetic aeration, and hypolimnetic withdrawal and treatment. The City favors the third option; however, the estimated cost of this project is well in excess of the \$400,000 in the Commissions' CIP. The City has requested and the TAC recommends that this project be rescheduled for 2010 to provide time for additional discussion at the local and Commission levels, and for the City to assemble funding for the project. The Commissioners agreed by consensus.

In accordance with the Joint Powers Agreement (JPA) and state statute, the Commissions must now:



- a. Mail notice to member governmental units and Hennepin County (at least 45 days prior to the hearing per the Commissions' JPA).
- b. Publish notice of the hearing at least twice no sooner than 30 days nor later than 10 days before the date of the hearing.
- c. Convene a public hearing to take comment on the project.
- d. Order the project.
- e. Enter into agreement with a lead member agency to construct the improvement.
- f. Certify Commission's share of the project cost to the county tax levy by October 1.

The Commissioners also received **45-day review comments** on the proposed Plan Amendment from the Board of Water and Soil Resources and the Minnesota Pollution Control Agency.

- E.** The **next TAC meeting** will be held at 8:30 a.m., Thursday, August 28, 2008, at Crystal City Hall.

[Black departed 1:58 p.m.]

XI. Education and Public Outreach Program.

A. Water Quality Education Grants.

1. As part of its upcoming summer session on Shingle Creek **Patrick Henry High School** received from the Commissions a \$1,000 grant to cover the expense of water testing kits, programming at the Kroening Interpretive Center, transportation to stream restoration sites, and art materials and professional artist-facilitator time to create a Shingle Creek-themed permanent art exhibit at the school. Spector and student participants Eric Hull and Kaiyla Cooper gave a presentation of the activities that occurred and answered Commissioner's questions. Mary Karius, Hennepin County Environmentalist, participated in the program by sharing her knowledge of stream macroinvertebrates. Karius also wrote a letter of support of the program and the 25 students who participated

2. The **Riverwood Association**, Brooklyn Center, an active group of residents involved in many neighborhood improvements, also received a Water Quality Grant, enabling them to incorporate eight rain gardens in their neighborhood street reconstruction project. They provided pictures of the planting and drain stenciling activities they undertook as part of Riverwood's Water Quality Day.

B. Partnership Opportunities.

The joint EPOC subcommittee is formulating an education and public outreach program for 2008-09 based on the results of the **opinion survey**. Recommendations will be submitted to the Commissions at a future meeting.

- C.** The **next EPOC meeting** is scheduled for 8:30 a.m., Tuesday, September 16, 2008, at the City of Plymouth.

XII. Grant Opportunities.

XIII. Other Business. There being no further business before the Commission, motion by Jaeger, second by Carmody to adjourn. The meeting was adjourned at 2:42 p.m.

Respectfully submitted,

Judie A. Anderson
Recording Secretary

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