



**MINUTES**  
**June 10, 2010**

I. A meeting of the Shingle Creek Watershed Management Commission was called to order by Vice Chair Wayne Sicora on Thursday, June 10, 2010 at 12:46 p.m., at Lancer at Edinbrook, 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; Dan Stauner, New Hope; Dawn Swanson, Plymouth; Wayne Sicora, Robbinsdale; Charles LeFevere, Kennedy & Graven; Ed Matthiesen, Wenck Associates, Inc.; and Judie Anderson, JASS.

Not represented: Osseo.

Also present: Shelley Schwaninger and Steve Lillehaug, Brooklyn Center; Jon Knutson and Todd Tuominen, Champlin; Tom Mathisen and Greg Gappa, Crystal; Rick Lestina, Maple Grove; Andy Polzin and Kevin Springob, Plymouth; and Richard McCoy, Robbinsdale.

II. Motion by Johnson, second by Swanson to approve the **agenda**. \* *Motion carried unanimously.*

III. Motion by Jaeger, second by Swanson to approve the **minutes of the May 13, 2010 meeting**. \* *Motion carried unanimously.*

IV. Motion by Swanson, second by Moore to approve the **minutes of the May 13, 2010 public hearing**. \* *Motion carried unanimously.*

V. Motion by Jaeger, second by Moore to approve the **Treasurer's Report**. \* *Motion carried unanimously.* Stauner noted that certain line items in the Treasurer's Report have or will exceed their 2010 budget totals. While the overall budget is in line, he cautioned that the Commission must be watchful of expending the individual budget items.

VI. Motion by Jaeger, second by Moore to approve the **June claims**. \* Claims totaling \$39,688.46 were *approved by roll call vote*: ayes - Assefa, Carstens, Moore, Jaeger, Johnson, Stauner, Swanson, and Sicora; nays - none; absent - Osseo.

**VII. Open Forum.**

A. Moore discussed various items.

B. Johnson expressed appreciation for Diane Spector's time at the Minneapolis Earth Day celebration.

**VIII. Communications.** The Commissioners received copies of the following.

A. May **Communications Log**. \* No action required.

B. An article on the **Shingle Creek Porous Asphalt Pavement Study**\* in the Minnesota Asphalt Pavement Association's May 2010 newsletter.

C. A recap of various discussions Matthiesen has had in response to concerns expressed by **Robert Marvin**,\* Brooklyn Center.

D. Resolution passed by the City of Minneapolis re the use of insecticides and pesticides as protection against **Emerald Ash Borer**. \*

E. June 4, 2010 **Engineers Report**\* providing updates for various projects underway or upcoming in the Shingle Creek watershed.

[Carstens departed 1:17 p.m.]

**IX. Water Quality.**

**X. Watershed Management Plan.**

**A. Wetland 639W Construction Project.\*** The Commissioners reviewed a letter from the Commission to the cities of Brooklyn Center and Crystal requesting their councils to consider and approve a request to the Metropolitan Airports Commission (MAC) to modify the MAC Environmental Preserve lease agreement to allow for the construction of improvements to Wetland 639W. Accompanying that letter was a draft letter to MAC incorporating that request.

Much of Wetland 639W is located on an area of the Crystal Airport site that MAC has leased to the two cities to operate the Preserve. The cities executed a Lease Agreement with MAC in 1970 wherein the parties agreed that the area could be used as a wildlife area and environmental park without conflict to the MAC's use of the area for overrun, drainage, and ponding for the Airport. The Preserve is used for passive recreation and boardwalks and chip trails provide public access to the wetland for walking and biking and the observation and enjoyment of nature.

With the approval of MAC, the Commission and the member cities propose to construct a public improvement project to implement proposed outlet modifications. The City of Crystal would be the lead agency and be responsible for bidding and managing the project. Crystal proposes to bid the project in late fall 2010 for construction in winter 2010-2011. Landscaping would occur in spring 2011.

Motion by Stauner, second by Moore authorizing execution and transmittal of the letter to the cities. *Motion carried unanimously.*

Motion by Stauner, second by Johnson approving the letter to the Metropolitan Airports Commission. *Motion carried unanimously.*

The Commissioners also received a summary of the **Draft Feasibility Report\*** for this project.

**B.** Motion by Stauner, second by Jaeger to authorize the Vice Chair to execute the Section 319-10 Nonpoint Source Management Grant Agreement for the **Crystal Lake Nutrient TMDL Alum Treatment Project.\*** *Motion carried unanimously.*

**C.** The **Technical Advisory Committee (TAC)** will meet on Thursday, June 24, 2010, to receive feasibility reports for projects identified in the 2010 CIP.

**XI. Project Review.**

**A. SC2010-02 Gravel Mining Area Infiltration Outlets, Maple Grove.\*** At their May meeting the Commissioners reviewed Maple Grove's proposal to provide regional infiltration to meet Commission development requirements for a part of the Gravel Mining Area (GMA) that has yet to be developed. There was a concern that, since the Commission was participating financially in the construction of P-51, a regional water quality pond, adding an infiltration component to P-51 would be contrary to the policy prohibiting the use of Commission funds to meet regulatory requirements. In addition, the agreement with Maple Grove states that the additional rate control and treatment capacity in the pond does not provide any water quantity or quality credits for future development or redevelopment.

Information provided by Maple Grove in 2007 at the time of the capital project feasibility study indicates that Pond P-51 is designed to provide considerably more rate control and water quality treatment than was required. Commission standards require a 13 acre pond with a 60% TP removal efficiency; the proposed pond is 19 acres with 65% removal efficiency, reducing phosphorus load by an additional 100 pounds per year. The Commission's cost participation is limited to a share of the \$1.2 million additional cost for land for the bigger pond and \$700,000 for additional construction.

The information provided by the City presents two design options for providing regional infiltration at Pond P-51: an infiltration bench added to the perimeter of the pond, or an infiltration cell such as those being proposed on three other ponds in the GMA. Neither of those options was contemplated in the project that was reviewed and approved by the Commission in 2007. The City proposes to pay the full cost of this add-on.

Staff does not believe the proposed regional infiltration credit for P-51 is contrary to the Commission's policy or the cooperative agreement with Maple Grove for the following reasons:

1. The infiltration component was not included in the approved project.
2. The cooperative agreement specifically states that no additional rate control or water quality credit would be given, and is silent about infiltration.
3. The city proposes to pay the full cost of this "add-on."

Motion by Moore, second by Johnson to approve including the proposed P-51 regional infiltration improvements in the GMA regional infiltration credit system. *Motion carried unanimously.*

**A. SC2010-04 Hampton Hills Residential Development, Plymouth.\*** Development of 14 lots on a 15-acre site located east of Vicksburg Lane and 2/3 miles south of CR 47, just east of the Taylor Creek Development, SC2010-05, also under review. The project consists of demolishing existing structures, grading, street construction, and construction of 14 single family homes. Following development an increase in impervious area of 10.7% will occur. A complete project review was received on June 1, 2010.

Pond TC-3 of the Taylor Creek development is used for water quality and rate control. 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, i.e., 80-85% TSS removal and 50-60% TP removal. This project proposes to direct the majority of site runoff through Pond TC-3 which has an adequate dead storage volume for NURP standards. The applicant has provided computations that show that the pond will remove greater than 80% of the annual phosphorus load, and greater than 90% of the annual TSS load. The Commission treatment requirements are met.

Commission rules require that site runoff be limited to predevelopment rates for the 2-, 10-, and 100-year storm events. Existing conditions have direct discharge to Bass Creek. Proposed conditions route flows through a pond for rate control. The applicant has provided a rate control summary to show the overall discharge from the project area decreases under proposed conditions. Commission standards are met.

Commission rules require the site to infiltrate 0.5" of runoff from new impervious area (~2 acres), or 0.08 acre-feet, within 48 hours. The project proposes a bioretention/infiltration/filtration area adjacent to Pond TC-3 that filters more than 0.5" from new impervious surfaces which meets Commission standards. Opportunities for rain gardens were considered with Derek Asche of the City of Plymouth and it was decided that a bioretention/infiltration/filtration area adjacent to the pond would be used.

There are a number of wetlands on this site. The applicant has provided a wetland delineation report dated February 2, 2009 and a signed wetland permit application dated June 1, 2010. The City of Plymouth is the LGU. The public waters on this site include the receiving water body, Bass Creek. Commission rules require buffer strips around the perimeter of all watercourses or wetlands. These buffer strips are to be an average of 30 feet wide with a minimum width of 20 feet. Permanent monuments are required with a minimum spacing of 200 feet. These requirements are met with a few exceptions where the minimum width is not maintained. Exceptions include one location on the north side of Wetland 3 and one location on the east side of Wetland 8.

There is no floodplain on this site. Ponds have been constructed with emergency overflows to maintain or reduce existing flood flow levels. Low entry levels of homes have been maintained 2-feet or more above the 100-year flood levels. The Erosion Control Plan and Storm Water Pollution Prevention Plan (SWPPP) specify inlet protection, silt fence, and other BMPs. The pond is protected by silt fence after grading. Plans meet Commission requirements.

Public notices have been made according to City staff.

Motion by Moore, second by Stauner to advise the City of Plymouth that project SC2010-04 has been approved with the following stipulations.

1. Pond TC-3 of the Taylor Creek development will need to be constructed as part of this development.

2. Confirm 100-year flow level at Bass Creek road crossing and maintain 2 foot separation between low entries of adjacent homes.

3. Increase minimum buffer width to 20 feet at one location on the north side of Wetland 3 and one location on the east side of Wetland 8.

*Motion carried unanimously.*

**B. 2010-05 Taylor Creek Residential Development, Plymouth.** Development of 48 lots on a 30-acre site located east of Vicksburg Lane and 2/3 miles south of CR 47, just west of the Hampton Hills Development, SC2010-04, reviewed above. The project consists of demolishing existing structures, and grading three stormwater ponds, three filtration/bioretenion areas within the ponds, street construction, and construction of 48 single family homes. Following development an increase in impervious area of 10.7% will occur. A complete project review was received on June 1, 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, i.e., 80-85% TSS removal and 50-60% TP removal. This project proposes to direct the majority of site runoff through three ponds (Ponds TC-1, 2, and 3). Pond TC-3 also receives runoff from the Hampton Hills development. The ponds have adequate dead storage volume for NURP standards. The applicant has provided computations showing that the pond will remove greater than 80% of the annual phosphorus load, and greater than 90% of the annual TSS load. The Commission treatment requirements are met.

Commission rules require that site runoff be limited to predevelopment rates for the 2-, 10-, and 100-year storm events. Existing conditions have direct discharge to Bass Creek. Proposed conditions route flows through ponds for rate control. The applicant has provided a rate control summary to show the overall discharge from the project area decreases for proposed conditions. Commission standards are met.

Commission rules require the site to infiltrate 0.5" of runoff from new impervious area (~2 acres), or 0.08 acre-feet, within 48 hours. The project proposes a bioretention/infiltration/filtration area adjacent to Pond TC-3 that filters more than 0.5" from new impervious surfaces which meets Commission standards. Opportunities for rain gardens were considered with Derek Asche of the City of Plymouth and it was decided that a bioretention/infiltration/filtration areas adjacent to the ponds would be used.

There are a number of wetlands on this site. The applicant has provided a wetland delineation report dated February 2, 2009 and a signed wetland permit application dated June 1, 2010. The City of Plymouth is the LGU. The public waters on this site include the receiving water body, Bass Creek. Commission rules require buffer strips around the perimeter of all watercourses or wetlands. These buffer strips are to be an average of 30 feet wide with a minimum width of 20 feet. Permanent monuments are required with a minimum spacing of 200 feet. These requirements are met with a few exceptions where the minimum width is not maintained. Exceptions include one location on the north side of Wetland 7 and a couple of locations around Wetland 5.

There is no floodplain on this site. Ponds have been constructed with emergency overflows to maintain or reduce existing flood flow levels. Low entry levels of homes have been maintained 2-feet or more above the 100-year flood levels. The Erosion Control Plan and Storm Water Pollution Prevention Plan specify inlet protection, silt fence, and other BMPs. Ponds are protected by silt fence after grading. Plans meet Commission requirements.

Public notices have been made according to City staff.

Motion by Moore, second by Jaeger to advise the City of Plymouth that project SC2010-05 has been approved with one stipulation:

1. Increase minimum buffer width to 20 feet at one location on the north side of Wetland 7 and at a couple locations around Wetland 5.

*Motion carried unanimously.*

**XII. Special Studies.**

### XIII. Education and Public Outreach.

The **West Metro Water Alliance (WMWA)** proposes to organize under a simple cooperative agreement. For administrative simplicity, the Shingle Creek WMC will act as the lead agency and fiscal agent for WMWA. Each participating organization agrees to execute the **Agreement for Administrative Services\*** with Shingle Creek whereby it agrees to:

1. Participate in WMWA.
2. Adopt the West Metro Education and Outreach Plan to supplement its own education and outreach plan.
3. Designate a representative to WMWA (although the meetings are open to any interested participant) and an official contact person.
4. Share in the annual administrative cost of WMWA.
5. Share in the cost of any special projects in which it chooses to participate.

At this time the group has been operating informally, with staff support provided by Shingle Creek WMO consultants Judie Anderson and JASS and Diane Spector from Wenck Associates. Hennepin County and Three Rivers Park District staffs also provide support. The participating WMOs share the cost of this administrative and technical support, including: scheduling meetings, providing notifications and posting official meetings; taking and disseminating meeting minutes; providing centralized information distribution; accounting and billing; and technical assistance and attendance at meetings. For 2011 the estimated cost of these activities is \$10,000, which is allocated to the five participating WMOs equally. Both Shingle Creek and West Mississippi have included the \$2,000 cost of participation in the 2011 budget for education and outreach activities.

Special projects, such as the joint opinion survey and the *Ten Things You Can Do* brochures, have been funded by the participating organizations according to a formula developed for each unique activity. For example, the cost of the opinion survey was shared equally, while the cost of developing, designing, and printing the brochure was shared based on the number of copies each organization ordered.

WMWA has developed a West Metro Education and Outreach Plan (WMEOP) using the East Metro Water Resource Education Program and the Scott County Joint Stormwater Education Program as models. This Plan is intended to provide details on joint activities and to provide a framework that the participating organizations can use to develop or refine their own education and outreach plans. The actions in the WMEOP are based around, but not limited to, the education and outreach requirements of the Minnesota Pollution Control Agency's General Stormwater Permit. The following is a summary of the goals set forth for the Plan.

1. Provide a guide for WMOs and communities to focus their educational efforts;
2. Identify partnerships and opportunities to work within Hennepin County on joint educational programs;
3. Develop a centralized list of available information regarding water resources issues; and
4. Present one common, useable document for all participating communities and WMOs to help them deliver a common message to the general public.

Motion by Jaeger, second by Swanson to approve the Agreement for Administrative Services. *Motion carried unanimously.*

A representative from the Commission will be appointed at the July meeting. Commissioners were also requested to review the West Metro Education and Outreach Plan (distributed at the May meeting) and provide comment at the July meeting.

The **next meeting** of WMWA is scheduled for 8:30 a.m., Tuesday, July 13, 2010.

### XIV. Grant Opportunities.

**A. Conservation Corps Minnesota.** Both the Schmidt Lake and the Victory Neighborhood applications to the Metro Conservation Corps were approved for Clean Water Grant funding. The MCC assistance is in the form of

labor to undertake conservation projects, in this case digging rain gardens. Motion by Moore, second by Stauner to execute the work orders for both projects. *Motion carried unanimously.*

**B.** Copies of the **Federal Section 319 research grant\*** and the **joint Minnehaha Creek Watershed District and Mississippi Water Management Organization research grant\*** applications were included in the meeting packet. Matthiesen reported that the latter application will not be funded.

**XV. Other Business.**

**A.** The Commissioners continued their discussion of a **2011 operating budget**. The initial draft budget prepared by Staff assumed total operating and capital expenses of \$1,008,900, with assessments to the member communities totaling \$311,400, an increase of 2.3%, or \$7,000. At their May work session the members directed Staff to develop a revised draft budget resulting in no increase in member assessments and to submit the revised budget to the Technical Advisory Committee (TAC) for review and comment.

The TAC reviewed the budget at its May 27, 2010 meeting and concurred with Staff's proposed budget revisions. These revisions include reducing administration and engineering costs for TAC meetings, assuming some of the meetings would be included in the budget for the Third Generation Plan; slightly reducing the budget for project reviews; and discontinuing participation in the Wetland Health Evaluation Program (WHEP), an adult volunteer program.

In addition, the TAC discussed strategies for funding the upcoming Third Generation Plan. At the May Commission meeting Staff recommended that the Commission propose the operating budget to the member cities, but provide only information about the upcoming assessment for the Third Generation Plan. That assessment would only be considered after the Commission met with BWSR staff to develop a workplan for the Third Generation Plan.

The TAC recommends that the Commission incorporate the Third Generation Plan into the proposed 2011 budget. Their concern is that cities need to know for sure now what they should have in their budgets for 2011. The Commission could still have the scoping meeting with BWSR this fall and would then have a known amount of funding when establishing the workplan. The TAC further recommends that the Third Generation Plan be conducted jointly, the cost split 70/30 between Shingle Creek and West Mississippi, and 70% percent of the estimated \$100,000 cost of the Plan be budgeted in 2011 and 30% in 2012.

Because the sum of the operating assessment and the additional assessment represents an increase of more than the inflationary increase of 2.3%, the proposed member assessment would exceed the assessment cap. A majority (at least five) of the nine cities must approve that above-the-cap assessment by resolution by September 1, 2010. After further discussion, motion by Stauner, second by Jaeger to convene a special meeting to finalize the 2011 operating budget. *Motion carried, Sicora voting nay.* The meeting will take place at noon, Tuesday, June 29, 2010.

**B.** The **Liability Coverage Form** will be considered at the July meeting.

**C.** **Joint meeting protocol** will also be discussed at the July meeting.

**D. Adjournment.** There being no further business before the Commission, motion by Jaeger, second by Stauner to adjourn. The meeting was adjourned at 2:50 p.m.

Respectfully submitted,



Judie A. Anderson  
Recording Secretary  
JAA:tim

\*item included in meeting packet

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