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**MINUTES**  
March 11, 2010

I. A meeting of the Shingle Creek Watershed Management Commission was called to order by Treasurer Dan Stauner on Thursday, March 11, 2010, at 12:47 p.m., at the Clubhouse at Edinburgh, 8700 Edinbrook Crossing, Brooklyn Park, MN.

Present were: Abiy Assefa, Brooklyn Center; Dean Heng, Brooklyn Park; Janet Moore, Crystal; Karen Jaeger, Maple Grove; Jeff Johnson, Minneapolis; Dan Stauner, New Hope; Steve Parks, Osseo; Kyle Turner, Plymouth; Charles LeFevere, Kennedy & Graven; Ed Matthiesen, Wenck Associates, Inc.; and Judie Anderson, JASS.

Also present: Steve Lillehaug and Shelley Schwaninger, Brooklyn Center; Jon Knutson, Bill Walraven and Todd Tuominen, Champlin; Greg Gappa, Crystal; Rick Lestina and Jerome Schmitz, Maple Grove; Kevin Springob, Plymouth; and Richard McCoy, Robbinsdale.

Not represented: Robbinsdale.

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

III. Motion by Jaeger, second by Turner to approve the **minutes of the February 11, 2010 meeting.**\* *Motion carried unanimously.*

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

V. Motion by Moore, second by Parks to approve the **March claims.**\* Claims totaling \$93,565.10 were *approved by roll call vote*: ayes – Assefa, Heng, Moore, Jaeger, Johnson, Stauner, Parks and Turner; nays - none; absent - Robbinsdale.

**VI. Open Forum.**

Moore proposed that the Commission identify more projects for the CIP that include infiltration components. She was reminded that projects are submitted by the member cities. Lillehaug noted that many of the projects address TMDLs and include infiltration elements.

Moore recommended John Bilotta, NEMO, to be one of the Commissions' noon-time speakers. Matthiesen will check on the cost. Knutson responded that the Commissions should try to book speakers at no cost.

**VII. Communications.**

The Commissioners reviewed the **Communications Log.**\* No action required.

**VIII. Water Quality.**

A. The **2010 Monitoring Agreement with Hennepin County** will be considered at the April meeting.

B. At their February 25, 2010 meeting, the Technical Advisory Committee (TAC) reviewed a short presentation and discussed the preliminary conclusion that the **biotic impairments in Shingle and Bass Creeks** are likely the result of three combined and interacting stressors: modifications to the flow regime; modifications to and lack of habitat; and low dissolved oxygen. The chloride impairment in the streams may be a minor contributor to the impairment.

**IX. Watershed Management Plan.**

A. **Robbinsdale Crystal Lake Improvement Project.**\* Last month the Commission requested the TAC to obtain more information from the City of Robbinsdale about the current status of the Crystal Lake project. The conceptual design presented to the DNR along with the work in the public waters permit application differed in significant ways from the project that was reviewed and approved by the Commission. At the February TAC meeting, Richard McCoy, Robbinsdale City Engineer, and Pete Willenbring, WSB Associates, presented an overview of the project as it is currently envisioned. The revised conceptual design arose from two issues: the Robbinsdale City Council was reluctant to use the park ponds as flocculation ponds and the consultant was not sure he would be able to achieve the

desired load reduction from the proposed storm sewer treatment. In addition, on further design review, the City determined that it would be difficult to perform the required periodic maintenance on the ponds due to their location and the quality of soils in the area. The proposed sedimentation area and flocculation pond locations at the lake's edge are more easily accessible and maintainable. The new floc pond location is in the vicinity of a sanitary sewer and the City is exploring the possibility of discharging the floc pond dredgings into the sanitary sewer system. Because the new design provides only sedimentation of the stormwater from Minneapolis, it does not achieve the desired reductions. In order to increase the amount of treatment provided, the City proposes to install and operate the hypolimnetic withdrawal system at this time rather than in the future. The project also includes an in-lake alum treatment.

The TAC and DNR area hydrologist Kate Drewry discussed concerns with the conceptual project. The DNR is concerned about the precedent of using the lakebed for stormwater treatment, as there are similar situations to Crystal Lake in many locations in the state. The DNR has not yet been convinced that upstream sedimentation and treatment options have been fully explored. In addition, while the DNR is concerned about the project's potential to displace in-lake habitat, it is willing to explore options for mitigating impacts should the current proposal be approved.

The TAC members expressed their understanding of the difficulties of balancing Council and park user concerns about using park facilities for water quality treatment, city operations and maintenance needs and ongoing costs, and the desire to minimize impacts to the lake that is proposed to be improved. The TAC members agreed that, as long as Robbinsdale met the DNR's requirements and the load reductions to the lake were reasonably as cost-effective as the preliminary design, the project revisions were an acceptable way of accommodating competing interests, needs, and design constraints. It was the TAC's recommendation that the applicant continue to work with the DNR to develop a plan that is acceptable to the DNR. The final plan should be resubmitted for a project review prior to final plan approval. Motion by Stauner, second by Johnson authorizing the Acting Chair to send a letter of support to the DNR stating that the Commission believes in principal that this project will work and requesting DNR to give fair consideration of the project contingent that the City of Robbinsdale can demonstrate that it will accomplish pollutant loading reductions comparable to those cited in the original design. *Motion carried unanimously.*

**B. The TAC reviewed five potential projects for the 2010 CIP.\***

<b>Shingle Creek Projects</b>	<b>Project Cost</b>	<b>Commission Share</b>	<b>Grant Funding</b>
Wetland 639W Construction	\$570,000	\$142,500	\$300,000
New Hope 45 <sup>th</sup> Avenue Pond	\$550,000	\$137,500	\$160,000
Shingle Creek Restoration, CR 10 to I-694	\$430,000	\$107,500	\$105,237
Minneapolis 37 <sup>th</sup> Avenue Greenway	\$4,000,000	\$250,000	
<b>SC Total</b>	<b>\$5,550,000</b>	<b>\$637,500</b>	<b>\$565,237</b>
<b>West Mississippi Project</b>			
Champlin Stream Stabilization at Mill Pond	\$500,000	\$125,000	
<b>WM Total</b>	<b>\$500,000</b>	<b>\$125,000</b>	
<b>COMBINED TOTAL</b>	<b>\$6,050,000</b>	<b>\$762,500</b>	<b>\$565,237</b>

Only two of these projects, the 37th Avenue Greenway and Champlin projects, are being added to the CIP through the current Major Plan Amendment, while the other three already reside on the CIP. The Wetland 639W and the New Hope 45th Avenue Pond projects were both rescheduled from 2009 to 2010.

To begin the CIP process, the TAC heard presentations from the cities, reviewed the projects and determined they meet the criteria for Commission cost-share. The TAC did request that specific information be submitted with the June feasibility studies on the Minneapolis project: a breakdown of how much of the project cost was associated with resolving localized flooding issues, which is not eligible for cost share, and how much was pollutant load and runoff volume reduction. That analysis has not yet been performed, but Lois Eberhart, City of Minneapolis, believed the water quality portion of the project would still be in excess of \$1 million, so the \$250,000 maximum cost share would likely still apply.

Since the total Commission share based on current cost estimates exceeds the annual \$500,000 guideline, the TAC discussed whether to make recommendations to reduce the Commission share in 2010 or to proceed with all five projects. It was noted that the reason 2010 exceeds \$500,000 is that two 2009 projects were rescheduled to 2010. The amount certified to Hennepin County in 2009 was \$100,000 for Robbinsdale's Crystal Lake project. The Wetland 639W project was rescheduled because, at the time feasibility studies for 2009 projects were to be reviewed, a preferred construction option had not been identified and the project was not ready to be ordered. The 45th Avenue Pond project was delayed because of unexpected permitting issues that needed to be resolved before the City could commit to going forward with the project. All the proposed projects are expected to be constructed in 2010-2011. The TAC recommended that the Commission proceed with all five projects.

Motion by Heng, second by Turner directing Staff to proceed with the four projects in the Shingle Creek watershed. *Motion carried unanimously.* The next step in the CIP process is the presentation of feasibility reports to the TAC in late May for Commission consideration in June.

C. On March 1, 2010, LeFevere, Diane Spector and Matthiesen met with Michael Welch, chair of the Bassett Creek WMC and Jim Haertel and Brad Wozney of BWSR about the proposed **Cost Share Program (CSP)**.<sup>\*</sup> They discussed how to craft plan language that would meet statutory requirements, minimize the need for future plan amendments, maintain eligibility of projects for grant funds, and provide the flexibility the Commissions desire. LeFevere's March 5, 2010 memo<sup>\*</sup> provided relevant information for the Commissioners to consider.

Since amending a CIP takes time and involves administrative expenses for the Commissions, if possible, it is preferable to undertake capital projects without having to amend the CIP. If it is necessary to amend the CIP, it is preferable to qualify it as a "minor plan amendment" which, in some cases, can be accomplished in a short amount of time, as opposed to a "major plan amendment" which takes about nine months to complete.

The Commissions' Management Plan provides that a change in year for construction of an identified capital project is not considered a plan amendment. That provision of the Commissions' plan has not been contested. Therefore, if the CIP included a large number of projects (a "wish list") in later years, the Commissions could move a project forward from that list if circumstances changed and made construction of the project possible. Such a change in year of construction of a project would not require a plan amendment. If a project is defined in sufficient detail in the Management Plan to meet the definition of a "capital improvement program" under Minn. Stat. §103B.205, subd. 3, no plan amendment is required. If a project is identified in the Management Plan but does not have sufficient detail to meet statutory requirements, only a minor plan amendment is required.

A major plan amendment is only required if a project is not described in the plan at all. Therefore, it would be to the advantage of the Commissions to include as many projects in the CIP as possible and to describe them with as much detail as possible. This would make it more likely that the Commission could avoid having to go through a plan amendment altogether or, if a plan amendment is required, that it would only be a minor plan amendment. LeFevere recommended that the Commissions refer this suggestion to the TAC and Wenck to attempt to describe as many capital projects as can reasonably be done for inclusion in the CIP.

At the meeting with BWSR, Wenck's idea of a cost sharing program was also discussed. Under their proposal the Commission would specify a certain amount of money that would be available for qualifying capital projects on a cost-share basis. The CSP would then be listed as a project in the CIP so that expenditures for projects coming under the cost-share program would not require a plan amendment. BWSR seemed willing to consider the use of such a program to qualify capital projects. However, it was suggested that BWSR would probably not be comfortable with capital projects under such a program that amounted to more than 25% of the overall CIP. A CSP program may not be useful in many cases; however, there could be cases where it would be advantageous to have the program in place.

Motion by Jaeger, second by Parks directing the Technical Advisory Committee to identify as many projects as possible for inclusion in the CIP. *Motion carried unanimously.* The TAC will meet on Thursday, April 22, 2010, to consider those projects and to continue discussion re the language of the proposed Cost Share Program major plan amendment. Stauner stated that he does not support the Meadow Lake drawdown project included in the

existing proposed amendment. Members of the Meadow Lake Association will be present at the Commission's April 8 meeting to discuss this project.

LeFevere's March 4, 2010 memo\* responded to the Commissioners' discussion at their February meeting re **interpretation of the \$500,000 levy guideline in the CIP**. The CIP is included in the Commissions' shared Watershed Management Plan. Because one of the capital projects under consideration (see B., above) is in the West Mississippi watershed, the question was asked whether the guideline applies to both Commissions together or to each Commission individually. The guideline was approved by the Commissioners, so the Commissioners must decide what they intended. However, language in Section 7 of the Plan would suggest that it was the intent of the plan that the guideline would apply to each Commission rather than as a combined limit for both Commissions.

Furthermore, the tax levy for a capital project will be levied within one watershed, not both. A levy for a capital project in one watershed has no effect on taxpayers in the other watershed. Capital projects are listed together in a common CIP, but each Commission must undertake the projects within that watershed independently. LeFevere found nothing in the text that describes an intent to share the \$500,000 guideline limit or an explanation of how any sharing would occur. He also noted that the guideline is not a legal limitation on the authority of the Commissions to do projects or cause the levy of taxes by the County.

Motion by Jaeger, second by Heng stating that it is the sense of the Commission that the levy guideline contained in Appendix G of the Shingle Creek/West Mississippi Watershed Management Plan is meant to apply to each Commission independently and the intent of this motion is not to change the policy but rather to interpret the meaning of the intent of the policy. *Motion carried unanimously.*

**D. Twin Oak Pond Project.** Motion by Jaeger, second by Moore to approve the amendment to the Cooperative Agreement\* between the Commission and the City of Crystal. *Motion carried unanimously.*

**E.** Matthesen's March 4, 2010 memo\* provided an update of the **projects being constructed** this year.

**1. New Hope - 45th Avenue Pond.** This project received grant funding through the Clean Water Legacy and will be designed and constructed this year.

**2. Crystal - Wetland 639W Outlet Modification.** Plans and specifications are being completed and permits acquired. Construction is planned for the winter of 2010/2011.

**3. Crystal - Twin Oak Pond.** The plans and specifications are being completed. The project will be bid in April and constructed this summer.

**4. Robbinsdale - Crystal Lake.** The alum treatment, pond construction and sediment control project is being designed. Construction will occur this year.

**5. Brooklyn Park - Candlewood to Hampshire Bank Stabilization.** The project is out for bid. Construction will take place this year.

**6. Brooklyn Center - City Hall Stream Restoration.** This project received Clean Water Legacy funding. The project site is Shingle Creek in Central Park and Garden City Park near City Hall. Design is expected this year. Construction is planned for fall 2010.

**X. Project Review.** There were no projects.

**XI. Special Studies.**

**A. Wetland 639W.** See IX.E.2, above.

**B.** On March 3, 2010, at the invitation of the Minnesota Asphalt Pavement Association, Matthesen made a presentation on the **porous pavement paired intersection project\*** to the 54th Annual Asphalt Contractors' Workshop/Quality Initiative Workshop at the Earle Brown Heritage Center in Brooklyn Center. He repeated the presentation following the Commissions' meetings.

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**XII. Education and Public Outreach.**

**A. Water Quality Education Grants.** No applications were received.

**B. West Metro Water Alliance (WMWA).** A subcommittee has been appointed to draft bylaws to formalize the group. Following adoption of the bylaws, 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.

The next meeting of the WMWA is scheduled for 8:30 a.m., Tuesday, April 13, 2010, at Plymouth Creek Center.

[Johnson departed 2:28 p.m.]

**C.** Motion by Moore, second by Parks to accept the **2009 NPDES Activity Report.\*** *Motion carried unanimously.* Staff will transmit the report to the member cities.

**XIII. Grant Opportunities.**

**A. Metropolitan Landscape Restoration Program.\*** In February Wenck was contacted by Hennepin County Environmental Services (HCES) regarding a significant expansion of an existing program administered by the Association of Metropolitan Soil and Water Conservation Districts (MCD). Under the Metropolitan Landscape Restoration Program (MLRP), county Soil and Water Conservation Districts in the Twin Cities metropolitan area contract with MCD to obtain engineering and landscape restoration technical assistance to communities.

During the 2009 legislative session, the MCD was awarded \$1 million in Clean Water Funds for the MLRP for water quality and improvement projects. This funding allows the MCD to expand its existing program to provide for completion of subwatershed stormwater assessments, project installation cost-share, project design, and installation management. The program is designed to assist with implementation of stormwater treatment BMPs in developed areas, shoreland and streambank stabilization and restoration as well as wildlife habitat enhancements. The goal of the expanded program is to improve water quality in locally identified high priority water resource areas and to use program cost share funds leveraged with local funds to install the most cost-effective practices available to achieve stormwater treatment. Program funds are divided between technical assistance and project installation. Up to \$50,000 per year per county is available with a local cash or in-kind match of 35% of the project cost required.

The MCD requested county staff in the 11-county extended Metro Area to identify subwatersheds where retrofit assessments can occur. HCES contacted Wenck to see if there were additional improvements in the Crystal Lake watershed that could complement the significant Lakeview Terrace Park and Crystal Lake improvements to be constructed in 2010 with funding from Robbinsdale, Hennepin County, the Commission, and an MPCA grant, and the BMPs installed by Hennepin County with the Bottineau Boulevard (CSAH 81) reconstruction a few years ago. McCoy has some particular improvements in mind to provide treatment in some areas of the Crystal Lake watershed with little or no treatment, including the area to the west of Bottineau Boulevard and the area north of Sanborn Park. There is also the possibility of retrofitting some improvements into the upcoming County Road 9 project.

The Hennepin Conservation District (HCD) Board has established a review process and selection criteria for awarding technical and financial assistance for stormwater improvements within a subwatershed. The HCD Board is requesting that all interested parties submit a one page proposal with specific information included. All proposals were to be submitted by March 8, 2010 in order to be considered. Based on the invitation from HCES and discussion with Robbinsdale, Staff prepared and submitted a proposal, contingent on Commission approval, for a project to identify and implement locations to add vegetative or other treatments for phosphorus and sediment load

reductions and to reduce runoff volumes. The HCD Board will make a decision on which project(s) to fund at its March 15, 2010 meeting.

The program requires a cash/in-kind match of 35% of the project cost. Robbinsdale is willing to commit up to \$10,000 in cash match as well as staff time to assist in the project assessment phase. The Crystal Lake TMDL Implementation Plan identifies Commission TMDL implementation responsibilities as coordination and technical assistance to local BMP installation and funding of demonstration projects. The Commission has a balance of \$10,000 in the grant match budget line for 2010 that could be dedicated to this project. In addition, some staff engineering time would be helpful for the project assessment phase as well. Motion by Jaeger, second by Heng to approve the submittal and dedicating \$10,000 as the Commission's cash-match. *Motion carried unanimously.*

**B. Minnesota Conservation Corps Clean Water Funds.** Metro Blooms and the City of Plymouth will be working with residents in the Schmidt Lake subwatershed to install up to ten rain gardens and possibly a shoreline restoration project this year. They are seeking assistance from the Minnesota Conservation Corps (MCC) for the excavation of the rain gardens and restoration project. This application must be submitted by a watershed organization on their behalf. The project involves installing residential rain gardens in two neighborhoods surrounding Schmidt Lake. The properties drain to the lake, an impaired water body. The rain gardens will be excavated by an MCC crew with oversight provided by Metro Blooms landscape design assistants. Property owners will be required to supply mulch, compost, native plants and other landscaping materials. Motion by Assefa, second by Parks to approve the application. *Motion carried unanimously.*

**XIV. Other Business.**

**A.** Motion by Jaeger, second by Moore to **send flowers** to Commission chair Tina Carstens. *Motion carried unanimously.*

**B. Adjournment.** There being no further business before the Commission, motion by Jaeger, second by Turner to adjourn. The meeting was adjourned at 2:39 p.m.

Respectfully submitted,



Judie A. Anderson  
Recording Secretary

\*item included in meeting packet  
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