

MINUTES
September 11, 2008

I. A meeting of the Shingle Creek Watershed Management Commission was called to order by Chair Tina Carstens on Thursday, September 11, 2008 at 12:45 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; Ken Schreiber, Osseo; Ginny Black, Plymouth; Wayne Sicora, Robbinsdale; Charles LeFevere, Kennedy & Graven; Ed Matthiesen, Wenck Associates, Inc.; and Judie Anderson, JASS.

Also present: Shelley Schwaninger, Brooklyn Center; Gary Brown, Brooklyn Park; Mark Gustafson, Champlin; Tom Mathisen, Crystal; Tiffany Peterson and Rick Lestina, Maple Grove; Dan Stauner, Jason Quisberg, Brad Schleeter, and Guy Johnson, New Hope; Kevin Springob, Plymouth; Richard McCoy, Robbinsdale; Barbara Peichel, Minnesota Pollution Control Agency (MPCA); and Randy Lehr, Three Rivers Park District.

Not represented: Minneapolis.

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

III. Motion by D. E. Stauner, second by Black to approve the **minutes of the August 14, 2008 meeting.** *Motion carried unanimously.*

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

V. Motion by Jaeger, second by Carmody to approve the **September claims.** Claims totaling \$34,508.97 were *approved by roll call vote:* ayes – Carmody, Carstens, Moore, Jaeger, D. E. Stauner, Schreiber, Black and Sicora; nays - none; absent – Minneapolis.

VI. Open Forum. No one wished to speak.

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

A. August Communications Log. Matthiesen explained that the emails regarding Wedgewood Commerce Centre 2nd pertained to a boundary incongruity with the Elm Creek watershed. This and similar areas will be reviewed at the time of the third generation Watershed Plan. No action required.

B. Information on the **Clean Water, Land and Legacy Amendment** to the Minnesota Constitution, www.embraceopenspace.org.

VIII. Water Quality.

A. The Commission was awarded a \$60,000 Section 319 Clean Water Legacy Act grant from the MPCA to help fund the **Wetland 639W Monitoring and Feasibility Study.** Upon execution of the contract and grant agreement, the Commission will initiate Phase II of the study. (Phase I was the monitoring portion of the work plan.) Staff will delineate the boundaries of the wetland, conduct functions and values and floristic quality assessments, and a macroinvertebrate collection. They will also survey the wetland and take profile and cross-sections of the channel. They will also denote key spot elevations as well as elevations of the groundwater monitoring wells. After this data and the monitoring data are reviewed the first Technical Advisory Committee meeting will be convened. Motion by Carmody, second by D. E. Stauner to approve the contract and grant agreement with MPCA. *Motion carried unanimously.*

B. Now that the new shallow lake standards have been approved by the Environmental Protection Agency (EPA), Staff is completing the Lake TMDLs. A stakeholder meeting was held with the Plymouth Environmental Quality Committee on June 11, 2008 for the **Pomerleau, Schmidt, and Bass Lakes TMDL.** Committee members were generally favorable to the identified implementation activities. Staff will incorporate language changes requested by the City before submitting to the MPCA for final staff review.



A stakeholder meeting was held with the Maple Grove Lake Quality Commission on May 21, 2008, for the **Cedar Island, Pike, and Eagle Lakes TMDL**. Most of the discussion centered around Cedar Island Lake and potential implementation activities, such as a lake draw-down, rough fish harvest, or limitations on lake uses such as water skiing that may negatively impact water quality. The Commissioners expressed concern that, since Cedar Island has a pumped outlet that discharges into storm sewer leading directly to Eagle Lake, the poor water quality in that lake was negatively impacting Eagle Lake. There was discussion looking for ways to divert or treat that flow before it discharges into Eagle. Staff is making final revisions prior to submittal to the MPCA and drafting the Implementation Plan for review.

A stakeholder meeting was held with about 25 residents of Robbinsdale and Minneapolis on August 13, 2008 to present the **Crystal Lake TMDL**. It was noted that the curly-leaf pondweed is very dense this year. Three potential internal load reduction options were presented with no clear consensus on a preference. They discussed the various BMPs that have been included on road projects as well as Robbinsdale's ongoing program of installing gross pollutant traps, or in-line treatment devices, on outfalls into the lake. The final draft TMDL has been submitted to the EPA and an Implementation Plan is being drafted for review.

Revisions are being made to the draft **Meadow and Magda Lakes TMDLs** for submittal to the MPCA for initial review by month-end. Following MPCA review, stakeholder meetings will be held and Implementation Plans drafted, likely in October or November.

The **Technical Advisory Committee (TAC)** will review the Bass, Eagle, and Crystal Lakes TMDL Implementation Plans at its September 25, 2008 meeting and make comments and recommendations for Commission consideration at its October 9, 2008 meeting.

C. Reach 7B Restoration. In 2007 the Commission received a grant from the Board of Water and Soil Resources (BWSR) Challenge Grant program to assist the City of Brooklyn Park in completing stream restoration improvements on Shingle Creek from Candlewood to Hampshire, known as Reach 7B, upstream of the reach that was recently reconstructed by the City. The grant is in the amount of \$16,025 and is intended to help fund workshops to train city maintenance and operations staff to design, construct, and maintain simple biorestorations. City staff will perform the work. 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. Matthesen made a presentation of the project concept plan. Staff is currently putting together cost and time estimates.

IX. The meeting was suspended at 1:00 p.m. for the purpose of conducting a public hearing to take comment on **Shingle Creek 2008 Capital Projects – 2008-1 Wetland 639W Monitoring and Feasibility Study and 2008-2 Crystal Twin Oak Pond**.

A. The Commissioners received Staff's September 4, 2008 memo outlining the public hearing process and describing the two projects. Also included were the TAC's recommendations to approve project 2008-1 and to approve project 2008-2 with conditions that would be incorporated into the proposed cooperative agreement with the City of Crystal. The memo concluded with Staff's recommendation to approve the resolution ordering the projects, certifying the Commission's share of the costs to the county levy, and approving the agreement with the City of Crystal.

B. The Chair opened the **public hearing** to receive comments from the reviewing agencies, member cities and the public. Letters from the Board of Water and Soil Resources, Metropolitan Council and the Minnesota Pollution Control Agency were received. Their comments acknowledged review of the Major Plan Amendment revising the Capital Improvement Program to include these projects. No responses were necessary. No comments were offered by the Commissioners. No comments were received from the public. The public hearing was closed at 1:14 p.m.

C. Commission discussion followed. They received Staff's September 11, 2008 memo regarding the Major Plan Amendment. The BWSR board approved the amendment on August 28, 2008. Approving a resolution adopting the amendment is the final step in the amendment process which began in January 2008. Motion by Black, second by Carmody to adopt **Resolution 2008-04 Adopting a Major Plan Amendment to the Second Generation Plan Revising the Capital Improvement Program**. *Motion carried unanimously*



Motion by Black, second by Carmody to adopt **Resolution 2008-05 Ordering 2008 Improvements, Designating Members Responsible for Construction, and Making Findings and Certifying Costs to Hennepin County Pursuant to Minnesota Statutes Section 103B.251.** *Motion carried unanimously.* A copy of the Cooperative Agreement with the City of Crystal was also included in the meeting packet.

X. The Commissioners received Staff's September 11, 2008 memo describing the Minor Plan Amendment Process to consider adopting revisions to the **Rules and Standards.**

A. The Chair opened the **public meeting** at 1:20 p.m. to receive comments from the reviewing agencies, member cities and the public. Letters from the Metropolitan Council and the Minnesota Department of Health were received. Their comments were affirmative in nature and required no response. No comments were offered by the Commissioners. No comments were received from the public. The public meeting was closed at 1:21 p.m.

B. The Commission will consider any additional comments received, make revisions as necessary and present the proposed revised Rules and Standards at the Commission's October 9, 2008 meeting for consideration for adoption as a **Minor Plan Amendment.**

The regular meeting resumed at 1:25 p.m.

VIII. Water Quality (resumed).

D. Memory Lane Pond Watershed Flood Reduction and Flood Alternative Study. The pond is in the Shingle Creek watershed. Since the Commission typically does not review localized flood reduction studies, Wenck Associates is requesting approval from the Commission to submit a proposal to the City of Crystal for this project. Motion by Carmody, second by D. E. Stauner to approve this request. *Motion carried unanimously.*

E. A meeting has been called for October 1, 2008 to discuss **daylighting of Shingle Creek** and the Huntington Pointe redevelopment site. This is a meeting of city staffs to determine how to proceed with the process of studying various project sites.

XI. Project Review.

There were no projects.

XII. Watershed Management Plan.

A. Local Water Management Plans.

1. The **City of New Hope** submitted its Local Water Management Plan (LWMP) update for review on May 28, 2008. The Shingle Creek Commission has until July 27, 2008 to review and approve the plan. The Commission is also required to consider Metropolitan Council comments in its review. Met Council's comments were received June 3, 2008. The Commission preliminarily reviewed the LWMP update at its July 7, 2008 meeting, and forwarded comments to the City. The City has since made a number of revisions to the LWMP based on those comments and those received from the Bassett Creek WMC. Staff received a letter and checklist from the City detailing their responses to Commission comments.

The Commission's review noted that, while the Bass Creek biotic impairment was referenced in the plan, there were no policies or activities specifically related to Bass Creek in the plan. The LWMP revision does note in Policy 4.3 that it is the intention of the City to fully implement action items in future TMDL Implementation Plans, which would presumably include potential Bass Creek actions.

Since the revisions to the LWMP adequately address the comments made to the City by the Commission and Met Council, Staff recommended that the New Hope LWMP as revised, dated August 2008, be approved. Motion by Black, second by Carmody to approve the recommendation of Staff. *Motion carried unanimously.*

2. The **City of Osseo** submitted its Local Water Plan Update for review on June 11, 2008. The Commissions reviewed the plan at their July 7, 2008 meeting, and tabled consideration of the plan to the August meeting. Osseo was provided with comments and revisions necessary to meet Commission requirements. In August Osseo extended the review period to the September meeting. The City has since made revisions to their Plan addressing

the comments, specifically adding an implementation plan identifying potential capital projects; evaluating the adequacy of the storm water utility fee to finance the improvements; adding an activity to review the City's erosion control ordinance for adequacy; and adding a policy to work with developers and redevelopers to incorporate Low Impact Development BMPs where possible.

Since the revisions to the LWMP adequately address the comments made to the City by the Commission and Met Council, Staff recommended that the Osseo LWMP as revised, dated June 2008 and submitted August 29, 2008, be approved. Motion by Black, second by Carmody to approve the recommendation of Staff. *Motion carried unanimously.*

3. The **City of Plymouth** submitted its Local water Management Plan Update for review on July 28, 2008. The Commission must review and approve the Plan by September 29, 2008. Metropolitan Council's comments were received August 12, 2008. As presented, the draft Plan requires revisions in order to meet the requirements of the Commission's Second Generation Plan. The specific revisions required are set forth below (*in italics*) and in a checklist attached to Staff's September 4, 2008 memo. The checklist provides an overview of the required elements of the LWMP update and an assessment of the adequacy of the Plan in meeting each requirement.

In general, the draft LWMP provides an excellent overview of the City's proposed goals and policies and problems and solutions by subwatershed. Aside from the items highlighted in the checklist, the Plan must be revised as follows to meet Commission requirements:

a. In May 2008 the Commission reviewed and commented on the proposed Plymouth Comprehensive Plan revision. The proposed 2030 Land Use Plan includes a significant change in expected land use in the area around and west of Pomerleau Lake, part of an area designated by the City as the "Northwest Area." Previously that area was expected to be agricultural and recreation/open space, with a small amount of low to moderate density residential. That area is now identified as being a "rural to urban transition area" with little to no agriculture and mostly low to moderate density residential. A report completed in 2001 for the City, "Hydrologic and Hydraulic Study of the 2020 Urban Expansion Area," noted that development of this area would likely result in an increase in the High Water Level of several wetland storage areas, necessitating revisions to the outlet structures to maintain rate control. It was noted that it was likely that more stringent water quality treatment requirements would be required for development in this area. In May 2008 the Commission responded: *Based on the findings of the 2001 study for this area, the City may have to consider additional regulation and infrastructure improvements to accommodate this land use change rather than relying on "creative development" alone. This Implementation Strategy should be more comprehensive and include review of the regulatory program and adequacy of the existing and proposed drainage system. The City's Local Water Management Plan update should specifically address this area as it is a significant change from the previous generation local plan.*

b. This Northwest Area is located in the two subwatersheds in the local plan called Pomerleau Lake and Upper Shingle Creek. Neither of these two subwatershed assessments makes any mention of the expected change in land use. In fact, the Upper Shingle Creek subwatershed is given a ranking of Low Priority for BMPs based in part on its Low Land Use Change. This is inconsistent with the findings of the 2001 study and with the 2030 Land Use Plan. *These two subwatersheds, as well as impacts on Bass Creek and other downstream impaired resources, should be reassessed given the expected land use change and the issues identified in the 2001 H/H Study. The change in land use should be explicitly addressed.*

c. While the introduction to the Goals and Policies section of the Plan notes that problems and general solutions have been identified for each of the major lakes and for Bass and Shingle Creeks, aside from mentioning the Bass Creek biotic impairment in the text, there is no assessment of conditions on Bass Creek, no identified problems or solutions, and no specific goals or policies related to the maintenance or improvement of Bass Creek, its conveyance capacity, water quality or biotic integrity. *The Plan should be revised to include activities related to the management of Bass Creek. At a minimum the Plan should state that, upon Commission approval of the Bass Creek TMDL Implementation Plan, the LWMP and/or SWPPP will be updated to include those activities. In addition, Figure 3, Public Ditches, depicts Bass Creek as a Public Ditch when it is not. It is a Protected Water Watercourse on the Public Waters Inventory (PWI).*

d. Some required Plan sections are missing. There is no section detailing the procedure for amending the Plan. There is no assessment of the adequacy of current local controls. There are no land-use maps; maps of current and future land-use are required. There is no discussion of the WMO rules and standards regulating development and redevelopment and whether the City's regulatory requirements are consistent with those standards. There is no discussion of the adequacy of the City's financial resources to implement the Plan. *These sections must be added to the Plan.*

e. There is no linkage of the analysis of problems and potential solutions in the plans for the Impaired Waters with the findings and recommendations of the TMDLs for Pomerleau, Schmidt, Bass, and Pike Lakes. While the TMDLs have not received final approval, they have been in final draft form for a year. *Each of those subwatershed plans should be revised to include a general description of the TMDL findings and prioritized activities.*

Motion by Black, second by Carmody to grant contingent approval of the Plymouth LWMP Update submitted July 28, 2008, pending receipt within 90 days (December 15, 2008) of revisions that satisfactorily address Commission comments. *Motion carried unanimously.*

B. Comprehensive Plans.

1. The **City of Brooklyn Park** submitted its Comprehensive Plan update for review on May 28, 2008. The Commission has until December 1, 2008 to review and comment on the Comprehensive Plan update. Brooklyn Park is currently working on finalizing its Local Water Management Plan update. It will be submitted to the Commission for review soon. Staff comments on the Comp Plan are found *in italics* below:

a. The Comprehensive Plan 2030 Land Use appears to intensify some land uses in the vicinity of TH 610 over what was previously assumed for 2020. *The Comprehensive Plan and Local Water Management Plan should address any proposed intensification of land use and identify policies and actions the City will take to prevent or mitigate any resulting increases in runoff volume and pollutant loading*

b. The Transportation Plan includes a new proposed bridge over Shingle Creek and the Northland wetland at 73rd Avenue to serve the industrial park between CSAH 81 and Boone Avenue north of I-694. *The City had previously presented this proposed bridge to the Shingle Creek WMC as a project review, but conditions at the time made it infeasible to construct. The City is advised that, at such time as the bridge does proceed, a new project review will be required.*

c. The Comprehensive Plan includes a Mississippi River Stewardship Plan that details a number of policies for managing lands within the Mississippi River Critical Area, which shares a boundary with the Mississippi National River and Recreation Area. These include policies to minimize further encroachment on the river; minimize removal of natural vegetation; promote removal of private septic systems; protect bluffs, overviews, and riverbanks; preserve existing natural areas; preserve islands in their natural state; require riverfront developers to provide and dedicate reasonable public access to the river; and improve the quality of stormwater runoff prior to discharge into the river. *The Stewardship Plan is consistent with Commission Second Generation Plan policies to promote and encourage the use of streams and rivers as wildlife corridors, and to encourage cities to implement voluntary management standards to preserve and improve recreation and natural resources along the Mississippi River Corridor.*

d. The Comprehensive Plan Implementation Plan identifies a number of local controls that will require review and possible amendment to implement this Plan. These include reviewing development ordinances to allow for the use of pervious-type surfaces in parking lots, and to provide for alternate curb designs to provide for infiltration basins and swales and the use of rain gardens, depressed islands, etc. *The Commission would be happy to provide any information or comment on any proposed ordinance revisions that promote volume management and water quality improvements.*

Motion by Carmody, second by Black directing Staff to forward these comments to the City of Brooklyn Park. *Motion carried unanimously.*

2. The **City of Osseo** submitted its Comprehensive Plan update for review on May 22, 2008. The Commission has until November 21, 2008 to review and comment on the Comprehensive Plan update. Comments



on the City's LWMP are provided above.

a. The Comprehensive Plan 2030 Land Use makes some revisions to the future land use, for example revising the land use of an area from industrial to commercial, or intensifying a land use from multi-family housing to stacked housing. The overall impact on water resources from these cumulative land use changes is likely to be neutral. However, it should be noted that many parcels in Osseo are less than five acres in size and thus, as they individually redevelop, would fall below the threshold of Commission review. *As redevelopment occurs, the City should consider requiring smaller parcels to minimize the increase in impervious surface and to implement BMPs to the maximum extent possible to limit downstream impacts.*

b. The Plan includes a proposal to landscape a network of streets as Green Streets to provide a buffer between the downtown district and the residential district, and to provide an attractive and sustainable walking and biking environment. These streets would receive enhanced landscaping and would connect the neighborhoods with city facilities, schools, and trails. *This proposal is laudable and could be explored further for possibilities to incorporate native plantings, bioinfiltration opportunities, and tree selection to maximize evapotranspiration. Linking this proposal with stormwater management may make it attractive for grant funding*

Motion by D. E. Stauner, second by Black directing Staff to forward these comments to the City of Osseo. *Motion carried unanimously.*

XIII. Education and Public Outreach Program.

A. Water Quality Education Grants.

1. The Commission is awaiting a signed contract and submission of invoices for the costs of the **Bass Creek retrofit project**.

2. The Commissioners have requested a final written report for the **Patrick Henry High School project**.

B. The joint EPOC subcommittee is formulating the **2009 education and public outreach program** based on the results of the opinion survey. Recommendations will be submitted to the Commissions at a future meeting.

C. Commissioner Stauner advised the Commissioners of a **Speaker Opportunity**. Dwayne Stenlund is in the Office of Environmental Services for MnDot, in the Erosion Control Engineering Unit. He trained Josh Wicker for the Bass Creek retrofit project above. Stauner indicated Stenlund would be available for a 45-minute presentation during lunch at a future meeting on the subject of pervious pavement. Other Commissioners expressed concerns that this subject raises issues regarding contamination due to infiltration, wellhead protection, and use of organic infiltration. Some suggested inviting a second speaker for an alternative viewpoint. Stauner will follow up with Stenlund. Commissioners will provide Stauner with the names of alternative speakers.

D. The **next EPOC meeting** is scheduled for 8:30 a.m., Tuesday, September 16, 2008, at the City of Plymouth. It will be a joint meeting with the Bassett Creek and Elm Creek WMOs.

XIV. Grant Opportunities.

A. Fortin Consulting, Inc. (FCI) plans to conduct three trainings in the next three years: **Parking Lot and Sidewalk Maintenance, Road Maintenance and Summer Maintenance workshops**. The goal of the three trainings is to reduce the environmental impact of various maintenance activities. FCI is requesting the Commission to support their 319 grant application to fund these workshops with cash and in-kind matches. Motion by Carstens, second by Black to not support this grant application. *Motion carried unanimously.* Staff will continue to follow up with the member cities and Fortin Consulting to fulfill its 2006 grant obligation.

B. The Minnesota Pollution Control Agency recently opened the application period for the **EPA Section 319 Development, Education, and Research (DER) grants**. These grants support projects that demonstrate new or improved Best Management Practices (BMPs) that promote nonpoint source pollution control, generate new educational materials for the public, or answer a research question.



Parking lots paved with pervious pavement appear to have less buildup of snow and ice than traditional pavement. Matthiesen has had some informal discussions with some of the member cities about a possible research project to explore whether using pervious pavement on a street could effectively control ice and thus reduce the need to use road salt. Brooklyn Park and Plymouth have expressed interest in possibly providing demonstration sites.

The general concept would be to reconstruct the approaches to a street intersection using pervious pavement and compare ice and snow depth and melt rate to an adjacent control intersection. A weather station could track precipitation, dew point, wind, temperature, etc. Instruments could be installed to measure ice depth, melt rate, and runoff. Cameras mounted on posts would be used to record pavement conditions at regular intervals.

Motion by Black, second by Carmody authorizing Staff to write a grant application for consideration by the Commission at their October 9 meeting. *Motion carried unanimously.*

XV. Other Business.

- A. Black announced that **Peggy Willenberg** has resigned as Commissioner from Plymouth.
- B. Brown announced that **interpretive signs** have been installed on the north side of the creek as part of the Brooklyn Park shoreline restoration project.
- C. **Adjournment.** There being no further business before the Commission, motion by Jaeger, second by Carmody to adjourn. The meeting was adjourned at 2:11 p.m.

Respectfully submitted,

Judie A. Anderson
Recording Secretary

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