

MINUTES
April 30, 2020

A virtual meeting of the Technical Advisory Committee (TAC) of the Shingle Creek and West Mississippi Watershed Management Commissions was called to order by Chairman Richard McCoy at 8:42 a.m., Thursday, April 30, 2020.

Present were: Andrew Hogg, Brooklyn Center; Mitch Robinson, Brooklyn Park; Todd Tuominen, Champlin; Mark Ray, Crystal; Derek Asche, Maple Grove; Liz Stout, Minneapolis; Ben Scharenbroich and Amy Riegel, Plymouth; Richard McCoy and Marta Roser, Robbinsdale; Ed Matthiesen and Diane Spector, Wenck Associates, Inc.; and Amy Juntunen and Judie Anderson, JASS.

Not represented: New Hope and Osseo.

- I. Motion by Scharenbroich, second by Asche to **approve the agenda.*** *Motion carried unanimously.*
- II. Motion by Ray, second by Stout to **approve the minutes***of the March 30, 2020 meeting with the addition of Amy Riegel in attendance. *Motion carried unanimously.*
- III. **Cost Share Application –West Broadway Stormwater Infiltration Project.***

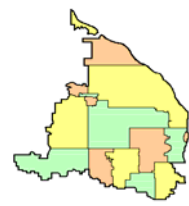
In 2015 the Shingle Creek Commission completed a sub-watershed assessment of the Crystal shopping center area. One of the projects identified in the assessment was an underground infiltration system in a lot just north of 5747 W Broadway Ave. At that time this lot was a separate, tax-forfeited property. In addition to putting this project in the City's storm water capital improvement program, over the past few years the City has acquired the property from Hennepin County, put a storm water easement over the entire property, and sold the property to 5747 W. Broadway. The property owner at 5747 replatted the two lots into a single property with the address of 5757 W. Broadway.

In 2019, the City contracted with Wenck and started design of the underground system. The design is now complete and the project will be going out for bid in April. Construction will occur in either 2020 or 2021. Two years were provided for construction to maximize contractor flexibility and minimize costs.

The proposed project will have two layers of sediment containment prior to entering the chambers. Overall, the system can hold 21,000 CF of water (157,000 gallons).

The City is currently requesting \$50,000 from Shingle Creek Watershed Public Cost-Share fund in 2020/2021 to help cover a portion of the construction cost. The balance of the project costs will come from the City's storm water utility fund (\$400,000 budgeted). The City will be responsible for the maintenance of the project.

Motion by Asche, second by Riegel to recommend approval of this project to the Commission at the requested amount of \$50,000 from the Shingle Creek Cost Share fund. *Motion carried unanimously.*



IV. Lake Pepin Nutrient TMDL.

The Lake Pepin Nutrient TMDL has been completed and is currently out for public comment. The review period ends June 19, 2020. The documents can be found at <https://www.pca.state.mn.us/water/tmdl/lake-pepin-watershed-excess-nutrients-tmdl-project>.

The TMDL calls for TP load reductions from runoff discharged into the Mississippi River and establishes a concentration standard for each of the reaches from the Crow River to Lake Pepin. For communities with a Municipal Separate Storm Sewer System (MS4), the goal is to reduce phosphorus in their stormwater discharges to 0.35 lb/acre/year. This approach does not call for a flat percentage reduction from all MS4 permits. Instead, municipalities may consider work already completed toward reducing phosphorus discharges.

Table 1 in Staff's April 24, 2020 memo* shows the annualized flow and TP load at SC-0. While there is annual variation, in each year the loading rate was much lower than the 0.35 lb/acre/year goal. There is a part of the watershed that discharges into the creek downstream of SC-0, most notably areas of Minneapolis that are collected in storm sewers that discharge into the creek in Webber Park. Some of that tributary area is treated by a regional pond on the north side of Crystal Lake Cemetery. The balance of the tributary area may have some treatment in the form of sump manholes, rain gardens, etc. The flow and load contributed by this area is small compared to the load contributed by the watershed above SC-0.

Staff does not have data at this time to do a similar analysis for West Mississippi, but would expect it to be similar or less, given that quite a bit of the watershed developed under treatment rules.

Also included in the meeting packet is a summary from the MPCA of the TMDL report.*

Staff noted that, with the exception of an area in Minneapolis, the Shingle Creek Commission is meeting TMDL requirements. No action is required at this time. It is unknown what kind of reporting the Commission will have to do in the future.

V. Maintenance Levy - discussion.

A. Staff's April 30, 2020 memo* outlined their discussion regarding potential that might be considered for funding from a maintenance levy. These actions were limited to the costs associated with maintaining a capital improvement or the benefits of a capital improvement.

1. Upper Twin Lake ongoing CLP treatment: \$5,000-7,000 per year, including the cost of delineation and permitting.

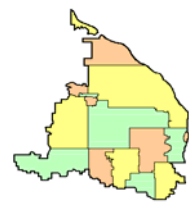
2. Twin Lake ongoing carp management: \$10,000-30,000 per year depending on effort, disposal costs, etc. (Note that this is about how much Ramsey-Washington budgets per year for Lake Owasso.)

3. Bass/Pomerleau Lakes ongoing CLP treatment: \$10,000 per year, including the cost of delineation and permitting. So far no treatment has been required on Pomerleau. The project budget covers years 1-5; should additional treatment or Pomerleau treatment be necessary a maintenance levy would be required.

4. Crystal Lake: CLP management for years 1-3 is built into the budget, but if additional treatment is required, a maintenance levy would be required.

5. Meadow: Future drawdowns would likely be done as capital projects.

[Tuominen arrived 9:24.]



6. Iron and Biochar-enhanced sand filters: At some point these will need to be refreshed - \$5,000-8,000 per site.

7. In summary, \$30,000 - \$50,000 per year.

B. In his April 26, 2020 memo,* the Commissions' Attorney, Troy Gilchrist, offered the following: *A maintenance levy is specifically provided for in Minn. Stat. § 103B.251, subd. 9, but it refers to the commission imposing the levy itself in the same manner as a watershed district under Minn. Stat. §§ 103D.915 and 103D.921. The statute also makes it clear the county must approve the levy.*

Gilchrist sent a message (attached to his memo) to the county attorney's office to see if they would agree to the Commissions sending the county a maintenance levy along with their usual levy request. He has not yet received a response from the county.

He recommends that, if the TAC recommends, and the Commissions agree, to proceed with a maintenance levy request, that the Commissions act at the next meeting to set an amount for the maintenance levy conditioned on the county agreeing to it. He would then work with Staff to add language regarding the maintenance levy to the regular communication to the county regarding the levy request.

If the county does not agree with the request, whether because it believes it is not authorized under the statute or for some other reason, the only consequence should be the county telling the Commissions no. As such, Gilchrist sees no particular harm in making the request if that is what the Commissions would like to do.

(On April 28, 2020, the county attorney's office responded that it appears that Subd. 9 does provide an option for a maintenance levy. [He] is not familiar with that option being used by other county watershed districts but will discuss this with Karen Galles at Hennepin County Environment and Energy and get back Gilchrist.)

It was a consensus of the members to use a maintenance-dedicated levy if approved by the County. It was also a consensus that Staff draft a policy covering this procedure, identifying the activities that would be considered as "maintenance."

VII. Initial 2021 Budget Discussion.

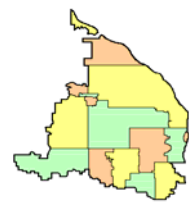
A. Shingle Creek.

Staff's April 30, 2020 memo* presented a 2021 budget for discussion prior to its submittal to the Commission. The budget must be finalized by July 1, 2020. The preliminary budget proposes a member assessment of \$369,190, a 1.5% increase over the 2020 assessment.

With few exceptions the proposed budget continues the same activities at the same level of effort as in 2020. The Commission has approximately \$1 million in the bank. Most of that sum is dedicated to grant and levy projects. The balance is earning considerable interest, which Staff recommends letting accrue to the cash reserves rather than being spent.

Since the Subwatershed BMP Assessment account has a pre-audit balance of \$34,500 and no requests for SWAs have been received, Staff is recommending that the 2021 contribution be reduced from \$20,000 to \$10,000.

The Commission has been contributing annually to a restricted account to finance the upcoming 4th Generation Plan. At the end of last year the balance in that account is \$62,000. With West Mississippi's contribution, this will be sufficient to update the Plan, thus no contribution is proposed in 2021.



The Shingle Creek members strongly recommended that no increase in member assessments be made in 2021, given the impacts of COVID-19.

B. West Mississippi.

Staff's April 30, 2020 memo* presented a 2021 budget for discussion prior to its submittal to the Commission. This budget, too, must be finalized by July 1, 2020. The preliminary budget proposes a member assessment of \$157,000,190, a 2.2% increase over the 2020 assessment.

Again, the proposed budget continues the same activities at the same level of effort as in 2020. The Commission has approximately \$0.5 million in the bank. Staff recommends letting the interest earned from that balance accrue to the cash reserves rather than being spent.

Since the Subwatershed BMP Assessment account has a pre-audit balance of \$40,000 and no requests for SWAs have been received in the last few years, Staff is recommending that there be no 2021 contribution to that account.

The Commission has set aside \$5,000 each year in a restricted fund for construction projects or to match grants. Aside from one project in Brooklyn Center, the funds have not been used and the audited balance at the end of 2018 was \$84,310. It is recommended that no funds be budgeted specifically for this.

Because of the significant balance in the cash reserves, the Commission has previously declined to specifically set aside funds for the 4th Generation Plan. Staff recommends that the Commission again consider segregating an amount in the reserves specifically for the Fourth Generation Plan, that that amount be \$25,000, and that no contribution from the annual budget be made.

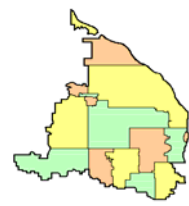
Commission staff are currently working with the DNR to undertake updated floodplain modeling in Shingle Creek. While the DNR is not prioritizing updating flood modeling and mapping in West Mississippi, the existing flood delineations are quite old and were prepared when the watershed was much less developed. Staff recommended updating the modeling and mapping at the same time as Shingle Creek for economies of scale. The DNR had no funding available to underwrite this work in West Mississippi. Staff estimates that the cost of this work would be about \$25,000. The 2019 budget allocated \$25,000 from reserves for West Mississippi work; however, it was not a priority as the Shingle Creek work is still under way and has not been completed. Should the Commission choose to go forward in 2021 the budget may be amended.

The West Mississippi members also recommended that no increase in member assessments be made in 2021, given the impacts of COVID-19.

VIII. Connections II Project.

Earlier this year Staff worked with the cities of Brooklyn Park and Brooklyn Center to conceptualize and prepare 30% plans and a cost estimate for the Shingle Creek Connections II. The feasibility study and findings were used to prepare a Clean Water Fund grant application that was submitted to BWSR last month. This is similar to what was done for the Meadow Lake Feasibility Study. The Meadow Lake work was funded from the Closed Projects Account. The Connections II work was funded from the General Engineering budget.

Last October, Staff recommended and the Commission approved action establishing a project called the Connections II Feasibility Report project, funded from the Closed Projects Account. They further recommended that the Commission authorize the reallocation of \$9,392.44 of expense charged to General Engineering to that project. In 2020, when the project is ordered, the expense of the feasibility



report will be included in the overall project cost, and will be included in the levy certified for the overall project, thus “reimbursing” the Closed Projects Account for this cost.

As of December 31, 2018, the Closed Projects Account had a balance of just under \$80,000. \$5,000 of that amount was expended on preparation of the Meadow Lake Feasibility Study.

IX. Other Business.

X. Next Meeting.

Topics will include paring back the proposed capital levy. Staff will bring back the levy cost for each project and the cost to the average-value homeowner in the watershed.

The next Technical Advisory Committee meeting is scheduled for 8:30 a.m., Thursday, May 28, 2020. This will be a virtual meeting.

The meeting was adjourned at 9:33 a.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Judie A. Anderson".

Judie A. Anderson
Recording Secretary

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