

**REGULAR and
PUBLIC MEETING MINUTES
May 13, 2021**

(Action by the SCWMC appears in blue, by the WMWMC in green and shared information in black.
*indicates items included in the meeting packet.)

I. A joint virtual meeting of the Shingle Creek Watershed Management Commission and the West Mississippi Watershed Management Commission was called to order by Shingle Creek Chairman Andy Polzin at 12:47 p.m. on Thursday, May 13, 2021.

Present for Shingle Creek were: David Vlasin, Brooklyn Center; Burton Orred, Jr., Crystal; Karen Jaeger, Maple Grove; Ray Schoch, Minneapolis; Bob Grant, New Hope; John Roach, Osseo; Andy Polzin, Plymouth; Wayne Sicora, Robbinsdale; Ed Matthiesen and Diane Spector, Wenck-Stantec; Troy Gilchrist, Kennedy & Graven; and Judie Anderson and Amy Juntunen, JASS. Not represented: Brooklyn Park.

Present for West Mississippi were: David Vlasin, Brooklyn Center; Alex Prasch, Brooklyn Park; Karen Jaeger, Maple Grove; Harold Johnson, Osseo; Ed Matthiesen and Diane Spector, Wenck-Stantec; Troy Gilchrist, Kennedy & Graven; and Judie Anderson and Amy Juntunen, JASS. Not represented: Champlin.

Also present were: Andrew Hogg, Brooklyn Center; Melissa Collins and Mitch Robinson, Brooklyn Park; Todd Tuominen, Champlin; Mark Ray, Crystal; Derek Asche, Maple Grove; Liz Stout, Minneapolis; Megan Hedstrom, New Hope; Leah Gifford and Amy Riegel, Plymouth; Richard McCoy and Marta Roser, Robbinsdale; and Steve Christopher, Board of Water and Soil Resources (BWSR).

II. **Agendas and Minutes.**

Motion by Schoch, second by Jaeger to approve the **Shingle Creek agenda*** as amended. *Motion carried unanimously.*

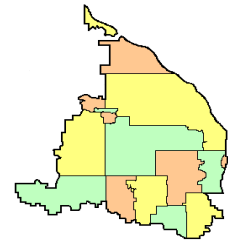
Motion by Johnson, second by Prasch to approve the **West Mississippi agenda** as amended.* *Motion carried unanimously.*

Motion by Schoch, second by Jaeger to approve the **minutes of the April 8, 2021 regular meeting.*** *Motion carried unanimously.*

Motion by Jaeger, second by Vlasin to approve the **minutes of the April 8, 2021 regular meeting.*** *Motion carried unanimously.*

III. **Finances and Reports.**

A. Motion by Schoch, second by Orred to approve the Shingle Creek **May Treasurer's Report* and claims** totaling \$45,542.96. Voting aye: Vlasin, Orred, Jaeger, Schoch, Grant, Roach, and Polzin; voting nay – none; absent – Brooklyn Park and Robbinsdale.



B. Motion by Johnson, second by Jaeger to approve the **West Mississippi May Treasurer's Report* and claims** totaling \$16,546.90. Voting aye: Vlasin, Prasch, Jaeger, and Johnson; voting nay – none; absent - Champlin.

The regular meeting was suspended at 12:53 p.m. in order to conduct a public meeting.]

IV. Public Meeting.

A. The Shingle Creek and West Mississippi Capital Improvement Programs (CIP) are proposed for a Minor Plan Amendment (MPA). This amendment adds one project and revises the estimated cost and funding sources of one project on the Shingle Creek CIP and adds one project to the West Mississippi CIP.

1. Shingle Creek.

a. Palmer Lake Estates Bass Creek Restoration Project. Modify the cost estimate for this Plymouth project to increase it from \$450,000 to \$600,000 and modify the funding source to show it fully funded by the Commission with no local contribution.

b. Add Phase 2 of the Channel Modification with SRP Filter project. This would extend the length of the iron-enhanced sand filter in the channel at the outlet of Wetland 639W in Crystal.

2. West Mississippi.

Add a new project, **Partnership Cost Share Program**, similar to the Shingle Creek Partnership Cost Share program, to help fund the cost of qualifying voluntary load reduction improvements on private property.

The proposed amendment is outlined in Staff's May 7, 2021 memo,* showing additions and deletions.

On April 8, 2021, the Shingle Creek and West Mississippi Watershed Management Commissions initiated a MPA to the joint Third Generation Watershed Management Plan. Notice was sent to the member cities, county, and reviewing agencies, and published as required by statute and the Plan. The purpose of this meeting is to discuss the proposed minor plan amendment and any comments received prior to or at the public meeting. (Note this is not a formal public hearing.) After that discussion, each Commission may consider a resolution adopting the Minor Plan Amendment contingent on County Board approval of the Minor Plan Amendment, which will be heard at a County Board hearing in June-July 2021.

B. Open public meeting. The public meeting was opened at 12:54 p.m.

1. Only one comment on the proposed amendment was received from the reviewing agencies, member cities or the public, that from Metropolitan Council who stated they had no comments.

2. No one was present from the general public.

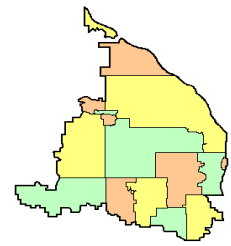
3. The public meeting was closed at 12:58 p.m.

C Commission Discussion.

Motion by Orred, second by Schoch to adopt **Resolution 2021-02 Adopting a Minor Plan Amendment Revising the Capital Improvement Program.*** *Motion carried unanimously.*

Motion by Jaeger, second by Prasch to adopt **Resolution 2021-02 Adopting a Minor Plan Amendment Revising the Capital Improvement Program.*** *Motion carried unanimously.*

[The regular meeting was reconvened at 1:00 p.m.]



V. Open Forum.

Last month, attorney David Anderson responded to inquiries regarding **returning to in-person meetings**:

The statutory authority for conducting remote meetings applies so long as in-person meetings are not practical or prudent due to either (a) a health pandemic or (b) an emergency declared under Minnesota Statutes, chapter 12. Because the COVID-19 pandemic is still ongoing and the governor's related statewide emergency is still in effect, remote meetings may continue pursuant to the chair's previous statement/determination made under Minn. Stat. 13D.021. With larger groups like this, hybrid meetings (some in-person, some remote) are logistically difficult due to limitations with technology, cameras, microphones, etc. Therefore, while the chair has the authority to go back to in-person meetings when doing so is practical and prudent, it probably makes sense to continue the current fully remote meeting format and monitor what is a somewhat fluid situation. As vaccines are rolled out and hopefully infection numbers decrease, it may make sense in the near future to go back to in-person, although it's hard to say for sure when exactly that might be. And until both the pandemic is over and the governor's statewide emergency is no longer in effect, there is certainly no requirement to do so.

This subject was raised again since the Center for Disease Control (CDC) guidelines are becoming less restrictive. Staff was directed to poll the members, the member cities, and available meeting facilities and report at the June meeting.

VI. Project Reviews.

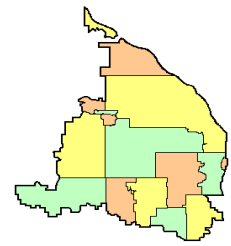
VII. 2022 Operating Budgets.

The Joint Powers Agreements (JPAs) governing the operations of the Commissions requires a budget and the resulting proposed city assessments for the coming year to be reported to the member cities by July 1. Staff's May 7, 2021 memos* describe the 2022 budget process. The budgets are separated into operating and project budgets. The memos discuss the operating budgets, which cover the core of the Commissions' activities, including administration, engineering, legal, technical services, monitoring, education/outreach programs and basic operations. Capital and cost-share projects are handled separately from the operating budget.

The primary source of funds for operations in both Commissions is from assessments on the cities having land in the watershed. The cities share proportionally in that cost based 50% on their area within the watershed and 50% on their net tax capacity in the watershed. Tax capacity serves as a proxy for level and density of development. Most of, but not all, the cities fund these assessments from their Storm Utility Funds. The Joint Powers Agreements (JPAs) limit the increases in annual city assessments to the *cumulative* increase in the Consumer Price Index (CPI-U), using the assessment in 2004 as a base. This is *not* an annual cap, so if the Commissions choose not to increase the assessment one year or increase less than the rate of inflation, they retain the ability in future years to set an increase greater than the annual rate of inflation.

A. Shingle Creek.

The Commission has not increased the assessment every year and, in fact, has kept the annual assessment at \$363,590 for the last two years. However, the *ability* to increase continues to accumulate with inflation. For 2022, the Commission could increase assessments to as much as \$378,860 and stay within the JPA cap. However, the draft 2022 budget recommended by Staff assumes an assessment of \$363,590, the same as in the previous two years. This reflects ongoing financial uncertainty resulting from the COVID 19 pandemic as well as recognition that the annual budget will be reviewed and revised for 2023 based on priorities established in the upcoming Fourth Generation Watershed Management Plan.



As Table 2 of the memo shows, the 2020 annual expenses, pre-audit, were an estimated \$43,518 less than the total revenue received. On the revenue side, interest received was less than budgeted as the Commission carried a lower bank balance following reimbursement of cities for projects they've completed. That was offset by project review expenses that were well below budget. There seems to have been less pre-project, planning stage activity or other work which is hard to recover through review fees. Virtual rather than in-person meetings saved nearly \$4,000.

West Metro Water Alliance (WMWA) has a pay-as-you-go approach and bills its members in installments based on activity. COVID-19 greatly reduced outreach and education opportunities. Rather than build up a big account balance, WMWA elected not to invoice for the full amount budgeted. While Shingle Creek serves as the fiscal agent for WMWA, the Alliance's budget is stated separately, outside the Shingle Creek budget.

To recap, the proposed 2022 budget shows total revenue of \$388,590, with total operating expenses of \$372,700, plus a contribution to reserves of \$15,890.

Motion by Schoch, second by Orred to approve the proposed 2022 budget as stated, with assessments to the membership totaling \$363,590. *Motion carried unanimously.* Staff will correct an error in stating member assessments in the 2020 pre-audit column.

B. West Mississippi.

The Commission has kept the annual assessment at \$153,600 for the last three years. However, the *ability* to increase continues to accumulate with inflation. For 2022, the Commission could increase assessments to as much as \$172,230 and stay within the JPA cap. The draft 2022 budget recommended by Staff assumes an assessment of \$156,200, a 1.7% increase. The proposed 2022 budget assumes a \$5,000 contribution from the cash reserves to moderate that annual increase. The audited unrestricted fund balance at the end of 2019 was about \$72,000. The 2020 year-end balance is still under audit but is expected to be in that vicinity.

As Table 2 of the memo shows, the 2020 annual expenses, pre-audit, were an estimated \$9,857 less than the total revenue received. With a few exceptions the proposed budget generally continues the same activities at the same level of effort as 2021. Overall, the proposed 2022 budget is \$2,900 more than the 2021 budget.

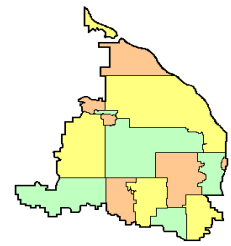
Recapping, the proposed 2022 budget shows total revenue of \$176,700, plus a \$5,000 contribution from reserves, and total operating expenses of \$181,700.

Motion by Johnson, second by Jaeger to approve the proposed 2022 budget as stated, with assessments to the membership totaling \$156,200. *Motion carried unanimously.*

VIII. Watershed Management Plan.

A. Matthiesen and McCoy recapped the **Technical Advisory Committee meeting** held earlier today. The members reviewed the Commissions' draft 2021 CIP, the 2020 performance of the Becker Park infiltration project, and updates on the HUC 8 Model, Ryan Lake SWA, Crystal Lake Management Plan, Bass Lake Curlyleaf Pondweed treatment, Meadow Lake Alum treatment, and the Connections II and Meadow Lake Management Plan grant process.

The next TAC meeting is scheduled for 11:30 a.m., prior to the Commissions' June 10, 2021 regular meeting.



B. One of the items discussed at the TAC meeting was the **Becker Park Stormwater Improvement project**. In their August 14, 2017 memo* to the City of Crystal, Wenck staff presented an updated assessment of the feasibility of the plan to divert stormwater runoff from adjacent subwatersheds into the property for treatment prior to discharge into Upper Twin Lake. The study aimed to reduce pollutant loads discharging to the impaired Upper Twin Lake as well as alleviating strain on the existing storm sewer which currently causes localized flooding on Bass Lake Road and Highway 81. Preliminary modeling showed pollutant removal for TSS and TP to be over 90%.

IX. Water Quality.

A. The **Hennepin County Chloride Initiative (HCCI)** met on May 4, 2021 for a progress report on the various actions currently underway. The HCCI is a collaborative initiative of the 11 watersheds in Hennepin County, funded by about \$100,000 set aside from the last round of Watershed-Based Funding provided by the Board of Water and Soil Resources (BWSR). Ben Scharenbroich from Plymouth is the Shingle Creek representative to HCCI, and Andrew Hogg, Brooklyn Center, is the West Mississippi representative. The HCCI is currently chaired by Laura Jester, Administrator of Bassett Creek WMO. Staff's May 7, 2021 memo* provided a brief overview of the various ongoing items:

1. Chloride Barriers Research. HCCI worked with Fortin Consulting and a graduate student at the U of M to undertake interviews with private salt applicators to assess their knowledge of salt contamination issues and barriers to change. The purpose was to develop and guide more targeted programming and messaging county-wide. The report has been finalized. Findings include:

a. Client demand was the most commonly cited barrier to salt reduction. Many applicators felt that without the pressure to meet client requests, they would be able to implement more mindful salting practices.

b. Companies working towards salt reduction expressed different motivations for reduction. A few participants expressed their concern for the impact of salt on the environment but felt that they didn't have any other choice but to over-apply.

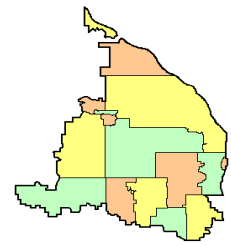
c. Legal concerns were a motivating factor for almost all participants. Fears about being sued over a slip-and-fall injury were motivation enough to continue with the status quo.

d. Financial justifications were used in both directions. One participant stated, "we're always looking for reductions because it saves us money." For others, using more salt was also viewed as a win. One participant said of their operation, "[salt application] is actually a very profitable portion of it. It's a double-edged sword."

e. Inherent in the liability and client demands are the end-user. Winter maintenance operations are looking to avoid lawsuits from their clients and their clients, in turn, are worried about slip-and-falls from the end-users of their properties. Others felt that the end-users themselves are not doing everything they can to avoid a slip-and-fall and are putting too much of the onus on the applicators.

The findings suggest that a reduction in chloride use will require not only addressing liability concerns but also the purpose of salting and other options for walking and driving safely in icy conditions.

2. Winter Maintenance Plan Template Project. The purpose of this project is to develop common templates for winter maintenance that can be used by property managers, cities, etc. to specify approved maintenance actions. Fortin Consulting has had an initial meeting and individual discussions with the members of an advisory board of property managers and applicators. Many of those discussions centered



around liability. It was also noted that at least two WMOs in the county require winter maintenance plans to be submitted by developers at the time of watershed permit review and approval. Since developers usually have no connection to the ultimate property managers, this may not be the most appropriate point in the process. The group will continue to work with the goal of having these templates completed by Fall 2021.

3. Parkers Lake Chloride Project Facilitation Plan. The City of Plymouth has been working with its consultant to compile data and prepare for meeting with a technical advisory committee.

4. Limited Liability Legislation. This legislation did not make much headway this past legislative session.

5. Communications Plan. A common theme coming from the barriers study, work with the Stop Over Salting group and others, is the need for enhanced communication, whether it is just background information or potentially a full communications campaign. A subgroup will begin meeting to help define what the needs might be and how the group could proceed, ranging from using in-house materials to bringing in a communications consultant to help craft a full campaign.

6. Training. Several of the HCCI partners have contracted with Fortin and/or MPCA to host workshops for applicators. Most of the workshops have been targeted to applicators working within that particular partner's watershed or city and are reaching saturation in their small geographic area. One option for using some of the funds is to offer several workshops throughout the county and make them more widely available. There is also the possibility for hosting shorter, refresher type courses for applicators who have already gone through the certification training.

An extraction* from HCCI's *Developing a strategic plan to increase adoption of best management practices with private applicators* was included in the packet. The full report will be uploaded to the SCWM website.

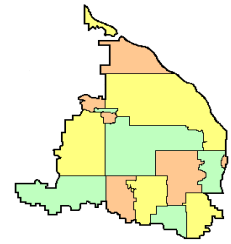
[Sicora arrived 1:46 p.m.]

B. Motion by Schoch, second by Grant to approve the **2021 CAMP (Citizens Assisted Monitoring Program) agreement** with Metropolitan Council. *Motion carried unanimously.* Five lakes will be monitored biweekly – Eagle, Magda, Meadow, Pike and Schmidt.

X. Grant Opportunities.

A. Crystal Lake Carp Management. In August 2020 Stantec assessed the common carp population of Crystal Lake. During the survey 79 carp were captured. A population density of 311 pounds of carp per acre was estimated, well above the threshold at which common carp become damaging to the lake ecosystem (89 pounds per acre). Carp ear bones (otoliths) were collected from a subset of carp captured during the population survey and analyzed for their age. Results showed two distinct age classes of carp - 6-9 years old and 13-16 years old. These results indicate that carp reproduction has not been successful in recent years, and carp removal efforts should have long-term, positive impacts on Crystal Lake's water quality and aquatic habitat.

Stantec has developed a carp management plan for Summer 2021 in partnership with the consulting firm WSB. The carp management plan includes carp capture using box net and seine methods, carp removal, and carp disposal. All activities are planned between June to August 2021. WSB will deploy two baited box nets on the south end of Crystal Lake. Box-netting consists of installing two 60-foot by 30-



foot box-shaped nets that will be deployed in the lake for approximately three months. The nets will lay flat on the bottom of the lake to avoid entangling non-target fish. The area surrounding and inside the nets will be baited with corn daily. Corn is a carp-specific bait that does not typically attract gamefish. Carp learn in as little as three days that the baited area has abundant food and return in large numbers each subsequent night to feed. As the number of carp visiting the area increases, a removal event will be planned. Metal posts surround the net and have ropes that, when pulled, raise the trap walls rapidly before carp can escape. This is done at night when most carp come into shallow areas to forage. The carp will be corralled to one side and rolled into a boat for removal from the lake. A 500-ft, open-water seine surrounding the box net will be deployed immediately after box netting occurs to capture the remaining carp aggregation. The seine net will be slowly dragged closer to shore into a small, penned area where the carp can be rolled into the boat for removal. WSB estimates a total of three removal events during Summer 2021.

WSB will complete the work with assistance from one Stantec field crew member. The Stantec employee will bait the box nets daily for 10-15 days and assist with box net installation and removal. WSB's estimated fee to the Commission is \$21,906 and does not include the estimated cost of Stantec's assistance. WSB estimates about 28 hours of Stantec staff plus about 65 hours of intern time would be necessary to help with setup, daily baiting, and harvest. The estimated cost of that work is about \$5,614, for a total estimated cost of \$27,520. The total cost could be less with the assistance of volunteers.

These above actions will be funded through the Commission's Crystal Lake Management 319 grant. The grant estimates the cost of carp removal to be \$30,632, including both contract cost for carp removal and staff cost for assistance with removals. Staff recommends approval of the proposal from WSB.

Motion by Schoch, second by Sicora to approve the WSB proposal. *Motion carried unanimously.*

B. Bass Lake Curlyleaf Pondweed (CLP) Treatment.* Staff have completed curly-leaf pondweed delineations on Bass, Pomerleau, and Upper Twin Lakes. Surveys* of the areas of the three lakes were attached to Staff's May 7, 2021 memo.* The CLP stands on Upper Twin are minor and treatment this year is not recommended. There is an area of CLP on Pomerleau, but it is not at a nuisance level and it is interspersed with good native vegetation, so Staff do not recommend treatment.

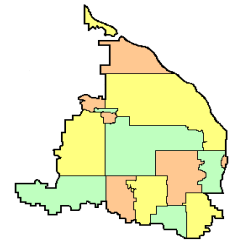
The goal of CLP management in the eyes of the DNR is to manage small areas of CLP as a nuisance for recreation, and not to manage it as eradication. Because these areas are such low density and at shallow depths, the impact on recreation would be low (not a lot of boat traffic in 2-3 feet of water, no docks or lifts in the area). Once the stands become significant enough that native vegetation is impacted or there is a disruption to recreation, then treatment is warranted.

However, there continues to be a nuisance stand of CLP on Bass Lake that is recommended for treatment. This will be the third year of treatment on Bass. Experience on other lakes shows it can take five years or more of treatment to see significant reduction in this hardy invasive. Funding for at least five years was included in the Bass and Pomerleau alum treatment project.

Overall, there are three separate areas recommended for treatment:

1. 10.56 acres with an average depth of 6.16 feet
2. 6.77 acres with an average depth of 6.05 feet
3. 2.86 acres with an average depth of 2.86 feet

This is approximately the same amount of treatment area, although the area to be treated is not exactly the same as in previous years.



Attached to Staff's memo is Limnopro's proposal* for this treatment, which would likely occur between May 10 and May 30. That's typically when the water temperature is right and the plants are tall enough to be impacted. The total amount of the proposal is \$5,572.20.

Motion by Schoch, second by Jaeger to accept the proposal. *Motion carried unanimously.*

XI. Education and Public Outreach.

At recent meetings of the **West Metro Water Alliance (WMWA)** members have been concentrating on education and outreach items in the new NPDES General Permit, focusing on chloride and pet waste. WMWA subgroups reviewed existing materials relating to chloride and bacteria to determine if they meet the new requirements or could be revised to do so, and to identify any needs for additional materials. The subcommittees will continue this assessment and determine additional needs and required resources (e.g., design assistance, fabrication, printing) as well as a plan for disseminating the materials.

It is anticipated this work can be completed using the WMWA Special Projects budget, which had a balance of \$10,700 at the end of 2020. The agreement between the four WMOs in WMWA (Bassett Creek, Elm Creek, Shingle Creek and West Mississippi) requires that Special Projects be approved by the four WMOs before expenditures can be made. The goal is to have all the work completed by the end of 2021.

The June meeting, a virtual meeting, is scheduled for 8:30 a.m., Tuesday, June 8, 2021. The **Zoom number** is <https://us02web.zoom.us/j/922390839>. Or call in at any of these numbers using **meeting ID: 922 390 839**: (1) +1 301 715 8592 US (Germantown); (2) +1 312 626 6799 US (Chicago); (3) +1 929 205 6099 US (New York); or (4) +1 253 215 8782 US (Tacoma). The **passcode is water**.

XII. Communications.

- A. April Communications Log.*** No items required action.
- B. Staff Report.** No report this month.

XIII. Other Business.

Motion by Schoch, second by Grant to NOT waive statutory tort limits of liability insurance for individual claimants. *Motion carried unanimously.*

Motion by Johnson, second by Jaeger to NOT waive statutory tort limits of liability insurance for individual claimants. *Motion carried unanimously.*

XIV. Adjournment. There being no further business before the Commissions, the joint meeting was adjourned at 2:27 p.m.

Respectfully submitted,



Judie A. Anderson,
Recording Secretary
JAA:tim

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