

**REGULAR MEETING
MINUTES | July 13, 2023**

(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 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 12:46 p.m. on Thursday, July 12, 2023, at Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN.

Present for Shingle Creek: David Mulla, Brooklyn Center; Alex Albrigton Prasch, Brooklyn Park; Burt Orred, Jr., Crystal; Karen Jaeger, Maple Grove; Ray Schoch, Minneapolis; Bob Grant, New Hope; John Roach, Osseo; Andy Polzin, Plymouth; Diane Spector and Todd Shoemaker, Stantec; Sam Ketchum, Kennedy & Graven; and Judie Anderson, JASS. Not represented: Robbinsdale.

Present for West Mississippi: David Mulla, Brooklyn Center; Alex Albrigton Prasch, Brooklyn Park; Gerry Butcher, Champlin; Karen Jaeger, Maple Grove; John Roach, Osseo; Diane Spector and Todd Shoemaker, Stantec; Sam Ketchum, Kennedy & Graven; and Judie Anderson, JASS.

Also present were: James Soltis, Brooklyn Center; Mitch Robinson, Brooklyn Park; Mark Ray, Crystal; Mark Lahtinen, Maple Grove; Nick Macklem, New Hope; James Kelly, Osseo; Owen Mischio, Plymouth; and Richard McCoy and Mike Sorenson, Robbinsdale.

II. **AGENDAS AND MINUTES.**

Motion by Schoch, second by Prasch to approve the **Shingle Creek agenda**.* *Motion carried unanimously.*

Motion by Butcher, second by Mulla to approve the **West Mississippi agenda**.* *Motion carried unanimously.*

Motion by Schoch, second by Grant to approve the **minutes of the June 8, 2023, regular meeting**.* *Motion carried unanimously.*

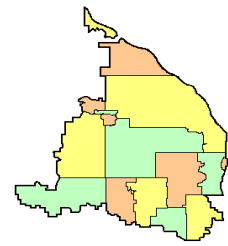
Motion by Butcher, second by Mulla to approve the **minutes of the June 8, 2023, regular meeting**.* *Motion carried unanimously.*

III. **FINANCES AND REPORTS.**

A. Motion by Schoch, second by Orred to approve the Shingle Creek **July Treasurer's Report, and claims** totaling \$72,661.61. Voting aye: Mulla, Prasch, Orred, Jaeger, Schoch, Grant, Roach, and Polzin; voting nay: none; absent: Robbinsdale.

B. Motion by Mulla, second by Butcher to approve the **West Mississippi July Treasurer's Report and claims** totaling \$9,941.70. Voting aye: Mulla, Prasch, Butcher, Jaeger, and Roach; voting nay: none.

IV. **OPEN FORUM.**



V. PROJECT REVIEW.

WM2023-03: Decatur Drive Apartments, Brooklyn Park.* Construction of two apartment buildings and associated parking on a 7.8-acre site located in the northeast quadrant of Jefferson Highway North and Decatur Drive North. Following development, the site will be 59 percent impervious with 4.61 acres of impervious surface, an increase of 4.61 acres. The complete project application was received on May 2, 2023. In an email to Todd Shoemaker on June 2, 2023, the applicant requested an additional 60 days for this project review. Stantec extended the review deadline to August 30, 2023.

Commission rules require the site to infiltrate 1.1 inches of runoff from new impervious and reconstructed impervious area within 48 hours. The new and reconstructed impervious area on this site is 4.61 acres, requiring infiltration of 18,414 cubic feet within 48 hours. The applicant proposes to construct three infiltration basins that have the capacity to infiltrate the required volume within 48 hours. The applicant meets Commission volume control requirements.

To comply with the Commission's water quality treatment requirement, the site must provide treatment so there is no net increase in TP or TSS from pre- to post-development land cover. Meeting the infiltration requirement is considered sufficient to provide a similar level of treatment. The applicant has satisfied the infiltration requirement and therefore meets Commission water quality treatment requirements.

Commission rules require that site runoff is limited to predevelopment rates for the 2-, 10-, and 100-year, 24-hour, and 100-year, 10-day critical storm event. Runoff from the site is routed to three infiltration basins that discharge north to a MNDOT drainage ditch. The ditch runoff is captured by a MNDOT pond east of the site. The applicant meets Commission rate control requirements.

The erosion control plan includes a rock construction entrance, perimeter silt fence, silt fence surrounding infiltration basins, inlet protection, rip rap at inlets, erosion control blanket on basin slopes, and native seed specified on the pond slopes. The erosion control plan meets Commission requirements.

The National Wetlands Inventory does not identify any wetlands on site. The applicant meets Commission wetland requirements. There are no Public Waters on this site. The applicant meets Commission Public Waters requirements.

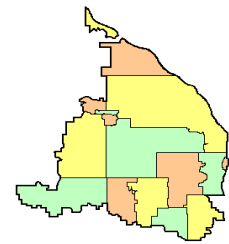
There is no FEMA-regulated floodplain on this site. The low floor elevations of the buildings (893') are at least two feet higher than the high-water elevation of the infiltration basins (886.12') according to Atlas 14 precipitation. The applicant meets Commission floodplain requirements.

The site is located in a Drinking Water Management Area but is outside of the Emergency Response Area. Therefore, infiltration is permitted, but infiltrated water must first filter through one foot of soil, the top four inches of which are amended topsoil, and the bottom 8 inches of which are tilled. The applicant proposes infiltration through 4 inches of media mix E (80/20 sand/compost mix) and 30 inches of clean washed sand. The applicant meets the Commission drinking water protection requirements.

A public hearing on the project was conducted on March 8, 2023, as part of Planning Commission and City Council review of this project, meeting Commission public notice requirements.

A draft Operations & Maintenance (O&M) agreement between the applicant and the City of Brooklyn Park was not provided.

Motion by Roach, second by Mulla to advise the City of Brooklyn Park that Project 2023-03 is approved with two conditions:



1. Provision of a complete O&M agreement between the applicant and the City of Brooklyn Park for all stormwater facilities on the project site.

2. Demonstration by double ring infiltrometer or witness test that the site can meet the design infiltration rate of 0.8 inches/hour.

Motion carried unanimously.

VI. OLD BUSINESS.

VII. NEW BUSINESS.

A. Master Services Agreements.* After the Stantec acquisition of Wenck, staff worked with the Commission attorney to establish and execute a Professional Services Agreement. This agreement has been used since early 2021 for Stantec to execute Commission engineering, monitoring, and education programs. Stantec has since stopped using the Professional Services Agreement so, with the Commissions re-selection of Stantec as their Commission Engineer, it seemed appropriate to update the agreement.

Stantec requests the Commissions’ approval of the Master Services Agreements (MSA) included in the meeting packet. It has been reviewed by the Commission attorney and is very similar to what is in place with other watershed districts. The Stantec 2023 hourly rates and expense costs are attached to the MSA (“Combo Rate Table”). No changes are proposed, as these were approved by the Commission earlier this year and will be updated annually as noted in the MSA.

Motion by Schoch, second by Grant to approve the Master Services Agreement with the Shingle Creek Commission. Motion carried unanimously.

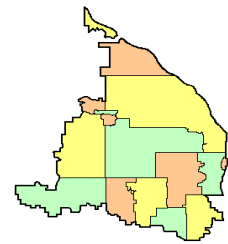
Motion by Prasch, second by Butcher to approve the Master Services Agreement with the West Mississippi Commission. Motion carried unanimously.

B. Closed Project Account.* At the Commission’s June 2023 meeting Staff reviewed the preliminary 2022 audit and the balances of various non-operating budget funds held by the Commission. It was noted that there were three outstanding capital improvement projects for which the Commission had levied funds which had not yet been disbursed to cities (Table 1). Brooklyn Park has subsequently submitted a reimbursement request for the River Park project, but as the Commission learned in May, Champlin declined the funding for the first two projects, and the Commission approved reassigning those funds to another related purpose.

Table 1. West Mississippi funds restricted for capital improvements - 2022 Audit.

Project	Amount Held
Champlin Mississippi Crossings Rain Garden	\$54,672
Champlin Mississippi Crossings Infiltration Vault	105,522
Brooklyn Park River Park	127,952
Account Balance YE 2022	\$288,146
To be reassigned (est)	\$160,194

The Shingle Creek WMO established a Closed Projects Account in 2021, modeled on a similar account maintained by the Bassett Creek WMO. That account houses excess levy funds and is used to cover project overages, fund feasibility studies, or fund small projects. If there were adequate funds available another allowable use is to reduce the amount levied for future projects.



West Mississippi has not until now had need to establish a Closed Projects account. Given the funding available from the Champlin project levies, Staff recommend that the Commission adopt a policy identical to Shingle Creek's, which establishes the account and the allowable uses for that funding. A draft policy is attached to Staff's July 7, 2023, memo. If approved, Staff also recommend that the levy funds unused by the City of Champlin be reassigned to this new account.

Motion by Butcher, second by Roach to adopt the **Closed Project Account Policy*** with a cumulative balance of \$200,000. *Motion carried unanimously.*

Motion by Butcher, second by Prasch to reassign the Champlin Mississippi Crossings Rain Garden and Champlin Mississippi Crossings Infiltration Vault funds from the Capital Improvement Project Restricted Account to the Closed Project Account. *Motion carried unanimously.*

C. River Park Reimbursement.* In 2019 the City of Brooklyn Park requested cost share participation from the Commission to help construct a new regional stormwater basin and other improvements in River Park in northeastern Brooklyn Park as part of a larger city project to upgrade the park facilities. The new pond was proposed to provide water quality treatment for about 250 acres of residential property that at the time drained untreated to the Mississippi River. The new pond was expected to provide about 50 pounds of TP removal and 31,260 pounds of sediment per year.

The project has been completed and the city has submitted a request for reimbursement. The original cost estimate was \$485,000, and the city initially requested 25% or \$121,250. The final cost for the participating parts of the project is \$547,356, and 25% is \$136,839. The Commission levied \$128,585 and collected \$127,952 after all expenses have been paid. Staff recommends the Commission reimburse Brooklyn Park with the \$127,952 in levy reserved for the project, and an additional \$8,887 from the newly established Closed Projects Account.

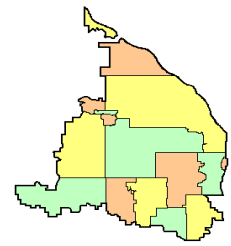
Motion by Prasch, second by Mulla to reimburse the City of Brooklyn Park as recommended in the preceding paragraph. *Motion carried unanimously.*

D. Mississippi Riverbank Stabilization Feasibility Study.* Stantec's July 3, 2023, Work Order authorizes Staff to study the extent of erosion along the western bank of the Mississippi River and identify potential stabilization methods and costs. There are three primary objectives of the study:

1. Update the *Mississippi River Stabilization Project Site Assessment* completed by Hennepin County in 2020;
2. Identify engineering and implementation alternatives; and
3. Recommend an approach to proceed with one or more projects.

Background. For years, property owners along the Mississippi River have asked for the City of Brooklyn Park's support to partner on a more comprehensive and coordinated approach to address significant erosion issues along the river, including shoreline and tree loss due to high water, seeps, and ice damage, which result in sediment, nutrients and other pollutants directly entering the river from adjacent riverfronts. High water in the decade preceding 2021 had laterally eroded multiple feet of shoreline, threatening houses and other structures. In June 2020, the City and Hennepin County engaged over 55 property owners along the riverbank. The City received nearly 50 Letters of Intent granting permission for a site assessment and providing a good faith commitment to cost share work completed on their property.

County staff conducted site visits on these properties spanning the 5.8-mile riverfront in Brooklyn Park. The site visits surveyed and assessed existing erosion features, estimated the extent to which



erosion has increased sediment and nutrient loading to the river, and identified the sources for this erosion. The *MRSP Site Assessment and Summary* document resulting from this field work classified and prioritized each property based on erosion severity and identified the properties west of Banfill Island as those exhibiting the most severe erosion which could most cost-effectively be addressed through a single restoration project. Without restoration, these banks would continue to erode at nearly a half-foot per year rate, further endangering buildings and properties, degrading habitat, and increasing sediment and nutrient load to the river. The assessment found that properties with the most concerning erosion were concentrated between the TH 610 bridge to the north and 85th Avenue to the south. This Feasibility Study will focus on that area.

Data Collection and Analysis. Includes desktop analysis and base-mapping; data collection and field assessment/evaluation; topographic survey of slope and near-bank bathymetry; soil borings; and structural analysis. Staff will attempt to determine the primary cause or causes of bank failures to understand bank failure dynamics and to develop a suite of appropriate stabilization techniques.

Staff will work with staffs of the City of Brooklyn Park and the County to meet with interested property owners at a public meeting and at a limited number of site visits to gather their observations and obtain their input and to understand their desires and expectations. They will then develop at least two general alternatives for consideration and a palette of stabilization techniques that would be appropriate based on individual site conditions.

Staff will prepare a Feasibility Study summarizing their methods, results, recommendations, and estimated costs of implementation. The initial Hennepin County report shows the parcels within the Study Area that volunteered for site assessments and the severity rating of riverbank erosion. These sites will be the focus of study, but it is understood that additional property owners may request to be added to this assessment.

Staff will assist the City and County in preparing for a public meeting to obtain input from landowners. If beneficial, they will assist with up to five (5) site evaluations to review conditions and assesses the suitability of proposed stabilization techniques.

Alternatives and Basis of Design Memo. Staff generate up to two (2) feasible, conceptual design alternatives, calculating estimated pollutant reduction and feasibility study level opinion of probable costs for each alternative. These alternative designs will address bank stabilization, erosion and sediment control practices, water control practices, infrastructure impacts, visual quality and 'fit' within the surrounding area. The conceptual design alternatives will be presented in a Basis of Design (BOD) memo.

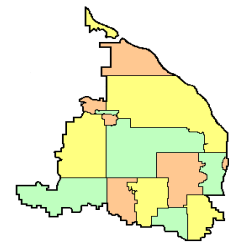
30% Preliminary Design. Staff will select one or more components of the two alternatives to proceed with refining one (1) design alternative into 30% preliminary design plans and opinion of probable cost that incorporates anticipated construction limits, access, and easements. This final set of deliverables will be appropriate for grant funding applications.

Fee Estimate. The proposed Work Order estimated the cost to complete this work as \$60,000 and Staff recommend that the Commission fund the work from the BWSR Watershed-Based Implementation Funding (WBIF) grant proceeds.

Motion by Butcher, second by Roach to authorize Stantec to move forward with the feasibility study.
Motion carried unanimously.

VIII. EDUCATION AND PUBLIC OUTREACH.

- A. The **West Metro Water Alliance (WMWA)** will meet via Zoom at 8:30 a.m., August 8, 2023.



B. The new conservation specialist, **Grace Barcelow**, is devising a six-month education and outreach plan and amassing appropriate resources.

IX. GRANT OPPORTUNITIES.

The Board of Water and Soil Resources (BWSR) opened the annual solicitation for Clean Water Fund Grants on June 29, 2023. Grant applications are due by August 24. The program is similar to the grant solicitation in past years with a few exceptions.

This \$8.5 million is funding from the ongoing Legacy Amendment and is one of the primary funding sources for surface water improvements in Minnesota. Up to 20% of that amount may be reserved by BWSR for focus on projects that protect or improve drinking water sources.

Projects must be identified in a watershed management plan that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), Watershed Restoration and Protection Strategy (WRAPS), Groundwater Restoration and Protection Strategy (GRAPS), surface water intake plan, or well head protection plan. Unlike previous years, the required match has been reduced from **25% to 10%**.

The Commission does have a few projects on its CIP for the next few years that cities might consider for application. The 2024 Shingle Creek and West Mississippi CIP in the Fourth Generation Watershed Plan contains a lake internal load improvement project for Eagle and Pike Lakes in Maple Grove. The project would be a good fit for Clean Water Funds and would be a holistic lake management project involving internal load treatment, aquatic vegetation management, and potential fisheries monitoring and/or management. Staff recommend submitting a proposal to BWSR for CWF.

Motion by Roach, second by Grant to authorize Staff to prepare an application for an Eagle Lake improvement project. Motion carried unanimously.

X. COMMUNICATIONS.

A. June Communications Log.* No items required action.

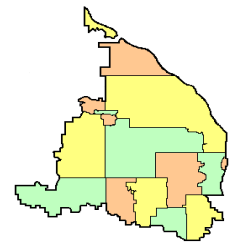
B. July Staff Report.*

1. Highways 252/94 EIS Review. No updates or meetings of the Highway 252/I-94 working group have taken place since the Commissions' comments were submitted during the public comment period for the Draft Scoping Decision Document (DSDD) in May. A virtual Policy Advisory Committee meeting is scheduled for Thursday July 27 from 9 to 10:30 a.m.; no advance registration is required, and the meeting link can be found [here](#) or on the MnDOT [Highway 252/I-94 Environmental Review study](#) website. The draft Environmental Impact Statement is currently scheduled to be released for public comment this fall 2023.

2. Meadow Lake. Meadow Lake received an alum treatment on May 16. Stantec completed one of two vegetation surveys on the lake this summer, and water quality on the lake is being monitored every two weeks by a CAMP lake monitoring volunteer.

3. Crystal Lake. Carp removals on Crystal Lake have been wrapped up for the season and nets were uninstalled. Stantec is waiting on final carp removal numbers from subconsultant WSB and will update the Commission in August.

4. Legal Boundary Update. Staff submitted the final list of parcels in the Shingle Creek and West Mississippi Watersheds to Hennepin County along with the updated boundary for the three adjacent



watersheds of Bassett Creek, Elm Creek, and Mississippi WMO. Hennepin County is currently in the process of updating the taxing boundaries to reflect these changes.

5. Eagle Lake Subwatershed Assessment. Projects to address watershed loading were filtered down to the six that appear feasible based on recent site visits. We are completing estimates of phosphorus reduction and concept-level project costs to allow prioritization. The final set of potential projects will be prioritized based on water quality impact and cost and presented in August to select one project to move forward to the concept design stage. We are analyzing the results of the Eagle Lake and Pike Lake sediment core analysis to determine suitability for alum dosing. The early-season aquatic vegetation survey was completed in June for Eagle and Pike Lakes.

6. Gaulke Pond Subwatershed Assessment. Stantec has been working through the additional information provided by the City of New Hope on May 23, 2023 to identify additional opportunities within the City parks system that may provide volume reduction without impacting existing turf spaces. Two additional sites, Sunnyside Park and Fred Sims Park, have been reviewed and are being considered for underground volume reduction BMPs. Construction cost information is still being gathered and will be incorporated into the final recommendation memo and presented to the TAC and Board in August to select one project to move forward to the concept design stage.

7. Shingle Creek Brookdale Park Remeander. Stantec has developed one conceptual plan with concept level costs, which was presented to the Technical Advisory Committee (TAC) for feedback to aid in development of the final recommendations' memo and 30% preliminary drawings.

XI. OTHER BUSINESS.

There being no further business before the Commissions, the joint meeting was adjourned at 2:14 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Judie A. Anderson".

Judie A. Anderson
Recording Secretary
JAA:tim

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