

REGULAR MEETING

MINUTES | August 10, 2023 **corrected (See item III.A.)**

(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 12:45 p.m. on Thursday, August 10, 2023, at Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN.

Present for Shingle Creek: Greg Spoden, Brooklyn Park; Randy Bergstrom, Crystal; Karen Jaeger, Maple Grove; Ray Schoch, Minneapolis; Bill Wills, New Hope; John Roach, Osseo; Andy Polzin, Plymouth; Wayne Sicora, Robbinsdale; Diane Spector, Todd Shoemaker, and Dendy Lofton, Stantec; Troy Gilchrist, Kennedy & Graven; and Judie Anderson, JASS. Not represented: Brooklyn Center.

Present for West Mississippi: Melissa Collins, Brooklyn Park; Gerry Butcher, Champlin; Karen Jaeger, Maple Grove; John Roach, Osseo; Diane Spector, Todd Shoemaker, and Dendy Lofton, Stantec; Troy Gilchrist, Kennedy & Graven; and Judie Anderson, JASS. Not represented: Brooklyn Center.

Also present were: James Soltis, Brooklyn Center; Mitch Robinson, Brooklyn Park; Ben Perkey, Crystal; Mark Lahtinen, Maple Grove; Bob Grant and Nick Macklem, New Hope; James Kelly, Osseo; Amy Riegel, Plymouth; and Wendy Scherer, Richard McCoy and Mike Sorenson, Robbinsdale.

Present for Open Forum was Hildania Kristensen, Plymouth.

II. AGENDAS AND MINUTES.

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

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

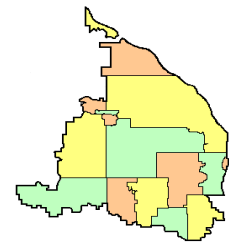
Motion by Spoden, second by Schoch to approve the **minutes of the July 13, 2023, regular meeting**. * *Motion carried unanimously.*

Motion by Roach, second by Jaeger to approve the **minutes of the July 13, 2023, regular meeting**. * *Motion carried unanimously.*

III. FINANCES AND REPORTS.

A. Motion by Schoch, second by Jaeger to approve the Shingle Creek **August Treasurer's Report**, * and claims totaling \$53,424.10. Voting aye: Spoden, ~~Orred~~ Bergstrom, Jaeger, Schoch, Wills, Roach, Polzin, and Sicora; voting nay: none; absent: Brooklyn Center.

B. Motion by Butcher, second by Roach to approve the **West Mississippi August Treasurer's Report** * and claims totaling \$16,671.11. Voting aye: Collins, Butcher, Jaeger, and Roach; voting nay: none; absent: Brooklyn Center.



IV. OPEN FORUM.

Ms. Kristensen was present to discuss a number of issues. (1) She wanted to know the status of the adjusted Shingle Creek legal boundary. She was informed that the Commission has completed a review of the boundary and remapped the boundary to follow current topography and drainage paths more accurately. The revised legal boundary is under review with Hennepin County now. (2) She wanted to know the status of her lot combination and requested the Commission to expedite this. Riegel recommended that she reach out to the City of Plymouth Planning Department for that information. (3) Kristensen raised concerns about expansive clay soils and related health issues and stated that the City of Plymouth has failed to address this as required. (4) She also expressed interest in having the Commission do a project at her property. Because the City of Plymouth is already involved in active litigation with Kristensen, the City will not be responding to her directly.

V. OLD BUSINESS.

VI. NEW BUSINESS.

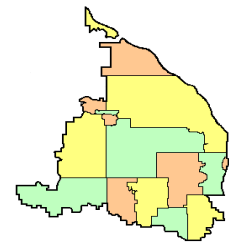
A. Project Review SC2023-07 Project Black Bear, Maple Grove.* Construction of an office building, lab, and extension of existing Revere Lane and 73rd Place on approximately 44.8 acres located northwest of the Highway 169 and I-94/694 Interchange. Following development, the site will be 80 percent impervious with 35.8 acres of impervious surface, an increase of approximately 30.0 acres. A complete project review application was received on July 26, 2023.

Commission rules require the site to infiltrate 1.1 inches of runoff from new impervious area within 48 hours. The site is located within the Maple Grove Gravel Mining Area. In 2010, the Commission reviewed and approved a plan by the City of Maple Grove to obtain infiltration credits for this new development by constructing biofiltration basins adjacent to four existing regional stormwater ponds. Stormwater from areas that developed prior to the infiltration rule is directed to these basins. The Commission agreed that these new infiltration basins are adequate to provide regional infiltration for the 553 acres of “undeveloped area” (SC2010-04). The subject project is located within the “undeveloped area” and, therefore, meets Commission volume control treatment requirements. To obtain sustainability credits, the applicant proposes to infiltrate runoff from new impervious area directed to the southwestern pond.

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. Runoff from the site is proposed to be routed through multiple BMPs on site. The northern portion of the site is routed to a NURP pond. The southwestern portion is routed to an irrigation re-use pond that outlets to a pond with an infiltration bench that receives runoff from the rest of the site. The applicant has provided existing load calculations using the MPCA Loading calculator and a MIDS model for proposed conditions. The applicant 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 through three stormwater ponds. The site discharge points are southeast to an existing storm pipe that flows to Eagle Lake and then south to the I-94 ditch. Design or model revisions are necessary to understand if rate control is met at the southwest discharge point. The applicant does not meet Commission rate control requirements.

The erosion control plan includes a rock construction entrance, perimeter silt fence/biolog, inlet protection, rip rap at inlets, slope checks, silt fence surrounding detention ponds/infiltration basins, and



native seed specified on the pond slopes. The erosion control plan meets Commission requirements.

The National Wetlands Inventory identifies one wetland in the center of the site. The City of Maple Grove is the LGU for Wetland Conservation Act administration and applied for a no-loss application for this and other wetlands within the GMA. The Technical Evaluation Panel (TEP) reviewed the application and determined "...based on aerial photo review from 1940-2023 that the GMA undergoes extensive excavation, dewatering, stockpiling, and reclamation processes and that basins in the GMA historically and currently undergo conversion and manipulation and meet the definition of...'nonwetland'." The applicant meets Commission wetland requirements.

There are no Public Waters on-site. The applicant meets Commission Public Waters requirements.

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

The northwest corner of the site is in a Drinking Water Supply Management Area (DWSMA) but is outside of the Emergency Response Area. The applicant does not propose any infiltration within the DWSMA. The applicant meets Commission drinking water protection requirements.

A public hearing on the project was conducted on May 30, 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 Maple Grove was not provided.

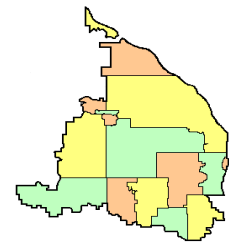
Motion by Schoch, second by Jaeger to advise the City of Maple Grove that Project 2023-07 is approved with three conditions:

1. Show that rate control is satisfied at all site discharge locations. Currently, it is not clear if rate control is satisfied at the southwest discharge location. Increase storage or pipe capacity to prevent model errors and show that rate control is satisfied.
2. Provide a complete O&M agreement between the applicant and the City of Maple Grove for all stormwater facilities on the project site.
3. Demonstrate by double ring infiltrometer or witness test that the site can meet the design infiltration rate of 0.8 inches/hour for the infiltration bench.

Motion carried unanimously.

B. 2023 CIP.* The Commissions had previously established maximum proposed levies for the 2023 Capital Improvement Program (CIP). The next step in the process is to call for a public hearing on those projects and programs the Commissions desire to move forward. The final step in the CIP process will be to hold a public hearing on the proposed projects. This should occur at the Commissions' regular September 14, 2023, meeting. At that time the Commissions will formally order the projects and certify levies to Hennepin County. A copy of the legal notice* is included in the meeting packet.

1. **Shingle Creek 2023 CIP Projects (2024 levy).**
 - a. **Cost Share Fund.** This annual project provides cost sharing to retrofit voluntary BMPs on city property. The TAC developed policies and procedures to administer these funds and makes recommendations to the Commission on which projects should be funded. The annual levy is \$100,000,



to be matched at least one-to-one by a member city or cities. Applications are open until funds are depleted.

b. Partnership Cost Share Fund. This annual project provides cost sharing to retrofit voluntary BMPs on private property. The TAC developed policies and procedures to administer these funds and makes recommendations to the Commission on which projects should be funded. The annual levy is \$50,000, with no match required. Applications are open year-round until the funds are depleted.

c. Maintenance Fund. This program makes funds available for nonstructural practices such as, but not limited to, rough fish management; invasive aquatic vegetation control; alum treatment touch-up; native aquatic vegetation translocation; and maintenance of Commission- installed projects for which a member City is not specifically responsible.

d. Pike Creek Stabilization. A joint project between the cities of Plymouth and Maple Grove would stabilize eroding streambank along Pike Creek near its discharge point into Pike Lake, and upstream of Hemlock Lane.

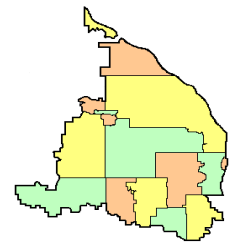
e. Brookdale Park Natural Channel Phase 1. This project would remainder about 5,000 feet of Shingle Creek between a drop structure in Brookdale Park and Xerxes Avenue to improve water quality, enhance habitat, and restore natural form and function. In addition, bank stabilization improvements would be made to about 2,000 feet of Shingle Creek between Xerxes Avenue and Palmer Lake. Levy funding will be phased over multiple years; this is phase 1.

2023 Capital Improvement Program

Project	Total Est Cost	City/Private	Grant	Comm Share	Total Levy
Cost share (city projects)	\$200,000	\$100,000	0	\$100,000	\$106,050
Partnership cost share (private projects)	50,000	0	0	50,000	\$53,025
Maintenance fund	50,000	0	0	50,000	\$53,025
Pike Creek Stabilization	395,000	290,000	0	105,000	111,350
Brookdale Park Natural Channel phase 1	625,000	0	0	625,000	662,815
Subtotal	\$1,320,000	\$390,000	\$0	\$930,000	\$986,265
5% additional for legal/admin costs				46,500	
Subtotal				976,500	
TOTAL LEVY (101% for uncollectable)				\$986,265	
Cost share (city projects)	\$100,000	\$50,000	0	\$50,000	\$53,025
Partnership Cost Share	100,000	0	0	100,000	106,050
Subtotal	\$200,000	\$50,000	\$0	\$150,000	\$159,075
5% additional for legal/admin costs				7,500	
Subtotal				157,500	
TOTAL LEVY (101% for uncollectable)				\$159,075	

2. West Mississippi 2023 CIP Projects (2024 levy).

a. Cost Share Fund. This annual project provides cost sharing to retrofit voluntary BMPs on city property. The TAC developed policies and procedures to administer these funds and makes recommendations to the Commission on which projects should be funded. The annual levy is \$50,000, to be matched at least one-to-one by a member city or cities. Applications are open until funds are depleted.



b. Partnership Cost Share Fund. This annual project provides cost sharing to retrofit voluntary BMPs on private property. The TAC developed policies and procedures to administer these funds and makes recommendations to the Commission on which projects should be funded. The annual levy is \$100,000, and funding does not require a match. Applications are open year-round until the funds are depleted.

Motion by Schoch, second by Wills to call for a public hearing as prescribed above. *Motion carried unanimously.*

Motion by Jaeger, second by Collins to call for a public hearing as described above. *Motion carried unanimously.*

C. Closed Project Policy.* At the July meeting, the West Mississippi Commission adopted a Closed Projects Account Policy similar to Shingle Creek's with one exception. The Shingle Creek policy, which was adopted in 2012, included a provision to cap the maximum fund balance at \$100,000, whereas the West Mississippi Commission thought that balance was too low and adopted a target balance cap of \$200,000.

The Shingle Creek Commissioners present agreed that given the increase in the cost of completing projects since 2012, \$200,000 was reasonable and requested that this policy be brought back with such a revision to make it consistent with the West Mississippi policy.

Included in the meeting packet is the proposed revised policy.* It makes two adjustments: it changes the \$100,000 cap to \$200,000 and replaces the word "will not" with "should not" in Section V: "Money ~~will~~ should not be accumulated to an amount in excess of \$200,000 unless a specific use for such funds has been identified." This clarifies that the cap is a guideline, not an absolute limit.

Motion by Schoch, second by Jaeger to adopt the Closed Project Policy as revised. *Motion carried unanimously.*

D. Gaulke Pond.* The Shingle Creek Commission requested Stantec to evaluate opportunities to reduce stormwater runoff volume to Gaulke Pond. As part of this effort, they have reviewed the available data, conducted a field reconnaissance visit, and conducted a desktop-based evaluation of potential sites within the Gaulke Pond subwatershed that could be retrofit to include a volume-reduction best management practice (BMP).

The memorandum* included in the meeting packet summarizes the project background, watershed changes, opportunity locations and BMPs considered, and ranking of potential BMPs. At their meeting earlier today, the Technical Advisory Committee (TAC), based on the ranking, recommended Stantec to proceed with 30% design of Opportunity A2 – the larger of the two infiltration trenches identified on Colorado Avenue.

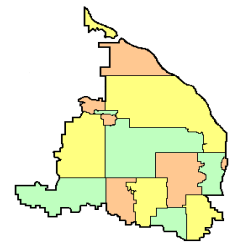
Motion by Schoch, second by Jaeger to authorize Staff to proceed with Opportunity A2 at an anticipated cost of \$130,326. *Motion carried unanimously.*

VII. EDUCATION AND PUBLIC OUTREACH.

A. The **West Metro Water Alliance (WMWA)** will meet via Zoom at 8:30 a.m., September 12, 2023.

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

[Butcher departed 2:28 p.m.]



VIII. GRANT OPPORTUNITIES.

Eagle and Pike Lakes are both impaired for nutrients and have a published TMDL (2010). The TMDL specifies that sediment and phosphorus loads from Pike and Eagle lakes need to be reduced by approximately 57% and 22%, respectively. Stantec has determined that internal load treatment is necessary in order to meet those reductions. At the July meeting the Commission directed Staff to draft a **2024 CWF grant application** for internal loading treatments on both lakes. The grant application also includes aquatic invasive species (AIS) management, monitoring, public engagement, and project management.

This project would improve water quality and biotic integrity in Eagle and Pike Lakes in Maple Grove and Plymouth. Two alum treatments are proposed for each lake to seal the sediments and significantly reduce internal phosphorus load. An invasive curly-leaf pondweed will be treated to help restore and enhance the native submerged aquatic vegetation communities. Eagle Lake is a highly popular 290-acre recreational lake with an active lake association and public access. The 58-acre Pike Lake, which is connected to Eagle via a short channel and fringing wetlands, is a natural environment lake, and about two thirds of its shoreline is located within Eagle Lake Regional Park. Proposed measurable outcomes are: 164 and 143 pounds of phosphorus per year removed from Eagle Lake and Pike Lake, respectively.

Stantec has conservatively estimated aluminum sulfate treatment costs on both lakes, in addition to the other management tasks described above. Total project cost is estimated to be \$680,000. The minimum match requirement for the CWF Project and Practices grant fund is 10%, or about \$68,000. Staff recommends that the Commission consider offering a match of \$190,000, the amount set aside in the CIP for the Eagle Lake share of the project. The application text is not complete but will be refined in the coming weeks. Applications are due August 24, 2023.

Eagle Lake would be the largest lake on which the Commission has done an alum application. In addition, alum costs have risen in recent years and are based on the market at the time of contracting. Though project cost is high, the Commission has had great success implementing alum treatments and achieving improved water quality on watershed lakes. BWSR has increasingly been awarding CWF funds to large projects, thus Staff believe this application will be competitive.

Motion by Wills, second by Spoden to complete and submit the application for 2024 Clean Water funding with a \$190,000 local match, as outlined above. *Motion carried unanimously.*

IX. COMMUNICATIONS.

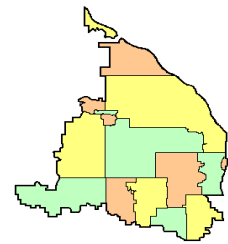
A. July Communications Log.* No items required action.

An article* in the *Sun Post* entitled, "**Treatment appears to curb Meadow Lakes' curly-leaf infestation,**" was reprinted for the packet.

B. August 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. The draft Environmental Impact Statement is currently scheduled to be released for public comment this fall 2023.

2. Minnesota Stormwater Research Council Tour. Stantec staff attended a tour of Minnesota Stormwater Research Council sites on July 20, 2023. Current research initiatives include:



- a. Stormwater reduction and pollutant sourcing from urban trees
- b. Understanding solids loading in Minnesota stormwater
- c. Iron enhanced sand filters performance and maintenance assessment
- d. Evaluation of high-volume stormwater filtration media effectiveness for removal of phosphorus and other pollutants, and
- e. Four sites for urban pond research.

Stantec is the lead investigator for one of the urban pond research studies. Recent studies have documented the prevalence of internal phosphorus loading from stormwater pond sediments. Therefore, this study aims to quantify export of phosphorus from different types of stormwater ponds and offer new pond design guidance to improve performance. The second part of this study is to determine if the harmful algal blooms (HABs) that originate within a stormwater pond can be exported to downstream waterbodies, and if cyanobacteria and cyanotoxins can survive after being discharged from the pond and traveling through the stormwater conveyance systems.

3. County Actions: Maximum Levy. The Public Works Committee of the Hennepin County Board reviewed and recommended that the full County Board approve the maximum levies proposed by each Commission. The County Board approved the maximum levies on August 8, 2023.

4. Legal Boundary Update. Hennepin County expects to use the updated boundaries for taxes payable 2024 and will confirm when the process of updating the taxing boundaries is completed.

5. Eagle Lake Subwatershed Assessment. In-lake sediment evaluations are complete for Eagle and Pike Lakes and suggest a need for alum treatment in these lakes. For watershed load reductions, the set of potential projects prioritized based on water quality impact and cost will be presented in September to select one project to move forward to concept design. Refer to Item VIII. for more information.

6. Gaulke Pond Subwatershed Assessment. Stantec has completed assessment and ranking of potential practices. Refer to Item IV.D. for more information and next steps.

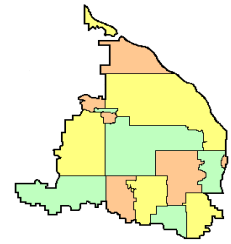
7. Shingle Creek Brookdale Park Remeander. Stantec presented two (2) conceptual plans with concept level costs to the Technical Advisory Committee (TAC) in July for feedback. At that time, the TAC recommended that the City of Brooklyn Park review the concepts and respond with additional comments prior to progressing final recommendations. Stantec met with City staff and discussed revisions based on City feedback and the potential to support City staff with a public engagement process to receive community feedback on the concepts.

8. Shingle Creek Trail Bank Stabilization and Fish Access Improvements. Stantec presented one conceptual plan with concept level costs to the TAC in July for feedback. At that time, the TAC recommended that the City of Brooklyn Park review the concept and respond with comments prior to progressing final recommendations. Stantec met with City staff and discussed revisions based on City feedback and the potential to support City staff with a public engagement process to receive community feedback on the concepts.

X. OTHER BUSINESS.

A. Spoden informed the Commissions of the resignation of Brooklyn Park Commissioner **Alex Albrigtsen Prasch**.

B. Roach informed the Commissions of the death of former Osseo Commissioner **Harold Johnson**.



C. Spector informed the Commission that **Katie Kowalczyk**, Minneapolis TAC member, is leaving the City.

There being no further business before the Commissions, the joint meeting was adjourned at 2:37 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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