

MEETING MINUTES

August 11, 2022

(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 12:50 p.m. on Thursday, August 11, 2022, in the Aspen Room, Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN.

Present for Shingle Creek were: Burt Orred, Jr., Crystal; Karen Jaeger, Maple Grove; Ray Schoch, Minneapolis; Bob Grant, New Hope; John Roach, Osseo; Andy Polzin, Plymouth; Wayne Sicora, Robbinsdale; Diane Spector, Todd Shoemaker, Chris Meehan, and Katie Kemmitt, Stantec; Troy Gilchrist, Kennedy & Graven; and Judie Anderson, JASS.

Not represented: Brooklyn Center and Brooklyn Park.

Present for West Mississippi were: Melissa Collins, Brooklyn Park; Gerry Butcher, Champlin; Karen Jaeger, Maple Grove; John Roach, Osseo; Diane Spector, Todd Shoemaker, Chris Meehan, and Katie Kemmitt, Stantec; Troy Gilchrist, Kennedy & Graven; and Judie Anderson, JASS.

Not represented: Brooklyn Center.

Also present were: Mike Albers, Brooklyn Center; Mark Ray, Crystal; Derek Asche, Maple Grove; Nick Macklem, New Hope; Ben Scharenbroich, Amy Riegel, and Hailey Olson, Plymouth; Richard McCoy and Mike Sorensen, Robbinsdale; and Kris Guentzel, Hennepin County Environment and Energy.

II. Agendas and Minutes.

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

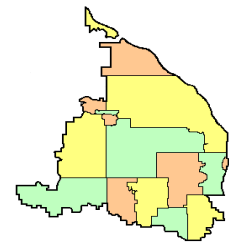
Motion by Butcher, second by Roach to approve the **West Mississippi agenda**.* *Motion carried unanimously.*

Motion by Schoch, second by Jaeger to approve the **minutes of the July 14, 2022, regular meeting**.* *Motion carried unanimously.*

Motion by Roach, second by Collins to approve the **minutes of the July 14, 2022, 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 \$74,018.02. Voting aye: Orred, Jaeger, Schoch, Grant, Roach, Polzin, and Sicora; voting nay: none; absent: Brooklyn Center and Brooklyn Park.



B. Motion by Butcher, second by Roach to approve the **West Mississippi August Treasurer's Report* and claims** totaling \$21,964.60. Voting aye: Collins, Butcher, Jaeger, and Roach; voting nay: none; absent: Brooklyn Center.

IV. Open Forum.

V. Project Reviews.

A. SC2022-05: North 100 Business Park, Brooklyn Center.* Redevelopment of former Sears store in the Brookdale Mall into a two-building commercial park on an approximately 17-acre site located at 1297 Shingle Creek Crossing. A complete project application was received on July 7, 2022.

To comply with the Commission's water quality treatment requirement, the site must provide ponding designed to NURP standards with dead storage volume equal to or greater than the volume of runoff from a 2.5" storm event, or BMPs providing a similar level of treatment - 85% TSS removal and 60% TP removal. Infiltrating 1.3-inches of runoff, for example, is considered sufficient to provide a similar level of treatment. If a sump is used the MnDOT Road Sand particle size distribution is acceptable for 80% capture. Runoff from the site is proposed to be routed to a filtration and infiltration basins. The applicant meets Commission water quality treatment requirements.

Commission rules require that site runoff be limited to predevelopment rates for the 2-, 10-, and 100-year storm events. Runoff from the site is routed to a SE basin, Highway 100, and the Frontage Road. The applicant meets Commission rate control requirements.

Commission rules require the site to infiltrate 1.0 inch of runoff from the new impervious area within 48 hours. The new impervious area on this site is 12.9 acres, requiring infiltration of 1.1 acre-feet within 48 hours. The applicant proposes filtration and infiltration basins. The filtration and infiltration basins have a combined 1.6 acre-feet of capacity to filter/infiltrate the required volume within 48 hours. The applicant meets Commission volume control requirements.

The erosion control plan is included with a rock construction entrance, perimeter silt fence/biolog, silt fence surrounding detention ponds/infiltration basins, inlet protection, rip rap at inlets, slope checks, and native seed specified on the pond slopes. The erosion control plan meets Commission requirements.

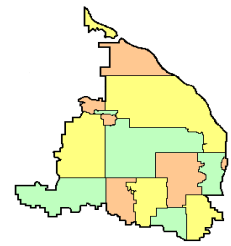
The National Wetlands Inventory does not identify any wetlands on site. The applicant meets Commission wetland requirements. There are no Public Waters on this site. The applicant also meets Commission Public Waters requirements.

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 filtration basin and infiltration basin 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 1 foot of soil, the top four inches of which are amended topsoil, and the bottom eight inches of which are tilled. The applicant meets Commission drinking water protection requirements.

A public hearing on the project was conducted on June 23, 2022, as part of Planning Commission review of this project, meeting Commission public notice requirements.

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



Motion by Schoch, second by Grant to advise the City of Brooklyn Center that Project SC2022-05 is approved subject to the following conditions:

1. Demonstrate by double-ring infiltrometer or witness test that the site can meet the design infiltration rate of 0.8 inches/hour.
2. Provide a complete O&M agreement between the applicant and the City of Brooklyn Center for all stormwater facilities on the project site.
3. Provide an EOF at an elevation of 852.9' with multiple spot elevations around the berm at 853.4.' 100-yr HWL shall be below the EOF and the EOF shall be at least 0.5' below top of berm. Reinforced EOF shall extend to the toe of the slope to prevent erosion.

Motion carried unanimously.

B. WM2022-03 169 Logistics Center, Brooklyn Park.* New development of two industrial buildings with parking lots on a site located in the: southeast corner of Highways 169 and 610. The proposed project is 10.8 acres of undeveloped land. Following development, the site will be 71 percent impervious, an increase of 7.7 acres. A complete Project Review was received on July 6, 2022.

To comply with the Commission's water quality treatment requirement, the site must provide ponding designed to NURP standards with dead storage volume equal to or greater than the volume of runoff from a 2.5" storm event, or BMPs providing a similar level of treatment - 85% TSS removal and 60% TP removal. Infiltrating 1.3-inches of runoff, for example, is considered sufficient to provide a similar level of treatment. If a sump is used the MnDOT Road Sand particle size distribution is acceptable for 80% capture.

Runoff from the site is proposed to be routed to an infiltration basin and three underground infiltration chambers. The applicant meets Commission water quality treatment requirements Commission rules require that site runoff be limited to predevelopment rates for the 2-, 10-, and 100-year storm events. Runoff from the site is directed to an infiltration basin and three underground chambers. The Commission's rate control requirements are met.

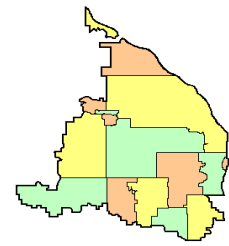
Commission rules require the site to infiltrate 1.0" of runoff from new impervious area within 48 hours. The new impervious area on this site is 7.7 acres, requiring that 0.64 acre-feet be infiltrated within 48 hours. The applicant proposes one infiltration basin and three underground infiltration chambers that provide 1.24 acre-feet and can infiltrate the required volume within 48 hours, which meets Commission requirements.

The NWI 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 floodplain on this site. The low floor elevations of the buildings are at least two feet higher than the high-water elevation of the northern infiltration basin. The Atlas 14 100-year flood elevation is 881' and the adjacent low floor is 888'. The applicant meets Commission floodplain requirements.

An erosion control plan was submitted with the project review and includes rock construction entrance, perimeter silt fence, slope checks, and native seed specified on the pond slopes. The erosion control plan meets Commission requirements.

The site is not located in a Drinking Water Management Area (DWSMA). The applicant meets Commission drinking water protection requirements.



A public hearing on the project was held on July 13th, 2022, 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 Collins, second by Butcher to advise the City of Brooklyn Park that Project WM2022-03 is approved subject to the following conditions:

1. Provide a complete O&M agreement between the applicant and the City of Brooklyn Park for all stormwater facilities on the project site.
2. Demonstrate by double ring infiltrometer or witness test that the site can meet the design infiltration rate of 0.8 inches/hour.
3. The Commission advises Capital Partners Development LLC to complete a chloride management plan and use the following information from the Nine Mile Creek Watershed District as a guideline. [Template-Chloride-Management-Plan_Final.pdf](#) (ninemilecreek.org).

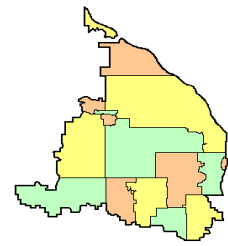
Motion carried unanimously.

VI. Third Generation Watershed Management Plan.*

A. The Commissions had previously established maximum proposed levies for the **2022 Capital Improvement Program (CIP)**. The next step in the process is to receive and discuss feasibility studies for any proposed capital projects and call for a public hearing on those projects and programs that the Commissions wish to move forward. There are no proposed *capital projects* for 2022. The table below shows the annual cost share programs and the new Shingle Creek Project Maintenance Fund that are proposed for levy in 2022, payable 2023.

Shingle Creek West Mississippi 2022 CIP Projects

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	52,025
Subtotal	\$300,000	\$100,000	\$0	\$200,000	\$212,100
5% additional for legal/admin costs				10,000	
Subtotal				210,000	
TOTAL LEVY (101% for uncollectable)				\$212,100	
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	\$150,000	\$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	



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 8, 2022, meeting. At that time the Commissions will formally order the projects and certify levies to Hennepin County.

B. Shingle Creek Projects.

1. 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.

2. 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, and funding does not require a match. Applications are open year-round until the funds are depleted.

3. 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 has not accepted maintenance

Motion by Schoch, second by Grant to call for a public hearing on September 8, 2022, to consider these proposed projects and their levies. *Motion carried unanimously.*

C. West Mississippi Projects.

1. Cost Share Fund. This annual project replicates that of Shingle Creek, above.

2. Partnership Cost Share Fund. This annual project also replicates the corresponding Shingle Creek project, above.

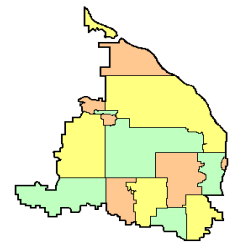
Motion by Roach, second by Collins to call for a public hearing on September 8, 2022, to consider these proposed projects and their levies. *Motion carried unanimously.*

VII. Fourth Generation Watershed Management Plan.

A. Boundary Updates – August 11, 2022.* Technical Advisory Committee (TAC) members received memos* summarizing Stantec's work to date on **revisions to the Shingle Creek and West Mississippi watershed legal boundaries**. Included in the memos are links to Stantec's GIS online map showing the existing and updated legal boundaries as well as the hydrologic boundaries for Shingle, Elm, Bassett and Mississippi watersheds. TAC members are asked to take some time to review and comment on the updated legal boundaries, especially where the Shingle and adjacent hydro boundaries differ.

1. The Commissions established their existing legal boundaries after each was formed in 1984 using parcels and hydrologic data present at that time. Parcel subdivisions, topographic changes, and the construction and modification of stormwater conveyance systems have occurred over the years. The Commission chose to undertake a review of the watershed's legal boundary to ensure the boundary better reflects today's hydrologic conditions.

In Staff's memos they recommend modifications to the legal watershed boundaries to follow the watersheds' hydrologic divides more closely. The Commissions may then petition the Minnesota Board of Water and Soil Resources (BWSR) for a change in the legal boundary (Minnesota Statute 103B.215).



The Shingle Creek watershed shares a boundary with four Watershed Management Organizations (WMOs) within Hennepin County - Elm Creek, West Mississippi, Mississippi, and Bassett Creek. The West Mississippi watershed shares a boundary with two WMOs within Hennepin County – Elm Creek and Shingle Creek. The current and proposed boundaries can be reviewed in more detail through ArcGIS online at [Shingle Creek & West Mississippi Watershed Boundary Updates](#).

GIS software was used to determine which parcels should be evaluated for inclusion within the watershed's legal boundary. For each parcel intersecting with the hydrologic boundary, GIS software calculated the portion of the parcel's area located within the hydrologic boundary. Stantec used this model to determine which parcels should be included in the watershed's jurisdiction following the process detailed below.

- a. Stantec considered a parcel to be inside a watershed legal boundary if over 50% of the parcel was inside the hydraulic boundary.
- b. Stantec digitized a proposed legal boundary in GIS following the boundaries of the parcels identified as over 50% within the hydrologic boundary.
- c. Stantec then confirmed the digitalized legal boundary with a visual review of the entire boundary, comparing the hydrologic boundary, storm sewer networks, and the parcels identified as over 50% within the hydrologic boundary to ensure accuracy of the proposed boundary. Areas of special consideration are described in more detail below.
- d. Stantec compiled a summary of all parcels that were previously in the Shingle Creek or West Mississippi legal boundaries and determined to be outside of them or were previously deemed outside their legal boundaries and now are considered inside.

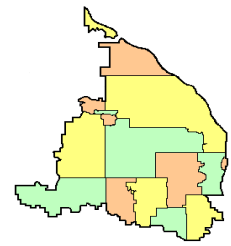
2. Special considerations.

- a. The portion of the legal boundary located within the Mississippi River near 42nd Avenue North was left unchanged.

The portion of the legal boundary within the Mississippi River, the westernmost boundary on the separate northwest portion of the watershed, the eastern boundary just south of the Mississippi River on the eastern portion of the watershed, and the southern boundary east of Humboldt Avenue along 53rd Avenue were left unchanged other than minor corrections to follow current lot lines.

- b. Parcels that had connected housing, such as townhomes, required special consideration where each townhome has its own parcel separate from the parcel of land around the units. In these cases, Staff considered the connected housing units and the land parcel around them as one plot, instead of numerous separate units. These combined plots were included in the legal boundary when more than 50% of their total area, housing and land combined, fell within the hydrologic boundary. Parcels that had connected housing where lots were split by unit to include the surrounding land were also considered one plot, so all units in a connected building would be considered within the legal boundary when more than 50% of the total area, housing and land combined, fell within the hydrologic boundary.

- c. In areas where the hydrologic boundary split parcels to nearly 50%, resulting in the occasional lot in or out along a section of parcels, Staff individually checked the lot using topography and aerial photography to determine at a smaller scale the accuracy of the hydrologic boundary to determine which direction the parcel primarily drains. If topography and aerial photography could not indicate a change in the defined boundary, the line was left as it was originally set.



d. Non-residential plots, such as railroads and parks, were treated the same as residential plots.

e. Available storm sewer network data indicated that a portion of the hydrologic boundary near 55th Avenue and Weston Lane excluded an area that drains into the Shingle Creek watershed. A review of the development plans confirmed that this area all drains to a pond within the Shingle Creek boundary. Stantec updated the legal boundary in this development to include those parcels draining into the watershed.

f. The Elm Creek watershed hydrologic boundary data showed the boundary running from Zachary Lane east along 101st Ave. then following Nathan Lane north to 109th Ave. However, available storm sewer and topographic data indicate that a portion of that area outside the boundary identified by Elm Creek watershed actually flows into the West Mississippi watershed. Stantec updated the West Mississippi hydraulic boundary adjacent to 101st Ave North and Nathan Lane North to include those areas draining into the watershed. The proposed legal boundary is based on this new hydrologic boundary through this area.

3. **Implications.** The proposed Shingle Creek Watershed legal boundary more accurately reflects the current hydrologic boundary. With a change to this updated boundary, parcels will change watershed jurisdiction, either into Shingle Creek or into an adjacent watershed.

The proposed West Mississippi Watershed legal boundary more accurately reflects the current hydrologic boundary. With a change to this updated boundary, parcels would be moved either into West Mississippi or into an adjacent watershed.

4. **Next Steps.**

a. **August:** review boundary update with member city staff; update boundary based on member city staff comments; prepare letter of concurrence template for member cities and adjacent WMOs.

b. **September:** present boundary final draft at Commission meeting; send final draft boundary files and letter of concurrence template to member cities and adjacent WMOs, requesting review by September 30, 2022.

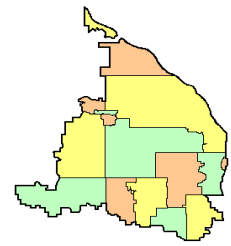
c. **October:** update boundaries based on comments from member cities and adjacent WMOs; review by Commissions' attorney.

d. **November:** present final update at Commission meeting, requesting authorization to submit to BWSR; coordinate review and approval with BWSR.

B. **Joint Powers Agreements.** Gilchrist discussed the status of the agreements, which expire on December 31, 2024. He inquired as to whether there was a consensus to review the documents at this time, noting that there will be a need to update the agreements to reflect more accurately what the Commissions are currently doing. He proposed that he and Spector confer to discuss this topic in greater depth. The subject of merging the Commissions should also be a topic for a future meeting.

VIII. **Water Quality.**

A. Meehan presented the 60% design plans for the **Palmer Creek Estates stream stabilization project.*** The project site is located between Larch Lane, Schmidt Lake Road, and the Soo Line Railroad, up stream of Bass Lake in Plymouth, and will impact approximately 1300 linear feet of channel and remove accumulated sediment in a 0.2 acre wetland. Restoration practices are aimed at stabilizing medium to severely



eroded and undercut banks; limit channel widening in order to restore natural channel width and hydraulics,; control channel grades, and stabilize FES outlets. The project is being funded \$384,000 by a Clean Water Implementation Grant and \$81,000 by the Commission, for a total of \$465,000. Construction will occur during the winter of 2022-2023.

B Scharenbroich presented the **Plymouth/Maple Grove Pike Creek Restoration Project.*** Proposed improvements will address bank erosion and stream blockages. Sediment dredging will address water quality, bank erosion and sediment and debris removal. A tree removal process will include evaluating diseased and hazardous trees, identifying those impacting stream flow and impacted by bank erosion improvements areas. The total project cost is \$395,500). Funding partners include the cities of Maple Grove (\$103,100) and Plymouth (\$47,400), the Board of Water and Soil Resources Clean Water Fund (\$150,000), and the Commission (\$95,000).

C. Crystal Lake Management Plan.* Kemmit reported the second year of carp management on Crystal Lake ended on July 20, 2022. WSB executed six removal events and removed over 3,500 fish from the lake, bringing the total number of carp removed in 2021-2022 to over 7,500. The second alum treatment is scheduled for Fall 2022. In her presentation Kemmit showed some water quality and sediment data collected from the lake in 2022 and provided an update on project progress.

D. Bass Lake Vegetation Improvements.* On July 27 Stantec, the DNR, volunteers from the Bass Lake Improvement Association and Schmidt Lake, and the City of Plymouth worked together to harvest and introduce native, desirable aquatic plants to Bass Lake. Twelve native species were collected from Big Carnelian Lake near Stillwater by snorkeling and wading. Plants brought back to Bass Lake were "planted" in burlap mats and secured to the lake bottom in fenced-off plots. Staff will check the plots periodically throughout the rest of the summer to see what plants have success in Bass Lake.

IX. Grant Opportunities*

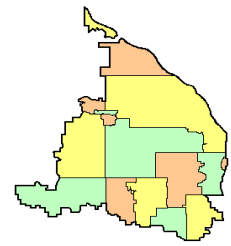
A. The Clean Water Fund Projects and Practices grant applications are due August 22, 2022. The Commission authorized completion of an application for a project in Brooklyn Park, The West Mississippi River Shoreline Stabilization project. This is a joint Brooklyn Park/Hennepin County project to stabilize severely eroding riverbanks on seven properties just west of Banfill Island. The application had previously been submitted by the City, but did not get funded.

To emphasize and make clearer that this project is also a priority for the Commission, the Commission is now the applicant. The Commission had previously adopted a Partnership Cost Share Program and clearly specified that the funds could be used for high priority riverbank projects under certain conditions, which this project meets. Should this application be funded, as is typical of Commission grant-funded projects, the City and Commission would execute a subgrant agreement whereby the Commission agrees to pass the grant funding through to the City and the City agrees to take on all the responsibilities of the grant agreement.

A draft of the application* is included in the meeting packet. Staff is still working on the draft and there will likely be some additional wordsmithing prior to its submittal. The grant amount requested is \$603,000; the grant match amount is \$281,000.

Motion by Roach, second by Jaeger authorizing Staff to submit this application. *Motion carried unanimously.*

B. The joint **WBIF Convene Committee** will meet in the coming weeks to finalize funding for the Education & Outreach contracted coordinator position.



X. Education and Public Outreach.

The West Metro Water Alliance (WMWA) will meet via Zoom at 8:30 a.m., September 13, 2022.

XI. Communications.

A. Staff Report. See Water Quality Report (Item VIII., above).

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

XII. Other Business.

XIII. Adjournment. There being no further business before the Commissions, the joint meeting was adjourned at 2:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Judie A. Anderson". The signature is written in a cursive style.

Judie A. Anderson
Recording Secretary
JAA:tim

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