

MINUTES
Regular Meeting and Public Hearing
September 8, 2016

(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 on Thursday, September 8, 2016, at 1:20 p.m., at the Clubhouse at Edinburgh, USA, 8700 Edinbrook Crossing, Brooklyn Park, MN.

Present for Shingle Creek were: David Mulla, Brooklyn Center; John Roach, Brooklyn Park; Janet Moore, Crystal; Karen Jaeger, Maple Grove; Bill Wills, New Hope; Andy Polzin, Plymouth; Wayne Sicora, Robbinsdale; Troy Gilchrist, Kennedy & Graven; Ed Matthiesen, Wenck Associates, Inc.; and Judie Anderson, JASS. *Not represented:* Minneapolis and Osseo.

Present for West Mississippi were: David Mulla, Brooklyn Center; John Roach, Brooklyn Park; Gerry Butcher, Champlin; Karen Jaeger, Maple Grove; Troy Gilchrist, Kennedy & Graven; Ed Matthiesen, Wenck Associates, Inc.; and Judie Anderson, JASS. *Not represented:* Osseo.

Also present were: Dave Vlasin and Shelley Marsh, Brooklyn Center; Jesse Struve, Brooklyn Park; Todd Tuominen, Champlin; Mark Ray, Crystal; Rick Lestina, Maple Grove; Elizabeth Stout, Minneapolis; Megan Albert and Bob Paschke, New Hope; Ben Scharenbroich, Plymouth; Richard McCoy, Robbinsdale; and Tom Mathisen, visitor.

The meeting was preceded at 12:35 p.m. by a presentation by David Weirens, Associate Director Programs and Policy for the Board of Water and Soil Resources. Weirens provided an update on the status of the State Buffer Law and what can be expected over the next few years. The timeline for buffers to be in place on all public waters is November 1, 2017; for all public drainage systems to be in place is November 1, 2018. More information on the new buffer law can be obtained at www.bwsr.state.mn.us/buffers/. A link will be created on the Commissions' website.

II. **Agendas and Minutes.**

Motion by Moore, second by Sicora to approve the revised **Shingle Creek agenda**.* *Motion carried unanimously.*

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

Motion by Moore, second by Jaeger to approve **the minutes of the August 11, 2016 Shingle Creek regular meeting**.* *Motion carried unanimously.*

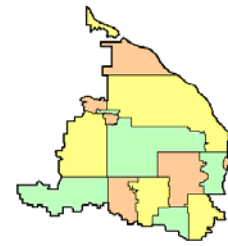
Motion by Roach, second by Butcher to approve the **minutes of the August 11, 2016 West Mississippi regular meeting**.* *Motion carried unanimously.*

III. **Finances and Reports.**

A. Motion by Jaeger, second by Moore to approve the **Shingle Creek Treasurer's Report**.* *Motion carried unanimously.*

Motion by Moore, second by Wills to approve the **Shingle Creek September claims**.* Claims totaling \$46,656.77 were *approved by roll call vote*: ayes – Mulla, Roach, Moore, Jaeger, Wills, Polzin, and Sicora; nays – none; absent – Minneapolis and Osseo.

*items are included in meeting packet



B. Motion by Butcher, second by Roach to approve the **West Mississippi Treasurer's Report.*** *Motion carried unanimously.*

Motion by Jaeger, second by Mulla to approve the **West Mississippi September claims.*** Claims totaling \$7,480.00 were *approved by roll call vote: ayes – Mulla, Roach, Butcher, and Jaeger; nays – none; absent – Osseo.*

[The meeting was suspended at 1:25 p.m.]

IV. Public Hearing - 2016 Capital Improvement Projects.

A. On August 11, 2016 the Shingle Creek and West Mississippi Watershed Management Commissions received feasibility reports on two proposed projects, 2016-02 Shingle Creek Iron and Biochar-Enhanced Sand Filter Retrofits and 2016-05 West Mississippi Iron and Biochar-Enhanced Sand Filter Retrofits and chose to proceed with those projects. The Commissions also chose to proceed with the annual cost-share projects: 2016-01 Shingle Creek Retrofit Projects, 2016-03 Shingle Creek Priority BMP Retrofit Projects, and 2016-04 West Mississippi Retrofit Projects. At that August meeting the Commissions called for a public hearing on September 8, 2016 to consider all five projects. The purpose of the hearing is to present the proposed projects and proposed financing and to take comment from the member cities and the public. No comments were received prior to the meeting.

B. Staff's September 2, 2016 memo* describes the five projects.

1. Project: 2016-01, Shingle Creek Retrofit Projects.

Location: Within the Shingle Creek watershed.

Description: Small BMPs such as iron-enhanced pond filter benches; bioinfiltration basins; native buffers; and tree trenches that can be retrofit in existing areas to provide additional infiltration and water quality treatment.

Cost: The estimated project(s) cost is \$200,000, with \$100,000 borne by the city(ies) in which the project(s) are located. The Shingle Creek Commission proposes to fund a matching \$100,000 by certifying this cost to Hennepin County for collection with the county ad valorem tax levy.

AC/Staff Recommendation: Recommends that the Shingle Creek Commission order the project and that cost share projects be solicited and selected based on the Cost-Share Program Guidelines.

2. Project: 2016-02 Iron and Biochar-Enhanced Sand Filter Retrofits.

Location: In three locations in ponds in Crystal, Minneapolis, and Robbinsdale.

Description: Modify three existing stormwater treatment ponds with enhanced Minnesota Filter benches. Monitor inflow, outflow, and ambient water quality to assess effectiveness of filters.

Cost: The estimated project cost is \$364,300 with \$154,300 funded by a grant from the MPCA. The Shingle Creek Commission proposes to fund the balance of \$210,000 by certifying this cost to Hennepin County for collection with the county ad valorem tax levy.

TAC/Staff Recommendation: Recommends that the Shingle Creek Commission order the project.

3. Project 2016-03 Shingle Creek Priority BMP Retrofit Projects

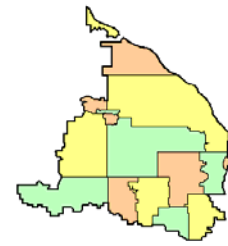
Location: Within the Shingle Creek watershed.

Description: Provide cost-share incentives to public and private property owners for BMP retrofit projects.

Cost: The estimated project(s) cost is \$100,000, with \$50,000 borne by city(ies) in which project(s) are located. The Shingle Creek Commission proposes to fund a matching \$50,000 by certifying this cost to Hennepin County for collection with the county ad valorem tax levy.

TAC/Staff Recommendation: Recommends that the Shingle Creek Commission order the project and that cost share projects be solicited and selected based on the Cost-Share Partnership Program Guidelines.

*items are included in meeting packet



4. Project: 2016-04 Iron and Biochar-Enhanced Sand Filter Retrofits.

Location: In one location on a pond in Champlin

Description: Same as 2016-02 above.

Cost: The estimated project cost is \$125,075, with \$45,075 funded by a grant from MPCA. The West Mississippi Commission proposes to fund the balance of \$80,000 by certifying this cost to Hennepin County for collection with the county ad valorem tax levy.

TAC/Staff Recommendation: Recommends that the West Mississippi Commission order the project.

5. Project: 2016-05, West Mississippi Retrofit Projects

Location: Within the West Mississippi watershed.

Description: Same as 2016-01 above.

Cost: The estimated project(s) cost is \$100,000, with \$50,000 borne by the city(ies) in which the project(s) are located. The West Mississippi Commission proposes to fund a matching \$100,000 by certifying this cost to Hennepin County for collection with the county ad valorem tax levy.

TAC/Staff Recommendation: Recommends that the West Mississippi Commission order the project and that cost share projects be solicited and selected based on the Cost-Share Program Guidelines.

For typical capital improvement projects, the Commissions order the projects and then enter into a cooperative agreement with one or more member cities who then serve as lead agency and manage project construction. However, projects 2016-02 and 2016-04 are unique in that they are not true capital improvement projects but are instead research projects testing the efficacy of a new BMP so that the Commissions may make technical recommendations to the member cities regarding its use. The filter benches will slightly modify existing ponds, so no new infrastructure is being created. In this case the Commissions' attorney believes the Commission has authority granted to it under Section VI. Subparts 12 and 13 of the Joint Powers Agreement to act as the lead agency for the installation of these BMPs: Given the unique nature of these projects, staff and attorney recommend that the Commissions execute Memoranda of Understanding with Crystal and Champlin similar to the MOU requested by the MPRB and approved by the Commissions in August. By these MOUs the cities allow the Commissions to modify their existing ponds with the proposed filter benches and undertake effectiveness monitoring. An MOU has not yet been developed for the Robbinsdale project since the site is a MnDOT pond.

C. The public meeting was convened at 1:49 p.m.

No comments were received from the member cities.

[The public meeting was closed at 1:54 p.m.]

The Commissioners made some brief comments following the hearing. Of concern was inclusion of language in the MOUs regarding duration of projects and exit strategies. Staff responded that the nature of these projects was too indeterminate to include such language

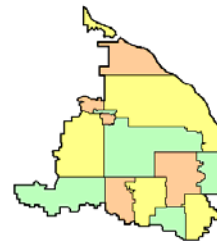
D. Motion by Jaeger, second by Wills to approve **Resolution 2016-02 Ordering the 2016 Improvements ... Pursuant to Minnesota Statutes, Section 103B.251.*** The motion was *approved unanimously by those cities present, absent – Minneapolis and Osseo.*

Motion by Butcher, second by Jaeger to approve **Resolution 2016-02 Ordering the 2016 Improvements ... Pursuant to Minnesota Statutes, Section 103B.251.*** The motion was *approved unanimously by those cities present, absent – Osseo.*

E. Motion by Sicora, second by Moore to approve the **Memorandum of Understanding** between the City of Crystal and the Commission as it pertains to Project 2016-02. *Motion carried unanimously.*

Motion by Butcher, second by Roach to approve the **Memorandum of Understanding** between the City of Champlin and the Commission as it pertains to Project 2016-04. *Motion carried unanimously.*

*items are included in meeting packet



The regular meeting resumed at 2:02 p.m.

V. Open Forum.

VI. Project Review.

WM2016-07 Riverview Estates Second, Brooklyn Park.* Subdivision of three single-family lots and construction of two new homes on 2.0 acres on a site located at 8450 and 8500 Riverview Lane. Following development, Lot 1 will be 15% impervious, Lot 2 14% impervious, and Lot 3 unchanged, for a total increase of 0.08 acres. A complete project review application was received on August 26, 2016.

To comply with the Commission's water quality treatment requirement, runoff from the site is proposed to be routed over turf grass. The applicant meets Commission water quality treatment requirements. Commission rules also require that site runoff be limited to predevelopment rates for the 2-, 10-, and 100-year storm events. The majority of the site by observation will be directed to flow over turf.

Commission rules further require the site to infiltrate 0.5" of runoff from new impervious area within 48 hours. The new impervious area on this site is .08 acres, requiring that soils need to be amended in all disturbed areas to meet Commission requirements.

The NWI does not identify any wetlands on site. There are Public Waters on this site. The site is adjacent to the Mississippi River. There is no floodplain on this site.

All structures are proposed to be built outside of the OHW and outside of the bluff setback.

An erosion control plan was submitted with the project review, and includes perimeter silt fence. The erosion control plan meets Commission requirements.

A public hearing on the project has been conducted as part of Planning Commission and City Council review of this project, meeting Commission public notice requirements.

Following discussion, motion by Jaeger, second by Butcher to advise the City of Brooklyn Park that project WM2016-06 is tabled pending the following:

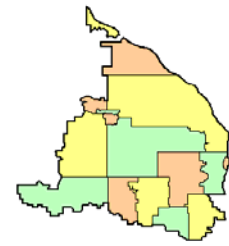
1. Soil amendments per the Commission's BMP standard detail will be made in all areas of soil disturbance.
2. Confirmation that the proposed houses are correctly located per the bluff and river setback requirements. (See Note below.)
3. Confirmation that the proposed houses will not be subject to groundwater flow issues. (See Note below.)

Motion carried unanimously.

Note: The project is within the Mississippi River Critical Corridor Area. The requirements are building setbacks of 40' from the top of bluff and 100' from the OHW (Ordinary High Water). The existing house to be demolished is within both the bluff and OHW setback. The proposed houses are beyond the setback requirements. The Commissioners questioned whether the setback was correct and if it should be 200'. Following the meeting it was confirmed with the Minnesota DNR Wild and Scenic River Legislation and a phone call with Cindy Sherman, City of Brooklyn Park Planning Director, that the setbacks as shown on sheet 3 of 4 are correct at 40' from the top of bluff and 100' from the Ordinary High Water (OHW). The 200' setback from the river applies to Rural Open Space. There is no rural open space in Brooklyn Park or the West Mississippi Watershed.

Note: The Commissioners also questioned whether the new homes would be subjected to groundwater flow through their basements. Following the meeting it was confirmed with

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Sherman that the existing home that is to be torn down located in the middle of the lot split has had no record of wet basement issues.

[Sicora departed 2:24 p.m.]

VII. Water Quality.

Model Snow and Ice Policy.* At last month's meeting the Commissioners received correspondence from Steve Woods, Executive Director of the Freshwater Society, asking if the Commissions would be willing to join a consortium of other WMOs to provide a state-of-the-art model snow and ice removal policy for municipal use. A Technical Advisory Committee comprised of representatives from seven cities, three watershed districts, the Minnesota Nursery and Landscape Association, the Minnesota Pollution Control Agency, Fortin Consulting, and the Freshwater Society has been meeting and has crafted a third draft of the proposed policy. The Freshwater Society is asking the Commissions to consider a financial contribution of \$1500 to help fund their scope of work. This request was tabled to the September meeting in order to allow the Commissioners time to review the draft policy with their city staffs.

Motion by Wills, second by Jaeger to decline to fund this project. Motion carried unanimously.

Motion by Mulla, second by Butcher to decline to make a contribution to this project. Motion carried unanimously.

VIII. Education.

A. The next **West Metro Water Alliance (WMWA) meeting** is scheduled for September 13, 2016.

B. Minnesota Water Resources Conference,* October 18-19, 2016, Saint Paul RiverCentre. Register at wrc.umn.edu/waterconf

IX. Grant Opportunities and Updates.

Matthiesen provided updates regarding the grant-related projects.

A. Iron- and Biochar-Enhanced Sand Filter Bench Pond Retrofits. The pond shelf projects for all four pond sites have been designed and are being sent out for quotes. The Commissions authorized a Memorandum of Understanding with the Minneapolis Park and Recreation Board (MPRB) to approve retrofitting an MPRB pond at Creekview Park with a filter as well as locating the temporary filter bed in a Jobox at the Webber Park Falls. When the MOU is executed by MPRB (expected later this month) that site will be good to go.

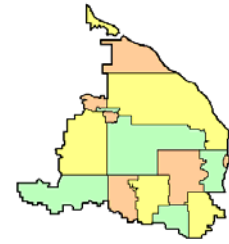
Another of the sites is a MnDOT pond at TH100 and Bottineau Boulevard that is currently being reviewed by MnDOT staff. Two catch basin inserts have been installed near the intersection of 51st and Winnetka in New Hope and in the Robbinsdale City Hall parking lot. The temporary filter bed in a Jobox has been designed and is being fabricated.

B. Public Art Reaeration Structures. Two artists, Cecelia Schiller and Jim Brenner, have been selected and are under contract. Matthiesen showed examples of their work. Schiller's structures will be located at Park Center High School near the amphitheater (painted turtle) and in the park at Brooklyn Center City Hall (brass leaves). Brenner's design (three bowls) will be located at the outlet of Palmer Lake and is a permanent structure.

[Butcher departed 2:28 p.m.]

C. Twin Lake Carp Management. The initial Mark and Recapture is tentatively scheduled for the first two weeks of September. The population estimates and tagging will likely be sometime in October as the cooler water helps the fish to heal and reduces the risk that the incisions made to insert the RTF tags will become infected. Staff will work with the cities to host a public meeting in the first few weeks of September. Dates for these events will be posted on the website.

*items are included in meeting packet



D. Connections at Shingle Creek. The stream restoration portion of the project is essentially complete and the buffer vegetation is being established.

E. On behalf of the Commission, Staff has submitted an application for a 2017 BWSR Accelerated Implementation grant to help fund the **Minneapolis subwatershed assessment**. Awards will be announced in December.

X. Communications.

The **August communications log*** was included in the meeting packet. No action required.

XI. Other Business.

XII. Adjournment.

There being no further business before the Shingle Creek Commission, motion by Jaeger, second by Moore to adjourn. *Motion carried unanimously.*

There being no further business before the West Mississippi Commission, motion by Jaeger, second by Mulla to adjourn. *Motion carried unanimously.*

The meeting was adjourned at 2:58 p.m.

Respectfully submitted,

Handwritten signature of Judie A. Anderson.

Judie A. Anderson
Recording Secretary
JAA:tim

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*items are included in meeting packet