

REGULAR MEETING | PUBLIC HEARING
MINUTES | September 8, 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 West Mississippi Chairman Gerry Butcher at 12:45 p.m. on Thursday, September 8, 2022, in the Aspen Room, Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN.

Present for Shingle Creek were: David Mulla, Brooklyn Center; Alex Prasch, Brooklyn Park; Burt Orred, Jr., Crystal; Karen Jaeger, Maple Grove; Ray Schoch, Minneapolis; Bill Wills, New Hope; John Roach, Osseo; Wayne Sicora, Robbinsdale; Diane Spector, Todd Shoemaker, and Katie Kemmitt, Stantec; Troy Gilchrist, Kennedy & Graven; Judie Anderson, JASS; and Eric Lund, Barr Engineering, and Tim Grape, MPCA, for project review SC2017-03.

Not represented: Plymouth.

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

Also present were: Mike Albers, Brooklyn Center; Mitchell Robinson, Brooklyn Park; Mark Ray, Crystal; Derek Asche, Maple Grove; Kay Choch and Katie Kowalczyk, Minneapolis; Bob Grant and Nick Macklem, New Hope; Amy Riegel, Plymouth; Richard McCoy and Mike Sorensen, Robbinsdale.

II. **Agendas and Minutes.**

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

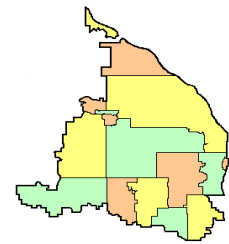
Motion by Roach, second by Prasch to approve the **West Mississippi agenda**. * *Motion carried unanimously.*

Motion by Schoch, second by Jaeger to approve the **minutes of the August 11, 2022, regular meeting**. * *Motion carried unanimously.*

Motion by Roach, second by Prasch to approve the **minutes of the August 11, 2022, regular meeting**. * *Motion carried unanimously.*

III. **Finances and Reports.**

A. Motion by Schoch, second by Orred to approve the Shingle Creek **September Treasurer's Report* and claims** totaling \$103,100.41. Voting aye: Mulla, Prasch, Orred, Jaeger, Schoch, Wills, Roach, and Sicora; voting nay: none; absent: Plymouth.



B. Motion by Butcher, second by Roach to approve the **West Mississippi September Treasurer's Report* and claims** totaling \$21,579.11. Voting aye: Mulla, Prasch, Butcher, Jaeger, and Roach; voting nay: none.

[The regular meeting was suspended at 12:49 p.m. in order to conduct a public hearing.]

IV. Public Hearing.*

A. At their August meetings the Commissions called for a public hearing for today to consider proposed projects to levy in 2022 for collection in 2023. The cities and the county have been notified and notice has been duly published. The purpose of the public hearing is to present the proposed project financing and to take comment from the member cities and the public. The proposed projects and their financing are:

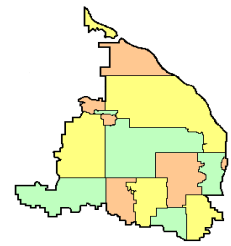
Shingle Creek | West Mississippi 2022 CIP Projects (2023 levy)

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
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	\$212,100
Cost share (city projects)	\$100,000	\$50,000	0	\$50,000	\$53,025
Partnership cost share (private projects)	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	\$159,075

1. Cost Share Fund (City Projects). 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. Potential cost-share project applications are accepted 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.



4. Commission Fund for Retrofit Cost Share (City Projects). 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.

f. Partnership Cost Share Fund (Private Projects). 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 accepted year-round until the funds are depleted.

B. Open Public Hearing. The public hearing was opened at 12:50 p.m.

No comments on the proposed levy were received from either the member cities or the reviewing agencies. Motion by Jaeger, second by Schoch to close the public hearing. *Motion carried unanimously.* The public hearing was closed at 12:51 p.m.

C. Commission Discussion.

There being no further discussion, motion by Schoch, second by Wills to approve **Resolution SC2022-03*** Ordering 2022 Improvements, Designating Member Responsible for Construction, Making Findings, and Certifying Costs to Hennepin County Pursuant to Minnesota Statutes, Section 103B.251. *Motion carried unanimously.*

Motion by Jaeger, second by Roach to approve **Resolution SC2022-03*** Ordering 2022 Improvements ... Pursuant to Minnesota Statutes, Section 103B.251. *Motion carried unanimously.*

[The regular meeting resumed at 12:53 p.m.]

V. Open Forum.

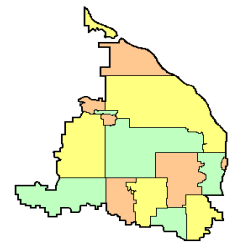
VI. Project Reviews.

A. SC2017-03 Joslyn Manufacturing & Supply Co. Superfund Site, OU5, Brooklyn Center.* This 2017 project involved remediation of contaminated soils, affecting both MNDNR and WCA-regulated wetlands, and requiring floodplain fill. The site is located at the intersection of Zelia and Lakebreeze Avenues.

Per the original application, the proposed project included the remediation of contaminated soils through excavation and onsite consolidation and cover. Specifically, 8.3 acres of the 11.7-acre site was excavated. Of those 8.3 acres, approximately 3.5 acres were excavated and consolidated; 1.3 acres of contaminated soil were left in place under the consolidation area, and 4.8 acres were disposed of in a Subtitle D Landfill. No new impervious areas were added to the site, and the site remains 0 percent impervious.

On August 29, 2022, Barr Engineering provided the Commission with a Technical Memorandum – Project Final Design Modifications. Given the proposed minor grading changes during final design and the five-year gap since approval, this report serves as a summary of the project for Commission information.

In reviewing this Technical Memorandum, Commission Staff has determined that the updated design meets Commission standards. During his presentation, Lund reported that this project will be bid this month with construction occurring in winter 2022-spring 2023.



Commission staff have requested an updated grading plan that includes the soil berm and floodplain grading changes described in the memorandum.

No action is required by the Commission.

B. SC2022-07 St. Therese, New Hope.* Renovation of a senior living facility, parking lot, and accompanying green space on 11.3 acres located at 8000 Bass Lake Road. Following development, the site will be 63 percent impervious with 7.1 acres of impervious surface, an increase of 0.6 acres. A complete project review application was received July 5, 2022.

During the Commission Staff's plan and model review, a number of deficiencies were noted. The applicant was informed of these deficiencies and requested on September 1, 2022, that the application for this project be withdrawn.

No action by the Commission is required.

C. WM2022-04 Northpark Business Center Building XI, Brooklyn Park.* Construction of a 197,000 SF office-warehouse building and accompanying parking on a 16.3 acre site located at the southwest corner of 109th and Winnetka Avenues. Following development, the site will be 80 percent impervious with 13.1 acres of impervious surface, an increase of 13.1 acres. A complete project review application was received on July 26, 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.

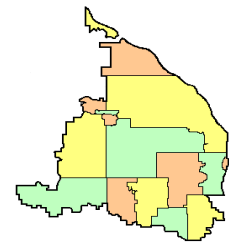
Runoff from the site is proposed to be routed through two NURP ponds in series with two infiltration basins. The applicant meets Commission water quality treatment requirements. Commission rules require that site runoff be limited to predevelopment rates for the 2-, 10-, and 100-year storm events. The site is landlocked with no outflow. The applicant meets Commission rate control requirements.

Commission rules require the site to infiltrate 1.0 inch of runoff from new impervious area within 48 hours. The new impervious area on this site is 13.1 acres, requiring infiltration of 1.1 acre-feet within 48 hours. The applicant proposes two infiltration basins. The applicant proposes to infiltrate all runoff onsite due to highly permeable soils that have the capacity to infiltrate more than the required volume within 48 hours. The applicant meets Commission volume control requirements.

The erosion control plan includes a rock construction entrance, perimeter silt fence/biolog, silt fence surrounding detention ponds/infiltration basins, a sediment basin, 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 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.



In a telephone conversation on May 29, 2014, between Erik Megow of Wenck Associates and Dan Bowar of EVS Engineering, Bowar had stated that there is no known groundwater contamination on the project site. 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 eight inches which are tilled. The applicant meets Commission drinking water protection requirements.

A public hearing on the project was conducted in October 2021 as part of the Planning Commission and City Council review of this project, meeting Commission public notice requirements.

An Operations & Maintenance (O&M) agreement between the applicant and the City of Brooklyn Park was submitted and executed for previously constructed stormwater ponds and basins.

Motion by Prash, second by Roach to advise the City of Brooklyn Park that project review WM2022-04 is approved with two conditions:

1. Demonstrate by double ring infiltrometer or witness test that the site can meet the design infiltration rate of 6.7 inches/hour.

2. The Commission advises Scannell Properties to complete a chloride management plan, using the attached information from Nine Mile Creek Watershed District as a guideline. [Template-Chloride-Management-Plan_Final.pdf \(ninemilecreek.org\)](#)

Motion carried unanimously.

VII. Fourth Generation Watershed Management Plan.

A. Boundary Updates.* Staff have finalized updates to the Shingle Creek and West Mississippi legal boundaries and presented a summary to the members. Also included in the meeting packet were memos to each of the Commissions summarizing their process to update the boundaries. Since the August meeting, they have received additional storm sewer data and staff input from the cities of Champlin, Maple Grove, Plymouth and Brooklyn Park.

1. The current Shingle Creek legal boundary includes 50,675 parcels, and the updated boundary includes 49,490 parcels. The update results in a net reduction of 1,185 parcels and 1,075 acres within the Shingle Creek legal boundary. The current total area of the Shingle Creek Watershed is 37,736 acres, so the updated legal boundary reduces the total watershed area approximately 2.8%. Tables 1 and 2 summarize how area and parcels changed among the adjacent WMOs and Shingle Creek member cities.

Table 1. Changes in Shingle Creek Watershed Area by Watershed

	Moving into Shingle Creek		Moving out of Shingle Creek	
	Area (acres)	Parcels (number)	Area (acres)	Parcels (number)
West Mississippi Watershed	89	120	173	249
Elm Creek Watershed	137	596	1050	1306
Mississippi Watershed	24	178	105	526
Bassett Creek Watershed	57	213	622	789

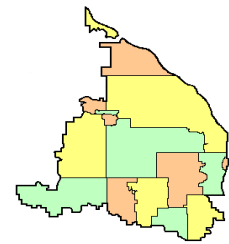


Table 2. Changes in Shingle Creek Watershed Area by City

	Moving into Shingle Creek		Moving out of Shingle Creek	
	Area (acres)	Parcels (number)	Area (acres)	Parcels (number)
Robbinsdale	41	219	56	218
Minneapolis	36	261	108	543
Plymouth	288	698	923	1202
Maple Grove	74	168	161	146
Crystal	2	6	73	292
Brooklyn Center	8	23	85	118
Brooklyn Park	40	71	30	75
New Hope	2	5	244	132
Osseo	3	10	49	42

Motion by Orred, second by Schoch to authorize Staff to distribute the final draft boundary information to the Mississippi Watershed Management Organization and the Elm Creek and Bassett Creek Watershed Management Commissions and to provide these organizations with a form letter* to document their concurrence with the updated boundaries. *Motion carried unanimously.*

2. The current West Mississippi legal boundary includes 24,509 parcels, and the updated boundary includes 25,615 parcels, an increase of 1,106. Although there are more parcels, the update reduces the total area of the West Mississippi Watershed by 452 acres (2.6%). Tables 3 and 4 summarize how area and parcels changed among the adjacent WMOs and Shingle Creek/West Mississippi member cities.

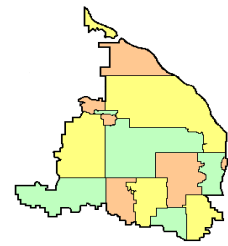
Table 3. Changes in West Mississippi Watershed Area by Watershed

	Moving into West Mississippi		Moving out of West Mississippi	
	Area (acres)	Parcels (number)	Area (acres)	Parcels (number)
Shingle Creek Watershed	173	249	89	120
Mississippi Watershed	0	0	3	21
Elm Creek Watershed	405	1383	937	385

Table 4. Changes in West Mississippi Watershed Area by City

	Moving into West Mississippi		Moving out of West Mississippi	
	Area (acres)	Parcels (number)	Area (acres)	Parcels (number)
Minneapolis	1	7	3	21
Brooklyn Center	85	118	8	23
Brooklyn Park	30	75	40	71
Osseo	49	42	3	10
Maple Grove	307	1103	34	7
Champlin	66	266	768	352

Motion by Jaeger, second by Roach to authorize Staff to distribute the final draft boundary information to the Mississippi Watershed Management Organization and the Elm Creek and Shingle Creek Watershed Management Commissions and to provide these organizations with a form letter* to document their concurrence with the updated boundaries. *Motion carried unanimously.*



B. Kemmitt presented an overview of the **first draft of the Fourth Generation Plan.*** The Plan itself contains an Executive Summary which includes four sections – (1) Introduction and Purpose, (2) Inventory and Condition Assessment Summary, (3) Description of the Organization and Operations, and (4) an Implementation Plan.

Kemmitt posed the following questions at the conclusion of her presentation:

1. Should the Shingle Creek Commission continue to do TMDL 5-year reviews?
2. Should the West Mississippi Commission reduce its outfall monitoring sites from two to one a year?
3. Should the Commissions develop a project equity impact analysis now as part of the Fourth Generation Plan, or wait to develop it as part of their 2023 Work Plans?

The draft also included the following **appendices:*** (A) Joint Powers Agreements, (B) Inventory and Condition Assessment, (C) Third Generation Plan Self-Assessment, (D) Revised Rules and Standards, and (E) Monitoring Program and Management Plans. Both documents are available on the home page of the Commissions' website.

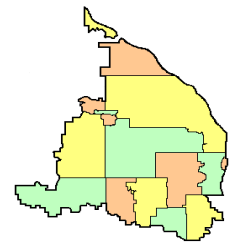
Commissioners and Technical Advisory Committee (TAC) members are asked to review the draft and to direct their comments to Kemmitt by September 30. Stantec will have a completed full draft by the end of September, at which time it will be sent to the member cities for informal review. The 60-day review will begin in November following edits from the informal review. A public hearing is expected to be held in January or February 2023.

Schoch stressed the importance of drafting a “user-friendly” Plan, one understandable by non-technical folks, and with a minimal use of acronyms.

C. Joint Powers Agreements. At the August meetings, Attorney Gilchrist discussed the pending need to update the Joint Powers Agreement (JPA), which will expire January 1, 2025. There was a question as to the timing of that update and whether it should be completed along with the Fourth Generation Plan. The original JPAs date back to 1984, and there is a considerable amount of outdated language in the documents that was relevant for the first generation of planning and implementation. There have been two updates to the JPAs since that time which were adopted as addenda rather than incorporated into the original documents. There will be some level of effort to streamline the documents and bring them up to date.

The Commissioners requested that Gilchrist and Spector consult on the level of effort and the timing moving forward. The two conferred and agreed that there is no requirement that the JPA renewal be part of the Fourth Generation Plan process and that the Commissions should not try to hurry the process in order for it to be completed at the same time as the Plan approval.

On a related note, BWSR, in its initial Fourth Generation Plan kickoff meeting comments to the Commissions, asked that the idea of consolidating the two Commissions into one legal entity be reconsidered. In 1984 there were some valid reasons why the cities elected to organize the watersheds as two separate entities, some of which are less relevant now, but which still merit debate. It would be reasonable to have that discussion in the context of updating the JPA(s). It is their recommendation that the Commissions wait until early 2023 to start the JPA renewal process and revisit the consolidation question at that time. Staff have tentatively identified these in the draft Plan as 2023 actions and, if the Commissioners agree, will incorporate them into the 2023 Work Plan that will be reviewed and approved in a few months.



It was a consensus of the Commissioners to begin updating the JPAs as a separate process after the first of the year,

VIII. Water Quality.

IX. Grant Opportunities*

A. The Commission had previously approved developing and submitting a Clean Water Fund Projects and Practices grant application* for the proposed **West Mississippi River Shoreline Stabilization Project** in the City of Brooklyn Park. The project would be completed by the City and Hennepin County, with the Commission being a funding partner. The grant request is for \$603,000, with the funding partners providing \$281,000 matching funding: the landowners (\$101,000), the city (\$40,000), Hennepin County (\$40,000), and the Commission (\$100,000). If funded, the Commission's share would be provided through the Partnership Cost Share program.

Typically the grant awards are announced at the December meeting of the Board of Water and Soil Resources (BWSR). Contracting is typically completed by March-April of the following year, with funds available immediately upon execution of the contract. If awarded, the City and County expect to undertake the work, which would be completed in late 2023.

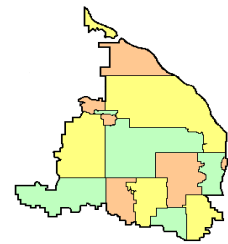
B. On August 23, 2022, the **Shingle Creek and West Mississippi Watershed Based Implementation Funding (WBIF) Convene Groups** met for a fourth time to finalize the allocations for each of the Commissions. The final allocations are as previously discussed, with one reallocation between West Mississippi programs.

A subset of the West Metro Water Alliance (WMWA) and Hennepin County folk have come to an agreement on the scope, budget, and funding for the proposed **education and outreach coordinator**, to be shared 50/50 between WMWA and Hennepin County. The final funding piece was bringing the Richfield-Bloomington WMO into the proposal. The proposal is for a two-year limited duration position to focus on three things:

- 1.** Fostering adoption of BMPs on residential properties by coordinating and marketing workshops for residents, providing onsite technical assistance, and providing implementation financial assistance.
- 2.** Coordinating and working with Metro Blooms and other partners on multifamily equitable engagement projects and providing assistance in assembling funding for implementation of BMPs.
- 3.** Providing community engagement, education, marketing, and promotion regarding other priority conservation topics such as chloride management, pet waste management, and general pollutant reduction priorities. Additional activities might include public speaking, tabling at community events, establishing an engaging social media presence, and producing content for distribution via formats like community newspapers and city newsletters.

During the two year period WMWA and partners will continue to investigate options to fund a permanent position to continue and expand this work.

At previous Convene meetings, the group had agreed to allocate \$35,501 of Shingle Creek WBIF funding and \$10,000 of West Mississippi WBIF funding to the coordinator position. At the August 23 meeting, the West Mississippi Convene Group agreed to increase the West Mississippi contribution to \$20,000.



The group also finalized allocating funds to additional subwatershed assessments that would identify more projects that could then be incorporated into future capital projects for funding by grants and levy. \$60,000 from the Shingle Creek allocation was dedicated to **subwatershed assessments**, with two areas in particular identified: the drainage area to the Gaulke/ Memory Lane/Hagemeister Pond system; and the drainage area to Eagle Lake, including an internal load assessment for Eagle Lake.

Finally, the group agreed to dedicate the remaining \$55,000 in West Mississippi allocation to continuing to refine and design the **high priority Mississippi River streambank stabilization needs** in Brooklyn Park, for which the City and Hennepin County have completed a feasibility assessment. The purpose of the WBIF funding would be to take these from conceptual design to 30-60% design to improve project readiness for future grant funding. The final allocations are shown below:

Final WBIF allocations by Commission.

Funding Priority	Amount WBIF	Source of 10% Match	Grantee
<i>Shingle Creek</i>			
Education & outreach coordinator	\$35,501	WMWA and County	County
Subwatershed assessments	\$60,000	Operating budget for SWAs	SCWMC
<i>TOTAL</i>	<i>\$95,501</i>		
<i>West Mississippi</i>			
Education & outreach coordinator	\$20,000	WMWA and County	County
Miss R Streambank Stabilization Design	\$55,000	Cost share	WMWMC
<i>TOTAL</i>	<i>\$75,000</i>		

X. Education and Public Outreach.

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

B. Spector provided a verbal update on the **Hennepin County Chloride Initiative**. Ten percent of WBIF funding has been allocated to this project. The group has chosen a motto – Low Salt No Salt Minnesota, clearing a path to safety, savings and sustainability. Time at future TAC and regular meetings will be allocated for brainstorming this endeavor.

XI. Communications.

- A. Staff Report.** No report this month.
- B. August 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 2:44 p.m.

Respectfully submitted,

Judie A. Anderson
 Recording Secretary
 JAA:tim