

MINUTES
Regular Meeting
December 11, 2014

(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 Tina Carstens, Chair, on Thursday, December 11, 2014, at 12:49 p.m., at the Clubhouse at Edinburgh USA, 8700 Edinbrook Crossing, Brooklyn Park, MN.

Present for Shingle Creek were: David Vlasin, Brooklyn Center; Tina Carstens, Brooklyn Park; Janet Moore, Crystal; Karen Jaeger, Maple Grove; Jeff Johnson, Minneapolis; Bill Wills, New Hope; Allan Hartkopf, Osseo; Dawn Swanson, Plymouth; Wayne Sicora, Robbinsdale; Charlie LeFevere, Kennedy & Graven; Ed Matthiesen, Wenck Associates, Inc.; and Judie Anderson, JASS.

Present for West Mississippi were: David Vlasin, Brooklyn Center; Tina Carstens, Brooklyn Park; Gerry Butcher, Champlin; Karen Jaeger, Maple Grove; Allan Hartkopf, Osseo; Charlie LeFevere, Kennedy & Graven; Ed Matthiesen, Wenck Associates, Inc.; and Judie Anderson, JASS.

Also present were: Andrew Hogg, Brooklyn Center; John Roach, Brooklyn Park; Todd Tuominen, Champlin; Wayne Houle, Crystal; Rick Lestina, Maple Grove; Bob Paschke and Dave Lemke, New Hope; Daniel Spanier, Osseo; Andy Polzin and Ben Scharenbroich, Plymouth; Richard McCoy, Robbinsdale; and Rachel Olmanson, Minnesota Pollution Control Agency (MPCA).

II. **Agendas and Minutes.**

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

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

Motion by Jaeger, second by Swanson to approve the **minutes of the November 13, 2014 Shingle Creek regular meeting**.* *Motion carried unanimously.*

Motion by Jaeger, second by Hartkopf to approve the **minutes of the November 13, 2014 West Mississippi regular meeting**.* *Motion carried unanimously.*

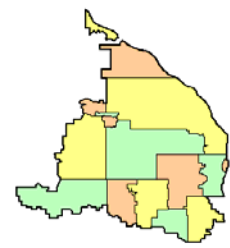
III. **Finances.**

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

Motion by Swanson, second by Jaeger to approve the **Shingle Creek December claims**.* Claims totaling \$32,691.81 were *approved by roll call vote*: ayes – Vlasin, Carstens, Moore, Jaeger, Johnson, Wills, Hartkopf, Swanson, and Sicora; nays – none; absent – Robbinsdale.

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

*items are included in meeting packet



Motion by Jaeger, second by Butcher to approve the **West Mississippi December claims.*** Claims totaling \$19,414.73 were *approved by roll call vote: ayes – Vlasin, Carstens, Butcher, Jaeger and Hartkopf; nays – none*

IV. Open Forum.

Jaeger noted that the City of Maple Grove is using “blue salt” on their roadways. While more corrosive and more expensive than other de-icers, it works at lower temperatures so less is used.

~~Moore~~ Jaeger also queried the use of potash in the control of zebra mussels. She noted a December 19, 2014 *StarTribune* article about the use of potassium chloride, or potash, used to kill zebra mussels on Christmas Lake in Shorewood as an experimental application in Minnesota. It is hoped that potash will be effective in low temperature waters compared to other biological pesticides that need warmer water. Moore also reported on the use of iron shavings that were used on Eagle Lake to control curly leaf pondweed with some reports of success.

V. Public Hearing. The meeting was suspended at 12:58 p.m. for the purpose of conducting a public hearing to take comment on a revision to the Capital Improvement Program to **add four projects**, all in the Twin and Ryan Lake subwatershed, to the CIP.

A. The Commissioners received Staff’s December 5, 2014 memo* describing the public hearing process and the projects being considered.

1. Project: 2014-04, 45th Avenue Pond Retrofit. This project would retrofit a MnDOT pond at TH100 and CSAH 81 with an iron-enhanced sand filter bench and modified outlet to maximize storage and treatment. This Middle Twin Lake subwatershed pond is in a series of ponds that treats runoff from TH100 and 221 acres of untreated residential property in Robbinsdale. The estimated project cost is \$270,000. Of this amount, the City of Robbinsdale would fund \$202,000. The Shingle Creek Commission proposes to fund \$67,500 by certifying this cost to Hennepin County for collection with the county ad valorem tax levy.

2. Project: 2014-05, Kilmer Pond Retrofit. This project would maximize storage in one of a series of City of Crystal ponds, treating runoff from a 560-acre drainage area and adding an iron-enhanced filter bench to remove dissolved phosphorus. The estimated project cost is \$125,000, with \$93,750 borne by the City of Crystal. The Shingle Creek Commission proposes to fund \$31,250 by certifying this cost to Hennepin County for collection with the county ad valorem tax levy.

3. Project 2014-06, Lions Park Pond Retrofit. This project would retrofit a City of Crystal pond at 62nd Avenue and CSAH 81 with an iron-enhanced sand filter bench and modified outlet to maximize storage and treatment. This Upper Twin Lake subwatershed pond treats runoff from about 250 acres of mostly untreated residential property in Crystal and Brooklyn Park. The estimated project cost is \$160,000. Of this amount, the cities would fund \$120,000 and the Shingle Creek Commission would fund \$40,000 by certifying this cost to Hennepin County for collection with the county ad valorem tax levy.

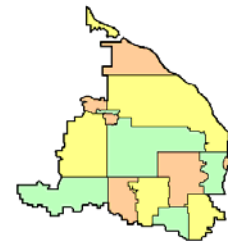
4. Project 2014-07 Priority BMP Retrofits. Phosphorus-load-reduction BMPs would be constructed in priority areas as identified in subwatershed assessments or as opportunities arise. These BMPs might be additional pond retrofits, channel stabilizations, bioinfiltration basins and porous pavement. Total project(s) cost is \$400,000, with the city(ies) share being \$200,000. The Shingle Creek Commission would fund \$200,000 by certifying this cost to Hennepin County for collection with the county ad valorem tax levy

B. The Chair opened the **public hearing** at 1:04 p.m. to receive comments. Comments, all positive, were received from six reviewing agencies – Metropolitan Council, the Minnesota Departments of Agriculture, Transportation, and Natural Resources, Hennepin County, and the Board of Water and Soil Resources. No one was present to provide additional comment.

[The public hearing was closed at 1:05 p.m.]

C. There being no further discussion, motion by Moore, second by Hartkopf to direct Staff to submit the plan amendment to BWSR for final approval. *A two-thirds majority of eligible voters being present and all present voting in favor, the motion carried unanimously.*

*items are included in meeting packet



Motion by Vlasin, second by Jaeger Hartkopf to direct Staff to submit the plan amendment to BWSR for final approval. A two-thirds majority of eligible voters being present and all present voting in favor, the motion carried unanimously.

[The regular meeting resumed at 1:06 p.m.]

VI. Project Reviews.

VII. Water Quality.

A. The final draft of the **Twin and Ryan Lakes TMDL Five-Year Review*** was included in the meeting packet. It reflects comments received to date from the cities. The five cities in the drainage area will touch base to consider what implementation steps to take in 2015 and 2016. Following that discussion, Staff recommend posting the draft on the Commission's website, notifying the public that it is available for review and comment, and hosting a final public meeting in mid- to late-January to take final public comment on the report so it can be adopted by the Commission in February 2015. Motion by Johnson, second by Hartkopf to approve Staff's recommendations. *Motion carried unanimously.*

B. Also included in the meeting packet was the final **Shingle Creek Chloride TMDL Five Year Review.*** It reflects Commission discussion at the November meeting and comments received from the Minnesota Pollution Control Agency (MPCA). Motion by Vlasin, second by Jaeger to adopt the report. *Motion carried unanimously.*

VIII. Education and Public Outreach.

A. A copy of the **beverage coaster*** developed by the West Metro Water Alliance (WMWA) in collaboration with Excelsior Brewery and the Freshwater Society was included in the packet. The coasters were printed at no cost to WMWA or its members.

B. The **next WMWA meeting** is scheduled for 8:30 a.m., Tuesday, January 13, 2015, Plymouth City Hall.

IX. Grant Opportunities and Updates.

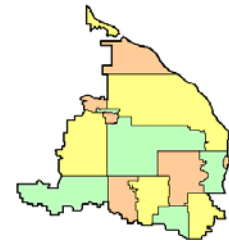
A. Targeted Watershed Demonstration Program.* The Twin and Ryan Lakes Accelerated Implementation Project missed being funded by 0.3 points. The BWSR Board item included in the meeting packet describes the process used to evaluate and select the projects to be funded. Nineteen nominations requesting over \$30 million were received. The four highest scoring applications were funded in amounts ranging from \$2.2 million to \$707,000. Staff have requested feedback from BWSR on the process and the Shingle Creek application.

B. Tessman Park MCC Grant Project.* Wenck's December 5, 2014 memo provided an overview of work being completed on Shingle Creek between West Broadway and Candlewood Drive in Brooklyn Park, just south of North Hennepin Community College. The work is located on city-owned land in Tessman Park and being performed by crews from the Minnesota Conservation Corps (MCC) under the supervision of city staff and Wenck Associates, Inc.

The goal of the project is to stabilize a 1,300-foot section of creek corridor. Erosion of the creek and the side slopes is caused by rapid stormwater delivery to the creek from its urbanized watershed. The erosion observed on Shingle Creek is common to urban streams that convey stormwater and have lost their ground cover due to the over grown floodplain forest. Floodplain forests can become overgrown because of the lack of disturbance (grazing or fire), and the heavy canopy shades out the ground cover along the stream. Without this stabilizing vegetation, the bank will actively erode. Opening the canopy will allow sunlight to reach the ground and allow groundcover vegetation to grow and ensure that, as the project ages, the rooting mass will increase and provide more strength and beauty. The established ground cover makes it more difficult for new tree seedlings to establish and will require minimal maintenance to prevent the canopy over-story from reestablishing. The City of Brooklyn Park is responsible for maintaining the streambanks.

The desired outcomes of this project are to thin the trees and reestablish native grasses to help

*items are included in meeting packet



prevent slope failure, to improve channel hydraulics, and reduce the nutrient and sediment load by protecting Shingle Creek's banks with native deep rooted grasses that are more resistant to urban stormwater erosion.

A clean water fund project application was submitted in November 2013 to hire the MCC in their 2014 season to complete tree thinning of the existing tree canopy, removing trees and brush marked within 50 feet of the stream centerline on the south side of the creek and from stream centerline to the paved trail on the north side of the creek. Downed trees will be segmented and stockpiled by the crews so that City of Brooklyn Park staff can load the material onto trucks and haul offsite.

The application was awarded in January 2014, but because of Conservation Corp crew and City staff availability, and resident outreach, the project work was delayed until December 1, 2014. Two Conservation Corps crews completed the tree removal on December 10. Next week City staff will over-seed the existing seed bank with a native seed mix and a fescue cover crop.

C. Staff presented an update on the **Green Roof project.*** In 2011 the Commission received a \$28,140 grant from the EPA/MPCA Section 319 grant program to conduct a research project to develop and test green roof modules. The grant expires June 30, 2015.

Rooftops contribute on average between 15-20% of annual runoff from suburban areas. The objective of this project was to develop and test several versions of a lightweight, portable, modular system of soil media and plants that can be installed by non-professionals on existing rooftops to catch and retain precipitation that would otherwise be converted to urban runoff. The modular green roofs would be suitable for installation on existing roofs without the need for supplemental structural reinforcement, membrane installation to combat leakage, or intensive maintenance such as supplemental irrigation. The project consisted of three phases:

1. Bench testing various combinations of soil media to determine those that were most promising in terms of weight and hydrologic holding capacity;
2. Pilot testing planted modules in a controlled environment for one year; and
3. Field testing planted modules for a second year on sites in the watersheds.

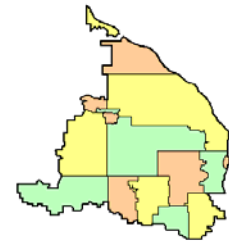
Three sets of 13 modules with various combinations of soil media were planted with sedum, a hardy plant that is frequently used on green roof installations. The pilot testing was conducted in a fenced-off area of a parking lot at Wenck's Maple Plain office. The field testing was conducted on a roof at Coon Rapids Dam Regional Park in West Mississippi; the roof of the Robbinsdale City Garage in Shingle Creek; and on the roof of the Wenck office building in Maple Plain in the Pioneer-Sarah Creek watershed.

D. The Shingle Creek Commission has been requested to submit a **MCC Grant Application*** on behalf of Kingsley Commons in Minneapolis for a Common Bond Raingarden Rehabilitation Project. The proposed project would rehabilitate three recently-installed raingardens on the Kingsley Commons property. The MCC Crew would remove woody tree and shrub growth in the raingardens, apply pesticide where appropriate, and plant native perennials. Assistance and oversight would be provided by Metro Blooms Landscape Designers. After considerable discussion, motion by Jaeger, second by Sicora to approve submittal of this application with the caveat that annual maintenance of the raingardens must occur. *Motion carried unanimously.*

E. At the November meeting Commissioners queried whether the Commissions can **expend grant program funds for projects located on private property.*** In his December 3, 2014 memo, attorney Troy Gilchrist responded:

The question really comes down to whether the expenditure furthers the Commissions' purposes and satisfies the public purpose doctrine ("PPD"). These are essentially the same limitations that apply to expenditures by cities and are consistent with Article VII, Section 1 of the Commissions' bylaws which indicate "Commission funds may be expended in accordance with procedures established by law for the expenditure of funds for statutory cities."

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The PPD stems from the Minnesota Constitution and reflects the requirement that taxpayer funds must be used for primarily a public, not private, purpose. The general standards for determining whether an activity furthers a public purpose are whether:

1. The activity will benefit the community as a body.
2. The activity is directly related to functions of government.
3. The activity does not have as its primary objective the benefit of a private interest.

Ultimately the Commissions will need to determine whether an expenditure satisfies the PPD on a case by case basis after reflecting upon the general standards. In [Gilchrist's] view, an expenditure on private property does not necessarily mean it is prohibited under the PPD, but it does place a greater burden on the Commissions to explain how the expenditure benefits the community (watershed) as a whole.

X. Communications.

A. November Communications Log.* Information only.

B. Representatives from Brooklyn Center, Brooklyn Park and Crystal were reminded that their cities must make **appointments** for the term February 2015- January 2018. Hartkopf announced that this will be his final meeting as representative from Osseo. He was recognized for his service to the Commission.

XI. Other Business.

XII. Adjournment.

There being no further business before the Shingle Creek Commission, motion by Jaeger, second by Sicora to adjourn. *Motion carried unanimously.* The meeting was adjourned at 2:16 p.m.

There being no further business before the West Mississippi Commission, motion by Butcher, second by Hartkopf to adjourn. *Motion carried unanimously.* The meeting was adjourned at 2:16 p.m.

Respectfully submitted,

Judie A. Anderson
Recording Secretary
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*items are included in meeting packet