Email: judie@jass.biz • Website: www.shinglecreek.org

February 4, 2021

Commissioners Members of the TAC Shingle Creek and West Mississippi Watershed Management Commissions Hennepin County, Minnesota

The agendas and meeting packets for both the TAC and regular meetings are available to all interested parties on the Commission's web site at http://www.shinglecreek.org/tac-meetings.html and http://www.shinglecreek.org/minutes--meeting-

packets.html

**Dear Commissioners and Members:** 

Regular meetings of the Shingle Creek and West Mississippi Watershed Management Commissions will be held Thursday, February 11, 2021, at 12:45 p.m. This will be a virtual meeting.

The Joint SCWM Technical Advisory Committee will meet at 11:30 a.m., prior to the regular meeting.

Until further notice, all meetings will be held online to reduce the spread of COVID-19. To join a meeting, click https://us02web.zoom.us/j/834887565?pwd=N3MvZThacmNRVDFrOWM3cU1KRU5qQT09, which takes you directly to the meeting.

OR, go to www.zoom.us and click Join A Meeting. The meeting ID is 834-887-565. The passcode for this meeting is water.

If your computer is not equipped with audio capability, you need to dial into one of these numbers:

+1 929 205 6099 US (New York)

+1 312 626 6799 US (Chicago) +1 669 900 6833 US (San Jose)

+1 346 248 7799 US (Houston)

+1 253 215 8782 US

+1 301 715 8592 US

Meetings remain open to the public via the instructions above.

Please email me at judie@jass.biz to confirm whether you or your Alternate will be attending the regular and TAC meetings. Thank you.

Regards,

Judie A. Anderson Administrator

Alternate Commissioners cc: Metropolitan Council

Member Cites Wenck/Stantec Troy Gilchrist

TAC Members

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3235 Fernbrook Lane N • Plymouth, MN 55447 Tel: 763.553.1144 • Fax: 763.553.9326 Email: judie@jass.biz • Website: www.shinglecreek.org

A combined regular meeting of the Shingle Creek (SC) and West Mississippi (WM) Watershed Management Commissions will be convened Thursday, February 11, 2021, at 12:45 p.m. Agenda items are available at <a href="http://www.shinglecreek.org/minutes--meeting-packets.html">http://www.shinglecreek.org/minutes--meeting-packets.html</a>. Black typeface denotes SCWM items, blue denotes SC items, green denotes WM items.

To join the meeting, click <a href="https://zoom.us/j/834887565">https://zoom.us/j/834887565</a> or go to <a href="https://zoom.us">www.zoom.us</a> and click Join A Meeting. The meeting ID is <a href="https://soom.us/j/834887565">834-887-565</a>, the passcode is <a href="https://soom.us/j/834887565">water</a>. If your computer is not equipped with audio capability, dial into one of these numbers: +1 929 205 6099 US (New York) | +1 312 626 6799 US (Chicago) | +1 253 215 8782 US | +1 669 900 6833 US (San Jose) | +1 346 248 7799 US (Houston) | +1 301 715 8592 US

	1.		Call to Order.		
SCWM		a.	Roll Call		

- √ SCWM b. Approve Agenda.\*
- √ SCWM c. Approve Minutes of Last Meeting.\*
  - 2. Reports.
- √ SC a. Treasurer's Report and Claims\*\* voice vote.
- √ WM b. Treasurer's Report and Claims\*\* voice vote.
  - 3. Open forum.
- v SCWM 4. Election of Officers.

Currently: Chair: Andy Polzin Gerry Butcher
Vice Chair: Wayne Sicora David Vlasin
Secretary: Karen Jaeger
Treasurer: Harold Johnson\* Karen Jaeger

\*Johnson is no longer a SC Commissioner

- 5. Project Reviews.
- √ SC a. SC2021-001 Brooklyn Park-Osseo Interceptor, Brooklyn Park.\*
- v WM b. WM2021-001 Highview 610, Brooklyn Park.\*
- / WM c. WM2021-002 Northpark Business Center Building V and VII, Brooklyn Park.\*
  - 6. Watershed Management Plan.
- SCWM a. Technical Advisory Committee Report verbal.
- / SC b. Twin/Ryan Lake Subwatershed Plan.\*
  - 1) Presentation.\*
  - 2) Proposal.\*
  - 7. Water Quality.
- √ SC a. 2021 Single Creek Monitoring Plan.\*
- V WM b. 2021 West Mississippi Monitoring Plan.\*
- √ WM c. Approve Professional Services Agreement with MWMO.\*

(over)

8. Grant Opportunities.

√ SC

- a. Approve BWSR Grant agreement for Watershed-Based Implementation Funding.\*
- SC b. Hennepin County Opportunity Grant Updates verbal.

SC

- c. Clean Water Fund Grant Updates verbal.
- 9. Education and Public Outreach.

SCWM

- . WMWA Update verbal.
- b. Next WMWA meeting 8:30 a.m., Tuesday, February 9, 2021. *Virtual meeting at*<a href="https://us02web.zoom.us/j/922390839?pwd=RU95T2ttL3FzQmxHcU9jcFhDdng1QT09">https://us02web.zoom.us/j/922390839?pwd=RU95T2ttL3FzQmxHcU9jcFhDdng1QT09</a>
  Meeting ID: 922 390 839 | Passcode: water | or by phone using numbers above.
- SCWM
- 10. Staff Report. No report this month.
- 11. Communications.

SCWM

- a. Communications Log.\* December log is also included in packet for those who missed it last month.
- 12. Other Business.

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13. Adjournment.

\* In meeting packet or emailed \*\* Supplemental email / Available at meeting

\*\*\*Previously transmitted \*\*\*\* Available on website V Item requires action



# REGULAR MEETING MINUTES January 14, 2021

(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 virtual meeting of the Shingle Creek Watershed Management Commission and the West Mississippi Watershed Management Commission was called to order by Shingle Creek Chairman Andy Polzin at 12:45 p.m. on Thursday, January 14, 2021.

Present for Shingle Creek were: David Vlasin, Brooklyn Center; Adam Quinn, Brooklyn Park; Burton Orred, Jr., Crystal; Karen Jaeger, Maple Grove; Ray Schoch, Minneapolis; Bill Wills, New Hope; John Roach, Osseo; Andy Polzin, Plymouth; Wayne Sicora, Robbinsdale; Ed Matthiesen and Diane Spector, Wenck, a Stantec Company; Troy Gilchrist, Kennedy & Graven; and Judie Anderson and Amy Juntunen, JASS.

Present for West Mississippi were: David Vlasin, Brooklyn Center, Alex Prasch, Brooklyn Park; Gerry Butcher, Champlin; Karen Jaeger, Maple Grove; John Roach, Osseo; Ed Matthiesen and Diane Spector, Wenck, a Stantec Company; Troy Gilchrist, Kennedy & Graven; and Judie Anderson and Amy Juntunen, JASS.

Also present were: Andrew Hogg, Brooklyn Center; Mitch Robinson, Brooklyn Park; Todd Tuominen, Champlin; Mark Ray, Crystal; Derek Asche, Maple Grove; Bob Grant and Megan Hedstrom, New Hope; Ben Scharenbroich and Amy Riegel, Plymouth; Richard McCoy and Marta Roser, Robbinsdale; and Stephen Mastey, Landscape Architecture, Inc.

# II. Agendas and Minutes.

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

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

Motion by Schoch, second by Wills to approve the **minutes of the December 10, 2020 regular meeting.\*** *Motion carried unanimously.* 

Motion by Roach, second by Butcher to approve the **minutes of the December 10, 2020 regular meeting.\*** *Motion carried unanimously.* 

#### III. Finances and Reports.

**A.** Motion by Jaeger, second by Schoch to approve the Shingle Creek **January Treasurer's Report\* and claims** totaling \$51,747.52. Voting aye: Vlasin, Quinn, Orred, Jaeger, Schoch, Wills, Roach, Polzin, and Sicora; voting nay – none.



**B.** Motion by Butcher, second by Roach to approve the **West Mississippi January Treasurer's Report\* and claims** totaling \$6,013.55. Voting aye: Vlasin, Prasch, Butcher, Jaeger, and Roach; voting nay – none.

# IV. Open Forum.

Stephen Mastey provided an update on the **Crescent Cove Partnership Cost Share project.** He also announced that, as a thank you, Crescent Cove is extending virtual tickets to their upcoming 9th Annual Gala to the Shingle Creek Commissioners and Staff. The Gala will be broadcast live on Saturday, January 30, from 8-8:45 p.m. To register for a ticket, go to <u>CrescentCove.org/Gala</u> and use the promo code WEBLINK for a complimentary ticket. Any ticket purchased by January 22 will receive information mailed to that address as well as a chance in a prize drawing for a diamond necklace.

# V. Project Reviews.

A. SC2020-013 Wild Wings Western Wetland Improvement Project, Plymouth.\* Recreation of a wetland channel and installation of an emergency overflow structure to protect against flooding on a 0.9- acre site located at 5220 Yorktown Lane. There are no proposed changes to the impervious area on site. A complete project review application was received on December 4, 2020.

The proposed project is the alteration of a natural wetland by reconstructing a channel and installing an emergency overflow structure. The project proposes to excavate a depth of about 4 feet of sediment along the channel. 3,040 cubic yards of material are proposed to be excavated.

The erosion control plan includes a rock construction entrance, inlet protection, floating silt curtain at the wetland outlet, and erosion control blanket on side slopes. The erosion control plan meets Commission requirements.

The wetland on site is a DNR Public Water so there is no WCA jurisdiction. A permit for installation of rip-rap and removal of wetland soils is being handled by the DNR and comments are being received until February 4, 2021.

There is no FEMA-regulated floodplain on this site. The applicant meets Commission floodplain requirements.

No public hearing was conducted for the project; instead, mailers were sent out to notify residents of the project. The applicant meets Commission public notice requirements.

Motion by Jaeger, second by Schoch to advise the City of Plymouth that project SC2020-013 is approved with no conditions. *Motion carried unanimously*.

**B.** The Commissioners discussed the need for a policy regarding **document retention/ format and length of retention** as it pertains to Commission documents. Gilchrist was directed to prepare a resolution regarding the option to store documents electronically. Commissioners will also discuss adoption of a records retention schedule if not already defined by Minnesota statute.

#### VI. Watershed Management Plan.

**A.** Accompanying their January 8, 2021 memos,\* Staff gave a presentation of the Commissions' proposed **2021 Work Plans.** Most of the activities in the 2021 Work Plans are ongoing, although some rotate around the watersheds.

### **Shingle Creek**

A. Continue to implement TMDLs.



- 1. Complete the 5-year performance review for the Bass and Shingle Creek Biotic and DO TMDL.
- **2.** Complete aquatic vegetation surveys on Bass and Upper Twin Lake and provide aquatic invasive species treatment as necessary.
- **3.** Partner with the City of Robbinsdale to continue implementing the Crystal Lake Management Plan, including carp removal, aquatic vegetation management, and alum treatment.
- **4.** Partner with the City of New Hope to implement the Meadow Lake Management Plan, including a lake drawdown in fall and winter 2021.
- **5.** Partner with the Cities of Brooklyn Park and Brooklyn Center to undertake Connections II streambank improvements for Shingle Creek from Regent Avenue to Brooklyn Boulevard.
- **6.** Partner with the City of Brooklyn Park to undertake Bass Creek Park streambank improvements from Cherokee Drive to I-694.
- **7.** If the Hennepin County grant application is funded, extend the SRP Reduction filter along the Wetland 639W overflow channel. If not funded, then submit a CWF grant application for partial funding.
  - **8.** Continue to pursue grant funding for TMDL implementation projects.
- **9.** Expand the Directly Connected Untreated Areas geodatabase to include boundaries of the untreated areas directly connected to the lakes in the watershed. (Streams were completed in 2017.)
- **10.** Continue to identify, pursue grant funding for, and implement projects and programs addressing the bacterial impairment in Shingle Creek and the Mississippi River.
  - **11**. Stay abreast of other regional and state TMDLs.
  - B. Partner with other organizations to increase reach and cost effectiveness.
  - 1. Participate in the West Metro Water Alliance joint education and outreach group.
  - Continue to partner with the USGS to operate the Queen Avenue monitoring site.
  - **3.** Partner with the USGS, DNR, and other interested parties to stay abreast of groundwater issues.
  - **4.** Complete the HUC study in partnership with the DNR.
  - C. Continue ongoing administration and programming.
- 1. Conduct routine Commission lake water quality monitoring and aquatic vegetation and fish surveys on Success and Cedar Island Lakes and grant funded monitoring on Bass, Pomerleau, and Crystal Lakes.
- 2. Conduct Commission routine flow and water quality monitoring at SC-0 and SC-3 on Shingle Creek and Bass Creek Park (BCP) on Bass Creek as well as two DO longitudinal studies as part of the Shingle and Bass Creeks Dissolved Oxygen (DO) and Biotic Integrity TMDL 5 Year Review.
- **3.** Sponsor volunteer stream monitoring through RiverWatch and wetland monitoring through WHEP (Hennepin County).
- **4.** Sponsor volunteer lake monitoring through CAMP (Met Council) on Eagle, Pike, Schmidt, and Magda Lakes.
  - **5.** Complete reviews of development and redevelopment projects as necessary.
  - **6.** Prepare an annual water quality report.
- **7.** Solicit cost-share projects from member cities funded from the Cost Share Fund and the annual \$100,000 levy and the Partnership Cost Share Fund and the annual \$50,000 levy.



- **8.** Review feasibility studies for 2021 proposed capital projects, undertake Plan Amendments, hold public hearings, order projects and certify levies.
- **9.** Prepare a 2022 annual budget and begin the Fourth Generation Management Plan, which will be completed in 2022-2023.
  - 10. Invite three guest speakers to make lunchtime water resources presentations.
  - 11. Tour project sites in the watershed.

Motion by Schoch, second by Orred to accept the 2021 Single Creek Work Plan. *Motion carried unanimously.* 

## West Mississippi.

- A. Continue to stay abreast of regional TMDLs.
- **1.** Continue to identify, pursue grant funding for, and implement projects and programs addressing the bacterial impairment in the Mississippi River.
  - **2.** Stay abreast of other regional and state TMDLs.
- **3.** Identify boundaries of the untreated areas directly connected to the Mississippi River or other conveyances.
  - B. Partner with other organizations to increase reach and cost effectiveness.
  - **1.** Participate in the West Metro Water Alliance joint education and outreach group.
  - 2. Partner with the USGS, DNR, and other interested parties to stay abreast of groundwater issues.
  - 3. Partner with the MWMO to undertake monitoring at the 65<sup>th</sup> Avenue outfall.
  - **4.** Partner with a member city to complete a subwatershed BMP analysis.
  - C. Continue ongoing administration and programming.
  - 1. Undertake routine flow and water quality monitoring at two outfalls into the Mississippi River.
- **2**. Sponsor volunteer stream monitoring through RiverWatch and wetland monitoring through WHEP (Hennepin County).
  - **3.** Complete reviews of development and redevelopment projects as necessary.
  - **4.** Prepare an annual water quality report.
- **5.** Solicit cost-share projects from member cities funded from the Cost Share Fund and the annual \$50,000 levy.
- **6.** Review feasibility studies for 2021 proposed capital projects, undertake Plan Amendments, hold public hearings, order projects and certify levies.
- **7.** Prepare a 2022 annual budget and begin the Fourth Generation Management Plan, which will be completed in 2022-2023.
  - **8.** Invite three guest speakers to make lunchtime water resources presentations.
  - **9.** Tour project sites in the watershed.

Motion by Butcher, second by Jaeger to accept the 2021 West Mississippi Work Plan. *Motion carried unanimously.* 

The 2021 proposed Shingle Creek and West Mississippi Monitoring Plans will be presented at the February meeting.



**B.** Responses to Solicitation of Interest Proposals for 2021-2022.\* Six proposals were received for Shingle Creek – four from engineering firms, and one each from legal and administrative providers. Proposals from the six same firms were received for West Mississippi. The members considered the proposals in closed session.

Motion by Polzin, second by Jaeger to retain the current consultants for 2021-2022. *Motion carried unanimously.* They are Wenck, now part of Stantec, for technical services; Kennedy Graven Chartered for legal services, and Judie Anderson's Secretarial Services, Inc. for administrative services.

Motion by Butcher, second by Jaeger to retain the current consultants, named above, for 2021-2022. *Motion carried unanimously*.

# C. Annual Appointments.

- 1. Official newspaper, Osseo-Maple Grove Press
- 2. Official depositories, US Bank, the 4M Fund
- 3. Deputy Treasurer, Judie Anderson
- **4.** Auditor, Johnson & Company, Ltd.

Motion by Jaeger, second by Schoch to approve the forementioned appointments for 2021. *Motion carried unanimously.* 

Motion by Butcher, second by Prasch to approve the forementioned appointments for 2021. *Motion carried unanimously.* 

**D. Election of officers** will occur at the February meeting. The current officers are:

1.	Chair:	Andy Polzin	Gerry Butcher
2.	Vice Chair:	Wayne Sicora	David Vlasin
3.	Secretary:	Karen Jaeger	Karen Jaeger
4.	Treasurer:	Harold Johnson*	Karen Jaeger

<sup>\*</sup>Johnson is no longer a SC Commissioner

Officers wishing to continue to serve (or not continue to serve) as well as Commissioners who wish to serve in an officer position should advise Anderson by February 2, 2021.

In response to queries from the members, Staff has ascertained that, beginning January 1, 2000, Commissioners cannot be employed by the cities they represent.

- VII. Water Quality.
- VIII. Grant Opportunities.
- IX. Education and Public Outreach.
- A. The West Metro Water Alliance (WMWA) will meet on Tuesday, February 9, 2021. The WMWA Zoom number is <a href="https://us02web.zoom.us/j/922390839">https://us02web.zoom.us/j/922390839</a> or call in at any of these numbers using meeting ID 922 390 839: (1) +1 301 715 8592 US (Germantown); (2) +1 312 626 6799 US (Chicago); (3) +1 929 205 6099 US (New York); or (4) +1 253 215 8782 US (Tacoma). The passcode is water.
- **B.** Spector, Scharenbroich, and Juntunen provided an update from Tuesday's WMWA meeting. A subcommittee has been formed to help identify educational components on which WMWA will focus in response to education requirements spelled out in the new MS4 permit.



# X. January Staff Report.\*

## A. Grant Updates

- 1. Clean Water Fund. We have received formal notification from the Board of Water and Soil Resources that grants have been awarded to the Shingle Creek Commission for the Connections II (\$328,000) and Meadow Lake Management Plan (\$153,510) projects. Within a few weeks we will be directed by BWSR to develop and submit work plans for both. After they have been reviewed and approved by BWSR staff, grant contracts will be generated, likely in March-April 2021. Once the contracts are executed, BWSR will release 50% of the grant funds and work can begin.
- 2. Watershed-Based Implementation Funding. In putting together the work plan for the WBIF grant awarded for the Connections II project, it was determined that the Commission would not be able to meet its non-state funds grant match requirement. As discussed at the December meeting, we requested that the Mississippi River-West Watershed Partnership consider allowing that \$70,000 grant to be used for the Bass Creek Stabilization Project. The Partnership has agreed to this substitution. We've submitted work plans for both that project and the Meadow Lake Management Plan (\$40,000), and they are going through contracting at BWSR. It is expected that we will have those contracts for the Commission to consider at the February meeting.
- **3. Hennepin County Opportunity Grants.** The Commissions submitted two grant applications to Hennepin County: one on behalf of the City of Robbinsdale for shoreline naturalization on Ryan Lake, and the other to expand the SRP Filter Project by extending the filter down the outlet channel. The County expects to make recommendations to the Board by late-January.

# B. Project Updates.

- 1. Crystal Lake Management Plan. As reported at the December meeting, the updated carp population assessment results show the lake as exceeding its carrying capacity. We continue to investigate options for carp removal and hope to have a plan of action to implement prior to this spring's alum treatment. Katie Kemmitt is working on calculating the alum dosing and we will be working with the City of Crystal staff to finalize bid documents for the first application, estimated to be in May 2021.
- 2. Bass and Pomerleau Lakes Alum Treatment. The final dose was applied last fall. This year we will take a final set of sediment cores to determine if we have met our goal reduction in sediment release. We will also do curly-leaf pondweed delineations on Bass and Pomerleau, and a CLP treatment on Bass. Pomerleau has not required treatment the last two years, but if the delineation indicates treatment is necessary, that will be completed as well. We will perform follow-up water quality monitoring aquatic vegetation surveys.
- **3. Meadow Lake Management Plan.** While we were not able to finish all the prep work necessary to complete the drawdown in 2020, we do expect to complete the permit application process this summer so that the drawdown can proceed in late fall-winter. We will also reconnect with the DNR biologists that we finally connected with late in the year regarding turtle and other wildlife management.
- **4. Twin Lake.** We have exhausted the budget on the Twin Lake project, so we do not anticipate removing any carp this year. We will take a quick ride around Upper Twin during the curly-leaf pondweed delineation season to see if it would benefit from treatment. If so, we'll bring this to the Commission to determine how to fund that treatment. Last year the cost of completing a formal delineation, permit, and treatment was about \$3,000.



#### XI. Communications.

- **A. December Communications Log.\*** No items required action.
- **B.** Included in the meeting packet were letters\* addressed to the Commissions from the **Minnesota Campaign Finance Board** reminding members of their obligation to file statements of economic interest for their new terms after taking office. Re-elected Commissioners may file one statement that satisfies both the annual review and the new term requirement. Letters have also been sent directly to the Commissioners. Failure to file will result in the imposition of a late filing fee and a potential civil penalty.
- **C.** Also included in the meeting packet was the **2021 Water Resources Update** from Metropolitan Council. The *Update* highlights the Council's Water Resources Staff's recent water monitoring assessment and planning efforts across the region.

#### XII. Other Business.

**XIII. Adjournment.** There being no further business before the Commissions, the joint meeting was adjourned at 2:25 p.m.

Respectfully submitted,

Judie A. Anderson, Recording Secretary

JAA:tim

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#### SHINGLE CREEK WATERSHED MANAGEMENT COMMISSION

# PROJECT REVIEW SC2021-001: Brooklyn Park-Osseo Interceptor

**Owner:** Metropolitan Council Environmental Services

Address: 390 Robert Street

St. Paul, MN 55101

**Engineer:** Alison Sumption **Company:** HR Green, Inc.

Address: 2550 University Ave W, STE 400N

**Phone:** 651-659-7725

**Email**: asumption@hrgreen.com

**Purpose:** Lining and replacement of sewer pipe on 0.67 acres.

**Location:** 45° 6'25.40"N, 93°23'44.14"W in Brooklyn Park, MN (Figure 1).

**Exhibits:** 1. Project review application received 1/14/2021. Project review fee of \$1,100, dated 1/19/2021, received 1/21/2021.

2. Site plan (Figure 2), preliminary plat, grading, utility, erosion control, and landscaping plans dated 1/6/2021, received 1/14/2021.

# Findings:

- 1. The proposed project is the lining and replacement of sewer and forcemain, relocation of a bioxide tank, road replacement and patching, surface restoration and trail construction. The site is 0.67 acres. The site is currently 0.41 acres impervious and there is no proposed change in impervious surface. The project is being reviewed for the erosion control plan.
- 2. The complete project application was received on 1/14/2021. To comply with the 60-day review requirement, the Commission must approve or deny this project no later than the 3/11/2021 meeting. Sixty calendar-days expires on 3/15/2021.
- 3. The erosion control plan includes inlet protection devices, fence surrounding project limits, rock construction entrances, and silt fence surrounding the nearby wetland. The erosion control plan meets Commission requirements.
- 4. The National Wetlands Inventory does not identify any wetlands on site; however, a wetland delineation determined there is a constructed stormwater basin near the project site. The applicant proposes no wetland impacts as the project boundary is mostly outside the wetland. The applicant meets Commission wetland requirements.
- 5. A public hearing on the project has not yet been conducted. In an email to Katie Kemmitt on 2/1/2021, Jeny Baroda stated that an open house would be conducted closer to beginning of construction work planned for Summer 2021. There will also be a project website and 24/7 hotline number during the project. Utilities, cities, and property owners that will be directly impacted have been contacted already.
- 6. A Project Review Fee of \$1,100 has been received.

# SC2021-001:

Recommendation: Rec	ommend approval with no conditio	ns.
Wenck Associates, Inc. Engineers for the Commi	ssion	
Ed Matthiesen, P.E.		Date

# SC2021-001:

Figure 1. Site location.



Figure 2. Site layout with area of interest highlighted.

#### WEST MISSISSIPPI WATERSHED MANAGEMENT COMMISSION

PROJECT REVIEW WM2021-001: Highview 610

**Owner:** Louisiana Property, LLC and Endeavor Development, LLC

**Address:** 5116 Skyline Drive

Edina, MN 55436

**Engineer:** Erik Miller **Company:** Sambatek

**Address:** 12800 Whitewater Drive Suite 300

Minnetonka, MN 55343

**Phone:** 763-476-6010

**Email:** emiller@sambatek.com

**Purpose:** Construction of a multi-tenant industrial building on 5.7 acres.

**Location:** 9501 Louisiana Ave, Brooklyn Park, MN (Figure 1).

**Exhibits:** 1. Project review application received 1/28/2021. Project review fee of \$2,200, dated 1/27/2021, received 2/1/2021.

- 2. Site plan, preliminary plat, grading (Figure 2), utility, erosion control, and landscaping plans dated 1/26/2021, received 1/28/2021.
- 3. Hydrologic calculations by Sambatek, dated 1/26/2021, received 1/28/2021.

# Findings:

- 1. The proposed project is the construction of a 75,000 square foot building. The site is 5.6 acres. Following development, the site will be 75 percent impervious with 4.4 acres of impervious surface, an increase of 4.2 acres.
- 2. The complete project application was received on 1/28/2021. To comply with the 60-day review requirement, the Commission must approve or deny this project no later than the 3/11/2021 meeting. Sixty calendar-days expires on 3/28/2021.
- 2. 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.

The applicant proposes to meet the water quality treatment requirements by infiltrating runoff from a 1.3-inch event. Most runoff from the site is proposed to be routed to an infiltration basin on the eastern portion of the site outfitted with an outlet control structure to the MnDOT pond offsite. Prior to discharging to the pond, runoff is routed through sump manholes outfitted with SAFL Baffle for additional pre-treatment. Small portions of pervious area on the NE and NW side of the site drain uncontrolled offsite. A small berm area east of the infiltration basin will be left undisturbed and drains into Louisiana Ave. The applicant meets Commission water quality treatment requirements.

3. Commission rules require that site runoff is limited to predevelopment rates for the 2-, 10-, and 100-year storm events. Runoff from the site is proposed to be routed through an infiltration basin with an outlet control structure that overflow to the MnDOT pond. There is runoff from the site to the MnDOT pond during the 2, 10, and 100-year events; however, runoff rates are lower than pre-development rates. The applicant meets Commission rate control requirements (Table 1).

Table 1. Runoff from site (cfs).

Drainage Area	2-year event		10-year event		100-year event	
	Pre-	Post-	Pre-	Post-	Pre-	Post-
To MnDOT T <sub>Pond</sub>	4.8	0.5	10.1	4.4	32.2	11.3
<sup>h</sup> To East	1.4	1.2	2.6	1.9	5.2	3.4
<sup>e</sup> Total Site	6.2	1.7	12.7	6.3	37.3	14.7

- 4. Commission rules require the site to infiltrate 1.0 inch of runoff from new impervious area within 48 hours. The applicant proposes to infiltrate 1.3 inches of runoff within 48 hours to meet Commission infiltration and water quality requirements. The new impervious area on this site is 4.2 acres, requiring infiltration of 0.46 acre-feet within 48 hours. The applicant proposes that the newly constructed stormwater basin on site has the capacity to infiltrate the required volume within 48 hours. The applicant meets Commission volume control requirements.
- 5. Erosion control plan includes a rock construction entrances, perimeter silt fence, silt fence surrounding the infiltration basins, inlet protection, rip rap at inlets, and native seed specified on the pond slopes. The erosion control plan meets Commission requirements.
- 6. The National Wetlands Inventory does not identify any wetlands on site. The applicant meets Commission wetland requirements.
- 7. There are no Public Waters on this site. The applicant meets Commission Public Waters requirements.
- 8. There is no FEMA-regulated floodplain on this site. The applicant meets Commission floodplain requirements.
- 9. The site is located in a Drinking Water Management Area (DWSMA), but is outside of the Emergency Response Area. The applicant proposes to amend the infiltration basin with soil per MPCA Stormwater Manual Requirements. Groundwater must be at least 3 feet below the infiltration basin bottom to ensure proper filtration of water. The applicant meets Commission drinking water protection requirements.
- 10. A public notice has been sent out for the project as part of Planning Commission and City Council review of this project, meeting Commission public notice requirements.

#### WM 2021-001:

- 11. A draft Operations & Maintenance (O&M) agreement between the applicant and the City of Brooklyn Park is in progress.
- 12. A Project Review Fee of \$2,200 has been received.

**Recommendation:** Recommend approval subject to the following conditions:

- 1. The engineer needs to verify that the bottom of the infiltration basin is at least 3 feet higher than the normal groundwater level to ensure proper filtration during infiltration.
- 2. Provide a complete O&M agreement between the applicant and the City of Brooklyn Park for the infiltration basin on the project site.

Wenck Associates, Inc. Engineers for the Commission		
Ed Matthiesen, P.E.	Date	

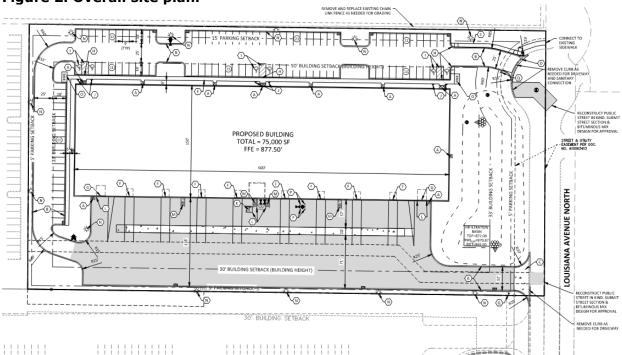
# WM 2021-001:

Figure 1. Site location.



# WM 2021-001:

Figure 2. Overall site plan.



#### WEST MISSISSIPPI WATERSHED MANAGEMENT COMMISSION

PROJECT REVIEW WM2021-002: Northpark Business Center Building V & VII

Owner: Scannel Properties #488/489 LLC

Address: 8801 River Crossing Blvd, Suite 300

Indianapolis, IN

**Engineer:** Ben Johnson

**Company:** Kimley Horn & Associates 767 Eustis Street, Suite 100

St. Paul, MN 55114

**Phone:** 612-326-9506

Fax:

**Email:** Benjamin.johnson@kimley-horn.com

**Purpose:** Construction of two office-warehouse buildings on 23 acres.

**Location:** Northeast corner of Oxbow Creek Drive and Xylon Avenue in Brooklyn Park,

MN (Figure 1).

**Exhibits:** 1. Project review application and project review fee of \$3,000, dated

12/17/2020, received 1/28/2021.

2. Site plan, preliminary plat, grading (Figure 2), utility, erosion control, and landscaping plans dated 1/28/2021, received 1/28/2021. Edits to the utility plans received on 2/3/2021.

3. Hydrologic calculations by Kimley-Horn, dated 1/26/2021, received 1/28/2021. Edits to the HydroCAD calculations received on 2/3/2021.

**Findings:** 1. The proposed project is the construction of two office-warehouse

buildings on 25 acres. Following development, the site will be 70 percent impervious with 17.3 acres of impervious surface, an increase of 17.3

acres.

2. The complete project application was received on 1/28/2021. To comply with the 60-day review requirement, the Commission must approve or deny this project no later than the 3/11/2021 meeting. Sixty calendar-

days expires on 3/29/2021.

2. 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

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 2 wet ponds and infiltration basins on-site. Wet pond P-G.1 flows through an infiltration basin that flows off-site to the west. Pond P-G.2 flows off-site to the west to a temporary pond. All runoff is infiltrated on-site even after two back-to-back 100-year events. The applicant meets Commission water quality treatment requirements.

3. Commission rules require that site runoff is limited to predevelopment rates for the 2-, 10-, and 100-year storm events. The applicant proposes to manage all runoff on-site. The applicant meets Commission rate control requirements (Table 1).

Table 1. Runoff from site (cfs).

Drainage Area	2-year event		10-year event		100-year event	
	Pre-	Post-	Pre-	Post-	Pre-	Post-
Entire site		0		0		0

- 4. 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 17.3 acres, requiring infiltration of 1.9 acre-feet within 48 hours. 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.
- 5. The erosion control plan includes rock construction entrances, sediment traps during construction, perimeter silt fence, inlet protection, rip rap at pond inlets, and native seed specified on the pond slopes. The erosion control plan meets Commission requirements.
- 6. The National Wetlands Inventory does not identify any wetlands on site. The applicant meets Commission wetland requirements.
- 7. There are no Public Waters on this site. The applicant meets Commission Public Waters requirements.
- 8. There is no FEMA-regulated floodplain on this site. The applicant meets Commission floodplain requirements.
- 9. In a telephone conversation on 5/29/14 between Erik Megow of Wenck Associates and Dan Bowar of EVS Engineering, Mr. Bowar had stated that there is no known groundwater contamination on the project site. The site is located in a Drinking Water Supply Management Area (DSWMA); however, it is outside the emergency response area.
- 10. A public hearing on the project will be conducted on 4/11/2021 as part of Planning Commission and City Council review of this project, meeting Commission public notice requirements.
- 11. A draft Operations & Maintenance (O&M) agreement between the applicant and the City of Brooklyn Park was not provided.
- 12. A Project Review Fee of \$3,000 has been received.

#### **Recommendation:** Recommend approval subject to the following conditions:

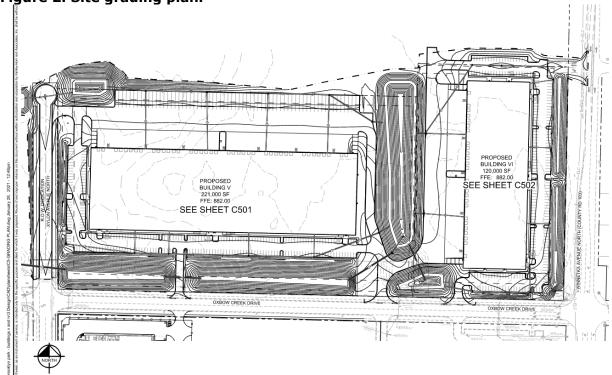
- 1. Add silt fence surround the infiltration basins and wet ponds to the erosion control plans.
- 2. Provide a complete O&M agreement between the applicant and the City of Brooklyn Park for all stormwater ponds on the project site.

Wenck Associates, Inc. Engineers for the Commission		
Ed Matthiesen, P.E.	Date	

Figure 1. Site location.



Figure 2. Site grading plan.





**To:** Shingle Creek WMO TAC/Commissioners

**From:** Ed Matthiesen, P.E.

Todd Shoemaker, P.E.

**Date:** February 4, 2021

**Subject:** Crystal/Robbinsdale Subwatershed Plan

Recommended TAC/ Commission Action

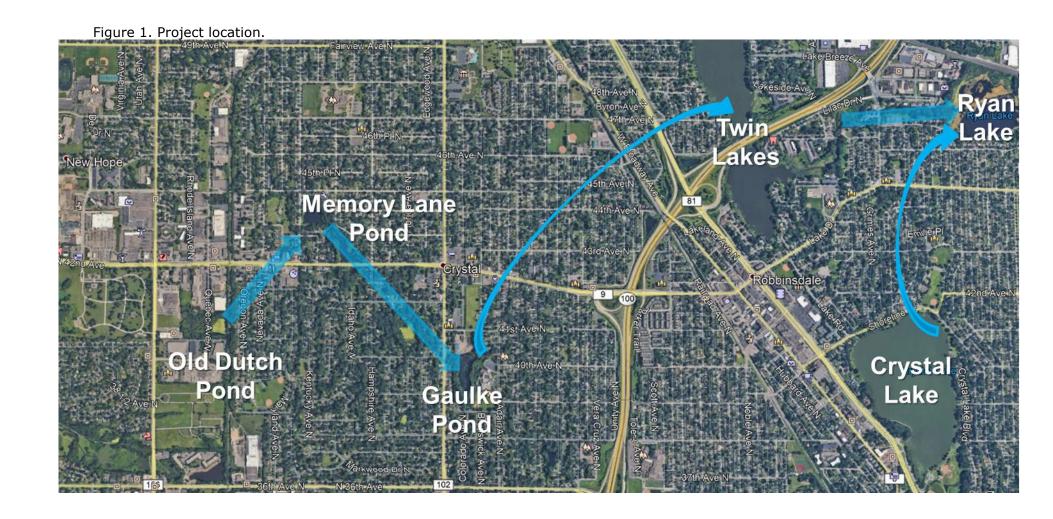
Authorize the completion of a subwatershed assessment for the Twin/Ryan Lake tributary area to develop a master Gaulke Pond and Crystal Lake Pump Operating Plan.

The cities of Robbinsdale and Crystal are developing or revising existing pumping plans to outlet areas within their cities into the Twin and Ryan Lakes chain. As previously discussed, Robbinsdale is installing a permanent emergency overflow from Crystal Lake into Ryan Lake. The City of Crystal has in place a pumping operation plan for managing the Gaulke Pond chain that receives runoff from Crystal and New Hope. That system outlets into Lower Twin Lake (See attached Figure 1). The city is looking to make improvements to that pond system to provide more storage and alleviate flooding, and potentially revise its pump operation plan.

With both cities proposing emergency flood relief pumping to the Twin/Ryan Lake system, it makes sense to develop a coordinated pumping plan. Because there are multiple cities involved (New Hope, Crystal, and Robbinsdale upstream and Minneapolis downstream), they have requested that this be completed as a Subwatershed Plan.

The Subwatershed Assessment Account has about \$8,800 carried over, with another \$10,000 in the 2021 Shingle Creek budget for a total of \$18,800. Attached is a scope of work to complete tis assessment in the amount of \$18,000.

The TAC will discuss this proposal at its February 11 meeting just prior to the Commission meeting and make a recommendation to the Commission for consideration.







# Project Need

- Desire by New Hope, Crystal and Robbinsdale to reduce flooding
  - New Hope: Old Dutch Pond area
  - Crystal: Memory Lane, Brownwood, Gaulke Ponds
  - Robbinsdale: Crystal Lake
- Crystal and Robbinsdale pump water to Twin and Ryan Lakes
  - Old Dutch => Memory Lane => Brownwood => Gaulke => Twin Lake
  - Crystal Lake => Ryan Lake
- Coordinated effort by SC WMC
  - Evaluate inputs from each city
  - Consider multiple timing and flow scenarios
  - Predict effect on Twin and Ryan Lake high water levels (HWL)

# Project Area



# Proposed Analysis

- Update SC SWMM (Stormwater Management Model) to include
  - New Hope & Crystal models
  - Watershed data and Old Dutch & Brownwood valves
- Operating plan for Gaulke Pond and Crystal Lake pumps
  - Timing
  - Flow rates
- Influence of France Ave weir
  - On Crystal Lake
  - o Is weir design "outdated"?
- Influence of valves on Old Dutch & Brownwood Ponds
- Coordination meetings with cities and MN DNR

# Project Deliverables, Schedule & Budget

- Identify & survey elevations of flood prone properties (max 8)
- Prepare maps of predicted HWLs
- Written "Gaulke Pond & Crystal Lake Pump Operating Plan"
- Permit applications (if applicable) by cities
- Schedule: February June 2021
- Budget = \$18,000

Questions?



now part of



#### **Stantec Consulting Services Inc.**

7500 Olson Memorial Highway, Suite 300, Golden Valley, MN 55427

January 25, 2021 File: P001240-21-504

Mr. Andy Polzin Shingle Creek WMC Chair 18605 29th Avenue N Plymouth, MN 55447

Dear Mr. Polzin:

Reference: Proposal for 2021 Ryan Lake Subwatershed Assessment

The purpose of this letter is to provide the Shingle Creek Watershed Management Commission (SCWMC) with a scope of work and budget for professional engineering services related to the Ryan Lake Subwatershed. This letter outlines the scope of work and budget to evaluate proposed pumping inputs to Ryan Lake from the Cities of Crystal and Robbinsdale and to prepare a written operating plan.

# **Budget, Schedule & Deliverables**

•	Fee
	estimate

The cost for Wenck to complete the scope of work detailed below is \$18,000. Subtotals by task are provided below.

Schedule

We will deliver the final draft of the operating plan by June 30, 2021.

- Deliverables
- a. Final draft of "Gaulke Pond & Crystal Lake Pump Operating Plan".
- b. Associated maps and scenario results.
- c. Notes from four proposed meetings.

# **Scope of Work**

- Task 1: Project Coordination, \$3,800
- Schedule, coordinate, and host virtual meeting with the Cities of Crystal, Robbinsdale, New Hope, Brooklyn Center, and Minneapolis staff to review model scenario results.
- b. Schedule, coordinate, and host virtual meeting with City staff to review updated model scenario results.
- Schedule, coordinate, and host virtual meeting with MnDNR, City staff to review model results and management recommendations.
- d. Present proposed operating plan at SCWMC meeting.
- Task 2: Update SCWMC SWMM Model, \$1,200
- a. Update SWMM model
  - Watershed data

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Reference: P001240-21-504

- ii. Incorporate New Hope and Crystal SWMM models.
- iii. Simulate open valves at Old Dutch and Brownwood Ponds.
- b. Execute model to serve as "existing" conditions.
  - i. Gaulke pump turns on 24 hours after start of rainfall
  - ii. 3.12 cfs (1,400 gpm) from Gaulke Pond
  - iii. No pumping from Crystal Lake

#### c. Evaluate

- Benefit, if any, of valves at Old Dutch & Brownwood Ponds.
- ii. Review function and hydraulic capacity of France Avenue weir. Evaluate impact of Atlas 14 rainfall data on weir function.
- iii. Capacity of pipe on Oregon Avenue if lined and effect on downstream high water elevations.
- Expansion of Simm's Pond influence on high water elevations.
- Task 3: Analyze Scenarios & Management Options, \$7,000
- a. Evaluate pumping scenarios:
  - i. Scenario 1
    - Gaulke pump turns on 24 hours after start of rainfall (per the current Gaulke Pond operating agreement).
    - 5.5 cfs from Gaulke
    - 2.56 cfs (1,150 gpm) from Crystal Lake to Shingle Creek
    - 2.67 cfs (1,200 gpm) from Crystal Lake to Ryan Lake

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Reference: P001240-21-504

#### ii. Scenario 2

- Gaulke pump turns on 24 hours after start of rainfall (per the current Gaulke Pond operating agreement).
- 11 cfs from Gaulke
- 2.56 cfs from Crystal Lake to Shingle Creek
- 2.67 cfs from Crystal Lake to Ryan Lake

### iii. Scenarios #3 and #4

- Reevaluate Scenarios #1 and #2 but with Gaulke pump turning on earlier than in current operating agreement.
- Timing and flow rates to be discussed with City of Crystal and City of Robbinsdale before executing models.

## b. Evaluate

- i. Upsizing of 15" pipe to 18" pipe in 40<sup>th</sup> Street between Adair & Zane.
- ii. Is operation of Gaulke Pond and Crystal Lake pumps mutually exclusive?
  - Is Crystal Lake discharge governed by the France weir?
  - Does Gaulke Pond pumping prohibit pumpig from Crystal Lake? And vice versa?
  - How long does it take for Gaulke Pond pumped volume to discharge from Ryan Lake?
  - If Crystal Lake is pumping, what is max pump flow from Gaulke Pond to not cause flooding problems?

- Task 4: Reporting \$6,000
- a. Identify and survey elevations of up to eight flood-prone properties surrounding Twin and Ryan Lakes.

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Reference: P001240-21-504

- b. Prepare maps of up to four scenario results.
- c. Prepare written "Gaulke Pond & Crystal Lake Pump Operating Plan."

#### **Study Assumptions**

- Design plans, flow rates, operating elevations, rating curves, and/or other relevant pump data will be provided to us by City of Crystal and City of Robbinsdale.
- SWMM model from the City of New Hope will be provided for the Old Dutch and Memory Ponds.
- SWIMM model from the City of Crystal will be provided for the Central Core (Memory to Gaulke pond chain)
- Permit applications, if applicable, will be submitted by others.

#### **Project Team**

The following staff have been selected to execute the Scope of Work.

Project Manager Todd Shoemaker

• Water Resources Erik Megow, Ross Mullen, Rena Weis

Engineers

Senior Water

Resources Ed Matthiesen

Engineer

On behalf of the Wenck – Stantec, thank you for this opportunity to continue working with the SCWMC. Should you have any questions or need clarification of anything presented in the attached proposal, please do not hesitate to call or email us.

Regards,

**Stantec Consulting Services Inc.** 

Ed Matthiesen, PE (MN)

Commission Engineer, Principal Engineer Phone: 612-325-6442

ematthiesen@wenck.com

Todd Shoemaker, PE (MN, IA), CFM

Sr. Associate, Water Resources Engineer

Phone: 612-414-7166 tshoemaker@wenck.com

January 22, 2021 Shingle Creek WMC Page 5 of 5

Reference: P001240-21-504

#### **Proposal Terms & Acceptance**

- Stantec will complete this scope of work according to the master services agreement with SCWMC.
- Stantec will perform the scope of work on a time and materials basis and will not exceed the authorized budget without prior authorization.
- To accept the proposal as stated above, please complete the following:

Shingle Creek WMC	
Type or Print Name	
Signature	-
Title	



**To:** Shingle Creek WMO Commissioners

**From:** Ed Matthiesen, P.E.

Diane Spector Katie Kemmitt

**Date:** February 4th, 2021

**Subject:** 2021 Shingle Creek Monitoring Plan

Recommended Commission Action

Review and approve the 2021 monitoring plan.

Each year the Commission budgets and undertakes monitoring activities, including routine stream and lake monitoring and volunteer lake, stream, and wetland monitoring. Water quality and quantity monitoring on Shingle Creek and select lakes is performed by Wenck staff and the USGS and macroinvertebrate monitoring in Shingle Creek is performed by volunteers through the Hennepin County Environmental Services' (HCES) RiverWatch program. Lake monitoring is performed by volunteers through the Met Council's Citizen Assisted Lake Monitoring Program (CAMP). Wetland monitoring is conducted through HCES's Wetland Health Program (WHEP).

The purpose of this memo is to present the proposed 2021 monitoring program. This proposal is consistent with the program set forth in the Third Generation Watershed Management Plan, which includes routine monitoring tasks, specific monitoring efforts to support Commission administered grants, and monitoring to evaluate progress toward the TMDLs every five years. Table 1 below shows the TMDL review schedule for Shingle Creek. This year the Commission will complete the 5-year biotic and DO TMDL review report for Shingle and Bass Creeks.

Table 1. Shingle Creek watershed TMDL approvals and review dates.

TMDL	TMDL EPA Approval	Implementation Plan Approval	5-Year Progress Review
Shingle Creek Chloride	February 14, 2007	March 5, 2007	2014
Twin and Ryan Nutrients	November 9, 2007	November 13, 2007	2014
Crystal Nutrients	March 25, 2009	July 7, 2009	2016
Pomerleau, Bass, and Schmidt Nutrients	September 25, 2009	December 3, 2009	2017
Meadow Nutrients	March 23, 2010	June 14, 2010	2019
Cedar Island, Pike, and Eagle Nutrients	April 14, 2010	May 18, 2010	2018
Magda Nutrients	September 30, 2010	October 1, 2010	2019
Shingle and Bass Creeks Biotic and DO	November 4, 2011	January 30, 2012	2019-2020



#### **2021 Proposed Monitoring Program**

The information set forth below explains the various monitoring programs, their purpose, and the proposed costs and funding.

Table 2. 2021 proposed monitoring program budget and cost.

Activity	2021 Budget	2021 Proposed
Routine Stream Monitoring		
Routine Streamflow and Water Quality		\$31,850
Monitoring Equipment	\$36,000	\$1,450
Planning & potential biotic sampling		\$2,700
Routine Lake Monitoring		
Intensive Lake WQ Monitoring (Cedar Island, Success)		\$9,310
Aquatic Vegetation Surveys (Cedar Island, Success)		\$6,540
Fish survey (Cedar Island)	¢24.000	\$2,090
Carp population estimate (Cedar Island)	\$24,000	\$1,520
Monitoring and Survey Equipment		\$4,130
Planning		\$410
Monitoring to Support Grant Projects (funded by grants, not be	udget)	
Twin Lake CLP delineation	N/A	\$1,860
Bass and Pomerleau WQ Monitoring, CLP delineation,	NI/A	
SAV surveys, and sediment coring	N/A	\$41,380
Crystal Lake WQ Monitoring, SAV survey, and fisheries		
survey	N/A	\$18,620

#### **ROUTINE STREAM MONITORING**

Routine Stream Flow and Water Quality Monitoring. The Commission has routinely monitored stream flow and water quality in Shingle Creek since 1996. Two locations, one downstream of Humboldt Avenue in Minneapolis ("SC-0," see attached Figure 1 for all monitoring locations) and one upstream of Zane Avenue in Brooklyn Park ("SC-2") have been monitored for water quantity and various water quality chemical parameters. In 2007, the monitoring location upstream of Zane Avenue was moved from upstream to just downstream of Brooklyn Boulevard in order to obtain a better stage-discharge relationship. This site is identified as SC-3 and SC-2 is no longer monitored. In 2015 Bass Creek ("BCP" on Figure 1) was added as a third site to be routinely monitored for water quality and conductivity. The Bass Creek monitoring station has helped provide better information about water quality in Bass Creek, which is impaired for chloride and biota.

A fourth site at Queen Avenue in Minneapolis ("SC-1") is monitored for flow by the US Geological Survey (USGS) as a part of its ongoing National Assessment of Water Quality (NAWQA). Chemical parameters are no longer routinely measured at the USGS site, except for continuous conductivity and temperature. That data are available on-line real-time at <a href="waterdata.usgs.gov/mn/nwis/uv?05288705">waterdata.usgs.gov/mn/nwis/uv?05288705</a>. The Commission also partners financially with the USGS in the operation of the Queen Avenue monitoring station.



To support our TMDL 5-year review of DO and biota in Bass and Shingle Creeks, we are proposing to conduct two additional dissolved oxygen longitudinal surveys at designated road crossings. Surveys will target a single high flow and a single low flow period in which recordings will occur before 9:00am and after 4:00pm on the same day.

A more detailed discussion and breakdown of the routine stream flow and water quality monitoring activities and costs is shown in Table 1 of Attachment 1.

Monitoring Equipment. In 2019, new deep-cycle batteries were purchased to power monitoring equipment (i.e., transducers and pumps). All equipment is in working order for 2021.

<u>Planning Budget</u>. The remaining budget will be used to fund planning meetings and cover other tasks related to field season preparation and troubleshooting. If funding allows, some biotic monitoring maybe completed to supplement the biotic TMDL review.

#### **LAKE MONITORING**

Intensive Lake TMDL Monitoring. To track the effectiveness of BMP implementation in improving lake water quality, the Commission routinely performs intensive lake monitoring to supplement the volunteer surface monitoring. Because the Commission's goals include achieving delisting of lakes that meet their TMDLs and water quality, the Third Generation monitoring plan includes more rigorous lake monitoring sufficient to demonstrate to the MPCA and EPA that conditions have improved. Attachment 2 shows the lake monitoring schedule from the Third Generation Plan, updated to reflect the actual monitoring completed.

For 2021, Cedar Island and Success will be monitored biweekly. The water quality data collected for the lakes will include surface and deep-water samples, water column temperature/DO profiles, and zooplankton and phytoplankton sampling. A more detailed discussion and breakdown of these routine monitoring activities and costs is shown in Table 1 of Attachment 2. Note that 2017 marked the point where we completed a full round of sampling for all lakes and the Commission is now on to round two of Intensive Lake monitoring to support the 5-Year TMDL Reviews.

Aquatic Vegetation Surveys. A component of the intensive monitoring is to obtain or update surveys of lake aquatic vegetation. As we have discussed with the Commission in the past, aquatic vegetation plays an important role in water quality and biotic integrity, and the vegetation community can change as water quality changes. For 2021, surveys for Cedar Island and Success will be updated in tandem with the intensive monitoring. A breakdown of this monitoring activity and costs is shown in Table 2 of Attachment 2.

<u>Fish Surveys.</u> A fisheries survey will be completed on Cedar Island Lake in 2021. A carp population estimate will also be completed for Cedar Island.

#### MONITORING TO SUPPORT TWIN LAKE GRANT PROJECT

The following monitoring tasks are built into ongoing grant projects. While not funded from the Commission's general fund budget, they are presented here for completeness.



The Twin Lake Carp Management 319 grant project ended in 2019. This project included active management of SAV within the lakes for the first three years following initial internal management activity. The first carp removal occurred in the winter of 2018 and therefore, SAV management began in the spring of 2018 to treat curlyleaf pondweed (CLP). As part of the management, the Commission is required by the MN DNR to conduct annual AIS delineation of CLP for treatment purposes and conduct annual water quality sampling. In 2021, we will complete the fifth year of CLP delineations, done in collaboration with the MN DNR. Water quality sampling requirements are not specified and do not need to follow the intensive monitoring schedule.

<u>CLP Assessment.</u> As part of the Twin Lake Carp project, a CLP delineation may be conducted on Upper Twin Lake in 2021. The delineation will be conducted in April/May in collaboration with the MN DNR. A breakdown of this monitoring activity and costs is shown in Table 1 of Attachment 3.

#### MONITORING TO SUPPORT BASS AND POMERLEAU GRANT PROJECTS

The following monitoring tasks are built into ongoing grant projects. While not funded from the Commission's general fund budget, they are presented here for completeness.

The Bass and Pomerleau Alum project is an ongoing management project aimed to address nutrient impairment. Alum was first applied in 2019 to the lakes and was applied again in 2021 to further reduce phosphorus concentrations in the water.

<u>Lake Monitoring.</u> Another season of regular water quality monitoring will be conducted on Bass and Pomerleau Lakes as part of monitoring the response to the Bass and Pomerleau Lake Alum Treatment Project. In 2021, Bass and Pomerleau Lakes will be monitored twice monthly, late May-September. The water quality data collected for the lakes will include surface and deep-water samples, water column temperature/DO profiles, and zooplankton and phytoplankton sampling. A breakdown of this monitoring activity and costs is shown in Table 3 of Attachment 3.

<u>Aquatic Vegetation Surveys.</u> CLP delineations, assisted by the MN DNR, will be completed on each lake in Spring 2021. A breakdown of this monitoring activity and costs is shown in Table 3 of Attachment 3.

<u>Sediment Coring</u>. Sediment cores will be taken in Summer 2021 from both Bass and Pomerleau Lake and sent to UW-Stout for analysis. Data from sediment cores will be used to assess the efficacy of the two alum treatments. A detailed discussing and breakdown of costs associated with sediment core retrieval and analysis is shown in Table 4 of Attachment 3.

#### MONITORING TO SUPPORT CRYSTAL LAKE GRANT PROJECT

The Crystal Lake Grant Project began in 2020. This project includes carp assessment and tracking, alum application, carp removal, SAV surveys, and water quality monitoring and intends to address Crystal Lake's impairment for nutrients. The second year of this grant will be focused on fisheries, water quality, and vegetation data that will allow us to track changes to the lake as nutrient management occurs. An alum treatment is planned for Spring 2021, and Summer 2021 monitoring will track the impact of the



alum treatment on the lake. A detailed breakdown of the proposed monitoring activity on Crystal Lake and their associated costs are shown in Table 5 of Attachment 3.

<u>Lake Monitoring.</u> Regular water quality monitoring will be conducted on Crystal Lake in 2021. Crystal Lake will be monitored twice monthly, late May-September. The water quality data collected for the lake will include surface and deep-water samples, water column temperature/DO profiles, and zooplankton and phytoplankton sampling.

<u>Aquatic Vegetation Surveys.</u> A fall aquatic vegetation survey will be performed on Crystal Lake. Aquatic vegetation plays an important role in water quality and biotic integrity, and the vegetation community can change as water quality and invasive species presence changes. The fall aquatic vegetation survey will show impacts to the vegetation community after the alum treatment. The survey will be compared to the summer 2020 survey.

<u>Fish Surveys.</u> The DNR has planned a general fisheries survey on Crystal Lake. We will supplement their survey with a near-shore survey for fish index of biological integrity (IBI) calculation.

<u>Carp.</u> In 2021, we will continue to explore options for tracking and removing the carp population from Crystal Lake.

#### **VOLUNTEER MONITORING**

**Volunteer Lake Monitoring.** The Shingle Creek Commission has participated in the Met Council's "Citizen Assisted Lake Monitoring Program" (CAMP) since 1993. This program trains volunteers to take surface water samples and make water quality observations from late spring to early fall, using standardized reporting techniques and forms. The CAMP program has been the Commission's primary means of obtaining ongoing lake water quality data. This program is also an NPDES Education and Outreach BMP.

CAMP was initiated by the Met Council to supplement the water quality monitoring performed by Met Council staff and to increase our knowledge of water quality of area lakes. Volunteers in the program monitor the lakes every other week from mid-April to mid-October. They measure surface water temperature and Secchi depth, and collect surface water samples that are analyzed by the Met Council for total phosphorous, total Kjeldahl nitrogen, and chlorophyll-a. The volunteers also judge the appearance of the lake, its odor, and its suitability for recreation.

The Met Council charges \$760 per lake to cover the cost of supplies for volunteers, analysis of samples, and the Regional Reports. The Commission owns seven equipment kits purchased in past years and will not have to purchase any more kits unless key equipment needs to be replaced.

Lakes are monitored on a rotating schedule. The larger lakes are monitored every other year while the smaller lakes are monitored every three years. It is assumed that when a lake undergoes the intensive sampling program, no CAMP monitoring will be performed that year. Lakes scheduled for 2021 volunteer lake monitoring are Meadow, Magda, Schmidt, Eagle, and Pike. The 2021 budget is \$3,800.



**Volunteer Stream Monitoring.** In previous years high school student volunteers conduct macroinvertebrate monitoring through Hennepin County Environmental Services' RiverWatch Program at two locations on Shingle Creek (see Figure 1 for location). The Commission contracts with Hennepin County for this service at a cost of \$1,000 per site. Hennepin County maintains an interactive online map showing locations throughout the county and stream grades going back to 1996: <a href="hennepin.us/riverwatch">hennepin.us/riverwatch</a>. Two sites were monitored in 2019: Shingle Creek near Park Center High School (year 24!) and Shingle Creek in Webber Park. The 2020 budget includes \$1,000 to monitor one site.

Volunteer Wetland Monitoring. In 2007 the Commission began participating in Hennepin County Environmental Services' Wetland Health Evaluation Program (WHEP), a volunteer monitoring program. Through this program, adult volunteers monitor vegetative diversity and macroinvertebrate communities. In 2019, there were no wetlands monitored in Shingle Creek. Hennepin County has an interactive online map showing WHEP locations throughout the County: <a href="https://hennepin.us/your-government/get-involved/wetland-health-evaluation-program">hennepin.us/your-government/get-involved/wetland-health-evaluation-program</a>. Two sites were monitored in 2019: Wetland 639W and a wetland in Brookdale Park in Brooklyn park. The WHEP program did not take place in 2020. The 2021 budget includes \$2,000 to monitor two wetlands. We recommend that staff work with the cities to identify sites for 2021.

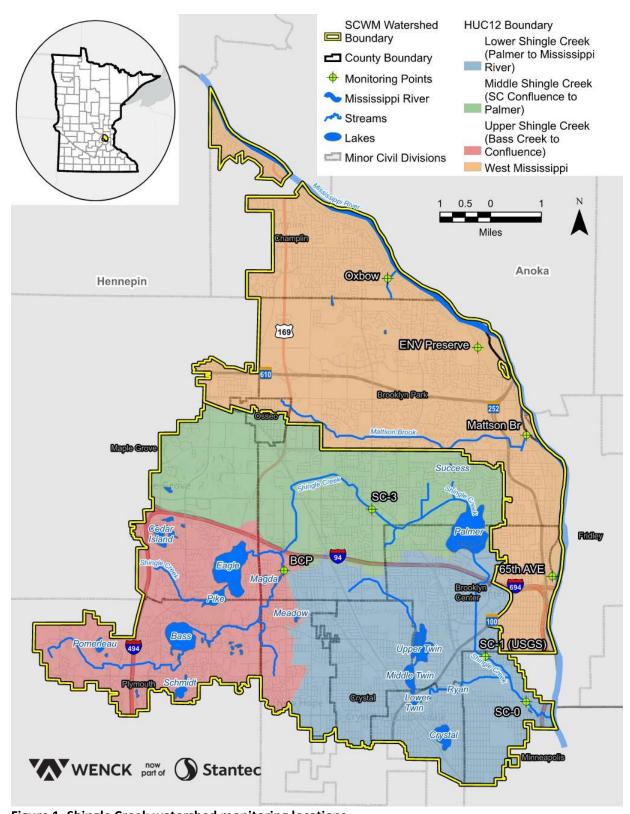


Figure 1. Shingle Creek watershed monitoring locations.



## Attachment 1 Stream Monitoring Detail January 2021

#### Sites:

Routine (bi-monthly) and storm event monitoring of flow and water quality at the outlet (SC-0), Brooklyn Boulevard (SC-3), Bass Creek (BC-1) sites.

#### **Constituents:**

Lab analyses for the stream monitoring sites include total phosphorus, total dissolved phosphorus, soluble reactive phosphorus, total suspended solids, E. coli and chloride. Field measurements at all sites will include pH, dissolved oxygen, temperature, transparency tube, and conductivity.

Conduct two dissolved oxygen longitudinal assessments. Survey a high flow and low flow event. One survey will constitute assessment pre 9:00 AM and a post 4:00 PM readings at designated crossings.

#### Frequency:

Stream Routine: SC-0, SC-3 and the Bass Creek Outlet will be monitored once every two weeks from April 1 to October 31, 2021.

Storms: Target 6 storm composite samples throughout the monitoring season (April through October) at SC-0, SC-3, and BCP-1.

Winter: Target monthly chloride sampling November through March at USGS, SC-0, SC-3, and BCP-1.

Table 1-1. Activity and cost breakdown for Shingle Creek 2020 routine stream monitoring.

ACTIVITY	HOURS	COST
Install/remove equipment	40	\$4,360
Collect routine/storm samples and maintain equipment	145	\$14,940
2 DO longitudinal surveys	22	\$1,530
Data entry/maintaining rating curves	34	\$2,980
Project management	30	\$3,300
Analytical services (RMB Laboratories)		\$4,710
Equipment and mileage		\$1,450
Planning		\$2,700
TOTAL	271	\$36,000



## Attachment 2 Lake Monitoring Detail January 2021

#### Sites:

Cedar Island and Success

#### **Intensive Monitoring Constituents:**

Lab analyses include total phosphorus, soluble reactive phosphorus, total suspended solids, chlorophylla, zooplankton, and phytoplankton. Deep lake samples for Eagle and Pike Lake will include total phosphorus and soluble reactive phosphorus. Field measurements include dissolved oxygen, temperature, pH, and conductivity water column profiles.

#### **Intensive Monitoring Frequency:**

The lakes will be sampled for water quality twice monthly from late May - September or until fall turnover. Vegetation surveys will be conducted on both lakes in Spring and Fall. A general fisheries survey and carp population estimate will be performed on Cedar Island.

Table 2-1. Activity and cost breakdown for Cedar Island and Success intensive lake monitoring.

ACTIVITY	HOURS	COST
Collect bi-monthly water quality samples	60	\$5,400
Data entry and reporting	19	\$1,440
Spring and Fall SAV surveys	76	\$6,540
Cedar Island fish survey	24	\$2,090
Cedar Island carp population estimate	18	\$1,520
Equipment and mileage (including boat rental and		
BioBase software)		\$4,130
Analytical (RMB Laboratories)		\$2,470
Planning		\$410
TOTAL	197	\$24,000



## Attachment 3 Monitoring to Support Grant Projects January 2021

#### Sites:

Upper Twin Lake (CLP delineation); Bass and Pomerleau Lakes (intensive water quality monitoring, SAV surveys, CLP delineations, follow-up sediment coring); Crystal Lake (SAV survey, water quality monitoring, near-shore fisheries survey)

#### **Intensive Monitoring Constituents:**

Lab analyses for Bass, Pomerleau, and Crystal Lakes monitoring will include surface samples of total phosphorus, soluble reactive phosphorus, total suspended solids, and chlorophyll-a. Deep water samples for all 3 lakes: total phosphorus and soluble reactive phosphorus. Field measurements for each basin will include dissolved oxygen, temperature, pH, and conductivity water column profiles

#### **Intensive Monitoring Frequency:**

Bass, Pomerleau, and Crystal Lakes will be sampled for water quality twice monthly from late May through September 2021.

Table 3-1. Activity and cost breakdown for Twin Lakes Grant project CLP delineation.

ACTIVITY	HOURS	COST
Perform CLP delineations	18	\$1,860
TOTAL	18	\$1,860

Table 3-2. Activity and cost breakdown for Bass and Pomerleau Lakes water quality monitoring and CLP delineation (grant funded).

ACTIVITY	HOURS	COST
Collect bi-monthly water samples	60	\$6,540
Data entry, reporting, and project management	29	\$2,830
Perform CLP delineations	29	\$2,940
Spring and Fall SAV surveys	67	\$5,770
Analytical (RMB Laboratories, UW-Stout sediment		
core analysis)		\$18,570
Equipment and mileage (including boat rental and		
BioBase software)		\$3,420
TOTAL	197	\$41,380

Table 3-3. Activity and cost breakdown for Crystal Lake water quality monitoring, fish surveying, and vegetation survey (grant funded).

ACTIVITY	HOURS	COST
Collect bi-monthly water quality samples	60	\$5,400
Data entry, reporting, and project management	40	\$4,100
Fall SAV survey	21	\$2,440
Near-shore fisheries survey	27	\$2,410
Equipment and mileage (including boat rental and		
BioBase software)		\$2,450
Analytical (RMB Laboratories)		\$1,820
TOTAL	148	\$18,620



Table 5. Third Generation Plan lake monitoring schedule.

Lake	Water Quality Monitoring									Aquatic Vegetation Survey						Sediment Core Assessment*															
	12	13	4	15	16	17	18	19	20	77	22	12	13	41	15	16	17	18	19	20	77	22	80	60	10	7	12	13	41	15	16
Bass			С	Х		х		g	g	g				С				С							С						
Eagle				С					С	Х	Х				С					С											С
Pike				С					С	Х	Х				С					С				С							
Twin Middle	С		Х		Х		g		Х		Х	С						g													
Ryan	Х	С					С		Х		Х		С				С									С					
Schmidt			С					С		Х				С					С						С						
Twin Lower	С		Х				g		Х		Х	С						g				С				С					
Cedar Island				С				Х		С										С						С					
Crystal		С	Х		Х		С		g	g	Х		С										С								
Pomerleau			Х			С		g	g		С							С										С			
Twin Upper	С		Х				g		Х		С	С				С		g				С		С							
Magda	Х			Х		С				Х							С					С							С		
Meadow			Х		С			Х	Х	Х						С					С			С							
Success			Х		С			Х	Х	С						С					С										

<sup>\*</sup>No additional sediment coring is anticipated after 2016.

- g Grant monitored
- x Volunteer monitored (CAMP)
- c Commission monitored



**To:** West Mississippi WMO Commissioners

**From:** Ed Matthiesen, P.E.

Diane Spector Katie Kemmit

**Date:** February 4th, 2021

**Subject:** 2021 West Mississippi Monitoring Plan

#### Recommended Commission Action

Review and approve contract with the MWMO to complete 65<sup>th</sup> Avenue outfall monitoring. Review and approve the 2021 monitoring plan.

The West Mississippi Watershed Management Commission for many years did not routinely monitor water quality in the few streams that are present in the watershed. The Commission undertook stream and outfall monitoring in 1990-1992 and found that the water quality of runoff from the watershed was generally within ecoregion norms. Since much of the watershed was poised to develop under Commission rules regulating the quality and rate of runoff, the Commission elected to discontinue further monitoring. In 2010 and 2011 the Commission authorized a repeat of the 1990-1992 monitoring, to determine current conditions and evaluate whether the development rules were protective of downstream water quality.

The Third Generation Plan and subsequent budgets incorporated ongoing, routine monitoring for West Mississippi that includes monitoring flow and water quality at two sites per year on a rotating basis. In 2020 the Commission monitored the Environmental Preserve outlet and the 65<sup>th</sup> Avenue outfall (Figure 1). Results of 2020 monitoring will be presented in the Annual Water Quality Report in April 2021.

**Routine Monitoring.** Figure 1 shows the West Mississippi outfall sites sampled in 2010-2011, and 2013-2019 (no monitoring was conducted in 2012). The 65<sup>th</sup> Avenue outfall and Mattson Brook will be monitored in 2021 for flow and water quality using automatic samplers. Continuous flow will be monitored using pressure transducers, and water quality will be analyzed through field parameter measurements, periodic grab samples, and storm composite sampling using ISCO automated samplers purchased by the Commission in 2010.

Due to continued difficulties accessing the 65<sup>th</sup> Avenue outfall in the past, West Mississippi WMC partnered with the Mississippi Watershed Management Organization (MWMO) to perform the monitoring in 2020. MWMO has experience and equipment for doing stream monitoring in confined spaces like stormwater pipes and can perform the monitoring safely and efficiently. Results from MWMO's 2020 monitoring were satisfactory and the partnership will be continued in 2021.

A detailed discussion and breakdown of these routine monitoring activities and costs is shown in Table 1 of Attachment 1. The 2021 budget for routine monitoring is \$22,600.

**Volunteer Stream Monitoring.** In previous years high school student volunteers conducted macroinvertebrate monitoring through Hennepin County Environmental Services' RiverWatch Program



at one location in West Mississippi – Mattson Brook (see Figure 1 for location). The Commission contracts with Hennepin County for this service at a cost of \$1,000 per site. Hennepin County maintains an interactive online map showing locations throughout the county and stream grades going back to 1996: <a href="https://example.com/hennepin.us/riverwatch">hennepin.us/riverwatch</a>. In the past few years Hennepin County has been finding it difficult to recruit a high school to monitor this site. The Commission did not budget for this monitoring in 2021.

Volunteer Wetland Monitoring. In 2007 the Commission began participating in Hennepin County Environmental Services' Wetland Health Evaluation Program (WHEP), a volunteer monitoring program. Through this program, adult volunteers monitor vegetative diversity and macroinvertebrate communities. In 2019, the wetlands monitored were in the Environmental Preserve in Brooklyn Park (Figure 2) and Zane Sports Park in Brooklyn Park (Figure 3). Hennepin County also has an interactive online map showing WHEP locations throughout the County: <a href="https://environment/get-involved/wetland-health-evaluation-program">health-evaluation-program</a>. The 2021 budget includes \$2,000 to monitor two wetlands. We recommend that staff work with the cities to identify sites for 2021.



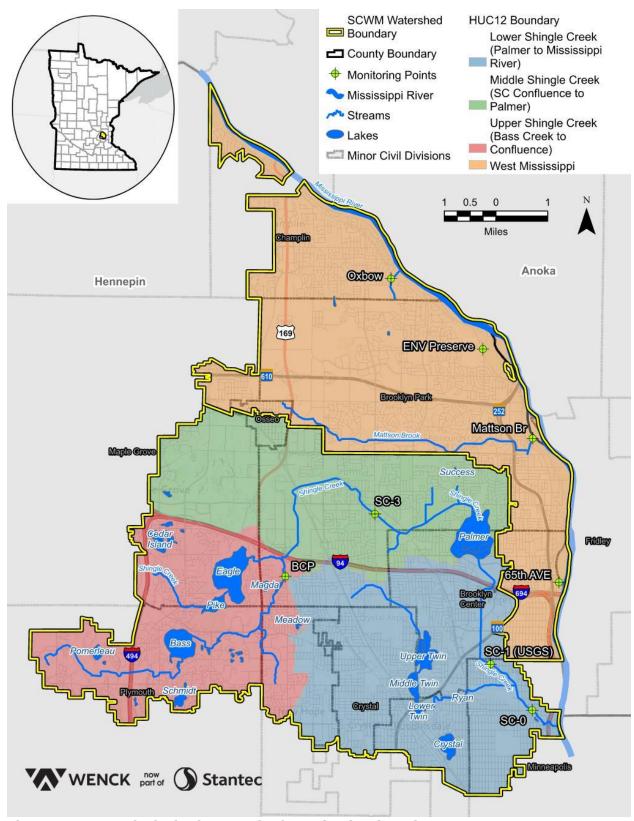


Figure 1. West Mississippi watershed monitoring locations.



## Attachment 1 Routine Monitoring Program February 2021

#### Sites:

65<sup>th</sup> Avenue Outfall and Mattson Brook sampling locations

#### **Constituents:**

Lab analyses include total phosphorus, ortho-phosphorus, total suspended solids, and chloride. Field measurements include flow, pH, dissolved oxygen, temperature, and conductivity.

#### Frequency:

Routine: Target one field grab sample per month from April through October.

*Storms:* Target approximately one storm composite sample per month from April through October using ISCO automated samplers.

Table 1. Activity and cost breakdown for West Mississippi 2021 monitoring.

ACTIVITY	COST						
Install/remove equipment	\$1,750						
Collect routine/storm samples and maintain							
equipment	\$5,150						
Data entry/maintaining rating curves	\$1,270						
Project management	\$810						
Analytical services (RMB Laboratories)	\$1,030						
Equipment and mileage	\$1,300						
Planning	\$2,026						
Contract with MWMO for 65 <sup>th</sup> Avenue Outfall	\$9,264						
TOTAL	\$22,600						

Table 2. Activity and cost breakdown from MWMO for 65th Ave monitoring.

	<del>- 101 00 1110 1110 11110 1111</del>
ACTIVITY	COST
Data management	\$1,152
Collect samples	\$1,633.50
Equipment Maintenance	\$1,969
Mileage – Expense	\$349.44
Analytical services (Metropolitan Environmental	
Lab)	\$2,088
Admin – invoicing and annual report	\$2,072
TOTAL	\$9,263.94



**To:** Shingle Creek WMO Commissioners

**From:** Ed Matthiesen, P.E.

Diane Spector

**Date:** February 4, 2021

**Subject:** Approve BWSR Grant Agreement for Watershed-Based Implementation

Funding

Recommended Commission Action

Authorize execution of the grant agreement, subject to review and approval by the attorney.

The Board of Water and Soil Resources (BWSR) has approved the workplans for the Meadow Lake Management Plan (\$40,000) and the Bass Creek Stabilization Project (\$70,000).

Attached is a grant agreement between the Commission and BWSR. Staff recommends the Commission authorize its approval, subject to review and approval by the Commission's attorney.



# FY 2021 STATE OF MINNESOTA BOARD OF WATER and SOIL RESOURCES WATERSHED-BASED IMPLEMENTATION FUNDING GRANT AGREEMENT

Vendor:	0000237333
PO#:	3000013015

This Grant Agreement is between the State of Minnesota, acting through its Board of Water and Soil Resources (Board) and Shingle Creek WMC, 3235 Fernbrook Lane Plymouth Minnesota 55447 (Grantee).

This grant is for the following Grant Programs :						
C21-5181	Bass Creek Restoration	\$70,000				
C21-4122	Meadow Lake Drawdown and Alum Treatment	\$40,000				

Total Grant Awarded: \$110,000

#### Recitals

- 1. The Laws of Minnesota 2019, 1<sup>st</sup> Special Session, Chapter 2, Article 2, Section 7(a), appropriated Clean Water Funds (CWF) to the Board for the FY 2020-2021 Watershed-based Implementation Funding.
- 2. The Board adopted the FY 2020-2021 Clean Water Fund Watershed-based Implementation Funding Program Policy and authorized the Watershed-based Implementation Funding Program through Board Order #19-54.
- 3. The Board adopted Board Order #19-54 to allocate funds for the FY 2020-2021 Watershed-based Implementation Funding Program.
- 4. The Grantee has submitted a BWSR approved work plan for this Program which is incorporated into this Grant Agreement by reference.
- 5. The Grantee represents that it is duly qualified and agrees to perform all services described in this Grant Agreement to the satisfaction of the State.
- 6. As a condition of the grant, Grantee agrees to minimize administration costs.

#### **Authorized Representative**

The State's Authorized Representative is Marcey Westrick, Clean Water Coordinator, BWSR, 520 Lafayette Road North, Saint Paul, MN 55155, 651-284-4153, or his/her successor, and has the responsibility to monitor the Grantee's performance and the authority to accept the services and performance provided under this Grant Agreement.

The Grantee's Authorized Representative is: ANDY POLZIN

3235 FERNBROOK LANE PLYMOUTH, MN 55447 763-553-1144

If the Grantee's Authorized Representative changes at any time during this Grant Agreement, the Grantee must immediately notify the Board.

#### **Grant Agreement**

#### 1. Terms of the Grant Agreement.

- 1.1. Effective date: The date the Board obtains all required signatures under Minn. Stat. § 16B.98, Subd. 5. The State will notify the Grantee when this Grant Agreement has been executed. The Grantee must not begin work under this Grant Agreement until it is executed.
- 1.2. Expiration date: December 31, 2023, or until all obligations have been satisfactorily fulfilled, whichever comes first.
- 1.3. *Survival of Terms:* The following clauses survive the expiration date or cancellation of this Grant Agreement: 7. Liability; 8. State Audits; 9. Government Data Practices; 11. Publicity and Endorsement; 12. Governing Law, Jurisdiction, and Venue; 14. Data Disclosure; and 19. Intellectual Property Rights.

#### 2. Grantee's Duties.

The Grantee will comply with required grants management policies and procedures set forth through Minn. Stat § 16B.97, Subd. 4(a)(1). The Grantee is responsible for the specific duties for the Program as follows:

- 2.1. *Implementation:* The Grantee will implement their work plan, which is incorporated into this Grant Agreement by reference.
- 2.2. Reporting: All data and information provided in a Grantee's report shall be considered public.
  - 2.2.1. The Grantee will submit an annual progress report to the Board by February 1 of each year on the status of Program implementation by the Grantee. Information provided must conform to the requirements and formats set by the Board. All individual grants over \$500,000 will also require a reporting expenditure by June 30 of each year.
  - 2.2.2. The Grantee will prominently display on its website the Clean Water Legacy Logo and a link to the Legislative Coordinating Commission website.
  - 2.2.3. Final Progress Report: The Grantee will submit a final progress report to the Board by February 1, 2024 or within 30 days of completion of the project, whichever occurs sooner. Information provided must conform to the requirements and formats set by the Board.
- 2.3. *Match:* The Grantee will ensure any local match requirement will be provided as stated in Grantee's approved work plan.

#### Time.

The Grantee must comply with all the time requirements described in this Grant Agreement. In the performance of this Grant Agreement, time is of the essence.

#### 4. Terms of Payment.

- 4.1. Grant funds will be distributed in three installments: 1) The first payment of 50% will be distributed after the execution of the Grant Agreement. 2) The second payment of 40% will be distributed after the first payment of 50% has been expended and reporting requirements have been met. An eLINK Interim Financial Report that summarizes expenditures of the first 50% must be signed by the Grantee and approved by BWSR. Selected grantees may be required at this point to submit documentation of the expenditures reported on the Interim Financial Report for verification. 3) The third payment of 10% will be distributed after the grant has been fully expended and reporting requirements are met. The final, 10% payment must be requested within 30 days of the expiration date of the Grant Agreement. An eLINK Final Financial Report that summarizes final expenditures for the grant must be signed by the Grantee and approved by BWSR.
- 4.2. All costs must be incurred within the grant period.
- 4.3. All incurred costs must be paid before the amount of unspent funds is determined. Unspent grant funds must be returned within 30 days of the expiration date of the Grant Agreement.
- 4.4. The obligation of the State under this Grant Agreement will not exceed the amount listed above.
- 4.5. This grant includes an advance payment of 50 % of the grant's total amount. Advance payments allow the grantee to have adequate operating capital for start-up costs, ensure their financial commitment to landowners and contractors, and to better schedule work into the future.

#### 5. Conditions of Payment.

- 5.1. All services provided by the Grantee under this Grant Agreement must be performed to the State's satisfaction, as set forth in this Grant Agreement and in the BWSR approved work plan for this program. Compliance will be determined at the sole discretion of the State's Authorized Representative and in accordance will all applicable federal, State, and local laws, policies, ordinances, rules, FY 2020-2021 Clean Water Fund Watershed-based Implementation Funding Program Policy, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, State or local law.
- 5.2. Minnesota Statutes §103C.401 (2018) establishes BWSR's obligation to assure Program compliance. If the noncompliance is severe, or if work under the Grant Agreement is found by BWSR to be unsatisfactory or performed in violation of federal, State, or local law, BWSR has the authority to require the repayment of grant funds or withhold payment on grants from other programs.

#### 6. Assignment, Amendments, and Waiver

- 6.1. **Assignment.** The Grantee may neither assign nor transfer any rights or obligations under this Grant Agreement without the prior consent of the State and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this Grant Agreement, or their successors in office.
- 6.2. **Amendments.** Any amendments to this Grant Agreement must be in writing and will not be effective until it has been approved and executed by the same parties who approved and executed the original Grant Agreement, or their successors

- in office. Amendments must be executed prior to the expiration of the original Grant Agreement or any amendments thereto
- 6.3. *Waiver*. If the State fails to enforce any provision of this Grant Agreement, that failure does not waive the provision or its right to enforce it.

#### 7. Liability.

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this Grant Agreement by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this Grant Agreement.

#### 8. State Audits.

Under Minn. Stat. § 16B.98, Subd. 8, the Grantee's books, records, documents, and accounting procedures and practices of the Grantee or other party relevant to this Grant Agreement or transaction are subject to examination by the Board and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Grant Agreement, receipt and approval of all final reports, or the required period of time to satisfy all State and program retention requirements, whichever is later.

8.1. The books, records, documents, accounting procedures and practices of the Grantee and its designated local units of government and contractors relevant to this grant, may be examined at any time by the Board or Board's designee and are subject to verification. The Grantee or delegated local unit of government will maintain records relating to the receipt and expenditure of grant funds.

#### 9. Government Data Practices.

The Grantee and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this Grant Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this Grant Agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either the Grantee or the State.

#### 10. Workers' Compensation.

The Grantee certifies that it is in compliance with Minn. Stat. § 176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

#### 11. Publicity and Endorsement.

- 11.1. **Publicity.** Any publicity regarding the subject matter of this Grant Agreement must identify the Board as the sponsoring agency. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Grant Agreement.
- 11.2. Endorsement. The Grantee must not claim that the State endorses its products or services

#### 12. Governing Law, Jurisdiction, and Venue.

Minnesota law, without regard to its choice-of-law provisions, governs this Grant Agreement. Venue for all legal proceedings out of this Grant Agreement, or its breach, must be in the appropriate State or federal court with competent jurisdiction in Ramsey County, Minnesota.

#### 13. Termination.

- 13.1. The State may cancel this Grant Agreement at any time, with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.
- 13.2. In the event of a lawsuit, an appropriation from a Clean Water Fund is canceled to the extent that a court determines that the appropriation unconstitutionally substitutes for a traditional source of funding.
- 13.3. The State may immediately terminate this Grant Agreement if the State finds that there has been a failure to comply with the provisions of this Grant Agreement, that reasonable progress has not been made or that the purposes for which the funds were granted have not been or will not be fulfilled. The State may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

#### 14. Data Disclosure.

Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and State tax agencies and State personnel involved in the payment of State obligations. These identification numbers may be used in the enforcement of federal and State tax laws which could result in action requiring the Grantee to file State tax returns and pay delinquent State tax liabilities, if any.

#### 15. Prevailing Wage.

It is the responsibility of the Grantee or contractor to pay prevailing wage for projects that include construction work of \$25,000 or more, prevailing wage rules apply per Minn. Stat. §§ 177.41 through 177.44. All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with these State funds shall be paid wages at a rate not less than those prevailing on projects of a character similar in the locality. Bid requests must state the project is subject to prevailing wage.

#### 16. Municipal Contracting Law.

Per Minn. Stat. § 471.345, grantees that are municipalities as defined in Subd. 1 of this statute must follow the Uniform Municipal Contracting Law. Supporting documentation of the bidding process utilized to contract services must be included in the Grantee's financial records, including support documentation justifying a single/sole source bid, if applicable.

#### 17. Constitutional Compliance.

It is the responsibility of the Grantee to comply with requirements of the Minnesota Constitution regarding the use of Clean Water Funds to supplement traditional sources of funding.

#### 18. Signage.

It is the responsibility of the Grantee to comply with requirements for project signage as provided in Minnesota Laws 2010, Chapter 361, Article 3, Section 5(b) for Clean Water Fund projects.

#### 19. Intellectual Property Rights.

The State owns all rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents created and paid for under this grant. Works means all inventions, improvements, discoveries, (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Grantee, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this grant. Work includes "Documents." Documents are the originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Grantee, its employees, agents or subcontractors, in the performance of this grant. The Documents will be the exclusive property of the State and all such Documents must be immediately returned to the State by the Grantee upon completion or cancellation of this grant at the State's request. To the extent possible, those Works eligible for copyright protection under the United State Copyright Act will be deemed to be "works made for hire." The Grantee assigns all right, title, and interest it may have in the Works and the Documents to the State. The Grantee must, at the request of the State, execute all papers and perform all other acts necessary to transfer or record the State's ownership interest in the Works and Documents.

**IN WITNESS WHEREOF**, the parties have caused this Grant Agreement to be duly executed intending to be bound thereby.

Approved:	
Shingle Creek WMC	Board of Water and Soil Resources
By:(print)	Ву:
(signature)	<del></del>
Title:	Title:
Date	Date:



## SHINGLE CREEK / WEST MISSISSIPPI WATERSHED MANAGEMENT COMMISSION MONTHLY COMMUNICATION LOG January 2021

Date	From	То	sc	WM	Description
		Ed Matthiesen,	Х		
1-28-2010	Jennifer Ehlert @ Metro Blooms	Diane Spector			Shingle Creek grant for Brook Gardens
	Stephanie Johnson, City of		х		Copy of comments and responses re: proposed revisions to Minneapolis
1-4-21	Minneapolis	SC WMC			stormwater ordinance
			х		Notice that the SRP Filter Channel project is a finalist for Hennepin County
1-8-21	Kris Guentzl, Hennepin County	Diane S	^		funding and asking follow up questions
1-21-2021	Jerome Adams @ MnDOT	Ed M.		Х	TH 252 plans
	Mark Quast @ Meyer		V		
1-21-2021	Contracting	Ed M.	X		MnDOT pond clean outs, 16 total
			.,		Notice that the SRP Filter Channel project was selected for Hennepin County
1-21-21	Kris Guentzl, Hennepin County	Diane S	X		funding, final approval by Board expected in March
	, , ,				Notice that the Ryan Lake Shoreline Stabilization project was not selected for
1-22-21	Kris Guentzl, Hennepin County	Diane S	Х		Hennepin County funding
	, , ,				Notice that a DNR permit to work within a public water was issued to city of
1-22-21	MPARS DNR	SC WMC	Х		Maple Grove for Pike Creek channel maintenance
1-28-2021	Aaron Feldberg @ Sambatek	Ed M.		Х	Highview 610 development in Brooklyn Park
					Question whether a small upcoming project modifying the Hampton Hills
1-29-21	Bob Molstad, Sathre Berquist	Diane S	Х		development (SC2010-04) would require Commission review. (No)
1 23 21	Rhonda Pierce @ Pierce Pini	Diane 3			
1-29-2021	Assoc.	Ed M.	X		New project in Brooklyn Center
1 23 2021	7.5500.	201111			
				<u> </u>	



### SHINGLE CREEK / WEST MISSISSIPPI WATERSHED MANAGEMENT COMMISSION MONTHLY COMMUNICATION LOG

#### January 2021

Date	From	То	SC	WM	Description



## SHINGLE CREEK / WEST MISSISSIPPI WATERSHED MANAGEMENT COMMISSION MONTHLY COMMUNICATION LOG December 2020

Date	From	То	SC	WM	Description
		Jennifer Gora, Project	Х		
12-2-2020	Ed Matthiesen	Mgr MAC			Coordination on 639W overflow channel iron/sand filter
	Lynne Stuart, Finance,		Х	Х	
12-2-2020	Brooklyn Park	Ed Matthiesen	^	^	W-9 forms for Brooklyn Park project review for park renovations
			x		Request for comments, permit application from Maple Grove to remove snags
12-2-20	DNR MPARS	SC WMC	^		and debris from Pike Creek channel
12-4-20	Nick Omodt	DNR	Х		Annual reports for fish sampling/taking permits, Ryan Creek and Meadow Lake
12-14-	Patrick James @ Keller			.,	
2020	Williams	Ed Matthiesen		Х	Project review requirements for 9415 W. River Road, Brooklyn Park
12-16-	Patrick Bochamp @ Barr				
2020	Engineering	Ed Matthiesen	Х		Central core stormwater project, Crystal
	Nick Ellering @ Upper				By-laws Upper Twin Lake
12-18-	Twin Lake Homeowners	Diane Spector., Ed	Х		7
2020	Assoc	Matthiesen			
12-18-	Karen Galles @	Diane Spector., Ed			Rockford Road Library Refurbishment
2020	Hennepin County	Matthiesen	Х		100.110.110.110.110.110.110.110.110.110
12-18-	George Barr @ Barr-	Widelinesen			
2020	Nelson Construction	Ed Matthiesen		Х	Project review requirements at 9415 West River Road, Brooklyn Park
2020	14cisori construction	La Matthesen			
		1		<u> </u>	1

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Send Log to:

Judie Anderson: <a href="mailto:judie@jass.biz">judie@jass.biz</a>

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