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## REGULAR MEETING | PUBLIC HEARING MINUTES | February 9, 2023

(Action by the SCWMC appears in blue, by the WMWMC in green and shared information in black.  
\*indicates items included in the meeting packet.)

I. A joint meeting of the Shingle Creek Watershed Management Commission and the West Mississippi Watershed Management Commission was called to order by Shingle Creek Chairman Andy Polzin at 12:45 p.m. on Thursday, February 9, 2023, in the Aspen Room, Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN.

Present for Shingle Creek were: David Mulla, Brooklyn Center; Alex Prasch, Brooklyn Park; Burt Orred, Jr., Crystal; Karen Jaeger, Maple Grove; Ray Schoch, Minneapolis; Bill Wills, New Hope; John Roach, Osseo; Andy Polzin, Plymouth; Wayne Sicora, Robbinsdale; Diane Spector, Katie Kemmitt, and Todd Shoemaker, Stantec; Troy Gilchrist, Kennedy & Graven; and Judie Anderson, JASS.

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

Also present were: James Soltis, Brooklyn Center; Mitch Robinson and Greg Spoden, Brooklyn Park; Mark Ray, Crystal; Derek Asche, Maple Grove; Katie Kowalczyk, Minneapolis; Bob Grant and Nick Macklem, New Hope; James Kelly, Osseo; Leah Gifford, Ben Scharenbroich and Amy Riegel, Plymouth; and Wendy Scherer, Richard McCoy and Mike Sorensen, Robbinsdale.

### II. Agendas and Minutes.

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

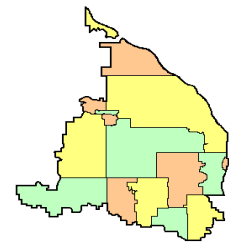
Motion by Roach, second by Butcher to approve the **West Mississippi agenda**.\* *Motion carried unanimously.*

Motion by Schoch, second by Wills to approve the **minutes of the January 12, 2023, regular meeting**.\* *Motion carried unanimously.*

Motion by Roach, second by Jaeger to approve the **minutes of the January 12, 2023, regular meeting**.\* *Motion carried unanimously.*

### III. Finances and Reports.

A. Motion by Schoch, second by Prasch to approve the Shingle Creek **February Treasurer's Report\* and claims** totaling \$34,924.23. Voting aye: Mulla, Prasch, Orred, Jaeger, Schoch, Wills, Roach, Polzin, and Sicora; voting nay: none.



**B. Motion by Butcher, second by Jaeger to approve the West Mississippi February Treasurer's Report\* and claims totaling \$21,591.50. Voting aye: Mulla, Prasch, Butcher, Jaeger, and Roach; voting nay: none.**

**IV. Open Forum.**

Jaeger inquired about the status of the **2009 paired intersection research project** undertaken by the Shingle Creek Commission and the City of Robbinsdale to investigate whether porous asphalt can be used as a physical substitute for road salt as an ice prevention method. McCoy responded that the results of the Commission investigation along with additional investigation by the University of Minnesota have been inconclusive. The pavements are reaching the end of their life in terms of durability and the City will likely return to “normal” pavement when overlays are undertaken.

*[The regular meeting was suspended at 12:54 p.m. in order to conduct a public hearing.]*

**V. Public Hearing.\***

**A.** In accordance with Minnesota Statutes 103B.231, which sets out the watershed management plan process for metro area Watershed Management Organizations (WMOs), the Commissions must hold a public hearing on their draft Fourth Generation Watershed Management Plan no sooner than 14 days following completion of the 60-day review period, which ended January 14, 2023. The purpose of the hearing is to provide a forum for the public, government agencies, and member cities to provide comments on the goals, management strategies and work plan proposed for the ten year period 2023-2032.

The Commissions submitted their Fourth Generation Watershed Management Plan to the reviewing entities in early November 2022. After the 60-day window, Stantec reviewed and compiled the received comments and provided recommended responses that were included in the meeting packet. Upon completion of the hearing a record of the hearing and all comments received and responses made must be forwarded to the Board of Water and Soil Resources (BWSR), which then has up to 90 days in which to consider approving the Plan. Once BWSR has approved the Plan, the Commissions have 120 days in which to adopt it. The Commissions should plan to adopt the Plan at their May or June 2023 meeting.

Kemmitt discussed the comments that were received from BWSR, Minnesota Department of Natural Resources (DNR), Minnesota Pollution Control Agency (MPCA), City of Minneapolis, Metropolitan Council, Minneapolis Parks and Recreation Board (MPRB), Hennepin County, and Bassett Creek WMO. Many comments were easily addressed. Some comments that were notable or received by more than one entity include:

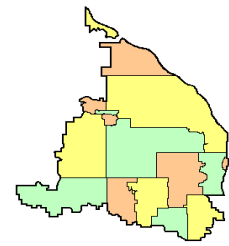
**1.** The plan is lengthy and technical. Can the plan sections be condensed to be more useful for those interested in the Plan?

Suggested response: *The Commissions have developed a 1-page fact sheet that is on the website that will help distil the content. The Watershed Plan page on the website will also be updated once the plan is adopted to direct people to the correct place for the information they seek.*

**2.** Maintenance roles of SCWMC, MPRB, and City of Minneapolis for Shingle Creek in Minneapolis should be clarified.

Suggested response: *The SCWMC, as a joint powers organization, has no maintenance and ownership role in the Creek.*

**3.** Bassett Creek WMO commented that all figures should be updated with the new legal boundary.



Suggested response: *The proposed new boundary is still under review and cannot be used in the Plan at this time.*

Comments received that require further discussion include:

4. BWSR and Metropolitan Council commented that Goal 1; “*Manage surface water resources of the watershed to meet or exceed state standards.*” was not measurable enough and/or not reasonable to accomplish within the Plan timeline provided.

Recommended response: *Stantec recommends the Commission respond by adding detail back into the goal from the Third Generation Plan of 10% improvement in water clarity of lakes over the previous 10 years.*

5. Hennepin County suggested the text “*Continue current Hennepin County jurisdiction over County Ditch #13.*” be changed to “*Work with Hennepin County to identify the proper jurisdiction for Shingle Creek, where currently designated as County Ditch #13, that provides the most consistent support and protection for the resource.*” Hennepin County also mentioned they would be interested in pursuing ditch abandonment that would allow for authority to transfer to the Department of Natural Resources as a public watercourse.

Recommended response: *Stantec recommends the Commission use the suggested text from Hennepin County to keep options for ditch jurisdiction open.*

6. The City of Minneapolis asked if there was any interest in increasing the cost share cap in the next 10 years to account for inflation.

Recommended response: Stantec recommends the TAC and Commission keep this comment in mind for future discussion.

**B. Open Public Hearing.** The public hearing was opened at 1:09 p.m.

No additional comments were received from either the member cities, the reviewing agencies, or the public. The public hearing was closed at 1:10 p.m.

**C. Commission Discussion.**

There being no further discussion, *motion by Schoch, second by Mulla to accept the responses and forward the proposed Plan to BWSR for final review and approval. Motion carried unanimously.*

*Motion by Butcher, second by Jaeger to accept the responses and forward the proposed Plan to BWSR for final review and approval. Motion carried unanimously.*

*[The regular meeting resumed at 1:11 p.m.]*

## VI. Action Items.

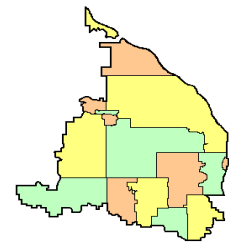
### A. Election of Officers.

1. *Motion by Schoch, second by Prasch to elect the following: Polzin, Chair; Sicora, Vice Chair; Jaeger, Secretary; and Orred Treasurer. Motion carried unanimously.*

2. *Motion by Mulla, second by Roach to elect the following: Butcher, Chair; David Vlasin, Brooklyn Center, Vice Chair; and Jaeger, Secretary/Treasurer. Motion carried unanimously.*

### B. Annual Appointments.

1. Official Newspaper – Osseo-Maple Grove Press.



2. Official Depositories – U.S. Bank and the 4M Fund.
3. Deputy Treasurer – Judie Anderson.
4. Auditor – Johnson Company Ltd.

Motion by Jaeger, second by Schoch to affirm the above appointments. *Motion carried unanimously.*

Motion by Butcher, second by Roach to affirm the above appointments. *Motion carried unanimously.*

## VII. Project Reviews.

**A. WM2022-06 Gateway Regional Park, Brooklyn Park.\*** Construction of a visitors' center, sidewalks, trails, and parking lots on 160 acres. Following development, the site will be 4 percent impervious with 6.8 acres of impervious surface, an increase of 4.4 acres. A complete project application was received on November 28, 2022. The applicant requested a 60-day review extension.

Commission rules require the site to abstract 1.1 inches of runoff from new and reconstructed impervious area within 48 hours. The new impervious area on this site is 6.8 acres, requiring the infiltration of 27,152 cubic feet within 48 hours. The applicant proposes to construct eight raingardens with the capacity to infiltrate 36,485 cubic feet within 48 hours. The applicant meets Commission volume control requirements.

To comply with the Commission's water quality treatment requirement, the site must provide treatment so there is no net increase in TP or TSS from pre- to post-development land cover. This standard can be met if the infiltration requirement is met. The applicant has met the infiltration requirement. The applicant meets Commission water quality treatment requirements.

Commission rules require that site runoff is limited to predevelopment rates for the 2-, 10-, and 100-year, 24-hour, and 100-year, 10-day critical storm event. Runoff from the site is routed through eight rain gardens. The applicant meets Commission rate control requirements.

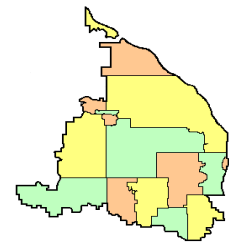
The erosion control plan includes a rock construction entrance, perimeter silt fence/biolog, rip rap at outlets, inlet protection, slope checks, and native seed specified on the basin slopes. The erosion control plan meets Commission requirements.

The National Wetlands Inventory identifies wetlands in the west and southeast portion of the site. The Commission is the LGU for WCA administration. 0.1 acres of fill are planned in the wetland located on the west side of the site. A replacement plan has been approved by the Commission. The applicant meets Commission wetland and buffer requirements.

The wetland located in the southeast area of the site is a DNR Public Water. The proposed project is not anticipated to negatively impact the wetland or its Aquatic Consumption/Aquatic Recreation status. The applicant meets Commission Public Waters requirements.

Cut and fill is proposed in the floodplain, but there is a net increase in floodplain storage. Additionally, the applicant submitted a HEC-RAS model to demonstrate no change to the floodplain high water level, restricted flow, or aggravated flooding on other land. The low floor elevations of the buildings (829.00 for the Visitors Center and 849.3 for the Maintenance Facility) are at least two feet higher than the FEMA 100-year flood elevation of 827 feet. The applicant meets Commission floodplain requirements.

The site is located in a Drinking Water Supply Management Area but is outside the Emergency Response Area. Therefore, infiltration is permitted, but infiltrated water must first filter through one foot of



soil, the top four inches of which are amended topsoil, and the bottom 8 inches of which are tilled. The applicant proposes to infiltrate through 24 inches of MN Stormwater Manual Mix E (80/20 sand/compost mix). The applicant meets Commission drinking water protection requirements.

City staff reports that the public notice requirement has been met through past presentations to the City Council as well as continued outreach from Three Rivers Park District and the City (City newsletter and updates on the project website).

A draft Operations & Maintenance (O&M) agreement between Three Rivers Park District and the City of Brooklyn Park was provided.

Motion by Jaeger, second by Mulla to advise the City of Brooklyn Park that Project 2022-06 is approved with two conditions:

1. Execute the O&M agreement between Three Rivers Park District and the City of Brooklyn Park for all stormwater facilities on the project site.
2. Demonstrate by double ring infiltrometer or witness test that the site can meet the design infiltration rate of:
  - a. 0.8 inches/hour for raingardens 1,2,7, and 8
  - b. 0.45 inches/hour for raingardens 3-6, and 9.

*Motion carried unanimously.*

**B. WM2022-07 610 Zane 3rd Addition (Speculative Industrial Buildings), Brooklyn Park.\*** Construction of two office/warehouse buildings and surrounding parking on a 19.7-acre site. Following development, the site will be 62 percent impervious with 13.61 acres of impervious surface, an increase of 13.61 acres. This project is the third addition of the larger 98-acre 610 Zane site. A complete project application was received December 30, 2022.

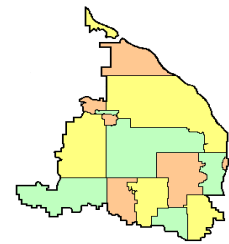
Commission rules require the site to infiltrate 1.1 inches of runoff from new impervious and reconstructed impervious area within 48 hours. Two existing infiltration basins, as part of regional treatment, are proposed to be expanded on site to treat on- and offsite impervious (94th Avenue and future development). The impervious areas are:

1. The onsite new and reconstructed impervious is 592,900 ft<sup>2</sup>.
2. The offsite existing (94th Avenue) and anticipated future impervious is 322,800 ft<sup>2</sup>.
3. The Western Infiltration Basin receives runoff from onsite impervious.
4. The Eastern Infiltration Basin receives runoff from onsite impervious, 94th Avenue, and a 3.7-acre future development (87% impervious).
5. Volume retention required:  $915,700 \text{ ft}^2 \times 1.1'' \times 1 \text{ ft}/12'' = 83,940 \text{ ft}^3$

The applicant meets Commission volume control requirements.

To comply with the Commission's water quality treatment requirement, the site must provide treatment so there is no net increase in TP or TSS from pre- to post-development land cover. Meeting the infiltration requirement is considered sufficient to provide a similar level of treatment. The applicant has met the infiltration requirement. The applicant meets Commission water quality treatment requirements.

Commission rules require that site runoff is limited to predevelopment rates for the 2-, 10-,



and 100-year, 24-hour, and 100-year, 10-day critical storm event. Runoff from onsite, 94th Avenue, and the future development to the southeast are routed to two infiltration basins. The applicant meets Commission rate control requirements.

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

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

There is no FEMA-regulated floodplain on this site. The low floor elevations of the buildings (874') are at least two feet higher than the high-water elevation of the infiltration basins (871') according to Atlas 14 precipitation. The applicant meets Commission floodplain requirements.

The site is located in a Drinking Water Supply Management Area but is outside the Emergency Response Area. Therefore, infiltration is permitted, but infiltrated water must first filter through one foot of soil, the top four inches of which are amended topsoil, and the bottom eight inches of which are tilled. The applicant proposes to infiltrate through the above media specification. The applicant meets Commission drinking water protection requirements.

A public hearing on the project will be conducted on February 8, 2023, as part of Planning Commission and City Council review of this project, meeting Commission public notice requirements.

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

Motion by Prasch, second by Jaeger to advise the City of Brooklyn Park that Project 2022-07 is approved with the following conditions:

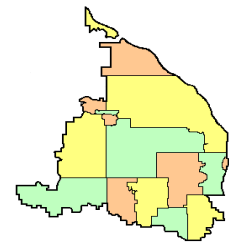
1. Provide a complete O&M agreement between the applicant and the City of Brooklyn Park for all stormwater facilities on the project site.
2. After construction, submit double ring infiltrometer or witness test results to verify the design infiltration rate of 0.8 inches/hour for basins A4 and D1.
3. Provide confirmation that the public hearing occurred on February 8, 2023. (Shoemaker stated that this public hearing was held.)

*Motion carried unanimously.*

**C. WM2023-01 Range USA, Brooklyn Park.\*** Construction of a 15,000 ft<sup>2</sup> building and parking on a 4.87-acre site located at 9489 Winnetka Avenue North. Following development, the site will be 36 percent impervious with 1.73 acres of impervious surface, an increase of 1.73 acres. This project is the third addition of the larger 36-acre North Cross Business Park site. A complete project application was received January 19, 2023.

Commission rules require the site to infiltrate 1.1 inches of runoff from new impervious and reconstructed impervious area within 48 hours. An existing infiltration basin was previously constructed, as part of a regional treatment system, to provide 217,696 ft<sup>3</sup> of treatment for an assumed 612,300 ft<sup>2</sup> of impervious area under the 1" abstraction rule. 465,400 ft<sup>2</sup> of the 612,300 ft<sup>2</sup> has been constructed since the 2014 approval. The applicant meets Commission volume control requirements.





To comply with the Commission’s water quality treatment requirement, the site must provide treatment so there is no net increase in TP or TSS from pre- to post-development land cover. Meeting the infiltration requirement is considered sufficient to provide a similar level of treatment. The applicant has met the infiltration requirement. The applicant meets Commission water quality treatment requirements.

Commission rules require that site runoff is limited to predevelopment rates for the 2-, 10-, and 100-year, 24-hour, and 100-year, 10-day critical storm event. Runoff from the site is routed to a large infiltration basin. The applicant meets Commission rate control requirements.

The erosion control plan includes a rock construction entrance, perimeter silt fence/biolog, inlet protection, rip rap at inlets, and native seeding. The erosion control plan meets Commission requirements.

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

There is no FEMA-regulated floodplain on this site. The low floor elevations of the buildings (883’) are at least two feet higher than the high-water elevation of the infiltration basins (880’) according to Atlas 14 precipitation. The applicant meets Commission floodplain requirements.

The site is in a Drinking Water Supply Management Area but is outside the Emergency Response Area. Therefore, infiltration is permitted, and the infiltration basin was previously approved under project WM2014-06. The applicant meets Commission drinking water protection requirements.

A public hearing on the project was conducted on January 11, 2023, as part of Planning Commission and City Council review of this project, meeting Commission public notice requirements.

A draft Operations & Maintenance (O&M) agreement between the applicant and the City of Brooklyn Park was provided during the 2014 submittal (WM2014-06 North Cross Business Park).

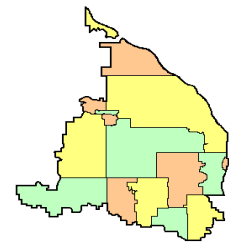
Motion by Jaeger, second by Prasch to advise the City of Brooklyn Park that Project 2023-01 is approved conditioned that, after construction, double ring infiltrometer or witness test results are submitted to verify the design infiltration rate of 1.6 inches/hour for Northern basin (8P). *Motion carried unanimously.*

**D.** Included in the meeting packet were copies of the **Wetland Conservation Act (WCA) 2022 Annual Reporting Forms\*** for both Commissions. The forms are used to report WCA activities where the Commissions serve as the LGUs for WCA (for the member cities of Brooklyn Center, Brooklyn Park, Champlin, Osseo, and Robbinsdale).

**VIII. Water Quality.**

**A. 2023 Shingle Creek 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 Stantec staff and the USGS and macroinvertebrate monitoring in Shingle Creek is performed by volunteers through Hennepin County Environment and Energy’s (HCEE) RiverWatch program. Lake monitoring is performed by volunteers through the Met Council’s Citizen Assisted Lake Monitoring Program (CAMP).

**1.** Staff’s February 3, 2023, memo\* presents the proposed 2023 monitoring program. This proposal is consistent with the soon-to-be adopted Fourth Generation Management Plan, which includes routine monitoring tasks, specific monitoring efforts to support Commission administered grants, and monitoring to evaluate progress toward the TMDLs. Table 1 shows the TMDL review schedule for Shingle Creek.



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

TMDL	TMDL EPA Approval	Implementation Plan Approval	Third Generation Plan 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, Schmidt - Nutrients	September 25, 2009	December 3, 2009	2017
Meadow - Nutrients	March 23, 2010	June 14, 2010	2019
Cedar Island, Pike, 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	underway

In 2023, the Commission will complete the 5-year biotic and DO TMDL review report for Shingle and Bass Creeks. Under the Fourth Generation Plan, TMDLs will be reviewed systematically by priority. Review of Shingle and Bass Creek TMDLs will also be prioritized based on the impaired status of the streams. Lakes have been prioritized by tiers as shown in Table 3 on page 10.

The information on the following pages describes the various monitoring programs, their purpose, proposed costs, and funding. Table 2 includes a summary of the budgets for each activity.

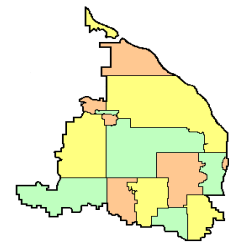
**Table 2. 2023 proposed monitoring program budget and cost.**

Activity	2023 Budget/Proposed Cost	Notes
<b>Routine Commission Monitoring</b>		
Stream Monitoring	\$34,000	See pages 8- 9 for a recap of included programs and tasks.
Lake Monitoring	\$28,000	See discussion on pages 9-10.
CAMP Lake Monitoring	\$5,200	See pages 9-10.
<b>Grant Project Monitoring</b>		
Bass Lake Alum Treatment	\$4,400	See page 11.
Bass Lake Vegetation Improvements	\$3,700	See page 11.
Meadow Lake Drawdown	\$7,700	See page 11.
Crystal Lake Management Plan	\$16,100	See page 11.

**2. 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, 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, SC-2 was moved just downstream of Brooklyn Boulevard in order to obtain a better stage-discharge relationship. This site is identified as SC-3. In 2015, Bass Creek, BCP, 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/USGS, 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 <https://waterdata.usgs.gov/monitoring-location/05288705/#parameterCode=00065&period=P7D>. The Commission also partners financially with the USGS in the operation of the Queen Avenue monitoring station.





The 2023 budget for routine stream monitoring is \$34,000. The budget includes labor and expenses for SC-0, SC-3, and BCP flow and water quality monitoring as follows:

- a. Equipment installation at beginning of season and decommission at end of season.
- b. Routine summer sampling approximately twice monthly from April to October, including field measurements of flow, pH, dissolved oxygen, temperature, and conductivity.
- c. Routine winter chloride sampling approximately once monthly from November to March, including field measurements of flow, pH, dissolved oxygen, temperature, and conductivity.
- d. Storm sampling targeting approximately one composite sample monthly from April to October using ISCO sampling
- e. Data entry and rating curve updates
- f. Laboratory analysis of water quality parameters, including total phosphorus (TP), ortho-phosphorus (ortho-P), total suspended solids (TSS), *E. coli*, and chloride.
- g. New batteries to power ISCO samplers and pressure transducers

**3. Volunteer Stream Monitoring.** In previous years high school student volunteers conducted macroinvertebrate monitoring through Hennepin County Environmental Services' RiverWatch Program at two locations on Shingle Creek. 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: [hennepin.us/riverwatch](http://hennepin.us/riverwatch). The 2023 budget includes \$2,000 to monitor two sites.

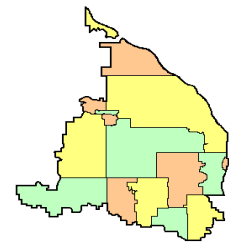
**4. Intensive Lake TMDL Monitoring.** To track the effectiveness of BMP implementation in improving lake water quality, the Commission routinely performs intensive lake monitoring to supplement the volunteer surface monitoring. Because the Commission's goals include achieving delisting of lakes that meet their TMDLs and water quality, the Fourth Generation monitoring plan continues more rigorous lake monitoring sufficient to demonstrate to the MPCA and EPA that conditions have improved. Table 3 shows the lake monitoring schedule from the Third Generation Plan, updated to reflect the actual monitoring proposed.

The 2023 Lake Monitoring budget is \$28,000 and Upper and Middle Twin Lakes will be monitored biweekly. The water quality data collected will include surface and deep-water samples, water column temperature/DO profiles, and zooplankton and phytoplankton sampling. The budget includes labor and expenses for the activities described below. Lakes have been prioritized by tiers as seen in Table 3.

**5. Aquatic Vegetation Surveys.** A component of the intensive monitoring is to obtain or update surveys of lake aquatic vegetation. Aquatic vegetation plays an important role in water quality and biotic integrity, and the vegetation community can change as water quality changes. For 2023, surveys for Upper and Middle Twin will be updated in tandem with the intensive monitoring.

**6. Fish Surveys.** A carp population assessment will be completed for Upper and Middle Twin in 2023 to guide future carp management.

**7. 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 the water quality of area lakes. Volunteers 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. When a lake undergoes the intensive sampling program, no CAMP monitoring is performed that year. Lakes scheduled for 2023 volunteer lake monitoring are Meadow Lake, Ryan Lake, and Lower Twin Lake. The 2023 budget is \$5,200 and includes Met Council fees and Stantec coordination.

**Table 3. Lake monitoring schedule for Shingle Creek lakes 2023-2032.**

	Water Quality Monitoring									
	23	24	25	26	27	28	29	30	31	32
<b>Tier 1 Lakes</b>										
Cedar Island	Ci	C, Ci	Ci	C, Ci	Ci	X, Ci	Ci	C, Ci	Ci	Ci
Eagle	Ci	X, Ci	Ci	C, Ci	Ci	X, Ci	Ci	C, Ci	Ci	Ci
Pike	Ci	X, Ci	Ci	C, Ci	Ci	C, Ci	Ci	C, Ci	Ci	Ci
Upper Twin	X		X		C		X		C	
Middle Twin	X		X		C		X		C	
<b>Tier 2 Lakes</b>										
Crystal Lake	Ci				X				X	C
Meadow Lake	C				X					X
Lake Success			C			C				C
Lake Magda				X					X	C
<b>Tier 3 Lakes</b>										
Bass Lake	Ci	C	Ci				C	X		
Pomerleau Lake	Ci	C	Ci				C	X		
Schmidt Lake	Ci	Ci	C			C				X
Lower Twin Lake	C		C		C		C		C	
Ryan Lake	C			X				C		

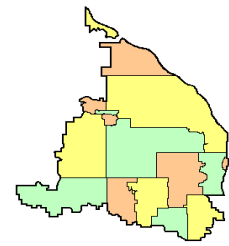
X denotes Commission monitoring, C denotes CAMP monitoring, and Ci denotes City monitoring

Tier 1 – Impaired lakes with management actions planned. These lakes are priority lakes for intensive monitoring under the Fourth Generation Plan. Intensive monitoring will be used to evaluate lakes for management projects.

Tier 2 - Impaired lakes with previous management or none planned. The lakes are second priority for intensive lake monitoring under this Plan, as they are impaired.

Tier 3 – Delisted lakes. These lakes are third priority and will be monitored primarily through the CAMP program unless declines in water quality are detected.

**8. 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 monitored vegetative diversity and macroinvertebrate communities in wetlands. In 2022, Hennepin County made the decision to end the WHEP program. The Commission will not budget for the program moving forward.



Motion by Shoch, second by Orred to approve the 2023 Shingle Creek watershed monitoring program as proposed. *Motion carried unanimously.*

**B. Shingle Creek 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.

**1. Bass Lake Alum Treatment.** A full curly-leaf pondweed (CLP) delineation will be done on Bass Lake in Spring 2023. CLP is a persistent invasive species in Bass Lake and has been treated with herbicide annually since 2020. Bass Lake will likely be treated with herbicide for CLP abundance in 2023. The delineation will cost approximately \$4,400 and will be paid for from remaining Bass and Pomerleau Lakes Alum Treatment grant funds.

**2. Bass Lake Vegetation Improvement.** This project aimed to increase aquatic plant diversity in Bass Lake by transplanting desirable species from Big Carnelian to Bass Lake. After two transplant events in 2022, the final part of the grant project will be doing a late-summer point-intercept SAV survey on Bass Lake to assess plant diversity. This survey will cost approximately \$3,700 and will be paid for from grant funds.

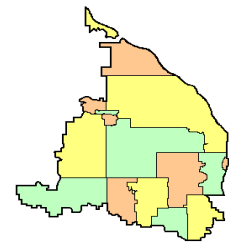
**3. The Crystal Lake Management Plan** began in 2020. This project includes carp assessment and tracking, alum applications, carp removal, SAV surveys, and water quality monitoring to address Crystal Lake’s impairment for nutrients. The grant expires in August 2023. The final summer of this grant will be focused on collecting final sediment core data and assessing the aquatic vegetation community.

**a. Aquatic Vegetation Surveys.** Crystal Lake has received two alum treatments, the most recent one occurring in September 2022. It is not uncommon for an increase in water clarity as a result of alum treatments to spur aquatic vegetation growth. Crystal Lake only has two previously observed aquatic plant species: waterlily and curly-leaf pondweed (CLP), both in extremely low abundance. To ensure that CLP does not take over the lake as a result of increased clarity, a visual survey of CLP abundance will be done in early Spring 2023. If necessary, the CLP will be treated with herbicide. The visual survey will cost approximately \$1,500 and will be paid for from grant funds.

**b. Sediment Coring.** In 2023 a follow-up round of sediment cores will be collected from Crystal Lake to assess success of the two alum treatments that were applied in Fall 2021 and 2022 in reducing internal phosphorus loading to the lake. The labor and laboratory expenses for collecting and processing sediment cores will cost approximately \$14,600 and will be paid for from grant funds.

**4. The Meadow Lake Drawdown project** began in Fall 2021. The project includes adaptive management to control the fathead minnow and CLP populations in the lake and address the nutrient impairment. The second summer season of this project will include a Spring CLP delineation and potential treatment, and two vegetation surveys. The lake water quality will be monitored by a CAMP volunteer. The CLP delineation/treatment and vegetation monitoring will cost \$7,700 and will be paid from grant funds.

**C. 2023 West Mississippi Monitoring Plan.\*** For many years, the Commission did not routinely monitor water quality in the few streams 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 Gener-



ation Plan and subsequent budgets incorporated ongoing, routine monitoring for West Mississippi that includes monitoring flow and water quality at two sites/year on a rotating basis. The Commission has elected to continue that monitoring under the Fourth Generation Plan. In 2022 the Commission monitored the Environmental Preserve outlet and the 65th Avenue outfall. Results of the 2022 monitoring will be presented in the *Annual Water Quality Report* in April 2023.

**1. Routine Monitoring.** Mattson Brook and 65th Ave will be monitored in 2023 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 65th Avenue outfall, the Commission partnered with the Mississippi Watershed Management Organization (MWMO) to perform the monitoring in 2020-2022. 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 monitoring have been satisfactory and the partnership will be continued in 2023.

The 2023 budget for routine monitoring is \$22,600. The budget includes labor and expenses for the following:

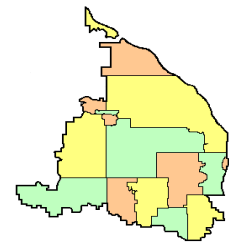
- a. Contract with MWMO for 65th Avenue flow and water quality monitoring (\$12,208.13)
- b. Mattson Brook flow and water quality monitoring (\$10,391.87)
- c. Equipment installation at beginning of season and decommission at end of season
- d. Routine sampling approximately once per month from April – October, including field measurements of flow, pH, dissolved oxygen, temperature, and conductivity.
- e. Storm sampling targeting approximately one composite sample per month from April – October using ISCO sampling
- f. Data entry and rating curve updates
- g. Laboratory analysis of water quality parameters, including total phosphorus (TP), ortho-phosphorus (ortho-P), total suspended solids (TSS), *E. coli*, and chloride.

**2. Volunteer Stream Monitoring.** In previous years high school student volunteers conducted macroinvertebrate monitoring through Hennepin County Environmental and Energy’s RiverWatch Program at Mattson Brook. The Commission contracts with the 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: [hennepin.us/riverwatch](http://hennepin.us/riverwatch). In the past few years, the County has been finding it difficult to recruit a high school to monitor this site. The Commission did not budget for RiverWatch in 2023.

**3. Volunteer Wetland Monitoring.** As noted on page 10, in 2022 Hennepin County made the decision to end the WHEP program. The Commission will not budget for this program moving forward.

Motion by Butcher, second by Jaeger to approve the 2023 West Mississippi watershed monitoring program as proposed. *Motion carried unanimously.*

Motion by Roach, second by Butcher to approve the **Professional Services Agreement** with the Mississippi Watershed Management Organization to monitor the 65th Avenue outfall in 2023. *Motion carried unanimously.*



D. The Minnesota Department of Transportation (MnDOT) released the **Highway 252/I-94 Environmental Impact Statement Draft Scoping Document\*** for public agency comment on January 13, 2023. As discussed and directed by the Commissions at the January 12, 2023, Commission meeting, Stantec has reviewed the document and prepared comments to be shared with MnDOT on February 6, 2023.

During their review Stantec staff received comments from the Commissioners representing Minneapolis (Ray Schoch), Brooklyn Center (David Vlasin and David Mulla), and Brooklyn Park (Alex Prasch). This group met to discuss both the request from MnDOT for the Commissions to review the draft Scoping Decision Document (SDD) and the content within the document. The group issued four comments to Stantec. Below are the Commissioners' comments and Stantec's responses in *italics*.

1. We'd like Stantec to request an extension from MnDOT for review of the draft SDD in order to give the Commissioners a chance to discuss and weigh in on the draft SDD in their meeting on February 9, 2023. *Stantec discussed this request with MnDOT's project consultant who did not recommend this approach. He noted that the 21-day informal agency review period was included in the process as a courtesy by MnDOT and not required by the Minnesota Environmental Policy Act (MEPA). Therefore, MnDOT does not anticipate extending the February 6, 2023, deadline, as there will be several more opportunities for agency and public comment.*

*(The Commission's attorney concurs with Stantec's approach and can further explain the Commission role and responsibilities at the February 9, 2023, Commission meeting. A flow chart included as part of Stantec's February 2, 2023, memo shows the public and agency engagement process. It shows that the project is currently in the second of six opportunities for agency comment. Further, the second of four public comment periods will occur from March through May 2023 and be focused on the Draft Scoping Document.)*

2. We'd like Stantec to work with the Commissioners in identifying the general outline and nature of review comments on the draft SDD before and at the February 9 meeting. To facilitate this, Commissioners should be given access to the draft SDD, should they wish it. *Given the deadline noted in #1, Stantec will submit initial technical comments to MnDOT by February 6, 2023, include those in the Commission packet for the February 9, 2023, meeting, and then review the initial technical comments at the TAC and Commission meetings.*

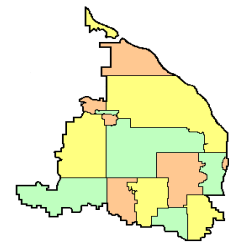
3. We are concerned with the potential impact of stormwater runoff and infiltration, and pollution arising from alternatives recommended by MnDOT on ground and surface water resources and the wildlife and people that depend on them. *Noted. Stantec's review will focus on responsible watershed and stormwater management consistent with the limitations of its statutory authorities and in compliance with their JPAs.*

4. We would like MnDOT to expand the evaluation criteria they apply to each project alternative. It appears that MnDOT's criteria for evaluating project alternatives do not currently address the impacts of project alternatives on ground and surface water sources for drinking water. In particular, we are concerned about pollution of these water supplies due to salinity associated with an expansion in impervious surfaces and due to toxic pollution arising from crashes involving heavy freight trucks. Evaluation criteria should also be developed to estimate impact of project alternatives on terrestrial and aquatic wildlife in the Mississippi National Recreation and River Area (MNRRA). *Noted. Stantec will note receipt of this comment in their February 6, 2023, response.*

The comments listed below will be issued to MnDOT by Stantec on behalf of the Shingle Creek and West Mississippi Watershed Management Commissions. Per MnDOT instructions, these comments will be submitted via email on February 6, 2023, to Brett Danner at SRF Consulting Group, Mark Lindeberg at MnDOT, and Anna Varney USDOT.

**General:**

1. Since this is a transportation-focused project, we understand why the Purpose and Need Statement emphasizes transportation criteria such as traffic volume and transit time. However, this may have resulted in shortchanging environmental quality criteria such as stormwater runoff and groundwater protection.



**Stormwater Management:**

1. Section 9.2.25 references “A preliminary drainage design ... for Hwy 252 and I-94. The drainage design identified stormwater basins for water quality treatment and rate control consistent with current regulatory requirements.”
  - a. Note that the Commission adopted revised rules in October 2022.
2. Page 9-30 states coordination with the DNR for public watercourse impacts. Also include SC/WMWMC in these discussions.
3. Page 9-30 states none of the proposed alternatives will include work in Shingle Creek. However, the following sentence suggests an outfall and pipe size increase to Shingle may be necessary for I-94 flood remediation.
  - a. Clarify if work is expected in Shingle Creek and the extent of the work. Coordinate design with the Shingle Creek Watershed Management Commission.
4. Note [that] Shingle Creek is under a TMDL for chloride and biotic integrity. The project should include plans to:
  - a. Minimize chloride concentrations to Shingle Creek through a chloride management plan.
  - b. Mitigate impacts to the biotic integrity of Shingle Creek.
5. Figure 9.6 of the report acknowledges potential impacts to wetlands and floodplains for alternatives. Note [that] the project is subject to the Minnesota Wetland Conservation Act and Commission wetland and floodplain alteration rules.
6. The project is within the Minneapolis-St. Paul-St. Cloud Priority A Drinking Water Supply Management Area (DWSMA) and the Brooklyn Center Groundwater Emergency Response Area. The project area also bisects a “moderately” vulnerable DWSMA and is approximately 1,700 feet from a highly vulnerable DWSMA. The environmental review should include:
  - a. Evaluation criteria related to impacts of the project on ground and surface water sources for drinking water.
  - b. A comprehensive emergency response plan for hazardous spills that could threaten the drinking water supply and surface water resources.
  - c. Stormwater design shall consider prohibition of infiltration within the Emergency Response Area.

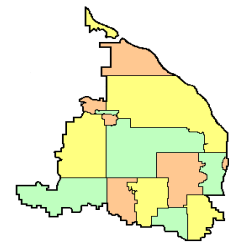
In his February 8, 2023, memo\* to the Commissions, Attorney Gilchrist discussed their **scope of authority to comment** on state projects. In the memo, Gilchrist stated that, under the JPAs, the focus of the Commission’s authority is on flood control, water quality, groundwater recharge, and water conservation. Further, he recommends that any comments submitted to MnDOT as part of the public comment process be limited to floodplain and water quality issues as may be recommended by the Commissions’ engineers.

It was a consensus that Shoemaker will be in charge of any future informal meetings regarding this SDD. All were reminded to be cognizant of the requirements of Minnesota’s Open Meeting Law.

**E. Shingle Creek Scopes of Work for Proposed Projects.\***

Included in the meeting packet are four proposed scopes of work for various projects that the Technical Advisory Committee and the Commissions have discussed over the past year. Two are proposed to be funded from the Watershed-Based Implementation Funding (WBIF) Grants and two are proposed for funding from the Closed Projects Account. Staff recommends reallocating funding from the City Cost Share





Account to the Closed Projects Account to fund some of this work. The City Cost Share account balance is currently well over \$300,000, taking into account the 2022 encumbrance for the upcoming Minneapolis Shingle Creek Parkway rain garden demonstration project. The Commission has levied another \$100,000 in 2023 for this program, which will increase that balance. At this time there are no other pending cost-share projects.

The Commission maintains a Closed Projects account in which to deposit levy funds that are “left over” when CIP projects are completed for less than the amount levied. The Commission has designated that those funds are to be used for limited purposes: to cover overages when CIP projects exceed the budget; to fund additional projects; or to complete special studies such as feasibility studies to help define and scope future CIP projects and to prepare them for grant applications. As of the 2021 audit, that balance was about \$108,000.

Staff recommends that the Shingle Creek Commission reallocate \$150,000 from the City Cost Share Account to the Closed Projects Account. With the 2023 levied funds, that will still leave well over \$200,000 in that account for city projects.

**1. Gaulke Pond Subwatershed Assessment (SWA).\*** The primary objectives of this project are to identify stormwater volume reductions to the Memory Lane—Gaulke Pond system and develop 30-percent design plans, cost estimates, and a basis of design memo appropriate for grant funding requests for the selected location.

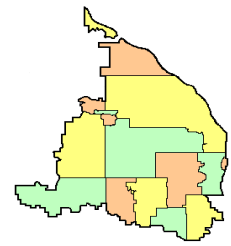
Gaulke Pond is located within the City of Crystal and bordered to the north by property owned by the City of Crystal, to the east by Fair School, and to the south and west by residential properties. Gaulke Pond is the most downstream in a series of four ponds, including Memory Pond, Brownwood Pond, and Hagemeister Pond. The Gaulke Pond chain collects runoff from a 905-acre mixed residential, institutional, and commercial watershed, draining portions of New Hope, Crystal, and Robbinsdale. The pond is land-locked and has no gravity outlet; water is pumped from the pond into municipal storm sewer that ultimately discharges into Lower Twin Lake. This study will focus on reducing the stormwater runoff volume before water enters the Gaulke Pond chain, with focus on areas that are highly impervious and have potential for redevelopment.

Proposed services include data collection and evaluation, identification of potential volume reduction best management practices (BMPs) and locations, development of alternatives, and preparation of preliminary plans of the Commission-selected BMP. Stantec will coordinate work with Commission and Technical Advisory Committee (TAC) members, as well as with the cities of New Hope and Crystal.

The estimated cost to complete this scope of work is \$29,900, prepared on a time and materials basis, per Stantec’s Professional Services Agreement (PSA) dated March 11, 2021. The estimate will not exceed that amount without prior authorization from the Commission. The work will be funded by the 2023 WBIF grant (\$30,000).

**2. Eagle Lake Subwatershed Assessment (SWA).\*** The primary objectives of this project are to identify and prioritize potential stormwater practices to reduce phosphorus and sediment loading to the Eagle Lake subwatershed and the evaluation of internal loading within Eagle and Pike Lakes including sediment cores and a survey of the submerged aquatic vegetation in the two lakes.

The Commission has previously studied the Eagle Lake subwatershed through the Cedar Island, Pike and Eagle Lakes Nutrient TMDL completed in 2010 and in the TMDL 5-year review. The TMDL concluded that internal load management, biologic management, and reduction of nonpoint sources of phosphorus in the watershed by retrofitting Best Management Practices (BMPs) would have the most impact on reducing phosphorus load and improving water quality. The 5-Year review identified a 39% reduction in TP



for Pike Lake, and a 29% TP reduction for Eagle Lake. Pike Lake Subwatershed Assessments were completed in 2017 and 2019. These past studies identified general practices to reduce the watershed load to the lake.

Tasks will include collecting and analyzing sediment cores as well as conducting two point-intercept aquatic vegetation surveys on both lakes. From this Stantec will identify up to ten potential projects. Potential BMP opportunities will be identified, finalized, and ranked using model results. Following selection of one of the highest priority locations. Stantec will develop 30-percent design plans, cost estimates, and a basis of design memo appropriate for grant funding requests for the selected location.

The estimated cost to complete this scope of work is \$55,000, prepared per aforementioned criteria. The work will be funded by the WBI grant (\$30,000) and the Closed Project Account.

**3. Brookdale Park Shingle Creek Re-meander Project.\*** The primary project objectives are to re-meander a previously straightened segment of the creek using natural channel design techniques, reduce soil loss to improve water quality and fish and wildlife habitat through biological enhancements, and integrate proposed improvements within the park for improved user educational and recreational opportunities.

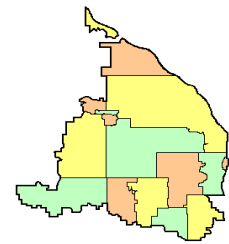
This Brooklyn Park (City) community park is approximately 180-acres in size and contains active recreation and an extensive trail network along the creek that connects schools, natural areas, and regional trails. The project area is a segment of Shingle Creek approximately 5,500-feet in length. Restoration of this channel is an implementation action in the Shingle Creek Biotic and DO TMDL and the Fourth Generation Plan. Restoring sinuosity to a channel generally improves water quality and aquatic habitat and can allow better connections to the adjacent floodplain. The feasibility study will inform how to accomplish these goals while maintaining or lowering the flood elevation. Because this reach of the creek is located within a city park with only a few adjacent residences, it is an opportunity to restore a more natural channel design that incorporates significant habitat and functional uplift.

Proposed services include development of re-meander alternatives and preparation of preliminary plans of the selected alternative for Shingle Creek from the terminus of the Connections 1 project 700' downstream of Noble Avenue to Xerxes Avenue, located within Brookdale Park. Stantec will update the water quality model, analyze and use their findings to inform design options and generate up to two feasible, conceptual design alternatives which will address bank stabilization, erosion, sediment, and water control practices, infrastructure impacts, visual quality and "fit" within the surrounding area. After presenting the alternatives, Stantec will be able to select components of the two alternatives to proceed to refine one design alternative into 30% preliminary design plans and opinion of probable cost that incorporates anticipated construction limit, access, and easements.

The estimated cost to complete this scope of work is \$39,000, prepared per aforementioned criteria. The project will be funded from the Commission's Closed Project Account.

**4. Shingle Creek Regional Trail Bank Stabilization and Fishing Access Improvements Project.\*** The primary project objectives are to develop feasible solutions for bank stabilization and fishing access improvements along the Shingle Creek Regional Trail between Xerxes Avenue and the trail crossing north of Palmer Lake, a 2,000-foot segment.

From previous studies and planning documents, generate up to two feasible conceptual design alternatives, calculating estimated pollutant reduction and feasible opinion of probable costs for each alternative, incorporating fishing access points, bank stabilization, erosion, sediment, and water control practices, infrastructure impacts, visual quality and "fit" within the surrounding area. Final set of deliverables, in electronic format, will be sufficient for the Commission to submit for grant funding applications.



The estimated cost to complete this scope of work is \$25,000, prepared per aforementioned criteria. The project will be funded from the Commission's Closed Project Account.

Motion by Sicora, second by Schoch to reallocate \$150,000 from the Cost Share Account to the Closed Project Account, approve and fund the four scoping projects as described, and fund the Eagle/Pike Lake project with an additional \$5,000 for Internal Loading & Aquatic Vegetation Evaluation. *Motion carried unanimously.*

**IX. Grant Opportunities.**

**X. Education and Public Outreach.**

**A.** The **Conservation Education and Implementation Partnership Program** will be coordinated by a new limited-duration education and outreach coordinator shared with Hennepin County and the Richfield-Bloomington WMO. Watershed-Based Implementation Funding (WBIF) to help fund the program has been approved by the Board of Water and Soil Resources (BWSR). The Hennepin County Board has approved the new position and the County is in the process of finalizing the job description and working through the hiring process.

A focus group of city staff and other stakeholders met to discuss their specific needs and desires so that the program Steering Committee can refine the first year's work plan. The second year will build off knowledge gained, and needs identified by the stakeholders as well as the education and outreach needs of the five participating WMOs. The focus group results will be discussed at the next WMWA meeting.

**B.** The **West Metro Water Alliance (WMWA)** will meet via Zoom at 8:30 a.m., February 14, 2023.

**C.** Riegel will present an overview of the **Low Salt No Salt Minnesota program** at the Commissions' March meeting.

**XI. Communications.**

**A. Staff Report.** No report this month.

**B. January Communications Log.\*** No items required action.

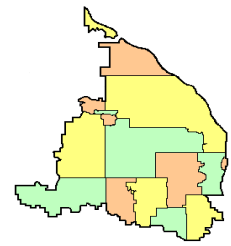
**C. Invitation to Support the Reauthorization of the ENRTF Lottery Dedication.\*** John Anderson, Local Government Program Manager, Conservation Minnesota, is working to reconvene a coalition to put the ENRTF (Environment and Natural Resources Trust Fund) back on the ballot for voters in 2024. Staff will bring more information back to the Commissions at the March meeting.

**XII. Other Business.**

**A.** During the development of the Fourth Generation Plan Staff noted that the current **Joint Powers Agreements (JPAs)\*** would expire during the ten-year period covered by the plan. Staff proposed and the Commissioners agreed to wait until the plan was completed to start the process of amending and renewing the JPAs that enable and govern the Commissions.

Gilchrist has estimated that the cost of updating the JPAs would be about \$7,000. If any controversial issues arise during development, the final cost may be more than that. However, the work required is mainly to refresh the documents by eliminating outdated or no longer relevant text, and clarifying authorities to incorporate current policies and practices, which have evolved since the JPAs were first developed over 30 years ago.

Gilchrist proposes to draft a new JPA for Shingle Creek first, assuming West Mississippi will be largely a mirror of that document. That work should be complete by this spring/summer, depending on any



unforeseen issues or complications. The revised JPAs would then be presented to the cities for their review and approval. The TAC should discuss and provide input on the desired process to obtain City Manager and City Council review and comment. There has been some turnover in City Managers in recent years, and it may be helpful to host a virtual informational meeting to help the managers understand the work and accomplishments of the Commissions so they can advise their City Councils.

Since the documents will be essentially the same, in his **February 2, 2023, memo**,\* Gilchrist suggests splitting the cost of JPA development 50/50 between the two Commissions, or an estimated \$3,500 each. The Shingle Creek Commission set aside a contribution from the operating budget each year to help fund the work and accumulated \$62,000 in that restricted account, of which \$52,500 was used to fund its share of the Fourth Gen Plan development. West Mississippi did not set aside specific dedicated funding but funded its share of the work from its unrestricted cash reserves. Both sources are adequate to fund the proposed JPA update work. Staff recommends the Commissions authorize Attorney Gilchrist to begin this work.

**Motion by Schoch, second by Sicora to authorize the Attorney to proceed based on his February 2, 2023, proposal. Motion carried unanimously.**

**Motion by Roach, second by Jaeger to authorize the Attorney proceed based on his February 2, 2023, proposal. Motion carried unanimously.**

**B.** Companion bills intended to help reduce chloride loading in Minnesota have been again introduced into the state legislative process this session. [HF820/SF755](#) would formally establish a certification program for commercial applicators to learn about best management practices for applying road salt and related products for controlling snow and ice. The bills would also limit the liability of those operators and property owners against financial damages from slips and falls if the applicator and owners are certified and that BMPs in accordance with the practices were undertaken and documented.

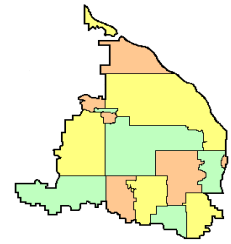
This legislation would provide a significant incentive for private applicators to get trained and certified and would help address probably the biggest barrier to the reduction in the use of salt by private applicators and property managers: fear of being sued for slips and falls. While there is currently a certification program, the MPCA developed and managed that program using grant funds. This legislation would allow the agency to charge a fee to allow the program to be self-funding.

Similar legislation was introduced the last few sessions and, while there was considerable support through the various committee hearings, it never made it to final adoption. A citizens' advocacy group SOS, Stop Over Salting, has been working tirelessly over the past few years to track and promote the legislation.

Staff will keep an eye on this legislation as it makes it way through the committee process. SOS sometimes contacts us to ask Commissioners with Senators or Representatives on key committees to contact them to ask for their support. Certainly, Commissioners are free to contact their legislative delegation at any time whether the bill is in committee or going for a floor vote. The Commissions could also take a formal position and express its support for the bills to all the senators/representatives whose districts encompass some part of the watersheds. Staff will provide a list of those legislators at the March meeting.

**C.** **Motion by Roach, second by Shoch to NOT waive monetary limits on municipal tort liability insurance established by MN State §466.04. Motion carried unanimously.**

**Motion by Butcher, second by Jaeger to NOT waive monetary limits on municipal tort liability insurance established by MN State §466.04. Motion carried unanimously.**



**D. Commissioner appointments** have been received from the cities of:

1. Brooklyn Park – [Alex Prasch and Greg Spoden](#) | [Alex Prasch and Melissa Collins](#)
2. Osseo – [John Roach and James Kelly](#) | [John Roach and James Kelly](#)
3. Plymouth – [Andy Polzin and Leah Gifford](#)
4. Robbinsdale - [Wayne Sicora](#)

**XIII. Adjournment.** There being no further business before the Commissions, the joint meeting was adjourned at 3:06 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Judie A. Anderson".

Judie A. Anderson  
Recording Secretary  
JAA:tim

Z:\Shingle Creek\Meetings\Meetings 2023\February 9, 2023 meeting and public hearing minutes.docx