

REGULAR MEETING MINUTES

April 8, 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 12:46 p.m. on Thursday, April 8, 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; Bob Grant, New Hope; John Roach, Osseo; Andy Polzin, Plymouth; Wayne Sicora, Robbinsdale; Ed Matthiesen, Diane Spector and Katie Kemmitt, Wenck/Stantec; David Anderson, 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; Harold Johnson, Osseo; Ed Matthiesen, Diane Spector, and Katie Kemmitt, Wenck/Stantec; David Anderson, Kennedy & Graven; and Judie Anderson and Amy Juntunen, JASS.

Also present were: Andrew Hogg, Brooklyn Center; Melissa Collins and Mitch Robinson, Brooklyn Park; Todd Tuominen, Champlin; Mark Ray, Crystal; Derek Asche, Maple Grove; Liz Stout, Minneapolis; Megan Hedstrom, New Hope; Ben Scharenbroich and Amy Riegel, Plymouth; Richard McCoy and Marta Roser, Robbinsdale; Chad Ayers, Sambatek, for item V.A. and Laura Scholl and Jennifer Moeller, Metro Blooms, and Maria Riewer, Boisclair; for item VIII.A.

II. Agendas and Minutes.

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

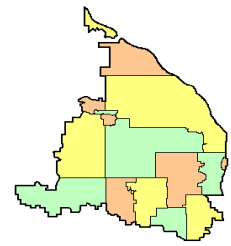
Motion by Butcher, second by Johnson to approve the **West Mississippi agenda** as amended.* *Motion carried unanimously.*

Motion by Jaeger, second by Schoch to approve the **minutes of the March 11, 2021 regular meeting.*** *Motion carried unanimously.*

Motion by Butcher, second by Johnson to approve the **minutes of the March 11, 2021 regular meeting.*** *Motion carried unanimously.*

III. Finances and Reports.

A. Motion by Schoch, second by Jaeger to approve the Shingle Creek **April Treasurer's Report* and claims** totaling \$61,425.61. Voting aye: Vlasin, Quinn, Orred, Jaeger, Schoch, Grant, Roach, Polzin, and Sicora; voting nay – none.



B. Motion by Johnson, second by Prasch to approve the **West Mississippi April Treasurer's Report* and claims** totaling \$7,706.91. Voting aye: Vlasin, Prasch, Butcher, Jaeger, and Johnson; voting nay – none.

IV. Open Forum.

David Anderson responded to inquiries regarding returning to **in-person meetings**:

The statutory authority for conducting remote meetings applies so long as in-person meetings are not practical or prudent due to either (a) a health pandemic or (b) an emergency declared under Minnesota Statutes, chapter 12. Because the COVID-19 pandemic is still ongoing and the governor's related statewide emergency is still in effect, remote meetings may continue pursuant to the chair's previous statement/determination made under Minn. Stat. 13D.021. With larger groups like this, hybrid meetings (some in-person, some remote) are logistically difficult due to limitations with technology, cameras, microphones, etc. Therefore, while the chair has the authority to go back to in-person meetings when doing so is practical and prudent, it probably makes sense to continue the current fully remote meeting format and monitor what is a somewhat fluid situation. As vaccines are rolled out and hopefully infection numbers decrease, it may make sense in the near future to go back to in-person, although it's hard to say for sure when exactly that might be. And until both the pandemic is over and the governor's statewide emergency is no longer in effect, there is certainly no requirement to do so.

V Project Reviews.

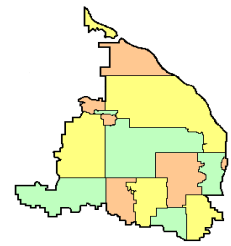
A. WM2021-004 610 Junction, Brooklyn Park.* Construction of two multi-tenant and one corporate HQ industrial buildings with associated utility, hardscape, and landscape improvements and three stormwater management facilities on a 37.4-acre site located northeast of Decatur Drive and 93rd Avenue North. Following development, the site will be 76.5 percent impervious with 28.6 acres of impervious surface, an increase of 28.6 acres. A complete project review application was received on March 9, 2021.

To comply with the Commission's water quality treatment requirement, the site must provide ponding designed to NURP standards with dead storage volume equal to or greater than the volume of runoff from a 2.5" storm event, or BMPs providing a similar level of treatment - 85% TSS removal and 60% TP removal. Infiltrating 1.3-inches of runoff, for example, is considered sufficient to provide a similar level of treatment. If a sump is used the MnDOT Road Sand particle size distribution is acceptable for 80% capture.

Runoff from the site is proposed to be routed through three different two-celled stormwater systems consisting of a sedimentation pond and infiltration basin. The applicant proposes to meet water quality treatment requirements by infiltrating. The applicant meets Commission water quality treatment requirements.

Commission rules require that site runoff be limited to predevelopment rates for the 2-, 10- and 100-year storm events. Runoff from the site is captured in three two-celled stormwater systems each consisting of a pond and infiltration basin. The applicant meets Commission rate control requirements.

Commission rules require the site to infiltrate 1.0 inch of runoff from new impervious area within 48 hours. The new impervious area on this site is 28.6 acres, requiring infiltration of 134,807 CF within 48 hours. The applicant proposes three infiltration basins that have the capacity to infiltrate 153,943 CF within 48 hours. The applicant meets Commission volume control requirements.



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

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

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

The site is located in a Drinking Water Management Area but is outside of the Emergency Response Area. Therefore, infiltration is permitted, but infiltrated water must first filter through one foot of soil, the top four inches of which are amended topsoil, and the bottom eight inches of which are tilled. The applicant proposes a minimum 3' of infiltration media above the groundwater. The applicant will do a post construction infiltration test to verify infiltration rates are less than 8.3"/hr. The applicant meets Commission drinking water protection requirements.

A public hearing on the project will be conducted on April 8, 2021 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 must be provided.

Motion by Prasch, second by Butcher to advise the City of Brooklyn Park that Project WM2021-004 is approved with two conditions:

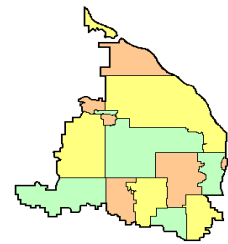
1. Provide a completed O&M agreement between the applicant and the City of Brooklyn Park for all stormwater facilities on the project site.
2. Demonstrate by double ring infiltrometer test or other approved method that the infiltration rate is less than 8.3"/hour in the ponds and infiltration basins.

Motion carried unanimously.

B. WM2021-005 NorthPark Building VII, Brooklyn Park.* Construction of an office warehouse building on an approximately 14-acre site located on the northeast corner of Oxbow Creek Drive and Xylon Avenue. Following development, the site will be 80.97 percent impervious with 10.88 acres of impervious surface, an increase of 10.88 acres. A complete project review application was received on March 25, 2021.

To comply with the Commission's water quality treatment requirement, the site must provide ponding designed to NURP standards with dead storage volume equal to or greater than the volume of runoff from a 2.5" storm event, or BMPs providing a similar level of treatment - 85% TSS removal and 60% TP removal. Infiltrating 1.3-inches of runoff, for example, is considered sufficient to provide a similar level of treatment. If a sump is used the MnDOT Road Sand particle size distribution is acceptable for 80% capture.

Runoff from the southwest portion of the site is proposed to be routed to pond P-G.2. P-G.2 overtops into temporary pond P-D. The rest of the site drains to pond P-H and P-G.1. P-H overtops to infiltration basin I-H and also connects P-G.1 to I-H. The 100-year storm would produce 48,829 CF of runoff.



The proposed site can infiltrate 102,882 CF. The applicant meets Commission water quality treatment requirements.

Commission rules require that site runoff be limited to predevelopment rates for the 2-, 10-, and 100-year storm events. There is no runoff from the site because it is all infiltrated. HydroCAD models show the proposed site can infiltrate the 100-year storm. This project meets rate control requirements.

Commission rules require the site to infiltrate 1.0 inch of runoff from new impervious area within 48 hours. The new impervious area on this site is 10.88 acres, requiring infiltration of 39,465 CF within 48 hours. The applicant proposes to use ponds and infiltration basins which have the capacity to infiltrate the required volume feet within 48 hours. The applicant meets Commission volume control requirements.

The erosion control plan includes two rock construction entrances, silt fence surrounding detention ponds/infiltration basins, inlet protection, rip rap at inlets, slope checks, and erosion control blanket specified on the pond slopes. The erosion control plan meets Commission requirements.

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

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

The site is located in a Drinking Water Management Area but is outside of the Emergency Response Area. Therefore, infiltration is permitted, but infiltrated water must first filter through one foot of soil, the top four inches of which are amended topsoil, and the bottom 8 inches of which are tilled. The applicant proposes a minimum 3' of infiltration media above the groundwater in the infiltration basin. The applicant meets Commission drinking water protection requirements.

A public hearing on the project will be conducted on April 8, 2021 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 must be provided.

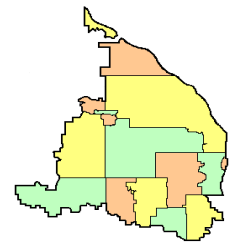
Motion by Jaeger, second by Prasch to advise the City of Brooklyn Park that Project WM2021-005 is approved with two conditions:

1. Provide a completed O&M agreement between the applicant and the City of Brooklyn Park for all stormwater facilities on the project site.
2. Demonstrate by double ring infiltrometer test or other approved method that the infiltration rate is less than 8.3"/hour in the ponds and infiltration basins.

Motion carried unanimously.

VI. Watershed Management Plan.

A. McCoy recapped the **Technical Advisory Committee meeting** held earlier today. The members reviewed the Commissions' upcoming schedule of project activities., received an update on the HUC 8 Model, and heard a presentation of phase 2 of the Brooks Garden Cost Share project. The next TAC meeting is scheduled for 11:30 a.m., prior to the Commissions' May 13, 2021 regular meeting.



B. The Shingle Creek and West Mississippi Third Generation Watershed Management Plan and Capital Improvement Programs (CIP) are proposed for a **Minor Plan Amendment (MPA)**. The Technical Advisory Committee (TAC) reviewed proposed revisions at its March 11, 2021 meeting. As recommended by the TAC, the Plan would be revised to:

1. Modify the existing Palmer Lake Estates Bass Creek Restoration Project on the Shingle Creek CIP to reflect both the latest cost estimate – increasing from \$450,000 to \$600,000 – and to specify that the Commission, under its revised cost share policy, will fund 100% of the project cost similar to other stream restoration projects.

2. Add a new project to the West Mississippi CIP – “Partnership Cost Share Program” – similar to the Shingle Creek Partnership Cost Share program. Brooklyn Park has partnered with Hennepin County to identify a number of high priority Mississippi Riverbank Stabilization projects on private property that would significantly reduce sediment loading to the river. This partnership program could be a potential source of matching funds.

3. Add Phase 2 of the Channel Modification with SRP Filter project.

If the Commissions choose to go forward with the MPA, in their memo dated April 2, 2021,* Staff recommended setting May 13, 2021 as the date of the public meeting at which it would be discussed. At that meeting, the Commissions would also discuss any other 2021 CIP projects proposed and establish a maximum levy for 2021/pay 2022. The Minor Plan amendment and maximum levy would then be forwarded to Hennepin County for consideration by the Hennepin County Board. Because it is a joint Plan, both Commissions must authorize proceeding with the Minor Plan Amendment. The Commissions must send a copy of the proposed minor plan amendment to the member cities, Hennepin County, the Met Council, and the state review agencies for review and comment, and must hold a public meeting to explain the amendment. This meeting must be public noticed twice, at least seven and 14 days prior to the meeting.

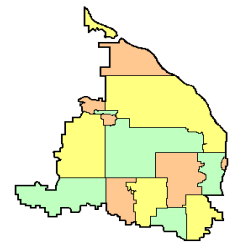
Motion by Schoch, second by Jaeger to initiate the Minor Plan Amendment as proposed above and call for a public meeting to be held on May 13, 2021, during the Commissions’ regular meetings. Motion carried unanimously.

Motion by Jaeger, second by Prasch to initiate the Minor Plan Amendment as proposed above and call for a public meeting to be held on May 13, 2021, during the Commissions’ regular meetings. Motion carried unanimously.

VII. Water Quality.

A. HUC 8 Model Status.* Matthiesen gave a verbal update. Final submittals were provided to the Department of Natural Resources (DNR) by the March 31, 2021 deadline. Staff met with DNR staff last week to discuss the submittals. Wenck/Stantec will supply the member cities with SHAPE files for their use. Staff will also look at the wording in the Commissions’ Rules and Standards pertaining to recommended High Water Elevations. The DNR will publish the Preliminary Floodplain Maps for the Federal Emergency Management Agency (FEMA) Review Meeting, April 1. City staffs will work with the Commission and DNR to review and discuss where large rises occur before the Floodplain Areas and Profiles are published and mapped by FEMA.

B. 2020 Annual Water Quality Report.* Kemmitt presented the findings from the 2020 monitoring program. The report provides summary information for each of the water resources within the three management units of Shingle Creek and for West Mississippi as a whole.



Kemmitt noted that 2020 was a dry year which contributed to a low volume of runoff and good water quality in Shingle and West Mississippi streams. Pollutant loads of TP and TSS at Shingle Creek sites were the lowest in recent years. Typically, total phosphorus (TP) and total suspended solids (TSS) values are below state standards except during storm events, when wash-off from the watershed increases those concentrations above the standards. Winter chloride concentrations remain high in Shingle Creek.

Lake conditions (water quality, plankton, vegetation) were monitored in five lakes in the watershed. Bass and Pomerleau Lakes showed continued good water quality following alum treatments in 2019. Pomerleau showed particularly good water quality, with Secchi depth, TP, and chlorophyll concentrations below the State standards during the entire summer. The lakes received their second alum treatments in fall 2020. Results from Crystal Lake showed poor water quality, little submerged vegetation, and signs of a potential harmful algae bloom in late summer. Conditions in Eagle and Pike Lakes were good. Both lakes had healthy aquatic vegetation and plankton communities and water quality that remained below or near the State standards for much of the season.

More detailed technical information is presented in the appendices. Both the report and the appendices will be available soon at shinglecreek.org/water-quality.html. An interactive map is being added to the website to allow for better understanding of the monitoring programs.

Motion by Schoch, second by Jaeger to accept the 2020 Annual Water Quality Report.
Motion carried unanimously.

Motion by Butcher, second by Johnson to accept the 2020 Annual Water Quality Report.
Motion carried unanimously.

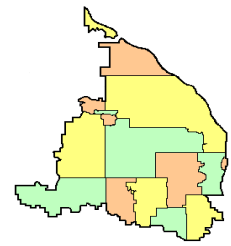
VIII. Grant Opportunities.

A. Brooks Garden Partnership Cost Share.* Representatives from Metro Blooms and Boisclair Corporation gave a pictorial update of Phase I of this project, located on 69th Avenue in Brooklyn Park at the border with the City of Brooklyn Center, which was completed in 2020. The second phase of this project includes creating nine raingardens throughout the complex to capture roof, sidewalk, and play area runoff and increase storage capacity in the floodplain. Without these capture areas, runoff drains either directly to Shingle Creek via overland flow or into two catch basins that pipe runoff to the creek. Projects costs total \$86,107. The project partners are requesting \$30,000 from the Shingle Creek Commission; Hennepin County programming would fund the balance. At their meeting earlier today, the Technical Advisory Committee recommended that the Shingle Creek Commission fund this project at the requested \$30,000.

Motion by Schoch, second by Grant to approve the TAC's recommendation. *Motion carried unanimously.*

B. Brooklyn Center Brine Center.* The Commission maintains a City Cost Share program to assist cities in implementing Best Management Practices that are too small to be included on the CIP, with a preference given to projects identified in a subwatershed assessment or TMDL.

In 2018 the Board of Water and Soil Resources (BWSR) initiated its Watershed-Based Implementation Funding (WBIF) Pilot Program, allocating funds to each of the Metro-area counties for grants for projects and practices. The eligible parties in each county decided how to allocate the funds. Shingle Creek received \$68,129 and West Mississippi \$35,442. Both Commissions elected to deposit the proceeds into the City Cost-Share Program accounts for small projects. Shingle Creek allocated its funds to three projects - the New Hope Civic Center BMPs (\$25,000); the Brooklyn Center Brine System (\$25,000);



and the Meadow Lake Management Plan (\$18,129). (West Mississippi allocated its funds to the Brooklyn Park River Park project.)

In 2019 Brooklyn Center applied for up to \$50,000 from the Commission's Cost Share Program to help fund the purchase and installation of brine making equipment for use in their winter maintenance activities. At the time the City purchased brine from Brooklyn Park and stored it at their municipal garage. Installing brine making equipment on-site would allow the city to make brine on demand and to calibrate it to an individual storm event's need. The TAC reviewed and recommended to the Commission that it be approved and funded \$25,000 from the funds received from the WBIF and \$25,000 from program funds.

The purchase and installation of the brine making equipment is complete and operational and the city has submitted documentation and a reimbursement request for \$50,000. Staff has reviewed the request and recommends it for approval.

Motion by Schoch, second by Roach to approve the reimbursement request. *Motion carried unanimously. [This item was included in the claims approved as part of Item III.A., above.]*

C. The Commission had previously received an EPA Section 319 grant for the **Crystal Lake Management Plan*** that includes funding a series of alum treatments on Crystal Lake. The City of Robbinsdale is in the process of obtaining quotes for that work and expects to award a contract in early April. The first alum dose should be completed in late April or early May.

Because the Joint Powers Agreement does not authorize the Commission to enter into construction contracts, typically one city serves as the lead agency and the affected parties (Commission and one or more cities) enter into a Cooperative and Subgrant Agreement whereby the city (or cities) agrees to perform the work and ensure that the obligations in the grant agreement are met. The Commission then agrees to reimburse the City (or cities) for its costs from the grant proceeds and Commission levy funds.

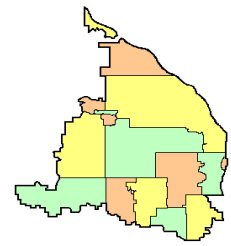
Included in the meeting packet is a draft Agreement* for this project. It is still being reviewed by the respective attorneys. Staff recommends that the Commission authorize execution of the agreement once it has received approval from the City and Commission Attorneys.

Motion by Schoch, second by Grant to authorize execution of the agreement following approval by the respective attorneys. *Motion carried unanimously.*

D. The Board of Water and Soil Resources (BWSR) has prepared a Grant Agreement* (combined in one document) for the two Clean Water Fund (CWF) grants awarded to the Commission - the **Connections II Shingle Creek Restoration Project** (\$328,000) and the **Meadow Lake Management Plan** (\$153,510).

Both of these grants provide 75% funding for these projects. Last fall the Commission certified levies to fund the required match. These will be, for the most part, pass-through grants. The member cities, Brooklyn Center and New Hope, respectively, will serve as the lead agencies. The Commission and the cities will enter into a cooperative and subgrant agreement whereby the Commission agrees to reimburse the respective city for the costs of completing the project and the cities agree to complete the project in accordance with the grant agreement. The Commission will retain a portion of the grant funds to cover the costs of performance monitoring.

Motion by Jaeger, second by Schoch to approve execution of the Grant Agreement for the Connections II and Meadow Lake Management Plan projects. *Motion carried unanimously.*



E. Staff and the Commission's attorney are working with the cities of Brooklyn Center and Brooklyn Park to develop Subgrant and Cooperative Agreements for the **Connections II and Bass Creek Restoration Projects**. Cities are in the process of reviewing these grant agreements. When the agreements with any proposed revisions are acceptable to all parties, the cities will take them to their respective City Councils for approval, along with a scope of work and professional services agreement for design and construction services. They will then be ready for execution by the Commissions.

These agreements are very similar to the Crystal Lake Alum Treatment agreement in the Commission's packet (Item VIII.C.). In both cases the cities agree to act as the lead agency for bidding and contract management and to adhere to the contracting and other requirements laid out in the Commission's grant agreements with the Board of Water and Soil Resources. The Commission agrees to reimburse the cities for all the costs – construction, engineering, contract administration, etc. – from the proceeds of the grants and the county levy received for the projects.

Staff recommends the Commission authorize the Chair to execute these agreements after they have received final approval from the attorneys and respective City Councils expected later this month. At that point, the projects will be ready to proceed to the design phase.

Motion by Schoch, second by Grant to authorize the Chair to execute these agreements per Staff's recommendation. *Motion carried unanimously.*

IX. Education and Public Outreach.

A. Included in the meeting packet are the **2020 Annual Activity Reports*** for the Shingle Creek and West Mississippi Commissions. They detail the activities undertaken by the Commissions in the past year and are supplemented with the *2020 Annual Water Quality Report*. The Commissions are required by MN Rule 8410.0150 to submit these reports annually by April 30 to the Board of Water and Soil Resources.

Motion by Schoch, second by Jaeger to accept the 2020 report. *Motion carried unanimously.*

Motion by Butcher, second by Jaeger to accept the 2020 report. *Motion carried unanimously.*

B. The next **West Metro Water Alliance (WMWA)** meeting is a virtual meeting and is scheduled for 8:30 a.m., Tuesday, April 13, 2021. The **Zoom number** is <https://us02web.zoom.us/j/922390839>. 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**.

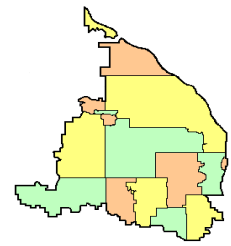
X. Communications.

A. **March Communications Log.*** No items required action.

B. **March Staff Report.** No report this month.

C. Included in the meeting packet is a copy of a **letter of support** to Dr. Richard Kiesling, USGS, for his project, "Removing CECs (contaminants of emerging concern) from Stormwater with Biofiltration."

D. Riegel updated the members on the **Canadian Pacific train derailment** which occurred on March 7, 2021, along the tracks at Northwest Boulevard, north of Schmidt Lake Road in Plymouth. All train cars have been removed and no spills were identified during the cleanup process. Canadian Pacific is now working on restoration of the site, including restoration of the wetland that was impacted by a temporary access road.



XI. Other Business.

XII. Adjournment. There being no further business before the Commissions, the joint meeting was adjourned at 3:01 p.m.

Respectfully submitted,

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

Judie A. Anderson,
Recording Secretary

JAA:tim

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