

**REGULAR MEETING
MINUTES | May 11, 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, May 11, 2023, at Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN.

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

Present for West Mississippi: David Mulla, Brooklyn Center; Alex Albrigton Prasch, Brooklyn Park; Karen Jaeger, Maple Grove; John Roach, Osseo; Diane Spector, Todd Shoemaker, Katie Kemmitt, Stantec; Troy Gilchrist, Kennedy & Graven; and Judie Anderson, JASS. Not represented: Champlin.

Also present were: James Soltis, Brooklyn Center; ; Greg Spoden and Mitch Robinson, Brooklyn Park; Heather Nelson, Champlin; Mark Ray Crystal; Mark Lahtinen, Maple Grove; Nick Macklem, New Hope; James Kelly, Osseo; Ben Scharenbroich, Plymouth; and Richard McCoy and Wendy Scherer, Robbinsdale.

II. **AGENDAS AND MINUTES.**

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

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

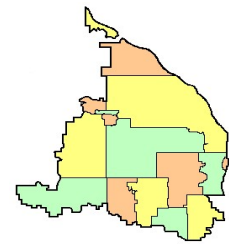
Motion by Schoch, second by Jaeger to approve the **minutes of the April 13, 2023, regular meeting**.* *Motion carried unanimously.*

Motion by Roach, second by Mulla to approve the **minutes of the April 13, 2023, regular meeting**.* *Motion carried unanimously.*

III. **FINANCES AND REPORTS.**

A. Motion by Schoch, second by Jaeger to approve the Shingle Creek **May Treasurer's Report* and claims** totaling \$66,955.77. Voting aye: Mulla, Prasch, Orred, Jaeger, Schoch, Grant, Roach, Polzin, and Sicora; voting nay: none.

B. Motion by Butcher, second by Jaeger to approve the **West Mississippi May Treasurer's Report* and claims** totaling \$16,940.24. Voting aye: Mulla, Prasch, Jaeger, and Roach; voting nay: none; absent – Champlin.



IV. OPEN FORUM.

V. PROJECT REVIEW.

SC2023-02 Bass Lake Road Mixed Use, Plymouth.* Construction of multi-family apartment and commercial lots on 11.32 acres located at the southeast corner of Nathan Lane and Bass Lake Road. Following development, the site will be 35 percent impervious with 3.94 acres of impervious surface, an increase of 3.94 acres. A complete project application was received on March 29, 2023.

Commission rules require the site to infiltrate 1.1 inches of runoff from new impervious and reconstructed impervious area within 48 hours. The new and reconstructed impervious area on this site is 3.94 acres, requiring infiltration of 15,727 CF within 48 hours. Due to poor soils, the applicant proposes to construct two filtration basins that will have the capacity to filter the required volume within 48 hours. A breakdown of the volume requirements and credit for the filtration basins are shown below. The applicant meets Commission volume control requirements.

Infiltration Volume Retention Required:

$$171,563 \text{ ft}^2 \times 1.1 \text{ inches} \times 1 \text{ ft}/12 \text{ inches} = 15,727 \text{ ft}^3$$

Filtration Volume Retention Required:

$$171,563 \text{ ft}^2 \times 1.1 \text{ inches} \times 1.82 \times 1 \text{ ft}/12 \text{ inches} = 28,622 \text{ ft}^3$$

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 filtration requirement is considered sufficient to provide a similar level of treatment.

Runoff from the site is proposed to be routed through two filtration basins that meet the volume control requirement. The applicant meets Commission water quality treatment requirements.

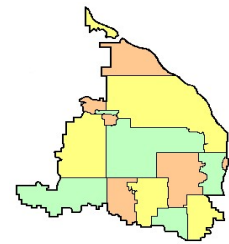
Commission rules require that site runoff is limited to predevelopment rates for the 2-, 10-, and 100-year, 24-hour, and 100-year, 10-day critical storm events. The applicant meets Commission rate control requirements.

The erosion control plan includes rock construction entrances, perimeter silt fence/biolog, silt fence surrounding filtration 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 identifies one probable wetland in the northwest portion of the site. Plymouth is the LGU for WCA administration. Wetland buffers a minimum of 20 feet in width and averaging 30 feet in width are provided. The applicant meets Commission wetland requirements.

Bass Creek is a Public Water that is impaired for aquatic life and runs through the northern portion of the site. The project is not expected to negatively impact Bass Creek or the aquatic life within. The applicant meets Commission Public Waters requirements.

There is FEMA 100-year floodplain on the north portion of this site. The low floor elevation of the building (908.67') is two feet higher than the FEMA 100-year flood elevation (905.63') and high water level of the basin (904.8'). The applicant has shown there is no fill below the 100-year flood elevation. The applicant meets Commission floodplain requirements.



The project is located directly south of a mapped floodplain (Flood Zone A) on Bass Creek. Due to this location, the applicant conducted a hydraulic analysis of existing and proposed conditions of the floodplain. The proposed project does not increase regional flood elevations. However, the “better” data included by the applicant in the existing model increased high water elevations for PCSWMM model nodes NH-4050S and PL-4060S. When comparing the “effective” model (watershed model provided to Westwood) and the “corrected effective” (model updated by Westwood), there are increases of 0.21’ at Node NH-4050S and 0.67’ at Node PL-4060S. City of Plymouth staff have been notified of these increases.

The site is not located in a Drinking Water Supply Management Area (DWSMA). The applicant meets Commission drinking water protection requirements.

A public hearing on the project was conducted on March 30, 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 Plymouth was provided.

Motion by Schoch, second by Jaeger to advise the City of Plymouth that Project 2023-02 is approved subject to receipt of a complete O&M agreement between the applicant and the City for all stormwater facilities on the project site. *Motion carried unanimously.*

VI. FOURTH GENERATION PLAN.* The Commissions initiated work on their joint Fourth Generation Watershed Management Plan in Fall 2021 by completing a self-assessment of progress toward meeting the goals of the Third Generation Watershed Management Plan. The Plan was developed over the following year during regular meetings. The Commissions and Technical Advisory Committee (TAC) discussed some aspect of the Plan at nearly every meeting during that time. During Plan development, the Commissions also updated their Rules and Standards. Highlights of the Plan include an updated surface water monitoring plan, an expanding education and outreach plan, and a new focus on changing precipitation patterns.

The Commission submitted their Fourth Generation Plan to Metro State reviewing agencies in early November 2022. After the 60-day window, Stantec reviewed and compiled the received comments and provided recommended responses. Upon completion of the hearing a record of the hearing and all comments received and responses made were forwarded to the Board of Water and Soil Resources (BWSR), which had up to 90 days in which to consider approving the Plan. The Metro Committee of BWSR approved the plan on April 6, 2023 and recommended the Plan to the full Board for approval* at their April 26, 2023 meeting. The Commissions were advised of the Board’s approval on that date.* The Plan may now be adopted by each Commission by resolution and copies of the final Plan will be posted on the Commissions’ website.

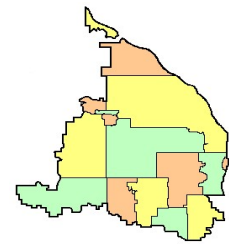
Motion by Schoch, second by Grant to approve Resolution 2023-01 Adopting the Fourth Generation Plan.* *Motion carried unanimously.*

[Sicora departed 1:05 p.m.]

Motion by Prasch, second by Roach to approve Resolution 2023-01 Adopting the Fourth Generation Plan.* *Motion carried unanimously.*

VII. 2024 OPERATING BUDGETS.

The Joint Powers Agreements (JPAs) governing operations of the Commissions require a budget and the resulting proposed city assessments for the coming year to be reported to the member cities by July 1.



A. Shingle Creek.* The proposed operating budget covers the core of Commission activities, including administration, engineering, legal, technical services, monitoring, education/outreach programs and basic operations of the Commission. Capital and cost-share projects are handled separately from the operating budget.

1. Revenue Sources. The primary source of funds for operations is from assessments on the cities having land in the watershed. The cities share proportionally in that cost based 50% on their area within the watershed and 50% on their net tax capacity in the watershed. Tax capacity serves as a proxy for level and density of development. Most, but not all, of the cities fund these assessments from their storm utility funds.

The Commission has not increased assessment every year and had a minimal increase between 2020 and 2023. However, the *ability* to increase continues to accumulate with inflation. The proposed 2024 budget assumes an assessment of \$370,000, which is no increase over 2023.

Other sources of funding are project review fees and interest. The Commission's interest earnings in 2022 were quite sizable and interest earnings in 2023 are also on track to be significant. While Staff assume an increase in interest, they kept that expectation moderate for 2024 and consider those earnings to be a windfall rather than something that will continue.

The proposed allocations to each city shown in Staff's May 5, 2023, memo* are based on the areas and valuations using the current boundaries. They are working with Hennepin County to determine when they can obtain updated valuations by city using the new watershed boundaries.

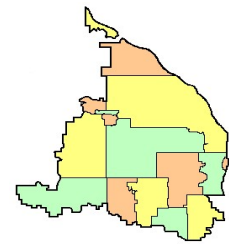
2. Preliminary 2022 Budget Performance. The 2022 annual expenses, pre-audit, were an estimated \$81,407 less than the total actual revenue. On the revenue side, interest received was significantly more than budgeted due to higher interest rates and the bank balance of levy and grant funds held on behalf of cities prior to project completion.

Administrative costs were well below budget, slightly offset by general engineering costs exceeding the budget. Project review activity was less than expected. WMWA has a pay-as-you-go approach and bills the WMOs in installments based on activity. COVID-19 greatly reduced outreach and education opportunities, although it is now back on track. Rather than build up a big account balance, WMWA elected not to invoice for the full amount budgeted. Once the audit is complete, the actual surplus will be used to replenish the unrestricted cash reserve, which at the end of 2021 was relatively low.

3. 2024 Budget. With a few notable exceptions, the proposed budget generally continues the same activities at the same level of effort as 2023. Each line item is explained in the memo in the *2024 Budget Explanation* section.

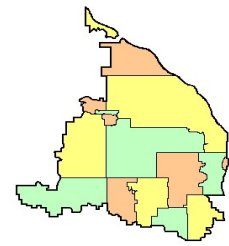
As noted above, the Commission has a significant balance in its 4M account of levy and grant proceeds, waiting for reimbursement requests from cities. As inflation has increased in the last 12-18 months, **interest rates** have also increased, leading to the windfall of interest in 2022. Earnings in 2023 are also on the same pace. However, the 2024 budget assumes that the fund balance will decrease in the near future as projects are completed and paid out.

The new meeting location at the Plymouth Community Center charges a monthly room rental, which together with the lunch cost are the primary **meeting expenses**. This cost is split between Shingle Creek (70%) and West Mississippi (30%). The budget assumes that in 2024 the Commission will continue to meet in-person.



Proposed Shingle Creek 2024 operating budget

		2022 Budget	Unaudited 2022	2023 Budget	Proposed 2024
REVENUE					
1	Application Fees	\$20,000	\$16,000	\$15,000	\$15,000
2	Member Assessments	363,590	363,590	370,000	370,000
3	Interest	5,000	41,435	250	20,000
TOTAL REVENUE		\$388,590	\$421,025	\$385,250	\$405,000
EXPENSES					
ADMINISTRATION					
4	Administrative Services	\$71,000	\$51,175	\$70,000	\$70,000
5	Engineering Support	17,000	12,930	15,000	15,000
6	Project Reviews/WCA	1,500	929	1,500	1,500
Subtotal		\$89,500	\$65,034	\$86,500	\$86,500
ENGINEERING					
7	Engineering Services	75,000	81,046	77,000	80,000
8	Grant Application Writing	12,000	11,981	11,000	12,000
9	Project Reviews/WCA	43,000	38,932	30,000	35,000
10	TMDL 5 Year Reviews	5,000	4,976	5,000	5,000
Subtotal		\$135,000	\$136,935	\$123,000	\$132,000
LEGAL					
11	Legal Services	\$5,500	5,404	\$6,000	6,000
MISCELLANEOUS					
12	Bookkeeping	8,000	6,757	8,000	8,000
13	Audit	6,500	6,200	7,500	7,500
14	Insurance & Bonding	3,200	2,671	3,200	3,200
15	Meeting Expense	5,000	3,208	5,000	6,000
Subtotal		\$22,700	\$18,836	\$23,700	\$24,700
PROGRAMS					
<i>Monitoring</i>					
16	Stream Monitoring	35,000	34,707	34,000	36,000
17	Stream Monitoring-USGS	4,200	7,600	4,200	4,200
18	Commission Lake Monitoring	28,000	27,833	28,000	30,000
19	Citizen Assisted Lake Monitoring	4,800	3,850	5,200	5,000
20	Vol Wetland Monitoring	2,000	0	0	0
21	Vol Stream Monitoring	1,000	0	2,000	2,000
22	Annual Monitoring Report	16,000	16,045	17,500	16,500
Subtotal		\$91,000	\$90,035	\$90,900	\$93,700
<i>Education</i>					
23	Education Program	16,500	13,979	17,000	24,000
24	WMWA SC Share	11,500	8,387	11,500	11,500
Subtotal		\$28,000	\$22,366	\$28,500	\$35,500
MANAGEMENT PLAN					
25	Plan Amendments	1,000	1,008	0	1,000
26	Subwatershed BMP Assessment	0	0	5,000	0
Subtotal		\$1,000	\$1,008	\$5,000	\$1,000
PROJECTS					
27	Contribution to 5 th Generation Plan	0	0	0	0
28	To/(From) Reserves	15,890	81,407	21,650	25,600
Subtotal		\$15,890	\$81,407	\$21,650	\$25,600
TOTAL OPERATING EXPENSE		\$443,590	421,025	\$388,590	\$405,000



Proposed 2024 member assessments compared to previous year

2023 Community	Acreage	2022 Tax Capacity	Cost Allocation Based on Area		Cost Based on Tax Capacity		Total Cost	
			%age	Dollars	%age	Dollars	%age	Dollars
Brooklyn Center	3,720	24,644,155	13.07%	24,181	10.46%	19,344	11.76%	43,525
Brooklyn Park	7,080	53,297,576	24.88%	46,022	22.61%	41,835	23.75%	87,857
Crystal	2,480	17,648,187	8.71%	16,121	7.49%	13,853	8.10%	29,973
Maple Grove	5,020	47,582,121	17.64%	32,632	20.19%	37,349	18.91%	69,980
Minneapolis	1,950	15,730,473	6.85%	12,676	6.67%	12,347	6.76%	25,023
New Hope	2,070	21,261,174	7.27%	13,456	9.02%	16,688	8.15%	30,144
Osseo	300	2,799,609	1.05%	1,950	1.19%	2,197	1.12%	4,148
Plymouth	4,380	38,250,294	15.39%	28,472	16.23%	30,024	15.81%	58,495
Robbinsdale	1,460	14,476,873	5.13%	9,491	6.14%	11,363	5.64%	20,854
Total	28,460	235,690,462	100%	185,000	100%	185,000	100%	370,000
2024 Community	Acreage	2023 Tax Capacity	Cost Allocation Based on Area		Cost Based on Tax Capacity		Total Cost	
			%age	Dollars	%age	Dollars	%age	Dollars
Brooklyn Center	3,720	25,567,389	13.07%	24,181	10.10%	18,689	11.59%	42,870.70
Brooklyn Park	7,080	56,705,102	24.88%	46,022	22.41%	41,451	23.64%	87,473.09
Crystal*	2,480	18,739,269	8.71%	16,121	7.40%	13,698	8.06%	29,819.00
Maple Grove*	5,020	53,080,785	17.64%	32,632	20.97%	38,801	19.31%	71,433.05
Minneapolis	1,950	16,419,161	6.85%	12,676	6.49%	12,002	6.67%	24,677.85
New Hope	2,070	22,759,451	7.27%	13,456	8.99%	16,637	8.13%	30,092.56
Osseo	300	3,099,165	1.05%	1,950	1.22%	2,265	1.14%	4,215.55
Plymouth*	4,380	41,524,951	15.39%	28,472	16.41%	30,354	15.90%	58,825.68
Robbinsdale	1,460	15,187,729	5.13%	9,491	6.00%	11,102	5.57%	20,592.52
Total	28,460	253,083,002	100%	185,000	100%	185,000	100%	370,000

*Includes WS 0: parcels with no assigned watershed

Lake monitoring has expanded to include fish surveys and zoo- and phytoplankton. As the Commission moves to a balanced lake ecology focus, these other parameters become important diagnostic tools in determining overall lake health, rather than just focusing on total phosphorus concentration. **Stream monitoring** includes two dissolved oxygen longitudinal studies.

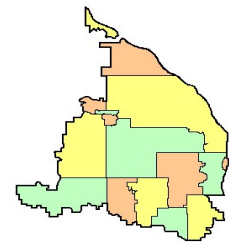
The Fourth Generation Plan placed a renewed emphasis on **education and outreach**, especially in two areas: outreach to underserved communities and education regarding chloride management. Staff recommend the Commission increase its 2024 budget to take on these new activities.

Motion by Schoch, second by Orred to approve the 2024 operating budget as proposed. *Motion carried unanimously.* As requested, Staff has adjusted the percentages shown in the assessment table to two places.

B. West Mississippi.* As with Shingle Creek, the proposed operating budget covers the core of Commission activities, while capital and cost-share projects are handled outside the operating budget.

1. Revenue Sources. The draft 2024 budget assumes an assessment of \$160,000, which is a 2.4% increase following several years of no or minimal change in the assessment. Again, the proposed allocations to each city shown in Staff’s May 5, 2023, memo* are based on the areas and valuations using the current boundaries and will be updated if the valuations using the new watershed boundaries are received timely.

Other sources of funding are project review fees and interest. Again, Staff kept the increase in expected interest earnings at a moderate level.

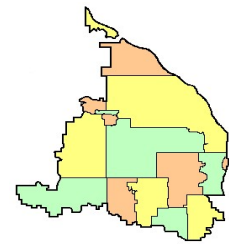


Proposed West Mississippi 2024 budget

		2022 Budget	2022 Actual (pre-audit)	2023 Budget	2024 Proposed
INCOME					
1	Application fees	\$18,000	\$17,800	\$20,000	\$20,000
2	Interest income	2,500	15,029	100	5,000
3	Assessment	156,200	156,200	156,200	160,000
4	Reserve - general	5,000		0	8,000
	TOTAL INCOME	\$181,700	\$194,331	\$176,300	\$193,000
EXPENSES					
	<i>Administration:</i>				
5	Administrative services	\$32,000	\$23,223	\$32,000	\$32,000
6	TAC/engineering support	4,000	5,427	4,000	4,000
7	Project reviews/WCA	1,500	570	1,500	1,500
	Subtotal	\$37,500	\$29,220	\$37,500	\$37,500
	<i>Engineering:</i>				
8	Engineering services	\$33,500	\$33,485	\$32,300	\$35,000
9	Grant writing	500	468	0	500
10	Project reviews/WCA	30,000	29,607	25,000	30,000
	Subtotal	\$64,000	\$63,560	\$57,300	\$65,500
	<i>Legal:</i>				
11	Legal services	\$4,500	\$4,099	\$5,000	\$5,000
	Subtotal	\$4,500	\$4,099	\$5,000	\$5,000
	<i>Miscellaneous:</i>				
12	Accounting	\$3,300	\$3,792	\$3,400	\$4,000
13	Audit	5,000	4,700	6,500	6,500
14	Insurance & bonding	3,100	2,245	3,000	3,000
15	Meeting expense	2,700	1,375	3,000	3,000
	Subtotal	\$14,100	\$12,112	\$15,900	\$16,500
	<i>Monitoring:</i>				
16	Vol stream monitoring	\$0	\$0	\$0	\$0
17	Vol wetland monitoring	2,000	0	2,000	0
18	Outfall & stream monitoring	22,600	14,063	22,600	24,000
19	Annual monitoring report	8,000	7,903	7,500	8,000
	Subtotal	\$32,600	\$21,966	\$32,100	\$32,000
	<i>Education:</i>				
20	Education program	\$16,500	\$13,957	\$17,000	\$24,000
21	WMWA implementation activities	11,500	7,000	11,500	11,500
	Subtotal	\$28,000	\$20,957	\$28,500	\$35,500
	<i>Management Plans:</i>				
22	Plan amendments	\$1,000	\$231	\$0	\$1,000
23	Subwatershed BMP assessment	0	0	0	0
	Subtotal	\$1,000	\$231	\$0	\$1,000
24	Contribution to 5th Gen Plan	0	0	0	0
25	To reserves (pre-audit)	0	\$41,892	0	0
	TOTAL OPERATING EXPENSE	\$181,700	\$194,892	\$176,300	\$193,000

2. **2024 Budget.** With a few notable exceptions the proposed budget generally continues the same activities at the same level of effort as in 2023. Some of the line items have been adjusted and reallocations made. Each line item is explained in the 2024 Budget Explanation section of Staff’s memo.

Again, the **meeting expense** is divided 30-70 with Shingle Creek and is comprised of the monthly room rental and meal costs.



In the past, one site on Mattson Brook has been monitored for **macroinvertebrates** by high school students through Hennepin County’s River Watch program. However, for the last few years County staff have been unable to recruit a group to participate. They are in the process of trying to recalibrate the program, and, until we know, Staff recommend the Commission not budget to participate in 2024. The volunteer wetland monitoring program was discontinued in 2022.

Staff propose that West Mississippi replicate the **education and outreach program** included in the Shingle Creek budget.

When setting the 2022 budget, to avoid increasing the city assessments the Commission planned to dip into the cash reserves by \$5,000 to balance budgeted costs and revenues. At the end of 2022, the Commission collected more revenue than expected, mainly in interest earned on its significant fund balance. It also spent less than budgeted, including less on administration and for stream monitoring. Therefore, the Commission will not need to allocate any funds from the cash reserve to balance the 2022 budget. The 2022 actual figures shown in the table on the previous page are pre-audit. Following completion of the audit, the excess balance, which is estimated at \$41,892, will accrue to the cash reserves.

Proposed 2024 member assessments

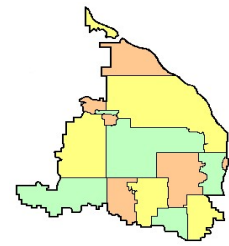
2023 Community	Acreage	2022 Tax Capacity	Cost Allocation Based on Area		Cost Based on Tax Capacity		Total Cost	
			%age	Dollars	%age	Dollars	%age	Dollars
Brooklyn Center	1,660	12,143,055	10.46%	8,169	10.41%	8,128	10.43%	16,298
Brooklyn Park	9,880	70,196,684	62.26%	48,623	60.16%	46,988	61.21%	95,611
Champlin	3,620	28,305,110	22.81%	17,815	24.26%	18,947	23.54%	36,762
Maple Grove	530	4,218,843	3.34%	2,608	3.62%	2,824	3.48%	5,432
Osseo	180	1,811,681	1.13%	885	1.55%	1,213	1.34%	2,098
Totals	15,870	116,675,373	100.00%	78,100	100.00%	78,100	100.00%	156,200
2024 Community	Acreage	2023 Tax Capacity	Cost Allocation Based on Area		Cost Based on Tax Capacity		Total Cost	
			%age	Dollars	%age	Dollars	%age	Dollars
Brooklyn Center*	1,660	12,820,589	10.46%		10.04%		10.25%	16,399
Brooklyn Park	9,880	76,834,739	62.26%		60.16%		61.21%	97,933
Champlin*	3,620	30,101,719	22.81%		23.57%		23.19%	37,103
Maple Grove*	530	6,081,491	3.34%		4.76%		4.05%	6,481
Osseo	180	1,880,088	1.13%		1.47%		1.30%	2,084
Totals	15,870	127,718,626	100.00%		100.00%		100.00%	160,000

*Includes WS 0: parcels with no assigned watershed

Motion by Jaeger, second by Roach to approve the 2024 Operating Budget as proposed. *Motion carried unanimously.* Staff were asked to verify the Osseo tax capacity. (The corrected tax capacity is shown in the table above.)

VIII. CAPITAL IMPROVEMENT PROGRAM (CIP).

A. The Commissions each revised their Capital Improvement Programs (CIP) as part of the Fourth Generation Watershed Management Plan. The CIP typically is reviewed every year and amended as necessary to add, delete, or amend projects as opportunities arise, priorities change, or costs are re-evaluated.



The Technical Advisory Committee (TAC) reviewed the preliminary CIP at its April 13, 2023, meeting and suggested some revisions. No new projects are proposed to be added to the 2023 CIP so there is no need to undertake a Minor Plan amendment this year. The full CIP as revised is shown in Staff’s May 5, 2023, memo.

2023 CIP Projects (2024 levy)

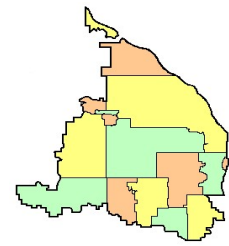
Project	Total Est Cost	City/Private	Grant	Comm Share
Cost share (city projects)	\$200,000	\$100,000	0	\$100,000
Partnership cost share (private projects)	50,000	0	0	50,000
Maintenance fund	50,000	0	0	50,000
Pike Creek Stabilization	395,000	290,000	0	105,000
Brookdale Park Natural Channel phase 1	625,000	0	0	625,000
Subtotal	\$1,320,000	\$390,000	\$0	\$930,000
5% additional for legal/admin costs				46,500
TOTAL LEVY (101% for uncollectable)				\$986,265
Cost share (city projects)	\$100,000	\$50,000	0	\$50,000
Partnership cost share (private projects)	100,000	0	0	100,000
Subtotal	\$200,000	\$50,000	\$0	\$150,000
5% additional for legal/admin costs				7,500
TOTAL LEVY (101% for uncollectable)				\$159,075

If there are no additional changes to the CIP, the Commissions will proceed as shown above. In June a maximum 2024 levy for 2023 projects will be established; in August the Commissions will receive any outstanding feasibility studies for projects on the CIP and call for a public hearing in September to consider the projects and order a levy.

B. Levy Project Closeout.* In 2017 and 2020 the City of Champlin requested Commission cost share funding in two BMP projects associated with the Mississippi Crossings redevelopment project at TH 169 just to the southwest of the Mississippi River Bridge. The first project, 2017-04 Mississippi River Crossings Rain Garden, was to share in the cost of a regional rain garden system to treat runoff from public improvements completed with the Applewood Pointe senior housing complex. The second, 2020-08 Phase B infiltration vault, was to share in the cost of the construction of an underground storage and treatment system to serve a larger redevelopment that would include public improvements such as a parking lot and amphitheater. The Commission levied \$54,800 for 2017-04 and \$100,000 for 2020-08.

The City recently informed Staff that these BMPs, instead of being designed and constructed by the city, were eventually constructed by the developer, who is being reimbursed by the city from redevelopment project TIF proceeds. Therefore, the City respectfully declines this cost share. The City requests that the cooperative agreement executed for the construction of 2017-04 be terminated. An agreement had not yet been entered into regarding 2020-08.

Staff recommends that the Commission agree to terminate the cooperative agreement and direct that the accumulated levy proceeds for the two projects, less the associated administrative costs, be transferred to the West Mississippi Closed Projects Account. Those funds, estimated to be around \$154,000, would then be available to use for other capital project purposes.



Motion by Roach, second by Jaeger to approve the recommended action. *Motion carried unanimously.*

IX. COST SHARE PROJECTS.*

A. During the Fourth Generation Plan process, the Commissions received a comment from one of the member cities that the current \$50,000 cap on city cost share projects hadn't increased since the program's inception in 2013, and requested that it be considered for review. The TAC at its April 13, 2023, meeting reviewed the awards made to date and noted that nearly two-thirds were either for exactly \$50,000 or just less than that. Given that each Commissions' account has a robust balance of over \$350,000 it was agreed to recommend increasing the cap to \$100,000 and evaluate the results in a year or two.

Included in the meeting packet was a revised set of Cost Share Program Guidelines* showing that change. It was final-reviewed by the TAC at its meeting earlier today with a recommendation for the Commissions' consideration.

Motion by Schoch, second by Jaeger to approve the increase in the cap to \$100,000. *Motion carried unanimously.*

Motion by Roach, second by Jaeger to approve the increase in the cap to \$100,000. *Motion carried unanimously.*

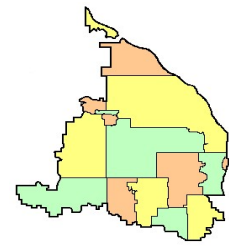
B. The City of Crystal requests \$50,000 from the Commission City Cost Share Fund to expand an underground infiltration system at the **Crystal Community Center.*** The underground infiltration system is being installed per Commission stormwater management requirements due to the total reconstruction of the south parking lot. If approved, the \$50,000 will allow the City to further expand the underground system to capture storm water runoff in excess of the minimum requirements. The existing proposed infiltration system has a design volume of 17,451 cubic feet (130,542 gallons). The expansion would increase the volume by 15% to 20,137 cubic feet (150,625 gallons). The catchment area that drains to this system is only the 1.96-acre parking lot. No additional storm pipes connect to this system as it is basically the headwaters for the storm pipe network leaving this area.

Stantec has reviewed the proposal with Mark Ray, City of Crystal, and the City's design consultant (SRF Consulting). They note the following aspects of the expansion:

1. Increasing the volume of runoff captured from the equivalent to 1.39-inches over the impervious surfaces within the construction limits to 1.57-inches (an increase of 0.18-inches).
2. Increasing total phosphorus removal by 0.02 lb/yr.
3. Negligible additional maintenance cost because it's an addition to the required system.
4. Runoff from this site drains to Twin Lake and then to Ryan Lake. Therefore, maximizing infiltration in this watershed reduces runoff and potential flooding on Ryan Lake.

Water quality benefits of the proposed project:

	Additional Volume Reduction (cf)	Volume Reduction (\$/cf)	TP Reduction (lb/yr)	30-Year Normalized Cost
Additional Storage	2,686	\$18.61	0.02	\$83,333



The City Cost Share Fund has a balance of approximately \$330,000, not including the \$100,000 levy it will receive this year.

Motion by Roach, second by Grant to approve this project at the proposed cost of \$50,000.
Motion carried, Maple Grove opposed.

C. Good News Thursday!* Staff presented before and after photos showing successful implementation of three recent Commission-sponsored projects. The first was the Twin Lakes Townhomes Partnership Cost Share project. The second and third projects were 2022 Bass Creek and Shingle Creek bank stabilization projects.

X. Highway 252/I-94 Project.*

A. As discussed and directed by the Commissions at their February 9, 2023, meetings, the **SC/WM Highway 252/I-94 EIS Review Subgroup** was formed to track and review the Minnesota Department of Transportation (MnDOT) Environmental Impact Statement (EIS) process for the proposed Highway 252/I-94 project (project). The subgroup met four times to discuss the project purpose and need, the Commissions' role and authority, project updates and concerns, and selection criteria used to evaluate the project build alternatives.

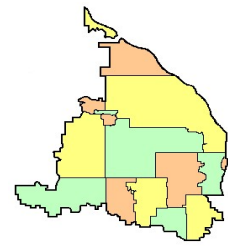
Since the last Commission update, MnDOT released the Highway 252/I-94 EIS Scoping Document & Draft Scoping Decision Document (DSDD) for public comment on March 21, 2023. While the Commissions previously submitted project comments as part of an informal public agency comment period in January 2023, the current public comment review is a required step and part of the federal National Environmental Protection Act (NEPA) process.

From the subgroup meetings and the public comment review, Staff received comments from Commissioners representing Minneapolis (Ray Schoch) and Brooklyn Center (David Mulla), attended virtual public meetings hosted by MnDOT, and developed comprehensive comments on behalf of the SC/WM Commissions for review and acceptance. If authorized by the Commissions, Stantec will submit the final comments to MnDOT via email prior to the close of the public comment period on Friday May 19, 2023:

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, the impacts of these alternatives on the natural environment, especially the increased stormwater runoff and pollutant loading from the additional impervious surfaces, should have been included to ensure the selected project alternatives do not harm downstream water resources, both surface and groundwater.

2. We support the importance of crash reduction and improved safety as part of the project's Purpose and Need Statement. We ask MnDOT to consider elevating crash reduction as a selection criterion for its build alternatives, as alternatives that reduce crashes not only improve safety, but also aid in protecting groundwater and drinking water supplies by reducing the likelihood of hazardous spills polluting the underlying groundwater or neighboring surface water resources from vehicular crashes.

3. The project corridor is within an area that is naturally very sensitive to pollution, as evidenced by the data in the Minnesota Well Index from the Minnesota Department of Health (MDH), the MDH Source Water Protection Map, the Metropolitan Council's Vulnerability of Surface-Water Features to Groundwater Pumping, and the Vulnerable Groundwater Area Map from the Minnesota Department of agriculture. We recommend the MnDOT Geologic Unit and/or Geotechnical Engineering Section evaluate the



soils, strata, and bedrock separating the Highway 252 / I-94 corridor from the underlying aquifer to assess the existing subsurface conditions, ambient groundwater quality, transmissivity potential for contamination, and any encroachments upon wellhead protection areas, consistent with the Federal Highway Administration (FHWA) NEPA water quality impact guidance.

4. The groundwater data sources also show the potential existence of numerous existing wells and a few springs near the corridor, indicating the possibility of high groundwater and seeps in the area. We recommend the MnDOT Geology Unit be consulted to establish ambient subsurface and groundwater conditions and that MnDOT use this information to further evaluate build alternatives.

5. We recognize that MnDOT has its own Municipal Separate Storm Sewer System (MS4) permit from the Minnesota Pollution Control Agency (MPCA) and is required to protect downstream surface and groundwater resources from discharges through its system, accidental or otherwise. As such, we recommend MnDOT evaluate the project build alternatives and future project designs using existing best practices from the MnDOT maintenance manual for emergency responses, which may provide a proactive solution to mitigating the impact of any hazardous spills [that] occur during the corridor's lifespan.

6. MnDOT has stated that groundwater protection will be studied for each build alternative in the Draft EIS, including identification of mitigation measures. To effectively evaluate the risk of the project alternatives to groundwater resources, we recommend using the approach outlined in ISO 21365 Soil Quality—Conceptual Site Models for Potentially Contaminated Sites before identifying mitigation measures. ISO 21365 recommends developing a preliminary risk assessment and conceptual site model to identify potential:

a. Sources of groundwater contamination, such as construction stormwater runoff or spills, additional lane-miles and increased impervious surface, increased traffic volumes, etc.

b. Pathways for contaminants to reach surface and groundwater resources, like rainfall wash-off of pollutants like chloride and total suspended solids from the increased impervious areas, storm sewer as a transmission mode for potential spills during freeway use, sealed and unsealed wells as a direct connect to groundwater aquifers, and surface infiltration of potential spills during freeway use, etc.

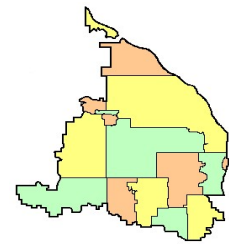
c. Receptors that could be impacted by contamination, like groundwater aquifers, springs, Shingle Creek, Mississippi River, fish and wildlife habitat, etc.

7. One of the Commissions' primary statutory authorities is to "protect and improve surface water and groundwater quality." Shingle Creek is under a TMDL for chloride and biotic integrity and previous studies have suggested that groundwater wells in Brooklyn Center may also have elevated chloride concentrations. The build alternatives should be evaluated to consider how each alternative may impact chloride concentrations in Shingle Creek and the underlying groundwater, especially within the Brooklyn Center Drinking Water Supply Management Area (DWSMA) and Emergency Response Area (ERA), as part of a chloride management plan.

8. Please note that with the potential groundwater impacts and concerns from the construction of this project, consistent with the Minnesota Construction Stormwater Permit and Commission rules, no infiltration practices will be permitted within the ERAs.

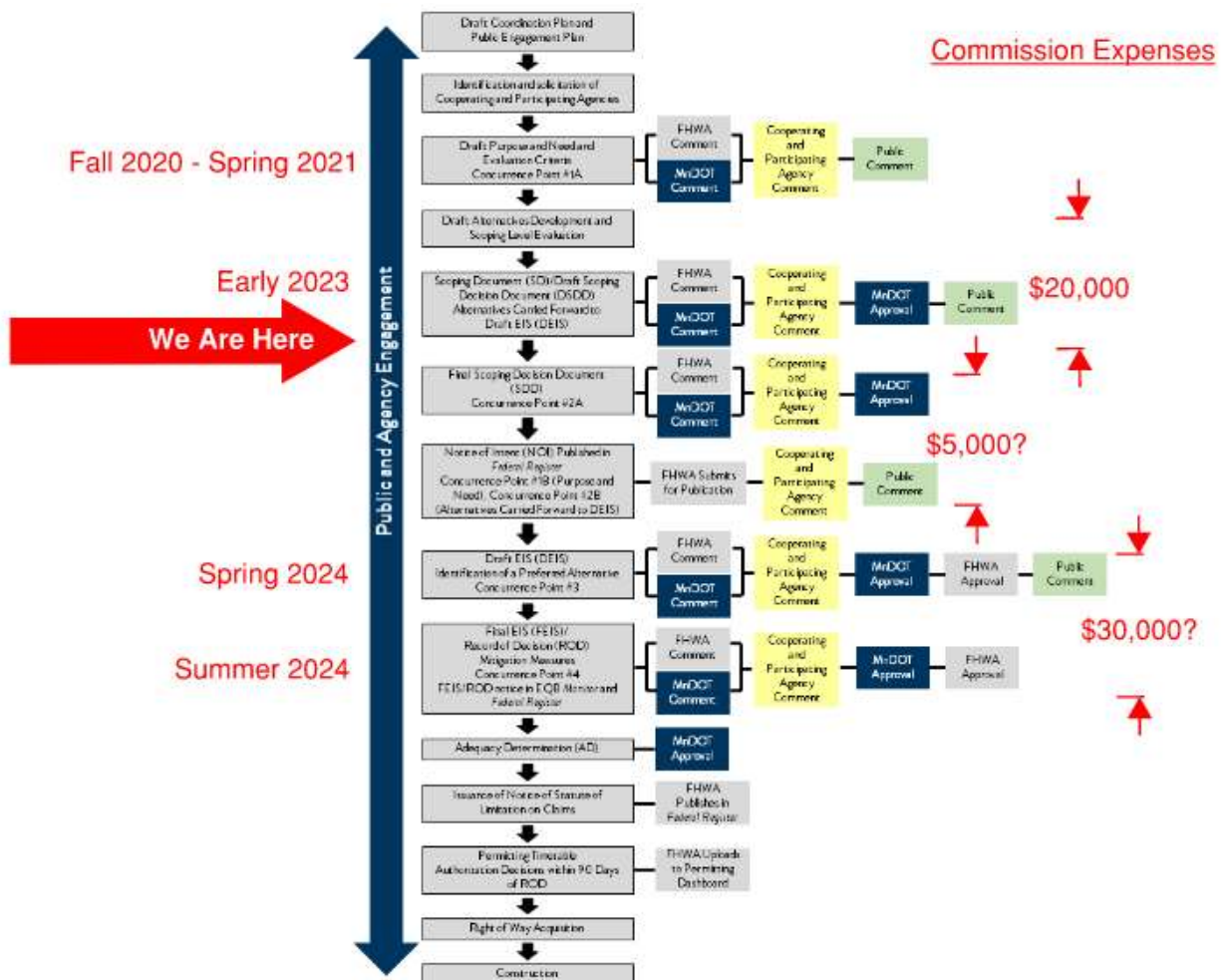
Motion by Mulla, second Schoch to send these comments to MnDOT. Motion carried unanimously.

Motion by Mulla, second Jaeger to send these comments to MnDOT. Motion carried unanimously.

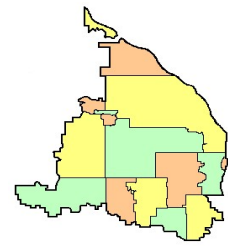


B. As directed by the Commissions, Staff has led and coordinated **review of the Minnesota Department of Transportation (MnDOT) Environmental Impact Statement (EIS) process** for the proposed Highway 252/I-94 project. This long and linear project requires a more extensive project review than most conducted by the Commission. Therefore, the Commissions directed staff to be very involved in the EIS review process, especially given the magnitude and the potential environmental impacts of the project.

Staff has since led five Commission Subgroup meetings to discuss the project purpose and need, the Commissions’ role and authority, project updates and concerns, and selection criteria used to evaluate the project build alternatives. They have reviewed the EIS Scoping Document (SD) and Draft Scoping Decision Document (DSDD); attended virtual public meetings hosted by MnDOT; researched and recommended an approach to evaluate impacts on groundwater resources; and drafted two rounds of comments on behalf of the Commissions.



The graphic above shows the EIS review process. Staff’s detailed involvement began in January 2023 with the informal agency review of the Scoping Document and is now reaching a potential “pause” as MnDOT and the Federal Highway Administration (FHWA) finalize the DSDD and determine the alternatives that will be carried through to the Draft EIS over the summer of 2023. Work during this pause



period is expected to be limited to attending and providing project updates from the Cooperating and Participating Agency Meeting #9, during which MnDOT will provide an update of the Final Scoping Decision Document.

Staff request the Commissioners to direct them on the continued level of Staff involvement on the project. They understand that the Commissions do not have unlimited resources and recognize the review cost to date is nearly \$20,000, with several more environmental reviews over the next year or two as the project moves through the NEPA/MEPA process. Based on efforts to date, Staff anticipate that these additional reviews could reach or exceed an additional \$35,000 at the current level of involvement. The approved 2023 project review budget was \$25,000 and did not anticipate multiple, detailed, EIS reviews such as this project, and is not sufficient to cover both this and typical Commission project reviews.

If the Commissioners wish to proceed with the current level of involvement, the Commission will have to allocate funds from the unrestricted reserve account to cover the assumed overage of \$35,000. While the 2022 audit is not yet complete, at the end of 2021, this account had a balance of \$110,000. Conversely, the Commissioners could consider a request to the affected member cities to increase their level of environmental review, consistent with the Commissions' comments.

It was a consensus of the Commissions' members that Staff maintain the current level of involvement in the Highway 252/94 EIS review. Prior (approximately \$20,000) and future expenses shall be shared equally between the WMOs and are currently being assigned to each Commissions' project review budget. It may be necessary to transfer additional funds from each Commissions' unrestricted reserve account to each project review budget. No motion was offered.

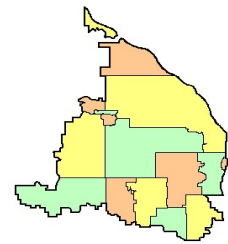
Kelly noted that the current JPA does not recognize subgroups such as has been created for this project and that the JPAs currently being revised/updated should allow for this establishment.

XI. Education and Public Outreach.

A. Conservation Education and Implementation Partnership Program will be coordinated by a new limited-duration education and outreach coordinator shared with Hennepin County, WMWA, and the Richfield-Bloomington WMO. Watershed-Based Implementation Funding (WBIF) will help fund the program. Over 100 applicants expressed interest in the position. Some of the WMWA representatives assisted Hennepin County in the interview process for the shared Education and Outreach Coordinator. An offer has been extended and accepted, and the new coordinator plans to start June 5. The first month or so will be mainly learning and networking. The new coordinator will likely attend member Commission meetings in the next few months.

B. Hennepin County Chloride Initiative (HCCI). The grant supporting development of the various chloride management tools by the Hennepin County Chloride Initiative (HCCI) ran out at the end of 2022, and that specific work is complete. The representatives of the 11 Hennepin County watersheds and the several cities and agencies that participated were interested in continuing to meet to share information and further roll out the Low Salt No Salt campaign. The WMWA group agreed that facilitating additional meetings, perhaps quarterly, would be an appropriate task for the new Education and Outreach Coordinator. The Steering Committee will plan for one to two meetings prior to the snow and ice season.

C. Watershed PREP. Jessica Sahu Teli, the PREP educator, is winding down classroom lessons for the spring semester, with several schools scheduled for the last few weeks of the school year. She has also worked with some middle schools to offer the Watershed Game (see [The Watershed Game | Minnesota Sea Grant \(umn.edu\)](#)), a fun and hands-on large-format board game about pollution prevention, best management



practices, plans, and policies to decrease water pollution while balancing financial resources. She will also be attending several outreach events this summer. If there is an event or festival with tabling or hands-on opportunities, contact Amy at JASS to find about the Educators' availability (amy@jass.biz).

Some of the MPRB naturalists based at the North Mississippi Regional Park Kroening Nature Center observed one of Sahu Teli's classroom lessons and are interested in learning more about how they can integrate learning about watersheds into the programming at Kroening.

- D. The **West Metro Water Alliance (WMWA)** will meet via Zoom at 8:30 a.m., June 13, 2023.

XII. Communications.

A. May Staff Report.*

1. **Highways 252/94 EIS Review.** (Also see item X., above.) MnDOT released the Draft Scoping and Decision Document (DSDD) for public comment on March 21, 2023. The SC/WM 252/I-94 EIS Review Subgroup held virtual meetings on April 4 and 25, 2023, to discuss the DSDD and draft Commission comments. Invitees included David Vlasin, David Mulla, Ray Schoch, Greg Spoden, Alex Prasch, Mitch Robinson, James Soltis, Liz Stout, Ahmed Omer, Liz Heyman, and Stantec staff.

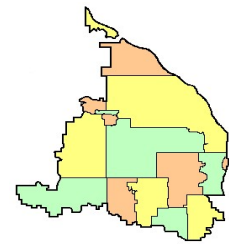
At the April 4th meeting, the subgroup directed Stantec to evaluate potential criteria for MnDOT to use when evaluating vulnerability of the underlying aquifer. Stantec conducted literature research and provided draft comments for the subgroup to review on May 2, 2023. Staff presented the final draft comments to the Commissions earlier at this meeting for approval. The approved comments will be finalized and submitted to MnDOT by the close of the public comment period on May 19, 2023.

Future Studies. Following discussion on two topics at the April TAC meeting, Staff and city staff will be meeting over the next few months to explore the potential for some future special studies and projects, both of which are in West Mississippi. Staff will be working with Brooklyn Park and Hennepin County staff to develop options for proceeding with the Mississippi Riverbank Stabilization project, whether through some alternate funding or perhaps breaking it down into a series of smaller projects. The second study area is in Champlin, which is interested in evaluating options for the remnant of Oxbow Creek from 109th Avenue to the Mississippi River, which decades ago was a small, mostly perennial stream but due to development and area-wide drainage modifications is now an intermittent stream.

2. **Meadow Lake Drawdown.** The City of New Hope approved the alum treatment quote on Meadow Lake and treatment is scheduled for May 15-17. Stantec issued a Request for Quotes for herbicide treatment of CLP in Meadow Lake to three local applicators. Quotes are due Monday, May 8. The contractor will be selected based on cost and qualifications and quotes will be provided with the Treasurer's Report for information. The herbicide treatment is expected to be completed before the alum treatment.

3. **Legal Boundary Update.** The boundary update has already received concurrence from the three neighboring watersheds. Staff are now asking for approval of the boundary change from all member cities. The following Cities provided a copy of the approved concurrence resolution: Brooklyn Park, Champlin, Crystal, Maple Grove, New Hope, Osseo, Plymouth and Robbinsdale. Approvals are in process for Minneapolis and Brooklyn Center. After concurrence is received from all municipalities, Staff will notify BWSR and file the new boundary with Hennepin County. Hennepin County requires notification of boundary changes for special taxing districts by July 1.

4. **Eagle Lake Subwatershed Assessment.** The Eagle Lake Subwatershed Assessment will



identify and prioritize potential stormwater management practices in the direct subwatershed to Eagle Lake and evaluate in-lake sediments and aquatic vegetation in Eagle and Pike Lakes. Staff collected Eagle and Pike Lakes sediment cores on April 24. The cores were sent to UW Stout laboratory for analysis of phosphorus release rates under anoxic and oxic conditions and for analysis of phosphorus fractions. The sediment analysis will allow Staff to evaluate phosphorus release conditions in the two lakes and determine an internal phosphorus loading treatment dosing.

Staff held a meeting on April 26 with Maple Grove and Plymouth staff to review potential projects in the subwatershed. Staff will further evaluate the remaining nine projects for feasibility, estimate project cost, and evaluate phosphorus reduction potential to prioritize projects for TAC and Commission review.

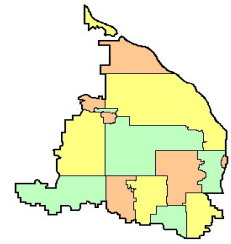
5. Gaulke Pond Subwatershed Assessment (SWA). This SWA will identify and prioritize potential stormwater volume reduction practices in the Gaulke Pond Watershed. Staff held a field visit with Crystal and New Hope staff on April 21 to review potential BMP locations and identify any site constraints. Stantec is refining the opportunity sites and developing generalized volume reduction and cost estimates to aid in prioritizing the opportunities within the subwatershed. At the May TAC meeting Staff presented the findings, answered questions, and discussed next steps.

6. Shingle Creek Brookdale Park Remeander. The Remeander study includes field assessment, topographic survey, soil sediment data collection, and development of concept alternatives, a basis of design memo, and preliminary plans of the selected alternative. Stantec staff held a field visit with staff from Brooklyn Park and Minnesota Department of Natural Resources on April 12 to review current creek and infrastructure conditions and identify constraints. Field topographic survey was completed on April 27. Stantec staff met to review the survey and preliminary existing modeling data and discuss potential conceptual alternatives on May 2. Sediment sampling collection is scheduled for May 4 with lab testing and analysis results anticipated by end of May. Preliminary concepts will be further evaluated upon sediment lab testing results with a draft memo and concepts anticipated for presentation at the June 8 SCWMC meeting.

7. Shingle Creek Trail Bank Stabilization and Fish Access Improvements. This study includes field assessment, topographic survey, and development of concept alternatives, a basis of design memo, and preliminary plans of the selected alternative. Stantec staff held a field visit with staff from Brooklyn Park and Three Rivers Park District on April 12 to review current creek, trail, and infrastructure conditions and identify constraints. Field topographic survey was completed on April 27. Stantec staff met to review survey, preliminary existing modeling data and discuss potential conceptual alternatives on May 2. Preliminary concepts will be further evaluated with a draft memo and concepts anticipated for presentation at the June 8 SCWMC meeting.

8. Study Presentation Schedule. Staff will present the Shingle Creek and subwatershed studies at upcoming meetings. They will use a “staggered” approach and use the meetings to explain their process, analysis, results, and recommendations.

Study	TAC Presentation	Commission Presentation
Gaulke Subwatershed Assessment	May	June
Shingle Creek Remeander	July	August
Shingle Creek Regional Trail		
Eagle Lake Subwatershed Assessment	August	September



B. April Communications Log.* No items required action.

XIII. Other Business.

There being no further business before the Commissions, the joint meeting was adjourned at 2:58 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Judie A. Anderson". The signature is written in a cursive style.

Judie A. Anderson
Recording Secretary
JAA:tim

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