

**REGULAR MEETING and PUBLIC HEARING  
MINUTES | September 14, 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, September 14, 2023, at Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN.

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

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

Also present were: Mitch Robinson, Brooklyn Park; Randy Bergstrom, Mark Ray and Ben Perkey, Crystal; Derek Ashe, Maple Grove; Nick Macklem, New Hope; James Kelly, Osseo; Amy Riegel, Plymouth; Mike Sorenson, Robbinsdale; and Brian Vlach, Three Rivers Park District.

II. **AGENDAS AND MINUTES.**

Motion by Schoch, second by Jaeger to approve the **Shingle Creek agenda\*** as amended to add item 5.b. Blue Line Light Rail Agreement with Metropolitan Council, and to delete item 3.h.1) Brookdale Park Cooperative Agreement. *Motion carried unanimously.*

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

Motion by Schoch, second by Jaeger to approve the **minutes of the August 10, 2023, regular meeting** with the following correction:

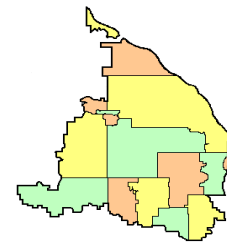
**III.A.** Motion by Schoch, second by Jaeger to approve the Shingle Creek **August Treasurer's Report,\* and claims** totaling \$53,424.10. Voting aye: Spoden, ~~Orred~~ Bergstrom, Jaeger, Schoch, Wills, Roach, Polzin, and Sicora; voting nay: none; absent: Brooklyn Center.

*Motion carried unanimously.*

Motion by Roach, second by Collins to approve the **minutes of the August 10, 2023, regular meeting.\*** *Motion carried unanimously.*

III. **FINANCES AND REPORTS.**

A. Motion by Orred, second by Schoch to approve the Shingle Creek **September Treasurer's Report\***



and claims totaling \$148,510.91. Voting aye: Mulla, Spoden, Orred, Jaeger, Schoch, Grant, Roach, Polzin, and Scherer; voting nay: none.

**B.** Motion by Jaeger, second by Butcher to approve the **West Mississippi September Treasurer's Report\*** and claims totaling \$10,454.30. Voting aye: Mulla, Collins, Butcher, Jaeger, and Roach; voting nay: none.

*[The regular meeting was suspended at 12:50 p.m. in order to conduct a public hearing.]*

**IV. Public Hearing.\***

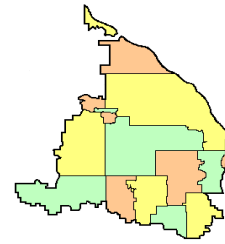
**A.** At their August meeting the Commissions called for a public hearing for today to consider proposed projects to levy in 2023 for collection in 2024. The cities and the county have been notified and notice has been duly published. The purpose of the public hearing is to present the proposed project financing and to take comment from the member cities and the public. The proposed projects and their financing are:

**Shingle Creek | West Mississippi 2023 CIP Projects (2024 levy)**

Project	Total Est Cost	City/ Private	Grant	Comm Share	Total Levy
Cost share (city projects)	\$200,000	\$100,000	0	\$100,000	\$106,050
Partnership cost share (private projects)	50,000	0	0	50,000	\$53,025
Maintenance Fund	50,000	0	0	50,000	\$53,025
Pike Creek Stabilization	395,000	290,000	0	105,000	111,350
Brookdale Park Natural Channel Phase 1	625,000	0	0	625,000	662,815
<b>Subtotal</b>	<b>\$1,320,000</b>	<b>\$390,000</b>	<b>\$0</b>	<b>\$930,000</b>	<b>\$986,265</b>
<b>5% additional for legal/admin costs</b>				<b>46,500</b>	
<b>Subtotal</b>				<b>976,500</b>	
<b>TOTAL LEVY (101% for uncollectable)</b>				<b>986,265</b>	
Cost share (city projects)	\$100,000	\$50,000	0	\$50,000	\$53,025
Partnership cost share (private projects)	100,000	0	0	100,000	\$106,050
<b>Subtotal</b>	<b>\$200,000</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$159,075</b>
<b>5% additional for legal/admin costs</b>				<b>7,500</b>	
<b>Subtotal</b>				<b>157,500</b>	
<b>TOTAL LEVY (101% for uncollectable)</b>				<b>159,075</b>	

**1. Cost Share Fund (City Projects).** This annual project provides cost sharing to retrofit voluntary BMPs on city property. The TAC developed policies and procedures to administer these funds and makes recommendations to the Commission on which projects should be funded. The annual levy is \$100,000, to be matched at least one-to-one by a member city or cities. Applications are open until funds are depleted.

**2. Partnership Cost Share Fund.** This annual project provides cost sharing to retrofit voluntary BMPs on private property. The TAC developed policies and procedures to administer these funds and makes recommendations to the Commission on which projects should be funded. The annual levy is \$50,000, and funding does not require a match. Potential cost-share project applications are accepted year-round until the funds are depleted.



**3. Maintenance Fund.** This program makes funds available for nonstructural practices such as, but not limited to, rough fish management; invasive aquatic vegetation control; alum treatment touch-up; native aquatic vegetation translocation; and maintenance of Commission-installed projects for which a member City has not accepted maintenance.

**4. Pike Creek Stabilization.** A joint project between the cities of Plymouth and Maple Grove would stabilize eroding streambank along Pike Creek near its discharge point into Pike Lake, and upstream of Hemlock Lane.

**5. Brookdale Park Natural Channel Phase 1.** This project would remeander about 5,000 feet of Shingle Creek between a drop structure in Brookdale Park and Xerxes Avenue to improve water quality, enhance habitat, and restore natural form and function. In addition, bank stabilization improvements would be made to about 2,000 feet of Shingle Creek between Xerxes Avenue and Palmer Lake. Levy funding will be phased over multiple years; this is phase 1.

**6. Retrofit Cost Share (City Projects).** This annual project provides cost sharing to retrofit voluntary BMPs on city property. The TAC developed policies and procedures to administer these funds and makes recommendations to the Commission on which projects should be funded. The annual levy is \$50,000, to be matched at least one-to-one by a member city or cities. Applications are open until funds are depleted.

**7. Partnership Cost Share Fund (Private Projects).** This annual project provides cost sharing to retrofit voluntary BMPs on private property. The TAC developed policies and procedures to administer these funds and makes recommendations to the Commission on which projects should be funded. The annual levy is \$100,000 and funding does not require a match. Applications are accepted year-round until the funds are depleted.

**B. Open Public Hearing.** The public hearing was opened at 12:56 p.m.

No comments on the proposed levy were received from either the member cities or the reviewing agencies. The public hearing was closed at 12:57 p.m.

**C. Commission Discussion.**

Motion by Schoch, second by Spoden to approve **Resolution SC2023-02\*** Ordering 2023 Improvements, Designating Member Responsible for Construction, Making Findings, and Certifying Costs to Hennepin County Pursuant to Minnesota Statutes, Section 103B.251. *Motion carried unanimously.*

Motion by Butcher, second by Collins to approve **Resolution SC2023-02\*** Ordering 2023 Improvements. Pursuant to Minnesota Statutes, Section 103B.251. *Motion carried unanimously.*

Motion by Schoch, second by Jaeger to approve the Cooperative Agreement with the City of Plymouth for the Pike Creek project. Motion carried unanimously.

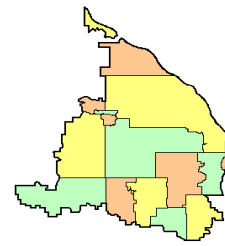
The Cooperative Agreement for the Brookdale Park project was withdrawn and will be considered in 2024.

*[The regular meeting resumed at 12:59 p.m.]*

**V. OPEN FORUM.**

**VI. OLD BUSINESS.**

**VII. NEW BUSINESS.**



**A. Project Review SC2023-006 Project Libre, Maple Grove.\*** Construction of a mixed-use industrial building and parking on a 29.8-acre site located at 7201 Kilmer. Following development, the site will be 51 percent impervious with 15.1 acres of impervious surface, an increase of 13.3 acres. The 15.1 acres of impervious includes 1.8 acres for future parking expansion and is accounted for in the stormwater management calculations. A complete project application was received on July 6, 2023. The applicant requested a 60-day review extension on July 27, 2023.

Commission rules require the site to infiltrate 1.1 inches of runoff from new impervious area within 48 hours. The site is located within the Maple Grove Gravel Mining Area (GMA). In 2010, the Commission reviewed and approved a plan by the City of Maple Grove to obtain infiltration credits for this new development by constructing biofiltration basins adjacent to four existing regional stormwater ponds. Stormwater from areas that developed prior to the infiltration rule is directed to these basins. The Commission agreed that these new infiltration basins are adequate to provide regional infiltration for the 553 acres of “undeveloped area” (SC2010-04). The subject project is located within the “undeveloped area” and, therefore, meets Commission volume control treatment 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. The applicant has provided a water quality model showing no net increase in TP or TSS from existing to proposed condition. The applicant meets Commission water quality treatment requirements.

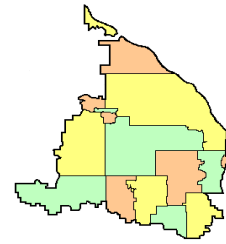
Commission rules require that site runoff is limited to predevelopment rates for the 2-, 10-, and 100-year, 24-hour, and 100-year, 10-day critical storm event. Runoff from the site is routed through a series of ponds and an existing wetland. Discharge from the site will occur through an existing 36” pipe at the south side of the site on Kilmer Lane. The applicant meets Commission rate control requirements.

The erosion control plan includes rock construction entrances, perimeter silt fence/biolog, silt fence surrounding detention ponds, 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 two large wetlands on the site. The western wetland is an incidental wetland, and the eastern wetland is regulated under the Wetland Conservation Act (WCA) and Army Corps of Engineers. The applicant plans to remove the incidental wetland and maintain the regulated wetland. Wetland buffers a minimum of 20 feet in width and averaging 30 feet in width are provided with monuments shown on the plans. Regarding the incidental wetland, the Technical Evaluation Panel (TEP) reviewed the gravel mining area as a whole and determined “...based on aerial photo review from 1940-2023 that the GMA undergoes extensive excavation, dewatering, stockpiling, and reclamation processes and that basins in the GMA historically and currently undergo conversion and manipulation and meet the definition of...’nonwetland’.” 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 according to Atlas 14 precipitation. The applicant meets Commission floodplain requirements.

The site is located in a Drinking Water Supply Management Area (DWSMA) but is outside of the Emergency Response Area. Therefore, infiltration is permitted but is not proposed by the applicant. The applicant meets Commission drinking water protection requirements.



A public hearing on the project was conducted on March 27, 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 Maple Grove has been provided.

Motion by Schoch, second by Jaeger to advise the City of Maple Grove that approval of Project Review SC2023-006 is granted with the following condition:

1. Amend the Stormwater Best Management Practice Operation & Maintenance Plan for the Contech Stormfilter with Phosphosorb to achieve the 70% TP removal credit:
  - a. Evidence of a contract with a qualified vendor to conduct maintenance.
  - b. Inspect manufactured treatment device monthly during the frost-free season for the first year of operation after construction and determine maintenance schedule based on findings from the first year of operation.
  - c. Maintenance procedures should follow manufacturer's guidelines.
  - d. Expected filter media replacement interval.
  - e. Cost estimate for maintenance and replacement of the filter media.

*Motion carried unanimously.*

**B. Blue Line Light Rail Extension.\*** The Metropolitan Council proposes to extend the Blue Line Light Rail from downtown Minneapolis to Brooklyn Park, thereby bisecting the Shingle Creek Watershed and a portion of the West Mississippi Watershed. Because this is a major project, it will require significant project review time, more than provided by the Commission's standard project review fees. Therefore, Staff has worked with Met Council to draft an agreement\* that provides reimbursement for project review fees up to \$30,000. This agreement is similar to one that was previously in place when Met Council originally planned this route. The agreement will be executed with the Shingle Creek Commission since most of the project is located within the Shingle Creek Watershed.

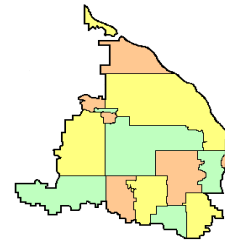
Motion by Orred, second by Schoch to approve the agreement with Metropolitan Council in the amount of \$30,000. *Motion carried unanimously.*

**C. Brookdale Park Remeander Project.\*** Included in the meeting packet was a September 6, 2023, letter from Stantec outlining a scope of work and proposed fee for additional public engagement services for this project.

The Brooklyn Park (City) community park is approximately 180 acres and contains active recreation and an extensive trail network along the creek that connects schools, natural areas, and regional trails. Resident and community input would be valuable information to determine next steps before proceeding with preliminary plans for the remeandered creek. The task numbering noted below is a continuation of that outlined in Stantec's original scope of work.

Before selecting a concept alternative to progress into preliminary drawings, Staff will assist the City of Brooklyn Park with public engagement services to present the initial concepts and solicit and respond to community input and feedback. Scope will include:

1. Develop two (2) illustrative renderings of the concepts for public input meeting #1 and revise one (1) illustrative rendering for public meeting #2;



2. Prepare presentation materials and present concepts at two public open house/ engagement meetings to be held in-person at City Hall. At first meeting, present background, goals, initial concepts and listen and gather community input; at second meeting, present input received and revised concept plan;
3. Compile meeting comments and minutes;
4. Evaluate one (1) revised concept for water quality, dissolved oxygen, and habitat improvement benefits; and
5. Follow-up and coordinate with City of Brooklyn Park staff to provide community input responses, discuss design direction, follow-up communications, and concept revisions. Coordination will be via email, Teams calls, or phone calls.

**Deliverables:** Two (2) illustrative concept graphic plan renderings with one (1) round of revision, public meeting presentation materials, meeting comments/minutes, and communications.

**Fee Estimate:** Stantec will execute the scope of work described above on a time and materials basis totaling \$9,650, funded by the Commission’s Closed Projects account.

Motion by Schoch, second by Spoden to approve this additional scope of work as described above at a cost not to exceed \$9,650. *Motion carried unanimously.*

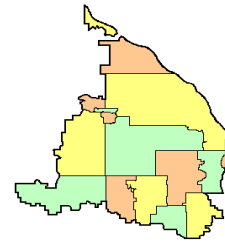
**D. Mississippi Gateway.\*** Three Rivers Park District (TRPD) submitted a partner cost share request to the West Mississippi Commission for stabilization of the Mississippi Riverbank associated with the Mississippi Gateway Regional Park project. The Commission reviewed and approved the Mississippi Gateway project at the February 2023 meeting. The project will reduce excessive sediment and nutrient loading from approximately 2,200 linear feet of Mississippi River shoreline by stabilizing five separate areas of bank erosion and one area of gully erosion in an existing drainageway. The project feasibility study estimated that the existing erosion from the areas of concern contributes approximately 500 tons of sediment to the Mississippi River each year and that the proposed stabilization practices for the project will reduce sediment loading by 312 tons/year and phosphorus loading by 266 lbs/year.

Stabilization practices include grading and re-sloping of banks, vegetated riprap, native plantings, rock deflectors, and toe wood. The feasibility study initially estimated construction cost for the bank stabilization at approximately \$258,000. TRPD is requesting \$75,000 from the Commission. Commission *guidelines* state the maximum cost share amount is \$50,000.

Since the completion of the feasibility study, 90% design plans have been completed along with an updated cost estimate, which has risen to \$464,613. Besides the Commission partner cost share, Three Rivers Park District has also pursued funding from the National Park Service and Conservation Partners Legacy Grant. TRPD believes that securing the West Mississippi WMC partner cost share will strengthen the CPL grant application. Construction is currently planned for the winter of 2024/2025 with a substantial completion date of April of 2025.

Stantec recommends approval of the cost share request with the condition that the City of Brooklyn Park must verify that a public easement (or equivalent) is dedicated and that an Operations and Maintenance Agreement has been executed and recorded prior to release of any funds. With that condition and concurrence of the TAC, which was received prior to this meeting, Staff recommends approval of this cost share application.

Motion by Butcher, second by Mulla to approve this cost share application in the amount of \$75,000. *Motion carried unanimously.*



**VIII. GRANT OPPORTUNITITES.**

**IX. EDUCATION AND PUBLIC OUTREACH.**

The **West Metro Water Alliance (WMWA)** will meet via Zoom at 8:30 a.m., October 10, 2023.

**X. COMMUNICATIONS.**

**A. August Communications Log.\*** No items required action.

**B. September Staff Report.\***

**1. Highways 252/94 EIS Review.** No updates or meetings of the Highway 252/I-94 working group since the Draft Scoping Decision Document (DSDD) comments were submitted during the public comment period in May. MnDOT has not provided any recent updates and the draft Environmental Impact Statement is still scheduled to be released for public comment this fall 2023.

**2. Meadow Lake.** Staff are working with Board of Water and Soil Resources to extend the Meadow Lake Clean Water Fund Projects and Practices grant through the end of 2024, one year longer than originally planned. The grant extension will allow the Commission to spend more grant funds on monitoring and adaptive management.

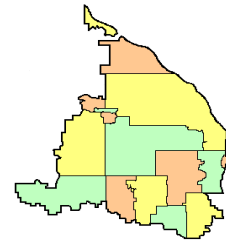
**3. Legal Boundary Update.** Hennepin County reported on September 7, 2023, “We have implemented the unique taxing area changes, and they will be used for both payable 2024 proposed TNT [Truth in Taxation] statements and final tax statements and subsequent years.”

**4. Eagle Lake Subwatershed Assessment.** In-lake sediment evaluations are complete for Eagle and Pike Lakes and suggest a need for alum treatment in these lakes. The results of a Cedar Island study by the City of Maple Grove are expected to be complete prior to the October meeting to allow a full picture of inputs and impact of upstream lakes on Eagle Lake. For watershed load reductions, the set of potential projects prioritized based on water quality impact and cost will be presented in October to select one project to move forward to concept design if appropriate for the lake’s needs.

**5. Gaulke Pond Subwatershed Assessment.** Stantec has been working with the City of Crystal to refine the selected BMP, an infiltration trench along Colorado Avenue. Concerns were raised due to the BMP’s proximity to the City’s drinking water reservoir and Stantec was asked to review the underlying soils’ bearing capacity (i.e., the soils’ ability to support infiltration and maintain their structural integrity) and if additional geotechnical investigations or structures may be warranted to protect the reservoir. Following these efforts, an update will be provided to the TAC and final plans will be developed for acceptance by the Commission.

**6. Shingle Creek Brookdale Park Remeander.** Stantec revised the concept alternatives based on City of Brooklyn Park feedback and met with City staff and community at a public engagement meeting in August 2023. The City is gathering additional input from residents and plans to discuss the concepts and input received at their next City Council work session. Stantec has scheduled a coordination call with the City for September 8, 2023, before progressing the project’s preliminary design plans. (See also item VII.C., above.)

**7. Shingle Creek Trail Bank Stabilization and Fish Access Improvements.** Stantec revised the concept alternatives based on City of Brooklyn Park feedback and met with City staff and community at a public engagement meeting in August 2023. The City is gathering additional input from residents and plans to discuss the concepts and input received at their next City Council work session. Stantec has scheduled a coordination call with the City for September 8, 2023, before progressing the project’s preliminary design plans.



**8. Mississippi Riverbank Stabilization Feasibility Study.** Stantec coordinated and led the study kickoff meeting on Tuesday, September 5, 2023. Meeting attendees included Erik Megow, Ed Matthiesen and Todd Shoemaker from Stantec; Brooklyn Center Commissioner David Mulla; Kris Guentzel from Hennepin County; Mitch Robinson from Brooklyn Park; and Nathan Wallerstedt and Nick (last name not recorded) from the Corps of Engineers. Guentzel and Robinson will draft an email to residents requesting interest in additional study. From that list, Megow and Matthiesen will select 5-6 properties to visit in October to begin the evaluation. Corps of Engineers funding is unlikely applicable to this type of project because it does not specifically protect major infrastructure.

**XI. OTHER BUSINESS.**

**A.** Following today's meetings, attendees were invited to attend a **bus tour\*** of the watershed. The tour bus departed the Plymouth Community Center shortly after adjournment of the Commissions' meetings and continued to the locations noted below, returning at approximately 4:45 PM.

Crystal Lake - 3769 Crystal Lake Blvd, Robbinsdale; speaker Mike Sorenson

Brookdale Park - 4408 75th Ave, Brooklyn Park; Todd Shoemaker

Brook Gardens - 5550 69th Ave N, Brooklyn Park; Laura Scholl

Bass Creek - 6667 Boone Ave, Brooklyn Park; Todd Shoemaker

Meadow Lake - 8404 E Meadow Lake Road, New Hope; Nick Macklem

**B.** There being no further business before the Commissions, the joint meeting was adjourned at 1:58 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Judie A. Anderson".

Judie A. Anderson  
Recording Secretary  
JAA:tim

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