

REGULAR MEETING

MINUTES - CORRECTED (See Item V.A.2.)

December 8, 2022

(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 12:46 p.m. on Thursday, December 8, 2022, in the Aspen Room, Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN.

Present for Shingle Creek were: David Mulla, Brooklyn Center; Burt Orred, Jr., Crystal; Karen Jaeger, Maple Grove; Ray Schoch, Minneapolis; Bill Wills, New Hope; John Roach, Osseo; Andy Polzin, Plymouth; Wayne Sicora, Robbinsdale; Diane Spector, Katie Kemmitt, and Todd Shoemaker, Stantec; Troy Gilchrist, Kennedy & Graven; and Judie Anderson, JASS. Not represented: Brooklyn Park.

Present for West Mississippi were: David Mulla, Brooklyn Center; Melissa Collins, Brooklyn Park; Karen Jaeger, Maple Grove; Harold Johnson, Osseo; Diane Spector, Katie Kemmitt, and Todd Shoemaker, Stantec; Troy Gilchrist, Kennedy & Graven; and Judie Anderson, JASS. Not represented: Champlin.

Also present were: Kim Wahl, Brooklyn Center; Mitchell Robinson, Brooklyn Park; Heather Nelson, Champlin; Mark Ray, Crystal; Mark Lahtinen, Maple Grove; Bob Grant and Nick Macklem, New Hope; Leah Gifford and Amy Riegel, Plymouth; and Richard McCoy and Mike Sorensen, Robbinsdale.

II. **Agendas and Minutes.**

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

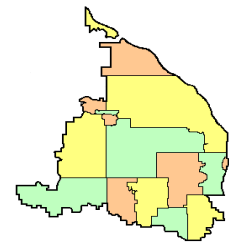
Motion by Jaeger, second by Johnson to approve the **West Mississippi agenda**. * Motion carried unanimously.

Motion by Schoch, second by Jaeger to approve the **minutes of the November 10, 2022, regular meeting**. * Motion carried unanimously.

Motion by Collins, second by Mulla to approve the **minutes of the November 10, 2022, regular meeting**. * Motion carried unanimously.

III. **Finances and Reports.**

A. Motion by Jaeger, second by Schoch to approve the Shingle Creek **December Treasurer's Report* and claims** totaling \$27,346.30. Voting aye: Mulla, Orred, Jaeger, Schoch, Wills, Roach, Polzin, and Sicora; voting nay: none; absent: Brooklyn Park.



B. Motion by Collins, second by Mulla to approve the **West Mississippi December Treasurer's Report* and claims** totaling \$20,491.63. Voting aye: Mulla, Collins, Jaeger, and Johnson; voting nay: none; absent – Champlin.

IV. Open Forum.

Riegel provided an update on the **Four Season Mall** in Plymouth. After sitting vacant for more than a decade, the City of Plymouth purchased the site in 2021. Together the city and the developer, Wellington Management, have created a concept plan which proposes a 411-unit apartment complex, office building, retail buildings and a Plymouth Metrolink park-and-ride location for the site. This property is located at the intersection of Highway 169 and Rockford Road and is in the Bassett Creek watershed.

V. Project Reviews.

A. SC2022-06 Opportunity Site, Brooklyn Center.* Redevelopment of approximately 16 acres into residential, entrepreneurial spaces, and an event center within a larger 68-acre redevelopment area. The site is located at the northeast corner of Bass Lake Road and Shingle Creek Parkway. Following development, the site will be 80 percent impervious with 12.8 acres of impervious surface, a decrease of 1.4 acres. Phase 1 is a portion of the larger 68-acre Opportunity Site. Development of future phases within the Opportunity Site will be subject to Commission review and conformance with the overall Opportunity Site stormwater management plan. The complete project application was received on June 24, 2022. The applicant requested a 60-day review extension on August 4, 2022, and a second extension on October 12, 2022. To comply with the 60-day review requirement, the Commission must approve or deny this project no later than this meeting.

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.

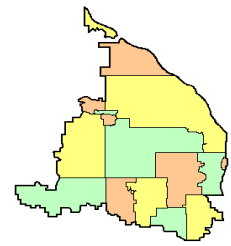
No stormwater practices are proposed on the Phase 1 site. Runoff will be routed off-site to a sedimentation pond and two infiltration basins as part of the regional stormwater system for the 68-acre site. The applicant submitted a water quality model (P8) showing the system provides 95% TSS and 64% TP removal for the Opportunity Site. 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 routed to a sedimentation pond and two infiltration basins. 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 applicant proposes to meet the abstraction requirement for the 68-acre Opportunity Site (including the Phase 1 site). The new impervious area on this site is 51.4 acres, requiring infiltration of 186,600 CF within 48 hours. The applicant proposes two infiltration basins. The basins have a combined volume of 222,700 CF to infiltrate the required volume within 48-hours. The applicant meets Commission volume control requirements.

The erosion control plan includes rock construction entrances, 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. There are no Public Waters on this site. The applicant meets Commission wetland and Public Waters requirements.



There is no FEMA-regulated floodplain on this site. The low floor elevations of the proposed buildings (849') are at least two feet higher than the high-water elevation of the sedimentation pond and infiltration basins (844.24') according to Atlas 14 precipitation. The applicant meets Commission floodplain requirements.

The site is 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 1 foot of soil, the top four inches of which are amended topsoil, and the bottom 8 inches of which are tilled. The applicant proposes using 30 inches of 80% Sand, 10% organic compost, 10% topsoil (Mix E in the MN Stormwater Manual). The applicant meets Commission drinking water protection requirements.

A public hearing on the project was conducted on July 14, 2022, as part of the 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 Center was not provided.

Motion by Schoch, second by Mulla to advise the City of Brooklyn Center that Project SC2022-06 is approved with the following conditions:

1. After construction of the infiltration basins, demonstrate by double-ring infiltrometer or witness test that the site can meet the design infiltration rate of 4.25 inches/hour for Infiltration Basins 1 & 2.
2. Provide a complete O&M agreement including a chloride management plan between the applicant and the City of Brooklyn Center for all stormwater facilities associated with the project.

Motion approved unanimously.

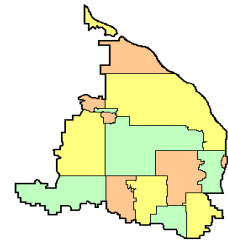
B. Rules and Standards for Linear Projects.*

During the November 10, 2022, meetings, the TAC and Commissions discussed implementation of new thresholds for linear projects that became effective on October 1, 2022. Both groups agreed that review of linear projects would be conducted by the Commissions for projects that create one or more acres of new impervious surface. Member cities would review projects that fully reconstructed one or more acres of new impervious surface. This is consistent with past implementation of Commission project reviews.

At their meeting today, TAC members discussed in more depth the definition of “fully reconstructed” and how the Commission standards may apply, specifically related to project disturbance area, disconnected project locations, mill and overlay projects, and full depth reclamation projects. Staff has reviewed Commission rules, definitions, and available guidance and notes the following considerations and recommendations.

1. **Considerations.** The “Project Review Thresholds” document serves as a “cheat sheet” for the Commission rules. That document had not been updated based on the new rules, and, therefore, still referenced using disturbed area as the threshold for linear projects. An updated version,* attached to Staff’s memo, specifically identifies that linear project review thresholds are based on impervious area.

Staff also reviewed definitions stated in the October rules. They have suggested a few refinements to improve clarity regarding linear projects: fully reconstructed impervious; full depth reclamation; and a figure to better show the differences between mill & overlay, full depth reclamation, and full reconstruction.



Another clarification requested by the TAC was regarding a project that may disturb several disconnected locations (i.e., bus stops for a new bus route or a linear utility project). Collectively, the locations could exceed the Commission project review threshold but not individually. Staff added the Minnesota Pollution Control Agency's "Common Plan of Development" definition to Rule A.*

2. Recommendation. The TAC recommended that the Commissions approve the clarifications to the current versions of "Rule A Definitions" and "Project Review Thresholds" as presented.

Motion by Schoch, second by Roach to approve the clarifications. Motion carried unanimously.

Motion by Collins, second by Mulla to approve the clarifications. Motion carried unanimously.

VI. Fourth Generation Watershed Management Plan.*

The updated **draft plan** is available on the Shingle Creek and West Mississippi website homepage under "What's New" (<http://www.shinglecreek.org/>). The 60-day formal review ends on January 14, 2023.

VII. Watershed Boundaries.*

A. Updates.

1. Bassett Creek WMC issued their concurrence letter on November 16, 2022. An amendment to the Bassett Creek WMC letter may be necessary due to a forthcoming City of Robbinsdale project.

2. Staff completed final boundary edits based on comments from the City of Champlin and the Elm Creek WMC. Staff expect the Elm Creek WMC will consider the boundary update at their December 14, 2022, meeting.

3. Staff expect the Mississippi WMC will consider the boundary update at their January 10, 2023, meeting.

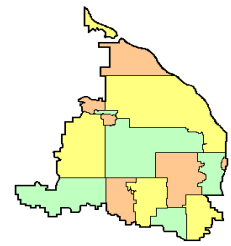
4. After preparation by legal counsel, Staff will distribute concurrence letter templates to affected cities and request official action.

5. After receipt of all watershed and municipal concurrence letters, the boundary update will be submitted to Hennepin County, so the County can update the watershed's special taxing district. Submittal by July 1 of an updated boundary map and a list of parcels within the new boundaries will ensure the update is included in the following year's taxes.

B. Contract Amendment. Updating the legal boundary has required more time than originally budgeted by Staff. Therefore, Staff are requesting the Commissions to consider authorizing an additional \$10,000 to complete the update.

At the June 2022 meeting, the SC and WM Commissions authorized a scope of work and budget of \$27,900, split equally between each Commission, for the legal boundary update. The approved budget included \$19,000 for the boundary analysis and reporting and was based on adjusting approximately 200-300 parcels. Upon completion of the analysis, the actual number of parcels evaluated was between 1,000 and 1,500. Related to that number, Staff found more discrepancies than expected between the existing hydrologic boundary for the Shingle Creek and Elm Creek WMCs. These two factors, in turn, resulted in more time to evaluate "micro" features between hydrologic boundaries:

1. Areas with storm sewer intersecting the defined hydrologic boundary,



2. Discrepancies/gaps between neighboring hydrologic boundaries,
3. Outlets not clearly identified,
4. Pumped systems, and
5. Multiple storm sewer lines with an unclear drainage direction.

Should the Commissions approve this amendment, Staff recommend that the additional \$10,000 cost be split equally between the two Commissions and funds be reallocated from each Commission's Cost Share Projects accounts, both of which are carrying balances well above the maximum recommended by the Cost Share Policy. (Shingle Creek has about \$330,000 and West Mississippi has about \$390,000.)

At its meeting earlier today, the TAC recommended approval of this amendment to the Commissions, with the cost being split evenly between them as proposed above.

Motion by Orred, second by Schoch to approve this amendment, with the Commissions sharing the cost equally, and with funds coming from the Commission's Cost Share account. Motion carried unanimously.

Motion by Orred, second by Schoch to approve this amendment as stated above. Motion carried unanimously.

VIII. Third Generation Watershed Management Plan – Annual Progress Review.*

A. The Third Generation Watershed Management Plan states that the Commissions will annually review progress toward Third Generation goals, and that this evaluation will become part of the Annual Report. There is no specific format for such an annual review. Since the Third Generation Plan was adopted, the Board of Water and Soil Resources (BWSR) adopted revised Minnesota Rules 8410 that requires WMOs to review progress every two years.

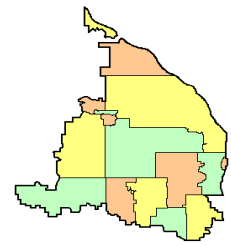
The purpose of the annual review is, first, to determine progress towards the goals and, second, to be sure the Commissions stay on track to reach them. The annual review is also an opportunity to discuss whether the goals and actions in the Plan still make sense or if they should be considered for modification or enhancement, perhaps to add in new priorities. Ideally, this annual review is also an opportunity to start thinking about next year's work plan.

As the Commissions close out the Third Generation Plan in anticipation of adopting their final Fourth Generation Plan in spring 2023, this will be the final review of progress toward Third Generation goals. Included in Staff's memo is a **matrix*** showing the final review of progress. This matrix has been updated to include 2022 activities. These findings will be reported in the 2022 Annual Reports to BWSR.

B. 2022 Highlights. Some non-routine highlights of the past year include:

1. Fourth Generation Plan. The Commissions spent considerable time on developing the Fourth Generation Plan, completing a draft that was made available for informal review and then starting the formal review period, which will run from November 2022 to January 2023. Aside from preparing the actual plan document and the 10-Year Implementation Plan, the Commissions:

a. Participated in a **joint Equity in Watershed Management workshop** with the Bassett Creek WMO to talk about strategies for enhanced inclusion and equity in our work as stewards of natural and water resources in the watersheds. The workshop included presentations by County, Metro Blooms, and Mississippi WMO staff, personal reflections on Environmental Justice work by the Executive



Director of a nonprofit that serves diverse and underrepresented communities, as well as small group discussions and reflections.

b. Undertook a major update to both the **legal and hydrologic boundaries** between the watersheds and neighboring Elm Creek, Bassett Creek, and Mississippi WMOs.

c. Refreshed the website and added an **interactive Story Map** providing users map-based links to water quality, natural resource, and project data.

2. Capital and Cost-Share Projects.

a. Worked with the City of Robbinsdale to undertake the second alum treatment on Crystal Lake and the second year of carp removal on Crystal Lake.

b. Worked with the City of Plymouth and the Bass Lake Improvement Association on the third year of curly-leaf pondweed treatment and to complete a grant-funded aquatic vegetation translocation project to test ways of increasing plant diversity in Bass Lake.

c. Continued to monitor conditions in Meadow Lake following completion of the drawdown in winter 2021-2022 and prepare for potential alum and aquatic vegetation treatments in 2023.

d. Completed work on the Connections II and Bass Creek Stream Restoration projects.

e. Executed a Clean Water Fund Grant with BWSR and a cooperative agreement with the City of Plymouth for the Palmer Creek Estates channel stabilization project. Design is now complete, and it is expected to be constructed in winter 2022-2023.

f. The Shingle Creek Commission, by Minor Plan Amendment, created a new Capital Projects Maintenance Fund intended to support the completion of ongoing activities needed to continue the benefits achieved by capital projects.

g. The Shingle Creek Commission had previously awarded a Partnership Cost Share grant to the City of Brooklyn Park and Metro Blooms for water quality and sustainable landscaping site improvements at the Brooks Gardens Apartments near Shingle Creek. In 2022, that work was awarded a Local Sustainability Impact award by the Minnesota Environmental initiative.

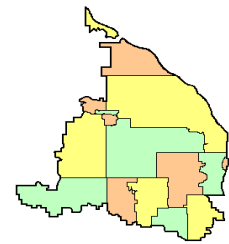
3. Grants.

a. Worked with the City of Brooklyn Park and Hennepin County to prepare and submit a Clean Water Fund grant application for the Mississippi Riverbank Stabilization Project.

b. Prepared an application to the MPCA to complete a Flood Resiliency and Mapping study in 2023.

c. Met with the Shingle Creek and West Mississippi Watershed Based Implementation Funding (WBIF) Convene Groups four times to identify and select funding priorities for their \$95,501 and \$75,000 2022 WBIF awards. As part of that work, the four WMOs in WMWA plus the Richfield-Bloomington WMO agreed to pool some of their WBIF resources to fund a shared Education and Outreach Coordinator with Hennepin County.

d. In 2018, the 11 WMOs in Hennepin County elected to pool 10% of their WBIF grants to fund the Hennepin County Chloride Initiative (HCCI), recognizing that properly managing chloride use was a common water quality issue. The group explored various management topics and approaches,



which has culminated in the development of a professional marketing campaign called “Low Salt No Salt Minnesota,” which will be rolled out in 2023 by each of the WMOs and many cities.

IX. Grant Opportunities.

A. Highland Gables Cost Share Request.*

Representatives from Metro Blooms and Dwell Management Group presented a Partnership Cost Share Program application for improvements at Highland Gables Apartments in Brooklyn Park. Proposed improvements include two rain gardens and a playground constructed out of natural products. Metro Blooms requests a cost-share amount of \$49,992.67. Other cost share matches include a Brooklyn Park Community Grant - \$20,000; Hennepin County Good Steward Grant - \$24,955; Lawns to Legumes Grant - \$2,300; and Dwell Management - \$11,710. The total project cost is estimated at \$108,957.16.

The cost of the nature playground is \$12,524.00 and includes the removal of 480 square feet of turf lawn for native plantings in the nature play area. Metro Blooms considers the nature play area integral for families and youth to be able to connect with nature and learn through play and realizes that 100% of the mulch, edging, and fabric don't pertain directly to a stormwater BMP. Metro Blooms is asking the Commission to consider funding these items as part of broader goals of community engagement and education. The cost for the construction of the two raingardens and community engagement is \$37,468.67.

Stantec has reviewed the preliminary plans and notes the following benefits of the project:

1. Improving water quality by capturing untreated impervious area. (See Table 1.)
2. Community engagement and outreach.
3. Project is in the “most vulnerable area” of the Human Vulnerability map in the Hennepin County Climate Change plan.

Table 1. Water quality benefits of the proposed project.

	Volume Captured (cf)	TSS Reduction (lb/yr)	TP Reduction (lb/yr)	Normalized Cost (\$/lb TP)
Two Raingardens*	2,000	140	1.9	\$670*

*Assumes cost-share is limited to raingarden construction and community engagement (\$37,468.67).

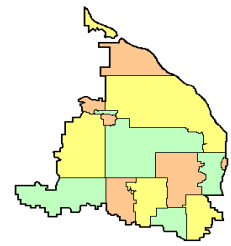
At the earlier TAC meeting, Stantec recommended approval with the following conditions:

1. Conduct soil borings to verify design infiltration rates.
2. Execute and record an Operations and Maintenance Agreement prior to release of any funds.

The current balance in the Partnership Cost Share Fund is \$104,000.

At their meeting, TAC members questioned the implications should the status/ownership of the property in the rear area change. Attorney Gilchrist was asked if there are ways to protect this area. He responded that, with consultation with his real estate colleagues, protection language can be included in the agreement between the parties.

Motion by Orred, second by Schoch to approve this application in the amount of \$49,992.67, pending Commission attorney review. *Motion carried unanimously.*



B. MPCA Climate Resilience Grants.*

The Minnesota Pollution Control Agency (MPCA) is taking applications for the Planning Grants for the Stormwater, Wastewater, and Community Resilience program. \$395,000 is available to support climate-planning projects in communities across Minnesota. This funding will help communities assess vulnerabilities and plan for the effects of Minnesota's changing climate in three areas: (1) Improving stormwater resilience and reducing localized flood risk; (2) Improving the resilience of wastewater systems; and (3) Adapting community services, ordinances, and public spaces.

This was a new grant program in 2021, and the Commission submitted a grant application to use the Shingle Creek HUC8 model to estimate the potential impacts of future precipitation patterns. Unfortunately, it was not funded. **Supposedly the DNR is currently doing some modeling for at least some parts of the West Mississippi watershed, but Staff have not seen it and can't say whether it is suitable for such a modeling exercise.**

Staff recommend that Shingle Creek reapply this year using the same general work plan as last year. (Last year the grant program funded grants to a few other WMOs and cities to undertake essentially the same activities.)

- 1.** Model and map midcentury precipitation scenarios to create projected flood inundation areas for the 1%+ 24-hour rainfall event and the 1%+ 10 day event. A 'plus' is a rainfall depth taken from the 90th percentile estimate for the given rainfall frequency. FEMA often evaluates not only the 1% storm event but also the 1%+ storm event as a way to provide perspective on the range of values one COULD expect in the 1% event. The State Climatology Office also suggests using the 90th percentile as a proxy for midcentury precipitation.

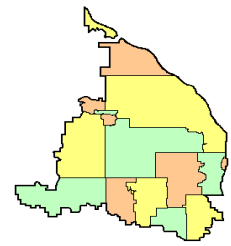
- 2.** Identify potential future flooding risks in the watershed by reviewing known flooding areas, infrastructure, structures, and emergency vehicle routes in or in close proximity to predicted future hazardous flood conditions.

- 3.** Develop policy recommendations for using the scenario data. For example, this modeling could be used to help the cities and county better understand how to properly design new infrastructure such as culverts, bridges, etc., that would be expected to have a mid-century useful life.

One modification to last years' application, added to the draft* included in the meeting packet, is some planning time to work with city Diversity and Inclusion (D & I) coordinators to conduct outreach to vulnerable communities that may be more at risk from potential future flood risk. This grant prioritizes (but is not limited to) communities with higher concentrations of low-income residents, people of color and non-English speakers, including tribal communities. Much of the lower watershed including large parts of Minneapolis, Brooklyn Center, Brooklyn Park, Robbinsdale, Crystal, and New Hope are located in these MPCA-identified areas for Environmental Justice. Hopefully adding some more active outreach to better understand needs and impacts will be the oomph this application needs to be selected for funding.

Completing this type of resiliency modeling is called out in the Fourth Generation Plan as a priority implementation action. The cost of undertaking this work is estimated as \$29,710, with a grant request of \$26,200 and a local match of \$3,510. (A minimum 10% match is required.) Applications are due January 12, 2023.

The TAC has recommended approving this application in the amount of \$29,710 as described above.



Motion by Mulla, second by Schoch authorizing Staff to submit this application. Motion carried unanimously.

C. Spector reported that only the Pioneer-Sarah Creek Watershed Management Commission in the greater Metro Area received funding in the latest round of **Projects and Practices Clean Water grants**. Their project, Whaletail Lake-South Basin Alum Treatment, received funding of \$405,000. The project goal is to reduce phosphorus by at least 180 pounds/year to meet the load reductions identified in the WRAPS/TMDL report and achieve in-lake water quality standards for at least a 20-year period.

X. Education and Public Outreach.

- A. The **West Metro Water Alliance (WMWA)** will meet via Zoom at 8:30 a.m., January 10, 2023.
- B. The **2022-2023 Educator Agreement** has been executed.
- C. The **Shared Educator position** has been approved by the County Board and the supporting paperwork is being routed for signatures. Karen Galles, Hennepin County Environment and Energy, continues to finalize the job description.

XI. Communications.

- A. **Staff Report.** No report this month.
- B. **November Communications Log.*** No items required action.

XII. Other Business.

- A. Representatives from the cities of Osseo, [Plymouth](#), and [Robbinsdale](#) are reminded that their 3-year appointments are due for renewal at February 1, 2023.
- B. Solicitations of Letters of Interest for Technical Legal and Administrative Consultants were published in the November 28 edition of the *State Register* and are due January 9, 2023.

XIII. Adjournment. There being no further business before the Commissions, the joint meeting was adjourned at 2:31 p.m.

Respectfully submitted,

Judie A. Anderson
Recording Secretary
JAA:tim

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