



## PERMIT REPORT

**To:** MCWD Board of Managers

**From:** Grace Barlow, Permitting Technician

**Date:** January 13<sup>th</sup>, 2022

**Re:** Permit 21-113; City of Shorewood Smithtown Pond Project

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### Recommendation:

Approval of the permit with the listed conditions

1. Submission of final Army Corps of Engineering approval when a decision is received
2. Submission of a signed Maintenance Agreement for the stormwater facilities, wetland buffers and waterbody crossing structures

### Introduction:

The City of Shorewood (Applicant) has applied for a Minnehaha Creek Watershed District (MCWD) permit for construction of a small regional stormwater runoff detention and treatment facility at 26245 Smithtown Road, adjacent to Freeman Park.

The project triggers the Wetland Conservation Act (WCA) and MCWD's Erosion Control, Wetland Protection, Stormwater Management, and Waterbody Crossings and Structures rules. The District is the Local Governance Unit (LGU) for WCA.

The project meets the District's rules as listed above. This project is before the Board of Managers due to public request received during the public notice period.

### Background:

The Applicant is proposing to construct a new, three-pond stormwater system over a five-acre project area adjacent to Freeman Park and Smithtown Road. The system will take on drainage from surrounding neighborhoods to provide rate and water quality benefits to this portion of the City of Shorewood.

The project area sits to the northwest of Freeman Park and is bisected by the Lake Minnetonka Regional Trail, with portions of the stormwater system extending on either side, as seen in Attachment 1.

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Two of the three ponds, referred to as Smithtown North and Smithtown South, will be constructed on the northeast side of the trail. This portion of the project area corresponds to the specific boundaries of the 26245 Smithtown Road address. The third pond, referred to as Freeman Park Basin, will be constructed immediately on the southwest side of the trail that is closest to Freeman Park. All three ponds are hydrologically connected with an outlet control structure between Freeman Park Basin and Smithtown North and Smithtown South. Flow between the ponds will be dependent on the water levels in each basin. Additional information regarding flow can be found in Attachment 5 and will be expanded on in the Waterbody Crossings and Structures portion of the following rule analysis. The pond system will also contain an iron enhanced sand filter to reduce total suspended solids and phosphorous levels in the runoff.

In conjunction with the ponds, the Applicant is proposing to construct trails through the northern part of the project parcel that will connect Smithtown Road and Freeman Park to the Lake Minnetonka Regional Trail.

As stated by the applicant, the specific goals of the project are to reduce flows within the drainage areas that are downstream of the ponding system and lower flooding potential in the drainage areas that are upstream of the ponding system. These reduced flows will also help decrease channel erosion to area tributaries that occur during large storm events. The stormwater ponds themselves will provide water quality benefit while trail connections will add recreational value to the area.

Currently, the project area exists as an undeveloped, forested area containing three delineated wetlands and two intermittent tributaries. Wetlands 1 and 3 were identified as Type 2 seasonally flooded wetlands. Wetland 2 was identified as forested Type 1 wet meadow wetlands. The two tributaries are locally referred to as Pebble Creek and Freeman Park Channel, which are upstream tributaries to Lake Minnetonka. These channels connect to Lake Minnetonka through the Grant Lorenz Channel, which lies outside the project parcel on the North side of Smithtown Road.

Ultimately, drainage exits the project area through the Grant Lorenz Channel via a culvert underneath Smithtown Road. The entire project area exists within the Lake Minnetonka subwatershed with Lake Minnetonka as the ultimate downstream waterbody. Attachment 3 shows the location of these natural features within the project area.

Overall, the project area takes on drainage from the southern and western Strawberry Lane, Shorewood Oaks, Shorewood Ponds, Hendrickson Acres, and Freeman Park neighborhoods. Drainage is conveyed to this area by direct storm sewer outlets, as well as Pebble Creek and Freeman Park Channel, which take on storm sewer drainage and some overland flow from the surrounding neighborhoods. A visual of this drainage pattern can be seen in Attachment 2.

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Specifically, drainage from the southern Shorewood Oaks, Shorewood Ponds, Freeman Park, and Hendrickson Acres neighborhoods is conveyed through existing storm sewer or the Freeman Park Channel to the southern portion of the project area (which corresponds to the proposed location of the Freeman Park basin). An outlet control structure then conveys water from this portion of the project area underneath the Lake Minnetonka Regional Trail (LRT) where the Freeman Park Channel continues north and connects with Pebble Creek, which conveys drainage from the western Strawberry Lane neighborhood to the project area.

Under the proposed conditions, flows through the Freeman Park Channel and Pebble Creek will be reduced to minimize the erosive impacts of large storms. Flows through the Freeman Park Channel will be reduced by replacing the LRT outlet control structure with a two-outlet system that allows for diversion of flow into the stormwater pond system during large storm events. Runoff from Strawberry Lane, which currently discharges to Pebble Creek, will be redirected to the pond system to reduce heavy flows and erosion within the creek. Additionally, the Shorewood Oaks neighborhood drain system will be disconnected from the City storm sewer and rerouting it directly to the pond system. A visual of the proposed drainage pattern can be seen in Attachment 2 and increased specifics of the drainage changes can be found in Attachment 4.

Ultimately, the addition of the ponds will provide storage and treatment to meet upstream storage needs and reduce downstream flows. The ponds will also be sized to accommodate an increase in impervious surface associated with proposed future utility and road improvements within the Strawberry Lane neighborhood.

The District implements the Erosion Control, Wetland Protection, Waterbody Crossings and Structures, and Stormwater Management rules within the City of Shorewood and serves as the WCA LGU. The project also requires review and approval from the Army Corps of Engineers. The City of Shorewood is waiting on this decision and submission of the relevant documents once a decision is made is listed as a condition of approval of this permit

The Erosion Control rule is applicable as the project will result in land disturbance in an amount greater than the Erosion Control thresholds. The District's Stormwater Management Rule is applicable as the basins are intended to provide treatment for the increase in impervious associated with the future Strawberry Lane linear improvements. Because the Strawberry Lane improvements are not a present project, but an intended future project that is looking to use the Smithtown Pond system as a treatment center, the ponds qualify as regional treatment facilities and require review under the rule. District's Waterbody Crossings and Structures rule is applicable as the project is proposing to replace an existing outlet control structure that conveys Freeman Park Channel underneath the Minnetonka LRT, as well as create a new outfall to the north of the site where an existing culvert outlets the parcel to the Grant Lorenz Channel. Finally, the District's Wetland Protection rule is applicable as there is proposed wetland impact that requires replacement under WCA and because the work triggers both the Waterbody Crossings

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and Structures and Stormwater Management rules. The following rule analysis summarizes the application of the above listed rules and demonstrates the project's compliance with District requirements.

This permit is before the Board of Managers based on resident request received during the review period of the permit as well as during the public notice period. Information regarding the nature of the resident request can be found in Attachment 8.

The District first received 60% plans on February 8<sup>th</sup>, 2021. Pre-application review was provided with a full submittal received September 15, 2021. An initial incomplete letter was sent on October 6<sup>th</sup>, 2021 with resubmittals received on October 8<sup>th</sup> and November 11<sup>th</sup>. The application was deemed complete on November 15<sup>th</sup> 2021. The project's public notice period was issued on November 15<sup>th</sup>, 2021 and ended on November 30<sup>th</sup>, 2021.

**Rule Analysis**

**Wetland Conservation Act**

Minnehaha Creek Watershed District serves as the WCA LGU for the City of Shorewood. An application for both Wetland Boundary and Type approval and banking mitigation was received by the District on August 26<sup>th</sup>, 2021. A Technical Evaluation Panel (TEP) meeting among the City, the District, and the Board of Water and Soil Resources took place on October 4<sup>th</sup>.

During the TEP, three wetlands were confirmed on site. Wetlands 1 and 3 were identified as Type 2 wet meadows. Wetland 2 was identified as a Type 1 seasonally flooded basin that receives hydrology from a drainage feature.

The project proposes to excavate a total of 0.10 acres within the onsite wetlands, with a breakdown of amounts listed in Table 1 below.

Wetland 1	Type 2	248 SF
Wetland 2	Type 1	0.05 AC
Wetland 3	Type 2	0.05 AC

*Table 1: Proposed Wetland Impacts*

Section 8420.0522 of the WCA outlines replacement standards. The banking replacement ratio is 2:1 for wetlands within the <50% status area and within a bank service area, which includes this project location. A banking plan to purchase 0.20 acres of Type 2 credit was approved as part of the Notice of Decision (NOD). The bank location was chosen and approved in line with WCA siting requirements. At this time, there are no banks within the same minor watershed with available Type 2 credits. Type 2 credits were chosen to mitigate the wetland loss associated with the project because over half the proposed impact is to Type 2 wetland, and Type 2 wetland share a similar hydrologic regime as forested Type 1 wetland. The Bank site (1560) was chosen because it had available Type 2 credits and is within the same Bank Service

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Area (7), County (Hennepin), and Major Watershed (Middle Mississippi) as the proposed impacts. These bank siting and wetland mitigation ratio meet state and federal standards, as well as Section 3 of the District Wetland Protection rule which outlines District responsibility when serving as the LGU.

The NOD confirming the boundary and types and banking plan was issued on November 8<sup>th</sup> 2021.

The project as proposed meets state WCA Requirements.

### **District Rule Analysis**

#### **Erosion Control Rule**

The District's Erosion Control Rule is applicable to projects proposing at least 5,000 square feet of land disturbance or 50 cubic yards of fill, grading, excavation, or stockpiling. The Applicant is proposing 317,988 SF of disturbance and 7,126 CY of excavation. As a result, this project is subject to review under the District's Erosion Control Rule.

The applicants have provided a Stormwater Pollution Prevention Plan and Erosion Control plan to meet District requirements. Silt fences and biologs will be established around all disturbed areas to provide perimeter control, including double layered silt fence along wetland or streambank edges. Hydroseed and long-term sod will be used to stabilize areas of disturbance. Inlet protection will also be provided.

As a result, the proposed project meets the criteria of this rule.

#### **Wetland Protection**

The District's Wetland Protection rule is applicable to projects that propose draining or filling, or excavation in the permanently or semi-permanently flooded basins of type 3, 4, and 5 wetlands or for projects under review for the District's Stormwater Management or Waterbody Crossings and Structure rule.

The project proposed both wetland excavation and work that requires review under the District's Stormwater Management and Waterbody Crossings and Structures rules. As a result, the project requires review under the District's Wetland Protection rule and the establishment of buffer is required.

Specifically, of the three wetlands within the project area the project proposes excavation within each wetland. Excavation for the proposed ponds will occur within the entire delineated outline of Wetland 3. Excavation for the proposed ponds will occur in portions of the delineated outlines of Wetland 1 and Wetland 2.

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Because of the proposed explanation, Replacement is required under both WCA and the District's Wetland Protection rule. Compliance with Section 3, which outlines Wetland Replacements requirements, is explained under the Wetland Conservation Act.

Buffers are required for this project. Buffer requirement specifics are outlined in section 6.

Per section 6 (a) of the rule, base buffer widths shall be determined by the management class of the wetland. Wetland 2, which is located on the north side of the trail, does not have an assigned management class based on Functional Assessment of Wetland (FAW) mapping. The City of Shorewood submitted a Minnesota Routine Assessment of Wetlands (MnRAM) analysis for District review and approval. MnRAM results indicated a that Wetland 2 should be classified as a Manage 3 wetland based on present vegetation.

The City of Shorewood also submitted a MnRAM for Wetlands 1 and 3, located on the south side of the trail. According to FAW mapping, this portion of the project area is covered by a non-descript preserve management class GIS layer that does not match to the delineated wetland boundaries. MnRAM results for this area also indicate Manage 3 designation for Wetlands 1 and 3 as well.

Manage 3 wetlands require a base buffer width of 20'. The City proposes to establish a minimum buffer width for each of the pond buffers of 25', with buffer of greater widths in places and extending out to 50' in areas .

For Wetlands 1 and 2, where the footprint of the proposed ponds overlaps with portions the delineated wetland boundaries, the pond buffers will continue around the remaining natural edges of the wetlands. For Wetland 3, where the footprint of the proposed pond overlaps entirely with the delineated wetland boundary, buffers will be provided by the pond buffer.

Per section 6 (b), Manage 3 wetlands require a base buffer width of 20' with a minimum applied buffer width of 16'. As described above, the base width for the buffers to be established around each of the ponds is 25'. This exceeds the requirement for a Manage 3 wetland. As a result, this section of the rule is met.

Per section 6(c), buffer width may vary, provided that a width of at least 50% of the applied buffer width is maintained at all times. The proposed buffer does not decrease below a base of 25' in any location. As a result, this section of the rule is met.

Per section 7(b), establishment, maintenance, and monumentation of buffers are to be satisfied through maintenance documents. A signed maintenance agreement between the Applicant and MCWD is listed as a condition of approval.

In summary, the project as proposed meets all applicable requirements of the Wetland Protection rule.

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## Waterbody Crossings and Structures

The District's Waterbody Crossings and Structures Rule is applicable to projects that propose to place a road, utility, bridge, or associated structure in contact with the bed or bank of any waterbody, including alteration of a waterbody to enclose it within a pipe.

The project proposes to replace the existing outlet control structure underneath the Minnetonka LRT, which connects, which conveys Freeman Park Channel underneath the Minnetonka LRT. The structure will be replaced with a two-outlet system that allows for rate control and diversion of flow based on storm events.

In addition, the construction of Smithtown Pond North and Smithtown Pond South, within the portion of project area that exists to the north of the trail will result in a new, direct outlet to the existing culvert underneath Smithtown Road. This culvert, as described in the background section of this report, connects to the Grant Lorenz Channel and serves as the outlet point for this project area.

As a result, the project requires review under the District's Waterbody Crossings and Structures Rule.

Per section 3(a) of the rule, use of the bed or bank of a waterbody shall meet a demonstrated public benefit or meet a demonstrated specific need. As mentioned in the introduction, the project goal is to reduce erosion within existing, naturally occurring channels adjacent to the project area and to lower the flooding potential upstream of the drainage area. The proposed project meets a specific flooding and drainage need as reported by the City of Shorewood, meeting this section of the rule.

Per Section 3(b) of the rule, use of the bed or bank of a waterbody shall retain adequate hydraulic capacity and will not result in upstream or downstream increases in flood stage. For the outlet control structure, the new structure will route all stormwater up to a 2-year storm event through to the existing Freeman Park Channel on the north side of trail, whereas storm events larger than 2-year event will be directed to the Smithtown stormwater ponds on the north side of the trail.

District Staff and Engineers have reviewed hydraulic analysis provided by the City of Shorewood demonstrating that the replacement of the outlet control structure will retain hydraulic capacity through Freeman Channel. When operating, the outlet control structure is designed to reduce downstream rates during large storm events, preventing an increase in flood stage. When it is not operational, the outlet control structure will allow water to flow as normal. The live volume of the Smithtown Ponds will ensure that upstream flood stages do not increase when the control structure is operating and diverting water. Further, the live volume of the Smithtown Ponds will ensure that outlet rates of the stormwater system as a whole will not result in an increase in flood stage in Grant Lorenz Channel or downstream of the system.

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As a result, this section of the rule is met.

Section 3(c) of the rule is not applicable, as there are no navigable resources being impact by this project.

Per section 3(d) of the rule, use of the bed or bank shall preserve aquatic and upland wildlife passage along each bank. Strictly aquatic species are not currently observed within any of the channels as consistent flows are not maintained. The outlet control structure will not be reconstructed in a way where upland passage along the bank, which it currently allows, will become prohibited. Further, no direct work is being proposed to the culvert underneath Smithtown Road so no work that would inhibit upland passage will occur. As a result, this section of the rule is met.

Per section 3(e) of the rule, use of the bed or bank of a waterbody shall not adversely affect water quality. An iron enhanced sand filter will be included in the overall construction of the stormwater ponds, resulting in a 77% reduction in phosphorous load within the drainage area. Further, the project will reduce traditionally erosive flows observed during large storm events within the Freeman Park and Grant Lorenz Channels. The Applicant has also submitted erosion control plans outlining the location of perimeter controls and inlet protection to ensure that sedimentation will not enter either channel during any stage of construction. With the addition of permanent water quality practices and proper erosion control plans, Staff have determined that the applicant has met this section of the rule.

Per section 3(f), the use of the bed or bank shall represent the “minimal impact” solution to a specific need with respect to all other reasonable alternatives. The Applicant has provided an alternatives analysis to demonstrate the proposed project represents the minimal impact solution. Under a no build scenario, the stormwater pond system would not be constructed, and the existing outlet control structure would remain in place. As a result, the rate control method provided by the stormwater pond system would not be achieved. Further, the existing outlet control structure presents a maintenance issue for the City of Shorewood as the elevation of the inlet pipes results in frequent clogging. This issue would continue to occur under a no-build scenario. The City of Shorewood also provided alternative designs that included directly modifying or removing existing channels. This design was determined to be too significant of an impact to Freeman Channel and would also not provide the desired rate controls. Staff and District engineer have determined that the applicant has met this section of the rule.

In summary, both components of the project that require review under this rule; replacement of the LRT Trail outlet control structure and construction of a new stormwater outlet for the Smithtown Road culvert, meet all applicable requirements of this rule.

### Stormwater Management

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The District’s Stormwater Management rule is applicable for any project that creates new or replaces existing impervious surface, or alters the contours of a parcel of land, in a way that affects the direction, peak rate, volume, or water quality of runoff.

As described in the introduction and previous sections, the project proposes to construct a new, three-pond stormwater system to address area drainage issues. Sections of existing stormwater conveyance infrastructure in the project area will be disconnected and hooked into the ponding system and the construction of the ponds on the project parcel itself will alter the peak runoff rate from the site. The construction of the ponds will involve the removal of 0.25 acres of driveway and trails and construct 0.25 acres of new trail for no net change in impervious area. Further, the pond system is being sized to accommodate a future increase in impervious associated with improvements to Strawberry Lane.

Initial construction of the project will result in no net change in impervious surface through the reconstruction of new trails around the ponds. Further, per Section 2(d) of the rule, sidewalks and trails that will not exceed 12 feet in width and are bordered on the downgradient by pervious buffer are exempt from the Stormwater Management rule.

As mentioned in the introduction, future road and utility improvements to Strawberry Lane will result in an increase in non-exempt new impervious that is proposed to be directed to the ponding system. Because the District is not reviewing specific plans for this proposed work at this time, review of the ponding system is properly analyzed under Section 7 of the Stormwater Management rule, which outlines requirements for Regional Stormwater Management.

Per section 7(a), an applicant may comply with this rule by providing equal or greater phosphorous control, rate control, or volume control through a regional or subwatershed plan. Such a plan must provide for an annual accounting to the District of treatment capacity created and utilized by projects within the area of the plan.

The proposed system will provide phosphorous control through the inclusion of an Iron Enhanced Sand filter. The addition of this filter will result in a decrease in phosphorous loading from 165.64 pounds per year to 37.65 pounds per year, satisfying the District’s standards for water quality.

The proposed system will also result in will result in reductions in peak runoff rate for the 1-, -10 and 100-year storm events, as outlined in Table 2 below. These reductions meet District standards for rate control.

Drainage Outfall	1-year Storm (cfs)		10-year Storm (cfs)		100-year Storm (cfs)	
	Exist.	Prop.	Exist.	Prop.	Exist.	Prop.

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Pebble Creek	5.9	4.0	18.6	15.3	45.0	38.9
Freeman Park Channel	13.4	11.0	32.2	17.9	68.1	32.9
Grant Lorenz Channel	15.6	14.3	45.8	36.5	124.3	77.3
Total (Lake MTKA)	34.9	29.3	96.6	69.7	237.4	149.1

*Table 2: Existing and Proposed Rates*

The proposed system will provide 320,365 CF of live storage within Smithtown Pond North and will 199,487 CF of live storage within Smithtown Pond South.

Per Section 7(b), District approval of a regional or subwatershed plan will be based on a determination that the use of a regional facility in place of onsite stormwater management will not result in adverse impacts to local groundwater or natural resources located upstream of the regional facility. District Engineers have reviewed the proposed plans and conclude that the proposed system will not result in adverse impacts to groundwater as the system is not proposing direct infiltration. Further, the ponding system is taking on drainage that would normally discharge through storm sewer infrastructure and providing treatment where specific water quality BMPs do not currently exist. Finally, the ponding system is providing flow reduction through the intermittent streams when necessary during high velocity storm events, in order to help mitigate the scouring that is currently observed.

Per Section 7(c), individual project sites utilizing a regional facility to meet phosphorous, rate, or volume control requirements must incorporate BMPS on the project site in accordance with subsection 3(d). This subsection is not applicable for this initial construction as there are no specific plansets for the proposed improvements to Strawberry Lane.

At this time, the proposed Strawberry Lane project will result in an increase of 23,740 SF of non-exempt new impervious. District Engineers have confirmed that the rate and phosphorous reductions provided by the ponding system will accommodate this increase.

Per Section 7(d), the applicant, before commencing any land-altering activity must demonstrate that it holds the legal rights necessary to discharge to the stormwater facility and that the facility is subject to a maintenance document satisfying District requirements. The City of Shorewood will maintain ownership and maintenance over the pond system and a maintenance agreement is a condition of approval.

In summary, the proposed project meets the criteria of the rule as reviewed by District Staff and Engineers

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## Summary:

The City of Shorewood has applied for a District permit for Erosion Control, Wetland Protection, Waterbody Crossings and Structures, and Stormwater Management in order to construct a three-basin stormwater pond system on a city owned parcel adjacent to Freeman Park. This system will reduce flows and channel erosion through Freeman Park Channel, Pebble Creek, and Grant Lorenz Channel and allow for stormwater infrastructure improvements to alleviate localized drainage problems in surrounding neighborhoods. The ponds will also provide rate and phosphorous control for future road and utility improvements along Strawberry Lane.

The proposed project meets all applicable requirements of the above rules and is currently complete. This permit is before the Board of Managers based on public request received during the permit review process and public notice period. The nature of the request can be summarized by concerns regarding tree removal, the of lack of actual, measured data on flow and pollutant loading to and through the site, and effects of the use of chemicals such as pesticides and herbicides in local parks and impacts to surface and groundwaters as a result of the ponding system. Specifics of the request can be found in Attachment 8. District Staff and Engineers did take on a review of extended documents to address these concerns and offer the following comments;

1. The residents have expressed a concern about the loss of trees and other vegetation. From an ecological perspective, the value of the large wooded area southeast of the trail and adjacent to the developed part of Freeman Park is its size as an undeveloped tract. It contains some remnant maple-basswood forest, which is valued but not rare as a landcover. The Minnesota County Biological Survey (MCS) did not identify it as having particularly high quality vegetation and it is buckthorn-infested, which limits its habitat value. The Functional Assessment of Wetlands typed out wetland(s) present as Manage 1, although that was because of the high aesthetic value of its size, not the ecological or hydrological value. Only a small portion of this wooded area is proposed to be impacted by the proposed Freeman Park Basin, leaving most of the existing wooded area with the most ecological value intact.

2. The 5 acre parcel at 26245 Smithtown Road across the trail that will be impacted by the larger two basins was evaluated by the MCS and determined to be “Altered Non-Native Plant Community: No Native Species Present.” The wildlife species present - avian, upland, aquatic - are likely to have already selected to those that can live in disturbed urbanized areas, and they will adapt. The new or expanded aquatic habitat niches will recolonize with new species. Most of the ecological damage has already been done by the other development in the area. Thoughtful revegetation could actually add to the local biological diversity by adding pollinator habitat, etc.

3. The residents have expressed concern about the lack of actual, measured data on flow and pollutant loading to and through the site and have stated that this has them question the validity

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of the modeled results. To the contrary we have several decades of science and engineering studying and quantifying urban runoff characteristics, including the National Urban Runoff Program (NURP), the Minnesota State Stormwater Manual, and many other studies across the country used to develop literature values and models that have been periodically ground-truthed to monitoring data. The Minimum Impact Design Standards (MIDS) model used to evaluate the pollutant removal effectiveness of the proposed project (and thousands more across the state) was developed over two years by a large interdisciplinary group led by the MPCA with the participation of academics, consultants, agency and local government representatives, the construction industry, and developers who all came to an agreement on this methodology. It is used routinely across the state and is standard engineering practice.

4. There was also concern expressed about the effects of the use of chemicals such as pesticides and herbicides in local parks and impacts to surface and groundwaters. It is important to note the difference between shallow groundwater and the much deeper groundwater aquifers used for drinking water. The Minnesota Department of Health does routinely monitor for many of these contaminants in both surface and drinking water wells in both urban and agricultural areas. Without going into a deeper dive, in general the findings have been very infrequent and at very low levels. Herbicides especially do degrade very quickly into less harmful degradates. While all herbicide and pesticide application should be undertaken in accordance with MDH guidance, the low levels used in community parks compared to agricultural settings are less likely to result in long-term contamination and there is no evidence of accumulation in the water table.

#### **Attachments:**

Attachment 1- Water Resource Application and Site Plan

Attachment 2- Existing and Proposed Drainage Maps

Attachment 3- Natural Resource and Wetland Map

Attachment 4- Drainage Report

Attachment 5- Waterbody Crossings and Structures Analysis

Attachment 6- Wetland Conservation Act NOD

Attachment 7- Wenck Memo

Attachment 8- Public Request for Review

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**WATER RESOURCE PERMIT APPLICATION FORM**

Use this form to notify/apply to the Minnehaha Creek Watershed District (MCWD) of a proposed project or work which may fall within their jurisdiction. Fill out this form completely and submit with your site plan, maps, etc. to the MCWD at:  
15320 Minnetonka Blvd. Minnetonka, MN 55345.

Keep a copy for your records.

**YOU MUST OBTAIN ALL REQUIRED AUTHORIZATIONS BEFORE BEGINNING WORK.**

1. Name of each property owner: City of Shorewood  
 Mailing Address: 5755 Country Club Road City: Shorewood State: MN Zip: 55331  
 Email Address: CityEngineer@ci.shorewood.mn.us Phone: 952-474-7635 Fax: \_\_\_\_\_

2. Property Owner Representative Information (not required) (licensed contractor, architect, engineer, etc...)  
 Business Name: \_\_\_\_\_ Representative Name: \_\_\_\_\_  
 Business Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Email Address: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

3. Project Address: \_\_\_\_\_ City: Shorewood  
 State: MN Zip: 55331 Qtr Section(s): \_\_\_\_\_ Section(s): 32 Township(s): 117N Range(s): 23W  
 Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_ PID: 3211723420004/3211723410003

4. Size of project parcel (square feet or acres): 57.9 acres  
 Area of disturbance (square feet): 317,988 Volume of excavation/fill (cubic yards): 38,000 exc.  
 Area of existing impervious surface: 10,364 Area of proposed impervious surface: 7,126  
 Length of shoreline affected (feet): 0 Waterbody (& bay if applicable): n/a

5. Type of permit being applied for (Check all that apply):  
 EROSION CONTROL  WATERBODY CROSSINGS/STRUCTURES  
 FLOODPLAIN ALTERATION  STORMWATER MANAGEMENT  
 WETLAND PROTECTION  APPROPRIATIONS  
 DREDGING  ILLICIT DISCHARGE  
 SHORELINE/STREAMBANK STABILIZATION

6. Project purpose (Check all that apply):  
 SINGLE FAMILY HOME  MULTI FAMILY RESIDENTIAL (apartments)  
 ROAD CONSTRUCTION  COMMERCIAL or INSTITUTIONAL  
 UTILITIES  SUBDIVISIONS (include number of lots)  
 DREDGING  LANDSCAPING (pools, berms, etc.)  
 SHORELINE/STREAMBANK STABILIZATION  OTHER (DESCRIBE): \_\_\_\_\_

7. NPDES/SDS General Stormwater Permit Number (if applicable): TBD

8. Waterbody receiving runoff from site: LAKE MINNETONKA

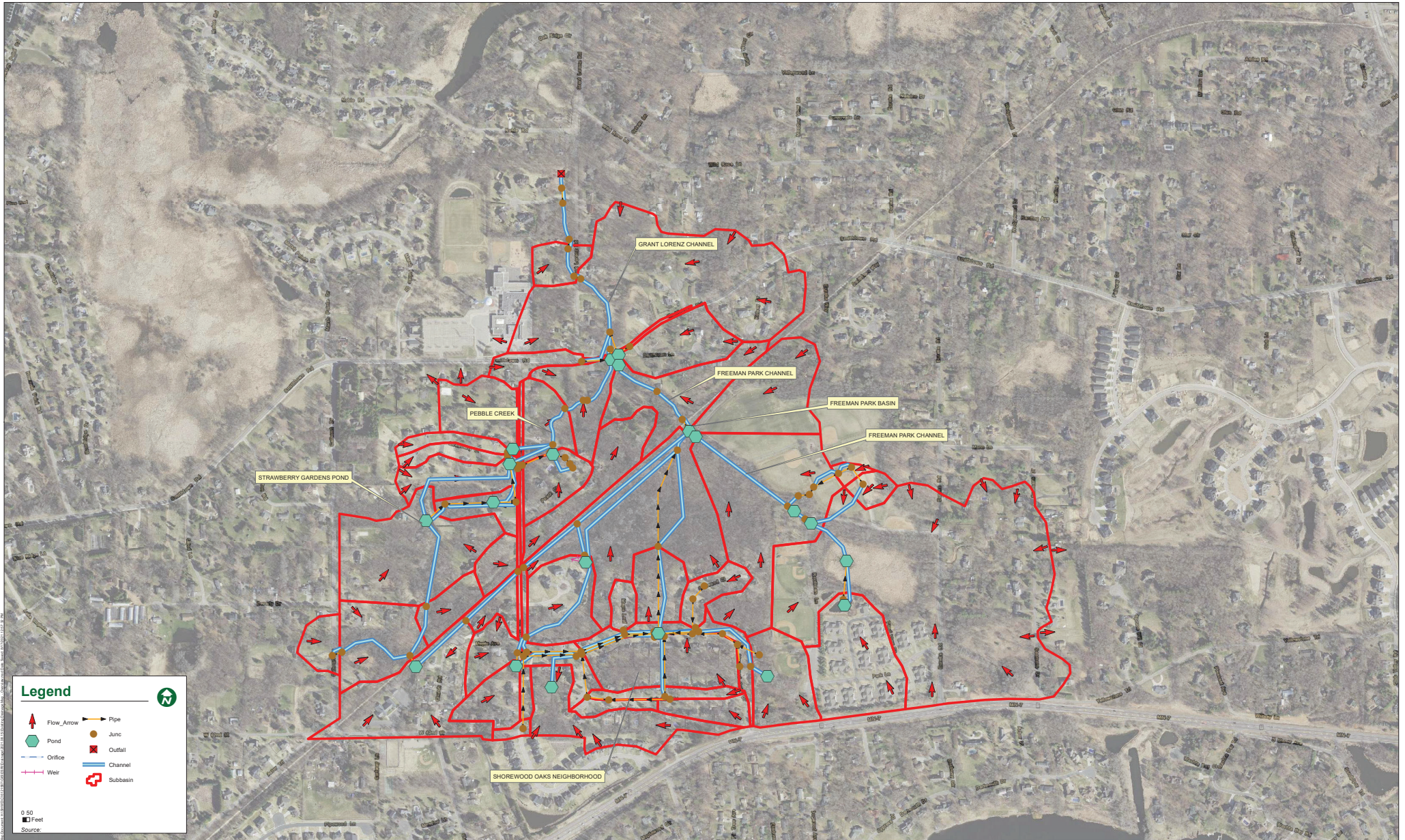
9. Project Timeline: Start Date: APRIL 2021 Completion Date: JUNE 2022

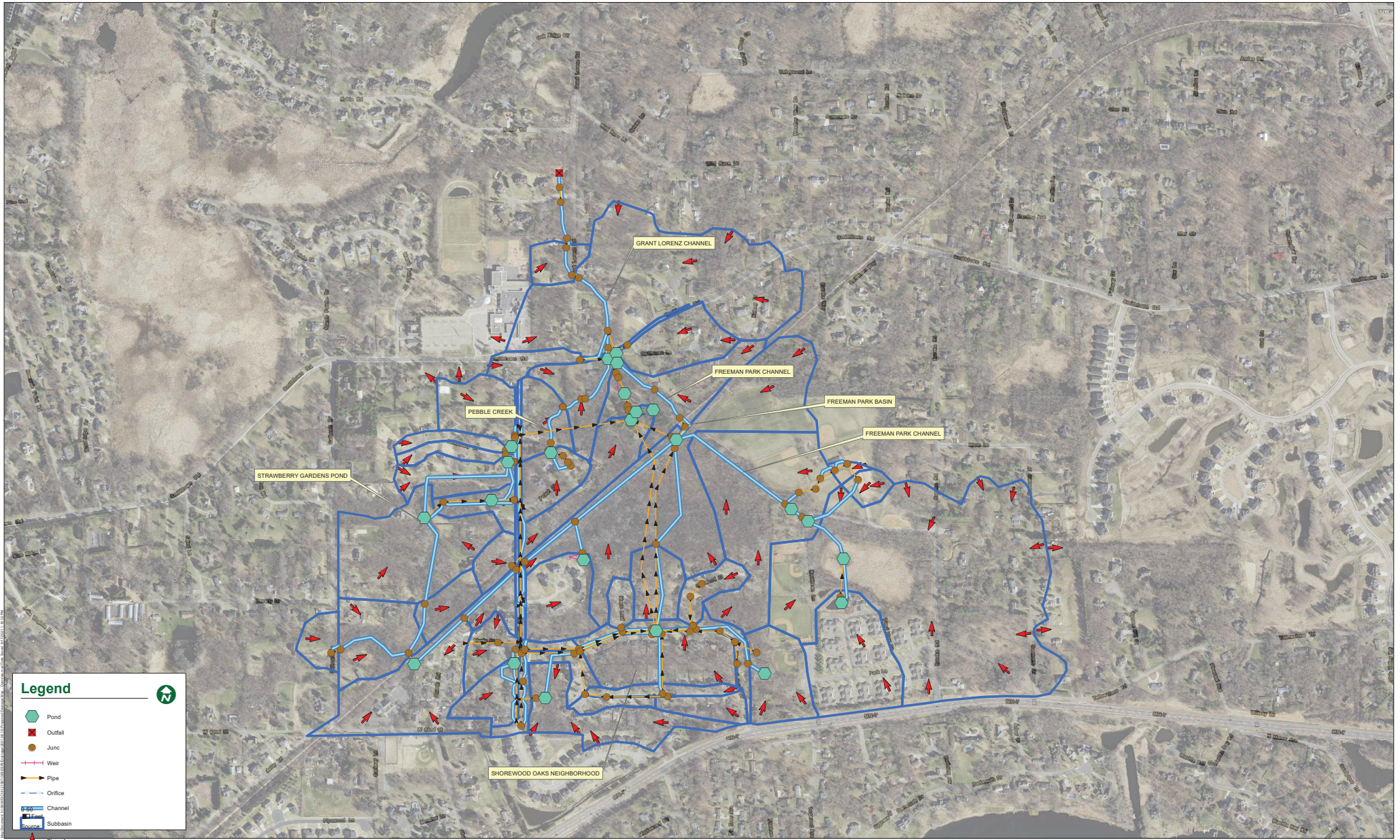
Permits have been applied for: City  County  MN Pollution Control Agency  DNR  COE   
 Permits have been received: City  County  MN Pollution Control Agency  DNR  COE

By signing below, I hereby request a permit to authorize the activities described herein. I certify that I am familiar with MCWD Rules and that the proposed activity will be conducted in compliance with these Rules. I am familiar with the information contained in this application and, to the best of my knowledge and belief, all information is true, complete and accurate. I understand that proceeding with work before all required authorizations are obtained may be subject to federal, state and/or local administrative, civil and/or criminal penalties.

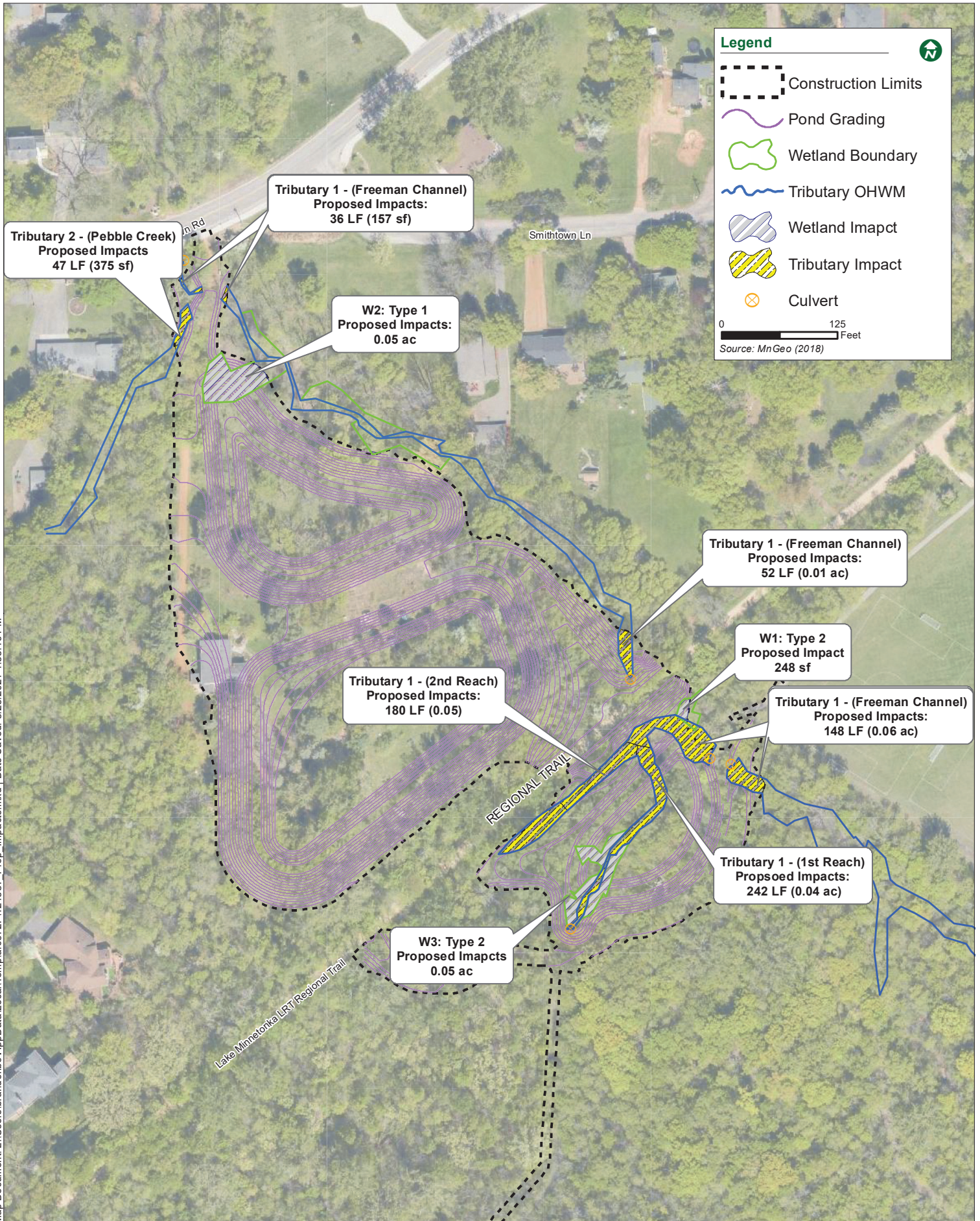
And Bud 2/08/2021  
 Signature of Each Property Owner Date











Map Document: L:\Users\brandombo\AppData\Local\Temp\arc672F1121587 Prop\_Impacts.mxd | Date Saved: 8/25/2021 1:58:49 PM

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## ***SUMMARY***

Maintenance activities including grading of a small wet retention pond in the existing stormwater collection area on the northwest side of Freeman Park abutting the south side of the Lake Minnetonka LRT Regional Trail, replacement of the outlet control structure under the trail, installation of two wet retention ponds on the property at 26245 Smithtown Road (Parcel No. 3211723420004), and installing a storm sewer connection between Shorewood Oaks Drive and the wet retention ponds at 26245 Smithtown Road are proposed to improve or resolve multiple drainage issues in the area. The proposed work will disturb 7.3 acres and require a National Pollution Discharge Elimination System (NPDES) stormwater permit, and Minnehaha Creek Watershed District (MCWD) Stormwater and Erosion Control permits.

### **SITE LOCATION:**

The project is located at Section 32, Township 117N, Range 23W, within Hennepin County parcels 3211723420004 and 3211723410003 in Shorewood, MN.

### **SITE CONDITIONS:**

Runoff from the north Strawberry Lane neighborhood drains to a channel east of the road, identified as Pebble Creek. Pebble Creek conveys flow to the culvert crossings at Smithtown Road and the Grant Lorenz Channel downstream of the crossings. Immediately upstream of the crossing, Pebble Creek merges with the drainage way conveying flow from Freeman Park, identified as the Freeman Park Channel for purposes of this report. Pebble Creek, Freeman Park Channel, and the Grant Lorenz Channel experience erosive flows during larger rainfall events resulting in severe gully erosion in the drainage ways. Strawberry Lane has a rural section with minimal storm sewer resulting in extended durations of inundation in low areas during wet periods. In addition, a large portion of existing impervious surface does not receive treatment to remove pollutants prior to discharge downstream.

Runoff from the south Strawberry Lane, Shorewood Oaks, Shorewood Ponds, Hendrickson Acres, and Freeman Park neighborhoods drain to a basin on the northwest side of Freeman Park. An outlet control structure conveys the water from the basin under the Lake Minnetonka LRT Regional trail, where the Freeman Park Channel continues north until it connects with Pebble Creek on the south side of Smithtown Road. The Freeman Park basin outlet control structure has an 18-inch orifice inlet at an elevation of 960.26 to control the discharge from a 48" RCP pipe. The orifice experiences frequent clogging due to vegetation and sedimentation buildup, and the design contributes to erosive flows in the Freeman Park Channel. Additionally, this structure controls high water elevations upstream, with potential inundation impacts to Freeman Park's interior trails and the Shorewood Oaks neighborhood.

The total impervious area within the watershed is 66.45 acres.

### Soils

Soils in the area are classified by the Natural Resources Conservation Service (NRCS) Web Soil Survey as predominantly Type C/D soils. GIS was utilized to create weighted CN values for each subbasin based on impervious area, vegetation type, and soil classification. CN values ranged from 63.8 to 98.

### **PROPOSED IMPROVEMENTS:**

#### Smithtown Pond System

Construction of two wet retention ponds at 26245 Smithtown Road is proposed. Runoff from Strawberry Lane that previously discharged to Pebble Creek will be redirected to the south pond (Smithtown Pond C2), flow into the north pond (Smithtown Pond C1), then reconnect with Pebble Creek on the south side Smithtown Road. The ponds are proposed to provide sufficient storage and treatment to meet upstream needs as well as reduce downstream flows.

Smithtown Pond C2 will have a normal water level (NWL) of 955.0' and provide 320,365 CF of live storage. Smithtown Pond C1 will have a NWL of 951.5' and provide 199,487 CF of live storage. The outlet control structure details for ponds C1 and C2 are shown as "Precast Outlet Control Structure 16" and "Precast Outlet Control Structure 13", respectively in the project plan set. Additional information about the ponds is presented in the Water Quality and Rate Control sections below.

The improvements will provide water quality treatment and reduce flows in Pebble Creek, Grant Lorenz Channel, and Freeman Park Channel. Additional improvements to minimize flooding potential on Strawberry Lane (i.e. urban street section, storm sewer, catch basins, ditch cleaning, etc.) are to be addressed as part of the Strawberry Lane Street and Utility improvements.

Smithtown Pond C2 was designed to accommodate an iron enhanced sand filter to provide additional water treatment if desired. 60' long by 3' wide iron enhanced sand filters would be installed on each side of the pond outlet pipe. The outlet control structure for this pond will allow 5,685 CF of stormwater to pond above the sand filters before the water will over top its weir wall.

#### Freeman Park Wet Retention Pond

Construction of a wet retention pond in the Freeman Park basin and replacement of the outlet control structure with two new outlet structures is proposed. These two outlets will have submerged inlets to reduce clogging potential and lower the existing high-water level.

The wet retention pond (PR-2510-FP-Pond1) will have a normal water level of 960.3.

The primary outlet will convey all stormwater ponding up to the 2-year storm event to Freeman Park Channel north of the Lake Minnetonka LRT Regional Trail.

The secondary outlet will begin conveying stormwater to the proposed Smithtown ponds once ponding in Freeman Park basin reaches an elevation of 963.3. This combination of outlets was selected to minimize impacts to the Freeman Park Channel by maintaining low flow through the channel and diverting the large erosive storm events through the Smithtown pond system. The profile for the primary outlet structure is shown as structures FES-23, MH-24, and FES 25 on sheet C5.05 and the detail for the secondary outlet is shown as "Precast Outlet Control Structure 10" on sheet C1.05.

The Smithtown and Freeman Park improvements will involve the removal of 0.25 acres of driveways, trails, and buildings. The proposed design will involve the addition of 0.25 acres of trails for no net change in impervious area.

#### Shorewood Oaks Footing Drain System

The footing drain system in the Shorewood Oaks neighborhood will be disconnected from the adjacent storm sewer system, and a new connection will be made directly to Smithtown Pond C2. The new connection will bypass the Freeman Park Basin, mitigating flooding potential in the homes in the Shorewood Oaks neighborhood.

### **WATER QUALITY:**

MCWD rules require a no net increase from existing conditions in phosphorus discharged from the site under proposed conditions. The total existing impervious area within the watershed is 66.451 acres. The Strawberry Lane Street and Utility improvements are expected to increase the impervious area to 66.996 acres. Table 1 shows the existing and proposed phosphorus loads released from the watershed.

**Table 1. Phosphorus Load Generation Comparison**

	Particulate Phosphorus (lb/yr)		Dissolved Phosphorus (lb/yr)		Total Released (lb/yr)
	Generated	Removed	Generated	Removed	
Existing	105.67	26.49	86.46	0	165.64
Proposed	106.07	87.59	86.78	0	105.26
Proposed - IESF	106.07	94.79	86.78	60.41	37.65

Directing areas previously not routed to BMPs and adding additional pieces to the treatment chain reduces the amount of phosphorus discharged from the watershed by 60.4 lb/yr. An iron enhanced sand filter would reduce the phosphorus discharge by 127.99 lb/yr. Additional water quality information is available in the attached MIDS model reports.

**RATE CONTROL:**

MCWD rules require peak runoff rates for the proposed 1-, 10-, and 100-year storm events not exceed the rates generated under existing conditions. The proposed runoff rates were analyzed in Pebble Creek (Pebble Creek-4), Freeman Park Channel (Freeman Park Channel-5), and Grant Lorenz Channel (Link-247). The location of Pebble Creek, Freeman Park Channel, and Grant Lorenz Channel are called out on the attached drainage map Figures 1 and 2. Table 2 shows the rate comparison between existing and proposed conditions for the two channels.

**Table 2. Rate Comparison**

Location	Storm	Existing (cfs)	Proposed (cfs)	Rate Change (cfs)
Pebble Creek (Pebble Creek-4)	1-yr	5.86	3.98	-1.88
	10-yr	18.56	15.31	-3.25
	100-yr	45.01	38.90	-6.11
Freeman Park Channel (Freeman Channel-5)	1-yr	13.41	11.04	-2.37
	10-yr	32.24	17.90	-14.34
	100-yr	68.08	32.93	-35.15
Grant Lorenz Channel (Link-247)	1-yr	15.62	14.31	-1.31
	10-yr	45.75	36.51	-9.24
	100-yr	124.32	77.27	-47.05

The flow rates do not increase in any of these channels for the 1-, 10-, and 100-year storm events.

The high-water levels were evaluated for Freeman Park basin, Smithtown Ponds C1 and C2, and at Pebble Creek at the Smithtown Road culvert entrance to ensure the ponding depths do not create a flooding hazard for nearby structures.

**Table 3. Ponding Evaluation**

Location	Existing High-Water Level (ft)	Proposed High-Water Level (ft)	Nearby Structure Low Opening
Freeman Park basin (FreemanPark-Basin) (PR-2510-FP-Pond1)	969.15	968.83	975.64
Smithtown Pond C2 (PR-Smithtown Pond C2)	n/a	957.63	*n/a
Smithtown Pond C1 (PR-SmithtownPondC-1)	n/a	955.39	959.59
Pebble Creek (3010-STP-Pond1)	954.87	953.62	959.59
Freeman Park Wetland (2410-FP-Wetland)	977.42	977.42	~983

Location	Existing High-Water Level (ft)	Proposed High-Water Level (ft)	Nearby Structure Low Opening
Shorewood Ponds (ShorewoodPonds-Pond1)	982.10	982.09	~983

\*If pond C2 overtops its banks, the water would flow to Pond C1, Freeman Channel, or Pebble Creek.

The Freeman Park basin high-water level is higher than several of the basement elevations in the Shorewood Oaks neighborhood, however it is lowered from the existing high-water level of 969.28 ft and the water level above the 968.04 elevation has been reduced by over 5 hours. In addition, hydraulically separating the footing drainage system from the Freeman Park basin will further mitigate basement flooding in the Shorewood Oaks neighborhood.

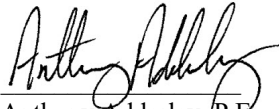
**CONCLUSION:**

The proposed design meets MCWD requirements for rate control when incorporating future Strawberry Lane improvements into the design and exceeds requirements for water quality control. The HWL in the Freeman Park basin will be reduced and the time the water level is above the 960' elevation will be reduced by several hours.

If you have any questions or comments, please contact me to discuss further.

---

I hereby certify that this report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

  
 Anthony Adderley, P.E.  
 Reg. No. 57131

August 17, 2021  
 Date

***DRAINAGE MAPS***



Real People. Real Solutions.

2638 Shadow Lane  
Suite 200  
Chaska, MN 55318-1172

Ph: (952) 448-8838  
Fax: (952) 448-8805  
Bolton-Menk.com

August 17, 2021

Permitting  
Minnehaha Creek Watershed District  
15320 Minnetonka BLVD  
Minnetonka, MN 55345

RE: Waterbody Crossings & Structure Analysis  
MCWD Permit #21-113  
Smithtown Pond Project

Dear MCWD Permitting,

As part of the City of Shorewood's Smithtown Road Ponds project, the City proposes to construct two stormwater ponds east of Strawberry Lane, between the Lake Minnetonka LRT Regional Trail and Smithtown Road. The City also plans to regrade the Freeman Park basin located along the Lake Minnetonka LRT Regional Trail and replace the existing outlet control structure with two outlet control structures. Construction of the storm ponds and regrading the Freeman Park basin includes stormwater infrastructure improvements that contact the bed or bank of a waterbody, thus requiring an analysis showing the effect on hydraulic capacity and water quality. Following is a list of the specific improvements:

1. **Smithtown Stormwater Ponds** – Due to erosion occurring along the Grant Lorenz, Pebble Creek, and Freeman Park channels, improvements are proposed to reduce discharge rates to these channels for large erosive storm events. The improvements will decrease the volume of water directed to the Pebble Creek and Freeman Park channels.
2. **Freeman Park Basin** – In addition to regrading Freeman Park basin, the City proposes to replace the existing Freeman Park outlet control structure with one that will limit the rate at which water is discharged to the Freeman Park Channel. Storm events larger than the 2-year event will discharge to the proposed Smithtown Stormwater Ponds. The existing outlet control structure clogs from sediment and debris buildup. The basin will be regraded to provide depth for the area to be utilized as a wet retention pond with submerged inlet pipes for the outlet control structures. Submerging the inlet pipes will reduce clogging potential while lowering the high-water level below existing conditions.

#### ANALYSIS – HYDRAULIC CAPACITY AND WATER QUALITY

1. **Smithtown Stormwater Ponds** – The proposed improvements will provide 519,852 CF of live storage between the two stormwater ponds, which will receive additional runoff from Strawberry Lane and the large storm event runoff from Freeman Park basin. There is no rate increase in any of the three channels that were experiencing erosion issues. The rate comparison between existing conditions and the proposed improvements is shown in Table 1, below.

The proposed improvements will not result in an increase in impervious surface, but two stormwater ponds are being added to the area. The change in phosphorus discharged from the



project area was analyzed for existing and proposed conditions using the MID's calculator. The proposed design results in a 36% reduction in total phosphorus. If an iron enhanced sand filter is utilized, the reduction increases to 77%. Table 2 below, shows the phosphorus load comparison.

2. **Freeman Park Basin** – The proposed improvements will not result in an increase in impervious surface or change existing vegetation, so water quality would remain unaffected. All stormwater runoff from the project area will be directed to the north side of the Lake Minnetonka LRT Regional Trail through the two separate outlet control structures. The primary outlet control structure will route all stormwater, up to the 2-year storm event, to the existing Freeman Park Channel on the north side of the trail. Storm events larger than the 2-year event will be directed through the secondary outlet control structure to the Smithtown stormwater ponds. The improvements result in no increase in the rates discharged to the Freeman Park Channel. The rate comparisons are shown in Table 1, below.

The proposed improvements will not result in an increase in impervious surface. Therefore, water quality would remain unaffected.

**Table 1. Rate Comparison**

Location	Storm	Existing (cfs)	Proposed (cfs)	Rate Change (cfs)
Pebble Creek (Pebble Creek-4)	1-yr	5.86	3.98	-1.88
	10-yr	18.56	15.31	-3.25
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	10-yr	45.75	36.51	-9.24
	100-yr	124.32	77.27	-47.05

**Table2. Phosphorus Load Generation Comparison**

	Particulate Phosphorus (lb/yr)		Dissolved Phosphorus (lb/yr)		Total Released (lb/yr)
	Generated	Removed	Generated	Removed	
Existing	105.67	26.49	86.46	0	165.64
Proposed	106.07	87.59	86.78	0	105.26
Proposed - IESF	106.07	94.79	86.78	60.41	37.65

ALTERNATIVE DESIGNS

**Smithtown Stormwater Ponds**

1. Alternative Design 1 – Do not construct the stormwater ponds. By not constructing the storm ponds the poor condition of Pebble Creek, Freeman Channel, and Grant Lorenz Channel will continue to degrade, and the banks will continue to erode. Therefore, this option is not recommended.
2. Alternative Design 2 – Remove Freeman Channel and direct all stormwater from Freeman Park basin through the constructed Smithtown stormwater ponds. This design would be more destructive to the existing channel and wetlands located in the area. The flow rates in Grant

Smithtown Pond

August 17, 2021

3 | Page

Lorenz Channel would be similar to those of the proposed design, but this option is not recommended due to the significant impact it would have on the existing natural resources.

#### **Freeman Park Basin**

1. Alternative Design 1 – Do not remove and replace the existing outlet control structure with submerged inlets. By leaving the existing outlet control structure in place, the repeated clogging issue will not be resolved. This would result in a continued maintenance burden on the City and deep, lengthy high-water levels at the basin contributing to flooding issues to the Shorewood Oaks neighborhood. Therefore, this option is not recommended.
2. Alternative Design 2 – Replace the outlet control structure, but do not provide a permanent pool for a submerged inlet. This design would still result in repeated clogging issues due to sediment and debris generated from the heavy tree cover in the area. Therefore, this option is not recommended.

If you have any questions or comments, please contact me to discuss at (952) 448-8838

Sincerely,

**Bolton & Menk, Inc.**



Anthony Adderley, P.E.  
Water Resources Project Engineer

#### **Attachments**

Smithtown Pond Drainage Maps and Model Output

**From:** [Alan Yelsey](#)  
**To:** [Grace Barlow](#)  
**Subject:** Objections to Permitting & Formal Request By 6 Shorewood Residents for MCWD Board Hearing RE: Smithtown Ponds, Shorewood  
**Date:** Monday, November 22, 2021 10:07:21 AM  
**Attachments:** [Screen Shot 2021-11-21 at 7.11.00 PM.png](#)  
[MCWD - CITY FAILURE TO PROVIDE NECESSARY INFORMATION.docx](#)

---

Dear Ms. Barlow:

Thank you for your recent telephone communications regarding the City of Shorewood's application for MCWD permitting of their proposed Smithtown Ponds project. You have been a pleasure to talk with.

I, and at least 6 other Shorewood residents, have serious concerns about the project and oppose permitting. We request a formal opportunity to present these concerns, including technical and environmental evidence, to the MCWD Board in January of 2022 and request that any final decision about granting or not granting approval of the project be withheld until we have an opportunity to present our evidence and also have an opportunity to finally receive all essential reference and planning documents from the City of Shorewood - that have been illegally withheld since September of 2021. I reside at 26335 Peach Circle and have been notified by MCWD that my property is within 600 feet of the proposed project. In fact, my property has a long border on the west side of the project (26245 Smithtown Road). Scores of homeowners in the area will be directly impacted by the proposed project and all homeowners will be impacted by the opportunity cost of spending millions of dollars on the proposed project when many other far better environmental solutions exist that solve the problems identified by the proposed project without the extensive harm and unnecessary cost. Further, based upon the summary evidence we supply within this email, we respectfully request that MCWD withdraw its preliminary approval of the technical permitting application.

This email summarizes our evidence and objections to the MCWD permitting of the Smithtown Ponds Project. We have attached detailed images and copies of documents that provide proof of our science, our claims of misinformation by The City of Shorewood, our claims that the City of Shorewood has violated the Minnesota Data Practices Act by denying our formal requests for all Smithtown Ponds project information, our proof that the City of Shorewood is contaminating the area with hazardous and environmentally damaging systemic pesticides, and more.

We have a large group of Shorewood residents who wish to object to any permitting since there is extensive proof of missing, inaccurate and undisclosed essential information and a high potential that the Smithtown Ponds Project will cause more harm than good at great cost to the environment.

Shorewood residents object to the Smithtown Ponds permitting and request reconsideration and a rigorous hearing before the MCWD Board In January 2022.

# **Objections to the Permitting of the City of Shorewood Smithtown Ponds Project**

1) In order to fairly, fully, properly and legally respond to the MCWD evaluation of the City of Shorewood application for permitting for the Smithtown Ponds Project, we, the concerned and impacted residents of Shorewood, require access to all documents, submissions, materials and communications pertaining to the Smithtown Ponds Project. The City of Shorewood has steadfastly refused to supply all such essential and relevant information to us since our formal requests under the Minnesota Data Practices Act in September of 2021. As of today, we have yet to receive most of the requested information. Clear evidence of the City of Shorewood's failure to provide reasonable access to all essential project information is attached. We believe much of the requested missing information is also relevant to MCWD as it conducts its permitting review.

We ask that MCWD immediately withhold and deny any approval for permitting until the residents of the area receive all essential information, have ample time to disseminate and study the information, and can appear before the MCWD Board with full and accurate information in hand. This should be a matter of principle, regulatory integrity and civil rights.

2) The proposed Smithtown Ponds Project is based upon faulty science and should be denied permitting until accurate and comprehensive science has been applied. There is not an emergency that requires rapid approval before all reasonable and essential science has been collected and applied. Specifically, there has been minimal and inaccurate measurement of the problem, of the essential variables, and of the measures that identify whether the problem has been resolved - PROOF OF PROBLEM MEASUREMENTS, PRE-MEASUREMENTS, POST MEASUREMENTS - ACROSS TIME, PLACE, SEASON, RAIN EVENT, SNOW EVENT, ENVIRONMENTAL MARKERS ETC. Modeling alone is neither accurate nor sufficient.

Here is a partial list of the essential measures and science, including documented cause and effect, and baselines, that are either flawed or non-existent as supplied by The City of Shorewood:

a) actual phosphorus “across locations, seasons and years, according to the rainfall

and flow levels, during spring melt, etc.”

b) actual sediment “”

c) actual erosion “”

d) actual flow rates “”

e) actual contaminants “”

f) actual water table levels “”

g) actual standing water “”

h) actual soil borings showing springs, water tables, fissures and anomalies that could pose major contamination issues “”

i) source to Lake flow mapping

j) actual flooding of homes and properties “”

k) wetlands “”

l) upstream, downstream and large scale systemic impacts “”

The City of Shorewood should be required to have a third party gather a multi-year record of all essential measures before any permitting is considered. The City of Shorewood has not proven the problems cited, has not collected enough accurate real information to assess and plan, and has not collected enough real information to identify and modify for success and failure as the project moves forward. Finally, the City of Shorewood has not provided any evidence of the success of similar projects - the complete destruction of a vibrant protective habitat for massive artificial ponds within a high water table delicate wetland.

3) The majority of the 5 acres of ecologically diverse watershed property at 26245 Smithtown Road will be destroyed and replaced with large holding ponds. The environmental impact of this destruction and the risks and hazards such destruction poses have not been evaluated at all scientifically. The property is uniquely diverse, with sectors composed of varied field grasses, evergreens, deciduous trees, rare trees such as the Kentucky coffee tree, 100 year old white pines, habitats for much wildlife, two streams, wetlands etc. The property has a VERY high water table and at the same time has wells and springs that run through the clay layers. The grasses and trees process the soil and water. Every 100 year old tree with large roots filters the water and takes 11,000 gallons of water out of the water table each year. They prevent erosion.

Over 800 trees and millions of grasses will be destroyed, including approximately 80 100 year old trees or their equivalents. The massive artificial ponds have not been fully evaluated for contamination and overflow risk, for breach, for effectiveness given the high water table, for their impact on area wetlands, and for their cost effectiveness given proposed project objectives. The City of Shorewood should be required to have a 3rd party conduct a full environmental impact statement before any permitting is considered.

4) The City of Shorewood has admitted that it regularly used systemic herbicides in Freeman Park, which feeds the streams and water table within the proposed Smithtown Ponds Project. These systemic herbicides run right through the identified area wetlands and pose an unnecessary hazard to all wetland plants and wildlife,

including the humans who drink from adjacent wells. Any permitting should be denied until the City of Shorewood ceases all upstream applications of systemic herbicides. WE ASK THE MCWD TO CITE THE CITY OF SHOREWOOD FOR VIOLATING THE ILLICIT DISCHARGE REGULATION BY APPLYING SYSTEMIC PESTICIDES INCLUDING GLYPHOSATE AND 2,4D INTO THE WATERSHED AND BY APPLYING THESE PRODUCTS IN VIOLATION OF THE EPA REGULATED PRODUCT LABELS.

5) Instead of continuing to enhance the natural ecologies to increase groundwater recharge and improve water quality, in an area with vibrant and ample filtering marshes and wetlands, constructing massive artificial holding ponds while destroying the very ecologies MCWD strives to encourage, to solve a small number of minor localized issues, violates MCWD's rules. The City of Shorewood evaluated virtually every resident stormwater complaint as minor, has not identified source phosphorus levels as measured as an issue, has not identified flooding during major rain events, and has only identified erosion along 300ft of Grant Lorenz Channel, which will not be alleviated by the Smithtown Ponds Project.

The project may do more harm than good, and destroy 5 acres of highly effective native vegetation and 100 year old trees for minimal if any benefit.

The submission for permitting by The City of Shorewood fails to accurately and systemically identify the sources for water, flow rates, filters, contaminants and wetlands affecting the project area and also fails to accurately and systemically identify the many downstream ecologies, biologies, hydrologies and features that interact with the project variables before water enters Lake Minnetonka.

6) The identified wetlands are more widely dispersed and diverse than the City of Shorewood admits, and are at risk from flooding, contamination and construction. The permitting should be halted until a third party evaluates the entire systemic area for wetland impact - upstream and downstream.

7) The proposed Smithtown Ponds Project may decrease water quality, decrease groundwater recharge and damage the health of existing native habitats. The Project may damage the chemical and biological composition of surface and ground waters. The Project may damage aquifers, wells and groundwater flow. The Project does not promote management of stormwater on site for the purpose of providing local groundwater recharge and maintaining natural hydrology. Therefore, permitting should be delayed and rejected if no further evidence is provided that proves the Project meets MCWD and State protective criteria.

**(State Requirements:**

- Wetland Conservation Act
  - Proper documentation of the wetland delineation process (process that confirms the boundaries and types of wetlands within the bounds of a property) and the proposed impact and replacement plan
  - THE IMPACT OF THE PROJECT APPLIES TO A BROADER AREA UPSTREAM AND DOWNSTREAM AND THE WETLANDS IMPACTED ARE

NOT EVEN DISCUSSED

- THE CITY OF SHOREWOODS USED OF SYSTEMIC HERBICIDES AND ITS PLANS TO CREATE LARGE STORAGE PONDS AND COLLECTING PONDS WILL HARM ALL IDENTIFIED WETLANDS ON THE PROPERTY

**District Requirements:**

- Erosion Control
  - Site plans showing project phasing and the presence of proper erosion control measures, such as sediment control barriers and grading practices, that will be provided on site once construction begins.
  - THE CONSTRUCTION/DESTRUCTION OF THE TREES, PLANTS, GRASSES, HABITATS, GROUNDWATER AND WATER TABLE OF THE TARGETED 5 ACRES WILL CERTAINLY DAMAGE NATURAL HYDROLOGY, WATER QUALITY AND THE WATERSHED
- Wetland Protection
  - Project plans, planting plans, and long term maintenance documents showing the establishment and proper sizing of wetland buffers (no-mow, no-disturbance areas of native vegetation) around wetlands within the project area. The City of Shorewood will also be providing wetland buffers around the proposed stormwater ponds
  - WETLAND BUFFERS AND WETLANDS ARE EXPECTED TO BE FLOODED AND ERODED AS WATER COLLECTS AND NO BUFFER APPEARS ADEQUATE FOR FILTERING AROUND THE 3 MASSIVE HOLDING PONDS
- Waterbody Crossings and Structures
  - Project plans showing the location, sizing, and material of all outfalls or structures that come into contact with the bed or bank of a waterbody
  - Analysis prepared by a professional engineer or qualified hydrologist showing the effect of the project on hydraulic capacity and water quality of any natural waterbodies that are upstream or downstream of the project
  - Long term maintenance documents
  - NO ACTUAL MEASURES HAVE BEEN FULLY COLLECTED AND COMMUNICATED HISTORICALLY, ACROSS TIME, GEOGRAPHY, PLACE, SEASON AND CIRCUMSTANCE THAT WILL HELP GUIDE THE PROJECT OR MEASURE ITS IMPACT
- Stormwater Management
  - Project plans and a stormwater management modeling showing compliance with applicable District Rate, Volume, and Phosphorous requirements
  - Stormwater system technical specifications that demonstrate functionality and ability to achieve what is demonstrated in the stormwater management memo
  - Soil samples and additional information demonstrating that stormwater facilities will not have adverse impacts on surrounding natural resources, including groundwater
  - Long term maintenance documents
  - RELIANCE ON MODELING IS NOT ADEQUATE. ACTUAL LONGITUDINAL SYSTEMIC MEASURES MUST BE COLLECTED AND COMMUNICATED. THERE HAS BEEN NO REAL DATE EVALUATION OF SOIL, WATER TABLE, NATURAL RESOURCES OR GROUNDWATER TO CREATE HISTORICAL KNOWLEDGE, A PROJECT BASELINE, AND TARGETS FOR EVALUATION AND POST PROJECT MEASUREMENT.


“The soil borings taken on the Smithtown Pond site identified groundwater at four-feet to nine-feet below the ground surface immediately after the boring rod was removed. The borings were taken in August of 2020 and represent one data point. Typically, groundwater elevations will fluctuate based on the season, precipitation and characteristics of the soils. The normal water levels of the ponds are generally within one-foot of the existing groundwater elevations and will have little to no impact on the surrounding groundwater elevations. “

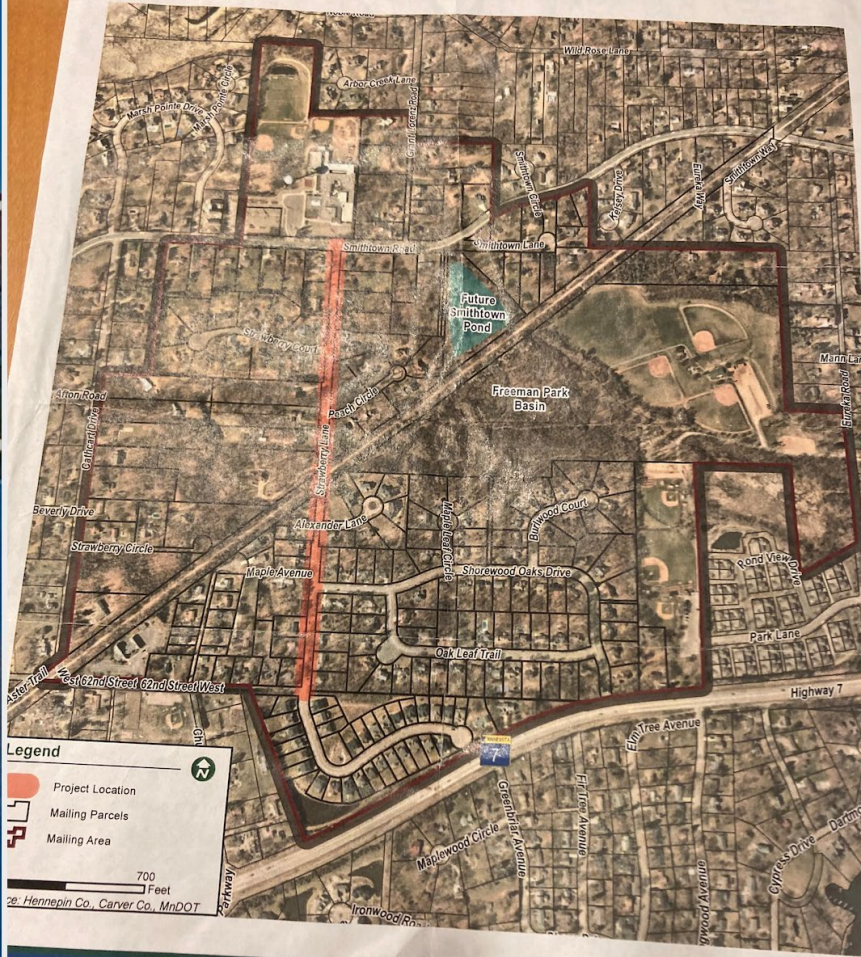
Sincerely,

Alan

Alan Yelsey  
26335 Peach Circle, Shorewood  
612.616.5430 cell  
[a.yelsey@gmail.com](mailto:a.yelsey@gmail.com)



 PROJECT AREA



The Greener Blade  
P.O. Box 464  
Chanhassen, MN 55317

# Invoice

Invoice #: 60449  
Invoice Date: 8/7/2021

**Bill To:**

City of Shorewood  
Attn: Finance  
5755 Country Club Road  
Excelsior, MN 55331

**Service Address:**

Freeman Park  
Fields 4, 5 & 6  
Shorewood, MN

Description	Hours/Qty	Rate	Amount
Fertilization and Weed Control Application Freeman Park Start Time : 7/27/2021 10:19:54 AM	1	750.00	750.00
3-D herbicide	1.1	0.00	0.00
20-0-3 fert	0.5	0.00	0.00
Application of Round Up to Fields Freeman Park Start Time : 7/27/2021 10:19:58 AM	1	600.00	600.00
Warning Tracks			
Tax		7.525%	0.00

DATE: 8/18/21

April 2001

**City of Shorewood  
Herbicide Application at Freeman Park**

**Name of Program:** Annual Herbicides Application Freeman Park  
Over the past 6 years the herbicide Threesome by Armor Tech has been  
that was used was Lesco Three Way, annually.

**Brand of Herbicide:** Broadleaf Weed Control

**Purpose of Use:**

City of Shorewood

**Who Authorized Use:**

Rate: 1.5 Fluid ozs/1000 sq ft

**Estimated Gallons:**

27.4 acres

**Vol:** Approximately 14 Gallons/yr.

Applied Annually

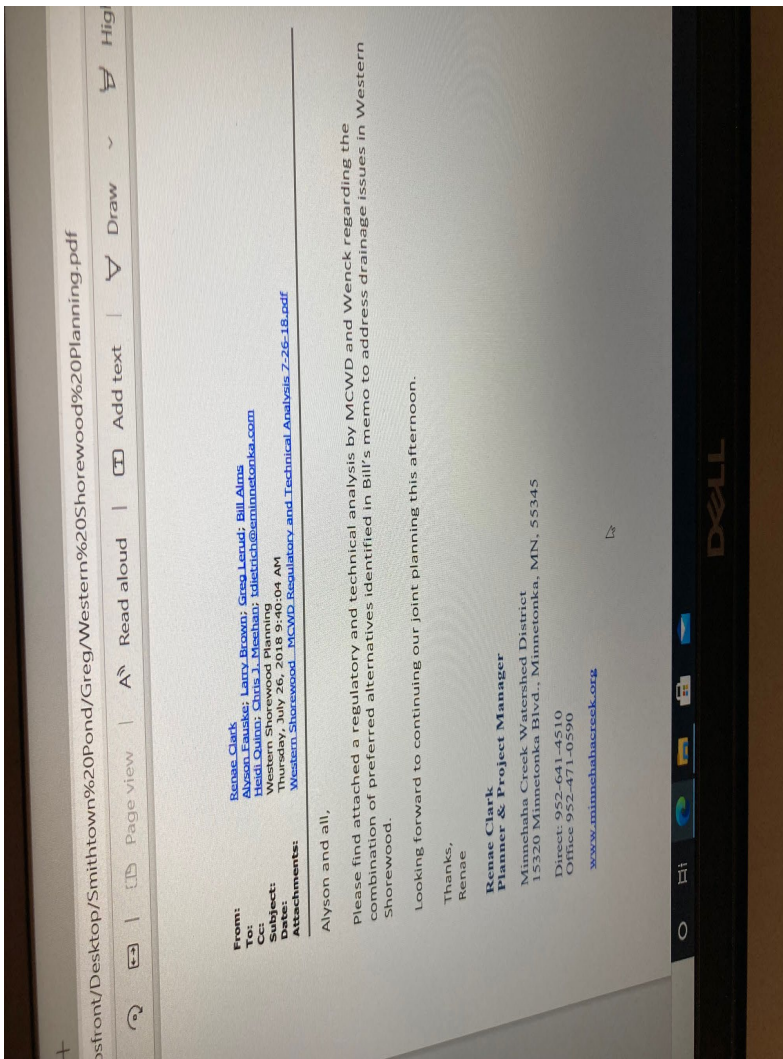
**Relevant City Ordinance:**

501.04 PUBLIC NUISANCES AFFECTING HEALTH.

**Follow Up:**

Well after herbicide was applied, fields are reviewed to determine effect  
Staff consulted with the licensed contractor for issues of overspray or

THE DOCUMENT BELOW HAS NOT BEEN MADE AVAILABLE UNDER THE MINNESOTA DATA PRACTICES ACT.



## FREEMAN PARK CREEK SOURCE - POND AND LARGE WETLAND FEEDING STREAM





SMITHTOWN PONDS PHOTOS BELOW













**CITIZEN EXHIBIT 2 – FROM ALAN YELSEY, January 8,  
2022**

**26335 PEACH CIRCLE, SHOREWOOD MN 55331**

**MR. YELSEY HAS BEEN A RESIDENT OF SHOREWOOD  
FOR 40 YEARS AND HAS PREVIOUSLY LIVED BESIDE  
GRANT LORENZ CHANNEL AND NOW LIVES  
IMMEDIATELY ADJACENT TO THE SMITHTOWN  
PONDS PROJECT.**

**MR. YELSEY AND FELLOW NEIGHBORS OPPOSE ANY  
PERMIT FROM THE MCWD FOR THE PROPOSED  
SMITHTOWN PONDS PROJECT AND HAVE RETAINED  
AN ENVIRONMENTAL ATTORNEY.**

**THIS IS ANOTHER PART OF THEIR WRITTEN  
TESTIMONY TO BE INCLUDED IN THE BOARD  
REVIEW PACKET.**

---

**ARTICLE I. MINNESOTA CONSTITUTION**  
**MINNESOTA BILL OF RIGHTS**  
**Section 1. Object of Government.**

**“Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform government whenever required by the public good.”**

In order for citizens to enjoy their constitutional right to alter, modify or reform government whenever required by the public good, there is 1 legal test that governments and government agents must pass:

- 1) **The public must receive or have easy unrestricted access to full, accurate, timely and relevant knowledge pertaining to their evaluation of the public good and their ability to participate in a fair and democratic process.**

The City of Shorewood has admitted that it has lied to government agencies and to the public about their use of strong systemic pesticides throughout the properties associated with the Smithtown Ponds Project, and continues to contaminate the property to this day.

Lying about toxins and wetland and wildlife harm is evidence that the submissions by the City of Shorewood to the MCWD may not be correct, and requires a third party review of the project and an environmental impact review, which has not been filed for or submitted. Further, the use of toxic unnecessary pesticides was illegal based upon the EPA label and its threat to surface, subsurface, drinking and recreational waters. The soils contaminated by the City of Shorewood at Freeman Park and Smithtown Pond are permeable, subject to up to 6 months of flooding, connected to the two streams feeding Lake Minnetonka, adjacent to many wells and wetlands, supportive of protected wetlands, and used without warning by hundreds of residents, children and wildlife. Plus the systemic pesticides damage fragile wetland plants and aquatic life.

The City of Shorewood has refused to respond to Mr. Yelsey’s legally binding Minnesota Data Practices Act mid-November 2021 request for all the relevant reports, engineering studies, communications with MCWD etc. related to the Smithtown Ponds Project. Further, the City of Shorewood has removed access to

earlier reports and publications about the Smithtown Ponds Project sought by Mr. Yelsey. Earlier review of some of the requested knowledge provided proof that:

- 1) The City of Shorewood misstated the role of MCWD in defining the need and scope of the Smithtown Ponds Project. It claimed MCWD would eventually mandate the project because of concerns about sediment, phosphorus and flow rates. The City Council approved the project in part based upon this mis-representation.
- 2) The City of Shorewood hid the engineering reports showing that Smithtown Ponds had a very high water table in August – 2-6 feet beneath the surface, showing that 800 trees were going to be removed from the property, and showing that the property was an extraordinarily rare diverse and rich ecology and ecosystem with fields of grasses, white pines, rare trees such as the Kentucky Coffee Tree, and much more. The entire region has a very high water table and inadequate zoning and unwarranted development without localized well planned and implemented stormwater systems suggests that the source of all water entering the system has not been scientifically mapped and measured, and the engineered solutions were inadequate. However, the overwhelming evidence is that localized solutions that fully consider the water sources and geography would more than able to handle water quality, flood, flow rate, phosphorus, sediment and standing water concerns.
- 3) The City of Shorewood misled the MCWD and public about the extent of the claimed stormwater, erosion, sedimentation, phosphorus and flooding issues. In fact, around 2006, the City issued a comprehensive report following major 100 year rains – two back to back 5 inch rain events, that examined risk and damage. The report found no major issues that could not be addressed locally.
- 4) The City has refused to provide detail of why and how \$500,000 budgeted for 2022 will be spent for “Stream Restoration for Smithtown Ponds and Freeman Park” when no such restoration has been approved or even disclosed.
- 5) The City of Shorewood misled the MCWD and public by withholding essential scientific evidence through maps and knowledge of the directly connected upstream sources of water and contamination and filtering, and the downstream holding ponds and filtering. Scientifically, the Smithtown Ponds Project cannot be legally and logically evaluated without considered the greater upper and lower geography, ecology and built environments.
- 6) The public has not had access to the permitting documents or the permitting packet. Presumably, some if not all of this information will be available the Monday before the Thursday meeting. The public will be too late to include evidence and comments into the packet before the Monday deadline.
- 7) The private owner of the Smithtown Ponds property had just lost her husband and immediately received compensation for the land that was below market rates and may be challenged by a citizen group in the future.

The property itself is currently zoned single family residential – which is incorrect.

IN SUMMARY, SUBSTANTIAL EVIDENCE HAS BEEN PRESENTED THAT THE CITY OF SHOREWOOD'S PERMIT FILING MAY BE INACCURATE IN FACT, SCIENTIFICALLY INACCURATE AND ILLEGALLY AND UNCONSTITUTIONALLY PRESENTED WITHOUT DUE PROCESS.

RESIDENTS OF SHOREWOOD HAVE ENGAGED AN ENVIRONMENTAL ATTORNEY AND THEY TOGETHER URGE THE MCWD TO NOT MOVE FORWARD WITH THIS PERMIT OR ANY PERMIT UNTIL SUCH TIME AS ALL EVIDENCE HAS BEEN FULLY AND FAIRLY COLLECTED, DISCLOSED AND PRESENTED AND THAT THE EVIDENCE IS CLEAR THAT THE ACTIONS PROPOSED BY THE APPLICANT MEET THE PRINCIPLES, POLICIES AND BEST PRACTICES NOT ONLY OF THE MCWD, BUT ALSO OF THE MINNESOTA CONSTITUTION AND THE GREATER GOOD OF THE COMMUNITY AND ITS ENVIRONMENT.

OUR PROPOSED REMEDY IS FOR THE SMITHTOWN PONDS PERMIT TO BE WITHHELD UNTIL SUCH TIME THAT A FURTHER UNIFIED HIGH INTERGITY PROCESS ENSURES THAT ALL RELEVANT SCIENTIFIC EVIDENCE AND COMMUNITY EVIDENCE HAS BEEN PRESENTED AND REVIEWED FOR CONSTITENCY AND ACCURACY, FOR COMPLIANCE WITH MCWD RULES, AND FOR INPUT FROM EXPERTS AND RESIDENTS.

FURTHER, THE CITY OF SHOREWOOD PERMIT APPLICATION FOR SMITHTOWN POND VIOLATES THE FOLLOWING MCWD RULES, POLICIES AND PRINCIPLES:

THE PROPOSED DESTRUCTION OF THE 5 ACRE WETLAND AND WATER STORAGE SITE IS NOT NECESSARY, AND VIOLATES ALL OF THE FOLLOWING PRINCIPLES, RULES AND POLICIES.

COMPELLING LOCALIZED ALTERNATIVE SOLUTIONS TO PERCEIVED WATER ISSUES HAVE BEEN BROUGHT FORWARD THAT DO NOT REQUIRE THE DESTRUCTION OF A PRECIOUS HABITAT, THE UNNECESSARY EXPENDITURE OF MILLIONS OF DOLLARS, THE CONTAMINATION OF GROUNDWATER AND THE COMPLETE DISREGARD FOR EVIDENCE, SCIENCE AND ARTICLE 1 SECTION 1 OF THE MINNESOTA CONSTITUTION.

The City of Shorewood has produced evidence under the Minnesota Data Practices Act that it has introduced illegal discharges in the form large quantities of systemic pesticides into the Smithtown Ponds ecosystem and Minnehaha Creek Watershed.

**(c) Illegal discharges prohibited.** No one may throw, drain or otherwise discharge or permit or cause others to throw, drain or otherwise discharge any pollutants to the storm drain system or watercourses, including but not limited to pollutants that will cause or contribute to a violation of applicable water-quality standards.

**(f) Watercourse Protection.** No one may pollute or contaminate a watercourse in the Minnehaha Creek watershed. An owner of real property *riparian* to a watercourse in the Minnehaha Creek watershed will maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

The proposed permit enabling the destruction and reengineering of the complex and diverse 5 acre property now called Smithtown Ponds violates all of the following principles, rules and policies of MCWD. The science has not been fully evaluated or disclosed, the public has been completely shut out from all essential knowledge, the permit application itself contains serious inaccuracies and there are numerous alternative actions that can mitigate any and all issues regarding water management without violating each of the marked principles, rules and policies below:

## Guiding Principles

- Partnership - We seek to understand the goals of others so that we can meaningfully integrate our work to add broader value to the community.
- Innovation – We are flexible and creative in our approach and strive for continuous improvement.
- Excellence – We commit to work that achieves outstanding results and honors our partners.
- Sound Science – We are a trusted source of scientific data and analyses that provide the foundation for wise decisions.
- Service – We are responsive and accountable to our communities and careful stewards of public funds.

## Goals

- Water Quality – To preserve and improve the quality of surface and ground waters.
- Water Quantity – To manage the volume and flow of stormwater *runoff* to minimize the impacts of *land use* change on surface and ground waters.
- Ecological Integrity – To restore, maintain, and improve the health of ecological systems.
- Thriving Communities – To promote and enhance the value of water resources in creating successful, sustainable communities.

## 1. POLICY

It is the policy of the [Board of Managers](#) to:

- (a) Achieve no net loss in the quantity, quality and biological diversity of Minnesota's existing *wetlands*;
- (b) Increase the quantity, quality and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands;
- (c) Avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality and biological diversity of wetlands;
- (d) Minimize direct or indirect impacts from activities that destroy or diminish the quantity, quality and biological diversity of wetlands;
- (e) Rectify the impact of any such activity by repairing, rehabilitating, or restoring the affected wetland environment;
- (f) Reduce or eliminate the impact of such activity over time by preservation and maintenance operation during the life of the activity;
- (g) Compensate for the impact on the wetlands by restoring a wetland;
- (h) Compensate for the impact on the wetlands by replacing or providing substitute wetland resources or environments; and
- (i) Promote competent administration of the Wetland Conservation Act (WCA) within the watershed.

## 1. POLICY

It is the policy of the [Board of Managers](#) to:

- (a) Preserve the natural appearance of shoreline and streambank areas;
- (b) Encourage and foster bioengineering, landscaping and preservation of natural vegetation as preferred means of stabilizing shorelines and streambanks;
- (c) Assure that improvement of shoreline and streambank areas to prevent *erosion* complies with accepted engineering principles in conformity with Minnesota Department of Natural Resources construction guidelines; and
- (d) Preserve water quality and the ecological integrity of the *riparian* environment, including wildlife, fisheries, and recreational water resources.



## 1. POLICY

It is the policy of the [Board of Managers](#) to:

- (a) Discourage the use of beds and banks of waterbodies for the placement of roads, highways, and utilities
- (b) Preserve the ecological integrity of the [riparian](#) and aquatic environment, including wildlife and fisheries habitat, and recreational water resources; and
- (c) Encourage improvement of wildlife passage and habitat, especially for larger projects involving culverts and public right of way in or near natural corridors.

## 1. POLICY

It is the policy of the [Board of Managers](#) to:

- (a) Promote [abstraction](#) of precipitation and stormwater [runoff](#) where feasible for the purposes of improving water quality, increasing groundwater recharge, reducing flooding, and promoting the health of native and designed plant communities and landscapes;
  - (b) Preserve, maintain and improve the aesthetic, physical, chemical and biological composition of surface waters and groundwater within the District;
  - (c) Limit or reduce stormwater runoff from drainage within the watershed to decrease the negative effects of land-disturbing activities on surface water quality and flooding;
  - (d) Protect and maintain existing groundwater flow, promote groundwater recharge and improve groundwater quality and aquifer protection;
  - (e) Promote the preservation and use of [native vegetation](#) for the purpose of stormwater runoff abstraction and pollutant load reduction;
  - (f) Promote nondegradation of water quality from new development and improvement in water quality from [redevelopment](#); and
  - (g) Promote the management of stormwater on site for the purposes of providing local groundwater recharge and maintaining natural [hydrology](#).
- (b) For applications proposing infiltration, a soil sampling plan and the resulting identification, description, permeability, and approximate delineation of site soils. Investigation methods shall include soil pits or hand augers. Borings at the location of the infiltration facility must extend at least five feet deeper than the proposed bottom elevation of the infiltration facility.
  - (c) For applications proposing tree preservation or planting, a site map showing existing trees larger than six inches in diameter, including species, diameter, and associated drip lines (canopy area). Tree map must designate trees to be removed and trees to be added.

## 7. REGIONAL STORMWATER MANAGEMENT.

- (a) An applicant may comply with this rule by providing equal or greater phosphorus control, rate control, or volume control through a regional or [subwatershed](#) plan approved by the District; such a plan must provide for an annual accounting to the District of treatment

capacity created and utilized by projects or land-disturbing activities within the drainage and treatment area of the plan.

(b) District approval of a regional or subwatershed plan will be based on a determination that:

(1) the use of a regional facility in place of onsite stormwater management will not result in adverse impacts to local groundwater or natural resources located upstream of the regional facility, including, but not limited to, reduced water quality, altered wetland hydrology, changes to stream velocities or baseflow, erosion, or reduced groundwater recharge; and

(2) the plan incorporates onsite BMPs as necessary to mitigate impacts and provide local benefits not provided by the regional facility.

(c) Individual project sites utilizing a regional facility to meet phosphorus, rate, or volume control requirements must incorporate BMPs on the project site in accordance with subsection 3(d).

(d) The applicant, before commencing any land-altering activity, must demonstrate that it holds the legal rights necessary to discharge to the stormwater facility or facilities in the plan, and that the facility or facilities are subject to a maintenance document satisfying the requirements of section 11.

(d) **BEST MANAGEMENT PRACTICES (BMPs).**

(1) BMPs addressing the potential water resource impacts associated with the proposed activity must be incorporated to limit creation of impervious surface, maintain or enhance on-site infiltration and peak flow control and limit pollutant generation on and discharge from the site. BMPs may include site design, structural and non-structural practices.

(2) BMPs must be designed and installed in accordance with generally accepted design practices and guidance contained in the Minnesota Pollution Control Agency's *Minnesota Stormwater Manual* and its subsequent revisions.

## 1. POLICY

It is the policy of the [Board of Managers](#) to:

(a) Promote [abstraction](#) of precipitation and stormwater [runoff](#) where feasible for the purposes of improving water quality, increasing groundwater recharge, reducing flooding, and promoting the health of native and designed plant communities and landscapes;

(b) Preserve, maintain and improve the aesthetic, physical, chemical and biological composition of surface waters and groundwater within the District;

(c) Limit or reduce stormwater runoff from drainage within the watershed to decrease the negative effects of land-disturbing activities on surface water quality and flooding;

(d) Protect and maintain existing groundwater flow, promote groundwater recharge and improve groundwater quality and aquifer protection;

(e) Promote the preservation and use of [native vegetation](#) for the purpose of stormwater runoff abstraction and pollutant load reduction;

(f) Promote nondegradation of water quality from new development and improvement in water quality from [redevelopment](#); and

(g) Promote the management of stormwater on site for the purposes of providing local groundwater recharge and maintaining natural [hydrology](#).

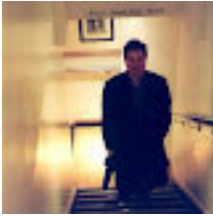


THE CITY OF SHOREWOOD HAS REFUSED SINCE SEPTEMBER OF 2021 TO PROVIDE THE RESIDENTS OF SHOREWOOD, UNDER THE MINNESOTA DATA PRACTICES ACT, WITH THE COMPLETE AND ESSENTIAL REFERENCE DOCUMENTS PERTAINING TO THE PROPOSED SMITHTOWN PONDS PROJECT. WE CLEARLY REQUESTED ALL OF THE REFERENCE INFORMATION PERTAINING TO THE PROPOSED PROJECT.

WE HAVE NOT YET RECEIVED THE MOST RECENT CITY PLANNING DOCUMENT, OR EVEN AN UPDATE, FOR SMITHTOWN PONDS OR THE LAST 4 YEARS OF SMITHTOWN PONDS STUDIES, PLANS AND REPORTS AS REQUESTED. WE HAVE NOT YET RECEIVED THE CITY PERMITTING REQUESTS FOR MCWD OR ACOE. WE HAVE NOT RECEIVED THE FULL COMMUNICATIONS REGARDING THE PURCHASE OF SMITHTOWN PONDS OR ALL RELATED COMMUNICATIONS.

WE CANNOT FIND PERSUASIVE SCIENTIFICALLY RECORDED EVIDENCE OF THE CITED PROBLEMS, A CLEAR PRESENTATION OF MEASURES OF ESSENTIAL VARIABLES OR REAL SITE MEASUREMENTS TAKEN IF SCIENCE WERE FOLLOWED ACROSS TIME AND SITUATION.

## City Purchase of Joan Schmitt Property on Smithtown Road



**Alan Yelsey <a.yelsey@gmail.com>**

Wed, Apr 24,  
2019, 8:01 PM

to sthone

Hi Sandy:

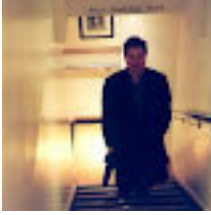
I was in the office the other day to discuss the city's plans for the 5 acre property previously owned by Joan Schmitt and the late Tom Schmitt on Smithtown Road immediately behind my home at 26335 peach circle - recently purchased by Shorewood. I have looked through the City Council minutes and cannot find the packets where the purchase and plans were discussed. Can you provide me with the information or point me to where it is in the city documents and the dates? Also, can you add me to your email notifications lists for any hearings, communications or actions related to the project?

Thanks,

Alan  
Alan Yelsey  
[a.yelsey@gmail.com](mailto:a.yelsey@gmail.com)  
26335 peach circle  
612-616-5430 cell

# Freedom of Information Act Requests, Resident Notification List, Smithtown Ponds Project

Inbox



**Alan Yelsey** <a.yelsey@gmail.com>

Aug 11,  
2021, 1:53  
PM

to cityhall, Greg, Engineer

Hi Sandie and Shorewood Staff:

- a) I would like to be sure that I am on the City notification list for all matters associated with the Smithtown Ponds Project and its 5 Acre Property immediately abutting my property.
- b) Under the Freedom of Information Act, I would like to receive notification and receive the entire pending submission from the City and the City Engineer to the Army Corps of Engineers immediately after any such submission occurs (prior to submission for review if possible), and would like to receive a copy of all prior communications between the City, City Engineer and Army Corps of Engineers regarding anything to do with the Smithtown Ponds Project, including matters relating to pebble creek and the reduction of sediment and contamination and runoff. Further, I and my neighbors would like to be fully consulted and informed about the Smithtown Ponds Project. Finally, all of my neighbors and I request that we be notified and invited to fully participate in any regulatory or public review of the Smithtown Ponds Project by the Army Corps of Engineers, Hennepin County, Metropolitan Council, Minnetonka and Minnehaha Creek Associations or any governmental body.
- c) My neighbors and I formally request that because the response by the City and City Engineer to our expressed concerns about the project have not been adequately addressed, I request that the City and the City Engineer remedy that situation as soon as possible. We are happy to meet with the appropriate staff. We will oppose the project otherwise.
- d) Under the Freedom of Information Act, I request a spreadsheet summary of The City Of Shorewood's 2021 use and planned use of any and all pesticides, herbicides and insecticides using the following format:

Name/Type of Chemical Agent	Purpose of Use	Specific/General Time of Use	Specific/General Location of Use	Quantity of Chemical Used	Planned Further Use Notice
-----------------------------	----------------	------------------------------	----------------------------------	---------------------------	----------------------------

Previously, I received a document from the City regarding use only on certain fields at Freeman Park. I would like that data included in this request. Please confirm your receipt of this email and your plan to respond.

Thank you.

--

Alan

Alan Yelsey  
26335 Peach Circle, Shorewood MN 55331  
612.616.5430 cell  
[a.yelsey@gmail.com](mailto:a.yelsey@gmail.com)



**Sandie Thone** <[SThone@ci.shorewood.mn.us](mailto:SThone@ci.shorewood.mn.us)>

Aug 11,  
2021, 5:25  
PM

to me

Thank you Alan for your email. I have received your data request and will begin working on it. I will contact you when it is complete to see if you would like inspection or copies. I have included a copy of our data practices policy for your convenience.

Thank you and have a nice evening now!

Sandie

**Sandie Thone MHRM, MCMC**  
City Clerk/Human Resources Director  
City of Shorewood  
5755 Country Club Road  
Shorewood, MN 55331  
952.960.7911  
[sthone@ci.shorewood.mn.us](mailto:sthone@ci.shorewood.mn.us)



**Alan Yelsey** <[a.yelsey@gmail.com](mailto:a.yelsey@gmail.com)>

Aug 30,  
2021, 2:12  
PM

to cityhall, Greg, Engineer

It has been over 2 weeks since my freedom of information act requests. I asked to receive any city documents and army corp of engineers submissions regarding the smithtown pond project and a full accounting of the City's use of pesticides in 2021. I also asked for all communications among all parties regarding the Smithtown Ponds Project under the Freedom of Information Act. Finally, I asked that the City hold at least 1 public meeting regarding the Smithtown Ponds project and have received no response.

Would you kindly update me on the status of these requests.

Alan Yelsey  
26335 Peach Circle, Shorewood MN

--

Alan

Alan Yelsey, CEO  
Knowledge Visualization Systems  
612.616.5430 cell  
[a.yelsey@gmail.com](mailto:a.yelsey@gmail.com)



**Sandie Thone** <[SThone@ci.shorewood.mn.us](mailto:SThone@ci.shorewood.mn.us)>

Aug 31,  
2021, 10:35  
AM

to me, Greg

Good morning Alan. Thank you for your follow-up email. We have completed the accounting of the City's use of pesticides in 2021 but are still working on compiling the Smithtown Ponds Project data that you have requested.

I will notify you as soon as the data is complete.

Have a nice day now.

Sandie

**Sandie Thone MHRM, MCMC**  
City Clerk/Human Resources Director  
City of Shorewood  
5755 Country Club Road  
Shorewood, MN 55331  
952.960.7911



[sthone@ci.shorewood.mn.us](mailto:sthone@ci.shorewood.mn.us)

## Alan Yelsey Freedom of Information Act Requests

Inbox



**Alan Yelsey** <a.yelsey@gmail.com>

Thu, Sep  
16, 1:46 PM

to Sandie, Greg

Hi Sandie:

I have requested 3 pieces of information from the City of Shorewood:

1. 2021 Pesticide (herbicide, insecticide, fungicide etc.) use
2. All information and communications pertaining to what is now called the Smithtown Ponds Project
3. Immediate notification and receipt of a copy of the City of Shorewood request for Army Corps of Engineers review of the Smithtown Ponds Project

You indicated that the pesticide information has been accumulated and prepared. I have not yet received a copy and would like you to make a copy available for me to pick up at City Hall.

Please notify me when it can be available for pickup.

Would you update me on my two requests pertaining to the Smithtown Ponds Project.

Greg, thank you for getting the Zoom two way social media system up and running for two way conversation. I expect that the bugs will be worked out so that all features of live in person participation will be equally available for zoom participation. I will discontinue the Minnesota Department of Human Rights investigation when Zoom is fully functioning as a hybrid to the in person meeting.

Thanks,

Alan

Alan Yelsey

26335 Peach Circle, Shorewood MN  
Knowledge Visualization Systems  
612.616.5430 cell  
[a.yelsey@gmail.com](mailto:a.yelsey@gmail.com)



Sa  
ndi  
e  
Th  
on  
e

Thu, Sep 16,  
1:56 PM

Hi Alan, I do have Item #1 ready and available. I can have it ready for pick up tomorrow if you like.  
yesterday



Sa  
ndi  
e  
Th  
on  
e

Thu, Sep 16,  
2:16 PM

Alan, Your request (Item 1) is ready and available for pick-up at City Hall. It is 9-pages at a total co



**Alan Yelsey** <[a.yelsey@gmail.com](mailto:a.yelsey@gmail.com)>

Thu, Sep  
16, 3:20 PM

to Sandie

Thanks Sandie. Yes, I will stop by on Friday early afternoon to pick up the  
pesticide report.

Thanks,

Alan

--

Alan

Alan Yelsey, CEO



**Sandie Thone** <SThone@ci.shorewood.mn.us>

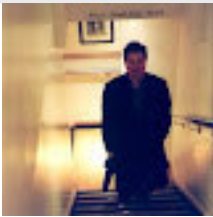
Tue, Sep  
21, 9:59 AM

to me

Good morning Alan. I will look into your questions and see if there is any more data available and let you know.

In addition, I should have your additional items regarding Smithtown Pond project ready tomorrow. Do you want to inspect the items or purchase copies?

Thanks,  
Sandie



**gmail** <a.yelsey@gmail.com>

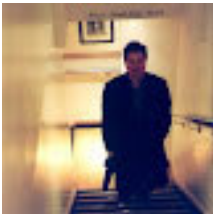
Sep 21,  
2021, 12:33  
PM

to Sandie, bcc: me

Inspect is fine. Thanks.

Alan

**4 Followup Request for additional data from previous Alan Yelsey Freedom of Information Act Requests**



**gmail** <a.yelsey@gmail.com>

Sep 28,  
2021, 1:48

PM

to Sandie, bcc: me

Hi Sandie:

I recommend that whoever is responsible for responding to the 4 reasonable follow on freedom of informations requests does so promptly and accurately. We know that the City has not fully disclosed all relevant requested information, which is a clear violation of federal law.

I appreciate all of your help.

Alan

Sent from my iPhone

Begin forwarded message:

**From:** Sandie Thone <[SThone@ci.shorewood.mn.us](mailto:SThone@ci.shorewood.mn.us)>  
**Date:** September 21, 2021 at 9:59:30 AM CDT  
**To:** Alan Yelsey <[a.yelsey@gmail.com](mailto:a.yelsey@gmail.com)>  
**Subject: RE: Alan Yelsey Freedom of Information Act Requests**

Good morning Alan. I will look into your questions and see if there is any more data available and let you know.

In addition, I should have your additional items regarding Smithtown Pond project ready tomorrow. Do you want to inspect the items or purchase copies?

Thanks,  
Sandie

**From:** Alan Yelsey <[a.yelsey@gmail.com](mailto:a.yelsey@gmail.com)>  
**Sent:** Sunday, September 19, 2021 11:31 AM  
**To:** Sandie Thone <[SThone@ci.shorewood.mn.us](mailto:SThone@ci.shorewood.mn.us)>  
**Subject:** Re: Alan Yelsey Freedom of Information Act Requests

Sandie, I did pick up the City's response to my request for pesticide use in 2021. It was helpful. Since several uses are unclear, I request clarification on the following:

- 1) The Greener Blade lists 3-D herbicide use. I need the actual name of the product and manufacturer.
- 2) The Freeman Park Ballfields and other Ballfields in the city apparently permit baseball groups and others to apply pesticides to the fields.  
Please identify all such applications by third parties to all fields - name of pesticide and manufacturer plus locations and amounts.
- 3) Various wooded areas with buckthorn have been treated with herbicides. Please identify any such use in 2021.
- 4) It has been observed and reported by residents that many city right of ways have been treated with pesticides and herbicides near roads, edge strips and green areas. Please confirm and identify chemical, location and amount.

Thanks,

Alan

On Thu, Sep 16, 2021 at 2:16 PM Sandie Thone <[SThone@ci.shorewood.mn.us](mailto:SThone@ci.shorewood.mn.us)> wrote:  
Alan,

Your request (Item 1) is ready and available for pick-up at City Hall. It is 9-pages at a total cost of \$2.25. I have left it at the front desk for you. The remainder of your request is nearing completion. I will contact you when it is ready.

Thanks,  
Sandie

**Sandie Thone MHRM, MCMC**  
City Clerk/Human Resources Director  
City of Shorewood  
5755 Country Club Road  
Shorewood, MN 55331  
952.960.7911  
[sthone@ci.shorewood.mn.us](mailto:sthone@ci.shorewood.mn.us)

## Smithtown Ponds Files

Inbox



**gmail** <[a.yelsey@gmail.com](mailto:a.yelsey@gmail.com)>

Thu, Oct 7,  
10:36 AM

to Sandie, bcc: me

Sandie, would you email to me a copy of the engineering/city submission to the army corps of engineers and also a copy of the current smithtown ponds plan.

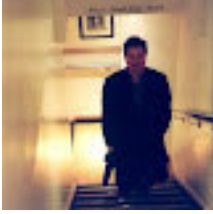
Thanks,

Alan

Sent from my iPhone

## Alan Yelsey Followup

Inbox



**Alan Yelsey** <a.yelsey@gmail.com>

Oct 12, 2021,  
12:52 PM

to Sandie

Hello Sandie:

I do not see my letter added to the website packet for the Monday October 11 meeting as promised. Would you explain why it is not there in the public packet. I have not received an electronic copy of the Smithtown Ponds Army Corp of Engineers submission by the City Engineer and a copy of the most recent updated Smithtown Ponds planning document. Would you explain why I have not received that information and please comply with my request.

Thank You.

--

Alan

Alan Yelsey, CEO  
Knowledge Visualization Systems  
612.616.5430 cell  
[a.yelsey@gmail.com](mailto:a.yelsey@gmail.com)



**Sandie Thone** <SThone@ci.shorewood.mn.us>

Oct 12,  
2021, 1:07  
PM

to Greg, me

Good afternoon Alan,

I included your letter in the permanent copy of the packet and for council review as is regular procedure. The online packet includes only city generated agenda items and correspondence.

I had provided to you all that the Engineer had available to date. I can reach out and see if there is any progress with these two items.

Thank you,

*Sandie*

Sandie Thone *MHRM, MCMC*  
*City Clerk/Human Resources Director*  
**CITY OF SHOREWOOD**  
952.960.7911  
[sthone@ci.shorewood.mn.us](mailto:sthone@ci.shorewood.mn.us)



**Sandie Thone <SThone@ci.shorewood.mn.us>**

Oct 12,  
2021, 2:07  
PM

to me

Alan,

I have checked with the Engineer and the Smithtown Ponds Army Corp of Engineers submission was in the folder of data that you already reviewed. The actual Plans for Smithtown Ponds are approximately 95% complete and will most likely be added to the website sometime next week.

Thank you.

*Sandie*

Sandie Thone *MHRM, MCMC*  
*City Clerk/Human Resources Director*  
**CITY OF SHOREWOOD**

Dear Ms. Thone & Mr. Lerud:

The items below are a compilation for the legal record of blatant violations of law, civil rights and fair practices by the City of Shorewood.

First, of course I wanted my letter regarding electronic meetings to be viewable by the public during the October 11 hearing since I stated I was unable to attend the meeting.

That was clearly my objective and many letters from residents have been included in the packets. Particularly when they pertain to an item on the agenda. I am citing this incident as evidence that the City discriminates against me and other residents,

fails to follow consistent and fair practices, and refuses to make democracy a priority - where citizen voices should be encouraged, not blocked. Many many resident letters have been included in packets.

Second, I viewed the 2 documents I requested on the memory stick you provided to me regarding Smithtown Ponds. I did not copy those items onto my computer because I did not bring a computer. You have the 2 documents I wish to receive by email that were on the memory stick for Smithtown Ponds. The formal submission by the city engineer to the Army Corp of Engineers for the Smithtown Ponds project and the formal most current document the City and the City engineer have prepared for the Smithtown Ponds project. I am again simply requesting that you send me those two documents by email. I understand the submission to the Army Corp has already been made and if the Smithtown Ponds project plan is being updated, I can wait for the update so long as it is received well before the Army Corp review of the City submission.

## Smithtown Ponds Plan Missing

Inbox



**gmail** <a.yelsey@gmail.com>

Wed, Oct  
27, 8:07 PM

to Sandie, Greg, bcc: me

I just searched the City website for the most recent Smithtown Ponds written engineering plan and cannot find it anywhere. All city projects should be easily located.

Would you let me know where to find it on the website.

Thanks,

Alan

Sent from my iPhone



**Alan Yelsey** <a.yelsey@gmail.com>

Wed, Oct 27,  
10:58 PM



to Sandie, Julie, Jennifer, Greg

Ms.Thone & Lerud & Mayor Labadie:

It is clear to me now that I was NOT provided the requested Smithtown Pond documents on the thumb drive that I had viewed previously on the City thumbdrive. Some items were missing, including the draft detailed Smithtown Ponds planning documents. I was also not given the submitted ACOE application documents as requested. Please immediately provide me with access to all documents that were made available to me on my first Smithtown Ponds visit on the thumb drive and please immediately put all Smithtown Ponds written plan and ACOE documents back up on the website for all to review. It is a serious offense to deliberately deny citizens access to public documents.

I will recommend that a new section of the website be created - to be called Projects, where residents can easily find all listed planned and active project information.

## Minnesota Data Practices Request

Inbox



**gmail** <a.yelsey@gmail.com>

Tue, Nov 9, 2:54 PM (13 days ago)

to Sandie, bcc: me

Sandie, if you still have the thumb drive content regarding smithtown ponds from my visit september 22, I would like to come to the office and download that information this week. My second visit request when you were away resulted in a thumb drive with different content.

Thanks,

Alan

Sent from my iPhone



**Sandie Thone**

Tue, Nov 9, 3:18 PM (13 days ago)

to me

Good afternoon Alan,

I did receive a MN Data Practices Office (DPO) opinion after you downloaded the last information on to your computer because it was something that we had not allowed previously (nor have I observed all of my years as a clerk). Please see the following for details of that opinion:

1) It is unsafe for us to share jump drives on city and public computers alike therefore we will not be allowing this in the future.

2) If you would like a jump drive of data requested - you are required to pay for electronic data just the same as paper copies.

If you would just like to inspect data at our office - you may do so at no charge and although you may take pictures from your phone you are required to pay for any other data that you plan to take with you in a either format.

I hope this helps better define the requirements.

Sandie  
Sandie Thone MHRM, MCMC  
City Clerk/Human Resources Director  
CITY OF SHOREWOOD  
952.960.7911  
[sthone@ci.shorewood.mn.us](mailto:sthone@ci.shorewood.mn.us)



**Alan Yelsey** <[a.yelsey@gmail.com](mailto:a.yelsey@gmail.com)>

Tue, Nov 9, 4:22  
PM (13 days ago)

to Sandie

First, you do not need to share a thumb drive with me. I will pay for the original thumb drive and you can simply give it to me.

All of the Smithtown Ponds planning documents, just like all of the Strawberry Lane documents, should be easily found in one place on the City Projects website. That is your responsibility.

Either provide me with that original thumb drive with the original content and charge me for buying it or place ALL Smithtown Ponds planning reports and

documents dating back 4 years into a Smithtown Ponds Project website page that I can access.

If neither works, I will take corrective action.

Thanks,

Alan

--

Alan

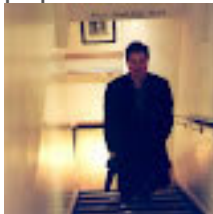
Alan Yelsey, CEO  
Knowledge Visualization Systems  
612.616.5430 cell  
[a.yelsey@gmail.com](mailto:a.yelsey@gmail.com)



Fri, Nov 12, 4:13  
PM (10 days ago)

**Sa  
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Alan, The Smithtown Pond records requested on the data request are available for inspection. If you need them in paper form



**gmail <a.yelsey@gmail.com>**

Sun, Nov 14, 7:37  
PM (8 days ago)

to Sandie, bcc: me

Thanks Sandie.

I would like to come to city hall tomorrow nov 14 at 1pm to inspect all smithtown ponds documents and reports dating back 4 years.

If emails have already been assembled, I would like to see them also.

If the original thumb drive I reviewed is still available, I would like to buy the thumb drive.

Regarding your proposed charges and failure to organize, store and enable remote electronic access to all essential smithtown ponds project information, I believe the City has clearly violated multiple MNDPA laws and I will immediately file and seek legal and public remedies.

If 1pm tomorrow is not convenient, later that afternoon or any time Tuesday after 10am can work.

Thanks,

Alan

Sent from my iPhone

On Nov 12, 2021, at 4:13 PM, Sandie Thone <[SThone@ci.shorewood.mn.us](mailto:SThone@ci.shorewood.mn.us)> wrote:

Alan,

The Smithtown Pond records requested on the data request are available for inspection.

If you wish to receive the data either in electronic or paper format, the cost for the electronic documents requested since they are in excess of 100 pages are calculated, pursuant to MNDPA on actual costs searching for and retrieving the public data. They are calculated on actual time spent on research and retrieval by employees at a rate of the lowest salaried employee involved in the request. Employees and consultants spent a total of 6 hours fulfilling the Smithtown Pond portion of this request at a rate of \$46.23 per hour. This is a total of \$277.38.

There are documents available related to Smithtown Pond on our website, as well and at City Hall.

There are a great degree of Strawberry Lane Documents at City Hall on display and also some on the project page of our website.

Please feel free to contact me to set up an appointment or receive the data requested.

Thank you and have a nice evening!

*Sandie*

Sandie Thone *MHRM, MCMC*  
*City Clerk/Human Resources Director*

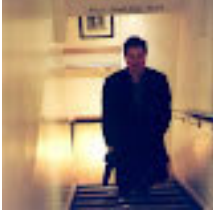
**CITY OF SHOREWOOD**

952.960.7911

[sthone@ci.shorewood.mn.us](mailto:sthone@ci.shorewood.mn.us)

<image001.png>

---



gmail <a.yelsey@gmail.com>

Mon, Nov 15, 1:47 PM (7 days ago)

to Sandie, bcc: me

Sandie, I stopped in at 1pm today. Would you please confirm any time tomorrow after 10am Tuesday, I can come by to review all smithtown project files back 4 years, including the current plan.

Alan Yelsey

Sent from my iPhone

Begin forwarded message:

**From:** gmail <a.yelsey@gmail.com>

**Date:** November 14, 2021 at 7:37:53 PM CST

**To:** Sandie Thone <SThone@ci.shorewood.mn.us>

**Subject: Re: Minnesota Data Practices Request**

Thanks Sandie.



Sa  
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Th  
on  
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Tue, Nov 16, 8:11 AM (6 days ago)

Alan, I can make this available today. Let me know and we can schedule a time. I strictly follow the the MN DPO off



gmail <a.yelsey@gmail.com>

Tue, Nov 16, 8:23 AM (6 days ago)

to Sandie, bcc: me

How about 1pm today for my review.

Alan

Sent from my iPhone

On Nov 16, 2021, at 8:11 AM, Sandie Thone <[SThone@ci.shorewood.mn.us](mailto:SThone@ci.shorewood.mn.us)> wrote:

Alan,

I can make this available today. Let me know and we can schedule a time. I strictly follow the MNGDPA and when needed receive opinions from the MN DPO office and out City Attorney. I handle all data requests consistently and fairly and according to this policy which I have been doing for 15 years in MN government. If you have any concerns with how this is done – I am happy to discuss this with you and answer any questions you may have.

Thanks,

*Sandie*

Sandie Thone *MHRM, MCMC*  
*City Clerk/Human Resources Director*  
**CITY OF SHOREWOOD**  
952.960.7911  
[sthone@ci.shorewood.mn.us](mailto:sthone@ci.shorewood.mn.us)

<image001.png>



**Sandie Thone**

Tue, Nov 16, 9:02  
AM (6 days ago)

to me

Sure – I will set it up. I have a 2-3:30pm board meeting to attend so if you have any questions during that time – please bring them to Brenda at the front desk.

*Sandie*

Sandie Thone *MHRM, MCMC*  
*City Clerk/Human Resources Director*  
**CITY OF SHOREWOOD**

# Alan Yelsey Smithtown Ponds & Western Shorewood Stormwater Report Requests - Minnesota Data Practices Act Requests

Inbox



**Alan Yelsey** <a.yelsey@gmail.com>

Tue, Nov 16, 4:33 PM (6 days ago)

to Sandie, Engineer

Sandie:

I am requesting under the Minnesota Data Practices Act the following information:

- 1) Generally, **all planning, research and studies & reports from 2017-2021 (not emails-just significant reference documents) pertaining directly to Smithtown Ponds or Western Shorewood Stormwater Plans**
- 2) This Plan builds off previous drainage investigations and feasibility studies completed for the City of Shorewood (**WSB, 2017; WSB, 2018**) and considers feedback provided by the **Minnehaha Creek Watershed District (MCWD, 2018)** and city staff.
- 3) Past Studies 1.2.1 **Hydrologic/Hydraulic Analysis Freeman Park Feasibility Study (April 2017) The Hydrologic/Hydraulic Analysis Freeman Park Feasibility Study was completed by WSB and Associates. Inc. for the City of Shorewood (dated April 5, 2017) which evaluated five drainage issues within the Freeman Park subwatershed.**
- 4) 1.2.2 **Freeman Park Feasibility Study Summary Memorandum (May 2018) The Freeman Park Feasibility Study Summary Memorandum was completed by WSB and Associates. Inc. for the City of Shorewood (dated May 22, 2018) and summarized the recommendations and results from the Hydrologic/Hydraulic Analysis Freeman Park Feasibility Study.**
- 5) 1.2.3 **Western Shorewood Water Resources Planning – MCWD Technical Review and Regulatory Analysis Memorandum (July 2018) The Western Shorewood Water Resources Planning – MCWD Technical Review and**

Regulatory Analysis Memorandum was completed by MCWD staff (dated July 26, 2018) and summarized the MCWD regulatory and Summary of Project Study Area,

6) 1.2.4 HCRRA Stormwater Infrastructure Qualitative Failure Risk Analysis Memorandum (February 2018) The Hennepin County Regional Railroad Authority (HCRRA) Stormwater Infrastructure Qualitative Failure Risk Analysis was completed in 2018 along all the corridors within the HCRRA jurisdiction to evaluate the likelihood of stormwater infrastructure failure and the possible consequences of failure and help prioritize infrastructure maintenance and replacement efforts. The analysis used spatial data of HCRRA's stormwater infrastructure and other parameters related to topography, hydrology, soils, other county and public infrastructure data (roads, trails, railroads, structures, etc.), and stormwater infrastructure inspection data. This included evaluation of all known culverts and storm sewers crossing the Lake Minnetonka LRT Regional Trail through the City of Shorewood including the outlet located at Freeman Park.

7) All Barr Engineering Reports regarding Smithtown Ponds or Western Shorewood Stormwater beginning 2017

8) All WSB Engineering Reports regarding Smithtown Ponds or Western Shorewood Stormwater beginning 2017

9) All Bolton & Menk Engineering Reports regarding Smithtown Ponds and Western Shorewood Stormwater

10) The document or powerpoint presentation containing reference to the loss of 800 trees in Smithtown Ponds and descriptions of trees and the lesser relative value of many trees

I believe the City should in the future organize its information electronically by project for easy remote access by residents.

Thank You.

--

Alan

Alan Yelsey  
612.616.5430 cell  
[a.yelsey@gmail.com](mailto:a.yelsey@gmail.com)





**Sandie Thone**

Wed, Nov 17, 7:52 AM (5 days ago)

to me

Thank you Alan. We will get working on your request and I will let you know when it is ready.

*Sandie*

Sandie Thone *MHRM, MCMC*  
*City Clerk/Human Resources Director*  
**CITY OF SHOREWOOD**  
952.960.7911

## Priority Requests Under the Minnesota Data Practices Act Regarding Smithtown Ponds

Inbox



**Alan Yelsey** <a.yelsey@gmail.com>

Wed, Nov 17, 9:18 PM (5 days ago)

to Sandie, Engineer

Hi Sandie:

Our priority is to receive the document submitted to the Minnehaha Creek Watershed District applying for approval and permitting of the Smithtown Ponds Project.

Our second priority is to receive the document submitted to the US Army Corp of Engineers St Paul for approval and permitting of the Smithtown Ponds Project. I have received and viewed a file from the City Engineer containing 4 documents - none of which are labelled as the actual formal submission document - they are identified as "permit supplemental information". If these are indeed all of the submissions, then nothing further is needed. If there are remaining unshared documents submitted to the ACOE regarding Smithtown Ponds, I request them as a priority.

All of the documents requested for review on November 16 are still requested at your earliest convenience.

Thanks.

--

Alan

Alan Yelsey  
612.616.5430 cell  
[a.yelsey@gmail.com](mailto:a.yelsey@gmail.com)



**Sandie Thone**

to me

Alan,

Thank you for the update and clarification.

*Sandie*

Sandie Thone *MHRM, MCMC*  
*City Clerk/Human Resources Director*  
**CITY OF SHOREWOOD**  
952.960.7911

Thu, Nov 18, 9:48  
AM (4 days ago)