

**VALLEY BRANCH WATERSHED DISTRICT**  
**Minutes of Regular Meeting No. 824 Held in the**  
**Lake Elmo City Council Chambers**  
**Thursday, September 10, 2009**

**APPROVED**  
**MINUTES**

**MANAGERS PRESENT:** Lincoln Fetcher, President; David Bucheck, Vice President; Don Scheel, Secretary; Dale Borash, Treasurer; and Ray Lucksinger, Manager

**MANAGER ABSENT:** None

**STAFF PRESENT:** John Hanson, Engineer, Barr Engineering; Ray Marshall, Attorney, Lawson Marshall McDonald Galowitz and Wolle

**STAFF ABSENT:** Ray Roemmich, Inspector

**OTHERS PRESENT:** Roger Johnson, Citizen Advisory Committee

**CALL TO ORDER** President Fetcher called the meeting to order at 8:00 p.m.

**BUDGET AND LEVY PUBLIC HEARING** **Motion** made by Borash and seconded by Bucheck to suspend the regular meeting and open the public hearing on the 2010 budget and levy. Motion carried unanimously. Hearing no comments, President Fetcher closed the public hearing and resumed the regular meeting at 8:03 p.m.

**ANNOUNCEMENTS** President Fetcher welcomed Roger Johnson, a new member of the Citizen Advisory Committee, to the meeting.

**APPROVAL OF MINUTES** After discussion of the minutes of the August 27, 2009 meeting, **motion** was made by Borash and seconded by Bucheck to approve the minutes as corrected. Motion carried unanimously.

**ADDITIONAL AGENDA ITEMS** Item added to the agenda under Engineer: *Grants*. Items added under Managers: *BMP Cost Share Payments, Liability Insurance, Recording Secretary, and Joy Park*.

**PUBLIC FORUM** There was no discussion in Public Forum.

**CITIZEN ADVISORY COMMITTEE** Charles Taylor had mailed his September 1 lake water level and the July precipitation report. President Fetcher reviewed it with the managers.

**SECRETARY'S REPORT** Secretary Scheel had distributed the mail, and he reported that he had paid the rent for the post office box.

**INSPECTOR'S REPORT** Inspector Roemmich had provided photographs of the parking lot expansion on the east campus of Century College.

**ATTORNEY'S REPORT** Attorney Marshall read a letter he had received from Jim Haertel of the Board of Water and Soil Resources (BWSR) regarding the enlargement of VBWD and the order to update the VBWD Plan. Mr. Haertel's letter indicated BWSR cannot respond to Attorney Marshall's letter at this time, but will respond.

Attorney Marshall reported that he had received two copies of the appellate brief filed by the City of Woodbury regarding its appeal on the BWSR order for VBWD to enlarge. He had e-mailed a copy without the appendices to the managers prior to the meeting. He provided a paper copy to Vice President Bucheck.

Attorney Marshall presented a development agreement for the Sunnybrook Ponds project. President Fetcher and Secretary Scheel signed the agreement.

Attorney Marshall presented temporary project easements and project agreements to stabilize Raleigh Creek on a parcel owned by David Moore and on a parcel owned by Michael Reid. President Fetcher and Secretary Scheel signed the documents.

**TREASURER'S REPORT** Treasurer Borash distributed a draft resolution regarding the 2010 budget and levy. **Motion** made by Fetcher and seconded by Borash to approve a 2010 calendar and fiscal year budget of \$1,198,000 that includes a tax levy of \$564,000. Motion carried unanimously.

**Motion** made by Borash and seconded by Fetcher to authorize the officers to sign the resolution distributed by Treasurer Borash. Motion carried unanimously.

**WASHINGTON CONSERVATION DISTRICT** No report was given.

**ENGINEER'S REPORT DeMontreville Ravine Stabilization** Engineer Hanson reported that the City of Lake Elmo Parks Commission has requested that the VBWD consider extending the existing culvert under DeMontreville Trail and moving the outlet structure of the ravine so that more space would be available for a potential future trail along the road. After discussion, the managers decided that they will work with the City if and when a trail is ever constructed in the area. **Motion** made by Scheel and seconded by Fetcher to continue with the existing ravine stabilization plans. Motion carried unanimously.

**Koch Pipeline Company** Engineer Hanson had mailed to the managers a copy of a letter from Koch Pipeline Company which requests that the VBWD consider entering into an agreement with them to provide a general permit for maintenance projects along their pipeline in wetland areas, subject to their notification of impending projects to the VBWD. The managers directed Engineer Hanson to ask Koch Pipeline for a template of a Memorandum of Understanding for the managers to consider.

**Stormwater Pond Maintenance** **Motion** made by Borash and seconded by Bucheck to approve Payment Application No. 7 for the stormwater pond maintenance project. Motion carried unanimously.

**Oakgreen Avenue Infiltration Basin** **Motion** made by Fetcher and seconded by Borash to approve Payment Application No. 3 for the Oakgreen Avenue Infiltration Basin project. Motion carried unanimously.

**Grants** After discussion of grants and potential applicable projects, **motion** made by Fetcher and seconded by Borash to pursue available grants for planned projects. Motion carried unanimously.

## **MANAGERS' REPORT**

**BMP Cost Share Grant Payments** Engineer Hanson distributed receipts and payment requests he had received earlier in the day from Rusty Schmidt. After discussion, **motion** made by Fetcher and seconded by Bucheck to approve payment of 50% of Robert Grabowski's rainwater garden and dry creek bed project cost, based on the total incurred cost of \$2,468.53. Motion carried unanimously. **Motion** made by Fetcher and seconded by Bucheck to approve payment of 50% of Joseph Leary's rainwater garden and prairie plantings project cost, based on the total incurred cost of \$3,081.24. Motion carried unanimously.

**Consent Calendar Motion** was made by Bucheck and seconded by Fetcher to approve the Consent Calendar (attached). Motion carried unanimously.

**BWSR Performance Review and Assistance Program (PRAP)** The managers discussed a draft response to discussion questions that Engineer Hanson had prepared and each manager indicated his five most significant factors that are affecting the managers' ability to implement planned objectives. **Motion** made by Fetcher and seconded by Borash to approve the responses as revised. Motion carried unanimously.

**Karen Schultz Remembrance** President Fetcher reported that he has not made additional progress on this project.

**Meeting with Minnesota Pollution Control Agency (MPCA)** President Fetcher summarized the conversations he has had with Ray Bohn of the Minnesota Association of Watershed Districts and Rebecca Flood of the MPCA regarding communication and permitting issues. President Fetcher asked that Vice President Bucheck and Engineer Hanson meet with Mr. Bohn and Ms. Flood to discuss the problems and work toward a solution.

**Resolutions to the Minnesota Association of Watershed Districts (MAWD)** After discussion, President Fetcher indicated that he will pursue preparing a resolution regarding requiring watershed district permits from state agencies or only the MPCA after he discusses the issue with Ray Bohn.

**VBWD Fall Tour** The managers will hold a tour of VBWD projects on September 26 from 9 a.m. until noon.

**Next Meeting - September 24, 2009** All of the managers plan to attend the next meeting.

**Liability Insurance Motion** made by Borash and seconded by Bucheck to authorize the VBWD president to sign the Non-profit Organization Executive Protection and Employment Practices Liability Insurance Renewal Purposes Short Form. Motion carried unanimously.

**Recording Secretary** President Fetcher indicated that he has reviewed the resumes and will contract Vice President Bucheck to determine which applicants to interview and to schedule the interviews.

**Joy Park** President Fetcher reported that he and Engineer Hanson had met on September 9 with Maplewood officials and Paul and Barbara Swan to review activities at Joy Park.

**ADJOURNMENT Motion** made by Fetcher and seconded by Borash at 9:43 p.m. to adjourn the meeting. Motion carried unanimously.

Respectfully Submitted,

/s/ **Don Scheel**

Don Scheel, Secretary

1. Consent Calendar

A. BMP Cost-Share Projects

- i. Approval of a \$500 plant grant to the Waterford East Homeowners Association of the 900 block of Nordic Avenue North in West Lakeland Township for replacement plants in a ditch containing noxious weeds, including purple loosestrife. The weeds will be mechanically and chemically removed. The site is within Mergens Pond watershed.
- ii. Approval of a \$500 plant grant to Jeff Brower and Donna Dalton of 13258 Valley Creek Trail South in Afton for prairie plants to convert a large, open former garden to prairie within the South Fork of the Valley Branch Creek watershed.