

**VALLEY BRANCH WATERSHED DISTRICT**  
**Minutes of Regular Meeting No. 826 Held in the**  
**Lake Elmo City Council Chambers**  
**Thursday, October 8, 2009**

**APPROVED**  
**MINUTES**

**MANAGERS PRESENT:** Lincoln Fetcher, President; David Bucheck, Vice President; Donald Scheel, Secretary; and Ray Lucksinger, Manager

**MANAGER ABSENT:** Dale Borash, Treasurer

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

**STAFF ABSENT:** None

**OTHERS PRESENT:** None

1 **CALL TO ORDER** President Fetcher called the meeting to order at 7:06 p.m.

2  
3 **ANNOUNCEMENTS** There were no announcements.

4  
5 **APPROVAL OF MINUTES** After discussion of the minutes of the September 24, 2009 meeting, **motion** was made by  
6 Bucheck and seconded by Fetcher to approve the minutes as corrected. Motion carried unanimously.

7  
8 **ADDITIONAL AGENDA ITEMS** Item removed from the agenda under Engineer: *Valley Creek Vegetation*. Item  
9 added under Engineer: Minnesota Board of Water and Soil Resources Performance Review and Assistance Program.  
10 Items added under Managers: *Conferences* and *Insurance*.

11  
12 **PUBLIC FORUM** There was no discussion in the Public Forum segment of the meeting.

13  
14 **CITIZEN ADVISORY COMMITTEE** Charles Taylor had mailed the managers his lake level monitoring report. The  
15 managers reviewed the report.

16  
17 **SECRETARY'S REPORT** Secretary Scheel had distributed the mail.

18  
19 **INSPECTOR'S REPORT** Inspector Roemmich reported on various projects, including the County Highway 12 project,  
20 Century College projects, TH 5, and the Northern Natural Gas pipeline project.

21  
22 **ATTORNEY'S REPORT**  
23 **Lower St. Croix Water Management Organization/VBWD and South Washington Watershed District**  
24 **Expansion** Attorney Marshall reported that he had received and reviewed briefs filed by Washington County and the  
25 Attorney General regarding the City of Woodbury's appeal of the Board of Water and Soil Resources (BWSR) order to  
26 dissolve the Lower St. Croix Watershed Management Organization (LSCWMO) contingent upon expanding VBWD and  
27 South Washington Watershed District (SWWD) along a specific boundary.

28  
29  
30  
31  
32

1 **SWWD and VBWD Boundary Change Petition**

2 Attorney Marshall reported that a petition has been filed with BWSR to revise the SWWD legal boundary and reduce the  
3 number of SWWD managers from seven to five. The proposed boundary change is along the major hydrologic  
4 boundary so the VBWD would be expanded to cover more of the former LSCWMO. A public hearing will likely be held in  
5 November and BWSR could rule on the petition before April 2010.

6  
7 **County Ditch**

8 Engineer Hanson reported that the Rice Creek Watershed District (RCWD) Administrator contacted him regarding a  
9 county ditch within the VBWD. RCWD is doing some file management and came across an old document describing a  
10 county ditch in Baytown Township, north of Bay Lake and northeast of the Lake Elmo Airport. The RCWD Administrator  
11 had informed Washington County of the document. Attorney Marshall indicated that counties often transfer the  
12 maintenance and operations of county ditches to watershed districts.

13  
14 **Raleigh Creek Stabilization Project**

15 Attorney Marshall presented easement agreements with Daniel and Barbara Arend for the Raleigh Creek Stabilization  
16 Project. President Fetcher and Secretary Scheel signed the agreements.

17  
18 **TREASURER’S REPORT** There was no treasurer’s report.

19  
20 **WASHINGTON CONSERVATION DISTRICT** No report was given.

21  
22 **ENGINEER’S REPORT**

23 **Permit Request: TH 95/Hudson Road Intersection, Woodbury and Afton** Engineer Hanson had mailed the  
24 managers a permit review memorandum regarding the Minnesota Department of Transportation’s proposed project at the  
25 Manning Avenue and Hudson Road intersection in Woodbury and Afton, in parts of Section 1, Township 28 North, Range 21  
26 West and parts of Section 6, Township 28 North, Range 20 West.

27  
28 The purpose of the project is to add a traffic signal, construct left and right turn lanes on Hudson Road, and construct four  
29 infiltration basins on the Woodbury side of the project and two detention basins on the Afton side of the project. The project  
30 adds 1.6 acres of new and reconstructed impervious surfaces, permanently fills 674 square feet of a wetland and temporarily  
31 fills 604 square feet of a wetland.

32  
33 After discussion of the wetland-management, water-management, and erosion-control concerns, **motion** was made by  
34 Fetcher and seconded by Scheel to approve Permit # 2009-26 with the engineer’s suggested site-specific conditions and  
35 standard conditions. Motion carried unanimously.

36  
37 **Long Lake Alum Treatment Project** Engineer presented three copies of the agreement with Lake Restoration, Inc.  
38 for completing the Long Lake Water Quality Improvement Project 2009. President Fetcher and Secretary Scheel signed  
39 the agreements. President Fetcher authorized Barr Engineering Company to mail notices to the lakeshore owners  
40 informing them of the lake treatment.

41  
42 **DeMontreville Ravine Stabilization** Engineer Hanson presented three copies of the agreement with Urban  
43 Companies, LLC for completing the DeMontreville Ravine Stabilization project. President Fetcher and Secretary Scheel  
44 signed the agreements. Engineer Hanson also presented two copies of the Stormwater Pollution Prevention Plan  
45 (SWPPP) for President Fetcher’s signature. He signed the SWPPP.

46  
47 **Raleigh Creek Stabilization Project** Engineer Hanson had mailed the tabulation of bids received for the Raleigh  
48 Creek Stabilization Project. After discussion, **motion** was made by Scheel and seconded by Bucheck to award the  
49 project to G.F. Jedlicki, Inc. in the amount of \$118,005.00. Motion carried unanimously. Engineer Hanson presented  
50 three copies of the agreement with G.F. Jedlicki, Inc. for completing the project. President Fetcher and Secretary  
51 Scheel signed the agreements.

1 **Koch Pipeline Company Request** Engineer Hanson had mailed the managers a Memorandum of Understanding  
2 (MOU) prepared by Koch Pipeline Company for conducting pipeline maintenance projects in wetlands. He had also  
3 mailed a request by Koch Pipeline Company to conduct maintenance near, and possibly within, a VBWD wetland. After  
4 discussion, the managers directed Engineer Hanson to have Koch Pipeline Company make changes to the MOU  
5 regarding specific inspection, restoration, and notification issues. **Motion** was made by Fetcher and seconded by  
6 Bucheck to allow Koch Pipeline Company to make the repair and construction at Dig Site 09-0385 but not to begin until  
7 after the requested changes to the MOU are made and submitted to the VBWD. Motion carried unanimously.  
8

9 **Minnesota Board of Water and Soil Resources (BWSR) Performance Review and Assistance Program**  
10 **(PRAP)** Engineer Hanson reported that Don Buckhout and Melissa Lewis of BWSR would like to present their draft  
11 report to the managers before the end of the year. The managers agreed to invite Mr. Buckhout and Ms. Lewis to their  
12 November 12 meeting.  
13

#### 14 **MANAGERS' REPORT**

15 **Best Management Practices Cost-Share Grant Payments** Engineer Hanson had mailed receipts and payment  
16 requests he had received from Rusty Schmidt. After discussion, **motion** was made by Bucheck and seconded by Scheel  
17 to approve payment of \$1,250 to Karl Focht for his Long Lake shoreline planting project and payment of \$1,458.50 to  
18 Jan and Walt Krueger for their native planting project. Motion carried unanimously.  
19

20 **Karen Schultz Remembrance** President Fetcher reported that he has exchanged messages with a St. Mark's  
21 Church representative regarding planting a tree in memory of former Recording Secretary Schultz.  
22

23 **Minnesota Pollution Control Agency (MPCA) Meeting** Vice President Bucheck reported that he and Engineer  
24 Hanson met with MPCA and Minnesota Association of Watershed Districts (MAWD) representatives to discuss  
25 communications and permitting issues. MPCA Assistant Commissioner Rebecca Flood agreed to involve watershed  
26 districts in the design process, have clearer communications with watershed districts, and submit plans to watershed  
27 districts prior to construction of MPCA-initiated projects. Vice President Bucheck had requested Engineer Hanson to  
28 prepare a letter summarizing the meeting. The managers reviewed a draft letter, made revisions, and directed  
29 Engineer Hanson to send the letter.  
30

31 The managers discussed whether to withdraw the resolution they had submitted to MAWD to require watershed district  
32 permits from all state agencies, rather than only the Minnesota Department of Transportation. Engineer Hanson  
33 reported that he had surveyed the watershed district administrators and had received comments from four suggesting  
34 that VBWD keep its resolution. The managers decided to take no action at this time.  
35

36 **Next Meeting - October 22, 2009** President Fetcher will be absent. All of the other managers plan to attend the  
37 next meeting. Vice President Bucheck will be absent from the November 12 meeting. **Motion** was made by Fetcher  
38 and seconded by Scheel to cancel the second meetings in November and December. Motion carried unanimously.  
39

40 **Upcoming Conferences** Engineer Hanson had mailed a list of upcoming meetings and conference opportunities.  
41 **Motion** was made by Fetcher and seconded by Bucheck to support the attendance of the managers and citizen  
42 advisory committee members to the Minnesota Water Resources Conference held October 26-27, 2009, and the MAWD  
43 annual meeting and trade show held December 3-5, 2009, and to cover the registration fees and expenses. Motion  
44 carried unanimously.  
45

46 Vice President Bucheck reported on the Gustavus Adolphus' Nobel Conference on water.  
47

48 President Fetcher reported on a presentation he attended regarding perfluorochemicals (PFCs) in Washington County.  
49  
50

1 **Insurance** President Fetcher reported that he had discussed renewing the VBWD insurance with John Hoffman and  
2 Treasurer Borash. He had authorized John Hoffman to renew the insurance.

3  
4 Attorney Marshall reported that Ramsey-Washington Metro Watershed District has discovered that its insurance does  
5 not cover a situation where a person alleges a project causes pollution. Attorney Marshall advised the managers to  
6 determine the cost of obtaining coverage to cover such situations and to discuss the issue further once the cost is  
7 known.

8  
9 **Motion** was made by Fetcher and seconded by Scheel at 9:34 p.m. to adjourn the meeting. Motion carried  
10 unanimously.

11  
12 An Executive Session regarding hiring a recording secretary was held immediately after the adjournment of the regular  
13 meeting.

14  
15 Respectfully Submitted,

16  
17 **/s/ Donald Scheel**

18  
19 Donald Scheel, Secretary