

VALLEY BRANCH WATERSHED DISTRICT
Minutes of Regular Meeting No. 827 Held in the
Lake Elmo City Council Chambers
Thursday, October 22, 2009

APPROVED
MINUTES

MANAGERS PRESENT: David Bucheck, Vice President; Dale Borash, Treasurer; Donald Scheel, Secretary; and Ray Lucksinger, Manager

MANAGER ABSENT: Lincoln Fetcher, President

STAFF PRESENT: John Hanson, Engineer, Barr Engineering; Barbara Wolle, Attorney, Lawson Marshall McDonald Galowitz and Wolle; Ray Roemmich, Inspector; Melissa Imse, Recording Secretary

STAFF ABSENT: None

OTHERS PRESENT: None

CALL TO ORDER Vice President Bucheck called the meeting to order at 7:02 p.m.

ANNOUNCEMENTS Vice President Bucheck welcomed Melissa Imse, the new Valley Branch Recording Secretary.

APPROVAL OF MINUTES After discussion of the minutes of the October 8, 2009 meeting, **motion** was made by Scheel and seconded by Lucksinger to approve the minutes. Motion carried unanimously.

ADDITIONAL AGENDA ITEMS Item added to the agenda under Engineer: *The City of Lake Elmo request for electronic data.*

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

CITIZEN ADVISORY COMMITTEE No report was given.

SECRETARY'S REPORT Secretary Scheel had distributed the mail.

INSPECTOR'S REPORT Inspector Roemmich reported on various projects including the Century College project and the Whistling Valley project.

ATTORNEY'S REPORT

Valley Branch Watershed District November and December 2009 Board Meetings Attorney Wolle reported that Attorney Marshall had published notice that there will be not be a Valley Branch Watershed District Board Meeting on the 2nd Thursday for the months of November and December.

Open Meeting Law

Attorney Wolle reported that she had reviewed information from the advisory strike force gang regarding guidelines for email communication for the District and the open meeting law. Attorney Wolle advised the Board that they cannot have an email communication to the entire group, or make any formal decisions via email. Attorney Wolle stated that is ok to email one on one or a one way email message.

TREASURER'S REPORT Treasurer Borash distributed copies of Administrative and Program Budgets Fiscal Year 2009, dated September 30, 2009, and the Treasurer's Report dated October 22, 2009. After discussion, **motion** was made by Borash and seconded by Scheel to approve the Treasurer's Report. Motion carried unanimously.

WASHINGTON CONSERVATION DISTRICT No report was given.

ENGINEER'S REPORT

Koch Pipeline Company Memorandum of Understanding Engineer Hanson had mailed the managers a revised copy of the Memorandum of Understanding (MOU) prepared by Koch Pipeline Company for conducting pipeline maintenance projects in wetlands. After discussion, **motion** was made by Scheel and seconded by Lucksinger to authorize Vice President Bucheck to sign the MOU. Motion carried unanimously.

Valley Creek: Vegetation Establishment Pay Application, Fish Sampling, and Partnership Opportunity

Engineer Hanson had mailed the managers the Valley Creek Stabilization payment application to approve three months of vegetation maintenance for the project. After discussion, **motion** was made by Bucheck and seconded by Borash to approve payment of \$556.30 to the Valley Creek Stabilization. Motion carried unanimously.

Fish Sampling Engineer Hanson mailed the managers a memo from Barr Engineering regarding Valley Branch Stream Restoration and a request for the Board to consider monitoring and analysis of fish sampling. Engineer Hanson explained the background information on the DNR fish sampling in 2006. The 2006 data will provide a basis for assessment of changes to the trout community in the restored stretch of Tom Johnson's property. The data will be used to measure the effect of the 2008 Valley Creek Stabilization Projects on trout populations. After discussion, **motion** was made by Scheel and seconded by Bucheck to approve the monitoring and analysis of the fish sampling. Motion carried unanimously.

Partnership Opportunity Engineer Hanson mailed the managers a fact sheet put together by Washington County outlining the collaborative effort for the Valley Creek Land Protection. Washington County, the Minnesota Land Trust, and Belwin are the primary partners and are requesting that the Valley Branch Watershed District partnership in the project. After discussion, **motion** was made by Borash and seconded by Scheel to have the Valley Branch Watershed District become partners in the Valley Creek Land Protection Collaborative. Motion carried unanimously.

Project Updates

DeMontreville Ravine Stabilization Engineer Hanson gave the managers an update on the project with current photos. Engineer Hanson spoke with the Contractor. Due to the recent rains, it has delayed progress of the project. The Contractor suggested excavating and putting down rock to continue work on project. After discussion, the managers decided to approve a change order to move the substantial completion date of the project to December 15th.

Raleigh Creek Stabilization Project Engineer Hanson stated that the project will begin on October 23 with the grading of Raleigh Creek and stormwater pond restoration. Due to the excavation of material, the installation of the outlet structures will require a temporary impact to a wetland between the two ponds. Valley Branch Watershed District needs to conform to the Wetland Conservation Act. Engineer Hanson presented the managers the Wetland Conservation Act no-loss form for approval. After discussion, **motion** was made by Bucheck and seconded by Scheel to sign the Wetland Conservation Act no-loss form. Motion carried unanimously.

Project 1007 Maintenance Agreement Engineer Hanson reminded the managers that routine maintenance is needed to the 1007 project and the managers had authorized earlier in the year that the maintenance work be done. The maintenance includes: Removing trees and brush from Rest Area Dam, grading out the embankment of the former 5th Street North in the West Lakeland Storage Sites, sealing seeps in manholes and leaks in outlet structures, removing sediment in the Long Lake and Olson Lake outlets, removing of trees that have already fallen in a dry creek bed in Raleigh Creek, and routine mowing of ditches and miscellaneous debris removal. Mr. John Buelow would be contracted to do the maintenance work. Engineer Hanson distributed to the managers a draft letter to notify the residence affected by the maintenance. After discussion, **motion** was made by Bucheck and seconded by Borash to approve

the 1007 maintenance agreement in the amount of \$19,950.00 and instructed Engineer Hanson to mail the notification letters to surrounding residents of the project. Motion carried unanimously.

Grants

Engineer Hanson reported that the applications for the Lessard-Sams Outdoor Heritage Council Grants are due by November 2, 2009. The Valley Creek Partnership, Eagle Point Lake, and Long Lake grant applications will be submitted. Engineer Hanson will review the BWSR grants and projects to see if there is a 25% matching requirement. The BSWR grant submission date is December 1, 2009.

The City of Lake Elmo Request for Electronic Data The City of Lake Elmo is requesting electronic files from the Valley Branch Watershed District. After discussion, the managers directed Engineer Hanson to provide the electronic data files to the City of Lake Elmo.

MANAGERS' REPORT

General Accounting Standards Board Statement No.54 Workshop After discussion it was determined that none of the managers present could attend the workshop. The managers directed Engineer Hanson to inform President Fetcher that no manager is available to attend the workshop.

Friends of Long Lake Association Meeting Presentation Request Engineer Hanson mailed an email request for Meg Rattei from Barr Engineering to give a presentation on aquatic plants to the Friends of Long Lake Association at the December 7, 2009 meeting. After discussion, the managers authorized Meg to present at the Friends of Long Lake Association meeting.

Joy Park Habitat Restoration and Enhancement Participation Request The City of Maplewood mailed a request for participation in the Joy Park Habitat Restoration and Enhancement Project. The project will enhance and restore habitat (woods, oak savanna, and wetland), restore 500' of shoreline, and improve shoreline buffers. After discussion, **Motion** was made by Scheel and seconded by Lucksinger to participate in the Joy Park Habitat Restoration Project in the amount of \$5,500.00. Motion carried unanimously.

Best Management Practices Cost-Share Grant Request Engineer Hanson had mailed a request he had received from Rusty Schmidt. After discussion, **motion** was made by Bucheck and seconded by Borash to approve payment of \$500.00 for Greg Hall's native prairie project cost. Motion carried unanimously.

Next Meeting - November 12, 2009 Vice President Bucheck will be absent. All of the other managers plan to attend the next meeting.

FUTURE ITEMS

Vice President Bucheck stated that at the December Board Meeting there will be the Election of Officers and selection of official bank and newspapers for the District.

ADJOURNMENT

Motion was made by Borash and seconded by Scheel at 8:09 p.m. to adjourn the meeting. Motion carried unanimously.

Respectfully Submitted,

/s/ Donald Scheel

Donald Scheel, Secretary