

VALLEY BRANCH WATERSHED DISTRICT
Minutes of Regular Meeting No. 828 Held in the
Lake Elmo City Council Chambers
Thursday, November 12, 2009

APPROVED
MINUTES

MANAGERS PRESENT: Lincoln Fetcher, President; Dale Borash, Treasurer; Donald Scheel, Secretary; and Ray Lucksinger, Manager

MANAGER ABSENT: David Bucheck, Vice-President

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

STAFF ABSENT: None

OTHERS PRESENT: Don Buckout and Melissa Lewis, Minnesota Board of Water and Soil Resources; Charles Taylor, CAC Committee Member; Wildflower Shores Association representatives

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

ANNOUNCEMENTS Treasurer Borash stated that he was re-appointed to the board of Managers for the Valley Branch Watershed District

APPROVAL OF MINUTES After discussion of the minutes of the October 22, 2009 meeting, **motion** was made by Scheel and seconded by Borash to approve the minutes. Motion carried unanimously.

ADDITIONAL AGENDA ITEMS Item added to the agenda under Managers: *Approval of cost share grant final payment of \$500.00 to Pam Beytien for native plantings.*

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

CITIZEN ADVISORY COMMITTEE Charles Taylor provided the managers an update on lake level monitoring. President Fetcher instructed Engineer Hanson to send the CAC members invitations to the upcoming MAWD conference.

Minnesota Board of Water and Soil Resources (BWSR) Mr. Don Buckout provided a brief summary of the Performance Review and Assistance Program (PRAP) report for VBWD. BWSR has found that the VBWD is successfully implementing an ambitious mix of watershed management activities from their 2005 Watershed Plan. The VBWD is a competent and ambitious organization that achieves good projects and using skillful watershed management. BWSR identified two action items that need additional attention: encouraging the cities lacking district approved local water plans to complete their plans and to build on the recent citizens advisory committee start-up. BWSR also recommended increased visibility of the district's accomplishments and priorities among the district's clientele. Melissa Lewis will work with the district with ideas for publicity for the district. The report is a draft. The VBWD Managers will send a written response after the December 10 board meeting. The report will be finalized by BWSR by December 31, 2009.

SECRETARY'S REPORT Secretary Scheel had distributed the mail. President Fetcher will be attending the MAWD Annual Meeting on December 3-5, 2009, **motion** was made by Fetcher and seconded by Borash to appoint President

Fetcher as the voting delegate at the MAWD meeting. Motion carried unanimously. President Fetcher reported that the VBWD resolution submitted for the MAWD Annual meeting has been withdrawn due to the duplicate resolution submitted by the Two Rivers Watershed District.

INSPECTOR'S REPORT Inspector Roemmich reported on various projects including the Century College project, Joy Park project, and the Long lake project.

ATTORNEY'S REPORT

SWWD and VBWD Boundary Change Petition

Attorney Marshall reported that the public hearing will likely be held Tuesday, November 17, 2009. President Fetcher, Secretary Scheel, Attorney Marshall, and Engineer Hanson plan on attending the hearing. President Fetcher plans on speaking on behalf of the VBWD.

Open Meeting Law

President Fetcher asked Attorney Marshall for clarification on the open meeting law regarding email communication. Attorney Marshall will look further into the matter and report back to the Managers.

TREASURER'S REPORT Treasurer Borash reported that the district has received a reimbursement check from Lake Elmo Transportation for a refund of overpayment of \$25.00.

WASHINGTON CONSERVATION DISTRICT No report was given.

ENGINEER'S REPORT

Wildflower Shores Wetland Bank Engineer Hanson had enclosed in the managers' packet options and estimated costs for the HOA for improving the wetland bank at the Wildflower Shores subdivision. A representative for the Wildflower Shores HOA was present to ask the Managers if VBWD would be interested in supporting the project. The Managers reviewed the options and cost estimates for the project. After discussion, the Managers directed Barr Engineering to determine what it would take and the process to bank the wetland credits that are on the site now. The Managers also directed Barr Engineering and Attorney Marshall to determine if watershed districts can hold wetland credits.

Folz Freeman and Erickson: Wetland Buffer Marking Discussion Representatives from Folz, Freeman, and Erickson were not present at the meeting. President Fetcher tabled the discussion.

Permit Request: Baytown Oak Ridge, Baytown Township-Permit 2009-27 Engineer Hanson enclosed in the managers' packet a permit request from Jay and Julie Cain of Baytown Township. The purpose of the project is to divide one five acre parcel from the existing 28 acre pond. The Managers reviewed the permit request and determined that item 3 of suggested site-specific conditions be removed from the permit. After discussion, **motion** was made by Borash and seconded by Scheel to approve permit 2009-27 as suggested conditions were amended and to waive the permit fee of \$1,036.00. Motion carried unanimously.

Permit Request: Eagle Brook Church, Woodbury-Permit 2009-28 A **motion** was made by Fetcher and seconded by Scheel to table the permit 2009-28 request. Borash opposed the motion. Motion carried.

Change Order Request- DeMontreville Ravine Stabilization Engineer Hanson presented the managers a change order request for the DeMontreville Ravine Stabilization project. The change order is for the installation of a temporary floating silt curtain. The work shall be substantially complete by December 15, 2009. This is an extension of one month from the original completion date of November 15, 2009. The change order will result in a increase of total project cost not to exceed \$425.00. After discussion, **motion** was made by Borash and seconded by Fetcher to approve the change order No. 1 for the DeMontreville Ravine Stabilization -#23/82-434. Motion carried unanimously.

Payment Application: Raleigh Creek Stabilization Project After project review and discussion, **motion** was made by Fetcher and seconded by Borash for final payment for the Raleigh Creek stabilization project in the amount of \$67,737.33. Motion carried unanimously.

Payment Application: Long Lake Water Quality Improvement Project After project review and discussion, **motion** was made by Fetcher and seconded by Borash for payment of the Long Lake water quality improvement project in the amount of \$47,643.48. Motion carried unanimously.

Payment Application: Project 1007 Maintenance Engineer Hanson enclosed in the meeting packet, the project 1007 maintenance payment application and a cost estimate from Buelow Excavating for additional work for the 1007 project. The cost estimate included: seeding of old 5th Street, removal of debris in the channel, and mowing of the 5th Street to cut small willow trees. After the Managers reviewed and discussed the cost estimate, **motion** was made by Fetcher and seconded by Scheel to approve the mowing of the willow trees along the 5th Street basin, and instructed Barr Engineering to locate the engine block debris in the West Lakeland Storage Site channel and inform Manager Lucksinger. Motion carried unanimously. **Motion** was made by Fetcher and seconded by Borash for payment of \$10,141.25 for the Project 1007 Maintenance. Motion carried unanimously.

Permit Close-Out: Artisan, West Lakeland Township Attorney Wolle, Inspector Roemmich, and Engineer Hanson have reviewed documents and inspected the site. After discussion, **motion** was made by Fetcher and seconded by Scheel to release the letter of credit. Motion carried unanimously.

Wetland Replacement Certificates of Compliance After review and discussion, **motion** was made by Borash and seconded by Scheel to authorize President Fetcher to sign the Wetland Replacement Certificates of Compliance for the Bibeau's Landing site and the Woodbury Outlet Mall. Motion carried unanimously.

MANAGERS' REPORT

Best Management Practices Cost-Share Grant Final Payment Requests Engineer Hanson had mailed the final payment requests he had received from Rusty Schmidt. After discussion, **motion** was made by Borash and seconded by Fetcher to approve payment of \$489.27 for the Waterford East HOA native prairie project cost. Motion carried unanimously. **Motion** was made by Borash and seconded by Fetcher to approve payment of \$2,332.80 to Mara Crombie and Bruce Peacock for rain garden and native prairie project cost. Motion carried unanimously. **Motion** was made by Borash and seconded by Scheel to approve payment of \$2,500.00 to Steve and Susan Jasinski for rain garden and native prairie project cost. Motion carried unanimously. After review and discussion, **motion** was made by Borash and seconded by Scheel to approve payment of \$500.00 to Pam Beytien for native prairie project cost. Motion carried unanimously.

November 10 Workshop with the Washington County Commissioners Manager Scheel attended the workshop. There were no issues with the VBWD budget or process.

November 17 Public Hearing on the Valley Branch Watershed District Boundary Change Managers Fetcher and Scheel, Attorney Marshall and Engineer Hanson plan to attend the Hearing. Manager Fetcher will plan on speaking on behalf of the Valley Branch Watershed District at the Hearing.

Next Meeting - December 10, 2009 All of the Managers plan to attend the next meeting.

FUTURE ITEMS

President Fetcher 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 Fetcher at 9:51 p.m. to adjourn the meeting. Motion carried unanimously.

Respectfully Submitted,

/s/ Donald Scheel

Donald Scheel, Secretary

Minutes approved by Managers on 12/10/09