

**VALLEY BRANCH WATERSHED DISTRICT**  
**Minutes of Regular Meeting No. 829 Held in the**  
**Lake Elmo City Council Chambers**  
**Thursday, December 10, 2009**

**APPROVED**  
**MINUTES**

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

**MANAGER ABSENT:** None

**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:** Charles Taylor, CAC Committee Member

**CALL TO ORDER** President Fetcher called the meeting to order at 7:05 p.m.

**ANNOUNCEMENTS** None

**APPROVAL OF MINUTES** After discussion of the minutes of the November 12, 2009 meeting, **motion** was made by Scheel and seconded by Fetcher to approve the minutes as amended. Motion carried unanimously.

**DISTRIBUTION OF APPROVED MEETING MINUTES** After discussion, the managers decided against distribution of paper copies of approved meeting minutes. The approved VBWD meeting minutes are available on the District's website. Paper copies can be obtained through the Recording Secretary or Engineer Hanson.

**ADDITIONAL AGENDA ITEMS** Item #14 Echo Ponds was added to the Engineering Report.

**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. Engineer Hanson reported that Ms. Jill Lucas of Afton was interested in joining the CAC Committee. After discussion, **motion** was made by Fetcher and seconded by Bucheck to add Ms. Lucas to the CAC Committee. Motion carried unanimously. President Fetcher instructed Engineer Hanson to send the managers Ms. Lucas's resume and to begin scheduling regular CAC meetings.

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

**INSPECTOR'S REPORT** Inspector Roemmich reported on various projects including the addition to the Harley-Davidson in Oakdale.

**ATTORNEY'S REPORT**

**VBWD INSURANCE RENEWAL**

Attorney Marshall reported that he had reviewed the insurance renewal on the Great American liability policy.

**Open Meeting Law**

Attorney Marshall had sent an email to the managers and staff clarifying the open meeting law.

**TREASURER'S REPORT** Treasurer Borash distributed copies of the Administrative and Program Budgets Fiscal Year 2009, dated October-November 2009, and the Treasurer's Report dated December 10, 2009. After discussion, **motion** was made by Borash and seconded by Bucheck to approve the Treasurer's report. Motion carried unanimously. Treasurer Borash, Attorney Marshall, Engineer Hanson, and Accountant Martinson will meet to discuss more efficient ways to process and track payments. President Fetcher may add a calendar to the VBWD gmail account to track annual or every other year payments and events. Treasurer Borash reported that the VBWD Certificate of Deposit was due to mature on December 10, 2009. After discussion, **motion** was made by Bucheck and seconded by Borash to reinvest the CD. Motion carried unanimously.

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

## **ENGINEER'S REPORT**

**Response to Minnesota Board of Water and Soil Resources Performance Review and Assessment Program Draft Response** Engineer Hanson included in the manager's packet two versions of a response to the BWSR draft PRAP Report. After discussion, **motion** was made by Fetcher and seconded by Bucheck to have Vice President Bucheck and Engineer Hanson prepare a final response to send to BWSR. Motion carried unanimously.

**Wildflower Shores Wetland Bank** Engineer Hanson had enclosed in the managers' packet wetland banking options and estimated costs for improving the wetland bank at the Wildflower Shores subdivision. Engineer Hanson reported that watershed districts can hold wetland bank credits. After discussion, the managers directed Engineer Hanson to invite the Wildflower Shores HOA to the next board meeting to discuss the wetland banking options.

**Payment Application: DeMontreville Ravine Stabilization Project** After project review and discussion, **motion** was made by Bucheck and seconded by Fetcher for payment for the DeMontreville Ravine stabilization project in the amount of \$43,097.00. Motion carried unanimously.

**Payment Application: Raleigh Creek Stabilization Project** After project review and discussion, **motion** was made by Scheel and seconded by Fetcher for payment for the Raleigh Creek stabilization project in the amount of \$41,686.80. Motion carried unanimously.

**Change Order Request- Long Lake Water Quality Improvement Project** Engineer Hanson presented the managers a change order request for the Long Lake Water Quality Improvement project. The change order is for the contractor travel cost and labor due to extra time spent finding and using a new boat access and extending the completion date by five days. The change order will result in an increase of total project cost not to exceed \$7,921.10. After discussion, **motion** was made by Fetcher and seconded by Bucheck to approve the change order No. 1 for the Long Lake Water Quality Improvement Project - 2009. Motion carried unanimously.

**Payment Application: Long Lake Water Quality Improvement Project** After project review and discussion, **motion** was made by Bucheck and seconded by Fetcher for payment of the Long Lake water quality improvement project in the amount of \$32,361.48. Motion carried unanimously.

**Payment Application: Oakgreen Avenue Infiltration Basin** After project review and discussion, **motion** was made by Scheel and seconded by Fetcher for payment of the Oakgreen Avenue Infiltration Basin in the amount of \$375.00. Motion carried unanimously.

**Change Order Request- Project 1007 Maintenance-#23/82-0045** Engineer Hanson presented the managers a change order request for the Project 1007 Maintenance. The change order is for the removal of stumps and mowing in the West Lakeland Storage site. The work shall be substantially complete by April 15, 2010. This is an extension

beyond the original completion date of December 1, 2009. The change order will result in an increase of total project cost not to exceed \$605.00. After discussion, **motion** was made by Fetcher and seconded by Bucheck to approve the change order No. 1 for the Project 1007 Maintenance. Motion carried unanimously.

**Payment Application: Project 1007 Maintenance** Engineer Hanson enclosed in the meeting packet, the Project 1007 Maintenance payment application number 2. After review and discussion, **motion** was made by Fetcher and seconded by Scheel for payment of \$5,110.00 for the Project 1007 Maintenance. Motion carried unanimously.

**West Lakeland Township Sinkhole Discussion** Engineer Hanson provided the managers a letter from a homeowner reporting that an 11 year boy had fallen into a sinkhole. Barr Engineering went to the site and could not find any sinkhole present. Attorney Marshall was notified of the incident, and although no claim was filed with the VBWD insurance company, he discussed the incident with the insurance company. After discussion, the managers instructed Engineer Hanson to send a response to the homeowner indicating that there was no sinkhole found.

**2009 Inspection of VBWD Dams** Engineer Hanson enclosed in the managers' packet the 2009 Annual Inspection of the VBWD Dams. The managers reviewed the report and had no comments.

**Invasive Aquatic Species Prevention and Management Plan Amendment Considerations** The managers asked that this item be moved to the January 14, 2010 meeting.

**2009 Habitat Monitoring** The managers asked that this item be moved to the January 14, 2010 meeting.

**City of Lake Elmo Local Surface Water Management Plan** Engineer Hanson provided the managers a draft copy of comments for the City of Lake Elmo Local Surface Water Management Plan. After discussion, the managers directed Engineer Hanson to revise the letter to require the City of Lake Elmo to address issues and resubmit the plan.

**Local Water Management Plan Status** After review and discussion, President Fetcher instructed Engineer Hanson to send letters to the Cities of Afton, Oakdale, and West Lakeland Township to remind them that their Local Plans are overdue. Also have Engineer Hanson send letters to Mahtomedi and White Bear Lake to send VBWD an update on their Local Plan status.

**Echo Lake Ponds** The managers reviewed and discussed a letter from Mike Ruegsegger, a resident of the City of Mahtomedi, regarding the Echo Lake Ponds. President Fetcher may contact the City of Mahtomedi to offer VBWD assistance to help resolve this issue.

## **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 Bucheck and seconded by Fetcher to approve payment of \$22,500.00 for the City of Mahtomedi Public Works pervious concrete and underground storage tanks project costs. Motion carried unanimously. **Motion** was made by Bucheck and seconded by Scheel to approve payment of \$2,000.00 to Paul and Claire Spilseth for rain garden and native prairie project cost. Motion carried unanimously. **Motion** was made by Bucheck and seconded by Fetcher to approve payment of \$500.00 to Hamlet at Sunfish Lake Homeowners Association for native prairie project cost. Motion carried unanimously. Vice President Bucheck will contact Rusty Schmidt about revising the BMP spreadsheet summary and the January 28, 2010 presentation.

**BMP Incentive Program** Vice President Bucheck will distribute the framework document to be finalized at the January 14, 2010 meeting.

**Karen Schultz Memorial** President Fetcher will send Engineer Hanson contact information from Karen Schultz's church for follow up on the status on the church's approval of a tree and plaque.

**Valley Branch Watershed District Boundary Change** The BWSR sub-committee recommendation of the boundary change is scheduled for December 16, 2009 at 9:00. Managers Fetcher, Bucheck, and Scheel, Attorney Marshall and Engineer Hanson plan to attend the meeting. The Valley Branch Watershed District will not comment at the meeting.

**MAWD Annual Conference** President Fetcher, Attorney Marshall, and Engineer Hanson attended the MAWD Annual Conference. President Fetcher commented on the highlights of the conference.

**Next Meeting - January 14, 2010** Secretary Scheel is unsure if he will be at the meeting.

**Annual Selections of Official Bank and Newspaper** Motion was made by Fetcher and seconded by Borash to retain the Lillie Suburban Newspaper as the District's legal newspaper and to designate the Lake Elmo Bank as the District's official bank for 2010. Motion carried unanimously.

**Election of the 2010 Officers** Motion was made by Fetcher and seconded by Bucheck to open nominations for the 2010 Election of Officers. Motion carried unanimously. After discussion, motion was made by Fetcher and seconded by Borash to approve the election of the 2010 Officers: David Bucheck, President, Lincoln Fetcher Vice-President, Dale Borash Treasurer, and Don Scheel Secretary. Motion carried unanimously. Motion was made by Scheel and seconded by Borash to close nominations for the 2010 Election of Officers. Motion carried unanimously.

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

#### **ADJOURNMENT**

Motion was made by Fetcher and seconded by Scheel at 9:58 p.m. to adjourn the meeting. Motion carried unanimously.

Respectfully Submitted,

**/s/ Donald Scheel**

Donald Scheel, Secretary

**Minutes approved by Managers on 1/14/10**