

VALLEY BRANCH WATERSHED DISTRICT
Minutes of Regular Meeting No. 972
Thursday, January 12, 2017
Held in the Baytown Township Community Center
Thursday, January 12, 2017

APPROVED
MINUTES

MANAGERS PRESENT: Dave Bucheck, President; Lincoln Fetcher, Vice President; Jill Lucas, Secretary; Ed Marchan, Treasurer; and Anthony Haider, Manager

MANAGER ABSENT: None

STAFF PRESENT: John Hanson, Engineer, Barr Engineering; Susannah Torseth, Attorney, Lawson Marshall McDonald and Galowitz; and Melissa Imse, Recording Secretary

STAFF ABSENT: None

OTHERS PRESENT: Nathan Campeau, Barr Engineering

CALL TO ORDER President Bucheck called the meeting to order at 7:00 p.m.

ANNOUNCEMENTS None

APPROVAL OF MINUTES After discussion, **motion** was made by Marchan and seconded by Lucas to approve the December 8, 2016 meeting minutes. Motion carried unanimously.

ADDITIONAL AGENDA ITEMS Under Engineer's Report #6-Hazard Mitigation Assistance Grant. Under Manager's Report #5-VBWD 2016 Goals and #6-Manager Per Diem

PUBLIC FORUM None

CITIZEN ADVISORY COMMITTEE VBWD has been contacted by Jeff Brower that he is interested in joining the VBWD CAC.

SECRETARY'S REPORT Engineer Hanson distributed the mail.

INSPECTOR'S REPORT None

ATTORNEY'S REPORT

Oath of Office Attorney Torseth presented the Managers Oath of Office for signature.

Recording Secretary Contract Attorney Torseth presented the annual contract with the Recording Secretary for signature.

Buffer Law Overview Attorney Torseth prepared a memorandum explaining the new Minnesota Buffer Law and the enforcement of the law. The managers discussed having VBWD being in charge of the enforcement, or allowing Washington County or the Minnesota Board of Water and Soil Resources conduct the enforcement. After discussion, a **motion** was made by Fetcher and seconded by Lucas that VBWD does not intend to take on the enforcement of the buffer law. Motion carried unanimously.

WASHINGTON CONSERVATION DISTRICT

Volunteer Stream Monitoring Program Aaron DeRusha with the Washington Conservation District contacted the Stillwater Area High School about continuing the volunteer stream monitoring program with VBWD. Ben Straka, the new science teacher at the high school, plans to continue the volunteer stream monitoring program in 2017.

ENGINEER'S REPORT

2016 Infrastructure and Conveyance Systems Inspections Nathan Campeau with Barr Engineering was present to review the 2016 Infrastructure and Conveyance Systems Inspections and recommendations with the managers. After discussion, a **motion** was made by Fetcher and seconded by Marchan to authorize Barr Engineer to inspect 17 systems listed in the report for a total estimated cost of \$67,000 with the possibility to monitor Raleigh Creek as well, and to obtain bids for completion of all high priority maintenance items listed in the report, for a total estimated cost of \$111,500, and continue to require the Washington and Ramsey Conservation Districts to submit annual inspection reports on all projects that VBWD has supported with contributions of more than \$5,000. Motion carried unanimously.

Poly- and Perfluoroalkyl Sunstances (PFOS) The Minnesota Department of Health (MDH) has sampled surface and well water between Lake Elmo and the West Lakeland Storage Sites and found PFOS concentrations higher than the current health advisory. The MDH seems to believe that the chemicals originated at the 3M Oakdale Disposal Site and may have been conveyed to these areas via Raleigh Creek and the VBWD's Project 1007. After discussion, the managers would like to invite the representatives from the MDH and Minnesota Pollution Control Agency to attend a VBWD Board meeting to discuss.

Best Management Practices Cost-Share Program: Tony Mutter As part of Tony Mutter's BMP cost share project, he needed to move the gas line on his property. The cost of the gas line relocation was \$1,925. As part of the agreement, the VBWD would pay Tony Mutter for the gas line relocation, if Mr. Mutter gave Washington County an easement, then Washington County would reimburse VBWD for the cost. Mr. Mutter agreed to give Washington County the easement, and the easement has been recorded. After discussion, a **motion** was made by Fetcher and seconded by Marchan to pay Tony Mutter \$1,925 and to authorize Barr to send an invoice to Washington County for reimbursement of the \$1,925. Motion carried unanimously.

Silver Lake Bioretention Basin-Memorandum of Understanding (MOU) with the City of North St. Paul In November 2016, the VBWD approved a draft MOU that detailed the City of North St Paul and VBWD roles and responsibilities for planned improvements to the Silver Lake bioretention basin . The City made minor revisions to the MOU and City Council approved the MOU with revisions. The managers reviewed the revised MOU. After discussion, a **motion** was made by Bucheck and seconded by Marchan to approve and sign the final MOU, and authorize Barr to send the MOU to the City of North St. Paul. Motion carried on a 4-0 vote. Vice President Fetcher abstained from the vote.

Recommendation for Payment: Kelle's Creek Septic System Inspection Pilot Program The managers reviewed two invoices for payment as part of the Kelle's Creek Septic Inspection program. After discussion, a **motion** was made by Fetcher and seconded by Marchan to pay John Stadelman \$1,200 and Dan Vannelli \$5,000 for the repairs made as part of the VBWD Kelle's Creek Inspection Program. Motion carried unanimously.

Hazard Mitigation Assistance Grant The Hazard Mitigation Assistance is part of a Federal Grant program that assists with funding for flooding and erosion caused by flooding. Cities in Washington County are eligible to apply for funding. Farney Creek /Goose Lake Ravine and Sunnybrook Lake within the VBWD have erosion and flooding issues that would make these projects eligible for funding under the Grant Program. After discussion, the managers directed Barr Engineering to apply for the Hazard Mitigation Assistance Grant for the Farney Creek/Goose Lake Ravine and Sunnybrook projects.

MANAGERS' REPORT

Website Vice President Fetcher provided an update on the new VBWD website, and will continue to work on his framework ideas and list of potential contactors.

Inspection Services Inspector Roemmich will no longer be providing inspection services for VBWD in 2017. Treasurer Marchan and Barr Engineering provided a draft job description, positing locations, and hiring process. The

managers reviewed the information, directed Attorney Torseth to check on the insurance requirements for the position, and authorized Engineer Hanson to post the position as outlined.

Legal and Engineering Services After discussion, a **motion** was made by Lucas and seconded by Marchan to retain Barr Engineering as the District's engineering, technical, and administrative services provider for calendar years 2017 and 2018. Motion carried unanimously. After discussion, a **motion** was made by Marchan and seconded by Lucas to retain Lawson Marshall McDonald & Galowitz to provide the VBWD legal service for 2017 and 2018. Motion carried unanimously.

Meeting Location Due to changes in the City of Lake Elmo City Facilities Use Policy, the managers discussed alternate meeting locations. After discussion, a **motion** was made by Bucheck and seconded Marchan to change the meeting location of the VBWD meetings to the Baytown Township Community Building. Motion carried unanimously. Attorney Torseth will update the VBWD By-Laws to reflect the change in meeting location.

2016 VBWD Goals President Bucheck provided the 2016 VBWD accomplishments for the managers to review. President Bucheck will work on the 2017 Goals and bring them to the next meeting.

TREASURER'S REPORT Treasurer Marchan worked with Lake Elmo Bank regarding the banking fees for VBWD. Lake Elmo Bank will no longer be charging transfer fees to VBWD. Treasurer Marchan is investigating auditing services for VBWD.

Manager Per Diems The managers reviewed the MN Statute requirements on manager per diems. The Statute has a broad interpretation on manager per diems. Treasurer Marchan will draft some guidance regarding the expectations of when per diems can be charged and when it would be inappropriate to discuss with the managers.

FUTURE BUSINESS

Next Meetings – January 26 and February 9, 2017 Secretary Lucas will be absent at the January 26th meeting. All other managers plan to attend the meetings.

OLD BUSINESS

None.

NEW BUSINESS

None.

FUTURE ITEMS

None.

ADJOURNMENT

Motion was made by Lucas and seconded by Marchan at 9:49 p.m. to adjourn the meeting. Motion carried unanimously.

Respectfully Submitted,

/s/ Jill Lucas

Jill Lucas, Secretary

Minutes approved by Managers 1/26/2017