Minutes of Regular Meeting # 681 Held in the Lake Elmo City Council Chambers Thursday, February 27, 2003

MANAGERS PRESENT: Dave Bucheck, President; Lincoln Fetcher, Vice President; Don Scheel, Secretary; Dale Borash, Treasurer; Duane Johnson, Manager

MANAGER ABSENT: None

STAFF PRESENT: John Hanson, Barr Engineering; Barb Wolle, Attorney; Ray Roemmich, Inspector; and Karen Schultz, Record Secretary

STAFF ABSENT: None

OTHERS PRESENT: Dr. Ray Swanson, CAC; Don Wodek and Matt Moore, South Washington Watershed District; and Jeff Berg, Washington Conservation District

CALL TO ORDER Meeting called to order by President Bucheck at 7:08 p.m.

ANNOUNCEMENTS There were no announcements.

APPROVAL OF MINUTES After discussion of the minutes of the February 13, 2003 meeting, motion was made by Fetcher, seconded by Johnson, to approve the minutes as corrected. Motion carried unanimously.

ADDITIONAL AGENDA ITEMS Items added to the agenda under Engineer: Local Unit of Government Assistance with NPDES Phase II Application; Under Managers: Sunnybrook Lake Letter.

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

SECRETARY’S REPORT Secretary Scheel reported that he had distributed the mail.

INSPECTOR’S REPORT Inspector Roemmich reported no activity since the last meeting.

ATTORNEY’S REPORT Attorney Wolle reported that the pumping agreement with Indian Hills Golf Course will expire in April. After discussion, motion was made by Fetcher and seconded by Scheel to direct the attorney to continue the pumping contract with Indian Hills Golf Course for another year. Motion carried unanimously.

TREASURER’S REPORT Treasurer Borash distributed copies of the Treasurer’s Report dated February 25, 2003, and the Administrative and Program Budgets dated February 2003. After discussion, motion was made by Borash and seconded by Fetcher to approve the Treasurer’s Report. Motion carried unanimously.

ENGINEER’S REPORT South Washington Watershed District-Valley Branch Watershed District Boundary Change Petition Engineer Hanson had mailed copies of a draft Resolution regarding the boundary change petition submitted by the South Washington Watershed District. The managers discussed the boundary change petition with Engineer Hanson, and also Administrator Matt Moore and Manager Don Wodek, of the South Washington Watershed District. After discussion, the managers directed Attorney Wolle to retype the Resolution for the managers at the next meeting. Motion was made by Scheel and seconded by Fetcher to table the Resolution discussion until the next meeting, giving the attorney time to retype the Resolution for the managers. Motion carried unanimously.
NPDES Phase II: At the last meeting, the managers had directed Engineer Hanson to prepare the Notice of Intent for the National Pollutant Discharge Elimination System (NPDES). Engineer Hanson mailed copies of the draft Notice of Intent to the managers, and at this meeting, discussed it with the managers. The Notice needs to be submitted to the Minnesota Pollution Control Agency by March 10, 2003. After much discussion of the information that Engineer Hanson placed in the Notice of Intent, motion was made by Bucheck and seconded by Fetcher directing Engineer Hanson to finalize the Notice of Intent and prepare it for submission. Motion carried unanimously.

Local Unit of Government Assistance with the NPDES Phase II Application: Dr. Ray Swanson, Chair of the West Lakeland Township Board, was present to ask the managers for assistance in completing the NPDES General Storm Water Permit Application for Small Municipal Separate Storm Sewer Systems (MS4s) for West Lakeland Township. The managers said that West Lakeland Township is only one of many entities in the watershed district, possibly needing assistance. Attorney Wolle noted that in the guidance manual for the application, it is stated that if one MS4 (Small Municipal Separate Storm Sewer System) contracts with another one that is already performing some of the activities, it is necessary to enter into a legally binding agreement.

Engineer Hanson stated that the most qualified persons to assist these entities would be the individual entities= engineering consultants.

After that discussion, motion was made by Borash and seconded by Johnson to authorize Engineer Hanson to provide advisory assistance to any local unit of government within the Valley Branch Watershed District in completing their NPDES applications, as well as share the VBWD application material. Motion carried unanimously.

Downs Lake Project Update: Engineer Hanson explained to the managers an issue with a manhole structure. Downs Lake resident, Robert Welch, had offered during the pre-construction meeting to have the six-foot diameter manhole structure located as close to his property as possible in order to protect a large oak tree. Barr Engineering indicated in writing the pre-construction meeting minutes to the contractor, that the manhole structure could be relocated as long as it would still be within the existing drainage easement. During the installation of the manhole, Mr. Welch indicated to the contractor that the contractor could move the structure even closer to his property. Now that the structure is mostly installed, Mr. Welch has indicated his displeasure with the structure=s location. A survey of the area shows that about three feet of the structure is on Mr. Welch=s property and outside of the existing drainage easement.

Barr Engineering has discussed the issue with Attorney Wolle and both determined that it would be best to move the structure to a location within the drainage easement, instead of attempting to gain an easement from Mr. Welch. Furthermore, since Mr. Welch has not returned a letter indicating that he agrees to allow some fill on his property, the structure should be located within the easement so that no grading will be needed on Mr. Welch=s property. The contractor said he will not move the structure without being compensated. The contractor said it will cost $5,700 to move it if the ground is still frozen. If it thaws first, he said it could cost over $100,000. The contractor is asking the VBWD to pay the cost. The managers discussed the issue and agreed to pay $5,700 to move the structure, but that Barr Engineering should possibly negotiate with the contractor and start at half of the $5,700.

Motion was made by Fetcher and seconded by Scheel to authorize Engineer Hanson to draw up a Change Order to move the manhole, and to pay the contractor up to $5,700. Motion carried unanimously.

Attorney Wolle gave the managers an update on the easement along Manning Trail. 3M is still reviewing the easement documents.

Wetland Training: Engineer Hanson asked the managers to send a letter of recommendation to the Board of Water and Soil Resources (BWSR) to allow a Barr Engineering employee to attend wetland
delineation training provided by BWSR. There is no cost to VBWD, but it is more likely that a person will be accepted for the training, with the recommendation. Motion was made by Scheel and seconded by Borash to approve the wetland delineation training for Karen Wold, Barr Engineering employee. Motion carried unanimously.

**Lake DeMontreville Public Access Signs** Engineer Hanson had mailed to the managers draft copies of signs that the MnDNR plans to install at Lake DeMontreville. He made suggestions for changes and corrections to the signs, and the managers approved the changes and corrections. Vice President Fetcher asked for a similar sign for the Silver Lake project.

**MANAGERS= REPORT Next Meeting - March 13, 2003** Vice President Fetcher said he will be absent from the next meeting. Manager Johnson was not sure if he will be in town for the meeting. The managers said they expect to have a quorum.

**Final Draft of 2002 Annual Report** Recording Secretary Karen Schultz had mailed copies of the final draft of the managers= section of the 2002 annual report. After discussion of the cost of printing and mailing the annual report as is usually done, motion was made by Fetcher and seconded by Borash to post the 2002 annual report on the watershed district=s web site, and to mail a letter to everyone on the mailing list who usually receives the annual report, stating that the 2002 annual report is available on the web site, and that a hard copy will be mailed upon request. Motion carried with the following vote: Bucheck, Yea; Fetcher, Yea; Scheel, No; Borash, Yea; Johnson, Yea.

**Sunnybrook Lake Letter** Vice President Fetcher said he asked Engineer Hanson for assistance in writing a letter to the City of Grant concerning the history of the flooding around Sunnybrook Lake. He said that Engineer Hanson=s factual information was inserted into the letter. He also suggested that the Grant City Council members be invited to attend a VBWD managers= meeting in the near future. The managers discussed meeting dates in April and May. Vice President Fetcher asked the managers to review the letter and send any changes or corrections to him or to Engineer Hanson before the next meeting.

**ADJOURNMENT** Motion made by Borash and seconded by Fetcher at 9:15 p.m. to adjourn the meeting. Motion carried unanimously.

Respectfully Submitted,

Donald Scheel, Secretary

Minutes Approved by Managers 03/13/03