Minutes of Regular Meeting # 694 Held in the Lake Elmo City Council Chambers Thursday, September 11, 2003

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

MANAGERS ABSENT: None

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

STAFF ABSENT: None

OTHERS PRESENT: Jeff Berg, Washington Conservation District; Brad and Molly Winkels, Property on Legion Pond in Floodplain

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

ANNOUNCEMENTS There were no announcements.

APPROVAL OF MINUTES After discussion of the minutes of the August 28, 2003 meeting, motion was made by Scheel, seconded by Borash, to approve the minutes as distributed. Motion carried unanimously.

ADDITIONAL AGENDA ITEMS Under Engineer, Noreen Fill on Lake DeMontreville; Saccoman Pole Shed, Grant; Floyd’s Auto Parts, Grant.

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 that nothing had been done yet at the County Road 21 and 15th Street site in Afton that he reported on at the last meeting. He said that Engineer Hanson has sent a letter to the property owner.

ATTORNEY=S REPORT Attorney Wolle said she had nothing new to report.

TREASURER=S REPORT Treasurer Borash distributed copies of the Administrative and Program Budgets for Fiscal Year 2003 dated September 5, 2003, and also the draft VBWD 2004 Project Budget for the scheduled Budget Hearing at 8:00 p.m.

ENGINEER=S REPORT Winkels Property/Legion Pond, Lake Elmo As directed by the managers at the last meeting, Engineer Hanson visited the site of the Winkels property on Legion Pond, which is in a floodplain. Engineer Hanson said he also contacted a staff person at the City of Lake Elmo, and learned that the Winkels home is a Non-conforming structure and that the City of Lake Elmo floodplain ordinance does not allow any additions to non-conforming structures.

The homes in the area each have a berm on their property for protection against flooding. He explained that if the berm on the property was raised, and also the berms on the neighbors’ property, they would then be protected from being flooded. The berm would need to be certified by a registered engineer using the Army Corps of Engineers method for discontinuing the requirement for the residents to buy flood insurance.
Engineer Hanson said that based on past filling activities, the District’s rules do not allow for additional fill to be placed within the floodplain, which is what would be needed to raise the berm. However, he said this is a unique situation and probably fits the definition and intent of a variance, as outlined in the District’s rules and regulations. He added that if the managers indicated at this meeting whether they would decide to support a variance for raising the berm, it would help the Winkels determine how to proceed with the City of Lake Elmo.

Engineer Hanson asked for authorization to attend a meeting on September 16, 2003 of the City of Lake Elmo and the Winkels to discuss the situation.

After much discussion motion was made by Borash and seconded by Fetcher to direct Engineer Hanson to attend the September 16, 2003 meeting with the City of Lake Elmo and that the VBWD managers would be favorably inclined to allow a variance to re-construct a flood proofing berm to remove the homes from the 100-year floodplain, due to the year the homes were built. Motion carried unanimously.

Sunnybrook Lake At the last meeting the managers directed Engineer Hanson to prepare information that would approximate the cost of the Sunnybrook Lake project on taxpayers. Engineer Hanson had mailed to the managers a table listing the potential estimated tax impact on District residents. He also had mailed a figure showing the approximate areas of needed easements for the project.

The managers discussed the figures and potential tax impact amounts.

President Bucheck said he had not had time to prepare a framework on which the managers could vote at this meeting. He will have it ready for the next meeting.

List of Issues for Discussion at 09/25/03 Workshop Engineer Hanson distributed a list of issues that should be discussed at the workshop on September 25th. Engineer Hanson asked if the managers would like Engineer Karen Chandler to send an e-mail to those persons attending the July 31st workshop, to let them know what was going on with different issues. The managers agreed that this would be a good idea and asked Engineer Hanson to ask Karen Chandler to send an e-mail.

BUDGET HEARING Motion was made by Scheel and seconded by Borash to recess the meeting for purposes of the 2004 proposed budget hearing. Motion carried unanimously.

At 8:00 p.m. President Bucheck opened the public hearing on the 2004 proposed administrative budget. Treasurer Borash had distributed copies of the 2004 administrative budget for the managers to discuss. President Bucheck asked for questions from the audience about the budget. Hearing none, he declared the budget hearing closed at 8:06 p.m.

After discussion of the proposed 2004 administrative budget, motion was made by Scheel and seconded by Fetcher to pass a resolution to approve the preliminary administrative and program budget for tax levy purposes in the amount of $747,304.79. Motion carried unanimously.

At 8:26 p.m. President Bucheck called the meeting back to order.

ENGINEER’S REPORT (Cont.) Noreen Fill on Lake DeMontreville Engineer Hanson described a project located on the north side of Lake DeMontreville, 7960 DeMontreville Trail, Lake Elmo, in the NE 1/4 of the SE 1/4, Section 5, Township 29 North, Range 21 West. The purpose of the project is to construct a boulder retaining wall and place fill behind a newly formed ice ridge.

Engineer Hanson said the resident’s goal is to stabilize the shoreline, and was unaware that a VBWD permit was required for all work within the 100-year floodplain of Lake DeMontreville.
Engineer Hanson said the MnDNR has rules and regulations regarding this type of project, and is working with the resident to get the project in conformance with those rules. He said the managers do not need to take any action at this meeting on this issue.

Saccoman Pole Shed - City of Grant Engineer Hanson described a project located at 9104 - 68th Street North, City of Grant, in the NW 1/4 of the NW 1/4 Section 34, Township 30 North, Range 21 West. The purpose of the project is to construct a pole shed for horses.

The pole shed would be approximately 21,000 square feet, which is a new impervious surface greater than 6,000 feet, which would require a VBWD permit. The area drains to Sunnybrook Lake.

After discussion, the managers agreed that they need more information, including a grading plan before the permit could be approved. The managers directed Engineer Hanson to send a letter to the permit applicant asking for a grading plan.

Floyd=s Auto Parts - City of Grant Engineer Hanson said he had been contacted by Grant City Councilperson, Candice Kraemer, regarding an auto parts business in the City of Grant, in the area of the DNR Gateway Trail and Hwy. 12. Councilperson Kraemer is concerned about the affect that the business may have on Sunnybrook Lake.

Engineer Hanson said that based on a review of aerial photographs and topographic information, the site had a compacted gravel/impervious surface prior to the recent pavement project. The area did not appear to contain any wetlands, but the extreme northeast corner of the site might be within the 100-year floodplain of an adjacent wetland. He said that if the area is in the 100-year floodplain and if there had been fill hauled in and placed within a 100-year floodplain, it would trigger the need for a VBWD permit.

Engineer Hanson asked the managers how they would like to proceed. Vice President Fetcher said it sounds like a possible water pollution issue. Treasurer Borash said that the Minnesota Pollution Control Agency (MPCA) should be involved in any pollution issues with the site.

After discussion, the managers directed Engineer Hanson to contact the Minnesota Pollution Control Agency for information on the issue.

Requested Information on Anna=s Grove Engineer Hanson had distributed to the managers a summary of information requested by Richard Welch. The managers discussed the information, and directed Engineer Hanson to forward the summary to Richard Welch.

MANAGERS= REPORT Next Meeting - September 25, 2003 The managers expect to have a quorum at the next meeting. The managers will hold a workshop at 6:00 p.m. before the meeting. The meeting will begin at 8:00 p.m.

OLD BUSINESS Silver Lake Bioretention Project Update Vice President Fetcher said he recently visited the site of the bioretention basin near Silver Lake. He said it looked good, and that there was water in the pond since the recent rain.

ADJOURNMENT Motion made by Fetcher and seconded by Scheel at 8:52 p.m. to adjourn the meeting. Motion carried unanimously.

Respectfully Submitted,

Donald Scheel, Secretary