Minutes of Regular Meeting # 712 Held in the Lake Elmo City Council Chambers Thursday, August 12, 2004

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

MANAGER ABSENT: None

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

STAFF ABSENT: None

OTHERS PRESENT: Michele Caron and Chris Carda, RLK Kuusisto; Richard Welch, Pat and Debbie Dean, Ron Mullenbach, LeRoy Nyhus, Karen Johnston, Steve and Vickie Iverson, Bill Rowe, Brenda Jo Carlson, Joe Kiesling, Steve DeLapp, Susan Dunn, Tom Frew, Martin Rafferty, and Barb Walsh, Citizens Concerned about Oakdale Marketplace Permit

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 July 22, 2004 meeting, motion was made by Scheel and seconded by Borash to approve the minutes as amended. Motion carried unanimously.

ADDITIONAL AGENDA ITEMS There were no additional agenda items.

PUBLIC FORUM There was no discussion in the public forum segment of the meeting.

CITIZENS ADVISORY COMMITTEE Chuck Taylor had mailed his report on lake levels, and discussed it with the managers at this meeting.

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

INSPECTOR REPORT Inspector Roemmich reported on sites he has inspected since the last meeting.

ATTORNEY REPORT Attorney Marshall said he had nothing new to report.

TREASURER REPORT Treasurer Borash distributed copies of the draft administrative budget for Fiscal Year 2005, and a copy of the VBWD 2004 Study/Project Budget. Attorney Marshall will have the proposed 2005 administrative budget published for two weeks in the legal newspaper, for a public hearing on the budget to be held September 9, 2004.

CHANGE IN ORDER OF AGENDA ITEMS At this time President Bucheck authorized a change in the order of agenda items.

ENGINEER REPORT Autumn Run 2nd Addition, West Lakeland Township At the managers= May 13, 2004 meeting, the managers had tabled this permit request. Since then, the developer=s engineer has made some revisions to deal with stormwater runoff at the top of a steep slope. Engineer Hanson described the project
located north of the 10th Street North (CSAH 10), about 0.3 miles east of Oakgreen Avenue (CR 69) and west of Omaha Avenue, West Lakeland Township in the SW 1/4 of Section 28, Township 29 North, Range 20 West. The purpose of the project is to construct 12 residential lots, about 1100 feet of new roadway for Oldfarm Road, about a 400 feet extension of Oldridge Avenue, about 800 feet of storm sewer, and one stormwater pond.

The managers discussed the changes made by the developer, specifically to design infiltration basins along the proposed extension to limit the runoff draining down an existing steep slope.

After discussion of the water management concerns, the wetland concerns, and the erosion control concerns, motion was made by Borash and seconded by Johnson, to approve Permit # 2004-12, with the engineer=s suggested site-specific conditions, and standard conditions. Motion carried unanimously. 

Permit Request: Oakdale Marketplace, Oakdale Using slides to show the watershed area, Engineer Hanson presented information on a permit request to construct 18 buildings, totaling 360,010 square feet (s.f.) and including a 173,890 s.f. general merchandise building, a 5,400 s.f. bank, a 3,000 s.f. restaurant with a drive-through, a 6,300 s.f. restaurant, a 16,000 s.f. retail building, a 23,600 s.f. retail building, two 14,850 s.f. retail buildings, a 13,700 s.f. retail building, a 12,500 s.f. retail building, two 6,000 s.f. restaurants, a 13,000 s.f. retail building, a 3-floor 12,510 s.f. Hotel, a 20,000 s.f. service building, two 10,500 s.f. storage buildings, and a 11,900 s.f. service building; Imation Place and 32nd Street North; 2,086 parking stalls; 5 stormwater runoff management ponds; thousands of feet of storm sewer; and 1.06-acre wetland replacement site; all on the 73-acre site.

Many residents of Lake Elmo were present with concerns about the project mainly because of drainage issues. The managers, Engineer Hanson, and the developer=s engineer of the project answered the residents= questions. The residents said they are not opposed to the project, but that they are opposed to the volume of water that will flow into the City of Lake Elmo community, and the possibility that in 10 years they will be paying for repairing problems caused by the project.

In the discussion, President Bucheck informed the audience that VBWD does not have a volume control rule, but it does have a rate control rule, so any development requiring a permit within the watershed district, must insure that water leaving the site after the development doesn=t leave the site at a faster rate before the development occurred. President Bucheck said that this project is not required to conform to a volume control rule.

President Bucheck said that in this particular case, the City of Oakdale has its own water management plan. The Plan has to be as stringent as the watershed district Plan, and once the Plan is approved, the City can administer all new projects themselves without having them come to the watershed district. In this case the managers do not have jurisdiction in the area except for the wetlands.

After more than two hours of discussion, President Bucheck asked if everyone had been given a chance to comment.

President Bucheck thanked the residents for appearing at the meeting. He said the managers= meetings are public, and invited them to come to any future meetings.

After discussion of the water management concerns, the wetland concerns, and the erosion control concerns, motion was made by Scheel and seconded by Borash, to approve Permit # 2004-17, with the engineer=s suggested site-specific conditions, standard conditions, and two additional conditions requested by Engineer Hanson: A more detailed erosion control plan; and that the grading plans shall be revised so that the outlet of stormwater pond # 4 be moved as far away from inlets as possible. Motion carried unanimously.

Cash Surety Reduction Request: Three Sister Springs, Afton At the last meeting, Engineer Hanson reported that the developer of the Three Sister Springs project had requested a reduction in the cash surety for the project.
The developer felt that the VBWD cash surety is a duplication of the City of Afton surety. The managers discussed reducing the cash surety, which is about $70,000, in the Three Sister Springs Development permit, but denied the request. At this meeting, Peter Vujavich, developer of the Three Sisters Springs project, was present to explain to the managers that the City of Afton is requiring a cash surety for the same reason as the VBWD cash surety. He feels that he is paying twice for the same purpose.

Attorney Marshall said he has discussed the issue with the developer, and understands that an agreement will be written that will assure that the VBWD expenses and costs for the project will be covered. Mr. Vujavich said he will provide Attorney Marshall with the drafted agreement. The agreement will include a provision that both the City of Afton and the VBWD must sign off before the cash surety can be returned.

Motion was made by Borash and seconded by Scheel to combine the cash surety required by the VBWD as a condition that will merge with the surety for the same work required by the City of Afton in a form acceptable to the District’s Engineer and the VBWD Attorney. Motion carried unanimously.

Watershed Management Plan The managers and Engineer Hanson discussed the workshop that they have scheduled for August 19th at 6:00 p.m to work on the Watershed Management Plan.

Lower St. Croix Valley Water Management Organization Plan Draft Comments (LSCVWMO) On behalf of the VBWD, Engineer Hanson drafted a letter of comments on the LSCVWMO Plan, and mailed copies to the managers. The managers approved the letter and motion was made by Bucheck and seconded by Scheel to approve the draft letter and directed Engineer Hanson to mail the letter to the engineering firm for the LSCVWMO. Motion carried unanimously.

Long Lake Slow/No Wake Draft Letter At the last meeting Engineer Hanson was directed to draft a letter to the Pine Springs Council concerning the managers’ recommendation of a trigger elevation for a slow/no wake speed limit on Long Lake. Engineer Hanson had mailed the draft of the letter to the managers. The managers approved the letter, and motion was made by Borash and seconded by Fetcher to approve the letter regarding A Long Lake Slow/No Wake Speed Limit Trigger Elevation@ and to direct Engineer Hanson to prepare the letter for President Bucheck’s signature. Motion carried unanimously.

Echo Lake Modeling At the last meeting, Engineer Hanson was directed to prepare a letter to the City of Mahtomedi stating the VBWD’s willingness to perform a limited model of Echo Lake. The managers were mailed the draft letter in their packet for this meeting. Vice President Fetcher had not been present at the last meeting for the discussion of the letter’s content. At this meeting Vice President Fetcher said he feels that the City of Mahtomedi should be asked to participate in the study and to contribute to the cost of the study.

After discussion, the managers agreed that the letter should be redrafted, to ask the City of Mahtomedi to participate in the study and to contribute to the cost of the study.

Silver Lake Bioretention Project At the last meeting, Manager Johnson described a machine that could possibly be used to install drain tile in the pond of the bioretention project at Silver Lake. The managers directed Engineer Hanson to look into the possibility. At this meeting, Engineer Hanson said he has an appointment to meet with a landscape contractor who may be able to install the drain tile and add some fill to low areas of the basin, without disturbing the existing vegetation. He will have more information at the next meeting.

Permit Transfers: White Bear Commons & Hidden Lake Office Condominiums, White Bear Lake Permits were issued for the White Bear Commons & Hidden Lake Office Condominiums, in White Bear Lake, in 2001 and 2002. Since then, the properties have been purchased by a different company. The development plans and the VBWD rules have not changed since the permits were issued. The new owners have submitted permit applications for the two projects. Several improvements have been made to the White Bear Commons project, and there is more work to be done. The new owners want to do some work near the wetland, and add another building to the project. The managers agreed that if the owner will do the work according to the first permit
conditions, no new permit is necessary. But if the owner wants to make changes, a new permit is needed. President Bucheck directed Inspector Roemmich and Engineer Hanson to encourage the owner to comply with the original permit.

MANAGERS= REPORT Next Meeting - August 26, 2004 The managers expect a quorum to be present on August 26th. Manager Johnson said he will not be in attendance.

ADJOURNMENT Motion made by Borash and seconded by Fetcher at 10:37 p.m. to adjourn the meeting. Motion carried unanimously.

Respectfully Submitted,

Donald Scheel, Secretary

Minutes Approved by Managers 08/26/04