Minutes of Regular Meeting # 706 Held in the Lake Elmo City Council Chambers
Thursday, May 13, 2004

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

MANAGER ABSENT: Lincoln Fetcher, Vice President

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

STAFF ABSENT: Ray Roemmich, Inspector

OTHERS PRESENT: Derek Lash and William McCully, Glen Rehbein Company; Charlie Devine, City of Afton Mayor; Lisbeth Meyer, City of Afton Council; Mitch Berg, City of Afton Administrator; Jeff Walker, Afton; Kevin Shoeberg, Attorney; Alan Judd; Chuck Dillerud, Lake Elmo Planner; Richard Welch and several residents of the Anna’s Grove Subdivision in Oakdale; Ron Wiest, Minnesota Office of Pipeline Safety; Representatives of the Koch Pipeline

CALL TO ORDER President Bucheck called the meeting to order at 7:06 p.m.

ANNOUNCEMENTS There were no announcements.

APPROVAL OF MINUTES After discussion of the minutes of the April 22, 2004 meeting, motion was made by Scheel, seconded by Johnson, to approve the minutes as distributed. 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 REPORT Chuck Taylor was not present, but had mailed the lake levels report to the managers.

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

INSPECTOR=S REPORT Inspector Roemmich was absent. There was no report.

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

TREASURER=S REPORT Treasurer Borash had not yet arrived at this time.

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

ENGINEER=S REPORT Permit Request: Whistling Valley 2nd Addition, Lake Elmo Engineer Hanson presented information on a project located directly northwest of the County Road 10 (10th Street North) and Keats Avenue intersection, City of Lake Elmo in the SE 1/4 of Section 27, Township 29 North, Range 21 West. The purpose of the project is to construct 18 residential lots, about three-fourths of a mile of roadway, about 0.8 miles of trail, seven stormwater ponds, and a wetland replacement and banking site.
The site lies directly east of the Whistling Valley (1st) Addition, and the north lobe of Goose Lake. The southern sixth of the site drains to the north lobe of Goose Lake. Goose Lake and the northern portion of the site drain to Eagle Point Lake. Goose Lake is considered semi-landlocked. Typically, the lake does not overflow, but it does overflow in the 100-year annual event. The 100-year flood level of Goose Lake was established by the District at an elevation slightly above the lake’s overflow.

Five wetlands are on the site. The managers and engineer discussed the impact on these wetlands with the developer. The Technical Evaluation Panel (TEP) will visit the site to determine if the site is suitable for a wetland bank site and if the Wetland Bank Plan is acceptable.

After much discussion of the wetland concerns, the water management concerns, and the erosion control concerns, motion was made by Scheel and seconded by Johnson to approve Permit # 2004-06 with the engineer=s suggested site-specific conditions and standard conditions, and the conditions added by the managers. Motion carried unanimously.

Wildflower Shores Development (Not on Agenda) William McCully, Developer of Wildflower Shores, asked the managers for some time at this meeting to discuss an issue he has with the Technical Evaluation Panel (TEP) regarding the requirements for a wetland banking site in the Wildflower Shores development. Mr. McCully said the Wildflower Shores development had been graded in 1999, he has submitted annual monitoring reports, and has made changes at the site to try to improve the banking site. He claimed that the site is a functioning wetland, but the TEP now has different requirements than when the banking plan was approved.

President Bucheck told Mr. McCully that the VBWD managers are required to rely on the advice of the TEP before approving the wetland bank. He suggested that Mr. McCully meet with the TEP, try to come to a solution, then, if necessary, return to discuss it with the VBWD managers.

Permit Request: Alan Judd Long Lake Floodplain Fill, Pine Springs Engineer Hanson described a project located at 3532 Long Lake Road East, Pine Springs in the NW 1/4 Section 5, Township 29 North, Range 21 West. The purpose of the project is to partially fill a wetland that is within the Long Lake floodplain for access to Long Lake.

The landowners have a 10-foot access to Long Lake. The access is through a wetland, which is also within the 100-year floodplain of Long Lake. The landowners are proposing to fill the area for better access to Long Lake. Under the Wetland Conservation Act (WCA), the landowner can fill up to 400 square feet of the wetland if an exemption is approved. The landowner has submitted a WCA exemption request. The volume of fill placed within the 100-year floodplain of Long Lake is limited by the VBWD rules and regulations, too.

After discussion of the wetland concerns, the water management concerns, and the erosion control concerns, motion was made by Scheel and seconded by Johnson to approve Permit # 2004-13 with the engineer=s suggested site-specific conditions and standard conditions. Motion carried unanimously.

Permit Request: Jeff Walker Grading, Afton Engineer Hanson described a project located at 1022 Indian Trail South, Afton, in the NW 1/4 of the NW 1/4, Section 9, Township 28 North, Range 20 West. The purpose of the project, which is already complete or in progress, is to remove a home and several out buildings; grade around the remaining metal shed to divert runoff around it; grade a farm field by stripping topsoil, grading underlying sand, and covering the sand with the topsoil; install two 18-inch diameter polyethylene pipes, each about 200 feet long.

The landowner proposes to construct a driveway, a house, and a horse barn and arena this year, also.

Engineer Hanson said the unpermitted grading activities was reported to him on April 28th by the Afton City Administrator. The work that has already been completed or is in progress has disturbed about 11 acres of land. Most of the work has involved stripping topsoil, grading the underlying sand, and replacing the topsoil.
Two 18-inch diameter culverts might have also been installed and each is about 200 feet long. The former house and several out buildings have been removed and some grading near the building site has occurred to direct runoff away from buildings.

It is estimated that the proposed driveway, home, and barn construction will create about 34,000 square feet of new impervious surface; removal of the old house and out buildings including impervious surfaces, still leaves 24,000 square feet of new impervious surface.

President Bucheck addressed the landowner, and said that the area needs to be covered and seeded because of the sensitive area to which the land drains. He told Mr. Walker that it would have made it easier if he had come to the VBWD managers for a permit for the whole plan before beginning the project. He then asked for Mr. Walker’s cooperation in getting the soil covered and seeded to avoid erosion from a possible rain storm.

After discussion of the water management concerns and the erosion control concerns, motion was made by Johnson and seconded by Borash to approve Permit # 2004-14 with the engineer’s amended suggested site-specific conditions and standard conditions. Motion carried unanimously.

President Bucheck said that this permit covers only the work that has been started already, and the grading that has been done.

City of Afton Mayor, Charlie Devine, commented that he appreciated Barr Engineering coming out to the site, at the request of the City of Afton, because they didn’t know what was occurring. He said that the City will also require grading plans and drawings before a permit is issued.

Treasurer Borash left the meeting at 8:02 p.m.

**Permit Request: Autumn Run 2nd Addition, West Lakeland Township**  
Engineer Hanson presented information on a project located north of 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, extension of about 400 feet of Oldridge Avenue, about 800 feet of storm sewer, and one stormwater pond. The site lies within the Rest Area Pond subwatershed. The proposed project will not change the local drainage patterns.

After discussion, motion was made by Johnson and seconded by Scheel to table Permit Application 2004-11 because the application should be revised to include details of an infiltration basin. Motion carried unanimously.

**Stormwater Routing Opinion Request: 50th Street/Hill Trail Reconstruction, Lake Elmo**  
Engineer Hanson had mailed a memorandum from the City of Lake Elmo’s engineer regarding stormwater routing in the 50th Street/Hill Trail area. In reconstructing Hill Trail near Olson Lake in Lake Elmo last year, the City of Lake Elmo installed storm sewer to convey runoff. Residents of the area asked that the managers work with the City to investigate options for providing additional treatment to the runoff before the storm sewer discharges the runoff to Olson Lake. The City has reviewed the option of diverting runoff into a semi-landlocked wetland north of 50th Street and Olson Lake. The City=s Engineer does not recommend the diversion, but would like the opinion of the VBWD managers on whether to pursue this option.

President Bucheck said it doesn’t look like there is an apparent solution. He suggested that the City=s engineer meet with the VBWD engineer to see if there are any other alternatives that make sense.
Watershed Diversion Opinion Request: Schiltgen Farm 180 acres from Old Village & Downs Lake to Sunfish Lake, Lake Elmo

Engineer Hanson had mailed information on certain drainage issues in the City of Lake Elmo. To reduce flooding in the Old Village Area of Lake Elmo, the City’s engineer has reviewed a scenario of diverting runoff from the farm field north of Highway 5 and west of Lake Elmo Avenue away from the Old Village and into Sunfish Lake. The City’s engineer would like the VBWD managers’ opinion before doing a detailed analysis.

President Bucheck said the managers would like to see the calculations done on Sunfish Lake, and he directed the District’s Engineer to work with the City of Lake Elmo to evaluate the impacts of the proposed diversion.

Permit Request: Settler’s Ridge Parkway, Woodbury

Engineer Hanson described a project located on Cottage Grove Drive from 1000 feet south of Brookview Road to 3010 feet north of Brookview Road; Brookview Road from Cottage Grove Drive to 2500 feet to the west, Woodbury in the east and south lines of Section 2, Township 28 North, Range 21 West. The purpose of the project is to make street and utility improvements for Cottage Grove Drive (renamed Settler’s Ridge Parkway south of future Eastview Road) and Brookview Road, including constructing a 10-foot wide bituminous path on the west side of Cottage Grove Drive.

This project is along the legal boundary between VBWD and South Washington Watershed District (SWWD). The portion of the project north of Brookview Road drains to VBWD and lies within the Fahlstrom Pond watershed. The City is proposing to construct a pond at the northwest quadrant of Eastview and Cottage Grove Drive, which is adjacent to the Garden Gate development, to manage the runoff generated from this project. The VBWD has not permitted the Garden Gate development.

After discussion of the water management concerns, the wetland concerns, and the erosion control concerns, motion was made by Johnson and seconded by Scheel to approve Permit # 2004-15 with the engineer’s suggested site-specific conditions and standard conditions, as well as the managers’ amended conditions. Motion carried unanimously.

Update: Keats Pond Electrical Repair

At the March 25, 2004 meeting, the managers directed Engineer Hanson to have the Keats Pond pump repaired if the cost would be less than $2,000. Engineer Hanson said at this meeting that the only written estimate received at this point is $2,830. After discussion, motion was made by Scheel and seconded by Bucheck authorizing Engineer Hanson to have the pump fixed for a cost not to exceed $3,000. Motion carried unanimously.

Update: Project 1007 Maintenance

Engineer Hanson reported that the maintenance work on Project 1007 is completed. He had mailed a summary of the work completed as of 05/05/04. The cost is slightly higher than the estimate. He also said that when the contractor was removing debris from the Lake Elmo outlet pipe, it was determined that the pipe joints had become separated. The contractor had not estimated the cost to reconnect the pipe at this time. Motion made by Scheel and seconded by Johnson to direct Engineer Hanson to work with the contractor to arrive at a time and expenses price for connecting the joints in the pipe. Motion carried unanimously.

Motion was made by Johnson and seconded by Scheel to make a check payable to F. F. Jedlicki, Inc., for $21,383 for payment of Project 1007 Maintenance work done up until 05/05/04. Motion carried unanimously.

Update: LCMR & BWSR Groundwater-Surface Water Grant Studies

Engineer Hanson reported that there have been several meetings held concerning the two similar LCMR and BWSR groundwater-surface water studies. The LCMR study is mostly focused on how the proposed Woodbury wells might impact Valley Creek. The BWSR study is an inventory of southern Washington County in determining surface water and ground water interconnections. Engineer Hanson and the managers discussed the studies and related issues, including the Woodbury pump test, the groundwater modeling in the LCMR study, and the monitoring in the BWSR study.
**Permit Fees and Cash Sureties** At the last meeting the managers directed Engineer Hanson to gather information on the current structure of permit fees. Engineer Hanson had mailed information in the managers= packet on the current fee schedule, but will provide more information at the next meeting.

**Update: Silver Lake Bioretention Project** Engineer Hanson had mailed a draft of the letter requesting the Metropolitan Council for an extension to the existing June 30, 2004 contract for the Silver Lake Bioretention Treatment and Implementation and Assessment project, as well as a progress report requesting payment. The letters are written for President Buechek=s signature. The managers approved the letters and directed Engineer Hanson to place President Buechek=s signature on the letters electronically.

Engineer Hanson reported that the infiltration rates are not as good as desired. He said that some of the vegetation on the berm should be watered, even after the recent rain. President Buechek directed Engineer Hanson to continue to monitor the site.

**Presentation Request: Town Meeting Sponsored by the Afton Citizens= Forum, June 3, 2004** Engineer Hanson said that a Town meeting, sponsored by the Afton Citizens Forum, will be held June 3, 2004. He said that he and Secretary Scheel had attended the citizens= Town Meeting about two years ago, and have been requested to attend again. The managers agreed that they should attend the town meeting and make presentations as requested.

**Ramsey-Washington Metro Watershed District=s WaterFest** Engineer Hanson had mailed a copy of the brochure for the WaterFest held annually by the Ramsey-Washington Metro Watershed District at Lake Phalen. This year=s event will be held on Saturday, May 22nd. It is an interesting event and the attendance grows each year.

**Washington County Fair - August 4 - 8, 2004** Engineer Hanson said there is a booth each year at the Washington County Fair representing Washington County. He said that a portion of the booth can be used by the Washington County watershed districts on one day of the Fair this year. This would be in addition to the individual booth that VBWD would staff during the fair.

**Update: Raleigh Creek Restoration in the Anna=s Grove Subdivision** Engineer Hanson had mailed a memorandum discussing the Anna=s Grove Replacement Wetland Repairs. He described how the repair project will be accomplished to restore and widen the berm, restore the channel, and provide a pipe connection between the channel and the replacement wetland in order to provide water to the wetland. The estimated cost of the repair is in the $15,000 range. President Buechek directed Engineer Hanson to finalize the plans for the next meeting.

**Richard Welch - Anna=s Grove Issues** Richard Welch, a resident of Anna=s Grove, had come to previous meetings to inform the managers of a proposed development on the property known as the Raleigh property, which is north of the Anna=s Grove subdivision. At this meeting he and two other neighbors were present to discuss the pipeline that crosses the Raleigh property. Mr. Welch distributed a detailed summary of the Koch Pipeline crossing the Raleigh Property, and a Proposed Pipeline Integrity Management Options. He is concerned for the safety of the community because of the pipeline that crosses the property.

President Buechek explained that the VBWD has no responsibility over the pipeline.

Engineer Hanson told the group that the Environmental Assessment Worksheet (EAW) is available for the public to read, and that comments are due on June 9, 2004. Mr. Welch said he will get a copy of the EAW so that he can make the necessary comments.

Mr. Ron Wiest, with the Office of Pipeline Safety, was present, to say that the Office of Pipeline Safety does have jurisdiction over the pipeline. He assured the group that safety of the community is the highest priority. He distributed his business card and said he could be reached for any questions the group has.
A representative of Koch Pipeline, was present to assure the managers and the citizens that the Koch Pipeline Company is also concerned for the safety of the communities through which the pipeline passes.

**MANAGERS= REPORT Next Meeting - May 27, 2004** The managers expect a quorum to be present on May 27th. President Bucheck said he will be absent.

**Sunnybrook Lake** President Bucheck said that Lyle Doerr had visited with him before the meeting began, to explain that his mother-in-law, Margaret Drusch, is now living in a nursing home. She is the owner of the property on Keats Pond, which would be affected by the proposed project to alleviate flooding around Sunnybrook Lake. Mr. Doerr has decided he needs to sell the home, and said he may turn it over to a realtor in the next few weeks. He said he wanted the managers to be aware of this, in case the VBWD was planning on purchasing the home. The managers agreed, after discussing it with Attorney Marshall, that since the District is not in a position to begin the project, the District cannot ask Mr. Doerr to refrain from attempting to sell the home. President Bucheck directed Attorney Marshall to contact Mr. Doerr with this information.

**2003 Annual Report** The recording secretary said the 2003 annual report is complete, except for the 2004 proposed budget page. She said she has contacted Treasurer Borash for the information, but has not received it. She will contact Treasurer Borash again.

**CAMP 2004 Contract** Attorney Marshall said he has reviewed the CAMP 2004 Contract and he presented it to President Bucheck for his signature. President Bucheck signed the contract.

**MAWD Summer Tour Motion** was made by Bucheck and seconded by Johnson to pay the expenses and per diem for any manager who attends the MAWD Summer Tour, which will be held Thursday, June 24 through June 26, 2004 in Moorhead, and hosted by the Buffalo-Red River Watershed District. Motion carried unanimously.

**ADJOURNMENT Motion** made by Scheel and seconded by Johnson at 10:00 p.m. to adjourn the meeting. Motion carried unanimously.

Respectfully Submitted,

Donald Scheel, Secretary

**Minutes Approved by Managers 05/27/04**