Minutes of Regular Meeting # 723 Held in the Lake Elmo City Council Chambers Thursday, February 24, 2005

MANAGERS PRESENT: Lincoln Fetcher, Vice President; Don Scheel, Secretary; Dale Borash, Treasurer

MANAGERS ABSENT: Dave Bucheck, President; Duane Johnson, Manager

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

STAFF ABSENT: None

OTHERS PRESENT: Dr. Ray Swanson, CAC; William McCully, Rehbein Companies, Wildflower Shores Wetland Bank; Jyneen Thatcher, Washington Conservation District

CALL TO ORDER Vice President Fetcher called the meeting to order at 7:04 p.m.

ANNOUNCEMENTS There were no announcements.

APPROVAL OF MINUTES After discussion of the minutes of the February 10, 2005 meeting, motion was made by Borash and seconded by Fetcher to approve the minutes as corrected. 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.

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

INSPECTOR=S REPORT Inspector Roemmich said there was nothing new to report.

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

TREASURER=S REPORT Treasurer Borash distributed copies of the Administrative and Program Budgets for Fiscal Year 2005 dated 01/31/2005, and the Treasurer=s Report dated February 24, 2005. After discussion, motion was made by Borash and seconded by Scheel to approve the Treasurer=s Report. Motion carried unanimously.

WASHINGTON CONSERVATION DISTRICT Jyneen Thatcher, Washington Conservation District, distributed to the managers copies of the 2004 Annual Report on Volunteer Stream Monitoring Partnership. She also presented the 2005 Lake Gage Contract for the managers= review and approval. She said there are no changes in the 2005 contract from the 2004 contract. Attorney Wolle will examine the contract and discuss it with the managers at the next meeting.

ENGINEER=S REPORT Permit Request: Wildflower Shores Wetland Bank, Lake Elmo Engineer Hanson presented information on a permit request regarding the Wildflower Shores Permit Wetland Bank in Lake Elmo. The managers had approved the Wildflower Shores Wetland Bank Plan in 1999. In May of 2004, William McCully, the permit holder, appeared before the managers to discuss the wetland banking site, which was not functioning to the satisfaction of the Technical Evaluation Panel (TEP). Mr. McCully disagreed with...
the TEP determination. At that time, Mr. McCully was informed by the managers that they are required to rely on the advice from TEP, and asked Mr. McCully to meet with the members of TEP to try to come to a solution, then, if necessary, return to discuss the issue with the managers.

Prior to this meeting, Mr. McCully had submitted plans for re-constructing the wetland banking area. Engineer Hanson had mailed a memorandum to the managers that summarized his review and the TEP’s comments. Mr. McCully and Ms. Jyneen Thatcher, a TEP member, were present to discuss the proposed reconstruction work. Engineer Hanson reported that the TEP wants the proposed wetland bank to be successful, but is concerned that there might not be enough runoff entering the proposed wetland bank to have the hydrology needed to achieve the water elevations shown on the plans and to make the proposed wetland bank successful. Before the applicant spends a considerable amount of money to make the modifications, the TEP has requested that the applicant submit a water balance calculation. However, since the applicant has refused to submit the calculation, an alternative was given, rather than just denying the new permit request. The alternative would require monitoring for a minimum of two years before any credits being deemed eligible for banking.

Mr. McCully said that this required length of time for the wetland banking site to prove itself sufficient, is too long. He suggested that three months is sufficient time. The managers disagreed with that opinion. In discussion, Vice President Fetcher asked whether there is money in the permit’s escrow account for the costs necessary to monitor the wetland site. Engineer Hanson said he would be surprised if there is any money left in the escrow account, since the permit was issued almost six years ago, and has been monitored since 1999. Motion was made by Fetcher and seconded by Scheel to table the issue until the status of the permit fee and the escrow from the initial permit is determined, at which time the managers will decide whether additional permit fees are needed. Motion carried unanimously.

NPDES MS4 Public Hearing on the Storm Water Pollution Prevention Plan At 8:00 p.m. Vice President Fetcher recessed the meeting to conduct a public hearing on the Stormwater Pollution Prevention Plan of the NPDES Phase II MSA Permit. Vice President Fetcher called for any comments from the audience regarding the Stormwater Pollution Prevention Plan. Hearing none, he called for a motion to close the public hearing. After discussion, motion was made by Scheel and seconded by Borash at 8:11 p.m. to close the hearing. Motion carried unanimously.

Motion made by Scheel and seconded by Borash to approve the 2005 Annual Report for the Stormwater Pollution Prevention Plan, and to direct Engineer Hanson to forward the report to the Minnesota Pollution Control Agency. Motion carried unanimously.

Sunnybrook Lake Optimizing Existing Flood Storage Project Engineer Hanson reported that he had met with the Grant City Engineer to discuss working together to collect data for the Sunnybrook Lake project. He had mailed to the managers a draft letter addressed to property owners in the Sunnybrook Lake area regarding the survey and field work to be done.

The managers made changes to the letter, and then approved it and directed Engineer Hanson to mail it to the several property owners.

Raleigh Creek Engineer Hanson had mailed background information to the managers regarding the 28th Street culvert at Raleigh Creek, which is downstream from Mr. Jim Palecek’s property, as well as an update on the current situation. The culvert is again blocked with ice, and Mr. Palecek has been in contact with Engineer Hanson about the problem. Engineer Hanson said that he was contacted by the Lake Elmo City Administrator, regarding the issue. The City of Lake Elmo is willing to work with the VBWD to do whatever is necessary, and will also meet with Mr. Palecek to review the options available.
After discussion, **motion** was made by Fetcher and seconded by Scheel to authorize Engineer Hanson to locate a contractor to clear the Raleigh Creek culvert at a cost not to exceed $4,000. Motion carried as follows: Fetcher, Yes; Scheel, Yes; Borash, No.

**MANAGERS REPORT**

**Next Meeting - March 10, 2005** The managers expect a quorum to be present on March 10th.

**ADJOURNMENT** **Motion** made by Scheel and seconded by Borash at 8:33 p.m. to adjourn the meeting. Motion carried unanimously.

Respectfully Submitted,

Donald Scheel, Secretary

**Minutes Approved by Managers 03/10/05**