Minutes of Regular Meeting # 795 Held in the Lake Elmo City Council Chambers
Thursday, May 22, 2008

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

MANAGERS ABSENT: None

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

STAFF ABSENT: None

OTHERS PRESENT: Judith Blackford, Chuck and Donna Harstad, Tom and Kaye Hilpisch, Jim Gibbons, and Jeanne Beanbien, Sunfish Lake Residents

CALL TO ORDER President Fetcher called the meeting to order at 7:02 pm.

ANNOUNCEMENTS There were no announcements.

APPROVAL OF MINUTES After discussion of the minutes of the May 8, 2008 meeting, motion was made by Bucheck and seconded by Borash to approve the minutes as corrected. Motion carried unanimously.

ADDITIONAL AGENDA ITEMS Added to the agenda: Under Managers - BMP Cost Share Program; Under Engineer: Stormwater Ponds; Xcel Landfill and the Latest Legislation; Hedberg Erosion Issue; and Century College Charette.

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

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

INSPECTOR=S REPORT Inspector Roemmich reported on inspections that he has made since the last meeting. He also reported that he and Manager Lucksinger toured the VBWD since the last meeting.

ATTORNEY=S REPORT By-Laws Review and Revision At the last meeting, Attorney Wolle was directed by the managers to prepare a draft of the VBWD by-laws, using the sample from Rice Creek Watershed District as a guide, for the managers= discussion at this meeting.

After discussion of the revised by-laws, motion was made by Fetcher and seconded by Scheel to adopt the amended and revised VBWD by-laws dated May 22, 2008. Motion carried unanimously.

CAMP Contract Attorney Wolle provided to the managers, the CAMP (Citizen Assisted Monitoring Program) Contract for 2008 for the monitoring of 14 lakes, totaling $11,900. Motion was made by Borash and seconded by Fetcher to approve the 2008 CAMP Contract in the amount of $11,900. Motion carried unanimously.

Discussion of VBWD-Owned Properties at 5th Street North At the last meeting, Manager Lucksinger said he had been approached by a neighbor who offered to purchase the VBWD-owned properties at 5th Street North in West Lakeland, where trespassing has occurred several times. Attorney Wolle was directed by the managers to look into the issue of selling the property. At this meeting, Attorney Wolle reported that she had discussed this with Attorney Marshall, who advised the managers to continue ownership of the property. After discussion,
motion was made by Scheel and seconded by Bucheck to retain ownership of the property at 5th Street North in West Lakeland Township. Motion carried with the following vote: Scheel, Yes; Bucheck, Yes; Fetcher, Yes; Borash, No; Lucksinger, No.

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

Public Hearing on Proposed Water Quality Improvement Projects on Long Lake and Sunfish Lake President Fetcher suspended the meeting to conduct the public hearing on proposed water quality improvement projects on Long Lake and Sunfish Lake.

President Fetcher called the public hearing to order and asked for comments from the citizens present. Several residents of Sunfish Lake were present to discuss the proposed project to improve water quality of Sunfish Lake. Managers answered questions of the residents to their satisfaction. Motion was made by Borash and seconded by Scheel to close the hearing at 8:04 pm and to open the public hearing on the proposed Valley Creek stabilization projects. Motion carried unanimously.

Public Hearing on Proposed Valley Creek Stabilization Projects President Fetcher opened the public hearing on proposed Valley Creek stabilization projects. After asking for public comments on the proposed Valley Creek stabilization projects, and hearing none, motion was made by Fetcher and seconded by Borash to close the public hearing on the proposed Valley Creek Stabilization Projects. Motion carried unanimously.

Motion was made by Borash and seconded by Fetcher to order the water quality improvement projects on Long Lake and Sunfish Lake, and to direct Engineer Hanson to prepare the bidding documents. Motion carried unanimously.

TREASURER’S REPORT Treasurer Borash distributed copies of the Administrative and Program Budgets for Fiscal Year 2008 dated 4/30/2008, and the Treasurer=s Report dated May 22, 2008. After discussion, motion was made by Borash and seconded by Scheel to approve the Treasurer=s Report. Motion carried unanimously.

ENGINEER’S REPORT St. Mary=s Point Local Stormwater Management Plan Engineer Hanson had mailed to the managers draft copies of a letter dated May 18, 2008, to the engineering firm for St. Mary=s Point, commenting on the St. Mary=s Point local surface water management plan (LSWMP). The managers agreed with the comments in the letter, suggested some revisions, and directed Engineer Hanson to mail the letter.

Oakdale=s Local Stormwater Management Plan Engineer Hanson had mailed to the managers draft copies of a letter dated May 16, 2008, to the engineering firm for the City of Oakdale, commenting on the City of Oakdale=s Second Generation Surface Water Management Plan. The managers agreed with the comments in the letter, suggested some revisions, and directed Engineer Hanson to mail the letter.

MS4 SWPPP Public Hearing Scheduling Engineer Hanson reminded the managers of the need to hold a public hearing on the VBWD MS4 Stormwater Pollution Prevention Program (SWPPP) and submit a 2007 annual report to the MPCA before June 30th. The managers agreed to schedule the public hearing for June 26, 2008. Attorney Wolle will arrange for the notices of the public hearing.

Silver Lake Outlet At the last meeting, the managers directed Engineer Hanson to provide additional background on the history of the Silver Lake outlet. Engineer Hanson had mailed to the managers a memorandum dated May 15, 2008, containing the requested information. After discussion, the managers directed Engineer Hanson to contact the Department of Natural Resources for information on the discharge elevation, the reason for the discharge elevation setting, and the datum for the current outlet.
Long Lake Outlet Engineer Hanson had mailed to the managers a memorandum dated May 16, 2008, regarding the recent inspection of the Long Lake outlet. After discussion of the memorandum, the managers directed Engineer Hanson to continue to monitor the water levels with citizen Bill Feely of Long Lake.

Valley Creek Stabilization Projects Engineer Hanson showed photographs of the Oakgreen Avenue Infiltration Basin and discussed the status of the project with the managers.

Engineer Hanson had sent to the managers construction drawings of the proposed upstream Valley Creek stabilization project, and had brought with him construction drawings for the proposed downstream Valley Creek stabilization project. After discussion of the projects, motion was made by Scheel and seconded by Borash to order the projects and direct Engineer Hanson to finalize the construction contract documents with an end of June bid-opening date. Motion carried unanimously.

Stormwater Ponds Engineer Hanson suggested that Open Houses be conducted for residents near proposed stormwater pond maintenance projects, concerning the proposed VBWD Pond Maintenance projects in Mahtomedi and Oakdale. The managers directed Engineer Hanson to contact the City of Oakdale concerning the availability for the Open Houses to be held in Oakdale City Hall. Engineer Hanson also discussed the need for sending permit applications to the Minnesota Pollution Control Agency. Motion by Borash and seconded by Fetcher to direct President Fetcher to sign the MPCA application for water quality transmittal form regarding dredge material management and NPDES permit for stormwater pond maintenance. Motion carried unanimously.

Xcel Landfill and the Latest Legislation President Fetcher reported that the MPCA had approved the Environmental Impact Statement (EIS) for the project and that a law had been passed that appears to put a moratorium on new landfills.

Hedberg Erosion Issue At the last meeting, President Fetcher directed Engineer Hanson to prepare a letter to Hedberg Aggregate in the City of Grant regarding erosion along its entrance road. At this meeting, President Fetcher reported that he had received a draft letter from Barr Engineering regarding the erosion, and that he had made some revisions. He directed Engineer Hanson to have the letter sent.

Century College Charette President Fetcher and Engineer Hanson had attended a landscape charette on May 14th at Century College. President Fetcher and Engineer Hanson reported that the college has hired a consultant to prepare a master plan for the campus, and stormwater runoff was an issue that will be addressed. Century College is interested in the VBWD BMP Cost Share Program and partnering with VBWD.

MANAGERS REPORT Next Meeting June 12, 2008 The managers expect to have a quorum for the next meeting. Treasurer Borash and Manager Lucksinger both said it may be possible that they will be absent.

President Fetcher’s Position with the MPCA President Fetcher announced that he has taken a part-time job with the Minnesota Pollution Control Agency, in the data services group of the Prevention and Assistance Division, beginning June 11, 2008. He said he had consulted with BWSR about any conflict of interest. When asked whether this could be any problem, Attorney Wolle said President Fetcher could, when appropriate, excuse himself from any decision-making concerning MPCA issues.

BMP Cost Share Program Vice President Bucheck said the subcommittee has met to discuss several project applications. He said they also discussed whether VBWD should pay the property owners for their labor involved in their projects, and for the future maintenance of the projects.

Vice President Bucheck presented information on the proposed Mark Tomasek project at 6544 - 48th Street North in Oakdale for the managers to approve or disapprove the project. After discussion, motion was made by Scheel and seconded by Fetcher to approve the Tomasek project with a ratio of 72% of the normal cost share value because the project will create 72% of the VBWD-recommended buffer width. Motion carried
unanimously. The managers asked Vice President Bucheck to investigate different ways of pro-rating cost share for projects with buffers less than VBWD rules.

Motion by Borash and seconded by Fetcher to approve the following BMP cost share projects:

- Karl Focht $500 Plant Grant for his Long Lake shoreline at 3010 Oakdale Drive, Pine Springs
- Heidi Johnson Individual Assistance Grant for $2,500 for three rainwater gardens and native plantings for her property at 687 Oakgreen Avenue Court North, West Lakeland Township
- Lori Johnson Individual Assistance Grant for $1,550 for her project near Lake Olson at 7832 Upper 45th Street North, Oakdale that includes three rainwater gardens and native plantings
- Nance and Kevin Kangas $500 Plant Grant for their property at 13670 Tomahawk Drive in Afton.

Motion carried unanimously.

ADJOURNMENT Motion made by Borash and seconded by Fetcher at 10:02 pm to adjourn the meeting. Motion carried unanimously.

Respectfully Submitted,

/s/ Don Scheel, Secretary

Don Scheel, Secretary

Minutes Approved by Managers 05/08/08