Minutes of Regular Meeting # 816 Held in the Lake Elmo City Council Chambers
Thursday, May 14, 2009

MANAGERS PRESENT:  Lincoln Fetcher, President; Dave Bucheck, Vice President; Don Scheel, Secretary; Dale Borash, Treasurer; and 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: Chuck Taylor, Citizens Advisory Committee; Gary Balk, CFO, Tower Asphalt; Mike Murphy, Scannell Properties; Roger Johnson, Lake DeMontreville

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 April 23, 2009 meeting, motion was made by Bucheck and seconded by Fetcher to approve the minutes as corrected. Motion carried unanimously.

ADDITIONAL AGENDA ITEMS There were no additional agenda items.

PUBLIC FORUM Gary Balk, CFO, Tower Asphalt, Inc., was present to explain the concern that Tower Asphalt has with the proposed outlet pipe on the property next to Tower Asphalt in West Lakeland Township. The outlet pipe is needed for the Century College Truck Training Center, VBWD Permit No. 2008-13. Mr. Balk's objection is based on the topography of the land being such that the outlet pipe could restrict how much the Tower Asphalt property could be raised in the future.

After much discussion, the managers instructed the representatives of Tower Asphalt and of Scannell Properties to discuss the issue of topography of the two properties, and try to come to a resolution. President Fetcher invited them to attend a VBWD meeting any time.

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

SECRETARY= S REPORT Secretary Scheel reported that he had picked up the mail and distributed it.

INSPECTOR= S REPORT Inspector Roemmich reported on inspections he had made since the last meeting.

ATTORNEY= S REPORT Attorney Marshall presented the 2009 Service Contract between the Washington Conservation District and VBWD, and also the 2009 CAMP Contract between VBWD and the Metropolitan Council, for signatures. Both contracts were previously approved by the managers. President Fetcher and Secretary Scheel signed the documents.
TREASURER’S REPORT The Treasurer’s Report will be given at the second meeting of the month.

WASHINGTON CONSERVATION DISTRICT No one was present representing the Washington Conservation District.

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

ENGINEER’S REPORT Eagle Point Lake, Horseshoe Lake, and Lake DeMontreville Water Quality Assessments Engineer Hanson had mailed to the managers the Executive Summary from a report previously sent to and discussed by the managers, of the water quality assessment of Eagle Point Lake, Horseshoe Lake, and Lake DeMontreville for the managers’ review. Roger Johnson, a resident on Lake DeMontreville, was present to hear the discussion on the water quality assessment of Lake DeMontreville.

After discussion, the managers agreed that decisions regarding alum treatments on these lakes will not be made until more results are available concerning alum treatments on Long Lake and Sunfish Lake. The managers also indicated that they will likely want to first focus on the water quality of Lake DeMontreville and might first want to treat the curlyleaf pondweed before taking other water quality improvement measures. Mr. Johnson requested that the managers treat Lake DeMontreville for Eurasian watermilfoil in the near future.

Permit Requests: SP 6211-89/8204-59, White Bear Lake, Oakdale, Pine Springs Engineer Hanson presented information on projects located at Trunk Highway 36, between Highway 61 in Maplewood and Interstate 694 in Pine Springs; and at Interstate 694, between Highway 61 in Maplewood and 50th Street North in Oakdale.

The purposes of the projects are to install cable median barriers, including extending four culverts.

After discussion of the stormwater management, the wetland management and buffers, the floodplain management, motion was made by Fetcher and seconded by Borash to approve Permit # 2009-15 with the engineer’s applicable standard conditions. Motion carried unanimously.

Permit 2009: Mensing Minor Subdivision, Afton Engineer Hanson reported that the Mensing Minor Subdivision in Afton was approved earlier this year. The permit application had been made because the applicant wasn’t sure if the property would be sold as two lots or one lot. After the permit was approved, but not completely processed, the land was sold as one lot. Engineer Hanson recommended that the permit be rescinded. After discussion, motion was made by Borash and seconded by Fetcher to rescind the Mensing Minor Subdivision permit. Motion carried unanimously.

Level II PRAP Review Because of the late hour, the managers agreed to postpone discussion of this item until the next meeting.

Stormwater Pond Maintenance Project Engineer Hanson had mailed to the managers copies of a memorandum to the Cities of Oakdale and Mahtomedi regarding the water level in Pond EC 9, also Change Order # 2 on 2008 Pond Maintenance, and Payment Application No. 4 for VBWD 2008 Pond Maintenance Project in Mahtomedi and Oakdale.

After discussion, motion was made by Bucheck and seconded by Fetcher to approve the memorandum dated May 5, 2009 to the residents of Pond EC 9 in Mahtomedi. Motion carried unanimously.

Motion was made by Fetcher and seconded by Scheel to approve Change Order No. 2 on 2009 Pond Maintenance in the amount of $6,746.00. Motion carried unanimously.
**Motion** was made by Bucheck and seconded by Fether to approve Payment Application No 4 for VBWD 2008 Pond Maintenance Project in Mahtomedi and Oakdale in the amount of $58,974.57. Motion carried unanimously.

**Eagle Point Lake Dam Revegetation** Engineer Hanson had mailed to the managers an invoice from Prairie Restorations, Inc., for the removal and disposal of the erosion control blanket at Eagle Point Lake Dam, in the amount of $2,600.00. **Motion** by Scheel and seconded by Fether to approve payment to Prairie Restorations, Inc., Invoice # 11751 in the amount of $2600.00. Motion carried unanimously.

**MS4 Public Hearing** Engineer Hanson reported that the managers need to submit an annual report regarding its Municipal Separate Storm Sewer System (MS4) to the Minnesota Pollution Control Agency by June 30, 2009. Prior to the deadline, the managers must hold a public hearing on the VBWD MS4 Stormwater Pollution Prevention Program.

**Motion** was made by Fether and seconded by Bucheck to hold a public hearing on the VBWD MS4 Stormwater Pollution Prevention Program on June 11, 2009 at 8:00 pm. Motion carried unanimously. Attorney Marshall will arrange for the publication of the Notice of Hearing.

**MANAGERS= REPORT Next Meeting - May 28, 2009** The managers expect to have a quorum at the next meeting. Treasurer Borash may be absent from the June 11, 2009 meeting. President Fether may be absent from the June 25, 2009 meeting.

**2008 Annual Report** The 2008 Annual Report has been completed and distributed, and the managers received their copies at this meeting.

**Lower St. Croix WMO** President Fether reported that the BWSR subcommittee will be recommending to the Board of Water and Soil Resources that the VBWD and South Washington Watershed District (SWWD) be enlarged as described in the Washington County petitions. The subcommittee will also recommend that SWWD have seven managers.

**Draft 2008 Financial Audit** After discussion of the draft 2008 Financial Audit, it was agreed that Treasurer Borash will draft responses to the audit, and forward the responses to President Fether that he had sent to Tautges Redpath last fall.

**Citizens Advisory Committee (CAC)** Engineer Hanson reported that he has not received any more applications to serve on the CAC. President Fether said he and Engineer Hanson will discuss and plan the next steps in the following week.

**Consent Agenda Approval Motion** was made by Bucheck and seconded by Borash to approve the Consent Agenda (attached) and to approve the expenditure of $7,000.00 for the Consent Calendar items. Motion carried unanimously.

**Future Items** The Stillwater Area High School students will make a presentation on the monitoring of Valley Creek at the managers= meeting on May 28, 2009.

**ADJOURNMENT Motion** made by Borash and seconded by Fether at 9:52 pm to adjourn the meeting. Motion carried unanimously.

Respectfully Submitted,

/\s/ Don Scheel
Consent Calendar

Consent Calendar items are generally defined as items of routine business, not requiring discussion, and approved in one vote. The Managers may elect to pull a consent calendar item(s) for discussion and/or separate action.

The following items are presented for Board approval/adoption:

1. BMP Cost-Share Projects

A. Approval of a $1,100 individual grant to Mr. and Mrs. Focht of 3010 Oakdale Drive in Pine Springs for Long Lake shoreline plantings.

B. Approval of a $1,000 individual grant to Mr. And Mrs. Prokosch of 11240 - 32nd Street North in Lake Elmo for a rainwater garden within the Legion Pond subwatershed.

C. Approval of a $2,000 individual grant to Mr. And Mrs. Spilseth of 4285 McDonald Drive in Baytown Township for rainwater gardens, plantings under oak trees to establish an oak savannah, and for elimination of reed canary grass along their McDonald Lake shoreline.

D. Approval of a $1,500 individual grant to Mr., Bob Grabowski of 1940 Heron Avenue North in Oakdale for a rainwater garden in the Eagle Point Lake subwatershed.

E. After-the-fact approval of a $1,600 individual grant to Ms. Simon and Mr. Peterson of 12605 - 53rd Street Court North in Baytown Township for plantings to
stabilize erosion from construction and to construct a grass paver driveway
and a retaining wall on their property adjacent to Cloverdale Lake.

F. Approval of a $2,500 individual grant to Ms. Simon and Mr. Peterson of 12605 - 53rd Street Court North in Baytown Township for a native prairie on their property adjacent to Cloverdale Lake.