

MINUTES OF THE BOARD OF DIRECTORS
OF THE
VADNAIS LAKE AREA WATER MANAGEMENT ORGANIZATION
VLAWMO

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February 15, 2007

ATTENDING:

Paul Emeott	Gem Lake
Donna Carlson	Lino Lakes
George Rux	North Oaks
	Vadnais Heights
Darryl LeMire	White Bear Lake
Bill Mample	White Bear Township

Also Attending: Steve Woods, BWSR; Brad Wozney, BWSR; Jim Studenski, Lino Lakes Technical Commission (TC); Paul Peterson, WBT TC, Donn Wiski, VH TC;

Paul Emeott, acting Chair welcomed the new Board of Directors

Agenda A motion was made by Donna Carlson, seconded by Bill Mample to approve the agenda as printed. Vote: all aye. Motion passed.

Additional meeting dates for the Board in 2007: April 4, June 6, August 8, and November 7.

Orientation; An overview of VLAWMO activity done in 2006 and the work plan for 2007 was presented by Administrator, Stephanie McNamara. The work plan for 2007 is ambitious and anticipates the effort of the new water resources technician. Other work will be done with the assistance of consultants or in partnership with other agencies.

Review of 2007 Budget Staff reviewed the approved 2007 budget. The Board asked questions on legal budget and Lino Lake contribution figures. Legal expenses had gone over budget in 2006 because of the joint powers agreement restructuring. When the 2007 budget was approved last summer, it was anticipated that the JPA would be finalized before the 2007. Questions on the JPA have come up from BWSR and perhaps in association with a potential storm water utility that may require help from the VLAWMO legal counsel. Additional funding for the legal budget would come from the reserves or be shifted from another line item with Board approval.

Director Carlson noted that the amount on the Lino Lakes contribution was different on the assessment letter sent to the municipalities than it was distributed budget assessment addendum. Staff noted that contribution amounts had not been finalized last summer when the budget, with its contribution addendum was distributed. Up to four different contribution numbers were possible depending on whether or not the JPA had 6 or 7

members and which of the two contribution formulas were used. Those questions had been answered when the assessment letter were sent in January. Stephanie will review the specific numbers and get back to the Director Carlson.

New Business:

Revenue generation – Joel Schilling, Schilling Environmental presented information on what was done over the last year and the options for generating revenue for the watershed. Last year the focus had been a first attempt to secure levy authority similar to watershed districts and at least one other JPA watershed. For several reasons, including the lack of support from a key legislator, the effort had to be abandoned. The 2006 VLAWMO board had again hired Joel to investigate one of the other options for revenue generation that could address the tax equity question, storm water utility fees. He subcontracted the legal authority question to Charles Lefevre, of Kennedy and Graven and a preliminary parcel analysis to Ron Leaf, Short Elliot and Hendrikson. The results of this investigation had been sent to this Board of Directors and its Technical Commission.

Joel Schilling reviewed for the Board the advantages and disadvantages for 1. watershed management tax district, 2. Joint Powers Agreement assessment, 3. Ad Valorem tax, or 4. stormwater utility fee. He is recommending the Stormwater Utility Fee as the most equitable funding source. The Board directed that these options be receive further review with municipal staff. A Motion was made by Bill Mample, seconded by George Rux to authorize up to \$1000 to hold a meeting with municipal staff, to be scheduled by Stephanie and facilitated by Joel Schilling. Vote: all Aye. Motion passed.

Update of the draft Water Plan

Della Young, Program manager from HDR Engineering and Stephanie McNamara highlighted significant changes in the updated draft Water Management Plan. These include stormwater standards and the inclusion of best management practice credits, wetland management of hydroperiod and buffers, accelerating the Sustainable Lake Management Plan schedule to start in 2007, new and updated maps and seed money in the capital improvements implementation budget. It was noted that an ambitious capital improvement work plan for 2007 along Lambert Creek was being funded through a Clean Water Partnership grant from the MN Pollution Control Agency. The Board was being requested to **authorize this draft Water Management Plan for distribution** to the reviewing agencies for the second review period (45-days). A Motion was made by Mample, seconded by Carlson approve the distribution of the Final draft Water Management Plan to the review list per MN Statutes Ch. 103B.231. Vote: all Aye. Motion passed.

Staff apologized for bringing the request for a **Change Order** to the new board. This business should have been competed prior to the restructuring. The Board noted that change order requests should be brought to the Board prior to expenditure. A Motion was made by Mample, seconded by Rux to approve the Change Order from HDR and a contingency for a maximum of \$20,000 of additional expense over the original contract of \$59,706. Vote: all Aye. Motion passed.

Staff request one reallocation of funds within the current budget to accommodate a change in the draft Water Plan. The Plan anticipates one to two Sustainable Lake

Management Plans (SLMP) to be developed each year. The change would be to initiate the first lake plan in 2007. Funding for consultant coordination and required research is anticipated to cost about \$15,000 per lake. VLAWMO budgeted half of that in its Water Plan with the other half to come from local partners. \$7500 could be used on the first SLMP by shifting \$3500 from Ramsey County Lab work, \$1000, from public education, and \$3000 from computer system development. A Motion was made by LeMire, seconded by Carlson to shift the budget funds as indicated by staff in the 2007 budget to fund a Sustainable Lake Management Plan up to \$7500. Vote: all Aye. Motion passed.

Joint Powers Agreement- The MN Board of Water & Soil Resources (BWSR) has expressed concern over a possible inconsistency in JPA. BWSR does not approve the VLAWMO JPA, but it will be asked to approve of the draft Water Plan later this spring. BWSR staff has indicated that a JPA they find inconsistent with State Statute or unable to adequately fund the Implementation of the Water Plan *could* be grounds for Not approving the new Water Plan.

In the JPA, Section V indicates the VLAWMO Board of Directors will vote to approve the annual budgets. Section VIII (Financing VLAWMO) indicates the municipal board and councils will review and approve the VLAWMO budget. BWSR has advised VLAWMO that state statute requires that the watershed board must approve its budget and that no one member may have veto authority over the budget. BWSR utilizes the Attorney General's office as their legal counsel. Brad Wozney, BWSR Board Conservationist indicated that the AG's office felt new VLAWMO JPA was inconsistent with state statute. This finding is not supported by VLAWMO legal counsel, Roger Jensen. Director Rux requested a written opinion from the Attorney General's office. The **Board directed a meeting to be set with BWSR** and the AG's office as well as VLAWMO representatives including Roger Jensen, Stephanie McNamara, and Board or municipal staff.

Election of Officers:

Nominations were made for

Chair: Paul Emeott was nominated by Bill Mample, seconded by George Rux;

Vice Chair: Darryl LeMire was nominated by Bill Mample, seconded by George Rux

Secretary/Treasurer: George Rux was nominated by Bill Mample, seconded by Darryl LeMire.

Vote to approve the slate as presented: all Aye. Motion passed.

Appointment of the Chair of the Technical Commission:

Jim Studinski was nominated by Donna Carlson

Paul Peterson was nominated by Bill Mample

Discussion indicated that both were hard working and committed to the watershed.

Vote: voting for Jim Studinski – Carlson, Rux; voting for Paul Peterson – Emeott, LeMire, Mample. **Paul Peterson will be Chair** of the Technical Commission until the next annual appointment process. The Board recommended Jim Studinski as Vice Chair.

Policy Manual

Paul Emeott introduced the first draft the VLAWMO Policy Manual which has been in production over the last year. Paul Petersen worked hard on putting this draft together. The document should be considered a living document in that it will be changing and evolving as VLAWMO does. A Motion was made by Mample, seconded by LeMire to accept the Policy Manual as dated 12/06. Vote: all Aye. Motion passed.

A Motion was made by LeMire, seconded by Mample to authorize the Technical Commission to approve the payment of monthly bills within the approved budget with a report to the Board at its next meeting. Vote: all aye. Motion passed.

Lambert Lake had been discussed under the orientation.

There was a Motion to adjourn made by LeMire, seconded by Mample. Vote all Aye. Motion passed.

The meeting Adjourned at 10:47.

Submitted by Stephanie McNamara for the Secretary.