

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

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October 24, 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: Neil Franey, TC, WBL; Paul Peterson, TC, WBT; Eli Rupnow, EOR Engineering, Stephanie McNamara, Kristine Lampert.

Paul Emeott, Chair called the meeting to order at 7:05.

**Agenda** A motion was made by Lemire & seconded by Carlson to approve the agenda as printed. Vote: all aye. Motion passed.

**Minutes** A motion was made by Mample & seconded by Lemire to approve the minutes as printed. Vote: all aye. Motion passed.

**Treasurer Report** Stephanie went over the year to date report. She addressed the overruns in the Legal category due to all the changes in VLAWMO's structure and in SWU project as well as the overrun for the Bookeeping. Rux stated that the report looks good and the overruns are expected but there are savings in other areas to compensate. A motion was made by Mample and seconded by Lemire to accept the Treasurer's Report. Vote: all aye. Motion passed.

**Old Business**

**A. Lambert Creek contract award**

Stephanie gave an update on the status. We received 6 bids; 2 are within the budget to do the 2 flumes and stabilization projects. There was some concern from EOR regarding the lowest bidder and how the contractor has done business in the past. VLAWMO consulted with other engineers and a watershed that has worked with the contractor in the past. Our attorney advised that as a public entity, we have to take the lowest bidder unless there is valid reasoning. VLAWMO had a pre-award meeting with the lowest bidder and walked through the plan details and discussed expectations and concerns. A little more time from the engineers may be needed to have careful inspections. Eli Rupnow explained that the Pre-Award meeting was recorded and documented that the

contractor agrees to the terms and conditions of being awarded this contract. A change order by EOR would be to charge VLAWMO \$3,000 per week to have on-site monitoring by EOR engineers. The Contractor plans that the project will take 2 weeks and knows that it must be completed by the end of 2007. TEC recommends the Board awards the bid to the lowest bidder. Rux asked Stephanie if she is comfortable with this. She replied that she felt more comfortable after the pre-award meeting and with Mark Graham's (VH City Engineer and TEC member) recommendation to go ahead. Rux stated that when he has been involved in awarding bids, there should be a meeting with the lowest 3 bidders and compare their bids and discuss the technical details with the contractors. Rux stated that we should do this in the future.

VLAWMO has had a lot of communication with the contractor and feels that the checks & balances are covered.

Emeott asked where the additional money to pay for EOR's change order was coming from. Stephanie explained there is approximately \$6000 left in the grant money. Eli stated that the contractor is comfortable with the project and that it is unlikely they will need a change order. Carlson asked if the money in the grant can go to the extra engineering, Stephanie said yes. Eli explained the paperwork that needs to be signed if Board agrees to award the bid. This paperwork includes: Notice of Award, Contract, Notice to Proceed.

Motion to award the bid to Jay Bros by Rux and seconded by Mample. Vote: all aye. Motion passed.

Motion to authorize the contract for the work on Lambert Creek to Jay Bros. as specified in their bid was made by LeMire and seconded by Rux. Vote: all aye. Motion passed.

Motion to approve the Notice to Proceed by LeMire & seconded by Mample. Vote: all aye. Motion passed.

Motion to approve the change order to support more intensive construction inspection by EOR up to a maximum of \$9,000 by Mample and seconded by Carlson. Discussion: Mample asked to explain the need for an engineer to be on site all day everyday. Eli stated this is where problems occurred with this contractor and other Watersheds in the past and where possible lawsuits could be avoided. Vote: all aye. Motion passed.

Motion that the Board has accepted the bids by Mample and seconded by Lemire. Vote: all aye. Motion passed.

It was decided that the Chair or Acting Chair will sign the paperwork.

## **B. Storm Sewer Utility**

### **1. Rule Review**

Stephanie noted the JPA states that the Board may make or change rules provided the Board receives the proposed rule 10 days in advance to when the rules may be approved. Stephanie spoke with the SWU attorney, Charlie LeFevere regarding this. Stephanie drafted a memo to send out a draft of the SWU rule to the communities that asks for review and comments. The rule needs to be adopted now in order to get SWU bills out this year. The communities want the SWU billing to happen this year in order to manage their finances and therefore the rule needs to be approved now and waive their 45 day notice period.

Rux is confused about whether we need to disclose all this to the communities because they know the SWU is happening. What is the likelihood that a community will come back and say no to this? Carlson thinks we need to do what the attorney says. Rux feels the attorney is too conservative. Mample thinks we should follow the attorney's advice. All of the Board agrees that it is highly unlikely that any community will stop the SWU from happening. Emeott asked if this the only rule we need for the SWU – Stephanie said yes and added that the Attorney also suggested that the Board may want to waive their 10 day notice. Rux says the rule in front of them was shown to them in August and that there are no changes. Rux is concerned about a publicity problem if a non-profit gets a bill and protests its equity and lack of advance disclosure. Stephanie said that the attorney has said SWU is not the same as an assessment fee and therefore a non-profit has no legal base for this complaint. Stephanie also added that the attorney said there is nothing in the JPA that says the Board can't approve the rule and then send it out to the communities.

Motion to waive the 10 day notice by Carlson and seconded by Rux.

Discussion: LeMire says the Board should approve the rule and then send it out for review and comment. Vote: all aye. Motion passed.

Motion to approve SWU rule and send it out for notification by LeMire and seconded by Mample. Vote: all aye. Motion passed.

Board reviewed a couple of minor changes to the rule and found a few more typos to correct.

A Motion was made to approve the Storm sewer utility rule as amended by Rux & seconded by Mample. Vote: all aye. Motion passed.

Mample asked to have the rule emailed to the Board members prior to mailing it to the communities.

**2. Approval of two related expenses: postage, Schilling**

Postage and closing out of Schilling contract. The attorney will remain available for legal advice through 2008.

Move to approve the expenses the final billing from Schilling Consulting and the postage to send the Storm sewer utility bills was made by Rux and seconded by Mample. Vote: All Aye. Motion passed.

Carlson asked why we are putting it out first class. Stephanie explained that to get the lower rate, we need sort by zip code and we do not have the time to get this. Also, first class mail will be returned so we can track mislabeled envelopes. Carlson suggests that we use the lower postage rate next year.

Emeott stated that first class mail is less likely to be thrown out.

**3. Update of status**

**4. Public relations**

Stephanie reviewed the insert and that information will be posted on the website. WBL has asked VLAWMO to hold an open forum regarding the SWU. NO put an article in their news. Stephanie wants to put another article out in the other local papers.

Carlson asked to put one of the paragraphs from the back page on the front and insert "page 1 of 2".

**C. 2008 Budget**

October 15<sup>th</sup> was the last date for comments. Rux stated that NO feels strongly that CIP projects be divided up where 50% is paid by VLAWMO as a whole and 50% by the subwatershed the CIP is in. The SWU makes that moot right now. Next year, NO wants the SWU rates adjusted to reflect the NO desires for the CIP payment plans

**D. VLAWMO Water Education Summit –October 11 wrap up**

We had 22 attendees; 34 total with speakers. The Nature Center was the right size for this group and could not have handled more. We had people from most of the communities. Asked if we should do it again, all attendees said yes. There were various answers about the format and length of the summit. The evaluations were all positive. Tapes were made of the sessions that we may ask the communities to run on their public access channels.

**New Business**

**A. Public Officials Law**

Emeott has stated that he will not fill in the public disclosure form. He received notice that if he doesn't fill in the form, he will be charged \$5/day. He has tendered his resignation to the Board. Rux stated that he has received the letter and called the Public Disclosure board and was told that he only has to list anything that is water resource related. Carlson and Mample also feel as Rux. Emeott does not want to release his information to the Public Disclosure Board and therefore is resigning effective today, October 24, 2007. Gem Lake may not have another person willing to sit on the Board. LeMire said that if the Public Disclosure Board gets into his business, he would likely resign too. Rux said he respects Emeott's decision.

**B. Other**

**Administration Report**

**A. Water Plan** – forwarded to BWSR for 90 day review.

VLAWMO plans to be on the BWSR committee agenda in November and approval agenda in December.

**B. Water Resources Conference**

Stephanie and Kristine went and found it very valuable. They also attended a special workshop about TMDL and how it will affect VLAWMO.

**Directors Reports**

Mample stated that he respects Emeott's decision to leave but hopes he can reconsider or that the disclosure board would reconsider because he will be missed on the Board.

**Next Meeting Date**

We need to have a meeting so that the Board can certify the delinquent fees to the Counties so a meeting will be needed the week of 12/17. The next Board meeting will be 12/19 at 7pm.

**Public Comment**

VLAWMO Board of Directors Minutes, October 24, 2007

Paul Peterson has been invited to give a talk to the WBL Rotary at 7am on 10/31 to talk about the work he has done in Nigeria.

**Adjourn**

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

The meeting Adjourned at 8:40 PM.

Submitted by Kristine Lampert