



MINUTES OF THE BOARD OF DIRECTORS  
 February 22, 2017

In Attendance		Absent	
Craig Johnson	Vadnais Heights - alternate	Ed Prudhon	White Bear Township
Dan Jones	White Bear Lake	Marty Long	North Oaks
Rob Rafferty	Lino Lakes		
Jim Lindner	Gem Lake		
Stephanie McNamara	Administrator		
Kristine Jenson	Program Mgr.		
Brian Corcoran	Water Resources Mgr.		
Nick Voss	Education & Outreach Cord.		
Tyler Thompson	GIS Watershed Tech.		

Others in attendance: Margaret Behrens (Ramsey Conservation District), Mark Graham (City of Vadnais Heights Engineer & TEC Chair)

**I. Call to Order**

The meeting was called to order at 7:00 pm by Vice Chair Jones. A quorum is present for the meeting.

**II. Approval of Agenda**

A motion was made by Lindner and seconded by Rafferty to approve the agenda as presented. Vote: all aye. Motion passed.

**III. Approval of Minutes from December 14, 2016**

A motion was made by Lindner and seconded by Rafferty to approve the minutes from the December 14, 2016 Board of Directors Meeting. Vote: 3 aye; 1 abstain (Johnson). Motion passed.

**IV. Technical Commission Report to the Board**

A. Activity Summary

Mark Graham presented the TEC Report to the Board and offered to answer any questions.

B. February Financial Report  
 Report submitted to the Board

**V. New Business**

A. Election & Appointments

1. Election of Officers: Chair, Vice Chair, & Secretary-Treasurer

The Board does not have Chair or Secretary-Treasurer at the moment. There is a need for the seats to be filled so that checks can be signed in a timely manner, start moving ahead with the 2016 audit, and begin work on the 2018 budget.

Jones stated he is willing to serve as Chair. He has served as Vice Chair and Secretary as well as on the Policy & Personnel Committee and the Finance Committee.

A motion was made by Rafferty and seconded by Johnson to nominate Jones as VLAWMO Board Chair. Vote: all aye. Motion passed.

Lindner stated that he would be willing to take the role of Vice Chair. He has been serving on the TEC for the last 8 years but has been filling in for the past Gem Lake Board representative, Bob Uzpen for the past few months. He will continue to serve on the TEC until Gem Lake finds a replacement for him. While on the TEC, he has served as Treasurer and on the Finance Committee. Jones stated that if Lindner takes on the role of Vice Chair, he needs to step away from the Treasurer role on the TEC so as to not have any conflict of interest.

Lindner stated that he is comfortable with doing that. Rafferty nominated Jim Lindner for Vice Chair.

A motion was made by Jones and seconded by Rafferty to nominate Lindner as VLAWMO Board Vice Chair. Vote: all aye. Motion passed.

Rafferty stated that he is willing to fill the Secretary Treasurer role and was so nominated by Jones.

A motion was made by Jones and seconded by Lindner to nominate Rafferty as VLAWMO Board Secretary Treasurer. Vote: all aye. Motion passed.

2. Committee Assignments: Policy & Personnel; Finance

Jones stated that he is willing to continue his service on the Policy & Personnel Committee and the Finance Committee. The Secretary Treasurer usually serves on the Finance Committee as well and Rafferty agreed to perform that duty. Any other open appointments will be filled at the April Board meeting.

3. Appointment of the Technical Commission Chair – Mark Graham

It was moved by Lindner and seconded by Johnson to approve Mark Graham as Chair for the VLAWMO Technical Commission for 2017. Vote: all aye. Motion passed.

4. Setting of 2017 Board meeting dates

The Board currently meets on the 4<sup>th</sup> Wednesday every two months, except in December. If that schedule stays, the dates for the rest of 2017 are: April 26, June 28, August 26, October 25, and December 13.

It was moved by Lindner and seconded by Johnson to set the 2017 VLAWMO Board meeting dates as described above. Vote: all aye. Motion passed.

5. Designation of Legal Counsel and Legal Publication

Legal Counsel

Every two years, as required, VLAWMO seeks proposals for professional services such as legal counsel. Invitations were sent to established firms and the request for proposal (RFP) was published in the League of Minnesota Cities electronic jobs board. In hiring, VLAWMO will follow the League of MN Cities guidance manual. VLAWMO does not have to take the least expensive for professional services. It can choose who best fits its needs.

Four proposals were received:

Kennedy & Graven – Troy Gilchrist, current counsel

Rinke Noonan – John Kolb

Eckberg Lammers – Andy Pratt

Holstad & Knaak, - Fritz Knaak

A spreadsheet was submitted to the Board prior to the meeting to review and evaluate the candidates. All proposals were evaluated based on requires set out in the RFP. VLAWMO has found that although an attorney is needed only occasionally, they should have a solid foundation in BOTH municipal and water law and they should NOT represent any of our JPA municipalities. The two more expensive (hourly rate) firms, Kennedy & Graven and Rinke Noonan had substantially more experience than the other two. This can translate into both effectiveness and efficiency. For example, last year there was an issue with the State in regards to VLAWMO's ditch authority over Lambert Creek that could result in a long reauthorization process. Gilchrist was able to resolve the issue in our favor with one phone call and one memo and minimal expense. There is also a value to keeping someone who knows us and we know them. Less time and money is spent on the getting to know your process. Of the two most qualified firms, Kennedy and Graven hourly rates were slightly less, they represent several other metro water organizations, and they are familiar with VLAWMO. *Recommendation: accept the proposal for the services of the firm of Kennedy & Graven, principal attorney, Troy Gilchrist for the next two years on an as-needed basis.*

**Discussion:**

-Rafferty stated that Kennedy & Graven serve as legal counsel for the City of Lino Lakes and have given good service. It is unlikely that there would be an issue between VLAWMO and the City that would create a conflict of interest.

-Jones stated that he is comfortable staying with them for another 2 years.

-Rafferty asked if it is a rule that we have to go out for proposals every 2 years. Stephanie said it is.

-Johnson asked if we had anything pressing currently that would require legal services. Stephanie said there is nothing coming up that we are aware of. Johnson stated that it may be worth trying out someone new so that it could give someone else a chance to get their foot in the door but understands if we want to stay with the same firm for now. Rafferty thanked Johnson for that comment and thinks it would be a good thing to consider in the future.

It was moved by Lindner and seconded by Johnson to accept the proposal for legal services from Kennedy & Graven for the next 2 years on an as-needed basis. Vote: all aye. Motion passed.

**Legal Publication**

VLAWMO recommends the continued use of Press Publications for public notices to our jurisdiction and VLAWMO would also advertise in the League of MN Cities publication when appropriate.

It was moved by Rafferty and seconded by Johnson to approve the use of Press Publications as VLAWMO's legal publication and to use the League of MN Cities for advertising purposes as appropriate. Vote: all aye. Motion passed.

**6. Selection of 2016-2017 Audit Firm**

Every two years, as required, VLAWMO seeks proposals for professional services such as audit and financial assistance. Invitations were sent to established firms and the request for proposal (RFP) was published in the League of Minnesota Cities electronic jobs board. In hiring, VLAWMO will follow the League of MN Cities guidance manual. VLAWMO does not have to take the least expensive for professional services. It can choose who best fits its needs.

Three responses were received:

Abdo Eick & Meyer

Clifton Larson Allen

Tautges Redpath - declined to submit proposal

All proposals were evaluated based on experience, continuity any extra potential services and cost. The Board received a spreadsheet evaluating the firms. Both firms who sent proposals are excellent, experienced municipal auditors. Both work with some of our member communities but this should not pose a problem as a conflict of interest. Abdo Eick & Meyer has more staff working with Joint Powers organizations and watershed organizations. They also offered the lower price over Clifton Larson Allen.

*Recommendation: VLAWMO should accept the proposal for auditing services for the fiscal years 2016 and 2017 from Abdo Eick & Meyer.*

**Discussion:**

-Jones asked how long we've worked with Abdo Eick & Meyer. Stephanie said 5-6 years. He said they have done a good job and have worked with White Bear in the past. However he feels we should go with someone else because he doesn't think we should stick with one audit firm for too long but acknowledged that the extra money may not be worth it.

-Lindner stated that Gem Lake uses Clifton Larson Allen and they do well but he doesn't feel it is worth switching.

-Rafferty stated that Clifton Larson Allen was used by Lino Lakes and they switched to Tautges Redpath and he feels it is good to switch so that other eyes look at the books. Rafferty asked if there was an issue with asking Clifton Larson Allen for an adjusted proposal to reduce their fees. Graham stated that we need to assume we are getting the best numbers from those who submit proposals and that he would caution against accepting their proposal and then asking them to reduce their costs. Stephanie said that by approving their proposal tonight, we would be accepting their fees. Rafferty said that it could be asked of them to see if fees could be reduced just to see what they would say.

-Jones feels we should switch even if it is a higher cost. Rafferty agreed with that. They feel that the current firm has done a good job but when it comes to financial oversight, it is best to switch companies from time to time. Jones noted that we are short in the budget as it stands for the higher priced firm. Stephanie said that if the Board wants to change firms then we will find where that money can come from.

-Lindner stated he can go either way. If the others feel it is worth using a different firm, he will go along with it.

It was moved by Jones and seconded by Johnson to accept the proposal from Clifton Larson Allen for audit services for 2016-2017. Vote: all aye. Motion passed.

Jones asked Stephanie to send a letter of thanks and appreciation to Abdo Eick & Meyer for their services over the last few years.

## VI. 2017 Work Plan

### A. Project Reports and action

#### 1. Goose-Wilkinson study update

A meeting was held on January 10 at Vadnais Heights City Hall which brought together stakeholders from the State, local municipalities and counties, along with private citizens who have an interest in these waterbodies. Barr-Young provided a short presentation of these lakes and our current understanding of their ecology. Then the participants were split into groups and given time to offer their thoughts and insights for specific issues and questions. Another meeting was held on February 6 with Barr-Young and representatives from the following State agencies: the Board of Water and Soil Resources (BWSR), the Pollution Control Agency (PCA), and the Department of Natural Resources (DNR). This meeting allowed for discussions at a higher level in regards to options for these lakes and funding mechanisms we may be able to utilize to implement projects and programs. Responses from both meetings were extremely positive and we were told that it would be very beneficial to meet more often to talk about watershed issues. Barr-Young are now putting together their report and will submit it by the end of March. They will present their report and provide their guidance for the next steps at the April TEC and Board meetings.

#### 2. Birch Lake Proposal

A proposal was received earlier this month and includes conducting water quantity and quality modeling for the site and a feasibility analysis of improvement options. They will develop a P8 model to simulate current conditions and to evaluate which pollutant loadings can be reduced using various improvement options, based on a long-term simulation of climatic records. From this, they will produce a table comparing feasible water quality improvement options with long term cost-benefit analysis for two of the options. The conceptual designs will be done using GIS graphics. Total estimated cost for this is \$12,000 and funding is appropriated under budget item 3.330.

The City of White Bear Lake is supportive of this project and has verbally stated that they would like to help with funding. A formal, written commitment has been requested.

Discussion: Jones thinks we should include Ramsey County on this because Otter Lake Road flows into it. Jones wants to have Ramsey County give us an answer as to whether they will participate in this project. They didn't include us when they redid Hoffman Road at West Goose and we missed a chance of doing any water quality work with them and he wants something official from them to state whether they will participate.

*Staff recommends approval of this proposal.*

It was moved by Jones and seconded by Lindner to approve the proposal submitted by Barr Engineering to provide modeling and concept design for a water quality project adjacent to Birch Lake at a cost not to exceed \$12,000. Staff is directed to contact Ramsey County to receive official documentation as to whether they will participate in this project in some way. Vote: all aye. Motion passed.

### 3. Lambert Creek

#### a) 2016 Lambert Creek Monitoring highlights

Brian presented a summary of the Lambert Creek monitoring results from 2016. The details of the monitoring program are included in the 2016 Monitoring Report which is available on the VLAWMO website.

#### b) Bacteria source monitoring – 2017 work

A proposal has been received from Burns & McDonnell to continue to assist staff with an E.coli monitoring study in 2017. This will be the final monitoring of the project. The total for their proposal is up to \$32,216 and we have money in the budget for this. The number of samples and complexity of the 2017 program is a bit unknown due to outcome of initial wet weather sampling results. The TEC is being asked to make a recommendation to the Board. The continued goal of this project is to identify sources of indicator bacteria in the Lambert Creek Watershed which can be used to develop and implement BMPs to meet the requirements of the bacteria TMDL. We will be concentrating on the Whitaker and Goose sub-drainages.

A memo outlining the details of this study was provided in the Board packets.

Discussion: Jones asked about the costs. Brian stated that costs are lower than would be for others because we have the St. Paul Water Utility performing tests on a portion of our samples. The rep from B & McD would have a presentation for the communities once this is done. Jones wants an action plan for what happens next. Brian said that once all this information is analyzed by the PCA, they may decide to be more lenient on this impairment.

*Staff and TEC recommend approval by the Board of this proposal.*

It was moved by Lindner and seconded by Johnson to approve the Burns & McDonnell proposal for 2017 bacteria source monitoring at a cost not to exceed \$32,216. Vote: all aye. Motion passed.

### 4. Whitaker Treatment Wetlands

The services contract between VLAWMO and Burns & McDonnell has been finalized and signed. A notice to proceed was issued. Utility locates and site survey were conducted week of January 30, 2017. Soil borings are set to be done middle of February. Engineer will finalize design early and VLAWMO will go out for bid on construction by early spring for construction to begin late fall 2017.

### 5. 2017 Fish Survey Proposal

Blue Water Science was contacted and asked to provide a cost estimate to complete fish surveys for East & West Goose Lakes and Wilkinson Lake in 2017. The Water Plan calls for periodic fish surveys at Goose to monitor the rough fish population. A fish survey on

Wilkinson would be helpful in understanding the ecology of the lake as we work towards reducing phosphorus levels in the lake. We have used Blue Water Science for surveys in the past and their reports provide useful information for our lake management programs and projects. The estimate for the fish survey on the Goose Lake basins is \$3600 and for Wilkinson, it is \$2900.

Funding is available for the Goose Lake survey. However, estimates for the Wilkinson (budget line 3.340) fish survey and for the planned upcoming vegetation survey were a little low. Staff is requesting funds be shifted from adjacent subwatershed line items to cover the fish survey as well as the upcoming planned vegetation survey in Wilkinson. The Birch Lake project proposal came in a little lower than expected; leaving available funds. VLAWMO should still be under budget in total for the subwatershed study efforts this year.

*Staff recommends approval of this fish survey proposal from Blue Water Science for Goose and Wilkinson Lakes and recommends shifting funds as described: \$3,500 from 3.330 (Birch Lake subwatershed) and \$2000 from 3.350 (Pleasant-Charley-Deep subwatershed) would be shifted to 3.340 (Wilkinson Subwatershed).*

**Discussion:**

-Jones asked about fish kills on Wilkinson. Stephanie stated that the North Oaks Company has done drawdowns twice on the lake and put in the fish barrier. The study would show what is there and once we know, a fish management project could be considered.

It was moved by Lindner and seconded by Jones to approve the Blue Water Science proposal for fish surveys on Goose and Wilkinson Lakes at a cost not to exceed \$3600 for Goose Lake and \$2900 for Wilkinson Lake. The Board also approves a shift in funds among the subwatershed budget lines as described above to cover the costs associated with the studies. Vote: all aye. Motion passed.

**6. 2017 Bathymetry Proposal**

VLAWMO would like to complete a bathymetry study on Charley Lake as part of the preparation of the Sustainable Lake Management Plan (SLMP) for the lake. This month's request is approval to conduct a bathymetry (lake depth) survey. In addition to Charley Lake, we would like to conduct a bathymetry survey on Wilkinson Lake as part of our efforts to determine best possible projects to address the management of that lake. The funding shift outlined in VI.A.5 will assist in paying for the Wilkinson Lake work.

We have worked with Ramsey Conservation District (RCD) over the last few years to complete these surveys. They have equipment that provides us with detailed lake level data as well as an assessment of biomass on the lake bottom and the hardness of the lake bottom.

*Staff recommends approval of the RCD proposal to conduct bathymetry surveys on Charley Lake for \$1520 and Wilkinson Lake at \$1940.*

It was moved by Lindner and seconded by Johnson to approve the RCD bathymetry survey proposal at a cost not to exceed \$1520 for Charley Lake and \$1940 for Wilkinson Lake.

Vote: all aye. Motion passed.

**B. Education and Outreach**

**1. TEC/Board Survey regarding 2017 tours and events**

A survey was sent to the Board and TEC to collect information about what tours and events would be the most beneficial. One of the goals of our new water plan is to have our key personnel knowledgeable of water and natural resource issues. We'd like to determine how best to serve you in that regard.

**2. Website resources and fielding of questions**

Nick gave an overview of the updates that have been completed on the website as well as the brochures and informational videos he has finished and currently working on. The

Watershed Action Volunteers (WAV) group have been working with Nick to create these videos.

Jones said the website is looking great and suggested Nick work on making sure our resources work well on mobile devices.

**3. Legislative Update: How will VLAWMO approach politics?**

The change in the political climate has brought up questions as to how VLAWMO staff can best address issues. For example, a current bill presented in the MN House (H.F. 698) proposes to reallocate how funds from the Legacy Amendment would be use. The Legacy Amendment has been a significant asset to VLAWMO's work (as well as for the other watershed and soil & conservation district agencies). VLAWMO staff would like direction from the Board as to how best communicate with the public when these issues are broached so that we can be effective at working with people along the political spectrum and being an example of a government organization working together towards a brighter political future.

**VII. Report from the Chair**

Jones thanked staff for acknowledging Ron Auger and his volunteer work with the watershed.

**VIII. Administrator's Report**

**IX. Director's Reports**

**X. Next Regular Meeting – April 26, 2017**

**XI. Public Comment**

**XII. Adjourn**

A motion was made by Lindner and seconded by Johnson to adjourn at 8:33pm. Vote: all aye. Motion passed.

Minutes compiled and submitted by Kristine Jenson.