



MINUTES OF THE BOARD OF DIRECTORS – October 26, 2022 REGULAR BOARD MEETING

Attendance		Present	Absent
Jim Lindner, Chair	City of Gem Lake	x	
Tom Watson	City of North Oaks	x	
Rob Rafferty	City of Lino Lakes		X*
Ed Prudhon	White Bear Township	x	
Dan Jones, Vice Chair	City of White Bear Lake	x	
Patricia Youker, Secretary-Treasurer	City of Vadnais Heights	x	
Phil Belfiori	Administrator	x	
Brian Corcoran	Water Resources Mgr.	x	
Dawn Tanner	Program Development Coord.	x	
Nick Voss	Education & Outreach Coord.	x	
Lauren Sampedro	Watershed Tech & Program Coord.	x	

*= with prior notice

Others in attendance:

Katherine Doll Kanne (Minnesota Water Steward), Tim McShane, Capital Development Partners LLC.

I. Call to Order

The meeting was called to order at 7:01 pm by Chair Lindner.

II. Approval of Agenda

The agenda for the October 26, 2022 Board meeting was presented for approval.

A motion was made by Director Watson and seconded by Director Prudhon to approve the October Board meeting agenda.

Vote: Prudhon: aye, Jones, aye, Youker: aye, Lindner: aye, Watson: aye. Motion passed.

III. Approval of Minutes

The minutes from the August 24, 2022 Board meeting were placed on the agenda for approval, as presented. No comments from the Directors.

A motion was made by Director Jones and seconded by Director Prudhon to approve the August, 24 2022 Board meeting minutes. Vote: Jones: aye, Prudhon: aye, Youker: aye, Lindner: aye, Jones: aye, Watson: abstained. Motion passed.

IV. Visitors and Presentations

A. TEC Report and Financial Report

Administrator Belfiori described the October 2022 TEC report to the Board of Directors as included in the October Board packet. Highlights include updates on the Wilkinson Pond biochar partnership, ditch management efforts for Ditch 13 with the City of White Bear Lake and setting upcoming inspection protocols for the overall public ditch system, and VLAWMO finances are as expected for this time of year.

Discussion: Jim Lindner added that Bob Larson and Paul Duxbury are resigning from their positions on the TEC and thanked them for their service. Belfiori stated staff will present them a certificate and water drop award at the next TEC meeting for their service.

B. Watershed Action Volunteers 2022 summary

Voss and Minnesota Water Steward Katherine Doll Kanne provided a presentation summarizing the 2022 volunteer efforts and 2023 goals. The VLAWMO volunteer group, collectively called the Watershed Action Volunteers (WAV) accomplished a variety of efforts with good engagement from the public ranging from a new Good Neighbor Guide resource, raingarden renovations and maintenance, public event booths, and a pilot Wetland Health Evaluation Program (WHEP) program with Tamarack Nature Center.

Discussion: Director Lindner and Youker expressed a thank you to Katherine Doll Kanne and VLAWMO volunteers. Director Youker inquired about the Tamarack Nature Center WHEP monitoring in terms of how it evaluates wetland health. Voss explained that WHEP utilizes a combination of vegetation and macroinvertebrate identification to interpret the species present and provide a consensus for wetland health. The model is derived from Dakota County's successful WHEP program which has been active for 20 years and has expanded into Hennepin County. This effort is a first application of the model for Ramsey County. Staff hope to use the collected data for education efforts and expand the program to other wetlands in the watershed.

V. Consent Agenda 

Chair Lindner asked if any Board members wished to speak on any of the consent agenda items; (none).

Consent agenda items on the agenda and included in the August Board packet were as follows:

- A. Consider website update scope agreement**
- B. Annual awards update**
- C. Wilkinson project update**
- D. University of Minnesota Community-Engaged Learning fall semester update**
- E. MN DNR watershed visits update**
- F. Birch Lake turion survey update**

A motion was made by Director Prudhon and seconded by Director Jones to approve the consent agenda. Vote: Jones: aye, Prudhon: aye, Lindner: aye, Youker: aye, Watson: aye. Motion passed.

VI. Business

A. Administration

1. Open public meeting for purposes of receiving public comment on the watershed plan minor amendment 

Tanner provided a summary of the amendment process and explained that Board consideration of the amendment is the last step in the process. As required, a public meeting will be held today to explain the amendment. The Board authorizes the amendment at the end of the meeting. Tanner referred to the PowerPoint slideshow as included in the October Board packet for the specifies on the amendment steps.

Lindner motioned to open the public meeting at 7:16pm, Director Youker seconded.

Tanner explained that the reason for the amendment is to incorporate two policies authorized by the Board during 2022 to update the watershed project table due to previously outlined projects being completed, and update planned subwatershed projects to be consistent with the budget table. These updates in the amendment help VLAWMO retain its eligibility to continue to apply for grant funding. VLAWMO's BWSR representative was involved throughout the process and submitted a letter verifying that the amendment is classified as "minor, with mention that there were no objections from Ramsey County. No comments were received from the MPCA, MDA, and Met. Council. The City of White Bear Lake provided comments, two of which were incorporated in the proposed amendment in the Board packet and a third will be incorporated in the next major plan update.

1 minute of open space for public comment. No comments were received.

A motion was made by Director Jones to close the public meeting at 7:20pm, Director Watson seconded.

Tanner closed with the next steps. She shared that, after the meeting today, VLAWMO will send the approved resolution to the review authorities, and the plan will also be posted on the VLAWMO website.

Discussion: Director Watson inquired whether it's unusual to receive no comment from the MPCA, MDA, and Met Council. Tanner responded that this isn't unusual and that no comments have been received for past VLAWMO amendments as well. The agencies responded that they had no comment and thanked VLAWMO for the opportunity to review.

Vote: Youker: aye, Lindner: aye, Jones: aye, Prudhon: aye, Watson: aye. Motion passed.

2. Consider watershed plan minor amendment, Resolution 08-2022 

**RESOLUTION NO. 08-2022
Of the Vadnais Lake Area Water Management Organization (VLAWMO)**

A RESOLUTION APPROVING THE MINOR WATER PLAN AMENDMENT

Resolution 08-2022 was moved by Director _____ and second by Director _____.

WHEREAS, in January 2022, VLAWMO conducted a strategic direction process that was supported with grant funding from BWSR to review VLAWMO activities over recent years, identify priorities for project implementation, and discuss policy gaps;

WHEREAS, VLAWMO staff conducted meetings with identified possible project partners during February 2022 and created an updated project table to reflect projects identified;

WHEREAS, VLAWMO staff plan to make annual meetings with partners an annual process to keep project planning current and identify partnerships as early as possible in the planning process;

WHEREAS, the VLAWMO Board authorized the public drainage policy and full water management policy in June 2022;

WHEREAS, the TEC and Board authorized the proposed amendment at the August meetings, BWSR was closely consulted during the process, and stated support for a minor amendment process;

WHEREAS, the required 30-day comment period was opened, communicated with review authorities, approved by BWSR, comments were received and responded to by VLAWMO staff, and a public meeting was noticed on Oct. 5 and 12 in the Vадnais Heights and White Bear Lake Press Publications and is being held during the Oct. 26 regular Board meeting;

WHEREAS, BWSR provided a formal letter recognizing that the amendment proposed is considered minor and has expressed approval of VLAWMO staff handling of comments received;

WHEREAS, an updated amendment has been reviewed and recommended to the Board by the TEC at the Oct. 12, 2022 meeting;

NOW, THEREFORE, BE IT RESOLVED, by the Vадnais Lake Area Watershed Management Organization Board of Directors as follows:

1. The Board approves the proposed amendment and adoption of the current version of the Watershed Management Plan.
2. The Board authorizes VLAWMO staff to provide pages with changes to review authorities and notify them of the amendment acceptance.
3. The Board authorizes VLAWMO staff to post the final Watershed Management Plan on the VLAWMO website.

Adopted this 26th day of October 2002 on a vote of 5__ yeas and _0_ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>
Dan Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Prudhon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rob Rafferty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patricia Youker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Jim Lindner

x

□

□

BY THE VLAWMO BOARD

Chairperson

Attest: _____
Administrator

A motion was made by Director Youker and seconded by Director Jones to adopt **Resolution 08-2022**, to authorize staff to provide pages with changes to review authorities, and to post the updated Plan on the VLAWMO website as required by BWSR.

Vote: Lindner: aye, Prudhon: aye, Jones: aye, Youker: aye, Watson: aye. Resolution passed.

3. Consider approval of storm sewer utility certification lists for 2023, Resolution 09-2022 🦉

Belfiori recommended approval of resolution 09-2022 for certification of parcels to be charged SSU charges in 2023.

Discussion: Director Watson inquired about what a “manual override” is. Belfiori explained that it’s usually a tax forfeit/exempt or other situations like land vacancy or divisions when the County can’t collect the VLAWMO charge.

Director Jones provided that the VLAWMO SSU has done well in staying low since 2008.

RESOLUTION 09-2022

A RESOLUTION CERTIFYING STORM SEWER UTILITY CHARGES TO THE COUNTY AUDITOR TO BE ASSESSED ON REAL ESTATE TAXES PAYABLE IN 2023.

WHEREAS, Minnesota Law 2008, Chapter 366, Article 6, Section 47 provides that the Vadnais Lake Area Water Management Organization may certify to the County Auditors the amounts of storm sewer utility charges to be collected on said premises the ensuing year; and

WHEREAS, the Storm Sewer Utility (SSU) Rule of the Vadnais Lake Area Water Management Organization, provides that the watershed may certify to the County Auditors the amounts of unpaid utility charges to be collected as part of the tax levy/special assessments on said premises the ensuing year;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE VADNAIS LAKE AREA WATER MANAGEMENT ORGANIZATION, AS FOLLOWS:

1. Attachments 1 and 2 attached hereto and made a part thereof by reference is a list of parcels of real property lying within the VLAWMO limits of which have surface water runoff and on which there are service charges payable in 2023.
2. The Board hereby certifies said list and requests the Ramsey County Auditor and Anoka County Auditor to include in the real estate taxes/assessments due the amount set forth in Attachments 1 and 2 with taxes/assessments due and payable in 2023.
3. The VLAWMO Administrator is directed to tender a certified copy of this Resolution to the Ramsey and Anoka County Departments of Property Records and Revenue.

The question was on the adoption of the resolution and there were 5 yeas and 0 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>
<i>Dan Jones</i>	x	<input type="checkbox"/>	<input type="checkbox"/>
<i>Ed Prudhon</i>	x	<input type="checkbox"/>	<input type="checkbox"/>
<i>Rob Rafferty</i>	<input type="checkbox"/>	<input type="checkbox"/>	x
<i>Tom Watson</i>	x	<input type="checkbox"/>	<input type="checkbox"/>
<i>Patricia Youker</i>	x	<input type="checkbox"/>	<input type="checkbox"/>
<i>Jim Lindner</i>	x	<input type="checkbox"/>	<input type="checkbox"/>

James Lindner, Chair

Date

VADNAIS LAKE AREA WATER MANAGEMENT ORGANIZATION

I, the undersigned, Administrator of the Vadnais Lake Area Water Management Organization, hereby certify that I have carefully compared and attached the foregoing extract of minutes of a regular meeting of the Board of Directors of said watershed held on the 26th day of October 2022, with the original thereof on file in my office.

WITNESSED BY the Watershed Administrator this 26th day of October 2022.

Phil Belfiori, Administrator

A motion was made by Director Prudhon and seconded by Director Jones to approve Resolution 09-2022 certifying the VLAWMO storm sewer utility charges to the county auditor to be assessed on real estate taxes payable in 2023.

Vote: Lindner: aye, Prudhon: aye, Jones: aye, Watson: aye, Youker: aye. Resolution passed.

4. Consider VLAWMO General Engineering Services for 2023 and 2024 

Belfiori outlined the general engineering services as included in the October Board packet. In August of 2022, the VLAWMO Board approved an effort for staff to go out for bid for

general engineering services and a surprising 18 proposals were received. He then noted that a summary memo was sent to the VLAWMO sub-committee requesting their recommendation related to : 1) Selection of a primary engineering firm and 2) placement of the remaining 17 firms on a new engineering pool available for selection and contracts as needed.

Discussion: Prudhon inquired if there's a bidding minimum that VLAWMO has to hold in order to send out for bid. Belfiori explained that the VLAWMO Board hasn't outlined a policy to quantify an exact number, but it's up to staff discretion within the allocated \$30,000 approved budget for the general engineering services fund.

A motion was made by Director Youker and seconded by Director Prudhon to approve S.E.H. to continue to provide general engineering services in 2023 and 2024 and authorize the Board Chair and staff to sign the attached professional engineering services agreement identified as Attachment 2. Furthermore, the Board approves that all the 17 engineering firms that submitted proposals (that were not selected as VLAWMO's general engineer as noted in memo above) to be placed on the VLAWMO's new engineering pool list that may be selected to perform smaller cost /limited scope specialized technical services under the general engineering fund at the discretion of the administrator.

Vote: Youker: aye, Prudhon: aye, Lindner: aye, Jones: aye, Watson: aye. Motion passed.

B. Projects

1. Consider AFT #1 and AFT #2 payment to Peterson for Biochar Project

Corcoran provided a summary of the Whitaker Pond biochar project with a photo slideshow of the project construction. Construction started Sept 30th. The pond was dropped about 2' for project construction and this year's dry conditions helped keep it down. The project consists of a waterproof membrane, pea gravel, biochar, and another layer of pea gravel. Perforated pipe collects water that moves through the system and directs it out into Lambert Creek. During storm events, the rising of the pond allows water to move through the filter system.

The project is complete but at the time of the October Board meeting the silt fence remains up. The silt fence is recommended to be removed when 70% vegetation has been re-established adjacent to the silt fence. Staff have received the first payment application for the project and a 5% retainage would be paid when the on-site job box is removed. Staff recommended approval of both payments.

Discussion: None

A motion was made by Director Prudhon and seconded by Director Jones to approve payment and authorize Chair Lindner to sign the AFP #1 invoice for payment of 95% of contract amount (\$125,732.50). Furthermore, the Board authorize Chair Lindner to approve and sign AFP #2 for the 5% retainage (\$6,617.50) when received and pending SEH final determination that the project as constructed is consistent with the approved plans.

Vote: Lindner: aye, Prudhon: aye, Jones: aye, Youker: aye, Watson: aye. Motion passed.

C. Wetland Conservation Act (WCA)

1. Consider Polar industry WCA replacement plan 

Corcoran outlined the Polar industry WCA replacement plan. It pertains to a 51-acre site in White Bear Township proposing three commercial buildings. 0.45 acres of permanent wetland impact, 14.7 acres of wetland avoidance, 3 acres of storm pond introduced, and 0.44 acres of wetland mitigation credits. The wetland boundary and type for the project was approved in December of 2018, the No-Loss application was approved in June of 2021, and TEP comments on a revised wetland delineation were completed and integrated into the replacement plan on October 14, 2022.

There are 5 wetlands on the site, three of them have minimal impacts and one will be heavily impacted. Sequencing for wetland impact was completed. Impacted wetlands and wetland buffer areas are being mitigated and replaced per WCA credits at a 2:1 ratio in wetland bank #1698. Corcoran introduced Tim McShane who was present at the meeting and recommended approval of the wetland sequencing

Discussion: Director Watson inquired how White Bear Township has acted on the matter. Director Prudhon explained the White Bear Township has worked on the project for two years, including correspondence with Met Council and the MN DNR on comprehensive plan changes and water consumption requirements. Prudhon stated that the development and associated land use had the least impact for water consumption compared to other potential land uses. Corcoran added that approximately 3 acres of stormwater basins are being added on the site per the Townships standards. Director Watson inquired about the accumulative wetland effect of this development combined with another in the area. Corcoran explained that each site undergoes hydrologic review and has to meet Wetland Conservation Act requirements. Director Prudhon inquired about if the planned turn lanes are reflected in the proposed wetland impacts. Corcoran confirmed the turn lanes are reflective in the proposed wetland impacts. Director Watson lastly inquired about how the wetlands on the site are being evaluated in terms of their performance and protection. Corcoran explained that hydrologic models are used to evaluate the hydrology of the site and how much water is held in each wetland for various storm events. Drainage into the site largely comes from Tamarack Nature Center and after the site eventually reaches Wilkinson Lake.

A motion was made by Director Jones and seconded by Director Youker to authorize sequencing for filling portions of wetland 2, wetland 3A, wetland 3, wetland 4 and all of wetland 5 and replacement plan for .4467 ac of permanent impact through purchase of banking credits at 2:1 from bank #1698 major watershed 20, BSA 7, same service area as proposed project.

Vote: Lindner: aye, Jones: aye, Youker: aye, Prudhon: aye, Watson: aye. Motion passed.

VII. Discussion/Updates

Director Jones expressed a thank you to VLAWMO staff, TEC, and Board for the successful completion of the White Bear Town Hall native planting, which was supported by a VLAWMO soil health grant.

VIII. Administration Communication

None

VII. Adjourn

A motion was made by Director Prudhon and seconded by Director Youker to adjourn at 8:04 pm.

Vote: Lindner: aye, Jones: aye, Youker: aye, Prudhon: aye, Watson: aye. Meeting adjourned.

Minutes compiled and submitted by Nick Voss.