

BOARD OF DIRECTORS MEETING AGENDA

7:00 PM April 28, 2021

Meeting will be held by Zoom teleconference. Meeting link:

<https://us02web.zoom.us/j/6521234320?pwd=Y0MwRXNzM00vcFdDYWpENWJiWjg3UT09>

Passcode: vlawmo20

Dial by telephone: +1-312-626-6799

Meeting ID: 652 123 4320

Passcode: 47728479

- I. **Call to Order**, Chair, Jim Lindner
- II. **Approval of Agenda**
- III. **Approval of February 24, 2021 Board Meeting Minutes** (P. 2)
- IV. **Visitors and Presentations**
 - A. Discussion on Troy Gilchrist memo -VLA WMO's role on Ditch 14 Branches-Troy/Staff (P. 13)
 - B. TEC Report and Financial – April – Paul Duxbury (Pgs. 23 & 17)
 - C. Public visitors – non agenda items
- V. **Consent Agenda** 
 - A. Authorization of Continued Financial Support for West Vadnais Carp Mgmt. with RWMWD  (P. 25)
 - B. Project Updates (P. 26)
- VI. **Business**
 - A. **Administration**
 1. Consider 2020 Audit/ presentation from CLA – CLA, Phil  (P. 28)
 2. Consideration of Legal Counsel Services for 2021 -22 - Phil  (P. 54)
 3. 2022 Preliminary Budget Discussion- Phil (P. 55)
 - B. **WCA**
 1. Bluebird Development Buffer Variance/Wavier Request – Brian  (P. 76)
 - C. **Projects**
 1. Consideration of Houston Eng. Memo and “Phase 2” CD 14 Maintenance- Chris/Phil/Brian  (P. 80)
 2. Update on 319 Wilkinson Grant Application and intergov. agreement– Dawn (P. 91)
 3. 2021 – 2023 BWSR Watershed-Based Imp. Funding (WBIF) Grant (C21-9984) Work Plan & Grant Agreement – AMENDED Res. 2021-04 – Tyler  (P. 100)
- VII. **Discussion**
 - A. Consideration of Returning to In-Person Board Meetings in June – Jim 
- VIII. **Administration Communication**
- XI. **Adjourn:** Next regular meeting: June 23, 2021



MINUTES OF THE BOARD OF DIRECTORS – February 2021 REGULAR BOARD MEETING
February 24th, 2021

Attendance		Present	Absent
Jim Lindner, 2020 Chair	City of Gem Lake	X	
Tom Watson	City of North Oaks	X	
Rob Rafferty, 2020 Secretary-Treasurer	City of Lino Lakes	X	
Ed Prudhon	White Bear Township	X	
Dan Jones	City of White Bear Lake	X	
Patricia Youker	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	
Tyler Thompson	GIS Watershed Tech.	X	

Others in attendance: Paul Duxbury, Bob Larson (VLAWMO TEC); Gary Eagles (NOC); Connie Tailon (City of White Bear Lake); Emily Jennings (SEH)

I. Call to Order

The meeting was called to order at 7:00 pm by Director Lindner of the Zoom teleconference meeting. A roll call was asked for Director presence. Lindner: present, Watson: present, Rafferty: present (arrived after meeting order), Prudhon: present, Jones: present, Youker: present. Tom Watson introduced himself to the VLAWMO Board. Gary Eagles noted Tom Watson was tributary to keeping VLAWMO afloat and instrumental in VLAWMO’s current funding mechanism.

II. Approval of Agenda

The agenda for the February, 2021 Board meeting was presented for approval, Chair Lindner asked for any additions or corrections. None.

A motion was made by Jones and seconded by Youker to approve the February Board meeting agenda, as presented. Vote: Lindner: aye, Watson: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

III. Approval of December 9, 2020 Board Meeting Minutes

The December 9, 2020 Board meeting minutes were presented for approval. Lindner asked for any additions or corrections. None. Watson noted his abstention.

A motion was made by Prudhon and seconded by Jones to approve the December 2020 Board meeting agenda, as presented. Vote: Lindner: aye, Watson: abstain, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

IV. Visitors and Presentations

A. Public Visitors – non-agenda items

None.

B. TEC Report and Financial – February

Duxbury gave the Board a briefing on current projects and programs, as reviewed at the February TEC meeting. Belfiori briefly overviewed the February Finance Report. No major comments from the auditors.

V. Consent Agenda

A. Designation of Legal Publication – Press Publications and VLAWMO website

Staff recommends VLAWMO continue to use Press Publications and the VLAWMO website for public notices to our jurisdiction, with option to advertise in the League of MN Cities publication, as appropriate.

B. Set 2021 Board Meeting Dates

Staff proposes establishing regular VLAWMO Board meeting dates following previous years' pattern. The dates proposed are: February 24, April 28, June 23, August 25, October 27, and December 8, 2021. Staff is recommending these dates for setting future regular meetings of the Board.

C. Amelia Lake RCSWCD Survey Request

See staff memo in 2/24/21 Board packet. Staff is requesting authorization from the Board to proceed with survey work with RCSWCD for 2021.

D. 2020 Monitoring Report

The 2020 Monitoring Report is complete and Report link was included in the Board packet.

E. Project Update Reports

Staff prepared updates for projects and programs in the February Board meeting packet.

A motion was made by Youker and seconded by Jones to approve the February 2021 Board meeting consent agenda, as presented. Vote: Lindner: aye, Watson: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

VI. Business

A. Administration

1. Election of Board, Subcommittee Officers and appointment of TEC Chair/Officers

2020 Board officers included: Chair, Jim Lindner; Vice Chair, Marty Long; Secretary-Treasurer, Rob Rafferty. Officers preside over meetings and take on other small business duties. Belfiori asked for a VLAWMO Board Chair nomination from the directors to begin the 2021 Officer appointments.

1. Election of Officers:

VLAWMO Board Chair

A motion was made by Prudhon and seconded by Jones to nominate Director Lindner as 2021 VLAWMO Board of Directors Chair. Vote: Lindner: abstain, Watson: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

VLAWMO Board Vice Chair

A motion was made by Lindner and seconded by Prudhon to nominate Director Jones as 2021 VLAWMO Board of Directors Vice Chair. Vote: Lindner: aye, Watson: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

VLAWMO Board Secretary/Treasurer

A motion was made by Youker and seconded by Lindner to nominate Director Youker as 2021 VLAWMO Board of Directors Secretary/Treasurer. Vote: Lindner: aye, Watson: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

2. Subcommittee Assignments

The Finance, Policy, and Personnel Subcommittee may meet 2-4 times per year and make recommendations to the Board regarding budget, policy changes or updates, and personnel matters, and assist with various questions and direction, as needed.

Discussion: The Board discussed the Finance, Policy, and Personnel Subcommittee would consist of the 3 elected Board Officers. The Directors agreed by consensus.

3. Technical Commission (TEC) Chair and Officers

The TEC has recommended and nominated Gloria Tessier as TEC Chair, Jesse Farrell as Vice Chair, Bob Larson as Treasurer, and Paul Duxbury as Board Liason. Staff is recommending these Officer roles for approval from the Board.

A motion was made by Watson and seconded by Youker to approve election of Commissioners Tessier as TEC Chair, Jesse Farrell as Vice Chair, Bob Larson as Treasurer, and Paul Duxbury as Board Liason for 2020 TEC Officer positions. Vote: Lindner: aye, Watson: aye Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

2. Consideration of General Engineering Services from 2021-22

Belfiori presented that pursuant to MN Statute 103B.227, staff noticed and advertised a RFP for general engineering services for 2021 & '22. The General Engineering fund was approved by the VLAWMO Board two years ago for the purpose of establish a dedicate fund to provide smaller cost /limited scope general technical services by an qualified engineering firm on an as needed basis when specific engineering expertise is needed. The selected firm would enter into a contract for a 2-year period. The general engineering fund includes \$30,000 in the 2021 approved budget and the funding levels for 2022 would be determined by the Board as part of the 2022 budgeting process. Six proposals were received, reviewed and scored by staff, and the 2 highest-scoring firms, Houston Engineering, Inc. and SEH, and either firm has the potential to deliver on requested services in the RFP. **The VLAWMO Policy & Personnel Committee discussed the '21-'22 general engineering services, and upon discussion, reached a consensus and recommendation to recommend selecting SEH for 2021 & 2022 general engineering services. Based on the review of the proposals, also staff recommends Board approval of S.E.H. to continue as the VLAMWO engineer to provide general engineering services in 2021 and 2022 and authorize staff to sign the attached supplemental letter agreement dated Feb. 24, 2021 with Exhibits.**

Discussion: Jones expressed his appreciation to SEH for their great work so far, going above and beyond, and for their experience and work so far with VLAWMO.

A motion was made by Prudhon and seconded by Jones to select and approve SEH for VLAWMO's general engineering services for 2021-2022. Vote: Lindner: aye, Long: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

3. City of White Bear Lake 2021-2030 Surface Water Mgmt. Plan – Res. 2021-01

Corcoran presented the local water plan update for White Bear Lake have been received and reviewed by VLAWMO staff. VLAWMO staff had a review meeting with the City Water Resources Engineer on Feb. 9, 2021 and the subsequent Local Water Management Plan (as included in link below) has now been revised per the preliminary plan review comments provided by VLAWMO staff. A copy of the revised plan along with response to comments can be found on the VLAWMO website. **Staff recommends the Board approve with non-material changes the White Bear Lake Local Water Management Plan as consistent with the VLAWMO Water Management Plan and meeting state requirements, through Resolution 2021-01.**

Discussion: Jones thanked Connie Tailon for her hard work on the Surface Water Management Plan.

A motion was made by Jones and seconded by Prudhon to approve Resolution 2021-01, approving the City of White Bear Lake Local Water Management Plan as consistent with the VLAWMO Water Management Plan and meeting state requirements, with non-material changes. Vote: Lindner: aye, Watson: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

Resolution 2021-01

Of the Vadnais Lake Area Water Management Organization (VLAWMO)

Consideration of the White Bear Lake Local Water Management Plan

Resolution 2021-01 was moved by Director Jones and seconded by Director Prudhon:

Whereas, the VLAWMO is charged the responsibility of reviewing local water plans as identified in Minnesota Statute, Ch. 103B.235, Subd. 3, and

Whereas, the Board of the Vadnais Lake Area Water Management Organization has considered the updated White Bear Lake Local Water Management Plan (WBL LWMP) available on the VLAWMO website, and

Whereas, the VLAWMO review has found the updated WBL LWMP to be consistent with the VLAWMO Water Management Plan,

Therefore be it resolved that the White Bear Lake Local Water Management Plan, dated February 16, 2021 is approved with non-material changes for consistency with the VLAWMO Comprehensive Local Water Management Plan by the Vadnais Lake Area Water Management Organization Board of Directors.

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>	√	<input type="checkbox"/>	<input type="checkbox"/>
<i>Ed Prudhon</i>	√	<input type="checkbox"/>	<input type="checkbox"/>
<i>Rob Rafferty</i>	<input type="checkbox"/>	<input type="checkbox"/>	√
<i>Tom Watson</i>	√	<input type="checkbox"/>	<input type="checkbox"/>
<i>Patricia Youker</i>	√	<input type="checkbox"/>	<input type="checkbox"/>
<i>Jim Lindner</i>	√	<input type="checkbox"/>	<input type="checkbox"/>

_____ Board Chair Date

_____ Attest Date

B. WCA

1. Birch lake Animal Hospital Variance Request – Res. 2021-02

Birch Lake Animal Hospital in the City of White Bear Lake is requesting a wetland buffer variance to expand their parking lot to better suit their clients and reduce the amount of on-street parking. They are requesting to add 6 additional stalls and relocate the trash/recycling enclosure. The City of White Bear Lake has reviewed and accepted the additional stalls pending the buffer variance decision from the watershed.

As part of the parking stall addition, the client is adding an infiltration basin in the front of their building to capture runoff to reduce overall drainage to the wetland.

The wetland on site is a Manage 2 wetland. Buffer setback for a Manage 2 wetland is 30ft with minimum of 24ft. A wetland delineation was approved on 10/12/2020 identifying the wetland boundary. A retaining wall is proposed just outside of the wetland line to reduce grading issues. Trash and recycling enclosure will be approximately 5ft off of wetland line. Dashed lines on plan indicate 30Ft and 24Ft setbacks from wetland line. **Staff & TEC recommend approval of wetland buffer variance request for the parking stall addition contingent on installation of infiltration basin, a native buffer planting and buffer monument, and an O&M agreement through the City of White Bear Lake for the project BMP and native buffer, through Resolution 2021-02.**

Discussion: Prudhon asked if a buffer variance such as this has ever been granted before, and if there is any worry about these becoming more popular in the future. Corcoran noted that VLAWMO has received few variance requests, but to note the proposed site improvement of the infiltration basin and that the requestee proposes to go above and beyond for site drainage improvements. Watson asked if the O&M will be reviewed prior to approval. Corcoran noted that they will be, and VLAWMO's JPA municipalities possess permitting power for these projects, as well as O&M enforcement. Youker asked about the length of the O&M. Corcoran noted that for 2 years the company will take care of the project, and then after that, Birch Lake Animal Hospital is responsible for maintenance.

A motion was made by Youker and seconded by Jones to approve Resolution 2021-02, approving the wetland buffer variance request for the parking stall addition contingent upon installation of infiltration basin, a native buffer planting, buffer monument, and an O&M through the City of White Bear Lake for the project BMP and native buffer. Vote: Lindner: aye, Watson: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

Resolution 2021-01

Of the Vadnais Lake Area Water Management Organization (VLAWMO)
Consideration of the White Bear Lake Local Water Management Plan

Resolution 2021-01 was moved by Director Youker and seconded by Director Jones:

Whereas, the VLAWMO is charged the responsibility of reviewing local water plans as identified in Minnesota Statute, Ch. 103B.235, Subd. 3, and
Whereas, the Board of the Vadnais Lake Area Water Management Organization has considered the updated White Bear Lake Local Water Management Plan (WBL LWMP) available on the VLAWMO website, and
Whereas, the VLAWMO review has found the updated WBL LWMP to be consistent with the VLAWMO Water Management Plan,

Therefore be it resolved that the White Bear Lake Local Water Management Plan, dated February 16, 2021 is approved with non-material changes for consistency with the VLAWMO Comprehensive Local Water Management Plan by the Vadnais Lake Area Water Management Organization Board of Directors.

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>	√	<input type="checkbox"/>	<input type="checkbox"/>
<i>Ed Prudhon</i>	√	<input type="checkbox"/>	<input type="checkbox"/>
<i>Rob Rafferty</i>	<input type="checkbox"/>	<input type="checkbox"/>	√
<i>Tom Watson</i>	√	<input type="checkbox"/>	<input type="checkbox"/>
<i>Patricia Youker</i>	√	<input type="checkbox"/>	<input type="checkbox"/>
<i>Jim Lindner</i>	√	<input type="checkbox"/>	<input type="checkbox"/>

2. Island Field Replacement Plan Consideration

North Oaks Company is proposing a 21.94-acre multi-family residential development that will include two buildings of condominiums known as Island Field. The project will include a street and utilities. The site does not include any existing structures. Stormwater management practices will provide treatment of runoff before discharge to wetlands after development.

Island Field will require 0.1757 acre of permanent impact to one wetland. The need for a safe, efficient and functional site access street consistent with land use guidance and accepted engineering practices renders proposed wetland impacts unavoidable. The project has been designed to minimize wetland impacts to the extent practicable and includes construction practices to reduce or eliminate secondary wetland impacts. Permanent wetland impacts will be replaced by withdrawing 0.3514 acre of wetland credit from the North Oaks Company wetland bank, Account #170. This wetland bank is owned by the Applicant and located within the same County, Major Watershed, and Bank Service Area as the wetland impact. Some areas of buffer will be disturbed with project grading activities. A 5-year disturbed buffer plan has been submitted. **Staff & TEC recommend approval of the Island Field Replacement Plan of proposed impacts of 0.1757 acre of permanent wetland impact and replacement at 2:1 via wetland bank credits at 0.3514 acres.**

Discussion: Watson had a few comments: the PUD has received preliminary plan approval and not final approval from the City of North Oaks, proposing that this could be until the April Board meeting. Corcoran noted that either way, City of North Oaks approval will likely not effect this WCA decision. Eagles noted that the City may be looking for VLAWMO's WCA decision approval before finalizing project plan approval. Watson noted that the WCA access into the site is correct. Eagles noted that VLAWMO is not approving a project, but the WCA portion of the access. Motion to approve as recommended, but with the contingency provision of greater site plan approval by the City of North Oaks. Decision will be made contingent upon the project plan hearing at the next City of North Oaks Planning Commission meeting.

A motion was made by Watson and seconded by Jones to approve the Island Field Replacement Plan of proposed impacts of 0.1757 acre of permanent wetland impact and replacement at 2:1 via wetland bank credits at 0.3514 acres, with the contingency that this is brought to the next City of North Oaks meeting. Vote: Lindner: aye, Watson: aye, Rafferty: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

C. Education and Outreach

1. 2020 Annual Report 90% Draft Consideration for Approval

Highlights of the 2020 VLAWMO Annual Report were reviewed by Voss, along with new features added for the Report. Staff proposes approval of the 2020 Annual Report in its current format. Upon completion of the 2020 audit, financial information which will be updated into the document for a final submission to the Board of Water and Soil Resources (BWSR) by their April, 2021 deadline. At this time the complete report including finances will be sent to VLAWMO Board and Technical Commission members.

A motion was made by Prudhon and seconded by Youker to approve the 2020 Annual Report draft, with inclusion of the 2020 audit, once complete, to be submitted to the Board of Water and Soil Resources by the April 2021 deadline. Vote: Lindner: aye, Watson: aye, Rafferty: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

D. Projects

1. Lambert Lake Project

a). Project Update and consideration of Pay Request

Jennings and Tanner presented a PowerPoint presentation for current progress on the Lambert Lake project. SEH has been performing part-time inspection of the meander and sheet pile construction activities. Reference was given to the SEH memo regarding unforeseen challenges. A pay request was submitted by Sunram Construction, Inc. on February 10, 2021 and the Application for Payment (AFP) #1 has been submitted to VLAWMO (**see attached**). SEH recommends the approval for payment to Sunram Construction, Inc. in the amount of \$166,203.33. This amount represents 32% of the work completed, with 5% held for retainage. The pay request includes work completed through February 10 on the meander and sheet pile installation. **Per the recommendation of the project engineer, Staff request authorization from the Board to pay the current pay request for \$166,203.33 to Sunram Construction Inc.**

Discussion: Prudhon asked if there are penalties for not completing construction on time. Rafferty noted that there are realities to project delays and issues, and asked what the estimated overage amount would be. Jennings noted that the overage is closer to 23% with everything included, of the 15% overage. Rafferty asked if SEH has had prior experience with this contractor, and how their duties have been performed before. SEH has worked with the prime contractor before, and believes SEH has worked with the sub-contractor before. Rafferty thanked SEH for their work, and noted to monitor these contractors. Rafferty asked Belfiori if the lowest bidder was chosen for this project. Belfiori noted that the low bidder was chosen, and that they had prior experience with these specific types of projects. Rafferty noted his observation about the sub-contractor. Rafferty discussed that he would not be in favor of anything above and beyond the 15% overage right now. Watson clarified if the 15% was the total for all change orders, or per change orders. Rafferty voiced his concern again that this is a lot of money and to exercise caution, and to ask to look at this closer in the future.

A motion was made by Prudhon and seconded by Jones to approve the payment request of \$166,203.33 to Sunram Construction, Inc., as part of the Lambert Lake Project construction progress. Vote: Lindner: aye, Watson: aye, Rafferty: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

A motion was made by Jones and seconded by Prudhon to approve the Administrator to make a future payment towards the project, not to exceed the 15% change order amount previously set, pending approval of the Engineer. Vote: Lindner: aye, Watson: aye, Rafferty: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

b). Consider Modified Biochar BMP Project, 319 Grant Amendment, UMN Contract, SEH Scope for Engineering – Res. 2021-03

Staff and the Policy, Finance, and Personnel Committee recommend the Board approves the action items identified in Resolution 2021-03.

Discussion: Watson noted the possibility of legal counsel fees. Tanner noted that staff has been very careful with legal time. Rafferty noted these are valuable points, and that the subcommittee looked at this very closely.

A motion was made by Jones and seconded by Youker for the approval of Resolution 2021-03. Vote: Lindner: aye, Watson: aye, Rafferty: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

Resolution 2021-03

Of the Vadnais Lake Area Water Management Organization (VLAWMO)

Approve changer order to biochar portion of Lambert grant contract with MPCA, authorize termination of UMN contract and approve letter to be sent to UMN that includes refusal to pay outstanding invoice, and approve scope of work with SEH to complete the biochar project.

Resolution 2021-03 was moved by Director Jones and seconded by Director Youker:

Whereas, the Board of the Vadnais Lake Area Water Management Organization (the “Board”) recognizes the need to fulfill the requirements on the grant contract with the MPCA for the Lambert Lake VLAWMO Bacteria, Sediment, and Nutrient Reduction Project;

Whereas, the UMN biochar team decided to deviate from the original biochar project design, presented VLAWMO with a more expensive and incomplete design, and notified VLAWMO through their legal counsel that they would not participate in completing the draft plans and specs (titled 1.0 Lambert Plans and Specs) sent to VLAWMO on 12/7/2020;

Whereas, the UMN biochar team completed a portion of the tasks identified in the UMN Workplan and contract signed 2/11/2020;

Whereas, a change order to the grant contract with MPCA is needed to shift remaining tasks and funding related to the UMN team to the biochar design and construction grant categories to accommodate the new biochar project design requirements;

Whereas, the MPCA project coordinator has provided approval of the biochar portion of the MPCA workplan in a change order dated 2/17/2021;

Whereas, SEH has been consulted, reviewed draft plans from the UMN biochar team and identified that they have the ability to complete the design, develop signed plans and specs, supervise construction, and has provided a scope of work to complete the project;

Whereas, the VLAWMO Policy and Personnel Subcommittee met on 2/10/2021, to discuss this matter and upon further discussion reached consensus recommendation on the proposed Board actions listed below;

Therefore be it resolved by the VLAWMO Board that:

1. The VLAWMO Board authorizes approval of the MPCA change order dated 2/17/2021 to the biochar portion of Lambert grant contract, with nonmaterial changes,
2. Approves and authorizes the Board Chair to sign the letter dated 2/24/2021, which terminates the UMN contract, states a refusal to pay the outstanding invoice received by VLAWMO on 10/30/2020 and approves sending the letter to the UMN,
3. Approves scope of work with SEH to complete biochar project, and
4. Authorizes the VLAWMO Administrator to sign the scope of work and supplemental letter agreement with SEH for the amount of \$31,075, with nonmaterial changes once the MPCA change order is fully approved.

The question was on the adoption of the resolution and there were 6 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>	x	<input type="checkbox"/>	<input type="checkbox"/>
<i>Tom Watson</i>	x	<input type="checkbox"/>	<input type="checkbox"/>

Patricia Youker	x	<input type="checkbox"/>	<input type="checkbox"/>
Jim Lindner	x	<input type="checkbox"/>	<input type="checkbox"/>

_____ Board Chair Date

_____ Attest Date

2. Consideration of 319 Small Watershed Nine Key Element Document

Staff requests approval of the draft NKE plan (as attached and included in link above) with nonmaterial changes and authorize Staff to finalize NKE Plan once comments are received from EPA. Staff also requests the Board to authorize staff to continue to consider a suite of projects for the first-round, 319 priority small-watershed proposal for a cohesive package of projects targeting Wilkinson Lake as identified by Barr Engineering. Staff will communicate with the Board when EPA authorization of the NKE is received and anticipates bringing a tentative project proposal forward at the April Board meeting.

A motion was made by Prudhon and seconded by Rafferty for the approval of the VLAWMO NKE Plan, with non-material changes, and authorization of staff to finalized the Plan, once comments are received. Vote: Lindner: aye, Watson: aye, Rafferty: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

3. Pleasant Lake Internal Loading

a). Carp Management WSB Scope of Work

Staff request authorizations from the Board to sign a contract with WSB for \$20,572, with the understanding that a reduced amount may be needed depending upon the size of the carp and Bigmouth buffalo harvest. Financial partnership for this project has been requested from SPRWS.

Discussion: Watson asked if harvesting in the winter would have been possible. Tanner noted that yes, the commercial fisherman would have done this is the market hadn't been closed. Prudhon asked if there is any other option than the New York Fish market and asked about a plan b. Danner said the Chicago market is a possibility but not as big. Watson thanked Tanner for being engaged in seeking funding from SPRWS.

A motion was made by Watson and seconded by Youker for the authorization of entering into contract with WSB engineering for \$20,572 for carp removal and harvest on Pleasant Lake. Vote: Lindner: aye, Watson: aye, Rafferty: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

b). Curly-leaf Pondweed Management Cost Share with NOHOA

The TEC, PPC, and staff recommend and request authorization from the Board to support VLAWMO cost share to NOHOA for a demonstration Curly-leaf treatment in the west bay of Pleasant with NOHOA, at 30% of the total cost plus a possible extension area for optimal carp harvest. The total VLAWMO cost would be \$3,510-\$5,000. NOHOA is contributing \$8,500.

Discussion: Watson noted that SPRWS could be a potential funding partner for this project. Danner noted they were approached for overall approval of treatment. They would not participate financially in supporting Curly-leaf pondweed treatments.

A motion was made by Watson and seconded by Jones for the authorization of entering into cost share with the NOHOA for Curley-leaf Pondweed treatment in Pleasant Lake, up to

\$5,000. Vote: Lindner: aye, Watson: aye, Rafferty: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

4. 2021 – 2023 BWSR Watershed-Based Imp. Funding (WBIF) Grant (C21-9984) Work Plan & Grant Agreement – Res. 2021-04, as amended

Thompson presented the draft WBIF work plan and grant agreement for approval, pending BWSR's approval of the work plan. Staff is requesting the Board's approval of the grant work plan, as presented, with non-material changes.

Discussion: None.

A motion was made by Youker and seconded by Watson for the approval of the '21-'23 WBIF draft work plan and authorizes the Board Chair to sign and enter into the grant agreement, with submittal to BWSR with any non-material changes, and the adoption of Resolution 2021-04, as-amended. Vote: Lindner: aye, Watson: aye, Rafferty: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

RESOLUTION 04-2021

**Of the Vadnais Lake Area Water Management Organization (VLAWMO)
Acceptance of 2021-2023 BWSR Watershed-Based Implementation Funding Grant (C21-9984
2021 Metro Miss. River East – Vadnais Lake Area WMO)**

Director Youker introduced the following resolution and moved its adoption. Director Watson seconded the motion.

A RESOLUTION FOR APPROVAL of the 2021-2023 BWSR Watershed-Based funding (Vadnais Lake Area WMO) grant for VLAWMO Cost Share implementation and Subwatershed BMP development and installation (C21-9984).

Whereas, VLAWMO has submitted a funding request and work plan for the Watershed-Based Implementation Funding grant to the Board of Water and Soil Resources to address nutrient loading and volume reduction within the Gilfillan-Tamarack-Black-Wilkinson-Amelia, Birch Lake, Goose Lake, Gem Lake and Lambert Creek Subwatersheds, and

Whereas, components of the grant proposal include VLAWMO Cost Share Program fund integration and the implementation of a subwatershed BMP within the counties of Ramsey and Anoka, Minnesota, and

Whereas, VLAWMO has completed and continues to initiate subwatershed retrofits and feasibility studies to target and implement Watershed BMP implementation projects for the reduction of volume and pollutant loading into 303(d) list-impaired and tributary waterbodies within VLAWMO and to be the beneficiary of the Watershed-Based Implementation Funding from the State of Minnesota, and

Whereas, VLAWMO has finalized a work plan with the Board of Water and Soil Resources for implementation of the grant,

Therefore be it resolved that the VLAWMO Board of Directors hereby approves the C21-9984 grant ~~agreement, with draft~~ workplan, ~~pending approval by the Board of Water & Soil Resources, with non-material changes,~~ and authorizes the WMO Board Chair to ~~execute the grant agreement and~~ submit the grant ~~agreement and~~ workplan to the Board of Water and Soil Resources, with any final non-material changes and on advice of counsel.

The question was on the adoption of the resolution and there were 6 yeas and 0 nays as follows:

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



To: Board of Directors

From: Phil Belfiori, Administrator

Date: April 21, 2021

Re: **IV. A.** VLAWMO's role on Ditch 14 Branches – Troy's memo

Please find attached a memo from VLAWMO legal counsel Troy Gilchrist regarding roles and responsibilities when the VLAWMO receives a proposal by one of the member cities to repair a branch of the ditch system. These questions as discussed in Troy's memo have emerged given the recently approved City of Vadnais Heights scope of work to complete design and permitting work associated with the repair of Branch Ditch 3.

Pending the Board discussion, staff anticipates to continue coordination with the City and to also begin work on development of a Board policy document as referenced by Troy in his memo.

Troy will be in attendance at the April 28, 2021 VLAWMO Board meeting to present his memo contained in the Board packet and answer questions from the Board and staff.

Attached:

Memo from Troy Gilchrist dated April 21, 2021 regarding VLAWMO as Ditch authority.

Kennedy

&

Graven

CHARTERED

Troy J. Gilchrist
150 South Fifth Street
Suite 700
Minneapolis MN 55402
(612) 337-9214 telephone
(612) 337-9310 fax
tgilchrist@kennedy-graven.com
<http://www.kennedy-graven.com>

Also: St. Cloud Office
501 W. Germain Street, Suite 304
St. Cloud, MN 56301
(320) 240-8200 telephone

MEMORANDUM

To: VLAWMO Board of Directors
Phil Belfiori, Administrator

From: Troy Gilchrist

Date: April 21, 2021

Re: VLAWMO as a Ditch Authority

I am writing to provide the Board an update and recommendations regarding its on-going role as a “ditch authority” regarding County Ditches 13 & 14. As the Board recalls, the County transferred the ditches to VLAWMO in 1986. The transfer would have included the entire ditch system constructed as part of County Ditches 13 & 14, including the laterals/branches. The law at the time allowed the transfer and did not provide an opportunity for the watershed to reject the transfer. Since 2016, I have on various occasions been asked to comment on the authority and obligations of VLAWMO regarding the ditches as the Board has considered its options for how best to address the ditches.

A recent proposal by one of the member cities to repair a branch of the ditch system has renewed the conversation about VLAWMO’s role and responsibilities regarding the ditch system. I will summarize my past comments and then provide my recommendation on how the Board should handle requests by member communities to undertake their own repair projects on a branch of the ditch system.

Management Authority

When VLAWMO received the transfer of the ditches, it obtained whatever interest the County had in the ditches. At the time of the transfer, the applicable statute indicated that after the transfer “all proceedings for repair and maintenance shall thereafter conform to the provisions of section 106A.005 to 106A.811.” Minn. Stat. § 112.65, subd. 2. As part of a comprehensive water law bill the legislature adopted in 1990, the provisions of Minnesota Statutes, Chapter 106A became Minnesota Statutes, Chapter 103E, which is the current ditch law.

In 2002, the legislature adopted Minn. Stat. § 103E.812 to address the process to transfer ditches to a “water management authority” (which is defined as including WMOs). While the transfer procedure set out in the statute did not apply to the transfer to VLAWMO since it occurred several years earlier, the statute does set out the on-going effect of a ditch transfer. “The water management authority may manage water within its jurisdictional boundaries according to whatever law controls the function of the water management authority.” Minn. Stat. § 103E.812, subd. 8(a). I view this provision regarding the on-going management of transferred ditches as reflecting current legislative intent and is controlling.

Furthermore, Minn. Stat. § 103E.812, subd. 8(a) indicates the “transferred drainage system shall become a work and a responsibility of the transferee water management authority.” Meaning VLAWMO walked into the County’s shoes regarding its rights and interests in the ditch system, but it also assumed the on-going maintenance duty. To support that duty, the legislature made it clear “[a]ctivities conducted in the transferred drainage system must continue to be eligible for all exemptions and exceptions available for activities conducted in public drainage systems under sections 103G.2241 and 103G.245.” Minn. Stat. § 103E.812, subd. 8(b).

I previously set out an analysis of how to apply these changing authorities and concluded that it is up to the communities participating in the WMO to decide, as part of their joint powers agreement (JPA), the authority under which VLAWMO will manage the transferred ditches. The member communities made that decision in Section VI, Subd. 5 of the JPA, which states ditches are to be managed “in accordance with the powers and procedures set forth in Minnesota Statutes, Chapters 103B and other applicable law, and must be in conformance with the Watershed Management Plan adopted pursuant to Minnesota Statutes, Chapters 103A through 103H.” Having concluded VLAWMO is to manage the ditches in accordance with its authority under Minn. Stat. §§ 103B.201-103B.253, the issue became what does that mean from a practical perspective.

Maintaining the Ditches

VLAWMO is the “ditch authority” over the ditches. Technically, it is a water management authority responsible for managing a transferred drainage system. I placed “ditch authority” in quotes to point out that term is not used in Chapter 103B. I use the term simply to convey that VLAWMO has the rights and obligations toward the ditch, not to suggest VLAWMO is bound by the procedures in Chapter 103E, which speaks specifically to the authority and duties of a ditch authority. That means the opportunity to petition for a repair and the other provisions of Chapter 103E related to maintaining ditches do not apply to VLAWMO.

I previously advised that VLAWMO has a general duty to keep the ditches reasonably maintained, similar to how cities have a general duty to keep its streets in reasonable repair. What that means overall, or with respect to a given portion of a ditch, is left to the discretion of the Board to decide in accordance with its watershed plan. I recommended the Board treat any proposed work on the ditches as a capital improvement project under its plan.

When asked how to determine the need for work on the ditches, I recommend VLAWMO hire an engineering firm to evaluate the ditches and provide recommendations. The Board followed

that advice and obtained a detailed report on the ditch system. That report will be valuable to the Board as it continues to work to identify needed projects within its area and prioritize projects. To the extent the Board does identify work to be done on some portion of the ditch system, it would program the work just as it would any other CIP project.

City Ditch Work

A more recent issue that has come up regarding work on the ditch system is the desire of a member city to undertake its own ditch project within its jurisdictional boundaries. Because this may not be the only instance of a member community desiring to undertake work in one or more portions of the ditch system, I recommend the Board adopt a policy on how to handle such requests.

Because the rights and interests in the ditches are held by VLAWMO, member communities need to work through VLAWMO to receive permission to perform work on the ditches. This is somewhat similar to City A wanting to improve a street in a neighboring City B to better serve a development being constructed in City A. Typically, City A approaches City B and a written agreement is entered into allowing City A to perform the work with certain conditions, including approval of the construction specifications. The same would be true here. VLAWMO will want to make sure the proposed project does not interfere with its own plans or creates a problem on some other portion of the system. Otherwise, the agreement sets out the provisions for how the project may proceed and makes clear the community is responsible for obtaining any necessary permits, acquiring any easements that may be needed to accommodate the work, and to construct the project. The agreement must be approved by the Board and the community's governing body.

Summary

The following points are intended to sum up the findings and recommendations contained herein:

- VLAWMO acquired the County's rights and interest in the transferred ditch system.
- VLAWMO manages the ditch system pursuant to its authority under Minn. Stat. §§ 103B.201-103B.253 as directed by the JPA.
- VLAWMO has an obligation to keep the system reasonably maintained.
- VLAWMO should program any repair and maintenance activities it determines are needed in the same way as other CIP projects and in accordance with its plan.
- VLAWMO can allow member communities to perform work on a portion of the ditch system located within its jurisdictional boundaries. Any such work can only occur pursuant to an agreement between VLAWMO and the community. VLAWMO should consider adopting a policy for addressing future community requests.

Please feel free to let me know if there are any questions.

April-21		Actual 4/1/21	Actual to Date	2021 Budget	2020 carry over/Grants	Remaining in Budget	2021 Available	Act vs. Budget
BUDGET #	INCOME							
5.11	Storm Water Utility	\$0	\$20,739	\$935,340	\$0	\$914,601	\$935,340	2%
5.12	Service Fees	\$0	\$0	\$200	\$0	\$200	\$200	0%
5.13	Interest + mitigation acct	\$23	\$89	\$3,000	\$0	\$2,911	\$3,000	3%
5.14	Misc. income - WCA admin & other	\$0	\$0	\$3,000	\$0	\$3,000	\$3,000	0%
5.15	Other Income Grants/ <u>loan</u>	\$257,349	\$257,349	\$894,679	\$0	\$637,330	\$894,679	29%
5.16	Transfer from reserves	\$0	\$0	\$192,840	\$14,000	\$206,840	\$206,840	0%
	TOTAL	\$257,372	\$278,177	\$2,029,059	\$14,000	\$1,764,882	\$2,043,059	14%
	EXPENSES							
3.1	Operations & Administration							
3.110	Office - rent, copies, post tel supplies	\$2,042	\$8,023	\$26,214	\$0	\$18,191	\$26,214	31%
3.120	Information Systems	\$1,204	\$5,027	\$22,365	\$4,000	\$21,338	\$26,365	19%
3.130	Insurance	\$0	\$0	\$7,000	\$0	\$7,000	\$7,000	0%
3.141	Consulting - Audit	\$0	\$4,725	\$7,728	\$0	\$3,003	\$7,728	61%
3.142	Consulting - Bookkeeping	\$0	\$0	\$1,500	\$0	\$1,500	\$1,500	0%
3.143	Consulting - Legal	\$0	\$398	\$4,000	\$0	\$3,602	\$4,000	10%
3.144	Consulting - Eng. & Tech.	\$0	\$0	\$30,000	\$0	\$30,000	\$30,000	0%
3.150	Storm Sewer Utility	\$1,148	\$5,833	\$13,000	\$0	\$7,167	\$13,000	45%
3.160	Training (staff/board)	\$0	\$0	\$8,750	\$0	\$8,750	\$8,750	0%
3.170	Misc. & mileage	\$92	\$860	\$6,300	\$0	\$5,440	\$6,300	14%
3.191	Administration - staff	\$27,792	\$109,463	\$370,307	\$0	\$260,844	\$370,307	30%
3.192	Employer Liability	\$8,684	\$33,653	\$102,376	\$10,000	\$78,723	\$112,376	30%
3.2	Monitoring and Studies							
3.210	Lake and Creek lab analysis	\$0	\$0	\$18,000	\$0	\$18,000	\$18,000	0%
3.220	Equipment	\$178	\$256	\$3,000	\$0	\$2,744	\$3,000	9%
3.230	Wetland assessment & management	\$0	\$0	\$0	\$0	\$0	\$0	#DIV/0!
3.3	Education and Outreach							
3.310	Public Education	\$250	\$2,250	\$8,500	\$0	\$6,250	\$8,500	26%
3.320	Marketing	\$0	\$260	\$7,500	\$0	\$7,240	\$7,500	3%
3.330	Community Blue Ed Grant	\$0	\$0	\$10,000	(\$4,500)	\$5,500	\$5,500	0%
<i>Total Core functions: Ops, Monitoring, Education</i>		<i>\$41,390</i>	<i>\$170,748</i>	<i>\$646,540</i>	<i>\$9,500</i>	<i>\$485,292</i>	<i>\$656,040</i>	<i>26%</i>
	Capital Improvement Projects and Programs							
3.4	Subwatershed Activity							
3.410	Gem Lake	\$0	\$0	\$0	\$0	\$0	\$0	
3.420	Lambert Creek	\$377,047	\$571,111	\$222,100	\$0	(\$349,011)	\$222,100	257%
3.425	Goose Lake	\$0	\$1,125	\$124,200	\$0	\$123,075	\$124,200	1%
3.430	Birch Lake	\$0	\$637	\$0	\$0	(\$637)	\$0	#DIV/0!
3.440	Gilf Black Tam Wilk Amelia	\$0	\$0	\$16,000	\$0	\$16,000	\$16,000	0%
3.450	Pleasant Charley Deep	\$0	\$0	\$22,500	\$0	\$22,500	\$22,500	0%
3.460	Sucker Vadnais	\$0	\$16,408	\$12,500	\$0	(\$3,908)	\$12,500	131%
3.48	Programs							
3.480	Soil Health Grant	\$0	\$0	\$4,500	\$0	\$4,500	\$4,500	0%
3.481	Landscape 1	\$70	\$70	\$16,000	\$0	\$15,930	\$16,000	0%
3.482	Landscape 2	\$0	\$0	\$28,000	\$0	\$28,000	\$28,000	0%
3.483	Project Research & feasibility	\$0	\$0	\$0	\$0	\$0	\$0	#DIV/0!
3.485	Facilities Maintenance	\$3,710	\$3,710	\$46,540	\$0	\$42,830	\$46,540	8%
3.5	Regulatory							
3.510	Engineer Plan review	\$0	\$0	\$0	\$0	\$0	\$0	#DIV/0!
<i>Total CIP & Program</i>		<i>\$380,826</i>	<i>\$593,061</i>	<i>\$492,340</i>	<i>\$0</i>	<i>(\$100,721)</i>	<i>\$492,340</i>	<i>120%</i>
Total of Core Operations & CIP		\$422,216	\$763,809	\$1,138,880	\$9,500	\$384,571	\$1,148,380	67%

Fund Balance	3/1/2021	4/1/2021
4M Account	\$457,359	\$767,227
4M Plus Savings	\$324,117	\$324,130
Total	\$781,475	\$1,091,357

Restricted funds	4/1/2021
Mitigation Savings	\$21,036
Term Series	\$0

Vadnais Lake Area Water Management Orga
Profit & Loss
March 13 through April 9, 2021

8:51 AM

04/01/2021

Cash Basis

Mar 13 - Apr 9, 21

Ordinary Income/Expense	
Income	
5.1 · Income	
5.13 · Interest	22.58
5.15 · Other Income Grants/Loan	257,349.03
Total 5.1 · Income	<u>257,371.61</u>
Total Income	<u>257,371.61</u>
Gross Profit	<u>257,371.61</u>
Expense	
3.1 · Administrative/Operations	
3.110 · Office	
Copies	23.69
Phone/Internet/Machine Overhead	290.00
Postage	76.44
Rent	1,615.00
Supplies	36.98
Total 3.110 · Office	<u>2,042.11</u>
3.120 · Information Systems	
IT Support	1,203.91
Total 3.120 · Information Systems	<u>1,203.91</u>
3.150 · Storm Sewer Utility	1,147.50
3.170 · Misc. & mileage	91.82
3.191 · Employee Payroll	
payroll	27,792.02
Total 3.191 · Employee Payroll	<u>27,792.02</u>
3.192 · Employer Liabilities	
Admin payroll processing	44.92
Administration FICA	2,013.99
Administration PERA	2,084.40
Insurance Benefit	4,541.05
Total 3.192 · Employer Liabilities	<u>8,684.36</u>
Total 3.1 · Administrative/Operations	<u>40,961.72</u>
3.2 · Monitoring and Studies	
3.220 · Equipment	177.96
Total 3.2 · Monitoring and Studies	<u>177.96</u>
3.3 · Education and Outreach	
3.310 · Public Education	250.00
Total 3.3 · Education and Outreach	<u>250.00</u>
3.4 · Capital Imp. Projects/Programs	
3.420 · Lambert Creek Restoration	
Lambert Lake Loan	257,349.03
LL VLAWMO cash match	18,165.22
1 · LL grant \$302,679	101,532.33

Total 3.420 · Lambert Creek Restoration	<u>377,046.58</u>
Total 3.4 · Capital Imp. Projects/Programs	<u>377,046.58</u>
3.48 · Programs	
3.481 · Landscape 1 - cost-share	69.92
3.485 · Facilities & Maintenance	3,709.50
Total 3.48 · Programs	<u>3,779.42</u>
Total Expense	<u>422,215.68</u>
Net Ordinary Income	<u>-164,844.07</u>
Net Income	<u><u>-164,844.07</u></u>

Vadnais Lake Area Water Management Organization
Check Detail

8:49 AM

04/01/2021

March 13 through April 9, 2021

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Check	eft	03/17/2021	Reliance Standard		Checking - 1987		-202.29
				Insurance Benefit		-202.29	202.29
TOTAL						-202.29	202.29
Check	eft	03/17/2021	Reliance Standard		Checking - 1987		-88.50
				Insurance Benefit		-88.50	88.50
TOTAL						-88.50	88.50
Check	5109	04/09/2021	Tyler J Thompson		Checking - 1987		-52.92
				3.170 · Misc. & mileage		-52.92	52.92
TOTAL						-52.92	52.92
Check	5110	04/09/2021	Nicholas Voss		Checking - 1987		-15.12
				3.170 · Misc. & mileage		-15.12	15.12
TOTAL						-15.12	15.12
Check	5111	04/09/2021	Brian Corcoran		Checking - 1987		-23.78
				3.170 · Misc. & mileage		-23.78	23.78
TOTAL						-23.78	23.78
Check	5112	04/09/2021	Metro Blooms		Checking - 1987		-250.00
				3.310 · Public Education		-250.00	250.00
TOTAL						-250.00	250.00
Check	5113	04/09/2021	SEH		Checking - 1987		-17,926.42
				LL VLAWMO cash match		-500.00	500.00
				LL VLAWMO cash match		-17,426.42	17,426.42
TOTAL						-17,926.42	17,926.42
Check	5114	04/09/2021	Kennedy & Graven, Chartered		Checking - 1987		-238.80
				LL VLAWMO cash match		-238.80	238.80
TOTAL						-238.80	238.80
Check	5115	04/09/2021	Ehlers & Associates, Inc.		Checking - 1987		-1,147.50
				3.150 · Storm Sewer Utility		-1,147.50	1,147.50

TOTAL		-1,147.50	1,147.50
	Check 5116 04/09/2021 Houston Engineering, Inc	Checking - 1987	-3,709.50
	3.485 · Facilities & Maintenance	-3,709.50	3,709.50
TOTAL		<u>-3,709.50</u>	<u>3,709.50</u>
	Check 5117 04/09/2021 City Of Roseville	Checking - 1987	-1,203.91
	IT Support	-1,203.91	1,203.91
TOTAL		<u>-1,203.91</u>	<u>1,203.91</u>
	Check 5118 04/09/2021 Nick Ong	Checking - 1987	-69.92
	3.481 · Landscape 1 - cost-share	-69.92	69.92
TOTAL		<u>-69.92</u>	<u>69.92</u>
	Check 5119 04/09/2021 City of White Bear Lake	Checking - 1987	-36,185.59
	payroll	-27,792.02	27,792.02
	Administration FICA	-2,013.99	2,013.99
	Administration PERA	-2,084.40	2,084.40
	Insurance Benefit	-4,250.26	4,250.26
	Admin payroll processing	-44.92	44.92
TOTAL		<u>-36,185.59</u>	<u>36,185.59</u>
	Check 5120 04/09/2021 Sunram Construction, Inc	Checking - 1987	-358,881.36
	1 · LL grant \$302,679	-101,532.33	101,532.33
	Lambert Lake Loan	-257,349.03	257,349.03
TOTAL		<u>-358,881.36</u>	<u>358,881.36</u>
	Check 5121 04/09/2021 City of Vadnais Heights	Checking - 1987	-2,005.13
	Rent	-1,615.00	1,615.00
	Phone/Internet/Machine Overhead	-290.00	290.00
	Postage	-76.44	76.44
	Copies	-23.69	23.69
TOTAL		<u>-2,005.13</u>	<u>2,005.13</u>

Vadnais Lake Area Water Management Organization
Custom Transaction Detail Report
 February 1 through April 1, 2021

10:05 AM
 03/31/2021
 Accrual Basis

Type	Date	Num	Name	Memo	Account	Clr	Split	Amount	Balance
Feb 1 - Apr 1, 21									
Credit Card Charge	02/03/2021		Google*SVCAPPS_VLAWM		US Bank CC	√	WEB	36.00	36.00
Credit Card Charge	02/09/2021		adobe *photography plan		US Bank CC	√	Software	9.99	45.99
Transfer	02/22/2021			Funds Transfer	US Bank CC	√	Checking - 1987	-338.59	-292.60
Credit Card Charge	02/26/2021		Adobe "Creative Cloud		US Bank CC	√	Software	32.20	-260.40
Credit Card Charge	03/01/2021		Ace Hardware	supplies workday crew	US Bank CC	√	3.220 · Equipment	99.98	-160.42
Credit Card Charge	03/02/2021		Google*SVCAPPS_VLAWM		US Bank CC	√	WEB	36.00	-124.42
Credit Card Charge	03/03/2021		FastSigns	signs for sucker channel	US Bank CC		3.220 · Equipment	143.37	18.95
Credit Card Charge	03/11/2021		Ace Hardware	supplies workday crew	US Bank CC		3.220 · Equipment	100.20	119.15
Credit Card Charge	03/15/2021		Ace Hardware	supplies workday crew	US Bank CC		3.220 · Equipment	107.96	227.11
Credit Card Charge	03/19/2021		Landscape Restoration	buckthorn removal chemicals	US Bank CC		3.220 · Equipment	70.00	297.11
Credit Card Charge	03/24/2021		Staples	usb drives	US Bank CC		Supplies	36.98	334.09
								334.09	334.09
Feb 1 - Apr 1, 21									

TEC Report to the Board
April 2021

Programs & Projects	Effort Level	Completion Date	Comments
	LOW		
	MED		
	HIGH		
Projects			
Lambert Pond /Meander Project		2021/22	Construction of Meander and Sheet Pile completed.
East Goose Lk Adaptive Mgnt.		2021- ongoing	Community Survey closed on 3/31/21. 101 responses received.
Ditch 14 Maintenance project		2021/22	Working on Phase II project coordination on Ditch 14 as well as Branch Ditch #3 maintenance planning
OPEN			OPEN
MPCA 319 Planning		2021	Currently discussing proposed concept plans to be applied for in anticipated 319 grant application which would be considered at either the April or June Board meeting.
21-23 BWSR WBF		2023	Grant workplan approved by BWSR, and Grant Agreement to be signed at 2021 April Board. Staff working on grant implementation.
Programs			
Outreach		Feb-April	East Goose Lake Community Engagement Survey now closed. Results are being compiled together with the hardcopy response forms received from shoreline homeowners from December, 2020 to February, 2021. Lambert Lake Pond and Meander Factsheet completed to celebrate completion of project construction.
Education		April-June	New MS4 programming underway in collaboration with neighboring watersheds. Raingarden and native plant workshops scheduled from April into May.
Website		March	East Goose Lake Adaptive Management Web Hub posted on website. New projects pages for Lambert Creek dredging, Co Rd F raingardens. 2021 cost-share program reflected on grants page and under news. New project pages posted in conjunction with East Goose Lake web hub. 2020 Water Monitoring summary and 2020 annual report posted.
WAV		Jan-May	WAV activities for 2021 allocated. Junior Watershed Explorer booklet continuing promotion, Aquatic Invasive Species detection continuing for 2021 monitoring year. Community-engaged U of MN volunteers active until end of college semester.
Cost Share		ongoing	Coordinating with municipalities for 2021 street recon RGs. 2021 landowner site visits and communication in full-swing.
GIS		ongoing	VLAWMO GIS site updated for 2021. Continuing to support project & program needs.
Monitoring		ongoing	2021 season begins April 2021
WCA		ongoing	administering WCA as needed

TEC Report to the Board
April 2021

Administration & Operation			
Audit		2021	Will be brought to April Board meeting for consideration.
Budget		2020-21	High level long range budget discussion will be held with VLAWMO Board Subcommittee in Mid April. 2022 budget discuss will be initiated at the April Board meeting with the final 2022 budget consideration at the June Board meeting.
Personnel		2021	staff continue to pursue professional development per their approved training plans.
SSU		ongoing	Parcel redefinitions have been reviewed as they are submitted.
Administration/ HR		ongoing	

FINANCIAL SUMMARY as of 4/1/2021			CD's	4M Term Series	
				Maturity	Rate
4M Account (1.10)	4M Plus (1.23)	Total	Term series		
\$767,227	\$324,130	\$1,091,357			

Budget Summary	Actual Expense YTD	2021 Budget amended	Remaining in Budget	% YTD
Operations	\$170,748	\$656,040	\$485,292	26%
CIP	\$593,061	\$492,340	(\$100,721)	120%
Total	\$763,809	\$1,148,380	\$384,571	67%

To: VLAWMO Board of Directors
From: Dawn Tanner
Date: April 28, 2021

Re: V. A. Authorization of Continued Financial Support for West Vadnais Carp Management with Ramsey Washington Metro Watershed District (RWMWD); Attachments: 2020 Proposal for RWMWD and VLAWMO including W Vadnais, 2020 Report of carp work, 2021 Proposal for RWMWD and VLAWMO

VLAWMO staff have continued to work with RWMWD on carp management efforts in West Vadnais Lake. Managing carp in West Vadnais Lake helps to protect the investment made to reduce carp biomass in the Phalen chain of lakes and contributes to the effort of improving water quality. West Vadnais Lake is impaired for nutrients.

VLAWMO partnered with RWMWD during 2020 on carp efforts. RWMWD received a quote from Carp Solutions, Inc., for \$71,280, of which VLAWMO contributed \$12,500 (Note: the quote includes other areas in the RWM Watershed in addition to West Vadnais). Results of the 2020 season are described in the attached report and included: placement of a physical barrier (a COVID modification when the electric barrier could not be shipped from Europe), regular cleaning of the barrier by RWMWD staff, PIT tagging and box netting on West Vadnais, and biomass estimation for continued management efforts. VLAWMO is also partnering with RWMWD during 2021. RWMWD received a quote from Carp Solutions, Inc., for \$63,305. In addition, RWMWD paid for installation of power at the site to run the electrified barrier. The barrier was installed at the outlet of West Vadnais in April. RWMWD placed signage, fenced the site, and removed cattails around the site to reduce maintenance needs.

VLAWMO has \$10,500 allocated in the budget for West Vadnais support to be paid to RWMWD. Staff received a recommendation from the TEC to the Board to continue to partner with RWMWD and fund this portion of the carp effort.

Signage included at the electrified barrier installed in 2021	Electrified barrier location with respect to the modified outlet on the wetland on the south side of West Vadnais	Overall location of wetland with view to West Vadnais, and construction area for power installation
		

Staff request authorization from the Board to proceed with support to RWMWD in the amount of \$10,500 for carp control efforts on West Vadnais in 2021.

Please see the URL web link for attachments (Carp Solutions estimates & Report)

<https://www.vlawmo.org/files/2916/1910/4799/V. A. Attach 2-4.pdf>

To: VLAWMO Board of Directors
From: VLAWMO Staff
Date: April 28, 2021
Re: V. B. Project Updates

1. Update on East Goose Adaptive Lake Management (ALM) Engagement process

The East Goose ALM community survey closed on March 31, 2021 with a total respondents count of 101. Staff anticipates providing an update and summary on the ALM engagement process at the next Board meeting and will continue to update the East Goose ALM web hub with program background and technical information, it can be found online at : www.vlawmo.org/eastgooselakeAM.

2. MS4 Program Update – Nick

Each MS4 community completed a new MS4 permit application with the MN Pollution Control Agency (MPCA) on April 15, 2021. VLAWMO staff have engaged and collaborated with representatives from each MS4 to outline strategic programs and content creation that supports permit requirements. The MPCA will begin a 60-day public comment period on all new MS4 permits in late April, 2021. Upon completion of the comment period, staff will continue collaborations with Cities and the Township, completing outlined tasks per each task's unique timeline.

The first permit year is a transitional year in this MS4 permit, meaning that MS4's have until June, 2022 to develop their programs into compliance with the permit regulations. VLAWMO's contributions will help serve this purpose and will seek to empower MS4's with resources and networks to build ownership and efficiency in their MS4 program. Examples of VLAWMO assistance for MS4's includes:

- Gathering and communicating TMDL measurements that result from VLAWMO projects
- Harnessing existing resources for pet waste, winter maintenance, adopt-a-drain, and other education and outreach portions of the permit. Generating flyers, infographics, and other newsletter content when relevant.
- Assisting communications and promotions of workshops, events, and special staff trainings such as smart salting certification.
- Assisting with maps and displays of relevant information from VLAWMO's unique database

3. Annual Report - Nick

The 2020 Annual report is complete and posted at <https://www.vlawmo.org/news/2020-annual-report/>.

Official submission to the MN Board of Water and Soil Resources will take place before the end of April and immediately following the April, 2021 VLAWMO BOD meeting, accompanied with the financial audit report.

Also available online is a 2020 Water Monitoring Report Summary:
<https://www.vlawmo.org/news/blog/2020-water-monitoring-summary/>

4. Landscape Level 2 Cities of WBL & Vadnais Heights Street Reconstruction Update – Tyler

Staff has been working to coordinate curb cut rain garden implementation into the cities of White Bear Lake and Vadnais Heights' 2021 street reconstruction projects. Interest lists were open for residents until 3/31, and in April site feasibility work will begin, with the goal of having final project locations and curb cuts marked before construction begins in both cities. Staff is hoping to know how many basins are feasible for construction by May.

At the April TEC meeting, staff requested approval to enter into contract with the Ramsey County SWCD for assistance with feasibility, design, and putting the final projects out to bid for construction, as well as construction oversight. Project expenses will be billed as they are accrued, and the total contract amount is not to exceed \$4,999 in 2021. The TEC approved entry to this Agreement for 2021, and it has since been executed. After curb cut rain garden feasibility is completed, and project bids are received from the SWCD, staff will seek further Board action for Landscape Level 2 grant approval. This is likely to happen at the August 25th Board meeting, but action may be needed at the June 23rd meeting.

To: VLAMWO Board of Directors

From: Phil Belfiori

Date: April 21, 2021

RE: VI. A. 1. 2020 Financial Report and Audit

Representatives from Clifton, Larson, Allen LLP, Christopher Knopik and Liz Towne will be present at the meeting with a presentation of the audit materials. The key portions of the 2020 financial statement along with the Governance letter and the Internal Control letter are enclosed in the packet.

To reduce the number of pages of the overall Board packet, only portions of the 2020 financial report are included in the packet. To review the entire financial statement (along with the Governance letter and internal control letter) please go to the following link:

Full Financial Statement

Draft: https://www.vlawmo.org/files/8016/1901/6587/VLAWMO_Financial_Statement_Draft.pdf

Internal Control Letter

Draft: https://www.vlawmo.org/files/2016/1901/6620/VLAWMO_Internal_Control_Letter_Draft.pdf

Governance Letter Draft: https://www.vlawmo.org/files/7216/1901/6607/VLAWMO_Governance_Letter_Draft.pdf

Please feel free to ask questions. These documents will need to be sent to the Board of Water & Soil Resources and the State Auditor's office. VLAWMO also send the financial report to each of our JPA member communities.

Recommendation: Staff recommends the Board accept the 2020 Financial Report and audit documents and direct them to be distributed to the appropriate state and local agencies.



Vadnais Lake Area Water Management Organization

Audit Presentation

April 28, 2021

Agenda

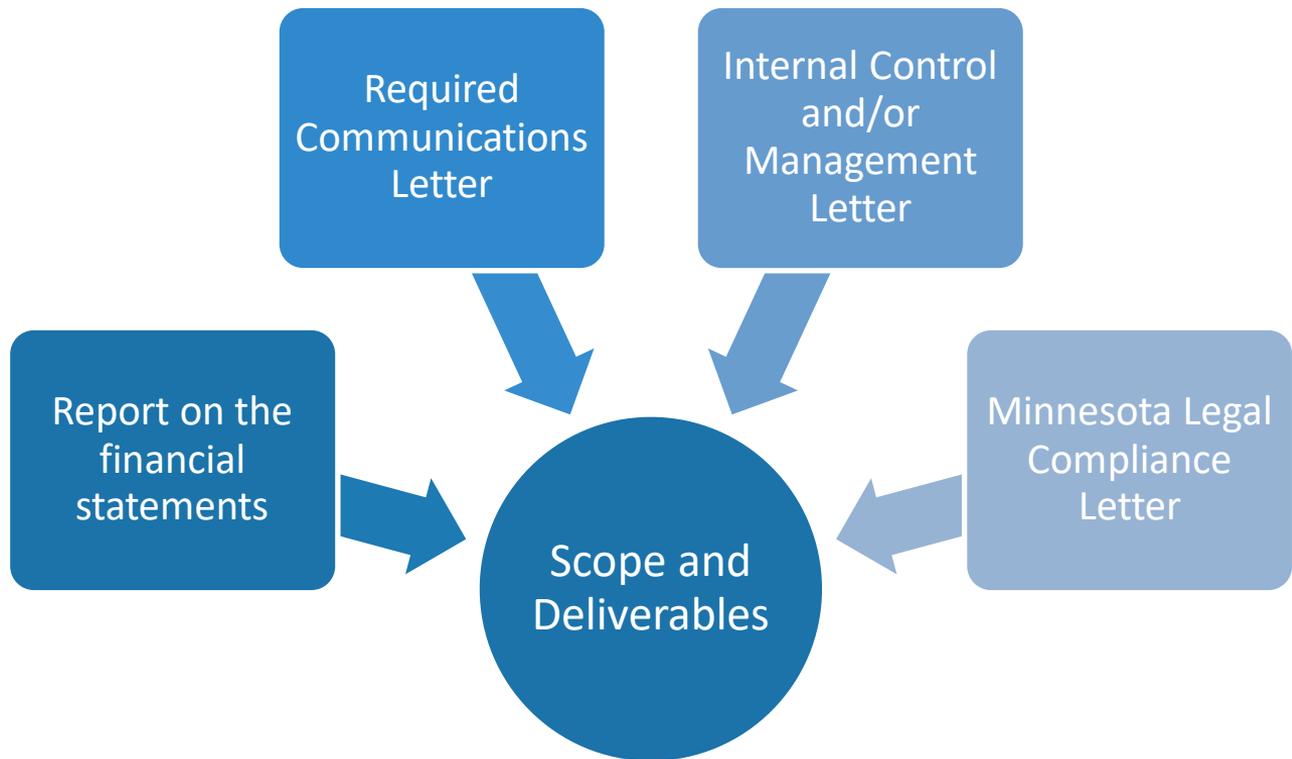
Audit Deliverables and Results

Financial Results

Required Communications

Key Items/Summary





Audit Results

Unmodified Opinion

- On the basic financial statement

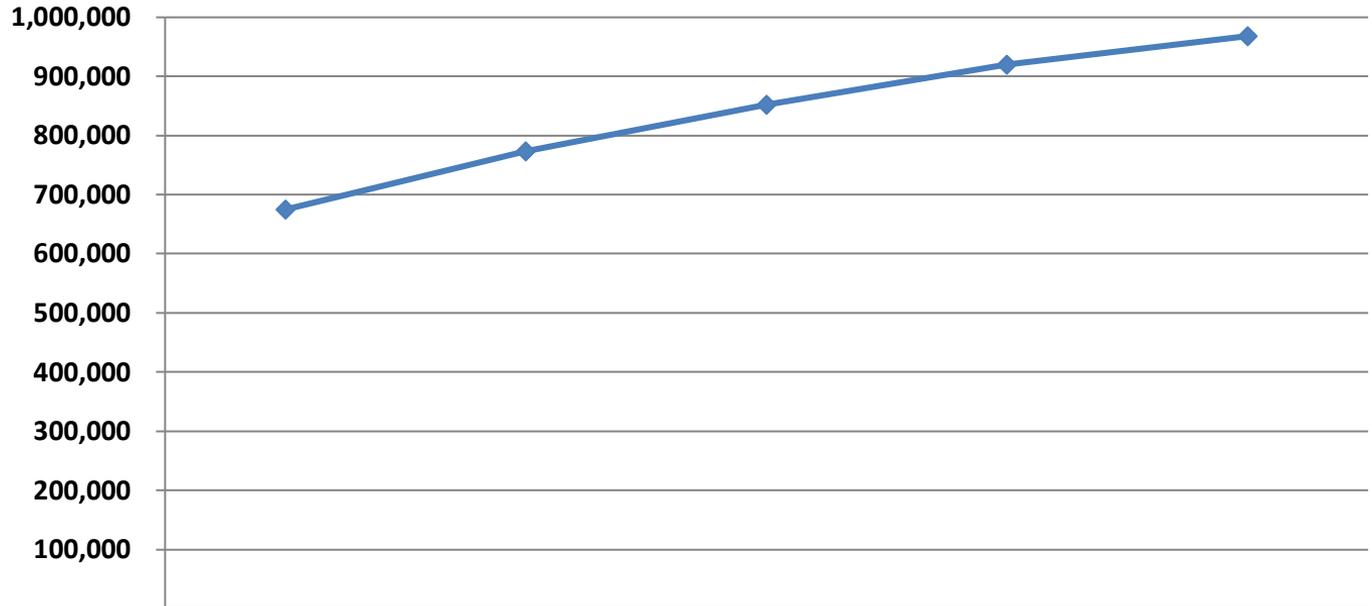
Compliance and Internal Control Over Financial Reporting

- One material weakness related to internal control:
 - Auditor drafts financial statements and notes
- One management comments:
 - Documentation & review of internal controls

Minnesota Legal Compliance

- No issues noted

Financial Results – Special Assessments

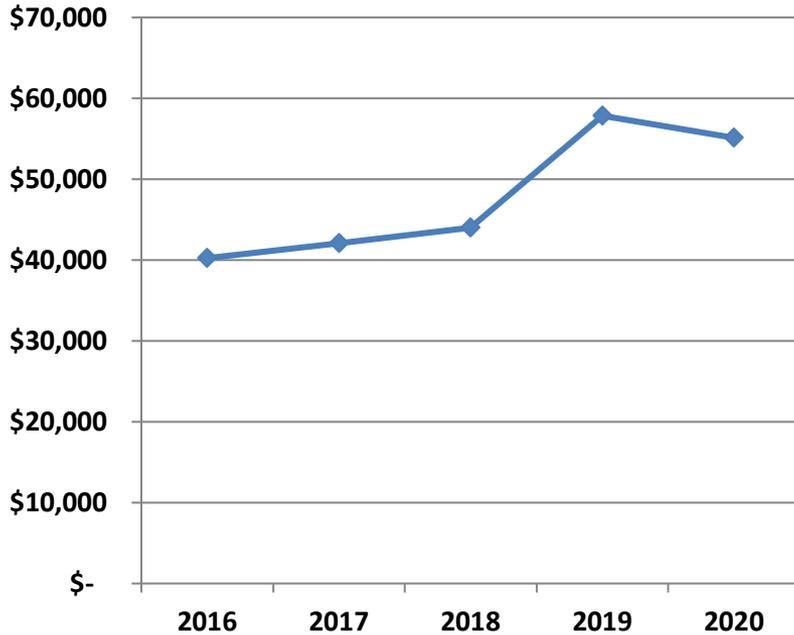


	2016	2017	2018	2019	2020
Special Assessments Receivable	674,422	773,497	852,185	919,970	967,881

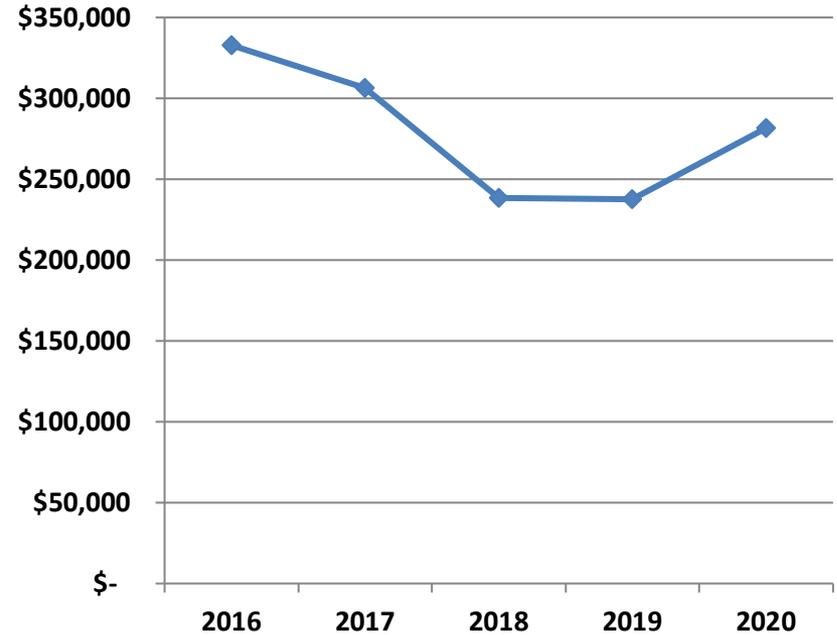


Financial Results – Long Term Liabilities

Compensated Absences

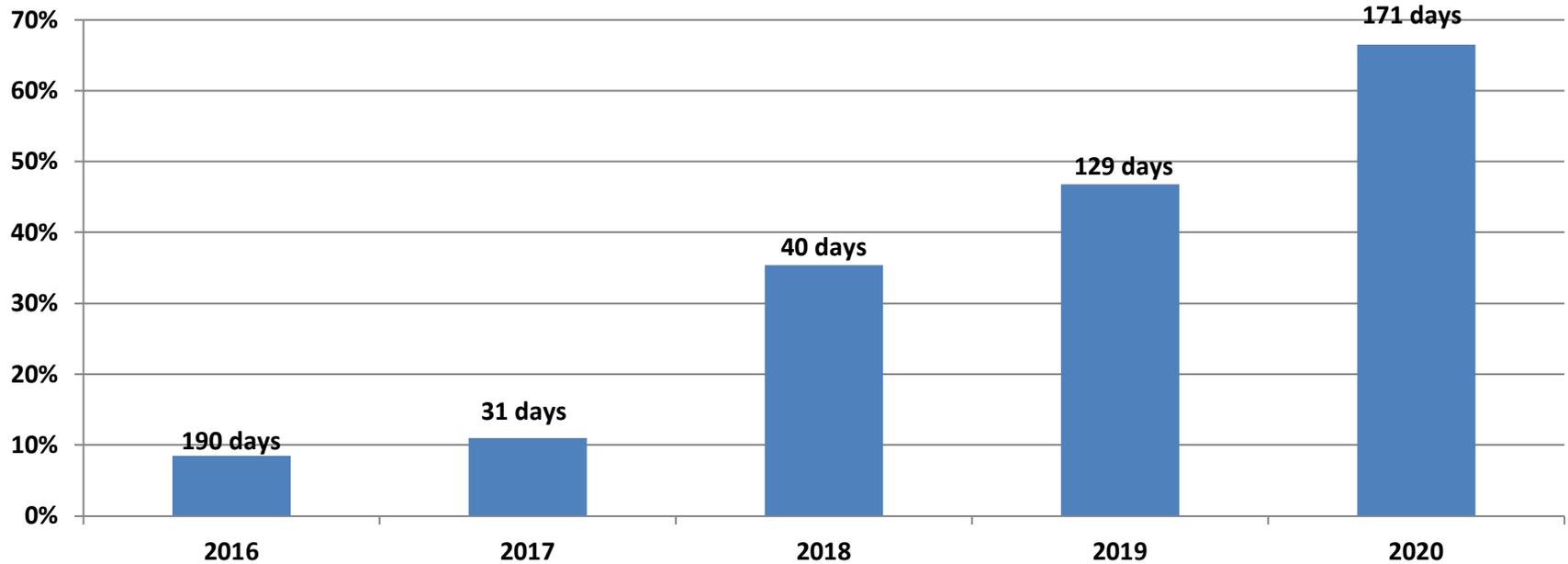


Net Pension Liability



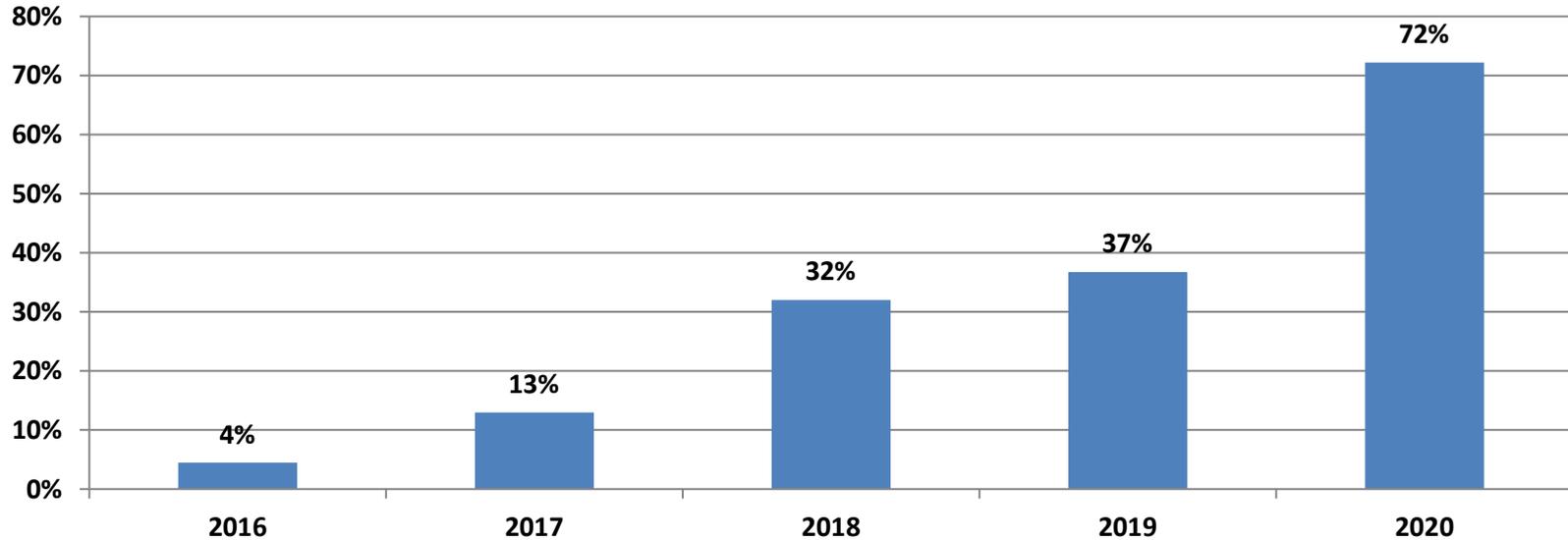
Financial Results – Unassigned Fund Balance

Unassigned Fund Balance/Total Expenditures



Financial Results – Fund Balance Policy

Unassigned Fund Balance/ Next Year's Budgeted Expenditures



Financial Results – Other

Total Expenditures increased \$280k

- Projects - increase in project activity
- Wages/benefits – slight increase

Total Revenues increased \$179k

- \$64k increase in charges for services
- \$123k increase in grants



Governance Communication Letter

Overall

- Purpose is to provide an update on the audit since the planning meeting
- No changes in scope of audit
- No new accounting standards

Estimates

- Useful lives
- Compensated Absences
- Pension Liability

- We are comfortable with management's estimates

Difficulties

- No difficulties encountered
- No disagreements encountered

- No other findings to report

Other

- Audit adjustments made over special assessment receivables, accrued wages, payables, and other receivables

- One passed adjustment relating to depreciation that should have been expensed in a prior year



Key Items / Summary

Financial stability

- Unassigned fund balance has increased and is above VLAWMO's policy range for 2020

Reports/Letters

- 1 Material Weakness, same as in prior years
- No legal compliance issues
- 1 minor control clean up item – take credit for what is done

Issuance

- Signed Rep Letter and approval of report

Thank you to all for helping to get this audit completed timely and for allowing us to serve you!

Chris Knopik, CPA, CFE, Principal
Christopher.Knopik@claconnect.com
612-397-3266

Liz Towne, CPA, Manager
Liz.Towne@claconnect.com
612-867-4542



CLAAconnect.com



**VADNAIS LAKE AREA WATER
MANAGEMENT ORGANIZATION**

**FINANCIAL STATEMENTS AND
SUPPLEMENTARY INFORMATION**

YEAR ENDED DECEMBER 31, 2020

DRAFT

INDEPENDENT AUDITORS' REPORT

Board of Directors
Vadnais Lake Area Water Management Organization
Vadnais Heights, Minnesota

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and the major fund of the Vadnais Lake Area Water Management Organization (the Organization), Vadnais Heights, Minnesota, as of and for the year ended December 31, 2020, and the related notes to the financial statements, which collectively comprise the Organization's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and the major fund of the Organization as of December 31, 2020, and the respective changes in financial position and the budgetary comparison for the General Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Report on Summarized Comparative Information

We have previously audited Vadnais Lake Area Water Management Organization's 2019 financial statements of the governmental activities and major fund, and we expressed unmodified opinions on those financial statements in our report dated April 1, 2020. In our opinion, the summarized comparative information presented herein as of and for the year ended December 31, 2019 is consistent, in all material respects, with the audited information from which it has been derived.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 4 through 12, the schedule of employer's share of PERA net pension liability, and the schedule of employer's share of PERA contributions on page 40 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Organization's basic financial statements. The introductory section is presented for purposes of additional analysis and is not a required part of the basic financial statements.

The introductory section has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on it.

CliftonLarsonAllen LLP

Minneapolis, Minnesota
REPORT DATE

As management of the Vadnais Lake Area Water Management Organization (the Organization), Vadnais Heights, Minnesota, we offer readers of the Organization's financial statements this narrative overview and analysis of the financial activities of the Organization for the fiscal year ended December 31, 2020. We encourage readers to consider the information presented here in conjunction with the financial statements, which follow this section.

Financial Highlights

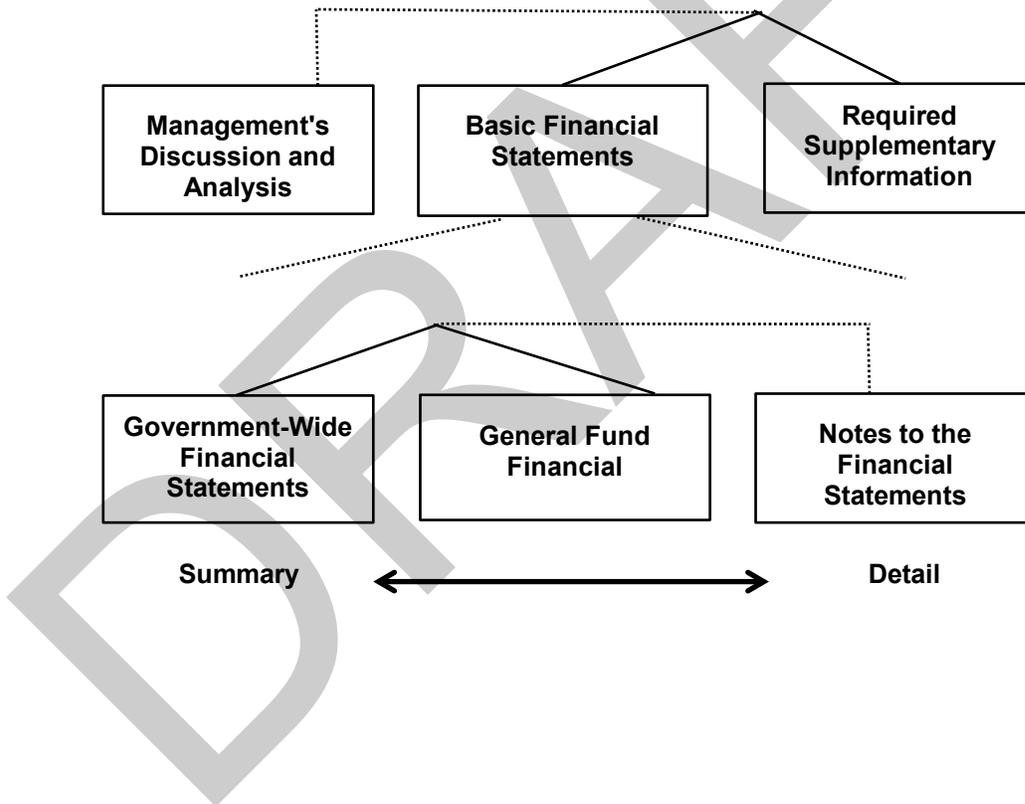
- The assets and deferred outflows of resources of the Organization exceeded its liabilities and deferred inflows of resources at the close of the most recent fiscal year by \$997,047 (*net position*). Of this amount, \$555,133 (*unrestricted net position*) may be used to meet the Organization's ongoing obligations.
- The Organization's total net position increased by \$40,182.
- As of the close of the current fiscal year, the Organization's General Fund reported combined ending fund balances of \$863,205, an increase of \$77,102 in comparison with the prior year.
- The ending General Fund balance was \$863,205. Of this balance, \$206,840 is committed for purposes disclosed in the financial statements.
- The Organization's unrestricted cash and temporary investments as of December 31, 2020 increased to \$877,871 from \$819,206 as of December 31, 2019.

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the Organization’s basic financial statements. The Organization’s basic financial statements are comprised of three components: 1) government-wide financial statements, 2) General Fund financial statements, and 3) notes to the financial statements. This report also contains other required supplemental information in addition to the basic financial statements themselves.

The financial statements also include notes that explain some of the information in the financial statements and provide more detailed data. Figure 1 shows how the required parts of this annual report are arranged and relate to one another.

**Figure 1
Required Components of the Organization’s Annual Financial Report**



Overview of the Financial Statements (Continued)

Figure 2 summarizes the major features of the Organization’s financial statements, including the portion of the Organization government they cover and the types of information they contain. The remainder of this overview section of management’s discussion and analysis explains the structure and contents of each of the statements.

**Figure 2
Major Features of the Government-Wide and Fund Financial Statements**

	Fund Financial Statements	
	Government-Wide Statements	General Fund
Scope	Entire Organization	The activities of the Organization
Required financial statements	<ul style="list-style-type: none"> • Statement of Net Position • Statement of Activities 	<ul style="list-style-type: none"> • Balance Sheet • Statement of Revenues, Expenditures, and Changes in Fund Balances
Accounting Basis and measurement focus	Accrual accounting and economic resources focus	Modified accrual accounting and current financial resources focus
Type of asset/liability information	All assets and liabilities, both financial and capital, and short-term and long-term	Only assets expected to be used up and liabilities that come due during the year or soon thereafter; no capital assets included
Type of deferred outflows/inflows of resources information	All deferred outflows/inflows of resources, regardless of when cash is received or paid	Only deferred outflows of resources expected to be used up and deferred inflows of resources that come due during the year or soon thereafter; no capital assets included
Type of inflow/outflow information	All revenues and expenses during year, regardless of when cash is received or paid	Revenues for which cash is received during or soon after the end of the year; expenditures when goods or services have been received and payment is due during the year or soon thereafter

Government-Wide Financial Statements

The government-wide financial statements are designed to provide readers with a broad overview of the Organization’s finances, in a manner similar to a private-sector business.

The *statement of net position* presents information on all of the Organization’s assets and deferred outflows and liabilities and deferred inflows, with the difference between the two reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Organization is improving or deteriorating.

The *statement of activities* presents information showing how the Organization’s net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, *regardless of the timing of related cash flows*. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., grants and earned but unused vacation and sick leave).

The governmental activities of the Organization include general and administrative, programs, and projects.

Fund Financial Statements

A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Organization, like other state and local government, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The Organization currently only uses a general fund.

General Fund

The *General Fund* is used to account for essentially the same functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide financial statements, the General Fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of the General Fund is narrower than that of the government-wide financial statements, it is useful to compare the information presented for the *General Fund* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact by the government's near-term financing decisions. Both the General Fund balance sheet and the General Fund statement of revenues, expenditures and changes in fund balance provide a reconciliation to facilitate this comparison between the *General Fund* and *governmental activities*.

The Organization adopts an annual appropriated budget for its General Fund. A budgetary comparison statement has been provided for the General Fund to demonstrate compliance with this budget.

Notes to the Financial Statements

The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

Government-Wide Financial Analysis

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the Organization, assets and deferred outflows of resources exceeded liabilities and deferred inflows of resources by \$997,047 at the close of the most recent fiscal year.

The largest portions of the Organization's net position are unrestricted and available to meet the ongoing needs of the Organization. The Organization has a total of 44% classified as investment in capital assets (e.g., land, buildings, machinery, and equipment). The Organization uses these capital assets to provide services to its member cities; consequently, these assets are not available for future spending.

Government-Wide Financial Analysis (Continued)

Vadnais Lake Area Water Management Organization's Summary of Net Position

	December 31,		Increase (Decrease)
	<u>2020</u>	<u>2019</u>	
ASSETS			
Current	\$ 1,876,788	\$ 1,768,829	\$ 107,959
Capital, Net of Accumulated Depreciation	<u>441,914</u>	<u>488,073</u>	<u>(46,159)</u>
Total Assets	<u>2,318,702</u>	<u>2,256,902</u>	<u>61,800</u>
DEFERRED OUTFLOWS OF RESOURCES			
Deferred Pension Resources	39,524	28,659	10,865
LIABILITIES			
Current	1,046,453	1,018,419	28,034
Noncurrent	<u>295,559</u>	<u>252,185</u>	<u>43,374</u>
Total Liabilities	<u>1,342,012</u>	<u>1,270,604</u>	<u>71,408</u>
DEFERRED INFLOWS OF RESOURCES			
Deferred Pension Resources	<u>19,167</u>	<u>58,092</u>	<u>(38,925)</u>
NET POSITION			
Net Investment in Capital Assets	441,914	488,073	(46,159)
Unrestricted	<u>555,133</u>	<u>468,792</u>	<u>86,341</u>
Total Net Position	<u>\$ 997,047</u>	<u>\$ 956,865</u>	<u>\$ 40,182</u>

At the end of the current fiscal year, the Organization is able to report positive balances in both categories of net position.

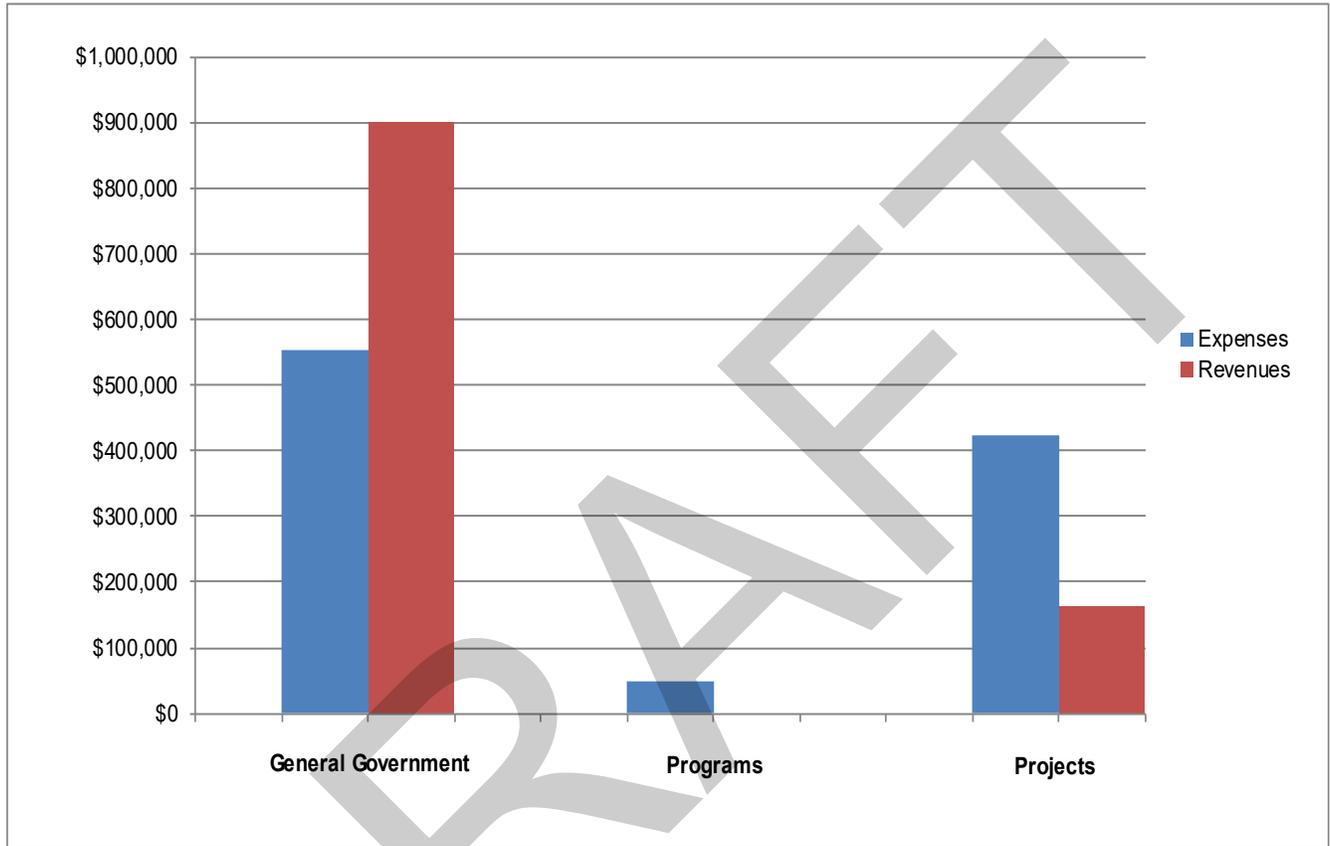
Government-Wide Financial Analysis (Continued)

Vadnais Lake Area Water Management Organization's Changes in Net Position

	December 31,		Increase (Decrease)
	<u>2020</u>	<u>2019</u>	
REVENUES			
Program:			
Charges for Services	\$ 897,650	\$ 835,069	\$ 62,581
Operating Grants and Contributions	163,677	40,870	122,807
General:			
Unrestricted Investment Earnings	<u>3,230</u>	<u>10,526</u>	<u>(7,296)</u>
Total Revenues	<u>1,064,557</u>	<u>886,465</u>	<u>178,092</u>
EXPENSES			
General and Administrative	554,278	496,890	57,388
Programs	47,891	50,021	(2,130)
Projects	<u>422,206</u>	<u>192,811</u>	<u>229,395</u>
Total Expenses	<u>1,024,375</u>	<u>739,722</u>	<u>284,653</u>
CHANGE IN NET POSITION	40,182	146,743	(106,561)
Net Position - January 1	<u>956,865</u>	<u>810,122</u>	<u>146,743</u>
NET POSITION - DECEMBER 31	<u>\$ 997,047</u>	<u>\$ 956,865</u>	<u>\$ 40,182</u>

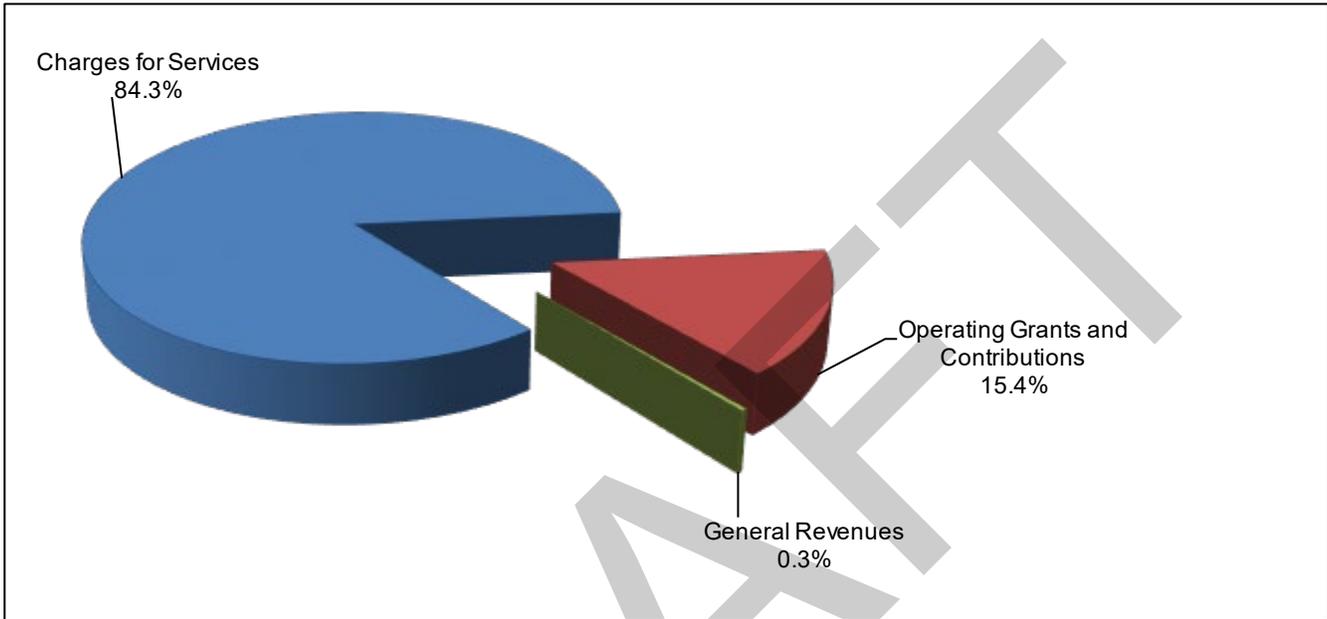
Government-Wide Financial Analysis (Continued)

Expenses and Program Revenues – Governmental Activities



Government-Wide Financial Analysis (Continued)

Revenues by Source – Governmental Activities



Financial Analysis of the General Fund

As noted earlier, the Organization uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

General Fund

The focus of the Organization’s *General Fund* is to provide information on near-term inflows, outflows, and balances of *spendable* resources. Such information is useful in assessing the Organization’s financing requirements. In particular, *unassigned fund balance* may serve as a useful measure of a government’s net resources available for spending at the end of the fiscal year.

As of the end of the current fiscal year, the Organization’s General Fund reported an ending fund balance of \$863,205, an increase of \$77,102 in comparison with the prior year. Approximately 76% of the total amount, \$656,365, constitutes unassigned fund balance, which is available for spending at the Organization’s discretion. The remainder fund balance of \$206,840 is committed for purposes described in the notes to the financial statements. As a measure of the General Fund’s liquidity, it may be useful to compare total fund balance to total fund expenditures. Total fund balance represents 87% of 2020 fund expenditures and 122% of 2019 fund expenditures.

General Fund Budgetary Highlights

The Organization’s General Fund budget was not amended during the year. Actual revenues were over budget by \$154,758, mainly due to intergovernmental grants exceeding budget by \$160,665. Expenditures were over budget with a variance of \$77,656 mostly due to project costs being higher than anticipated.

Capital Asset and Debt Administration

Capital Assets

The Organization's investment in capital assets for its governmental activities as of December 31, 2020, amounts to \$441,914 (net of accumulated depreciation).

Additional information on the Organization's capital assets can be found in Note 3 of this report.

Economic Factors and Next Year's Budgets

The Organization considered and prepared the 2021 budget based on the following factors:

- Revenue is primarily from the storm sewer utility assessment, with occasional income from grants, service fees, and interest.
- Expenditures fall into three main categories: Programs, projects, and general and administration.
- Programs include: monitoring and data analysis, sustainable lake plans, cost-share, education and outreach, maintenance, and approximately 40% of payroll for five employees.
- Projects include capital projects such as the Construction of the Birch Lake Iron Enhanced Sand Filter located at 4th Street and Otter Lake Road and the final design work of the Lambert Creek Meander and Pond Sheet Pile Maintenance Project. Projects also occupy approximately 45% of payroll for five employees.
- Operations and administration include office rent and supplies, bookkeeping and general and program audit, information systems, insurance, and approximate 15% payroll for five employees and legal expenses.

All of these factors were considered in preparing the Organization's budget for the 2020 fiscal year.

Requests for Information

This financial report is designed to provide a general overview of the Organization's finances for all those with an interest in the Organization's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to Phil Belfori, Administrator, Vadnais Lake Area Water Management Organization, 800 County Road E East, Vadnais Heights, MN 55127.

INDEPENDENT AUDITORS' REPORT ON MINNESOTA LEGAL COMPLIANCE

Board of Directors
Vadnais Lake Area Water Management Organization
Vadnais Heights, Minnesota

We have audited, in accordance with auditing standards generally accepted in the United States of America, the financial statements of the governmental activities and the major fund of the Vadnais Lake Area Water Management Organization (the Organization), Vadnais Heights, Minnesota, as of and for the year ended December 31, 2020, and the related notes to the financial statements, which collectively comprise the entity's basic financial statements, and have issued our report thereon dated REPORT DATE.

The *Minnesota Legal Compliance Audit Guide for Other Political Subdivisions*, promulgated by the State Auditor pursuant to Minnesota Statute §6.65, contains six categories of compliance to be tested: contracting and bidding, deposits and investments, conflicts of interest, claims and disbursements, miscellaneous provisions, and tax increment financing. Our audit considered all of the listed categories except that we did not test for compliance with the provisions for tax increment financing because the Organization does not have any established tax increment financing districts.

In connection with our audit, nothing came to our attention that caused us to believe that the Organization failed to comply with the provisions of the *Minnesota Legal Compliance Audit Guide for Other Political Subdivisions*. However, our audit was not directed primarily toward obtaining knowledge of such noncompliance. Accordingly, had we performed additional procedures, other matters may have come to our attention regarding the Organization's noncompliance with the above referenced provisions, insofar as they relate to accounting matters.

The purpose of this report is solely to describe the scope of our testing of compliance relating to the provisions of *Minnesota Legal Compliance Audit Guide for Other Political Subdivisions* and the results of that testing, and not to provide an opinion on compliance. Accordingly, this report is not suitable for any other purpose.

CliftonLarsonAllen LLP

Minneapolis, Minnesota
REPORT DATE



To: Board of Directors

From: Phil Belfiori, Administrator

Date: April 20, 2021

Re: **VI. A. 2.** Legal Services Proposals and Recommendation

Pursuant to Minnesota Statute 103B, staff noticed and advertised a Request for Proposal (RFP) for legal services for 2021 and 2022. The purpose of the program is to provide legal counsel services on an “as needed” basis. The selected legal firm would enter into a contract for a 2-year period. The advertisement for the RFP was placed in the Legal of MN Cities marketplace from February 10-24th, in the White Bear Press on February 10 and 17, noticed at the offices and placed on the VLAWMO web page. Closing date was to receive proposals was February 24, 2021.

The RFP identified services including stormwater management, drainage, & utility issues; contract & agreement review; legal boundary updates; Wetland Conservation Act appeals; enforcement action; and Joint Powers Agreement updates, as requested.

Three proposals were received from Kennedy & Graven, HKB Law and Zlimen & McGuiness. The staff was asked to review all the proposals, score and comment. Scoring was based on the following experience factors: familiarity with VLAWMO, experience, technical capacity, billing rate, and responsiveness. The billing rates vary by job classification and is difficult to get equivalent comparison.

Kennedy & Graven scored the highest given they have performed well on the worked completed under the legal program over the last several years, serve as the legal counsel for six JPA WMO’s in the metro area and have been very responsive with staff and follow-up.

The proposal from Kennedy and Graven can be found at the following link:

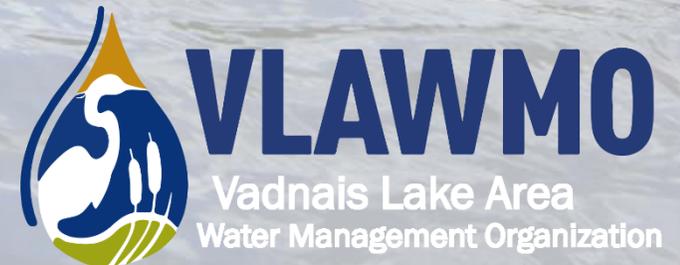
[https://www.vlawmo.org/files/9416/1900/7041/Kennedy_Graven - 2021-2022 Proposal to Provide Legal Services.pdf](https://www.vlawmo.org/files/9416/1900/7041/Kennedy_Graven_-_2021-2022_Proposal_to_Provide_Legal_Services.pdf)

Staff Recommendation

Based on the review of the proposals, staff recommends Board approve Kennedy & Graven to continue as the VLAWMO legal Counsel and provide legal services in 2021 and 2022 consistent with their proposal for services dated February 8, 2021.

Agenda item VI. A.3. Preliminary Board discussion on 2022 Draft Budget

**Phil Belfiori
VLAWMO Board meeting
April 28, 2021**



Agenda and Purpose of Today's discussion



- Agenda:
 - Background
 - April 14 Subcommittee meeting
 - Historic budget information related to SSU rates and comparables with other watersheds
 - Summary of rough draft budget table provided in April 28 Board meeting packet
 - Upcoming 2022 budget development schedule
 - Next Steps
- The purpose of the discussion is to review the attached 2022 rough draft budget materials and provide direction related to budget priorities to the Budget Subcommittee (and TEC member ?) for the upcoming 2022 budget subcommittee meeting.

Background : Summary of April 14 Subcommittee



- The VLAWMO subcommittee (Chair Lindner, Director Jones and Director Youker) met on April 14, 2021 to discuss and brainstorm draft long-range VLAWMO budgets (for 2022-26.)
- The subcommittee members reviewed three long range project planning draft spreadsheet tables which identified projected /estimated high level annual costs for Projects, ongoing programs and core services that could be implemented by VLAWMO over the next five years
 - The project and programs identified were those that are in the approved VLAWMO Watershed Plan and/or those that have been discussed at some level or another by the Board, Staff and or local partners.

Background : Summary of April 14 Subcommittee (continued)



- The option 1 table identified VLAWMO partnering on 38 possible projects would be implemented sometime in the next 5 years with the option 2 and 3 tables identified a smaller number of Project would be implemented given a smaller budget available.
- **Option 1** table was called the Comprehensive project implementation approach. If all the projects, programs are implemented would need an Apx. $\pm 12\%$ / yr. (on average over the next 5 years) increase in SSU.
- **Option 2** table was called the Moderate project implementation approach. If all the projects, programs and core services are implemented would need Apx. $\pm 6\%$ / yr. (on average over the next 5 years) increase in SSU.
- **Option 3** table was called the No (0%) increase in SSU approach- Staying at 2021 SSU rate for all 5 years (2022-26). No additional SSU revenue needed. Would result in no or a very small amount of CIP /regional partnership type Projects implemented from 2023-26.

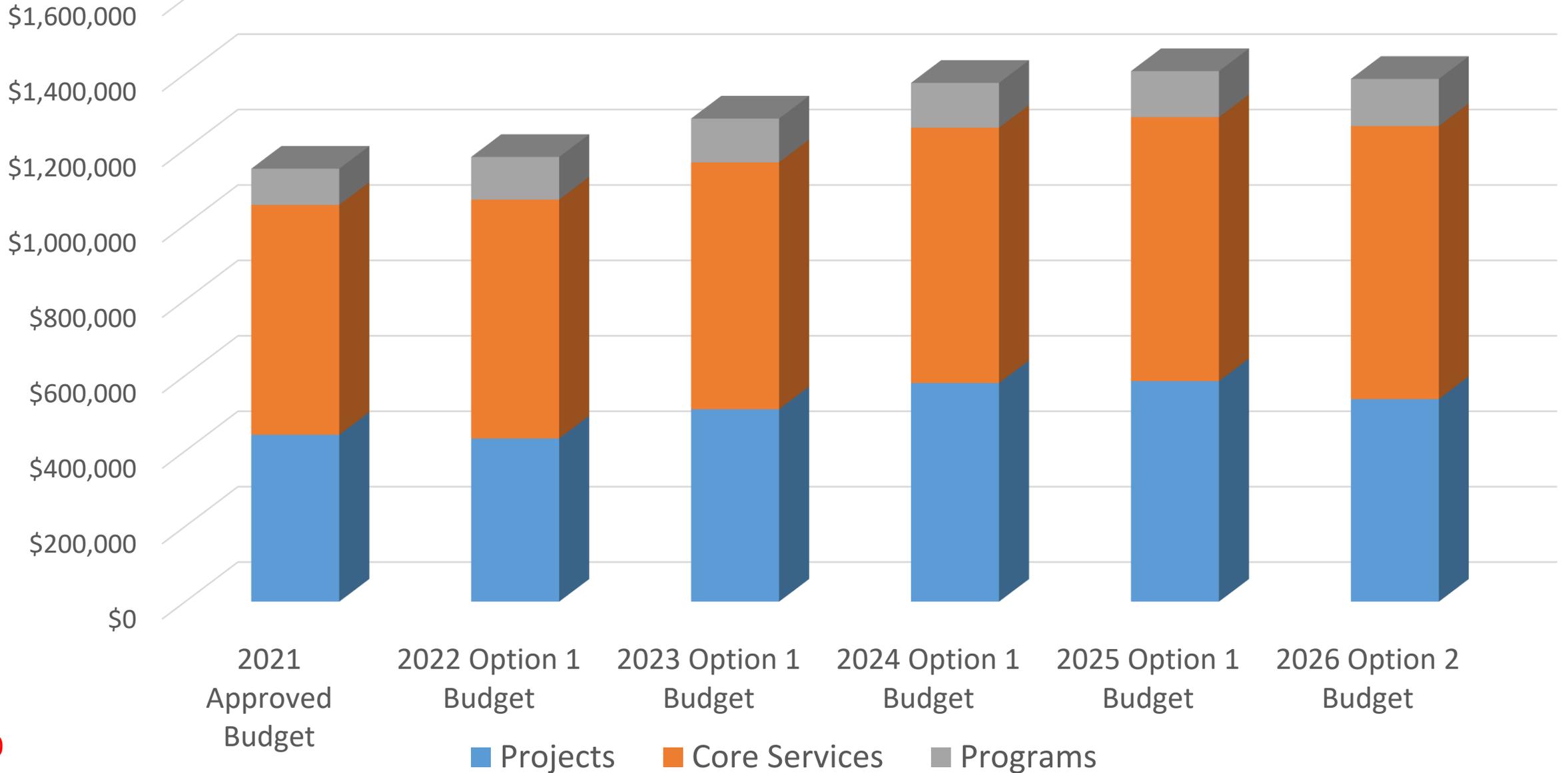
Background : Summary of April 14 Subcommittee (continued)



- The three draft tables also identified predicted annual fund balance remaining, annual fund balance if no increase in SSU rates from 2021 levels, and compared those identified fund balances with the required fund balance per Board Policy.
- The subcommittee then identified which of the high level /long range table options they would tend to lean towards going forward into the 2022 budget discussion with the full Board today.

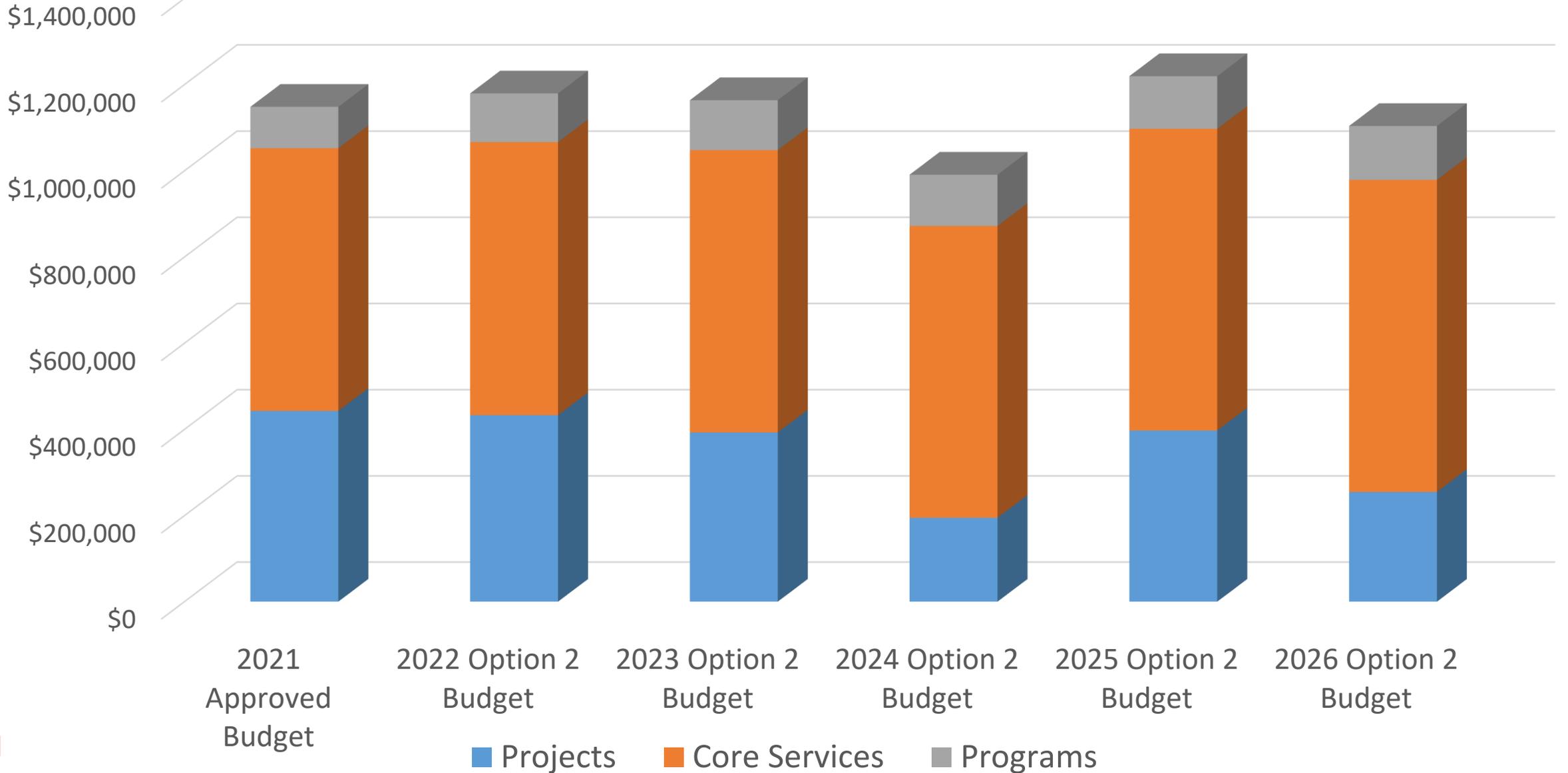
Background : Summary of Option 1 table from Subcommittee meeting

Comprehensive Project Implementation Approach

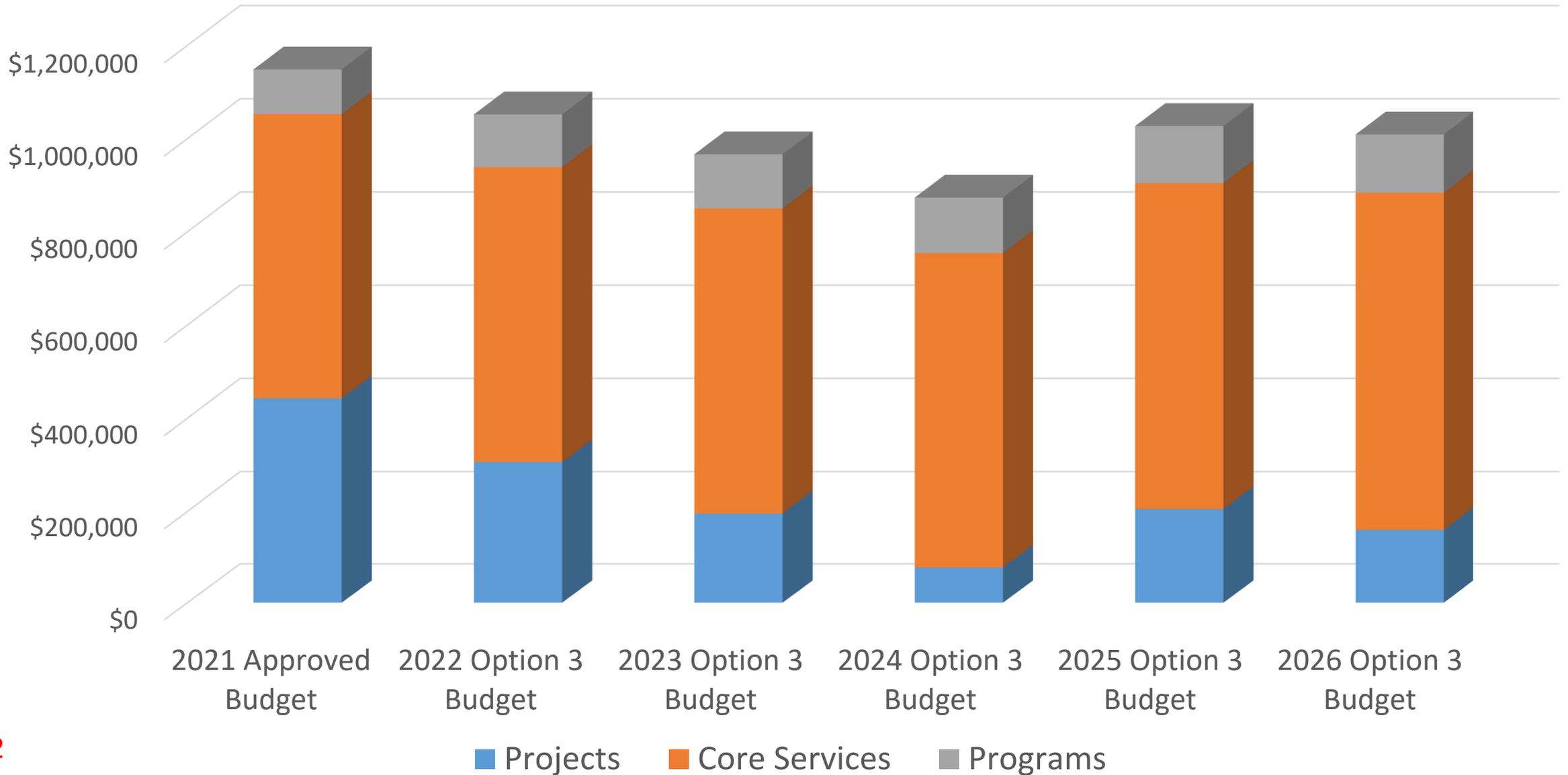


Background : Summary of Option 2 table from the Subcommittee meeting

Moderate Project Implementation Approach



Background : Summary of Option 3 table from the Subcommittee meeting
No Increase in SSU approach (stay at 2021 SSU rate)



Background : Summary of April 14 Subcommittee consensus discussion



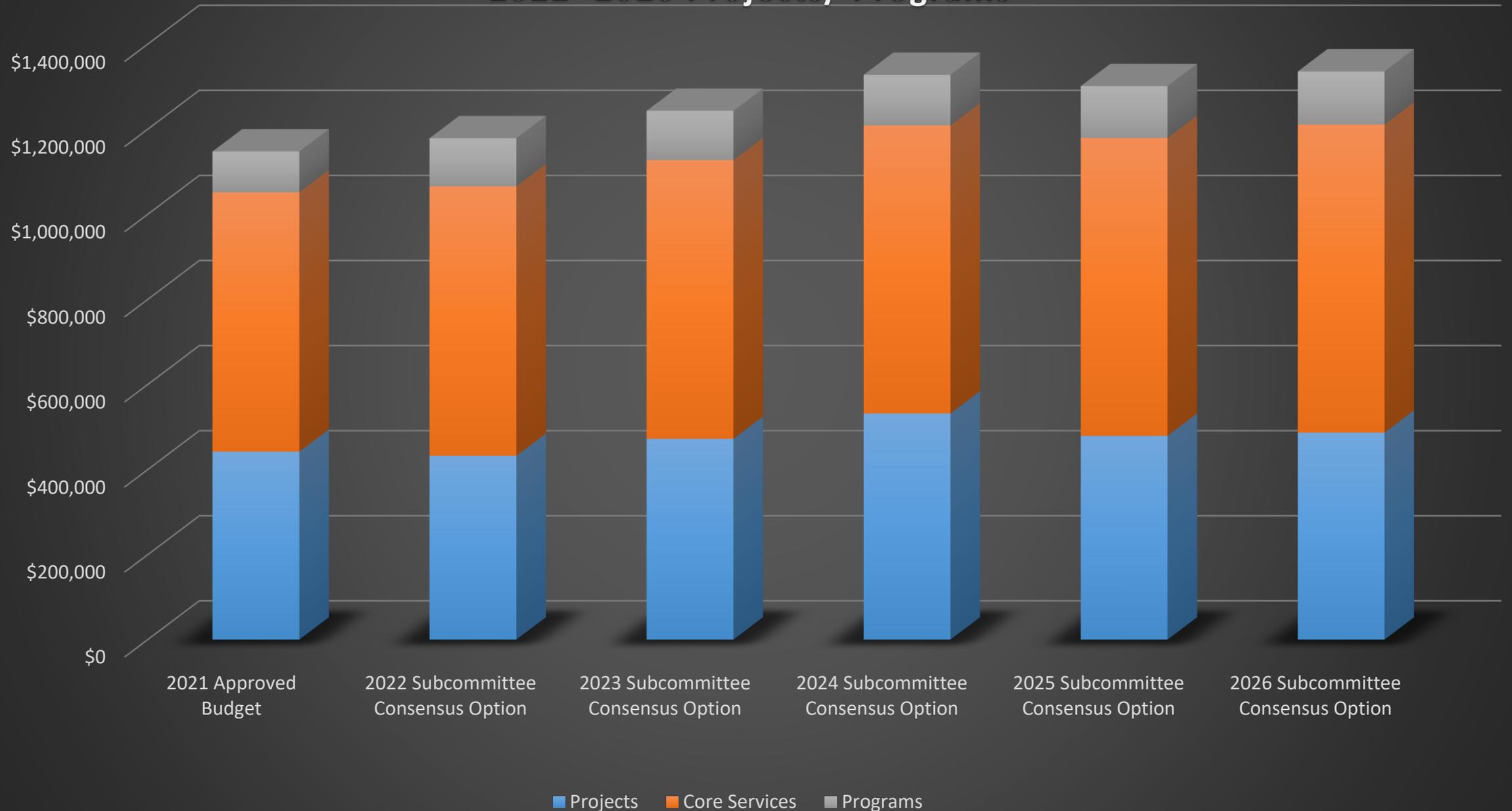
- Upon further discussion, the VLAWMO subcommittee reached a consensus recommendation that they lean towards a combination of option 1 and option 2 tables.
 - Recommended to “model” the 2022 draft preliminary budget (for purposes of discussion at this Board meeting) for a 9-10% increase in SSU rate for 2022.
 - Based on this recommended 9-10% increase, the average residential SSU rate would be apx. \$57.94 / yr. (9%) for the Residential 1-3 units classification

Background : Summary of April 14 Subcommittee consensus discussion (continued)



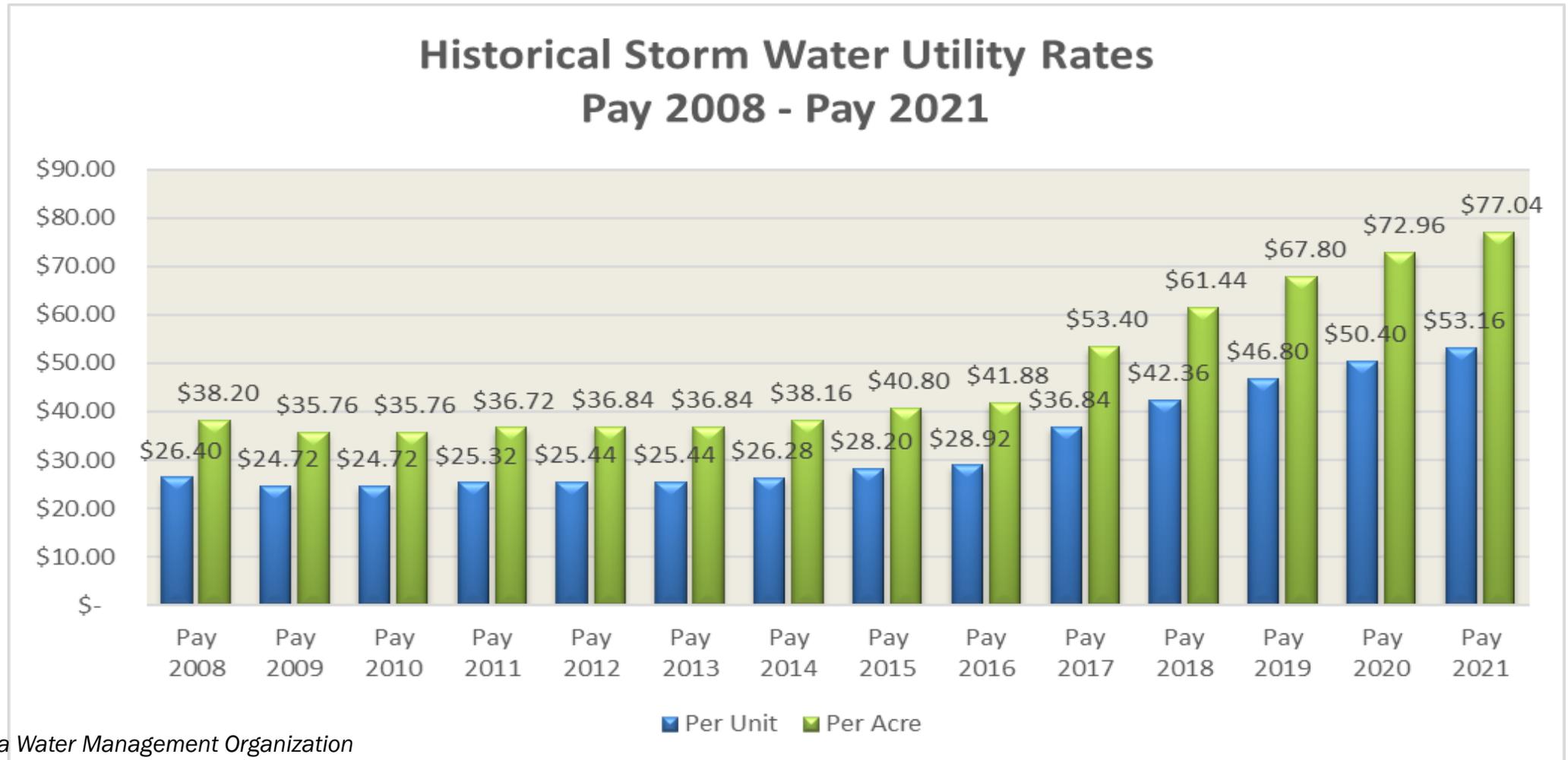
- Outcome/Bottomline regarding Subcommittee consensus-
Would allow to maintain momentum to implement the majority of the large scale partnership-based CIP-type regional Projects over the next 5 years (Projects that are currently predicted/ possible to be “on the table”) and keep the fund balance at required levels per Board policy. (see graphic next slide)
- Subcommittee member comments ? ...

Subcommittee Consensus (9-10% /yr average increase in SSU) option for 2022- 2026 Projects/ Programs



Background : Historical Storm

Water Rates



Background : 2021 Storm Sewer Utility Charges by Property Classification

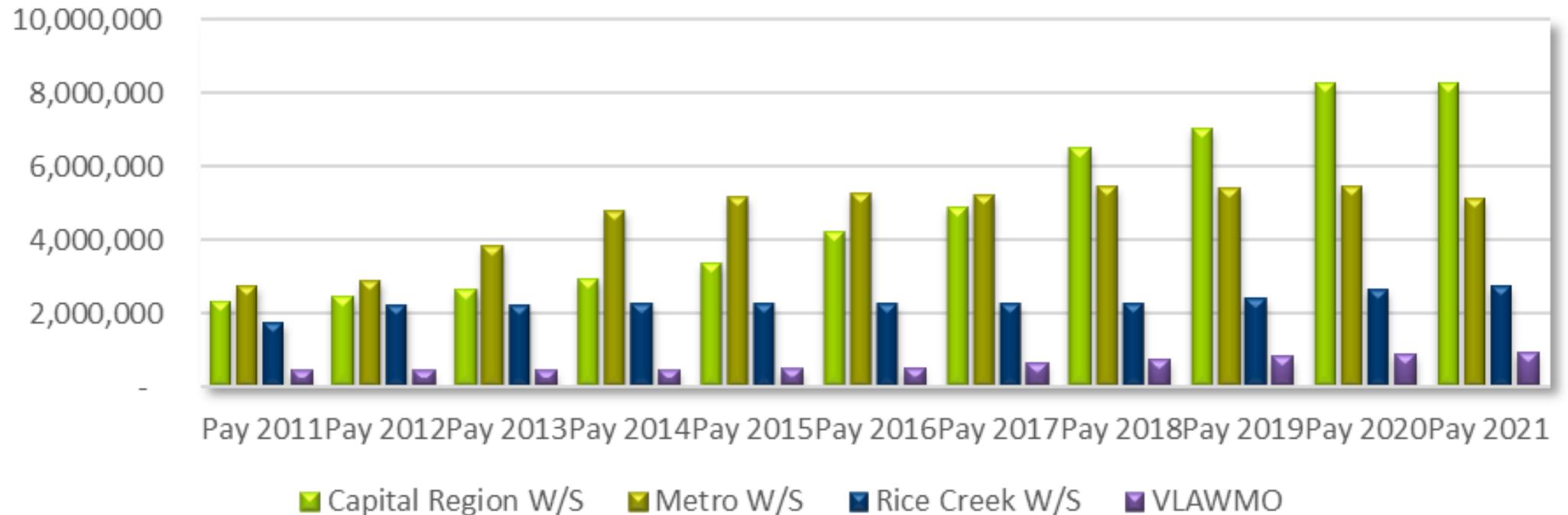


Classification	Total Amount	R. E. F.	Rate
Residential 1-3 Units	\$543,568.08	1.00	\$53.16/ Unit
Residential 4 or more Units	\$36,193.30	2.72	\$77.04/ Acre
Commercial	\$135,527.32	4.23	\$77.04/ Acre
Industrial	\$118,470.93	3.30	\$77.04/ Acre
Institutional	\$77,714.80	3.30	\$77.04/ Acre
Golf Courses	\$12,670.93	0.74	\$77.04/ Acre
Agricultural	\$8,547.83	0.25	\$77.04 / Acre
Vacant Land	\$0	Exempt	\$0.00
Road/Railroad ROW	\$0	Exempt	\$0.00
Wetland/Public Waters	\$0	Exempt	\$0.00
Other Exempt	\$0	Exempt	\$0.00
Totals	\$938,693.19		

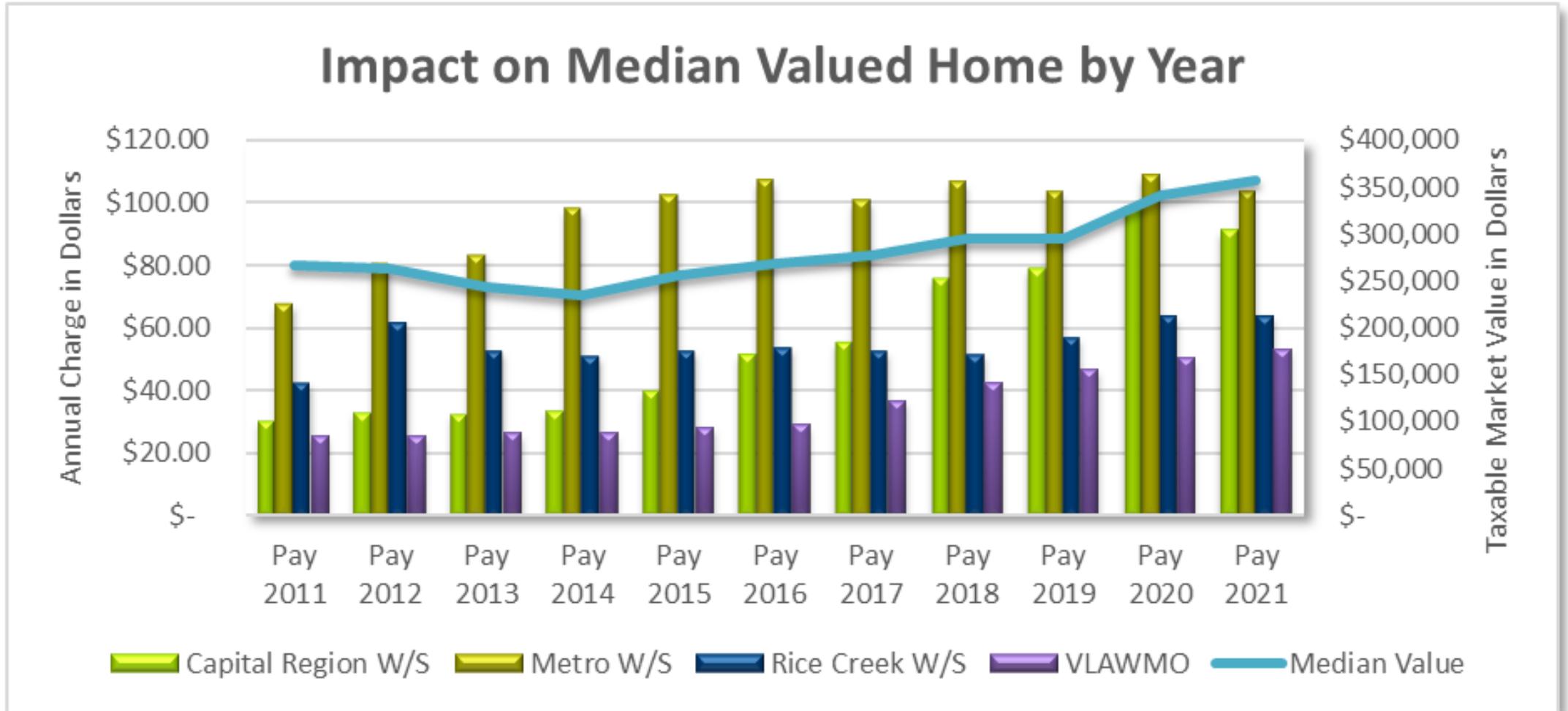
Background: Comparable Watersheds in Ramsey County



Property Tax Levy and Storm Water Utility Charge Comparison by Year



Background: Comparable Watersheds in Ramsey County



Summary of Attached rough draft 2022 budget table provided in April 28 Board packet



- Capital Improvement Projects: (summary of some of the anticipated larger CIPs):
 - Wilkinson Lake BMP design /implementation
 - Ditch Maintenance, ongoing ditch main. and Technical work & assistance w/local partners
 - E Goose ALM
 - Debt Service for Lambert (through 2031/32)
 - BWSR WBF Project via either Cost share (level 2) or Project
 - Total anticipated range in draft 2022 budget for Projects = **\$380,000 – \$540,000**
- Programs (ongoing): including monitoring, Cost Share, Education and Outreach, Regulatory / Engineering, wetland assessment work and MS 4 partnerships
- Operations & Administration (core services): this identified amount (ranges) are driven mostly by the Board approved performance based salary adjustment policy and recently approved updated employee benefits package

Summary of Attached rough draft 2022 budget table provided in Board packet (continued)



- Total budget (range) expenditures (VLAWMO funding only) identified in attached rough draft 2022 budget table = **\$1.054M - \$1.273M**
- Income identified in attached rough draft 2022 budget table is **\$1.025M** (which includes the proposed 9% increase in SSU per the subcommittee consensus)
 - Identifies a range of income of **\$300,000 - \$400,000** (depending when project are constructed?)
 - Includes possible income in 2022 from: BWSR WBF grant, 319 grant implementation, NOC for Wilkinson project design /implementation and City of WBL for E Goose ALM implementation (pending City /Board approvals or projects).
- Use of fund balance/reserves to fund 2022 expenses (range) = **\$150,000 - \$260,000**
- Predicted Fund balance range on 12/31/2022 = **Apx. \$400,000 - \$800,000**
 - Minimum fund balance required per Board Policy (assume 42%) = **\$491,000-**
71 \$545,000

Nest Steps: Proposed 2022 Budget Planning and Development Schedule



April 14, 2021 - Subcommittee Discussion – High level long range project budget planning (done)

April 28, 2021 – Preliminary 2022 budget discussion /direction at the VLAWMO Board meeting (today)

Late May/ Early June 2021 – Board Subcommittee + TEC member? Meeting on draft 2022 budget - (Preliminary draft 2022 budget sent out to Board subcommittee + TEC member apx. one week before meeting)

June 23, 2021 – VLAWMO Board consideration of 2022 budget

Aug. 25, 2021 – VLAWMO Board consideration of storm sewer utility rates for 2022

Oct. 27, 2021 - VLAWMO Board consideration of storm sewer utility certification lists for 2022

Dec. 8, 2021 – Consider 2022 fund balances and “working” budget

Requested Board Discussion



- Does the Board wish to provide direction regarding priorities to the Board Subcommittee Committee for their meeting in late May/ Early June?
- Would the Board like staff to request participation by a TEC member in subcommittee again this year?
- Possible date for Subcommittee meeting? – May 26 (fourth Wed.)?

2022 Preliminary Rough Draft Budget for 4/28/21 Board meeting --- For Discussion Purposes ONLY.

VLAWMO BUDGET 2021		Approved 2021 "working" Budget	Preliminary Rough Draft 2022 Budget (Rough Ranges)	2022 Notes
EXPENSE				
3.1	Operations & Administration	\$613,540	\$630,000 - \$655,000	
3.110	Office	\$26,214		
3.120	Information systems	\$26,365		
3.130	Insurance	\$7,000		
3.141	Consulting -Audit	\$7,728		
3.142	Consulting - Bookkeeping	\$1,500		
3.143	Consulting - Legal	\$4,000		
3.144	Consulting - Eng. & Tech.	\$30,000		
3.150	Storm Sewer Utility	\$13,000		
3.160	Training - staff, board,TEC	\$8,750		
3.170	mileage and noticing	\$6,300		
3.191	Employee payroll	\$370,307		salary adjustments based on performance based matrix per Board Policy
3.192	Employee liability (benefits)	\$112,376		
3.2	Monitoring & Studies	\$21,000	\$21,000 - \$37,000	
3.210	Lake & creek program lab analysis	\$18,000		
3.220	Equipment	\$3,000		
3.230	Wetland assessment & management	\$0		poss wetland assessment implemented in 2022 (cut in 2021)
3.3	Education & Outreach	\$21,500	\$21,500-\$35,000	Website work and MS 4 assistance
3.310	Public Education	\$8,500		
3.320	Outreach and marketing	\$7,500		
3.330	Community Blue education grant	\$5,500		
3.4	Capital Improvement Projects and Programs	\$492,340	\$380,000 - \$540,000	
	<i>Subwatershed Activity</i>			
3.410	Gem Lake subwatershed	\$0	\$5,000 - \$10,000	
3.420	Lambert Creek subwatershed	\$222,100	\$10,000- \$20,000	carryover of Lambert project? partnerships.
New	Debt Service - Lambert Sheet Pile Project		\$40,000 - \$49,000	thru 2032
3.425	Goose Lake subwatershed	\$124,200	\$80,000 - \$120,000	E Goose ALM - Fish Management, BMP's, Veg. Management, Internal Load planning, Studies and Implementation Planning. Assume 50% partnership with City and that required approvals from Council
3.430	Birch Lake subwatershed	\$0	\$5,000	
3.440	Gilfillan Black Tamarack Wilkinson Amelia sub	\$16,000	\$60,000 - \$90,000	Wilkinson Lake - 319 Grant Project and Related Work (portion of)- assumes 50% match by local partners. Tamarack veg survey.
3.450	Pleasant Charley Deep subwatershed	\$22,500	\$20,000- \$35,000	
3.460	Sucker Vadnais subwatershed	\$12,500	\$25,000	Carp management -W. Vadnais & related partnership with RWMWD. GRG partnership in Park
3.48	<i>Programs</i>			
3.481	<i>Soil Health Grant- new.</i>	\$4,500	\$5,000	
3.482	Landscape 1 - cost-share	\$16,000	\$16,000 - \$20,000	
3.483	Landscape 2	\$28,000	\$28,000-\$35,000	includes some of the BWSR WBF grant local match?
3.484	Project research and MS 4 partnership work		\$5,000	
New	Watershed Plan Amendment		\$10,000- \$20,000	Mid way point watershed plan amendment correction Crew and ongoing project maint.
3.485	VLAWMO Built projects Maintenance		\$12,500	
3.485	Ditch Maintenance, ongoing ditch main. and Technical work & assistance with local partners	\$46,540	\$60,000 - \$90,000	RCD 14 main stem ditch maintenance
3.5	Regulatory	\$0	\$0 - 5,000	
3.510	Engineering plan review	\$0		
Total budget		\$1,148,380	\$1,054,000 - \$1,273,000	
INCOME				
5.1				
5.11	Storm Sewer Utility	\$935,340	\$1,019,521	Assumes 9% Per subcommittee consensus recommendation
5.12	Fees for Service	\$200	\$200	
5.13	Interest	\$3,000	\$2,000	
5.14	Misc. income - WCA admin grant	\$3,000	\$3,000	
	Total VLAWMO income	\$941,540	\$1,024,721	
5.15	TOTAL- Other funding sources - grants, partnerships donations	\$894,679	\$300,000- \$400,000	
			\$46,500	BWSR WBF
			\$186,000	319 for Wilkinson project (assumes apx all of design work in 2022 and 50% of project implementation in 2022)
			\$64,000	NOC for 50% of local match
			\$50,000- \$100,000	city of WBL for Goose partnership?

	5.16	From reserves /use of fund balance to fund 2022 expenses	\$206,840	\$150,000 - \$260,000	Assumes all of 2022 budget is spent
	5.17	Predicted Fund balance on 12/31/2022	Apx. \$600,000 - \$750,000	Apx. \$400,000 - \$800,000	Fund Balance Carry over from 2022 to 2023.
		Minimum fund balance required on 12/31/2022 per Board Policy (assume 42%)	\$482,320	\$491,000- \$545,000	

DRAFT

To: VLAWMO Board of Directors

From: Brian Corcoran

Date: April 28, 2021

Re: VI. B. 1. Bluebird Development Buffer Variance/Waiver Request

VI. B. 1. Bluebird Development Buffer Variance/Wavier Request

Bluebird Grove Development in the City of Vadnais Heights is requesting a wetland buffer variance, as flexibility within a Planned Unit Development (PUD) application, to connect Williams Street to Tessier Trail. Edge of proposed road connection will be 19.8ft from the delineated wetland edge at the closest point.

The wetland on site is a Manage 2 wetland. Buffer setback for a Manage 2 wetland is 30ft with minimum of 24ft. A delineation was approved on 9/16/2020 identifying the wetland boundary. To mitigate buffer encroachment the developer is proposing a 5ft snow shelf next to east side road edge with 3:1 slope to proposed retaining wall, the proposed retaining wall will be 6ft from closest wetland edge (retaining wall is approximately 60ft long). Developer is also proposing to increase the wetland buffer on the east side of wetland to 40ft. Please see packet documents showing the detail of proposed variance request.

Staff is recommending input to the City of Vadnais Heights on the wetland buffer variance/waiver request for connection of Williams Street to Tessier Trail as proposed on the Plowe Engineering sheets C1.01 and Buffer Variance Cross Section Exhibit, both dated 2-18-2021.

4-9-2021 TEC Recommendations/Input

- Concern about retaining wall stability recommend proper engineering for long-term stability.
- Recommend a maintenance agreement for restoration and buffer establishment.
- Recommend wetland buffer signage/monuments indicating natural buffer area and No-Mow area.
- Recommend a native seeding mix that is salt tolerant, due to proximity to the proposed road.
- Recommend buffer to be re-established up to 30ft on west side of wetland and 40ft on east side of wetland as proposed by developer

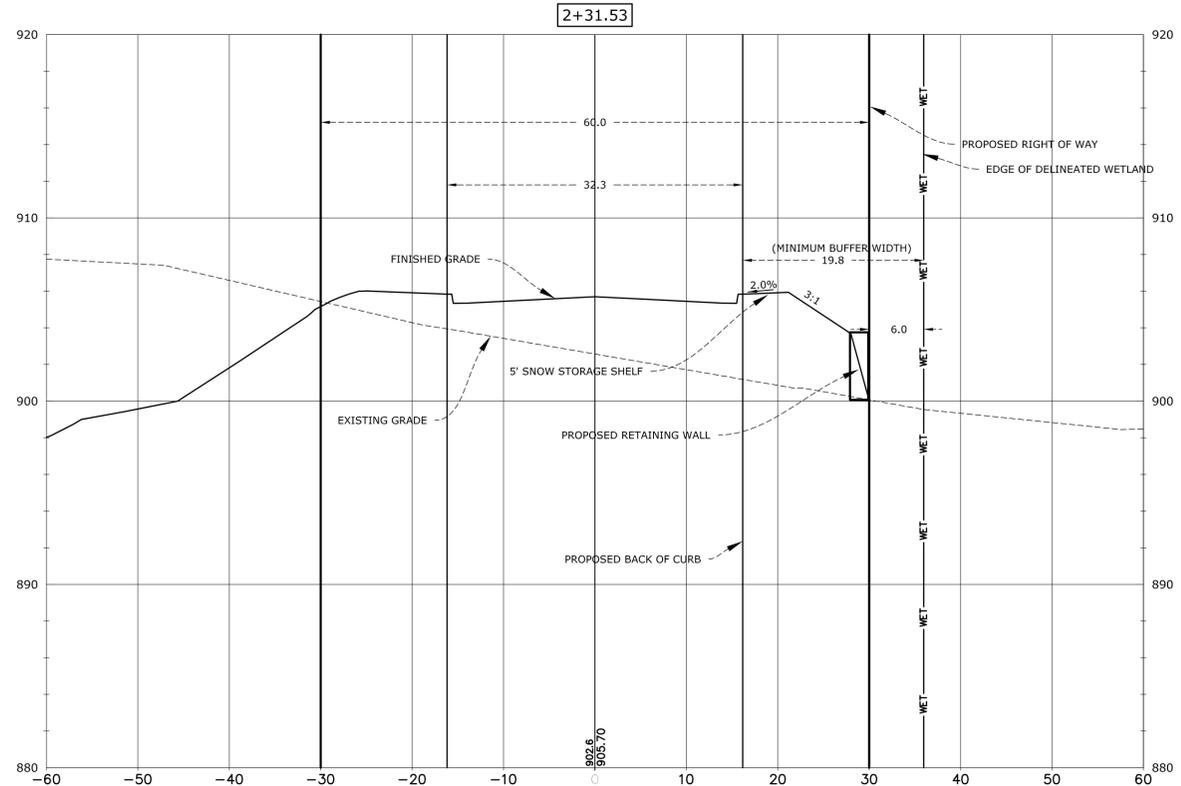
Provide input to the City of Vadnais Heights regarding the proposed Bluebird Development Buffer variance/waiver request.

Attached:

- Plowe Engineering sheet C1.01
- Buffer Variance Cross Section Exhibit

BUFFER VARIANCE CROSS SECTION EXHIBIT

~for~ HARSTAD HILLS, INC.
 ~of~ BLUEBIRD GROVE



BUFFER VEGETATION NOTES

1. Buffer vegetation shall not be cultivated, cropped, pastured, mowed, fertilized, subject to the placement of mulch or yard waste, or otherwise disturbed, except for periodic cutting or burning that promotes the health of the buffer, actions to address disease or invasive species, mowing for purposes of public safety, temporary disturbance for placement or repair of buried utilities, or other actions to maintain or improve buffer quality, each as approved by VLAWMO staff or when implemented pursuant to a written maintenance plan approved by the WMO. Pesticides and herbicides may be used in accordance with Minnesota Department of Agriculture rules and guidelines. No new structure or hard surface shall be placed within a buffer, except as provided in Section 8.3C.2.c. No fill, debris or other material shall be excavated from or placed within a buffer.
2. Buffer areas, or portions thereof, that are not vegetated or will be disturbed by grading or other site activities during construction shall be replanted and maintained according to the following standards:
 - a. Soils must be decompacted to a depth of 18 inches, and organic matter must be incorporated into soils before revegetation. Decompaction shall be accomplished solely by incorporation of organic matter within the drip line or critical root zone of trees or within 10 feet of underground utilities.
 - b. Buffers shall be planted with a native seed mix and/or native plantings approved by the WMO.
 - c. Buffer maintenance and monitoring shall be performed in accordance with section 8.3e, Wetland Buffer Monitoring, of these Policies.

DEVELOPER

Harstad Hills, Inc.
 2195 Silver Lake Road
 New Brighton, MN 55112
 (651) 636-9991

NOTES

-CROSS SECTION IS SHOWN AT THE POINT WHERE THE WETLAND IS CLOSEST TO THE PROPOSED BACK OF CURB



NORTH
SCALE:
 1" - 10' HOR.
 1" - 5' VERT.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Jason E. Rud
 JASON E. RUD

Date: 02-18-21 License No. 41578

PONDING CALCULATIONS AND STORM SEWER DESIGN BY
 PLOWE ENGINEERING, INC.



PLOWE ENGINEERING, INC.
 6776 LAKE DRIVE SUITE 110
 LINO LAKES, MN 55014

SITE PLANNING & ENGINEERING PHONE: (651) 361-8210
 FAX: (651) 361-8701

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

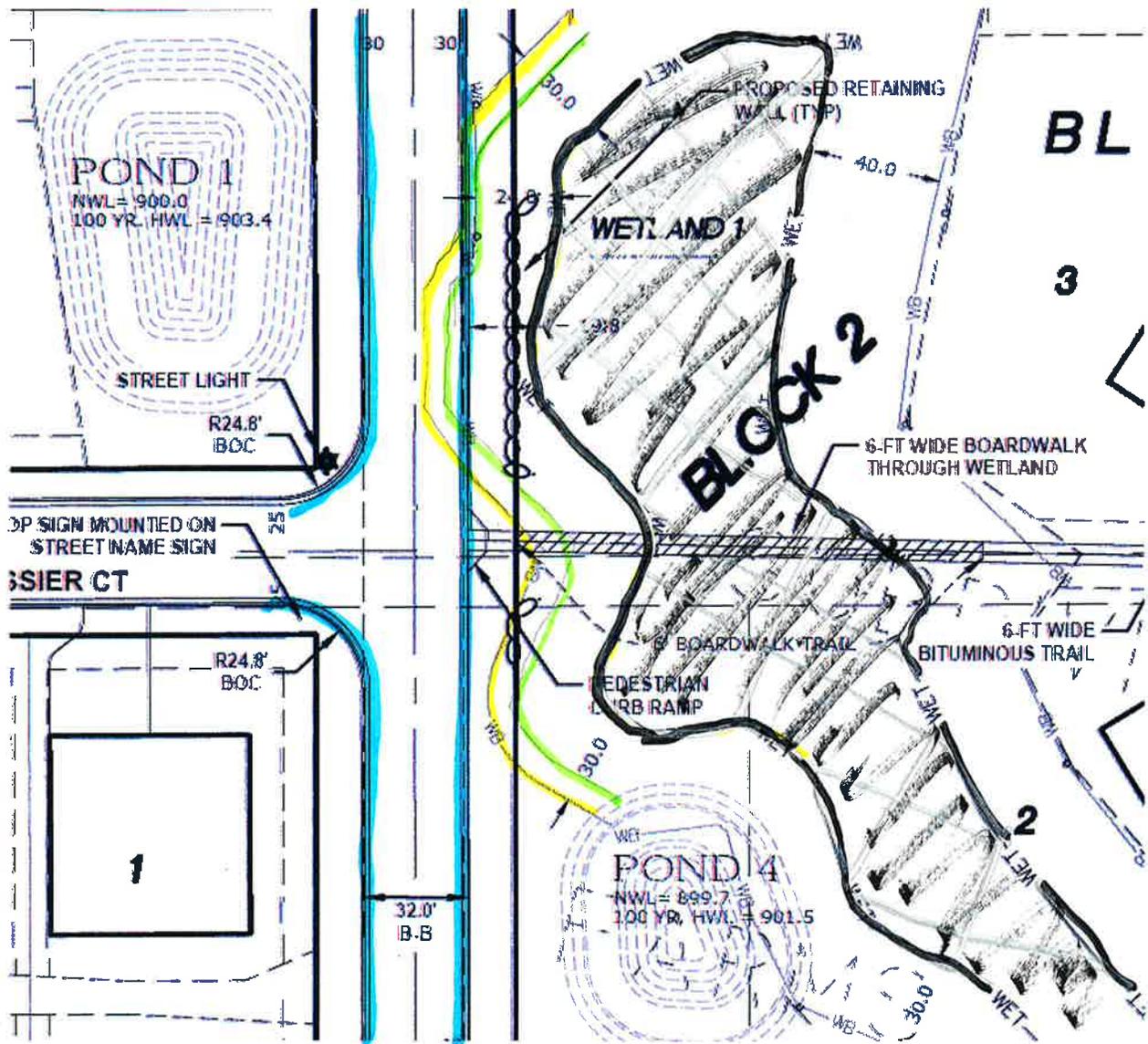
Adam Ginkel
 ADAM GINKEL
 DATE: 02.18.2021 LIC. NO. 43963



E. G. RUD & SONS, INC.
 EST. 1977
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

www.egrud.com

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BLOCK 2

6-FT WIDE BITUMINOUS TRAIL

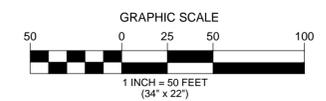
2

POND 4
NWL= 899.7
100 YR. HWL = 901.5

-  Road edge
-  30 Ft Buffer
-  24 Ft Buffer

 Wetland

 Proposed Retaining Wall



SITE PLANNING & ENGINEERING
PLOWE ENGINEERING, INC.
 6776 LAKE DRIVE
 SUITE 110
 LINO LAKES, MN 55014
 PHONE: (651) 361-8210
 FAX: (651) 361-8701

DRAWN BY: CHECK BY:
 AG CWP
 JOB NO: DATE:
 20-1930 02/18/21

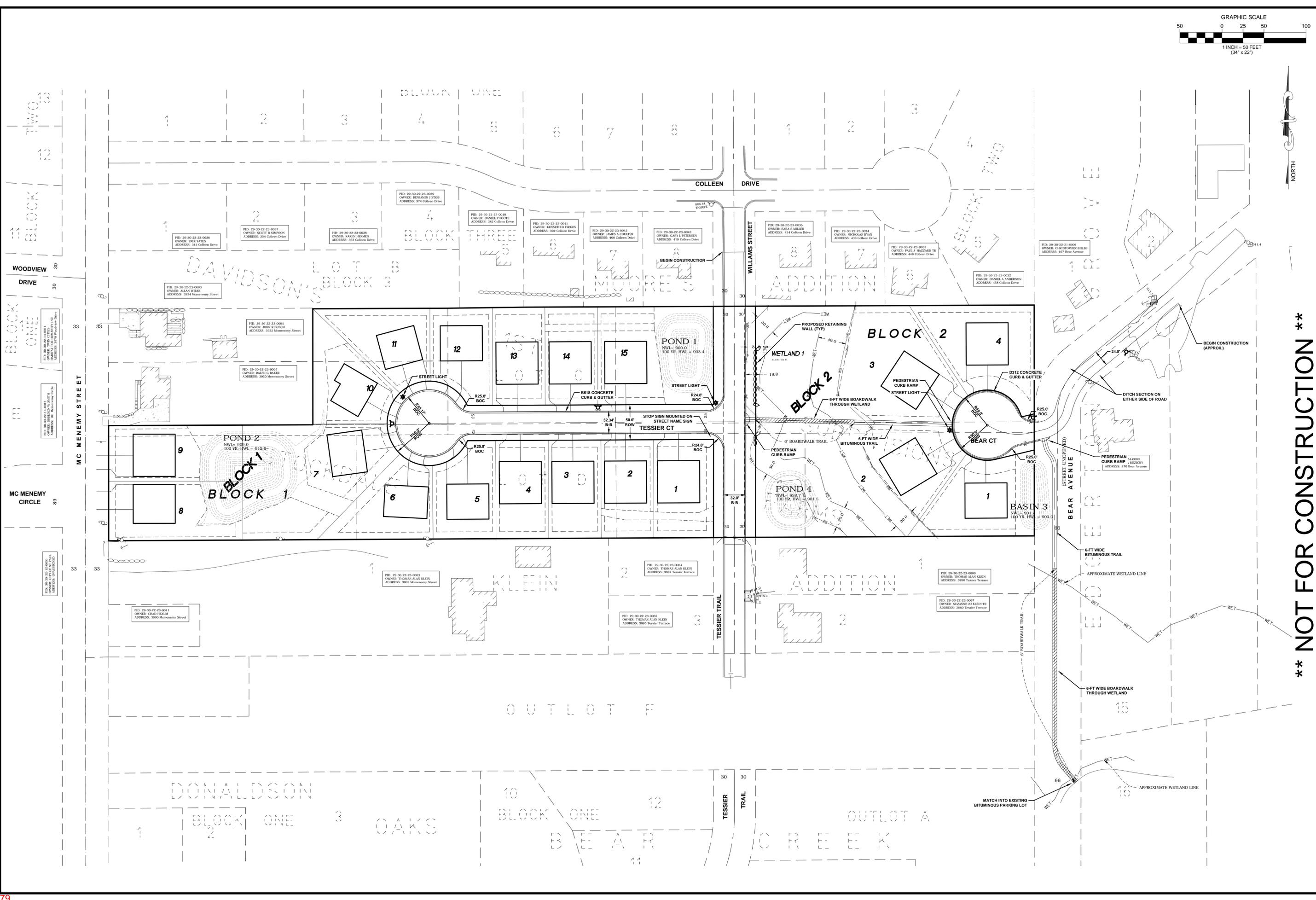
NO.	DATE	DESCRIPTION
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I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
PRELIMINARY
 ADAM GINKEL License No. 63983
 Date: 02/18/2021

BLUEBIRD GROVE
 CITY OF VADNAIS HEIGHTS, MINNESOTA
SITE PLAN
 PREPARED FOR: HARSTAD HILLS, INC.

SHEET
C1.01

**** NOT FOR CONSTRUCTION ****





800 County Road E E, Vadnais Heights, MN 55127
www.vlawmo.org; Office@vlawmo.org

To: VLAWMO Board of Directors

From: Phil Belfiori. Brian Corcoran

Date: April 28, 2021

Re: VI. C. 1. a. Consideration of “Phase 2” CD 14 Maintenance

VI. C. 1. a. Consideration of “Phase 2” CD 14 Maintenance

Per follow-up to previous Board discussions, staff along with Houston engineering will present a County Ditch 14 repair phasing and prioritization presentation. Staff will discuss the role of VLAWMO as the ditch authority, projects that have been implemented on the system so far, and current planning and budgeting options to move forward with our role as ditch authority.

Staff Recommendation: Board authorize staff to implement the process necessary to construct the “phase 2” ditch maintenance project in year [21 or 22] as described in the memo and cost estimate on Table 1 of the Houston Repair Cost Estimate dated 3-31-2021.

Attached:

- Houston CD14 Repair Tech Memo dated 3-31-2021

Technical Memorandum

To: Phil Belfiori, Administrator
Brian Corcoran
VLAWMO

From: Chris Otterness, PE
Houston Engineering, Inc.

Subject: CD 14 Repair
Phasing and Prioritization

Date: March 31, 2021

Project: CD 14 Repair Assistance (HEI: 7057-0010)

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am duly Licensed Professional Engineer under the laws of the State of Minnesota.



3/31/21

Chris Otterness
Reg. No. 41961

Date

INTRODUCTION

Houston Engineering Inc. (HEI) assisted the Vadnais Lake Area Watershed Management Organization (VLAWMO) in their management of Ramsey County Ditch 14 (CD 14) by completing a repair report dated July 30, 2018. This report assessed potential repairs to the Main Trunk of CD 14 and gave a recommendation based on the assessment. The findings of the repair report were in part based on a Records Re-establishment Memorandum that was completed in the same year, which defined the condition of CD 14 through documenting the As Constructed and Subsequently Improved Condition (ACSIC).

The assessed repairs focused on the part of ditch that is the outlet for the Lambert Wetland and was found to be at an elevation above the ACSIC (up to 2 feet of sedimentation), which warranted excavation of the ditch. Repair Alternative 1 was recommended, which included the removal of sediment along this portion of the ditch.

Because the repair report was a planning-level document intended to assist the VLAWMO board on deciding on a need and approach for repair, it did not include details on implementation of the repair of the Main Trunk. The purpose of this memo is to provide expanded detail on the components of the recommended repair, introduce a phased approach, and prioritize the phases. The intent of the phased approach is to complete the project components that provide the greatest benefit first, and then reevaluate the need and approach for remaining project components once the early phase(s) of the project are completed. Generally, this process includes the following steps:

- Phase 1: Repairs from East Vadnais Lake to Oak Creek Drive (already completed)
- Phase 2: Complete repairs east of Edgerton Street.

- a. Subsequently monitor (annually, at a minimum) the function of the system, including:
 - i. nuisance flooding,
 - ii. the response of the channel downstream of the project following rainfall events, and
 - iii. deposition or scouring

Phase 3: Complete ongoing vegetative maintenance of the system via removal of downed trees in remaining parts of the system, using mobile work crews (e.g. Sentence to Serve).

- a. Assess if further repairs are needed (Phase 4) and identify those repairs.

Phase 4: Repairs west of Edgerton Street (as needed)

Description of the phases are provided in further detail below.

DETAIL ON PHASED REPAIRS TO CD 14

Phase 2 – Repairs East of Edgerton Street

The recommended first priority for repair is to excavate the portion of the ditch upstream (east) of Edgerton Street (STA 48+00) to the ditch near Pennington Place (STA 72+00, as shown in **Figure 2**). As this portion of the CD 14 has a very shallow grade, accumulated sediment and deadfalls have a substantial effect on upstream flow and water elevation.

The Phase 2 repairs should consist of the following work (as shown in **Figure 1**):

- Removal of sediment to the ACSIC elevation (1 to 2 feet excavation in the channel – see **Figure 2**) and placement of spoil on the banks to the south of the ditch,
- Removal of fallen trees within the banks,
- Tree clearing along the south top of bank of the ditch for access along the existing CD 14 right-of-way,
- Tree clearing along the north and south side-slopes of the ditch to remove existing deadfall and reduce future obstructions from falling trees,
- Installation of bank stabilization practices to mitigate failing banks (e.g. erosion control blanket)
- Cleared trees placed and spoil leveled on-site.
- Disturbed areas and channel banks hydroseeded with a native seed mix.

To avoid destabilization of the channel slopes, we recommend excavation of the channel bottom only, with no resloping. The channel bottom should be shaped with a rounded bottom to discourage bank sloughing. It is recommended that this repair be constructed to the ACSIC profile, rather than the 1981 “Improvement” profile. The ACSIC profile is lower in this location and will provide the necessary capacity and depth for conveyance.

The benefit of the repair project, as indicated in the Repair Report, includes decreasing the 100-year water surface by 0.06 feet, which removes one residential structure from the plan, and reducing nuisance flooding on at least 16 parcels for the 2-year, 24-hour rainfall event. These benefits indicated in the repair report is based solely on the removal of accumulated sediment in the channel; however, removal of existing vegetive (tree) obstructions and prevention of future deadfalls will provide even greater flood reduction benefit than can be quantified through existing hydraulic models.

Table 1 indicates the probable repair cost for Phase 2.

Table 1: Phase 2 Probable Repair Cost Estimate:

Item	Unit	Quantity	Unit Price	Cost
Mobilization	LS	1	\$10,000	\$10,000
Tree Clearing (est. 40 ft width)	AC	2.3	\$8,000	\$18,400
Excavation and Leveling spoils	LF	2,400	\$7	\$16,800
Hydro Seeding (est. 20 ft width)	AC	2.3	\$3,000	\$3,600
Erosion Control Blanket	LS	1	\$6,000	\$6,000
Construction Subtotal:				\$58,100
Contingency			25%	\$14,500
Engineering Legal and Administration			25% (est)	\$14,500
Project Total:				\$87,100

Phase 2 repairs should be able to be completed in a 2-3 week timespan. Ideally, the work should be completed in late summer or fall conditions. This will avoid nesting and tree sensitivity seasons, aim for dryer work conditions, and avoid the safety risk presented by work under snow-covered conditions.

Lambert Creek (CD 14) is a mapped public watercourse. Repair to public drainage systems that are also public watercourses is exempt from DNR permitting requirements. However, the DNR should be notified prior to proceeding with repair work.

Under the federal Clean Water Act (CWA), drainage system maintenance or repair is exempt from regulation. No noticing to the Corps of Engineers is required.

Under the state Wetland Conservation Act (WCA), activities related to maintenance or repair of a public drainage system are exempt from replacement, include:

- Maintenance or repair of a public drainage system which drains Type 1, 2, 6, 7, or 8 wetlands; and
- Maintenance or repair of a public drainage system which drains Type 3, 4, or 5 wetlands that have existed for 25 years or less.

The work proposed will not result in the draining of wetlands. Sediment removed from the channel bottom will be placed on existing spoil banks and leveled. Given the width of the existing ROW, it appears there is room for appropriate spoil placement and access.

Phase 3 - Vegetative Maintenance

Along with the repair, it is a priority to upkeep on vegetative maintenance (primarily tree and brush removal) through these portions of the ditch, both in the ditch proper and along access routes. During the site investigation, several trees and vegetation were within the ditch downstream of Edgerton Street. Removing these obstructions will improve the hydraulic capacity of the ditch. VLAWMO staff have identified the possible use of the Sentence to Serve program for cost-effective ongoing vegetative maintenance of the system, particularly in the areas of difficult access. This work can be completed independently of Phase 2 but should occur prior to Phase 4.

In addition, work will be required periodically to maintain the vegetation at the access corridor (i.e. ditch right-of-way) along the top of the bank. This consists of brush mowing and/or spraying. It is imperative to inhibit reestablishment of vegetation to decrease the frequency and cost of future ditch maintenance efforts. It is also necessary to periodically assess the channel elevation and determine the need to complete follow-up sediment removal. Channel bottom maintenance intervals vary depending on several factors, though accumulations to the current sediment depth may roughly be anticipated at roughly a 20-year interval.

Phase 4 – Repairs West of Edgerton Street

As previously indicated, the downstream portion of CD 14 west of Edgerton Street exists in a ravine with limited access. Recommendations in the previous repair report for repairs to this location were based on access along Koehler Road into the ravine. Additional site investigation has indicated that while this access may be feasible, it will likely be disruptive and will require an extensive amount of planning. Tree clearing completed under Phase 3 will be necessary prior to considering work in this area. Due to the more substantial grade of the ditch in this location, sediment accumulation has less impact on upstream water levels. The value and necessity of sediment removal should be reevaluated following the completion of Phases 2 and 3. When the need for sediment removal in this reach is deemed imminent, further investigation can and should be completed to determine appropriate access and maintenance strategies and to re-evaluate the cost of the repairs. The cost of Phase 4 repairs, if necessary, will likely be substantially greater than the Phase 2 costs indicated above.

Statutory Considerations

County Ditch 14 was originally established as a public drainage system by Ramsey County, subject to Minnesota Statutes specific to these types of systems (currently M.S. 103E). In 1986, the system

was transferred to VLAWMO. Because VLAWMO is neither a County nor a Watershed District, it must manage the system under its authorities described under M.S. 103B, rather than under M.S. 103E. However, transfer under M.S. 103E does impart all rights of access to VLAWMO previously afforded to the prior drainage authority as well as the exemptions from DNR authority (103G.2241 and 103G.245) provided for drainage authorities.¹

Contracted work completed by VLAWMO is subject to M.S. 471.345 (Uniform Municipal Contracting Law). As the cost for Phase 2 is estimated between \$25,000 and \$175,000 (See Subd. 4), the work may be obtained by direct negotiation by obtaining two or more quotations for the purchase or sale when possible. (emphasis added).

VLAWMO should consult with its legal counsel regarding the appropriate application of statute in procuring and completing the repairs.

Landowner Engagement

CD 14 exists in a residential area in close proximity to accessory structures and yard areas. As such, it is important to complete community outreach ahead of the repairs to inform the landowners along the proposed repair corridor of the necessity and authority for the repairs, as well as obtain input on valued site features to be preserved. A public information meeting is recommended to facilitate this interaction. Prior the meeting, VLAWMO may consider a mailing to each of the owners of affected properties, that includes the notice of the informational meeting and indicates the right of way of the public drainage system (as indicated in the 6/28/18 engineer's report) overlaid on the owner's property. These mailings will communicate the scope of potential impacts to the landowners' property and the importance of attending the meeting, at a relatively low cost (\$1,000-2,000).

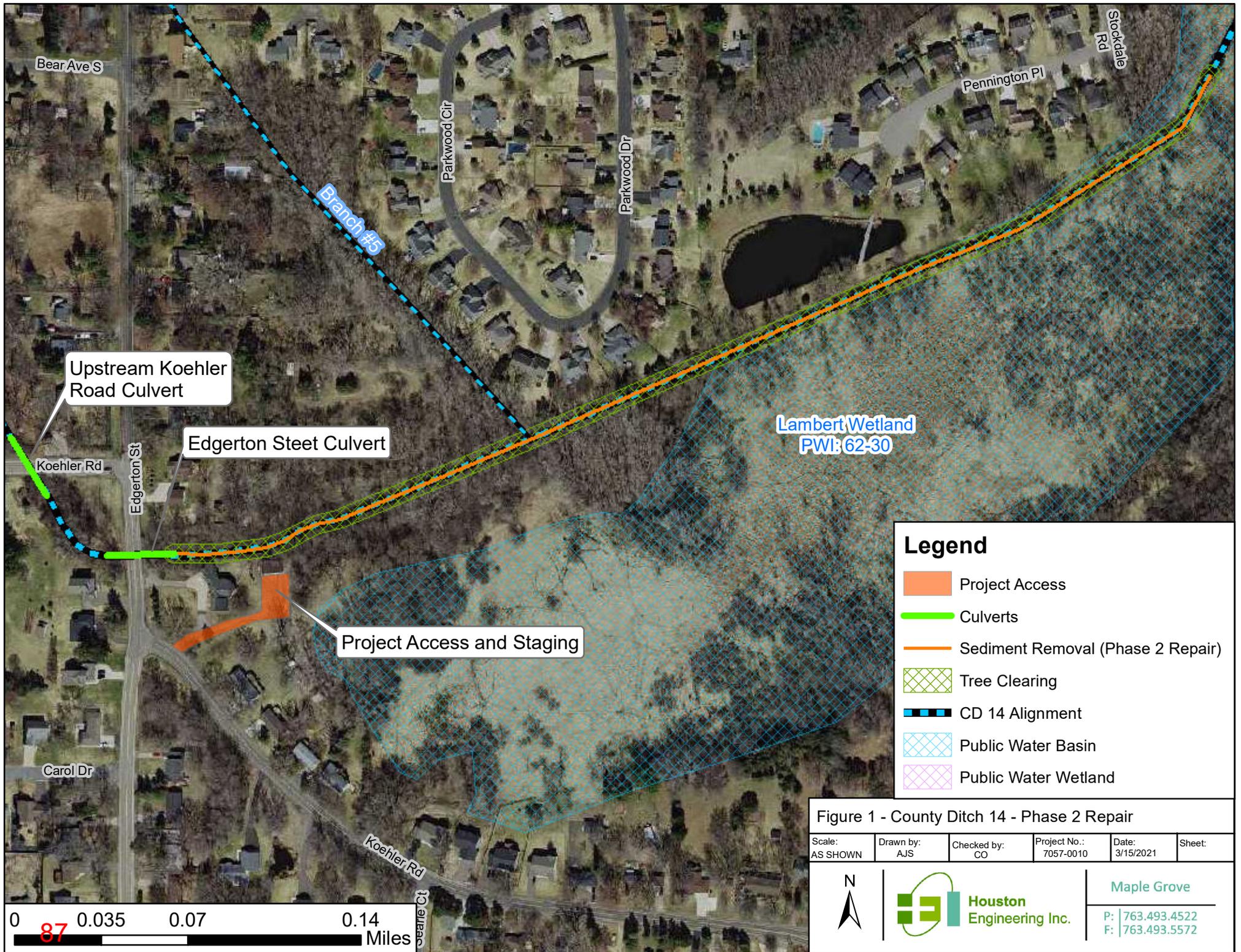
It will be important at the landowner information meeting to clearly articulate the basis of VLAWMO's right-of-entry and work area. Proceedings for the original establishment of the drainage system awarded damages to landowners along the ditch for the areas physically occupied by the drainage system along with a right of access for the area required for construction activities such as land clearing and spoil disposal. This combination of areas constitutes the right-of-way for the drainage system and is often described as the area reasonably necessary for the drainage authority (VLAWMO) to perform its repair, maintenance, and inspection obligations. As indicated above, the right-of-entry along CD 14 was conferred to VLAWMO at the time the system was transferred by Ramsey County. For the case of CD 14, the right of way consists generally of the bank-to-bank width of the ditch plus a width of 20-25 feet along both banks. **Figure 3** depicts the right-of-way area along Phase 2.

¹ See. M.S. 103E.812 Subd. 8.

Landowners should be encouraged at the public information meeting to coordinate with VLAWMO staff regarding specific areas of interest on their properties (for example, trees to be preserved). While VLAMWO cannot guarantee the preservation of any tree or structure within the public drainage system right-of-way, in many instances work can be coordinated to avoid features that are not likely to impede the drainage system or its maintenance into the future. This may require the landowner to authorize access and work in areas outside of the right-of-way depicted on **Figure 3**. Communication of these site preservation locations will be best completed via individual on-site meetings with landowners.

Budgeting

Although the recommended repairs will restore function to the CD 14 Main Trunk similar to the as constructed and subsequently improved condition, maintenance will be required into the future to preserve the function on the system. Trees and brush will need to be managed, and oftentimes additional sediment removal will be required a 2-3 years following a major repair. As such, VLAWMO should consider establish an annual budget for addressing maintenance on the system. The budget should be revisited annually with staff to determine if the budget is keeping with annual needs.



Lambert Wetland
PWI: 62-30

Legend

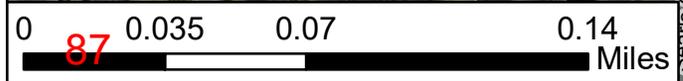
- Project Access
- Culverts
- Sediment Removal (Phase 2 Repair)
- Tree Clearing
- CD 14 Alignment
- Public Water Basin
- Public Water Wetland

Figure 1 - County Ditch 14 - Phase 2 Repair

Scale: AS SHOWN	Drawn by: AJS	Checked by: CO	Project No.: 7057-0010	Date: 3/15/2021	Sheet:
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Maple Grove
P: 763.493.4522
F: 763.493.5572



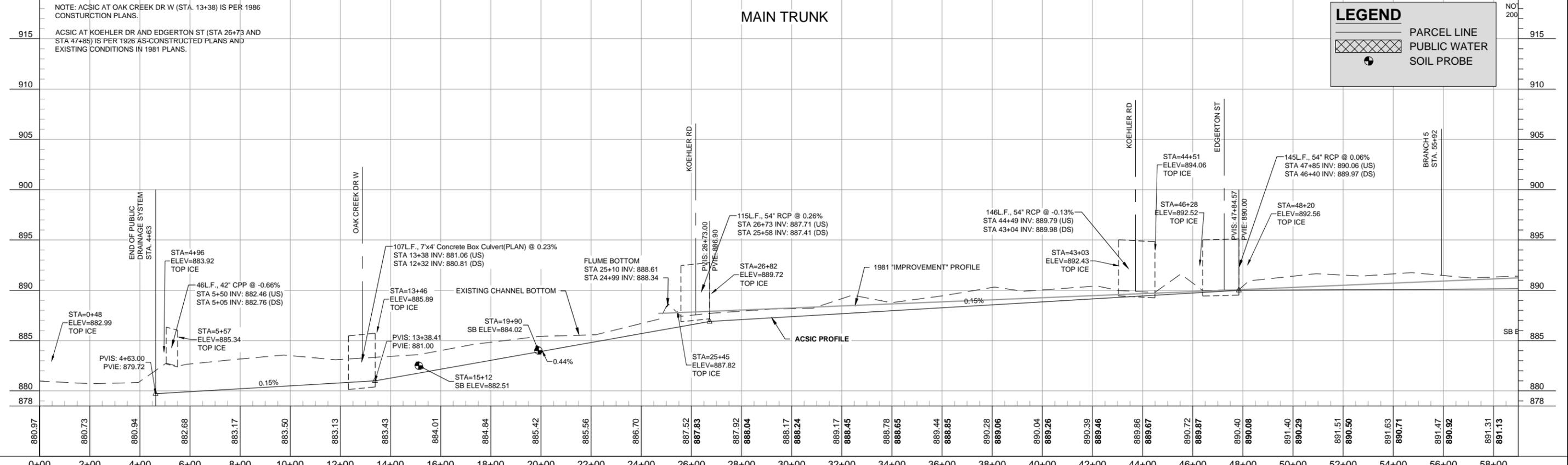


NOTE: ACSIC AT OAK CREEK DR W (STA. 13+38) IS PER 1986 CONSTRUCTION PLANS.
 ACSIC AT KOEHLER DR AND EDGERTON ST (STA 26+73 AND STA 47+85) IS PER 1926 AS-CONSTRUCTED PLANS AND EXISTING CONDITIONS IN 1981 PLANS.

MAIN TRUNK

LEGEND

- PARCEL LINE
- ▨ PUBLIC WATER
- SOIL PROBE



PRELIMINARY
 Not for Construction



Maple Grove
 P: 763.493.4522
 F: 763.493.5572

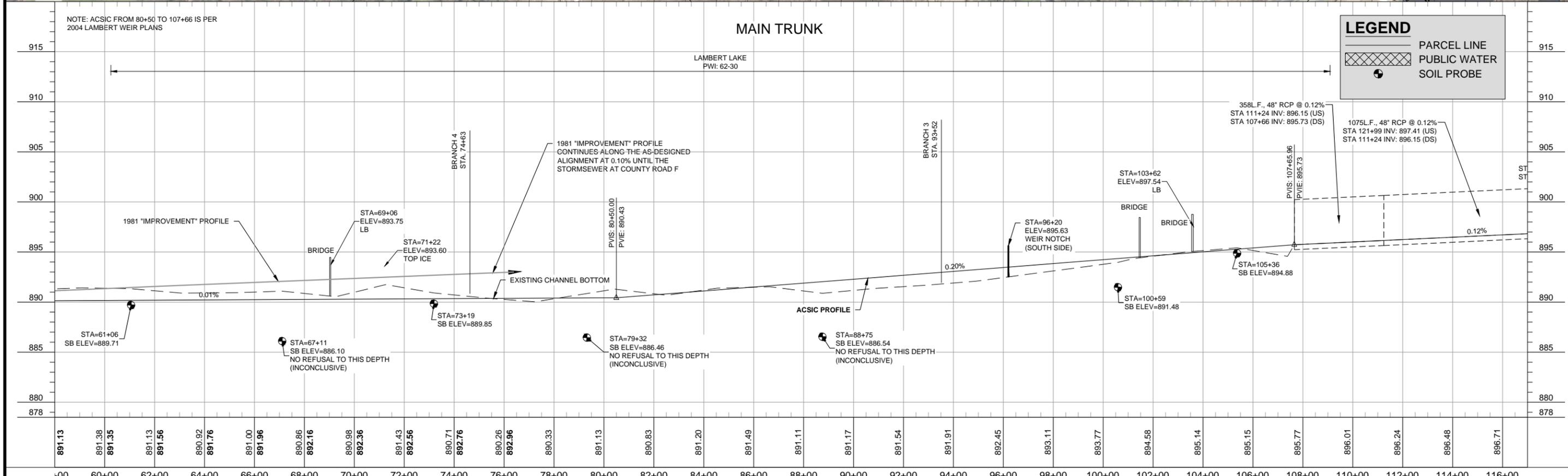
Drawn by JEN
 Date 03/08/18
 Checked by NS
 Scale AS SHOWN

RAMSEY COUNTY DITCH 14
 VADNAIS LAKE AREA
 WATER MANAGEMENT ORGANIZATION

Figure 2

PLAN AND PROFILE
 MAIN TRUNK
 PROJECT NO. 7057-006

SHEET
 1 of 5



LEGEND

- PARCEL LINE
- PUBLIC WATER
- SOIL PROBE

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No.	Revision	Date	By

PRELIMINARY
Not for Construction



Maple Grove
P: 763.493.4522
F: 763.493.5572

Drawn by JEN
Checked by NS
Date 03/08/18
Scale AS SHOWN

RAMSEY COUNTY DITCH 14
VADNAIS LAKE AREA
WATER MANAGEMENT ORGANIZATION

Figure 2

PLAN AND PROFILE
MAIN TRUNK
PROJECT NO. 7057-006

SHEET
2 of 5

Ditch ROW Width

60 feet

80 feet

100 feet

ROW

Public Waters Basins

Parcels

Intersecting Parcel



CD 14 Right of Way

FIGURE 3

Scale: AS SHOWN	Drawn by: DJL	Checked by: AJS	Project No.: 7057_006	Date: 6/18/2018	Sheet:
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Maple Grove

P: 763.493.4522
F: 763.493.5572

To: VLAWMO Board of Directors
From: Dawn Tanner and Phil Belfiori
Date: April 28, 2021

Re: VI. C. 2. Update on Status of Submission of 319 Wilkinson Lake Grant Application

Attachments: Barr Engineering Memo for first round of projects, Minnesota Land Trust (MLT) letter of support, and Draft for discussion only MOU with North Oaks Company (NOC)

Preparation has continued for the first round application of 319 funding for the Group B small priority watershed cohort. Key meetings and milestones achieved since the Feb. Board meeting include:

- Continued coordination with MPCA on NKE Document. Final approval from EPA was received on April 20, 2021
- Project total amount was increased from ~\$450,000 to \$540,757 (\$324,454 in grant funds and \$216,303 in local match funds)
- Continued plan development with Barr Engineering and North Oaks Company for longer-term phasing of projects and first-round grant application
- Meetings and letter of support from MLT for project areas included in conservation easement areas
- Authorization of owners to NOC to continue project development and draft terms document into an MOU (first draft of this MOU is attached for discussion only)
- Pre-permitting meeting with U.S. Army Corps of Engineers (USACE), MN Department of Natural Resources (MN DNR), Board of Water and Soil Resources (BWSR), VLAWMO Wetland Conservation Act (WCA), NOC, and Barr Engineering on April 8
- Presentation by Board Member Watson at the April 8 North Oaks City Council meeting and by Member Watson and VLAWMO staff at the April 15 North Oaks Natural Resources Commission meeting

The Request for Proposals (RFP) for the grant round is expected to open sometime after this April 28 Board meeting packet is sent to the Board (likely in May?) and will close 60 days later, possibly in June, prior to our June Board meeting. VLAWMO staff are continuing to work with partners to build our proposal. If the RFP opens such that the grant proposal is due prior to the June Board meeting, a special meeting will be arranged to review the grant proposal and authorize submission.

Barr Engineering developed a first batch of projects and a phasing plan to be considered for future rounds of the grant program. All options were included in the menu of possible projects that was part of the NKE document. The attached memo from Barr Engineering shows a focal area for the first-round application and 3 possible project options. A final project design will likely be a combination of these options. Final design will depend upon: soil testing, survey, and permitting input. During the pre-permitting meeting with agency representatives on April 8, all representatives expressed support for the project options. Dredging and fill are part of the proposed plans, so the final project will likely fall within the USACE jurisdiction for one of their nationwide permits. The USACE representative is currently preparing comments on each of the 3 possible options. That input will be important in development of final project design.

Initial input has been sought from NOC, MLT, the City, and NRC. Additional input is needed from NOHOA, and others are also possible. The final design will be sized and design/engineered to fit within the specified grant budget (\$540,757).

Although remaining testing is needed to determine design specifics, Barr used modeling to estimate load reductions and costs of the 3 possible designs targeted on improving water quality in Wilkinson Lake and part of the overall phasing design. This information will be used to prepare the grant proposal for MPCA once the RFP is announced. SPRWS also submitted a small grant in April to assist in continued development of the project between proposal submission and workplan/grant contract finalization (if the proposal is selected for funding). That would be matched with funds allocated for Wilkinson Lake in VLAWMO's 2021 budget.

Match dollars are an important part of this grant proposal. NOC and VLAWMO have been engaged in weekly meetings to develop the project options and determine responsibilities for project development, construction, and maintenance. That work resulted in a draft terms document that was reviewed and revised with input from: NOC, the NOC owners, VLAWMO, and the VLAWMO attorney. It has been submitted to the VLAWMO attorney and he used the terms document as the basis of the draft (for discussion only) Memorandum of Understanding (MOU) between VLAWMO and NOC (ATTACHED). In that document you will note that the match dollars are split between the two parties. Other entities may also contribute match dollars. A possible contribution from the City is in early discussion stages, as they were first formally introduced to the projects during the April 8 City Council meeting.

Further discussion (as noted in the attached draft MOU) is likely on a separate Operation and Maintenance (O&M) agreement which will be drafted for the project(s) as more design specifics and details are ready. The discussion has been started between VLAWMO and NOC. Within the project timeframe for expected maintenance (7-10 years) as a grant assurance, NOC will likely be the responsible party and has asked for VLAWMO partnership in the cost of the O&M. Staff anticipates that this agreement could be somewhat like the intergovernmental maintenance agreement for the 4th and Otter IESF project, where VLAWMO pays a portion of the annual O&M costs. It is possible that maintenance could transfer to a separate HOA or other new landowner. The allowance of such a transfer is stated in the draft MOU.

Anticipated timeline of next steps:

Spring/Summer:

- Grant application, workplan, and budget with high-level design (due for submission 60 days after RFP is announced)
- "Base-level" MOU partner agreements to be finalized (NOC) and continued (City and possible others)
- Authorization and approval by Board for submission of proposal either as part of a special meeting or at the June 23rd Board meeting
- Additional testing/survey to further develop project design

Fall:

- Consideration of grant agreement, final workplan, and contract
- Consider further refined access and long-term maintenance agreements

Early 2022:

- Grant agreement executed
- Funds used on eligible actions (design and construction)
- Public engagement continued

2023/2024: Project construction

Requested board discussion:

Staff request that the Board review the attached information with the understanding that the next version of these draft documents, along with the proposed 319 grant application, will be brought forward for Board consideration at the June 23, 2021 VLAWMO Board meeting. If by chance the RFP were to come out before April 26, 2021, then the grant application will need to be considered at a special board meeting.

Attachments: [MLT Letter of Support](#); [Draft NOC MOU](#)

North Oaks and Wilkinson Lake Improvements

1.0 Introduction

Barr Engineering Co. (Barr) has drafted this memo to provide a narrative for the conceptual design of several potential water quality improvement projects within the agricultural and conservation easements held by the Minnesota Land Trust (MLT) on North Oaks Company (NOC) property. The projects presented in this memo provide a range of possibilities for implementation through the Section 319 grant program. It should be noted that because the designs are in the conceptual stage, they are subject to change depending on future permitting, funding, stakeholder engagement, and final design considerations. Alternatives for Project 1 will be submitted for the spring 2021 Section 319 funding cycle, which will cover final design and construction.

2.0 Background

NOC hired Barr to create conceptual designs for stormwater management projects to be implemented on the company property, including its easements held through the MLT. The goal of the projects is to improve water quality in Wilkinson Lake (downstream of NOC property) by reducing loading of nutrients and sediment. Wilkinson Lake is listed by the Minnesota Pollution Control Agency (MPCA) as impaired for excess nutrients (phosphorus). The Vadnais Lakes Area Watershed Management Organization (VLAWMO) has completed a TMDL and several feasibility studies to identify ways to reduce phosphorus loading from the direct drainage area to Wilkinson Lake (Wilkinson subwatershed). Most recently, VLAWMO began working with the MPCA and Environmental Protection Agency (EPA) to secure Section 319 grant funding for projects that will help remove Wilkinson Lake from the MPCA's impaired waters list. In its planning process, VLAWMO identified NOC as a major partner in accomplishing this goal; its holdings are located at a critical point in the Wilkinson subwatershed where the majority of runoff from the subwatershed flows through an agricultural ditch system (see Photo 1) before entering Wilkinson Lake. Water quality monitoring (conducted by VLAWMO) shows that the runoff in these ditches has high total phosphorus (TP) concentrations and makes up a significant portion of the loading to Wilkinson Lake. However, the monitoring data also suggests that the high pollutant concentration in the ditch is driven by loading from areas east of Centerville Road in the Birch and Tamarack Lake subwatersheds.

Barr worked with NOC and VLAWMO to create conceptual designs that met several shared goals and would help remove Wilkinson from the impaired waters list. The focus of these efforts is on the agricultural ditch that runs through NOC property and within the MLT's agricultural and conservation easements. By treating poor water quality in the ditch before it enters Wilkinson Lake, we can maximize water quality improvement. Centralizing the treatment along the ditch also provides an opportunity to restore degraded areas in the easements and increase recreational use through added trails and interactive design features.



Photo 1: Existing agricultural ditches and surrounding wetland

The following sections summarize the proposed conceptual designs as of March 2021 and next steps in the process of design and securing 319 funding.

3.0 Proposed Conceptual Design

This section outlines the proposed concept design. Alternative configurations for the three project components are included in the sections below.

The focus area of this project is located in the upstream wetland in the agricultural easement. The project would be implemented between the future Red Forest Way and Gate Hill development. Currently, there are several agricultural ditches that intersect in this location and drain the surrounding wetlands. These ditches also convey flow from eastern subwatersheds (Tamarack and Birch Lakes) to Wilkinson Lake. Below are details for three alternative configurations for the upstream pond. These alternative configurations are also shown on Figures 1 through 3. It should be noted that the final design may not reflect these exact configurations but would be located within the red boxes outlined on the figures.

Project 1a (Figure 1): A pond would be excavated in upland area outside of the wetland boundary. The existing ditch would be realigned adjacent to the pond to allow flows above baseflow to spill into the pond and add a meandering aesthetic.

Project 1b (Figure 2): A smaller pre-treatment basin would be excavated in-line with the ditch to treat baseflow and small event flow. A high flow bypass would be constructed to the west of the basin to reduce the impact of high flows in the basin (scour, sediment resuspension, etc.). The pre-treatment basin would discharge into an excavated wetland basin with a meandering flow path to add improved wetland habitat and a meandering aesthetic.

Project 1c (Figure 3): A large pond would be excavated in-line with the ditch to treat baseflow and small event flow. The pond excavation would remove existing agricultural ditches to improve

aesthetics in the area. A high flow bypass would be constructed to the west of the basin to reduce the impact of high flows in the basin (scour, sediment resuspension, etc.).

For Options 2 and 3, the proposed basin would be constructed in the wetland. Several agencies will likely require permitting prior to construction of these options, including the United States Army Corps of Engineers (USACE) and the Board of Water and Soil Resources (BWSR) under the Wetland Conservation Act (WCA). Regulated activities in the wetland may include filling (grading above existing wetland bottom), excavation, and functional change. Wetland mitigation (replacement, banking/credits purchase) may be needed depending on the functional assessment of the existing wetland area and the extent of impact determined by the regulatory agencies.

Below in Table 1 is a summary of pros, cons, and unknowns for the proposed upstream pond configurations. The unknowns will be investigated and resolved prior to final design. The shape and placement of the basins shown on Figures 1

Table 1. Pros and cons for upstream pond alternatives

Project Component	Pros	Cons	Unknowns
Project 1a: Upland Pond	<ul style="list-style-type: none"> Minimal work within the wetland 	<ul style="list-style-type: none"> High excavation costs Smaller water quality treatment (off-line basin) Need to establish maintenance access. More frequent maintenance relative to Project 1c 	<ul style="list-style-type: none"> Flow regime in the ditch for hydraulic design
Project 1b: Pre-treatment Basin and Wetland with Meander	<ul style="list-style-type: none"> Moderate water quality treatment Habitat creation Lower excavation costs 	<ul style="list-style-type: none"> Work within wetland Need to establish maintenance access More frequent maintenance relative to Project 1c 	<ul style="list-style-type: none"> Potentially complex wetland permitting Wetland soil types (i.e., deep peat layer may cause constructability issues) Existing wetland function (may impact complexity of permitting) Flow regime in the agricultural ditch (impacts hydraulic design)
Project 1c: In-line Pond	<ul style="list-style-type: none"> Significant water quality treatment Habitat creation Lower excavation costs 	<ul style="list-style-type: none"> Work within wetland Need to establish maintenance access 	<ul style="list-style-type: none"> Potentially complex wetland permitting Wetland soil types (i.e., deep peat layer may cause constructability issues) Existing wetland function (may impact complexity of permitting) Flow regime in the agricultural ditch (impacts hydraulic design)

4.0 Next Steps

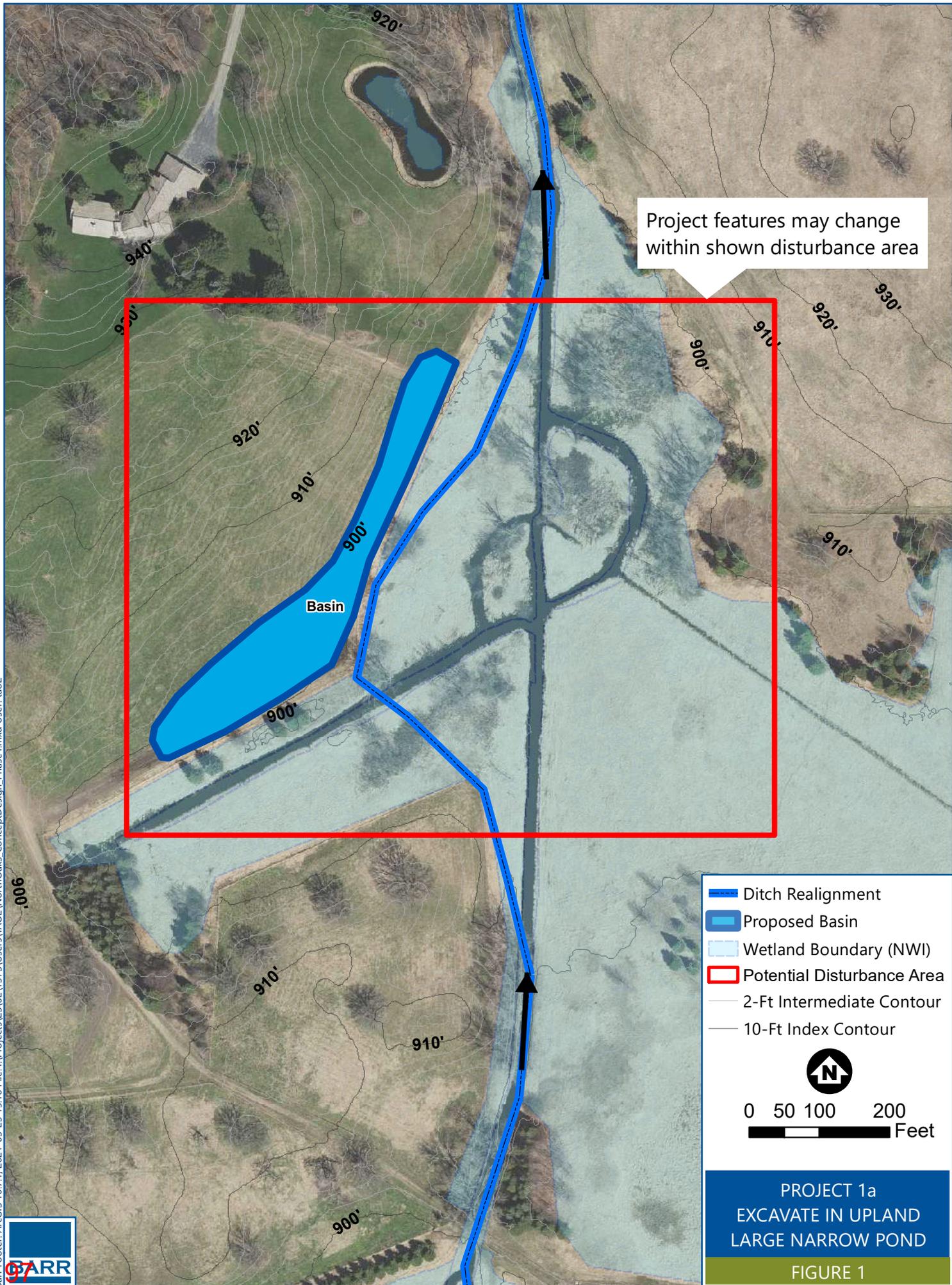
VLAWMO is in the process of securing Section 319 grant funding for the Wilkinson Lake subwatershed. The district was selected as a priority watershed to receive grant funding over the next 16 years. The first grant cycle will open late spring 2021, and subsequent cycles will open every four years following (2025, 2029, and 2033). Each grant cycle will have approximately \$540,000 in total grant funding available (for engineering, plans, specifications, and construction), with a required 40% local match.

In discussions with VLAWMO staff, the projects located on NOC property will be eligible for funding in any of the grant cycles. If funding is secured in 2021, design and construction of this project will most likely take place in 2022, based on the timeline of the distribution of funds. The activities outlined under each phase below are subject to change.

Prior to applying for funding in the spring 2021, the following activities will be accomplished:

- High-level pollutant-removal estimates
- Conceptual-level cost estimating
- Preparation of funding application
- Coordination with all stakeholders (NOC, VLAWMO, MLT, Saint Paul Regional Water Services)

The designs, pollutant-removal estimates, cost estimates, and approximate schedule will be shared with the VLAWMO board in April 2021 for approval. The RFP for the first round of funding will be announced in April 2021 and will remain open for 60 days, closing in June 2021.



- Ditch Realignment
- Proposed Basin
- Wetland Boundary (NWI)
- Potential Disturbance Area
- 2-Ft Intermediate Contour
- 10-Ft Index Contour

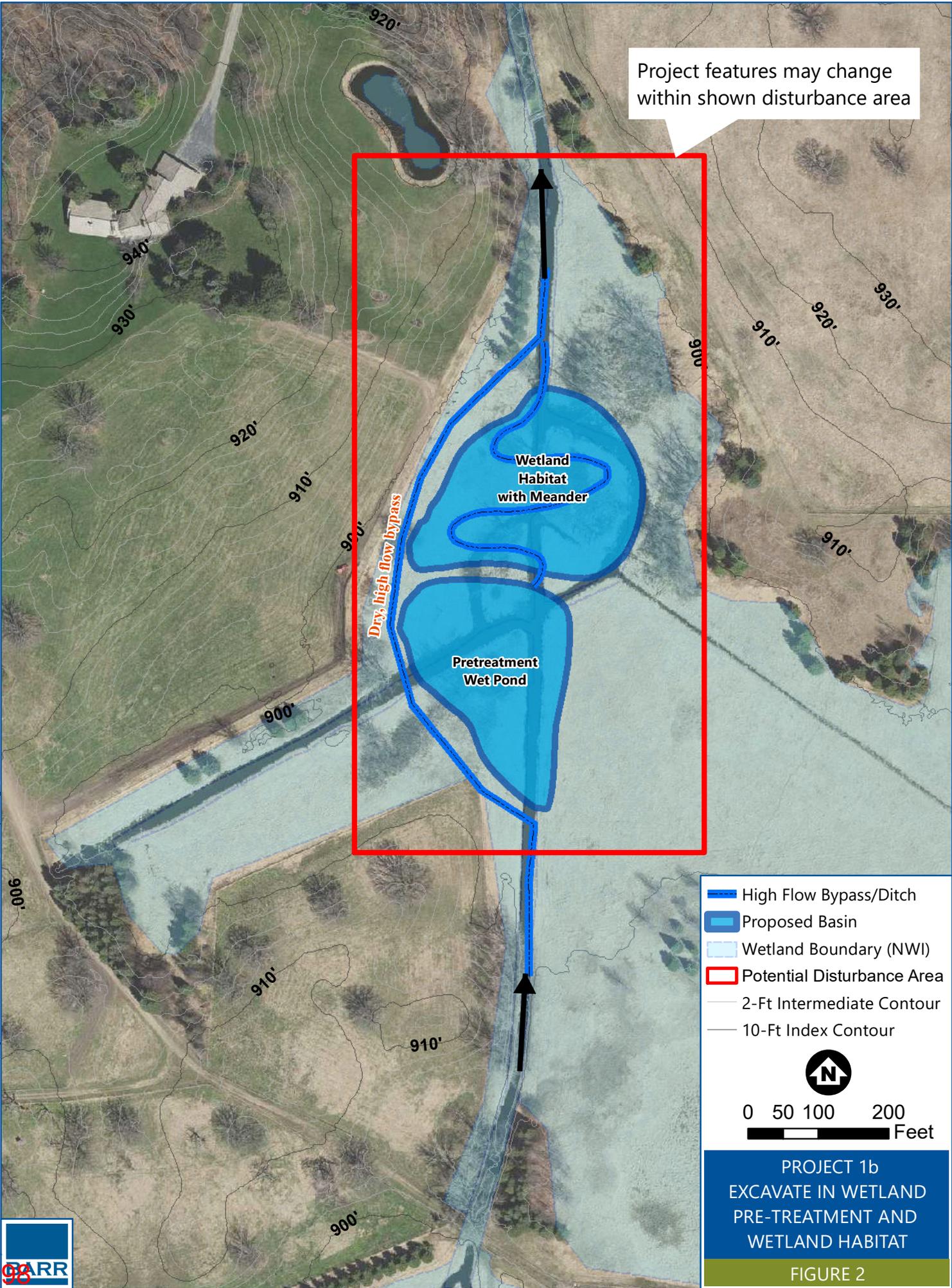
N

0 50 100 200
Feet

PROJECT 1a
EXCAVATE IN UPLAND
LARGE NARROW POND

FIGURE 1

Project features may change within shown disturbance area



- High Flow Bypass/Ditch
- Proposed Basin
- Wetland Boundary (NWI)
- Potential Disturbance Area
- 2-Ft Intermediate Contour
- 10-Ft Index Contour



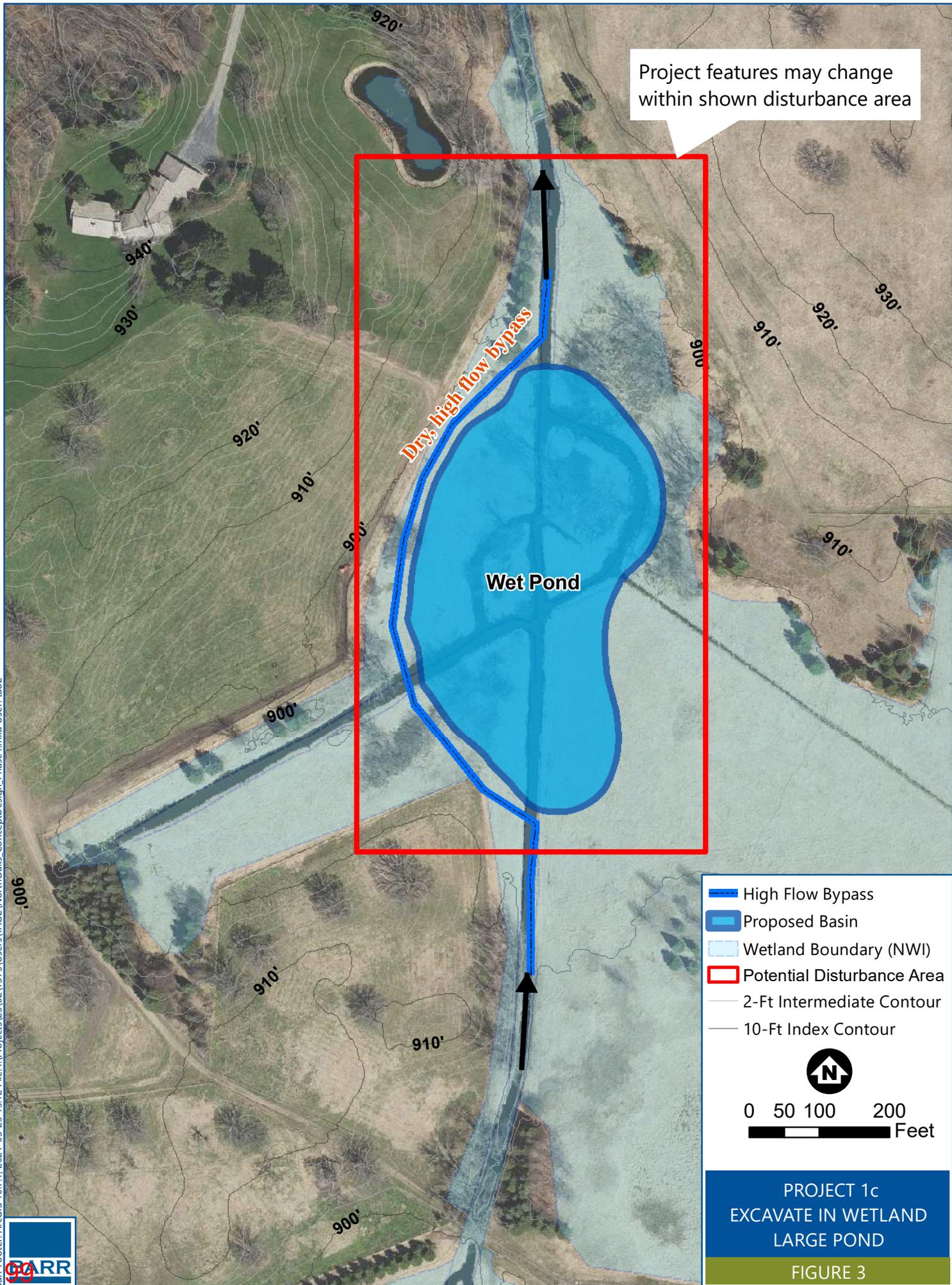
0 50 100 200 Feet

PROJECT 1b
EXCAVATE IN WETLAND
PRE-TREATMENT AND
WETLAND HABITAT

FIGURE 2



Project features may change within shown disturbance area



- High Flow Bypass
 - Proposed Basin
 - Wetland Boundary (NWI)
 - Potential Disturbance Area
 - 2-Ft Intermediate Contour
 - 10-Ft Index Contour
- 0 50 100 200 Feet

PROJECT 1c
EXCAVATE IN WETLAND
LARGE POND
FIGURE 3



To: VLAWMO Board of Directors

From: Tyler Thompson, GIS Watershed Technician

Date: April 22, 2021

Re: VI. C. 3. 2021 – 2023 BWSR Watershed-Based Imp. Funding (WBIF) Grant (C21-9984) Work Plan & Grant Agreement – AMENDED Res. 2021-04

At the Board's February 2021 meeting, BWSR had not yet approved the C21-9984 WBIF work plan, though Resolution 2021-04 was passed for Board approval to submit the draft grant work plan to BWSR for their approval. Since then, BWSR has approved the final grant work plan version, as approved by the Board in February.

With the grant work plan approved by BWSR and the VLAWMO Board, the final step is approval of the Board Chair to sign the C21-9984 grant agreement, and submittal to BWSR for execution of the grant, and partial disbursement of BWSR grant funds. This can be done by approving an amended version of Resolution 2021-04.

Staff Recommendation

Staff recommends the VLAWMO Board authorize the VLAWMO Board Chair to sign and enter into Agreement for grant C21-9984, with Tyler Thompson as the listed Authorized Representative of the grant, by approving an **amended** VLAWMO Resolution 2021-04.

Proposed Motion

_____ moves to approve the amendment of Resolution 2021-04 and authorizes the Board Chair to sign and enter into the C21-9984 grant agreement, and submittal to BWSR for execution, with any non-material changes. Seconded by _____.

Attached:

- ATT 1: C21-9984 BWSR grant Agreement
- ATT 2: [C21-9984 approved grant work plan](#) (LINK)
- ATT 3: AMENDED VLAWMO Resolution 04-2021

**FY 2021 STATE OF MINNESOTA
 BOARD OF WATER and SOIL RESOURCES
 WATERSHED-BASED IMPLEMENTATION FUNDING
 GRANT AGREEMENT**

Vendor:	0000209380
PO#:	3000013137

This Grant Agreement is between the State of Minnesota, acting through its Board of Water and Soil Resources (Board) and **Vadnais Lake Area WMO, 800 East County Road E Vadnais Heights Minnesota 55127** (Grantee).

This grant is for the following Grant Programs :		
C21-9984	2021 Metro Miss. River East - Vadnais Lake Area WMO	\$93,042
Total Grant Awarded: \$93,042		

Recitals

1. The Laws of Minnesota 2019, 1st Special Session, Chapter 2, Article 2, Section 7(a), appropriated Clean Water Funds (CWF) to the Board for the FY 2020-2021 Watershed-based Implementation Funding.
2. The Board adopted the FY 2020-2021 Clean Water Fund Watershed-based Implementation Funding Program Policy and authorized the Watershed-based Implementation Funding Program through Board Order #19-54.
3. The Board adopted Board Order #19-54 to allocate funds for the FY 2020-2021 Watershed-based Implementation Funding Program.
4. The Grantee has submitted a BWSR approved work plan for this Program which is incorporated into this Grant Agreement by reference.
5. The Grantee represents that it is duly qualified and agrees to perform all services described in this Grant Agreement to the satisfaction of the State.
6. As a condition of the grant, Grantee agrees to minimize administration costs.

Authorized Representative

The State’s Authorized Representative is Marcey Westrick, Clean Water Coordinator, BWSR, 520 Lafayette Road North, Saint Paul, MN 55155, 651-284-4153, or his/her successor, and has the responsibility to monitor the Grantee’s performance and the authority to accept the services and performance provided under this Grant Agreement.

The Grantee’s Authorized Representative is: **TITLE:** Tyler Thompson, VLAWMO GIS Watershed Technician
ADDRESS: 800 County Road E East
CITY: Vadnais Heights
TELEPHONE NUMBER: (651) 204-6071

If the Grantee’s Authorized Representative changes at any time during this Grant Agreement, the Grantee must immediately notify the Board.

Grant Agreement

1. **Terms of the Grant Agreement.**
 - 1.1. **Effective date:** The date the Board obtains all required signatures under Minn. Stat. § 16B.98, Subd. 5. **The State will notify the Grantee when this Grant Agreement has been executed. The Grantee must not begin work under this Grant Agreement until it is executed.**
 - 1.2. **Expiration date:** **December 31, 2023**, or until all obligations have been satisfactorily fulfilled, whichever comes first.
 - 1.3. **Survival of Terms:** The following clauses survive the expiration date or cancellation of this Grant Agreement: 7. Liability; 8. State Audits; 9. Government Data Practices; 11. Publicity and Endorsement; 12. Governing Law, Jurisdiction, and Venue; 14. Data Disclosure; and 19. Intellectual Property Rights.

2. **Grantee's Duties.**

The Grantee will comply with required grants management policies and procedures set forth through Minn. Stat § 16B.97, Subd. 4(a)(1). The Grantee is responsible for the specific duties for the Program as follows:

- 2.1. **Implementation:** The Grantee will implement their work plan, which is incorporated into this Grant Agreement by reference.
- 2.2. **Reporting:** All data and information provided in a Grantee's report shall be considered public.
 - 2.2.1. The Grantee will submit an annual progress report to the Board by February 1 of each year on the status of Program implementation by the Grantee. Information provided must conform to the requirements and formats set by the Board. All individual grants over \$500,000 will also require a reporting expenditure by June 30 of each year.
 - 2.2.2. The Grantee will prominently display on its website the Clean Water Legacy Logo and a link to the Legislative Coordinating Commission website.
 - 2.2.3. Final Progress Report: The Grantee will submit a final progress report to the Board by February 1, 2024 or within 30 days of completion of the project, whichever occurs sooner. Information provided must conform to the requirements and formats set by the Board.
- 2.3. **Match:** The Grantee will ensure any local match requirement will be provided as stated in Grantee's approved work plan.

3. **Time.**

The Grantee must comply with all the time requirements described in this Grant Agreement. In the performance of this Grant Agreement, time is of the essence.

4. **Terms of Payment.**

- 4.1. Grant funds will be distributed in three installments: 1) The first payment of 50% will be distributed after the execution of the Grant Agreement. 2) The second payment of 40% will be distributed after the first payment of 50% has been expended and reporting requirements have been met. An eLINK Interim Financial Report that summarizes expenditures of the first 50% must be signed by the Grantee and approved by BWSR. Selected grantees may be required at this point to submit documentation of the expenditures reported on the Interim Financial Report for verification. 3) The third payment of 10% will be distributed after the grant has been fully expended and reporting requirements are met. The final, 10% payment must be requested within 30 days of the expiration date of the Grant Agreement. An eLINK Final Financial Report that summarizes final expenditures for the grant must be signed by the Grantee and approved by BWSR.
- 4.2. All costs must be incurred within the grant period.
- 4.3. All incurred costs must be paid before the amount of unspent funds is determined. Unspent grant funds must be returned within 30 days of the expiration date of the Grant Agreement.
- 4.4. The obligation of the State under this Grant Agreement will not exceed the amount listed above.
- 4.5. This grant includes an advance payment of 50 % of the grant's total amount. Advance payments allow the grantee to have adequate operating capital for start-up costs, ensure their financial commitment to landowners and contractors, and to better schedule work into the future.

5. **Conditions of Payment.**

- 5.1. All services provided by the Grantee under this Grant Agreement must be performed to the State's satisfaction, as set forth in this Grant Agreement and in the BWSR approved work plan for this program. Compliance will be determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, State, and local laws, policies, ordinances, rules, FY 2020-2021 Clean Water Fund Watershed-based Implementation Funding Program Policy, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, State or local law.
- 5.2. Minnesota Statutes §103C.401 (2018) establishes BWSR's obligation to assure Program compliance. If the noncompliance is severe, or if work under the Grant Agreement is found by BWSR to be unsatisfactory or performed in violation of federal, State, or local law, BWSR has the authority to require the repayment of grant funds or withhold payment on grants from other programs.

6. **Assignment, Amendments, and Waiver**

- 6.1. **Assignment.** The Grantee may neither assign nor transfer any rights or obligations under this Grant Agreement without the prior consent of the State and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this Grant Agreement, or their successors in office.
- 6.2. **Amendments.** Any amendments to this Grant Agreement must be in writing and will not be effective until it has been approved and executed by the same parties who approved and executed the original Grant Agreement, or their successors in office. Amendments must be executed prior to the expiration of the original Grant Agreement or any amendments thereto.

6.3. **Waiver.** If the State fails to enforce any provision of this Grant Agreement, that failure does not waive the provision or its right to enforce it.

7. **Liability.**

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this Grant Agreement by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this Grant Agreement.

8. **State Audits.**

Under Minn. Stat. § 16B.98, Subd. 8, the Grantee's books, records, documents, and accounting procedures and practices of the Grantee or other party relevant to this Grant Agreement or transaction are subject to examination by the Board and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Grant Agreement, receipt and approval of all final reports, or the required period of time to satisfy all State and program retention requirements, whichever is later.

8.1. The books, records, documents, accounting procedures and practices of the Grantee and its designated local units of government and contractors relevant to this grant, may be examined at any time by the Board or Board's designee and are subject to verification. The Grantee or delegated local unit of government will maintain records relating to the receipt and expenditure of grant funds.

9. **Government Data Practices.**

The Grantee and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this Grant Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this Grant Agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either the Grantee or the State.

10. **Workers' Compensation.**

The Grantee certifies that it is in compliance with Minn. Stat. § 176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

11. **Publicity and Endorsement.**

11.1. **Publicity.** Any publicity regarding the subject matter of this Grant Agreement must identify the Board as the sponsoring agency. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Grant Agreement.

11.2. **Endorsement.** The Grantee must not claim that the State endorses its products or services

12. **Governing Law, Jurisdiction, and Venue.**

Minnesota law, without regard to its choice-of-law provisions, governs this Grant Agreement. Venue for all legal proceedings out of this Grant Agreement, or its breach, must be in the appropriate State or federal court with competent jurisdiction in Ramsey County, Minnesota.

13. **Termination.**

13.1. The State may cancel this Grant Agreement at any time, with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

13.2. In the event of a lawsuit, an appropriation from a Clean Water Fund is canceled to the extent that a court determines that the appropriation unconstitutionally substitutes for a traditional source of funding.

13.3. The State may immediately terminate this Grant Agreement if the State finds that there has been a failure to comply with the provisions of this Grant Agreement, that reasonable progress has not been made or that the purposes for which the funds were granted have not been or will not be fulfilled. The State may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

14. Data Disclosure.

Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and State tax agencies and State personnel involved in the payment of State obligations. These identification numbers may be used in the enforcement of federal and State tax laws which could result in action requiring the Grantee to file State tax returns and pay delinquent State tax liabilities, if any.

15. Prevailing Wage.

It is the responsibility of the Grantee or contractor to pay prevailing wage for projects that include construction work of \$25,000 or more, prevailing wage rules apply per Minn. Stat. §§ 177.41 through 177.44. All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with these State funds shall be paid wages at a rate not less than those prevailing on projects of a character similar in the locality. Bid requests must state the project is subject to prevailing wage.

16. Municipal Contracting Law.

Per Minn. Stat. § 471.345, grantees that are municipalities as defined in Subd. 1 of this statute must follow the Uniform Municipal Contracting Law. Supporting documentation of the bidding process utilized to contract services must be included in the Grantee's financial records, including support documentation justifying a single/sole source bid, if applicable.

17. Constitutional Compliance.

It is the responsibility of the Grantee to comply with requirements of the Minnesota Constitution regarding the use of Clean Water Funds to supplement traditional sources of funding.

18. Signage.

It is the responsibility of the Grantee to comply with requirements for project signage as provided in Minnesota Laws 2010, Chapter 361, Article 3, Section 5(b) for Clean Water Fund projects.

19. Intellectual Property Rights.

The State owns all rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents *created and paid for under this grant*. Works means all inventions, improvements, discoveries, (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Grantee, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this grant. Work includes "Documents." Documents are the originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Grantee, its employees, agents or subcontractors, in the performance of this grant. The Documents will be the exclusive property of the State and all such Documents must be immediately returned to the State by the Grantee upon completion or cancellation of this grant at the State's request. To the extent possible, those Works eligible for copyright protection under the United State Copyright Act will be deemed to be "works made for hire." The Grantee assigns all right, title, and interest it may have in the Works and the Documents to the State. The Grantee must, at the request of the State, execute all papers and perform all other acts necessary to transfer or record the State's ownership interest in the Works and Documents.

IN WITNESS WHEREOF, the parties have caused this Grant Agreement to be duly executed intending to be bound thereby.

Approved:

Vadnais Lake Area WMO

Board of Water and Soil Resources

By: _____
(print)

By: _____

(signature)

Title: _____

Title: _____

Date: _____

Date: _____

RESOLUTION 04-2021 AMENDED

Of the Vadnais Lake Area Water Management Organization (VLAWMO)

Acceptance of 2021-2023 BWSR Watershed-Based Implementation Funding Grant (C21-9984 2021 Metro Miss. River East – Vadnais Lake Area WMO)

Director ___ introduced the following resolution and moved its adoption. Director ___ seconded the motion.

A RESOLUTION FOR APPROVAL of the 2021-2023 BWSR Watershed-Based funding (Vadnais Lake Area WMO) grant for VLAWMO Cost Share implementation and Subwatershed BMP development and installation (C21-9984).

Whereas, VLAWMO has submitted a funding request and work plan for the Watershed-Based Implementation Funding grant to the Board of Water and Soil Resources to address nutrient loading and volume reduction within the Gilfillan-Tamarack-Black-Wilkinson-Amelia, Birch Lake, Goose Lake, Gem Lake and Lambert Creek Subwatersheds, and

Whereas, components of the grant proposal include VLAWMO Cost Share Program fund integration and the implementation of a subwatershed BMP within the counties of Ramsey and Anoka, Minnesota, and

Whereas, VLAWMO has completed and continues to initiate subwatershed retrofits and feasibility studies to target and implement Watershed BMP implementation projects for the reduction of volume and pollutant loading into 303(d) list-impaired and tributary waterbodies within VLAWMO and to be the beneficiary of the Watershed-Based Implementation Funding from the State of Minnesota, and

Whereas, VLAWMO has a finalized and approved work plan with the Board of Water and Soil Resources for implementation of the grant,

Therefore be it resolved that the VLAWMO Board of Directors hereby approves the C21-9984 grant agreement, with BWSR-approved work plan, and authorizes the WMO Board Chair to execute the grant agreement and submit to the Board of Water and Soil Resources, with any final non-material changes and on advice of counsel.

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

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

_____ Board Chair _____ Date

_____ Attest _____ Date

The foregoing and amended Resolution was passed by the Board of Directors of the Vadnais Lake Area Water Management Organization, Minnesota this 28th day of April, 2021.