



MINUTES OF THE BOARD OF DIRECTORS – April 2021 REGULAR BOARD MEETING
 April 28th, 2021
 Hosted via Zoom Teleconference

Attendance		Present	Absent
Jim Lindner, 2021 Chair	City of Gem Lake	X	
Tom Watson	City of North Oaks	X	
Rob Rafferty	City of Lino Lakes	X	
Ed Prudhon	White Bear Township	X	
Dan Jones, 2021 Vice Chair	City of White Bear Lake	X	
Patricia Youker, 2021 Secretary-Treasurer	City of Vadnais Heights	X	
Phil Belfiori	Administrator	X	
Brian Corcoran	Water Resources Mgr.	X	
Dawn Tanner	Program Development Coord.	X	
Nick Voss	Education & Outreach Coord.	X	
Tyler Thompson	GIS Watershed Tech.	X	

Others in attendance: Paul Duxbury, Robert Larson (VLAWMO TEC); Erinn Robovsky, Troy Kunze, Cheryl Lapham, Joan Pelzer (VH residents); Chris Knopik, Liz Towne (CLA); Troy Gilchrist (K&G Chartered); Chris Otterness (HEI); Marty Harstad (Bluebird Grove PUD)

I. Call to Order

The meeting was called to order at 7:06 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.

II. Approval of Agenda

The agenda for the April 2021 Board meeting was presented for approval, Chair Lindner asked for any additions or corrections. Linder proposed Visitor & Presentations item IV. A. becomes action item.

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

III. Approval of February 24, 2021 Board Meeting Minutes

The February 24, 2021 Board meeting minutes were presented for approval. Lindner asked for any additions or corrections. None.

A motion was made by Watson and seconded by Prudhon to approve the February 24, 2021 Board meeting minutes, as presented. Vote: Lindner: aye, Watson: abstain, Prudhon: aye, Jones: aye, Rafferty: aye. Motion passed.

IV. Visitors and Presentations

A. Discussion on Troy Gilchrist memo – VLAWMO’s role on Ditch 14 Branches

Belfiori introduced a legal memo from VLAWMO’s attorney on VLAWMO’s role for maintenance and management of County Ditch 14 and its branch ditches, and also relating to maintenance proposed on Branch Ditch #3 by the City of Vadnais Heights. Troy Gilchrist provided his list of recommendations on VLAWMO’s role and responsibility per his memo related to public drainage

management. Gilchrist recommended VLAWMO create a policy to address future community requests for work on a portion of the system.

Discussion: Prudhon asked if there are other WMOs or WDs that VLAWMO can borrow adoption for a municipal maintenance cooperation policy. Gilchrist responded this can be looked into and would recommend this. Watson asked for clarification operating under 103E, and Gilchrist clarified that no, VLAWMO does not operate under 103E, as it's not in VLAWMO's JPA. VLAWMO operates under Minnesota State Statute 103B.

A motion was made by Youker and seconded by Jones for both proposed motions: 1) to direct staff to work with Attorney to develop an agreement with the City as recommended in the memo from Troy dated 4/21/21; and 2) to direct staff to work with Houston Engineering and VLAWMO legal counsel to develop a drainage system role and maintenance policy, for TEC review subsequent consideration by the VLAWMO Board. Vote: Lindner: aye, Watson: abstain, Prudhon: aye, Jones: aye, Youker: aye, Rafferty: aye. Motion passed.

B. TEC Report and Financial – April

Duxbury gave the Board a briefing on current projects and programs, as reviewed at the April TEC meeting. Belfiori briefly overviewed the February Finance Report.

C. Public Visitors – non-agenda items

Erinn Robovsky (515 Bear Ave N), Troy Kunze (500 Bear Ave N), Cheryl Lapham (541 Bear Ave N). Robovsky addressed the VLAWMO Board regarding the Bluebird Grove PUD development. Kunze mentioned sending prior questions regarding stormwater runoff and the proposed development. Belfiori responded that VLAWMO is the WCA administrator, but all other aspects of plan review, including stormwater development and redevelopment rules, are the responsibility of VLAWMO's JPA municipalities, as VLAWMO-member municipalities adopt the VLAWMO standards. Lindner asked for clarification that VLAWMO is not the enforcement agency on development, but provides advisory and recommendations to VLAWMO municipalities. Kunze asked about WCA plan changes and if they have to come back to VLAWMO for reconsideration. Belfiori confirmed this that any changes pertaining to WCA impacts would have to come back to VLAWMO for reconsideration if necessary per the statute /rules. Robovsky asked about tree clearing near Lake Vadnais, as well as kayakers recently on East Vadnais Lake. Corcoran noted the SPRWS would likely be responsible for tree clearing, and Tanner clarified that VLAWMO is unaware as to the identity of the kayakers, and it was not VLAWMO staff.

V. Consent Agenda

A. Authorization of Continued Financial Support for West Vadnais Carp Mgmt. with RWMWD
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. **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.**

B. Project Update Reports

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

A motion was made by Rafferty and seconded by Youker to approve the April 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. Consider 2020 Audit/presentation from CLA

Belfiori introduced Chris Knopik and Liz Towne from CLA. Chris and Liz presented and reviewed VLAWMO's 2020 Financial Report and Audit. Staff recommends the Board accept the 2020 Financial Report and Audit, with allowance to distribute final copies to JPA member communities and local and state agencies.

Discussion: Watson, regarding material weakness, asked if it could be eliminated if a Board member reviewed and signed off on financial statements. Knopik noted that this is a normal material weakness, and Lindner noted that this was implemented a few years ago, and otherwise an accountant would need to be hired to be rid of this reporting discrepancy. Belfiori noted that the TEC Treasurer also reviews financial statements.

A motion was made by Rafferty and seconded by Prudhon to approve the 2020 VLAWMO Financial Report and audit by Clifton, Larson, Allen LLP, and for distribution to appropriate agencies. Vote: Lindner: aye, Watson: aye Prudhon: aye, Jones: aye, Youker: aye. Rafferty: aye. Motion passed.

2. Consideration of Legal Counsel Services for 2021-22

Belfiori presented that an RFP was issued for Legal Counsel Services for the years of 2021 & 2022. Three proposals were received, reviewed and scored by staff for a selection recommendation to the Board. **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.**

Discussion: Rafferty asked about cost comparisons between firms, and Belfiori noted that cost and billing rates were scored and taken into account, though K&G's score outweighed this for the value of their specialty and familiarity with VLAWMO and WMO law, compared to a lower-billing firm.

A motion was made by Prudhon and seconded by Rafferty to select and approve Kennedy & Graven, Chartered for VLAWMO's legal counsel services for 2021-2022. Vote: Lindner: aye, Long: aye, Prudhon: aye, Jones: aye, Youker: aye. Rafferty: aye. Motion passed.

3. 2022 Preliminary Budget Discussion

Belfiori introduced the 2022 VLAWMO preliminary draft budget for discussion, and provided a summary presentation for Board discussion. Hi noted that at the April 14, 2021 VLAWMO Policy and Personnel Subcommittee meeting, members reached consensus that staff should use a proposed 2022 Storm Sewer Utility fee increase of 9-10% over 2021 fees as a model or starting point for today's Board meeting discussion. A schedule was proposed for continued 2022 budget consideration. He noted that a Board subcommittee meeting is anticipated to review the recommended 2022 draft budget in late May or early June.

Discussion: Youker asked about the possible influx of new housing developments and single family SSU fees that could be coming in future years. Belfiori noted that staff does work with Elhers and Associates and reviews this annually. Jones noted this revenue could be considered negligible, but looking at the big picture and not keeping up with infrastructure needs, there is the possibility of falling behind on VLAWMO's responsibilities if SSU rates do not increase proportionally. Lindner echoed this. Rafferty noted that the City of Lino Lakes does not charge a SSU, but is now doing feasibility and

will likely have to implement a fee structure to maintain infrastructure. Belfiori clarified if that the TEC should look for a participating member of the subcommittee. Lindner affirmed this. Prudhon noted his appreciation of the subcommittee and their work.

B. WCA

1. Bluebird Development Buffer Variance/Waiver Request

Corcoran presented the 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.

Staff & TEC recommend the following 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 the Developer.

Discussion: Lindner asked for clarification on the snow shelf. Watson asked about the buffer in the road, and on the snow shelf and the science behind that. Harstad addressed that their engineers tried to minimize the amount of melting snowpack that would be tributary to the impacted wetland, and Corcoran gave background on WCA rules and decisions, versus VLAWMO's own wetland buffer rules, which are not mandated by the WCA. Watson noted he would like to see the science behind the snow shelf BMP method, and doesn't see any information or background from the TEC. Watson asked staff's opinion. Corcoran noted VLAWMO and staff and the TEP have followed proper WCA policy, and VLAWMO has a wetland buffer policy that goes above and beyond WCA rules. Corcoran noted that though the project does encroach within the wetland buffer, the wetland is currently of low quality and health, and the developer's proposed restoration with buffer impact would provide more habitat benefit than what currently exists, on-site. Prudhon also echoed the TEC's comments of concern for further engineering on the snow shelf retaining wall, and asked for clarification for comparison to the prior wetland buffer variance at the February 2021 Board meeting.

A motion was made by Prudhon and seconded by Jones to recommend summary of VLAWMO comments to the City of Vadnais Heights. Vote: Lindner: aye, Watson: aye, Prudhon: aye, Jones: aye, Youker: abstain, Rafferty: aye. Motion passed.

C. Projects

1. Consideration of Houston Eng. Memo and “Phase 2” CD 14 Maintenance

Staff and Chris Otterness of Houston Engineering, Inc. presented 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 recommends the Board authorize staff to implement the process necessary to construct the “phase 2” or “Option 1” for 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.**

Discussion: Lindner recommends approval for “Option 1”.

A motion was made by Jones and seconded by Youker for the authorization of staff to implement the process necessary for the initiation and construction of “phase 2” CD 14 maintenance for years 2021-2022, as outlined in the 3/31/21 Houston Engineering, Inc. Technical Memo, cost estimate on Table 1, and presented as “Option 1”. Vote: Lindner: aye, Watson: aye, Rafferty: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

2. Update on 319 Wilkinson Grant Application and intergov. agreement

Tanner presented conceptual designs for the Wilkinson Lake 319 grant project, as provided by Barr Engineering, and in cooperation with the North Oaks Company. Attached in the April Board packet was the Letter of Support from the Minnesota Land Trust, and draft Memo of Understanding from the North Oaks Company.

Staff requested that the Board review the attached information with the understanding that the next /future version of these draft documents, along with the proposed 319 grant application, are anticipated to be will be brought forward for Board at a future 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.

Discussion: Lindner asked if one of the other watersheds backing out will effect VLAWMO grant and match amounts. Belfiori responded yes, these are being considered, and would affect proposed local match amounts in the grant agreement workplan. Jones noted that the City partnership is hard to pass up. Watson commented and gave some background on future developments and maintenance issues within North Oaks. Tanner noted that SPRWS has assisted in applying for grant funds relating to the project.

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

Thompson presented the BWSR-approved WBIF work plan and grant agreement for approval. The work plan remains unchanged from the February Board meeting, though staff is requesting the Board’s approval for the Board Chair and staff to sign and execute the grant agreement. This can be done by amending VLAWMO Resolution 2021-04.

Discussion:

A motion was made by Prudhon and seconded by Watson for the authorization of the Board Chair to sign and enter into the grant agreement for C21-9984 with BWSR with any non-material changes, and the adoption of the AMENDED Resolution 2021-04. Vote: Lindner: aye, Watson: aye, Rafferty: aye, Prudhon: aye, Jones: aye, Youker: aye. Motion passed.

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 Prudhon 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 Giffillan-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 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 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"/>

_____ 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.

VII. Discussion

A. Consideration of Returning to In-Person Board Meetings in June

The Board Chair brought up discussion for returning to meeting in-person for the June 23rd meeting. Lindner & Rafferty expressed their interest in going back to in-person meetings with social distancing. Jones noted he doesn't support going back for in-person meetings, until COVID restrictions are lifted. Youker noted an exception is a legislative body. Watson noted his preference to continue virtual meetings for personal health issue reasons. Prudhon asked about the continued use of the City of Vadnais Heights Council Chambers for the meeting. Youker responded the Chambers should be available for meeting. Rafferty noted Watson's health issues and concerns and meeting arrangements should be available to address those concerns. Lindner noted the Board should prepare for an in-person meeting in June.

VIII. Administration Communication

None.

IX. Adjourn

A motion was made by Rafferty and seconded by Youker to adjourn at 9:45 pm. Vote: all aye. Motion passed.
Minutes compiled and submitted by Tyler Thompson.