



MINUTES OF THE BOARD OF DIRECTORS – AUGUST 2021 REGULAR BOARD MEETING
 August 25th, 2021
 Vadnais Heights City Hall Council Chambers
 800 County Road E East Vadnais Heights, MN 55127

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	
Bill Walsh, alternate	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	

* Present and observing via teleconference; not eligible for voting or towards quorum

Others in attendance: Paul Duxbury, Bob Larson (VLAWMO TEC); Troy Gilchrist (Kennedy & Graven); Nolan Wall (City of Vadnais Heights); Martin Harstad

I. Call to Order

The meeting was called to order at 7:00 pm by Chair Lindner. Noted that Tom Watson is attending remotely but not voting or counting towards quorum. Watson indicated that he is present remotely. Watson noted that he was advised to limit COVID-19 exposure to the greatest extent. Watson asked for Board consideration of alternative attendance, otherwise noted he will seek an alternate for future meetings. Director Rafferty asked about eligibility of voting when a director attends the meeting remotely and Chair Lindner answered that those questions will be discussed by Attorney Gilchrist later in the agenda. Director Rafferty also asked about mask wearing and Director Watson responded.

II. Approval of Agenda

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

A motion was made by Rafferty and seconded by Youker to approve the August 25, 2021 VLAWMO Board meeting agenda, as presented. Vote: all aye. Motion passed.

III. Approval of June 23, 2021 Board Meeting Minutes

The June 23, 2021 Board meeting minutes were presented for approval. Lindner asked for any additions or corrections. None.

A motion was made by Youker and seconded by Rafferty to approve the June 23, 2021 Board meeting minutes, as presented. Vote: Lindner, Youker, Rafferty: aye; Walsh & Prudhon: abstain. Motion passed.

IV. Visitors and Presentations

A. TEC Report and Financial – August

Duxbury gave the Board a briefing on current projects and programs, as reviewed at the August TEC meeting and reported on the TEC Report to the Board.

B. Public Visitors – non-agenda items

None.

V. Consent Agenda

A. Consider Auditor Services RFP for Budget Years 2021-2022

Staff recommends the Board review and approve submittal of a Request for Proposal for auditing services for fiscal years 2021 & 2022. More can be found in the August 25, 2021 Board packet.

B. MAWD Resolutions Consideration

If the VLAWMO Board has any policy resolutions it wishes to submit to MAWD, then staff would recommend discussion/consideration at the August 25, 2021 VLAWMO Board meeting. At this time, VLAWMO staff does not have any recommended MAWD policy resolutions for 2021. No additions from Board directors.

C. Update on Lambert Lake Project submitted to MAWD

The Lambert Lake Project has been submitted to the MAWD for 2021 project of the year. More information can be found in the August 25, 2021 Board packet.

D. Great River Greening Update

Staff has continued to complete the landowner agreement with project partners, and the SPRWS has committed to supplying work crews for maintenance following project completion.

E. Consider Submit MN DNR CPL Grant

VLAWMO staff requests Board authorization to submit a MnDNR CPL Grant application for continued restoration work at the 4th & Otter site. More information can be found in the August 25, 2021 Board packet.

F. Update on Amelia Lake bathymetry and aquatic vegetation surveys

Staff update on Amelia lake surveys, more information can be found in the August 25, 2021 Board packet.

G. Update on East Goose Lake ALM

Staff provided an update on the East Goose Lake ALM, with more information available in the August 25, 2021 Board packet.

Discussion: No discussion upon any items within the item V. Consent Agenda.

A motion was made by Rafferty and seconded by Youker to approve the August 2021 Board meeting consent agenda, as presented. Vote: all aye. Motion passed.

VI. Business

A. Administration

1. Consider 2022 Storm Sewer Utility Rates – Res. 06-2021

Belfiori introduced and presented the proposed 2022 VLAWMO storm sewer utility rates, as based on the approved 2022 VLAWMO budget. The 9% increase over 2021 rates includes support for several 2022 projects and programs. Belfiori presented a slideshow on the 2022 SSU rates and budget. Staff recommends the Board adopt the 2022 VLAWMO Storm Sewer Utility Rates with the approval of Resolution 06-2021.

Discussion: Rafferty asked how many other of the JPA municipalities have or are considering stormwater utilities and the corresponding Directors answered. Rafferty asked for clarification on the REF factor and identified rates and Belfiori explained and clarified.

A motion was made by Prudhon and seconded by Youker to approve Resolution 06-2021, adopting the 2022 VLAWMO Storm Sewer Utility rates. Vote: all aye. Motion passed.

**RESOLUTION NO. 06-2021
Of the Vadnais Lake Area Water Management Organization (VLAWMO)**

A RESOLUTION APPROVING THE STORMSEWER UTILITY RATES FOR 2022.

Resolution 06-2021 was moved by Director Prudhon and second by Director Youker.

WHEREAS, the 2022 Budget of the Vadnais Lake Area Water Management Organization (VLAWMO) has been approved by the VLAWMO Board of Directors and

WHEREAS, Storm Sewer Utility (SSU) Rule of the Vadnais Lake Area Water Management Organization, has been applied to the properties within the boundary,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE VADNAIS LAKE AREA WATER MANAGEMENT ORGANIZATION, The SSU Rates for 2022 will be as follows:

Classification	Total Amount	R.E.F.	Rate
Residential 1- 3 units	\$598,437.00	1.00	\$57.96/ Unit
Residential 4 or more	\$39,404.91	2.72	\$84.00/ Acre
Commercial	\$146,594.04	4.23	\$84.00/ Acre
Industrial	\$130,030.52	3.30	\$84.00/ Acre
Institutional	\$85,909.98	3.30	\$84.00/ Acre
Golf courses	\$13,815.55	0.74	\$84.00/ Acre
Agricultural	\$9,497.83	0.25	\$84.00/ Acre
Vacant/Road/RR/Water	\$0	Exempt	\$0.00

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>Bill Walsh (alternate)</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 & Ditch System Transfer Agreement

1. Bluebird Development & Branch Ditch #5

a). Consideration of WCA Replacement Plan

Harstad Hills, Inc. is proposing the Bluebird Grove residential development project within an approximately 9-acre site in Vadnais Heights. The Bluebird Grove project will be a 21 lot, single-family development with associated streets, utilities, and stormwater areas. The site currently consists of multiple parcels (partial parcels), two of which contain vacant, large-lot single family homes. The remainder of the site is woodland, meadow, or wetland.

The Bluebird Grove project will involve 13,414 sf (0.3079-ac) of permanent impact to one isolated wetland. Additionally, 6,706 sf (0.1539-ac) of temporary excavation impact to the same isolated wetland in order to incorporate the wetland into a detention basin is proposed as a non-WCA regulated impact (No Loss). Permanent wetland impacts will be replaced via the purchase of wetland bank credits at a ratio of 2:1 within the same major watershed and Bank Service Area (BSA) as the proposed project.

Staff has reviewed and recommends approval of a No-Loss request on excavation of a portion of a Type 1 wetland 0.1539-ac; Sequencing for filling a portion of a Type 1 wetland for road access to buildable upland and creating a storm pond in a portion of a Type 1 wetland; Replacement plan for 0.3079-ac of impact to a Type 1 wetland replaced with banking credits at 2:1. The VLAWMO Technical Commission voted to recommend approval to the Board of all motions at their August 13th meeting.

Discussion: Walsh asked about the wetland bank location and the vicinity. Corcoran noted that it is the closest wetland banking site to VLAWMO. Rafferty asked for the rough cost of wetland banking credits per acre. Corcoran answered that this depends on the banking credit location, and the project location. Prudhon asked how close to final these plans are. Corcoran noted that they cannot deviate from the approved plans and wetland impact and buffer areas.

A motion was made by Prudhon and seconded by Youker for the approval a No-Loss request on excavation of a portion of a Type 1 wetland 0.1539-ac of the Bluebird Grove site. Vote: all aye. Motion Passed.

A motion was made by Walsh and seconded by Youker for the approval of Bluebird Grove sequencing for filling a portion of a Type 1 wetland for road access to buildable upland and creating a storm pond in a portion of a Type 1 wetland. Vote: all aye. Motion Passed.

A motion was made by Youker and seconded by Prudhon for the approval of the Bluebird Grove replacement plan for 0.3079-ac of impact to a Type 1 wetland replaced with banking credits at 2:1. Vote: all aye. Motion passed.

b). Consider Branch Ditch #5 Drainage System Transfer JPA – Resolution 07-2021

Belfiori gave the overview of the proposed drainage system transfer to the City of Vadnais Heights, and the corresponding proposed JPA, noting that the proposed transfer section is from the top of Branch #5, down to the outlet of the existing City stormwater pond in Bear Park. He also noted that this eliminates the duplication of efforts, and the City will be maintaining this proposed storm sewer and ponding as stormwater infrastructure. This proposed attached JPA, which as was drafted by VLAWMO Attorney Troy Gilchrist and has been reviewed by the City attorney and City staff, recognizes the ongoing Ditch operation and maintenance responsibilities the City will incur if the proposed Bluebird development alternative plan is approved and the proposed modifications to Branch 5 are constructed. The proposed JPA also allows for a streamlined development review process and reduces the number of agreements needed between the parties and the developer. Staff recommends approval of Resolution 07-2021.

Discussion: Lindner clarified the transfer of Ditch authority and responsibility to the City through the JPA, Belfiori confirmed this. Walsh asked how often authority transfer occurs, and if it is permanent. Belfiori answered that these transfers are more unique to watersheds and are permanent. Prudhon asked about City comfort for taking on this section of branch #5. Wall answered that the City is prepared and equipped for drainage authority transfer, as stormwater infrastructure maintenance is under existing City function.

A motion was made by Youker and seconded by Rafferty to approve Resolution 07-2021, transferring the section of Branch Ditch #5 to the City of Vadnais Heights. Vote: all aye. Motion passed.

Resolution 07-2021

Of the Vadnais Lake Area Water Management Organization (VLAWMO)

Approval of JPA with the City of Vadnais Heights (City) regarding a portion of Branch 5 of Ramsey County Ditch 14.

Resolution 07-2021 was moved by Director Youker and seconded by Director Rafferty:

Whereas, In 1986, Ramsey County transferred its rights and responsibilities to County Ditches 13 & 14 to VLAWMO;

Whereas, VLAWMO manages the Ditch system pursuant to its authority under Minn. Stat. §§ 103B.201-103B.253, not Minn. Stat., Chap. 103E, as provided in Minn. Stat. § 103E.812, subd. 8 and the joint powers agreement establishing VLAWMO;

Whereas, a developer is working with the City on a proposed alternative development plan. If the alternative development plan is approved, its construction will involve modification of the Branch 5 and the creation of stormwater ponds and storm sewer facilities at the northern end of Branch 5;

Whereas, City desires to assume responsibility as the ditch authority over the approximately 1,200 foot northern end of Branch 5;

Whereas, In order to recognize ongoing maintenance responsibilities the City will incur if the alternative plan is approved, and the modifications constructed, the proposed JPA (Attachment B) allows for a streamlined development review process and reduces the number of agreements needed between the parties and the developer;

Whereas, The purpose of the proposed JPA (attachment B) is to transfer from VLAWMO to the City the authority and responsibility to serve as the ditch authority over the Transferred Portion of the Branch;

Whereas, The parties desire to enter into a proposed JPA to have the City serve as the local government entity responsible for overseeing the approval and construction and then for the City to assume all authority and responsibility as the ditch authority over the Transferred Portion of Branch 5.

Now, Therefore, be it resolved by the VLAWMO Board that:

1. The VLAWMO Board approves entering into the proposed JPA in substantially the form as set out in Attachment A and authorizes the Board Chair and Secretary to execute it on VLAWMO’s behalf and forward it to the City once it is in a form acceptable to VLAWMO’s attorney.

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>Bill Walsh (alternate)</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

VII. Projects

A. Consider Branch Ditch #3 Vadnais Heights Repair Agreement – Res. 08-2021

Belfiori presented that The VLAWMO Board at the April 28, 2021 meeting directed staff to work with VLAWMO Attorney to develop the attached Ditch Repair Agreement (See Attachment B) with the City related to the proposed City maintenance /repair of Branch 3 of Ditch 14.

The attached Ditch Repair Agreement identifies consent for the proposed Project, City/VLAWMO responsibility, long-term maintenance responsibility, and indemnification.

The City has approved the attached -agreement at their Council meeting on July 20, 2021. Staff recommends approval of Resolution approving the Ditch Repair Agreement related to the proposed maintenance & repair of Branch Ditch #3.

Discussion: None.

A motion was made by Prudhon and seconded by Youker to approve Resolution 08-2021, accepting the Branch Ditch #3 Repair Agreement. Vote: all aye. Motion passed.

Resolution 08-2021

Of the Vadnais Lake Area Water Management Organization (VLAWMO)

Approval of Ditch Repair Agreement (Branch #3) with the City of Vadnais Heights (City)

Resolution 08-2021 was moved by Director Prudhon and seconded by Director Youker:

Whereas, In 1986 Ramsey County transferred its rights and responsibilities to County Ditches 13 & 14 to VLAWMO;

Whereas, VLAWMO manages the Ditch System pursuant to its authority under Minn. Stat. §§ 103B.201-103B.253, not Minn. Stat., Chap. 103E, as provided in Minn. Stat. § 103E.812, subd. 8 and VLAWMO’s joint powers agreement;

Whereas, In 2018, VLAWMO hired Houston Engineering, Inc. to prepare a repair report to help VLAWMO identify and plan for maintenance and repair projects on the Ditch System;

Whereas, The City desires to undertake its own proposed project to repair a portion of the Ditch System identified as Branch #3;

Whereas, the VLAWMO Board at the April 28, 2021 meeting directed staff to work with VLAWMO Attorney to develop the attached Ditch Repair Agreement (See Attachment B) as was recommended by the Attorney in his memo dated April 21, 2021;

Whereas, the attached Ditch Repair Agreement identifies consent for the proposed Project, City/VLAWMO responsibility, long-term maintenance responsibility, and indemnification;

Whereas, the parties agree the City may undertake the proposed Project on Branch 3 in accordance with the terms and conditions of this Ditch Repair Agreement;

Therefore be it resolved by the VLAWMO Board that:

1. The VLAWMO Board approves the Ditch Repair Agreement as identified in Attachment B and authorizes the Board chair to sign the document and submit it to the City.

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

	Yea	Nay	Absent
<i>Bill Walsh (alternate)</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. County Ditch 14 “Phase 2” Maintenance

1. Public meeting on VLAWMO CWM Plan Minor Amendment

Belfiori overviewed the public hearing open meeting and requested that: 1) the Board chair open the public meeting for purposes of receiving any public comments on the proposed plan amendments pursuant to MR 8410.0140, and then 2) staff will provide a short presentation to explain the amendments, and then 3) staff will then request the Board Chair ask if any member of the public wishes to make comment.

BOARD CHAIR OPENED PUBLIC MEETING AT 7:53 PM

Public comment: none.

Board Chair asked for a motion to close the public meeting

A motion was made by Prudhon and seconded by Rafferty to close the public meeting hearing the 2021 VLAWMO CWM Plan Minor Amendment. Vote: all aye, motion passed.

BOARD CHAIR CLOSED PUBLIC MEETING AT 7:55 PM

2. Consider CWM Plan Minor Amendment – Res. 09-2021

Thompson presented that since the Board approved draft CWMP Minor Amendment at their June 2021 meeting, staff has moved forward with the process. Draft language includes minor updating on 2 pages of the Plan, updating information about VLAWMO’s role as ditch authority and ditch maintenance in Sections 3.4 & 3.5, and allowing for support of the Ditch 14 Phase 2 maintenance project. This Minor Amendment was released to VLAWMO’s review authority contacts, comprising of agencies and municipalities, for a 30-day comment period. Three “no comments” were received and 1 comment from Ramsey County Public Works identifying that ditch system maintenance activities and authorities are described in MN Statutes 103E instead of 103B.

Our BWSR Board Conservationist has since submitted a formal determination letter on the Minor Amendment, stating “no comment” and approval from BWSR and recommending moving forward with a public hearing and approval by the VLAWMO Board for approval. Staff had noticed the public hearing for the August 25th Board meeting.

At their August 13th meeting, the TEC voted to recommend to the Board to hold a public hearing for the Plan amendment (following MN Rules 8410.0140), approval of the draft VLAWMO CWMP Minor Amendment with Resolution 09-2021, following staff and BWSR recommendation, and filing and submitting the Minor Amendment with our Plan review authorities and member JPA municipalities. Staff is also recommending the same.

Discussion: none.

A motion was made by Rafferty and seconded by Youker for the approval and adoption of the 2021 Minor Amendment to VLAWMO’s 2017-2026 CWMP with the approval of Resolution 2021-09, and submittal of Minor Amendment changes to Plan review authorities and JPA municipalities. Vote: all aye. Motion passed.

**RESOLUTION NO. 09-2021
Of the Vadnais Lake Area Water Management Organization (VLAWMO)**

Resolution 09-2021 was moved by Director Rafferty and second by Director Youker.

**ADOPTING THE COMPREHENSIVE WATERSHED MANAGEMENT PLAN MINOR AMENDMENT AND
AUTHORIZING DISTRIBUTION OF MODIFIED PAGES**

WHEREAS, the Cities of Gem Lake, Lino Lakes, North Oaks, Vadnais Heights, and White Bear Lake, and the Township of White Bear Lake (“Members”) are party to a joint powers agreement entitled Joint Powers Agreement To Protect And Manage The Vadnais Lake Area Watershed (the “Joint Powers Agreement”); and

WHEREAS, the Joint Powers Agreement provides for the establishment of the Vadnais Lake Area Water Management Organization (“VLAWMO”), organized in accordance with the Metropolitan Surface Water Management Act, Minn. Stat. § 103B.201 et seq., and Minn. Stat. § 471.59, which is managed by a Board of Directors (“Board”); and

WHEREAS, the Board is authorized to undertake various projects to further the purposes of VLAWMO; and

WHEREAS, Review Authority comment has been requested and received by VLAWMO, a public meeting has been noticed and initiated as required and in accordance with Minnesota rules 8410.0140 Subp. 2., and BWSR has approved and has authorized VLAWMO to proceed to formally adopt the Minor Amendment and distribute modified pages of the Comprehensive Watershed Management Plan to review authorities and JPA member municipalities,

THEREFORE, BE IT RESOLVED by the Vadnais Lake Area Watershed Management Organization that the Minor Amendment be formally adopted as of August 25, 2021, and pages distributed to agency representatives, as specified by BWSR.

BE IT FURTHER RESOLVED that the Vadnais Lake Area Watershed Management will undertake activities outlined in the Minor Amendment continue to expand upon plans for the maintenance and repair of its public drainage system.

WHEREUPON the above resolution was adopted at a regular meeting of the VLAWMO Board of Directors this 25th of August, 2021.

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>Bill Walsh (alternate)</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

3. Consider Acceptance of Phase 2 Maint. Construction Plans for Filing & Authorization to solicit quotes

Corcoran presented the plans for the proposed Ditch 14 “Phase 2” maintenance project, along with the SWPPP narrative and Specifications for Repair. Written responses from both the DNR and ACOE were received and noted no permits will be needed from either agency for the proposed maintenance. This project will follow the Nation Wide Permit conditions for the ACOE and is exempt from a Public Waters permit from the DNR. At their August 13th meeting, the TEC recommended approval to the Board to accept plans and send out for quotes for project construction.

Discussion: Directors asked about the spoil piles & conditions, Corcoran responded. Watson asked about a tree survey and if this has been done. Watson noted the impact of erosion with trees being taken down. Watson asked about the possibility of a tree survey taking place. Prudhon asked about design spec and elevations, Corcoran noted that yes, the contractor will be excavating to spec. Rafferty proposed adding a line for further desirable tree protection. Belfiori asked for further clarification for the record. Lindner proposed adding the clarification regarding protecting desirable mature hardwoods and other trees within reason and where possible during the project.

A motion was made by Youker and seconded by Prudhon for the approval, acceptance, and filing of the Phase 2 Ditch 14 maintenance project plans, specifications and SWPPP narrative and authorization for solicitation of quotes for project construction, with amended spec notes defining a process to identify valued trees with the contractor before construction begins where practicable and reasonable in context of the project scope and mission. Vote: all aye. Motion passed.

C. Wilkinson Lake Water Quality BMP

1. Update document sent to North Oaks City Council and NOHOA

An update to the North Oaks City Council and NOHOA regarding project progress was submitted to both on August 4th, 2021.

2. Consider NOC MOU and Operations & Maintenance Agreements

The MOU/Maintenance agreement draft was provided to the Board at the April regular Board meeting. Maintenance is specified as a 50/50 split between VLAWMO and NOC/NOF. The Maintenance agreement has been revised to specify provisions that address the possible dissolution of NOC prior to the end of the 10- year maintenance timeframe. If NOC ceases to exist as a company prior to the end of the 10 years, VLAWMO will take over the maintenance responsibility, with secured easement access from NOC/NOF. Specific maintenance needs will be sought annually by VLAWMO working with their contractor as part of ongoing monitoring/maintenance. The Wilkinson site will be included in VLAWMO’s compiled maintenance sites (once construction is complete), currently being conducted by Natural Shores Technologies, Inc.

Discussion: Watson noted that he worked closely with staff in development of the proposed agreement being considered. Watson noted that he pushed for at least 10 years of maintenance in the partnership with North Oaks Company. Watson noted he recommended approval of the MOU /Operation and Maintenance agreements to North Oaks City Council. Prudhon noted that he agreed with Watson in that NOC will unlikely be around for the next 10 years. Watson noted that the project should move forward and supports this agenda item request, though he has reservations regarding NOC project contributions. Rafferty asked why the City had eventually agreed to approve this. Watson answered that City does support this project and this agenda item and doesn’t want to handicap this project in regards to other interests, but does not believe that the NOC is backing the project with enough contribution. Tanner noted that the NOC did include financial partnership on the local cash match and on the maintenance obligations during their existence, which could be considered in-kind contributions from the landowner. Belfiori noted that this proposed project related to the agreement is an excellent example of a regional water quality project and VLAWMO staff pursued use of NOC private property given the critical location of where the proposed regional BMP needed to be placed to most efficiently reduce nutrient loading to Wilkinson Lake. He noted that NOC offered to provide a contribution of local cash match to the grant and maintenance partnership during their existence. Watson mentioned the City has a development agreement to pursue additional resources from NOC. Rafferty asked about adding language to approach NOC to provide more funding to the project, and possible consideration for a second motion to pursue more money from NOC. Gilchrist noted that he is hesitant to condition the approval with seeking more funding, and cautioned the Board against further conditions.

A motion was made by Rafferty to deny approval of the Operations & Maintenance Agreement with North Oaks Company . No second. Motion fails.

A motion was made by Walsh and seconded by Youker for the authorization of the VLAWMO Board Chair to sign and enter into the Operations & Maintenance Agreement with North Oaks Company/North Oaks Farm for the Wilkinson Lake 319 Project. Vote: all aye. Motion passed.

3. Consider 319 Grant Workplan Submission

VLAWMO staff requested and received a TEC recommendation to the Board to authorize the workplan/budget for continued approval with MPCA/EPA. Maintenance of BMPs is required as part of the 319 program. Specific guidance is not provided. MPCA recommends using VLAWMO’s standard practice, which is 10 years for cost-share projects.

Discussion: None.

A motion was made by Youker and seconded by Walsh for the authorization of staff to submit 319 Project MPCA workplan and budget to the MPCA and EPA. Vote: all aye. Motion passed.

4. Consider Barr Engineering Scope of Work for Geo Technical and Survey work

To begin project design and planning, which could include site geotechnical and survey work or other technical assistance items as necessary. A scope of work proposal for work with Barr Engineering in the total of \$20,000 is being proposed and recommended for approval by VLAWMO staff.

Discussion: Youker asked how much above budget the project scope is thus far. Tanner answered that the project is not over budget, but this item is for Board approval to begin site scope investigation.

A motion was made by Walsh and seconded by Prudhon for the authorization to move forward with geotechnical & survey work, and to approve the scope of work with Barr Engineering in the amount of \$20,000.00. Vote: all aye. Motion passed.

D. Consider Lambert Lake Project Final Application for Payment

Tanner presented that a pay request was submitted by Sunram Construction, Inc., for release on the retainage held from AFP 1-3, on August 8, 2021. The Final Application for Payment (AFP) #4 was submitted to VLAWMO on August 13, 2021. SEH recommends approval for payment to Sunram Construction, Inc. in the amount of \$29,405.64. The breakdown of payment for AFP #4 is \$10,121.16 for the meander retainage and \$19,284.48 for the sheetpile retainage. Per S.E.H. memo, the project is complete at this time.

Discussion: Rafferty asked if the contractor was good to work with. Tanner addressed the contractor was very agreeable, and SEH has been fantastic to work with.

A motion was made by Youker and seconded by Prudhon for the authorization of final payment to Sunram Construction Inc. in the pay request amount of \$29,405.64. Vote: all aye. Motion passed.

E. Cost Share Program

1. Consider Landscape Level 2 Grant LL2 2021-01 City of WBL CC Rain Garden

The RCSWCD has designed the project and has generated an opinion of total project cost at \$9,370. Being a curb cut rain garden taking and removing direct street runoff, pollutant reduction estimates are considerable, given the basin's size. After being put out for bid, the lowest construction bid of \$6,808.50 was accepted, with good prior partner working experience with the contractor. Via updated 2021 Landscape Level 2 policy, VLAWMO is able to cover up to 90% of project implementation and construction costs. Upon grant approval, the homeowner will sign into a 10-year Operations & Maintenance Agreement with VLAWMO.

At their August 13th meeting, the TEC voted to recommend to the Board grant approval and funding for application LL2 2021-01 in the amount of \$6,127.65, or 90% of the project cost, as allowed by the updated Landscape Level 2 grant policy. Staff is also recommending approval and funding in this amount.

Discussion: None.

A motion was made by Walsh and seconded by Youker for the approval of Landscape Level 2 (LL2) Grant 2021-01 and funding of 90% of the project implementation costs, up to \$6,127.65. Vote: all aye. Motion passed.

2. Consider Landscape Level 2 Grant LL2 2021-02 City of Vadnais Heights Parking Lot Rain Garden

The Opinion of Cost for the rain garden is estimated at \$29,956 by the RCSWCD, and the project was released for bid on August 12th, with bids due on August 30th. The City of Vadnais Heights has submitted a Landscape Level 2 application for the project and is requesting funding for the rain garden up to \$33,000 for a 10% contingency funding above the project's estimated cost. The final selected bid price will determine the actual VLAWMO grant value, but shall not exceed \$33,000. If the lowest acceptable bid comes in above \$33K, all will be rejected, and the project will go back out for bid this winter for 2022 construction. A 10-year Operations & Maintenance Agreement would be signed with the City. The grant funding would not come from VLAWMO's Landscape Level 2 grant fund, but from the \$60,000 BWSR Watershed-Based Implementation Grant we have secured from '21-'23, as this is the exact type of project we're trying to implement with these BWSR grant funds.

At their August 13th meeting, the TEC voted to recommend to the Board grant approval and funding for application LL2 2021-02 in the amount up to \$33,000 for project construction, as allowed by the updated Landscape Level 2 grant policy. Staff is also recommending approval and funding in this amount.

Discussion: None.

A motion was made by Prudhon and seconded by Youker for the approval of Landscape Level 2 (LL2) Grant 2021-02 and funding of project implementation costs, up to \$33,000. Vote: all aye. Motion passed.

VIII. Discussion

Gilchrist presented on the open meeting law and options for VLAWMO meeting format to abide by the MN open meeting law. For a member to participate remotely, a 3-day notice of remote attendance that identifies the member's remote location is required for a public elected official to count towards quorum and vote in an otherwise in-person meeting. Due to the health pandemic, the Board could notice this as being the reason to moving back to remote meetings citing the continuation of the health pandemic. Gilchrist noted that the Chair has the final say for the meeting notice, and that VLAWMO would need to make its own emergency declaration referencing the COVID-19 pandemic. Otherwise, to allow a member to participate remotely the room must have the technology to allow everyone to see and hear everyone else. The current set up would not be sufficient as not everyone can see the member who is on the computer screen. The remote location must also be open to the public.

Discussion: Prudhon noted that if this meeting was being done as a noticed remote meeting via Zoom, would all members be eligible to vote. Gilchrist answered that yes, if the VLAWMO Board was operating under emergency order and the regular meeting was posted and hosted via teleconference, then yes. Lindner noted that during previous remote meetings during the pandemic, technical difficulties were a challenge for the meeting. Lindner asked if the chair has the ability to determine if an emergency declaration is appropriate for VLAWMO and Gilchrist replied yes. Lindner asked how soon before the next meeting would an emergency declaration need to be determined by the chair and Gilchrist replied 3 days. Belfiori asked for direction from the Board given it may take some time and research for the possible technical A/V improvements needed. He noted that remote participation may present technical challenges. Watson noted that he is aware of organizations that have done many different things related to remote participation of its members. He noted that he feels he is being barred from being a public servant. Rafferty asked for clarification that his feeling is because he is unable to vote at this current meeting. Watson confirmed this. Gilchrist again expanded that because the VLAWMO Board has not exercised its ability to extend emergency

pandemic circumstances, the Board must follow regular, non-emergency, open meeting law rules and standards. Gilchrist then noted that members could participate if the meeting was properly noticed per open meeting law rules and other standards are followed. Watson asked the Chair if VLAWMO had noticed a public health emergency, separate from the State or local municipalities, as this could still be in-effect. Lindner answered that no separate public health emergency was noticed independently by VLAWMO.

VIII. Administration Communication

F. Lambert Project Drone footage

Staff presented the new drone footage of the completed Lambert Lake Meander Project.

IX. Adjourn

A motion was made by Rafferty and seconded by Prudhon to adjourn at 9:28 pm. Vote: all aye. Motion passed.

Minutes compiled and submitted by Tyler Thompson.