



MINUTES OF THE BOARD OF DIRECTORS – OCTOBER 2021 REGULAR BOARD MEETING
 December 8th, 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	
Dan Jones, Vice Chair	City of North Oaks	X	
Patricia Youker, Secretary-Treasurer	City of White Bear Lake		x
Ed Prudhon	White Bear Township	X	
Rob Rafferty	City of Lino Lakes	X	
Tom Watson	City of North Oaks		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 (VLAWMO TEC); Greg Wilson, Joe Bischoff, Karen Chandler (Barr Engineering); Troy Gilchrist (Kennedy & Graven Chartered); Kurt Carpenter (Goose Lake resident); Connie Taillon (City of White Bear Lake)

I. Call to Order

The meeting was called to order at 7:00 pm by Chair Lindner.

II. Approval of Agenda

The agenda for the December 2021 VLAWMO Board meeting was presented for approval, Chair Lindner asked for any additions or corrections. Belfiori asked for the addition of item IV. D. for open meeting law discussion with VLAWMO’s attorney.

A motion was made by Rafferty and seconded by Jones to approve the December 8, 2021 VLAWMO Board meeting agenda, as amended. Vote: aye. Motion passed.

III. Approval of October 27, 2021 Board Meeting Minutes

The October 27, 2021 Board meeting minutes were presented for approval. Lindner asked for any additions or corrections. None.

A motion was made by Rafferty and seconded by Jones to approve the October 27, 2021 Board meeting minutes, as presented. Vote: all aye, Youker abstains. Motion passed.

IV. Visitors and Presentations

A. TEC Report and Financial – December

Duxbury gave the Board a briefing on current projects and programs, as reviewed at the December TEC meeting and reported on the TEC Report to the Board, covering project of the year, projects and programs, and 2022 E&O outlook.

B. 2021 VLAWMO Watershed Awards

Voss presented the 2021 VLAWMO Watershed Award awardees: Katherine Doll Kanne for the Watershed Steward Award, and Jesse Farrell for the Watershed Partner Award. Both recipients’

contributions and accomplishments were honored. Lindner thanked both Katherine & Jesse for their efforts and making an impact on the missions that VLAWMO is built for. Voss expanded that 2022 nominations are open year-round.

C. Public Visitors – non-agenda items

None.

V. Consent Agenda

A. 2021 Education & Outreach Plan Summary and 2022 Goals Update

In the December Board packet, Voss outlines 2021 accomplishments and 2022 goals of the Education & Outreach Program. More can be found in the December 8, 2021 Board packet.

B. 2022 Cost Share Policy Updates

Thompson outlines updates and revisions to the 2022 Cost Share Program guidance and policy documents, to be considered for approval by the Board. More can be found in the December 8, 2021 Board packet and at vlawmo.org/about.

C. Consider VLAWMO Site Maintenance Contract with Natural Shore Tech.

Tanner outlines the proposed and continued maintenance contract for VLAWMO site with Natural Shore Technologies in 2022, with staff recommending approval by the Board. More can be found in the December 8, 2021 Board packet.

D. Consider 2022 Ramsey County SWCD Contract for Lake Surveys

Tanner outlines the proposed scope of work for lake surveying of Tamarack and Gem Lakes in 2022, with staff recommending approval by the Board. More can be found in the December 8, 2021 Board packet.

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

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

VI. Projects and Programming

A. Discussion on VLAWMO's role in Aquatic Plant Management

Joe Bischoff Karen of Barr Engineering led a presentation on different management directions and policies that VLAWMO may consider for lake management. Joe overviewed the 3 end questions for direction that is the aim of this presentation. Barr Engineering has produced a technical memorandum summarizing the aquatic management roles of several watershed districts and water management organizations within the Twin Cities metro. Policies range from more involved and less involved, and is summarized within the technical memorandum. Based upon the survey of various metro watersheds, Barr characterized 5 different levels in which aquatic vegetation is managed and to what degree.

Following the presentation, the VLAWMO Board was asked to discuss and provide direction as to whether VLAWMO should develop a management policy for aquatic vegetation.

Discussion: Watson asked if VLAWMO already has AIS surveys on other VLAWMO lakes, and if Ramsey County has funding available for AIS treatment. Tanner answered that yes, our lakes have aquatic vegetation surveys as part of the SLMP/SLMR cycle. Jones expressed interest in moving forward from a level 2 to a level 3 organization, managing lakes for ecological conditions, past water quality conditions. Watson mentioned the unknown of what we may be having to treat in terms of AIS in the future, i.e. what new AIS could be introduced. Lindner noted that his opinion of current VLAWMO involvement is comfortable, looking at our other current policies, projects and programs. Rafferty commented that if VLAWMO decides to take on more than we

are currently doing, the unknown costs and magnitude of that is something to consider. Jones noted that he would like to be ahead of the curve and include ecological management of AIS. Watson noted that he would like to see more funding sources to be looked at. Prudhon noted that all of these mandates are not funded. Kurt Carpenter representing entities of East & West Goose Lakes updated on the current state of West Goose. He expressed his worries about the clarifying of East Goose Lake and the lakeshore owners want support guaranteed for vegetation management. Rafferty & Youker both noted they are in favor of level 2 management, as is currently described in VLAWMO's CWMP. Bischoff clarified that the Board seeks to pursue a policy equivalent to level 2, as is currently supported within VLAWMO CWMP, with looking at possible vegetation management expansion per project. Watson added that he would like the resolution to have built in flexibility, as AIS is dynamic, along with exploring different funding assistance streams. Bischoff noted that VLAWMO's position on aquatic plant management may always be reevaluated during a CWMP amendment or update. The discussion of adding the term recreation to VLAWMO's position was asked by Bischoff. Bischoff clarified the difference between ecological and recreational benefits. Lindner and Watson addressed their support of a resolution or policy that manages aquatic vegetation to the ecological benefits, but not to recreational standard.

A motion was made by Watson and seconded by Prudhon to direct staff to draft a resolution for consideration at the Feb. 23, 2022 VLAWMO Board meeting that is consistent with the Board consensus discussion as defined in the Board's answers to the above 3 questions which includes: supporting aquatic plant management to the level of ecological benefits and current level of VLAWMO CWMP management. Vote: all aye. Motion passed.

B. Spent Lime Treatment Update

Greg Wilson of Barr Engineering led a presentation on the effectiveness, economics, and outcomes of spent lime slurry treatments within stormponds, utilizing grant assistance from the MN Stormwater Research Council, by way of the Clean Water Funds. Barr conducted the project with two stormponds; one in the Ramsey-Washington Metro Watershed District (RWMWD), and one within VLAWMO in Lino Lakes, with help and partnership with the City of White Bear Lake and the SPRWS. Staff from RWMWD and VLAWMO assisted Barr in the logistics of site selection, landowner access coordination, water quality monitoring and various other project coordination aspects.

Discussion: Prudhon and Rafferty asked if application methods are similar to alum application, and Youker asked about material resuspension, as compared to alum. Wilson noted that spent lime may have more resiliency, in terms of resuspension, due to its physical characteristics. Jones asked about different application options. Lindner expressed that VLAWMO would be interested in taking part in another spent lime demonstration with Barr Engineering, if the opportunity presents itself.

C. Discussion/Consideration of Biochar Payment Request

Tanner introduced the issue of a University of Minnesota request to pursue and recover further funds, as part of the Lambert Lake project. The University of Minnesota (UMN) accounting office contacted Board Chair Lindner directly in October in response to the letter sent following the Board meeting on Feb. 24, 2021 (attachment 4). The UMN office requests full payment for the outstanding invoice for biochar filter lab testing and design in an amount of \$17,368.37 that was denied by the VLAWMO Board at the Feb., 2021 Board meeting. Additional documents are also provided as attached for reference to the Board.

VLAWMO staff documented the project process and provided estimated completion for tasks identified by the UMN Principal Investigator (PI). However, VLAWMO staff also recognizes that the MPCA workplan and UMN workplan, both drafted or co-drafted by the UMN PI differ. VLAWMO staff

have worked to compare both documents and provide a concise comparison. That work resulted in an estimated apx. 33% task completion by the UMN team for tasks that the UMN team states that they have completed (attachment 2).

The outstanding invoice that was denied is \$17,368.37. A compromise position by the VLAWMO Board would be to recognize difficulties encountered by the UMN team due to unforeseen COVID and site challenges and offer to pay a portion of the invoice. VLAWMO has continued to incur additional costs from SEH for their engineering team to take an infeasible design provided by the UMN team and find a feasible site/begin to modify the design to pursue proposed construction.

VLAWMO staff request a discussion and decision by the VLAWMO Board as to how they would like to proceed in regards to the outstanding invoice to the UMN for \$17,368.37 and the request from the UMN for payment.

Discussion: Prudhon asked about breach of contract, and if a partial payment would complicate or indemnify VLAWMO. Gilchrist answered no, a partial payment would not indemnify VLAWMO and that would be considered a settlement or offer. Rafferty identified exploring a partial payment, but does not support full payment. Jones noted he still does not support offering a payment. Tanner added that the added difficulty of COVID-19, site design challenges, and partial design completion should be taken into account, though the project was not completed. Tanner also noted that a total of \$3,584 does remain within the MPCA workplan objective and could be considered for reimbursement to the UMN, in good faith. Watson asked if conflict would tarnish relationship with UMN, and supported paying the full, stated, outstanding amount, though recused himself due to his working relationship with the UMN PI. Rafferty noted. Lindner and Jones noted that the project was still not completed, as agreed upon, and VLAWMO is incurring further design and engineering costs in necessity to complete the project, to fulfill VLAWMO's MPCA grant requirement. Rafferty, Youker and Prudhon support offering a partial payment of \$3,584.64, if that amount is able to be justified and documented, as part of the MPCA workplan.

A motion was made by Prudhon and seconded by Youker to offer a total of \$3,584.64 payment to the University of Minnesota, of their \$17,368.37 request. Vote: all aye, Jones and Watson abstain. Motion passed.

D. Open Meeting Law

Gilchrist added more in the way of the open meeting law and the COVID Pandemic, and that his opinion of the law has been updated. In a previous recommendation, it was his opinion that a Board Director or Commissioner may join an in-person meeting via electronic means, and be considered a member of the public and only participating as such, with no voting or quorum capabilities. However, in discussion with colleagues and peers, he is yielding to their opinion that if a meeting is held as "in-person" not electronic means or teleconference capabilities should be operated or made available during that meeting, unless properly noticed 3 days prior, and strictly following state statute procedures. It was discussed that VLAWMO is not operating under an emergency order, although, statute makes mention of an "or, health pandemic". The clarifying point is that remote attendance and participation of an in-person meeting must be properly noticed and undergone, following state statute.

Discussion: Jones asked about in-person meetings being able to utilize remote participation, and Youker asked if it was an "all or nothing" situation. Gilchrist responded that as long as proper notice and statute procedures are followed, electronic attendance of a Director or Commissioner to an in-person meeting is possible and allowed.

E. Consider payment and update on “Phase 2” RCD 14 Ditch Maintenance Project

Corcoran presented the nearly complete results of the RCD 14 Phase 2 dredging and maintenance project. Staff has not yet received the final invoice from Sandia Trucking. Given the unique timing of project completion and the next VLAWMO Board meeting (2/23/22), staff requests that the Board authorize Chair Lindner to approve and sign the final invoice for payment pending 1) Houston Engineering final determination that the project as constructed is consistent with the approved plans and 2) the final payment is at or below the Board approved contract amount of \$40,082.10.

Staff recommends the Board authorize Chair Lindner the authority to approve and sign the final invoice for payment to Scandia Trucking.

Discussion: none.

It was moved by Jones and seconded by Youker to authorize Chair Lindner to approve and sign the final invoice of payment to Scandia Trucking & Excavating for the RCD Maintenance Project pending Houston Engineering final determination that the project as constructed is consistent with the approved plans and the final payment is at or below the Board approved contract amount of \$40,082.10.

VII. Business and Administration

A. Consideration of 2022 Carry over “Working” Budget

Belfiori presented a slideshow on VLAWMO’s 2021 and anticipated 2022 working budget, pending the current state of projects, programs, and all other items. Upon analysis of the November 2021 financial report, the updated estimated 2021 year end fund balance (carryover from 2021 to 2022) is tracking slightly higher than the projected 2021 overall fund balance carry over from the June Board meeting. This slightly higher projected 2021 year end fund balance (\$934,745 as compared to \$866,745) is the result of higher than anticipated unspent 2021 expenditures in several Subwatershed Funds including (but not limited to) the Lambert Creek and Goose Lake.

Summary of Proposed Fund Balance Carry Over into 2022 Table 1 (below) provides a summary of the proposed fund balance carry over going into 2022 which is including the \$192,367 carry over included in the approved 2022 Budget as was adopted by the Board in June 2021 and the additional proposed fund balance carry over incorporated into the 2022 “working” budget of \$133,751 (for a total revised proposed fund balance carry over from 2021 to 2022 of \$326,118).

The \$326,188 would now be considered “committed” for 2022 per the approved VLAWMO Fund Balance Policy. (This information is also included in more detail in the Green cells in Attachment 2). It is anticipated that at the end of 2022 (and going forward into 2023), the “unrestricted” fund balance in the General fund should be in the required range of 35 - 50% of the 2022 budgeted expenditures as is identified in the VLAWMO Fund Balance Policy (Attachment 3).

Staff recommends approving Resolution 11-2021, which would approve the 2022 working budget, as presented.

Discussion: none.

A motion was made by Youker and seconded by Jones to approve VLAWMO Resolution 11-2021, approving 2022 carry-over funds and working budget. Vote: all aye. Motion passed.

RESOLUTION 11-2021

A RESOLUTION FOR COMMITTING THE FUND BALANCE FOR SPECIFIC PURPOSES

WHEREAS, the Board of Directors of the Vadnais Lake Area Water Management Organization, does hereby find as follows:

WHEREAS, the Governmental Accounting Standards Board’s Statement No. 54 defines committed fund balance as amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the Board,

WHEREAS, Board action is required before year end to formalize the commitment of fund balance to specified purposes,

WHEREAS, those committed amounts cannot be used for any other purpose unless the VLAWMO removes or changes the specified use by taking the same type of action it employed to previously commit those amounts.

THEREFORE, BE IT RESOLVED by the VLAWMO, that the specific portions of fund balance in the identified funds are committed as follows:

Committed

Fund Name and Description	Proposed Carry Over “committed” Funds (into 2022 “working” budget) and Purpose
General Fund - Fund 3.1. Operations and Administration	<p>\$14,000</p> <p>For strategic planning work in 2022 as approved at the Oct. 2021 VLAWMO Board meeting.</p>
General Fund -Fund 3.4. Capital Improvement Projects and Programs	<p>\$312,118</p> <p>The approved 2022 budget (approved at the June 2021 Board meeting) already included utilizing <u>\$192,367</u> of fund balance carry over to implement the 2022 Capital Improvement Projects and Programs. The proposed 2022 “working” budget now proposes an additional <u>\$119,751</u> of additional fund balance carry over for a total Proposed Carry Over “committed” Funds (into 2022 “working” budget) of \$312,118. For implementation of the proposed Biochar project, Unspent carryover in Fund 3.4 is due to unspent approved 2021 working budget funds within several subwatersheds including: 1) Lambert Creek (Biochar project), 2) Goose Lake (possible Adaptive Lake Management), 3) 319 Wilkinson Lake Project/Lake Amelia BMP study, 4) Pleasant Lake (Carp Management program and 5) Level 2 cost-share partnership projects.</p>

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

James Lindner, Chair

_____ Date

VADNAIS LAKE AREA WATER MANAGEMENT ORGANIZATION

I, the undersigned, Administrator of the Vadnais Lake Area Water Management Organization, hereby certify that I have carefully compared and attached the foregoing extract of minutes of a regular meeting of the Board of Directors of said watershed held on the 8th day of December 2021, with the original thereof on file in my office.

WITNESSED BY the Watershed Administrator this 8th day of December 2021.

Phil Belfiori, Administrator

B. Discussion on Possible Boundary Change in W. Vadnais Lk. Area

Belfiori introduced that on November 4, 2021 staff received an email from Tina Carstens RWMWD Administrator for the RWMWD indicating “They (RWMWD Board of Managers) are continuing to show an interest in a boundary change to bring WV into RWMWD. We had a lot of discussion around it.” This RWMWD Board discussion is captured in the Oct. 6, 2021 minutes from the RWMWD Board meeting which are attached as Attachment 1. Belfiori presented a PowerPoint presentation on the background and summary of this issue.

Staff asks the VLAWMO Board to discuss this issue and provide staff with its direction given the RWMWD Board has invited staff to attend a future Board meeting to discuss. Specifically staff would request direction on the idea of again pursuing and planning a joint meeting with the RWMWD Board, possible agenda and outcomes of such meeting, and if the VLAWMO Board is ready to make any other communication to the RWMWD Board at this time.

Discussion: Jones noted that hydrologically, it’s entirely within RWMWD’s drainage area. There was general discussion as to why RWMWD is interested in pursuing a boundary change. Direction was discussed to gauge the City of Vadnais Heights position on a potential boundary change; Director Youker discussed bringing the issue to a Vadnais Heights Council workshop. Jones addressed that if RWMWD is to acquire the West Vadnais Lake subwatershed, he would expect all costs to be borne, including VLAWMO staff time, by the RWMWD. Youker will plan to bring this issue up for Vadnais Heights Council workshop before attending. Jones expressed interest in joining if the meeting is remote.

Consensus was reached to allow Chair Lindner, Director Youker, and Belfiori to meet with the RWMWD Board for discussion, with up to 3 Board members joining, without triggering a quorum.

VIII. Discussion

Lindner posed that he is open again to serve as VLAWMO Board Chair in 2022, though invites and welcomes others for nominations.

VIII. Administration Communication

1. Board Packet Format

Commissioners were asked about Board packet mode and delivery for 2022.

2. Reminder: 2022 Board/TEC Council Assignments

Belfiori asked that if any Board or TEC assignments are made for 2022 at City or Township meetings, that those are sent or communicated with VLAWMO staff.

IX. Adjourn

Next Special Board meeting /workshop: Strategic planning, January 26, 2022. Next regular scheduled Board meeting: February 23, 2022

A motion was made by Watson and seconded by Youker to adjourn at 10:10 pm. Vote: all aye. Motion passed.

Minutes compiled and submitted by Tyler Thompson.