



MINUTES OF THE BOARD OF DIRECTORS – June 22, 2022 REGULAR BOARD MEETING

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

\*with prior notice

**Others in attendance:**

Paul Duxbury, VLAWMO TEC  
 Larry Swope, Ramsey Washington Metro Watershed District (RWMWD)  
 Tina Carstens, RWMWD

**I. Call to Order**

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

**II. Approval of Agenda**

The agenda for the June 22, 2022 Board meeting was presented for approval.

Administrator Belfiori proposed switching the order of business items VI.1 and VI.2 on the agenda.

A motion was made by Director Watson and seconded by Director Youker to approve the June Board meeting agenda as amended. Vote: All aye. Motion passed.

**III. Approval of Minutes**

The minutes from the April 27, 2022 Board meeting were placed on the agenda for approval, as presented. No comments from the Directors.

A motion was made by Director Youker and seconded by Director Watson to approve the April Board meeting minutes. Vote: Lindner: aye, Watson: aye, Ruzek: abstained, Youker: aye. Motion passed.

**IV. Visitors and Presentations**

**A. TEC Report and Financial Report**

Commissioner Duxbury described the June 2022 TEC report to the Board of Directors as included in the June Board packet.

**B. Public Visitors – non-agenda items**

None.

**V. Consent Agenda**

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

Administrator Belfiori discussed item V.A. on the consent agenda was reviewed by the Board of Directors at the April 27, 2022 meeting. Since then, it was submitted to the six member communities for comment, and no comments were received. Belfiori stated no changes are proposed to the materials in the packet, and staff are available for discussion for this consent agenda item and any other consent agenda items.

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

**A. Consider public drainage management policy – resolution 03-2022** 🐦

**Resolution 03-2022**

Of the Vadnais Lake Area Water Management Organization (VLAWMO)

**Approval of VLAWMO Public Drainage Management Policy**

Resolution 03-2022 was moved by Director Watson 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 the joint powers agreement establishing VLAWMO;

**Whereas**, Under MN Statutes chapter 103B authorities, the specific roles, responsibilities and operational methods in managing the systems are not well defined;

**Whereas**, The purpose of the VLAWMO Public Drainage Management Policy is to establish a set of policies and principles for guidance in future decisions by the VLAWMO Board for management activities & procedures;

**Whereas**, The strategies to accomplish the goals in Policy include document management, public drainage inspection, minor (routine) maintenance, and major repair implementation where / if needed;

**Whereas**, The roles of municipal and county partners in public drainage system management include management of roadway culverts, point of contact with landowners, acceleration of capital projects and acceptance of transfer of portions of the public drainage system;

**Whereas,** At the April 27, 2022 VLAWMO Board meeting the Directors authorized distribution of draft public drainage policy to member communities for review and comment. Staff thereby requested that any comments be received by VLAWMO by Monday May 23, 2022. Staff did not receive any comments;

**Whereas,** At their meeting on June 6, 2022 the VLAWMO Subcommittee reached consensus to recommend to the full VLAWMO Board to approve the attached VLAWMO Public Drainage Management Policy dated June 22, 2022;

**Whereas,** At their meeting on June 8, 2022 the VLAWMO TEC recommended to the full VLAWMO Board to approve the attached VLAWMO Public Drainage Management Policy dated June 22, 2022;

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

That VLAWMO Public Drainage Policy dated June 22, 2022 (as attached in the Board packet) is hereby approved with any non-material changes and upon advice of Counsel.

**Therefore, be it further resolved** That the Public Drainage Management Policy dated June 22, 2022 also be incorporated into the VLAWMO Water Plan amendment later in 2022;

The question was on the adoption of the resolution and there were 4 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"/>	<b>X</b>
<i>Steve Ruzek</i>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Rob Rafferty</i>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
<i>Tom Watson</i>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Patricia Youker</i>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Jim Lindner</i>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_ Board Chair

\_\_\_\_\_ Attest Date

- B. Consider updates for administrative clarification of the water management policy 🐦
- C. Consider JPA for maintenance of a restoration in Vadnais Sucker Park 🐦
- D. Acknowledge receipt of Birch Lake treatment grant 🐦
- E. Consider carp management work with Carp Solutions 🐦

**F. Consider website recommendation from TEC** 🐦

**G. Update on discussions with City on East Goose proposed ALM plan**

Alternate Director Ruzek stated there was a misspelling of his name on the resolutions in the Board packet, but staff have distributed revised resolutions with the correction.

A motion was made by Director Watson and seconded by Director Youker to approve the consent agenda and resolution 03-2022. Vote: Lindner: aye, Watson: aye, Ruzek: aye, Youker: aye. Motion passed.

**VI. Business**

**1. Consider response to RWMWD regarding request for West Vadnais Lake drainage area Boundary change** 🐦

Administrator Belfiori provided a background on the boundary change process for the West Vadnais Lake drainage area thus far.

Belfiori discussed some of the takeaways from meetings held and provided staff's perspectives. He highlighted that West Vadnais Lake is not within VLAWMO's hydrologic boundary and is currently located in the political boundary of both VLAWMO and RWMWD. He said VLAWMO would likely incur some or most of the cost of future in-lake management and some of the TMDL planning given the current political boundary. He provided the subcommittee's recommendation that the full Board approves a motion identifying that VLAWMO would support the RWMWD requested boundary change process pending: The City of Vadnais Heights' support of the process; the motion not preventing future consideration of a required formal boundary concurrence resolution but providing preliminary support for starting the process; and RWMWD's filing of the petition and administering the process.

Belfiori noted the possible next steps of informing the City of Vadnais Heights of the Board's decision, RWMWD considering VLAWMO and the City's responses, and RWMWD determining whether to proceed with the formal boundary change process where VLAWMO would need to provide formal concurrence on the boundary to RWMWD and BWSR.

**Discussion:**

Director Watson asked Director Youker where the City of Vadnais Heights currently sits on this matter. Director Youker responded the City is still open for discussion and is waiting to see how the VLAWMO Board responds. She added that she has a question about it but will be presenting her question to the City Council.

Director Watson said this reminds him of the recent issue in the City of Shoreview where Rice Creek Watershed District's hydrologic and political boundaries were incompatible. Administrator Belfiori responded that the two matters both involve potential boundary changes but have different circumstances; he said the Rice Creek Watershed District and Shoreview one does not involve a request for a possible petition and it does not involve a resource that needs direct management, whereas the RWMWD request involves an impaired waterbody that multiple entities will need to work on to address a future TMDL requirement.

Director Watson asked if this boundary change request process is the standard procedure that is used or if the Board should indicate its support comes from a technical or hydrologic standpoint. Administrator Belfiori responded that the proposed motion is not the last step in the boundary

change process and it is an initial indication to the RWMWD Board that VLAWMO is responding to their letter and supporting the process moving forward.

A motion was made by Director Watson and seconded by Director Youker to approve staff responding to RWMWD's April 20, 2022 letter by identifying that VLAWMO would support the RWMWD requested boundary change process pending :

1. City support of the process
2. That this motion does not prevent VLAWMO Board's future consideration of the required formal boundary change concurrence resolution (but does provide for a preliminary indication of support of starting the process)
3. RWMWD files petition and administers process.

Vote: Lindner: aye, Watson: aye, Ruzek: aye, Youker: aye. Motion passed.

## 2. Consider 2023 budget 🐦

Administrator Belfiori presented the proposed 2023 budget and summarized the proposed budget for each fund of operations/administration, projects, and programs. He said the proposed budget is consistent with the budget subcommittee's consensus recommendation for the budget from June 6, 2022, which balances long-range budgeting as defined in the 75% project implementation scenarios and five-year project partnership table that were discussed with the Board in April.

Belfiori highlighted the proposed budget includes a 7% increase in the SSU rate and continues progress on the implementation of CIP projects. He discussed the estimated fund balance for the budget that incorporates planning for uncertainties in the future. He said if the potential boundary change around West Vadnais Lake does not occur, an increase to the proposed Sucker Vadnais subwatershed budget may be brought to the Board with the working budget in December.

Belfiori reviewed the 75% project implementation scenarios at a 7% increase in SSU revenue and how VLAWMO compares with neighboring watersheds. He stated the budget recommendation tries to find a balance between looking towards the future and planning for project uncertainties and ensuring VLAWMO does not have many large project opportunities without the revenue to build them.

Belfiori stated the budget subcommittee recommended approval of the proposed 2023 budget as presented.

### **Discussion:**

Director Watson asked for clarification on the fund balance policy; why the fund balance appears to be growing and why VLAWMO isn't spending it. Belfiori explained VLAWMO needs to maintain a 35-50% fund balance based on the operating budget per its fund balance policy. Director Watson said the predicted fund balance range of \$800,000-\$1,100,000 is substantially higher than the 35% - 50% required and is wondering why VLAWMO wouldn't fund 100% of the projects. Belfiori replied if the SSU is increased by 7% each year for five years, VLAWMO would not have enough funding to implement all the projects identified in the five-year project partnership table approved at the April meeting assuming the Board increases core services funding with inflation and keeps the same amount of staff. Belfiori said it is not likely all of the projects in the approved 5 year partnership project table would be built so the 75% project implementation scenario seems appropriate to help plan for the future of anticipated future projects listed on the partnership table. He identified that the

5 year partnership project table is a long range planning document and future budget will need to be adjusted annually as certain projects listed don't occur new ones are envisioned.

Director Watson asked if a "deficit" variable should be added to the project budget chart on page 87 to help determine if funding levels need to increase for years 2025-2026 to sustain the 75% level of project implementation. Chair Lindner responded that the fund balance buffers the need to ask for more funding in the future. He added the Board is focusing on the 2023 budget but is also trying to project into the future. Chair Lindner stated he is confident staff present a realistic budget for the current year and the future budget years will likely look different based on different assumptions and projects. Belfiori responded there are many unknowns in the future and the proposed budget tries to plan for these uncertainties.

**Resolution 04-2022**  
Of the Vadnais Lake Area Water Management Organization (VLAWMO)  
**Approving the 2023 Budget**

Resolution 04-2022 was moved by Director Youker and seconded by Director Watson

**Whereas**, the Board of the Vadnais Lake Area Water Management Organization has considered the 2023 Budget as recommended by the 2023 Budget /Finance Subcommittee and the attendant information. The 2023 budget and footnotes are attached to this Resolution, and

**Whereas**, Total revenue for 2023 is projected at \$1,774,735 of which \$1,090,887 is from the VLAWMO Storm Sewer Utility (7% increase in the VLAWMO Storm Sewer Utility from 2022) and the remainder of the revenue being from a MPCA 319 Grant, BWSR Watershed-based grant, partnership from local communities, proposed project agreement with North Oaks Company, Fund balance carryover from 2022, and fees/investment income.

**Whereas**, the total expenditures for 2023 is projected at \$1,774,735 which will be paid utilizing: 1) \$1,389,451 of VLAWMO funds/ carry over funds from 2022, and 2) \$385,284 of loans, grants and partnerships funds.

**Therefore** be it resolved that the 2023 Budget, dated 6-22-2022 is approved.

The question was on the adoption of the resolution and there were 4 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"/>	<b>X</b>
<i>Steve Ruzek</i>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Rob Rafferty</i>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
<i>Tom Watson</i>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Patricia Youker</i>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Jim Lindner</i>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_ Board Chair Date

\_\_\_\_\_ Attest Date

A motion was made by Director Youker and seconded by Director Watson to accept the 2023 budget and approve the resolution 04-2022. Vote: Lindner: aye, Watson: aye, Ruzek: aye, Youker: aye. Motion passed.

**3. Consider contract for engineering design services for Wilkinson BMP **

Tanner presented that the request for proposals (RFP) for the Wilkinson BMP project was sent to four qualified engineering firms; HR Green, Barr Engineering, Houston Engineering, and Stantec. Three additional firms requested the RFP including SEH, SRF, and EOR. She explained three proposals were received by the RFP deadline from HR Green, Barr Engineering, and Houston Engineering, which were evaluated with a rubric by three VLAWMO staff and two North Oaks Company representatives. She emphasized the importance of North Oaks Company’s partnership in the proposal review process.

Tanner provided the synthesis of the average, numeric scores for each rubric criterion and presented the final ranking of the proposals of: 1. Houston Engineering at 87 average points, 2. Barr Engineering at 73 average points, and 3. HR Green at 71 average points.

Tanner summarized some of the comments associated with the proposals’ rankings and said staff and the subcommittee, with a consensus recommendation, request the Board approve Houston Engineering as the selected engineering firm to go forward, authorize a 15% contingency to allow for any unforeseen changes, and authorize staff to notify engineering firms of the Board’s decision.

**RESOLUTION NO. 05-2022  
Of the Vadnais Lake Area Water Management Organization (VLAWMO)**

**A RESOLUTION APPROVING THE ENGINEERING CONTRACT FOR THE WILKINSON LAKE BMP PROJECT (Project)**

Resolution 03-2022 was moved by Director Watson and second by Director Youker.

WHEREAS, at the April 27, 2022, VLAWMO regular Board meeting, the VLAWMO Board directed VLAWMO staff to send out the Request for Proposal (RFP) and Qualifications for the Wilkinson Lake BMP Project, North Oaks, MN, to 4 qualified bidders and post the RFP;

WHEREAS, VLAWMO staff sent out the RFP to the 4 requested qualified bidders and posted the RFP on the VLAWMO website on April 28, 2022;

WHEREAS, VLAWMO staff received a total of 7 requests for the RFP and promptly fulfilled each request;

WHEREAS, VLAWMO staff received 3 proposals by the deadline at 3:00 pm, May 24, 2022;

WHEREAS, 3 VLAWMO staff reviewed and evaluated each of the proposals using a pre-defined rubric for scoring;

WHEREAS, VLAWMO staff met with 2 NOC/NOF staff who also reviewed and submitted 1 completed rubric for inclusion in the review process;

WHEREAS, VLAWMO staff met with the VLAWMO Policy and Personnel Subcommittee on June 6, 2022, and presented the compiled evaluation of proposals received. The Subcommittee provided discussion, questions, qualitative evaluation, and a consensus recommendation to the full Board to:

- choose not to further consider an interview process
- accept the proposal submitted by Houston Engineering, Inc. for a total of \$130,156
- authorize a 15% contingency of \$19,523.40;

WHEREAS, the TEC has been informed and kept up-to-date on progress with regard to this project and understands that the engineering recommendation is being brought to the full Board at the June 2022 meeting;

WHEREAS, with the understanding of the Subcommittee, VLAWMO staff worked with the tentatively selected engineering firm and VLAWMO's legal counsel to achieve agreement on a contract prior to the VLAWMO Board meeting so that the contract could be presented to the Board without requiring a separate or special meeting;

WHEREAS, the resulting contract is provided in the June 22, 2022, Board packet

**NOW, THEREFORE, BE IT RESOLVED**, by the Vadnais Lake Area Water Management Organization Board of Directors that the Board acts as follows:

1. Approves and authorizes VLAWMO staff to move forward and sign the contract between HEI and VLAWMO for engineering services for \$130,156 with non-materials changes and upon advice of counsel;
2. Authorize a 15% contingency (\$19,523.40) for the VLAWMO Administrator to approve if unforeseen changes occur;
3. Requests that VLAWMO staff notify engineering firms that submitted proposals regarding the award decision;
4. Requests that VLAWMO staff continue working with HEI to proceed with development of the Wilkinson BMP Project.



Adopted this 22<sup>nd</sup> day of June 2022 on a vote of 4 yeas and 0 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>
Dan Jones	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
Steve Ruzek	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
Rob Rafferty	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
Tom Watson	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
Patricia Youker	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Lindner	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>

**BY THE VLAWMO BOARD**


\_\_\_\_\_  
Chairperson

Attest: \_\_\_\_\_  
Administrator

**Discussion:**

Chair Lindner stated the subcommittee declined to participate in the ranking of the proposals using the scoring rubric and deferred to VLAWMO staff and North Oaks Company’s expertise for the scoring portion of the selection process. He said the subcommittee supported the proposed recommendation at its June 6, 2022 meeting and declined the option of an interview to explore questions with each of the firms as part of the process.

A motion was made by Director Watson and seconded Director Youker to approve resolution 05-2022. Vote: Lindner aye. Watson: aye, Ruzek: aye, Youker: aye. Motion passed.

**4. Consider plans and specs, license agreement with Township, and authorize solicitation of quotes for Biochar Project **

Corcoran presented a background of the biochar project since the February 2022 Board meeting including: SEH’s completion of the necessary design work to facilitate completion of the final project plans and specifications; staff’s coordination with legal counsel and White Bear Township to obtain a license agreement for the project’s construction and maintenance access for the next 10 years; and completion of WCA permitting necessary for project implementation.

Corcoran discussed the project’s anticipated proposed budget including \$59,175 from the Lambert Creek project’s 319 grant, \$33,000 from the BWSR Watershed-based Implementation Funding

program, and \$70,000 from the approved 2022 budget VLAWMO Lambert Creek Subwatershed fund.

Corcoran presented an overview of the proposed plans and specifications, license agreement with White Bear Township, and next steps. He said a water quality monitoring port will be installed to meet grant monitoring requirements. The anticipated project completion date is December 31, 2022 but staff are expecting completion to occur before that, ideally in October or November. He said staff request the Board considers approving the biochar project plans and specifications contained in the Board packet with non-material changes, direct staff to solicit quotes for construction, and approve the license agreement with White Bear Township.

**Discussion:**

Director Youker asked for confirmation of the anticipated project construction bid and cost. Corcoran confirmed that the SEH's engineering project estimate included a 20% contingency which should allow for the project to remain within the anticipated budget including the state grants and VLAWMO funding but noted that there is uncertainty with what the final quote will come in at given the market for projects right now are unclear. Director Youker asked when the request for quotes will go out. Corcoran responded the request will be sent next week if the Board approves and the received quotes would be brought to the August Board meeting for consideration.

A motion was made by Director Youker and seconded by Director Watson to approve the Biochar project plans and specifications dated June 14, 2022 with non-material changes; direct the solicitation of quotes for project construction; and approve the license agreement with White Bear Township with non-material changes and upon advice of counsel, and authorize the Board Chair and Board Secretary to sign. Vote: Lindner: aye. Watson: aye, Ruzek: aye, Youker: aye. Motion passed.

**VII. Discussion/Updates**

Director Watson asked how much of the VLAWMO watershed is in the area covered by the White Bear Lake five-mile restriction area. Administrator Belfiori responded he believes the majority of VLAWMO is within the five-mile area. Director Watson said he has been thinking about how it affects VLAWMO and if we need to have future conversations about it. Belfiori responded the Board asked staff to investigate groundwater quantity and quality, and the 2023 budget and approved five-year partnership project table discussed at the April Board meeting have several projects to look at groundwater quantity to help regulatory partners address potential needs. He said staff are developing a pilot cost share program to help communities fund irrigation control technology and staff are planning to focus on the larger irrigation users first. He said the budget and five-year table also focuses on stormwater reuse projects, which supplement well water irrigation with surface water.

Alternate Director Ruzek emphasized the importance of water management organizations considering groundwater.

**VIII. Administration Communication**

**Discussion:**  
None

**VII. Adjourn**

A motion was made by Director Watson and seconded by Director Youker to adjourn at 8:21 pm. Vote: all aye.

Minutes compiled and submitted by Lauren Sampedro.