

















BOARD OF DIRECTORS MEETING AGENDA

7:00 PM

August 28, 2024

Vadnais Heights City Hall, Council Chambers; 800 County Road E, East, Vadnais Heights

 = requested Board action

- I. **Call to Order** Chair, Jim Lindner
- II. **Approval of Agenda** 
- III. **Approval of June 26, 2024 Board Meeting Minutes** 
 - A. June 26, 2024 Board Meeting Minutes – [Link](#)
 - B. February 28, 2024 Board Meeting Minutes – [Link](#)
- IV. **Visitors and Presentations**
 - A. TEC Report to the Board for August & Finance Report– August 2024– Terry Huntrods **3**
 - B. Public visitors – non agenda items
- V. **Consent Agenda**  *Directors may request to move any item to business agenda for discussion*
 - A. Update on TEC Approved Spent Lime Demonstration Project Final Invoice **13**
 - B. Consider RCWD Proposed Boundary Change Concurrence Resolution  **15**
 - C. Consider Landscape Level 2 Grant Program Applications (4) 
 1. LL2 2024-04 City of Vadnais Heights Smart Irrigation Controllers **19**
 2. LL2 2024-05 Villas of Wilkinson Lake HOA Smart Irrigation Controllers **23**
 3. LL2 2024-06 City of Gem Lake Smart Irrigation Controller **27**
 4. LL2 2024-07 Pine Meadow HOA Smart Irrigation Controllers **31**
 - D. Consider Transfer of LL1 Program Funding to LL2 Program Budget  **35**
 - E. Consider Biannual RFP for Required Solicitation for Engineering Services  **37**
 - F. Consider Biannual RFP for Required Solicitation of Legal Services  **39**
 - G. Consider Rotary Park CPL Grant Application Submission  **41**
 - H. Update on TEC Approved Scope of Work for Wilkinson Project Enhancement with NST **43**
 - I. Consider Authorizing Hiring Process for Communication and Outreach Coordinator Position  **45**
 - J. Consider Authorizing Nick Voss Severance Payment  **47**
 - K. Update on Amelia Invasive Flowering Rush Treatment with RCSWCD **49**
 - L. Update on BWSR Accelerated Implementation Grant Application **53**
 - M. Update on Wilkinson Possible Meander Project Feasibility with SEH and RCSWCD **55**
- VI. **Business**
 - A. **WCA**
 1. Consider WCA replacement plan for Proposed Vadnais Heights Apartments - Brian  (20 mins) **57**
 - B. **Projects and Studies/Plans**
 1. Consider Tamarack Alum Project Recommendation from Barr- Dawn  (10 mins) **119**
 2. Consider LL2 2024-08 City of WBL 2024 Curb Cut Raingardens- Lauren  (10 mins) **125**
 3. Consider Wilkinson Deep-Water Wetland Project Final Payment to Northern Escrow-Dawn  (10 mins) **131**
 - C. **Financial/Administrative**
 1. Consider 2025 SSU Rates- Phil  (10 mins) **139**
- VII. **Discussion/Administration Communication** – Nick Voss Card Signing and Optional Money Gift
- VIII. **Adjourn:** Next regular meeting: October 23, 2024

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VLAWMO Finance Summary: August 2024

Aug-24		Actual 8/1/24	Actual to Date	2024 Budget (June 2023 Board Approved)	Carry over from 2023 to 2024	Remaining in Budget	2024 Available (Dec. 2023 Board approved)	Act vs. Budget
BUDGET #	INCOME							
5.11	Storm Water Utility	\$617,691	\$673,987	\$1,145,431	\$0	\$471,444	\$1,145,431	59%
5.12	Service Fees			\$1,000	\$0	\$1,000	\$1,000	0%
5.13	Interest + mitigation acct	\$5,019	\$40,432	\$30,000	\$0	(\$10,432)	\$30,000	135%
5.14	Misc. income - WCA admin & other	\$28,150	\$48,290	\$3,000	\$0	(\$45,290)	\$3,000	1610%
5.15	Other Income Grants/loan		\$56,456	\$365,000	\$0	\$308,544	\$365,000	15%
5.16	Transfer from reserves			\$791,380	\$193,062	\$984,442	\$984,442	0%
	TOTAL	\$650,860	\$819,165	\$2,335,811	\$193,062	\$1,709,708	\$2,528,873	35%
EXPENSES								
3.1	Operations & Administration							
3.110	Office - rent, copies, post tel supplies	\$2,159	\$16,201	\$32,239	\$0	\$16,038	\$32,239	50%
3.120	Information Systems	\$1,571	\$13,167	\$33,850	\$0	\$20,683	\$33,850	39%
3.130	Insurance	\$11,329	\$11,329	\$10,050	\$0	(\$1,279)	\$10,050	113%
3.141	Consulting - Audit		\$20,171	\$12,000	\$7,000	(\$1,171)	\$19,000	106%
3.142	Consulting - Bookkeeping	\$45	\$358	\$1,500	\$0	\$1,142	\$1,500	24%
3.143	Consulting - Legal		\$591	\$7,000	\$0	\$6,409	\$7,000	8%
3.144	Consulting - Eng. & Tech.	\$3,239	\$10,067	\$30,000	\$20,000	\$39,933	\$50,000	20%
3.150	Storm Sewer Utility		\$9,571	\$22,500	\$0	\$12,929	\$22,500	43%
3.160	Training (staff/board)	\$449	\$974	\$14,250	\$0	\$13,276	\$14,250	7%
3.170	Misc. & mileage	\$286	\$1,897	\$6,930	\$0	\$5,033	\$6,930	27%
3.191	Administration - staff	\$32,421	\$242,648	\$435,554	\$0	\$192,906	\$435,554	56%
3.192	Employer Liability	\$9,898	\$71,615	\$129,869	\$0	\$58,254	\$129,869	55%
3.2	Monitoring and Studies							
3.210	Lake and Creek lab analysis	\$2,872	\$9,831	\$18,000	\$0	\$8,169	\$18,000	55%
3.220	Equipment		\$120	\$3,000	\$0	\$2,880	\$3,000	4%
3.230	Wetland assessment & management			\$15,000	\$0	\$15,000	\$15,000	0%
3.240	Watershed planning /special study	\$2,439	\$32,191	\$100,000	\$15,000	\$82,809	\$115,000	28%
3.3	Education and Outreach							
3.310	Public Education		\$2,026	\$6,000	\$0	\$3,974	\$6,000	34%
3.320	Comm., Outreach & Marketing	\$939	\$5,699	\$20,000	\$2,000	\$16,301	\$22,000	26%
3.330	Community Blue Ed Grant			\$8,000	\$0	\$8,000	\$8,000	0%
<i>Total Core functions: Ops, Monitoring, Education</i>		<i>\$67,647</i>	<i>\$448,456</i>	<i>\$905,742</i>	<i>\$44,000</i>	<i>\$501,286</i>	<i>\$949,742</i>	<i>47%</i>
Capital Improvement Projects and Programs								
3.4	Subwatershed Activity							
3.410	Gem Lake			\$25,000	\$10,000	\$35,000	\$35,000	
3.420	Lambert Creek		\$11,895	\$90,000	\$0	\$78,105	\$90,000	13%
3.421	Lambert Lake Loan		\$19,284	\$38,569	\$0	\$19,285	\$38,569	50%

3.425	Goose Lake		\$46,856	\$85,000	\$0	\$38,144	\$85,000	55%
3.430	Birch Lake		\$1,150	\$48,000	\$0	\$46,850	\$48,000	2%
3.440	Gilf Black Tam Wilk Amelia	\$5,949	\$105,724	\$345,000	\$60,000	\$299,276	\$405,000	26%
3.450	Pleasant Charley Deep	\$1,320	\$62,721	\$145,000	\$0	\$82,279	\$145,000	43%
3.460	Sucker Vadnais		\$50,035	\$90,000	\$33,000	\$72,965	\$123,000	41%
3.48	Programs							
3.480	Soil Health Grant	\$1,860	\$5,878	\$10,500	\$4,500	\$9,122	\$15,000	39%
3.481	Landscape 1		\$5,000	\$40,000	\$16,263	\$51,263	\$56,263	9%
3.482	Landscape 2/BWSR WBF	\$4,120	\$9,238	\$60,000	\$25,299	\$76,061	\$85,299	11%
3.483	Project Research & feasibility			\$5,000	\$0	\$5,000	\$5,000	0%
3.485	Facilities Maintenanc/ Pub. Ditch Main.	\$56	\$5,849	\$78,000	\$0	\$72,151	\$78,000	7%
3.5	Regulatory							
3.510	Engineer Plan review			\$5,000	\$0	\$5,000	\$5,000	0%
	<i>Total CIP & Program</i>	\$13,305	\$323,630	\$1,065,069	\$149,062	\$890,501	\$1,214,131	27%
	Total of Core Operations & CIP	\$80,952	\$772,086	\$1,970,811	\$193,062	\$1,391,787	\$2,163,873	36%

Fund Balance	7/1/2024	8/1/2024
4M Account	\$351,486	\$928,830
4M Plus Savings	\$246,577	\$247,672
Total	\$598,063	\$1,176,502

Restricted funds	8/1/2024
Mitigation Savings	\$21,026
Term Series	\$300,000

Vadnais Lake Area Water Management Organization
Check Detail

10:46 AM

08/06/2024

July 11 through August 14, 2024

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Check	eft	07/24/2024	US Bank		Checking - 1987		-45.22
				3.142 · Bookkeeping help		-45.22	45.22
TOTAL						-45.22	45.22
Check	5825	08/14/2024	Lauren Sampedro		Checking - 1987		-45.09
				3.170 · Misc. & mileage		-45.09	45.09
TOTAL						-45.09	45.09
Check	5826	08/14/2024	Dawn Tanner		Checking - 1987		-64.32
				3.170 · Misc. & mileage		-64.32	64.32
TOTAL						-64.32	64.32
Check	5827	08/14/2024	Nicholas Voss		Checking - 1987		-179.78
				3.170 · Misc. & mileage		-19.65	19.65
				3.160 · Training (staff/board)		-48.76	48.76
				3.320 · Marketing		-111.37	111.37
TOTAL						-179.78	179.78
Check	5828	08/14/2024	Brian Corcoran		Checking - 1987		-156.78
				3.170 · Misc. & mileage		-156.78	156.78
TOTAL						-156.78	156.78
Check	5829	08/14/2024	RMB Environmental Laboratories, Inc.		Checking - 1987		-3,038.94
				3.210 · Lake & Creek lab analysis		-564.30	564.30
				3.210 · Lake & Creek lab analysis		-58.59	58.59
				3.210 · Lake & Creek lab analysis		-147.35	147.35
				Wilk 319 cash match \$182,137		-196.46	196.46
				3.210 · Lake & Creek lab analysis		-1,431.65	1,431.65
				3.210 · Lake & Creek lab analysis		-564.30	564.30
				3.210 · Lake & Creek lab analysis		-76.29	76.29
TOTAL						-3,038.94	3,038.94
Check	5830	08/14/2024	Houston Engineering, Inc		Checking - 1987		-3,698.00
				Wilk 319 cash match \$182,137		-1,258.50	1,258.50
				3.240 · Watershed Plan Amendment		-2,439.50	2,439.50
TOTAL						-3,698.00	3,698.00
Check	5831	08/14/2024	Barr Engineering Co		Checking - 1987		-4,758.90
				3.440 · Gilfillan Black Tamarack Wilkin		-1,520.00	1,520.00
				3.144 · Eng. & Tech.		-1,022.10	1,022.10

			3.144 · Eng. & Tech.	-2,216.80	2,216.80
TOTAL				<u>-4,758.90</u>	4,758.90
	Check 5832	08/14/2024 SEH	Checking - 1987		-2,754.67
			3.440 · Gilfillan Black Tamarack Wilkin	-2,754.67	2,754.67
TOTAL				<u>-2,754.67</u>	2,754.67
	Check 5833	08/14/2024 City of White Bear Lake	Checking - 1987		-42,319.43
			payroll	-32,421.20	32,421.20
			Administration FICA	-2,322.24	2,322.24
			Administration PERA	-2,431.58	2,431.58
			Insurance Benefit	-4,900.08	4,900.08
			Admin payroll processing	-244.33	244.33
TOTAL				<u>-42,319.43</u>	42,319.43
	Check 5834	08/14/2024 League of MN Cities Insurance Trust P & C	Checking - 1987		-7,907.00
			3.130 · Insurance	-7,907.00	7,907.00
TOTAL				<u>-7,907.00</u>	7,907.00
	Check 5835	08/14/2024 League of MN Cities Insurance Trust WC	Checking - 1987		-3,422.00
			3.130 · Insurance	-3,422.00	3,422.00
TOTAL				<u>-3,422.00</u>	3,422.00
	Check 5836	08/14/2024 Ramsey County	Checking - 1987		-4,120.00
			3.482 · Landscape 2	-4,120.00	4,120.00
TOTAL				<u>-4,120.00</u>	4,120.00
	Check 5837	08/14/2024 Gordon Farmer	Checking - 1987		-1,250.00
			3.480 · Soil Health Grant	-1,250.00	1,250.00
TOTAL				<u>-1,250.00</u>	1,250.00
	Check 5838	08/14/2024 Carrie Gmeinder	Checking - 1987		-560.73
			3.480 · Soil Health Grant	-560.73	560.73
TOTAL				<u>-560.73</u>	560.73
	Check 5839	08/14/2024 Leslie Scherer	Checking - 1987		-48.77
			3.480 · Soil Health Grant	-48.77	48.77
TOTAL				<u>-48.77</u>	48.77
	Check 5840	08/14/2024 Metro - Inet	Checking - 1987		-1,571.00
			IT Support	-1,571.00	1,571.00
TOTAL				<u>-1,571.00</u>	1,571.00
	Check 5841	08/14/2024 carp solutions	Checking - 1987		-1,320.00

			3.450 · Pleasant Charley Deep	-1,320.00	1,320.00
TOTAL				<u>-1,320.00</u>	<u>1,320.00</u>
	Check 5842	08/14/2024 City of Vadnais Heights	Checking - 1987		-2,159.17
			Rent	-1,765.00	1,765.00
			Phone/Internet/Machine Overhead	-315.00	315.00
			Postage	-37.63	37.63
			Copies	-41.54	41.54
TOTAL				<u>-2,159.17</u>	<u>2,159.17</u>
	Check 5843	08/14/2024 Town Law Center, PLLP	Checking - 1987		-219.00
			3.440 · Gilfillan Black Tamarack Wilkin	-219.00	219.00
TOTAL				<u>-219.00</u>	<u>219.00</u>
	Check 5844	08/14/2024 HDR Engineering, Inc.	Checking - 1987		-812.87
			3.320 · Marketing	-812.87	812.87
TOTAL				<u>-812.87</u>	<u>812.87</u>

Vadnais Lake Area Water Management Organization
Profit & Loss
 July 11 through August 14, 2024

10:49 AM

08/06/2024

Cash Basis

Jul 11 - Aug 14, 24

Ordinary Income/Expense	
Income	
Misc.	28,150.00
5.1 · Income	
5.11 · Storm Water Utility	617,691.40
5.13 · Interest	5,019.14
Total 5.1 · Income	<u>622,710.54</u>
Total Income	<u>650,860.54</u>
Gross Profit	650,860.54
Expense	
3.1 · Administrative/Operations	
3.110 · Office	
Copies	41.54
Phone/Internet/Machine Overhead	315.00
Postage	37.63
Rent	1,765.00
Total 3.110 · Office	<u>2,159.17</u>
3.120 · Information Systems	
IT Support	1,571.00
Total 3.120 · Information Systems	<u>1,571.00</u>
3.130 · Insurance	11,329.00
3.142 · Bookkeeping help	45.22
3.144 · Eng. & Tech.	3,238.90
3.160 · Training (staff/board)	448.76
3.170 · Misc. & mileage	285.84
3.191 · Employee Payroll	
payrol	32,421.20
Total 3.191 · Employee Payroll	32,421.20
3.192 · Employer Liabilities	
Admin payroll processing	244.33
Administration FICA	2,322.24
Administration PERA	2,431.58
Insurance Benefit	4,900.08
Total 3.192 · Employer Liabilities	<u>9,898.23</u>
Total 3.1 · Administrative/Operations	61,397.32
3.2 · Monitoring and Studies	
3.210 · Lake & Creek lab analysis	2,872.48
3.240 · Watershed Plan Amendment	2,439.50
Total 3.2 · Monitoring and Studies	<u>5,311.98</u>
3.3 · Education and Outreach	
3.320 · Marketing	939.24
Total 3.3 · Education and Outreach	<u>939.24</u>

3.4 · Capital Imp. Projects/Programs	
3.440 · Gilfillan Black Tamarack Wilkin	
Wilk 319 cash match \$182,137	1,454.96
3.440 · Gilfillan Black Tamarack Wilkin - Other	4,493.67
Total 3.440 · Gilfillan Black Tamarack Wilkin	<u>5,948.63</u>
3.450 · Pleasant Charley Deep	1,320.00
Total 3.4 · Capital Imp. Projects/Programs	<u>7,268.63</u>
3.48 · Programs	
3.480 · Soil Health Grant	1,859.50
3.482 · Landscape 2	4,120.00
3.485 · Facilities & Maintenance	55.90
Total 3.48 · Programs	<u>6,035.40</u>
Total Expense	<u>80,952.57</u>
Net Ordinary Income	<u>569,907.97</u>
Net Income	<u><u>569,907.97</u></u>

Vadnais Lake Area Water Management Organization
Custom Transaction Detail Report
 June 1 through August 1, 2024

10:44 AM

08/06/2024

Accrual Basis

Type	Date	Num	Name	Memo	Account	Clr	Split	Amount	Balance
Jun 1 - Aug 1, 24									
Credit Card Charge	06/04/2024		Google*SVCAPPS_VLAWM		US Bank CC	√ WEB		42.00	42.00
Credit Card Charge	06/10/2024		adobe *photography plan		US Bank CC	√ Software		9.99	51.99
Credit Card Charge	06/12/2024		US Post Office	monitoring supplies	US Bank CC	√ 3.220 · Equipment		25.84	77.83
Transfer	06/20/2024			Funds Transfer	US Bank CC	√ Checking - 1987		-1,160.27	-1,082.44
Credit Card Charge	06/21/2024		Prairie Restorations	plant for remnent	US Bank CC	√ 3.485 · Facilities & Maintenance		14.91	-1,067.53
Credit Card Charge	06/25/2024		Adobe "Creative Cloud		US Bank CC	√ Software		32.50	-1,035.03
Credit Card Charge	07/02/2024		ESRI	ArcGIS yearly fee	US Bank CC	√ IT Systems - Hardware		819.00	-216.03
Credit Card Charge	07/02/2024		Google*SVCAPPS_VLAWM		US Bank CC	√ WEB		42.00	-174.03
Credit Card Charge	07/08/2024		adobe *photography plan		US Bank CC	√ Software		9.99	-164.04
Credit Card Charge	07/09/2024		US Post Office	aquatic veg testing	US Bank CC	3.210 · Lake & Creek lab analysis		16.44	-147.60
Credit Card Charge	07/16/2024		MN Association of Gov. Communicators	nick webinar	US Bank CC	3.320 · Marketing		15.00	-132.60
Credit Card Charge	07/18/2024		pdl ccapsconf3	Dawn 2024 WR Conf.	US Bank CC	3.160 · Training (staff/board)		400.00	267.40
Credit Card Charge	07/23/2024		Ace Hardware	roundup	US Bank CC	3.485 · Facilities & Maintenance		29.94	297.34
Credit Card Charge	07/23/2024		Ace Hardware	5 gal buckets	US Bank CC	3.485 · Facilities & Maintenance		25.96	323.30
Credit Card Charge	07/25/2024		hologram	account refill	US Bank CC	3.210 · Lake & Creek lab analysis		30.00	353.30
								353.30	353.30
Jun 1 - Aug 1, 24									

TEC Report to Board - August 2024

Programs & Projects	Effort Level		Completion Date	Comments	Administration & Operation	
	LOW	MED			2024	2025
Projects						
E. Vadnais Lake Subwatershed Resiliency Study			ongoing	Staff are working with the City of Vadnais Heights on Phase 2 of the E. Vadnais Lake Subwatershed Resiliency Study, which includes further investigation of the recommended BMPs identified in the study. SEH has completed additional field services and design work that is under staff review.	Audit	2024
Oak Knoll Pond/Wood Lake			2024	Spent time applications complete; monitoring ongoing and report from Barr anticipated.	Budget	for 2025 budget
Polar Lake Park Reuse Study			Mid Late 2024	Study approved by VLAWMO Board in April. Discussions with WBT on possible grant application development ongoing.	Personnel /HR	ongoing
MPDA 319 /Wilkinson Lake BMPs			2024	Eagle monitoring completed (2 chicks fledged); WQ monitoring ongoing, final pay request expected by Aug. Board, enhancement underway with NST. Planning underway for next round grant project.	SSU	ongoing
Pleasant Lake Carp Management			ongoing	Planning for 2025 underway.	Strategic /watershed planning	2023-2025
Tamarack Alum Project			2024	Discussions underway with Barr Engineering and RC Parks to consider a possible alternative contractor.		
Programs						
City/Township MS4			July	New roots display, promoted to MS4 partners for support in Minimum Control Measure #1.		
Education/Outreach			June-Aug	White Bear Lake summer school program visit completed. New neighborhood spotlight article featuring a lo-mow lawn.		
Website			Aug - Sept	New website renovation in progress. Launch expected 9/24. Expression of new Watershed Management Plan phases, updates, and survey results posted on existing website.		
WAV			July - August	July and August Neighborhood tour series promoting water-friendly landscaping and VLAWMO Landscape Grant program. Local BMP Leaders effort now active, helping facilitate conversations and welcome prospective grant applicants into the mindset of sustainable landscaping. BMP Leaders help supplement staff consultations with residents, providing a space to learn and strategize and make applying for a VLAWMO grant more efficient.		
Cost Share & BWSR WBIF			ongoing	The public continues to show interest in projects and the VLAWMO grant programs. Funding for all grant programs is almost fully allocated for the year, with the Soil Health Grant Program funding unavailable for the rest of 2024. Site visits continue including visits to close out awarded grant projects. Discussion with HOAs on smart irrigation controllers is ongoing. Continuing to work on potential projects for the BWSR WBIF grant program with partners, including curb out rain gardens in White Bear Lake and a water quality project at the White Bear Lake Sports Center.		
GIS			ongoing	Updating the online GIS viewer as needed and creating maps for the new website.		
Monitoring			ongoing	2024 season underway		
WCA			ongoing	Administering WCA as needed.		

The approved 2024 SSU certifications have been submitted to Anoka and Ramsey County.

Draft phase underway.

FINANCIAL SUMMARY as of 8/1/2024

4M Account (1.10)	4M Plus (1.23)	Total
\$928,830	\$247,672	\$1,176,502

Budget Summary	Actual Expense YTD	2024 Budget "working"	Remaining in Budget	% YTD
Operations	\$448,456	\$949,742	\$501,286	47%
CIP	\$323,630	\$1,214,131	\$890,501	27%
Total	\$772,086	\$2,163,873	\$1,391,787	36%

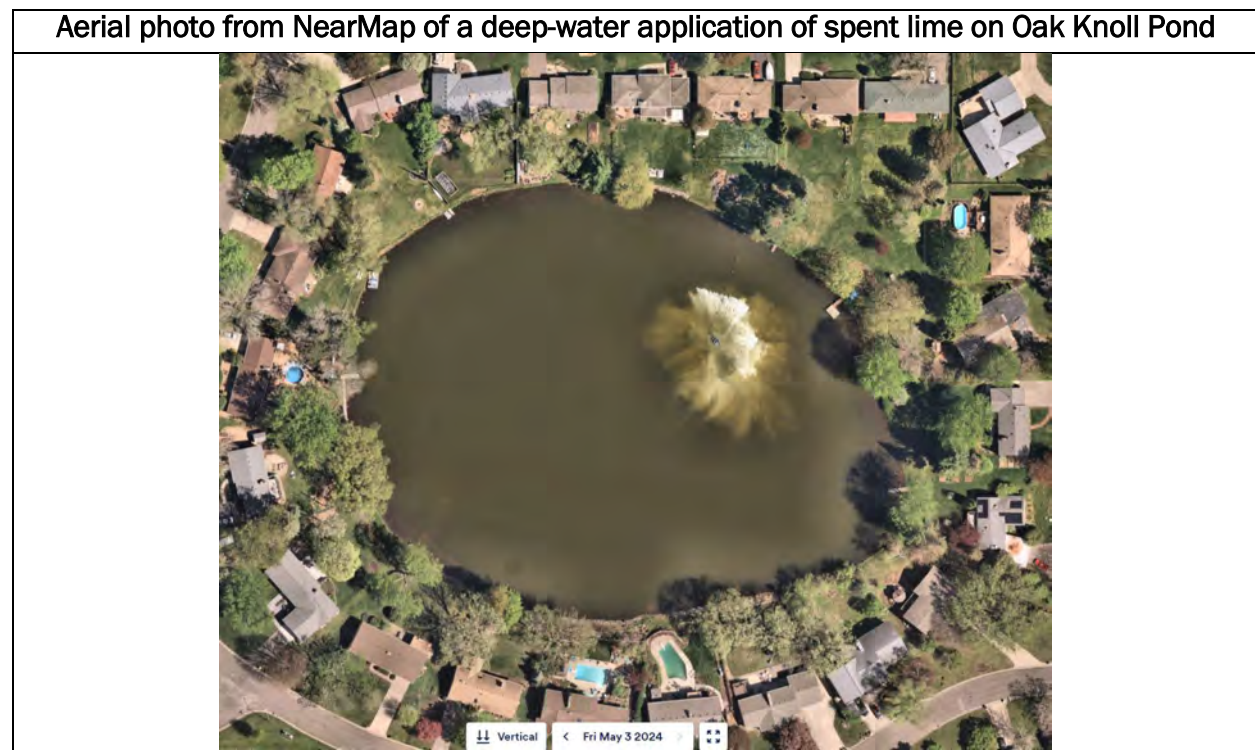
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To: VLAWMO Board of Directors
From: Dawn Tanner, Phil Belfiori, and Greg Wilson
Date: August 21, 2024
Re: **V. A.:** TEC Approved Spent Lime Demonstration Project final invoice

A request for final payment (Payment #4) was approved by Barr and received by VLAWMO, paid at the recommendation of the TEC at the August meeting, and is included in the packet for reference. The request included 9 spent lime loads, which constituted the remaining required dose in Zone 1 and completion of the project.

The project is now complete with Erosion Works. Barr Engineering has received monitoring data during application of spent lime from fall 2023 and spring/summer 2024. An interim memo/report is anticipated from Barr for the October Board meeting. VLAWMO is continuing to collect monitoring data and provide that to Barr Engineering to determine longevity of the spent lime application.

See the photo below for an image of an in-process deep-water application as it was in process.



Attachment:

1. Barr Memo: Recommended Payment #4 for Oak Knoll Pond Spent Lime Application-
https://www.vlawmo.org/index.php/download_file/4995/

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To: VLAWMO Board

From: Phil Belfiori

Date: August 21, 2024

Re: V. B. 1. Consider resolution authoring letter of concurrence to RCWD related to proposed boundary changes.

The purpose of this memo is to request VLAWMO Board consideration of a resolution authorizing the staff to submit a letter of concurrence to Rice Creek Watershed District (RCWD) for inclusion with the RCWD petition to the Board of Water and Soil Resources for boundary changes.

Background

RCWD analyzed and identified certain discrepancies in the common boundary between RCWD and VLAWMO. These discrepancies arise because of differences between the boundaries as established by state order and the hydrologic boundaries as determined by modern mapping information. Using the recently updated hydrologic boundaries, the RCWD prepared a map identifying recommended changes to their legal boundary that most closely match the updated hydrologic boundaries, within statutory and practical limitations. Water Management Organizations (WMOs) and cities that are affected by these changes were given an opportunity to review and provide comments on the revised legal boundary map and affected parcel listing. RCWD has adjusted the proposed legal boundary per comments received from the VLAWMO staff and our engineer SEH. VLAWMO staff and SEH engineers concur with the adjusted proposed boundary changes (see attached technical review memo from SEH). The RCWD intends to initiate the boundary change process under MS 103B.215, which includes written statement of concurrence from each underlying city and affected WMO, and a petition to the Board of Soil and Water Resources. This eventually will result in an update to the County's tax assignments to reflect enacted changes.

Recommendation

Staff recommends that the VLAWMO Board adopt the attached resolution authorizing staff to submit a letter of concurrence to RCWD for inclusion with their petition to the Board of Water and Soil Resources for boundary changes.

Requested Board Action

Director _____ moves and Director _____ Seconds approve Resolution 02- 2024

Attached

1. Resolution 02- 2024
2. Proposed letter of concurrence
3. SEH technical review memo
4. VLAWMO map book: https://www.vlawmo.org/index.php/download_file/4991/
5. Changing parcel list: https://www.vlawmo.org/index.php/download_file/4992/

RESOLUTION 02-2024

VLAWMO

APPROVAL OF LETTER OF CONCURRENCE FOR WATERSHED DISTRICT BOUNDARY CHANGE/ADJUSTMENT

WHEREAS, Rice Creek Watershed District (“RCWD”) has analyzed and identified certain discrepancies in the common boundary between the **VLAWMO** and the RCWD. The discrepancies arise because of differences between the boundaries as established by State order and the hydrologic boundaries as determined by modern mapping information;

WHEREAS, RCWD has developed a revised boundary for inclusion in a petition to the Board of Water and Soil Resources for boundary change;

WHEREAS, RCWD has presented the revised boundary for consideration by the **VLAWMO**;

WHEREAS, the RCWD Engineer has prepared a revised watershed district boundary map and affected parcel listing (**see attachment**) which have been considered by the VLAWMO;

WHEREAS, Minnesota Statute 103B.215, requires a petition for boundary change to be accompanied by a written statement of concurrence in the petition from the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred;

WHEREAS, RCWD has requested concurrence from VLAWMO in the proposed boundary change and in the filing of a petition for boundary change with the Board of Water and Soil Resources that reflects the boundary changes described in the attached map and parcel listing.

NOW THEREFORE BE IT RESOLVED BY THE VLAWMO THAT:

VLAWMO, in accordance with Minnesota Statute 103B.215, concurs with the proposed boundary changes found in the attached map and parcel listing, and authorizes its Administrator to execute the attached concurrence letter for inclusion with the RCWD petition to the Board of Water and Soil Resources for boundary change.

Adopted _____, 2024.

ATTEST:

Jim Lindner – Chair

Administrator



800 County Rd E East, Vadnais Heights, MN 55127
www.VLAWMO.org
office@vlawmo.org
(651) 204-6070

8/28 /24

Rice Creek Watershed District
ATTN: Nick Tomczik
4325 Pheasant Ridge Dr NE, Suite 611
Blaine, MN 55449

Re: Petition for Boundary Change, Rice Creek Watershed District: Letter of Concurrence

Dear Mr. Tomczik,

The VLAWMO Board of Directors has reviewed and considered the proposal to change the common boundary between the Rice Creek Watershed District and **Vadnais Lake Area Water Management Organization**. Pursuant to Resolution #02-2024, the VLAWMO Board authorized concurrence with the proposed petition to change the common boundary between the Rice Creek Watershed District and **Vadnais Lake Area Water Management Organization**.

Your point of contact regarding this concurrence is Phil Belfiori, Administrator at Phil.Belfiori@vlawmo.org

Sincerely,

Phil Belfiori, Administrator



MEMORANDUM

TO: Phil Belfiori, Administrator
Vadnais Lake Area Water Management Organization (VLAWMO)

FROM: Riley Mondloch, PE, CFM (Lic. IN, KY, MN, NV, TN, WI)
Emily Jennings, PE (Lic.MN)
SEH

DATE: July 25, 2024

RE: RCWD Boundary Update Review
SEH No. 165433 14.00

INTRODUCTION

The Vadnais Lake Area Water Management Organization (VLAWMO) and Rice Creek Watershed District (RCWD) share a hydrologic boundary of approximately 19-20 miles (measured at a scale of 1:60,000). On behalf of RCWD, Houston Engineering Inc. (HEI) revised the hydrologic boundary to address any discrepancies in April 2021. SEH completed a review of these boundaries and provided comments in April 2022. HEI has since developed a draft GIS dataset containing revised legal boundaries based on the updates made to the hydrologic boundaries. This memo details the review conducted in 2024 by SEH of these legal boundaries as requested by VLAWMO.

GENERAL REVIEW COMMENTS & METHODOLOGY

The provided list of changing property index numbers (PINs) was checked for consistency with the map book. This was completed by exporting the GIS shapefile table from the changing parcels polygon on the VLAWMO/RCWD boundary and comparing it to the provided PIN list in Excel. This comparison showed that the provided table matches the shapefile and contains the exact same list of properties. The “New District” fields were spot checked in Excel between the provided table and shapefile. Next, the shapefile was visually compared to the provided map book; no differences between the shapefile and map book were noted.

Additionally, the watershed boundary was compared to the county parcel data to verify that parcels are changing district consistently with the revised hydrologic boundary. Workbook pages below 24 were not reviewed as they are outside the area where RCWD borders VLAWMO.

SEH completed the review using the following process to check the changing parcels:

- A GIS “union” calculation was done between the revised RCWD hydrologic boundary and parcel shapefile.
- The area was calculated for all parcels split by the line; the area calculations were then used to label the area of parcels in each legal boundary.
- The length of the VLAWMO/RCWD border was reviewed manually to identify any properties that did not appear to be in the correct legal boundary based on the hydrologic boundary.

In order to review all parcels along the revised boundary, Ramsey and Anoka County GIS parcel data were obtained online from their respective public GIS records because property boundaries provided from HEI only included the parcels that were changing legal district. No significant discrepancies were noted.

RM/EKJ

x:\uz\v\vadla\165433\5-final-dsgn\50-final-dsgn\50-hydro\rcwd revised boundary review\2024_legalboundaryreview\vlawmo legal boundary review 6-28-2024.docx

To: VLAWMO Board of Directors

From: Lauren Sampedro, Watershed Technician & Program Coordinator

Date: August 19, 2024

Re: **V.C.1.** Consider Landscape Level 2 2024-04 City of Vadnais Heights Smart Irrigation Controllers Grant Application

Introduction

LL2 2024-04 City of Vadnais Heights Smart Irrigation Controllers

- Applicant: City of Vadnais Heights
- Location: Vadnais Heights City Hall and Kohler Meadows Park
- Project Type: Smart Irrigation Controllers
- Total Estimated Project Cost: \$8,177.00
- VLAWMO Grant Recommendation: 90%, up to \$7,359.30

Background

This application builds on the 2023 partnership with the City of Vadnais Heights on installing smart irrigation controllers at public properties owned by the City to reduce groundwater usage. The application proposes new smart irrigation controller systems at the Vadnais Heights City Hall and the City's Kohler Meadows Park. In 2023, a trial Baseline-brand smart irrigation controller was piloted by the City at its City Hall site. It was loaned from Peterson Companies and now the City is ready to purchase its own smart irrigation controller at City Hall.

After the City's 2023 smart irrigation controller project, the City found it prefers the weather-based Hunter smart irrigation controllers over the soil-based Baseline smart irrigation controller type, which were tested during that project. As part of this proposed project, the irrigation system at the City Hall will be upgraded to a newer-technology Hunter smart irrigation controller. The existing irrigation system at the City's Kohler Meadows Park will also be upgraded to give it smart capabilities and to install a flow sensor. Similar to the City's 2023 project, a grant agreement requiring annual reporting to VLAWMO will be required to gather information on the possible groundwater conservation benefits of smart irrigation controllers.

The applicant obtained two bids for the project below:

- Horticulture Services: \$8,736.25
- Peterson Companies: \$8,177.00

The estimated project costs and proposed grant award are based on Peterson Companies' low bid. This project was discussed at the TEC meeting on July 10th. The TEC did not express any concerns about the project and recommended approval.

Staff Recommendation

Staff recommend the VLAWMO Board of Directors approve Landscape Level 2 Grant funds for the 2024-04 City of Vadnais Heights Smart Irrigation Controllers.

Proposed Motion

It was moved by Director _____ and seconded by Director _____ to approve the Landscape Level 2 grant application 2024-04 at 90% of eligible project expenses, not to exceed \$7,359.30 in accordance with

VLAWMO staff's recommendation and established program guidelines, and to authorize staff to sign the grant agreement with the City of Vadnais Heights.

Attachments

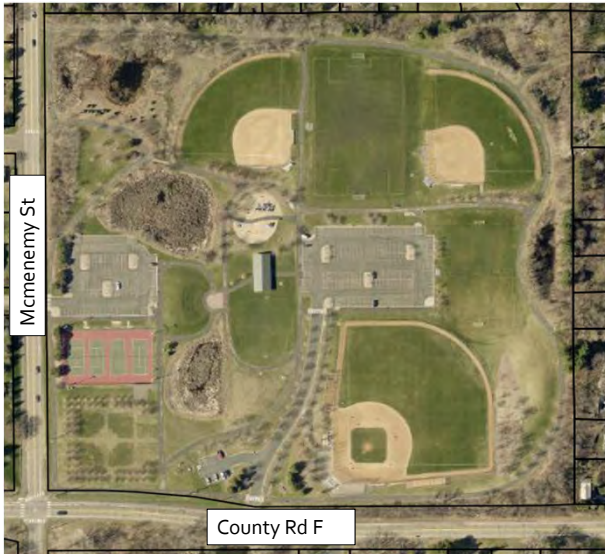
- Application packet: https://www.vlawmo.org/index.php/download_file/4987/
- PowerPoint slides

V.C.1. City of Vadnais Heights Smart Irrigation Controllers LL2 2024-04 Grant Application

Lauren Sampedro
Board of Directors
8/28/2024



LL2 2024-04 Location Aerial



Kohler Meadows Park



Vadnais Heights City Hall

Bid Summary



- **City Hall:**
 - Install new Hunter ACC2 smart controller and cell/wifi module
- **Kohler Meadows Park**
 - Install new Hunter ACC2 controller and cell/wifi module
 - Install flow sensor
- **Technician Install Labor**

Total Bid from Horticulture Services: \$8,736.25

Total Bid from Peterson Companies: \$8,177.00

Proposed Motion



It was moved by _____ and seconded by _____ to approve the Landscape Level 2 Grant Application 2024-04 at 90% of eligible project expenses, not to exceed \$7,359.30 in accordance with VLAWMO staff's recommendation and established program guidelines, and to authorize staff to sign grant agreement with the City of Vadnais Heights.

To: VLAWMO Board of Directors

From: Lauren Sampedro, Watershed Technician & Program Coordinator

Date: August 19, 2024

Re: **V.C.2.** Consider Landscape Level 2 2024-05 Villas of Wilkinson Lake HOA Smart Irrigation Controller Grant Application

Introduction

LL2 2024-05 Villas of Wilkinson Lake HOA Smart Irrigation Controller

- Applicant: Villas of Wilkinson Lake HOA
- Location: Villas of Wilkinson Lake neighborhood including:
 - Osprey Ct, Kestrel Ct, Phoebe Ln, North Oaks
- Project Type: Smart Irrigation Controllers
- Total Estimated Project Cost: \$35,465.00
- VLAWMO Grant Recommendation: 50%, up to \$17,732.50

Background

This application continues VLAWMO's efforts to partner with larger irrigation users like HOAs to reduce water usage. The application proposes the installation of new smart irrigation controllers that serve an 18-acre neighborhood in North Oaks. The project area includes 51 homes and is located within the North and East Metro Groundwater Management Area.

The HOA has been actively monitoring its water usage since 2020 and had an irrigation audit completed in 2023. The irrigation audit found several issues like leaky seals on irrigation heads, irrigation heads watering areas beyond turfgrass, and inefficient irrigation head placement causing overwatering. The audit recommended fixing these issues and installing new smart irrigation controllers. This project would implement the recommendations from the audit. The existing irrigation system will be upgraded to newer-technology Hunter smart irrigation controllers with flow sensors and weather-based sensors to reduce water use. The smart irrigation controllers would allow the HOA to have more control over the system. VLAWMO will work with the HOA to gather data on water usage to determine smart irrigation controllers' water conservation benefits.

The applicant obtained three bids for the project below:

- Prescription Landscape: \$91,125.39
- Horticulture Services: \$39,716.07
- Williston Irrigation: \$35,465.00

The estimated project costs and proposed grant award are based on Williston Irrigation's low bid. This project was discussed at the TEC meeting on August 14th. The TEC did not express any concerns about the project and recommended approval.

Staff Recommendation

Staff recommend the VLAWMO Board of Directors approve Landscape Level 2 Grant funds for the 2024-05 Villas of Wilkinson Lake HOA Smart Irrigation Controllers.

Proposed Motion

It was moved by Director _____ and seconded by Director _____ to approve the Landscape Level 2 grant application 2024-05 at 50% of eligible project expenses, not to exceed \$17,732.50 in accordance with VLAWMO staff & TEC's recommendations and available budget, and to authorize staff to sign the grant agreement with the Villas of Wilkinson Lake HOA.

Attachments

- Application packet: https://www.vlawmo.org/index.php/download_file/4988/
- PowerPoint slides

V.C.2. Villas of Wilkinson Lake HOA Smart Irrigation Controllers LL2 2024-05 Grant Application

Lauren Sampedro
Board of Directors
8/28/2024



LL2 2024-05 Location Aerial



Bid Summary



2024 Irrigation Smart Controller Bids

	Horticulture Services	Prescription Landscape	Williston Irrigation
Product Type	Weathermatic	RainBird ESP	Hunter HCC Hydrawise
Wire System	2-wire	2-wire	
Master Valve / Flow Sensor	YES	YES	YES
Total Premium	\$ 39,716.07	\$ 91,125.39	\$35,465.00

Proposed Motion



It was moved by _____ and seconded by _____ to approve the Landscape Level 2 Grant Application 2024-05 at 50% of eligible project expenses, not to exceed \$17,732.50 in accordance with VLAWMO staff's recommendation and available budget, and to authorize staff to sign grant agreement with the Villas of Wilkinson Lake HOA.

To: VLAWMO Board of Directors

From: Lauren Sampedro, Watershed Technician & Program Coordinator

Date: August 19, 2024

Re: **V.C.3.** Consider Landscape Level 2 2024-06 City of Gem Lake Smart Irrigation Controller Grant Application

Introduction

LL2 2024-06 City of Gem Lake Smart Irrigation Controller

- Applicant: White Bear Township
- Location: Gem Lake City Hall (Heritage Hall), White Bear Township
- Project Type: Smart Irrigation Controller
- Total Estimated Project Cost for Smart Irrigation: \$495.00
- VLAWMO Grant Recommendation: 90%, up to \$445.50

Background

This application proposes a new smart irrigation controller system at the City of Gem Lake's City Hall, known as Heritage Hall. White Bear Township, owner of the Heritage Hall property, is applying on behalf of the City of Gem Lake. The City currently doesn't have an irrigation system at Heritage Hall and would like to install a new smart irrigation system to ensure it is an efficient system from the start to conserve water. White Bear Township is within the North and East Metro Groundwater Management Area and the Metropolitan Council and the DNR support increasing efficiency of water use in this area.

As part of the project, one smart irrigation controller with a rain sensor will be installed for watering turfgrass areas around the Heritage Hall building. The City is only requesting funding for the smart irrigation controller components and not the set-up costs of the new irrigation system. It is anticipated that less water will be used for irrigation with the smart system compared with a conventional irrigation system. Similar to other grant-funding smart irrigation controller projects, VLAWMO would require annual reporting on water usage with the smart irrigation controller to compare with other projects.

The applicant obtained two bids for the project below:

- Fine Line Irrigation LLC: \$552.50
- Albrecht Company: \$495.00

The estimated project costs and proposed grant award are based on Albrecht Company's low bid for the smart irrigation components. This project was discussed at the TEC meeting on August 14th. The TEC did not express any concerns about the project and recommended approval.

Staff Recommendation

Staff recommend the VLAWMO Board of Directors approve Landscape Level 2 Grant funds for the 2024-06 City of Gem Lake Smart Irrigation Controller.

Proposed Motion

It was moved by Director _____ and seconded by Director _____ to approve the Landscape Level 2 grant application 2024-06 at 90% of eligible project expenses, not to exceed \$445.50 in accordance with VLAWMO staff's recommendation and established program guidelines, and to authorize staff to sign the grant agreement with White Bear Township.

Attachments

- Application packet https://www.vlawmo.org/index.php/download_file/4989/
- PowerPoint slides

V.C.3. City of Gem Lake Smart Irrigation Controller LL2 2024-06 Grant Application

Lauren Sampedro
Board of Directors
8/28/2024



LL2 2024-06 Location Aerial



Bid Summary



- **Fine Line Irrigation LLC:**

- Install new Hunter Pro-c 4 smart controller and wifi module
- Install rain sensor

Total Bid: \$8,338.28

Smart Irrigation Controller Cost: ~\$552.50

- **Albrecht Company**

- Install new Hunter HPC 4 smart controller and wifi module
- Install rain sensor

Total Bid: \$6,541.00

Smart Irrigation Controller Cost: \$495.00

Proposed Motion



It was moved by _____ and seconded by _____ to approve the Landscape Level 2 Grant Application 2024-06 at 90% of eligible project expenses, not to exceed \$445.50 in accordance with VLAWMO staff's recommendation and program guidelines, and to authorize staff to sign grant agreement with White Bear Township.

To: VLAWMO Board of Directors

From: Lauren Sampedro, Watershed Technician & Program Coordinator

Date: August 19, 2024

Re: **V.C.4.** Consider Landscape Level 2 2024-07 Pine Meadow HOA Smart Irrigation Controllers Grant Application

Introduction

LL2 2024-07 Pine Meadow HOA Smart Irrigation Controllers

- Applicant: Pine Meadow HOA
- Location: Alpine Ave and Horizon St, Vadnais Heights
- Project Type: Smart Irrigation Controllers
- Total Estimated Project Cost: \$5,503.87
- VLAWMO Grant Recommendation: 90%, up to \$4,953.48

Background

Similar to application LL2 2024-05, this application continues VLAWMO's work to partner with HOAs to reduce water usage. The applicant heard about VLAWMO's grant program through a previous grantee. The application proposes the installation of new smart irrigation controllers that serve a 5-acre neighborhood in Vadnais Heights. The project area includes 22 twin homes and is located within the North and East Metro Groundwater Management Area.

The Pine Meadow HOA's existing irrigation system is 26 years old with limited ability to monitor water usage in real-time and determine when repairs are needed. The HOA has been actively monitoring its water usage for 10 years and is concerned with observed increases in water usage. The project would upgrade the existing irrigation system with newer-technology Weathermatic smart irrigation controllers with flow sensor and weather-based sensors to reduce water use. The HOA's collected water usage data from 2014-2024 will assist VLAWMO staff and the HOA to compare water usage changes after the smart irrigation controllers are installed. The smart irrigation controllers will also allow the HOA to have more control over when lawns are irrigated and have quicker knowledge of when repairs are needed.

The applicant obtained two bids for the project below:

- Superior Landscape & Irrigation: \$5,521.14
- Horticulture Services: \$5,503.87

The estimated project costs and proposed grant award are based on Horticulture Services' low bid. This project was discussed at the TEC meeting on August 14th. The TEC did not express any concerns about the project and recommended approval.

Staff Recommendation

Staff recommend the VLAWMO Board of Directors approve Landscape Level 2 Grant funds for the 2024-07 Pine Meadow HOA Smart Irrigation Controllers.

Proposed Motion

It was moved by Director _____ and seconded by Director _____ to approve the Landscape Level 2 grant application 2024-07 at 90% of eligible project expenses, not to exceed \$4,953.48 in accordance with

VLAWMO staff & TEC's recommendations and program guidelines, and to authorize staff to sign the grant agreement with the Pine Meadow HOA.

Attachments

- Application packet: https://www.vlawmo.org/index.php/download_file/4990/
- PowerPoint slides

V.C.4. Pine Meadow HOA Smart Irrigation Controllers LL2 2024-07 Grant Application

Lauren Sampedro
Board of Directors
8/28/2024



LL2 2024-07 Location Aerial



Bid Summary



- **Superior Landscape & Irrigation:**

- Install new Hunter PHC 2400 and Rainbird smart irrigation controllers and wifi module
- Install flow sensor

Total Bid: \$5,521.14

- **Horticulture Services**

- Install new Weathermatic smart irrigation controllers and cell module
- Install flow sensor

Total Bid: \$5,503.87

Proposed Motion



It was moved by _____ and seconded by _____ to approve the Landscape Level 2 Grant Application 2024-07 at 90% of eligible project expenses, not to exceed \$4,953.48 in accordance with VLAWMO staff's recommendation and program guidelines, and to authorize staff to sign grant agreement with the Pine Meadow HOA.

To: VLAWMO Board of Directors

From: Lauren Sampedro, Watershed Technician & Program Coordinator

Date: August 20, 2024

Re: **V. D.** Consider Transfer of LL1 Program Funding to LL2 Program Budget

Introduction

The Landscape Level 1 and Landscape Level 2 Grant programs allow for the transfer of funds between the programs based on demand. Staff are requesting Board approval to transfer \$20,000 from the Landscape Level 1 budget to the Landscape Level 2 budget in response to program demand.

Background

Grant program demand varies from year-to-year and in 2024 VLAWMO staff have received a high demand for Landscape Level 2 Grant program projects, especially smart irrigation controller projects. The 2024 budget for the Landscape Level 1 Grant program currently has \$41,263.00 in undesignated funds and the Landscape Level 2 Grant program would be fully depleted to meet demand. Staff would like to transfer \$20,000 from the Landscape Level 1 undesignated funds to the Landscape Level 2 Grant program budget to support the implementation of more partnership projects.

The Landscape Level 1 and 2 Grant program policies state that “The VLAWMO Board of Directors may shift grant funding amounts between LL1 and LL2 program budgets.”

Staff Recommendation

VLAWMO staff recommend the Board of Directors approve the transfer of \$20,000 from the Landscape Level 1 Grant Program budget to the Landscape Level 2 Grant Program budget.

Proposed Motion

It was moved by Director _____ and seconded by Director _____ to approve the transfer of \$20,000 from the Landscape Level 1 Grant Program budget to the Landscape Level 2 Grant Program budget.

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To: VLAWMO Board
From: Phil Belfiori VLAWMO Administrator
Date: August 21, 2024
Re: **Consent V. E.** 2025- 2026 Biannual Engineering Professional Services solicitation

Background

As per Minnesota Rules 8410, the VLAWMO is required to biannually solicit for engineering professional services. As in past years, we plan to published notice in the official newspapers of the VLAWMO, notice in LMC website and send notice to consulting firms that have either experience with VLAWMO or requested a notice. Again for this biennium period (2025 -26) staff is proposing continuance of the VLAWMO engineering “pool” list which is a formal list of firms that were not selected as the VLAWMO general engineer that the VLAWMO may draw on for special project and services. This engineering pool essentially pre-qualifying firms to perform work for the VLAWMO for any specialty and or technical work area at the discretion of the administrator.

The request requires a proposal submitted which would include qualifications of the primary consultants, billing rates for all included staff, experience and technical capacity of the firm in relation to key water management areas, references, and VLAWMO experience with the engineering firm.

Attached to this memo is the request for proposal for 2025 /26 engineering services, the notice of request for professional services to be published in the VLAWMO official newspaper and a copy of the letter provided to those interested parties. The documents identify that the proposals should be submitted to the VLAWMO by September 27, 2024. The review and recommendation is anticipated at the October 23, 2022 Board meeting. Also attached is a contract for engineering service which would be executed (pending advice of counsel) with the engineering firm selected as VLAWMO general engineer. Any other firms that submit a proposal and are not selected will be placed in the VLAWMO engineering pool.

Requested Board Action

Authorize Staff to solicit for engineering services for 2025 and 2026.

Attachments:

1. Draft Request for proposal
https://www.vlawmo.org/index.php/download_file/4996/
2. Draft Notice for Newspaper /LMC:
https://www.vlawmo.org/index.php/download_file/4997/
3. Draft engineering professional services contract
https://www.vlawmo.org/index.php/download_file/4998/

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To: VLAWMO Board
From: Phil Belfiori VLAWMO Administrator
Date: August 21, 2024
Re: **Consent V. F.** 2025- 2026 Biannual Legal Professional Services Solicitation

Background

Pursuant to Minnesota Statute 103B, VLAWMO is required to noticed and advertised a Request for Proposal (RFP) for legal services for 2025 and 2026. The purpose of the program is to provide legal counsel services on an “as needed” basis. The selected legal firm would enter into a contract for a 2-year period. As in years past the advertisement for the RFP will be placed in the Legal of MN Cities marketplace, the White Bear Press, noticed at the offices and placed on the VLAWMO web page.

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

Requested Board Action

Authorize Staff to solicit for Legal services for 2025 and 2026.

Attachments: All 4 attachments below are linked here :

1. Draft Request for proposal
https://www.vlawmo.org/index.php/download_file/4999/
2. Draft Notice for Newspaper
https://www.vlawmo.org/index.php/download_file/5000/
3. Draft Notice for LMC
https://www.vlawmo.org/index.php/download_file/5001/
4. Draft Notice for office
https://www.vlawmo.org/index.php/download_file/5002/

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To: VLAWMO Board of Directors
From: Dawn Tanner
Date: August 21, 2024
Re: **V. G.:** Consider Rotary Park CPL grant application submission

The Conservation Partners Legacy (CPL) grant program with the Minnesota Department of Natural Resources is now open for projects beginning in 2025.

The Conservation Partners Legacy (CPL) Grant Program funds conservation projects that restore, enhance, or protect forests, wetlands, prairies, and habitat for fish, game, and wildlife in Minnesota. Funding for the CPL grant program is from the Outdoor Heritage Fund, created by the people of Minnesota. The CPL Program has been recommended by the L-SOHC to (and approved by) the MN Legislature annually since 2009.

The Minnesota DNR manages this reimbursable program to provide competitive matching grants from \$5,000 to \$500,000 to local, regional, state, and national nonprofit organizations, including government entities.

VLAWMO has previously partnered with the cities of White Bear Lake and Vadnais Heights on 3 successful expedited grants (CPL grants under \$50,000).

- Native seeding at 4th and Otter Lake Road (WBL) funded in 2019
- Native plant enhancement at 4th and Otter Lake Road (WBL) funded in 2021
- Native seeding at City Hall Wooded Wetland (VH) funded in 2023

VLAWMO and the City of WBL are preparing an application for the 5-year wetland restoration at Rotary Park. The plan for this work was prepared in partnership between the City of WBL and VLAWMO with Natural Shore Technologies. The final report and budget was presented to the Board at the time of project completion and shared with WBL's Environmental Advisory Commission/City Council. The total estimated cost for this effort is ~\$150,000.

The application deadline for CPL grants is September 17, 2024. Awards will be announced in December 30, 2024.

The application requires a partner to be the land manager. Connie Taillon from the City of WBL was the land manager for the 2 previous expedited grants. Connie is also planning to be the land manager on the current grant.

Requested Action: Director _____ moves and Director _____ seconds to authorize VLAWMO and the City of WBL to submit a grant proposal to CPL for restoration of wetlands in Rotary Park, consistent with the prioritization study and budget prepared by NST, to begin in 2025.

Intentional blank page

To: VLAWMO Board of Directors

From: Dawn Tanner

Date: August 21, 2024

Re: **V. H.:** TEC Approved scope of work for Wilkinson Project Enhancement with NST

At the August TEC meeting, the TEC approved signing the bid with NST for site enhancement following project construction completion and initial seed establishment, as previously reported to the Board. The TEC authorized signing the bid to allow NST to commence invasive species treatment and prepare for the addition of plants during fall 2024 and spring 2025. The bid with NST included a not-to-exceed total of \$20,000, which is part of the grant funding of the project. The grant funding for the project requires a 40% local cash match. The local cash match for this project is being shared equally with North Oaks Company.

Attachments:

1. Bid from NST for site enhancement with invasive species treatment and native species establishment, including fencing to prevent goose activity while small plants are getting established.
https://www.vlawmo.org/index.php/download_file/5003/
2. Sample species list for focus of plant additions in the wetland area.
https://www.vlawmo.org/index.php/download_file/5004/

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To: VLAWMO Board of Directors Date: August 21, 2024
From: Phil Belfiori
Subject: **V. I.** Consider authorizing the Board Subcommittee to review : 1) the posting/
advertisement for the position and 2) the hiring of the recommended candidate for
the Communication and Outreach Coordinator Position

Background / Discussion

Staff is requesting authorization from the Board to authorize the VLAWMO Personnel Subcommittee (Directors Lindner, Doll Kanne and Prudhon) to review the posting /advertisement for the position and to review the recommendation for hiring of the new Communication and Outreach Coordinator Position.

It is anticipated that once the VLAWMO staff team and the Board Personnel Subcommittee have reviewed the draft posting package for the position, staff would advertised in the following professional association websites :

- | | |
|--|------------------------------|
| 1. MW (MW Watersheds) | 6. Watershed Partners |
| 2. VLAWMO Website | 7. Linked in |
| 3. League of MN Cities | 8. U of M / U of M Gold pass |
| 4. Metro Water Resource Coordinators website | 9. Governmentjobs.com |
| 5. Watershed Administrators Group | 10. Perhaps others ? |

As was approved at the May 30, 2024 Personnel Subcommittee meeting and consistent with the recommendations provided in the Gallagher HR Inc. compensation report, staff is proposing to post /advertise the position at a Grade level 6 per the approved 2024 – 2026 salary structure. Salary range for Grade level 6 is \$62,296 – \$93,454.

Note that reposting of the advertisement for this position may be needed depending of variables within the hiring and/or interview process.

Given the timing of the next two VLAWMO Board meetings (next Board meeting is scheduled for Oct, 23, 2024 and then the last one of the year is Dec.11), I'm requesting that the Board of Directors also authorize that the Personnel Subcommittee to review the hiring of the staff recommended candidate for this position whenever that recommendation is ready. This review would be electronic over email and would need to be replied to within a certain timeline as requested by the administrator to prevent the hiring process from stalling.

Proposed Motion

Moved by Director _____ and second by Director _____ to authorize that the Personnel Subcommittee be given authority to review the posting /advertising of the position and the hiring of the recommended candidate for this position.

Intentional blank page

To: VLAWMO Board of Directors
From: Phil Belfiori
Subject: **V. J.** Authorizing Nick Voss severance payment

Date: August 21, 2024

Background / Discussion

As defined approved VLAWMO employee handbook:

5.5.9 Severance Pay

After completion of the probationary period, any regular full-time or eligible part-time employee leaving the Watershed service in good standing, having given at least two weeks notice of termination of employment, shall be compensated for ½ unused accrued leave at the employee’s rate of pay at the time of termination up to a maximum of 400 hours.

Based on above-mentioned language, a severance payment to Nick has been made for \$9,765.93. Calculations are available upon request but not included in packet due to privacy reasons.

Proposed Motion

Moved by Director _____ and second by Director _____ to authorize a one time severance payment of \$9,765.93 to Nick Voss pursuant to the approved VLAWMO employee handbook.

Intentional blank page

To: VLAWMO Board of Directors

From: Dawn Tanner

Date: August 21, 2024

Re: **V. K.:** Update on Amelia invasive flowering rush treatment with RCSWCD

When VLAWMO conducted onsite stakeholder meetings for the Amelia SLMR development in 2022, a large infestation of invasive flowering rush was detected in a wetland that is part of the large Minnesota Land Trust property on the south side of the lake. The infested wetland is part of a connected chain of ponds that leads to Amelia Lake.

Prior to that meeting, VLAWMO and RCSWCD had been checking the Amelia Lake flowering rush area (now in its 4th year of 5 years recommended by MN DNR) that had been detected historically by MN DNR and USGS. Flowering rush was no longer present in the lake. However, the large infestation in the nearby wetland—which is the largest known in either Anoka or Ramsey Counties—had the potential to re-infest the lake.

RCSWCD has been treating the infestation over the past 2 years. VLAWMO committed funds to help with reseeding the area once the flowering rush had been removed. The extent of the infestation has meant that additional treatments and a focus on hand-pulling was needed this year. The site has not been ready for reseeding yet (but may possibly be next year). VLAWMO appreciates the partnership and intensive efforts that RCSWCD staff and interns have dedicated to removing this high-priority invasive species.

2022: Flowering rush infestation detected during Amelia Lake SLMR prep



2023: Treatment by RCSWCD



2024: Handpulling effort by RCSWCD



To: VLAWMO Board of Directors

From: Lauren Sampedro, Watershed Technician & Program Coordinator

Date: August 20, 2024

Re: **V. L.** Update on BWSR Accelerated Implementation Grant Application

Introduction

The City of Vadnais Heights is applying for the BWSR Accelerated Implementation Grant to complete feasibility work for a potential Green Streets project. VLAWMO staff have supported the preparation of application materials to build on the partnership with the City on stormwater management projects in conjunction with street reconstruction and redevelopment projects in Vadnais Heights.

BWSR Accelerated Implementation Grant

BWSR released a Request for Proposals (RFP) for the Fiscal Year 2025 Clean Water Fund competitive grants on June 28th. The RFP included the Accelerated Implementation Grant opportunity, which has not been available to apply for since 2019. This grant is intended to assist applicants with preparing to implement projects, such as assisting with pre-project identification, planning, and design. The overall goal of the grant program is to allow grantees to expedite the implementation of projects that will improve and protect water quality beyond state standards.

The City of Vadnais Heights was authorized by City Council on August 7th to move forward with applying for the BWSR Accelerated Implementation Grant. The City is interested in exploring the feasibility of a Green Streets project with their Greenhaven Drive Street Improvement Project planned for 2027. A green street is a stormwater management approach that aims to capture stormwater at its source through the use of green infrastructure practices like raingardens, permeable pavement, tree trenches, and vegetated curb extensions. This approach is most cost effective when pursued during street reconstruction planning. The City's grant application is requesting funding to investigate the feasibility and design of priority stormwater practices to retain, treat, and reduce stormwater as part of the City's Green Streets project.

VLAWMO staff have supported the City in writing the application and providing supplementary materials to continue VLAWMO's work with the City in pursuing stormwater project opportunities. If the City is awarded funding, VLAWMO will work with the City on project implementation and will incorporate the project in the 2026-2036 Watershed Management Plan Implementation Plan Table. Staff will keep the Board updated if this project moves forward.

Intentional blank page

To: VLAWMO Board of Directors
From: Dawn Tanner and Phil Belfiori
Date: August 21, 2024
Re: **V. M.:** Update on Wilkinson possible meander project feasibility with SEH and RCSWCD

VLAWMO completed an early preliminary feasibility for a possible project to the north of the current Wilkinson deep-water wetland restoration project. VLAWMO worked with SEH on the feasibility. SEH was the engineering firm that designed and supervised construction of the Lambert meander that was completed in 2021.

The Wilkinson meander feasibility is a possible project for the next round of Small, Priority Watershed funding, which VLAWMO is part of (cohort B). The program is administered by the MPCA and funded by the EPA. Each small, priority watershed receives funding for 4 projects over 16 years. The deep-water wetland was the first project for VLAWMO as part of this program. Grant funding provides 60% of the project cost. Local match is required for 40%.

The feasibility was completed in June and included a preliminary meeting with partners and permitting entities. Meetings have gone smoothly. The feasibility also included cost estimates and pollutant-load reductions. Due to the challenges of building a meander in the wetland, the project is currently being developed as a meander snaking along upland areas (to provide more reliable access for construction) and an ox bow (small bend, ponded area; these naturally occur as rivers change over time as pends become cut off from the main stem of a river). There is an add-alternate option that could extend the meander further into the wetland area, weather/season permitting. The final memo from this feasibility phase includes details regarding process completed to date, estimated load reductions and cost, and diagrams of possible meander paths.

A next step from the early feasibility is more detailed survey and geotechnical investigation. RCSWCD has provided BWSR grant funding in the amount of \$9,999 to support this effort. This next phase is described in the attached scope of work and must be completed by the end of Dec. for grant reporting by RCSWCD.

Attachments:

1. Memo summary by SEH concluding early preliminary feasibility
https://www.vlawmo.org/index.php/download_file/5008/
2. Scope of work between SEH and RCSWCD for next phase survey and geotechnical investigation
https://www.vlawmo.org/index.php/download_file/5006/

Intentional blank page

To: VLAWMO Board

From: Brian Corcoran

Through: Phil Belfiori

Date: August 21, 2024

Re: VI. A. 1. Consider WCA replacement plan for proposed Vadnais Heights Apartments.

Introduction

Reuter Walton is proposing to build one apartment building on a 1.75 acre parcel in Vadnais Heights. The proposed apartment building would offer 58 units of affordable housing. Applicant is seeking approval for 0.61 acre of permanent fill and excavation of one wetland basin (Wetland A) and 0.08 acres of temporary impacts of “Wetland A” associated with the proposed project.

Background on the WCA Law

The Vadnais Lake Area Water Management Organization (VLAWMO) is the Local Government Unit (LGU) for the implementation of the Wetland Conservation Act (WCA). WCA has identified a Technical Evaluation Panel (TEP) which consists of a representative from the LGU, Board of Water & Soil Resources (BWSR), Ramsey County Soil and Water Conservation District, MN Department of Natural Resources and the United States Army Corp of Engineers. The TEP reviews are required for replacement plan applications. WCA requires a 5 step process for review of all replacement plans per MR 8420.0500 to MR 8420.0544 which includes avoidance, minimization, rectification, reduction and replacement.

Background – TEP Review of the Replacement Plan Application

The attached documents (Attachments 3- 8) include documentation of the TEP’s process as part of reviewing and processing the Application. The TEP’s final recommendation to the VLAWMO Board is provided in Attachment 8 – dated 8/20/2024.

Also attached for Board consideration is resolution 03-2024.

Requested Board Consideration

Consider attached Resolution 03- 2024

Attachments:

1. Powerpoint slides
2. Resolution 03 - 2024
3. Vadnais Heights Apartments WRP Joint Application Dated 7/22/2024
4. TEP Findings of Fact dated 8/6/2024: Binder 1 _WCA_TEP_Form _replacement plan_Vadnais Heights Apartments
https://www.vlawmo.org/index.php/download_file/5014/
5. applicant Response to 1st TEP Comments_20240809- Dated 8/9/2024
https://www.vlawmo.org/index.php/download_file/5015/

6. TEP Findings of Fact dated 8/13/2024: Binder 2_WCA_TEP_Form _replacement plan_Vadnais Heights Apartments
https://www.vlawmo.org/index.php/download_file/5016/
7. applicant Response to 2nd TEP Comments_20240816 – Dated 8/16/2024
https://www.vlawmo.org/index.php/download_file/5017/
8. TEP Findings of Fact dated 8/20/2024: Binder 3_WCA_TEP_Form _replacement plan_Vadnais Heights Apartments - First 20 pages in hard copy packet, complete document linked here:
https://www.vlawmo.org/index.php/download_file/5018/
9. 16829 Vadnais_Lake_Subwatershed_ Resilience Study_Final_reduced
https://www.vlawmo.org/index.php/download_file/5019/
10. WETLANDS_Function_MnRAM_Comprehensive_Guidance
https://www.vlawmo.org/index.php/download_file/5020/
11. MR 8420.0520 – sequencing
https://www.vlawmo.org/index.php/download_file/5021/
12. Letter dated Aug. 21, 2024 from Mayor Mike Krachmer –City of Vadnais Heights – Requested by the City to be included in the Board packet materials.
https://www.vlawmo.org/index.php/download_file/5022/

Agenda item VI. A. 1

Attachment 1

Consideration of resolution 03-2024 regarding Vadnais Heights Apartments (replacement plan) application dated 7-22-2024

Brian Corcoran
Board Meeting
8/28/2024



Introduction



- Reuter Walton is proposing to build one apartment building on a 1.75 acre parcel in Vadnais Heights. The proposed apartment building would offer 58 units of affordable housing. Applicant is seeking approval for 0.61 acre of permanent fill and excavation of one wetland basin (Wetland A) and 0.08 acres of temporary impacts of "Wetland A" associated with the proposed project.



Introduction



Background - WCA



- VLAWMO is the LGU for the Wetland Conservation Act (WCA).
- WCA has identified a Technical Evaluation Panel (TEP) for the purpose of application technical reviews.
- TEP consistent of a wetland specialist from the Minnesota Board of Water and Soil Resources (“BWSR”), an Environmental Resource Specialist from Ramsey County, and the Water Resource Manager from VLAWMO
- The purpose of the TEP per MR 8420.0240 is “The technical evaluation panel, if requested to do so by the local government unit, the landowner, or a member of the panel, must make technical findings and recommendations regarding applications”
- TEP reviews are required for replacement plan applications per MR 8420
- WCA requires a 5 step process for review of all replacement plans per MR 8420.0500 to MR 8420.0544 which includes avoidance, minimization, rectification, reduction and replacement.

Background - WCA Sequencing



MR 8420.0520 – sequencing

Subpart 3. avoid direct or indirect impacts that may destroy or diminish the wetland under the criteria in subpart 3;

Subpart 4. minimizes impacts by limiting the degree or magnitude of the wetland activity and its implementation under the criteria in subpart 4;

Background – Application Review chronology



All bullet items listed below are included in Board Packet:

- 7-22-2024 Vadnais Heights Apartments (replacement plan) application received
- 7-23-2024 Application deemed complete per 15.99 and noticed to TEP and those requesting notice
- 8-1-2024 First in-person TEP meeting to review 7-23 application
- 8-6-2024 Sent 1st TEP Findings of Fact (FOF) to applicant
 - Reviewed per each element of Subp. 3 (sequencing –avoidance) and Subp. 4 (sequencing – minimization).
 - 16 comments provided by TEP – linked on page 57

Background – Application Review chronology



All bullet items listed below are included in Board Packet:

- 8-9-2024 Applicant responses to 1st TEP FOF received
- 8-12-2024 Second in person meeting to review applicant responses to 1st TEP FOF
- 8-13-2024 Sent 2nd TEP FOF to applicant
 - See Attachment 6 linked on page 58
 - Again reviewed per each element of Subp. 3 (sequencing –avoidance) and Subp. 4 (sequencing – minimization).
 - TEP determined that 14 of the 16 previous TEP comment had not been addressed.

Background – Application Review chronology



All bullet items listed below are included in Board Packet:

- 8-16-2024 Applicant responses to 2nd TEP FOF received
- 8-20-2024 Third in person meeting to review applicant responses to 2nd TEP FOF and put together TEP recommendation
- 8-22- 2024 3rd (Final) FOF and TEP recommendation to the Board sent out in Board Packet and provided to applicant
 - See Attachment 8 linked on page 58 and linked at Exhibit A of Resolution 03-2024.
 - Again reviewed per each element of Subp. 3 (sequencing –avoidance) and Subp. 4 (sequencing – minimization).
 - TEP determined that 14 of the 16 previous TEP comment had not been addressed.
 - TEP provided recommendation to Board – see next slide

TEP Recommendation – See attachment 8 Pages 58 and 99



- Technical Evaluation Panel (TEP) recommends denial of Vadnais Heights Apartments replacement plan application dated 7/22/24, received, deemed complete per MS15.99 and noticed 7/23/24.
- This TEP recommendation was unanimous
- All three TEP FOF's were also unanimous

For Board Consideration



- *Proposed Resolution 03-2024*

NOW, THEREFORE, BE IT RESOLVED, by the VLAWMO Board of Directors, based on the TEP Recommendation, the record of this matter, and the findings contained herein, as follows:

1. The attached TEP Recommendation is hereby adopted and incorporated into this Resolution.
2. The Applicant's Application for a wetland replacement plan for the Property is hereby denied.
3. VLAWMO staff are authorized and directed to, within ten business days, mail the Applicant the notice of decision and a copy of this Resolution, and to send a summary of the decision to those required to receive notice of the Application.

Board Questions



Questions?

Ben Meyer –BWSR Wetland Specialist is here to answer any technical questions

VADNAIS LAKE AREA WATER MANAGEMENT ORGANIZATION
Resolution No. 03-2024

**RESOLUTION DENYING THE WETLAND REPLACEMENT
PLAN APPLICATION SUBMITTED BY REUTER WALTON**

WHEREAS, Paul Keenan, on behalf of Reuter Walton, (“**Applicant**”) submitted an application (“**Application**”) seeking approval of a wetland replacement plan for the property (PID 333022230056) located at 3400 Arcade Street in the City of Vadnais Heights and containing approximately 1.75 acres (“**Property**”); and

WHEREAS, the City of Vadnais Heights (“**City**”) owns the Property and the Applicant proposes to acquire the Property and construct a four story apartment building with 58 units of affordable housing (“**Project**”); and

WHEREAS, the Property contains a 0.61 acre delineated wetland the Applicant proposes to permanently fill and the Applicant proposes to construct a stormwater pond on the Property; and

WHEREAS, the Applicant hired Braun Intertec (“**Consultant**”) to assist it with the Project and the Application; and

WHEREAS, the Vadnais Lake Area Water Management Organization (“**VLAWMO**”) is the designated local government unit (“**LGU**”) under the Wetland Conservation Act (“**WCA**”) to consider and act on applications submitted under WCA within the City; and

WHEREAS, VLAWMO is required to consider and act on the Application in accordance with the sequencing requirements set out in Minn. R., part 8420.0520; and

WHEREAS, proposed wetland replacement plans are reviewed by a technical evaluation panel (“**TEP**”), and in this case the TEP consistent of a wetland specialist from the Minnesota Board of Water and Soil Resources (“**BWSR**”), an Environmental Resource Specialist from Ramsey County, and the Water Resource Manager from VLAWMO; and

WHEREAS, the TEP engaged in the following process as part of reviewing and processing the Application:

- July 12, 2024: held a pre-application meeting with the Consultant and the City;
- July 17, 2024: provided Consultant and City its initial comments from the pre-application meeting;
- July 23, 2024: LGU notices the Application per WCA (received by the LGU on July 22, 2024);
- August 1, 2024: held a meeting to review the Application and to develop findings that were conveyed to the Consultant on August 5, 2024;

- August 12, 2024: held a meeting to review the Consultant’s reply dated August 9, 2024 and to develop reply findings that were conveyed to the Consultant on August 13, 2024; and
- August 20, 2024: held a meeting to review the Consultant’s reply dated August 16, 2024 and to develop its final findings of fact and recommendation. These findings and TEP recommendation were conveyed to the Consultant on August 22, 2024 and are attached hereto as Exhibit A (“**TEP Recommendation**”); and

WHEREAS, the TEP Recommendation sets out the full timeline, the exchange of comments, its findings of fact, and its recommendation that the VLAWMO Board deny the Application; and

WHEREAS, the VLAWMO Board considered the Application and TEP Recommendation at its August 28, 2024 meeting and hereby finds and determines as follows:

- a. As the LGU, the Board is “responsible for making decisions on applications made under [Chapter 8420].” Minn. R., part 8420.0200, subp. 2(A).
- b. “An application must not be approved unless entitlement thereto is established by a fair preponderance of the evidence. For each finding of fact and recommendation included in a written technical evaluation panel report that is not adopted by the local government unit, the local government unit must provide detailed reasons for rejecting the finding of fact or recommendation in its record of decision; otherwise, the local government unit has not sufficiently considered the technical evaluation panel report.” Minn. R., part 8420.0200, subp. 2(E).
- c. The LGU’s decision “must be based on the standards and procedures required by [Chapter 8420] and on the technical evaluation panel’s findings and recommendation” and it “must consider and include in its record of decision the technical evaluation panel's recommendation” Minn. R., part 8420.0255, subp. 4.
- d. The LGU “must not approve a wetland replacement plan” unless it finds the Applicant has “demonstrated that the activity impacting a wetland complies” with the principles set out in Minn. R., part 8420.0520, subp. 1, in descending order or priority. Each of the following principles listed in the rule were specifically addressed in the TEP Recommendation:
 - A. avoids direct or indirect impacts that may destroy or diminish the wetland under the criteria in subpart 3;
 - B. minimizes impacts by limiting the degree or magnitude of the wetland activity and its implementation under the criteria in subpart 4;
 - C. rectifies impacts by repairing, rehabilitating, or restoring the affected wetland under the criteria in subpart 5;
 - D. reduces or eliminates impacts over time by operating the project in a manner that preserves and maintains the remaining wetland under the criteria in subpart 6; and
 - E. replaces unavoidable impacts by restoring or, if wetland restoration opportunities are not reasonably available, creating replacement wetland areas having equal or

greater public value as provided for in parts 8420.0500 and 8420.0522 to 8420.0528.

- e. In the second round of comments, the TEP indicated to the Consultant that 14 of the 16 criteria in the rule were not satisfied. Once the TEP received the Consultants reply, it determined that the 14 criteria were still not addressed. With the Applicant not adequately addressing 14 of the 16 criteria, the TEP had little choice but to recommend denial.
- f. The Board appreciates the comments it received from Mayor Krachmer in his letter dated August 21, 2024. The Board understands the need for and importance of affordable housing, but those are policy considerations that are beyond the scope of what the Board can consider when acting on the Application. Review of a wetland replacement plan is a technical matter. That is why the TEP is involved in reviewing and making a recommendation on the Application, and why BWSR's rules limit the LGU's discretion to deviate from the TEP's recommendation.
- g. The decision in the case of Board Order, Kells (BWSR) v. City of Rochester, 597 N.W.2d 332 (Minn. App. 1999) illustrates the likely outcome from rejecting the TEP's recommendation. The TEP in that case recommended the city deny the applicant's wetland replacement plan. Despite the TEP's recommendation, the city approved the plan. BWSR's member on the TEP appealed the decision. BWSR overturned the city's decision finding that it failed to comply with WCA. The Minnesota Court of Appeals recognized that while BWSR's focus on the criteria in the rule may be viewed as "hypertechnical," it was consistent with the purpose of the rule. The court held the city erred by approving the plan when the applicant failed to demonstrate compliance with WCA.
- h. The Minnesota Legislature set out the purposes of WCA and established a no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands. Minn. Stat. § 103A.201. The Minnesota Legislature perhaps should, but has not included affordable housing projects among WCA exemptions identified in Minn. Stat. § 103G.2241.
- i. The TEP Recommendation sets out several reasons why the Applicant has failed to demonstrate that the proposed wetland replacement plan satisfies the principles in Minn. R., part 8420.0520, subp. 1. Including, but not limited to, not demonstrating avoidance or that there are not feasible alternatives.
- j. The Board cannot provide detailed reasons for rejecting the findings of fact or recommendation in the TEP Recommendation and, therefore, is required to adopt the TEP Recommendation.
- k. Because the proposed wetland replacement plan does not satisfy the requirements of WCA, the Board is required by law to deny the Application.
- l. Under Minn. R., part 8420.0905, subp. 3, a decision of a LGU under WCA is appealable to BWSR. The appeal must be filed within 30 days after the date on which the decision is sent to those required to receive notice of the decision. An appeal may be made by the landowner,

any of those required to receive notice of the decision, or by 100 Ramsey County residents. An appeal is effective upon mailing the petition and payment of the nonrefundable filing fee established by BWSR.

NOW, THEREFORE, BE IT RESOLVED, by the VLAWMO Board of Directors, based on the TEP Recommendation, the record of this matter, and the findings contained herein, as follows:

1. The attached TEP Recommendation is hereby adopted and incorporated into this Resolution.
2. The Applicant’s Application for a wetland replacement plan for the Property is hereby denied.
3. VLAWMO staff are authorized and directed to, within ten business days, mail the Applicant the notice of decision and a copy of this Resolution, and to send a summary of the decision to those required to receive notice of the Application.

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

	<u>Yes</u>	<u>Nay</u>	<u>Absent</u>
Andrea West	[]	[]	[]
Tom Riedesel	[]	[]	[]
Rob Rafferty	[]	[]	[]
Grover Sayre	[]	[]	[]
Katherine Doll-Kanne	[]	[]	[]
Jim Lindner	[]	[]	[]

Adopted this 28th day of August 2024.

BY THE VLAWMO BOARD

Chair

Attest: _____
Secretary-Treasurer

EXHIBIT A
TEP Recommendation

[attached hereto] *

*Entire 240 page document of Exhibit A is linked here:
https://www.vlawmo.org/index.php/download_file/5018/

Project Name and/or Number: Vadnais Heights Apartments

PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

Applicant/Landowner Name: Reuter Walton (Paul Keenan)
Mailing Address: 4450 Excelsior Blvd, Ste 400, St. Louis Park, MN 55416
Phone: 612-282-1977
E-mail Address: pkeenan@reuterwalton.com

Authorized Contact (do not complete if same as above):

Mailing Address:
Phone:
E-mail Address:

Agent Name: Braun Intertec Corporation (Travis Fristed)
Mailing Address: 11001 Hampshire Avenue S., Bloomington, MN 55438
Phone: 952-995-2027
E-mail Address: tfristed@braunintertec.com

PART TWO: Site Location Information

County: Ramsey **City/Township:** Vadnais Heights
Parcel ID and/or Address: PID 333022230056
Legal Description (Section, Township, Range): Sec. 33, T30N, R22W
Lat/Long (decimal degrees): 45.0439571, -93.0655003
Attach a map showing the location of the site in relation to local streets, roads, highways. Refer to project location map.
Approximate size of site (acres) or if a linear project, length (feet): 1.75 acres

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf

PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted **prior to** this application then describe that here and provide the Corps of Engineers project number.

WCA Notice of Decision approving the aquatic resources delineation report (Braun Intertec, May 30, 2024, project number B2401517.00) was issued by the LGU (Vadnais Lake Area WMO) on June 13, 2024. No delineation approval was received from the USACE.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

Reuter Walton is proposing to build one apartment building on 1.75 acres in Vadnais Heights (refer to Figure 1, Appendix A and construction drawings in Appendix B). Land use in the project area is vacant lands with one wetland that is used for stormwater management from stormwater runoff from surrounding areas. The proposed apartment building would offer 58 units of affordable housing. Construction could begin in late September 2024.

The applicant is seeking WCA replacement plan (MN Rules 8420.0520) approval for proposing 0.61 acres of permanent fill and excavation to one wetland basin (Wetland A), and 0.08 acres temporary wetland impacts associated with construction access and stormsewer installation.

A brief summary of the proposed impacts are as follows (additional detailed information is provided in Attachments B and C of this Joint Application. Impact locations are illustrated on Sheet C4-2 in Appendix B):

1. **Impact #1. Building, Parking Lot, and Interior Road:** The four story building and associated interior road and surface parking would result in 0.50 acres of permanent fill to Wetland A. Below building at grade parking is being utilized to reduce wetland impacts from additional surface parking. The site will be raised 2-4 feet for separate from groundwater and to provide positive drainage away from the building, road, and surface parking areas.
2. **Impact #2. Stormwater Pond:** On-site stormwater management is required to meet local and state permitting, therefore one stormwater pond is proposed in the southeast corner of the site (0.11 acres of permanent wetland excavation). Below ground stormwater management (under the interior road and surface parking spaces) is not feasible due to the high groundwater table, poor soils, and relatively flat topography of the site.
3. **Impact #3. Construction Access and Stormsewer Installation:** Temporary excavation (0.08 acres) is proposed for the installation of stormsewer and access to other portions of the site for construction activities.

Please refer to Attachments B and C for additional discussion on site constraints and design considerations.

PART FOUR: Aquatic Resource Impact¹ Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) ¹	Size of Impact ²	Overall Size of Aquatic Resource ³	Existing Plant Community Type(s) in Impact Area ⁴	County, Major Watershed #, and Bank Service Area # of Impact Area ⁵
Wetland A	Wetland	Fill	P	0.50 Acres	N/A	Type 1 - Seasonally Flooded Basin, Type 3 - Shallow Marsh	Ramsey Co., MWS#20, BSA#7
Wetland A	Wetland	Excavate	P	0.11 Acres	N/A	Type 3 - Shallow Marsh	Ramsey Co., MWS#20, BSA#7
Wetland A	Wetland	Remove Vegetation, Excavate	T (180)	0.08 Acres	N/A	Type 1 - Seasonally Flooded Basin, Type 3 - Shallow Marsh	Ramsey Co., MWS#20, BSA#7

¹If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

²Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).

³This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

⁴Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3rd Ed. as modified in MN Rules 8420.0405 Subp. 2.

⁵Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

No impacts have occurred to date.

PART FIVE: Applicant Signature

Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature:  Date: July 22, 2024

I hereby authorize Braun Intertec to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

¹ The term "Impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

Attachment B

Supporting Information for Applications Involving Exemptions, No Loss Determinations, and Activities Not Requiring Mitigation

Complete this part *if* you maintain that the identified aquatic resource impacts in Part Four do not require wetland replacement/compensatory mitigation OR *if* you are seeking verification that the proposed water resource impacts are either exempt from replacement or are not under CWA/WCA jurisdiction.

Identify the specific exemption or no-loss provision for which you believe your project or site qualifies:

No-Loss (MN Rules 8420.0415.H) for temporary impacts that will be rectified by repairing rehabilitating, or restoring the affected wetland within six months of the start of activity.

Provide a detailed explanation of how your project or site qualifies for the above. Be specific and provide and refer to attachments and exhibits that support your contention. Applicants should refer to rules (e.g. WCA rules), guidance documents (e.g. BWSR guidance, Corps guidance letters/public notices), and permit conditions (e.g. Corps General Permit conditions) to determine the necessary information to support the application. Applicants are strongly encouraged to contact the WCA LGU and Corps Project Manager prior to submitting an application if they are unsure of what type of information to provide:

Site access for construction activity is limited to only Arcade street, which requires crossing and the installation of stormsewer through Wetland A. Temporary impacts include excavation of pipe trenches and side casting of material for stormsewer construction and traversing the wetland (equipment rutting) to access other portions of the site during construction. All 0.08 acres of temporary impact will be restored to pre-project ground elevations and contours (approximately 911 to 913' MSL) and seeded with MnDOT native seed mix 34-271 and Type 1 mulch (refer to Sheet L1-1 Landscaping Plan, Appendix B).

Attachment C

Avoidance and Minimization

Project Purpose, Need, and Requirements. Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary:

The purpose and need of this project is to provide affordable rental housing within a reasonable traveling distance to major transportation and multimodal transportation corridors to serve the growing population in the Twin Cities metro. The City of Vadnais Heights conducted a housing study in 2023 which identified the need of new affordable housing units in the City in order to balance the housing supply with units that are available to people at all income levels. Metropolitan Council's ThriveMSP 2040 Plan and 2040 Housing Policy Plan also set a goal of increasing supply of affordable housing within the seven county metro area. Opportunities for new affordable housing units are limited due to the lack of available land in qualified census tracts (refer to Figure 5, Appendix A), which is critical for making projects financially feasible.

Site selection was based on several parameters; including willing seller(s), property that has net acres of developable land (to make the project financially viable), close proximity to existing City utility services (trunk sanitary sewer, watermain) and amenities, and accessibility to major transportation corridors.

The site of the proposed project is within a qualified census tract and owned by the City which eliminates the need of negotiating with a 3rd party seller and increases the likelihood of making the project successful. The demand and need for affordable housing in this area is very strong as evidence by the very low, 0.3% vacancy rate and 1.4% capture rate of potential tenants. The number of units needed to make the project financially feasible is maximized given the significant expense of developing affordable housing. In addition to the building and design costs, the project needs as many units as possible to spread project costs such as legal and financing expenses which are very high in affordable housing projects. The design and site plan are influenced by the City's desire to keep the building as close to Arcade Street and as far away from the single-family homes to south as possible and still provide enough parking and access to the site.

The selected site meets these criteria and the proposed affordable housing use offers a desired development opportunity to an underutilized property. The proposed site plan fulfills the City's affordable housing initiative by providing 58 affordable apartment units on four levels with shared community spaces and on-site below building and surface parking. One stormwater management pond is designed and sized to City of Vadnais Heights, Vadnais Lake Area WMO, and NPDES Construction Stormwater Permit requirements.

Site constraints and design considerations include the following (as illustrated on the site drawings provided in Appendix B) with consideration given to existing conditions (parcel size, proximity to other homes, unstable soils, and high groundwater) and City of Vadnais Heights's planning and zoning requirements.

1. **Arcade Street Access:** Access to the site from other surrounding roads (West Berwood Avenue or Vadnais Drive) is prohibited due to:
 - a. The existing homes and property not owned by the applicant.
 - b. Minimum spacing to the Vadnais Dr./Arcade St. and W. Berwood Ave./Arcade St. intersections is not achievable.
 - c. Two accesses are required by the City of Eagan to ensure safe emergency vehicle and fire access into the interior of the site and building perimeter.

2. **Soils and High Groundwater:** Geotechnical investigation was conducted in spring 2024 to determine the soil suitability for development. Soil textures are generally structurally poor, with groundwater observed 2-4 feet below the soil surface (approximately 906' MSL or higher) across the site.

3. **Arcade Street Stormsewer and Utilities:** Wetland A currently receives stormwater runoff from surrounding residential areas, with one dedicated stormsewer outlet (invert elevation 910.20' MSL) in the northeast portion of the site. Invert elevations of the existing catch basins in Arcade Street are shallow at approximately 904' to 906' MSL. Existing utility lines parallel to Arcade Street prohibit the building from being placed closer to the street.

Avoidance. Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

Alternative #1 (No-Build): This alternative considered not developing the site. No wetland impacts would occur however this alternative does not meet the purpose or need of the project therefore this alternative is rejected.

Alternative #2 (Smaller Multiple Buildings): One taller building on approximately 0.4 acres of upland in the northeast corner of the site was discussed and determined not feasible. The alternative would eliminate all proposed wetland impacts, however;

- building height restrictions would render the project not financially viable due to less units,
- site grade would also need to be raised 2-3 feet for proper drainage and shallow utility connections to Arcade Street, leaving less than 0.4 acres of developable land for the building and parking,
- existing 30-inch stormsewer from off-site drainage reduces the developable upland area to less than 0.35 acres.
- stormwater management could not be accommodated on site and therefore not meet local and state permit requirements.

Minimization. Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

Unavoidable wetland impacts were evaluated during the design process to reduce proposed impacts were feasible to the extent allowed by industry acceptable engineering practices, constructability, existing site constraints, and local planning and zoning regulations. The following design features are incorporated into the proposed site design to minimize the unavoidable wetland impacts (Sheet C4-2, Appendix B).

Rezoning: With the rezoning to R-3 medium density residential per the 2040 City Comprehensive Plan, setbacks for the R-3 zoning are not less than 35 feet on the side lot and 40 feet setbacks off of Arcade St. The city recommended a Planned Unit Development (PUD) approach to locate the building closer to Arcade Street with a 10 foot setback. This moves the proposed edge of fill (for the building and parking lot) further northwest and away from Wetland A, resulting in approximately 6,000 square feet less fill to Wetland A.

Interior Road Widths and Parking Spaces: Road profile elevations and widths within the development are minimized to the lowest elevation possible and 24 feet wide, which is the City's minimum width requirements. Increased street widths would horizontally shift other site improvements (parking and buildings) closer to and impacting more of Wetland A.

Reduced parking and associated wetland fill has been minimized by locating two of the proposed parking stalls outside of the wetland (on the west side) and significantly reducing the number of proposed parking stalls by eliminating 21 surface stalls. City code for apartment buildings is at least two off-street spaces per unit (2:1) plus visitor parking as required by the city council. The Planned Unit Development (PUD) is requesting reduced parking at a proposed 23 surface stalls and 43 garage stalls, equaling a 1.13 parking stalls per unit. Each parking space is 9 feet by 19 feet, which is the City's minimum required dimension.

Steeper Side Slopes: Finished drive aisle elevations (911.89' to approximately 913' MSL) closely follow the existing topography of Wetland A resulting in less fill to match grade into Wetland A. Proposed grading will utilize a 3 to 1 slope, which is a standard side slope for areas adjacent to roads (refer to Sheet C3-1 Grading Plan in Appendix B).

Stormwater Management Criteria: The hydraulic design for managing stormwater is limited by site constraints (as discussed previously), however regulatory requirements are achieved in one proposed stormwater management pond to meet the minimum stormwater management design requirements for the City of Vadnais Heights, NPDES/SDS Construction Stormwater General Permit, and Vadnais Lake Area Water Management Organization’s Water Management Policy. The following is a synopsis of the existing and proposed condition modeling, as illustrated on Figures 6 and 7 (Appendix B):

Existing Conditions

The existing 1.75-acre site is undeveloped, consisting of a wooded area, wetland and grass. The site is broken up into two drainage areas. The main lot DA-1E that drains to Arcade Street and the small sliver of land DA-2E on the south that also drains to Arcade Street.

Proposed Conditions

The proposed site condition consists of a building, parking lot, and constructed stormwater management systems. The proposed is broken up into three drainage areas. Drainage area DA-1P drains to the proposed pond. Drainage area DA-2P is the small portion of the parking that drains to Arcade Street. Drainage area DA-3P is the small sliver of land on the south that also drains to Arcade Street. The proposed site drainage rates for the proposed site are less than the existing drainage rates for the 1, 2, 10 and 100 year storm event.

Table 1.1 – Existing Peak Runoff Rates

Existing Conditions						
			1-YR Event	2-YR Event	10-YR Event	100-YR Event
Subcatch	Area (SF)	Impervious (SF)	Rate (cfs)	Rate (cfs)	Rate (cfs)	Rate (cfs)
DA-1E	67,597	0	1.90	2.45	4.73	10.28
DA-2E	8,793	0	0.29	0.38	0.72	1.57
TOTAL EXISTING	76,390	0	2.14	2.77	5.35	11.70

Table 1.2 – Proposed Peak Runoff Rates

Proposed Conditions						
			1-YR Event	2-YR Event	10-YR Event	100-YR Event
Subcatch	Area (SF)	Impervious (SF)	Rate (cfs)	Rate (cfs)	Rate (cfs)	Rate (cfs)
Pond	50,360	37,203	0.77	1.02	2.35	3.40
DA-2P	17,237	3,061	0.70	0.89	1.67	3.53
DA-3p	8,793	0	0.29	0.38	0.72	1.57
Total PROPOSED	76,390	40,264	1.62	1.97	4.57	8.03

Special Considerations (MN Rule 8420.0515): The Minnesota Department of Natural Resources (MnDNR) Natural Heritage Information System (NHIS) was queried on July 22, 2024. This data set is the most current data source available from MnDNR as of July 7, 2023. There are no rare natural communities, special fish and wildlife resources, or other special consideration (as listed in MN Rules 8420.0515) within one-half mile of the project site. Seven State or Federally listed species were identified within one mile of the project site. Project activities will not adversely impact any state or federally listed species due to the following:

- Blanding’s Turtle (State Threatened vertebrate animal last observed in 1988) - Since Blanding's Turtles may be present in the surrounding area it is recommended that the project contractors follow the *MN DNR Recommendations for Avoiding and Minimizing Impacts in the Blanding's Turtle Fact Sheet* during construction.
- White Wild Indigo (State Special Concern vascular plant last observed in 1986) – there is no savanna, upland prairie, or other suitable habitat for this species within the project area.
- Red-shouldered Hawk (State Special Concern vertebrate animal last observed in 1997) – Possible transient visitors may visit the project site for short periods of time, however no resident populations are present on site.
- Lake Sturgeon (State Special Concern vertebrate animal last observed in 2003) – there is suitable aquatic habitat for this species within the project area.
- Tuberled Rein Orchid (State Threatened vascular plant last observed in 2002) – there is no wet meadow/carr, savanna, lowland prairie, or other suitable habitat for this species within the project area.
- Rusty Patch Bumble Bee (Federal Endangered Invertebrate animal last observed in 2021) - there is no pollinator habitat for this species within the project area.

Secondary (Indirect) Potential Wetland Impacts: There are no anticipated or potential secondary/indirect impacts to downstream or surrounding aquatic resources. Permanent stormwater management will provide treatment and volume control for stormwater runoff from developed upland areas. During and immediately following the completion of construction, erosion and sediment controls BMPs (silt fence, biorolls, erosion control blanket) will be installed and maintained per the Stormwater pollution Prevention Plan (SWPPP) and NPDES Construction Stormwater permit requirements.

Known Local, State, and Federal Permits: Multiple permits and approvals will be required from the City of Vadnais Heights, Vadnais Lake Area Water Management Organization, and State of Minnesota. Specific permits/approvals will be determined upon preliminary project approval by the authorities having regulatory jurisdiction.

Off-Site Alternatives. An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.

The applicant and The City of Vadnais Heights have had ongoing discussions about developing a workforce housing project in the City since 2023. Workforce Housing is a high priority for the City of Vadnais Heights in order to provide a range of housing options for households across income levels. Workforce Housing supports the local economy by providing housing for local employers and additional consumers for local business.

To make a project feasible using available financial tools, a project site must be in a Qualified Census Tract (QCT). The financing for workforce housing relies on selling federal tax credits to raise equity for the project and federal rules give projects a 30% boost in tax credits if the project is in a QCT. This 30% boost is a requirement to make projects financially feasible given current construction costs and interest rates. A map of the QCT in the City of Vadnais Heights is attached (Figure 5, Appendix A).

The proposed site was selected after the developer made offers or inquiries on several other sites. First, the developer made an offer for the property located at 0 County Road D East in October of 2023. The developer met with owners of the site in person and had ongoing negotiations over several months. The seller ultimately did not select the developer's offer in January of 2024. Second, the developer made an offer for the property located at 0 Arcade St E, also known as Arcade Estates East in December 2023 after City staff put the developer in contact with the owner. After a few conversations the seller determined that they did not want to sell at this time and ceased negotiations in February 2024.

After inquiring about other sites in the QCT which were not fruitful, the City and Developer began discussing the property located at 3400 Arcade St. The property is located in the QCT and owned by the City of Vadnais Heights which eliminated the complications of dealing with a private seller. The property can accommodate a 58-unit project which is about the minimum unit count required to make the project financially feasible.

The City and developer were able to come to an agreement on price and the City passed a resolution supporting an application to the State of Minnesota for required financing. The project was awarded financing after the developer made a non-refundable deposit of \$196,000.

In summary, the developer made offers on two other sites and inquired on several other before landing on the proposed project site. Given the small geographic area of the QCT there just aren't many options to develop work force housing in the City. The developer has made a significant financial investment in the project to date.

Attachment D

Replacement/Compensatory Mitigation

Complete this part *if* your application involves wetland replacement/compensatory mitigation not associated with the local road wetland replacement program. Applicants should consult Corps mitigation guidelines and WCA rules for requirements.

Replacement/Compensatory Mitigation via Wetland Banking. Complete this section if you are proposing to use credits from an existing wetland bank (with an account number in the State wetland banking system) for all or part of your replacement/compensatory mitigation requirements.

Wetland Bank Account #	County	Major Watershed #	Bank Service Area #	Credit Type (if applicable)	Number of Credits
1762 (Butterfly Marsh)	ANOKA	20- Mississippi Metro	7	3 – Shallow Marsh	1.22

Mitigation is proposed at a 2:1 replacement ratio (1.22 acres) for the project’s 0.61 acres of permanent wetland impacts. There are no approved wetland mitigation banks within the Mississippi River (metro) watershed #20 that lie within Ramsey County. Execution of the purchase agreement with bank #1762 is pending, however, correspondence of the agreement is provided in Appendix B.

Applicants should attach documentation indicating that they have contacted the wetland bank account owner and reached at least a tentative agreement to utilize the identified credits for the project. This documentation could be a signed purchase agreement, signed application for withdrawal of credits or some other correspondence indicating an agreement between the applicant and the bank owner. *However, applicants are advised not to enter into a binding agreement to purchase credits until the mitigation plan is approved by the Corps and LGU.*

Project-Specific Replacement/Permittee Responsible Mitigation. Complete this section if you are proposing to pursue actions (restoration, creation, preservation, etc.) to generate wetland replacement/compensatory mitigation credits for this proposed project.

WCA Action Eligible for Credit ¹	Corps Mitigation Compensation Technique ²	Acres	Credit % Requested	Credits Anticipated ³	County	Major Watershed #	Bank Service Area #
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

¹Refer to the name and subpart number in MN Rule 8420.0526.

²Refer to the technique listed in *St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota*.

³If WCA and Corps crediting differs, then enter both numbers and distinguish which is Corps and which is WCA.

Explain how each proposed action or technique will be completed (e.g. wetland hydrology will be restored by breaking the tile.....) and how the proposal meets the crediting criteria associated with it. Applicants should refer to the Corps mitigation policy language, WCA rule language, and all associated Corps and WCA guidance related to the action or technique:

Not applicable

Attach a site location map, soils map, recent aerial photograph, and any other maps to show the location and other relevant features of each wetland replacement/mitigation site. Discuss in detail existing vegetation, existing landscape features, land use (on and surrounding the site), existing soils, drainage systems (if present), and water sources and movement. Include a topographic map showing key features related to hydrology and water flow (inlets, outlets, ditches, pumps, etc.):

Not applicable

Attach a map of the existing aquatic resources, associated delineation report, and any documentation of regulatory review or approval. Discuss as necessary:

Not applicable

For actions involving construction activities, attach construction plans and specifications with all relevant details. Discuss and provide documentation of a hydrologic and hydraulic analysis of the site to define existing conditions, predict project outcomes, identify specific project performance standards and avoid adverse offsite impacts. Plans and specifications should be prepared by a licensed engineer following standard engineering practices. Discuss anticipated construction sequence and timing:

Not applicable

For projects involving vegetation restoration, provide a vegetation establishment plan that includes information on site preparation, seed mixes and plant materials, seeding/planting plan (attach seeding/planting zone map), planting/seeding methods, vegetation maintenance, and an anticipated schedule of activities:

Not applicable

For projects involving construction or vegetation restoration, identify and discuss goals and specific outcomes that can be determined for credit allocation. Provide a proposed credit allocation table tied to outcomes:

Not applicable

Provide a five-year monitoring plan to address project outcomes and credit allocation:

Not applicable

Discuss and provide evidence of ownership or rights to conduct wetland replacement/mitigation on each site:

Not applicable

Quantify all proposed wetland credits and compare to wetland impacts to identify a proposed wetland replacement ratio. Discuss how this replacement ratio is consistent with Corps and WCA requirements:

Not applicable

By signature below, the applicant attests to the following (only required if application involves project-specific/permittee responsible replacement):

- All proposed replacement wetlands were not:
 - Previously restored or created under a prior approved replacement plan or permit
 - Drained or filled under an exemption during the previous 10 years
 - Restored with financial assistance from public conservation programs
 - Restored using private funds, other than landowner funds, unless the funds are paid back with interest to the individual or organization that funded the restoration and the individual or organization notifies the local government unit in writing that the restored wetland may be considered for replacement.
- The wetland will be replaced before or concurrent with the actual draining or filling of a wetland.
- An irrevocable bank letter of credit, performance bond, or other acceptable security will be provided to guarantee successful completion of the wetland replacement.
- Within 30 days of either receiving approval of this application or beginning work on the project, I will record the Declaration of Restrictions and Covenants on the deed for the property on which the replacement wetland(s) will be located and submit proof of such recording to the LGU and the Corps.

Applicant or Representative: Paul Keenan (Reuter Walton) Title: Vice President

Signature:  Date: July 22, 2024

Appendix A

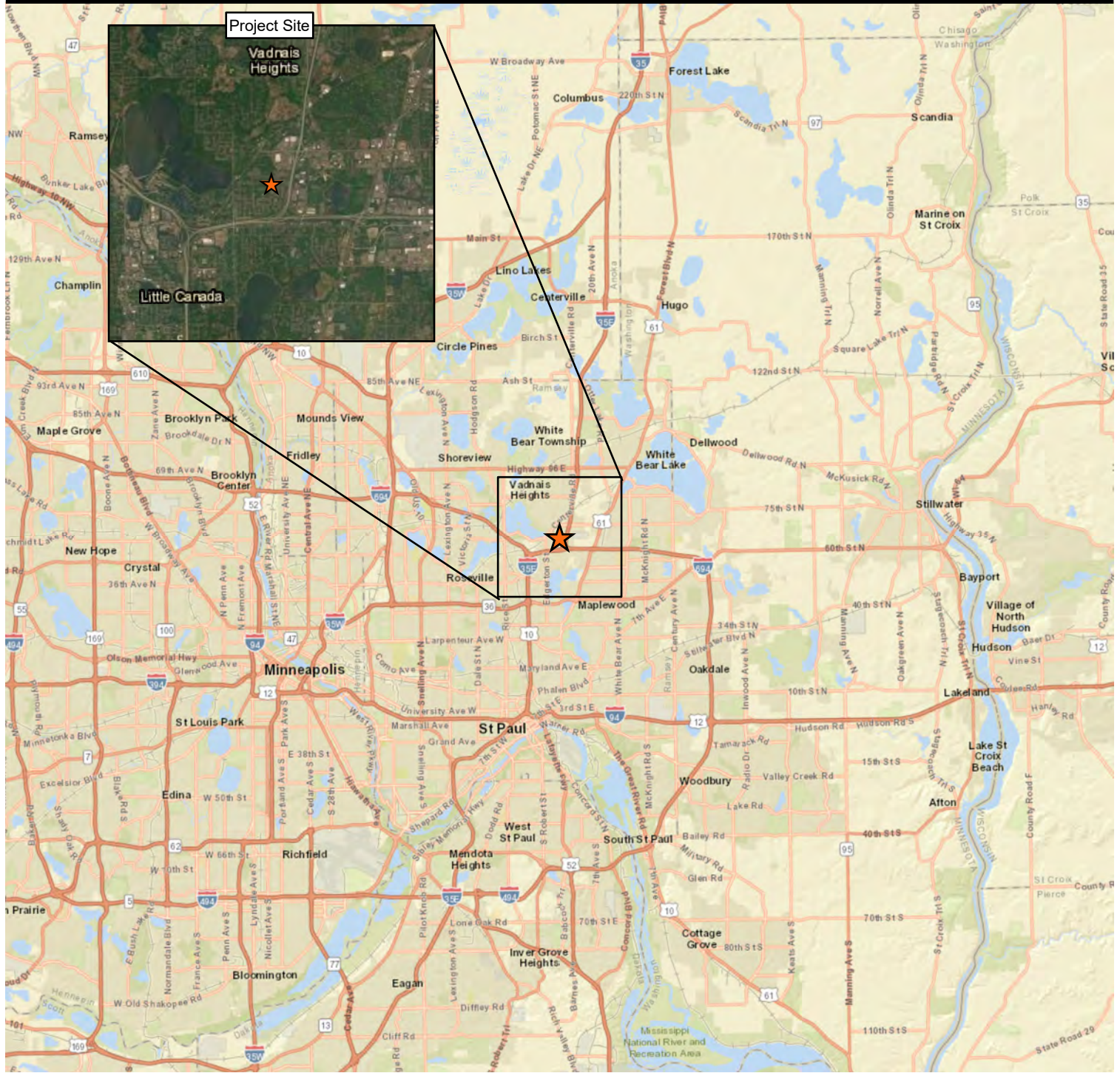
Figure 1. Project Location Map

Figure 2. Site Boundary Map

Figure 3. Topographic Map

Figure 4. Wetland Delineation

Figure 5. Off-Site Alternatives



Data Sources: Esri, USGS, OpenStreetMap



★ Project Site



0 2.5 5
Miles

Scale 1" = 5 mi



11001 Hampshire Avenue S
Minneapolis, MN 55438
952.995.2000
braunintertec.com

Project No:
B2401517.00

Drawing No:
Fig1_LocMap

Drawn By: SL
Date Drawn: 4/29/2024
Checked By: MU
Last Modified: 4/29/2024

Vadnais Heights Apartments

Arcades Street S. and Garceau Lane

Vadnais Heights, Minnesota

**Project
Location
Map**

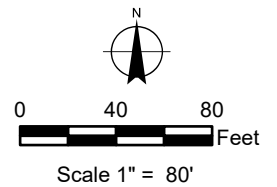
Figure 1



Sources: Ramsey County, MN DOT, Esri, USGS, OpenStreetMap



- Approximate Site Boundary
- Site Parcels
- County Parcels



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 Minneapolis, MN 55438
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 braunintertec.com

Project No:
 B2401517.00

Drawing No:
 Fig2_SiteBndry

Drawn By: SL
 Date Drawn: 4/29/2024
 Checked By: MU
 Last Modified: 4/29/2024

Vadnais Heights Apartments

Arcades Street S. and Garceau Lane

Vadnais Heights, Minnesota

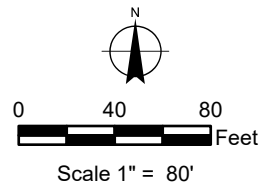
**Site Boundary
 Map**

Figure 2



Sources: Minnesota DNR, MnTOPO, MN DOT

- Approximate Site Boundary
- MnTOPO Surface Contours
- 2' Intermediate Contour
- 10' Index Contour



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Project No:
 B2401517.00

Drawing No:
 Fig3_Topo

Drawn By: SL
 Date Drawn: 4/29/2024
 Checked By: MU
 Last Modified: 4/29/2024

Vadnais Heights Apartments

Arcades Street S. and Garceau Lane

Vadnais Heights, Minnesota

**Topographic
 Map**

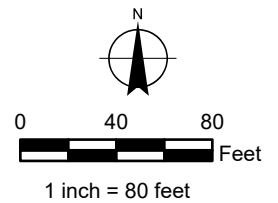
Figure 3



Aerial Imagery Source: Google Earth

- Approximate Site Boundary
- MnTOPO Surface Contours
- 2' Intermediate Contour
- 10' Index Contour
- Delineated Wetland Boundary
- Wetland Area
- Upland Sample
- Wetland Sample
- Wetland Boundary Flag
- Culvert
- Swale

NOTE: Wetland boundaries and types are approximate for illustrative purposes only and do not reflect actual survey data.



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Project No:
 B2401517.00

Drawing No:
 Fig7_WtInDelin

Drawn By: SL
 Date Drawn: 5/16/2024
 Checked By: MU
 Last Modified: 5/30/2024

Vadnais Heights Apartments

Arcades Street S. and Garceau Lane

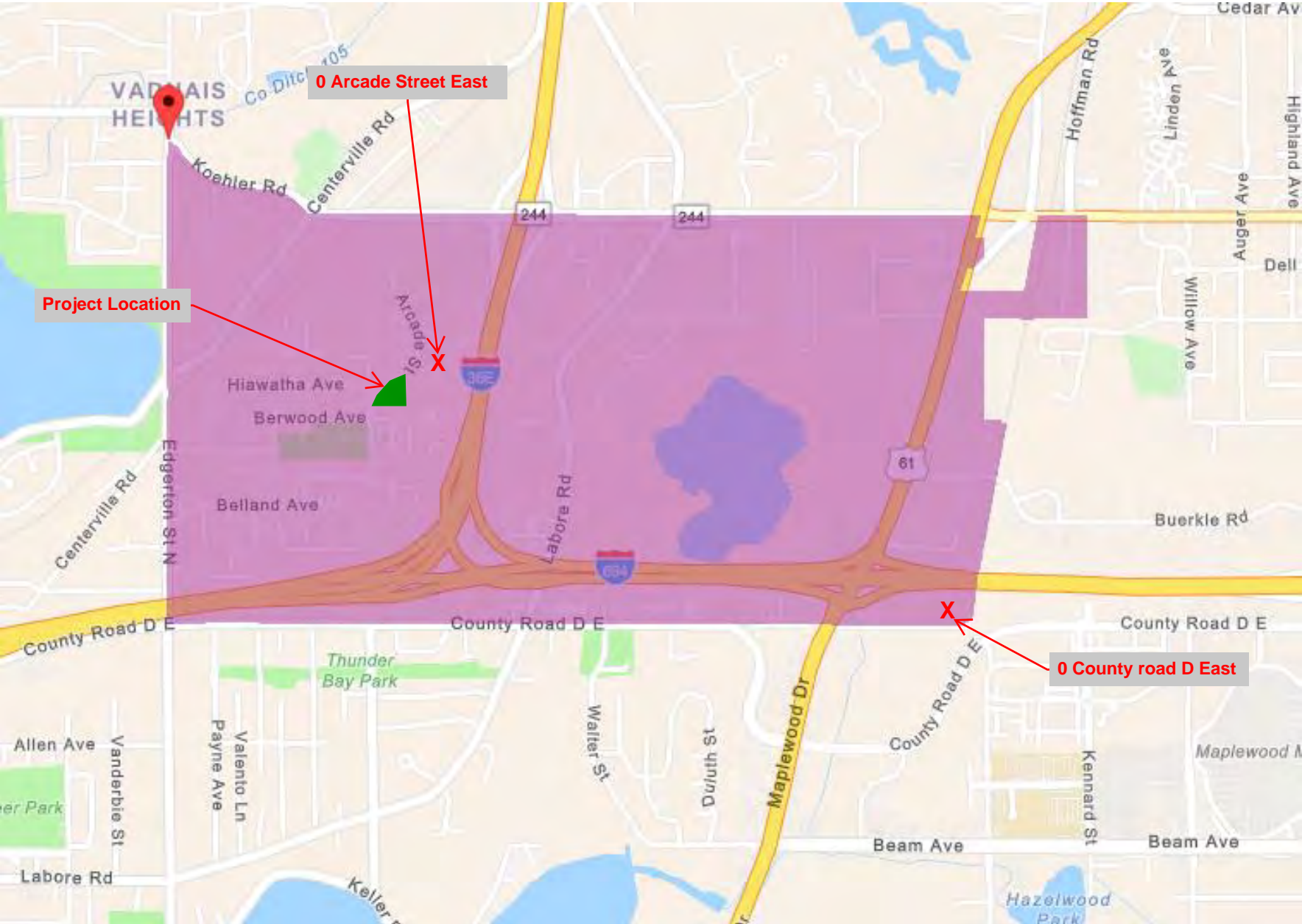
Vadnais Heights, Minnesota

**Wetland
 Delineation**

Figure 4

85

Figure 5. Off-Site Alternatives



Appendix B

Sheet C3-1 Grading Plan

Sheet L1-1 Landscape Plan

Figure 6. Existing Drainage Map

Figure 7. Proposed Drainage Map

Proposed Wetland Impacts (Sheet C4-2)



LOUCKS

PLANT SCHEDULE

CODE	PLT	COMMON NAME	BOTANICAL NAME	QUANTITY	NOTE
100	100	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'
101	101	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'
102	102	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'
103	103	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'
104	104	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'
105	105	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'
106	106	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'
107	107	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'
108	108	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'
109	109	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'
110	110	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'
111	111	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'
112	112	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'
113	113	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'
114	114	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'
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128	128	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'
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200	200	DOGWOOD TREE	DOGWOOD TREE	10	10' x 10'

PLANTING REQUIREMENTS:
 1. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION SCHEDULE.
 2. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION SCHEDULE.
 3. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION SCHEDULE.

GENERAL NOTES:
 1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UNDERGROUND AND ABOVE GROUND UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY LANDSCAPE ARCHITECT OF SAME.
 2. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UNDERGROUND AND ABOVE GROUND UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY LANDSCAPE ARCHITECT OF SAME.
 3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UNDERGROUND AND ABOVE GROUND UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY LANDSCAPE ARCHITECT OF SAME.

IRRIGATION NOTES:
 1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UNDERGROUND AND ABOVE GROUND UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY LANDSCAPE ARCHITECT OF SAME.
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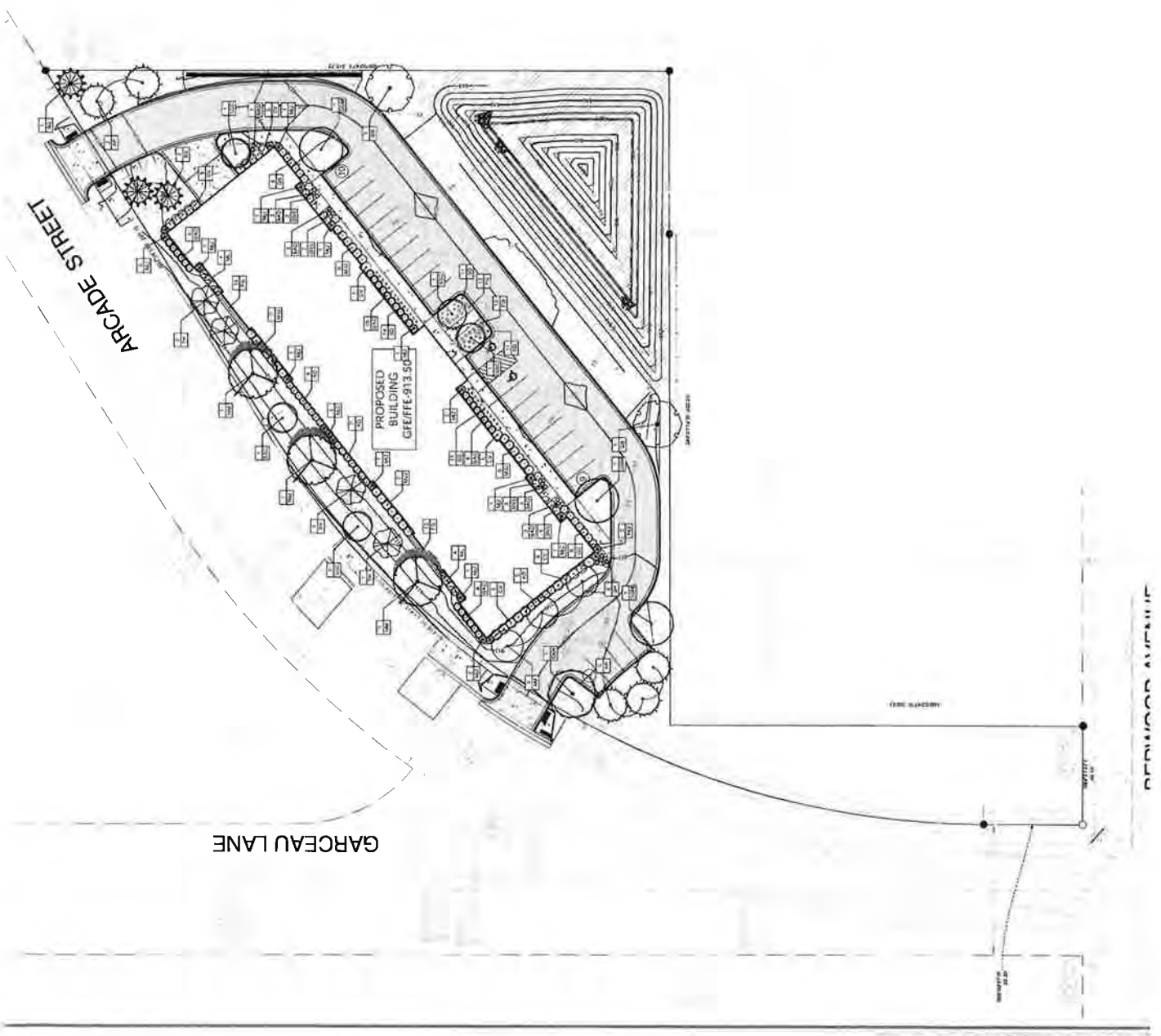
CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UNDERGROUND AND ABOVE GROUND UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY LANDSCAPE ARCHITECT OF SAME.

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UNDERGROUND AND ABOVE GROUND UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY LANDSCAPE ARCHITECT OF SAME.

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CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UNDERGROUND AND ABOVE GROUND UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY LANDSCAPE ARCHITECT OF SAME.



LANDSCAPE PLAN
L1-1

WARNING:
 THIS DOCUMENT IS THE PROPERTY OF Gopher State One Call. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE CONTRACT. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. VIOLATION OF THIS WARNING MAY BE SUBJECT TO LEGAL ACTION.

ALL DIMENSIONS:
 Gopher State One Call
 877.746.8282

Figure 6.
**EXISTING DRAINAGE
MAP**

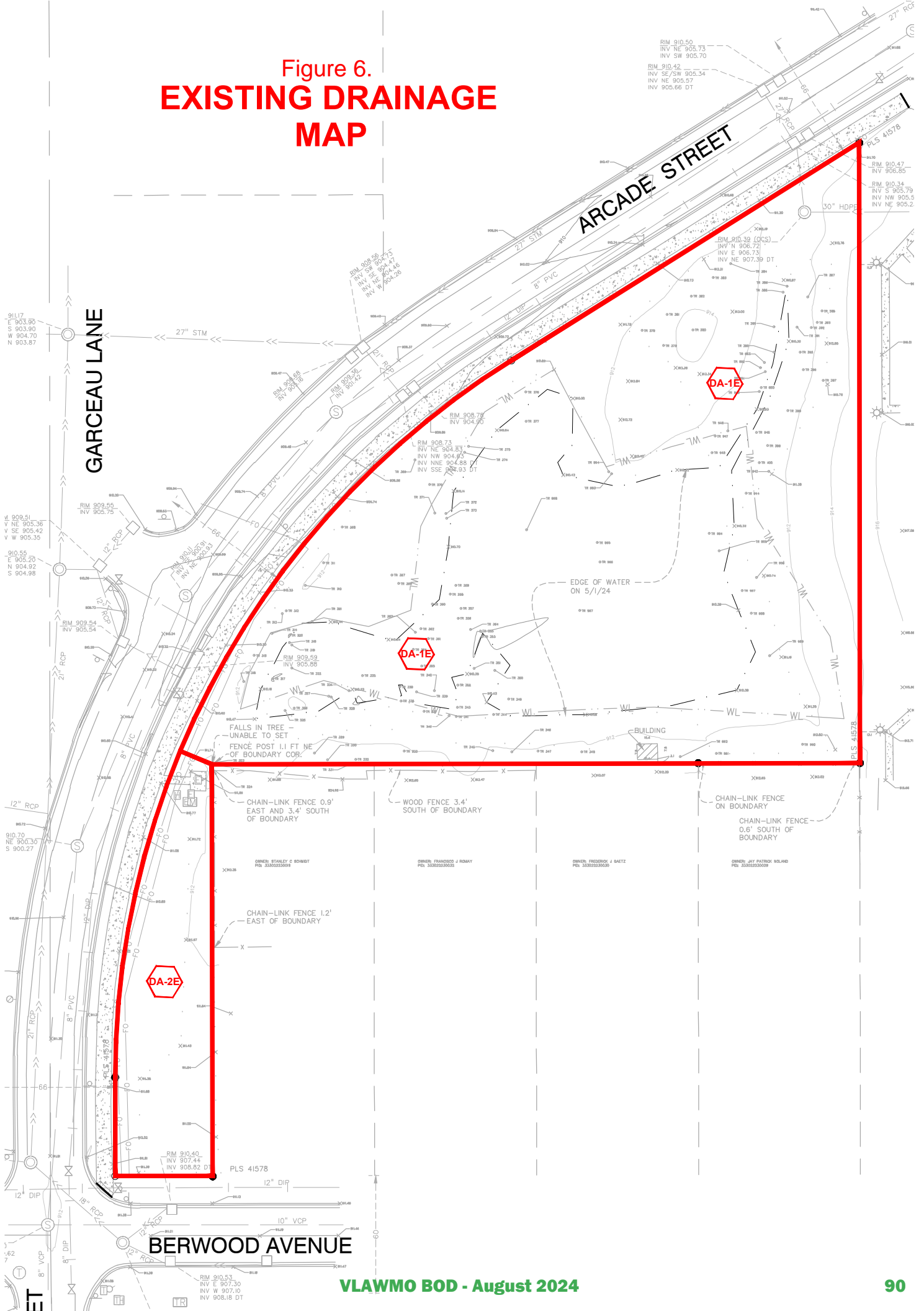
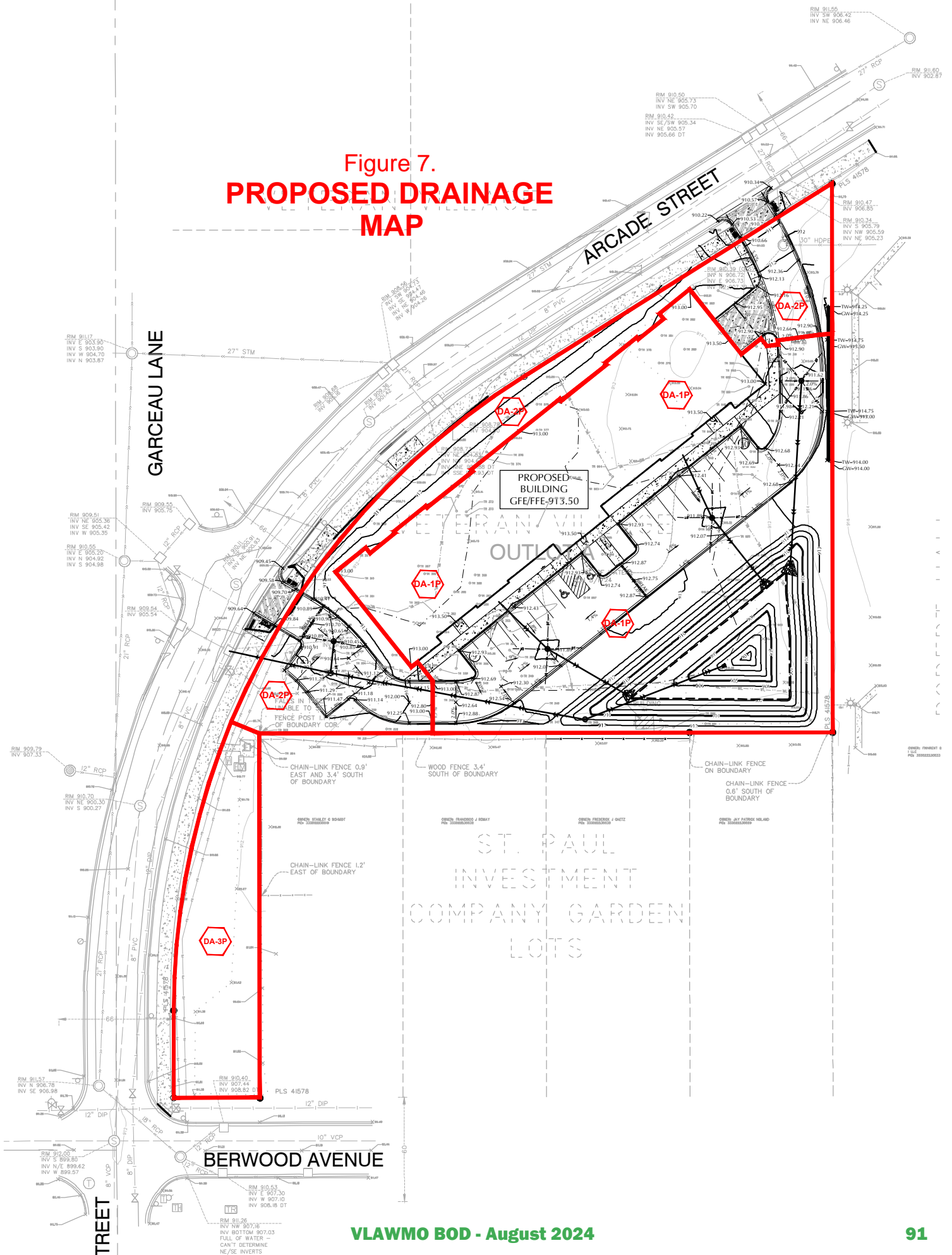
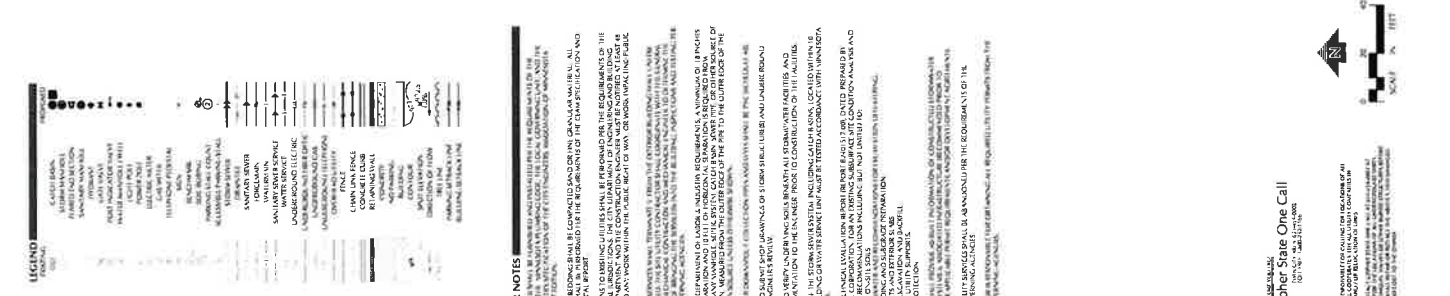


Figure 7.
**PROPOSED DRAINAGE
 MAP**





LEGEND

PROPOSED WETLAND FILL
 PROPOSED WETLAND EXCAVATION
 WETLAND REMAINING

STORM SEWER NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
2. ALL UTILITY PIPE INSTALLATIONS SHALL BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
3. ALL CONNECTIONS TO EXISTING UTILITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
4. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
5. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
6. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
7. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
8. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
9. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
10. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
11. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
12. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
13. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
14. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
15. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
16. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
17. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
18. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.
19. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ILLINOIS CONSTRUCTION ACT AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED, AND THE ILLINOIS CONSTRUCTION CODE, AS AMENDED.

STORM SEWER PLAN

PROJECT: STORM SEWER PLAN

DATE: 08/20/24

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DATE: 08/20/24

Appendix C

Correspondence - Purchase Agreement for Wetland Banking Credit
WCA Notice of Decision (June 13, 2024)
WCA TEP Form (June 11, 2024)

Fristed, Travis

From: Fristed, Travis
Sent: Thursday, July 18, 2024 11:42 AM
To: Smyth, John
Subject: RE: Wetland Credit Quote for Vadnais Heights Project - Bank #1762

John,
Please proceed with the PA. It can be made out to:

Paul Keenan

Vice President of Development

REUTERWALTON

4450 Excelsior Boulevard, Suite 400

St. Louis Park, MN 55416

Cell: 612-282-1977

Thanks,

Travis Fristed, PWS, CMWP
Senior Manager, Principal Scientist

BRAUN INTERTEC

11001 Hampshire Avenue S | Minneapolis, MN 55438
952.995.2027 direct | 952.500.1180 mobile

From: Smyth, John <John.Smyth@stantec.com>
Sent: Monday, July 8, 2024 4:09 PM
To: Fristed, Travis <TFristed@braunintertec.com>
Subject: RE: Wetland Credit Quote for Vadnais Heights Project - Bank #1762

Hi Travis,

The cost is [REDACTED] per sf plus BWSR fees. The purchase agreement requires a [REDACTED] escrow to hold the credit.

If you are interested, I will put together a purchase agreement.

Thanks,

John Smyth WDC
Senior Project Manager
Water Resource Specialist
Senior Associate

Direct: 612 712-2132
Mobile: 651 775-5104
John.Smyth@stantec.com

Stantec



The content of this email is the confidential property of Stantec and should not be copied, modified, retransmitted, or used for any purpose except with Stantec's written authorization. If you are not the intended recipient, please delete all copies and notify us immediately.

From: Fristed, Travis <TFristed@braunintertec.com>
Sent: Monday, July 8, 2024 3:10 PM
To: Smyth, John <John.Smyth@stantec.com>
Subject: Wetland Credit Quote for Vadnais Heights Project - Bank #1762

Hello John,

I'm working on a development project in Vadnais Heights (Bank Service Area #7) that will need 1.38 to 1.73 wetland credits. Credit closing would occur before the end of this year (assuming we get all permits in hand). Would you be interested in providing a quote for the purchase of credits from wetland bank #1762? If so, please reply with the per credit cost and terms of the purchase agreement (if any).

Thanks,

Travis Fristed, PWS, CMWP
Senior Manager, Principal Scientist
BRAUN INTERTEC
11001 Hampshire Avenue S | Minneapolis, MN 55438
952.995.2027 direct | 952.500.1180 mobile

Caution: This email originated from outside of Stantec. Please take extra precaution.

Attention: Ce courriel provient de l'extérieur de Stantec. Veuillez prendre des précautions supplémentaires.

Atención: Este correo electrónico proviene de fuera de Stantec. Por favor, tome precauciones adicionales.

Minnesota Wetland Conservation Act Notice of Decision

Local Government Unit: Vadnais Lake Area WMO		County: Ramsey
Applicant Name: Reuter Walton (Paul Keenan)		Applicant Representative: Braun – Travis Fristed
Project Name: Vadnais Heights Apartments		LGU Project No. (if any): 4.2024
Date Complete Application Received by LGU: 5/30/2024		
Date of LGU Decision: 6/13/2024		
Date this Notice was Sent: 6/13/2024		

WCA Decision Type - check all that apply

<input checked="" type="checkbox"/> Wetland Boundary/Type	<input type="checkbox"/> Sequencing	<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Bank Plan (not credit purchase)
<input type="checkbox"/> No-Loss (8420.0415)	<input type="checkbox"/> Exemption (8420.0420)		
Part: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H	Subpart: <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9		

Replacement Plan Impacts (replacement plan decisions only)

Total WCA Wetland Impact Area:	
Wetland Replacement Type:	<input type="checkbox"/> Project Specific Credits: <input type="checkbox"/> Bank Credits:
Bank Account Number(s):	

Technical Evaluation Panel Findings and Recommendations (attach if any)

<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve w/Conditions <input type="checkbox"/> Deny <input type="checkbox"/> No TEP Recommendation
--

LGU Decision

<input type="checkbox"/> Approved with Conditions (specify below) ¹ List Conditions:	<input checked="" type="checkbox"/> Approved ¹	<input type="checkbox"/> Denied
Decision-Maker for this Application: <input checked="" type="checkbox"/> Staff <input type="checkbox"/> Governing Board/Council <input type="checkbox"/> Other:		
Decision is valid for: <input checked="" type="checkbox"/> 5 years (default) <input type="checkbox"/> Other (specify):		

¹ *Wetland Replacement Plan approval is not valid until BWSR confirms the withdrawal of any required wetland bank credits. For project-specific replacement a financial assurance per MN Rule 8420.0522, Subp. 9 and evidence that all required forms have been recorded on the title of the property on which the replacement wetland is located must be provided to the LGU for the approval to be valid.*

LGU Findings – Attach document(s) and/or insert narrative providing the basis for the LGU decision¹.

<input checked="" type="checkbox"/> Attachment(s) (specify): FOF <input checked="" type="checkbox"/> Summary: LGU visited the site with the TEP on 6-6-2024 to confirm B&T of Wetland A (0.69 acres). Although the region has received above normal antecedent precipitation and the wetland area had high water, the TEP observed no significant changes to field indicators that would change the flagged/marked wetland boundary of Wetland A. TEP has no changes to B&T of Wetland A. No changes to the 5/30/2024 delineation report needed.
--

¹ *Findings must consider any TEP recommendations.*

Attached Project Documents

<input type="checkbox"/> Site Location Map <input type="checkbox"/> Project Plan(s)/Descriptions/Reports (specify):

Appeals of LGU Decisions

If you wish to appeal this decision, you must provide a written request within 30 calendar days of the date you received the notice. All appeals must be submitted to the Board of Water and Soil Resources Executive Director along with a check payable to BWSR for \$500 *unless* the LGU has adopted a local appeal process as identified below. The check must be sent by mail and the written request to appeal can be submitted by mail or e-mail. The appeal should include a copy of this notice, name and contact information of appellant(s) and their representatives (if applicable), a statement clarifying the intent to appeal and supporting information as to why the decision is in error. Send to:

Appeals & Regulatory Compliance Coordinator
Minnesota Board of Water & Soils Resources
520 Lafayette Road North
St. Paul, MN 55155
travis.germundson@state.mn.us

Does the LGU have a local appeal process applicable to this decision?

- Yes¹
- No

¹If yes, all appeals must first be considered via the local appeals process.

Local Appeals Submittal Requirements (LGU must describe how to appeal, submittal requirements, fees, etc. as applicable)


Notice Distribution (include name)

Required on all notices:

<input checked="" type="checkbox"/> SWCD TEP Member: Alexis Lipstein	<input checked="" type="checkbox"/> BWSR TEP Member: Ben Meyer
<input type="checkbox"/> LGU TEP Member (if different than LGU contact):	
<input checked="" type="checkbox"/> DNR Representative: Jim Levitt	
<input type="checkbox"/> Watershed District or Watershed Mgmt. Org.:	
<input type="checkbox"/> Applicant:	<input checked="" type="checkbox"/> Agent/Consultant: Braun – Travis Fristed

Optional or As Applicable:

<input type="checkbox"/> Corps of Engineers:	
<input type="checkbox"/> BWSR Wetland Mitigation Coordinator (required for bank plan applications only):	
<input type="checkbox"/> Members of the Public (notice only):	<input checked="" type="checkbox"/> Other: Jay Noland

Signature: 	Date: 6/13/2024
--	------------------------

This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.

Minnesota Wetland Conservation Act Technical Evaluation Panel Form

This form can be used to document TEP findings and recommendations related to WCA decisions, determinations, enforcement and pre-application reviews.

Local Government Unit: Vadnais Lake Area WMO	County: Ramsey
Landowner/Applicant: Reuter Walton (Paul Keenan) Agent/Representative(s): Travis Fristed - Braun	
Project Name: Vadnais Heights Apartments Project No. (if any): 4.2024	
Project Location: 3400 Arcade Street	

Purpose of TEP Findings/Recommendation - check all that apply and describe

Pre-application review Application Review (related to WCA Decision)
 Local Government Road Wetland Replacement Program Eligibility WCA Determination Request
 Other (specify):
Describe:

Meeting Type – check all that apply and specify dates as applicable

In-Person Meeting(s), Date(s): Electronic Exchanges (email, skype, etc.)
 Onsite Review(s), Date(s): 6/6/2024 Other (specify):

Findings and Recommendations

LGU visited the site with the TEP on 6-6-2024 to confirm B&T of Wetland A (0.69 acres). Although the region has received above normal antecedent precipitation and the wetland area had high water, the TEP observed no significant changes to field indicators that would change the flagged/marked wetland boundary of Wetland A. TEP has no changes to B&T of Wetland A. No changes to the 5/30/2024 delineation report needed.

Attachment(s) (specify):

DNR Protected Waters and Shoreland Protection Zone

Will the project/activity affect DNR public waters, DNR public waters wetlands or wetlands within the shoreland protection zone? Yes No If yes, DNR representative is a member of the TEP.

Signatures

<input checked="" type="checkbox"/> LGU TEP Member: Brian Corcoran	Agree with Findings & Recommendations: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Signature: <i>Brian Corcoran</i>	Date: 6/11/2024
<input type="checkbox"/> SWCD TEP Member:	Agree with Findings & Recommendations: <input type="checkbox"/> Yes <input type="checkbox"/> No
Signature: _____	Date: _____
<input checked="" type="checkbox"/> BWSR TEP Member: Ben Meyer	Agree with Findings & Recommendations: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Signature: <i>Benjamin L Meyer</i>	Date: 6/11/2024
<input type="checkbox"/> DNR TEP Member:	Agree with Findings & Recommendations: <input type="checkbox"/> Yes <input type="checkbox"/> No
Signature: _____	Date: _____

Minnesota Wetland Conservation Act Technical Evaluation Panel Form

This form can be used to document TEP findings and recommendations related to WCA decisions, determinations, enforcement and pre-application reviews.

Local Government Unit: Vadnais Lake Area WMO	County: Ramsey
Landowner/Applicant: Reuter Walton (Paul Keenan)	Agent/Representative(s): Travis Fristed - Braun
Project Name: Vadnais Heights Apartments (Replacement Plan) Project No. (if any): 7.2024	
Project Location: 3400 Arcade Street	

Purpose of TEP Findings/Recommendation - check all that apply and describe

<input checked="" type="checkbox"/> Pre-application review <input checked="" type="checkbox"/> Application Review (related to WCA Decision) <input type="checkbox"/> Local Government Road Wetland Replacement Program Eligibility <input type="checkbox"/> WCA Determination Request <input type="checkbox"/> Other (specify): Describe:

Meeting Type – check all that apply and specify dates as applicable

<input checked="" type="checkbox"/> In-Person Meeting(s), Date(s): 8/1/24, 8/12/24, 8/20/24 <input checked="" type="checkbox"/> Electronic Exchanges (email, skype, etc.) <input type="checkbox"/> Onsite Review(s), Date(s): <input type="checkbox"/> Other (specify):
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Findings and Recommendations

Technical Evaluation Panel (TEP) recommends denial of Vadnais Heights Apartments replacement plan application dated 7/22/24, received, deemed complete per MS15.99 and noticed 7/23/24. See attached documents.

<input checked="" type="checkbox"/> Attachment(s) (specify): 7/22/2024 Vadnais Heights Apartments WRP Joint Application 8/5/2024 Binder 1 _WCA_TEP_Form _replacement plan_Vadnais Heights Apartments 3400 Arcade St_VH 8/9/2024 applicant Response to 1st TEP Comments_20240809 8/13/2024 Binder 2_WCA_TEP_Form _replacement plan_Vadnais Heights Apartments 3400 Arcade St 8/16/2024 applicant Response to 2nd TEP Comments_20240816 8/20/2024 Binder 3_WCA_TEP_Form _replacement plan_Vadnais Heights Apartments 3400 Arcade St 4/1/2024 16829 Vadnais_Lake_Subwatershed_Resilience Study_Final_reduced 9/15/2010 WETLANDS_Function_MnRAM_Comprehensive_Guidance
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DNR Protected Waters and Shoreland Protection Zone

Will the project/activity affect DNR public waters, DNR public waters wetlands or wetlands within the shoreland protection zone? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, DNR representative is a member of the TEP.
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Signatures

<input checked="" type="checkbox"/> LGU TEP Member: Brian Corcoran	Agree with Findings & Recommendations: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Signature: <i>Brian Corcoran</i>	Date: 8/20/2024
<input checked="" type="checkbox"/> SWCD TEP Member: Alexis Lipstein	Agree with Findings & Recommendations: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Signature: <i>Al Lipstein</i>	Date: 8/20/2024

<input checked="" type="checkbox"/> BWSR TEP Member: Ben Meyer	Agree with Findings & Recommendations: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Signature: <i>Benjamin L. Meyer</i>	Date: 8/20/2024
<input type="checkbox"/> DNR TEP Member:	Agree with Findings & Recommendations: <input type="checkbox"/> Yes <input type="checkbox"/> No
Signature:	Date:

FINDINGS REGARDING THE VADNAIS HEIGHTS APARTMENTS (REPLACEMENT PLAN) PROJECT

Project No. 7.2024

On 6/27/2024 consultant requested a pre-application meeting for a WCA Replacement Plan with the TEP.

On 7/12/2024 a virtual pre-application meeting for the WCA Replacement Plan with the TEP, consultant, applicant and City was held.

On 7/17/2024 TEP comments from pre-application meeting were sent to consultant and City via email. Comments below:

“Just want to send a summary of the TEP comments from the 7/12/24 Vadnais Apartments pre-WCA Replacement Application mtg.

- *recommend no-build for this site due to the protected wetland taking up most of the parcel and the amount of fill and impervious surface proposed*
- *The currently proposed design does not minimize any wetland impact at all and does not properly address the need for not only on-site stormwater treatment but the treatment and storage of stormwater from the surrounding drainage area.*
- *The current proposed stormwater pond seems undersized to be able to effectively treat the amount of water on this site given there is added runoff from the new impervious on top of the already existing runoff from the surrounding area.*
- *The current proposed design also does not take into account potential flooding issues. Routing all of the excess stormwater downstream will only cause more issues downstream.*
- *For minimization the possibility of reducing the building’s overall footprint and capacity should be considered as well as eliminating some surface parking spots. If the design minimized wetland impact and left some wetland intact on-site they would also need to comply with wetland buffer rules. Per VLAWMO’s website “Most small wetlands and storm ponds call for a buffer with an average of 20’ vegetative width and a minimum of 16’”. To comply with these rules may mean significantly reducing the buildings footprint and redesigning the surface parking lot.*
- *Not sure how they will ever get by the avoidance alternative and all of the other site constraints”*

On 7/18/2024 VLAWMO and City had meeting on pre-application comments in person.

On 7/23/2024 VLAWMO received a complete replacement plan application for Vadnais Apartments and application was noticed to the TEP and those requiring noticing.

On 8/1/2024 TEP held an in-person meeting to review application and provide comments on Vadnais Apartments replacement plan application. The comments are set out below.

On 8/9/2024 TEP received a letter from the applicant's engineer responding to the TEP's 8/1/2024 comments. The responses are inserted below.

On 8/12/2024 TEP held an in-person meeting to review applicant responses to 8/1/24 TEP comments. TEP reply comments are set out below.

On 8/16/2024 TEP received a letter from the applicant's engineer responding to the TEP's 8/12/2024 comments. The responses are inserted below.

On 8/20/24 TEP held an in-person meeting to review applicant responses to 8/12/24 TEP comments and provide a TEP recommendation for the 8/28/2024 VLAWMO Board meeting. TEP reply comments are set out below.

- MN Rules, part 8420.0520, Subpart 1. **Requirement.** The local government unit must not approve a wetland replacement plan unless the local government unit finds that the applicant has demonstrated that the activity impacting a wetland complies with all of the following principles in descending order or priority:
 - A) avoids direct or indirect impacts that may destroy or diminish the wetland under the criteria in subpart 3
 - B) minimizes impacts by limiting the degree or magnitude of the wetland activity and its implementation under the criteria in subpart 4
 - C) rectifies impacts by repairing, rehabilitating, or restoring the affected wetland under the criteria in subpart 5
 - D) reduces or eliminates impacts over time by operating the project in a manner that preserves and maintains the remaining wetland under the criteria in subpart 6
 - E) replaces unavoidable impacts by restoring or, if wetland restoration opportunities are not reasonably available, creating replacement wetland areas having equal or greater public value as provided for in parts 8420.0500 and 8420.0522 to 8420.0528

Avoidance:

1. MN Rules, part 8420.0520, subp. 3.C(2)(a) "it is capable of being done from an engineering point of view."
 - TEP 8/1/24 Comment: *Application states poor site conditions; a 0.69 acre wetland in the middle of the parcel which accounts for 39% of the parcel area; high groundwater levels 2-4 feet below the surface; structurally poor and unstable soils.*
 - Applicant 8/9/24 Response: *The project is achievable with industry accepted engineering controls. Supporting the building on an alternative deep foundation design (rigid inclusion), water proofing of the elevator shaft, drain tile, and providing four feet of low floor building separation from highest observed groundwater elevation are incorporated into the project design.*
 - TEP 8/12/24 Reply: *TEP has determined this an acceptable response.*

- Applicant 8/16/24 Response: *TEP has determined the applicant’s August 9th response as acceptable, and that the project is achievable with industry accepted engineering controls and satisfies MN Rules 8420.0520 Subp. 3.C(2)(a).*
 - TEP 8/20/24 Reply: *We found your 8/9/24 response was acceptable per MN Rules 8420.0520 Subp. 3.C(2)(a) from the information provided in the application. The TEP has no position on your claim that the project is achievable with industry accepted engineering controls.*
2. MN Rules, part 8420.0520, subp. 3.C(2)(c) “it is consistent with reasonable requirements of the public health, safety, and welfare.”
- TEP 8/1/24 Comment: *The application includes statements pertaining to poor soil suitability for development because of high groundwater levels observed 2-4 feet below the soil surface. Building an apartment building on a property with 39% wetland coverage including a high groundwater table making the soils “structurally poor”. The applicant should provide additional information pertaining to the feasibility and safety of constructing a four-level apartment building on “structurally poor” soils, has not demonstrated to be consistent with storm water management criteria, not considering drainage to site and the surrounding street and neighborhood catchments. Current analysis does not quantify all the areas currently contributing stormwater to the site and possible flooding concerns.*
 - Applicant 8/9/24 Response: *The project is consistent with all State of Minnesota building codes and City of Vadnais Heights Planned Unit Development standards, which meets reasonable public health, safety, and welfare requirements. Engineering controls for structurally poor soils and high groundwater (as described in #1) are incorporated into the design.*

TEP comments regarding stormwater is inaccurate and misleading. As provided in the application, stormwater management is designed to meet local and state requirements for permanent stormwater management (NPDES Construction Stormwater General Permit and City of Vadnais Heights) while taking into consideration site constraints (existing utility connections and conflicts, high groundwater table, structurally poor soils, flat topography, planning and zoning setbacks). These requirements include existing drainage areas (Figures 6 and 7 of the application), runoff rates (Tables 1.1 and 1.2 in Attachment C of the application), volumes (land cover), and soil types. Existing conditions and proposed conditions dictate the proposed stormwater pond design elements (size, water quality and flood control volumes, rate control). Page 7 (“Minimization”) includes a narrative summary of stormwater modeling results for existing and proposed conditions. Visual and quantitative off-site modeling (stormwater run-off) is not required by the regulatory authorities, however, existing on-site conditions include off-site influences (stormwater run-on) which are accounted for in the stormwater modeling.

- TEP 8/12/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Where is the groundwater storage going? The current function and value of the wetland is providing groundwater and surfacewater flood storage. Please provide evidence/modeling that sufficient storage of groundwater and surface water replaces existing wetland function or a signed letter from City engineer that stormwater and groundwater has been significantly addressed.*
 - Applicant 8/16/24 Response: *Applicant's August 9th response demonstrates and is consistent with reasonable requirements for public health, safety, and welfare under MN Rules 8420.0520 Subp. 3.C(2)(c).
The proposed 2-4 feet of fill (and associated building, drive aisles, and surface parking) within the proposed 0.50 acres of wetland impacts would not affect groundwater storage. The proposed stormwater management pond is located within groundwater and will not negatively affect (by volume displacement) the existing groundwater storage and quality of the existing condition. The proposed stormwater pond provides equal function and value for groundwater and surface water storage for existing and proposed conditions. This is demonstrated in the stormwater management summary of the application.*
 - TEP 8/20/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Per the applicant, the site has high ground water and the attached Resiliency Study from the Braun 8/16/24 response memo states this area has high flood potential. The SRF Resiliency Study indicates this area as a "Key inundation area B8". Also, on page 5-15 this area was indicated as "Alternative #1 BMP Location" which was described as "It provided some good opportunities to reduce flooding as well as improve water quality and quantity. It is a public parcel which can take in public water."*
3. MN Rules, part 8420.0520, subp. 3.C(3)(a) "whether the basic project purpose can be reasonably accomplished using one or more other sites in the same general area that would avoid wetland impacts. An alternate site must not be excluded from consideration only because it includes or requires an area not owned by the applicant that could reasonably be obtained, used, expanded, or managed to fulfill the basic purpose of the proposed project"
- TEP 8/1/24 Comment: *Application shows 2 alternative sites in the City, the only limiting factor of which listed was the land needing to be purchased. The applicant has not demonstrated that these alternatives cannot be reasonably obtained through further negotiations with the sellers, applicant has not shown all existing QCT areas within the city of Vadnais heights. Applicant has not shown all available parcels of land within the QCT area selected or if applicant has exhausted all other offsite alternatives in surrounding area? The application states MET Council Plan sets a goal in the 7-county metro area.*
 - Applicant 8/9/24 Response: *Landownership and the willingness to sell is the necessary first step in determining if an alternative site can be considered for a potential project. It*

is not reasonable for the TEP to assume that a property can be a viable alternative if the current owner is not willing to sell. The applicant has provided two alternative sites in the application that would meet the project purpose and need, and demonstrated why these alternative sites did not advance. The two alternative sites and QCT area are illustrated on Figure 5 of the application.

Additional available properties that meet site selection criteria (refer to Attachment C of the application) for undeveloped parcels that are a minimum of 1.5 acres within the QCT are provided below and on the revised Figure 5. These alternative sites are not being marketed for sale. Most are surrounded by industrial uses and have no connection to transit, grocery, and other amenities. Other sites lack access or are City owned sites in which the City is not a willing seller.

- *0 Centerville Road (11.6 acres): No access (landlocked)*
 - *3291 Labore Road (2.63 Acres): Surrounded by industrial uses, no connection to grocery, transit, other amenities.*
 - *0 Labore Road (4.51): Surrounded by industrial uses, no connection to grocery, transit, other amenities.*
 - *0 Highway 61 N. (1.92 acres): Land used by the State for the freeway.*
 - *0 Highway 694 (71.91 acres): No Access, land locked, no connection to grocery, transit or other amenities.*
 - *0 Highway 694 (3.95 acres): No Access, land locked, no connection to grocery, transit or other amenities.*
 - *0 Highway 61 (100.2 acres): Expansive wetlands and one large contiguous parcel.*
 - *0 Unassigned Address (2.69 acres): City owned and not interested in selling. Not buildable (existing stormwater pond).*
 - *0 Liberty Way (2.71 acres): Long, thin lot between Interstate 694 and single-family homes. Land locked and no access.*
 - *0 Arcade St (3.16 acres): City owned and not interested in selling.*
 - *0 Unassigned Address (11.45 acres): City owned and not interested in selling. Not buildable (existing wetlands).*
 - *0 Vadnais Center Dr (2.54 acres): Surrounded by industrial uses, no connection to grocery, transit, other amenities.*
 - *0 Labore Rd (16.11 acres): Surrounded by industrial uses, no connection to grocery, transit, other amenities.*
 - *0 Labore Rd (29.53 acres): Surrounded by industrial uses, no connection to grocery, transit, other amenities.*
- TEP 8/12/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Of the above 14 listed properties, the TEP requests additional information on the following sites and why they are not feasible:*
 - *HW61 100.2 acre states not feasible due to expansive wetland and one large contiguous parcel. Please expand the response as why there is not 1.5 acre of buildable upland on this parcel.*
 - *0 Unassigned Address 2.69 Current project property is City owned, why is City not interested in selling this site? Please expand response.*

- Arcade 3.61 acre, Current project property is City owned, why is City not interested in selling this site? Please expand response.

-Unassigned address 11.45 acre Current project property is City owned, States not buildable due to existing wetlands, how is this different than proposed site? Please expand response.

- Applicant 8/16/24 Response: Additional information for the three alternative sites is provided below:

0 Highway 61 (100.2 acres; PID 343022320007): Expansive wetlands and one large contiguous parcel.

The 100+ acre site identified along Willow Lake Blvd/Hwy 61 is owned by HB Fuller as part of their corporate campus. They have confidential plans for use of their entire campus and the subject property is zoned/guided Industrial. Given its location, predominantly surrounded by industrial uses, adding additional residential units to the area does not fit with the City or HB Fuller's future land use plans.

0 Unassigned Address (2.69 acres; PID 323022140129): City owned and not interested in selling. Not buildable (existing stormwater pond).

Approximately 1.39 acres of the parcel is an existing stormwater management pond, leaving 1.30 acres of upland and wetland areas. The City is exploring potential uses that address stormwater and wetland preservation efforts in the immediate area. Page 35 of the attached East Vadnais Lake Subwatershed Water Quality/Flood Resilience Study (dated April 2024, SRF) shows a rendering of the proposed projects on the mentioned parcel. Page 39 shows how the City intends to turn the space into a natural park surrounding the existing stormwater ponds.

0 Unassigned Address (11.45 acres; PID 323022110044): City owned and not interested in selling. Not buildable (existing wetlands).

Parcel is landlocked and approximately 5.9 acres of the parcel is wetland. The City is exploring potential uses that address stormwater and wetland preservation efforts in the immediate area. Page 35 of the attached East Vadnais Lake Subwatershed Water Quality/Flood Resilience Study (dated April 2024, SRF) shows a rendering of the proposed projects on the mentioned parcel. Page 39 shows how the City intends to turn the space into a natural park surrounding the existing stormwater ponds.

The application materials and August 9th response demonstrates that a feasible and prudent alternative site does not exist to meet the project's purpose and need pursuant to MN Rules 8420.0520 Subp. 3.C(3)(a).

- TEP 8/20/24 Reply: TEP has determined that the previous TEP comment has not been addressed. There is at least one alternative site owned by the City that has more buildable upland area with little to no wetland impact. The applicant has not provided adequate information why other City owned parcels are not feasible. Applicant did not respond to all alternatives from our 8/12/24 comment.

4. MN Rules, part 8420.0520, subp. 3.C(3)(c) "whether reasonable modification of the size, scope, configuration, or density of the project would avoid impacts to wetlands."

- TEP 8/1/24 Comment: *Application does not address this. The application lists an alternative building footprint which completely avoids wetland impacts but rejects the alternative for reasons that do not seem justifiable. Ex. Building height restrictions (variances could be sought), stormwater management accommodation (variances and use of existing wetland as stormwater management with pretreatment could be explored), small area of developable land (does not explain why this deems the alternative unviable).*
 - Applicant 8/9/24 Response: *Modifications to the proposed project for a smaller building footprint entirely within 0.35 acres of upland (Alternative #2 in the application) is not a viable option. Alternative #2 does not provide adequate on-site parking space, upland areas for stormwater management facilities (City of Vadnais Heights and State minimum permit requirements), or meet City planning and zoning setbacks. Building height would also need to be significantly increased to provide minimum total units for the project to be financially feasible. City variance requests would not be supported for no or minimal stormwater management that does not meet city or state permit requirements, significantly less than a 1 to 1 parking stalls per unit ratio, and building heights taller than city code and excessive (4-6 units per floor, 10-15 level tower for 58 units) to surrounding existing structures. Alternative #2 is not a reasonable or justifiable option based on the unachievable items mentioned above.*
 - TEP 8/12/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. You have not provided a second reasonable alternative that modifies the size, scope and configuration/density. Please provide this alternative.*
 - Applicant 8/16/24 Response: *The application materials and August 9th response demonstrated a second alternative with reasonable modifications to the size, scope, and configuration or density of the project, and a discussion as to why this second alternative is not feasible. For illustrative purposes, the second alternative is shown on the attached figure (Alternative #2), showing approximately 0.25 acres of buildable upland when considering structure lot line setbacks of 10 feet from Arcade Street and 35 feet from side lots. Information provided by the applicant satisfies MN Rules 8420.0520 Subp. 3.C(3)(c).*
 - TEP 8/20/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Per plan in 8/16/24 Braun response memo it states only 0.25 acre of buildable upland, application states a minimum of 1.5 acre of buildable upland is needed for this project as proposed.*
5. MN Rules, part 8420.0520, subp. 3.C(3)(d) “efforts by the applicant to accommodate or remove constraints on alternatives imposed by zoning standards or infrastructure, including requests for conditional use permits, variances, or planned unit developments.”
- TEP 8/1/24 Comment: *Application does not identify why this project has to be in the QST. Applicant mentions getting tax benefit from developing in a QCT. However economic feasibility is not a valid reason to cause significant wetland impacts. Other*

sites with fewer constraints and more upland acreage would be more economically feasible.

- Applicant 8/9/24 Response: The location of the property within the Qualified Census Tract (QCT), a Housing and Urban Development (HUD) identified area in high need of affordable housing, provides additional equity as a source to build the project, which is the intent of the program, to provide affordable housing within areas of highest need. The approximate total development cost of the project is \$20,500,000. By being located within a QCT, the project is able to generate approximately \$2,000,000 more in HUD project sources to pay for the development compared to if the project was outside of the QCT. The project must be in a QCT to financially be viable and to meet the project goal to provide affordable housing within an area of high need. Site constraints are one factor of financial feasibility however others include things such as land price, marketability of the site to prospective tenants, connections to public transit and area amenities, connection to utilities, etc. The applicant is a very experienced developer of affordable housing and has extensive experience in assessing all of these factors together to determine if a site is financially viable.

The applicant accommodated and removed site constraints by utilizing a Planned Unit Development approach which reduced setbacks to 10 feet from Arcade Street through rezoning, applied the minimum 24-foot width to interior roads, eliminated 21 surface parking stalls, used 9' x 19' parking stall dimensions, and steepened side slopes to 3 to 1 to reduce wetland fill.

The TEP comment of "Other sites with fewer constraints and more upland acreage would be more economically feasible" is a broad assumptive comment based on no supporting evidence. Sites with more upland acreage may have increased construction costs for earthwork corrections and export, higher land prices, and utility connection issues.

- TEP 8/12/24 Reply: *TEP has determined an acceptable response.*
 - Applicant 8/16/24 Response: *TEP has determined the August 9th response as acceptable, and that the project satisfies MN Rules 8420.0520 Subp. 3.C(3)(d).*
 - TEP 8/20/24 Reply: *TEP has determined an acceptable response.*
6. MN Rules, part 8420.0520, subp. 3.C(3)(f) "the amount, distribution, condition, and public value of wetlands and associated resources to be affected by the project and the potential for direct and indirect effects over time"
- TEP 8/1/24 Comment: *This wetland was a mitigation site for road impacts in mid-90's and collects neighborhood runoff. The wetland receives drainage from the neighborhood and surrounding streets. Therefore there is public value in terms of flood storage and water quality improvements regardless of its status as a mitigation site.*

- Applicant 8/9/24 Response: *Duplicative stormwater comment (refer to comment response #2). Public value of stormwater management for existing conditions (untreated stormwater runoff draining into the wetland) is maintained in the proposed permanent stormwater management design.*

The site is assumed to have been used for mitigation for wetland impacts associated with the construction of local roads based on a SEH drawing from the 1990's . There is no restriction, covenants, easement, or other documentation recorded on the property to indicate the wetland is mitigation.

- TEP 8/12/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. This wetland has higher public value because of its location within the City and its natural condition which provides other functions and values other than stormwater ponds (habitat, floral diversity, water quality, etc.)*
- Applicant 8/16/24 Response: *TEP comment of "its location within the City and its natural condition" needs clarification and reference to a geographical scale within the City; Wetland A's proximity to other wetlands? the upstream drainage area of Wetland A? or it pertains to something else? TEP comment is misleading to assume stormwater ponds do not have similar or same individual functions and values as wetlands.*

The applicant's proposed use of mitigation credit will have a net increase in wetland functions and public values than the degraded status of wetland A. Information provided by the applicant satisfies MN Rules 8420.0520 Subp. 3.C(3)(f).

- TEP 8/20/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. There is limited wetland resources left in the watershed. A stormwater pond does not fully address the full suite of wetland functions as referenced in MNRAM page 5 section # 1.12 (habitat, flood attenuation, vegetative diversity, downstream water quality, groundwater interaction, etc.). See also the 8/20/24 TEP response referencing Resiliency study in # 2 above.*

Minimization

7. MN Rules, part 8420.0520, subp. 4.A "the spatial requirements of the project"

- TEP 8/1/24 Comment: *Application does not show alternative designs.*
- Applicant 8/9/24 Response: *Visual representation of the minimization efforts (Attachment C of the application) is attached as Sheet C3-1 Grading Plan.*
- TEP 8/12/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. As such, this design does not meet LGU satisfaction for minimization effort because none of the original wetland will remain intact. As shown on figure C4-2, only 0.08 acres of wetland will remain after project completion, however, it is not clear how wetland hydrology will be sustained over time. Please provide a suitable minimization design.*

- Applicant 8/16/24 Response: *Information provided by the applicant shows spatial minimization efforts to unavoidable permanent wetland impacts, resulting in reductions of 0.08 acres to Wetland A, and therefore MN Rules 8420.0520 Subp. 4.A is satisfied.*
 - TEP 8/20/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. It is not clear how wetland hydrology will be sustained over time. A suitable minimization design would be required.*
8. MN Rules, part 8420.0520, subp. 4.B “the location of existing structural or natural features that may dictate the placement or configuration of the project”
- TEP 8/1/24 Comment: *39.4% of this property is wetland. Based on the application there are 1.14 acres of upland that is developable, not considering any other site constraints besides the wetland (e.g. setbacks, utilities, etc.), the applicant states in the “Purpose and Need” section that the project site selection was based partially on finding property with enough “net acres of developable land” to make the project financially viable. A property with nearly half of the area being undevelopable due to wetlands does not appear to be a feasible site for high density residential development.*
 - Applicant 8/9/24 Response: *TEP comment is subjective. Site selection was based on several factors (as outlined in Attachment C of the application). Net acres of developable land (>1.5 acres) is one parcel (or contiguous adjacent parcels) that meet the minimum site selection criteria for the project to be feasible. The location of existing structural and natural features (site constraints) are documented and explained in the application (Attachment C).*
 - TEP 8/12/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. The proposed site does not have a greater than or equal to 1.5 acres of developable area. This is a 1.75 acre site with 0.69 acre of wetland. Leaving 1.06 acre of developable area. Please explain why other alternatives locations are not feasible.*
- The application has not shown how placement of the project is dictated by natural features of the site. Please explain how site design considered natural features.*
- Applicant 8/16/24 Response: *Other alternative locations have been provided in previous submittals (specifically, the avoidance discussion and off-site alternative analysis). The applicant has provided sufficient and reasonable project information to demonstrate the location of existing structural and natural features that dictate the site design’s placement and configuration per MN Rules 8420.0520 Subp. 4.B.*
 - TEP 8/20/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. The TEP finds that the scale of this project is not suitable for this site. The applicant has identified the area needed for this project was a minimum of 1.5 acres, while the total lot size is 1.75 acres, 0.69 acres of that area is wetland.*

9. MN Rules, part 8420.0520, subp. 4.C “the purpose of the project and how the purpose relates to placement, configuration, or density”
- TEP 8/1/24 Comment: *No alternative site configurations were shown in the application.*
 - Applicant 8/9/24 Response: *Duplicative alternative site layouts comment (refer to comment response #4).*
 - TEP 8/12/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. You have not modified the site design which addresses the minimization efforts as defined in this rule.*
 - Applicant 8/16/24 Response: *Project purpose and need is discussed in the application and comment response #5. Minimization efforts are discussed in the application and comment response #7. Applicant has satisfied (with reasonable information) MN Rules 8420.0520 Subp. 4.C.*
 - TEP 8/20/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Per plan in 8/16/24 Braun response memo it states only 0.25 acre of buildable upland, application states a minimum of 1.5 acre of buildable upland is needed for this project as proposed.*
10. MN Rules, part 8420.0520, subp. 4.D “the sensitivity of the site design to the natural features of the site, including topography, hydrology, and existing vegetation”
- TEP 8/1/24 Comment: *This wetland was a mitigation site for road impacts in mid-90’s and collects neighborhood runoff, Existing vegetation and hydrology would be significantly altered and disturbed through this project. There is not enough space to provide onsite mitigation of these impacts and thus the design is not sensitive to the existing natural features.*
 - Applicant 8/9/24 Response: *Duplicative comment (refer to comment responses #6). Project-specific onsite mitigation is not feasible due to a lack of available mitigation area from on-site utility conflicts (adjacent to Arcade Street, southwest and northeast portions of the site), proximity to parcel boundaries for meeting minimum and average buffer widths (MN Rules 8420.0522 Subp. 6 - Replacement Standards and VLAWMO buffer requirements), and the proximity to these features that would be needed for grading slopes and elevations to sustain hydrology connections (2-4 foot excavations and minimum replacement wetland construction standards per MN Rules 8420.0528).*
 - TEP 8/12/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Does not address the sensitivity of the site design to the natural features of the site, including topography, hydrology, and existing vegetation with regards to minimization.*
 - Applicant 8/16/24 Response: *Site design has incorporated site constraints and considerations related to topography, hydrology, and existing vegetation. Minimization*

efforts and avoidance to potential negative groundwater impacts (comment response #2) have been provided. These items are demonstrated in the applicant's submittals to meet MN Rules 8420.0520 Subp. 4.D.

- TEP 8/20/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Going back to our 8/1/24 comment "This wetland was a mitigation site for road impacts in mid-90's and collects neighborhood runoff, Existing vegetation and hydrology would be significantly altered and disturbed through this project. There is not enough space to provide onsite mitigation of these impacts and thus the design is not sensitive to the existing natural features."*

11. MN Rules, part 8420.0520, subp. 4.E "the value, function, and spatial distribution of the wetlands on the site"

- TEP 8/1/24 Comment: *Applicant has not demonstrated site to be consistent with storm water management criteria, not considering drainage to site in stormwater analysis, flooding concerns.*
- Applicant 8/9/24 Response: *Duplicative stormwater comment (refer to comment response #2).*
- TEP 8/12/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Minimization effort must address the value, function, and spatial distribution of the wetlands on the site.*
- Applicant 8/16/24 Response: *The low value and functionality (nutrient loading, lack of vegetation diversity, degraded habitat, and primary function as an existing stormwater management basin) of Wetland A and spatial distribution of Wetland A was considered into the design and feasible effort to minimize wetland impacts by 0.08 acres (refer to previous applicant submittals), therefore MN Rules 8420.0520 Subp. 4.E.*
- TEP 8/20/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. There is limited wetland resources left in the watershed. A stormwater pond does not fully address the full suite of wetland functions as referenced in MNRAM page 5 section # 1.12 (habitat, flood attenuation, vegetative diversity, downstream water quality, groundwater interaction, etc.). See also the 8/20/24 TEP response referencing Resiliency study in # 2 above.*

12. MN Rules, part 8420.0520, subp. 4.F "individual and cumulative impacts"

- TEP 8/1/24 Comment: *Application does not provide information on how 0.08 wetland will maintain hydrology with parking lot to northwest and a 12-ft deep storm pond to the southeast. Outlets inverts of storm pond look to be at the 908ft elevation, wetland looks to be at 913ft elevation based on plan sheet L1-1.*
- Applicant 8/9/24 Response: *The proposed stormwater pond outlet elevation and normal water elevation is 906.75' MSL (5.75 feet deep) with a high water elevation of 909.10'*

MSL (refer to Sheets C3-1 Grading Plan and C4-2 Storm Sewer Plan in Appendix B of the application). The delineated wetland elevations range from approximately 910.89' to 913' MSL with an existing outlet elevation of 910.20' MSL (as shown on the new attached Sheet C1-1 Site Demolition Plan). Wetland A hydrology for the 0.08 acres remaining will be sustained by existing ground water (approximately 906 - 909.5' MSL) and increased volume of treated surface water runoff from land cover changes (0.346 acre-feet from existing pervious surfaces conversion to 0.459 acre-feet impervious surface post-construction for the 10-year storm event). The proposed condition results in a decrease of site runoff rates for the 1, 2, 10, and 100 year storm events (Tables 1.1 and 1.2 in Attachment C of the application).

- TEP 8/12/24 Reply: TEP has determined that the previous TEP comment has not been addressed. This appears not feasible. The 0.08 acre remaining wetland will be impacted per provided plans. This area will not remain wetland post construction. This does not address minimization.
- Applicant 8/16/24 Response: The applicant provided information showing the design parameters that would make the proposed 0.08 acre temporary wetland impacts rectifiable and post-construction wetland area functional. TEP comment response does not identify how the incorporated design parameters are “not feasible” or how the area would not remain wetland post-construction. Minimization (MN Rules 8420.0520 Subp. 4) does not apply to proposed temporary wetland impacts.
- TEP 8/20/24 Reply: TEP has determined that the previous TEP comment has not been addressed. Comment #2 in the 8/16/24 Braun memo states “The proposed 2-4 feet of fill (and associated building, drive aisles, and surface parking)” and stormpond excavation constitute a total wetland impact of 0.69 acres on site.

13. MN Rules, part 8420.0520, subp. 4.G “an applicant's efforts to:”

- (1) “modify the size, scope, configuration, or density of the project”
 - TEP 8/1/24 Comment: Applicant has not shown alternatives.
 - Applicant 8/9/24 Response: Duplicative alternative site layouts and design comment (refer to comment response #4). The location and types of site constraints are documented and explained in the application (Attachment C).

Proposed wetland impacts are located in the northwest and southeast fringes of Wetland A. Relocating the proposed stormwater pond further northwest (adjacent to the drive aisles) would increase proposed wetland impacts by approximately 0.013 acres due to additional stormwater pond excavation that would be within wetland (currently proposed within upland).

- TEP 8/12/24 Reply: TEP has determined that the previous TEP comment has not been addressed. Impacts have not been confined to wetland fringe as indicated. The application identifies the entire 0.69 acre wetland impacted. This does not

comply with minimization requirements as identified in MN Rules, part 8420.0520, subp. 4.G.

- Applicant 8/16/24 Response: *Duplicative comment that is addressed in comment responses #7-#9, which satisfies MN Rules 8420.0520 Subp. 4.G(1) and site considerations provided in previous submittals (MN Rules 8420.0520 Subp. 4.G(2-4). Proposed permanent wetland impacts are located within the northwest and southeast wetland fringe. Minimization (MN Rules 8420.0520 Subp. 4) does not apply to proposed temporary wetland impacts.*
 - TEP 8/20/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Impacts have not been confined to wetland fringe as indicated. The application identifies the entire 0.69 acre wetland impacted. This does not comply with minimization requirements as identified in MN Rules, part 8420.0520, subp. 4.G.*
- (2) “remove or accommodate site constraints including zoning, infrastructure, access, or natural features”

- TEP 8/1/24 Comment: *Applicant has not shown effort to accommodate site constraints, almost complete impact of wetland.*
 - Applicant 8/9/24 Response: *Duplicative alternative site layouts and design comment (refer to comment response #4). The location and types of site constraints are documented and explained in the application (Attachment C).*

Proposed wetland impacts are located in the northwest and southeast fringes of Wetland A. Relocating the proposed stormwater pond further northwest (adjacent to the drive aisles) would increase proposed wetland impacts by approximately 0.013 acres due to additional stormwater pond excavation that would be within wetland (currently proposed within upland).

- TEP 8/12/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Impacts have not been confined to wetland fringe as indicated. The application identifies the entire 0.69 acre wetland impacted. This does not comply with minimization requirements as identified in MN Rules, part 8420.0520, subp. 4.G.*
 - Applicant 8/16/24 Response: *Duplicative comment that is addressed in comment responses #7-#9, which satisfies MN Rules 8420.0520 Subp. 4.G(1) and site considerations provided in previous submittals (MN Rules 8420.0520 Subp. 4.G(2-4). Proposed permanent wetland impacts are located within the northwest and southeast wetland fringe. Minimization (MN Rules 8420.0520 Subp. 4) does not apply to proposed temporary wetland impacts.*
 - TEP 8/20/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Impacts have not been confined to wetland fringe as indicated.*

The application identifies the entire 0.69 acre wetland impacted. This does not comply with minimization requirements as identified in MN Rules, part 8420.0520, subp. 4.G.

- (3) “confine impacts to the fringe or periphery of the wetland”
 - TEP 8/1/24 Comment: *.61 acres of .69 acres of wetland permanently impacted.*
 - Applicant 8/9/24 Response: *Duplicative alternative site layouts and design comment (refer to comment response #4). The location and types of site constraints are documented and explained in the application (Attachment C).*

Proposed wetland impacts are located in the northwest and southeast fringes of Wetland A. Relocating the proposed stormwater pond further northwest (adjacent to the drive aisles) would increase proposed wetland impacts by approximately 0.013 acres due to additional stormwater pond excavation that would be within wetland (currently proposed within upland).

- TEP 8/12/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Impacts have not been confined to wetland fringe as indicated. The application identifies the entire 0.69 acre wetland impacted. This does not comply with minimization requirements as identified in MN Rules, part 8420.0520, subp. 4.G.*
 - Applicant 8/16/24 Response: *Duplicative comment that is addressed in comment responses #7-#9, which satisfies MN Rules 8420.0520 Subp. 4.G(1) and site considerations provided in previous submittals (MN Rules 8420.0520 Subp. 4.G(2-4)). Proposed permanent wetland impacts are located within the northwest and southeast wetland fringe. Minimization (MN Rules 8420.0520 Subp. 4) does not apply to proposed temporary wetland impacts.*
 - TEP 8/20/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Impacts have not been confined to wetland fringe as indicated. The application identifies the entire 0.69 acre wetland impacted. This does not comply with minimization requirements as identified in MN Rules, part 8420.0520, subp. 4.G.*
- (4) “otherwise minimize impacts”
 - TEP 8/1/24 Comment: *No alternative designs provided in the application.*
 - Applicant 8/9/24 Response: *Duplicative alternative site layouts and design comment (refer to comment response #4). The location and types of site constraints are documented and explained in the application (Attachment C).*

Proposed wetland impacts are located in the northwest and southeast fringes of Wetland A. Relocating the proposed stormwater pond further northwest

(adjacent to the drive aisles) would increase proposed wetland impacts by approximately 0.013 acres due to additional stormwater pond excavation that would be within wetland (currently proposed within upland).

- TEP 8/12/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Impacts have not been confined to wetland fringe as indicated. The application identifies the entire 0.69 acre wetland impacted. This does not comply with minimization requirements as identified in MN Rules, part 8420.0520, subp. 4.G.*
- Applicant 8/16/24 Response: *Duplicative comment that is addressed in comment responses #7-#9, which satisfies MN Rules 8420.0520 Subp. 4.G(1) and site considerations provided in previous submittals (MN Rules 8420.0520 Subp. 4.G(2-4)). Proposed permanent wetland impacts are located within the northwest and southeast wetland fringe. Minimization (MN Rules 8420.0520 Subp. 4) does not apply to proposed temporary wetland impacts.*
- TEP 8/20/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Impacts have not been confined to wetland fringe as indicated. The application identifies the entire 0.69 acre wetland impacted. This does not comply with minimization requirements as identified in MN Rules, part 8420.0520, subp. 4.G.*

14. MN Rules, part 8420.0520, subp. 5 “Temporary impacts must be rectified by repairing, rehabilitating, or restoring the affected wetland according to the no-loss provisions of part 8420.0415, item H”

- TEP 8/1/24 Comment: *There are no temporary impacts from this project See comment under Subp 6.*
- Applicant 8/9/24 Response: *Comment does not appear to be related to TEP comment #6. Comment is assumed to be a duplicative No-Loss related comment to TEP comment #12 (refer to comment response #12).*
- TEP 8/12/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. All 0.69 acres of wetland will be impacted based on application plans.*
- Applicant 8/16/24 Response: *Duplicative comment to TEP comment #12 (No-Loss). Refer to comment response #12.*
- TEP 8/20/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. TEP has determined that the previous TEP comment has not been addressed. Comment #2 in the 8/16/24 Braun memo states “The proposed 2-4 feet of fill (and associated building, drive aisles, and surface parking)” and stormpond excavation constitute a total wetland impact of 0.69 acres on site.*

15. MN Rules, part 8420.0520, subp. 6. “After an activity is completed, further impacts must be reduced or eliminated by maintaining, operating, and managing the project in a manner that preserves and maintains remaining wetland functions. The local government unit must require applicants to implement best management practices to protect wetland functions”

- TEP 8/1/24 Comment: *Plan Sheet C4-2 shows 0.08 acres of wetland being avoided (between the stormpond and the proposed building/parking lot). In practice, this would appear to be a narrow strip of wetland between a stormpond (constructed in wetland) and the parking lot. The depth of the ponds is proposed to be 12 feet deeper than the “undisturbed” wetland elevation and the normal water level of the pond is planned to be at about 5 feet lower than the “undisturbed” wetland. How will hydrology be maintained in the undisturbed wetland where there could be a possible drainage effect from the adjacent deep pond? The applicant needs to demonstrate the project’s compliance with reduction of impacts over time.*
- Applicant 8/9/24 Response: *No-Loss related comment (refer to comment response #12). The potential for lateral effect to partially or effectively drain the 0.08 remnant wetland is significantly reduced by the proposed use of a clay liner (or alternative) within the proposed stormwater pond. The liner will restrict lateral groundwater flows from adjacent areas into the pond.*
- TEP 8/12/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. This appears not feasible. The 0.08 acre remaining wetland will be impacted per provided plans. This area will not remain wetland post construction. This does not address minimization.*
- Applicant 8/16/24 Response: *Duplicative comment to TEP comment #12 (No-Loss). Refer to comment response #12.*
- TEP 8/20/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. TEP has determined that the previous TEP comment has not been addressed. Comment #2 in the 8/16/24 Braun memo states “The proposed 2-4 feet of fill (and associated building, drive aisles, and surface parking)” and stormpond excavation constitute a total wetland impact of 0.69 acres on site.*

16. MN Rules, part 8420.0520, subp. 7 “Unavoidable impacts that remain after efforts to minimize, rectify, or reduce or eliminate them must be replaced according to parts 8420.0522 to 8420.0528”

- TEP 8/1/24 Comment: *Per comments above these impacts have not been determined unavoidable.*
- Applicant 8/9/24 Response: *Application has demonstrated reasonable avoidance measures (two alternatives that avoid wetland impacts and off-site alternatives), incorporated minimization measures to reduce unavoidable wetland impacts (rezoning*

for shorter setbacks, steeper side slopes on proposed wetland fill areas, reduced number of surface parking stalls, minimum road widths, and minimum stormwater pond sizing), and rectification for 0.08 acres of temporary wetland impacts (No-Loss). All aspects of MN

Rules 8420.0520 have been met and fulfilled, with no feasible and prudent alternative that would avoid impacts to wetlands.

- TEP 8/12/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Minimization has not been met. There is 0.69 acre of wetland impact on this parcel, which is the entire wetland.*
- Applicant 8/16/24 Response: *Refer to comment responses #7-#14.*
- TEP 8/20/24 Reply: *TEP has determined that the previous TEP comment has not been addressed. Minimization has not been met. There is 0.69 acre of wetland impact on this parcel, which is the entire wetland.*

Next Steps

We understand the applicant has indicated it is operating under a 10-1-2024 deadline for obtaining all required approvals in order to remain eligible for financial assistance. To that end, and taking into account VLAWMO regularly meeting schedule, your application is scheduled for review and final action by the VLAWMO Board at its 8-28-2024 meeting. The following regular meeting of the VLAWMO Board is not scheduled until 10-23-2024.

Based on the comments and responses TEP has received, TEP is recommending the VLAWMO Board deny the application for the reasons stated in this Finding of Fact. You are welcome to attend the VLAWMO Board meeting, which begins at 7pm and is held at the City Council Chambers in the Vadnais Heights City Hall.

To: VLAWMO Board of Directors

From: Dawn Tanner, Phil Belfiori, and Greg Wilson

Date: August 21, 2024

Re: **VI. B. 1:** Consider Tamarack Alum project recommendation from Barr Engineering

VLAWMO requested quotes earlier in 2023 for an alum project in Tamarack Lake. No quotes were received, likely due to the difficult access conditions and length of hose required to reach the lake when staging and pumping chemicals onsite. To address these concerns, VLAWMO, Barr, and RCSWCD staff met onsite during July to discuss a possible alternative protocol for project completion. Barr Engineering prepared a revised protocol to accommodate changes and provided a revised request for quotes. Quotes were requested starting on August 14, 2024, with a deadline requested of August 26, 2024.

Barr will provide a recommendation based on quotes received at the August Board meeting. The recommendation will be a walk-up and provided to Board members the day prior to the Board meeting.

Greg Wilson will be attending the Board meeting on behalf of Barr Engineering and will be available to respond to any questions that the Board may wish to ask about changes to the protocol and quote recommendation.

Requested Action: Director _____ moves and Director _____ seconds to authorize approval of Barr Engineering's recommendation based on quotes received for a possible alum project at Tamarack Lake.

Attachments:

1. PPT for Tamarack alum project
2. Request for quotes for Tamarack Lake alum
https://www.vlawmo.org/index.php/download_file/5009/
3. Recommendation by Barr Engineering based on quotes received (will be sent in advance of the Board meeting and walked up during the meeting)

VI. B. 1.

Attachment 1

Consider Tamarack Alum project construction



August 26, 2024
VLAWMO Board Meeting



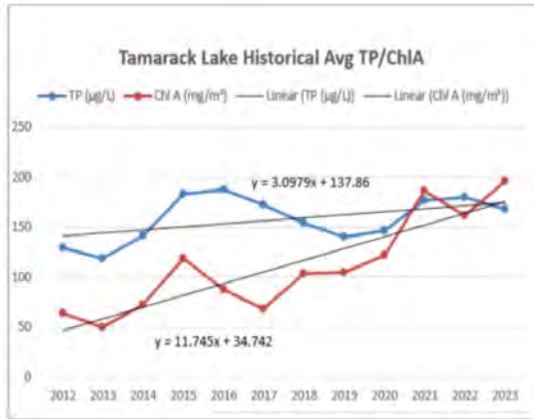
Background: Project partners

- Ramsey County Parks
- Tamarack Nature Center in White Bear Township
- Barr Engineering



Background: Project need

- Tamarack Lake is impaired for nutrients



Trophic State Indexes (TSI) of VLAWMO Lakes: 2023

Lake Name	Clear Oligotrophic		Moderately Clear Mesotrophic		Green Eutrophic	Very Green Hypereutrophic	
	20	30	40	50	60	70	80
East Vadnais				▲			
Gem				▲			
Sucker				▲			
Birch				▲			
Black				▲			
Pleasant				▲			
Amelia					▲		
Charley					▲		
Deep					▲		
Giffilan					▲		
West Vadnais						▲	
Wilkinson						▲	
Tamarack							▲
East Goose							▲
West Goose							▲

Background: Project need

- Very little aquatic vegetation (surveyed by RCSWCD and VLAWMO staff in 2022)
- System dominated by algae

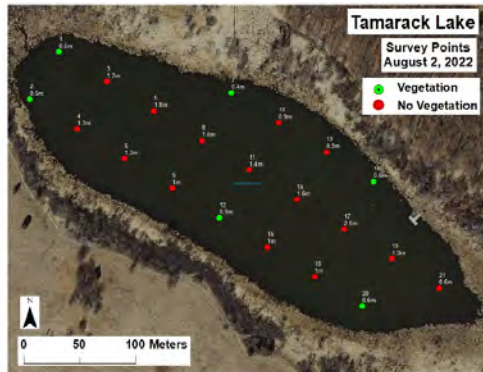
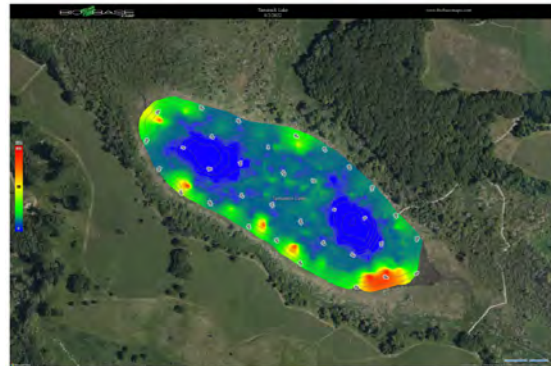


Figure 2. Tamarack Lake vegetation point intercept survey locations. N=21.



Background: Project feasibility

- Feasibility conducted with Barr Engineering during 2023
- Determined that an alum treatment is needed to improve water quality



Background: Project feasibility

- Site visit with potential contractor (January 2024) and discussion to address site challenges for staging and pumping alum + buffer (sodium aluminate) to lake



Background: Request for quotes

- In April, Board approved Request for Quotes to conduct alum project in Tamarack Lake
- No quotes were received, likely due to access and staging challenges



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To: VLAWMO Board of Directors

From: Lauren Sampedro, Watershed Technician & Program Coordinator

Date: August 20, 2024

Re: **VI. B. 2.** Landscape Level 2 2024-08 City of White Bear Lake Curb Cut Raingardens Grant Application

Introduction

LL2 2024-08 City of White Bear Lake Curb Cut Raingardens

- Applicant: City of White Bear Lake
- Location: 2nd Street, 3rd Street, Birch Lake Avenue, and Krech Avenue, White Bear Lake
- Project Type: 5 Curb Cut Raingardens
- Total Estimated Project Cost: \$38,370
- VLAWMO Grant Recommendation via BWSR Watershed Based Implementation Grant (WBIF): 90%, up to \$34,533

Background

This application proposes the installation of curb cut raingardens on five properties in conjunction with the City of White Bear Lake’s 2024 street reconstruction project. This is a continued partnership between VLAWMO and the City to find stormwater management opportunities with City reconstruction projects. The proposed project drains to Lambert Creek, which is impaired for *E.coli*. The Vadnais Lake Area WMO TMDL Implementation Plan recommends the installation of infiltration basins and bioretention areas to help decrease bacteria load. The curb cut raingardens are also located within a VLAWMO priority zone for volume reduction.

The City has installed and is covering the cost of the curb cuts for each raingarden; the grant would cover the costs of installing the raingarden pretreatment structures, basins, and plantings. The Ramsey County Parks & Recreation Soil and Water Conservation Division (SWCD) provided the bid package and designs for the proposed curb cut raingarden project that would capture and treat stormwater runoff in the Lambert Creek subwatershed. It would provide treatment for a catchment area of 81,156 square feet or about 1.86 acres.

A table summarizing the estimated annual pollutant reductions per raingarden is below:

Address	Volume Reduction	TSS Reduction	TP Reduction
4709 Krech Ave	7,684	26.14	0.14
1847 Birch Lake Ave	6,634	22.58	0.12
1883 2 nd St	2,762	9.4	0.05
1789 3 rd St	11,033	37.56	0.21
1867 3 rd St	7,758	26.41	0.15
Total	35,871 cubic ft/yr	122.1 lbs/yr	0.67 lbs/yr

The curb cut raingardens will each have a concrete splash block and sump pretreatment structure. The existing turf grass would also be removed and replaced with 10 species of native plants (on average 91 total plants) in the raingardens to have a consistent look around the neighborhood and simplify plant identification and maintenance for the homeowners. The average raingarden size among the five raingardens is 294 square feet. The project will result in 1,505 sq ft of new raingarden area.

The City would coordinate the installation of the curb cut raingardens and VLAWMO would enter into grant agreements with each of the five curb cut raingarden owners, who are ultimately responsible for the maintenance of the raingardens.

Three bids were obtained for the project below:

- Shoreline Landscaping: \$55,509
- Minnesota Native Landscapes: \$50,349
- Sandstrom Land Management: \$38,370

The estimated project cost and proposed grant award are based on Sandstrom Land Management's low bid, which is close to the SWCD's cost estimate of \$33,538.25.

Staff are proposing to utilize grant funding from the BWSR Watershed Based Implementation Funding Program for this project. The raingardens are located in a priority subwatershed identified in the WBIF approved workplan and was confirmed to be eligible for the funding by BWSR staff.

This application was not ready for review at the August 14th TEC meeting, however an update on the project was provided and the TEC did not express any concerns about the project. VLAWMO staff felt 90% funding is consistent with similar applications and Landscape Level 2 and WBIF program guidelines.

Staff Recommendation

Staff recommend the VLAWMO Board of Directors approve Landscape Level 2 Grant funds for the 2024-08 City of White Bear Lake Curb Cut Raingardens.

Proposed Motion

It was moved by Director _____ and seconded by Director _____ to approve the Landscape Level 2 grant application 2024-08 at 90% of eligible project expenses, not to exceed \$34,533 in accordance with VLAWMO staff's recommendations and established VLAWMO and BWSR WBIF program guidelines, and to authorize staff to sign grant agreement with the City of White Bear Lake.

Attachments

- Grant Application Packet- https://www.vlawmo.org/index.php/download_file/5010/
- PowerPoint Slides

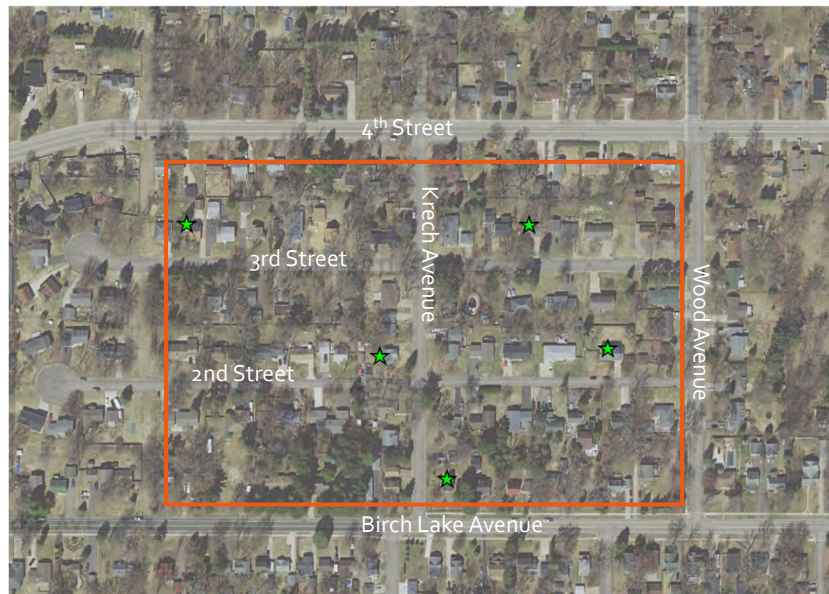
VI. B. 2. White Bear Lake Curb Cut Raingardens

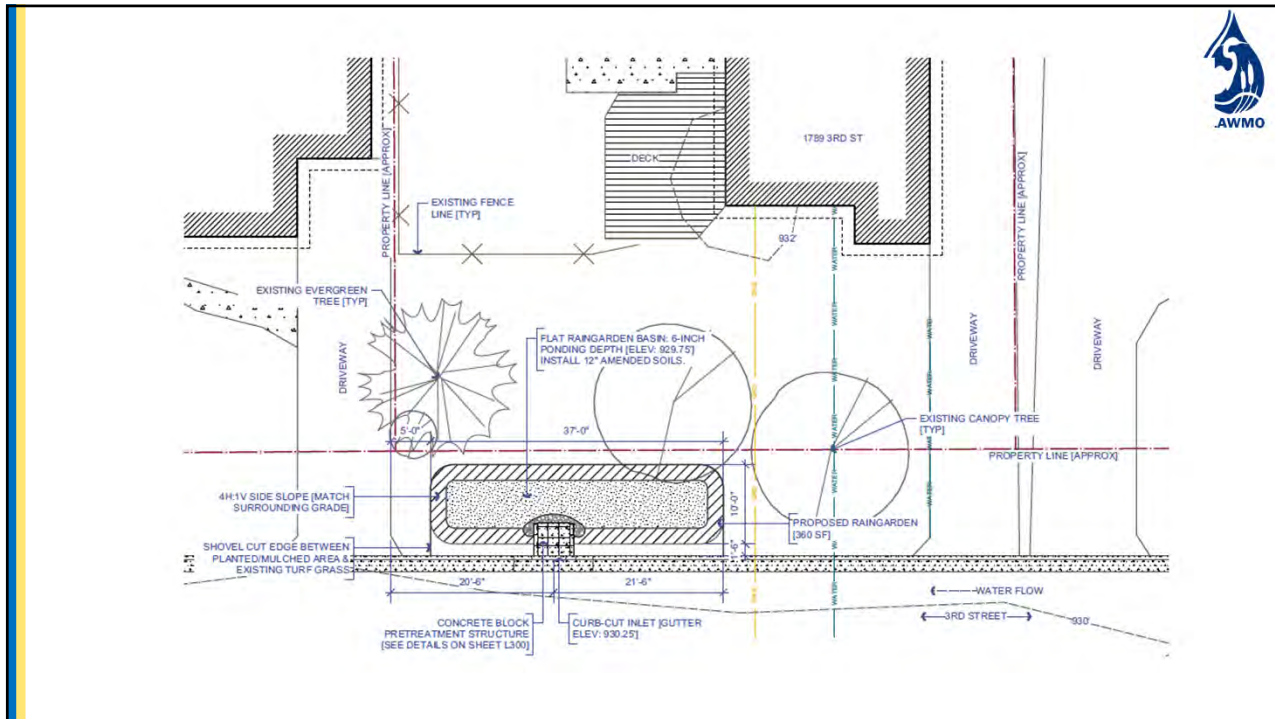
LL2 2024-08 Grant Application

Lauren Sampedro
Board of Directors
8/28/2024



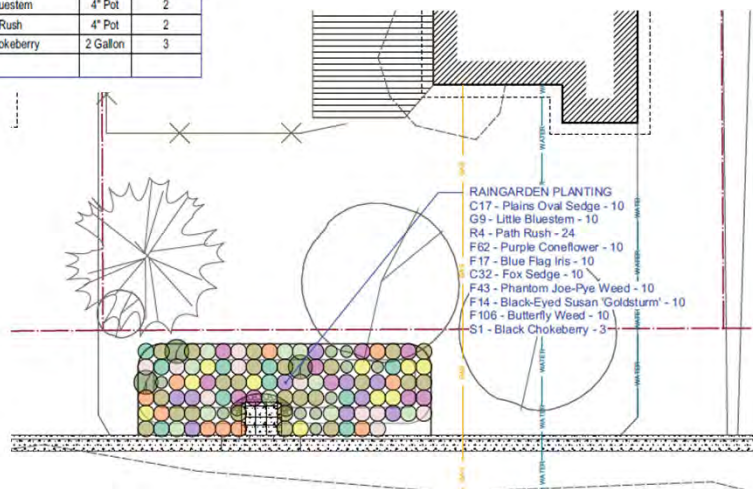
LL2 2024-08 Location Aerial





PLANT SCHEDULE

ID	Qty	Latin Name	Common Name	Size	Spacing (ft)
C17	10	Carex brevoir	Plains Oval Sedge	4" Pot	1.5
C32	10	Carex vulpinoidea	Fox Sedge	4" Pot	2
F14	10	Rudbeckia hirta 'Goldsturm'	Black-Eyed Susan 'Goldsturm'	4" Pot	2
F17	10	Iris versicolor	Blue Flag Iris	4" Pot	2
F43	10	Eupatorium 'Phantom'	Phantom Joe-Pye Weed	4" Pot	2
F62	10	Echinacea purpurea	Purple Coneflower	4" Pot	2
F106	10	Asclepias tuberosa	Butterfly Weed	4" Pot	2
G9	10	Schizachyrium scoparium	Little Bluestem	4" Pot	2
R4	24	Juncus tenuis	Path Rush	4" Pot	2
S1	3	Aronia melanocarpa	Black Chokeberry	2 Gallon	3
107		TOTAL PLANTS			



Bid Summary



- Shoreline Landscaping: \$55,509.00
- Minnesota Native Landscapes: \$50,349.00
- Sandstrom Land Management: \$38,370.00

Proposed Motion



It was moved by _____ and seconded by _____ to approve the Landscape Level 2 Grant Application 2024-08 at 90% of eligible project expenses, not to exceed \$34,533 in accordance with VLAWMO staff's recommendations and established VLAWMO and BWSR WBIF program guidelines, and to authorize staff to sign grant agreement with the City of White Bear Lake.

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To: VLAWMO Board of Directors

From: Dawn Tanner and Phil Belfiori

Date: August 21, 2024

Re: **VI. B. 3:** Consider Wilkinson Deep Water Wetland project final payment to contractor

Water-quality monitoring is ongoing at the Wilkinson deep-water wetland. USFWS required eagle monitoring has been completed.

HEI prepared a video using drone footage to highlight the project, including pre, during, and post-construction conditions. The video will be shown during the Board meeting.

A final pay request in the amount of \$12,489.00 from Arnt has been received by HEI and recommended for payment to VLAWMO.

Requested Action: Director _____ moves and Director _____ seconds authorizing signing the final pay request for \$12,489.00 to Northern Escrow (for Arnt Construction) and issuing payment.

Attachment:

1. Pay request and memo from HEI

Technical Memorandum

To: Phil Belfiori and Dawn Tanner (VLAWMO)
Cc: Lauren Grouws (North Oaks Company)
From: Adam Nies, PE CFM
Chris Otterness, PE
Houston Engineering, Inc.
Subject: Wilkinson Lake Deepwater Wetland Restoration – Final Pay Request Summary Memo
Date: August 14, 2024
Project: 7057-0014

INTRODUCTION

The purpose of this memorandum is to recommend Final Payment to Arnt Construction Company, Inc for work completed to date for the Wilkinson Lake Deepwater Wetland Restoration near North Oaks, MN.

PROJECT UPDATE

A majority of the work items were completed last fall. Through late fall / early winter, ongoing water management activities included pumping the wetland areas due to wet conditions. A relatively mild winter and subsequent early spring have revealed good growth of vegetation, and no additional pumping was required. There is sufficient vegetation establishment such that the site is considered stable, and erosion control measures have been removed including silt fence, silt curtain, and the rock ditch check on the north side. Several small areas within the project site that were not initially establishing vegetation well have been re-seeded according to the project specification. Wildlife have been observed using the site. In addition to the active Eagle nest on site, deer, turkey, ducks and geese have been noted. This is expected to continue to increase as the adjacent construction work diminishes. The application of herbicide for spot treatment of invasive species has been completed along with additional stabilization of the north culvert embankment. All other project work has been completed. Arnt Construction has been directed to close out their NPDES permit, and reinstall the private fencing that was temporarily removed for construction access.

PAYMENT RECOMMENDATION

Arnt Construction Company, Inc. has applied for final payment for work completed on the Project. The attached tabulation shows quantities as confirmed by the Engineer recommended for payment and represent the revised contract amount, including the expanded footprint change order. The attached Table includes notes for the itemized line items and recommended partial payments.



The following is a summary of payment:

Amount of original contract:	<u>\$ 151,026.25</u>
Change Orders (expanded footprint):	<u>\$ 53,223.81</u>
Revised Contract Amount:	<u>\$ 204,250.06</u>
Total work completed:	<u>\$ 201,796.65</u>
Retainage (5%):	<u>\$ 0.00</u>
Previous Payments:	<u>\$ 189,307.65</u>
Recommended Payment:	<u>\$ 12,489.00</u>

Close-out submittal documents have been received including release of all liens and approval of Form IC-134, as attached. We recommend authorization of release of retainage and Final Payment in the amount of **\$12,489.00** to Arnt Construction Company, Inc. for work completed. Certification for partial payment is attached.



Line Item	Unit of Measure	Quantity	Unit Price	Extension	Pay Request #01	Pay Request #02	Final Pay Request	Notes
Mobilization	Lump Sum	1	\$4,000.00	\$4,000.00	\$2,000.00	\$1,600.00	\$400.00	Final 10% released
Demolition, Removals and Salvage	Lump Sum	1	\$2,850.00	\$2,850.00	\$2,850.00	-	-	
Clearing & Chipping (P)	Acre	0.5	\$14,000.00	\$7,000.00	\$7,000.00	-	-	
Construction Matting	Lump Sum	1	\$2,700.00	\$2,700.00	\$2,700.00	-	-	
Common Excavation (P)	Cubic Yard	15151	\$5.52	\$83,633.52	\$83,633.52	-	-	
Spoil Management (P)	Cubic Yard	21211	\$0.46	\$9,757.06	\$9,757.06	-	-	
Access Road Grading	Lump Sum	1	\$1,000.00	\$1,000.00	\$1,000.00	-	-	
Water Control	Lump Sum	1	\$39,000.00	\$57,000.00	\$17,000.00	\$40,000.00	-	
Random Riprap Class III	Cubic Yard	18	\$200.00	\$3,600.00	\$3,600.00	-	-	
Silt Fence	Linear Foot	2100	\$2.48	\$5,208.00	\$2,604.00	\$2,604.00	-	
Temporary Ditch Check	Each	1	\$100.00	\$100.00	\$50.00	\$50.00	-	
Floating Silt Curtain	Linear Foot	80	\$30.00	\$2,400.00	\$1,200.00	\$1,200.00	-	
Erosion Control Blanket	Square Yard	4430	\$1.74	\$7,708.20	\$7,708.20	-	\$445.44	Added north culvert
Upland Seeding and Mulch	Acre	1.8	\$4,320.00	\$7,776.00	\$3,888.00	\$3,888.00	-	
Wetland Seeding (P)	Acre	2.0	\$5.44	\$10.88	\$7.62	\$7.62	-	
Glyphosate Pre-treatment	Acre	2.8	\$1,008.00	\$2,822.40	\$2,923.20	-	-	
Herbicide spot treatment post vegetation establishment	Acre	1.3	\$1,680.00	\$2,184.00	\$0.00	\$0.00	\$1,680.00	
Rock Construction Entrance	Lump Sum	1	\$2,500.00	\$2,500.00	\$0.00	\$0.00	\$0.00	Not required
SWPPP Documentation and Management	Lump Sum	1	\$2,000.00	\$2,000.00	\$1,000.00	\$1,000.00	-	
Totals				\$204,250.06	\$148,921.60	\$50,349.61	\$2,525.44	Subtotal
					\$7,446.08	\$2,517.48	\$9,963.56	Release Retainage
					\$141,475.52	\$47,832.13	\$12,489.00	Total to be paid



**SECTION 00920
PARTIAL PAYMENT CERTIFICATION**

OWNER: Vadnais Lake Area Water Management
Organization
PROJECT: Wilkinson Lake Deep-Water
Wetland Restoration

CONTRACTOR: **Arnt Construction
Company, Inc.**
ENGINEER: Houston Engineering Inc.

PARTIAL PAYMENT: **003 (Final)**
PERIOD OF ESTIMATE: **6/2024 - 8/2024**

CONTRACT CHANGE ORDER SUMMARY

No.	Deduction	Additions
001 - expanded footprint		\$53,223.81
Totals		
Net Change to Contract		\$53,223.81

CONTRACT TIME:

Original Days:
Revisions: **none**
Days Remaining:
On Schedule (y/n): **yes**
Starting Date: **9/5/2023**
Projected Completion: **7/1/2024 full vegetation establishment**

ESTIMATE

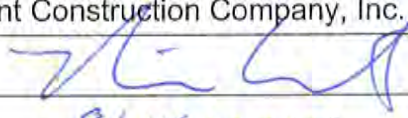
Original Contract Amount.....	\$ <u>151,026.25</u>
Change Orders.....	\$ <u>53,223.81</u>
Revised Contract Amount.....	\$ <u>204,250.06</u>
Completed to Date Amount.....	\$ <u>201,796.65</u>
Materials On-Site.....	\$ <u>N/A</u>
Subtotal.....	\$ <u>201,796.65</u>
Retainage.....	\$ <u>N/A (paid in this final payment)</u>
Previous Payments.....	\$ <u>189,307.65</u>
Amount Due This Payment.....	\$ <u>12,489.00</u>

(see attached breakdown)

CONTRACTOR'S CERTIFICATION


The undersigned Contractor certifies that to the best of their knowledge, information and belief, the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the Contractor for work for which previous payment estimates were issued and for which payments were received from the Owner, and that current payment shown herein is now due.

RELEASE OF CLAIMS AND WAIVER OF LIEN: NOW THEREFORE, upon receipt of the above payment amount, the undersigned does hereby irrevocably releases and waives any and all claims for payment of any type for any work up through and including the date of this application, and irrevocably releases and waives all bond claims, construction liens, mechanic's liens, and/or other liens, or right to claim any against the above project or any part thereof.

Contractor: Arnt Construction Company, Inc.
By: 
Date: 8/14/2024

ENGINEER'S CERTIFICATION

The undersigned certifies that the work has been carefully inspected and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.

Engineer: Houston Engineering, Inc.
By: Adam N. Nies 
Date: 8/14/2024

OWNER'S APPROVAL

Owner: Vadnais Lake Area Water Management Organization
By: _____
Date: _____

Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number: 0-233-938-784
 Submitted Date and Time: 8-Aug-2024 12:13:20 PM
 Legal Name: ARNT CONSTRUCTION CO INC
 Federal Employer ID: 41-1234414
 User Who Submitted: ARNTCO1587
 Type of Request Submitted: Contractor Affidavit

Affidavit Summary

Affidavit Number: 1267912704
Minnesota ID: 6514916
Project Owner: VADNAIS LAKE AREA WATER MANAGEMENT ORGANIZATION
Project Number: 00920-01
Project Begin Date: 01-Aug-2023
Project End Date: 30-Jun-2024
Project Location: WILKINSON LAKE
Project Amount: \$204,250.06

Subcontractor Summary

Name	ID	Affidavit Number
ADVANCED SEEDING & EROSION CNTRL INC	7647274	1763364864

Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

Contact Us

If you need further assistance, contact our Withholding Tax Division at 651-282-9999, (toll-free) 800-657-3594, or (email) withholding.tax@state.mn.us. Business hours are Monday through Friday 8:00 a.m. to 4:30 p.m. Central Time.

Please [print this page](#) for your records using the print or save functionality built into your browser.

Nick Arnt

From: Jim DeGross <jim@advancedseeding.com>
Sent: Wednesday, August 07, 2024 3:21 PM
To: Nick Arnt
Subject: FW: Wilkinson Lake IC- 134 Form

I sent this yesterday

From: Jim DeGross
Sent: Tuesday, August 6, 2024 12:18 PM
To: Nick Arnt <narnt@arntco.com>
Subject: RE: Wilkinson Lake IC- 134 Form

Confirmation Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number: 0-596-078-432
Submitted Date and Time: 6-Aug-2024 12:17:48 PM
Legal Name: ADVANCED SEEDING &EROSION CNTRL INC
Federal Employer ID: 20-2413372
User Who Submitted: Mike DeGross
Type of Request Submitted: Contractor Affidavit

Affidavit Summary

Affidavit Number: 1763364864

Minnesota ID: 7647274

Project Owner: VADNAIS LAKE AREA WATER MANAGEMENT ORGANIZATION

Project Number: 7057-0014

Project Begin Date: 05-Sep-2023

Project End Date: 25-Jun-2024

Project Location: WILKINSON LAKE

Project Amount: \$28,917.00

Subcontractors: No Subcontractors

Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

From: Nick Arnt <narnt@arntco.com>
Sent: Monday, August 5, 2024 2:46 PM

To: Board of Directors

From: Phil Belfiori, Administrator

Date: August 21, 2024

Re: **VI. C. 1. 2025 Storm Sewer Utility Rates, Resolution 04-2024**

The annual Storm Sewer Utility (SSU) rates are based on the budget approved by the Board at its June meeting. The Storm Sewer Utility is then calculated on the amount of impervious surface generally associated with different land use types and provides the major financial support for watershed activities. To achieve this SSU revenue amount included in the approved 2025 budget (\$1,209,194.02), the proposed 2025 SSU annual rate is proposed at \$67.56 unit for the residential 1-3 until land use classification (an increase of \$3.00 /year or about \$0.25 / month) and for all other land use classifications the 2025 annual rate is proposed at \$97.92/acre (which is an increase of \$4.44 / acre for the year or \$0.37 /month).

Overall, the 2025 SSU rate is an increase of 4.6% over last year. This rate includes a 0.54% buffer to account for subsequent parcel changes, manual overrides and delinquent payments. See the attached memo from Jeanne Vogt of Ehlers for further discussion.

At the August 28, 2024 VLAWMO Board meeting the Administrator will provide a short presentation summarizing the 2025 SSU rate and also provide information comparing surrounding watersheds. This comparison identifies that “average” VLAWMO residential property owners pay less in stormwater fees than compared to the surrounding watersheds in Ramsey County (when compared to the median residential property tax rate).

As discussed at the June Board meeting, this year’s SSU revenue will address funding for continuing progress towards implementation of CIP type projects including:

- Development of VLAWMO 10-year watershed management plan;
- Pleasant Lake management including carp management, possible AIS and water quality projects;
- Pursuing competitive grants and working towards implementation of East Vadnais Lake Subwatershed Resiliency Project;
- Pursuing competitive grants and working towards implementation of Polar Lakes Park Water Reuse Project;
- Debt Service for Lambert sheet pile portion of the project (through 2032);
- BWSR Watershed Based Fund grant implementation – cost-share program partnership with member communities.

Recommendation: Approval of Resolution 04-2024 setting the Storm Sewer Utility Rates for 2025.

Attachments:

1. Resolution 04-2024
2. Memo from Jeanne Vogt at Ehlers with manual override attachment at the following link:

Link : https://www.vlawmo.org/index.php/download_file/4993/

3. PowerPoint presentation summarizing proposed SSU rate

Attachment 1

**RESOLUTION NO. 04-2024
Of the Vadnais Lake Area Water Management Organization (VLAWMO)**

A RESOLUTION APPROVING THE STORMSEWER UTILITY RATES FOR 2025.

Resolution 04-2024 was moved by Director _____ and second by Director _____.

WHEREAS, the 2025 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 2025 will be as follows:

Classification	Total Amount	R. E. F.	Rate
Residential 1-3 Units	\$709,042.20	1.00	\$67.56/ Unit
Residential 4 or more Units	\$50,132.88	2.72	\$97.92/ Acre
Commercial	\$168,699.79	4.23	\$97.92/ Acre
Industrial	\$150,856.08	3.30	\$97.92/ Acre
Institutional	\$104,624.35	3.30	\$97.92/ Acre
Golf Courses	\$16,104.78	0.74	\$97.92/ Acre
Agricultural	\$9,733.94	0.25	\$97.92/ Acre
Vacant Land	\$0	Exempt	\$0.00
Road/Railroad ROW	\$0	Exempt	\$0.00
Wetland/Public Waters	\$0	Exempt	\$0.00
Other Exempt	\$0	Exempt	\$0.00
Totals	\$1,209,194.02		

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

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>
<i>Andrea West</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Tom Riedesel</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Rob Rafferty</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Grover Sayre</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Katherine Doll-Kanne</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Jim Lindner</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

_____ Board Chair Date

_____ Attest Date

VI. C. 1. 4. Attachment 3

Vadnais Lake Area Water Management Organization

2025 Proposed Storm Sewer Utility Rates



August 28, 2024

Prepared by  EHLERS

Proposed Rate for Payable 2025

Pay 2024:

\$64.56/unit
\$93.48/acre

Pay 2025:

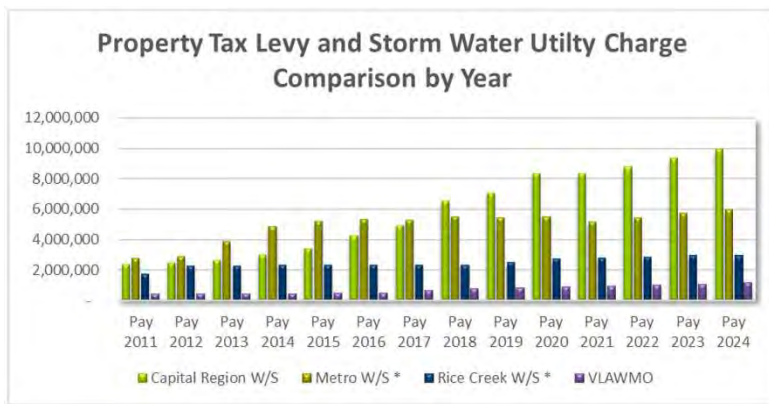
\$67.56/unit
\$97.92/acre

4.6% increase from Pay 2024

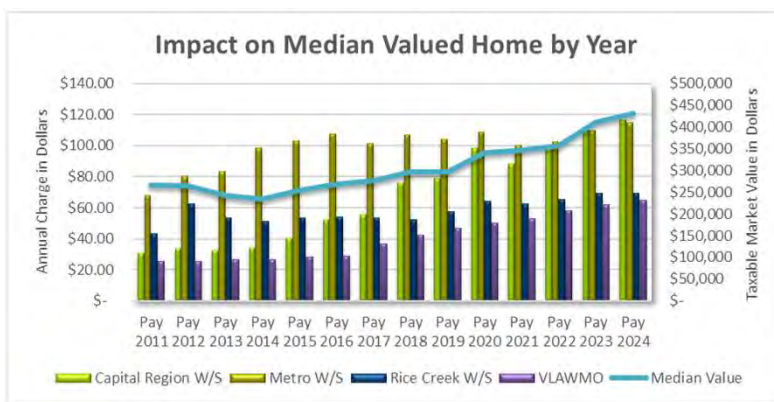
Payable 2025 Certifications

- 11,560 parcels to Ramsey County
- 136 parcels to Anoka County

Comparable Ramsey County Watersheds



Comparable Ramsey County Watersheds



Proposed 2025 Storm Sewer Utility Charges By Property Classification

Classification	Total Amount	R. E. F.	Rate
Residential 1-3 Units	\$709,042.20	1.00	\$67.56/ Unit
Residential 4 or more Units	\$50,132.88	2.72	\$97.92/ Acre
Commercial	\$168,699.79	4.23	\$97.92/ Acre
Industrial	\$150,856.08	3.30	\$97.92/ Acre
Institutional	\$104,624.35	3.30	\$97.92/ Acre
Golf Courses	\$16,104.78	0.74	\$97.92/ Acre
Agricultural	\$9,733.94	0.25	\$97.92/ Acre
Vacant Land	\$0	Exempt	\$0.00
Road/Railroad ROW	\$0	Exempt	\$0.00
Wetland/Public Waters	\$0	Exempt	\$0.00
Other Exempt	\$0	Exempt	\$0.00
Totals	\$1,209,194.02		

Proposed 2025 Storm Sewer Utility Charges By City

Classification	Total Amount	Parcels
Gem Lake	\$31,589.77	218
Lino Lakes	\$14,151.94	136
North Oaks	\$193,754.07	2,314
Vadnais Heights	\$366,486.66	3,948
White Bear Lake	\$381,677.27	3,373
White Bear Township	\$221,534.31	1,707
Totals	\$1,209,194.02	11,696

Timeline

- ❑ **August 28:** VLAWMO Board to approve 2025 Storm Sewer Utility Rates.
- ❑ **August – October:** Staff to work with Ehlers regarding changes to database to accommodate 2025 rates, new reporting layouts to counties, and any additional updates due to property splits.
- ❑ **October 23:** VLAWMO Board to approve parcels to be certified.
- ❑ **November 30:** All parcels certified to Ramsey and Anoka County Auditors.

Questions?

