



MINUTES OF THE BOARD OF DIRECTORS  
 February 24, 2016

In Attendance		Absent
Bob Uzpen	Gem Lake	
Rob Rafferty	Lino Lakes	
Gregg Nelson	North Oaks	
Marc Johannsen	Vadnais Heights	
Dan Jones	White Bear Lake	
Ed Prudhon	White Bear Township VLAWMO Administrator	
Stephanie McNamara		
Kristine Jenson	VLAWMO Program Manager	
Brian Corcoran	VLAWMO Water Resources Manager	
Tyler Thompson	VLAWMO Water Resources & GIS Technician	
Paul Peterson	TEC Commission Chair	

Others in attendance: Emily Waymire, White Bear Township; Steve Swisher, White Bear Township Park Board; Terry Bernhardt, Sherry Carlstrom, White Bear Preserve Condominium Association

**I. Call to Order**

The meeting was called to order at 7:00 pm by Chair Johannsen. A quorum is present for the meeting.

**II. Approval of Agenda**

A motion was made by Prudhon and seconded by Jones to approve the agenda as presented. Vote: all aye. Motion passed.

**III. Approval of Minutes from December 9, 2015**

A motion was made by Jones and seconded by Rafferty to approve the minutes from the December 9, 2015 Board of Directors Meeting. Vote: 4 aye; 2 abstained. Motion passed.

**IV. Technical Commission (TEC) Report to the Board**

**A. Activity Summary**

Peterson reported on activities since the last Board meeting.  
 Sucker Lake Channel – still trying to secure enough financing  
 Cost Share - gave out 2 LL1 grants in January  
 Monitoring – costs will go up in 2016 to fulfill the protocols recommended by Wenck.  
 Water Plan – TEC recommended approval of the Draft Water Plan  
 Community Blue Grant – the White Bear Preserve has an application up for consideration and the TEC recommends the Board approves it tonight.

**B. February Financial Report**

The Board reviewed the February Financial Report. McNamara reported that this a fairly slow time in regards to projects because it is winter. The rest of the 2015 SSU fees were received after this report was created.

**V. New Business**

**A. Election and Appointments**

**1. Election of Officers: Chair, Vice Chair & Secretary-Treasurer**

The current Chair is Marc Johannsen, Vice Chair is Dan Jones and the Secretary-Treasurer is Rob Rafferty. Election of Officers always takes place at the first meeting of the year.

Rafferty/Jones – nominate Johannsen for Chair; All Aye

Rafferty/Johannsen – nominate Jones for Vice Chair; All Aye.

Johannsen/Jones – nominate Uzpen for Secretary-Treasurer; All Aye.

## 2. Committee Assignments: Policy & Personnel; Finance

VLAWMO has two Committees that are in need of Board member participation: Policy & Personnel and the Finance Committees. Currently Marc Johannsen serves on both, Dan Jones serves on Policy & Personnel which also has one member from the TEC. The Treasurer is usually on the Finance committee but a second Board member is useful. Finance will need to meet before the April Board meeting to help develop the 2017 budget.

Jones and Johannsen both stated they would continue on the P & P Committee

Rafferty/Jones – elect Johannsen and Jones to the committee

## 3. 2016 Board Meeting Dates

The Board typically meets at 7pm on the 4<sup>th</sup> Wednesday of every other month during the year, beginning in February, with the exception of December when it is the 2<sup>nd</sup> Wednesday of the month. If that schedule continues the dates for meetings in 2016 would be: 2/24, 4/27, 6/22, 8/24, 10/26, 12/14. It was agreed among the Board to continue with this schedule.

## 4. Designation of Legal Counsel and Legal Publication

VLAWMO has a limited number of firms to assist with legal and auditing duties that are familiar with watersheds as well as local government and could be considered well qualified to provide service for our niche market.

- a. Legal Counsel – VLAWMO has worked with Kennedy & Graven Chartered for many years and they state they are capable of continuing to provide legal services.

It was moved by Prudhon and seconded by Rafferty to designate Kennedy and Graven Chartered for Legal Counsel. Vote: all aye. Motion passed.

Rafferty asked how long we have worked with Kennedy & Graven. McNamara stated it has been 9 years. Rafferty stated that Kennedy & Graven is a very good firm but that we should go out for bid at the end of 2016. Johannsen agreed. Johannsen asked staff to prepare the necessary information for the P & P committee and the Board to consider going out for bid for the August meeting.

- b. Legal Publication – VLAWMO currently uses Press Publications as the legal publication and staff recommends continuing with them for 2016.

It was moved by Jones and seconded by Rafferty to designate Press Publication as the legal publication in 2016. Vote: all aye. Motion passed.

- c. Auditing Firm – VLAWMO has used Abdo, Eick, & Meyer for auditing services and will be soliciting for proposals for 2017-2018.

It was moved by Rafferty and seconded by Jones to appoint Abdo, Eick, & Meyer as auditor for 2016. Vote: all aye. Motion passed.

## B. Community Blue Grant Request (CB 2016-01)

Thompson presented information regarding CB 2016-01 - The Rice Lake Project Committee (RLPC) of the White Bear Preserve Condominium Association (WBPCA) is submitting a Community Blue Grant application for the requested amount of \$9,858 for biological control of purple loosestrife on Rice Lake. The lake has become infested by the DNR-prohibited, noxious aquatic species within the last 2 to 3 years, and the RLPC is proposing to use the DNR's recommended method of biological control with the introduction of beetles that feed upon the plant: the black margined loosestrife, and the golden loosestrife beetle. The project is not projected to eradicate the purple loosestrife, but it is hoping to reduce the population by at least 50%, and up to 80% over the course of 3 years, thereby increasing biological diversity and ecosystem health within Rice Lake.

The proposed project includes plans for the DNR-recommended 3 years of beetle catch & release treatment, yearly monitoring, and several education and outreach activities. The RLPC plans to work with Fortin Consulting whose bid included the catch and release of the beetles, monitoring and assistance with the production of educational materials. There are several education and outreach components as part of the project: multiple mailings/brochures during the project's duration, signs educating on purple loosestrife and the project on Rice Lake with comment boxes will be placed at two locations near Rice Lake, information shared with local newspapers and an informal survey of WBPCA residents will be conducted "to determine their understanding about purple loosestrife as an

invasive species, the Rice Lake Project, and the value of biodiversity.” The RLPC will be working with Birch Lake Elementary school staff to develop student education of purple loosestrife and project involvement with the Rice Lake Project.

Along with Community Blue Grant funding from VLAWMO, RLPC has secured additional funding from Keller Properties to provide materials and staff for mailing of informational letters to more than 200 addresses around the lake. The RLPC is also seeking combined funding from Water Gremlin and Xcel Energy in the amount of \$1,250 to cover the costs of brochure printing, sign production, and school educational materials, though it does not anticipate hearing back from the companies. If funding is granted by both Water Gremlin and Xcel, the \$9,858 grant request from VLAWMO will be reduced by \$1,250 to \$8,608.

The project also budgets 110 hours of in-kind volunteer time, valued at \$2,750. The total project budget is estimated at \$13,360 with \$9,858 in grant funding requested from VLAWMO, making for a 73.8% match. At the February 12 TEC meeting, a recommendation was made to the Board to approve this grant.

**Recommendation: TEC and staff recommend the VLAWMO Board approve up to \$10,000 from the Community Blue budget for CB 2016-01.**

Johannsen asked what happens once the loosestrife is killed. Thompson stated that it likely decomposes much like any other plants within a water system.

Rafferty asked where the beetles come from. Thompson stated that the DNR tracks where the beetles reside around the State and the consultant will capture them and release them and then track the results.

Prudhon asked if there are any unintended consequences by using these beetles. Thompson stated that the DNR has been using beetles since 1992 and there have been no adverse environmental effects.

Carlstrom reiterated that there is a strong educational component and they are working with the schools and they are excited about this project.

Johannsen stated that they should work with Boy Scout groups to gather volunteers.

It was moved by Jones and seconded by Prudhon to approve the CB2016-01 for \$10,000. Vote: all aye. Motion passed.

**C. Consideration of the Draft Comprehensive Watershed Management Plan (WMP), Education & Outreach Plan, and Request for Distribution for Comment – Resolution 01-2016**

The draft of the 2017-2026 WMP and the draft Education & Outreach Plan (EOP) were made available for review prior to tonight’s Board meeting. Staff have been working on the WMP since spring 2015 and the Board and other stakeholders have taken part in meetings and provided input throughout the process. The EOP was developed to help guide us through the outreach efforts in the beginning stages of the WMP process and is a guide to help staff continue to grow this core activity. Our next step is to send this draft WMP to our reviewing agencies for a formal 60-day comment period. VLAWMO will respond to all comments we receive in writing and will adjust the WMP if necessary. At the April Board meeting, comments and possible changes to the WMP may be presented. The June Board meeting is the target date to hold a public hearing and approve the WMP and send to BWSR for their approval. They have 90 days to act and there is a Metro committee of BWSR that will review and recommend before the whole BWSR Board acts. If the BWSR Board approves by the end of September, the VLAWMO Board may adopt its new WMP at the October Board meeting. Our Joint Powers Agreement (JPA) is also being updated and will be an appendix of the WMP.

The following Resolution language is up for consideration at this meeting:

**RESOLUTION NO. 01-2016**

**A RESOLUTION ACCEPTING THE DRAFT COMPREHENSIVE WATER MANAGEMENT PLAN FOR THE YEARS 2017-2026 AND THE EDUCATION AND OUTREACH PLAN FOR DISTRIBUTION TO ALL APPROPRIATE LOCAL AND STATE PLAN REVIEW AGENCIES AND OTHER INTERESTED PARTIES FOR FORMAL 60-DAY REVIEW AND COMMENT.**

WHEREAS, the Vadnais Lake Area Water Management Organization (VLAWMO) is required to adopt a 10-year Comprehensive Water Management Plan (Plan) consistent with Minnesota Statutes Chapter 103B, 103D and 471.59, and

WHEREAS, the current Water Management Plan will expire December 31, 2016, and

WHEREAS, VLAWMO has completed a new Plan to be inclusive and consistent with the relevant ordinances, rules, policy, programs and plans of its member municipalities and other applicable local and State Plan Review agencies,

THEREFORE BE IT RESOLVED that the Vadnais Lake Area Water Management Organization has accepted the Draft Comprehensive Watershed Management Plan and Education and Outreach Plan as available on the VLAWMO.org website or by contacting the VLAWMO office for distribution to the Plan Review Agencies and other interested parties. VLAWMO will consider its 60-day comment period to have commenced once notice of this draft plan has been published and,

BE IT FURTHER RESOLVED the Plan Review Agencies shall include all those identified by Minnesota Rules 8410 and all local agencies shall include at a minimum all member municipalities, County agencies and neighboring watershed management organizations, and

BE IT FURTHER RESOLVED that VLAWMO will advise its member municipalities that a review and revision of the VLAWMO Joint Powers Agreement will be done concurrent with the Plan review and update.

The resolution was declared passed and adopted by the VLAWMO Board of Directors.

**Action request: TEC and staff are recommending the VLAWMO Board accept this Draft Comprehensive Watershed Management Plan and the Education and Outreach Plan and direct its distribution to the appropriate review agencies for the a formal 60-day comment period.**

It was moved by Jones and seconded by Prudhon to approve Resolution 01-2016 which accepts the Draft WMP and Education & Outreach Plan and to authorize distribution for the 60 day review and comment period. Vote: all aye. Motion passed.

#### **D. Joint Powers Agreement Update & Ditch Authority**

As discussed earlier, the JPA is in the process of an update. The goal is to have it updated and ratified by the 6 member communities in time for the June 22 Board Meeting so that it can included with the final Water Plan submittal to BWSR. The Policy & Personnel Committee has reviewed planned changes to the JPA and it is now ready to be drafted by legal counsel. BWSR has also discussed VLAWMO's drainage authority over County Ditch 13 (Whitaker or Dillan storm sewer system) and County Ditch 14 (Lambert Creek). Ramsey County transferred authority to VLAWMO to manage these ditches in 1986. VLAWMO has done numerous improvements to both systems over the last 30 years but has stated in previous WMPs that the ditches are managed as a "stormwater drainage system" rather than a ditch. The distinction difference matters in regards to which Minnesota Statutes we use. In order to ascertain if VLAWMO is in compliance with BWSR, our legal counsel will need to look into the matter and determine our next steps.

McNamara requests the Board give approval to work with Troy Gilchrist of Kennedy and Graven Chartered to update the JPA and to assist with questions regarding the drainage authority to manage County Ditches 13 and 14. We currently have \$11,000 in our budget for legal issues which would have likely been enough for the JPA update. Due to the fact that we will need to explore the Drainage Authority issues, we may go over budget. McNamara also asks the Board to consider the addition of a Special Board meeting on March 23<sup>rd</sup> to keep the process moving forward in a timely manner. Gilchrist is available that evening to go over these two matters.

#### **Discussion:**

Johannsen stated that we should definitely pursue clarification of the ditch authority and work with legal counsel to do this. He gets residents who complain every year about County Ditch 14 flooding

yards and that they want the ditch cleaned out. He also stated that a 3/23 Special Board Meeting could be done as long as there is something ready to be talked about and that it isn't a long meeting. Jones stated that he feels we should retain the ability to allow VLAWMO to assess the "benefitting properties" for additional fees to do projects within specific areas. Jones supports the rectification of this issue.

It was moved by Prudhon and seconded by Jones to direct staff to work with Kennedy and Graven Chartered on the JPA update and drainage authority issues and to hold a Special Board Meeting on March 23<sup>rd</sup> to aid in the progress of addressing these matters. Vote: all aye. Motion passed.

#### **E. Boundary Change Update**

When VLAWMO made a petition to update its boundary, 96 parcels within White Bear Lake were inadvertently left off the parcel list, although all the maps that were included were correct. Those 96 parcels currently pay fees to Rice Creek Watershed District but are within VLAWMO. A correction was attempted years ago without success. In order to correct this, another petition must be submitted. The Petition for Boundary Change will ensure that our new JPA map is consistent with State and County records. Of the 96 parcels, 94% are low density residential. Discussions have been had with Rice Creek and they will recommend approval of our Petition to their Board and then it will go to BWSR for approval which will then allow Ramsey County to make the change to their information. Making this change has the potential to bring in about \$2,700 based on the 2016 SSU fee rates. If the process moves forward in a timely manner, it could be completed before we certify our SSU fees in October which take effect in 2017. The Petition has to be approved by Rice Creek Watershed District and the City of White Bear Lake before it goes to BWSR. All the property owners that are affected will also be notified of the change. A public hearing will need to be held as well. Johannsen stated that he thinks this should be completed and the Board directed staff to move ahead with the petition process.

#### **F. Whitaker Treatment Wetlands Grant Update**

Corcoran provided a review of the Whitaker Wetlands Project. The latest update of the project work plan has been submitted to the LCCMR to be given to the Legislature this March for fund approval. The work plan now has a section discussing University of MN involvement with the project which was made a requirement by the LCCMR. Dr. Tim LaPara from the U of M Civil, environmental and geo-engineering Department will be studying the project for two years on its effectiveness in removing pathogens from the stormwater. His monitoring will add to the monitoring already being done by VLAWMO. On 2/18/16 staff brought the project to the White Bear Township Park Board to discuss the use of the southern end of Columbia Park for the treatment system. Park Board thought it was an interesting project and did not see any issues with using the southern end of Columbia Park for the project. They made a recommendation to the Township Board for approval of the use of Columbia Park. The Board will address the recommendation at their March 15<sup>th</sup> meeting. No action is requested of the VLAWMO Board at this time, however we will be asking your approval of an agreement with White Bear Township allowing the use of Columbia Park to install Wetland Treatment cells. As per your direction, a letter from the Board to our local Legislators will alert them to this very important local project with funding in the in the LCCMR request. We will ask they support the funding of this project. The Board directed staff to contact Legislators to ask for their support on this project.

#### **VI. Report from the Chair**

Johannsen had no report.

#### **VII. Administrator's Report**

McNamara stated that the job posting for the Education and Outreach Manager position

#### **VIII. Director's Report**

#### **IX. Next Meeting – March 23, 2016**

#### **X. Adjourn**

A motion was made by Jones and seconded by Rafferty to adjourn at 8:06pm. Vote: all aye. Motion passed.

Minutes compiled and submitted by Kristine Jenson