

**MINUTES OF REGULAR MEETING  
OF THE  
COMFORT LAKE - FOREST LAKE  
WATERSHED DISTRICT**

**Thursday, February 28, 2013**

**1. Call to Order**

The President called the February 28, 2013 regular Board meeting to order at 6:30 p.m. at the Forest Lake City Offices, 220 North Lake Street, Forest Lake, Minnesota

Present: President Richard Damchik, Treasurer Tom Lynch, and Manager Jon Spence

Absent: Jackie Anderson and Wayne Moe

Others: Doug Thomas (CLFLWD), Lisa Tilman (EOR), Chuck Holtman (Smith Partners), Mark Lobermier (Wyoming), Jerry Spetzman (Chisago County), and Susan Humble (Chisago SWCD).

**2. Setting of Agenda**

The President called for the reading and approval of the February 28, 2013 Regular Board meeting agenda. President asked if there were any changes or additions. Motion to approve the agenda was made by Manager Lynch and seconded by Manager Spence. Discussion. Upon vote, the motion passed.

**3. Reading and Approval of Minutes**

The President called for the reading and approval of the minutes of the January 24, 2012 Regular Board Meeting. Thomas noted a correction that needed to be made on page one which was to add Manager Lynch's name under "Present". Manager Spence noted a typo on page two, first paragraph where the date should read 2013. Motion to approve the January 24, 2012 Regular Board meeting minutes, as amended, was made by Manager Lynch and seconded by Manager Spence. Discussion. Upon vote the motion passed.

**4. Public Open Forum**

Manager Damchik opened the floor to anyone in attendance wishing to comment on items that are not already scheduled to be discussed as part of the meeting agenda.

**5. New Business**

a) Chisago County Water Festival Presentation

Administrator Thomas introduced Jerry Spetzman who is the Chisago County Water Plan Coordinator, and Susan Humble who is with the Chisago County Soil and Water Conservation District. They were at the meeting to give a presentation on the Chisago County Children's Water Festival, which the District helps sponsor each year with a financial contribution. Mr. Spetzman explained how the festival originated, its purpose which is to provide a one-day outdoor water based education experience for 5<sup>th</sup> grade students in Chisago County, and that in the 10 years that the festival has been held over 7,500 students have attended. He also thanked the Board for their support of the festival.

Susan Humble then went through a presentation on the past festivals and described the various types of learning activities that take place each year.

b) Appointment of 2103 Citizen Advisory Committee

Administrator Thomas noted his memo in the Board packet. He noted that the Advisory Committee is required by statute and that the District is required to appoint members to the Advisory Committee each year. He further commented that in addition to the existing members he has recruited Mark Peterson who is an engineering technician with the City of Forest Lake to serve on the committee. His goal of reaching out to the cities in the District and getting interested staff to serve is to help expand membership leading to better attendance and more productive committee meetings.

Manager Spence moved to appoint Bruce Anderson, Kathy Blomquist, Sam Hathaway, Steve Schmaltz, Curt Sparks, Rod Negus, Rennie Smith, Bob Roethke, and Mark Peterson to serve as the District's Advisory Committee for 2013. Motion was seconded by Manager Lynch. Discussion. Upon vote the motion passed.

c) 2013 MPCA Clean Water Partnership Applications

Administrator Thomas noted his memo in the Board packet. He commented that the application period for the MPCA's Clean Water Partnership Program is currently open and has a closing date of March 8<sup>th</sup>. The purpose of this agenda item is to review two potential projects and for the Board to decide if it wants to submit them to the MPCA. He noted that the Clean Water Partnership program differs from the BWSR Clean Water Fund program in that it is exclusively for assessing waters that have not been tested or for projects that keep waters that are not impaired from becoming impaired. For this reason only two of the projects that we had previously submitted to BWSR are eligible for the MPCA program. They are the Hilo Lane stormwater retrofit and the North Shore trail subwatershed assessment. Eligibility is based on that they drain to Forest Lake which is not listed as impaired by the MPCA.

Administrator Thomas then gave an overview of the two projects. The first project is the Hilo Lane urban stormwater retrofit, which lies on the south side of Forest Lake and drains to the middle basin. The project would involve the retrofit of an existing storm pond and stabilization of eroded storm channels and outlet into the lake. The project is estimated to reduce phosphorus loading to the lake by approximately 12 pounds per year with an estimated cost of \$286,050. He further noted that the District had included the local match in its 2013 budget for this project but because the match for the MPCA is 50% as compared to the BWSR grant which was 30% and additional \$28,775 of local match is needed if the Board decides to submit this project to the MPCA. He also pointed out that since the original proposal to BWSR the City of Forest Lake has committed \$20,000 as part of the local match requirement.

The second project presented was the North Shore Trail subwatershed assessment. This project is similar to the Forest Lake Direct subwatershed assessment that is currently taking place on the south side of the lake. The goal of the assessment is to identify potential retrofit sites and prioritize them with the goal of identifying ten to fifteen feasible projects that are capable of collecting and treating up to one inch of runoff from the watershed area. This project was also identified in the District's 2013 work plan and budget and that the money in the budget is adequate to meet the local match requirement. The total project cost is estimated to be \$25,500 with a \$12,000 local cash match.

Staff recommended that the Board authorize the submittal of the two projects to MPCA. If the Hilo Lane project is selected for funding the Board would be required to provide notice and hold a public hearing

before ordering the project along with amending its 2013 budget to increase the local match to the project by \$28,775.

Motion by Manager Spence to authorize the Administrator to develop and submit grant applications to support the implementation of the projects listed in the memo and authorizes the President to execute the required MPCA proposal resolution and conflict of interest forms . Motion was seconded by Manager Lynch. Discussion. Upon vote the motion passed.

d) Peterson – AG BMP Whole Farm Plan Application

Administrator Thomas noted his memo in the Board packet. He described how this project evolved and the discussions that led up to the idea of a whole farm plan being proposed to the Peterson's. He also described that a whole farm plan in this situation would include 1) an inventory of the soils and land cover, 2) resource condition assessments for cropland, pasture, woodland, and wildlife areas, and 3) action plans for erosion control, cropping systems, nutrient management, pasture management, and wildlife habitat. The goal with the action plans will be to identify BMP's that the Peterson's will implement over time. Administrator Thomas noted the importance of the location of the farm in relation to Bone Lake making it in his opinion a high priority for the District. The result of the discussions with the Peterson's was them submitting an application under the Districts AG BMP program for assistance to develop a whole farm plan as described.

Administrator Thomas noted that this type of planning assistance does fall within the guidelines of the District's AG BMP program and that staff are recommending that the District cover 100% of the cost of the technical assistance that will be provided by either the Washington Conservation District or Dave Tolberg a certified crop consultant. The District would utilize the existing services agreements that we have with both entities to complete and pay for the tasks outlined in the cost-share request/contract. It is estimated that the cost required for the necessary technical assistance will be \$6,500. Manager Spence asked about how the practices identified in the plan will be implemented. Administrator Thomas explained that individual practices, such as a wetland restoration, would be applied for separately and would be eligible for funding through the District's AG BMP program. He also pointed out that although the District's program can fund up to 100% of the cost of practices its goal is to leverage other federal, state or local programs such as EQIP or State Cost-Share. Manager Lynch commented on how he liked this approach and the ability to work with large landowners in a comprehensive way.

Manager Lynch moved to approve the State Cost-Share Contract submitted by Patricia and Curtis Peterson in an amount not to exceed \$6,500, which will be paid upon being invoiced by the WCD or Dave Tolberg, CCC under existing service agreements that the District has with them. Motion was seconded by Manager Spence. Discussion. Upon vote the motion passed.

e) CLFLWD Newsletter & Annual Report Communication Proposal

Administrator Thomas noted his memo in the Board packet. He noted that the use of a consultant to help with desktop publishing and producing the District's annual report and a district-wide newsletter was included in the District's 2013 work plan and budget. He further commented that after checking with a number of other watershed districts and the WCD he found that MMC, a company out of St. Paul, has helped many of them with similar projects. After meeting with Debbie Meister from MMC the District received a proposal to assist with the annual report and a district wide newsletter in the amount of \$3,850. He also pointed to the newsletter that was included in the Board packet as an example of the work that MMC has done for the Carnelian Marine St. Croix WD. Staff recommended the Managers authorize the Administrator to contract with MMC Associates for preparation of a District Newsletter and Annual Report in an amount not to exceed \$3,850.

Manager Spence moved to authorize the Administrator to contract with MMC Associates for preparation of a District Newsletter and Annual Report in an amount not to exceed \$3,850 without prior Board approval. Motion was seconded by Manager Lynch. Discussion. Upon vote the motion passed.

## **6. Old Business**

### a) Target/City of FL Retrofit Project Work Order

Administrator Thomas noted his memo in the Board Packet. He discussed the purpose of this agenda item which is to update the Board on the status of the continued discussions and implementation of the Sunrise River Greening the Big Box & Streets Retrofit Project, and to request approval of a work order with EOR for engineering services related to final design and construction of the project. He noted that with the Letter of Intent signed by Target a concept plan was prepared by EOR and after two meetings with Target and the City we have reached agreement on the size and scope of the practices that will be employed. He also noted that a draft agreement has been developed by Smith Partners and is being circulated for comment and signature once language is agreed on. Lastly he explained how the Board will need to publish and hold a public hearing on the project prior to ordering it pursuant to the procedures in 103B.251. Staff recommended the Board authorize the EOR work order dated February 20, 2013 with the stipulation that it is not effective until the Board has ordered the project. Manager Spence commented on the amount of effort that has gone into getting this project to where it is.

Manager Lynch offered resolution 13-02-01 and moved for its adoption. Motion was seconded by Manager Spence. Discussion. Upon vote the motion passed.

The President then called for a roll call vote on Resolution 13-02-01. There being 3 yes's and 0 no's the President declared the resolution adopted.

### b) Peshorn Ag-BMP Project - Update

Administrator Thomas provided an update on the project. He noted that the plans and specifications have been revised to include the additional iron/sand media and rock pretreatment berm that was recommended by the District Engineer at a previous meeting. The revised plans were provided to and discussed with Julie Peshorn who has agreed to the revised plan, the operation and maintenance agreement provision to share in the cost of replacing the iron filter if its planned capacity is used up before the end of the 25 year life of the practice, and a manure management plan. Julie has received a new quote from D. George Construction and the added iron/sand filter and pretreatment will increase the overall cost of the project to the District by \$4,735.

After discussion it was the consensus of the Managers that they supported the District amending the original cost-share contract with Julie Peshorn to increase the District share of the project by \$4,735. Administrator Thomas noted that it is his intent to have this on the March 28<sup>th</sup> agenda for approval.

### c) Moody Lake Winter Aeration Implementation

Administrator Thomas noted his memo in the Board packet. He noted that since the packet went out we have received the DNR permit and it was at that time that he discovered that it requires a notice be published 60 days before the start of any aeration. With that we will not be able to aerate unless the DNR were to declare an emergency situation and provide a waiver to the requirement. The good news is that the DNR has been doing dissolved oxygen readings on the lake and it appears that winter aeration will not be

needed this year. He did recommend that the Board continue to authorize the purchase of the aerator, be delegated to hire an electrician to install the required electrical service, execute and agreement with Doug Tovas to purchase electrical power unless a generator is used, and purchase the necessary safety flagging and signage in the event that an emergency situation were to occur and DNR would allow aeration to be done without the required public notice.

Manager Spence moved to authorize the Administrator, if needed, to 1) purchase the specified aerator from Aeration Industries International, LLC, Chaska MN for the quoted price of \$5,900, 2) be delegated the authority to obtain in the open market services of a electrician to install the necessary temporary electrical cable and appurtances, 3) execute an agreement with Doug Tovas to purchase electrical power unless a generator is used to power the aerator, and 4) purchase and install the required safety flagging and signage pursuant to DNR requirements. Motion was seconded by Manager Lynch. Discussion. Upon vote the motion passed.

## **8. Report of Staff**

Administrator Thomas noted his written report in the Board packet. He also noted the two upcoming meeting announcements that were included in the packet.

Emmons and Olivier Resources (EOR) – Mentioned the continued work being done on the web-mapper project.

Smith Partners – Nothing new to report.

## **9. Report of Treasurer**

Approval of Bills

Treasurer Lynch presented the Treasurer's Report (A copy of which is annexed and incorporated by reference) and bills and payroll totaling \$39,398.54

Motion was made by Manager Spence to approve the February 28, 2013 Treasurer's Report and pay the bills and payroll as presented. Manager Damchik seconded the motion. Discussion. Upon vote, the motion passed.

## **10. Reports of Officers and Managers**

Manager Damchik – Nothing new to report

Manager Lynch – Nothing new to report

Manager Spence – Nothing new to report

Manager Anderson – Absent, with prior notice

Manager Moe – Absent, with prior notice

## **11. Adjournment**

Motion to adjourn the CLFLWD regular Board meeting at 7:20 pm was made by Manager Spence and seconded by Manager Lynch. Upon vote, the motion passed.

**Wayne S. Moe, Secretary** \_\_\_\_\_