

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

Thursday, October 28, 2010

1) Call to Order

The President called the October 28, 2010 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, Secretary Wayne Moe, Treasurer Tom Lynch, Manager Jon Spence

Absent: Vice President Jackie Anderson (excused with prior notice)

Staff: Doug Thomas (CLFLWD), Lisa Tilman (EOR), Chuck Holtman (Smith Partners)

Other: Linda Nanko-Yeager (Wyoming City Councilmember), Cecilio Olivier, Carl Almer, Brad Aldrich

2) Open the Regular Meeting

The President opened the regular Board Meeting.

3) Reading and Approval of Agenda

The President called for the reading and approval of the October 28, 2010 regular Board meeting agenda. President asked if there were any corrections or additions. Administrator Thomas requested that agenda item 7(b) regarding Permit 10-009 be changed from a decision item to a discussion item, and that an agenda item 7(c) regarding the MAWD Annual Meeting and 2010 resolutions be added. Motion to approve the agenda with the requested change and addition was made by Manager Moe and seconded by Manager Lynch. Discussion. Upon vote, the motion passed unanimously.

4) Reading and Approval of Minutes

The President called for the reading and approval of the minutes of the September 23, 2010 regular Board meeting. Administrator Thomas noted that Manager Anderson had called him and asked that he pass on some comments of hers regarding items found in the minutes including 1) with the success of the BMP cost-share program we need to be thinking of ways to track the progress of the installed projects beyond the before and after photos and consider documenting the sites with additional photos for a couple of years to be able to see what they look like once the plants have matured. This could be a good way to involve the property owners and the possibly area students, 2) noted Manager Damchik's comment about the Whitehill property variances and wanted to comment on the need for the District to continue to find ways to get information to the cities prior to their action on variances regarding water and natural resource issues, and 3) regarding the Bridgewater Culver permit she wanted to ask the engineer what the term "approximate" means in more measurable terms such as 5%, 10%, etc.. Motion to approve the September 23, 2010 regular Board meeting minutes was made by Manager Lynch and seconded by Manager Spence. Upon vote, the motion passed unanimously.

5) 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.

6) New Business

a) *Water Quality BMP Cost-Share Program*

- i) ***Diana McEvoy C-S project approval & payment*** – The McEvoy water quality buffer project is located on Comfort Lake. The 1275 square foot buffer provides for the reduction of nutrients and pollutants entering the lake as well as increased wildlife habitat. The project was inspected by Casey Theil (Chisago SWCD) and Administrator Thomas on September 24th at which time the project was determined to be complete. Staff recommended that the Board of Managers approve and authorize reimbursement in the amount of \$1,523.65 which represents ½ of the materials and in-kind labor for the project.

Manager Spence made the motion to approve the McEvoy project and reimburse them for ½ of the material and contracted labor in the amount of \$1,523.65. Second by Manager Moe. Upon vote, the motion passed unanimously.

- ii) ***Hosanna Lutheran Church C-S Application*** – Administrator Thomas provided background on the project which involves the construction of an infiltration trench adjacent to the building that is capable of collecting and infiltrating runoff from approximately 4,100 square feet of adjoining roof area. He noted that the project is part of a larger planned project for the property that will eventually include two additional rain-gardens. This part is being applied for separately due to the availability of machinery and labor as part of other work going on this fall as well as the overall project being included in a larger “green churches” cost-share application to the BWSR by the WCD which they have not heard yet whether it has been selected for funding. If the WCD application is not funded the Church will come back to the District with an additional request for funding of the rain-gardens in 2011.

Manager Lynch commented that he liked the project due to its high visibility, the large number of people who use this facility, and that it is part of a larger project which will include rain-gardens. Manager Moe commented that he had similar thoughts and it is the larger project that he is most interested in seeing completed.

Motion by Manager Moe to approve the Hosanna Lutheran Church Cost-Share application for 50% cost-share not to exceed \$3,000 for a stormwater infiltration project tributary to Forest Lake in Washington County. Second by Manager Lynch. Upon vote, the motion passed unanimously.

b) *Permits and Reviews*

- i) ***10-009 CSAH 2/Broadway Avenue Improvements*** - Administrator Thomas noted that this has been changed from decision to discussion. During the review of the Engineers Report , Attorney Holtman pointed out that although the applicant had discussed all of the public notice and discussion on the project they did not technically address how notice of the District’s permit decision had or was to be done prior to tonight’s meeting. After discussions with the County and their project engineer it was agreed that they would 1) pull the permit for purposes of decision, 2) proceed with the normal property owner notification

procedure in rule, and 3) have the permit placed on the November 18th meeting for decision.

Since this is a large project Administrator Thomas asked District Engineer Lisa Tilman to review the Engineers report with a focus on 1) the location of the various stormwater features, 2) how they address and achieve compliance with District rules, and 3) comment on potential water quality enhancements mentioned in the report. Engineer Tilman then went through the project with the Managers pointing out on a large wall map the location of each of the stormwater features and what each feature did. She noted that volume control is met through the use of 2 infiltration basins in the freeway interchange and one large bio-filtration basin on 8th Ave. The bio-filtration basin is credited at 70%. Rate control and water quality treatment for the project is provided by the construction of a large stormwater pond, retrofitting of two smaller existing ponds and the construction of the infiltration/bio-filtration features. She noted that the water quality treatment provided exceeds the District rule requirement.

Engineer Tilman then provided some information on the section of the Engineers Report which discussed opportunities for enhancing water quality treatment. In EOR's evaluation of the bio-filtration basin they identified two potential enhancements. The first enhancement would be to raise the outlet elevation of the outlet by 0.5 feet which would provide for additional volume control and associated water quality treatment. The second suggestion would be to modify the bio-filtration basin by incorporating an iron enhanced sand filter around the tile lines. The iron enhancement would provide for additional phosphorus removal.

Administrator Thomas noted that the enhancements are only recommendations and not permit requirements. He noted that he had some discussion with the project engineer who indicated that they would be interested in discussing the potential enhancements but that their first priority is to get the permit approved so that they can move ahead with applications to the federal highway administration for its approval and funding process. He also noted that the additional water quality treatment and/or volume control could possibly be banked by the county or city as well as the potential for the District to participate financially and take credit for the additional pollutant reduction to Comfort Lake. At this point Administrator Thomas was mostly interested in whether the Managers were interested in having him continue to meet with the County and City to explore potential enhancements and funding mechanisms.

Question was asked about what the lifespan of the iron enhancement is. Cecilio Olivier from EOR commented that research indicates that is 20 plus years. Manager Moe mentioned the fish barriers that we are working on for Bone and Moody Lake and that they will be using trenches filled with rock and could something like taconite tailings be used which are high in iron. Cecilio Olivier commented that in order for the chemical reaction that binds the phosphorous to occur the iron has to be very fine to create enough surface area as well as the medium has to have oxygen present so in his opinion taconite tailings would not likely work nor would the fish barrier sites be suitable because they will be under water most of the time.

Manager Lynch asked about the outlet elevation of the ponds on 8th Street and will there be flooding at the intersection of 8th Street and Broadway. He noted that historically there has been flooding problems in this area. Administrator Thomas pointed out that the stormsewer will be completely re-built in this area so flooding should not be a problem.

Cecilio Olivier noted that EOR had looked closely at this area in their engineering review and he pointed out that the street elevation at the intersection is approximately 4 feet higher than the pond outlet. He also pointed out that the number of stormsewer inlets have been increased so that there is more capacity to get the water from this area into the pond than what had existed in the past. Manager Lynch commented that we need to keep a close eye on this area. Manager Lynch also asked about the compost piles at the 8th Street location and whether there is any concern over contaminated soils, leaching, etc... Cecilio Olivier commented that in the area where the ponds will be built the material will all be excavated out to a depth of 4 to 6 feet so there should not be a concern over what is presently out there.

Administrator Thomas asked if it was the consensus of the Managers to have staff continue to meet with the County and City to explore the suggested enhancements. Manager Lynch commented that he thought it would be a good idea to look into it.

Attorney Holtman asked if raising the outlet 0.5 feet is feasible why it has not been done. Administrator Thomas noted his conversations with the project engineer on this idea and that although they have not ruled it out they want to make sure that what they design and build will function properly taking into account winter conditions and the need to maintain a high quality vegetation in order to get the treatment that is planned for. He also pointed out the tight federal timelines and that further investigation will take some time and if it is determined at a later date to include any enhancement it would be done as a change order in the contract rather than protracting the process out now.

c) MAWD Annual Meeting and 2010 Resolutions

Administrator Thomas noted the information on the MAWD annual meeting, 2010 proposed resolutions, and delegate voting/proxy forms that was handed out to the Managers at the beginning of the meeting. He pointed out that he will need to know, if possible, by the November 18th meeting who will be attending so that the necessary delegate and proxy forms can be sent to MAWD. Manager Lynch commented that he was planning on attending. Administrator Thomas noted that Manager Anderson thought that she might be attending as well. Next Administrator Thomas asked the Board if they would like him to do a summary of the proposed resolutions along with a staff perspective on the position that the Board might want to take in support or opposition of them. The purpose would be to assist the Managers at their November 18th meeting provide voting instructions on the various resolutions to those Managers who will be attending and voting. The consensus of the Managers was that this was a good idea.

7) Old Business

a) Watershed Management Plan – Update and next meetings

Administrator Thomas provided the Board with an updated schedule for completion and approval of the watershed management plan update. He noted that in order to have the plan approved by BWSR in October 2011 and local adoption in November 2011 the plan update will need to be sent out on February 1, 2011 for the local 60 day review and comment period if we are to stay on schedule. He also pointed out that this schedule will necessitate at least two Manager Workshops before the January Board meeting. He noted that Manager Anderson requested that the Board consider moving up the January Board meeting one week in order to accommodate her schedule. Discussion took place on potential dates and times for two Board Workshops. President Damchik suggested the workshops be scheduled for November 9, 2010 and January 11, 2011 from 5:00 pm to 7:00 pm at Forest Lake City Hall. He also supported moving up the date of the January 2011 Board meeting up one week to January 20, 2011. It was the consensus of the

Managers present to have the Administrator provide notice of two Board Workshops for the purpose of discussing the District's watershed management plan update to be held on November 9, 2010 and January 11, 2011 from 5:00 pm to 8:00 pm at Forest Lake City Hall. The change in the January 2011 meeting date will be done as par of setting the 2011 Board calendar at an upcoming regular meeting,

b) NBL12 Project update and authorization

Administrator Thomas updated the Board on progress over the past few months with the landowner Mr. Craig Mattson and that a grant agreement and grazing management plan has been finalized. He then reviewed the content of his staff memo in the Board packet and went over the individual project components and associated financial obligation of the District. He also went over the new combined cost estimate for both the NBL12 and FL44 projects and the split between the District, BWSR grant funds, and federal cost-share. Staff recommended that the Board approve, by resolution, the grant agreement between the District and Mr. Mattson for the purpose of implementing the NBL12 project and authorize the Board President, Administrator and Attorney to execute the grant agreement and enter into the necessary construction services agreements to complete the project.

Administrator Thomas noted Manager Anderson's support for the project. Manager Lynch asked about who will be overseeing the construction of the project. Administrator Thomas noted that the Chisago SWCD along with himself will be overseeing the project and that final certification of the practices will be done by the Chisago SWCD/Engineer.

Motion was made by Manager Moe to approve by adoption of resolution 10-10-06 the NBL12 Project and landowner agreement. Second by Manager Spence. President Damchik called for discussion. Hearing none President Damchik called for a role call vote, Anderson (absent), Damchik yes, Lynch yes, Moe yes, Spence yes. Resolution 10-10-06 was adopted on a vote of 4 in favor, 0 against.

c) Sunrise River WQ & Flowage Project

Administrator Thomas started out this agenda item by pointing out that it has two purposes. The first purpose is to begin discussions with the Board that will assist staff and the engineers on what the potential scope of the project will be. For example is it to include all areas between Comfort Lake and Forest Lake or just the District owned properties. This scoping will help staff and the engineer in putting together a task/work order that will guide the development of the engineer's report/feasibility study which will begin in 2011. The second purpose is to provide the District's engineering firm, EOR, with an opportunity to show the Board the range of project experience and expertise the firm has in wetland restoration/treatment systems, urban stormwater remediation, and construction management. He noted that this will be done over the next 3 months.

At that point Administrator Thomas turned it over to Cecilio Olivier. Mr. Olivier introduced Carl Almer and Brad Aldrich who went through a PowerPoint presentation designed to help with 1) the scoping of the Sunrise River project, 2) focus on the built environment and intensive land use areas, and 3) show projects which illustrate EOR's experience in this area.

At the conclusion of the presentation Engineer Tillman reminded the Managers that the purpose today was to give them an idea of the types of projects and stormwater treatment methods that can be used in the watershed of the project area not just the tax forfeit lands owned by the District. Today the presentation focused on the built environment, the next meeting will focus on the open/wetland areas of the watershed including the ditch/river.

Manager Lynch commented that when we look back to what the problem was we need to keep our focus on that part which is to restore the Sunrise River into a more free flowing stream. He went on to say that the culverts really need to be changed and that it seems like more potential for cooperation exists today then before. Engineer Tillman commented that at the next meeting there will be more discussion on the area of the watershed that Manager Lynch is referring to. Any ideas or insight into specific areas or projects is wanted from the Managers.

Manager Moe asked if we were going to ask the cities and counties to be involved in the discussion ahead of time. Administrator Thomas responded that yes we are and that he will be scheduling meetings with city and county staff in the coming weeks. Manager Moe commented on the past success of Chisago County on getting federal funds for park acquisition and we should maybe be looking at that. Manager Lynch commented that we need to keep our focus on the main problem area which is in his opinion is the old ditch as work there will have the greatest bang for the buck. Manager Spence offered to try to attend any meetings with the City of Wyoming and Chisago County.

8) Report of Staff

a) Administrator

Administrator Thomas noted his written report in the Board packet and commented that he did not have anything more to report on at this time. He did point out a number of items at the end of the Board packet for the Board's information including 1) an upcoming Washington County Board workshop on WD/WMO budgets, 2) FLAA newsletter, 3) upcoming Watershed Education Roundtable Discussion, and 4) EMWREP fall newsletter.

b) Emmons and Olivier Resources (EOR)

Engineer Tillman noted that she had nothing more to report at this time.

c) Smith Partners

Attorney Holtman noted that he had nothing more to report at this time.

9) Report of Treasurer

a) Approval of Bills

Treasurer Lynch presented the Treasurer's Report (A copy of which is annexed and incorporated by reference) and bills totaling \$12,464.55, and payroll expenses of \$8,205.21.

Motion was made by Manager Moe to approve the October 28, 2010 Treasurer's Report and pay the bills as presented. Manager Spence seconded the motion. Upon vote, the motion passed unanimously.

10) Reports of Officers and Manager

Manager Anderson–

Absent

Manager Damchik–

Nothing to report

Manager Moe –

Nothing to report

Manager Spence –

Nothing to report

11) Adjournment

Motion to adjourn the CLFLWD regular Board meeting at 8:40 pm was made by Manager Lynch and seconded by Manager Moe. Upon vote, the motion carried unanimously.

Wayne S. Moe, Secretary