

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

**Thursday, December 16, 2010**

**1) Call to Order**

The President called the December 16, 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, Vice President Jackie Anderson, Secretary Wayne Moe, Treasurer Tom Lynch, Manager Jon Spence

Absent: None

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

Other: Linda Nanko-Yeager (Wyoming City Councilmember), Rich Romness, Eli Rupnow

**2) Open the Regular Meeting**

The President opened the regular Board Meeting.

**3) Setting of Agenda**

The President called for the reading and approval of the December 16, 2010 regular Board meeting agenda. President asked if there were any changes or additions. Administrator Thomas requested the addition of an agenda item under old business pertaining to the revoked 2009 permit for North Lakes Academy. Motion to approve the agenda with the addition of the North Lakes Academy agenda item was made by Manager Moe and seconded by Manager Spence. 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 November 9<sup>th</sup> Board workshop. Motion to approve the November 9, 2010 Board workshop minutes was made by Manager Lynch and seconded by Manager Spence. Discussion. Upon vote, the motion passed unanimously.

The President called for the reading and approval of the minutes of the November 18, 2010 regular Board meeting. Manager Moe noted a few small typos on pages 4 and 6. Motion to approve the November 18, 2010 regular Board meeting minutes, as amended, was made by Manager Moe and seconded by Manager Spence. Discussion. 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**

***Hosanna Lutheran Church C-S project approval & payment***

Administrator Thomas provided background on the project which involved 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. The project area is tributary to Forest Lake (Lake 3) and will reduce phosphorous loading to the lake. The Church has completed the project and it was inspected on November 9<sup>th</sup> by Pete Young, WCD and Doug Thomas, and again on November 29<sup>th</sup> at which time it was determined to be complete. Staff recommended that the Board of Managers approve the project and authorize reimbursement in the amount of \$2,063.95 which represents ½ of the purchased materials, contracted labor, and in-kind labor for the project.

Manager Lynch asked if the Church is still planning on constructing the additional rain-gardens that were in the original design. Administrator Thomas commented that he had talked to Pete Young who indicated that the Church is planning on installing at least one of the additional rain-gardens in 2011. He also noted that the WCD Clean Water Fund grant application was not funded so implementation of all aspects of the project will now take place over a number of years utilizing only District cost-share funds.

Manager Moe made the motion to approve the Hosanna Lutheran Church project and reimburse them for ½ of the purchased materials, contracted labor, and in-kind labor in the amount of \$2,063.95. Second by Manager Lynch. Discussion. Upon vote, the motion passed unanimously.

**b) Bone & Moody Lakes Fish Barrier**

Administrator Thomas reviewed his staff memo regarding the topic with the Managers. The main items from the memo that he covered included, 1) the history of the project and the change in scope which led to a much greater estimated cost for construction and cancellation of the original DNR grant, 2) approval by DNR of new grant application along with work taking place on finalizing a new grant agreement, 3) the new scope of work and estimated cost provided by EOR for project engineering and professional services, and 4) an overview of the revised project budget and recommendations for necessary modifications in the Districts' 2011 budget to reflect the changes.

Staff recommended the following to the Board of Managers:

- 1) Approve the EOR proposal for Moody Lake and Bone Lake Fish Barrier Work Plan for Final Design and Construction Management.
- 2) Authorize that the 2011 budget for engineering/legal services in the Bone Lake- Moody Lake Rough Fish Control project budget be increased to \$84,341.
- 3) Authorize the transfer of \$42,340 from the Contingency Reserve Fund (100-2911) to the Bone Lake-Moody Lake Rough Fish Control project budget, engineering/legal cost line item (614-4352).
- 4) Authorize that the budget items for materials and supplies (614-4635) and DNR labor and construction (614-4600) in the Bone Lake- Moody Lake Rough Fish Control project budget be reduced to \$0 and moved into engineering/legal (614-4352) within that same project.

Manager Moe made the motion to 1) accept and approve the proposed Moody Lake and Bone Lake Fish Barrier Work Plan for Final Design and Construction Management as presented, 2) authorize that the 2011 budget for engineering/legal services in the Bone Lake - Moody Lake Rough Fish Control project be increased to a total amount of \$84,341, 3) authorize the transfer of \$42,340 from the Contingency Reserve Fund (100-2911) to the Bone Lake - Moody Lake Rough Fish Control project budget, engineering/legal

cost line item (614-4352), and 4) authorize that the budget items for materials and supplies (614-4635) and DNR labor and construction (614-4600) in the Bone Lake- Moody Lake Rough Fish Control project budget be reduced to \$0 and moved into engineering/legal line item (614-4352) within that same project. Second by Manager Spence. Discussion. Upon vote the motion passed unanimously.

***c) Chisago Soil and Water Conservation District – Forest Lake Comfort Lake WD 2011 Services Agreement***

Administrator Thomas reviewed the proposed 2011 Services Agreement with the Chisago Soil and Water Conservation District. He pointed out that the agreement covers two areas of assistance. The first is for technical assistance in an amount not to exceed \$7,500 to support the water quality cost-share program in the Chisago County portion of the District. The second item is for providing engineering and technical services for the NBL12 project in an amount not to exceed \$10,000.

Motion by Manager Lynch to approve the 2011 Services Agreement between the Chisago Soil and Water Conservation District and the Comfort Lake-Forest Lake Watershed District for an amount not to exceed \$17,500 and to authorize the Board President to execute the Agreement. Second by Manager Spence. Discussion. Upon vote the motion passed unanimously.

***d) 2011 Board Meeting Dates***

Administrator Thomas noted the proposed 2011 Board meeting schedule in the packet. The proposed 2011 meeting dates are based on the historic meeting date of the fourth Thursday of the month with the exception of January, November, and December which will be the third Thursday of the month.

Motion by Manager Lynch to set the 2011 regular monthly meeting date of the District as the fourth Thursday of the month with the exception of January, November, and December which are the third Thursday of the month. Second by Manager Moe. Discussion. Upon vote the motion passed unanimously.

**7) Old Business**

***a) Bridgewater Culvert Capacity Memo***

Engineer Tilman discussed the EOR memo in the Board packet which was prepared to respond to the question of what exactly is the effect of the culvert replacement on Comfort Lake elevations, which had been asked at the November meeting. Engineer Tilman discussed 1) the purpose of the memo, 2) the use of the District's XP-SWMM model to determine changes to the surface water profile of Comfort Lake from the new culvert as compared to the old culvert, and 3) that the model run used a normal run out elevation of the lake which is the rock weir at County Road 22. In summary the model showed that there would be a small increase in the peak flow from the new culvert but because it occurs for only a short period of time the model showed no change in the surface water elevation of the lake between the two culvert sizes. Manager Spence asked what was the Comfort Lake run out elevation. Engineer Tilman responded that she did not remember what it was off the top of her head.

***b) Watershed Plan Update - Formatting***

Administrator Thomas discussed staff's desire to get input from the Board of Managers at this time on the draft formatting/layout mock up of the Watershed Management Plan update that had been given to the Board of Managers at the December 7<sup>th</sup> Board Workshop and again in the Board meeting packet. He noted the importance of getting comments at this time on whether the formatting/layout that is being proposed is OK with the Managers or not. After some discussion it was the consensus of the Managers that the proposed formatting was OK.

Along the same lines Engineer Tilman reminded the Board that at the last workshop there was some discussion on splitting the Plan into two parts one being the land and water inventory section and the second part being the implementation section. She also noted that the size of the Plan looks to be about 200 pages. At this time she asked if the Board had a preference on the Plan being in one part or two. Manager Anderson commented that she likes the idea of having two smaller documents and that since they will be tabbed she votes for having two parts to the Plan that can be used together or separately. There was consensus among the Managers that having a two part document was preferred.

***c) Sunrise River WQ & Flowage - Project 10-01***

Administrator Thomas noted that this is the last of three presentations to help in defining the general scope of the project that will then be used by the engineers and staff to develop a work/task order for the preparation of the Project Engineers/Feasibility Report. Engineer Tilman pointed out that at the previous two meetings the presentations focused on what the project might include and looked at the developed part of the watershed and the ditch/river system. She went on to state that at tonight's meeting the focus will be on building of a project including contract and construction management. She then introduced Rich Romness and Eli Rupnow, from EOR, who went through their presentation.

The presentation covered the following areas of the construction management of projects.

- Project Initiation
  - Project charter/statement of work
  - Communication plan
  - Preliminary scheduling plan
  - Funding source identification
  - Feasibility study/engineering report
- Project Design Phase
  - Preliminary design
    - Soil investigation
    - Design survey
    - Utilities
    - Plan layouts
    - Permitting requirements
    - Preliminary cost estimates
    - Preliminary plan approval
  - Final design
- Public Procurement Process
- Project Construction Phase
  - Construction administration
  - Construction observation

- Construction staking
- Project close-out

President Damchik asked if there were any questions. Administrator Thomas commented on the mention of a warranty period and asked EOR to elaborate on that point. Rich Romness gave some examples of what is meant by a warranty and what are some of the types of things covered. Manager Anderson asked how is it done. Rich Romness explained that it is built right into the contract documents. Manager Lynch commented on how trees are handled. Rich Romness explained that they are usually warranted by the supplier through some form of a plant guarantee for a year or two so it is indirectly built in. Manager Anderson asked the Attorney if there is anything in law that requires this type of warranty period in a contract. Attorney Holtman commented that there is not. President Damchik thanked Mr. Romness and Rupnow for their presentation.

***d) North Lakes Academy – Revoked Permit (2009-007)***

Administrator Thomas noted that he had been contacted by the builder/developer of the project and that there was an interest in reapplying for a District permit and that they wanted to know what the requirements for reapplying would be. He explained to the Board that he had informed the applicant that they would need to re-apply for a permit, submit the same permit and inspection fees as before, re-do the public notice, and request that the same engineering plans and specifications be used if the project has not changed in size or scope. At this time Administrator Thomas commented that he was looking for some advice from the Board on two items the first being the public notice requirement and the second on the re-submittal of plans and documents.

Regarding the public notice requirement he pointed out that Chisago County has an on-line GIS mapping program that would allow the District to generate the required list of property owners and addresses that the District Rule requires. He asked if it would be an acceptable to the Board if staff were to generate the list and if so then it would require a simple operating policy which would allow it to be done that way in the future as the current Rule requires certification of the list by the County. He pointed out that this would save the applicant time and money if they do not have to go to the County to get the certified list. Manager Anderson asked if the on-line GIS mapping application's data is kept up to date. Administrator Thomas commented that he did not know and would check with the County on that. Manager Anderson also commented that this sounded like a good idea however that due to the importance of making sure that those properties that are within the 500 feet as identified in Rule be notified of a proposed project she suggested that the list generated by District staff be sent to the County for certification. After some discussion Administrator Thomas said that he would do some additional checking but in the meantime have North Lakes Academy provide a certified list so that we do not jeopardize the possibility of them being able to have the permit at the next meeting if that is their goal.

The second item that Administrator Thomas was looking for some advice on was whether the Board was comfortable with allowing the applicant to have the District use the previously submitted engineering plans, specifications, and documents identified in the first permit. He felt that if the applicant informed the District in a cover letter of that intent it should not be a problem. Manager Anderson commented that she was OK with this approach but we needed to be assured

that the project is in fact the same, and that we should be requiring the applicant to provide some form of certification to us. Manager Anderson asked Attorney Holtman his thoughts on this. Attorney Holtman pointed out that Rule requirements are set forth in the permit and are as such enforceable. He further noted that if the applicant instructs us to use the same documents as in the past and provides us with written acknowledgement of those specific documents to be used from the previous permit, and if the new permit incorporates those plans by reference, that we are covered if they were to propose a change in the future.

**8) Report of Staff**

*a) Administrator*

Administrator Thomas noted his written report in the Board packet. He also pointed out that regarding MAWD resolution #6 he did provide the “white paper”, that the Board had asked him to develop, to the MAWD Resolutions Committee. Ray Bohn, MAWD Executive Director, assured him that this topic will be addressed by the current Drainage Workgroup and that there would be opportunity for our ideas to be introduced and discussed. He also reminded the Managers that if they had any expenses in the 4<sup>th</sup> quarter to get them to him in the next few weeks. He also pointed out and provided some comments on the draft phosphorus load reductions/allocations that have been assigned to MS4 communities that are part of the Lake St. Croix Nutrient TMDL that was handed out prior to the meeting.

*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 and payroll totaling \$45,653.79.

Motion was made by Manager Moe to approve the December 16, 2010 Treasurer’s Report and pay the bills and payroll as presented. Manager Spence seconded the motion. Upon vote, the motion passed unanimously.

Treasurer Lynch then updated the Board on his work since the last meeting on looking at options for investing District funds with the goal of getting a higher rate of earning than what we presently get with our savings account. He noted that he had reviewed the Districts’ Investment Policy and then handed out information on what was available at the Wyoming Bank with regards to CD’s. He pointed out that after paying of the December bills he estimates that there will be approximately \$988,000 in savings.

**10) Reports of Officers and Manager**

**Manager Anderson–**

Nothing to report

**Manager Damchik–**

Nothing to report

**Manager Moe –**

Nothing to report

**Manager Spence –**

Nothing to report

**Manager Lynch –**

Manager Lynch commented on recent article in the newspaper on invasive species. He noted that at the last meeting he had commented on an effort to control buckthorn, and garlic mustard which he confirmed was an effort that was done along lower Minnehaha Creek between the falls and the river. He also passed around a newspaper article on oriental bittersweet which is yet another invasive plant which is getting to be a problem. He commented that we should be using our web-site or other means to be getting this type of information out there. Manager Anderson commented that she thought this was excellent idea.

**11) Adjournment**

Motion to adjourn the CLFLWD regular Board meeting at 7:50 pm was made by Manager Anderson and seconded by Manager Lynch. Upon vote, the motion carried unanimously.

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Wayne S. Moe, Secretary