

**MINUTES OF REGULAR MEETING
OF THE
COMFORT LAKE - FOREST LAKE
WATERSHED DISTRICT
Thursday, June 26, 2014**

1. Call to Order of Regular Meeting

President Damchik called the June 26, 2014 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 Jon Spence, and Manager Stephen Schmaltz

Absent: None

Others: Mike Kinney (CLFLWD District Administrator), Chuck Holtman (Smith Partners), Greg Graske (EOR), Brett Emmons (EOR), Jerry Grundtner (CAC member), Bill Bergeson (Prolific Properties of MN), Beryl Halldorson (Bone Lake), Margie Schmidt (Bone Lake Association President), Cheryl Komlaw (Bone Lake), Corky Marinkowics (Bone Lake), Craig Mell (Chisago SWCD), Stev Stegner (FLLA), Scott ODonnell (Scandia, permit applicant), Steve Nelson (Bone Lake)

2. Setting of Meeting Agenda

President Damchik called for the reading and approval of the June 26, 2014 Regular Board meeting agenda. President Damchik asked if there were any changes or additions.

Manager Anderson recommended the Board consolidate Items 5a-e, h, and j into a Consent Agenda because they are all routine items and it will shorten the meeting. She also recommended moving the Old Business Bone Lake fish barrier to the top of the agenda because they have people at the meeting that might want to talk about this item.

Motion to approve the agenda as amended was made by Manager Anderson. Seconded by Manager Moe. Discussion. Upon vote, the motion carried 5-0.

3. Reading and Approval of Minutes

a) Regular Board Meeting – May 22, 2014

President Damchik called for the reading and approval of the minutes of the May 22, 2014 Regular Board Meeting.

Motion to table the May 22, 2014 regular Board meeting minutes, until the end of the meeting was made by Manager Anderson. Seconded by Manager Moe. Upon vote, the motion carried 5-0.

4. Public Open Forum

President 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.

Mr. Steve Stegner, President of the Forest Lake Lake Association (FLLA) brought forward a proposal from the FLLA to work with the CLFLWD to treat a test area of the Flowering Rush to see if they can eradicate it. The proposal from Blue Water Science to treat Forest Lake was referenced, which was included in the board packet. The treatment plan is around \$5,800 for the test area and the FLLA would like to contribute \$2,500 to that effort.

Mr. Bill Bergeson, co-owner of Prolific Properties of MN, is currently remodeling the 167 N. Lake Street building. The owners are planning to bring a request for a variance to the Board because the site is within 500 feet of the lake and they are planning to tear out and redo some of the concrete. Administrator Kinney stated there is not a request for a variance on the agenda but the owners have proposed that this is the route they would intend to take with respect to the property. Mr. Kinney also informed them that they were welcome to speak to the Board at the open forum. Manager Anderson stated she was not personally in the position to make a decision on this without knowing more about it. Greg Grasko also informed the Board that he met on site with the owners and given the size of the building itself, there will be challenges to meet the rules.

Ms. Margie Schmidt, President of the Bone Lake Association, stated she was disappointed by the issues and impacts of the fish barrier and would like to get the Board's commitment to find answers to the problems. The DNR is also open to finding answers to the problems. She explained some of the issues with regard to flooding, the removal of trees and other vegetation, the increased fishing from the shore, the lack of maintenance, the destruction of tree plantings and then the fence, and feel it is no longer safe. She noted Administrator Kinney and she have been working on solutions to this problem. Manager Moe further explained that the carp barrier was also holding back water. Administrator Kinney stated he understood Ms. Schmidt's frustration, the County indicated the City would probably have to make a resolution, which has not yet been done, in order to put up signage. Manager Anderson brought copies of photos Margie Schmidt sent to her earlier that day and passed them out.

Ms. Berle Halldorson stated they were hoping to get some official signage indicating "no parking, no fishing, keep out" in order to let the vegetation to grow back on the lake, and is wondering when the signs will be official. Mr. Greg Schmidt stated that the increased fishing has led to some unsafe conditions along the roadway with people parking on both sides. He also stated that while he was appreciative of the state of the art project, he was hoping that the design would allow for prompt corrections.

Manager Moe received a call today from TJ Debates from the DNR, and was told this was a new style carp barrier, which was paid from Legacy funds. TJ Debates said that the DNR is not going to leave the people of Bone Lake 'high and dry' on any of these issues. There is funding available to take care of some of the issues. Mr. Scott O'Donnell thought this is going to be a dangerous situation with all of the people in the area and crossing the busy street once the County re-blacktops Lofton Avenue.

Manager Damchik asked if the residents have talked to the sheriff about any of these problems. Ms. Schmidt stated they cannot have the sheriff do anything until they get signage installed. The sheriff was called when they drove over the fencing.

Manager Anderson wanted to apologize that the project hasn't gone well and that the residents have been impacted, and stated the Board is committed to restoration of the area and doing something right. Manager Schmaltz agreed, and stated that there were three issues with the project including it being a new project, the shoreline issue and a safety issue. Ms. Halldorson stated her appreciation that the Board did the project.

6. Old Business

a) Bone Lake Fish Barrier O&M Work Order

Brett Emmons and Greg Graska, EOR, reviewed the history of the Bone Lake Fish Barriers and that while the plan called for tree removal and there was a plan to hold off on more permanent replacement of trees in the event the barrier needed maintenance from the shoreline.

Mr. Graska described the record precipitation from the winter and spring and then described the utilization of the grates within the design, and presented three concerns that should be addressed:

1. The grates are subject to frequent clogging so if they are to be used for an extended period of time, the on-going clogging maintenance would be significant.
2. Utilization of the grates has resulted in some turtle mortality. Turtles have been getting stuck to the grates. The force of the water is too high for the turtle to overcome and because the grates are recessed a few inches back into the structure, the turtles cannot escape perpendicular to the flow. Again, an alteration to the design would address this.
3. Although the grates will prevent the passage of adult carp, under certain conditions young of the year carp could potentially pass through the barrier.

Due to this type of barrier never being implemented at this scale and the concerns outlined above, some field testing along with some adaptive management and possibly some field retrofits are recommended. This work plan includes initial steps to move forward. The total estimated cost for the Bone Lake Fish Barrier Assessment and Management Plan is \$9,411 for field testing, development of a management plan, and screen retrofit design and oversight.

Task 1 of the proposal is to do some additional field testing and evaluation of existing data. Flows would be tested at both barriers under different water levels and different times of the year with the stop logs in and then with them removed. They would also rake portions of the rock bed to see if there is a difference in flow. Also, they would review the velocity and stage readings to supplement the additional field data.

Manager Anderson asked if there was any computer generation software available to do this. Mr. Graska stated in order to do the tests, they have to be there to take water samples. Digital feeds are not part of this plan but could be considered.

Manager Moe thought the fish barrier was designed to be equivalent to the culvert but the flow data with the stop logs removed showed it was in fact limiting the water being discharged by as much as two and a half times under certain conditions. Mr. Graska stated the drain tile capacity is seven to eight times the capacity of the culvert. He reviewed how the testing would be done.

Task 2 is the development of the Management and Maintenance Plan. Mr. Graska stated they want to look at the levels of the overflow with regard to rain events and find out what the middle ground is with regard to fish movement. Based on what he sees now, he might look at lowering the overflow elevation. Manager Anderson asked what the normal high water mark would be at. Mr. Moe stated the ordinary high water mark was around 909 ft. Manager Anderson also asked if the rain levels was a record amount.

Task 3 is retrofitting the structure to address the clogging and turtle mortality. Manager Schmaltz asked if there was a solution for loading of the filtering system itself. Mr. Graska stated they have explored different options. Manager Spence asked if the field testing would dig down into the drain tile system to see what the flow is so they can tell whether they are getting enough drainage. Mr. Graska stated water is definitely coming through the drain tiles. It is a matter of determining how much. Manager Spence asked if they could do some studies on the low flow

system to understand why it isn't working. The District now owns the structure and needs to fix it. Mr. Graske stated this would be possible and explained the process needed to be done.

Manager Moe stated at the last meeting, they talked about back flushing and he could see clogging as a problem in the future. Mr. Graske stated they will be looking at that to figure out a solution. Manager Anderson stated Cecilio Olivier, EOR, called her and said this was designed for the fifty-year event and now they see this is designed for a ten-year event. She wondered which was correct. Mr. Graske stated the structure itself is designed to exceed the fifty-year event and the top of the overflow is designed for the ten-year event.

Manager Anderson wondered why a maintenance program was not part of the initial proposal. She was concerned with the safety of the residents in maintaining this. Mr. Graske stated he has talked with Administrator Kinney about coordinating the Conservation District to check for clogging because they are in the area anyway. Administrator Kinney stated TJ Debates offered an agreement with one of the City's Public Works to do this and he had asked if the City of Scandia Public Works would partner with them on this problem.

Manager Anderson asked what the plan was for right now when they get more water. Mr. Graske explained the solution that was implemented just today improved the flow substantially. Manager Anderson asked what the maintenance plan will be for this from now on. Mr. Graske stated there will be a regular maintenance plan imposed. Mr. Graske stated they will also look at different grates that shed debris without so much force. Manager Moe thought that if there was something across the face that went out into the water that an additional item like that would keep a lot of leaves from being sucked into it. Mr. Graske agreed and thought some type of skimmer might help.

Motion to approve the work order from EOR for the Bone Lake Fish Barrier Assessment and Management Plan of \$9,411 for field testing, development of management plan, and screen retrofit design and oversight was made by Manager Anderson. Seconded by Manager Moe. Discussion.

Manager Schmaltz wondered if there would be any opportunity for a DNR grant to help with this. Mr. Graske thought this might meet some grants and the timing. Manager Schmaltz asked if other options were looked at with regard to the design such as the gravel. Mr. Emmons answered in the affirmative and that Mr. Gordon, DNR has also been involved.

Upon vote, the motion carried 5-0.

Manager Anderson stated they needed to do something to get this area back to where it was originally before the barrier was installed.

Motion to have the WCD work with the District and EOR on a Landscape Plan that brings the shoreline back to half of its mature state with that as an objective and to leave some pathways for maintenance but not leave everything open was made by Manager Anderson. Seconded by Manager Moe. Discussion

Manager Schmaltz asked if there was an option to take gravel and replace with larger gravel. Mr. Graske indicated there was.

Upon vote, the motion carried 5-0.

Motion to assign the task to the Administrator and Legal Counsel to work on signage to post appropriately for that area for safety concerns, to protect the watershed district habitat plantings, and to explore immediate signage that can be installed in conjunction with the County and City to protect the people around the lake was made by Manager Anderson. Seconded by Manager Moe. Discussion.

Administrator Kinney stated he has had several conversations with the County on this. The County highway did assess the site and determined that the no parking was not a safety issue. Their experience has been that if they installed no parking in that vicinity, people would park just beyond the no parking signs, which would be even more dangerous.

Upon vote, the motion carried 5-0.

Manager Anderson requested clarification on public fishing pier on Bone Lake mentioned in the letter. Administrator Kinney stated the DNR indicated if there was concern about the trampling, they could establish some specific areas, platforms, along the area. In response, Administrator Kinney felt there was a concern about people fishing from that area so inquired as to whether they had considered a pier adjacent to the boat launch. The DNR was not in favor of a “no fishing” sign.

Mr. Steve Nelson described his work to clean the grates and the substantial carp population. He thought the lake should be netted every five years to keep it in check. Mr. Nelson indicated the replacements grates were an improvement but still get clogged. If the grates cannot be kept clean, he thought the grates should be taken out and let the water flow.

The Board thanked Mr. Nelson for cleaning the grates out. Mr. Graske explained the plan this winter will be to conduct a carp harvest in the lake.

Attorney Holtman stated his concern with the District creating a situation where members of the community feel they need to go onto the structure and perform maintenance. Rather, the District needs to assure a reasonable level of maintenance is being conducted. If there is an issue, members of the public should contact the District. Manager Anderson agreed, and suggested the EOR study address that the barrier was working last year in keeping carp out, but based on the impact of this unusually high water level early in the year and through the early summer, if whether it made sense to let the water flow because the carp are going to make it into the lake anyway. She felt that trying to maintain the carp barrier against a flood was actually creating another problem, which is flooding.

5. New Business – Consent Agenda

- a) Edmund Olson Ag Incentive Program Reimbursement**
- b) Jim Gerard Shoreline Cost – Share Application**
- c) Timothy Renn Shoreline Cost – Share Application**
- d) Dennis Parzyck Shoreline Cost – Share Application**
- e) Permit Application #14-005 – Bruley Morgans**
- h) LMCIT Liability Coverage Waiver Form**
- j) Personnel Policy**

Motion to approve the consent agenda was made by Manager Anderson. Seconded by Manager Spence. Discussion. Upon vote, the motion carried 5-0.

President Damchik closed the public forum.

5. New Business (Cont.)

f) Forest Lake Flowering Rush

Steve Schmaltz referenced the Blue Water Science and that it stated besides growing in shallow water, flowering rush does become invasive and starts to exclude other vegetative species. He described methods of treatment and indicated he would like the Board to obtain information this summer so next year, they can plan to do something more aggressive.

Manager Spence asked if the quote includes the test treatment and an inventory, and whether that was discussed with the Association donating \$2,500. Mr. Schmaltz stated that was correct.

Manager Moe asked if the cost did not treatment but was just for testing. Mr. Schmaltz stated the quote included \$1,000 for herbicide treatment and he recommended including that.

Motion to approve the quote from Blue Water Science for test treatment and inventory of Forest Lake Flowering Rush including \$1,000 for treatment for a total of \$5,850 with the \$2,500 donation by the Forest Lake Lake Association was made by Manager Schmaltz. Seconded by Manager Moe.

Discussion.

Attorney Holtman asked if the motion was contingent on the Forest Lake Association contribution and whether the Board wanted to formalize that agreement or the comment by the Association's representation was sufficient. President Damchik and Manager Anderson agreed the Board could take the Association's word on this.

Upon vote, the motion carried 5-0.

g) Lake Vegetation Management Plans

Administrator Kinney stated this is an action the Board initiated in 2013. Steve McComas had completed it in February, the Bone Lake plan has been submitted, and he is still waiting for the signed copy. The last part of this is to get signatures completed and submitted.

Manager Anderson stated on page one the chart states 'Bone Lake' and it should be 'Forest Lake.' Administrator Kinney agreed with this correction. Manager Anderson asked the Attorney if they can initial this correction and sign the papers. It was noted this could be corrected and re-signed. It has not yet been submitted to the DNR.

Motion to proceed with the Lake Vegetation Management Plan was made by Manager Anderson. Seconded by Manager Schmaltz. Discussion. Upon vote, the motion carried 5-0.

i) MPCA Clean Water Partnership Grant Proposal

Administrator Kinney explained the Minnesota Pollution Control Agency (MPCA) currently has an open advertisement for applications for its Clean Water Partnership (CWP) grant program. This was discussed with Greg Graske, EOR, and MPCA staff and all felt that given the condition of Forest Lake combined with the recent work of the Washington Conservation District (WCD) as it relates to the Stormwater Retrofit Analysis, and the City of Forest Lake's effort as it relates to their MS4 infrastructure, would make for a very strong candidate for such a grant.

Administrator Kinney recommended the Board of Managers direct staff to complete the MPCA Clean Water Partnership grant application for Forest Lake and submit it accordingly.

Motion to direct staff to complete the Minnesota Pollution Control Agency Clean Water Partnership grant application for Forest Lake and submit it to the Minnesota Pollution Control Agency was made by Manager Moe. Seconded by Manager Spence. Discussion. Upon vote, the motion carried 5-0.

Manager Schmaltz brought back Item 5j. Personnel Policy Manual, for discussion.

j) Personnel Policy

Administrator Kinney stated there are a number of personnel policies that a District can or should have and while this one may not be required, it is a good practice.

Manager Schmaltz asked whether this policy was specific to the District and if the District couldn't use just a generic policy. Manager Anderson explained that at a MAWD meeting, they discussed a sample personnel policy but because they had a Personnel Committee and only one employee, they decided to leave it that way. She thought MAWD had a copy of a personnel policy that could be customized.

Informational; no action required (Motion made in consent).

k) Contract Temporary Administrative Services

Administrator Kinney reviewed the reason for hiring a contract temporary service for scanning of documents and other assistance in preparing for the office move. He stated he has reviewed the Record Retention Schedule requirement the District has on file with legal counsel and will abide by it accordingly while working through this process. At present, the 2014 budget currently has \$8,000 for administrative assistance. So while this was discussed at the May regular meeting, legal counsel determined that since a motion was not made to authorize the Administrator to enter into a contract for temporary administrative services, it should come back to the Board with such a request.

Administrator Kinney recommended that the Board of Managers authorize the District Administrator to enter into a contract for temporary administrative assistance not to exceed the budgeted amount for 2014.

Manager Anderson stated they use the money in the budget for contract help for the day-to-day activities. She is not opposed to the digitizing of the records but thought it should be budgeted for next year. Administrator Kinney stated he received a quote of \$12,000 to do the work. There is also a person currently working at the front desk of City Hall that has done extensive scanning for the City and would be able to do scanning for the District, if needed. He noted there would not be room at City Hall for the District's files but he thought for the time being, they could be housed in his office.

Manager Anderson thought they needed to have their own office space so they are not limited by what space might be left over by the City. Manager Spence asked if the proposal included scanning, server storage, and backing it up. Administrator Kinney stated it would include the scanning, naming and organizing of the files.

Manager Spence recommended holding this item and coming back with a total solution proposal. Administrator Kinney asked if there was any support for authorizing a number of hours for other current administrative items. Manager Anderson stated that is already in the budget and available to use and preferred to hire someone. Attorney Holtman stated he advised Administrator Kinney that the simple fact that the Board approved a budget was not clearly a delegation for Administrator Kinney to enter into specific contracts.

Motion to authorize the District Administrator to enter into a contract for temporary administrative assistance not to exceed the budgeted amount for 2014 was made by Manager Schmaltz. Seconded by Manager Moe. Discussion. Upon vote, the motion carried 4-1 (Anderson).

l) Office Space

Administrator Kinney stated he met with Aaron Parrish, Forest Lake City Administrator, regarding office space located in the new city hall. Mr. Parish requested that he submit a letter that could be presented to the Forest Lake City Council for consideration. Administrator Kinney described the availability of a single office as well as several workstations near the front counter if the District wanted a location for another person. The estimated cost would be roughly the same as it is now and the District could maintain the relationship with the City of Roseville regarding IT support. Administrator Kinney indicated that overall, this appears to be the most straightforward option and BWSR has already approved the location outside of the District. He reviewed other options that can be considered and asked for direction with regard to planning for an office move in October.

President Damchik wondered if the Board wanted to stay with the city or look for their own office space. Manager Anderson elected to look for commercial office space. Manager Moe thought they should explore options while they have the opportunity.

Informational; no action required.

m) Open Meeting Law

Attorney Holtman addressed the email from Manager Schmaltz regarding suggestions for a Board Agenda Item that had been communicated to other Board Members. Attorney Holtman advised that under the open meeting law, the Board Members are not to engage in discussion about the substance of Board matters outside of noticed public meetings. Manager Spence stated if Board Members have a suggestion, they need to communicate with Administrator Kinney.

Informational; no action required.

n) 2015 Budget Meeting Schedule

Administrator Kinney supplied the draft schedule for the 2015 work plan and budget.

Informational; no action required.

6. Old Business (Cont.)

b) Hilo Lane Agreement

Administrator Kinney presented the Board the Hilo Lane Agreement. He stated this was vetted through the City of Forest Lake and is ready for a signature.

Motion to approve the Cooperative Agreement for the Hilo Lane Storm Water Filtration Retrofit Project with the City of Forest Lake was made by Manager Anderson. Seconded by Manager Moe. Discussion. Upon vote, the motion carried 5-0.

c) Otte Farm Update

Administrator Kinney updated the Board on the Otte Farm activity.

Manager Moe stated that if it would work out, the ponding area expansion would be substantial. Administrator Kinney agreed that it would change the project significantly.

Informational; no action required.

d) No-Wake Zone Memo

Administrator Kinney stated that at the May 22, 2014 meeting, the Board requested that counsel prepare a short memorandum outlining the authority to adopt a no-wake zone. Attorney Holtman reviewed the memo with the Board.

Attorney Holtman stated the DNR has rules and guidelines, but not an ordinance. He explained the ordinance can be simple to construct and can be done fairly quickly but it all depends on the city or county.

Manager Anderson stated there is not a wake ordinance on Forest Lake or Comfort Lake. She stated the emergency no wake coverage was not for an extended period of time, it is a short-term solution, so they were looking for some guidance for the associations. Administrator Kinney stated the ordinance information would be put together for the different lake associations.

Informational; no action required.

7. Report of Staff

a) Administrator:

Administrator Kinney reminded the Board of the 2014 St. Croix NEMO workshop being held on Tuesday, July 29, 2014, between 5:00 p.m. – 9:00 p.m.

Administrator Kinney updated the Board on the BWSR Legislative Summary.

The Board discussed with Administrator Kinney the safety signage for the Bone Lake carp barrier area.

b) Emmons & Olivier: No report

c) Smith Partners: No report

8. Report of Treasurer

a) Approval of Bills and Treasurer's Report

Treasurer Spence presented the Treasurer's Report, bills and payroll totaling \$78,106.85. Treasurer Spence asked that the Board approve the payment of the bills and accept the report.

Motion to approve the June 2014 Treasurer's Report and pay the bills and payroll as presented in the amount of \$78,106.85 was made by Manager Moe. Seconded by Manager Schmaltz. Discussion. Upon vote, the motion carried, 5-0.

The Board Members signed a title card and signature cards.

9. Report of Officers and Managers

Manager Anderson: She stated she would like to talk to Administrator Kinney and the people doing the minutes after the meeting with the Board's approval. The Board approved.

President Damchik: Nothing new to report

Manager Spence: Nothing new to report

Manager Moe: Nothing new to report

Manager Schmaltz: Nothing new to report

10. Adjournment

Motion to adjourn the CLFLWD regular Board meeting at 9:25 p.m. was made by Manager Anderson. Seconded by Manager Spence. Upon vote, the motion carried, 5-0.

Wayne S. Moe, Secretary _____