

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

Thursday, December 20, 2012

1. Call to Order

The President called the December 20, 2012 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, and Manager Jon Spence

Absent: None

Others: Doug Thomas (CLFLWD), Lisa Tilman and Brett Emmons (EOR), Chuck Holtman (Smith Partners) and Mark Lobermier (Wyoming).

2. Setting of Agenda

The President called for the reading and approval of the December 20, 2012 Regular Board meeting agenda. President asked if there were any changes or additions. Administrator Thomas noted the revised meeting notice and agenda that was handed out prior to the meeting. Motion to approve the agenda that was handed out prior to the meeting was made by Manager Moe 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 November 15, 2012 Regular Board Meeting. Motion to approve the November 15, 2012 Regular Board meeting minutes was made by Manager Anderson 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) Adoption of 2013 Meeting Schedule

Manager Anderson moved to approve the proposed 2013 Meeting Schedule as presented. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed

b) Professional Services – Consultant Selection for 2013-2014

Administrator Thomas noted his memo in the Board packet which included the recommendation for selection of professional services by the workgroup comprised of Managers Damchik and Lynch.

Manager Anderson offered resolutions 2012-12-01, 2012-12-02, and 2012-12-03 and moved their adoption. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed.

The President called for a roll call vote on resolution 2012-12-01. There being 5 yes's and 0 no's the President declared the resolution adopted.

The President called for a roll call vote on resolution 2012-12-02. There being 5 yes's and 0 no's the President declared the resolution adopted.

The President called for a roll call vote on resolution 2012-12-03. There being 5 yes's and 0 no's the President declared the resolution adopted.

Manager Anderson moved to appoint the engineering firms of HDR, HEI, WENCK, and SEH to serve in an engineering pool for the purpose of providing, on an as needed basis, professional services to the CLFWD, and to instruct the District Administrator to develop professional service agreements with each of the firms and authorize the execution of them by the Administrator, Motion was seconded by Manager Lynch. Discussion. Upon vote the motion passed.

c) DNR 2013 Boat Launch Inspection Grant Program

Administrator Thomas noted his memo in the Board packet. He pointed out that the DNR has two programs for watercraft inspections. The first program uses DNR employees with the local partner paying for one-half of the hourly rate of \$15.50. He noted that this program has been used in the past by the District but due to the large demand we have been limited to roughly 250 hours and only for landings on Forest Lake. The second program is a grant program which provides funds to local organizations to hire their own inspectors. He noted that this program was new in 2012. He then discussed how he has been working with Chisago County to develop a joint program whereby we would join forces to hire our own inspectors, increase inspection coverage in the CLFLWD to include the three lakes with public access, with a goal of 2400 hours of inspections, and lastly to utilize Chisago County as the hiring entity. Funding will come from the District, Chisago County, FLLA, and the Chisago Lakes LID. Staff requested the Board to approve submittal of a 2013 watercraft inspection grant application to the DNR, authorize the Administrator to sign the required delegation agreement, and develop and inter-agency agreement with Chisago County for the purpose of developing and implementing a joint inspection program and hiring of seasonal watercraft inspection personnel.

Manager Anderson commented that this is a perfect example of how we can get more done by working together.

Manager Anderson moved to authorize staff to 1) submit the DNR's 2013 Watercraft Inspection Grants to Local Government Units application, 2) sign the DNR delegation agreement for Aquatic Invasive Species Prevention Inspection of Water-related Equipment, and 3) develop an inter-agency agreement with Chisago County for the purpose of developing a joint inspection program and hiring of seasonal watercraft inspection personnel. Motion was seconded by Manager Spence. Discussion. Upon vote the motion passed.

d) BMP/Permit Inspections – Shared Services Proposal

Administrator Thomas noted his memo in the Board packet. He gave an overview of the history of the Washington County Water Consortium and some of the things that it has done over the years to promote uniformity and efficiency amongst the watershed management organizations. The concept of shared services for BMP and permit inspections came out of a strategic planning session in 2011 and was ranked

as one of the top four priorities at that time. In 2012 a workgroup was put together to explore ideas and ways that a program could be put together that would provide services on a shared basis through the WCD to the WMO's for BMP and permit inspections similar to what is currently being done for BMP technical assistance. He then went through and described the major work items found in the Washington County Water Consortium, Best Management Practices Maintenance Advisory Group's proposal to the Consortium, dated December 2012. The proposal is broken into three main parts which are, 1) BMP/permit tracking database development, 2) database population and management, and 3) annual BMP inspection program. He also noted that the proposal and request for funding in front of the Board is for parts 1 & 2 and that the cost for the WCD to conduct the annual inspections is an estimate and will be refined and brought back to the WMO's after the first two parts of the program/project are completed. With 7 partners (6 WMO's and the County) the cost to each partner would be \$5,000 in 2013. Staff recommended the Board approve entering into a shared services agreement with the WCD & Flatrock Geographics for the development of a BMP/permit inspection program, including the development of the supporting web-mapper and we-feeder software.

Manager Anderson commented that this is great proposal and commented on the value of watersheds working together like this. Manager Lynch asked where the numbers come from and how do they add up. Administrator Thomas commented that the costs are found in the attached proposal and are broken out between 2013, for parts one and two, and then future costs starting in 2014 for part three. The 2013 costs add up to \$35,000 which split between the 7 partners comes out to the \$5,000 request. Manager Moe asked about the future costs for inspections. Administrator Thomas commented that at this point in time the estimated cost for the WCD to do inspections along with some maintenance support within the 6 WMO's is estimated to be around \$35,000 per year with each of the 6 partners projected to share in that cost. He further commented that the number for the out years will be refined during the development of the program and as such he used \$5,000 to \$7,000 per/year as a planning estimate for what our future cost might be to have the WCD do the annual inspections and possibly some maintenance of BMP's in the District.

Manager Lynch moved to approve entering into a shared services agreement with the WCD and Flatrock Geographics for the development of a BMP/permit inspection program, including the development of the supporting web-mapper and web-feeder software in 2013 in the amount of \$5,000 and authorizes its execution by the Board President. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed.

6. Old Business

a) North Shore Trail/Hayward Ave. USWRP Payment Authorization

Administrator Thomas noted his memo and project profile in the Board packet. He gave a brief recap on the project which was approved for funding in September of 2012 for 50% cost-share not to exceed \$20,540. He noted that at this time that the project has been completed and the City of Forest Lake has submitted the final contractor invoice and documentation of payment, along with as-built plans, executed operation and maintenance agreement, and contractor's certification of materials. With successful completion of the project and the required operation and maintenance agreement in place staff recommended the Board approve payment to the City of Forests Lake in the amount of \$19,669.76.

Manager Anderson moved to authorize payment to the City of Forest Lake in the amount of \$19,669.76 upon successful completion of the North Shore Trail & Hayward Ave. Urban Stormwater Remediation Program project. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed.

b) Moody Lake – Winter Aeration & Next Steps

Administrator Thomas noted his memo in the Board packet. He explained that this item follows up on the fisheries work that was proposed as part of the Moody Lake in-lake treatment project. He went through his memo and noted the recommendations that had been included in the engineers report including 1) verification of watershed loading, 2) fisheries management, 3) phosphorus cycling management, and 4) vegetation management. He then gave an update on the fisheries management part and summarized the results of a fisheries survey that was conducted by the DNR in the spring/summer of 2012. Based on that survey the DNR is recommending that we pursue winter aeration, when needed, to prevent partial winter kills of the lake based on the current good fish structure in the lake which should be able to keep the bullhead population in check. The District engineer concurs with the DNR recommendation.

Administrator Thomas then went through a list of next steps if the Board supports moving ahead with putting in place the ability for the District to conduct a winter aeration operation on Moody Lake if found necessary. The next steps included:

- Permission to access the lake and deploy equipment from Chisago Lake Township. He noted that permission had been granted by the township at its 11/20/2102 meeting.
- Access agreement with Chisago Lake Township.
- DNR permit.
- Arrange to have electric power installed down to the lake.
- Determine proper sizing and purchase of aerator including arranging for storage.
- Monitor oxygen levels in lake.
- Deploying aerator if needed. This would involve cutting a hole in the ice near shore, placing the aerator in the water, marking the aeration area with warning signs and barriers, and daily monitoring.

He concluded his comments noting that the District has money in its 2013 budget for this activity and that staff is recommending that the Board authorize staff to move ahead with 1) executing an access agreement with the township and/or other private property owners, 2) apply for the DNR permit, and 3) obtain a quote for a properly sized aerator, and 4) determine the cost and procedure for electrical service. He did note that in discussion with the DNR they indicated that with this being the first permit for Moody Lake it is possible that they might not be able to get a permit issued for this coming winter.

Manager Moe moved to authorize staff to move ahead with 1) executing an access agreement with the township and/or other private property owners, 2) apply for the DNR permit, and 3) obtain a quote for a properly sized aerator, and 4) determine costs and procedure for electrical service. Motion was seconded by Manager Anderson. Discussion. Manager Lynch asked who would be doing this work. Administrator Thomas commented that he would be doing the dissolved oxygen monitoring and that he would work with the DNR and the township on the installation and marking if the aerator unit needed to be installed. Manager Anderson asked if there are any units that would work on solar power. Administrator Thomas stated that he did not know but thought that it would be unlikely since the motor requires a 220 volt service. Manager Moe asked how the dissolved oxygen monitoring is done. Manager Anderson asked to confirm that the installation is near shore. Administrator Thomas commented that it is near shore and that if the recommendation had been to put it in the deeper water portion of the lake then that would have raised questions about safety knowing that that area of the lake is the most heavily used for ice fishing and we would not in that case want to manage an aeration system. Attorney Holtman made it clear that the request is only to get things in place for doing winter operation and that staff would come back to the Board at a future date to actually authorize the purchase of equipment, electrical service, and order the winter operation. President called the question. Upon vote the motion passed.

c) Peshorn Project Update.

Administrator Thomas noted that this agenda item is a follow-up to the discussion from the last Board meeting. At that meeting enough questions had been raised regarding the life span of the proposed iron sand filter and cost of monitoring the site that staff asked that a decision by the Board on the monitoring protocol and operation and maintenance agreement be tabled to allow staff and district engineer to meet with staff from the Saint Anthony Fall Hydraulic Lab at the UofM to review the design and resolve the uncertainty with the projected life expectancy of the project. He noted that that meeting had taken place on December 12th and then asked Engineer Tilman to give an update/overview of the meeting and resulting revisions to the design and monitoring protocol being proposed. He noted that his objective is to get direction from the Board on whether it wants to move forward with the project after hearing about and discussing the new information.

Engineer Tilman gave a description of the design considerations and monitoring protocols that were discussed with the Uof M. She then went through proposed changes being recommended by EOR that would bring the expected life of the filter up to approximately 12 years. Lisa also went over newer phosphorus numbers based on the use of the FLEVAL model which suggests less phosphorus than the UAL method used in the District's 2007 study. The two main design changes would be to increase the amount of iron/sand mixture and the percent of iron along with additional pre-treatment of the runoff from the horse lot itself. With regards to monitoring of the site the UofM recommend grab samples of inflow and outflow, along with the installation of a simple sump device to collect water that would be representative of the water going into the filter. After an initial period of monitoring then only the outlet would be monitored with the concentration of phosphorus being measured able to tell us when the filter was no longer absorbing dissolved phosphorus and would need to be replaced.

Manager Moe asked what total removal is, as he looked at the numbers it would be roughly 4 lbs/year times 12 years or 48 pounds. Lisa commented that that amount is correct. Manager Moe questioned the number based on the potential phosphorus generation from a 1000 pound horse which he remembers is about 36 pounds based on things he had seen by the UofM. Lisa commented that the 36 pounds is roughly the same as what was used in the 2007 study but that number is modified downward as only a percentage of the phosphorus gets into the water system due to things like collection and spreading of the manure away from a water body, absorption by the soil, and uptake by plants. Administrator Thomas commented that the new number comes from a model that looks specifically at the feedlot and is a more refined model than the one used in the 2007 report. He also pointed out how the manure is managed through scraping, stacking, and composting which also reduces the amount that is available to runoff. Discussion took place on phosphorus reductions and cost. Manager Anderson commented that one of the things that she was interested in was getting the science right. Manager Anderson asked what the variable is in the range of numbers for phosphorus. Lisa commented that the range is from two different models used, one being the more general model used in the 2007 study and the FLEVAL & P8 models that we have used in the latest estimation of phosphorus loading. Manager Anderson also asked about and discussed the idea of rainfall and how that can impact the project and is there an option long term to expand the project to the north. She asked staff to look at the opportunity with the adjoining property to the north as an area to possibly expand the treatment area like a regional treatment system in an urban setting.

Lisa then discussed the recommendation for the monitoring that the Uof M recommends. Due to the high cost of an automated system and the difficulty of collecting water when it actually ponds and how to do that mechanically the recommendation is to develop a monitoring protocol that uses grab samples. Questions and discussion about automated monitoring took place. Manager Anderson suggested that staff look at possible sources of funding through the agencies that could help us fund the automated monitoring since this is an innovative treatment practice. Staff agreed to look into possible sources of assistance that may be out there. Manager Anderson asked about who is going to do the monitoring. Administrator Thomas commented that a plan will be developed that will involve the District, SWCD, and landowner.

Manager Anderson commented about the importance of the monitoring in the first few years and wants to make sure that the District and SWCD are doing the monitoring to make sure what we get is reliable. Manager Moe agreed that it will be important to have good monitoring.

Administrator Thomas commented on the life expectancy and that he will be working with the landowner to address how the filter would be redone if it is determined that the filter does not last for the normal 20 year contract period. Manager Moe asked about what the cost would be to replace the filter. Administrator Thomas commented that it would be somewhere around \$4500.

Administrator Thomas commented that no action is being requested but rather if there was a consensus to move forward based on the recommendations the engineer has outlined and the methods for monitoring is acceptable staff will go back and work with the SWCD and landowner to revise the engineering plan, cost estimate, and operation and maintenance plan. Attorney Holtman asked if there should be an agreed to manure management plan to assure that manure is managed properly by the landowner during the contract period. Administrator Thomas commented that he will work with the SWCD to develop a manure management plan that can be incorporated into the operation and maintenance plan.

Consensus was to move ahead with the Peshorn project as discussed.

d) McCullough Sunrise River Project Land Offer – Closed Session

The President recessed the regular meeting at 7:30 pm to go into a closed session to discuss Bob McCullough's properties in the City of Forest Lake identified by Washington County with the PIN numbers of 0703221110001 & 0803221220001 for the purpose of discussing a possible offer. The President reconvened the regular meeting at 8:00 pm.

8. Report of Staff

Administrator Thomas noted his written report in the Board packet. He also gave an update on the Sunrise River beaver dam and that he was able to work with the Chisago County Sentence to Serve Program to get the dam removed. He also commented that BWSR has acted on the 2012 CWF grant applications and we were not successful with any of the four applications that we had submitted. He noted that PCA will be having a CWP grant application period opening up in January and we will be able to submit two of the projects for consideration under that program.

Emmons and Olivier Resources (EOR) – Discussed work on the H&H Model update and handed out copies of a “What is a Watershed District” CD that was produced by the Prior Lake WD with assistance from EOR.

Smith Partners – Thanked the Board for the continued working relationship for the next two years.

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 \$44,738.63

Motion was made by Manager Moe to approve the December 20, 2012 Treasurer's Report and pay the bills and payroll as presented. Manager Moe seconded the motion. Discussion. Upon vote, the motion passed.

Treasurer Lynch moved to transfer \$3,881.42 from the District's Surety Account to cover permit charges, staff expenses, surety returns, and inspection fee returns made or incurred in 2012 and properly charged to existing sureties into the District's regular savings/checking account. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed.

Manager Anderson asked if the Treasurer has noticed any increase/decrease or changes in tax collections due to foreclosures, etc.. Tom Lynch commented that he has not observed any measureable change.

10. Reports of Officers and Managers

Manager Damchik – Commented on the need for the District to begin thinking about office location now that the City is moving ahead with a new City Hall.

Manager Lynch – Nothing new to report.

Manager Spence – Nothing new to report

Manager Anderson – Nothing new to report.

Manager Moe – Nothing new to report.

11. Adjournment

Motion to adjourn the CLFLWD regular Board meeting at 8:10 pm was made by Manager Spence and seconded by Manager Moe. Upon vote, the motion passed.

Wayne S. Moe, Secretary _____