

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

Thursday, July 28, 2011

1. Call to Order

The President called the July 28, 2011 regular Board meeting to order at 6:10 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), and Chuck Holtman (Smith Partners)

Other: Mark Lobermeier (City of Wyoming), Patty and Ryan Thill

Setting of Agenda

The President ordered that Agenda Item 11, Administrators Performance Evaluation, be moved up to agenda item 2.

2. Administrator Performance Evaluation

Motion to close the regular meeting for purposes of conducting Administrator Thomas's performance review was made by Manager Spence and seconded by Manager Moe. Discussion. Upon vote the motion passed.

Open meeting was reconvened by the Chair at 6:30 p.m. Manager Damchik requested Manager Spence to summarize the discussion of closed performance evaluation session. Manager Spence commented that everyone was pleased with Administrator Thomas's performance. He also commented on how he had summarized the individual evaluation forms into one which the President has signed and which will be given to Administrator Thomas to review and sign. He then gave a summary of the evaluation and the Board's decision to give a salary increase. Manager Moe commented that part of his reasoning was the anticipation of a heavy workload in 2012. Manager Anderson commented that for her it is a recognition of adding 1/3 more projects in 2012 without adding any additional staff. Manager Spence noted the discussion on the evaluation form and that he would work with Administrator Thomas to make adjustments to the current form and bring it back for discussion and adoption at either the September or October Board meeting.

Motion to accept the 2011 performance evaluation and recommended pay increase was made by Manager Anderson and seconded by Manager Spence. Discussion. Upon vote the motion passed unanimously.

3. Reading and Approval of Minutes

The President called for the reading and approval of the minutes of the June 23, 2011- 2012 Budget & Levy Workshop. Motion to approve the June 23, 2011 Board Workshop minutes was made by Manager Anderson and seconded by Manager Moe. Discussion. Upon vote the motion passed unanimously.

The President called for the reading and approval of the minutes of the June 23, 2011 regular Board Meeting. Motion to approve the June 23, 2011 regular Board meeting minutes was made by Manager Moe and seconded by Manager Lynch. Discussion. Upon vote the motion passed unanimously.

4. Public Hearing – 2012 Budget & Levy

The President recessed the regular meeting at 6:40 p.m. and called to order the public hearing on the District's proposed 2012 Budget and Levy. President Damchik noted that the purpose of the duly noticed public hearing is to take comments on the District's proposed 2012 Budget and Levy prior to formal adoption and certification to the Counties. He then asked if there was anyone in attendance wishing to comment on the proposed 2012 Budget and Levy. Hearing none the President closed the public hearing at 6:45 p.m.

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. Hearing none the President closed the public open forum.

6. New Business

a) Permits

i) Permit 11-001 – Goodwill Industries

Administrator Thomas asked Engineer Tilman to give an overview of the project and Engineer's recommendation. Engineer Tilman noted that the project is for the re-development of an existing commercial site located west of the Freeway on 19th Street. The project triggers District rules for stormwater management and erosion control. The project which incorporates two bio-filtration swales, one bio-filtration facility, and a pretreatment pond meets the District Rule requirements for rate control and volume and phosphorous reduction. At this time the Engineer recommended approval of the permit with two administrative conditions.

Manager Anderson made the motion to approve Permit 11-001 with the conditions noted in the final Engineers Report. Motion was seconded by Manager Moe. Discussion. Upon vote, the motion passed.

Manager Anderson asked about inspections on a project like this and what frequency will they occur at. Administrator Thomas commented that the inspections are spelled out in District policy which requires weekly inspections plus inspection within 24 hours of a one inch or greater rainfall event. He also noted that after the project is completed there is an inspection protocol that the owner needs to follow which is spelled out in a recorded operation and maintenance plan.

ii) Permit 11-002 – Walser Automotive/Car Express

Administrator Thomas asked Engineer Tilman to give an overview of the project and Engineer's recommendation. Engineer Tilman noted that the project is for the re-development of an existing commercial site located west of the Freeway on 19th Street and is adjacent to the Goodwill site (11-001).

The project triggers District rules for stormwater management and erosion control. The project which incorporates two bio-filtration facilities and pre-treatment areas meets the District Rule requirements for rate control and volume and phosphorous reduction. At this time the Engineer recommended approval of the permit with two administrative conditions.

Manager Moe made the motion to approve Permit 11-002 with the conditions noted in the final Engineers Report. Motion was seconded by Manager Spence. Discussion. Upon vote, the motion passed.

iii) City of Forest Lake – 10-006 Permit Extension

Administrator Thomas noted his staff memo and explained that the City of Forest Lake has requested, in writing, an extension of Permit 10-006 (12th Avenue Turn Lane Improvements). He explained that the project has been delayed due to the City having difficulty with acquiring additional right of way with an adjacent property owner. The right of way issue has been resolved and the City is ready to proceed with the project however the anticipated start date, due to the delay, is beyond the September 3, 2011 permit expiration date. Pursuant to District Rule the City requested, in writing, an extension on July 1, 2011. Staff recommended the Board authorize a one year extension of Permit 10-006.

Motion to authorize a one year extension of Permit 10-006 was made by Manager Anderson and seconded by Manager Moe. Discussion. Upon vote, the motion passed.

b) BMP Cost-Share Applications

i) Thill/Comfort Lake – BMP C-S Project

Administrator Thomas noted his staff memo in the Board packet. He then gave some background information on how this project came to be which goes all the way back to 2008 when the District looked at the Comfort Lake Boat Launch site as part of a larger boat launch retrofit project in Chisago and Washington Counties with Great River Greening. He then talked about how Ryan Thill contacted the District in 2010 looking for ideas for his Eagle Scout Project with the goal of maybe finding a project on Comfort Lake since that is where he lives. After that the District consulted with the Chisago SWCD regarding technical designs and with the DNR to see if they would allow work on State owned property. This effort culminated in Ryan Thill and his parents applying for cost-share assistance to install/retrofit three parking lot island rain-gardens at the Comfort Lake Boat Launch. Staff recommends approval of the project.

Administrator Thomas then introduced Ryan Thill and asked him to tell the Board how the project came about from his point of view. Ryan talked about his involvement in Scouting and that when he started to look for an Eagle Scout project he wanted to do something that made a difference and that fit into his interest in natural resources and science. He also described the process that he has gone through in developing the project and getting approval for it through his Scout Troop.

Manager Lynch asked Ryan how many volunteers has he arranged to help with the project. Ryan said he has nine volunteers lined up. Manager Lynch asked how Ryan felt about the project and the follow up maintenance for the next two years. Ryan said he felt good about the project because it is visible and helps make a difference and because he goes by the site every day and that because he will be in high school for two years maintenance should be pretty easy. Manager Anderson asked Ryan when he expects to get started. Ryan thought that they would be starting the project in August. Manager Moe commented that this is a great idea and applauded Ryan for taking the initiative to come up with a project like this and make it happen.

Motion to approve the Thill/Comfort Lake Boat Launch Residential BMP Cost-Share Incentive Program application for a rain-garden water quality project at the rate of 50% not to exceed \$3,000 was made by Manager Anderson and seconded by Manager Spence. Discussion. Upon vote, the motion passed.

ii) Koskie – BMP C-S Project, Payment Authorization

Administrator Thomas noted his staff memo in the Board packet. He noted that the project is completed and included a shoreline water quality buffer and rain-garden adjacent to the house that captures and infiltrates roof water. Staff recommends reimburse of \$702.79 for ½ of the cost of materials and in-kind labor to the Koskie's.

Motion to approve reimbursement of \$702.79 for the Koskie Residential BMP Cost-Share Program was made by Manager Moe and seconded by Manager Lynch. Discussion. Upon vote the motion passed unanimously.

c) 2011 Chisago Co. Children's Water Festival – District Support

Administrator Thomas noted his staff memo in the Board packet and commented that Chisago County has requested the District's financial participation to support the 2011 Chisago County Children's Water Festival. He noted that the District has supported the effort in the past and that in 2010 our contribution was \$1,000. Staff recommended that the District authorize the expenditure of \$1,000 out of the District's Miscellaneous Projects account.

Motion to authorize the expenditure of \$1,000 from the District's Miscellaneous Projects account to Chisago County for the 2011 Children's Water Festival was made by Manager Spence and seconded by Manager Moe. Discussion. Upon vote the motion passed unanimously.

7. Old Business

a) CLFLWD/City of Scandia – Encroachment Agreement

Administrator Thomas noted his staff memo in the Board packet. He pointed out that the Encroachment Agreement, which will allow access to land owned by the City of Scandia for the Bone Lake Fish Barrier project, has been signed by the City of Scandia and now needs to be accepted and signed by the District. Staff recommended approval of the Encroachment Agreement.

Motion to accept and approve the attached Encroachment Agreement with the City of Scandia allowing the District to construct and operate a fish barrier at the inlet tot Bone Lake on land owned by the City of Scandia and to authorize the execution of the Encroachment Agreement by the Board President was made by Manager Anderson and seconded by Manager Moe. Discussion. Upon vote the motion passed unanimously.

b) NBL12/Foshay – Project Approval/Authorization

Administrator Thomas noted his staff memo in the Board packet. He pointed out that the project, which is a feedlot runoff control system to prevent phosphorous loading to Moody Lake, was given preliminary approval by the Board of Managers at its June 23, 2011 meeting. Since that time final plans and specifications and the landowner grant agreement have been completed. Staff recommended that the Board of Managers, by resolution, authorize the implementation of the NBL12/Foshay water quality improvement project by approving and authorizing the Board President to execute the grant agreement, and for the

Administrator to negotiate in the open market for the construction of the planned features, and authorize the Administrator to execute the necessary construction service agreements.

Manager Anderson offered resolution 11-07-01 and moved for its adoption. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed unanimously. The Chair called for a roll call vote on the question of adopting Resolution 11-07-01. Anderson yes, Damchik yes, Lynch yes, Moe yes, Spence yes. There being 5 yes votes and 0 no votes the President declared the resolution adopted.

c) FL44/Winberg – Project Approval and Authorization

Administrator Thomas noted his staff memo in the Board packet. He commented that this project has been in the works for since 2009 but due to wet weather and changes to the fencing/grazing plan the project has been delayed until now. At this time staff has worked out 1) the final fencing and grazing plan, 2) addition of a stock water pond and access lane, and 3) the required landowner grant agreement. Now that these are complete the project is ready to move ahead with construction. Staff recommended that the Board of Managers, by resolution, authorize the implementation of the FL44/Winberg water quality improvement project by approving and authorizing the Board President to execute the grant agreement, and for the Administrator to negotiate in the open market for the construction of the planned features, and authorize the Administrator to execute the necessary construction service agreements.

Manager Moe offered resolution 11-07-02 and moved for its adoption. Motion was seconded by Manager Spence. Discussion. Upon vote the motion passed unanimously. The Chair called for a roll call vote on the question of adopting Resolution 11-07-02. Anderson yes, Damchik yes, Lynch yes, Moe yes, Spence yes. There being 5 yes votes and 0 no votes the President declared the resolution adopted.

d) Dead End Street Projects – Request to Approve Maintenance

Administrator Thomas noted his staff memo in the Board packet. He further commented that the three dead end rain-gardens are in need of maintenance which is beyond the capability of either the MCC crews we have been able to get or the project volunteers. Staff requested the Board's approval to hire a local contractor to come in and perform the needed maintenance which will involve sediment removal and cleaning of the streets immediately above the rain-gardens.

Motion was made to authorize the Administrator to get one or more quotes in the open market for the purpose of conducting maintenance activities at the three dead end street projects and authorize the Administrator to execute the necessary construction agreement for an amount not to exceed \$2,000 out of the District's Miscellaneous Projects fund by Manager Anderson and seconded by Manager Damchik. Discussion. Upon vote the motion passed unanimously.

8. Report of Staff

a) Administrator Thomas noted his written report in the Board packet. He also pointed out the BWSR legislative update that was included in the Board packet and the announcement for application to BWSR for projects to be funded out of the Clean Water Legacy Program.

b) Emmons and Olivier Resources (EOR)

Engineer Tillman noted that work is progressing on the Moody Lake Project and that the final report will be ready for the August meeting and that field work has begun on the Sunrise Rive Project.

c) Attorney – Nothing to report

9. Report of Treasurer

Approval of Bills

Manager Lynch presented the Treasurer's Report (A copy of which is annexed and incorporated by reference) and bills and payroll totaling \$38,358.20.

Motion was made by Manager Moe to approve the July 28, 2011 Treasurer's Report and pay the bills and payroll as presented. Manager Spence seconded the motion. Upon vote, the motion passed.

10. Reports of Officers and Manager

Manager Anderson – Commented on correspondence the District received regarding Ashton Lake and mentioned the idea of possibly holding a forum regarding lake levels and what is natural vs. unnatural in that part of the District. Manager Anderson also asked about the status of the City of Wyoming's local surface water management plan and asked Mr. Lobermeier, who is on the City's Planning Commission, how that effort was going. Mark commented that the draft plan had been presented to the Planning Commission and Council and it is still under discussion at this time. Manager Anderson asked Administrator Thomas to talk to the City about the idea of holding a forum where the District could present and discuss the water history of the area and the natural cycle of wetlands and lakes. Manager Anderson informed the Board that due to her work schedule she will not be able to attend the September and October Board meetings.

Manager Damchik – Nothing to report.

Manager Moe – Commented that he had gotten a call from Beryl Halldorson, Bone Lake, who asked what we were doing with the Milfoil in the lake. He also mentioned that he had been thinking about how we might sign some of the agricultural projects that we are working on.

Manager Spence – Commented on the continuing high water being experienced on Comfort Lake. Administrator Thomas commented that he has been in contact with both the DNR & County to make sure there is not a downstream obstruction, which it appears there is not. He also mentioned his plans to develop a newsletter which will be sent to all of the property owners around the lake that will help try to explain why the water is so high this year.

Manager Lynch – Nothing to report.

11. Adjournment

Motion to adjourn the CLFLWD regular Board meeting at 7:30 pm was made by Manager Spence and seconded by Manager Lynch. Upon vote, the motion passed.

Wayne S. Moe, Secretary