

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

Thursday, March 24, 2011

1) Call to Order

The President called the March 24, 2011 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) and Lisa Tilman (EOR)

Other: Mark Lobermeier (City of Wyoming), Bruce Anderson (Resident & CAC)

2) Setting of Agenda

The President called for the reading and approval of the March 24, 2011 regular Board meeting agenda. President asked if there were any changes or additions. Motion to approve the agenda was made by Manager Moe and seconded by Manager Lynch. 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 February 24, 2011 regular Board meeting. Manager Moe noted two typographical errors on page 2. Motion to approve the February 24, 2011 regular Board meeting minutes as corrected was made by Manager Anderson and seconded by Manager Moe. Discussion. Upon vote, the motion passed unanimously.

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. Hearing none the President closed the public open forum.

5) New Business

a) *Sunrise River Water Quality & Flowage Management Petition Project – Project Report and Proposed Work/Task Order*

Agenda item was tabled until the District Engineer arrived.

b) *WCD Rural Landowner Focus Group - Update*

Agenda item was tabled until Angie Hong, WCD arrived.

c) Hosanna Lutheran Church – Request for Preliminary/Concept Approval for Community Assistance Program

Administrator Thomas noted his memo in the Board packet regarding staff's request for direction from the Board of Manager's on the eligibility of Hosanna Church under the District's Community Based Cost-Share Program. He provided an overview of the water quality projects that have been designed by the Washington Conservation District which include a number of rain gardens, critical area stabilization and a infiltration trench. Because of the larger scale of the project (multiple practices) and higher cost staff from the Washington Conservation District asked if the project would qualify under the District's Community Based Cost-Share Program. If so it would make the project eligible for more financial assistance than if the projects were funded under the Residential Cost-Share Program. He also provided an overview of whom and what types of projects qualify under the Community Based Cost-Share Program along with the cost-share difference between programs for the Hosanna Church project. Administrator Thomas noted that he was not looking for the Board's approval of the project but whether the Board would accept an application from Hosanna Church under the Community Based Cost-Share Program.

Manager Anderson asked if the District can legally provide public funds to an organization such as Hosanna Lutheran Church. Administrator Thomas gave his opinion that he thought we could but that he would confirm that one way or the other with the District Attorney. Manager Lynch agreed that this is an important question to get answered.

Administrator Thomas then asked if the answer is yes to the question of the District being able to give funds to the Church then what is the Board's direction on whether they can apply for financial assistance under the Community Based Cost-Share Program. Manager Lynch commented that if the Attorney says we can provide funds to the Church then he would have an interest in going with the Community Based Cost-Share Program. Manager Damchik asked how many times can a property owner apply for and receive funds. Administrator Thomas responded that there is nothing in the program criteria that would prohibit the District from funding multiple projects over a period of years. Manager Moe stated that he also generally agreed that the project could be considered under the Community Based Cost-Share Program. Manager Anderson asked if it fit under the Community Based Cost-Share Program. Administrator Thomas pointed out that the project fits under the program and the question is does the Church in the Board's opinion fit under the criteria of "municipal, commercial, or multi landowner/multi parcel BMP project". He commented that it was his opinion that it did. After some additional discussion it was the consensus opinion of the Board of Managers that a property such as Hosanna Church does meet the eligibility criteria under the Community Based Cost-Share Program.

Sunrise River Water Quality & Flowage Management Petition Project – Project Report and Proposed Work/Task Order (agenda item a)

Administrator Thomas noted the two memos from EOR that were included in the Board packet. The first memo is the resulting project recommendations from the preliminary feasibility phase of the project that the Board had authorized earlier this year. The second memo is the proposed work/task order for completing the final feasibility/engineering report for the projects that are being recommended in the Sunrise River Water Quality and Flowage Project Initial Evaluation and Recommendation memo from EOR dated February 23, 2011. Administrator Thomas then turned things over to Engineer Tilman to review the memo's in more detail.

Engineer Tilman went through the February 23, 2011 memo and explained that it:

1. Provides a description of the initial assessment of the 9 projects that were identified after completion of the scoping process.
2. Presents and discusses projects in the context of regional/watershed wide systems, sub-watershed systems and local areas.
3. Presents a blended group of projects that address water quality and quantity system wide.
4. Describes the 6 projects that are being recommended to be fully evaluated in the final feasibility/engineering report, which include:
 - a. Water quality feature in Bixby park
 - b. Water quality feature associated with CLFLWD tax forfeit land in Chisago Co.
 - c. Increasing stream interaction with the floodplain.
 - d. Urban retrofits in the developed area of Forest Lake.
 - e. Carp management.
 - f. Iron filtration.

Manager Lynch asked about iron treatment in side streams and how it does or doesn't move downstream. Engineer Tilman commented that the structures would be built in place and the iron which would be incorporated into them does not move downstream. Manager Moe asked how long does the iron provide treatment for. Engineer Tilman noted that depending on the iron concentration used the U of M is predicting that it should last 20+ years.

Manager Anderson commented that she was disappointed with EOR on a couple of items in the report and felt that without more information could not support the proposed work/task order. She noted that there have been historical maps of the area which show a meandered stream upstream of Shallow Pond and why this was not identified and/or included in the report. Based on that, she felt that there may be a need for more evaluation of the stream restoration recommendation. She noted that she gets the tax-forfeit land project but when it comes to the Bixby Park project she questioned why the project gets described the way it does and that it seems to be based on cost rather than benefit. Bixby Park appears to be the second highest in benefits and that it should be the Board's responsibility to decide on the issue of cost vs. benefits not the engineers. She then noted that she needs to understand more about that decision before she would be comfortable in making a decision. Engineer Tilman commented that the recommendation for Bixby Park was not based on cost but instead took into consideration concerns by the engineering team regarding the permitting of a large wetland excavation by the COE and State of MN.

Manager Anderson commented that she would like to see more on the evaluation and considerations that went into the recommendation and feels that at this point the report is not complete. Engineer Tilman noted that this area is identified to be looked at in the final report. Manager Anderson agreed but that it appears that it does not include the larger scope of the ponds and is worried that we are not looking at building a true regional project that will be able to accommodate all of the future development of the area. She went on to comment that she is not ready to vote without more background information on the decision by the engineers.

Manager Moe asked if the projected costs are based on the feasibility study and preliminary designs how much more are we going to spend to do the project. Engineer Tilman noted that the level of detail in the engineers report for each of the final project components will be substantial and that upon ordering the project the additional work will be limited to putting together the final plan set, preparing construction and bidding documents, and securing permits.

Manager Spence commented that he felt that the work/task order does identify the right areas/projects and that the next step does include additional feasibility work and it would seem to him that it would look at the issues raised by Manager Anderson. Manager Anderson commented that we do need to take into account

the long-term and does this build capacity for future development of the area. Engineer Tilman discussed how the analysis of the wetland systems was done. Manager Anderson commented that we have not looked deeply enough and we need to take another look. She also questioned the ability of wetlands tied to Bixby Park and their ability to function over time. Part of what needed to be done was to look at the longer view and building things that will function over a long period of time vs. smaller projects that might function for shorter periods of time. She commented that her two big issues are with the stream meander and Bixby Park concepts.

Manager Spence asked what are we asking EOR to do. If we are holding off then what is needed to come back and reach a comfort level to move ahead with the work plan. He commented that he felt that the 5 to 6 projects seem about right with regards to what will be fully investigated as part of the final feasibility and engineering. Manager Moe also commented on what more do we need to look at or is it just Bixby Park and the stream meander.

Administrator Thomas offered the suggestion that since this decision is not time sensitive that we could take a little more time to have the engineers provide more of the background information and assumptions which will be helpful to make sure that the recommendations are based on the most accurate information along with more explanation of the assumptions that were used to develop the projects and their scope at the April meeting. Manager Anderson commented that since we are being asked to vote on recommendations from the engineers that it is important that we are confident that all of the information was gathered and assessed and that we understand and agree with the analysis and assumptions that they used. After further discussion Manager Damchik asked if there was any disagreement with Administrator Thomas' suggestion. Manager Moe asked if the idea of a weir at the outlet of shallow pond was considered. Manager Damchik asked the members what direction they wanted to take. Manager Anderson commented that she supported the additional investigation. Manager Damchik, as the Chair directed staff and the engineers to undertake the additional work as discussed.

WCD Rural Landowner Focus Group – Update (agenda item b)

Angie Hong, Washington Conservation District gave the Board an update on the WCD's effort in 2010 to reach out and conduct focus group meetings with rural/ag landowners. One of the focus groups was located in the Forest Lake & Scandia area.

Manager Moe commented that meeting with sporting organizations is a good idea. Manager Spence found it interesting that the groups identified invasive species as important as they did and maybe that can become a good foot in the door with these rural landowners.

d) 2011 Office Lease

Administrator Thomas noted that the District did not have a current lease agreement with the City of Forest Lake for office rental and telecommunications. He did discuss this with City staff and on March 14, 2011 the City did pass a resolution approving the extension of the lease through the end of the year with the same terms as the 2010 lease agreement. Administrator Thomas requested the Board's consideration and approval of resolution 11-03-02 authorizing a one-year extension of office space.

Motion was made by Manager Anderson to offer resolution 11-03-02 and moved its adoption. Manager Moe seconded the motion. Upon vote, the motion passed unanimously and a roll call vote on the resolution was conducted. Voting in favor of the resolution were Managers Anderson, Damchik, Lynch, Moe and Spence. Upon a vote of 5 ayes and 0 nays the President declared the resolution adopted.

e) Rennie Smith – CAC Application

Administrator Thomas noted his staff memo in the Board packet and explained that the Board of Managers is required to annually appoint a Citizen Advisory Committee to advise and assist the managers on all matters affecting the interest of the watershed district. He also noted that the District had received an application from a Ms. Rennie Smith to serve on the CAC. Ms. Smith who owns property on Bone Lake but resides outside of the District is eligible to be appointed pursuant to MS 103D.331 which allows the Managers to appoint other interested and technical persons who may or may not reside within the watershed district. Staff recommended that the Managers re-appoint the current CAC members and appoint Ms. Smith to serve on the CAC for 2011.

Motion by Manager Lynch to appoint Bruce Anderson, Kathy Blomquist, Beryl Halldorson, Sam Hathaway, Steve Schmaltz, Curt Sparks, Rod Negus, and Rennie Smith to serve as the District's Citizen Advisory Committee for 2011. Motion was seconded by Manager Moe. Discussion. Upon vote, the motion passed unanimously.

6) Old Business

a) CLFLWD Rule Revision

Administrator Thomas noted his staff memo in the Board packet. The memo lays out the history of the proposed rule revision which is designed to clarify the use of the term “new primary use” in the existing rule. Upon receiving no substantive comments on the proposed rule revision staff recommend adoption of the proposed rule revision to District Rule 4.0, Lake, Stream and Wetland Buffer Requirement.

Motion was made by Manager Moe to offer resolution 11-03-01 and moved its adoption. Manager Spence seconded the motion. Upon vote, the motion passed unanimously and a roll call vote on the resolution was conducted. Voting in favor of the resolution were Managers Anderson, Damchik, Lynch, Moe and Spence. Upon a vote of 5 ayes and 0 nays the President declared the resolution adopted.

b) Bone & Moody Lake Fish Barrier Update

Engineer Tilman gave an update on the status of the final design and engineering of the project.

7) Report of Staff

a) Administrator

Administrator Thomas noted his written report in the Board packet.

b) Emmons and Olivier Resources (EOR)

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

c) Smith Partners

8) 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 \$53,634.34

Motion was made by Manager Anderson to approve the March 24, 2011 Treasurer's Report and pay the bills and payroll as presented. Manager Moe seconded the motion. Upon vote, the motion passed unanimously.

9) Reports of Officers and Manager

Manager Anderson–

Mentioned that she brought in an aerial picture of Comfort Lake for the managers to look at and will get the quote that she had gotten from the company that did the Comfort Lake photo to the office so that we can discuss at the next meeting if the Board would like to purchase a set of photos for the six major lakes in the District.

Manager Damchik–

Nothing to report

Manager Moe –

Brought in and mentioned two recent articles that had been in the papers including one on the St. Croix TMDL and the other on nitrates in groundwater.

Manager Spence –

Reported that he had attended the kick-off meeting for the development of the City of Wyoming Surface Water Management Plan.

Manager Lynch –

Asked if anyone was planning on going to the upcoming St. Croix River Conference and if not he was planning on attending. He also mentioned a March 20th article in the Minneapolis paper regarding the use of chemicals to control algae.

10) Adjournment

Motion to adjourn the CLFLWD regular Board meeting at 8:00 pm was made by Manager Lynch and seconded by Manager Spence. Upon vote, the motion carried unanimously.

Wayne S. Moe, Secretary