

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

**Thursday, September 23, 2010**

**1) Call to Order**

The President called the September 23, 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, Secretary Wayne Moe, Treasurer Tom Lynch, Manager Jon Spence

Absent: Vice President Jackie Anderson (excused with prior notice)

Staff: Doug Thomas (CLFLWD), Dan Fabian (EOR)

Other: Linda Nanko-Yeager (Wyoming City Councilmember), Kellie Strobel (Chisago County)

**2) Open the Regular Meeting**

The President opened the regular Board Meeting.

**3) Reading and Approval of Agenda**

The President called for the reading and approval of the September 23, 2010 regular Board meeting agenda. Motion to approve the agenda was made by Manager Lynch and seconded by Manager Moe. 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 August 26, 2010 regular Board meeting. Manager Lynch noted that on the bottom of page 5, last sentence, the word “at” should be added after the word “look”. Motion to approve the August 26, 2010 regular Board meeting minutes, with corrections, was made by Manager Moe and seconded by Manager Lynch. 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) *Swearing in for Manager Damchik***

Manager Moe administered the Oath of Office for Manager Damchik who had been reappointed to a three year term of office expiring on September 22, 2013 by the Washington County Board of Commissioners on August 17, 2010.

***b) Chisago Co. septic system inspection and fix-up program***

Administrator Thomas introduced Kellie Strobel from the Chisago County Department of Environmental Services & Zoning who was at the meeting to give an update on Chisago County's Septic Imminent Health Threat and Failing Fix-Up Program.

Ms. Strobel gave a recap of the pilot program that started in 2004 and ended in 2009. That program was designed to only find failing septic systems that posed an imminent health threat. During the pilot program over 4700 systems were evaluated with 429 identified as an imminent health threat. The program also provided a combination of cost-share money and loans to those individuals who were required to upgrade their systems at that time. Since that time the County adopted a new septic system ordinance in 2010.

Ms. Strobel noted that the main reason for her being at the Board meeting is so that the Managers know that the Septic Imminent Health Threat and Failing Fix-Up Program received additional grant funding and is available for 2010 and 2011. The program is strictly voluntary and starts with a free compliance inspection of the system. The County is targeting those systems which are within a 1000 feet of a lake or 300 feet of a stream. In conclusion Ms. Strobel commented that her goal was for the Managers to be informed enough about the program that they would be able to answer questions that residents in the District might have and refer them to the County for more information and/or assistance.

Manager Lynch asked about folks that are hooked into a community system. Ms. Strobel responded that although the program is not designed with community systems in mind a homeowner would be able to get an evaluation of those components of the system that would be on their property. Manager Damchik asked what Ms. Strobel's opinion was regarding mound systems. Ms. Strobel commented that they appear to be working well in Chisago County and that there have been some changes in the designs and construction techniques to address some of the problems with distribution lines that they had in the past. She also noted that the new ordinance allows type 4 & 5 systems which in some cases allows for a smaller footprint than a traditional mound system. Manager Damchik commented that at one time Washington County did not allow mound systems. Manager Spence asked if this program is available to anyone that meets the distance criteria. Ms. Strobel commented that the answer is basically yes. In the past there had been a requirement that the system had to have been constructed prior to 1997. That has changed and now the County will inspect any system that meets the distance requirements.

Ms. Strobel noted that the County program is not available in those areas of the county that are incorporated and have their own septic regulations and program. In the case of the CLFLWD that would include the City of Wyoming and Chisago City.

***c) MAWD resolution process***

Administrator Thomas noted the information on the MAWD resolution process that was included in the Board packet. He also pointed out the tabulation of past resolutions and their status that was in the packet. He then asked if any of the Managers had any thoughts or ideas for any resolutions for this year. Manager Spence commented that he did not think that there were any particular issues for this year and noted that the submission deadline will have passed before our next meeting.

***d) Water Quality BMP Cost-Share Program***

- i) Dick Robinson C-S project approval & payment*** – The Robinson shoreline stabilization and water quality buffer project is located on Forest Lake (Lake 3). The project utilized

“enviro-lock” which is a new product for shoreline stabilization and it is the first application of its type in the District. The project was inspected on August 24<sup>th</sup> by Administrator Thomas and Pete Young (WCD) at which time the project was determined to be complete. Staff recommended that the Board of Managers approve and authorize reimbursement in the amount of \$2,662.75 which represents ½ of the purchased material and contracted labor for the project.

Manager Spence made the motion to approve the Robinson project and reimburse them for ½ of the material and contracted labor in the amount of \$2,662.75. Second by Manager Moe. Upon vote, the motion passed unanimously.

- ii) ***Donald Neudauer C-S project approval & payment*** – The Neudauer water quality buffer project is located on Forest Lake (Lake 3). The 975 square foot buffer provides for the reduction of nutrients and pollutants entering the lake as well as increased wildlife habitat. The project was inspected by Pete Young (WCD) on August 11<sup>th</sup> at which time the project was determined to be complete. Staff recommended that the Board of Managers approve and authorize reimbursement in the amount of \$931.10 which represents ½ of the materials and in-kind labor for the project.

Manager Moe made the motion to approve the Neudauer project and reimburse them for ½ of the material and their in-kind labor in the amount of \$931.10. Second by Manager Lynch. Upon vote, the motion passed unanimously.

- iii) ***Kristine Haider C-S project approval & payment*** – The Haider water quality buffer project is located on Forest Lake (Lake 3). The 1500 square foot buffer area provides for the reduction of nutrients and pollutants entering the lake as well as increased wildlife habitat. The project was inspected by Administrator Thomas and Pete Young (WCD) on September 7<sup>th</sup> and was determined to be complete. Staff recommended that the Board of Managers approve and authorize reimbursement in the amount of \$3,000 which is the maximum cost-share amount allowed for the project.

Manager Moe made the motion to approve and Haider project and reimburse them for ½ of the material and contracted labor in the amount of \$3,000. Second by Manager Spence. Upon vote, the motion passed unanimously.

- iv) ***Thomas Irlbeck C-S project approval and payment*** – The Irlbeck project is located on Forest Lake (Lake 1). The 500 square foot buffer area provides for the reduction of nutrients and pollutants entering the lake as well as increased wildlife habitat. The project was inspected by Administrator Thomas and Pete Young (WCD) on August 24<sup>th</sup> and determined to be complete. Staff recommended that the Board of Managers approve and authorize reimbursement in the amount of \$1,676.35 which represents ½ of the materials, contracted labor and in-kind labor for the project.

Manager Lynch made the motion to approve and Irlbeck project and reimburse them for ½ of the material, contracted labor, and in-kind labor in the amount of \$1,676.35. Second by Manager Spence. Upon vote, the motion passed unanimously.

- v) ***Roy Whitehill C-S application*** - Administrator Thomas presented the Roy Whitehill C-S application for the Board’s consideration. The project is located on the Sunrise River downstream of the outlet from Forest Lake between Lake Drive and Hwy 8. The project will include 150 linear feet of stream bank stabilization and approximately 5,250 square

feet of vegetated buffer plantings along and adjacent to the river. The project concept plan and cost-estimate were prepared by the WCD. The estimated cost for the project is \$7,796.25 which includes an estimate of 80 hours of in-kind labor to be provided by Mr. Whitehill. The project was ranked by Pete Young (WCD), Manager Lynch, Manager Moe, and Administrator Thomas. The average of the four rankings was 43 which is well above the minimum eligibility score of 35. The project was recommended for funding at 50% not to exceed \$3,000.

Manager Damchik asked if this is the property on 236<sup>th</sup> Street Circle which does not meet current set-back requirements. Administrator Thomas noted that this is the property that Manager Damchik was referring to and that he understood that Mr. Whitehill had just gotten his permit from the City for the remodeling project that he is doing. Manager Damchik noted that the Forest Lake Planning Commission had recommended denial of the variance request from the normal setbacks for the building that is taking place but the City Council granted the variance. There was some follow up discussion on how the District treats projects where the buildings or structures on a lot do not meet setback requirements in the building code.

Motion by Manager Lynch to approve the Roy Whitehill Cost-Share application for 50% cost-share not to exceed \$3,000 for a stream bank stabilization, restoration, and buffer project on the Sunrise River in Washington County. Second by Manager Spence. Upon vote, the motion passed unanimously.

**e) Permits and Reviews**

- i) **10-007 Bridgewater Culvert Replacement – Wyoming** – Administrator Thomas gave a brief introduction regarding the permit application to replace an existing culvert on West Comfort Lake Drive and that the activity triggers District Rule 6.0 (Waterway and Stream Crossing). Administrator Thomas asked Dan Fabian, EOR engineer sitting in for Lisa Tillman, to provide an overview of the permit and the nature and purpose of the recommendations which are found in the final Engineers Report.

Mr. Fabian went through the permit and explained that it presented three different methods for the culvert replacement all of which will provide flow capacities that closely approximate the existing 96” culvert. The project as designed along with the proposed construction methods will not adversely impact downstream water quality. Mr. Fabian noted the inclusion of recommendations in the permit which state the District’s preference for the selection of the box culvert or the RCP arch culvert options as they can both be constructed at or slightly below the existing channel grade which will allow sand/sediment to fill in and enhance fish passage. He noted that since the existing culvert elevation is below the existing outlet elevation of Comfort Lake and fish passage is not currently restricted the selection of the type of culvert replacement and the depth that it is placed at are being made as recommendations and not a requirement in this situation. There was some discussion regarding why options for the type of culvert were in the permit. Administrator Thomas commented that in his discussions with the City Engineer the deteriorated condition of this culvert was just recently discovered and the City is trying to move ahead quickly with permitting so that construction could potentially still take place this fall. For this reason they are looking at a range of options which will be investigated at the same time that they are getting construction estimates before the final replacement option is chosen.

Motion by Manager Spence to approve permit 10-007, Bridgewater Culvert Replacement, with recommendation. Second by Manager Moe. Upon vote, the motion passed unanimously.

**7) Old Business**

***a) Watershed Management Plan Revision Update***

Administrator Thomas updated the Board of Managers on recent efforts of his on getting the updating of the District's watershed management plan started up again. He noted that he has met with the lead staff at EOR who will be continuing to work on the plan update and discussed with them 1) the status of work to date, 2) schedule for completing the remaining sections of the plan, 3) the number and timing of TAC/CAC meetings needed, 4) his perspectives on using management categories to organize the implementation section of the plan, and 5) how to structure the CIP.

***b) Bone and Moody Lake Fish Barrier Update***

Administrator Thomas updated the Board on follow-up discussions with the DNR and that the re-application to the DNR Conservation Partners Legacy grant program has been completed and submitted.

**8) Report of Staff**

***a) Administrator***

Administrator Thomas noted his written report in the Board packet and commented that he did not have anything more to report on at this time. He did hand out the Managers quarterly reimbursement form for any expenses they had for July through August other than meeting per-diem. He requested that the forms be returned to him no later than October 15<sup>th</sup>. Administrator's Report (a copy each is annexed and incorporated by reference).

***b) Emmons and Olivier Resources (EOR)***

Dan Fabian commented that he had nothing more to report on at this time. Manager Damchik asked Dan if Administrator Thomas had talked to Cecilio and Brett about meetings with the Board of Managers. Dan commented that as a result of recent meetings with some of the Managers Cecilio Olivier and Brett Emmons have been meeting internally to discuss ways to present information to the Board on the company's areas of expertise and project experience. He also noted that Cecilio and Brett have discussed with Administrator Thomas the best way to do this and will be meeting with him to plan this out.

**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 totaling \$24,981.79, and payroll expenses of \$4,328.66 and \$8,121.06.

Motion was made by Manager Moe to approve the September 23, 2010 Treasurer's Report and pay the bills as presented. Manager Spence seconded the motion. Upon vote, the motion passed unanimously.

**10) Reports of Officers and Manager**

**Manager Anderson–**

Absent

**Manager Damchik–**

Nothing to report

**Manager Moe –**

Nothing to report

**Manager Spence –**

Commented on his meeting with EOR and his attendance at the September 18<sup>th</sup> Rice Creek Watershed District forum on carp management. He noted that it was very interesting and that there is a lot of research being conducted by the UfoM with a couple of the metro watershed districts. He noted that the meeting ran long as there were lots of questions about Asian carp which is not what the forum was for. The forum was cut short by a fire alarm at the school.

**11) Adjournment**

Motion to adjourn the CLFLWD regular Board meeting at 7:35 pm was made by Manager Moe and seconded by Manager Lynch. Upon vote, the motion carried unanimously.

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Wayne S. Moe, Secretary