

**MINUTES OF REGULAR MEETING
OF THE
COMFORT LAKE - FOREST LAKE
WATERSHED DISTRICT
Thursday, February 26, 2015**

1. Call to Order

The President called the February 26, 2015 Regular Board meeting to order at 6:30 p.m. at the Forest Lake City Offices, 1408 Lake Street South, Forest Lake, Minnesota.

Present: President Richard Damchik, Vice President Jackie Anderson, Secretary Wayne Moe and Treasurer Jon Spence

Absent: Assistant Treasurer Stephen Schmaltz

Others: Mike Kinney and Emily Schmitz (CLFLWD staff), Chuck Holtman (Smith Partners), Greg Graske and Cecilio Olivier (EOR), Steve McComas (Blue Water Science), Mark Lobermeier (City of Wyoming) and Jerry Grundtner (CAC)

2. Setting of Meeting Agenda

The President called for the approval of the February 26, 2015 Regular Board meeting agenda. Manager Moe moved to approve the agenda as amended to add a lake vegetation survey update by Steve McComas and reorder several items. Seconded by Manager Spence. Upon vote, the motion carried 4-0.

3. Public Open Forum

The President asked for public comments. There were no public comments.

4. Consent Agenda

- a) Regular Board Meeting Minutes – January 22, 2015

The President called for the approval of the consent agenda. Manager Anderson moved to approve the consent agenda with an amendment to section 6 of the minutes. Seconded by Manager Moe. Upon vote, the motion carried 4-0.

5. New Business

a. Jon Spence — Manager Oath of Office

Mr. Holtman administered the oath of office to Manager Spence.

b. Blue Water Science—Steve McComas

Mr. McComas provided an update on what occurred in 2014 and what is anticipated for 2015. Overall, the state of the lakes is in pretty good shape. The district has a nice cooperative approach with the lake associations, the City of Forest Lake and the counties. On a number of lakes, treatment and control is being done and treatment for curly-leaf

pondweed, for example, is successful. Delineation is done early in the year followed by treatment where it is needed and then results of the treatment are checked. In 2013, treatment was pretty good. Companies doing the treatment use contact herbicides. Although each company uses a slightly different technique, it is the contact time that is important. Other highlights included:

- Forest Lake: the trend is going in the right direction, for the most part. Eurasian watermilfoil is not in the lake, but if it were to enter, the sediment survey indicates 2nd Lake has the best potential to support milfoil. The native plant condition in the lake is pretty good. In 2010, flowering rush was found in a few spots. In 2013, again it was observed and in 2014 an official delineation was conducted, where it was found in 1st and 3rd lakes. The district is now leading the way on controlling flowering rush.
- Bone Lake: delineation in 2014 detected no curly-leaf in May and a light sprout in June. Eurasian watermilfoil growth was light and sparse in May, but by the end of June was light to moderate.
- Moody Lake: delineation and assessment was completed. Although treatment was not done for curly-leaf last year, by June there were some areas with heavy growth.
- Comfort Lake: delineation and assessment was completed. The sediment survey indicated potential for curly-leaf. For first time watermilfoil was detected and verified by the Department of Natural Resources (DNR). Heavy growth at the public access was treated.
- Zebra mussels have not been detected in the district, although they have been detected in White Bear Lake. If introduced, Forest Lake would support moderate growth. The district is taking the role of supporting a strong prevention program for aquatic invasive species (AIS) with a cooperative effort with lake associations, the city and county and adopting a rapid response plan. In the early stage of infestation, zebra mussels can be treated with potash. Potassium permanganate is only recommended for treatment in a confined area with a confined water volume, such as a pipe.

c) Roseville IT Services Contract

Administrator Kinney reported that there are currently legal risk issues with the contract that Roseville IT is not willing to change. He asked Eric Schmidt for an alternative quote, but did not receive it for tonight's meeting. There is a potential to save \$3,000-4,000 per year with Mr. Schmidt. Administrator Kinney noted that Mr. Schmidt's ability to respond immediately may be less than that of Roseville since he is a sole proprietor, but for the district's needs he doesn't believe this is critical. Noting that the current contract is \$700 per month and with assurance from legal counsel that the board may delegate the authority, Manager Anderson moved to authorize the administrator to select an IT service provider, provided the service fee is \$700 per month or less. Seconded by Manager Moe. Upon vote, motion carried 4-0.

d) Website Update Work Plan Approval

Administrator Kinney reported that he and Emily Schmitz met with Eric Schmidt about changes to the district website with the intent to make it more user-friendly. He clarified that the Flatrock geographic maps will be accessible through a link to the WCD website. Manager Spence stated that, if his schedule permits, he would like to be included in the

design phase. Manager Anderson asked that a good graphic display of district projects and programs be ensured.

Manager Anderson moved to approve the agreement with Eric Schmidt with the addition of adding a link to the Flatrock geographic maps and adding Manager Spence as the board liaison. Seconded by Manager Moe. Upon vote, the motion carried 4-0.

e) Watershed Boundary Review Work Order

Administrator Kinney reported that this summer, when a party was interested in developing a parcel of land south of Forest Lake off of Hero Avenue, it was discovered that the parcel was not in the Rice Creek Watershed District (RCWD) or the CLFLWD. Washington County designated it in CLFLWD. The GIS map of city infrastructure has been revised and allows hydrologic boundaries to be examined more accurately. The intent is to review the boundary updates with RCWD and then officially change the district boundary with the Board of Water and Soil Resources (BWSR).

Manager Moe moved to move forward with a work order for a watershed boundary review. Seconded by Manager Spence. Upon vote, motion carried 4-0.

Manager Anderson asked Mr. Holtman if language in 103B.215 limits its use to watershed districts entirely within the seven-county metropolitan area. Mr. Holtman answered that this is a matter for BWSR to determine, because of the district's unique classification, but that if it is an obstacle, chapter 103D provides an alternative procedure.

f) MIDS Evaluation of Scope of Services

Administrator Kinney reported that the City of Forest Lake has mentioned that the CLFLWD rules are different from those of other districts and are harder to navigate. Brown's Creek Watershed District (BCWD), whose rule structure is similar to the district's, is evaluating its rules compared to the Minimal Impact Design Standards (MIDS). CLFLWD could be included in the evaluation, if the board is interested in comparing and possibly adopting more uniform rules. There is no urgency for this and BCWD will move forward, with or without CLFLWD. Manager Anderson expressed concern about the divided cost between the two districts for the evaluation, given that BCWD has two large projects. Mr. Olivier stated that a large part of the work has already been done on the two projects and each district has similar rules based on pre-development conditions. Mr. Graske added that some watershed districts are looking at adopting MIDS, possibly with some tweaks, because developers are familiar with these standards. Although CLFLWD has finished its projects, the cost of the evaluation is to run a continuous simulation comparing pre-development to project conditions. This is something not required of developers and is needed to define the water quality impact of these rules.

Manager Anderson moved not to take action on this item. Seconded by Manager Moe. Upon vote, the motion carried 4-0. The board expressed interest in having a presentation on MIDS.

g) WCD Water Monitoring Meeting and Report Timeline

Administrator Kinney reported that he met with WCD and EOR about the monitoring report. A board presentation is scheduled.

h) Shared Technical Intern with CMSCWD

Administrator Kinney referred to the memo from the Carnelian-Marine-St. Croix Watershed District (CMSCWD) about a shared intern. This year the CMSCWD budgeted for a half-time position. CLFLWD could find work for a half-time position, if funds are obtained from Washington County for AIS work. Each district would have the intern for two or three days per week on a rotating schedule from April to the end of September. The position would pay \$13-\$14 per hour with no benefits. Based on performance, the districts could consider hiring the person after the internship. In an intern is not hired, other options for AIS coordination are hiring conservation district inspectors or using a temp. service. Either option would cost more than an intern. Managers Anderson and Spence expressed concern that supervising an intern would take too much staff time and suggested hiring someone with experience. Manager Moe moved to enter into a contract with CMSCWD to hire a shared intern. The motion was not seconded. Manager Anderson stated that it is better to bring in someone who could contribute from day one. She invited Administrator Kinney to return to the board for further discussion once he has a sense of the candidates. Administrator Kinney added that the district also would know more about its AIS grants.

i) City of Scandia–CLFLWD Joint meeting

Administrator Kinney reported that after the successful CLFLWD-City of Forest Lake joint meeting, Scandia suggested a joint meeting with the district. It was suggested that CMSCWD and lake associations be invited to attend.

Manager Anderson moved to set a special meeting to conduct a workshop with Scandia on Wednesday, April 1. Seconded by Manager Moe. Upon vote, the motion carried 4-0.

j) 2015 MAWD Legislative Day at the Capitol

Administrator Kinney reported that he and Manager Schmaltz are registered. Potash for use in treating flowering rush in lakes is one legislative issue. Getting a product registered for use/new use costs \$1 million. The DNR will need to be directed legislatively to work on the registration process.

k) Potential Wetland Reclamation near Comfort Lake

Manager Anderson stated that a house on the southwest corner on Comfort Lake is for sale and wanted to begin a discussion with the Board on the potential of land acquisition projects that fit the District's mission and capital improvement plan. There are a number of features on the lot that are potentially unattractive to the public. This might be a good opportunity for the district to purchase the lot and let it revert to a natural wetland. The lot is adjacent to a natural wetland and could help filter highway runoff. Prior to the meeting, Mr. Graske drove by the property and looked at the drainage. He noted that the road drains past the property. The property was most likely built on a wetland. There is a mound septic system that is close to the lake. Depending on the cost, this could be a good opportunity. From the cost per pound of phosphorus reduction, the benefit might not be as favorable at the current asking price. But it could be more favorable as a buffer and

site for treating road runoff. Manager Anderson stated that in the mid 1990's the Town of Wyoming granted a variance for the septic system because of the space constraint. Options for the District include: The house could be sold and moved to help recover some money. The big garage could be rented to the DNR or other government unit for lake access. This is a highly trafficked area with high visibility. BMPs and signage could be added. Houses in the area have been selling for about 30% below the asking price. The estimated market value, based on the tax assessment, is \$200,000. Mr. Holtman noted the question about whether the property acquisition would be supported by the district's watershed plan, or whether an amendment might be needed. Discussions would be needed with BWSR staff. Manager Anderson stated that as a part of our adaptive management philosophy/program approach, the district should have the ability to stay aware of and potentially acquire lands coming available on favorable terms and useful for watershed purposes. It was agreed that Manager Anderson may develop this matter further and may work with Mr. Holtman on this issue.

1) District Logo and Community Outreach

Administrator Kinney reported that staff has been looking at district signs for the office. The city sign ordinance would allow a fairly large sign on the north wall and a sign on the door or in the window. Manager Anderson stated that the three proposals are evidence that the current logo was hard to read and modifications were offered by the two sign company proposals to make the signs more readable. A sign should communicate who we are, what we do and be readable. The current logo has elements that need cleaning up and are magnified and more visible on the larger signs. She suggested using the middle (second) sign that uses just words with the district tagline. She also suggested a logo contest at a future time to enhance the logo. The benefits of a contest are: it gets the district free publicity, helps communicate with the public, gets the public involved and makes the public aware of the district and its mission. Manager Moe stated that he can understand where the logo on the sign does not come across, but has no problem with the logo—it defines what we do.

Manager Moe moved to approve the middle logo with the tagline—Protecting Your Water Resources—and to authorize Administrator Kinney to contract with Spectrum for the quoted price. Seconded by Manager Anderson. Upon vote, the motion carried 3-0-1. President Damchik abstained because of a family connection to Spectrum.

Manager Anderson moved to postpone the discussion on community outreach until the next meeting. Seconded by Manager Spence. Upon vote, the motion carried 4-0.

6. Old Business

a) Bixby Park Cooperative Agreement

Administrator Kinney reported the city council approved the agreement as finalized by counsel and staff.

Manager Anderson moved to authorize execution of this cooperative agreement with the City of Forest Lake. Seconded by Manager Moe. Upon vote, the motion carried 4-0.

Manager Moe asked about the Bixby Park engineering costs the city submitted for reimbursement. Administrator Kinney stated that there was some discussion on a staff level, but there was never any agreement to reimburse the city for its review of the project including EOR's design. Manager Anderson stated that paragraph 4.2 of the agreement clearly states that the city will bear its own costs for its activity including professional services. Manager Anderson stated that she thinks, by contract the district is prohibited from reimbursing for this. Manager Spence noted that the cooperative agreement was not signed when the work was done and the city thinks it is on solid ground. Manager Anderson stated that the district did not authorize the payment and the city ordered work without talking to the district about cost sharing. Administrator Kinney noted that the district reimbursed the city for work on the Target project and was not sure of the level of agreement on that. As mentioned earlier, there was a very productive joint district-city staff meeting this morning. Mr. Kinney expressed concern to Mr. Parrish that the district had not seen the consultant's review of the project and, overall, it was not a good way to do business. Roles and responsibilities should be developed for each party before Bixby and other joint projects go forward. Manager Anderson stated that the former city council had the draft cooperative agreement before hiring an engineering consultant to review the design and without getting district approval for those expenses. It is a small amount and the district can cover the cost as an act of good faith to get the project moving along, but there is no legal requirement to do this and no history for the city to assume that every cooperative project will include the district covering the city's review costs. Manager Spence stated that the city should not assume review costs will be covered anymore.

When asked for his legal opinion about paying for the review, Mr. Holtman stated that to agree to pay for this, the board would have to be concluding that there was some understanding at some level that the district would be covering this separate from the cooperative agreement. He advised that if the board agrees to the reimbursement, it should state clearly that making this payment does not constitute a precedent.

Manager Anderson moved to pay invoice 2014-O-384 in the amount of \$740 in good faith and in cooperation to move the Bixby Park project forward, even though it is not legally required and is not to be seen as a precedent. Seconded by Manager Moe. Upon vote, the motion carried 3-1 (Spence opposed).

Manager Anderson moved that Administrator Kinney should communicate in writing to the city administrator that the district will not pay for city costs incurred in future cooperative projects unless prior approval is obtained. Seconded by Manager Spence. Upon vote, the motion carried 4-0.

b) BMP Cost Share Guidelines Resolution

Administrator Kinney stated that at the December meeting the board considered changing the terms of the cost-share program. Counsel has prepared a resolution for adoption. Manager Moe moved to adopt Resolution #15-02-01. Seconded by Manager Spence. Upon roll call vote, the motion carried 4-0 with Manager Schmaltz being absent.

c) Bone Lake Fish Barrier Design Adjustment Resolution

Administrator Kinney stated that the board previously had been advised of the availability of DNR grant funds and had authorized the district engineer to proceed with barrier installation. The application was submitted and this resolution is to approve moving forward. Mr. Graska stated that the grant has been fully executed and the district has received the amended permit from the DNR. One quote of \$17,500 for barrier installation was received. Attempts will be made to get a second quote, award a contract next week and have the barrier installed before spring runoff. Manager Moe stated that on October 23, 2014 the board adopted the Bone Lake Fish Barrier Management Plan and authorized Mr. Graska to move forward with contracting for fabrication and installation of two grates not to exceed \$15,000. He asked about the delay. Mr. Graska clarified that the plan to have two grates installed by Mr. Rydeen last fall did not happen because of the early ice and Mr. Rydeen's busy schedule. The delay allowed the district to obtain a little over \$20,000 in state grant funds for the project. Manager Moe stated that this, and any such change needs to be communicated to the board and Bone Lake residents. Responding to a question from Manager Moe, Mr. Holtman clarified that the \$25,000 maximum project cost recited in the resolution is not necessarily what will be spent, but rather is to establish the legal basis for the quote solicitation. The resolution authorizes the district administrator to get one or two quotes and proceed with hiring a contractor. The resolution also authorizes the administrator to incur up to \$15,000 in net expenditures beyond the \$20,000 of the DNR grant, including contract oversight by EOR.

Manager Anderson moved to adopt Resolution #15-02-02. Seconded by Manager Spence. Upon roll call vote, the motion carried 4-0.

Mr. Graska clarified that the maintenance plan including timing is laid out in the management plan that was adopted in October. Administrator Kinney noted that the District has hired a part-time intern that will perform a daily check on the fish barrier once we get into the April season. It will be the District's responsibility to make sure that those checkpoints are met.

d) Broadway (8th St. Basin) 2014 Monitoring Results

Mr. Graska provided a summary of the 8th Street Basin monitoring results. The 2014 results looked quite a bit better than 2013, but are still not where they are expected to be. The total suspended solids load was reduced by 95-100%. Volume was reduced by 50-70%, which is better than anticipated. The total phosphorus (TP) load was reduced by an average of 20%, with a variation of -19 to 60%. The negative result was due to a wet May, when the iron-sand filter was not able to dry out and absorb phosphorus. City maintenance of the culvert helped reduce the loading. Better results are anticipated in 2015. Monitoring will continue for the third and final year. Core sampling was done in the facility—an old compost site—to determine if compost might be contributing to the load. One deeper level core had a high level of organics, which might be old compost. To improve TP removal and achieve a net reduction rate of 50-60%, the downstream ditch needs to be lowered to help dry out the iron-sand filter.

e) Broadway (8th St. Basin) Monitoring Work Order

Mr. Grasko reported that the plan is essentially the same as last year's, but with a cost reduction of about \$1,000.

Manager Moe moved to approve the 2015 Broadway monitoring work order. Seconded by Manager Spence. Upon vote, the motion carried 4-0.

Administrator Kinney added that there has been no communication back from Target on doing the MPCA monitoring. The district is trying to get the MPCA to do the monitoring for next two years. EOR has confirmed that it could do the fieldwork for the MPCA to give the district one more year of monitoring. If anything changes, it will be reported to the board.

f) 2014 Watercraft Inspections Results

Administrator Kinney reported that the results are from the Chisago Soil and Water Conservation District (SWCD). Manager Anderson requested that boat inspections be timed to cover peak boating usage including weekends and an addendum be added to state that the lake association be asked for input on monitoring days and times. Manager Anderson would like to see data on inspection times of day. Administrator Kinney will seek that information for the next meeting. Manager Anderson also urged that lake associations supplement inspection resources for times when county inspectors are not supplied.

g) 2015 Watercraft Inspection Proposal with Chisago County

Administrator Kinney reported that Chisago County has agreed to continue with the base level of inspection, utilize state funding for the AIS inspections and hire additional staff for inspections. This will allow the district to reallocate some funds. Manager Anderson requested that staff work with the county to ensure inspections are done during peak usage.

Manager Anderson moved to accept the joint powers agreement. Seconded by Manager Moe. Upon vote, motion carried 4-0.

7. Report of Staff

a) Administrator

Administrator Kinney reported that at the meeting with Forest Lake staff, Mr. Parrish directed city staff to put together a five-year capital improvement plan (CIP) to align with the district's CIP. Mr. Parrish agreed to work out district-city roles and responsibilities for future projects. Administrator Kinney also reported that he received an email today informing him that Dr. Theisen and his students will be on Moody Lake on Tuesday to take deep core samples. In response to Manager Anderson's questions and comments, Administrator Kinney responded:

- Three members attended the January 29 CAC meeting. Notification will now be emailed and sent through regular mail.
- The Moody Lake core sampling is being coordinated with EOR.
- Staff is planning to talk with Craig Mattson about a potential project on his property in the wetland area of Moody Lake. The board will be updated on this potential project and Moody Lake wetland area projects.

- At the last Washington County Water Consortium meeting, staff reported on pervious streets including a new pervious product to improve soils and drainage, a specialized machine to install pervious streets and a cost-benefit analysis or traditional versus pervious streets

b) **Emmons & Olivier** - Nothing to report.

c) **Smith Partners** - Nothing to report.

9. Report of Treasurer

a) Approval of Bills and Treasurer's Report

Treasurer Spence presented the Treasurer's Report and bills to be paid. Manager Spence Moe moved to approve to pay the bills and payroll as presented in the amount of \$51,694.34. Seconded by Manager Anderson. Upon vote, the motion passed 4-0.
The managers were pleased with the new format.

10. Report of Officers and Managers

There were no reports

11. Adjourn Next Meeting – February 26, 2015

Manager Anderson moved to adjourn the CLFLWD regular Board meeting at 8:50 p.m. Seconded by Manager Moe. Upon vote, the motion passed 4-0.

Wayne S. Moe, Secretary _____