

**MINUTES OF REGULAR MEETING  
OF THE  
COMFORT LAKE - FOREST LAKE  
WATERSHED DISTRICT  
Thursday, May 22<sup>nd</sup>, 2014**

**1. Call to Order of Regular Meeting**

President Damchik called the May 22<sup>nd</sup>, 2014 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 Jon Spence, and Manager Stephen Schmaltz

Absent: None

Others: Mike Kinney (CLFLWD District Administrator), Chuck Holtman (Smith Partners), Greg Graske (EOR), Brett Emmons (EOR), Angie Hong (WCD), Mark Lobermeier (City of Wyoming), Jerry Grundtner (CAC member)

**2. Setting of Meeting Agenda**

President Damchik called for the reading and approval of the May 22<sup>nd</sup>, 2014 Regular Board meeting agenda. President Damchik asked if there were any changes or additions. Manager Schmaltz requested that the topic of the Bone Lake Carp Barrier be added to New Business.

Motion to approve the agenda as amended, was made by Manager Moe. Seconded by Manager Anderson. Discussion.

Mr. Kinney noted another addition to the agenda under New Business should be Contract for the Curly-leaf Pondweed Treatment for Forest Lake.

Upon vote, the motion carried 5-0.

**3. Reading and Approval of Minutes**

**a) Regular Board Meeting – April 24<sup>th</sup>, 2014**

President Damchik called for the reading and approval of the minutes of the April 24<sup>th</sup>, Regular Board Meeting.

Motion to approve the April 24, 2014 Regular Board meeting minutes, as amended, was made by Manager Moe. Seconded by Manager Spence.

Manager Anderson noted a couple of changes: on Page 3, Manager Moe is both making and seconding the motion. Under Old Business, Manager Anderson asked that it be clarified that the second sentence is a summary of the technical meeting. She also asked for more detail about the board meeting discussion, specifically about soil with high phosphorus ending up in the project and about the fact that the soil did not have any specifications for phosphorus content limits in the contract documents like sand does.

Upon vote the motion carried 5-0.

#### **4. Public Open Forum**

President 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. No comment was offered.

#### **5. New Business**

**a) EMWREP 2014 Update – Presentation**

Administrator Kinney explained that Angie Hong, Water Resource Educator, was at the meeting to give a presentation on the East Metro Water Resource Education Program (EMWREP).

Ms. Hong updated the Board on EMWREP.

Manager Anderson suggested getting some of these articles in the *Chisago Press* along with a water quality column, if possible, to service that part of their Watershed District.

Informational; no action required.

**b) Chisago County Ordinance Regulating the Operation of Watercraft**

Administrator Kinney explained that with the current high water levels on several lakes, lake residents were looking at the potential of some “No Wake Zone” signs to be posted, but they learned an ordinance needed to be in place for that to occur. Mr. Kinney noted the packet contained a current ordinance for Chisago County and stated he has also had some communication with Scandia City Administrator, Christina Handt. Scandia is supportive of working with lake residents to create an ordinance for their lakes.

Manager Anderson stated there was a lot of concern on Comfort Lake about the high water and she had asked Mr. Kinney to contact the DNR to find out if they would grant permission for that association to post signs. It was noted the DNR owns the boat landing and would only allow signs that were educational in purpose to be posted. She noted the Comfort Lake Association printed up banners and placed them in different locations around the lake, asking boaters to be careful. The association also prepared a flyer that was given out to residents around Little and Big Comfort Lakes to remind them of the low speed along the shoreline. This has been successful but is not permanent. Manager Anderson felt the Ordinance needed to be passed by the local governmental unit. It was noted the County’s ordinance is for lakes under its control but Wyoming needs to approve an ordinance for Comfort Lake. She thought it was a good idea for the Watershed District to take the lead in this regard and help the lake associations or communities that are interested.

Attorney Holtman noted legally the framework is that if a lake is entirely within a City, then the City has the authority to adopt a no wake ordinance. If the lakeshore is within more than one City, then it is the County’s jurisdiction. When it is the City’s jurisdiction, they can give the County the authority to adopt the ordinance if the County is willing. Manager Anderson thought first steps would be to see if the City wants to adopt an ordinance and if they do not, then they should see if the County will adopt one; Attorney Holtman could put the information in memo form; and, Board members could bring this information forward to the associations. Manager Anderson asked if Administrator Kinney could include the sample ordinance from the DNR website in the report for the association.

A Manager asked if high water was already predefined. Administrator Kinney thought this was in accordance with the ordinary high water. A Manager asked if the Board was recommending feedback from association members to take to the City. Administrator Kinney thought it would be helpful for the City to know that the associations wanted the ordinance. Manager Anderson supported a formal Board action addressing the point that the lake associations have passed a resolution to pursue an ordinance for a “no wake” zone. She thought that would be enough to go before the cities.

The Board informally authorized staff to proceed.

Informational; no action required.

**c) No-Till Farmer Publication Subscription**

Administrator Kinney stated the No-Till Farmer publication had some good articles that speak well to farmers and found the publication also highlights the value of cover crops. He requested the Board utilize funds from the cost share budget to go towards this purpose. Manager Moe thought this was a cheap way to get the message out. Administrator Kinney indicated the funds could come out of either the cost-share or the education budget.

Motion to approve subscription to the No-Till Farmer Publication using education funds and going through the SWCD and to send an introductory letter was moved by Manager Moe. Seconded by Manager Spence.

Discussion

Manager Anderson asked if the 12 people were selected with advice from the SWCD. Administrator Kinney indicated it would be cash-type crop farmers who are thought to be among the “early adopters” within the District. Manager Anderson asked if this would be just for Chisago County or also Washington County. Administrator Kinney indicated it would be six from each County. Manager Anderson asked how they know these people are not already getting this publication and how will the farmers be notified who the publication is coming from. Administrator Kinney stated he could ask the editor to cross reference, making sure the people do not already have the publication. He was thinking of sending a short note along with a reminder of their programs. Manager Anderson asked if it would be more appropriate coming from the SWCD, who work more closely with the farmers. She thought they should fund it and keep the connection where it currently resides. Manager Anderson suggested sending a letter to these people announcing they were chosen to receive this publication, which it is a joint project with the SWCD and the Watershed District, and what their purpose is. She cautioned that their purpose is for water quality and they have to be very careful in what they are funding and why they are funding it. That is why she believed it should go through the SWCD and that the letter needs to be correctly worded. Manager Anderson also thought the education budget was the correct fund to use for this purpose.

Upon vote, the motion carried 5-0.

**d) TimeSaver Off Site Secretarial Services**

Administrator Kinney presented the terms of the Recording Agreement with TimeSaver Off Site Secretarial, Inc. and recommended approval.

Manager Schmaltz asked how much time does Administrator Kinney spends on the minutes. Administrator Kinney stated he spends approximately four hours because he has to listen to the meeting and try to get as many notes as he can and then piece it together. A Manager asked if a secretary could come to the meetings and take notes. Administrator Kinney indicated they could and that would be an option. He thought it was most likely the secretary would attend the meeting and it could be faster because most of the notes could be typed at the meeting. A Manager asked if it would be a possibility to get the same person each time in order to have consistency. Administrator Kinney stated they normally do this. Manager Schmaltz thought this would be a good value for the District and free up staff time to work on other items. Administrator Kinney stated the funds would be coming from the 600 account fund administrative assistance budget.

Motion to approve the Recording Agreement with TimeSaver Off Site Secretarial, Inc. was made by Manager Spence. Seconded by Manager Schmaltz. Discussion. Upon vote, the motion carried 5-0.

**e) Shields Lake Electric Fish Barrier Contract**

Administrator Kinney explained that in recent practice the District has reimbursed Forest Lake for its cost under this contract. He talked with the City's finance director who indicated this was always reimbursed and the current plan is to continue to reimburse. Administrator Kinney stated he has all of the files on this matter. He explained there is an issue with the computer system that does all the monitoring and the total cost to fix that issue would be \$1,563. He had left a message with the fisheries manager to contact him. Administrator Kinney noted the data online indicates there are no carp or rough fish in the lake.

Administrator Kinney stated the barrier is very effective. Manager Anderson did not understand why they did not take this over because it is clearly a Watershed District issue. She asked why the District would want the City to do this when the District is monitoring all of the other lakes. Manager Anderson reviewed the history of this contract, noting that the City assumed it at the time because the District was just a WMO. She stated she thought the District should be in control of this and take over the contract now that a Watershed District exists.

Attorney Holtman asked if it was their intent to have the District take ownership of the structure itself. Manager Anderson stated that was correct.

Manager Anderson made the motion to direct staff and the attorney to talk with the City and start the process of formally turning this over to the District. Seconded by Manager Moe. Discussion. Upon vote, the motion carried 5-0.

**f) MAWD Summer Tour**

Administrator Kinney asked if the Board wanted him to assist with the MAWD Summer Tour. The Board indicated they would appreciate this and asked for a report back. Manager Anderson thought they should send out a letter to their advisory committee asking if any wanted to attend.

Informational; no action required.

**g) Bone Lake Carp Barrier**

Administrator Kinney stated there have been many posts on Facebook and local concern regarding the Bone Lake Carp barrier and all of the problems it is causing. This is a very high water level year. He stated he and Engineer Graske looked at the lake and it was 1.3 feet above the ordinary high so they thought they should take out the two top logs and put in the first grate.

There was the general sense or belief that it dramatically decreased the lake level. The pipe was running pretty full already and there might have been some additional pressure but they do not know if there was any true obstruction or just perception as the pond across the road was full. He stated he was out after the rain event to look at the flows coming in and had received a call from one of the residents so he stopped by. He thought they could take out the other two stop logs, which he did, and added another screen but did not see any difference. He stated if people are pointing at the District and saying they are causing the erosion, he felt this was something they could do to alleviate the problem. There is still a big perception that the barrier is the problem. Manager Anderson stated it is not the barrier, it is the precipitation and the snow that is causing the problem, as noted in the report.

Manager Moe expressed his observations with regard to the change in lake level elevations on the day that the screens were installed the first day and felt it was not a perception. As such, he felt that more monitoring needed to occur under different conditions with the stop logs in and out to see how much difference there was in flow.

Mr. Graske reviewed the history of the Bone Lake Carp barrier. Mr. Emmons indicated the operations plan is key - opening for more flow in the spring and then closing down as the season goes on. There was discussion between staff and the Managers regarding problems with the barrier and how it can be corrected. Manager Schmaltz stated that the District needs to measure outflows so it can understand how the system is operating and how the barrier is affecting it. The Managers directed that the administrator work with the engineer to develop an operations and maintenance plan.

**h) Contract for the Curley-leaf Pondweed Treatment for Forest Lake**

Administrator Kinney indicated they received the contract and forwarded it to Lake Management. They have the permit and approval from the DNR so the last piece is to have the Board authorize the contract. Manager Anderson indicated this was budgeted for so did the Board need to approve each such contract. Manager Spence asked if the amount was split between the District and the City of Forest Lake. Administrator Kinney indicated that he would have to look at the specifics of the agreement.

Motion to authorize Administrator Kinney to contract for this with a commitment of the District up to the budgeted amount of \$11,000 and instructing Attorney Holtman to work on a formal agreement going forward between the CLFLWD and the City of Forest Lake regarding funding was made by Manager Schmaltz. Seconded by Manager Moe.

Discussion.

Attorney Holtman reviewed the motion “authorize Administrator Kinney to contract for this with a commitment of the District up to the budgeted amount of \$11,000.” Administrator Kinney noted the total contract amount would be around \$31,000, divided among the District, Forest Lake and grant funds. He thought the District’s contribution would remain under the budgeted amount. Manager Anderson wondered if the motion could be modified to read: “authorize Administrator Kinney to contract for this with a commitment of the District up to the budgeted amount of \$11,000 and instructing Attorney Holtman to work on a formal agreement going forward between the two entities.”

Upon vote, the motion carried 5-0.

## 6. Old Business

### a) **Otte Farm Feasibility Report**

Administrator Kinney reviewed the analysis done by EOR.

Manager Moe stated that while the total construction cost for the four projects is estimated at \$72,000, two of the projects could be done for \$34,000 and provide for 28 pounds of phosphorus removal annually. He observed that the ponding element was an estimated 22 pounds per year at \$13,000, and the wetland restoration was \$12,000, for an estimated 15 pounds reduction per year. He believes that based on these figures, these would be very cost-effective projects and questioned why staff does not recommend them. Administrator Kinney cautioned that the estimates in the report do not include certain project costs such as land rights acquisition as well as operating and maintenance costs. He also noted that the pond is very undersized for its drainage area, but that this is the only space that the landscape allows. At the same time, he observed, even a smaller pond that will need frequent cleanout can serve a useful function in providing a settling location upstream of a receiving water. Manager Moe stated the District has a willing participant that wants to work with it. Engineering Graske is not recommending that the District not do any of the projects, but rather that the District consider carefully whether a project focus here aligns with overall plan goals and priorities. Manager Anderson wished to confirm that \$72,000 is the estimate for the four projects in aggregate. Administrator Kinney stated that is correct.

Manager Anderson wondered why they could not do this through a BMP program, noting there are all kinds of grants at the Department of Agriculture they have not touched upon. If they have someone willing to do this, why not explore it and why not use the BMP program because this is where it fits. Manager Anderson thought they should explore this option and look for all possible monies.

Manager Schmaltz recommended that if EOR could develop some kind of diagram to illustrate the concerns at each lake and prioritize. Manager Anderson stated that this was already done through the CIP and that EOR has been working to get at the details on a local basis. Manager Schmaltz thought the diagram approach could assist in communicating what practices are needed.

The Board directed staff to further explore options along with possible funding from other sources such as the USDA-NRCS, USFWS, etc.

Informational; no action required.

### b) **Target Work Order**

Attorney Holtman advised that Target has selected a contractor. The amount is not being increased but it shows an adjustment to show that EOR will be working with Target as the client for the rest of the project. EOR did all of the design work and Target wanted to manage the construction. Typically, they want the engineer who designed the project handle oversight of the project. He reviewed the history of the project, noting \$32,000 has been spent for EOR design work and additional items up to this point. There is approximately \$13,000 left and basically what EOR will do for Target is certify the plans, which will take the District out of the loop. EOR will provide assistance to Target in finalizing the contract and assistance during the project. The wording in the paperwork has been changed to protect the District from any design issues that could come up.

Informational; no action required.

**c) Bixby Park Work Order Costs**

Staff stated at the last meeting, the approval of the work order was conditioned on EOR providing additional information on some of the cost history and explanations.

Engineer Graske reviewed the information with the Board. He noted the costs went up about sixty percent so he had some concerns. This being the first one, they want to make sure everything is right and understood the costs would increase. However, Engineer Graske did not believe the costs would go up for every project going forward.

Informational; no action required.

**7. Report of Staff**

- a) **Administrator:** Administrator Kinney updated the Board on current projects. Manager Anderson asked if the Administrator Kinney talked to the City about the storm water infrastructure. Administrator Kinney stated he learned from Mark Peterson that Mark recently learned that there is a budget for doing this and he provided them with a memo laying out a proposed partnership between the Conservation District, EOR, and the City. That memo will be reviewed at their staff meeting next week. Manager Anderson asked Administrator Kinney to provide that memo communication for them to see. Manager Anderson suggested the Board send a formal letter of appreciation to retiring accountant Kathy Blackford.
- b) **Emmons & Olivier:** Engineer Graske stated they have been busy monitoring all of the rain events. He advised that the PSS has dropped quite a bit coming out of the filtration basin on Broadway so something is changing there.
- c) **Smith Partners:** No report

**8. Report of Treasurer**

**a) Approval of Bills and Treasurer's Report**

Treasurer Spence presented the Treasurer's Report, bills and payroll totaling \$74,538.29. Treasurer Spence asked that the Board approve the payment of the bills and accept the report.

Motion to approve the May 2014 Treasurer's Report and pay the bills and payroll as presented in the amount of \$74,538.29 was made by Manager Moe. Seconded by Manager Schmaltz. Discussion. Upon vote, the motion carried, 5-0.

**9. Report of Officers and Managers**

President Damchik: Nothing new to report

Manager Spence: Nothing new to report

Manager Moe: Nothing new to report

Manager Schmaltz: Provided an update on official work on the storm water. He explained the only budget he found was one for \$163,000; however, they are actually collecting \$380,000 a year. Basically, they are getting more cooperation now. Manager Schmaltz stated a lot has gone to the general fund for other projects but they received a promise from the City to make it a line item next year and to carry over remaining funds from the last two years. This will give them plenty of money to spend on projects. Manager Anderson asked the date by which Forest Lake is required to complete the mapping of its stormwater conveyance system under its NPDES MS4 permit. Mr. Holtman replied that the mapping was

required to be completed by 2008 under the past MS4 permit. He continued that the MPCA adopted a new general permit in 2013. Under the new permit, the system needs to be mapped somewhat more precisely. MS4s including Forest Lake were required to submit their stormwater plan under the permit in December 2013, but that plan could specify a schedule for when the more precise mapping would be completed. Manager Anderson asked if there is a penalty if the mapping is not done by the specified date. Mr. Holtman indicated in theory there was, but that would be up to the MPCA.

Manager Anderson: Nothing new to report

## **10. Adjournment**

Motion to adjourn the CLFLWD regular Board meeting at 9:06 p.m. was made by Manager Spence. Seconded by Manager Schmaltz. Upon vote, the motion carried, 5-0.

**Wayne S. Moe, Secretary** \_\_\_\_\_