

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

Thursday, April 28, 2011

1) Call to Order

The President called the April 28, 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, Treasurer Tom Lynch, Manager Jon Spence

Absent: Wayne Moe

Staff: Doug Thomas (CLFLWD) and Lisa Tilman (EOR)

Other: Mark Lobermeier (City of Wyoming)

2) Setting of Agenda

The President called for the reading and approval of the April 28, 2011 regular Board meeting agenda. President asked if there were any changes or additions. Administrator Thomas requested that an agenda item be added under old business to discuss a 2009 cost-share project failure (Milbrett). Motion to approve the agenda as amended was made by Manager Lynch and seconded by Manager Spence. Discussion. Upon vote, the motion passed.

3) Reading and Approval of Minutes

The President called for the reading and approval of the minutes of the March 24, 2011 regular Board meeting. Motion to approve the March 24, 2011 regular Board meeting minutes was made by Manager Anderson and seconded by Manager Spence. Discussion. Upon vote, the motion passed.

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) *BMP Cost-Share Applications*

i) *Koskie – Residential BMP C-S Project*

Administrator Thomas presented the Koskie Cost-Share application for the Board's consideration. The project which is located at 21956 Jason Ave. N, Forest Lake, MN is a shoreline water quality buffer planting that drains to Forest Lake 3 (east basin). The

project will intercept and treat runoff from the back half of the roof and backyard. The project is located adjacent to the Neudauer shoreline water quality buffer which was installed in 2010. The project was ranked by Managers Lynch and Moe, Administrator Thomas, and Pete Young (WCD) and recommended to be funded. Staff recommended approval of the Koskie Residential BMP Cost-Share Incentive Program application for a shoreline water quality buffer planting at the rate of 50% not to exceed \$3,000.

Manager Anderson made the motion to approve the Koskie Residential BMP Cost-Share Incentive Program application for a shoreline water quality buffer planting at the rate of 50% not to exceed \$3,000. Motion was seconded by Manager Lynch. Discussion. Upon vote, the motion passed.

ii) ***Bonnett – Residential BMP C-S Project***

Administrator Thomas presented the Bonnett Cost-Share application for the Board's consideration. The project which is located at 1332 Bay Drive SE, Forest Lake, MN is a shoreline water quality buffer planting that drains to Forest Lake 1 (west basin). The project will intercept and treat runoff from the back half of the roof and backyard. The project was ranked by Managers Lynch and Moe, Administrator Thomas, and Pete Young (WCD) and recommended to be funded. Staff recommended approval of the Bonnett Residential BMP Cost-Share Incentive Program application for a shoreline water quality buffer planting at the rate of 50% not to exceed \$3,000.

Manager Anderson made the motion to approve the Bonnett Residential BMP Cost-Share Incentive Program application for a shoreline water quality buffer planting at the rate of 50% not to exceed \$3,000. Motion was seconded by Manager Spence. Discussion. Upon vote, the motion passed.

iii) ***Hosanna Lutheran Church – Community BMP C-S Project***

Administrator Thomas noted that this project was discussed at the last meeting with the question being whether the Board concurred that the project met the criteria and would be eligible to apply for financial assistance under the Community Based Cost-Share Incentive Program. At that time the Board agreed that it would be eligible contingent on the District Attorney giving his opinion on whether the District could provide funding to a Church. Since that time the District Attorney did provide us with a memo that concluded the Church is an eligible applicant. With that staff contacted the Church and informed them that they could apply for funding under the Community Based Cost-Share Incentive Program. The Church submitted an application, work plan and site map on April 18, 2011. The Church is requesting cost-share in the amount of \$9,400 based on the Washington Conservation Districts' cost estimate of \$13,000. The \$9,400 comes out to approximately 72% which is slightly less than the 75% cost-share limit established in the program criteria.

The cost-share review committee made up of Managers Lynch and Moe, Administrator Thomas and Pete Young (WCD) scored the project and is recommending approval of the project. Administrator Thomas commented that staff is recommending approval at the requested amount of \$9,400 (72%) based on the significant phosphorous reduction (1 pond/year), the high visibility of the site, and the Church's willingness to provide program information to individuals who are members and/or visiting the building. He noted that the main question is what rate of cost-share does the Board want to approve for the project. He also reminded the Board that the technical assistance portion of the project must be

paid by the applicant and is then included in the final cost as compared to the residential program where the technical assistance is provided at no cost to the landowner. Manager Damchik asked the question of how many times can or should we provide cost-share on the same property. Administrator Thomas noted that this question has been asked in the past and that he is not able to find anything in the program criteria or Board policy which speaks to this issue and that it is something that the Board can take up in the future and that he could put something together for the Board to consider at that time. Manager Damchik commented that a landowner could get a lot more funding this way. Administrator Thomas pointed out that if the limit is 75% cost-share and they split a project into phases it is still 75% in the end. He did note that for these larger projects as well as any project maybe the question is not so much the percentage of cost-sharing but the maximum amount of cost-share funds that the Board wants to see going to any individual property and/or landowner. In this case he believes that this will be the last eligible project as the others that are shown in the site plan do not provide any additional significant phosphorus reduction due to their location and where they drain to. So at this time he feels that we are done after this project. At this time his opinion is that this is a separate issue and that if the Board wants to they could direct staff as part of a motion or by separate action ask staff to come back with some ideas for discussion on a policy that would limit the number of projects, or funds that would go to any one property. He also noted that as it stands today each of the cost-share programs have a different cap and maximum rate.

Manager Lynch asked about the other features and if they were the ones on the map that are in the parking lot. Administrator Thomas responded that yes these were the features he was referring to and that they drain toward Hwy 97 into an existing wetland which is not directly tributary to Forest Lake. Manager Lynch also commented that with rain-garden #1 due to its small size and location it also would not provide much additional benefit.

Manager Anderson made the motion to approve the Hosanna Lutheran Church Community Based Cost-Share Incentive Program application for a stormwater retrofit/infiltration project up to \$9,400 not to exceed 75%. Motion was seconded by Manager Spence. Discussion. Upon vote, the motion passed.

Manager Anderson commented that we do need to follow up on the discussion about the cost-share limits and how we want to address the issues that have been brought up and questioned whether this would need to be done through our plan or rules. Administrator Thomas commented that he felt it is was neither and that the Board would only need to adopt a policy and/or new guidance which establishes a cap or something similar for each of the incentive programs and suggested we wait a while to see what comes in this year and take this issue up late summer and early fall as part of the budget process because we will also be looking at adding two new programs which are the rural/ag incentive program and the urban stormwater remediation program. Manager Anderson asked if we are able to apply for grant funding to help with funding these programs. Administrator Thomas noted that there are some grant programs which we can apply for and that he will monitor those as they come up.

b) Forest Lake Curly Leaf Pondweed Assessment Proposal

Administrator Thomas noted his staff memo that was included in the Board packet regarding this agenda item. He explained his involvement with the Forest Lake Lake Association and the City of Forest Lake regarding aquatic plant management on the lake and that although we probably do not want to get directly

involved in their efforts to control curly leaf his reasoning for the District's involvement in this type of assessment, which is designed to provide information on the effectiveness of the current herbicide treatments, would be to aid us in developing a long range aquatic vegetation management plan for Forest Lake that can achieve a proper balance between recreation, water quality, and wildlife habitat associated with a healthy plant population in the lake. He noted that after discussions with Blue Water Science the window is still open to do this type of assessment this year and that there is room in the budget to cover the estimated cost of \$2,500. Staff requested the Board's approval to authorize contracting with Blue water Science to conduct a curly leaf pondweed assessment in 2011 for \$2,500.

Manager Spence made the motion to authorize the Administrator to develop and execute a contract with Blue water Science for an amount not to exceed \$2,500 from the Districts' Technical Support Fund/Account to conduct a curly leaf assessment for Forest Lake in 2011. Motion was seconded by Manager Anderson. Discussion. Upon vote, the motion passed.

Manager Anderson asked if a diagnostic study has ever been done for Forest Lake. Administrator Thomas commented that yes it has in the sense that this past winter he went through the Wenck study and completed all of the PCA checklists for a Phase 1 Diagnostic Study and submitted that to PCA with a request that the Wenck Study be accepted as meeting the requirements of a Phase 1 Study. PCA responded in writing that the Wenck Study did meet the requirements and that it will be considered a Phase 1 Study which will now allow us to apply for PCA grant funds.

c) Aerial Photographs of District Lakes Proposal

Administrator Thomas noted his staff memo and that based on discussions with the vendor staff is recommending that the Board of Managers authorize the purchase of aerial photographs for Comfort, Little Comfort, Forest, Moody, Shield, and Sylvan lakes from "Aerial Photography by Erv Kruse" for use in District publications and promotional materials.

Motion was made by Manager Anderson to authorize the Administrator to engage "Aerial Photography by Erv Kruse" for an amount not to exceed \$500.00 to acquire aerial pictures of Comfort, Little Comfort, Forest, Moody, Shield, and Sylvan lakes out of the Miscellaneous Education fund/account. Motion was seconded by Manager Spence. Discussion. Upon vote, the motion passed.

d) Permit Project Enhancements

Administrator Thomas commented that the purpose of this agenda item is to seek direction from the Board on how involved staff should be in working with redevelopment projects during the early coordination stage of permitting to identify and bring possible water quality enhancement to the Board for consideration and possible funding by the District. He noted the work that went into the Broadway Ave Improvements permit and how it led to the District agreeing to fund enhancements to the treatment ponds to achieve greater phosphorus reductions. Recently he and the district Engineer have been involved in pre permit meetings with a private developer who is looking at the redevelopment of a parcel along 19th Ave., west of the freeway. In this case some enhancement potential has been identified but since it is a private developer staff is looking to the Board to see if it supports staff and the District Engineer working on these types of projects as it does involve added costs to have the District Engineer involved.

Manager Anderson commented that she felt the Board already had given that direction to staff previously to be looking for these types of opportunities. Administrator Thomas also commented that in correspondence with the District Attorney he noted that at the present time the District's Plan does not envision or include this type of activity/program with regards to establishing a basis for the expenditure of District funds. Administrator Thomas suggested that there are two ways in which this can be addressed

including 1) a modification to the current draft Plan or 2) to include it as a project as part of the Sunrise River Petition Project. Managers asked a number of questions of the Engineer and Administrator about this specific project along with ideas about using 19th Ave as a project by itself as a first step and then having the redevelopment of properties in the area being the second step towards reducing phosphorous loading to the Sunrise River. After a lengthy discussion the consensus was to work toward inclusion of these types of enhancement projects into the Sunrise River Project and add 19th Ave as a potential project to be further investigated as part of the urban stormwater retrofit portion of the overall Sunrise River Project.

6) Old Business

a) Sunrise River Water Quality & Flowage Management Petition Project – discussion regarding future workshop

Administrator Thomas noted that the purpose of this agenda item was to follow-up on the discussion at last month's meeting on the preliminary engineers report and the proposed work order for the final engineers report. At that time there was not a consensus regarding the list of projects that were proposed to be investigated in the final engineers report. Based on that it was acknowledged that staff and the District Engineer needed to provide additional background information and the supporting information which led to the project concepts being proposed to the Board. A follow-up meeting was held on April 7th to discuss the history and background information related to the scope of the proposed re-meander and Bixby Park projects. That meeting was attended by Managers Anderson and Lynch, Administrator Thomas, and EOR staff. At the conclusion of the meeting it was suggested that it would be good for the rest of the Managers to hear about the history of the river with regards to what it was vs. what it is today and how that impacts the types and scope of the projects that have been identified and are being recommended to move forward. One idea was to hold a Board workshop.

After discussion the Board agreed to have the Administrator schedule a board workshop on either May 10, 12 or 19 depending meeting room availability and then provide for public notice of the meeting.

b) Watershed Management Plan Update – Response to Comments

Administrator Thomas noted his staff memo and spreadsheet which summarizes which agencies and local units of government commented on the Plan along with his draft response to comments. He asked for the Board's direction on how they wanted to proceed with going through the summary of comments and draft responses. Manager Spence commented that he had reviewed the responses and felt that they were fine and that he did not feel it was necessary to go through them one by one. After discussion it was the consensus of the Managers that the draft response to comments were fine and that they did not have any changes and/or modifications at this time.

Administrator Thomas then explained the next steps in the process which will be to hold the required public hearing on the draft Plan at the May 26th Board meeting and then at the June 23rd meeting the Board will be asked to formally adopt the responses to Plan comments along with the revised Plan which will then be submitted to BWSR to start the final state review and approval process.

c) Bruce Milbrett – 2009 C-S Project Failure

Administrator Thomas reported on the failure of a 2009 lakeshore protection and restoration project at the Milbrett property on Forest Lake (east basin). He went through some slides of what the site looked like before the project was constructed in 2009, what it looked like after project

completion and again after the failure of it this spring. He also noted a number of variables that he observed on the site including the length of wind fetch, sandy soils, and groundwater seeps in the vicinity of the project which may have contributed to the failure of the project. He then presented two options for the Board's consideration and action which were:

- Option 1
 - Acknowledge failure was not due to any action of landowner
 - Authorize 50% C-S up to \$3,000 for repairs
 - Require WCD design to be reviewed by EOR
 - Require landowner to get a warranty from contractor
- Option 2
 - Authorize up to \$1,000 toward repair (in 2009 C-S max was \$2,000)
 - Require WCD design to be reviewed by EOR
 - Require landowner to get a warranty from contractor

Manager Anderson followed up with a few background questions relating to how the project evolved the way it did. She further commented that her perspective would be to approach the situation under today's guidelines. There was further discussion on what is needed to enhance the program by having additional engineering review. Administrator Thomas noted that the direction is appropriate but it must be recognized that some projects will not require additional review while others that involve higher risk should get some additional review. Manager Anderson asked if we need a policy to provide that direction to staff. Administrator Thomas commented that he did not feel a separate policy was necessary and he is comfortable based on today's discussion that he has the authority to bring in the District Engineer for review and comment on sites which have a higher risk associated with them. Manager Anderson commented that she was still a little uncomfortable with leaving this as just a general direction to the Administrator as to when additional review would be needed. She commented that she would like the Administrator to check with legal counsel and discuss the need for any new policy or guidance related to additional engineering review. Administrator Thomas commented that he would follow up with legal counsel on this matter.

Motion was made by Manager Spence to approve cost-share in an amount up to \$3,000 not to exceed 50% for the emergency repair of the Milbrett shoreline restoration project and that the WCD will do the design along with District Engineer review. Motion was seconded by Manager Lynch. Discussion. Upon vote, the motion passed.

7) **Report of Staff**

a) Administrator

Administrator Thomas noted his written report in the Board packet. He also handed out a draft copy of the 2010 annual report and asked Managers to review it and provide any comments back to him in the next couple of weeks. He also commented that he and Manager Lynch will be having a close out meeting with HLB for the 2010 Audit on Friday, April 29th.

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 \$33,122.79

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

9) **Reports of Officers and Manager**

Manager Anderson–

Manager Damchik–

Nothing to report

Manager Moe –

Manager Spence –

Reported that he had attended the CAC meeting for the development of the City of Wyoming Surface Water Management Plan. The meeting was focused on the CLFLWD's rules and regulations along with discussion of buffer vs. set-back which was being miss-interpreted by some in regards to location and impact on development.

Manager Lynch –

Reported that he had attended the Save the Saint Croix River conference. He commented that he was struck by one speaker's presentation and that when you are working with individuals it is important for them to know that they are not all by themselves. This made him think about our C-S program and the need to find ways to have the individual landowners not feeling like they are the only ones there. He commented that maybe we could go back to some of the older projects on Forest Lake and work with the FLLA to hold some project open houses. Manager Anderson commented on the importance of following up on older project by taking pictures to document the success and to use in marketing our programs.

Manager Lynch also asked if any of the other Managers were planning on attending the MAWD summer tour and meeting.

10) **Adjournment**

Motion to adjourn the CLFLWD regular Board meeting at 8:05 pm was made by Manager Anderson and seconded by Manager Spence. Upon vote, the motion passed.

Wayne S. Moe, Secretary