

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

**Thursday, January 20, 2011**

**1) Call to Order**

The President called the January 20, 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), Lisa Tilman (EOR), Chuck Holtman (Smith Partners)

Other: Mark Lobermeier (City of Wyoming), Bryce Fossand (MnDOT), Pete Young (WCD)

**2) Open the Regular Meeting**

The President opened the regular Board Meeting.

**3) Setting of Agenda**

The President called for the reading and approval of the January 20, 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 Spence. Discussion. 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 December 7, 2010 Board workshop. Motion to approve the December 7, 2010 Board workshop minutes was made by Manager Moe and seconded by Manager Lynch. Discussion. Upon vote, the motion passed unanimously.

The President called for the reading and approval of the minutes of the December 16, 2010 regular Board meeting. Administrator Thomas noted a recommendation from the District Attorney to insert language on the top of page 6 at the end of the paragraph as follows, after the words “to be used from the previous permit” insert “, and if the new permit incorporates those plans by reference.”. Motion to approve the December 16, 2010 regular Board meeting minutes, as amended, was made by Manager Spence and seconded by Manager Moe. Discussion. Upon vote, the motion passed unanimously.

The President called for the reading and approval of the minutes of the January 11, 2011 Board workshop. Motion to approve the January 11, 2011 Board workshop minutes was made by Manager Spence and seconded by Manager Moe. Discussion. 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) *Election of Officers*

After discussion Manager Spence made the motion to nominate the current 2010 slate of officers for the 2011 officer positions. Second by Manager Lynch. Discussion. Upon vote, the motion passed unanimously. The slate for officers for 2011 will be President -Richard Damchik, Vice-President – Jackie Anderson, Treasurer – Tom Lynch, and Secretary – Wayne Moe.

### b) *Designation of Official Financial Repositories and Newspapers.*

Manager Moe moved to designate the official newspapers of the Comfort Lake – Forest Lake Watershed District for 2011 as the Chisago County Press and the Forest Lake Times. Second by Manager Lynch. Discussion. Upon vote, the motion passed unanimously.

Manager Spence moved to designate Central Bank and the First State Bank of Wyoming as the official repositories of the Comfort Lake - Forest Lake Watershed District for 2011. Second by Manager Moe. Discussion. Upon vote, the motion passed unanimously.

### c) *CLFLWD/MnDOT Cooperative Agreement for Maintenance of Stormwater Facilities and Watercourse and Basin Crossings*

Administrator Thomas started out by introducing Bryce Fossand, MnDOT Water Resources Engineer, who was at the meeting to answer and/or respond to any questions or comments from the Board. Administrator Thomas went on to provide an overview of his memo that was included in the Board packet regarding this item. He highlighted the following items with the Board:

- The idea of developing a cooperative agreement that would serve as a municipal facility maintenance plan, as allowed for in District rule, came up during discussions with MnDOT about the required operation and maintenance agreement for permit 10-005.
- That permit (10-005) only required a maintenance agreement for two culverts.
- That MnDOT expressed an interest in incorporating their MS4 permit and its Stormwater Pollution Prevention Plan (SWPPP), which has a section on post construction maintenance, into a broader agreement.
- A review of the District's adopted maintenance schedule against MnDOT's SWPPP determined that the frequency of inspection differed and therefore MnDOT needed to make a written request to the Board for its consideration.
- That MnDOT did request in writing on December 10, 2010 the Board's acceptance and approval of the draft cooperative agreement that was provided to them in the Board packet.

Administrator Thomas then went over staff's recommendation which was to accept and approve the cooperative agreement based on that it:

- Covers all existing stormwater infrastructure in the CLFLWD as well as any future projects which is far more expansive than only the two culverts that require a maintenance agreement under permit 10-005.

- The cooperative agreement includes a provision that will allow the CLFLWD to report problems or suspected problems with stormwater facilities along with assurance that MnDOT will promptly inspect and maintain them.
- It acknowledges MnDOT Metro's unique circumstance as a permittee that has infrastructure in 8 counties and 42 WMO's.
- The cooperative agreement allows the District to include other or different inspection and maintenance provisions in future permits as determined by the Board.
- The Board has the ability to terminate the cooperative agreement with 30 day notice.

President Damchik asked if there were any questions or comments. Manager Lynch commented that it appears that the upside of having an agreement that covers the entire CLFLWD, as presented, is better than not having one but he would have liked to see more frequent inspections. Mr. Fossand commented that the inspection numbers are based on a percentage of the total number of features in the Metro District that are then inspected each year, located using GPS, and logged into an inspection data base. He noted that for those features that require maintenance they are then forwarded to the maintenance unit which schedules and conducts the required maintenance. Manager Lynch followed up with the question of are the inspections done on a rotating basis in the MnDOT District and could that result in inspections every 3 or 5 years in the CLFLWD. Administrator Thomas pointed out that the specific frequency of inspections required to be performed by MDOT is in their SWPPP in what are called minimum control measures and that in this situation the SWPPP spells out the frequency and percentage that must be done annually by MnDOT district wide so inspections will occur each year in the CLFLWD.

Manager Anderson commented that she did not see anything that would prohibit us from using someone else to do inspections if we thought that the inspection schedule was not adequate or that MnDOT was not getting to things fast enough. She asked staff if there was anything, in their judgment, in the agreement which would prohibit that. Attorney Holman responded that the District has the ability to do whatever inspections it wants of facilities within the CLFLWD. Administrator Thomas also mentioned the provision that MnDOT would follow up on reports of problems. Attorney Holtman commented on the concept of going in and doing the maintenance would be something that MnDOT would be responsible for and they would most likely not allow another party to go in and perform the maintenance. Mr. Fossand commented on how MnDOT has maintenance crews that cover the entire metro area and how they would go about scheduling any required maintenance reported to them and that critical situations are dealt with right away. Manager Anderson asked Mr. Fossand what was meant by a critical situation and does MnDOT have a protocol for them. Mr. Fossand noted that critical usually involves a safety issue and then environmental protection. If they are not seen as critical then it will take longer to respond. Manager Anderson stated that what she was getting at is that since you have such a big area that if a critical situation does occur what can our expectation be for MnDOT to respond. Will you get to it in an hour, one day, or two days? Mr. Fossand commented that it would be hard for him to say exactly what the response time might be. Administrator Thomas noted that there are a number of ways for us to assure a timely MnDOT response. He also noted that if there is an eminent threat to a water resource the watershed district does have the ability to bring in both the PCA and the DNR. Both of these agencies have the ability to issue and enforce restoration orders and back them up with penalties. He pointed out that this has worked well in the RCWD in the past. Manager Anderson restated that her point was to be sure that the agreement does not limit our ability to act. Administrator Thomas responded that in his opinion it did not.

Manager Moe commented that he also would have liked to see more frequent inspections but understood the benefit of us being able to address maintenance needs with MnDOT district wide. President Damchik asked what action did the Board want to take regarding the cooperative agreement. Manager Anderson made the motion to approve the Cooperative Agreement for Maintenance of Stormwater Facilities and

Water Course and Basin Crossings between the CLFLWD and MnDOT Metro. Second by Manager Moe. Discussion. Upon vote, the motion passed unanimously.

**d) 2010 BMP C-S Program Report**

Pete Young, Engineer with the Washington Conservation District went through a PowerPoint Presentation with the Managers highlighting the 2010 BMP C-S Program. The presentation included:

- 2010 statistics, including 36 site visits, 10 projects installed, and 5 pounds of phosphorous reduced.
- Before and after pictures of a number of the completed projects.
- A summary table of costs and pollutant reductions that showed we spent \$15,464 dollars, reduced phosphorous by 5 pounds, TSS by 537 pounds, and nitrogen by 12 pounds.
- Overview of 2011 ideas for program marketing and outreach.

Manager Spence commented on the cost or dollars spent per pound of phosphorous. Pete Young commented on the method used to calculate the phosphorous number but noted that although it seems small that 1 pound of phosphorous can produce 500 pound of algae in the lake. Administrator Thomas commented that the average cost per pound for our projects is within the common literature values and pointed out how expensive it can be to retrofit developed areas. Manager Anderson commented that this is very impressive and that we also need to remember that there are multiple benefits from these projects including habitat and aesthetics.

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

**Joel Johns (Bone Lake) C-S Application Request**

Administrator Thomas provided background on the application for a project which will involve the installation of 110 linear feet of shoreline restoration and water quality buffer on the south shore of Bone Lake. The project was ranked by the C-S committee comprised of Manager Lynch and Moe, Administrator Thomas, and Pete Young WCD. The average score was 40 (the minimum eligible score is 35). The estimated cost-share is \$2,887.50 which is based on 50% of the WCD estimate using contracted labor. The cost-share committee recommended approval of the Joel John C-S application in an amount up to \$3,000 not to exceed 50%.

Manager Anderson made the motion to approve the Joel Johns Cost-Share application for 50% cost-sharing not to exceed \$3,000 for a shoreline restoration and buffer project on Bone Lake in Washington County. Second by Manager Moe. Discussion. Upon vote, the motion passed unanimously.

**f) 2011 Pay Equity Report Approval**

Motion by Manager Lynch to accept and approve the attached 2010 Pay Equity Implementation Report and Job Class Data Entry Verification List and authorize its signature by the Board President. Second by Manager Moe. Discussion. Upon vote, the motion passed unanimously.

**g) 2011 Water Plan Update Work Order**

Administrator Thomas and Engineer Tilman reviewed the proposed EOR Scope of Work for completion of the updating of the District's Watershed Management Plan including the remaining tasks, estimated time to complete each task, and the estimated cost.

Motion by Manager Anderson to accept and approve the attached 2012-2021 Watershed Management Plan: Scope of Work for Review Process submitted by EOR on January 7, 2011 and authorizes its execution by the Board President. Second by Manager Spence. Discussion. Upon vote, the motion passed unanimously.

7) **Old Business**

a) ***Watershed Plan Update – Authorize 60 Day Local Review***

Administrator Thomas reviewed his staff memo which outlined the framework that was followed to update the District's Watershed Management Plan along with the number of Technical Advisory and Citizen Advisory Committee meetings and Board Workshops held during the past year to get us to the point of having a draft Plan that is ready for formal review. He noted in his staff recommendation that given the lack of any substantive comments during the last TAC/CAC meeting and Board Workshop he is recommending that the Board accept the draft Plan dated January 2011 and authorizes by resolution the start of the formal review process and set the date and time of the required public hearing.

Motion by Manager Anderson to move resolution 2011-01-01 Authorizing Distribution of Draft Watershed Management Plan Update. Second by Manager Moe. Discussion. President called for a roll call vote. Anderson-yea, Damchik-yea, Lynch-yea, Moe-yea, and Spence-yea. Upon vote, the President declared the Resolution adopted.

b) ***DNR LSCPL Grant Agreement Approval***

Administrator Thomas noted that the District has received the grant agreement from the DNR for the Bone & Moody Lakes Low Flow Velocity Fish Barrier project and that it has been reviewed and found to be acceptable by District legal counsel and is ready for Board action. Administrator Thomas also pointed out the information program that he is working on which will include conducting a couple of meetings with the lakeshore owners and the local governments as the project develops. Manager Anderson commented on the importance of getting this project publicized in the local papers.

Motion by Manager Anderson to authorize the Board President and Secretary to execute the DNR LSCPLL agreement with the Comfort Lake Forest Lake Watershed District for the Bone & Moody Lakes Low Flow Velocity Fish Barrier Project. Second by Manager Spence. Discussion. Upon vote, the motion passed unanimously.

c) ***Sunrise River WQ & Flowage - Project 10-01***

Administrator Thomas gave a brief update on the stage that we are at with the project and then turned the presentation and discussion over to Engineer Tilman to go over EOR's memo regarding the initial feasibility evaluation of possible projects. Engineer Tillman pointed out that the purpose behind the initial evaluation of potential projects is to provide enough information to the Board on each of the potential projects so that at a future meeting the Board would be able to assess and choose the project/s that would move into the final feasibility/engineers report. She then went on to 1) described the potential projects that the engineering team identified as being applicable in the project area and that would meet the project goals, 2) discussed the evaluation method that will be used to gain information that is relative to each project for making comparisons between them, 3) noted that the estimated cost to complete this initial evaluation would be approximately \$7,000, and 4) went through each of the identified projects in the memo.

Manager Moe commented that he would like to see more detail including some estimate of the dollars per pound of phosphorous removal. Manager Spence asked if the Ducharme property was being looked at. Manager Anderson commented that she was not confident at this at this time to pick out which projects to move forward but would rather rely on EOR's expertise on recommending which projects to move forward. Manager Anderson also commented that she believes it will likely be a combination of projects and that we need the engineers expertise to assist in deciding on what is the best thing to solve the problem, including looking at land costs, hotspots, etc.. Administrator Thomas commented that he may have mislead the Board with his earlier remarks and that it was not our intent to ask the Board to select projects at this time but to look to the Board to acknowledge that 1) we have the list of projects, 2) that we have not missed anything, and 3) that the list captures all of the previous discussions. The goal tonight is for the Board to confirm this and that for approximately \$7,100 we would now take the list of projects presented in the memo and undertake an initial feasibility of them and then come back at a future meeting with a recommended project/s and ask for the Board at that time to accept them and then move into the final feasibility/engineers report. Manager Anderson commented that if this is the intent that she was comfortable with the list in the memo and asked what the Board needed to do at this point in time. Administrator Thomas commented that he was looking to see if there is a consensus among the Managers that the list looks acceptable and that we will proceed with having EOR conduct the initial evaluation of the projects as described in the memo. Manager Anderson commented that the one thing she did not see was having the plan serve the multiple interests of wildlife habitat, trails, recreation, and education. She noted that she felt that this is a critical part and will lead to other agency/municipal participation and needs to be kept as a goal. Manager Spence commented that he was comfortable with the list.

#### ***d) Broadway Avenue Enhancements***

Administrator Thomas gave an update on where we are at with adding water quality and volume control enhancements into the Broadway Ave. Reconstruction Project including:

- Preliminary meeting held with Washington County and City of Forest Lake and the project engineer (SRF).
- Meeting with researchers from the UofM's St. Anthony Falls Hydraulic Lab to discuss design consideration for addition of an enhanced iron filter.
- Follow-up discussions with EOR & SRF on design modifications and pollutant load reductions.
- Received preliminary draft technical memo from SRF. Their analysis shows that enhancement features are feasible and constructible and recommends inclusion of them into the final project plans.
- Estimated cost of enhancement is \$67,500 for construction with additional cost for monitoring.
- Estimated benefit is an additional 5.5 lbs of phosphorous plus volume control which has not been calculated at this time.

Administrator Thomas noted that the next step, if the Board is comfortable with the concept and range of cost, would be meeting with the County and City to develop a draft agreement to bring back to the Board for its consideration.

Manager Anderson asked about the phosphorous reduction numbers. Administrator Thomas explained that the addition of the iron enhanced sand filter will increase the removal efficiency from 80% to roughly 90% and that the enhancement will add 5.5 pounds to the current planned removal of 41.5 pounds. Manager Anderson commented that this exceeded her expectation and

that it ties back into the Sunrise River project and how it makes sense to use reserve funds for things like this that come up. Manager Anderson went to comment that we need to get this into the local papers as it shows the progress that we are making on an issue that has been around for 12 years and that it also demonstrates that we can achieve development objectives and water quality objectives at the same time.

Administrator Thomas commented that he will take the discussion as the Board's concurrence to move ahead with developing a draft agreement with Washington County.

**8) 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*

Attorney Holtman noted that he had nothing more to report at this time.

**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 and payroll totaling \$44,931.29. He noted that the amount includes approval for payment of an invoice from Hewlett Packard in the amount of \$1300.01 which came in after the Treasurer's Report was mailed out.

Motion was made by Manager Moe to approve the January 20, 2011 Treasurer's Report and pay the bills and payroll as presented including the payment of \$1300.01 to Hewlett Packard. Manager Spence seconded the motion. Upon vote, the motion passed unanimously.

Treasurer Lynch handed out a summary of various CD rates being offered by banks in the area. Manager Anderson commented that it appeared that the amount of funds available to invest should be higher than what is stated on the handout. Administrator Thomas noted that Manager Anderson was correct and that the date on the handout is wrong and that the balances shown were actually from the end of November, not December. The Board concurred that Treasurer Lynch and Manager Thomas should do some additional checking and to contact The First State Bank of Wyoming directly regarding what they can offer.

**10) Reports of Officers and Manager**

**Manager Anderson–**

Nothing to report

**Manager Damchik–**

Nothing to report

**Manager Moe –**

Nothing to report

**Manager Spence –**

Nothing to report

**Manager Lynch –**

Manager Lynch brought in and commented on past newspaper article on invasive species. He noted that at the last meeting he had commented on efforts to control buckthorn, and garlic mustard which he confirmed was an effort being done along lower Minnehaha Creek between the falls and the river. He also noted recent articles that talked about two reports. The first one is the Water Sustainability Framework Report by the UfoM, and the second was a report on how the Clean Water Fund money is being spent and accounted for. Administrator Thomas noted that the second report was done by the Minnesota Center for Environmental Advocacy.

**11) Adjournment**

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

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Wayne S. Moe, Secretary