

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

Thursday, November 15, 2012

1. Call to Order

The President called the November 15, 2012 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, and Manager Jon Spence

Absent: Wayne Moe

Others: Doug Thomas (CLFLWD), Lisa Tilman and Cecilio Olivier (EOR), Chuck Holtman (Smith Partners) and Mark Lobermier (Wyoming).

2. Setting of Agenda

The President called for the reading and approval of the November 15, 2012 Regular Board meeting agenda. President asked if there were any changes or additions. Motion to approve the agenda was made by Manager Anderson and seconded by Manager Lynch. 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 September 27, 2012 Special Meeting. Motion to approve the September 27, 2012 Special Meeting minutes was made by Manager Anderson and seconded by Manager Lynch. Discussion. Upon vote the motion passed.

The President called for the reading and approval of the minutes of the October 25, 2012 Regular Board Meeting. Motion to approve the October 25, 2012 Regular Board meeting minutes was made by Manager Spence and seconded by Manager Lynch. 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.

5. New Business

a) Wittrock Residential Cost-Share Project Pay Authorization

Administrator Thomas noted his memo in the Board packet. He gave a brief update on the project which has been completed and inspected and signed off on by Andy Schilling from the Washington Conservation District. He also noted that the Wittrock's had constructed the project entirely on their own. The total eligible cost for the project including in-kind labor came out to be \$6,213.59. Based on the Boards prior approval staff recommended approval of reimbursement to the Wittrock's in the amount \$3,000.00.

Manager Spence moved to approve payment of \$3,000.00 to the Wittroc's on successful completion of their water quality rain-garden and shoreland buffer project. Motion was seconded by Manager Anderson. Discussion. Upon vote the motion passed

b) Watershed Management Plan Amendment Adoption

Administrator Thomas noted his memo in the Board packet. He then gave an update on the purpose of the WMP amendment which was to bring the Sunrise River Project Engineers Report into the plan thereby allowing the District to utilize its 103B authorities as a mechanism for project implementation and financing. He also went through the WMP plan amendment process and noted that BWSR had approved the amendment at its October 24, 2012 meeting and that the only step left remaining for the amendment to become final is for the District to formally adopt it and to distribute it to the cites and towns having territory in the District and those that had received a draft copy of the amendment. Staff recommended that the Board pass and adopt resolution 2012-11-01 adopting the WMP amendment in accordance with state statute and rule and to direct staff to transmit a copy of the final WMP amendment to local governments, state review agencies, and those that had received a copy of the draft WMP amendment.

Manager Anderson offered resolution 2012-11-01 and moved its adoption. Motion was seconded by Manager Spence. Discussion. Upon vote the motion passed. The President then called for a roll call vote on resolution 2012-11-01. There being 4 yes's, 0 no's the President declared the resolution adopted.

c) MAWD Resolutions

Administrator Thomas noted his memo in the Board packet. He further commented that the memo is intended to summarize the MAWD resolutions that will be voted on at the Annual Meeting and to offer a staff opinion to provide direction for voting to the Managers that will be attending the meeting. He then went through the three resolutions and suggested CLFLWD position.

Manager Lynch asked about the coal tar sealant resolution and if the state has not already taken a position on them. Attorney Holtman commented that he was not aware of any state prohibition or ban on the use of these products but that many cities have taken action to ban them within their jurisdictions. Manager Spence commented on resolution three and that he did not support the concept of licensing and/or certification of users of motorized watercraft. He further stated that this would seem to be expensive, a nuisance to all involved, and probably not very effective. Manager Anderson concurred with Manager Spence. Manager Lynch asked if a motion was needed on the MAWD resolutions. Administrator Thomas commented that a resolution was not needed and that the purpose of the discussion is for the District's voting delegates to have an idea of how they should vote but that they also would have some flexibility to change their position based on discussions during the resolution process and possible changes to the resolutions at that time. It was the consensus of the Managers to support the MAWD Resolution Committee recommendation for resolutions one and two and to oppose resolution three as recommended by the MAWD Resolution Committee.

d) McCullough Sunrise River Project Land

The President recessed the regular meeting at 6:45 pm to go into a closed session to discuss Bob McCullough's properties in the City of Forest Lake identified by Washington County with the PIN numbers of 0703221110001 & 0803221220001. The President reconvened the regular meeting at 7:05 pm.

6. Old Business

a) Peshorn Ag BMP Monitoring & Maintenance Protocols.

Administrator Thomas noted his memo in the Board packet. He pointed out the two memos from EOR regarding their engineering review and monitoring protocols. Administrator Thomas then pointed out that due to questions regarding the expected life of the iron sand filter that have been raised by EOR he discussed the issue with Andy Erickson from the UofM Saint Anthony Falls Hydraulic Lab prior to the Board meeting. Mr. Erickson offered to assist the District in additional evaluation of the design to make sure that an iron sand filter in this agricultural setting, can have a similar effective life as those being designed for urban settings is feasible. Mr. Erickson also agreed to look at the monitoring methods as well. Administrator Thomas concluded his comments with the suggestion that a decision on the Peshorn project monitoring, operation, and maintenance protocols be delayed until after the Chisago SWCD, EOR, and District have had a chance to meet with the Saint Anthony Falls Hydraulic Lab to review the proposed design and reach a consensus on a design that will provide for a reasonable expected life expectancy of the iron sand filter. It was the consensus of the Board to delay action and to have staff follow-up with the Saint Anthony Falls Hydraulic Lab as suggested.

b) Moody Lake Load Verification – Revised Work Order

Administrator Thomas noted his memo in the Board packet. He commented that the attached work order has been revised to reflect the discussion and direction given by the Board at the October 25th meeting. He briefly described the changes to the three tasks in the revised work order along with the new cost which is \$3,715.00. Staff recommended Board approval of the EOR Work Order, dated November 5, 2012, for additional Moody Lake subwatershed investigation and model refinement.

Motion was made by Manager Spence to approve the EOR Work Order dated November 5, 2012 for additional Moody Lake subwatershed investigation and model refinement and authorize its execution by the Board President. Motion was seconded by Manager Lynch. Discussion. Upon vote the motion passed.

c) Bone Lake Fish Barrier – Final Payment Request

Administrator Thomas noted the EOR memo in the packet and that it represents the final pay request from Rachel Contracting in the amount of \$13,897.95 for the Bone Lake Fish Barrier construction. EOR has signed off on the project and certified that all of the required documentation has been submitted and recommends final payment. He also noted that with final payment the 1-year warranty period for the project starts and that any corrective work required during the warranty period will be secured by the Performance Bond for the project.

Manager Anderson moved to authorize final payment to Rachel Contracting in the amount of \$13,897.95 for completion of the Bone Lake Fish Barrier contract. Motion seconded by Manager Spence. Discussion. Upon vote the motion passed.

d) Update on RFP process and submittals

Administrator Thomas gave an update on the proposals that were received by the November 14th deadline for accounting, legal services and engineering services. The District received two proposals for accounting services from Kathleen Blackford LLC and HLB Tautges Redpath, one proposal for legal services from Smith Partners, one proposal for District Engineer and five proposals for the engineering services pool from MSA, SHE, HDR, WENCK, and HEI. He then suggested that the Board appoint a workgroup to work with him to review the proposals and develop a recommendation for the December 20, 2012 meeting.

Manager Anderson moved to appoint Managers Damchik and Lynch to a workgroup, along with Administrator Thomas, to review the proposals and make a recommendation on consultant selection at the December 20, 2012 meeting. Motion was seconded by Manager Spence. Discussion. Upon vote the motion passed.

8. Report of Staff

Administrator Thomas noted his written report in the Board packet. He also gave an update on the Sunrise Beaver dam situation and the discussions he and Manager Anderson have had with the Comfort Lake Association. He also contacted the DNR regarding having someone come to speak to us at a future meeting regarding beavers in this location and the potential range of water levels that could occur. He also mentioned that he will be contacting Chisago County Sentence to Serve on the advice of the DNR Area Wildlife Manager to see if they would be willing to remove the dam. He then asked the Board if they would be interested in doing some form of volunteer recognition for those individuals who contribute time to the District for its monitoring program and citizen advisory committee. He suggested something along the lines of the weather calendar that is put out each year by the MN Freshwater Foundation. Manager Anderson commented that this is a good idea and that we could also put together a certificate of appreciation to go along with it.

Motion was made by Manager Spence to authorize the Administrator to purchase weather calendars from the Freshwater Foundation for this purpose. Motion was seconded by Manager Lynch. Discussion. Upon vote the motion passed.

Emmons and Olivier Resources (EOR) – Handed out copies of the two poster displays that they presented at this year’s Water Resources Conference that highlighted aspects of the Sunrise River Project.

Smith Partners – Nothing new to report.

9. Report of Treasurer

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 \$57,674.20

Motion was made by Manager Anderson to approve the November 15, 2012 Treasurer’s Report and pay the bills and payroll as presented. Manager Spence seconded the motion. Discussion. Upon vote, the motion passed.

10. Reports of Officers and Managers

Manager Damchik – Asked if Administrator Thomas had any information on replacing the screen at the Forest Lake outlet/dam. Administrator Thomas commented that he is working with Scandia Contracting to get a quote.

Manager Lynch – Commented on a recent article in the Minneapolis paper about the Minnehaha Creek Watershed District and how one member of the Minneapolis City Council wants to change the governance to a Board of appointed elected officials. He further commented that it made him remember some of the same discussion that took place a few years ago in Washington County.

Manager Spence – Nothing new to report

Manager Anderson – Discussed two items she saw in recent newsletters that she had received including a recycling program for fishing line, hooks, etc at public landings by Chisago County and a Score Your Shore program in Burnett County, WI, and suggested we might consider something similar to them for our District. She also commented on a presentation by Dr. Peter Sorenson from the UofM that she recently attended on the new findings and control methods for carp. She then suggested we get Dr. Sorenson to do a similar presentation in our District, that EOR tap into the research, the need for students to assist with additional research via a master program, and that no carp research has been done on rivers.

Manager Moe – Not present.

11. Adjournment

Motion to adjourn the CLFLWD regular Board meeting at 7:40 pm was made by Manager Anderson and seconded by Manager Spence. Upon vote, the motion passed.

Wayne S. Moe, Secretary _____