

**MINUTES OF REGULAR MEETING
OF THE
COMFORT LAKE - FOREST LAKE
WATERSHED DISTRICT
Thursday, August 28, 2014**

1. Call to Order

The President called the August 28, 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 Grasko and Cecilio Olivier (EOR), Jerry Grundtner (CAC member), Margie Schmidt (Scandia resident and Bone Lake Association), Bill Bergeson (Prolific Properties), Richard Fischer (RF Architects), Mark Lobermeier (City of Wyoming), Jay Riggs (WCD)

2. Setting of Agenda

The President called for the reading and approval of the August 28, 2014 Regular Board meeting agenda with the Professional Services RFP moved to consent and addition of the Prolific Properties permit matter. Manager Spence moved to approve the agenda as amended. Seconded by Manager Moe. Discussion. Upon vote, the motion carried 5-0.

3. Consent Agenda

- a) Regular Board Meeting —June 26, 2014
- b) Regular Board Meeting —July 24, 2014
- c) Wolgamot Shoreline Native Plant Buffer
- d) Professional Services RFP

The President called for the approval of the consent agenda. Manager Anderson moved to approve the consent agenda as presented. Seconded by Manager Moe. Discussion. Upon vote, the motion passed 5-0.

4. Public Open Forum

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

5. Public Hearing — Proposed 2015 CLFLWD Budget and Levy

The President opened the public hearing. Administrator Kinney reviewed the 2015 budget. Proposed expenditures are 5% higher than in 2014 with the levy revenue remaining the same. There were no public comments. The President closed the public hearing. Manager Anderson moved to adopt Resolution 2014-08-01 to adopt a 2015 budget of \$1,417,890 and certify a levy of \$755,000. Seconded by Manager Spence. Upon vote, motion carried 5-0.

6. New Business

a) Petron and Schlemmer Native Plant Buffer Cost-Share Applications

Administrator Kinney reported on the cost-share ranking conducted by Andy Schilling for these two adjacent properties on Forest Lake. Although the projects are modest, they do reduce phosphorus. A discussion about other watersheds ranking at a required rate of \$5,000/pound/year was given. Managers' ranking of the projects seemed split with some ranking the projects as meeting the funding criteria (35 points) and two ranking the projects as falling short (35 points). Further discussion included: the need for phosphorus reduction on this lake, which is not formally listed as impaired but is close to not meeting standards and can, however, meet impaired criteria in the summer; ranking is subjective; residents should be encouraged to do more; these will be the first rain gardens in this area of the lake and will set a good example; the ranking criteria for cost-share funding should be reviewed and possibly changed to link cost-share amount to phosphorus reduction. Jay Riggs (WCD) clarified that these projects came out of a rain garden workshop. Normally there is a site visit where a concept is developed based on what the landowner wants to do. Phosphorus reduction is calculated from the concept. If the project is approved for cost-share funding, then WCD staff spends time on a project design. Manager Anderson moved to approve the Petron and Schlemmer cost-share applications for buffer planting projects at the rate of 50% not to exceed \$655 and \$880 respectively. Seconded by Manager Schmaltz. Upon vote, motion carried 5-0.

b) AIS – Comfort Lake Eurasian Watermilfoil (EWM) and Educational Efforts

Administrator Kinney reported that Steve McComas, while surveying Comfort Lake, discovered and reported suspected EWM. The Minnesota Department of Natural Resources (DNR) confirmed this. A resident of the lake also reported a heavy infestation of EWM. Discussion included: The Comfort Lake Association would like to treat the EWM, but the DNR might not permit this because the EWM is amongst lily pads; the infestation likely started at the public access; the District should develop a plan for AIS and spearhead education about and action for controlling AIS with cooperation from lake associations, the DNR and others. If at all possible, the District would like to facilitate treating Comfort Lake for EWM this year. Ms. Schmidt noted that the DNR permitted the Bone Lake Association to treat EWM, which was amongst lily pads. Manager Anderson moved to direct the administrator to use funds from the lake monitoring program and put together a preliminary quote for developing a plan to manage Eurasian

Watermilfoil and other invasive species in District lakes. Seconded by Manager Moe. Upon vote, motion carried 5-0.

Administrator Kinney also reported that on September 3 Washington County is hosting an AIS meeting. He and Manager Schmaltz will attend. Funds for AIS control are available through the Chisago County AIS Prevention Program.

c) City of Wyoming Wellhead Protection Plan Memo

Administrator Kinney reported that he asked EOR to review this plan. EOR highlighted that Wyoming only plans to spend \$1,500 in the next two years on community-wide water conservation education, even though it plans to drill seven to eight new wells. A memo suggesting the city consider more conservation education funding was sent.

7. New Business

a) Office Space

Administrator Kinney reported that the Board of Water and Soil Resources (BWSR) has approved a principal place of business for the District at the new Forest Lake City Hall which is outside of the District boundaries. BWSR considers a watershed district's principal place of business to be the location where its public meetings are held. In addition to office spaces identified in the board packet, other options are an empty office next to the new city hall and the WCD office complex. Mr. Riggs provided an overview of the WCD space. In 2013, WCD, along with two watershed districts, moved to this 10,000 square-foot facility. The building has multiple meeting rooms including training space and a boardroom, plus a library, kitchen, privacy space, staff room and a warehouse. The shared space provides the opportunity to share staff expertise and equipment such as the computer network and BMP database. There are several empty spots: three enclosed offices and four cubicles. The travel time from Forest Lake City Hall to the WCD office is about 30-37 minutes depending on traffic. Further discussion was moved to item 9b.

b) Bone Lake Fish Barrier Update

Administrator Kinney reported that he and Mr. Graske continue to work on the fish barrier project. They met with Dr. Peter Sorenson to better understand carp behavior and stoplog management. Dr. Sorenson offered to review the fish barrier management plan and provide comments. Mr. Graske stated that he will start drafting the plan, which also will be sent to the DNR for review. Under present water conditions, the system seems to be working. The report will be provided in October. Administrator Kinney added that the County fabricated and posted a new public boat launch sign.

c) Penshorn Iron Sand Filter

Administrator Kinney stated that he and Mr. Graske have been working with the owner and experts to try to resolve the issues. Staff from the Minnesota Pollution Control Agency (MPCA) made a site visit and the University of St. Thomas did some soil analysis at no charge. Mr. Graske reported that the videographer ran a camera up the drain tiles and found two locations with crushed tiles. This indicated a potential installation issue, which could be anything from the tile was buried too deeply, it was inadequately covered or had improper bedding. Both the contractor and Chisago Soil and Water Conservation (CSWCD) staff were on site during the videotaping. Mr. Graske and the contractor agreed it is most cost effective to replace the tile. The soil boring results from the University of Minnesota, which were expected two weeks ago, will help determine if the sand/iron mix is correctly proportioned. The landowner is anxious to get the work done and would like better drainage in the front area. The Managers agreed that the report identifying the issues and solutions must be completed before remediation can begin. Manager Anderson would like to understand the allocation of responsibility for the present condition.

d) Target Project

Administrator Kinney reported that the project should wrap up in this week. He noted that the system does not drain properly because the City of Forest Lake has not performed routine maintenance on the regional stormwater swale into which the project outlets. Target has been asking the city to clean the system for four or five years and is frustrated. EOR estimated that maintenance would cost between \$5,000 and \$7,500, which City Administrator Aaron Parrish recently indicated he would be willing to cover. Manager Anderson asked about the impact on other downstream projects and the District's legal position when projects are hindered by a city/community not doing its part. Mr. Holtman stated: 1) Forest Lake is bound by its MS4 stormwater permit to maintain its stormwater treatment facilities, which is issued and enforced by the MPCA; 2) if the conveyance were subject to a District permit, then that would be another legal basis. 3) Absent a District permit, we are looking at the Target project agreement. Mr. Holtman does not think there was an explicit obligation of the city to maintain its down-gradient conveyance. 4) There certainly is an implied basis in the agreement to argue the city has an obligation. Although the city's maintenance is discretionary, if lack of maintenance results in upstream project damage over time and the city was aware of this, then there is some legal basis. Mr. Holtman also asked if the project incorporated an iron-sand filter and, therefore, was at risk of damage due to anaerobic conditions if the downgradient swale backed water up, much like the Penshorn project. Mr. Graske answered in the affirmative. Managers agreed that working with the city is the best approach. Manager Anderson noted that the District has also been waiting for 7 years for the city's storm sewer map.

Administrator Kinney added that EOR staff is being funded through a grant the WCD received from BWSR to help LGUs put together a LID framework for dealing with MS4 infrastructure at no cost to the cities or the District.

e) Prolific Properties Variance

Administrator Kinney introduced Mr. Bergeson, one of the owners of the Prolific Properties at 167 N Lake St., and Mr. Fischer, his architect. Mr. Bergeson stated that a District permit is needed to redo concrete on the property. They have done everything in their ability to create as much pervious surface on the property that the city would approve. He distributed the updated site plan and highlighted the two permeable planters, the replacement cement slab that will be sloped for drainage and the site constraints. Mr. Fischer reviewed the plans and answered questions from the board. They are looking for direction from the District and coordination with the city and are willing to do what they can to increase permeability.

Mr. Graska stated that he has not had a chance to review the new plans that were just submitted. He noted that Prolific Properties is creating more permeable surface than was there, but still will not meet District rules. He noted that the difficulty here is the small, highly constrained property within the city core and suggested that this sort of situation is likely to recur as the area redevelops. Mr. Holtman advised the board that it needed to make a decision on the requested variance and then a separate decision on permit approval. He advised that under the District's variance rule, the board must find that there is a unique feature of the property that would cause compliance with the rule to present an undue hardship to the applicant, and further that the variance is in keeping with the spirit and intent of the rules. He added that this last criterion typically means that the applicant must do what is feasible to meet the rule to the extent possible Manager Anderson moved to approve a variance on the finding that Prolific Properties has a unique property configuration with constrained space that makes it an undue hardship to meet the District rules, and on the condition that the District engineer determines that all reasonable elements to provide phosphorus loading, rate and volume management have been incorporated and will be maintained. Seconded by Manager Moe. Discussion. Upon vote, the motion passed 5-0.

Administrator Kinney was advised that the permit approval would be placed on the September meeting agenda.

8. Report of Staff

a) Administrator

Administrator Kinney asked for questions on his report. Manager Anderson reiterated that it is essential to get information for community meetings out in a timely fashion and keep the Board informed.

b) Emmons & Olivier

Mr. Graska stated that, as a continuation of the Prolific Properties discussion, when an applicant has done all that is possible, but still cannot meet District rules

there is a provision for the applicant to contribute to a Stormwater Impact Fund for downstream improvements. The fund has not been set up. Manager Anderson requested this be presented at the next meeting. Administrator Kinney added that he anticipates the City of Forest Lake will ask the District to look at the downtown as a whole. Mr. Holtman stated that the District rules also allow for a regional stormwater plan that could be funded by the city's stormwater fees. Manager Anderson stated that she would like guidance from staff.

Mr. Graske reported that he and Administrator Kinney found old documents and contacts about installing an aeration system on Moody Lake. The cost was \$11,000-12,000 for the system. Electrical service, storage space and installation would be additional. The project was approved and is in the budget. Managers directed staff to implement the plan.

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. He asked for a motion to approve the report and pay the bills. Manager Moe moved to approve the August 28, 2014 Treasurer's Report and pay the bills and payroll as presented in the amount of \$58,800.30. Seconded by Manager Schmaltz. Upon vote, the motion passed 5-0.

b) Office Space

Manager Anderson recommended that Administrator Kinney enlist a real estate agent to find a property, while pursuing the option to stay in the Forest Lake City Hall office for a year. The Managers agreed the WCD office would be too far away as a matter of staff time and constituent accessibility.

10. Report of Officers and Managers

- Manager Schmaltz reported that he volunteered at the WCD table at the Washington County Fair. Only about 10-12 people came by, though the day before was busier.
- Manager Spence reported that he and Manager Anderson will co-host a Comfort Lake Association open house on September 6. Presentations will be made by Angie Hong, Administrator Kinney on AIS and District plans for Sunrise River and Erik Anderson of WCD, along with a picnic and pontoon parade to showcase shoreline projects and EWM.
- Manager Moe suggested pursuing grants and working with local governments to promote no-till, use of cover crops and reduction of fertilizers to farmers. An incentive to farmers could be provided to encourage adopting new practices.
- Manager Damchik reported that water is still going over the dam.

- Manager Anderson distributed a Shoreview Press article about the Ramsey-Washington Metro Watershed District watershed excellence awards. She suggested discussing an awards program at a future meeting.

11. Adjourn

Manager Anderson moved to adjourn the CLFLWD regular Board meeting at 9:04 p.m. Seconded by Manager Moe. Upon vote, the motion passed, 5-0.

Wayne S. Moe, Secretary _____