

**MINUTES OF REGULAR MEETING  
OF THE  
COMFORT LAKE - FOREST LAKE  
WATERSHED DISTRICT  
Thursday, July 24, 2014**

**1. Call to Order**

The President called the July 24, 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 (EOR), Jerry Grundtner (CAC member), Margie Schmidt (Scandia resident and Bone Lake Association), Dan Fabian (Board of Water and Soil Resources), Mark Lobermeier (City of Wyoming)

**2. Setting of Agenda**

The President called for the reading and approval of the July 24, 2014 Regular Board meeting agenda. Manager Moe requested that discussion of staffing be added to Report of Managers. 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) Permit 14-007 Husnik Single Family Home Buffer and ESC Requirement
- b) Chisago County Children's Water Festival

The President called for the approval of the consent agenda. Manager Moe moved to approve the consent agenda as presented. Seconded by Manager Schmaltz. Discussion. Upon vote, the motion passed 4-1.

Manager Anderson stated that there was not consensus on the agenda. Mr. Holtman stated that a motion to reconsider the consent agenda could be made. Manager Moe moved to reconsider the consent agenda. Seconded by Manager Spence. Upon vote, the motion passed 5-0. Manager Anderson then moved to approve and amend the consent agenda by moving item a) Permit 14-007 to New Business. Seconded by Manager Moe. Upon vote, the motion passed 5-0.

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

The President asked for public comments. Dan Fabian introduced himself as a board conservationist with the Board of Water and Soil Resources (BWSR) and formerly as a senior engineer with EOR.

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

**a) Permit 14-007 – Single Family Home Buffer and ESC Requirement Request**

Mr. Grasko introduced the proposed project for construction of a single home in the City of Forest Lake. This project exceeds the city's 25 percent impervious maximum and necessitates a variance. The percent of impervious surface triggers the District's buffer rule. Other District rules triggered are erosion control and fees. Mr. Grasko clarified that a plan including buffer designs was received, but not attached to the permit application memo he provided.

Manager Moe moved approval of permit #14-007 pending receipt of three items: 1) District approval of buffer declaration before signing and proof of recording with the County, 2) Submittal of proof of recording of buffers with the County and 3) Additional permit deposit of \$1,000 for erosion control. Seconded by Manager Anderson. Discussion. Upon vote the motion carried 5-0.

**b) Permit 14-008 - 167 North Street Variance Request**

Agenda item withdrawn at applicant's request.

**c) Personnel Policy Manual Proposal**

Administrator Kinney stated that at the last meeting he was directed to bring a personnel policy manual proposal to the board. Manager Anderson moved to approve the proposal by Ellen Hinrichs and authorize an expenditure not-to-exceed \$4,000 to create and deliver a Personnel Policy Manual. Seconded by Manager Moe. Upon vote, the motion carried 5-0.

**d) Office Space**

Administrator Kinney requested clarification on the type of space he should be seeking. The District has approval from BWSR to office in Forest Lake City Hall, which is outside the District. A new approval would be needed from BWSR for a different location outside the District. Suggestions provided included: meeting space that accommodates workshops, conferences, board and daily meetings; reception area; location preferably in the District or near the City of Forest Lake to foster a closer working relationship with the city; a site that meets District water regulations and accommodates future office expansion; the second floor of the new State Farm building or other such buildings. Managers Schmaltz and Anderson requested that Administrator Kinney provide a list of recommended requirements. Manager Anderson would prefer the offices to be within the District boundary but the new Forest Lake City Hall would offer the District constrained space. Mr. Holtman clarified that under State statute watershed

district offices should be within their district boundaries. However, if a suitable location is not available the office can be outside the district. BWSR is the arbiter as to what is suitable. The Board asked Mr. Kinney to return with a space plan.

**e) 2015 Budget**

Administrator Kinney provided the revised budget from the workshop. This is the opportunity to provide further input. Suggestions and discussion: Is \$5,000 for Direct Facilities Maintenance (item 605-4952) enough? The contractor for the electric fish barrier (item 605-4951) indicated there are some maintenance needs including signs, cover for the south culvert and the generator, which might not be reflected in the budget. Is maintenance, such as plantings and signage, included in Bone Lake budget item 614? Administrator Kinney noted that there is potential grant money from the Minnesota Department of Natural Resources for this project, but funds will be included in the budget with or without a grant. He also noted that there is potential to leverage grants for other projects such as the deep core sediment analysis. It was clarified that H&H modeling (item 605-4420) is a carryover, as are Forest Lake Water Quality Pond Retrofit and the Sunrise Regional Stormwater Project Implementation / Management (Wyoming Wetlands) with the focus on Bixby Park and/or possible reallocation to other projects. Manager Anderson stated that until a solid plan for maintenance work is received from EOR, she is comfortable with \$87,000 for this item. Overall, it was noted that the budget philosophy is to keep the levy stable.

Margie Schmidt asked about phosphorus reduction projects for Bone Lake. Manager Schmaltz stated that Moody Lake and several tributaries to Bone Lake have been identified as the primary inputs to Bone. Almost \$200,000 has been allocated this year to improvement projects that affect Bone. In addition, the District seeks willing farmers to implement best management practices and works with lake associations to educate and encourage buffers.

Jerry Grundtner requested funding public outreach and communication to educate the public about what they should be doing especially related to invasive species and water quality and what the District is doing for water quality. It was clarified that the District participates in the East Metro Watershed Resource Education Program (EMWREP item 606-4811). The program is coordinated by Angie Hong. Activities include lake open houses and neighborhood meetings to involve local folks in water issues, articles/columns in local newspapers and workshops on issues such as shoreline plantings and invasive species. Last year the District published a newsletter that was mailed to every property owner in the district.

**6. Old Business**

**a) Bone Lake Fish Barrier Update**

Administrator Kinney provided an update on what transpired last month. The Minnesota Department of Natural Resources (DNR) discussed moving the public access sign with the City of Scandia. Andy Schilling (WCD) conducted another

site visit to reevaluate the area and develop a more appropriate planting plan. Administrator Kinney will meet with the Bone Lake Association to provide a preview of the new planting plan. He and Margie Schmidt discussed meeting regularly to continue communications on issues. Manager Anderson requested the planting plans and timeline to which Administrator Kinney said he would follow up with WCD. Mr. Graske reported on the flow tests and maintenance work. EOR is starting to think about a management plan to prevent carp from migrating. It appears the barrier at the inlet from Moody Lake is doing its job. The stoplogs have been replaced at the outlet barrier so there is no carp passage now.

**b) Peshorn Iron Sand Filter**

Administrator Kinney reported on his recent site visits. Overall the system is not functioning, with just a trickle of water coming out of each pipe. He directed the contractor to pump out the lower pond area and located a company that can videotape both pipe systems for about \$1,000 to see if there is a collapsed pipe. This is a joint project: the District installed one pipe and the landowner installed the pipe outletting to the lower pond. Horses are in the lower pond pipe area, as is a large windrow of manure. Administrator Kinney is trying to get information and assistance from Andy Erickson of the University of Minnesota St. Anthony Falls Lab, the Minnesota Pollution Control Agency, the St. Croix Water Resources Station, BWSR and the Chisago Conservation District—designers of the project. He is trying to get core samples to assess if suspended solids (manure) might be causing the system to fail. Other problems could be the inability of the system to dry out between rain events and the iron concentration being too high. It was noted that neither Administrator Kinney nor EOR was involved with the original project design and inspections of the installation. EOR, by District request, designed the iron enhanced pretreatment berm. Mr. Graske said that the District engineer was not notified when construction was undertaken. Manager Anderson stated that this is an engineering problem that needs fixing and the District engineer should take the lead on this. Manager Moe stated that the landowner was supposed to have a manure management plan, along with this BMP. These requirements were noted in the District's March 2013 minutes. Following legal counsel's advice, Administrator Kinney was directed to task the District engineer with working on fixing the project. Manager Anderson asked that attention be paid to ensuring a manure management plan is in place and followed as the agreement requires.

**7. Report of Staff**

**a) Administrator**

• Minutes

Administrator Kinney stated that the draft June minutes were 15 pages long, which were edited down to nine pages. The past contractor has no experience with watershed districts and lacks familiarity with terminology. Mr. Holtman stated that there are two issues with the current minutes: length and detail, plus

coherence. He offered language for a motion. Manager Moe moved that the administrator, in consultation with the Board President and on advice of counsel, is authorized to terminate the existing contract for preparation of minutes as its terms may allow and to enter into another contract for such services within the existing administrative budget. Second by Manager Schmaltz. Upon vote, the motion carried 5-0.

- **Prioritization**

Administrator Kinney asked for direction from the Board on prioritizing work. He would like to see a more deliberate work plan that includes an estimate of time to complete tasks and task prioritization. There has been a large influx of permit activity and questions about permits. There is conflicting information as to whether or not the City of Forest Lake informs permit applicants that a District permit is needed until the end of the city process. The subsequent result puts pressure on District staff to process permits quickly. Discussion included the following. It is clearly spelled out in the District rules that permit materials must be provided 30 days before the District's regular board meeting. The District and city should work together including adding a District permit to the city checklist; holding weekly or regular meetings between District and city staff; having the Administrator delegate more to the District engineer; discussing with the city adding erosion control plans to its permit, with the District providing oversight; insuring forms on the District website have the correct contact information and bringing these issues to the city administrator and staff at next Tuesday's meeting.

Manager Moe requested that board packets be provided in a timely fashion and in hard copy.

- **BWSR Targeted Watershed Demonstration Program**

Nominations are due on August 29. Administrator Kinney will work with Mr. Graske to consider nominating an area such as the Bone Lake drainage area.

- b) **Emmons & Olivier**

Mr. Graske reported that there is a lot of permit activity this month and the Target project has been delayed a few weeks due to staff turnover.

- c) **Smith Partners** - Nothing to report.

## 8. Report of Treasurer

- a) **Approval of Bills**

Treasurer Spence presented the Treasurer's Report and bills to be paid and noted that all appropriate transfers have been made. He asked for a motion to approve the report and pay the bills. Manager Anderson moved to approve the July 24, 2014 Treasurer's Report and pay the bills and payroll as presented in the amount

of \$72,739.05. Seconded by Manager Moe. Discussion. Upon vote, the motion passed, 5-0.

## **9. Report of Officers and Managers**

Manager Moe: Staffing was discussed under the Administrator's report.

Manager Damchik: Nothing new to report

Manager Anderson: Asked for clarification on the contribution to the Children's Water Festival. The District historically donated \$2,000.

Manager Schmaltz: Reported that he volunteered for a three-hour shift at the Washington County Fair.

Manager Spence: Reported that he, Manager Anderson and Angie Hong are planning a Comfort Lake open house on September 6 to get neighborhood folks together.

## **10. Adjournment**

Manager Anderson moved to adjourn the CLFLWD regular Board meeting at 8:35 p.m. Seconded by Manager Moe. Upon vote, the motion passed, 5-0.

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Wayne S. Moe, Secretary