

**MINUTES OF REGULAR MEETING
OF THE
COMFORT LAKE - FOREST LAKE
WATERSHED DISTRICT
Thursday, September 25, 2014**

1. Call to Order

The President called the September 25, 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 and Treasurer Jon Spence

Absent: Manager Stephen Schmaltz

Others: Mike Kinney (CLFLWD District Administrator), Chuck Holtman (Smith Partners), Greg Graske (EOR), Jerry Grundtner (CAC member), Margie Schmidt (Scandia resident and Bone Lake Association), Julie Peshorn, Mark Lofstrom and Bill Keilty (residents), Mark Lobermeier (City of Wyoming), Steve McComas (Blue Water Science) and Debbie Meister (MMC)

2. Setting of Agenda

The President called for the reading and approval of the September 25, 2014 Regular Board meeting agenda. Manager Anderson moved to approve the agenda as amended. Seconded by Manager Moe. Discussion. Upon vote, the motion carried 4-0.

3. Consent Agenda

a) Regular Board Meeting —August 28, 2014

President Damchik moved to approve the consent agenda as presented. Seconded by Manager Spence. Discussion. Upon vote, the motion passed 4-0.

4. Public Open Forum

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

5. New Business

a) **Stormwater Impact Fund**

Mr. Graske reported that with direction from the Board at last month's meeting, he investigated runoff sources and potential costs of creating volume reduction projects. He reviewed Minnesota Department of Transportation (MnDOT), Minnesota Pollution Control Agency (MPCA) and the City of Forest Lake reports on the construction costs of stormwater projects. He reviewed guidelines of the Ramsey-Washington Metro and

Capital Region watershed district's stormwater impact funds that assess fees at \$40,000/acre. He recommended adopting the \$40,000/acre fee structure with the acknowledgement that adjustments might need to be made later when actual costs, such as maintenance and engineering, become apparent. Projects are based on a 20-year life expectancy and the maintenance agreement is attached to the property. Maintenance costs, as estimated in the MPCA study, are 3.5 – 8 percent of construction costs. Manager Anderson clarified that the permit program, the Sunrise River project and capital plan reference a stormwater fund. Manager Anderson moved to adopt Resolution 14-09-01 establishing a Stormwater Impact Fund and fee. Seconded by Manager Moe. Upon roll call vote, there were 4 ayes. Manager Schmaltz was absent.

b) Prolific Properties Permit Request

Mr. Graska stated that last month the Board granted a variance to the permit applicant. The applicant is now seeking a permit to add drain tile connections from the tree planter to a downstream conveyance. Manager Moe moved to approve permit #14-008 with the engineer's recommendations and conditions. Second by Manager Anderson. Discussion. Upon vote, the motion passed 4-0.

c) 12166 228th St. N., Scandia - Buffer Rule Determination

Mr. Graska stated that the applicant is proposing to add a small deck on the back of the house. They requested and received a setback variance from Scandia. The question before the Board is: Does the variance trigger the District buffer rule? If not, then no permit is required. Mr. Holtman clarified that there are several different ways to trigger the buffer rule including a city setback variance for a new primary use structure. Within the rules there is, however, a provision that the Board can make a judgment on whether the proposed construction will have an adverse measurable impact on a lake and thus require a permit. Mr. Graska stated that per his review, the proposed deck will not likely have an adverse impact. Based on the engineer's review, Manager Moe moved that because the deck will not have a measurable adverse impact on the lake, no permit is required. Seconded by Manager Spence. Upon vote, the motion passed 4-0.

6. New Business

a) Peshorn Iron Sand Filter

Mr. Graska reviewed the results of the camera assessment that revealed two locations with crushed drain tiles. He reported that soil testing found low levels of organic content and grain-size distribution within the expected range. The iron content, although variable, was consistently high with a range of about 7.7 to 23 percent by weight. Mr. Graska recommended replacing the damaged portion of the tile line (estimated cost \$750); removing 50 percent of the iron-sand and remixing it with clean sand (estimated cost \$1,000); adding an emergency overflow surface inlet on the iron-sand filter (estimated cost \$500) and installing a surface inlet to replace the blind inlet and surrounding the inlet with boulders to keep horses away (estimated cost \$1,500) for a total of \$3,750. Discussion focused on who is responsible —the contractor, Chisago Soil and Water Conservation District (SWCD), EOR and/or the District—for the problems and repair costs. The contractor is willing to waive some costs to remove and remix the iron-sand, which was not mixed to specifications. Manager Moe stated that the costs

should be split between the contractor, SWCD and the District. Determining if the drain tile was installed correctly will need to wait until the tile is excavated. Manager Anderson referred to the October 2012 meeting minutes where the original design did not include the district engineer looking at it but then later had them review the design and they recommended some modifications. And then when the project was started, the district engineer was not called to oversee the construction. The District needs to proceed to evaluate if construction was done properly.

Manager Anderson moved to proceed with the engineer's repair specifications, authorize the administrator and attorney to negotiate for repairs with the contractor and direct the District engineer to be onsite when the site is excavated and the repair work is done. Seconded by Manager Moe. Discussion. Upon vote, the motion passed 4-0.

Manager Anderson stated that Peshorn is a demonstration site and we need to fix the project. This is a unique project and we want it to work. Manager Moe inquired of Ms. Peshorn if she had a manure management plan. She stated she worked with the SWCD to do what was needed. The unusual 100-year flood brought problems to light earlier than they may have otherwise. Managers further stated that the Board had concerns about the on-going maintenance and the need to monitor this closely.

c) District Wide Aquatic Invasive Species (AIS) Action Plan Proposal

At the Board's request, Steve McComas presented a proposal for developing a comprehensive AIS plan for the District's six major lakes. He stressed the District's proactive district-wide approach is unique and that responses to date have been reactive. His proposal outlined costs for conducting lake sediment surveys, sampling water chemistry and preparing a comprehensive AIS report for each lake. Lake sediment samples will be critical to understanding what AIS species will survive in the various lakes or in what parts of the lake. Mr. McComas explained that while the sediment survey is expensive, it provides many other insights such as substrate conditions and phosphorous-release potential that can be used for TMDL planning and other projects. He noted that eradicating AIS has a low probability, but it can be managed. He also noted that maintaining water quality and healthy, robust native plants in the littoral area is important.

Manager Anderson moved to accept the Blue Water Science (BWS) proposal and authorize BWS to proceed with the plans not to exceed \$21,700. Seconded by Manager Moe. Upon vote, the motion passed 4-0.

d) Bone Lake Fish Barrier Management Plan

Mr. Graska provided a preview of the barrier plan that will include stop log management, a maintenance plan including temperature triggers and adjustments and inspections including when and by whom. The Department of Natural Resources (DNR) has reviewed the plan. Comments from Peter Sorenson of the University of Minnesota should be received in the next few weeks. Mr. Graska will notify the CSWCD about the plan and provide the final document at a future meeting.

f) WCD Bone Lake Planting Plan

Administrator Kinney reported that the WCD drafted a landscape plan that he and the lake association reviewed. The Washington County traffic engineer, after reviewing the plan, opposed the plantings because of safety issues. He was also concerned about fixed objects such as guardrails, mature trees and fence posts within 30 feet of the travel lane. Margie Schmidt stated that she was very disappointed with the county response after all the work that has been done. She noted that Administrator Kinney was the only District administrator mentioning that the county would need to approve the plan. She recommended a joint meeting with the decision makers including key county departments, the DNR, the District and the WCD and asked that the lake association be invited. Ms. Schmidt stated that re-vegetating the area was important for water quality and aesthetics.

g) Office Space

Administrator Kinney reported that one realtor he approached declined to assist in the office search. Because the city is planning to winterize the building after it vacates the offices, it prefers that the District also vacates the space. If the District remains, it would be responsible for utilities and maintenance. The city administrator offered office space in its new city hall, for a limited time. Other office space options discussed included renting space at Kodiak Coffee (larger space with a competitive rate); purchasing the current building, which necessitates arranging an inspection, environmental assessment and appraisal; and searching for space in other commercial areas around the district. It was agreed that Manager Anderson will provide Administrator Kinney with names of brokers and she, along with Manager Schmaltz will provide feedback on potential office locations.

h) Target Project

Administrator Kinney reported that he and Target have made multiple requests to the City of Forest Lake to cleanout the swale. He and Manager Schmaltz met with City Administrator Parrish and he has exchanged emails with the MS4 coordinator. He reported to Mr. Parrish that the Minnesota Conservation Corps (MCC) is available to do maintenance in October or November. The District has agreed to coordinate the work and bill the city for MCC's time. Mr. Parrish stated that the design of the conveyance system is not conducive for maintenance. Mr. Holtman, when asked if the District can do the work and bill the city for it, replied that the District cannot and must wait for the city to do the work. However, the City would be responsible for damage to the District's structural project by not maintaining their portion of the conveyance system.

Manager Anderson moved to authorize the administrator and attorney to draft a letter to the City of Forest Lake explaining the importance of the city maintaining the conveyance swale that is part of a \$250,000 system and impacts a very expensive project. Seconded by Manager Moe. Discussion. Upon vote, the motion passed 4-0.

Administrator Kinney noted that he suggested to Mr. Parrish that a joint District-city council meeting be held to communicate about the Target project and other watershed issues. It was agreed the Board and new Forest Lake City Council would meet in early 2015 subject to the new City Council approval.

i) Bixby Park Land Use Agreement

Administrator Kinney reported that he and Mr. Holtman have been reviewing Forest Lake's request for stormwater and wetland credits. In Board discussion a number of issues were raised that need clarification, including clean water funding restricts credits (restored wetlands are not eligible for credits); the city has been discharging into Comfort Lake without a permit and lost a 1994 lawsuit regarding these discharges; until the land use agreement is finalized, the Bixby Park project is at a standstill; and the city would need to build its own treatment system without this project. Mr. Holtman stated that the framework of the agreement proposed is that the District will design and maintain the system. The city will use the system and will be a part of the project as an agency collaborator rather than as a private landowner. Mr. Holtman further reported that in initial comments on the agreement, the city approved the concept. Other issues raised included clarifying Forest Lake's assigned load reduction, in the TMDL Implementation Plan and the relationship between the TMDL plan and the city's MS4 requirements. It was agreed that a joint District-city session would be proposed after the election to educate the new officials about this project and other water issues, plans, reports and requirements. It was also agreed that Administrator Kinney and Mr. Holtman will continue to try to move the agreement forward while investigating legal options including talking to the city attorney.

7. Report of Staff

a) Administrator – Nothing to report beyond the provided notes.

Manager Anderson asked that meeting reference points and dates be added to the report to provide context and help with understanding the work load. She added that the website update was appreciated, but overall the site needs more work. Manager Spence asked that bigger fonts be used on the accounting report.

b) Emmons & Olivier - Nothing to report.

c) Smith Partners - Nothing to report.

8. Report of Treasurer

a) Approval of Bills and Treasurer's Report

Treasurer Spence presented the Treasurer's Report and bills to be paid. Manager Spence moved to approve the September 25, 2014 Treasurer's Report and pay the bills and payroll as presented in the amount of \$48,515.17. Seconded by Manager Moe. Upon vote, the motion passed 4-0.

9. Report of Officers and Managers

- Manager Anderson reported that the Comfort Lake Association members are motivated to help remove the Eurasian watermilfoil identified in early fall.

10. Adjourn

Manager Anderson moved to adjourn the CLFLWD regular Board meeting at 8:45 p.m.
Seconded by Manager Moe. Upon vote, the motion passed 4-0.

Wayne S. Moe, Secretary _____