

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

**Thursday, May 26, 2011**

**1) Call to Order**

The President called the May 26, 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, Manager Jon Spence

Absent: Treasurer Tom Lynch

Staff: Doug Thomas (CLFLWD), Lisa Tilman (EOR), and Chuck Holtman (Smith Partners)

Other: Mark Lobermeier (City of Wyoming)

**2) Setting of Agenda**

The President called for the reading and approval of the May 26, 2011 regular Board meeting agenda. President asked if there were any changes or additions. Manager Anderson requested that an agenda item be added under new business to discuss scheduling of the Administrators performance evaluation. Motion to approve the agenda as amended was made by Manager Anderson and seconded by Manager Spence. 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 April 28, 2011 regular Board meeting. Motion to approve the April 28, 2011 regular Board meeting minutes was made by Manager Anderson and seconded by Manager Moe. Discussion. Upon vote, the motion passed.

**4) Public Hearing on the Proposed 2012-2022 CLFLWD Watershed Management Plan Update**

President Damchik called the public hearing to order at 6:35 pm. He read and opening statement including defining the purpose of the hearing which is to get public comment on the District's draft Watershed Management Plan Update before it is sent into the MN Board of Water and Soil Resources to start the final Sate review and approval process. After the opening statement he asked if there was anyone present that wished to comment on the Plan. Hearing none the public hearing was closed at 6:45 pm.

**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. Hearing none the President closed the public open forum.

## **6) New Business**

### **a) 2010 Stream Monitoring Report – Erik Anderson, Washington Conservation District**

Erik Anderson handed out copies of the CLFLWD 2010 Monitoring Report and gave a presentation on the results of the 2010 monitoring of the streams in the District. His presentation highlighted the following items:

- Location of 2010 sites.
- Stream and lake total phosphorous and flow data.
- Addition of the Bone Lake inlet site as a long-term site in 2010.
- Due to poor conditions of the Moody Lake outlet site it was dropped and equipment was moved back to the Greenway Ave. site which had been monitored once in 2008. This site is just upstream of Shallow Pond.
- Reviewed the stream and lake flowchart and explained how it reflects summer averages for the lakes and shows the loading from the different sub-watersheds in lbs/acre this year as well as total pounds of phosphorous.
- Went through the graphs and loading tables for each of the sites. Discussed possible reasons for the higher than normal loading seen in 2006 for the Little Comfort Lake site. He also pointed out the County Line site and how it represents two monitored sub watersheds that come together upstream and compared the results at the County Line site to the Bixby Park and Forest Lake outlet sites.

Administrator Thomas asked if the results at the County Line site is from possible treatment occurring in the Bixby Park ponds or is it just the mixing of poorer quality and better quality water and the different volumes from the two sites. Erik responded that it may be a combination of both and that since there is not a monitoring station prior to where the Sunrise River coming out of Forest Lake intersects with the former JD1 it is hard to say which is exactly occurring. Manager Moe commented about the City compost site and whether it could be contributing phosphorous since composting breaks down the organic material and makes phosphorous available. Manager Anderson asked about Heims Lake and pointed out that we do not have a site which monitors what is coming out of this area via a lateral ditch west of Hwy 61 that enters the Sunrise north of the County Line site and thought we should take another look at this area for monitoring. Administrator Thomas noted Managers Anderson comment and that he will discuss this with Erik as he works on the 2012 monitoring program and budget. Manager Spence asked about Shallow Pond and given all of the speculation on whether it was a source or sink for phosphorous should we be considering this in the development and implementation of our long term monitoring plan. Manager Anderson commented about Moody Lake and whether Moody Lake was in fact a lake or is it a big bowl in a series of connected wetlands. Erik pointed out the reasons for not being able to monitor this year which is primarily a result of high water conditions and the lack of a defined channel to monitor in. Administrator Thomas pointed out that Moody Lake by definition is a deep lake and is inventoried as such by both the DNR & PCA. He also commented that the lake is 48 feet deep which makes it more than a wetland.

### **b) BMP Cost-Share Applications**

#### **Bull – Residential BMP C-S Project**

Administrator Thomas presented the Bull Cost-Share application for the Board's consideration. The project which is located at 908 12<sup>th</sup> Ave. SE, Forest Lake, MN is a shoreline water quality buffer planting that drains to Forest Lake 1 (west basin). The project will intercept and treat runoff from the back half of the roof and backyard. The project was ranked by Managers Lynch and Moe, Administrator Thomas, and Pete Young (WCD) and recommended to be funded. Staff recommended approval of the Bull Residential

BMP Cost-Share Incentive Program application for a shoreline water quality buffer planting at the rate of 50% not to exceed \$3,000.

Manager Moe made the motion to approve the Bull Residential BMP Cost-Share Incentive Program application for a shoreline water quality buffer planting at the rate of 50% not to exceed \$3,000. Motion was seconded by Manager Spence. Discussion. Upon vote, the motion passed.

**c) 2010 Annual Report**

Administrator Thomas noted his staff memo that was included in the Board packet regarding this agenda item and commented that the Board needed to accept the report and instruct staff to submit it to the required entities identified in both M.S. 103B and 103D. He also noted that copies of the report will be sent to all of our member cities, towns, SWCD's, counties, and the CAC as well as posted on the District web-site.

Manager Anderson made the motion to accept the attached 2010 Comfort Lake Forest Lake Watershed District Annual Report and 2011 Work Plan and authorizes staff to submit it to the State agencies pursuant to MS 103B and 103D. Motion was seconded by Manager Moe. Discussion. Upon vote, the motion passed.

**d) 2010 Audit & Findings**

Administrator Thomas noted his staff memo that was included in the Board packet regarding this agenda item. He pointed out that the audit comes with an un-qualified opinion which is the highest opinion that we can receive. He pointed out and discussed the three issues/deficiencies that were identified in the report along with the management response for each.

Manager Spence made the motion to accept and authorize filing of the Comfort Lake Forest Lake Watershed District 2010 Financial Report and Audit. Motion was seconded by Manager Moe. Discussion. Upon vote, the motion passed.

**e) 2010 Budget Schedule and Workshop(s)**

Administrator Thomas noted his staff memo that was included in the Board packet regarding this agenda item. He indicated that he was looking to the Managers for their input on which option or combination thereof would they like to proceed with regarding the number of meetings/workshops to discuss the 2012 work plan, budget, and levy. Manager Anderson asked if it is possible to combine the notices for the workshops and hearing. Attorney Holtman responded that it is permissible to do a combined notice for the workshops but a separate notice is required for the public hearing.

Manager Spence made the motion to go with Option 1 with the caveat that the Board could cancel the July 7<sup>th</sup> meeting if was determined not necessary. Motion was seconded by Manager Moe. Discussion. Upon vote, the motion passed.

**f) 2011 CAMP Agreement w/Met Council**

Administrator Thomas noted his staff memo that was included in the Board packet regarding this agenda item. He pointed out that the agreement covers 8 lakes which includes the addition of the middle and east basins of Forest Lake this year. The estimated cost for 2011 monitoring is \$4,400.

Motion by Manager Anderson to approve the attached 2011 Intergovernmental Agreement between the Metropolitan Council and the Comfort Lake Forest Lake Watershed District and to authorize execution of the agreement by the Board President. Motion was seconded by Manager Spence. Discussion. Upon vote, the motion passed.

**g) 2011 DNR Boat Inspection Contract**

Administrator Thomas noted his staff memo that was included in the Board packet regarding this agenda item. He pointed out that the contract will provide for 500 hours of inspections at the three landings on Forest Lake. The District will be charged a rate of \$7.75/hr not to exceed \$3,875.00 which is roughly half of the cost of the inspector/s.

Motion by Manager Spence to approve the attached 2011 State of Minnesota Income Contract between the Department of Natural Resources and the Comfort Lake Forest Lake Watershed District and to authorize execution of the agreement by the Board President. Motion was seconded by Manager Moe. Discussion. Upon vote, the motion passed.

**h) Administrator's Performance Evaluation**

Manager Anderson pointed out the process for doing an annual review for the administrator position and the timing for getting it completed in relation to the budget and levy discussions which will be taking place in the next two months. She handed out evaluation forms from the RCWD along with the current evaluation form that the CLFLWD uses. She commented that she liked the RCWD form but also liked some of the questions in the CLFLWD form. Her recommendation would be for the Managers to review the two forms and get comments back into the office on which form and/or combination of the two forms Managers would like to use. After that the Board could appoint a committee to review and make recommendations.

Administrator Thomas asked Attorney Holtman to comment on the ramifications of appointing a committee vs. creating an ad-hoc workgroup. Attorney Holtman pointed out that whenever a public body appoints a committee it then becomes subject to the open meeting law and requires that all meetings be noticed vs. an ad-hoc effort, which does not require noticing, if that is the level of activity that is desired. Question was asked if that applies even if it is only two members. Attorney Holtman responded that yes the open meeting would apply because by law any committee that is created is considered a formal committee of the whole.

It was the consensus of the group that Managers would get comments back into the office before the next meeting and that the Managers would at that time assign a couple of members to serve as an ad-hoc workgroup for purpose of overseeing the administrator performance evaluation.

**7. Old Business**

**a) Sunrise River Water Quality & Flowage Management Petition Project – Consultant Work Order**

Administrator Thomas noted that the purpose of this agenda item was to follow-up on the discussions from previous meetings and the May 19, 2011 Board Workshop regarding the preliminary list of projects for the project, discuss any remaining issues, and seek approval of the EOR Work Order dated May 26, 2011 to complete the final engineers report. He then referred to a memo he had gotten from the District Attorney regarding some suggested additions to the work order and then asked to Engineer Tilman to point out what those items were and how they are incorporated and addressed in the work plan that was handed out prior to the meeting. Engineer Tilman explained that the items that Attorney Holtman had commented on and

recommended to be included in the work plan were how EOR would address environmental review, cultural resources, and timing of construction. Engineer Tilman pointed out where in the work order (dated May 26, 2011) that the changes can be found to these items. She also explained that if in the course of the continued investigation and evaluation they find that environmental review documents or cultural resources reports are found to be needed that they would be dealt with separately at that time and they are not included in the cost that is identified in the memo.

Motion by Manager Anderson to accept the attached “Sunrise River Water Quality and Flowage Project Initial Evaluation and Recommendation” memo dated February 23, 2011 and orders the preparation of the final project feasibility study/engineers report to be completed by the District Engineer pursuant to the attached Work Plan dated May 26, 2011 for a cost not to exceed \$201,374 without prior Board approval. Motion was seconded by Manager Moe. Discussion. Upon vote, the motion passed.

Manager Moe asked the question about the cost estimates and that it has been stated that the work that will be done will get us to 90% of having a complete project and if that means we will only have 10% more of the cost to complete the remaining 10% of the work or will it cost us another \$200,000 to do the final 10% of the work. Engineer Tilman responded that it means that the Managers could expect that any remaining work to get to final plans and specifications would be the last 10% of cost not another \$200,000.

## 8. Report of Staff

### a) **Administrator**

Administrator Thomas noted his written report in the Board packet and had nothing more to report on at this time.

### b) **Emmons and Olivier Resources (EOR)**

Engineer Tillman noted that EOR has been working on the Moody Lake project and that they should be out doing the vegetation survey in the next couple of weeks. She also reported that she has been spending some time looking at how to standardize the pollutant load reductions that we are assigning to permit and cost-share projects.

### c) **Smith Partners**

Nothing to report at this time.

## 9) Report of Treasurer

Approval of Bills

Manager Spence presented the Treasurer’s Report (A copy of which is annexed and incorporated by reference) and bills and payroll totaling \$45,472.37

Motion was made by Manager Moe to approve the May 26, 2011 Treasurer’s Report and pay the bills and payroll as presented. Manager Anderson seconded the motion. Upon vote, the motion passed.

## 10) Reports of Officers and Manager

Manager Anderson – Complimented EOR on their presentation at the May 19<sup>th</sup> Workshop.

Manager Damchik – Nothing to report

Manager Moe – Commented that he and Administrator Thomas attended the Bone Lake Association meeting and although there were not a lot of folks who attended, the group that was there had a lot of positive comments about the District and our efforts to clean up the water. He also commented that he has been attending classes on LEED certification in the building industry and had an idea that Angie Hong might write an article on LEED houses and businesses and how they can get points for how they manage storm water on the property.

Manager Spence – Nothing to report

Manager Lynch – Absent

**11) Adjournment**

Motion to adjourn the CLFLWD regular Board meeting at 7:45 pm was made by Manager Anderson and seconded by Manager Spence. Upon vote, the motion passed.

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Wayne S. Moe, Secretary