

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

TUESDAY, MAY 24, 2007

1) **Call to Order**

The President called the May 24, 2007 meeting to order at 6:30 p.m. at the Forest Lake City Offices, 220 North Lake Street, Forest Lake, Minnesota

Present: President Jackie Anderson, Vice President Richard Damchik, Secretary John Lynch, Treasurer Jon Spence, Manager Wayne Moe

Staff: Randy Anhorn, Dan Fabian (EOR), John Thene (Wenck & Assoc.), Travis Thiel (WCD), and Lisa Tilman (EOR)

Others: Tom Casey (Citizens for Responsible Growth in Forest Lake), Sam Hathaway, Bill House, and Don Jack

2) **Reading and Approval of Agenda**

Motion to approve the agenda with additions made to the unfinished and new business sections, was made by Manager Damchik and seconded by Manager Spence. The motion carried unanimously.

3) **Reading and Approval of Minutes**

The President called for the reading and approval of the minutes of the regular meeting of April 24, 2007. Motion was made to approve the April 24, 2007 regular meeting minutes with corrections by Manager Anderson and seconded by Manager Moe. Motion carried unanimously.

The President called for the reading and approval of the minutes of the Special Meeting of May 10, 2007. Motion was made to approve the May 10, 2007 Special Meeting minutes as presented by Manager Damchik and seconded by Manager Spence. The motion carried unanimously.

4) **Matters of Public Interest**

The Chair opened the meeting for public comment.

Mr. Bill House spoke to the Board seeking approval of a requirement stated in a Township developers agreement on a lot in the Kempf's LaBelle development east of the eastern basin of Forest Lake. The Township development agreement states that the developer must submit a plan for drainage and water quality management to the watershed for review and approval.

Administrator Anhorn mentioned that he, Mr. House and the City of Forest Lake planning staff have had a meeting in order to go over the site and determine what else may be needed in order to evaluate the site. Anhorn is working closely with the City to help determine drainage and water quality concerns are met by reducing impervious surfaces and incorporating BMPs such as raingardens to eliminate potential runoff from the site.

Administrator Anhorn stated that he informed Mr. House that he was going to recommend that the Managers take no action on his request tonight, and the District and City would continue its review, meet back with Mr. House and discuss the results and recommendations.

Motion was made by Manager Damchik for Administrator Anhorn to continue to work with the City of Forest Lake and the property owner and jointly address Mr. House's request for approval of requirements stated in the Township developers agreement. The Motion was seconded by Manager Spence. Upon vote, Motion carried unanimously.

Mr. Tom Casey stated that he represented a group called Citizens for the Responsible Growth in Forest Lake (CRGFL) and asked to defer comments until later in the agenda when the Wal-Mart EAW request is discussed.

5) **Ongoing Projects**

a) Rules, review & workshop

Administrator Anhorn provided a copy of the draft rules and detailed areas where new language has been added to address specific areas as directed by the Board at the April 24, 2007 Board of Managers meeting. Administrator Anhorn further provided information on goals, policies and rule recommendations from his review of the Chisago and Washington County Groundwater Plans. Anhorn detailed specific language recommended and highlighted its inclusion in the District's draft rules. A copy of each report is annexed and incorporated by reference.

Manager Anderson said that in the review of the draft rules special attention should be given to avoid inconsistencies between goals in watershed management plan and rules. The draft rules will be discussed in more detail at the scheduled rules workshop for 6:00 p.m., June 5, 2007 at the Forest Lake Council Chambers.

b) 2007 work plan update

Administrator Anhorn provided the Managers with a copy of the 2007 proposed work plan with progress updates on each of the items listed. A copy of the update is annexed and incorporated by reference. Mr. Anhorn stated that the lake and stream monitoring, water quality (load allocation) modeling and design services, and rules and regulation development projects are ongoing. Anhorn further stated that he recently submitted a draft TMDL work plan (for future submittal for Clean Water Legacy Funds) to MPCA for preliminary review. Anhorn then gave updates on ongoing educational work plan components (i.e. the development of a website and domain [clflwd.org]) and past and future workshops and clinics the District which have been held or are planning (i.e. "Planting for Clean Water" workshop and private well nitrate testing clinic).

Administrator then updated the Managers on the continual attempt to recruit members for the District's Citizen Advisory Committee (CAC). Anhorn stated that he will be setting up a CAC meeting within the next few weeks to discuss and develop the committee's scope and seek input in expanding participation.

Manager Anderson stated that she thought that the Forest Lake outlet channel had been discussed as a work plan topic at the February 2007 work plan workshop. Manager Anderson said that she would check her past notes. Administrator Anhorn mentioned that he had an upcoming meeting with Bob Sheffler of Superior Concrete and the Forest Lake outlet channel will be one of the topics of that meeting.

c) Forest Lake outlet cleaning

Administrator Anhorn discussed the current invoices from the City of Forest Lake for the cleaning of the Forest Lake Outlet Dam, the aerator on Shields Lake, and the potential for beaver dam removal at the culvert on Archie Ducharme place. Anhorn stated that we will have to start taking these costs into account in the 2008 budget.

Administrator will work with the City in determining what portions, if any, of the aerator maintenance he may be able to overtake in order to reduce District costs. Anhorn further discussed the beaver dam at the southern end of the culvert under Archie Ducharme's driveway. Anhorn mentioned that he could get the city to remove the dam and have the costs billed back to the District similar to that of the Forest Lake outlet dam cleaning.

Manager Lynch asked Administrator Anhorn to first check with the MDNR to determine their responsibility of the removal. Dan Fabian (EOR) mentioned that it may be worthwhile to hire a trapper to remove the beavers as well. Travis Thiel (WCD) stated that he didn't think that there has been any beaver activity at the site in quite awhile.

Manager Anderson motioned that Administrator Anhorn check with the MDNR about the removal of the obstruction on the Sunrise River at the south end of the culvert at the Archie Ducharme place. If the MDNR will not remove the obstruction, the Administrator will contact the City of Forest Lake and seek their assistance in removing the obstruction. The Motion was seconded by Manager Moe. Upon vote, motion carried unanimously.

d) Tax forfeited land

Administrator Anhorn discussed the potential for the District to obtain the piece of tax forfeited property currently owned by Washington County (located just north of the District owned property and abutting the Archie Ducharme place on the Washington Chisago county line). If the District is interested, Commissioner Hegberg said that we should send him a letter.

Manager Spence moved that Administrator Anhorn write a letter to Commissioner Hegberg seeking the piece of tax forfeited land located just north of the District owned property and abutting the Archie Ducharme place on the Washington Chisago county line. The motion was seconded by Manager Damchik. Upon vote, motion carried unanimously.

6) **New Business**

a) *Legal contract*

Manager Anderson stated that in preparation for the budget time coming up she thought it advisable to re-advertise for legal services for the coming year. Manager Anderson said that she has a problem with the rates of the current representation. She feels that we can find equally qualified legal representation at a lower rate.

Manager Anderson motioned that Administrator Anhorn prepare and advertise an RFP for the Districts legal services. The motion was seconded by Manager Moe. Upon vote, motion carried four votes to one with Manager Lynch voting against the motion.

7) **Report of Administrator**

Administrator Anhorn presented an Administrator's report memo and addendum (a copy of each report is annexed and incorporated by reference). The Administrator's report detailed recent correspondence, permit and plan submittals for review, and recent meetings with local stakeholders. Specifically, Mr. Anhorn discussed:

a) *EAW response from Forest Lake*

Administrator Anhorn updated the Board on continual accumulation of information from the City of Forest Lake and their engineers in an attempt to respond to the list of unanswered questions presented in the District's May 11, 2007, letter of support for an EAW forwarded to the Forest Lake City Council. Manager Anderson updated the Board as to the City's decision to not support the EAW request for the Wal-Mart expansion project because it did not meet the threshold of significant environmental harm.

Administrator Anhorn stated that he has recently received a memo from the projects new engineers, McComas, Frank Roos Associates (MFRA), indicating that they are in the process of redesigning the sites stormwater system in order to incorporate all three ponds in an effort to achieve rate, volume (containing up to a 10-year storm event as compared to the 2-year event the District requested) and nutrient loading control goals. The District has yet to see any information on the redesign. Manager Anderson stated that staff is continually receiving information and finds it frustrating that we have not had full plans to review.

Administrator Anhorn mentioned that by incorporating all three ponds, MFRA will have to define the contributing runoff areas to each the middle and northern basins. The District has asked for information detailing the drainage to the two ponds, which would have an influence on the middle basins residence time and resulting sediment and nutrient removal efficiencies, but we have yet to receive anything. As it currently stands it seems as though the City of Forest Lake does not have a schematic of its stormwater conveyance system available.

The Board then discussed the importance of knowing how the City's entire stormwater conveyance system is designed, not only for the Wal-Mart expansion project, but all future development in the area. The Board stated that they did not feel that the District can make good decisions on anything until they understand the quantity of stormwater, where it is

coming from, how it is being conveyed and treated. Staff will continue to address stormwater volume in all if its reviews (not just those in the Forest Lake area).

Tom Casey representing CRGFL addressed the Board and discussed his groups disappointment in the City of Forest Lake's decision not to require an EAW. Mr. Casey said that they are considering appealing the decision, and would welcome Comfort Lake – Forest Lake Watershed District assistance in the process. Mr. Casey presented the Board with a review of the current project information included in the Bonestroo and MFRA documents by Houston Engineering (a copy of the report is annexed and incorporated by reference). Mr. Casey requested that the District continue to send information on the project on to him in order for the CRGFL to have a chance to review the updated information as well.

The Board discussed Mr. Casey's request and decided that watershed should work on the larger picture of the entire area and all projects as opposed to using resources on this one issue.

Dan Fabian (EOR) mentioned that we could request assurances from the city that they will not approve the final plans until presented concerns are addressed to District satisfaction.

Motion was made by Manager Anderson that the District send a letter to the City asking them to not grant final approval until the District's concerns and goals have been satisfactorily addressed. The motion was seconded by Manager Lynch. Manager Anderson added that the request for such assurances should be for the reviews of all all projects not just Wal-Mart. Upon vote, motion carried unanimously.

Mr. Casey re-addressed the Board stating the importance of timing and potential need to appeal the Cities decision. Manager Anderson stated that she felt that the Board already commented on the earlier request, and Manager Lynch stated that with the amount of needed engineering still needed by MFRA to address the stormwater concerns, he doubted that the Wal-Mart approval would be able to be on the City of Forest Lake next City Council meeting scheduled for June 11, 2007. Manager Anderson further said for clarity, the Board should address the issue and asked if the any wanted to make a motion.

Manager Damchik moved not to appeal the City of Forest Lake's decision to not require an EAW on the Wal-Mart expansion. Manager Lynch seconded the motion. Upon vote, motion carried four votes to one with Manager Spence voting against the motion.

b) Reviews, meetings, updates

Administrator Anhorn discussed staff review of the initial proposal for the Forest Lake retail center as well as meetings presented in the Administrator's report.

c) Update on CTAS accounting software

Anhorn mentioned that the District accountant had started to review the CTAS software and had questions on it being able to do everything we had hoped it would. Manager Anderson said that she had spent more time reviewing the software and was confident that it would fulfill the District's needs. Manager Anderson said that she would work with the accountant to

address her questions.

8) **Report of Engineer**

a) Emmons and Olivier Resources (EOR):

Dan Fabian and Lisa Tilman from EOR discussed recent meetings with Administrator Anhorn on rules development as well as discussing recent project reviews highlighted above.

b) Washington Conservation District (WCD)

Travis Thiel of WCD, updated the Board on an upcoming construction site erosion control field course. The Managers asked Mr. Thiel to forward a course flyer on to the Administrator where it can then be forward to the communities with the District.

Mr. Thiel gave a short update on their monitoring activities and the observance of curly-leaf pondweed in Little Comfort Lake. Manager Anderson mentioned that the Comfort Lake Association is having a scout troop from North Branch help them hand remove curly-leaf pondweed from the lake (with the assistance of the MDNR).

c) Wenck & Associates

John Thene (Wenck & Associates) gave an update on where they are in their water quality modeling process and discussed potential changes to certain project tasks. Mr. Thene stated that they had finished the water budgets (including groundwater influences) for the lakes and are now completing the phosphorus loading portion of the model. Thene further presented a schedule to complete the CLFLWD WQ modeling and design services project including future stakeholder meetings, goal setting and the compilation of projects and costs. Mr. Thene said that they are on schedule to present needed information for the Board's upcoming budgetary process.

The Board discussed the budgetary timeline and the specifics of how to get projects derived from the Wenck study into the budget for 2008.

Manager Anderson asked Mr. Thene about how the lack of information on the City of Forest Lake's stormwater conveyance system may affect the model. Mr. Thene stated that the model will show loads coming out of the City and projects can be developed to address that load, but it gets more difficult as it moves within the city itself.

Manager Anderson requested that Mr. Thene and the Administrator send a letter to the City asking them for the needed stormwater system information in order to complete the District's master plan for the watershed (i.e. the development of projects to address loadings determined for the watershed-wide load allocation model).

As part of the presentation, Mr. Thene mentioned that for various reasons they were proposing to not do the in-lake response model LAKE2K (which was proposed to be run on one lake in the watershed). Mr. Thene stated the development of the model is not as far along as they thought it would be, it is still in its provisional stage without final documentation and testing to

determine its reliability. Mr. Thene mentioned using the budget savings from not doing LAKE2K to added in-lake analysis on Comfort Lake (which would still supply the extra information similar to that of LAKE2K for less money), and expanding the determination of loads to future development expectations as well as existing conditions.

The Board took issue with both Wenck proposing to not do LAKE2K, which was included in their project proposal, and proposing to supplement the void with the inclusion of a future development model which they thought Wenck was already required to do (using the “ultimate growth scenario” from the SRF report). The Board stated that they felt that they had asked for “ultimate growth.” Mr. Thene mentioned that their proposal only included existing conditions. Further, the Board stated that for many, the LAKE2K model was the main factor in Wenck being chosen over the other firms and questioned why they did not mention that the model was untested at the time of their proposal.

Manager Anderson made Motion that the Administrator contact the District’s Attorney to review the contract and RFP in order to determine if the two revelations (not doing LAKE2K or including the “ultimate growth scenario”) constitute a breach of contract. And if so, what the Board’s options are. Manager Moe seconded. Upon vote, motion carried unanimously.

In the interim, the Board has asked Wenck to provide a proposal documenting what they plan on doing in place of LAKE2K, as well as how they could still supply an equivalent in-lake model, and how they plan on supplying the Board with everything that was promised in their initial proposal.

9) **Report of Treasurer**

Manager Spence discussed the Treasurer’s Report for April 2007.

Motion was made by Manager Anderson to approve the April Treasurer’s Report. Manager Lynch seconded. Motion carried unanimously.

Manager Anderson mentioned that because of the availability governmental rates, the District has switched its cell phone coverage package to a lower rate. This has resulted in a new phone and number (651.472.4061). Because the District was starting up its office, the old phone and package was initially purchased by Manager Anderson’s business, Key Medical Inc., for eventual reimbursement. While Manager Anderson will assume the cost for the old phone, she will be seeking reimbursement for the initial January 2007 through May 2007 program costs prior to enrollment in the government program.

10) **Reports of Officers and Manager**

Manager Anderson –

Manager Anderson requested that the Administrator forward a copy of the news release for the upcoming well nitrate testing clinic on June 30, 2007 to each of the District’s lake associations.

Manager Damchik –

Manager Damchik questioned what the Board was going to do about the Forest Lake outlet channel.

Manager Anderson mentioned that she thought that it was going to be part of the 2007 work plan, that the District was going to take a comprehensive look at it and carve it up into what is District responsibility and what is the responsibility of the personal property owner, and get it all done at one time.

Manager Lynch –

Manager Lynch handed out a blueprint he received from TKDA showing the Bixby Park area of Forest Lake and the connection of the ponding system to the abandoned ditch. Manager Anderson said that when on the watershed tour the connection between the abandoned ditch and the ponds was not identifiable. Manager Anderson requested that staff confirm the connection.

Dan Fabian said that he could check with TKDA to determine if they have information on the City of Forest Lake's ponding and stormwater conveyance system.

Manager Moe-

Manager Moe discussed his observations of the numbers of horses and cattle around the watershed and their potential as a phosphorus source. Manager Moe further provided information on potential funding sources and presented the magazine Land and Water Resources.

Manager Spence –

Manager Spence mentioned that he attended to the District's "Planting for Clean Water" workshop on May 8, 2007. He stated that the workshop was very educational.

11) **Adjournment**

Motion to adjourn the CLFLWD regular Board meeting was made by Manager Damchik and seconded by Manager Lynch. Motion carried unanimously.

John T. Lynch, Secretary