

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE – FOREST LAKE
WATERSHED DISTRICT
Thursday, May 25, 2017**

1. Call to Order

President Anderson called the May 25, 2017 regular board meeting to order at 6:30 p.m. in the Council Chambers of the Forest Lake City Center, 1408 Lake Street South, Forest Lake, MN.

Present: President Jackie Anderson, Vice President Jon Spence, Secretary Wayne Moe, Treasurer Steve Schmaltz, Assistant Treasurer Jackie McNamara

Others: Mike Kinney, Jessica Lindemyer, Mike Sorensen, Sam Duncanson (CLFLWD staff); Meghan Funke, Cecilio Olivier (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Joe Ackerman (permit application 17-008); Bill Lentsch (Comfort Lake Properties, permit application 17-003); Erik Anderson (Washington Conservation District); Angie Hong (East Metro Water Resource Education Program); Mary Renn (Comfort Lake Association); Sam Husnik (Forest Lake City Council)

2. Setting of Meeting Agenda

President Anderson noted that agenda item 3c Flowering Rush Control Contract will be moved to the first item under New Business. She requested that staff indicate which District rules apply to cost-share applications.

3. Consent Agenda

- a) **Regular Board Meeting Minutes – April 27, 2017**
- b) **Caskey Cost-Share Application**

Manager Moe moved to approve the consent agenda as presented. Seconded by Manager Spence.

Discussion: Manager Schmaltz and President Anderson each indicated that they had minor revisions/additions to make to the April 27th meeting minutes.

Upon a vote, the motion carried 5-0.

4. Public Open Forum

There were no comments.

5. Citizen Advisory Committee Update

Program Assistant Mike Sorensen explained that the CAC organized an event earlier that day where local high school students added native plants to the existing plantings outside the District office. The students had grown the plants themselves in the school greenhouse over the winter.

President Anderson pointed out a note in the CAC meeting minutes about goldfish being released in local stormwater ponds. She asked staff to submit an article to local newspapers in order to help educate the public that they should not release their unwanted aquarium animals into stormwater ponds.

6. New Business

a) Flowering Rush Control Contract

Manager Schmaltz moved to accept the agreement with PLM Lake and Land Management. Seconded by Manager Spence. Upon a vote, the motion carried 5-0.

b) AIS Update

Mr. Sorensen provided a brief update with regard to the District's invasive plant herbicide treatments. On Bone Lake 3.89 acres of curly-leaf pondweed were treated. Eurasian watermilfoil will be delineated on Bone Lake in June. On Forest Lake 169.3 acres of curly-leaf pondweed were treated. Blue Water Science delineated 6.4 acres of Eurasian watermilfoil for treatment on May 5th. The Minnesota Department of Natural Resources approved 3.2 acres of the proposed area for treatment.

President Anderson noted that she did not see a watercraft inspector at the Comfort Lake public access on fishing opening day. She asked that an inspector be present for opening day next year.

c) Permit 17-008 Ackerman Single Family Home

Dr. Meghan Funke explained the location of the proposed project which entails demolition of an existing cabin and construction of a new single family home. Applicable rules include 3.0 Erosion Control and 4.0 Lake, Stream, Wetland Buffers. The lake buffer rule is triggered due to the project receiving a variance from the City of Scandia for structure setback from the lake. Dr. Funke described the required buffer including required dimensions and planting plan.

Manager Moe moved to approve permit application 17-008 contingent upon the conditions stated in the engineer's memo. Seconded by Manager Spence. Upon a vote, the motion carried 5-0.

d) Permit 17-003 Woods on Comfort Lake

Dr. Funke described the proposed project which entails constructing a development with multiple houses along the western shore of Comfort Lake. West Comfort Drive will be extended as part of the development. Applicable rules include 2.0 Stormwater Management, 3.0 Erosion Control, and 4.0 Lake, Stream, Wetland Buffers. Dr. Funke described the drainage of the proposed project including swales, wetlands, ponding areas, filtration benches, and raingardens. The proposed project meets the District's requirements.

President Anderson pointed out that the project will leave the majority of the existing trees in place. Manager Schmaltz asked who is responsible for maintenance of the stormwater facilities; the individual homeowners or the developer. Legal Counsel Holtman explained that a condition of the permit is to record a set of legal covenants against the property. Therefore, the maintenance responsibility would fall to the owner of the property on which the facility is situated. President Anderson noted that the developer needs to explain this to prospective property buyers.

Bill Lentsch explained that he is exploring two options with regard to stormwater facility maintenance. The first option, which is preferable from his perspective, is for the City of Wyoming to assume maintenance responsibilities and assess a fee on the landowners. Mr. Lentsch explained that the second option would be to create a homeowners association that would collect fees that go toward hiring someone to inspect and maintain the facilities. There was discussion about outreach to existing homeowners associations within the District in order to inform them of stormwater facility maintenance responsibilities. Mr. Holtman noted that this is an issue that several other watershed districts are currently discussing as well. There are a number of facilities currently in place that are under private maintenance obligation. He explained that there is general consensus that it is preferable to assign maintenance responsibility to the city. Then the city and the watershed district would coordinate in order to properly assess appropriate fees to the relevant private landowners.

Manager Schmaltz asked what course of action the District would take if landowners tried to remove trees or otherwise alter the required buffers. President Anderson discussed the collaborative relationship between the District and the City to enforce regulations in such instances. She explained the Comfort Lake Association's role in educating new homeowners on their responsibility to be stewards of the lake.

Manager Spence moved to approve permit application 17-003 contingent upon the conditions stated in the engineer's memo. Seconded by Manager Schmaltz. Upon a vote, the motion carried 5-0.

e) 2016 Water Monitoring Report

Erik Anderson provided a brief overview of highlights from the 2016 water monitoring report. He explained that precipitation was generally high in 2016, with above average precipitation amounts every month from July to December. There was variability with respect to stream flow; half of the stream monitoring sites recorded an increase in flow compared to 2015 while the other half recorded a decrease in flow. Most sites that saw an increase were in the Bone Lake and Little Comfort Lake subwatersheds. Sites that saw a decrease in flow were located around Forest Lake and the Sunrise River between Forest Lake and Comfort Lake. Mr. Anderson noted that only one stream monitoring site saw an increase in total phosphorus load: Bone Lake outlet.

Mr. Anderson moved on to in-lake monitoring results and explained that water quality within most lakes stayed about the same compared to 2015 with the exception of Forest Lake east basin which dropped from a B grade to a C grade. This brings it in line with the grades for the other two basins on Forest Lake. Long-term water quality trends for lakes were calculated. Only one trend was observed to have changed since 2015: Forest Lake middle basin phosphorus concentration showed a declining trend (i.e. getting worse) whereas in the past there was no observable trend. All other trends did not change significantly.

President Anderson noted that the Secchi disk depth for Comfort Lake had improved compared to recent years. Mr. Anderson explained that annual variability will occur. The long-term Secchi depth trend for both Comfort Lake and Forest Lake west basin are declining, but annual variability may make it seem as though there is an improving trend in the short-term. President Anderson expressed that this short-term trend shows that the District is making progress and that hopefully this trend will continue and eventually influence the long-term trend. There was discussion regarding long-term trends and the recent comprehensive data analysis performed by EOR.

Manager Moe moved to accept the 2016 CLFLWD Monitoring Summary Report prepared by the Washington Conservation District staff. Motion seconded by Manager McNamara. Upon a vote, the motion carried 5-0.

f) Insurance Liability Coverage Waiver

Administrator Kinney explained that the League of Minnesota Cities Insurance Trust (LMCIT) annually requests each government entity to make a selection regarding the question as to waive or not to waive its limits of liability.

Manager Spence moves to elect “The city DOES NOT WAIVE the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.” option provided on the LMCIT Section 1: Liability Coverage Waiver form. Motion seconded by Manager Moe. Upon vote, the motion carried 5-0.

g) EMWREP Annual Report

Angie Hong presented a review of 2016 events and summarized future activities planned by the East Metro Water Resources Education Program (EMWREP). Ms. Hong described public education events including spring landscaping workshops, backyard get-togethers, family events such as Forest Lake Arts in the Park, and county-wide community events. She explained that EMWREP has capacity to perform direct landowner outreach with regard to project participation and discussed Stormwater University courses.

Ms. Hong described the Adopt-a-Storm-Drain program in which residents can sign up online to adopt a storm drain near their home to clean out debris such as garbage and grass clippings. The program currently exists in the cities of St. Paul and Minneapolis. Ms. Hong explained that they hope to scale up the program to include additional cities. President Anderson noted that the City of Forest Lake would be a good candidate for this program.

EMWREP received a Clean Water Fund grant to allow them to recruit new stewards in the Master Water Stewards program. Ms. Hong explained that the funding will allow for two stewards within the CLFLWD this year and two next year. Stewards go through a training process similar to the Master Gardener program, but with an emphasis on water resources. EMWREP is currently looking for volunteers, and training will begin in October.

Ms. Hong made note of a memo in the meeting packet that contains a list of recent articles that have been written by EMWREP and published in local newspapers.

Manager Moe asked if EMWREP has a large-scale email list that could be used to send out important notifications to interested parties such as lake association presidents. Ms. Hong responded that she recently started a list that is targeted at lake association members and hopes to expand that list. There was further discussion regarding public notification contact lists.

Manager Schmaltz expressed appreciation for the amount of EWMREP newspaper articles being published and noted that several Forest Lake public works staff members attended a recent Stormwater University course. He asked that EMWREP put more attention toward consistent rural outreach within the CLFLWD and contributions to the City of Forest Lake e-newsletter. President Anderson suggested that EMWREP work with the District’s Citizen Advisory Committee to create a consistent and comprehensive public education program.

Administrator Kinney provided an update on the District's work with agricultural outreach. He explained that staff has been working with the two county soil and water conservation districts (SWCDs) over the past two years to perform a field-by-field assessment for suitability of agricultural best management practices (BMPs). There has been some landowner outreach with respect to nutrient management. A more comprehensive outreach plan will be developed in coordination with the agricultural BMP assessment project. Ms. Hong noted that the Washington Conservation District is working with a rural landowner in northern Washington County to host a cover crop workshop in the future.

h) Deep Lake Sediment Core Preliminary Results

Administrator Kinney explained that this is a presentation on the preliminary results and that the final report is expected at the end of July. Seasonal Technician, Sam Duncanson noted that this is a version of a presentation he gave at the Geological Society of America's regional meeting in Pittsburgh. Mr. Duncanson assisted faculty and research staff in evaluating these data during his final year of undergrad at University of St. Thomas.

Mr. Duncanson explained that the purpose of collecting the sediment cores is to understand the history of District waterbodies so that remediation and management activities can be tailored to be most effective. Sediment cores were collected on Shields, Moody and Comfort lakes. One of the main findings was that all three lakes, to various degrees, have been altered from their natural, pre-European settlement conditions. Additional data from the St. Croix Watershed Research Station will be incorporated into the final report and will provide a clearer picture on the history of the lakes.

Mr. Duncanson provided details on each lake, noting that there are more data on Shields Lake than the other two lakes. Land use around Shields Lake changed from mostly undeveloped and agricultural pre-1950 to being dominated by the various construction phases of a golf course and then development after that. Sediment core results reflect European development and subsequent land use changes since 1800. There was discussion regarding the 1990 alum treatment on Shields Lake. Mr. Duncanson explained that the data indicate that the treatment was somewhat successful, but not effective in the long-term if the external sources of phosphorus were not managed.

The Moody Lake sediment core showed less dramatic changes in landscape compared to the Shields Lake core, but still reflects settlement and agricultural activity. Historical increases in urban development are clear in the Comfort Lake sediment core. Mr. Duncanson explained that all three lakes have been altered from their natural states and that remediation efforts should continue, with major focuses on reduction of internal and external sources of phosphorus within the lakes.

Further work will include receiving final lead age dating for Comfort Lake, phosphorus fractions for Comfort and Moody lakes, diatom analysis for phosphorus in the water column, and coring work on additional lakes in the future.

There was discussion regarding phosphorus binding data in Shields Lake. Around 1950 there was a significant release of phosphorus into the water column which is shown by a reduction in bound phosphorus in the core data. Dr. Funke added that around this time the lake would have seen a shift from an aquatic plant-dominated state to its current algae-dominated state.

7. Old Business

a) MAWD Summer Tour

Administrator Kinney noted that the board will need to appoint two delegates for this year's MN Association of Watershed Districts (MAWD) Summer Tour.

Manager Moe moved to appoint Jackie Anderson as the primary delegate and Jon Spence as the secondary delegate for the District for the 2017 MAWD Summer Tour. Seconded by Manager Schmaltz. Upon a vote, the motion carried 5-0.

b) Citizen Complaints

a. 3rd Lake Pond Project Post Construction

Administrator Kinney explained that the District received complaints from a resident near the project site regarding an open ditch near his shed. The resident complained that the ditch is a safety hazard and asked that it be filled in. The area in question lies on City of Forest Lake property. The memo for this agenda item outlines the necessary actions and costs associated with potentially filling in this ditch. Mr. Kinney explained the history of the ditch and culvert in question.

President Anderson asked why the ditch no longer contains water, as shown in the pre-project photo. She described the current state of the ditch as containing only muck and no water on top. Administrator Kinney explained that, in addition to adding native plantings in this area, there will be buffer signage and potentially cautionary signage. There was discussion regarding the homeowner's shed placement, city property, and the wetland boundaries. Cecilio Olivier explained that the cause of the standing water in the ditch in the pre-project photo was likely a minor obstruction in the culvert. The ditch has since been flushed and a new culvert is in place, causing the water level to drop slightly to its current condition.

Mr. Kinney explained that the plan for moving forward is to perform some very minor grading and re-shaping of the ditch area, then seeding of native vegetation. The plan is not to bring in more material, but to shape the area

such that it is more suitable for plant growth. He explained that once there is established vegetation, it will provide root structure for the planted area and serve as a physical and visual barrier to entry by people or domestic animals. He added that he has suggested to the City that in addition to signs, it may consider maintaining a physical barrier until the vegetation is established. The two cost scenarios in the memo for filling the area in some manner entail significant soil corrective work, including bringing in additional material, in order to make the area solid and walk-able. Mr. Kinney added that the City of Forest Lake does not want to be involved in the installation of a fence or additional signage, as that would set a precedent for doing so around the vast number of other such wetlands and ponds in residential areas around the City. He clarified that the homeowners are allowed to put a fence on their property if they wish, but the City does not want a fence on City property that it would need to maintain.

There was discussion regarding the design plan and vegetation establishment. President Anderson stressed the importance of pre-project homeowner communication in order to establish clear expectations for project outcomes. She recommended creating a graphic rendering of the post-project conditions to show homeowners what the future area would look like.

Manager Schmaltz moved to accept the recommendations made by staff to proceed with the original project design plan involving minor shaping and seeding/planting, to route all future homeowner communications through the District Administrator instead of board members, and for the District Administrator to send out a standard response to future complaints explaining that the current plan of action has been finalized. Seconded by Manager Moe. Upon a vote, the motion carried 5-0.

There was discussion regarding next steps for Administrator Kinney to reach out to homeowners. Manager Schmaltz stressed that the board should not be involved in homeowner communications moving forward.

b. DuCharme Flooding and Phase 2 of Sunrise River Project

Administrator Kinney noted that this issue was discussed at the April 27 regular board meeting and that he and EOR have been looking at the bigger picture with respect to this topic. There was discussion regarding the flowage easement on the property, conveyed by the Ducharmes to Washington and Chisago Counties in 1999, that compensated the DuCharmes for the right to flow the property to the 893 elevation. There was general agreement that conditions around the entire district have been wetter than usual this year. President Anderson clarified that the easement

contains everything under the 893 elevation level which includes almost the entire parcel, minus the location of the homestead.

Mr. Holtman explained that the District could choose to take action to address Mr. DuCharme's flooding concerns if desired, but there is no legal obligation for it to do so. If the District did choose to take action to alleviate flooding on the property, that doesn't change the fact that the county easement would still be in place which allows the Counties to flood the property up to the 893 elevation. President Anderson summarized that, due to the presence of this easement, any issues with regard to flooding on this property need to be directed to Chisago County. She clarified that the easement covers the entirety of the property that is below the 893 elevation line, not just the area immediately around the ditch. It was also clarified that the abandonment of the ditch, which occurred before the easement was conveyed, has no bearing on the enforcement of the easement.

Mr. Holtman noted that the flooded condition of the property may be the natural condition of the site given that the drainage ditch has been abandoned. He explained that it is also possible that the flooding could be a result of an artificial condition such as a downstream obstruction. However, it is uncertain at this point which is the case. Mr. Kinney explained the history of his correspondence with Mr. DuCharme including multiple site visits and using a Unmanned Aircraft System (UAS) to follow the ditch downstream in 2016. The UAS flight showed no downstream obstructions. Additionally, Mr. Kinney coordinated with the City of Wyoming to inspect its culverts downstream; the City confirmed that there are no obstructions in the culverts.

President Anderson noted that the present inquiry was initiated by Chisago County Commissioner Montzka and indicated that sending a memo to the Chisago County Commissioner explaining the District's understanding of this situation will be helpful. Both the landowner and the County need to understand the details of this easement. Manager Schmaltz asked that the memo contain a note indicating that the County should be responsible for addressing complaints in this easement area moving forward, and that the District should not need to be involved.

In response to a question from President Anderson, Mr. Holtman explained that the District has the authority to undertake projects along the Sunrise River and the lands that drain into it. The District does not have any legal obligation to the surrounding landowners to manage the drainage area in a way that benefits them. The District did accept a general public responsibility, not a legal responsibility, when it accepted the Chisago County petition for the Sunrise River. There was discussion regarding the Chisago County petition project, the Sunrise River Water Quality and Flowage Project.

Manager Spence moved to authorize President Anderson to author a clarifying memo, with appropriate input from the Administrator, legal counsel and engineers, on behalf of the Board to be sent to the Chisago County Commissioner. Seconded by Manager Moe. Upon a vote, the motion carried 5-0.

c. Comfort Lake Filamentous Algae

President Anderson explained that large mats of filamentous algae have recently floated from Little Comfort Lake, through the culvert under Highway 8, and into Comfort Lake. This created a large degree of homeowner concern on Comfort Lake. There was discussion regarding potential sources of excess nutrients that may be causing this unusually high amount of algae this year, including the Liberty Ponds subdivision development upstream of Little Comfort Lake. President Anderson asked that concentrated flow sources to the lake should be closely examined through the ongoing Little Comfort Lake Phosphorous Source Assessment study.

President Anderson asked that public complaints such as this be regularly listed on the monthly meeting agenda as opposed to being included in the Administrator's Report. Administrator Kinney provided the Board with an update on complaints from a homeowner's association on the south side of Forest Lake.

c) Washington Judicial Ditch 6 (WJD 6) Update

Administrator Kinney indicated that the BWSR board approved the boundary change petition at its meeting on May 24th and that the District is now the drainage authority for Washington Judicial Ditch 6 (WJD6). He noted that the District has begun communications with Washington County on transferring the parcels from Rice Creek Watershed District to the CLFLWD.

Manager Schmaltz asked if the District should consider preparations in order to be able to apply for a Clean Water Fund grant for projects around WJD6 in August. There was discussion regarding funding shifts within the Clean Water Fund, the District's budgeting process, and initial monitoring and assessment work. It was confirmed that the District has sufficient funding in its 2017 budget to perform initial monitoring and assessment within the WJD6 subwatershed. President Anderson asked EOR to provide a cost estimate for a scope of work.

8. Report of Staff

a) Administrator

Administrator Kinney noted a few items that are tentatively on the agenda for the June 8th regular board meeting including rule revisions.

President Anderson called the board's attention to a note in section 1003 of the Administrator's Report regarding the 2018 budget drafting process. The process this year will entail fewer board budget meetings than in previous years. This year District staff will complete a full draft budget using information from the Capital Improvement Plan and bring it to the board for review as opposed to working through each section of the budget at workshops. The board will have a high-level view of the budget and priorities for 2018. There was general agreement among the board that this would be acceptable.

b) Emmons & Olivier Resources

Dr. Funke noted that EOR met with City of Forest Lake staff to discuss the Forest Lake Enhanced Street Sweeping Plan project; that project is moving along on track. She explained that EOR has been taking some additional grab samples at various locations throughout the District as part of their ongoing diagnostic and phosphorus source assessment monitoring.

c) Smith Partners

Mr. Holtman observed that with the recently-approved boundary change altering the shape of the District, it now may need to revise its logo.

9. Report of Treasurer

a) Approval of Bills and Treasurer's Report

Manager Spence moved to accept the Treasurer's Report and pay the bills in the amount of \$89,575.53. Seconded by Manager Moe. Upon vote, the motion carried 5-0.

10. Report of Officers and Managers

Manager Moe asked about the District's lease on the cropland east of Bone Lake. Mr. Kinney provided an update on the status of the lease and next steps for planting.

Manager Spence asked about the status of the automated lake level monitoring devices. Mr. Sorensen responded that staff is ordering new batteries for the devices and then plans to install them within the upcoming weeks. He noted that both Comfort Lake and Bone Lake are currently under no wake ordinances due to high water levels.

Manager Schmaltz provided an update on the Forest Lake Lake Association's recent annual meeting. He also suggested that the board go over the District's governance manual at the next board meeting with input from legal counsel. There was general agreement with adding this to the next board meeting agenda.

11. Adjourn

a) Next regular board meeting – June 8, 2017

Manager Spence moved to adjourn the meeting at 9:33 p.m. Seconded by Manager Moe. Upon vote, the motion carried 5-0.

Wayne S. Moe, Secretary _____