

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

**Thursday, August 23, 2012**

**1. Call to Order**

The President called the August 23, 2012 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 Tom Lynch, and Manager Jon Spence

Absent: None

Others: Doug Thomas (CLFLWD), Jason Naber & Meghan Jacobson (EOR), and Mark Lobermier (Wyoming).

**2. Setting of Agenda**

The President called for the reading and approval of the August 23, 2012 Regular Board meeting agenda. President asked if there were any changes or additions. Administrator Thomas requested that at the time of the Attorney report the Board go into a closed session for an update on the Ducharme property appraisal. Motion to approve the agenda with the addition of the closed session was made by Manager Anderson and seconded by Manager Moe. 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 July 12, 2012 Budget Workshop. Motion to approve the July 12, 2012 Budget Workshop minutes was made by Manager Moe and seconded by Manager Anderson. Discussion. Upon vote the motion passed.

The President called for the reading and approval of the minutes of the July 26, 2012 Regular Board Meeting. Manager Lynch noted two typographical errors on page 3 of the minutes. Motion to approve the July 26, 2012 Regular Board meeting minutes, as corrected, was made by Manager Moe and seconded by Manager Spence. Discussion. Upon vote the motion passed.

**4. Public Hearing – Watershed Management Plan Amendment**

The President recessed the Regular Board meeting at 6:35 pm and called to order the public hearing on the Comfort Lake-Forest Lake Watershed District’s – Proposed Watershed Management Plan amendment. The President then asked Administrator Thomas to give an overview of the amendment. Administrator Thomas noted a memo in the Board packet that provided background information on the need and purpose of the amendment which is to add the Sunrise River Water Quality and Flowage Management Engineers Report to the Watershed Management Plan which will then allow the District to use its 103B authorities to implement all or portions of the Sunrise River Project. The President asked if anyone was present that wished to comment on the proposed amendment. Hearing none the President closed the public hearing 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.

## 6. New Business

### a) Weiss Residential Cost-Share Project – Payment Approval

Administrator Thomas noted his memo in the Board packet. He further commented that the project is complete and that a final site inspection was done on August 3, 2012 by Casey Theil of the Chisago SWCD at which time she certified that the project was complete. The total eligible cost from the submitted invoices was \$6,346.27. The cost-share payment to Ms Weiss would be \$3,000, based on 50% of the total cost of the project, not to exceed \$3,000. Staff recommended that the Board approve payment to Ms. Weiss in the amount of \$3,000.

Motion by Manager Spence to approve reimbursement in the amount of \$3,000 to Ms. Weiss on successful completion of her shoreline and steep slope stabilization project. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed.

### b) Rowe/Ohmann Residential Cost-Share Project – Payment Approval

Administrator Thomas noted his memo in the Board packet. He reported that the project has been completed and that a final site inspection was done on August 7, 2012 by Casey Theil from the Chisago SWCD at which time she certified that the project was complete. The total eligible cost from the submitted invoices was \$7,073. The cost-share payment to the Rowe's would be \$3,000, based on 50% of the total cost of the project, not to exceed \$3,000. Staff recommended that the Board approve payment to the Rowe's in the amount of \$3,000.

Manager Anderson asked about the use of rock rip rap in this project. Administrator Thomas commented that the rock rip rap was recommended by the Chisago SWCD in this location based on a wave height and energy calculation which indicated this shoreline to be a high risk for erosion. Manager Anderson commented that this information should be included in the background materials and project profile.

Motion was made by Manager Anderson to approve cost-share payment to the Rowe's in the amount of \$3,000. Motion was seconded by Manager Lynch. Discussion. Upon vote the motioned passed.

### c) City of Forest Lake Urban Storm water Remediation C-S Application

Administrator Thomas noted his staff memo in the Board packet. He provided a summary of the project which is a stormwater retrofit at the intersection of North Shore Trail and Hayward Avenue. The project will include an iron enhanced sand filter capable of removing 85% of the total phosphorus from a 6.5 acre tributary area before it discharges to Forest Lake (west basin). The project is estimated to reduce phosphorus by 4.7 lbs/year. The cost-basis for the project is based on an estimate from the City of Forest Lake of \$41,080. The City is requesting cost-share assistance under the District's Urban Storm Water Remediation Cost-Share program in the amount of \$20,540 or 50%.

Administrator Thomas further commented that this is the first application the District has received under the new program which began this year. He noted that he and staff from EOR have reviewed the application and have determined that the project as proposed is feasible and will provide a water quality benefit and as such is eligible for funding under the Urban Storm Water Remediation Program. He noted that based on the District's Watershed Management Plan and Program Guidelines the next step if the Board agrees to provide cost-share funds is for the Board, by resolution, to give preliminary approval and set a time for the required public hearing, which would be at the September 27, 2012 meeting. After the public hearing the Board can then give final approval to the project. Manager Lynch asked what role the City will play in contracting, project oversight and approval. Administrator Thomas commented that the City will be responsible for getting quotes, hiring a contractor, overseeing construction and certifying that the project was built according to the project plans and specifications. The District will also have a maintenance agreement with the City which will require them to maintain the project including inspections and necessary maintenance and/or repair.

Motion by Manager Anderson to offer resolution 2012-08-04 and its adoption. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed. The President called for a roll call vote on Resolution 2012-08-04. Anderson (yes), Damchik (yes), Moe (yes), Lynch (yes), Spence (yes). On a vote of 5 yes's and 0 no's the Chair declared the resolution adopted.

## **7. Old Business**

### **a) 2013 Budget & Levy Adoption and Certification**

Administrator Thomas noted his memo in the Board packet. He went through the main changes and additions to the work plan and budget based on discussion and Board consensus from earlier meetings and workshops. He noted that the budget as presented sets District expenditures for 2013 at \$1,200,287 which is 11% lower than 2012 and sets the District levy for 2013 at \$755,000 which is the same as it was in 2012. If the Board approves, the budget and levy then needs to be adopted by resolution.

Motion by Manager Moe to offer resolution 2012-08-01 and its adoption. Motion was seconded by Manager Spence. Discussion. Upon vote the motion passed. The President called for a roll call vote on Resolution 2012-08-01. Anderson (yes), Damchik (yes), Moe (yes), Lynch (yes), Spence (yes). On a vote of 5 yes's and 0 no's the Chair declared the resolution adopted.

### **b) BWSR/PCA Grant Submittal Authorization**

Administrator Thomas noted his memo in the Board packet. He commented that BWSR recently opened the application period for its FY2012 Clean Water Fund Competitive Grants and that the PCA will likely be opening an application period for its Clean Water Partnership Program this fall. He then reviewed four projects which he believes are grant ready including the Hilo Lane & Iverson Ave Storm Water Retrofit, North Shore Trail Subwatershed Assessment, Sunrise River Petition Project, and Lakeside Wood Condominium Storm Water Retrofit. He requested the Board's approval to develop and submit grant applications for the mentioned projects.

Manager Anderson suggested that we investigate other grant opportunities including the MN Initiative Foundation and noted that they helped fund the original Comfort Lake diagnostic study. Administrator Thomas commented that he would look into that as well as other grant opportunities that may be suited for the type of projects we have but that the short term focus is on the BWSR and PCA grant cycles. Manager Anderson commented on her concern over how the Clean Water Fund dollars are being used by agencies to support existing programs and staff and that was not to be the case when the Legacy Amendment passed. She noted a recent Minneapolis Tribune newspaper article on how much of the funds are going to agency

programs, she asked if staff could discuss this issue with MAWD and see if there are other District's with similar concerns and possibly consider a resolution on this. Administrator Thomas said that he would check with MAWD as well as getting out the Clean Water Council's recommendations for FY2013 allocations of legacy amendment dollars out to Board members so that they can see what is being proposed for use of the legacy amendment dollars for next year..

Motion was made by Manager Anderson to authorize the Administrator to develop and submit grant applications to support the implementation of projects listed in the August 7, 2012 staff memo on the issue. Motion was seconded by Manager Lynch. Discussion. Upon vote the motion passed.

c) Moody Lake In-Lake Treatment Project Report

Administrator Thomas commented that this agenda item is for EOR to review the August 15, 2012 Moody Inlet Monitoring Results and the Moody Lake Internal Load Treatment Options Report, both of which were included in the Board packet. Jason Naber introduced Meghan Jacobson who went through the Moody Lake Inlet Monitoring Results Memo. Meghan went over the purpose of the inlet monitoring, which was to verify watershed load inputs into Moody Lake to help inform if an in-lake treatment is warranted or is the watershed load still so high that it would make an in-lake treatment less effective, the methods used to monitor inflows, results, and recommendations. In discussing the report Meghan noted some key points including 1) precipitation monitoring which showed that we had a very wet monitoring period dominated with a few large events, 2) we had interference with flow caused by water flowing back into the culvert and upstream wetland from the lake and used May results as an example to illustrate the flow issue and how that translated into inability to capture watershed flow during some events which limited the number of events captured and analyzed, 3) considering that 2012 was a wet year they estimate an average event concentration of 0.6 mg/L of phosphorus in the runoff vs. 0.1 mg/L at Bone Lake. Meghan summarized their estimated watershed load in 2012 as being greater by a factor of two as compared to the wet year projection in the 2007 Wenck study, which was a modeled load. Given all of the uncertainty, the monitoring data and projected annual loading suggests that there has not been any reduction in watershed load from what was projected in 2007. Meghan emphasized that the amount of data and the short time over which it was collected are problematic and so from their point of view the options from here include 1) estimating current watershed load based on current land uses and rerunning the watershed model and comparing it to the 2007 model results, or 2) collecting more data. EOR's recommendation at this point is to hold off on an in-lake sediment treatment and rerun the water quality model using current land use information as an alternative method to assess current watershed load as compared to what was done in 2007.

Manager Anderson expressed concern over the fact that there were rain events that occurred on the weekends and so we could not collect data, why. Jason commented that there was an automatic sampler in place and that staff in addition to the automatic sampler will go out after large events and also get grab samples, so if everything is working right samples are taken whenever there is an event that would trigger the sampler. Manager Anderson commented that she understood that grab samples are important to qualify the data and the load going into the lake. Jason responded that it can be when there may be complicated factors relating to flow and that grab samples help when that situation occurs.

Manager Anderson responded that if these grab samples are important why there was not a plan in place to get them during a weekend. She further commented that these are important studies to us and why was there not a plan in place and as such we could have been using local volunteers to assist us on weekends and nights if necessary. She stated her disappointment in this that we now have to rely on estimates to do our work and finds this unacceptable and would like to see what EOR is going to do to make sure this does not happen again. Manager Moe commented that he is with Jackie on this and he has been in the area for ten years and that in his estimation land use in the area has not changed that much in ten years. He

recognized that we have done some projects that will help but overall there has not been a lot of changes. He also commented that he had visited this site a couple of times and there was definitely flows through the culvert on a few occasions, not saying it was not backing up through the culvert. One question he had in reading the report is that most of the water flows down through a wetland before going into Bone Lake and is there any chance that the culvert going to Bone Lake is significantly smaller than the Moody Lake inlet culvert and causing a situation where it is holding water back and not letting it through fast enough that it could cause the backwards flow that occurs. He noted a lot of turbulence and flow was going well out into Bone Lake this spring. He commented further that when he saw this it was after a few very large back to back storms. He commented that he would like to see us get more data and commented that since he lives just a couple of miles away he would be willing to help out.

Jason commented further on the grab samples issue and that they could work with volunteers or allocate more staff time as part of a sampling budget but generally try to rely on automatic equipment but in cases like this there should be consideration for some type of backup plan. Manager Anderson commented that this is exactly the point she was making, we have people, so what she is looking for is the professional oversight from EOR so that the work supports the conclusions and recommendations that will come out of monitoring and why is EOR not doing this.

Manager Anderson then asked what is needed at this time to focus on the project and be able to make sound decisions that are not based on speculation or averages from values pulled out of research tables. What seems to be lacking is the professional planning and oversight evidenced by this site and moving ahead with large expenditure projects like alum treatments at this time would not be acceptable. Jason said they talked about doing more grab samples but in their opinion they felt that they have what they need to make a decision on what is needed for Moody Lake. More data is always good but in this case feel they have enough information to make an informed decision in this situation. Manager Anderson commented that this is not what she heard in the presentation. She further commented that we cannot do anything about this one so the point is that as we go forward and do more projects like this she wants to see a much more professional oversight plan for what happens on the weekends.

Jason commented on the draft monitoring plan that will be handled out tonight and that it is a place where we can address the type of contingency plans that are needed for the different types of monitoring. Manager Spence commented that we did not necessarily know that we needed these samples, and could have sent someone out every weekend and found out it was a waste of time, but it was only afterwards that we realized that we did not have enough data, so in the end it is a balancing act. Given that it is important data then maybe we need another year of data and if the data that we have is not adequate we need to know that and if it is adequate we need to know that as well.

Administrator Thomas asked EOR to confirm for him that automatic sampling that was done was composite sampling that was triggered by flow events with the purpose of collecting samples at the beginning, middle and end of an event to be able to come up with an average concentration. Meghan responded that that was correct. Then Administrator Thomas asked if you missed grab samples were those being done in addition to the composite sampling and that samples were actually collected when you said you missed grab samples. Meghan responded that snowmelt was grab sample, the May 3<sup>rd</sup> and 25<sup>th</sup> events are a composite from the automatic sampler, and May 29<sup>th</sup> was a grab sample. The automatic sampler was the contingency plan. In this case the trigger was a velocity device and that with flow going both ways it presented some problems. Administrator Thomas commented that this supports Managers Anderson comments and that with staff, managers and potential volunteers we could have been organized to account for the variability mentioned knowing the importance of the grab samples. He further commented that recommendation by the WCD and EOR in the monitoring plan is to move us to composite sampling to be more accurate and getting away from grab samples.

Manager Spence asked when did EOR recognize when the flow was occurring in both directions. Meghan commented that she was not sure when it was recognized. Manager Spence commented that once it was known maybe more needed to be done at that time to look at what needed to be done to attempt to get the best sampling possible. Manager Lynch asked if something could be done to modify the equipment to avoid the vandalism. Meghan commented that this was only the rain gauge and not the sampler.

Administrator Thomas asked about the comparison of wet, dry and normal conditions and are we normalizing for an entire year or are we using the monitored average concentration of 0.6 mg/L from a short period of time and multiplying that against an annualized runoff amount as compared to what you would use for an average for a longer period of time such as an entire year. Since the plan was to monitor to compare against the 2007 model which did not have any monitoring associated with it, is it possible to normalize the data based on annual averages. Meghan said that she looked at this but that there are problems doing this since we do not have information on what runoff concentrations would be for other months of the year. Administrator Thomas noted that it may not change the recommendation which is to continue to do additional investigation through monitoring and going out and rerunning the model that was done in 2007. Manager Moe commented that he was around when the Wenck Study was done and that he and Randy had surveyed the watershed for animal units and that he has not seen that much change. Administrator Thomas commented that rerunning the model would require redoing the surveys and calculation of land use and then plugging any changes into the model and see if there is a difference.

Jason commented that the point of this discussion is that Moody Lake has a big internal loading problem and we know a lot of the load is coming from the summer anoxic condition and the purpose of looking to the watershed is to see if we are still getting a lot from the watershed or are we starting to get a handle on it and based on that is now a good time to start addressing the internal load. We were hoping to get a really good feeling from the monitoring to see if we were seeing a reduction in watershed loading. In spite of that we do know that we have a big internal load problem and is this a good time to make the investment and if we believe the watershed load is improving then it might be a good time to do that. Manager Anderson says that this is predicated on data and that brings us right back to where we are, can you replicate this somehow or can additional data collected in the fall give us the hard data to pin point this. Jason commented that they are discussing the value of getting additional data. Manager Anderson commented that if that is so what is the plan for events that occur on the weekend.

Manager Moe commented that his feeling about this is that he would be uncomfortable with doing an alum treatment without being convinced that there is not a lot of external load going into the lake and simply covering up the treatment. Meghan commented that it is the algae that grows, dies and is deposited on the lake bottom and it is this that would reduce the longevity of an alum treatment. Manager Moe commented that if there is anything that can be done this fall he is available to help with grab samples.

Manager Anderson commented to not forget about EOR's responsibility on this. Manager Moe commented that he supported additional efforts this fall if needed recognizing that this was a new site and we did not know as much about as we do now. Administrator Thomas commented about the possibility of moving the site upstream that have better site characteristics. Manager Lynch commented about sediment in the bottom of the culvert and its affect on the flow conditions. Meghan responded that it was not significant.

Discussion took place about the Bone Lake inlet culvert. Administrator Thomas commented that the plan at this point in the agenda was to go through the Moody Lake In-Lake Treatment Report and Recommendations, however given the discussion on the monitoring report he suggested delaying discussion on the report and the alum treatment and have the consultant go back and reevaluate/rethink a monitoring strategy in light of what we know and do not know and then bring that back to the Board and then make a decision about what to do possibly this fall or in 2013. Manager Moe stated that he was

comfortable waiting as it is important to have the right data before making a decision on a large project like the alum treatment. It was the consensus of the Board to have EOR come back with an evaluation and recommendation for additional watershed load verification at the next meeting. Administrator Thomas did note that by delaying action on the in-lake treatment it would not prevent us from implementing the recommendation for winter aeration if the Board decides to do that in 2013. Manager Moe asked that EOR look at the number in the report on littoral area because it seems high to him based on his observations when he has fished the lake and looking at a DNR lake map.

Manager Lynch asked if there was a better time of the year to do an alum treatment. Meghan responded by explaining how an alum treatment is done as it relates to dosing rate and timing. Lake Restorations was consulted with and asked when the ideal time for an application is. Lake Restoration said that fall was the preferred time. Meghan then went through how the dosing rate is calculated taking into account the sought after life-span. She also described the methods used to apply the alum.

Manager Anderson commented on the apparent speed of the water discharge from Bone Lake and what we see for dry and wet conditions from the Study. She also noted Table 3 in the larger EOR report for Moody Lake and that benchmark data for inflow and outflow under wet conditions and if this not becoming the norm given what we have seen with the rainfall patterns the last few years and does this suggest that we may need to be planning based on the wet condition versus the normal condition. General discussion about rainfall patterns and how they appear to be changing, how the agencies are looking into this and that we may need to do to modify our approaches to managing water based on changing weather patterns.

d) Sunrise River Water Quality & Flowage Management Project Order

Administrator Thomas noted his staff memo in Board packet on this item. He gave a brief overview of the dates at which each step of developing the Engineers Report and Overall Project were completed and with all of the required steps having been fulfilled the remaining action required by the Board is to order the Sunrise River Water Quality & Flowage Management Project by Board resolution.

Motion by Manager Anderson to offer resolution 2012-08-02 and its adoption. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed. The President called for a roll call vote on Resolution 2012-08-02. Anderson (yes), Damchik (yes), Moe (yes), Lynch (yes), Spence (yes). On a vote of 5 yes's and 0 no's the Chair declared the resolution adopted.

e) Watershed Plan Amendment – Initiate Final Review

Administrator Thomas noted his staff memo in the Board packet on this item. He noted that with the public hearing held on the plan amendment at the beginning of the meeting and with no written comments received prior to the hearing everything is in order for the Board to initiate the final state review and approval process.

Motion by Manager Moe to offer resolution 2012-08-03 and its adoption. Motion was seconded by Manager Spence. Discussion. Upon vote the motion passed. The President called for a roll call vote on Resolution 2012-08-03. Anderson (yes), Damchik (yes), Moe (yes), Lynch (yes), Spence (yes). On a vote of 5 yes's and 0 no's the Chair declared the resolution adopted.

f) Forest Lake (3<sup>rd</sup> lake) Algae Investigation Preliminary Results

Administrator Thomas noted the EOR preliminary results memo in the Board packet regarding the investigation of an algae problem on the east side of Forest Lake (3<sup>rd</sup> lake). The preliminary results did identify three possible sources for the above normal growth of algae in the area. They include high TP

from the pond, shallow warm water located at the outlet of the pond, and low lake water pH near the outlet. Upon completion of the summaries on lake bottom characteristic and tributary land use a final report and recommendation will be presented to the Board.

## **8. Report of Staff**

Administrator Thomas noted his written report in the Board packet.

Emmons and Olivier Resources (EOR) – Nothing more to report. EOR handed out the final draft of the District’s Monitoring Plan and asked for Board members to review and provide comments.

**President declared the meeting in closed session for the purpose of considering an offer on the Ducharme property in the City of Wyoming which is comprised of two parcels, PID #'s 211065700 and 211065500. The meeting then reconvened in open session at 9:05 pm.**

## **9. Report of Treasurer**

Approval of Bills

Treasurer Lynch presented the Treasurer’s Report (A copy of which is annexed and incorporated by reference) and bills and payroll totaling \$79,272.09

Motion was made by Manager Anderson to approve the August 23, 2012 Treasurer’s Report and pay the bills and payroll as presented. Manager Moe seconded the motion. Discussion. Upon vote, the motion passed.

## **10. Reports of Officers and Managers**

Manager Damchik – Nothing new to report

Manager Lynch – Nothing new to report

Manager Spence – Nothing new to report

Manager Anderson – Nothing to report

Manager Moe – Nothing new to report

## **11. Adjournment**

Motion to adjourn the CLFLWD regular Board meeting at 9:10 pm was made by Manager Lynch and seconded by Manager Spence. Upon vote, the motion passed.

**Wayne S. Moe, Secretary** \_\_\_\_\_