

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

TUESDAY, JUNE 28, 2007

1) **Call to Order**

The President called the June 28, 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, Cecilio Olivier (EOR), John Thene (Wenck & Assoc.), Travis Thiel (WCD), and Lisa Tilman (EOR)

Others: Jesse Carlson (Bonestroo), Sam Hathaway, Bernie Hess (Citizens for Responsible Growth in Forest Lake), Don Hult, Randy Neprash (Bonestroo), and Susan Young (Forest Lake City Council)

2) **Reading and Approval of Agenda**

The motion to approve the agenda was accepted by consensus

3) **Reading and Approval of Minutes**

The President called for the reading and approval of the minutes of the regular meeting of May 24, 2007. Motion was made to approve the May 24, 2007 regular meeting minutes as presented by Manager Dick Damchik and seconded by Manager Jon Spence. Motion carried unanimously.

The President called for the reading and approval of the minutes of the Rules Workshop of June 5, 2007. Motion was made to approve the June 8, 2007 Rules Workshop minutes as presented by Manager Dick Damchik and seconded by Manager Tom Lynch. The motion carried unanimously.

4) **Matters of Public Interest**

Nothing presented

5) **New Business**

a) **Bonestroo, City of Forest Lake NPDES Phase II MS4 Permit and BMP's addressed in its Stormwater Pollution Prevention Plan (SWPPP).**

Randy Neprash and Jesse Carlson from Bonestroo, presented information on Minnesota's National Pollutant Discharge Elimination System (NPDES) stormwater program as well as the City of Forest Lake's municipal separate storm sewer systems (MS4) stormwater program and requirements. Their presentation also included information on the City's storm water pollution prevention program (SWPPP). The City's SWPPP has been submitted to MPCA (winter 2007) and are waiting for comment.

The Board questioned Bonestroo, as to when they expect to have the City's stormsewer system mapped. Of concern is the District's undertaking an extensive water quality investigation of the watershed and main lakes within the District, including much of the area of the City of Forest Lake. A main objective of the study is to identify potential projects needed to reduce nutrient loading to District lakes in order to meet water quality objectives. Without a good understanding of the City's stormsewer infrastructure, it will be difficult to design or retrofit specific projects to reduce loading from developed areas within the City of Forest Lake.

Jesse Carlson stated that they have made headway on Mapping the City's stormsewers, and will continue to make headway through the summer and fall of 2007. Mr. Carlson stated that he expected the system to be completely mapped by June of 2008.

It was stated that there are ample opportunities for the City and the District to work together to address stormwater issues (i.e. stormwater education). Administrator Anhorn discussed the stormsewer drain stenciling project the District recently coordinated and partnered with the City of Forest Lake. As part of the project, area Cub Scouts stenciled over 200 stormsewer drains the city with "Do Not Dump Waste-Drains to Lake."

The Board thanked the Bonestroo representatives for their presentation.

b) **Responses to District RFP for Legal Service.**

The District received three proposals for legal services. The law firms which submitted proposals included Lawson, Marshall, McDonald, Galowitz & Wolle, P.A. Lawyers, Smith Partners, PLLP, and Michelle J. Ulrich & Harold H. Streff. The Board discussed the resumes and proposals of each.

Manager Lynch was concerned about who from each firm would be representing the District. Lynch didn't want an inexperienced person who would be learning on the job. Lynch also wondered about the need for change, he thought that Mr. Paul Haik had done a good job representing the District since its inception in 1999. Manager Moe also thought Mr. Haik had done a good job for the District.

Manager Damchik questioned why the District was looking for a change.

Manager Spence mentioned that the main reason to entertain the proposals were rate, philosophy and the need to move forward as a District funding and implementing projects.

Manager Anderson said that the District did not receive a proposal from Mr. Haik. Manager Lynch questioned the need for Mr. Haik to actually have to submit a proposal. Lynch said that the District knows what Mr. Haik charges and who the representative will be.

Manager Anderson said that she had a different opinion and thought that Mr. Haik did represent the District well in some instances and not so well in others. Ms. Anderson further reiterated past comments 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.

Motion was made by Manager Spence for the Administrator to invite Ray Marshall from Lawson, Marshall, McDonald, Galowitz & Wolle, P.A. Lawyers, and Louis Smith from Smith Partners to the District's July 26, 2007 to be interviewed by the board. The motion was seconded by Manager Damchik. After further discussions, the motion carried unanimously.

Manager Moe reiterated that The District would ask the representatives to the July meeting in order to answer questions the Board may have as to rates, philosophy, and primary contact, and that they were not ruling Mr. Haik out of the equation

6) **Old Business**

a) *Wenck & Associates contract discussion*

Administrator Anhorn presented a synopsis of questions raised at the District's May 24, 2007 meeting. Anhorn went over communications he had with the District's Attorney as to the contractual requirements of Wenck and Associates.

The Board discussed the possibility of Wenck & Associates still being able to produce LASKE2K as stipulated in the contract. Mr. Thene said that they could produce LAKE2K, but was presenting different alternatives to simply using LAKE2K (using a different model and additional data analysis on Comfort Lake and using the savings to model future growth in the watershed).

Manager Anderson said that she worried that LAKE2K has not been adequately tested, is still in the experimental stage, and was concerned about the models tested accuracy. Mr. Thene said that LAKE2K has been used in the development of TMDLs in Pennsylvania

Manager Spence asked if LAKE2K would need to re-calibrate for each lake if they chose to run the model on multiple lakes. Mr. Thene said that yes the model would have to be re-calibrated. Manager Spence then asked what the District would be losing if it chose to not do LAKE2K and chose instead to go with Wenck's alternative approach. Mr. Thene said that the District would not lose much. If fact, with the savings, the Board could expanded to model future watershed conditions.

Manager Lynch asked if it would be easier and less expensive to use the alternative approach on other lakes as opposed to LAKE2K. Mr. Thene said that yes it would, but did not see it as necessary to do the alternative analysis on all the lakes. Comfort Lake is unique due to its short residence time. The other lakes have longer residence times and the other models such as BATHTUB do an adequate job of modeling in-lake conditions.

Cecilio Olivier (EOR) helped the Board get a grasp on the difference between LAKE2K and the alternative analysis.

The Board then discussed the benefits of modeling future conditions in the watershed as opposed to just existing condition. Mr. Thene mentioned that the District's draft rules could be tested within the future development component in order to determine the resulting needs to meet in-lake goals and not over or under build projects to meet the goals.

It was determined that if the Board wished, the model could be used at a future date to determine future development conditions.

Motion was made by Manager Anderson for Wenck & Associates to model Comfort Lake using their described alternative analysis approach as opposed to LAKE2, and to hold off on the modeling of future conditions in the watershed. The motion was seconded by Manager Moe. Upon vote, the motion carried unanimously.

b) 2007 Work Plan & Projects 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. Additionally, Anhorn mentioned that due to a lack of macrophyte data on Birch and School lakes, he had been out on each lake conducting early-summer macrophyte surveys. Anhorn stated that he plans on conducting another survey on each lake in September, 2007. Mr. Anhorn further mentioned that he is having the volunteer lake monitor for Sylvan Lake collect zooplankton samples that he will analyze. Because of the importance of large-bodied Daphnia to the water clarity of Sylvan Lake, an up-to-date study on the lake's zooplankton population will be beneficial to determining the lake's overall health.

Anhorn also mentioned that the Board held rules workshops in June and staff will be forwarding a final draft of the District's rule in early-July. The next stage will be for discussion and approval of the draft rules at the July Board meeting. After approval, staff will start the TAC/CAC meeting process in order to present rules and receive comment back from the local communities and other state and local stakeholders.

Administrator Anhorn stated that the District successfully held its first storm sewer drain stenciling event on Saturday June 23, 2007. A few local Cub Scout troops stenciled over 200 storm sewer drains. Manager Anderson was present in the morning to thank the Cub Scouts and provide a primer as to the connection between stormsewers and local water bodies. They Cub Scout troops are looking forward to holding the event again. Additionally, Anhorn

mentioned that the District will be hosting a free nitrate testing clinic on Saturday, June 30, 2007 from 9 a.m.-11 a.m. at the Scandia Community Center.

Mr. Anhorn gave an update on the District's website. Anhorn stated that the site is 99 percent complete and will be going live on July 2, 2007. The domain for the site is clflwd.org.

And finally, Anhorn stated that the CLFLWD Citizen Advisory Committee (CAC) held a meeting on Monday, June 25, 2007. The emphasis of the meeting was to discuss and develop the committee's scope, update the CAC on District activities, and seek input in expanding participation.

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) Reviews, meetings, updates

Administrator Anhorn discussed staff review of the conceptual designs for Everton Commons PUD, West Lake Plaza re-design projects and the recent submittal of the Wal-Mart re-design as well as meetings (including meetings with lakeshore owners interested in shoreline restoration and native planting projects) and correspondences presented in the Administrator's report.

8) **Report of Engineer**

a) Emmons and Olivier Resources (EOR):

Lisa Tilman from EOR discussed recent meetings with Administrator Anhorn on rules development as well as her preliminary look at the recently received Wal-Mart re-design. While she had not had a lot of time to review the re-design, it seems as though the re-design has attempted to address the stormwater volume and phosphorus load concerns raised by the District. Ms. Tilman stated that she would further look at the models in order to determine if their assumptions seem accurate.

b) Washington Conservation District (WCD)

Travis Thiel, WCD, updated the Board on the conservation district's new website.

c) Wenck & Associates

John Thene (Wenck & Associates) gave an update on where they are in their water quality modeling process. Thene mentioned that they recently held the second of a planned series of four stakeholder meetings (June 21, 2007), to present portions of the load allocation model and design project to the group, as well as seek input in-lake goals.

Mr. Thene provided background on the load allocation model and calibration efforts as well as some background information on goal setting for the District's lakes. Thene stated that the initial goal derived from the CLFLWD Board of Managers was for in-lake phosphorus summer mean of 30.0 µg/L for each of the six major lakes, while resulting MPCA water quality standards are 40.0 µg/L and 60.0 µg/L for shallow lakes. Thene provided the MPCA's definition of a shallow lake.

Mr. Thene then discussed the relationship between phosphorus, chlorophyll-a (algal abundance), and Secchi transparency (water clarity) and the use of algal bloom frequency in the process of goal setting.

Mr. Thene further provided the specifics of the modeling process including the District's previous Hydrologic and Hydraulic model completed by SRF. This also included a windshield animal unit/feedlot survey throughout the watershed conducted by Manager Wayne Moe and Administrator Anhorn.

Mr. Thene then went through the characteristics and resulting model results (phosphorus loads) for selected lakes included in the study (while loads were determined for Birch, Bone, Comfort, Forest, Little Comfort, Moody, School, Shields and Sylvan lakes, only a few were presented due to time constraints). Mr. Thene mentioned that there is still a need to "tweak" some of the modeled loads. In some cases the modeled loads are greater than that representing the lake's current condition, and in other cases the modeled loads are less. An example of the over estimation of a lakes' phosphorus load could be the use of too high of a percentage of animal waste load actually making it to a lake.

The analysis also included lake response graphs detailing the needed phosphorus load reduction in order to reach the MPCA in-lake water quality goal as well as the Board goal of 30.0 µg/L.

Mr. Thene then discussed the next phase of the project being the preparation of a list of projects to address water quality goals. Mr. Thene passed out a table highlighting types of projects they plan on looking at for each lake.

The Board wanted to make sure that the overall project was on schedule in order to meet budgetary needs in late-July and August. Preliminary budgets and proposed levies need to be forward to the County by September 15, 2007, with final a final levy submitted by the end of the year.

In an attempt to get more Board input in the next phase of the project (projects to meet in-lake goals), Mr. Thene suggested a workshop to have more time to specifically discuss just the water quality project, goals and potential projects. The Board agreed and scheduled a workshop for 6:00 p.m., Thursday, July 12, 2007 at the Forest Lake City Hall.

9) **Report of Treasurer**

Manager Spence discussed the Treasurer's Report for June 2007.

Motion was made by Manager Damchik to pay the bills as presented. Manager Lynch seconded. Motion carried unanimously.

Manager Anderson stated that the Administrator's expense report was unsigned.

Motion was made by Manager Damchik to approve the June Treasurer's Report. Manager Moe seconded. Motion carried unanimously.

Question arose as to the amount of the 2006 carryover of the Wenck & Associates load allocation modeling project shown as "Control and Restoration Analysis." Kathy Blackford, District Accountant, stated that two issues that took place in 2006 have resulted in the wrong amount being carried over from the 2006 budget to the 2007 budget. First, the project budget amount for the "Control and Restoration Analysis" project was listed as \$ 200,000 as opposed to \$ 225,200, and second, the 2006 monitoring cost of roughly \$79,000 was taken out of the "Control and Restoration Analysis" budget when it should have remained as its own budgetary line. Discussions were held on the remaining amount due for "Control and Restoration Analysis" project and the District's fiscal outlook through July 2008.

10) **Reports of Officers and Manager**

Manager Anderson –

Manager Anderson presented a copy of an article on stormwater and changing climatological conditions. Manager Anderson suggested the Managers read the article due to its timeliness as the District is looking at crafting stormwater volume control rules. Manager Anderson also mentioned that she has set-up a meeting with former Wyoming Township Clerk, Norma Olson in order to provide training to District staff on the CTAS accounting software.

Manager Anderson also talked about a recent Comfort Lake Association event where they used Scouts with the assistance of the DNR, to manually pull curly-leaf pondweed.

Manager Damchik –

No Report

Manager Lynch –

Manager Lynch mentioned a recent article on the Anderson Lake (Eden Prairie) lake drawdown as a method of ridding the lake of curly-leaf pondweed.

Manager Moe-

Manager Moe discussed the recent news articles on toxic algal blooms. Manager Moe stated that his dog died of internal hemorrhaging a few years back and after researching the subject feels as though his dog died as a result of drinking lake water with toxic algae. He further

stated that the difficulty is that the same blue-green algae which can become toxic can just as easily become non-toxic.

Manager Spence –

No Report

Adjournment

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

John T. Lynch, Secretary