

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

**Thursday, November 18, 2010**

**1) Call to Order**

The President called the November 18, 2010 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, Manager Jon Spence

Absent: None

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

Other: Linda Nanko-Yeager (Wyoming City Councilmember), Jason Naber, Kevin Biehn

**2) Open the Regular Meeting**

The President opened the regular Board Meeting.

**3) Setting of Agenda**

The President called for the reading and approval of the November 18, 2010 regular Board meeting agenda. President asked if there were any changes or additions. Hearing none, motion to approve the agenda was made by Manager Moe and seconded by Manager Lynch. Discussion. Upon vote, the motion passed unanimously.

**4) Reading and Approval of Minutes**

The President called for the reading and approval of the minutes of the October 28, 2010 regular Board meeting. Manager Anderson noted a small typo on page 5, at the end of the first paragraph under c) Sunrise River WQ & Flowage Project where the words “the next” are repeated and should be deleted. Motion to approve the October 28, 2010 regular Board meeting minutes, as amended, was made by Manager Moe and seconded by Manager Lynch. Discussion. Upon vote, the motion passed unanimously.

**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.

Manager Anderson commented that she had been contacted by a resident on Comfort Lake who inquired about the potential of a restoration project on the lake for her son who is trying to come up with a Eagle Scout Project and that he was interested in doing something water related. Afterwards she called Doug who had also been contacted by the parent. She summarized her conversation with the parent and noted

that Doug agreed to call back and follow-up with the son to see what we might be able to do to help out. One idea that Doug had mentioned was to look at the Comfort Lake Boat Launch project that Randy Anhorn and others had worked on in the past but was never done. Manager Anderson commented that she thought this was a good idea.

Manger Anderson, in response to a comment by Manager Lynch, stated that we should be contacting other groups and even go as far as seeking out groups that are interested in assisting with community projects. Keeping a list of these volunteer groups might help with the District being able to put them in contact with property owners and/or projects that could use volunteer labor such as the cost-share program.

## 6) New Business

### a) *Water Quality BMP Cost-Share Program*

- i) ***Laura Stoiber C-S project approval & payment*** – The Stoiber water quality rain-garden and biofiltration swale project is located on Forest Lake (Lake 3). The 350 square foot rain-garden and swale provides for the reduction of nutrients and pollutants entering the lake from runoff from the driveway and portions of the roof. The project was inspected by Pete Young (Washington CD) and Administrator Thomas on November 1<sup>st</sup> at which time the project was determined to be complete. Staff recommended that the Board of Managers approve the project and authorize reimbursement in the amount of \$2,944.41 which represents ½ of the materials and contracted labor for the project.

Manager Lynch asked about the strikeout of items on the invoice. Administrator Thomas pointed out that the items that were removed from the invoice are landscaping features, including a walkway and trees, which are not cost share eligible project components. He also pointed out that this is one of the first projects on the lake that treats runoff from the street side of the property and is built between existing homes and that it will be a good project to monitor. Manager Anderson asked about the type of plants that were used for the project. Administrator said that the planting includes a variety of native grasses, flowering perennials and native shrubs.

Manager Anderson made the motion to approve the Stoiber project and reimburse them for ½ of the material and contracted labor in the amount of \$2,944.41. Second by Manager Moe. Discussion. Upon vote, the motion passed unanimously.

### b) *Permits and Reviews*

- i) ***10-009 CSAH 2/Broadway Avenue Improvements*** - Administrator Thomas noted that this permit was removed from the last meeting due to the fact that the noticing of the project to properties within 500 feet had not been done. Since then the applicant provided the District office with the required list of names/addresses and a post-card was mailed to the 227 properties that are within 500 feet of the project pursuant to District rules. He noted that staff is recommending approval of the permit with the conditions listed in the Engineers Report.

Administrator Thomas then turned things over to Engineer Tilman to review the Engineers Report with the Board of Managers. Engineer Tilman proceeded to review the Engineers Report with a focus on 1) the location of the various stormwater features, 2) how they address and achieve compliance with District rules, and 3) recommendations for potential water quality enhancements. Engineer Tilman noted that volume control is met through the use of 2 infiltration basins in the freeway interchange and one large bio-filtration basin

on 8<sup>th</sup> Ave. The bio-filtration basin is credited at 70%. Rate control and water quality treatment for the project is provided by the construction of a large stormwater pond, retrofitting of two smaller existing ponds, and the construction of the infiltration/bio-filtration feature. She noted that the requirements for rate control, water quality treatment, erosion and sediment control, and waterbody crossings have been met by the applicant. She noted that the water quality treatment being provided actually exceeds the District rule requirement which is a 50% reduction in phosphorous.

Engineer Tilman then discussed the section of the Engineers Report which points out potential opportunities for enhancing water quality treatment. In EOR's evaluation of the bio-filtration basin they identified two potential enhancements. The first enhancement would be to raise the outlet elevation of the outlet by 0.5 feet which would provide for additional volume control and associated water quality treatment. The second suggestion would be to modify the bio-filtration basin by incorporating an iron enhanced sand filter around the tile lines. The iron enhancement would provide for additional phosphorus removal.

Manager Anderson asked Engineer Tilman if they have costed out the enhancements. Tilman responded that they have estimated the additional cost to add the iron filings, and it would be approximately \$20,000. Manager Anderson then asked what benefit would there be to the District. Tilman responded that the benefit would be the increased phosphorous reduction associated with the additional removal capacity that would be added with the enhancement. Manager Anderson commented that she understood that part and that maybe her real question is if we are going to have a regional pond downstream and if we seek to add these types of enhancements into major projects such as this one how does this relate to the sizing and potentially the cost of what would be needed in the regional pond if these type of enhancements were pursued. Engineer Tilman pointed out that there are models that can be used to estimate the phosphorous reductions from other retrofits/enhancements and that information would then be used to determine the type and size of a regional treatment system based on what the remaining pollutant load reduction goal would be for the downstream, receiving waterbody. Manager Anderson commented further that this fits well into the Districts adaptive management philosophy and if we can shift some of our capital improvement funds to these major projects which can then have an impact on the size and type of downstream project we should be pursuing them. Manger Anderson then asked about the timing of the Broadway Ave. Improvements and can this get built into it. Administrator Thomas noted that the timing of the project would allow for the enhancements to be added and that he has spoken with the project engineer who noted that it would not be difficult to add them as a change order later on in the process. He pointed out that the County due to federal deadlines needs to get the permit acted on now rather than later but is definitely interested in looking at and discussing the enhancement recommendations.

Motion by Manager Anderson to approve permit #10-009 with the conditions listed in the Engineers Report. Second by Manager Moe. President Damchik asked for any discussion on the motion. John Spence asked for clarification on how to read the numbers for the water quality reductions. Attorney Holtman pointed out the need to allow comments from anyone in attendance before voting. President Damchik asked if anyone that was present wished to comment. Hearing none, President Damchik renewed the motion to approve permit #10-009 with conditions. Upon vote the motion passed unanimously.

Manager Anderson asked the President if she could add a motion regarding the enhancements. President Damchik agreed. Manager Anderson commented that it is her intent to offer a motion that would direct staff to continue to work on the enhancements and bring back a more comprehensive outline with costs. The intent is to assure that staff continue our participation in trying to get the enhancements added to the project. Manager Anderson then directed a question to the Attorney stating that we know the applicant is interested but since we cannot force them to add the enhancements if the District were to move ahead would we have to have an agreement with the applicant. Attorney Holtman responded by stating that if the applicant did the work on their own there would not be a need for an agreement but if the District ended up with either funding the work or having another type of involvement such as monitoring it would require an agreement. Manager Anderson noted that it is her intent to use this project as part of our adaptive management strategy and to take advantage of the additional treatment opportunity.

Motion by Manager Anderson to direct staff to continue to work on the enhancements with the applicant and bring back a more comprehensive outline and cost estimate for the Board's consideration. Second by Manager Lynch. Discussion. Upon vote the motion passed unanimously.

***c) Washington Conservation District – Forest Lake Comfort Lake WD 2011 Services Agreement***

Administrator Thomas reviewed the proposed 2011 Services Agreement with the Washington Conservation District. He pointed out that the agreement covers two areas of assistance. The first is for technical assistance in an amount not to exceed \$10,000 to support the water quality cost-share program in the Washington County portion of the District. The second item is for carrying out our 2011 stream monitoring program. The cost associated with the monitoring program is \$48,284 which is \$3,284 more than the 2011 budgeted amount of \$45,000. The increase is due to adding back in water quality monitoring at the Comfort Lake outlet site. In discussing the 2011 work plan with Erik Anderson of the Washington CD it was agreed that the Comfort Lake outlet should be thought of as one of the Districts legacy monitoring sites and we should be collecting both flow and water quality data as it is the outlet of the District. Manager Anderson asked about assistance from the Chisago SWCD. Administrator Thomas noted that the Board will be seeing a services agreement from the Chisago SWCD in the next month or two. As it relates to stream monitoring they are not well equipped to do it so we have stayed with the Washington CD for those sites that are in Chisago County.

Motion by Manager Moe to approve the 2011 Services Agreement between the Washington Conservation District and the Comfort Lake-Forest Lake Watershed District for an amount not to exceed \$58,284 and to authorize the Board President to execute the Agreement. Second by Manager Lynch. Discussion. Upon vote the motion passed unanimously.

**7) Old Business**

***a) 2010 MAWD Resolutions***

Administrator Thomas pointed out the memo in the Board packet with his review, assessment, and proposed District position on the 2010 MAWD resolutions. He asked President Damchik how he would like to proceed. President Damchik commented that the information was very thorough and felt that the Board did not need to go through it resolution by resolution. President Damchik asked if any of the other members wanted to go through the resolutions one by one. It was the consensus of the Managers that they

did not need to review each of the resolutions and that the proposed voting position for the District's delegates was acceptable.

Manager Anderson noted that she did have a comment on resolution #6. Her comment was that the request to have a process for re-determination of benefits in 103D is a needed process but that her experience going through a redetermination of benefits with the old JD1 system is that an alternative process is needed that ties the redetermination to a process that is done on an annual basis such as the yearly change in valuation. Administrator Thomas indicated that this a question that Attorney Holtman was in a better position to respond to. Attorney Holtman noted that what Manager Anderson was seeking is in essence a different resolution than what is proposed. Administrator Thomas commented that at a minimum we could raise the issue/idea at MAWD during the resolution process. Attorney Holtman further acknowledged that there would be a practical difficulty in changing the way benefits were determined for older projects which used a determination of benefits to one that would use valuation. He also noted a concern that one could be establishing a new form or nature of criteria for determining cost based on something other than benefits. Manager Anderson pointed out that although she understood what Attorney Holtman was saying we should find a way to use this resolution to add to the discussion that there should be a different way of doing repair assessments or replacing the old archaic method in 103E that this resolution patterns itself after.

Administrator Thomas commented that as part of the resolution process there is a meeting of the MAWD Resolution Committee prior to the regular session and that if the Board would like he could draft up a short issue paper relating to resolution #6 pointing out the need for a more modern method of re-determination of benefits and present it at the resolution committee meeting. That way MAWD would have it and could use it to help in the discussion of crafting any proposed legislation. Manager Spence commented that the resolution is listed as a local resolution but it certainly has statewide impact.

Manager Anderson moved to direct the Administrator to prepare a short issue paper regarding the need for MAWD to consider a more modern method of redetermining how much a property needs to pay for repair, operation, and maintenance of projects initiated under 103D as compared to the old method of re-determination of benefits under 103E and to present it to the MAWD resolution committee. Second by Manager Moe. Discussion. Upon vote the motion passed unanimously.

Administrator Thomas pointed out that Board needs to appoint delegates for the purpose of voting on business items and resolutions at the upcoming annual meeting. Managers discussed who would be attending concluding that Managers Anderson and Lynch would be the only managers attending.

Motion by Manager Spence to appoint Managers Anderson and Lynch as the Comfort Lake-Forest Lake Watershed District's authorized delegates to the 2010 MAWD Annual Meeting. Second by Manager Lynch. Discussion. Upon vote the motion passed unanimously.

***b) Bridgewater culvert capacity memo from EOR***

Engineer Tilman discussed their memo in the Board packet which was in response to a question raised at a previous Board meeting which wanted to know what "approximate" means when the engineer is evaluating different culverts and their capacities. Engineer Tilman discussed the general method and tools used to evaluate culvert capacities and that in their view if the modeled flow rates for the replacement culvert are within 5% of the old, and that there is not a significant difference in the upstream water level then the conclusion is that the replacement culvert "approximates" the old. Manager Anderson further commented and asked the question of what does this mean. She went on to use the example of Comfort Lake and the significant bounce that they see on the lake after larger rainfall events. Engineer Tilman noted that these types of downstream affect can be modeled using the District SWMM model. Manager Anderson said that

is exactly what she would like to see. Engineer Tilman responded that they would do that modeling to show what the lake levels would be for Comfort Lake in this situation and provide that information to the Board of Managers.

***c) Sunrise River WQ & Flowage Project***

Administrator Thomas noted that this is the second of three presentations to help in defining the general scope of the project that will then be used by the engineers and staff to develop a work/task order for the preparation of the Project Engineers/Feasibility Report. Engineer Tilman pointed out that at the last meeting the presentation focused on the developed part of the watershed and that tonight's presentation will focus on the ditch/river system. She then introduced Jason Naber and Kevin Biehn who went through their presentation.

Jason Naber went over the following items:

- Watershed area of the project area and current resource issues including flooding and water quality.
- Review of water quality data and discussion of pollutant concentrations vs. loads.
- Examples of EOR work on similar systems with ditches including recent projects in Lino Lakes and Blaine that they did for the Rice Creek Watershed District.

Kevin Biehn went over the following items:

- What is riparian rehabilitation vs. restoration
- Issues related to the current approaches which are still a blend of science and art.
- EOR project experience in stream stabilization, stream restoration, hydrologic restoration in the watershed, and wetland restoration.

Manager Lynch asked when EOR looks at the Sunrise River and culverts between Forest Lake and Comfort Lake can it be turned back into a natural creek/river. Kevin commented that in areas where the stream originally existed such as between the lakes the answer is yes. He did point out the challenge with the Sunrise River is the very low gradient which makes it harder to get back the long sinuous stream due to floodplain encroachments in many locations. Manager Anderson commented on seeing maps of the original creek/river which was very sinuous. Kevin agreed and noted that the flatter a stream is the more sinuous it is going to be under natural conditions.

**8) Report of Staff**

***a) Administrator***

Administrator Thomas noted his written report in the Board packet and commented that he did not have anything more to report on at this time. He did point out the Comfort Lake newsletter in the packet which is for the Board's information.

Manager Anderson noted that in the newsletter on page 2 it reprinted portions of Wyoming's ordinance and DNR regulations pertaining to what can be done on the lakeshore without a permit. She commented that some of these items are in conflict with our rule and asked the Administrator Thomas to follow-up with the City Administrator.

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

Engineer Tillman noted that she had nothing more to report at this time.

*c) Smith Partners*

Attorney Holtman noted that he had nothing more to report at this time.

**9) Report of Treasurer**

*a) 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 \$64,322.21.

Motion was made by Manager Moe to approve the November 18, 2010 Treasurer's Report and pay the bills and payroll as presented. Manager Anderson seconded the motion. Discussion. Manager Anderson noted the large balance in the project fund and asked that the Treasurer look into the use of CD's to increase the income on these deposited funds. Manager Lynch asked Attorney Holtman if there were any legal issues or concerns. Attorney Holtman noted that the District has an adopted policy regarding investment of District funds. Upon vote, the motion passed unanimously.

**10) Reports of Officers and Manager**

**Manager Anderson**–

Absent

**Manager Damchik**–

Noted that the Forest Lake dam needs cleaning and asked Administrator Thomas to contact the City.

**Manager Moe** –

Nothing to report

**Manager Spence** –

Nothing to report

**11) Adjournment**

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

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Wayne S. Moe, Secretary