

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

Thursday, September 27, 2012

1. Call to Order

The President called the September 27, 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, Lisa Tilman, Cecilio Olivier (EOR), Chuck Holtman (Smith Partners), Matt Downing (WCD) and Mark Lobermier (Wyoming).

2. Setting of Agenda

The President called for the reading and approval of the September 27, 2012 Regular Board meeting agenda. President asked if there were any changes or additions. Motion to approve the agenda 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 August 23, 2012 Regular Board Meeting. Administrator noted and read two changes regarding the closed session provided by the Attorney and Manager Anderson noted two corrections on pages 5 and 7. Motion to approve the August 23, 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 – City of Forest Lake Urban Stormwater Remediation C-S Application

The President recessed the Regular Board meeting at 6:35 pm and called to order the public hearing on the City of Forest Lake Urban Stormwater Remediation C-S application. The President then asked Administrator Thomas to give an overview of the purpose for the hearing. The President asked if anyone was present that wished to comment on the proposed amendment. Hearing none the President closed the public hearing at 6:40 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) Jackie Anderson & Wayne Moe – Manager Oath of Office

Administrator Thomas noted the office had received letters from both Chisago County and Washington County informing the District that Managers Anderson and Moe had been reappointed. Administrator Thomas handed them copies of the Oath of Office. The President then asked each to read and sign the Oath of Office.

b) Permit 12-002 – Castlewood Golf Course/Stella’s Parking Lot Improvements

Administrator Thomas noted the Engineers Report that was included in the Board packet. He provided a brief description of the project and the proposed stormwater features for the site. He commented that the Engineers Report recommends permit approval with three administrative conditions.

Manager Anderson moved to approve Permit 12-002 (Castlewood Golf Course/Stella’s Parking Lot Improvements) with the conditions listed in the Engineers Report. Manager Lynch seconded the motion. Discussion. Upon vote the motion passed.

c) Daly Residential Cost-Share Project Application

Administrator Thomas noted his staff memo in the Board packet. He commented that the Daly project and the Jordan project, which is the next agenda item, are adjacent to each other and as such he gave a description of both of them at the same time. The projects are shoreline erosion control and water quality buffers on Forest Lake (1st lake) and are on either side of 236th Street which happens to be one of the dead end street projects that the District worked on a couple of years ago. Both projects will employ rock rip-rap due to a high potential for both wave and ice action. He noted that the District is also working with the City of Forest Lake to do some additional work on the 236th site which is a highly used lake access point. He further commented that both projects were reviewed and ranked by Manager’s Lynch and Moe, Andy Schilling and himself and recommended for funding. The cost for the Daly project is \$9,119.00 which is based on an estimate from the WCD. Staff recommended Board approval for the Daly Cost-share project in the amount of \$3,000 not to exceed 50% of actual cost, including in-kind labor.

Manager Lynch moved to approve the Daly Residential BMP Cost-Share Incentive Program application for a shoreline stabilization and shoreline buffer planting project at the rate of 50% not to exceed \$3,000. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed.

d) Jordan Residential Cost-Share Application

Administrator Thomas noted that the Jordan project was reviewed and ranked by Manager’s Lynch and Moe, Andy Schilling and himself and recommended for funding. The cost for the Jordan project is \$6,317.50 which is based on a bid from Cold Stone Shoreline. Staff recommended Board approval for the Jordan Cost-share project in the amount of \$3,000 not to exceed 50% of actual cost, including in-kind labor.

Manager Moe asked about the Graff property which is shown on the concept plan that was included in the packet. Administrator Thomas commented that the concept plan was done for three properties which included the Graff property to the north of Jordan’s but at this point they are not interested in completing a project on their property. Manager Lynch asked about the cost estimate. Administrator Thomas commented that the cost-estimate is only for the Jordan portion of the project.

Manager Moe moved to approve the Jordan Residential BMP Cost-Share Incentive Program application for a shoreline stabilization and shoreline buffer planting project at the rate of 50% not to exceed \$3,000. Motion was seconded by Manager Spence. Discussion. Upon vote the motion passed.

e) Kemplin 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 24, 2012 by Andy Schilling of the WCD at which time he certified that the project was complete. The total eligible cost from the submitted invoices was \$3930.50. The cost-share payment to the Kemplin's would be \$1,762.00, based on the approved application which was for 50% of the total cost of the project, not to exceed \$1,762.00. Staff recommended that the Board approve payment to the Kemplin's in the amount of \$1,762.00.

Motion by Manager Anderson to approve reimbursement in the amount of \$1,762.00 to the Kemplin's on successful completion of their shoreline stabilization and water quality buffer project. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed.

f) Hosanna Lutheran Church Community 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 September 13, 2012 by Andy Schilling from the WCD and himself at which time Andy certified that the project was complete. The total eligible cost from the submitted invoices was \$11,240.78. The cost-share payment to Hosanna Lutheran Church would be \$8,430.59, based on 75% of the total cost of the project, not to exceed \$9,400. He reminded the Board that the cost-share rate of 75% is because this project was applied for and funded under the Community Program as compared to the Residential Program. Staff recommended that the Board approve payment to Hosanna Lutheran Church in the amount of \$8,430.59.

Motion was made by Manager Anderson to approve cost-share payment to Hosanna Lutheran Church in the amount of \$8,430.59. Motion was seconded by Manager Spence. Discussion. Upon vote the motion passed.

g) Request for Proposals for Professional and Technical Services

Administrator Thomas noted his staff memo in the Board packet. He explained the requirement for solicitation of interest proposals for professional services every two years as required by the Metropolitan Surface Water Management Act. He explained that the process would be to publish the required notice, establish a deadline in November with selection of firms at the December meeting. He further explained that for 2013 he is recommending, in addition to the District's regular engineer, the Managers consider the creation of an engineering pool. He pointed out that this is not intended to replace the use of a designated District Engineer but rather to establish ahead of time a pool of firms that have water resources related qualifications that the District could, depending on the nature of a project and the type of expertise needed, choose from and have professional service agreements in place ahead of time. Manager Anderson commented that she thought this was good idea. Manager Lynch asked about the other services such as the attorney. Administrator Thomas noted that his intent was that this was only to apply to engineering but that since it is an open notice anyone can submit a proposal and the District can choose to do whatever it wants to do with them at that time.

Motion by Manager Spence to authorize the Administrator, pursuant to MN Statutes 103B, to publish notice of a request for interest proposals for legal, professional, and technical consultant services, including the establishment of an engineering/technical services pool. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed.

h) Washington Conservation District – 2013 Technical Services Agreement

Administrator Thomas noted his staff memo in the Board packet. He further explained that the WCD's proposal for 2013 is designed to provide technical assistance to the District to assist in carrying out the District's various programs and projects. In 2013 the cost for technical assistance will be \$7,500 for the Forest Lake Direct Subwatershed Assessment, \$15,000 for implementing our cost-share programs, \$12,000 for the North Shore Trail Subwatershed Assessment, and \$73,000 for stream and lake monitoring. Manager Anderson asked if there should be some form of contingency or reserve in the monitoring portion to address areas which may come up during the year and used the Highway 8 lateral ditch that she just became aware of as an example but also stated that she was not sure if it belonged here or elsewhere. Administrator Thomas commented that the agreement is for planned and budgeted monitoring activities and if a special area comes up during the year he would rather see the Board deal with it at that time and that as part of that discussion he would be able to determine from where in the budget the funds would come from.

Motion by Manager Anderson to approve the attached 2013 Service Agreement between the Washington Conservation District and the Comfort Lake Forest Lake Watershed District in the amount of \$107,807 and to authorize its execution by the Board President. Motion was seconded by Manager Spence. Discussion. Upon vote the motioned passed.

7. Old Business

a) 2012 Urban Stormwater Remediation Program – Project Certification

Administrator Thomas noted his memo in the Board packet. He pointed out that with no comments from the public hearing which was held at the beginning of the meeting or received in writing prior to the hearing the next step in approval of the City of Forest Lake's request for funding for the North Shore Trail & Hayward Avenue Urban Stormwater Remediation Project is for the Board to consider and act on the attached resolution which certifies the project.

Motion by Manager Anderson to offer resolution 2012-09-01 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 2012-09-01. 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) CLFLWD/City of Wyoming Draft MOU for Regulatory Coordination

Administrator Thomas noted his memo in the Board packet. He explained the history behind the direction that the Board took back in November of 2011 to improve the District's and the City's ability to avoid shoreland violations such as the one that took place on Comfort Lake in October of 2011. That discussion led to the board evaluating a number of different options. The option that was chosen was to develop a more formalized coordinated effort between the City and District. Attorney Holtman assisted in developing a draft agreement which the Board had seen and endorsed in the spring of 2012. Since that time the City had reviewed the document, made some minor changes, and signed the Memorandum of Understanding which was attached to the memo in the Board packet.

Motion was made by Manager Anderson to enter into the attached Memorandum of Understanding for Regulatory Coordination with the City of Wyoming and to authorize the Board President to execute the

Memo of Understanding. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed.

c) Moody Lake In-Lake Treatment – August Meeting Follow-up

Administrator Thomas noted that this is a follow-up to the discussion on the project report that took place at the August meeting. Lisa Tilman noted the September 27th EOR memo that was handed out prior to the meeting and then gave an overview of what was in the memo. The purpose of the memo was to provide additional information relating to the monitoring period this spring and the evaluation of whether watershed loads are reduced to a level where alum treatment would be expected to have a sustained positive impact on the lake. The evaluation identified a number of key findings including, 1) flow from the northwest tributary was silty while flow from the northeast tributary was clear following the large rainfall event at the end of May suggesting that cropland erosion is a continued concern, 2) the average phosphorus concentration measured through grab samples was over twice as high as the average estimated phosphorus concentration, in a wet year, from the 2007 WENCK study/model, and 3) water level increases were only observed for rainfall events over 0.5 inches suggesting that the watershed may be capturing and holding more water back than what the 2007 study/model did thereby overestimating the watershed inflow into the lake.

Lisa then described the relationship of volume and concentration to loading and described how if the inflow is significantly different than what the model used then the model may be overestimating the watershed load contribution to the lake. She then went through a number of tables found in the memo to illustrate the impact on what happens to loading based on the monitored flow versus modeled flow for the period that was monitored. If correct the loading from the 2007 study/model could be overestimating the phosphorus load by as much as 180 pounds/year.

Lisa then went over what the implication of that is for lake management. Even using the lower load calculation the existing phosphorus load is still higher than what is needed to meet state standards for in-lake phosphorus concentrations. Since the question that was to be addressed through the study was whether or not the watershed load was low enough to ensure that an alum treatment on Moody Lake is effective, she then discussed how alum and watershed load reductions were compared for theoretical changes in total phosphorus loads. She summarized this section by stating that this exercise demonstrated why reducing watershed load is recommended prior to alum treatment. She concluded with going through the recommendations which are to 1) investigate the sources of silty runoff in the northwest drainage to allow sources to be rectified, 2) verification of inflow volumes to allow more accurate calculation of inflow and phosphorus loads, and 3) refinement of water quality and in-lake modeling to allow final evaluation of inflow phosphorus loads and in-lake impacts of alum treatment as recommended in the August 15th memo.

Manager Lynch asked about the verification of volume and whether the wetlands holding back water could be the cause of the backflows. Lisa explained that the measurement being referred to is a water surface elevation and that data was very good and that it can be plugged back into the District H&H model to better predict the inflow amounts to the lake. Manager Anderson commented that she needed time to digest the report and was not prepared to make any decision tonight. Lisa provided a brief overview of the tasks that they outlined as needed in the draft task order that was handed out and which would implement the recommendations in the September 27th memo.

Cecilio Olivier, from EOR, commented that the point of table three in the memo was to show “what if” scenarios for alum treatment alone and alum treatment with more watershed load reductions. Administrator Thomas commented on the upland investigation and how that can be supported with both the MLCCS mapping being done along with the work with one of the major landowner/farmers that is taking place through our ag program. Manager Anderson asked about the upstream lakes referenced in the report

and if EOR looked at if they are contributing. Manager Moe commented that EOR had previously stated that we lack quality data and now you say you have it. Lisa explained that the comment about good data relates to the water level data that was collected which was not compromised by the flow measurements which was the problem with the operation of the automated samplers. Manager Moe asked for more clarification. Cecilio gave an example of water level to volume on the whiteboard and showed how a hydrograph that is produced from the model can be calibrated when you have actual water level measurements. He further illustrated how in this case the water levels, which suggest less volume, can be used to further calibrate the H&H model and get a better measure of volume which can then be used to give a better estimate of watershed loading of phosphorus. Manager Spence commented that then what Cecilio is saying is that we could be overestimating the watershed load.

Manager Anderson commented that the point once again is we are looking at our key lakes with these types of specific studies as compared to the WENCK study which was a global look. She further commented that although it is good to hear that we have data that we can use, the end product in this case was not what was expected. At this point she explained that she needed time to look carefully at what we got against the tasks approved with the original report.

d) Forest Lake (3rd lake) Algae Investigation Report

Administrator Thomas noted that the final report was handed out prior to the meeting. He gave a brief overview of the report and the conclusion that the pond, which is located on tax-forfeit land, was confirmed as a significant source of phosphorus in this location. He also pointed out some of the other environmental factors in this location such as bottom sediment type, water chemistry, and temperature can contribute to the excessive filamentous algae that occurs in this area and not the areas north and south of this location. He then pointed out the recommendations that were made with regards to retrofits that could be done with the pond to reduce the input of phosphorus into Forest Lake. He concluded with stating that he is working with Washington County to determine the status of the tax-forfeit parcel and what options there are for either having it transferred or what activities would be allowed under its current status. Once we have a better idea of that then staff will come back to the Board with a suggested project.

e) Comprehensive Monitoring Plan

Administrator Thomas commented that the purpose of this agenda item is to simply remind the Board that if they have any comments on the draft comprehensive watershed monitoring plan that they need to get them to either himself or EOR in the next couple of weeks. The intent is to ask the Board for formal adoption of the plan at the October meeting.

f) Greening the Big Box & Streets – Engineering Work Order

Administrator Thomas noted his memo in the Board packet. He then gave a project update and reviewed the preliminary concept plans for a project that would involve Target and the two adjoining City streets. He discussed the process that he has gone through with Target and the City and that the costs to date to get the preliminary concept plan, pollution reduction estimates, and cost estimate is coming out of the grant dollars. He further explained the two options and that Option A would require additional funds over and above the grant and watershed match that has been committed to date but that it provides the greatest level of treatment and aesthetics. Option B is a scaled back version of Option A that would allow us to stay within the original budget. He pointed out that the next step if the Board concurs is to present the options to Target and the City and work towards a letter of intent that would provide us with enough confidence that we would then move forward with final designs. He also explained that once final designs are done we would then enter into a grant agreement with Target as well as develop the necessary long-term operation and maintenance plan with them. Administrator Thomas also commented that depending on how

the next steps go with Target and if they propose some additional cost-sharing to go with Option A that would be brought back for Board consideration and action.

Manager Anderson commented that she is very supportive of the project but wants to make sure that the understanding is the watershed will be involved in all aspects of the project and will be able to assure future maintenance since the project as described would be built by Target.

Manager Anderson moved to instruct staff and the District attorney to develop and secure a letter of intent with Target Corporation and the city of Forest Lake for the Greening the Big Box and Streets project, and once executed authorize the attached task order from EOR preliminary design along with supporting documents. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed.

8. Report of Staff

Administrator Thomas noted his written report in the Board packet. He also noted that the beavers have come back at the Comfort Lake outlet/Sunrise River and that he is in the process of contacting the new property owner to see if we can get permission to go in and do beaver control and dam removal.

Emmons and Olivier Resources (EOR) – Nothing more to report.

Smith Partners – Nothing more to report.

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 \$45,295.03

Motion was made by Manager Anderson to approve the September 27, 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 – commented on a number of recent newspaper articles regarding agricultural drainage and the effects on the eco-system and said that if anyone was interested in reading them to get them from him.

11. Adjournment

Motion to adjourn the CLFLWD regular Board meeting at 8:35pm was made by Manager Lynch and seconded by Manager Spence. Upon vote, the motion passed.

Wayne S. Moe, Secretary _____