

**MINUTES OF REGULAR MEETING  
OF THE  
COMFORT LAKE – FOREST LAKE  
WATERSHED DISTRICT  
Thursday, October 8, 2015**

**1. Call to Order of Regular Meeting**

Manager Anderson called the meeting to order at 6:30 p.m.

Present: Vice President Jackie Anderson, Secretary Wayne Moe and Treasurer Jon Spence

Absent: President Richard Damchik and Assistant Treasurer Stephen Schmaltz

Others: Michael Kinney and Emily Schmitz (CLFLWD staff), Greg Graske and Jason Naber (EOR), Laura Jester (Keystone Waters, LLC), Margie Schmidt (Bone Lake Association) and Douglas Toavs and Joe Vislisel (Moody Lake residents)

**2. Setting of Meeting Agenda**

Manager Moe moved to approve the agenda as presented. Seconded by Manager Spence. Upon vote, the motion carried 3-0.

**3. Consent Agenda**

- a) Cagle Cost-Share Application
- b) Wolle Cost-Share Application
- c) Regular Board Meeting Minutes – August 27, 2015
- d) Regular Board Meeting Minutes – September 10, 2015

Manager Anderson requested that item b) be brought under discussion in New Business. Manager Moe moved to approve the consent agenda with item b) being moved to New Business. Seconded by Manager Spence. Upon vote, the motion carried 3-0.

**4. Public Comments**

Joe Vislisel stated that he lives on Moody Lake. He, with his neighbors, attended the meeting to raise concerns on the high water levels on the lake. Although he has not been directly impacted yet, the giant bogs that have floated in could affect his dock and block access. Douglas Toavs, who also lives on the lake, stated that he has been concerned with the level since the fish gate went in. The water level is at least two feet above what would be normal at this time of year. This morning it was about 3.5 inches running over the gate, while on Sunday there was barely a trickle. There is about a 1.5-foot difference between Moody Lake and the fish gate trap. Water is within 3 feet of his barn and is impacting many things. He cannot get his tractor out of the barn, the tractor is having electrical problems because of the moisture and the pumpkin fields and lawn are wet. High water is also contributing to bog displacement. It was added that the bogs are scraping fish spawning beds. Mr. Toavs stated that he has been on the lake 12 years and his wife has been here 25 and has never seen this. Manager Anderson stated that it sounds like the whole ecosystem is being affected. Manager Moe stated that he lives on Bone Lake and is experiencing some of the same things. The

District will be discussing carp barriers this winter. The Board agreed to move this item to Old Business for a more robust discussion. Manager Anderson thanked the residents for coming.

## **5. New Business**

### **a) Keystone Waters Proposal**

Administrator Kinney reported that based on recent discussions on capacity and needs, Laura Jester was asked to put together a proposal for consulting services. Ms. Jester presented an option to fill some gaps and increase the District capacity with staff from researching grants, to grant writing, to updating web content, to implementing the new communication plan, to assisting with other tasks as needed, not to exceed 15 hours a month. Manager Anderson stated that the proposal looks reasonable, stressed that the District wants to be aggressive with grants, especially for AIS since the DNR has cut funding, and asked what grants and associated time are included. Ms. Jester replied that the proposal did not allot specific time for specific tasks, but was an aggregate. Manager Anderson requested a timeline for grants be included in the budget. The Managers agreed that if additional hours for grants are needed, a supplemental contract can be considered. Manager Moe moved to approve the Keystone Waters proposal for a one-year contract. Seconded by Manager Spence. Upon vote, the motion carried 3-0.

### **b) Wolve Cost-Share Application**

Administrator Kinney reported that a resident on Comfort Lake attended the lakeshore restoration workshop coordinated by Angie Hong and through the workshop was put in contact with the Chisago Soil and Water Conservation District (SWCD). The resident then contacted an approved landscaper and submitted an application for a cost share for a rain garden. Administrator Kinney recently made a site visit and reported that the site is a highly landscaped lakeshore with imperious areas which apparently had been mostly sod. The proposed rain garden has not yet been installed. This indicates the District needs to better communicate to conservation districts and others what the District is looking for in its cost-share program. Administrator Kinney expressed to the landowner that while this might be aesthetically pleasing, it does not provide much from an ecological standpoint. Administrator Kinney asked the SWCD to do one final site visit to verify that the conditions of the cost-share program are being met, the size of the rain garden is still appropriate for what was proposed and the rain garden will reduce phosphorus by .32 pounds per year. The SWCD verified the project and recommended cost-share approval. Administrator Kinney further reported that he met with the two SWCD managers yesterday and told them the cost-share guidelines need to be revisited and acknowledged that SWCD staff was not to blame because staff had to rely on history and the District website. A meeting with conservation districts is scheduled. The local area DNR hydrologist also visited the site and an after-the-fact permit is being discussed.

Manager Spence stated that the bill is just for the rain garden and the residents have not installed the rain garden. The other landscaping is irrelevant. Manager Anderson stated that the landscaping violates many of the District shoreline rules and the guidelines of the Cost-Share Program. Boulders and 100 feet of mulch and gravel were used along the shoreline, there is a large area of exposed soil, the patio is impervious and was cut into

the cliff. The resident did not come to the District, the city or the DNR for permits and just came to the District for a cost share. The shoreline alteration was part of their plan, so how did that get through? What was looked at and why did District engineers not look at the design? Manager Moe stated that this is the kind of stuff he has been talking about regarding the Cost-Share Program and the need to tweak it. He asked if there is a net loss of phosphorus because of all the shoreline alterations and stated that approving this will send a bad signal. Manager Spence noted that this is the fourth incident of this happening on Comfort Lake. He stated that he does not know how many projects involved the SWCD and asked what the District did wrong and how to get this under control.

Administrator Kinney suggested mailing out rules and tools for lakeshore activities to ensure residents are fully aware. Manager Anderson noted a new document from the conservation districts on landowner shoreline projects and maintenance features a photo on the front page of boulder riprap on the shoreline, which is an option of last resort in the District's rules. It is not until the back page that a natural shoreline is featured. The District needs to ensure communications being sent are promoting the rules the District wants implemented. She suggested using District rules to create a checklist for a more methodical way to evaluate projects and communicate to partners. Manager Moe concurred that communication is essential with conservation staff, landscape companies and cost-share program participants to communicate that the intent is to reduce phosphorus. He suggested a better process with engineers following up and possibly visiting old project sites. The program is not to correct problems that were caused by individuals. He stated that the Wolle cost share does not meet District criteria and District dollars should not be used. The Managers all agreed that District rules are not being met with this and other landscaping projects and this needs to be addressed.

Manager Moe moved to not approve this cost share project. Seconded by Manager Spence. Upon vote the motion carried 3-0.

Manager Anderson showed a photo of a clear cut of an entire steep slope. A boulder-rock was installed on the shoreline after the clear cut. She noted that the District has a photo record of what the shoreline looked like prior to the alteration and it was shared with the city. It is the District's mission to improve water quality and the District needs to ensure there are consequences when our rules are not followed. Administrator Kinney stated that this is one of the properties he visited, discussed with DNR staff and communicated with the owner. Manager Moe stated that if the city takes action on the violations, word will get around.

## **6. Old Business**

### **a) Bixby Park Bid Authorization**

Mr. Naber reported that an environmental impact statement is not required, permits are almost all in order, the bid package was reviewed and approved by the District attorney and authorization is needed to take bids. He provided an overview of the project and noted that Board of Water and Soil Resources Clean Water Fund is funding most of the \$396,000 project. It is to the District's advantage that work can be done in winter. Contractors will have three weeks to review the plans and prepare a bid. Manager Anderson noted that the project will capture runoff from about 1/3 of

the total drainage area of the City of Forest Lake. It is a big project with a lot of benefit. Manager Anderson moved to authorize the Bixby Park bid process. Seconded by Manager Spence. Upon vote, the motion carried 3-0.

**b) Moody Lake Water Level Discussion**

Mr. Graske reported that, at the administrator's request, he looked at the water levels and the Bone Lake fish barriers. The Moody Lake water levels are about four feet higher than the water levels at the fish barrier. He believes this is due to some obstruction between the lake and the fish barrier. Looking at old photos he identified an old field road that crosses the ditch and assumed there must be an old culvert that is clogged or failed. A landowner also reported some beaver activity. A combination of a failure of the field road and beaver activity could be causing the high water. Old GIS maps show lake levels three to four feet lower. Mr. Graske recommended investigating the channel from Moody to Bone Lake to find the obstruction and talking to the DNR about the beaver dam and failed culvert. There was discussion about floating bogs, beaver activity and rain events this summer. Mr. Graske stated that there is a history of large floating bogs on the north portion of the lake. This year was a high precipitation year and high water is also part of the floating bogs issue.

Manager Moe moved to direct staff to investigate the channel between Moody and Bone lakes, take remedial action, if necessary, and report back to the Board at the next meeting. Seconded by Manager Spence. Upon vote, the motion carried 3-0.

**7. Report of Officers and Managers**

Margie Schmidt asked for a report on the fish surveys on Bone Lake. Ms. Schmitz stated that St. Mary's University completed two surveys. The first weekend 13 carp were caught. The next week three carp were caught and four or five transmitters were put in to track carp during the winter. The District has not received a full report on the estimated carp populations. Mr. Naber stated that the District does not have a contract with St. Mary's for a winter fish harvest. If there is interest from commercial fishermen, a harvest will be pursued.

**8. Adjourn and Next Meeting on October 22, 2015**

Manager Moe moved to adjourn. Seconded by Manager Spence. Upon vote, the motion carried 3-0 and the meeting adjourned at 7:37 p.m.