

**MINUTES OF REGULAR MEETING  
OF THE  
COMFORT LAKE - FOREST LAKE  
WATERSHED DISTRICT  
Thursday, November 20, 2014**

**1. Call to Order**

The President called the November 20, 2014 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, Treasurer Jon Spence and Manager Stephen Schmaltz

Absent: Secretary Wayne Moe

Others: Mike Kinney (CLFLWD District Administrator), Chuck Holtman (Smith Partners), Greg Graska, Meghan Jacobson and Cecilio Olivier (EOR), Jerry Grundtner (CAC member), Jerrell Larson and Glen Berg (Forest Lake), Mark Lobermeier (City of Wyoming) and Keith Bauter (Wyoming) and Chris Klucas (MPCA)

**2. Setting of Agenda**

The President called for the reading and approval of the November 20, 2014 Regular Board meeting agenda. Manager Anderson moved to approve the agenda as amended. Seconded by Manager Schmaltz. Discussion. Upon vote, the motion carried 4-0.

**3. Consent Agenda**

**a) Regular Board Meeting Minutes —October 23, 2014**

President Spence moved to approve the consent agenda as amended. Seconded by Manager Schmaltz. Discussion. Upon vote, the motion passed 4-0.

**4. Public Open Forum**

**a) Public Comment on Matters Not on the Agenda**

The President asked for public comments. There were no comments.

**b) Public Meeting/Comment on the District's Budget and Levy (Adopted August 2014)**

The President asked for public comments. Hearing none, he closed the public hearing.

**5. New Business**

**a) IT Services Contract with Roseville**

Administrator Kinney received a service contract from the City of Roseville, which provides IT services for government entities. He also got a quote from Eric Schmidt. Smith Partners reviewed the Roseville IT contract.

Manager Anderson moved to authorize the Administrator to enter into an IT service agreement with the City of Roseville with review and approval of Smith Partners. Seconded by Manager Schmaltz. Upon vote, motion carried 4-0.

Motion amended by Manager Anderson to include authorization for Administrator Kinney to sign the contract. Second by Manager Schmaltz amended as well. Upon vote, motion carried 4-0.

Manager Anderson requested that Administrator Kinney ask Mr. Schmidt of Bufflehead Web and IT Services for a proposal to update and manage the District's website.

**b) Change in Principal Place of Business**

Administrator Kinney reviewed two resolutions that were drafted by the District's legal counsel and stated that because the District still does not have a signed lease the first resolution should be used.

Manager Spence moved to accept Resolution 14-11-01. Seconded by Manager Schmaltz. Discussion. Upon roll call vote, the motion carried 4-0. Manager Moe was absent.

**6. Old Business**

**a) Six Lakes TMDL – PCA Staff Review**

Administrator Kinney introduced Chris Klucas who provided the Minnesota Pollution Control Agency (MPCA) staff review of the District's Six Lakes Total Maximum Daily Load (TMDL) plan. Mr. Klucas stated that in 2007 the MPCA entered into an agreement with the District to develop a TMDL for six of the District's lakes. This is basically developing a diet to reduce pounds of phosphorus entering each lake. Reduction allocations were developed using modeling, previous District monitoring and other data for the lakes. The water quality standard or TMDL assigned to each lake is calculated by assigning load reductions to point source runoff (such as to cities through their MS4 permits) and non-point source loads (such as agriculture land or rural residences). Also factored into the equation is a margin of safety and a reserve capacity. Cities are given load allocations based on their land use plans and the expected loads from projected development. Little Comfort Lake had a standard set because of expected impairment. Allocations to Comfort Lake are based on upstream improvements and expected loading.

Forest Lake itself is meeting water quality standards so a baseline, rather than a TMDL, was set. Baseline calculations going in to Comfort Lake was predicted to be 2,500 pounds of phosphorus loading. The modeling of the Bixby Park pond project and related projects expects to reduce this load by 26 percent or about 640 pounds and was factored into the City of Forest Lake's MS4 permit. If the Bixby Park project is not completed, a 500 pound reduction must come from somewhere in the city or watershed. Specifically, the loading goal to Little Comfort Lake would need to be met plus a 126 pound reduction. Mr. Klucas noted that the MPCA would likely write the TMDL differently now to indicate how the allocations were determined. When asked if the City of Forest Lake understands that Bixby Park is part of the calculation, Mr. Klucas responded that the city was at the table when the TMDL was developed and the city is required to show how it is making progress on reductions. Manager Spence noted that the City's comprehensive plan states that the City cannot exceed 500 pounds of loading to Forest Lake. Mr. Klucas stated as part of the TMDL required that the City needs to at a minimum hold the discharge to Forest Lake constant. Concern was expressed that TMDLs deal with

impaired lakes and are reactive rather than proactive. It was noted that it is cheaper to build treatment in non-developed areas than to install retrofits. All expressed confusion over what happens if the Bixby Park pond project is not completed. Does the additional phosphorus become part of the Forest Lake output? How is output measured? How are the City's allocations to Comfort Lake affected? Other questions raised were: How does the MPCA set a timeline for load reductions? How long does it take for a water body to respond? Are internal loads factored in? Mr. Klucas stated the agency's goal is not to drive a watershed district's priorities. Districts determine what lakes and projects to prioritize. That is why the MPCA cleared the Bixby Park project. All agreed a letter to the City of Forest Lake is needed to clarify the city's drainage, allocations and load reductions with or without the Bixby Park pond project. Additional discussion occurred regarding how the TMDL numbers apply to various water bodies as well as the obligations of the different entities involved.

Manager Anderson moved to direct the Administrator to work with the Minnesota Pollution Control Agency to provide an assumption-basis letter to clarify the foundation of the TMDL loads for Comfort Lake. Seconded by Manager Spence. Upon vote, motion carried 4-0.

Manager Anderson asked that if the District's reduction goal is more aggressive than the state's goal, does the MPCA accommodate for that? Mr. Klucas responded that a lake is assessed according to the state standard, but the District can hold a water body to a more aggressive standard as a condition of its rules. Manager Anderson noted that this is how the differences can be a point of contention and wondered if districts should work with the Legislature to get this changed. Mr. Klucas stated that a scientific assessment was used to determine standards with the agency looking at different types of lakes across the state. For Comfort Lake, if the Bixby Park project happens and Little Comfort Lake meets its standards, there is still a 126-pound phosphorus reduction needed from Big Comfort Lake and an additional 650-pound reduction from Little Comfort. This provides a 500-pound reduction coming into Comfort Lake—or an additional benefit downstream. The MPCA used a summer average to set the standard at 40 micrograms/liter of phosphorus. To avoid peaks or provide a margin of safety in water quality, the standard might be set at 35-38 µg/L. A District can ask the MPCA to consider a margin of safety during the assessment process. But as it is currently done, the MPCA uses the water monitoring data from the Metropolitan Council. A district would need to provide the science, probably through paleo-cores to document the historic level of phosphorus to substantiate the request for a margin of safety or account for this in its implementation plan.

**b) Office Space Update**

Administrator Kinney reported that the utility billing has been transferred and he met with Tom Swanson and contractors to define what needs to be completed and who is covering what. The city is looking at December 3 for a move date. Manager Anderson suggested that the District move into the office and then assess what work is needed. She also recommended finding furniture at the state office surplus store and/or other used furniture stores in the area.

Glen Berg was introduced and thanked the Board for the opportunity to address the District. He is a life-long resident of and former teacher in Forest Lake. He is now a volunteer curator and director of the Forest Lake Area Historical Society. Formed in 2011 to preserve history and artifacts and provide research and educational opportunities for the public, the historical society is operated and governed by volunteers. It covers the area bounded by Wyoming on the north, Hugo on the south, Scandia on the east and Lino Lakes on the west. The organization works with historical societies, businesses and municipalities. Two years ago the society set up a temporary museum and held exhibits at various locations that were free to the public. Storage space is currently in Forest Lake City Hall. The new city building will not have storage space. Mr. Berg, on behalf of the society, is requesting the use of some of the unoccupied space in the new District office building to store and categorize artifacts until a permanent space is found. The Managers agreed to allow this provided there is adequate space for District needs. Also, per legal counsel's advice, they agreed that a contract is needed. Issues to cover: usage will not disrupt the work of the District or impose a cost on the District that it would not otherwise bear and the District is not liable for damaged property. It was also agreed that the District will consult with its insurance agent and notify the landlord before a contract with the historical society is signed.

**c) Penshorn Iron Sand Project**

Mr. Graske provided an update on the remediation. The main concerns were: two locations of crushed pipe and the iron content of the iron-sand mix being about twice the recommended level. One section of the pipe was longer than it needed to be and was kinked. Farther along, a rock had crushed the pipe during installation. Remediation entailed replacing 150 feet of pipe and putting in clean sand before backfilling. The iron-sand facility, just upstream of the pipe, required digging up all the iron-sand mix, removing the chunks from the mix and remixing the iron-sand to specification. A stand (riser) pipe for overflow from the facility was installed. It was noted that this pipe, while not in the original design, was recommended by EOR as a further fix. The pond next to the wetland was draining slowly. To remedy this, the contractor dug up and replaced the pipe with a higher capacity tile. Mr. Olivier reported that most of the work was completed before the snow event, but there is still about 1.5 hours of work to be completed. Additional holes need to be added in the stand pipe and backfilling is also needed. In response to questions, Mr. Olivier noted that if this work is not completed before spring, flooding is not a concern even in a wet year. The pipe will just require cleaning.

**d) Moody Lake Diagnostic Study Update**

EOR water quality specialist Meghan Jacobson reported on her investigation of high loads of phosphorus, as per Board approval early this year. Diagnostics focused on Moody Lake because it is the headwater of this northern chain of lakes. If nutrients are reduced there, water quality is improved downstream. The diagnostics attempted to answer two corresponding questions: are the BMPs reducing loads and are the wetlands functioning properly as a sink or are they contributing to the load? Monitoring measured the water flow and phosphorus concentrations at designated sites in the northeast and

northwest corners of the watershed. Other suspected sources (hot spots) were investigated.

Rating curves expressing the relation between depth of stream and water flow were compiled. Two distinct rating curves from the Fourth Lake data were used because of the nature of the watershed. In the summer a high lake level condition rating curve was used. This meant that the lake level was higher, meaning less difference in elevation and therefore lower levels of flow. In the spring and fall a low lake level condition rating curve was used. This meant that the lake level was lower, meaning more difference in elevation and therefore higher levels of flow.

Phosphorus concentrations were measured at discreet points. The northeast watershed accounts for  $\frac{3}{4}$  of the total flow into Moody Lake, but only  $\frac{1}{3}$  of the total phosphorus load. There seems to be nutrient retention in the Fourth Lake wetland complex. The northwest watershed contributes just  $\frac{1}{4}$  the flow, but  $\frac{2}{3}$  of the load. This is where the hot spots are. The 250<sup>th</sup> St. monitoring site had high phosphorus concentrations (0.43 mg/L). The goal for this region is 0.1 mg/L. Moving down of the wetland complex just north of the Peterson driveway, a lot of the flow and some of the load are lost due to cattails and retention. Phosphorus concentration at this point is 0.63 mg/L. Contributing load factors noted in the northwest were cow manure runoff, erosion and loads from degraded wetlands. Monitoring at Lofton indicated low flow, but high phosphorus concentrations (0.35 mg/L). The pond that is draining is still acting as a hot spot, but less in order of magnitude.

Chemical data helps understand two parameters: the phosphorus to iron ratio and the ortho-phosphorus or reactive phosphorus as a fraction of the total. In the northeast the phosphorus-iron ratio is 5:8. An ideal ratio is 10:15. This indicates some natural retention of phosphorus by the iron and helps explain the lower loads coming out of the watershed. The reactive phosphorus is 20%. No remediation is required at this time. It is recommended to just keep an eye on the area. The northwest watershed has little natural phosphorus retention in the system. The reactive phosphorus, coming from the impacted wetlands, is very high at 70%.

The oxygen profile helps understand lake mixing or stratification and how phosphorus flows through the system. Moody Lake has a shallow shelf with a deep hole in the center. The lake stratifies in summer and phosphorus gets trapped in the hole. The flow short circuits and goes through the surface water. This helps guide the alum treatment, which traps the phosphorus. Treatment is needed in the hole, as well as in the shallow depths which are more likely to mix with the surface water.

Preliminary management recommendations for the degraded wetlands in the northwest and Moody Lake:

- Install agricultural BMPs upstream of the wetland complex.
- Remediate the wetland complex. This could include pretreatment of the wet sediment basins.

- Clean out sediments and cattails in the wetlands. After this, assess the need for chemical treatment.
- Address big pulse loads in Moody. After this, design an alum treatment plan.
- Reestablish vegetation in Moody.
- Aerate Moody in winter and summer.
- Control carp.
- Keep BMPs in place and ensure long-term maintenance.
- Track results.
- Educate the public on realistic expectations.

Next steps—Ms. Jacobson will meet with Lucinda Johnson of the University of Minnesota-Duluth to get input on developing a load reduction plan. A final report will be completed by next month followed by a feasibility design.

**e) Target Project**

Administrator Kinney reported that city staff was directed to clean the ditch out before snow falls. Though the city administrator was somewhat sensitive about the letter that was sent from the District to the city council, Administrator Kinney explained to him that this is a very big project funded with public funds and the District needs assurance that the project will work. Mr. Olivier stated that we don't want a situation that occurred at Peshorn's. It is crucial that the drainage and ditch are clean or we could have an anaerobic situation. Manager Anderson stated that we learned a crucial point with the Peshorn project. The project must be controlled from start to finish by the District including hiring the contractor. Then whatever is the landowner's responsibility is billed back to them. The Peshorn issues were clearly a contractor error.

**f) AIS Update**

Mr. Grundtner reported on the flowering rush treatment on Forest Lake. The contractor, PLM, applied an herbicide treatment on small patches in Second Lake on September 9. Mr. McComas assessed the treatment on October 8. Results were not as satisfying as were hoped. A conference call was initiated with Mr. Grundtner, Mr. Kinney, the contractor, Mr. McComas and Keegan Lund of the DNR to discuss the results. PLM reported that spot treating small patches with herbicide is not a procedure they usually do nor do they recommend it. They have had great success using two herbicide treatments on larger areas. On Third Lake, which has a large patch and small infestations along the shoreline, Mr. McComas recommended herbicide treatments on the large patch and cutting the small patches in July and again in late August. Cutting will provide a significant kill because flowering rush needs to be above water to survive. Mr. Grundtner is analyzing the information and drafting a management plan to include a budget for herbicide treatment on large areas and cutting on small patches. The analysis and budget will provide two options for cutting either using volunteer homeowners or hiring MCC crews. The plan will include an education component to educate the 100 homeowners about effective eradication of this invasive. He would like to get a consensus of the Forest Lake Lake Association board, the District and the City of Forest Lake on the plan, before bringing a proposal to the District. All thanked Mr. Grundtner for his work.

Mr. Grasko reported that he has been talking with DNR staff and a commercial fisherman about carp removal on Moody and Bone lakes. The DNR's last survey only netted one carp. The commercial fisherman felt that, with the harvest six years ago and the fish barriers, a carp harvest would not be worthwhile. Mr. Grasko stated that maybe a targeted survey using cameras to photograph carp would be helpful. Mr. McComas reported that he did not find aquatic vegetation in the lakes when doing his AIS assessment. This would indicate a presence of carp. Manager Anderson requested that Mr. McComas complete the AIS plan in time for implementation to begin in spring. Administrator Kinney agreed to follow-up with Mr. McComas on this request. Removal options discussed were demonstrate to commercial fisherman that there are large schools of carp, subsidize fisherman for carp removal, collect the data (if it is cost effective to do so), do something upstream or talk with sportsmen about a carp tournament.

**g) Professional Services Proposals**

Manager Anderson moved to table this until the next meeting to allow Manager Moe to be part of the discussion. Seconded by Manager Spence. Upon vote, motion carried 3-1.

**h) Staff Hiring Update**

Administrator Kinney reported that a candidate was offered and accepted the watershed technician position. There were about 40-50 applicants. Initially phone interviews were conducted and then a few candidates were invited for in-office interviews. Administrator Kinney also reported that Chisago SWCD elected not to use an MCC intern because MCC interns are assigned and not selected by the host organization. Instead the CSWCD, asked to contract with the District for service. The WCD, having lost an employee, and the Carnelian-Marine-St. Croix Watershed District are interested in exploring a shared intern position.

**7. Report of Staff**

**a) Administrator** – Administrator Kinney suggested some topics for a workshop with the Forest Lake City Council including staff roles and responsibilities, the city's MS4 permit and TMDLs.

**b) Emmons & Olivier** - Nothing to report.

**c) Smith Partners** - Nothing to report.

**8. Report of Treasurer**

**a) Approval of Bills and Treasurer's Report**

Treasurer Spence presented the Treasurer's Report with some corrections. He and Administrator Kinney are working with the banks to establish electronic transfers and update the signature cards.

Manager Anderson moved to approve the November 20, 2014 Treasurer's Report and pay the bills and payroll as presented in the amount of \$38,385.12. Seconded by Manager Schmaltz. Upon vote, the motion passed 4-0.

President Damchik asked to have the report printed in a larger font.

**9. Report of Officers and Managers**

- Manager Schmaltz reported that although he noticed that he has been reappointed to the Board, he and the District have not been notified.

**10. Adjourn**

Manager Anderson moved to adjourn the CLFLWD regular Board meeting at 9:10 p.m.  
Seconded by Manager. Upon vote, the motion passed 4-0.

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