

**MINUTES OF THE REGULAR MEETING OF THE  
COMFORT LAKE – FOREST LAKE  
WATERSHED DISTRICT  
Thursday, January 26, 2017**

**1. Call to Order**

President Anderson called the January 26, 2017 Regular Board meeting to order at 6:30 p.m. in the Council Chambers of the Forest Lake City Center, 1408 Lake Street South, Forest Lake.

Present: President Jackie Anderson, Vice President Jon Spence, Secretary Wayne Moe, Treasurer Steve Schmaltz, Assistant Treasurer Jackie McNamara

Others: Mike Kinney, Jessica Lindemyer (CLFLWD staff); Greg Graske, Cecilio Olivier, Meghan Funke, (EOR); Chuck Holtman (Smith Partners); Jerry Grundtner, Melanie Castellano-Swanson (Citizen Advisory Committee); Dave Bakke, Patty O’Gorman (Bone Lake Association); Mary Renn (Comfort Lake Association); Matt Engstrom (City of Wyoming); Curt Peterson (Peterson Companies, Inc.); Sam Husnik (City of Forest Lake); Steve McComas (Blue Water Science)

**2. Setting of Meeting Agenda**

President Anderson noted two additions to the agenda, under New Business: Citizen Advisory Committee Application and 3<sup>rd</sup> Lake Pond (a.k.a. Forest Lake Wetland Treatment Basin) Project Update.

Manager Moe moved to approve the agenda as amended. Seconded by Manager Schmaltz. Upon a vote, the motion carried 5-0.

**3. Consent Agenda**

**a) Regular Board Meeting Minutes – December 15, 2016**

Manager Spence moved to approve the consent agenda as presented. Seconded by Manager Schmaltz. Upon a vote, the motion carried 5-0.

**4. Public Open Forum**

President Anderson invited members of the audience to address the Board if they wished. Dave Bakke, President of the Bone Lake Association, commended the District Board and staff for their actions regarding the Moody Lake project. He also congratulated the District on the recently awarded grant for wetland restorations near Bone Lake, and commended

staff for their excellent communication regarding these projects. He explained that the Bone Lake Association's goal is for Bone Lake to be classified as mesotrophic (lake grade of B) by year 2020.

Sam Husnik introduced himself as the new liaison between the District and the City of Forest Lake and indicated that he was happy to be in attendance.

Curt Peterson, Peterson Companies Inc., explained that Peterson Companies is the hired contractor for the 3<sup>rd</sup> Lake Pond project and will be available to answer any questions during the project update later in the meeting.

## **5. Citizen Advisory Committee Update**

Jerry Grundtner, Citizen Advisory Committee (CAC) Chair, indicated that the CAC has prioritized several activities for 2017. The last CAC meeting was held on January 10<sup>th</sup>, and the next will be held on February 7<sup>th</sup>. President Anderson noted that the CAC's project regarding native plants should be included on the February regular board meeting agenda for a more detailed discussion to occur. The Board expressed approval of the CAC's proposed 2017 activities. There was discussion regarding progress on the lakeshore homeowner welcome cooler Master Watershed Steward project.

## **6. New Business**

### **a) Blue Water Science Reports**

Steve McComas from Blue Water Science attended the meeting in order to formally present a variety of aquatic invasive species reports that he prepared for the CLFLWD based on 2016 field work. President Anderson asked that Mr. McComas focus his presentation on Little Comfort Lake, Bone Lake, and Forest Lake. Mr. McComas began by listing the five lakes that Blue Water Science performed surveys on in 2016: Sea Lake, Little Comfort Lake, Comfort Lake, Bone Lake, and Forest Lake. On Sea Lake, shoreland inventory, sediments, aquatic plants, and fish population surveys were performed. It was concluded that Sea Lake has a natural shoreline, low sediment phosphorus release, and a good plant community. Curly-leaf pondweed growth will be variable over the years, the fish community is impacted by winterkill, and Sea Lake is not a carp refuge. On Little Comfort Lake, sediment samples were collected and a fish survey was performed. It was concluded that sediment phosphorus release is minor; curly-leaf pondweed has the potential for moderate growth, but has shown light growth in the past suggesting that something is limiting growth; and the fish population is dominated by bluegills, making the lake a poor refuge for carp. On Bone Lake, delineation and assessment surveys for curly-leaf pondweed and Eurasian watermilfoil were performed. It was concluded that curly-leaf pondweed tends to grow later in the season in Bone Lake than in other nearby lakes; Eurasian watermilfoil growth is distributed around the entire lake, with the heaviest growth in the north and south ends; Eurasian watermilfoil control is hampered by nearby native water lily growth and associated herbicide restrictions. Mr. McComas noted that native plant

growth is sparse in Bone Lake, and herbicides should be used with caution so as not to have further effects on native plants. Native plants can be very beneficial for fish populations within the lake.

Manager Schmaltz noted that it would be beneficial for all of the survey maps to mark the area of the lake that is within 150 feet of the shoreline. Mr. McComas explained that due to the bathymetry of Comfort Lake and Bone Lake, most of the invasive plant growth is relatively close to shore. Whereas in Forest Lake, invasive plant growth is mostly located greater than 150 feet away from the shore.

Mr. McComas then explained that delineation and assessment surveys for curly-leaf pondweed and Eurasian watermilfoil (EWM) were performed on Comfort Lake in 2016. It was concluded that curly-leaf pondweed growth is very light and generally not a problem; Eurasian watermilfoil growth was observed around the entire lake and is mixed in with water lilies. He explained that the early season EWM treatment was effective in the treatment areas, and avoided impacting the water lilies.

On Forest Lake, delineation and assessment surveys were performed for curly-leaf pondweed, Eurasian watermilfoil, and flowering rush. Curly-leaf pondweed is widely distributed throughout the lake, and 2016 control efforts were less effective because of insufficient herbicide dosing. When asked about solutions to this problem in 2017, Administrator Kinney responded that the District will work closely with the contractor to ensure that the most up-to-date bathymetric maps are being used, and that electronic depth-finding technology (ciBioBase) may be used to further ensure accuracy. There was discussion about wind speed effects on treatment effectiveness and the contractor agreement. Mr. McComas indicated that he takes average lake depth measurements during his surveys, and that he will send that data to the contractor for reference during treatments. There was further discussion about herbicide treatment procedures and factors that may limit treatment effectiveness. There was general consensus among the managers that the District should receive a credit from the contractor in the event that treatment is ineffective. Mr. McComas confirmed that that is a fairly standard practice. Mr. McComas then described the history of Eurasian watermilfoil in Forest Lake since its discovery in 2015. Treatment in 2016 was effective, but sparse growth was still observed in the west basin later in the year. Growth was not observed in the middle or east basin, however. Flowering rush decreased in abundance in 2016 due to the District's treatment program. However, new distinct growth sites are being observed, suggesting that the plant is still spreading. Mr. McComas noted that the collection of seeds and flower heads may be effective in stopping the spread of new sites. The zebra mussel population in Forest Lake continues to expand, and mussels have been observed growing on plants this year. Mr. McComas described small-scale zebra mussel control methods. One of the conclusions for Forest Lake is that the District's current management strategies seem to be keeping the invasive plant populations under control. For the District as a whole Mr. McComas concluded that, with proper management, aquatic invasive species (AIS) can coexist with a healthy lake and recreational opportunities. One of the biggest adverse impacts of AIS is economic.

President Anderson asked about private treatments around a lake and if Mr. McComas needs to have information on those treatments for his reports. Mr. McComas responded that private treatments are generally very small in square footage, but can cumulatively make up a large area, especially in smaller lakes like Bone Lake and Comfort Lake. He indicated that this would be important information for him to incorporate into his reports.

President Anderson then asked about the effects that carp bow fishing may have on invasive plant populations. She explained that these boats generally navigate near the shoreline and through patches of plants, which can uproot and spread those plants. Mr. McComas responded that these are public lakes that are free to all boaters, and that education efforts may make a difference in increasing boater responsibility with regard to spreading AIS. The Board thanked Mr. McComas for his presentation.

#### **b) Election of Officers**

President Anderson explained that the election may proceed by nomination of a slate of officers, or office-by-office.

Manager Spence moved to reelect the current slate of officers: Jackie Anderson – President, Jon Spence – Vice President, Wayne Moe – Secretary, Steve Schmaltz – Treasurer, Jackie McNamara – Assistant Treasurer. Seconded by Manager Schmaltz.

Manager McNamara explained that she was, and still is, unwilling to provide some of her personal information to the District's banks. She wanted to make sure that the Board is agreeable to this as they re-elect her as Assistant Treasurer. Administrator Kinney noted that he is listed as a signer on the District's accounts and could accompany Manager McNamara on bank visits as necessary if Manager Schmaltz was unavailable. The Board was agreeable to re-electing Manager McNamara as Assistant Treasurer with this accommodation.

Upon a vote, the motion carried 5-0.

#### **c) Designation of Official Newspapers and Banks**

Manager McNamara moved to designate the official newspapers of the District for 2017 as the Chisago County Press and the Forest Lake Times. Seconded by Manager Spence. Upon a vote, the motion carried 5-0.

Manager McNamara moved to designate MidWestOne Bank and the First State Bank of Wyoming as the official financial repositories of the District for 2017. Seconded by Manager Moe.

It was clarified that MidWestOne Bank is the same institution as Central Bank, which has been one of the District's official banks for several years. The name was changed in 2016 from Central Bank to MidWestOne Bank.

Upon a vote, the motion carried 5-0.

Administrator Kinney added that the First State Bank of Wyoming recently sent the District a new signature form. The bank requires that the Board adopt a resolution accepting the signatories listed on the form.

Manager Spence moved to pass the resolution from the First State Bank of Wyoming, as presented, upon review of counsel. Seconded by Manager Schmaltz. Upon a vote, the motion passed 5-0.

#### **d) Citizen Advisory Committee Application [added]**

Watershed Assistant, Jessica Lindemyer explained that the District received the application very recently, which is why it wasn't included on the original agenda. The applicant, Melanie Castellano-Swanson, introduced herself to the Board and indicated that she is currently participating in the St. Croix Master Watershed Stewards program. She has lived in Forest Lake for five years and is hoping to make a positive impact on our water resources through her Master Watershed Steward capstone project and by educating local citizens about what they can do to improve water quality. President Anderson indicated that Ms. Castellano-Swanson should be added to the list of CAC members to be appointed for 2017.

#### **e) Citizen Advisory Committee Appointments**

Manager Moe moved to appoint Jerry Grundtner, Bruce Anderson, Sam Hathaway, Curt Sparks, Chris Mann, Jack MacKenzie, Nicole Meis, and Melanie Castellano-Swanson to serve as the District's Citizen Advisory Committee for 2017. Seconded by Manager Schmaltz. Upon a vote, the motion carried 5-0.

#### **f) Metro MAWD Meeting Update**

Administrator Kinney explained that he attended the Metro MAWD meeting the previous week and wanted to share a few items of interest with the Board, particularly in the area of stormwater reuse. The District's current Shields Lake project has a stormwater reuse component, and local municipalities have expressed interest in this area as concerns about groundwater depletion grow.

The Board inquired about a recent stormwater reuse matter concerning the City of Woodbury and its objection to a proposed DNR general appropriations permit. Legal Counsel Holtman explained that, as a general matter, the DNR requires an

appropriation permit with an associated annual fee based on the volume appropriated, whenever water is being re-appropriated. This applies to stormwater that ends up in stormwater management basins. With increased interest in stormwater reuse in recent years, there has been a movement for the DNR to create a general permit to allow for stormwater reuse and to do away with the annual fee. The general permit has not yet been adopted, but is currently out for comment. Mr. Holtman believes that Woodbury's objection relates to the proposed requirement that a municipal separate storm sewer system (MS4) owner or operator be the responsible permittee under the general permit, and therefore legally responsible, even when the reuse system is intended to be owned and operated by a private party.

**g) 3<sup>rd</sup> Lake Pond (a.k.a. Forest Lake Wetland Treatment Basin) Project Update**

Administrator Kinney explained that the project is currently under construction, and an incident regarding a residential sanitary service lateral has occurred. A homeowner complained of backup problems, and the District Administrator and contractor, Peterson Companies, began communications with the homeowner. Mr. Kinney noted that construction activity was occurring approximately 25 feet away from the estimated location of the pipe at issue. Peterson Co. reported that there was no evidence that excavation equipment had struck a line. Olson's Sewer Service was hired to inspect the line on the morning of Friday January 20<sup>th</sup>, with the City of Forest Lake, EOR, and Peterson Co. present to assist with the inspection. It was determined that there was a failure in the pipe located underneath the private road called Log Lane. It was also observed that the lateral did not meet code in that it was installed at a depth of only about 2 ½ feet, was of insufficient wall thickness, reflected several repairs using different materials at different times, was installed with joints in reversed direction, and did not have proper elbows. A portion of the lateral material appeared to bear a date of 1961. Mr. Kinney explained that temporary repairs were made by Olson's, and the District has been in contact with the homeowners throughout the process. Mr. Kinney added that he will be in contact with Washington County in order to get another inspector onsite early next week and that he has signed a work order with Olson's. He concluded that there isn't evidence to support a claim that the problem arose from construction activity on the project. There is evidence that the pipe was originally buried at an incorrect depth, installed in the wrong direction, and composed of incorrect materials. EOR evaluated the pressure caused by the construction equipment onsite, which was limited to small, tracked vehicles, and determined that it wouldn't be great enough to crush the pipe based on its location and factors involving the pipe. There was discussion regarding equipment placement, weight distribution, and movement with regard to the pipe area.

Manager Moe inquired about the cost to repair the pipe. Administrator Kinney responded that the cost is estimated at approximately \$7,000 based on quotes and conversations with Olson's, with that price including the rental cost of ground heating equipment for the weekend, as Olson's is concerned about damaging a gas line that was known to be in the immediate vicinity of the private sewer line. If the ground was frozen around the gas line, it could be ruptured during excavation of the sewer line.

There was discussion about previous permitting on the residential property in question. President Anderson explained the communications that the District has had regarding this issue. She noted that it is uncertain whether or not the pipe would have lasted much longer, considering its condition, if construction on the project were occurring or not. It is clear, however, that the homeowners are very upset. President Anderson suggested that the District pay the \$7,000 necessary to repair the pipe so as to avoid a protracted dispute that could make project completion more difficult. She then suggested that the District take steps to prevent this type of problem from happening on future projects, and that the District work with the City of Forest Lake to explore a program that offers assistance to replace outdated systems such as these whenever the District is involved in that area. This will be important as the District moves forward with implementation of more and more capital improvement projects. The managers expressed agreement with these suggestions. Manager Schmaltz suggested asking the homeowners to sign a release of liability in order to ensure that the District is not responsible for any future repairs. There was discussion about city codes and requirements for the pipe repair, additional work that may be requested by the homeowners, grant programs that would help homeowners update their sewer lines, and assignment of responsibility for the damage. Mr. Kinney noted that the City of Forest Lake does not take responsibility for maintenance or repairs of private service laterals, but only maintains the municipal main sewer lines. It is the responsibility of each property owner to maintain the private lines. Manager McNamara asked if the City of Forest Lake has financial assistance programs for homeowners to maintain the private lines. She also asked if the District's contract with the property owners addresses property damage. Legal Counsel Holtman explained that under the contract, Peterson was responsible to exercise due care to locate underground utilities and to avoid damage to them. However, if proper methods were followed and due care was taken, such that no damage would have occurred to a properly installed line, and that the problem arose out of the condition of the system that nobody was aware of, neither the District nor Peterson Companies would be responsible for the damage. In such a case, the homeowners would be responsible for the damage. There was further discussion regarding repair responsibility and pipe condition. Administrator Kinney noted that the fact that the home was a three-season cabin that was later converted into a four-season home may be relevant with regard to considering whether or not the pipes were installed in accordance with city codes. Curt Peterson provided specifics regarding area marking, pipe televising, and construction setup.

President Anderson explained that the cost to repair the pipe is nominal compared to the overall scope of the project, and suggested again that the District should pay for the repair and learn from this problem when preparing for similar projects in the future. She reiterated that the District should work with the City of Forest Lake to provide assistance, such as low-interest loans, to landowners in need of pipe replacements or repairs. She then commended Peterson Companies and Administrator Kinney on their response to this issue. Administrator Kinney added that heavy equipment will not be necessary in the project area moving forward, and that he has communicated this to another concerned homeowner near the project area. In response to a question from President Anderson, Mr. Kinney clarified that the repair quote from

Olson's covers excavation from the garage to the main line, installation of the proper bedding material, installation of a new pipe, frost-protection insulation on top of the new pipe, and new bedding and road material to replace the disturbed blacktop.

Mr. Holtman advised that District payment for the work should be conditioned on the warranty for the work running directly to the homeowners and not implicating the District, a full release signed by the homeowners related to any construction activity to date, and confirmation that the repair work will conform to City requirements.

Manager Moe moved to authorize the Administrator to pay up to \$7,000 to repair the residential pipe near the 3<sup>rd</sup> Lake Pond Project, with homeowner signature of the release of liability, confirmation that Olson's Sewer Service's warranty runs directly to the homeowner, direction to legal counsel to draft a release protecting the District from future issues arising from the work performed, and no admission of liability. Seconded by Manager Spence. Upon a vote, the motion carried 5-0.

Administrator Kinney then provided an update on the project itself. Culvert installation has been completed without issue. Some of the tree clearing began today and should be completed tomorrow. Dewatering has been occurring onsite. There is approximately half a foot of freeboard in the pond and the remainder is entirely silted in, which is worse than he had originally anticipated. He added that some additional, unanticipated tree work is necessary. Mr. Kinney will assess options with this tomorrow. Overall the project is going well. President Anderson thanked Peterson Companies for their work on the project and for being so responsive on the pipe issue.

## **7. Old Business**

### **a) Moody Lake Wetland Project Construction Contract**

Administrator Kinney reminded the Board of the two add alternates that were included in the project bid. Based on the recommendation of the District Engineer, it has been decided that work associated with add alternate 1 will not be included in the project. He also gave a reminder that the project groundbreaking ceremony is scheduled for tomorrow.

Manager Spence moved to authorize the Administrator to adjust the Moody Lake Wetland Rehabilitation Project construction agreement with Peterson Companies to delete Add Alternate 1. Seconded by Manager McNamara.

Manager Moe asked for further details about why add alternate 1 is being removed. Administrator Kinney explained that the District hired Barr Engineering to perform additional sediment sampling in a pond just upstream of Moody Lake. The original plan was to incorporate a sedimentation pond in this area, but there is reason to change the plan to include work within the wetland itself or further downstream, and possible to incorporate a filter component such as iron-enhanced sand or lightweight aggregate. He explained that the original project work plan has multiple phases of construction



with monitoring occurring in between. Construction on components to the north are set to occur first, then effectiveness monitoring to decide next steps with respect to components located further downstream. He noted that there will be a future recommendation to the Board for next steps. Engineer Graske added that phosphorus release in the upper wetlands (Wetlands A/B) has always been a known issue, and that is what the project is focusing on first. It is still unclear if Wetland C (further downstream) is a phosphorus source; some of the monitoring results suggested that it is removing phosphorus. The proposed plan is consistent with the original plan to complete construction associated with Wetlands A/B first, then re-evaluate work further downstream. The estimated phosphorus removal of 445 pounds per year still applies to this plan.

Upon a vote, the motion carried 5-0.

**b) Boundary Change with Rice Creek Watershed District**

Administrator Kinney explained that the Rice Creek Watershed District (RCWD) board approved the joint petition for boundary change yesterday. Legal Counsel Holtman explained that by adopting resolution 17-01-01, the CLFLWD Board would authorize the signature of the joint petition for boundary change and support a resolution by the Washington County Board of Commissioners transferring the drainage authority for Washington Judicial Ditch (WJD) 6 from the RCWD to the CLFLWD.

Manager Schmaltz moved to adopt resolution 17-01-01 as presented. Seconded by Manager Spence. Upon a roll call vote, the motion carried 5-0.

<b>Manager</b>	<b>Aye</b>	<b>Nay</b>
Jackie Anderson	X	
Jackie McNamara	X	
Wayne Moe	X	
Stephen Schmaltz	X	
Jon Spence	X	

It was noted that the petition must still go through review by the Board of Water and Soil Resources and that the Washington County Board of Commissioners will need to take up the WJD 6 drainage authority matter.

**c) February 2<sup>nd</sup> Special Meeting**

Administrator Kinney explained the items on the proposed agenda for the February 2<sup>nd</sup> special board meeting and noted that the meeting is proposed to be held at 4:00 pm.

**8. Report of Staff**

**a) Administrator**

Administrator Kinney noted that District staff have an interview with Washington County next week to discuss the four recently submitted AIS Prevention grant proposals. He added that last Friday the DNR opened the application period for their AIS Control Projects grant program. Staff filled out applications for Bone, Comfort and Forest Lakes and submitted them the same day. On Monday afternoon, the application period closed due to submitted applications reaching the available funding limit. Grants are awarded on first-come first-served basis. Managers commended staff for their quick action.

President Anderson inquired about a portable toilet still being present at the Hilo Lane project site despite construction being done for the time being. Administrator Kinney responded that the contracted company responsible for the facility will need to retrieve it, as construction activity won't pick back up until spring. He added that some unexpected issues with the project, such as water backup behind the rock check dams, have come up and will need to be addressed in the future. The District will work with Peterson Companies to implement a plan to fix these issues so that ongoing maintenance for the project is easier.

President Anderson suggested installing signage out near the Moody Lake aeration system to advertise the District's ownership of the project.

**b) Emmons & Olivier**

Engineer Graske shared some construction photos of the 3<sup>rd</sup> Lake Pond and Hilo Lane projects. He explained the details of the project components and noted that EOR was present during the iron-sand mixing process.

President Anderson drew the Board's attention to the infographic that staff developed summarizing District accomplishments in 2016, and other education and outreach materials that were developed throughout the year. She commended staff on their work and suggested creating info sheets for each lake with lake-specific data and project information.

**c) Smith Partners**

Nothing to report.

**9. Report of Treasurer**

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

Manager Schmaltz presented the Treasurer's Report and invoices to be paid and recommended approval. He noted that the yearend fund balance is \$960,797 which is a

drop of approximately \$470,000 compared to last year. He explained that this is due to an over-forecasting of grant income, but shouldn't happen again in 2017 due to a more conservative grant income estimate.

Manager Spence moved to accept the Treasurer's Report and pay the bills in the amount of \$156,253.28. Seconded by Manager Moe. Upon vote, the motion carried 5-0.

## **10. Report of Officers and Managers**

Manager Schmaltz discussed the proposed timeline for the performance review for Administrator Kinney.

Manager Moe reported that he attended the Bone Lake Association meeting earlier that week. He noted that attendance was good and everyone seemed to be happy with the District's projects.

Manager McNamara reported that she has noticed in her interactions with citizens and other groups that the CLFLWD is becoming more notable. She added that people seem to be pleased with the level of work being done by the District and she gets a lot of compliments from people on that.

President Anderson reported that LaPoint electric company has several diesel trucks lined up along the Sunrise River. She wanted the District to get involved and make sure that there is not leakage from the trucks running off into the river. She also noted that she observed what appeared to be large piles of dirt on the property of a landscaping company piled along a lateral ditch that connects to the Sunrise River. She expressed concern about the potential phosphorus release associated with these activities. Administrator Kinney noted that he has been out to these sites in the past, and added that there is a sufficient berm between the landscaping company and the ditch that should filter/impede runoff. Per the request of President Anderson, he indicated that he would stop by these sites again and talk to the landowners.

## **11. Adjourn**

- a) Next special board meeting – February 2, 2017**
- b) Next regular board meeting – February 23, 2017**

Manager Spence moved to adjourn the meeting at 8:54 p.m. Seconded by Manager Moe. Upon vote, the motion carried 4-0.

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