

**MINUTES OF THE REGULAR MEETING  
OF THE  
COMFORT LAKE – FOREST LAKE  
WATERSHED DISTRICT  
Thursday, May 26, 2016**

**1. Call to Order**

President Anderson called the May 26, 2016 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 Stephen Schmaltz, Assistant Treasurer Jackie McNamara

Others: Michael Kinney, Emily Schmitz, Jessica Lindemyer (CLFLWD staff); Meghan Funke, Cecilio Olivier, Greg Graske, and Jay Michels (EOR, Inc.); Chuck Holtman (Smith Partners); Erik Anderson and Bryan Pynn (Washington Conservation District); Steve McComas (Blue Water Science); Ryan Anderson (ISG); Jerry Grundtner (CAC); Mark Lobermeier (City of Wyoming); Kevin Knopik (Abdo, Eick, and Meyers)

**2. Setting of Meeting Agenda**

President Anderson requested that due to the large agenda, if the meeting ends up going late, action items may get moved ahead of non-action items.

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. **Board Workshop Minutes – April 14, 2016**
- b. **Special Joint Board Workshop Minutes – April 20, 2016**
- c. **Regular Board Meeting Minutes – April 28, 2016**

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

**4. Public Open Forum**

No comments.

**5. Citizen Advisory Committee Update**

Mr. Grundtner, President of the CAC, reported that minutes from the last CAC meeting are included with this meeting's materials. He noted the committee continues to focus on education and communication issues and is working to assist the District with

coordination with school districts. He noted the CAC continues to meet once per month and that the committee plans to bring at least one recommendation for action in 2016 regarding education or communication. Mr. Grundtner indicated the committee was considering drafting a master education and communication plan. President Anderson asked the CAC to review reasons for the lack of urban landscaping at a particular property where it was previously planned. President Anderson also noted that she and Administrator Kinney continue to discuss strategies for involving school districts, school boards, and coordinating with the Rice Creek Watershed District.

## **6. New Business**

### **a. 2016 AIS Program Activity**

Emily Schmitz provided an update on aquatic invasive species (AIS) activities in the District including adding compost bins to some District launches and designing posters to describe the bins to boaters. She noted that zebra mussel samplers continue to be distributed in different lakes and checked regularly. She also noted that staff are preparing for the potential carp harvest on Bone Lake and that an operation and maintenance manual is being drafted for the Bone Lake outlet structure. Ms. Schmitz reported staff are prepping for biological control of purple loosestrife on Sylvan Lake and reported on the timing of AIS treatments on other lakes.

Steve McComas with Blue Water Science reported on the status of Eurasian watermilfoil infestations in Comfort Lake and described survey methods used to compare areas of invasive plants from year to year. He also reviewed how plant beds and treatments changed from year to year as well as treatment permits and buffers in other District lakes. There was some discussion about effectiveness and placement of the treatments and permits needed.

### **b. Citizen Advisory Committee Appointment**

Administrator Kinney reminded the board that appointment of citizen advisory committee members is an annual task.

Manager Spence moved to appoint Jerry Grundtner, Bruce Anderson, Sam Hathaway, Curt Sparks, Chris Mann, Jack MacKenzie and Nicole Meis to serve as the District's Citizen Advisory Committee for 2016. Seconded by Manager Schmaltz. Upon vote, the motion carried 5-0.

### **c. Hilo Lane Cooperative Agreement Amendment**

Administrator Kinney reminded the Board that the District previously signed a cooperative agreement with the City of Forest Lake for the installation and maintenance of the Hilo Lane Stormwater Retrofit project. He reported that an amendment to the agreement is proposed for the purpose of incorporating additional work desired by the City of Forest Lake, consisting of replacement of several sections

of failed pipe at the outlet into Forest Lake and the excavation of accumulated sediment at the outfall. Under the amendment, the City will notify the District by late August if it wishes the work to proceed, in which case the District will direct its contractor to do the work and the City will reimburse the District for the cost.

Manager Moe moved that the Board President is authorized to sign the amendment to the cooperative agreement with the City of Forest Lake for the Hilo Lane Project with final non-substantive changes and on advice of counsel. Seconded by Manager Spence. Upon vote, the motion carried 5-0.

#### **d. Permit 16-007 and Variance Request**

District Engineer Graske presented a technical memorandum reviewing the proposed site addition against District Rules. He reported that the proposed project will add two storage areas and parking to an existing mini storage facility. He reminded the Board that when stormwater management requirements are triggered, the volume management standard requires treatment of all hard surface, not just the newly developed areas, and the water quality standard requires a 50% reduction in phosphorus loading from the site. He reported the applicant is proposing to treat stormwater management for the new impervious area of 0.93 acres and a portion of the existing impervious area (0.41 acres of 3.07 total acres). He noted the project meets rate, water quality and volume control requirements for the area being treated, but because a portion of the site is not being treated, the overall site does not meet District volume management and water quality standards. Mr. Graske noted the project does reduce peak rates compared to existing conditions for the 2, 5, 10, and 100 year events and that the applicant has incorporated iron-sand to the two biofiltration basins to increase phosphorus removal for the areas being treated. He reported the project will reduce phosphorous loading from the site by approximately 20% compared to the required 50% reduction for developed sites. He reported the applicant is requesting a variance from the District's volume management and water quality requirements due to site conditions including clay soils, surrounding wetlands, and other constraints.

Manager Schmaltz suggested that a revision to District Rules might be needed to modify the requirement to treat for preexisting hard surface in cases such as this when a small amount of new development is occurring as an expansion of existing development. He offered that perhaps treatment needed for existing development should be lower than treatment needed for new development.

Manager Anderson indicated concern about phosphorus in compost material to be applied. Mr. Graske replied that there is a condition to address this. Manager Anderson suggested that the applicant might be required to treat the remaining hard surface when it is next resurfaced. There was further discussion about conditions that will be required as part of the permit. President Anderson also requested that staff include in its work plan how the District will create or facilitate regional treatment within the constrained Forest Lake commercial area so that there is an option for redevelopment that is not restricted to address stormwater on site.

Mr. Graska noted that the proposed plans will improve water quality because of the new treatment for existing hard surfaces. He noted the landowner considered reducing the amount of new hard surface so that the project would fall under the threshold for the stormwater management rule, but instead worked with the District to improve conditions as much as possible.

There was further discussion about revising District Rules to require additional treatment to existing hard surfaces.

President Anderson proceeded to take a vote on each of the four variance criteria:

1. The site is subject to circumstances that do not apply to other properties generally. In this case there is preexisting hard surface that is in direct proximity to the downgradient wetland/property boundary, therefore making incorporation of treatment impractical without significant site alterations and impact to existing site improvements and infrastructure.

Four managers were in agreement with this assessment; President Anderson was opposed. Vote 4-1.

2. The variance is requested not merely for convenience nor due to economic hardship. The CLFLWD engineer has assessed the site soil and groundwater conditions, physically examined the site, and reviewed the proposed stormwater management design, and concurs that it is not feasible to reduce flow volume or phosphorus loading from the site further without removing and/or reconfiguring existing site improvements.

All five managers were in agreement with this assessment. Vote 5-0.

3. The variance isn't contrary to the intent of the rule – the proposal overall would reduce rates, flow volume and phosphorus loading from the site compared to the existing condition, simply not to the extent that Rule 2.0 requires.

Four managers were in agreement with this assessment; President Anderson was opposed. Vote 4-1.

4. Hardship was not created by landowner. The setting of the site adjacent to the Sunrise River wetland complex is a natural condition, and the impervious area that would not be treated fully to standards was installed prior to adoption of CLFLWD rules.

All five managers were in agreement with this assessment. Vote 5-0.

Manager Spence moved to approve the permit including the variance in accordance with the findings noted above. Seconded by Manager Moe. Upon a vote the motion carried 5-0.

Staff was directed to incorporate regional treatment sites as referenced during discussion into the District Rules and payment schedule for offsite treatment into a future meeting agenda.

## **7. Old Business**

### **a. Annual Audit**

Administrator Kinney introduced Kevin Knopik with Abdo, Eick, and Meyers, LLP. Mr. Knopik reviewed the audit materials with the Board. He reported the audit was deemed “clean” in that there were no problems in conducting the audit. He reported that no problems or issues were found regarding internal controls nor were issues found with compliance with standards. Mr. Knopik noted that two findings reported in the 2014 audit were corrected by staff and were not issues in the 2015 audit. He reported that the District’s fund balance is healthy compared to other organizations at approximately 73%. Mr. Knopik reviewed financial results and standings of various funds.

President Anderson asked about a recommended fund balance. Mr. Knopik indicated that he typically recommends keeping approximately 50% of the annual operating costs as a fund balance. There were no other questions.

### **b. 2015 Water Monitoring Report and Presentation**

Administrator Kinney introduced Erik Anderson with Washington Conservation District to present results of the 2015 water monitoring program. He noted that the report generated is a general analysis of water quality conditions. He recommended that more detailed analyses of results be conducted to gain a better understanding of conditions in waterbodies.

Mr. Anderson walked through the water monitoring report including monitoring methods and results for 13 lakes and 7 streams, by subwatershed. There were questions and discussions about methods, monitoring frequency, results and further analyses that can be done. Mr. Graske noted that long term, baseline monitoring is important for diagnostic studies.

There was discussion about how and when to analyze the data further so that more insight and information can be gleaned about each system. Staff was directed to return to a future meeting with recommendations or a timeline for how to accomplish that task.

Manager Spence moved to accept the 2015 water monitoring report. Seconded by Manager Moe. Upon vote, the motion carried 5-0.

**c. Forest Lake North Subwatershed Assessment Report**

Administrator Kinney introduced Bryan Pynn with the Washington Conservation District as the lead on the Forest Lake North Subwatershed Assessment for stormwater retrofit analysis. Mr. Pynn noted that analyses are performed to optimize funds and to determine where water quality improvement projects are most cost effective. He noted results can help with grant applications and the delivery of programs within the watershed. Mr. Pynn walked through the methods and modeling used within the analysis including considering potential costs, determining pollutants removed, and considering existing and future opportunities.

Mr. Pynn presented the results of the analysis and noted the preferred treatments in the different areas. He noted that the condition of the northern shoreline of Forest Lake was documented by boat, using geo-tracking photos.

Cost estimates were determined for the different practices. Street sweeping was found to be the most cost effective treatment, overall. He walked through ranking results on shoreline restorations and other projects or practices.

There was discussion about use of a shoreline erosion estimation tool including using it as an outreach tool with lakeshore owners or with lake associations. Administrator Kinney noted that staff plan to inspect the shorelines of other District lakes in the fall and noted that actual lateral recession of shoreline could be measured in the future at some sites.

Manager Spence moved to accept the Forest Lake North Direct Stormwater Retrofit Analysis. Seconded by Manager Schmaltz. Upon vote, the motion carried 5-0.

**d. MIDS Update – Phase 2 Review**

Jay Michels with EOR presented results of phase 2 of the Minimal Impact Design Standards (MIDS) work plan. He noted that this phase of the work involved identifying how the model ordinance might fit within the District's Rules in order to move into the third and fourth phases as described in the original scope, and in working directly with communities to implement MIDS. Mr. Michels reviewed the options considered including incorporating MIDS into District Rules and creating a hybrid, or starting over with development of new District Rules. He noted that the MIDS model ordinance covers stormwater management, erosion control and administrative provisions of current District Rules.

Manager Schmaltz moved to forward the MIDS and shoreline rule discussions to next week's special meeting. Seconded by Manager Moe. Upon vote, the motion carried 5-0.

**e. Rules Review – Shoreline Rule**

Discussion postponed per preceding motion.

**f. Judicial Ditch 6**

Administrator Kinney noted that land use information for the benefitted area has been provided to the managers per prior request. Manager Spence moved to postpone further discussion to the next regular board meeting. Seconded by Manager Moe. Upon vote, the motion carried 5-0.

**8. Report of Staff**

**a) Administrator**

Administrator Kinney reported on the Forest Lake Wetland Treatment Basin project. He visited the project area with City of Forest Lake staff and homeowners to examine possible additional project elements in the larger catchment area.

**b) Emmons and Olivier Resources**

District Engineer Graske informed the board that EOR was in the process of reviewing the permit application for a large proposed development in Forest Lake; Chestnut Creek. He indicated that they had gone through multiple rounds of revisions with the applicants.

He also mentioned that EOR was planning to bring an update on the Forest Lake Diagnostic Study to the next board meeting.

**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.

Manager Spence moved to accept the Treasurer’s Report and pay the bills in the amount of \$85,854.21. Seconded by Manager Moe. Upon vote, the motion carried 5-0.

**10. Report of Officers and Managers**

Manager Schmaltz distributed an article about the Forest Lake Lake Association meeting that was attended by over 100 people.

President Anderson reported that the Comfort Lake Association meeting was attended by over 30 people.

**11. Adjourn Next Special Meeting — June 2, 2016**  
**Next Regular Meeting – June 16, 2016**

Manager Spence moved to adjourn the meeting at 9:30 p.m. Seconded by Manager Moe.  
Upon vote, the motion carried 5-0.

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