

**MINUTES OF REGULAR MEETING
OF THE
COMFORT LAKE - FOREST LAKE
WATERSHED DISTRICT
Thursday, June 27th, 2013**

1. Call to Order

The President called the June 27th, 2013 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 and Manager Jon Spence

Absent: None

Others: Amy Carolan (CLFLWD), Doug Thomas (BWSR), Lisa Tilman (EOR), Chuck Holtman (Smith Partners), Cecilio Olivier (EOR), Mark Lobermier (Wyoming), Erik Anderson (WCD)

2. Setting of Agenda

The President called for the reading and approval of the June 27th Regular Board meeting agenda. The President asked if there were any changes or additions. Administrator Carolan noted the revised meeting notice and agenda that was handed out prior to the meeting. Motion to approve the agenda that was distributed prior to the meeting was made by Manager Anderson and seconded by Manager Moe. Discussion. Upon vote, the motion passed.

4. Reading and Approval of Minutes

The President called for the reading and approval of the minutes of the May 24th, 2013 Regular Board Meeting. Administrator Carolan requested one change be made to the minutes, under Item 3, Election of Treasurer, change word “appoint” to “elect”. Motion to approve the May 24th, 2013 Regular Board meeting minutes, as amended, was made by Manager Anderson and seconded by Manager Spence. Discussion. Upon vote the motion passed.

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.

5. New Business

- a) CLFLWD 2012 Water Monitoring Report – Erik Anderson, Washington Conservation District

Erik Anderson (WCD) provided a presentation on the 2012 Water Monitoring information collected by the Washington Conservation District. Mr. Anderson first covered the topic of the importance of monitoring and highlighted a few reasons including development of baseline data, subwatershed characterization and project prioritization. Mr. Anderson then reviewed the

MetCouncil's CAMP program and also reviewed the lake grade system. Mr. Anderson also discussed the methods in which water samples were collected and touched on lake elevation levels. Mr. Anderson then gave an introduction to stream sampling methods including data analysis and equipment used in the field.

Mr. Anderson then presented preliminary results of the 2012 monitoring season and reviewed lake grades for Bone, Little Comfort, Forest, Shields, Moody and Sylvan. He then reviewed stream monitoring locations and preliminary results from stream monitoring. Mr. Anderson indicated that in general, TP loading in 2011 was less overall than recorded in 2012. Mr. Anderson discussed how difficult it can be to compare stream sites year to year as there is a great deal of seasonal variability. Intense, short storms can result in higher loading as compared to storms of a longer duration. Due to the seasonal variability of streams, Mr. Anderson mentioned how important it was to look at stream and lake data in combination. A more detailed analysis of the combination of information will be provided to the board as written report in the coming months.

In general, Mr. Anderson provided the following conclusions: Bone Lake is showing slight improvement, a wet May and warm temperatures made 2012 a good year for algal growth in lakes, Heims Lake is only contributing about 5% of TP, TSS and total discharge to the Greenway Ave. monitoring site, and Bixby Park was the only site to show an increase in total annual discharge in 2012. Bixby Park is not being monitored in 2013.

Manager Anderson asked what caused the increase in water quantity at the Bixby Park Site. Mr. Anderson stated that because the WCD isn't always able to take samples at the site during the peak flow, they rely on a rating curve for estimation purposes. Mr. Anderson stated that he wasn't certain as to what would have caused the increase, but that he would complete further analysis on the data and provide an explanation in the written report. Manager Anderson stated that a number of projects had been completed in the drainage area to Bixby Park which should have reduced flows, it was a concern that they projects may not be working as expected. Manager Anderson thought they should monitor the site again in 2014. Mr. Anderson indicated that three years of data had been collected at the site. Manager Anderson thought it would be worth discussion at the next budget workshop. Manager Anderson asked that Mr. Anderson meet with Administrator Carolan to discuss the need for additional monitoring prior to the next budget meeting.

b) Change of Authorized Check Signers.

Administrator Carolan noted the memo in the board packet. Central Bank and First State Bank of Wyoming require a copy of meeting minutes indicating the decision to make changes to authorized check signers on the District's bank accounts. Manager Spence moved to authorize the Administrator to make changes to the District's list of authorized check signers at First State Bank of Wyoming and Central Bank so that authorized signers Mr. Doug Thomas and Mr. Tom Lynch are removed from the accounts and Administrator Amy Carolan is added as an authorized check signer. Motion was seconded by manager Moe. Discussion. Motion carried.

c) Permit 13-001 – DaVita Dialysis, Steiner Development, Inc.

Administrator Carolan noted the project application review provided by EOR in the packet. Administrator Carolan stated that the proposed project was located at the southwest corner of 257th Street and Highway 61 in Wyoming and on Heims Lake. The proposed project includes the construction of a medical building and associated parking on a 14.5 acre site with 8.5 acres of

upland resulting in 1.4 acres of grading and the creation of 0.75 acres of impervious cover. The site is within 1,000 feet of Heims Lake and planned impervious is greater than 5% of the site. The project as proposed triggered District Rules 1.0, 2.0, 3.0, 9.0, and 10.0. EOR completed a review of the proposed project plans and determined that the project as designed meets the District's stormwater rule through the installation of an infiltration pond with pretreatment as well as a grassed depression for capturing runoff on the north side of the property. The project plans also adequately addressed the District's rule regarding erosion and sediment control. Administrator Carolan recommended that the board approve the application with the requirements and stipulations listed in the permit review report. Manager Moe made a motion to approve the DaVita Dialysis Permit Application # 13-001 with the recommended requirements and stipulations. Motion was seconded by Manager Anderson. Discussion. Upon vote the motion passed.

d) Curly Leaf Pondweed Treatment – Payment Authorization

Administrator Carolan noted the memo in the board packet regarding the District's Curly Leaf Pondweed Treatment Program on Forest Lake. Lake Management, Inc. completed treatment in May on 60.1 acres of Forest Lake as recommended by Steve McComas of Blue Water Science after an assessment was completed in the spring and as allowable by the DNR permit based on the assessment. The total cost for the treatment was \$14,424.00. Administrator Carolan stated that the District would pay the invoice provided by Lake Management, Inc. and then submit documentation to the MnDNR for reimbursement. The DNR would reimburse the District in the amount of \$6,010.00. The City of Forest Lake would repay the remaining balance \$8,414.00 to the District. Funds set aside by the District in 2013 would carryover for treatment in 2014. Manager Anderson moved to authorize the payment of invoice #32923 from Lake Management, Inc. for the treatment of Curly Leaf Pondweed on Forest Lake. The motion was seconded by Manager Moe. Discussion. Upon vote the motion passed.

e) Marlin & Kay Bergeson Residential C-S Payment Authorization

Administrator Carolan provided a summary of the completed cost-share project. The project consisted of a shoreline restoration on Comfort Lake and included the removal of invasive species followed by the installation of 120 perennial plants to stabilize and protect the shoreline. Administrator Carolan noted the board packet items which included copies of the submitted receipts as well as project profile which contained photographs of the completed project. Administrator Carolan also noted the letter from the Chisago SWCD indicating the project had been completed as planned and recommended reimbursement in the amount of \$2,367.95 the total amount approved as part of the cost-share agreement. Manager Anderson moved to authorize the reimbursement payment of \$2,367.95 to Marlin and Kay Bergeson. Seconded by manager Moe. Discussion. Upon vote the motion passed.

6. Old Business

a) 2014 Budget and Levy – Order Public Hearing

Administrator Carolan noted her memo on this in the Board packet. She noted that state statute requires the District to provide notice and hold a public hearing on the budget and levy prior to its adoption. The proposed motion sets the date and time for the public hearing on the District's proposed 2014 budget and levy for Thursday, July 25th, 2013 at 6:30 pm and directs staff to publish notice of the hearing.

Manager Moe made the motion to set the public hearing for the District's proposed 2014 budget and levy for Thursday, July 25, 2013 at 6:30 pm and to direct staff to publish notice of the hearing. Motion was seconded by Manager Spence. Discussion. Upon vote the motion passed.

b) Project Agreement – Stormwater Management Facility Retrofit

Administrator Carolan noted the copy of the final draft of the Project Agreement for the proposed Stormwater Management Facility Retrofit Project as well as the staff memo which provided a history for the project to date. Administrator Carolan stated that the next step in implementation of the project included the execution of the Project Agreement between the District, the City of Forest Lake, and Target Corporation. Administrator Carolan further noted that former Administrator Thomas and Attorney Holtman had worked extensively with Target Corporation to reach consensus on a final draft of the Project Agreement. Administrator Carolan recommended approval of the final draft of the Project Agreement. Manager Anderson moved approval of the Project Agreement and to authorize its execution by the Board President. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed.

c) CLFLWD/BWSR Repayment Agreement

Administrator Carolan noted the staff memo provided at the start of the meeting. She noted that in addition to the repayment agreement between the District and Target Corporation, which is included in the Project Agreement, former Administrator Thomas has also worked with BWSR to develop a Repayment Agreement between the District and the Board of Water and Soil Resources should an event of default occur under the grant agreement between the District and the State of Minnesota (BWSR). Administrator Carolan asked Mr. Thomas to provide the board with more information regarding the repayment agreement. Mr. Thomas stated that because the project was being built on private property with public funds in an area that was not under perpetual easement; BWSR allowed the work to go forward as long as there was a repayment agreement in place with the grantee along with an operation and maintenance agreement. Manager Moe made a motion to approve the Repayment Agreement between the Comfort Lake Forest Lake Watershed District and the Board of Water and Soil Resources and to authorize its execution by the Board President. Motion was seconded by Manager Spence. Discussion. Upon vote the motion passed.

d) Grant Agreements – MPCA Clean Water Partnership

Administrator Carolan noted the staff memo provided at the start of the meeting. Carolan stated that the District had received the two grant agreements from the MPCA for grants received through the Clean Water Partnership Program for approval and signature by the board. Projects funded include the Forest Lake Stormwater Retrofit Project and the Forest Lake North Shore Subwatershed Assessment Project in the amounts of \$ 41,615.00 and \$12,000, respectively. Carolan further stated that legal counsel had reviewed the documents and found them to be fair from a legal standpoint, the only concern being that the maintenance agreement required as part of the grant agreement was not well defined. Former

Administrator Thomas stated that the existing maintenance agreement between the City of Forest Lake and the District would likely meet the requirement. Manager Anderson moved to authorize the board president to execute the Clean Water Partnership grant agreement for the Forest Lake Stormwater Retrofit Project and the Forest Lake North Shore Subwatershed Assessment Project, with any minor changes on the advice of legal counsel; and to authorize the District Administrator to sign further documents as may be necessary for the grant agreement to take effect. Seconded by Manager Moe. Discussion. Upon vote the motion passed.

e) Moody Lake Load Verification Update

Engineer Tilman referenced the updated report, Moody Lake Subwatershed Investigation & Model Refinement, provided in the packet. Tilman went through a brief description of what work had been completed and presented to the board to date at previous meetings. Tilman reminded the board that the overall goals of the study included: 1) investigation of silty runoff in the northwest drainage to allow sources to be rectified, 2) Evaluate changes in land use and livestock to determine if refinements to the water quality model are necessary, 3) verify inflow values through H/H model calibration to allow more accurate calculation of inflow phosphorus loads. The focus of the evening's agenda item was to discuss findings related to goal number 3.

Engineer Tilman reviewed the Hydrologic/Hydraulic Model Calibration and Inflow Volume Comparison portion of the provided report. She reiterated that the model calibration focused solely on Moody Lake and the upstream contributing watersheds. Engineer Tilman then reviewed the targeted monitored period used for calibration and reviewed the monitored information that was used in the model calibration. She then reviewed the Model Hydraulics and discussed adjustments that were made to different parameters including initial conditions, weir naming, channel slope calculation, Moody Lake Inlet and Outlet changes, upper watershed storage, upstream conveyance, groundwater and transpiration losses and minimum conduit length.

Engineer Tilman then went through the model calibration process and indicated that the un-calibrated model had over-predicted volume to Moody Lake and had simulated an earlier time to the peak elevation.

A graph comparing the un-calibrated model to the calibrated model along with precipitation and lake elevation was then presented. The graph clearly indicated that the calibrated model better predicted lake elevations when compared to the un-calibrated model and observed conditions.

General findings were then reviewed for the project overall. Three areas of excessive erosion are present upstream in Moody Lake, two of these areas will be address through the District's whole-farm planning program. The number of livestock in the Moody Lake Subwatershed has decreased substantially since the water quality model was developed. Land cover/landuse has not changed substantially since the water quality model was developed. Inflow volumes to Moody Lake were over-predicted by almost 50% in the H/H model used to inform the water balance for the water quality study as compared to the newly calibrated model. Based on the findings it was recommended that an update to the water quality model be completed.

Engineer Tilman then presented a work order for completing Task 3 of the project, Refine Water Quality and In-Lake Model to Evaluate Alum Treatment Effect. A copy of the Work Order describing task three was provided in the packet. Engineer Tilman recommended that the board move forward with this task so that changes in the watershed load could be properly considered when

evaluating the effectiveness and long term benefit of an in-lake Alum treatment on Moody Lake. An update to the model would be necessary to evaluate long term effectiveness.

Manager Anderson noted that the kind of detail needed in the water quality models to complete this type evaluation was not something the District had funded in the past. She noted how different model results can be when you get down to different levels of detail. Manager Anderson then asked a question about Flatum Field and how important it would be to address sedimentation from the site and how it may impact the need for an in-lake treatment. Staff responded that acreage of Flatum field was a small percentage of the Moody Lake subwatershed and that it would not have a large impact on evaluating the need for an in-lake treatment; however runoff from Flatum Field could be addressed through the District's agricultural programs.

Manager Anderson made a motion to proceed with Task #3 Refine Water Quality and In-Lake Model to Evaluate Alum Treatment Affect not to exceed \$3,280.00 and to authorize the board present to execute the task order. Manger Moe seconded the motion. Discussion. Upon vote the motion passed.

7. Report of Staff

Administrator Carolan –

Administrator Carolan noted her written administrator's report in the board packet. She highlighted a few items including the timing for construction of the project on the Peshorn Project, the upcoming lake improvement committee meeting, and the upcoming meeting with Washington County Watershed District Administrators to discuss the annual budget presentation to the County Commissioners.

Emmons and Olivier Resources (EOR) – Nothing further to report

Smith Partners –

Mr. Holtman provided a memorandum to the board describing the new MPCA MS4 general permit. Mr. Holtman did mention there is a more tightened requirement for municipalities to map their storm sewer systems.

Mr. Holtman also noted a decision by the Supreme Court relating to wetlands. Holtman noted the case Koontz vs. St. John's River Water Management District. He indicated that what was challenged was that the landowner provide off-site mitigation for wetland impacts. Mr. Holtman believed that this case could change the burden of proof needed by cities, watersheds and permitting entities to justify adding conditions to a permit. This case may allow applicants/developers to take local decisions up the chain to the Supreme Court level and start a federal lawsuit if they do not agree with the decisions of the local permitting agencies. Mr. Holtman would continue to follow the case and developments associated with it and provide updates as needed.

8. Report of Treasurer

Approval of Bills

Treasurer Spence presented the Treasurer's Report (A copy of which is annexed and incorporated by reference) and bills and payroll totaling \$52,968.68.

Motion was made by Manager Anderson to approve the June 27th, 2013 Treasurer's Report and pay the bills and payroll as presented. Manager Moe seconded the motion. Discussion. Upon vote, the motion passed.

9. Reports of Officers and Managers

Manager Damchik – Manger Damchik discussed liability issues associated with the Forest Lake dam. Mr. Holtman noted that because the District owned the dam there was a foundation for the District to have some liability. Financially, the District could have a theoretical risk. The best way to manage would be to talk with someone knowledgeable in dam function and come up with a recommendation for measures to put in place for the boards consideration along with cost and effect of the dams function. Holtman indicated that he board could go on record with a decision on how they would handle any safety associated with the dam, and this means of documenting its exercise of judgment would help protect the District from liability risk in the unlikely event of an injury occurrence.

Manager Spence – Manager Spence noted that he would not be able to attend the July board meeting.

Manager Anderson – Manger Anderson provided information on the Highway 8 EAW to Administrator Carolan.

Manager Moe – Noted water was flowing through the installed fish barriers.

10. Adjournment

Motion to adjourn the CLFLWD regular Board meeting at 7:52 pm was made by Manager Spence and seconded by Manager Moe. Upon vote, the motion passed.

Wayne S. Moe, Secretary _____