

MINUTES OF REGULAR MEETING  
OF THE  
COMFORT LAKE - FOREST LAKE  
WATERSHED DISTRICT

Thursday, September 22, 2011

**1. Call to Order**

The President called the September 22, 2011 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, Treasurer Tom Lynch, Manager Jon Spence

Absent: None

Staff: Doug Thomas (CLFLWD), Lisa Tilman (EOR), and Chuck Holtman (Smith Partners)

Other: Mark Lobermeier (City of Wyoming)

**2. Setting of Agenda**

The President called for the reading and approval of the September 22, 2011 regular Board meeting agenda. President asked if there were any changes or additions. Administrator Thomas requested the addition of 1) the Beck Residential BMP Cost-Share Application under New Business as 5 a) iv, 2) Comfort Lake shoreline violation under new Business as 5. G) and 3) change permit number 11-003 to 11-004 under New Business 5 d). Motion to approve the agenda as amended was made by Manager Moe and seconded by Manager Spence. Discussion. Upon vote, the motion passed.

**3. Reading and Approval of Minutes**

The President called for the reading and approval of the minutes of the August 25, 2011 regular Board Meeting. Motion to approve the August 25, 2011 regular Board meeting minutes was made by Manager Moe and seconded by Manager Lynch. Discussion. Upon vote the motion passed unanimously.

**4. 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. Hearing none the President closed the public open forum.

**5. New Business**

**a) BMP Cost-Share Applications**

Wittrock – BMP C-S project Approval

Administrator Thomas noted his staff memo in the Board packet. The project that cost-share is being requested for is a rain-garden, shoreline water quality buffer, and slope stabilization project at 20703

Keewahtin Ave. N, on Sylvan Lake. The project was visited by staff in the spring of 2011 at which time it was determined to be eligible for the District's Residential Cost-Share Program. A concept plan was developed by the Washington Conservation District. The project was reviewed and ranked by Managers Lynch and Moe, Pete Young WCD, and Administrator Thomas. Staff recommended approval of the Wittrock Residential Cost-Share Program application for two rain-gardens, one bio-filtration basin, a critical area planting, and a shoreline buffer planting project at the rate of 50% not to exceed \$3,000.

Motion to approve the Wittrock Residential Cost-Share Program application for a shoreline water quality buffer planting and shoreline erosion control project at the rate of 50% not to exceed \$3,000 was made by Manager Spence and seconded by Manager Lynch. Discussion. Upon vote the motion passed unanimously.

#### Barchenger – BMP C-S Project, Payment Authorization

Administrator Thomas noted his staff memo and project profile in the Board packet. He noted that the shoreline erosion control and water quality buffer project is completed and has been signed off on by the WCD. Staff recommended reimbursement of \$1,581.98 for ½ of the cost of materials and contracted labor to the Barchenger's.

Motion to approve reimbursement of \$1,581.98 for the Barchenger Residential BMP Cost-Share Program project was made by Manager Moe and seconded by Manager Spence. Discussion. Upon vote the motion passed unanimously.

#### Thill/Comfort Lake Boat Launch – BMP C-S Project, Payment Authorization

Administrator Thomas noted his staff memo and project profile in the Board packet. He noted that the parking lot water quality rain-garden retrofit project is completed and has been signed off on by the Chisago SWCD. Staff recommended reimbursement of \$896.27 for ½ of the cost of the materials and in-kind labor to the Thill's.

Motion to approve reimbursement of \$896.27 for the Thill/Comfort Lake Boat Launch Residential BMP Cost-Share Program project was made by Manager Spence and seconded by Manager Moe. Discussion. Upon vote the motion passed unanimously.

#### Beck – BMP C-S project Approval

Administrator Thomas noted his staff memo in the Board packet. The project that cost-share is being requested for is a shoreline erosion control and water quality buffer project at 425 South Shore Drive, on Forest Lake (lake 1). The project was visited by staff in the summer of 2011 at which time it was determined to be eligible for the District's Residential Cost-Share Program. A concept plan was developed by the Washington Conservation District. The project was reviewed and ranked by Managers Lynch and Moe, Pete Young WCD, and Administrator Thomas. Staff recommended approval of the Beck Residential Cost-Share Program application for a shoreline erosion control and water quality buffer project at the rate of 50% not to exceed \$3,000.

Motion to approve the Beck Residential Cost-Share Program application for a shoreline erosion control and water quality buffer planting project at the rate of 50% not to exceed \$3,000 was made by Manager Moe and seconded by Manager Spence. Discussion. Manager Lynch asked why the rip-rap does not extend all the way to the property lines on either side of the lot. Administrator Thomas pointed out that there are large trees at the property lines and that bio-logs will be used to stabilize the under cutting of the bank so as not to disturb or have to remove the trees which would be required if the rip-rap was extended to the

property line on both sides of the lot. President Damchik called for the question. Upon vote the motion passed unanimously.

**b) Manager Lynch – Reappointment & Oath of Office**

Administrator Thomas noted that the Washington County Board of Commissioners at its August 23, 2011 meeting reappointed Manager Lynch to the Comfort Lake Forest Lake Watershed District Board of Managers to a three-year term expiring on September 22, 2014.

Manager Lynch then read and signed the Oath of Office.

**c) Manager Spence – Reappointment & Oath of Office**

Administrator Thomas noted that the Chisago County Board of Commissioners at its September 7, 2011 meeting reappointed Manager Spence to the Comfort Lake Forest Lake Watershed District Board of Managers to a three-year term expiring on September 22, 2014.

Manager Spence then read and signed the Oath of Office.

**d) Permit 11-004 – Sylvester Parking Lot**

Administrator Thomas noted the Engineers Report that was handed out prior to tonight's meeting. Engineer Tilman gave an overview of the project which is to build a parking lot on a 7,000 square foot site, resulting in 6600 square feet of impervious surface, triggering District rule requirements for stormwater management and erosion control. The existing residential lot will be converted to a non-residential lot with 88% impervious. The site drains north to an existing pond/wetland east of Bixby Park and does not contribute to the stormwater management facilities under construction with the Broadway Avenue project.

The project which will employ the use of a linear rock drain, a biofiltration feature and an existing hydrodynamic separator has been determined to meet the District's Rule requirement for rate control, volume control, and phosphorous reduction. Engineer Tillman reported that it is the Engineers recommendation to approve the permit application with the conditions for submission of 1) a SWPPP and Construction Plan, 2) recorded maintenance instrument, 3) financial assurance of \$300 for grading and land alterations, and 4) financial assurance of \$11,125 for stormwater management or a copy of the developers Development Agreement with the City of Forest Lake that identifies an amount equal to or greater than the \$11,125 financial assurance required by the District.

Motion was made by Manager Moe to approve Permit Application 11-004 with conditions as noted in the Engineers Report dated September 21, 2011, second by Manager Spence. Discussion. Upon vote the motion passed unanimously.

Manager Lynch asked the question of why this site is needed for parking. Mr. Warren White, the Projects Engineer, commented that the site is off of the NW corner of the existing parking lot and is being added to address inadequate customer parking and will be used primarily as a low volume overflow parking area and parking for employees.

**e) TH61 Corridor Study – Inter Agency Agreement**

Administrator Thomas noted his memo in the Board packet. He explained that the Intergovernmental Agreement (Agreement) that was included in the Board packet is the result of a number of meetings and

discussions with the Mayor of Forest Lake, City staff and the Rice Creek Watershed District on how we could work together to develop a project/s in the Highway 61 corridor between Hwy 8 and Hwy 97 for the purpose of water quality treatment and highway beautification. The Agreement provides the legal mechanism for the City and the District to participate in the joint development of a TH61 Aesthetics and Water Quality Improvements Planning Study. The Study will be completed by and under the direction of City's consulting engineer Bonestroo/Stantec. The Agreement also includes a scope of work, the estimated cost to complete the Study, and the financial obligation of each of the three parties. Comfort Lake Forest Lake Watershed District's share will be for 1/3 of the cost not to exceed \$8,167.00. Staff recommended the Board approve the District's participation in the Study and authorize entering into an Intergovernmental Agreement with the City of Forest Lake for the purpose of completing the Study.

Motion by Manager Anderson to accept and approve the attached Intergovernmental Agreement with the City of Forest Lake and to authorize the execution of the Intergovernmental Agreement by the Board President and seconded by Manager Moe. Discussion. Manager Lynch asked if the meetings described in the scope of work have been scheduled yet. Administrator Thomas noted that the agreement is still going through the approval process with the City and RCWD and thought that the first meetings will occur in late October or November. He mentioned that he will keep managers posted on when the meetings will take place in case they had an interest in attending. Manager Anderson asked about the involvement of EOR in the Study. Administrator Thomas commented that he has planned for a minor amount of time from EOR to be involved. He further commented that the City's Engineering firm will be the lead and doing the heavy lifting on the project as described in the scope of work. Manager Anderson commented that since Bonestroo will need to be looking at each of the District rules that it would make sense that our Engineer be involved. Manager Anderson went on to comment that EOR is well known for these types of projects and their involvement could be very beneficial. She also commented that we do a lot of small projects and that a big project like this only comes along once in a while so it would merit EOR's involvement and representation at meetings during the entire development of the Study. Manager Anderson made a motion to amend her earlier motion to authorize EOR's involvement in the entire process of developing the Study. Manager Moe seconded the motion to amend. The motion to amend was approved by unanimous consent. Discussion. Manager Spence commented that he wanted to make sure that everyone understood the amendment to mean that EOR's time will be on top of the amount identified in the Agreement. President Damchik called for the question. Upon vote the motion as amended passed unanimously.

#### **f) Forest Lake 3 Proposed Water Quality Investigation**

Administrator Thomas noted his staff memo in the Board packet. He commented that this agenda item is to request the Board's approval to conduct an investigation into the probable cause or causes of an extreme filamentous algae problem that was reported to the District by landowners on the eastern shore of Forest Lake (3<sup>rd</sup> lake). He noted the attached scope of work which was prepared by EOR at his request after an initial investigation was done by himself and Pete Young, Washington Conservation District. At that time the severe filamentous algae was limited to a small area of shoreline and was not prevalent on either side of the area being looked at. The property owners thought that the problem might be runoff that enters the lake through a culvert which comes from a pond and adjoining watershed made up of primarily residential properties. He also noted that the pond is located on tax forfeit/State of MN land so if we ever got to the point where a project to control and treat runoff was identified there may be an area that we would have some access to, however to get to that point a more thorough investigation is needed. He also pointed out that from his perspective this type of investigation is consistent with past and current efforts of the District to identify problem areas, conduct a study, and develop and implement corrective measures. In order to pay for this work he proposed that funds in the FL44 project fund/account, that are projected to be remaining after the completion of the Winberg project this fall, be used to pay for this project.

Manager Lynch asked for a description of what filamentous algae is. Administrator Thomas pointed out that it is a form of algae that attaches itself to vegetation, docks, etc and then grows into long strands. Manager Spence asked if it limited to this area. Administrator Thomas commented that it is very abundant in a small area of approximately 4 to 5 lake lots and is drastically less on either side. He further commented that the lake bottom is sandy so the extreme amount of the filamentous algae is not typical. The study will try to get at if it is caused by years of manipulation of the lake bottom in this area or is it a watershed source of phosphorous. Managers asked to point out on a map where the area is. Manager Spence asked if this is a chronic condition. Administrator Thomas indicated that based on his discussions with the property owners this has become a major problem/nuisance in the last 6 to 7 years.

Manager Anderson asked if this was a collection area. Administrator Thomas explained that the culvert which empties into the lake comes from a pond on the other side of the road to the east which has a fairly large watershed which extends to the east of North Shore Trail. He noted that the pond in question is on tax forfeit land and appears to have been part of the original development of the lots but has now reverted to being listed as being owned by the State of MN. Manager Anderson recommended that we point out to the County our possible interest in this piece of property so that they know we are interested. Manager Anderson asked if this area was included in the Wenck Study. Administrator Thomas pointed out that this area is part of what is called Forest Lake direct and is lumped together with all of the small direct drainage areas to Forest Lake. Discussion took place on the location of the project area and its relation to where it is in relation to the subwatersheds in the Wenck Study. Manager Anderson questioned the location of this area and asked if it is possible to have the subwatershed map that was in the Wenck Study available at Board meetings. Manager Anderson went on to comment that it is important for us to know how this area relates to the subwatersheds we have identified using the recent FL44 project as an example along with the need/ability to track these projects that have been done and what have we accomplished in relation to the subwatersheds of the District. Administrator Thomas noted Manager Anderson's comment and agreed that it will be a goal to do this as we develop the new web-based GIS tool and tracking system which will allow for the types of analysis mentioned.

Manager Anderson moved to approve the scope of work presented by EOR for a subwatershed investigation and assessment for Forest Lake 3 and authorize the expenditure of \$12,603 from the District's FL44 fund/account to pay for it. Motion was seconded by Manager Spence. Discussion. Manager Anderson commented that she would like to add a charge to develop a tracking mechanism to the project. Manager Spence commented that maybe that could be done as a separate motion. Manager Anderson agreed. President Damchik called for the question on the original motion. Upon vote the motion passed unanimously.

Manager Anderson moved that as part of the FL3 Project we develop a subwatershed tracking mechanism by watershed, subwatershed, or other relevant geographic area. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed unanimously.

#### **g) Comfort Lake Shoreline Violation**

Manager Anderson began the discussion on this issue by explaining that over the weekend of September 10<sup>th</sup> it had been reported to them that excavation was taking place on a lot on the SW shore of Comfort Lake. As she was out of town her daughter went out and took pictures and then contacted the Watershed District office on Monday, September 12<sup>th</sup>. She then asked the Managers to look at the pictures of the site that were included in a packet of material that she had asked Administrator Thomas to prepare for tonight's meeting. She noted that although the situation is being addressed it is one of those things that should not happen and that the District needs to discuss this to see if there is something different that we can be doing to avoid this type of situation in the future. She then asked Administrator Thomas to give an update on the events that have taken place since Monday the 12<sup>th</sup>.

Administrator Thomas pointed out that in the handout there is a compilation of the e-mails that had occurred since the morning of September 12<sup>th</sup> and that culminated in the DNR issuing a Cease and Desist Order on the evening of September 13<sup>th</sup>. He explained that after the matter had been brought to his attention he contacted both the City of Wyoming and the DNR with the goal of finding out what had or had not been permitted and to get the activity stopped if a violation of either the City's ordinance or the DNR's Public Waters Program had taken place. He noted that he did go out to the site that morning and was able to meet with City staff to see what had taken place. Since the Cease and Desist order has been issued the DNR requested that the CLFLWD and the Chisago SWCD prepare a restoration plan that they can then include in their Restoration Order. Administrator Thomas also noted that he and Craig Mell from the Chisago SWCD will be meeting on site the following day.

Administrator Thomas then went on to explain the next step in the enforcement process, and some ideas on how the district could be more involved which might be a starting point for further discussion at Board Workshop where we would have an adequate amount of time to discuss this issue. Manager Anderson commented that when something like this happens it is not sending a good message and that there is a big hole out there that needs to be filled. With cuts in budgets she is concerned that there is not sufficient resources to address a problem like this in a timely manner and we may decide that there are changes that are needed in state laws and rules to give watershed districts more authority in this area. She also felt that this points out that there might be a potential problem with the City's ordinance and that we may need staff and EOR to make some recommendation to the City on how to improve.

Manager Moe mentioned his frustration with a situation on Bone Lake in the past where a land-owner clear cut a hillside and when he informed staff he found out that there was little that the District could do and that when they informed the City of the violation they did very little to deal with it. Manager Anderson commented that this is another example of the problem. She also expressed concern with the thresholds we have for grading and filling. Administrator Thomas commented that when he discussed this issue with Attorney Holtman he was reminded that the Board had made a conscious decision that it did not want to duplicate what the City's and State Agencies were already doing. Manager Anderson commented that the point is that we need to try to figure out how to be more involved. Manager Lynch made the comment that folks should know better by now.

Manager Anderson commented that we need to look at the need for emergency contact or other ideas of ways to have a contact for weekends and other times so that when these types of activities are observed after business hours there is a way to report them. Manager Moe commented on a discussion he had at a MAWD Annual Meeting with folks from the Clearwater WD and they pointed out how things improved after the District took someone to court for a rule violation. Manager Anderson noted that people need to know that we take our role seriously and that the District will enforce our rules and regulations. Manager Moe stated that we will always have some issue with prospective buyers. He further comment on an idea that Randy Anhorn had for a welcome packet for new owners.

President Damchik asked what the Board wanted to do with this. Consensus of the group was to schedule a Workshop on the issue for Wednesday, November 9<sup>th</sup> at 6:00 p.m. and instructed staff to make the required notice for the meeting.

## **6. Old Business**

### **a) Sunrise River Petition Project Update**

Engineer Tilman gave a PowerPoint presentation regarding the urban stormwater retrofit portion of the Sunrise River Petition Project.

The presentation covered:

- Review of where this area fit into the overall Sunrise River Water Quality & Flowage Project options.
- The area that was investigated focused on the urbanized portion of the Bixby Park regional project area.
- The retrofit identification process included 1) a review of existing data, 2) filed investigation, 3) site identification and sizing, and 4) drainage area delineation, and estimates of phosphorous loading, removal, and costs.
- Provided an overview of the potential projects that have been identified and the types of possible retrofits.
- Discussed the 6 top areas that were identified.
- Discussed relationship of the identified projects and their estimated load reduction to the overall load reduction goal for Comfort Lake. The long term phosphorus reduction goal for Comfort Lake is 395 lbs/year. The estimated phosphorous reduction from retrofits is 90 lbs/year with an estimated cost of \$3.4 million.

Manager Spence asked if the report gives an estimate by project. Engineer Tilman responded that yes the final report will include detailed information on each of the potential projects. Manager Anderson commented on the need for how we prioritize and that the idea of using a percent reduction towards the target/goal would be a useful measure. Manager Anderson also commented on the large number of rain-gardens in two of the areas and that she has been reading some articles which point out issues with long term operation and maintenance of them which we should consider in our approach toward implementation.

#### **b) Update on BWSR Clean Water Fund Grant Applications**

Administrator Thomas gave an update on the two applications that were submitted by the District which included one for stormwater retrofits in the Bixby Park Project area and another for funding to support the Chisago Co. MLCCS mapping and drained wetland inventory. The District is also included in an application that was submitted by the Washington Conservation District for conducting sub-watershed assessments.

#### **7. Report of Staff**

- a) Administrator Thomas noted his written report in the Board packet. He also pointed the Manager Expense Claim form in the packet and reminded Board members to get them into him by October 14<sup>th</sup>.
- b) Emmons and Olivier Resources (EOR) – Engineer Tilman gave a quick update on the status of the various reports they are currently working on.
- c) Smith Partners – Nothing to report

#### **8. Report of Treasurer**

##### **Approval of Bills**

Manager Lynch presented the Treasurer's Report (A copy of which is annexed and incorporated by reference) and bills and payroll totaling \$67,312.69.

Motion was made by Manager Anderson to approve the September 22, 2011 Treasurer's Report and pay the bills and payroll as presented. Manager Spence seconded the motion. Upon vote, the motion passed.

9. Reports of Officers and Manager

Manager Anderson – Nothing to report

Manager Damchik – Nothing to report.

Manager Moe – commented that he had looked at the DNR web-site to do some follow-up on the fish surveys for Moody Lake and the differences between what the DNR had and what is in the WENCK Report. He also mentioned that the DNR did not list a 1999 survey. Engineer Tilman commented that she had checked after the last meeting and that the difference that was noted was due to her using bio-mass vs. number of fish which explains the difference in the numbers.

Manager Spence – Nothing to report.

Manager Lynch – Nothing to report.

10. Adjournment

Motion to adjourn the CLFLWD regular Board meeting at 8:30 pm was made by Manager Anderson and seconded by Manager Moe. Upon vote, the motion passed.

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Wayne S. Moe, Secretary