

**MINUTES OF REGULAR MEETING  
OF THE  
COMFORT LAKE – FOREST LAKE  
WATERSHED DISTRICT  
Thursday, May 28, 2015**

**1. Call to Order**

The President called the May 28, 2015 Regular Board meeting to order at 6:30 p.m. at the Council Chambers of the Forest Lake City Center, 1408 Lake Street South, Forest Lake.

Present: President Richard Damchik, Vice President Jackie Anderson, Treasurer Jon Spence, Secretary Wayne Moe and Assistant Treasurer Stephen Schmaltz.

Others: Michael Kinney and Emily Schmitz (CLFLWD staff), Ryan Peterson (CLFLWD summer intern), Greg Graske, Jason Naber and Jay Michels (EOR), Chuck Holtman (Smith Partners), Ben Meyer (BWSR), Margie Schmidt and Beryl Halldorson (Bone Lake Association), Jerry Grundtner (Citizens Advisory Committee), Erik Anderson (Washington Conservation District).

**2. Setting of Agenda**

The President called for approval of the May 28 agenda. Manager Moe moved to approve the agenda as amended. Seconded by Manager Anderson. Upon vote, the motion carried 5-0.

**3. Consent Agenda**

- a) Joint Workshop with City of Scandia — April 1, 2015
- b) Special Board Meeting Minutes — April 9, 2015
- c) Regular Board Meeting Minutes — April 23, 2015

Manager Anderson stated that there were some changes to the April 9 and April 23 minutes recommended by Mr. Holtman.

Manager Anderson moved to approve the April 1, 2015 minutes as presented. Seconded by Manager Spence. Upon vote, the motion carried 5-0.

Mr. Holtman presented a number of changes to the April meeting minutes.

Manager Anderson moved to accept the April 9, 2015 and April 23, 2015 minutes with the recommended changes proposed by Mr. Holtman. Seconded by Manager Spence. Upon vote, the motion carried 5-0.

**4. Public Open Forum**

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

**5. Public Hearing on Bixby Park Wetland Project**

The President opened the public hearing. Jason Naber, as part of the public hearing, presented a summary to date of the Bixby Park project, an element of the Sunrise River Water Quality and Flowage Project. Beginning with three main water quality projects on the Sunrise River, the outcome was to develop construction documents to be far enough

along to apply for Clean Water grant funds for Bixby Park. Funds of over \$360,000 were received for wetland restoration projects in 2012 with a required match of \$120,000 from the District. Based on modeling, the project is estimated to achieve a load reduction of 206 pounds of phosphorus and 55,000 pounds of sediment per year. Other features in the grant include educational and recreational components. The City of Forest Lake agreed to provide the land. In 2014 an iron-sand filtration feature was added. A recent redesign of the iron-sand feature was needed because the system is located in a high water area that does not allow the sand to dry out. Significant peat depths in the area would also inhibit the installation of an iron-sand filter. A lightweight aggregate will be used instead of sand. The project costs with the design changes are relatively the same. The Phase 2 project scope will include getting permits from the Department of Natural Resources (DNR) and the US Army Corps of Engineers, submitting a small grant amendment to BWSR, finalizing the design and going out for a construction bid in fall. Construction will be completed in late 2015 or early 2016, meeting the grant timeline. In response to questions, Mr. Naber clarified that construction can occur in winter, maintenance on the system will be needed every 15-20 years and needs to be included in the budget, though aggregate has been used for a long-time, it is a new use for phosphorus removal, the sediment will be trapped and dispersed in the wetland and the need for this project was identified through water monitoring showing high levels of phosphorus coming out of the system. Manager Anderson added that this project was an outlier when the District was formed, but was bumped up because of a petition from Chisago County. The project has taken about three years of planning and meetings with stakeholders. Beryl Halldorson stated that this is an exciting project. No other members of the public wished to offer comments. The President closed the public hearing.

## **6. New Business**

### **a) Wetland Conservation Act— Local Government Unit (LGU) Discussion**

Administrator Kinney reported that after the last Board meeting, the City of Forest Lake changed its position on delegating its authority to enforce the Wetland Conservation Act (WCA). BWSR wetland specialist Ben Meyer was introduced. He summarized WCA's implementation structure. Within the seven-county metro area, the implementing local government unit (LGU) is the city, town or water management organization (WMO) regulating surface water related matters in the area where the activity is occurring, with the city or town assuming this role unless it agrees with the WMO that the WMO will do so. The rule also states that implementation may be delegated from a city to a Soil and Water Conservation District (SWCD) or other government entity by passage of a resolution by both parties.

In response to questions, Mr. Meyer confirmed that there is no certification requirement for those doing wetland delineations. The state has a certification program and BWSR would like the LGU delineator to have at least a one-week course from the Army Corps, but this is not required. BWSR has a three legged-stool approach of BWSR, SWCDs and LGUs all being involved. BWSR does not meet with cities on a regular basis, but relies on LGUs to notify interested parties about a WCA application. BWSR does do spot checks including looking to see if there was proper notification. LGUs have other wetland activities, but notification is not required.

Mr. Holtman pointed out an ambiguity in state statutes. Under Minnesota Rules 8410, each WMO plan must specify responsibilities for implementing WCA. So under its plan, a district or WMO could designate itself as the LGU. Mr. Meyer, in response, stated that he would be supportive one way or another. Although he does not have a specific example, BWSR, in the public interest, has to have a clear designated entity for WCA.

Next steps: Mr. Meyer agreed to follow up with Jed Chesnut (WCD) on local WCA activities, but noted there might be a lag because some activities are put on hold. He also noted that formal applications are a matter of public record. Administrator Kinney will provide a summary of correspondence between the District and city on WCA requests and why the city changed its mind. It was agreed that staff should not draft a legal resolution for a change in WCA authority until a city has requested this.

**b) WCD Monitoring Data Report and Presentation**

Erik Anderson presented the 2014 Water Monitoring Report. Monitoring provides baseline data, identifies pollution and helps to guide implementation practices. The program also provides an educational component for the monitoring volunteers. Lake monitoring uses the Metropolitan Council Citizen-Assisted Monitoring Program (CAMP). District lakes are monitored two times per month from April through October for phosphorus, nitrogen, secchi transparency, chlorophyll-*a* (algae), dissolved oxygen (to determine thermoclines) and general observations such as weather conditions. The data for phosphorus, transparency and chlorophyll-*a* are used to give lake grades on a scale of A-F. Of the 13 District lakes monitored in 2014, Sylvan received an A, four lakes received Bs, six received Cs and two received Ds. To determine lake trends, a minimum of eight years of data is reviewed, of which six must be in the last 10 years. Trends are different than impairments, with trends being more of a relative factor and impairments being causal. A lake is impaired if it is below the water quality standard for phosphorus, transparency and/or chlorophyll-*a*.

Streams were monitored from April through October at seven sites for volume and velocity of rain and snowmelt, phosphorus and annual average discharge using the automated sampler. Each of the stream monitoring sites showed an increase in total discharge in 2014 as compared to 2013. The cause of the overall increase in discharge could be attributed to the large amount of snow observed in the winter of 2013/2014 and the above average precipitation from April through June of 2014. In response to questions, Mr. Anderson responded that the loads in 2006 were high because of a few big storms. Despite the above average precipitation in 2014, the loads were not as bad as anticipated because of the management practices that have been implemented. With the exception of adding the Forest Lake inlet and removing the Heims Lake drainage, there are no changes to the 2015 monitoring. WCD's recommendation is to keep the same monitoring in 2016. Some of the lake monitoring graphs look inconsistent, possibly because some samples were collected in-lake and others at the outlets and sample procedures might be a bit different, for example CAMP volunteers collect samples using a jug rather than a two-meter tube and volunteers might delay sending

in their samples, which make them unreliable. WCD will remove the statement on the report that lists Eurasian watermilfoil as being in Forest Lake.

Manager Spence moved to accept the 2014 Water Monitoring Report from the WCD. Seconded by Manager Moe. Upon vote, the motion carried 5-0.

**c) MAWD Summer Tour Authorization Request**

Manager Anderson moved to authorize funds for staff to attend the MAWD Summer Tour. Seconded by Manager Moe. Upon vote, the motion carried 5-0.

**d) BWSR PRAP Notification**

Administrator Kinney reported that the Performance Review and Assistance Program (PRAP) funds are available to LGUs to improve operating performance and execution of planned goals and objectives that could include communications, organizational development such as a staff capacity assessment, performance standards and personnel policy and the District Plan. Applications are submitted by e-mail. It was agreed to explore applying for the grant.

**e) Watershed Governance Policy**

Manager Anderson moved to accept the proposal and direct legal counsel to prepare these governance policies on behalf of the CLFLWD. Seconded by Manager Moe. Upon vote, the motion carried 5-0.

**7. Old Business**

**a) EOR MIDS Presentation**

Jay Michels presented the Minimal Impact Designs Standards (MIDS) focusing on a new approach to water management with the goal to capture a raindrop and put it back into the ground to minimize polluted runoff and preserve our natural resources. In a natural landscape, about 50 percent of water soaks into the ground, 10 percent runs off and the rest evaporates or evapotranspires. As the landscape is urbanized, what used to go into the ground runs off. Past water management goals were getting water off the landscape as quickly as possible. This created non-point source pollution. In 1983 practices moved to capturing water and piping it into urban stormwater ponds. According to a National Academy of Sciences paper, these practices have not been effective for water quality and have only been marginally effective for flooding.

This led to legislation in Minnesota for low-impact development, followed by a workgroup, headed by the Minnesota Pollution Control Agency, to develop low-impact development design and performance standards. The goal is to manage the first flush (½ inch) of storm events, to capture the majority (75%) of pollutant loads, and infiltrate water into the ground. Where infiltration is not possible, filtration through vegetation is recommended. Around the state, groups are now working to implement these standards.

MIDS is consistent, achievable and flexible with a focus on a green infrastructure. It complies with MS4 and NPDES permits. A stormwater manual was developed as a simple tool that contains a BMP calculator, information on all the BMPs, a

Community Assistance Package (CAP), flexible treatment options and a design sequence flowchart. Communities, watershed districts and WMOs are being encouraged to adopt ordinance and code revisions to incorporate MIDS stormwater quality and volume standards for new development and redevelopment. Some districts and WMOs are receiving Clean Water grants to work with LGUs to adopt MIDS.

Manager Anderson stated that the District has aggressive rules and asked Mr. Graske how the District rules compare to MIDS. He stated that is the purpose of the scope of work that was sent out a couple months ago, though his gut feeling is the District rules are more restrictive and, so at this time, would hesitate to adopt MIDS. Manager Anderson further stated that she likes the tools, but questioned if the District's role is to convince cities to adopt MIDS. The District has standards and it is the cities' responsibility to meet them. For \$8,000 what does the District get? Further discussion included uniform standards might make it easier for developers/contractors, provide a seamless approach and get more cooperation from the cities and developers; enforcement roles at the District and city levels; and the value of evaluating city ordinances compared to the District's rules. Ms. Halldorson noted that Scandia, with new construction of huge culverts, seems to be adopting the old standard of moving water away as fast as possible.

Manager Anderson moved to direct EOR to prepare a proposal to evaluate the ordinances of the cities within the District boundaries against the District rules in coordination with MIDS. Seconded by Manager Moe. Upon vote, the motion carried 5-0.

**b) Bixby Park Project Phase 2 Resolution 15-05-02**

Manager Anderson recommended using the correct name for the project so Phase 2 ties with Phase 1. Mr. Holtman concurred that the Bixby Park project is an element of the broader Sunrise River Water Quality and Flowage Project.

Manager Anderson moved to accept resolution 15-05-02 to order the Bixby Park project, an element of the Sunrise River Water Quality and Flowage Project. Seconded by Manager Moe. Upon roll call vote, the motion carried 5-0.

Manager Moe moved to approve the Phase 2 Sunrise River Water Quality and Flowage Project work order. Seconded by Manager Spence. Upon vote, the motion carried 5-0.

**c) WMP Amendment Resolution 15-05-01**

Manager Anderson moved to adopt Resolution 15-05-01. Seconded by Manager Moe. Upon roll call vote, the motion carried 5-0.

**d) BWS Quote for Additional 2015 Services**

Administrator Kinney reported that with the assistance of EOR and through discussions, additional aquatic invasive species related activities were identified.

Manager Moe moved to accept the quote from Blue Water Sciences for additional 2015 services. Seconded by Manager Anderson. Upon vote, the motion carried 5-0.

**e) Bone Lake Fish Barrier Update**

Administrator Kinney reported that in a week from next Monday, planting and other work will be done. Based on a request by Margie Schmidt and conversations with EOR and WCD, it is recommended to use larger plants and additional soil material on the rocks to provide better stabilization. This is in addition to the WCD recommendation of a buried watering line to water plants.

Manager Moe moved to allocate additional funds up to \$3,000 from the Rough Fish Management Fund for the Bone Lake Fish Barrier project. Seconded by Manager Schmaltz. Upon vote, the motion carried 5-0.

**8. Report of Staff**

**a) Administrator**

Administrator Kinney reported that District and Forest Lake staff are developing a process for working together and have monthly engineering and coordination meetings. They have been discussing inspections and 2016 budgets related to stormwater and water quality projects, such as sharing a vacuum-type truck with LGUs for street sweeping. Mr. Graske suggested looking at grant opportunities. It was agreed, at this time, not to discuss delisting Comfort Lake with the MPCA.

**b) Emmons & Olivier**

Mr. Graske, as requested at a previous meeting, provided a timeline for about 10 projects. Manager Anderson thanked EOR for this and requested adding the District logo and contact number and making the type readable. This will be a good communications piece. She also thanked Ms. Schmitz for the updated boat launch schedule.

**c) Smith Partners**

Mr. Holtman reported that because of the Governor's bill veto, it is not clear if the buffer initiative will come up in the special session.

**9. Report of Treasurer**

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

Manager Spence presented the Treasurer's Report and bills and asked for a motion to approve the report and pay the bills.

Manager Anderson moved to approve the Treasurer's Report and pay the bills in the amount of \$92,242.40. Seconded by Manager Schmaltz. Upon vote, the motion carried 5-0.

**10. Report of Officers and Managers**

- Manager Schmaltz reported that only 50 people attended the Forest Lake Lake Association meeting. There usually are 90-100 in attendance, but the meeting went well and there was a good amount of information sharing and good questions.
- Manager Moe talked to Lake Management this week about missed curly leaf pondweed treatment opportunities on Bone Lake. Going forward, he recommended

working with the lake associations to get infestation information from them. Lake Management noted that permission for access from shoreline residents is good for three years and the DNR will often allow treatment the following year, if patches are marked and reported using GPS.

**11. Adjourn Next Meeting —June 11, 2015**

Manager Spence moved to adjourn the meeting at 9:33 p.m. Seconded by Manager Anderson. Upon vote, the motion carried 5-0.

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