

**MINUTES OF THE REGULAR MEETING  
OF THE  
COMFORT LAKE-FOREST LAKE  
WATERSHED DISTRICT  
Thursday, September 27, 2018**

**1. Call to Order**

President Anderson called the September 27, 2018 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

Absent: Treasurer Steve Schmaltz

Others: Mike Kinney, Jessica Lindemyer (CLFLWD staff); Greg Graske, Meghan Funke (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Sam Husnik (Forest Lake City Council); Ben Ford (Rehder & Associates – Permit 18-028)

**2. Setting of Meeting Agenda**

President Anderson requested that the consent agenda be moved to agenda item 9a for further discussion, and that agenda item 6b be moved up to 6a to accommodate the permit applicant in attendance.

Manager Spence moved to approve the agenda as amended. Seconded by Manager Moe. Upon a vote, the motion carried 3-0.

**3. Consent Agenda**

- a) **Regular Board Meeting Minutes – August 9, 2018**
- b) **Special Board Meeting Minutes – August 14, 2018**
- c) **Regular Board Meeting Minutes – August 23, 2018**

**4. Public Open Forum**

There were no comments.

**5. Citizen Advisory Committee Update**

Watershed Assistant Jessica Lindemyer explained that the last CAC meeting was canceled, so there are no meeting notes within the September 27<sup>th</sup> board meeting material packet. The next meeting will be held next Tuesday, October 2<sup>nd</sup>.

## 6. New Business

### a) Permit 18-028 North Lakes Academy

Engineer Graske summarized the proposed project which entails construction of a new school building and associated driveway in Forest Lake. Applicable rules include stormwater management and erosion control. The site has sandy, well-drained soils which are conducive to infiltration. Mr. Graske described the proposed stormwater management features which include swales and an infiltration basin. He recommended conditional approval pending receipt of the remaining administrative items, as detailed in the engineer's memo.

Manager Moe moved to approve permit application 18-028 subject to the recommendations listed in the September 19, 2018 engineer's review memo. Seconded by President Spence. Upon a vote, the motion carried 3-0.

### b) AIS Update

Administrator Kinney noted that curly-leaf pondweed herbicide treatment is being proposed on Moody Lake in 2019, pending DNR permit approval. Blue Water Science recently collected sediment samples on Comfort Lake as part of the Eurasian watermilfoil nitrogen project; lab results are anticipated later this winter. Mr. Kinney explained that Carp Solutions conducted three carp electrofishing surveys on Shields Lake this summer. In anticipation of the Shields Lake alum treatment next year, it is important to understand the carp population and associated lake bottom disturbance in the lake. Carp Solutions reported large sizes of individual carp, and large enough quantities to put Shields Lake over the recommended carp biomass of 100 kg/hectare (Shields' estimated biomass = 530 kg/ha). Carp Solutions will perform ageing analysis on some of the captured carp which will inform whether young carp are getting into the lake. President Anderson asked about using electric carp killing techniques, which are currently being researched at University of Minnesota. Mr. Kinney noted that he spoke with U of M Professor, Dr. Peter Sorenson about this. Dr. Sorenson indicated that he no longer has funds or graduate students to do this work, so would require funding from the District for this type of effort.

### c) Watershed Based Funding Grant Agreement

Mr. Kinney recapped past interagency discussions about this funding program. He explained that, for this first round of funding, the District was awarded \$78,760, or one tenth of Washington County's funding. The Board of Water and Soil Resources approved the District's submitted proposal for funds to go toward implementation of the Forest Lake Diagnostic Study, which includes the Hayward Avenue, Castlewood, and Washington Judicial Ditch 6 (WJD 6) subwatersheds.

Manager Moe moved to adopt resolution 18-09-03. Seconded by Manager Spence.

Discussion: There was discussion regarding potentially allocating grant funds to other projects besides those described in the resolution. Mr. Kinney noted that the Washington County board had expressed a preference for funds to go toward projects within Washington County, or at least to sites that drain to Washington County.

Upon a roll call vote, the motion carried 3-0.

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

## **7. Old Business**

### **a) Shields Lake Stormwater Reuse Contract**

Mr. Kinney recapped that the contract to Dresel Contracting was awarded at the September 13<sup>th</sup> meeting. The original contract consisted of the base bid and some add alternates, but none of the add alternates pertaining to the design changes that were recently requested by the Forest Hills Golf Club. Since then, Mr. Kinney met with golf club representatives and confirmed that no further design change requests would be made by the golf club. Per Board direction, he also noted to Golf Club representatives that the District, under future circumstances, could ask for reimbursement of engineering costs incurred to incorporate the changes. Mr. Kinney recommended that the Board approve additional add alternates to the construction contract to accommodate the original golf club changes.

Manager Moe moved to authorize the District Administrator to adjust the contract awarded on September 13 to Dresel Contracting to incorporate Add Alternates 1, 4 and 7 and execute all documents necessary to do so; and increase the contract price to \$519,354.81. Seconded by Manager Spence. Upon a vote, the motion carried 3-0.

## **8. Report of Staff**

### **a) Administrator**

Administrator Kinney reported that some Forest Lake property owners recently complained about high water levels in a ditch near their property and inquired if the District operated the ditch. Mr. Kinney explained that the District does not operate the ditch, and that the City of Forest Lake would need to determine if the ditch were part of their Municipal Separate Storm Sewer System (MS4) conveyance.

Mr. Kinney noted that Manager Schmaltz sent an email to the Board earlier this week expressing concern about some of the projects that were removed from the 2019 budget during the September 18<sup>th</sup> board meeting discussion. Mr. Kinney explained that the plan

has been for staff to return to the October 11<sup>th</sup> board meeting with additional scoping information regarding such projects, then a decision on 2019 budgeting for each project could be made. He noted that staff and EOR have been working on project prioritization tiers and scope cost estimates. This information will be distributed as part of the October 11<sup>th</sup> special board meeting packet.

A public demonstration day will be held on October 3<sup>rd</sup> for the Moody Lake Alum Treatment project. Nearby residents and all members of the public are invited to join and learn about the project from District staff, EOR, and the alum treatment applicator, HAB Aquatic Solutions.

President Anderson requested that Permitting Coordinator, Erin Edison, provide a monthly permit update similar to the map that was presented at the last board meeting. She noted that there is a high amount of development in the District and that it is important for the Board to receive easy to digest updates such as that mapping format. Mr. Kinney indicated that he would discuss this with Ms. Edison and determine the amount of additional time it would take to prepare these monthly updates in addition to what is already being provided in the Administrator's report.

President Anderson noted that a recent article by East Metro Water Resources Education Program's Angie Hong references a very useful report about phosphorus sources and sinks. She requested that staff send out the report to the rest of the Board.

### **1) Consent Agenda**

President Anderson requested a change to the August 14<sup>th</sup> minutes to indicate that, in her budget handouts that she provided to the Board, she included a proposal for a balanced budget at the \$2,593,593 level.

Manager Moe noted that, in the August 9<sup>th</sup> minutes, President Anderson is quoted as expressing that the sedimentation rates for Comfort Lake and Little Comfort Lake are higher than any other lake in the District. He indicated that this statement is not true. He cited information from the deep sediment core studies which indicates that the sedimentation rates for Comfort, Shields, and Moody Lakes are all comparable, and that current rates for Shields Lake are five times higher than pre-development conditions whereas current rates for Comfort Lake are three times higher than pre-development. President Anderson explained that she based her statements on the District's annual water monitoring report which indicated higher total suspended solids loading for Comfort and Little Comfort lakes. Manager Moe indicated that not all lake inlets are monitored as part of that annual report and that there simply aren't enough data to accurately state that Comfort and Little Comfort Lakes have higher sediment loading than any other lake.

Administrator Kinney indicated that staff and EOR will prepare a summary of current estimated sedimentation rates and total suspended solids loading rates

to be brought to the October 11<sup>th</sup> special board meeting. Manager Moe expressed concern about nonfactual information being repeatedly included in the meeting minutes. He indicated that he does not refute that a statement was made, but requested that some supporting factual information be appended to the minutes regarding statements that are not factual. Legal Counsel Holtman explained that the purpose of the minutes is to provide an accurate representation of what was said at the meeting. If a manager wishes to challenge a potentially nonfactual statement during a meeting, the minutes could reflect that manager's challenge at that time. Mr. Holtman recommended that appending documents to the meeting minutes could potentially become cumbersome in some instances. There was agreement that counter-statements made during meetings should be reflected in the minutes so as to identify potentially nonfactual statements.

Manager Moe moved to approve the consent agenda as amended.

Discussion: President Anderson requested an additional revision to the July 12<sup>th</sup> minutes to capture Manager Moe's counter statement regarding sedimentation rates for Comfort and Little Comfort lakes. Administrator Kinney noted that Manager Schmaltz requested a revision to the August 9<sup>th</sup> minutes: add a statement from Manager Schmaltz saying that if only one or two water quality data points meet the goals, that doesn't necessarily mean the lake is meeting the District's water quality goal. Mr. Kinney said that staff will review the recording and obtain the verbatim statement made by Manager Schmaltz at that meeting.

Manager Moe amended his motion to include the additional revisions as discussed. Seconded by Manager Spence. Upon a vote, the motion carried 3-0.

#### **b) Emmons & Olivier Resources**

Dr. Meghan Funke provided an update on recent water sample collections as part of the District's project effectiveness monitoring and project feasibility studies. She noted that there is a lot of ongoing project coordination and that the Moody Lake alum treatment and associated demonstration day are scheduled for next week.

#### **c) Smith Partners**

Nothing to report.

### **9. Report of Treasurer**

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

Vice President Spence reported income for the period of \$19,924.03 and expenses in the amount of \$164,205.36.

Manager Moe moved to accept the Treasurer's Report and pay the bills in the amount of \$164,205.36. Seconded by President Anderson. Upon vote, the motion carried 3-0.

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

Manager Moe reported that Bone Lake resident, CAC member, and prospective District board member, Jen Oknich, recently had her interview with the county board as part of the application process to be on the CLFLWD board. He noted that Ms. Oknich seems very knowledgeable about water resource issues, and that it is possible that the county board may decide on her appointment within the next week.

President Anderson indicated that the Pioneer Road construction project near Comfort Lake appears to be installing curb and gutter. Manager Spence noted that there currently is curb and gutter along a portion of West Comfort Drive at 260<sup>th</sup> Street. Engineer Graske recalled that the permit indicated curb and gutter being installed on the section of road not located within the District; the sections within the District should remain rural section. He indicated that he would check the drawings. President Anderson and Manager Spence requested to see the drawings and offered to come to the District office to do so. Engineer Graske noted that the District boundary is at the Comfort Lake outlet under 260<sup>th</sup>, so the northern part of Pioneer is outside the District.

President Anderson requested that, next time they are in the area, staff and/or EOR take a look at two culverts associated with the MnDOT Highway 8 project. She expressed concern regarding the high amount of recent rains and whether runoff from these culverts is being adequately treated. She indicated that the culverts hadn't been noticeable before, but have been unearthed by the construction recently. President Anderson noted that the Highway 8 project is a very big project and that the cleanup and associated erosion and sediment control efforts seemed very effective. She proposed that the Board write a letter to MnDOT and its construction contractor thanking them on behalf of the District for their work. There was board consensus that Manager Anderson would draft such a letter.

## **11. Summary and Approval of Board Direction**

President Anderson expressed that she didn't think there was anything new to add to the list. Administrator Kinney agreed.

## **12. Adjourn**

### **a) Next regular board meeting – October 25, 2018**

Manager Spence moved to adjourn the meeting. Seconded by Manager Moe. Upon vote, the motion carried 3-0, and the meeting adjourned at 7:39 p.m.

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