

**MINUTES OF REGULAR MEETING  
OF THE  
COMFORT LAKE – FOREST LAKE  
WATERSHED DISTRICT  
Thursday, September 24, 2015**

**1. Call to Order of Regular Meeting**

Manager Spence called September 24, 2015 Regular Board meeting to order at 6:30 p.m. at the Forest Lake City Offices 1408 Lake Street South, Forest Lake, Minnesota 55025.

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

Absent: President Richard Damchik

Others: Michael Kinney and Emily Schmitz (staff), Chuck Holtman (Smith Partners), Greg Graske, Meghan Funke, Cecilio Olivier, Jason Ulrich and Jason Naber (EOR), Margie Schmidt (Bone Lake Association), Jerry Grundtner (CAC), Chris Mann and Jack Mackenzie (newly appointed to CAC), Wally Ostlie (Comfort Lake Association), David Freemore and Dean Gabbert, (residents).

**2. Setting of Meeting Agenda**

Manager Moe moved to approve the agenda with additions. Seconded by Manager Schmaltz. Upon vote, the motion carried 3-0.

**3. Consent Agenda:**

- a) AIS Update
- b) Regular Board Meeting Minutes – July 23, 2015
- c) Special Board Meeting Minutes – August 19, 2015

Manager Moe moved to approve the consent agenda with minor revisions to both sets of minutes. Seconded by Manager Schmaltz. Upon vote, the motion carried 3-0.

**4. Public Open Forum**

Dean Gabbert, a resident on Bone Lake for 33 years, asked about the criteria for stop log management, the location of the flow meter, and the amount of water flow the system should handle. Mr. Graske responded that the District tries to keep stop logs in as much as possible to minimize debris build up on the front gates and prevent passage of smaller fish. Stop log removal is triggered by high water levels resulting from heavy rain events, which occurred a couple times this year. The operations and maintenance plan for the fish barriers will be revisited this winter. Mr. Graske inspected the flow meter, which is located at the outlet end, several times this year and observed low flow. The system was intended to handle a 10-year rain event with water levels being up to the top of the structure. Based on the first couple years and the flow, the Minnesota Department of Natural Resources (DNR) requested, and the District agreed, to lower the level by leaving the top two logs out. Mr. Gabbert stated that there are some trees that are starting to undercut and he fears that trees, some of which are over 30 years old, will be lost. He also noted that his sump is running quite a bit. Manager

Moe stated that back in July, nine inches of rain fell in 12 days. Before the rain, stop logs were put in because the water was down and rain was not expected. Mr. Grasko pulled the stop logs the morning before the rain. Manager Moe stated that he has been monitoring water levels every night or two. The water is still above the ordinary high water mark at 11.20 inches. There is still a lot of flow coming from Moody Lake, where water is backed up almost over the road. Manager Moe clarified that the Bone Lake Diagnostic Study identified areas with a lot of soil erosion. Mr. Grasko reiterated that the management plan is to keep stop logs out through the winter until spring. Furthermore, the Operations and Management Plan for the fish barriers will be reassessed over the winter.

Margie Schmidt stated that the lake association met this week. She thanked the District for authorizing Dr. Funke to attend and present to them. The association came up with some ideas that it would like the District to consider, including ways to engage lakeshore residents and farmers in best management practices (BMPs) and changing the cost-share program to include smaller projects that can still make a difference versus larger plans/projects that require a maintenance contract. She asked if it is possible for the association to hire someone from the conservation district to provide residents with suggestions for small projects and then cost-share with the District on a sale of trees and bushes. Regarding what will happen with Bone Lake projects if grants are not received, Administrator Kinney stated that smaller, less expensive projects will be pursued. He also stated that he will follow-up with the other questions.

## **5. New Business**

### **a) CAC Applications**

Administrator Kinney reported that the Citizen Advisory Committee (CAC) has been reactivated after a number of years. The committee, with the assistance of Angie Hong, met on August 25 and will meet again on October 6. There is a list of members interested in participating. He introduced two new applicants. Chris Mann lives on Forest Lake. She recently moved from North Oaks and still represents the city on water issues. Jack Mackenzie lives on the south side of Sylvan Lake. He is the executive director of the Minnesota Golf Course Superintendents Association, participates on several state committees including the Groundwater and Surface-Water Interactions Committee in Northeastern Twins Cities Lakes and teaches a course with the MPCA on environmental landscape management and works closely with other agencies on stormwater management. Manager Moe moved to approve Chris Mann and Jack Mackenzie as CAC members. Seconded by Manager Schmaltz. Upon vote, the motion carried 3-0. The Board welcomed Ms. Mann and Mr. Mackenzie.

### **b) CAC Membership**

Manager Moe moved to reappoint present CAC committee members. Seconded by Manager Schmaltz. Upon vote, the motion carried 3-0.

### **c) CAC Update**

Administrator Kinney reported that the CAC at the August 25 meeting proposed some actions for the committee and is looking for guidance from the Board. Manager Schmaltz stated that this is appreciated. He suggested that with the DNR cutting AIS funding and

legislative decisions being both pro and con to District objectives, there is a need to coordinate lake association efforts with messages back to the DNR and legislature. The Board will do that too, but there are only five managers compared to thousands of lake association members. Mr. Grundtner stated that the East Metro Water Resource Education Program (EMWREP) hosted a meeting. About 50 people attended including representatives of 15-20 lake associations. There was strong consensus that to bring AIS to the forefront, lake associations need to meet regularly to discuss BMPs. In Washington County Angie Hong agreed to start this forum. Discussion including relying on the CAC to coordinate with lake associations in the District, using the communication process set up with Bone Lake Association to communicate with other associations and working with Ms. Hong on communications. It was noted that the CAC has representation from Bone, Sylvan, Forest and Comfort lakes.

**d) PTMApp Desktop Toolbar**

Mr. Ulrich stated that his background is in watershed hydrology, computer modeling and statistical analysis and he/EOR has test driven the PTMApp tool. PTMApp is a digital mapping technology that integrates different traits and analyzes the data for agriculture BMPs based on pollutant loads. It can work on a field-scale level and most importantly it proves a cost-benefit analysis of BMPs. The tool requires GIS and hydrologic data and is best used with a hydrologic and water quality model. It can put a lot of BMPs in parallel and serial positions and is good in watershed districts without a lot of data collected or with not a lot of analysis. Its weakness is that it estimates and does not do the job hydrologic modeling can. In response to questions, Mr. Ulrich stated that the model was developed by several folks, but commissioned by the Board of Water and Soil Resources (BWSR). It is difficult to provide a cost relationship between actual watershed analysis and data gathering. If you don't already know where the pollutant sources are, PTMApp will give you a decent road map of where loads might be or where efforts, such as monitoring, should be concentrated. Diagnostic studies, especially of lakes, are more accurate, though PTMApp will get close.

**6. Old Business**

**a) Bixby Park EAW**

Administrator Kinney reported that legal counsel has reviewed all the documents. Manager Moe moved to adopt Resolution 15-09-02 adopting findings of fact and a record of decision on the EAW and making a negative declaration as to the need for an Environmental Impact Statement. Seconded by Manager Schmaltz. Upon roll call vote, the motion carried 3-0, with Managers Moe, Schmaltz and Spence voting aye.

**b) Shields Lake Modeling**

Administrator Kinney stated that the Board requested that EOR work in conjunction with City of Forest Lake staff to analyze Shields Lake drainage for future lake projects. Mr. Grasko stated that the purpose of study was to determine the benefit of enlarging a pond and wetland south of Heath Avenue and 209<sup>th</sup> Street, determine the hydrology and water drainage in terms of water quality and help address diagnostic and potential flooding issues. Results include:

- Because of a low hydrologic load, due to wetland and road restrictions, much less water than expected drains to the lake.
- Analysis of culverts indicates that the pipes are capable of handling a 50-year event, provided that the hydrology remains the same.
- The phosphorus load of 60-80 pounds per year is lower than expected.
- The stormwater pond is about 1/3 of an acre with a maximum depth of eight feet. Treatment removes 11 pounds of phosphorus per year. Improvements could only improve performance by less than one pound per year.
- The wetlands remove about five pounds of phosphorus per year and are more effective than the pond.

Recommendations include:

- Enlarging the footprint of the wetland will have a benefit, with the caveat that large rain events flow through the system and do not cause flooding. These are preliminary data and need to be confirmed through diagnostic findings.
- Investigate the watershed to see where more water can be retained.
- Wait until the diagnostic study is finished to confirm these initial recommendations. The study will also determine if internal loading is contributing to phosphorus concentrations in Shields Lake.
- Find a way to capture the first flush of a rain event and divert the rest.

Administrator Kinney stated that he and EOR are already coordinating with city staff before the diagnostic study is completed because there are potential grant opportunities for projects on impaired lakes and Shields is impaired; a property owner communicated about developing the property if any work is going to be done; and the culvert pipes were developed in 1980s and are at the end of their life cycle.

(Manager Anderson arrived at 7:35 p.m. and assumed the chair.)

**c) Sylvan Lake Purple Loosestrife Report**

Mr. Naber reported that resident Curt Sparks alerted EOR to purple loosestrife—a wetland invasive species—on Sylvan Lake. In June he met with Mr. Sparks to inspect for loosestrife. The loosestrife looked chewed up, which is a sign that the beetles and weevils released by the DNR were effectively targeting loosestrife. In July a survey was done with the same finding. In several areas where the insects were not released, there were higher loosestrife densities. EOR’s recommendation is to work with the DNR and Keegan Lund of the DNR (or staff) to get more beetles released. This could be supplemented by hand pulling. He advocated against using herbicide because there are high quality macrophytes in Sylvan Lake. He concurred that beetles/weevils have been eating loosestrife on a small pond to the east of the lake.

**d) Project Timeline Update**

Mr. Graska presented a timeline with an update on progress made on projects.

- Hilo Lane iron-enhanced sand filter. Administrator Kinney has had discussions with property owners about the project and easements. Two easements have been signed so far. One owner will not sign until the city releases part of a drainage easement on

her property. At the same time, the city wants more confidence that the owner will go through with the project.

- Broadway Avenue Monitoring. There were several good rain events and, hopefully, there will be one more fall rain event. The analysis will be done in December.
- Bixby Park. The Board just passed a motion on the EAW process, so the project is moving along. Mr. Holtman will review the contract documents. Mr. Graske noted the intent to begin construction in January. Manager Anderson suggested soliciting bids sooner rather than later, to give more time for responses.
- Bone Lake Fish Barrier. Installation of new grates and vegetation enhancement occurred earlier this year.
- Bone and Moody Lakes. Diagnostic studies were presented to the Board and grant applications were submitted.
- Shields Lake Diagnostic Study. The interim report was presented. There were good rain events and good data collected. The final report is expected in April or May.
- Boundary Assessment. Proposed boundary changes with GIS files were sent to the Rice Creek Watershed District. Mr. Graske will follow up with the district on its analysis of the ditch system.
- Third Lake Pond Assessment. A grant to BWSR was submitted. The county approved the transfer of the tax-forfeit land parcel on which the project would occur to the city, which must be approved by the DNR.
- Forest Lake Diagnostic. The initial grant agreement was finalized in June and the final work plan was approved this week. Dr. Funke will begin organizing meetings and identifying monitoring sites.
- AIS Management. Fish surveys are being conducted on Bone and Moody lakes. Manager Moe noted that only eight carp were caught this weekend. Mr. Graske stated that residents have been reporting that carp numbers are low and it will be interesting to see survey results this weekend. Steve McComas is determining if young carp are getting through the barrier.
- Heims Lake Water Quality Study. The study will be completed this year using existing data supplemented with some fieldwork.
- Biological Stream Monitoring. The fieldwork will wrap up by the end of the year including identifying monitoring sites for next year.

Manager Anderson stated that she really likes the project update format. She suggested adding the streams on stream monitoring, noted that AIS is a program, not just a project and stated the AIS project update is helpful.

**e) Expanding Pool of Engineers for AIS and Other Projects**

Manager Schmaltz recommended outlining some projects to outsource. He noted that the District spent \$45,000 for AIS engineering, but was not sure what was coordination and what was engineering. Issues discussed included: broadening the base of engineers, staff being very busy with AIS and other projects, needing to have all projects coordinated into the district-wide programs and not being disjointed with outsourced projects and tapping into other tools to leverage dollars. It was agreed that Administrator Kinney and EOR will identify which projects are not moving along, assess staff capacity and draft a plan to

ensure projects are on target. The plan will be presented to the Board in November or December.

## **7. Report of Staff**

### **a) Administrator**

Administrator Kinney addressed the question from earlier about what plans would entail if grants for Moody Lake and Bone Lake projects were not awarded. He recently talked with the Chisago Soil and Water Conservation District about technical assistance with a cropland inventory and has been reviewing the agriculture BMP cost share program and looking at soil test sampling and nutrient management with interested landowners. Manager Moe suggested targeting fields to the northeast of Bone Lake.

Administrator Kinney proposed an October 22 workshop at 4:30 p.m. with the St. Croix Watershed Research Station (SCWRS) staff presenting the scientific basis for District rules exceeding state standards. Manager Anderson stated that the District has talked about pre-settlement conditions in the 1998 Comfort Lake Diagnostic Study and with EOR over the years. She stated that core sampling should fall under the engineering umbrella and should be coordinated by our licensed staff. It was agreed that a SCWRS presentation should be made at a regular Board meeting so staff and the public can be included.

Manager Schmaltz asked for clarification about the Forest Lake-Hilo Lane project related to the District and city easements and a property owner claiming a large encumbrance because of an easement. Administrator Kinney will provide a memo with options for the District if the easements are not obtained.

**b) Emmons & Olivier** - nothing

**c) Smith Partners** - nothing

## **8. Report of Treasurer**

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

Manager Spence presented the Treasurer's Report and bills. Manager Moe moved to approve the Treasurer's Report and pay the bills in the amount of \$95,170.88. Seconded by Manager Anderson. Upon vote, the motion carried 4-0. Manager Anderson asked for and Manager Spence agreed to provide recommendations for shifting budget line items to cover items over budget and general administration expenses.

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

- Manager Anderson reported that she talked to Administrator Kinney about some shoreline projects that are violating District rules and cannot seem to be stopped. She asked Mr. Holtman to prepare a legal memo on what the District can and cannot do, based on state statute. Administrator Kinney stated that he talked with Wyoming staff including the zoning administrator about the shoreline disturbances and exposed soil. City staff claimed nothing could be done because they did not know what the properties were like before construction. Manager Moe stated that Scandia also does not do

anything. Manager Anderson stated that she and the District have pictures from 1998 of the shorelines from the Comfort Lake Diagnostic Study. Administrator Kinney has visited both sites and the DNR has been contacted several times to make a site visit. Manager Anderson suggested engaging residents about landscaping practices, conduct site visits and update the District program to intervene earlier in the process. Mr. Holtman stated that enforcement of rules or ordinances largely is a matter left to the discretion of the public body that adopted and implements them; the District, as well as cities, has the authority to adopt and enforce its rules; the District presently doesn't regulate shoreline activity; and, if the District wants more oversight on these activities it has the authority to revise its rules or adopt new rules. It was agreed that Mr. Holtman will provide a memo on District options and Administrator Kinney will follow up with the city and DNR. Ms. Schmidt commented that without enforcement, there is a culture that you can just do what you want.

- Manager Moe reported that after the last meeting, he looked through monitoring data on Little Comfort Lake. Prior to 2009 the lake water quality grades were bad and then in 2009 the lake received an A rating. Looking at Google maps, there were what appeared to be five manure pits east of Manning and near a stream. He noted a McCoy mining operation, construction within 1000 feet of the stream and gravel pits. Administrator Kinney stated that he has not seen any permits, the DNR regulates the McCoy operation, made a site visit and noted an overflow to the wetland. Manager Anderson asked to see the report and asked why the District was not notified.

Manager Moe asked about a huge piece of bog in Moody Lake that broke off at the north end. Mr. Graske responded that this is detached from the shoreline, stirs up sediments, is common in shallower lakes and there is a photo of a second piece near the park. It was noted that it could have been because of high water.

- Manager Spence requested that Administrator Kinney do a survey of salaries in the watershed area to ensure CLFLWD is competitive. Administrator Kinney stated that the Minnesota Association of Watershed District hired a consultant to compile this information.

#### **10. Adjourn Next Meeting – October 8, 2015**

Manager Spence moved to adjourn at 9:03 p.m. Seconded by Manager Anderson. Upon vote, the motion carried 4-0.

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