

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

**THURSDAY, AUGUST 28, 2008**

**1) Call to Order**

The President called the August 28, 2008 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 Jackie Anderson, Vice President Richard Damchik, Treasurer Jon Spence, Manager Wayne Moe

Staff: Randy Anhorn (CLFLWD), Chuck Holtman (Smith Partners), Brett Emmons and Lisa Tilman (EOR)

Other: Craig Wills (DNR)

**2) Open the Regular Meeting**

The President opened the Regular Board Meeting.

**3) Reading and Approval of Agenda**

The President called for the reading and approval of the August 28, 2008 regular Board meeting agenda. The motion to approve the agenda was made by Manager Damchik and seconded by Manager Lynch. Upon vote, the motion passed unanimously.

**4) Reading and Approval of Minutes**

The President called for the reading and approval of the minutes of the July 24, 2008 regular Board meeting. The motion to approve the July 24, 2008 regular Board meeting minutes with edits was made by Manager Anderson and seconded by Manager Moe. Upon vote, the motion passed unanimously.

The President called for the reading and approval of the minutes of the August 5, 2008 2009 Budget Workshop. The motion to approve the August 5, 2008 2009 Budget Workshop minutes with edits was made by Manager Moe and seconded by Manager Spence. Upon vote, the motion passed unanimously.

**5) Public Open Forum**

Craig Wills introduced himself as the new area hydrologist for the DNR taking over for Travis Germundson who moved on to BWSR. Mr. Wills stated that he just wanted to stop by and introduce himself and get a feeling for some of the issues facing the watershed.

The Board thanked Mr. Wills for stopping by.

6) **New Business**

a) ***BMP cost-share program***

a. ***Oehler raingarden cost-share application***

Administrator Anhorn presented an application for District cost-share funds for the Oehler property located on Forest Lake at 7371 North Shore Trail (a copy of which is incorporated by reference and annexed within). Mr. Oehler hopes to incorporate a raingarden on his property. Currently the site experiences pooling when it rains, stemming from runoff from North Shore Trail as well as the associated driveway. The pooled stormwater then runs off to the lake.

Administrator Anhorn went through a description of the property, project design, estimate costs, and resulting project rankings from WCD staff, the District administrator, and Manager Lynch and Manager Moe. Anhorn further provided an overview of the project ranking and funding process and stated that the compiled rankings resulted in the recommendation of the ranking group to provide cost-share funds for the project.

After Board discussion, motion was made by Manager Lynch to approve the application and provide cost-share funds not to exceed \$2,000 for the Oehler raingarden project. The motion was seconded by Manager Moe. Upon vote, the motion passed unanimously.

b. ***Trandal drainage and shoreline buffer native planting cost-share application***

Administrator Anhorn presented an application for District cost-share funds for the Trandal property located on Comfort Lake at 26108 Kendall Lane (a copy of which is incorporated by reference and annexed within). Mr. Trandal currently experiences slight erosion along the north side of his property as the lot drains to the lake, as well as erosion along the shoreline and hopes to incorporate a drainage swale and native shoreline buffer on his property.

Administrator Anhorn went through a description of the property, project design, estimate costs, and resulting project rankings from WCD staff, the District administrator, and Manager Lynch and Manager Moe. Anhorn further provided an overview of the project ranking and funding process and stated that the compiled rankings resulted in the recommendation of the ranking group to provide cost-share funds for the project.

After Board discussion, motion was made by Manager Spence to approve the application and provide cost-share funds not to exceed \$2,000 for the Trandal project. The motion was seconded by Manager Moe. Upon vote, the motion passed unanimously.

c. ***BMP cost-share project signage***

Administrator Anhorn presented a slightly redesigned “water quality improvement project” sign from Vacker Sign. Anhorn stated that while Vacker Sign did make the “water quality improvement project” font larger, and attempted to make the Districts logo and web address more prominent, they still would like to keep the sign fairly generic in order to be used by various agencies.

The Board stated that they liked the signs and directed the Administrator that once the designs are final, to order the needed signs for incorporation in to its funded BMP projects.

***b) 2009 budget***

Administrator Anhorn mentioned that the District was successful in receiving two MPCA grants for diagnostic/feasibility studies for unimpaired waterbodies. One for continued monitoring of the Bone to Little Comfort Lake drainage area, and one to monitoring the abandoned DNR fish rearing pond as part of the Proposed FL44 project. Administrator Anhorn then passed out the updated 2009 budget incorporating the additional work and grant monies (a copy of which is incorporated by reference and annexed within).

Manager Damchik asked if the incoming grants would result in the lowering of the District's anticipated levy. Administrator Anhorn stated that it would not. While one of the grants will supplement continued monitoring that would have been undertaken in 2009 anyway, the second grant is for additional work in the FL44 watershed and that the grant money offsetting costs for one, will in a sense cover the District's match for the other. Anhorn said that if the District had not received the grant money for the FL44 diagnostic/feasibility study, the project would not have been undertaken in 2009. So, while the District's 2009 budget will increase, the levy will not.

Administrator Anhorn then passed out a draft brochure detailing the District's 2009 budget and levies. Anhorn stated that the purpose of brochure is to help educate the public on the District's proposed 2009 budget and highlight the District's move into its project implementation phase in order to address water impairments. Anhorn also pointed out that the charts and graphs in the brochure showed actual budgets compared to levies (including grants), and the lowering of the District's administrative portion of the budget.

Motion to tentatively accept the District's 2009 budget (annexed within) with changes for further action at the September 4, 2008 Budget Public Hearing was made by Manager Spence and seconded by Manager Moe. Upon vote, the motion passed unanimously.

Administrator Anhorn reminded the Board of the upcoming 2009 Budget Public Hearing scheduled for September 4, 2008 at 6:00 p.m. at the Forest Lake City Hall located at 220 North Lake Street, Forest Lake.

Administrator Anhorn further mentioned that the District's Plan revision was approved by BWSR and that the District would need to adopt the Plan and suggested holding a special meeting on September 4, 2008 prior to the Budget Public Hearing. Following Board discussion Manager Lynch made motion to schedule a special meeting to adopt the District's Plan revision for September 4, 2008 at 5:45 pm at the Forest Lake City Hall. The motion was seconded by Manager Damchik. Upon vote, the motion passed unanimously.

Manager Anderson stated that staff should work on compiling a list of potential grants and submittal deadlines in order to not miss submittal dates for some grant possibilities that very well could provide much of the funding (and reduce tax burden) for select projects. Anhorn stated that he was working with the county SWCDs for potential grants on the NBL12 and FL44 projects.

***c) Biennial RFPs for Professional Services***

Administrator Anhorn presented the received RFPs for accounting, engineering, and legal services. Anhorn handed out a memo detailing the one accounting, one legal, and four engineering proposals

received and provided his recommendations (a copy of which is incorporated by reference and annexed within).

Following Board discussion on the received accounting and legal proposals, Manager Anderson made motion to re-contract with Smith Partners for the District's legal service needs and Kathy Blackford for the District's accounting needs. Manager Damchik seconded the motion. Upon vote, the motion passed unanimously.

The Board then held discussion on the received engineering proposals. Following discussion on each firm's fee schedule and the importance on continuity of current projects, Manager Anderson made motion to re-contract with Emmons and Olivier Resources, inc. as the District's engineer. Manager Damchik seconded the motion. Upon vote, the motion passed unanimously.

The Board further directed the Administrator to inform the engineering firms that had submitted proposals, but were not selected, of the District's desire to include them in a pool to be notified of future RFPs for upcoming projects of the District.

7) **Old Business**

a) ***Draft Rules Update***

i) ***Discussion of TAC/CAC Comments***

Administrator Anhorn passed out copies of a table compiling comments received from the TAC/CAC during the previous joint Manager – TAC/CAC rule review meetings held on July 30, 2008 (a copy of which is incorporated by reference and annexed within). Ms. Tilman walked the Board through the TAC/CAC recommendation items needing Board decision/discussion in order to provide direction to staff on areas to edit the current draft rules.

Following discussion on each Board decision items presented, the Board decided to only edit one of the buffer applicability rules (1.2.3.b [4.2.1b]) to incorporate added language within the rule to better define activities within the buffer regardless of city CUPs. The new applicability language will be as follows:

Any lot containing land within the buffer zone of any General Development Lake, Recreational Development Lake, Natural Environment Lake, a tributary of said lakes or a wetland within the watershed subject to a new primary use for which a necessary rezoning or variance from municipal standards for impervious surface percentage or structure setback from the resource has been approved on or after [the date of rule adoption].

Following Board discussion on the remaining four issues presented from the TAC/CAC meeting, the Board decided not to change the rule language as originally presented in the draft.

ii) ***Legal Review***

Administrator Anhorn then stated that following the TAC/CAC meeting on July, 30, 2008, some small edits were made to the draft and then the draft was sent on to Smith Partners for a legal review. Following receipt of Smith Partners review, staff made suggested small non intent changing edits to the rules and listed the larger issues in a memo (a copy of which is incorporated by reference and annexed within) to the Board, for Board discussion in order to provide direction to staff for any changes proposed.

Chuck Holtman went through the remaining comments and suggested edits listed in the memo; including removing the term “permit” from each of the management standard headings in the procedural section, revising application notice time periods to match MN Statutes, eliminating internal process definitions from the rules and incorporate in a guidance manual, provide an end date to issued permits (one year), and changing the mention of “surety” to “financial assurances”. The Board accepted each of Mr. Holtman’s suggested edits mentioned above and directed staff to make the changes to the draft rules.

Mr. Holtman then provided thoughts on stormwater management applicability rule 2.2d where the small trigger requiring the need for the whole site to be brought into compliance of the District’s standard could be seen as unfair and infeasible. The Board held discussion on the rule and reiterated the existence of impaired waterbodies within the District, and the need to address existing conditions and problem areas in order to lessen pollutant loads to the District’s receiving waters. Following discussion, the Board decided to leave applicability rule 2.2d as is.

Mr. Holtman then provided comment on the relationship between the District’s rules/standards and the notion that the District would not apply its rules within a municipality if the municipality had equally strict rules. Mr. Holtman stated that under MN Statutes, if the municipality would want to assume sole permitting authority, and they satisfy the District that their ordinances are equally protective (as determined through District review), the District would step back allowing the municipality to be the sole regulator.

Mr. Holtman also stated that it was also possible to set up a similar mechanism outside of the local plan approval process, but;

- a) it would involve a similar, careful review of the municipality’s ordinances by the District and would be formalized through a memorandum of understanding (MOU) that would clarify what roles each entity would be assuming (and also permits the District, if it wishes, to provide for audit/oversight of local permitting and/or reserve certain rights to reassert its regulatory role); and
- b) the rule itself would need to contain some language referencing that mechanism and clarifying that the District rules will not be applicable to the extent the municipality has assumed sole authority per such an agreement.

Board discussion was held on if the potential transfer of permitting authority to local communities should be specifically spelled out in the rules, or if the District should simply use the current need for each community to address the District’s rules through the review of required local plan updates and development of memorandum of understanding formalizing the agreement. The Board decided to leave the rules as they were and work with each community through the current local plan update and review process and development of MOUs.

There was some Board discussion on the confusion of the overall need of the municipalities to adopt and enforce the Districts rules and wondered what would happens if the municipality had strict ordinances, yet did not enforce them. Mr. Holtman went through the options, addressed the enforcement of standards, and again reiterated the framework of what the responsibilities of the municipalities within the District are, and that the municipalities have to submit their local plans to the District for approval within two years of the adoption of the District’s Plan.

## 8) **Report of Staff**

### *a) Administrator*

Administrator Anhorn presented an Administrator's report memo (a copy is annexed and incorporated by reference). The Administrator's report detailed recent correspondence, permit and plan submittals for review, and recent meetings with local stakeholders. Other issues the Administrator highlighted included:

- Published articles were printed in recent editions of the Forest Lake Times
  - "Shoreland buffers offer many benefits" July 17, 2008- FL Times.
  - "Waste from pets can contribute to lake pollution"- July 24, 2008- FL Times
  - "Clean boating practices best"-August 7, 2008-FL Times
  - "Curly leaf pondweed by the book"-August 14, 2008-FL Times
- Continued to work with DNR, Great River Greening and the City of Forest Lake on the shoreland restoration project sites on Forest Lake (initial designs for the Forest Lake Sites are available).
- Have also had continual conversations with Great River Greening and the DNR on preliminary designs and cost estimates for the Comfort Lake public access retro-fit.
- Conducted five additional site visits for the District's BMP cost-share program.
  - a) 1 on Comfort Lake
  - b) 2 on Bone Lake
  - c) 2 on Forest Lake
  - d) 1 on Sylvan Lake
- Continued to work with the County SWCDs on the two proposed wetland restoration/cattle exclusion projects for 2009-2010
- Met with Commissioner Hegberg and Montzka prior to the District's August 5, 2008 Budget Workshop to discuss the District's proposed budget and levies and invite them to the Workshop to discuss any potential concerns.
- Updated the Board on the term limits for Manager Spence and Manager Lynch are up in September of 2008.

### *iii) Plan Amendment/Revision Update*

Administrator Anhorn stated that the BWSR approved the District's Watershed Management Plan (Plan) revision earlier in the day at their August 28, 2008 meeting. Anhorn passed out the revised Plan to the Managers. Anhorn stated that a copy of the revised Plan is posted on the District's website (clflwd.org).

### *iv) 2008 Work Plan & Projects Update*

Administrator Anhorn provided the Managers with a copy of the 2008 proposed work plan with progress updates on each of the items listed and a list of overall highlights for 2008. A copy of the update is annexed and incorporated by reference.

### *b) Emmons and Olivier Resources (EOR)*

Lisa Tilman provided an update on the recently completed floodplain modeling effort to address the outstanding issue on the Forest Lake Retail/VSI development project. Ms. Tilman stated that because the

modeling showed that the sites proposed floodplain fill would have minimal effect on the areas flood plain, staff gave final approval for the project to go ahead.

Administrator Anhorn informed the Board that the District would be reimbursed for EOR's modeling fee, by the project's engineer.

*c) Washington Conservation District (WCD)*

No Report

*d) Smith Partners*

Chuck Holtman stated that he had nothing to add.

**9) Report of Treasurer**

*a) Approval of Bills*

Manager Spence discussed the Treasurer's Report and bills for August 2008.

Motion was made by Manager Damchik to pay the bills as presented. Manager Moe seconded. Upon vote, the motion passed unanimously.

*b) Approval of Treasurer's Report*

Motion was made by Manager Damchik to approve the August 2008 Treasurer's Report. Manager Moe seconded. Upon vote, the motion passed unanimously.

**10) Reports of Officers and Manager**

**Manager Anderson –**

Nothing to report

**Manager Damchik –**

Nothing to report

**Manager Lynch –**

Manager Lynch asked about the DNR fish barrier request and the Administrator stated that the District will seek their involvement as part of the diagnostic/feasibility study on the old DNR fish rearing pond as part of the FL44 project .

**Manager Moe-**

Nothing to report

**Manager Spence –**

Nothing to report

**13) Adjournment**

Motion to adjourn the CLFLWD regular Board meeting was made by Manager Anderson and seconded by Manager Moe. Motion carried unanimously.

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John T. Lynch, Secretary