

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

**THURSDAY, DECEMBER 18, 2008**

**1) Call to Order**

The President called the December 18, 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, Secretary John Lynch, Treasurer Jon Spence, Manager Wayne Moe

Absent:

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

Other: Steve Schmaltz (Forest Lake Association)

**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 December 18, 2008 regular Board meeting agenda. The motion to approve the agenda was made by Manager Damchik and seconded by Manager Spence. 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 November 13, 2008 joint Rules Public Hearing and regular Board meeting. Following discussion on the draft minutes, motion to approve the November 13, 2008 joint Rules Public Hearing and regular Board meeting minutes as presented was made by Manager Damchik and seconded by Manager Moe. Upon vote, the motion passed unanimously.

The President called for the reading and approval of the minutes of the November 20, 2008 Rules workshop. Following discussion on the draft minutes, motion to approve the November 20, 2008 Rules workshop minutes with edits was made by Manager Damchik and seconded by Manager Moe. Upon vote, the motion passed unanimously.

**5) Public Open Forum**

Nothing Presented

**6) New Business**

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

Administrator Anhorn presented an update on recent BMP cost-share site visits and ongoing Board approved projects. Anhorn stated that the remaining approved projects are scheduled to begin next

spring. Anhorn also mentioned that staff and WCD were still working on designs for a few applicants and expects BMP cost-share requests for 2009 to come in within the next few months.

Manager Anderson asked the Administrator about a letter to be included in the mailing of the reimbursements, stating the Board's appreciation for the applicant's participation and how the outcome of the project will help improve the water quality of the receiving waterbody. Administrator Anhorn stated that while he had prepared a letter, he did not have it included in the Board packet, and would forward it on to the Managers to review for the January Board meeting.

***b) Chisago County Request – Comfort Lake Boat Launch***

Administrator Anhorn mentioned that the District had received a request from Chisago County to partner in a grant and to help fund a DNR Watercraft Inspection intern to inspect boat launches in Chisago County. The Watercraft Inspection Program is an effort to reduce the spread of harmful aquatic invasive species. Student interns are hired as watercraft inspectors and conduct inspections at public access sites. The intern provides face to face public education to increase awareness of the threats posed by harmful invasive species. Interns inform boaters of the laws regarding invasive species transportation and show individuals how to inspect and remove exotics from their boating equipment before leaving the access.

Anhorn stated, however, that he was just informed that Chisago County was to canceling the project for now, due to lack of interest from other watershed and lake groups within the county. Chisago County did mention that they may revisit the request in the future when there is more interest, or they can fund the entire program themselves.

Manager Anderson asked that the Administrator check with the DNR about how lake associations could get assistance if they decided to undertake the inspections themselves.

**7) Old Business**

***a)***

***i) EOR Contract Extension***

Administrator Anhorn presented a draft contract extension between the District and EOR for engineering services (a copy is annexed and incorporated by reference). Anhorn stated that it was a simple contract extension highlighting a few additions and edits to the original contract including an updated fee schedule and a new point of contact.

Following Board discussion on the presented contract extension, Manager Spence made motion to execute the contract extension between the District and EOR for engineering services. The motion was seconded by Manager Damchik. Upon vote, the motion carried unanimously.

***ii) WCD Monitoring/Technical Assistance Contract***

Administrator Anhorn presented copies of the WCD's 2009 contract for monitoring and technical services which includes costs for the District's baseline monitoring program, monitoring as part of the FL44 feasibility study (through a MNDNR grant) and technical support of the District's BMP cost-share incentive program. Anhorn stated that the contract is similar to that in 2008.

Motion was made by Manager Spence to initiate the contract for 2009, between CLFLWD and WCD for monitoring and technical assistance. Manager Moe seconded the motion. Upon vote, the motion carried unanimously.

***b) Rules Update***

***i) Resolutions***

Administrator Anhorn passed out a table of compiled comments on the District's 45-day review period and resulting Board responses to the comments as agreed upon at the November 20, 2008 Rules Workshop (a copy is annexed and incorporated by reference). Anhorn also passed out a final version of the District's Rules incorporating changes discussed at the Board's Rules Workshop (a copy is annexed and incorporated by reference). Anhorn went through the requirements for the Board to adopt the finalized Rules.

The President called for discussion on the presented Rules. After discussion, the following resolution to adopt the District's Rules was made.

Manager Damchik offered the following resolution and moved its adoption, seconded by Manager Lynch.

**RESOLUTION NO. 08-12-01**

**ADOPTING WATERSHED DISTRICT RULES  
UNDER MINNESOTA STATUTES §103D.341**

**WHEREAS** the Comfort Lake – Forest Lake Watershed District ("District"), a governmental subdivision with powers set forth in Minnesota Statutes Chapters 103B and 103D, is authorized to act to achieve the purposes set forth in those chapters for the protection, conservation and beneficial use of the waters and resources of the watershed; and

**WHEREAS** Minnesota Statutes section 103D.341 states that the District Board of Managers ("Board") must adopt rules to accomplish the District's statutory purposes; and

**WHEREAS** the District has completed a substantial revision to its watershed management plan and the Board adopted the revised plan on September 4, 2008, and the District has pursued the development of its rules in conjunction with the revision of the plan to ensure that the rules accurately reflect the goals and policies of the revised plan; and

**WHEREAS** the District's proposed rules define permit requirements for stormwater management; erosion control; lake, stream and wetland buffers; shoreline and streambank alterations; watercourse and basin crossings; floodplain and drainage alteration; and wetland management, and include provisions to facilitate protection of groundwater dependent natural resources; and

**WHEREAS** the District has developed the rules in close coordination with its Citizen's Advisory Committee, consisting of watershed residents, and its Technical Advisory Committee, consisting of technical representatives of government agencies and municipalities, and both committees have provided review and comment on the proposed rules throughout the development process; and

**WHEREAS** the adopted rules not only embody the goals and policies of the District's revised watershed management plan, but also reflect the District's experience in applying its development review standards; and

**WHEREAS** on September 8, 2008, the Board issued its proposed rules for public comment and mailed a copy of the proposed rules to the Minnesota Board of Water and Soil Resources (BWSR), Washington and Chisago Counties, public transportation authorities with jurisdiction within the watershed, cities and townships within the watershed, and other interested parties; and

**WHEREAS** during the comment period interested parties provided the Board with written comments on the proposed rules, and on November 13, 2008, the District held a duly noticed public hearing on the

proposed rules, at which time the Board received further comment on the proposed rules, has considered the water resource benefits and compliance burdens of the rules and has revised the rules as warranted; and

**WHEREAS** the Board has reviewed and given due consideration to all comments in preparing the final draft of the rules; and

**WHEREAS** the District finds the proposed rules to be sound, reasonable and fair; to serve to protect, conserve, and manage the beneficial use of the waters and resources of the watershed; and generally to promote the public welfare,

**THEREFORE BE IT RESOLVED** that the Board hereby adopts the attached rules dated December 18, 2008, as the rules of the Comfort Lake – Forest Watershed District; and

**THEREFORE BE IT FURTHER RESOLVED** that these rules are effective as of February 1, 2009, and apply to any activity subject to these rules occurring on or after February 1, 2009, unless before that date the activity received:

- (a) final written comments from the District in its development review capacity as exercised before adoption of these rules;
- (b) preliminary plat approval from the local land use authority; or
- (c) if not subject to plat approval, all local grading, building and other land alteration permits required for the activity,

and that a property owner who does not meet any of these criteria but has made a substantial investment in project design and review may present such circumstances to the District in the context of a variance request; and

**THEREFORE BE IT FURTHER RESOLVED** that the District Administrator shall publish notice of the adoption of the rules; mail a copy of the rules to the governing body of each city and township affected by the rules, public transportation authorities with jurisdiction in the watershed, and BWSR; and file a copy of the rules with the Washington and Chisago County Offices of the Recorder, as specified by statute. Upon vote, the motion carried with five (5) ayes and zero (0) nays as follows:

	<u>AYE</u>	<u>NAY</u>
Jackie A. Anderson	X	
Richard P. Damchik	X	
John T. Lynch	X	
Wayne S. Moe	X	
Jon W. Spence	X	

The Chair declared resolution 08-12-01 adopted.

Administrator Anhorn then stated that in order to actually implement the District’s Permit Program, it would need to adopt permit fees (which are limited by State Statute), field inspection fees (for reimbursement for District costs related to permit review and compliance oversight), and financial assurances. Anhorn presented the permit fee, field inspection fee deposit, and financial assurance schedules agreed upon at the Board’s November 20, 2008 Rules Workshop.

The President called for discussion on the presented permit fee, field inspection fee deposit, and financial assurance schedules. The Board held discussion on the confusing terminology and stated that it was their intention to simply recoup District costs for reviewing the permits. Chuck Holtman went through what the District can “bill back to the applicant.” After discussion, the following resolution to adopt the District’s presented fee schedules was made.

Manager Damchik offered the following resolution and moved its adoption, seconded by Manager Moe:

**RESOLUTION NO. 08-12-02**

**RESOLUTION REGARDING PERMIT FEES, FIELD INSPECTION FEE DEPOSITS AND FINANCIAL ASSURANCES**

**WHEREAS** the Comfort Lake – Forest Lake Watershed District (“District”) has permitting requirements duly adopted pursuant to Minnesota Statutes section 103D.341;

**WHEREAS** Minnesota Statutes Section 103D.345, subdivision 2, provides for a \$10 non-refundable permit fee, and further provides that a watershed district may charge permit inspection fees to cover actual costs to review projects conducted within its jurisdiction; to cover actual costs related to a field inspection, including investigation of the area affected by the proposed activity, analysis of the proposed activity, services of a consultant, and any required subsequent monitoring of the proposed activity;

**WHEREAS** the District Board of Managers concurs in the intent of section 103D.345 that those wishing to undertake activities requiring permits, and not the taxpayers of the watershed district, should bear the cost of District review for the purpose of protecting water resources from the impacts of those activities;

**WHEREAS** District Rules 9.0 and 10.0, respectively, establish procedures and standards for permit fees and field inspection fee deposits and for financial assurances;

**WHEREAS** the Board of Managers finds that from time to time permit applicants and permittees fail to replenish the field inspection fee deposit in a timely manner, evidencing an intent not to pursue a permit application or permitted project, and resulting in additional administrative costs to the District that should not be borne by the taxpayers of the watershed at large;

**THEREFORE BE IT RESOLVED** that the Board adopts the following policies:

A. Permit and Field Inspection Fees.

1. All property owners conducting activities requiring a District permit under the District’s adopted rules must apply for and obtain a permit in advance of the work, as well as after work already has started in violation of District rules.
2. In addition to the nonrefundable permit fee, the field inspection fees will be the actual cost incurred by the District, as within the meaning of Minnesota Statutes Section 103D.345, subdivision 2, including the cost to review the permit application, and thereafter to monitor and ensure compliance with the terms of the permit and District standards.

3. To be complete, an application must include the permit fee and a field inspection fee deposit in the amount specified in Schedule A: Field Inspection Fee Deposit, attached and hereby adopted, which amount the Board finds is sufficient to cover the cost to review the permit application, monitor compliance and address non-compliance for most permits, without being excessive.
  4. A permit that has been approved will not be issued until the permittee has supplemented the field inspection fee deposit in the amount already expended for permit review and the balance equals the amount specified in Schedule A.
  5. The District may draw on the field inspection fee deposit during review of the permit application or after permit issuance for actual costs incurred, which costs will be determined in accordance with Schedule B: District Costs, attached and hereby adopted. Any cost incurred by the District for services or matters not addressed in Schedule B will be charged to the applicant at District cost.
  6. The District, periodically and on written request, will provide a written accounting to the applicant or permittee as to actual costs incurred and the fee deposit balance.
  7. The District will maintain field inspection fee deposits in aggregate in a fund separate from other District funds and from any financial assurance required under Section 10.0 of the District rules.
  8. In light of the administrative costs of doing so and the limited time for which permit and field inspection fee deposits are expected to be held, the District is not required to maintain field inspection fee deposits in an interest-bearing account and will not disburse accrued interest.
  9. When the District determines that work has been completed under the permit, or when an applicant formally notifies the District that it does not intend to proceed further with the work and the District finds that the site is in compliance with District requirements, the District will return the fee deposit balance to the depositor. The applicant or permittee will remain responsible to the District for actual costs that exceed the amount of the field inspection fee deposit and may be billed by the District at any time for such cost.
- B. Financial Assurances.
1. Financial assurances required as a permit condition will be determined in accordance with Schedule C: Permit Financial Assurances, attached and hereby adopted. A financial assurance may be in the form of a bond, a letter of credit or a cash escrow accompanied by an escrow agreement, each as approved by the District. The District may draw on the financial assurance pursuant to the terms of the bond, letter of credit or escrow agreement.
  2. A cash escrow will be held in a District fund in aggregate with other cash escrow funds and separate from other District funds. The District is not required to maintain those funds in an interest-bearing account and will not disburse accrued interest.
  3. When the Board, on staff recommendation, determines that work has been completed under the permit, or when an applicant formally notifies the District that it does not intend to proceed further with the work and the Board finds that the site is in compliance with District requirements, the District will return the bond or letter of credit or the outstanding

balance of the cash escrow, as the case may be. The permittee is responsible to identify the name and address of the issuer to whom the bond or letter of credit is to be returned.

4. The permittee is responsible to the District for any actual cost covered by the financial assurance that exceeds the available amount of the assurance, and may be billed by the District for such cost.

**BE IT FURTHER RESOLVED** that all invoices for field inspection fees or District costs subject to applicant or permittee coverage under financial assurances are payable within 30 days;

**BE IT FURTHER RESOLVED** that the Board of Managers hereby directs the Administrator to provide written notice of these policies in permit applications, permit documents, and related permit notices; and to make this resolution, with attached schedules, available to applicants and permittees.

**BE IT FURTHER RESOLVED** that the District Administrator shall maintain field inspection fee deposits and cash escrows in funds separate from District funds, shall manage said deposits and maintain permit-specific records pursuant to accepted fund management practices, and may make deposits into the fund and apply deposits to District-incurred costs for the proper administration of the District's permitting program. Until further delegation by the Board of Managers, the Administrator is not authorized to make final disbursement of deposit or cash escrow balances, or release bonds or letters of credit, to applicants or permittees.

**BE IT FURTHER RESOLVED** that the District Administrator and District legal counsel each may act as the agent of the District for the purpose of making a demand or requesting a draw on a permit financial assurance.

***Schedule A—Field Inspection Fee Deposit***

The fee deposit for submittal of a CLFLWD permit application is pursuant to Minnesota Statutes 103D.345 and CLFLWD Rule 9.0. The amount of the fee deposit is reviewed and revised by the CLFLWD Board on an annual basis or otherwise as warranted. An application is not deemed complete until the required fee deposit has been submitted. The fee deposit is kept in an escrow account and applied to reimburse the CLFLWD for actual costs incurred in permitting, including site inspections, analysis of the proposed activity, services of consultants, and compliance assurance. When a project is approved by the CLFLWD Board, the fee deposit must be replenished to the deposit amount by the applicant before the permit will be issued, to cover actual costs incurred to monitor compliance after permit issuance and address non-compliance with the permit or CLFLWD Rules. **The applicant will remain responsible for any cost incurred by the CLFLWD greater than the fee deposit balance.** Any unused portion of the deposit balance will be returned to the applicant when the Board determines that the work has been completed under the permit. The permit fee deposit is as stated below.

<b><u>Permit Type</u></b>	<b><u>Field Inspection Fee Deposit</u></b>
a) Rule 2.0 Stormwater Management	
Rule 2.2a - Land Development-Subdivision of 3 lots	\$2,000
Greater than 3 lots	\$100/additional lot
Rule 2.2b-d – All other stormwater rule applications	\$3,000
b) Rule 3.0 Erosion Control	
Activities/Grading less than 1 acre	\$1,000
1.0 - 4.99 acres	\$1,250
5.0 - 19.9 acres	\$1,500
20 or more acres	\$2,000
c) Rule 4.0 Buffer Requirements	\$1,500
d) Rule 6.0 Watercourse and Basin Crossings	\$1,500
e) Rule 7.0 Floodplain and Drainage Alterations	\$ 500

**Schedule B—District Costs**

The fee deposit for submittal of a CLFLWD permit application is pursuant to Minnesota Statutes 103D.345 and CLFLWD Rule 9.0, which allow the District to charge a fee to cover actual costs related to permitting, including site inspections, analysis of the proposed activity, services of consultants, and compliance assurance.

The actual costs to the District to be reimbursed out of the fee deposit and/or charged to the applicant or permittee directly will be calculated based on the rates at which permit-related services are provided to the District. The current rates for technical, legal and administrative services are listed on the District web site, at [www.clflwd.org](http://www.clflwd.org), or may be obtained from Randy Anhorn, CLFLWD Administrator/Limnologist, at 651-209-9753. Other CLFLWD costs will be billed to the applicant or permittee at actual cost.

**Schedule C—Financial Assurance Requirements for Permits**

The required financial assurance is to ensure that property owners perform and complete work under a CLFLWD permit in accordance with the terms of that permit. The financial assurance must be in the form of a bond, letter of credit or cash escrow. The assurance is required in accordance with Minnesota Statutes 103D.345 and CLFLWD Rule 10.0 as follows:

<u>Area of Activity</u>	<u>Financial Assurance Amount</u>
Grading or Alteration	\$2000/acre
<ul style="list-style-type: none"> <li>• <i>Financial assurance is not required for a project undertaken by or for a resident owner on a single-family home site requiring only an erosion control permit under Rule 3.0, unless the Board finds that the project presents a significant risk of water resource harm from erosion</i></li> </ul>	
Stormwater Management Facility	125% of estimated construction cost
<ul style="list-style-type: none"> <li>• <i>Stormwater Management Facility financial assurance is not required if applicant demonstrates that it has provided the municipality a financial assurance for the facility of an equal or greater amount.</i></li> </ul>	

When required, there is a minimum financial assurance of \$5,000

Upon vote, the motion carried with five (5) ayes and zero (0) nays as follows:

	<u>AYE</u>	<u>NAY</u>
Jackie A. Anderson	X	
Richard P. Damchik	X	
John T. Lynch	X	
Wayne S. Moe	X	
Jon W. Spence	X	

The Chair declared resolution 08-12-02 adopted.

The Board then discussed certain instances where it would be beneficial (due to deadlines) for the administrator to have the authority to extend (with agreement with the permit applicant) the permit review period. Following discussion, Manager Spence offered the following resolution and moved its adoption, seconded by Manager Moe.

**RESOLUTION NO. 08-12-03**

**RESOLUTION DELEGATING AUTHORITY TO THE ADMINISTRATOR TO AGREE WITH A PERMIT APPLICANT TO EXTEND THE PERMIT REVIEW PERIOD**

**WHEREAS** the Comfort Lake-Forest Lake Watershed District implements permitting rules duly adopted under Minnesota Statutes section 103D.341;

**WHEREAS** Minnesota Statutes section 15.99 establishes a strict deadline for the District to approve or deny a permit application;

**WHEREAS** Minnesota Statutes section 15.99 allows the deadline to be extended by agreement of a permit applicant and the District;

**WHEREAS** often full review cannot be completed by the deadline and a mutually agreed extension allows District staff and the applicant to work out technical or other issues; and

**WHEREAS** the Board only meets monthly, which may not be timely for action on an extension, and further a mutually agreed extension to avoid missing the deadline for permit action is an administrative action that the Administrator properly can take;

**THEREFORE BE IT RESOLVED** that the Board delegates to the Administrator the authority, on behalf of the District, to agree with a permit applicant to an extension of the Minnesota Statutes 15.99 deadline for permit approval or denial, and that all such extensions agreed to will be in writing and provided to the Board.

Upon vote, the motion carried with five (5) ayes and zero (0) nays as follows:

	<u>AYE</u>	<u>NAY</u>
Jackie A. Anderson	X	
Richard P. Damchik	X	
John T. Lynch	X	
Wayne S. Moe	X	
Jon W. Spence	X	

The Chair declared resolution 08-12-03 adopted.

**ii) Enforcement**

Chuck Holtman presented a memo detailing enforcement issues for the District's permit program (a copy is annexed and incorporated by reference). Mr. Holman went through various enforcement

options including the use of gradual elevation (e.g., inspections and administrator/inspector letter(s) outlining deficiencies, a formal notice of probable violation, staff issuance of a field compliance/stop-work order, attorney letter, notice of hearing and hearing before the Board with Board issuance of a compliance/stop-work order, district court action to stop work/require compliance/authorize District to enter and correct, referral to county attorney for criminal misdemeanor prosecution), and the ability to recover staff/consultant/attorney costs incurred in the process. Mr. Holtman further sought clarification from the Board on some enforcement policy decisions they needed to make prior to the development of an internal policy:

- a. What authority for enforcement decisions/steps does the Board wish to delegate to staff or keep to itself?
- b. Will staff be authorized to issue field orders or notice of probable violations?
- c. Will the Board issue orders?
- d. How will the District coordinate with LGUs, DNR and MPCA on enforcement?

Mr. Holtman stated that once the Board decides these, an enforcement protocol can be developed. Mr. Holtman further stated that the protocol is for internal use and the District always should retain the flexibility to exercise its compliance/enforcement options depending on the circumstances at hand.

Mr. Holtman then discussed the need for an internal policy for the District's inspection program which would cover legal, safety and coordination issues including; property entry, inspection procedure/paperwork, issuances of order or notice of probable violations, as well as coordination with the member communities.

The Board held discussion on the importance of properly understanding the different issues in order to craft thorough policies. The Board asked staff what other watershed district's were doing and thought that it would probably be worthwhile to have staff prepare some examples of other District policies for the Board's January meeting, and then potentially schedule a workshop sometime in February if needed.

Following discussion, Manager Anderson made motion to table the discussion on the internal enforcement and inspection policies pending preparing a draft policy and providing examples of such policies of other watershed districts. The motion was seconded by Manager Moe. Upon vote, the motion passed unanimously.

Administrator Anhorn then mentioned that through his attendance of the Administrator's workshop at the recent Annual MAWD conference, that not only would it be in the District's best interest to craft and adopt additional internal policies such as a Manager Conflict of Interest Policy and a Cell Phone Policy, others are required such as a Data Practices Policy and an adopted document retention schedule. Anhorn mentioned that he searched the files for an existing Data Practices Policy and asked the Board if they remembered adopting one prior to 2007. The Board did not recall the adoption of such policies and requested that staff work on draft policies to bring back to future meetings.

### ***iii) Other Needs***

Administrator Anhorn went though (and provided updates on) a few of the remaining needs/schedules/guidance documents that are required or would be useful to implement the regulatory program including;

- ***A finalized guidance document to applicants describing permit review process.*** Anhorn stated that staff is working on adding a diagram on the District's buffer rule.

- **Resolution establishing stormwater impact fund payment basis.** Anhorn stated that staff would bring a resolution forward at an upcoming Board meeting.
- **Stormwater volume credit sale form.** Anhorn stated he was contacting other District Administrators for sample credit sale form templates, and that staff would bring a resolution forward at an upcoming Board meeting.
- **Development of “cheat sheet” for City staff.** Anhorn that he has finished a draft “cheat sheet” and is currently seeking comment from city staff.

## 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:

- Recent projects in for review or recently reviewed including:
  - a) Xccent
- Scheduled Manager meeting dates for 2009
- Met with numerous administrators to discuss and request permit forms and tracking spreadsheets in order to undertake permit program, and to gather information and experiences on promoting new rules and permit program.
- Update on Washington County’s and Association of MN County’s legislative stance for County Board Approval of watershed budgets and levies.
- Update on the Association of District Administrator workshop on internal controls and legal compliance put on by State Auditors Office.
- Update on the Annual MAWD conference.
- Had a presentation/interview on November 20, 2008 on the District’s Minnesota Department of Agriculture grant proposal for agricultural projects address impairments (NBL12 wetland restoration cattle exclusion)
- Sent in the requested “Special District Financial Reporting Form” to the State Auditors Office.
- Highlighted District accomplishments in 2008 including:
  - Special legislation to be designated a 103B (metro) watershed;
  - Watershed Plan Amendment (as either a major revision to revise the current plan to meet 103B requirements)
  - Undertaking six (6) lake TMDL study;
  - Undertaking seven (7) BMP/shoreland restoration projects
  - Starting the process for the wetland restoration/cattle exclusion projects
  - Development and adoption of District rules and permit program; and
  - Initiation of our BMP cost-share incentive program.

### *ii) 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 presented the December engineer's report (a copy is annexed and incorporated by reference). Ms Tilman provided an update on recent project reviews and a recent meeting on the draft TMDL study with the administrator and MPCA staff. Ms. Tilman mentioned that as a result of received comments on the study and the recent meeting, they are working on load allocations for of the District's municipalities due to them anticipated to become a MS4 community (due to estimated 2020 populations) in the future. Ms. Tilman then stated that they anticipated scheduling a stakeholder meeting in February 2009 following the calculation of the new municipal load allocations.

The Board held discussion on the relationship between District requirements and the municipalities MS4 requirements.

***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***

Treasurer Spence discussed the Treasurer's Report (A copy of which is annexed and incorporated by reference) and bills for December 2008.

Motion was made by Manager Damchik to approve the December 2008 Treasurer's Report and pay the bills as presented. Manager Moe seconded. Upon vote, the motion passed unanimously.

**10) Reports of Officers and Manager**

**Manager Anderson –**

Nothing to report

**Manager Damchik –**

Manager Damchik mentioned that the apartment complex on the Forest Lake outlet channel is again plowing the snow from its parking lot into the channel.

Administrator Anhorn stated that he would work with the City to again issue a letter telling them to stop the plowing of the snow toward the channel.

**Manager Lynch –**

Nothing to report

**Manager Moe-**

Manager Moe mentioned his recent attendance at the Scandia City Council meeting where they passed a resolution supporting Washington Counties request for county approval of watershed district budgets and levies.

**Manager Spence –**

Nothing to report

**13) Adjournment**

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

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John T. Lynch, Secretary