

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

**THURSDAY, JANUARY 22, 2009**

**1) Call to Order**

The President called the January 22, 2009 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: Todd Hubmer (WSB), Ben Montzka (Chisago County Commissioner), 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 January 22, 2009 regular Board meeting agenda. Administrator Anhorn stated that a representative from Chisago County and WSB engineering had asked to be put on the agenda later in the meeting to discuss an upcoming road re-construction project (CSAH 99) in Chisago County. Anhorn stated that due to a conflict they would not be able to make the meeting until around 8 pm. The motion to approve the agenda with the added presentation from Chisago County was made by Manager Damchik and seconded by Manager Moe. 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 December 18, 2008 regular Board meeting. Following discussion on the draft minutes, motion to approve the December 18, 2008 regular Board meeting minutes with edits was made by Manager Moe and seconded by Manager Lynch. Upon vote, the motion passed unanimously.

**5) Public Open Forum**

Nothing Presented

**6) New Business**

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

Administrator Anhorn presented an application for District cost-share funds for the Schreckeis property located on Sylvan Lake at 10239 209<sup>th</sup> Street North (a copy of which is incorporated by reference and annexed within). Ms. Schreckeis hopes to incorporate a native shoreline buffer along her lakefront.

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 Schreckeis shoreline buffer project. The motion was seconded by Manager Damchik. Upon vote, the motion passed unanimously.

Administrator Anhorn provided a draft letter to be included in the mailing of the reimbursements that the Board requested (a copy of which is incorporated by reference and annexed within). Anhorn mentioned that the letter states 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. Anhorn asked for the Board's comments on the draft letter of appreciation.

Manager Anderson stated that she thought it would be worthwhile to contact the Forest Lake High School biology and/or agriculture departments to see if they had interest in getting involved with the District in such projects, either through construction or providing native plants through their agriculture department.

***b) Selection of Official Papers***

Administrator Anhorn mentioned the need for the Board to select its official papers (one in each county) for 2009. Following discussion, Manager Lynch made motion to re-select the Chisago County Press and Forest Lake Times as its official papers. The motion was seconded by Manager Spence. Upon vote, the motion passed unanimously.

***c) Selection of Officers***

Discussion was held on the election of officers for 2009. The following slate of officers was presented:

President:	Richard Damchik
Vice President:	Jackie Anderson
Secretary:	Wayne Moe
Treasurer:	John Lynch
Manager:	Jon Spence

Motion was made by Manager Lynch to accept the slate as presented to begin duties on February 1, 2009. Motion was seconded by Manager Spence. Upon vote the motion carried unanimously.

***d) Opening of New Savings Account for Permit Program***

Administrator Anhorn stated that HLB Tautges, Redpath suggested that it would be worthwhile for the District to set up a separate savings account to hold collected permit fees, field inspection deposit fees, and financial assurances collected as part of the District's permit program.

Following discussion, Manager Anderson made motion directing the Administrator to set up the additional account and arrange for the needed Board of Managers signatures to open the account. The motion was seconded by Manager Moe. Upon vote, the motion carried unanimously.

***e) Internal Control Policies***

Administrator Anhorn stated that at the December 2008 Board meeting, the Board requested that staff prepare a draft Data Practices Policy and a draft Conflict of Interest Policy. Anhorn present the draft policies stated that Smith Partners had reviewed both policies, and went through each (a copy of each is incorporated by reference and annexed within).

***i) Data Practices Policy***

Following discussion on the presented Data Practices Policy, Manager Spence made motion to adopt the presented Internal Administrative Policy 1- Data Practice Policy. The motion was seconded by Manager Moe. Upon vote the motion carried unanimously.

***ii) Conflict of Interest Policy***

Manager Lynch asked if the Conflict of Interest Policy was more or less a self enforcing policy where each Manager would take it upon themselves to disclose when they may have a conflict of interest on a topic by topic basis, or if they would need to provide information up front. Chuck Holtman stated that it was a self enforcing policy.

Following discussion on the presented Data Conflict of Interest Policy, Manager Spence made motion to adopt the presented Internal Administrative Policy 2- Conflict of Interest Policy. The motion was seconded by Manager Lynch. Upon vote the motion carried unanimously.

**7) Old Business**

***a) Rules Update***

***i) Update***

Administrator Anhorn mentioned he posted District rules/permit information on the website, published an official notice of the rules adoption in the District's official papers and also just recently published a press release in the papers. Anhorn said that he sent the District's adopted Rules out to BWSR, the Metropolitan Council, MNDOT, Chisago and Washington Counties, each Counties transportation departments, and each municipality. Anhorn stated that following the signing of the additional signing pages, he will also be sending the adopted Rules to the County recorders For Chisago and Washington Counties.

Administrator Anhorn also mentioned that he has sat down with staff from the City of Forest Lake, Scandia and Wyoming, and will be meeting with Chisago City to discuss the rules and standards and to hold initial discussions on possible inspection/enforcement partnerships.

***ii) Internal Policies***

Administrator Anhorn presented a memo to the Board detailing enforcement procedures/policies of other watershed districts (a copy is incorporated by reference and annexed within). Anhorn said that while none of the watershed districts had an enforcement policy, they did provide bullets or flow charts of their procedures.

Anhorn then presented a draft enforcement policy that Smith Partners prepared, with staff direction, developed though review the received enforcement procedures of the other districts. The policy follows closely that of Browns Creek Watershed District with the addition of including provision for letter from legal counsel (a copy of the draft policy is incorporated by reference and annexed within).

Manager Anderson stated that she liked the enforcement procedures flow chart from Ramsey Washington Metro Watershed District (RWMWD) included in the memo showing examples of enforcement procedures

of other watershed districts. Manager Anderson also asked about Board hearings on cease and desist/stop work orders, and the possibility of setting up an appeals Board sub-committee of the whole Board.

Following discussion on the presented Policy and Procedures for Enforcement of District Permitting Rules, Manager Anderson made motion to adopt the presented Internal Administrative Policy 3- Policy and Procedures for Enforcement of District Permitting Rules with the addition of a flow chart similar to RWMWD, detailing the procedures included in the District's policy. The motion was seconded by Manager Moe. Upon vote the motion carried unanimously.

Administrator Anhorn then presented a memo detailing inspection authority procedures/policy needs (a copy is incorporated by reference and annexed within). Chuck Holtman provided an overview of legal authority for the District to enter properties to inspect and sample, and inspection safety and constituent considerations. Staff provided feedback on questions raised on anticipated inspection procedures from pre-inspection preparation, to entry and site inspection, to exit interviews and record keeping.

Manager Lynch stated that it may be worthwhile for the District to acquire name tags identify inspectors as District staff, as well as need safety equipment for site inspections.

The Board discussed their thoughts on the District inspection procedures and protocols, and the need for an upfront letter to the applicant stating the anticipated inspection schedule, including impromptu inspections after heavy rainfalls, and having some sort of agreement signed by the applicant stating that they are aware of the need for inspections being a part of the District's permit.

Following discussion, the Board directed staff to prepare an inspection procedures/policy addressing legal, safety and constituent concerns raised and guidance provided, and to bring the draft back to the February Board meeting.

### *iii) Resolutions*

Administrator Anhorn stated that that text in rule 2.5.1c reflects and implements the Board's decision to create a Stormwater Impact Fund and prior to presenting a resolution implementing the fund, the District will have to determine what the fund contribution fee should be. Anhorn stated that the fee needed to reflect the costs to construct infiltration BMPs which will offset the amount volume control the project was unable to achieve to meet the District's standard.

Administrator Anhorn also mentioned that rule 2.5.1c states that "funds contributed to the Stormwater Impact Fund shall be allocated to volume reduction projects by the District according to a Stormwater Impact Fund Implementation Plan as approved by the District Board." Anhorn said that while the District does not have a Stormwater Impact Fund Implementation Plan in place, it will need to work on a plan to explain how money contributed to the fund shall be allocated to volume reduction projects by the District to provide (for example):

- Encouragement for local runoff volume reduction based on source funding
- Transparency on how and where funding is allocated
- Provide flexibility to pool funding to implement large projects
- Document fund contributions and project allocations based on dollar amounts and location

Administrator Anhorn recommended that the Board authorize staff to prepare a memorandum that provides a technical basis for the Board to establish the contribution amount in accordance with the criteria of the rule and direct staff to work on Fund Implementation Plan to be brought back to the Board in the near future.

Following discussion, Manager Anderson made motion to authorize staff to prepare a memorandum that would provide a technical basis for the Board to establish the Stormwater Impact Fund contribution fee and to prepare a draft Stormwater Impact Fund Implementation Plan. The motion was seconded by Manager Moe. Upon vote the motion carried unanimously.

*iv) Other Needs*

Administrator Anhorn went through (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:

- ***Resolution establishing stormwater impact fund payment basis.*** Anhorn stated that staff would bring a resolution forward at an upcoming Board meeting once staff has completed its determination of a contribution fee.
- ***Stormwater Impact Fund Implementation Plan.*** Anhorn stated that staff would work on an implementation plan and bring a draft to an upcoming Board meeting for review.
- ***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.

***b) CSAH 99 Project- Presentation by WSB and Chisago County***

Todd Hubmer from WSB Engineering thanked the Board for allowing him the opportunity to be added to the evening's agenda on such short notice and provided information on the Chisago County CSAH 99 project, stating that he had met with staff to initially discuss the project on Tuesday, January 20, 2009. Mr. Hubmer said that that he was before Board to seek insight to where the project fell in the District's upcoming permit program starting February 1, 2009. Mr. Hubmer and Chisago County Commissioner Ben Montzka further discussed the importance of the project to the County, and time constraints due to the project seeking Federal Economic Stimulus Package dollars.

Mr. Hubmer provided an historic timeline of the project with County Commissioner Montzka adding a County perspective and past approvals of the road project. Mr. Hubmer was seeking clarification if the project was exempt from needing a District permit due to its County approval prior to the February 1, 2009 permit program initiation date, or if not, if there was a way to fast track the permit process and look at alternatives to the site meeting all District standard on-site due to soil conditions and being that the project's road-way easement process phase was nearly finished.

The Board discussed the intention of the District Rule's three exemptions for projects underway prior to the District's February 1, 2009 permit program initiation date. The Board stated that the intention of the exemptions was for projects that had substantially been underway prior to the February 1, 2009 date, therefore not needing a District permit. The consensus of the Board was that while road projects did not fit easily into any of the three exemptions, the CSAH 99 project, because of the timeline laid out, did fit the intention of the Rule's exemptions. After input from staff and the District engineer, and in consideration of the circumstances, the Board determined that the District was in a position to transmit final written comments to the County before February 1, 2009. If that occurred, the first exemption would be met and the project would not be subject to formal District permitting.

Mr. Hubmer, stated that they would continue to seek District input and would look at all alternatives to meet District standards. Mr. Hubmer also stated that he would be happy to come back before the Board to present an update on the project in the near future.

Following additional discussion on the project, motion was made by Manager Lynch, directing the Administrator, with assistance of the District Engineer and Attorney, to prepare a final comment letter that

establishes the framework for ongoing coordination with the County on the CSAH 99 project and authorizes the Board Chair to sign the letter. The motion was seconded by Manager Damchik. Upon vote the motion carried unanimously.

## **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:

- Met with the landowner associated with the FL44 wetland restoration project on January 9, 2009.
- Still working with Chisago SWCD to set up a similar meeting the landowner associated with the NBL12 wetland restoration project.
- Have met with Forest Lake Administrator to discuss continued plowing of snow in to Forest Lake outlet channel at North Shore Apartments.
- Have sent out adopted rules to BWSR, City's and Counties, posted information on the website, published legal notices in the District's official papers, and have had press releases in the same papers plus the Forest Lake Times.
- Have contact each of the municipalities about upcoming permit program.
- Have had discussions with Wyoming engineer's on Xccent and 257<sup>th</sup> Street projects
- Have held initial discussion with HLB Tautges, Redpath about upcoming annual audit.
- Started work on 2008 Annual Report.
- Have heard from the MPCA about the possibility of funding for two awarded grants (those without signed contracts), falling thorough due to the States budget shortfall.. The result would be loss of grant monies for the Little Comfort Lake loading assessment and FL44 assessment grants.
- Working with Chisago SWCD and WCD to apply for grant funds to help cover costs of holding a grazing workshop geared towards small acreage landowners

### ***i) 2009 Work Plan & Projects Update***

Administrator Anhorn provided the Managers with a copy of the 2009 proposed work plan with progress updates on each of the items listed and a list of overall highlights for 2009. A copy of the update is annexed and incorporated by reference.

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

Lisa Tilman presented the January, 2009 engineer's report (a copy is annexed and incorporated by reference). Ms. Tilman provided an update on recent project reviews including recent meetings to discuss the 257<sup>th</sup> and CR 99 projects in Chisago County. Ms. Tilman also provided an update on draft TMDL. Ms. Tilman mentioned that they are still working on load allocations for of the District's municipalities due to them anticipated to become a MS4 community (due to estimated 2030 populations) in the future.

### ***c) Washington Conservation District (WCD)***

While a representative from WCD was not present at the meeting, Administrator Anhorn provided an update including; the approval of the initial application of 2009 SWAG grant; and an update on WCD currently analyzing the 2008 water quality data and is working on the loading tables to be included in the 2008 monitoring 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 January 2009.

Motion was made by Manager Anderson to approve the January 2009 Treasurer's Report and pay the bills as presented. Manager Damchik seconded. Upon vote, the motion passed unanimously.

**10) Reports of Officers and Manager**

**Manager Anderson –**

Nothing to report

**Manager Damchik –**

Manager Damchik asked the continued plowing of snow into the Forest Lake outlet channel. Administrator Anhorn stated that he had spoken with City Administrator Robinson, and that the City Public utility Director Mike Tate had recently discussed the situation directly with the on-site manager of the apartment complex in question.

**Manager Lynch –**

Nothing to report

**Manager Moe-**

Nothing to report

**Manager Spence –**

Nothing to report

**13) Adjournment**

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

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Wayne S. Moe, Secretary