

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

THURSDAY, NOVEMBER 19, 2009

1) Call to Order

The President called the November 19, 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 Richard Damchik, Vice President Jackie Anderson, Secretary Wayne Moe, Treasurer John Lynch, Manager Spence

Absent:

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

Other: Linda Nanko-Yeager (Wyoming City Councilmember), 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 November 19, 2009 regular Board meeting agenda. Motion to approve the agenda was made by Manager Moe and seconded by Manager Anderson. 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 October 22, 2009 regular Board meeting. Following discussion on the draft minutes, motion to approve the October 22, 2009 regular Board meeting minutes with edits was made by Manager Anderson and seconded by Manager Lynch. Upon vote, the motion passed with four (4) ayes and zero (0) nays with Manager Spence abstaining due to being absent at the October 22, 2009 meeting.

5) Public Open Forum

Nothing presented

6) New Business

a) BMP cost-share program

Administrator Anhorn provided an update on recent BMP cost-share site visits and ongoing Board approved projects.

i. Community-based projects program

Administrator Anhorn mentioned that at the October board meeting the Board requested that the Administrator bring potential options, needs, and maximum District outlay limits back to the Board for potential expansion of the current BMP cost-share program to include a community/municipality/commercial option. Anhorn passed out a memo providing ideas and options for redefining the District's current BMP cost-share program to include larger projects (a copy of the memo is incorporated by reference and annexed within).

Anhorn provided two alternatives, one for smaller community-based projects with a suggested District maximum match of ~ \$15,000, and one for larger urban retrofit projects with a potentially higher District match (up to ~ \$50,000). Anhorn stated that the expansion to a larger urban retrofit project option would require an amendment to the District's current Watershed Management Plan, and went through the roughly 6 month amendment process. Anhorn stated that expansion to a smaller community-based option would still fit within the BMP Cost-Share Incentive Program staff/engineer's report and would not require a Plan amendment.

Anhorn suggested that due to the need for a major Plan amendment for the urban retrofit option, the upcoming Plan update in 2010-2011, and budgeting needs, it made more sense to simply add a community-based option to the current BMP cost-share program and look to add a urban retrofit program through the 2010-2011 Plan update process.

The Board discussed the presented options, timelines, and needs for larger community-based projects that would provide greater benefit to receiving water resources. The Board further discussed the need for a Plan amendment for the larger urban retrofit projects as opposed to the smaller community-based projects, which seemed to be covered by the original staff/engineers report for the initiation of the BMP cost-share program.

Following discussion Manager Anderson made motion to expand the District's BMP cost-share program to a two track program, raising the maximum District outlay for the current residential track to \$3,000, and including a community-based option where the District's portion of an approved project would be determined by the Board, not to exceed a maximum of \$15,000 (subject to available funds). The Board would then look at potentially including an urban retrofit cost-share program as part of the upcoming Watershed Management Plan update. The motion was seconded by Manager Lynch. Upon vote, the motion passed unanimously.

The Board asked the Administrator and Mr. Holtman to look into the legality of using public cost-share funds for projects undertaken by non-profits.

The Board then asked the Administrator to bring specific language and documentation detailing the community-based program and processes back to the December Board meeting.

b) Permits and Reviews

Administrator Anhorn mentioned that while there were no new permit applications submitted since the October Board meeting, there had been some pre-application discussions with various entities, and some inquiries into other ongoing projects. Anhorn further mentioned that there had been some recent county submittals and EOR review on the Chisago County CSAH 99 project which continues through the review/comment process pre-District permit program. Lisa Tilman provided an update on recent submittals and what issues remain outstanding.

i. Mining operations

Administrator Anhorn mentioned that at the October board meeting the Board requested that he bring examples of rule language from other District's where mining operations are required to obtain District permits, to provide information on what would be accomplished, and review what would be required to amend the District rules if the Board felt in necessary. Anhorn passed out a memo detailing ongoing mining operations in the District, causes of concerns for the District, current water-related regulatory approvals mining operations need to acquire, questions for the Board, the rule amendment process, and the Administrator's assessment of need (a copy of the memo is incorporated by reference and annexed within). Anhorn further stated that he had called and/or sent a question to the watershed administrators throughout the State as to their District's permit requirements for gravel mining operations. All but one of the watersheds that responded do not require a permit for ongoing mining operations that have a CUP from LGU (CUPs are the primary vehicle for public oversight of ongoing operations) mainly due to the long-term nature of their operation and existing permit (CUP). Anhorn did say that the District's current rules would require a permit if a new building or parking area (or other temporary) were constructed within the mining area.

Administrator Anhorn then mentioned that the District currently works with LGUs on the development of their mining ordinances and CUP needs (most recently the City of Scandia) which could include annual inspections, groundwater monitoring, require copies of performance submittals required for Annual Operators Reports and review of site reclamation plans. In addition, the District could also use the upcoming Plan update process to incorporate concerns (i.e., groundwater concerns) and require our cities to address those concerns in their local water plans and, possibly development codes

The Board held discussion on specifics on mining operations and that one benefit of a District rule requiring a permit would be providing guidance and oversight to the mining facilities in order to ensure sound operations that would not adversely affect District water resources. There was some concern on adding another layer of regulation to an already thoroughly regulated activity which includes MDNR appropriation permits, and MPCA stormwater permits.

Chuck Holtman stated that there were three basic options for the District to be involved in the oversight of mining operations in the watershed; 1) directly regulate mining operations through the District rules, 2) work the cities and townships (the LGUs overseeing the CUP) to help develop ordinances and CUP requirements as well as provide technical support, and 3) use the District's upcoming Watershed Management Plan update as an opportunity to define specific needs and regulations for the mining operations in which the District member communities would have to conform to and address in their Plans within 2 years of the District's Plan adoption.

The Board thought it was worthwhile to continue to research needs (specifically when it comes to groundwater issues) as the District goes through the Plan update process.

c) MAWD Resolutions/Choose Delegates

Administrator Anhorn went over the MAWD member materials packet, including resolutions, and requested that the Board choose two (2) delegates and one alternative to represent the District at the annual MAWD conference December 3-5, 2009.

It was determined that two managers, along with Administrator Anhorn, were planning to attend the conference, Manager Anderson, and Manager Lynch.

Motion was made by Manager Moe, and seconded by Manager Spence to have Manager Anderson and Manager Lynch represent the District at the MAWD conference. Upon vote, the motion carried unanimously.

The Board discussed the resolutions up for vote at the MAWD conference. Following discussion, Manager Damchik made motion for the delegates to accept and support the presented resolutions and for the District's representative delegates to use their best judgment if/when amendments are made at the meeting. The motion was seconded by Manager Spence. Upon vote, the motion carried unanimously.

c) Forest Lake Street projects draft cooperative agreement

Administrator Anhorn stated that he and Lisa Tilman have been working with the engineers for the City of Forest Lake on District requirements for the numerous street projects that will be taking place in Forest Lake over the next three years. Anhorn mentioned that they have already discussed the potential deficiencies that one or more of the City/County HWY61/Broadway (CSAH2) roundabout and 12th Street SW projects may have in meeting stormwater rate and volume requirements and how they will likely ask for a variance on rate requirement from site and look to achieve volume control in "regional facility" as part of the upcoming Broadway/35W project to be handled at 8th Street and Broadway (the current compost site).

Anhorn said that the city and county will be in attendance at the December 17, 2009 Board meeting to present the projects, show how they are interconnected, how they plan on meeting our requirements, where they may be asking for a variance(s), where they are asking for rate and volume needs to be handled, and where the proposed is actually better than existing.

Administrator Anhorn further mentioned that if the Board does approve their request for the needed volume (and potential rate) requirements to be handled at the regional facility constructed at a later date, that the District would require a legal binding cooperative agreement with the City/County on where, when, how much, etc..., as well as a stormwater maintenance agreement on the facility. While the final stormwater deficiency needs and requests are not yet known, the Administrator had asked Chuck Holtman to provide a draft framework for a cooperative agreement for the Forest Lake road improvement projects' compliance with the District's stormwater rule (a copy of which is incorporated by reference and annexed within). Mr. Holtman went over the provided draft framework for a cooperative agreement.

The Board thought that the draft cooperative agreement would provide assurances that District concerns for stormwater standards for the whole area would be met even though specific portions may have troubles meeting District requirements. The Board also felt reassured that similar agreements for a variety of projects and watershed/community relationships have been used by other area watershed districts in the past. The Board was looking forward to the upcoming December presentation from the City and County in order to get a better idea of the interconnection of the three projects and how and where shortages will be addressed in order that the entire area will meet the Districts stormwater volume, rate, and quality requirements.

A few areas that the Board thought the cooperative agreement could use some tweaking would be the specific mention as to the need for the City's stormwater infrastructure to be fully mapped and provided and to better define what is meant by stormwater management facility under the maintenance heading.

7) Old Business

Nothing on the agenda.

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 grant submittals
- Recent meetings with landowners of upcoming wetland restoration/cattle exclusion projects.
- Recent permit activities and site inspections
- Highlights from the recent levy and budget meeting with the Washington County Commissioners.
- The District's impaired lakes TMDL is finally out for public comment and public notice has been posted on the District's website.

Administrator Anhorn provided an update on changing which District bank account the December 2009 disbursements will automatically be deposited in. Per the Board's motion at the August, 2009 Board meeting, disbursements will be deposited in the District's account at the First State Bank of Wyoming.

Administrator Anhorn provided the Board with an update on the two wetland restoration/cattle exclusion projects and discussed potential agreements (for a agreed upon length of time) and associated payments for the incorporation of grazing plans and removing land from production as part of establishing buffers and incorporating cattle exclusion.

i) 2009 Work Plan & Projects Update

Administrator Anhorn provided the Managers with a copy of the 2009 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 November 2009 engineer's report (a copy is annexed and incorporated by reference). Ms. Tilman had previously provided an update during the meeting on recent project/permit application reviews, and provided an update where they were on the process to finalize the draft TMDL report which could then be put out for public comment.

c) Washington Conservation District (WCD)

Erik Anderson provided an update on monitoring activities (which included the seasonal removal of tributary monitoring equipment and the start of data compilation). Anderson also mentioned working with the Administrator on the recent MPCA SWAG grant application submittal.

d) Smith Partners

Mr. Holtman mentioned that he had nothing additional to add.

9) Report of Treasurer

a) *Approval of Bills*

Treasurer Lynch discussed the Treasurer's Report (A copy of which is annexed and incorporated by reference) and bills totaling \$31,212.80 for November 2009.

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

10) Reports of Officers and Manager

Manager Anderson --

Manager Anderson discussed studies on wetland and stormwater conducted by North American Wetland Engineering.

Manager Damchik--

Nothing to Report

Manager Lynch --

Manager Lynch discussed the history of the Bixby Park area and the location of the current ponding areas constructed as part of the original Walmart project.

Manager Moe --

Nothing to Report

Manager Spence --

Nothing to Report

11) Adjournment

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

Wayne S. Moe, Secretary