

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

THURSDAY, OCTOBER 25, 2007

1) Call to Order

The Vice President called the October 25, 2007 meeting to order at 6:30 p.m. at the Forest Lake City Offices, 220 North Lake Street, Forest Lake, Minnesota

Present: Vice President Richard Damchik, Secretary John Lynch, Treasurer Jon Spence, Manager Wayne Moe

Staff: Randy Anhorn, Dan Fabian (EOR), John Thene (Wenck & Assoc.) Lisa Tilman (EOR)

Others: Beryl Halldorson, Bob Dettmer (State Representative-District 52A), Dave Houghton

2) Reading and Approval of Agenda

Motion to approve the agenda was made by Manager Lynch and seconded by Manager Moe. Upon vote, the motion passed unanimously.

3) Reading and Approval of Minutes

The Vice President called for the reading and approval of the minutes of the budget workshop of August 21, 2007. The motion to approve the August 21, 2007 budget workshop meeting minutes as is was made by Manager Spence and seconded by Manager Lynch. Upon vote, the motion passed unanimously.

The Vice President called for the reading and approval of the minutes of the August 23, 2007 regular Board meeting. The motion to approve the August 23, 2007 regular Board meeting minutes as is was made by Manager Lynch and seconded by Manager Spence. Upon vote, the motion passed unanimously.

The Vice President called for the reading and approval of the minutes of the September 27, 2007 regular Board meeting. The motion to approve the September 27, 2007 regular Board meeting minutes with edits was made by Manager Moe and seconded by Manager Lynch. Upon vote, the motion passed unanimously.

4) Public Open Forum

Nothing Presented

5) New Business

a) MAWD Watershed District Handbook

Administrator Anhorn stated that due to President Anderson being unable to attend the meeting, the Board could table the discussion of the MAWD handbook and possible adoption as a guide for the District until the November 13, 2007 Board meeting. The Managers decided to table the discussion. Administrator Anhorn requested that the Board read through the handbook prior to the meeting.

b) Washington Conservation District Petition

Mr. Jay Riggs, District Manager of the Washington Conservation District (WCD) presented the Board with a petition signed by the WCD Board of Supervisors at their October 11, 2007 meeting under Minnesota Statute 103D.605 and 103D.905 subd. 3 (a copy of which is annexed and incorporated by reference) the petition requests that the District fund a Best Management Practice (BMP) cost-share program to help fund projects throughout the watershed for the purpose of reducing nutrient inputs identified in the District's watershed-wide load allocation modeling effort they are completing. Mr. Riggs said the WCD was excited about working with CLFLWD on setting up a BMP cost-share program as well as providing technical support of the BMP designs.

The Board thanked Mr. Riggs and the WCD Board of Supervisors for their petition and helping the District move forward in addressing nutrient loading to their water resources.

Administrator Anhorn stated the petition requirements of MN Statute 103D.705, and the process the Board would have to follow for acceptance of the petition.

Manager Spence moved to accept the petition from WCD, seconded by Manager Moe. Upon vote the motion passed unanimously.

Administrator Anhorn presented a potential resolution detailing the Board's finding of a properly filed petition that meets requirements under MN Statute 103D.705 as well as the filing and acceptance of a Staff/Engineer's Report on the feasibility and necessity of the project and directing the Administrator to undertake further proceedings on the petition.

Following the Administrator detailing the additional needed requirements of the petitioned project process, the Managers identified the project by name and number (Comfort Lake – Forest Lake Watershed District Best Management Practice (BMP) Cost-Share Incentive Program [Project Number 2008-01-01]), and acknowledged that a Staff/Engineer's Report meeting requirements of MN Statute 103D.711, had been prepared and filed on the project finding that the project is a necessary and feasible part of the District's watershed management plan and that it would meet water quality management goals of the District without causing adverse impacts on natural resources of the area. A copy of the Staff/Engineer's Report is annexed and incorporated by reference.

Anhorn stated that if the Board found the findings of the Staff/Engineer's Report favorable, they would need to direct him to send copies to the DNR and BWSR for review. On the

receipt of the advisory review comments from DNR and BWSR, or the expiration of the time for filing the reports (30 days), the Administrator would then provide notice per 103D.741 for a final public hearing to be held at the December 19, 2007 Board meeting. This process would allow for final levy certification to Washington County by the December 28, 2007 deadline.

Following discussion on petition and the Staff/Engineer's Report, the Vice President called for discussion of the proposed resolution. The Board stated that the majority of the discussion had already taken place.

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

WHEREAS, the Comfort Lake – Forest Lake Watershed District (District) received petition by the Washington Conservation District to undertake a basic water management project to develop a program that provides financial support to projects that reduce nutrient load inputs identified in the District's 2007 watershed-wide load allocation model.

WHEREAS the District Managers finds the petition was properly filed and meets the requirements identified in Minnesota Statute 103D.705.

WHEREAS, the public benefits and objectives of the program are improvements in water quality that will result from a reduction in nutrient loads (principally phosphorus) to water bodies within the watershed.

WHEREAS, the District's recently completed a watershed-wide load allocation model identified excess nutrient loads contributing to the deterioration of water quality at locations throughout the watershed. The accompanying report underscored the need to reduce such loads to prevent further degradation of water quality in Big Comfort Lake, Little Comfort Lake, Forest Lake, Bone Lake, Shields Lake, and Sylvan Lake. Excessive nutrients in Comfort Lake, Bone Lake and Shields Lake have led the Minnesota Pollution Control Agency to include each lake on its statewide list of impaired water bodies for which cleanup plans must be developed. The District's 2001 watershed management plan identified the goal of maintaining and improving water quality in its recreational lakes, using nutrient loading as its yardstick of success.

WHEREAS, the petitioned project creates a program aimed at improving water quality in waterbodies throughout the watershed, supporting continued recreational and other uses by the public, facilitating the contribution of private funding of water-quality improvements, and reducing public expenditures on measures that must be undertaken to assess and remedy impairments of waterbodies.

WHEREAS, an engineer's report has been filed with the District, the report substantially conforms to Minnesota Statute 103D.711 and concludes that the project is feasible.

THEREFORE BE IT RESOLVED that the Comfort Lake – Forest Lake Watershed District determined that a proper petition has been filed and that the petitioned project promotes the public interest and welfare, is practicable and conforms to the District's Watershed

Management Plan and therefore the Board accepts the petition from the Washington Conservation District.

FURTHER, that the project shall be identified a project number 2008-01-01 “Comfort Lake – Forest Lake Watershed District Best Management Practice (BMP) Cost-Share Incentive Program.”

FURTHER, that the engineer’s report has been filed and the Board directs the administrator to send a complete copy to the Director, Minnesota Department of Natural Resources Division of Waters, and the Board of Water and Soil Resources for review and preparation of advisory reports.

FURTHER, that on receipt of the advisory reports, or expiration of the time for filing the reports, the administrator will provide notice per Minnesota Statute 103D.741 for a final hearing to be held on December 19, 2007, and not more than 35 days after receipt of the advisory reports.

The question was on the adoption of the above resolution and there were four (4) ayes and zero (0) nays with one (1) absent as follows

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

The President declared the resolution adopted

c) BMP Cost-Share Program

Mr. Riggs presented information on cost-share programs and WCD’s experience working with the State cost-share program as well as other watershed district cost-share programs in Washington County. Riggs further stated that WCD would be working with CLFLWD in the development of their program as well as providing technical support for the selected BMP projects (along with Chisago SWCD).

Administrator Anhorn stated that the filed Staff/Engineer’s report provided an initial outline of the District’s cost-share incentive program. Anhorn went through some of the detail of the report providing comment on the projected cost-share reimbursement structure and maximum grant amounts. Anhorn further mentioned that the included materials such as program applications and agreements were very similar to those of other watershed cost-share programs in Washington County. Anhorn stated that he would be working with WCD to continue to

define the District's program and would bring the results back to the Board. Anhorn requested comments on the proposed program from the Board.

d) Comfort Lake Association Request for Help on Permanent Weir

Administrator Anhorn presented the letter from the Comfort Lake Association (CLA) which requested that the Board of Managers help the CLA in their quest for a permanent weir at the lake's outlet. (A copy of the letter is annexed and incorporated by reference). Anhorn pointed out that the CLA was seeking help in arranging for a person knowledgeable about weirs to attend one of there lakes association meetings.

Anhorn stated that he has had recent meeting with lake residents on Comfort Lake where some believe the lake level was fine, some thought it was too high (and that their shoreline would experience ice ridge damage this winter), and others thought it was too low. The differences all were specific to where the property owner lived on the lake. Anhorn said that he discussed the request for someone to speak at a lake association meeting with Mike Mueller (DNR) who stated that while the statutory authority for setting the elevation resides with DNR, they were receptive to a permanent solution to the issue and that any engineering firm should be able to discuss the issue and come up with a design. Anhorn also said that while the DNR would be receptive to a permanent weir of some type, they would need some entity such as county, city, or watershed district to take ownership and maintain the weir if it were to be moved. As for funding a permanent weir, the DNR was unaware of any funding mechanisms.

Manager Spence stated that the Lake Association was interested in having someone speak to them about the feasibility of different weir scenarios, how the lake would react to each, and associated costs. Manager Spence acknowledged the different attitudes around the lake as to the lake's water level (some thought the water was too high, some too low, while others were comfortable with the lake's level), however, Spence reiterated that it was the bounce (how quickly the level went up and down after rain events) that was the problem for most. In addition, Manager Spence stated the Lake Association was interested in a more permanent weir in order to eliminate the "human intervention" at the current weir where rocks are sometimes added and removed under the cover of darkness in order to change the lake's elevation.

Dan Fabian (EOR) said that he was willing to meet with the Lake Association to discuss the weir and potential permanent solutions. Fabian further stated that the SRF model could potentially be used to determine the influence the reconstructed bridge on Wyoming Trail had/has on the lakes current bounce.

Administrator Anhorn said that he would get some lake level information to Dan Fabian and would contact Mike Mueller about sending the Lake Association a letter detailing what would be allowable.

6) Old Business

a) *Draft Rules*

Administrator Anhorn mentioned that each Manager had a copy of the District attorney's initial review of the District's draft rules and highlighted some of the issues raised. Anhorn further stated that because of the meeting lacking the full Board and for some of the issues raised in the review to be addressed by staff, Board action would be needed, he thought that much of the discussion on rules should be tabled until the November meeting.

Anhorn said that he would meet with EOR prior to the November Board meeting to discuss the review and make some of the suggested changes to the draft rules and that the changes and issues where further Board direction were needed could be discussed on November 13, 2007.

b) 2008 Budget

Administrator Anhorn discussed the updated 2008 draft budget which broke apart budget areas into more detailed line items. The Administrator asked the Board to review it and bring comments back to the November meeting in order to put the finishing touches on it prior to the December 19, 2007 Board meeting. Anhorn further stated that the Board was going to have to determine his salary for 2008 in order to finalize the budget.

One item Anhorn pointed out to the Board was his effort to account for portions of his salary in each specific project (i.e. the District's TMDL study, the development of rules, and management of the cost-share program). Anhorn said that this would better show where the District's monies are being spent rather than showing everything strictly as administration. Administrator Anhorn also mentioned that the District will have to come up with a way to code each project in order to track the funds of each.

Administrator Anhorn also pointed out that the draft Budget showed funds for a legislative consultant in order to help with the District's special legislation. Anhorn stated that he has spoken with Ron Harnack about this and that he would be willing to help out and bill the District after the legislation session is over. Anhorn wondered how the Board felt about this and stated that maybe they could discuss it more at the November meeting when they had a full Board.

c) 2007 Work Plan & Projects Update

Administrator Anhorn provided the Managers with a copy of the 2007 proposed work plan with progress updates on each of the items listed. A copy of the update is annexed and incorporated by reference.

7) Report of Administrator

Administrator Anhorn presented an Administrator's report memo (a copy of each report 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.

Administrator Anhorn highlighted the District's recent meetings with local communities and

counties seeking support for the District's special legislation to be designated a Metro watershed. Anhorn stated that to date he has received support resolutions or letters from Chisago County, Chisago County SWCD, City of Forest Lake, Wyoming Township, and WCD. The District is on the agenda for upcoming meetings for Chisago City, City of Scandia, and Washington County and mentioned that due to conflicts (two meetings on the same evening); he may be looking for Managers to attend a meeting or two.

Administrator Anhorn further stated where the District was in seeking support from BWSR staff, MAWD, the Metropolitan Council, and the three local lake associations.

Anhorn further stated that he recently met with Senators Olseen and Vandever and Chisago County Representative Kalin and has a call in to Representative Dettmer about the District seeking special legislation. Senator Olseen and Representative Kalin were interested in being the chief authors on the legislation and the Administrator will be meeting with them again in the future.

Anhorn also mentioned that he, President Anderson, and Lisa Tilman (EOR), recently presented their LCCMR grant proposal to the LCCMR Board, that he recently gave a presentation on CLFLWD (who we are and what we do) to the Forest Lake Rotary, and that there is a CLFLWD Citizen Advisory Committee meeting scheduled for Monday, October 29, 2007.

Administrator Anhorn reminded the Board of the upcoming 37th Annual Minnesota Association of Watershed District (MAWD) meeting and trade show to be held at Arrowwood Conference Center in Alexandria on November 29-December 1, 2007. He said that he had registration information if any of the Managers were interested and request notification if any of the Managers were interested in attending in order to get registrations in prior to the November 16, 2007 request deadline.

8) Report of Engineer

a) Emmons and Olivier Resources (EOR):

Dan Fabian stated that since the Administrators report had already mentioned that there were no recent reviews, and the Administrator had already mentioned the LCCMR grant application and recent interview process that EOR was part of, there was not much more to add.

b) Washington Conservation District (WCD)

Jay Riggs provided an update on the East Metro Education Program and mentioned that Angie Hong from WCD would be more than happy to come to an upcoming Board meeting to discuss the program.

Mr. Riggs also mentioned that WCD had just completed the baseline monitoring they were conducting for the watershed in 2007, and were in the process of pulling the monitoring equipment from the sites.

c) Wenck & Associates

John Thene presented the draft Capital Improvement Plan (CIP) sections of the *Watershed and Lake Water Quality Modeling Investigation for the Development of a Watershed Capital Improvement Plan*. Mr. Thene asked for comments on the reports title. Thene mentioned that the rest of the report will be mailed to the Managers and staff during the first week of November and they would be looking for comments on the draft. The Managers requested that EOR review the report as well.

Mr. Thene went through the Board's participation in the project selection process and went through the selected projects.

Manager Moe questioned the loading increase between Moody Lake and Bone Lake associated with the Bone Lake north inlet wetland restoration. Moe stated that the monitoring from 2006 revealed loading of only 200 pounds while the report shows a loading of 1,400 pounds. Mr. Thene stated that he would investigate the difference, but one year could have easily been a dry year while the other a wet year causing the wetland to export phosphorus as opposed to acting as a nutrient sink and reducing phosphorus loading downstream. Thene said that prior to the implementation of the project, more monitoring should be done at the site to verify loads.

Administrator Anhorn said that he would follow up with Mr. Thene on the loadings for the site.

Manager Moe asked if the site was scheduled to be monitored in 2008. Administrator Anhorn said that it was not, but we could look at including it in 2009.

Mr. Thene questioned how the Board would like to prioritize projects? Number of years in plan? Dollars per year investment?

Manager Lynch said that he wanted to know which projects would provide the most bang for the buck.

The Board held discussion on the culverts along the abandoned ditch/Sunrise River and the benefits of cleaning them out. Manager Lynch mentioned that the DNR had no interest in fixing/or cleaning the culverts.

Manager Moe stated that he thought the projects should be prioritized by starting at the beginning of the watershed because they will all have an impact on the water quality at the end of the watershed.

Dan Fabian asked about the preliminary plans listed in the draft report. He wondered if there would be more detail to the plans or if in the instances of infiltration projects if they will include soil borings and survey information. Mr. Thene stated that while the plans will have more detail, they will not include soil borings and precise surveyed information. This information would have to be a part of the projects preliminary engineering.

Administrator Anhorn mentioned that the Board could also look at the ability to acquire outside funding (i.e. grants and partnerships) as another method of prioritizing projects.

Anhorn stated that in some instances, the District could prioritize projects such as a wetland restoration where in partnership with a SWCD it could receive 75% funding.

The Managers discussed other projects not listed in the CIP such as the shallow pond area, projects associated with the District-owned land north on Highway 61, and the inclusion of an alum project even though it was not of high priority, in order to provide an idea and scope of such a project if its priority changed over the length of the CIP. Mr. Thene stated that he would look at including the District-owned land as part of a wetland mitigation plan for the Bixby Park project and would look at the inclusion of the others as well. Mr. Thene mentioned however, that their analysis of the shallow pond area should that the pond mostly acted as a phosphorus sink as opposed to a source. Thene said that this could be similar to the wetland situation on north Bone where some years provide a large load and others may not. Thene stated that more detailed monitoring of the site may be needed.

Administrator Anhorn mentioned that the District included a pre-shallow pond monitoring location at Goodview Ave. on the Sunrise River in their TMDL work plan application in order to provide to compare what was going into the pond, and the current monitoring site at Comfort Lake's inlet could determine what was going out.

9) Report of Attorney

Administrator Anhorn mentioned that due to there not being a full Board in attendance at the October 25, 2007 Board meeting to hear and discuss the attorney's initial rule review and report on how the District can move forward on projects under 103D in the interim of potentially getting 103B status, he requested that the attorneys be prepared for the presentation and discussion at the November 13, 2007 Board meeting. Because of this, the Administrator further stated that he and the President decided that there was no need for the attorneys to attend the October Board meeting.

10) Report of Treasurer

a) Approval of Bills

Manager Spence discussed the Treasurer's Report and bills for October 2007.

Motion was made by Manager Lynch to pay the bills as presented. Manager Moe seconded. Motion carried unanimously.

Manager Damchik mentioned that the Managers were each shorted one meeting in their quarterly per diem. Administrator Anhorn said that he would pass the information on to Kathy Blackford and the difference would be made up in the fourth quarter per diems.

b) Approval of Treasurer's Report

Motion was made by Manager Moe to approve the October Treasurer's Report. Manager Lynch seconded. Motion carried unanimously.

11) Reports of Officers and Manager

Manager Anderson –

No Report

Manager Damchik –

No Report

Manager Lynch –

Manager Lynch mentioned that he reminded the Board of the upcoming 37th Annual Minnesota Association of Watershed District (MAWD) meeting and trade show to be held at Arrowwood Conference Center in Alexandria on November 29-December 1, 2007.

Managers Lynch and Moe were interested in attending the conference.

Manager Moe-

No Report

Manager Spence –

No Report

12) Adjournment

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

John T. Lynch, Secretary