

**MINUTES OF REGULAR MEETING
OF THE
COMFORT LAKE – FOREST LAKE
WATERSHED DISTRICT
Thursday, April 28, 2016**

1. Call to Order

Vice President Spence called the April 28, 2016 Regular Board meeting to order at 6:30 p.m. in the Council Chambers of the Forest Lake City Center, 1408 Lake Street South, Forest Lake.

Present: President Jackie Anderson, Vice President Jon Spence, Secretary Wayne Moe, Treasurer Stephen Schmaltz.

Absent: Assistant Treasurer Jackie McNamara.

Others: Michael Kinney, Emily Schmitz, Mike Sorensen (CLFLWD staff); Meghan Funke, Cecilio Olivier, and Greg Graske, (EOR, Inc.); Mary Renn (Comfort Lake Association); Greg Wilson (Barr Engineering); Chuck Holtman (Smith Partners); Jerry Grundtner (CAC); Mark Lobermeier (City of Wyoming)

2. Setting of Meeting Agenda

Upon request by Managers, shoreline survey reports, Blue Water Science quote, and the annual report were moved from New Business to Consent Agenda. The 2015 annual audit was moved to follow item 6(g) to allow for Manager Anderson to arrive.

Manager Moe moved to approve the agenda as amended. Seconded by Manager Schmaltz. Upon vote, the motion carried 3-0.

3. Consent Agenda

- a. Board Workshop Minutes – March 9, 2016**
- b. Regular Board Meeting Minutes – March 24, 2016**
- c. AIS Update**

Added items from business agenda:

- 6b. Shoreline Survey Final Report**
- 6c. 2016 Blue Water Science Quote**
- 6d. CLFLWD Annual Report**

Manager Moe moved to approve the consent agenda as amended. Seconded by Manager Schmaltz. Upon vote, the motion carried 3-0.

4. Public Open Forum

Vice President Spence asked for comments from the audience. Mary Renn indicated she was attending because of her interest in the Little Comfort/Big Comfort Eurasian watermilfoil studies later on the agenda. Vice President Spence closed the public open forum.

5. Citizen Advisory Committee Update

Administrator Kinney noted that the CAC continues to discuss the topics of education and outreach.

6. New Business

a. 2015 Annual Audit

Moved to follow 6g.

b. Shoreline Survey Final Reports

Approved in consent agenda.

c. 2016 Blue Water Science Quote

Approved in consent agenda.

d. CLFLWD Annual Report

Approved in consent agenda.

e. Forest Lake North Subwatershed Assessment Report

Administrator Kinney noted that representatives from the Washington Conservation District would be present at the next Board meeting to review the report. There was some discussion about the results of the report including where projects are most appropriate, and the fact that street sweeping was found to be the most cost effective practice. Manager Schmaltz noted that the City of Forest Lake should be notified of these results. Administrator Kinney reported on discussions with city staff on the possibility of applying for grant funds to purchase upgraded street sweeping equipment. Managers directed the Administrator to further communicate in writing to the City of Forest Lake Administrator regarding grant opportunities.

There was discussion about using parts of the report on the District website or including information in news articles to help dispel the notion that stormwater ponds are the only way to treat storm water. President Anderson asked staff to use pieces of the report in future items with the Board, rather than asking the Board to digest the entire document in one meeting.

Administrator Kinney noted that projects in the report could be implemented in a similar fashion to Forest Lake South projects including joint grant applications with the City of Forest Lake and priority given to projects on public land.

[President Anderson arrives.]

f. Joint WD Education Meeting Summary

Administrator Kinney provided a summary of the meeting that was held the previous week with Warner Nature Center, Carnelian Marine St. Croix Watershed District, and Brown's Creek Watershed District. He noted that the Nature Center is very impressive with great programming. He reported that the Nature Center is willing to develop a specific water-related program to target all elementary schools in the 3 watershed districts. Administrator Kinney noted that the CLFLWD could provide a financial contribution to the Nature Center and/or could partner with other organizations to raise \$40,000 to make needed upgrades to the bog boardwalk of which half is already raised.

There was a suggestion that this topic be discussed by the Washington County Water Consortium at their next meeting. President Anderson also suggested that the CLFLWD assist with bus transportation fees for District schools.

g. District Enforcement

Administrator Kinney noted that occasionally violations occur in the watershed and that additional enforcement may be needed. President Anderson reported that the District already has authorization to do a compliance stop order on development projects. She noted that, however, the District may need a revision to its rules to strengthen its ability to appropriately enforce rules.

District Legal Counsel Holtman noted that the District has a floodplain rule and shoreline rule but they are not currently being implemented to reduce duplication with other permitting authorities. He noted that the District's erosion control rule is more effective but is triggered only on disturbance of 0.25 acres, which is a larger area than the threshold for some rules or ordinances. He reported that the Pelican River Watershed District's rule (for example) requires District approval of any disturbance within 50 feet of the top of the bank of a lake.

President Anderson noted that from her perspective, the District shouldn't continue to put significant financial resources into shoreline restoration without also enforcing rules that limit a property owner's ability to convert a natural shoreline to a fully unnatural state (such as clearcutting vegetation to the water's edge).

Manager Schmaltz noted that the DNR and cities already have regulations in place but perhaps they aren't being enforced. He noted his preference to work with existing authorities to improve enforcement of rules rather than spend the time and resources

on amending District rules. Manager Moe concurred that the District should not put resources into rulemaking if not needed, but that if the other agencies aren't enforcing, there may be a need. Attorney Holtman noted that some rules or ordinances are directed at preventing erosion, sedimentation and loss of habitat near the shoreline, while others are directed at protecting the natural shoreline or viewshed. He suggested that the managers be clear about which of these goals they are pursuing and consider the question of duplication accordingly. There was further discussion about the process for revising rules and the existing enforcement opportunities.

At the Managers' request, Administrator Kinney reported on a recent event on Comfort Lake with significant vegetation removal on the shoreline. District Program Assistant, Mike Sorensen, further reported on the amount of staff time involved with this issue in identifying jurisdiction and permitting/enforcement authorities, and coordination with the County, DNR, and City of Wyoming staff. Mr. Sorensen further reported that no jurisdictions have yet determined what rules are being violated in this case.

There was further discussion about the task of revising District Rules and the existing rules of other jurisdictions and intent of those rules. Manager Spence recounted incidents of significant vegetation removal and rules violations where local jurisdictions chose not to enforce rules. He noted the District should be able to create and enforce rules if others refuse.

Administrator Kinney laid out options for the Board's consideration including additional outreach and education with homeowners, communication with other enforcement agencies like cities, and continuing to evaluate a Rules revision, particularly in conjunction with adopting the Minimal Impact Design Standards (MIDS). He also indicated he plans to talk with the landowner at the center of the current issue on Comfort Lake.

President Anderson asked for the Board's support to move forward with a District Rule change on natural shorelines and buffers.

President Anderson moved to direct staff to investigate other watershed district rules for permitting and enforcing for disturbances in buffer and shoreline areas and report back to the Board at the next meeting. Seconded by Manager Moe. Upon vote, the motion carried 4-0.

a. 2015 Annual Audit

Administrator Kinney briefly reviewed the District's 2015 financial audit, which the auditor found to be clean. He noted the change in financial position. President Anderson asked that the Administrator work with an accountant in the future to make recommendations on transfer of funds among budget items. She also pointed to areas in the report regarding employee pensions and benefits, noting the District will need to

keep reserves for these items. President Anderson further noted that an even levy amount is critical in order to keep up with changes in market values, noting the total levy amount in 2015 was lower.

Manager Spence moved to accept the 2015 financial audit. Seconded by Manager Moe. Upon vote, the motion carried 4-0.

h. One Watershed One Plan

Administrator Kinney reported on the One Watershed One Plan program and upcoming informational meetings by BWSR on this new approach. He noted that he is also working to engage Washington County in the process and has asked the District's BWSR representative to present at a future Board meeting.

There was discussion about the possible implications of the program on the District's plan and/or finances. It was noted that comments on the draft program are due to BWSR by May 4th.

7. Old Business

a. Moody Wetland Project Decision Tree

Administrator Kinney reported that staff and consultants developed the decision tree included in the meeting packet. He also reported that the District received the 319 grant from the MPCA for this project that will cover the majority of the match to the previously awarded Clean Water Fund grant. He indicated that in order to be efficient about implementing the project, the decision tree would be followed.

District Engineer Funke presented an overview of the entire project and current conditions, and walked through the decision tree and the plan for project implementation.

Administrator Kinney noted that there is an optional task that is now included in the decision tree that was presented at the March Board meeting by Barr Engineering.

Manager Moe moved to approve the additional task of sediment monitoring and analysis as proposed by Barr Engineering. Seconded by Manager Schmaltz. Upon vote, the motion carried 4-0.

b. Judicial Ditch 6

Administrator Kinney confirmed that staff had obtained all the appropriate records, reports, etc. as they relate to Judicial Ditch 6 from the Rice Creek Watershed District (RCWD). He reminded the Board that this area drains into the District and that the District has the option to incorporate this area into District boundaries. He noted that he still has some outstanding questions for the RCWD. He noted the Board could take

action on a boundary change without further information on the ditch, could do a simple field investigation for pollutant contributions and opportunities, or could wait to gather more data from the diagnostic study to fully understand the inputs to the watershed from the ditch and whether or not it would be appropriate to request financial resources from RCWD to address issues with the ditch.

President Anderson requested a map of land use in the ditch's subwatershed. She believes it is largely forested wetland and suggested that there may not be much recent history of development occurring, since apparently there hasn't been any activity on the system for some years. She suggested that it should be a part of the District because eventually there will be some development and the District should be in a position to manage that. Engineer Grasko noted that the District has two monitoring stations on the channel upgradient of Forest Lake.

Administrator Kinney requested the ability to bring a proposal for field assessment work to gather baseline information and look for restoration or improvement opportunities. Administrator Kinney referenced a RCWD Board of Managers resolution from early 2015 directing the RCWD engineer to examine the condition of the drainage system. He talked with the RCWD Administrator and determined that this work had not proceeded because of the decision to pursue the boundary change. Attorney Holtman reminded managers that the question of transferring the drainage authority role has come up as a result of the proposed boundary correction. He noted that the engineers for both watershed districts have concurred that the proposed change would bring the political boundary of the two districts into alignment with the hydrologic boundary. If the boundary is changed, the RCWD no longer can serve as the drainage authority because WJD 6 will lie entirely outside of its territory. In summary, the boundary change is not controversial but the question is whether the Board is disinclined to accept the role of drainage authority, in which case the boundary change can't proceed.

Staff was directed to bring land use and zoning information for the area to the next Board meeting.

[Unrelated to the above items, President Anderson asked for an update on the benefits discussion. Administrator Kinney reported that the item would likely be on the May 12th Board meeting. He noted that the benefits cost structure is almost complete.]

8. Report of Staff

a) Administrator

Administrator Kinney indicated that although the AIS update was approved in the consent agenda, one audience member was hoping to hear information about Eurasian watermilfoil treatment in Comfort Lake. District Technician, Emily Schmitz, provided information on the upcoming treatments, activity, and timeline this year. There was discussion about treatments that may be undertaken by homeowners vs. treatments by the District.

Administrator Kinney reminded that the draft 2015 monitoring report will come to the next meeting and staff is still taking comments. He also noted the District is cooperating with Washington County on possible trail signage.

Administrator Kinney also presented the 2016 revised Board meeting schedule and asked for a motion to approve.

Manager Spence moved approval of the new Board meeting schedule. Seconded by Manager Moe. Upon vote, the motion carried 4-0.

There was discussion about Master Watershed Stewards participants from the District.

President Anderson reminded managers about a survey on the future of the Minnesota Association of Watershed Districts.

b) Emmons and Olivier Resources

Mr. Graska noted there have been several development projects recently and there may be a variance request in the near future. He also reported on a very large development with 220 lots in the City of Forest Lake that has required several meetings already. He reported on current monitoring activities and the Hilo Lane project.

- c) **Smith Partners** – Mr. Holtman reported on some adjustments made in the State’s new buffer law. He noted that the one question that remains for the District is how the law will be applied in the Cities of Wyoming and Forest Lake, which are subject to NPDES municipal stormsewer permits issued by the Minnesota Pollution Control Agency. He reported that buffer maps are still being developed. He reported that by March 31, 2017 Districts will need to tell BWSR if they wish to assume an enforcement role under the buffer law.

9. Report of Treasurer

a) Approval of Bills and Treasurer’s Report

Manager Schmaltz presented the Treasurer’s Report and invoices to be paid and recommended approval.

Manager Moe moved to accept the Treasurer’s Report and pay the bills in the amount of \$100,931.35. Seconded by Manager Spence. Upon vote, the motion carried 4-0.

10. Report of Officers and Managers

Manager Schmaltz distributed an article about the Forest Lake Lake Association meeting that was attended by over 100 people.

President Anderson reported that the Comfort Lake Association meeting was attended by over 30 people.

11. Adjourn Next Meeting —May 12, 2016

Manager Spence moved to adjourn the meeting. Seconded by Manager Moe. Upon vote, the motion carried 4-0 and the meeting adjourned at 8:45 p.m.

Wayne S. Moe, Secretary _____