

**MINUTES OF THE SPECIAL MEETING
OF THE
COMFORT LAKE – FOREST LAKE
WATERSHED DISTRICT
Thursday, June 2, 2016**

1. Call to Order

President Anderson called the June 2, 2016 Special Board meeting to order at 3:00 p.m. at the offices of the Comfort Lake-Forest Lake Watershed District at 44 Lake Street South, Forest Lake MN 55025.

Present: President Jackie Anderson, Vice President Jon Spence, Secretary Wayne Moe, Assistant Treasurer Jackie McNamara

Others: Michael Kinney, Emily Schmitz, Jessica Lindemyer, Mike Sorensen (CLFLWD staff); Greg Graske, Jason Naber, and Jay Michels (EOR, Inc.); Chuck Holtman (Smith Partners)

2. Setting of Meeting Agenda

Manager Moe moved to approve the agenda as presented. Seconded by Manager McNamara. Upon a vote, the motion carried 4-0.

3. Public Hearing for Moody Lake Wetland Rehabilitation Project

President Anderson opened the public hearing for the Moody Lake Wetland Rehabilitation Project. There were no comments from the public on the project. President Anderson closed the public hearing on the Moody Lake Wetland Rehabilitation Project.

4. Public Hearing for Forest Lake Wetland Treatment Basin Project

President Anderson opened the public hearing for the Forest Lake Wetland Treatment Basin Project. There were no comments from the public on the project. President Anderson closed the public hearing on the Forest Lake Wetland Treatment Project.

5. New Business

a. Ordering of the Moody Lake Wetland Rehabilitation Project

Jason Naber, Project Manager with EOR, Inc. gave a presentation with an overview of the Moody Lake Wetland Rehabilitation Project including the project location and results of past wetland coring work that showed high phosphorus concentrations likely due to agricultural land use. He reported the bulk of the construction work includes excavating the soils and then monitoring to determine if more sediment should be removed. Mr. Naber reviewed the estimated project costs and noted that both Clean Water Funds from the Board of Water and Soil Resources and a 319 grant from the Minnesota Pollution Control Agency were received for this project. The Board and staff recognized that the diagnostic work that went into the project was key to receiving grant funds and should be replicated for future projects.

There was discussion about the history of the land use in the area and discussions with the landowner. Manager McNamara asked how likely it is that the landowner will enter an agreement with the District so the project can be implemented. Staff indicated they feel strongly that the landowner will cooperate with the District but haven't yet secured the agreement. Staff reported that notice of today's public hearing was officially published in newspapers but wasn't specifically forwarded to the landowner.

Attorney Holtman indicated that the action being considered today was to order the project because it's determined the project is in line with District goals and funding availability; it's not a decision to proceed with the project. Mr. Holtman acknowledged that while it's preferable to have agreements with landowners in place before ordering the project, that it's often the case that agreements come slightly later in the process once project designs are underway and the landowner knows the plans for the property. He noted that a landowner agreement would need to be in place before the District awards a construction contract. Mr. Holtman reiterated that today the Board is just deciding whether or not the project is feasible and cost-effective, and therefore should keep the project moving forward.

After further discussion, there was general concurrence that the landowner is willing to cooperate with the District and that preliminary project designs are needed to complete negotiations with the landowner and secure an agreement.

Manager Moe moved to approve resolution 16-06-01 ordering the Moody Lake Wetland Rehabilitation Project. Seconded by Manager Spence.

President Anderson requested that formal notification about public hearings be provided to directly affected landowners in future projects as a courtesy.

The motion passed upon results of the roll call vote:

	Aye	Nay
Jackie A. Anderson	X	
Jackie M. McNamara		X
Wayne S. Moe	X	
Stephen Schmaltz	Absent	
Jon W. Spence	X	

Manager McNamara expressed the view that funds shouldn't be spent on design until landowner agreement is in hand.

b. Ordering of the Forest Lake Wetland Treatment Basin Project

District Engineers Naber and Graske reviewed the Forest Lake Wetland Treatment Basin Project and reported that this project has been in the works for years. They reminded Managers that a feasibility study completed last year confirmed high phosphorus levels discharging from the wetland into Forest Lake. They noted that the project has been awarded a Clean Water Fund grant and presented a map of the area and noted that adjacent

landowners are in favor of the project and that a public meeting to receive input from neighbors will be arranged once the project is ordered.

Engineer Grasko further described the project area and the work proposed through the project including excavation of nutrient-rich sediments, restoration of native vegetative cover, protection of existing high quality vegetation, and incorporation of native buffers surrounding the basin. He reviewed pollutant reductions expected through the project. Engineer Grasko noted that the City of Forest Lake reviewed the project plans, provided some good comments and also requested some additional work. He noted that staff will work through the City's comments and requests.

Administrator Kinney presented information about the practices of some adjacent homeowners and other current site conditions. He also noted the District will work with the City to incorporate as many aspects as possible. Attorney Holtman added that the proposed resolution defines the project to incorporate these additional elements as the Board may later authorize them. Administrator Kinney further described site conditions and answered questions from Managers.

Manager Moe moved to approve resolution 16-06-02 ordering the Forest Lake Wetland Treatment Basin Implementation Project. Seconded by Manager McNamara.

The motion passed upon results of the roll call vote:

	Aye	Nay
Jackie A. Anderson	X	
Jackie M. McNamara	X	
Wayne S. Moe	X	
Stephen Schmaltz	Absent	
Jon W. Spence	X	

6. Old Business

a. Rule Review

Administrator Kinney reported that staff and legal counsel distributed a list of questions for Managers to help define the scope of the rule review. Managers took a few moments to review the questions. Administrator Kinney noted that the discussion about rules isn't likely to be completed in one meeting.

Attorney Holtman noted that it's appropriate for the Board to step back and understand the rule making process, the level of effort required to go through the process, and how the District Regulatory program fits into the District's overall set of programs and priorities. Mr. Holtman reviewed the statutory process for rule making which includes a public hearing and submittal of the proposed rule for comment to the Minnesota Board of Water and Soil Resources, Minnesota Department of Transportation and other public transportation authorities. He noted that this legally required process is quite simple and therefore, while it may suffice for housekeeping and limited noncontroversial rules, typically for more

complicated or controversial rules watershed districts will add other elements for engagement of the public, local governments and the State.

President Anderson noted that discussion of updating the District rules has been going on for at least two years. She noted that EOR, Inc. was hired to evaluate the District rules against the rules of local governments within the District, at least regarding development standards. She noted the District is particularly interested in updating shoreline rules and should be reviewing and updating District rules on a regular basis.

Attorney Holtman suggested that the Managers define the rulemaking project by considering several foundation questions: the scope of rule review (stormwater rule; shoreline/buffer/erosion control rules; procedural rules; full rule review); the level of District resource commitment for the regulatory program and its priority vis a vis other District program/project activity; customized rules vs. consistency with other regulatory authorities; and the desired scope of the public and agency engagement.

Manager Anderson noted that the rules have been in place for eight years and that a review of all the rules probably is warranted. Manager Moe concurred, with the caveat that there is not a need to redo the rules where issues have not arisen and the District hasn't observed them to be inadequate. Manager Anderson agreed. There was discussion about the memo from EOR, Inc. regarding a comparison of city rules with Minimal Impact Design Standards (MIDS). Engineer Graske noted that MIDS encompasses stormwater and erosion control rules and some procedural rules. Administrator Kinney noted the District's budget allocated to rules review and revision.

Engineer Graske provided some recommendations for what rules should be reviewed by Managers including permit triggers. He noted he would like Managers to consider lowering the trigger for some types of projects but adding flexibility so it's not as rigorous an engineering exercise for smaller sites and individual homeowners. President Anderson asked how the District is encouraging regional stormwater treatment facilities that offset commercial areas, so that treatment doesn't need to be accomplished on every small site. Engineer Graske reported the District is working on that idea, that there are examples of those projects already, and he recommended the District concentrate on existing projects already in progress. There was discussion about past regional projects and possible future regional projects and the partnerships with businesses or other organizations needed to complete those projects.

Managers requested that staff provide examples of when rules or triggers are not appropriate for certain situations. Managers agreed that the memo provided by EOR was a good place to start with a discussion on rules revisions. There was consensus that staff should start with the items in the memo and bring recommendations to the Board. President Anderson noted that the 2017 budget should include funding for determining appropriate sites for regional treatment facilities so that the offsite stormwater volume credit element of the District Rule can be implemented.

Staff also agreed to bring back a list of steps and estimated costs for accomplishing the steps to a future Board meeting. Attorney Holtman recommended that the District undertake one

rule making activity rather than an ongoing series of changes to the rules. There was consensus that this was the intent of the Board.

b. Informational Item.

President Anderson thanked staff for assisting with the carp tournament. Mike Sorensen reported that the event organizer agreed to allow District staff to talk with boaters about limiting boating through milfoil beds and to distribute information about AIS.

7. Adjourn Next Workshop — June 14, 2016
Next Regular Meeting – June 16, 2016

Manager Spence moved to adjourn the meeting at 5:00 p.m. Seconded by Manager McNamara. Upon vote, the motion carried 4-0.

Wayne S. Moe, Secretary _____