

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

THURSDAY, MARCH 26, 2009

1) Call to Order

The President called the March 26, 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, Treasurer John Lynch, Manager Jon Spence

Absent: Secretary Wayne Moe

Staff: Randy Anhorn (CLFLWD), Erik Anderson (WCD), Dan Fabian (EOR)

Other: Melissa Lewis (BWSR), 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 March 26, 2009 regular Board meeting agenda. Administrator Anhorn stated that the MnDOT permit application 09-002 was incomplete at this time and therefore it could be removed as an agenda item and with recent news articles on Mainstreet Bank, suggested adding a discussion on Mainstreet Bank to new business section of the agenda. Motion to approve the agenda with edits was made by Manager Anderson and seconded by Manager Spence. 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 February 26, 2009 regular Board meeting. Following discussion on the draft minutes, motion to approve the February 26, 2009 regular Board meeting minutes with edits was made by Manager Lynch and seconded by Manager Spence. Upon vote, the motion passed unanimously.

5) Public Open Forum

Nothing presented

6) New Business

a) BMP cost-share program

Administrator Anhorn stated that while there had not been any new site visits over the past month, there were many people who signed up for a site visit at the March 19th "Planting for Clean Water" workshop. Anhorn stated that because the initial workshop was full (with 35 people in attendance) they had to close

the workshop and have since scheduled another for April 16th. Anhorn stated that numerous people had signed up for site visits which will hopefully result in future applications and projects.

Administrator Anhorn also mentioned that there were two shoreland projects approved by the Board last fall that were scheduled to start as soon as the ground thaws. One on of the scheduled BMP projects was located on Sylvan Lake and one on Comfort Lake.

Administrator Anhorn reminded the Board about a May 16, 2009 “hands on” informational workshop on the Forest Lake Shoreline Restoration Projects sponsored by Great River Greening, The City of Forest Lake, and CLFLWD. Those in attendance will see demonstrations, participate in the shoreline planting, and will gain knowledge on shoreline restoration techniques, actively restore native plants in an effort to enhance water quality, and prevent soil contamination within Forest Lake. Anhorn said that he would be unable to attend the workshop and was wondering if a Manager had interest in representing the District at the event.

b) Bone Lake Carp Removal

Administrator Anhorn stated that he had received a phone call from the Bone Lake Association about the possibility of an area commercial fisherman netting carp on Bone Lake at the end of February or early-March. The Bone Lake Association was interested in partnering with the District in hiring the fisherman at a fee of \$2,000.

Administrator Anhorn went through the Bone Lake Carp Removal project as listed for year six (6) of the District’s CIP (2014), but also stated that it would be beneficial for all if a partnership with the lake association was able to undertake the project this winter/spring. Anhorn further stated that since the initial conversations with the lake association, the warm weather had prevented the carp removal to go on as planned. There is a potential for the commercial fisherman to re-evaluate the removal this spring.

The Board held discussion on past carp removal project attempts and Board commitment to carp removal on Bone Lake in the past and thought that if the opportunity arises, a partnership with the lake association would be a good idea as would discussions with the commercial fisherman on the other lakes in the District that have rough fish removal as part of the District’s CIP. The Board also discussed potentially trying to coordinate the removal with the installation of a fish barrier at the north inlet as proposed in the CIP for 2014.

c) Annual Report

Administrator Anhorn presented a draft of the 2008 Annual Report to the Board (a copy is annexed and incorporated by reference). Anhorn mentioned that the Report is due to the various state agencies by April 30, 2009. Anhorn is seeking comments on the draft Annual Report in order to incorporate the comments in to the report prior to the April 23, 2009 regular Board meeting.

d) Permits and Reviews

i) Wyoming-257th Street Review

Administrator Anhorn presented the recent reviews of the 257th street project in Wyoming. Anhorn stated that the final review by EOR, dated March 9, 2009 recommends Board approval of the project with all outstanding comments and concerns of the District being adequately addressed. Anhorn further mentioned that the City of Wyoming and its engineers, WSB & Associates, were very attentive to the District’s concerns and the end result is a more environmentally sound project with respect to the management of our water resources.

Administrator Anhorn mentioned that with the completion of the 257th street project, two others will soon be resubmitting their plans for review, Xccent (which had only one outstanding comment), and North Lakes Academy.

Following Board held discussion on the project and future projects around the Wyoming area, Manager Anderson made motion to approve the submitted 257th street project plans as recently submitted. The motion was seconded by Manager Spence. Upon vote, the motion passed unanimously.

ii) Scandia Surface Water Management Plan

Administrator Anhorn presented the submitted Scandia Surface Water Management Plan (SWMP) included as a part of the City's approved Comprehensive Plan and stated that the City was looking for the District to approve the SWMP. Anhorn stated that he had thought that the District had approved the SWMP at the same time as they approved the Forest Lake SWMP amendment, but after looking back at the past minutes, Scandia's SWMP was not included in the discussion or motion. Anhorn stated that both cases are similar where the City's had finished work on their SWMPs prior to the District adopting its amended Plan under 103B (August 2008) and the recent adoption of District Rules (December 2008).

Anhorn went through the Scandia's SWMP and mentioned areas where the SWMP was changed to address District comments to mention that the City would have two years to update its ordinances to be consistent with the District's Plan and new rules and regulations. Anhorn further went through the timeline of the City's Comprehensive Plan and SWMP process and the District's rules adoption.

Administrator Anhorn also highlighted areas where the SWMP references the District's proposed rules and references the status of the District's TMDL study (with the understanding that the City will be involved in the development of the TMDL implementation plan and once completed the SWMP will again have to be amended).

Administrator Anhorn stated that the City was requesting the Board approve their 2008 SWMP with the understanding that the SWMP will have to be amended again as the District rules/standards are adopted and the TMDL study and implementation plan are completed and approved.

Following Board discussion, Manager Spence motioned to approve the City of Scandia's 2008 SWMP with the condition that the SWMP be amended by no later than December 18, 2010 to be consistent with District rules and standards and once the Bone Lake TMDL study is approved, include resulting implementation requirement. The motion was seconded by Manager Anderson. Upon vote, the motion passed unanimously.

iii) Mainstreet Bank

Administrator Anhorn provided information on recent press articles and federal actions on Mainstreet Bank. Anhorn went through the District's accounts and holdings at Mainstreet Bank, and FDIC limits and future needs for collateral of its holdings. The Board held discussion on the District's accounts with Mainstreet Bank and directed the Treasurer and Administrator set up a meeting the representatives of Mainstreet Bank to discuss the District's holdings, federal actions on the Bank's holding company, and what that may mean to the safety of the District's holdings. Anhorn stated that he would contact Mainstreet Bank early next week to set a meeting up.

The Board also discussed the need to re-evaluate the District's banking options and gather information on other banking alternatives. Following discussion, Manager Anderson made motion to direct the Administrator and Treasurer to meet with Mainstreet Bank, and for the Administrator to gather information

on other banking options in order for the Board to evaluate all alternatives and determine the District's best course. The motion was seconded by Manager Spence. Upon vote, the motion passed unanimously.

7) **Old Business**

a) Rules Update

i) Stormwater Impact Fund Resolution

Administrator Anhorn stated that with the adoption of the District's Rules, including Stormwater Facility Fund Fee and the determination and approval of the actual fund fee, the Board would need to approve the Stormwater Impact Fund Policy by resolution.

The President called for discussion on the Stormwater Facilities Fund Policy. After discussion, the following resolution to implement the Stormwater Facilities Fund Policy was made by Manager Anderson and seconded by Manager Spence.

**RESOLUTION NO. 09-03-01
STORMWATER FACILITIES FUND POLICY**

WHEREAS the Comfort Lake – Forest Lake Watershed District (“District”), a governmental subdivision with powers set forth in Minnesota Statutes Chapters 103B and 103D, is authorized to act to achieve the purposes set forth in those chapters for the protection, conservation and beneficial use of the waters and resources of the watershed; and

WHEREAS the Comfort Lake – Forest Lake Watershed District (“District”) has permitting requirements duly adopted pursuant to Minnesota Statutes Sections 103D.335 and 103D.341, and adopted District Rules on December 18, 2008, effective February 1, 2009; and

WHEREAS District Rule 2.0 includes runoff retention requirements to manage runoff volume from project sites to which it applies;

WHEREAS, in recognition that conditions in some areas of the watershed limit the capacity for onsite runoff volume management, District Rule 2.0 includes provisions that, under certain circumstances, allow contribution to a District fund to be used for the creation and maintenance of volume management facilities in place of providing these facilities as a part of the permitted activity;

THEREFORE BE IT RESOLVED that the Board of Managers:

1. Establishes the District's Stormwater Impact Fund in accordance with District Rule 2.0;
2. Adopts Schedule D: Stormwater Impact Fund Contribution Schedule, attached;
3. Directs the District Administrator to maintain the Stormwater Impact Fund rate and related information on the District web site, and to make it available to the public on request; and
4. Periodically will review and, as appropriate, revise Schedule D: Stormwater Impact Fund Contribution Schedule based on an analysis of the costs of stormwater retention facility construction and maintenance.

Schedule D – Stormwater Impact Fund Contribution Schedule

Pursuant to Resolution 09-03-01, qualifying project applicants may contribute an amount for any unsatisfied portion of the volume retention requirement of District Rule 2.0 to the Stormwater Impact Fund as determined using the formula below:

(X ac-ft * 43,560 ft²/acre) * (\$7.34913 \$/ft³ * 1.5) = Stormwater Impact Fund Fee

Where:

- X** =required volume retention for the site
- \$7.34913** = average cost per ft³ of stormwater volume BMPs likely to be constructed based on soil and groundwater conditions within the District
- 1.5** = 50% multiplier for administrative, contingency, and maintenance costs associated with BMP construction

For example, if the amount of on-site retention needed to fulfill District Rule 2.0 is equal to 0.0833 ac-ft, then the resulting Stormwater Impact Fund Fee to meet the rule would be equal to (0.0833 ac-ft * 43,560 ft²/acre) * (\$7.34913 * 1.5) = \$40,000

Upon vote, the motion carried with four (4) ayes and zero (0) nays and 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 Chair declared the resolution adopted.

ii) *Delegation of Erosion Control Permit Authority to Administrator Resolution*

Administrator Anhorn mentioned that as discussed at the Board’s February 2009 meeting, due to time constraints, it may be beneficial for projects that just require a District Erosion Control permit, to be handled by staff and approved by the Administrator as opposed to seeking Board approval at the Board’s monthly meetings. The Board held discussion on which District permits could/should be handled administratively. Following discussion, the following resolution to delegate authority to act on District Erosion Control Permits to the Administrator was made by Manager Anderson and seconded by Manager Lynch.

RESOLUTION NO. 09-03-02

DELEGATING TO THE ADMINISTRATOR THE AUTHORITY TO ACT ON EROSION CONTROL PERMITS

WHEREAS the Comfort Lake – Forest Lake Watershed District (“District”), a governmental subdivision with powers set forth in Minnesota Statutes Chapters 103B and 103D, is authorized to act to achieve the purposes set forth in those chapters for the protection, conservation and beneficial use of the waters and resources of the watershed; and

WHEREAS the Comfort Lake – Forest Lake Watershed District (“District”) has permitting requirements duly adopted pursuant to Minnesota Statutes Sections 103D.335 and 103D.341, and adopted District Rules on December 18, 2008, effective February 1, 2009; and

WHEREAS permit applications may be approved only by the District Board of Managers at a regular or special meeting of the Board; and

WHEREAS the Board of Managers finds that work requiring a District permit only under its erosion control rule (Rule 3.0) and no other District rule is subject to defined standards; generally does not raise significant water resource issues when conducted in accordance with Rule 3.0; and generally does not raise policy or similar issues requiring consideration and action by the Board of Managers; and

WHEREAS authorizing the Administrator to act on permits in this circumstance would allow the District to be more responsible to property owners and conserve the time and efforts of the Administrator and Board.

THEREFORE BE IT RESOLVED that the District Administrator may act on behalf of the District with regard to action on all permit applications subject to the District’s erosion control rule (Rule 3.0) and no other District rule.

Upon vote, the motion carried with four (4) ayes and zero (0) nays and 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 Chair declared the resolution adopted.

iii) 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;

- **Stormwater Impact Fund Implementation Plan.** Anhorn distributed and previewed a draft implementation plan and asked the Board to go through the draft plan and bring comments back to the April meeting.
- **Stormwater volume credit sale form.** Anhorn stated staff will be working on the development of a stormwater volume credit sale form.

Manager Anderson stated that it would be worthwhile for staff to come up with a checklist/flowchart documenting the District’s Stormwater Volume sequencing protocol in order for staff and applicants to understand when and what is needed prior to moving to the next sequencing option.

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:

- A couple of pre-permit application conceptual design meetings on potential projects within the City of Forest Lake.
- Held one of 2 *Planting for Clean Water* Workshops on March 19, 2009 at Gander Mountain. Second workshop is scheduled for April 16, 2009.
- Attendance presentation/booth at the Forest Lake Home Show on Saturday, March 21, 2009.
- Had annual audit meeting with HLB Tautges, Redpath on March 10, 2009.
- Have heard from the MPCA that the Districts' two awarded grants for monitoring the loads between Bone Lake and Little Comfort Lake and potential loads from the old DNR fish rearing pond in subwatershed FL44 were not cut as part of the State's budget shortfall, and the Administrator was working on the work plans for each.
- Have been working with Great River Greening on setting up the demonstration/education workshop at the Forest Lake dead-end street buffer projects, scheduled for May 16, 2009.
- Handed out draft water quality information pages for the lakes the District monitored in 2008. These pages will be posted on the District website in the near future.
- The need for Managers Anderson and Spence to coordinate with Commissioner Montzka about providing a District update at an upcoming Chisago Co. meeting.
- Upcoming MN Waters Conference May 7-8 in Rochester. If interested let Administrator Anhorn know.

Administrator Anhorn passed out an employee evaluation form to each of the Managers for eventual review of the Administrator's past performance. Anhorn asked the Managers to fill out the form and bring back to the April Board meeting where the evaluations can be reviewed. Anhorn also asked for comments on the evaluation form itself for improvements for the 2010 annual evaluation. Administrator Anhorn also stated that he would like to set up a time to meet with each of the Managers over the next month, to individually discuss the District's work to date and future direction.

The Board discussed the review process and the need to set-up a sub-committee to compile and tabulate the received reviews in order to prepare a single performance review. Following discussion, motion was made by Manager Anderson to create an employee review subcommittee to compile and tabulate the received reviews and prepare formal review. The motion was seconded by Manager Spence. Upon vote, the motion passed unanimously. The Board decided to wait for the formation of the subcommittee until all five Managers were present.

Administrator Anhorn further provided an update on legislative issues of interest to the watershed.

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)

Dan Fabian mentioned that he was in attendance due to Lisa Tilman being on vacation. Mr. Fabian provided an update on recent project reviews and provided an update on draft TMDL. Mr. Fabian stated that a TAC/CAC Stakeholder meeting on the TMDL study and determined waster load allocation had been scheduled for Thursday April 8, 2009 from 1:00 – 3:30 at the Forest Lake City Hall. Mr. Fabian also mentioned that the information to be presented at the April 8th stakeholder meeting will also be presented at the Boards April meeting. Administrator Anhorn mentioned that notification of the meeting (included in the Manager’s meeting packet), had been sent to the TAC/CAC Stakeholder group and posted on the District’s website.

c) Washington Conservation District (WCD)

Erik Anderson handed out a flow chart detailing the draft results of the 2008 water quality monitoring within the District and highlighted areas of interest including phosphorus loads at the Little Comfort Lake inlet and pre-shallow pond site on Greenway Avenue, and the potential for new impairments for *E. coli* and dissolved oxygen on both tributaries to Comfort Lake. Administrator Anhorn went over the lake monitoring results for 2009 which included better than normal summer mean phosphorus averages on all the District lakes monitored. Anhorn stated that he would be posting the lake information sheets on the District’s website.

The Board asked Mr. Anderson and Administrator Anhorn questions on the 2009 lake monitoring results and tributary loads presented and highlighted areas of concern and areas which may need further study..

Mr. Anderson and Administrator Anhorn discussed new monitoring stations for 2009 including.

d) Smith Partners

Prior to the meeting, the President and Administrator determined that due to there being no issues on the meeting agenda requiring immediate legal consultation, there was no need for the District Attorney to attend the meeting.

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 for March 2009.

Motion was made by Manager Anderson to approve the March 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, because she was unable to attend the February Board meeting, asked for clarification on discussions held during the open forum portion of the meeting on flooding at the Archie DuCharme property on the Sunrise River.

Administrator Anhorn reviewed the discussion and later discussions with the ACOE, DNR, and other watersheds, and stated that at this time the District was gathering information on potential solutions and alternatives to, in partnership with Mr. Ducharme, address the issue.

Manager Anderson stated that work upstream, detailed in the District's CIP, will also help remediate the problem.

Manager Damchik –

Nothing to Report

Manager Lynch –

Manager Lynch asked about the location of Sea Lake in relationship to Bone Lake. A map was obtained and the lake pointed out.

Manager Spence-

Nothing to report

11) Adjournment

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

Wayne S. Moe, Secretary