

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

**TUESDAY, NOVEMBER 13, 2007**

**1) Call to Order**

The President called the November 13, 2007 meeting to order at 6:30 p.m. at the Forest Lake City Offices, 220 North Lake Street, Forest Lake, Minnesota

Present: President Jackie Anderson, Vice President Richard Damchik, Secretary John Lynch, Treasurer Jon Spence, Manager Wayne Moe  
Staff: Randy Anhorn, Brett Emmons (EOR), Andy Erickson (Wenck & Associates), Dan Fabian (EOR), Lisa Tilman (EOR), Travis Thiel (WCD), Norm Wenck (Wenck & Associates)  
Others: Craig Affeldt (MPCA), Deb Anderson, Representative Jeremy Kalin (State Representative District 17B)

**2) Reading and Approval of Agenda**

The motion to approve the agenda was accepted by consensus.

**3) Reading and Approval of Minutes**

The President called for the reading and approval of the minutes of the October 25, 2007 regular Board meeting. The motion to approve the October 25, 2007 regular Board meeting minutes with edits was made by Manager Damchik and seconded by Manager Lynch. Upon vote, the motion passed unanimously.

**4) Public Open Forum**

Representative Jeremy Kalin (District 17B) introduced himself and thanked the Board for their work over the past year. Representative Kalin mentioned that he had been in contact with the District's Administrator about the District seeking legislation to be re-designated as a 103B watershed. Representative Kalin stated that he was in favor of such legislation and at the request of the Administrator will be the chief author for the legislation in the House. Representative Kalin further mentioned the importance of the Clean Water Legacy Act and the potential for future funding to address the States impaired waters.

Representative Kalin further discussed Leadership in Energy and Environmental Design (LEED) certification for buildings and their tie into the larger environmental picture, including stormwater runoff.

The Board thanked Representative Kalin for his support and willingness to author and champion the District's legislation.

5) **New Business**

a) **Craig Affeldt (MPCA) – Acceptance of CLFLWD TMDL work plan and contracts.**

Mr. Affeldt went over the acceptance of the District’s TMDL work plan (a copy of which is annexed and incorporated by reference) and reimbursement funding for the project through the MPCA. The project is known as “Comfort Lake – Forest Lake Watershed District (CLFLWD) Lake Impairment TMDL Project.” It essentially is reformatting the recently completed “Watershed and Lake Water Quality Modeling Investigation for the Development of a Watershed Capital Improvement Program” study by Wenck & Associates, into a TMDL report. As part of the TMDL, however, there are to be some additional water quality and biological data collected and incorporated into the study.

Mr. Affeldt then went through the contracts (State Powers of Minnesota Joint Powers Agreement Impaired Waters – TMDL) that the CLFLWD and MPCA needed to sign in order to initiate the project and funding. Mr. Affeldt further discussed the relationship of the CLFLWD TMDL to the larger Sunrise River TMDL to be undertaken in the near future and the funding options available for adopted TMDLs through the Clean Water Legacy program as well as potential ACOE funds available through the larger ACOE Sunrise River Study.

Administrator Anhorn mentioned that he asked Smith Partners about the Joint Powers Agreement form MPCA and was informed that they have not requested much for changes to the boilerplate MPCA agreements.

b) **Minnesota Association of Watershed Districts (MAWD) Watershed District Handbook**

Manager Anderson discussed the MAWD Watershed Handbook and its potential for use as a guideline for operations as well as providing consistency between watershed districts. Manager Anderson thought that it would be worthwhile for the District to adopt the handbook as a guideline. Manager Anderson suggested that the Managers attending the MAWD conference do more research into the handbook and other District’s use of the handbook, and that the Board revisit the issue in December.

Motion was made by Manager Damchik and seconded by Manager Moe to table the discussion until the District’s December 19, 2007 meeting. Upon vote, the motion passed unanimously.

c) **MAWD Member Materials including Choosing Delegates for the MAWD Conference**

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 November 29-December 1, 2007.

The Board discussed the resolutions up for vote at the MAWD conference including the CLFLWD resolution for special legislation to be designated a 103B watershed. Following discussion, Manager Anderson made motion that the District accept, and champion for passing, the resolutions presented in the MAWD packet. The motion was seconded by Manager Damchik. Upon vote, the motion passed unanimously.

It was determined that two Managers were planning to attend the conference, Manager Lynch, and Manager Moe. Manager Moe however is only able to attend the new manager's workshop on Thursday, November 29, 2007.

Manager Anderson made motion that the District pay for registration and hotel package for those Managers attending the annual MAWD conference. Manager Damchik seconded the motion. Upon vote, the motion passed unanimously

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

Administrator Anhorn stated that he would fill out the paper work and forward it on to MAWD. Anhorn further reminded the Board that they need to send their reservations and conference fees in by mid-November.

**d) Smith Partners Memo on Moving Forward Under 103D in Interim of 103B**

Louis Smith went over a pre-mailed handout describing an outline for the Board to initiate/implement capital projects either under 103D or 103B. (A copy of the letter is annexed and incorporated by reference).

The Board discussed the options for proceeding with projects and how the District should proceed so that it can move forward efficiently if it does or does not secure 103B legislation.

Mr. Smith (Smith Partners) made the following points:

- The District should start to lay the groundwork for municipal/county buy-in to the Capital Improvement Plan (CIP). If there is no 103B legislation, project petitions will need to be obtained from these entities. If there is legislation, and project petitions are not needed, the District will want the Cities on board anyway
- Feasibility studies and preliminary design work can begin immediately, if the District presently has the funds for it. This work would be needed equally under 103D and 103B project procedures. The Board discussed the fact that funds will be tight for the District through July of 2008.
- Primary assessment of land acquisition needs, initiating relationships with any affected landowners, and assessing permit/environmental review issues for specific projects to be undertaken can and should proceed at the earliest occasion.
- Project-specific plan amendment drafting could begin immediately, and more than likely, a plan amendment would be needed even to meet the looser requirement for a 103D petitioned project. Also, discussions should occur/continue with BWSR to determine the nature of the plan amendment needed, in the event there is 103B legislation, for BWSR to be satisfied with the plan as at least an interim 103B plan.

Mr. Smith further mentioned that if the District is successful in achieving 103B status it can use county loan monies to get started (to be paid back with subsequent ad valorem levies, typically), without being subject to the \$200,000 loan indebtedness limit of 103D

Administrator Anhorn mentioned that the cities have been a part of the stakeholder process for the current water quality modeling project and development of the District CIP and updated the Board on his recent meetings and e-mail exchanges with BWSR to discuss and clarify the amendment process, needs, and timing.

Louis Smith and Administrator Anhorn discussed the BWSR suggested steps of revising the current 103D plan to 103B standards by doing the minimal amount necessary, including revising the CIP to 103B standards and likely including the water management district items over the next couple of months. While tracking the District's legislation for 103B authority, work on the plan amendments/revisions and submit the revised plan no later than April 1, 2008 (contingent on legislation passing) for BWSR Board action in August 27, 2008. Under this scenario, the District could then be collecting under 103B levy authority in 2009. During the session if the proposed legislation dies, the amendment would then be submitted as a 103D amendment and withdraw the revised 103B plan.

Administrator Anhorn mentioned that he has an e-mail into BWSR to further describe what is meant by "the minimal necessary" (what is really needed to revise our current watershed management plan in order to fulfill 103B requirements). Anhorn also mentioned that he had a copy of the District's draft CIP in for BWSR review in order to determine if it provides the detail needed under 103B. Anhorn said that he has yet to here back from BWSR on their review.

Discussion was held on the potential of the District setting up Lake Management Districts and using a fee based system calculated from some defensible format (i.e. runoff coefficient and/or percent impervious). Manager Spence mentioned that he had been reading up on stormwater utilities and found them a fair method for the District to fund projects. The utility fee is a fee associated with what actually is coming off a property as opposed to the value of a particular property.

The Board requested that Administrator Anhorn prepare an informational summarization on the specifics and for the District setting up four Lake Management Districts (including a cost-estimate from EOR on the work needed to set up the method to calculate parcel charges and the determination of the resulting fee for each parcel within the District) in order to collect stormwater utility fees to fund projects to address nutrient loads to the District's impaired waterbodies.

## **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. The Board held discussion on the substantial policy/political issues raised in the memo. Following discussion, Administrator Anhorn said that he would meet with Mr. Smith and Lisa Tilman to make the discussed changes and revise language where suggested by Smith Partners.

The Board requested that staff bring the revised draft back to the December Board meeting prior to presenting the draft rules to the local communities and initiating the TAC/CAC meeting process.

***b) 2008 Budget***

Administrator Anhorn discussed the updated 2008 draft budget which broke apart budget areas into more detailed line items. 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 he is in the process of working with the accountant to come up with a project numbering scheme the District in order to track the funds of each.

The Board agreed that it was a good idea to document the portion of the Administrator's time and salary that is required for each project/program item.

The Managers held discussion on the Administrator's salary for 2008. After discussion, Manager Spence made motion to provide a 2.5% increase in the Administrator's base salary in 2008 and that the District's contribution to the Administrator's benefits would remain the same as 2007. Manager Moe seconded the motion. Upon vote, the motion passed unanimously.

The Board asked the Administrator to determine and report back, the increases in PERA and payroll tax contributions the District will be responsible for, and also check into the assumed increase in benefit costs the Administrator will be assuming in 2008.

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 also said that he was trying to find out what the Administrator's expected time commitment for the 103B legislation during the legislative session might be. He has requested information from other watershed Administrators who have gone through similar processes. In order to provide help through the process, Anhorn stated that he has spoken with Ron Harnack about helping the District as a legislative consultant.

After discussion, the Board thought that, because the District is a member of MAWD, and MAWD provided its own lobbyist, the District should be able to have MAWD lobbyist Ray Bohn provide support for the District's legislation. For this reason, the Board did not feel that there was a need for an additional legislative consultant and the monies presented in the 2008 draft budget could be reallocated.

Anhorn further mentioned that while the District did not receive grant money from LCCMR, they are still in discussion with the MDNR on partnering on their LCCMR grant in which they received partial funding on a similar application. Anhorn further mentioned that he had recent conversations with the MDNR on the District's *Shoreland Vegetation Grant* application for shoreland restoration on Bone and Forest lakes.

Motion was made by Manager Damchik and seconded by Manager Lynch to accept the balance of the proposed budget for 2008. Upon vote, the motion passed unanimously.

***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, WCD, and Washington County. The District is on the agenda for upcoming meetings for Chisago City, City of Scandia and City of Wyoming.

Administrator Anhorn further stated that the District has support from BWSR staff, and is still seeking resolutions of support from MAWD, the Metropolitan Council, and the three local lake associations and that he recently met with Representative Dettmer who was supportive of the District's legislation and was interested in being co-author to Representative Kalin's authored legislation.

Administrator Anhorn stated that he had been in contact with the DNR and BWSR on their review of the Staff/Engineer Report for the District's WCD petitioned BMP Cost-Share Incentive Program project, and neither agency had any major concerns. Anhorn stated that in order to fulfill State statute requirements and provide final certification on the District's levies, they would need to hold a public hearing at the December 19, 2007 regular Board meeting. For this reason Anhorn asked the Managers if they were willing to change the meeting time from 6:30 p.m. to 6:00 p.m.

Following Board discussion, Manager Anderson made motion, seconded by Manager Lynch, to change the meeting time of the December 19, 2007 Board meeting to 6:00 p.m., in order to incorporate a public hearing on the WCD petitioned project.

Administrator Anhorn presented the schedule for the District's regular Board meetings in 2008 (a copy of the schedule is annexed and incorporated by reference).

8) **Report of Engineer**

*a) Emmons and Olivier Resources (EOR):*

Dan Fabian stated that EOR had nothing additional to add

*b) Washington Conservation District (WCD)*

Travis Thiel discussed the District's MPCA Surface Water Assessment Grant (SWAG) application for 2008. Mr. Thiel mentioned that because of a mix-up in 2007, the District is assured a \$19,180 grant for 2008 monitoring, but that he and Administrator Anhorn had put together an application asking for roughly \$29,000. Mr. Thiel further mentioned that he and the Administrator would continue to "tweak" the 2008 monitoring program in accordance with the amount of grant monies received (i.e., if less than requested grant monies are received, the proposed monitoring program will be pared accordingly)

Mr. Thiel stated that with full funding, the CLFLWD will be able to expand its current stream water quality and quantity monitoring network, pay for some additional lake monitoring via volunteers, fund macroinvertebrate/ biological sampling, and establish and coordinate a volunteer transparency tube stream monitoring program to assess turbidity.

Mr. Thiel also mentioned what he received some information from the DNR on their fisheries surveys on Bone and Shields Lakes in 2008. While an official fisheries survey was not undertaken on Bone Lake in 2008 (the DNR did do some biological surveys on the lake however), a survey was done on Shields Lake. While the official report has yet been published, Mr. Thiel said that only one walleye was found in the lake, and only a few roughfish-bowfin (dogfish). The majority of the fishery were panfish, which could explain the low zooplankton population (panfish are planktivorous) and high algal biomass.

Manager Anderson thanked Mr. Thiel and WCD for all the good work they provide the District.

*c) Wenck & Associates*

Mr. Norm Wenck and Mr. Andy Erickson 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. Wenck mentioned that the reason that they were there presenting was that the projects lead was no longer working for the firm. Mr. Wenck assured the Board that the change in personnel would not result in any problems in the eventual delivery of the Districts study and project designs.

Mr. Wenck went through a PowerPoint presentation (a copy of each report is annexed and incorporated by reference) recapping the study and project selection and prioritization process. Mr. Wenck further mentioned that their intention was to hold one last stakeholder meeting before the draft is finalized and then hold a public meeting at the end of the project and presentation of the final report. Mr. Wenck asked the Board to provide comments on the draft within the next few weeks and that Wenck staff would be able to address the comments and finalize the report within two weeks of receiving Board and staff comments.

Manager Anderson asked the Board to review the report and try to get their comments to the Administrator, or directly to Wenck & Associates, during the week after Thanksgiving.

Manager Anderson asked how the presented schedule (timing) of projects was determined. Manager Anderson stated that the Board had discussed a Phase 1 and Phase 2 approach where phase 1 would not only include some projects at the beginning areas of the watershed, but some in the middle portions of the watershed as well. Manager Anderson further stated the Phase 1 work was to include projects addressing the lakes identified with the most serious problem, and Phase 2 was to address lakes identified as being in better shape. Anderson thought that the first years of the presented schedule seems to address just the beginning parts of the watershed. In particular Manager Anderson questioned the placement of the Bixby Park ponds out to year 9 and 15 of the CIP when the work plan outline discussed at the Boards Budget workshop held in August had the Bixby Park Ponds in the initial phase of the CIP.

Manager Anderson asked the Administrator to forward meeting minutes and descriptions of the Boards Phase 1 and Phase 2 concepts on to Wenck & Associates for their review.

Mr. Wenck, stated that that the reason for the scheduling of the Bixby Park project in year 9 had to do with the large cost for the project and high dollar per pound of phosphorus removal (> \$1,000/lb). Andy

Erickson (Wenck) said that they could move the projects to any schedule that the Board would like, but it had been mentioned at the October meeting, that projects should start at the beginning of the watershed.

Manager Damchik asked Mr. Wenck if the presented is the schedule he thought was the best course of action. Mr. Wenck said that yes he thought it was, and while the initial capital projects were located at the beginning, or top, portions of the watershed, the BMPs were to be completed throughout the watershed.

Manager Moe said that he preferred the concept of start at the outside edges of the watershed and working their way to the end. That way we can determine what is needed as we continue to monitor and move downstream.

Discussion was held on the importance of a check and balances approach to determining the study and resulting deliverables. The Board asked EOR how many hours and costs for them to go through the study and designs in order to determine the feasibility of the projects, prioritization and timing of the projects, and thoroughness of the preliminary designs. Dan Fabian stated that it would take about 24-32 hours at about \$100 per hour.

Motion was made by Manager Anderson to have EOR do a technical review of the Wenck prepared Watershed and Lake Water Quality Modeling Investigation for the Development of a Watershed Capital Improvement Plan study and designs. The motion was seconded by Manager Damchik. Upon vote, the motion passed unanimously.

Administrator Anhorn also asked the Board if they wanted Smith Partners to look at the CIP in order to get their opinion on it meeting 103B criteria. The Board decided to have Smith Partners review the draft CIP after they get comments back from EOR.

**9) Report of Attorney**

Mr. Louis Smith stated that he had nothing additional to report.

**10) Report of Treasurer**

*a) Approval of Bills*

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

Motion was made by Manager Damchik to pay the bills as presented. Manager Lynch seconded. Upon vote, the motion passed unanimously.

*b) Approval of Treasurer's Report*

Motion was made by Manager Damchik to approve the November Treasurer's Report. Manager Lynch seconded. Upon vote, the motion passed unanimously.

**11) Reports of Officers and Manager**

**Manager Anderson –**

Manager Anderson discussed a recent article she read on the findings from the studies on the deformed frogs.

**Manager Damchik –**

No Report

**Manager Lynch –**

Manager Lynch mentioned that he recently volunteered to be a part of the City of Forest Lake's Broadway redesign committee.

**Manager Moe-**

Manager Moe mentioned recent discussions with the Forest Lake High School agriculture instructor about providing information on the District at upcoming events the agricultural department will be holding.

**Manager Spence –**

Manager Spence said that he would be contacting Dan Fabian about coming to the January Comfort Lake Association meeting to discuss the lakes outlet and outlet weir.

**12) Adjournment**

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

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John T. Lynch, Secretary