

**MINUTES OF THE JOINT RULES PUBLIC HEARING AND REGULAR MEETING  
OF THE  
COMFORT LAKE - FOREST LAKE  
WATERSHED DISTRICT**

**THURSDAY, NOVEMBER 13, 2008**

**1) Call to Order**

The President called the November 13, 2008 joint Rules Public Hearing and 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 Jackie Anderson, Vice President Richard Damchik, Secretary John Lynch, Treasurer Jon Spence, Manager Wayne Moe

Staff: Randy Anhorn (CLFLWD), Erik Anderson (WCD), Chuck Holtman (Smith Partners) Lisa Tilman (EOR)

Other: Steve Schmaltz (Forest Lake Association)

**2) Call to Order of the Public Hearing on the District's Proposed Rules**

President Anderson called the public hearing to order and opened the hearing up for public testimony. The President further reported that the notice of the public hearing was posted on the District's bulletin Board and website, and published in the Chisago County Press and the Forest Lake Times newspapers on October 30, and November 6, 2008. A copy of the Affidavits of Publication are annexed and incorporated by reference.

President Anderson asked if there was anyone present who wanted to speak and/or provide comment on the District's proposed rules. There was no one interested in speaking on the District's proposed rules.

Administrator Anhorn stated that he had received a letter of comments on the District's proposed rules from the City of Forest Lake to be read into record as part of the public hearing. Anhorn read the letter of comments (a copy of which is annexed and incorporated by reference). The Board accepted the City's comments in record and stated that they would hold discussion on all the received comments, from both the 45-day review period as well as those this evening, at the November 20, 2008 Managers workshop.

**3) Close the Public Hearing Portion of the Meeting**

The President closed the public hearing portion of the meeting.

**4) Open the Regular Meeting**

The President opened the Regular Board Meeting.

**5) Reading and Approval of Agenda**

The President called for the reading and approval of the November 13, 2008 regular Board meeting agenda. The motion to approve the agenda was made by Manager Damchik and seconded by Manager Spence. Upon vote, the motion passed unanimously.

**6) Reading and Approval of Minutes**

The President called for the reading and approval of the minutes of the October 23, 2008 regular Board meeting. Following discussion on the draft minutes, motion to approve the October 23, 2008 regular Board meeting minutes with edits was made by Manager Damchik and seconded by Manager Lynch. Upon vote, the motion passed unanimously.

**7) Public Open Forum**

Steve Schmaltz asked the Board about newly approved clean water amendment and the process of future allocation of funds to watershed projects. The Board stated that they were unsure at this point as to who was actually going to disburse the funds and in what format or process and who actually qualified for funds. The Board hoped that more would come out soon and stated that it was their intention to seek as much outside funding as possible to reduce the local tax burden of implementing projects to address and remediate water management.

Mr. Schmaltz also asked about the District's budgetary and levy certification process. The Board went through the process and current level of County Board involvement.

**8) New Business**

***a) BMP cost-share program***

Administrator Anhorn presented an update on recent BMP cost-share site visits and ongoing Board approved projects.

Administrator Anhorn stated that he had recently completed a walk through of the finished Oehler raingarden project located at 7371 North Shore Trail, Forest Lake and said that the project was completed to the project's Board-approved specifications. Anhorn further presented photos of the completed project and mentioned that he would take more photos of the area next summer when everything would be in bloom. Anhorn also stated that signage would be incorporated once the signs are completed.

Administrator Anhorn further presented a reimbursement request for the Oehler project (a copy of the request is annexed and incorporated by reference). Anhorn stated that the submitted receipts for labor and materials for the project equaled \$1,111.71; therefore the District's cost-share portion (equaling ½ of the labor and material costs) comes to \$555.86.

Following Board discussion on the project and reimbursement request, motion was made by Manager Damchik to reimburse Mr. Oehler \$555.86 for the District's BMP incentive cost-share portion of the Board approved raingarden project. The motion was seconded by Manager Lynch. Upon vote, the motion passed unanimously.

Manager Anderson stated that the Administrator should prepare a letter to be included in the mailing of the reimbursements, stating the Board's appreciation for the applicant's participation and how the outcome of the project will help improve the water quality of the receiving waterbody.

***b) 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 December 4-6, 2008.

It was determined that two Managers, along with Administrator Anhorn, were planning to attend the conference, Manager Anderson, and Manager Lynch.

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

The Board discussed the resolutions up for vote at the MAWD conference including the opposition to watershed district budgets needing County Board approval. Following discussion, the Managers decided to accept, and support, the resolutions presented in the MAWD packet. Manager Lynch also mentioned that he would seek MAWD input on the clean water amendment funding question.

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

***c) Professional Support Contracts***

Administrator Anhorn presented a draft contract between the District and Smith Partners for legal services (a copy is annexed and incorporated by reference). Anhorn stated that it was a simple contract stating the Smith Partners will work at the will of the Board.

Following Board discussion on the presented contract, Manager Spence made motion to execute the contract between the District and Smith Partners for legal services. The motion was seconded by Manager Lynch. Upon vote, the motion carried unanimously.

Administrator Anhorn presented a contract extension between the District and EOR for engineering services. Anhorn stated that the extension adds some language suggested by Smith Partners, changes section 6.1 (consultant contact hierarchy), and attaches an updated fee schedule. Anhorn stated that staff was still working on the new language for section 6.1 and would bring the contract extension back for approval at the December 18, 2008 Board meeting.

**9) Old Business**

***a) Draft Rules Update***

***i) 45-day review comments***

Administrator Anhorn stated that the 45-day review period on the District's proposed rules ended October 23, 2008 and that comments were received from Browns Creek Watershed District, BWSR, Chisago City, the City of Forest Lake, Metropolitan Council, MNDOT, City of Scandia, Washington County, WCD, and the City of Wyoming and presented a copy of the comments and initial responses to

the Managers (a copy of the compiled comments are annexed and incorporated by reference). Anhorn said that staff has compiled comments and has begun preparing responses to many of the comments, but a few of the comments will require Board discussion and decisions. Anhorn suggested that they go through the comments in which staff was seeking Board input, have the Board review the rest of the comments and responses, and then discuss any questions the Managers may have at the November, 20, 2008 Rules workshop. The Board agreed.

Staff went through the review comments on the proposed rules in which they were seeking Manager input in the preparation of responses to the comments. Manager Anderson asked that staff bring back information on the DNR's shoreland ordinances, especially that which deals with access widths.

Manager Moe stated that there seems to be many areas where one of the communities would like the District to have its standards more closely resemble their own. However, Manager Moe stated that because the District has multiple communities within its boundaries, it would be hard to appease everyone and by picking one communities ordinances to follow over another would result in another being unsatisfied.

Administrator Anhorn stated that Chuck Holtman had asked for clarification on if the buffer rule is actually triggered by another rule (i.e. stormwater) or if it is a stand alone rule triggered simply by municipalities. Anhorn stated that it was staff understanding that the Board had intended for the rule be triggered by its own applicability and not necessarily triggered by another rule. Anhorn further stated that while most watershed district buffer rules (i.e. BCWD) are triggered by other rule, Mr. Holtman felt that the rule could be stand alone, but may need to refine the language. Mr. Holtman said that he would work with staff and bring his suggestions to the upcoming Rules Workshop.

Following discussion on the presented reviews needing Manager input, Administrator Anhorn reminded the Board to review the remaining comments and staff prepared responses and bring questions/comments back to the November 20, 2008 Rules workshop.

***ii) Guidance Manual***

Administrator Anhorn asked the Managers to review the draft permit guidance and information manual and provide edits and comments at the upcoming workshop (a copy of the manual is annexed and incorporated by reference).

***iii) Permit Program Discussion/Decision Needs***

Administrator Anhorn stated that at previous meetings he had provided draft forms/documents that the District will need to implement its regulatory program. The documents included:

- Permit Application
- Stormwater facility maintenance declaration
- Financial assurance template (letter of credit, performance bond)

A copy of each is annexed and incorporated by reference. Administrator Anhorn stated that he incorporated comments from Smith Partners in the presented documents, and asked the Board for comments on the documents. Anhorn further recommended their adoption for use as part of the District's Permit Program.

Manager Anderson stated that she thought that the Managers should review the presented documents further and bring comments back to the upcoming Rules workshop.

Administrator Anhorn then stated that while the Board had decided to collect field inspection deposit fees upfront, in order to be reimbursed for their permit review and inspection time, they would have to set the fees schedule for the field inspection fees and financial assurances. Anhorn mentioned that he had distributed a table documenting fee schedules of neighboring watersheds (a copy of the manual is annexed and incorporated by reference) and mentioned that Brown's Creek Watershed District had the most current fee schedule due to updating their fees (determined by their actual costs they were incurring throughout the review and inspection process) in 2008. Anhorn recommended a similar schedule. The Board again decided to review the presented material and continue the discussion at the upcoming Rules workshop.

Administrator Anhorn specifically went through the remaining needs/schedules/guidance documents that are required or would be useful to implement the regulatory program including;

- A finalized guidance document to applicants describing permit review process
- Internal enforcement procedure guidelines
- Determination of delegating certain permit authority to administrator
- Resolution establishing stormwater impact fund payment basis
- Stormwater volume credit sale form
- Development of "cheat sheet" for City staff
- Determination of rule adoption, and initiation date of permit program.

Manager Anderson asked for clarification on the rules adoption protocol, specifically if the District was required to re-send out the finalized Rules for comment. Chuck Holtman went through the Rules adoption process and stated that unless the Board decides, because of the received comments, to greatly change the intent of the Rules, they would not need to re-send them out for an additional comment period. They could decide to adopt the Rules and simply follow notice requirement in State Statutes.

Administrator Anhorn reminded the Board of the upcoming rules/permitting workshop scheduled for November 20, 2008 at 6:00, and went through the agenda items and regulatory needs (including the above mentioned needs) that will be the emphasis of the workshop.

## **10) 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:

- Recent projects in for review or recently reviewed including:
  - a) Additional parking at the LakeHouse restaurant on Forest Lake (review completed)
  - b) Xccent in Wyoming (review completed)
  - c) Meeting with EOR and WSB (engineer for City of Wyoming) to discuss the District's outstanding issues to be resolved as part of the city's 257<sup>th</sup> Street improvement project

- The dead-end street shoreland restoration projects on Forest Lake, in partnership with the City of Forest Lake Great River Greening (GRG) and DNR, had begun with the initial bituimus break up and grading, and site-stabilization taking place.
- Have had continued discussions with St. Croix Valley Landscaping on upcoming BMP cost-share projects.
- Meeting with Peder Otterson on DNR shoreland regulations and pervious credits.
- Recently submitted grants including:
  - a) DNR Native Shoreland Buffer Incentive Program in partnership with the City of Forest Lake and WCD, to enhance BMP cost-share program around Forest Lake.
  - b) Minnesota Department of Agriculture grant for agricultural projects address impairments (NBL12 wetland restoration cattle exclusion). Anhorn further mentioned that the he would be presenting the application in person through an interview process on November 20<sup>th</sup>.
- Have had continued meetings with WCD in the preparation of a MPCA Surface Water Assessment Grant application to subsidize 2009 monitoring costs.
- Conducted additional site visits for the District's BMP cost-share program.
  - a) 1 in Bone Lake
  - b) 1 on Forest Lake
- Staff has a November 21, 2008 meeting set up with landowner associated with the FL44 project.

Administrator Anhorn reminded the Board of the upcoming 38<sup>th</sup> Annual Minnesota Association of Watershed District (MAWD) meeting and trade show to be held at Arrowwood Conference Center in Alexandria on December 4-6, 2008. 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 21, 2008 request deadline, and as in past years, rooms are at a premium.

*i) 2008 Work Plan & Projects Update*

Administrator Anhorn provided the Managers with a copy of the 2008 proposed work plan with progress updates on each of the items listed and a list of overall highlights for 2008. A copy of the update is annexed and incorporated by reference.

*b) Emmons and Olivier Resources (EOR)*

Lisa Tilman presented the November engineers report (a copy is annexed and incorporated by reference). Ms. Tilman provided the Board a synopsis of recent reviews they had finished for the District including the Xccent project in Wyoming, and the hydrological modeling portion of the proposed parking lot expansion for the Lake House Restaurant in Forest Lake.

Ms. Tilman further mentioned that they had recently received comments from the MPCA, MNDNR and BWSR on the draft TMDL they had sent in early-October. Ms. Tilman mentioned that they will be setting up a meeting with the MPCA to discuss the comments and then a stakeholder meeting would be scheduled.

*c) Washington Conservation District (WCD)*

Erik Anderson provided an update on where WCD was in the statistical analysis of the 2008 monitoring data. Manager Anderson asked if WCD had noticed any trends from the 2008 data. Erik Anderson stated that they were still waiting on data from the Metropolitan Council Environmental Services Lab,

but of the data they have received they have not noticed anything out of the ordinary. Administrator Anhorn mentioned that in general, the summer mean Secchi transparencies were better in 2008 as compared to 2007.

Mr. Anderson further mentioned that he had been working with the District Administrator to prepare a MPCA Surface Water Assessment Grant to subsidize the costs of monitoring of the new Bixby Park monitoring station, and had recently submitted the application.

*d) Smith Partners*

Chuck Holtman stated that he had nothing to add.

**9) Report of Treasurer**

*b) Approval of Bills*

Treasurer Spence discussed the Treasurer's Report and bills for November 2008.

Motion was made by Manager Lynch to approve the November 2008 Treasurer's Report and pay the bills as presented. Manager Moe seconded. Upon vote, the motion passed unanimously.

**10) Reports of Officers and Manager**

**Manager Anderson –**

Nothing to report

**Manager Damchik –**

Manager Damchik provided an update on the City of Forest Lake's Planning Commission decision on the proposed additional parking project for the Lake House Restaurant in Forest Lake.

**Manager Lynch –**

Manager Lynch mentioned running into Senator Vandever and provided an update on Senator Vandever's proposed legislation on watershed district's needing to have their annual budgets and levies approved by County Boards.

**Manager Moe-**

Nothing to report

**Manager Spence –**

Nothing to report

**13) Adjournment**

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

---

John T. Lynch, Secretary