

**MINUTES OF THE REGULAR MEETING  
OF THE  
COMFORT LAKE – FOREST LAKE  
WATERSHED DISTRICT  
Thursday, November 17, 2016**

**1. Call to Order**

President Anderson called the November 17, 2016 Regular Board meeting to order at 6:31 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 Steve Schmaltz, Assistant Treasurer Jackie McNamara

Others: Mike Kinney, Mike Sorensen, Jessica Lindemyer (CLFLWD staff); Greg Graske, Cecilio Olivier (EOR); Chuck Holtman (Smith Partners); Jerry Grundtner (Citizen Advisory Committee); Jay Riggs (Washington Conservation District); Melissa Lewis (Board of Water and Soil Resources); Ryan Coddington, Bryce Fossand (MnDOT); Mary Renn (Comfort Lake Association); Richard Kvanbeck (Glenborough LLC); Dan Parks (Westwood Professional Services); Dan Hardy (permit application #16-020); Bob Christianson

**2. Setting of Meeting Agenda**

President Anderson indicated that an item has been added to New Business: MnDOT Briefing on I-35 design-build project (Minnesota Department of Transportation).

Manager Spence moved to approve the agenda as amended. Seconded by Manager Moe. Upon a vote, the motion carried 5-0.

**3. Consent Agenda**

**a) Regular Board Meeting Minutes – October 27, 2016**

Manager Moe moved to approve the consent agenda as presented. Seconded by Manager McNamara. Upon a vote, the motion carried 5-0.

**4. Public Open Forum**

There were no comments.

**5. Public Comments on 2017 Budget and Levy**

There were no comments.

## **6. Citizen Advisory Committee Update**

Jerry Grundtner, CAC Chair, indicated that the CAC had their monthly meeting on Tuesday. He explained that four people were in attendance, which is typical of most meetings. He went on to describe some of the discussion highlights from the meeting including local high school education and outreach with the help of Forest Lake High School teacher, Mike Miron. Mr. Grundtner mentioned what a success the recent water quality testing event with the high school students was, and how it received a lot of publicity. Another topic of discussion from the meeting was 2017 CAC activities and action items. Members did some research into activities performed by the CACs for other watershed districts in the metro area. They came up with a list of about eight potential activities that the CAC could focus on in 2017. Members will discuss these activities and narrow down the list during future CAC meetings. Mr. Grundtner went on to describe another topic of discussion from Tuesday's meeting: the 10-year management plan amendment. CAC members will provide input on the plan amendment by the December CAC meeting. Mr. Grundtner then provided an update on the Master Watershed Steward welcome cooler project. He indicated that the coolers will likely be distributed sometime after the first of the year. Finally, he mentioned that the CAC is still working on increasing its membership.

President Anderson asked if the CAC is still trying to get younger citizens, such as high school students, to join the committee. Mr. Grundtner indicated that they have continued discussions with Mike Miron about engaging students that are interested in natural sciences. He went on to describe that students could attend a CAC meeting and possibly continue on to participate in an internship with the CAC.

Mr. Grundtner finally added that he and Manager Schmaltz attended an area-wide lake association meeting earlier this week. The meeting was organized by Angie Hong, Education Specialist with the East Metro Water Resources Education Program (EMWREP). Discussion focused on aquatic invasive species and the roles that lake associations, the county, and watershed districts serve.

## **7. New Business**

### **MnDOT Briefing on I-35 Design-Build Project [added to agenda]**

Administrator Kinney provided background information on MnDOT's upcoming road improvement project. He introduced two staff members from MnDOT to talk more about the project and the District's involvement with it. Mr. Kinney added that this permit application is intended to be brought to the December 15<sup>th</sup> board meeting for Board consideration.

Ryan Coddington, Project Manager, introduced himself and Bryce Fossand, Water Resources Engineer. Mr. Coddington started off by providing a broad overview of

the project. This is an unbonded overlay project which entails removing the bituminous layer and adding concrete on top of the roadway. The project location spans 6 miles along Highway 35 from just south of the split between Highway 35E and 35W, northward to Highway 8. In addition to the pavement replacement, three bridges will be replaced, including the bridge at Highway 8 which is located within the District. The primary purpose of the new bridge design is to increase driver safety. The new design will also allow for future ramp additions to allow drivers to exit from Highway 8 onto northbound Highway 35. Mr. Coddington went on to explain that the median barriers along the highway will be replaced and drainage will be restored along the roadway. He also explained that this is a design-build project, which allows for greater flexibility with regard to cost savings and collaboration with the contractor. This process would allow the contractor to make minor changes, as needed, to the project design during construction. Mr. Coddington then went on to describe the project schedule. The request for proposals is scheduled to be released in January and letting is scheduled for May 3, 2017. The project would then be awarded in July. Some construction may occur in 2017, but most would occur in 2018 and 2019.

When asked, Mr. Coddington explained the future ramp locations and directions in more detail. He noted that the shape is a clover leaf with a standard radius. There was discussion about the ramp speeds and potential future ramp locations.

Mr. Fossand indicated that the permit application has been submitted to the District. He went on to describe the stormwater treatment ponds that will be included with the project. He mentioned that the high water table in the project area limits treatment options, but the District's stormwater management rule requirements will be met. There was discussion about construction impacts on traffic. Mr. Coddington explained that two lanes on either side of the highway will be left open during construction, and that there will likely be traffic backups.

Engineer Graske added that the District has already had meetings and discussions with MnDOT with regard to this project. He indicated that he has begun reviewing their permit application and submittals and they seem to be on track for Board review at the December 15<sup>th</sup> meeting.

There was discussion about the design-build process. Mr. Coddington noted that MnDOT will be scoring the contractor submittals based on their ability to communicate with CLFLWD and Rice Creek Watershed District on permit requirements. The contractors will be asked to break out the water resources submittals separately to make it easier for the watershed district to review.

Manager Schmaltz inquired about MnDOT's experience with installing iron-enhanced sand filters. Mr. Fossand responded that the contractors would either subcontract the iron sand filter work out, or have experience with it themselves. Engineer Graske added that he will be reviewing the specifications for the iron sand filters to ensure that they are being mixed properly, etc.

Legal Counsel Holtman inquired about the process of permit review and approval. He explained that his understanding of the process was that MnDOT would submit a 30% design which would be sufficient for the Board to determine if the standards are being met. Afterward, the contractors may make small adjustments, given that they are still within the parameters of the 30% design as approved by the Board. At that point, it will be up to the District Engineer to determine if the changes still meet the standards. Mr. Coddington responded that Mr. Holtman's understanding of the process is exactly right. It was added that if the contractor submitted a design change proposal that was outside the parameters of the permit approval, said change would need to be reviewed by the Board. Mr. Coddington indicated that if this situation arose, MnDOT would likely deny the proposal immediately and require that the contractor modify its proposal to remain within the Board approval.

**a) Permit 16-020 Application & Variance Request**

Engineer Graske provided some background information on the proposed project and permit application. The proposed project is located at 5526 240<sup>th</sup> Street, Wyoming. Currently, there is one parcel that is split out into two nonadjacent sections. On the Chisago County property viewer map, this parcel looks like two separate parcels. However, they both share the same parcel ID number and are considered to be one parcel. One component of the proposed project is to administratively split this parcel into two parcels, so that each has a distinct parcel ID number. This would result in a 9.8-acre parcel and a 16.5-acre parcel. The other component of the project is to build a home on the resulting 9.8-acre parcel. The subdivision of the parcel triggers the District's wetland buffer rule, requiring wetland buffers on each of the resulting parcels.

A function and value assessment was performed for the wetland on the 9.8-acre parcel, and it was determined that a 50-foot buffer would be required under the District's rules. The City of Wyoming requires a 40-foot structure setback from 240<sup>th</sup> Street. If the 50-foot buffer and 40-foot setback were both enforced, there would be no room left on the parcel for development. Therefore, the permit applicant has requested a variance from the 50-foot wetland buffer in order to be able to build a house and associated garage on the parcel. The applicant has proposed a wetland buffer of varying widths, from 57 feet to 16.5 feet, with an average width of roughly 30 feet. In order to mitigate the thinner wetland buffer, the applicant has proposed a trench and infiltration basin to treat stormwater runoff from the house before discharging to the wetland. Mr. Graske added that, in addition to receiving treatment from the basin and buffer, stormwater runoff would flow through roughly 1,000 feet of wooded wetland before discharging into a concentrated flow path such as a ditch. He expressed that the proposed buffer and basin would provide as much treatment, if not more, than a 50-foot buffer alone.

With regard to the required buffer on the 16.5-acre parcel, the applicant has verbally indicated that there are no plans to incorporate a buffer on this parcel. There hasn't been a delineation or function and value assessment performed on the wetland on this parcel. The applicant has requested that the buffer requirement for this parcel be postponed.

Mr. Graske recapped that there are two elements of this variance request. One element is a variance to the required buffer width on the 9.8-acre parcel. The other element is a variance to the implementation schedule of the buffer requirement on the 16.5-acre parcel. The buffer requirement would be delayed on the 16.5-acre parcel until such time that development occurs on that parcel.

Mr. Graske went on to indicate that the construction of the house triggers the District's erosion control rule. The applicant has submitted a narrative indicating that perimeter control and a rock construction entrance will be installed. One of the pending items for the permit application is incorporation of the narrative features into an erosion and sediment control plan.

Mr. Graske described some of the other remaining required submittals such as legal documents and an updated variance request. As one condition, the applicant would record a covenant on the 16.5-acre parcel obligating that before any future building occurs, the buffer will be established.

Administrator Kinney indicated that the permit applicants are present in the audience if the Board has any questions for them. President Anderson asked if the applicants inquired about a variance to the City of Wyoming's 40-foot street setback. The applicant responded that he was unsure if this would be a possibility. Manager Anderson explained that if the applicant could receive a variance to the 40-foot setback from the street, that would allow more room to incorporate a wider wetland buffer and potentially make it so that a variance from the buffer rule is not necessary and the applicant would not need to incur the cost of the infiltration trench. Engineer Graske responded that the City requires the 40-foot setback for a few reasons including potential road expansion and room for snow plowing.

President Anderson asked engineering staff for specific details on the direction of drainage on the 9.8-acre parcel. Based on the topographic contours, Mr. Graske estimated that the bulk of the parcel drains away from 240<sup>th</sup> Street, toward the wetland. He explained that drainage then flows through the wetland and eventually flows eastward under Highway 61. From there it flows into the Sunrise River. President Anderson asked if there would be a large increase in flow within the drainage ditch due to the construction of the home. Mr. Graske responded that the increase would be so small that it would not be measurable.

There was discussion about the positioning of the house and potential alternative options for the applicant to consider.

Manager Spence moved to approve permit application 16-020 subject to conditions as recommended in the District Engineer's memorandum. Seconded by Manager Schmaltz. Upon a vote, the motion carried 5-0.

**b) Permit 16-021 Application & Variance Request**

Engineer Graske provided some background information on the proposed project and permit application. The proposed project is located at 107 12<sup>th</sup> Street Southwest, Forest Lake (east of 12<sup>th</sup> Street and south of Broadway Ave). The project entails a renovation of the existing building onsite as well as mill and overlay of the parking lot. As part of this, new and disturbed existing hard surface will constitute approximately 22% of the site. The District's stormwater management rule is being triggered here because the site is within 1,000 feet of a public water wetland. If the site was not within 1,000 feet of a wetland, the stormwater management rule would only be triggered if the project were reconstructing at least 25% of the site, and therefore not triggered in this case. The applicant has requested a variance to the stormwater rule because the site does not drain to the wetland in question. In order to mitigate stormwater runoff from the site the applicant has proposed to reduce the impervious coverage on the site compared to existing conditions, install sump manholes to catch sediment and debris from the street, and perform frequent street sweeping in the parking lot to collect sediment and debris. The District's stormwater rule requires that peak flow and flow volume be managed at pre-development conditions and that phosphorus loading be reduced by 50 percent from existing conditions. Under the proposed conditions, none of these standards would be met. Mr. Graske indicated that, since the District's volume standard is not being met, the Board should discuss payment into the District's stormwater impact fund in accordance with Rule 2.5.1(c). He explained the fee calculation based on impervious surface coverage would be \$51,800. If the fee were only based on the amount of area that is being reconstructed it would be about \$10,000.

Manager Schmaltz asked where the site drains to, if not to the wetland in question. Mr. Graske responded that it drains to the west through storm sewer pipe, into drainage ditches near Walmart, then through Bixby Park and into the Sunrise River. When asked, Mr. Graske added that if the wetland in question did not exist, the District's stormwater rule would not be triggered by this project since it is not disturbing at least one acre or 25% of the site. There was discussion about the difficulties associated with restoring commercial properties to pre-development conditions and the importance of utilizing regional stormwater treatment facilities. Mr. Graske noted that this will be taken into consideration as the District begins the rule revision process that is upcoming.

Richard Kvanbeck introduced himself as the permit applicant and representative of the property owner, Glenborough LLC. He explained that the initial plan was to begin construction this fall, but due to permitting they are now planning to start

construction as soon as possible in 2017. Manager Schmaltz asked how much the proposed project will cost. Mr. Kvanbeck replied that he estimates hard costs to be approximately \$800,000. Manager Schmaltz noted that a stormwater impact fund fee of \$51,000 would be a significant addition to those costs. Mr. Kvanbeck agreed. There was further discussion about regional stormwater treatment facilities and the stormwater impact fund. Mr. Graske explained that the purpose of the fund is to pay for regional stormwater treatment projects, and that, given the scope of the proposed project, a lower stormwater impact fund fee may be appropriate. There was consensus that a lower fee would be appropriate.

Manager Schmaltz moved to approve permit application 16-021 and assign a stormwater impact fund fee of \$9,590 and otherwise subject to conditions as recommended in the District Engineer's memorandum. Seconded by Manager Moe.

Discussion: Legal Counsel Holtman noted that the District might want to explain the nature of the stormwater impact fund to the applicant before moving on. Mr. Kvanbeck indicated interest in hearing an explanation and asked if the fee is required up front. Mr. Holtman explained that it is a one-time fee that is required up front. It is required in cases where applicants don't have the capacity to treat stormwater onsite. In lieu of onsite treatment, the applicant pays into the fund. The District adopted the stormwater impact fund policy to aggregate those funds paid by applicants in order to construct regional stormwater treatment facilities. These regional facilities would provide the treatment that individual sites are unable to accomplish on their own. Administrator Kinney noted that Glenborough also owns a vacant parcel adjacent to the property being developed. He asked the applicant if this parcel was taken into consideration when assessing stormwater treatment options. Mr. Kvanbeck replied that the vacant parcel is at a higher elevation than the parcel being developed, therefore the drainage does not naturally flow toward it. Mr. Kvanbeck indicated that, if acceptable to the Board, Glenborough would prefer to pay into the stormwater impact fund than alter drainage on the parcels in order to provide treatment.

Upon a vote, the motion carried 5-0.

**c) WCD 2017 Service Agreement**

Administrator Kinney explained that the costs outlined in the service agreement are in line with the District's 2017 budget and Comprehensive Monitoring Plan. He noted that Jay Riggs, Manager of the Washington Conservation District (WCD), is in the audience if the Board has any questions for him.

Manager Spence asked if the increase in costs is due to an increase in services or increase in rates. Mr. Kinney responded that it is due to an increase in services performed, and that these services are outlined in the Comprehensive Monitoring Plan.

Manager Schmaltz asked about the water monitoring costs outlined in Exhibit B of the agreement. It was clarified that lake water quality monitoring includes in-lake sampling of water temperature, secchi disk, etc. This is separate from the lake inflow and outflow monitoring, which are included in the stream monitoring cost.

President Anderson asked about potential bidding requirements for the services outlined in the agreement, since the cost of the services is so high. Legal Counsel Holtman responded that professional services aren't subject to bidding requirements. He noted that an additional consideration is the statutory requirement to solicit proposals for professional services every two years. He explained that professional services provided by the District attorney, accountant and engineer are essentially on a retainer and that this is the type of arrangement that is subject to biennial solicitation. He said that professional services contracts for discrete projects are not subject to this requirement, but that a recurring contract such as the present one between the WCD and CLFLWD falls into somewhat of a grey area. Mr. Holtman indicated that the Board can decide in its discretion whether to solicit proposals for these services on a biennial basis or otherwise from time to time. There was discussion about soliciting bids for the services provided by the WCD. Administrator Kinney indicated that the WCD's cost seems competitive given the high level of expertise of the WCD staff. He went on to recommend that, due to time constraints, the Board approve the WCD contract for 2017 at this meeting. Cost-benefit analysis of the services provided by WCD could be performed throughout 2017, and the District could consider soliciting proposals for 2018. Mr. Kinney also noted that continued coordination with the WCD will likely be encouraged through the upcoming One Watershed One Plan initiative. President Anderson indicated that, regardless of satisfaction with the service, the District has an obligation to be prudent with its tax dollars. Manager McNamara expressed a desire to see more detail on the costs in order to justify the increase in spending. Jay Riggs mentioned that the increase in costs is due to an increase in services, as requested by the District, not an increase in rates. Mr. Kinney explained the collaborative process between District staff, WCD and the District engineer that occurs in order to fine-tune the necessary monitoring services for each year.

Manager Moe moved to approve the 2017 Service Agreement between the Washington Conservation District and the Comfort Lake-Forest Lake Watershed District, contract number 17-01 CLFLWD. Seconded by Manager Spence.

Discussion: Manager Schmaltz expressed an interest in further discussing how the District uses the stream monitoring data that is collected each year. He indicated that, if the stream monitoring data aren't helping to guide District activities, then we may want to consider dropping the stream sampling from the list of services. Manager Moe responded that the stream monitoring data can be used to identify phosphorus loading hotspots in between lakes. This helps the District decide where the loading is coming from, and therefore where to implement projects. Engineer



Graske indicated that Meghan Funke can provide further information on how the stream monitoring data are used at the next board meeting. Manager McNamara asked about estimated lab and equipment costs, as noted on Exhibit B of the agreement. She asked if the actual costs might go over the estimate. Mr. Riggs responded that the WCD's lab cost estimates have been very close over recent years. Administrator Kinney added that the District has \$1,000 set aside in the budget for monitoring equipment repairs. Based on equipment repair costs in recent years, this amount should be adequate.

Upon a vote, the motion carried 5-0.

## **8. Old Business**

### **a) MAWD Delegate Appointment**

Managers Anderson, Schmaltz, and Spence indicated that they plan to attend the conference this year. Managers McNamara and Moe indicated that they are unable to attend.

Manager Moe moved to appoint Managers Anderson and Spence as District delegates and Manager Schmaltz as an alternative delegate at the MAWD annual meeting. Seconded by Manager Spence. Upon a vote, the motion carried 5-0.

### **b) MAWD Resolutions**

There was consensus among the Board in support of the position of the MAWD resolutions committee as to all nine proposed resolutions as presented.

### **c) One Watershed One Plan Update**

Melissa Lewis, Assistant Section Manager for the Board of Water and Soil Resources (BWSR), provided some background information and future steps on the One Watershed One Plan (1W1P) program. Prior to her current position, Ms. Lewis was the Coordinator of the 1W1P program, and has been very involved in its establishment. Ms. Lewis then provided an overview of conservation legislation history, noting that legislation has increased since the 2002 Legislative Auditor's Report. In 2010 the Local Government Water Roundtable, made up of the Association of MN Counties, MN Association of Watershed Districts, and MN Association of Soil and Water Conservation Districts, wrote a report responding to concerns about there being too many different agencies and levels of government. The work performed by the Local Government Water Roundtable influenced the passing of the Local Water Management Coordination statute in 2012. This statute was the impetus for the 1W1P program. In 2015, the Comprehensive Watershed Management Plans was added to statute, providing more detail for 1W1P. Ms. Lewis went on to describe the adaptive management strategy including monitoring

and assessment, problem investigation, strategy development, planning, and implementation. 1W1P was developed with these considerations, along with a framework provided in the Local Government Water Roundtable policy paper. Ms. Lewis described BWSR's role in designing and implementing 1W1P, including language in statute, vision for the program, guiding principles, and plan content requirements. The purpose of the program is to take a watershed approach to resource management, as well as reduce government overlap and excessive planning. The goal is to create prioritized, targeted and measurable watershed management plans. Ms. Lewis described the five pilot watersheds that were selected to implement 1W1P in 2015. Some of the things that were learned through the pilot program are that MN is experienced with creating comprehensive watershed plans, there is a lot of resource data currently available, and having strong local leaders that are willing to collaborate is very important. Ms. Lewis described the transition plan and noted that the legislative goal is to transition to 1W1P statewide by 2025. BWSR is receiving funding from the legislation to provide planning grants in order to assist organizations with the transition.

Manager Schmaltz asked if more funding would be added for 1W1P, or if funding from other areas would be shifted toward it. Ms. Lewis responded that the recent Local Government Water Roundtable policy paper recommended that funding would be shifted from the Clean Water Fund toward implementation of 1W1P. She then noted that the Clean Water Council recently approved their FY18-19 Clean Water Fund recommendations. One of those recommendations was to shift \$12M from the Targeted Watershed Program into the 1W1P Implementation Program. Over time, this shift would continue.

Engineer Graske asked who ensures implementation of the plan once it is in place, and who decides how funding is allocated within the watershed. Ms. Lewis responded that answers vary between watersheds within and outside of the metro area. Since the CLFLWD, and Lower St. Croix Watershed as a whole, are both only partly within the metro area, the answers may be difficult to pin down at this point in time. She went on to explain that the first requirement is that local government units, being the counties, SWCDs and watershed districts, adopt a memorandum of agreement to write a plan together. One of the requirements for that plan is for the units to work together collaboratively. Methods of collaboration and forms of legal agreement will vary throughout the state based on existing roles and relationships.

Legal Counsel Holtman inquired about incentives for implementation. He explained that his understanding of the framework was that BWSR had the authority to set up a framework to use incentives for participation, not necessarily to compel organizations to participate. The main incentive would be the way in which BWSR administers state funding. Ms. Lewis responded that 1W1P is a voluntary program and is not mandatory. Mr. Holtman inquired further about the complexities of the incentives as they relate to the District's location being partly within the metro area. He explained how the program will vary between planning

areas within and outside of the metro area. Since the District is partly situated in both the metro and outstate areas, communication between the District and BWSR with regard to how state grant funding will be allocated will be very important. He also offered that because BWSR will implement the program through the use of grant funding incentives, the agency has the prerogative to make finer-grained decisions to account for circumstances that arise in the metro area or with respect to the District's unique situation of being partly within the metro area. Ms. Lewis agreed.

President Anderson expressed concern about some aspects of the program. One particular area of concern was with regard to language in the statute stating that entities within each major watershed basin can substitute one local water management plan for another. She indicated it was her understanding that the council for the major watershed could compare all of the local plans within the watershed and substitute one for another. Ms. Lewis responded that this is not the case. She explained that BWSR can establish the policies, orders and procedures for that to happen, but instead have established the 1W1P program.

President Anderson compared the 1W1P program to the Metropolitan Council. She explained that her understanding would be that, under 1W1P waterbodies that cross over political boundaries would be treated the same throughout the span of the waterbody, regardless of the location of political boundaries. Ms. Lewis confirmed that this is in line with 1W1P.

President Anderson then asked if all organizations within the major watershed would be required to ensure that their plans align with the same objectives. Ms. Lewis responded that in the outstate watersheds, the objective would be to have one plan for the entire major watershed and have all organizations operating out of that one plan. She indicated that this might not be the best scenario for metro watersheds, as much planning on the watershed scale has already occurred within the metro. She predicted that metro watersheds would continue to have multiple small-scale local plans, and additionally rely on a watershed-wide implementation plan. She explained that BWSR still doesn't have a policy providing details for that, so the answer is still unclear at this point. Collaboration between BWSR and local entities will be necessary in order to figure out some of these details.

President Anderson then asked about the Clean Water Council's recommended transfer of funds from the Targeted Watershed Program into the 1W1P Implementation Program. Ms. Lewis explained how that, even if the transfer were to occur, the funding would remain in the Clean Water Legacy fund, because both programs are included under that fund. It was clarified that funding would still come through BWSR underneath the 1W1P program. Grant funding available to watershed districts will not be reduced because it will still be available through the 1W1P program. The funding hasn't been taken away; it has just been shifted to a different program. It was noted that the main grant program underneath the Clean Water Fund that the District typically applies for is Surface and Drinking Water

Protection/Restoration (Projects and Practices). Administrator Kinney added that the Clean Water Council recommended \$29,500,000 for this grant program. It was clarified that this program is separate from the Targeted Watershed Program.

Manager Spence clarified that, although the funding is still available to the CLFLWD, it is available under different circumstances and priorities. Under the 1W1P program, funding might be prioritized toward projects further down within the Lower St. Croix Basin. Projects that might be high priority for the CLFLWD might rank as low priority within the greater Lower St. Croix Basin. This is a concern for the CLFLWD Board because they have spent a lot of time and tax dollars identifying and prioritizing these projects, and state funding is necessary to implement them. If the CLFLWD's projects aren't competitive against the other projects within the Lower St. Croix Basin, state funding for them would be unavailable all the same. This would result in a need for the CLFLWD to raise its tax levy in order to implement projects.

Administrator Kinney added that there are two main Clean Water Fund programs that the District usually applies for: Surface and Drinking Water Protection/Restoration (Projects and Practices) and Accelerated Implementation. The Clean Water Council recommended \$29.5M and \$12M, respectively, for each program for FY18-19. The District has not applied for grants within the Targeted Watershed Program in the past. Mr. Kinney concluded that grant funding for the CLFLWD would not be reduced, but potentially increased if the District participates in 1W1P.

There was further discussion about grant funding and project prioritization within the major watershed. President Anderson recommended that each major watershed be referred to by its assigned number within the state, rather than the waterbody to which the watershed drains. That way, it doesn't make it sound like prioritization is mainly focused on the receiving waterbody. The Lower St. Croix River Watershed is assigned number 29.

Jay Riggs noted that the resolution that is in front of the Board has been distributed to all 14 entities located within major watershed #29, and so far has been approved by South Washington WD, Valley Branch WD, Brown's Creek WD, Isanti SWCD, Anoka SWCD, Chisago SWCD, and Washington Conservation District. It has also been reviewed by Carnelian-Marine-St. Croix WD, and they plan to approve it at their next meeting. Mr. Riggs clarified that the purpose of the resolution is to express a willingness to enter into the planning process, during which many of the Board's questions may be answered.

Manager Schmaltz moved to adopt the resolution expressing a willingness to enter into the One Watershed One Plan planning process for major watershed number 29 (Lower St. Croix). Seconded by Manager Moe. Upon a vote, the motion carried 5-0.

**d) MN Buffer Law**

Jay Riggs provided some background information on the buffer law. This law was passed in 2015 and requires either a 50-foot or 16.5-foot buffer on public waters. It dictated that the Department of Natural Resources (DNR) would develop the public waters map, and that the program would be tracked and implemented by local Soil and Water Conservation Districts (SWCDs). It also included enforcement mechanisms allowing either the local watershed district or county to assume enforcement authority. If neither accepted enforcement authority, that authority would default to the Board of Water and Soil Resources (BWSR).

Mr. Riggs explained that there are approximately 109 landowners within Washington County that will be affected by the buffer law. Roughly 12-15 of these landowners are within the CLFLWD. The Washington Conservation District (WCD) sent out a letter to all 109 landowners letting them know that they will potentially be impacted by the buffer law, offering technical assistance from the WCD, and potentially offering access to grant funding or cost-share to implement buffers. Watershed districts and counties must advise BWSR by March 31, 2017, if they choose to accept enforcement authority at this time. There was a proposal during the last legislative session to allocate funding to watershed districts and counties to support their enforcement role, but that was not passed.

President Anderson asked how Washington County would provide enforcement authority. Mr. Riggs responded that this was recently discussed at a county workshop. County staff was directed to do further research into the implications of the county accepting enforcement authority. The enforcement would occur through an administrative penalty order, which is a civil process through the County Attorney's office. President Anderson inquired if the same discussion and research process is occurring in Chisago County. Mr. Riggs responded that he recently sent a copy of the landowner letter to Craig Mell, Manager of the Chisago SWCD, and that a similar version of the letter will be sent out to Chisago County landowners soon. Engineer Graske confirmed that the Chisago SWCD is working on this and will likely send out a letter in early 2017.

Mr. Riggs went on to explain that the exact number of landowners that will be required to implement a buffer or alternative practice is currently unknown. Closer inspection will be required to assess the current buffer widths on these properties and determine if further action is necessary. He went on to explain other activities the WCD has been doing to reach out to landowners including publishing articles on the buffer law.

Mr. Graske asked how often the WCD is required to review aerial photos. Mr. Riggs responded that they are required to report annually. WCD will perform desktop analysis as well as site visits with landowners.

**e) Progress Evaluation Update**

Administrator Kinney provided some information on the draft 2016 progress report. He indicated that progress metrics may be better defined through the Watershed Management Plan amendment process, and that this progress report may be a starting point for moving forward.

The Managers agreed that a separate workshop should be held in order for the Board to provide feedback on the report. President Anderson added that this report in addition to improvements to the District website are a good start in communicating the District's progress to the public. She suggested that the water quality figures from the report be included in individual fact sheets for each lake that would be easy for the public to read. She also commented that she was happy to see that the District reached out to a member of the public with expertise in the progress evaluation field. She added that volunteers that contribute their time and effort to the District should be commended with a thank you card or certificate. There was consensus to decide on a workshop date at the December regular board meeting. The workshop would likely be held sometime in January or February.

## **9. Report of Staff**

### **a) Administrator**

Administrator Kinney reported that staff has been working on organizing an event such as an open house to recognize the District's volunteers. President Anderson recommended involving the CAC in the planning process. Mike Sorensen noted that this has been discussed with the CAC and that they are excited to assist.

President Anderson made note of the Shoreline Tools and Rules handbook that was recently completed by District staff. She indicated that staff must send the Board any information that is intended to be sent out to the public, so that Managers are knowledgeable about these things when citizens talk to them about it.

President Anderson then asked staff to make the AIS Observation Form easier to find on the District website. She added that it would be nice to develop an interactive map showing the locations of AIS within each waterbody. Mr. Sorensen noted that Bill Keilty, Comfort Lake resident, is working on a Master Watershed Stewards capstone project that includes creating such a map for Comfort Lake specifically.

President Anderson pointed out a few items from the Administrator's Report for additional comment. Under 1001 Board Administration: the Board bus tour of District projects should be scheduled for late spring/early summer 2017, since it is likely too late to schedule it this fall. Under 1003 General Administration: President Anderson would like to view a copy of the MAWD Program of the Year

finalist application. Under 3009 Grant Research and Preparation: the District was awarded a DNR Conservation Partners Legacy grant for \$30,600. Under 3010 Operations and Maintenance: the stop logs have been tested in Bixby Park to manage the water levels within the wetland and ditch system. Under 5200 Lakes, Moody Lake: the aeration system will be operated this winter and will start up soon. Under 5200 Lakes, Forest Lake: President Anderson inquired about the public meeting scheduled for late November. Mr. Sorensen responded that the meeting occurred last night and was attended by 8 homeowners living around the project area. All homeowners in attendance seemed supportive of the project. Under 5800 Interagency Communication: President Anderson commented that she rarely sees anything about meetings with the City of Wyoming or Scandia. She explained the importance of communicating with these municipalities and requested updates on meetings with the Chisago County Water Plan Policy Team. There was discussion about the MS4 status of the City of Wyoming and current collaboration between the District and the City.

**b) Emmons & Olivier**

Engineer Graske reported that there is a Technical Advisory Committee meeting scheduled for December 5<sup>th</sup> to discuss rule revisions. He provided an update on permitting activity including the MnDOT road improvement project and Lord of Lakes Church expansion. Both permit applications may come to the December regular board meeting. Since the DNR grant has been awarded, pre-design work has begun on the Shields Lake fish barrier retrofit project. Project design will occur this winter. Project bids have been advertised for the Moody Lake Wetland Rehabilitation and Forest Lake Implementation Basin projects. Mr. Graske indicated that award recommendations should come to the December board meeting. It was confirmed that Meghan Funke would give a presentation update on the Forest Lake Diagnostic Study at the next board meeting.

President Anderson asked if Steve McComas would be able to give a presentation on the AIS report findings at the next meeting as well. She directed Engineering staff to check in with Mr. McComas to ensure the reports are being completed in a timely manner.

**c) Smith Partners**

Nothing to report.

**10. 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. He noted that the fund balance as of October 31<sup>st</sup> was

\$759,240. With the addition of the second half of the District's tax levy next month, the fund balance would be up to \$1,258,000. With projected expenses, Manager Schmaltz estimated that the yearend fund balance would be between \$950,000 and \$1M. It is recommended that the District carry a fund balance of at least 50% of its budget, which would equal approximately \$950,000.

Manager Moe moved to accept the Treasurer's Report and pay the bills in the amount of \$126,763.46. Seconded by Manager Spence. Upon vote, the motion carried 5-0.

## **11. Report of Officers and Managers**

Manager McNamara requested that there be increased communication between the District and the Forest Lake Parks and Trails Commission. She indicated that she is on the board of the Parks and Trails Commission and that other members are surprised by some of the recent initiatives being sought by the District. One example of this is the boat cleaning station pilot project being implemented at Lakeside Park on Forest Lake. Administrator Kinney explained that the District has been in communication about the pilot project with City of Forest Lake staff since June. He indicated that city staff intend to bring this item to the city council later in November. Manager McNamara mentioned that she also mentions the District's cost-share program at Parks and Trails Commission meetings. There was further discussion about coordination between the District and the Parks and Trails Commission. Manager Anderson urged that the District reach out to the parks commissions of all of its LGUs.

## **12. Adjourn**

### **a) Next regular board meeting – December 15, 2016**

Manager Spence moved to adjourn the meeting at 9:41 p.m. Seconded by Manager Moe. Upon vote, the motion carried 5-0.

Wayne S. Moe, Secretary \_\_\_\_\_