

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

THURSDAY, MAY 22, 2008

1) Call to Order

The President called the May 22, 2008 Joint 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, and Brett Emmons and Lisa Tilman (EOR)

Others: Archie Ducharme, Denise Martin (Chisago County Press)

2) Call to Order of the Public Hearing for the CLFLWD Watershed Management Plan (Plan) Revision

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 May 1 and May 8, 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 on the proposed Plan Revision. There was no one interested in speaking on the Plan revision. President Anderson closed the public testimony portion of the hearing and asked for Board discussion. After discussion on comments from the first 60-day review of the Plan revision (presented at the April 24, 2008 Board meeting), the Board directed the Administrator to make the discussed changes to the Plan and re-submit the Plan to the regional and state review agencies for the next 45-day review.

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 May 22, 2008 regular Board meeting agenda. The motion to approve the agenda as presented 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 April 24, 2008 regular Board meeting. The motion to approve the April 24, 2008 regular Board meeting minutes with edits was made by Manager Spence and seconded by Manager Moe. Upon vote, the motion passed unanimously.

The President called for the reading and approval of the minutes of the May 6, 2008 Rules workshop. The President further stated the importance of the Rules workshop minutes due to their being the basis of the resulting draft rules. After discussion, motion was made by Manager Damchik to table the approval of the May 6, 2008 Rules workshop minutes until the next meeting enabling the Managers more time to review the minutes. The motion was seconded by Manager Moe. Upon vote, the motion passed unanimously.

7) Public Open Forum

Nothing presented

8) New Business

a) Biennial RFPs for engineering, legal, and accounting services

Administrator Anhorn stated because the District last posted RFPs soliciting accounting, legal and engineering services in 2006 (the District is required to solicit proposals every two years), they will need to repost RFP's in the District's official papers in 2008. Anhorn mentioned however, that EOR's current contract as District Engineer goes through December, 2008, and the District had just recently (in 2007) posted for legal services. Anhorn said that because the Managers had just posted for legal services, they could decide to not solicit proposals for legal services in 2008, or in an effort to keep all three RFPs on the same timeline, could include legal services in the RFP for 2008 as well.

After discussion on individual RFPs and combined RFP, the Board thought that it would be worthwhile do a combined RFP for all three services and asked the Administrator to bring a draft RFP to the June Board meeting.

b) 2007 water quality monitoring report

Travis Thiel from WCD handed out electronic copies of the 2007 water quality monitoring report. Administrator Anhorn stated that he would post the Report on the District's website.

Mr. Thiel gave a presentation (a copy is annexed and incorporated by reference) that covered a summary of the sites monitored by the WCD and lake volunteers in 2007, in-lake transparency, phosphorus and overall water quality grade results [Birch Lake=C, Bone Lake=C, Comfort Lake=B+, Forest Lake=C, Little Comfort Lake=B-, Moody Lake=F, School Lake=C, Shields Lake=D, and Sylvan Lake=A], discharge and sediment and nutrient loading summary from the District's stream monitoring sites, and a watershed loading/phosphorus concentration schematic showing the monitored loads from the District's stream monitoring sites and in-lake mean phosphorus concentrations.

Manager Anderson asked what the calculated nutrient load at the county line ditch site on the Sunrise River and that coming from the Lake (Forest Lake) revealed. Mr. Thiel stated that the monitoring data showed that the phosphorus load at the county line ditch site was roughly 1,200 pounds in 2007 while the

phosphorus load coming out of the lake was roughly 250 pounds. Mr. Thiel further stated that meant, that the majority of the phosphorus load (roughly 950 pounds) in the Comfort Lake western sub-watershed is coming from the direction of the City of Forest Lake. Mr. Thiel went on to mention that while the loads were high at the county line ditch site, the phosphorus concentrations were relatively low, meaning that the loading is more a volume issue, and that in addition to retrofit solutions upstream, the District's upcoming rules (specifically volume reduction standards), will go along way in cumulatively reducing loads.

Mr. Thiel highlighted additional stream data on the eastern tributary to Bone Lake and subwatershed drainage to Moody Lake (stating that both had relatively little discharge in 2007 but that the phosphorus concentrations were high, with the majority of the phosphorus being in the soluble form [the most readily available for plant/algae growth]), and that there was a relatively high volume of flow detected at the Little Comfort Lake inlet in 2007 even though it was so dry throughout the summer. Mr. Thiel stated that they thought the higher than expected flow at the site was probably due to a breach of the beaver dam at the School Lake outlet.

The Board asked about the Moody and Bone lake areas, and if the problems were more a product of surrounding development or agriculture. Mr. Thiel stated that because there was little development in the area, it was more than likely a result of agriculture in the area.

The Board discussed future monitoring locations and possibly taking grab samples along the abandoned ditch from the City of Forest Lake through the Bixby Park area to see if and where loading may be coming from.

Mr. Thiel further stated that there could very possibly be three stream reaches and one additional lake listed on the State impaired list in 2010. The stream reaches were: the Sunrise River from Hwy. 61 to Comfort Lake, the un-named tributary from Bone Lake to Little Comfort Lake, and an un-named tributary to Bone Lake (all of which could be listed for fecal coliform), and the lake was : Little Comfort Lake (listed as impaired due to excessive nutrients).

The Board held discussion on the potential sources of fecal coliform ranging from failing septic systems to agricultural animals (cattle and horses) to household pets, and waterfowl. The Board also held discussion on the sewer pipe running across the bottom of Forest Lake and the length of time fecal coliform bacteria can live outside a warm blooded animal and in receiving waters.

The Board thanked Mr. Thiel for his presentation and said that the monitoring and resulting report helps pinpoint areas of concern that very well may need to be addressed.

Administrator Anhorn presented the Board with copies of one page summaries for each lake monitored in 2007 providing background information, 2007 monitoring results, and historical water quality grades. Anhorn mentioned that WCD prepared the summary sheets for the lakes they monitored in 2007 and that he used the same format for the lakes the District used volunteers to monitor. Anhorn stated that he would post the sheets on the District's website. Manager Anderson mentioned that the sheets would be worthwhile to send to the lake associations in the District and to the local papers.

9) **Old Business**

a) Annual leave payout policy-Policy 10

Administrator Anhorn mentioned that at the April 24, 2008 meeting, the Board requested that the District accountant and attorney review the employee annual leave and carry over policy in order to be sure that there were no underlying issues with the policy. Anhorn stated that he contacted the District accountant as well as an accountant for HLB Tautges, Redpath and both stated that because the District's monthly statements are completed on a cash basis, carry over is, and would continue to be, accounted for during the end of the year accrual adjustments. Both accountants said that this is common practice and common amongst watersheds.

The current annual leave carry over (96 hours as of December 31, 2007) is accounted for on an accrual basis in our annual audit on page 12 under liabilities: "Compensated absences payable: Due within one year."

After review by the District attorney, a few minor edits were made to the Policy (a copy is annexed and incorporated by reference). The Board held discussion on the presented Policy.

Motion was made by Manager Spence to adopt the presented policy for employee annual leave and carryover. The motion was seconded by Manager Damchik. Upon vote, the motion passed unanimously.

b) Draft Rules Update

The Board discussed the newest version of the District's draft rules, stemming from changes discussed at the Board's May 6, 2008 rules workshop (a copy is annexed and incorporated by reference). Discussion was then held on the scheduling of a Manager and Public Official meeting/open house and a Manager TAC/CAC meeting to discuss the final rules and where the Managers incorporated comments from the TAC/CAC and where the Managers felt the resulting rule addressed specific needs.

Manager Anderson suggested tabling the discussion of dates, times, formats, and attendees for the Manager/ Public Official meeting and the Manager TAC/CAC meeting and schedule a Manager workshop to go over the minutes from the May 6, 2008 workshop and review the latest draft of the rules, and discuss the upcoming meetings.

Motion was made by Manager Damchik to table the rules discussion and set up a workshop for further discussion on the rules and upcoming meetings and adoption process. The motion was seconded by Manager Spence. Upon vote, the motion passed unanimously.

The Board discussed times and dates for the workshop.

Motion was made by Manager Moe and seconded by Manager Damchik to schedule a rules workshop to go over and finalize the draft rules for June 11, 2008 at 2:30 pm at the Forest Lake City Hall. Upon vote, the motion passed unanimously.

10) **Report of 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:

- Finishing the last of the volunteer lake monitor trainings for our 2008 monitoring program.
- Continued work with DNR and Great River Greening on the shoreland restoration projects on Bone Lake and three potential sites on Forest Lake.
- Continued to work on educational articles for a quarterly column in the local papers-in coordination with the Forest Lake Improvement Committee.
- Contacted and received confirmation from Washington County about receiving early payment of our July 2008 tax disbursement.
- Contacted Mainstreet Bank to make sure the District's funds will be adequately covered when we receive the tax disbursement on June 23, 2008.
- Sent out the District's 2008 Annual Report to BWSR, MPCA, DNR, and the State Auditor. I have also posted the 2008 Annual Report, as well as our 2008 Annual Audit on the District website.
- Due to increased insurance costs, the District is looking into the cost of insurance via the League of MN Cities.
- Looking into the possibilities of a MPCA grant for assessment and feasibility of unimpaired waterbodies. A possibility would be the diagnostic/feasibility needs for the FL44 project for Forest Lake.
- Two shoreland planting/alteration projects on Forest Lake will be coming to the Board for BMP cost-share incentive funds.

Manager Anderson mentioned that in the past the Forest Lake High School Biology Department had requested assistance from the District on water resource education issues and that it would be worthwhile for the Administrator to contact the school and see where the District could help. Manager Anderson further mentioned that another area the District could provide needed assistance would be by setting up presentations/seminars with the local lake associations on how they could work on removing curly leaf pondweed in front of their own property.

a) Special Legislation Update

Administrator Anhorn provided an update on where the District was on its Special Legislation. Anhorn stated that the District's legislation was included in the final signed tax bill (House File 3149 [139.15]) and will be designated a metro watershed district under Minnesota Statute Chapter 103B once the bill is signed by the Governor. Anhorn discussed the need to get its Plan amendment approved by BWSR and other needs to meet 103B requirements.

The Administrator presented letters to be signed by the President, thanking those who helped the District through the legislative process.

Manager Anderson mentioned special thanks to Commissioner Montzka for all the help and support he provided through the process.

b) Plan Amendment/Revision Update

Administrator Anhorn stated that the District has received comments on the proposed Watershed Management Plan revision from Wyoming Township, Washington County, Met Council, MnDOT, BWSR, MPCA, and DNR. Anhorn further stated that as a result of the night's public hearing as well as his incorporating responses to the received review comments from the initial 60-day review of the Plan, he would re-submit the Plan as directed by the Board, to the regional and state review agencies for another 45-day review.

Anhorn then went through the timeline for the Plan review and eventual approval at the August BWSR meeting.

c) 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.

9) Report of Engineer

a) Emmons and Olivier Resources (EOR)

Lisa Tilman presented the May Engineer's Report (a copy of which is incorporated by reference and annexed within) provided the Board with an update on what the Engineer's have been working on. Ms. Tilman discussed recent work EOR has undertaken for the District including work on the District's draft Rules, and continued work on the District's TMDL study.

Ms. Tilman further discussed the process of determining load allocations for the cities (of which Forest Lake is the only MS4 community) and the identification of point sources within the watershed. Ms. Tilman stated that the only point sources were a couple new community septic systems which were unlikely to have an impact on the District's water resources.

b) Washington Conservation District (WCD)

Travis Thiel stated that he did not have much else to add other than mentioning that the new monitoring site on Greenway Avenue, along the Sunrise River, will add information prior to the shallow pond area to compare to the inlet to Comfort Lake (post-shallow pond).

10) Report of Attorney

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.

11) Report of Treasurer

a. Approval of Bills

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

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

b. Approval of Treasurer's Report

Motion was made by Manager Damchik to approve the May 2008 Treasurer's Report. Manager Moe seconded. Upon vote, the motion passed unanimously.

12) Reports of Officers and Manager

Manager Anderson –

Nothing to report

Manager Damchik –

Nothing to report

Manager Lynch –

Manager Lynch mentioned his involvement on the committee reviewing the Broadway Avenue reconstruction and that they are now reviewing multiple options and that he would keep the Managers informed on the process.

Manager Moe-

Manager Moe presented a thank you card he received from a student at Forest Lake High School, thanking the District for having a booth at their Agricultural Day. Manager Moe stated that over 1,000 people attended the event.

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. The motion carried unanimously.

John T. Lynch, Secretary