

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

**THURSDAY, SEPTEMBER 27, 2007**

1) **Call to Order**

The President called the September 27, 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, Dan Fabian (EOR), Chuck Holtman (Smith Partners), Les Lemm (BWSR), John Thene (Wenck & Assoc.)

2) **Administration of Oath – Richard P. Damchik**

Administrator Anhorn administered the oath of office to Richard P. Damchik.

3) **Reading and Approval of Agenda**

The motion to approve the agenda was accepted by consensus.

4) **Reading and Approval of Minutes**

The President called for the reading and approval of the minutes of the budget workshop of August 21, 2007 and the minutes of the August 23, 2007 regular Board meeting. Manager Anderson stated that because of the importance of the discussion of how the District was trying to implement projects and the funding of those projects, she felt it was important to expand those sections in each of the meetings minutes. Manager Anderson requested that the Board table the approval of the August 21, 2007 and August 23, 2007 meetings until the October meeting. Manager Anderson then stated that if the Board so moves she would meet with Administrator Anhorn to refine the minutes into specific topics in order to provide a better representation of the discussions.

Manager Damchik motioned that the approval of the August 21, 2007 Budget workshop and the August 23, 2007 regular Board meeting minutes be tabled until the October meeting after Manager Anderson had a chance to meet with Administrator Anhorn to edit them. The motion was seconded by Manager Moe. Upon vote, the motion passed unanimously.

The President called for the reading and approval of the minutes of the 2008 budget public hearing meeting of September 11, 2007. The motion to approve the September 11, 2007 2008 budget public hearing meeting minutes with changes was made by Manager Anderson and seconded by Manager Moe. Upon vote, the motion passed unanimously.

5) **Public Open Forum**

Nothing Presented

6) **New Business**

a) **MAWD Watershed District Handbook**

Manager Anderson discussed the contents of the Minnesota Association of Watershed District's (MAWD) Watershed District Handbook. Manager Anderson stated MAWD's recommendation of watershed districts adopting the handbook as a guide for consistency between the watershed districts. Because each of the Managers has not had the opportunity to read the handbook, the Board decided to table the discussion on its potential adoption until a later meeting.

b) **Pros and Cons – 103B vs. 103D**

President Anderson stated that in order for the Board to make an informed decision on the submitted resolution to seek special legislation to be designated a Metro watershed district (Minnesota Statute 103B), The Board should not only be aware of the advantages of 103B over 103D, but what, if any, the disadvantages are as well.

Les Lemm (BWSR) stated that he didn't think that there were any disadvantages. The only thing that some may feel could be a disadvantage would be the additional upfront involvement and partnerships with local stakeholders and the public needed to complete a revised more detailed watershed management plan. Mr. Lemm said that he didn't see this as a disadvantage that the partnerships created make for a stronger commitment to the management of our water resources. In addition, Mr. Lemm stated that because of the up front involvement with local communities and public input, 103B allows for easier implementation of projects listed in the new watershed management plan. Lemm reiterated the importance of the up front community involvement, by stating that often the process is more important than the content. .

Chuck Holtman (Smith Partners) added that CLFLWD would not be giving anything up by going 103B. That 103B districts still had the same basic "tools" as 103D districts, with added 103B "tools" as well. Mr. Holtman further remarked that while a 103D watershed district plan does not trigger a local water planning requirement for local communities, a 103B watershed district plan does. So if the CLFLWD becomes a 103B entity, once it has an adopted 103B plan, the local communities will need to create and adopt their own local water plans for CLFLWD approval and community adoption within two years of the adoption of the CLFLWD 103B plan.

Manager Moe asked if the District engineer, District attorney and Mr. Lemm if in their experiences with both 103D and 103B watersheds if 103B was more efficient at getting things done. All three said that given the choice, they felt 103B provided more opportunities for success.

**c) Resolution for initiating Legislative designation as a Metro Watershed District (103B)**

Following discussion on the pros and cons of Minnesota Statute 103B, the President called for discussion of the proposed resolution. The Board stated that the majority of the discussion had already taken place.

Manager Damchik offered the following resolution and moved its adoption, seconded by Manager Spence:

**WHEREAS** the Metropolitan Surface Water Management Act, Minnesota Statutes Sections 103B.205 to 103B.255, recognizes and provides authority for watershed management organizations, including watershed districts to plan for and address the particular challenges affecting water resources in the Twin Cities metropolitan area, in collaboration with municipalities and counties;

**WHEREAS** the majority of the Comfort Lake – Forest Lake watershed is within the seven-county metropolitan area to which the Metropolitan Surface Water Act applies;

**WHEREAS** increasingly rapid urbanization continues to burden the resources and capacities of the municipalities and counties with which the Comfort Lake – Forest Lake Watershed District shares responsibility for water resource management;

**WHEREAS** water resources in the Comfort Lake – Forest Lake Watershed District have been identified as impaired or threatened with impairment from, among other stressors, the impacts of urbanization;

**WHEREAS** the Metropolitan Surface Water Management Act currently applies to joint powers watershed organizations that include portions both within and outside the seven-county metropolitan area, but not to watershed districts in such circumstances; and

**WHEREAS** the Comfort Lake – Forest Lake Watershed District is the only watershed district in the state that is located in both metropolitan and non-metro counties;

**THEREFORE BE IT RESOLVED** that the Comfort Lake – Forest Lake Watershed District seeks legislation to amend the definition of “watershed management organization” in Minnesota Statutes Section 103B.205, subdivision 13, so as to include the Comfort Lake – Forest Lake Watershed District, and respectfully requests that Chisago County and Washington County support such legislation.

The question was on the adoption of the above resolution and there were five (5) ayes and zero (0) nays as follows:

	<u>AYE</u>	<u>NAY</u>
Jackie A. Anderson	X	
Richard P. Damchik	X	
John T. Lynch	X	
Wayne S. Moe	X	
Jon W. Spence	X	

The President declared the resolution adopted.

Administrator Anhorn stated that he would be forwarding the resolution on to the Counties, County SWCDs, member Cities, MAWD, Metropolitan Council, and BWSR, and will be seeking resolutions of support from each.

Anhorn further stated that he will be contacting each of the District's Legislative representatives in order to discuss the resolution and seek support and a potential author for the special legislation.

The Board requested that the Administrator invite each of the legislative representatives to the Boards October meeting in order for the Board to discuss their struggles and present their request.

7) **Old Business**

*a) Draft Rules*

The Board then went through the presented a draft of the permitting option of the rules and provided final edits to staff. Administrator Anhorn asked the Board if they would like the District Attorney to review the draft rules prior to the next stage in the rule development process (the passing out of the final draft to members of the District's local communities and advisory committees and the initiation of the technical and citizen advisory committee TAC/CAC meeting process). Manager Moe thought an initial review would be worthwhile. Manager Anderson stated that at this stage (prior to community involvement), she thought that a review by the attorney should simply be for misstatements of state law.

Mr. Holtman stated that they had various stages of review and could provide an initial review for such misstatements.

Manager Damchik made motion to have the District attorney provide an initial of the District's draft rules for misstatements prior to sending them out to the local communities. Manager Moe seconded the motion. Upon vote, the motion passed unanimously.

***b) Plan Amendment Process***

Les Lemm discussed the plan amendment process needed to amend the District's current plan under 103D. Administrator Anhorn mentioned that he, Mr. Lemm and others from BWSR will be meeting to address amendment issues.

Mr. Lemm stated that the District is due for a plan update in 2011, which usually means starting on the process a year to two years in advance (2009). He stated that if the special legislation is successful, that the timing would be right to just upgrade the current Plan (with proposed CIP and Rules and the like) to meet 103B requirements.

Mr. Lemm went through the development process of a new 103B watershed management plan and the process of community involvement, addressing comments, the resulting need of the communities to adopt the new District's plans into their plans.

***c) Project initiation process 103D***

Manager Anderson stated that much of the project initiation process had already been touched on. Manager Anderson further stated that in light of the timeframe for the District seeking and getting special legislation to become a Metro watershed, and the timeframe it will take to develop a new watershed management plan, the District will still have to look to initiate projects under 103D in the meantime.

Manager Anderson requested that the District attorney and Administrator prepare an outline on how the District can efficiently initiate its proposed projects.

***d) 2008 Budget***

Administrator Anhorn discussed the 2008 budget and his intention to bring a more detailed (broken up into line items) budget to the board at the October meeting.

Administrator Anhorn further questioned if since the proposed budget and levy amount changed at the 2008 budget public hearing, and asked if it was still the intention of the Board to go to two board meetings a month as opposed to one as is currently the case. The Board decided that until they are able to undertake a fuller agenda of projects, monthly meeting would suffice.

***e) 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.

8) **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 a recent meeting he had with Commissioners Hegberg and Montzka to discuss the Districts resolution seeking designation as a Metro watershed. Anhorn further mentioned that he will be seeking resolutions of support from the District's local communities, Counties, SWCDs, and MAWD. Anhorn also mentioned that he has set up meetings with the Chisago and Washington County Senators and Representatives to discuss the District's intentions.

Administrator Anhorn discussed a recent meeting with Jay Riggs (WCD Manager) where they went over the petition process for projects and WCD's willingness to petition the District to levy to fund BMP projects throughout the watershed for the purpose of reducing nutrient inputs identified in the District's recent watershed load allocation model. The potential petition will be discussed at the October 10, 2007 WCD Board of Supervisors meeting in which Administrator Anhorn will be in attendance. Anhorn stated that he will be working with WCD on developing a skeleton of a BMP cost-share program that he and someone from WCD can bring to the Board at an upcoming meeting.

Anhorn then mentioned that he has submitted a DNR grant application "shoreline vegetation grant" in order to help fund projects such as the Forest Lake street and Bone Lake shoreline restoration projects as well as fund an overall cost-share program.

9) **Report of Engineer**

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

Dan Fabian went through their review of the Wal-Mart site revisions (a copy of which is annexed and incorporated by reference). Mr. Fabian said that while the District's major concerns have been answered, there were still a couple outstanding questions that the District will be asking to continue to work with the City on (i.e. a comparison of the original designs of the ponds north of Wal-Mart to the surveyed designs in order to determine volume capacity, maintenance needs, and expected removal efficiencies, and the infiltration rates used in the raingarden area.) Mr. Fabian further stated that many of these remaining outstanding comments would have had to be addressed by the developer if the District had its draft rules in place.

Mr. Fabian stated that it was their recommendation that the District accept the current plan and forward remaining outstanding comments on to the stating that it would be in the Cities best interest to give additional consideration to the comments. Mr. Fabian further stated that the District Staff still wants to be included during the projects construction phase and the

implementation of the Stormwater Pollution Prevention Plan (SWPPP) erosion and sediment control plans.

Manager Anderson was concerned about the outstanding comments and areas where staff had not received all the requested information. Anderson questioned how we can be sure that the site will not contribute to downstream impairment without all the information. Mr. Fabian discussed the additional infiltration shelf around southern most detention basin and the existing storage capacity of the northern basins. Mr. Fabian said that as presented, the post-development conditions will be slightly better than existing conditions, but will not meet pre-settlement standards as would be required in the Districts draft rules.

Manager Anderson requested that the Administrator highlight the outstanding comments that the District requests that the City give additional consideration to and why staff feels it is of are important.

Mr. Fabian then discussed their review of the VSI/Forest Lake Retail site. Mr. Fabian stated that there were only a few outstanding comments of which the majority could easily be addressed by the developer. Administrator Anhorn stated that he is currently working with the developers engineer to answer the remaining question.

Mr. Fabian stated that per Board request, they met with the Administrator to discuss potential LCCMR grant proposal ideas centering on the District's new draft buffer rules. Mr. Fabian said that a LCCMR grant application proposal was submitted on behalf of the District to look at incentive and social marketing of its draft buffer rule.

***b) Washington Conservation District (WCD)***

Administrator Anhorn stated that Travis Thiel (WCD) was unable to attend the meeting and wanted to mention that Comfort Lake outlet site continues to experiences occurrences of vandalism.

***c) Wenck & Associates***

John Thene handed out a preliminary list of projects and costs for the District's Capital Improvement Plan (CIP). Administrator Anhorn mentioned that the list Mr. Thene handed out is the core of the CIP amendment he had passed on to Mr. Lemm from BWSR, for comment as to it fulfilling the requirements for an amended CIP under 103D. Mr. Anhorn further stated that he is waiting on comment from Mr. Lemm as well as setting up a time to discuss lake management districts with him and others from BWSR.

Mr. Thene then discussed the upcoming timeline of a draft final report prior to the October Board meeting so that the Managers could comment on it, and the scheduling of a final stakeholder meeting and an open house to present the final CIP.

**10) Report of Attorney**

Chuck Holt (Smith Partners) stated that he had no report.

Administrator Anhorn request Board decision on if the Board would like Smith Partners to be in attendance at every monthly Board meeting (in which case the District should put Smith Partners on retainer, or if the Board would only like Smith Partners to attend meetings as requested.

The Board decided that the attorney should attend only those meeting that the President and Administrator think they need to be at after the agenda for the meeting is set. Manager Anderson stated that due to content (i.e. special legislation for designation to 103B, and plan amendment and project initiation questions); the District should have the attorney present at the next few meetings.

Manager Lynch asked about the hourly rate per meeting as opposed to a meeting retainer. Manager Lynch asked if the Board decides to go with the retainer option and does not request the attorney in attendance at a meeting, would they still be responsible for a retainer that month. Mr. Holtman said no, they would not. The District would only be invoiced for meetings attended.

The Board decided that Administrator Anhorn should include the monthly meeting retainer in the 2008 budget and that they would decide on attendance on a meeting by meeting basis.

#### **11) Report of Treasurer**

##### *a) Approval of Bills*

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

Motion was made by Manager Damchik to pay the bills as presented. Manager Lynch seconded. Motion carried unanimously.

##### *b) Approval of Treasurer's Report*

Motion was made by Manager Damchik to approve the September Treasurer's Report. Manager Lynch seconded. Motion carried unanimously.

#### **12) Reports of Officers and Manager**

##### **Manager Anderson –**

Manager Anderson mentioned attending the September 18, 2007 Metro MAWD meeting and went over the upcoming schedule of MAWD meetings with the MAWD annual meeting held on November 29-December 1, 2007 in Alexandria. Manager Anderson also mentioned speaking with Ray Bohn of MAWD about the struggles the District has encountered trying to implement projects under 103D.



**Manager Damchik –**

Manager Damchik mentioned that there was an incident on the Forest Hills Farms site where sediments made it to third lake of Forest Lake after a recent rain event. Administrator Anhorn mentioned that he was aware of the incident and went through his follow-up he had with the City of Forest Lake, Westwood Engineering (the group in charge of the clean-up and re-enforcing the erosion control features of the site), local citizens, and MPCA. Mr. Anhorn further detailed the site stabilization and clean-up taken.

**Manager Lynch –**

Manager Lynch reported on an erosion problem he noticed on the construction site of a single new home on the first lake of Forest Lake. The City has since become aware of the situation and the developer has silt fences and erosion control methods up.

**Manager Moe-**

Manager Moe stated that the low water levels experienced this past summer has resulted in increase emergent vegetation on Bone Lake. Manager Anderson agreed. Ms. Anderson stated that Comfort Lake has experienced the same thing both for emergent and submergent vegetation. She also stated that she has heard that the fishing has been better this year as well, although she was mum on the location of the fishing hotspots.

**Manager Spence –**

Manager Spence mentioned that the District will be receiving a letter from the Comfort Lake Association seeking District support in their continued request to solve lake level issues.

**13) Adjournment**

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

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John T. Lynch, Secretary