

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

**THURSDAY, APRIL 23, 2009**

**1) Call to Order**

The President called the April 23, 2009 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 Richard Damchik, Vice President Jackie Anderson, Secretary Wayne Moe, Treasurer John Lynch, Manager Jon Spence

Absent:

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

Other: Linda Nanko-Yeager (Wyoming City Councilmember), Steve Schmaltz (Forest Lake Association).

**2) Open the Regular Meeting**

The President opened the regular Board Meeting.

**3) Reading and Approval of Agenda**

The President called for the reading and approval of the April 23, 2009 regular Board meeting agenda. Motion to approve the agenda with edits was made by Manager Lynch and seconded by Manager Moe. Upon vote, the motion passed unanimously.

**4) Reading and Approval of Minutes**

The President called for the reading and approval of the minutes of the March 26, 2009 regular Board meeting. Following discussion on the draft minutes, motion to approve the March 26, 2009 regular Board meeting minutes with edits was made by Manager Lynch and seconded by Manager Spence. Upon vote, the motion passed with three (3) ayes and one (1) abstaining.

**5) Public Open Forum**

Nothing presented

**6) New Business**

*a) BMP cost-share program*

Administrator Anhorn provided an update on recent BMP Cost-Share site visits and mentioned that there were many people who signed up for a site visit at the March 19<sup>th</sup> and April 16<sup>th</sup> "Planting for Clean Water" workshops. Anhorn stated that site visits, which had started that week (four site visits that very afternoon), will hopefully result in future applications and projects (four more are in the process of being scheduled).

Administrator Anhorn also mentioned that there were two shoreland projects approved by the Board last fall (one on Sylvan Lake and one on Comfort Lake) that will be starting very shortly.

Administrator Anhorn reminded the Board about a May 16, 2009 “hands on” informational workshop on the Forest Lake Shoreline Restoration Projects sponsored by Great River Greening, The City of Forest Lake, and CLFLWD. Those in attendance will see demonstrations, participate in the shoreline planting, and will gain knowledge on shoreline restoration techniques, actively restore native plants in an effort to enhance water quality, and prevent soil contamination within Forest Lake. Anhorn said that he would be unable to attend the workshop and was wondering if a Manager had interest in representing the District at the event.

*b) Annual Audit*

Administrator Anhorn presented the recently completed 2008 Annual Audit conducted by HLB Tautges Redpath. Anhorn stated that similar to the 2007 audit, there were two findings. One, similar to that reported in 2006 and 2007, is **The Oversight of Financial Statement Preparation**. HLB Tautges Redpath states that this will be a finding in the vast majority of watershed audits and their recommendation, shown on the example, is to remain aware of the situation, however due to the increased cost, make a choice to make no changes to current procedures. And two is **Financial Statement Misstatements**.

Administrator Anhorn stated that he and the accountant were surprised by this second finding because after the 2007 audit and discussions with HLB Tautges Redpath, they had thought there was agreement to continue showing monthly statements as actual cash balance on the reports, and then to make the adjustments on an accrual basis at the end of the year for the Annual Audit. While the District did provide the needed accrual adjustments, there was miscommunication on how and who was to make the accrual entries. While HLB says that the finding is not a big issue, Anhorn and the District accountant are re-addressing the issue with HLB in order to correct the issue and eliminate it for 2009.

Following Board discussion, Manager Spence moved to accept the Annual Audit with documentation of management responses concurred in by the Auditor and approve the mailing of the Annual Audit to required agencies, unless a Manager communicates his or her objection before May 1, 2009. The motion was seconded by Manager Moe. Upon vote, the motion passed unanimously.

*c) Designation of Official Depository*

Administrator Anhorn and Treasurer Lynch provided a synopsis of their April 1, 2009 meeting with Mainstreet Branch President Jim Friend to discuss the District’s holdings, federal actions on the Bank’s holding company, and the safety of the District’s holdings.

Following the discussion on the Administrator and Treasurers meeting, Administrator Anhorn presented findings from meetings with other area banks (Frandsen Bank, Mainstreet Bank, Patriot Bank, and Wells Fargo Bank) to seek comparable information on each bank in order to evaluate which would provide the best opportunity and safety of the District’s holding (a copy is annexed and incorporated by reference). Both the Administrator and Treasurer recommended maintaining the District’s relationship with Mainstreet Bank.

Following discussion on the presented, motion was made by Manager Moe and seconded by Manager Spence to approve Mainstreet Bank as the Official Depository for the District per staff recommendation. Upon vote, the motion passed unanimously.

***d) Grazing Workshop Request for Funds***

Administrator Anhorn discussed a grazing workshop to be held in August and co-hosted by Carnelian Marine St. Croix Watershed District (CMSCWD), Chisago SWCD, CLFLWD, and WCD. The workshop will provide education to small “hobby farms” with numerous animals on grazing, grazing rotation, manure management and their influence on our water resources. Anhorn distributed a sample flyer for a similar workshop Chisago County SWCD put on in 2008 (a copy is annexed and incorporated by reference) and would forward flyers for the District’s actual event once date, time and locations are determined.

Administrator Anhorn stated that the group is still seeking funds for boxed meals for the event at an estimated maximum cost of roughly \$350.00. Anhorn said that he had spoken to Jim Shaver, Administrator for CMSCWD, about the two watershed districts possibly splitting the cost of the meals. Following discussion on the benefits of the workshop, Manager Lynch made motion to provide funds for food for the event in partnership with CMSCWD to maximum of \$250.00. The motion was seconded by Manager Moe. Upon vote, the motion passed unanimously.

Manager Lynch stated that he felt that it was important to have someone knowledgeable of the States animal and agriculture rules at the workshop to answer questions quickly and correctly.

***e) Permits and Reviews***

***a. MnDOT I35W Mill/Overlay Permit 09-002***

Administrator Anhorn and Lisa Tilman presented the recent reviews of the MnDOT 35W Mill Overlay permit application for rules 3.0 (erosion control) and 7.0 (floodplain) and staff recommendation for approval of the permit application. A copy of the permit application is annexed and incorporated by reference.

Lisa Tilman stated that one issue that came up during the review was the requirement of a financial assurance for governmental projects. Administrator Anhorn stated that while this generally is not a requirement for such projects, it is not stated in the recently adopted rules. Rule 10.2.1 does state that the Board may require..., but does not specifically state the governmental projects do not require.

Following Board held discussion on the requirement for financial assurances for governmental projects; Manager Anderson made motion that the District not require governmental entities to submit financial assurances for governmental projects. The motion was seconded by Manager Spence. Upon vote, the motion passed unanimously.

Following further discussion on the MnDOT 35W Mill/Overlay project, Manager Spence moved, and Manager Moe seconded, to approve Permit # 09-002 as recommended by staff. Upon vote, the motion carried unanimously.

***b. Xccent Property, Wyoming***

Lisa Tilman presented the recent reviews of the Xccent project in Wyoming. Lisa Tilman stated that the final review by EOR, dated April 16, 2009 recommends Board approval of the project with all outstanding comments and concerns of the District being adequately addressed. Anhorn further mentioned that the City of Wyoming and its engineers Plowe Engineering, were very attentive to the District’s concerns and the end result is a more environmentally sound project with respect to the management of our water resources.

Following Board held discussion on the project and future projects around the Wyoming area, Manager Anderson made motion to approve the submitted Xccent property project plans as recommended by staff. The motion was seconded by Manager Moe. Upon vote, the motion passed unanimously.

*c. Other*

Administrator Anhorn mentioned conceptual meetings that he and the District Engineer had with the City of Forest Lake on the CR 83/11<sup>th</sup> Street SW and 9<sup>th</sup>, 12<sup>th</sup>, and 15<sup>th</sup> Street re-construction (all as a part of the larger Broadway/35W interchange project). Anhorn requested Board input on some upcoming issues stemming from the projects, including the 9<sup>th</sup>, 12<sup>th</sup>, and 15<sup>th</sup> Street re-construction conceptual design meeting. Administrator Anhorn stated that because of the soils in the project area, they were having problems meeting the District's volume control on-site. Anhorn was seeking Board direction on the ability of governmental entities being able to run a debt in the volume bank if an acceptable long-term plan was in place for the governmental entity to achieve the needed volume control in an acceptable location as part of an associated project. Anhorn sought opinion on if the Board felt it would be acceptable if the needed volume control for the 9<sup>th</sup>, 12<sup>th</sup>, and 15<sup>th</sup> Street reconstructions were incorporated in the Broadway/35W interchange project. Anhorn mentioned that drainage from the 9<sup>th</sup>, 12<sup>th</sup>, and 15<sup>th</sup> street area all flows north through the Broadway area, and eventually through Bixby Park via the Sunrise River.

The Board held discussion on the potential for a governmental entity to enter into a legal agreement to make up the needed volume control shortfall from a project, as part of an associated project within the same subwatershed, but at a later date. While the Board was not totally against the option, they had many concerns that would need to be addressed prior to approval, such as worries about skipping sequencing steps laid out in the District Rules, and the assurance that the needed volume shortfall would be made up by a certain date. Ultimately, the Board thought that such an alternative was impossible to provide a blanket approval for without having a lot of data/information in front of them and would surely be looked at on a project by project basis prior to drafting a legal agreement which would set certain timelines and consequences if timelines were not met.

Administrator Anhorn further mentioned an associated project, the 35W overpass on CR 83/11<sup>th</sup> Ave SW (a Washington County project). Anhorn stated that while a small portion of the project area is within the political boundary of the District, 99% is outside hydrologic boundary (in Rice Creek Watershed District [RCWD]). Anhorn stated that he has had some discussions with RCWD and SmithPartners about the benefits and logistics of giving full permitting authority to RCWD while providing input (review) to RCWD incorporation in their permit.

The Board held discussion on the viability and benefits of not requiring Washington County to get both a CLFLWD and RCWD permit, especially sense the hydrology of the area all flows to RCWD. The Board asked how this could be accomplished. Chuck Holtman stated that the two watershed districts and the county could agree informally to a single district being responsible for the entire project, or the two districts, more formally, could enter into a simple Joint Powers Agreement. Mr. Holtman recommended that the latter course be pursued if the project would involve permanent stormwater management facilities, vegetated buffer or replacement wetland subject to ongoing compliance requirements that one district would oversee and enforce within the legal boundaries of the other district.

Administrator Anhorn stated that while the project was still a ways off in the future (currently scheduled for 2010), it sounds as though the Board was willing to discuss a potential joint powers agreement with RCWD forgoing the need for a CLFLWD permit if CLFLWD staff were still involved in the review of the project. The Board agreed.

#### *d. TMDL Update/Presentation*

Lisa Tilman provided an update on the District's TMDL progress including the recently held TAC/CAC stakeholder meeting held on April 8, 2009. Ms. Tilman stated that the following presentation (posted on the District's website) is identical to that given at the stakeholder meeting.

Ms. Tilman gave an in depth overview of the District's TMDL study, and the progress thus far. Ms. Tilman discussed the TMDL process, and went through:

- The District lakes involved in the District's TMDL and presented their historical phosphorus concentrations
- PCA TMDL requirements and processes
- Discussed current and future MS4s within the District
- Went through the TMDL Load Allocations (LA) including those for the:
  - Wasteload Allocation (WLA)– enforced through state permits
    - City of Forest Lake (Comfort, Shields, L. Comfort, Bone)
    - NPDES construction and industrial stormwater permits
    - Community septic systems at “Liberty Ponds” and “The Preserve at Birch Lake”
    - Future MS4s: City of Wyoming, City of Chisago City, and the City of Scandia
  - Load Allocation (non-MS4 and nonpoint)
    - Non-MS4 portions of Cities of Forest Lake, Scandia, Wyoming, and Chisago City
    - Chisago Lake Township
    - County-registered Feedlots
    - Individual septic systems
    - Internal loading
    - Atmospheric deposition
  - Allocation Process
    - District's Water Quality Study determined each lake's assimilative capacity based on monitoring and modeling
    - Assimilative capacity = TMDL
    - Divide TMDL up to WLA and LA
    - Goal watershed load defines WLA for construction and industrial stormwater permits
    - Upstream impaired lake load portion of LA
    - Livestock load portion of LA
    - Remaining watershed load divided between municipalities' WLA and LA
    - Atmospheric and groundwater load portion of LA
    - Other permits define WLA based on contribution
- Went Through the CLFLWD TMDL Allocation Assumptions and provided examples
  - Assume that upstream TMDL lakes meet water quality goal
  - Assume that upstream un-impaired lakes maintain current quality (non-degradation)
  - Example: Bone Lake
    - Assumptions:
      - Moody Lake meets water quality standard
      - Sea and Third Lakes remain at existing water quality (non-degradation)
    - Allocation:
      - Load into Bone Lake from Moody Lake allocated as a load allocation because the wasteload allocation was conducted under Moody Lake's TMDL

- Wasteload allocation for construction and industrial NPDES stormwater permits based on % land area under construction
- Presented TMDL allocations for each of the impaired lakes
- Presented the resulting TMDL Implementation Plan including
  - Implementation Plan level required in this grant from MPCA
  - Conversion of District's *Watershed and Lake Water Quality Investigation* study and Capital Implementation Plan (CIP).
  - External (watershed) and internal mix of projects
  - Add/delete projects identified by CLFLWD (ex. after Shallow Pond study)
  - Projects addressing External issues
    - Wetland restoration (or avoidance if wetland suspected as P source)
    - Moody, Bone, School (Birch), Little and Comfort
    - Buffers/livestock control
    - Moody, Bone, School, Little Comfort, and Shields
    - Infiltration/filtration
    - Bone
    - Detention ponding
    - Comfort Lake
    - Channel stabilization
    - Forest Lake Outlet (potential project)
  - Projects addressing Internal issues
    - Fish management (barriers, rough fish removal) on Moody, Bone, Little Comfort, Shields, Comfort lakes
    - Alum treatments on Moody, Bone, Little Comfort, and Shields lakes
    - Curly-leaf pondweed control on Moody, Bone, Little Comfort, Shields, and Comfort lakes
    - Biomanipulation (food-chain control) for Shields Lake
    - Aeration (winter-kill control) on yet to be determined lakes
- Discussed District programs that are currently in place that address water impairments
  - District Rules and Permit Program (including site plan review)
  - Education Program (including Planting for Clean Water workshops)
  - BMP Cost-Share Incentive Program (to promote native plantings including shoreland buffers and raingardens)

The Board held discussions on the District's TMDL and presented load allocations including the studies various assumptions on up and downstream lakes either meeting in lake water quality and loading goals, or not increasing downstream nutrient loads.

Other discussions centered around how much of the waste load allocations were based on what each city could effectively reduce, or more a generalized number based on land uses and other inputs and how ultimately each MS4 community will have to adjust their Stormwater Pollution Prevention Plan (SWPPP) to address the TMDL and presented wasteload allocations.

## 7) Old Business

### a) *Rules Update*

#### i) *Annual Report*

Administrator Anhorn presented a finalized version of the 2008 Annual Report to the Board (a copy is annexed and incorporated by reference). Anhorn mentioned that the Report is due to the various state agencies by April 30, 2009, and that he will be sending it out next week

Following Board discussion, Manager Spence made motion for the Administrator to send the District's 2008 Annual Report to the required state agencies. The motion was seconded by Manager Moe. Upon vote, the motion carried unanimously.

#### ii) *Performance review*

Administrator Anhorn mentioned that he passed out an employee evaluation form to each of the Managers at the March Board meeting for eventual review of the Administrator's past performance. Anhorn further stated that it was decided that the Board would need to have two managers compile the evaluations/reviews.

The Board discussed the evaluation/review process. Following discussion, Manager Anderson moved that Manager Damchik and Manager Anderson compile the findings of the Manager evaluations and self-evaluation of the employee for further consideration by the Board. The motion was seconded by Manager Lynch. Upon vote, the motion carried unanimously.

#### iii) *Rules Permit Program*

Administrator Anhorn stated that he had distributed a draft Stormwater Implementation Plan at the last meeting and was seeking comments/edits on the Plan from the Board. Following discussion on the Stormwater Implementation Plan, Administrator Anhorn stated that he would prepare a Resolution for the adoption of the Plan at the Board's May meeting.

## 8) 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:

- A couple of pre-permit application conceptual design meetings on potential projects within the City of Forest Lake.
- Held the second *Planting for Clean Water* Workshops on April 16, 2009 at Gander Mountain. The workshops were both successful with 35 participants at the March 19<sup>th</sup> work shop and 20 at the April 16<sup>th</sup> workshop.
- The District will be having a booth at the Forest Lake High School's Ag. Day on May 1, 2009.
- Had completed two DNR Metro Greenway preliminary grant applications seeking funds for the FL44 and NBL12 wetland restoration projects.
- Have been working with Great River Greening on setting up the demonstration/education workshop at the Forest Lake dead-end street buffer projects, scheduled for May 16, 2009.
- Anhorn provided an update on legislative issues of interest to the watershed.

Anhorn further stated that he would like Board approval to purchase hip waders to aid in his collection of outlet data at the Comfort Lake and Forest Lake outlets for which he will be doing measurements in order to reduce monitoring costs associated with the sites if WCD were used to collect all of the information. The Board stated that they had already provided the administrator the power to make purchases under \$200 in order to fulfill the day to day needs of the office.

*i) 2009 Work Plan & Projects Update*

Administrator Anhorn provided the Managers with a copy of the 2009 proposed work plan with progress updates on each of the items listed and a list of overall highlights for 2009. A copy of the update is annexed and incorporated by reference.

*b) Emmons and Olivier Resources (EOR)*

Lisa Tilman presented the April, 2009 engineer's report (a copy is annexed and incorporated by reference). Ms. Tilman had previously provided an update during the meeting on recent project reviews including recent meetings with the City of Forest Lake to discuss possible reconstructions of 9<sup>th</sup>, 12<sup>th</sup> and 15<sup>th</sup> Avenues.

*c) Washington Conservation District (WCD)*

No report

*d) Smith Partners*

Chuck Holtman stated that he had nothing to add.

**9) Report of Treasurer**

*a) Approval of Bills*

Treasurer Lynch discussed the Treasurer's Report (A copy of which is annexed and incorporated by reference) and bills for April 2009.

Motion was made by Manager Spence to approve the April 2009 Treasurer's Report and pay the bills as presented. Manager Moe seconded the motion. Upon vote, the motion passed unanimously.

**10) Reports of Officers and Manager**

**Manager Anderson --**

Manager Anderson provided a sample of the upcoming Comfort Lakes Association newsletter that will be posted on the lake association's website.

**Manager Damchik --**

Manager Damchik mentioned that the water was flowing over the Forest Lake Outlet Dam, and that the Dam had been cleaned by City staff.

**Manager Lynch –**

Manager Lynch provided an overview of the St. Croix River Conference he recently attended and requested that the Board approve funds enabling him to attend the upcoming MN Waters Lake and River Conference in Rochester, Minnesota.

Following discussion on the importance of have someone attend such conferences, Manager Moe made motion to reimburse Manager Lynch for attending the MN Water Lakes and Rivers Conference. The motion was seconded by Manager Spence. Upon vote, the motion carried unanimously.

**Manager Moe -**

No Report

**Manager Spence -**

Manager Spence said that he had recently eaten at the new Keys Restaurant in Forest Lake and was impressed by the use of permeable pavers in the parking lot

**11) Adjournment**

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

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Wayne S. Moe, Secretary