

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

**THURSDAY, FEBRUARY 26, 2009**

**1) Call to Order**

The President called the February 26, 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, Secretary Wayne Moe, Treasurer John Lynch,  
Absent: Vice President Jackie Anderson, Manager Jon Spence  
Staff: Randy Anhorn (CLFLWD), Brett Emmons (EOR)  
Other: Archie DuCharme, Linda Nanko-Yeager (Wyoming City Councilmember)

**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 February 26, 2009 regular Board meeting agenda. Motion to approve the agenda as presented 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 January 22, 2009 regular Board meeting. Administrator Anhorn mentioned that Chuck Holtman had forwarded a few edits to the minutes and went through the edits with the Board. Following discussion on the draft minutes, motion to approve the January 22, 2009 regular Board meeting minutes was made by Manager Moe and seconded by Manager Lynch. Upon vote, the motion passed unanimously.

**5) Public Open Forum**

Mr. Archie DuCharme updated the Board on recent flooding issues at his place on the Chisago-Washington County line just off of Highway 61. Mr. DuCharme said that he met with Administrator Anhorn at this place on Monday, February 23, 2009. Mr. DuCharme stated that all likelihood the excessive water will draw phosphorus from the surrounding peat and resulting in increase nutrient load downstream, and he wanted to work with the watershed to fix the problem.

Administrator Anhorn discussed information he collected while inquiring about the situation with MNDNR, BWSR, and neighboring watersheds districts. In talking with the MNDNR, a work in public waters would be necessary to “clean” the accumulated sediments out of the abandoned ditch, and the spoils would have to be piled in an upland area out of the adjacent wetlands.

While the watershed has no legal responsibility to maintain the abandoned ditch, there are water quality issues that could benefit receiving waterbodies as well as elevating water quantity concerns on the adjacent private properties.

Ms. Linda Nanko-Yeager introduced herself as a Wyoming City Councilmember, and the newly appointed Council liaison to the watershed. Ms. Nanko-Yeager stated that she was in attendance to stay informed on the undertakings of the watershed.

## **6) New Business**

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

Administrator Anhorn presented an update on recent BMP cost-share site visits and ongoing Board approved projects. Anhorn stated that the remaining approved projects are scheduled to begin next spring. Anhorn also mentioned that staff and WCD were still working with a few landowners where designs have been provided in order to submit a few more applications for BMP cost-share funds in 2009.

Administrator Anhorn requested Board comment on a draft letter distributed at the January Board meeting meant to be included in the mailing of the reimbursements that the Board requested. The Board provided the Administrator with comments.

Administrator Anhorn made mention of 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.

### ***b) MAWD Legislative Breakfast***

Administrator Anhorn presented information on the Minnesota Association of Watershed District (MAWD) *Legislative Breakfast and Day at the Capitol* scheduled for March 19, 2009. Anhorn also mentioned that he would be attending the event (as well as the Association of District Administrators meeting at the Capitol on March 18, 2009). Anhorn asked if any of the Managers were interested in attending. Manager Moe stated that he may have some interest and said that he would get back to the Administrator.

Administrator Anhorn further provided an update on legislative issues of interest to the watershed.

### ***c) Annual Report***

Administrator Anhorn presented a draft 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. Anhorn is seeking comments on the draft Annual Report in order to incorporate the comments in to the report prior to the March 26, 2009 regular Board meeting.

Manager Moe and Manager Lynch mentioned that they had started reviewing the report and would forward their comments and edits once they are finished going through the document.

***d) Citizen's Advisory Committee (CAC)***

Administrator Anhorn stated that in accordance to Minnesota Statute section 103D.331, the District must annually appoint its CAC. Mr. Anhorn suggested the Board re-appoint those already participating on the CAC. Mr. Anhorn said that the District's current CAC members include; Bruce Anderson, Deb Anderson, Kathy Blomquist, Beryl Halldorson, Sam Hathaway, and Ron Swenson. Anhorn further stated that the District continues to seek more members and has postings on the District website, has articles in the District's official papers, and has sent requests to the Forest Lake Association.

Motion was made by Manager Damchik and seconded by Manager Moe to appoint the current CAC members to the District's 2009 CAC. Upon vote, the motion carried unanimously

***e) Permits and Reviews***

***i) Montgomery S.F Residential Permit Application (09-02-01)***

Administrator Anhorn and Brett Emmons presented the erosion control permit application for the single family residential home construction project (a copy of the permit application is annexed and incorporated by reference). Following the presentation the board held discussion on the project and its triggering of the District's rule 3.0 erosion control applicability due to the excavation of a basement of more than 200 cubic yards. Following discussion Manager Moe moved, and Manager Lynch seconded, to approve Permit # 09-001 as recommended by staff. The motion carried unanimously.

The Managers discussed the merits of the rule requiring the excavation of a basement requiring a permit. The Board thought it may be something to re-evaluate down the line after the District gets a better idea of the District's working relationship with the local communities. Manager Lynch also stated that it would be worthwhile for staff to be aware of when the applicant expects to initiate the work in order to make sure the erosion control measures are implemented prior to the work starting.

Administrator Anhorn then mentioned the possibility of such permits being handled administratively in the future, and would not need to come before the Board for approval. The Board held discussion on which District permits could/should be handled administratively. Following discussion, the Board directed the Administrator to bring a resolution to the March Board meeting providing for District permit's solely for erosion control to be handled administratively.

**7) Old Business**

***a) Rules Update***

***i) Stormwater Impact Fund Fee***

Administrator Anhorn presented a memo presenting the methodology for setting a Stormwater Impact Fund Fee (Fee) (as described under District Rule 2.5.1). A copy of the memo is annexed and incorporated by reference. Anhorn stated that the recommended Fee is identical to those for Capitol Region, Ramsey-Washington-Metro, and Nine Mile Creek watershed districts.

The Board held discussion on the presented memo detailing the presented method used to calculate the Fee, and resulting Fee. The Board further discussed the percentage multiplier for the fee which includes estimated contingency, administrative and maintenance costs.

Following discussion Manager Lynch made motion to accept the presented Stormwater Impact Fund Fee structure and to direct the Administrator to work with the District Attorney to prepare a resolution implementing the Stormwater Impact. The motion was seconded by Manager Moe. Upon vote, the motion carried unanimously.

Administrator Anhorn stated that he would bring a resolution back to the March Board meeting and that the resolution would state that the Board would re-evaluate the Fee from time to time in order to use most recent data and cost estimates for construction in determining actual costs for the District to construct volume control BMPs.

**ii) Internal Policies**

Administrator Anhorn presented a draft flow chart to be included with the District's Internal Administrative Policy 3- Policy and Procedures for Enforcement of District Permitting Rules policy approved at the January 22, 2009 Board meeting (a copy of the flow chart is incorporated by reference and annexed within).

Administrator Anhorn then presented a draft Internal Administrative Policy 4- Policy and Procedures for Site Inspections and part of District Permit. Anhorn mentioned that he received comments from Managers Anderson and Spence on the draft policy and went through the comments with the Board. Following discussion on the presented policy and procedures, Manager Moe made motion to adopt the presented Internal Administrative Policy 4- Policy and Procedures for Site Inspections and part of District Permit. The motion was seconded by Manager Lynch. Upon vote the motion carried unanimously.

**iii) Other Needs**

Administrator Anhorn went through (and provided updates on) a few of the remaining needs/schedules/guidance documents that are required or would be useful to implement the regulatory program including;

- **Resolution establishing stormwater impact fund payment basis.** Anhorn stated that staff would bring a resolution to the March 2009 Board meeting.
- **Stormwater Impact Fund Implementation Plan.** Anhorn stated that staff has stated to work on an implementation plan and he will bring a draft to the March 2009 Board meeting for review.
- **Stormwater volume credit sale form.** Anhorn stated he is still contacting other District Administrators for sample credit sale form templates, and that staff would bring a resolution forward at an upcoming Board 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.
- A couple of site visits at the DuCharme excavation site.
- Attendance at a few workshops including the recent Rice Creek Watershed District's *Shallow Lakes Workshop* and a MPCA *Lower St. Croix Monitoring Plan* meeting.
- Attendance presentation/booth at the Forest Lake Association Annual Meeting on February 24, 2009.
- That he would be taking Annual Leave from March 2<sup>nd</sup> through March 5<sup>th</sup>, and back in the office on Friday March 6, 2009.
- Upcoming workshops and meetings that CLFLWD will take part in including the upcoming *Planting for Clean Water* workshop on March 19, 2009 from 6:30 pm – 8:00 pm at the Forest Lake

Gander Mountain, and the Forest Lake Home Show on Saturday March 21st from 9:00am – 6:00 pm at the FLAAA Sports Center.

- Upcoming *Shallow Lake Forum* on March 30, 2008 in Chaska and *2009 MN Lakes and Rivers Conference* in Rochester on May 6-8, 2009.
- Upcoming annual audit by HLB Tautges, Redpath on March 10, 2009.
- Started work on 2008 Annual Report.
- Have yet to hear from the MPCA about the possibility of funding for two awarded grants (those without signed contracts), falling through due to the States budget shortfall.
- Continued to work with Chisago SWCD and WCD to apply for grant funds to help cover costs of holding a grazing workshop geared towards small acreage landowners.

*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)*

Brett Emmons provided an update on recent project reviews including recent meetings to discuss the CSAH 99 projects in Chisago County and their review of the Montgomery erosion control permit (09-001) application. Mr. Emmons also provided an update on draft TMDL.

*c) Washington Conservation District (WCD)*

Administrator Anhorn provided an update on the WCD analysis of the 2008 monitoring data and stated that they were still working on the 2008 monitoring report as well as coordinating the 2009 monitoring season with the Administrator.

*d) Smith Partners*

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.

**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 February 2009.

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

**10) Reports of Officers and Manager**

**Manager Damchik –**

Manager Damchik mentioned that with the recent warm weather, the Forest Lake outlet channel has opened up and is flowing over the dam.

**Manager Lynch –**

Nothing to report

**Manager Moe-**

Manager Moe mentioned that with snowmelt coming, it may be worthwhile to prepare an educational article on the importance of managing animal wastes so it doesn't all runoff (with its associated nutrients) into receiving water

**11) Adjournment**

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

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Wayne S. Moe, Secretary