

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

THURSDAY, JANUARY 28, 2010

1) Call to Order

The President called the January 28, 2010 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, Manager Spence

Absent: Vice President Jackie Anderson

Staff: Randy Anhorn (CLFLWD), 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 January 28, 2010 regular Board meeting agenda. Administrator Anhorn stated that since the agenda already includes discussion of designating an official depository, the Board may as well add the selection of an official paper as well. Motion to approve the agenda with additions was made by Manager Spence 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 December 17, 2009 regular Board meeting. Following discussion on the draft minutes, motion to approve the December 17, 2009 regular Board meeting minutes with edits was made by Manager Lynch and seconded by Manager Moe. Upon vote, the motion passed unanimously.

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 ongoing Board approved projects.

b) Permits and Reviews

Administrator Anhorn mentioned that while there were no new permit applications submitted since the December Board meeting, there had been some pre-application discussions with various entities, and some inquiries into other ongoing projects.

i. North Lake Academy

Administrator Anhorn mentioned that he had recently been contacted by North Lakes Academy (NLA) about their potential need to extend their permit, or timeframe to meet conditional requirements (financial assurance and recording of stormwater maintenance agreement with Chisago County) while they continue to seek financing options (they are expected to receive official notification on funding in April 2010). Anhorn stated that while researching their permit (09-007 approved on September 25, 2009) and requirements, he realized that he had neglected to inform, or follow up with, NLA about the requirement that conditions need to be met within 60 days of approval before a permit may issued (District Rule 1.8). Because of his negligence in not informing NLA about the 60-day requirement, and since the conditions were not being tied to the design or District standards, Anhorn recommended that the Board extend the timeframe for NLA to meet the District's conditions until the District's April meeting (April 22, 2010), at which time they would know if NLA had funding to go ahead with the project or not.

If NLA does receive funding, the previously stipulated conditions would have to be submitted to staff by April 22, 2010 in order for the District to issue the permit, and if NLA is unable to secure funding and conditions are not met, the District would revoke the permit application approval and reimburse the remaining field inspection fees associated with the permit application. If and when NLA does go forward with the project, they would then be required to start the process of obtaining a District permit over.

Following discussion, Manager Moe made motion to extend the time period for NLA to meet conditions for issuance of their approved permit until April 22, 2010, at which time if conditions are not met, the approval of their permit application would be revoked. The motion was seconded by Manager Spence. Upon vote, the motion passed unanimously.

ii. Chisago County 99 Project

Administrator Anhorn further mentioned that there had been some recent County submittals and EOR review on the Chisago County CSAH 99 project, which continues through the review/comment process pre-District permit program. Lisa Tilman presented the recent review of the Chisago County 99 project submittals (a copy of which is incorporated by reference and annexed within). Lisa Tilman stated that in staff review of recent submittals, the final of the outstanding comments and concerns of the District were adequately addressed.

In addition, Administrator Anhorn also mentioned that one permit (erosion control permit, Montgomery-09-001 [issued February 26, 2009]) was recently extended per District rule 1.8 in order to ensure the establishment of turf once the single family residential home is completed this spring. The permit was extended until August 1, 2010.

c) Adding First State Bank of Wyoming as Official Depository

Administrator Anhorn stated that in the drafting of the District Investment Policy to be discussed later on the agenda, it had come to his attention that while the District had recently diversified its holdings by opening an account at First State Bank of Wyoming, they had not officially designated them as an official depository for the District. Anhorn stated that the Board went through a thorough search for banking options in 2009 and in order to meet requirements and coordinate the designation of both banks, Anhorn

requested that the Board officially designate both First State Bank of Wyoming and Central Bank as the District's an official depository.

Following discussion, motion was made by Manager Lynch to designate Central Bank and First State Bank of Wyoming as the official depositories of the District. The motion was seconded by Manager Moe. Upon vote, the motion carried unanimously.

d) Selection of Official Papers

Administrator Anhorn mentioned the need for the Board to select its official papers (one in each county) for 2010.

Following discussion, Manager Lynch made motion to re-select the Chisago County Press and Forest Lake Times as its official papers. The motion was seconded by Manager Moe. Upon vote, the motion passed unanimously.

e) Investment Policy

Administrator Anhorn stated that as mentioned at the December 17, 2009 Board meeting, staff had been working on an Investment and Depository Policy for its Internal Financial Control Manual. Anhorn presented the draft policy and stated that Smith Partners and Treasurer Lynch had reviewed the policy (a copy of the draft policy is incorporated by reference and annexed within).

Following discussion, Manager Spence made motion to adopt the presented Investment and Depository Policy. The motion was seconded by Manager Moe. Upon vote the motion carried unanimously.

e) Sunrise River

Administrator Anhorn stated that he had recently met with Chisago County Commissioner Montzka and Mr. Archie DuCharme to discuss continued flooding issues on his property on the Sunrise River. Anhorn went through the issues, including; ice blockage in areas where the river is shallow from accumulated sediments, which in turn is causing everything to back up (ice and water). The culvert under his driveway along the Chisago County line, is frozen to the top and he is worried about it topping his driveway (now or in the spring), and/or water coming up high enough to inundate his septic, not only making it in operable, but releasing nutrients etc... downstream. Mr. DuCharme also says that by inundating the surrounding wetland areas, there very well could be some phosphorus release back to the "river" and Comfort Lake downstream.

Administrator Anhorn mentioned, that in the short-term, Mr. DuCharme currently has an open ended permit from the DNR (Mike Mueller) to remove blockage (in this case ice and snow) from the channel. The problem is that the ice covers flooded water that has resulted in the land not totally being frozen (making it difficult to get a backhoe to the area). Anhorn said that he gave Mr. DuCharme permission to go through the adjacent District-owned land to access the blockage if necessary.

Administrator Anhorn further stated that as for long-term solutions, Commissioner Montzka was researching the potential, requirements, and costs of the County submitting a petition to the watershed to undertake a project to remove accumulated sediments along a portion of the Sunrise River just north of the county line. Anhorn stated that staff would continue to discuss options with the County if they decide to follow through with such a petition and wanted the Board to know what may be coming down the line.

Administrator Anhorn also provided information he collected while inquiring about the situation with MNDNR, BWSR, and neighboring watershed districts. In talking with the MNDNR, a work in public waters permit 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.

The Board held discussion on alternatives including the construction regional stormwater management facility in the Bixby Park area and/or the re-routing of the Sunrise River through a western lateral ditch on the DuCharme property (as proposed by Mr. DuCharme and mentioned in the District’s TMDL Implementation Plan and CIP). The re-routed river course would then continue north of the DuCharme property into a District-owned parcel where a series of ponds could act as a water quality benefit prior to being directed back to the Sunrise River proper. The Board discussed which may be a preferred option.

While the Board thought it was a good idea to continue to work with the County, they wanted staff to let the County know that if they were interested in petitioning the watershed, that they also look at the bigger picture of a regional stormwater management facility, which could include the “cleaning up” of the current stream course.

7) Old Business

a) Watershed Management Plan Update

Administrator Anhorn presented a memo and budget detailing a meeting outline and schedule including the review and eventual approval process in order to have the District’s updated Watershed Management Plan approved by September/October 2011. The outline included descriptions of what issues will tentatively be discussed at each regular Board meeting, when and where Manager workshops will likely be needed to discuss issues, and when Technical and Citizen Advisory Committee (TAC/CAC) workshops will be needed in order to help provide direction to the Board. A copy of the memo and budget is incorporated by reference and annexed within.

In addition, Administrator Anhorn passed out a copy of the Mission statement from the District’s 2001 Plan (a copy is incorporated by reference and annexed within). Anhorn asked for discussion on the Mission statement and asked the Managers if they thought the original Mission still fulfilled the Board’s vision, or if edits or additions should be made. The Board discussed the Mission and potential changes including; adding mention to the District’s *adaptive management* approach, the importance of *education* and being *fiscally responsible*. Other thoughts included emphasizing *protection and improvement*.

The Board scheduled a Manager’s workshop for February 16, 2010 at 5:00 at the Forest Lake City Hall, to discuss the District’s Mission, go over the goals and objectives in the 2001 Plan and determine success and gaps, and begin to define issues and focuses.

Lisa Tilman mentioned that EOR has been working on a few areas for the Plan update including data gathering and initial gap analysis (what information and needs are currently missing). Ms. Tilman stated that initial findings will be presented at the Manager’s February workshop.

8) Report of Staff

a) Administrator

Administrator Anhorn presented an Administrator's Report and 2010 Work Plan Update memo (a copy each 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:

- Re-published a press release to local paper seeking additional members for CAC, especially for upcoming Plan update process
- Upcoming workshops and meetings that CLFLWD will take part in including the upcoming *Planting for Clean Water* workshop on February 23, and March 9, 2010 from 6:30 pm – 8:00 pm at the Forest Lake Gander Mountain
- Upcoming annual audit by HLB Tautges, Redpath on March 22, 2010.
- Started work on 2009 Annual Report
- Recent meetings with landowners of upcoming wetland restoration/cattle exclusion projects.
- Recent permit activities and site inspections

Administrator Anhorn provided the Board with an update recently received grants including a DNR Lessard-Sams grant for rough fish control (fish barriers on Bone (2) and Moody (1) lakes). Anhorn further stated that as a result of receiving the grant the District recently completed carp removal on Bone Lake where 8-10 tons (16,000-20,000 pounds) of carp were removed from the lake.

Administrator Anhorn mentioned earlier this past summer the Managers had suggested that the Administrator put together a one-page information flyer on common aquatic plants found in District lakes. The thought was that the flyer could be laminated, and provided to local Lake Associations. Anhorn presented a flyer of common aquatic plants he had put together (a copy of which is incorporated by reference and annexed within). Manager Lynch asked Lisa Tilman to bring an estimate for EOR to re-design the presented in a tri-fold format back to the Board.

Administrator Anhorn provided the Board with an update on the two wetland restoration/cattle exclusion projects including that the District's BWSR Clean Water Legacy grant application for the projects was approved for funding that very day. Anhorn further stated that he would be meeting with each county SWCD and each landowner to begin discussions on potential agreements (for a agreed upon length of time) and associated payments to the landowners for the incorporation of grazing plans and removing land from production as part of establishing buffers and incorporating cattle exclusion.

b) Emmons and Olivier Resources (EOR)

Lisa Tilman had previously provided an update during the meeting on recent project/permit application reviews, and provided an update where they were on the process to finalize the draft TMDL report and preparing responses to received comments during the official public comment period. Ms. Tilman also provided an update on early findings of the FL44 fish rearing pond analysis and stated that preliminary analysis of the data and sediments do show the potential for internal loading under certain situations.

c) Washington Conservation District (WCD)

Administrator Anhorn stated that WCD is continuing to receive and crunch lake and stream data from the Met Council lab.

d) Smith Partners

Prior to the meeting, the President and Administrator determined that due to there being no issues on the edited 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 totaling \$31,697.90 for January 2010.

Motion was made by Manager Moe to approve the January 2010 Treasurer's Report and pay the bills as presented. Manager Spence seconded the motion. Upon vote, the motion passed unanimously.

10) Reports of Officers and Manager

Manager Damchik–

Nothing to Report

Manager Lynch –

Nothing to Report

Manager Moe –

Manager Moe presented photos and went through the process of the of the District's carp removal on Bone Lake.

Manager Spence –

Nothing to Report

11) Adjournment

Motion to adjourn the CLFLWD regular Board meeting was made by Manager Spence and seconded by Manager Lynch. Upon vote, the motion carried unanimously.

Wayne S. Moe, Secretary