

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

**THURSDAY, JULY 24, 2008**

**1) Call to Order**

The President called the July 24, 2008 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, Treasurer Jon Spence, Manager Wayne Moe

Staff: Randy Anhorn (CLFLWD), and Gary Oberts and Cecilio Olivier (EOR)

Other: Beryl Halldorson, Erik Anderson (WCD)

**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 July 24, 2008 regular Board meeting agenda. The motion to approve the agenda was made by Manager Damchik and seconded by Manager Spence. 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 June 26, 2008 regular Board meeting. The motion to approve the June 26, 2008 regular Board meeting minutes as is was made by Manager Damchik and seconded by Manager Spence. Upon vote, the motion passed unanimously.

**5) Public Open Forum**

Beryl Halldorson thanked the District for the recent educational articles that the District has been publishing in the local papers. Ms. Halldorson suggested that a good topic for a future article would be to educate homeowners on what to do with leaves in the fall. The emphasis would be to keep decomposing leaves and associated nutrients out of nearby waters.

Ms. Halldorson asked the Board for an update on where they were on starting projects to address water quality issues, and was hoping that it was soon. Manager Anderson said that the Board was in the process of starting projects included in its Capital Improvement Plan (CIP), and projects for 2009 will be discussed later on the agenda when the Board has preliminary discussions on the 2009 work plan and budget.

6) New Business

a) *BMP cost-share signs*

Administrator Anhorn presented a letter Laurie Kumerow, recipient of a District BMP cost-share grant for a shoreline buffer, wrote to members of the Forest Lake Association promoting the District and our program (a copy of which is incorporated by reference and annexed within).

Administrator Anhorn stated that as the District moves forward on providing cost-share funds for homeowner BMPs, the District will need signs to incorporate into the projects stating that the project is a “water quality improvement” project. Anhorn presented two sign options, and quotes from Gopher Sign and Vacker Sign.

The Board discussed the two sign designs and provided input to which proposal they preferred. After Board discussion, the Board directed the Administrator to discuss the Board’s suggested changes with Vacker Sign.

b) *2009 budget and work plan*

Administrator Anhorn mentioned that he met with the President and Treasurer to hold preliminary discussions on the District’s 2009 work plan and budget. Anhorn presented the Board with the first draft of a work plan and corresponding budget for 2009 (copies of each are incorporated by reference and annexed within). The Board held discussions on the presented draft budget and the resulting levy needs.

Manager Damchik mentioned that the presented increase over the 2008 levy seemed rather hefty and stated that the District should look at assessing those who receive direct benefits from certain projects.

Manager Anderson stated that the District will surely look at assessing those that receive direct benefit from certain projects, but because the District defines water quality as a “common benefit” for all in the watershed and because of the difficulty of assessing benefit of water quality improvements throughout a chain of lakes, it was the Board’s decision early on that *ad valorem* levies were the best and fairest way to for such water quality projects. Manager Anderson said that that was a main reason in seeking metro watershed status under Minnesota Statute Section 103B. Manager Anderson further mentioned that there will be future projects where direct benefits can and will be more easily determined, and those projects will use assessed benefits as a funding mechanism.

Administrator Anhorn stated that he recently met with Commissioner Montzka to present and discuss the budget and has a phone call into Commissioner Hegberg for a similar meeting. Anhorn stated that while Commissioner Montzka was initially worried about the levy increase, he was satisfied when he understood that the increased levy was going directly toward projects to improve the District’s seven impaired waterbodies, and that after the initial increase, it is the District’s intention to have future levies remain relatively flat. Anhorn also mentioned the Board should look at holding a workshop to provide more time to discuss the District’s 2009 budget, and provide an opportunity for the County Commissioners to attend and provide comments.

The Board scheduled a 2009 Budget workshop for August 5, 2008 at 3:30 p.m. at the Forest Lake City Hall located at 220 North Lake Street, Forest Lake.

Administrator Anhorn then went through the need of having its Plan revision approved by BWSR prior to being able to levy under Minnesota Statutes 103B. Because the earliest the Plan will be approved is August 28, 2008, the District will need to schedule a public hearing in early-September in order to meet hearing notice and levy certification needs.

Following discussion, the Board scheduled a 2009 Budget public hearing for September 9, 2008 at 6:30 p.m. at the Forest Lake City Hall located at 220 North Lake Street, Forest Lake.

Manager Anderson asked the Administrator to provide a breakdown of his monthly medical/dental/life/disability insurance costs as compared to the monthly benefits he currently receives, to the Managers for further discussion at the upcoming Budget Workshop.

Manager Anderson also asked the Administrator about the City of Forest Lake potentially undertaking a stormwater utility and how that may work in partnership with District projects. Manager Anderson said that the District should keep this in mind as we move toward a regional stormwater maintenance facility in partnership with the City.

Manager Anderson stated that staff should work on compiling a list of potential grants and submittal deadlines in order to not miss submittal dates for some grant possibilities that very well could provide much of the funding (and reduce tax burden) for select projects.

### *c) TMDL Progress Report*

Gary Oberts (EOR) gave a presentation providing an in depth overview of the District's TMDL study, and the progress thus far. Mr. Oberts discussed the TMDL process, went through:

- The District lakes involved in the District's TMDL
- PCA TMDL requirements and processes
- Load allocation formulas for the lakes and relationships to MS4 communities (Forest Lake)
- Project goals of delisting lakes (phosphorus concentrations below 40.0 ppb for deep lakes and 60.0 ppb for shallow lakes [Shields Lake is the only impaired lake within the District that meets the definition of a shallow lake])
- Load information compiled thus far for each of the lakes
- The differences between load allocation and waste load allocations (Birch Lake development and Liberty Ponds), and how they break apart and how they may influence future permits.
- They need to include a Implementation Plan and how the majority of the CIP in the District's watershed-wide water quality modeling study can be used as the Implementation Plan (with some potential adjustments) which would result in the District's TMDL being completed sooner than most
- And the project's next steps
  - Formalize the load allocations and Implementation Plan
  - Hold a stakeholder meeting with the District's stakeholder group (the District has already held three stakeholder meetings as part of its watershed-wide water quality modeling/CIP study)
  - Submit draft TMDL report to PCA and EPA
  - Hold a public hearing on the resulting TMDL

Manager Anderson asked why it was termed a total maximum “daily” load when it is presented as an annual load and if differences in loads during different times of the year make a difference (snowmelt vs. mid-summer) in the end load allocations. Mr. Oberts said that TMDLs are actually presented on an annual basis as opposed to a “daily” basis because of the seasonal variability.

7) **Old Business**

*a) Draft Rules Update*

Administrator Anhorn reminded the Board about the upcoming Manager-TAC/CAC meeting scheduled July 30, 2008 at 2:00 p.m.

Anhorn passed out copies of a table compiling comments received from the TAC/CAC during the previous rule review meetings, and resulting Board decisions on the comments (a copy of which is incorporated by reference and annexed within). Anhorn stated that the table will be the focus of the July 30, 2008 meeting. Anhorn further handed out a summary of the District’s draft rules/standards which could be the starting point of a brochure highlighting the District’s rules/standards, request for variance form, and a checklist of project submittal needs (a copies of each are incorporated by reference and annexed within).

Anhorn said that following the July 30, 2008 meeting (if no large issues are presented), the District will submit the draft rules on to Smith Partners for review prior to sending out for a 45-day review.

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:

- Published articles where printed in recent editions of the Forest Lake Times
  - a) “Aquatic plants provide many lake benefits”- June 26, 2008- FL Times.
  - b) “A watershed is like a funnel collecting runoff”- July 10, 2008- FL Times
  - c) “Shoreline buffers offer many benefits” – July 17, 2008-FL Times
- Continued to work with DNR and Great River Greening on the shoreland restoration projects on Bone Lake and three potential sites on Forest Lake (initial designs for the Forest Lake Sites are available).
  - a) Have also received preliminary designs for the Comfort Lake public access and has talked with the DNR about potential partnerships and funding opportunities.
- Conducted two additional site visits (both on Comfort Lake) for the District’s BMP cost-share program. Two more visits have recently been scheduled.
- Have submitted MPCA grants for diagnostic/feasibility studies for unimpaired waterbodies for the FL44 fish rearing pond study and continued study of the Bone Lake to Little Comfort Lake loading.
- Met with Chuck Holtman to discuss budget and levy needs of the District.
- Washington County Board of Commissioners approved the conveyance of the property to the District at its July 8, 2008 Board meeting.

- Reminded the Board about the District's published RFP (biennial solicitation for professional services) and submittal deadline of August 15, 2008.
- The term limits for Manager Spence and Manager Lynch are up in September of 2008.

Administrator Anhorn further provided a synopsis of the recent projects that staff had reviewed (North Lakes Academy and 257<sup>th</sup> Street construction in Wyoming, and the Broadway West retail development in Forest Lake). Anhorn stated that the 257<sup>th</sup> Street and North Lakes Academy will have another set of plans coming in to address District comments, and that the Broadway West site has already submitted revisions that have addressed eight of the nine District concerns (the outstanding issues has to deal with floodplain volume). Anhorn asked the Board to give staff the authority to approve the project plans if the developer addresses the floodplain issue to staff satisfaction (this would result in approval not having to wait until the Boards August meeting).

Manager Damchik made motion to give staff authority to approve outstanding issues with the Broadway West retail site, if floodplain issues are resolved to staff satisfaction. Manager Moe seconded the motion. Upon vote, the motion passed unanimously.

*i) Plan Amendment/Revision Update*

Administrator Anhorn stated that the District submitted the revised Plan revision to BWSR for approval on July 21, 2008. Anhorn went through the remaining Plan approval process and schedule including presenting the Plan revision at the August 4, 2008, BWSR Metro subcommittee meeting which then makes recommendations for the whole BWSR Board at their August 28, 2008 meeting.

*ii) 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.

*b) Emmons and Olivier Resources (EOR)*

Cecilio Olivier stated that he was attending the meeting in place of Lisa Tilman as Ms. Tilman was on vacation. Mr. Olivier presented the July 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 including, rules development, the TMDL study that Gary Oberts had presented, and the project reviews that the Administrator had discussed.

*c) Washington Conservation District (WCD)*

Erik Anderson provided an update on the District's 2008 tributary monitoring and said that all the sites are working well and that the data that they have received thus far does not reveal any thing abnormal.

*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*

Manager Spence discussed the Treasurer's Report and bills for July 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 July 2008 Treasurer's Report. Manager Moe seconded. Upon vote, the motion passed unanimously.

**10) Reports of Officers and Manager**

**Manager Anderson –**

Manager Anderson mentioned that the Comfort Lakes Association recently changed its name from Comfort Lake Association (added an "s" after Lake to include Little Comfort Lake) and that they have just initiated their new website at [comfortlakesassociation.org](http://comfortlakesassociation.org).

**Manager Damchik –**

Nothing to report

**Manager Lynch –**

Nothing to report

**Manager Moe-**

Manager Moe mentioned that he had run across a grant program for restoration of streams and rivers and would forward the web link on to the Administrator and EOR.

**Manager Spence –**

Nothing to report

**13) Adjournment**

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

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John T. Lynch, Secretary