

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

THURSDAY, JUNE 25, 2009

1) Call to Order

The President called the June 25, 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, Treasurer John Lynch, Manager Jon Spence

Absent: Secretary Wayne Moe

Staff: Randy Anhorn (CLFLWD), Lisa Tilman (EOR)

Other: Erik Anderson (WCD), 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 June 25, 2009 regular Board meeting agenda, Motion to approve the agenda was made by Manager Anderson 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 May 28, 2009 regular Board meeting. Following discussion on the draft minutes, motion to approve the May 28, 2009 regular Board meeting minutes as presented was made by Manager Anderson and seconded by Manager Lynch. 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. While there were no new applications for BMP cost-share funds, Administrator Anhorn said that two more applications were received that very day and will be ranked prior to the July meeting and that they will then be brought before the Board at that time. Anhorn also mentioned that two recently approved projects were nearing completion.

Administrator Anhorn passed out an update of the District native planting projects to date, including 13 projects (7 shoreline buffer/restorations, 2 raingardens, and 4 shoreline buffer/raingarden combinations). The total planting area of the projects to date equals 29,130 ft² of native plantings which includes 800 feet of shoreline. A copy of the memo is annexed and incorporated by reference.

Administrator Anhorn then distributed a summary memo including photos, describing May 16, 2009 "hands on" informational workshop at the Forest Lake Shoreline Native Garden sites. A copy of the memo is annexed and incorporated by reference.

b) CR83 overpass permit JPA w/RCWD

Administrator Anhorn presented the draft Joint Powers Agreement (JPA) between CLFLWD and Rice Creek Watershed District (RCWD) transferring permitting authority for the CR83 project to RCWD due to the County project being the hydrologic boundary of RCWD, although in the project falls within the political boundary of CLFLWD.

Administrator Anhorn mentioned that as part of the JPA Chuck Holtman suggests getting something in writing from the applicant (Washington County), stating that they support the JPA and only having one watershed as the permit authority. Anhorn stated that he has forward the request and suggested language for Washington County to include, and has since been informed that a County letter is in the mail.

Following discussion, motion was made by Manager Anderson and seconded by Manager Lynch to approve the JPA and authorize it to be signed by the President once a sufficient letter from the County is received. Upon vote, the motion passed unanimously.

c) Permits and Reviews

i. MnDOT TH 61 Culvert Replacement/Repair (09-003)

Administrator Anhorn and Lisa Tilman presented the recent review of the MnDOT TH 61 Culvert Replacement/Repair permit application (09-003) for rules 6.0 (water course and basin crossing) and 7.0 (floodplain). Anhorn stated that the project is anticipated to be undertaken in the fall of 2009 and that MnDOT is requesting alternative notification (as described under Rule 1.7 (a) for linear projects) of posting the notification on the MnDOT website, and notification of residents and general public that use TH61 by notice in local papers. MnDOT also plans to individually notify those residents where driveway culverts are to be replaced. Anhorn stated that there is some discrepancy that the project meets the definition of a linear project under 1.7(a), or is simply a number of culvert replacements. Anhorn stated that the best scenario due to MnDOT not undertaking the project until fall, may be for the Board to address the permit and alternative notification request at two meetings. First, decide on the alternative notification request and then on the permit application itself. Anhorn further stated that this scenario would require an extension over the current 60-day timeline for action on the permit application due to the application being sent in on May 22, 2009 and the July meeting falling on July 23, 2009.

The Board then held discussion on the alternative notification request. Because all the culverts along the stretch were to be worked during the same time, span along the same stretch of road as one project, the Board considered the project a linear project. Following discussion, motion was made by Manager Anderson to accept MnDOT's request for the use of alternative notification as presented for the project. The motion was seconded by Manager Spence. Upon vote, the motion passed unanimously.

Administrator Anhorn stated that he would work with MnDOT on extending the permit application in order to bring the application back in front of the Board at the July 23, 2009 meeting, after MnDOT has provide public notice of their proposed work. The Board agreed.

Administrator Anhorn also asked the Board their view on requiring a “certified” list of property owners from Chisago and Washington counties for public notification on governmental entities. The question arose due to the red tape that governmental entities go through to pay for these small expenses. A quick survey of a few watershed districts, found that most do not require “certified” lists from city, county, or governmental entities, they rather allow them to produce and submit their own labels. After Board discussion, the Board by consensus decided that municipalities within the boundary of the watershed should be able to use their own data to prepare their own labels due to them having the most up-to-date parcel information. Entities outside the boundaries of the watershed however, should still go through the counties to get the most up-to-date information.

ii. Mogren Parcel Split w/in 1,000’ Shoreline Impact Zone (09-004)

Administrator Anhorn presented the Buffer permit application for the parcel split in the 1,000 foot shoreline impact zone request (a copy of the permit application is annexed and incorporated by reference). Anhorn stated that the permit application was complete and included the application, function and value analysis and delineation of impacted on-site wetland, inclusion of required buffer boundary on site plan as well as permit fee and inspection fee deposits.

Anhorn presented a “mock up” of the Buffer Boundary signs to be used to mark the boundary. The Board discussed the signs and gave their approval.

Following the presentation of the proposed split, the existing buffer around the on-site wetland, and the proposed permanent buffer requirement of 75’ (as required by function and value evaluation completed on wetland), and proposed buffer plan, the board held discussion on the project and its triggering of the District’s rule 4.0 buffer applicability due to the lot being within the 1,000, foot shoreline impact zone of Forest Lake (even though the lot was not actually on the lake). Following discussion Manager Spence moved, and Manager Anderson seconded, to approve Permit # 09-004 as recommended by staff. The motion carried unanimously.

Administrator Anhorn provided the Managers an update on permits that may become before the Board in the near future.

7) Old Business

a) Watershed Management Plan Update

Administrator Anhorn stated that per Board direction he contacted Smith Partners in order to determine if there were any legal requirements for the Board to post an RFP for the upcoming Plan update (in order to solicit numerous bids and qualifications, or if the Board could simply have EOR undertake the task. Anhorn said that he posted the question to Smith Partners and found out that there is no legal requirement to seek proposals, and that the only constraint would be if there was anything thing contrary in the District’s bylaws/policies. Anhorn stated that there was not anything in the bylaws requiring the District to requests proposals for updating the District’s Plan, therefore the Board can choose EOR to undertake the WMP update without any legal requirements to post an RFP.

The Board discussed the benefits of having EOR update the District’s Plan and not seek outside proposals. The Board felt that it would reduce time and associated costs of educating a new consultant and preparing and reviewing the proposals as opposed to simply working with the firm they already have a relationship with. Following discussion, Manager Anderson made motion to have EOR undertake the task of updating the District’s Watershed Management Plan by September 2011. The motion was seconded by Manager Damchik. Upon vote, the motion passed unanimously.

b) Water Quality Report - WCD

Erik Anderson (WCD) presented findings from the District's 2008 monitoring season. Mr. Anderson stated that he was there to answer any questions the Board had on the 2008 Water Quality monitoring report handed out at the May 28, 2009 Board meeting.

The Board questioned what may have caused the high E. coli counts at numerous sites throughout the watershed in 2008. Erik Anderson stated that it was hard to pinpoint specific causes, but low flow, timing of sampling, failing septic, livestock and other animal contributions are a few of potential possibilities. The Board asked Mr. Anderson to compile the year to year data on each of the tributary site for which multiple years of data are available.

The Board then asked Mr. Anderson questions about phosphorus loading increases and decreases along different tributaries as well as resulting internal load issues of each lake. The Board noted high load contributions were more a result of volume as opposed to high concentrations, which is a reason the District adopted its stormwater volume management rule. Mr. Anderson and staff then discussed potential solutions to internal loading issues.

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. Including a wetland TEP meeting for the Broadway I35 overpass project.
- The completion of a spring point-intercept macrophyte survey on Moody Lake (a fall survey will be conducted later in the year.
 - a) Anhorn provided a synopsis of the findings, including the lack of large beds of curly-leaf pondweed, which suggests that curly-leaf pondweed control, as listed in the District's CIP, may not be needed at this time.
- Continue to work with Carnelian-Marine-St. Croix WD, Chisago SWCD and WCD on Grazing Workshop. The workshop is tentatively scheduled for Tuesday, August 18 from 5 p.m. to 7 p.m. at the Voedisch-Carlsoni Farm in May Township.
- Have found volunteers to "adopt" the shoreline gardens/buffers on Forest Lake. Training sessions for the volunteers are scheduled for the evening of Tuesday, June 30th.
- Have had a recent, successful, meeting with the landowner where the District is proposing a wetland restoration/cattle exclusion project in the NBL12 subwatershed.
 - a) The landowner was very receptive to the project and provided possible alternatives to some of the elements. Another meeting is set up for after the July 4th weekend.
- Staff and WCD have held another meeting with the landowner where the District is proposing a wetland restoration/cattle exclusion project in the FL44 subwatershed.
- Invoices from City of Forest Lake for operation of Shields Lake electric fish barrier (2008 and 2009)
- Recent meetings attended for various projects.
- Permit site inspections.

Administrator Anhorn mentioned that due to new hires in the Forest Lake Police Department, the city will be relocating the District's office upstairs into the old library. Anhorn stated that he has also had preliminary discussions with the District Treasurer and President and City of Forest Lake Administrator about a lease arrangement for the space.

The Board asked Administrator Anhorn to provide an update on the weed harvesting program on Forest Lake. Administrator Anhorn stated that the City had completed herbicide treatments of numerous pre-determined curly-leaf pondweed beds and that the Forest Lake Association was stating to run the mechanical harvesters.

Manager Anderson asked about the District's involvement in the process. Administrator Anhorn stated that he and Manager Damchik were members of the Forest Lake Improvement Committee, along with the Forest Lake Association, the City of Forest Lake and the DNR. Anhorn further stated that the results from the District's 2006 water quality study and aquatic macrophyte survey indicate that the lake has a great diverse aquatic vegetation population and that the aquatic plant issue is more a recreational issue than a water quality issue. Anhorn further stated, however, that he is currently working with the DNR to complete a more in-depth point intercept survey on the lake (which includes many more sample points than the 2006 survey) to determine if the amount of curly-leaf pondweed may indeed influence lake water quality on Forest Lake.

Administrator Anhorn also mentioned that some watershed districts do maintain a harvesting program and most were initiated via petition where landowners of a certain area (drainage or lakeshore) are assessed for the funding of the program.

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 June, 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, and provided an update on the finalizing of the draft TMDL report.

c) Washington Conservation District (WCD)

Erik Anderson provided an update on the 2009 monitoring.

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 June 2009.

Motion was made by Manager Anderson to approve the June 2009 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 Anderson --

No Report

Manager Damchik --

No Report

Manager Lynch --

No Report

Manager Spence --

Manager Spence made mention of the upcoming Comfort Lakes Association Fourth of July picnic.

11) Adjournment

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

Wayne S. Moe, Secretary